

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

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

JANUARY 22, 2020 CITY COUNCIL AGENDA

The Portland City Council will hold the Regular City Council Meeting at 5:30 p.m. in City Council Chambers, City Hall. The Honorable Kate Snyder, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

PRESENTATIONS:

Presentation to Jennifer Thompson, Associate Corporation Counsel, by the Board of Harbor Commissioners, Port of Portland, Maine, in appreciation for her work as Counselor to the Board from 2017 to 2019.

ANNUAL MEETING:

SPECIAL MEETING:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the January 6, 2020 Draft City Council Minutes.

PROCLAMATIONS:

APPOINTMENTS:

CONSENT ITEMS:

**Order 112-19/20 Declaring Sundays on the Boulevard Festival Days in 2020 -
Sponsored by Jon P. Jennings, City Manager**

This order declares Sundays on the Boulevard as a weekly festival event with Baxter Boulevard from Vannah Avenue to the entrance of Payson Park closed to traffic every Sunday, from May 3, 2020 to October 11, 2020, 9:00 a.m. to 4:00 p.m., in order to allow the public to use that portion of the street as recreational space.

There will be no Sunday on the Boulevard on October 4, 2020, when the Maine Marathon will be held on Baxter Boulevard.

Additional details about the event are included in the agenda backup.

**Order 113-19/20 Declaring March 15, 2020 the St. Patrick's Day Parade Festival -
Sponsored by Jon P. Jennings, City Manager**

This order declares March 15, 2020 the St. Patrick's Day Parade festival, to be held on Commercial Street from Center Street to Franklin Street from 11:45 a.m. to 1:00 p.m.

Additional details about the event are included in the agenda backup.

**Order 114-19/20 Declaring April 26, 2020 the Portland 10-Miler Festival -
Sponsored by Jon P. Jennings, City Manager**

The Portland 10-Miler will be held Sunday, April 26, 2020. Baxter Boulevard and a portion of Fore Street and the Eastern Promenade are part of the race course and will be closed to vehicles.

Additional details about the event are included in the agenda backup.

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

LICENSES:

Order 115-19/20 Granting Municipal Officers' Approval of Dos Naciones LLC dba Dos Naciones Mexican & Salvadorian. Application for a Class I FSE at 649 Congress Street - Sponsored by Jon P. Jennings, City Manager

Dos Naciones LLC dba Dos Naciones Mexican & Salvadorian. Application for a Class I FSE at 649 Congress Street.

Application was filed on 12/23/2019. New City and State applications. Location was previously Local Sprouts.

Five affirmative votes are required for passage after public comment.

Order 116-19/20 Granting Municipal Officers' Approval of Little Giant, LLC dba Little Giant. Application for a Class I FSE at 211 Danforth Street - Sponsored by Jon P. Jennings, City Manager

Little Giant, LLC dba Little Giant. Application for a Class I FSE at 211 Danforth Street.

Application was filed on 12/20/2019. New City and State applications. Change of ownership of an existing business.

Five affirmative votes are required for passage after public comment.

Order 117-19/20 Granting Municipal Officers' Approval of Miranda Restaurant Group dba Via Vecchia. Application for Outdoor Dining on Public Property at 10 Dana Street - Sponsored by Jon P. Jennings, City Manager

Miranda Restaurant Group dba Via Vecchia. Application for Outdoor Dining on Public Property at 10 Dana Street.

Application was filed on 12/30/2019. New City applications. Applicant has a pending Class XI License.

Five affirmative votes are required for passage after public comment

Order 118-19/20 Granting Municipal Officers' Approval of Miranda Restaurant Group dba Via Vecchia. Application for Indoor Entertainment at 10 Dana Street - Sponsored by Jon P. Jennings, City Manager

Miranda Restaurant Group dba Via Vecchia. Application for Indoor Entertainment at 10 Dana Street.

Application was filed on 12/30/2019. Applicant has a pending Class XI License. Business is located in Downtown Entertainment Overlay District within 100 feet of another establishment with an entertainment license. Staff recommends that the application be DENIED, as the business does not meet the dispersal requirements of Portland City Code Section 14-330.13.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 108-19/20 Accepting and Appropriating a \$15,000 Grant From the Sam L. Cohen Foundation for the English Speakers of Other Languages Collaborative Project - Sponsored by Jon P. Jennings, City Manager

This order accepts and appropriates a grant from the Sam L. Cohen Foundation to the City of Portland for \$15,000 for the English Speakers of Other Languages (ESOL) collaborative project.

The Sam L. Cohen Foundation grant to the City funds part of the ESOL Collaborative Initiative, Portland's main ESOL project, which involves Portland Adult Education, Hope House ESL Program, Learning Works, the YMCA, In Her Presence, the Immigrant Welcome Center, the Salvation Army, and the Children's Museum of Maine.

The Portland Office of Economic Opportunity coordinates the efforts of the Collaborative, whose mission is to improve the rate at which ESOL students and learners in the City of Portland reach English proficiency (as defined by a common assessment standard/metric) by enhancing the project's collaborative approach, where gaps and duplication of service are mitigated, and by improving individual and collective learning results.

This item must be read on two separate days. It was given a first reading on January 6, 2020. Five affirmative votes are required for passage after public comment.

Order 109-19/20 Approving and Appropriating Federal Aviation Administration Airport Improvement Program Entitlement and Discretionary Grants - Sponsored by Jon P. Jennings, City Manager

The Federal Aviation Administration issues grants to fund eligible safety and capacity projects at airports nationwide through the Airport Improvement Program (AIP). This program is funded through federal taxes on commercial air fares and on aviation fuel taxes. The amount of entitlement funding allocated to each airport is based on the annual number of enplaned commercial passengers the airport handled in the prior calendar year. This year the Portland International Jetport has AIP entitlement funding totaling \$4.12 million based upon 1,062,873 enplaned passengers in 2018. In addition to entitlement funding the Jetport is also seeking AIP discretionary funding of \$1.35 million in federal FY 2020. Two projects have been planned this year which include: the construction of Taxiway B to connect Runway 36 to 29; and the construction of a Runway 11 bypass taxiway and realignment of the vehicle service road. The Taxiway B construction project was originally scheduled for last construction season, but was delayed to this federal fiscal year due high construction costs last year. These projects will be procured under two separate construction contracts with a total engineer estimated cost for both projects of \$6.07 million.

The AIP funding amount for these projects of \$5.46 million is 90% of the total cost for the projects. The balance of \$610,000 is covered locally through the Jetport's operating budget and through state funding of 5% of AIP project costs.

This item must be read on two separate days. It was given a first reading on January 6, 2019. Five affirmative votes are required for passage after public comment.

Order 110-19/20 Appropriating \$545,000 for the Design of Surface Parking Expansion and Relocation of Administrative Offices at the Portland International Jetport - Sponsored by Jon P. Jennings, City Manager

The Portland International Jetport is requesting an appropriation of \$545,000 from its unrestricted fund balance to commence design on the following two projects:

1. Design for expansion of surface parking lot(s), \$223,000; and
2. Design to relocate administrative offices in terminal building, \$322,000.

The Jetport has experienced significant growth over the past 24 months, with total passengers up more than 310,000 or nearly 17% in this time frame. This growth has resulted in the need to develop plans for additional surface parking and for relocating the existing administrative offices. The relocation of the existing administrative offices will provide more space for future passenger amenities and services within the gate concourse.

This item must be read on two separate days. It was given a first reading on January 6, 2020. Five affirmative votes are required for passage after public comment.

Order 111-19/20 Amendment to Zoning Map Re: Harvard Street - Sponsored by the Planning Board, Sean Dundon, Chair

The Planning Board unanimously recommends the proposed rezoning from Residential R-3 to Residential R-5 for the properties at 109 Harvard Street. The Planning Board voted 6-0 on November 26, 2019 to forward this zone change to the City Council for approval. The Board extended the zone change to include the ten (10) single-family home lots abutting the site on Harvard Street.

The developer proposes to redevelop the existing site into a twenty (20) duplex development lots within the neighborhood. The proposed zoning map amendment would enable the applicant to construct approximately a forty (40) residential units. The intent and purpose of the rezoning is for the proposed development to have smaller-scaled residential lots, for higher residential density.

This item must be read on two separate days. It was given a first reading on January 6, 2020. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 119-19/20 Amending the 2016 Annual Report and 2017 Budget Plan of the Portland Public Art Committee - Sponsored by Jon P. Jennings, City Manager

On December 18, 2019, the Portland Public Art Committee voted to approve the revised budget for the “Passing the Torch” artwork commission and forward it to the City Council for approval. This revision to its Fiscal Year 2017 Budget Plan reallocates \$48,000 from the Amethyst Lot Public Art to go towards this Deering's Corner Roundabout Artwork selected by the Committee.

Five affirmative votes are required for passage after public comment.

Order 120-19/20 Approving the Modification to Agreements between the Maine Department of Transportation, Portland Area Comprehensive Transportation System and Portland Re: Congress St. Signal & Intersection Improvements - Sponsored by Jon P. Jennings, City Manager

Both the proposed two-party and modification of three-party agreements obligate the Maine Department of Transportation (MaineDOT), Portland Area Comprehensive Transportation System (PACTS) and the City of Portland to update traffic signal controls, technology and communications and construct a number of new signal structures and related Americans with Disabilities Act (ADA) ramps. The work will allow for this section of Congress Street to be transit priority ready.

The two-party and modification to 3-party agreements obligate the City to pay \$317,518.34, or 25% of the total cost of the project estimated at \$1,270,073.37 and an additional \$3,200 for sewer/manhole adjustments. This is \$158,955.84 increase of municipal funds due to high bid pricing.

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

AMENDMENTS:

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

EXECUTIVE SESSION:

MINUTES ARE DRAFT UNTIL APPROVED BY THE CITY COUNCIL

ROLL CALL:

Mayor Snyder called the meeting to order at 5:35 P.M. (All Councilors Present)

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the December 16, 2019 Draft City Council Meeting Minutes.

Motion was made by Councilor Costa and seconded by Councilor Ali for approval of the December 16, 2019 minutes. Passage 9-0.

PROCLAMATIONS:

Proc 6-19/20 Proclamation Declaring January 6, 2020 as Human Trafficking Awareness Day and January 2020 as Human Trafficking Awareness Month - Sponsored by Mayor Kate Snyder

APPOINTMENTS:

Order 104-19/20 Appointing Jon Kachmar, a Member of the Land Bank Commission, to the Parks Commission - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 9-0.

CONSENT ITEMS:

Order 105-19/20 Moving the Polling Place for District 1 Precinct 2 from the Merrill Auditorium Rehearsal Hall to Room 24 in Portland City Hall for the March 3, 2020 Presidential Primary Only - Sponsored by Katherine Jones, City Clerk.

Order 106-19/20 Setting the Time for Opening the Polls on March 3, 2020 for the Presidential Primary Election and Special State and Municipal Referendum - Sponsored by Katherine Jones, City Clerk

Motion was made by Councilor Ray and seconded by Councilor Chong for passage of the consent items. Passage 9-0.

LICENSES:

Order 107-19/20 Granting Municipal Officers' Approval of Mathews Inc dba Mathews. Application for a Combined Entertainment License at 133 Free Street - Sponsored by Jon P. Jennings City Manager

Motion was made by Councilor Ray and seconded by Councilor Costa for passage. Passage 9-0.

UNFINISHED BUSINESS:

Order 72-19/20 Amendment to the Portland City Code Chapter 17 Re: Facial Recognition Technology Prohibition - Sponsored by Councilor Pious Ali

Motion was made by Councilor Mavodones and seconded by Councilor Ali to postpone Order 72 to June 1, 2020.

Motion was made by Councilor Ray and seconded by Councilor Mavodones to postpone Order 72 to June 15, 2020. Passage 9-0.

Motion was made by Councilor Mavodones and seconded by Councilor Ali to amend to postpone to June 15, 2020. Passage 9-0.

ORDERS:

Order 108-19/20 Accepting and Appropriating a \$15,000 Grant From the Sam L. Cohen Foundation for the English Speakers of Other Languages Collaborative Project - Sponsored by Jon P. Jennings, City Manager

This is a first reading.

Order 109-19/20 Approving and Appropriating Federal Aviation Administration Airport Improvement Program Entitlement and Discretionary Grants - Sponsored by Jon P. Jennings, City Manager

This is a first reading.

Order 110-19/20 Appropriating \$545,000 for the Design of Surface Parking Expansion and Relocation of Administrative Offices at the Portland International Jetport - Sponsored by Jon P. Jennings, City Manager

This is a first reading.

AMENDMENTS:

Order 111-19/20 Amendment to Zoning Map Re: Harvard Street - Sponsored by the Planning Board, Sean Dundon, Chair

This is a first reading.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to adjourn.
Passage 9-0, at 6:55 P.M.

A TRUE RECORD

Katherine L. Jones, City Clerk

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING SUNDAYS ON THE BOULEVARD
FESTIVAL DAYS IN 2020**

ORDERED, that Sundays from May 3, 2020 to October 11, 2020, except October 4, 2020, are hereby declared to be Sundays on the Boulevard Festival Days; and

BE IT FURTHER ORDERED, that the Sundays on the Boulevard Festival Days area shall be Baxter Boulevard from Vannah Avenue to Payson Park; and

BE IT FURTHER ORDERED, that Baxter Boulevard from Vannah Avenue to Payson Park, east entrance, and the Payson Park west entrance road from the tip of the grass triangle to Baxter Boulevard shall be closed to traffic from 9:00 a.m. to 4:00 p.m. on every Sunday from May 3, 2020 to October 11, 2020 except October 4, 2020; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Sundays on the Boulevard Festival Days area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit under §25-27 of the City Code to the Sundays on the Boulevard Committee, subject to the direction and control of the City Manager and to the following specific conditions:

1. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival area; and
2. Assistance from City Departments will be in kind; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING MARCH 15, 2020
THE ST. PATRICK'S DAY PARADE FESTIVAL**

ORDERED, that Sunday, March 15, 2020 is hereby declared to be the St. Patrick's Day Parade Festival, sponsored by the Irish American Club of Maine; and

BE IT FURTHER ORDERED, that the St. Patrick's Day Parade Festival area shall be Commercial Street from Center Street to Bell Buoy Park and the end of Franklin Street, Portland Fish Pier parking lots, and adjacent sidewalks; and

BE IT FURTHER ORDERED, that adjacent streets shall be barricaded during the parade at Fore Street and 15 intersections in total, and there will be no east- or west-bound traffic on Commercial Street for the duration of the parade scheduled from 12:00 p.m. to 1:00 p.m.; and

BE IT FURTHER ORDERED, that some of the festival area may be posted No Parking on Festival day; and

BE IT FURTHER ORDERED, that vehicles in violation of the "no parking" signs in the Festival Area shall be towed at owner's expense; and

BE IT FURTHER ORDERED, that the St. Patrick's Day Parade Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to the Irish American Club of Maine under §§25-26—25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. The Irish American Club of Maine shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Irish American Club of Maine shall provide the City

with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area;

3. The Irish American Club of Maine shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, and it shall pay Police, Parking Division and Public Assembly Facilities Division fees for staffing required by the festival permit;

4. The Irish American Club of Maine shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the St. Patrick's Day Parade Festival;

5. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, and street goods vendors for the Festival to those vendors the Irish American Club of Maine has agreed shall participate;

6. Public Assembly Facilities Division concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 85 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level;

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.



CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION
PUBLIC PARK & SPACE APPLICATION (5 pages)
212 Canco Rd. • Suite A • Portland • ME • 04103 • (207) 808-5400 x0
Ted Musgrave tvm@portlandmaine.gov

APPLICATION FEE \$25.00

PAYMENT MUST BE MADE WHEN SUBMITTING APPLICATION

(This is a transferrable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, and 3) insurance required.
There may be fees due and applications required from other City Departments.

TODAY'S DATE	12/20/19 Revised: 12-23	ORGANIZATION NAME	Irish American Club of Maine		
ADDRESS (Street/City/State/Zip)	PO Box 1683, Portland, ME 04104				
CONTACT NAME(S)	Bob Kearney		TITLE(S)	Board Member	
PHONE		PHONE		PHONE	
EMAIL	letitbe.bobk@gmail.com		EMAIL		

PARK AREA / PUBLIC SPACE REQUESTED	Portland Fish Pier Parking Lot for assembling and starting point. Commercial Street (Center Street to Frankling Street) ending in front of Bell Buoy Park.		
EVENT DAY(S) & DATE(S)	SUN March 15, 2020	RAIN DAY(S) & DATE(S) (50% added fee)	None
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	11:00 AM for Assembly 1:00 PM End	EVENT START & END TIME	Noon to 1 PM

EVENT NAME	EXPECTED ATTENDANCE
Irish American Club's Saint Patrick's Parade (14th Annual)	200 to 250 Marchers; 5 to 10 floats; Unknown how many spectators at this time (3,000 estimated last year)

DESCRIPTION OF EVENT: Please be specific regarding **area of public space/park** and **describe EVENT in detail**. Please include a detailed MAP of the proposed EVENT AREA, proposed ROUTE (road race) &/or proposed STREET CLOSURE (parade, march, rally, etc.), as these will need to be approved by City Departments. **Please create these MAPS using Google Earth Pro**. Please provide a link(s) to social media site(s) being used to publicize the event.

Facebook Page: <https://www.facebook.com/The-Irish-American-Club-of-Maine-81602031731/>
and on Club's website www.Irishhofmaine.org.

Parade of people, flags, pipe bands, Irish dancers, floats, and first responders moving from the fish pier (Center Street) on Commercial Street to reviewing stand on side of Commercial Street in front of Bell Buoy Park. Parade disperses at Franklin Street. Dignitaries are invited. Parade marshals/volunteers will staff the (15) intersections. No reserved parking needed. The Parking Division has OK'd use of the Fish Pier Lots for parade assembly in prior years.

Organizers have asked for: 1. Police assistance with the parade 2. Barricades to be dropped off at intersections. Barricades will be used to prevent thru traffic down from Fore Street into Commercial Street. PAFD Staff will drop off Barricades at locations (on SUN morning) – for a fee. Many parade volunteers are needed to staff the side streets (and wharfs) leading onto the parade route (both land side and water side – approx. 18 locations).
Powered PA Speaker used at reviewing stand area. Some Reserved Parking Needed at Bell Buoy Park area.

Number of Marchers: 200 - 250. Vehicles/Floats: maybe 5-10. (staging at Parking Lot at 11:15am or so)
Formation Area: Parking Lot of Portland Fish Pier (which is waterside on Commercial Street – opposite Center Street).
Duration of time: Noon – 1:00 pm (more than likely, just a 45 to 60 minute parade)
Route of the parade is as follows: At Noon, marchers move out onto Commercial Street (from the Portland Fish Pier), travel EAST, marchers continue to Franklin Street, pausing at reviewing stand in front Bell Buoy Park between RiRa and garage.
Vehicles still can park on either side of Commercial. There are no "No Parking" signs used (except for Bell Buoy Park area).

A Police lead car leads marchers down Commercial Street. The Police follow car sets up at Center Street and diverts east-bound traffic up Center Street for the detour (traffic could also be diverted back at the High Street intersection). Marchers then proceed along Commercial Street; barricades are placed across both lanes of Commercial Street, at Franklin, so no WEST-BOUND vehicles. The Police Dept. is requiring organizers to hire 2 police officers this year.
(Last year, 2 + officers were needed)

Safety Recommendations suggested following 2019 Parade, may need to be put in place for 2020.

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT? NO	Please check: _____ FEE _____ PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$ _____
	STUDENT FEE	\$ _____

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?

PLEASE CHECK OFF AND ANSWER:

PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (10'x10' size or smaller) How many?		X	
* Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: http://portlandmaine.gov/DocumentCenter/Home/View/2317 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***		X	
* Will you be setting up tables and/or chairs ? How many tables: _____ chairs: _____		X	
* Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List: _____		X	
* Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.		X	
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell:		X	
* Are you setting up a PA (sound) system ? Are you planning on having Amplified Music? Band? DJ? Boom Box? If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X		
* Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.		X	
* Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.		X	
* Will the event require reserved parking spaces / parking meters ? How many? 4 "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.	X		
* Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: 28 Barricades / 12 Cones Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).	X		
* Will your event require street closures ? (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES ? (If service is affected, organizer needs to work directly with METRO for endorsement / feedback).	X		

	Please check with Glenn Fenton, METRO: 517-3029 (gfenton@gpmetro.com) to discuss.			
*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please call Sgt. Nevins (874-8554) or Police Shift Command (874-8855/8556) well in advance to arrange.	X		
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 874-8400.		X	
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.		X	
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic.		X	
*	Do you wish to have a banner over the street to advertise your event? (Banners hung over Congress St. or Baxter Blvd). Banner inquiries directed to PAFD: 808-5400 x0.			X

INSURANCE CERTIFICATE INFORMATION

*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	X NEED		
♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions. ♦ Both the Certificate of Insurance and Additional Insured Endorsement shall be sent to tvm@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).				

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW

The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.

BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way.
DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees.
Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used.
If markings remain for more than a few rain storms, event organizers are responsible for removing them.
If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials.
You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable).
Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). The PAFD Office has cones it can rent to you (see fee schedule below) if needed. To ensure you can have vehicles (illegally parked at signs you've posted) towed, please complete and fax/email/hand deliver to city departments a "No Parking Authorization Form," which you can get from staff when you pick up NP signs. Please make sure signs are removed once the event is complete. ***Under certain conditions, the reserved parking fee may be reduced. Upon review of your application, PAFD will advise if your event qualifies for a reduction. If paying a reduced rate, towing may not be enforceable. PAFD will advise regarding these parameters as well.**

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require a Concert License from the PAFD Office.
If the Police Dept./City Staff receive noise complaints, they will respond accordingly.
Please set the PA System up with speakers facing away from businesses/residences to lessen impact.
Please keep volume levels low out of consideration for nearby residents and businesses. The Permittee (organizer) shall not allow the sound emanating from the event to exceed A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded these decibels. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the single event concert permit (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELATION POLICY

Event must be cancelled with PAFD prior to event date in order to be eligible for a refund.
If cancelled within 2 weeks of scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit.
If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574.
Please ask Portland newspapers to run an article alerting the public to the event.
You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event.
Please call Portland Police Dept. (874-8574) on the day of your event to remind them it is taking place.
Please notify any nearby businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If event impacts METRO Buses, organizer (in advance) must discuss detour plans with METRO.

REVOCABLE PERMIT							
◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property. ◆ The City reserves the unconditional right to revoke or revise an issued permit. ◆ Police or City Staff on site may use their discretion to revise conditions of use.							
I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES				TYPE INITIALS		BK	DATE
12/20/19							
ASSUMPTION OF RISK & LIABILITY							
Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.							
I have read the Assumption of Risk & Liability Agreement				TYPE INITIALS		BK	DATE
12/20/19							
PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.							
FEE SCHEDULE – UPDATED JULY 1, 2018							
Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.							
Simple Event (no registration fee): \$75/hour Event with registration or pledges & attendance 25 - 300: \$125/hr Event with registration or pledges & attendance 301+: \$225/hr Film/Photo Shoot: \$100/day Public Space/Park Security Deposit: \$100 - \$1000 Sound Security Deposit: \$100 - \$1,000 Impact/Street Closure Fee (variable based on impact): \$100-\$500 Staff Fee (on site event support): \$37/hour Administrative Fee (event coordination support): \$40/hour or more "No Parking" Signs: \$25 each Cancellation Fee: \$75				Electricity (activation/de-activation) Fee: \$40/flat Porta Restroom User Fee (if attendance is 150+): \$25 Single Concert License: \$50 Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit Safety Vests: \$15/ea. Security Deposit Keys: \$50/ea. Security Deposit Equipment Delivery Fee: \$100 or more Fortification Fee: TBD			
PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND".							
Please make out separate checks for security deposit and permit fees.							
TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)							
Permit Fee for use of area:		\$ 75 due		Single Concert (Amplified Sound) License Fee:		\$	
Number of Hours of Use: Approx.		\$ 100 for barricade delivery		Equipment Rental Fee:		\$ TBD	
Staff Fee (on site event support):				Public Space / Park / Sound Security Deposit:		\$100 due	
Admin. Fee (event coordination support):		\$ TBD		Borrowed / Rented Equipment Deposit:		\$ TBD	
Electricity Fee (activation/de-activation):		\$		Additional Fees:		\$ TBD	
Impact/Street Closure Fee (variable based on impact):		\$ 100 due		(Porta-Restroom User Fee, "No Parking" Signs, etc.)		\$	
FOR OFFICE USE ONLY							
DATE APPLICATION RECEIVED: 12-23-19							
APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?	Y / N
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	
PAYMENT TYPE							
VISA / MC NUMBER:		CHECK NUMBER:		CHECK AMOUNT:	\$	CASH AMOUNT:	\$
CREDIT CARD AMOUNT:	\$	CREDIT CARD EXP. DATE:		CHECK NUMBER:		CHECK AMOUNT:	\$
PLEASE NOTE: A \$3.00 or 2.65% SERVICE FEE (whichever is greater) WILL BE ADDED TO ALL CREDIT CARD TRANSACTIONS.							
PLEASE RETURN FORM (WORD DOC) AT LEAST 30 DAYS IN ADVANCE TO:							
◆ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 EMAIL PREFERRED: tvm@portlandmaine.gov							

7/24/2019

Google Maps

Google Maps



<https://www.google.com/maps/@43.6553245,-70.2523004,17z>

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING APRIL 26, 2020
THE PORTLAND 10-MILER FESTIVAL**

ORDERED, that Sunday, April 26, 2020 is hereby declared to be the Portland 10-Miler Festival, sponsored by Gray Matter Marketing; and

BE IT FURTHER ORDERED, that the Portland 10-Miler Festival area shall be the race route, starting and ending at Payson Park, and including Back Cove Path, Baxter Boulevard from Bates Street to Preble Street, Eastern Promenade Trail, Hancock Street, Fore Street, Eastern Promenade, Washington Avenue sidewalk, Tukey Street Connector and the Preble Street Parking Lot; and

BE IT FURTHER ORDERED, that the following streets shall be closed for the following times on April 26, 2020:

- Payson Park Roads shall be closed from 8:00 a.m. to 1:30 p.m.;
- Baxter Boulevard from Vannah Avenue to Bates Street shall be closed from 9:30 a.m. to 1:30 p.m.;
- Baxter Boulevard from Vannah Avenue to Preble Street shall be closed from 9:30 a.m. to approximately 10:20 a.m.;
- Washington Avenue from I-295 Ramp to Walnut Street shall be closed from 10:00 a.m. to 12:00 noon;
- Eastern Prom Roadway (water-side lane) from Washington Avenue to Fore Street shall be closed from 10:00 a.m. to 12:00 noon;
- Fore Street (water-side lane) from Eastern Prom to Hancock Street shall be closed from 10:00 a.m. to 12:00 noon;
- Other roads along the race route shall be closed for short periods as needed during the race; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Portland 10-Miler Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to Gray Matter Marketing under §§25-26—25-28 of the Portland City

Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. Gray Matter Marketing shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Gray Matter Marketing shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area, except in an enclosed Beer and Wine Garden for people 21-years-old and older, to be authorized under a liquor license obtained by Spurwink Services and with the oversight of Public Assembly Facilities Division staff;
3. Gray Matter Marketing shall be responsible for all fees for a permit issued from the Public Assembly Facilities Division. Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to;
4. Gray Matter Marketing shall pay for any services provided to run the festival, including from the Portland Police Department, Parking Division and Maine State Police and Public Assembly Facilities Division staff and any others;
5. Gray Matter Marketing shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the 10-Miler Festival;
6. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, street goods vendors, and concert licenses for the Festival to those vendors the Gray Matter Marketing has agreed shall participate;
7. The route of the race is subject to change, depending on construction projects along the route and on Portland Police Department recommendations;
8. Any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 85 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.



CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION
PUBLIC PARK & SPACE APPLICATION (5 pages)
 212 Canco Rd. • Suite A • Portland • ME • 04103 • (207) 808-5400 x0
 Ted Musgrave tvm@portlandmaine.gov

APPLICATION FEE \$25.00

PAYMENT MUST BE MADE WHEN SUBMITTING APPLICATION

(This is a transferrable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, and 3) insurance required.
 There may be fees due and applications required from other City Departments.

TODAY'S DATE		8/20/2019 Revised: 10-29, 11-13		ORGANIZATION NAME		Gray Matter Marketing	
ADDRESS (Street/City/State/Zip)		87 Col Christopher Greene Rd / Portsmouth, RI 02871					
CONTACT NAME(S)		Matt Gray Jon White Brandon Johnson @ Spurwink			TITLE(S)		President Director of Operations Overseeing Liquor Application for Beer Garden
PHONE				PHONE			
EMAIL	matt@graymattermarketing.com			EMAIL	jwhite@graymattermarketing.com		
				EMAIL	bjohnson@spurwink.org		

PARK AREA / PUBLIC SPACE REQUESTED	Edward Payson Park Back Cove Trail Eastern Prom Trail Portland Streets: Hancock St, Fore St and Eastern Prom Road (runners on water side), Cutter St. Closed, Washington Ave at Fox St – CLOSED (runners cross rec path) 295 Ramp to Washington Ave (in bound) closed to vehicles via State Police Baxter Blvd Closed (9:30AM – 1:30PM) – from Bates St to Preble St Payson Park Roadways also closed to vehicles: 8:00AM to 1:30PM Parking Lots in Park and Dyer Flat Parking Upper Area of Payson Park: Beer Garden		
EVENT DAY(S) & DATE(S)	SUN 4-26-2020	RAIN DAY(S) & DATE(S) (50% added fee)	RAIN OR SHINE
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	5:00PM (setup on grass on SAT April 25) SUN setup start: 7:00AM SUN pickup end: 3:00PM	EVENT START & END TIME	8:00AM to 1:00PM Registration at park opens at 8:00AM RACE START – 10:00AM

EVENT NAME	EXPECTED ATTENDANCE
Portland 10 Miler – portland10miler.com (3 rd Annual)	1800

DESCRIPTION OF EVENT:

A for-profit race. A portion of race proceeds go to Spurwink Services (non-profit partner / alcohol sponsor)
 10 Miler road race starting and finishing in Payson Park. Registration in the park opens at 8:00AM (runners will start to arrive at that time).
 Following the race there will be a small area for people to congregate in Payson Park, (Ethan's Way: the Dead-End Parking Rd.)

COURSE: <https://www.mapmyrun.com/routes/fullscreen/1853672504/>

Race Route: RACE START: 10:00AM. Start Line on Catafalque Dr (by Fernald St – IN Payson Park), runners head towards Baxter Blvd (turning right at the Triangle, continue on Baxter Blvd (counter-clockwise), get onto Back Cove Trail (prior to reaching Preble St), continue around cove and under Tukey's Bridge to the Eastern Promenade Trail – headed towards East End Beach, follow trail to sidewalk area (Ocean Gateway), turn right onto Hancock St, turn right onto Fore St (runners stay in right lane), continue on Eastern Promenade Rd (water side of street – E. Prom turned into a One-Way street with cars only flowing on the land side lane), cross Washington Ave to get onto the sidewalk (heading north towards Tukey's Bridge), cross Tukey St Connector to continue to get back to Back Cove Trail, continue on the Back Cove Trail (clockwise), cross Baxter Blvd by the Triangle at Payson Park, and finish on Catafalque Dr (by Fernald St). *Please see attached map.

We would like to close Baxter Blvd (Preble St to Bates St) for the duration of the race***: 9:30AM – 1:30PM
 Baxter Blvd closed down to traffic from Bates St / 295 Ramp to Preble St. (Seaside Health would need to use their Front St Entrance/Exit).
 Baxter Blvd closed, but once runners have moved to the Back Cove Trail at Preble St (approx. 10:20AM), ***Baxter Blvd (west of Vannah Ave) can be opened to traffic from Vannah Ave to Preble St.

We would like to close Catafalque Dr / Payson Park to traffic (for start/finish area) from 8:00AM to 1:00PM as well (allowing for setup & breakdown of the start/finish line). Main roadway into the park, from Ocean Ave, would be closed down to vehicles from 9:30AM to around 1:30PM. W. Kidder St and Fernald St leading into the park, would be monitored for traffic (and cars sent north on the exit road up to Ocean Ave)

We would like to use Dyer Flats for parking, as well as the other lots in the park.

Police / PCO's / PAFD staff need to be hired (locations & officers TBD). For runners crossing over Washington Ave, **State Police** will need to be hired (closing off ramp from Tukey's Bridge to Washington Ave – in bound).

Exit 8 on 295 Southbound (Washington Ave Exit) closed from 10:30AM to Noon.

3 EMS staff w/unit are required to be hired. Volunteers needed for race intersections.

Canopies set up on the Dead-End Rd parking area near Ocean Ave. Some tables. PA system set up (generator powered) – ELEC is on Catafalque Dr @ Fernald St. Music / DJ / Announcements. Food Trucks onsite. Portable Restrooms to be rented.

Beer Garden info: Beer Garden located on Ethan's Way (Dead-End Rd parking area at upper area of park – near Ocean Ave.). A perimeter barricade will be set up for the beer service area, with security details to check ID's for 21+. We will have a liquor license pulled through our non-profit partner, Spurwink. The beer garden will be open to runners, starting at 11:00AM and ending at 1:00PM. Hired City PAF Staff will need to staff this area. Porta-Restrooms will be lined up at the Dead-End Parking area. Food Trucks parked on the roadway beside the grass.

We would like to rent Edward Payson Park for One Day. Some set up will be on Saturday April 25, late afternoon/evening (5PM start). We will bring snow fencing, tables, canopies (NO large tents), portable restrooms, dumpster. If needed, we will hire overnight security to watch over area and our setup.

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: ☒ FEE ☐ PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$ 45

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?

Anticipating a need for 800+ cars – Dyer Flats at Payson Park, nearby streets, Spurwink Parking Lots

PLEASE CHECK OFF AND ANSWER:

PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES

		X-YES	X-NO	X-NOT SURE
*	Are you setting up a canopy(s) ? (10'x10' size or smaller) How many? 5-6	☒		
*	Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections.		☒	
*	Will you be setting up tables and/or chairs ? How many tables: 15 chairs:	☒		
*	Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List: Inflatable Arch	☒		
*	Will there be refreshments at the event? Do you wish to sell food? YES If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557). List food and drink / Food Trucks, etc.: LOCAL FOOD TRUCKS PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	☒		
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell: t-shirts	☒		
*	Are you setting up a PA (sound) system ? Are you planning on having Amplified Music? Y Band? N DJ? Y Boom Box? N If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required.	☒ DJ PA SYSTEM		
*	Will your event require electricity ? Electricity is available at Payson Park. A \$40 activation fee is required.		☒ GENERATOR	
*	Are you planning on bringing a Grill for a Barbecue ?		☒	
*	Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.	☒		

*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: BARRICADES Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).	X		
*	Will your event require street closures ? (SEE "Description of Event") Will your event affect METRO BUS ROUTES ? NO	X		
*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please call Sgt. Nevins (874-8554) or Police Shift Command (874-8855/8556) well in advance to arrange.	X		
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 874-8400.	X		
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.	X		
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic.	X RENTAL		

INSURANCE CERTIFICATE INFORMATION

*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	X NEED		
♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions. ♦ Both the Certificate of Insurance and Additional Insured Endorsement shall be sent to tvm@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).				

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW

The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.

ELECTRICITY

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BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way. DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees. Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them. If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). The PAFD Office has cones it can rent to you (see fee schedule below) if needed. To ensure you can have vehicles (illegally parked at signs you've posted) towed, please complete and fax/email/hand deliver to city departments a "No Parking Authorization Form," which you can get from staff when you pick up NP signs. Please make sure signs are removed once the event is complete. ***Under certain conditions, the reserved parking fee may be reduced. Upon review of your application, PAFD will advise if your event qualifies for a reduction. If paying a reduced rate, towing may not be enforceable. PAFD will advise regarding these parameters as well.**

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require a Concert License from the PAFD Office. If the Police Dept./City Staff receive noise complaints, they will respond accordingly. Please set the PA System up with speakers facing away from businesses/residences to lessen impact. Please keep volume levels low out of consideration for nearby residents and businesses. The Permittee (organizer) shall not allow the sound emanating from the event to exceed A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded these decibels. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the single event concert permit (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELTION POLICY

Event must be cancelled with PAFD prior to event date in order to be eligible for a refund. If cancelled within 2 weeks of scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit. If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574. Please ask Portland newspapers to run an article alerting the public to the event. You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event. Please call Portland Police Dept. (874-8574) on the day of your event to remind them it is taking place. Please notify any nearby businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If event impacts METRO Buses, organizer (in advance) must discuss detour plans with METRO.

REVOCABLE PERMIT				
◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property. ◆ The City reserves the unconditional right to revoke or revise an issued permit. ◆ Police or City Staff on site may use their discretion to revise conditions of use.				

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	JW	DATE	8/20/2019
--	---------------	----	------	-----------

ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	JW	DATE	8/20/2019
--	---------------	----	------	-----------

FEE SCHEDULE – UPDATED JULY 1, 2018

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.	
Simple Event (no registration fee): \$75/hour Event with registration or pledges & attendance 25 - 300: \$125/hr Event with registration or pledges & attendance 301+: \$225/hr Film/Photo Shoot: \$100/day Public Space/Park Security Deposit: \$100 - \$1000 Sound Security Deposit: \$100 - \$1,000 Impact/Street Closure Fee (variable based on impact): \$100-\$500 Staff Fee (on site event support): \$37/hour Administrative Fee (event coordination support): \$40/hour or more "No Parking" Signs: \$25 each Cancellation Fee: \$75	Electricity (activation/de-activation) Fee: \$40/flat Porta Restroom User Fee (if attendance is 150+): \$25 Single Concert License: \$50 Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit Safety Vests: \$15/ea. Security Deposit Keys: \$50/ea. Security Deposit Equipment Delivery Fee: \$100 or more Fortification Fee: TBD

PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND"
--

◆ Please make out security deposit checks separate from permit fees.

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)

Permit Fee for use of area:	\$ 1800 Due	Single Concert (Amplified Sound) License Fee:	\$ 50 Due
Number of Hours of Use: Approx. 8		Equipment Rental Fee:	\$ TBD
Staff Fee (on site event support):	\$ TBD	Public Space / Park / Sound Security Deposit:	\$ 500 Due
Admin. Fee (event coordination support):	\$ TBD	Borrowed / Rented Equipment Deposit:	\$ TBD
Electricity Fee (activation/de-activation):	\$ N/A - Generator	Additional Fees: (Porta-Restroom User Fee, "No Parking" Signs, etc.)	\$ TBD
Impact/Street Closure Fee (variable based on impact):	\$ 200 Due		

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: 8-20-19

APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$ 1775.00	SECURITY DEPOSIT:	\$ 500.00	INSURANCE NEEDED?	YES
DATE RECEIVED:	NEED	DATE RECEIVED:	NEED	DATE RECEIVED:	NEED	DATE RECEIVED:	NEED

PAYMENT TYPE

VISA / MC NUMBER:		CHECK NUMBER:		CHECK AMOUNT:	\$	CASH AMOUNT:	\$
CREDIT CARD AMOUNT:	\$	CREDIT CARD EXP. DATE:		CHECK NUMBER:		CHECK AMOUNT:	\$

PLEASE NOTE: A \$3.00 or 2.65% SERVICE FEE (whichever is greater) WILL BE ADDED TO ALL CREDIT CARD TRANSACTIONS.



PORTLAND

10 M I L E R



Portland 10 Miler Road Race 2020

Sunday, April 26

ROUTE

Runners assemble inside Payson Park.

Race starts at 10am. Runners gather on the park roadway (near Fernald St.) for the start of the race. Runners then proceed down to Baxter Blvd., turning right onto Baxter Blvd. Prior to reaching Preble St., runners get up onto the Back Cove Pathway, continue running around Back Cove (counter-clockwise), crossing under Tukey's Bridge and onto the Eastern Prom Trail. Runners then follow the Eastern Prom Trail to the end (by Ocean Gateway), turn right onto Hancock St., turn right onto Fore St. (runners lane on water side of the road), continue onto Eastern Promenade Roadway (runners lane on water side), down to Washington Ave., cross over Washington Ave. and get onto sidewalk (heading north towards Tukey's Bridge), cross Tukey St. Connector to get back onto Back Cove Path (clockwise), once reaching Vannah Ave., runners can again step off the pathway and onto Baxter Blvd., and once reaching Payson Park, enter the park and finish on the park roadway, up at near the start line (Fernald Street).

STREET CLOSURES

During the Portland 10 Miler, streets listed below will be closed to vehicular traffic, Sunday, April 26, 2020 (Portland Police Officers, Parking Control Officers, PAFD Staff, and State Police hired for the race route):

Payson Park Roadways, 8am – 1:30pm

Baxter Blvd. (Bates St. to Vannah Ave.), 9:30am - 1:30pm

Baxter Blvd. (Vannah Ave. to Preble St.), 9:30am - Noon

Washington Ave. (295 Ramp to Walnut St.), 10:00 – 11:30am

Other streets along the race route will be closed for short amounts of time to allow runners to cross over intersections, etc. Race intersections will be staffed by Police, PCOs, PAFD Staff, or qualified volunteers – so that traffic may proceed when there are no runners nearby.

"NO PARKING"

Some streets along the race route may need to be posted "No Parking."
Vehicles parked illegally at "No Parking" signs will be towed at owner's expense.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 31, 2019

SUBJECT: Order 115-19/20 Granting Municipal Officers' Approval of Dos Naciones LLC dba Dos Naciones Mexican & Salvadorian. Application for a Class I FSE at 649 Congress Street - Sponsored by Jon P. Jennings, City Manager

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Dos Naciones LLC dba Dos Naciones Mexican & Salvadorian. Application for a Class I FSE at 649 Congress Street.

Application was filed on 12/23/2019. New City and State applications. Location was previously Local Sprouts.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Dos Naciones

2. 20191231100043246

Prepared by:

Date: 12/31/2019

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Dos Naciones LLC dba Dos Naciones Mexican & Salvadorian. Application for a Class I
FSE at 649 Congress Street.**

Dos Naciones
Mexican and Salvadorian Cuisine
649 Congress Street
Portland ME. 04101

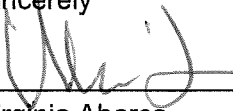
Att. Mayor Kate Snyder and Members of the City Council.
389 Congress Street, Portland ME 04101

The Intent of this letter is to provide a written expression of my interest to open an authentic Mexican-Salvadorian Restaurant here in the heart of this beautiful city. 649 Congress Street, Portland CT.

Our Landlord -Bayside Maine LLC., a Maine limited liability company having a mailing address of: Dirigo Management Company, 1 City Center, 4th Floor, Portland ME. 04101. They have agreed to Lease their premises to Dos Naciones LLC. Staring our contract on December 1st, 2019

I will like to open in January 2020, I have started renovations and I'll like the opportunity to conquer what is has been my dream since childhood.

Sincerely



Virginia Abarca



12-23-19



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	Dos Naciones Mexican & Salvadorian
Location Address:	649 Congress St. Portland ME
If new, what was formerly at this location:	Local Sports
Mailing Address:	41 Lumber St. South Portland
Contact Person:	Virginia Abareu
Contact Person Email:	bebasantos1an@gmail.com
Manager of Establishment:	Nancy Santos
Owner of Premises (Landlord):	Bayside Maine LLC / Dinigo Management
Address of Premises Owner:	1 City Center 4th floor Portland ME

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

Name of Owner(s)	Date of Birth	Residence Address
Virginia Abareu	7-14-72	41 Lumber St. South Portland ME

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

Corporate Name		Corporate Mailing Address	
* Dos Naciones LLC		41 Lombard St. South Portland ME	
Contact Person:	Virginia Abareu	Phone:	794-9101
Principal Officers	Title	Date of Birth	Residence Address
Class of Liquor License:			



CITY OF PORTLAND
Permitting and Inspections Department

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

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

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

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

Signature *Virginia Abarca* Title Owner Date 12/6/19

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

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

PRESENT LICENSE EXPIRES: _____

NEW application: ☒ Yes ☐ No

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

Requested inspection (New Licensees/ Ownership Changes Only) Date : _____ Business hours: _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

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

(QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Dos Naciones LLC</u>	Business Name (D/B/A) <u>Dos Naciones LLC Mexican Salvadorian Cuisine</u>
APPLICANT(S) - (Sole Proprietor) <u>Virginia Alvarez</u>	Physical Location: <u>649 Congress St.</u>
DOB: <u>7-14-72</u>	City/Town <u>Portland</u>
DOB: _____	State <u>ME</u>
Address <u>41 Lombard St.</u>	Zip Code <u>04101</u>
City/Town <u>South Portland</u>	State <u>ME</u>
State <u>ME</u>	Zip Code <u>04106</u>
Telephone Number <u>860 794-9109</u>	Fax Number _____
Federal I.D. # <u>EIN# 84-3875100</u>	Business Telephone Number _____
Email Address: <u>bebasantos1981@gmail.com</u>	Fax Number _____
_____	Seller Certificate #: or Sales Tax #:
_____	Website:

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

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

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

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

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

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

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

License #

Name of Business

Physical Location

6. If manager is to be employed, give name: Nancy I. Santos Santiago City / Town

7. Business records are located at: _____

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

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

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

Full Name (Please Print)	DOB	Place of Birth
Virginia Abancu	7-14-72	Mexico
Nancy I. Santos Santiago	3-4-81	Puerto Rico
11. Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Name: Virginia Abancu	City: South Portland	State: ME
Name: Nancy I. Santos Santiago	City: South Portland	State: ME
Name: _____	City: _____	State: _____

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

Yes ☐ No ☒ If Yes, give name: _____

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

15. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Bayside Maine LLC, Dingo Management Co. 1 City Center 4th floor, Portland ME

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) See Attached Diagram

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES ☐ NO ☐ Applied for: _____

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 5.0 miles

Which of the above is nearest? School -> Reiche Community School - Elementary

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

If YES, give details: _____

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

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

Dated at: Portland on December 23, 20 19
Town/City, State Date

PLEASE SIGN IN BLUE INK

[Signature]
Signature of Applicant or Corporate Officer(s)
Virginia Aparu
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

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



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

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

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

Please clearly complete this form in its entirety.

1. Exact legal name: Dos Naciones LLC.
2. Doing Business As, if any: Dos Naciones Mexican & Salvadorian Cuisine
3. Date of filing with Secretary of State: _____ State in which you are formed: _____
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Virginia Abareu	24 Liberty Ln. #92 South Portland ME	1/14/72	Owner	100.

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

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

7. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States? ☐ Yes ☒ No

8. If Yes to Question 7, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

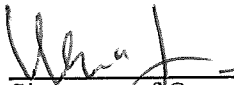
Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

PLEASE SIGN IN BLUE INK


Signature of Owner or Corporate Officer

12/23/19
Date

Print Name of Owner or Corporate Officer

Submit Completed Forms to:

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

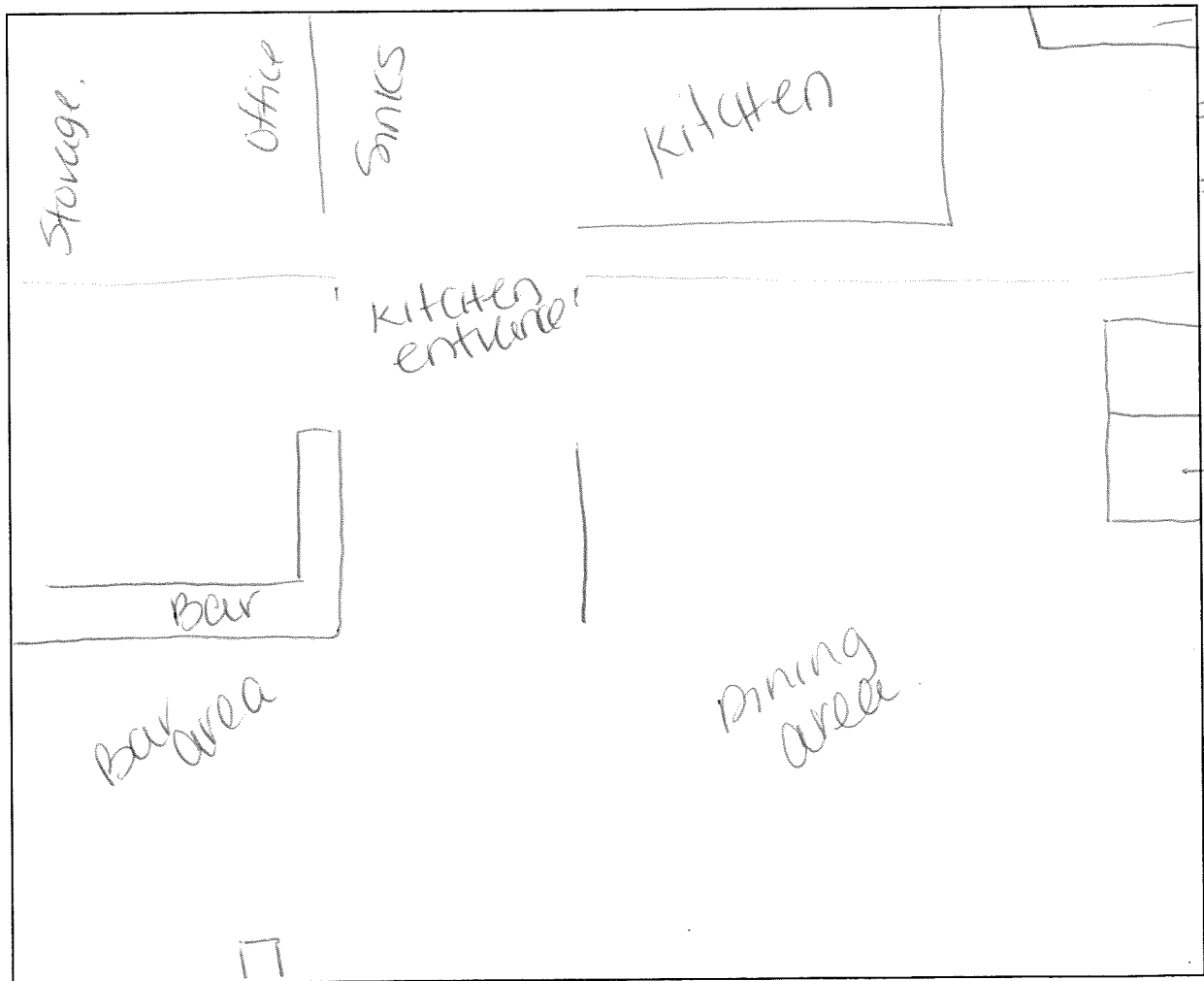
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347 (overnight)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov



ON PREMISE DIAGRAM (Facility Drawing/ Floor Plan)

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

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



walking cooler
Exit
Exit
woman wash room
men Bathroom

Appetizers

11 am -3 pm

****If you have any food allergy, please let our server know****

■ Lettuce Wraps- Carne azada or shrimp \$13.95

Your choice of carne azada or shrimp served with cilantro, onions, pinto beans, salsa verde and four crisp lettuce leaves.

■ Super Nachos con carne \$9.75

Tortilla chips topped with your choice of chicken, ground beef, or picadillo shredded beef, and refried beans, melted cheddar, onions, tomato, guacamole and sour cream.

■ Fajitas Nachos \$9.95

Tortilla chips topped with refried beans, melted Monterey Jack and your choice of marinated steak or chicken, sautéed with bell peppers and onions. Generously garnished with onions, tomatoes, guacamole and sour cream.

(Try our combo of chicken and steak for an additional \$1)

■ Cheese Dip \$5.50

A warm, spirited Mexican-style fondue. Melted traditional white American cheese mixed with jalapeño peppers. Served with tortilla chips.

■ Taquitos Dorados \$7.99

Small crisp tortillas rolled with your choice of chicken or picadillo shredded beef. Served with lettuce, tomatoes, guacamole, sour cream and ranchero cheese.

■ Fiesta Platter \$12.95

A sampling of nachos, quesadillas, taquitos and flautas, served with tomatoes, onions, guacamole and sour cream.

■ Jalapeño Poppers \$6.95

Cream cheese- stuffed jalapeño peppers dipped in flavorful bread crumbs and fried until golden crisp. Enjoy this tempting treat with a spicy yet sweet house dipping sauce.

■ Chicken Wings \$9.95

Chicken wings with a Mexican spice rub served with fresh celery, carrots and ranch dressing. Buffalo style(mild or spicy) or Honey mustard.

■ Empanadas \$6.99

Fried pastry wraps with a potato vegetable stuffing served with ranch dressing.

Salads

****If you have any food allergy, please let our server know****

■ Ranchero Salad \$8.95

Fresh cut romaine lettuce tossed with ranch dressing with grilled chicken, diced tomatoes, ranchero cheese and avocados.

■ Caesar Salad \$9.40

Traditional caesar salad topped with shrimp, whole black beans, ranchero sauce, tomatoes and avocados.

■ Grilled Chicken Ensalada \$8.45

Served in a crispy flour tortilla shell topped with grilled chicken, lettuce, carrots, red cabbage, black beans, diced tomatoes, avocado, sour cream and ranchero cheese.

■ Fajita Ensalada \$9.25

Marinated chicken or steak served in a crispy flour tortilla shell with iceberg lettuce, grilled onion, peppers, cheese, guacamole, sour cream and ranchero cheese.

■ Deluxe Taco Salad \$7.25

Served in a crispy flour tortilla with your choice of chicken, ground beef, picadillo shredded beef or beans. Topped with cheddar cheese, lettuce, tomatoes, guacamole, sour cream and pico de gallo.

Soups

■ Sopa de Frijoles \$4.00

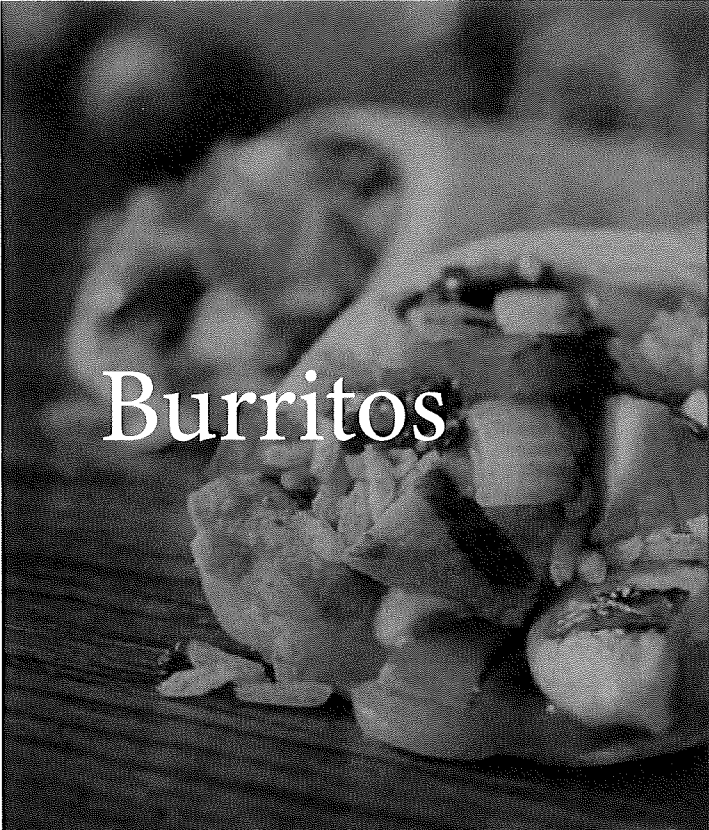
Warm black bean soup with tortilla strips, onions, tomatoes, cilantro and cotija cheese.

■ Sopa de Albondigas \$5.89

A delicious Mexican soup made with fresh-minted pork meatballs with seasonal vegetables in a clear broth. Diced onions, fresh mint, oregano and warm tortillas further enhance this flavorful soup.

■ Sopa de Pollo \$5.95

Our chef's special recipe, shredded chicken, onions, cilantro, rice and fresh avocado in a chicken broth.

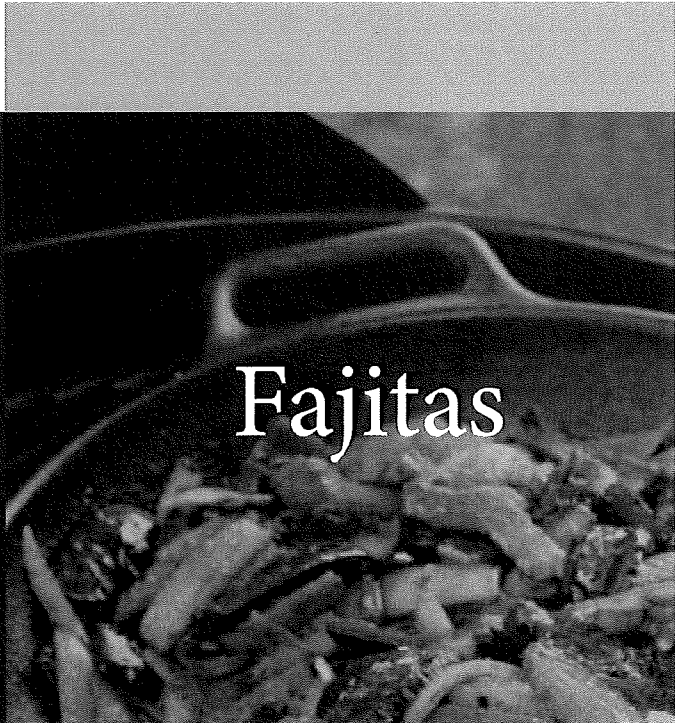


Burritos

****If you have any food allergy, please let our server know****

-  **Burrito Original** **\$7.09**
Large flour tortilla filled with your choice of chicken, ground beef, Mexican chorizo or picadillo shredded beef.
-  **Burrito Verde** **\$7.49**
Pork chile verde, rice, beans and cheese wrapped in a flour tortilla. Topped with guacamole, fresh tomatoes, onions, parmesan cheese and enchilada sauce.
-  **Burrito Vegetariano** **\$6.49**
Beans, rice, cheese and shredded lettuce wrapped in a flour tortilla. Topped with guacamole, fresh tomatoes, onions, Parmesan cheese and enchilada sauce.

Delicioso!



Fajitas

\$8.45

Choice of steak or chicken marinated in our fajita sauce, delivered sizzling hot over sautéed onions and green peppers with pico de gallo, sour cream, guacamole, Spanish rice, refried or rancho (cholesterol-free) beans on the side and your choice of warm flour or corn tortillas.

Fajitas



Dos Naciones



Alcohol Beverages

Specialty Drinks

Piña colada

\$6.99

Bacardi Superior & pina colada mix blended with cream.

Mind Blower

\$19.99

A mexican version of a long island iced tea- rum, vodka, gin, bourbon, brandy, bacardi limon, melon liqueur, sauza silver tequila, lemon-lime soda, orange, pineapple and cranberry juices.

Congress Special

\$17.50

Sauza blue, vodka, rum, bourbon, gin mixed with OJ, pineapple juice and grenadine, served tall in a half carafe.

Tropical Toucan

\$8.75

The one that almost flew away! A mixture of our finest juices, mixed with vodka, melon liqueur, peach schnapps and chambord.

Tijuana Tea

\$9.00

A special blend of Tijuana's best. Sauza Tres Generaciones, sour mix and cola with a splash of Hornitos Plata.

Paloma

\$8.50

Hornitos Reposado mixed with squirt, a Mexican grapefruit flavored soda.

Jalapeño Electrico

\$8.75

A Mexican tradition. Hornitos Reposado, vodka and melon liqueur mixed with secret tropical juices.

Mexican Flag

\$5.75

Grenadine, white and green Creme de menthe, house tequila & Cruzan 151 Aged Rum. Served flaming!

Zombie

\$9.50

Bacardi, Myers's Rum, Cruzan 151 Aged Rum & a blend of juices.

Mai Tai

\$8.50

Bacardi superior, mai tai mix, orange juice, grenadine with a Myers's float.

Wine

Woodbridge

\$6.50/gls

Chardonnay • Malbec • Merlot • Pinot Grigio •
Cabernet Sauvignon • White Zinfandel • Pinot Noir

Red Sangria

\$6.50/gls • 1/2 Carafe \$13 • Carafe \$20.50





Beer

Draft

	Pint	Pitcher		Pint	Pitcher
Allagash White	\$5.00	\$16.00	Dos Equis Amber	\$4.50	\$14.50
Negra Modelo	\$4.25	\$14.25	Dos Equis Lager	\$4.50	\$14.50
Pacifico	\$4.50	\$14.50	Bud Light	\$3.75	\$13.99

Bottles

Miller Lite	\$3.75	Modelo Especial	\$4.50	Heineken Light	\$4.50
Coors Light	\$3.75	Sam Adams	\$4.50	Tecate	\$4.50
Corona	\$4.50	Shiyard Export	\$4.50	SOL	\$4.50
Corona Light	\$4.50	Peak Organic IPA	\$4.50	Budweiser	\$3.75
Bud Light	\$3.75				



Hot Drinks

Mexican Coffee \$5.95

House tequila, Kahlúa & whipped cream.

