



ECONOMIC DEVELOPMENT COMMITTEE

DATE: Tuesday, October 20, 2020

TIME: 5:30 PM

LOCATION:

Please click the link below to join the webinar:

<https://zoom.us/j/93129706952>

Or iPhone one-tap :

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International numbers available: <https://zoom.us/j/93129706952>

- 1. Review and accept Minutes of previous meeting held on September 15, 2020.**
 - a. See attached draft meeting Minutes.
- 2. For Committee information, presentation, and public hearing on AECOM Report on the Portland Waterfront Marine Economy and vote to forward to the City Council as a Communication – Bill Needelman**
 - a. See attached Memorandum and Report.
- 3. Committee Review and Direction on Portland Adult Education FY2021 Investment of \$100,000 in TIF funding to support workforce training program – Anita St Onge**
 - a. See attached request.
- 4. Public Hearing and vote to recommend to the City Council a Proposed Amendment to the Purchase and Sale Agreement for the City's purchase of 204 Rand Road for the Land Bank – Patrizia Bailey, Land Bank Commission Chair**

- a. See attached Memorandum and updated proposed Purchase and Sale Agreement.

NOTE - Executive Session: Pursuant to 1 M.R.S.A. 405(6)(C), the Committee may go into executive session to provide staff direction for negotiations for this Proposed updated Purchase and Sale Agreement.

5. City Tax Increment Financing (TIF) Policy Discussion and Committee Direction

- a. See attached staff Memorandum.

Next Meeting Date: November 17, 2020

Minutes
Remote Economic Development Committee
September 15, 2020

NOTE: This meeting was held via Zoom and can be viewed at this link:

<http://www.portlandmaine.gov/1695/Economic-Development-Committee> These

Minutes provide a record of those in attendance, general discussion taking place, and motions made.

A remote meeting of the Economic Development Committee (EDC) of the Portland City Council was held on Tuesday, September 15, 2020, at 5:30 p.m. via Zoom. Present from the Committee was its Chair Councilor Justin Costa and members Councilors Tae Chong, Nicholas Mavodones, and Spencer Thibodeau. Mayor Kate Snyder joined the meeting as noted herein. Present from the City staff were Housing and Community Development Division Director Mary Davis, Major Frank Gorham, Acting Inspections and Permitting Director Jessica Hanscombe, Office of Economic Opportunity Director Julia Trujillo Luengo, Economic Development Director Greg Mitchell, Senior Executive Assistant Lori Paulette, School Facilities Manager Doug Sherwood, and Associate Corporation Counsel Anne Torregrossa.

Item #1: Review and vote on August 18, 2020, draft meeting Minutes.

On motion made by Councilor Chong, seconded by Councilor Mavodones, the Committee voted unanimously to accept the Minutes as published.

Item #2: Discussion and Committee direction related to the Downtown

Entertainment Overlay District

Chair Costa noted that the City Council requested the EDC review possibly amending entertainment licensing and the Downtown Entertainment Overlay District to allow additional

venues in the Old Port. This was in response to a license application that did not meet the 100-foot requirement between venues.

Ms. Hanscombe noted that in 2006, the Downtown Overlay District started, requiring a 100-foot distance from entertainment venues. In 2018, Chapter 4 was rewritten and the 100-foot distance remained, noting that the Police Department agrees with that requirement. It helped with less Police calls for assaults and basically changed the Old Port to be a safe place.

Ms. Hanscombe then referred to Anne Torregrossa's memo in the packet that had six options to move forward from keeping it as is to Ordinance amendments to Chapter 4 and/or 14.

Major Frank Gorham from the Police Department said that with the 2006 Downtown Overlay District placed into existence, the Old Port started to see a change in behaviors. Prior to that, significant Police resources were used to keep the peace, as these entertainment venues were one after the other. The 100' distance was key and amending it will be a step back for the Old Port, creating more assaults and violence. The Police Department's recommendation is to keep it as it is now.

Councilor Mavodones said that he was on the City Council when the 100-foot distance was created, and it has worked so preferred to keep it as it is. Regarding measurements, he suggested that perhaps staff confirm the way to measure so that it is consistent and concrete.

Councilor Thibodeau agreed, noting this is not a priority as Portland and the world gradually comes out of COVID.

Councilor Chong concurred, adding that Portland is now on lists for best places to visit and needs to keep that brand.

Chair Costa agreed with the majority guidance, noting that he was open to the last option but is not a priority, with that last option being to create a new category of entertainment licenses

and request the Planning Board to consider modifying the Entertainment Overlay District to allow holders of that new category of license to operate not subject to the 100-foot distance restriction. At this time, however, he is not hearing that there are concerns so would also agree to leave it as is. It could be a conversation in the future noting that traditional categories of businesses are changing.

Chair Costa closed noting Committee consensus was to recommend it remain as is.

Item #3: Update of City Pilot Tax Increment Financing Workforce Training

Program and City staff recommendation on unused funds.

Mr. Mitchell indicated that Ms. Luengo will provide an update, and then he will provide staff recommendation on unused funds for direction from the Committee.

Ms. Luengo said both recipients of TIF funding, Portland Adult Education (PAE) and Coastal Counties Workforce (CCW), had individual timelines and different challenges when the pandemic hit. She noted that City provided \$100,000 in TIF Funds to PAE, and then issued an RFP for a pilot workforce training program investing up to \$150,000 of TIF Funds. Coastal Counties Workforce (CCW) was the only respondent and offered a Pilot program in conjunction with Maine Health. Both PAE's and CCW's focus was on the immigrant and refugee communities, which communities need assistance with training and connections to specific industries and are not always supported by Federal and State funds so this TIF investment filled that gap.

Ms. Trujillo Luengo then described the key highlights and results from both PAE and CCW as noted in her memo to the Committee.

Councilor Chong noted that PAE's goal was to serve 84 in their program and in actuality

served 99, asking how they adjusted to exceed targets, as well as their offering job advice and support services.

Ms. Love from PAE noted that it closed its doors 3/16/2020 due to COVID and shifted to online training which proved to be a success for the new programs for teller training, training in the field of education for employment in school systems, as well as intensive English training. Should PAE be provided additional TIF funding, it can increase the virtual enrollment. Ms. Love then gave a successful example of a New Maine Teller graduate who was a Teller in the Congo and was working here as a personal care attendant at \$13/hour. She is now employed at Bangor Savings Bank at \$15.50/hour with benefits. Ms. Love also indicated, regarding job advice and support services, that often a teacher is the employment advisor helping to prepare resumes, interviewing skills, and job connections. Regarding personal support services, PAE has connections with support services for their students.

Adrian Cohen at CCW thanked all for this opportunity. She described the Pilot Program for the Career Navigator at MaineHealth to work with incumbent front-line staff for career advancement and assistance with planning and expanding training pathways. The Career Navigator was learning the target audience, working one-on-one with incumbent employees, and their needs when the pandemic hit which hindered this program and resulted in CCW spending less than the budgeted \$150,000.

Councilor Chong, noting MaineHealth is one of the City's largest employers, questioned how many of its employees are under-employed in the environmental, food, and linen services.

Jennifer O'Leary, Manager of Workforce Development at MaineHealth, described how those front line services are integrated into many departments at MaineHealth, with each

department working with staff for additional career opportunities, including under-employed individuals.

Ms. Luengo summarized that connections with employers and potential employees is now stagnant due to the pandemic. National discourse, however, has been raised on these issues.

Councilor Mavodones thanked all, and noted support for the staff recommendation to retain the approximately \$58,000 under-spent from CCW for possible use in the FY2022 budget process.

Chair Costa agreed, noting these two were pilot programs and thanked Ms. Luengo for the highlights of the accomplishment by each organization.

After discussion and upon forthcoming confirmation by the City Manager, Chair Costa noted that during the FY2021 budget process, \$100,000 was set aside in the Downtown TOD TIF for a continuation of a workforce training program, and the \$58,000 under discussion here has the recommendation from staff to retain for future uses and possibly for FY2022 for additional workforce training.

Councilor Mavodones thanked the Chair for his leadership on this Pilot Program, starting in 2018, and then noted his support of staff's recommendation to hold the \$58,000 at this time.

Councilor Chong noted his support to reallocate the \$58,000 in FY2021 to PAE in support of their ability to pivot during this pandemic. Their programs will help those at poverty level to obtain more skills and thus more earning power to get out of poverty, including asylum seekers who have degrees in their native country and need assistance and guidance to move into the job system.

Chair Costa agreed with Councilor Mavodones and staff's recommendation, noting the Finance Committee can decide it if it is feasible.

Councilor Thibodeau supported staff's recommendation, and the City Council can discuss/confirm on Monday whether there is \$100,000 set aside in the Downtown TOD TIF for workforce training in FY2021.

(Mayor Snyder joined the meeting.)

Chair Costa thanked all for this discussion, and PAE and CCW for participating in this Pilot program for workforce training.

Item #4 – Public Hearing on possible disposition of City-owned property located at 157 Brackett and 176 Clark Streets – Committee to provide direction to staff.

Chair Costa noted that the Committee members have received feedback on this item, which came from the Housing Committee. It is here for review and recommendation to the City Council, for the Council's meeting on October 5, as this Committee handles land transactions. There is history on this back to 2014.

Ms. Davis provided a brief summary of the history of this item noting that in 2014, a developer contacted City staff about the Brackett Street parking area as part of an overall plan to develop Joy Place. An RFP was advertised, which included restrictions to address parking needs of the City, school safety, and safety improvements. It proved to not be feasible to the City or the developer to use the Brackett Street parking lot. At the time there was robust discussions with all involved, including the neighborhood.

Chair Costa thanked Ms. Davis and then opened the meeting for public comment.

Joanne Bisson of 15 Park Street, living there 15 years, noted that she was opposed to the City selling and developing the property, and that there is insufficient parking for the Reiche School and its events, as well as for the community.

Kristi Camps of 174 Clark St, also there for 15 years, concurred. Development of up to 5-stories would also be an imposition on the neighborhood. She supports increasing housing but not on these actively used lots.

David Doyle agreed with both, noting the already over-crowded parking areas. The neighborhood also lost two parking areas in the past couple years and urged the Committee/City Council not to sell.

Todd Backus, renting at 174 Clark, agreed, noting removing these parking areas would be detrimental to the neighborhood and school.

Seeing no further public comment, Chair Costa closed the public comment session.

Councilor Thibodeau made a motion to recommend to the City Council to not dispose of either property; Councilor Mavodones seconded the motion.

Councilor Thiobdeau thanked the Housing Committee for their work over the last few years to increase housing in Portland. There would be many issues if these two parking areas were removed for both the school and neighborhood. Given the times we are in, and for the school and community space, it makes sense to hold onto them as important uses in the area.

Councilor Mavodones agreed and noted that back in the 90's these lots were heavily used and still today. He thanked the Housing Committee for their work to increasing housing, but these two properties should be retained by the City.

Councilor Chong and Chair Costa agreed, with the Chair noting he heard of this back in 2014 when he was on the School Board.

The Chair then asked for a vote on the motion, and it passed unanimously.

Item #5 – Update of Housing Committee’s discussion and direction to staff related to possible City property disposition of 622 Auburn Street and 0 Gray Road.

Ms. Davis summarized the two properties, noting that 622 Auburn Street has 4.85 acres of land, and 0 Falmouth has 13.3 acres, both of which have challenging topography.

Ms. Davis then noted that the City-staff of COTAPC (City-Owned and Tax-Acquired Property Committee) recently recommended to the City Manager that the City sell these two properties together as they abut each other, and the City Manager supports that recommendation.

Ms. Davis then updated the EDC that the Housing Committee expressed interest in sole sourcing this to whom the EDC recommended a PSA for the 165 Lambert Street property, that is to Maine Cooperative Development Partners. The Housing Committee also requested that staff notify the EDC of this approach as it may be relevant to discussions regarding the disposition of City-owned property at 43 and 91 Douglass Street. In closing, Ms. Davis indicated that the City Manager is requesting direction from this Committee for the method of sale.

Councilor Mavodones said that it is a good idea to sell these two together but was uncomfortable with sole source approach, preferring that this be sold through the RFP process.

Chair Costa noted agreement among all Committee members to move forward with the RFP process.

On motion then made by Councilor Chong, seconded by Councilor Thibodeau, the Committee voted unanimously to adjourn at approximately 7:35 p.m.

Respectfully, Lori Paulette



CITY OF PORTLAND
Housing and Economic Development Dept.
Gregory A. Mitchell, Director

Memorandum

To: Chair Costa and members of the Economic Development Committee

From: Bill Needelman, Waterfront Coordinator

Date: October 14, 2020

RE: Waterfront Economic Assessment

CC: Jon P. Jennings, City Manager
Greg Mitchell, Economic Development Director

Introduction

The Housing and Economic Development Department is pleased to present to the Economic Development Committee an economic assessment of the Portland Waterfront. The assessment was conducted by AECOM Technical Services and Racheal Bouvier Consulting. AECOM Economist, Jason Weiss will present a summary of the report to the Committee and will be available for questions.

Background

In August of 2019, the Portland City Council adopted changes to Chapter 8 of the City Code of Ordinances requiring that the City conduct periodic assessments of the state of the marine economy for the Portland waterfront. The Council's action followed an extensive redrafting of the Waterfront Central Zone, where a narrower "waterfront inventory" requirement was removed from ordinance as part of the comprehensive zoning revision.

The 2019 amendments stated specifically:

The Economic Development Department shall oversee a periodic study of the state of the marine economy for the waterfront of Portland, Maine ("State of the Waterfront") and generate a report for communication to the City Council. Starting within the first year of adoption of this provision, the State of the Waterfront Report shall benefit from the services of qualified economic professionals and be updated every three to five years, or more frequently if conditions dictate. The State of the Waterfront Report will, at a minimum, identify key indicators of economic health for marine industry, such as:

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employment by industry; homeported commercial vessels by type; fish landings; freight volume; marine passenger volumes by type; and business output value and trends. The State of the Waterfront Report shall also provide guidance as to strengths, weaknesses, and threats to the waterfront economy and may provide recommendations to strengthen the waterfront as a home for traditional and emerging waterdependent and marine-related industries.

Process

In late 2019, the Cities of Portland and South Portland issued an RFP seeking consulting services for an economic assessment of Portland Harbor. The intended product(s) of the study were to achieve two goals: (1) to support funding applications for harbor dredging, and (2) to satisfy local requirements and desires to understand the economic value of waterfront activity within each community. For Portland, consistency with the Chapter 8 ordinance requirements was critical. AECOM was selected to conduct the work with the support from Racheal Bouvier Consulting.

The consulting team conducted their research, field assessments, and interviews from February into April 2020. The process methodologies are well described in the attached report. Preliminary findings were available for use with the Cities' BUILD funding application for dredging in May 2020 and the final reports were completed over the following months.

Product

AECOM generated three reports through this process: (1) *Portland Harbor Economic Assessment and Data Collection*, (2) *City of South Portland Assessment of the Waterfront and Marine Economy*, and (3) *City of Portland Assessment of the Waterfront and Marine Economy*.

The broader *Portland Harbor* assessment was needed to support the BUILD application. The *City of Portland* waterfront assessment meets the Chapter 8 requirements described above and the full report is attached herein.

Next Steps

Following the EDC's review of the *City of Portland Assessment of the Waterfront and Marine Economy* report, Housing and Economic Development staff will submit the report as a communication to the full City Council, consistent with ordinance requirements.

Chapter 8 requires that a similar assessment process should be repeated by year 2023-2025. Given that these data reflect pre-pandemic values and that the process was conducted at the height of the initial COVID-19 onslaught, it may be prudent to conduct the first follow up study more rapidly to both establish a new baseline and to better understand the effects of the pandemic on the results.

Appreciation

Staff would like to express appreciation to all from the consulting team and the waterfront businesses that participated in the process during the height of the pandemic. That this product was completed during this particular time is a testimony to their dedication and resilience.

Attachments:

City of Portland Assessment of the Waterfront and Marine Economy, AECOM, July 2020

City of Portland Assessment of the Waterfront and Marine Economy

Prepared for:
City of Portland, Maine

July 2020



AECOM



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Prepared by:
AECOM Technical Services
rbouvier consulting

Cover Photo: William Needelman

Executive Summary

The Cities of Portland and South Portland developed around the Fore River, and the working waterfront is critical to the region's economy. To estimate its value, an economic assessment of the contribution of the Portland Harbor working waterfront was completed for the Cities of Portland and South Portland. This report presents the result of the assessment on the City of Portland.

The working waterfront remains an important contributor to Portland's economy today. The study estimated \$800 million of total economic output is related directly or indirectly to the Portland Harbor working waterfront via industrial marine, commercial fishing, recreational, and tourism activities. To put this in perspective, the combined Portland-South Portland region generates over \$21 billion dollars in economic output, meaning that the economy related to the working waterfront represents nearly 4 percent of the region's overall economic output.

Within the marine businesses, the marine transportation & port services and seafood manufacturing & wholesale categories account for much of the revenue and employment, while the restaurant/bar/brewery category accounts for the majority of the revenue and employment for the non-marine businesses. This indicates the importance of each of these business categories to the region. Moreover, the marine and non-marine sectors support about 7,700 jobs in Portland, over 350 businesses, and diversifies the economy. While the output of the working waterfront to Portland is large, this value does not capture the impacts to neighboring cities, the region, or the State of Maine.

The value of the working waterfront is evidenced by the commercial fisheries that rely on the harbor and as an increasingly popular place-based tourist destination. According to the Atlantic Coastal Cooperative Statistics Program, in 2018 the total commercial fishing landings in the Ports of Portland and South Portland amounted to over 48 million pounds, valued at over \$37 million. The data highlights the large number of fishermen (over 500) and dealers (90) who rely on Portland Harbor. In addition, Portland has seen a rapid increase in volume and capacity of cruise ship arrivals between 2015 and 2019, with 107 cruise ships landing in Portland with 158,000 passengers disembarking in 2019 with estimated spending of \$10.9 million.

The basic framework for the study follows the *Economics: National Ocean Watch (ENOW) Ocean Economy Framework* (NOAA)¹. In addition, an input-output analysis was completed using the IMPLAN modeling software to measure the interdependencies between various sectors of the economy and the ripples through the economy. The results of the input-output analysis are categorized by labor income, value added, output, and employment. Labor income includes all forms of labor income, including wages, benefits, and proprietor income. Value added is the difference between an industry's total output and the cost of its intermediate inputs (in other words, an industry's contribution to Gross Domestic Product). Output is the value of industry output, measured in purchaser prices. Employment numbers are considered an annual average of employment and includes full-time, part-time, and seasonal employment. (In other words, employment data should not be considered full-time equivalent.) Results are further broken down into direct, indirect, and induced effects. The direct effects are the direct contribution of the businesses. The indirect effects are a result of supply chain linkages; when a ship building business buys supplies from a local marine hardware store, for example. Finally, induced effects are generated by employees of local industries spending income on consumption goods.

¹ National Oceanic and Atmospheric Administration, The Economic Contribution of Working Waterfronts: Local Estimation and Case Studies.

The numbers represent a snapshot of the economic contribution of these industries to Portland as it is today. Table 1 provides the results for the marine businesses (those businesses relying on a direct connection to the waterfront, such as repair, berthing, and seafood processing) in Portland, whereas Table 2 provides the same results for the marine and non-marine businesses (those businesses benefiting indirectly from the waterfront, such as tourism and recreation-based businesses located within proximity to Portland's working waterfronts). Since the study focused on the impacts to Portland, the values in the tables would be larger if the impacts to neighboring communities or state were included.

Table 1: Marine Businesses Contributions

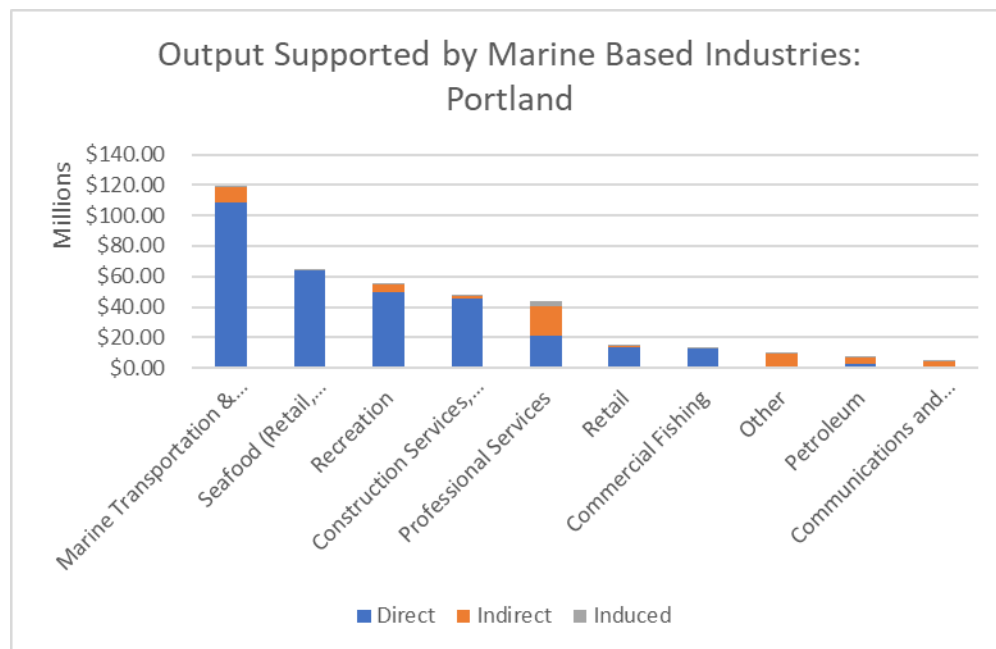
Impact	Labor Income	Value Added	Output	Employment
Direct	\$141,000,000	\$144,000,000	\$317,000,000	2,210
Indirect	\$23,000,000	\$36,000,000	\$75,000,000	440
Induced	\$5,000,000	\$8,000,000	\$15,000,000	100
Total	\$170,000,000	\$188,000,000	\$407,000,000	2,750

Table 2: Combined Marine and Non-Marine Business Contributions

Impact	Labor Income	Value Added	Output	Employment
Direct	\$266,000,000	\$341,000,000	\$649,000,000	6,790
Indirect	\$38,000,000	\$61,000,000	\$125,000,000	720
Induced	\$9,000,000	\$15,000,000	\$26,000,000	170
Total	\$313,000,000	\$417,000,000	\$800,000,000	7,680

Figure 1 displays the total economic output of the direct, indirect, and induced impacts of the marine businesses for the top 10 industry categories.

Figure 1: Total Economic Output of Marine Businesses, Top Ten



This analysis highlights the economic importance of the working waterfront in Portland. Much of this economic activity depends on reliable, predictable, and timely access to the waterfront. Interviews and conversations with waterfront users suggest that without this access the cost of doing business in Portland Harbor would increase both monetarily (increased cost of fuel) and in terms of opportunity cost of time. Should vessels be forced to go to other locations because of a decreasing number of berths and slips or have to synchronize their deliveries with high tides (as is already occurring), the health of the marine-related economy may be jeopardized.

Introduction

The Cities of Portland and South Portland developed around the Fore River, and the working waterfront is critical to the region's economy. While there are many factors that influence the success of the Cities' waterfront economy, it all begins with the access between sea and land afforded by the harbor's many piers and wharfs. As with all types of infrastructure, regular maintenance is required to keep marine assets operating at full capacity and efficiency; for wharves, piers, and marinas this includes dredging to preserve berthing capacity. Recognizing the fundamental importance of berthing capacity (places for vessels to moor or anchor, especially for loading and unloading), the Cities of Portland and South Portland have developed a dredging plan to preserve and reclaim berthing capacity.

To support the dredging plan and to assist in valuing the harbor's contribution to the region's economy, an economic assessment was conducted to estimate the economic contribution of the working waterfront of Portland Harbor. This report summarizes the categories of businesses evaluated, focus areas for businesses, approach and data, and findings of the economic assessment of the contribution of the working waterfront on the City of Portland.



Approach

The full economic contribution of the working waterfront is not limited to just the marine jobs reliant on the waterfront. Rather, it includes the non-marine jobs and associated indirect and induced employment and earnings supported by the working waterfront as spending ripples through the economy of Portland and Maine. To capture this range of impacts, a comprehensive approach was followed. The following describes the approach, businesses, and study areas used for the analyses.

Framework

The basic framework provided in the *Economics: National Ocean Watch (ENOW) Ocean Economy Framework* (NOAA)² (referred to hereafter as ENOW Framework) was followed for the economic assessment. The ENOW Framework provides national-level guidance on assessing the contribution of a working waterfront and a consistent definition of businesses associated with the ocean economy. The ENOW Framework considers the following sectors to be part of the ocean economy:

- Living resources
- Marine construction
- Marine transportation
- Ship and boat building
- Offshore mineral resources
- Tourism and recreation

The ENOW Framework was used as a guide to categorize and classify the businesses that were analyzed through this study. The data collected for the businesses provides a snapshot of the employment and revenue associated with the marine and non-marine businesses in Portland, indicating the direct impact that these businesses have on Portland and the region. However, to understand the full contribution of these businesses, a regional input-output analysis was conducted. An input-out analysis is a type of applied economic analysis that tracks the interdependence among various producing and consuming industries of an economy. It measures the relationship between a given set of demands for final goods and services and the inputs required to satisfy those demands. Basically, an input-output analysis estimates the impact or ripple effect of a given economic activity or the contribution of an existing activity within a specific geographic area.

The input-out analysis was completed using the IMPLAN modeling software. IMPLAN measures the total direct, indirect, and induced effects in output, employment, and earnings produced by an industry. The direct effects consist of the output of the firms or industries that are being evaluated; indirect effects consist of the purchases that those firms make from other businesses. Both the direct and indirect output produce household income for their employees; a proportion of this income is re-spent on consumption goods, creating the induced effect. IMPLAN provides the contributions in terms of the dollar value of gross receipts (output), dollar value of wages and salaries (earnings), and number of jobs (employment).

² National Oceanic and Atmospheric Administration, The Economic Contribution of Working Waterfronts: Local Estimation and Case Studies.

The employment and revenue data developed through the ENOW Framework was incorporated into IMPLAN to conduct the input-output analysis.

Business Categories

While the working waterfront has long sustained businesses adjacent to the Fore River, the economic contribution of Portland’s working waterfront extends beyond the water’s edge. The waterfront supports a maritime economy that is comprised of the sites or facilities providing the physical access to the sea (such as piers, wharves, and ramps), the near-shore and offshore complex of facilities and services needed to support commercial uses (such as bait and repair services), and other facilities and services connected to maritime activities through trade and commerce but that do not need to be located at the edge of the sea (such as many of Maine’s shippers and consignees located elsewhere in the state). These marine dependent businesses have been categorized in the assessment as “marine businesses”.

In addition to direct marine uses, tourism and recreation are also economically productive uses of waterfront development. The viability of tourism and recreation businesses is enhanced by place-based initiatives that capitalize on a local community’s assets and pay homage to the region’s character defining resources, which is notably the working waterfronts of Portland and South Portland. As a result, the economic assessment also captures the economic contributions of tourism and recreation-based businesses located within proximity to Portland’s working waterfront. These non-marine dependent businesses have been categorized as “non-marine businesses”.

The ENOW Framework was used as a guide to categorize marine and non-marine businesses. Of the ENOW sectors, industries within the tourism and recreation sector were categorized as non-marine businesses, while industries within all other sectors (living resources, marine construction, marine transportation, ship and boat building, and offshore mineral resources) were categorized as marine businesses. However, several industries under the tourism and recreation sector were considered to be more appropriately categorized as marine businesses in the context of this study (e.g. marinas, fishing charters, and boat dealers). For the analysis, the ENOW Framework was also used to develop 11 classifications of marine and non-marine businesses. Nine business classifications were developed for marine businesses while six business classifications were developed for non-marine businesses (Table 3).

Table 3: Summary of Business Classifications

Business Classification	Marine	Non-Marine
Commercial Fishing	√	
Construction Services, Including Shipbuilding	√	
Hotels		√
Marine Transportation & Port Services	√	
Other Retail	√	√
Petroleum	√	
Professional Services	√	√
Recreation Services	√	√
Restaurant/Bar/Brewery		√
Retail - Food & Beverage	√	√
Seafood Manufacturing & Wholesale	√	

Marine businesses classified as “Other Retail” include businesses such as boat, trailer, and marine supply dealers and sporting goods stores, while non-marine businesses classified as “Other Retail” include all other retail establishments that were captured in the working waterfront impact area. Marine businesses classified as “Professional Services” include marine-related architectural, engineering, and consulting services in addition to advocacy organizations that support the working waterfront, while non-marine businesses classified as “Professional Services” include promotional services and professional associations that are largely supported by the region’s tourism industry. Marine businesses classified as “Recreation Services” include businesses such as marinas and water-based organizations, while non-marine businesses classified as “Recreational Services” include land-based sight-seeing businesses. Marine businesses classified as “Retail – Food & Beverage” include fish and seafood markets, while non-marine businesses classified as “Retail – Food & Beverage” include all other food and beverage retail establishments that were captured in the working waterfront impact area.

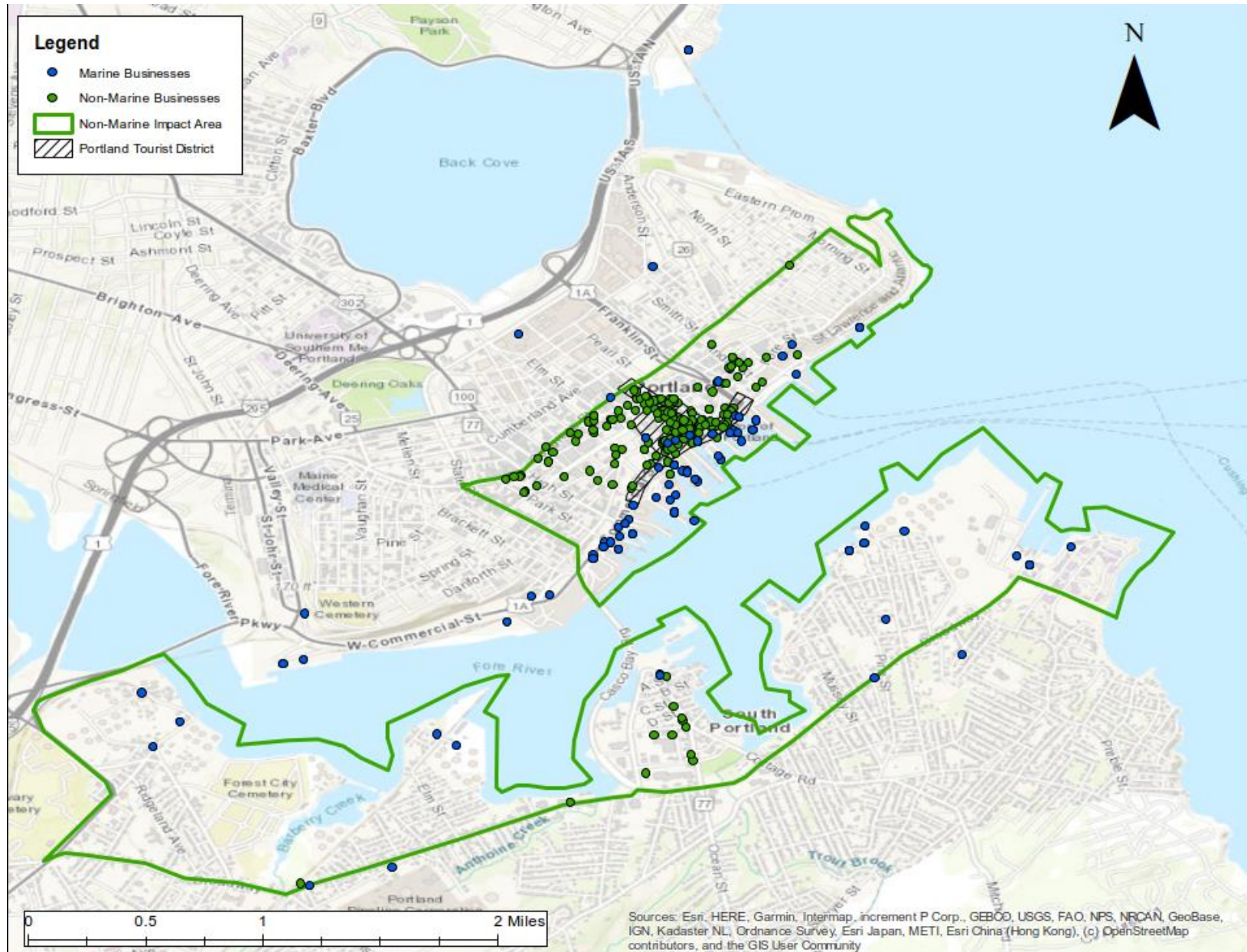
Study Focus Areas

The study focused on several areas to capture the impacts of the marine and non-marine businesses. The focus area for marine businesses consisted of the entire geographic area of Portland. Conversely, the focus area for non-marine businesses was closer to the waters’ edge. The focus area for non-marine businesses consisted of the land area bounded by State Street to the west, Congress Street to the north, and the Eastern Promenade and Fore River to the east and south, respectively³. While this report is focused on Portland, Figure 2 displays the focus area for both Portland and South Portland. The focus area for Portland also includes Peaks, Long, Great Diamond, Chebeague, and Cliff Islands.

As previously described, tourism is enhanced by place-based businesses that capitalize on a local community’s assets, which includes Portland’s working waterfront. To better capture this contribution, a tourist area was delineated⁴ to capture shops in downtown Portland that are predominantly sustained by the tourists that visit the city. The selected businesses within the tourist area were included with the non-marine businesses.

³ The focus area and tourist area for non-marine businesses were delineated based on knowledge and understanding of Portland. These areas may not align with other districts and zones that have been developed by the City of Portland. Therefore, the results of this study should not be used to infer impacts or compared to other districts and zones.

Figure 2: Non-Marine Business Focus Area



Data

The economic assessment required data collection of marine and non-marine businesses that depend on or benefit from Portland's working waterfront. The following sections describe the data used for the economic assessment.

Business Data

The ENOW Framework identified third-party business data as an appropriate source for business related data. Initial data on employment and revenue for marine and non-marine businesses in their respective focus areas was obtained from the AtoZDatabases for Portland. AtoZDatabases records include employment and revenue data as well as geographic coordinates of all businesses, allowing them to be georeferenced. AtoZDatabases records are categorized by North American Industry Classification System (NAICS) codes, which were used to categorize and classify the marine and non-marine businesses.

The sectors and NAICS codes identified in the ENOW Framework were used as a guide to identify, categorize, and classify marine and non-marine businesses from the AtoZDatabases. Data from the AtoZDatabases were queried to identify marine businesses located anywhere in Portland, whereas only non-marine businesses located in the non-marine focus area (see Figure 1) were included in the analysis.

Due to the dependence of many businesses on tourists that visit Portland for its working waterfront, a special tourist area was delineated in downtown Portland, which includes portions of Commercial, Fore, Milk, Middle, Exchange, and Market Streets. All businesses in the tourist area were reviewed. Retail and service-based businesses that were considered to be dependent on tourism but were not captured under the ENOW Framework discussed above were added to the list of non-marine businesses.

