

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW J. ZARRO (4)

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

REMOTE CITY COUNCIL MEETING - MARCH 15, 2021

The Portland City Council will hold a City Council Meeting remotely using Zoom. The Honorable Kate Snyder, Mayor, will preside.

ZOOM INFORMATION:

The Portland City Council will hold a meeting on Monday, March 15, 2021 at 5:00 PM. This meeting will take place remotely using Zoom. Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403A, that authorizes cities and towns to conduct meetings online.

Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day. For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85621497951?pwd=UFFoUHdtZldieU1vVms5eFB2L25ZZz09>

Passcode: 206775

Or iPhone one-tap :

US: +13017158592,,85621497951#,,,,*206775# or +13126266799,,85621497951#,,,,*206775#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 856 2149 7951

Passcode: 206775

International numbers available: <https://us02web.zoom.us/j/85621497951?pwd=UFFoUHdtZldieU1vVms5eFB2L25ZZz09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft March 1, 2021 City Council Meeting Minutes

CONSENT ITEMS:

Order 182-20/21 Appointing Members to the Rent Board and Other Boards and Commissions - Sponsored by the Legislative & Nominating Committee, Councilor Pious Ali, Chair

The Nominating Committee met on February 23, 2021 for the purpose of interviewing applicants for the Rent Board. They interviewed 27 applicants for the 7 seats. The Nominating Committee unanimously approved the following slate of applicants for City Council approval:

District 1: Christopher Moore, Tenant (Term to Expire 03/30/2022)
District 2: Michelle Dunham, Landlord (Term to Expire 03/30/2022)
District 3: Elliot Simpson, Tenant (Term to Expire 03/30/2024)
District 4: Ian McCracken, Landlord (Term to Expire 03/30/2023)
District 5: Austin Sims, Home Owner (Term to Expire 03/30/2024)
At-Large: Elias Kann, Tenant (Term to Expire 03/30/2023)
At-Large: Barbara Vestal, Landlord (Term to Expire 03/30/2024)

The Nominating Committee met on February 24, 2021 for the purpose of interviewing applicants for the Planning Board and the Police Citizen Review Subcommittee. The committee interviewed 13 applicants for the Planning Board and 4 applicants for the Police Citizen Review Subcommittee (PCRS). The Nominating Committee unanimously approved the following slate of applicants for City Council approval:

Planning Board: Sean Dundon (Term to Expire 02/28/2022)
Planning Board: David Silk (Term to Expire 02/28/2024)
Planning Board: Austin Smith (Term to Expire 02/28/2024)
PCRS: Sarai Manyiel (Term to Expire 03/30/2022)

Order 183-20/21 Appointing Wardens and Ward Clerks for the 2021-2022 Election Year - Sponsored by Katherine L. Jones, City Clerk

This order appoints Wardens and Ward Clerks for the 2021-2022 Calendar Year, listed in the attachment.

Order 184-20/21 Appointing Members of the Portland Area Comprehensive Transportation System Policy Committee for 2021 - Sponsored by Jon P. Jennings, City Manager

Greater Portland Council of Governments, parent organization of Portland Area Comprehensive Transportation System (PACTS), recently disbanded the PACTS Policy Committee's structure. This order appoints Councilor Belinda Ray and Public Works Department Director Chris Branch to the newly reestablished committee, and these appointments replace and supersede those made by Order 139-20/21.

Order 185-20/21 Opening and Closing the Polls on June 8, 2021 - Sponsored by Katherine L. Jones, City Clerk

This order sets the time for opening and closing of the polls on June 8, 2021 for Special Election for Charter Commissioners and School Budget Referendum. Pursuant to 21-A M.R.S., Section 626, the hour of poll opening must be set by the municipal officers. This is done for every election. The polls shall open at 7:00 a.m. and close at 8:00 p.m.

Order 186-20/21 Setting Public Hearings on Fiscal Year 2022 Annual Action Plan and Appropriations for Community Development Block Grant Program, Home Program, and Emergency Solutions Grant Program - Sponsored by Jon P. Jennings, City Manager

As required under the City's HUD approved citizen participation process, public hearings are held each spring to consider the City's Housing and Community Development Program proposal for the ensuing year. The CDBG Annual Allocation Committee, appointed by the City Council, reviewed each application and made funding recommendations. They are given an opportunity to make a presentation to the City Council at the first meeting, and citizens may comment on the City's annual plan for the use of CDBG, HOME and ESG funds.

Public hearings will be held on April 5, 2021 and April 26, 2021 at City Council Meetings at 5:00 pm accessible via Zoom Web Conferencing link to be provided in the agenda for each meeting.

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

LICENSES:

Order 187-20/21 Granting Municipal Officers' Approval of Perfect Pie 2, LLC dba Pizzaiolo. Application for a Class XI FSE with Outdoor Dining on Private Property at 865 Forest Avenue - Sponsored by Jon P. Jennings, City Manager

Granting Municipal Officers' Approval of Perfect Pie 2, LLC dba Pizzaiolo. Application for a Class XI FSE with Outdoor Dining on Private Property at 865 Forest Avenue.

Application was filed on 2/19/2021. New City and State applications. Location was previously Casa Fiesta Mexican Restaurant.

Five affirmative votes are required for passage after public comment.

Order 188-20/21 Granting Municipal Officers' Approval of Butcher Burger LLC dba Butcher Burger Company. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street - Sponsored by Jon P. Jennings, City Manager

Granting Municipal Officers' Approval of Butcher Burger LLC dba Butcher Burger Company. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street.

Application was filed on 2/22/2021. New City and State applications. Location was previously Royale Lunch Bar.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 176-20/21 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2022 Capital Improvement Program in an Amount not to Exceed \$17,775,802 - -Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

The Finance Committee met on February 25, 2021 and voted unanimously (3-0) to forward the bond authorization and appropriation orders to the City Council for approval.

The Fiscal Year (FY) 2022 to FY2026 Capital Improvement Plan (CIP) has been in development since fall 2020 and the CIP was discussed at three Finance Committee meetings in January and February 2021 including one Public Hearing. The FY22 Capital Improvement Plan will not increase net debt service related to CIP projects in future City budgets as it was sized to simply offset other CIP debt being retired. The FY21 CIP calls for \$17.8 million(M) of new bond authorization but \$7.4M of these bonds will be repaid via the Sewer and Stormwater Enterprise Funds. The remaining \$10.4M of plan borrowing was sized to simply offset debt service related to debt being retired in FY23. When combined with other funding sources (including significant transportation funding provided by the State of Maine) the total impact of the FY22 CIP will be nearly \$24M. Two orders are required: one authorizing the FY22 CIP bonds; and a second appropriating the proceeds and other funding sources for several projects. A complete listing of the projects being authorized is included within the orders.

An amendment to correct a numeric error in the order is in the back up material. This item must be read on two separate days. It received its first reading on March 1, 2021. Seven affirmative votes are required for passage after public comment.

Order 177-20/21 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$23,964,841 for the City's Fiscal Year 2021 Capital Improvement Program - Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

This is a companion order to Order 176-20/21.

As noted in the previous Order, the Fiscal Year (FY) 2022 to FY2026 Capital Improvement Plan (CIP) has been in development since fall 2020 and the CIP was discussed at three Finance Committee meetings in January and February 2021 including one Public Hearing. The FY22 Capital Improvement Plan will not increase net debt service related to CIP projects in future City budgets as it was sized to simply offset other CIP debt being retired. The FY21 CIP calls for \$17.8 million(M) of new bond authorization but \$7.4M of these bonds will be repaid via the Sewer and Stormwater Enterprise Funds. The remaining \$10.4M of plan borrowing was sized to simply offset debt service related to debt being retired in FY23. When combined with other funding sources (including significant transportation funding provided by the State of Maine) the total impact of the FY22 CIP will be nearly \$24M. Two orders are required: one authorizing the FY22 CIP bonds; and a second appropriating the proceeds and other funding sources for several projects. A complete listing of the projects being authorized is included within the order.

This item must be read on two separate days. It received its first reading on March 1, 2021. Five affirmative votes are required for passage after public comment.

Order 178-20/21 Amendment to Portland City Code Chapter 14 Re: The Jill C. Duson Housing Trust Fund - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair and the Portland Planning Board, Brandon Mazer, Chair

During the December 7, 2020, City Council Inauguration Meeting, Mayor Kate Snyder announced that in honor and recognition of Councilor Jill Duson's contribution to housing, including "...helping to create a municipal environment conducive to the development of affordable and low income eligible housing..." she asked the Housing & Economic Development Committee to review a request to rename the Housing Trust Fund the "Jill C. Duson Housing Trust Fund".

The Housing & Economic Development Committee met on January 5, 2021 and voted unanimously (3-0; Ali absent) to support this recommendation. The Portland Planning Board met on February 23, 2021 and voted (5-0-2; Chann and Dunfey abstained) to recommend the text amendment renaming the City's Housing Trust Fund as the *Jill C. Duson Housing Trust Fund*.

The Housing Trust Fund Ordinance is located in the City Code, Chapter 14, Article 18.3. A copy of a marked revised version of the code which reflects the name change is enclosed in backup materials for City Council approval.

This item must be read on two separate days. It received its first reading on March 1, 2021. Five affirmative votes are required for passage after public comment.

Order 179-20/21 Traffic Schedule Amendment Re: Limiting Parking on Both Sides of Waverly Street to One Hour - Sponsored by Jon P. Jennings, City Manager

In October 2020, the City Manager's office received a petition, signed by over 60% of households and/or businesses with frontage on Waverly Street, requesting that parking on both sides of the street be permanently restricted to one hour.

Petitioners indicated to staff that this request is intended to address a shortage of on-street parking spaces available to Waverly Street residents, as well as the congestion resulting from a high demand for on-street parking.

On October 21, 2021, the Sustainability & Transportation Committee approved the petition for the consideration of the full City Council (3-0). The Committee also requested that any 15-minute parking spots on Waverly Street be maintained, to which staff agreed.

Waverly Street is a two-way street of about 25 feet in width. It is located within Residential Parking Zone 12. As such, residents who apply for and receive residential parking permits would be exempt from these requested restrictions.

This item must be read on two separate days. It received its first reading on March 1, 2021. Five affirmative votes are required for passage after public comment.

Order 180-20/21 Amendment to Portland City Code Chapter 14 Re: Lot Coverage Provisions in the B-3 Zone - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

On January 26, 2021, the Portland Planning Board voted unanimously (7-0) to approve this text amendment to facilitate a development at 100 Federal Street.

This B-3 text amendment to the Land Use Code (Sec. 14-7, Table 7-E, Mixed-Use Zone Dimensional Standards) will clarify the definition of maximum floor area allowed above 125 feet in height.

The current zoning language is not clear as to whether the allowed 10,000-square-foot lot coverage is net or gross. The amendment clarifies that the intention is to allow a useable floor plate at heights greater than 125', which will add 500 square feet of flexibility for circulation and similar uninhabitable areas of the floor plan.

This amendment will also maintain a consistent definition of "floor area" as gross throughout the entirety of Chapter 14.

This order and the one following advance the proposal by applicant RedFern Downtown LLC for the development of an 18-story, 180,000-square-foot, mixed-use building with 266 residential units, ground-floor commercial space, amenity spaces for the residents, and 21 surface parking spaces at 201 Federal St W.

This item must be read on two separate days. It received its first reading on March 1, 2021. Five affirmative votes are required for passage after public comment.

Order 181-20/21 Downtown Height Map Amendment Re: Maximum Height and Architectural Cap Eligibility for 200 Federal Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

This is a companion order to Order 180-20/21.

On January 26, 2021, the Portland Planning Board voted unanimously (7-0) to approve this text amendment to facilitate a development at 100 Federal Street.

This item amends the Downtown Height Overlay Map to remove the architectural cap designation and increase the maximum habitable height from 150 feet to 190 feet. It will not change the overall maximum height allowed in the B-3 zone.

The Downtown Height Overlay map dictates the allowable heights within the B-3 zone and is specific block by block depending on the context. This amendment would maintain the same overall maximum height allowed within this block, but would make housing development more feasible by removing the Architectural Cap designation. Removing this designation allows for the ability to provide habitable floor area.

This item must be read on two separate days. It received its first reading on March 1, 2021. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 189-20/21 Accepting and Appropriating Federal Aviation Administration Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Grants for the Portland International Jetport - Sponsored by Jon P. Jennings, City Manager

This order seeks to accept and appropriate a total of \$4,721,763 in funds from the FAA to aid the Portland International Jetport in preventing, preparing for, and responding to the COVID-19 pandemic.

The Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA, Public Law 116-260), signed into law by the President on December 27, 2020, included nearly \$2 billion in funds to be awarded as relief to eligible U.S. airports and eligible concessions at those airports to prevent, prepare for, and respond to the COVID-19 Pandemic. Eligible airports includes the Portland International Jetport, as a primary commercial service airport with more than 10,000 annual passenger boardings.

The Federal Aviation Administration is now issuing grants to eligible airports like the Jetport, in amounts based on the airport's number of annual boardings. The Portland International Jetport is being allocated two CRRSAA Grants: one totaling \$4,488,586 (for costs related to operations, personnel, cleaning, sanitization, janitorial services, and debt service payments), and the other in the amount of \$233,177 (for airport concessions rent relief).

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

Order 190-20/21 Approving the Three-Party Agreement between Portland, the Portland Area Comprehensive Transportation System and the Maine Department of Transportation Re: Elm Street Paving Project - Sponsored by Jon P. Jennings, City Manager

An agreement between the City of Portland, the Portland Area Comprehensive Transportation System (PACTS), and the Maine Department of Transportation (MaineDOT) is required to allow for improvements and paving along Elm Street (from Congress Street to Marginal Way).

This three-party agreement will allow the City to move forward with this project, with PACTS providing 50% of the estimated project costs. The City match will be funded through a Fiscal Year 2022 Capital Investment Plan account.

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

AMENDMENTS:

Order 191-20/21 Amendment to City Code Sec. 5.2 (Zoning Map Amendment) and to C-61 Conditional Zone Agreement Re: 32 Thomas Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

On January 26, 2021, the Planning Board voted unanimously (7-0) to issue a positive recommendation for the proposed amendments to the Conditional Zone Amendment.

32 Thomas Street, LLC is proposing to update some of the contextual provisions, as well as substantive changes, of the Original Conditional Zone Agreement (CZA-57) for property at 32 Thomas Street in order to more accurately reflect the current status of the property, to permit the proposed programmatic changes to the site, and to facilitate the adaptive reuse of the building, which continues to be governed by a conditional zoning agreement. The subject property, 32 Thomas Street, is in the West End and is located in an area of the City generally zoned R-4 Residential. The existing building complex located on the parcel was formerly used as the Williston-West Church. At the request of a prior owner, and because of the unique nature of the parcel and the historic buildings located on it, the City of Portland altered the zoning for this parcel under the terms of a conditional zoning agreement dated July 13, 2012. Since that date, some, but not all of the improvements contemplated and authorized by the original CZA have been completed, and 32 Thomas Street, LLC seeks to amend the CZA to allow additional dwelling units at the subject property in the future.

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

EXECUTIVE SESSION:

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

ZOOM INFORMATION:

The Portland City Council will hold a meeting on Monday, March 1, 2021 at 5:00 PM. This meeting will take place remotely using Zoom. Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403A, that authorizes cities and towns to conduct meetings online.

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Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81646839028?pwd=cU1xbHBzRHhIR2N4cWYzV2dTckZLQT09>

Passcode: 190324

Or iPhone one-tap :

US: +19292056099,,81646839028#,,, *190324# or
+13017158592,,81646839028#,,, *190324#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1
253 215 8782 or +1 346 248 7799

Webinar ID: 816 4683 9028

Passcode: 190324

International numbers available: <https://us02web.zoom.us/j/81646839028?pwd=cU1xbHBzRHhIR2N4cWYzV2dTckZLQT09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Snyder called the meeting to order at 5:03 PM, (All Councilors Present).

ANNOUNCEMENTS:

City Manager, Jon Jennings announced that an Independent Firm was hired to investigate the police department response to a protest in June 2020. The firm will begin solicitation of public information related to the June Protest. If you have relevant information that may be helpful you can email confidentially to PortlandPoliceInquiry@comcast.net.

Councilor Ali announced that the Racial Equity Steering Committee will be having a public hearing on March 4, 2021. If you can attend via Zoom please do, if you cannot you can submit written testimony.

Councilor Chong announced that the Health and Human Service and the Public Safety Committee usually meets on the 2nd Tuesday of each month, because of conflicts with Tuesday they are moving the meeting to

this Thursday March 4, 2021 at 6:00 PM. They will be discussing the Needle Exchange Program.

Mayor Snyder announced that she attended a Press Event at the James Banks Exposition Building to welcome the opening of the new vaccination clinic for COVID-19 vaccinations, which is being sponsored by Northern Light Mercy Hospital.

Mayor Snyder also announced that at the City Council meeting on February 22, 2021 the City Council approved the new City Council Rules for 2021-2022. There were a few significant changes one being the 5:00 PM City Council start time, another change was public comment, which will be from 6:00 PM-7:00 PM on non-agenda items, and if there is a need for more public comment it would be continued after the City Council has completed its regular scheduled agenda items and if it is before 11:00 PM. Last change was the allotted time a Councilor can speak on an item, it was moved from ten (10) minutes to five (5) minutes, extensions can be granted if more time is needed.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft February 22, 2021 City Council Meeting Minutes

Motion was made by Councilor Thibodeau and seconded by Councilor Ali to approve the minutes of February 22, 2021. Passage 9-0.

APPOINTMENTS:

Order 174-20/21 Appointing Curtis Bohlen and Douglas Roncarati to the Long Creek Watershed Management District Board of Directors - Sponsored by Jon P. Jennings, City Manager

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

COMMUNICATIONS:

Com 27-20/21 Communication on the City of Portland's Needle Exchange Program - Sponsored by Jon P. Jennings, City Manager

As a communication this item requires no public comment or formal Council Action.

Com 28-20/21 Regarding the 2021/2022 Plan for Portland's Outdoor Dining & Retail Program - Sponsored by Jon P. Jennings, City Manager

As a communication this item requires no public comment or formal Council Action.

UNFINISHED BUSINESS:

Order 171-20/21 Accepting and Appropriating Two Donations Totaling \$85,000 to the Dougherty Field Skatepark Expansion Project - Sponsored by Jon P. Jennings, City Manager

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

Order 172-20/21 Accepting and appropriating a \$20,000 Donation from the Portland Parks Conservancy for the Portland Youth Corps - Sponsored by Jon P. Jennings, City Manager

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

Order 173-20/21 Accepting and Appropriating a \$20,000 Donation for Improvements at East End Beach - Sponsored by Jon P. Jennings, City Manager

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

ORDERS:

Order 175-20/21 Granting an Easement Deed to FirstLight Fiber, Inc. in Freshman Alley - Sponsored by Jon P. Jennings, City Manager

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

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

Order 176-20/21 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2022 Capital Improvement Program in an Amount not to Exceed \$17,775,802 - -Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

This is its first reading.

The following items were reviewed by the Finance Committee as part of its review of the FY22 Capital Improvement Plan (CIP) and CIP process.

Link to FY22 Water Resources Capital Improvement Plan Presentation

https://drive.google.com/file/d/1A6bWshDxSAwE7me_5oyUL6imt5TdtVMh/view?usp=sharing

Link to full video from January 28, 2021 Finance Committee meeting:

https://townhallstreams.com/stream.php?location_id=42&id=34947

Link to Capital Improvement 101 slide presentation from January 28, 2021:

<https://docs.google.com/presentation/d/1nBfukR73sOSaQulh2mc9KIBprKYpEBzCQDWRuiYLaCk/edit?usp=sharing>

Link to FY22 City Manager Recommended CIP Presentation from February 11, 2021:

<https://docs.google.com/presentation/d/1TgFrzQJfOyl9f-El7AwCw5ShHYaQclHGfdAGEc5oh8/edit?usp=sharing>

This is its first reading.

Order 177-20/21 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$23,964,841 for the City's Fiscal Year 2021 Capital Improvement Program - Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

This is its first reading.

AMENDMENTS:

Order 178-20/21 Amendment to Portland City Code Chapter 14 Re: The Jill C. Duson Housing Trust Fund - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair and the Portland Planning Board, Brandon Mazer, Chair

This is its first reading.

Order 179-20/21 Traffic Schedule Amendment Re: Limiting Parking on Both Sides of Waverly Street to One Hour - Sponsored by Jon P. Jennings, City Manager

This is its first reading.

Order 180-20/21 Amendment to Portland City Code Chapter 14 Re: Lot Coverage Provisions in the B-3 Zone - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

This is its first reading.

Order 181-20/21 Downtown Height Map Amendment Re: Maximum Height and Architectural Cap Eligibility for 200 Federal Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

This is its first reading.

Motion was made by Councilor Ray and seconded by Councilor Ali to adjourn. Passage 9-0 at 6:12 P.M.

A TRUE RECORD.

Katherine Jones, City Clerk

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 25, 2021

SUBJECT: Order 182-20/21 Appointing Members to the Rent Board and Other Boards and Commissions - Sponsored by the Legislative & Nominating Committee, Councilor Pious Ali, Chair

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

The Nominating Committee met on February 23, 2021 for the purpose of interviewing applicants for the Rent Board. They interviewed 27 applicants for the 7 seats. The Nominating Committee unanimously approved the following slate of applicants for City Council approval:

District 1: Christopher Moore, Tenant (Term to Expire 03/30/2022)
District 2: Michelle Dunham, Landlord (Term to Expire 03/30/2022)
District 3: Elliot Simpson, Tenant (Term to Expire 03/30/2024)
District 4: Ian McCracken, Landlord (Term to Expire 03/30/2023)
District 5: Austin Sims, Home Owner (Term to Expire 03/30/2024)
At-Large: Elias Kann, Tenant (Term to Expire 03/30/2023)
At-Large: Barbara Vestal, Landlord (Term to Expire 03/30/2024)

The Nominating Committee met on February 24, 2021 for the purpose of interviewing applicants for the Planning Board and the Police Citizen Review Subcommittee. The committee interviewed 13 applicants for the Planning Board and 4 applicants for the Police Citizen Review Subcommittee (PCRS). The Nominating Committee unanimously approved the following slate of applicants for City Council approval:

Planning Board: Sean Dundon (Term to Expire 02/28/2022)
Planning Board: David Silk (Term to Expire 02/28/2024)
Planning Board: Austin Smith (Term to Expire 02/28/2024)
PCRS: Sarai Manyiel (Term to Expire 03/30/2022)

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order Appointments to the Rent Board and Other Committees 3.15.2021
2. Memo 2-26-2021
3. Resumes for March 15, 2021

Prepared by:

Date: 2/25/2021

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
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ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPOINTING MEMBERS TO THE RENT BOARD
AND OTHERS BOARDS AND COMMITTEES**

ORDERED, that the City Council hereby appoints the following individuals to the boards and committees listed:

Portland Rent Board

District 1: Christopher Moore, Tenant (Term to Expire 03/30/2022)
District 2: Michelle Dunham, Landlord (Term to Expire 03/30/2022)
District 3: Elliot Simpson, Tenant (Term to Expire 03/30/2024)
District 4: Ian McCracken, Landlord (Term to Expire 03/30/2023)
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At-Large: Elias Kann, Tenant (Term to Expire 03/30/2023)
At-Large: Barbara Vestal, Landlord (Term to Expire 03/30/2024)

Portland Planning Board

Sean Dundon (Term to Expire 02/28/2022)
David Silk (Term to Expire 02/28/2024)
Austin Smith (Term to Expire 02/28/2024)

Police Citizen Review Subcommittee

Sarai Manyiel (Term to Expire 03/30/2022)



Office of the City Clerk
Katherine L. Jones, CMC

TO: Mayor Snyder and Members of the Portland City Council
FROM: Katherine L. Jones, City Clerk
DATE: February 26, 2021
RE: Appointments

The Nominating Committee has concluded interviews and makes the following nominations to various Boards and Commissions:

Name	Committee	Term Expires
Moore, Christopher	Rent Board District 1- tenant	03/30/2022
Dunham, Michelle	Rent Board District 2- landlord	03/30/2022
Simpson, Elliot	Rent Board District 3- tenant	03/30/2024
McCracken, Ian	Rent Board District 4- landlord	03/30/2023
Sims, Austin	Rent Board District 5- home owner	03/30/2024
Kann Elias	Rent Board At-Large- tenant	03/30/2023
Vestal, Barbara	Rent Board At-Large- landlord	03/30/2024
Dundon, Sean	Planning Board	02/28/2022
Silk, David	Planning Board	02/28/2024
Smith, Austin	Planning Board	02/28/2024
Manyiel, Sarai	Police Citizen Review Subcommittee	03/30/2022

District 1

Christopher Moore



December 28, 2020

Appointments Committee Chairperson
c/o City Clerk
389 Congress Street
Portland, ME 04101
Kjl@portlandmaine.gov

To the Chairperson of the Committee:

I am submitting this letter as my formal application for a tenant-occupied seat on the City of Portland's Rent Board. I believe I am an outstanding candidate due to my experience with newly created and constantly changing laws and regulations, professional training in academic research and presentation, mediation training, and tenancy in a rental property on Peaks Island. I live in District 1.

I care deeply about public service -- reflected in the motto of my alma mater "Ut Prosim" -- "that I may serve." The experience I gleaned designing, conducting, and presenting extensive social science research equipped me with the tools necessary to supplement the Rent Board with an ability to comprehend and synthesize complex policy issues.

My time as a Community Advisor, overseeing several hundred residents, makes me uniquely qualified to help settle tenant-landlord disputes. I was required to mediate and communicate issues residents had with the University, and take tangible steps towards providing both parties with a mutually agreeable resolution. Supplementally, I have received two levels of training in Non-Violent Communication.