Mexican Hot Shotty \$8.50

Hornitos Añejo, hot chocolate & whipped cream.

Café con chata \$5.50

Hornitos Añejo, hot chocolate & whipped cream.

Café Grande \$8.50

Gran Gala orange liqueur with coffee & whipped cream.

Hot slide \$9.50

Grey goose, Kahlúa, baileys, coffee & whipped cream.



Tequila list

Blanco

Also known as White, Silver or Plata. It is tequila in the purest form. They are the product of fermentation and distillation without any barrel aging.

Sauza Blue \$6

1800 \$7

Hornitos Plata \$7

Herradura \$9

Don Julio \$10

Patrón \$10

Patrón \$10

El Tesoro \$10

Siete Leguas \$11

Reposado

Literally translated as "rested". By law, reposado tequila must be aged in wood for at least sixty days. Typically, reposado tequilas are aged 2-9 months for a smooth taste.

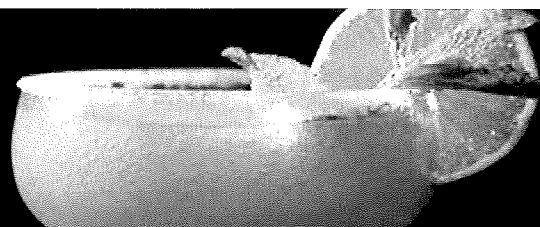
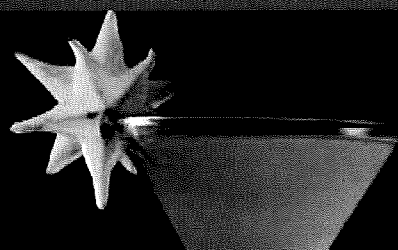
Sauza Blue	\$6
1800	\$7
Hornitos Reposado	\$7
Cazadores	\$7
Sauza Tres Generaciones	\$8
Herradura	\$10
Patrón	\$12
El Tesoro	\$12
Clase Azul Reposado	\$19



Añejo

According to Mexican law, Añejo tequila must be aged in wood for at least one year but many age up to three years. These are the darkest and smoothest of all the tequilas.

Cazadores	\$8
Hornitos Añejo	\$8
Herradura	\$12
Don Julio	\$12
Sauza Tres Generaciones	\$13
El Tesoro	\$13
Siete Leguas	\$13



Margaritas

Original Margarita's on the Rocks

Classic ingredients featuring house tequila, triple sec & sour mix blended to satisfy the true margarita devotees. Also available in strawberry, raspberry, lime, banana, peach, coconut, wild berry, mango and watermelon.
(flavors Add \$1.00)

\$7.75 \$10.95 \$18.50

Margarita Naciones

Naciones favorite! Hornitos Reposado, Patrón Citrónge, hand shaken with our special margarita mix.

\$8.50 \$15.50 \$24.50

Patrón Margarita

Patrón Silver & Patrón Citrónge, hand shaken with our special margarita mix.

\$11.50 \$21.00 \$35.00

Cantón Margarita

Made with El Tesoro Blanco, fresh lime juice, orange juice, & carefully hand shaken with our special margarita mix.
Served on the rocks.

\$23.50

1800 Margarita

1800 Reposado with a splash of Gran Gala Orange liqueur carefully hand shaken with our special margarita mix.

\$7.50 \$13.75 \$23.00

Golden Margarita

For a sophisticated satisfying experience, a hand-shaken, on-the-rocks, devil-may-care concoction featuring house tequila & our special margaritz mix..

\$6.45 \$13.00 \$22.00

Skinny Margarita

Sauza Blue Silver, fresh lime juice & agave nectar with a splash of club soda.

\$10.99 \$19.00 \$29.00

Lones Margarita

Margarita mix, herradura tequila, lime slice and gran gala.

\$10.99 \$19.00 \$29.00



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Dos Naciones Mexican & Salvadorian

Dan Hondo <danh@portlandmaine.gov>

Sun, Dec 29, 2019 at 9:43 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No issues on my end

On Tue, Dec 24, 2019 at 10:10 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

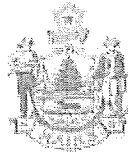
Good Morning

Please see the attached application for a Class I FSE. This will go before council on 1/22/20. Please advise with approvals. Thanks Jessica

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

--

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



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

JESSICA HANSCOMBE
389 CONGRESS ST
PORTLAND, ME 04101

Transaction Response #: MIQ99E241989

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-12-31) :

Inquiries Name(s) VIRGINIA ABARCA (1972-07-14)

NO MATCH WAS FOUND FOR YOUR REQUEST.



CITY OF PORTLAND
Permitting and Inspections Department

December 24, 2019

Dos Naciones LLC
41 Lombard Street
South Portland ME 04106

Re: Dos Naciones LLC dba Dos Naciones Mexican & Salvadorian. Application for a Class I FSE at 649 Congress Street.

Dear Virginia Abarca

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Wednesday January 22, 2020 at 5:30 p.m.**, for the review of application for a Class I FSE at 649 Congress Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on January 22, 2020 at 5:30 P.M., in City Council Chambers, 389 Congress St., Dos Naciones LLC dba Dos Naciones Mexican & Salvadorian. Application for a Class I FSE at 649 Congress Street. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 31, 2019

SUBJECT: Order 116-19/20 Granting Municipal Officers' Approval of Little Giant, LLC dba Little Giant. Application for a Class I FSE at 211 Danforth Street - Sponsored by Jon P. Jennings, City Manager

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Little Giant, LLC dba Little Giant. Application for a Class I FSE at 211 Danforth Street.

Application was filed on 12/20/2019. New City and State applications. Change of ownership of an existing business.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Little Giant
2. 20191231095656386

Prepared by:

Date: 12/31/2019

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Little Giant, LLC dba Little Giant. Application for a Class I FSE at 211 Danforth Street.

Mayor of Portland
Portland, Maine 04102

December 20, 2019

Honorable Mayor Snyder,

I write to you as the owner of Little Giant Restaurant in Portland's West End. We recently had an ownership change resulting in sole ownership of Little Giant residing within me. As this is a change of control of more than 10%, state statues require me to reapply for the various licenses necessary to continue to operate my establishment.

I hereby ask for your and the council's support in my application process so that I can continue to provide the hospitality and jobs to this great town of Portland.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Malin', with a large, stylized loop at the end.

Ian Malin
Owner
Little Giant, LLC.



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information					
Business Name (d/b/a):	LITTLE GIANT, LLC	Phone:	207 747 5045		
Location Address:	211 DANFORTH ST		Zip: 04102		
If new, what was formerly at this location:					
Mailing Address:	SAME		Zip:		
Contact Person:	IAN MALIN	Phone:	917 209 4166		
Contact Person Email:	IAN@IANMALIN.COM				
Manager of Establishment:	IAN MALIN	Date of Birth:	6/23/76	Phone:	917 209 4166
Owner of Premises (Landlord):	BIKA, LLC (owned by IAN MALIN)				
Address of Premises Owner:	211 DANFORTH ST		Zip: 04102		

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address		
LITTLE GIANT, LLC		211 DANFORTH ST		Zip: 04102
Contact Person:	IAN MALIN		Phone:	917 209 4166
Principal Officers		Title	Date of Birth	Residence Address
IAN MALIN		OWNER	6/23/76	1 CARROLL ST PORTLAND 04102
Class of Liquor License:		CLASS I		



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	CONTEMPORARY AMERICAN		
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒		
Projected percentage of sales:	Generated from Food: 55%	Generated from Alcohol: 45%	
Hours & days of operation:	M - SUNDAY 4pm - 10pm + BRUNCH SOMETIMES 10-3pm		
QUESTIONS:			Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?			Y/N Y
If No, please explain:			
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?			Y/N N
If yes, give the distance:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)			☒ Y/N Y
Will you permit dancing after 1:00 a.m.?			Y/N N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)			Y/N Y
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).			
Will you have any amusement devices (pinball, video games, juke box)?			Y/N N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____			
What is your targeted opening date?			IMMEDIATE
Does the Issuance of this license directly or indirectly benefit any City employee(s)?			Y/N N
If Yes, list name(s) of employee(s) and department(s):			
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?			Y/N Y
If Yes, please list business name(s) and location(s):			
LITTLE GIANT, LLC			
Is any principal officer under the age of 21?			Y/N N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?			Y/N N
If Yes, please explain:			

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

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

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

Signature Title OWNER Date 12/20/19



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

Section I: Type of License, Status and Applicant Information

1. New license or renewal of existing license? ☒ New ☐ Renewal

If a renewal, please provide the following information:

Your current license expiration date: _____

The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

2. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

3. Indicate the type of license applying for: (choose only one)

- | | | |
|---|---|---|
| ☒ Restaurant
(Class I, II, III, IV) | ☒ Class A Restaurant/Lounge
(Class XI) | ☒ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☒ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course with auxiliary and mobile cart options
(Class I, II, III, IV) | | ☐ Tavern
(Class IV) |
| ☒ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

☐ Other: _____

Refer to Section VI For Fee Schedule

4. If application is for a **new** license or the business is under new ownership, indicate starting date:

12/20/2019

Section II: Licensee/Applicant(s) Information

Legal Business Entity Applicant Name (corporation, LLC): Little Giant, LLC	Business Name (D/B/A): Little Giant Restaurant
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 211 Danforth Street, Portland, ME 04102
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: ian@ianmalin.com
Telephone # Fax #: 917-209-4166 / 630-839-7441	Business Telephone # Fax #: 207-747-5045
Federal Tax Identification Number: 81-3882394	Maine Seller Certificate # or Sales Tax #: 1182453
Federal Basic Permit Number:	Website address: www.littlegiantmaine.com

1. Business records are located at the following address:

211 Danforth Street, Portland, ME 04102

2. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Attachment 1 at the end of this application

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

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
Little Giant, LLC	CAR-2017-10288	211 Danforth Street, Portland, ME 04102

4. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Ian Malin	6/23/1976	Maryland, USA

Residence address on all of the above for previous 5 years	
Name	Address:
Ian Malin	1 Carroll Street, Portland, ME 04102
Name	Address:
Name	Address:
Name	Address:

5. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No
6. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No
7. For a licensee/applicant who is a business entity as noted in Section II, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?
- ☒ Yes ☐ No ☐ Not applicable – licensee/applicant(s) is a sole proprietor
8. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine? ☐ Yes ☒ No
9. Will any law enforcement officer directly benefit financially from this license, if issued?
- ☐ Yes ☒ No
- If Yes, provide name of law enforcement officer and department where employed:

10. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

11. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

12. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

13. Does the licensee/applicant(s) own the premises? ☒ Yes ☐ No

If No, please provide the name and address of the owner:

14. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

15. Do you permit dancing or entertainment on the licensed premises? ☐ Yes ☒ No

If yes, please check that you have received authorization from the municipality in which you are doing business to conduct this type activity.

- ☐ The licensee/applicant affirms that permission has been granted by the municipality for dancing or other allowed entertainment at this place of business.

16. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section III. (Use additional pages as needed)

Front bar room with booth seating and large table. Back dining room with bench and tables and server station. Two bathrooms. Commercial Kitchen

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

Name: Reiche School

Distance: Two city blocks

Section III: Signature; Fee; Delivery of application

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 12/20/19

[Signature]
Signature of Duly Authorized Person*

Signature of Duly Authorized Person*

IAN MALIN
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

*The person signing this application must appear in Section VIII on this application.

Section IV: For use by Municipal Officers and County Commissioners only Approval of an application for an on-premises liquor license –

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
☐ County Commissioners of _____ County

Signature of Officials	Printed Name and Title

This Approval Expires in 60 Days

Section VIII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section II of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

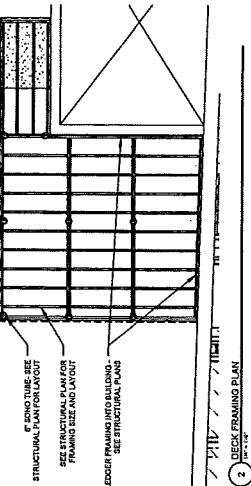
All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Little Giant, LLC
2. Doing Business As, if any: Little Giant Restaurant
3. Date of filing with Secretary of State: 9/21/16 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

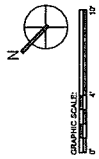
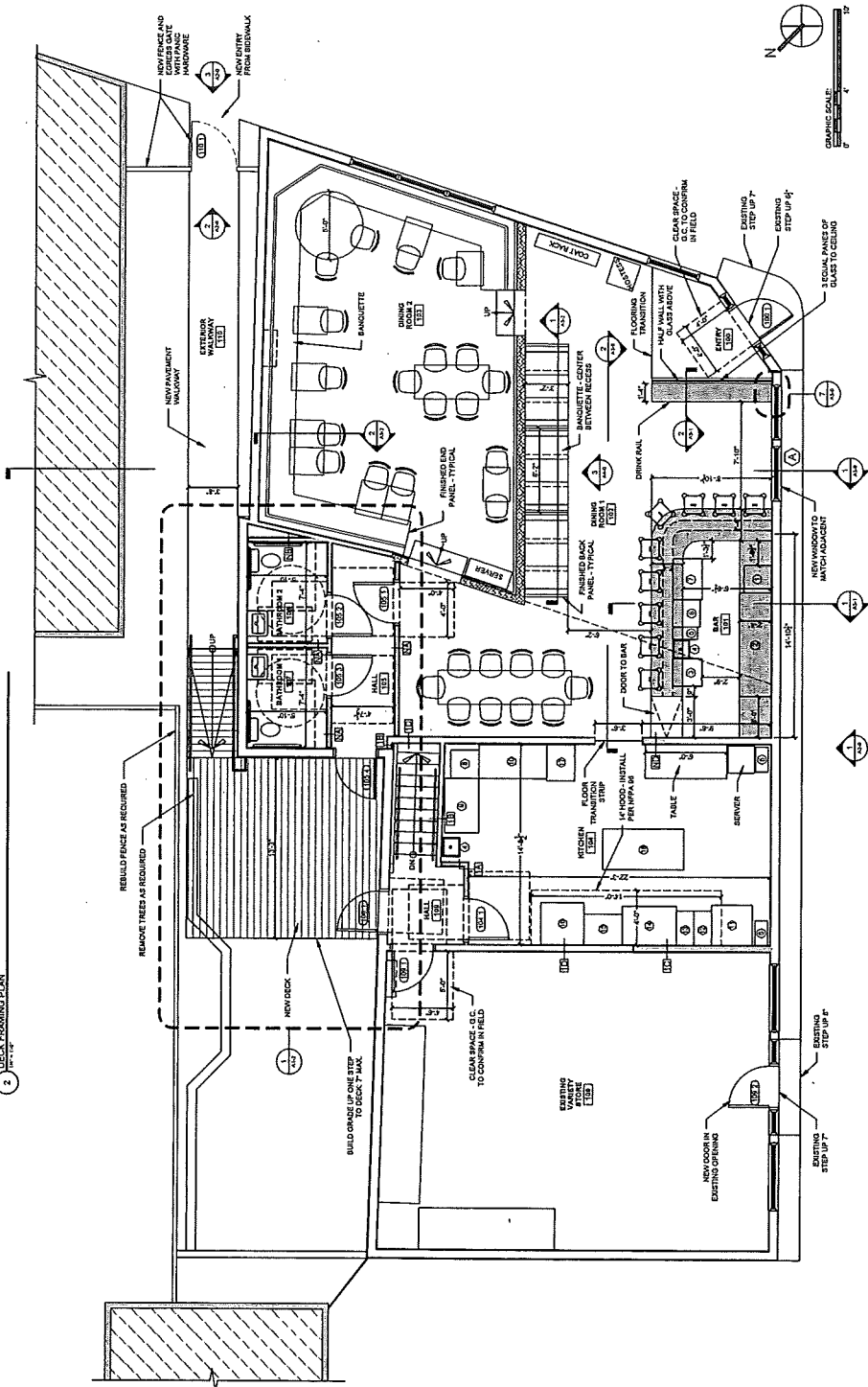
Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Ian Malin	1 Carroll Street, Portland	6/23/1976	Owner	100%

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

RESTAURANT APPLIANCE SCHEDULE:	
#1	24" x 24" GLASS FRONTER
#2	81" x 28" BACK BAR COOLER
#3	24" x 28" UNDERCOUNTER DISHWASHER
#4	17" x 15" HANDBASE SINK
#5	24" x 11" TRASH BIN
#6	24" x 24" UNDERCOUNTER CABINET
#7	24" x 24" ICE BIN WITH SPEED RAIL
#8	25" x 25" DISHWASHER
#9	48" x 30" DESH TABLE
#10	50" x 30" DESH TABLE
#11	50" x 30" GRAPE MAKE STATION
#12	101" x 30" FRYER #1
#13	101" x 30" FRYER #2
#14	48" x 34" 4 BURNER RANGE
#15	30" x 30" FLAT TOP GRILL
#16	30" x 30" CONNECTION GRILL
#17	28" x 32" ALCOHOL DISPENSING CABINET
#18	72" x 30" WORK TABLE



NOTE: ALL DOORS MUST MEET GLASS AND PARTING REQUIREMENTS BY APPLICABLE CODES



1 FIRST FLOOR PLAN
1/8" = 1'-0"

LITTLE GIANT

On the corner of
DANFORTH & CLARK

LITTLE

local oysters, buttermilk, chive oil, peekytoe crab* 20 / 6pc

scallop crudo, smoked habanero, brown butter, popcorn* 12

deviled eggs, lobster salad, lime 6/2p

night moves bread, smoky seaweed butter 6

smashed avocado, herbs, lime, tortilla 9

carrot soup, chickory, sunflower 10

MEDIUM

gem lettuce ceasar, pistachio, clothbound cheddar 14

fried potatoes, chipotle mayo, manchego 9

smoked beets, cashew, horseradish 11

artichoke hearts, lime, mojo verde 13

crunchy crustaceans, lime, spicy squid ink 14

LARGE

casarecce pasta, winter squash, pumpkin seeds, burrata 19

black rice, scallop, jimmy nardello soffrito, squid ink 27

atlantic salmon, grilled cabbage, tonnato, salmon roe 22

smoked chicken, leeks, oyster mushrooms, farro, adobo 26

grass-fed cheeseburger, caramelized onions, brioche* 17

bavette steak, sweet potatoes, radicchio, blue cheese* 27

CHEF - Neil Ross

SOUS CHEF - Jason McGillvray

*Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may
increase your risk of foodborne illness

SPECIALS

winter radish salad, comté cheese, citrus 10

poached pollock, fried sunchoke, green mole 15

crab, 'nduja, daikon, tostada 8

kale, wild mushroom, navy bean hummus, ricotta salata 16

TREATS

fried cinnamon toast, hazelnuts, honey ice cream 9

flourless espresso cake, coffee brandy brittle, coconut 7

parlor ice cream scoops 5

*salty honey, spicy mexican hot chocolate, caramel corn,
butter crunch, black licorice, toasted coconut, guava creamscicle*

mid coast cheese, opus 42, maple 8

PASTRY by Morgan Ditmars

HAPPY HOUR 4PM - 6PM

oysters* 1 ea

deviled eggs 2 ea

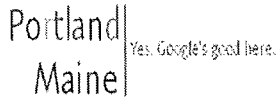
bread + butter 5

spiced nuts 6

queso fundido 7

burger 15

Little Giant is proud to work with local farmer's and purveyors:
stonecipher farms, gulf of maine sashimi, broad arrow farms, four
star fresh, brown trading, dandelion spring farms



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Little Giant LLC

Dan Hondo <danh@portlandmaine.gov>

Tue, Dec 31, 2019 at 12:55 AM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No issues on the PD side
-Dan

On Mon, Dec 30, 2019 at 9:52 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Hello

Please see the attached This is a change of ownership of an existing business. It will go before council on 1/22/2020. Please advise. Jessica

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

--

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



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

JESSICA HANSCOMBE
389 CONGRESS ST
PORTLAND, ME 04101

Transaction Response #: MIQ99E241990

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-12-31) :

Inquiries Name(s) IAN MALIN (1976-06-23)

NO MATCH WAS FOUND FOR YOUR REQUEST.



CITY OF PORTLAND
Permitting and Inspections Department

December 30, 2019

Little Giant LLC
211 Danforth Street
Portland ME 04102

Re: Little Giant, LLC dba Little Giant. Application for a Class I FSE at 211 Danforth Street.

Dear Ian Malin

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Wednesday January 22, 2020 at 5:30 p.m.**, for the review of application for a Class I FSE at 211 Danforth Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on January 22, 2020 at 5:30 P.M., in City Council Chambers, 389 Congress St Little Giant, LLC dba Little Giant. Application for a Class I FSE at 211 Danforth Street. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 31, 2019

SUBJECT: Order 117-19/20 Granting Municipal Officers' Approval of Miranda Restaurant Group dba Via Vecchia. Application for Outdoor Dining on Public Property at 10 Dana Street - Sponsored by Jon P. Jennings, City Manager

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Miranda Restaurant Group dba Via Vecchia. Application for Outdoor Dining on Public Property at 10 Dana Street.

Application was filed on 12/30/2019. New City applications. Applicant has a pending Class XI License.

Five affirmative votes are required for passage after public comment

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Via Vecchia-Outdoor Dining
2. 20191231092954777

3. Diagram
4. Measuring Memo
5. Denial Decision for Bonfire

Prepared by:

Date: 12/31/2019

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Miranda Restaurant Group dba Via Vecchia. Application for Outdoor Dining on Public Property at 10 Dana Street.



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

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

- ☒ Legal Advertisement Deposit \$100.00
- ☐ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot $2.00 \times 136 \text{ SF} = \272
- ☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot $6.30 \times \text{SF} = \text{_____}$

Business Information			
Business Name (d/b/a):	VIA VECCHIA	Phone:	207 318-7815
Location Address:	10 DANA STREET	Zip:	04101
Mailing Address:	10 DANA STREET	Zip:	04101
Contact Person:	JOSHUA MIRANHA	Phone:	207 318-7815
Contact Person Email:	JOSHUA@VUOLDPORT.COM		
Manager of Establishment:	RANDA VASCON	Date of Birth:	10/15/82
		Phone:	207 831-2901
Owner of Premises (Landlord):	10 DANA ST. LLC		
Address of Premises Owner:	10 DANA ST.	Zip:	04101

Owner Information

Corporate Name		Corporate Mailing Address	
MIRANHA REST. GROUP		P.O. BOX 4835	
		Zip:	04112
Contact Person:	JOSHUA MIRANHA	Phone:	207 318-7815
Principal Officers	Title	Date of Birth	Residence Address
JOSHUA MIRANHA	MR.	8/28/72	210 EXCHANGE ST. PORTLAND

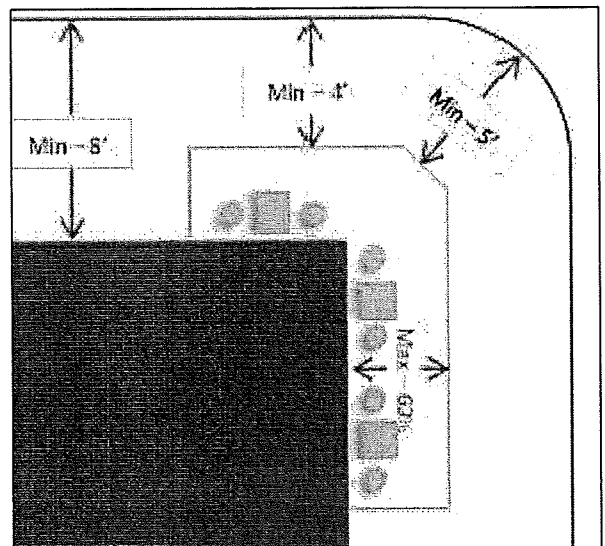


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	<i>Restaurant</i> ✓
Type of food served:	<i>Food</i>
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	<i>4-10</i>
Number of Tables	<i>2-3</i>
Number of Chairs	<i>8-12</i>

Design and Construction

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

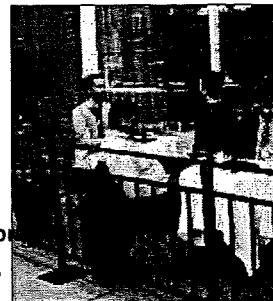


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes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

Barriers

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

Example barrier types that meet regulation

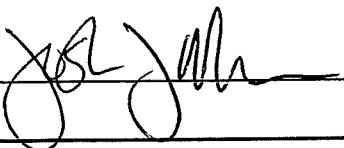




CITY OF PORTLAND
Permitting and Inspections Department
Maintenance and Operations

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

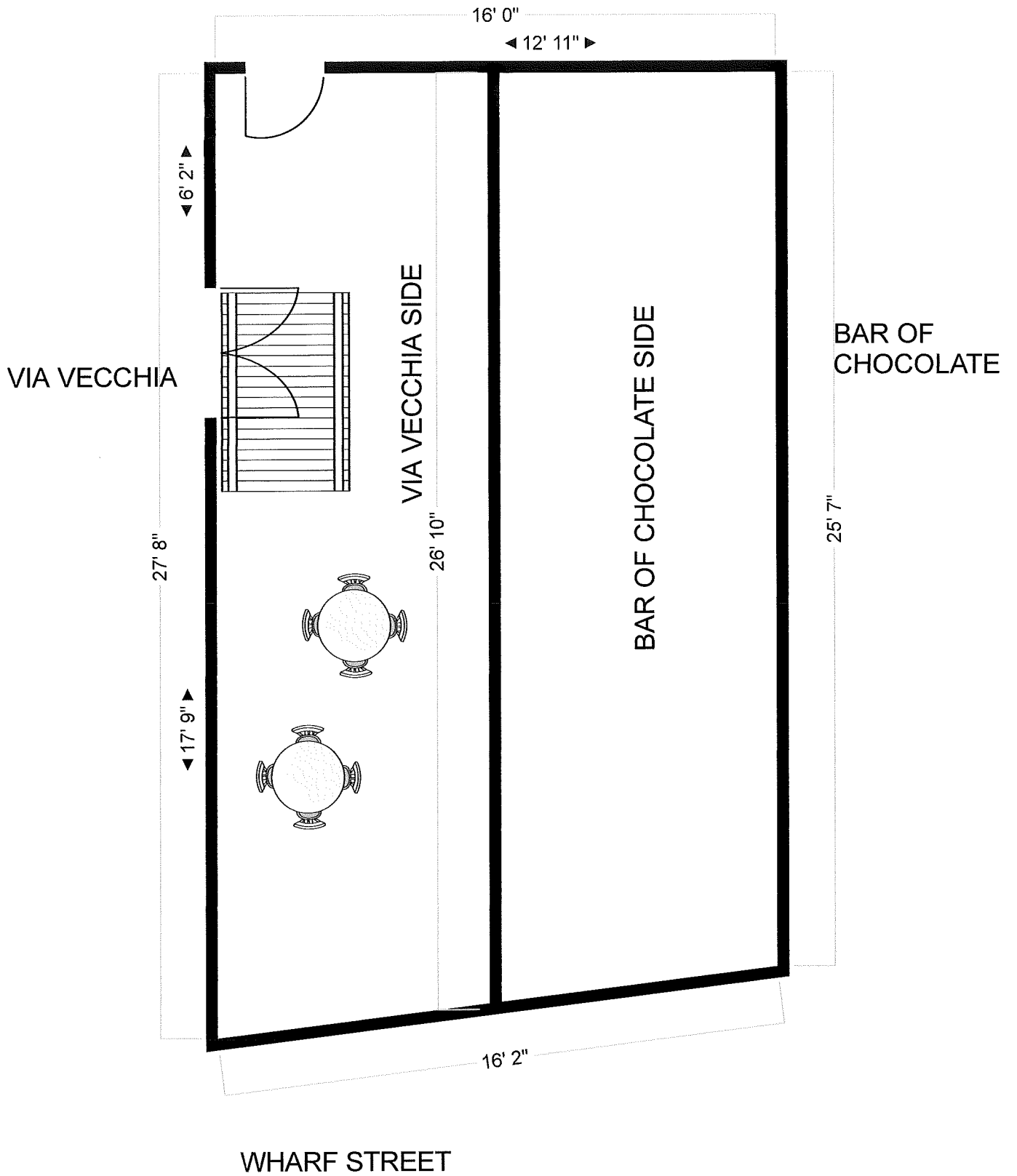
I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by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

Signature  Title member Date 12/30/19

For Administrative Use Only

Amount: <u>\$456</u>	Request Date /	Approval	Notes: _____
Date Paid: <u>12/30/19</u>	FD: _____	_____	_____
CC _____ CA _____ CK <u>12/19</u>	Health: _____	_____	_____
	PD: _____	_____	_____
Amount: _____	Treasury: _____	_____	_____
Date Paid: _____	Zoning: _____	_____	_____
CC _____ CA _____ CK _____			

PLUM ALLEY





জোনাকী

care
ANA



CITY OF PORTLAND
Permitting and Inspections Department

December 30, 2019

Miranda Restaurant Group
PO Box 6835
Portland ME 04112

Re: Miranda Restaurant Group dba Via Vecchia. Application for Outdoor Dining on Public Property at 10 Dana Street.

Dear Josh Miranda

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Wednesday January 22, 2020 at 5:30 p.m.**, for the review of application for an Outdoor Dining on Public Property at 10 Dana Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

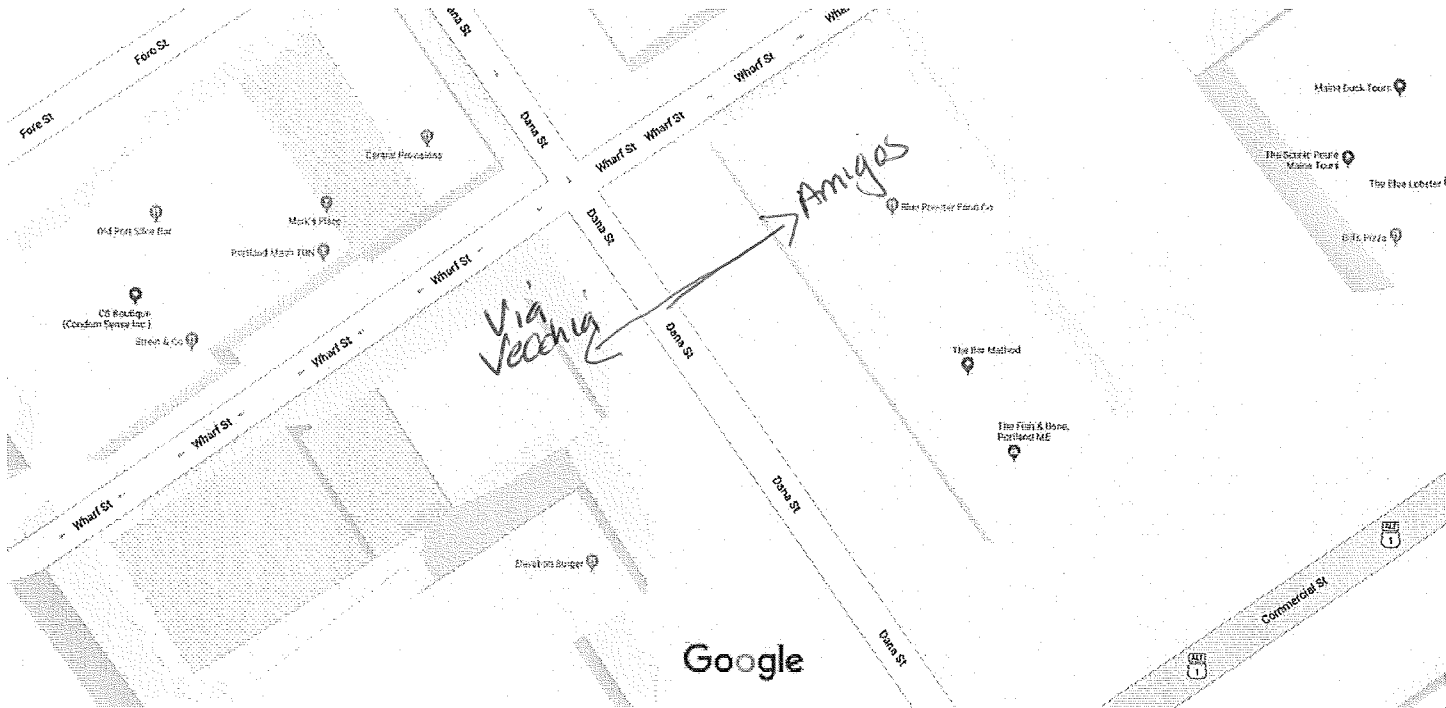
Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on January 22, 2020 at 5:30 P.M., in City Council Chambers, 389 Congress St. Miranda Restaurant Group dba Via Vecchia. Application for Indoor Entertainment and Outdoor Dining on Public Property at 10 Dana Street. Sponsored by Jon P. Jennings, City Manager.

Google Maps



Map data ©2020 20 ft

MEMORANDUM

TO: City Councilors; Mayor Strimling
CC: Jon Jennings; Danielle West-Chuhta; Michael Russell
DATE: October 12, 2017
RE: Measuring Distances in the Downtown Entertainment Overlay Zone

In connection with the Exchange Street Club's application for an entertainment license, the question has arisen how distances between entertainment licenses should be measured in the Downtown Entertainment Overlay Zone.

Section 14-330.13 of the City Code provides that "A business with an entertainment licenses . . . located within the downtown entertainment overlay zone may not be located within 100 feet of another business with an entertainment license." That 100 feet is measured "along or across public ways," and is measured "from the main entrance or entrances of each."

The requirement of measuring "along or across public ways" is different than other measuring standards found in State and City law. For example, the distance between licensees for nude activities in the City is measured "in a straight line, without regard to intervening structures or objects." City Code § 4-91(b). Alternatively, distances for liquor licenses are measured "by the ordinary course of travel," which requires the measurement to be taken using crosswalks and other legal means of travel. 28-A M.R.S. § 701.

The language "along or across public ways" for measuring distances between entertainment licenses likely does not require a straight line from door-to-door, as required for nude activities. It also likely does not require the measurement to only follow the legal path of travel, such as using crosswalks, etc. Instead, distances for entertainment licenses should be measured using straight lines down a sidewalk or street and directly across.

Staff has measured the distance between the proposed business at 10 Exchange Street and nearby businesses with entertainment licenses using the "along or across public ways" methodology, and that distance exceeds the 100' requirement in each instance.

**DECISION OF THE PORTLAND CITY COUNCIL DENYING
THE APPLICATION FOR A LIVE ENTERTAINMENT LICENSE**

IN THE MATTER OF BONFIRE, LLC

On April 5, 2017, the City of Portland City Council held a public hearing on the application of Bonfire, LLC for an entertainment with dance license pursuant to the City of Portland Code of Ordinances § 4-51. The following are the Council's findings and conclusions.

THE RECORD

The written record submitted in this matter is as follows:

1. Written cover letter from Tanner Herget on behalf of Bonfire Country Bar, requesting to move the entertainment license previously held by 51 Wharf Street and Ultra Lounge;
2. Application and associated materials submitted by Bonfire Country Bar;
3. Memorandum by Anne Torregrossa, Associate Corporation Counsel, addressing the differences between the corporate structure of 51 Wharf Street and Ultra Lounge and Bonfire LLC;
4. Memorandum from Ann Machado, Zoning Administrator, addressing the restrictions contained in City of Portland Code of Ordinances § 14-330.13; and
5. Memorandum from Jessica Hanscombe, Business License Specialist, addressing the restrictions contained in City of Portland Code of Ordinances § 4-57.5, with attachments.

At the hearing, the City Council also heard the following testimony:

6. Joseph Goodman, Esq., attorney for the applicant, addressed the Council and explained that his client obtained its entertainment license in August of 2006, as a result of the previous business at that location, Salsa, having an entertainment license. The applicant is seeking to move the license one door down.

Citing to the preamble of the relevant ordinance, Attorney Goodman testified that allowing the applicant to move the license would comply with the spirit of the ordinance because it would not be increasing density in that area. Attorney Goodman took the position that the applicant met the exception in § [14-]330.13.

Mr. Goodman pointed out that the definition of ownership under the ordinance is broad and includes ownership interests.

7. Tanner Herget, representative for the applicant, also addressed the Council with a diagram of the area. He explained that 51 Wharf had been a 300-person nightclub, and he is seeking to move the entertainment license from that location down the

road to the much smaller Bonfire. He is currently operating Bonfire Country Bar as a bar without entertainment.

Mr. Herget explained that he has been a conscientious bar owner in the City for a number of years, even serving on committees to improve the safety of the City's nightlife.

8. In a statement, and in response to Council questions, Ms. Hanscombe explained that Bonfire is located within the B-3 Zone, which has a dispersal requirement of 100' between businesses with an entertainment license. Bonfire is located 35' from Oasis, which has an entertainment license.

Ms. Hanscombe further explained that Mr. Herget has closed 51 Wharf Street, and is seeking to transfer the license to 37 Wharf Street, which staff does not believe is allowed.

In response to questions, Ms. Hanscombe explained that the location at 51 Wharf Street remains grandfathered and that a new business with entertainment could go in, so long as it was within one year of 51 Wharf abandoning its license.

9. Attorney Torregrossa, in response to questions by the Council, explained that a business other than 51 Wharf had held an entertainment license at 51 Wharf Street, prior to the deadline to be "grandfathered" under § 14-330.13. When that business closed and 51 Wharf opened in the same location, 51 Wharf was able to take advantage of that grandfathered entertainment license.

In response to questions, Attorney Torregrossa explained that staff's interpretation is that the location at 51 Wharf is grandfathered under the terms of the ordinance and there is no way for the Council to terminate that right without changing the ordinance. Staff considers that the location is grandfathered for a period of one year from the abandonment of the previous license.

She further explained the position in her memorandum that 51 Wharf Street and Ultra Lounge, Inc. and Bonfire LLC are separate corporate entities that cannot be disregarded and Maine law does not typically allow owners or others to disregard the corporate form.

10. Michael Sauschuck, Chief of Police, also spoke about the public safety concerns behind the dispersal requirement, particularly eliminating a single massive crowd being created at closing time with the bars in the Old Port. In Chief Sauschuck's experience, the issues they see at bar time increase when there are large masses.
11. No other members of the public spoke in favor of or against the application.

FINDINGS OF FACT

The City Council, therefore, finds as follows:

12. The applicant is Bonfire, LLC, which owns Bonfire Country Bar, located at 37 Wharf Street.

13. 37 Wharf Street is located within the Downtown Entertainment Overlay Zone.
14. It is also located within 100' of Oasis, which is another business that currently holds an entertainment license.
15. 51 Wharf Street and Ultra Lounge, Inc. previously operated a bar by that name at 51 Wharf Street.
16. 51 Wharf Street and Ultra Lounge, Inc. held an entertainment license at that location, which it obtained as a result of a prior business at that location being eligible for the exemption from the dispersal requirements in § 14-330.14.
17. 51 Wharf Street and Ultra Lounge, Inc. and Bonfire, LLC share a common owner, the Herget Group, LLC.
18. However, the entities are not the same; they are different corporate entities, and are even different types of corporate entities.

CONCLUSIONS OF LAW

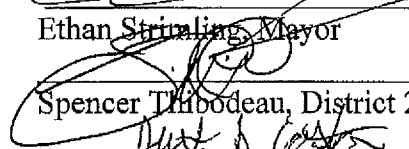
19. The applicant is located within 100' of another business with an entertainment license and, therefore, does not meet the dispersal requirements of § 14.330-13.
20. The applicant does not meet the standards to be exempted from the dispersal requirements of § 14-330.14 because it is the location at 51 Wharf Street that is exempt, and not the business.
21. Even if it was the business that was exempt, Bonfire still does not qualify for the exemption because Bonfire, LLC and 51 Wharf Street and Ultra Lounge, Inc. are not the same corporate entity, and Maine law generally does not allow an owner to disregard the corporate structure when it is convenient.

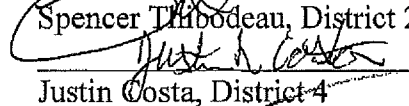
ORDER

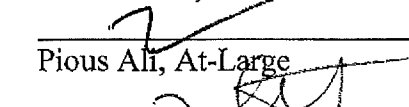
Therefore, the City Council denies the application of Bonfire, LLC for an entertainment license at 37 Wharf Street.

Dated: May 15, 2017

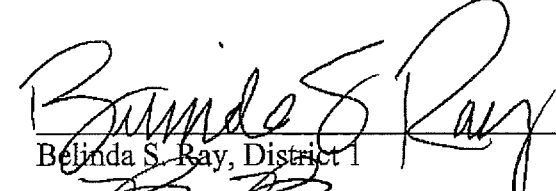

Ethan Strimling, Mayor

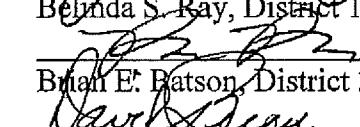

Spencer Thibodeau, District 2

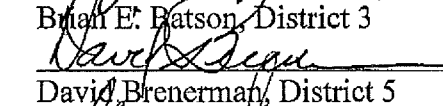

Justin Costa, District 4

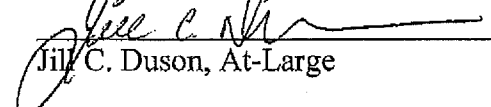

Pious Ali, At-Large


Nicholas M. Mavodones, Jr., At-Large


Belinda S. Ray, District 1


Brian E. Batson, District 3


David Breneman, District 5


Jill C. Duson, At-Large

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 31, 2019

SUBJECT: Order 118-19/20 Granting Municipal Officers' Approval of Miranda Restaurant Group dba Via Vecchia. Application for Indoor Entertainment at 10 Dana Street - Sponsored by Jon P. Jennings, City Manager

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Miranda Restaurant Group dba Via Vecchia. Application for Indoor Entertainment at 10 Dana Street.

Application was filed on 12/30/2019. Applicant has a pending Class XI License. Business is located in Downtown Entertainment Overlay District within 100 feet of another establishment with an entertainment license. Staff recommends that the application be DENIED, as the business does not meet the dispersal requirements of Portland City Code Section 14-330.13.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Via Vecchia-Entertainment
2. Diagram
3. Measuring Memo
4. Denial Decision for Bonfire
5. 20200121162258408

Prepared by:

Date: 12/31/2019

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

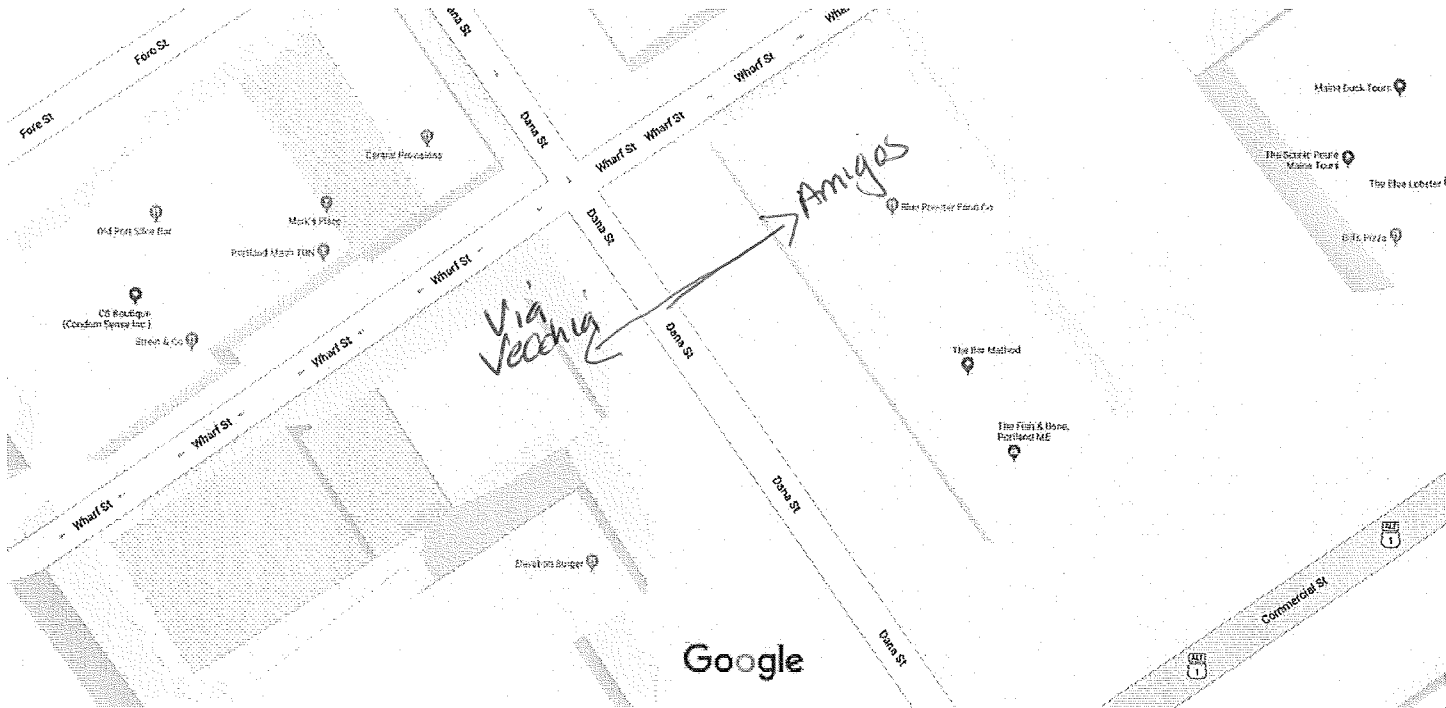
CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Miranda Restaurant Group dba Via Vecchia. Application for Indoor Entertainment at 10
Dana Street.**

Google Maps



Map data ©2020 20 ft

MEMORANDUM

TO: City Councilors; Mayor Strimling
CC: Jon Jennings; Danielle West-Chuhta; Michael Russell
DATE: October 12, 2017
RE: Measuring Distances in the Downtown Entertainment Overlay Zone

In connection with the Exchange Street Club's application for an entertainment license, the question has arisen how distances between entertainment licenses should be measured in the Downtown Entertainment Overlay Zone.

Section 14-330.13 of the City Code provides that "A business with an entertainment licenses . . . located within the downtown entertainment overlay zone may not be located within 100 feet of another business with an entertainment license." That 100 feet is measured "along or across public ways," and is measured "from the main entrance or entrances of each."

The requirement of measuring "along or across public ways" is different than other measuring standards found in State and City law. For example, the distance between licensees for nude activities in the City is measured "in a straight line, without regard to intervening structures or objects." City Code § 4-91(b). Alternatively, distances for liquor licenses are measured "by the ordinary course of travel," which requires the measurement to be taken using crosswalks and other legal means of travel. 28-A M.R.S. § 701.

The language "along or across public ways" for measuring distances between entertainment licenses likely does not require a straight line from door-to-door, as required for nude activities. It also likely does not require the measurement to only follow the legal path of travel, such as using crosswalks, etc. Instead, distances for entertainment licenses should be measured using straight lines down a sidewalk or street and directly across.

Staff has measured the distance between the proposed business at 10 Exchange Street and nearby businesses with entertainment licenses using the "along or across public ways" methodology, and that distance exceeds the 100' requirement in each instance.

**DECISION OF THE PORTLAND CITY COUNCIL DENYING
THE APPLICATION FOR A LIVE ENTERTAINMENT LICENSE**

IN THE MATTER OF BONFIRE, LLC

On April 5, 2017, the City of Portland City Council held a public hearing on the application of Bonfire, LLC for an entertainment with dance license pursuant to the City of Portland Code of Ordinances § 4-51. The following are the Council's findings and conclusions.

THE RECORD

The written record submitted in this matter is as follows:

1. Written cover letter from Tanner Herget on behalf of Bonfire Country Bar, requesting to move the entertainment license previously held by 51 Wharf Street and Ultra Lounge;
2. Application and associated materials submitted by Bonfire Country Bar;
3. Memorandum by Anne Torregrossa, Associate Corporation Counsel, addressing the differences between the corporate structure of 51 Wharf Street and Ultra Lounge and Bonfire LLC;
4. Memorandum from Ann Machado, Zoning Administrator, addressing the restrictions contained in City of Portland Code of Ordinances § 14-330.13; and
5. Memorandum from Jessica Hanscombe, Business License Specialist, addressing the restrictions contained in City of Portland Code of Ordinances § 4-57.5, with attachments.

At the hearing, the City Council also heard the following testimony:

6. Joseph Goodman, Esq., attorney for the applicant, addressed the Council and explained that his client obtained its entertainment license in August of 2006, as a result of the previous business at that location, Salsa, having an entertainment license. The applicant is seeking to move the license one door down.

Citing to the preamble of the relevant ordinance, Attorney Goodman testified that allowing the applicant to move the license would comply with the spirit of the ordinance because it would not be increasing density in that area. Attorney Goodman took the position that the applicant met the exception in § [14-]330.13.

Mr. Goodman pointed out that the definition of ownership under the ordinance is broad and includes ownership interests.

7. Tanner Herget, representative for the applicant, also addressed the Council with a diagram of the area. He explained that 51 Wharf had been a 300-person nightclub, and he is seeking to move the entertainment license from that location down the

road to the much smaller Bonfire. He is currently operating Bonfire Country Bar as a bar without entertainment.

Mr. Herget explained that he has been a conscientious bar owner in the City for a number of years, even serving on committees to improve the safety of the City's nightlife.

8. In a statement, and in response to Council questions, Ms. Hanscombe explained that Bonfire is located within the B-3 Zone, which has a dispersal requirement of 100' between businesses with an entertainment license. Bonfire is located 35' from Oasis, which has an entertainment license.

Ms. Hanscombe further explained that Mr. Herget has closed 51 Wharf Street, and is seeking to transfer the license to 37 Wharf Street, which staff does not believe is allowed.

In response to questions, Ms. Hanscombe explained that the location at 51 Wharf Street remains grandfathered and that a new business with entertainment could go in, so long as it was within one year of 51 Wharf abandoning its license.

9. Attorney Torregrossa, in response to questions by the Council, explained that a business other than 51 Wharf had held an entertainment license at 51 Wharf Street, prior to the deadline to be "grandfathered" under § 14-330.13. When that business closed and 51 Wharf opened in the same location, 51 Wharf was able to take advantage of that grandfathered entertainment license.

In response to questions, Attorney Torregrossa explained that staff's interpretation is that the location at 51 Wharf is grandfathered under the terms of the ordinance and there is no way for the Council to terminate that right without changing the ordinance. Staff considers that the location is grandfathered for a period of one year from the abandonment of the previous license.

She further explained the position in her memorandum that 51 Wharf Street and Ultra Lounge, Inc. and Bonfire LLC are separate corporate entities that cannot be disregarded and Maine law does not typically allow owners or others to disregard the corporate form.

10. Michael Sauschuck, Chief of Police, also spoke about the public safety concerns behind the dispersal requirement, particularly eliminating a single massive crowd being created at closing time with the bars in the Old Port. In Chief Sauschuck's experience, the issues they see at bar time increase when there are large masses.
11. No other members of the public spoke in favor of or against the application.

FINDINGS OF FACT

The City Council, therefore, finds as follows:

12. The applicant is Bonfire, LLC, which owns Bonfire Country Bar, located at 37 Wharf Street.

13. 37 Wharf Street is located within the Downtown Entertainment Overlay Zone.
14. It is also located within 100' of Oasis, which is another business that currently holds an entertainment license.
15. 51 Wharf Street and Ultra Lounge, Inc. previously operated a bar by that name at 51 Wharf Street.
16. 51 Wharf Street and Ultra Lounge, Inc. held an entertainment license at that location, which it obtained as a result of a prior business at that location being eligible for the exemption from the dispersal requirements in § 14-330.14.
17. 51 Wharf Street and Ultra Lounge, Inc. and Bonfire, LLC share a common owner, the Herget Group, LLC.
18. However, the entities are not the same; they are different corporate entities, and are even different types of corporate entities.

CONCLUSIONS OF LAW

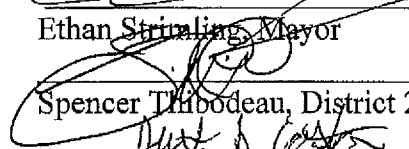
19. The applicant is located within 100' of another business with an entertainment license and, therefore, does not meet the dispersal requirements of § 14.330-13.
20. The applicant does not meet the standards to be exempted from the dispersal requirements of § 14-330.14 because it is the location at 51 Wharf Street that is exempt, and not the business.
21. Even if it was the business that was exempt, Bonfire still does not qualify for the exemption because Bonfire, LLC and 51 Wharf Street and Ultra Lounge, Inc. are not the same corporate entity, and Maine law generally does not allow an owner to disregard the corporate structure when it is convenient.

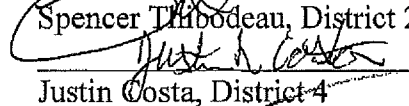
ORDER

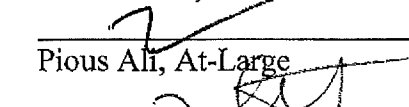
Therefore, the City Council denies the application of Bonfire, LLC for an entertainment license at 37 Wharf Street.

Dated: May 15, 2017

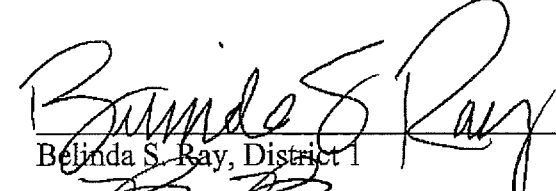

Ethan Strimling, Mayor

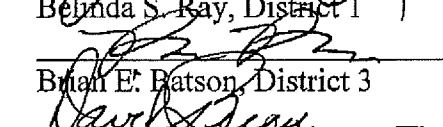

Spencer Thibodeau, District 2

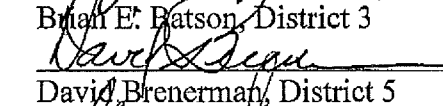

Justin Costa, District 4

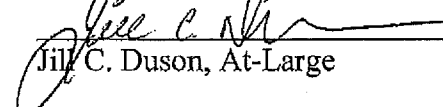

Pious Ali, At-Large


Nicholas M. Mavodones, Jr., At-Large


Belinda S. Ray, District 1


Brian E. Batson, District 3


David Breneman, District 5


Jill C. Duson, At-Large



CITY OF PORTLAND
Permitting and Inspections Department

TO: Kate Snyder, Mayor
Members of the Portland City Council

FROM: Jessica Hanscombe, Licensing and Housing Safety Manager

SUBJECT: Via Vecchia

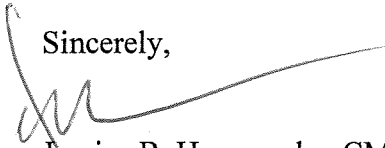
DATE: December 30, 2019

Any business that has live Entertainment and serves liquor is required to have a license per the City of Portland Code of Ordinances, Chapter 4 Sec 4-51. Miranda Restaurant Group, 10 Dana Street applied for an Indoor Entertainment License on December 30, 2019 as required. Via Vecchia, is located in the B-3c, which is a restricted location for Entertainment licenses pursuant to Sec 4-57.5.

***Sec. 4-57.5. Restricted locations.** Notwithstanding any other provision of this article, no new licenses shall be issued in the B-3c zone to drinking establishments and chemical-free night clubs, as defined in section 14-47. For purposes of this section, renewal of an existing license by the party holding the license on the date of enactment shall not be considered a new license. Any transfer of ownership shall be considered a new license. (Ord. No. 47-97, 8-4-97)*

Our division is recommending that Via Vecchia is not issued an Entertainment License, as they are located within one hundred feet of an existing business with an Entertainment License. They are 77 feet from Amigos, 9 Dana Street. This is in direct violation of our ordinance.

Sincerely,



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



Jessica Hanscombe
Licensing and Housing Safety Manager
389 Congress Street
Portland, Maine
04101

Ms. Hanscombe,

I am writing this letter in regards to an Entertainment License for The Miranda Restaurant Group DBA Via Vecchia. I would like an opportunity to plead my case in front of the Mayor and Portland City Council. I feel the language for the ordinance is unclear and leads to many interpretations, especially in the Old Port.

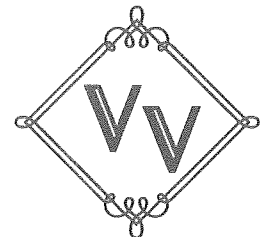
The reason why I am asking for an Entertainment License is for flexibility with the space. Via Vecchia is going to be a high-end restaurant & bar with two large separate rooms. I would like to make this venue available at times for private dinner receptions, office parties, wedding receptions etc etc. If a bride wants to have a first dance with her father while someone plays the harp, I would like for her to be able to and not be in violation of city ordinances. Via Vecchia is NOT trying to become a live music venue or dance club. The Restaurant is the focus here but to have flexibility of what we can offer by having an Entertainment License is integral to the business plan. In a town that is so saturated with quality restaurants and the ever-increasing rents, especially in the Old Port, to not maximize the space to its fullest potential ~~is~~ would be setting the business up for potential failure and a waste of such an iconic building.

Thank you for your time and consideration and thank you for your service to the City of Portland.

Sincerely,

Joshua Miranda
Via Vecchia
207-318-7815
joshua@vvoldport.com

10 Dana Street, Portland, Maine 04101
vvoldport.com · info@vvoldport.com · (207) 318 7815





Patrick O'Donnell, CTS

P.O. Box 2534
South Portland, ME 04106
207-632-3849
pat@stonemountainsound.com

November 24, 2019

City of Portland
Permitting and Inspections Department
389 Congress St. Room 307 Portland, ME 04101

Sound Mitigation Plan For 10 Dana St.

The proposed sound system for 10 Dana St. includes two sub systems.

The first sub system, is a distributed speaker system designed to deliver background music throughout the entire facility. This system is designed to have minimum SPL output, and will not require any mitigation measures. The speakers in this system are represented by red rectangles on the attached architectural plans. They will be focused away from the walls delivering the sound into the interior of the room.

The second subsystem is designed to amplify pre recorded dance music in the lounge area of the building. This system consists of four 10" main speakers, and a companion subwoofer. The speakers are represented as green rectangles on the attached architectural plans. The speakers will be focused away from exterior walls, delivering sound to the dance floor. This system is designed for music playback only, not for live band reinforcement. Given that the building is constructed of brick, it is my opinion that other than careful placement of the speakers, additional sound mitigating measures are unnecessary. The system by design will have a target SPL output of 85-90 Db A weighted in the center of the dance floor area. By the time that the audio reaches the exterior walls, the inverse square law states that it will be reduced to 75-80Db. After passing through the brick wall, it will be virtually inaudible from outside the building.

Both of the above systems will be controlled by a simple user interface designed by Stone Mountain Sound. It will allow for the adjustment of output level, and source selection.

This design does not include a stage.