AtoZDatabases did not provide any information for businesses located on the islands. Businesses located on the islands were reviewed and added to the database as appropriate using other data sources and/or estimates based on other similar businesses.

Several methods were used to validate the data from the AtoZDatabases: data were checked for outliers and reviewed internally by local Team members; Team members walked the Portland waterfront on multiple occasions to record businesses; Team members met with a representative of Portland to walk through the waterfront; and data were reviewed by representatives of Portland and South Portland. During these reviews, adjustments were made to the data as appropriate.

Survey Data

A survey was distributed to pier and marina owners within Portland and South Portland to supplement and validate the data from the AtoZDatabases. The survey asked owners for information regarding number of tenants/slips, estimated annual revenue, and number of employees. The surveys were distributed on March 25, 2020 to 16 owners. A second email was sent on April 3, 2020 by William Needelman (Portland Waterfront Coordinator) to remind owners to respond.

In April and May 2020, follow-up calls were made to owners and additional surveys were distributed. When an owner was reached during the follow-up calls, he or she was given the opportunity to complete the survey via phone. In all, 25 owners were contacted via email and/or phone. Information was received from nine owners (see call-out box for impact of the Covid-19 global pandemic). Information provided by the owners is considered confidential; therefore, that data have not been included in this report.

Data from the surveys were compared to the data obtained from AtoZDatabases. Overall, the survey data were found to align well with data from the AtoZDatabases. However, there were some exceptions that could not be explained. The data obtained from the surveys were used to update the business information obtained from the AtoZDatabases.

Impact of Covid-19

Because of the Covid-19 global pandemic that coincided with this study, many of the planned meetings with pier and facility owners could not take place and it was often difficult for owners to respond to survey requests in a timely manner. In addition, restrictions during the pandemic limited interactions with representatives of the City. As a result, opportunities to refine the existing data and to obtain additional data were limited.

In addition to the pier and marina owners, representatives from the ferry services (managers representing operations from the Casco Bay Ferry Terminal and the commercial landing at East End Beach) were interviewed. The representatives provided insight into their operations and how their operations were impacted by sedimentation.

Other Data

Other data sources were reviewed and included in the analysis as appropriate. These data sources include:

- 2018 data on commercial landings in the Ports of Portland and South Portland, provided by the Atlantic Coastal Cooperative Statistics Program Fisheries Data by Ports
- 2015-2019 cruise ship data
- Survey of Cruise Visitors to Maine, Behavior, Attitudes, and Spending of Passengers and Crew (2019)
- Data included within IMPLAN, including the total value of the Commercial Fishing industry in the study area

A literature review was also conducted to identify the contribution of working waterfronts on tourism, contribution of working waterfronts on property values, and to identify other studies that valued the economic contribution of working waterfronts.

Analyses

A total of 357 businesses with 61 unique NAICS codes were categorized and classified during the data collection process. The follow sections summarize the analyses that were conducted for the marine and non-marine businesses and the input-output analysis.

Marine Business Analysis

Commercial fishing is an important component of the marine businesses associated with Portland Harbor. According to the Atlantic Coastal Cooperative Statistics Program, in 2018 the total commercial fishing landings in the Ports of Portland and South Portland amounted to over 48 million pounds, valued at over \$37 million (Table 4). The data highlights the large number of fishermen (over 500) and dealers (90) who rely on Portland Harbor. Also of interest is the high number of vessels and trips counts (360 and 13,400, respectively), indicating that the port is used by a number of small-sized vessels that take short duration trips (as opposed to larger vessels that take multi-day or week trips).

Table 4: Commercial Landing Summaries for Portland and South Portland

Port	Pounds	Value	Fishing Contributors	Dealer Contributors	Vessel Contributors	Trip Count
Portland	46,436,000	\$36,703,000	500	80	330	13,200
South Portland	1,925,000	\$637,000	40	10	30	200
Total	48,361,000	\$37,340,000				13,400

Source: Atlantic Coastal Cooperative Statistics Program Fisheries Data by Ports

Table 5 provides the breakdown of 2017-2019 top 10 commercial landings by species for Portland Harbor. The data highlight that while herring accounts over 70 percent of the total poundage of commercial landings, lobster accounts for almost half of the total value. Also, of interest is the high number of fishermen, vessels, and trips counts that are involved with harvesting lobster, indicating its importance in the region.

Table 5: Commercial Landing of Species for Portland and South Portland

Common Name	% Total Poundage	% Total Dollars	Known Dealers	Known Fishermen	Known Vessels	Trip Count
Lobster, American	8%	49%	26	294	308	27,832
Herring, Atlantic	72%	26%	44	27	16	1,098
Eel, American	0%	4%	12	281	0	1,887
Pollock	2%	3%	4	36	42	1,311
Tuna, Bluefin	0%	3%	7	120	117	1,149
Flounder, American Plaice	1%	2%	4	25	31	1,038
Goosefish	3%	2%	9	29	40	1,729
Menhadens	7%	2%	12	21	22	192
Haddock	1%	2%	6	38	45	1,232
Hake, White	1%	2%	3	25	31	1,483

Source: Atlantic Coastal Cooperative Statistics Program Fisheries Data by Ports

Commercial fishing directly supports many of the marine businesses related to the working waterfront. The study identified 95 marine businesses (not including individual commercial fishing vessels) in Portland. These 95 marine businesses have over half a billion dollars in annual revenue and provide employment for approximately 1,900 workers. Commercial fishing adds another \$12 million in revenue and 400 jobs. As can be seen in Table 6, the marine transportation & port services and seafood manufacturing & wholesale categories account for much of the revenue and employment. This indicates the importance of each of these business categories to the region.

Table 6: Marine Businesses by Industry Category

Category	Revenue	Employment
Commercial Fishing ¹	\$12,000,000	400
Construction Services, incl. Shipbuilding	\$59,000,000	100
Hotels	N/A	N/A
Marine Transportation & Port Services	\$157,000,000	550
Other Retail	\$39,000,000	140
Petroleum	\$63,000,000	10
Professional Services	\$20,000,000	210
Recreation Services	\$46,000,000	290
Restaurant/Bar/Brewery	N/A	N/A
Retail - Food & Beverage ²	\$93,000,000	340
Seafood Manufacturing & Wholesale	\$162,000,000	210
Total	\$652,000,000	2,250

Source: AECOM analysis of AtoZDatabases information.

N/A – industry category was not included with marine businesses.

¹ Revenue and employment data for commercial fishing was from Bureau of Labor Statistics and Bureau of Economic Analysis, as reported to IMPLAN

² Seafood retail accounted for all of the Retail – Food & Beverage category for marine businesses

Figure 3 shows the identified marine businesses in downtown Portland.



Distribution of marine businesses revenue by category in Portland is displayed in Figure 4 and employment is displayed in Figure 5.

Figure 4: Distribution of Revenue for Marine Businesses

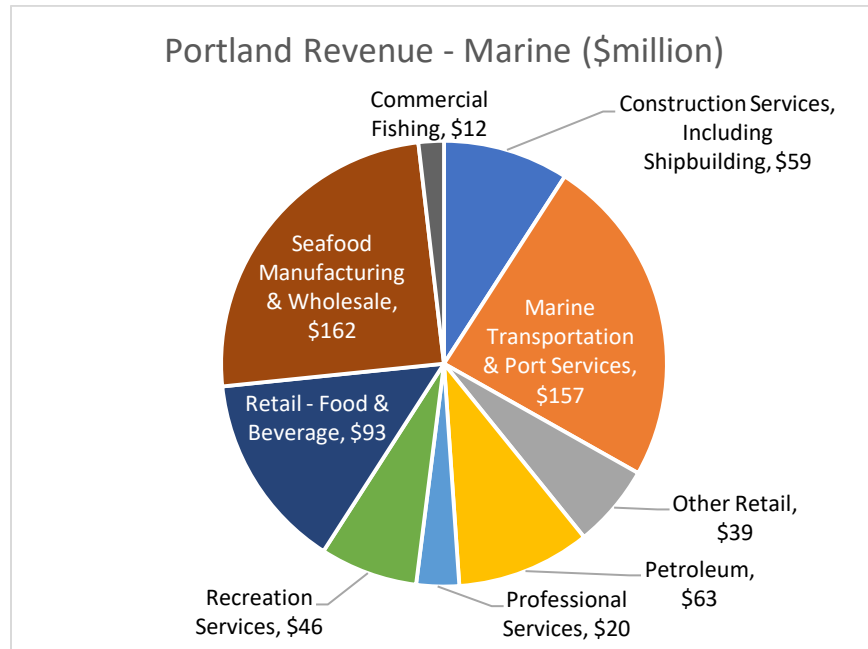
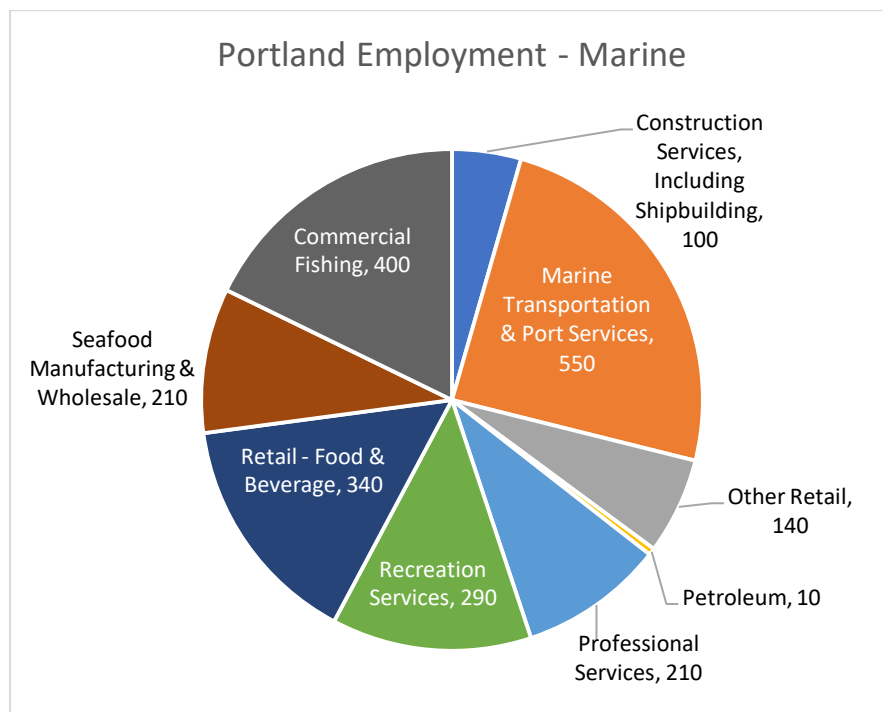


Figure 5: Distribution of Employment for Marine Businesses



Non-Marine Business Analysis

The working waterfront supports a host of non-marine businesses. The study identified 262 non-marine businesses in Portland (Figure 6). The non-marine businesses have a combined annual revenue of \$373 million and provide employment for about 4,600 workers. Table 7 summarizes the economic contributions of non-marine businesses by industry category. While the non-marine businesses generate about half of the revenue as marine businesses, they employ more than double the number of people. Distribution of non-marine businesses revenue in Portland is displayed in Figure 7 and employment is displayed in Figure 8.

Table 7: Non-Marine Businesses by Industry Category

Category	Revenue	Employment
Commercial Fishing	N/A	N/A
Construction Services, incl. Shipbuilding	N/A	N/A
Hotels	\$84,000,000	780
Marine Transportation & Port Services	N/A	N/A
Other Retail	\$95,000,000	580
Petroleum	N/A	N/A
Professional Services	\$1,000,000	20
Recreation Services	\$3,000,000	30
Restaurant/Bar/Brewery	\$186,000,000	3,160
Retail - Food & Beverage	\$4,000,000	20
Seafood Manufacturing & Wholesale	N/A	N/A
Total	\$373,000,000	4,580

Source: AECOM analysis of AtoZDatabases information.

N/A – industry category was not included with non-marine businesses.

The large percentage of revenue and employment in the Restaurant/Bar/Brewery category indicates the waterfront's importance to tourism. This importance includes the cruise ship industry, which has grown significantly in the last five years in both the number of ships visiting the region and the size of the ships (see call-out box).

Figure 6: Non-Marine Businesses in Portland

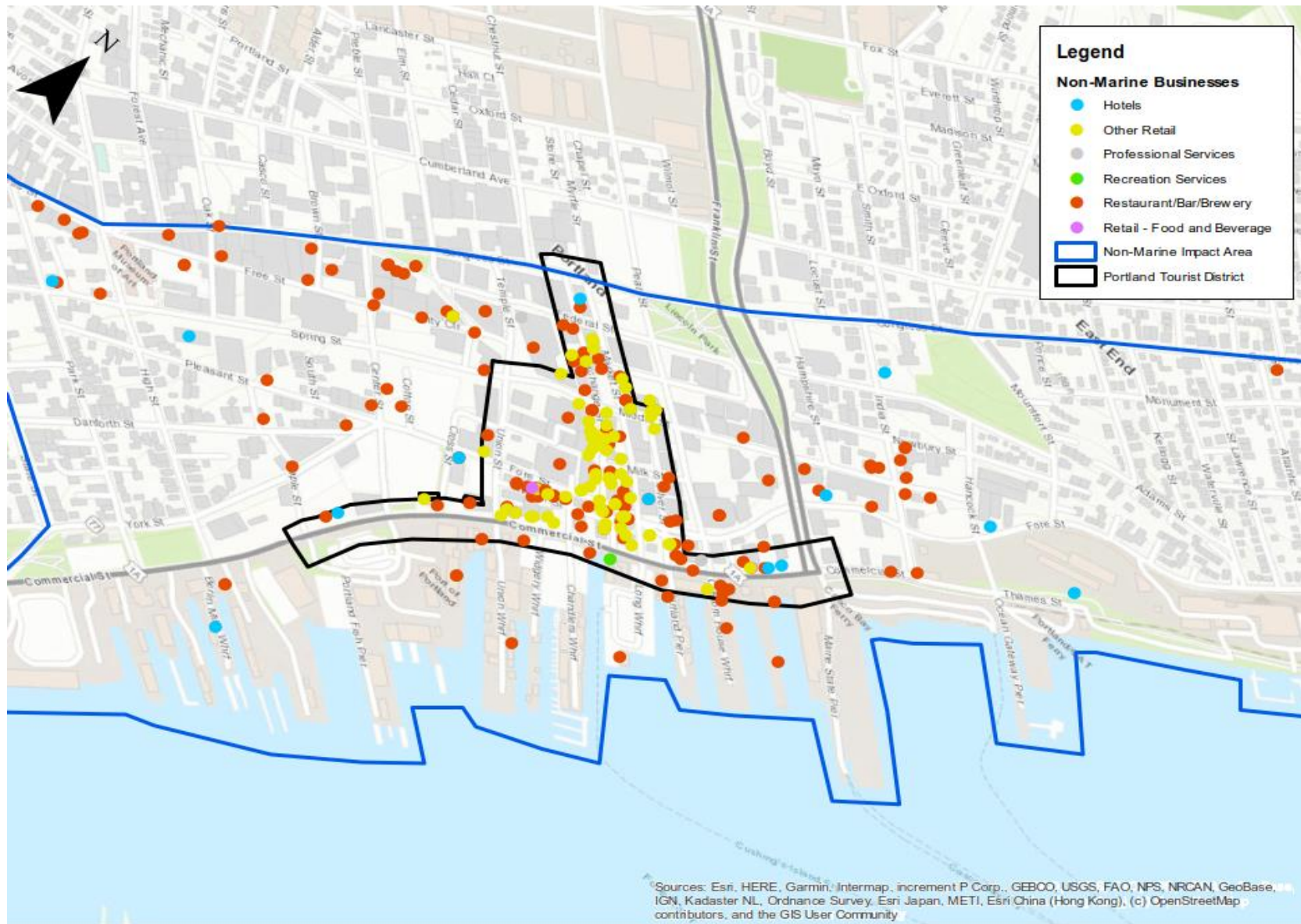


Figure 7: Distribution of Revenue for Non-Marine Businesses

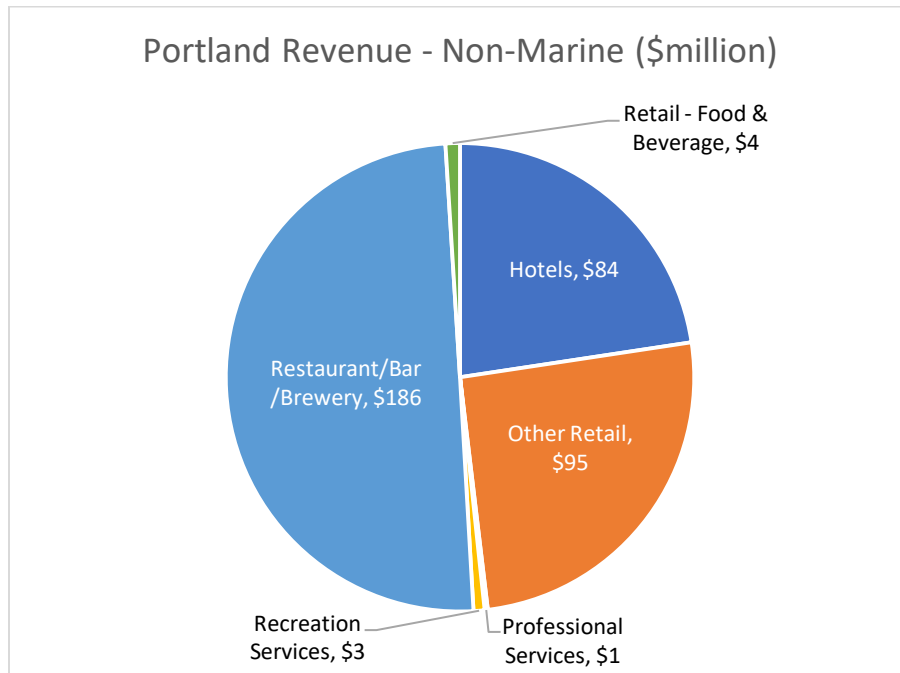
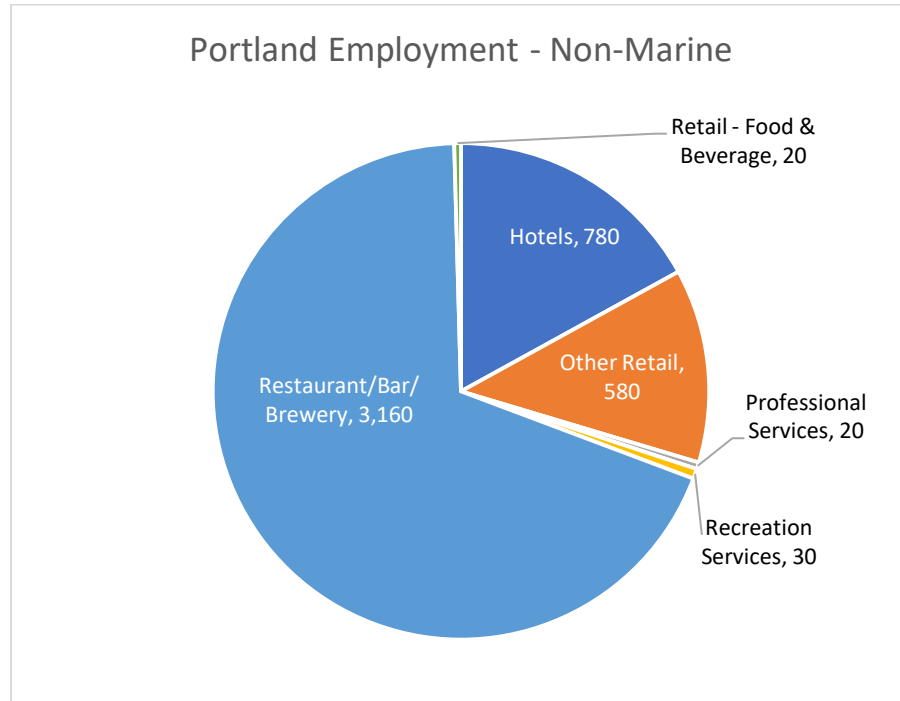


Figure 8: Distribution of Employment for Non-Marine Businesses



CRUISE SHIPS

Portland has become an increasingly popular tourist destination, as shown by the rapid increase in volume and capacity of cruise ship arrivals between 2015 and 2019. 107 cruise ships landed in Portland and 158,000 passengers disembarked in 2019, compared to 83 cruise ships and 94,000 passengers in 2015. During that time the average number of passengers per ship increased from 1,100 to 1,500.

According to the Survey of Cruise Visitors to Maine, the average visitor on cruise ships spends \$70 on each visit to a port in Maine. As a result, aggregate spending by cruise passengers in Portland increased from \$6.5 million in 2015 to \$10.9 million 2019, an increase of nearly 70 percent.

Cruise Ship Summary – 2015-2019

Year	Ships	Passengers	Passengers/Ship	Passenger Spending
2015	83	94,000	1,100	\$6,500,000
2016	77	101,000	1,300	\$7,000,000
2017	92	135,000	1,500	\$9,300,000
2018	105	155,000	1,500	\$10,700,000
2019	107	158,000	1,500	\$10,900,000

Source: City of Portland and AECOM Analysis.



Photo: William Needelman

Regional Input-Output Analysis

The full economic contribution of the working waterfront is not limited to just the revenue and employment of the marine and non-marine businesses discussed above but includes the indirect and induced employment and earnings as spending ripples through the economy. The business data developed through the ENOW Framework were incorporated into the IMPLAN software for the regional input-output analysis. The 64 NAICS codes used to classify the marine and non-marine businesses were also used to determine the appropriate IMPLAN industry code (see Appendix A for the bridge between the NAICS codes and the IMPLAN industry codes). It is important to note that while the businesses were classified into 11 categories for the tables above, the IMPLAN analysis used 35 industry codes; therefore, the results include additional business categories to those presented in Table 3.

The results from IMPLAN are categorized by labor income, value added, output, and employment. Labor income includes all forms of labor income, including wages, benefits, and proprietor income. Value added is the difference between an industry's total output and the cost of its intermediate inputs⁴ (in other words, an industry's contribution to Gross Domestic Product). Output is the value of industry output, measured in purchaser prices. Employment numbers are considered an annual average of employment and includes full-time, part-time, and seasonal employment (in other words, employment data should not be considered full-time equivalent).

For many industries, the direct economic output is equal to its sales or revenue. However, many of the businesses included in this analysis are retail and wholesale businesses, which do not produce goods but distribute them as a service. For those businesses, IMPLAN subtracts the cost of goods sold from the total revenue to more accurately capture the businesses' actual economic contribution and avoid double counting the same goods multiple times as they move through the supply chain. This is called gross retail margin or gross wholesale margin, respectively. The value of production for these sectors is the value of services they provide and does not include the value of the items sold at the establishment. Therefore, while a business may seem to have a large economic contribution from a revenue perspective, much of that revenue may include the cost of its intermediate goods.

The results are further broken down into direct, indirect, and induced effects. The direct effects are the direct contribution of the businesses developed through the ENOW Framework. The indirect effect is a result of supply chain linkages, such as when a ship building business buys supplies from a local hardware store. Finally, the induced effect is generated by employees of local industries spending income on consumption goods and services. The numbers represent a snapshot of the economic contribution of these industries to Portland as it is today.

Table 8 provides the results for the contribution of the marine businesses in the City of Portland. As noted above, the direct output of over \$400 million shown in the results is less than the \$640 million of revenue because of the retail and wholesale margins that are applied within IMPLAN to those businesses.

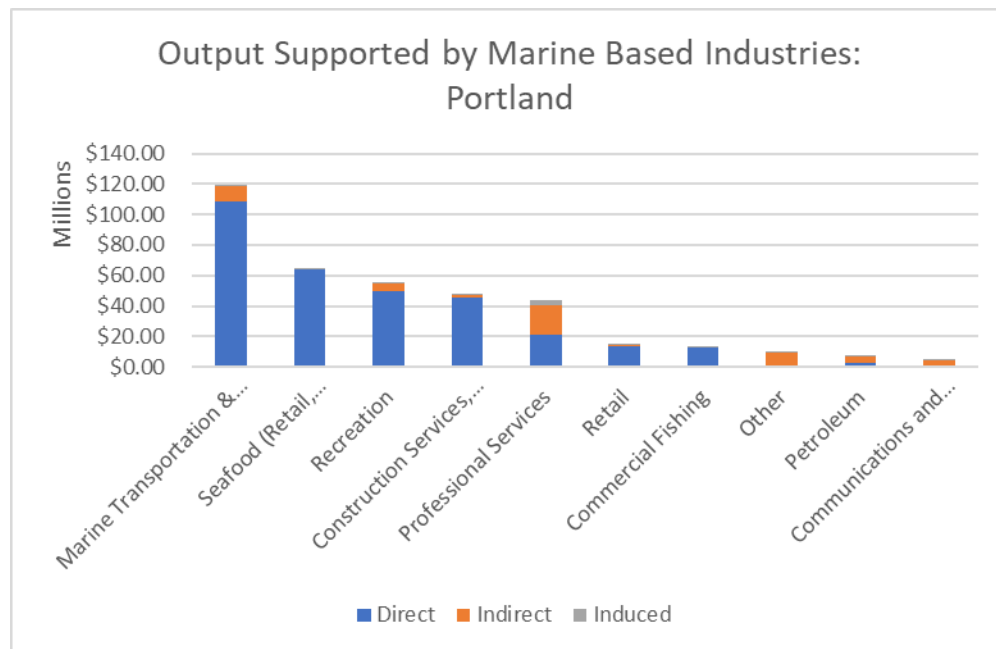
⁴ Intermediate inputs are purchases of non-durable goods such as energy, materials, and purchases services that are used in the production of other goods and services, rather than for final consumption.

Table 8: Marine Businesses Contributions

Impact	Labor Income	Value Added	Output	Employment
Direct	\$141,000,000	\$144,000,000	\$317,000,000	2,210
Indirect	\$23,000,000	\$36,000,000	\$75,000,000	440
Induced	\$5,000,000	\$8,000,000	\$15,000,000	100
Total	\$170,000,000	\$188,000,000	\$407,000,000	2,750

Figure 9 displays the total economic output of the direct, indirect, and induced impacts of the marine businesses for the top 10 industry categories⁵. Figure 10 provides direct, indirect, and induced employment figures for the top 10 industry categories. Figure 11 shows the total value added by those industries.

Figure 9: Total Economic Output of Marine Businesses, Top Ten⁶



⁵ As noted earlier, the industry categories may not match the business categories identified in Table 3 because of the additional businesses considered through the indirect and induced.

⁶ All of the marine businesses classified as Retail – Food and Beverage (Table 6) consisted of seafood retail and were categorized as Seafood for the regional input-output analysis. The Retail category in the regional input-output analysis consisted of non-marine businesses.

Figure 10: Total Employment Supported by Marine Businesses, Top Ten

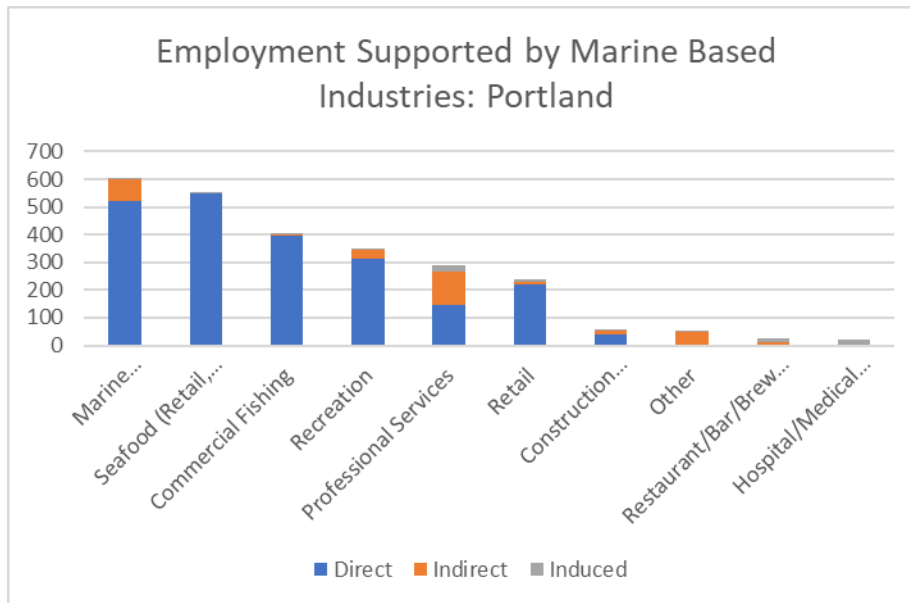


Figure 11: Total Value Added Supported by Marine Businesses, Top Ten

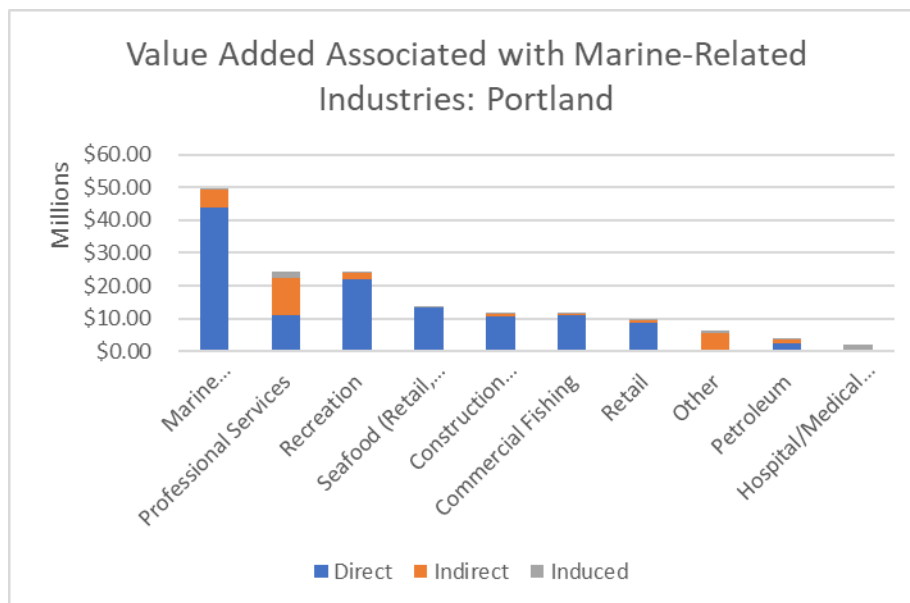


Table 9 shows the economic contribution of the combined marine and non-marine businesses in Portland. This shows that Portland Harbor and the working waterfront supports almost 7,700 jobs, \$313 million in labor income (wages, salaries, benefits, and proprietor income), \$417 million in GDP (value added), and \$800 million in total economic output.

Table 9: Combined Marine and Non-Marine Business Contributions

Impact	Labor Income	Value Added	Output	Employment
Direct	\$266,000,000	\$341,000,000	\$649,000,000	6,790
Indirect	\$38,000,000	\$61,000,000	\$125,000,000	720
Induced	\$9,000,000	\$15,000,000	\$26,000,000	170
Total	\$313,000,000	\$417,000,000	\$800,000,000	7,680

Figure 12 shows the total economic output of those industries, Figure 13 shows the employment supported, and Figure 14 shows the total value added by those industries.

Figure 12: Total Economic Output of Marine and Non-Marine Businesses

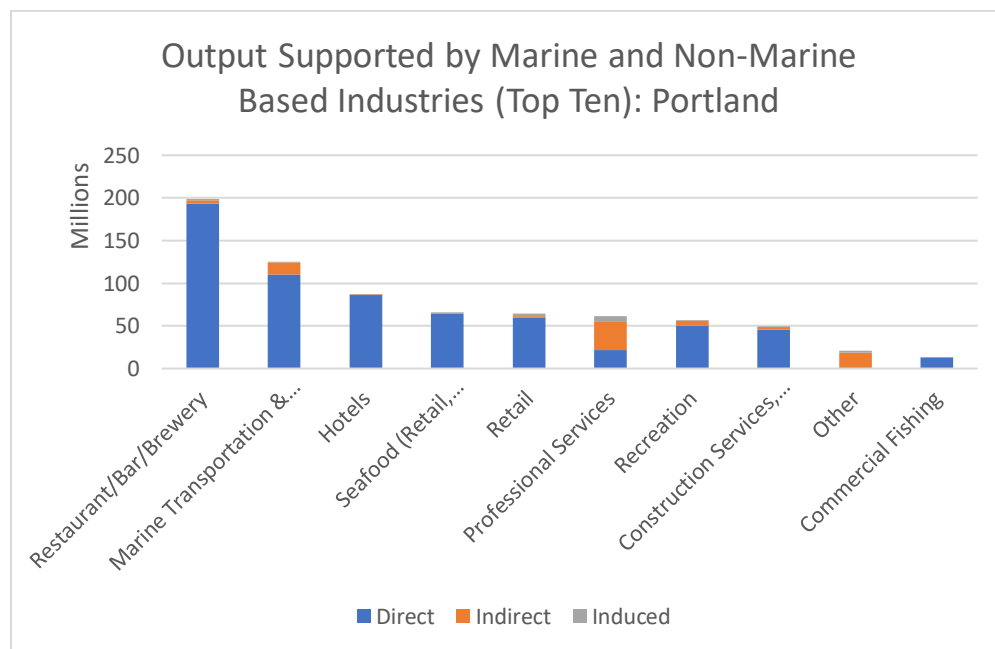


Figure 13: Total Employment Supported by Marine and Non-Marine Businesses

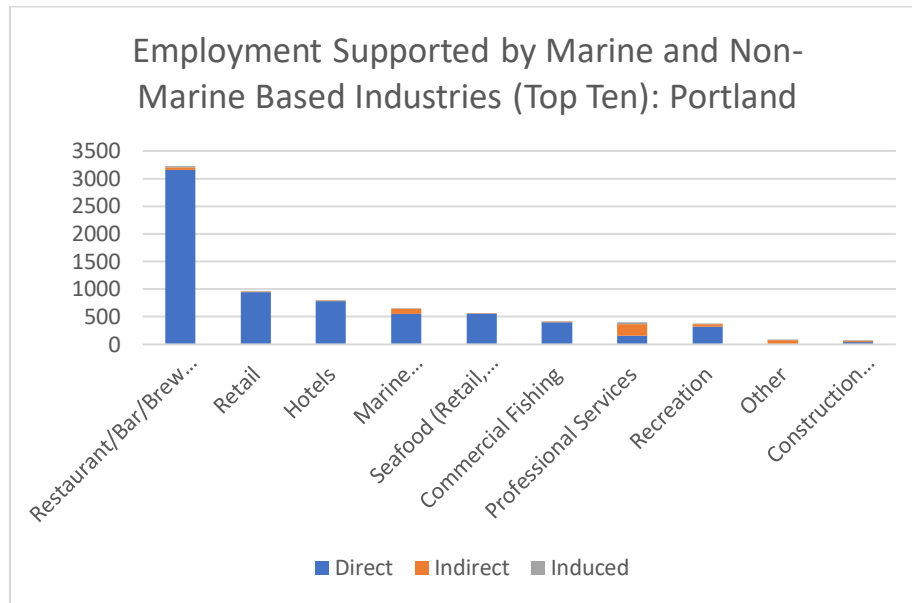
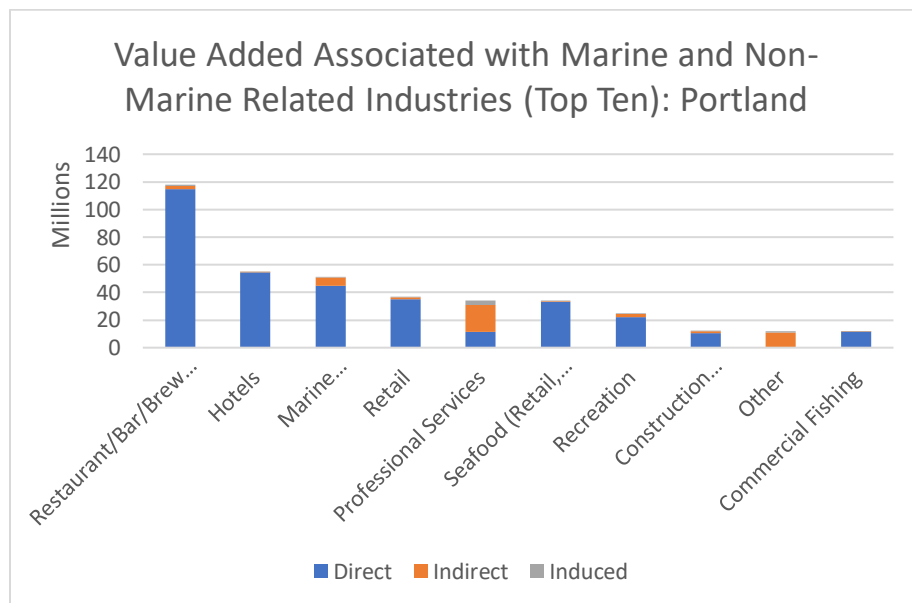


Figure 14: Total Value Added Supported by Marine and Non-Marine Businesses



Findings

The study measured the economic contribution of the working waterfront in terms of overall output generated, employment supported, and value added to the combined regional economy of Portland.