Additionally, my experience in the burgeoning cannabis industry has honed my ability to understand and comply with ever-changing legislation. While the cannabis industry and housing industry are not precisely the same, the ability to comprehend, implement, and ensure regulatory compliance of new laws is a saliently transferable skill which would greatly complement the Rent Board.

Lastly, I believe my residence and tenancy on Peaks Island provides a vital representation of the island's unique rental and housing needs. I believe strongly that Peaks Island ought to have a tenant-occupied seat on the Rent Board, to give voice to islanders who may have a different perspective than other Portland citizens, but who may feel left out of the conversation.

All of these factors make me a strong candidate for a tenant seat on the Rent Board. I am passionate about ensuring that we create a city that works for tenants and landlords alike, and maintaining a robust housing market that is even-handed, works for all Portlanders, and is free from political motivation and prejudice. I looked forward to hearing back from you.

Sincerely,

Christopher Moore

Christopher M. Moore

[REDACTED]

[REDACTED]

Education

- **Bachelor of Science in Psychology and Law**, Plymouth State University, Honors Program, Magna Cum Laude, Minors: Political Science, Sociology/Anthropology.
- **High School Diploma**, A. Crosby Kennett High School.
- **Beginner and Intermediate Workshop**, The Center for Nonviolent Communication

Experience

2017-2020: Cannabis Horticulturist/Lead Grower, Divine Buds

Highly proficient in advanced horticultural techniques conducted in compliance with State of Maine regulatory guidelines.

- In-depth knowledge of cannabis laws both in Maine and in other cannabis-legal states.
- Researched and adhered to constantly fluctuating Maine cannabis regulations.
- Implemented, alongside caregiver, a specialized horticulture regimen.
- Applied peer reviewed research to promote plant health and increase harvest yield.
- Adhered to organic growing (OMRI) guidelines.

2014-2015, Lab Member, Lifetime Learning Laboratory, Plymouth State University

Collecting and analyzing data from human participants. Proficiency with Microsoft Office (Excel, Word, PowerPoint, Outlook) and SPSS Statistics. Collaborated with lab members and supervisor on experimental psychology research.

- "False-feedback Changes Relative Judgments." Senior Thesis, Poster Presentation, First Place at New Hampshire Psychological Association Conference, 2015.
- "The Effects of Right-Wing Authoritarianism on Out-group Opposition." Poster Presentation, Student Showcase of Excellence, 2014, Plymouth State University.

2013-2014: Community Advisor, Residential Life, Plymouth State University

Worked alongside seven fellow students to provide peer support to a group of 200+ residents and collaborated with other University departments to plan and execute wellness programming.

- Resolved resident disputes alongside University officials to ensure equitable outcomes.
- Executed a total of 10 community-building programs throughout the school year.
- Appointed to International Student Community and worked one-on-one with International residents to ensure collegiate success.

2009-Present: Baker, Flatbread Company North Conway

Responsible for operating a wood-fired, clay oven, and preparing food made with organic and local ingredients. Executed proper food safety, storage, rotation, stocking, and maintenance of inventory/variance reports. Trained new employees.

December 22, 2020

Kathy Jones, Appointments Committee Chairman
C/O City Clerk
389 Congress Street
Portland, ME 04101

Dear Ms. Chairman,

Attached please find my resume for your consideration regarding the vacancy on the Rent Board, District 2.2 (Parkside).

I have considerable interest in serving on the Rent Board to represent small landlords in our City. I have owned and lived at my seven unit apartment building at 55 Sherman Street since 2002 and would consider myself a fair and reasonable landlord. If references are required I believe my residents would be happy to send a reference to you directly.

While my primary goal is to be a voice for small landlords in the City I also am a Property Manager for a 168-unit Project Based Section 8 building that receives excellent marks for REAC and Physical Plant Inspections, as well as, Superior scoring on MOR audits. I have considerable experience as a Property Manager, going on 11 years for my current building; with an additional 15 years of experience in one capacity or another, directly related to housing within the City of Portland.

I would very much like to be a part of navigating the best path forward and I thank you for your consideration.

Sincerely,



Michelle Dunham



Michelle Dunham

Experience

Own and reside at property within Parkside d.b.a Grasshopper Apartments, LLC since June, 2002.
Have made many improvements to the building with long term residents.

2010-Present

HallKeen Management, Inc.

Manage a 168unit Project Based Section 8 building for the elderly & disabled. Primary responsibilities are financial reporting, variance reporting, quarterly reports, budget/trending for the fiscal year, keeping vacancy rates low, marketing, resident relations, coordinating capital improvement projects, and overseeing staff of five including Maintenance Director, Maintenance Technicians, Assistant Property Manager and the Resident Services Coordinator. ARM and COS certifications current.

ACHIEVEMENTS

2013 Property of the Year award. This award is the most coveted at HallKeen Management. Your property must be nominated by your Regional Manager and selected by the owner and a corporate committee from a 10,000-unit portfolio.

MOR Above Average scores 2010-2013, MOR Scores Superior 2014-2020. Physical Plant scores consistently Superior with the last two years scoring 99. Last REAC inspection scored 97b. Community of Quality awarded in 2013 and standards maintained to keep accreditation current.

1999-2003

S&S Properties, LLC

Portland, ME

Property Manager

☛ Managed 200+ units at 23 building locations throughout Portland.

Primary responsibilities included renting vacant units, utilized Tenant Net for screening potential tenants (including credit reports/background checks), verified landlord references, maintained leasing paper work, orchestrating renovations with contractors, rent collections, tenant relations, and when necessary evictions. Worked closely with varying area agencies to accept housing subsidies. Maintained less than 1% vacancy rate each year.

1997-1998

Shalom House, Inc.

Portland, ME

Shelter+Care Housing Coordinator

☛ Oversaw regional program for mentally ill clients to acquire and maintain housing. Housing inspections, landlord-tenant liaison, maintained data for grant extensions and reporting to DHHS

Education

1991-1994

Southern Maine Community College

South Portland, ME

☛ Associate in Applied Science ~ Business Management

ELLIOTT SIMPSON

December 27, 2020

Appointments Committee Chairman
City of Portland
389 Congress Street
Portland, ME 04101

RE: Rent Board

Dear Appointments Committee Chairman,

As a resident of Portland and an experienced government auditor and consultant, the opportunity to be of service to my fellow Portland citizens piqued my interest. With the rent board being established – I believe my experience and desire to help set the board on a positive path make me an ideal candidate for your consideration. I am currently a resident of District 3 and would appreciate the committee's consideration for this or an at-large seat, at the committee's discretion.

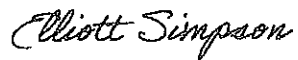
I bring a methodical and disciplined decision-making process to my work. As an auditor I am required to make decisions and recommendations based upon documented evidence, and financial information. I believe this professional experience and discipline would be valuable for the Rent Board's obligatory duties. In my current work I facilitate meetings between competing stakeholders and am required to make decisions with the information obtained. Additionally, these decisions must be consistent with the requirements of a project and relevant state and federal regulations. I would bring this same approach to my work as a member of the Rent Board.

It is through my dedication to evidence-based decision making, fairness, and a methodical approach to every item that comes to the Board that I can be a part of carrying out the Board's duties.

Please see my included resume for a more in-depth illustration of my work history and accomplishments. I would appreciate the opportunity to interview and answer any questions the committee may have. I would also be happy to elaborate on any of the items included in my resume, and I'm excited to discuss how I can be of service.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Elliott Simpson". The ink is black and the signature is fluid and legible.

Elliott Simpson

ELLIOTT SIMPSON

PROFESSIONAL SUMMARY

A collaborative and detailed oriented consultant with a proven history of enhancing state and local government agencies' operations and using a methodical approach to identify potential problems and recommend possible solutions. Proficient in auditing organizations against relevant regulations. Well-coordinated in analyzing financial data and obtaining reasonable conclusions from financial data.

SKILLS

- Financial evaluation
- Regulatory compliance auditing
- Stakeholder meeting facilitation
- Creative problem solving
- Financial statement review
- Report writing
- Financial process review
- Internal business process mapping

WORK HISTORY

Government Assurance Consultant, 05/2018 to Current

Government Assurance Consultant Intern, 05/2017 to 05/2018

BerryDunn – Portland, ME

- Compiled research data, compliance findings, and assisted with a presentation for a legislative oversight committee to recommend optimizations and improvements.
- Audited four State Based Health Insurance Exchanges' compliance with the Affordable Care Act and relevant state insurance regulations, and provided solution recommendations for areas of noncompliance.
- Reviewed the financial statements of cannabis businesses for a state regulatory agency to evaluate financial health and debt levels to inform state regulator decision making.
- Audited a sample of a state's Medicaid applications to ensure that eligibility determinations were made correctly to provide assurance whether a software system was working correctly.
- Analyzed a municipal government's practices against municipal code, and recommended enhancements to the city attorney and mayor's office.
- Performed deep review of a municipal government agency's practices and identified and made improvement recommendations on two areas of noncompliance with federal regulations.

Business Manager, 05/2016 to 05/2018

The Maine Campus Newspaper – Orono, ME

- Directed a new advertising strategy that increased advertising revenues by 32% from FY2016 to FY2017.

- Increased F1 visa student employment at the newspaper by outreach and clear communication of allowable work arrangements.
- Increased pay for students by offsetting nearly 40% of overall payroll expenses with allowable federal work study funds.
- Managed and intervened on sometimes contentious relationships between approximately 30 student journalists and university administrators.
- Directed day-to-day business operations, including accounting, finance, HR, marketing and public relations.

Business Accounting and Finance Intern, 05/2015 to 05/2017

Shaw & Tenney – Orono, ME

- Implemented an inventory cost system with QuickBooks to accurately track the cost and stock levels of existing inventory.
- Created routine financial reports, including accounts receivable aging, and accounts payable.
- Used QuickBooks to complete payroll for 14 employees and maintained detailed records.

EDUCATION

University of Maine - Orono, ME | Bachelor of Science

Accounting and Finance, 05/2018

VOLUNTEERING

Council Member and Secretary, 05/2019 to Current

Mitchell Institute Alumni Council – Portland, ME

- Collaborated with fellow council members to provide mentorship and programming to Mitchell Institute scholars currently attending University.
- Created content for a newsletter that is sent to all Mitchell Institute alumni

Ian McCracken
[REDACTED]
[REDACTED]
[REDACTED]

Dear Chairman,

I am writing this letter to express my interest in joining the Portland Rent Board. I hope this letter finds you and the committee well and enjoying the holidays. This year has certainly been trying for everyone, but I know that there were no days off (so to speak) for those that work for the people. Thank you for all that has been done this year to keep our community safe.

While I have worked in sales leadership for a fortune 500 company for 10 years, it is several aspects of my personal life that I believe make me an excellent candidate to represent the city on the Rent Board:

- 1) I am relatively new to the city, having just moved here in September 2019. My wife and I moved from San Diego to be close to our family and start one of our own. We gave birth to our first child at Maine Med in January of this year and couldn't be happier to call Portland our home. We love the small city vibe, where community belonging and involvement is paramount, but where we can also enjoy the outdoors, sports, music, arts, and culinary excellence!
- 2) I am a long-time renter that has leased apartments and homes in 4 major cities since leaving university: Vancouver, Toronto, San Diego, and Portland! We rented in the West End for a year upon moving to Portland in 2019.
- 3) I am a first-time homeowner AND landlord. My wife and I bought a 2 unit in the Woodfords Corner neighborhood in July 2020. We currently occupy one unit and intend to live here for a few more years until our family grows and we decide to move on. Our plan is to always keep out 2-unit building as a family investment.

In summary, my being new to the city and my experience on both sides of the rental market will offer a fresh perspective to the board. I am a firm believer in equity, inclusiveness, and open communication and would live by these beliefs during my time on the board.

Thank you for considering my application and I hope to hear from you about next steps and the interview process.

Best Regards,

Ian McCracken
[REDACTED]
[REDACTED]

IAN McCRACKEN

ADDRESS

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

NATIONALITY

United States (born)
United States (citizen)
Canadian Permanent Resident

LANGUAGES

English
French

DATE OF BIRTH

August 19, 1985

SKILLS

Public speaking
Financial analysis
Project management
Salesforce.com

HOBBIES

Endurance sports
Strength training
Climbing
Cycling
Reading
Travel
Video games
Golfing
Fishing

EDUCATION

2003 - 2008: Bishop's University, Sherbrooke, QC, Canada, Bachelor of Arts, Economics (Honors)

PROFESSIONAL EXPERIENCE

2018 - present: W.W. Grainger, Strategic Account Executive, Portland, ME

- Responsible for \$45M Conagra Brands contract & \$10M Lamb Weston contract
- Key customers contacts include CPO, CFO, VP Engineering, VP Safety
- Strategically targeted and developed opportunity with subsidiary companies to add +\$1M in net new sales to portfolio
- Completed Global Emerging Leaders Course Dec 2018
- Leading team of 58 Account Managers nationally to execute contractual commitments
- Managed through M&A of Conagra and Pinnacle Foods. Avoided RFP, negotiated and signed new 3-year \$113M contract
- Salesforce champion for National Account Team. Leading team of Account managers & colleagues through implementation and utilization of Salesforce to execute SMS targets
- Achieving aggregate 115% of Sales target since 2019

2015 - 2018: W.W. Grainger, Sr. National Account Manager, San Diego, CA

- Enterprise level relationship management with customers such as KraftHeinz, Anheuser Busch, ADM & Land O Lakes
- Achieved 100% of sales objective for 2016, 200bps improvement in profitability
- Proactive engagement and strategy with C level leaders, (internal and external) on critical business decisions
- Developed and implemented "The 3G Impact," a memo and strategy that launched a corporate-wide initiative that helped deal with PE owned customers
- 2017: Closed new 2-year contract worth \$9.5 million

2012 - 2015: Acklands Grainger Inc, National Account Manager, Richmond Hill, Ontario

- Received 2014 National Account Manager of the Year Award
- Received Merit Award for Top Business Manager in Q2 2014
- Mentored 3 regional sellers who all became National Account Manager
- Achieved 100% of overall sales objective from 2012-2015 (112% in 2014)
- Renewed three 3yr contracts during 2013/14 worth a combined \$4M/yr.
- Signed new customer agreement in 2014 resulting in \$500k of net new revenue in year 1
- Collaborated with US and Mexican partners to establish and execute first Global Contract for Grainger

2011 - 2012: Acklands Grainger Inc, Account Manager, Richmond, British Columbia

- Responsibility for maintaining and growing over 80 regional accounts, \$2.5M portfolio
- Sourced and developed 10 net new customers totaling \$500k in annual business
- Promoted early due to high potential and success with large complex customers

December 21st, 2020

From:

Austin Sims

[REDACTED]

Portland, ME 04103

[REDACTED]

[REDACTED]

To:

Appointments Committee Chairman, c/o City Clerk

City of Portland

389 Congress St

Portland, ME 04101

To the Appointments Committee Chairman,

I am writing today for consideration to be appointed to the new Portland Rent Board. I am a homeowner in District 5 and a recent transplant from Austin, Texas where I was deeply engaged with local government and my community. I would very much like to continue in that vein. Though new to the area, I am quickly coming to understand housing challenges in Portland and want to be of service to my new home city.

I have worked in tech for over 15 years, first in customer facing support roles, and more recently in product management. My career has allowed me to hone my critical thinking and problem solving skills with an eye to empathy, and it has instilled in me a passion for service and care. It has also afforded me the opportunity to learn design thinking, user experience, data analysis, research methodologies, project and stakeholder management, finance, and business strategy. I believe all of these skills and knowledge areas can and should be leveraged for the Board's work.

It would be an honor to have the opportunity to bring my experiences and skills, dedication to fair and equitable dialogue, and love for Portland, Maine to bear to help address one of our city's most widely felt challenges. I believe I could be a strong addition to the Board, I appreciate your consideration, and I look forward to the opportunity to speak further regarding this appointment.

Respectfully,

Austin Sims

Turning Business Objectives & Customer Needs into World Class Products



EXPERIENCE

Dropbox, Austin, Tx— Sr. Product Operations Manager

March 2017 - PRESENT

Acted as product owner & customer advocate, managing product lifecycle, developing product roadmap, determining product requirements & owning KPIs; crafting user stories to address pain & drive business strategy; conducting mixed-method research for product strategy & support recommendations; driving operational excellence & improving customer success; leading sales escalations & priority support; informing & influencing cross-functional relationships with Product, Engineering, Design, CX and external stakeholders to manage complex projects using agile methodologies

WP Engine, Austin, Tx— Technical Support

June 2016 - March 2017

Outperformed as part of a global team to deliver world-class support in B2B & B2C organization, consistently surpassing benchmarks; aggregated customer feedback to influence design & implement process improvement initiatives for support & product; identified new user support needs & created onboarding tools to address common issues & educate customers

Texas State University, San Marcos, Tx— Systems Support Manager and other roles

January 2010 - June 2016

Directed IT work for graduate college, including vendor management, procurement, implementation, administration, grant writing, technical writing, & instruction; owned & operated multiple microlabs, including several requiring HIPAA-compliance; partnered with cross-functional departments to improve & standardize best practices towards rapid adoption of new tools

Additional Work Experience Upon Request

EDUCATION

Texas State University, San Marcos, Tx — MA, Literature

Aug 2010 - Dec 2012

Sam Houston State University, Huntsville, Tx — BA, English

Jan 2005 - Aug 2008

SKILLS & QUALIFICATIONS

15 years customer experience

Results-drive product owner with proven track-record

Data analytics and insights

Leadership and customer obsessed

User experience and Human-Centered Design

Design and marketing research experience

Product & customer advocacy

Cross-functional leader working with Engineering, Product, Design, Sales, Global Support, & Design Research

User education & empathy

Technical communication and public speaking

CERTIFICATIONS & ACCOLADES

Certified Associate Project Manager, PMI – Oct 2020–Present

UX & Design Research–Interaction Design Foundation – 2018–Present

Security+ & Network, CompTIA – 2015

REFERENCES

Available Upon Request

Elias Kann

Portland ME, 04102

28 December 2020

I am writing to apply for the open Rent Board position for District Two or either of the At-Large positions. I am a tenant in Portland's West End, and I am currently employed as the Asylee Case Manager at Catholic Charities: Maine Refugee and Immigration Services (CCMRIS) where I focus on obtaining quality affordable housing for my clients. I work with Portland Housing Authority, the Quality Housing Coalition, Avesta Housing, and numerous small landlords and developers to match clients with available housing units. Once a client's tenancy begins, I facilitate communication between landlord and tenant and serve as a point of contact for any issues that may arise. Often, I act as a go between, ensuring that the needs of both tenant and the landlord are addressed through dialogue and that satisfactory solutions are found for both parties. Each day I see how the lack of affordable housing negatively affects the mental and physical health of the most marginalized members of our community and it is clear to me that Portland is in need of long-term equitable solutions to address affordable housing during the pandemic and beyond. These solutions must be grounded in coalition work that brings landlords, tenants, and developers together to build community, address inequities, and create a better Portland for all.

In 2019 I interned at CCMRIS. During my internship, I was often the first person to welcome refugees and asylees to their new home. The shock and emotion on their faces left me without words: I could only imagine what it felt like to fly direct from Nairobi or Dar Es Salam and land in Portland, Maine, in an airport surrounded by a strip mall and buried in three feet of snow and ice. Many of these refugees had waited for years to seek safety in the United States, and the experience was rarely what they expected. American ideas of employment, family, and community are completely alien to many refugees and asylees, a disparity worsened by the complicated legal bureaucracy they must navigate to achieve the status and services that they need for life in the United States. Often the most difficult issue in those first few weeks is that of finding affordable quality housing. This is the first, and among the most important steps for any individual to feel at home in their community.

Throughout my time at College of the Atlantic, I completed advanced legal coursework, topics from human rights and the Constitution, to environmental law and policy. I took courses focusing on practical conflict resolution skills and completed an internship in Tunisia with a network of student immigrants who seek to strengthen the sub-Saharan immigrant community and overcome pervasive violence and racial prejudice in Tunisian society. I excelled in this rigorous and demanding environment, finding a passion for the law and for building community coalitions and partnerships based on relationships of trust. It is my hope that The Portland Rent Board will not only provide fair arbitration for disputes, but serve as a forum where landlords, tenants, and city officials can build relationships that will make Portland a better place for all.

Sincerely,
Elias Kann

Elias Kann

Education

College of the Atlantic

Bachelor of the Arts

2016 - 2020 Bar Harbor, ME

Credit contributing Universities

American University of Beirut

Center for Arab and Middle Eastern Studies

The School for International

Training: Tunisia

Politics and Religious Integration in the Mediterranean

Skills

French

Fluent

Spanish

Intermediate proficiency

Data entry and Management

Proficiency with Microsoft Excel and Client Track and a basic knowledge of R

Other Experience

Sailing Program Co-founder and Lead Instructor

College of the Atlantic 2017-2020

Admissions Committee

College of the Atlantic 2019-2020

Member on a student/faculty committee making admission decisions for prospective students

Outdoor Leader

College of the Atlantic 2016-2020

Trip leader responsible for planning and carrying out multi-day student excursions

Helmsman

S/V Aliento 2015-2016

Helmsman and crew member on a seven-month sailing voyage

Selected Work Experience

Asylum Case Manager/Catholic Charities: Maine Refugee and Immigration Services

July 2020-Present Portland, ME

- Help eligible asylee and secondary migrant clients become self-sufficient community members
- Meet initial basic needs (food, finances, clothing, etc.)
- Provide referrals and assistance obtaining housing
- Develop and implement a resettlement plan with clients
- Assist clients with applications for state and federal benefits
- Coordinate services with other agencies and organizations
- Facilitate community outreach and organize events to further the goals of client integration
- Maintain documentation of services
- Prepare statistical and narrative reports
- Work with the Catholic Charities Immigration Legal Services Department to support family reunification

Refugee and Asylee Data Coordinator/Catholic Charities: Maine Refugee and Immigration Services

May 2020-October 2020 Portland, ME

- Compiled accurate and complete data reporting for Catholic Charities Immigration Legal Services, Case Management, and the Program Director
- Facilitated data reporting with the Office of Maine Refugee Services and Refugee and Immigration Services Staff
- Data entry and data management support for the Refugee and Immigration Services team

Assistant Arborist/Boundless Tree and Garden

2016-2020 Penobscot, ME

- Worked with the lead arborist to cut and clear diseased, dangerous, and rotten trees
- Property management services for clients, including grounds work, gardening, and maintenance
- Climbing and safety assistance for the lead arborist, including gear checks and setup
- Operated and maintained heavy machinery, including woodchippers, tractors, trucks, mowers, and saws

Case Work Intern/ Catholic Charities: Maine Refugee and Immigration Services

January 2019-April 2019 Portland, ME

- Assisted Case Managers with their caseloads
- Helped clients obtain necessary services and state and federal benefits
- Provided data support to the Refugee and Immigration Services Team

Immigration Policy Intern/ L'Association des étudiants et stagiaires africains en Tunisie (The Association of African Students and Interns in Tunisia)

October 2019-December 2019

- Assisted the President of the association in all duties
- Policy research support
- Implemented the Marhaba bik fi Tounes program designed to welcome new immigrants into Tunisian society
- Liaised with community leaders and helped communicate their goals to the President
- Provided English-French translation services for organizational materials

Other Prior Work Experience

Bartender at the Thurston Co, Caterer at Milk and Honey, Associate at FT Brown's Marine Hardware, Landscaper, Gardener, and Property Caretaker at Three Ways Caretaking, Cashier at Shaw's grocery store, and Farmhand at Horsepower Farm.

Campaign Intern/Mark Eves for Maine

- Event organization
- Voter outreach and volunteer recruiting

CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION

December 28, 2020

Via email to klj@portlandmaine.gov

Appointments Committee Chair
c/o City Clerk
389 Congress St.
Portland, Maine 04101

Re: Rent Board

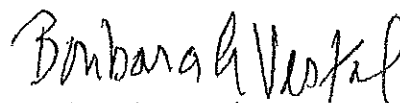
Dear Appointments Committee Chair Ali:

Please accept this as an expression of my interest in serving on the new Rent Board. I live in District 1 and co-own four multi-unit apartment buildings on Munjoy Hill. My husband, Ned Chester, and I have co-managed 22 apartments for approximately 42 years as a supplement to our neighborhood law practice. Our units provide basic, utilitarian apartments with unique character and manageable rents.

I am interested in serving on the Rent Board because believe that the way in which Portland implements the citizen-initiated Rent Control referendum will be of critical importance, not only to individual landlords and tenants, but also to the health and economic well-being of the city as a whole. The Board will need to be very thoughtful about its multiple responsibilities. Serving on the first Rent Board may prove to be an enormous undertaking. It will be particularly challenging because there are many key matters on which the ordinance is silent, there are legal limitations on what can be modified/clarified when and by whom, and this all has to be balanced to be consistent with the apparent will of the voters. I believe the initiative is in danger of failing due to its own scope if it doesn't identify efficient systems and permissible policies to make it into an initiative that is truly stabilizing, predictable and fair.

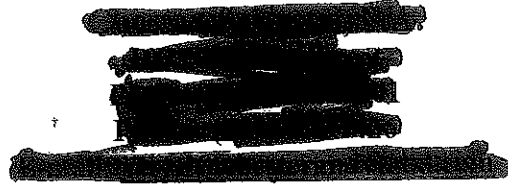
While this is a unique challenge, I believe the 10 years I served on Portland's Planning Board, my experience as an attorney, and 42 years of managing residential rental properties arm me to make a contribution if I am selected to serve on the Rent Board.