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☒ Indoor Entertainment \$500.00	☐ Outdoor Entertainment \$700.00	☐ Combined Entertainment \$800.00
---	---	--

Business Information			
Business Name (d/b/a):	Miranda Restaurant Group	Phone:	207-318-7815
Location Address:	10 Dana / 34 Warf	Zip:	04101
Owner Name:	Joshua Miranda	Phone:	207-318-7815
Owner Email:	joshua@voldport.com		
Contact Person responsible for Entertainment:	Joshua Miranda	Phone:	207-318-7815
Contact Person Email:	joshua@voldport.com		
Manager of Establishment:	11	Phone:	
Manager Email:			

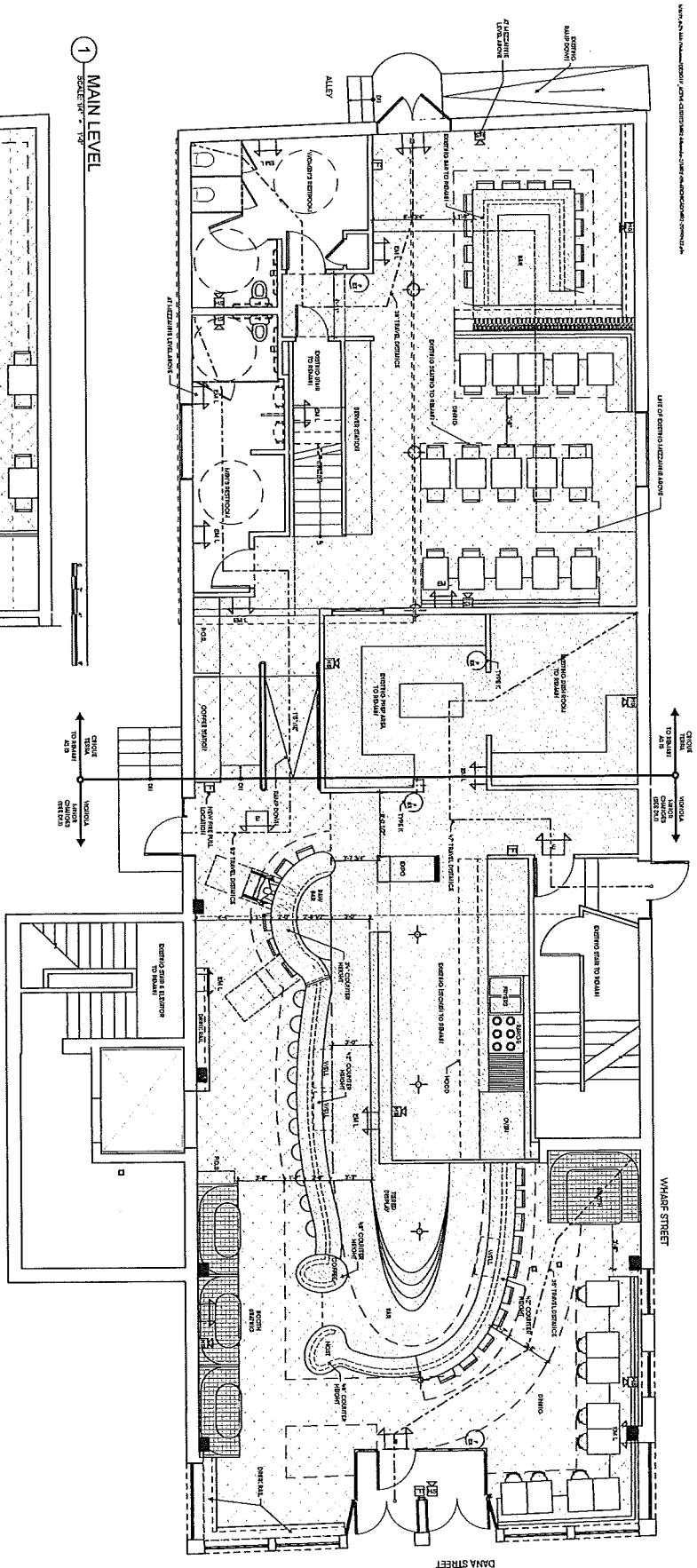
About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment: Italian restaurant and bar. Back of restaurant, formally Cinqua Terra, to be used as part of restaurant and also be closed for private events, company parties, retreats, family gatherings etc...
--

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

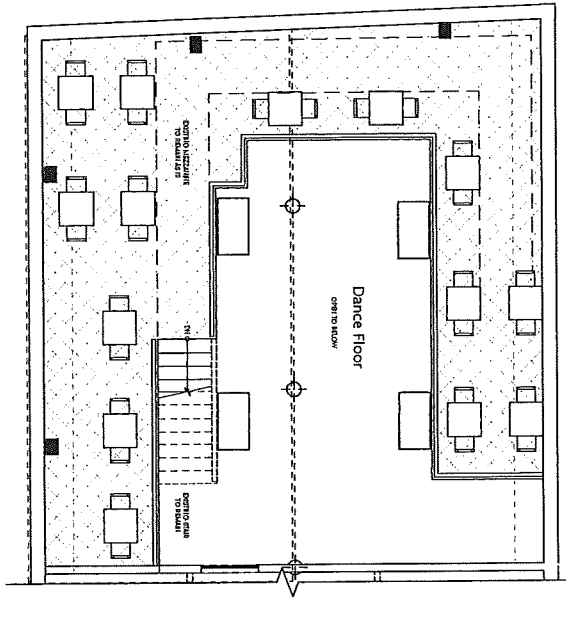
Signature Joshua Miranda Title owner Date 11/19/19

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov



1 MAIN LEVEL
SCALE 1/8" = 1'-0"

2 MEZZANINE
SCALE 1/8" = 1'-0"



2 MEZZANINE
SCALE 1/8" = 1'-0"

- KEY**
- PULL STATION
 - FIRE EXTINGUISHER
 - EXIT SIGN ALUM. FINISH, DUAL POWERED W/ B.M.L.
 - FIRE ALARM HORN STROBE
 - EMERGENCY LIGHTING (REMOTE HEADS) BRUSHED ALUM. FINISH
 - EGRESS PATH
 - TRAVEL DISTANCE TO EGRESS DOOR
- OCCUPANCY CALC. (NFPA)**
- ASSEMBLY OCCUPANCY, NO FIXED SEATS
415 NET
2500 SF/15 = 151 OCCUPANTS
 - COMMERCIAL KITCHEN
1100 GROSS
177 SF/100 = 12 OCCUPANTS
 - ASSEMBLY BENCH-TYPE
1500 SF
5000 SF/100 = 50 OCCUPANTS
- TOTAL ALLOWABLE OCCUPANT LOAD (NFPA): 197**
TOTAL PROPOSED OCCUPANT LOAD: 162

- NOT FOR CONSTRUCTION**
- PROJECT: MIRA
DATE: 5/24/2020
REVISION 1
DRAWN BY: JAC
CHECKED BY: JAC
PROJECT: Sustainable Design
- LIFE SAFETY PLANS**
AE-1.1



Kaplan
Thompson
Architects
PROJECT
La Strada
10 Dana Street, 1/4 Wharf Street
Boston, MA 02114



CITY OF PORTLAND
Permitting and Inspections Department

December 30, 2019

Miranda Restaurant Group
PO Box 6835
Portland ME 04112

Re: Miranda Restaurant Group dba Via Vecchia. Application for Indoor Entertainment at 10 Dana Street.

Dear Josh Miranda

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Wednesday January 22, 2020 at 5:30 p.m.**, for the review of application for Indoor Entertainment 10 Dana Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on January 22, 2020 at 5:30 P.M., in City Council Chambers, 389 Congress St. Miranda Restaurant Group dba Via Vecchia. Application for Indoor Entertainment and Outdoor Dining on Public Property at 10 Dana Street. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 3, 2020

SUBJECT: **Order 108-19/20 Accepting and Appropriating a \$15,000 Grant From the Sam L. Cohen Foundation for the English Speakers of Other Languages Collaborative Project - Sponsored by Jon P. Jennings, City Manager**

SPONSOR: Jon P. Jennings, City Manager

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

PRESENTATION: Greg Mitchell and Julia Luengo Trujillo/5 Minutes

I. SUMMARY

The Sam L. Cohen Foundation approved a \$15,000 grant to the City of Portland as part of the ESOL Collaborative Project, which includes include Portland Adult Education, Hope House ESL Program, Learning Works, the YMCA, In Her Presence, the Immigrant Welcome Center, the Salvation Army, and the Children's Museum of Maine; each of these providers facilitate English classes in some capacity.

II. AGENDA DESCRIPTION

This order accepts and appropriates a grant from the Sam L. Cohen Foundation to the City of Portland for \$15,000 for the English Speakers of Other Languages (ESOL) collaborative project.

The Sam L. Cohen Foundation grant to the City funds part of the ESOL Collaborative Initiative, Portland's main ESOL project, which involves Portland Adult Education, Hope House ESL Program, Learning Works, the YMCA, In Her Presence, the Immigrant Welcome Center, the Salvation Army, and the Children's Museum of Maine.

The Portland Office of Economic Opportunity coordinates the efforts of the Collaborative, whose mission is to improve the rate at which ESOL students and learners in the City of Portland reach English proficiency (as defined by a common assessment standard/metric) by enhancing the project's collaborative approach, where gaps and duplication of service are mitigated, and by improving individual and collective learning results.

This item must be read on two separate days. It was given a first reading on January 6, 2020. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Office of Economic Opportunity, who serves as the backbone/project manager role in the ESOL Collaborative, does not receive any grants from foundations at this time. All staff positions within the Economic Development Department, including the Office of Economic Opportunity, are funded by TIF District funds.

Most of the ESOL Collaborative members receive several grants to support their English services. However, each of these grants support individual programs, which continue to be crucial, even with the funding of this project. At this time, none of the philanthropic dollars are available support this level of intentional sustainable coordination among Portland's ESOL providers.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Desired results include improvements in English among students by the end of Phase II (with Phase I being creating and adopting the curriculum), increased number of students taking ESOL classes at each provider's site, as well as an increase in the number of hours students spend learning English per week. Additionally, with a common curriculum and combined intervention, another desired outcome is that providers will have a better sense of language acquisition in the area.

V. FINANCIAL IMPACT

There is no financial impact to the City other than in kind services of the Office of Economic Opportunity facilitating the project.

VI. STAFF ANALYSIS AND BACKGROUND

With the increasing number of new Mainers coming to Portland, this Grant would facilitate an ESOL curriculum among the Collaborative and measure its effectiveness.

VII. RECOMMENDATION

Staff recommends accepting and appropriating this grant in support of the proposed new ESOL Curriculum among the Collaborative.

VIII. LIST ATTACHMENTS

1. Sam L. Cohen Grant Acpt., Approp. 1.6.2020
2. 11-11-2019 Ltr from SC Foundation - Grant Approved for \$15K

Prepared by:

Date: 1/3/2020

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER ACCEPTING AND APPROPRIATING A \$15,000 GRANT FROM
THE SAM L. COHEN FOUNDATION FOR THE
ENGLISH SPEAKERS OF OTHER LANGUAGES COLLABORATIVE PROJECT**

ORDERED, that a Sam L. Cohen Foundation grant in the amount of \$15,000 is hereby accepted for the English Speakers of Other Languages Collaborative Project; and

BE IT FURTHER ORDERED, that the \$15,000 is hereby appropriated for use by the English Speakers of Other Languages Collaborative Project; and

BE IT FURTHER ORDERED, the City Manager or his or her designee is authorized to execute any and all documents necessary to accept and appropriate the grant, and otherwise carry out the intent of this order.



SAM L. COHEN
FOUNDATION

BOARD OF DIRECTORS:

JEROME F. GOLDBERG, CHAIR
SHERRY P. BRODER
ELINOR G. MILLER
JEFFREY A. NATHANSON
EDWARD K. SIMENSKY
KENNETH S. SPIRER

EXECUTIVE DIRECTOR:
JOHN SHOOS

November 11, 2019

Julia Trujillo
Director / City of Portland Office of Economic Opportunity
City of Portland
389 Congress Street
Portland, ME 04101

Dear Ms. Trujillo:

On November 10, 2019, the board of directors of the Sam L. Cohen Foundation met to review a number of compelling grant requests. It is a pleasure to inform you that we voted to grant \$15,000 to support the ESOL Collaborative Common Curriculum project as described in your application dated September 3, 2019. Enclosed is a check for that amount.

If for any reason the entire grant amount cannot be used for the project as outlined in your application, please contact us so that we can discuss whether the money can be spent on another project or must be returned to the Foundation. In addition, by the end of the grant period, December 15, 2020, please provide a final grant report evaluating the effectiveness of the project. You can find instructions for submitting a grant report through our online system on the Foundation's website.

This grant will be included in the list of current grants on the Foundation's website.

The Foundation directors and staff recognize that the ESOL Collaborative is a valuable resource for our community. We are pleased to support you in your efforts.

Sincerely,

Jeffrey A. Nathanson
President, Board of Directors

MEMORANDUM
City Council Agenda Item

FROM: Paul Bradbury, Jetport Director

DATE: January 3, 2020

SUBJECT: **Order 109-19/20 Approving and Appropriating Federal Aviation Administration Airport Improvement Program Entitlement and Discretionary Grants - Sponsored by Jon P. Jennings, City Manager**

SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: Yes action can be taken at a later date, but in order to minimize impacts to flight operations the Jetport is planning a construction start in April 2020. In order to meet this schedule, final action must be complete by the March 2, 2020 City Council meeting.

PRESENTATION: Paul Bradbury will introduce as needed, and answer any Council questions on this item.

I. SUMMARY

The Portland International Jetport requests approval and appropriation of Federal Aviation Administration Airport Improvement Program federal fiscal year 2020 entitlement and discretionary grants totaling an estimated \$5.46 million and naming the Airport Director as the City's official representative for the grants.

II. AGENDA DESCRIPTION

The Federal Aviation Administration issues grants to fund eligible safety and capacity projects at airports nationwide through the Airport Improvement Program (AIP). This program is funded through federal taxes on commercial air fares and on aviation fuel taxes. The amount of entitlement funding allocated to each airport is based on the annual number of enplaned commercial passengers the airport handled in the prior calendar year. This year the Portland International Jetport has AIP entitlement funding totaling \$4.12 million based upon 1,062,873 enplaned passengers in 2018. In addition to entitlement funding the Jetport is also seeking AIP discretionary funding of \$1.35 million in federal FY 2020. Two projects have been planned this year which include: the construction of Taxiway B to connect Runway 36 to 29; and the construction of a Runway 11 bypass taxiway and realignment of the vehicle service road. The Taxiway B construction project was originally scheduled for last construction season, but was delayed to this federal fiscal year due high construction costs last year. These projects will be procured under two separate construction contracts with a total engineer estimated cost for both projects of \$6.07 million.

The AIP funding amount for these projects of \$5.46 million is 90% of the total cost for the projects. The balance of \$610,000 is covered locally through the Jetport's operating budget and through state funding of 5% of AIP project costs.

This item must be read on two separate days. It was given a first reading on January 6, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The FAA requires approval of AIP Grants and the AIP Grant Assurances by the airport sponsor's governing body, which for the Jetport is the Portland City Council. Additionally, it requires the governing body to name the official representative for those grants, which for the Portland International Jetport is the Airport Director.

All elements of the two projects being proposed for federal FY 2020 were included and scheduled within the 20 year capital program developed as part of the Jetport's Sustainable Airport Master Plan that was accepted by the Council in November 2016.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The approval of the federal FY2019 grant applications will allow the Portland International Jetport to proceed with these needed safety and capacity projects.

The Portland International Jetport provides a robust connection for the region to the national air transportation system and in doing so plays an important role in supporting regional economic development. Approval of these grants allows the Portland Jetport to invest in needed safety and capacity infrastructure.

V. FINANCIAL IMPACT

If approved, the Portland International Jetport will apply for and expects to receive \$5.46 million in federal funding grants that will fund 90% of the project costs currently estimated at \$6.07 million. The \$610,000 not covered by federal AIP grants will be covered equally by the Jetport's operating budget and the State in the amount of \$305,000 each. Approval of these grants has no impact to the City of Portland's general fund or the tax rate.

VI. STAFF ANALYSIS AND BACKGROUND

Approval of these grants will provide for needed infrastructure investment in the Portland International Jetport, consistent with the Jetport's Sustainable Airport Master Plan.

VII. RECOMMENDATION

Portland International Jetport staff recommends the City Council approve this request for federal FY 2020 AIP Grant funding totaling \$5.46 million.

VIII. LIST ATTACHMENTS

1. FAA AIP Grants and Authorizing Dir. of Jetport 1.6.2020
2. FFY 2020 AIP Project Orientation Plans
3. airport-sponsor-assurances-aip (1)

Prepared by:

Paul Bradbury, Jetport Director

Date: 1/3/2020

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

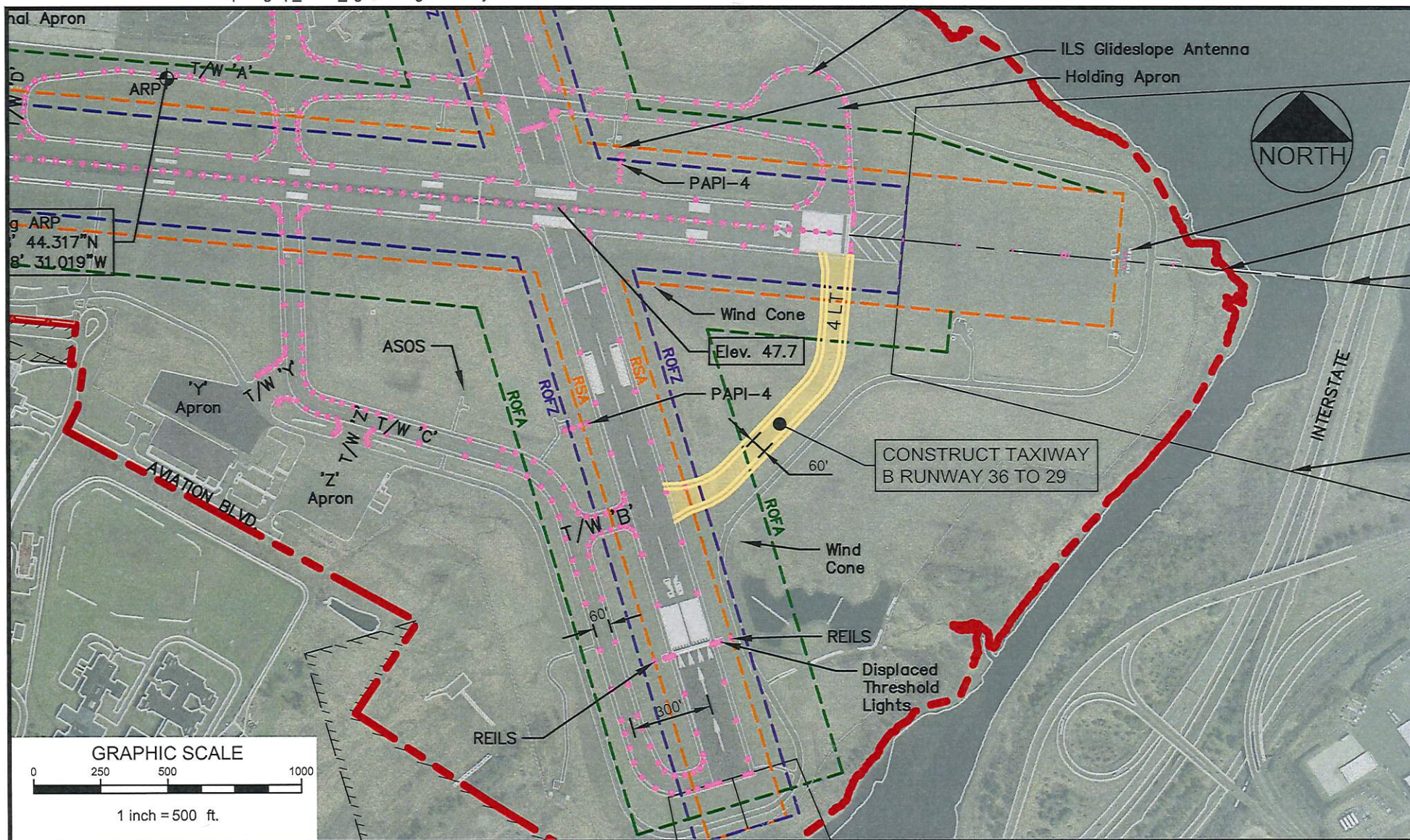
**ORDER APPROVING AND APPROPRIATING
FEDERAL AVIATION ADMINISTRATION
AIRPORT IMPROVEMENT PROGRAM
ENTITLEMENT AND DISCRETIONARY GRANTS**

ORDERED, that grant funding of approximately \$5.46 million dollars from the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) from federal fiscal year 2020 entitlement and discretionary funding is hereby approved for the Portland International Jetport (Jetport) for the following projects:

- The construction of Taxiway B to connect Runway 36 to 29; and
- The construction of a Runway 11 bypass taxiway and realignment of the vehicle service road; and

BE IT FURTHER ORDERED, that the funds for said project are hereby appropriated from federal and state grant funding, and the local share of the projects shall be appropriated as part of the Jetport's budget and from state funding; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Director of the Jetport to be the official representative for these AIP grants, as required by the FAA, and to execute grant documents and any other related documents necessary or convenient to carry out the intent of said documents.



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PORTLAND INTERNATIONAL AIRPORT
FIGURE TO ACCOMPANY PROJECT
READINESS FORM

File Name: op_m116_figures

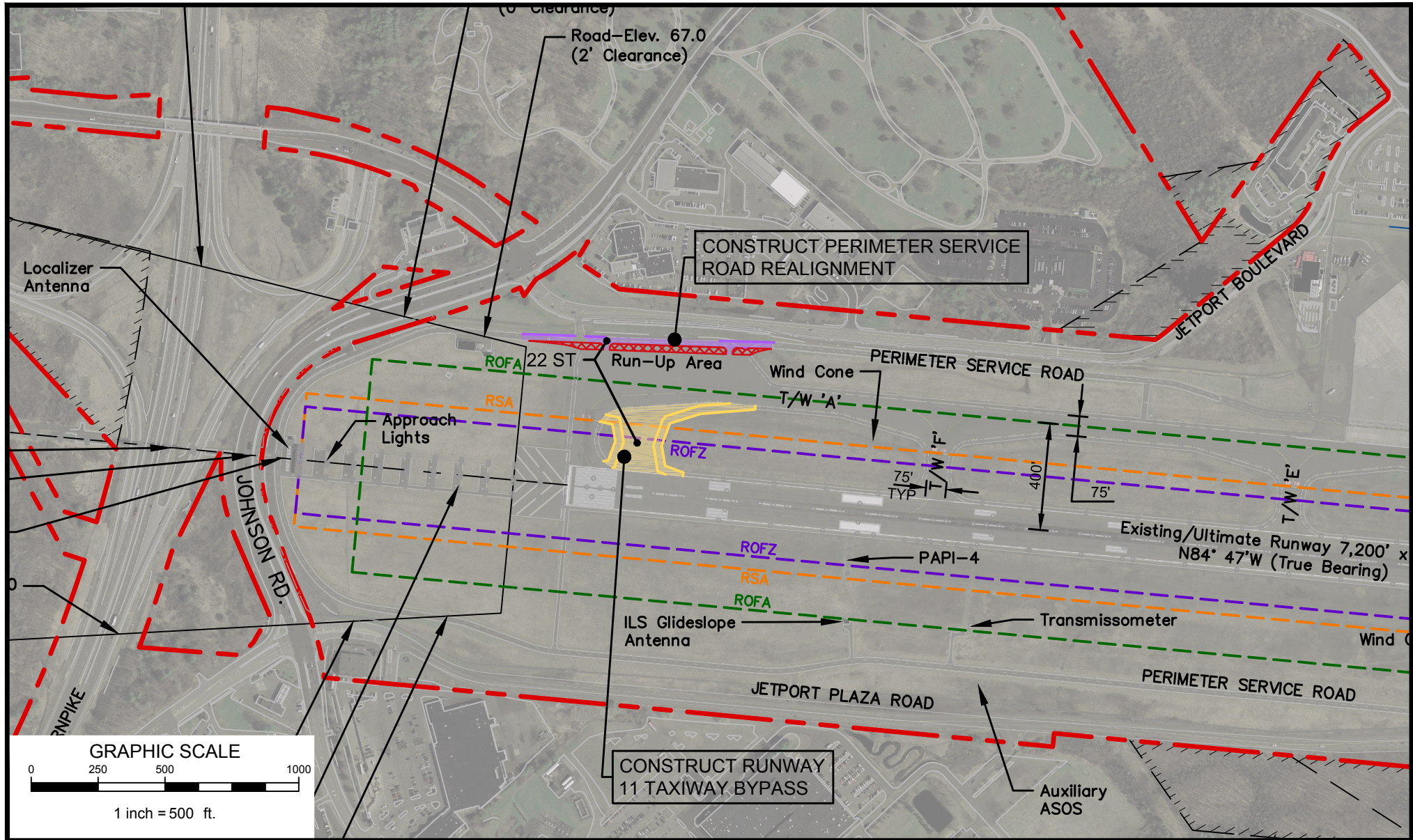
LA	DDA	DDA	2018.11.28
DWN.	CHKD.	DSGN.	DATE

Title

CONSTRUCT TAXIWAY B
RUNWAY 36 TO RUNWAY 29

Figure No.

1



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PORTLAND INTERNATIONAL AIRPORT
FIGURE TO ACCOMPANY PROJECT
READINESS FORM

File Name: op_m116_figures

LA	DDA	DDA	2019.10.25
DWN.	CHKD.	DSGN.	DATE

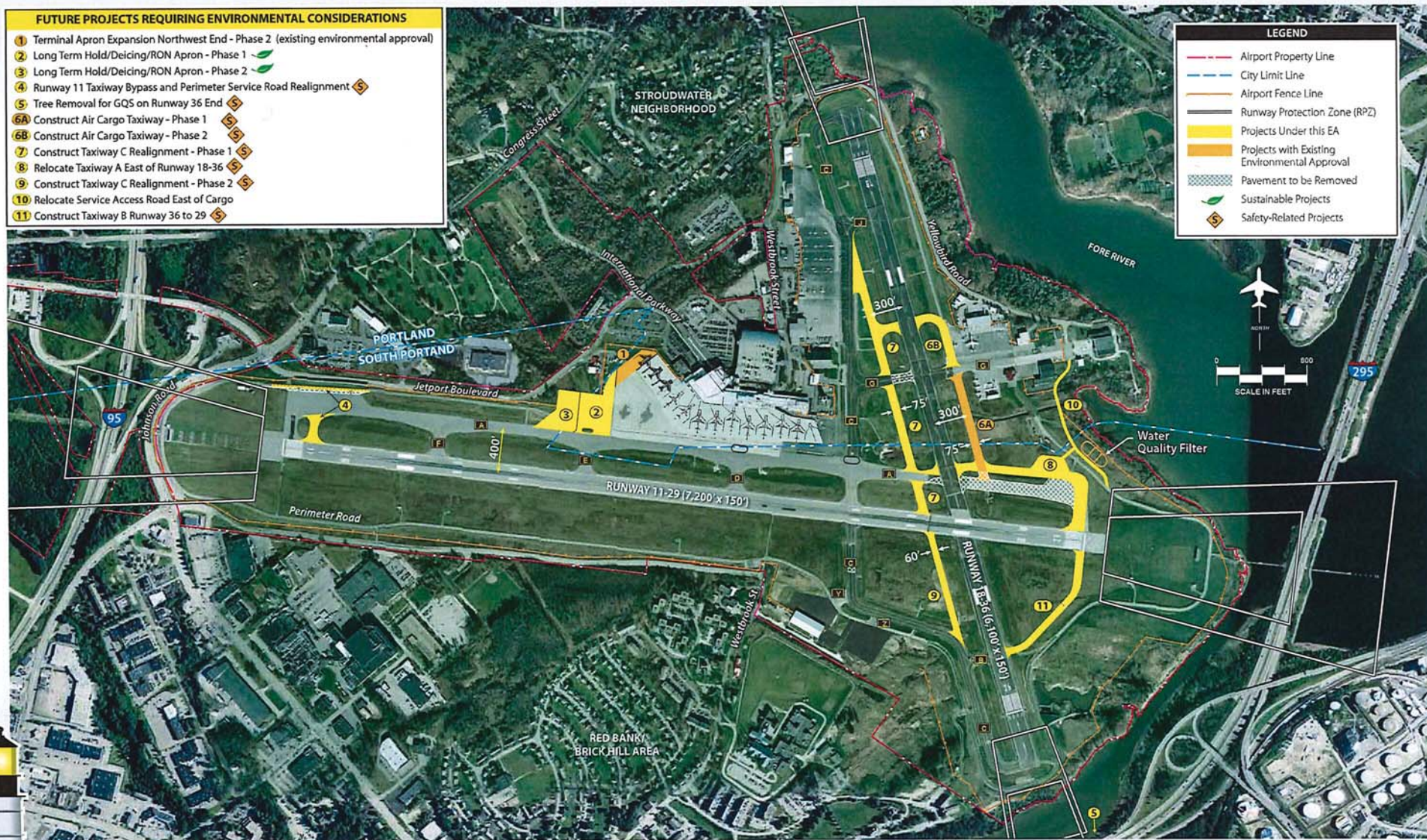
Title

RUNWAY 11 TAXIWAY BYPASS &
PERIMETER SERVICE ROAD
REALIGNMENT

Figure No.

1

FUTURE PROJECTS AT PORTLAND INTERNATIONAL JETPORT





ASSURANCES

Airport Sponsors

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. **Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.**

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.**

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

Federal Legislation

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1 2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

Executive Orders

- a. Executive Order 11246 - Equal Employment Opportunity¹
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 - Environmental Justice

Federal Regulations

- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4, 5, 6}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- m. 49 CFR Part 20 - New restrictions on lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.

- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

Specific Assurances

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

Footnotes to Assurance C.1.

¹ These laws do not apply to airport planning sponsors.

² These laws do not apply to private sponsors.

³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.

⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.

⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and

has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans,

specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal,

state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required;
 - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or

to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-

- 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
 - d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
 - e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
 - f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
 - g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
 - h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
 - i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or

operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.

- 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
 - c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and

- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing
 - 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and

roads), including all proposed extensions and reductions of existing airport facilities;

- 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
 - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- b. If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 - 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
 - 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.

- 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

“The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

e. Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a

covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:

- a) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another

eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.

- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated _____ (the latest approved version as of this grant offer) and included in this grant, and in accordance

with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

MEMORANDUM
City Council Agenda Item

FROM: Paul Bradbury, Jetport Director

DATE: January 3, 2020

SUBJECT: **Order 110-19/20 Appropriating \$545,000 for the Design of Surface Parking Expansion and Relocation of Administrative Offices at the Portland International Jetport - Sponsored by Jon P. Jennings, City Manager**

SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: Yes

PRESENTATION: Paul Bradbury will introduce as needed, and answer any Council questions on this item.

I. SUMMARY

In order to meet passenger growth the Portland International Jetport is requesting a \$545,000 appropriation from its unrestricted fund balance for design services to expand surface parking and to relocate the existing administrative offices.

II. AGENDA DESCRIPTION

The Portland International Jetport is requesting an appropriation of \$545,000 from its unrestricted fund balance to commence design on the following two projects:

1. Design for expansion of surface parking lot(s), \$223,000; and
2. Design to relocate administrative offices in terminal building, \$322,000.

The Jetport has experienced significant growth over the past 24 months, with total passengers up more than 310,000 or nearly 17% in this time frame. This growth has resulted in the need to develop plans for additional surface parking and for relocating the existing administrative offices. The relocation of the existing administrative offices will provide more space for future passenger amenities and services within the gate concourse.

This item must be read on two separate days. It was given a first reading on January 6, 2020. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Jetport has experienced record growth over the past two years up 272,217 passengers in 2018 and up a projected 41,000 passengers in 2019. Total passengers are projected to exceed 2.175 million in 2019. In order to meet passenger demand and maintain high passenger satisfaction Jetport staff is recommending the commencement of design services to provide more surface parking and to relocate the Jetport administrative offices to existing shell space over baggage claim. The relocation of the administrative offices, which are adjacent to the gate concourse, will allow for the needed expansion of passenger amenities within the gate concourse. These amenities include: expanded concessions, additional restrooms, and a passenger lounge.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The approval of this appropriation will allow the Jetport to commence design on two projects needed in the short term to meet passenger growth expectations. The success of the Jetport is directly related to its ability to provide a more convenient and efficient air travel experience than other airports within the region. The design funding being requested under this appropriation is the first step in providing needed expansions to parking and the gate concourse.

The Portland International Jetport provides a robust connection for the region to the national air transportation system and in doing so plays an important role in supporting the local and regional economy. Approval of this funding allows the Portland Jetport to commence the design and planning for infrastructure needed to better serve the 2.175 million passengers using it annually.

V. FINANCIAL IMPACT

The Jetport's unrestricted cash fund balance was \$23,109,034 as of December 5, 2019. If approved, the Jetport will use \$545,000 of its unrestricted to commence these design services. The Jetport's unrestricted cash fund balance amounts to 488 days of operating expenses on hand. At the last rating review with S&P and Moody's I noted our commitment to maintain 365 days of operating cash on hand. If this appropriation is approved the Jetport will remain well above this floor at 477 days of cash on hand.

The Jetport is an enterprise fund of the City that is fiscally self-sustaining. FAA grant assurances and the covenants for the Jetport's General Airport Revenue Bonds (GARBS) require all revenues generated at the Jetport be pledged to cover only Jetport expenses. The approval of this appropriation has no impact to the City of Portland's general fund or tax rate.

VI. STAFF ANALYSIS AND BACKGROUND

Approval of this appropriation for design services provides the first step in the process for the needed expansion of parking and gate concourse capacity. Staff recognizes our passengers have a choice on which airport to use. The Jetport's ability to compete for passengers is directly tied to the convenience and service it provides.

VII. RECOMMENDATION

Jetport staff recommends the City Council approve this request to appropriate \$545,000 from the Jetport's unrestricted cash fund balance to proceed with these design services.

VIII. LIST ATTACHMENTS

1. Appropriating \$545,000 for Parking and Office Design Services 1.6.2020
2. Jennings_Memo_Jetport Parking Needs_1142020

Prepared by:

Paul Bradbury, Jetport Director

Date: 1/3/2020

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER APPROPRIATING \$545,000 FOR THE DESIGN OF SURFACE PARKING
EXPANSION AND RELOCATION OF ADMINISTRATIVE OFFICES
AT THE PORTLAND INTERNATIONAL JETPORT**

ORDERED, that \$545,000 from the Portland International Jetport unrestricted fund balance is hereby appropriated for two projects, as follows:

1. Design for expansion of surface parking lot(s), \$223,000; and
2. Design to relocate administrative offices in terminal building, \$322,000.

CITY OF PORTLAND, MAINE MEMORANDUM

TO: *Jon Jennings, City Manager*
FROM: *Paul Bradbury, Airport Director*
DATE: *January 14, 2020*
RE: *Portland International Jetport Parking Need*

I'm writing to provide more information on the need to commence planning and design for additional public surface parking spaces at the Portland International Jetport. The Jetport is a multimodal hub connecting many forms of ground transportation to the national air transportation system. This ground transportation includes bus, taxi, limo, charters, transportation network companies (Uber/Lyft), commercial shuttles, personal vehicles, rental cars, bicycles, pedestrians, and others. As a multimodal hub the Jetport's goal is to efficiently support all these methods of transportation. This said, the reality is that our travelers come from a mostly rural geographical area covering Maine, eastern central New Hampshire, and New Brunswick. The primary transportation means for much of this large mostly rural area remains personal vehicles.

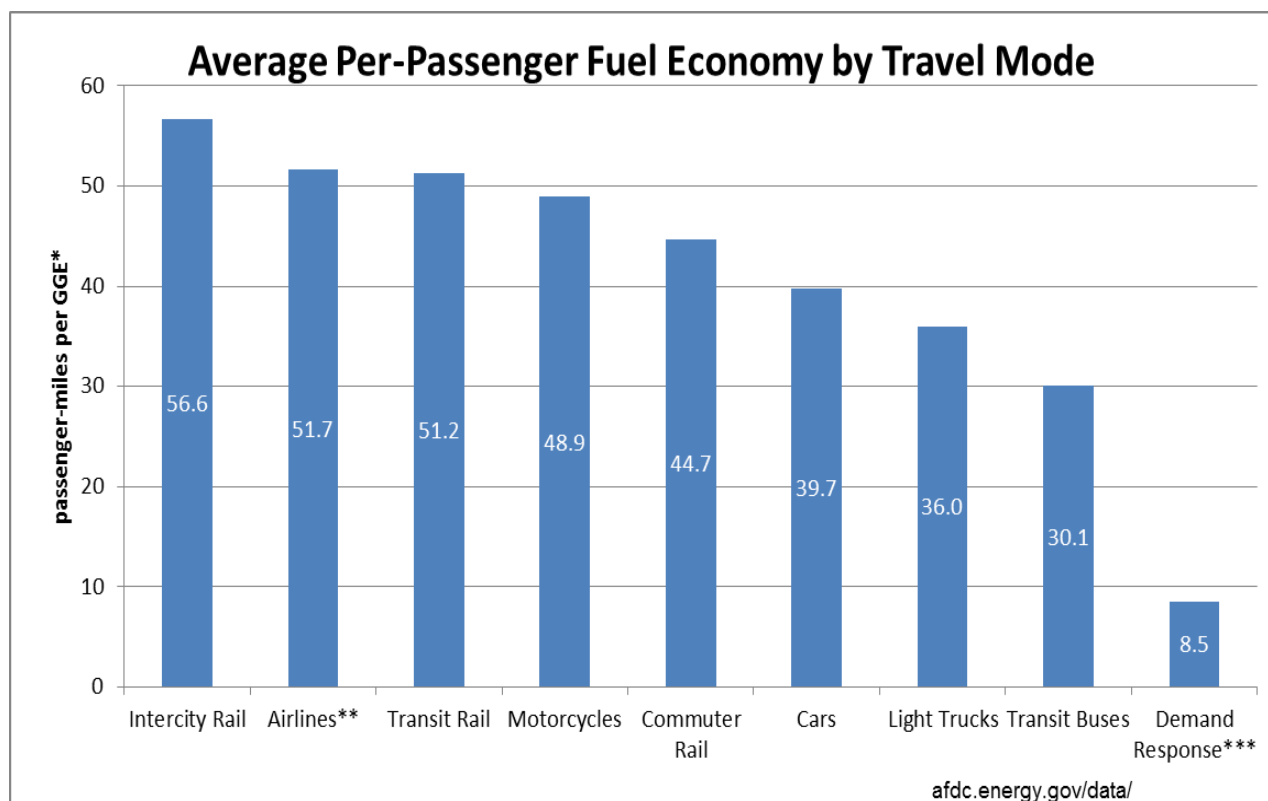
Over the past two years the Jetport has experienced substantial 17% growth. In 2019 the Jetport provided service to 2.18 million total passengers. According to industry standards, origination destination airports like the Jetport require approximately 1.25 parking spaces per 1,000 total passengers. Based upon this metric the Jetport requires 2,725 long term public parking spaces to accommodate its current passenger volumes. The Jetport has 2,325 long term public parking spaces on campus and an additional 459 long term parking spaces at its discount lot on District Road for a total of 2,784 spaces. At peak times of year we are now at capacity and need to consider options for additional parking capacity.

The introduction of transportation network companies like Uber and Lyft and electric vehicles is indicative of the rapid technological change that is happening in ground transportation. The next big technological change for ground transportation will be the widespread introduction of autonomous vehicles. This will not be in the short term less than ten years, but very likely it will occur shortly thereafter. This introduction can be expected to dramatically change car ownership and how vehicles are used. My expectation is the amount of airport parking needed per 1,000 total passengers will drop once autonomous vehicles become mainstream. For this reason I am proposing additional surface parking rather than another parking structure. A modest increase in surface parking of 250-375 spaces near the terminal and/or at the discount lot on District Road will provide the capacity needed to meet short term 3-5 year parking demand while giving us time to better understand the impacts technology will have on our future parking needs. I do not believe an expansion of the existing parking garage, which would require 30 year bonded debt is appropriate at this time given the uncertainty around future parking demand.

Many believe our national air transportation system and the use of scheduled commercial aviation is an energy intensive and inefficient means of travel, but the data tells a different story. United States domestic air travel actually provides the second highest average per passenger fuel

economy in the United States at 51.7 passenger miles per gasoline-gallon equivalent. Only intercity rail at 56.6 passenger miles per gasoline-gallon equivalent is more efficient. This data last updated in November 2018 by the U.S. Department of Energy is provided below. Scheduled U.S. domestic flights use less average energy per passenger mile than transit rail, commuter rail, cars, or transit buses. The reason for this low per passenger energy consumption is the high load factors and significant recent improvement in jet engine efficiency.

Scheduled commercial aviation is the safest and one of the most energy efficient ways to travel in this country. The Jetport provides a critical multimodal connection to this safe and efficient air transportation system. If we want our statewide air trade area to continue to access this connection locally and conveniently via the Jetport, we must provide adequate ground transportation access including parking.



Data Source: Table 2.14 of the Transportation Energy Data Book 36B. 2018. Oak Ridge National Laboratory. (cta.ornl.gov/data/index.shtml). BTU to GGE conversion taken from Appendix A3 of the Monthly Energy Review, September 2018. (eia.gov/totalenergy/data/monthly/pdf/sec13_3.pdf)

Notes:

*Gasoline-Gallon Equivalents (GGE) are used to compare gasoline, diesel, and electricity on a level basis. Alterations to the source data were made to account for the inefficiencies of electricity production. This impacts rail the most because it has the highest level of electric power.

**Domestic flights only. All fuel use is attributed to passengers, none to cargo that might be using the same airplane.

*** Includes passenger cars, vans, and small buses operating in response to calls from passengers to the transit operator who dispatches the vehicle.

Acronyms:MPGGE: Miles per gasoline-gallon equivalent

pmpGGE: passenger mile per gasoline-gallon equivalent

Worksheet available at afdc.energy.gov/data Last updated 11/26/2018

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

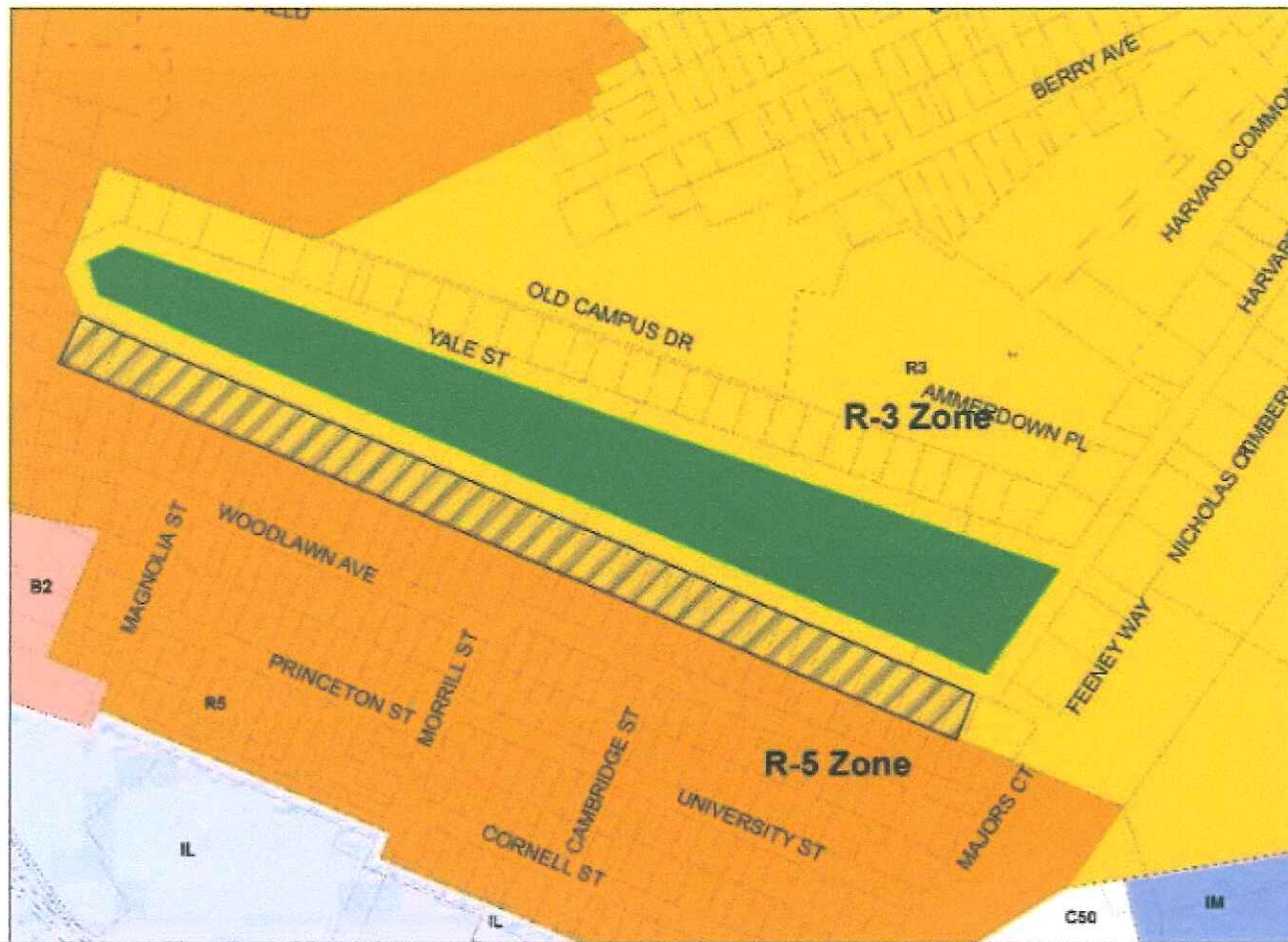
KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO ZONING MAP
RE: HARVARD STREET**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the following map change amendment and specifically rezoning property on Harvard Street from R-3 to R-5, as shown in the striped area in the map attached hereto as Exhibit A.

EXHIBIT A



Proposed Zoning Map Amendment
R-3 Residential Zone to R-5 Residential Zone
November 2019

Map produced by the City of Portland Planning Division using GIS Work Group data



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

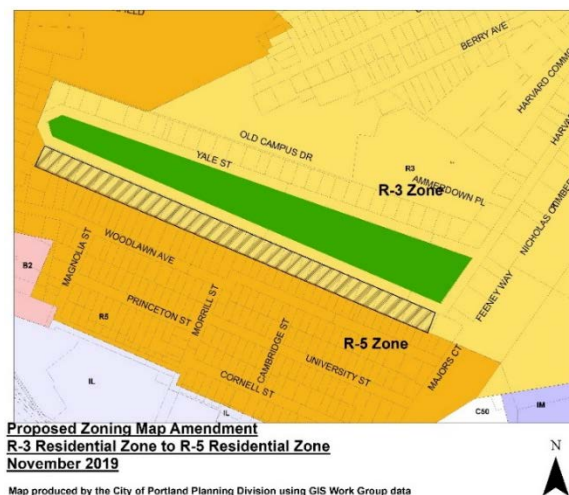


Zoning Map Amendment
109 Harvard Street
Rezoning from R-3 Residential to R-5 Residential
ZN-000716-2019
Wescott and Payson LLC, Applicant

Submitted to: Portland City Council From: Portland Planning Board Second City Council Reading: January 22, 2020	Prepared by: Shukria Wiar, Planner Date: December 16, 2019
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I. INTRODUCTION

On November 26, 2019, the Planning Board unanimously (6-0) voted to recommend a zone change from the R-3 Residential to the R-5 Residential zone for the area along the undeveloped portion of Harvard Street to the City Council the adoption. The Planning Board members found the proposed zone change to be consistent with the comprehensive plan and to benefit the city as a whole by supporting new housing opportunities. The applicant, Wescott and Payson LLC, requested the rezoning for their property at the east end of Harvard Street across from University Park, but the Planning Board recommended that a wider area extending west to Allen Avenue (see plan below) be considered for the map amendment.



The recommended boundary of the R-5 zoning amendment comprises five sections of Harvard Street as listed below (see the more detailed plan and ownership schedule):

- **109 Harvard Street (eastern end – red solid line in Figure 3 above):**
Parcel subject of developers original Zoning Map Amendment application and for which there is the indicative proposal for 20 duplex homes on 20 lots for a total of 40 residential units, as described in this report. Owned by Westcott & Payson II, LLC.
- **Nos. 25-63 Harvard Street (western end – blue dashed line in Figure 3 above):**
Owned by two different owners:
 1. Northern New England Conference Association of Seventh Day Adventists (25-55)
 2. Shirley E Tevanian Trustee (57-63)

The proposed zone change was requested by the applicant to accommodate a residential development of twenty (20) duplexes. The proposed zoning map amendment would enable the applicant to construct forty (40) residential units. The intent and purpose of the rezoning is to facilitate the construction of duplex units on the applicant-controlled property; duplex units are not permitted under R-3, but are permitted under R-5.

There has been one workshop and one public hearing with the Planning Board for this project. The meetings were held on 09.10.2019 and 11.26.2019, respectively. On November 26, 2019, the Planning Board unanimously voted to recommend the map amendment (R-5) to the City Council with a vote of 6-0.

In considering the proposal, the Board members considered the consistency of the proposal with Portland's Plan 2030. The Board found the proposed rezoning to be consistent with the plan and offered a benefit for the city as a whole. The proposed development, if constructed, would serve a greater variety of family housing types and income levels than would be possible under the existing zoning, including providing affordable homeownership opportunities under the city's inclusionary zoning requirements. The members noted that housing of all types - including smaller houses - throughout the city are needed for the city to grow. The Board also noted that the future site plan and subdivision would undergo a rigorous development review. The members recommend the map amendment to the City Council for adoption.

II. PROJECT DATA

Existing Zoning	R-3 Residential
Proposed Zoning	R-5 Residential
Existing Use	Vacant Lots
Proposed Use	20 Duplexes for a total of 40 residential units
Parcel Size	±3.4 acres (149,726 SF)

III. BACKGROUND & EXISTING CONDITIONS

The subject property consists of 26 former lots as set forth on the original plan of University Park, which was approved and recorded as a subdivision in 1937. The lots are contiguous and all have frontage on Harvard Street which was dedicated to the City of Portland at the time of the recording of University Park in 1937. According to a memo dated July 22, 1988 from the Associate Corporation Counsel, portions of the R-5 zoning near University Park were rezoned to R-3 by the City Council; please see [Attachment 1](#). In 2003, the Planning Board approved a thirty (30) unit planned residential unit development (PRUD) and 10 (ten) lot subdivision on Yale Street. The proposed tract of land on Harvard Street was excluded due to wetlands on site.

The parcel under the applicant's control is 3.4 acres in size, is approximately 107 feet deep, and has approximately 1,450 feet of frontage on Harvard Street. At present, the property is wooded with areas of wetlands at the eastern end. The adjacent properties fronting on Woodlawn Avenue are zoned R-5, as are other streets to the south and west.

IV. PUBLIC COMMENT

There has been extensive public comment on the proposal, which is included in the Planning Board report to the City Council. At the public hearing, seven residents spoke with the majority in opposition to the rezoning, and eighty-four (84) written comments were submitted; please see [Attachment PC1 to PC91](#). As part of this application, a required neighborhood meeting was held on June 26, 2019. Fifty-five (55) people attended the meeting to voice their concern for the rezoning of the property. The neighborhood meeting packet and minutes are included in the [Applicant's Submittals E1-E4](#).

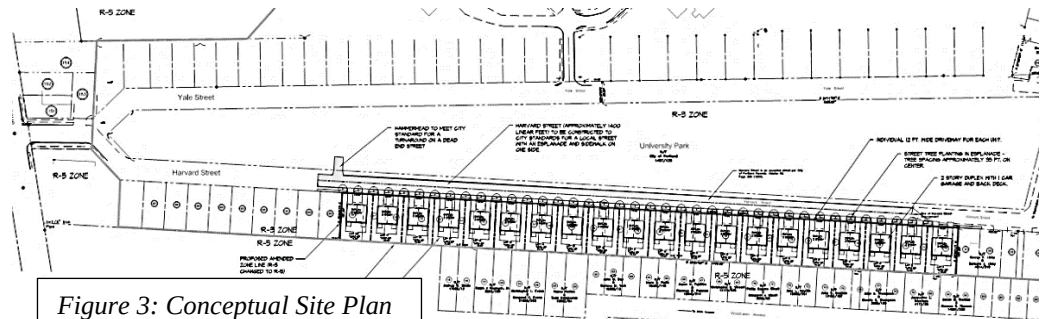
- Impact on abutters: Comments from abutters voiced concern regarding the impact on their properties, including loss of wetlands and trees on the site.
- Impact on the neighborhood character: Most of the abutters who are opposed to the rezoning have concerns that the neighborhood has been overwhelmed by new development, and that this development has negatively impacted the character of their neighborhood. The abutters also state

that the rezoning would not maintain the integrity of the area and that it is not compatible with the neighborhood, and therefore it is not line with the comprehensive plan.

- **Traffic Impacts:** Abutters and neighbors submitted written comments and spoke at the Planning Board meetings to highlight the increased levels of traffic using Yale Street and Harvard Street now, and concerns about pedestrian safety, particularly school-aged children with their bus pick up and drop off, and the intrusion that would result from further increases in traffic if the future development contemplated by the applicant were to be constructed.

V. PROPOSED CONCEPTUAL DEVELOPMENT

While the proposed action for consideration by the Planning Board at this time is a Zoning Map Amendment, the applicant has provided a conceptual site plan for the future project that the rezoning to R-5 would facilitate. The applicant's objective with the project would be to orient residential units so that they face University Park and maintain the street character of the surrounding area. The two-story duplex structures would have



a front porch and multiple gable roof design to add architectural interest to the Harvard Street façade. The design would also include a rear deck and one car garage, all elements typical of a residential neighborhood. Each duplex would measure approximately 22-feet -wide by 40-feet-deep including a 12 foot by 20-foot garage giving each unit approximately 1,500 of living space and would have two driveways that serves the duplex. A street tree planting is proposed along Harvard Street.

Harvard Street is partially constructed and accepted by the City, with approximately 1,400 feet of the section adjacent to the property comprising a 50-foot-wide unimproved right-of-way. As a component of a future project, the applicant would be required to construct the street to City standards, which would include reconstructing the storm drain for the existing part of Harvard Street to Washington Avenue, new sidewalk and curbing, and new street lighting. The new storm drains would be extended as part of the improvement to Harvard Street adjacent to the subject property. In addition, City standards would require that Harvard Street link through to Yale Street at Allen Avenue.

VI. ANALYSIS OF PROPOSED CONCEPTUAL DEVELOPMENT

The applicant has submitted sketch plans that include a vicinity plan and concept plan for a potential future project (Attachments Plan 1 and Plan 2). The applicant would need to submit a separate Site Plan and Subdivision application for any specific proposal if the rezoning is approved. A future project would also be subject to the Inclusionary Zoning Ordinance, which requires a minimum of 10% of the project to be restricted to qualifying workforce households and that the number of bedrooms required under Section 14-487(e)3 be at least 10% of the total number of bedrooms made available as part of the project.

Each of the lots are 70 feet wide, with a 20-foot front yard setback, 12-foot side yard setbacks, and rear yards about 40 feet in length. New buildings would maintain the street orientation and the indicative design is configured with garages set back from the front façade. As proposed, the typical building layout would meet the R-5 zone requirements; but as these are conceptual plans only, any additional findings by staff at the site plan and subdivision review stage. Below are several issues that have been flagged for additional attention as part of the site plan and subdivision review.

Wetlands

During the 2003 consideration of the Yale Street development, the status of wetlands on this site was a major issue. The wetland areas will need to be delineated as part of the site plan and subdivision review. A temporary

culvert was placed by the City near the end of the improved part of Harvard Street to reduce the icing in that area and this may have affected the wetland and it may be smaller in area now. Jeff Tarling, City Arborist, through discussions with the Parks Division, indicates that these wetlands constitute a vernal pool and will need to be preserved and assessed during spring conditions.

At the present time, the status of the wetlands is not clear; this would require further attention at the Site Plan Review stage and is not a material consideration in relation to the question of rezoning. A Tier 1 Permit from the MDEP would be required to fill wetlands if they amount to more than 4,300 cumulative square feet in area; if the wetlands are assessed to be a vernal pool, then they will need to be preserved and protected.

Portland Trails and Land Bank Commission

University Park Trail is an identified part of the Portland Trails system and a key link within that system. At present, the trail is an informal pathway that runs along the unimproved right of way for Harvard Street and loops through University Park. Discussions with Portland Trails have taken place and they wish to be consulted further regarding enhancement of the trail and/or the creation of a more formal trail through University Park. The City and Portland Trails will want to ensure any rerouting and enhancement is fully consistent with other objectives.

The subject property is also not on the priority parcels list of land on the Land Bank Commission's Plan. It is a private property and can be developed according to the permitted uses in the zone.

VII. ANALYSIS OF PROPOSED ZONE AMENDMENT

Staff research and analyzed the density of two-families, three families, and PRUD developments in the vicinity of the proposed rezoning area. These properties are in the R-3 and R-5 zones: the PRUDs are in the R-3 zone, except for one development on Allen Street, whereas the two and three family units are in the R-5 zone. Chart 1 below shows the two and three family units and Figure 2, submitted by the applicant, illustrates the single-family homes (red dot), and two and three family homes (yellow dots), which are all in the R-5 zones. Chart 2, which corresponds to Figure 3 map, illustrates the PRUD developments.

Chart 1: Two and Three Family Units in the Surrounding Neighborhoods

Address	SF of Lot	# of Units	SF per Unit
75 Allen Ave	6,029	2	3,015
23 Cambridge St	6,570	2	3,285
9 Cambridge St	6,121	2	3,061
180 Woodlawn Ave	12,302	2	6,151
175 Woodlawn Ave	9,105	2	4,553
179 Woodlawn Ave	5,470	2	2,735
121 Woodlawn Ave	6,476	2	3,238
109 Woodlawn Ave	7,390	2	3,695
101 Woodlawn Ave	7,385	2	3,693
92 Woodlawn Ave	14,813	2	7,407
71 Woodlawn Ave	6,000	2	3,000
64 Woodlawn Ave	8,787	2	4,394
21 Woodlawn Ave	9,428	3	3,143
8 Woodlawn Ave	6,033	2	3,017
75 University Street	10,380	3	3,460
71 University Street	10,806	3	3,602
67 University Street	9,005	3	3,002
61 University Street	9,005	3	3,002
72 University Street	7,432	2	3,716
26 University St	8,600	2	4,300
Totals	300,337	45	65,252



Figure 2: Map of Single, Two and Three Family Developments

Chart 2: PRUDs in the Surrounding Neighborhoods

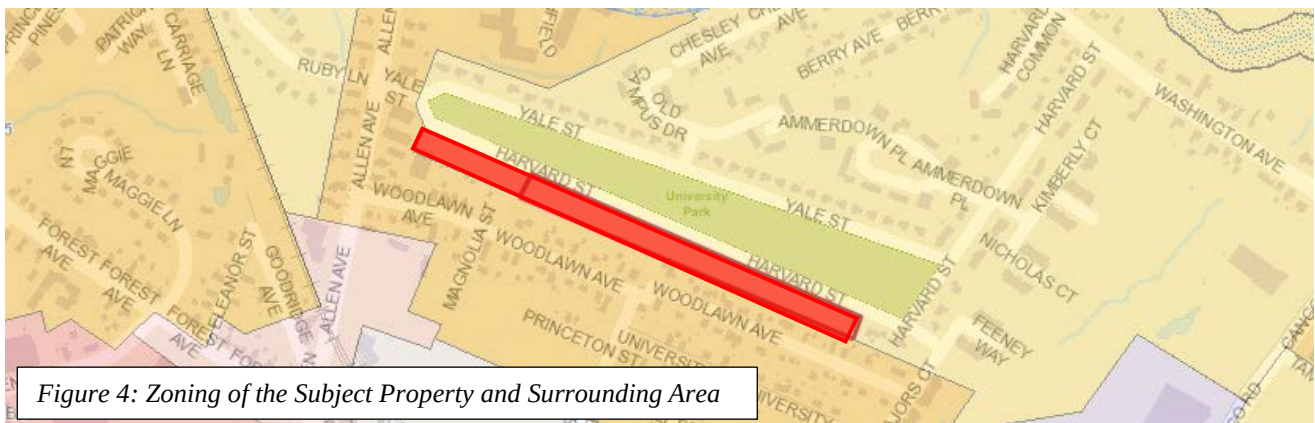
	Address	Square Footage	Acre	# of Units	SF per Unit	Zone
1	88 Yale St	279,655	6.42	30	9,232	R-3
2	240 Harvard St	339,430	7.79	84	4,041	R-3
3	145 Allen Ave	831,193	19.1	201	4,135	R-5
4	42 Harvard Common	74,085	1.70	16	4,630	R-3
5	Kimberly Ct, Nicholas Ct, Feeney Way, Majors Ct	369,388	8.48	33	11,194	R-3 (7 buildings) R-5 (2 buildings)
	Total	1,893,751	43.49	349	33,232	--
6	109 Harvard St	149,726	3.4	40	3,743	R-3 to R-5



Staff provided a cursory review of the project as a planned residential unit development (PRUD) in order to understand the implications of a future project within the rezoning area, and consideration of this proposal found that it could not meet the PRUD zoning requirements because the required parking spaces were proposed to be within the frontage setback. To meet the PRUD standards, grouped parking areas would have had to be inserted between the clusters of townhouses and set back into the site, with wider spacing of the driveways and more parking spaces. These and other site development specifics would receive further attention within a future Level III Site Plan Review.