About \$800 million dollars of total economic output is related directly or indirectly to the working waterfront in Portland via industrial marine, commercial fishing, recreational, and tourism activities. To put this in perspective, the combined Portland-South Portland region generates over \$21 billion dollars in economic output, meaning that the economy related to Portland's working waterfront represents nearly 4 percent of the region's overall economic output. While the output of the working waterfront to Portland is large, this value does not capture the impacts to neighboring cities, the region, or the State of Maine.

Within the marine businesses, the marine transportation & port services and seafood manufacturing & wholesale categories account for much of the revenue and employment. While the restaurant/bar/brewery category accounts for the majority of the revenue and employment for the non-marine businesses. This indicates the importance of each of these business categories to the region. Overall, the marine and non-marine sectors support about 7,700 jobs. To put this in perspective, this is about 5 times the employment that Wex Inc. has in the Greater Portland area.

For comparison purposes, in 2004, economist Charlie Colgan found that the seafood processing and marinas alone contributed over \$216 million (in 2001 dollars) in gross state product to the State of Maine. In today's dollars, that is over \$312 million. While the seafood processing and marinas are only a small part of the overall marine economy, this study found that the GRP of marine industries in Portland and South Portland alone equaled that amount. While the results cannot be directly compared, due to differences in the industries, data, and method used, the numbers are indicative both of the overall importance of the working waterfront to the Maine economy, and of the importance of this relatively small geographic region to the State.

More recently, a 2017 study by the Maine Center for Business and Economic Research found that the ocean economy for the entire Casco Bay region contributed over \$704 million in value added in 2017 (which would be \$737 million in 2020 dollars). Although the results cannot be directly compared due to differences in method and data, the results again demonstrate the significance of the economic contributions of the Portland Harbor to the rest of the region.

ADDITIONAL CONTRIBUTIONS

The analyses took into consideration the contributions of the marine and non-marine businesses that are related to the working waterfront. However, this does not account for all the contributions that can be attributed to the facilities at Portland Harbor. While the multiple terminals within Portland Harbor were included in the analysis, the businesses using these facilities to import or export materials and products may not be captured. For example, the Eimskip containers that pass through the International Terminal go to many businesses throughout Portland, the region, and the state. While some of the contributions were captured (such as frozen fish that are processed near the waterfront), the full contribution of the businesses that rely on the working waterfront for aspects of their business could not be captured because no data was available on the extent of the distribution.

This analysis highlights the importance of the marine-related economy in Portland. Much of this economic activity depends on reliable, predictable, and timely access to the waterfront. Interviews and conversations with waterfront users suggest that without reliable access the cost of doing business in Portland Harbor would increase both monetarily (increased cost of fuel) and in terms of the opportunity cost of time. Should vessels be forced to go to other locations because of a decreasing number of berth and slip space or must synchronize their deliveries with high tides (as is already occurring), the economic health of the working waterfront may be jeopardized.

Appendix: IMPLAN Data Classifications

The full economic contribution of the working waterfront is not limited to just the marine jobs reliant on the waterfront. Rather, it includes the non-marine businesses as well as the indirect and induced employment and earnings supported by both the marine and non-marine aspects of the working waterfront as spending ripples through the economy of Portland and Maine. IMPLAN was used to capture these indirect and induced contributions.

IMPLAN uses a series of 546 industry classifications, each of which contains multiple NAICS codes. Table 10 shows the NAICS codes included in this analysis and their associated IMPLAN industry codes. Note that these are the 2017 NAICS codes, whereas the ENOW Framework used the 2012 NAICS codes.

Table 10: NAICS to IMPLAN Bridge

NAICS Code	NAICS Description	IMPLAN Code	IMPLAN Description
237990	Other Heavy & Civil Engineering Construction	56	Construction of other new nonresidential structures
311710	Seafood and seafood products manufacturing	92	Seafood product preparation and packaging
312120	Breweries	106	Breweries
713930	Boat Repairs	360	Ship building and repairing
423830	Commercial fishing equipment (except boats) wholesalers	395	Wholesale - Machinery, equipment, and supplies
423990	Importers and Exporters	396	Wholesale - Other durable goods merchant wholesalers
424460	Fish & Seafood Wholesale	398	Wholesale - Grocery and related product wholesalers
424710	Petroleum products bulk stations and terminals, wholesalers	399	Wholesale - Petroleum and petroleum products
424720	Fuel merchant wholesalers		
441222	Boat, Trailer, & Marine Supply Dealers	402	Retail - Motor vehicle and parts dealers
442110	Furniture Stores	403	Retail - Furniture and home furnishings stores
442299	All Other Home Furnishings Stores		
445210	Grocery Stores	406	Retail - Food and beverage stores
445220	Fish & Seafood Markets		
445299	All Other Specialty Food Stores		
445310	Beer, Wine, & Liquor Stores		
446210	Beauty Supply Store	407	Retail – Health and personal care stores
448110	Men's Clothing Stores	409	Retail – Clothing and clothing accessory stores
448120	Women's Clothing Stores		

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NAICS Code	NAICS Description	IMPLAN Code	IMPLAN Description
448140	Family Clothing Stores		
448150	Clothing Accessories Stores		
448310	Jewelry Stores		
448320	Luggage and Leather Goods Stores		
451110	Sporting Goods Stores	410	Retail - Sporting goods, hobby, musical instrument and book stores
451120	Hobby, Toy, and Game Stores		
451130	Sewing, Needlework, and Piece Goods Stores		
451211	Book Stores		
453220	Gift, Novelty, and Souvenir Stores	412	Retail - Miscellaneous store retailers
453310	Used Merchandise & Antique Stores		
453920	Art Dealers		
453991	Tobacco Stores		
483114	Coastal domestic passenger transportation	416	Water transportation
483212	Water taxi services		
486990	All Other Pipeline Transportation	419	Pipeline transportation
487110	Sightseeing	420	Scenic and sightseeing transportation and support activities for transportation
487210	Boat Excursions		
488310	Port facility operation		
488320	Ship hold cleaning services		
488330	Towing & Tugboat Services		
488390	Marine cargo surveyors		
488510	Shipping Agents & Freight Forwarding		
493110	General warehousing	422	Warehousing and storage
493120	Refrigerated warehousing		
541330	Marine engineering services	457	Architectural, engineering, and related services
541360	Geophysical surveying services		
541715	Environmental & Ecological Research & Development	464	Scientific research and development services
561510	Travel Agencies	474	Travel arrangement and reservation services
561591	Tourist information bureaus		
561990	Commercial Divers	478	Other support services
611519	Marine navigational schools	482	Other educational services
624110	Youth Organizations & Centers	493	Individual and family services
711310	Performing arts, concerts, and festival operators	500	Promoters of performing arts and sports and agents for public figures
712110	Marine museums	501	Museums, historical sites, zoos, and parks
713930	Marinas	504	Other amusement and recreation industries

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NAICS Code	NAICS Description	IMPLAN Code	IMPLAN Description
713990	Athletic Clubs		
721110	Hotels	507	Hotels and motels, including casino hotels
722511	Full-Service Restaurants	509	Full-service restaurants
722513	Limited-Service Restaurants	510	Limited-service restaurants
722320	Banquet halls	511	All other food and drinking places
722410	Drinking Places (Alcoholic Beverages)		
722515	Snack and Nonalcoholic Beverage Bars		
811310	Material handling equipment repair and maintenance services	515	Commercial and industrial machinery and equipment repair and maintenance
813312	Environmental advocacy organizations	522	Grantmaking, giving, and social advocacy organizations
813910	Industrial associations	523	Business and professional associations

Portland Adult Education TIF Funding Request and Course Descriptions for FY 21

Overview: Portland Adult Education seeks \$100,000 in TIF funding to offer five distinct workforce development programs serving 96 students. TIF funds would cover 37% of the total cost and will fill a critical gap in resources to be able to run the programs and enroll qualified students who may be ineligible for other sources of federal and state workforce tuition support.

Course Descriptions:

Education Academy: This program offers a flexible, customized approach to meet individual foreign-trained students' needs for entering the education field starting as Ed Tech IIIs with pathways toward Teacher Certification. For FY 21 the program has been modified to address the skills and experiences needed for working in schools in the age of COVID-19. The program includes a series of courses covering working in schools in Maine/US, classroom management, teaching methods, remote learning, and exceptional students, as well as a practicum at Portland Public Schools, and one-on-one advising about the teacher certification process, credential evaluation, and job search support.

New Mainer Teller Training Program 2.0: After a highly successful pilot in 2020 with TIF support, PAE will launch a second program in January 2021. The 3 month, 150-hour course is co-taught by PAE instructors, Prosperity ME instructors, and employer partners. The course will provide additional skills training for English Language Learners in contextualized English, customer service, digital skills, personal finance, as well as networking and job search support, and includes the American Bankers Association Today's Teller Certification.

Intensive English Course (2x per year): This 150-hour course will provide 15 hours/week of intensive English over 10 weeks to enable English language learner students to advance quickly to proficiency. This course offers 3 times the intensity of other PAE ESOL classes. The course combines classroom (if feasible) and on-line learning with the opportunity for additional computer-based work outside of the classroom. If offered remotely, this will be a combination of synchronous and asynchronous learning.

Intensive Job Readiness for Intermediate English Speakers (2x per year): This 120-hour course prepares intermediate English level students for their first US job, or professional advancement. The course covers US workplace culture, communication, written and spoken directions, safety, job search skills, interviewing, computer literacy and basic money management skills and additional English language support. Students receive one-on-one advising for job placement and follow-up with an 85% job placement rate.

Commercial Driver's License Prep Course: This new course will prepare English language learner students to take the written General Knowledge CDL Permit Exam for Class A & B as well as Passenger and School Bus Endorsements. After attainment of their CDL Permit, students will receive advising and support to be connected with local CDL driving training programs and/or employment.

Table 1.

Program	Employer /Workforce Partners	Position	Starting Wage	Students per Year	Total Cost	TIF Request	% of total cost
Education Academy	<i>Employers:</i>	Ed Tech III	\$17.67 /hr	10	\$47,502	\$23,751	50%
	Portland Public Schools	Certified Teacher	\$38,000 min.				
	local school districts						
	<i>Workforce:</i>						
	Catholic Charities						
	Goodwill Workforce Solutions (WIOA)						
New Mainer Teller Training Program 2.0	<i>Employers:</i>	Bank/Credit Union Teller	\$15-\$17/hr	12	\$37,309	\$15,000	40%
	Portland Regional Chamber of Commerce						
	Bank of America						
	c-Port Credit Union						
	Infinity Credit Union						
	Bangor Savings Bank						
	Norway Savings						
	Gorham Savings Bank						
	Camden National						
	Bath Savings						
	<i>Workforce:</i>						
	ProsperityME						
	Center for Financial Training and Education						
	Goodwill Workforce Solutions (WIOA)						
Intensive English Course (2x per year)	<i>Workforce:</i>	Multiple	N/A	30	\$39,201	\$19,601	50%
	Greater Portland Workforce Initiative						
	Goodwill Workforce Solutions (WIOA)						
	Greater Portland Career Center						
	Catholic Charities						
	FEDCAP						

Intensive Job Readiness for Intermediate English Speakers (2x per year)	<i>Employers:</i> Multiple in various sectors	multiple	\$12-\$15/hour	30	\$35,760	\$35,760	100%
	<i>Workforce:</i>						
	Catholic Charities						
	Greater Portland Career Center						
	Greater Portland Workforce Initiative						
	PropserityME						
Commercial Driver's License Prep Course	<i>Employers:</i> Pursuing partnerships with local school districts, Metro Bus, Hannaford and other CDL employers. <i>Workforce:</i> Catholic Charities Goodwill Workforce Solutions (WIOA)	Class A or B CDL Driver	\$15-25/hr	14	\$15,212	5,888.00	38%
Total				96	\$271,221	\$100,000	37%



CITY OF PORTLAND
Housing and Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Economic Development Committee

FROM: Patrizia Bailey, Land Bank Commission Chair
Greg Mitchell, Housing and Economic Development Director

DATE: October 15, 2020

SUBJECT: Amendment to 204 Rand Road Purchase and Sale Agreement

I. ONE SENTENCE SUMMARY

An Amendment to the 204 Rand Road Purchase and Sale Agreement is proposed to acknowledge the property discount sale price and to place additional property deed restrictions to limit development on this vacant property to passive recreational use.

II. BACKGROUND

The EDC, on August 18, 2020, voted 4-0 to recommend to the City Council the City acquisition of 204 Rand Road to be placed in the Land Bank. After the EDC vote and before City Council action, the property owner requested changes to the Purchase and Agreement to add the following two additional revisions:

1. **Sale Price Discount**. The seller wants to document this property is being sold at a discounted sale price; and,
2. **Property Deed Restrictions**. The seller is requesting property deed restrictions, in perpetuity, which limit development to passive recreational use including trailhead parking, nature center, and trail improvements. The actual property deed covenants are being prepared and will be available before City Council action on this real estate transaction.

III. INTENDED RESULT OR COUNCIL GOAL ADDRESSED

The intended result is to acquire this property to place it in the Land Bank as it is partly in the Resource Protection Zone and adjacent to Portland Trails' property ownership of approximately 200 acres, which is available for public use.

IV. FINANCIAL IMPACT

There is no financial impact to the City as the Land Bank Commission (LBC) has funds in its budget to cover all property purchase costs.

V. STAFF ANALYSIS AND RECOMMENDATION

The Land Bank Commission and City staff recommend the EDC votes to recommend approval of the Amendment to the City Council.

VI. LIST OF ATTACHMENTS:

- Amendment to the 204 Rand Road Purchase and Sale Agreement.
- August 12, 2020 Transmittal Memo to the EDC with the 204 Rand Road Purchase and Sale Agreement and attachments.

AMENDMENT TO PURCHASE AND SALE AGREEMENT

This Amendment is effective as of October 5, 2020, and is made by and between, AVANGRID FOUNDATION ("Seller") and CITY OF PORTLAND ("Buyer").

WHEREAS, Seller and Buyer are negotiating a Purchase and Sale Agreement of even date, whereby the Seller agrees to sell, and Buyer agrees to buy, certain real estate known as 204 Rand Road, consisting of 27.38± acres of vacant land, Portland, Maine;

WHEREAS, Seller and Buyers have agreed to amend certain provisions of said Purchase and Sale Agreement, all as set forth herein.

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth herein, and for other good and valuable consideration, the parties hereto agree as follows:

1. The Purchase price shall be \$325,000.00. Seller shall contribute \$275,000.00 to the City of Portland Land Bank Commission, to be used as a credit at closing. The Buyer makes no representations as to whether this purchase price reflects the fair market value of the Premises.
2. The Premises shall be sold with deed restrictions that will prohibit development of the Premises which will be kept in their natural state. Limited development related to passive recreational use will be allowed, such as trailhead parking, nature center, and trail improvements. The exact covenants shall be agreed upon by the Parties.
3. Except as set forth herein, Seller and Buyers agree that the Purchase and Sale Agreement has not otherwise been amended. The Seller's and Buyers' rights under the Contract shall remain as they are at present with respect to default or otherwise.

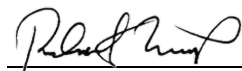
IN WITNESS WHEREOF, the Seller and Buyer have executed this Amendment on the dates indicated below. Scanned or faxed signatures shall be accepted by the parties.

Seller: Avangrid Foundation

Date: October 5, 2020



By: Nicole L. Grant
Its: Director



By: Robert D. Kump
Its: Acting President

Buyer: City of Portland

Date: October __, 2020

By:
Its:



CITY OF PORTLAND
Economic Development
Gregory A. Mitchell, Director

MEMORANDUM

TO: Economic Development Committee

FROM: Patrizia Bailey, Land Bank Commission Chair
Greg Mitchell, Economic Development Director

DATE: August 12, 2020

SUBJECT: Land Bank Commission Recommendation to Purchase
Property at 204 Rand Road

I. ONE SENTENCE SUMMARY

The Land Bank Commission (LBC) has reviewed property located at 204 Rand Road, owned by Avangrid, and is making a recommendation to the City Council to purchase the property and place it in the Land Bank.

II. BACKGROUND

The Land Bank Commission has been looking into possibly purchasing vacant land property owned by Avangrid at 204 Rand Road. The property contains 27.38 acres with a City assessed value of \$228,200. The property is partly in an Office Park Zone (OPZ) (subject to Shoreland Zone Overlay), and partly in a Resource Protection Zone (RPZ). This property, with its steep topography, is also a direct abutter to the City's Portland Technology Park at 0 Rand Road, also in and OPZ and RPZ.

Avangrid has signed a Contract for the City to purchase this property for \$50,000; a copy is attached.

It is noted that a property appraisal was conducted this past June, and the appraised value came in at \$210,000.

III. INTENDED RESULT OR COUNCIL GOAL ADDRESSED

The intended result is to place this property in the Land Bank as it is partly in an RPZ zone, with Portland Trails owning up to 200 acres of RPZ land adjacent to this property for use by the public.

IV. FINANCIAL IMPACT

There is no major financial impact to the City as the LBC has the funds in its budget to cover the purchase cost.

With the City purchasing this property, approximately \$5,300 in yearly taxes would not be realized by the City.

V. STAFF ANALYSIS AND RECOMMENDATION THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

City staff have reviewed the documents and recommends the EDC vote to forward this to the City Council with a recommendation of approval. Placing this challenging piece of property, with its steep topography, several utilities crossing the property, and with Rand Road possibly a limited access highway, into the Land Bank appears to be its highest and best use. It would also protect important water resources and recreational open space.

VII. RECOMMENDATION

The LBC met on August 3, 2020, and voted to recommend to the City Council to purchase this property from Avangrid for \$50,000 and place it into the Land Bank.

VIII. LIST OF ATTACHMENTS

- Contract from Avangrid and Signed by Avangrid
- Assessor Information
- LBC Summary of Property
- August 2006 Sebago Technics Survey and Land Evaluation

389 Congress Street • Portland, Maine 04101 • 207-874-8683
info@portlandmaine.gov • www.portlandmaine.gov

CONTRACT FOR THE SALE OF REAL ESTATE

Date: **Monday, July 20, 2020**

RECEIVED OF: **City of Portland** whose mailing address is **389 Congress Street, Portland, ME 04101, Attn: Jon P. Jennings, City Manager** hereinafter called the Purchaser(s), the sum of **Two Thousand Five Hundred** Dollars (\$2,500.00) as earnest money deposit and in part payment of the purchase price of the following described real estate, situated in the municipality of **Portland**, County of **Cumberland**, State of Maine and located at **204 Rand Road** being the property owned by the Seller(s) at the above address, and described at said County's Registry of Deeds Book **17128**, Page **79** and further described as: **27.38 acres of vacant land** upon the terms and conditions indicated below:

1. PERSONAL PROPERTY: The following items of personal property are included in this sale (if applicable): **none**.
2. PURCHASE PRICE: The TOTAL purchase price being **Fifty Thousand** Dollars (**\$50,000.00**) to be paid as follows: **at closing**.
3. EARNEST MONEY/ACCEPTANCE: **Boulos Company** shall hold said earnest money in a non-interest bearing account and act as Escrow Agent until closing, at which time said earnest money shall be credited toward the purchase price; this offer shall be valid until 5 days after the date set forth above **7/10/202** at **5:00 PM**; and, in the event of the Seller's non-acceptance, this earnest money shall be returned promptly to the Purchaser(s).
4. TITLE: That a deed, conveying good and merchantable title in accordance with standards adopted by the Maine Bar Association shall be delivered to the Purchaser(s) and this transaction shall be closed and the Purchaser(s) shall pay the balance due and the parties shall execute all necessary papers on or before **12/31/2020**. If Seller(s) is unable to convey in accordance with the provisions of this paragraph, then the Seller(s) shall have a reasonable time period, not to exceed thirty (30) days, from the time the Seller(s) receives written notice of the defect, unless otherwise agreed to by both parties, to remedy the title, after which time, if such defect is not corrected so that there is merchantable title, the Purchaser(s) may, within fifteen (15) days thereafter, at Purchaser's option, declare the contract null and void and any earnest money shall be returned to the Purchaser(s) and neither party shall have any further obligation hereunder. If the Purchaser(s) does not declare the contract void within the period set forth above, the Purchaser(s) shall have waived the right to object to title. The Seller(s) hereby agrees to make a good-faith effort to cure any title defect during such period.
5. DEED: That the property shall be conveyed by a **Quitclaim with Covenant deed**, and shall be free and clear of all encumbrances except building and zoning restrictions of record, restrictive covenants and conditions of record and usual public utilities servicing the property and shall be subject to applicable land use and building laws and regulations.
6. POSSESSION /OCCUPANCY: Possession/occupancy of premises shall be given to Purchaser(s) immediately at closing unless otherwise agreed by both parties in writing.
7. LEASES/TENANT SECURITY DEPOSITS: N/A
8. PRORATIONS: The following items shall be prorated as of the date of closing:
 - a. Real Estate Taxes based on the municipality's tax year. Seller is responsible for any unpaid taxes for prior years.
 - b. Seller(s) shall pay its transfer tax as required by the State of Maine. Purchaser is exempt from paying transfer taxes.
9. INSPECTIONS: The Purchaser(s) is encouraged to seek information from professionals regarding any specific issue of concern. The Agent makes no warranties regarding the condition, permitted use or value of the Seller's real or personal property. This Contract is subject to the following inspections, with the results being satisfactory to the Purchaser(s):

TYPE OF INSPECTION	YES	NO	RESULTS REPORTED	TYPE OF INSPECTION	YES	NO	RESULTS REPORTED
a. General Building	☐	☐	Within <u> # </u> days	g. Lead Paint	☐	☐	Within <u> # </u> days
b. Sewage Disposal	☐	☐	Within <u> # </u> days	h. Pests	☐	☐	Within <u> # </u> days
c. Water Quality	☐	☐	Within <u> # </u> days	i. ADA	☐	☐	Within <u> # </u> days
d. Radon Air Quality	☐	☐	Within <u> # </u> days	j. Wetlands	☐	☐	Within <u> # </u> days
e. Radon Water Quality	☐	☐	Within <u> # </u> days	k. Environmental Scan	☒	☐	Within <u>120</u> days
f. Asbestos Air Quality	☐	☐	Within <u> # </u> days	l. Other: <u>survey</u>	☒	☐	Within <u>120</u> days

The use of days is intended to mean from the effective date of this Contract. All inspections will be done by inspectors chosen and paid for by the Purchaser(s). If the result of any inspection or other condition specified herein is unsatisfactory to the Purchaser(s), in Purchaser(s) sole discretion, Purchaser(s) may declare the Contract null and void by notifying Seller(s) in writing within the specified number of days, and any earnest money shall be returned to the Purchaser(s). If the Purchaser(s)

MLG

does not notify the Seller(s) that an inspection is unsatisfactory within the time period set forth above, this contingency is waived by the Purchaser(s). In the absence of inspection(s) mentioned above, the Purchaser(s) is relying completely upon Purchaser's own opinion as to the condition of the property.

11. FINANCING: N/A
12. AGENCY DISCLOSURE: The Purchaser(s) and Seller(s) acknowledge that they have been informed that the Listing Licensee is acting as a **Seller's** agent in this transaction and is representing **the Seller(s)**.
13. .DEFAULT: If Purchaser(s) fails to perform any of the terms of this Contract or is otherwise in default of any of its obligations, Seller's sole remedy shall be to retain the earnest money as full and complete liquidated damages. In the event Seller fails to perform any of the terms of this Contract or is otherwise in default of any of its obligations, Purchaser shall have the right to pursue all legal and equitable remedies available to it, including, without limitation, specific performance, but at all times may elect in substitution therefor, the right to a return of the earnest money. Notwithstanding any other provision of this agreement, Escrow Agent shall have the right to require written releases from both parties prior to releasing the earnest money to either party. If a dispute arises between Purchaser(s) and Seller as to the existence of a default hereunder and/or the release of the earnest money and said dispute is not resolved by the parties within (30) days, Escrow Agent may elect to file an action in interpleader and deposit the earnest money in the court to resolve said dispute, or otherwise disburse the earnest money pursuant to Maine Real Estate Commission regulations. Purchaser(s) and Seller, jointly and severally, shall indemnify Escrow Agent for all costs, losses, expenses, and damages, including reasonable attorneys' fees, incurred by Escrow Agent in connection with said action and/or in connection with any dispute relating to this Contract and/or the Deposit. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the Purchaser 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 Purchaser.
14. MEDIATION: Any dispute or claim arising out of or relating to this Contract or the premises addressed in this Contract shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules of the American Arbitration Association. This clause shall survive the closing of this transaction.
15. PRIOR STATEMENTS: Any verbal representations, statements and agreements are not valid unless contained herein. This Contract completely expresses the obligations of the parties. This is a Maine contract and shall be construed according to the laws of Maine.
16. HEIRS/ASSIGNS: This Contract is assignable YES ☒ NO ☐. This Contract shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns (if assignment is allowed by the terms of this Contract), of the respective parties.
17. COUNTERPARTS: This Contract may be signed on any number of identical counterparts, including telefacsimilie copies, with the same binding effect as if the signatures were on one instrument. Original or telefacsimilied signatures are binding.
18. BINDING CONTRACT: This Contract is a binding contract when signed by both Seller(s) and Purchaser(s) and when that fact has been communicated to all parties or to their agents. The Effective Date of the Contract is noted below. Time is of the essence of this Contract.
19. REVIEW OF LEASES AND INCOME AND EXPENSE INFORMATION: N/A
20. Seller(s) and Purchaser(s) acknowledge receipt of the Maine Real Estate Commission Disclosure of Agency Relationship Form (Form #2), *if the property is, or has a component of, one to four residential dwelling units.*
21. OTHER: (a)The Buyer's obligations are subject to approval by the Portland City Council.
(b) Seller shall deliver a copy of the Standard Boundary Survey Maxfield Lot, Portland, Cumberland County, Maine 8/10/93, CMP file # 50-396, to Buyer within 15 days of the Effective Date of this contract.

A COPY OF THIS CONTRACT IS TO BE RECEIVED BY ALL PARTIES AND, BY SIGNATURE, RECEIPT OF A COPY IS HEREBY ACKNOWLEDGED. IF NOT FULLY UNDERSTOOD CONSULT AN ATTORNEY.

Seller(s) acknowledges that the laws of the State of Maine provide that every buyer of real property located in Maine must withhold a withholding tax equal to 2 1/2% of the consideration unless the Seller(s) furnishes to the Buyer(s) a certificate by the Seller(s) stating, under penalty of perjury, that Seller(s) is/are a resident of Maine or the transfer is otherwise exempt from withholding.

Purchaser

Date

Name/Title

Soc. Sec # or Tax I.D.

The Seller(s) accepts the offer and agrees to deliver the above-mentioned property at the price and upon the terms and conditions set forth above and agrees to pay the Broker the commission for services herein according to the Listing Agreement. The obligation to pay said commission or sum shall survive the closing of this transaction. Seller agrees that Broker may apply any



deposit(s) received in connection with the sale of the Property toward commissions due and payable under this Agreement. If the earnest money is forfeited by Purchaser(s), it shall be evenly distributed between the Broker and Seller(s), provided, however, that Broker's portion shall not exceed the full amount of the commission specified. In the event the Seller(s) defaults on its obligations hereunder, The Boulos Company shall be entitled to costs of collection, including reasonable attorneys' fees.

Signed this: _____ day of _____, _____. Effective date of Contract: _____, day of _____, _____

The Listing Licensee is **Jon Rizzo** of **Boulos Company** (Company).

The Selling Licensee is **N/A**



Seller

Nicole L. Grant, Director _____

Name/Title

July 20, 2020 _____

Date

13-4200689 _____

Soc. Sec # or Tax I.D.



Seller

Robert D. Kump, Acting President _____

Name/Title

July 20, 2020 _____

Date

13-4200689 _____

Soc. Sec # or Tax I.D.

Offer reviewed and refused on _____, _____, _____, Seller



This page contains a detailed description of the Parcel ID you selected.

New Search!**Current Owner Information:**

CBL	250 A025001
Land Use Type	VACANT LAND
Verify legal use with Inspections Division	
Property Location	204 RAND RD
Owner Information	AVANGRID FOUNDATION INC 83 EDISON DR AUGUSTA ME 04336
Book and Page	NCFY19/
Legal Description	250-A-25 255-A-4 257-A-5 RAND RD 204
	1351804 SF
Rental Registration	No
Acres	27.38

Current Assessed Valuation:

TAX ACCT NO.	26722	OWNER OF RECORD AS OF APRIL 2019
LAND VALUE	\$228,200.00	AVANGIRD FOUNDATION INC
BUILDING VALUE	\$0.00	83 EDISON DR
NET TAXABLE - REAL ESTATE	\$228,200.00	AUGUSTA ME 04336
TAX AMOUNT	\$5,319.34	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:**Building 1**

Year Built
Style/Structure Type

Sales Information:

Sale Date	Type	Price	Book/Page
3/21/2019	LAND + BUILDING	\$0.00	NCFY19/
12/19/2012	LAND + BUILDING	\$0.00	NCFY13/
12/26/2001	LAND + BUILDING	\$0.00	17128/079

New Search!

PORTLAND LAND BANK HIGH PRIORITY PARCEL SUMMARY

PROPERTY NAME: HCP-14 -RAND RD

Location: 204 Rand Road, Portland, ME 04101

Size: 27.38 acres

Priority Scorecard: This site was ranked using the Land Bank prioritization process and matrix (scorecard) that is on file with the Land Bank's records. The site ranked as a priority site since it meets many of the criteria for Land Bank properties. The property is located at the headwaters of the Fore River abutting the Fore River Sanctuary and the E-04 Rand Road RPZ Land (Land Bank) open space.

Ownership:

Owner of record: Avangrid Foundation, Inc.

Assessors Reference: Map 250, Block A, Lot 25 and map 255-257, Block A, Lots 4-5

Lot size: 27.38 acres

Assessed Value: \$228,200 Real Estate Taxes (2019/2020) \$5,319.34

Characteristics and Values:

The Rand Road parcel is located at the headwaters of the Fore River abutting the Fore River Sanctuary and the E-04 Rand Road RPZ Land (land Bank) open space. The area is largely wooded, often wet and features steep terrain that slopes to one of several tributary streams feed the Fore River wetland system. Together these parcels provide excellent wildlife habitat and migratory corridors for a variety of species. A CMP-owned utility corridor runs through the souther portion of the property. Portland Trails maintains an extensive and popular trail network connecting all of the aforementioned properties to the larger regional trail system. The property also features a section of the historic Cumberland and Oxford Canal.

Cumberland-Oxford Canal History:

In the early 18th century, residents of Portland and towns in the Lakes Regions realized that in order for commerce to prosper between the areas, a more expedient way of transporting goods was necessary. A canal was proposed. Surveying of the canal began in 1825 and land titles were secured and the route was cleared of brush and trees

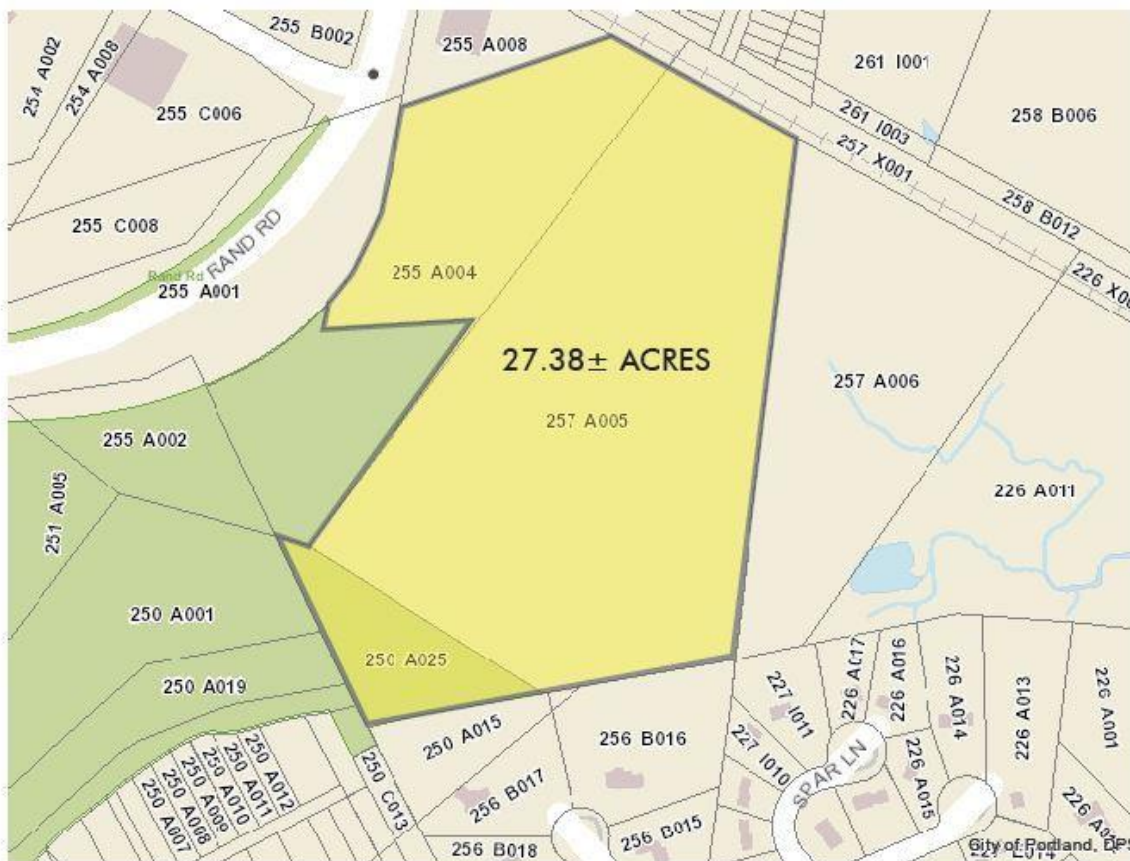
in 1828. Irish workers were brought in to do the excavation work, living in shanties along the canal route while work was underway. The Cumberland and Oxford Canal "Big Ditch" opened in June, 1830.