Very truly yours,



Barbara A. Vestal

BARBARA A. VESTAL



PROFESSIONAL EXPERIENCE:

Partner/Shareholder, Chester & Vestal, P.A., 1977 – present, partner in a small Munjoy Hill neighborhood law firm, with a practice concentrating in the areas of real estate, land use, probate, child protective matters, and foreclosure diversion program mediator;

Marine Law Institute, University of Maine School of Law, half-time Research Associate, 1986-89; half-time Associate Director, 1989-97, with a focus on coastal land use, working waterfront preservation, and climate change/sea level rise issues;

Property Manager, 1978 – present, co-manage approximately 22 residential rental properties in four multi-unit buildings on Portland's Munjoy Hill, including responsibilities for overseeing property maintenance, showing apartments and tenant selection, development of leases and disclosures, lease renewals, and tenant management.

EDUCATION:

Juris Doctor with Honors, University of North Carolina School of Law, 1977;

Master of Regional Planning, Department of City and Regional Planning, University of North Carolina, 1977 (joint-degree program with law; concentration in land use law);

B.A., Magna Cum Laude, **Urban Studies**, Mount Holyoke College, 1973.

SELECTED COMMUNITY INVOLVEMENT/VOLUNTEER PARTICIPATION:

Portland Planning Board, member, 1982-91; chair, 1988-90;

Greater Portland Landmarks, Board of Directors, 1993 – 99; Advisory Trustee, 1999 – present; active member of Public Issues Committee, 1993 to present;

Munjoy Hill Neighborhood Organization, founding member and initial Board of Directors, 1979-82; returning Board member and Treasurer, 2018-present;

Waterfront Development & Master Planning Committee, City of Portland, 2000-2002, including development of Eastern Waterfront Master Plan;

Portland Ministry at Large, Board of Trustees, reuse of Preble Chapel and related social service program for at-risk youth, 1979-1986.

AUSTIN K. SMITH

December 23, 2020

Appointment Committee Chairman
c/o City Clerk
389 Congress Street
Portland, Maine 04101

Dear Sir/Madam:

I am writing and forwarding my resume in hope that I will be considered for reappointment to the Portland Planning Board.

I have enjoyed my service for the last three years and hope that I have contributed to the process. As you know, we have tackled some difficult issues such as the Munjoy Hill Overlay / Historic District and the first phase of the Portland Recode effort.

I try my best to approach each issue and application with research on the material and an open mind. I also feel that after three years, I have experience and history in the planning board process that helps me a great deal.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Austin K. Smith".

Austin K. Smith

AUSTIN K. SMITH



Work Experience:

SIMONS ARCHITECTS, Portland, Maine 1994 to Present
Principal / Owner
Bigelow Laboratory Residence Project, East Boothbay, Maine
Casco Bay Ferry Terminal Renovations & Addition,
Portland Public Library Renovations & Additions,
Waynflete School, Franklin Art Center, Portland, Maine
Waynflete Lower School, Portland, Maine
Borsage Education Center, Coastal Maine Botanical Gardens
Brattleboro Music Center, Brattleboro, Vermont

KYU SUNG WOO ARCHITECTS, Cambridge, Massachusetts 1991 to 1994
Project Architect:
Whanki Museum, Seoul, Korea
Harris Residence, Bridport, Vermont.
Soo An Dong Mixed Use Facility, Pussan, Korea

UNIVERSITY OF NAIROBI, Faculty of Architecture, 1989
Lecturer: Third Year Architecture Studio,
Lecturer in Landscape Architecture

MOORE/WEINRICH ARCHITECTS, Brunswick, Maine, 1985 to 1989
Project Architect:
Windham Public Safety Facility, Windham, Maine
Loring Short & Harmon General Offices and Distribution Center,
Stratton K-8 School, Stratton, Maine

ARTHUR COTTON MOORE ARCHITECTS Washington, DC 1981 to 1983
Staff Architect:
Washington Harbor Mixed Use Facility, Washington, DC
Phillips Collection Renovations and Addition, Washington, DC

Education:

HARVARD UNIVERSITY Graduate School of Design
Master of Landscape Architecture 1985

MISSISSIPPI STATE UNIVERSITY, School of Architecture
Bachelor of Architecture 1981

Registrations:

Registered Architect, State of Maine
Registered Landscape Architect, State of Maine
LEED Accredited Professional
Maine Department of Transportation Local Project Administrator

Public Service:

Planning Board, Portland, Maine
Member Evergreen Cemetery Pilot Project
Former Board Member: Architalx Lecture Series
Former Board Member: Maine Chapter, American Institute of Architects
Former Committee Member: Portland Police Citizen Review Board
Portland Area Youth Soccer Association: Coach and Field Organizer
Longfellow School Cultural Enrichment Committee

AUSTIN K. SMITH



Work Experience:

SIMONS ARCHITECTS, Portland, Maine 1994 to Present

Principal / Owner

Bigelow Laboratory Residence Project, East Boothbay, Maine

Casco Bay Ferry Terminal Renovations & Addition,

Portland Public Library Renovations & Additions,

Waynflete School, Franklin Art Center, Portland, Maine

Waynflete Lower School, Portland, Maine

Borsage Education Center, Coastal Maine Botanical Gardens

Brattleboro Music Center, Brattleboro, Vermont

KYU SUNG WOO ARCHITECTS, Cambridge, Massachusetts 1991 to 1994

Project Architect:

Whanki Museum, Seoul, Korea

Harris Residence, Bridport, Vermont.

Soo An Dong Mixed Use Facility, Pusan, Korea

UNIVERSITY OF NAIROBI, Faculty of Architecture, 1989

Lecturer: Third Year Architecture Studio,

Lecturer in Landscape Architecture

MOORE/WEINRICH ARCHITECTS, Brunswick, Maine, 1985 to 1989

Project Architect:

Windham Public Safety Facility, Windham, Maine

Loring Short & Harmon General Offices and Distribution Center,

Stratton K-8 School, Stratton, Maine

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Staff Architect:

Washington Harbor Mixed Use Facility, Washington, DC

Phillips Collection Renovations and Addition, Washington, DC

Education:

HARVARD UNIVERSITY Graduate School of Design

Master of Landscape Architecture 1985

MISSISSIPPI STATE UNIVERSITY, School of Architecture

Bachelor of Architecture 1981

Registrations:

Registered Architect, State of Maine

Registered Landscape Architect, State of Maine

LEED Accredited Professional

Maine Department of Transportation Local Project Administrator

Public Service:

Planning Board, Portland, Maine

Member Evergreen Cemetery Pilot Project

Former Board Member: Architalx Lecture Series

Former Board Member: Maine Chapter, American Institute of Architects

Former Committee Member: Portland Police Citizen Review Board

Portland Area Youth Soccer Association: Coach and Field Organizer

Longfellow School Cultural Enrichment Committee

December 14, 2020

Ms. Katherine Jones, City Clerk
City of Portland
389 Congress Street
Portland, ME 04101

RE: Application for New 1-year Term/Continuation on the City of Portland Planning Board

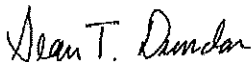
Dear Ms. Jones:

I would like to express my interest in applying for 1-year term renewal on the City of Portland Planning Board starting on February 28, 2021. It has been my sincere pleasure to be a part of the Board and to work in concert with the city staff, the applicants, and the public during an extremely pivotal period in Portland's history. My eight years as a member of the Planning Board has given me a deep curiosity for urban planning, in particular affordable housing and policy levers we can use to promote this goal for Portland. We will have challenges with the "Green New Deal" and rent control that have to be countered with new policies to continue to attract investment in Portland.

One initiative I'd like to see is how our City could promote, via zoning policies and bonuses, the redevelopment of fallow office space into residential housing. We had a glut of Class B (and below) office space in the City which was difficult to lease prior to the pandemic, and with the pandemic, there will be even more available office (and retail) space available which could be repurposed for housing. The benefit of these types of re-use policies could allow us to bring housing to the market quickly, minimize neighborhood impact (the assets exist already), and are very "Green" as the infrastructure is already in place.

Having been part of the development of the Comprehensive Plan, I look forward to the important completion of the ReCode Phase II work to reflect the Comprehensive Plan and I would be honored to continue to serve as member of the City's Planning Board for an additional year to complete the maximum allowable term of 9 consecutive years.

Sincerely,



Sean T Dundon



SEAN T. DUNDON



OBJECTIVE

To continue on the City of Portland Planning Board for one (1) additional year to fulfill the maximum term allowed by statute of nine (9) years for the purpose of completing Phase II of the Recode effort and provide institutional knowledge to fellow board members. I'd like the opportunity to continue to engage with City Staff and assist the Chair and Vice-Chair when if either are conflicted out and to help mentor new Board Members.

SKILLS & ABILITIES

Expertise in strategic planning, business development, and executive management for small business. Currently, I serve as the business development lead at VETRO FiberMap, a Portland-based software firm providing fiberoptic network software to support broadband deployment worldwide. As Co-Founder of an architectural/engineering (AE) firm founded in 2001, created top-line revenue growth from \$500k to 11M, profit growth from 5% to 20%, and full-time employee count from 3 to 50 employees nationwide. Developed a vertically-integrated engineering firm by adding energy, structural, construction, and property condition service lines. Skilled at leading teams and evaluating new technology to streamline processes and improve quality.

EXPERIENCE

- | | |
|--------------|---|
| 2018-Present | <p>Director of Business Development – <i>VETRO FiberMap, Inc.</i></p> <ul style="list-style-type: none">• Responsible for developing new business with electrical cooperatives, municipalities and engineering firms in North America and Internet Service providers worldwide.• Leading partnership efforts with fiber optic equipment distributors and manufacturers and complimentary software solutions. |
| 2001-2018 | <p>Co-Founder/Principal – Director of Business Development, <i>Blackstone Consulting LLC</i></p> <ul style="list-style-type: none">• Led adoption of new technology within the firm including the use of MS SharePoint, MS Teams, MS Planner, Office 365, Bluebeam.• Responsible for new client development and client retention• Originated several client satisfaction and employee surveys to measure progress on the strategic planning goals of the firm• Created new service lines for the firm for energy auditing, structural and seismic services, and construction risk management primarily for the multifamily sector including senior, low-income, student, and traditional market rate product• Lead on social media initiatives, website development, Google Analytics, Twitter, and LinkedIn (external) and using MS Yammer and MS Planner internally to lead project teams• Oversee team of 30 technical professionals providing professional development, evaluation, encouragement, and expanded opportunity for advancement within the firm• Oversee monthly profit/loss along with CFO to identify expense reductions by self-performing projects in select markets instead of subcontractors and minimizing non-billable expenditures |
| 1999-2001 | <p>Senior Project Manager, Gallet and Associates (now Wood)</p> <ul style="list-style-type: none">• Responsible for new business development and performing Phase I and Phase II Environmental Site Assessments, risk-based corrective action closures and remediation projects. |

EDUCATION

2000	Master of Business Administration, Finance, Bryant College, Smithfield, Rhode Island
1998-1999	Master of Business Administration, Finance, DePaul University, Chicago, Illinois (candidate)
1990-1993	Master of Science, Nuclear Engineering, University of New Mexico, Albuquerque, New Mexico
1986-1990	Bachelor of Science, Public Health, University of Massachusetts, Amherst, Massachusetts

COMMUNICATION

Provided testimony on behalf of Planning Board opinions to the City Council during my tenure as Chair. Created and presented several 90-minute webinars on construction risk, environmental risk management, and energy auditing. Presentation leader for Blackstone at professional conferences such as the National Apartment Association (NAA), the National Multifamily Housing Council (NMHC), and the National Historic and Rehabilitation Association (NH&RA) along with numerous regional commercial real estate group presentations and client-specific technical seminars.

Know your Assets – Fiber Network Documentation Planning, ISE Magazine, May 2020.

- <https://www.isemag.com/2020/05/telecom-fiber-assets-mapping-best-practices/>

LEADERSHIP

Chairperson, City of Portland Planning Board, Portland, Maine (2018-2019)

Carrabassett Valley Academy (CVA), Vice-Chair, Board of Trustees, Chair, Governance and Human Resources Committee, Carrabassett Valley, Maine (current)

Chairperson, Lakes Environmental Association, Bridgton, Maine (2008-2014)

Chairperson, Breakwater School Board of Trustees (2007-2011)

David P. Silk

December 7, 2020

klj@portlandmaine.gov
Katherine L. Jones, City Clerk
389 Congress Street
Portland, ME 04101

Re: Vacancies, Planning Board

City Clerk Jones:

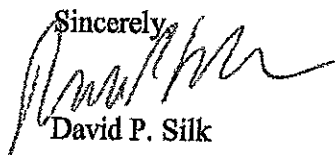
Please consider this letter to be my letter of interest to be considered for appointment to the Planning Board. Enclosed is my resume. I was appointed in 2017 and I am eligible for reappointment. I believe I have served the City well over the last three years and would be honored to serve another term.

I continue to try my best as a Board member to ensure fair treatment of all who appear, to be opened minded, and to be cognizant of, and to apply, the governing ordinance provisions the Council has adopted. Now after much work embodied in ReCode.

I remain amazed at the insights and thoughtfulness of the vast majority of the public comment we receive. And while there is always room for more awareness, with recent events in our society, I am and the Board too is much more cognizant of our past and the present as we help shape the future with further ReCode work.

If you need more information regarding my experience and interest, please let me know. I look forward to being considered for re-nomination for a Planning Board position. Thank you very much.

Sincerely,



David P. Silk

DAVID P. SILK

Portland, Maine 04102-1928

WORK: Practicing attorney at Curtis Thaxter LLC, Portland, Maine; member since 1992; joined firm in 1988

Associate at Murray, Plumb & Murray, Portland, Maine (1986-1988)

Law Clerk to Hon. Louis Scolnik, Associate Justice, Maine Supreme Judicial Court (1985-1986)

Former Outward Bound Instructor (Dartmouth Outward Bound Center, Hanover, NH)

EDUCATION: University of Maine School of Law, Portland, Maine
Cum Laude (JD 1985) (recipient of the Faculty Scholastic Achievement Award - 1985); Production Editor, Maine Law Review.

Colby College, Waterville, Maine (B.S. 1981)

Newton North High School, Newton, MA (1976)

Mediating Disputes Program at the Harvard Negotiation Institute, Harvard Law School, Program on Negotiations, Cambridge, MA (2013)

Resolving Land Use Disputes, Lincoln Institute on Land Policy, Cambridge, MA (1996)

COMMUNITY

INVOLVEMENT: Member, City of Portland, Planning Board, City of Portland (2017 to present);

Member, Cumberland County Board of Assessment Review (2016 - ongoing)

Mediator, Maine Court Alternative Dispute Resolution Program (2015 - ongoing)

President and Board Member of Housing Initiatives of New England, Inc., a not-for-profit owner and developer of low income senior housing in Maine and New Hampshire (1996 to present)

Former Chair and Member, City of Portland, Planning Board (2004 to 2013)

Former Chair and Member, City of Portland, Board of Assessment Review (1987 to 2004)

Former President and Founding Board Member of the Children's Center, 721 Stevens Avenue, Portland, a not-for-profit early childhood development center (2000 to 2005) formerly operated by the University of New England

Former Officer and Board Member of the University of Maine School of Law Alumni Board (1992-1999)

Former Trustee of the Stroudwater Neighborhood Association, Portland Maine (2001-2004, 2013 - 2016)

Former Deering Little League (baseball) coach (five years)

Former PAYSA (soccer) coach (nine years)

Maine High School Swim Official, Cumberland County Chapter (2014-2018, 2020)

PERSONAL:

Resident of the City of Portland since 1981

Sarai Manyiel

[REDACTED]
Portland, ME 04101
[REDACTED]
[REDACTED]

December 28th, 2020

City Clark
389 Congress st.
Portland, ME 04101

Dear Committee Chairman,

I am honored to have been invited by Councilor Pious Ali to apply for the Police Citizen Review Subcommittee. As a public servant who works with young adults and a long time resident of Portland, Maine, I am confident I am a great fit for the role.

I am a teacher, a Black Student Union advisor, and a devoted community member who is dedicated to serving the people. I grew up in Maine, went away to college, and returned to work in the same community that welcomed my family and raised me into the young woman I am today. I want to give back to a place that has given my family so much when we had very little.

As a high school English teacher, I'm a great communicator both verbally and in writing. Furthermore, as a lover of literature, an avid reader, and a poet, I will bring with me my analytical and critical thinking skills. My ability to understand a variety of perspectives makes me a strong candidate. For example, as a 3rd culture person, I bridge the gap between the older and younger generation of immigrant families in Portland. All of these skills make me a strong candidate who can be objective when reviewing the process of the police investigation of complaints.

I look forward to hearing from you.

With gratitude,
Sarai Manyiel

Education and Certification:

Maine Department of Education

- 7-12 Language Arts (100) **Fall 2018**
- K-12 ESOL Transitional Certification (660) **Fall 2019**
- K-12 Educational Technician III (023) **May 2016**

University of Southern Maine

- MSED in Teaching and Learning with a concentration in Language Arts **August 2018**
- Completed 2 of the 5 courses for Certificate of Graduate Study in English as a Second Language

Arizona State University

- B.A. English with a concentration in Cross-Cultural Literature **May 2016**
 - Minor in Nonprofit Administration
-

Teaching Experience:

Casco Bay High School, ELA and ELL Educator: 9-12

August 2019- Present

- Designed a BLM Expedition that encouraged students to research the roots of racist ideas and Black History in America
- Designed a Beyond Borders Expedition that focused on global migration issues.
- Advising students leaders of the Black Student Union and helping them cultivate an environment that is reflective of Black Culture and Black history

Casco Bay High School, ELA and ELL Educator: 9-12

August 2018- 2019

- Adapted and scaffold lessons for ELL students in grade 9-10 ELA, Science, and Social Studies
- Designed a Poetry Course that encouraged creativity and critical reflection on social matters
- Stylistically amended a cross-cultural literature course
- Co-Advised student participants in the 2019 One Acts Maine Drama Festivals
- Coordinated with teachers, administrators, and students in organizing school dances

Deering High School: ELA Student Teacher Intern, Grade 11-12, Portland

February- May 2018

- Strategize with ELA teacher and co-taught a Native American Literature unit
- Formulated lessons on The Science and Social Construction of Race in Shakespeare's Othello

Lyman Moore Middle School: ELA Student Teacher Intern, Grade 8, Portland

August-December

2017

- Assisted in facilitating units on narrative and claim based writing as well as proper citation
- Developed and lead taught lesson on Literary Devices and Blackout Poetry
- Launched an Arabic Club to nurture linguistic skills

Lyman Moore Middle School, ELL Educational Technician, Grade 6-8, Portland

August 2016- June 2017

- Collaborated with social studies, science, and math teachers to ensure the success of ELLs
- Group and one-on-one instructional support for beginner English Language Learners
- Social, emotional, behavioral support for ESL, special needs, and behavioral needs students

Intercultural Community Center: Power School, Language Arts Teacher, Grade 3-8, Westbrook

August 2016-August

2017

- Facilitated activities to foster positive cultural identity
- Provided tutoring support and designed individualized learning plans for English Language Learners, students with learning difficulties, and gifted learners

One Tree Wholistic Learning Center, Multicultural Preschool Teacher, Age 3-8, South Portland

August 2015-July 2016

- Designed artistic, academic, and kinesthetic activities to engage pre-K learners
 - Created a culturally diverse curriculum where students felt represented
 - Obtained a in Certificate of Maine's Early Childhood Learning Guidelines
-

International Experience:

- Conversational Arabic and Dinka

- Lived in Sudan and Egypt and traveled to Mexico, Portugal, South Africa, and Cote d'Ivoire
-

References:

- Suzanne Dodson, ESOL, Portland Public Schools, dodsos@portlandschools.org
- Shana Genres, English Language Arts Teacher, Portland Public Schools, genres@portlandschools.org
- Pious Ali, Former Public Schools Board Member and Current City Council of Portland, Maine, pious.a.ali@gmail.com

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 25, 2021

SUBJECT: Order 183-20/21 Appointing Wardens and Ward Clerks for the 2021-2022 Election Year - Sponsored by Katherine L. Jones, City Clerk

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

This order appoints Wardens and Ward Clerks for the 2021-2022 Calendar Year, listed in the attachment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Appointing Wardens and Ward Clerks 2021-2022 Election Year 3.15.2021
2. Memo Appointing Wardens & Ward Clerks for 2021 Election Year.

Prepared by:

Date: 2/25/2021

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER APPOINTING WARDENS AND WARD CLERKS
FOR THE 2021-2022 ELECTION YEAR

ORDERED, that the following persons are hereby appointed as Wardens and Ward Clerks from June 1, 2021 to May 31, 2022:

Warden	Ward Clerk	District/Precinct
Denise Shames	Aurelia Scott	1-1
Carol Morrisette	Frank Spring	1-2
Fred O'Keefe	Kim MacIssac	1-3
Dennis Martin	Betsy Krementz	2-1
Susan Litchman	Roseanne Graef	2-2
Joel Glass	Gerri Rose	3-1
Dale Kinney	Robert Smith	3-2
Alisha Grinnell	Melissa Newsome	4-1
Timothy Whitney		4-2
Barbara Harvey	Virginia Fischer	5-1
George Smythe	Edmond Szalajeski	5-2



Office of the City Clerk
Katherine L Jones, CMC

MEMORANDUM

TO: Mayor Snyder and Members of the City Council
FROM: Katherine L. Jones, City Clerk
DATE: February 25, 2021
RE: Wardens and Ward Clerks

The following persons are being recommended as Wardens and Ward Clerks for the 2021-2022 calendar year:

Warden	Ward Clerk	District/Precinct
Denise Shames	Aurelia Scott	1-1
Carol Morrisette	Frank Spring	1-2
Fred O'Keefe	Kim MacIssac	1-3
Dennis Martin	Betsy Krementz	2-1
Susan Litchman	Roseanne Graef	2-2
Joel Glass	Gerri Rose	3-1
Dale Kinney	Robert Smith	3-2
Alisha Grinnell	Melissa Newsome	4-1
Timothy Whitney		4-2
Barbara Harvey	Virginia Fischer	5-1
George Smythe	Edmond Szalajeski	5-2

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 2, 2021

SUBJECT: Order 184-20/21 Appointing Members of the Portland Area Comprehensive Transportation System Policy Committee for 2021 - Sponsored by Jon P. Jennings, City Manager

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Greater Portland Council of Governments, parent organization of Portland Area Comprehensive Transportation System (PACTS), recently disbanded the PACTS Policy Committee's structure. This order appoints Councilor Belinda Ray and Public Works Department Director Chris Branch to the newly reestablished committee, and these appointments replace and supersede those made by Order 139-20/21.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order for new PACTS Policy Committee Appointments 3.15.2021

Prepared by:

Date: 3/2/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPOINTING MEMBERS OF THE PORTLAND AREA COMPREHENSIVE
TRANSPORTATION SYSTEM POLICY COMMITTEE FOR 2021**

ORDERED, that the Councilor Belinda Ray and Department of Public Works Director Christopher Branch are hereby appointed as members of the Portland Area Comprehensive Transportation System Policy Committee for the calendar year 2021, and that these appointments replace and supersede those made by Order 139-20/21.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 25, 2021

SUBJECT: Order 185-20/21 Opening and Closing the Polls on June 8, 2021 - Sponsored by
Katherine L. Jones, City Clerk

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

This order sets the time for opening and closing of the polls on June 8, 2021 for Special Election for Charter Commissioners and School Budget Referendum. Pursuant to 21-A M.R.S., Section 626, the hour of poll opening must be set by the municipal officers. This is done for every election. The polls shall open at 7:00 a.m. and close at 8:00 p.m.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Opening and Closing the Polls June 8, 2021 3.15.2021
2. Memo Opening and Closing the polls for June 2021.

Prepared by:

Date: 2/25/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER SETTING THE TIME FOR OPENING
THE POLLS ON JUNE 8, 2021**

ORDERED that, pursuant to 21-A M.R.S. §626, the polls shall open at 7:00 a.m. and close at 8:00 p.m. on Tuesday, June 8, 2021 for the Special Election for Charter Commissioners and School Budget Referendum.



Office of the City Clerk
Katherine L. Jones, CMC

MEMORANDUM

TO: Mayor Snyder and Members of the
Portland City Council

FROM: Katherine L. Jones, City Clerk

DATE: February 25, 2021

RE: Setting the time for opening the polls on June 8, 2021 for Special Elections for
Charter Commissioners and School Budget Referendum

Pursuant to 21-A M.R.S.A. §626, the hour of poll opening must be set by the
municipal officers. This is done for every election; the polls open at 7:00 A.M. and
close at 8:00 P.M.

Notices are then posted in each district and at City Hall.

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: February 25, 2021

SUBJECT: Order 186-20/21 Setting Public Hearings on Fiscal Year 2022 Annual Action Plan and Appropriations for Community Development Block Grant Program, Home Program, and Emergency Solutions Grant Program - Sponsored by Jon P. Jennings, City Manager

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/15/2021

Final Action 3/15/2021

Can action be taken at a later date: No (If no why not?) Notice of Public Hearings must be published prior to the first meeting date.

PRESENTATION: (List the presenter(s), type and length of presentation) Mary Davis will be available for questions.

I. SUMMARY

Request to set public hearings for FY 2022 Annual Action Plan and appropriation of funding for the Community Development Block Grant Program (CDBG), HOME Program and Emergency Solutions Grant (ESG) Program.

II. AGENDA DESCRIPTION

As required under the City's HUD approved citizen participation process, public hearings are held each spring to consider the City's Housing and Community Development Program proposal for the ensuing year. The CDBG Annual Allocation Committee, appointed by the City Council, reviewed each application and made funding recommendations. They are given an opportunity to make a presentation to the City Council at the first meeting, and citizens may comment on the City's annual plan for the use of CDBG, HOME and ESG funds.

Public hearings will be held on April 5, 2021 and April 26, 2021 at City Council Meetings at 5:00 pm accessible via Zoom Web Conferencing link to be provided in the agenda for each meeting.

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

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

Staff request that the City Council set the public hearings for the Fiscal Year 2022 Annual Action Plan and Appropriations for the Community Development Block Grant Program (CDBG), HOME Program and Emergency Solutions Grant Program (ESG) for April 5, 2021 and April 26, 2021 at the City Council Meeting held at 5:00 pm on those nights.