VIII. POLICY CONSIDERATIONS

The current zoning is shown in the map extract below. R-3 zones are shaded yellow and R-5 zones are shaded orange, with the rezoning area delineated with a red outline:



The following chart compares the current R-3 zone and the proposed R-5 zone; the chart shows the purpose statements, permitted uses, and dimensional requirements of each zone. The subject property is currently zoned R-3, which allows a similar range of uses as the R-5 zone but does not allow duplex or multiplex development. Generally, the R-5 has more flexible dimensional requirements than the R-3 zone including minimum lot size and setback. The intent of the rezoning is to provide a zoning envelope for a medium density residential development, which can be accomplished with the R-5 zone. Future development facilitated by this rezoning would provide more housing and is intended to blend in well with the surrounding neighborhood. The green spaces along University Park will be a buffer between new development and the existing neighborhood on Yale Street.

Chart 3: Use Comparison between R-3 and R-5 Zones		
Dimension	R-3 Zone	R-5 Zone
Purpose Statements	To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.	To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.
Permitted Uses	Residential: Single family; PRUD; Handicapped family unit; Single-family, multiple-component manufactured housing; Single-family single-component manufactured housing; Other: Parks; Accessory uses; Home occupation; Municipal uses; Wind energy systems	Residential: Single and two family; Multiplex development; PRUD; Handicapped family unit; Single-family, multiple-component manufactured housing; Other: Parks; Accessory uses; Home occupation; Municipal uses; Special needs independent living units; Wind energy systems
Conditional Uses	Residential: Sheltered Care group homes; adding one accessory dwelling unit; Institutional: Schools; Long term and extended care facilities; intermediate care facilities; places of assembly; hospital; Other: off-street parking; utility substations; day care or home babysitting services; temporary wind anemometer towers; wind energy systems.	Residential: Sheltered Care group homes; Institutional: Schools; places of assembly; hospital; Colleges, university, trade school; Other: off-street parking; utility substations; day care or home babysitting services; temporary wind anemometer towers; wind energy systems.

Chart 4: Dimensional Comparison between R-3 and R-5 Zones			
	R-3 Zone	R-5 Zone	PROPOSED
Minimum lot size	6,500 SF	Residential: 6,000 SF	±7,490 feet
Street Frontage	50 feet	50 feet	70 feet
Front Yard (Min)	25 feet	20 feet	20 feet
Rear Yard	25 feet	20 feet	20 feet
Side Yard	14 feet for 2-story building	14 feet for 2-story building	12 feet for 2-story
Structure Height	35 feet	35 feet	35 feet
Lot Coverage- Max	35 %	40%	40%
Parking	No off-street parking in min front yard setback; Two parking spaces for each dwelling unit.	Two parking spaces for each dwelling unit.	Two parking spaces for each dwelling unit.

While the applicant seeks to develop this parcel as duplex units, if the proposed R-5 zoning is adopted by City Council, the applicant or a potential purchaser of the property would be able to develop it in other ways that meet the requirements summarized in the table above. As shown in the chart above, R-5 does allow multiplex development but only at twice the land area per unit of a duplex. Therefore, the duplex or PRUD dwelling would represent the highest density development typology, and that is shown in the indicative proposal. Both R-3 and R-5 zones will allow PRUD development (with different standards for each zone) but the linear nature of this site and its frontage on a public street makes it less suitable for a PRUD development. The PRUD form of development includes the provision of open space; in this location the proximity of University Park across the road may already meet that need.

IX. LAND USE POLICY

The applicant has submitted their analysis of the project's conformance with the Comprehensive Plan (refer to Attachment E). The staff has identified the following goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the Comprehensive Plan. As stated, the purpose of the R-3 Residential Zone is:

To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.

The central vision of Portland's Plan 2030 is represented by the venn diagram demonstrating the integral interrelation of the community's core belief that Portland is equitable, sustainable, connected, dynamic, authentic and secure. The vision conveys the message of the City's need to balance many competing needs to assure the advance of the vision as a unified concept. In this instance, that the City's goals for job growth and transforming Portland through orderly growth and development be balanced with needs for connectivity of the street grid, sustainability of infrastructure and the ability to maintain that infrastructure, and security in the sense of public safety.



Housing: A Livable City

State Goals: To encourage and promote affordable decent, housing opportunities for all Maine citizens

Local Goals:

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

Goals from Future Strategies:

3. Remove Housing Barriers

- Evaluate whether current zoning allows for new development consistent with historic patterns of form, density and/or use, as well as whether it allows for priority growth areas.
- Identify priority growth areas.
- Allow for a range of housing models in City codes, whether small units, co-housing, or others that may suit changing needs and demographics.

9. Adopt Affordable Housing

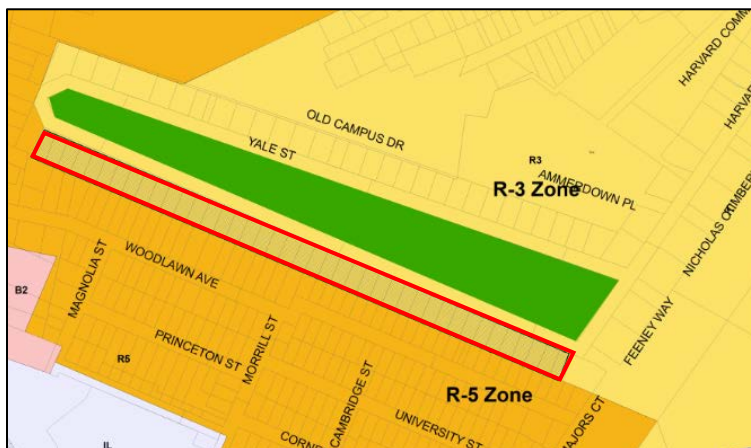
- Pursue new opportunities for increased energy efficiency, increased densities, mixed incomes, and greater connectivity to surrounding neighborhoods.

X. PLANNING BOARD MOTION

On the basis of plans and materials submitted by the applicant, the City of Portland Land Use Code, Portland's Comprehensive Plan, public comment, the information provided in public hearing on November 26, 2019 for the application ZN-000716-2019 (109 Harvard Street), and/or other findings as follows:

The Planning Board finds that the proposed rezoning to the R-5 Residential zone for the properties located at 25-55, 57-63, and 109 Harvard Street. as shown on the map below is with the Comprehensive Plan for the City of Portland; and

Therefore, the Planning Board recommends to the City Council adoption of the zoning map amendment for 25-55, 57-63, and 109 Harvard Street from Residential R-3 to Residential R-5 for the area shown on the map below:



XI. ATTACHMENTS

PLANNING BOARD MEMO ATTACHMENTS

1. City Council Zoning Map Amendment (1988)

PUBLIC COMMENTS

- | | |
|---|-----------------------------------|
| PC 1. Jennifer Fischer 7-8-19 | PC 21. Briana Thims 9-5-19 |
| PC 2. Tim Fulwider 7-10-19 Porter X 7-11-19 | PC 22. George Libby 9-5-19 |
| PC 3. PORTER X 7-11-19 | PC 23. Andrea Polonetsky 9-5-19 |
| PC 4. Laura Stevens 7-11-19 | PC 24. Phyllis Leeke 9-5-19 |
| PC 5. Nathan Miller 7-12-19 | PC 25. James and Beth Guy 9-5-19 |
| PC 6. Christopher Vermillon 7-12-19 | PC 26. Kellie Caron 9-5-19 |
| PC 7. Kathleen Vance 7-13-19 | PC 27. Mia Blanche 9-5-19 |
| PC 8. George Libby 7-16-19 | PC 28. Carrie Dickinson 9-5-19 |
| PC 9. Karen Hart 7-26-19 | PC 29. Hala Ismail 9-5-19 |
| PC 10. Olivia Barberi 8-5-19 | PC 30. Deborah Napier 9-5-19 |
| PC 11. Linda McLoon 9-3-19 | PC 31. Shannon Wong 9-5-19 |
| PC 12. Stephanie Brown 9-3-19 | PC 32. Myke Johnson 9-5-19 |
| PC 13. Cherie Phillips 9-5-19 | PC 33. Don and Miki Murray 9-6-19 |
| PC 14. Hope Gauer 9-5-19 | PC 34. Olga Higuera 9-6-19 |
| PC 15. Heidi Will 9-5-19 | PC 35. David Bruenjes 9-6-19 |
| PC 16. Lisa Brislin 9-5-19 | PC 36. Melissa Fraser 9-6-19 |
| PC 17. Eleanor Mann 9-5-19 | PC 37. Alicia Greenwald 9-6-19 |
| PC 18. John Hughes 9-5-19 | PC 38. Jessica Antonez 9-6-19 |
| PC 19. Helen Meehan Selleck 9-5-19 | PC 39. Elizabeth Davidson 9-6-19 |
| PC 20. Neill Gemmel 9-5-19 | PC 40. Margaret Handlin 9-6-19 |

PC 41. Mary Teresa Beyer 9-6-19
 PC 42. Nicole Robitaille 9-6-19
 PC 43. Debbie Appleton 9-6-19
 PC 44. Height Shingleton 9-6-19
 PC 45. Ryan Stitham 9-6-19
 PC 46. Stephen Gray 9-6-19
 PC 47. Frank Martinez 9-6-19
 PC 48. Jane Weinstein 9-6-19
 PC 49. Save University Park 9-7-19
 PC 50. David Spector 9-7-19
 PC 51. Shane Walsh 9-7-19
 PC 52. Kathryn Andrews 9-7-19
 PC 53. Andrea Gaines 9-8-19
 PC 54. Carin Seadler 9-8-19
 PC 55. Genevieve Levin 9-9-19
 PC 56. Save University Park 9-9-19
 PC 57. Camryn Hansen 9-9-19
 PC 58. James Matias 9-9-19
 PC 59. George Libby 9-9-19
 PC 60. Emily Percival 9-9-19
 PC 61. William Bailey 9-9-19
 PC 62. John Bowker 9-9-19
 PC 63. Craig Plourde 9-10-19
 PC 64. Nan Solomons 9-10-19
 PC 65. Petition 9-10-19
 PC 66. Craig Plourde 9-10-19

PC 67. Anna Eaves 9-11-19
 PC 68. Save University Park 9-13-19
 PC 69. Jennifer Fischer 11-20-19
 PC 70. George Libby 9-5-19
 PC 71. George Libby 9-17-19
 PC 72. George Libby 9-13-19
 PC 73. Donald and Mabelle Murray 11-24-2019
 PC 74. Cheryl Leeman 11-25-2019
 PC 75. David Spector 11-25-2019
 PC 76. David Spector 11-25-2019
 PC 77. George Libby 11-25-2019
 PC 78. Glenn Kroll 11-25-2019
 PC 79. John Bowker, Megan Goodwin 11-26-2019
 PC 80. Karen Hart 11-26-2019
 PC 81. Kim Johnson 11-26-2019
 PC 82. Lee Kelley 11-26-2019
 PC 83. Nancy Norton 11-25-2019
 PC 84. Roberta de Sousa 11-25-2019
 PC 85. Stephanie Brown 11-26-2019
 PC 86. William Bailey 11-26-2019
 PC 87. Eleanor Mann 11-26-2019
 PC 88. Save University Park
 PC 89. Stephanie Brown 11-26-2019
 PC 90. Susan Baxter 11-26-2019
 PC 91. Susan Neumyer 11.26.2019

APPLICANT'S SUBMITTALS

- A. Cover Letter & Project Narrative
- B. Zoning Map Amendment Application
- C. Right, Title, and Interest
- D. Analysis of Consistency with the Comprehensive Plan
- E. Neighborhood Meeting Packet
 - E1. Neighborhood Meeting Certification
 - E2. Neighborhood Meeting Invitation
 - E3. Neighborhood Meeting Attendance Sheet
 - E4. Neighborhood Meeting Minutes
- F. 2006 Neighborhood Exhibit

PLANS

- Plan 1 Proposed Map Amendment
- Plan 2 Site Plan
- Plan 3 Vicinity Map

ZONING AMENDMENT

**R-3 to R-5
VICINITY 25 to 189 HARVARD STREET**

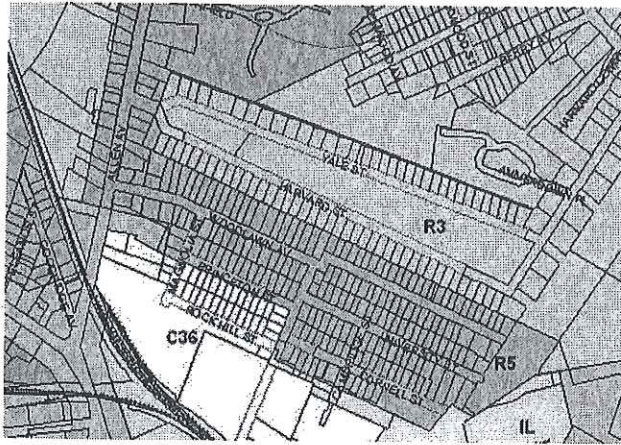
WESTCOTT & PAYSON II, APPLICANT

Submitted to:
Portland City Council

June 19th, 2006 First Reading
July 17th, 2006 Second Reading

Prepared by:
Jean Fraser, Planner

The current zoning is shown in the Map Extract below. Some of the R-3 zoning near University Park was previously R-5 and was rezoned to R-3 in 1988, as shown in Attachment H.



Existing Zoning

Although the applicant has indicated that if the proposed R-5 zoning is adopted by City Council they will develop the Parcel 1 as duplex units along the lines indicated, the applicant or a purchaser of the property would be able to develop in other ways that meet the requirements summarized in the table below. It is not known what other development (if any) would be proposed by other property owners within the wider boundary of the proposed R-5 zoning. They would need to meet the lot size and other dimensional requirements of the R-5 zoning Ordinance.

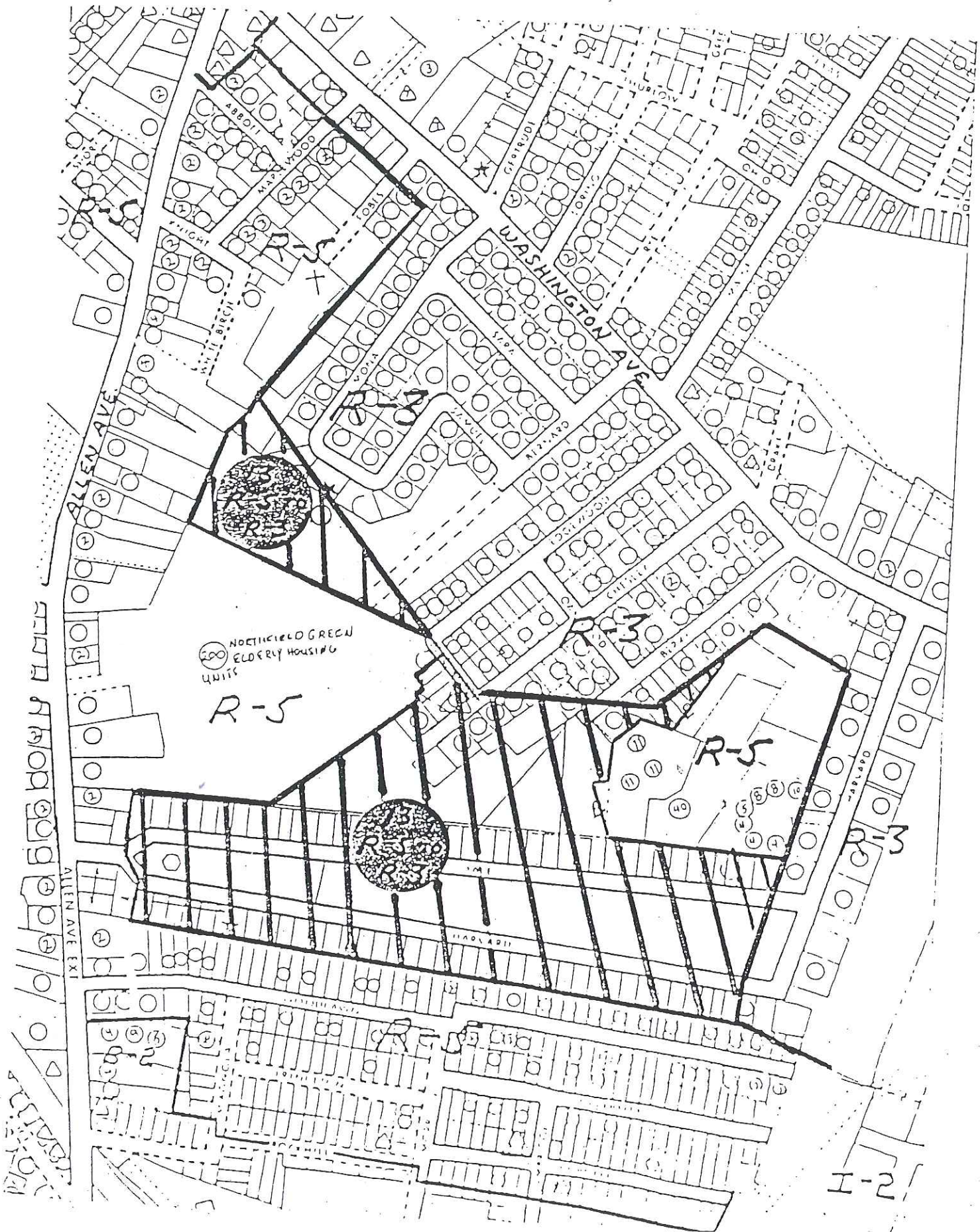
SUMMARY TABLE COMPARING R-3 WITH R-5 ZONING

(for detail please refer to the Ordinance wording Divisions 4, 6 and 20)

Standard	R-3 single family	R-3 PRUD	R-5 single family	R-5 Duplex	R-5 Multiplex	R-5 PRUD
Lot Size	6500 sq ft	3 acres continuous	6000 sq ft	6000 sq ft	9000 sq ft	2 acres contiguous
Land Area per Dwelling Unit (Density)	6500 sq ft	6500 sq ft	N/A	3000 sq ft	6000 sq ft (4500 sq ft if 250 sq ft st. frontage)	3000 sq ft
Dwelling unit floor area	N/A	N/A	N/A	N/A	600 sq ft	N/A
Max. No of units/bldg	N/A	6 (2 if Prud is less than 2 acres)	N/A	N/A	6	12
Street Frontage	50 feet		50 feet	50 feet	50 feet	None (all one lot)
Front Yard	25 feet	25 ft from external property lines if buildings 100 feet long or less	20 feet	20 feet	20 feet	25 ft from external property lines if buildings 100 feet long or less
Rear Yard	25 feet		20 feet	20 feet	20 feet	
Side Yards (assume 2 stories)	14 feet		12 feet	12 feet	12 feet	
Lot Coverage	35 %	35%	40%	40%	40%	40%
Minimum lot width	65 feet	N/A	60 feet	60 feet	90 feet	N/A
Structure Height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Open Space Ratio	N/A	300 sq ft per dwelling unit	N/A	N/A	N/A	300 sq ft per dwelling unit
Off-Street Parking	2 spaces per dwelling unit	2 spaces per dwelling unit, plus 1 additional space per 6 units or fraction thereof	2 spaces per dwelling unit	2 spaces per dwelling unit	2 spaces per dwelling unit, plus 1 additional space per 6 units or fraction thereof	2 spaces per dwelling unit, plus 1 additional space per 6 units or fraction thereof

**ZONE CHANGE: 13
HARVARD AND YALE ST. AREA
FROM R-5 TO R-3**

Attachment H
(2 pages)



re
Zone Change
R-5 to R-3 1988

CITY OF PORTLAND
MEMORANDUM

TO: Distribution List Below

FROM: Natalie L. Burns, Associate Corporation Counsel

DATE: July 22, 1988

RE: RESIDENTIAL ZONING AMENDMENTS

Please find attached copies of the residential zoning and related site plan and subdivision amendments passed by the City Council on July 19th. These amendments were passed as an emergency and were made retroactive to the date of expiration of the moratorium, making them applicable to all applications received on or after July 19, 1988.

Also attached are copies of the map revisions approved by the Council. Numbers 9 and 12 have been tabled for further consideration. Questions about the map changes should be addressed to Rick Knowland or Alex Jaegerman.

NLB/baj

Distribution List:

Joseph Gray, Director of Planning and Urban Development
Sam Hoffses, Chief Inspection Division
Warren Turner, Zoning Enforcement Officer
Building Inspections (3)
Alexander Jaegerman, Chief Planner
Rick Knowland, Senior Planner
Phil Meyer, Urban Designer
Maureen O'Meara, Planner
David Klenk, Planner
Planning (5)
David Lourie, Corporation Counsel
Charles Lane, Associate Corporation Counsel
Elizabeth Boynton, Associate Corporation Counsel
Kathryn Sheehan, Associate Corporation Counsel

Land Design Solutions

Land Planning, Site Planning and Landscape Architecture

June 11, 2019

Ms. Barbara Barhydt
Portland Planning Department
Planning Division
389 Congress Street
Portland, ME 04101

**RE: Harvard Street (lots 435A015 to 438C040) –
Application for Map Amendment from R-3 to R-5**

Dear Barbara,

On behalf of Wescott & Payson II, LLC (Michael Payson) Land Design Solutions is submitting the attached application for a Map Amendment for land located on an undeveloped portion of Harvard Street. The land, 28 lots total is owned by Wescott & Payson II, LLC and currently zoned R-3. My client is requesting that the property be changed to an R-5 zone.

Property Description:

The property being proposed for the Map Amendment consists of lots 32 through 58 as shown on the original Plan of Lots at University Park, which was approved and recorded as a subdivision in 1937. The lots are contiguous and all have frontage on Harvard Street which was dedicated to the City of Portland at the time of the recording of University Park in 1937. The total area of the parcel is approximately 3.4 acres. The parcel is approximately 107' +/- feet deep, with approximately 1450' +/- of frontage on Harvard Street. The parcel is currently undeveloped and primarily wooded with a mixed growth of hardwoods and evergreens.

Harvard Street:

Harvard Street has been partially constructed and accepted by the City. The street currently dead ends in front of lot number 34 at the easterly end of our property. The remaining portion consists of a 50 ft. wide, unimproved right-of-way that extends to the intersection with Yale Street near Allen Avenue. Our proposed plan is to construct approximately 1,400 feet of street to the City of Portland's local street standard with a turnaround at the end point.

Zoning Analysis:

The property is currently zoned R-3. This area was originally zoned R-5 the same as the adjacent lots and then for reasons which are unclear was rezoned to R-3 in 1988. The ordinance describes the purpose of this zone as "to provide for medium density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels". The ordinance describes the proposed zone which is the R-5 Zone as "To provide appropriate

areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots”. The proposed map amendment changing the property from an R-3 to an R-5 zone would allow Wescott & Payson II, LLC to construct approximately 20 duplex structures (40 units) based on a lot width requirement of 65 ft. for the R-5 zone. Each proposed lot would be approximately 70 feet wide by 107 feet deep. Each lot will have a total area of approximately 7,490 s.f. which exceeds the R-5 minimum requirement of 6,000 s.f. The proposed lots would meet the required front, rear and side setbacks as well as building height and lot coverage.

Zoning Comparison Table:

Description	R-3 Zone	R-5 Zone	Proposed Lots
Single Family	allowed	allowed	NA
Duplex	not allowed	allowed	Duplex
Lot Width	65 ft.	60 ft.	70 ft
Min. Street Frontage	50 ft.	50 ft.	70 ft.
Min. Front Yard	25 ft.	20 ft.	20 ft. min.
Min. Rear Yard	25 ft.	20 ft.	20 ft. min.
Min. Side Setback			
1 story	8 ft.	8 ft.	
1.5 story	8 ft.	8 ft.	
2 story	14 ft.	12 ft.	12 ft. min.
2.5 story	16 ft.	14 ft.	
Max. Lot Coverage	35%	40%	40% min.
Max. Structure Height	35 ft.	35 ft.	35 ft. max.
Min. Lot Size	6,500 s.f.	6,000 s.f.	7,490 +/-s.f.

The existing Woodlawn Ave R-5 neighborhood abuts the rear of our parcel and consists of a mix of dwelling units with a combination of both duplexes and single family homes, and one multi-family. Harvard Street and University Park abut the parcel in the front so the built environment that the Wescott & Payson II parcel is most closely tied to, and was originally zoned with is the abutting R-5 zone. We believe extending the R-5 Zone line to include the Wescott & Payson II lots as proposed and as previously zoned would be in keeping with the surrounding neighborhood, the original zoning intent and would allow much needed additional housing units while facilitating lower price points making them affordable to a broad range of residents.

Building Design (Duplex):

We are proposing attractive 2 story duplex structures with a front porch and multiple gable roof design to add architectural interest to the Harvard Street façade. The design also includes a rear deck and one car garage all elements typical of a residential neighborhood. A street tree planting is proposed along Harvard Street with attractive landscaping around the units. Each duplex would measure approximately 22 ft. wide by 40 ft. deep including a 12' by 20 ft. garage giving each unit approximately 1,500 of living space. All duplexes will front on Harvard Street meeting the required front, rear and side

setbacks. Each duplex will have their own 12 foot wide driveway with ample room to park a vehicle.

We met with City Planning Staff in February to discuss the Map Amendment and believe based on that conversation that this proposal is consistent with the City's comprehensive plan and housing initiatives. One of the development challenges for Harvard Street is the fact that University Park takes up one side of the street leaving the other developable side to bear the entire cost of the street construction. With cost estimates of \$1,000 per foot for street and infrastructure the economics for development are difficult which is why the added density (duplexes) provided by the R-5 Zone is so critical.

We have enclosed the following information as part of our application.

Attachments:

1. Analysis of Consistency with the Comprehensive Plan
2. Map Amendment Checklist
3. Right, Title and Interest (property deeds)

Plans:

1. Vicinity Map
2. Proposed Map Amendment (Portland Zoning Map)
3. Site Plan

Please do not hesitate to contact me with any questions or comments concerning the submitted plans and documentation, or should additional information be needed.

Sincerely,

A handwritten signature in black ink that reads "Peter B. Biegel". The signature is fluid and cursive, with the first name "Peter" and last name "Biegel" clearly legible.

Peter B. Biegel, RLA, LEED AP
Maine Licensed Landscape Architect
Land Design Solutions

CITY OF PORTLAND
Planning & Urban Development Department

MAP AMENDMENT SUBMISSION CHECKLIST Please submit each document as a separate PDF file Please confirm by electronically checking the boxes to the left	
GENERAL APPLICATION DOCUMENTS	
☒	Project Description Cover Letter with detailed project description
☒	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.

Lots 32 through 52

CORRECTIVE WARRANTY DEED

THOMAS REALTY ASSOCIATES, with a mailing address of 15830 Dawson Ridge Road, Tampa, Florida 33647 for consideration paid, grants to **WESCOTT & PAYSON II, LLC**, formerly Wescott & Payson II, a Maine general partnership, with a mailing address of 240 Harvard Street, Portland, Maine 04103, **with Warranty Covenants**, that certain lot or parcel of land situated in the City of Portland, County of Cumberland, State of Maine, described as follows:

SEE ATTACHED EXHIBIT A

Meaning and intending to correct a Warranty Deed given from Thomas Realty Associates to Wescott & Payson II and recorded in the Cumberland County Registry of Deeds in Book 17365, Page 293. This deed is to correct that portion of the premises described as Parcel 3 situated on Harvard Street in the City of Portland, County of Cumberland and State of Maine and being Lots Numbered 32-52, as shown on "Plan of Lots at University Park, Portland, Maine", recorded in the Cumberland County Registry of Deeds on October 6, 1937 in Plan Book 24, Page 26. Parcel 3 is a portion of the premises conveyed to Thomas Realty Associates from Thomas G. Fiorica and Jennie F. Fiorica by deed dated August 17, 1984 and recorded in the Cumberland County Registry of Deeds in Book 6538, Page 51. Also reference is made to these same premises conveyed to Thomas G. Fiorica and Jennie F. Fiorica from Campus Realty Co. by deed dated September 5, 1979 and recorded in the Cumberland County Registry of Deeds in Book 4488, Page 189.

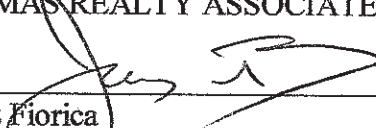
The prior description referenced the incorrect tax map and lot numbers.

Witness our hands and seal this 21 day of October, 2003.

Signed, Sealed and Delivered
in the presence of

Sharon Masters
Deanne H. Sullivan

THOMAS REALTY ASSOCIATES

By: 
James Fiorica
Its: Limited Partner

State of Florida

County of DALLAS BOROUGH

October 21, 2003

Then personally appeared the above named James Fiorica, in his capacity as Limited Partner for Thomas Realty Associates and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Thomas Realty Associates.



Dianne L. Sullivan
Commission #DD248652
Expires: Sep 26, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

Dianne L. Sullivan

Notary Public/Attorney at Law

Dianne L. Sullivan

printed name of notary or attorney

EXHIBIT A

Certain lots or parcels of land situated on Harvard Street in the City of Portland, County of Cumberland State of Maine and being Lots Numbered 32-52, as shown on "Plan of Lots at University Park, Portland, Maine", recorded in the Cumberland County Registry of Deeds on October 6, 1937, in Plan Book 24, Page 26.

Being a portion of the premises conveyed to Thomas G. Fiorica, et al by the Campus Realty Co. by deed dated September 5, 1979 and recorded in the Cumberland County Registry of Deeds in Book 4488, Page 189.

Meaning and intending to convey property of Thomas Realty Associates, described in the Cumberland County Registry of Deeds in Book 6538, Page 49 and Book 6538, Page 51.

Also being a portion of the property described in deeds to Thomas G. Fiorica and Jennie Fiorica recorded in the Cumberland County Registry of Deeds in Book 10710, Page 141 and Book 10710, Page 147. Said property was conveyed by James V. Fiorica, Personal Representative of the Estate of Thomas G. Fiorica and James V. Fiorica, Personal Representative for the Estate of Jennie Fiorica to Thomas Realty Associates by deed recorded in the Cumberland County Registry of Deeds in Book 17365, Page 287 and in Book 17365, Page 288.

Received
Recorded Register of Deeds
Nov 04:2003 12:54:06P
Cumberland County
John B. O'Brien

Lots 53 & 54

(SPACE ABOVE RESERVED FOR RECORDING INFORMATION)

WARRANTY DEED

DLN: 1001940048558

Nancy Krekorian Thurber, of Falmouth, County of Cumberland and State of Maine and Pamela Krekorian Burnell, of Portland, County of Cumberland and State of Maine, for consideration paid, grants to Wescott & Payson, II, LLC, a Maine limited liability company with a principal place of business in Falmouth, County of Cumberland and State of Maine and a mailing address of 50 Thornhurst Road, Falmouth, Maine 04105, the land located in the City of Portland, County of Cumberland and State of Maine, described as follows:

Certain lots or parcels of land situated in the City of Portland, County of Cumberland and State of Maine, and being Lots Numbered 53 and 54 shown on Plan of Stevens Terrace Subdivision, drawn by Charles W. Fenn, C.E., and recorded in Cumberland County Registry of Deeds in Plan Book 11, Page 49.

This conveyance is made subject to all utility easements which serve the premises, zoning and building restrictions, other rights, easements, covenants, conditions and restrictions of record affecting the premises, and real estate taxes assessed but not yet due, which Grantee by acceptance hereof assumes and agrees to pay.

Meaning and intending to describe the same premises described in those two certain deeds to the herein Grantors, both dated December 24, 2013 and recorded in the Cumberland County Registry of Deeds in Book 31252, Pages 76 and 77.

MAINE REAL ESTATE TAX PAID

Received
Recorded Register of Deeds
Jan 17, 2019 09:22:19A
Cumberland County
Nancy A. Lane

WITNESS my hand this 15 day of January, 2019.

Witness

Kathleen L. Griffith

Nancy Krekorian Thurber
Nancy Krekorian Thurber

STATE OF MAINE
COUNTY OF CUMBERLAND

January 15, 2019

Personally appeared the above named Nancy Krekorian Thurber and acknowledged the foregoing instrument to be her free act and deed.

Before me,

SEAL

Kathleen L. Griffith
Notary Public/~~Attorney-at-Law~~

WITNESS my hand this 15th day of January, 2019.

KATHLEEN L. GRIFFITH
Notary Public, Maine
My Commission Expires November 26, 2020

Witness

[Signature]

Pamela Krekorian Burnell
Pamela Krekorian Burnell

STATE OF MAINE
COUNTY OF CUMBERLAND

January 15, 2019

Personally appeared the above named Pamela Krekorian Burnell and acknowledged the foregoing instrument to be her free act and deed.

SEAL

Before me,

Kathleen L. Griffith
Notary Public/~~Attorney-at-Law~~

After recording return to:

KATHLEEN L. GRIFFITH
Notary Public, Maine
My Commission Expires November 26, 2020

Lambert Coffin

attorneys at law

Paul S. Bulger
pbulger@lambertcoffin.com

January 3, 2006

Michael H. Payson
50 Thornhurst Road
Falmouth, ME 04105

RE: Estate of Esther O. Jenson / Wescott & Payson II, LLC
Our File No. 5208-2

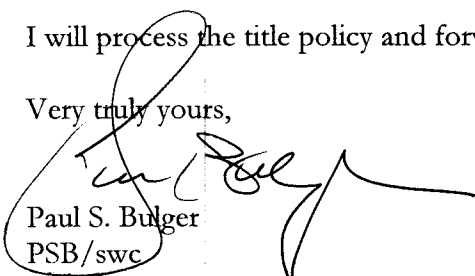
Dear Mike:

Enclosed are the original three deeds for and relating to the acquisition of Lots 55, 56, 57, and 58 Stevens Terrace, Cumberland County Registry of Deeds Plan Book 11, Page 49.

These documents were recorded in Book 23521, Page 173, 175 and 176, respectively. Please store these documents with your other materials for the Crosby and Hayde transaction recently closed.

I will process the title policy and forward that to you shortly.

Very truly yours,


Paul S. Bulger
PSB/swc
Enclosures

Lots 55 through 58

WARRANTY DEED

MARILYN C. CROSBY and CAROL E. HAYDE, with a mailing address of 60 Narragansett Street, Gorham, Maine 04038, for consideration paid, grant to **WESCOTT & PAYSON II, LLC**, with a mailing address of c/o 31 Old Campus Drive, Portland, Maine 04103, a certain lot or parcel of land bounded and described as follows:

A certain lot or parcel of land located on Harvard Street in the City of Portland, County of Cumberland and State of Maine, and being lots numbered 55, 56, 57 and 58 on Plan of Stevens Terrace recorded in Cumberland County Registry of Deeds in Plan Book 11, Page 49; also shown on City of Portland Assessors Plan number 435-A-15 to 18; containing nineteen thousand nine hundred sixty (19,960) square feet of land, more or less.

Said premises were owned by Sine J. Kerr at her decease on June 9, 1941 and were devised by her to Ole Jensen. See Cumberland Probate Docket No. 33139. Said Ole Jensen died May 11, 1947 and devised said premises to Alfrida E. Jensen. See Cumberland Probate Docket No. 40333. Said Alfrida E. Jensen died February 22, 1948 and devised said premises to Robert E. Jensen, Charles Russell Jensen and Theodore C. Jensen, the late husband of Esther O. Jensen. See Cumberland Probate Docket No. 41268.

IN WITNESS WHEREOF, the said Marilyn C. Crosby and Carol E. Hayde have caused this instrument to be signed on the 28th day of November, 2005.

Marilyn C. Crosby
Marilyn C. Crosby

Carol E. Hayde
~~Carol E. Hayde~~

STATE OF MAINE
COUNTY OF CUMBERLAND

November 28th, 2005

Personally appeared the above-named Marilyn C. Crosby and acknowledged the foregoing instrument to be her free act and deed.

Before me,

[Signature]
Notary Public/Attorney-at-Law
Print Name:

WARRANTY DEED

MARILYN C. CROSBY and CAROL E. HAYDE, with a mailing address of 60 Narragansett Street, Gorham, Maine 04038, for consideration paid, grant to **WESCOTT & PAYSON II, LLC**, with a mailing address of c/o 31 Old Campus Drive, Portland, Maine 04103, a certain lot or parcel of land bounded and described as follows:

A certain lot or parcel of land located on Harvard Street in the City of Portland, County of Cumberland and State of Maine, and being lots numbered 55, 56, 57 and 58 on Plan of Stevens Terrace recorded in Cumberland County Registry of Deeds in Plan Book 11, Page 49; also shown on City of Portland Assessors Plan number 435-A-15 to 18; containing nineteen thousand nine hundred sixty (19,960) square feet of land, more or less.

Said premises were owned by Sine J. Kerr at her decease on June 9, 1941 and were devised by her to Ole Jensen. See Cumberland Probate Docket No. 33139. Said Ole Jensen died May 11, 1947 and devised said premises to Alfrida E. Jensen. See Cumberland Probate Docket No. 40333. Said Alfrida E. Jensen died February 22, 1948 and devised said premises to Robert E. Jensen, Charles Russell Jensen and Theodore C. Jensen, the late husband of Esther O. Jensen. See Cumberland Probate Docket No. 41268.

IN WITNESS WHEREOF, the said Marilyn C. Crosby and Carol E. Hayde have caused this instrument to be signed on the 25th day of November, 2005.

~~Marilyn C. Crosby~~

Carol E. Hayde
Carol E. Hayde

~~STATE OF MAINE~~

~~COUNTY OF CUMBERLAND~~

~~November 25, 2005~~

~~Personally appeared the above named Marilyn C. Crosby and acknowledged the foregoing instrument to be her free act and deed.~~

~~Before me,~~

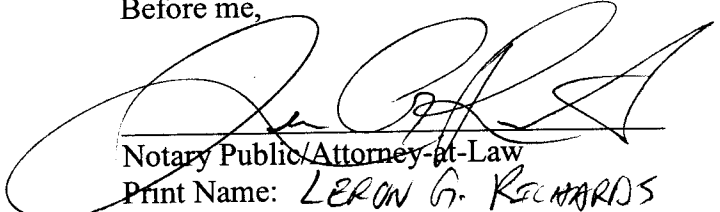
~~Notary Public/Attorney at Law~~
~~Print Name~~

STATE OF TENNESSEE
COUNTY OF HAMILTON

November 25th, 2005

Personally appeared the above-named Carol E. Hayde and acknowledged the foregoing instrument to be her free act and deed.

Before me,



Notary Public/Attorney-at-Law
Print Name: LERON G. RICHARDS

6/21/08

Received
Recorded Register of Deeds
Dec 21, 2005 02:20:54P
Cumberland County
John B OBrien

Land Design Solutions

Land Planning, Site Planning and Landscape Architecture

Attachment #1

Consistency with Comprehensive Plan Analysis

We have reviewed the 2017 City Council approved Comprehensive Plan “Portland’s Plan 2030” and believe that our Map Amendment request to rezone the lots in question from R-3 to R-5 is consistent with the Plan. Specifically with the Policies and Goals outlined in the section titled “A Livable City (Policy Guide: Housing)”.

The opening paragraph of this section states *“While Portland has welcomed much needed housing construction in recent years, both the lack of sufficient housing supply and the affordability of that housing for a healthy socio-economic cross section of the population remain urgent challenges”*. The introduction goes on to say that the City Council’s Housing Committee engaged in a “robust” public process to identify housing issues and develop creative solutions, and identified two main themes; housing insecurity and lack of sufficient and suitable housing supply. The last paragraph in this section’s introduction states that *“The City will continue to examine and approve substantive policy changes to accommodate those seeking the benefits of City life, and recognize that the City’s vitality rests on the availability of diverse, secure housing options for existing residents, new arrivals, and all stages of life”*. The City is working hard to increase the supply of housing for its existing residents and for those who would like to move to Portland. We believe our proposed Map Amendment which will allow approximately 40 additional units of reasonably priced housing on the market is in line with this housing policy.

The second section of the Policy Guide” Housing is titled “Recent & Ongoing Initiatives” which states that *“Over the past several years, the City has amended its zoning ordinance to allow greater residential density in various zones, expand the applicability of an existing 25% density bonus, increase allowable heights etc.”* all to allow more residential development. We believe the expansion of the R-5 zone abutting the lots in question to encompass them is in line with this Policy Guide statement.

The last page of this section lists the State of Maine Goal which is *“To encourage and promote affordable decent, housing opportunities for all Maine citizens”* and the City of Portland’s Goals, three of which we believe relate directly to our proposed Map Amendment. These three goals are; *“Increase preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland Residents”* and *“Encourage quality, sustainable design in new housing”*. We believe that the proposed Map Amendment which would relocate the R-5 zone line from the lots abutting the rear of the lots owned by Wescott & Payson II to encompass their 28 lots, which would allow the construction of Harvard Street and it’s infrastructure, and approximately 20 duplexes (40 units) of new energy efficient housing, constructed using modern construction materials is very much in line with the City’s goals.

The closing paragraph of HOUSING Appendix states that *“This plan supports the concept that those who work in Portland should be able to live here as well, and that, over the next decade, the city should aspire to accommodate 75% of the current daytime population, or approximately 72,000 people. Assuming an average household size of 2.08, this translates into a total of 2,557 new housing units over the next 10 years”*. We believe a Map Amendment which provides for the construction of 1,450 linear feet of city street and utilities, and approximately 40 well built, energy efficient dwelling units is in line with this plan.

The entire Policy Guide on Housing is about the addition of more housing units. We are proposing a Map Amendment which will allow duplexes to be constructed on these lots making it economically feasible to construct Harvard Street and its associated infrastructure. Without the ability to increase the density from single family to duplexes it is not economically feasible for us to construct Harvard Street and develop these existing lots with much needed housing.

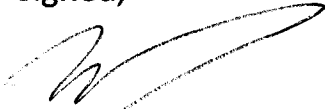
Neighborhood Meeting Certification

I, Michael Payson, hereby certify that a neighborhood meeting was held on July 12, 2019 at 31 Old Campus Drive in Portland, Maine at 6:00pm for the proposed project at 109 Harvard Street.

I also certify that on June 26, 2019 invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a subdivision within an industrial zone or industrial zone change.
2. Residents on the "Interested parties" list.

Signed,



Michael Payson

Wescott & Payson II

July 15, 2019

Neighborhood Meeting Invitation

**Wescott & Payson II
c/o Apex Management
31 Old Campus Drive
Portland, ME 04103
(207) 797-4380**

June 26, 2019

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a map amendment to expand the R5 zone to include the land at 109 Harvard Street, including lots identified on the tax maps as 435-A015 to 438-C040, which is currently in the R3 zone.

Meeting Location: Apex Management Office Building, 31 Old Campus Drive, Portland, ME
Meeting Date: Friday July 12, 2019
Meeting Time: 6:00pm

(The City code requires that property owners within 500 feet of the proposed map amendment and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.)

If you have any questions, please call 207-797-4380

**Wescott & Payson, II
06/26/2019**

Note:

Under Section 14-32(C) and 14-524(a)d of the City Code of Ordinances, an applicant for a Level III development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within 30 days of submitting a preliminary application or 21 days of submitting a final site plan application, if a preliminary plan was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Planning and Urban Development Department, Planning Division, 4th Floor, 389 Congress Street Portland, ME 04101 or by email: to bab@portlandmaine.gov

Neighborhood Meeting Sign-in Sheet

July 12, 2019

31 Old Campus Dr., Portland

Members of Public
in Attendance

Email

Rhys Russell rhysruss@gmail.com
Glenn Holland Pastor Glenn@theHollandsFaith
Cleaner Mann

Stephen Labbe - SteveLab59@maine.rr.com

David Spector david01@nsrusa.org

Shannon O'Connor shannon.oconnor@maine.maine.edu

Jennifer Fischer jenfischer01@gmail.com

Norman Janson njanson22@gmail.com

John Day jmday@maine.rr.com

Darlene Day darla1109@yahoo.com

Karen Hart khart1@maine.rr.com

Robyn Bailey

Bill Bailey

wmb2419@yahoo.com

Laura Stevens

laurastevens@maine.rr.com

Kachel Flehinger

kachel@advertising.com

Susan Baxter

baxtergsusan@msn.com

Jonah Broom

Members of

Public in attendance

list

BOB KROU

270 HARVARD ST
PORTLAND, ME 04103

207 200-0045

Urfan Nadirov

86 Vale St. Portland, 04103

Stephen & Elizabeth Gray
36 Majors Court, Portland

Kristina MacCormick
38 Majors St Portland

Caitlin & Will Hopkins
256 Harvard St. Portland, ME

John Gorman
147 WOODLAWN AVE

JIM HARRIS
134 WOODLAWN AVE

Michael LeComte
1115 Washington Ave

Shannon + Geoff Green
166 Yale ST
Portland, ME

Andy & Hester Mishkin
44 YALE ST.
Portland, ME 04103

Jaime Parker
Portland Trails
jaime@trails.org

Jane Mallant
605 Stevens Ave
Portland 04103

Matt Dechane
50 University
Portland 04103

Sean Ellsworth & Lee Reeve
2161 Harvard St.
Portland ME 04103

Vilma Adame
Yale St.
04103

Ralph + Susan Neumyer rneumyer@yahoo.com

DAVID R. BUCHANAN 201 HARVARD ST

Richard + Sharon Henry 33 Nicholas CT. Portland 04103

Jue + Glenn Krall 33 Kimberly CT PTH - SKROLL@me.com

Kevin + Jennifer Bardwell 137 Woodlawn Ave Kevin@bwellhealth.com

Jennifer Long 73@yahoo.com

Holly Mitchell 154 Yale St hsmitchell@kvr.com

MARY + BRENDAN McVEIGH 30 YALE ST bmcveigh@maine.rr.com

Tim Fulwider + Sara Brodie 117 Woodlawn Ave t.mfulwider@gmail.com

Nicholas Wall 116 Woodlawn Ave NicholasWall2012@gmail.com

Olivia Barberi 116 Woodlawn Ave olivianb7@gmail.com

Alex Wall 116 Woodlawn Ave alexdanielwall@gmail.com

George LIBBY 185 HARVARD ST george@lauramarrprinting.com

Beth Payson 185 Harvard St. betha@lauramarrprinting.com

Joseph Lauhinaitis

Kristen Blais

kblais14@yahoo.com

Brooke Griffin (122 Woodlawn Av.)

Meghan Gillin 15 Cornell St corliesgradyc@gmail.com

Tom Dadales 92 Woodlawn Ave. Portland, Maine 04103

Wincy Norton 92 Woodlawn Av Portland 04103

Laura Labbe teran 78@hotmail.com

Elizabeth Rose save.university.park.trail@gmail

Ryan C. NORFLEET " "

Kathy Kroll KBKroll@me.com

Bob Kroll BobKroll@earthlink.net

TODD HENRY HAYESHENRY@GMAIL.COM

Developer and Consultant Team's Attendance:

Mike Payson (Developer)

mpayson4@gmail.com

Peter Biegele (Site plans)

pbiegele.landdesignstudio.com

Harvard Street Map Amendment
Neighborhood Meeting Minutes

July 12, 2019

Meeting was called to order at 5:59pm

Mike Payson, representing the developer, introduced himself and Peter Biegel from Land Design Solutions.

Mr. Payson acknowledged the larger number of attendees than expected and standing room only, and told attendees he and Mr. Biegel would remain as long as needed to allow everybody, especially those standing in back, to review the exhibits and ask any questions.

Peter Biegel of Land Design Solutions presented a short overview of the project, referring to his exhibits showing the development area and concept elevations for duplex townhomes. He explained that the developer's land was not part of University Park, but an existing approved subdivision, and that the park was protected and would not be developed.

Residents asked whether homes would be rented or sold. Mr. Payson indicated the developer planned to sell, not rent, the new homes. Residents commented/questioned whether people would pay \$350k sales price for condos in that area

Resident asked about vernal pool on Harvard Street. Mr. Biegel indicated that would be addressed in planning board review

Resident asked about finances and why R5. Mr. Payson explained homes would only be on one side of street unlike most developments, city street would likely cost over \$1000 per foot, and the R5 density would make those economics work

Resident pointed out similar request was rejected by council in 2006 and asked why developer expected it would be approved now. Mr. Payson explained that in 2006 the planning board unanimously recommended in favor of the zone change, he did not know why the council rejected the planning board's recommendation, but hoped the new council would see the benefits of the project

Resident asked if developer would create a website to provide all the information and improve transparency. Another resident indicated the city has a website to do that, and offered to show the resident how to use it. Mr. Payson indicated he would not create a separate website for that purpose, but would assist in providing information if needed if the residents wanted to create a website

Residents asked whether they would receive notices of future meetings. Other residents and Peter Biegel explained the postcards would be sent per the planning process, and if people were not on the abutter list they should contact the city to be placed on the interested party list.

Residents asked if the developer would sell or give the land to the owners or Portland Trails instead of developing. Mr. Payson stated he would entertain proposals but that was not currently being considered

Residents expressed concerns about parking, removing dead trees, keeping healthy trees, blasting, buffering, and location of the turnaround on park property. Broad discussion ensued on these topics among residents. Peter Biegel and other residents explained these issues would be addressed in the planning and site plan review process, and all these things would have to be approved by the planning board

A resident asked about green building. Mr. Payson explained many energy efficiency features are part of the basic building and many are required by codes. Extra green features would be included at the option of buyers.

A resident asked if the developer had considered an alternate development plan with a different road design. Mr. Payson and Mr. Beigel explained that due to shape of the land, it would be difficult to configure the road differently and do a PRUD-style development.

Residents engaged in a broad discussion encouraging each other to get involved and suggesting ways to do so.

A resident asked about the proposed timing. Mr. Payson and Mr. Biegel explained there are a number of processes including the map amendment, site plan review, and affordable housing review that would take many months. Further, that it was unlikely the project could receive approvals before 6-9 months, and with bidding

and infrastructure it could be as long as 2 years before homes were built and sold – but the timing depends on the City process.

A resident asked about water and sewer capacity. Another resident stated that would not be a problem. Mr. Biegel explained it would be addressed as part of the site plan review process.

A resident asked for updated city email address since the one on the city's proposed for had retired. Another resident said the updated address was on the post cards.

A pastor of a local church in attendance offered space for future neighborhood meetings.

Mr. Payson adjourned the meeting at 7:04pm, and told attendees that he and Mr. Biegel would remain to answer any questions



Michael Payson 7/15/19

PLANNING
DEPARTMENT
385 BRYAN STREET
PORTLAND, MAINE 04103
Phone: (207) 878-3337
Fax: (207) 878-3338
E-mail: planning@portlandmaine.gov

LUC
Lund & Associates, Inc.

HARVARD STREET
PORTLAND, MAINE 04103
PREPARED FOR:
WESCOTT & PAYSON II
31 OLD CAMPUS DRIVE
PORTLAND, MAINE 04103

Revision	Date

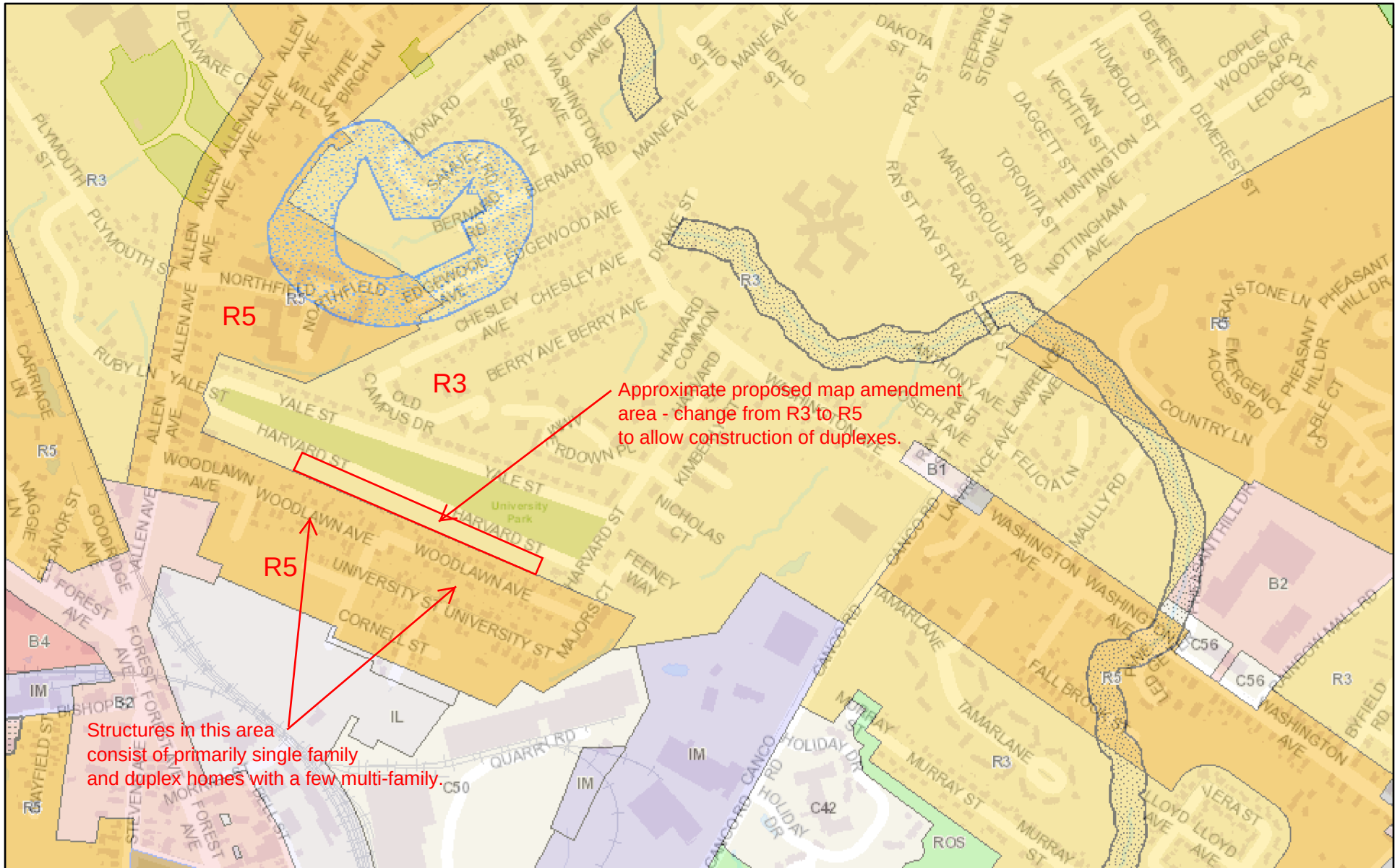
Designed PLC	
Drawn DG	
Checked DAK	
Scale 1" = 100'	
Date 02-20-06	

**NEIGHBORHOOD
MAP**

Job No. 4080.1
Exhibit
2.1



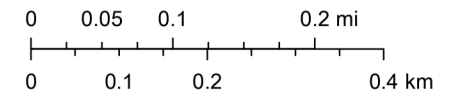
Context Zoning Map



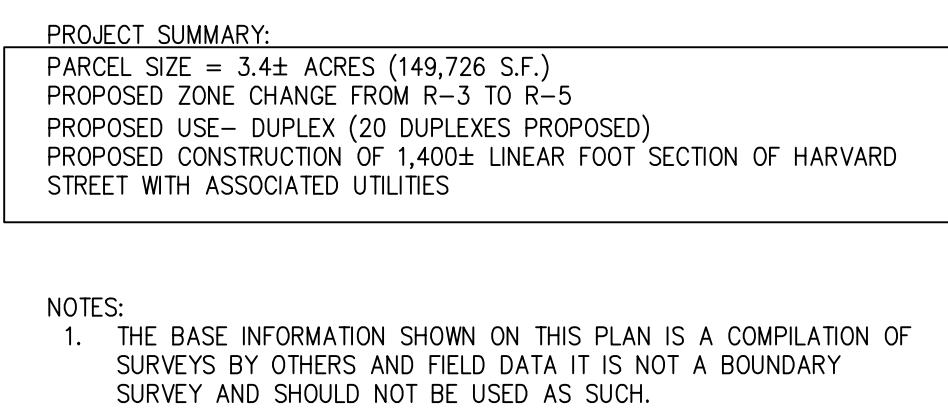
3/28/2019, 8:24:05 AM

Zoning	IR-3 Island Residential	R1 Residential	R4 Residential	R6 Residential
IR-1 Island Residential	I-B Island Business	R2 Residential	R5 Residential	R-6A Residential
IR-2 Island Residential	I-TS Island Transfer Station	R3 Residential	R-5A Residential	

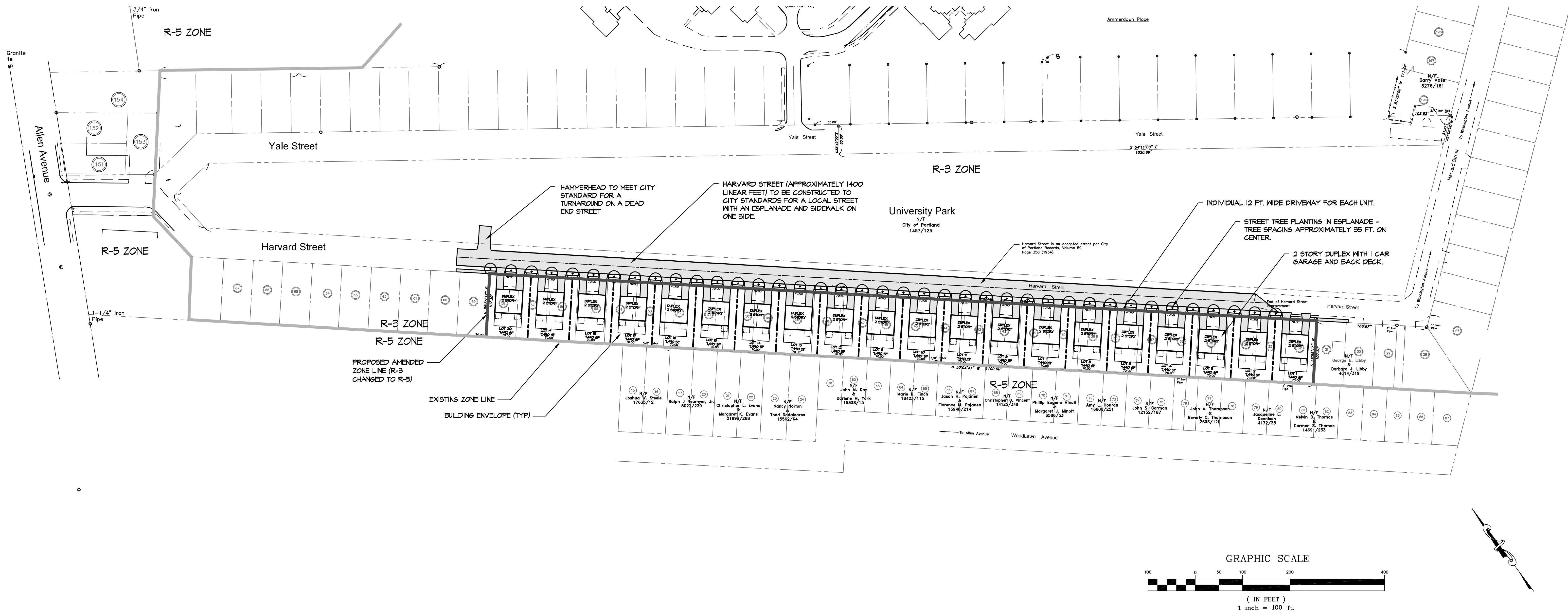
1:8,577

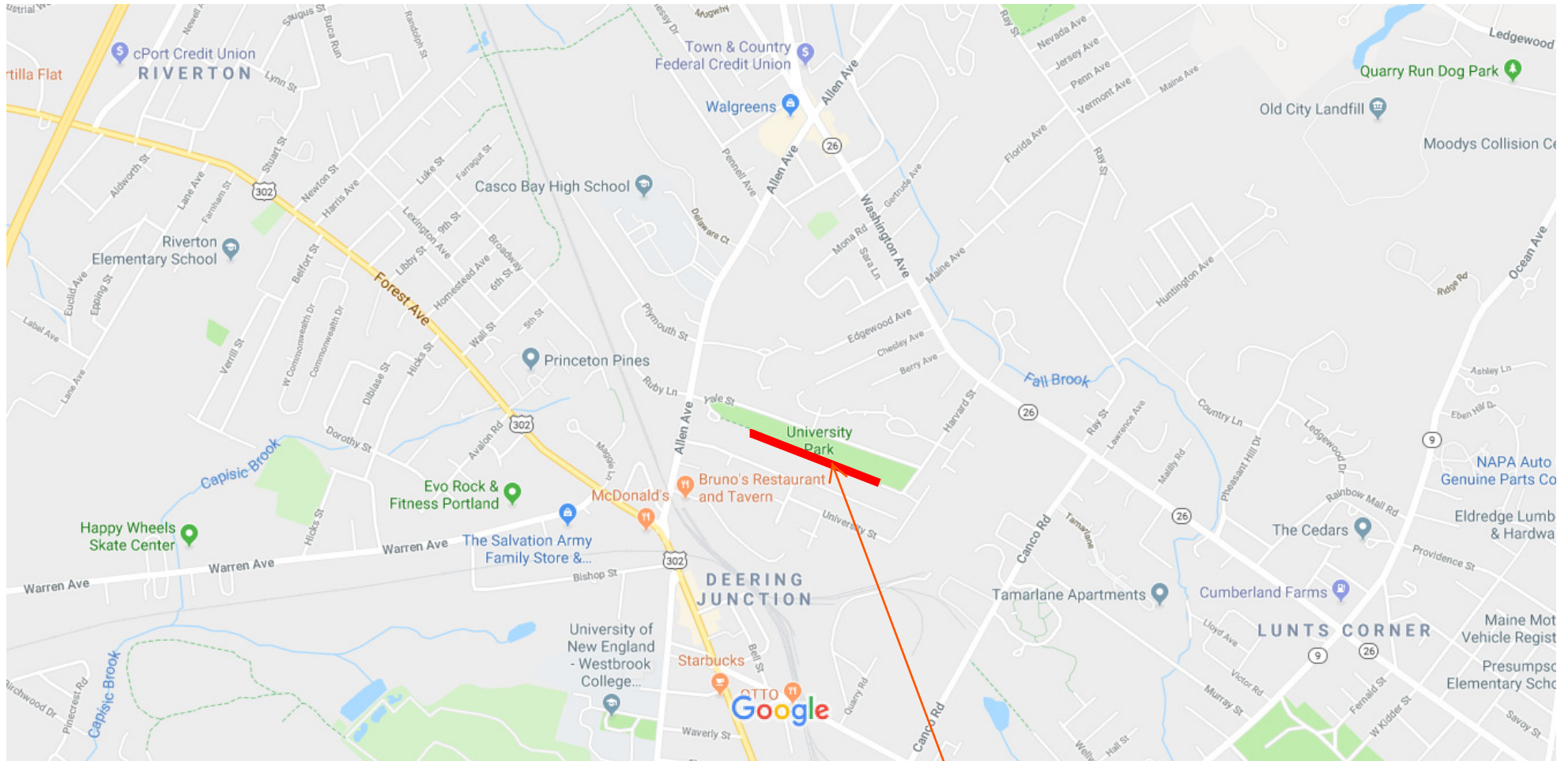


City of Portland, DPS



Description	R-3 Zone	R-5 Zone	R-5 Proposed
Single Family	allowed	allowed	NA
Duplex	not allowed	allowed	Duplex Allowed
Lot Width	65 ft.	60 ft.	70 ft.
Min. Street Frontage	50 ft.	50 ft.Min.	70 ft.
Front Yard	25 ft.	20 ft.Min.	20 ft.
Rear Yard	25 ft.	20 ft.Min.	20 ft.
Side Setback			
1 story	8 ft.	8 ft.	NA
1.5 story	8 ft.	8 ft.	NA
2 story	14 ft.	12 ft.	12 ft.
2.5 story1	6 ft.	14 ft.	NA
Max. Lot Coverage	35%	40%	27%±
Max. Structure Height	35 ft.	35 ft.	35 ft. max.
Min. Lot Size	6,500 s.f.	6,000 s.f.	7,490 s.f.