The canal followed the Presumpscot River from Sebago Lake through the towns of Standish, Windham, Gorham and Westbrook. The Canal diverged from the river at Westbrook to reach the navigable Fore River estuary and Portland Harbor. The canal required 27 locks. The locks were necessary to lift the canal from tidewater level to the level of Sebago and Long Lakes, 280 feet above sea level. The navigable distance of the Canal was approximately 38 miles from Portland to Harrison (at the north end of Long Lake).

Exhibits attached:

Rand Road Scorecard Analysis
Maps 1 - 9

Figure 1. Overview of the parcel



Priorities for Land Bank activities	YES	MAYBE	NO	Notes
Does the property have, or contribute to, healthy forest ecosystem?	Yes			Maps 1, 3, 8, 9
Does the property have, or contribute to, healthy wetlands, streams, river, ocean, aquifers or other water bodies?	Yes			Map 9
Does the property help mitigate or adapt to climate change impacts? (CO2 storage, storm impacts, tidal impacts)	Yes			Map 5
Does the property provide an opportunity to protect or improve a healthy ecosystem?	Yes			Maps 1, 3, 4, 8, 9
Does the property create a connection or link between nearby Parks or Land Bank properties?	Yes			Map 1
Does protecting the property support Portland's desired sustainable land use pattern of a dense core with developed corridors and nodes?	Yes			
Does protecting the property support Portland's desire for equal access to undeveloped natural space in every neighborhood? (all residents within a X minute walk)	Yes			Map 6
Does the property provide water access for the fishing industry OR for recreation?	No			
Does the property provide passive recreation opportunities?	Yes			Map 7

Other considerations

Is this a time-limited opportunity? Yes, the property is currently listed for sale.

Cost - very high probability of a bargain sale at this time.

Maintenance needs, short or long term. There are existing trails.

Are there opportunities for leveraging collaboration. Yes.

Is there significant stakeholder support/opposition? Not sure at this time.

Are there other competing land uses? There does not seem to be development interest.

Are there opportunities to achieve multiple goals of Land Bank &/or other City entities? Yes.

Are there underserved areas where geography is a priority for ecological health or human wellness? Not sure.

Historical significance (humans) Unknown

Geologic significance None

Is there potential for urban agricultural use No - wetland and forest area.

HCP-14 Rand Road Scorecard Analysis

Street Address: 204 Rand Road

Owner of record: Avangrid Foundation, Inc.

Assessors Reference: Map 250, Block A, Lot 25 and map 255-257, Block A, Lots 4-5

Lot size: 27.38± acres

HCP-14 lies near the western boundary of the City of Portland in a large, undeveloped area comprised of forests, streams and wetlands around the headwaters of the Fore River¹. Existing conservation lands abutt the property on the east (Fore River Sanctuary) and west (E-04 Rand Road RPZ). The Stroudwater River is to the south beyond outer Congress Street; the Stroudwater River empties into the Fore River lies to the southeast; to the east, over an active railroad corridor, lies Capisic Pond.

HCP-14 lies at the heart of a 136-acre block as listed by the Beginning with Habitat program² and is an area of inland waterfowl and wading bird habitat³. Due to the varied landcover, topography and soil type, this is an area of regional flow for species moving to adapt to climate change areas, as this is an area of concentrated flow where movements will accumulate or be channeled⁴.

According to the Parksore model, HCP-14 is an area of high need for location of a park or recreation area, based on the estimated increase of residents served within a 10-minute walk of a park⁵. There currently exists a network of trails both on the parcels and connected to a larger trail network to the Fore River Sanctuary and Capisic Pond⁶.

HCP-14 is an area with a high likelihood of development based on models of historical patterns of urban growth in the Northeast, including the type (low intensity, medium intensity and high intensity), amount and spatial pattern of development, and incorporates the influence of factors such as geophysical conditions (e.g., slope, proximity to open water), existing secured lands, and proximity to roads and urban centers. Development of the parcels would not only represent the loss of an opportunity to protect a unique and important natural area, it would degrade the value of adjacent conservation lands by fragmenting the large undeveloped acreage.

¹ Map 2

² Map 1

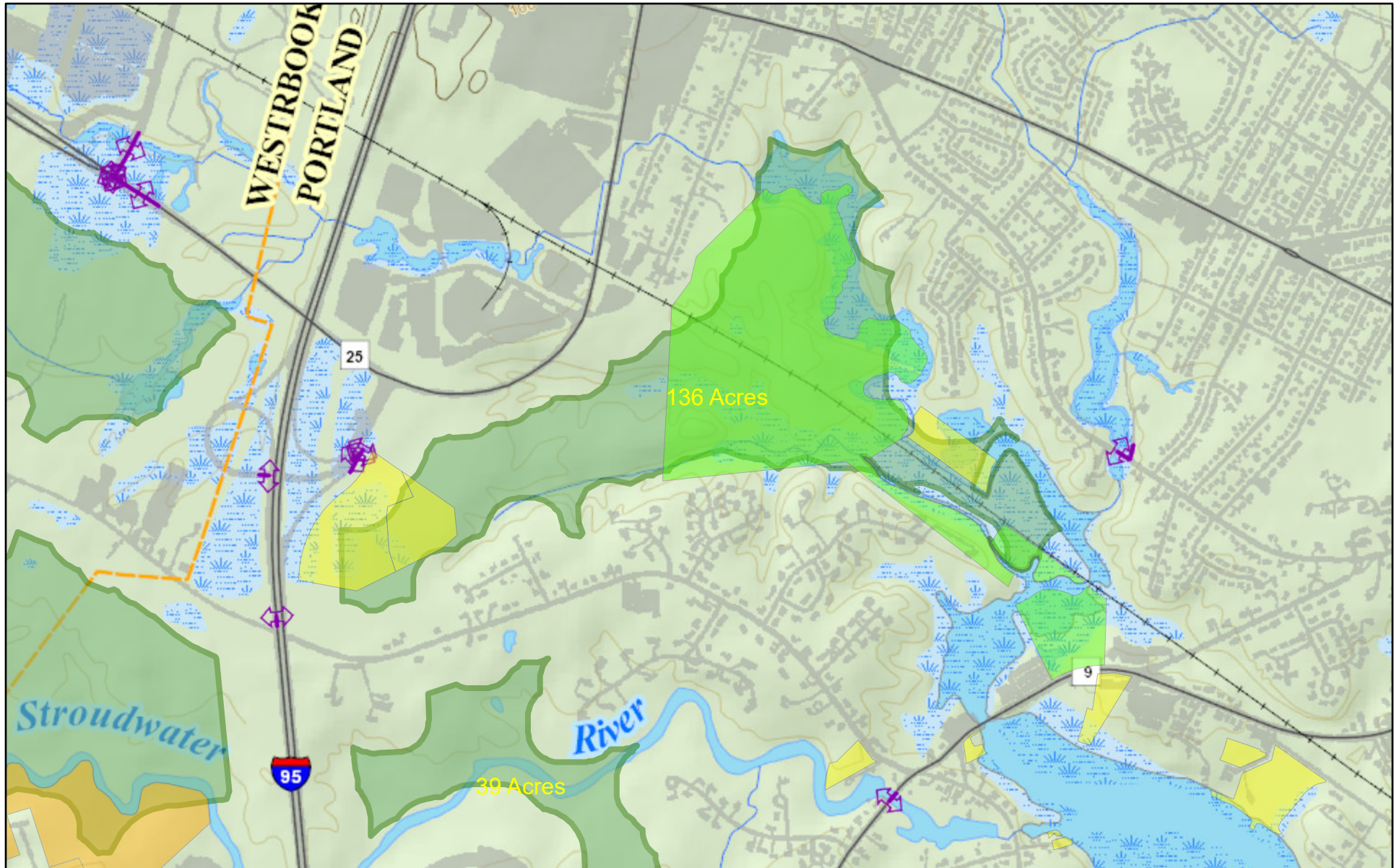
³ Map 3

⁴ Map 5

⁵ Map 6

⁶ Map 7

HCP-14 Rand Road



April 8, 2020

conserved3

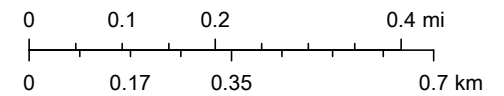
Municipal

Private

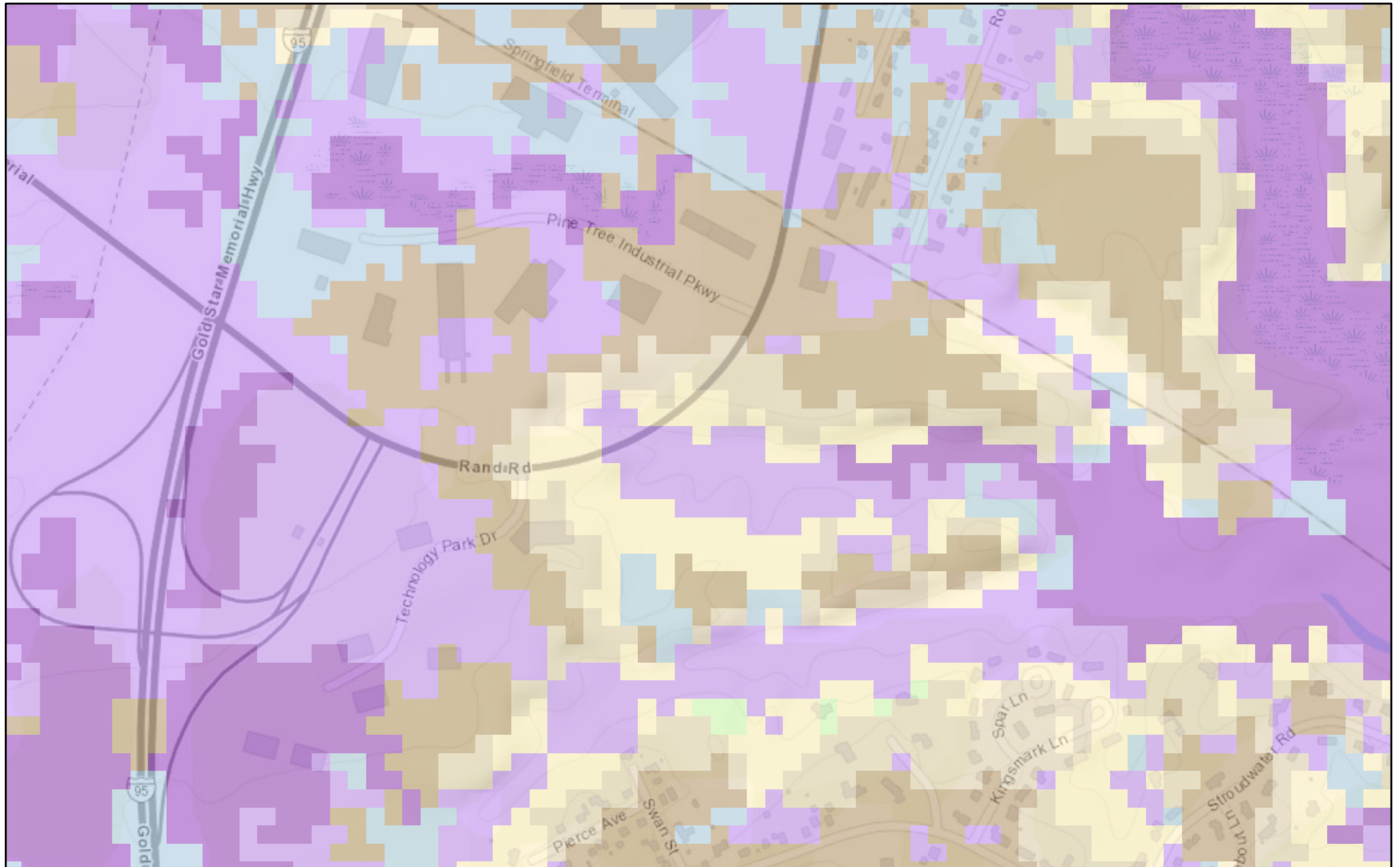
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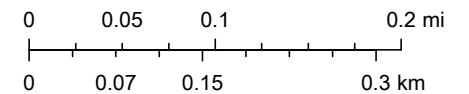


HCP-14 Rand Road Landforms - Landforms



April 8, 2020

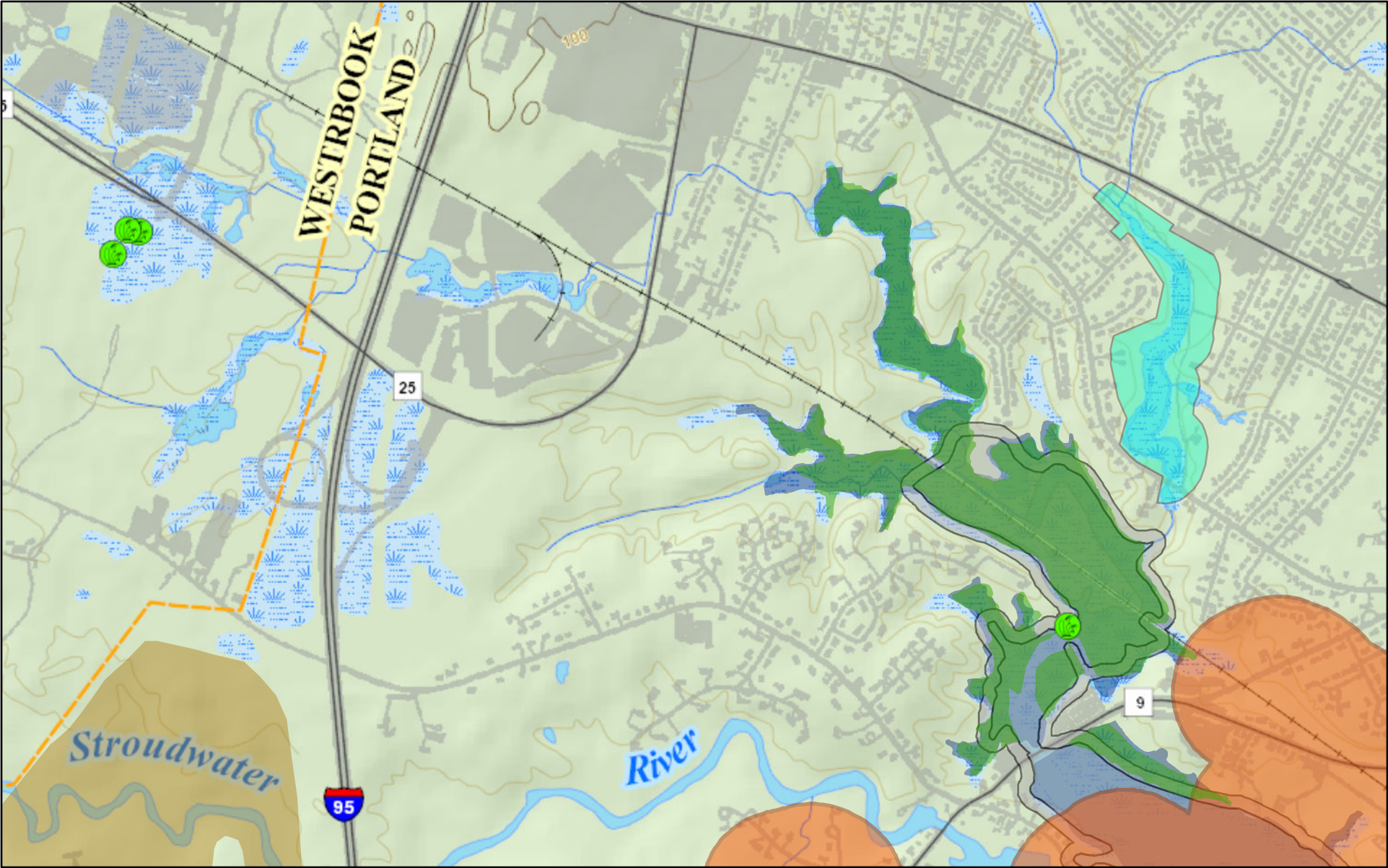
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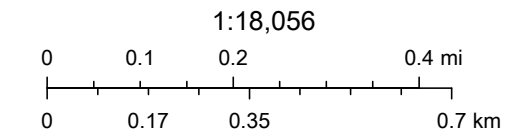
16 of 91

HCP-14 Rand Road Plant and Animal Habitats

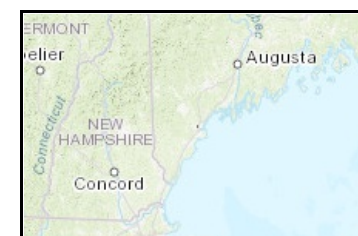
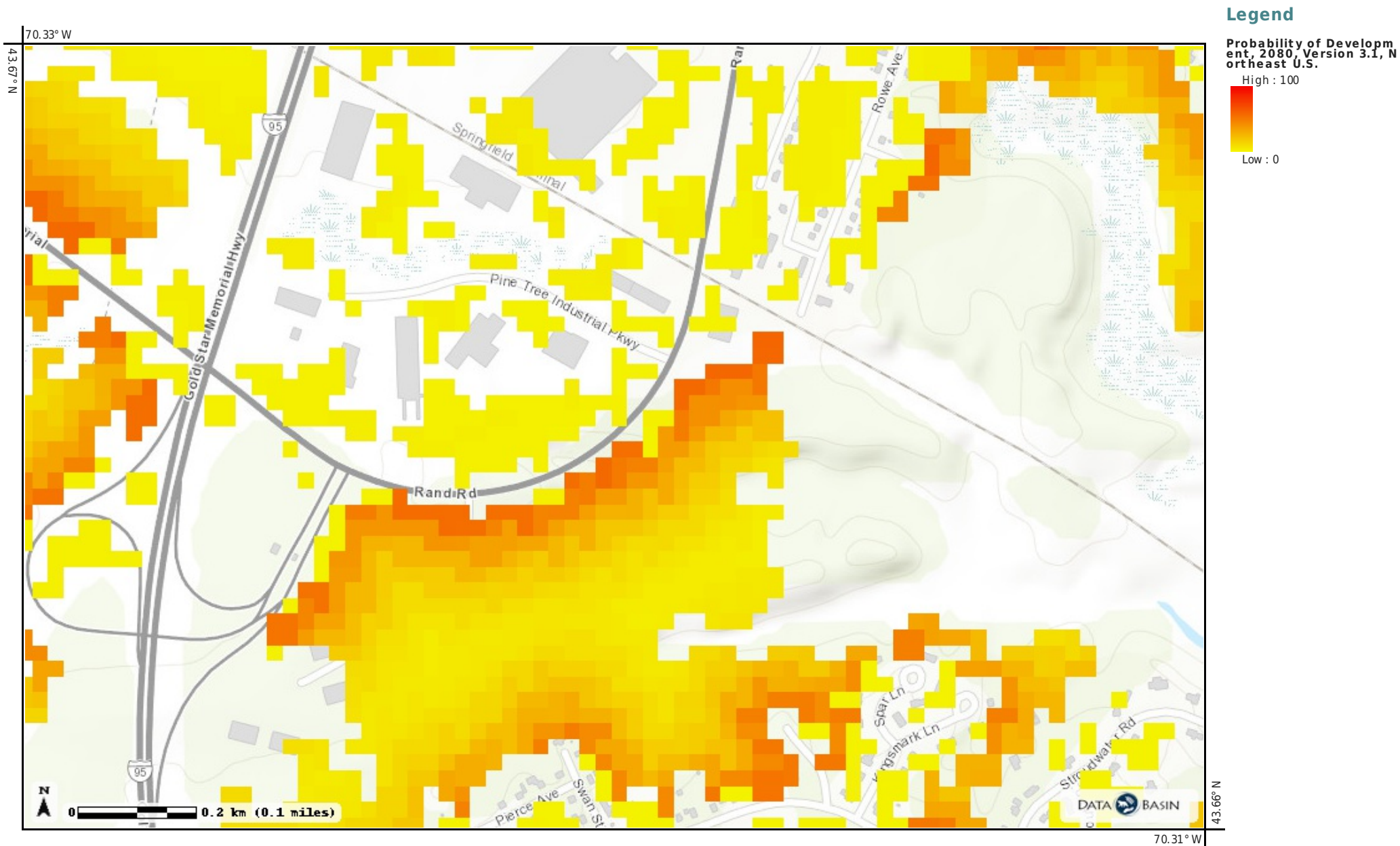


April 8, 2020

- Rare Plant Locations
- Natural Communities
- Shorebird Habitat
- ETSC Animal Habitat Buffers
- Tidal Wading Bird and Waterfowl Habitat
- Inland Wading Bird and Waterfowl Habitat
- Deer Wintering Areas



This map is intended for planning purposes and should not be used for
Copyright 2016 Beginning With Habitat



Map Details

Datasets

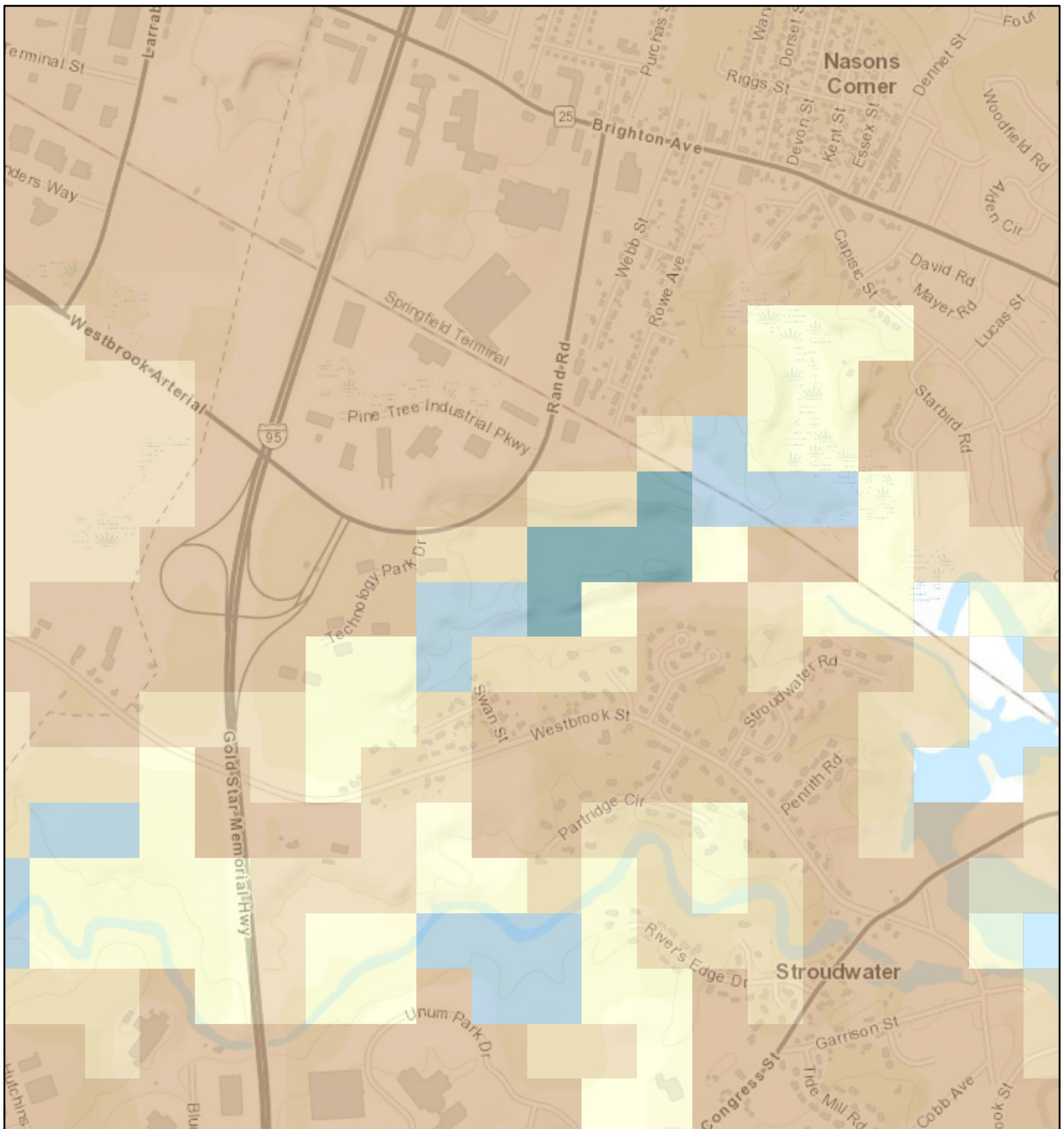


Probability of Development, 2080, Version 3.1, Northeast U.S.
<https://na1cc.databasin.org/datasets/44dd387b0aa143b78bc51472bc9bfcf8>

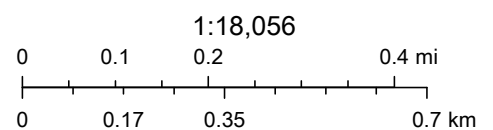
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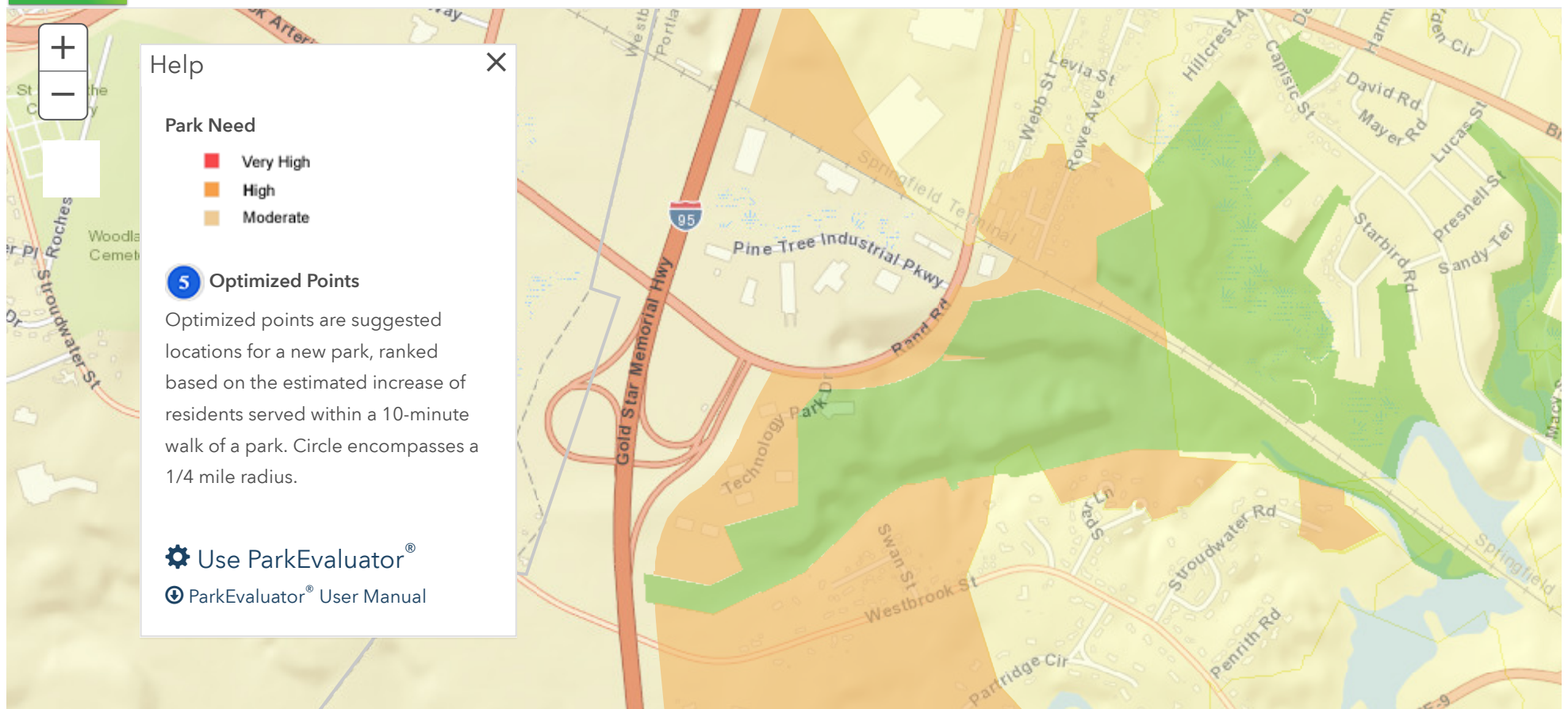
HCP-14 Rand Road Regional Flow - Regional Flows



April 8, 2020

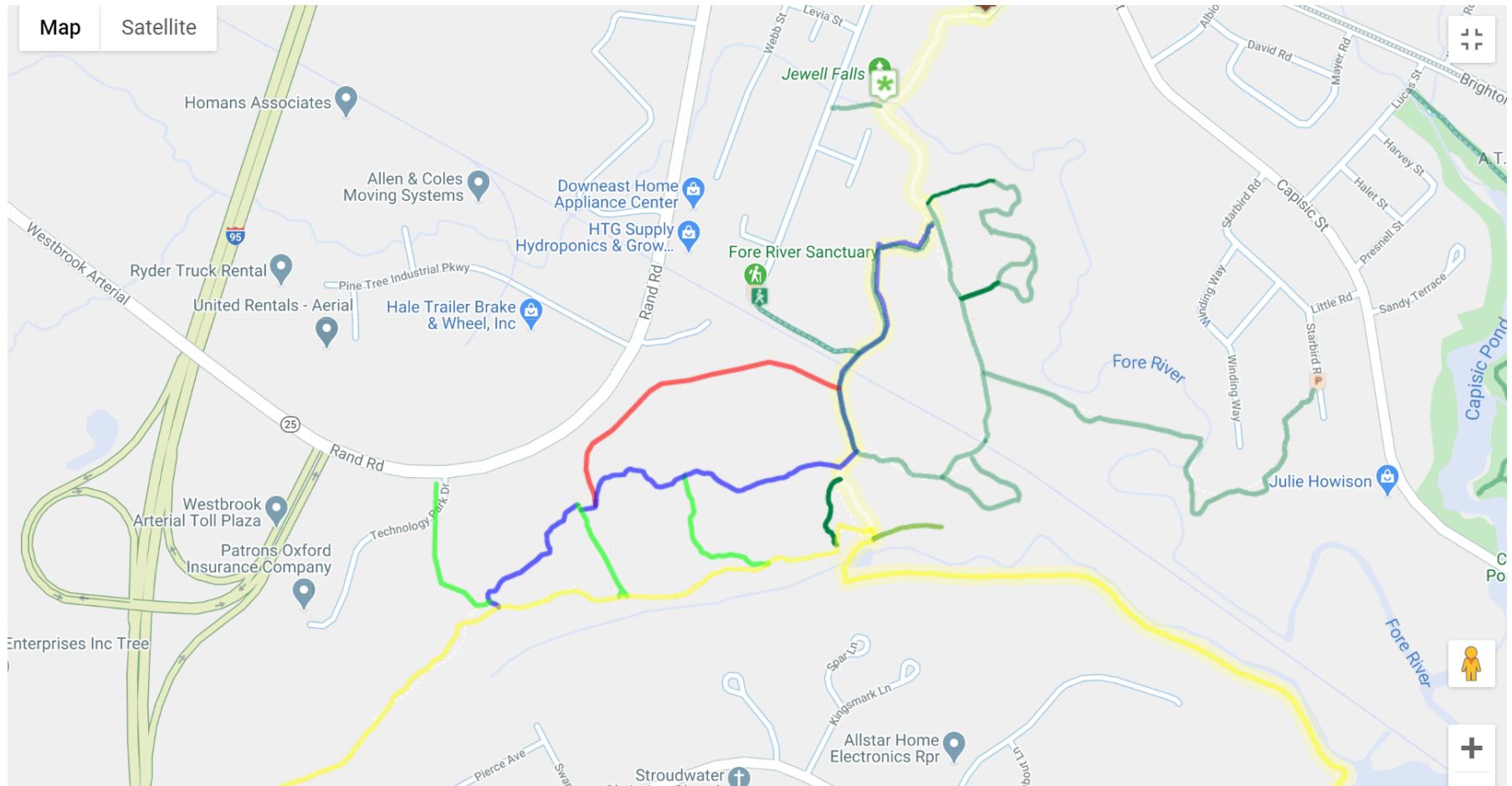


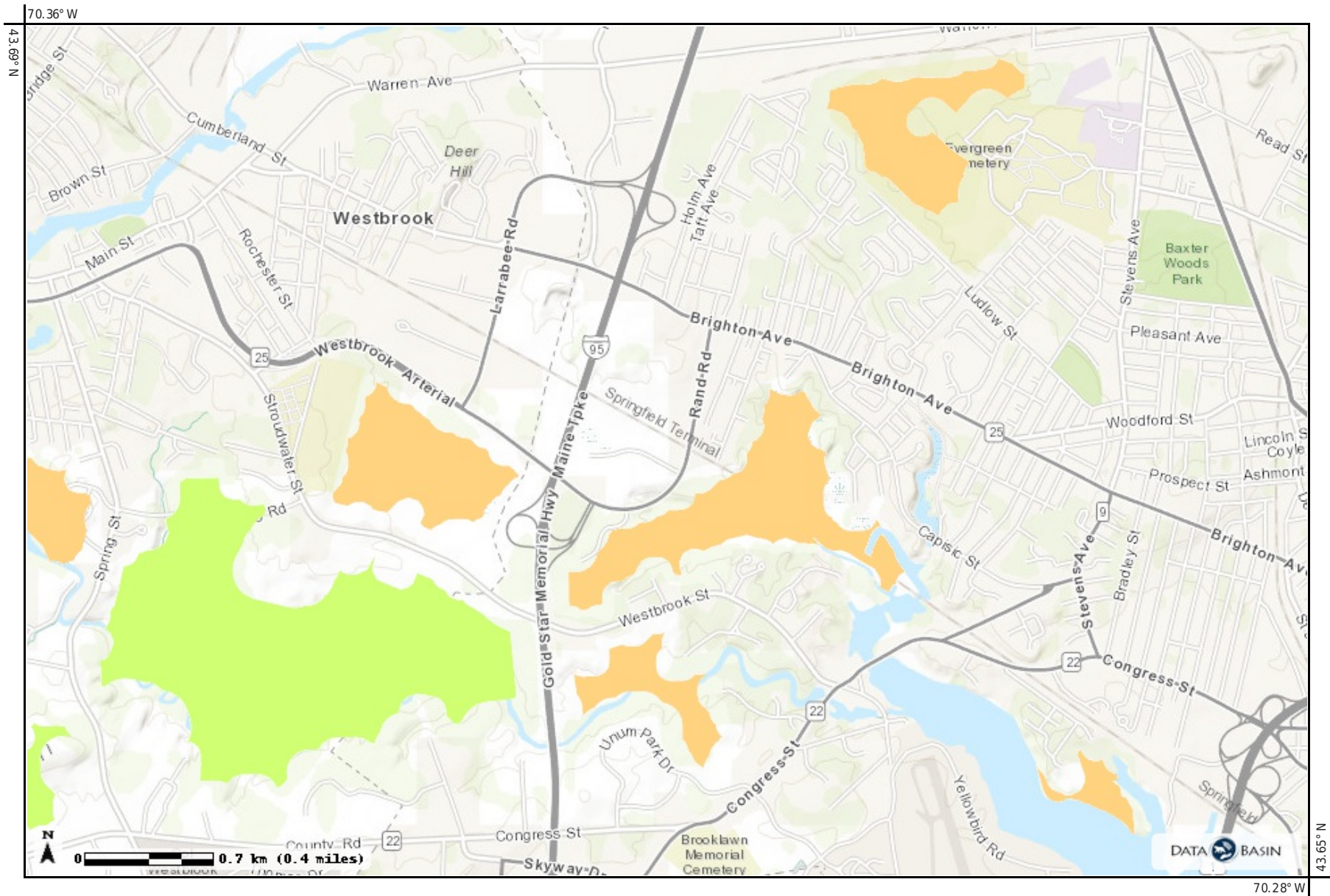
City of Westbrook, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA, The Nature Conservancy



 Are we missing a park in your community? Tell Us!