VIII. LIST ATTACHMENTS

1. 1 CDBG Order Public Hearings FY2022

Prepared by:

Mary Davis, Division Director

Date: 2/25/2021

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
PIOUS ALI (A/L)
APRIL FOURNIER, (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

**ORDER SETTING PUBLIC HEARINGS ON
FISCAL YEAR 2022 ANNUAL ACTION PLAN
AND APPROPRIATIONS FOR COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM, HOME PROGRAM, AND EMERGENCY SOLUTIONS
GRANT PROGRAM**

ORDERED, that public hearings be held on the Fiscal Year 2022 Annual Action Plan and appropriations for the Community Development Block Grant Program, HOME Program, and the Emergency Solutions Grant Program; and

BE IT FURTHER ORDERED, that such hearings be held on April 5, 2021 and April 26, 2021 at City Council Meetings held remotely at 5:00 p.m.,

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 22, 2021

SUBJECT: Order 187-20/21 Granting Municipal Officers' Approval of Perfect Pie 2, LLC dba Pizzaiolo. Application for a Class XI FSE with Outdoor Dining on Private Property at 865 Forest Avenue - Sponsored by Jon P. Jennings, City Manager

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Granting Municipal Officers' Approval of Perfect Pie 2, LLC dba Pizzaiolo. Application for a Class XI FSE with Outdoor Dining on Private Property at 865 Forest Avenue.

Application was filed on 2/19/2021. New City and State applications. Location was previously Casa Fiesta Mexican Restaurant.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Pizzaiolo
2. 20210303142109445

Prepared by:

Date: 2/22/2021

KATHLEEN M SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW J. ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Perfect Pie 2, LLC dba Pizzaiolo. Application for a Class XI FSE with Outdoor Dining on Private Property at 865 Forest Avenue.

**Perfect Pie 2, LLC
865 Forest Avenue
Portland, Maine 04103**

February 5, 2021

Mayor Kate Snyder and Portland City Council
389 Congress Street
Portland, Maine 04101

Dear Mayor Snyder and City Councilors,

Please find attached to this letter Perfect Pie 2, LLC d/b/a Pizziaiolo's application for a Food Service Establishment with Alcoholic Beverages License. We have recently leased the space formerly known as the Casa Fiesta and Raul's on Forest Avenue.

We plan on serving lunch and dinner daily and our menu will include, among other items our New York style pizza, pasta an subs.

This will be our second location in the City of Portland, and we look forward to this expansion.

Thank you very much for your consideration of our application.

Kind Regards,

Charles "Pat" Scally
Manager

A handwritten signature in black ink, appearing to be 'Pat Scally', with a long horizontal line extending to the right.



CITY OF PORTLAND
Permitting and Inspections Department
Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	Pizzaiolo	Phone:	207-536-7210
Location Address:	865 Forest Avenue		Zip: 04103
If new, what was formerly at this location:	Casa Fiesta Mexican Restaurant		
Mailing Address:	360 Cumberland Avenue, Portland		Zip: 04101
Contact Person:	Charles "Pat" Scally	Phone:	207-710-9100
Contact Person Email:	pizzaioloportland@gmail.com		
Manager of Establishment:	Charles "Pat" Scally	Date of Birth: 7/6/71	Phone: 207-710-9100
Owner of Premises (Landlord):	New Heritage Builders, Inc.		
Address of Premises Owner:	198 Saco Avenue, Old Orchard Beach, ME		Zip: 04064

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
Perfect Pie 2, LLC		360 Cumberland Avenue, Portland Zip: 04101	
Contact Person:	Charles "Pat" Scally	Phone:	207-710-9100
Principal Officers	Title	Date of Birth	Residence Address
Charles "Pat" Scally	Member	7/6/71	738 Fort Hill Road, Gorham, ME 04038
Martin Gough	Member	11/23/57	44 Lower Methodist Rd. Cumberland, ME 04021
Class of Liquor License:		Class A Restaurant/Lounge	

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557
 bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Pizza, Pasta, Subs		
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor		
Projected percentage of sales:	Generated from Food: 80%	Generated from Alcohol: 20%	
Hours & days of operation:	11:00 AM to 1:00 AM 7 Days		
QUESTIONS			
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N ☒ Y ☐ N		
If No, please explain:	Will be scaled back menu after 9:00 - mostly pizza		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N ☒ Y ☐ N		
If yes, give the distance:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	Y/N ☒ Y ☐ N		
Will you permit dancing after 1:00 a.m.?	Y/N ☒ Y ☐ N		
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N ☒ Y ☐ N		
If yes, will the outside dining be on PUBLIC or <u>PRIVATE</u> property (circle one).			
Will you have any amusement devices (pinball, video games, juke box)?	Y/N ☒ Y ☐ N		
If yes, please list: # of pinball machines: <u>1</u> # of amusements: <u> </u> # of pool tables: <u>1</u>			
What is your targeted opening date?	April 1, 2021		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	Y/N ☒ Y ☐ N		
If Yes, list name(s) of employee(s) and department(s):			
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N ☒ Y ☐ N		
If Yes, please list business name(s) and location(s):	Pizza 1010 - 360 Cumberland Ave		
Is any principal officer under the age of 21?	Y/N ☒ Y ☐ N		
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N ☒ Y ☐ N		
If Yes, please explain:	See Attached		

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

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

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

Signature [Signature] Title Manager Date 2/5/21



CITY OF PORTLAND
Permitting and Inspections Department
Temporary Outdoor Dining Permit on Private Property
Valid June 1-November 1

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

☒ Outdoor Dining on Private Property \$125.00*

Business Information			
Business Name (d/b/a):	Pizzaiolo	Phone:	207-556-7210
Location Address:	865 Forest Avenue	Zip:	04103
Mailing Address:	360 Cumberland Avenue	Zip:	04101
Contact Person:	Charles "Pat" Scally	Phone:	207-710-9100
Contact Person Email:	Pizzaioloportland@gmail.com		
Manager of Establishment:	Charles "Pat" Scally	Date of Birth:	7/6/71
		Phone:	207-710-9100
Owner of Premises (Landlord):	New Heritage Builders, Inc.		
Address of Premises Owner:	198 Saco Avenue, old Orchard Beach Zip: 04064		

Owner Information

Corporate Name		Corporate Mailing Address	
Perfect Pie 2, LLC		360 Cumberland Ave. Zip: 04101	
Contact Person:	Charles "Pat" Scally	Phone:	207-710-9100
Principal Officers	Title	Date of Birth	Residence Address
Charles Pat Scally	Member	7/6/71	738 Fort Hill Road, Gorham, ME
Martin Gough	Member	11/23/57	44 Lower Methodist Rd. Cumberland



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class A Restaurant/Lounge (class XI)
Type of food served:	Pizza, Pasta, Subs
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	11:00 AM - 1:00 AM 7 days
Number of Tables	15
Number of Chairs	70 (Five - 6 Tops; Ten - 4 Tops)

Design and Construction

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

Maintenance and Operations

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

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

Signature _____

Title

Manager

Date

2/5/21

Date Received: _____ Assigned to CEO: _____



All Questions Must Be Answered Completely. Please print legibly.

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

Legal Business Entity Applicant Name (corporation, LLC): Perfect Pie 2, LLC	Business Name (D/B/A): Pizzaiolo
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 865 Forest Avenue, Portland, ME 04103
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 360 Cumberland Avenue, Portland, ME 04101
Mailing address, if different from DBA address:	Email Address: pizzaioloportland@gmail.com
Telephone # Fax #:	Business Telephone # Fax #:
Federal Tax Identification Number: 84-4406812	Maine Seller Certificate # or Sales Tax #: Application Submitted
Retail Beverage Alcohol Dealers Permit: Application Submitted	Website address: pizzaioloportland.com

1. New license or renewal of existing license? ☒ New Expected Start date: 04/01/2021
☐ Renewal Expiration Date: _____

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

Food: \$ 1,200,000.00 Beer, Wine or Spirits: \$ 300,000.00 Guest Rooms: \$ 0.00

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

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

- | | | |
|--|---|---|
| ☐ Restaurant
(Class I, II, III, IV) | ☒ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

865 Forest Avenue, Portland Maine 04103

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

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

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
Charles "Pat" Scally	07/06/1971	Alamogordo NM
Martin Gough	11/23/1957	Sanford, ME
Residence address on all the above for previous 5 years		
Name Charles "Pat" Scally	Address: 738 Fort Hill Road, Gorham, ME 04038	
Name Martin Gough	Address: 44 Lower Methodist Road, Cumberland, ME 04021	
Name	Address:	
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: See Attached Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

New Heritage Builders, Inc. 198 Saco Avenue, Old Orchard Beach, ME 04064

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

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

First floor restaurant and kitchen. Walk-in cooler
in the basement.

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

Name: Clark Memorial United Methodist Church

Distance: .4 mi

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 2/5/21



Signature of Duly Authorized Person

Signature of Duly Authorized Person

Charles Pat Scally

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Perfect Pie 2, LLC
2. Doing Business As, if any: Pizzaiolo
3. Date of filing with Secretary of State: 01/22/2020 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

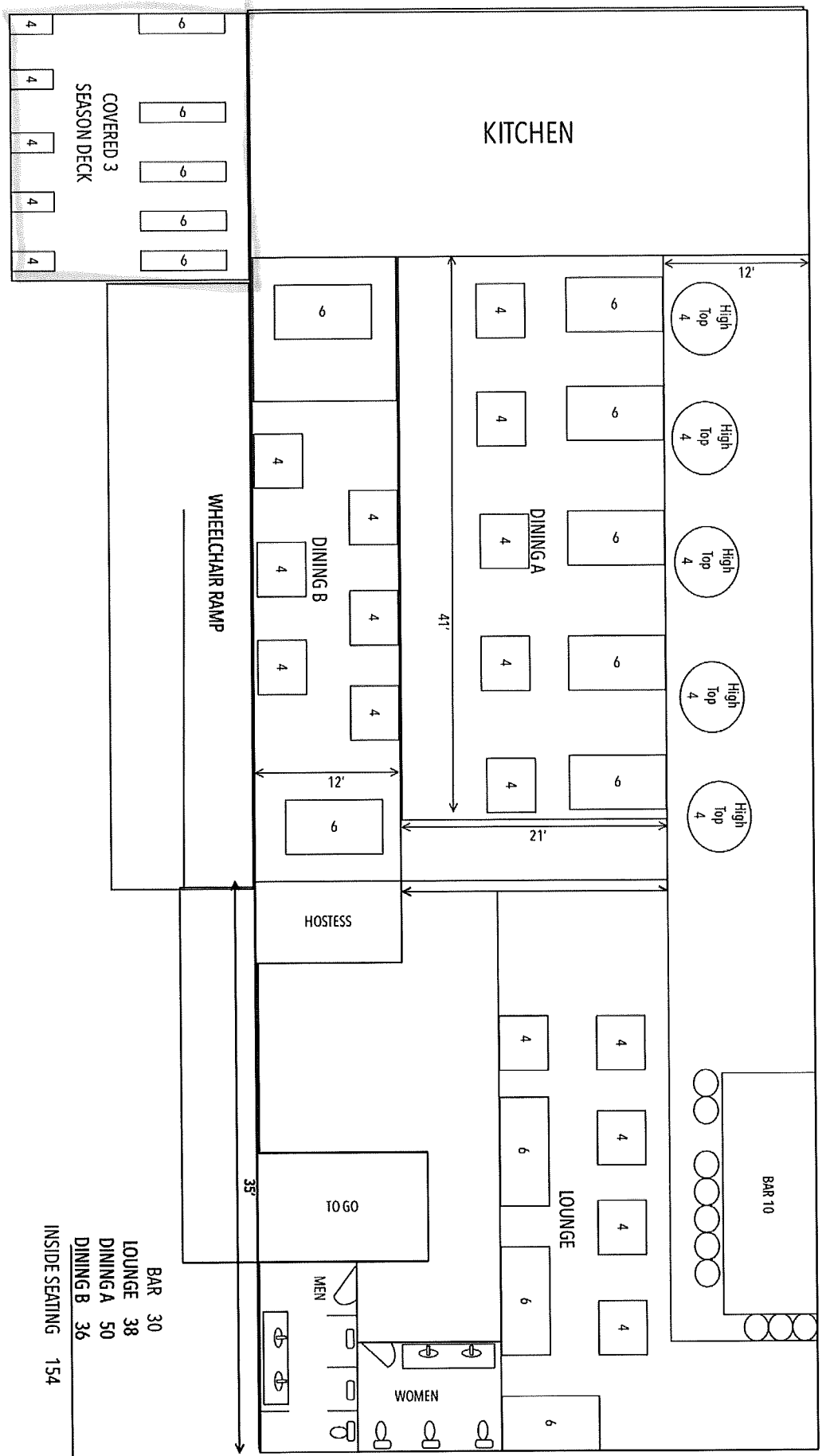
Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Charles "Pat" Scally	738 Fort Hill Road, Gorham	07/06/1971	Member	50.0000
Martin Gough	44 Lower Methodist Rd., Cumber	11/23/1957	Member	50.0000

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

Violation of Laws

Name:	Charles "Pat" Scally
Date of Conviction:	4/13/2017
Offense:	OUI
Location:	Maine
Disposition:	Loss of license
Name:	Charles "Pat" Scally
Date of Conviction:	December 2008
Offense:	Conspiracy to distribute
Location:	Maine
Disposition:	48 Months incarceration

Forest Ave



BAR 30
LOUNGE 38
DINING A 50
DINING B 36
INSIDE SEATING 154

DECK 50
TOTAL PROPOSED SEATING 204

PIZZAIOLO

FOREST AVE VERSION 3.0 FEB 17 2021

PIZZAIOLO

Our pizzas are made on our New York style white dough
12-inch Gluten-Free add 2 Prices subject to change. No substitution on specialties.

Specialty Pizzas

The White Stone 15.50 22.50

Creamy whole milk mozzarella cheese, lots of fresh chopped garlic, parmesan, and ricotta

White Stone-roni 17 25

Creamy whole milk mozzarella cheese, parmesan, ricotta, and pepperoni

White Stone Spinach 17 25

Creamy whole milk mozzarella cheese, parmesan, ricotta, baby spinach, lots of fresh chopped garlic

Tomato & Garlic 16 23

Creamy whole milk mozzarella cheese, parmesan, sliced ripe tomato, lots of fresh chopped garlic

Pizzaiolo Pesto 16 23

House made basil pesto, whole milk mozzarella cheese, and a generous sprinkle of parmesan

The Porko 17 25

Creamy whole milk mozzarella cheese, pepperoni, Italian sausage, meatballs, and our signature Pizzaiolo tomato sauce

Spicy Hawaiian 17 25

Creamy whole milk mozzarella cheese, pepperoni, sweet juicy pineapple chunks, fresh sliced jalapeno pepper, and our signature Pizzaiolo tomato sauce

Buffalo-iolo Chicken 17 25

Spicy buffalo sauce, tender morsels of slow roasted chicken, whole milk mozzarella, blue cheese

Blueberry BBQ Chicken 17 25

Spicy wild Maine blueberry barbeque sauce, tender morsels of slow roasted chicken, whole milk mozzarella cheese

The Bronx 18 26

Creamy whole milk mozzarella cheese, pepperoni, Italian sausage, mushroom, Vidalia onions, green peppers, garlic, and our signature Pizzaiolo tomato sauce

The Vegetarian 18 26

Creamy whole milk mozzarella cheese, mushroom, Vidalia onions, green peppers, black olives, tomato, garlic and our signature pizzaiolo tomato sauce

BBQ Chicken 17 25

Sweet Baby Ray's Barbeque Sauce, tender morsels of slow roasted chicken, whole milk mozzarella cheese.

Pulled Pork Pie 18 26

Moe's Bar B Que Sauce topped with creamy whole milk mozzarella, pulled pork with house made pickled red onions.

Build Your Own Pizza

Cheese 14 19

Pesto Base add 3 add 5

Toppings 1.50 2.50

Pepperoni

Roasted Chicken

Spinach

Anchovies

Pulled Pork

Sausage

Mushroom

Black Olive

Fresh Jalapeno

Hamburger

Meatball

Green Pepper

Greek Olive

Pineapple

Pickled Red Onion

Ham

Vidalia Onion

Fresh Garlic

Sweet Potato

Basil

Bacon

Tomato

Pesto

Banana Peppers

Extra Cheese 3 5 (Mozzarella, Blue Cheese, Feta Cheese, Ricotta)

Vegan Cheese 3 5

Signature Salads *Made fresh to order with our house made dressings*

House Salad Sm. 6 Lg. 8 Catering Sm. 15 Lg. 30

Romaine, shredded carrots, grape tomatoes, sliced cucumbers, red onion, peppers, house-made lemon honey vinaigrette

Greek Salad Sm. 6 Lg. 8 Catering Sm. 15 Lg. 30

Romaine, Kalamata olives, cucumber, pickled red onion, feta, grape tomato, house-made shallot-herb vinaigrette

Caesar Salad Sm. 5 Lg. 7 Catering Sm. 15 Lg. 30

Romaine, Rye crouton, parmesan, house-made Caesar dressing

Field Salad Sm. 7 Lg. 9 Catering Sm. 20 Lg. 40

Baby spinach greens, sweet potato, bacon, candied walnuts, feta, buttermilk blue cheese dressing

Add our fresh oven roasted chicken to any salad

Sm. 1.50 Lg. 3 Catering Sm. 7.50 Lg. 15

Pasta

Sm. 6 Lg. 8 Catering Sm. 20 Lg. 40

Your choice of Zit, Spaghetti or Cheese Tortellini topped with our delicious marinara or meat sauce. Served with house made garlic bread.

Add Meatball 2.25

Sub(s)

Mama's Meatball Sub 14

My mother's homemade hand-rolled garlicky meatballs slowly simmered in our signature Pizzaiolo pasta sauce with your choice of American or Provolone cheese, then stuffed into a freshly-baked crusted baguette with whole milk mozzarella cheese, and oven baked

Appetizers

Garlic Knots 8 Garlic Bread 1.50 Cheese Breadsticks 14

Single Meatball 2.25 *Served with a side of our Pizzaiolo pasta sauce (contains meat)*

Dessert

Cannoli 5 Cinna-Knots 8 Cheesecake 5 with strawberry 6

At Pizzaiolo, we spare no expense to make sure we provide you with the best possible product. It is our passion and our goal to be the number one pizzeria in Portland, and we don't care what it takes to make that happen.

We want to be known as a destination spot. When guests come to town, and you want to get them the best pizza they've ever had, this is where you bring them.

We have over three decades experience making pizzas all over the country. We've developed the best recipes, and are now bringing that expertise to Portland for you to enjoy.

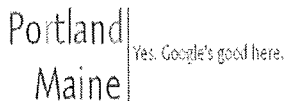
All of our pizzas are 100% guaranteed. If you don't think it's one of the best pizzas you've ever had, call us and we will replace it or refund your money.

PIZZAIOLO

360 Cumberland Ave. Portland

207-536-7210

delivery • eat-in • carryout • catering



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Pizzaiolo

cstacey <cstacey@portlandmaine.gov>
To: Zoning <zoning@portlandmaine.gov>
Cc: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Wed, Mar 3, 2021 at 1:07 PM

A Class A Restaurant/Lounge (Class XI) is a permitted use in the B-2 Zone per Table 6-C of Chapter 14 of City Code of Ordinances.

They are all set with zoning - I've signed off in Energov.

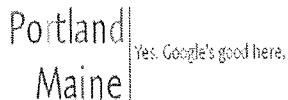
Thanks,
Chris

On Monday, February 22, 2021 at 4:36:41 PM UTC-5 Jessica Hanscombe wrote:

Good Evening

Please see the attached application for a Class XI with outdoor dining on Private Property. This will go before council on 3/15/2021. Please advise. Jessica

Jessica Blais Hanscombe
Acting Director of Permitting and Inspections
Licensing and Housing Safety Manager
City of Portland
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhans...@portlandmaine.gov



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Pizzaiolo**Glen McGary** <glenm@portlandmaine.gov>

Mon, Feb 22, 2021 at 6:14 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: Benjamin Pearson <bnp@portlandmaine.gov>, Chris Beaumont <cbeaumont@portlandmaine.gov>, Dan Hondo <danh@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Kathryn Barnes <kbarnes@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Stephen Marcotte <smarcotte@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>

PD Approves

On Mon, Feb 22, 2021 at 4:36 PM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Evening

Please see the attached application for a Class XI with outdoor dining on Private Property. This will go before council on 3/15/2021. Please advise. Jessica

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

--

Lieutenant Glen McGary
Portland Police Department
109 Middle Street
Portland, Maine 04101
Office (207) 756-8294
Fax (207) 874-8580



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

JESSICA HANSCOMBE
389 CONGRESS ST
PORTLAND, ME 04103

Transaction Response #: MIQ99E628311

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2021-02-23) :

Inquiries Name(s) PAT SCALLY (1971-07-06)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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

JESSICA HANSCOMBE
389 CONGRESS ST
PORTLAND, ME 04103

Transaction Response #: MIQ99E628306

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2021-02-23) :

Inquiries Name(s) MARTIN GOUGH (1957-11-23)

The information in this criminal history record is provided subject to the following caveats:

Important! When a criminal history record and juvenile crime information record check is processed by the State Bureau of Identification using personal identifiers such as name and date of birth, it is possible that the record supplied belongs to another person with the same or essentially similar name and date of birth. Confirmation that convictions relate to person whose record has been requested requires fingerprint comparison. If the information contained in this response will be used to disqualify an applicant for employment, housing, credit, or other benefits or programs, the person making the eligibility determination using this record should provide the applicant with an opportunity to complete or contest the accuracy of the criminal history information in the response. An individual may request amendment or correction of criminal history record information by a criminal justice agency pursuant to 16 M.R.S. section 709.

****THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2021-02-23**

This record, effective September 1, 2000, contains information relating to persons arrested as fugitives from justice, 15 M.R.S section 201.4 or arrested or charged with Maine crimes. It does not include former crimes no longer classified as criminal, or Class D and E crimes in Title 12 or Title 29-A, former Title 29, unless the crime is alcohol-related or drug-related 25 M.R.S. section 1541.4-A.A. For information regarding excluded Marine Resources crimes in Title 12, contact the Department of Marine Resources. For information regarding excluded Inland Fisheries and Wildlife crimes in Title 12, contact the Department of Inland Fisheries and Wildlife. For information relating to excluded crimes in Title 29-A former Title 29, contact the Secretary of State, Motor Vehicle Division. A list of former crimes is available from this Bureau.

THE FOLLOWING ATN(S) ARE UNSUPPORTED BY FINGERPRINTS IN STATE BUREAU OF IDENTIFICATION FILES: (548975A).

Identification

Subject Name/or potential Alias Name(s)

GOUGH, MARTIN G
GOUCH, MARTIN (AKA)
GOUGH, MARTIN G (AKA)

Subject Description (date information provided listed in parentheses)

State ID Number

ME0125538

DOC Number

Unknown/NA

Sex

Male

Race

White

Skin Tone

Medium

Height

602 (2007-05-15)

Weight

260 (2007-05-15)

Date of Birth

1957-11-23

Hair Color

Brown (2007-05-15)

Eye Color

Hazel (2007-05-15)

Scars, Marks, and Tattoos

Unknown/NA

Place of Birth

ME

Citizenship

US (2007-05-15)

Residence

Residence as of
Address

2007-08-07
74 WILSON STREET
PORTLAND, ME

Residence as of
Address

2007-05-15
44 LOWER METHODIST RD
CUMBERLAND, ME

Caution Information

Firearms Disqualified

X - Unknown

Criminal History

Cycle 001

ATN/Tracking Number 548975A
Earliest Event Date 1992-05-29

Arrest/Charge (Cycle 001)
Arrest/Charge Date 1992-05-29
Arresting/Charging Agency PORTLAND PD; ME0030500
Subject Name(s) GOUGH, MARTIN G III
Arrest Type Adult
Charge 1

Charge Number 548975A 001
Charge Tracking Number 548975A
Agency PORTLAND PD; ME0030500
Offense Date 1992-05-29
Charge Description VIOLATING PROTECTIVE ORDER (Charge Class D)
Statute 19 MRSA SUBSECTION 769
State Sequence Code 805
Severity Misdemeanor

Prosecutor Disposition No data supplied

Court Disposition (Cycle 001)
Court Case Number 92-11179
Court Agency 9TH DISTRICT COURT PORTLAND; ME003035J
Charge 1

Charge Number 548975A 001
Charge Tracking Number 548975A
Agency 9TH DISTRICT COURT PORTLAND; ME003035J
Offense Date 1992-05-29
Charge Description VIOLATING PROTECTIVE ORDER (Charge Class D)
Statute 19 MRSA SUBSECTION 769
State Sequence Code 805
Severity Misdemeanor
Disposition 1993-10-20; GUILTY

Sentencing (Cycle 001)
Sentencing Agency 9TH DISTRICT COURT PORTLAND; ME003035J
Court Case Number 92-11179
Charge Number 548975A 001
Charge Sequence Number 1
Charge Tracking Number 548975A
Sentence 1993-10-20: FINED \$200.00 PAID - APPEALED TO SUPERIOR COURT. REMANDED TO DISTRICT COURT 06/30/1994

Corrections No data supplied

Cycle 002

ATN/Tracking Number 548932A
Earliest Event Date 2007-05-15

Arrest/Charge (Cycle 002)
Arrest/Charge Date 2007-05-15
Arresting/Charging Agency WINDHAM PD SOUTH WINDHAM; ME0031500
Subject Name(s) GOUGH, MARTIN G 3RD
Arrest Type Adult
Charge 1

Charge Number 548932A 001
Charge Tracking Number 548932A
Charge Case Number 2007-6902-AR
Agency WINDHAM PD SOUTH WINDHAM; ME0031500
Offense Date 2007-05-15
Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Sequence Code 9878
Severity Misdemeanor

Prosecutor Disposition No data supplied

Court Disposition (Cycle 002)
Court Case Number PORSCCR200701815
Court Agency SUPERIOR COURT PORTLAND; ME003015J
Charge 1

Charge Number 548932A 001
Charge Tracking Number 548932A
Agency SUPERIOR COURT PORTLAND; ME003015J
Offense Date 2007-05-15
Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Sequence Code 9878
Severity Misdemeanor
Disposition 2007-07-05; TRANSFER FOR JURY TRIAL
2007-09-13; GUILTY
2007-09-13; GUILTY

Sentencing (Cycle 002)
Sentencing Agency SUPERIOR COURT PORTLAND; ME003015J
Court Case Number PORSCCR200701815
Charge Number 548932A 001

Charge Sequence Number 1

Charge Tracking Number 548932A

Sentence 2007-09-13: FINED \$800.00

2007-09-13: LICENSE SUSPENSION 90 days

Corrections

No data supplied

Index of Agencies

Agency	SUPERIOR COURT PORTLAND; ME003015J
Agency Telephone	207-822-4105
Address	142 FEDERAL PORTLAND, ME 04101

Agency	9TH DISTRICT COURT PORTLAND; ME003035J
Agency Telephone	207-822-4200
Address	205 NEWBURY ST PORTLAND, ME 04101

Agency	PORTLAND PD; ME0030500
Agency Telephone	207-874-8479
Address	109 MIDDLE ST PORTLAND, ME 04111

Agency	WINDHAM PD SOUTH WINDHAM; ME0031500
Agency Telephone	207-892-2525
Address	375 GRAY ROAD WINDHAM, ME 04062



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

JESSICA HANSCOMBE
389 CONGRESS ST
PORTLAND, ME 04103

Transaction Response #: MIQ99E628305

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2021-02-23) :

Inquiries Name(s) CHARLES SCALLY (1971-07-06)

The information in this criminal history record is provided subject to the following caveats:

Important! When a criminal history record and juvenile crime information record check is processed by the State Bureau of Identification using personal identifiers such as name and date of birth, it is possible that the record supplied belongs to another person with the same or essentially similar name and date of birth. Confirmation that convictions relate to person whose record has been requested requires fingerprint comparison. If the information contained in this response will be used to disqualify an applicant for employment, housing, credit, or other benefits or programs, the person making the eligibility determination using this record should provide the applicant with an opportunity to complete or contest the accuracy of the criminal history information in the response. An individual may request amendment or correction of criminal history record information by a criminal justice agency pursuant to 16 M.R.S. section 709.