[illegible]



Map data ©2019 1000 ft

Proposed Map Amendment Area

Proposed Harvard Street Development

Jennifer fischer <jenfischer01@gmail.com>

Jul 8, 2019 6:56 AM

Posted in group: **Planning Board**

Planning Board- City of Portland

Re: Proposed Zoning change and development by Wescott & Payson

Plan # ZN-000716-2019

We are residents on Kimberly Court and are considered an "interested party" to the proposal to rezone and develop Harvard Street. We are quite opposed to this effort and want to make our concerns known. If the Planning Board lends it approval to this then it would be done with full awareness of the issues. We urge you to consider the interests of existing residents, in this proposed zoning change, over additional income for the developers.

The Comprehensive Housing Plan aims to provide affordable housing. But it also cites a commitment to regulate growth, respect the integrity, quality and character of existing neighborhoods.

As a matter of history- this same rezoning request and proposal was put before the City Council in 2006 and soundly defeated. The issues raised then are still the same now- only exacerbated due to the subsequent development of Yale Street. Documents that were put before the City Council, in 2006, are available if you need to review them.

While we are supportive of the Planning Boards goals to provide affordable housing in the City of Portland: we ask that the Board take a good look at the number of apartment buildings, duplexes and multi-family homes within a 1 mile radius of this area. The number of apartments and developments are many and at least two are targeted to lower income families. All within a mile of this area. Point being made here is that this area of N Deering has made an ample contribution toward the goal of affordable housing already. This area has had to adjust to the **33** apartment units of Yale Court, the **33** units of the Radcliffe Glen condominiums and the **84** apartments of the Woodwinds. All these empty out into either Yale or Harvard. Streets that cannot support additional traffic. Again, this neighborhood has done its share and that needs to be considered in balancing any decisions for the future.

As a point of fact Wescott & Payson were aware that the land, in question, was zoned R3 when they completed their purchase. This is not a zoning change requested to reinstate its original designation.

Although Woodlawn may be zoned R5; the **vast majority** of dwellings are single family. Thus putting up 20 duplexes- as proposed- would not be in keeping with the overall look and feel of the neighborhood.

A change in zoning from R3 to R5 has rarely been granted. It was noted, in 2006, that the only approval for such request was for a single lot on Seeley Street which was already adjacent to an R5 zone. And again this specific request was denied in 2006.

Our overwhelming concern is with the **safety issues** of rezoning and development. The safety issues are multiple and significant:

- Harvard Street has no sidewalks. The proposal would have the additional traffic all emptying out onto Harvard. This is an older street and the absence of sidewalks is already a hazard as many residents of the apartments, on Harvard Street and Yale, walk down Harvard to the bus stop on Washington Ave. Any additional traffic would create more of a hazard.
- The school bus stops are currently on Harvard and a second one at the intersection of Yale and Allen. Presently the school bus that picks up on Harvard must drive to the end of Harvard and execute a three point turn to reverse direction: right where this proposed development would funnel **all their traffic**. The swell of traffic at that spot on Harvard will create greater dangers to the children at this bus stop and create more difficulties for the driver to execute the turnaround. The school bus stop on Allen and Yale is a bit precarious as the waiting area is already too small for the number of children to safely wait to board the bus. As a result there are multiple cars, vans and SUVs parked along the end of Yale filled with the children awaiting the bus. It is already very difficult to approach that

intersection safely during the morning hours due to both the parked cars (many illegally parked) and the crowd of energetic children. Lets not add more traffic and children to that area!

- There are only two means of egress from Harvard. Yale and Harvard itself. The intersection of Harvard and Washington is already quite hazardous. During peak hours it is nearly impossible and quite dangerous to execute a left onto Washington. Even executing a right turn may require quite a long wait. There is a city bus stop right at that intersection and frequently a lot of pedestrian activity which creates safety issues as well especially in the absence of sidewalks and the absence of a traffic light. Clearly that intersection cannot handle the increased traffic from 20 duplexes.
- The intersection of Yale and Allen is also quite busy and nearly impossible to safely execute a left turn most times of the day. There is no traffic light there. That intersection cannot handle the additional traffic from 20 duplexes.
- The development of Yale street has already exacerbated the traffic issues. The proposal shows Harvard remaining a dead end street- thus any vehicle must enter or exit via Harvard to Yale or Harvard to Washington. There is a concern about emergency vehicle access on such a long dead end street such as that being proposed.
- Snow removal is a real concern. The proposed units do not leave room for adequate snow removal. This is already a problem on Yale street causing many – including school children- to walk on the roadways to avoid the large snow banks. There just simply is not enough open space to put the snow.

We trust that the Planning Board will inquire about plans for water drainage. Currently the land in question has a lot of standing water and the piping etc. on Harvard St is quite old and has not yet been replaced/upgraded by the City.

There is a proposed turnaround at the dead end of Harvard. Isn't that land held by the City? Are they proposing that the City sell them this land? Why can't the turnaround be built on the land already owned by Wescott & Payson?

Lastly, I would encourage the Planning Board to look at the City maps and see all the existing multi family /apartments already erected near this area. The population density is at its max. Any further development, as proposed, or rezoning to R5 will **devalue our property significantly**. This area will quickly become less appealing to residents due to the above mentioned safety concerns and negative impact to the neighborhood. Indeed Wescott & Payson are doing nothing to improve the neighborhood and will only devalue the properties of existing residents. Something the Planning Board should think long and hard about.

Thank you for your time and attention to this issue.

Sincerely

Jennifer Fischer

Norman Janson

Google Groups

Fwd: University Park rezoning

Tim Fulwider <timfulwider@gmail.com>

Jul 10, 2019 5:30 PM

Posted in group: **Planning and Urban Development**

----- Forwarded message -----

From: **Tim Fulwider** <timfulwider@gmail.com>

Date: Wed, Jul 10, 2019, 5:28 PM

Subject: University Park rezoning

To: <bab@portlandmaine.gov>

To whom it may concern:

I strongly oppose the proposal to rezone the land at 109 Harvard Street, otherwise known as University Park. I recently purchased my first home in the neighborhood adjacent to University Park partly because of the green space in the area. I immediately began using the park regularly and I hope to walk through those woods for many years to come. I often see many other people using the trail to exercise, walk their dog or just enjoy nature.

Please do not rezone the land at 109 Harvard Street. The land, in it's present state, is too important to the community to be altered in any way.

Sincerely,

Tim Fulwider
117 Woodlawn Ave

Google Groups

Fwd: University Park re-zoning

Jeff Levine <jlevine@portlandmaine.gov>

Jul 12, 2019 8:29 AM

Posted in group: **Planning and Urban Development**

For the file for the Harvard Ave rezoning.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: **Porter X** <cmporter74@hotmail.com>
Date: Thu, Jul 11, 2019 at 4:25 PM
Subject: University Park re-zoning
To: jlevine@portlandmaine.gov <jlevine@portlandmaine.gov>

Dear Mr. Levine,
As a resident who lives next to University Park, I am opposed to Apex Management's proposal to re-zone the park to allow construction.
Please lend your voice in opposition to this. The loss of a park in our city would be detrimental to our way of life.
Thank you,
Christopher Porter
Yale Street, Portland

Harvard Street development

laurastevens@gwi.net <laurastevens@gwi.net>

Jul 11, 2019 9:17 PM

Posted in group: **Planning Board**

Recently, it's come to my attention, via a letter distributed from a developer and a postcard from the city, that a green space attached to University Park is being threatened. Currently, the space is zoned R-3 for single-family homes. This zoning matches the character of the surrounding area on Harvard St and Yale St. However, the developer wants to change the zoning to R-5 to allow the construction of duplexes, increasing the density of the housing in the area. This proposal has a number of negative effects.

First, while I understand that the city is motivated to increase the housing options in the city, as a resident living on Yale St, I want to maintain the character of my neighborhood. Yale St and the already developed part of Harvard St are all single-family residences. In order to maintain the property values for these single-family residences, which are already impacted by surrounding townhomes, apartments, and condominiums, keeping the zoning R-3 on Harvard St would be advantageous.

Second, instead of developing the entire length of Harvard St, connecting it at the west end to Allen Ave, the developer plans on creating a cul-de-sac. The result would increase the traffic in our residential neighborhood, as the residents of the new duplexes would be forced to use Yale St to access Allen Ave and the existing part of Harvard St to access Washington Ave. Traffic on these streets is already high and at high speed. Despite the "Not a Through Street" signs, many people use our streets as a cut-through. In fact, during the recent construction on Washington Ave, Harvard St and Yale St were used by the construction company as a detour, exposing our neighborhood as a cut-through to untold numbers of new drivers.

Third, as it is currently undeveloped and is adjacent to University Park, this area is used by many as a green space. This green space is highly valued and appreciated. This space is vital for the quality of recreational life, our ecosystem, and the general aesthetic. The Harvard Street Path is utilized not only by residents, but by many others, including families, athletes, dog owners, cyclists, and Portland Trails enthusiasts.

I respectfully request that you work to deny this zoning change. Ideally, the developer would see the value of keeping the space green and will not develop the lots. Perhaps, the area might even be donated to Portland Trails. If not, please ensure the area is kept a single-family residence neighborhood and please require the street to be completed the entire way through to Allen Ave, as to not negatively affect traffic in the neighborhood.

Please join me in opposition to this dense development. Thank you for helping to maintain the quality of life in my neighborhood.

Laura Stevens

144 Yale St

Citizen Comments on 109 Harvard St. - New Development Review Project-Plan Number ZN-000716-2019

Nathan Miller <nmlilleruw@msn.com>

Jul 12, 2019 12:37 PM

Posted in group: **Planning Board**

To whom it may concern,

I am writing to offer my support for the proposed zoning changes that would allow the development of duplex housing units at the proposed 109 Harvard St project. I find it particularly odd that this development would have been previously allowed, but that the zoning was changed from R-3 to R-5 in the 1980's. When you look at many of the surrounding residential buildings on adjacent streets you see many multifamily buildings that would not be allowed to be constructed under the current zoning. It seems to me that multi-family housing is VERY MUCH in line with the character of the neighborhood.

While I understand that the neighbors on Woodlawn Ave have enjoyed having a de-facto extension of University Park while these lots have sat undeveloped, I find their concerns about removal of greenspace in the area to be unfounded. University Park will still exist, there is easy access to the preserve behind Casco Bay High School and the walking/biking trail that runs parallel to the railroad tracks from Morrills Corner to Riverside Industrial Parkway, the Old City Landfill area is relatively close, and there are numerous "pocket" green areas tucked into surrounding developed areas.

I would appreciate the city considering further expansion of multifamily zoning in this area, though I realize that's not within the scope of what's being requested as part of this project. Morrills Corner should be considered a key area for up-zoning and encouraging density as we strive for providing more housing units in general and particularly affordable and non-luxury units.

Thank you for your consideration,

Nathan Miller
79 Fessenden St
Portland

Google Groups

comments on proposed rezoning at 109 Harvard St

Christopher Vermilion <chris@verm.me>

Jul 12, 2019 2:55 PM

Posted in group: **Planning Board**

Hi,

I'm writing in support of proposed zoning changes to allow multi-family housing next to University Park (per today's PPH article <https://www.pressherald.com/?p=3108477>).

Portland desperately needs more housing, and this land is **already** zoned for housing, just not multi-family. I don't think it makes sense to block affordable housing so that neighbors can have a de facto park across the street rather than merely the actual University Park a block away.

Morrill's Corner seems ripe for transit improvements and densification; this seems like exactly the kind of development that makes sense nearby.

Cheers,

Christopher Vermilion
88 Lane Ave
Portland, ME 04103

Google Groups

Zoning Change In Vicinity of 109 Harvard Street

Maplewood Dance Center <themaple@maine.rr.com>

Jul 13, 2019 2:56 PM

Posted in group: **Planning Board**

To All Planning Board Members & Department Members:

RE: Wescott & Payson II, LLC Zoning Map Application for Vicinity of 109 Harvard Street

I wanted to call your attention to a Neighborhood meeting that was held by Wescott & Payson II, LLC on Friday, July 12, 2019.

The facility where the meeting was held, Apex Management Office 31 Old Campus Drive, was not large enough to accommodate everyone that wanted to attend.

As a result, MANY were forced to stand outside the facility and others, like myself, left in frustration. There also was insufficient parking at that location.

I hereby request that you NOT ALLOW this to count as one of the developer's required Neighborhood Meetings.

I also request that all future neighborhood meetings be held in a public facility that can accommodate ALL interested parties and allow for sufficient parking.

Respectfully yours,

Kathleen Vance

Joan A. Vance

Google Groups

FW: Harvard Street re-zone

george@lauramarrprinting.com <george@lauramarrprinting.com>

Jul 17, 2019 8:10 AM

Posted in group: **Planning Board**

From: george@lauramarrprinting.com <george@lauramarrprinting.com>

Sent: Tuesday, July 16, 2019 8:27 AM

To: 'planningboard@portlandmaine.gov' <planningboard@portlandmaine.gov>

Cc: 'shukriaw@portlandmaine.gov' <shukriaw@portlandmaine.gov>

Subject: Harvard Street re-zone

Hello, I have lived at 185 Harvard Street for the last 44 years and abut the new proposal for 40 families and possible 80 cars packed into 1450 feet of frontage. And only one way out to create, well you know how much of a mess that would create. Next to me is about 200 feet of vernal pool and it should be acknowledged wet area. I am against this proposal as are all my neighbors. This is a beautiful green area that should be used by all Portlanders and has been for years. Please do not let them change the zoning to allow twice as many homes. Thank you

George Libby

185 Harvard Street

109 Harvard St Zone Change

khart@leblancyoung.com <khart@leblancyoung.com>

Jul 26, 2019 10:59 AM

Posted in group: **Planning Board**

Dear Planning Board Member:

My name is Karen Hart and I live on Yale St in Portland. I am writing to urge you to vote against Wescott Payson II LLC's Harvard Street zone change request.

I know there are many concerns in the neighborhood about the loss of green space and the potential damage to the existing homes due to all of the blasting that will need to be done to build in the area. Those are both legitimate concerns as green space in our neighborhood is precious and regularly used by the community and long term damage from blasting is not always apparent at the time of the building.

I am also very concerned about the traffic and the impact this potential development will have on our residential area. Harvard and Yale Streets have both become cut through streets for people wishing to avoid the lights at Washington Avenue and Allen Avenue. In fact, the problem has grown to the point where I routinely see delivery trucks and 18-wheelers cutting through. If you change the zone from R-3 to R-5, they plan to build 20 duplexes at the end of Harvard St and sell them as condos and leave it as a dead end. This will add to the traffic on both Yale and Harvard by a possible 80 plus cars to an already saturated area. If they were to leave them as single family homes that could be cut in half. Although this is not ideal, it may be manageable.

I realize housing in Portland is important but to what end? Development should be thoughtful and should be mindful to keep residential neighborhoods just that - residential neighborhoods. A zone change on Harvard Street will change my neighborhood drastically (and not in a good way). Changes like this will be causing families with children and those that want the existing quality of life we now have in our neighborhood (with quiet streets and access to green space) to consider moving to other towns. We want children to be able to safely play outside without the potential of being hurt by a speeding car, delivery trucks, or 18-wheeler barreling down a once-quiet residential. And, yes, we already have speed bumps - they have done little to nothing to slow things down.

Again, I ask that you turn down the zone change request.

Thank you

Karen Hart

150 Yale St

Portland, ME

207-797-4026

Karen M. Hart, CPA, MST

LeBlanc & Young

P.O. Box 7950

Portland, ME 04112-7950

Phone: (207) 772-2800

Fax: (207) 772-2822

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Rezoning for proposed neighborhood development

Olivia Barberi <olivianb7@gmail.com>

Aug 5, 2019 10:29 AM

Posted in group: **Planning Board**

Dear Portland Planning Board members,

I am concerned about the proposed rezoning for the housing development adjacent to University Park in Portland. As a new resident to Portland, living in a neighborhood near to this park, I am saddened by this threat to the city's limited green space as I frequently use and see other see walkers, runners, and biking commuters enjoying this park. If this area was developed, it would significantly change the way that this park is currently utilized by community members. Importantly, the destruction of the tree cover bordering this public pathway would entirely alter the feeling of green space that it currently provides. As an environmental scientist, I have studied and seen firsthand the ecological benefits of woodland patches within cities and urge you to consider the biological and community value green space has to Portland.

Additionally, as a resident of this neighborhood, I am concerned about this development as my neighbors here have seen a lot of development in the past years and they express that this is forced, unnecessary, and extrusive growth. We are especially concerned about the threat of blasting and associated impacts it may have on our homes and foundations. Please consider the negative impacts of creating a new dead-end road in this area, which would not only add additional traffic to the surrounding roads but also create a proposed turn around in the park space. I attended the neighborhood meeting held by the developer and want to report a clear uneasiness felt by my neighbors that is associated with the developer's reasoning for the rezoning. We do not believe that the construction of duplexes, housing that would double the number of people, is an appropriate fit for this space.

Thank you for your time.

Sincerely,
Olivia Barberi
Woodlawn Ave, Portland, ME

Zoning change application by Westcott & Payson II at 109 Harvard Street

Linda McLoon <lsmcloon@gmail.com>

Sep 3, 2019 12:00 AM

Posted in group: **Planning Board**

28 Kimberly Court
Portland, Maine 04103
September 3, 2019

Planning Board
City of Portland, Maine

Dear members of the Portland Planning Board:

The application for a change in zoning at 109 Harvard Street by Westcott & Payson II, LLC should be denied for the following reasons:

1. There are no sidewalks on Harvard Street, and many people who live in the area walk to the bus stop close to the entrance to Harvard Street. A large increase in traffic on Harvard street would make it dangerous for walkers going to the bus stop or walking for other reasons;
2. At certain times of the day, there currently is a long line of cars waiting to exit Harvard Street onto busy Washington Avenue or to exit York Street onto busy Allen Avenue. This problem would only be exacerbated by a large number of new residents, making these intersections dangerous and unsafe;
3. University Park, the narrow strip of parkland that is enjoyed by many residents, would be under extreme pressure from the large influx of duplexes going up beside it if the zoning were to change;
4. A vernal pool exists adjacent to the lots in question, which would be adversely affected by the developers' building plan;
5. Any blasting due to ledge in the area would likely have negative impact on nearby homes;
6. Residents fear that once a zone change is approved, the current property owners could conceivably split from their announced plan to build duplexes and instead put up apartment buildings;
7. The presence of a number of nearby multi-family units, which include Northfield, Yale Court, The Woodwinds, and Radcliffe Glen condominiums, already makes this area one of the most densely populated areas in the city, and Portland needs to strike some balance to consider the concerns of single-family homeowners;
8. The projected sale price the developers are considering for the proposed duplexes does not qualify them as low-cost housing;
9. The approval of this zone change would be inconsistent with the city's Comprehensive Housing Plan, which stresses the need to protect neighborhood stability while ensuring the integrity and economic value of Portland's neighborhoods. The city shouldn't attempt to increase available housing at the expense of our neighborhood.

I hope you will carefully consider the above points before coming to a decision on the zoning change application.

Sincerely yours,
Linda McLoon
28 Kimberly Court, Portland, ME 04103

RE: PL-000716-2019 – Opposing the development of University Park and Harvard Trail, Portland, ME

Stephanie Brown <heysteph6320@yahoo.com>

Sep 3, 2019 2:57 PM

Posted in group: **Planning Board**

Dear Ladies and Gentlemen of the Planning Board:

I am writing regarding the project for consideration set forth to the City of Portland Maine Planning Board by Wescott & Payson II, LLC. The applicant, Wescott & Payson II, LLC., proposes a map amendment from R-3 to R-5 along an undeveloped portion of Harvard Street. I highly oppose the development of this green space in the Northeast Deering community.

This community is flanked by some of the busiest streets in Portland; Washington Avenue, Allen Avenue and Forest Avenue. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities. Here are some main reasons why we need to keep trees in our urban environments:

Air Quality -- Planting trees remains one of the most cost-effective ways of drawing carbon dioxide from the atmosphere.

Visual Appeal – few things can compare with the aesthetic impact that trees offer the urban setting.

Health and well-being -- Trees have also been proven to have a positive impact on skin cancer, asthma, hypertension, and other stress related illness by filtering out polluted air, reducing smog formation, providing shade from solar radiation, and providing an attractive, calming setting for recreation.

Trees also form an effective sound absorbing barrier to help reduce unwanted urban noise pollution.

The biodiversity of trees in providing natural habitats for birds, squirrels, and other fauna are considered to some as incalculable.

Cost Savings – According to the United States Forest Service, for every \$1 spent on trees, a return of \$2.70 in benefits is received.

Managing Stormwater – For every 5% of tree cover in a community, stormwater runoff is reduced by 2%.

Property Values --Independent studies have shown a consistent 5-15% increase in property values on tree lined streets, proving that trees increase commercial and residential real estate values.

Another reason for opposing this multi-unit housing development is the traffic congestion in the area. As I mentioned previously in my letter, busy streets flank this community. The traffic is so completely backed-up from Morrill's Corner, down Allen Avenue and Forest Avenue, that I cannot make a left-hand turn onto Allen Avenue to get to work in the mornings.

Please do not approve this map amendment and recommend it to the City Council. There are so many people in the community and beyond that enjoy that green space each and every day, hikers, runners, bikers alike.

Stephanie Brown
32 University Street
Portland, ME 04103

PL-000716-2019

Cherie Phillips <cherie.mkp@gmail.com>

Sep 5, 2019 8:52 AM

Posted in group: **Planning Board**

Dear Planning Board,

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

Cherie Phillips
Portland, ME

Google Groups

Northeast Deering Community

Hope Gauer <hgauerr@gmail.com>

Sep 5, 2019 9:00 AM

Posted in group: **Planning Board**

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

Hope Gauer

Sent from Mail for Windows 10

Google Groups

PL-000716-2019

Heidi Will <hwill64@gmail.com>
Posted in group: **Planning Board**

Sep 5, 2019 9:00 AM

Dear Portland Leaders,

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

Sincerely,

Heidi Will

Google Groups

PL-000716-2019

Brislin, Lisa <Lisa.Brislin@ampf.com>

Sep 5, 2019 9:35 AM

Posted in group: **Planning Board**

Dear Concerned,

I am writing you to let you know that I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

Thank you!

Lisa

P.S. When you have the right financial advisor, life can be [brilliant](#). If there is anyone you care about who might benefit from a second opinion, I would be happy to help.

**Lisa Brislin, AAMS®**

Associate Financial Advisor

with the practice of John Hughes, CFP®, ChFC®, Private Wealth Advisor

A private wealth advisory practice of Ameriprise Financial Services, Inc.

.....

Ameriprise Financial Services, Inc.
5 Ward Street
Scarborough, ME 04074

O: 207.883.4434 x 106 | F: 207.883.3440

Support staff contact information is available on [my website](#)

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Sept. 10 Workshop: Harvard Street R3 to R5 Map Amendment

E M <emann@maine.rr.com>

Sep 5, 2019 10:31 AM

Posted in group: **Planning Board**

To: City of Portland Planning Board
Fr: Eleanor Mann
33 Woodlawn Avenue
RE: Harvard Street R3 to R5 Map Amendment

I am writing to express my strong opposition to this rezoning.

Mr. Payson acquired the lots in question individually, over time, at prices that reflected their inaccessibility. He bought them with the full knowledge of what could and could not be built on them.

At the developer's required neighborhood meeting on 7/12/19, a neighbor pointed out that a similar request for a zone change from R3 to R5 for the land in question had been voted down by City Council in 2005. Mr Payson confirmed this.

There was no compelling reason for a zone change then, and there is no compelling reason for a zone change now. Development of these lots would mean the loss of the Harvard Street Path, which has served as an important green space for the abutting neighborhoods. University Park, right next to the proposed development, would be compromised. Doubling density on the lots in question would increase the impact on the abutting park and serve no purpose other than to increase the developer's profits.

Before the recession of 2008, there was a demand for more housing in Portland. For many years after the recession of 2008, houses and condos languished on the market. This rapid development/slowed development cycle has been repeated more than once in Portland and will, inevitably, repeat itself again.

In our current phase of rapid development, residents of Portland need to be able to rely on the enforcement of zoning regulations. Zoning has no significance if it can be changed at will upon the request of a developer. Please recommend that the developer's request for a change from R3 to R5 be denied.

Housing Development opposition PL-000716-2019

Hughes, John X <john.x.hughes@ampf.com>

Sep 5, 2019 12:48 PM

Posted in group: **Planning Board**

Thank you for your consideration.

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

Best Regards,



P.S. Using our Confident Retirement® approach, I collaborate with my clients to help them plan for a [brilliant](#) future. Please share the [3-Minute Confident Retirement® check](#) with anyone you care about who has retirement questions.

John Hughes, CFP®, ChFC®, RICP®

Private Wealth Advisor

An Ameriprise Private Wealth Advisory Practice

Ameriprise Financial Services, Inc.
5 Ward Street
Scarborough, ME 04074

O: 207.883.4434 | F: 207.883.3440

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PL-000716-2019

Helen Meehan-Selleck <helenmeehan@hotmail.com>

Sep 5, 2019 1:11 PM

Posted in group: **Planning Board**

I live on University St and wish to voice my opposition to this multi unit duplex development proposed for Northeast Derring community. This development will affect University Park and Harvard St trails (part of the Portland Trail system) and greatly impact the green space available in this city. Aside from the recreation value the amount of traffic it will create for the area would greatly impact not only the neighborhood but the flow of traffic to Allen Ave and Washington Ave. Presently it is almost impossible to get out of these side streets without this mega development. I certainly hope the planning board gives these issues lots of consideration. Thank You for allowing me to voice my objection.

Helen Meehan-Selleck
45 University St
Portland Me 04103

PL-000716-2019

Neill Gemmel <ngemmel@gmail.com>

Sep 5, 2019 1:48 PM

Posted in group: **Planning Board**

Please consider this

"I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our neighborhood."

Google Groups

PL-000716-2019

briana <bri04074@yahoo.com>

Sep 5, 2019 1:53 PM

Posted in group: **Planning Board**

My name is Briana and I am a neighbor of the University Park. I live on university street. I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

For further questions please don't hesitate to call or email me in reply. This is a topic I hold a strong opinion on, this is our neighborhood too.

Briana Thims
207-776-4958
bri04074@yahoo.com

Sent from Yahoo Mail on Android

HARVARD STREET

george@lauramarrprinting.com <george@lauramarrprinting.com>

Sep 5, 2019 2:08 PM

Posted in group: **Planning Board**

Harvard Street, 1100 feet of frontage on a dead end street. 44 duplex units, possibly 88 vehicles, one way in and one way out. Come on planning board this makes no sense. I live at 185 Harvard which abuts this proposal and it will ruin the green space and the neighborhood. It will create way too much traffic. Do what is right please.

George Libby

185 Harvard Street

Google Groups

Proposed housing development

Andrea Polonetsky <andreapolonetsky@gmail.com>

Sep 5, 2019 2:15 PM

Posted in group: **Planning Board**

Hi!

I just bought a house in Portland and have been enjoying the city's green spaces with my husband and four young children! We heard about a proposed housing development in the Northeast Deering community that would affect the University Park and Harvard Street Trail. I am writing to express my concern about allowing this and other green spaces to be developed. Once they're gone they're gone, forever. Please keep this a space for the community to share for generations to come. Not to mention all of the wildlife that would be displaced.

Thank you for your thoughtful consideration!

Andrea Polonetsky
69 Montrose Ave, Portland

Sent from my iPhone

Don't compromise our trails and woods. PL-000716-2019

Phyllis Leeke <phyllisleeeke@gmail.com>

Sep 5, 2019 2:51 PM

Posted in group: **Planning Board**

"I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities."

SUBJECT LINE: PL-000716-2019

Google Groups

PL 000716-201 9

Beth Guy <jguy1@maine.rr.com>

Sep 5, 2019 4:58 PM

Posted in group: **Planning Board**

To members of the Planning Board:

We strongly the housing development proposed for the Northeast Deering community because it affects the University Park and Harvard Street Trails. This development would greatly reduce the green space in this area and would diminish the "clean air" benefits that trees provide for our Forest City. Further, the destruction of the trails would take away recreational and exercise opportunities within the city. Please oppose this project on these grounds.

Thank you.

James and Beth Guy
15 Martin Rd.
Portland ME 04013

Feedback- PL-000716-2019

K Caron <stilleight@yahoo.com>

Sep 5, 2019 5:11 PM

Posted in group: **Planning Board**

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

It is incredibly important for my kids to be able to walk home from school via interspersed Portland Trails. Green spaces are why I pay the crazy Portland taxes.

Thanks- Kellie Caron
89 Dorset Street

Re: Open space in Portland

MiaBlanche1@maine.rr.com <MiaBlanche1@maine.rr.com>

Sep 5, 2019 5:30 PM

Posted in group: **Planning Board**

I believe that the developer who wants to build on this property deserves to do so. If the community is against it maybe they should purchase it.

From: "Nextdoor North Central Deering"
To: miablanche1@maine.rr.com
Cc:
Sent: Thursday September 5 2019 4:17:09PM
Subject: Re: Open space in Portland

**3 more replies to "Open space in Portland"**[View all replies](#)**M** **Mike Cempa**, North Portland

Is there a site plan? I'd like to know more. I'm torn between the need for green space and the need for affordable housing.

**Thank** **Private message****D** **DAVID SELLECK**, North Back Cove

Matt Dechaine University Park Rd will still be there but the development will back up to it. They need a zoning change to do this complex. I have concerns about open space but bigger concerns on how you route all this traffic out of a neighborhood that... [See more](#)

**Thank** **Private message**[View 1 more reply](#)

 [Turn off notifications for this post](#)

This message is intended for miablanch1@maine.rr.com. [Unsubscribe here](#). Nextdoor, 875 Stevenson Street, Suite 700, San Francisco, CA 94103



Google Groups

PL-000716-2019

Carrie Dickinson <carrie423pg@gmail.com>

Sep 5, 2019 6:34 PM

Posted in group: **Planning Board**

"I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities."

Google Groups

PL-000716-2019

Hala Ismail <ihala66@gmail.com>

Sep 5, 2019 6:39 PM

Posted in group: **Planning Board**

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

Sent from my iPhone

Google Groups

Deborah <deborahnapi@gmail.com>

Sep 5, 2019 7:11 PM

Posted in group: **Planning Board**

Attention: Planning Board, City of Portland

I wanted to state that I am opposed to the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities. I do understand the limited available housing in the Portland area, but we also need to preserve our green space, parks and trails. I mean, look at all the beautiful farm land that is being totally destroyed by the new housing development on Stroudwater St. The is enough, enough? PLEASE!

Deborah Napier
111 Cobb Ave.
Portland, ME. 04102

Google Groups

PL-000716-2019

Shannon Wong <shannonmwong@hotmail.com>

Sep 5, 2019 8:17 PM

Posted in group: **Planning Board**

To Whom it May Concern,

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

Sincerely,
Shannon Wong

PL-000716-2019

Myke Johnson <mykejohnson@maine.rr.com>

Sep 5, 2019 9:19 PM

Posted in group: **Planning Board**

Dear members of the planning board:

I oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities. During this time of dealing with climate catastrophe, we should be preserving trees, and in fact, adding to the green space in our Forest City.

From what I have been able to learn, this development will also not add affordable housing to our city.

Sincerely,

Myke Johnson

67 Birchwood Drive, Portland, 04102

Housing Development in University Woods Park

Donald Murray <donmurr825@gmail.com>

Sep 6, 2019 7:51 AM

Posted in group: **Planning Board**

Dear Board Members,

We strongly object to the proposed residential development incursion into our neighborhood park. We value the small but important green space, University Park, we have nearby in North Deering. Please reject the land use proposal before you that would destroy our park.

Thank you for your consideration of our need.

Sincerely,

Don and Miki Murray

Don & Miki Murray
30 Majors Ct.
Portland, ME 04103
H: 207-899-4195

Google Groups

University Park

Olga Higuera <olhiguera@yahoo.com>

Sep 6, 2019 8:25 AM

Posted in group: **Planning Board**

We need all the green space oxygen cleaning possible.

Olga

32 Nicholas Ct

Sent from my iPhone

PL-000716-2019

David Bruenjes <davidmbrienjes@gmail.com>

Sep 6, 2019 8:27 AM

Posted in group: **Planning Board**

Hi, I'm writing to say that I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities. I value the Portland Trails system immensely.

Regards, David Bruenjes

PL-000716-2019

Fraser, Melissa <Melissa.Fraser@ampf.com>

Sep 6, 2019 8:51 AM

Posted in group: **Planning Board**

Hello,

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

Thank you,

Melissa

P.S. When you have the right financial advisor, life can be [brilliant](#). If there is anyone you care about who might benefit from a second opinion, we would be happy to help.

**Melissa Fraser**

Administrative Assistant

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SUBJECT LINE: PL-000716-2019

Alicia Greenwald <lishgre3@maine.rr.com>

Sep 6, 2019 11:05 AM

Posted in group: **Planning Board**

"I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities."

Alicia "Lish" Greenwald www.Facebook.com/thatssewlish/

Handmade unique items made with L♥VE

Google Groups

PL-000716-2019

Jessica Antonez <jessicaantonez@gmail.com>

Sep 6, 2019 11:36 AM

Posted in group: **Planning Board**

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

Thanks,
Jessica Antonez

PL-000716-2019

Elizabeth Davidson <davidson.elizabeth.a@gmail.com>

Sep 6, 2019 12:55 PM

Posted in group: **Planning Board**

To whom it may concern:

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

Please, please do not compromise Portland's natural beauty by irreversibly destroying this portion of our city.

Elizabeth Davidson
126 Summit St.
Portland

Google Groups

PL-000716-2019

MH <mhandlin@maine.rr.com>

Sep 6, 2019 1:05 PM

Posted in group: **Planning Board**

M
As a 26 year tax payer and passionate trail walker and biker, I am against the proposed housing development that affects University Park and Harvard Street Trail. This project threatens to reduce the green space in this area, compromising the psychological benefits of nature and destroying mature urban trees that improve air quality in our city.

Margaret Handlin
Mackworth St Resident

Google Groups

PL-000716-2019

MaryTeresa Beyer <beyermaryteresa@gmail.com>

Sep 6, 2019 1:58 PM

Posted in group: **Planning Board**

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

Mary Teresa

PL-000716-2019

Nicole Robitaille <nicolecrobitaille@gmail.com>

Sep 6, 2019 2:15 PM

Posted in group: **Planning Board**

Hi there,

I am writing to speak out against the proposed housing development in North Deering, near University Park and Harvard St Trail. I live very close on Ruby Lane and walk my dog in this area. This is already a densely packed area of North Deering with difficult traffic backing up from Morrills corner. Moreover, changing the zoning to build duplex's would significantly change the character of the neighborhood. I hope you consider my opinion during this vote.

Best,
Nicole Castonguay
86 Ruby Ln, Portland, ME 04103

Google Groups

PL-000716-2019

Dibbie Appleton <dib@maine.rr.com>

Sep 6, 2019 3:09 PM

Posted in group: **Planning Board**

PLEASE DO NOT give a green light to to the development plan for Northeast Deering. We need our green spaces, we don't need another development! Please don't grant the zoning change.

Isabelle S. Appleton
98 Hersey Street
04103

PL-000716-2019

Heidi Shingleton <heidi.shingleton@gmail.com>

Sep 6, 2019 3:20 PM

Posted in group: **Planning Board**

Hello,

I'm writing to document my opposition to the proposed housing development for the Northeast Deering community - University Park & Harvard Street. This development would reduce green space, and access for those of us who walk and enjoy the little escapes to nature despite living in a city.

Green space should be your priority.

Thank You,
Heidi Shingleton

PL-000716-2019

Ryan Stitham <ryanstitham@me.com>

Sep 6, 2019 3:24 PM

Posted in group: **Planning Board**

For the love of, well, Portland... I strongly urge all who read or hear this to do whatever they can within reason to oppose the housing development in the Northeast Deering that would sacrifice two of our beloved trails and reduce the city's green space. We should think tremendously long and hard before giving these up... They're a lot more precious and far harder to replace or relocate than the next housing development.

Best,
Ryan Stitham

Sent from my iPhone

Proposed Harvard Street Zoning change

Stephen W. Gray <steve.gray@cornell.edu>

Sep 6, 2019 3:49 PM

Posted in group: **Planning Board**

Dear Board Member,

Please do not grant the proposed zoning change. Our neighborhood has a mix of single family and duplex homes. A change in zoning to allow all duplexes, closely packed together would be a major change in character.

Furthermore, 40 family units will mean close to 80 commuting vehicles zooming up and down Harvard street in the morning and at dinner time. There will be backups at the ends of Harvard and Yale at intersections that have trouble handling present traffic safely. Parents picking up school children in poorly parked cars already create some hazard for their own kids. This large new addition will make them even less safe.

While we would miss the green space this land provides, development as zoned would be much more in keeping with the neighborhood.

Thank you,
Stephen and Elizabeth Gray

Google Groups

Building in University Park & Harvard street. I oppose this development to be built , it will disrupt many trails & destroy the green we are trying to maintain. Please consider this thought & understand what will happen

Frank Martinez <venom1947@yahoo.com>

Sep 6, 2019 4:55 PM

Posted in group: **Planning Board**

Sent from my iPhone

PL-000716-2019

Jane Weinstein <janewnst@gmail.com>

Sep 6, 2019 5:55 PM

Posted in group: **Planning Board**

Please consider keeping University Park and Harvard Street Trail and the enjoyable green spaces that they are.

Once we lose them they're gone. I'd rather see development in Westbrook than increase the density and high cost of housing in Portland.

Once a green space is developed, there's no turning back.

Jane Weinstein
109 Colonial Rd.
Portland, ME 04102

Google Groups

University Park Planning Board Meeting

Save University Park <save.university.park.trail@gmail.com>

Sep 7, 2019 8:57 AM

Posted in group: **Planning Board**



Planning Board To Hear From Wescott & Payson regarding Harvard Street

-WE MUST FIGHT REZONING TO

PREVENT DUPLEXES VS SINGLE

FAMILY HOMES-

BE HEARD!

Join us September 10th at 7:30 pm in Council Chambers, 2nd Floor, City Hall.

This item is first on the agenda, please be sure to get there early!

There is power in numbers! We need help in voicing any of the many arguments to be made. Some of which you may not have even considered. If you are willing to express concerns such as:

- **Congestive and Dangerous Traffic**
- **Previous Negligent and Irresponsible Property Management**
- **Green Space Conservation**
- **Pricing of \$3750k + two bedroom condos signal the beginning of the end of a diverse, working population that can afford to live in this burgeoning neighborhood**
- **Blasting impact to surrounding homes**
- **The fact that this application was rejected 13 years ago and the same issues exist today!**

IMPORTANT NOTICE FROM CITY OF PORTLAND PLANNING DIVISION

IN THE VICINITY OF 109 HARVARD STREET

To Residents and Property Owners: The Portland Planning Board will hold an evening workshop to consider a plan by Wescott & Payson II, LLC to consider a map amendment from R-3 to R-5 along an undeveloped portion of Harvard Street for lots 32 through 58 shown as part of the original subdivision plan for Univeristy Park. The area proposed consists of 38 contiguous lots with approximately 3.4 acres and approximately 1,450 ft. of frontage on Harvard Street. The map amendment is subject to review and recommendation from the Planning Board to the City Council. The workshop is an opportunity for the applicant to present a plan to the Planning Board in an informal session which is open to the public. Public comments will be taken at this meeting. Written comments should be submitted to planningboard@portlandmaine.gov. Please refer to the document, Guide to Public Participation in the Planning Board Process, for revised procedures for public comment which can be found at <http://www.portlandmaine.gov/551/Development-Review>.

The EVENING WORKSHOP will be held:

**Tuesday, September 10, 2019, Council Chambers, 2nd Floor, City Hall
7:30 p.m. start time (this item is the 1st item on the agenda)**

A project and plan summary is available for viewing on the Citizen Self Service Portal (<http://css.portlandmaine.gov>), by referencing Plan Number PL-000716-2019. Memos and reports are posted on <https://www.portlandmaine.gov/129/Agendas-Minutes> by the end of business day on the Friday before the Planning Board meeting. If you have any questions regarding the proposal, please contact Shukria Wiar, Planner, by phone at 207-756-8083 or e-mail at shukriaw@portlandmaine.gov.

Changing the zoning from R-3 to R-5 makes it possible for this developer to decimate 28 contiguous lots with approximately 3.4 acres of green space. This

cannot and should not be tolerated!

The zoning change would allow the developer to build large duplex's instead of single family homes. Come to the meeting to share your opinions!

Find Out More



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save university park · 42 Woodlawn Ave · Portland, ME 04103-3512 · USA



Written comments on the proposed development near 109 Harvard St

David Spector - NSR/USA <david@nsrusa.org>

Sep 7, 2019 9:59 AM

Posted in group: **Planning Board**

Dear Portland Planning Commission,

Others have ably addressed the economic and developmental factors that argue against granting the zoning change that would permit this new development that will reserve only one duplex condominium unit out of 10 or more for low income housing.

I would like to address a very different and perhaps more important issue: the destruction of precious green space, including the lovely existing unpaved and scenic Harvard Path trail (the thinner Sebago to the Sea Trail near it would survive, although it will be tightly surrounded by city streets). Note that Harvard Path, in the middle of the current greater University Park wild area, is easily accessible by disabled citizens from parking lots at both ends.

While I appreciate the concerns for economic justice, construction noise, new traffic, and probable blasting damage that many have raised, the destruction of one of the last wild areas in the Portland area may actually be the primary reason to protect our greater contiguous University Park from development.

This development proposal is not just an economic injustice: it ruins the value of our existing greater park area to our citizens now and forever by cutting its size in half and creating a new wide street that will destroy the character of the existing wild area by enclosing it within two city streets instead of just one.

Portland needs its wild areas for the future enjoyment of its citizens. It needs the beautiful paths and this small haven for a large variety of plants and animals that otherwise find it difficult to survive in an urban landscape.

It may be obvious, but it is true that once such an area is destroyed, it can never return. We need to remain committed to life (human, animal, and plant life) while this and future demands for destruction are launched by those who value money and income over the survival of the necessary isolated tiny wild areas within our city. The future is at stake here.

The plants, the animals, and this green solitude may very well all disappear soon if the developers have their way. Please help the citizens of Portland enjoy this wonderful park today and into the future.

David Spector
University Park neighbor since 2011

Stop taking away from the Portland Trails!

shana walsh <shanadandrea@yahoo.com>

Sep 7, 2019 3:37 PM

Posted in group: **Planning Board**

The developer that wants to add housing by taking away from the Harvard st area of the Portland trail system should not be granted the permit. We have so few areas in the city of Portland to enjoy open green space. By adding more housing in that area you will only congest the streets which are already congested in that area. I understand that there is not enough housing in the city of Portland however by taking up the open green spaces is not the answer. There are many areas that you have allowed hotels to go up, instead if it had been housing perhaps you'd not have the issue you do. As a tax payer in the city I want my Portland trails. Let me have something for the large amount of taxes I have paid.

Sincerely, Shana D'Andrea

Sent from my iPhone

Google Groups

University Park plan

kathryn.andrews3@gmail.com <kathryn.andrews3@gmail.com>

Sep 7, 2019 4:15 PM

Posted in group: **Planning Board**

To the planning Board Committee:

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

In general, it is good practice for cities to build 'up' instead of sprawling out into the hinterlands. Portland has an opportunity to lead by example, and it starts with our planning board.

Sincerely,

Kathryn Brouillette
34 Chamberlain Ave

Google Groups

PL-000716-2019 – what ignoring climate change looks like in Portland!

andrea@andreagaines.com <andrea@andreagaines.com>

Sep 8, 2019 4:58 PM

Posted in group: **Planning Board**

To the Portland city Council ... have you not seen the devastation in the Bahamas?????? Are you unaware of what we are doing to the planet???????

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

This is what ignoring climate change looks like in Portland.

Open your eyes and vote this project down!

Google Groups

PL-000716-2019

Carin Seadler <itsbetterinmaine@gmail.com>

Sep 8, 2019 6:25 PM

Posted in group: **Planning Board**

"I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities."

Carin Seadler
Sent from my iPhone

Google Groups

PL-000716-2019

Genevieve Levin <remarkableblackbird@gmail.com>

Sep 9, 2019 7:59 AM

Posted in group: **Planning Board**

Good morning,

I'm writing to say that I strongly oppose the housing development proposed for the Northeast Deering community. It's effects on University Park and Harvard Street Trail would be a shame for a number of reasons. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities. As well as cause more unwanted change to our small city.

Thank you

Genevieve levin

www.remarkableblackbird.com

Planning Board Meeting Tomorrow

University <save.university.park.trail@gmail.com>

Sep 9, 2019 9:59 AM

Posted in group: **Planning Board**

[View this email in your browser](#)



Planning Board Meets Tomorrow

Tomorrow is the Planning Board meeting to hear the proposed rezoning of Harvard Street to allow duplexes be built as opposed to single family homes. There are MANY arguments and issues the developers will be creating that go beyond saving our green spaces such as:

- In a working class neighborhood, developing duplexes starting at \$375k for a two bedroom is anything but creating affordable housing.
- The amount of traffic it would create in an already congested area.
- Sidewalks are not included in the plan, creating safety issues.
- There will be blasting on ledge creating damage to existing homes and structures (The same developers ignored damage complaints earlier).
- Concerns of draining issues on Yale St. creating flooding.
- Of course, decimation of Portland's green spaces.
- And many more...

The [campaign started by Sue Rose and written about in The Portland Press Herald](#) has picked up steam. By last count, over 350 have signed [our online petition](#) to stop the rezoning of this area. It is zoned for single family homes for many reasons, some listed above. The Planning Board validated these concerns rejecting proposed rezoning in 2006. **The reasons for voting it down again haven't changed**, in fact, they have grown even more pertinent with time. Developers greed is no reason to compromise now.

Spread the word, share the petition, **come to The Planning Board meeting tomorrow at 7:30 at City Hall**, it is the first issue on the agenda so come early. Speak! **Let your voice be heard!** It is only through opposition in numbers that we can fight this. If, for some reason, you are not able to attend, feel free to email us your concerns so someone can voice them.

To keep up to date, [like our FB page](#).

Here is the meeting details as sent by the city:

IMPORTANT NOTICE FROM CITY OF PORTLAND PLANNING DIVISION

IN THE VICINITY OF 109 HARVARD STREET

To Residents and Property Owners: The Portland Planning Board will hold an evening workshop to consider a plan by Wescott & Payson II, LLC to consider a map amendment from R-3 to R-5 along an undeveloped portion of Harvard Street for lots 32 through 58 shown as part of the original subdivision plan for University Park. The area proposed consists of 38 contiguous lots with approximately 3.4 acres and approximately 1,450 ft. of frontage on Harvard Street. The map amendment is subject to review and recommendation from the Planning Board to the City Council. The workshop is an opportunity for the applicant to present a plan to the Planning Board in an informal session which is open to the public. Public comments will be taken at this meeting. Written comments should be submitted to planningboard@portlandmaine.gov. Please refer to the document, Guide to Public Participation in the Planning Board Process, for revised procedures for public comment which can be found at <http://www.portlandmaine.gov/551/Development-Review>.

The EVENING WORKSHOP will be held:

**Tuesday, September 10, 2019, Council Chambers, 2nd Floor, City Hall
7:30 p.m. start time (this item is the 1st item on the agenda)**

A project and plan summary is available for viewing on the Citizen Self Service Portal (<http://css.portlandmaine.gov>), by referencing Plan Number PL-000716-2019. Memos and reports are posted on <https://www.portlandmaine.gov/129/Agendas-Minutes> by the end of business day on the Friday before the Planning Board meeting. If you have any questions regarding the proposal, please contact Shukria Wiar, Planner, by phone at 207-756-8083 or e-mail at shukriaw@portlandmaine.gov.



Our mailing address is:

save university park
42 Woodlawn Ave
Portland, ME 04103-3512

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You can [update your preferences](#) or [unsubscribe from this list](#).



PL-000716-2019 - oppose

Camryn Hansen <camrynhansen@gmail.com>

Sep 9, 2019 10:37 AM

Posted in group: **Planning Board**

Hi Planning Board,

This is a note to say that I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our city. Please do not approve this development.

Sincerely,
Camryn Hansen

--

Camryn Hansen
207.409.6336

PL-000716-2019

James Matias <jmatia1@yahoo.com>

Sep 9, 2019 10:40 AM

Posted in group: **Planning Board**

Dear committee,

"I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities."

A second recommendation, if going forward with this development, would to use it single family homes.

James Matias
39 Graystone Lane
Portland, Me.

Google Groups

george@lauramarrprinting.com <george@lauramarrprinting.com>

Sep 9, 2019 10:23 AM

Posted in group: **Planning and Urban Development**

Good morning, George Libby 185 Harvard Street. I abut the Harvard Street property in planning. I have lived there since 1977 and there has always been a vernal pool next to me. It has not been the same this year as in past years. I thought it was quite odd as we could always hear peepers but not this year. It should be tested as a man that walks his dog in that area told me Saturday that he saw two men dumping something last March out of 5 gallon buckets in the pool. I'm guessing bleach? Also there is so much ledge there that blasting is going to be another problem. Not to mention possibly 88 cars with one way in and out. Do what is right for the city please. I am hoping that the planning board members have gone on a field trip to see what could happen to a beautiful part of Portland. Thank You

Google Groups

PL-000716-2019

Emily Percival <misseemilyps@gmail.com>

Sep 9, 2019 11:30 AM

Posted in group: **Planning Board**

I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

--

Emily Percival

epercival.com

@epercivaljewelry

"Somewhere, something incredible is waiting to be known." - Carl Sagan

University park/Harvard st development

William Bailey <wmb2419@yahoo.com>

Sep 9, 2019 1:27 PM

Posted in group: **Planning Board**

Members of the city planning board,

I am writing to express my opposition to the proposed development of Harvard st.

I live at 140 Yale st and the volume of cut through traffic on Yale/Harvard streets is at a dangerous level already.

I feel due to the increased traffic that would inevitably be added to an already extremely high volume this project is bad for our neighborhood. We also value our green space and would hate to lose any of it.

Thank you,

Sincerely William Bailey

Sent from my iPhone

Comment on University Park Rezoning Proposal

vanadium@crossingmidnight.net <vanadium@crossingmidnight.net>

Sep 9, 2019 2:06 PM

Posted in group: **Planning Board**

Dear Sir or Madam:

My wife and I will be unable to attend the Planning Board meeting on September 10th so I'm writing to you now to express my concerns about the proposed rezoning of the area near Harvard Street and University Park by Wescott and Payson LLC.

While we recognize the tight housing market in Portland, this change seems extremely short-sighted and driven entirely by profit rather than any considered use of the local area. With their Yale Avenue project Wescott and Payson has already displayed a tendency toward the cookie-cutter, but attempting to rezone a well-established single-family neighborhood so they can build an unbroken line of charmless townhouses in the middle of what was previously green space shows a general disdain for the neighborhood, the homes of the people who abut their proposed clear-cutting, and the city of Portland in general. There was no shortage of angry complaints about their previous construction and their response to issues with their existing properties and now they're proposing to rezone the same neighborhood with no consideration toward the character of the area, the increased traffic from 60-80 cars from a dead-end street, and the irrevocable changes to a green space that connects to the Portland Trail system. Meanwhile, the proposed price per half-unit of well over \$300,000 will do nothing for the affordable housing problem in the city.

Portland is growing and change is inevitable. However, the value of this city is in the character of its neighborhoods and the quality of life provided by our public spaces. Allowing a hasty rezoning just to optimize a developer's profits (During their initial meeting Wescott and Payson admitted the proposed change to duplexes was entirely based on maximizing their return on an otherwise impractical land purchase.) diminishes that value without any short- or long-term benefit to the neighborhood or Portland as a whole. As a member of the community, I am asking you to please deny this rezoning request.

Sincerely,
John Bowker and Megan Goodwin
45 Woodlawn Ave
Portland, ME 04103
jcb@crossingmidnight.net

Proposed Zoning Change along Harvard Street

Craig Plourde <cplourde22@gmail.com>

Sep 10, 2019 10:12 AM

Posted in group: **Planning Board**

Good morning

My name is Craig Plourde, my wife and I are residents of Plymouth Street in Portland. This morning I was walking our dog along a normal route through the Harvard Park where I noticed a sign posted referencing the meeting that will take place tonight at 7:30 PM in regards to proposed zoning change that will allow Apex to develop housing. While I understand Portland's need for housing, my wife and I are against the proposed Zoning change and development of Harvard Park.

We utilize the trail through Harvard Park during every season. Every time I walk through the trail I am thankful that Portland has these trails as they provide easy access to nature. I believe this provides great value to the community and overall personal well-being. Being able to walk a wooded section of trails provides a brief escape from our busy lives and I look forward to walking through this area with our soon to be child. I know that there are many local users of this space as I frequently cross paths with other people with and without dogs walking along the trail.

My wife and I ask that the Planning Board considers a long-term view of Portland that includes these areas of nature for the City residents to enjoy as they provide much value as they are to the people that utilize them.

Given the last minute notice about the meeting I will be unable to make it to tonight's discussion but will be monitoring the outcome.

Thank you for your time and service to Portland.

Craig Plourde

Google Groups

PL-000716-2019

Nan Solomons <nan.solomons@gmail.com>

Sep 10, 2019 12:31 PM

Posted in group: **Planning Board**

"I strongly oppose the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities." Furthermore, one of Portland's attractions is its green space where walking trails traverse the city. This is not a development that will be parsimonious with the existing green space.

Please vote no.

Sincerely,

Nan M. Solomons, PhD
400 Woodford St, Portland, ME 04103

Please see information below. Wescott & Payson II LLC is proposing a zoning change to accommodate their desire to build large duplexes. They argue that the duplexes will complement the duplexes that abut the Harvard lots on Woodlawn Avenue. Please see the discrepancy between their proposed duplexes land to lot ratio vs the existing duplexes on Woodlawn Avenue.

Wescott & Payson II LLC proposed building design per Land Design Solutions:
06.11.19

Lot 7490 +/- s.f.
Duplex 3000 s.f. "living space"
2.4 land to building ratio

VS

Woodlawn Avenue Duplexes:

64 Woodlawn Avenue
Lot 8786 s.f.
Duplex 1820 s.f.
4.82 land to building ratio

92 Woodlawn Avenue (2 unit)
Lot 13939 s.f.
Building 2294 s.f.
6.07 land to building ratio

Non Abutting Woodlawn Avenue Duplexes:

175 Woodlawn Avenue
Lot 9104 s.f.
Duplex 1802 s.f.
5.05 land to building ratio

71 Woodlawn Avenue
Lot 5998 s.f.
Duplex 1872 s.f.
3.02 land to building ratio

Wescott & Payson II LLC proposed zoning change if passed will result in a lot expansion and buildings that are NOT reflective of the bordering neighborhoods.



Recipient: Mayor Ethan Strimling, Gov. Janet Mills, Counsitor Justin Costa, Rep. Michael Brennan

Letter: Greetings,
Save University Park

Comments

Name	Location	Date	Comment
Jennifer Long	Portland, ME	2019-07-09	"I live in this neighborhood and cherish this green space. With this proposal, I have concerns about traffic patterns, neighborhood safety, property values, and wildlife displacement - just to name a few."
Rachel Flehinger	Portland, ME	2019-07-09	"Green spaces in Portland are getting rarer and rarer"
Kristen Blais	Portland, ME	2019-07-09	"I live in this neighborhood and am quite concerned on the detrimental effects this development will likely have on this community. Green spaces are rare in Portland, what an asset University Park is to our family friendly neighborhood."
Sheila Cook	Portland, ME	2019-07-10	"We need to save our already limited green space!"
Olivia Barberi	Portland, US	2019-07-10	"This forested area adjacent to University Park is important to Portland's park system. If this area was developed, it would significantly take away from the current use of this park by neighborhood and community walkers and biking commuters. This space is extremely valuable as part of Portland's green space, which is limited within the city and appreciated by many."
Stephanie Wall	Sanford, ME	2019-07-10	"We need parks in Portland"
Sophie Friedman	Boston, US	2019-07-10	"Green space is essential to Portland!!"
Martin Aguilar	Berwyn, PA	2019-07-10	"I love this park, please keep it for the green space of Portland."
Kate McLaughlin	Portland, ME	2019-07-11	"For the health of our city we need to protect our remaining green spaces."
Gretchen Ebbesson-Keegan	Camden, ME	2019-07-11	"This would be a disservice to the citizens."
Alice Hornstein	US	2019-07-11	"No Development ! I have serious concerns on what a development will do to the safety and preservation of my home. I live in this neighborhood and utilize the park . We must honor and protect our parks . No development !"
Andrew Millard	Orono, ME	2019-07-11	"Green spaces are important to society"
Henk Griffin	Amsterdam, NH, The Netherlands, Netherlands	2019-07-12	"I am from Portland and my family has lived there for centuries."
Joe Presser	Portland, ME	2019-07-12	"As a resident of the surrounding area, there are so many problems with demolishing this beautiful, forested area. It provides peace and solace in an area so close to a busy road and the hustle and bustle of the city of Portland. University Park has terrific walking paths for dogs and Mainers to walk, run and breath easy. As a Mainer, I am proud to be part of the most forested state in the country, don't ruin that accolade by demolishing this park and others like it."