HCP-14 Rand Road Trails (PT)





Legend

Maine Undeveloped, Roadless Blocks (2015)

Displaying: Acres

- 0 - 10
- 11 - 200
- 201 - 600
- 601 - 1200
- 1201 - 100000



Map Details

Datasets



Maine Undeveloped, Roadless Blocks (2015)

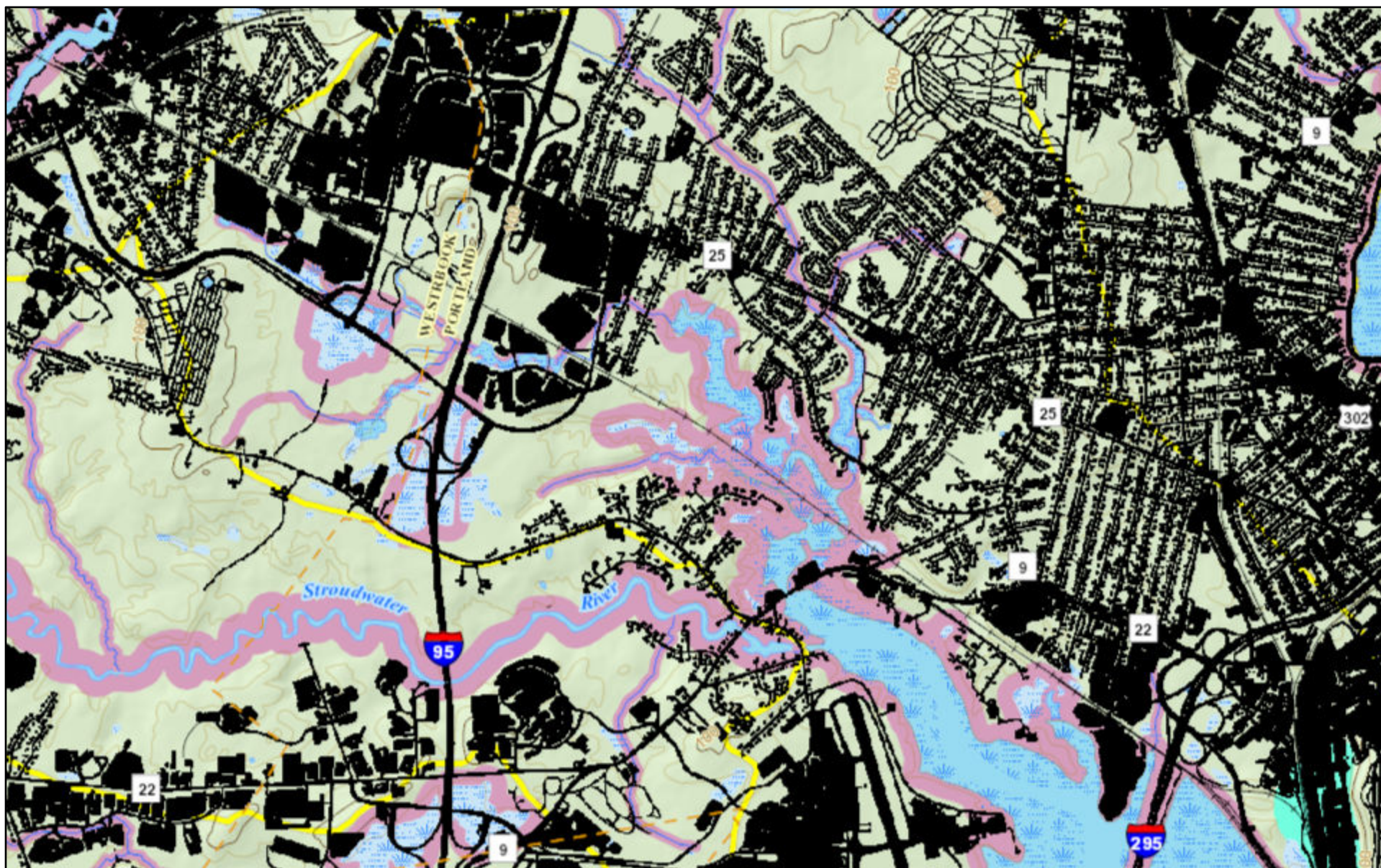
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Credits: Layer assembly: Bill Hancock, Beginning with Habitat Program, Maine Department of Inland Fisheries and Wildlife. 207-287-5258. January 2015

Layers:

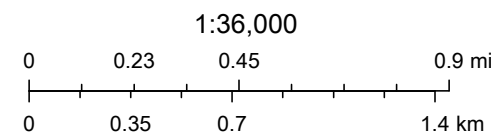
- Maine Undeveloped, Roadless Blocks (2015)

HCP-14 Rand Road Water Resources and Riparian Habitats



April 8, 2020

Watershed Divide (HUC 12)



Beginning With Habitat, State of Maine, Corson GIS Solutions

25 of 91
Beginning with Habitat
Beginning with Habitat 2015



**SURVEY UPDATE AND LAND
EVALUATION
Energy East Parcel
Rand Road
Portland, Maine**

Prepared for
Energy East Foundation

Prepared by
**Sebago Technics, Inc.
P.O. Box 1339
One Chabot Street
Westbrook, Maine 04098-1339**

August 2006

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Appendix 3 Zoning Ordinances
 Office Park
 Resource Protection Zone
 Shoreland

Appendix 4 Conditional or Contract Zoning

Conceptual Plan A

Conceptual Plan B

Survey Plat

**Survey Update and Land Evaluation
Energy East
Portland, Maine**

Neighborhood Description

The site is located on the southeastern side of Rand Road in Portland. A CMP easement and the Portland Terminal Company railroad border the site to the north. Another CMP easement is located south of the site. To the west of the site is an undeveloped forested lot and to the east is an undeveloped lot owned by the Maine Audubon Society. A gravel road running from Rand Road south to the CMP easement gives access to the western portion of the property. A few foot trails traverse the site as well.

Lot Description

Size and Configuration

Utilizing the existing City of Portland Tax Map information, along with deed research, the property boundaries have been surveyed and are shown on the plans accompanying this report. The site topography was also spot checked in the undeveloped portions of the property. The areas adjacent to Rand Road were surveyed by conventional methods and the results were tied into the existing site topography, as provided by others. Wetland areas were located using a combination of GPS technology and spot field checks. Based on this information, wetland lines were reviewed by our Natural Resource Staff and adjusted on the plan to reflect field observations. Prior to any development of this property, it is recommended that an on-the-ground survey of the wetlands limits be conducted to provide a more precise location of the boundaries of the resource.

The property on Rand Road consists of approximately 24.5 acres and is shown on the City's Tax Map 255 as lot A-4. The lot has approximately 649 feet of street frontage on a controlled access highway. There is an approximately 70-foot wide deeded access easement that benefits the site. This area is currently blocked by a guardrail along the frontage.

The deeds for this property have been included as an appendix within this report.

The attached survey depicts the property as the current deed record defines it. There have been notable revisions to the property relative to the survey, performed by and for Central Maine Power Co., dated August 10, 1993.

These revisions include:

- At the time of their conveyance to Union Water-Power Company; Central Maine Power Company retained ownership of those two portions of the property encumbered by the existing power lines. This reduced the overall parcel site.
- Portland Water District released the 100-foot wide right-of-way previously encumbering the most accessible and developable portion of the property. The water main was

abandoned in place on the site. This increased the land available for future development. It is recommended that the abandoned water line be removed by the landowner in areas to be developed with buildings and parking as part of the site construction. At a minimum, any future users should be advised of the existency of this underground line.

- Property was taken for the Maine Turnpike Authority development of the Westbrook/Rand Road interchange.

Topography and Vegetation

The northeastern portion of the site is the only relatively flat area that would appear most suitable for development. The remaining portion of the site includes a steep ravine, wetlands, and small tributaries. This area is also located within the City of Portland's Resource Protection zone, which restricts the type of development allowed.

More information regarding zoning restrictions is located in the latter portion of this report as well as in the appendix.

Municipal Services and Utilities

Overhead electricity and telephone service lines are available along Rand Road, as is public water. A municipal sewer line exists on Rand Road approximately 170 feet from the nearest corner of the parcel. Given the general site elevations versus the Rand Road elevation, it is anticipated that a pumped sewer system would be required.

Soils

According to the Cumberland County Soil and Water Conservation Service Medium Intensity Soil Survey Analysis, there are numerous soils found on the property that are consistent with the wetlands analysis completed by Alex Finamore of Sebago Technics, Inc. The mapping shows that the site is comprised of Scantic (Sn), Swanton (Sz), Elmwood (EmB), Buxton (BuC2), and Suffield (SuE2) soils. The Scantic, Swanton, and Elmwood soils are located in the northern portion of the property while the Buxton soils and the Elmwood soils are located in the southern portion of the property. The central portion of the site contains the Suffield soils.

These soils are generally silt based and have limiting factors for development, including high water tables, soil instability, and poor bearing capacity. Prior to development, it is suggested that a geotechnical evaluation be performed to address site conditions and anticipated settlement and/or stability information.

A full description of these soil series (as excerpted from the Medium Intensity Soil Survey Analysis) can be found in the appendix of this report.

Streams/Wetlands

Overview

Generally, the wetlands on the site drain in an easterly direction. Two small, unnamed tributaries join near the western side of the site and flow east through the center of the site. Just south of the site (on the CMP land) another small, unnamed tributary flows easterly from the adjacent Snyder

parcel and is collected by a culvert. The stream re-emerges near the southeastern border of the CMP land and flows towards the east. Wetlands are contained within narrow drainage swales throughout the site and all flow into the tributaries mentioned above.

Wetland Description

Wetlands on the northwestern portion of the site are classified as deciduous palustrine forested wetlands (PFO) that are dominated by Red Maple trees (*Acer rubrum*). The central wetland becomes a deciduous palustrine scrub shrub wetland (PSS) that is dominated by Red Maple saplings. Close to the eastern extents of the site, the wetland becomes a palustrine emergent wetland (PEM) that is dominated by Threesquare Sedge (*Scirpus americanus*). The water regimes in these wetlands are seasonally saturated in the PFO, seasonally flooded in the PSS, and semi-permanently flooded in the PEM. The emergent (PEM) wetland would be considered a wetland of special significance due to its connection to a large, emergent wetland complex to the east, along with its connection to tidal waters offsite.

The wetland off the southern extents of the site is classified as a palustrine scrub shrub wetland (PPS) and is maintained with periodic cuttings by CMP. The water regime in this wetland is seasonally saturated. The stream associated with this wetland flows into the large, emergent wetland complex mentioned above.

The following table identifies the dominant upland and wetland vegetation as observed by a result of a field walk.

Dominant Wetland Vegetation

Acer rubrum
Sphagnum (sp.)
Osmunda regalis
Onoclea sensibilis
Typha latifolia
Alnus rugosa
Betula alleghaniensis
Scirpus americanus

Dominant Upland Vegetation

Tsuga Canadensis
Pinus strobus
Pteridium aquilinum
Quercus rubra
Rhubus ideaus
Gaultheria procumbens
Fagus grandifolia

FEMA FIRM Mapping

Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), Panel Number 230051 0012 C dated December of 1998, there are two mapped flood plains on the property. The wetland areas of the property are generally located within the AE (100-year [base] flood mapped at elevation 10) and (500-year flood) flood zones. However, the potential development area appears to be above either of these flood plains.

Zoning

A portion of the site is located within the City of Portland's Office Park Zone and is subject to a Shoreland Zone overlay. The southern portion of the site, including the wetlands, is located within the Resource Protection Zone.

Office Park Zone

The purpose of this zone is to provide substantial areas for integrated development of professional offices in a park- or campus-like setting that are of the highest quality, are well designed and maintained, and are compatible with their natural surroundings.

This portion of the site is the most likely to be developed in the future. Two conceptual plans have been prepared for possible development within this portion of the site. Concept A assumes that an agreement with Central Maine Power Company could be obtained which would allow for parking within their property. Concept B assumes that all improvements would be limited to the locus property.

A complete list of permitted uses for this zone is found in Appendix e of this report.

The following space and bulk standards apply:

Minimum lot area:	1.5 acres
Min. street frontage:	100 feet
Min. lot width:	150 feet
Min. front and rear yard:	50 feet
Min. side yard:	25 feet
Maximum structure height:	55 feet

Resource Protection Zone

This zone is designed to protect fragile ecological systems, which if developed, would reduce water quality, disrupt wildlife, aquatic habitat and biotic systems, or infringe upon areas necessary for natural flood protection or storage of storm waters. This zone is meant to encourage only those uses that can be appropriately and safely located within these environmentally fragile areas.

A complete list of permitted uses for this zone is found in Appendix 3 of this report.

It is doubtful that any significant development opportunities exist due to the zoning and slope constraints and the environmental sensitivity that exists on this portion of the site.

The Shoreland Zone

The Shoreland Zone encompasses an area that is within 250 feet of the edge of the wetlands on this site. The stated purposes of this zone are to further the maintenance of safe and healthful conditions in Shoreland areas while protecting aquatic, bird, and other wildlife habitat; to protect freshwater and costal wetlands and conserve shore cover; and to anticipate and respond to the impact of development in Shoreland areas.

A complete list of the permitted uses and regulations for this zone can be found in Appendix 3 of this report. The Shoreland Zone overlay restricts permitted uses and sets a limit to the amount of development that can occur within 250 feet of the protected resource. Buffer requirements and clearing limits are also set forth in this district, as detailed in Appendix 3.

Contract Zoning

An excerpt from the Portland Ordinance regarding conditional or contract zoning is also enclosed. This alternative may be an option to consider, given the unique nature of the property. This process typically is more complex and time consuming than a traditional review under the existing zoning. The process includes both the Planning Board and the City Council to adopt special standards that apply directly to this parcel. Typically, this includes a mutual agreement between the applicant and the municipality that the alternate standards set forth in the Contract Zone are made in exchange for accommodations on the developers' part that would provide a greater community or environmental benefit. Given the unique nature of this property, it may be worthwhile to explore this option further with the City Planning Staff.

Closure

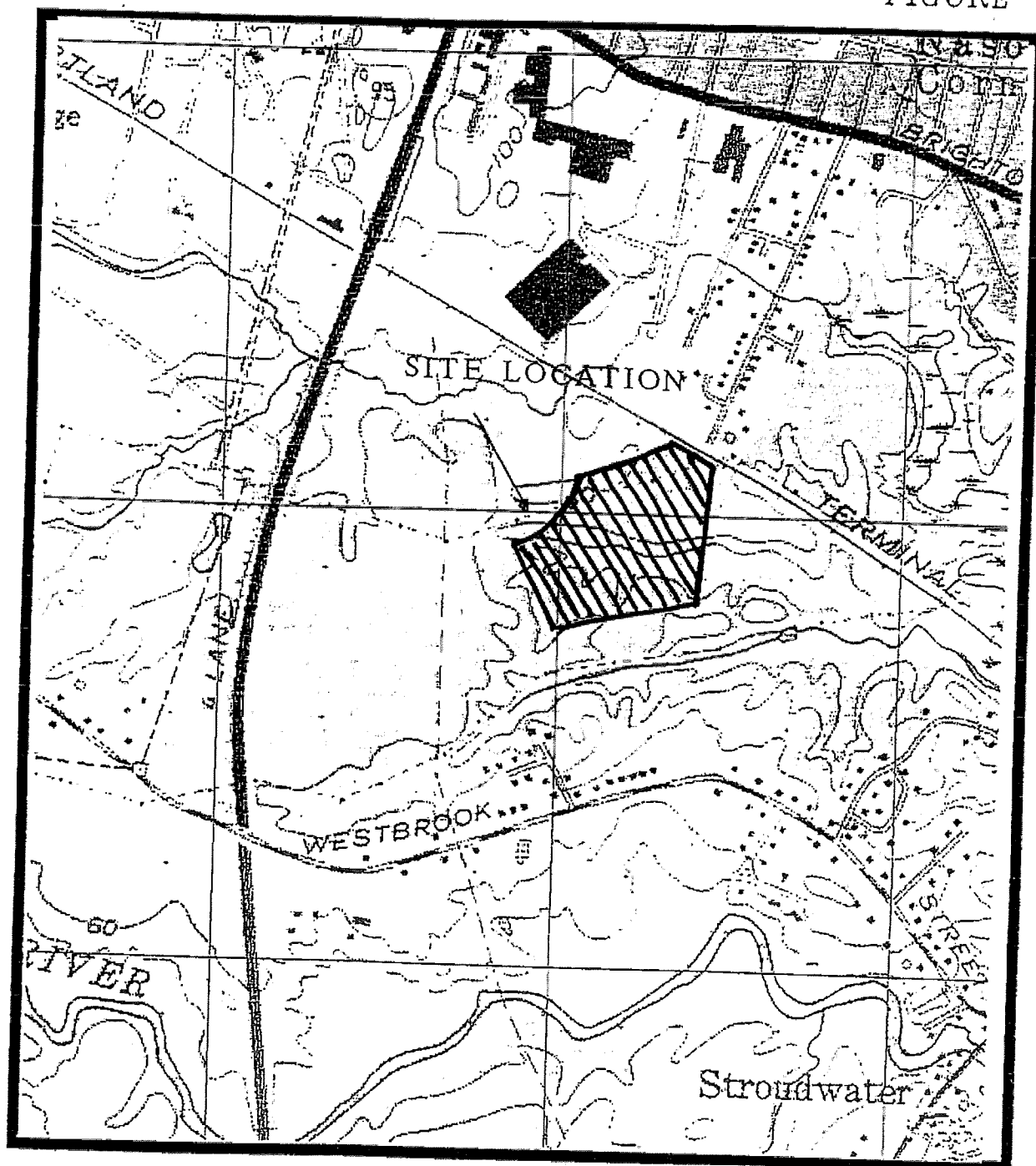
Based on review of all of the above information, it is apparent that the opportunity for site improvements would be limited to the northern portion of the property where the site is relatively level. The resource constraints that exist on the southerly end of the property, including the streams, wetlands and steep slopes, limit how much of the remainder of the site could be developed. The enclosed concept plans reflect the use of the portion of the lot that appears best suited for development at this time.

Please note that Concept Plan A would require an agreement with Central Maine Power Company (CMP) to use a portion of their land for parking. This proposal would potentially allow for a larger building and greater utilization of the area between Stultz and the top of the steep ravine that traverses the property from Rand Road to the Land of Maine Audubon.

As discussed above, pursuit of a Contract Zone for the parcel may offer some additional alternatives for the site as well.

Once you have had an opportunity to review the information contained herein, we would be happy to meet with you and walk the site to address any further questions you may have. We look forward to hearing from you.

FIGURE 1



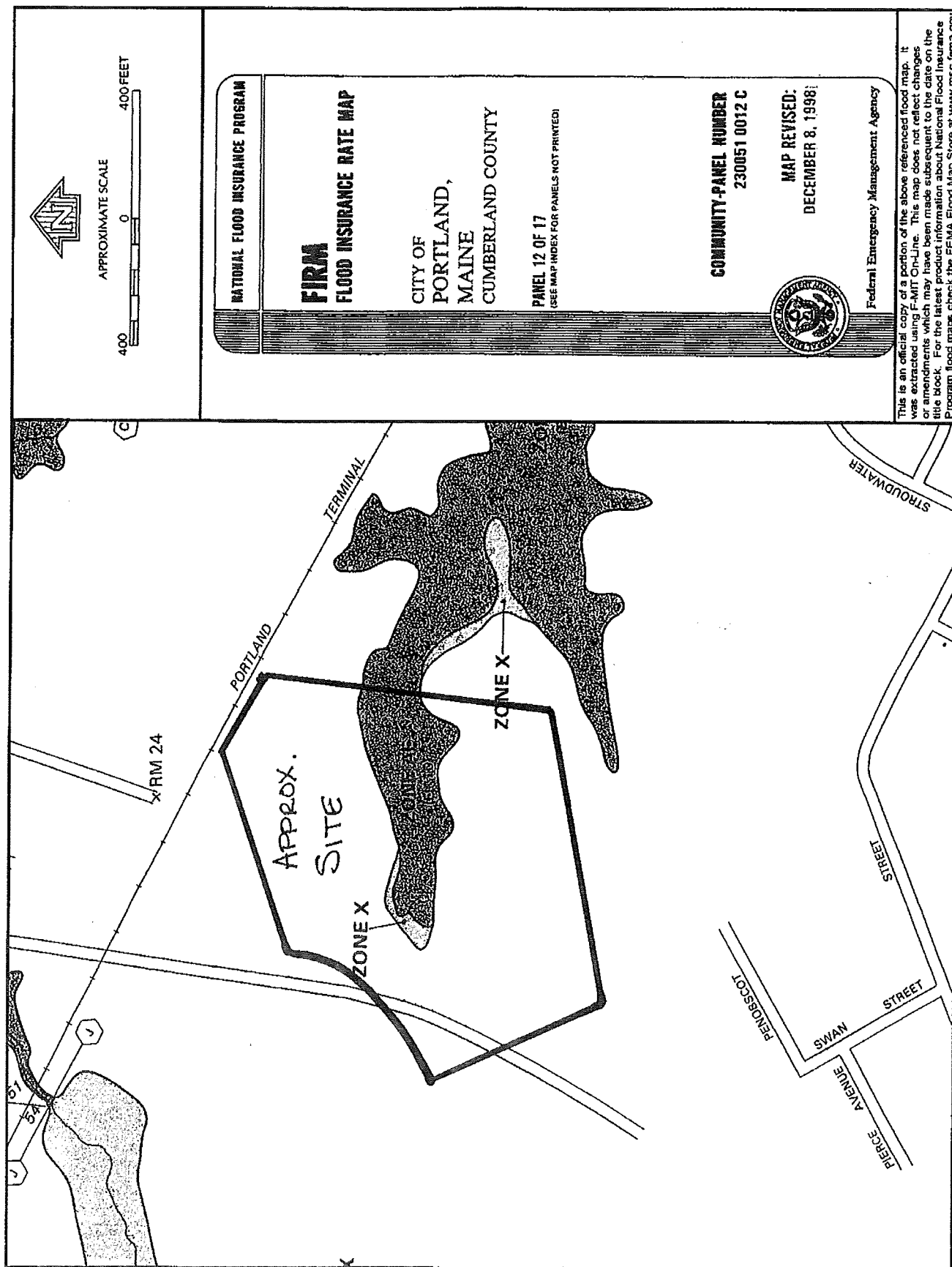
SITE LOCATION MAP
 USGS TOPOGRAPHIC
 7.5 MIN. QUADRANGLE
 PORTLAND WEST
 SCALE: 1"=1,000'

Sebago Technics

Engineering Expertise You Can Build On
 One Choolet Street
 Westbrook, Me 04098-1139
 Tel (207) 856-0277





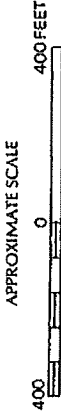


05429

Obtaining a Flood Insurance Policy is available through your community's insurance agent or call the National Flood Insurance Program at (800) 638-6620.



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

FIRM

FLOOD INSURANCE RATE MAP

CITY OF
PORTLAND,
MAINE
CUMBERLAND COUNTY

PANEL 12 OF 17
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY PANEL NUMBER
230051 0012 C

MAP REVISED:
DECEMBER 8, 1998



Federal Emergency Management Agency

LEGEND

- 

SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD

ZONE A No base flood elevations determined.

ZONE AE Base flood elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding; velocities also determined.

ZONE A99 To be protected from 100-year flood by Federal flood protection system under construction; no base flood elevations determined.

ZONE V Coastal flood with velocity hazard (wave action); no base flood elevations determined.

ZONE VE Coastal flood with velocity hazard (wave action); base flood elevations determined.
- 

FLOODWAY AREAS IN ZONE AE
- 

OTHER FLOOD AREAS

ZONE X Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.
- 

OTHER AREAS

ZONE X Areas determined to be outside 500-year floodplain.

ZONE D Areas in which flood hazards are undetermined.
- UNDEVELOPED COASTAL BARRIERS†**



Identified 1983



Identified 1990 or Later



Otherwise Protected Areas Identified 1991 or Later
- †Coastal barrier areas are normally located within or adjacent to special flood hazard areas.



Floodplain Boundary



Floodway Boundary



Zone D Boundary
- 

Boundary Dividing Special Flood Hazard Zones, and Boundary Dividing Areas of Different Coastal Base Flood Elevations Within Special Flood Hazard Areas

Appendix 1

Deeds

**QUITCLAIM DEED
WITH COVENANT**

THE UNION WATER-POWER COMPANY ("Grantor"), a corporation duly organized and existing under the laws of the State of Maine with a mailing address at 526 Western Avenue, Augusta, Maine 04330, for consideration paid, GRANTS to THE ENERGY EAST FOUNDATION, INC. ("Grantee"), a corporation duly organized and existing under the laws of the State of Delaware with a mailing address c/o Huber Lawrence & Abell, 605 Third Avenue, New York, New York 10158, with QUITCLAIM COVENANT, a certain lot or parcel of land, together with any buildings and improvements thereon, and an easement on other land, all situated in Portland, County of Cumberland, State of Maine, more particularly located and described as follows:

Fee simple conveyance:

Beginning at an iron pin set in the southwesterly sideline of land now or formerly of the Portland Terminal Company as indicated on a Right-of-Way and Track Map entitled "The Portland and Odoonsburg Ry" Plan N V2/3 dated June 30, 1916 on file with Guilford Transportation Company, said iron pin marking the northeasterly corner of land now or formerly of Central Maine Power Company and the northwesterly corner of land now or formerly of Maine Audubon Society; thence S 06° 50' 48" W along the boundary line between land now or formerly of Central Maine Power Company and said land now or formerly of Maine Audubon Society 915.87 feet to a point, said point being 75 feet distant northerly measured at right angles from the centerline of Central Maine Power Company's transmission line designated Section 161, as located on December 22, 1998; thence S 79° 10' 23" W on a line parallel to and 75 feet distant northerly from said centerline of said transmission line Section 161, 957.84 feet to a point in the westerly boundary line of land now or formerly of Central Maine Power Company; thence N 25° 07' 48" W along the boundary line between land now or formerly of Central Maine Power Company and land now or formerly of Simon A. Snyder et al. 914.30 feet to a point, said point being 50 feet distant southerly measured at right angles from the centerline of Central Maine Power Company's transmission line designated Section 101, as located on December 22, 1998; thence N 71° 40' 13" E on a line parallel to and 50 feet distant southerly from said centerline of said transmission line Section 101, 1259.67 feet to a point in the said southwesterly sideline of land now or formerly of the Portland Terminal Company; thence S 60° 57' 26" E by said sideline of land now or formerly of Portland Terminal Company, 277.36 feet to the point of beginning. Containing 27.38 acres more or less.

Easement conveyance:

Also conveying a perpetual nonexclusive easement (the "Access Easement") for the purposes of vehicular and pedestrian ingress and egress to, from, over and across that certain one hundred foot (100') wide strip of land hereinafter described (the "Access Easement Property"). The Access Easement shall be appurtenant to the parcel of land

P5.wpd

MAINE REAL ESTATE TAX PAID

herein conveyed in fee simple (the "Benefitted Property"), and shall not be limited to any current use of the Benefitted Property, but shall serve any lawful purpose to which the Benefitted Property may be put in the future. The Access Easement is intended to benefit each portion of the Benefitted Property in the event of a division of the Benefitted Property, such that each parcel created in such a division shall share equal right, access, and use of the Access Easement, regardless of any increased use of the Access Easement resulting from the division. The Access Easement shall include, without limitation: the right to grade, excavate and fill (not to exceed 3 feet above grade existing on December 22, 1998) the full width of the Access Easement Property; the right to construct, maintain, repair, and replace a roadway, entrances, exits, curbing, sidewalks and other paved surfaces on the Access Easement Property; and the right to install and maintain underground utility services under the Access Easement Property, including facilities necessary for the transmission of electricity, gas, telephone communications, cable television, sewerage, water or similar services which are currently or may in the future become available; provided, however, that Grantee shall be responsible for obtaining all necessary permits and approvals required for such use of the Access Easement.

The Access Easement Property being more particularly located and described as follows:

Being a strip of land 100 feet in width extending from the southerly termination of Rand Road Extension at the northwesterly boundary line of land now or formerly of Central Maine Power Company, in a general southerly direction across other land now or formerly of Central Maine Power Company, now or formerly retained by Central Maine Power Company as a corridor for its electrical transmission lines, to the northwesterly boundary line of the parcel of land herein conveyed in fee simple. Containing 0.4 acres more or less

The exact location of said Access Easement Property has been determined by, or is to be determined by, mutual agreement of Central Maine Power Company, its successors and assigns, and The Union Water-Power Company, its successors and assigns.

As used herein, the term "CMP" shall be deemed to mean Central Maine Power Company, its successors and assigns.

In partial consideration for the granting of said Access Easement, Grantee does hereby covenant and agree as follows:

1. Any construction or maintenance by Grantee of a roadway within the Access Easement Property shall be at the sole risk and expense of Grantee and shall be in compliance with all laws, ordinances and regulations pertaining thereto;
2. No overhead utilities will be located by Grantee within the Access Easement Property without prior written consent of CMP;
3. Grantee will notify CMP before constructing any roadway within the Access Easement

Property, and if Grantee shall construct a private roadway on the Access Easement Property while CMP operates transmission lines and facilities on or over the Access Easement Property, then Grantee shall reimburse CMP for (i) actual costs of CMP's field representation for oversight during construction, including actual cost (including overheads) for hourly employees and the hourly rate (including overheads) multiplied by the hours expended for salaried employees, and (ii) actual costs related to the alteration and/or relocation of CMP's transmission lines and facilities existing on the Access Easement Property, including without limitation, costs related to structures (conductors, guys, and anchors) and any engineering and design costs related thereto, which work shall be conducted by CMP or its approved contractor;

4. Grantee will pay all costs of repairs for damage to any equipment and facilities of CMP, and the cost of correcting any erosion, caused by the construction and maintenance by Grantee of a roadway and/or utility lines within the Access Easement Property.
5. The rights herein granted shall not limit or restrict nor shall liability arise from CMP's use of its said transmission line corridor in its operation as a public utility, except as expressly provided herein;
6. Grantee shall release and hold harmless CMP, its directors, officers, employees, contractors, agents, successors and assigns, from any claim, damage, cause of action, injury, of any type or nature, that he or they now have or may have in the future arising out of or related to Grantee's use of the Access Easement; and
7. Grantee shall indemnify CMP, its directors, officers, employees, contractors, agents, successors and assigns, from any claim, damage, cause of action, injury, of any type or nature, that it or they now have or may have in the future arising out of or related to the placement by Grantee of hazardous materials (as defined by federal, state or local laws, rules, regulations or ordinances) on the Access Easement Property;

Provided, however, that the aforementioned obligations of Grantee relating to the construction, maintenance, repair, replacement, or use of any roadway pursuant to this Access Easement shall automatically terminate at such time as any roadway constructed pursuant to this Access Easement is established as a public way.

SUBJECT TO AN EXISTING RESERVATION in favor of CMP of the use and enjoyment of the Access Easement for such purposes only as will not materially interfere with the perpetual use of the Access Easement for the purposes herein set forth by Grantee. Without limiting the generality of the foregoing, CMP reserved the right to operate, maintain, rebuild and relocate transmission lines and facilities over the Access Easement Property.

Said existing reservation is set out in a deed from Central Maine Power Company to The Union Water-Power Company dated December 22, 1998 and recorded in Cumberland County Registry of Deeds in Book 14420, Page 130.

ALSO SUBJECT TO AN EXISTING RESERVATION in favor of CMP of the right to use any private roadway constructed by Grantee (or any predecessor-in-interest of Grantee with respect to the Access Easement) on the Access Easement Property for access to CMP's remaining land, as such land existed on December 22, 1998, with any construction by Grantee of any such roadway to include curb cuts installed at suitable locations on both sides of any such roadway for such access to said remaining land, provided that CMP shall be responsible for obtaining all necessary permits and approvals required for such curb cuts. If CMP shall desire to use the Access Easement Property for access to CMP's remaining property at any time before Grantee shall construct (or any predecessor-in-interest of Grantee with respect to the Access Easement shall have constructed) a private roadway on the Access Easement Property, then CMP shall have the right to construct a private roadway on the Access Easement Property, subject to the prior written approval of Grantee, which approval shall not be unreasonably withheld, conditioned, or delayed. Grantee shall have the right to use any such private roadway so constructed by CMP, provided that Grantee reimburses (or any predecessor-in-interest of Grantee with respect to the Access Easement shall have reimbursed) CMP for fifty percent (50%) of the costs incurred by CMP in constructing said private roadway within the Access Easement Property; provided, however, that the aforementioned reimbursement obligation of Grantee shall automatically terminate at such time as any roadway so constructed by CMP is established as a public way.