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THE FOLLOWING ATN(S) ARE UNSUPPORTED BY FINGERPRINTS IN STATE BUREAU OF IDENTIFICATION FILES: (488414A, 345462B, 488412A, 349761B).

Identification

Subject Name/or potential Alias Name(s)

SCALLY, CHARLES
SCALLY, CHARLES P (AKA)
SCALLY, CHARLES PATRICK (AKA)

Subject Description (date information provided listed in parentheses)

State ID Number

MEQ001170

DOC Number

Unknown/NA

Sex

Male

Race

White

Skin Tone

Unknown/NA

Height

600 (2020-10-18)
600 (2018-08-10)
600 (2017-07-21)
600 (2017-04-13)
600 (2008-04-14)
600

Weight

260 (2020-10-18)
260 (2018-08-10)
260 (2017-07-21)
210 (2017-04-13)
240 (2008-04-14)
240

Date of Birth

1971-07-06

Hair Color

Black (2020-10-18)
Brown (2018-08-10)
Brown (2017-07-21)
Brown (2017-04-13)
Black (2008-04-14)
Black

Eye Color

Brown (2020-10-18)
Brown (2018-08-10)
Brown (2017-07-21)
Brown (2017-04-13)
Brown (2008-04-14)
Brown

Scars, Marks, and Tattoos

Code

TAT R ARM
TAT R ARM
TAT R ARM
TAT R ARM
TAT L WRS
TAT R WRS
TAT R CALF
TAT R SHLD

Description, Comments, and Images

FIGHTING IRISH
FIGHTING IRISH
FIGHTING IRISH
FIGHTING IRISH
DOG
DRAGON
ROAD RUNNER
FIGHTING IRISH

Place of Birth

NM

Citizenship

US (2020-10-18)
US (2018-08-10)

US (2017-07-21)

US (2017-04-13)

US (2008-04-14)

Residence

Residence as of	2020-12-29
Address	738 FORT HILL ROAD GORHAM, ME 04038
Residence as of	2020-10-18
Address	738 FORT HILL RD GORHAM, ME 04038
Residence as of	2018-08-10
Address	738 FORT HILL RD GORHAM, ME
Residence as of	2017-07-21
Address	738 FORT HILL RD GORHAM, ME
Residence as of	2017-04-13
Address	738 FORT HILL RD GORHAM, ME
Residence as of	2008-05-12
Address	131 ELM ST BIDDEFORD, ME 04005 US
Residence as of	2008-04-14
Address	131 ELM ST BIDDEFORD, ME
Residence as of	2006-08-14
Address	33 LAKE AVE CUMBERLAND, ME US

Caution Information

Firearms Disqualified	X - Unknown
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Criminal History**Cycle 001**

ATN/Tracking Number	488412A
Earliest Event Date	1991-09-07

Arrest/Charge	(Cycle 001)
Arrest/Charge Date	1991-09-07
Arresting/Charging Agency	CUMBERLAND CO SO PORTLAND; ME0030000
Subject Name(s)	SCALLY, CHARLES

Arrest Type

Adult

Charge 1

Charge Number 488412A 001

Charge Tracking Number 488412A

Agency CUMBERLAND CO SO PORTLAND; ME0030000

Offense Date 1991-09-07

Charge Description RECKLESS CONDUCT (Charge Class D)

Statute 17-A MRSA SUBSECTION 211

State Sequence Code 5070

Severity Misdemeanor

Prosecutor Disposition

No data supplied

Court Disposition

(Cycle 001)

Court Case Number

92-01038

Court Agency

9TH DISTRICT COURT PORTLAND; ME003035J

Charge 1

Charge Number 488412A 001

Charge Tracking Number 488412A

Agency 9TH DISTRICT COURT PORTLAND; ME003035J

Offense Date 1991-09-07

Charge Description RECKLESS CONDUCT (Charge Class D)

Statute 17-A MRSA SUBSECTION 211

State Sequence Code 5070

Severity Misdemeanor

Disposition 1992-01-17; GUILTY

Sentencing

(Cycle 001)

Sentencing Agency

9TH DISTRICT COURT PORTLAND; ME003035J

Court Case Number 92-01038

Charge Number 488412A 001

Charge Sequence Number 1

Charge Tracking Number 488412A

Sentence 1992-01-17: FINED \$1000.00 PAID

Corrections

No data supplied

Cycle 002**ATN/Tracking Number**

488414A

Earliest Event Date

1993-07-08

Arrest/Charge

(Cycle 002)

Arrest/Charge Date

1993-07-08

Arresting/Charging Agency FAIRFIELD PD; ME0130100
Subject Name(s) SCALLY, CHARLES
Arrest Type Adult
Charge 1

Charge Number 488414A 001
Charge Tracking Number 488414A
Agency FAIRFIELD PD; ME0130100
Offense Date 1993-07-08
Charge Description UNSWORN FALSIFICATION (Charge Class D)
Statute 17-A MRSA SUBSECTION 453
State Sequence Code 5136
Severity Misdemeanor

Charge 2

Charge Number 488414A 002
Charge Tracking Number 488414A
Agency FAIRFIELD PD; ME0130100
Offense Date 1993-07-08
Charge Description AGGRAVATED FORGERY (Charge Class B)
Statute 17-A MRSA SUBSECTION 702
State Sequence Code 4886
Severity Felony

Prosecutor Disposition No data supplied

Court Disposition (Cycle 002)
Court Case Number 94-01305
Court Agency 12TH DISTRICT COURT SKOWHEGAN; ME013025J
Charge 1

Charge Number 488414A 001
Charge Tracking Number 488414A
Agency 12TH DISTRICT COURT SKOWHEGAN; ME013025J
Offense Date 1993-07-08
Charge Description UNSWORN FALSIFICATION (Charge Class D)
Statute 17-A MRSA SUBSECTION 453
State Sequence Code 5136
Severity Misdemeanor
Disposition 1994-06-06; GUILTY

Court Disposition (Cycle 002)
Court Case Number 94-02858
Court Agency 12TH DISTRICT COURT SKOWHEGAN; ME013025J
Charge 2

Charge Number 488414A 002
Charge Tracking Number 488414A

Agency 12TH DISTRICT COURT SKOWHEGAN; ME013025J

Offense Date 1993-07-08

Charge Description AGGRAVATED FORGERY (Charge Class B)

Statute 17-A MRSA SUBSECTION 702

State Sequence Code 4886

Severity Felony

Disposition 1994-06-06; DISMISSED BY DA/AG - PLED OTHER CHARGE

Sentencing (Cycle 002)**Sentencing Agency** 12TH DISTRICT COURT SKOWHEGAN; ME013025J

Court Case Number 94-01305

Charge Number 488414A 001

Charge Sequence Number 1

Charge Tracking Number 488414A

Sentence 1994-06-06: FINED \$500.00

1994-06-06: INCARCERATED 180 days JAIL, SUSPENDED

1994-06-06: PROBATION 1 years

Corrections No data supplied

Cycle 003

ATN/Tracking Number 641064A**Earliest Event Date** 2008-04-14

Arrest/Charge (Cycle 003)**Arrest/Charge Date** 2008-04-14**Arresting/Charging Agency** SACO PD; ME0160400**Subject Name(s)** SCALLY, CHARLES P**Arrest Type** Adult**Charge 1**

Charge Number 641064A 001

Charge Tracking Number 641064A

Charge Case Number 08-393-AR

Agency SACO PD; ME0160400

Offense Date 2008-04-14

Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)

Statute 29-A MRSA SUBSECTION 2411(1-A)(A)

State Sequence Code 9878

Severity Misdemeanor

Charge 2

Charge Number 641064A 002

Charge Tracking Number 641064A

Charge Case Number 08-393-AR

Agency SACO PD; ME0160400

Offense Date 2008-04-14

Charge Description VIOLATING CONDITION OF RELEASE (Charge Class E)

Statute 15 MRSA SUBSECTION 1092(1)(A)

State Sequence Code 9632

Severity Misdemeanor

Prosecutor Disposition (Cycle 003)**Prosecutor Agency** DISTRICT ATTORNEY'S OFFICE ALFRED; ME016013A**Charge 2**

Charge Number 641064A 002

Charge Tracking Number 641064A

Offense Date 2008-04-14

Charge Description VIOLATING CONDITION OF RELEASE (Charge Class E)

Statute 15 MRSA SUBSECTION 1092(1)(A)

State Sequence Code 9632

Severity Misdemeanor

Prosecutor Record FILED

Modified/Updated

Court Disposition (Cycle 003)**Court Case Number** ALFSCCR200801041**Court Agency** SUPERIOR COURT ALFRED; ME016015J**Charge 1**

Charge Number 641064A 001

Charge Tracking Number 641064A

Agency SUPERIOR COURT ALFRED; ME016015J

Offense Date 2008-04-14

Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)

Statute 29-A MRSA SUBSECTION 2411(1-A)(A)

State Sequence Code 9878

Severity Misdemeanor

Disposition 2008-04-18; TRANSFER FOR JURY TRIAL

2008-06-04; DISMISSED BY DA/AG - PLED OTHER CHARGE

Charge 2

Charge Number 641064A 002

Charge Tracking Number 641064A

Agency SUPERIOR COURT ALFRED; ME016015J

Offense Date 2008-04-14

Charge Description VIOLATING CONDITION OF RELEASE (Charge Class E)

Statute 15 MRSA SUBSECTION 1092(1)(A)

State Sequence Code 9632

Severity Misdemeanor

Disposition 2008-04-18; TRANSFER FOR JURY TRIAL

2008-06-04; DISMISSED BY DA/AG - PLED OTHER CHARGE

Court Disposition (Cycle 003)
Court Case Number BIDDCCR200801217
Court Agency 10TH DISTRICT COURT BIDDEFORD; ME016025J
Charge 1

Charge Number 641064A 001
Charge Tracking Number 641064A
Agency 10TH DISTRICT COURT BIDDEFORD; ME016025J
Offense Date 2008-04-14
Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Sequence Code 9878
Severity Misdemeanor
Disposition 2008-04-18; TRANSFER FOR JURY TRIAL

Sentencing No data supplied

Corrections No data supplied

Cycle 004

ATN/Tracking Number 218320B
Earliest Event Date 2017-04-13

Arrest/Charge (Cycle 004)
Arrest/Charge Date 2017-04-13
Arresting/Charging Agency PORTLAND PD; ME0030500
Subject Name(s) SCALLY, CHARLES
Arrest Type Adult
Charge 1

Charge Number 218320B 001
Charge Tracking Number 218320B
Charge Case Number 17-2760
Agency PORTLAND PD; ME0030500
Offense Date 2017-04-13
Charge Description OUI (ALCOHOL) (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Sequence Code 12942
Severity Misdemeanor

Prosecutor Disposition (Cycle 004)
Prosecutor Agency DISTRICT ATTORNEY'S OFFICE PORTLAND; ME003013A
Charge 1

Charge Number 218320B 001

Charge Tracking Number 218320B

Offense Date 2017-04-13

Charge Description OUI (ALCOHOL) (Charge Class D)

Statute 29-A MRSA SUBSECTION 2411(1-A)(A)

State Sequence Code 12942

Severity Misdemeanor

Prosecutor Record ADDED

Modified/Updated

Court Disposition	(Cycle 004)
Court Case Number	CUMCDCCR201702075
Court Agency	CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
Charge 1	

Charge Number 218320B 001

Charge Tracking Number 218320B

Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J

Offense Date 2017-04-13

Charge Description OUI (ALCOHOL) (Charge Class D)

Statute 29-A MRSA SUBSECTION 2411(1-A)(A)

State Sequence Code 12942

Severity Misdemeanor

Disposition 2017-07-26; DISMISSED BY DA/AG - PLED OTHER CHARGE

Sentencing	No data supplied
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Corrections	No data supplied
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Cycle 005

ATN/Tracking Number	231579B
Earliest Event Date	2017-07-21

Arrest/Charge	(Cycle 005)
Arrest/Charge Date	2017-07-21
Arresting/Charging Agency	SCARBOROUGH PD; ME0030700
Subject Name(s)	SCALLY, CHARLES P
Arrest Type	Adult
Charge 1	

Charge Number 231579B 001

Charge Tracking Number 231579B

Charge Case Number 17SCA-447-AR

Agency SCARBOROUGH PD; ME0030700

Offense Date 2017-07-21

Charge Description VIOLATING CONDITION OF RELEASE (Charge Class E)

Statute 15 MRSA SUBSECTION 1092(1)(A)

State Sequence Code 9632

Severity Misdemeanor

Prosecutor Disposition (Cycle 005)**Prosecutor Agency** DISTRICT ATTORNEY'S OFFICE PORTLAND; ME003013A**Charge 1**

Charge Number 231579B 001

Charge Tracking Number 231579B

Offense Date 2017-07-21

Charge Description VIOLATING CONDITION OF RELEASE (Charge Class E)

Statute 15 MRSA SUBSECTION 1092(1)(A)

State Sequence Code 9632

Severity Misdemeanor

Prosecutor Record ADDED

Modified/Updated

Court Disposition (Cycle 005)**Court Case Number** CUMCDCR201704271**Court Agency** CUMBERLAND CRIMINAL DOCKET COURT; ME003075J**Charge 1**

Charge Number 231579B 001

Charge Tracking Number 231579B

Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J

Offense Date 2017-07-21

Charge Description VIOLATING CONDITION OF RELEASE (Charge Class E)

Statute 15 MRSA SUBSECTION 1092(1)(A)

State Sequence Code 9632

Severity Misdemeanor

Disposition 2017-08-30; GUILTY

Sentencing (Cycle 005)**Sentencing Agency** CUMBERLAND CRIMINAL DOCKET COURT; ME003075J

Court Case Number CUMCDCR201704271

Charge Number 231579B 001

Charge Sequence Number 1

Charge Tracking Number 231579B

Sentence 2017-08-30: FINED \$200.00

Corrections No data supplied

Cycle 006

ATN/Tracking Number 285386B

Earliest Event Date 2018-08-10

Arrest/Charge (Cycle 006)
Arrest/Charge Date 2018-08-10
Arresting/Charging Agency GORHAM PD; ME0030400
Subject Name(s) SCALLY, CHARLES P
Arrest Type Adult

Charge 1

Charge Number 285386B 001
Charge Tracking Number 285386B
Charge Case Number 18-G09769
Agency GORHAM PD; ME0030400
Offense Date 2018-08-10
Charge Description OUI (ALCOHOL) (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Sequence Code 12942
Severity Misdemeanor

Prosecutor Disposition (Cycle 006)
Prosecutor Agency DISTRICT ATTORNEY'S OFFICE PORTLAND; ME003013A
Charge 1

Charge Number 285386B 001
Charge Tracking Number 285386B
Offense Date 2018-08-10
Charge Description OUI (ALCOHOL) (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Sequence Code 12942
Severity Misdemeanor
Prosecutor Record ADDED
Modified/Updated

Court Disposition (Cycle 006)
Court Case Number CUMCDCR201804416
Court Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
Charge 1

Charge Number 285386B 001
Charge Tracking Number 285386B
Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
Offense Date 2018-08-10
Charge Description OUI (ALCOHOL) (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Sequence Code 12942
Severity Misdemeanor
Disposition 2019-03-25; GUILTY

Sentencing (Cycle 006)
Sentencing Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
Court Case Number CUMCDCR201804416
Charge Number 285386B 001
Charge Sequence Number 1
Charge Tracking Number 285386B
Sentence 2019-03-25: FINED \$1000.00
2019-03-25: LICENSE SUSPENSION 150 days

Corrections No data supplied

Cycle 007

ATN/Tracking Number 345462B
Earliest Event Date 2019-10-21

Arrest No data supplied

Prosecutor Disposition (Cycle 007)
Prosecutor Agency DISTRICT ATTORNEY'S OFFICE PORTLAND; ME003013A
Charge 1
Charge Number 345462B 001
Charge Tracking Number 345462B
Charge Description CRIMINAL MISCHIEF (Charge Class D)
Statute 17-A MRSA SUBSECTION 806(1)(A)
State Sequence Code 4959
Severity Misdemeanor
Prosecutor Record ADDED
Modified/Updated

Court Disposition (Cycle 007)
Court Case Number CUMCDCR202000131
Court Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
Charge 1
Charge Number 345462B 001
Charge Tracking Number 345462B
Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
Charge Description CRIMINAL MISCHIEF (Charge Class D)
Statute 17-A MRSA SUBSECTION 806(1)(A)
State Sequence Code 4959
Severity Misdemeanor
Disposition 2020-10-15; GUILTY

Sentencing (Cycle 007)

Sentencing Agency

CUMBERLAND CRIMINAL DOCKET COURT; ME003075J

Court Case Number CUMCDCR202000131

Charge Number 345462B 001

Charge Sequence Number 1

Charge Tracking Number 345462B

Sentence 2020-10-15: FINED \$300.00

2020-10-15: RESTITUTION \$1000.00

Corrections

No data supplied

Cycle 008**ATN/Tracking Number**

349761B

Earliest Event Date

2019-12-07

Arrest/Charge

(Cycle 008)

Arrest/Charge Date

2019-12-07

Arresting/Charging Agency

PORTLAND PD; ME0030500

Subject Name(s)

SCALLY, CHARLES P

Arrest Type

Adult

Charge 1

Charge Number 349761B 001

Charge Tracking Number 349761B

Charge Case Number 19-8690

Agency PORTLAND PD; ME0030500

Offense Date 2019-12-07

Charge Description ASSAULT (Charge Class D)

Statute 17-A MRSA SUBSECTION 207(1)(A)

State Sequence Code 8382

Severity Misdemeanor

Prosecutor Disposition

(Cycle 008)

Prosecutor Agency

DISTRICT ATTORNEY'S OFFICE PORTLAND; ME003013A

Charge 1

Charge Number 349761B 001

Charge Tracking Number 349761B

Offense Date 2019-12-07

Charge Description ASSAULT (Charge Class D)

Statute 17-A MRSA SUBSECTION 207(1)(A)

State Sequence Code 8382

Severity Misdemeanor

Prosecutor Record ADDED

Modified/Updated

Court Disposition (Cycle 008)
Court Case Number CUMCDCR202000145
Court Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
Charge 1

Charge Number 349761B 001
Charge Tracking Number 349761B
Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
Offense Date 2019-12-07
Charge Description ASSAULT (Charge Class D)
Statute 17-A MRSA SUBSECTION 207(1)(A)
State Sequence Code 8382
Severity Misdemeanor
Disposition 2020-10-15; GUILTY

Sentencing (Cycle 008)
Sentencing Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
Court Case Number CUMCDCR202000145
Charge Number 349761B 001
Charge Sequence Number 1
Charge Tracking Number 349761B
Sentence 2020-10-15: FINED \$300.00

Corrections No data supplied

Cycle 009

ATN/Tracking Number 384371B
Earliest Event Date 2020-10-18

Arrest/Charge (Cycle 009)
Arrest/Charge Date 2020-10-18
Arresting/Charging Agency SOUTH PORTLAND PD SOUTH PORTLAND; ME0030600
Subject Name(s) SCALLY, CHARLES
Arrest Type Adult
Charge 1

Charge Number 384371B 001
Charge Tracking Number 384371B
Charge Case Number 20-3737
Agency SOUTH PORTLAND PD SOUTH PORTLAND; ME0030600
Offense Date 2020-10-18
Charge Description OUI (ALCOHOL), 1 PRIOR (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(1)
State Sequence Code 12944
Severity Misdemeanor

Prosecutor Disposition (Cycle 009)
Prosecutor Agency DISTRICT ATTORNEY'S OFFICE PORTLAND; ME003013A
Charge 1
Charge Number 384371B 001
Charge Tracking Number 384371B
Offense Date 2020-10-18
Charge Description OUI (ALCOHOL), 1 PRIOR (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(1)
State Sequence Code 12944
Severity Misdemeanor
Prosecutor Record ADDED
Modified/Updated

Court Disposition No data supplied

Sentencing No data supplied

Corrections No data supplied

Index of Agencies

Agency 9TH DISTRICT COURT PORTLAND; ME003035J
Agency Telephone 207-822-4200
Address 205 NEWBURY ST
PORTLAND, ME 04101

Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
Agency Telephone 207-822-4113
Address 205 NEWBURY STREET
PORTLAND, ME 04112-0287

Agency 12TH DISTRICT COURT SKOWHEGAN; ME013025J
Agency Telephone 207-474-9518
Address 47 court street
SKOWHEGAN, ME 04976

Agency SUPERIOR COURT ALFRED; ME016015J
Agency Telephone 207-324-5122
Address PO BOX 160
ALFRED, ME 04002

Agency 10TH DISTRICT COURT BIDDEFORD; ME016025J
Agency Telephone 207-283-1147
Address 25 ADAMS STREET

BIDDEFORD, ME 04005

Agency	CUMBERLAND CO SO PORTLAND; ME0030000
Agency Telephone	207-893-2810
Address	22 HIGH STREET WINDHAM, ME 04062

Agency	DISTRICT ATTORNEY'S OFFICE PORTLAND; ME003013A
Agency Telephone	207-871-8384
Address	142 FEDERAL ST PORTLAND, ME 04101

Agency	GORHAM PD; ME0030400
Agency Telephone	207-839-5581
Address	270 MAIN ST GORHAM, ME 04038

Agency	PORTLAND PD; ME0030500
Agency Telephone	207-874-8479
Address	109 MIDDLE ST PORTLAND, ME 04111

Agency	SOUTH PORTLAND PD SOUTH PORTLAND; ME0030600
Agency Telephone	207-799-5511
Address	30 ANTHOINE STREET SOUTH PORTLAND, ME 04106

Agency	SCARBOROUGH PD; ME0030700
Agency Telephone	207-883-6361
Address	246 ROUTE 1 SCARBOROUGH, ME 04074

Agency	FAIRFIELD PD; ME0130100
Agency Telephone	207-453-9321
Address	1 POLICE PLAZA FAIRFIELD, ME 04937

Agency	DISTRICT ATTORNEY'S OFFICE ALFRED; ME016013A
Agency Telephone	207-324-8001
Address	PO BOX 399 ALFRED, ME 04002

Agency	SACO PD; ME0160400
Agency Telephone	207-282-8214
Address	20 STORER STREET SACO, ME 04072



CITY OF PORTLAND
Permitting and Inspections Department

February 22, 2021

Perfect Pie 2, LLC
360 Cumberland Avenue
Portland ME 04101

Re: Perfect Pie 2, LLC dba Pizzaiolo. Application for a Class XI FSE with Outdoor Dining on Private Property at 865 Forest Avenue.

Dear Charles Scally,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday March 15, 2021 at 5:00 p.m.**, for the review of application for a Class XI FSE with Outdoor Dining on Private Property at 865 Forest Avenue. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on March 12, 2021.

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

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

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on March 15, 2021 at 5:00 P.M., virtually Perfect Pie 2, LLC dba Pizzaiolo. Application for a Class XI FSE with Outdoor Dining on Private Property at 865 Forest Avenue. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 24, 2021

SUBJECT: Order 188-20/21 Granting Municipal Officers' Approval of Butcher Burger LLC dba Butcher Burger Company. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street - Sponsored by Jon P. Jennings, City Manager

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Granting Municipal Officers' Approval of Butcher Burger LLC dba Butcher Burger Company. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street.