Name	Location	Date	Comment
Kyle Holmquist	Saco, ME	2019-07-12	"Portland needs more green spaces. Please don't develop University Park! (Signed by a Saco resident, but Portland home owner and property tax payer)"
James Bickford	Portland, ME	2019-07-13	"Portland needs to keep its green spaces!"
Rev. Charles Grindle	Portland, ME	2019-07-13	"We need to keep all the green space we have, and endeavor to obtain more!"
Jason Beatty	Portland, ME	2019-07-13	"I recently bought a home directly across from this park. I would be absolutely heartbroken if a major reason for moving here was taken away. Please protect our green spaces."
Joshua Malia	Portland, ME	2019-07-13	"I grew up and current live in the North Deering neighbor and have watched our wooded areas diminish due to overdevelopment. This takes away from the quality of life for everyone in that lives in the neighborhood with a majority of whom are dog owners and active people who want open spaces."
William Keene	Portland, ME	2019-07-13	"Wtf"
Monet Macomber	Portland, ME	2019-07-13	"Save our green spaces! This is not affordable housing. It's quick, cheap townhomes that will never be able to resell for the price purchased. Stop letting developers run our city!"
Linda McLoon	US	2019-09-03	"A zone change in this area would have negative impact on University Park."
Patirck Harrigan	Cornish, ME	2019-09-06	"We need open spaces"
Paul Drinan	Portland, ME	2019-09-08	"We should be placing a much higher value on natural habitat, especially areas like this that provide immersive connectivity."
Artemis McG	Massachusetts	2019-09-09	"I moved here from up North a few years back and haven't seen as much wildlife as I do now living near the park. Not only is it green space for the community but it's also a thriving ecosystem and home to several species of Flora and fauna. We're already losing thousands of acres of forests worldwide. Could we please keep our little slice of heaven in a congested city?"
Artemis McG	Massachusetts	2019-09-09	"I moved here from up North a few years back and haven't seen as much wildlife as I do now living near the park. Not only is it green space for the community but it's also a thriving ecosystem and home to several species of Flora and fauna. We're already losing thousands of acres of forests worldwide. Could we please keep our little slice of heaven in a congested city?"
David Spector	Portland, ME	2019-09-09	"Green spaces are precious. The existing Greater University Park will be ruined if this development moves forward, removing homes from many birds and mammals and destroying native bushes and trees. Worst, it will eliminate this handicapped-accessible and quiet little area of nature from our citizens forever."
Amanda Painter	Portland, ME	2019-09-09	"We're not The Forest City without our green spaces..."



Recipient: Mayor Ethan Strimling, Gov. Janet Mills, Counsitor Justin Costa, Rep. Michael Brennan

Letter: Greetings,
Save University Park

Signatures

Name	Location	Date
Elizabeth Rose	Portland, ME	2019-07-09
Jennifer Long	Portland, ME	2019-07-09
Chris Wheaton	Portland, US	2019-07-09
Kevin Bardwell	Portland, US	2019-07-09
sara shelley	Cortlandt, NY	2019-07-09
Olivia Barberi	Portland, US	2019-07-09
Christopher Rowley	Scarborough, US	2019-07-09
JON INWOOD	Brooklyn, NY	2019-07-09
Carissa Maurin	Lynbrook, NY	2019-07-09
Aubrey Jane	West Bronx, NY	2019-07-09
Megan Paradis	Old Town, US	2019-07-09
Amanda Fall	Orono, US	2019-07-09
Emily Peck	Scarborough, US	2019-07-09
Elijah Ramirez	Biddeford, US	2019-07-09
Carrie Gleason	Littleton, CO	2019-07-09
Nancy Norton	Portland, US	2019-07-09
Rachel Flehinger	Portland, ME	2019-07-09
Stephen Kohnle	Darien, CT	2019-07-09
joseph laurinaitis	Portland, US	2019-07-09
Asa S	Orono, ME	2019-07-09

Name	Location	Date
Kristen Blais	Portland, ME	2019-07-09
Gail Wills	Marshfield, US	2019-07-09
melissa englehardt	Glenolden, PA	2019-07-09
Michele Condon	Plaistow, US	2019-07-09
Jacqueline Soper	Scarborough, US	2019-07-09
Matthew Curtis	Portland, US	2019-07-09
Samara Kupferberg	Portland, ME	2019-07-09
Chester Richardson	Portland, US	2019-07-09
Katie Godin	Portland, US	2019-07-09
Stacey Collins	Cumberland Foreside, US	2019-07-09
Jennifer Rand	Manchester, US	2019-07-10
Daniel Vaughn	Westbrook, US	2019-07-10
Sheila Cook	Portland, ME	2019-07-10
Alyssa Wade	Saco, US	2019-07-10
John Rogers	Portland, US	2019-07-10
Corrie Young	Scarborough, US	2019-07-10
Eliot Hull	Portland, US	2019-07-10
Amy Houran	Portland, US	2019-07-10
Sarah Wilmot	Concord, MA	2019-07-10
Brandon McCrum	US	2019-07-10
Craig Lakin	Portland, US	2019-07-10
Nicholas Wall	Portland, US	2019-07-10

Name	Location	Date
Cress OBrien	Auburn, MA	2019-07-10
Tallyn Brown	Westbrook, US	2019-07-10
Emily Varno	Portland, US	2019-07-10
Thomqs Begin	Portlamd, US	2019-07-10
Zachariah Stearn	Windham, US	2019-07-10
Brien McNamara	New Haven, US	2019-07-10
Stefan Dutka	Portland, US	2019-07-10
Amitej Toor	Clovis, US	2019-07-10
D. Clarke	Bronx, US	2019-07-10
Corvae Johnson	Denver, US	2019-07-10
Marie Lamarre	Jenison, US	2019-07-10
Todd Dadaleares	South Portland, US	2019-07-10
JOHNATHON FULLER	South Portland, US	2019-07-10
Todd Gingras	Auburn, US	2019-07-10
Zachary True	Falmouth, US	2019-07-10
M L Katze	Cape Elizabeth, US	2019-07-10
gigi high	Portland, US	2019-07-10
Kyah Morrisette	Standish, US	2019-07-10
Dayna White	Aurora, US	2019-07-10
Marissa Arrigoni	Boston, US	2019-07-10
Sophie Kaplan	New York, US	2019-07-10
Kathleen Vance	Portland, US	2019-07-10

Name	Location	Date
Mylo Brann	Amherst, MA	2019-07-10
Nathaniel Smith	Orrs Island, US	2019-07-10
Brett Loffredo	Portland, US	2019-07-10
Molly Chapman	Waltham, US	2019-07-10
Stephanie Wall	Sanford, ME	2019-07-10
Rosanne Griffin	Portland, US	2019-07-10
Susan Baxter	Portland, US	2019-07-10
Sophie Friedman	Boston, US	2019-07-10
Caitlin Hopkins	Portland, US	2019-07-10
Timothy Fulwider	Portland, US	2019-07-10
Daniel O'Connell	Portland, US	2019-07-10
Umberto Sperana	Portland, US	2019-07-10
Aaron Kubiak	Portland, US	2019-07-10
Martin Aguilar	Berwyn, PA	2019-07-10
Vonda Higgins	Portland, US	2019-07-10
Jacob Fenon-Hulett	Portland, ME	2019-07-10
Laura Stevens	Portland, US	2019-07-10
Chrisry Carmody	Poland, US	2019-07-10
Savannah Fields	South Portland, ME	2019-07-10
Connor Norton	Amesbury, US	2019-07-11
Alma Simmons	Augusta, US	2019-07-11
Jodelle Austin	Rochester, US	2019-07-11

Name	Location	Date
Hannah Lakin	Portland, US	2019-07-11
Barbara Richards	Pittsburgh, US	2019-07-11
Jennifer Stanbro	Portland, US	2019-07-11
Erin Wheaton	Portland, US	2019-07-11
zuqQBrtnLV9vfanM3cTXdeadffp5hRd/PkxRAN0E8S Vallely	Portland, US	2019-07-11
Wayne Porter	Portland, US	2019-07-11
Amanda Carlson	Westbrook, US	2019-07-11
Lilley Mickens	Reynoldsburg, US	2019-07-11
Jarrett Crawford	Muskogee, US	2019-07-11
Caroline Ginsberg	Portland, US	2019-07-11
Shalini Gupta	Sunnyvale, US	2019-07-11
Tamarik Williams	Denver, US	2019-07-11
Dylan Suriel	Farmingdale, US	2019-07-11
Wang Wang	Beverly Hills, US	2019-07-11
Marcos Meirelles	Roselle Park, US	2019-07-11
taylor sitkowski	Dallas, US	2019-07-11
Weston White	Kennewick, US	2019-07-11
Karen Gadbois	Brooklyn, NY	2019-07-11
Helen Stanbro	Portland, US	2019-07-11
Meredith Pesce	Portland, US	2019-07-11
Kaylee Moore	Bay city, US	2019-07-11

Name	Location	Date
Emily Berger	Northport, US	2019-07-11
Warren Thomas	Portland, US	2019-07-11
James Taylor	Portland, ME	2019-07-11
Amy Hayes	Portland, US	2019-07-11
Gilbert Plourde	Bowdoin, US	2019-07-11
Lesley Jones	Portland, US	2019-07-11
Maya V	Brooklyn, US	2019-07-11
gissell hernandez	temple, US	2019-07-11
Parker Bramlett	Toccoa, US	2019-07-11
Nick Pilatos	Belmar, US	2019-07-11
ASAP Rocky	Hammond, US	2019-07-11
Nathan Ortiz	Orange, US	2019-07-11
Pearsr Varner	San Diego, US	2019-07-11
Taylor Maypole	Jacksonville, US	2019-07-11
Ava Tripodi	Plainsboro, US	2019-07-11
Kate McLaughlin	Portland, ME	2019-07-11
Charlene Poulin	Portland, US	2019-07-11
Norman Barberi	Winterport, US	2019-07-11
John Tompkins	Portland, US	2019-07-11
Benjamin Brennan	Orono, ME	2019-07-11
Patrick Higgins	Portland, US	2019-07-11
Daniel Totten	Cambridge, MA	2019-07-11

Name	Location	Date
MaryAnn Butts	Portland, ME	2019-07-11
Jacqueline Rogers	Portland, US	2019-07-11
Jeremy Norton	Portland, US	2019-07-11
Jason NORTON	Brunswick, US	2019-07-11
Alice Hornstein	Portland, US	2019-07-11
Gretchen Ebbesson-Keegan	Camden, ME	2019-07-11
Maggie Moore	Topsham, US	2019-07-11
Tim Meehan	Portland, US	2019-07-11
Kayla Theriault	Portland, US	2019-07-11
patricia theriault	portland, ME	2019-07-11
Megan Tumavicus	Portland, US	2019-07-11
Sara Brooke	Portland, US	2019-07-11
Cindy Pagel	Portland, US	2019-07-11
Katie Seagers	Wayne, US	2019-07-11
Andrew Millard	Orono, ME	2019-07-11
Case Colina	Ponte Vedra Beach, US	2019-07-11
Lisa Timmons	Dayton, US	2019-07-11
quan Summers	Greensboro, US	2019-07-11
Katie Brooke	Portland, US	2019-07-11
Taylor Wicks	Portland, US	2019-07-11
Crystal Dunn	West Gardiner, US	2019-07-11
Mary McVeigh	Portland, US	2019-07-11

Name	Location	Date
Lori Powell	Portland, US	2019-07-11
Christopher Porter	Portland, US	2019-07-11
Gianna Dudley	Westbrook, ME	2019-07-11
Patricia Wescott	Brunswick, ME	2019-07-11
Luis Rivera	San Fernando, US	2019-07-11
Collisa Johnson	HOUSTON, US	2019-07-11
J Handy	Portland, US	2019-07-11
Quentin L	Frankfort, US	2019-07-12
Elijah Sales	Villa Rica, US	2019-07-12
Jacob Hastings	Cleveland, US	2019-07-12
Doug Woods	Pollock Pines, US	2019-07-12
Henk Griffin	Amsterdam, NH, The Netherlands, Netherlands	2019-07-12
Nathan Williams	Tuscaloosa, US	2019-07-12
Ray Richard	Rochester, US	2019-07-12
Curt Hartwell	Ramona, US	2019-07-12
Donna Desnoyers	Attleboro, US	2019-07-12
Joe Presser	Portland, US	2019-07-12
Mary Ma	Clarksburg, US	2019-07-12
Hedi Houissa	Charlotte, US	2019-07-12
Dumebi Ejikeme	Mcdonough, US	2019-07-12
Kyle Fetters	Portland, US	2019-07-12

Name	Location	Date
Mike Sandora	South Portland, US	2019-07-12
Krystal Talbot	Freeport, US	2019-07-12
Evalin Stearns	Portland, US	2019-07-12
John Blais	Turner, ME	2019-07-12
Joshua Parmenter	Portly, US	2019-07-12
Chelsea DiMillo	Portland, US	2019-07-12
Rachel Casey	South Portland, US	2019-07-12
Hannah Gathman	Portland, US	2019-07-12
Ann Danforth	Portland, US	2019-07-12
Justine Laurinaitis	Paris, ME	2019-07-12
Jacqui Carpenter	Salt lake city, US	2019-07-12
Ansley Hargrove	Monticello, US	2019-07-12
Lee Reeve	Portland, US	2019-07-12
David Laurinaitis	Rumford, US	2019-07-12
doug mccown	Portland, US	2019-07-12
Margaret Griffeth	Portland, US	2019-07-12
Camron Chea	Portland, US	2019-07-12
Isaiah Bickford	Portland, US	2019-07-12
Emin Karimov	Portland, US	2019-07-12
matthew keene	Portland, US	2019-07-12
barbara keene	Portland, US	2019-07-12
Eric Wright	Portland, US	2019-07-12

Name	Location	Date
Michael LeComte	Portland, US	2019-07-12
E Scot Fuller-Beatty	Portland, US	2019-07-12
Allyssia Keeling	Fort Bragg, US	2019-07-12
Lindsay Torrey	South Portland, US	2019-07-12
Charlotte Guptill	Puerto Vallarta, Mexico	2019-07-12
Benjamin Rafuse	West Columbia, SC	2019-07-12
Tommy Light	Jacksonville, US	2019-07-12
Kyle Holmquist	Saco, ME	2019-07-12
Steve Katsurinis	Wellfleet, US	2019-07-12
Blaise Goodman	Litchfield, US	2019-07-12
Joe Beatty	Mchenry, US	2019-07-12
Jason Fuller-Beatty	Portland, US	2019-07-12
Sam Cunningham	Portland, US	2019-07-12
James Bickford	Portland, ME	2019-07-13
Eric Flynn	Portland, US	2019-07-13
Sara Sissel	Portland, US	2019-07-13
Rev. Charles Grindle	Portland, ME	2019-07-13
Wynn Salisch	New York, NY	2019-07-13
Ed Dulian	Caledonia, US	2019-07-13
Jessica Wilkinson	Portland, US	2019-07-13
Kayly Mailhot	Biddeford, US	2019-07-13
Sarah Kwantz-Drewal	Topsham, ME	2019-07-13

Name	Location	Date
Joshua Malia	Portland, ME	2019-07-13
Deb Beatty	Rockford, US	2019-07-13
Maria Duffy	Portland, US	2019-07-13
Eleanor Mann	Portland, US	2019-07-13
Laura Scheidegger	Spencerport, US	2019-07-13
Daniel Boutilier	Portland, ME	2019-07-13
Ben Cross	Winthrop, US	2019-07-13
Danielle Mudge	Los Angeles, US	2019-07-13
William Keene	Portland, ME	2019-07-13
Christopher Hanson	Richmond, ME	2019-07-13
Daniel Brideau	Portland, ME	2019-07-13
jennifer fischer	Portland, US	2019-07-13
Monet Macomber	Portland, US	2019-07-13
Eri Abraham	Portland, US	2019-07-13
Lysander Mitsouras	Saint Cloud, US	2019-07-13
Craig Bowley	New York, US	2019-07-13
Carly Goodman	Boone, US	2019-07-13
Samantha Mills	Bronx, US	2019-07-13
Abby Sorenson	Trenton, US	2019-07-13
Mera Syal	Fuquay Varina, NC	2019-07-13
Peter Allen	Gorham, US	2019-07-13
David Mace	Augusta, ME	2019-07-13

Name	Location	Date
Erin Hutton	Portland, US	2019-07-13
Marilu Madrigal	Coral Gables, US	2019-07-13
Kylee Liberty	Falmouth, US	2019-07-13
Urfan Nadirov	Portland, US	2019-07-14
Ryan Gaudreau	Rochester, US	2019-07-14
Kalee Galloway	Thomasville, US	2019-07-14
Philip Shemanski	Los Altos, US	2019-07-14
Danielle Murphy	Brunswick, US	2019-07-14
Chris Johnson	Raleigh, US	2019-07-14
Donna O'Brien	Manchester, US	2019-07-14
Shina Novel	Charlotte, US	2019-07-14
Mark Pickett	Athens, US	2019-07-14
Sarvjeet Kaur	Fremont, US	2019-07-14
Stephanie Ramirez	Houston, US	2019-07-14
Aireona Gonzalez	Houston, US	2019-07-14
Maram Al-Hussein	Lynnwood, US	2019-07-14
Cory Nitta	Los Angeles, US	2019-07-14
Melany Navarrete	Houston, US	2019-07-14
Susan Bragdon	Portland, US	2019-07-14
Zechariah Smith	Crestview, US	2019-07-15
maria gritsch	la, CA	2019-07-15
john peacock	rockford, IL	2019-07-15

Name	Location	Date
Nate Hinchey	Portland, US	2019-07-15
Colin Reid	Portland, US	2019-07-15
Thomas Tutor	Portland, US	2019-07-15
Utkarsh Nath	Fremont, US	2019-07-16
Karla Tapps	Compton, US	2019-07-16
Jennifer Monroy	Los Angeles, US	2019-07-16
Kendra Denton	Los Angeles, US	2019-07-16
Christal Neal	Los Angeles, US	2019-07-16
Sarah Carpenter	Springfield, MO	2019-07-16
Luz Flores	los angeles, US	2019-07-18
KimMarie Johnson-Roussell	Los Angeles, US	2019-07-18
Adam Kaluba	Cincinnati, US	2019-07-18
Francesca Houran	Portland, US	2019-07-19
Janice Watson	Los Angeles, US	2019-07-21
Dana Earls	Portland, US	2019-07-22
Stephanie Brown	Portland, US	2019-07-26
Helen Meehan-Selleck	Portland, US	2019-07-26
David Selleck	Portland, US	2019-07-26
Miki Episcopo	Portland, US	2019-07-26
cindy baratta	Brandon, US	2019-07-26
Sean Toomey	US	2019-07-26
Ryan Brown	Windham, US	2019-07-26

Name	Location	Date
David Thibault	Gray, US	2019-07-26
Douglas Campbell	Cape Elizabeth, US	2019-07-26
Lori Sitois	Portland, US	2019-07-26
Kim Johnson	Portland, US	2019-07-30
Cherie Phillips	Portland, US	2019-07-30
Lauren Rodrigue	Portland, US	2019-08-04
Leslie Koelsch	San Francisco, US	2019-08-05
Stephen Nestel	San Rafael, US	2019-08-05
Erica Mccool	Los Angeles, US	2019-08-07
Michelle Jimenez	Los Angeles, US	2019-08-07
Brisa Sanchez	Long Bea, US	2019-08-07
Olga Mazariegos	Oklahoma City, US	2019-08-07
Alegra vite	wailuku, US	2019-08-07
Kasandra Becerra	Los Angeles, US	2019-08-07
Aaron Beckett	Los Angeles, US	2019-08-07
Erin Cain Jackson	Granite City, US	2019-08-09
Monilade Walker	Los Angeles, US	2019-08-09
Linda McLoon	US	2019-09-03
Michael Russell	Westbrook, US	2019-09-05
John Day	Portland, ME	2019-09-05
Ari Appel	Dallas, US	2019-09-05
Avery Hawk	Waxhaw, US	2019-09-05

Name	Location	Date
Glenn Holland	Falmouth, ME	2019-09-05
Desiree Gollihugh	Ironton, US	2019-09-06
Christine Retzer	Buffalo, US	2019-09-06
Oliver Fissure	Virginia Beach, US	2019-09-06
David Miles	Rockwood, US	2019-09-06
Sophia R	Debary, US	2019-09-06
Morgan Harding	Sacramento, US	2019-09-06
Patirck Harrigan	Cornish, ME	2019-09-06
Melina Schuler	Portland, ME	2019-09-06
Dan Beale	Portland, ME	2019-09-06
Ruth Kirkwood	Portland, ME	2019-09-07
Jessica Fields	Auburn, ME	2019-09-07
David Fields	Auburn, ME	2019-09-08
Holly Mitchell	Portland, ME	2019-09-08
Dearbhaile Obrien	Portland, ME	2019-09-08
Paul Drinan	Portland, ME	2019-09-08
Terri DeCoster	New Gloucester, ME	2019-09-08
Adam Turner	Augusta, ME	2019-09-08
Alfred Carbone	Watertown, MA	2019-09-08
Annette Elowitch	Portland, ME	2019-09-08
Skyler Kirker	Fort Wayne, US	2019-09-08
Alesia Norling	Edgecomb, ME	2019-09-08

Name	Location	Date
Ella Weerackody	New York, US	2019-09-08
Jamie Darley	Fitzgerald, US	2019-09-08
Kimberly Grubka	St. Joseph, MI	2019-09-08
Kelly Masters	Portland, ME	2019-09-08
Laura Vickery	Saco, ME	2019-09-08
Candace Karu	Portland, ME	2019-09-08
Carla Lafortune	Saco, ME	2019-09-08
Lori Carver	Kenduskeag, ME	2019-09-08
Jennifer MacLeod	Portland, ME	2019-09-08
Aprill Newmsn	Portland, ME	2019-09-08
Rose G	Portland, ME	2019-09-09
Jake Stone	Central Square, NY	2019-09-09
isaac g	Portland, ME	2019-09-09
Rachel Sales	Winslow, ME	2019-09-09
Jessica McKinney	Portland, ME	2019-09-09
Devin Green	Portland, ME	2019-09-09
Eleanor Falby	Portland, ME	2019-09-09
Sarah Lawrie	Portland, ME	2019-09-09
Leticia Plate	Portland, US	2019-09-09
David Spector	Portland, ME	2019-09-09
Janell Lewis	Portland, ME	2019-09-09
Eliza Fowler	Secaucus, NJ	2019-09-09

Name	Location	Date
Uther Dadaleares	Portland, ME	2019-09-09
Shannon O'Connor	Portland, ME	2019-09-09
Emily-Anne Garland	Portland, ME	2019-09-09
Crystal Troiano	Phoenix, AZ	2019-09-09
Michael Vickery	Portland, ME	2019-09-09
Amanda Painter	Portland, ME	2019-09-09
Marc Pomerleau	Portland, ME	2019-09-09
Susan J Lane	Portland, ME	2019-09-09
Jason Huckaby	Portland, ME	2019-09-09
Lauren Amick	New York, US	2019-09-09
Jennifer Waterman	Mauston, WI	2019-09-09
Tyler McGinley	Falmouth, ME	2019-09-10
Christina Bechstein	Rochester, NY	2019-09-10
Katherine Kroll	Portland, ME	2019-09-10
Ana Courtney	Portland, ME	2019-09-10
Charles Smith	Portland, ME	2019-09-10
Inesmari Carrasquillo	san juan, US	2019-09-10
Michael Dunnigan	Portland, ME	2019-09-10
Shawn GEORGE	Portsmouth, NH	2019-09-10
Jane Schaller	Arundel, ME	2019-09-10
Nichole Crandall	Falmouth, ME	2019-09-10
Julie Salois	Scarborough, ME	2019-09-10

Name	Location	Date
Athena Davis	Portland, ME	2019-09-10
Todd Norton	Dandridge, TN	2019-09-10
Sena Phin	Portland, ME	2019-09-10
Rachel Robinov	Cliff island, ME	2019-09-10
Aleksandar Karadzic	Portland, ME	2019-09-10
Elizabeth Bruso	Grand Blanc, US	2019-09-10
bennett wettengel	Cincinnati, US	2019-09-10
Alex Festekjian	Gaithersburg, US	2019-09-10
Danielle Hansen	silver spring, MD	2019-09-10
Spencer Watral	Steamboat Springs, US	2019-09-10
Dusan Dukic	Portland, ME	2019-09-10

Proposed Zoning Change along Harvard Street

Craig Plourde <cplourde22@gmail.com>

Sep 10, 2019 10:12 AM

Posted in group: **Planning Board**

Good morning

My name is Craig Plourde, my wife and I are residents of Plymouth Street in Portland. This morning I was walking our dog along a normal route through the Harvard Park where I noticed a sign posted referencing the meeting that will take place tonight at 7:30 PM in regards to proposed zoning change that will allow Apex to develop housing. While I understand Portland's need for housing, my wife and I are against the proposed Zoning change and development of Harvard Park.

We utilize the trail through Harvard Park during every season. Every time I walk through the trail I am thankful that Portland has these trails as they provide easy access to nature. I believe this provides great value to the community and overall personal well-being. Being able to walk a wooded section of trails provides a brief escape from our busy lives and I look forward to walking through this area with our soon to be child. I know that there are many local users of this space as I frequently cross paths with other people with and without dogs walking along the trail.

My wife and I ask that the Planning Board considers a long-term view of Portland that includes these areas of nature for the City residents to enjoy as they provide much value as they are to the people that utilize them.

Given the last minute notice about the meeting I will be unable to make it to tonight's discussion but will be monitoring the outcome.

Thank you for your time and service to Portland.

Craig Plourde

Google Groups

PL-000716-2019

Anna Eaves <anna33@ksu.edu>

Sep 11, 2019 3:17 PM

Posted in group: **Planning Board**

I strongly oppose the the housing development proposed for the Northeast Deering community that effects University Park and Harvard Street Trail. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities.

I live in Tamerlane very near to this area and highly value the trails and wooded areas in our neighborhood. Please don't interrupt the green space that is so vital to the animals that live here and so valued by the people inhabiting the area.

Thank you for your time,
Anna Eaves

Get Outlook for iOS

Planning Board Workshop Review

University <save.university.park.trail@gmail.com>

Sep 13, 2019 7:45 AM

Posted in group: **Planning Board**

[View this email in your browser](#)



Planning Board Workshop Review

Tuesday evening the Planning Board workshop was packed!
 Thank you to everyone who came and to those who spoke their opposition to
 the rezoning request.

To watch the Planning Board Workshop visit the [Town Hall Streams](#)

Rezoning Proposal starts at 4:06

Our city council representative, Justin Costa, reached out to several neighbors following the Planning Board meeting.

From Justin Costa:

Thanks for all your emails regarding the proposal and please accept my apologies as I know I've been delayed in responding to some of them.

A few general things I want to put out there:

First, as your district Councilor I just want to be clear that I haven't seen anything that would lead me to support the rezoning request. I've represented the area on the Council and on the School Board for more than a decade, and I'm pretty familiar with the area and the surrounding neighborhoods. I understand the concerns that are being raised and I think I agree with most everything that I've heard from those living nearby.

Second, I'm also the Council appointee to the Land Bank Commission, so I'm also familiar with that piece of things. The Land Bank Commission really only has this item on its agenda this evening so that commission members are aware that there's a proposal that is near a land bank property. The Commission has no jurisdiction in this matter because the proposal does not actually deal with the park itself. The meeting is still open to the public and everyone is more than welcome to attend, but there's no decision that will ever be made by the Commission.

Third, I just want to emphasize that any change in zoning is ultimately a matter for the City Council. The Planning Board will make a recommendation but only the Council can change zoning. The proposal is in front of the Planning Board now because anyone has the right to request a zoning change, but the fact that the Planning Board hears the proposal doesn't reflect anything more than due process for anyone seeking a zoning change on any parcel of land that they own. The final decision resides with the Council, regardless of any recommendation from the Planning Board.

I hope this helps. Please feel free to share this email with others in the neighborhood and to let me know about any additional concerns you have.

Sincerely,
Justin

There are over **450** signatures on [our online petition](#) to stop the rezoning of Harvard Path! It is zoned R3 for single family homes for many reasons and this is how it should remain. The Planning Board validated these concerns rejecting proposed rezoning in 2006. **The reasons for voting it down again haven't changed**, in fact, they have grown even more pertinent with time. Developers greed is no reason to compromise now.

Stay up to date by following our [Facebook page](#)

Have a great weekend!



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save university park · 42 Woodlawn Ave · Portland, ME 04103-3512 · USA



Proposed Harvard Street Development

Jennifer fischer <jenfischer01@gmail.com>

Nov 20, 2019 5:20 AM

Posted in group: **Planning Board**

Attached are our written comments with respect to the re-zoning and further development of Harvard as proposed by Wescott & Payson.

We are available for questions and would encourage you to take a drive and actually look at the streets and area involved. Hopefully your brief tour would appreciate the resulting loss of a green belt area.

jennifer fischer and norman janson

July 7, 2019

Planning Board- City of Portland

Re: Proposed Zoning change and development by Wescott & Payson

Plan # ZN-000716-2019

We are residents on Kimberly Court and are considered an “interested party” to the proposal to rezone and develop Harvard Street. We are quite opposed to this effort and want to make our concerns known. If the Planning Board lends it approval to this then it would be done with full awareness of the issues. We urge you to consider the interests of existing residents, in this proposed zoning change, over additional income for the developers.

The Comprehensive Housing Plan aims to provide affordable housing. But it also cites a commitment to regulate growth, respect the integrity, quality and character of existing neighborhoods.

As a matter of history- this same rezoning request and proposal was put before the City Council in 2006 and soundly defeated. The issues raised then are still the same now- only exacerbated due to the subsequent development of Yale Street. Documents that were put before the City Council, in 2006, are available if you need to review them.

While we are supportive of the Planning Boards goals to provide affordable housing in the City of Portland: we ask that the Board take a good look at the number of apartment buildings, duplexes and multi-family homes within a 1 mile radius of this area. The number of apartments and developments are many and at least two are targeted to lower income families. All within a mile of this area. Point being made here is that this area of N Deering has made an ample contribution toward the goal of affordable housing already. This area has had to adjust to the **33** apartment units of Yale Court, the **33** units of the Radcliffe Glen condominiums and the **84** apartments of the Woodwinds. All these empty out into either Yale or Harvard. Streets that cannot support additional traffic. Again, this neighborhood has done its share and that needs to be considered in balancing any decisions for the future.

As a point of fact Wescott & Payson were aware that the land, in question, was zoned R3 when they completed their purchase. This is not a zoning change requested to reinstate its original designation.

Although Woodlawn may be zoned R5; the **vast majority** of dwellings are single family. Thus putting up 20 duplexes- as proposed- would not be in keeping with the overall look and feel of the neighborhood.

A change in zoning from R3 to R5 has rarely been granted. It was noted, in 2006, that the only approval for such request was for a single lot on Seeley Street which was already adjacent to an R5 zone. And again this specific request was denied in 2006.

Our overwhelming concern is with the **safety issues** of rezoning and development. The safety issues are multiple and significant:

- Harvard Street has no sidewalks. The proposal would have the additional traffic all emptying out onto Harvard. This is an older street and the absence of sidewalks is already a hazard as many residents of the apartments, on Harvard Street and Yale, walk down Harvard to the bus stop on Washington Ave. Any additional traffic would create more of a hazard.
- The school bus stops are currently on Harvard and a second one at the intersection of Yale and Allen. Presently the school bus that picks up on Harvard must drive to the end of Harvard and execute a three point turn to reverse direction: right where this proposed development would funnel **all their traffic**. The swell of traffic at that spot on Harvard will create greater dangers to the children at this bus stop and create more difficulties for the driver to execute the turnaround. The school bus stop on Allen and Yale is a bit precarious as the waiting area is already too small for the number of children to safely wait to board the bus. As a result there are multiple cars, vans and SUVs parked along the end of Yale filled with the children awaiting the bus. It is already very difficult to approach that intersection safely during the morning hours due to both the parked cars (many illegally parked) and the crowd of energetic children. Lets not add more traffic and children to that area!
- There are only two means of egress from Harvard. Yale and Harvard itself. The intersection of Harvard and Washington is already quite hazardous. During peak hours it is nearly impossible and quite dangerous to execute a left onto Washington. Even executing a right turn may require quite a long wait. There is a city bus stop right at that intersection and frequently a lot of pedestrian activity which creates safety issues as well especially in the absence of sidewalks and the absence of a traffic light. Clearly that intersection cannot handle the increased traffic from 20 duplexes.
- The intersection of Yale and Allen is also quite busy and nearly impossible to safely execute a left turn most times of the day. There is no traffic light there. That intersection cannot handle the additional traffic from 20 duplexes.
- The development of Yale street has already exacerbated the traffic issues. The proposal shows Harvard remaining a dead end street- thus any vehicle must enter or exit via Harvard to Yale or Harvard to Washington. There is a concern

about emergency vehicle access on such a long dead end street such as that being proposed.

- Snow removal is a real concern. The proposed units do not leave room for adequate snow removal. This is already a problem on Yale street causing many – including school children- to walk on the roadways to avoid the large snow banks. There just simply is not enough open space to put the snow.

We trust that the Planning Board will inquire about plans for water drainage. Currently the land in question has a lot of standing water and the piping etc. on Harvard St is quite old and has not yet been replaced/upgraded by the City.

There is a proposed turnaround at the dead end of Harvard. Isn't that land held by the City? Are they proposing that the City sell them this land? Why can't the turnaround be built on the land already owned by Wescott & Payson?

Lastly, I would encourage the Planning Board to look at the City maps and see all the existing multi family /apartments already erected near this area. The population density is at its max. Any further development, as proposed, or rezoning to R5 will **devalue our property significantly**. This area will quickly become less appealing to residents due to the above mentioned safety concerns and negative impact to the neighborhood. Indeed Wescott & Payson are doing nothing to improve the neighborhood and will only devalue the properties of existing residents. Something the Planning Board should think long and hard about.

Thank you for your time and attention to this issue.

Sincerely

Jennifer Fischer

Norman Janson

Google Groups

FW: HARVARD STREET

george@lauramarrprinting.com <george@lauramarrprinting.com>

Nov 20, 2019 1:26 PM

Posted in group: **Planning Board**

From: george@lauramarrprinting.com <george@lauramarrprinting.com>

Sent: Thursday, September 05, 2019 2:09 PM

To: 'planningboard@portlandmaine.gov' <planningboard@portlandmaine.gov>

Subject: HARVARD STREET

Harvard Street, 1100 feet of frontage on a dead end street. 44 duplex units, possibly 88 vehicles, one way in and one way out. Come on planning board this makes no sense. I live at 185 Harvard which abuts this proposal and it will ruin the green space and the neighborhood. It will create way too much traffic. Do what is right please.

George Libby

185 Harvard Street

FW: HARVARD STREET RE ZONE

george@lauramarrprinting.com <george@lauramarrprinting.com>

Nov 20, 2019 1:29 PM

Posted in group: **Planning Board**

From: george@lauramarrprinting.com <george@lauramarrprinting.com>
Sent: Tuesday, September 17, 2019 2:54 PM
To: 'save.university.park.trail@gmail.com' <save.university.park.trail@gmail.com>
Subject: FW: HARVARD STREET RE ZONE

To: george@lauramarrprinting.com
Subject: Re: HARVARD STREET RE ZONE

On Fri, Sep 13, 2019 at 12:50 PM <george@lauramarrprinting.com> wrote:

Hello, my name is George Libby, life long resident of Portland. I have resided at 185 Harvard Street for 42 years. You get to vote soon on the rezoning of Harvard Street. I am against the rezone as well as some 400 residents who have signed a petition from the area. The property was purchased as single family lots and now of course the owners want to build 20 duplexes, 40 families, up to 80 cars plus visitors on a 1400 foot path. One way in and one way out on a dead end street. This makes no sense unless you are the builder. I am against this and hopefully you are too. If you are not familiar with the area you should drive down Harvard to the end, take a right, my house is the last house and only one around the corner, park in front of my house and walk down the path and envision 20 duplexes on the left side of the path as the right side is city land and not buildable. I hope you do what is right for the city and the residents who live in the area and turn down the rezone as it was 13 years ago unanimously by the city counsellors. Thank you

George Libby

185 Harvard Street

--

-Spencer Thibodeau City Councilor, District 2 207-650-2147 Sent from Gmail Mobile

business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

On Fri, Sep 13, 2019 at 12:50 PM <george@lauramarrprinting.com> wrote:

Hello, my name is George Libby, life long resident of Portland. I have resided at [185 Harvard Street](#) for 42 years. You get to vote soon on the rezoning of Harvard Street. I am against the rezone as well as some 400 residents who have signed a petition from the area. The property was purchased as single family lots and now of course the owners want to build 20 duplexes, 40 families, up to 80 cars plus visitors on a 1400 foot path. One way in and one way out on a dead end street. This makes no sense unless you are the builder. I am against this and hopefully you are too. If you are not familiar with the area you should drive down Harvard to the end, take a right, my house is the last house and only one around the corner, park in front of my house and walk down the path and envision 20 duplexes on the left side of the path as the right side is city land and not buildable. I hope you do what is right for the city and the residents who live in the area and turn down the rezone as it was 13 years ago unanimously by the city counsellors. Thank you

George Libby

185 Harvard Street

Plan Number ZN-000716-2019

Donald Murray <donmurr825@gmail.com>

Nov 24, 2019 5:52 PM

Posted in group: **Planning Board**

Dear Planning Board Members,

My wife and I strongly object to the proposed rezoning from RF-3 to R-5 of a section along Harvard Street in Portland, Me as set forth in subject document.

We live in the neighborhood that would be adversely impacted by the zoning change. We would lose a significant portion of our vital green space know as University Park. We would acquire more people, dwellings, and automobiles that would bring pollution, noise, and traffic congestion to a stable residential neighborhood.

We urge you to deny this zoning change request from Wescott & Payson II, LLC forthwith and end this development effort to turn valuable green space into their "cash cow".

Thank you for your attention to this petition.

Sincerely,

Donald L and Mabelle L Murray
30 Majors Ct.
Portland, ME 04103
207-899-4195

Rezoning of Harvard Street

Cheryl Leeman <cal4161@yahoo.com>

Nov 25, 2019 7:52 AM

Posted in group: **Planning Board**

The question keeps coming up as to why the rezoning change made in 1988 from R-5 to was made. Quite simply, and to the best of my recollection, it was changed to bring it compliance with the comprehensive plan to ensure future development was in keeping with the pattern of development in that neighborhood and protection of the eco system of University Park. Confirmation of this desire was made when a request for change back to R-5 was denied by the city council in 2006. This dead end, separate section of Harvard Street (R-3) is part of the Yale Street neighborhood by access in and out to of that neighborhood, and although it abuts the R-5 zone of Woodlawn Avenue, the access and site is abutting the R-3 topographically and geographically.

The proposed zoning change is **not** in keeping with the vision set out in the city's comprehensive plan for several reasons as follows:

1. The increased density more than doubles what is allowable in the established R-3 designation for this site, and by its unique site dimensions creates a high density, row house type development not consistent with the Yale Street neighborhood nor with R-5 low-density multi-family dwellings described in the city's description of R-5 zoning.
 2. The zone change does not maintain the predominant land use pattern of this area as required in the Comprehensive Plan and Policy #3 Neighborhood Stability and Integrity as referenced in the city's adopted housing plan, *Housing: Sustaining Portland's Future*. The Yale Street neighborhood is unique with all single family homes and very few duplexes and a PRUD development in the abutting perimeter area of the Yale Street neighborhood.
 3. The zoning change is not in keeping with the Future Land Use section of the Comprehensive Plan referencing Complete Neighborhoods, "improving livability while retaining the key characteristics that make neighborhoods unique". Nor is it in keeping with expectation stated that areas outside the identified nodes and corridors will largely maintain their predominant land use patterns.
-
1. The rezoning request does not meet housing plan objective to "promote residential densities that are consistent with past development..." because the proposed change has a negative affect on the character of this neighborhood as it was envisioned when the area was developed into single family homes on Yale Street and that development set the standard for future land use of this unique neighborhood, and formally recognized that any future development would be consistent with theses changes, the zone change in 1988 and denial of zone change in 2006.
 2. Nor does the request meet the policy goal of "facilitating development of affordable owner occupied units with emphasize on starter homes for families with children" or creation of "move-up market" housing
 3. The zoning change request is a pure case of "buyer beware" as they knew this property was zoned an R-3 when they purchased it and it was always the understanding of the neighborhood and the developer that if and when the property got developed, it would be single-family homes.

Cheryl Leeman 37 Savoy Street Portland (207-773-4161)

Sent from Mail for Windows 10

Google Groups

Fwd: Harvard St Zoning Proposal

Shukria Wiar <shukriaw@portlandmaine.gov>

Nov 25, 2019 1:47 PM

Posted in group: **Planning and Urban Development**

----- Forwarded message -----

From: **David Spector** <david01@nsrusa.org>

Date: Mon, Nov 25, 2019 at 1:37 PM

Subject: Harvard St Zoning Proposal

To: <shukriaw@portlandmaine.gov>

Dear City Planner Shukria Wiar,

This is a public comment to be submitted to the Planning Board meeting Tuesday night. I do plan to be present and hope to be permitted to read this message.

Every city needs parks and wilderness areas, green spaces where people can walk in solitude and quiet, away from the incessant sound and air pollution of city life, a natural environment within which to relax, refresh, and contact the natural ecology within which we humans evolved.

In addition, providing living space for wild things, whether mammals, invertebrates, birds, or just a good variety of native green plants, is indispensable. Once our world is all paved over, it will first become boringly uniform and stale, then it will die.

Our national government, through the National Park Service, has recognized the need to set aside 52.2 million acres of land as wild and/or protected national parks. In addition, the National Monuments system protects over 2 million acres of public land and water, the majority of that having been established in the last five to ten years.

Portland is a good-sized city, yet seems to have no coherent plan to protect its few small, scattered wild areas, such as Mayor Baxter Woods, Greater University Park, and Oat Nut Park. Without protection from development, these and similar green spaces will disappear before many citizens even learn that they exist.

We must protect our few remaining green spaces now, or our descendants will have nothing but a choked concrete and asphalt urban landscape to live in.

Please help our neighborhood and our city by protecting the full greater University Park wilderness area now, when protecting it is still possible.

David Spector
56 Yale St
Portland, Maine

--

Shukria Wiar, Planner
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, ME 04101
Phone 207.756.8083
Fax 207.756.8258
<http://www.portlandmaine.gov/planning>

Please help save University Park Tuesday Night

David Spector <david01@nsrusa.org>

Nov 25, 2019 9:32 AM

Posted in group: **Planning Board**

Dear City Council and Planning Board Members,

Tuesday night is the Planning Board meeting that will likely determine whether a proposed housing development that will destroy about half of the present University Park wilderness area goes forward. Indications so far are that Portland government may be leaning toward giving the proposal (which requires a zoning change) the go-ahead.

While it is true that most cities, including Portland, always need more housing, and while it is also true that our developers are a vital part of our ecosystem and should be economically supported in their work, protecting a rare piece of wilderness park in a dense neighborhood is just what Portland government should do now to maintain quality of life for our future generations.

Here is what I, a concerned citizen, plan to say at Tuesday's meeting:

Every city needs parks and wilderness areas, green spaces where people can walk in solitude and quiet, away from the incessant sound and air pollution of city life, a natural environment within which to relax, refresh, and contact the natural ecology within which we humans evolved.

In addition, providing living space for wild things, whether mammals, invertebrates, birds, or just a good variety of native green plants, is indispensable. Once our world is all paved over, it will first become boringly uniform and stale, then it will die.

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We must protect our few remaining green spaces now, or our descendants will have nothing but a choked concrete and asphalt urban landscape to live in.

Please help our neighborhood and our city by protecting the full greater University Park wilderness area now, when protecting it is still possible.

David Spector
56 Yale St
Portland, Maine

FW: Planning Board Meeting Tomorrow

george@lauramarrprinting.com <george@lauramarrprinting.com>
 Posted in group: **Planning Board**

Nov 25, 2019 8:04 AM

Do what is right and don't let this happen. The planning board passed this last time 13 years ago but was unanimously declined by the city council. Let the builders sell the lots for single family housing instead. One way in and one way out, none of this makes any sense to anyone other than the money hungry developer. Also, Payson and Wescott have owned this property for years and have never maintained it. Thank you

From: University <save.university.park.trail@gmail.com>
Sent: Monday, November 25, 2019 7:19 AM
To: george@lauramarrprinting.com
Subject: Planning Board Meeting Tomorrow

[View this email in your browser](#)



Planning Board Meets Tomorrow

Tomorrow at 7:00pm is the second Planning Board meeting to discuss the proposed rezoning of Harvard Street to allow duplexes to be built as opposed to single family homes. Many spoke at the last meeting with the vast majority being against the rezoning. Many arguments and issues were raised beyond saving our green spaces such as:

- The amount of traffic it would create in an already congested area will GREATLY impact Yale St and Harvard St
- The scope and size of the proposed duplexes are not in line with the bordering properties on Woodlawn Avenue or surrounding streets.
- In a working class neighborhood, developing duplexes starting at \$375k for a two bedroom is not creating affordable housing

- Sidewalks are not included in the plan, creating safety issues
- There will be blasting on ledge creating damage to existing homes and older structures
- Concerns of draining issues on Yale St. and Harvard St creating flooding
- Of course, decimation of Portland's green space which abuts University park
- And many more...

Please attend the meeting Tuesday!

Write our City Council members and the Planning Board with your questions and concerns! It only takes a minute and does make a difference!

Strimling, Ethan K.	Mayor	estrimling@portlandmaine.gov	207-874-8941
Ray, Belinda S.	District 1	bsr@portlandmaine.gov	207-671-4000
Thibodeau, Spencer	District 2	sthibodeau@portlandmaine.gov	207-650-2147
Batson, Brian E.	District 3	bbatson@portlandmaine.gov	207-664-9635
Costa, Justin	District 4	jcosta@portlandmaine.gov	207-522-2004
Cook, Kimberly	District 5	kcook@portlandmaine.gov	207-874-8986
Ali, Pious	At Large	pali@portlandmaine.gov	207-807-4283
Mavodones, Jr., Nicholas M.	At Large	nmm@portlandmaine.gov	207-774-0257
Duson, Jill C.	At Large	jduson@portlandmaine.gov	207-878-0769

Planning Board at planningboard@portlandmaine.gov

[Sign the petition!](#)

To keep up to date, [like our FB page.](#)

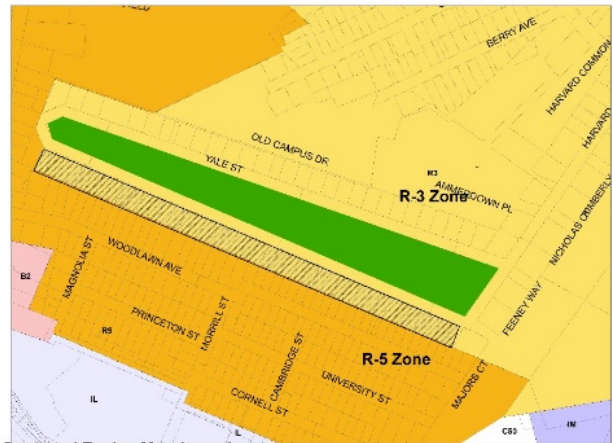
Here is the meeting details as sent by the city:

**AN IMPORTANT NOTICE FROM THE CITY OF PORTLAND PLANNING DIVISION
TO RESIDENTS AND PROPERTY OWNERS IN THE VICINITY OF 109 HARVARD STREET**

TO RESIDENTS AND PROPERTY OWNERS: The Portland Planning Board will hold a public hearing to consider a zoning map amendment by Wescott & Payson II, LLC to rezone a 3.4 acre tract of land from an R-3 Residential Zone to an R-5 Residential Zone along an undeveloped portion of Harvard Street. The rezoning area includes lots 32 through 58 shown as part of the original subdivision plan for University Park and consists of 38 contiguous lots with approximately 1,450 ft. of frontage on Harvard Street. The map amendment is subject to review and recommendation from the Planning Board to the City Council. Public Comments will be taken at this meeting. Written comments should be submitted to planningboard@portlandmaine.gov. Please refer to the document *Guide to Public Participation in the Planning Board Process* for revised procedures for public comment which can be found at <http://www.portlandmaine.gov/551/Development-Review>.

WHEN: Tuesday, November 26, 2019
7:00 p.m.
Room 24, Basement Level, City Hall

FOR MORE INFORMATION: A project and plan summary is available for viewing on the Citizen Self Service Portal (<http://css.portlandmaine.gov>), by referencing Plan Number ZN-000716-2019. Memos and reports are posted on <https://www.portlandmaine.gov/129/Agendas-Minutes> by the end of business on the Friday before the Planning Board meeting. If you have any questions regarding the proposal, please contact Shukria Wiar, Planner, by phone at 207-756-8083 or e-mail at shukriaw@portlandmaine.gov.



**Proposed Zoning Map Amendment
R-3 Residential Zone to R-5 Residential Zone
November 2019**

Map produced by the City of Portland Planning Division using GIS Work Group data



Copyright © 2019 save university park, All rights reserved.
You are receiving this email because you opted in via our website.

Our mailing address is:

save university park

42 Woodlawn Ave

Portland, ME 04103-3512

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You can update your preferences or unsubscribe from this list.



Google Groups

Fwd: Harvard St Zoning Proposal

Shukria Wiar <shukriaw@portlandmaine.gov>

Nov 26, 2019 9:09 AM

Posted in group: **Planning and Urban Development**

----- Forwarded message -----

From: **Glenn Kroll** <gskroll@me.com>

Date: Mon, Nov 25, 2019 at 8:04 PM

Subject: Harvard St Zoning Proposal

To: <shukriaw@portlandmaine.gov>

I am concerned, as a blind person needing to walk along Harvard Street (which has no sidewalks), about the inevitable increase in vehicular traffic which must result from the proposed development. This concern is doubled should duplex housing be the target.

Glenn S Kroll
33 Kimberly CT

Sent from my iPhone

--

Shukria Wiar, Planner
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, ME 04101
Phone 207.756.8083
Fax 207.756.8258
<http://www.portlandmaine.gov/planning>

Google Groups

Fwd: University Park rezoning

Shukria Wiar <shukriaw@portlandmaine.gov>

Nov 26, 2019 9:10 AM

Posted in group: **Planning and Urban Development**

----- Forwarded message -----

From: <vanadium@crossingmidnight.net>

Date: Mon, Nov 25, 2019 at 6:15 PM

Subject: University Park rezoning

To: <shukriaw@portlandmaine.gov>

Dear Ms. Wiar:

I'm writing to you now on behalf of myself and my wife to express my concerns about the proposed rezoning of the area near Harvard Street and University Park by Wescott and Payson LLC.

While we recognize the tight housing market in Portland, after attending the initial planning meetings it was immediately clear to us the requested zoning change is both extremely short-sighted and entirely driven by profit rather than any considered use of the local area. With their Yale Avenue project Wescott and Payson has already displayed a tendency toward the cookie-cutter, but attempting to rezone a well-established neighborhood so they can build an unbroken line of charmless townhouses in the middle of what was previously green space shows a general disdain for the neighborhood, the homes of the people who abut their proposed clear-cutting, and the city of Portland in general. There was no shortage of angry complaints about their previous construction and their response to issues with their existing properties and now they're proposing to rezone the same neighborhood with no consideration toward the character of the area, the increased traffic from 60-80 cars from a dead-end street, and the irrevocable changes to a green space that connects to the Portland Trail system. Meanwhile, their proposed price per half-unit of well over \$300,000 will do nothing for the affordable housing problem in the city.

Portland is growing and change is inevitable. However, the value of this city is in the character of its neighborhoods and the quality of life provided by our public spaces. Allowing a hasty rezoning just to optimize a developer's profits, (During their initial meeting the representative from Wescott and Payson admitted the proposed change to duplexes was entirely based on maximizing their return on an otherwise impractical land purchase) that diminishes that value without any short- or long-term benefit to the neighborhood or Portland as a whole. As a member of the community, I am asking you to please deny this rezoning request.

Sincerely,
John Bowker and Megan Goodwin
45 Woodlawn Ave
Portland, ME 04103
jcb@crossingmidnight.net

--

Shukria Wiar, Planner
Planning & Urban Development Department
389 Congress Street 4th Floor
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<http://www.portlandmaine.gov/planning>

Google Groups

Fwd: Harvard St Zoning Proposal

Shukria Wiar <shukriaw@portlandmaine.gov>

Nov 26, 2019 9:10 AM

Posted in group: **Planning and Urban Development**

----- Forwarded message -----

From: **Karen Hart** <khart1@maine.rr.com>

Date: Mon, Nov 25, 2019 at 7:25 PM

Subject: Harvard St Zoning Proposal

To: <shukriaw@portlandmaine.gov>

I sent a letter prior to the last planning board meeting about my concerns for the zoning change. I also spoke about all the traffic issues at the meeting.

I assume that's all part of the current file and I don't need to and it again before tomorrow nights meeting.

Thanks

Karen Hart

Sent from my iPhone please excuse any typos

--

Shukria Wiar, Planner

Planning & Urban Development Department

389 Congress Street 4th Floor

Portland, ME 04101

Phone 207.756.8083

Fax 207.756.8258

<http://www.portlandmaine.gov/planning>

Google Groups

Fwd: Harvard St Zoning Proposal

Shukria Wiar <shukriaw@portlandmaine.gov>

Nov 26, 2019 9:10 AM

Posted in group: **Planning and Urban Development**

----- Forwarded message -----

From: **Kim M Johnson** <kimj2010@gmail.com>

Date: Mon, Nov 25, 2019 at 10:38 PM

Subject: Harvard St Zoning Proposal

To: <shukriaw@portlandmaine.gov>

Dear Shukria,

As a resident of Harvard Street, I oppose this green space development. Yale is already designated as a "Not a through street" which has done nothing to limit the traffic or make drivers considerate of our speed bumps or stop signs. Bringing more traffic to Yale and Harvard will only contribute more concerns to our quiet walking, dog friendly neighborhood. We simply don't need more traffic on these streets.

Thank you,

Kim Johnson

--

Shukria Wiar, Planner
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, ME 04101
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Fax 207.756.8258
<http://www.portlandmaine.gov/planning>

Comment Regarding Plan# ZN-000716-2019

Seth Kelley <virtushda@gmail.com>

Nov 25, 2019 9:31 PM

Posted in group: **Planning Board**

Name: Lee D Kelley

Address: 50 Woodlawn Ave, Portland, ME 04103

Comment: The zoning should not be changed, we do not want duplexes built right behind our house. We would also like to preserve the green area.

Thank you!

Google Groups

Fwd: Harvard St Zoning Proposal

Shukria Wiar <shukriaw@portlandmaine.gov>

Nov 25, 2019 1:06 PM

Posted in group: **Planning and Urban Development**

----- Forwarded message -----

From: **Nancy Norton** <nanorton@maine.rr.com>

Date: Mon, Nov 25, 2019 at 1:00 PM

Subject: Harvard St Zoning Proposal

To: <shukriaw@portlandmaine.gov>

Cc: Justin Costa <jcosta@portlandmaine.gov>

Hello Shukria and Planning Board,

Thank you for taking my phone call this morning. Please submit this email and the information attached to the Planning Board.

I am a home owner that abuts the Harvard St properties. The requested zoning change, by Wescott Payson's llc, is so they can make the most profit possible. Their proposed development is not in-line with the cities comprehensive plan. It also does not reflect the abutting neighbors properties as they have stated. Their proposed development, which requires the zoning to change, is pure greed.

They purchased this parcel of land as single family plots. This is how the zoning should stay to properly reflect the surrounding neighborhoods and follow the Portlands Comprehensive Plan.

Please see a comparison attached of the land to building ration of their proposed development compared to the abutting Woodlawn properties. Their proposal is too dense and will highly impact Woodlawn Avenue, Yale St, Harvard St and most importantly University Park.

Profit...not proper city planning is their goal.

Thank you for your time,

Nancy Norton
Todd Dadaleares
92 Woodlawn Av
Portland, Maine
04103

--

Shukria Wiar, Planner
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, ME 04101
Phone 207.756.8083
Fax 207.756.8258
<http://www.portlandmaine.gov/planning>

Google Groups

Proposed rezoning of Harvard Street/Harvard Path

Betta S <bettasousa@gmail.com>

Nov 25, 2019 8:16 PM

Posted in group: **Planning Board**

Dear planning board,

In regards to the proposed rezoning of Harvard Street/Harvard Path to allow duplexes to be built as opposed to single family homes, I'd like to voice my opinion against this rezoning as it will have a negative impact on Harvard path. Please maintain the current zoning.

Sincerely,
Roberta de Sousa
North Deering resident

Google Groups

Fwd: Harvard St Zoning Proposal

Shukria Wiar <shukriaw@portlandmaine.gov>

Nov 26, 2019 9:10 AM

Posted in group: **Planning and Urban Development**

----- Forwarded message -----

From: **Stephanie Brown** <heysteph6320@yahoo.com>

Date: Mon, Nov 25, 2019 at 5:42 PM

Subject: Harvard St Zoning Proposal

To: <shukriaw@portlandmaine.gov>

Dear Ladies and Gentlemen of the Planning Board:

I am writing regarding the project for consideration set forth to the City of Portland Maine Planning Board by Wescott & Payson II, LLC. The applicant, Wescott & Payson II, LLC., proposes a map amendment from R-3 to R-5 along an undeveloped portion of Harvard Street. I highly oppose the development of this green space in the Northeast Deering community.

This community is flanked by some of the busiest streets in Portland; Washington Avenue, Allen Avenue and Forest Avenue. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities. Here are some main reasons why we need to keep trees in our urban environments:

Air Quality -- Planting trees remains one of the most cost-effective ways of drawing carbon dioxide from the atmosphere.

Visual Appeal – few things can compare with the aesthetic impact that trees offer the urban setting.

Health and well-being -- Trees have also been proven to have a positive impact on skin cancer, asthma, hypertension, and other stress related illness by filtering out polluted air, reducing smog formation, providing shade from solar radiation, and providing an attractive, calming setting for recreation.

Trees also form an effective sound absorbing barrier to help reduce unwanted urban noise pollution.

The biodiversity of trees in providing natural habitats for birds, squirrels, and other fauna are considered to some as incalculable.

Cost Savings – According to the United States Forest Service, for every \$1 spent on trees, a return of \$2.70 in benefits is received.

Managing Stormwater – For every 5% of tree cover in a community, stormwater runoff is reduced by 2%.

Property Values --Independent studies have shown a consistent 5-15% increase in property values on tree lined streets, proving that trees increase commercial and residential real estate values.

Another reason for opposing this multi-unit housing development is the traffic congestion in the area. As I mentioned previously in my letter, busy streets flank this community. The traffic is so completely backed-up from Morrill's Corner, down Allen Avenue and Forest Avenue, that I cannot make a left-hand turn onto Allen Avenue to get to work in the mornings.

Please do not approve this map amendment and recommend it to the City Council. There are so many people in the community and beyond that enjoy that green space each and every day, hikers, runners, bikers alike.

Thank you for your consideration,

Stephanie Brown

University Street

Sent from Yahoo Mail for iPhone

--

Shukria Wiar, Planner
Planning & Urban Development Department
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Portland, ME 04101
Phone 207.756.8083
Fax 207.756.8258
<http://www.portlandmaine.gov/planning>

Google Groups

Fwd: Harvard St Zoning Proposal

Shukria Wiar <shukriaw@portlandmaine.gov>

Nov 26, 2019 9:10 AM

Posted in group: **Planning and Urban Development**

----- Forwarded message -----

From: **William Bailey** <wmb2419@yahoo.com>

Date: Mon, Nov 25, 2019 at 8:43 PM

Subject: Harvard St Zoning Proposal

To: <shukriaw@portlandmaine.gov>

I would like to voice my opposition to the Harvard street zoning proposal. There is too much traffic on Harvard and Yale streets already.

Sincerely

William Bailey Yale st resident

Sent from my iPhone

--

Shukria Wiar, Planner

Planning & Urban Development Department

389 Congress Street 4th Floor

Portland, ME 04101

Phone 207.756.8083

Fax 207.756.8258

<http://www.portlandmaine.gov/planning>

Harvard Street R3 to R5 Map Amendment

E M <emann@maine.rr.com>

Nov 26, 2019 9:53 AM

Posted in group: **Planning Board**

To: City of Portland Planning Board
RE: Harvard Street R3 to R5 Map Amendment

Mr. Payson acquired the lots in question individually, over time, at prices reflecting that they are not accessible. He bought them with the full knowledge of what could and could not be built on them. The sole reason for a rezoning request is to maximize their value.

The comments submitted to the Planning Board workshop were overwhelmingly opposed to this rezoning. Mr. Payson's proposed development would have negative impacts on the abutting neighborhoods and on the abutting park, and would bring nothing to the city in return but a few more units of housing that would not be affordable for an average Portland wage earner.