Anything to the contrary contained herein notwithstanding, during any time that any private roadway constructed on the Access Easement Property is used for access to both the Benefitted Property (or portion thereof) and CMP's remaining property (or portion thereof), all maintenance and repair costs related to the private roadway shall be shared by the respective owners of the Access Easement Property and CMP's Remaining Property in proportion to the areas being served by said roadway.

The Access Easement shall include the right of Grantee to dedicate any roadway constructed on the Access Easement Property for acceptance as a public way and to grant the Access Easement for acceptance as a public way. If required by the City of Portland and/or the State of Maine, CMP shall deliver a quitclaim deed without covenant conveying an easement to the public authority in furtherance of such dedication; provided, however, that any such conveyance shall explicitly provide that the rights conveyed are subject to CMP's rights as provided herein (except covenants number 6 and 7 above). Nothing contained herein shall be deemed a gift or dedication of any portion of the Access Easement Property to the general public or for the general public or for any public purpose whatsoever.

Said existing reservation is set out in a deed from Central Maine Power Company to The Union Water-Power Company dated December 22, 1998 and recorded in Cumberland County Registry of Deeds in Book 14420, Page 130.

THE BENEFITS AND OBLIGATIONS HEREIN shall inure to the benefit of and burden the successors and assigns of Grantor and Grantee.

THIS CONVEYANCE IS MADE SUBJECT TO certain rights and easements of the Portland

BK 17128PG083

Water District as the same are located across the northeasterly corner of the parcel herein conveyed in fee simple and across the easement location herein conveyed. This conveyance is also made subject to other rights and easements of the Portland Water District as the same are located along the southwesterly side of the parcel herein conveyed in fee simple.

THE HEREIN CONVEYED PARCEL OF LAND and the above-described Access Easement Property being parts of the premises conveyed to Central Maine Power Company by Arthur F. Maxfield et al. by deed dated October 9, 1957 and recorded in Cumberland County Registry of Deeds in Book 2378, Page 109.

For further reference, see plan entitled "Standard Boundary Survey Maxfield Lot, Portland, Cumberland County, Maine" dated 8/10/93 on file at Central Maine Power Company's Augusta office, File #50-396.

The herein conveyed parcel of land and the above-described Access Easement being the same parcel of land and Access Easement conveyed to The Union Water-Power Company by Central Maine Power Company by deed dated December 22, 1998 and recorded in Cumberland County Registry of Deeds in Book 14420, Page 130.

IN WITNESS WHEREOF, the duly authorized representative of the Grantor has set his hand and seal this 21 day of December, 2001.

THE UNION WATER-POWER COMPANY

Susan J. Lusscott
Witness

By:

John Fallona
John Fallona, President

STATE OF MAINE
COUNTY OF KENNEBEC, ss.

December 21, 2001.

Then personally appeared the above-named John Fallona, President of The Union Water-Power Company, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

SEAL

Diana L. Morgan
Notary Public

Print Name:

My Commission Expires:

DIANA L. MORGAN
NOTARY PUBLIC
MAINE

RECEIVED
RECORDED REGISTRY OF DEEDS

115.wpd

2001 DEC 26 PM 1:17

-5-

CUMBERLAND COUNTY

John B. Cabin

RELEASE DEED

UNION WATER-POWER COMPANY, a corporation duly organized and existing under the laws of the State of Maine with a place of business at 41 Anthony Avenue, Augusta, Maine ("Grantor"), for full value and consideration paid, hereby grants to SIMON A. SNYDER AND JASON A. SNYDER (½ interest), with a mailing address of 528 Stroudwater Street, Westbrook, Maine 04092, AND RONALD A. BARRIS, TRUSTEE OF THE THERESE BARRIS MARITAL TRUST, CYNTHIA B. BAKER, TRUSTEE OF THE THEODORE BARRIS TRUST, AND RONALD A. BARRIS AND CYNTHIA B. BAKER, CO-TRUSTEES OF THE BARRIS FAMILY TRUST (½ interest), with a mailing address of c/o Hopkinson & Abbondanza, P.A., 511 Congress Street, Portland, Maine 04101 (collectively, "Grantee"), the land described on the attached Exhibit A (the "Premises"):

RESERVING to Grantor a nonexclusive easement to use any private roadway constructed on the Premises for access to Grantor's remaining land (the "Grantor's Remaining Property"), with any construction by Grantee of any such roadway to include a curb cut at a location suitable for such access to Grantor's Remaining Property, provided that Grantor shall be responsible for obtaining all necessary permits and approvals required for such curb cut, and provided further that this easement shall only be over and across such private roadway as may exist from time to time, and this easement shall not be construed to prevent Grantee from altering and/or relocating any such roadway. Said nonexclusive easement to include the right of Grantor to construct and maintain its own roadway from said curb cut to Grantor's Remaining Property. If Grantor shall desire to use the Premises for access to Grantor's Remaining Property at any time before Grantee shall construct a private roadway on the Premises, then Grantor shall have the right to construct and maintain a private roadway on the Premises (at the sole cost and expense of Grantor), subject to the prior written approval of Grantee, which approval shall not be unreasonably withheld, conditioned, or delayed. Said right of Grantor shall include the right to grade, excavate and fill a 60-foot wide strip on the Premises, and the right to construct, maintain, repair, and replace a roadway, curbing, sidewalks and other paved surfaces within such 60-foot wide strip; provided, however, that any construction or maintenance by Grantor on the Premises shall be at the sole risk and expense of Grantor and shall be in compliance with all laws, ordinances and regulations pertaining thereto. Grantee shall have the right to use any such private roadway so constructed by Grantor, provided that Grantee reimburses Grantor for fifty percent (50%) of the costs incurred by Grantor in constructing that portion of such private roadway to be used by Grantee. The aforementioned reimbursement obligation of Grantee shall automatically terminate at such time as any roadway so constructed by Grantor is established as a public way. Nothing contained herein shall be deemed a gift or dedication of any portion of the Premises to the general public or for the general public or for any public purpose whatsoever.

ALSO RESERVING to Grantor the right to install and maintain on the Premises utility services for Grantor's Remaining Property, including facilities necessary for the transmission of electricity, gas, telephone communications, cable television, sewerage, water or similar services which are currently or may in the future become available; provided, however, that the location of any such utility services shall be subject to the prior written approval of Grantee, which approval shall not be unreasonably withheld, conditioned, or delayed.

MAINE REAL ESTATE TAX PAID

BK 14687PG 119

Grantor shall release and hold harmless Grantee, its heirs, successors and assigns, from any claim, damage, cause of action, injury, of any type or nature, that he or they now have or may have in the future arising out of or related to Grantor's use of the Premises; and Grantor shall indemnify Grantee, its heirs, successors and assigns, from any claim, damage, cause of action, injury, of any type or nature, that he or they now have or may have in the future arising out of or related to the placement by Grantor of hazardous materials (as defined by federal, state or local laws, rules, regulations or ordinances) on the Premises.

During any time that any private roadway constructed on the Premises is used for access to both the Grantor's Remaining Property (or portion thereof) and other property of Grantee, all maintenance and repair costs related to the private roadway shall be shared by the respective owners in proportion to the areas being served by said roadway.

The benefits and obligations herein shall inure to the benefit of and burden the heirs, successors and assigns of Grantor and Grantee.

IN WITNESS WHEREOF, Union Water-Power Company has caused this instrument to be signed in its corporate name this 14th day of April, 1999.

WITNESS:

UNION WATER-POWER COMPANY

Jane C. Stuck

By: Normand Rodrigue
Print: Normand Rodrigue
Its: Senior Vice President

STATE OF MAINE
COUNTY OF Kennebec

April 14, 1999 1999

Then personally appeared before me the above named Normand Rodrigue
Senior Vice President of Union Water-Power Company, and acknowledged the foregoing instrument to be his/her free act and deed in said capacity, and the free act and deed of Union Water-Power Company.

T.S. G. SEAL
Notary Public/Attorney-at-Law

Print Name: THOMAS S. GAYNE
NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 8, 2006

My Commission Expires: _____

F:\MAGNUS\NYDER\CMP-60066.wpd

Exhibit A

PREMISES

That certain land located southerly of Central Maine Power Company's Section 101 and 191 transmission line corridor at Rand Road Extension, so-called, in the City of Portland, County of Cumberland, and State of Maine, more particularly described as follows:

BEGINNING at a point at the northeasterly corner of land of Grantee, and on the southerly line of land now or formerly of Central Maine Power Company, said point being the northwesterly corner of the parcel of land conveyed from Central Maine Power Company to Grantor by deed dated December 22, 1998, recorded at the Cumberland County Registry of Deeds in Book 14420, Page 130;

Thence N 71°-37'-23" E along land of Central Maine Power Company, a distance of 573.34 feet to a point;

Thence S 16°-57'-47" W along Grantor's Remaining Property, a distance of 70.91 feet to a point;

Thence in a general southwesterly direction along Grantor's Remaining Property, and along a circular curve to the right circumscribed by a radius of 600.00 feet, an arc distance of 480.00 feet to a point of compound curvature;

Thence in a general southwesterly direction along Grantor's Remaining Property, and along a circular compound curve to the right circumscribed by a radius of 1100.00 feet, an arc distance of 98.31 feet to a point on the easterly line of land of Grantee;

Thence N 25°-07'-48" W along said easterly line of land of Grantee, a distance of 316.60 feet to the point of beginning. Containing 2.85 acres more or less.

Being a portion of the parcel of land conveyed from Central Maine Power Company to Union Water-Power Company by deed dated December 22, 1998, recorded at the Cumberland County Registry of Deeds in Book 14420, Page 130.

For reference, a copy of a portion of a Standard Boundary Survey prepared by Land Services, Inc. (Proj. 97027, Feb. 1, 1999) is attached hereto.

BK 14687 PG 120

EXHIBIT A

RAND ROAD

100' Right of Way to be conveyed
by Central Maine Power Company

16" WATER PIPELINE
SOUTH PORTLAND CONNECTION

PARCEL #5

2.85 ACRES

LAND OF:
Union Power & Water Co.
14420/130

TO BE CONVEYED

CENTERLINE OF PROPOSED
RAND ROAD CONNECTOR
PER PLAN REF. #19

N/F
Union Power & Water Co.
14420/130
SEE PLAN REF. #12

RECEIVED
RECORDED REGISTRY OF DEEDS

1999 APR 16 AM 10:36

CUMBERLAND COUNTY

John B. Abreu

16" WATER PIPELINE
SOUTH PORTLAND CONNECTION

0019510

8K17401PG108

RELEASE DEED

PORTLAND WATER DISTRICT, a quasi-municipal corporation organized and existing under the laws of the State of Maine and located at Portland, County of Cumberland and State of Maine (hereinafter "the DISTRICT") for consideration paid, hereby releases to THE ENERGY EAST FOUNDATION, INC., a Delaware Corporation of Ithaca, County of Tompkins; and UNION WATER POWER, for itself and its successors and assigns shall reimburse and fully and completely indemnify and hold the DISTRICT harmless from any and all loss, damage, claim or expense caused by or arising out of the ownership of the water pipe and State of New York and having a mailing address of P.O. Box 3287, Ithaca, New York 14852 (hereinafter "ENERGY EAST"),

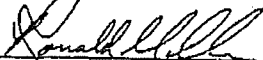
All the DISTRICT's right title and interest in and to easement rights acquired by the DISTRICT by a Certificate of Taking dated July 16, 1912 and recorded in the Registry of Deeds in Book 899, Page 281, together with the existing 16" water pipe and all appurtenances located upon or under the property, on land in the City of Portland, County of Cumberland and State of Maine, located southerly, but not adjacent to Rand Road, being the same premises conveyed to ENERGY EAST by Union Water Power Company by deed dated December 21, 1998 and recorded in the Registry of Deeds in Book 17128, Page 79.

As consideration for this transfer, ENERGY EAST, for itself and its successors and assigns agree that if the water pipe located on the property is ever dug up or exposed, the pipe shall be cut and sealed at both ends.

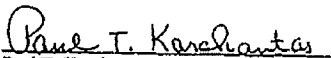
IN WITNESS WHEREOF, the Portland Water District has caused this release deed to be executed in its name by Ronald Miller, it's General Manager, thereunto duly authorized this 28th day of February, 2002.

Signed, Sealed and Delivered
in the presence of

PORTLAND WATER DISTRICT


Ronald Miller - General Manager

THE ENERGY EAST FOUNDATION, INC.


Paul T. Karakantas - Treasurer

State of Maine
Cumberland, ss.

February 28, 2002

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

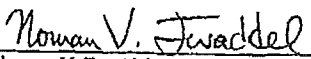
Before me,

RECEIVED
RECORDED REGISTRY OF DEED:

2002 MAR -8 PH 1:49

CUMBERLAND COUNTY

John B. O'Brien


Norman V. Twaddel
Notary Public - Maine
My Commission expires 12/17/2002

SEAL

RELEASE DEED

PORTLAND WATER DISTRICT, a quasi-municipal corporation organized and existing under the laws of the State of Maine and located at Portland, County of Cumberland and State of Maine (hereinafter "the DISTRICT") for consideration paid, hereby releases to THE ENERGY EAST FOUNDATION, INC., a Delaware Corporation of Ithaca, County of Tompkins; and UNION WATER POWER, for itself and its successors and assigns shall reimburse and fully and completely indemnify and hold the DISTRICT harmless from any and all loss, damage, claim or expense caused by or arising out of the ownership of the water pipe and State of New York and having a mailing address of P.O. Box 3287, Ithaca, New York 14852 (hereinafter "ENERGY EAST"),

All the DISTRICT's right title and interest in and to easement rights acquired by the DISTRICT by a Certificate of Taking dated July 16, 1912 and recorded in the Registry of Deeds in Book 899, Page 281, together with the existing 16" water pipe and all appurtenances located upon or under the property, on land in the City of Portland, County of Cumberland and State of Maine, located southerly, but not adjacent to Rand Road, being the same premises conveyed to ENERGY EAST by Union Water Power Company by deed dated December 21, 1998 and recorded in the Registry of Deeds in Book 17128, Page 79.

As consideration for this transfer, ENERGY EAST, for itself and its successors and assigns agree that if the water pipe located on the property is ever dug up or exposed, the pipe shall be cut and sealed at both ends.

IN WITNESS WHEREOF, the Portland Water District has caused this release deed to be executed in its name by Ronald Miller, it's General Manager, thereunto duly authorized this 28th day of February, 2002.

Signed, Sealed and Delivered
in the presence of

PORTLAND WATER DISTRICT

Ronald Miller
Ronald Miller - General Manager

THE ENERGY EAST FOUNDATION, INC.

Paul T. Karakantas
Paul T. Karakantas - Treasurer

State of Maine
Cumberland, ss.

February 28, 2002

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

Before me,

Norman V. Twaddel
Norman V. Twaddel
Notary Public - Maine
My Commission expires 12/17/2002

seal

RECEIVED
RECORDED REGISTRY OF DEEDS

2002 MAY -3 AM 11:20

CUMBERLAND COUNTY

John B. O'Brien

SEWER EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, that Union Water Power Co., a Maine corporation with a place of business in Augusta, Maine ("Grantor"), for consideration paid, receipt whereof is hereby acknowledged, grants to the City of Portland, a body politic and corporate located in Cumberland County, State of Maine ("Grantee"), with warranty covenants, an easement described as follows:

The right perpetually to enter only for the purposes set forth herein at any and all times upon property situated on Rand Road, Portland, in said County of Cumberland and State of Maine, said property being described in Schedule A, attached hereto and incorporated herein by reference.

The above-described parcel contains 30,880 square feet of area more or less.

Said easement for the sole purpose of and conveying the right to perpetually maintain through, under and across said property conduits or pipelines with all necessary fixtures and appurtenances for conveying waste water and to lay, relay, repair, maintain, clean and remove said wastewater pipe or pipes upon or under said strips, with all necessary fixtures and appurtenances, to trim, cut down and remove trees, bushes, and other vegetation of all kinds that affect the use of said sewer easement, to remove debris and deposits of any kind and to alter and regrade the contours of said sewer easement to such extent as in the sole judgment of the Grantee is necessary or appropriate for any of the above purposes provided, however, that the grant of the easement and Grantee's use of this easement will at no time interfere with or adversely affect Grantor's abilities and rights to use or develop their property to the fullest extent permitted by law provided that such Grantor's use does not interfere with Grantee's use of the easement area, and to enter upon said sewer easement at any and all times for any of the foregoing purposes, reserving to the Grantor and its heirs and assigns the use and enjoyment of said strips and for such purposes.

Grantee shall restore said easement area to its previously existing condition upon completion of any work conducted in or under the easement area, and shall be responsible for any repair and maintenance of the easement area which is required as a result of the Grantee's use of the easement area.

Page 1 of 2

OCT-01-2001 08:31

CITY OF PORTLAND

BK 16854 PG 161

2078748497

P.03/04

Union Water Easement Deed, DMK, I
4/30/01

IN WITNESS WHEREOF, John F. Fallona has hereunto set his ~~free~~ hand and seal
on this 2nd day of October, 2001.

WITNESS

UNION WATER POWER CO.

John F. Fallona

John F. Fallona
(Print or type name)

Its President

STATE OF MAINE

CUMBERLAND, ss. Kennebec

Dated: 10-2-01

Personally appeared the above-named John F. Fallona in his/her
capacity as President of Union Water Power Co. and acknowledged
the foregoing instrument to be his/her free act and deed and the free act and deed of said
Union Water Power Co.

Before me,

Diana L. Morgan SEAL
Notary Public/Attorney at Law

DIANA L. MORGAN
NOTARY PUBLIC, MAINE
My Commission Expires May 6, 2003

OFFICE OF NOTARY PUBLIC, Kennebec County, Maine

OCT-01-2001 08:28

Page 2 of 2
LEGAL DEPARTMENT

99%

P.03

OCT-01-2001 08:31

CITY OF PORTLAND

BK 16851 PG 162

2075748437 P.04/04

Schedule A

Utility Easement Union Water Power Co.
To
City of Portland

A certain 50 foot wide easement or strip of land in the City of Portland, County of Cumberland, State of Maine being bounded and described as follows:

Beginning at a point on the line that lies on a course of S 25° 07' 48" E a distance of seventy-five and forty-one hundredths (75.40) feet from the northeasterly corner of Parcel 3 which was conveyed by deed of Simon A. Snyder et al to the City of Portland dated December 7, 1999 and recorded in Cumberland County Registry of Deeds in Book 15211, Page 31. The above said Parcel 3 is shown on a plan titled Standard Boundary Survey Snyder/Barris property Westbrook Street, Portland, Maine, dated October 1977, rev. 1, 12/01/99, made by Land Services, Inc. which is on file in the City of Portland Engineer's Office, 55 Portland Street, Portland, Maine.

Thence by said Parcel 3 and land of the Grantees herein on the above said course of S 25° 07' 48" E a distance of five hundred twenty-seven and fifty-two hundredths (527.52') feet to a point;

Thence through land of the Grantors herein on a course of S 47° 15' 18" E a distance of eighty-five (85'±) feet, more or less, to a point, said point being 75 feet distant northerly measured at right angles from the centerline of the Central Maine Power Company transmission line designated Section 161;

Thence N 79° 10' 23" E on a line parallel to and 75 feet distant northerly from said centerline of said transmission line Section 161, a distance of sixty-three (63'±) feet, more or less, to a point;

Thence on a course of N 47° 15' 18" W and keeping 50 feet from and parallel to the second described course above a distance of one hundred five (105'±) feet, more or less, to an angle point;

Thence on a course of N 25° 07' 48" W and keeping 50 feet from and parallel to above said Parcel 3 a distance of five hundred-seventeen (517'±) feet, more or less, to land, now or formerly, of Simon A. Snyder and Therese Barris Trust et al.

Thence in a southwesterly direction by land of said trust along the arc of a curve to the left having a radius of 1100.00 feet a distance of fifty (50'±) feet, more or less, to the point of beginning.

The above-described courses refer to Grid North.

The above described strip of land being a portion of the parcel of land conveyed by Central Maine Power Company to Union Water-Power Company by deed dated December 24, 1998 and recorded in above said Registry in ~~BOOK 15211~~ Page 130.
RECORDED REGISTRY OF DEED.

2001 OCT 17 PM 2: 25

CUMBERLAND COUNTY

John B. Quinn
39%

TOTAL P. 04
P. 04

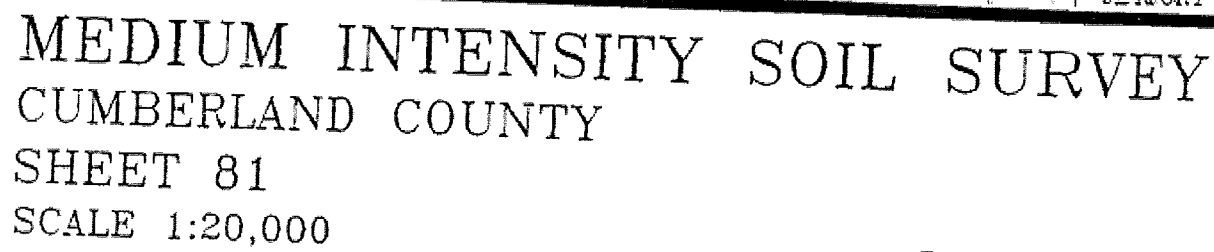
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LEGAL DEPARTMENT

Appendix 2

Soil Map

Soils Description



53 of 91

* Elmwood Series EmB

The Elmwood series consists of deep, nearly level to undulating, moderately well drained soils. These soils formed in moderately coarse textured sediment of glacio-fluvial origin that overlies fine textured and moderately fine textured sediment of marine and lacustrine origin. These soils are on terraces adjacent to streams and rivers in the central lowland and in the coastal areas.

A representative profile of an Elmwood soil in a cultivated area has a surface layer of dark-brown fine sandy loam 8 inches thick. Below the surface layer is 7 inches of yellowish-brown, friable sandy loam, which overlies 7 inches of light olive-brown sandy loam that has strong-brown mottles. At a depth of 22 inches is 8 inches of light olive-gray, massive sandy loam that has dark yellowish-brown mottles. This layer is underlain by 7 inches of pale-olive, firm sandy clay loam that has yellowish-brown mottles. The substratum, at a depth of 32 inches, is olive, firm silty clay loam.

The water table is at a depth of 1 to 2½ feet in spring and during periods of heavy precipitation. Depth to bedrock is 5 feet or more.

Most areas of these soils are used for farming, but a few areas are wooded. The stands consists mainly of red pine, white pine, and northern hardwoods.

Representative profile of Elmwood fine sandy loam, 0 to 8 percent slopes, 0.3 mile north of the York County and Cumberland County line on the east side of U.S. Highway No. 1 in Scarborough Township:

Ap—0 to 8 inches, dark-brown (10YR 4/3) fine sandy loam; weak, fine, granular structure; very friable; many roots; medium acid; abrupt, smooth boundary.

B21—8 to 15 inches, yellowish-brown (10YR 5/6) sandy loam; weak, very fine, granular structure; friable; common roots; medium acid; clear, wavy boundary.

B22—15 to 22 inches, light olive-brown (2.5Y 5/6) sandy loam; common, medium, distinct, strong-brown (7.5YR 5/8) mottles; massive; friable; a few roots; medium acid; clear, wavy boundary.

A'2—22 to 25 inches, light olive-gray (5Y 6/2) sandy loam; common, medium, distinct, dark yellowish-brown (10YR 4/4) mottles; massive; friable; medium acid; abrupt, wavy boundary.

IIB'2—25 to 32 inches, pale olive (5Y 6/3) sandy clay loam; common, medium, distinct, yellowish-brown (10YR 5/3) mottles; moderate, fine, subangular blocky structure; firm; a few clay or silt coatings on vertical faces of peds and a very few on horizontal faces; thin silt and clay coatings in channels and pores; slightly acid; clear, wavy boundary.

IIC—32 to 60 inches, olive (5Y 4/3) silty clay loam; moderate, medium to thick, platy structure; firm; manganese stains on horizontal and vertical faces of peds; thin discontinuous coatings of fine silt on all faces of peds; faces are greenish-gray (5GY 6/1); slightly acid to neutral.

The solum ranges from 19 to 38 inches in thickness. Reaction ranges from strongly acid to slightly acid in the solum and from slightly acid to neutral in the C horizon.

The Ap horizon ranges from fine sandy loam to loam or sandy loam. The B21 and B22 horizons range from fine sandy loam to sandy loam. In the B21 horizon hue is 7.5YR, 10YR, or 2.5Y; value ranges from 3 to 5; and chroma ranges from 3 to 6. The IIB'2 horizon is sandy clay loam, silty clay loam, silty clay, or clay loam.

Associated with Elmwood soils in the landscape are Buxton, Melrose, Scantic, Sufield, Swanton, and Whately soils. Elmwood soils are moderately well drained, Swanton soils are somewhat poorly drained to poorly drained, and Whately soils are very poorly drained. Elmwood soils are moderately coarse textured to a depth of about 24 inches and moderately fine and fine textured below. They are coarser textured in the upper part than Buxton, Sufield, and Scantic soils, which are medium textured throughout.

Elmwood fine sandy loam, 0 to 8 percent slope (EmB).—This soil has the profile described as representative of the series. It is on terraces adjacent to streams and rivers. Included in mapping are small areas of Melrose, Swanton, and Whately soils and small areas of soils that have a loamy sand surface layer and subsoil.

Runoff is slow to medium on this soil. Permeability is rapid above the fine-textured layer and slow within it. Available water capacity is high.

This Elmwood soil can be used for hay, pasture, and row crops if drainage is provided. It is also suited to woodland, and white pine, red pine, and white spruce are suitable for planting. This soil has severe to very severe limitations for most uses in community development, mainly because of its slow permeability and seasonal high water table. It has moderate limitations for most recreational uses because of slow drying and seasonal wetness. Capability unit IIw-8; woodland group 301; wildlife group 2.

* Scantic Series Sn

The Scantic series consists of deep, nearly level, poorly drained, medium-textured soils that are underlain by fine-textured material. These soils formed in marine and lacustrine sediment. They are in old marine estuaries in the eastern and central parts of the county and in depressions around a few inland lakes.

A representative profile of a Scantic soil in a cultivated area has a surface layer of dark grayish-brown silt loam 8 inches thick that is underlain by 5 inches of olive-gray, friable heavy silt loam that has light olive-brown mottles. The upper 7 inches of the subsoil is olive-gray, firm heavy silt loam that has light olive-brown mottles, and the next 8 inches is olive-gray, firm heavy silty clay loam that has yellowish-brown mottles. The lower 4 inches of the subsoil is olive-gray, firm silty clay that has a few olive mottles. The substratum, at a depth of 32 inches, is olive-gray, firm clay that has a few dark-gray mottles.

A water table is at a depth of 1 foot during most of the year, and depth to bedrock is 5 feet or more.

A few areas of Scantic soils are farmed, but many areas are wooded. Common species are speckled alder, white pine, and black willow.

Representative profile of Scantic silt loam, on a big flat on the east side of Beech Ridge Road, 0.5 mile south of intersection with Holmes Road in Scarborough Township:

Ap—0 to 8 inches, dark grayish-brown (10YR 4/2) silt loam; moderate, fine, granular structure; friable when moist; many roots; strongly acid; abrupt, wavy boundary.

A2g—8 to 13 inches, olive-gray (5Y 5/2) heavy silt loam; a few, fine, distinct, light olive-brown (2.5Y 5/6) mottles; moderate, fine and medium, granular structure; friable when moist; common roots; strongly acid; clear, irregular boundary.

B21g—13 to 20 inches, olive-gray (5Y 5/2) heavy silt loam; common, fine, distinct, light olive-brown (2.5Y 5/4) mottles; moderate, medium, blocky structure; firm when moist; a few roots; patchy pressure faces on peds; medium acid; abrupt, smooth boundary.

B22g—20 to 28 inches, olive-gray (5Y 4/2) heavy silty clay loam; common, fine, distinct, yellowish-brown (10YR 5/6) mottles; moderate, coarse, prismatic structure, parting to moderate, medium, blocky structure; firm when moist; medium acid; gradual, wavy boundary.

IIB3g—28 to 32 inches, olive-gray (5Y 4/2) silty clay; a few, fine, distinct, olive (5Y 5/6) mottles; moderate, medium, platy structure; firm when moist; 34 of 91 pressure faces on peds.

faint, dark-gray (5Y 4/1) mottles on faces of platy peds: weak, thick, platy structure; firm when moist; slightly acid.

The solum ranges from 25 to 40 inches in thickness. Reaction in the Ap, A1, A2g, and B21g horizons ranges from strongly acid to medium acid. In the Ap horizon hue ranges from 10YR to 5Y, value is 4 or 5, and chroma is 1 or 2. In uncultivated areas an A1 horizon ranges from 2 to 5 inches in thickness. This horizon is very dark gray (10YR 3/1) or very dark grayish brown (10YR 3/2), and its texture is similar to that of the Ap horizon. The A2g horizon ranges from loam to silt loam. The C horizon ranges from silty clay loam to clay. Mottling is less evident or is lacking in this horizon.

Associated with Scantic soils in the landscape are Biddeford, Buxton, Elmwood, Melrose, and Suffield soils. Scantic soils are similar to these soils, but Suffield soils are well drained, Buxton soils are moderately well drained to somewhat poorly drained, and Biddeford soils are very poorly drained. Also, the well-drained Melrose soils and the moderately well drained Elmwood soils are fine sandy loam over silty clay.

Scantic silt loam (Sn).—This is the only Scantic soil mapped in the county. It is in old marine estuaries and in depressions around a few inland lakes. Included in mapping are small areas of Buxton, Biddeford, and Swanton soils. Also included are small areas of soils that have a few stratified sandy layers in the subsoil and the substratum and small areas of soils around inland lakes that have stones on the surface.

This soil is wet throughout the year. Permeability is moderate in the upper part of the horizon and slow to very slow in the lower part. Runoff is slow. Available water capacity is high.

If this Scantic soil is artificially drained, it can be used for hay and pasture. Locating suitable drainage outlets is a concern of management. If undrained, this soil is suited to limited pasture. For woodland use, white spruce, white cedar, and white pine are suited, but seedling mortality is severe, and equipment limitations are severe because of wetness. Also, the windthrow hazard is severe because the roots of most plants are restricted to the zone above a high water table. Limitations are severe or very severe for most community and recreational uses, principally because of a high water table. This soil is well suited to use as habitat for wetland wildlife. Capability unit IVw-7; woodland group 5w1; wildlife group 3.

460-637-74-3

* Suffield Series SuE2

The Suffield series consists of deep, well-drained, moderately sloping to steep, medium-textured soils. These soils formed in marine and lacustrine sediment on terraces in the central lowland and eastern parts of the county.

A representative profile of a Suffield soil in a cultivated area has a surface layer of dark grayish-brown silt loam 6 inches thick. The upper 3 inches of the subsoil is dark yellowish-brown, friable silt loam, and the next layer is 14 inches of grayish-brown, friable silt loam. The lower 10 inches of the subsoil is olive-gray, firm silty clay. The substratum, at a depth of 33 inches, is light olive-gray, firm silty clay.

Permeability is moderate in the silty layers and slow in the clayey layers. Available water capacity is high. Depth to bedrock is 5 feet or more.

Many areas of Suffield soils were formerly farmed, but they are now wooded. Common species are white pine, red pine, white spruce, and balsam fir.

Representative profile of Suffield silt loam, 8 to 15 percent slopes, eroded, along State Route 114 near the bridge that crosses the Stroudwater River in Gorham Township.

Ap—0 to 6 inches, dark grayish-brown (10YR 4/2) silt loam; moderate, medium, granular structure; friable when moist; many roots; medium acid; abrupt, smooth boundary.

B21—6 to 9 inches, dark yellowish-brown (10YR 4/4) silt loam; weak, fine, granular structure; friable when moist; many roots; slightly acid; abrupt, wavy boundary.

B22—9 to 15 inches, grayish-brown (2.5Y 5/2) silt loam; weak, coarse, granular structure; friable when moist; common roots; slightly acid; abrupt, irregular boundary.

B23—15 to 22 inches, grayish-brown (2.5Y 5/2) silt loam, weak, coarse, granular structure; friable when moist; a few roots; slightly acid; abrupt, wavy boundary.

IIB3—23 to 33 inches, olive-gray (5Y 5/2) on ped faces, olive-gray (5Y 4/2) in ped interiors, and olive (5Y 4/3) where crushed silty clay; weak, coarse, prismatic structure, that parts to strong, medium, subangular blocky structure; firm when in place, friable when moved, sticky and plastic when wet; light olive-brown (2.5Y 5/4) and dark grayish-brown (2.5Y 5/2) very fine sand and silt coatings on prism faces; slightly acid; clear, wavy boundary.

IIC—33 to 60 inches, light olive-gray (5Y 6/2) on ped faces; olive (5Y 4/3) in ped interiors, and olive-gray (5Y 4/2) when crushed silty clay; weak, coarse, prismatic structure; firm when in place, friable when moved, sticky and plastic when wet; olive (5Y 4/4) very fine sand and silt coatings on prism faces; slightly acid.

The thickness of the silty layer over the contrasting more clayey layer ranges from 18 to 40 inches. Reaction ranges from strongly acid to slightly acid in the upper part of the solum, to a depth of about 23 inches, and from medium acid to neutral in the lower part of the solum.

In undisturbed areas an A1 horizon, 1 to 2 inches thick, is present. It is dark gray (10YR 3/1) or very dark brown (10YR 3/2). In places, undisturbed areas have a 1- to 2-inch A2 horizon. In the B21 horizon hue is 10YR, 7.5YR, or 2.5Y; value is 4 or 5; and chroma ranges from 4 to 8. In the B22, B23, IIB3, and IIC horizons hue is 2.5Y or 5Y, value ranges from 4 to 6, and chroma ranges from 2 to 4. The IIB3 and IIC horizons range from silty clay to silty clay loam.

Associated with Suffield soils in the landscape are Biddeford, Buxton, and Scantic soils. Suffield soils are similar to these soils, but Buxton soils are moderately well drained to somewhat poorly drained, Scantic soils are poorly drained, and Biddeford soils are very poorly drained.

Suffield silt loam, 8 to 15 percent slopes, eroded (SuC2).—This soil has the profile described as representative of the series. It is on the sides of terraces adjacent to streams, rivers, and drainageways. Runoff is medium to rapid. Included in mapping are small areas of less steep Buxton soils. Also included are small areas of Hartland and Belgrade soils.

This Suffield soil can be used for cultivated crops, hay, pasture, and woodland. If it is cultivated, erosion is a severe hazard. Steepness of slope moderately limits the use of equipment for cultivated crops and hay. For woodland use, white pine, red pine, white spruce, and larch are suitable for planting, but seedling mortality is moderate. In addition, equipment limitations are moderate because of steepness of slope, and the erosion hazard is moderate. Because of slow permeability in the clay layers, this soil has very severe limitations for use as homesites where septic tank systems must be installed for the disposal of sewage. Steepness of slope is a moderate limitation on this soil for use as golf courses. Capability unit IIIE-7; woodland group 5c1; wildlife group 1.