Application was filed on 2/22/2021. New City and State applications. Location was previously Royale Lunch Bar.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Butcher Burger Company
2. 20210226082449809

Prepared by:

Date: 2/24/2021

KATHLEEN M SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW J. ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Butcher Burger LLC dba Butcher Burger Company. Application for a Class I FSE with
Outdoor Dining on Public Property at 7 Union Street.**

Letter of Intent

Dear Mayor and City Council,

My name is Kevin McAllister and I intend to open a full-service restaurant on 7 Union Street. The restaurant will include indoor and outdoor seating with the idea of having 20 seats inside and 10 seats outside. I currently have a year-round restaurant in Bethel, ME as well as a seasonal restaurant in Old Orchard Beach, ME. I am looking forward to sharing my concept with Portland within the next few months. I appreciate the opportunity!

Thank you,
Kevin McAllister



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information:			
Business Name (d/b/a):	Butcher Burger Company	Phone:	207 671-2584
Location Address:	7 Union St. Portland ME	Zip:	04101
If new, what was formerly at this location:	Royale Lunch Bar		
Mailing Address:	2 Beaver Brook Rd. Scarborough ME	Zip:	04074
Contact Person:	Kevin McAllister	Phone:	207 671-2584
Contact Person Email:	kevinmcallister12@gmail.com		
Manager of Establishment:	Kevin McAllister	Date of Birth:	11/17/1977
		Phone:	207 671-2584
Owner of Premises (Landlord):	Property Wharf LLC + Deering Ave Associates Inc.		
Address of Premises Owner:	P.O. Box 66749 Falmouth ME	Zip:	04105

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

Name of Owner(s)	Date of Birth	Residence Address
XXXXXXXXXXXXXXXXXXXX		

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

Corporate Name		Corporate Mailing Address	
Butcher Burger LLC		2 Beaver Brook Rd. Scarborough ME 04074	
Contact Person:	Kevin McAllister	Phone:	207 671-2584
Principal Officers		Title	Date of Birth
Kevin McAllister		Owner	11/17/1977
Class of Liquor License:		Class I	



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	<u>American</u>		
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>		
Projected percentage of sales:	Generated from Food: <u>75%</u>	Generated from Alcohol: <u>25%</u>	
Hours & days of operation:	<u>Mon - Sun 11:00 AM - 10:00 PM</u>		
QUESTIONS			
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?			Y/N <u>Y</u>
If No, please explain:			
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?			Y/N <u>N</u>
If yes, give the distance:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)			Y/N <u>N</u>
Will you permit dancing after 1:00 a.m.?			Y/N <u>N</u>
Will you have outside dining? (If yes, an Outdoor Dining Application is required)			Y/N <u>Y</u>
If yes, will the outside dining be on <u>PUBLIC</u> or PRIVATE property (circle one).			
Will you have any amusement devices (pinball, video games, juke box)?			Y/N <u>N</u>
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____			
What is your targeted opening date? <u>April 1, 2021</u>			
Does the Issuance of this license directly or indirectly benefit any City employee(s)?			Y/N <u>N</u>
If Yes, list name(s) of employee(s) and department(s):			
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?			Y/N <u>N</u>
If Yes, please list business name(s) and location(s):			
Is any principal officer under the age of 21?			Y/N <u>N</u>
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?			Y/N <u>N</u>
If Yes, please explain:			

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

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

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

Signature Kevin McAllister Title Owner Date 01/13/2021



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

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

- ☐ Legal Advertisement Deposit \$100.00
- ☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X 80 SF = 160
- ☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X SF =

Business Information			
Business Name (d/b/a):	Butcher Burger Company		Phone: 207 671-2584
Location Address:	7 Union St. Portland ME		Zip: 04101
Mailing Address:	2 Beaver Brook Rd. Scarborough ME		Zip: 04074
Contact Person:	Kevin McAllister	Phone: 207	671-2584
Contact Person Email:	kevinmcallister12@gmail.com		
Manager of Establishment:	Kevin McAllister	Date of Birth: 11/17/1977	Phone: 207 671-2584
Owner of Premises (Landlord):	Wharf Property LLC + Deering Ave. Associates Inc.		
Address of Premises Owner:	P.O. Box 66749 Falmouth ME		Zip: 04105

Owner Information

Corporate Name		Corporate Mailing Address	
Butcher Burger LLC		2 Beaver Brook Rd. Scarborough ME 04074	
Contact Person:	Kevin McAllister	Phone: 207	671-2584
Principal Officers	Title	Date of Birth	Residence Address
Kevin McAllister	owner	11/17/1977	2 Beaver Brook Rd. Scarborough ME 04074

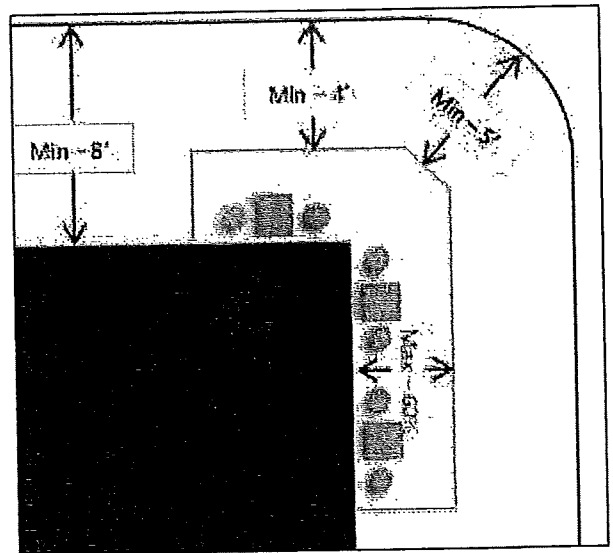


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class 1
Type of food served:	American
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	Monday - Sunday 11:00 AM - 10:00 PM
Number of Tables	6
Number of Chairs	25

Design and Construction

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

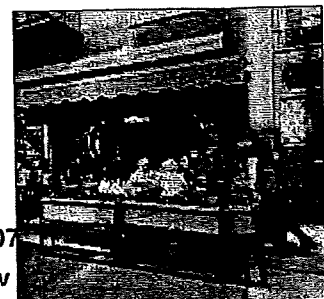


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes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

Barriers

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

Example barrier types that meet regulation





CITY OF PORTLAND
Permitting and Inspections Department
Maintenance and Operations

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

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

Signature K. _____ Title Owner Date 01/13/2021

For Administrative Use Only

Amount: _____
 Date Paid: _____
 CC _____ CA _____ CK _____

FD: _____	Request Date / Approval
Health: _____	_____ / _____
PD: _____	_____ / _____
Treasury: _____	_____ / _____
Zoning: _____	_____ / _____

Notes: _____

Amount: _____
 Date Paid: _____
 CC _____ CA _____ CK _____

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

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

PRESENT LICENSE EXPIRES: _____

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: 03/01/2021

Requested inspection (New Licensees/ Ownership Changes Only) Date: 03/01/2021 Business hours: 11:00 AM - 10:00 PM

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

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

(QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Butcher Burger LLC</u>		Business Name (D/B/A) <u>Butcher Burger Company</u>	
APPLICANT(S) - (Sole Proprietor) <u>Kevin McAllister</u>		Physical Location: <u>7 Union Street</u>	
DOB: <u>11/17/1977</u>		City/Town State Zip Code <u>Portland ME 04101</u>	
Address <u>Scarborough</u> <u>2 Beaver Brook Rd. ME 04074</u>		Mailing Address Same As Above? ☐	
City/Town State Zip Code <u>207-671-2584</u>		City/Town State Zip Code <u>Scarborough ME 04074</u>	
Telephone Number Fax Number		Business Telephone Number Fax Number <u>207-671-2584</u>	
Federal I.D. # <u>46-47-14093</u>		Seller Certificate #: or Sales Tax #: <u>1167991</u>	
Email Address: <u>kevinmcallister12@gmail.com</u>		Website:	

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

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

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

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

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

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

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

CAR-2016-1217 Butcher Burger ME

License #

Name of Business

188 Main St.

Bethel ME

Physical Location

City / Town

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

7. Business records are located at: 2 Beaver Brook Rd. Scarborough ME 04074

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

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

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

Full Name (Please Print)	DOB	Place of Birth
Kevin McAllister	11/17/1977	Portland ME
11. Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Name: Kevin McAllister	City: Scarborough	State: ME
Name: Kevin McAllister	City: South Portland	State: ME
Name: _____	City: _____	State: _____

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

Yes ☐ No ☒ If Yes, give name: _____

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

15. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Wharf Property

LLC + Deering Ave. Associates Inc / P.O. Box 66749 Falmouth ME 04105

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

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

YES ☒ NO ☐ Applied for: _____

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

Which of the above is nearest? School

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

If YES, give details: _____

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

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

Dated at: Portland, ME on 01/20, 20 21
Town/City, State Date

PLEASE SIGN IN BLUE INK

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

FEE SCHEDULE

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



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

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

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

Please clearly complete this form in its entirety.

1. Exact legal name: Butcher Burger LLC
2. Doing Business As, if any: Butcher Burger Company
3. Date of filing with Secretary of State: March 2014 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Kevin McAllister	2 Beaver Brook Rd. Scarborough ME 04074	11/17/77	owner	100%

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

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

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

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

PLEASE SIGN IN BLUE INK

Kevin McAllister
Signature of Owner or Corporate Officer

01/20/2011
Date

Kevin McAllister
Print Name of Owner or Corporate Officer

Submit Completed Forms to:

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

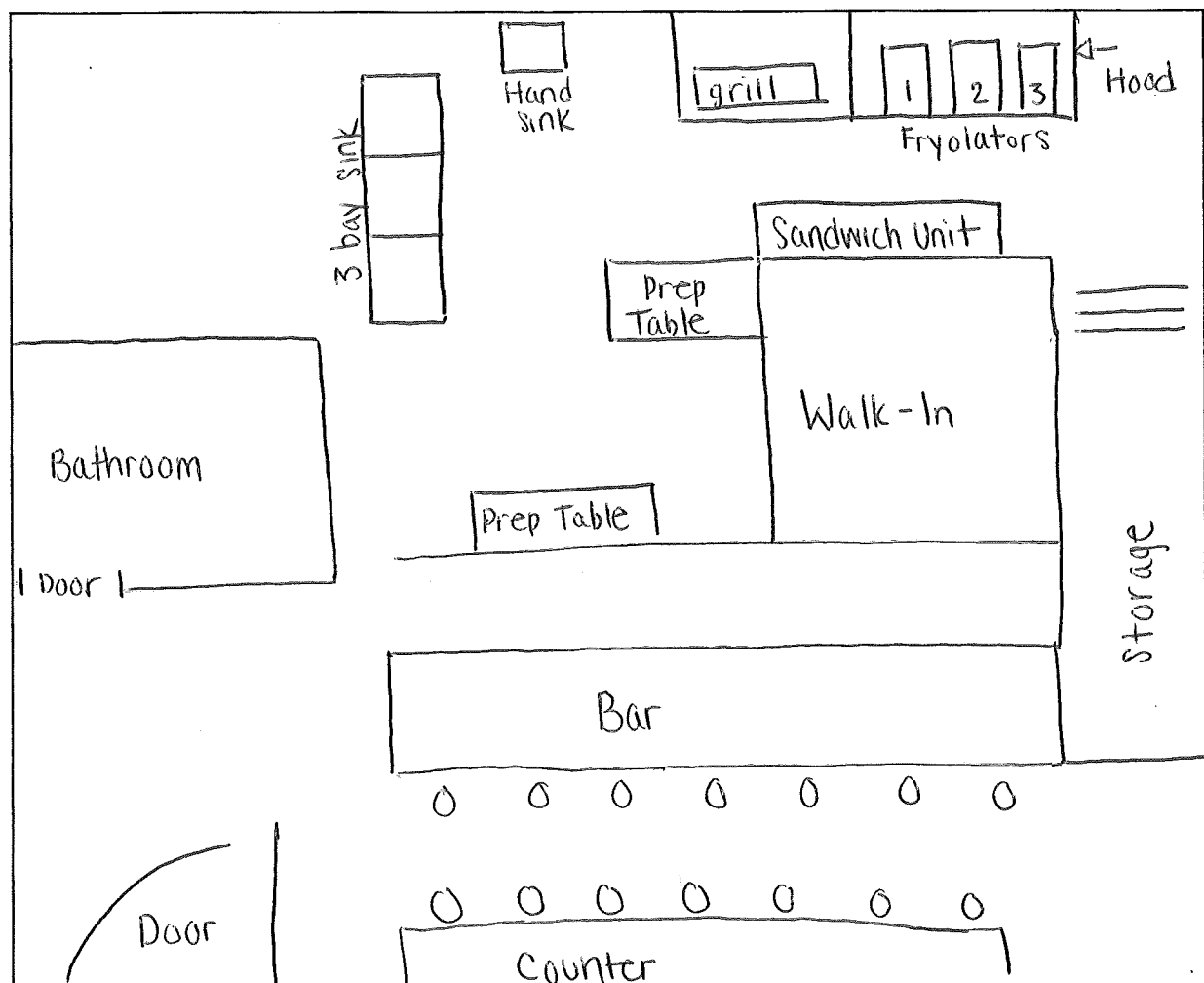
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347 (overnight)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov



ON PREMISE DIAGRAM (Facility Drawing/ Floor Plan)

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

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



FOR THE WET ONES

Served with kids juice box.
Choice of fries or apple slices.
(children 10 years & under)

KIDS CHEESEBURGER [8]

kid's patty • cheddar • bun

KIDS CHICKEN TENDERS [8]

with choice of
bbq • ranch • sweet & sour

KIDS GRILLED CHEESE [8]

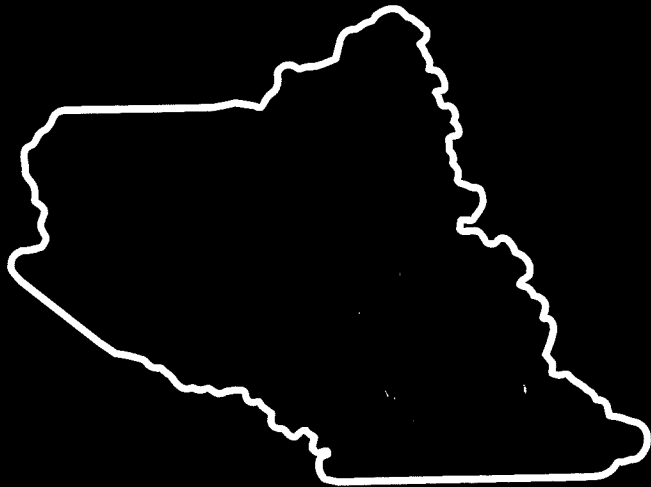
served on white bread

KIDS FISH & CHIPS [8]

crispy haddock • fries

KIDS MAC & CHEESE NUGS [8]

served with ranch



MADE WITH LOVE

Butcher Burger was established in the Spring of 2014 where it continues to operate seasonally in Old Orchard Beach, ME. We are excited to open our second location in Bethel, ME as our first full-service Butcher Burger restaurant where we can share our unique twist on burgers, sandwiches and munchies. We pride ourselves in supporting local breweries and we are pleased to serve you the very best of what the Maine beer scene has to offer.

We prepare all of our food in-house from scratch, using fresh ingredients. Our lobster is locally sourced from **Linda Kate Lobster Company** out of Portland, ME. It is steamed and hand-picked in our Old Orchard Beach location. All food waste and organic materials at Butcher Burger are composted and donated locally to **Pleasant River Farm**.

"Your body is not a temple, it's an amusement park. Enjoy the ride."

-Anthony Bourdain

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

BUTCHER BURGER

EAT IN • TAKE AWAY

188 Main Street
Bethel, ME 04217

207-824-1171



BURGERS • HAND-CUT FRIES • MAINE BEER

BURGERS

CHEESEBURGER [11]

house patty • lettuce • tomato • onion • pickles • cheddar • block sauce

BACON BACON [12]

house patty • bacon • bacon jam • cheddar • block sauce

HOUSE [13]

house patty • bacon • caramelized onion • jalapenos • lettuce • cheddar • block sauce

BUTCHER [15]

house patty • pulled pork • bacon • fried egg

HAWAIIAN [13]

house patty • bacon • grilled pineapple • tomato • onion • cheddar • teriyaki mayo

THE TEXAS [13]

house patty • bacon • bbq sauce • onion rings • tomato • lettuce • cheddar • spicy ranch

MINI McMAC [12]

single house patty • special sauce • lettuce • cheese • pickles • onions • on a house bun

MAKE IT A BIG... [+6]

POUTINE BURGER [14]

house patty • sea salt fries • cheese curds • beef gravy

BUTCHER BLT BURGER [16]

house patty • bacon • lettuce • tomato • block sauce • two crispy chicken breasts as bun

SURF & TURF BURGER [19]

house patty • Maine lobster • lettuce • tomato • bacon • mayo

EXTRAS

bacon [2] pulled pork [4] fried egg [2] cheddar [1.5] jalapenos [1] caramelized onion [1]

OTHER BURGERS

BIG BIRD [11]

crispy chicken • lettuce • tomato • onion • pickles • block sauce

DIRTY BIRD [13]

crispy chicken • bbq sauce • lettuce • bacon • jalapenos • cheese sauce

CHICKEN & WAFFLE [16]

crispy chicken • fried egg • Maine maple syrup • two belgian waffles as bun

CRISPY FISH [13]

crispy Maine haddock • lettuce • tomato • onion • tartar

FISH & CHIP BURGER [14]

crispy Maine haddock • slaw • fries • tartar

M.I.H. [13]

pulled pork • bacon • extra pickles • slaw • South Carolina bbq sauce

FALAFEL [12]

house-made falafel patty • lettuce • tomato • onion • goat cheese • beet tzatziki

BUTCHER SANDWICHES

MAINE LOBSTER ROLL [23]

hand-picked Maine lobster • lettuce • mayo • brioche roll

CALI CHEESE STEAK [15]

shaved steak • cheese sauce • sea salt fries • caramelized onion • pico de gallo • spicy mayo • avocado crema • hoagie

BUTCHER DIP [14]

marinated shaved steak • cheddar • au jus • hoagie

PATTY MELT [13]

house patty • caramelized onion • cheddar • bacon jam • country toast

MUNCHIES

ONION RINGS [9]

Goodfire beer-battered crispy onion rings served with block sauce

WINGS [13]

crispy bone-in wings tossed in buffalo or bbq served with ranch or bleu cheese

FISH TACOS [15]

three corn tortillas • crispy Maine haddock • citrus slaw • pico de gallo • avocado crema • spicy mayo

FRIED PICKLES [11]

crispy pickle chips served with spicy ranch

FRIED MAC & CHEESE NUGS [12]

served with spicy ranch

CHOZA CHEESE FRIES [13]

sea salt fries • cheese blend • pico de gallo • avocado crema • spicy mayo

POUTINE [13]

sea salt fries • beef gravy • cheese curds • scallions

CAESAR SALAD [12]

romaine • tomatoes • pickled red onions • croutons • parmesan • caesar dressing

ADD crispy chicken [6] crispy haddock [6] pulled pork [6] falafel [6] fried egg [2] Maine lobster [14]

FRIES

SAUCES

Served with block sauce.

Additional.

SEA SALT

1/2 pound [5]

1 pound [8]

SALT & VINEGAR

1/2 pound [5]

1 pound [8]

Maine potatoes • hand-cut • triple cooked

Butcher bacon jam • beef gravy • cheese sauce [1]

The Butcher Burger house patty is a blend of beef and bacon. All house patties are cooked through.



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Butcher Burger Company

Glen McGary <glenm@portlandmaine.gov>

Thu, Feb 25, 2021 at 4:32 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: Benjamin Pearson <bnp@portlandmaine.gov>, Chris Beaumont <cbeaumont@portlandmaine.gov>, Dan Hondo <danh@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Kathryn Barnes <kbarnes@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Stephen Marcotte <smarcotte@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>

PD Approved

On Thu, Feb 25, 2021 at 11:22 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached. This will go before council on 3/15. Please advise. Jess

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

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Lieutenant Glen McGary
Portland Police Department
109 Middle Street
Portland, Maine 04101
Office (207) 756-8294
Fax (207) 874-8580

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on March 15, 2021 at 5:00 P.M., virtually Butcher Burger LLC dba Butcher Burger Company. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street. Sponsored by Jon P. Jennings, City Manager.



CITY OF PORTLAND
Permitting and Inspections Department

February 25, 2021

Butcher Burger LLC
2 Beaver Brook Rd
Scarborough ME 04074

Re: Butcher Burger LLC dba Butcher Burger Company. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street.

Dear Kevin McAllister

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday March 15, 2021 at 5:00 p.m.**, for the review of application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on March 12, 2021.

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

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

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 1, 2021

SUBJECT: Order 176-20/21 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2022 Capital Improvement Program in an Amount not to Exceed \$17,775,802 - -Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

SPONSOR: Finance Committee, Nicholas M. Mavodones, Jr., Chair

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

The Finance Committee met on February 25, 2021 and voted unanimously (3-0) to forward the bond authorization and appropriation orders to the City Council for approval.

The Fiscal Year (FY) 2022 to FY2026 Capital Improvement Plan (CIP) has been in development since fall 2020 and the CIP was discussed at three Finance Committee meetings in January and February 2021 including one Public Hearing. The FY22 Capital Improvement Plan will not increase net debt service related to CIP projects in future City budgets as it was sized to simply offset other CIP debt being retired. The FY21 CIP calls for \$17.8 million(M) of new bond authorization but \$7.4M of these bonds will be repaid via the Sewer and Stormwater Enterprise Funds. The remaining \$10.4M of plan borrowing was sized to simply offset debt service related to debt being retired in FY23. When combined with other funding sources (including significant transportation funding provided by the State of Maine) the total impact of the FY22 CIP will be nearly \$24M. Two orders are required: one authorizing the FY22 CIP bonds; and a second appropriating the proceeds and other funding sources for several projects. A complete listing of the projects being authorized is included within the orders.

An amendment to correct a numeric error in the order is in the back up material. This item must be read on two separate days. It received its first reading on March 1, 2021. Seven affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Portland FY22 CIP Bonds - bond order
2. Amendment to Order 176-FY21 Portland FY22 CIP Bonds - bond order

Prepared by:

Date: 3/1/2021

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING GENERAL OBLIGATION BONDS
TO FINANCE A PORTION OF THE CITY'S FISCAL YEAR 2022 Capital IMPROVEMENT
PROGRAM IN AN AMOUNT NOT TO EXCEED \$17,775,802**

FOLLOWING a public hearing of the City Council of the City of Portland, Maine, held upon due notice pursuant to Article VII, Section 9 of the City Charter, **IT IS HEREBY ORDERED THAT:**

There be and hereby is authorized and approved the incurring of indebtedness by the City of Portland and the issue and sale of general obligation bonds and notes in anticipation thereof in the aggregate principal amount not to exceed Eighteen Million Three Hundred Twenty Thousand Dollars (\$17,775,802) to finance the items identified in the City's 2022 Capital Improvement Program attached hereto as Exhibit A and all other costs (as defined herein) related and ancillary thereto (the "Projects").

BE IT FURTHER ORDERED:

1. That the Finance Director be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, in the aggregate amount of **\$17,775,802** (the "Bonds") at one time, or from time to time, as one or more separate bond issues, and to determine the date, form, minimum denomination, interest rates (as term bonds or serial bonds or some combination thereof), maturities (with the last maturity not to exceed the maximum term permitted by law) and all other details, terms and provisions, not inconsistent herewith, including the form and manner of their sale and award as he may approve, such approval to be conclusively evidenced by the execution thereof;
2. That the Finance Director be and hereby is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation of said Bonds ("BANs"), and to determine the date, form, minimum denominations, interest rate, maturities (with the last maturity not to exceed 3 years from its date of issuance) and all other details of each issue of BANs, including the form and manner of their sale and award, subject to the provisions of the law, the City Charter and this Order;
3. That the Finance Director be and hereby is authorized to provide that any of the Bonds and BANs hereinbefore authorized be made subject to call for redemption, with or without premium, prior to their stated dates of maturity, as provided in 30-A M.R.S.A. §5772(6), as amended;
4. That the Bonds and BANs issued hereunder shall be signed by the Finance Director and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof;

5. That the Finance Director is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, instruments and other documents and certificates as may be necessary or appropriate, as determined and approved by the Finance Director, in connection with the financing of the Projects, including a loan agreement in usual and customary form with the Maine Municipal Bond Bank (the “Bond Bank”), to the extent any of the Bonds or BANs authorized herein are issued pursuant to the State of Maine Clean Water Revolving Loan Fund program or the State School Revolving Renovation Fund, which contracts, agreements, loan agreements, instruments and other documents and certificates shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Finance Director, such approval to be conclusively evidenced by his execution thereof;

6. That the Finance Director be and hereby is authorized to select the underwriter for the Bonds or BANs heretofore authorized and the Finance Director be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith;

7. That the Finance Director be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds or BANs heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Finance Director, with the advice of the bond counsel for the City, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds or BANs for sale be and hereby is approved;

8. That the Finance Director be and hereby is authorized to select the registrar, paying agent and transfer agent (the “Transfer Agent”) for the Bonds or BANs heretofore authorized and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;

9. That the Bonds or BANs heretofore authorized shall be transferable only on the registration books of the City kept by the Transfer Agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond the City and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds upon exchanges or transfer thereof to be paid by the person requesting the same;

10. That the Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such Bonds or BANs heretofore authorized in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of Bonds or BANs, and the Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds or BANs for and participate in the Depository Trust Company Book-Entry Only System;

11. That the Finance Director and Mayor from time to time shall execute such Bonds or BANs as may be required to provide for exchanges or transfers of Bonds or BANs as heretofore authorized,

all such Bonds or BANs to bear the original signature of the Finance Director and Mayor, and in case any officer of the City whose signature appears on any Bond or BAN shall cease to be such officer before the delivery of said Bond or BAN, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof;

12. That if the Bonds or BANs, or any part of them, are issued on a tax-exempt basis, the Finance Director be and hereby is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the Bonds or BANs authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds or BANs to be “private activity bonds” or “arbitrage bonds” within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended;

13. That if the Bonds or BANs, or any part of them, are issued on a tax-exempt basis, the officers or officials executing the Bonds or BANs be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports and take any other action that may be necessary to insure that interest on the notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds or BANs to be subject to federal income taxation;

14. That the officers executing the Bonds or BANs be and hereby are individually authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;

15. That any or all of the Bonds or BANs issued hereunder may be consolidated with and become a part of any other issue of temporary notes or general obligation bonds authorized to be issued by any previous or subsequent order of the City Council of the City of Portland;

16. That the term “cost” or “costs” as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to (1) the cost to design, acquire, construct, renovate, improve, furnish and equip the Project, or any portion thereof; (2) the cost of land, easements and other real property interests, landscaping and site preparation, including demolition and environmental remediation work on any existing building or structure and on the property where the Project is located, utility extensions and site improvements, and all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Project; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Project; (4) issuance costs, including premiums for insurance, capitalized interest and other fees and expenses relating to the financing transaction.