In 2005, the same developer's same request for a zone change from R3 to R5 for the land in question was voted down by City Council. There was no compelling reason for a zone change then, and there is no compelling reason for a zone change now.

Zoning codes have no significance if developers can be granted zoning changes simply by requesting them. Please respect the clear feedback from the residents of the abutting neighborhoods by recommending that the current zoning of this parcel be upheld.

Eleanor Mann

change.org

Recipient: Mayor Ethan Strimling, Gov. Janet Mills, Counsitor Justin Costa, Rep. Michael Brennan

Letter: Greetings,
Save University Park

Signatures

Name	Location	Date
Elizabeth Rose	Portland, ME	2019-07-09
Jennifer Long	Portland, ME	2019-07-09
Chris Wheaton	Portland, US	2019-07-09
Kevin Bardwell	Portland, US	2019-07-09
sara shelley	Cortlandt, NY	2019-07-09
Olivia Barberi	Portland, US	2019-07-09
Christopher Rowley	Scarborough, US	2019-07-09
JON INWOOD	Brooklyn, NY	2019-07-09
Carissa Maurin	Lynbrook, NY	2019-07-09
Aubrey Jane	West Bronx, NY	2019-07-09
Megan Paradis	Old Town, US	2019-07-09
Amanda Fall	Orono, US	2019-07-09
Emily Peck	Scarborough, US	2019-07-09
Elijah Ramirez	Biddeford, US	2019-07-09
Carrie Gleason	Littleton, CO	2019-07-09
Nancy Norton	Portland, US	2019-07-09
Rachel Flehinger	Portland, ME	2019-07-09
Stephen Kohnle	Darien, CT	2019-07-09
joseph laurinaitis	Portland, US	2019-07-09
Asa S	Orono, ME	2019-07-09

Name	Location	Date
Kristen Blais	Portland, ME	2019-07-09
Gail Wills	Marshfield, US	2019-07-09
melissa englehardt	Glenolden, PA	2019-07-09
Michele Condon	Plaistow, US	2019-07-09
Jacqueline Soper	Scarborough, US	2019-07-09
Matthew Curtis	Portland, US	2019-07-09
Samara Kupferberg	Portland, ME	2019-07-09
Chester Richardson	Portland, US	2019-07-09
Katie Godin	Portland, US	2019-07-09
Stacey Collins	Cumberland Foreside, US	2019-07-09
Jennifer Rand	Manchester, US	2019-07-10
Daniel Vaughn	Westbrook, US	2019-07-10
Sheila Cook	Portland, ME	2019-07-10
Alyssa Wade	Saco, US	2019-07-10
John Rogers	Portland, US	2019-07-10
Corrie Young	Scarborough, US	2019-07-10
Eliot Hull	Portland, US	2019-07-10
Amy Houran	Portland, US	2019-07-10
Sarah Wilmot	Concord, MA	2019-07-10
Brandon McCrum	US	2019-07-10
Craig Lakin	Portland, US	2019-07-10
Nicholas Wall	Portland, US	2019-07-10

Name	Location	Date
Cress OBrien	Auburn, MA	2019-07-10
Tallyn Brown	Westbrook, US	2019-07-10
Emily Varno	Portland, US	2019-07-10
Thomqs Begin	Portlamd, US	2019-07-10
Zachariah Stearn	Windham, US	2019-07-10
Brien McNamara	New Haven, US	2019-07-10
Stefan Dutka	Portland, US	2019-07-10
Amitej Toor	Clovis, US	2019-07-10
D. Clarke	Bronx, US	2019-07-10
Corvae Johnson	Denver, US	2019-07-10
Marie Lamarre	Jenison, US	2019-07-10
Todd Dadaleares	South Portland, US	2019-07-10
JOHNATHON FULLER	South Portland, US	2019-07-10
Todd Gingras	Auburn, US	2019-07-10
Zachary True	Falmouth, US	2019-07-10
M L Katze	Cape Elizabeth, US	2019-07-10
gigi high	Portland, US	2019-07-10
Kyah Morrisette	Standish, US	2019-07-10
Dayna White	Aurora, US	2019-07-10
Marissa Arrigoni	Boston, US	2019-07-10
Sophie Kaplan	New York, US	2019-07-10
Kathleen Vance	Portland, US	2019-07-10

Name	Location	Date
Mylo Brann	Amherst, MA	2019-07-10
Nathaniel Smith	Orrs Island, US	2019-07-10
Brett Loffredo	Portland, US	2019-07-10
Molly Chapman	Waltham, US	2019-07-10
Stephanie Wall	Sanford, ME	2019-07-10
Rosanne Griffin	Portland, US	2019-07-10
Susan Baxter	Portland, US	2019-07-10
Sophie Friedman	Boston, US	2019-07-10
Caitlin Hopkins	Portland, US	2019-07-10
Timothy Fulwider	Portland, US	2019-07-10
Daniel O'Connell	Portland, US	2019-07-10
Umberto Sperana	Portland, US	2019-07-10
Aaron Kubiak	Portland, US	2019-07-10
Martin Aguilar	Berwyn, PA	2019-07-10
Vonda Higgins	Portland, US	2019-07-10
Jacob Fenon-Hulett	Portland, ME	2019-07-10
Laura Stevens	Portland, US	2019-07-10
Chrisry Carmody	Poland, US	2019-07-10
Savannah Fields	South Portland, ME	2019-07-10
Connor Norton	Amesbury, US	2019-07-11
Alma Simmons	Augusta, US	2019-07-11
Jodelle Austin	Rochester, US	2019-07-11

Name	Location	Date
Hannah Lakin	Portland, US	2019-07-11
Barbara Richards	Pittsburgh, US	2019-07-11
Jennifer Stanbro	Portland, US	2019-07-11
Erin Wheaton	Portland, US	2019-07-11
zuqQBrtnLV9vfanM3cTXdeadffp5hRd/PkxRAN0E8S Vallely	Portland, US	2019-07-11
Wayne Porter	Portland, US	2019-07-11
Amanda Carlson	Westbrook, US	2019-07-11
Lilley Mickens	Reynoldsburg, US	2019-07-11
Jarrett Crawford	Muskogee, US	2019-07-11
Caroline Ginsberg	Portland, US	2019-07-11
Shalini Gupta	Sunnyvale, US	2019-07-11
Tamarik Williams	Denver, US	2019-07-11
Dylan Suriel	Farmingdale, US	2019-07-11
Wang Wang	Beverly Hills, US	2019-07-11
Marcos Meirelles	Roselle Park, US	2019-07-11
taylor sitkowski	Dallas, US	2019-07-11
Weston White	Kennewick, US	2019-07-11
Karen Gadbois	Brooklyn, NY	2019-07-11
Helen Stanbro	Portland, US	2019-07-11
Meredith Pesce	Portland, US	2019-07-11
Kaylee Moore	Bay city, US	2019-07-11

Name	Location	Date
Emily Berger	Northport, US	2019-07-11
Warren Thomas	Portland, US	2019-07-11
James Taylor	Portland, ME	2019-07-11
Amy Hayes	Portland, US	2019-07-11
Gilbert Plourde	Bowdoin, US	2019-07-11
Lesley Jones	Portland, US	2019-07-11
Maya V	Brooklyn, US	2019-07-11
gissell hernandez	temple, US	2019-07-11
Parker Bramlett	Toccoa, US	2019-07-11
Nick Pilatos	Belmar, US	2019-07-11
ASAP Rocky	Hammond, US	2019-07-11
Nathan Ortiz	Orange, US	2019-07-11
Pearsr Varner	San Diego, US	2019-07-11
Taylor Maypole	Jacksonville, US	2019-07-11
Ava Tripodi	Plainsboro, US	2019-07-11
Kate McLaughlin	Portland, ME	2019-07-11
Charlene Poulin	Portland, US	2019-07-11
Norman Barberi	Winterport, US	2019-07-11
John Tompkins	Portland, US	2019-07-11
Benjamin Brennan	Orono, ME	2019-07-11
Patrick Higgins	Portland, US	2019-07-11
Daniel Totten	Cambridge, MA	2019-07-11

Name	Location	Date
MaryAnn Butts	Portland, ME	2019-07-11
Jacqueline Rogers	Portland, US	2019-07-11
Jeremy Norton	Portland, US	2019-07-11
Jason NORTON	Brunswick, US	2019-07-11
Alice Hornstein	Portland, US	2019-07-11
Gretchen Ebbesson-Keegan	Camden, ME	2019-07-11
Maggie Moore	Topsham, US	2019-07-11
Tim Meehan	Portland, US	2019-07-11
Kayla Theriault	Portland, US	2019-07-11
patricia theriault	portland, ME	2019-07-11
Megan Tumavicus	Portland, US	2019-07-11
Sara Brooke	Portland, US	2019-07-11
Cindy Pagel	Portland, US	2019-07-11
Katie Seagers	Wayne, US	2019-07-11
Andrew Millard	Orono, ME	2019-07-11
Case Colina	Ponte Vedra Beach, US	2019-07-11
Lisa Timmons	Dayton, US	2019-07-11
quan Summers	Greensboro, US	2019-07-11
Katie Brooke	Portland, US	2019-07-11
Taylor Wicks	Portland, US	2019-07-11
Crystal Dunn	West Gardiner, US	2019-07-11
Mary McVeigh	Portland, US	2019-07-11

Name	Location	Date
Lori Powell	Portland, US	2019-07-11
Christopher Porter	Portland, US	2019-07-11
Gianna Dudley	Westbrook, ME	2019-07-11
Patricia Wescott	Brunswick, ME	2019-07-11
Luis Rivera	San Fernando, US	2019-07-11
Collisa Johnson	HOUSTON, US	2019-07-11
J Handy	Portland, US	2019-07-11
Quentin L	Frankfort, US	2019-07-12
Elijah Sales	Villa Rica, US	2019-07-12
Jacob Hastings	Cleveland, US	2019-07-12
Doug Woods	Pollock Pines, US	2019-07-12
Henk Griffin	Amsterdam, NH, The Netherlands, Netherlands	2019-07-12
Nathan Williams	Tuscaloosa, US	2019-07-12
Ray Richard	Rochester, US	2019-07-12
Curt Hartwell	Ramona, US	2019-07-12
Donna Desnoyers	Attleboro, US	2019-07-12
Joe Presser	Portland, US	2019-07-12
Mary Ma	Clarksburg, US	2019-07-12
Hedi Houissa	Charlotte, US	2019-07-12
Dumebi Ejikeme	Mcdonough, US	2019-07-12
Kyle Fetters	Portland, US	2019-07-12

Name	Location	Date
Mike Sandora	South Portland, US	2019-07-12
Krystal Talbot	Freeport, US	2019-07-12
Evalin Stearns	Portland, US	2019-07-12
John Blais	Turner, ME	2019-07-12
Joshua Parmenter	Portly, US	2019-07-12
Chelsea DiMillo	Portland, US	2019-07-12
Rachel Casey	South Portland, US	2019-07-12
Hannah Gathman	Portland, US	2019-07-12
Ann Danforth	Portland, US	2019-07-12
Justine Laurinaitis	Paris, ME	2019-07-12
Jacqui Carpenter	Salt lake city, US	2019-07-12
Ansley Hargrove	Monticello, US	2019-07-12
Lee Reeve	Portland, US	2019-07-12
David Laurinaitis	Rumford, US	2019-07-12
doug mccown	Portland, US	2019-07-12
Margaret Griffeth	Portland, US	2019-07-12
Camron Chea	Portland, US	2019-07-12
Isaiah Bickford	Portland, US	2019-07-12
Emin Karimov	Portland, US	2019-07-12
matthew keene	Portland, US	2019-07-12
barbara keene	Portland, US	2019-07-12
Eric Wright	Portland, US	2019-07-12

Name	Location	Date
Michael LeComte	Portland, US	2019-07-12
E Scot Fuller-Beatty	Portland, US	2019-07-12
Allyssia Keeling	Fort Bragg, US	2019-07-12
Lindsay Torrey	South Portland, US	2019-07-12
Charlotte Guptill	Puerto Vallarta, Mexico	2019-07-12
Benjamin Rafuse	West Columbia, SC	2019-07-12
Tommy Light	Jacksonville, US	2019-07-12
Kyle Holmquist	Saco, ME	2019-07-12
Steve Katsurinis	Wellfleet, US	2019-07-12
Blaise Goodman	Litchfield, US	2019-07-12
Joe Beatty	Mchenry, US	2019-07-12
Jason Fuller-Beatty	Portland, US	2019-07-12
Sam Cunningham	Portland, US	2019-07-12
James Bickford	Portland, ME	2019-07-13
Eric Flynn	Portland, US	2019-07-13
Sara Sissel	Portland, US	2019-07-13
Rev. Charles Grindle	Portland, ME	2019-07-13
Wynn Salisch	New York, NY	2019-07-13
Ed Dulian	Caledonia, US	2019-07-13
Jessica Wilkinson	Portland, US	2019-07-13
Kayly Mailhot	Biddeford, US	2019-07-13
Sarah Kwantz-Drewal	Topsham, ME	2019-07-13

Name	Location	Date
Joshua Malia	Portland, ME	2019-07-13
Deb Beatty	Rockford, US	2019-07-13
Maria Duffy	Portland, US	2019-07-13
Eleanor Mann	Portland, US	2019-07-13
Laura Scheidegger	Spencerport, US	2019-07-13
Daniel Boutilier	Portland, ME	2019-07-13
Ben Cross	Winthrop, US	2019-07-13
Danielle Mudge	Los Angeles, US	2019-07-13
William Keene	Portland, ME	2019-07-13
Christopher Hanson	Richmond, ME	2019-07-13
Daniel Brideau	Portland, ME	2019-07-13
jennifer fischer	Portland, US	2019-07-13
Monet Macomber	Portland, US	2019-07-13
Eri Abraham	Portland, US	2019-07-13
Lysander Mitsouras	Saint Cloud, US	2019-07-13
Craig Bowley	New York, US	2019-07-13
Carly Goodman	Boone, US	2019-07-13
Samantha Mills	Bronx, US	2019-07-13
Abby Sorenson	Trenton, US	2019-07-13
Mera Syal	Fuquay Varina, NC	2019-07-13
Peter Allen	Gorham, US	2019-07-13
David Mace	Augusta, ME	2019-07-13

Name	Location	Date
Erin Hutton	Portland, US	2019-07-13
Marilu Madrigal	Coral Gables, US	2019-07-13
Kylee Liberty	Falmouth, US	2019-07-13
Urfan Nadirov	Portland, US	2019-07-14
Ryan Gaudreau	Rochester, US	2019-07-14
Kalee Galloway	Thomasville, US	2019-07-14
Philip Shemanski	Los Altos, US	2019-07-14
Danielle Murphy	Brunswick, US	2019-07-14
Chris Johnson	Raleigh, US	2019-07-14
Donna O'Brien	Manchester, US	2019-07-14
Shina Novel	Charlotte, US	2019-07-14
Mark Pickett	Athens, US	2019-07-14
Sarvjeet Kaur	Fremont, US	2019-07-14
Stephanie Ramirez	Houston, US	2019-07-14
Aireona Gonzalez	Houston, US	2019-07-14
Maram Al-Hussein	Lynnwood, US	2019-07-14
Cory Nitta	Los Angeles, US	2019-07-14
Melany Navarrete	Houston, US	2019-07-14
Susan Bragdon	Portland, US	2019-07-14
Zechariah Smith	Crestview, US	2019-07-15
maria gritsch	la, CA	2019-07-15
john peacock	rockford, IL	2019-07-15

Name	Location	Date
Nate Hinchey	Portland, US	2019-07-15
Colin Reid	Portland, US	2019-07-15
Thomas Tutor	Portland, US	2019-07-15
Utkarsh Nath	Fremont, US	2019-07-16
Karla Tapps	Compton, US	2019-07-16
Jennifer Monroy	Los Angeles, US	2019-07-16
Kendra Denton	Los Angeles, US	2019-07-16
Christal Neal	Los Angeles, US	2019-07-16
Sarah Carpenter	Springfield, MO	2019-07-16
Luz Flores	los angeles, US	2019-07-18
KimMarie Johnson-Roussell	Los Angeles, US	2019-07-18
Adam Kaluba	Cincinnati, US	2019-07-18
Francesca Houran	Portland, US	2019-07-19
Janice Watson	Los Angeles, US	2019-07-21
Dana Earls	Portland, US	2019-07-22
Stephanie Brown	Portland, US	2019-07-26
Helen Meehan-Selleck	Portland, US	2019-07-26
David Selleck	Portland, US	2019-07-26
Miki Episcopo	Portland, US	2019-07-26
cindy baratta	Brandon, US	2019-07-26
Sean Toomey	US	2019-07-26
Ryan Brown	Windham, US	2019-07-26

Name	Location	Date
David Thibault	Gray, US	2019-07-26
Douglas Campbell	Cape Elizabeth, US	2019-07-26
Lori Sitois	Portland, US	2019-07-26
Kim Johnson	Portland, US	2019-07-30
Cherie Phillips	Portland, US	2019-07-30
Lauren Rodrigue	Portland, US	2019-08-04
Leslie Koelsch	San Francisco, US	2019-08-05
Stephen Nestel	San Rafael, US	2019-08-05
Erica Mccool	Los Angeles, US	2019-08-07
Michelle Jimenez	Los Angeles, US	2019-08-07
Brisa Sanchez	Long Bea, US	2019-08-07
Olga Mazariegos	Oklahoma City, US	2019-08-07
Alegra vite	wailuku, US	2019-08-07
Kasandra Becerra	Los Angeles, US	2019-08-07
Aaron Beckett	Los Angeles, US	2019-08-07
Erin Cain Jackson	Granite City, US	2019-08-09
Monilade Walker	Los Angeles, US	2019-08-09
Linda McLoon	US	2019-09-03
Michael Russell	Westbrook, US	2019-09-05
John Day	Portland, ME	2019-09-05
Ari Appel	Dallas, US	2019-09-05
Avery Hawk	Waxhaw, US	2019-09-05

Name	Location	Date
Glenn Holland	Falmouth, ME	2019-09-05
Desiree Gollihugh	Ironton, US	2019-09-06
Christine Retzer	Buffalo, US	2019-09-06
Oliver Fissure	Virginia Beach, US	2019-09-06
David Miles	Rockwood, US	2019-09-06
Sophia R	Debary, US	2019-09-06
Morgan Harding	Sacramento, US	2019-09-06
Patirck Harrigan	Cornish, ME	2019-09-06
Melina Schuler	Portland, ME	2019-09-06
Dan Beale	Portland, ME	2019-09-06
Ruth Kirkwood	Portland, ME	2019-09-07
Jessica Fields	Auburn, ME	2019-09-07
David Fields	Auburn, ME	2019-09-08
Holly Mitchell	Portland, ME	2019-09-08
Dearbhaile Obrien	Portland, ME	2019-09-08
Paul Drinan	Portland, ME	2019-09-08
Terri DeCoster	New Gloucester, ME	2019-09-08
Adam Turner	Augusta, ME	2019-09-08
Alfred Carbone	Watertown, MA	2019-09-08
Annette Elowitch	Portland, ME	2019-09-08
Skyler Kirker	Fort Wayne, US	2019-09-08
Alesia Norling	Edgecomb, ME	2019-09-08

Name	Location	Date
Ella Weerackody	New York, US	2019-09-08
Jamie Darley	Fitzgerald, US	2019-09-08
Kimberly Grubka	St. Joseph, MI	2019-09-08
Kelly Masters	Portland, ME	2019-09-08
Laura Vickery	Saco, ME	2019-09-08
Candace Karu	Portland, ME	2019-09-08
Carla Lafortune	Saco, ME	2019-09-08
Lori Carver	Kenduskeag, ME	2019-09-08
Jennifer MacLeod	Portland, ME	2019-09-08
Aprill Newmsn	Portland, ME	2019-09-08
Rose G	Portland, ME	2019-09-09
Jake Stone	Central Square, NY	2019-09-09
isaac g	Portland, ME	2019-09-09
Rachel Sales	Winslow, ME	2019-09-09
Jessica McKinney	Portland, ME	2019-09-09
Devin Green	Portland, ME	2019-09-09
Eleanor Falby	Portland, ME	2019-09-09
Sarah Lawrie	Portland, ME	2019-09-09
Leticia Plate	Portland, US	2019-09-09
David Spector	Portland, ME	2019-09-09
Janell Lewis	Portland, ME	2019-09-09
Eliza Fowler	Secaucus, NJ	2019-09-09

Name	Location	Date
Uther Dadaleares	Portland, ME	2019-09-09
Shannon O'Connor	Portland, ME	2019-09-09
Emily-Anne Garland	Portland, ME	2019-09-09
Crystal Troiano	Phoenix, AZ	2019-09-09
Michael Vickery	Portland, ME	2019-09-09
Amanda Painter	Portland, ME	2019-09-09
Marc Pomerleau	Portland, ME	2019-09-09
Susan J Lane	Portland, ME	2019-09-09
Jason Huckaby	Portland, ME	2019-09-09
Lauren Amick	New York, US	2019-09-09
Jennifer Waterman	Mauston, WI	2019-09-09
Tyler McGinley	Falmouth, ME	2019-09-10
Christina Bechstein	Rochester, NY	2019-09-10
Katherine Kroll	Portland, ME	2019-09-10
Ana Courtney	Portland, ME	2019-09-10
Charles Smith	Portland, ME	2019-09-10
Inesmari Carrasquillo	san juan, US	2019-09-10
Michael Dunnigan	Portland, ME	2019-09-10
Shawn GEORGE	Portsmouth, NH	2019-09-10
Jane Schaller	Arundel, ME	2019-09-10
Nichole Crandall	Falmouth, ME	2019-09-10
Julie Salois	Scarborough, ME	2019-09-10

Name	Location	Date
Athena Davis	Portland, ME	2019-09-10
Todd Norton	Dandridge, TN	2019-09-10
Sena Phin	Portland, ME	2019-09-10
Rachel Robinov	Cliff island, ME	2019-09-10
Aleksandar Karadzic	Portland, ME	2019-09-10
Elizabeth Bruso	Grand Blanc, US	2019-09-10
bennett wettengel	Cincinnati, US	2019-09-10
Alex Festekjian	Gaithersburg, US	2019-09-10
Danielle Hansen	silver spring, MD	2019-09-10
Spencer Watral	Steamboat Springs, US	2019-09-10
Dusan Dukic	Portland, ME	2019-09-10
dietra byrd	KENNEBUNK, ME	2019-09-10
Stephen Young	Portland, ME	2019-09-10
Terry Garland	Simsbury, US	2019-09-10
Cheryl Denis	Portland, ME	2019-09-10
Craig Plourde	Portland, ME	2019-09-10
Christine Kohnle	Waltham, MA	2019-09-10
Sharon Harman	Columbus, OH	2019-09-10
Pallavi Vemuri	Dallas, US	2019-09-10
Nicole Castonguay	Portland, ME	2019-09-10
Samantha Dunnigan	Portland, ME	2019-09-10
Alice Toohey	Glendale, CA	2019-09-10

Name	Location	Date
Jason hughes	Lowell, US	2019-09-10
Jennifer Rogers Hickey	Portland, ME	2019-09-10
Joseph McCausland	Marshall, US	2019-09-10
Marta Vega	Ponce, US	2019-09-10
tagala Caselllas	Guaynabo, US	2019-09-10
rhad davis	Portland, ME	2019-09-10
Mackenzie Wood	Scarborough, ME	2019-09-10
Derrick Hepburn	Hollywood, US	2019-09-10
Kathy McCabe	Bradenton, FL	2019-09-10
Jamilex Polonia	Somerville, US	2019-09-10
Adam Michalski	Oswego, US	2019-09-10
Renee Rabaino	hauula, US	2019-09-10
Jacob Medoff	Cambridge, MA	2019-09-10
Cynthia Sass	Portland, ME	2019-09-10
Emma Liberty	Secaucus, NJ	2019-09-10
Marie Rego	Litchfield, NH	2019-09-10
Rebecca Howard	Portland, ME	2019-09-10
Carolyn Sass	Portland, ME	2019-09-10
John Libby	Portland, ME	2019-09-10
Kathryn Gibson	Chicago, US	2019-09-11
Holden Beale	Columbia, US	2019-09-11
Nick LaRocco	Fairport, US	2019-09-11

Name	Location	Date
Maria Baltazar	Milwaukee, US	2019-09-11
ming hu	Saint Louis, US	2019-09-11
Colin Howard	Cincinnati, US	2019-09-11
Angie Palladino	Clover, US	2019-09-11
Aran Meara	Portland, ME	2019-09-11
Lori Hurst	Seattle, US	2019-09-11
Karen Haskell	Portland, ME	2019-09-11
Madison Loew	Conyers, US	2019-09-11
Kianna McKinney	Missouri City, US	2019-09-11
Erin Everett	Colorado Springs, US	2019-09-11
Alexander Gerstle	Yorktown Heights, US	2019-09-11
Wyatt Sanders	Wauseon, US	2019-09-11
DYANNE SYLVESTER	MELVILLE, US	2019-09-11
Jaew West	Dallas, US	2019-09-11
Brian Flatley	Wading River, US	2019-09-11
Elizabeth Calienes	Gainesville, US	2019-09-11
A Orzel	simi valley, US	2019-09-11
MICHELLE FIELD	Crum Lynne, US	2019-09-11
Steve Watkins	Fairborn, US	2019-09-11
Audra Miller	Richardson, US	2019-09-11
Amy Brink	Wayne, US	2019-09-11
Arlene Zuckerman	Jamaica, US	2019-09-11

Name	Location	Date
Michael Zhitnitsky	Oak Park, US	2019-09-11
Marco Ortega	Houston, US	2019-09-11
Nathan Chasin	Chicago, US	2019-09-11
Georetta Burns-Pua	Kailua, US	2019-09-11
Kamake'e Kahikina	Kaneohe, US	2019-09-11
Juana Cortez	Apple Valley, US	2019-09-11
Alyssa Harrup	Gainesville, US	2019-09-11
Teryn Anderson	Folsom, US	2019-09-11
Christy Campbell	Williamston, US	2019-09-11
Roop Soorma	Pittsburg, US	2019-09-11
Yvette Dunnigan	Portland, ME	2019-09-11
Janice Hoffmann	Yonkers, NY	2019-09-12
polly urbach	Portland, ME	2019-09-12
Madame# Nuno	San Jose, US	2019-09-12
Kellie Dalton	Virginia Beach, US	2019-09-12
Monica Jimenez	Los Angeles, US	2019-09-12
Kaya Guest	Roseville, US	2019-09-12
Susan Berry	Czech Republic	2019-09-12
April Shatto	Virginia Beach, VA	2019-09-12
Hyeri Yoon	Portland, ME	2019-09-12
Marie Brown	Boston, MA	2019-09-13
Todd Henry	Portland, ME	2019-09-13

Name	Location	Date
Yvonne French	Haverhill, MA	2019-09-13
Kim Harris	Bay Shore, NY	2019-09-14
Selina Rossier	Brunswick, ME	2019-09-14
Kate Pendleton	Portland, ME	2019-09-14
Melissa Heithaus	Mckinney, US	2019-09-16
Khambia Clarkson	Marshalltown, US	2019-09-17
Marce Lamontagne	Portland, ME	2019-09-18
Michael Friedmann	Bronx, US	2019-10-08
Jon Dutka	Durham, NH	2019-10-09
Amanda Hawes	Portland, ME	2019-11-21
Kyle Stetson	Portland, ME	2019-11-21
Eileen Murphy	Hingham, MA	2019-11-21
Amaris Mujica	Casco, ME	2019-11-21
Hayley Bodmer	Orono, ME	2019-11-21
Nathaniel Viens	Old Town, ME	2019-11-21
Ben Sweeney	US	2019-11-21
Sheila Hawes	Jackson, MO	2019-11-21
Kari Wolney	Portland, ME	2019-11-21
Leon Vuong	Boston, MA	2019-11-21
Robert Franz	Conway, NH	2019-11-22
Diego Hernandez	Mesa, US	2019-11-22
Hunter Lovell	Mendon, US	2019-11-22

Name	Location	Date
Gianna Taylor	Las Vegas, US	2019-11-22
Candice Dodd	Powhatan, US	2019-11-22
Samantha Goodwill	Dallas, US	2019-11-22
Alissa Lucas	Grand Rapids, US	2019-11-22
Harlequin Sanders	Show Low, US	2019-11-22
Ezmeralda Zanahuatl	Santa Rosa, US	2019-11-22
WYATT HARRISON	Smithtown, US	2019-11-22
We want 18+ content for Tumblr	Detroit, US	2019-11-22
Jasper FIKE YER CHICKEN STRIPS	Thief River Falls, US	2019-11-22
William CHU	Chino, US	2019-11-22
Arthur Alvarenga	Boca Raton, US	2019-11-22
Uttara Das	Fairfax, US	2019-11-22
Ace Romero	Horse Cave, US	2019-11-22
Zubaida Yassin	Salt Lake City, US	2019-11-22
ale escobar	Lexington, US	2019-11-22
Josh Robinson	Overland Park, US	2019-11-22
Sandy L. Noblin -Anthony	Blackstone, US	2019-11-22
Tom Lorren	Phoenix, US	2019-11-22
jael porras	Hawthorne, US	2019-11-22
Ollie Rabin - Marquez	Acton, US	2019-11-22
Annika Abdella	Sunnyvale, US	2019-11-22

Name	Location	Date
Jaydon Reinke	Battle Creek, US	2019-11-22
Elyse Doyle	Portland, ME	2019-11-22
Jeffrey White	Latrobe, US	2019-11-23
Robert Menichini	California, US	2019-11-23
Sam Daly	Savannah, US	2019-11-23
valeri slater	Plymouth, US	2019-11-23
Rhiley McDonell	Joshua, US	2019-11-23
Adam Keller	Lancaster, US	2019-11-23
Judy McCormick	Jennings, US	2019-11-23
Isaias Gallegos	Las Vegas, US	2019-11-23
Zach Hill	Lansdale, US	2019-11-23
Piero Maddaleni	Atlanta, US	2019-11-23
Monica Johnson	US	2019-11-23
Danielle Fowler	Beverly Hills, US	2019-11-23
EliaNet Torres	Hialeah, US	2019-11-23
Kathleen Byrnes	Dearborn, US	2019-11-23
Austin Pack	Chattanooga, US	2019-11-24
Jennifer Phan	Hialeah, US	2019-11-24
Matthew Carballeira	Corpus Christi, US	2019-11-24
Meghan Grimm	Macomb, US	2019-11-24
Sarah Cotter	Portland, ME	2019-11-24
Matt West	Portland, ME	2019-11-25

Name	Location	Date
Jay Denis	Portland, ME	2019-11-25
Brianna Spears	Portland, ME	2019-11-25

Fwd: Harvard St Zoning Proposal

Shukria Wiar <shukriaw@portlandmaine.gov>

Nov 26, 2019 9:29 AM

Posted in group: **Planning and Urban Development**

----- Forwarded message -----

From: **Stephanie Brown** <heysteph6320@yahoo.com>

Date: Mon, Nov 25, 2019 at 5:42 PM

Subject: Harvard St Zoning Proposal

To: <shukriaw@portlandmaine.gov>

Dear Ladies and Gentlemen of the Planning Board:

I am writing regarding the project for consideration set forth to the City of Portland Maine Planning Board by Wescott & Payson II, LLC. The applicant, Wescott & Payson II, LLC., proposes a map amendment from R-3 to R-5 along an undeveloped portion of Harvard Street. I highly oppose the development of this green space in the Northeast Deering community.

This community is flanked by some of the busiest streets in Portland; Washington Avenue, Allen Avenue and Forest Avenue. This development would greatly reduce the green space in this area, compromising the immense value and benefits that mature urban trees offer our cities. Here are some main reasons why we need to keep trees in our urban environments:

Air Quality -- Planting trees remains one of the most cost-effective ways of drawing carbon dioxide from the atmosphere.

Visual Appeal – few things can compare with the aesthetic impact that trees offer the urban setting.

Health and well-being -- Trees have also been proven to have a positive impact on skin cancer, asthma, hypertension, and other stress related illness by filtering out polluted air, reducing smog formation, providing shade from solar radiation, and providing an attractive, calming setting for recreation.

Trees also form an effective sound absorbing barrier to help reduce unwanted urban noise pollution.

The biodiversity of trees in providing natural habitats for birds, squirrels, and other fauna are considered to some as incalculable.

Cost Savings – According to the United States Forest Service, for every \$1 spent on trees, a return of \$2.70 in benefits is received.

Managing Stormwater – For every 5% of tree cover in a community, stormwater runoff is reduced by 2%.

Property Values --Independent studies have shown a consistent 5-15% increase in property values on tree lined streets, proving that trees increase commercial and residential real estate values.

Another reason for opposing this multi-unit housing development is the traffic congestion in the area. As I mentioned previously in my letter, busy streets flank this community. The traffic is so completely backed-up from Morrill's Corner, down Allen Avenue and Forest Avenue, that I cannot make a left-hand turn onto Allen Avenue to get to work in the mornings.

Please do not approve this map amendment and recommend it to the City Council. There are so many people in the community and beyond that enjoy that green space each and every day, hikers, runners, bikers alike.

Thank you for your consideration,

Stephanie Brown

University Street

--

Shukria Wiar, Planner
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, ME 04101
Phone 207.756.8083
Fax 207.756.8258
<http://www.portlandmaine.gov/planning>

Fwd: Harvard Street rezoning public comment

Shukria Wiar <shukriaw@portlandmaine.gov>

Nov 26, 2019 1:44 PM

Posted in group: **Planning and Urban Development**

----- Forwarded message -----

From: **Susan Baxter** <BaxterSusan@msn.com>

Date: Tue, Nov 26, 2019 at 11:36 AM

Subject: Harvard Street rezoning public comment

To: shukriaw@portlandmaine.gov <shukriaw@portlandmaine.gov>

Since I cannot make the public hearing tonight, I'm emailing you my opposition to this rezoning proposal. My name is Susan Baxter and I live at 126 Woodlawn Ave. The proposed development will be adjacent to my backyard.

My biggest issue with this proposal is that what is currently University Park will become a tiny median strip of trees, not the more accessible woodland path as it currently exists. On all the City park maps I've looked at, University Park is displayed with this Harvard Street area included with it and the path (that will become the street) clearly marked. If this proposal goes forward, we will be left with a paved street with no sidewalks, the majority (or all?) of the trees cut down for development, and a very small park we will have to cross more heavily trafficked streets to get to. Where will the snow from Harvard street be plowed to? Likely into the very narrow park, making it unusable for the winter months. And what about the turnaround since the street does not go through to Allen Ave? It is currently proposed to go into public land in University Park.

I realize many people want to live in Portland Maine and that there are limited opportunities for development of housing. However, the quality of life we enjoy here needs to be protected, by wisely managing green space and recreation space along with development. This space is currently a respite and connects me and my family to other natural spaces in Portland like Canco Woods and Payson Park. My kids bike there (we have no sidewalks on Woodlawn Ave either) and use it as a way to get to downtown and Baxter Boulevard without having to navigate the ridiculously busy intersection at Morrill's Corner. Please consider other needs of Portland residents besides simply more dense concentration of houses.

I'm also very concerned about the blasting that will need to happen to build these townhouses. My neighbor who lived through the last blasting when York Street was built, reports damage to her house, and this blasting will be even closer to our homes. My house is old and I'm worried about its ability to withstand blasting the ledge that the foundation sits on.

Although this doesn't directly affect me as I don't live on these streets, I'm also concerned for the residents of the current section of Harvard Street and of York Street that will inevitably be much busier with traffic due to 40 new families of drivers and their friends wanting to get to their homes from Washington or Allen Ave.

Thank you for your consideration.

Sincerely,
Susan Baxter

--

Shukria Wiar, Planner
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, ME 04101
Phone 207.756.8083
Fax 207.756.8258

Google Groups

Vicinity of 109 Harvard St.

sue5173@gmail.com <sue5173@gmail.com>

Nov 26, 2019 11:46 AM

Posted in group: **Planning Board**

To whom it may concern:

I am opposed to the rezoning of the land in the vicinity of 109 Harvard St.

-there would be numerous negative impacts

-traffic

-environmental

-destroying the neighborhood feel

-water & sewer would be overwhelmed

-safety of pedestrians

Please deny the request by Wescott & Payson.

Thank you for thoughtful consideration to this matter.

Sincerely,

Susan C. Neumyer

Sent from my iPhone

Google Groups

Opposition of Harvard Street Rezoning

Alexander Wall <alexandanielwall@gmail.com>

Jan 13, 2020 2:14 PM

Posted in group: **Planning Board**

Alexander Wall
116 Woodlawn Avenue
Portland, ME 04103

Dear Portland City Planning Board,

This email is in regard to the proposed rezoning of Harvard Street to be discussed at the Portland City Council meeting on January 22nd. I am opposed to the rezoning, as I am deeply concerned the changes that it will bring to my neighborhood.

The construction would allow the construction of twenty duplexes in the woods behind my house on Woodlawn Street. This construction would be sure to burden Allen Avenue and consequently Deering Crossing with eighty new cars (two vehicles per housing unit). Commuting hours on these roads are already highly congested, and I am afraid the design of these streets will not be able to handle the influx of eighty new vehicles.

The demolition of the woods directly behind my house could very likely damage my home and its foundation. I am afraid if damages occur, I will be at the mercy of a very slow system to provide any recompensation for these damages.

There isn't a day where I take for granted the character of my neighborhood which surrounds University Park. I often find myself enjoying the garden in my backyard, watching the oak trees tall above. If rezoning occurs, I am afraid to lose something I and many others cherish.

Thank you,

Alexander Wall

Harvard St

george@lauramarrprinting.com <george@lauramarrprinting.com>

Jan 6, 2020 2:19 PM

Posted in group: **Planning Board**

I would like you all to stop and think about the Harvard St. project. Single family houses are one thing but if you allow a zone change so that they can build duplexes it would be a really bad idea. One way in and one way out would not allow for school busses, trash pick up and snow plowing. The school bus is dangerously backing up to get off that portion of the street now. Imagine if they have to back up 1400 feet. We need more housing but please do not allow duplexes. \$750,000 to \$800,000 for a duplex is not affordable housing. They bought the property at a discount because of the zoning so don't allow them this luxury. It was unanimously voted down by the council several years ago. Payson brings this forward after the council members change enough to possibly approve his project. Please do what is right for the area. Thank you

George Libby

185 Harvard St.

749-2427

Google Groups

Comment Regarding Plan# ZN-000716-2019

Seth Kelley <virtushda@gmail.com>

Jan 14, 2020 4:48 PM

Posted in group: **Planning Board**

Names: Lee D Kelley, Seth T Kelley
Address: 50 Woodlawn Ave, Portland, ME 04103

Comment: The zoning should not be changed, we do not want duplexes built right behind our house. We would also love to preserve the green area and trail!

Thank you!

Google Groups

Harvard Path Rezoning

Acadian Alchemy <acadianalchemy@maine.rr.com>

Jan 15, 2020 2:34 PM

Posted in group: **Planning Board**

Hello Mayor, Planning Board and City Council Members,

I live next to University Park. Honestly, I will be sad to see the property, to the side of the park, developed in a manner that is being proposed. This land was changed to R3 (way back) to maintain the character of the surrounding neighborhoods and as part of maintaining the cities plan. Wescott Payson llc purchased this land as R3. Wescott Payson should develop the land as such....single family homes. Through keeping these parcels R3 there will be less impact on the park and surrounding streets. Yale and Harvard St have seen a tremendous increase in traffic. Adding double the amount of vehicles, by allowing duplexes, is not fair to neighbors. Also, adding at the least 80 more cars onto Allen Avenue, Washington Avenue and Morrills Corner is not well thought out city planning. During the morning and nightly commute it is impossible to exit Harvard St or Yale St.

On the other side of these parcels is Woodlawn Avenue which is primarily single family homes. The few duplexes that are on the street are small in scale and value their yards. This will be a bank of large buildings that look nothing like this neighborhood.

I've looked at this developers plans. These buildings are so out of character for this neighborhood it's crazy. Too large and too dense. And, the duplexes will be priced more than any structure in the surrounding neighborhoods. \$375,000 is not affordable housing for 1500sf of living space.

Why make this zoning change for this developer? He claims he purchased this land for very little. Of course, he wants to make as much \$\$\$\$\$\$ as possible with the development. I am sure he could develop his property as R3 and still make a profit. Instead...give incentives to the owners of the land to the left of Woodlawn, Cornell and University. This section is currently vacant and in need of attention from the city. Currently, homeless people have a little town next to these vacant lots and an abundance of trash litters the woods. What a juxtaposition.....to the left the homeless and to the right high end duplexes.

I am hoping you will all vote not for the developer but for the community that values their neighborhood.

Thank you,

Ann

"It's the possibility of having a dream come true that makes life interesting"

The Alchemist

Site Orientation



R3 vs R5 Development Considerations

- R3 zone does not support development
 - Site geometry precludes PRUD. Multiplexes and duplexes are not allowed
 - Single family not viable due to new city street + high construction costs + low density
 - New city street: 65 linear feet per lot x \$1,000 per foot = \$65,000 per home
 - House construction cost \$175/sf x 2,000 square feet = \$350,000 per home
 - Planning, engineering, other site costs = \$10,000 per home
 - Sales commission and closing costs = \$25,000 per home
 - **Total cost = \$450,000 *without land or developer overhead & profit***
 - **Yale Street recent sale prices have been \$400,000.** Not feasible even with new construction premium
 - Yale Street, unlike Harvard Street, was viable in R3 since it shared road costs with Yale Court (30 apartments) and received funding via CDBG and HOME funds and federal tax credits
- R5 zone allows options that might work
 - Site geometry precludes PRUD, but:
 - Multiplexes allowed: low-income apartments with tax credits, TIF or other funding could be viable. We have not explored this option given density and neighbor concerns
 - Duplexes allowed: our preference is duplex townhouses targeting underserved “middle market”

Concept plan for townhouse condominiums

- Twenty lots, each with two-unit condo building, each side owner-occupied
- 40 units, 1500+/-sf, one-car garage, 2 or 3 bedroom, back deck
- Homes front the street and park. Encourages walkability and neighbor interaction
- Open to feedback on design
- Pricing will depend on costs and the market. Initially “guesstimating” mid \$300k range, which would provide a lower cost option than recent high-end condos and single family homes

R3 vs R5 Zoning Comparison Table

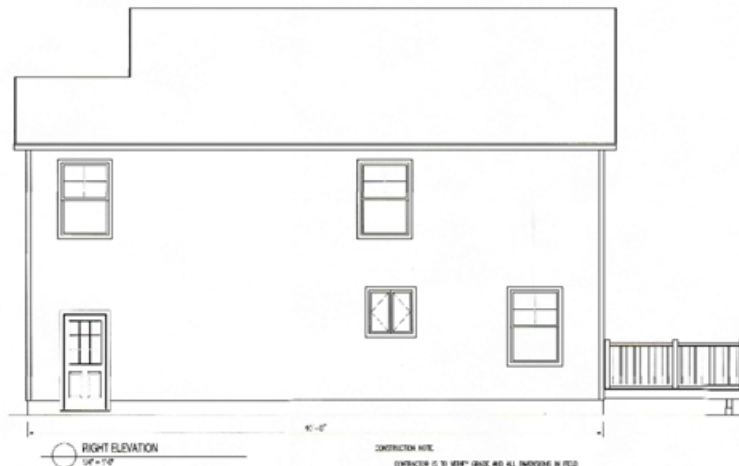
The proposed plan exceeds lot width and minimum lot size for both the R3 and R5 zones

Description	R-3 Zone	R-5 Zone	Proposed Lots
Single Family	allowed	allowed	NA
Duplex	not allowed	allowed	Duplex
Lot Width	65 ft.	60 ft.	70 ft
Min. Street Frontage	50 ft.	50 ft.	70 ft.
Min. Front Yard	25 ft.	20 ft.	20 ft. min.
Min. Rear Yard	25 ft.	20 ft.	20 ft. min.
Min. Side Setback			
1 story	8 ft.	8 ft.	
1.5 story	8 ft.	8 ft.	
2 story	14 ft.	12 ft.	12 ft. min.
2.5 story	16 ft.	14 ft.	
Max. Lot Coverage	35%	40%	40% min.
Max. Structure Height	35 ft.	35 ft.	35 ft. max.
Min. Lot Size	6,500 s.f.	6,000 s.f.	7,490 +/-s.f.



CONSTRUCTIVE USE

CONTRACTOR IS TO VERIFY GRADE AND ALL DIMENSIONS IN FIELD BEFORE CONSTRUCTION. DESIGN SHOWN MAY DIFFER FROM ACTUAL, INFERRED CONSTRUCTION, FINAL MATERIALS, WINDOW/DOOR LOCATIONS AND SIZES, TO BE DETERMINED PER OWNER/CONF. SITE CONDITIONS, AND/OR LOCAL CODES.



CONSTRUCTION NOTE

CONTRACTOR IS TO VERIFY GRADE AND ALL DIMENSIONS IN FIELD BEFORE CONSTRUCTION. DESIGN SHOWN MAY DIFFER FROM ACTUAL FINISHED CONSTRUCTION. FINAL MATERIALS, WINDOW/DOOR SIZES AND SEALS TO BE DETERMINED FOR OWNER/CITY. SEE CONDITIONS, AND OR LOCAL CODES.



CONSTRUCTIVE NOTE

CONTRACTOR IS TO VERIFY SIZE AND ALL DIMENSIONS IN FIELD BEFORE CONSTRUCTION. DESIGN SHOWS MAY DIFFER FROM ACTUAL FINISHED CONSTRUCTION. FINAL MATERIALS, WINDOW/DOOR LOCATIONS AND SIZES, TO BE DETERMINED FOR EACH ROOM. SEE COMMENTS AND BY CODE, CODES.



CONCLUSIONS

CONTRACTOR IS TO VERIFY GRADE AND ALL DIMENSIONS IN FIELD BEFORE CONSTRUCTION. DESIGN SHOWN MAY DIFFER FROM ACTUAL FINISH CONSTRUCTION. FINAL MATERIALS, WINDOW/DOOR LOCATIONS AND SIZES, TO BE DETERMINED FOR EACH ZONE. SEE DIMENSIONS, AND/OR LOCAL CODES.



Harvard Street Duplex
Elevations
Portland, ME

[illegible]

Revisions:	
DATE	REVISION

Date : 05/23/1
Scale : 1/4"=1'-0"
Drawn By: JIM
Project: D051419
Sheet Number:

Most concerns will be addressed in site plan review:

- Blasting – city blasting ordinance
- Traffic – traffic study
- Wetlands – DEP and Army Corp review
- Hammerhead turnaround in park – will relocate as required

The question for the map amendment request: is the change from R3 back to R5 consistent with the comprehensive plan?

Is the map amendment from R3 to R5 consistent with the comprehensive plan?

- Two Portland Planning boards have reviewed that question and voted unanimously in favor
- If Portland needs new housing, is there a better site?
 - Planned for medium-density, with new street and open space
 - Public transit corridor; near bus stop
 - Builds out \$1.5 million in city infrastructure at developer expense
 - Opportunity for improved connectivity when Harvard Street fully built
 - Creates affordable units via inclusionary zoning ordinance
 - Adds diversity to existing housing stock – 10% of Portland homes are 2-family
 - Adds diversity to new housing stock – high-end condos, single-family homes

If Portland needs new housing, is there any better site? A recent study specifically recommends developing townhouses on Harvard Street

University of Southern Maine
USM Digital Commons

Muskie School of Public Service

College of Management and Human Service

2017

Growing Portland: Not Whether, but How

Richard Barringer PhD
University of Southern Maine, Muskie School of Public Service

Joseph McDonnell PhD
University of Southern Maine, Muskie School of Public Service

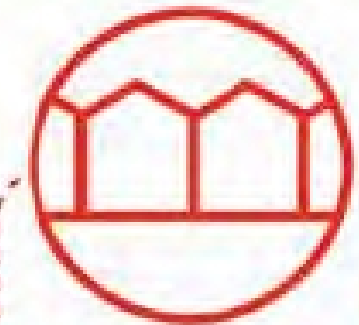
Case Study: Rocky Hill at Morrill Corner



- Keep and renovate existing buildings
- Moderate density strategy for new development
- Zone to encourage new development
- Develop existing paper lots and streets
- Diversify transportation choices, increase use of existing rail corridors
- Create the Rocky Hill Ramble for pedestrian / bicycle recreation
- Facilitate planning among property owners to spur development

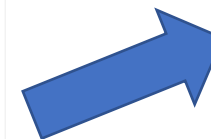


GROWING PORTLAND 15



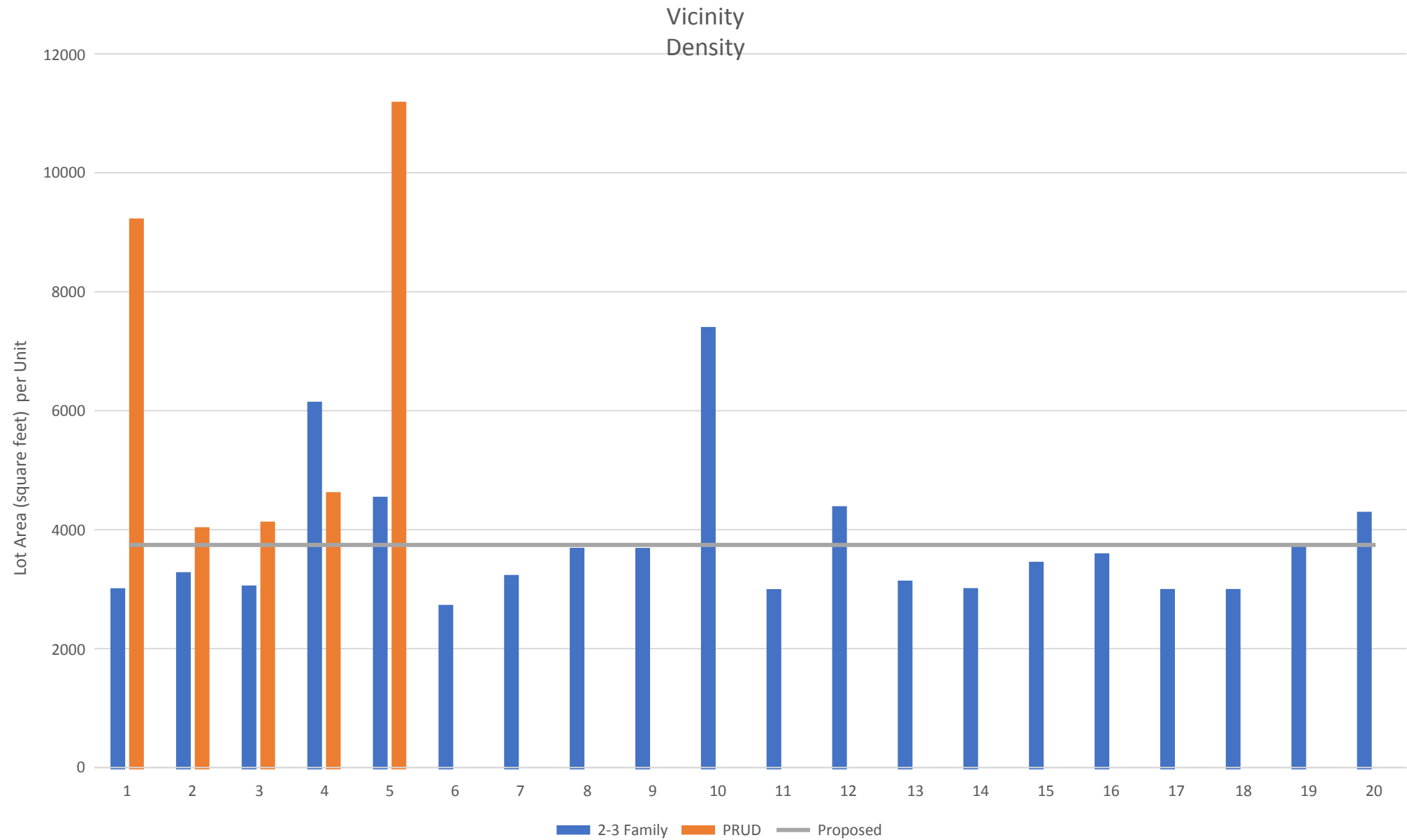
DEVELOP
ADJACENT
EMPTY LOTS

Develop townhouses on vacant lots east of Canco Road, along Harvard Street and east of Shop and Shop lot.



Neighborhood character – how defined? Our perspective on:

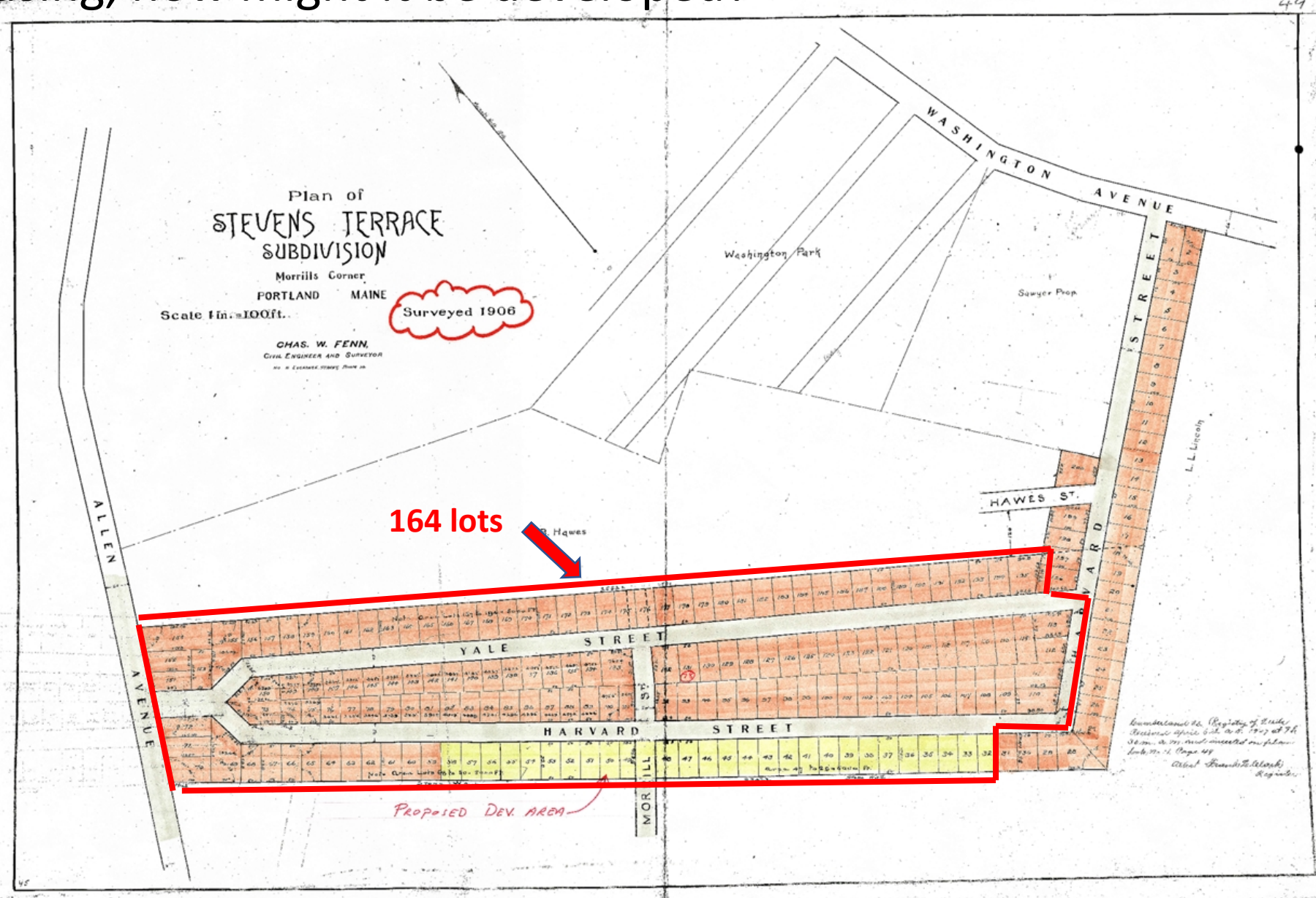
- Architecture – diversity enhances rather than detracts
 - Radcliffe Glenn, Yale Court, Yale Street colonials -- all different when built
 - Well-designed duplexes fronting the park can contribute to character
 - Proposal is in concept phase. Open to feedback in site plan review
- Density – diversity in housing means varying density
 - Density in well-designed development does not detract from character
 - Due to property geometry, PRUD is not possible so project cannot be built to the maximum R5 density of 3000sf/unit
 - Density is in range of vicinity housing (see chart)



Stepping back – if the land were still a private, vacant parcel and the city was encouraging new housing, how might it be developed?

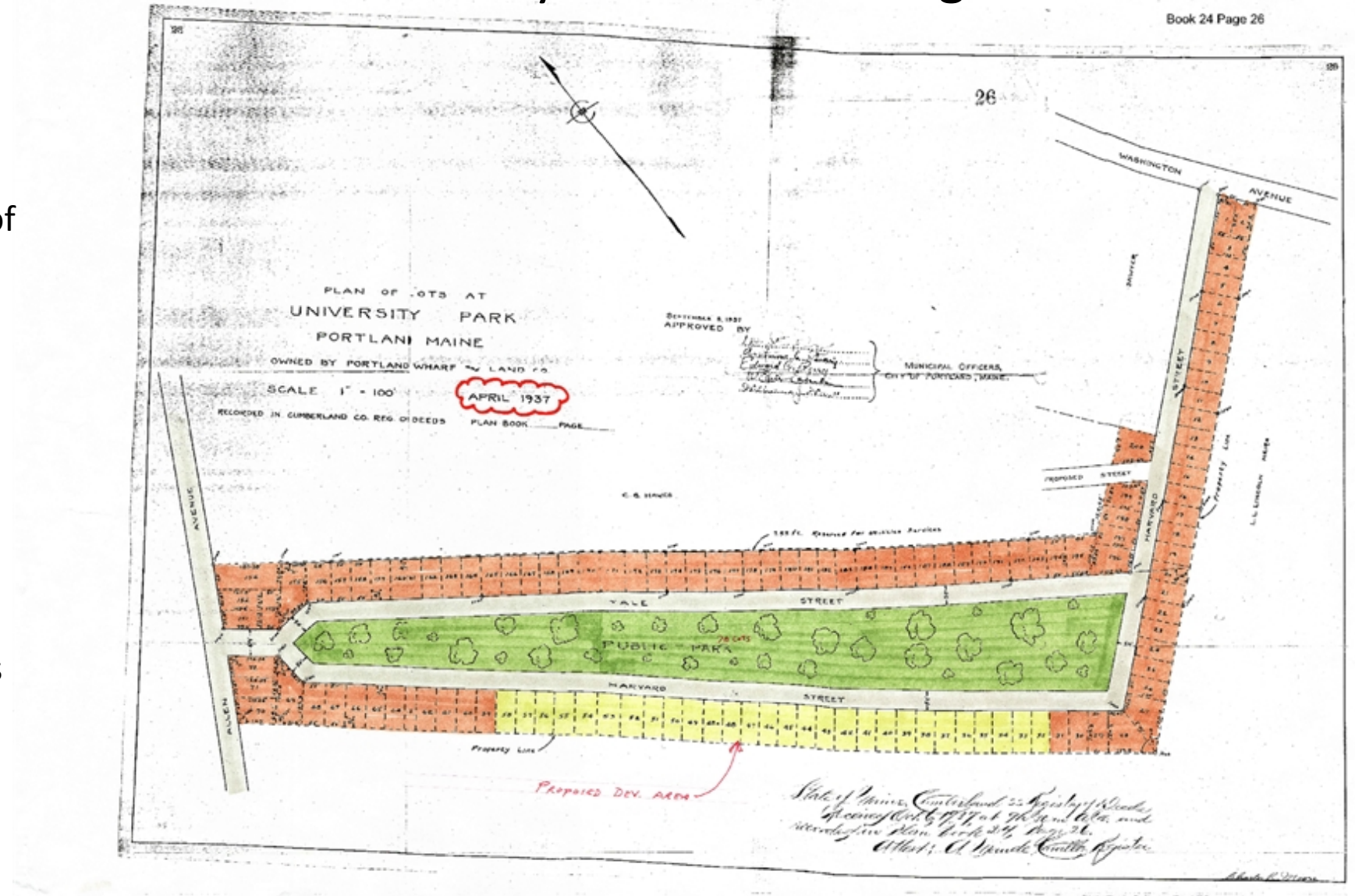
1906 original Plan of Steven's Terrace Subdivision:

- 164 lots on Yale Street, in University Park and on the unbuilt portion of Harvard Street
- Lots fronting two city streets with no dedicated green space



The 1937 plan created greenspace and dramatically reduced density. The 1988 change from R5 to R3 further reduced density. Was that the right balance?