Suffield silt loam, 15 to 25 percent slopes, eroded (SuD2).—This soil is on the sides of dissected terraces adjacent to streams, rivers, and drainageways. It has a profile similar to the one described as representative of the series, except that its surface layer and the upper part of its subsoil are thinner. Runoff is rapid.

This Suffield soil can be used for pasture and woodland. It is too steep for cultivated crops and hay. For woodland use, white pine, red pine, white spruce, and larch are suitable for planting, but seedling mortality is moderate. In addition, equipment limitations are severe because of steepness of slope. The erosion hazard is severe. Because of slow permeability in the clay layers and steepness of slope, this soil has very severe limitations for use as homesites where septic tank systems must be installed for the disposal of sewage. Limitations are very severe for most recreational uses, principally because of steepness of slope. Capability unit IVe-7; woodland group 5c2; wildlife group 10.

Suffield silt loam, 25 to 45 percent slopes, eroded (Suf2).—This soil is on the lower part of the slopes of strongly dissected terraces adjacent to streams, rivers, and drainageways. It has a profile similar to the one described as representative of the series, except that its surface layer and the upper part of its subsoil are thinner. Runoff is very rapid.

This Suffield soil is too steep for farming. It is suitable for use as woodland. White pine, red pine, white spruce, and larch are suitable for planting. If used for this purpose, seedling mortality is moderate, equipment limitations are severe, mainly because of steepness of slope, and the erosion hazard is severe. Because of slow permeability in the clay layers and steepness of slope, this soil has very severe limitations for use as homesites where septic tank systems are needed for disposal of sewage. Limitations are very severe for most recreational uses, principally because of steepness of slope. Capability unit VIe-7; woodland group 5c2; wildlife group 10.

Swanton Series Sz

The Swanton series consists of deep, nearly level, poorly drained to somewhat poorly drained soils. These soils formed in moderately coarse textured sediment of glaciofluvial origin over fine-textured sediment of marine and lacustrine origin. They are in depressions in the coastal part of the county.

A representative profile of a Swanton soil in a cultivated area has a surface layer of dark grayish-brown fine sandy loam, 9 inches thick, that is underlain by 5 inches of light olive-gray, friable fine sandy loam that has light olive-brown mottles. The upper 5 inches of the subsoil is olive-gray, friable fine sandy loam that contains olive-brown mottles. It is underlain by 9 inches of olive, friable fine sandy loam that has yellowish-brown mottles and by 4 inches of light olive-gray, friable fine sandy loam that has yellowish-brown mottles. The lower 13 inches of the subsoil is olive, firm silty clay that contains olive-brown mottles. The substratum, at a depth of 45 inches, is olive, firm silty clay that contains light olive-brown mottles.

A water table is at a depth of 1 foot during most of the year. Depth to bedrock is 5 feet or more.

A few areas of Swanton soils were formerly farmed, but most areas are now wooded. Common species are speckled alder, red maple, American elm, gray birch, and white pine.

Representative profile of Swanton fine sandy loam, 1,000 feet south of the North Yarmouth-Yarmouth town line and 1,000 feet east of Sligo Road in Yarmouth Township:

Ap—0 to 9 inches, dark grayish-brown (10YR 4/2) fine sandy loam; moderate, fine, granular structure; friable when moist; many roots; strongly acid; abrupt, smooth boundary.

A2g—9 to 14 inches, light olive-gray (5Y 6/2) fine sandy loam; common, medium, distinct, light olive-brown (2.5Y 5/6) mottles; weak, very fine, granular structure; friable when moist; many roots; strongly acid; abrupt, wavy boundary.

B21g—14 to 19 inches, olive-gray (5Y 5/2) fine sandy loam; many, coarse, distinct, light olive-brown (2.5Y 5/6) mottles; weak, very fine, granular structure; friable when moist; strongly acid; clear, wavy boundary.

B22g—19 to 28 inches, olive (5Y 5/4) fine sandy loam; common, coarse, distinct, yellowish-brown (10YR 5/8) mottles; moderate, medium, subangular blocky structure; friable when moist; strongly acid; clear, wavy boundary.

A'2g—28 to 32 inches, light olive-gray (5Y 6/2) fine sandy loam; common, coarse, distinct, yellowish-brown (10YR 5/8) mottles; weak, thin, platy structure; friable when moist; strongly acid; abrupt, wavy boundary.

IIE'g—32 to 45 inches, olive (5Y 5/8) silty clay; common, medium, distinct, olive-brown (2.5Y 4/4) mottles; weak, medium, platy structure; firm when moist; a few silt films and black stains on faces of peds; slightly acid; clear, wavy boundary.

IICg—45 to 60 inches, olive (5Y 4/3) silty clay; common, medium, distinct, light olive-brown (2.5Y 5/4) mottles; weak, thick, platy structure; firm when moist; a few silt films and black stains on faces of peds; neutral.

The moderately coarse textured material ranges from 18 to 40 inches in thickness. Reaction ranges from strongly acid to medium acid in the moderately coarse textured material and from medium acid to neutral in the finer textured material.

In the Ap horizon hue is 10YR or 7.5YR, value is 2 to 4, and chroma is 1 or 2. In undisturbed areas an A1 horizon is similar in color and in texture to the Ap horizon, but it is thinner. In the B2g horizons hue ranges from 10YR to 5Y, value ranges from 3 to 5, and chroma ranges from 1 to 4. The B2g horizons range from fine sandy loam to sandy loam.

Associated with Swanton soils in the landscape are Elmwood, Melrose, and Whately soils. Swanton soils are similar to these soils, but Melrose soils are well drained. Elmwood soils are moderately well drained, and Whately soils are very poorly drained.

Swanton fine sandy loam (Sz).—This is the only Swanton soil mapped in the county. It is in depressional areas. Included in mapping are small areas of Elmwood, Seantic, and Whately soils.

Permeability is moderate to moderately rapid above the fine-textured material and very slow within it. Runoff is slow, and available water capacity is high. This soil is wet throughout the year, and it receives large quantities of runoff from surrounding soils when it rains.

This Swanton soil can be used for row crops, hay and pasture, and as woodland if drainage is provided. Locating suitable drainage outlets is a concern of management. For woodland use, white pine and white spruce are suitable for planting, but seedling mortality is severe. In addition, equipment limitations are severe because of wetness, and the windthrow hazard is severe because the roots of most plants are restricted to the zone above the water table. This soil has very severe limitations for most community uses, principally because of a high water table. It also has very severe limitations for all recreational uses, principally because of excess wetness and a high water table. This soil is well suited to habitat for wetland wildlife and to small ponds. Capability unit IIIw-8; woodland group 5w1; wildlife group 3.

* Buxton Series *BuC2*

The Buxton series consists of deep, moderately well drained to somewhat poorly drained, gently sloping to moderately sloping, medium-textured soils. These soils formed in silty and clayey marine lacustrine sediment in the central lowland and coastal areas of the county. They are on terraces and plains.

A representative profile of a Buxton soil in a cultivated area has a layer of dark-brown silt loam, 9 inches thick, that overlies a layer of yellowish-brown, friable silt loam. The next 4 inches is light olive-gray, friable silty clay loam. Below this is 22 inches of olive-gray to gray, firm silty clay that has gray, olive, olive-brown, and light olive-brown mottles. The underlying material, at a depth of 38 inches, is olive-gray silty clay that has a few light olive-brown mottles.

The water table is at a depth of 1 to 2½ feet in spring and during periods of heavy precipitation. Depth to bedrock is 5 feet or more. These soils have high available water capacity. Permeability is moderately slow to slow above the fine-textured layer and slow to very slow within it.

Most of the acreage of Buxton soils is used for farming, but many areas are wooded. Common species are white pine, yellow birch, gray birch, ground juniper, and poplar.

Representative profile of Buxton silt loam, 3 to 8 percent slopes, 2.75 miles south-southeast of North Scarborough on macadam road connecting Holmes Road with Beech Ridge Road, 80 feet to 45° east azimuth from N.E.T.&T. Co. pole #8, 70 feet from center of road in Scarborough Township:

- Ap—0 to 9 inches, dark-brown (10YR 4/3) silt loam; moderate, fine, granular structure; friable when moist; common roots; strongly acid; abrupt, smooth boundary.
- B2—9 to 12 inches, yellowish-brown (10YR 5/6) silt loam; moderate, fine, granular structure; friable when moist; common roots; strongly acid; abrupt, smooth boundary.
- A'2—12 to 16 inches, light olive-gray (5Y 6/2) silty clay loam; moderate, fine, subangular blocky structure; friable when moist; some tonguing; medium acid; abrupt, wavy boundary.
- B'21—16 to 21 inches, olive-gray (5Y 5/2) silty clay; a few, fine, faint, gray (5Y 5/1) and olive (5Y 5/6) mottles; moderate, medium, blocky structure; slightly firm; tops of prisms in this horizon; a few fine manganese stains on peds; medium acid; clear, smooth boundary.
- B'22—21 to 28 inches, olive (5Y 4/3) silty clay; common, fine, distinct, olive-brown (2.5Y 4/4) and gray (5Y 5/1) mottles; moderate to strong, coarse, prismatic structure that parts to moderate, medium and coarse, subangular blocky structure; firm when moist, very sticky when wet; thick, continuous, olive-gray (5Y 5/2) coating on prism faces; a few, thin, black manganese coats on faces of peds; slightly acid; gradual, smooth boundary.
- B'3—28 to 38 inches, olive (5Y 4/3) silty clay; common, fine, distinct, light olive-brown (2.5Y 5/6) mottles; moderate to strong, very coarse, prismatic structure; firm when moist, very sticky when wet; thick, continuous, gray (5Y 5/1) coatings on prism faces; a few, thin, black manganese films on faces of peds; slightly acid; abrupt, smooth boundary.
- C—38 to 60 inches, olive-gray (5Y 4/2) silty clay; a few, fine, distinct, light olive-brown (2.5Y 5/6) mottles; weak, coarse, blocky structure becoming massive in lower part; firm when moist, very sticky when wet; thick, continuous, gray (5Y 5/1) films on ped faces and in some pores; some, thin, very dusky red (2.5YR 2/2) manganese coats; slightly acid to neutral.

The solum ranges from 24 to 50 inches in thickness. Depth to mottling ranges from 15 to 24 inches. The solum ranges from very strongly acid to neutral in reaction, and the C horizon ranges from slightly acid to neutral in reaction.

Associated with Buxton soils in the landscape are Hartland, Elmwood, Melrose, Suffield, Scantic, Biddeford, and Hollis soils. Buxton soils are similar to these soils, but Hartland and Suffield soils are well drained, Scantic soils are poorly drained, and Biddeford soils are very poorly drained. The subsoil of Buxton soil is finer textured than that of Hartland soils. Also, Hollis soils are shallow and Melrose and Elmwood soils are fine sandy loam over silty clay.

Buxton silt loam, 3 to 8 percent slopes (*BuS*).—This soil has the profile described as representative of the series. It is on terraces adjacent to natural drainageways, streams and rivers, and on plains. Included in mapping are small areas of a soil that has a few large stones or boulders on the surface and areas of a soil that has a thinner surface layer. Also included are small areas of Hartland, Hollis, Scantic, and Suffield soils.

This soil is likely to become cloddy if cultivated when wet, and it is very hard when dry. During periods of heavy rainfall, this soil is subject to ponding in places. This Buxton soil can be used for hay, pasture, row crops, or woodland. White pines and white spruce are suitable for planting. Limitations are severe on this soil for community and recreational uses because of a seasonal high water table, seasonal wetness, and slow to very slow permeability. Capability unit IIw-7; woodland group 4c1; wildlife group 2.

Buxton silt loam, 8 to 15 percent slopes, eroded (*BuC2*).—This soil is on the sides of terraces adjacent to drainageways, streams, and rivers. Above a depth of 12 inches, its layers are thinner and lighter than those in the profile described as representative of the series, but the two profiles otherwise are similar. Included in mapping are small areas of Hartland, Scantic, and Suffield soils.

This Buxton soil is likely to be cloddy if cultivated when wet, and it is very hard when dry. This soil is suited to hay, pasture, row crops, or woodland. If it is used for row crops or as woodland, the hazard of erosion is high. For woodland use white pine and white spruce are suitable for planting, but the hazard of erosion is moderate, and the equipment limitations are moderate. A seasonal high water table, seasonal wetness, and slow to very slow permeability severely limit the use of this soil for many community and recreational developments. Capability unit IIIew-7; woodland group 5c1; wildlife group 1.

Appendix 3

Zoning Ordinances

Office Park

Resource Protection Zone

Shoreland

the odor is measured in the zone indicated:

4.0 in any industrial or business zone for odors resulting from any use in the B-5 zone.

3.0 in any residential zone for odors resulting from any use in the B-5 zone.

(l) *Smoke:* Discharges of smoke shall not exceed opacity percentage of forty (40) percent or number 2 on the Ringelman chart.

(m) *Discharge into sewers:* No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground, of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority or by the public works authority.

(n) *Lighting:* All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties.

(Ord. No. 168-93, § 3, 1-4-93; Substitute Ord. No. 164-97, § 5, 5-19-97)

Sec. 14-230.6. Reserved.

Sec. 14-230.7. Reserved.

Sec. 14-230.8. Reserved.

Sec. 14-230.9. Reserved.

DIVISION 12.7. O-P OFFICE PARK ZONE

Sec. 14-230.10. Purpose.

The purpose of the O-P zone is to provide substantial areas for integrated development of professional offices in a park- or campus-like setting which are of the highest quality, are well designed and maintained and are compatible with their natural surroundings.

(Ord. No. 297-88, 5-23-88)

Sec. 14-230.11. Permitted uses.

The following uses are permitted in the O-P zone:

Office park (O-P) with a minimum gross area, as defined in section 14-47 (definitions) of this article, of at least three (3) acres of contiguous land, consisting of either an Office Park Planned Unit Development (OPPUD) on one (1) lot with one (1) or more buildings and with driveways and open areas to be owned and maintained in common, or a subdivision (OPS) on one (1) parcel with two (2) or more lots intended for separate ownership, and including any of the following uses:

1. Professional offices and office complexes;
2. Research and development establishments;
3. Printing and publishing establishments;
4. Reserved;
5. Day care facilities;
6. Uses incidental and subordinate to the office park as a whole, which may include sales and services for employees and visitors; including, but not limited to; parking structures, health clubs, gymnasiums and recreational facilities, day care centers and cafeterias.

An Office Park Planned Unit Development (OPPUD) shall be subject to review and approval by the planning board with respect to the requirements of article V (site plan) and article IV (subdivisions) and the development standards of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter as now enacted or as hereafter amended. An Office Park Subdivision (OPS) shall be subject to review and approval by the planning board with respect to the requirements of article IV (subdivision) and article V (site plan) as each subdivided lot is developed. All areas in such a development that are to be owned or used in common shall be governed and maintained as set forth in section 14-498(i) (3) of article VI (subdivisions) of

this chapter.
(Ord. No. 297-88, 5-23-88)

Sec. 14-230.12. Prohibited uses.

Uses not enumerated in section 14-230.11 as permitted uses are prohibited.

(Ord. No. 297-88, 5-23-88)

Sec. 14-230.13. Development standards.

An office park (O-P) shall be approved by the planning board only if, in addition to the dimensional and other requirements of this article and the applicable provisions of article IV (subdivisions) and article V (site plan), the development meets the following development standards:

- (a) *Master plan:* Development proposals shall include a master plan of the office park. The master plan shall include the following:
 - 1. For an OPPUD proposal: The location of the building(s) on the site; infrastructure of the site; identification of common areas; traffic circulation, architectural character and treatment of the building(s); proposed building envelopes; phasing and timing of the development; private development restrictions; and such other information necessary and sufficient to ensure compliance with the standards in this section; and
 - 2. For an OPS proposal: Delineation of the subdivision of land; infrastructure of the site; identification of common areas, if any; traffic circulation; desired architectural character, including private development restrictions to ensure compatibility of architectural character of future buildings with each other; phasing and timing of the development; private development restrictions; and such other information as necessary and sufficient to ensure compliance with the standards in this section.
- (b) *Design relationship to site:* Development proposals shall demonstrate a reasonably unified design of the site,

including the architecture, the layout of the buildings, pedestrian and vehicular circulation plan, open space, drainage, and the topography, soil conditions, vegetation and other natural features of the site. Integration of open spaces and natural features shall be achieved by incorporation of outdoor amenities for the benefit of users of the site, such as jogging and walking trails, gardens and benches.

- (c) *Landscaping:* Development proposals shall include a landscape program. All land areas not covered by structures, parking areas or circulation facilities shall be landscaped and maintained. In order to soften the visual impact of large expanses of pavement in parking lots, vegetation shall be planted or retained in islands or planting strips where required by article IV (subdivisions) and article V (site plan).
- (d) *Impervious surface ratio:* Development proposals may have an impervious surface ratio of up to sixty (60) percent and shall meet the following criteria:
 - 1. No pavement may be located closer than fifteen (15) feet from the property line and from a public street right-of-way, excepting approved entrance drives;
 - 2. Parking may not be located in the required front yard setback. If parking is provided in the area between the building and minimum setback line, the parking area must be adequately screened with landscaping materials and permanently maintained.
- (e) *Sidewalks:* Development proposals shall include internal sidewalks, illustrating the manner in which the developer will provide this amenity to take advantage of the topography and natural features of the site.
- (f) *Buffers and screens:* Development proposals shall include buffering yard areas abutting a residential zone or residential use and to screen parking lots and driveways from public view, identifying the location, composition and maintenance of the buffer. The buffer and screening shall be of a dense and continuous nature and shall

incorporate trees, shrubs, fencing, berms and related elements deemed necessary.

- (g) *Preservation of natural features:* Development proposals shall identify the extent to which the developer shall preserve natural features including, but not limited to, existing vegetation, flood plains, rock outcroppings, surface water bodies, drainage swales and courses, and wetlands; provided any such program shall consider and be sensitive to the need to preserve such natural features.
- (h) *Traffic:* Development proposals shall identify all proposed traffic controls, parking areas, interior traffic circulation, and demonstrate that additional traffic generated by the project itself can be reasonably accommodated on existing public streets.
- (i) *Architectural design:* All buildings shall be designed or approved by a registered architect in the State of Maine and shall be in conformance with the proposed master plan. The scale, texture, color and massing of the buildings shall be coordinated. The full range of high-quality, permanent, and traditional or contemporary building materials and technology may be incorporated in a manner so that the development as a whole embodies distinguishing attributes that achieve the developer's desired degree of excellence and are in conformance with the architectural guidelines provided in the private development restrictions. Particular emphasis shall be placed on the appearance of building facades from public streets, from driveway and parking areas, and from other nearby buildings. Building elevation drawings shall be submitted which indicate architectural style, exterior finishes and color, building height and scale, and location and scale of window and door openings. Samples of exterior building materials shall also be submitted.
- (j) *Lighting:* Development proposals shall identify the location and style of lighting to be used in the development. All light fixtures shall be hooded or shielded so that the light shines downward.
- (k) *Signs:* Development proposals shall identify all proposed signage. Signs shall be designed in proportion and

character with the building facades. All signs shall be constructed of permanent materials and shall be coordinated with the building and landscaping design through the use of appropriate materials and finishes.
(Ord. No. 297-88, 5-23-88)

Sec. 14-230.14. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the O-P zone shall meet the following minimum requirements:

- (a) *Minimum lot size:* One and one-half (1.5) acres.
- (b) *Minimum street frontage:* One hundred (100) feet.
- (c) *Minimum lot width:* One hundred fifty (150) feet.
- (d) *Minimum yard dimensions:*
 - 1. *Front yard:* Fifty (50) feet.
 - 2. *Rear yard:* Fifty (50) feet.
 - 3. *Side yards:* Twenty-five (25) feet, except where a side yard abuts a residential zone or use, in which case it shall be forty (40) feet.

The planning board can reduce by up to fifty (50) percent the minimum yard setback if another yard within the lot is correspondingly increased so that the combined minimum setbacks on all four (4) sides equal one hundred fifty (150) feet. If two (2) or more buildings are located on one (1) lot, only the requirements of the front, rear or side yards that adjoin any external property boundary must be met, provided a sufficient fire line is provided.

- (e) *Maximum structure height:* Fifty-five (55) feet, except that on lots or within office-park subdivisions which are composed of over fifty (50) acres in total land area, seventy-five (75) feet is permitted, including roof appurtenances, if each of the required minimum yard dimensions is increased by one (1) foot in distance for each one (1) foot of height above fifty-five (55) feet.

(Ord. No. 297-88, 5-23-88; Ord. No. 223-92, 1-22-92)

Sec. 14-230.15. Other requirements.

[In addition to the above, the following requirements are applicable to all uses in the O-P zone:]

- (a) *Off-street parking and loading:* Off-street parking and loading are required as provided in division 20 (off-street parking) and division 21 (off-street loading).
- (b) *Signs:* Signs shall be subject to the provisions of division 22 of this article. Temporary freestanding advertising signs are not permitted.
- (c) *Curbs and sidewalks:* Curbs and sidewalks as specified in article VI of chapter 25.
- (d) *Shoreland and flood plain management regulations:* If the lot is located in a shoreland zone or in a flood hazard zone, the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 297-88, 5-23-88)

Sec. 14-230.16. External effects.

Every use in a O-P zone, unless expressly exempted, shall be subject to the following limitations:

- (a) *Enclosed structure:* The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.
- (b) *Noise:* The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale, on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
- (c) *Vibration:* Vibration inherently and recurrently generated shall be imperceptible without instruments at lot

boundaries.

- (d) *Heat, glare, radiation or fumes:* Heat, glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
- (e) *Smoke:* Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.
- (f) *Materials or wastes:* No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All material which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in enclosed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 297-88, 5-23-88)

DIVISION 13. I-L AND I-Lb INDUSTRIAL ZONES*

*Editor's note--Ord. No. 164-97, § 6, passed Jan. 6, 1997, repealed div. 13, §§ 14-231--14-236 of this article and enacted new provisions as herein set out. Formerly, such division pertained to the I-1 industrial zone and derived from §§ 602.11.A--602.11.F of the 1968 Code as amended by the following legislation:

Ord. No.	Sec.	Date	Ord. No.	Sec.	Date
570-71	--	11-16-71	330-90	1	5-7-90
327-71	--	7- 7-71	17-90	--	6-18-90
499-74	5	8-19-74	112-90	--	10- 1-90
334-76	6	7- 7-76	15-92	17	6-15-92
430-85	--	3- 4-85	193A-93	1	2-17-93

22 of this article.

(m) *Storage of pollutants and oily wastes:* On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.

(n) *Compatibility of nonmarine uses with marine uses:* Nonmarine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither unreasonably interfere with the existence or operation of marine uses nor significantly impede access to vessel berthing or other access to the water by existing or potential marine uses.

(Ord. No. 168-93, § 2, 1-4-93)

DIVISION 19. R-P RESOURCE PROTECTION ZONE

Sec. 14-321. Use.

No building shall be erected, altered, enlarged, rebuilt or used, and no premises shall be used, in a R-P resource protection zone except for the following uses:

- (a) Nonintensive recreational uses not requiring structures, such as fishing and hiking;
- (b) Motorized and nonmotorized vehicular traffic on existing roads, trails and rails, as appropriate;
- (b2) Bikeways, pedestrian trails and walkways;
- (c) Fire prevention activities;
- (d) Wildlife management activities;
- (e) Soil and water conservation activities;
- (f) Surveying and natural resource analysis;
- (g) Emergency operations as defined in section 14-47;
- (h) Harvesting of wild crops;

- (i) Nonresidential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet;
- (j) Public and private parks and recreational areas, including one (1) or more structures containing a total maximum floor area of not more than ten thousand (10,000) square feet;
- (k) Permanent and temporary piers, docks, wharves, bridges and uses projecting into water bodies, as allowed in section 14-449(b);
- (l) Reserved;
- (m) Storehouses for fishermen's gear;
- (n) Reserved;
- (o) Essential services as defined in section 14-47 accessory to the uses permitted herein;
- (p) Signs, as allowed in division 22 of this article;
- (q) Road construction, in accordance with the provisions of section 14-449;
- (r) Parking facilities for uses permitted under this section;
- (s) Reserved;
- (t) Landfill and other earth-moving activity, as allowed in section 14-449(d).

(Code 1968, § 602.13A.A; Ord. No. 499-74, § 6, 8-19-74; Ord. No. 15-92, § 24, 6-15-92)

Sec. 14-322. Space and bulk.

No building or structure shall be erected, altered, enlarged, rebuilt, or used in a R-P resource protection zone which does not comply with the following requirements:

- (a) *Minimum rear yards:* Principal building or structure, other than a boathouse or storehouse for fishermen's gear: Seventy-five (75) feet..
- (b) *Minimum side yards:*
 - 1. Principal building or structure: Fifteen (15) feet.
 - 2. Accessory building or structure: Five (5) feet.
- (c) *Minimum side yard on side streets:*
 - 1. Principal building or structure: Twenty (20) feet.
 - 2. Accessory building or structure: Twenty (20) feet.
- (d) *Minimum front yards:*
 - 1. Principal building or structure: Twenty-five (25) feet.
 - 2. Accessory building or structure: Twenty-five (25) feet.
- (e) *Maximum height:*
 - 1. Principal building or structure: Two (2) stories or twenty-five (25) feet.
 - 2. Accessory building or structure: One (1) story or fifteen (15) feet.
- (f) *Maximum building area:* Principal building or group of buildings: Ten (10) percent of lot area.
- (g) *Minimum lot area:* Twenty thousand (20,000) square feet.
- (h) *Minimum width of lot:* One hundred (100) feet.
- (i) *Minimum lot frontage on street or shoreline:* One hundred (100) feet.
- (j) *Minimum shoreline setback:* All principal structures other than permitted piers, docks, wharves, breakwaters,

causeways, bridges, boathouses and storehouses for fishermen's gear: Seventy-five (75) feet.
(Code 1968, § 602.13A.B; Ord. No. 499-74, § 6, 8-19-74)

Sec. 14-323. Off-street parking.

Any off-street parking in a R-P resource protection zone is required as provided in division 20 of this article.
(Code 1968, § 602.13A.B; Ord. No. 499-74, § 6, 8-19-74)

Sec. 14-324. Shoreland and flood plain management regulations.

Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
(Ord. No. 15-92, § 25, 6-15-92)

DIVISION 19.5. HELISTOP OVERLAY ZONE

Sec. 14-325. Purpose.

The intent of this zone is to create an overlay zone in which helicopter landing areas are permitted on individual sites in addition to those uses permitted in the underlying zone. The purpose of this zone is to protect the public health and safety by allowing helicopters serving medical needs to land in certain areas, while protecting surrounding areas from any negative effects associated with such a use.
(Ord. No. 48-93, 7-19-93)

Sec. 14-326. Helistop defined.

A helistop, for purposes of this division, shall be defined as an area used for the landing of helicopters at any location other than an airport. Such area shall include a landing area or pad, and may include parking required for access to the landing area or pad, a loading and unloading area for emergency vehicles, and other related facilities other than maintenance and repair facilities.
(Ord. No. 48-93, 7-19-93)

Sec. 14-327. Regulations for helistops.

- (a) *Helistops which have more than five landings per month:*

(Ord. No. 181-98, 1-5-98)

Sec. 14-441. Reserved.
Sec. 14-442. Reserved.
Sec. 14-443. Reserved.
Sec. 14-444. Reserved.
Sec. 14-445. Reserved.

DIVISION 26. SHORELAND REGULATIONS

Sec. 14-446. Purposes.

The purposes of this division are to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect fish spawning grounds, aquatic life, bird and other wildlife habitat; protect buildings and lands from flooding and accelerated erosion; protect archaeological and historic resources; protect commercial fishing and maritime industries; protect freshwater and coastal wetlands; control building sites, placement of structures and land uses; conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty, as appropriate in an urbanized environment; and to anticipate and respond to the impact of development in shoreland areas.

(Code 1968, § 602.19A.A; Ord. No. 499-74, § 10, 8-19-74; Ord. No. 15-92, § 27, 6-15-92)

Sec. 14-447. Applicability.

This division applies to all land areas, uses, structures and land use activities within two hundred fifty (250) feet, horizontal distance, of the normal high water line of any river or saltwater body; within two hundred fifty (250) feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; and within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. This division also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high water line of a water body or within a wetland.

(Code 1968, § 602.19A.B; Ord. No. 499-74, § 10, 8-19-74; Ord. No. 15-92, § 28, 6-15-92)

Sec. 14-448. Zoning districts and shoreland regulations.

The regulations and controls of this division apply to all land areas, uses, structures and land use activities cited in section 14-447, in all zones of the city.
(Code 1968, § 602.19A.C; Ord. No. 499-74, § 10, 8-19-74)

Sec. 14-449. Land use standards.

All land uses and land use activities subject to this division shall conform to the following standards and regulations, as applicable:

(a) Principal and accessory structures:

1. All principal and accessory structures shall be set back at least seventy-five (75) feet from the normal high water line of water bodies, tributary streams, or the upland edge of a wetland, except that in the following zones the setback shall be as indicated:
 - a. B-3: Twenty-five (25) feet.
 - b. W-C, W-PD, W-SU, I-B: No setback required.

Notwithstanding this requirement, when a lot is a lot of record as defined in section 14-433 or cannot otherwise meet the setback requirement of this section due to physical limitations of the site, the planning board may approve a reduction of the setback requirement for a principal structure to the least amount necessary to achieve a building dimension of twenty-eight (28) feet, provided that the setback is not reduced to less than forty (40) feet. Structures in existence on June 15, 1992, may be expanded once during the lifetime of the structure up to twenty-five (25) feet toward a freshwater wetland, stream or tributary stream, provided that the setback is not reduced to less than forty (40) feet and the floor area or volume is not increased by more than thirty (30) percent. In no event shall the setback from a coastal wetland be reduced to less than seventy-five (75) feet, except in the B-3, W-C, W-PD, W-SU and I-B zones, where setbacks shall be as set forth above in this

subsection.

In all cases, accessory detached structures of less than one hundred (100) square feet of floor area shall be permitted with no setback, provided that such structures shall be used only for the storage of fish, bait, and related equipment. No setback shall be required for piers, docks, retaining walls, or any other structures which require direct access to the water as an operational necessity.

2. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one (1) foot above the elevation of the one hundred (100) year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.
 3. Notwithstanding the requirements of this section, stairways or similar structures may be allowed with a permit from the building authority to provide shoreline access in areas of steep slopes or unstable soils, provided that:
 - a. The structure is limited to a maximum of four (4) feet in width;
 - b. The structure does not extend below or over the normal high water line of a water body or upland edge of a wetland, unless permitted by the department of environmental protection pursuant to 38 M.R.S.A. Section 480-C; and
 - c. The applicant demonstrates that no reasonable access alternative exists on the property.
- (b) *Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high water line of a water body or within a wetland:*
1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion;

2. The location shall not interfere with existing developed or natural beach areas;
3. The facility shall be located so as to minimize adverse effects on fisheries;
4. The facility shall be no larger in dimension than necessary to carry on the activity and shall be consistent with existing conditions, use and character of the area;
5. Except in the W-C, W-PD, W-SU, and I-B zones, no new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity;
6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high water line of a water body or within a wetland shall be converted to residential dwelling units in any zone.

(c) *Clearing of vegetation:*

1. In all shoreland areas in resource protection zones, the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that zone.
 - a. In all other areas, a buffer strip of vegetation shall be preserved, except where clearance is required for development of permitted uses, within a strip of land extending seventy-five (75) feet, horizontal distance, from any water body, tributary stream, or the upland edge of a wetland, in accordance with the following:
 - i. There shall be no cleared opening greater than two hundred fifty (250) square feet

in the forest canopy as measured from the outer limits of the tree crown. Notwithstanding this limitation, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.

- ii. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained. For the purposes of this section, a "well-distributed stand of trees and other vegetation" adjacent to a water body, tributary stream or wetland shall be defined as maintaining a minimum rating score of eight (8) or more in any twenty-five-foot by twenty-five-foot square area as determined by the following rating system:

*Diameter of tree at four and one-half (4 1/2) feet
above ground level*

<i>(Inches)</i>	<i>Points</i>
2--4	1
Greater than 4--12	2
Greater than 12	4

Notwithstanding the above provisions, no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter, measured at four and one-half (4 1/2) feet above ground level may be removed in any ten-year period.

- iii. Pruning of tree branches on the bottom one-third of the tree is permitted.

- iv. Where the removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in subsection b. of this section shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas in these locations shall be limited to the minimum amount necessary.

2. Selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured four and one-half (4 1/2) feet above ground level, shall be permitted within any ten-year period at distances greater than seventy-five (75) feet, horizontal distance, from the normal high water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area. In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate twenty-five (25) percent of the lot area, including land previously developed.
3. Cleared openings legally in existence on June 15, 1992, may be maintained but shall not be enlarged, except as permitted by this division.
4. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

(d) *Erosion and sedimentation control:*

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan in accordance with Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection of Portland Technical and Design Standards and Guidelines. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and revegetation of disturbed soil.
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or riprap.
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed ground area at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine (9) months of initial exposure. The

following standards shall also be met:

- a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in accordance with the City of Portland Technical and Design Standards and Guidelines.
- (e) **Soils:** All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, either during or after construction. Proposed uses requiring subsurface wastewater disposal and commercial or industrial development or other similar intensive land uses shall require a soils report based on an on-site investigation and prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

- (f) *Water quality:* No activity shall deposit on or into the ground or discharge to the waters of the state any pollutant that by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body.
- (g) *Archaeological sites:* Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the department of planning and urban development, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least twenty (20) days prior to action being taken by the building authority. The building authority shall consider comments received from the commission prior to rendering a decision on the application. Such sites shall also comply with all applicable provisions of article IX of this chapter.
- (h) *Installation of public utility service:* No public utility of any kind shall install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this Code has been issued by the appropriate municipal authorities. Following installation of service, the public utility shall forward the written authorization to the appropriate municipal authorities, indicating that installation has been completed.
- (i) *Roads and driveways:* Except in the W-1, W-2, and I-3b zones where setbacks shall be the same as those established in subsection (1)a.ii. and iii. of this section for structures, roads and driveways shall be set back at least seventy-five (75) feet from the normal high water line, unless the planning board determines that no other reasonable alternative exists. Where the planning board makes a determination that no other reasonable alternative exists, the planning board may reduce the road and/or driveway setback requirement to the least amount necessary for construction, provided that the applicant proves by a preponderance of the evidence that

appropriate techniques will be used to prevent sedimentation of the water body.

- (j) *Parking areas:* All parking areas shall be set back a minimum of seventy-five (75) feet, except in the W-1, W-2, I-3b, and S-P zones, where setbacks shall be as established for structures in those zones, and in the R-OS, I-B, and I-2 zones, where parking areas shall be set back a minimum of twenty-five (25) feet from the normal high water line, unless the planning board determines that no other reasonable alternative exists. Where the planning board makes a determination that no other reasonable alternative exists, the planning board may reduce the parking setback requirement in the R-OS, I-B and I-2 zones to the least amount necessary for construction, provided that the applicant proves by a preponderance of the evidence that appropriate techniques will be used to prevent sedimentation of the water body.