17. That if the actual cost of any Project differs from the estimated cost on the attached Exhibit A, whether due to completion, delay or abandonment of the Project or for any other reason, the Finance Director is authorized, in his discretion, to reallocate proceeds of the Bonds to any other listed Project on the attached Exhibit A, or to any other project or improvement that the City Council has approved or may in the future approve as part of the City’s annual capital improvement plan;

18. That the Finance Director, Mayor and Clerk and other proper officials of the City be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds or BANs hereinabove authorized;

19. That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds or BANs so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or BANs nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or BANs had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or BANs, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or BANs any such person shall not have been such officer or official;

20. That if the Finance Director, Mayor or Clerk are for any reason unavailable to approve and execute the Bonds or BANs or any other documents necessary or convenient to the issuance, execution and delivery of the Bonds or BANs, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

21. That the Bonds or BANs authorized by this Order are in addition to any bonds or notes previously authorized for the same or similar purposes;

22. That to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the Bonds or any BANs issued hereunder shall be included in the tax levy of each year until the debt represented by said Bonds or BANs is extinguished;

23. That the following resolutions required by Section C(4)(e) of the State of Maine Clean Water Revolving Loan Fund Rules, Chapter 595, Department of Environmental Protection and Maine Municipal Bond Bank (the “SRF Regulations”), and governing the loan to be made to the City under the State Revolving Loan Fund Program be and hereby are adopted:

- a. That a Project Account shall be created for the Projects which shall be separate from all other accounts of the City. If operating revenues are to be used to retire the debt, a sub-account will be established;
- b. That the Project Account shall be maintained in accordance with standards set forth by the Bond Bank and in accordance with generally accepted government account standards;
- c. That a final accounting shall be made to the Bond Bank of the total cost of each Project upon completion of the Project performance certification as set out in Section G(3) of the SRF Regulations and the City acknowledges that the Bond Bank reserves the right at its sole discretion to be provided with a cost certification of the Project as built;
- d. That an annual audit of the City, prepared by a certified public accountant or licensed public accountant be provided to the Bond Bank for the term of the loan;

- e. That the City shall maintain insurance coverage on the Projects in an amount adequate to protect the Bond Bank's interest for the term of the loan with the Bond Bank named as loss payee;
- f. That the City will comply with any special conditions specified by the Department of Environmental Protection's environmental determination until all financial obligations to the State have been discharged;
- g. That the City certify to the Bond Bank that it has secured all permits, licenses and approvals necessary and that it has a dedicated source of revenue for repayment;
- h. That the City establish a rate, charge or assessment schedule in order to pay principal and interest. Such rate change or schedule shall provide total operations and debt service coverage at a level at which the coverage for the Bond Bank is sufficient;
- i. That the City must demonstrate the ability to pay reasonably anticipated costs of operating and maintaining the financed Project;
- j. That the City abide by the SRF Regulations, as revised and amended and relevant State statutes of the State of Maine; and

24. That during the term any of the Bonds (or bonds issued to refund such Bonds) are outstanding, the Finance Director be and hereby is authorized to issue and deliver refunding bonds to refund some or all of the Bonds then outstanding, and to determine the date, form, interest rate, maturities and all other details of such refunding bonds, including the form and manner of their sale and award. The Finance Director be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Finance Director and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

2021 CIP - General Fund

Department	Project Title	CIP Amount	Other Funding	Bond Amount
<u>Equipment</u>				
Communications	Portable Radios Upgrade	300,000		300,000
Information Technology	Barron Center Phones Upgrade	48,000		48,000
Information Technology	Improvements to Information Security Program	31,000		31,000
Information Technology	Replace Network Switches	250,000		250,000
Information Technology	DPW Traffic Managed Network	20,000		20,000
Information Technology	Consolidate city camera systems (except jetport)	72,000		72,000
Parking / Garages	Parking Meter Replacement Phase 2	115,000		115,000
Parking / Garages	Multi Space Parking Meters Shipyard & Cross Arena	22,000		22,000
Parks & Rec	Payson Park Playground	350,000		350,000
Parks & Rec	Deering Oaks Playground Accident Replacements	45,000		45,000
<u>Facilities</u>				
Facilities & Waterfront	212 Canco Roof Replacement	325,000		325,000
Facilities & Waterfront	Offices & Customer Service Areas A/C Installation	150,000		150,000
Fire Department	Riverton Station - Boiler Room Upgrades	150,000		150,000
Parks & Rec	Golf Course Upgrades - HVAC and Drainage	115,000		115,000
Parks & Rec	Evergreen Cemetery Columbaria Phase II	108,000		108,000
Public Schools	Masonry Repair at Deering High School	150,000		150,000
Public Schools	Technology & Fire Alarm System Upgrades - PIES	100,000		100,000
Public Schools	Install fire sprinkler system - PIES	130,000		130,000
Public Schools	Door Access Controls - King and Lincoln	115,000		115,000
Public Works	Federal Street Cemetery Wall Repair	35,000		35,000
<u>Marine</u>				
Facilities & Waterfront	Compass Park Ongoing pile/pier work	200,000		200,000
Facilities & Waterfront	POT - Pile Survey	140,000		140,000
Facilities & Waterfront	On going pile/pier work at OG and P.O.T	100,000		100,000
Facilities & Waterfront	Bollard/ Bit Replacement	100,000		100,000
<u>Parks, Fields, Trails</u>				
Parks & Rec	Skatepark Expansion	50,000		50,000
Parks & Rec	ADA Walkway Paving--Deering Oaks	118,000		118,000
	Court Resurfacing - Reiche and West End (Various), Lyman			
Parks & Rec	Moore, Fox St, Talbot School	97,000		97,000
Planning & Urban Development	Congress Square Redesign - Construction Drawing Completion	50,000		50,000
<u>Streets/Sidewalks</u>				
Facilities & Waterfront	Sidewalks at Exposition Building Entrance	160,000		160,000
Barron Center	Resurfacing of Roadways & Parking Lots	137,841		137,841
Public Works	DOT Bridge Report	25,000		25,000
<u>Transportation</u>				
Public Works	DOT - MPI - Paving Stevens Avenue	640,000		640,000
Public Works	PACTS MPI - Elm Street Paving - Congress to Marginal	315,000		315,000
Public Works	Pavement Preservation Program	1,500,000	1,500,000	0
Public Works	Sidewalk & ADA Rehabilitation Program	600,000		600,000
Public Works	Congress Square Intersection Construction - DOT Eligible	1,200,000	1,200,000	0
Public Works	PACTS TIP - Brighton Avenue Multi-Modal Project	124,000		124,000
Public Works	Traffic Signals Upgrade Program	500,000	500,000	0
Public Works	Ineligibles)	300,000	300,000	0
Public Works	Improved Coordination	100,000		100,000
Public Works	Separated Bike Lanes - Additional Funding	100,000		100,000
Public Works	Andrews Square Supplemental Funding	100,000		100,000
<u>Vehicles</u>				
Fire	3 Fire Trucks (1 Quint Ladder, 2 Pumper Engines)	2,700,000		2,700,000
Fire	MEDCU Ambulance Grant Match	63,000		63,000
Fleet	2-way radio replacement	30,000		30,000
HHS	Used HHS 10 passenger van	30,000		30,000
HHS	Used large SUV or Minivan	25,000		25,000
Islands	1.25 ton truck w/plow GDI	75,000		75,000
Islands	2 - 42 CY Dumpsters @ 9,000 ea.	19,000		19,000
Parking	Used Compact Pickup	26,000		26,000
Parks & Rec	0.75 ton PU w/plow & dump	45,000		45,000
Parks & Rec	Toolcat	65,000		65,000
Parks & Rec	0.75 tn PU w/plow golf course	40,000		40,000
Parks & Rec	New Ventrac 4500K	75,000		75,000

Parks & Rec	52 PTO HP Tractor	55,000		55,000
Parks & Rec	JD 2025D Style Tractor	35,000		35,000
Parks & Rec	Fairway Mower Golf Course	55,000		55,000
Parks & Rec	3/4 ton PU w/plow	45,000		45,000
PDD	0.75 ton PU w/plow	40,000		40,000
Police	7 Hybrid Police Cruisers	413,000		413,000
Public Schools	3 Buses and 1 Van	325,000		325,000
PW Safety	Used SUV	23,000		23,000
Solid Waste	Packer (rental or lease)	65,000		65,000
Streets	Backhoe/Loader	105,000		105,000
SW	Used 1/2 ton PU w/liftgate	25,000		25,000
Traffic	VMC (variable message board)	20,000		20,000
Traffic	Used 1/2 ton PU	25,000		25,000
Various	and Efficiency Maine rebates)	0		0
Waterfront & Public Buildings	2 ton plow truck w/wing 4WD	130,000		130,000
Waterfront & Public Buildings	Van	35,000		35,000
Winter	SA Plow truck	185,000		185,000
Winter	Loader w/wing & plow	220,000		220,000

Sub-Total (General Fund)	14,281,841	3,500,000	10,781,841
Prior CIP Reallocations			(389,039)
Total (General Fund)			10,392,802

2021 CIP - Sewer Fund

Sewer	CSO-Non SRF Sewer / Storm Consulting and Inspection Services	1,500,000		1,500,000
Sewer	Inflow and Infiltration Phase 3 Mitigation	1,100,000		1,100,000
Sewer	CSO - Close CSO #39	700,000		700,000
Sewer	CMOM - Pump Station Rehabilitation	670,000		670,000
Sewer	CSO - Close CSO #42	500,000		500,000
Sewer	Concord Street and Mayer Road Sewer Repair/Replacement	500,000		500,000
Sewer	CMOM - Sewer System Renewal	500,000		500,000
Sewer	District Road Fueling Island	313,000		313,000
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Sewer	CSO - #26 Sewershed	200,000		200,000
Sewer	Truck Replacement (#2511)	50,000		50,000
Sewer	Supervisor Truck (#2112) Replacement	50,000		50,000
Stormwater	Fore Street Sewer Separation	2,300,000		2,300,000
Stormwater	Presumpscot Culvert	475,000		475,000
Stormwater	Stormwater Neighborhood Infrastructure Improvements	200,000		200,000
Stormwater	Green Infrastructure	200,000		200,000

Sub-Total (Sewer Fund)	9,683,000
Prior Sewer Fund Reallocations	(2,300,000)
Total (Sewer Fund)	7,383,000

TOTAL (General Fund & Sewer Fund)	17,775,802
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AMENDMENT TO ORDER 176-20/21
PREPARED BY CORPORATION COUNSEL FOR THE FINANCE COMMITTEE,
COUNCILOR NICHOLAS MAVODONES, CHAIR
RE: NUMERIC ERROR

FOLLOWING a public hearing of the City Council of the City of Portland, Maine, held upon due notice pursuant to Article VII, Section 9 of the City Charter, **IT IS HEREBY ORDERED THAT:**

There be and hereby is authorized and approved the incurring of indebtedness by the City of Portland and the issue and sale of general obligation bonds and notes in anticipation thereof in the aggregate principal amount not to exceed ~~Eighteen Million Three Hundred Twenty Thousand Dollars~~ Seventeen Million Seven Hundred Seventy-Five Thousand Eight Hundred Two Dollars (\$17,775,802) to finance the items identified in the City's 2022 Capital Improvement Program attached hereto as Exhibit A and all other costs (as defined herein) related and ancillary thereto (the "Projects").

BE IT FURTHER ORDERED:

1. That the Finance Director be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, in the aggregate amount of \$17,775,802 (the "Bonds") at one time, or from time to time, as one or more separate bond issues, and to determine the date, form, minimum denomination, interest rates (as term bonds or serial bonds or some combination thereof), maturities (with the last maturity not to exceed the maximum term permitted by law) and all other details, terms and provisions, not inconsistent herewith, including the form and manner of their sale and award as he may approve, such approval to be conclusively evidenced by the execution thereof;
2. That the Finance Director be and hereby is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation of said Bonds ("BANs"), and to determine the date, form, minimum denominations, interest rate, maturities (with the last maturity not to exceed 3 years from its date of issuance) and all other details of each issue of BANs, including the form and manner of their sale and award, subject to the provisions of the law, the City Charter and this Order;
3. That the Finance Director be and hereby is authorized to provide that any of the Bonds and BANs hereinbefore authorized be made subject to call for redemption, with or without premium, prior to their stated dates of maturity, as provided in 30-A M.R.S.A. §5772(6), as amended;
4. That the Bonds and BANs issued hereunder shall be signed by the Finance Director and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof;

5. That the Finance Director is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, instruments and other documents and certificates as may be necessary or appropriate, as determined and approved by the Finance Director, in connection with the financing of the Projects, including a loan agreement in usual and customary form with the Maine Municipal Bond Bank (the “Bond Bank”), to the extent any of the Bonds or BANs authorized herein are issued pursuant to the State of Maine Clean Water Revolving Loan Fund program or the State School Revolving Renovation Fund, which contracts, agreements, loan agreements, instruments and other documents and certificates shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Finance Director, such approval to be conclusively evidenced by his execution thereof;

6. That the Finance Director be and hereby is authorized to select the underwriter for the Bonds or BANs heretofore authorized and the Finance Director be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith;

7. That the Finance Director be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds or BANs heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Finance Director, with the advice of the bond counsel for the City, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds or BANs for sale be and hereby is approved;

8. That the Finance Director be and hereby is authorized to select the registrar, paying agent and transfer agent (the “Transfer Agent”) for the Bonds or BANs heretofore authorized and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;

9. That the Bonds or BANs heretofore authorized shall be transferable only on the registration books of the City kept by the Transfer Agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond the City and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds upon exchanges or transfer thereof to be paid by the person requesting the same;

10. That the Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such Bonds or BANs heretofore authorized in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of Bonds or BANs, and the Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds or BANs for and participate in the Depository Trust Company Book-Entry Only System;

11. That the Finance Director and Mayor from time to time shall execute such Bonds or BANs as may be required to provide for exchanges or transfers of Bonds or BANs as heretofore authorized,

all such Bonds or BANs to bear the original signature of the Finance Director and Mayor, and in case any officer of the City whose signature appears on any Bond or BAN shall cease to be such officer before the delivery of said Bond or BAN, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof;

12. That if the Bonds or BANs, or any part of them, are issued on a tax-exempt basis, the Finance Director be and hereby is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the Bonds or BANs authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds or BANs to be “private activity bonds” or “arbitrage bonds” within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended;

13. That if the Bonds or BANs, or any part of them, are issued on a tax-exempt basis, the officers or officials executing the Bonds or BANs be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports and take any other action that may be necessary to insure that interest on the notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds or BANs to be subject to federal income taxation;

14. That the officers executing the Bonds or BANs be and hereby are individually authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;

15. That any or all of the Bonds or BANs issued hereunder may be consolidated with and become a part of any other issue of temporary notes or general obligation bonds authorized to be issued by any previous or subsequent order of the City Council of the City of Portland;

16. That the term “cost” or “costs” as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to (1) the cost to design, acquire, construct, renovate, improve, furnish and equip the Project, or any portion thereof; (2) the cost of land, easements and other real property interests, landscaping and site preparation, including demolition and environmental remediation work on any existing building or structure and on the property where the Project is located, utility extensions and site improvements, and all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Project; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Project; (4) issuance costs, including premiums for insurance, capitalized interest and other fees and expenses relating to the financing transaction.

17. That if the actual cost of any Project differs from the estimated cost on the attached Exhibit A, whether due to completion, delay or abandonment of the Project or for any other reason, the Finance Director is authorized, in his discretion, to reallocate proceeds of the Bonds to any other listed Project on the attached Exhibit A, or to any other project or improvement that the City Council has approved or may in the future approve as part of the City’s annual capital improvement plan;

18. That the Finance Director, Mayor and Clerk and other proper officials of the City be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds or BANs hereinabove authorized;

19. That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds or BANs so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or BANs nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or BANs had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or BANs, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or BANs any such person shall not have been such officer or official;

20. That if the Finance Director, Mayor or Clerk are for any reason unavailable to approve and execute the Bonds or BANs or any other documents necessary or convenient to the issuance, execution and delivery of the Bonds or BANs, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

21. That the Bonds or BANs authorized by this Order are in addition to any bonds or notes previously authorized for the same or similar purposes;

22. That to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the Bonds or any BANs issued hereunder shall be included in the tax levy of each year until the debt represented by said Bonds or BANs is extinguished;

23. That the following resolutions required by Section C(4)(e) of the State of Maine Clean Water Revolving Loan Fund Rules, Chapter 595, Department of Environmental Protection and Maine Municipal Bond Bank (the “SRF Regulations”), and governing the loan to be made to the City under the State Revolving Loan Fund Program be and hereby are adopted:

- a. That a Project Account shall be created for the Projects which shall be separate from all other accounts of the City. If operating revenues are to be used to retire the debt, a sub-account will be established;
- b. That the Project Account shall be maintained in accordance with standards set forth by the Bond Bank and in accordance with generally accepted government account standards;
- c. That a final accounting shall be made to the Bond Bank of the total cost of each Project upon completion of the Project performance certification as set out in Section G(3) of the SRF Regulations and the City acknowledges that the Bond Bank reserves the right at its sole discretion to be provided with a cost certification of the Project as built;
- d. That an annual audit of the City, prepared by a certified public accountant or licensed public accountant be provided to the Bond Bank for the term of the loan;

- e. That the City shall maintain insurance coverage on the Projects in an amount adequate to protect the Bond Bank's interest for the term of the loan with the Bond Bank named as loss payee;
- f. That the City will comply with any special conditions specified by the Department of Environmental Protection's environmental determination until all financial obligations to the State have been discharged;
- g. That the City certify to the Bond Bank that it has secured all permits, licenses and approvals necessary and that it has a dedicated source of revenue for repayment;
- h. That the City establish a rate, charge or assessment schedule in order to pay principal and interest. Such rate change or schedule shall provide total operations and debt service coverage at a level at which the coverage for the Bond Bank is sufficient;
- i. That the City must demonstrate the ability to pay reasonably anticipated costs of operating and maintaining the financed Project;
- j. That the City abide by the SRF Regulations, as revised and amended and relevant State statutes of the State of Maine; and

24. That during the term any of the Bonds (or bonds issued to refund such Bonds) are outstanding, the Finance Director be and hereby is authorized to issue and deliver refunding bonds to refund some or all of the Bonds then outstanding, and to determine the date, form, interest rate, maturities and all other details of such refunding bonds, including the form and manner of their sale and award. The Finance Director be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Finance Director and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

2021 CIP - General Fund

Department	Project Title	CIP Amount	Other Funding	Bond Amount
<u>Equipment</u>				
Communications	Portable Radios Upgrade	300,000		300,000
Information Technology	Barron Center Phones Upgrade	48,000		48,000
Information Technology	Improvements to Information Security Program	31,000		31,000
Information Technology	Replace Network Switches	250,000		250,000
Information Technology	DPW Traffic Managed Network	20,000		20,000
Information Technology	Consolidate city camera systems (except jetport)	72,000		72,000
Parking / Garages	Parking Meter Replacement Phase 2	115,000		115,000
Parking / Garages	Multi Space Parking Meters Shipyard & Cross Arena	22,000		22,000
Parks & Rec	Payson Park Playground	350,000		350,000
Parks & Rec	Deering Oaks Playground Accident Replacements	45,000		45,000
<u>Facilities</u>				
Facilities & Waterfront	212 Canco Roof Replacement	325,000		325,000
Facilities & Waterfront	Offices & Customer Service Areas A/C Installation	150,000		150,000
Fire Department	Riverton Station - Boiler Room Upgrades	150,000		150,000
Parks & Rec	Golf Course Upgrades - HVAC and Drainage	115,000		115,000
Parks & Rec	Evergreen Cemetery Columbaria Phase II	108,000		108,000
Public Schools	Masonry Repair at Deering High School	150,000		150,000
Public Schools	Technology & Fire Alarm System Upgrades - PIES	100,000		100,000
Public Schools	Install fire sprinkler system - PIES	130,000		130,000
Public Schools	Door Access Controls - King and Lincoln	115,000		115,000
Public Works	Federal Street Cemetery Wall Repair	35,000		35,000
<u>Marine</u>				
Facilities & Waterfront	Compass Park Ongoing pile/pier work	200,000		200,000
Facilities & Waterfront	POT - Pile Survey	140,000		140,000
Facilities & Waterfront	On going pile/pier work at OG and P.O.T	100,000		100,000
Facilities & Waterfront	Bollard/ Bit Replacement	100,000		100,000
<u>Parks, Fields, Trails</u>				
Parks & Rec	Skatepark Expansion	50,000		50,000
Parks & Rec	ADA Walkway Paving--Deering Oaks	118,000		118,000
	Court Resurfacing - Reiche and West End (Various), Lyman			
Parks & Rec	Moore, Fox St, Talbot School	97,000		97,000
Planning & Urban Development	Congress Square Redesign - Construction Drawing Completion	50,000		50,000
<u>Streets/Sidewalks</u>				
Facilities & Waterfront	Sidewalks at Exposition Building Entrance	160,000		160,000
Barron Center	Resurfacing of Roadways & Parking Lots	137,841		137,841
Public Works	DOT Bridge Report	25,000		25,000
<u>Transportation</u>				
Public Works	DOT - MPI - Paving Stevens Avenue	640,000		640,000
Public Works	PACTS MPI - Elm Street Paving - Congress to Marginal	315,000		315,000
Public Works	Pavement Preservation Program	1,500,000	1,500,000	0
Public Works	Sidewalk & ADA Rehabilitation Program	600,000		600,000
Public Works	Congress Square Intersection Construction - DOT Eligible	1,200,000	1,200,000	0
Public Works	PACTS TIP - Brighton Avenue Multi-Modal Project	124,000		124,000
Public Works	Traffic Signals Upgrade Program	500,000	500,000	0
Public Works	Ineligibles)	300,000	300,000	0
Public Works	Improved Coordination	100,000		100,000
Public Works	Separated Bike Lanes - Additional Funding	100,000		100,000
Public Works	Andrews Square Supplemental Funding	100,000		100,000
<u>Vehicles</u>				
Fire	3 Fire Trucks (1 Quint Ladder, 2 Pumper Engines)	2,700,000		2,700,000
Fire	MEDCU Ambulance Grant Match	63,000		63,000
Fleet	2-way radio replacement	30,000		30,000
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Sub-Total (Sewer Fund)	9,683,000
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Total (Sewer Fund)	7,383,000

TOTAL (General Fund & Sewer Fund)	17,775,802
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MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 1, 2021

SUBJECT: Order 177-20/21 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$23,964,841 for the City's Fiscal Year 2021 Capital Improvement Program - Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

SPONSOR: Finance Committee, Nicholas M. Mavodones, Jr., Chair

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

This is a companion order to Order 176-20/21.

As noted in the previous Order, the Fiscal Year (FY) 2022 to FY2026 Capital Improvement Plan (CIP) has been in development since fall 2020 and the CIP was discussed at three Finance Committee meetings in January and February 2021 including one Public Hearing. The FY22 Capital Improvement Plan will not increase net debt service related to CIP projects in future City budgets as it was sized to simply offset other CIP debt being retired. The FY21 CIP calls for \$17.8 million(M) of new bond authorization but \$7.4M of these bonds will be repaid via the Sewer and Stormwater Enterprise Funds. The remaining \$10.4M of plan borrowing was sized to simply offset debt service related to debt being retired in FY23. When combined with other funding sources (including significant transportation funding provided by the State of Maine) the total impact of the FY22 CIP will be nearly \$24M. Two orders are required: one authorizing the FY22 CIP bonds; and a second appropriating the proceeds and other funding sources for several projects. A complete listing of the projects being authorized is included within the order.