- 1937 revised plan created University Park as protected green space
- In so doing, it eliminated 78 of the original 164 house lots leaving 86 lots
- The 1988 change from R5 to R3 further reduced those 86 lots to max of 48 homes
- Map amendment to R5 potentially adds 23 homes – but still only allows 71 homes on the original 164 lots.



Summary

- This is a neighborhood (Harvard Street, Yale Street, Woodlawn Ave, University Street) which is made up of a wide range of single-family homes, duplexes, and multifamily units. Many of these units are distinctive in size and design and many are part of larger developments
- The neighborhood benefits from valuable greenspace in University Park. Over time, the creation of that greenspace and the change to the R3 zone has eliminated 116 of the 164 originally planned lots leaving only 48 homes. The map amendment would restore 23 of those homes
- We believe 20 well-designed, architecturally attractive, townhouse-style duplexes along a newly constructed tree-lined city street, facing University Park, will complement and add interest to the existing neighborhood character
- We further believe the proposed map amendment, and the additional housing it facilitates, is consistent with the goals and objectives of the comprehensive plan

Know all Men by these Presents, That

Portland Wharf & Land Company a corporation organized and existing under the laws of the State of Maine and located at Portland in the County of Cumberland and State of Maine

in consideration of one dollar and other valuable considerations paid by City of Portland, a municipal corporation organized and existing under the laws of the State of Maine, and located in said County of Cumberland

the receipt whereof it does ~~de~~ hereby acknowledge, does hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said City of Portland, its successors and assigns forever, a certain lot or parcel of land situated in said City of Portland, and bounded and described as follows, viz: Beginning at a point in the northerly side line of Harvard Street, as laid out and accepted November 19, 1934, said point being distant 72.60 feet westerly along the northerly side line of Harvard Street, from the second angle in the said northerly side line of Harvard Street easterly of Allen Avenue and said point of beginning being also the point of intersection of the said northerly side line of Harvard Street with the southerly side line of Yale Street as laid out and accepted November 19, 1934; thence southeasterly by the said northerly side line of Harvard Street, as laid out and accepted as aforesaid, a distance of 72.60 feet to the second angle in the said northerly side line of Harvard Street easterly of Allen Avenue; thence easterly by the said northerly side line of Harvard Street and making an included angle of 136° 25½' with the northwesterly direction of the last described course, a distance of 2030.55 feet to the third angle in the said northerly side line of Harvard Street easterly of Allen Avenue; thence northeasterly by the northwesterly side line of Harvard Street and making an included angle of 101° 08½' with the westerly direction of the last described course, a distance of 263.88 feet, more or less, to its intersection with the southerly side line of Yale Street as laid out and accepted as aforesaid; thence westerly by the said southerly side line of Yale Street and making an included angle of 74° 43' with the southwesterly direction of the last described course, a distance of 2086.06 feet to the first angle in the said southerly side line of Yale Street easterly of Harvard Street; thence southwesterly by the said southerly side line of Yale Street, and making an included angle of 136° 54' with the easterly direction of the last described course, a distance of 78.29 feet to the intersection of the said southerly side line of Yale Street with the northerly side line of Harvard Street, and the point of beginning. Containing 8.66 acres, more or less.

Meaning and intending to convey the lot of land included within the northerly and westerly side lines of Harvard Street and the southerly side line of Yale Street, as laid out and accepted as public streets or ways on November 19, 1934.

To have and to hold the same for recreational and park purposes; for the erection of school houses, fire stations or other buildings used for strictly municipal purposes.

To Have and to Hold the same, together with all the privileges and appurtenances thereunto belonging, to the said City of Portland, its successors ~~so long as the same may be used for the aforesaid purposes. And the said Grantor Corporation does~~ ~~as~~ covenant with the said City of Portland, its successors ~~heirs and assigns, that~~ it will warrant and forever defend the premises to the said Grantee, its successors ~~heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me. it.~~

U.S.I.R.
\$1.50
D.E.M.--
12/4/34

In Witness Whereof, the said Portland Wharf & Land Company has caused this instrument to be sealed with its corporate seal and signed in its corporate name by David E. Moulton, Treasurer, and Willis B. Moulton, President, thereunto duly authorized,

have hereunto set hand--and seal this twenty-seventh day of November in the year of our Lord one thousand nine hundred and thirty-four.

Signed, Sealed and Delivered in presence of

PORTLAND WHARF & LAND CO.
CORPORATE SEAL
By David E. Moulton Treasurer.
Willis B. Moulton President.

County of
State of Maine, Cumberland, ss. December 3, 1934

Then Personally appeared the above named David E. Moulton Treasurer of said Grantor Corporation as foregoing and acknowledged the above instrument to be his free act and deed. in his said capacity, and the free act and deed of said corporation.
BEFORE ME,
Harry C. Wilbur Justice of the Peace.

PLAN OF LOTS AT
UNIVERSITY PARK
PORTLAND MAINE

EAST FILE CORR. IRVINE, CA
EPH 22

SEPTEMBER 8, 1937
APPROVED BY

Arthur E. ...
Edward B. ...
...

MUNICIPAL OFFICERS,
CITY OF PORTLAND, MAINE.

PLAN OF LOTS AT
UNIVERSITY PARK
PORTLAND MAINE

OWNED BY PORTLAND WHARF AND LAND CO.

SCALE 1" = 100'

APRIL 1937

RECORDED IN CUMBERLAND CO. REG. OF DEEDS

PLAN BOOK PAGE

C. B. HAWES

7.55 ft. Reserved for Utilities Services

YALE STREET

STREET

PUBLIC PARK

HARVARD STREET

STREET

Property Line

WASHINGTON AVENUE

AVENUE

SAWYER

STREET

L. L. LINCOLN HEIRS

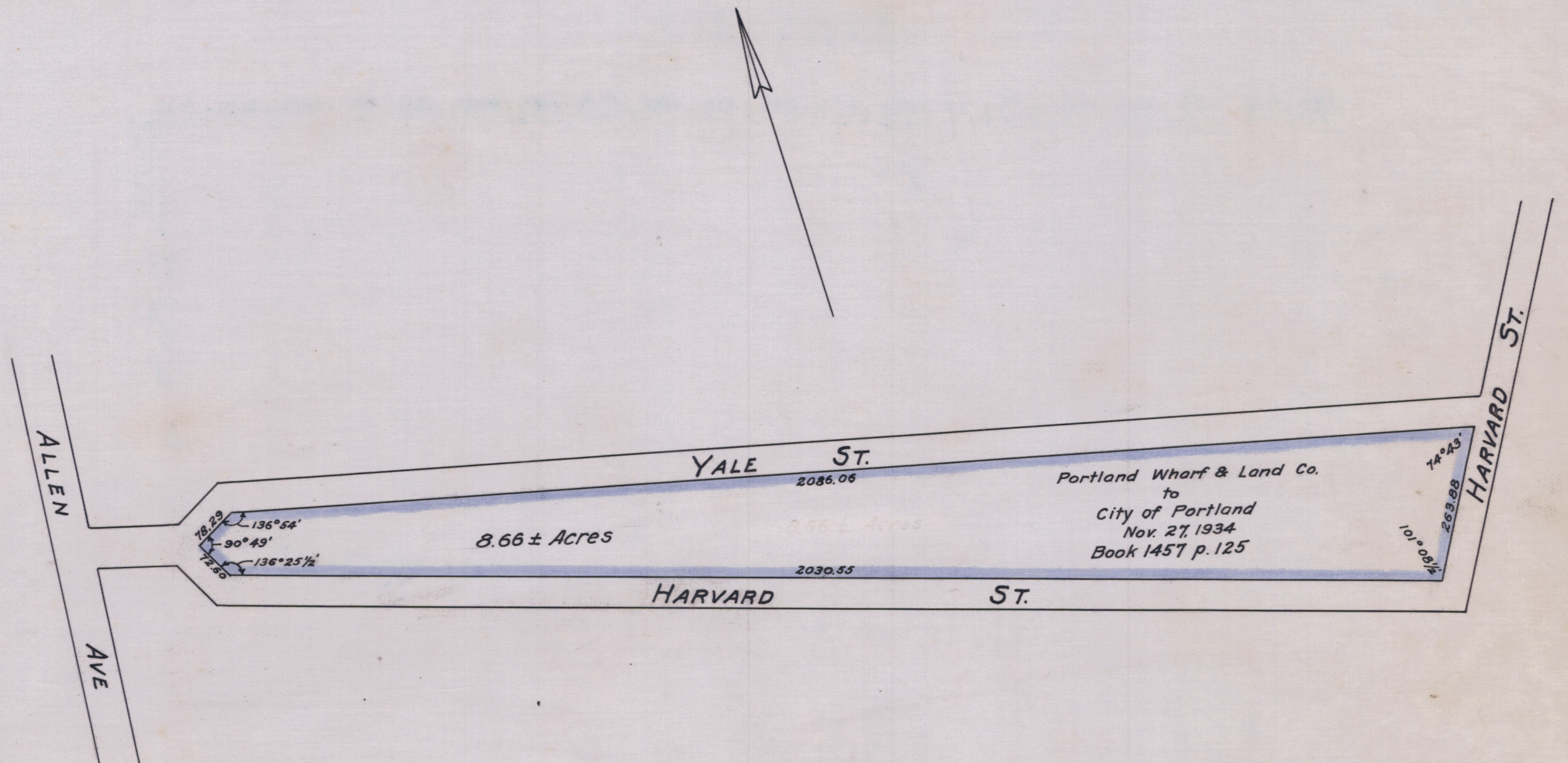
State of Maine, Cumberland ss. Registry of Deeds
Specifying Oct. 6, 1937 at 9h 30m A.M. and
according to Plan Book 24, Page 26.
Attest: C. H. ... Register

Charles R. Moore

CITY OF PORTLAND
CITY PROPERTY
REVALUATION SHEET NO.
SCALE 1" = 200'

54

54



See plan 215/8

30



HENNESSY DR.
PENNELL AVE.

CHAPMAN
FISHER
BREWSTER

B1

B2

R3

R5

R5

R3

I2

R3

R5

ALLEN AVE.

WASHINGTON AVE.

CANCO

FOREST AVE.

FRAME AVE.

WALL

FIFTH

FOURTH

THIRD

SECOND

FIRST

ROSLYN

VILLA AVE.

PLYMOUTH

HIFTON

LEONARD

GOODRIDGE AVE.

BISHOP

MAYFIELD

KNIGHT

WHITE BIRCH

LA

MAPLEWOOD

MONA RD.

FOBER

SARA LA.

SAMUEL RD.

GERTRUDE AVE.

LYON AVE.

WADCO

TOPSHAM

ASH

GREENVILLE AVE.

TEXAS

FLORIDA AVE.

BURNSIDE AVE.

IDAHO

DAKOTA

BEAUREGARD

KENTUCKY AVE.

INDIANA AVE.

MARLBOROUGH

TRAPELO

DEMAREST

HUMBOLDT

VAN VETCHEN

DAGGETT

TORONITA

HUNTINGTON AVE.

NOTTINGHAM AVE.

VALOO

ALFRED

RAY

ANTHONY

JOSEPH

LAWRENCE AVE.

MALILLY P.

FALL BROOK

JILL

CLAUDIA

VERA VERA

LLOYD A.

VICTOR RD.

ROSEDALE

MURRAY

DUDLEY

RYE

ELMORE

KINEO

LORREY

LORRAINE

HALL

GLECKLER RD.

WELLINGTON

GLENGARDEN

READ

COLLEGE

WAVELY

EIMWOOD

TREMAINE

JOSEPH

ME

ARBORE

MADEIRA

BELL

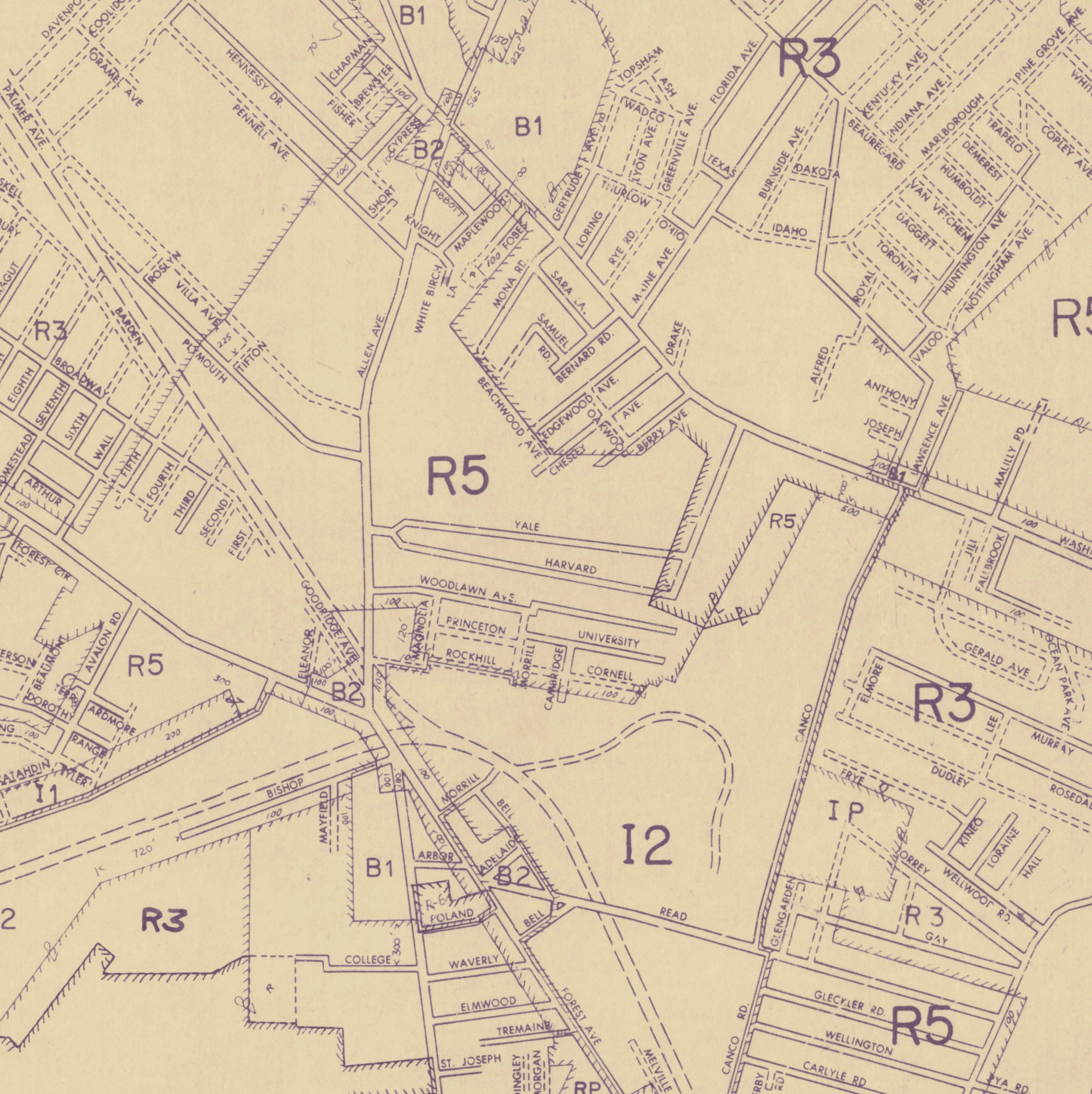
POLAND

BELL

WELLINGTON

GLECKLER RD.

WELLINGTON





B1

B2

R3

R5

R5

R3

R5

R3

R5

B2

B2

I2

IP

R5

R

Fwd: Rezoning of Harvard Street Opposition

1 message

Katherine Jones <klj@portlandmaine.gov>

Mon, Jan 13, 2020 at 4:26 PM

To: Sonia Bean <stb@portlandmaine.gov>

Can you please put this in the back up materials for the Harvard Street ReZone.

Thank you

Kathy

Katherine Jones, City Clerk, CCM, CMC, Registrar

[City of Portland](#)

[389 Congress Street](#)

Portland, ME 04101

(207) 874-8614

(207) 874-8612 Fax

----- Forwarded message -----

From: **City Clerk** <cityclerk@portlandmaine.gov>

Date: Mon, Jan 13, 2020 at 4:23 PM

Subject: Fwd: Rezoning of Harvard Street Opposition

To: Katherine Jones <klj@portlandmaine.gov>

City Clerk's Office

[389 Congress St. Rm. 203](#)

[Portland, ME 04101](#)

P: 207-874-8610

F: 207-874-8612

----- Forwarded message -----

From: **Alexander Wall** <alexandanielwall@gmail.com>

Date: Mon, Jan 13, 2020 at 2:14 PM

Subject: Rezoning of Harvard Street Opposition

To: <cityclerk@portlandmaine.gov>

Alexander Wall
[116 Woodlawn Avenue](#)
Portland, ME 04103

Dear Portland City Clerk,

This email is in regard to the proposed rezoning of Harvard Street to be discussed at the Portland City Council meeting on January 22nd. I am opposed to the rezoning, as I am deeply concerned the changes that it will bring to my neighborhood.

The construction would allow the construction of twenty duplexes in the woods behind my house on Woodlawn Street. This construction would be sure to burden Allen Avenue and consequently Deering Crossing with eighty new cars (two vehicles per housing unit). Commuting hours on these roads are already highly congested, and I am afraid the design of these streets will not be able to handle the influx of eighty new vehicles.

The demolition of the woods directly behind my house could very likely damage my home and its foundation. I am afraid if damages occur, I will be at the mercy of a very slow system to provide any recompensation for these damages.

There isn't a day where I take for granted the character of my neighborhood which surrounds University Park. I often find myself enjoying the garden in my backyard, watching the oak trees tall above. If rezoning occurs, I am afraid to

lose something I and many others cherish.

Thank you,

Alexander Wall

Fwd: Harvard Path Rezoning

1 message

Katherine Jones <klj@portlandmaine.gov>
To: Sonia Bean <stb@portlandmaine.gov>

Thu, Jan 16, 2020 at 8:37 AM

Can you please include this in the backup materials for Harvard Street Re-zone.
Thank you

Katherine Jones, City Clerk, CCM, CMC, Registrar
City of Portland
389 Congress Street
Portland, ME 04101
(207) 874-8614
(207) 874-8612 Fax

----- Forwarded message -----

From: **City Clerk** <cityclerk@portlandmaine.gov>
Date: Wed, Jan 15, 2020 at 2:41 PM
Subject: Fwd: Harvard Path Rezoning
To: Katherine Jones <klj@portlandmaine.gov>

City Clerk's Office

389 Congress St. Rm. 203
Portland, ME 04101
P: 207-874-8610
F: 207-874-8612

----- Forwarded message -----

From: **Acadian Alchemy** <acadianalchemy@maine.rr.com>
Date: Wed, Jan 15, 2020 at 2:34 PM
Subject: Harvard Path Rezoning
To: <cityclerk@portlandmaine.gov>, <planningboard@portlandmaine.gov>, <ksnyder@portlandmaine.gov>, <bsr@portlandmaine.gov>, <sthobodeau@portlandmaine.gov>, <tchong@portlandmaine.gov>, Justin Costa <jcosta@portlandmaine.gov>, <kcook@portlandmaine.gov>, <pali@portlandmaine.gov>, <nmm@portlandmaine.gov>, jduson <jduson@portlandmaine.gov>

Hello Mayor, Planning Board and City Council Members,

I live next to University Park. Honestly, I will be sad to see the property, to the side of the park, developed in a manner that is being proposed. This land was changed to R3 (way back) to maintain the character of the surrounding neighborhoods and as part of maintaining the cities plan. Wescott Payson llc purchased this land as R3. Wescott Payson should develop the land as such....single family homes. Through keeping these parcels R3 there will be less impact on the park and surrounding streets. Yale and Harvard St have seen a tremendous increase in traffic. Adding double the amount of vehicles, by allowing duplexes, is not fair to neighbors. Also, adding at the least 80 more cars onto Allen Avenue, Washington Avenue and Morrills Corner is not well thought out city planning. During the morning and nightly commute it is impossible to exit Harvard St or Yale St.

On the other side of these parcels is Woodlawn Avenue which is primarily single family homes. The few duplexes that are on the street are small in scale and value their yards. This will be a bank of large buildings that look nothing like this neighborhood.

I've looked at this developers plans. These buildings are so out of character for this neighborhood it's crazy. Too large and too dense. And, the duplexes will be priced more than any structure in the surrounding neighborhoods. \$375,000 is not

affordable housing for 1500sf of living space.

Why make this zoning change for this developer? He claims he purchased this land for very little. Of course, he wants to make as much \$\$\$\$\$\$ as possible with the development. I am sure he could develop his property as R3 and still make a profit. Instead...give incentives to the owners of the land to the left of Woodlawn, Cornell and University. This section is currently vacant and in need of attention from the city. Currently, homeless people have a little town next to these vacant lots and an abundance of trash litters the woods. What a juxtaposition.....to the left the homeless and to the right high end duplexes.

I am hoping you will all vote not for the developer but for the community that values their neighborhood.

Thank you,

Ann

"It's the possibility of having a dream come true that makes life interesting"

The Alchemist

MEMORANDUM
City Council Agenda Item

FROM: Caitlin Cameron, Urban Designer

DATE: January 9, 2020

SUBJECT: **Order 119-19/20 Amending the 2016 Annual Report and 2017 Budget Plan of the Portland Public Art Committee - Sponsored by Jon P. Jennings, City Manager**

SPONSOR: Julia Kirby, Chair, Portland Public Art Committee
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

PRESENTATION: Julia Kirby, Chair, Public Art Committee or Caitlin Cameron, Urban Designer, Planning and Urban Development - 5 minutes total

I. SUMMARY

The Public Art Committee submits a revised Budget Plan for consideration and approval by the City Council to accommodate the costs associated with the Deering Roundabout project.

II. AGENDA DESCRIPTION

On December 18, 2019, the Portland Public Art Committee voted to approve the revised budget for the “Passing the Torch” artwork commission and forward it to the City Council for approval. This revision to its Fiscal Year 2017 Budget Plan reallocates \$48,000 from the Amethyst Lot Public Art to go towards this Deering's Corner Roundabout Artwork selected by the Committee.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Portland Public Art Ordinance requires City Council approval of budget allocations proposed by the Portland Public Art Committee.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Present revisions to the FY17 Budget Plan to facilitate the creation and installation of a new public art commission as part of the Deering Roundabout project.

V. FINANCIAL IMPACT

The FY17 Budget Plan uses funds already within the PPAC budget, which are generated through the ½ % for Public Art in the CIP. The \$48,000 allocated to the Amethyst Lot Public Art will not be needed in the near future. The committee proposes to reallocate these existing funds to a different project to be implemented in 2021. The committee would allocate funds to the Amethyst Lot in a future budget when that project moves forward.

The artist for “Passing the Torch” submitted a revised budget for the artwork in addition to cost estimates for the construction and consultant fees. These costs exceed the previously approved budget of \$78,000. In order to

meet the budget needs of the project, the committee proposes to use funds from the FY17 budget year that will otherwise not be used. The result will be a total \$126,000 allocated towards the Deering Roundabout project to cover the artist's budget, the estimated costs to construct and install the artwork, and additional consultant fees.

VI. STAFF ANALYSIS AND BACKGROUND

In the FY17 Budget Plan, the committee allocated \$48,000 towards artwork the Amethyst Lot site. The park project will not move forward in the near future and the committee would like to use those funds toward an active project scheduled to be fabricated and installed in 2021.

The budget for the Deering Roundabout artwork increased for several reasons. The initial budget was based on approximate cost estimates that have been updated with more accurate information during design development and in coordination with the DPW consultants. A bench component was added to the project increasing the design and implementation costs. A structural engineer and lighting consultant were added to the project – the costs of their services and the installation of their designs increased the budget somewhat. In addition, the overall construction, traffic control, structure, and landscape was more substantial than initially estimated. Finally, staff anticipate reimbursing DPW's consultants for the additional time spent coordinating the artwork into the construction documents.

VII. RECOMMENDATION

On December 18, 2019 the Portland Public Art Committee voted unanimously to recommend the revised budget for the Deering Roundabout artwork "Passing the Torch" with subsequent revisions to the FY17 Budget Plan to be presented to and approved by Portland City Council.

VIII. LIST ATTACHMENTS

1. Amending the Portland Public Art Committee 2017 Budget Plan 1.22.2020
2. 1 Revised Budget FY17
3. 2 Artist Revised Budget
4. 3 Construction Cost Spreadsheet

Prepared by:

Caitlin Cameron, Urban Designer

Date: 1/9/2020

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER AMENDING THE 2016 ANNUAL REPORT AND 2017 BUDGET PLAN
OF THE PORTLAND PUBLIC ART COMMITTEE**

ORDERED, that the Amendment of the 2016 Annual Report and 2017 Budget Plan of the Portland Public Art Committee approved by Order 124-16/17 on February 6, 2017, reallocating \$48,000 from the Amethyst Lot Artwork purchase to the Deering's Corner Roundabout Artwork purchase, attached hereto as Attachment A, is hereby accepted and approved.

Attachment A

FY17 REVISED BUDGET

The City allocates .05% of the annual Capital Improvement Project (CIP) budget for the conservation and acquisition of permanent public art. This FY17 Budget Plan includes an estimate of \$65,000.

FY17 – Approved Budget (January 2017-June 2017)

	Activity	Description	Budget
A	Conservation and Maintenance	<i>Lincoln Park Fountain</i> conservation (Phase III)	\$ 10,000
B	Amethyst Lot Public Artwork	New Acquisition (Phase I)	\$ 48,000
C	Community Art Project	Unidentified	\$ 5,000
D	Contingency Fund	To cover repairs, theft, relocation, etc.	\$ 2,000
	Total FY17 Budget		\$ 65,000

FY17 – Proposed Revised Budget

	Activity	Description	Budget
A	Conservation and Maintenance	<i>Lincoln Park Fountain</i> conservation (Phase III)	\$ 10,000
B	Amethyst Lot Public Artwork	New Acquisition (Phase I)	\$ 48,000
C	Community Art Project	Unidentified	\$ 5,000
D	Contingency Fund	To cover repairs, theft, relocation, etc.	\$ 2,000
E	Deering's Corner Roundabout	New Acquisition (Implementation)	\$48,000
	Total FY17 Budget		\$ 65,000

FY17 REVISED BUDGET

The City allocates .05% of the annual Capital Improvement Project (CIP) budget for the conservation and acquisition of permanent public art. This FY17 Budget Plan includes an estimate of \$65,000.

FY17 – Approved Budget (January 2017-June 2017)

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B	Amethyst Lot Public Artwork	New Acquisition (Phase I)	\$ 48,000
C	Community Art Project	Unidentified	\$ 5,000
D	Contingency Fund	To cover repairs, theft, relocation, etc.	\$ 2,000
	Total FY17 Budget		\$ 65,000

FY17 – Proposed Revised Budget

	Activity	Description	Budget
A	Conservation and Maintenance	<i>Lincoln Park Fountain</i> conservation (Phase III)	\$ 10,000
B	USM Roundabout Artwork	New Acquisition	\$ 48,000
C	Community Art Project	Unidentified	\$ 5,000
D	Contingency Fund	To cover repairs, theft, relocation, etc.	\$ 2,000
	Total FY17 Budget		\$ 65,000

REVISED BUDGET

The budget presented below reflects changes made to the scope, size, and materials of the project. The final project costs have been determined based upon design revisions done in consultation with the committee, and with the advisors and consultants designated by the Portland Public Arts office.

The number of sculptures has been increased from 2 to 3.

The originally proposed CorTen steel bases have been replaced by fabricated sheet bronze and stainless steel, two part "torch handle" bases. The stainless steel inner frame of the handles will be securely fit and mounted to the cut and prepared natural granite bases.

The fabricated sheet bronze "torch handle" forms will be topped with cast patinated bronze "flame" forms and will fit over and be attached to the stainless steel structural frames. Each cast "flame" form is made up of several individually cast bronze pieces, welded together allowing the flame sculptures to be sized to fit the spaces and have the necessary presence required by the scale of the space w/o each piece being monumental in size and cost

The bench has been added as an optional line item.

This final design has been presented and approved by the committee. The budget for this design is presented here for approval.

Description	Cost
3 multi-part bronze "flame" sculptures: 5' h (\$7500), 6'h (\$9,000), 7'h(\$10,500),	\$ 27,000
3 fabricated 1/4" sheet bronze and stainless steel "torch" base forms, one 5'h, one 5.5'h, one 6.0'h,	\$ 17,000
3 granite bases, cut, base leveled and cut surfaces flame finished, delivered and installed on site	\$ 12,000
artist fee	\$ 20,000
Total	\$ 76,000
3 part granite bench, cut and flamed, one 4'h x 6'l x 3' w, one 18"h x 3.5'l x 3'w, one 18"h x 2'l x 3'w (sizes are approximate. Price includes installation on site on prepared ground.	\$ 4,000
Total with optional bench	\$ 80,000



**Brighton-Deering-Falmouth Roundabout &
Deering-Bedford Intersection
Opinion of Probable Construction Cost
Public Art Items**

Date: December 11, 2019

Project No: 141-06013

By: Thomas Nosal

Checked by: John Mahoney

Item	Description	Quantity	Unit	Unit Price	Cost
203.2000	Common Excavation	109	CY	\$25.00	\$2,725.00
304.0900	Aggregate Base - Crushed Type A (Shim)	2	CY	\$40.00	\$80.00
304.1000	Aggregate Subbase Gravel Type D	107	CY	\$35.00	\$3,745.00
	Crushed Stone	73	CY	\$50.00	\$3,650.00
	6" Underdrain	50	LF	\$50.00	\$2,500.00
626.2200	Non Metallic Conduit (meter to center island)	200	LF	\$22.00	\$4,400.00
634.2100	Public Art Lighting	1	LS	\$15,000.00	\$15,000.00
659.1000	Mobilization and Traffic Control @ 30%	0	LS	\$9,630.00	\$0.00
Total:					\$32,100

MEMORANDUM
City Council Agenda Item

FROM: Jeremiah Bartlett

DATE: January 9, 2020

SUBJECT: **Order 120-19/20 Approving the Modification to Agreements between the Maine Department of Transportation, Portland Area Comprehensive Transportation System and Portland Re: Congress St. Signal & Intersection Improvements - Sponsored by Jon P. Jennings, City Manager**

SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 1/22/2020

Final Action 2/3/2020

Can action be taken at a later date: No This agreement and agreement modification must be approved by City Council and signed by the City Manager as soon as possible to allow Maine Department of Transportation (MaineDOT) to meet its target bid date of 2/12/20.

PRESENTATION:

I. SUMMARY

City Council is being asked to approve the attached Two-Party Municipal/State Agreement and a Modification to the Three-Party Municipal/State/ PACTS Agreement and authorize the City Manager to sign both, which will allow MaineDOT to move ahead with its plans to re-advertise and construct improvements to traffic signals and ADA facilities at the following intersections:

- Congress Street at Forest Avenue
- Congress Street at Preble Street
- Congress Street at Elm Street
- Congress Street at Temple Street

II. AGENDA DESCRIPTION

Both the proposed two-party and modification of three-party agreements obligate the Maine Department of Transportation (MaineDOT), Portland Area Comprehensive Transportation System (PACTS) and the City of Portland to update traffic signal controls, technology and communications and construct a number of new signal structures and related Americans with Disabilities Act (ADA) ramps. The work will allow for this section of Congress Street to be transit priority ready.

The two-party and modification to 3-party agreements obligate the City to pay \$317,518.34, or 25% of the total cost of the project estimated at \$1,270,073.37 and an additional \$3,200 for sewer/manhole adjustments. This is \$158,955.84 increase of municipal funds due to high bid pricing.

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

III. BACKGROUND

The Congress Street Intersection project is part of MaineDOT's 2018-2020 work plan. Due to much higher bid

pricing received, construction was postponed until the project could be re-bid. The Department of Public Works is hoping that construction work on this project will be completed this year. The Council originally endorsed this project as part of Order 202-15/16, on April 4, 2016, which approved proposals for state and federal funding. The Council previously approved a modification to the 3-party agreement in Order 213-18/19 on September 4, 2019.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The project will update signal operations and improve ADA access, through improved technology and infrastructure, thus improving mobility for multiple modes. Several new structures will ensure that structural integrity and safety are maintained at these locations. PACTS and DOT funds will pay for 75% of the project costs, so the majority of funding will be leveraged.

V. FINANCIAL IMPACT

The City is obligated to pay 25% of the total construction cost, so the fiscal impact is relatively low. The total cost of this work is expected to be paid from multiple CIP accounts that have been allocated for this project. A fiscal impact note is included to provide additional information.

VI. STAFF ANALYSIS AND BACKGROUND

The cost of the project, previously estimated at \$634,250, has gone up due to much higher bid pricing than anticipated. The current number is based upon a ten percent increase from the cost of the one bid received for the project when it went out to bid last spring. The PACTS Executive Committee approved this higher amount at its full 75% match last year.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreement to allow MaineDOT to improve the intersections of Congress Street with Forest, Preble, Elm and Temple.

VIII. LIST ATTACHMENTS

1. Order re Modification of MDOT PACTS Congress Street intersection improvements 1.22.2020
2. Congress St Int_Mod1A_3Party_March2019
3. CongressStIntersectionImprovements_Map (1)
4. Order 51-16_17 and Orig 3-party
5. Fiscal Impact Note - Congress St - Updated
6. Congress St 22132 - 2-Party Agreement
7. Modification 2 re Congress St Signals to 3-Party Agreement 1-8-20

Prepared by:

Jeremiah Bartlett

Date: 1/9/2020

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER APPROVING THE MODIFICATION TO AGREEMENTS BETWEEN
PORTLAND, PORTLAND AREA COMPREHENSIVE TRANSPORTATION SYSTEM
AND THE MAINE DEPARTMENT OF TRANSPORTATION
RE: CONGRESS STREET INTERSECTION IMPROVEMENTS**

ORDERED, that the modification to the three-party agreement between the Maine Department of Transportation, Portland Area Comprehensive Transportation System and the City of Portland to construct improvements to the Congress Street Intersections with State Work Identification Number 022132.00 is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the two-party agreement between the Maine Department of Transportation and the City of Portland to construct improvements to the Congress Street Intersections with State Work Identification Number 022132.00 is hereby approved in substantially the form attached hereto; and

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



Internal Use Only

TEDOCS #:
AMS Advantage #: DOT1116-37022 PACTS & DOT1116-37023 Portland
CSN#: 37022 PACTS & 37023 Portland

**MAINE DEPARTMENT OF TRANSPORTATION
MODIFICATION # 1 TO THREE-PARTY PARTNERSHIP AGREEMENT**

Project Location: Portland
State W.I.N. #: 022132.00
Federal W.I.N. #: 2213200
Customer ID#: PACTS
Customer ID#: PORTLAND

Original Estimated Project Amount: \$83,750.00
Current Estimated Project Amount: \$83,750.00
Modified Estimated Project Amount: \$634,260.00
Current Agreement Expiration Date: 12/30/2019
Modified Agreement Expiration Date: 12/31/2021 ☐ N/A

This Modification hereby amends a Three-Party Partnership Agreement that was executed by MaineDOT on 11/8/2016, with the Portland Area Comprehensive Transportation System (PACTS) and the City of Portland (Municipality), hereinafter the "Parties" for Congress Street Intersection Improvements (Project) as follows:

- ☒ **Increased Estimated Project Amount.** The maximum amount of the Agreement shall be increased by: \$550,510.00 from \$83,750.00 to \$634,260.00. Reason: The preliminary engineering phase is completed; the Project is to move forward with full development.
- ☒ **Expiration Date.** The Contract Expiration Date of the Project Contract shall be extended from 12/30/2019 to 12/31/2021. Reason: Additional time needed to complete the project.

The following attachments are hereby incorporated into this Modification:

☒ **Appendix A – Agreement Revisions**

All other terms and conditions of the original Agreement shall remain in effect. This Modification hereby becomes part of the Agreement. The Parties, by their duly authorized representatives, have executed this modification to said original Agreement, which shall become effective on the date last signed below.

**PORTLAND AREA COMPREHENSIVE
TRANSPORTATION SYSTEM**

By: [Signature]
Kristina Egan, Executive Director*
Greater Portland Council of Governments
For Portland Area Comprehensive Transportation System

3/6/19
Date

MUNICIPALITY OF PORTLAND

By: [Signature]
Jon Jennings, City Manager*

Date

MAINE DEPARTMENT OF TRANSPORTATION

By: [Signature]
Andrew T. Bickmore, Acting Director*
Bureau of Planning

Date

**I certify that the foregoing signature is true and accurate, and if electronic, I further certify that it (a) is intended to have the same force as a manual signature, (b) is unique to myself, (c) is capable of verification, (d) is under the sole control of myself, and (e) is linked to data in such a manner that it is invalidated if the data are changed. 10 M.R.S.A. §9502, et seq.*

APPENDIX A

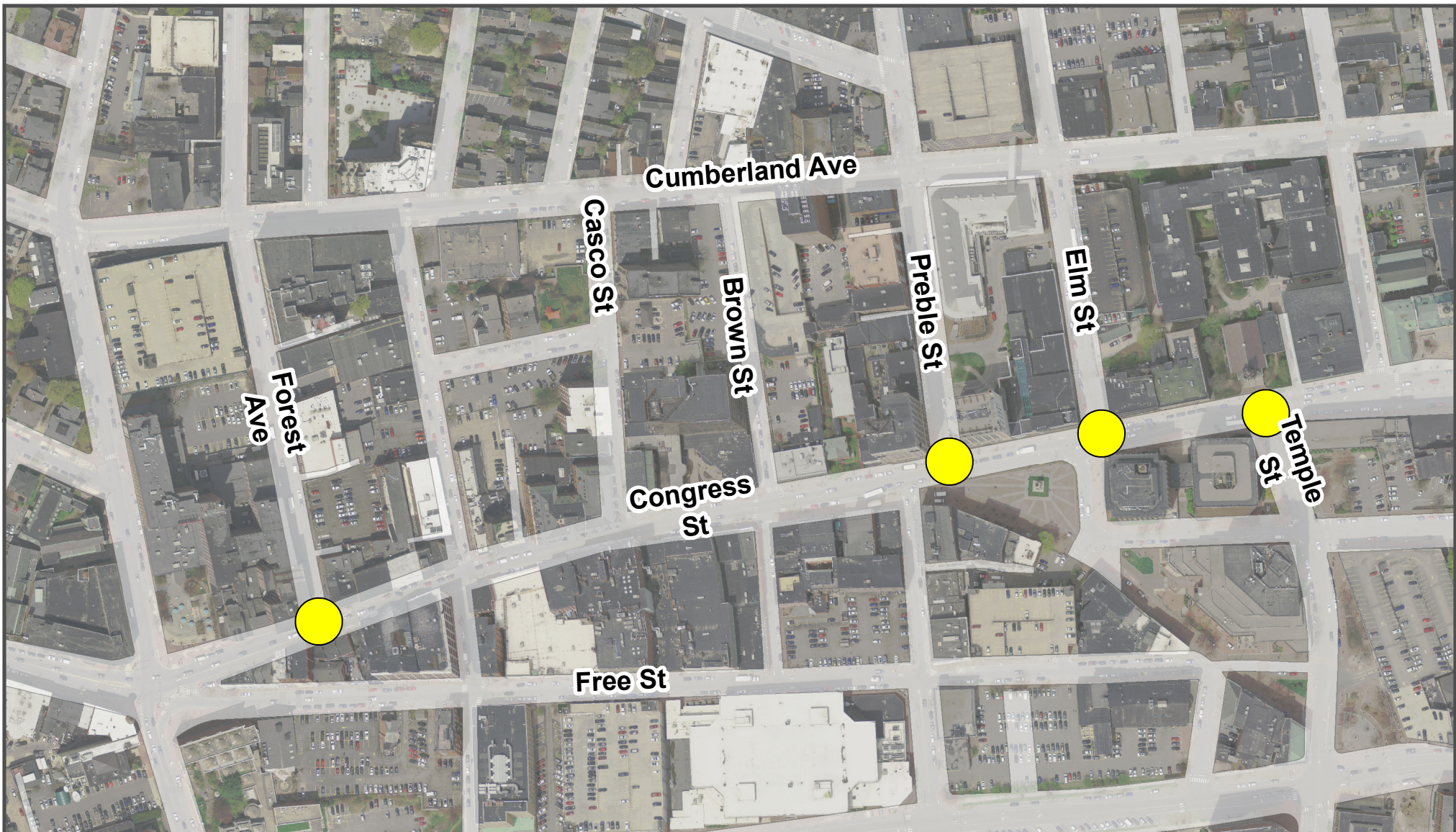
Replace Project Cost with the following:

Project Cost Sharing and Payment Schedule:

- a. **Financial Obligations:** The total estimated cost of the Project is \$634,260.00 (the "Project Estimate"). The Parties agree to share in all Project costs associated with the Project phases outlined in the table below. Each Party's share of the Project's actual costs associated with each phase shall be allocated as follows, unless otherwise negotiated by mutual agreement of the Parties.
- i. **Federal Share** (provided by MaineDOT through PACTS Federal Allocation) - 75% of eligible Project costs, up to a maximum of \$475,687.50.
 - ii. **State Share** (provided by MaineDOT through PACTS State Allocation) - 0% of eligible Project costs, up to a maximum of \$0.00.
 - iii. **Municipality's Share** (provided by the Municipality through the Municipality's obligation of funds) - 25% of eligible Project costs, which is estimated at \$158,562.50, plus 100% of the following:
 1. Any costs deemed ineligible for federal and state participation.
 2. Any costs associated with additional work requested by the Municipality that is outside the Project scope of work.
 3. All Project costs exceeding the Project Estimate after the above referenced Party Shares have been applied, unless otherwise agreed to in writing by the Parties through a written modification to this Agreement.

Work Phase	Estimated PACTS Federal Share		Estimated PACTS State Share		Estimated Municipality's Share		Estimated Total Cost
	%	\$	%	%	%	\$	\$
Preliminary Engineering	75%	\$ 67,500.00	0%	\$ -	25%	\$ 22,500.00	\$ 90,000.00
Right of Way	75%	\$ 375.00	0%	\$ -	25%	\$ 125.00	\$ 500.00
Construction	75%	\$ 378,237.00	0%	\$ -	25%	\$ 126,079.00	\$ 504,316.00
Construction Engineering	75%	\$ 29,575.50	0%	\$ -	25%	\$ 9,858.50	\$ 39,434.00
TOTALS:		\$ 475,687.50		\$ -		\$ 158,562.50	\$ 634,250.00

Payment Schedule: The PACTS Share will be disbursed by MaineDOT in accordance with the allocations outlined above. If the Parties elect to move forward with full development of the Project as contemplated in this Agreement, the Municipal Share will be invoiced by MaineDOT in accordance with the payment schedule outlined in the Municipal-State Agreement described herein. If the Parties choose not to proceed to full Project development and no Municipal-State Agreement is executed, the Municipal share, based on the allocations outlined above, will be invoiced as promptly as practicable upon that decision having been made. Upon receipt of such invoice, the Municipality shall submit payment to MaineDOT within thirty (30) days.

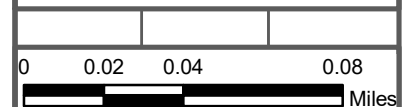
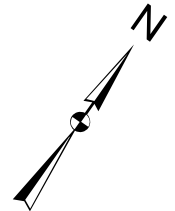


CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD, PORTLAND, MAINE 04103
PHONE (207) 874-8846 FAX (207) 874-8852

CONGRESS ST SIGNAL & INTERSECTION IMPROVEMENTS

WIN 22132.00

Legend



Order 51-16/17

Passage: 8-0 (Suslovic absent) on 9/19/2016

Effective 9/29/2016

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING AGREEMENTS BETWEEN PORTLAND, MAINE
DEPARTMENT OF TRANSPORTATION AND PORTLAND AREA
COMPREHENSIVE TRANSPORTATION SYSTEM
RE: WASHINGTON AVENUE AND CONGRESS STREET PROJECTS**

ORDERED, that the two three-party agreements for preliminary design reports (“reports”) between the Portland Area Comprehensive Transportation System, the Maine Department of Transportation and Portland, for the projects below, are hereby approved:

Washington Avenue from Congress Street to Cumberland Street, and
Congress Street from State Street to Temple Street; and

BE IT FURTHER ORDERED, that the local share of the cost of the reports, \$43,900 for Washington Avenue and \$20,938 for Congress Street, is hereby appropriated; and

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



**MAINE DEPARTMENT OF TRANSPORTATION
THREE-PARTY PARTNERSHIP AGREEMENT
CONGRESS STREET INTERSECTIONS
CITY OF PORTLAND**

(Receivable)

Internal Use Only

CT#: _____

CSN: _____

TEDOCS #: _____

PROGRAM: Bureau of Planning

Internal Use Only

WIN #: 022132.00

Agreement Maximum Amount: \$83,750

N/M MPO Id#: PACTS

Agreement Begin Date: _____

N/M Municipality Id#: Portland

Agreement End Date: _____

This agreement (“**Agreement**”) is entered into by the State of Maine Department of Transportation (“**MaineDOT**”), the Municipality of Portland (“**Municipality**”), and the Portland Area Comprehensive Transportation System, the designated Metropolitan Planning Organization for the Portland Urbanized Area (“**PACTS**”), jointly hereinafter referred to as the “**Parties**”.

Whereas, the project that is the subject of this Agreement consists of traffic signal improvements along Congress Street from Myrtle Street to High Street (hereafter referred to as the “**Project**”), and as further described in the attached Project Identification Form; and

Whereas, PACTS has programmed the Project for inclusion in the MaineDOT Annual Work Plan for CY16-18, using Federal capital improvement funding allocated by MaineDOT; and

Whereas, the Municipality supports the decision by PACTS to program the Project; and

Whereas, the Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the budget programmed, using a process that maximizes communication and cooperation; and

Whereas, PACTS cannot commit federal transportation funding without a formal adoption of a Transportation Improvement Program (“**TIP**”) or TIP amendment including all required public involvement processes, this Agreement does not constitute a commitment of federal funding under Title 23 Part 630; and

Whereas, the purpose of this Agreement is to identify the Parties’ individual responsibilities during the Preliminary Engineering and Right of Way (“**ROW**”) phases of the Project through completion of the Preliminary Design Report (“**PDR**”) and Preliminary Plans, and to identify the intended financial allocations between the Parties through the Preliminary Engineering phase of the Project if and when the parties formally approve and commit financial resources for the Project; and

Whereas, the Parties anticipate that as the Project development process progresses and the Project scope is more fully defined, modifications to this Agreement will be necessary. All such modifications to this Agreement shall be in writing signed by all parties.

Now therefore, in consideration of the forgoing, the Parties hereby establish and agree to the following terms and conditions:

The following Appendix is hereby incorporated into this Agreement by reference

- Appendix A - Project Identification Form

Project Cost:

The total estimated cost of the Project through the Preliminary Engineering and ROW phases is \$83,750 (the “**Project Estimate**”), and the Parties agree to share in and allocate the associated costs of each phase as outlined in this section:

Work Phase	Estimated Federal Share	Estimated State Share	Estimated Municipal Share	Estimated Total Cost
Preliminary Engineering	\$ 59,062.50	\$ -	\$ 19,687.50	\$ 78,750.00
Right of Way	\$ 3,750.00	\$ -	\$ 1,250.00	\$ 5,000.00
Construction	TBD	\$ -	TBD	TBD
Construction Engineering	TBD	\$ -	TBD	TBD
Total Project Share	\$ 62,812.50	\$ -	\$ 20,937.50	\$ 83,750.00

1. Estimated allocations are further identified as follows:
 - a. **Federal share** (through PACTS) - 75% of federally participating costs, up to a maximum of \$62,812.50.
 - b. **State share** (through PACTS) - 0% of federally participating costs, up to a maximum of \$0.00.
 - c. **Municipal share** (through the Municipality) - 25% federally participating costs, which is estimated at \$20,937.50, plus 100% of any additional costs incurred in accordance with Section 2. below.
2. The Municipality shall be fully responsible for any and all Project costs exceeding \$83,750.00, unless otherwise agreed to in writing by the Parties through a modification to this Agreement.
3. If the actual Project cost is less than the Project Estimate the amounts owed will be adjusted according to the percentages.
4. If the Project Estimate or associated financial allocations are adjusted to reflect updated costs, MaineDOT will consult with PACTS and the Municipality before such adjustments are approved and implemented.
5. After the PDR is completed, MaineDOT will invoice the Municipality for that portion of the Project.

MaineDOT Agrees:

1. To complete, or cause to be completed, preliminary design which includes roadway design up to a fifty to sixty percent (50-60%) completion level in accordance with MaineDOT's standards and procedures; and
2. Perform ROW investigations in order to determine whether there may be a need to acquire temporary and/or permanent rights to develop the Project; and
3. To coordinate utility work, which includes identification of utility locations and/or relocation for design for Project as describe in the scope of work; and
4. To share information about the status of the Project with staff from PACTS and the Municipality at the following milestones:
 - Project kickoff/initial team meeting/formal public contact.
 - Horizontal/Vertical Alignment Complete ("HVAC").
 - Preliminary public meeting.
 - Preliminary Design Report (PDR).
 - Changes in the Project Schedule or Engineer's Estimate.

Future Phases of Work:

Should the Parties agree to move forward with future phases of the Project:

1. MaineDOT will prepare, or cause to be prepared, construction plans and specifications for the Project within the scope of work identified in the PDR, using MaineDOT's standard project development process to ensure adherence to federal and state regulations.
2. After the final Plans, Specifications and Estimate ("PS&E") package is prepared, MaineDOT and the Municipality will execute a Municipal/State Project Agreement covering Project advertisement, award, construction and construction engineering. Said Municipal/State Agreement will carry the financial terms outlined in the Project Cost section of this Agreement, as well as a schedule for collection of the Municipality's share of the remaining Project costs.
3. MaineDOT will share information about the status of the Project with staff from PACTS and the Municipality at the following milestones:
 - Formal public meeting.
 - Plan Impacts Complete ("PIC").
 - Plans, Specifications and Estimate (PS&E) complete.
 - Changes in the Project Schedule or Engineer's Estimate.

Miscellaneous Provisions:

1. The Parties will participate as partners in any public meetings held to discuss the Project.

2. MaineDOT will consult with PACTS and the Municipality before implementing any adjustments to the Project, and PACTS and the Municipality will, likewise, notify MaineDOT of any proposed changes they wish to implement.
3. If MaineDOT withdraws from the Project before it has been advertised for construction, and that action was not directed by PACTS and the Municipality, MaineDOT will be responsible for all Project costs incurred to date.
4. If the Municipality withdraws its financial support for the Project as described in the Project Cost section of this Agreement, leading MaineDOT to cancel the Project before it has been advertised for construction, the Municipality shall reimburse MaineDOT fully for any and all Project costs incurred in reliance on the Municipality commitment documented in this Agreement, including, but not limited to, reimbursement of all federal funds expended to date.
5. Anything herein to the contrary notwithstanding, the Municipality and PACTS acknowledge that, although the execution of this Agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by its federal partners and the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
6. The Municipality represents that its governing body has taken all steps necessary and lawful to approve the Project and the Municipality's entry into this Agreement, has appropriated or authorized the use of any necessary funds in connection with the Municipality's participation, and has further authorized the undersigned Municipal representative to execute this Agreement on the Municipality's behalf.
7. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off monies due the Municipality under a specific Project Contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other Agreement/Contract, any other Agreement/Contract with any State Department or Agency, including any Agreement/Contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller.
8. To the extent permitted by law, the Municipality and the MPO shall indemnify and hold harmless MaineDOT, its agents and employees from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the Municipality, its consultants or contractors. Nothing herein shall waive any defense immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. ***This provision shall survive any termination or expiration of this Agreement.***
9. With the exception of the provisions so noted, all provisions of this Agreement shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.

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

Date _____

John Duncan, Director
Portland Area Comprehensive Transportation System

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

Date _____

Jon Jennings, City Manager
Municipality of Portland

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

Date _____

Herb Thomson, Director, Bureau of Planning
Maine Department of Transportation

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

FISCAL IMPACT NOTE New Program Cost Data:	Year 1		Year 2		Year 3	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$20,165		\$11,921		\$11,921
LESS: TOTAL NEW ITEM ANNUAL REVENUES						
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$20,165	\$20,165	\$11,921	\$11,921	\$11,921	\$11,921
New Program Impact to the Mil Rate	\$0.0026	\$0.0026	\$0.0015	\$0.0015	\$0.0015	\$0.0015
New Program % Impact on Mil Rate	0.0225%	0.0114%	0.0133%	0.0067%	0.0133%	0.0067%
Mil Rate Including New Program	\$11.3426	\$22.4826	\$11.3415	\$22.4815	\$11.3415	\$22.4815

Notes: The original estimated amount was previously bonded and, thus, already has fiscal impacts, as shown in Year 1. The additional amount will have fiscal impacts in Year 2 and Year 3.



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

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

(MaineDOT Use Only)

Project Location: <u>Portland</u>	Estimated Municipal Share: <u>\$320,718.34</u>
State WIN #: <u>22132.00</u>	Vendor Customer #: <u>17A12984</u>
Federal Aid Project #: <u>2213200</u>	Agreement Begin Date: _____
	Agreement End Date: <u>(5 years from the date last signed below)</u>

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

RECITALS

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

AGREEMENT

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

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

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

E. Agreement Administration:

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

F. Changes to Project Scope:

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

G. Traffic Control:

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

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

H. Utilities:

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

I. Governing Law:

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

J. Municipality's Responsibility:

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

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

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

K. Termination:

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

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

L. Miscellaneous Provisions:

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

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

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

Municipality: City of Portland
 389 Congress Street
 Portland, ME 04101
 Attn.: Jeremiah Bartlett
 Email: jbartlett@portlandmaine.gov

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

MUNICIPALITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
Jon Jennings, City Manager

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

(Date Signed)

(Date Signed)

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

APPENDIX A

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

MUNICIPALITY OF **PORTLAND**

PROPOSED IMPROVEMENTS TO **CONGRESS STREET**

FEDERAL AID PROJECT NO. **2213200**

STATE PROJECT IDENTIFICATION NUMBER (WIN) **22132.00**

Project Scope:

Traffic signal improvements and coordination: Congress Street from Myrtle Street to High Street.

Funding Outline:

The Total Project Estimated Cost is \$ 1,273,273.37 , and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		Project Share				Total Cost
			Federal	Portion	MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	25.0%	\$ 31,250.00	75.0%	\$ 93,750.00	0.0%	\$ -	\$ 125,000.00
Right of Way	25.0%	\$ 125.00	75.0%	\$ 375.00	0.0%	\$ -	\$ 500.00
Construction	25.0%	\$ 276,143.34	75.0%	\$ 828,430.03	0.0%	\$ -	\$ 1,104,573.37
Construction Engineering	25.0%	\$ 10,000.00	75.0%	\$ 30,000.00	0.0%	\$ -	\$ 40,000.00
PROJECT SHARES		\$ 317,518.34		\$ 952,555.03		\$ -	\$ 1,270,073.37
Total Cost of Additional Work Requested by Municipality (Below)	100.0%	\$ 3,200.00					
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)		\$ 320,718.34					

(Check if applicable)

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

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

Additional Work		Cost: 100% Municipal Share	
Adjust Sewer MH		\$	3,200.00
TYPE OF WORK		\$	-
TYPE OF WORK		\$	-
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY		\$	3,200.00

Payment:

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

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

Invoicing will include the following:

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

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

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

Municipality Name	Receivable Amount	Estimated Invoice Date
City of Portland	\$177,646.67	5/1/2020
City of Portland	\$143,071.67	1/1/2021
City of Portland	Balance	7/1/2021
Total Receivable Amount:	\$320,718.34	

Project Information

Municipality Name: Portland

Federal Aid Project #: 2213200

WIN: 22132.00

APPENDIX C

ADDITIONAL WORK

MAINE DEPARTMENT OF TRANSPORTATION

Transportation Improvement Project

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

Adjusting sewer manholes

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

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

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

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



Internal Use Only

TEDOCS #: _____

AMS Advantage #: DOT1116-37022 PACTS &
DOT1116-37023 Portland

CSN#: 37022 PACTS & 37023 Portland

**MAINE DEPARTMENT OF TRANSPORTATION
MODIFICATION # 1 TO THREE-PARTY PARTNERSHIP AGREEMENT**

Project Location: Portland
State W.I.N. #: 022132.00
Federal W.I.N. #: 2213200
Customer ID#: PACTS
Customer ID#: PORTLAND

Original Estimated Project Amount: \$83,750.00
Current Estimated Project Amount: \$83,750.00
Modified Estimated Project Amount: \$1,270,073.37
Current Agreement Expiration Date: 12/30/2019
Modified Agreement Expiration Date: 12/30/2024 ☐ N/A

This Modification hereby amends a Three-Party Partnership Agreement that was executed by MaineDOT on 11/8/2016, with the Portland Area Comprehensive Transportation System (PACTS) and the City of Portland (Municipality), hereinafter the “Parties” for Congress Street Intersection Improvements (Project) as follows:

- ☒ **Increased Estimated Project Amount.** The maximum amount of the Agreement shall be increased by: \$1,186,323.37 from \$83,750.00 to \$1,270,073.37. Reason: The preliminary engineering phase is completed; the Project is to move forward to construction. The project will be re-advertised. The increase is attributed to high bid prices.
- ☒ **Expiration Date.** The Contract Expiration Date of the Project Contract shall be extended from 12/30/2019 to 12/30/2024. Reason: Additional time needed to complete the project.

The following attachments are hereby incorporated into this Modification:

☒ **Appendix A – Project Cost**

All other terms and conditions of the original Agreement shall remain in effect. This Modification hereby becomes part of the Agreement. The Parties, by their duly authorized representatives, have executed this modification to said original Agreement, which shall become effective on the date last signed below.

**PORTLAND AREA COMPREHENSIVE
TRANSPORTATION SYSTEM**

By: _____
Kristina Egan, Executive Director*
Greater Portland Council of Governments
For Portland Area Comprehensive Transportation System

Date

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
Jennifer Brickett, Director*
Bureau of Planning

Date

MUNICIPALITY OF PORTLAND

By: _____
Jon Jennings, City Manager*

Date

*I certify that the foregoing signature is true and accurate, and if electronic, I further certify that it (a) is intended to have the same force as a manual signature, (b) is unique to myself, (c) is capable of verification, (d) is under the sole control of myself, and (e) is linked to data in such a manner that it is invalidated if the data are changed. 10 M.R.S.A. §9502, et seq.

APPENDIX A

Replace Project Cost Section with the following:

Project Cost:

The total estimated cost of the Project is \$1,270,073.37 (the “**Project Estimate**”), and the Parties agree to share in and allocate the associated costs of each phase as outlined in this section:

Work Phase	Estimated PACTS Federal Share		Estimated PACTS State Share		Estimated Municipality's Share		Estimated Total Cost
	%	\$	%	%	%	\$	\$
Preliminary Engineering	75%	\$ 93,750.00	0%	\$ -	25%	\$ 31,250.00	\$ 125,000.00
Right of Way	75%	\$ 375.00	0%	\$ -	25%	\$ 125.00	\$ 500.00
Construction	75%	\$ 828,430.03	0%	\$ -	25%	\$ 276,143.34	\$ 1,104,573.37
Construction Engineering	75%	\$ 30,000.00	0%	\$ -	25%	\$ 10,000.00	\$ 40,000.00
TOTALS:		\$ 952,555.03		\$ -		\$ 317,518.34	\$ 1,270,073.37

1. Estimated allocations are further identified as follows:
 - a. **Federal Share** (through PACTS) - 75% of federally participating costs, up to a maximum of \$952,555.03.
 - b. **State Share** (through PACTS) - 0% of eligible Project costs, up to a maximum of \$0.00.
 - c. **Municipality's Share** (through the Municipality) - 25% of federally participating costs, which is estimated at \$317,518.34, plus 100% of any additional costs incurred in accordance with Section 2. below:
2. The Municipality shall be fully responsible for any and all Project costs exceeding \$317,518.34, unless otherwise agreed to in writing by the Parties through a modification to this Agreement.
3. If the actual Project cost is less than the Project Estimate the amounts owed will be adjusted according to the percentages.
4. If the Project Estimate or associated financial allocations are adjusted to reflect updated costs, MaineDOT will consult with PACTS and the Municipality before such adjustments are approved and implemented.