(k) *Stormwater runoff:*

1. All new construction and development shall be designed to be in compliance with the City of Portland Technical and Design Standards and Guidelines to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwater.
2. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

(l) *Agriculture:*

1. All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Soil and Water Conservation Commission in July, 1972.

2. Manure shall not be stored or stockpiled within seventy-five (75) feet, horizontal distance, of water bodies, tributary streams, or wetlands. Within five (5) years from the effective date of this section, all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the five-year period.
3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone shall require a soil and water conservation plan to be filed with the building authority.
4. There shall be no new tilling of soil within seventy-five (75) feet, horizontal distance, from water bodies or within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands when such new tilling, by itself or combined with all other contiguous tillage, shall exceed forty thousand (40,000) square feet in surface area. Operations in existence on the effective date of this section and not in conformance with these provisions may be maintained by shall not be expanded. When the new tilling, by itself or combined with all other contiguous tillage, shall total forty thousand (40,000) square feet or less, the tillage shall be set back a minimum of twenty-five (25) feet from all water bodies, tributary streams or wetlands.
5. Livestock grazing areas established after the effective date of this section shall not be permitted within seventy-five (75) feet, horizontal distance, of water bodies or within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with farm activities commenced prior to the effective date of this section shall be allowed to

continue provided that such activity is conducted in accordance with a soil and water conservation plan filed with the building authority.

(m) *General site plan features:* The planning board or planning authority shall approve a site plan located within a shoreland zone if it finds that the following standards, in addition to the standards set forth in section 14-526, are met:

1. The proposal will maintain safe and healthful conditions;
2. The proposal will not result in water pollution, erosion, or sedimentation to surface waters;
3. The proposal will adequately provide for the disposal of all wastewater;
4. The proposal will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. The proposal will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. The proposal will protect archaeological and historic resources;
7. The proposal will not adversely affect existing commercial fishing or maritime activities;
8. The proposal will avoid problems associated with flood plain development and use; and
9. The proposal is in conformance with the standards set forth in this section.

(Code 1968, § 602.19A.D; Ord. No. 499-74, § 10, 8-19-74; Ord. No. 38-85, § 1, 7-15-85; Ord. No. 15-92, § 29, 6-15-92; Ord. No. 164-97, § 12, 1-6-97)

Sec. 14-450. Reserved.

DIVISION 26.5. FLOOD PLAIN MANAGEMENT REGULATIONS*

Sec. 14-58. Reserved.

Sec. 14-59. Reserved.

DIVISION 1.5. CONDITIONAL OR CONTRACT ZONING

Sec. 14-60. Authority and purpose.

Pursuant to 30-A M.R.S.A. Section 4503(9), conditional or contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or unique location of the development proposed, the city council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning is consistent with the city's comprehensive plan. Conditional or contract zoning shall be limited to where a rezoning is requested by the owner of the property to be rezoned. Nothing in this division shall authorize either an agreement to change or retain a zone or a rezoning which is inconsistent with the city's comprehensive plan.

(Ord. No. 31-85, 7-15-85; Ord. No. 88-88, 7-19-88; Ord. No. 62-89, 7-17-89)

Sec. 14-61. Notice and hearing.

The planning board shall conduct a public hearing prior to any property being rezoned under this division. Notice of this hearing shall be posted in the city clerk's office at least fourteen (14) days prior to the public hearing and shall be published in a newspaper of general circulation within the city at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at their last known address. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.

(Ord. No. 31-85, 7-15-85)

Sec. 14-62. Conditions and restrictions.

Conditions and restrictions imposed under the authority of this division shall relate only to the physical development and

operation of the property and may include, by way of example:

- (a) Limitations on the number and types of uses permitted;
 - (b) Restrictions on the scale and density of development;
 - (c) Specifications for the design and layout of buildings and other improvements;
 - (d) Schedules for commencement and completion of construction;
 - (e) Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
 - (f) Preservation of open space and buffers, and protection of natural areas and historic sites;
 - (g) Contributions toward the provision of municipal services required by the development; and
 - (h) Provisions for enforcement and remedies for breach of any condition or restriction.
- (Ord. No. 31-85, 7-15-85)

Secs. 14-63. Reserved.

Secs. 14-64. Reserved.

Secs. 14-65. Reserved.

DIVISION 2. R-1 RESIDENTIAL ZONE*

*Editor's note--Ord. No. 532-84, adopted May 7, 1984, repealed Div. 2, s;s 14-66--14-69, and enacted a new Div. 2, §§ 14-66--14-71. The division was formerly derived from Code 1968, § 602-2.2A--D; Ord. No. 499-74, § 2, adopted Aug. 19, 1974; Ord. No. 610-82, § 1, adopted July 7, 1982; and Ord. No. 88-83, §§ 1, 2, adopted Aug. 3, 1983.

Sec. 14-66. Purpose.

The purpose of the R-1 residential zone is:

To provide for lower density residential development

Conceptual Plan A



CONCEPTUAL SITE PLAN 'A'

RAND ROAD PROPERTY

PROJECT #05429

DATE: 06-21-06

SCALE: 1"=100'

N/F
PHILIP E. STU
JR.
9268/42

EX. SMH
RIM=58.33

EX. SMH
RIM=62.71

N/F
CENTRAL MAINE
POWER COMPANY
2070-221

GATE

ARTERIAL/RAND ROAD

WIRE RIGHT
OF WAY
FENCE

Sebago Technics

Engineering Expertise You Can Build On

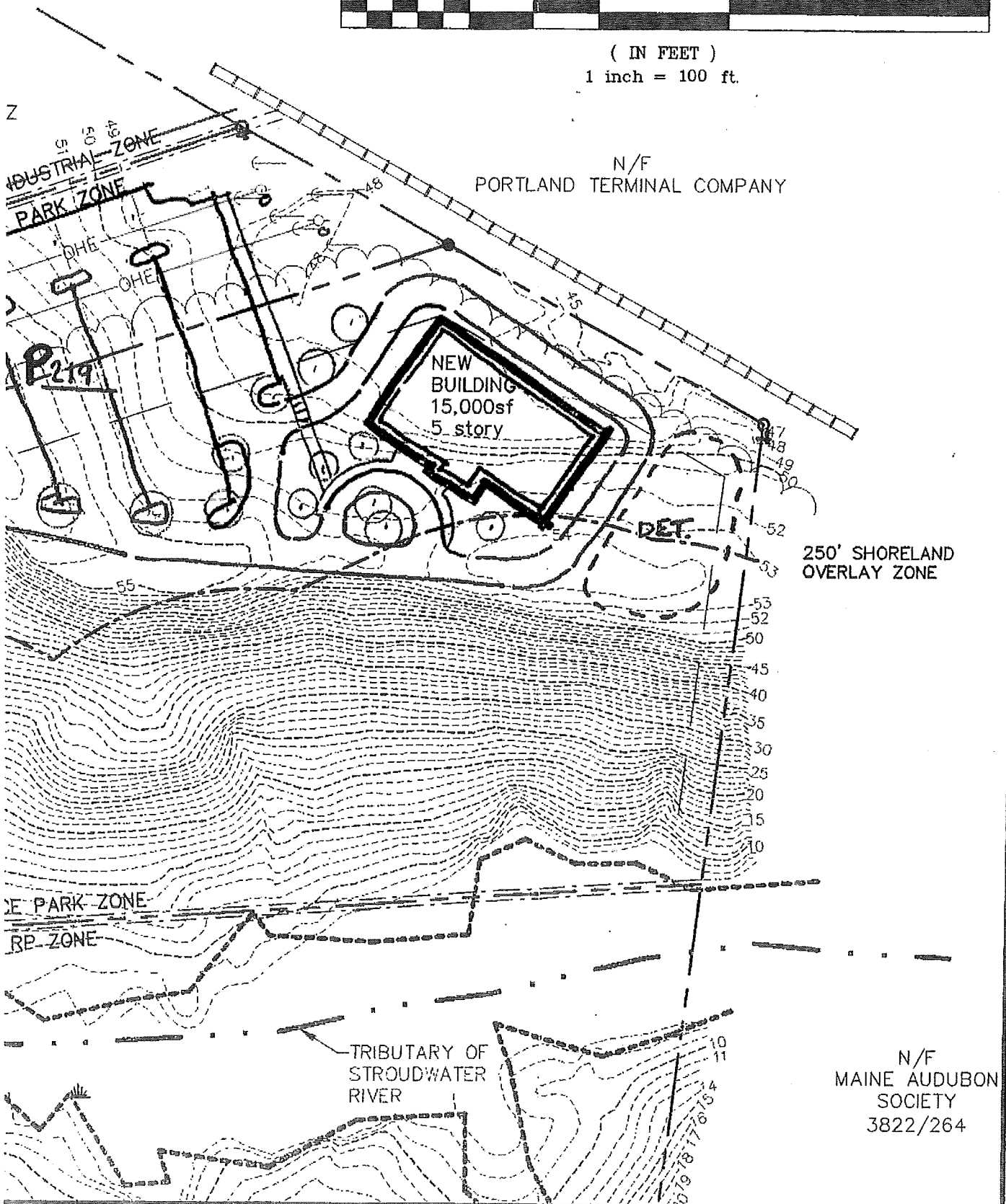
One Chabot Street
Westbrook, Me 04098-1339
Tel (207) 856-0277



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.



Conceptual Plan B



CONCEPTUAL SITE PLAN '1'

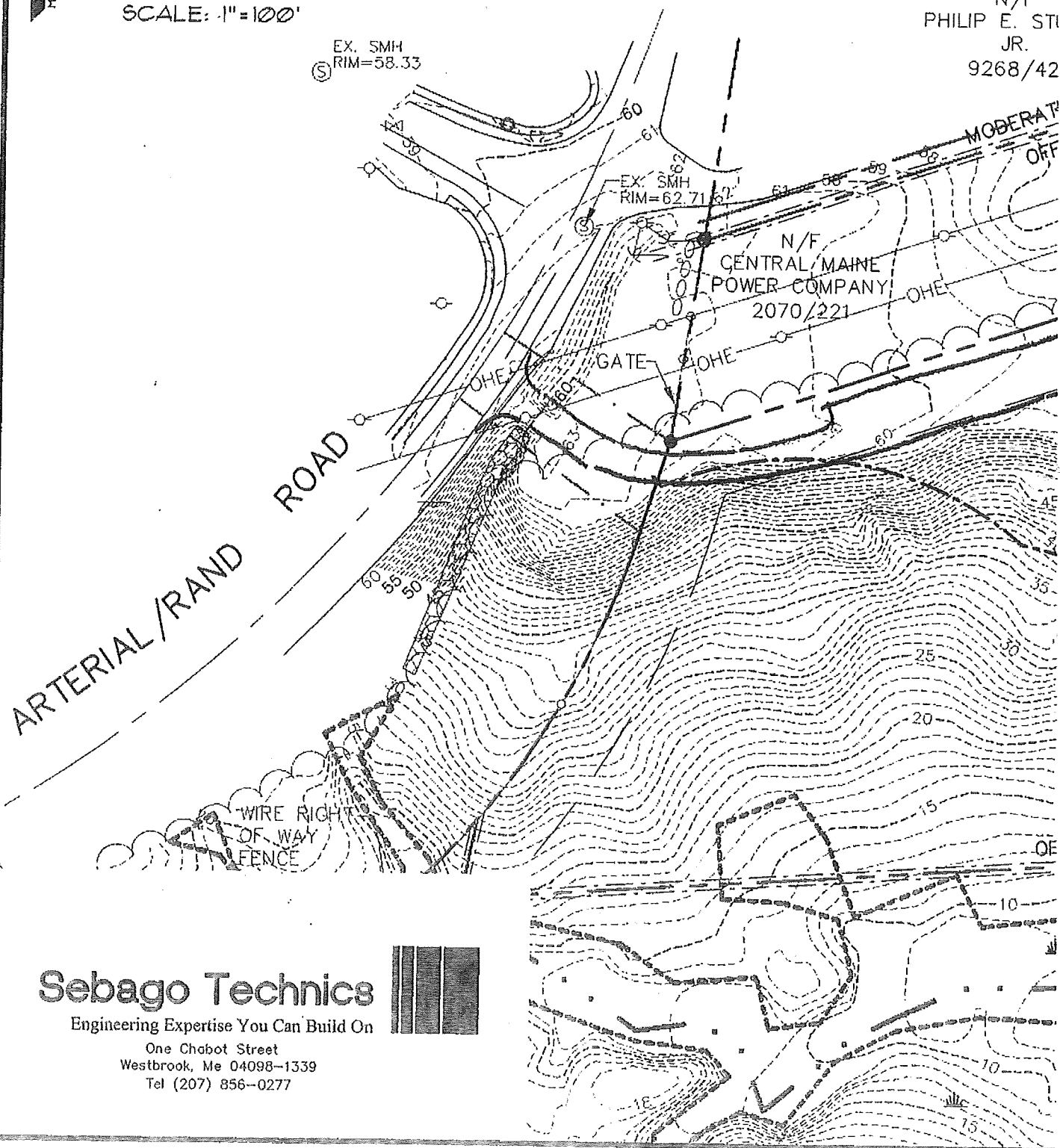
RAND ROAD PROPERTY

PROJECT #05429

DATE: 06-21-06

SCALE: 1"=100'

N/F
PHILIP E. STI
JR.
9268/42



Sebago Technics

Engineering Expertise You Can Build On

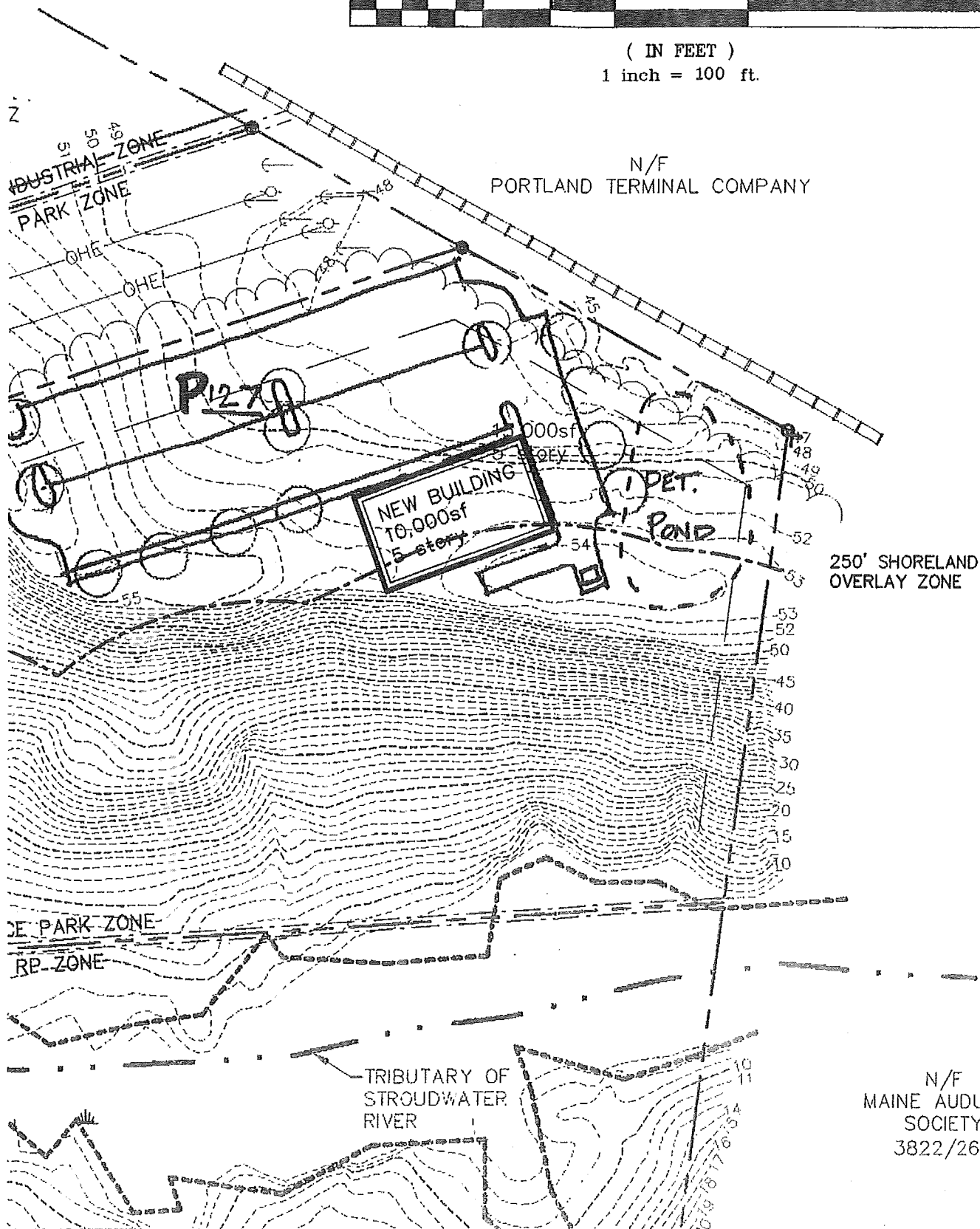
One Chobot Street
Westbrook, Me 04098-1339
Tel (207) 856-0277



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.



N/F
MAINE AUDUBON
SOCIETY
3822/264

Survey Plat



CITY OF PORTLAND
Housing and Economic Development Department
Gregory A. Mitchell, Director

TO: Councilor Costa, Chair,
Members of the Economic Development Committee
FROM: Greg Mitchell, Director
Mary Davis, HCD Division Director
Housing and Economic Development Department
DATE: October 15, 2020
SUBJECT: Policy Discussion Regarding Potential Revisions to Terms for Affordable
Housing TIF (AHTIF) Projects Requesting Credit Enhancement Agreements

In 2017, the City Council amended the City's Tax Increment Financing (TIF) Policy to allow the maximum average percentage of 75% of captured revenue to be returned to a developer of an affordable housing project. The change was implemented to support projects competing for Low Income Housing Tax Credits (LIHTC). The tax credit application process, administered by MaineHousing, includes a scoring matrix that awards up to 4 points for projects receiving property tax relief. Points are awarded on a tiered approach based on the percentage and length of property tax relief. The LIHTC application process is very competitive. The City's willingness to provide tax increment financing is one way the City can support projects competing for this resource. It was assumed that only projects competing for LIHTC would request this level of TIF financing. The city is now seeing projects not eligible for LIHTC, requesting City assistance through an Affordable Housing TIF. As a result, staff is proposing several changes to the maximum percentages and terms for credit enhancement agreements.

Proposed changes are highlighted here and are included in the attached red-lined version of the TIF policy.

- (1) Add a definition of affordable, that matches the definition used in other city programs, such as Inclusionary Zoning, as noted below;

Affordable means that the percentage of income a household is charged in rent and other housing expenses including utilities, or must pay in monthly mortgage payments (including real estate taxes, mortgage insurance, condominium/HOA fees, insurance and utilities), does not exceed 30% of a household's gross income, or other amount established in city regulations that does not vary significantly from this amount.

- (2) Require the term of the TIF to match the length of affordability of the project.
- (3) Implement a tiered approach to determine the maximum percentage of captured revenue returned to the developer based on the number of restricted affordable units and the level of affordability in the project, as noted below;

Percentage of Restricted Affordable Units in the Project	Level of Affordability	Maximum Percentage of Affordable Housing TIF
33% to ≤ 49% of total units ¹	≤ 100% AMI	Up to 65% as determined by financial underwriting analysis
≥ 50% of total units ²	≤ 100% AMI	Up to 75% as determined by financial underwriting analysis
≥ 33% ³	101% to ≤ 120% AMI	Up to 65% as determined by financial underwriting analysis

The Housing Committee met on October 14 to consider this proposal. On a vote of 3-0, the Housing Committee agreed to forward the proposals to the Economic Development Committee along with a comparison of the HUD area median income and Portland median income and a recommendation that this comparison of income become a part of the analysis for all future affordable housing tax increment financing applications. As part of the committee discussion, the current members of the Housing Committee considered a recommendation to the 2021 City Council to evaluate the use of Portland median income as the income metric for city funding resources.

FY 2020 Income Limit Area	Median Income	FY 2020 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Portland, ME HUD Metro FMR Area	\$100,900	HUD AMI 80% Income Limits	54,950	62,800	70,650	78,500	84,800	91,100	97,350	103,650
		PMI 80% Income Limits	34,596	39,539	44,481	49,423	53,377	57,331	61,285	65,239
		HUD 100% Income Limits	70,630	80,720	90,810	100,900	108,972	117,044	125,116	133,188
Portland Median Income (PMI)*	\$61,779	PMI 100% Income Limits	43,245	49,423	55,601	61,779	66,721	71,664	76,606	81,548
		HUD 120% Income Limits	84,756	96,864	108,972	121,080	130,766	140,453	150,139	159,826
		PMI 120% Income Limits	51,894	59,308	66,721	74,135	80,066	85,996	91,927	97,858

* American Community Survey 2019 1-Year Estimate Table S1901

¹ If a project has between 33% (minimum required under the state statute) and 49% of its total number of units restricted by covenant as affordable to households at or below 100% of the area median income, that project would be eligible for up to a 65% capture rate (as determined by financial underwriting).

² If a project has 50% or more of its total number of units restricted by covenant as affordable to households at or below 100% of the area median income, that project would be eligible for up to a 75% capture rate (as determined by financial underwriting).

³ Projects where all of the units, regardless of the number of units restricted by covenant, are affordable to households between 101% and 120% of the area median income would be eligible for up to a 65% capture rate (as determined by financial underwriting).

PORTLAND TIF POLICY

November 20, 2017, 2020

I. INTRODUCTION

Tax Increment Financing (TIF) is an economic development program authorized under state law to support municipal projects. The TIF program allows municipalities to provide financial assistance to local economic development projects and programs – from infrastructure, municipal economic development programs and staff, to business expansions - by using new property taxes that result from new commercial or residential investment associated with the corresponding increase in property value.

Portland TIF Policy supports investment in municipal economic development programs, infrastructure investment (which is generally through the establishment of area wide or neighborhood TIF districts) and individual project site specific TIF districts to support either infrastructure or individual private project financing needs.

The City is committed to invest in infrastructure located within the public rights-of-way that encourage economic development. Use of TIF investment to invest in infrastructure recognizes the savings which occurs through the TIF Program tax sheltering benefits.

“Infrastructure” is defined, but not limited to: traffic upgrades, public parking facilities, roadway improvements, lighting, sidewalks, water and sewer utilities, storm water management improvements and placing above ground overhead electric and telecommunications lines underground.

II. STATE TIF LIMITATION

There are acreage and value caps limitations for municipalities to establish TIF along with term limits. Term limits include bonds which may be issued for a maximum of 20 years (anticipation notes for three years). TIF districts may be designated for a maximum of 30 years.

III. PURPOSE

The primary purposes of the TIF Policy include:

- A. To support Portland Economic Development and Housing Plans and Policies;
- B. To stimulate expansion of the City’s commercial and industrial tax base;
- C. To stimulate new affordable and market rate housing investment;
- D. To retain and create quality employment;
- E. To support Portland’s Capital Improvement Plan; and,
- F. To establish standards upon which the City Council will authorize TIF.

IV. GENERAL PRINCIPLES

The three primary general principles for the City Council to establish TIF districts include:

A. Investment

Minimum Real Property Investment. A minimum of \$1 million in new taxable investment property value for commercial and industrial development and \$500,000 for affordable housing development is needed to qualify for a TIF. This is the minimum amount which makes practical sense to consider use of the TIF program due to the amount of new municipal property tax revenue generated from new private investment.

B. Jobs Associated with Commercial and Industrial Development

Applicants for TIF participation will be required to provide a plan outlining the number and quality of jobs retained or created associated with each TIF district. While there is not a specific formula for the numbers of jobs associated with the amount of TIF financial assistance, the number and quality of the jobs will be taken into consideration for each TIF district. It is recognized that housing projects do not create many permanent jobs.

C. Maximize Tax Sheltering Benefits

A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy) and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. In other words, specific municipal shelter benefits, for the term of the TIF, include:

- 1) No reduction in State aid for education,
- 2) No reduction in municipal revenue sharing and
- 3) No increase in County taxes.

Annually, the Council Committee with jurisdiction over housing and community development and City Council will evaluate available TIF district capacity related to State acreage and value limitations to determine whether existing TIF districts need amending and/or new TIF district establishment. Scheduled public infrastructure investments included in the City's Capital Improvement Plan will inform decisions about adjustments to existing TIF districts or establishment of new TIF districts.

V. APPROACH, POLICY, and TERM REQUIREMENTS

Must meet or exceed the below requirements.

A. Approach

There are three approaches to consider establishing TIF districts. They include:

- 1) ***Municipal Economic Development Programs funded directly through a pay-as-you-go approach.***

Examples of municipal economic development programs include paying for economic development staff, annual funding to Creative Portland for city marketing/branding, and other TIF law allowable activities.

- 2) ***Area wide TIF districts financed by City Bond/Debt Issuance***

Issuance of municipal general obligation bonds or limited obligation bonds is a mechanism that may be used to fund a TIF district program. Allowable uses are spelled out in state TIF law. Generally, municipalities will issue debt to cover the cost of infrastructure investment.

- 3) ***Individual Site Specific TIF districts utilizing Credit Enhancement Agreements (CEAs)***

A CEA is a contract between a municipality and developer to assist an individual development project by using a percentage or all of the tax revenue generated by the investment to pay certain authorized project costs which could include site specific infrastructure or private individual project financing needs. Allowable project costs are spelled out in state TIF law.

B. Policy for the Three Approaches

1. **Policy for Municipal Economic Development Programs.**

Requires annual review and City Council financial appropriations.

2. **Policy for Area wide TIF District Locations (for City Bond/Debt Issuance)**

- a) Area wide TIF will be established for infrastructure investment which has applications beyond one individual project.
- b) City TIF emphasis will be placed upon the following general "Priority Revitalization Areas" to support commercial development, housing development, redevelopment, or to support buildings in need to redevelopment, address blight or historic preservation:

- Affordable housing projects off peninsula;
- Riverside Street commercial and industrial zoned areas;
- Forest Avenue corridor from I-295 to Woodfords Corner;
- Washington Avenue corridor from Congress Street to I-295;
- Portland Technology Park ;
- Areas in which future significant wastewater and/or stormwater infrastructure investments are planned;
- West Commercial Street vacant property;
- Libbytown;
- St. Johns Street Valley;
- Other areas based upon scheduled public infrastructure investment included in the City's Capital Improvement Plan.

The above list of general priority revitalization areas serve as guides to establish specific boundaries for TIF districts at time of district establishment.

- c) Market Rate Housing. Market rate rental housing projects must be located in priority revitalization areas to stimulate housing investment for the purpose of attracting 24/7 pedestrian activity. Pursuant to State Law, TIF for condominium projects are not allowed.
- d) Affordable Housing. Affordable Housing TIF (AHTIF) may be designated on an area wide or site specific basis.

The relevant City Council Committee will complete an annual assessment of housing needs and priorities. This assessment will include a determination regarding designation of an area wide AHTIF. Site specific AHTIF requests submitted by developers will be considered on a case-by-case basis. Area wide or site specific AHTIF designations must address an identified community need.

State law requires that at least 25% of the district area must be suitable for residential use, development must be primarily residential, and at least 1/3 of the units must be for households at or below 120% of area median income which allows for individual mixed income projects or area wide affordable housing TIF districts.

Allowable uses of AHTIF revenues are defined by State law.

- e) City preference is to invest in area wide public infrastructure TIF districts versus establishing individual private site specific TIF districts.

- f) Area wide TIF districts also should seek to maximize the benefit of downtown and transit oriented development (TOD) districts which are exempt from State TIF law for acreage and value limitations.
- g) Terms for area wide TIF districts will be considered for up to 100% of new tax revenue and upwards of thirty (30) years, the maximum allowed by State law, due to the long-term need to invest in neighborhood infrastructure.

NOTE 1: As of this Amended TIF Policy date, there are two existing area wide TIF Districts, i.e., Bayside and Waterfront TIF Districts.

NOTE 2: As of this Amended TIF Policy date, there also exists two Transit Oriented Development (TOD) District, namely the Thompson Point TOD TIF District and the Downtown TOD TIF District to support new or expanded transit services and improved transit connections between the Portland Transportation Center, Jetport and Downtown.

3. Policy for Individual Site Specific TIF Districts Utilizing Credit Enhancement Agreements (CEAs)

- a) CEAs for individual site specific TIF districts will be considered for investment in infrastructure or project financing need and cannot be applied to any agreed upon public infrastructure improvements associated with a City Council approved conditional rezone agreement. Additional provisions related to CEAs include:

- i) City Green Building Code

Compliance with the City's Green Building Code is required when TIF assistance is provided to individual private project CEAs.

- ii) Affordable Housing

Affordable Housing TIF (AHTIF) may be designated on an area wide or site specific basis. Developments are encouraged to promote economic diversity.

The City Council Committee will complete an annual assessment of housing needs and priorities. This assessment will include a determination regarding designation of an area wide AHTIF. Site specific AHTIF requests submitted by developers will be considered on a case-by-

case basis. Area wide or site specific AHTIF designations must address an identified community need.

State law requires that at least 25% of the district area must be suitable for residential use, development must be primarily residential, and at least 1/3 of the units must be for households at or below 120% of area median income which allows for individual mixed income projects or area wide AHTIF districts.

Affordable means that the percentage of income a household is charged in rent and other housing expenses including utilities, or must pay in monthly mortgage payments (including real estate taxes, mortgage insurance, condominium/HOA fees, insurance and utilities), does not exceed 30% of a household's gross income, or other amount established in city regulations that does not vary significantly from this amount. These restrictions must remain in place for the full term of the AHTIF district.

Allowable uses of AHTIF revenues are defined by State law.

(iii) State Prevailing Wage Requirement

Any firms employed in the construction phase of a TIF-assisted project must compensate all employees the current wage rates and fringe benefits as required under applicable state prevailing wage law under 26 M.R.S.A. §1306, or Portland City Ordinance Ch. 33, §33-1 to 33-12, whichever is greater.

City staff shall provide to the relevant City Council Committee an annual update on:

- a) the impact of this prevailing wage requirements on CEAs;
- b) feasibility of construction firms to pay prevailing wages and benefits; and
- c) compliance with this section.

(iv) Equal Employment Opportunities and Nondiscrimination

The developer and its contractors employed in the construction phase of a TIF-assisted project shall adhere to a policy of non-discrimination in all employment actions, practices, policies, procedures, phases, and conditions of employment. All employment-related decisions (including but not limited to hiring, discharge, transfers, promotions, discipline, training, job

opportunities, and wage and salary levels) will be made without discrimination based on an individual's race or color, religion, age, sex (including pregnancy), sexual orientation, gender identity or expression, ancestry or national origin, physical or mental disability, veteran status, genetic information, previous assertion of a claim or right under Maine's Workers' Compensation Act, previous actions taken protected under Maine's Whistleblowers' Protection Act, or any other protected group status as defined by applicable law. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by the developer and its contractors where appropriate. This policy shall not be construed to prohibit any employment action or policy which is required by federal law, rule or executive order.

b) Applicants for CEA participation must demonstrate and pay the following:

i) Financial Necessity.

The applicant must demonstrate the City's participation is financially necessary in order for the project to proceed.

ii) Financial Capacity.

The applicant must demonstrate financial capacity to support their project.

iii) Fees

A financial underwriting analysis will be conducted by a third party on all projects requesting CEA participation. Applicants for CEA assistance will be responsible for reimbursing the City for all project third party legal and financial underwriting costs.

C. Terms for CEA Projects

1) Maximum Percentages.

A maximum average percentage of 65% for the entire term associated with individual project CEAs. Notwithstanding the previous sentence, the maximum average percentage for the entire term associated with individual project CEAs for affordable housing shall be no more than 75% as determined by the number of restricted units and level of affordability (see table below). For the purposes of this policy, the term affordable housing shall be defined as in "V. Approach, Policy, and Term Requirements" Section B(32)(ad)(iii) (Affordable Housing) of the Portland TIF Policy.

<u>Percentage of Restricted Affordable Units in the Project</u>	<u>Level of Affordability</u>	<u>Maximum Percentage of Affordable Housing TIF</u>
<u>33% to < 49% of total units¹</u>	<u>< 100% AMI</u>	<u>Up to 65% as determined by financial underwriting analysis</u>
<u>> 50% of total units²</u>	<u>< 100% AMI</u>	<u>Up to 75% as determined by financial underwriting analysis</u>
<u>>33%³</u>	<u>101% to < 120% AMI</u>	<u>Up to 65% as determined by financial underwriting analysis</u>

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2) Maximum Number of Years.

Up to twenty (20) years to match individual private sector commercial financing terms; for Affordable Housing projects, up to thirty (30) years affordability must be maintained for the full term of the TIF. The term of a TIF may start upon agreed trigger event, such as an increased assessed value. This would be included in a CEA on that negotiated triggering event.

3) Use of Maine Services for CEA Projects Encouraged.

VI. TIF APPLICATION AND ADMINISTRATION PROCESS

A. Application Information and Contact.

The Housing and Economic Development Department ~~and the Housing and Community Development Division (for affordable housing projects)~~ handle all TIF inquires and processes requests for TIF. An applicant must submit a letter or application to ~~either the Housing and Economic Development Department for commercial projects or the Housing and Community Development Division for affordable housing projects~~ outlining the proposed project, including TIF project financial information, a plan outlining both the number of permanent and construction jobs associated with the proposed project, housing affordability, as well as a demonstrated ability to meet the requirements under Section B(3)(a) of this policy.

B. Approval Process.

There is a two step approval process which includes obtaining a recommendation from the City Council Committee and City Council approval. Two meetings (or readings) by the City Council are needed. The City Council vote on the TIF occurs at the second meeting.

C. Post-Construction Report to City Council.

The [Housing and Economic Development Department](#) ~~and the Housing and Community Development Division~~ shall provide a post-construction report to the City Council Committee and City Council regarding each TIF-assisted project which shall include, but not be limited to, an analysis of the adherence to Section (V)(B)(3)(a) of this policy.

D. Annual Report to City Council.

The [Housing and Economic Development Department](#) ~~and the Housing and Community Development Division~~ shall provide annual reports to the City Council Committee and City Council regarding TIF district activity.

¹ [If a project has between 33% \(minimum required under the state statute\) and 49% of its total number of units restricted by covenant as affordable to households at or below 100% of the area median income, that project would be eligible for up to a 65% capture rate \(as determined by financial underwriting\).](#)

² [If a project has 50% or more of its total number of units restricted by covenant as affordable to households at or below 100% of the area median income, that project would be eligible for up to a 75% capture rate \(as determined by financial underwriting\).](#)

³ [Projects where all of the units, regardless of the number of units restricted by covenant, are affordable to households between 101% and 120% of the area median income would be eligible for up to a 65% capture rate \(as determined by financial underwriting\).](#)