This item must be read on two separate days. It received its first reading on March 1, 2021. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Portland FY22 CIP Bonds - appropriation order

Prepared by:

Date: 3/1/2021

CITY OF PORTLAND
IN THE CITY COUNCIL

**ORDER APPROPRIATING BOND PROCEEDS AND OTHER FUNDS IN AN AMOUNT
NOT TO EXCEED \$23,964,841 FOR
THE CITY'S FISCAL YEAR 2022 CAPITAL IMPROVEMENT PROGRAM**

IT IS HEREBY ORDERED THAT:

1. Subject to paragraph 2 and 3 below, the sum of \$23,964,841 be and hereby is appropriated to finance the projects more particularly described in the project list for the City's 2022 Capital Improvement Program attached hereto as Exhibit A (the "2022 CIP Projects"), as follows:
 - a. An amount not to exceed \$17,775,802 is appropriated from the proceeds of the City's general obligation bonds to be authorized by the City Council and issued to finance a portion of the costs of the 2022 CIP Projects;
 - b. An additional amount not to exceed \$6,189,039 is appropriated as follows:
 1. An amount not to exceed \$3,500,000 is appropriated from the City's Surplus Fund Balance to finance a portion of the costs of certain street / sidewalk / signalization improvements included in the 2022 CIP Projects;
 2. An amount not to exceed \$389,039 is reallocated and appropriated from unspent proceeds of the City's prior 1999, 2006-2010, and 2013 General Obligation Bonds to finance a portion of the costs of the 2022 CIP Projects (General Fund), as shall be directed by the Director of Finance; and
 3. An amount not to exceed \$2,300,000 is reallocated and appropriated from unspent proceeds of the City's prior 2021 General Obligation Bonds to finance a portion of the costs of the City's stormwater and sewer projects included in the 2022 CIP Projects (Sewer Fund), as shall be directed by the Director of Finance.
2. The appropriation set forth in paragraph 1(a) above is and shall be contingent upon the approval by the City Council of general obligation bonds for such purposes (the amount appropriated in said paragraph 1(a) to be adjusted to reflect the principal amount of bonds so authorized) and the issuance and delivery of such bonds (or notes in anticipation thereof) for such purposes. The foregoing appropriations shall also be applied to issuance costs for such bonds (or notes in anticipation thereof).
3. That if the actual cost of any 2022 CIP Project differs from the estimated cost on the attached Exhibit A, whether due to completion, delay or abandonment of the Project or for any other reason, the Director of Finance is authorized, in his discretion, to reallocate proceeds of the bonds issued therefore or the other funds appropriated therefore to any other project listed on the 2022 CIP Project List or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

2021 CIP - General Fund

Department	Project Title	CIP Amount	Other Funding	Bond Amount
<u>Equipment</u>				
Communications	Portable Radios Upgrade	300,000		300,000
Information Technology	Barron Center Phones Upgrade	48,000		48,000
Information Technology	Improvements to Information Security Program	31,000		31,000
Information Technology	Replace Network Switches	250,000		250,000
Information Technology	DPW Traffic Managed Network	20,000		20,000
Information Technology	Consolidate city camera systems (except jetport)	72,000		72,000
Parking / Garages	Parking Meter Replacement Phase 2	115,000		115,000
Parking / Garages	Multi Space Parking Meters Shipyard & Cross Arena	22,000		22,000
Parks & Rec	Payson Park Playground	350,000		350,000
Parks & Rec	Deering Oaks Playground Accident Replacements	45,000		45,000
<u>Facilities</u>				
Facilities & Waterfront	212 Canco Roof Replacement	325,000		325,000
Facilities & Waterfront	Offices & Customer Service Areas A/C Installation	150,000		150,000
Fire Department	Riverton Station - Boiler Room Upgrades	150,000		150,000
Parks & Rec	Golf Course Upgrades - HVAC and Drainage	115,000		115,000
Parks & Rec	Evergreen Cemetery Columbaria Phase II	108,000		108,000
Public Schools	Masonry Repair at Deering High School	150,000		150,000
Public Schools	Technology & Fire Alarm System Upgrades - PIES	100,000		100,000
Public Schools	Install fire sprinkler system - PIES	130,000		130,000
Public Schools	Door Access Controls - King and Lincoln	115,000		115,000
Public Works	Federal Street Cemetery Wall Repair	35,000		35,000
<u>Marine</u>				
Facilities & Waterfront	Compass Park Ongoing pile/pier work	200,000		200,000
Facilities & Waterfront	POT - Pile Survey	140,000		140,000
Facilities & Waterfront	On going pile/pier work at OG and P.O.T	100,000		100,000
Facilities & Waterfront	Bollard/ Bit Replacement	100,000		100,000
<u>Parks, Fields, Trails</u>				
Parks & Rec	Skatepark Expansion	50,000		50,000
Parks & Rec	ADA Walkway Paving--Deering Oaks	118,000		118,000
	Court Resurfacing - Reiche and West End (Various), Lyman			
Parks & Rec	Moore, Fox St, Talbot School	97,000		97,000
Planning & Urban Development	Congress Square Redesign - Construction Drawing Completion	50,000		50,000
<u>Streets/Sidewalks</u>				
Facilities & Waterfront	Sidewalks at Exposition Building Entrance	160,000		160,000
Barron Center	Resurfacing of Roadways & Parking Lots	137,841		137,841
Public Works	DOT Bridge Report	25,000		25,000
<u>Transportation</u>				
Public Works	DOT - MPI - Paving Stevens Avenue	640,000		640,000
Public Works	PACTS MPI - Elm Street Paving - Congress to Marginal	315,000		315,000
Public Works	Pavement Preservation Program	1,500,000	1,500,000	0
Public Works	Sidewalk & ADA Rehabilitation Program	600,000		600,000
Public Works	Congress Square Intersection Construction - DOT Eligible	1,200,000	1,200,000	0
Public Works	PACTS TIP - Brighton Avenue Multi-Modal Project	124,000		124,000
Public Works	Traffic Signals Upgrade Program	500,000	500,000	0
Public Works	Ineligibles)	300,000	300,000	0
Public Works	Improved Coordination	100,000		100,000
Public Works	Separated Bike Lanes - Additional Funding	100,000		100,000
Public Works	Andrews Square Supplemental Funding	100,000		100,000
<u>Vehicles</u>				
Fire	3 Fire Trucks (1 Quint Ladder, 2 Pumper Engines)	2,700,000		2,700,000
Fire	MEDCU Ambulance Grant Match	63,000		63,000
Fleet	2-way radio replacement	30,000		30,000
HHS	Used HHS 10 passenger van	30,000		30,000
HHS	Used large SUV or Minivan	25,000		25,000
Islands	1.25 ton truck w/plow GDI	75,000		75,000
Islands	2 - 42 CY Dumpsters @ 9,000 ea.	19,000		19,000
Parking	Used Compact Pickup	26,000		26,000
Parks & Rec	0.75 ton PU w/plow & dump	45,000		45,000
Parks & Rec	Toolcat	65,000		65,000
Parks & Rec	0.75 tn PU w/plow golf course	40,000		40,000
Parks & Rec	New Ventrac 4500K	75,000		75,000

Parks & Rec	52 PTO HP Tractor	55,000		55,000
Parks & Rec	JD 2025D Style Tractor	35,000		35,000
Parks & Rec	Fairway Mower Golf Course	55,000		55,000
Parks & Rec	3/4 ton PU w/plow	45,000		45,000
PDD	0.75 ton PU w/plow	40,000		40,000
Police	7 Hybrid Police Cruisers	413,000		413,000
Public Schools	3 Buses and 1 Van	325,000		325,000
PW Safety	Used SUV	23,000		23,000
Solid Waste	Packer (rental or lease)	65,000		65,000
Streets	Backhoe/Loader	105,000		105,000
SW	Used 1/2 ton PU w/liftgate	25,000		25,000
Traffic	VMC (variable message board)	20,000		20,000
Traffic	Used 1/2 ton PU	25,000		25,000
Various	and Efficiency Maine rebates)	0		0
Waterfront & Public Buildings	2 ton plow truck w/wing 4WD	130,000		130,000
Waterfront & Public Buildings	Van	35,000		35,000
Winter	SA Plow truck	185,000		185,000
Winter	Loader w/wing & plow	220,000		220,000
Sub-Total (General Fund)		14,281,841	3,500,000	10,781,841
Prior CIP Reallocations				(389,039)
Total (General Fund)		14,281,841		10,392,802
2021 CIP - Sewer Fund				
Sewer	CSO-Non SRF Sewer / Storm Consulting and Inspection Services	1,500,000		1,500,000
Sewer	Inflow and Infiltration Phase 3 Mitigation	1,100,000		1,100,000
Sewer	CSO - Close CSO #39	700,000		700,000
Sewer	CMOM - Pump Station Rehabilitation	670,000		670,000
Sewer	CSO - Close CSO #42	500,000		500,000
Sewer	Concord Street and Mayer Road Sewer Repair/Replacement	500,000		500,000
Sewer	CMOM - Sewer System Renewal	500,000		500,000
Sewer	District Road Fueling Island	313,000		313,000
Sewer	ESRI Conversion to Utility Network	225,000		225,000
Sewer	Sweeper (#3143) Replacement	200,000		200,000
Sewer	CSO - #26 Sewershed	200,000		200,000
Sewer	Truck Replacement (#2511)	50,000		50,000
Sewer	Supervisor Truck (#2112) Replacement	50,000		50,000
Stormwater	Fore Street Sewer Separation	2,300,000		2,300,000
Stormwater	Presumpscot Culvert	475,000		475,000
Stormwater	Stormwater Neighborhood Infrastructure Improvements	200,000		200,000
Stormwater	Green Infrastructure	200,000		200,000
Sub-Total (Sewer Fund)		9,683,000		9,683,000
Prior Sewer Fund Reallocations				(2,300,000)
Total (Sewer Fund)		9,683,000		7,383,000
TOTAL (General Fund & Sewer Fund)		23,964,841		17,775,802

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: March 1, 2021

SUBJECT: Order 178-20/21 Amendment to Portland City Code Chapter 14 Re: The Jill C. Duson Housing Trust Fund - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair and the Portland Planning Board, Brandon Mazer, Chair

SPONSOR: Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair and Portland Planning Board, Brandon Mazer, Chair

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

During the December 7, 2020, City Council Inauguration Meeting, Mayor Kate Snyder announced that in honor and recognition of Councilor Jill Duson's contribution to housing, including "...helping to create a municipal environment conducive to the development of affordable and low income eligible housing..." she asked the Housing & Economic Development Committee to review a request to rename the Housing Trust Fund the "Jill C. Duson Housing Trust Fund".

The Housing & Economic Development Committee met on January 5, 2021 and voted unanimously (3-0; Ali absent) to support this recommendation. The Portland Planning Board met on February 23, 2021 and voted (5-0-2; Chann and Dunfey abstained) to recommend the text amendment renaming the City's Housing Trust Fund as the *Jill C. Duson Housing Trust Fund*.

The Housing Trust Fund Ordinance is located in the City Code, Chapter 14, Article 18.3. A copy of a marked revised version of the code which reflects the name change is enclosed in backup materials for City Council approval.

This item must be read on two separate days. It received its first reading on March 1, 2021. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Below are a few of the accomplishments of the Housing Committee over the last 5 years, under the leadership of Councilor Duson.

(1) Recommended a package of five housing insecurity policy items, including an increase notification period

for residential rent increases from 45 days to 75 days, which were adopted by the City Council in November 2016.

(2) Recommended city investment of over \$3 million in HOME funding, over \$2.5 million in Housing Trust Funds and 11 Affordable Housing TIF Districts to incentivize the creation or maintenance of 763 units of affordable housing.

(3) Recommended a regulatory framework for the short term rental market that was adopted by the City Council.

(4) Supported amendments to Division 30 that help to create affordable housing.

(5) Identified city-owned property suitable for housing development and facilitated public/private partnerships on three parcels that will add a minimum of 140 units to the city's housing inventory

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order Ch. 14 Amend re Jill C. Duson Housing Trust Fund 3.1.2021
2. Jill C. Duson Housing Trust Fund
3. Council Report Housing Trust Fund Renaming
4. Public Comment from 2-23-2021 Planning Board Meeting

Prepared by:

Mary Davis, Division Director

Date: 3/1/2021

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: JILL C. DUSON HOUSING TRUST FUND

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

That Chapter 14, Sec. 18.3.2 is hereby amended to read as follows, on the following pages:



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review on the condition that they comply with the requirements of this Subsection 18.2.5.

- D. **Low-income housing minimum.** All hotel projects shall provide one unit of low-income housing for rent in the City of Portland for every 28 rooms in the hotel project, which shall meet the standards outlined in Subsections 18.2.3(C)(3), (4), and (5) and in the implementing regulations governing low-income units. This amount shall be rounded up to the nearest increment of 28 rooms. These units shall be deed restricted for the longest period permitted by law, shall not be used for short-term rentals of less than 30 days, and must be provided with distinct entrances from the street to delineate them from the hotel itself.
- E. **Fee-in-lieu alternative.** As an alternative to providing low-income housing units under Subsection 18.2.5(D) above, a hotel project may pay a fee-in-lieu of \$3,806 per hotel guest room. This amount shall be paid into the City's Housing Trust Fund and used for the purposes set forth in the ordinance and regulations applicable to that trust.
- F. **Annual adjustments.** The amounts in Subsection 18.2.5(E) above shall be adjusted annually in the same way as the fee under Section 18.1.8.
- G. **Regulations.** The Planning Board may promulgate implementing regulations based on this subsection.

18.3 HOUSING TRUST FUND

18.3.1 Purpose

The purpose of enacting this section is:

- A. To establish a City of Portland Housing Trust Fund for the promotion, retention, and

creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the city.

- B. To serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as set out in this article.

18.3.2 Establishment of the Jill C. Duson Housing Trust Fund

The City Council shall establish a special revenue account under the name "City of Portland Jill C. Duson Housing Trust Fund;" (Housing Trust Fund).

Deposits into the fund shall include:

- A. Contributions from the City's housing replacement ordinance under Subsection 18.1.8.
- B. In-lieu fees under Subsections 18.2.3 and 18.2.5.
- C. Funds appropriated to be deposited into the fund by vote of the City Council.
- D. Voluntary contributions of money or other liquid assets to the fund.
- E. Any federal, state, or private grant or loan funds provided to the fund.
- F. Interest from fund deposits and investments.
- G. Repayments of loans made from the fund.

18.3.3 Management of the trust fund

The City Manager, or his or her designee, shall serve as the manager of the Housing Trust Fund. The responsibilities of the manager, subject to the orders of the City Council, shall include:

- A. Maintaining the financial and other records of the Housing Trust Fund.
- B. Disbursing and collecting Housing Trust Fund monies in accordance with the Housing Trust Fund annual plan.

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18 HOUSING

18.1 HOUSING PRESERVATION AND REPLACEMENT

18.1.1 Purpose

The purpose of the housing preservation and replacement ordinance is:

- A. To promote and facilitate an adequate supply of housing, particularly affordable housing for all economic groups.
- B. To limit the net loss of housing units in the city.
- C. To preserve housing in zones where housing is permitted in the city for all residents in order to promote the health, safety, and welfare of its citizens.

18.1.2 Applicability

- A. Except as otherwise provided in this section, the housing preservation and replacement ordinance shall apply to the loss of three or more dwelling units in a five-year period, provided that such dwelling units were a legally registered residential use as of July 1, 2002. For the purposes of this section, dwelling units shall be as defined in Article 3, but also include rooming units that people rent in or sleep in within lodging houses, dormitories, shelters, and sheltered care group homes.
- B. Except as otherwise provided in this section, the housing preservation and replacement ordinance shall also apply to proposals that result in the loss of fewer than three dwelling units which were legally registered residential use as of July 1, 2002 for the purposes of creating surface parking.
- C. For the purposes of this section, loss of dwelling units shall mean the elimination or conversion to nonresidential use of a dwelling

unit and dwelling units that remain vacant for three years or more or are lost due to demolition unless the vacancy or demolition results from accidents outside of the owner's control, fire, natural disasters, or acts of war.

- D. Determination of number of the dwelling units within a structure or structures and the number of units lost will be based on the records of the Building Authority indicating the legal, registered use of the property since July 1, 2002 through the time of application. The actual use of the property for purposes of applicability of this section may be rebutted by the owner by proof of documentary evidence including but not limited to photographs, letters, and sworn affidavits. The Planning Authority may conduct its own investigation of the actual use and shall determine the applicability of this section based on the totality of the evidence.

18.1.3 Exemptions

This section does not apply to:

- A. Consolidation, elimination, or reconfiguration of one or more dwelling units within an existing structure, as long as all the resulting units remain as dwelling units after such consolidation, elimination, or reconfiguration, except as provided by (E) below. Conversion of a dwelling unit to a hotel or motel room shall not qualify for the exemption provided by the paragraph.
- B. Proposals that result in a number of units equal to or greater than the number of units lost as determined by the Planning Authority.
- C. Legally nonconforming dwelling units existing in zones which no longer permit residential uses.

- D. Property which has been ordered demolished by the City, pursuant to 17 M.R.S. § 2851, et seq., as amended, except where it is determined by the Building Authority that the deterioration was caused by neglect or lack of maintenance.
- E. Paragraph (A) above notwithstanding, the conversion to a nonresidential use of any dwelling units located on the ground floor of a building within a mixed-use zone.

18.1.4 Planning Authority approval required

Notwithstanding any other provision of this section, a proposal to demolish or to convert three or more dwelling units to a nonresidential use in a zone where such use is otherwise permitted must first obtain approval from the Planning Authority. In addition to any other requirements of the Land Use Code, the applicant must submit a statement certifying the number of dwelling units to be demolished or converted to nonresidential use, as well as a description of the characteristics of each of those units.

18.1.5 Tenant notification requirements

Prior to elimination as a result of demolition or conversion to nonresidential use, the owner shall:

- A. Provide the Planning Authority a list containing the name of each tenant currently residing in the dwelling units to be demolished or converted to nonresidential use, as well as verification of compliance with tenant notice requirements of this subsection.
- B. Deliver to each tenant who occupies such a dwelling unit a written notice to vacate the unit. The notice shall either be sent by certified mail, return receipt requested, or served in-hand. The notice will grant the tenant not less than

90 days from the date of receipt of the notice to vacate the unit.

- C. File proof of service of the notice with the Planning Authority.

18.1.6 Housing replacement requirements

- A. The Planning Authority shall require, as a condition of approval, that an owner shall replace any dwelling units that are demolished or converted to nonresidential use.
- B. This requirement may be satisfied in any one of the following ways, which may be used in combination:
 1. *Construction of units.* The construction of housing units within a new structure or a new addition either on site or off-site.
 2. *Residential conversion.* The conversion of a nonresidential building to residential use.

18.1.7 Replacement unit requirement

In addition to the foregoing, all replacement units built pursuant to Subsection 18.1.6.B above shall:

- A. Be located within the same United States census block group as the parcel from which the dwelling units are being removed or within 1,500 feet of the dwelling units being removed.
- B. Not previously have been on the market as of the date of application.
- C. Be situated within a development which has not been a candidate for site plan approval as of the date of the application.
- D. Be comparable in size to the units replaced. For the purpose of this section, “comparable in size” means that the aggregate size of the replacement units will be no less than 80% of the size of the aggregate of the original units to be replaced.



18.1.8 Contribution to the Housing Trust Fund

- A.** The applicant may meet the requirements of this housing replacement ordinance by depositing \$50,000 for each dwelling unit into the City's Housing Trust Fund.
- B.** Beginning on January 1, 2004 and annually thereafter, the amount of the contribution shall be adjusted by multiplying this amount originally deposited for each unit by a fraction, the denominator of which shall be the "Consumer Price Index for Urban Wage Earners and Clerical Workers ("CPI-W"), U.S. City Average, "All Items Index," as published by the United States Bureau of Labor Statistics ("the index") for January 1, 2003 year, and the numerator of which shall be the index for the same month in each subsequent year. In the event that the index is not then in existence, the parties shall use such equivalent price index as is published by any successor governmental agency then in existence, or, if none, then by such nongovernmental agency as may then be publishing an equivalent price index, in lieu of and adjusted to the index. If the index shall cease to use 1982-84 equals 100 as the basis of calculation, or if a substantial change is made in the terms or number of items contained in the index, the base index shall be adjusted to conform to such change, using such computation thereof, if available, as shall be employed by the United States Department of Labor in computing same. Notwithstanding anything herein to the contrary, contributions made after January 1, 2004 shall not be less than the amount originally required to be deposited for each rooming or dwelling unit.

18.1.9 Performance guarantee

Owners or affiliates must post a performance guarantee in the form of a letter of credit, or other security acceptable to the City attorney, in the amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Trust Fund if the applicant had chosen that option pursuant to Subsection 18.1.8. Such a performance guarantee shall be valid for no more than three years, after which the full amount due shall be provided to the City's Housing Trust Fund if replacement units satisfying the conditions of this housing replacement ordinance do not have certificates of occupancy.

18.1.10 Partial waiver of replacement requirements

- A.** Any owner who has applied for site plan review for elimination or conversion to nonresidential use of dwelling units may apply to the Zoning Board of Appeals for a partial waiver from the housing replacement requirements of this section. Such waiver may be a downward adjustment of up to 50% of the owner's housing replacement obligation if the owner establishes to the board's satisfaction that:
 - 1. The proposed development is consistent with the Comprehensive Plan.
 - 2. The proposed development provides significant value and benefit to the immediate and surrounding neighborhood, including, but not limited to, community enhancement, social benefits or job creation.
 - 3. The applicant demonstrates with objective evidence that the imposition of the

requirements of this section would impose such an economic burden upon the project relative to its scope that it renders the project impossible to develop.

4. The requested relief does not constitute a grant of a special privilege inconsistent with the limitations upon similar properties.
- B.** The Zoning Board of Appeals must make positive findings on each of the four criteria above in order for any such adjustment to be valid. An applicant aggrieved of a decision of the Zoning Board of Appeals may appeal a decision under this subsection pursuant to the provisions of Article 2.

18.1.11 Effect of other City ordinances

- A.** Nothing in this section shall permit the demolition or conversion to nonresidential use of dwelling units in residential property protected by Article 17, except as permitted by that ordinance.
- B.** A conditional zone may not be used to circumvent the application of this section. The terms of this section shall apply to any conditional zone which involves dwelling units affected by this section. Notwithstanding the foregoing, nothing herein shall be deemed to prevent the City and the applicant from agreeing to terms which exceed those imposed by this section by means of a conditional zone.

18.1.12 Appeals

Any applicant aggrieved by a decision of the Planning Authority under this section may appeal to the Zoning Board of Appeals within 30 days of that decision.

18.2 AFFORDABLE HOUSING

18.2.1 Purpose

It is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section therefore is to offer incentives to developers to include units of affordable and workforce housing within development projects, thereby mitigating the impact of market rate housing construction, or the demonstrated increase in affordable housing needs resulting from the creation of new lower-income jobs, on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The City believes that this section will assist in meeting the City's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety, and welfare of its citizens.

TABLE 18-A: AFFORDABLE HOUSING FEE REDUCTIONS

% of New Units That are Low-Income or Workforce	Development Fee Discount	Cost of Work (Building Permit) Fees
5% up to but not including 10%	5% reduction	\$10.50 per \$1,000
10% up to but not including 15%	10% reduction	\$9.90 per \$1,000
15% up to but not including 20%	15% reduction	\$9.35 per \$1,000
20% up to but not including 25%	20% reduction	\$8.80 per \$1,000
25% or more	25% reduction	\$8.25 per \$1,000



18.2.2 Reduction of fees

- A. Notwithstanding any other provision of this Land Use Code or Chapter 6 to the contrary, development fees shall be reduced by the City for an eligible project in the manner described in Table 18-A.
- B. Development fees shall include:
1. Site plan review and inspection fees.
 2. Subdivision review and inspection fees.
 3. Impact fees.
 4. Administrative fees.
 5. Construction and permit fees as described in Chapter 6 of the City of Portland Code of Ordinances.
- Development fees do not include any fees charged for review conducted by any party other than the City.
- C. Eligible project shall mean a development project:
1. That is permissible under the provisions of this Land Use Code in the zone in which it is proposed.
 2. That will be a single-family or multi-family dwelling, or subdivision consisting of a group of dwellings, and will not be located in an R-1 or R-2 zone.
 3. That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a nonresidential use to residential use, or any combination of these elements. Affordable housing units for sale or rent

may not differ in exterior design from other units within an eligible project.

4. Projects shall not be considered “eligible projects” solely because they are subject to Subsection 18.2.3.
- D. The Planning Authority shall perform its review of an eligible project in as expedited a manner as is practical, without impairing the scope or thoroughness of the review. The Planning Authority may adopt administrative procedures to prioritize review of eligible projects and facilitate this expedited review.
- E. The Planning Board shall make its best efforts to give priority in scheduling workshops and public hearings related to any plans or applications required for an eligible project that are within the Planning Board’s jurisdiction, without impairing the scope or thoroughness of its review. At the conclusion of these public meetings, the Planning Board shall promptly issue a decision on all such plans and applications before it for consideration.

18.2.3 Ensuring workforce housing

- A. **Purpose.** Based on the City’s Comprehensive Plan and the City’s 2015 housing study, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this subsection is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.
- B. **Applicability.** This subsection shall apply to development projects that create ten or more net new dwelling units for rent or for sale through new construction, substantial

rehabilitation of existing structures, adaptive reuse or conversion of a nonresidential use to residential use, or any combination of these elements, with the exception that projects using public financing requiring affordability restrictions, as defined by tax increment financing, U.S. Department of Housing and Urban Development funds such as HOME or CDBG, other federal, state, or local housing program, or the Low-income Housing Tax Credit program, shall be considered exempt.

C. Standards. Development projects subject to this subsection shall be subject to the following requirements:

1. Notwithstanding any language to the contrary in this Land Use Code, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this subsection, unless they are within the India Street Form-Based Code Zone, in which case the review will be conducted administratively or by the Planning Board in accordance with the thresholds of site plan review for the district.
2. At least 25% of the units in the project shall meet the definition of workforce housing unit for sale or for rent as defined in Article 3. The project shall have the option of paying a partial fee-in-lieu as per (6) below or providing an additional unit on-site for any fractional value.
3. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
4. Workforce units must be integrated with the rest of the development, must use a common entrance, and must provide no indications from common areas that these units are workforce housing units.
5. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be no less than 10 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development, every 400 square feet in each market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms.
6. As an alternative to providing workforce housing units, projects may pay a fee-in-lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund. The fee for affordable units not provided shall be \$150,000 per unit, adjusted annually in the same way as the fee under Subsection 18.1.8.
7. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units.
8. If at least 33% of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.



TABLE 18-C: BONUSES FOR ELIGIBLE PROJECTS

% Low- income Units	% Work- force Units	Density Permitted ¹	Additional Height Permitted ²	Setback Reductions ³
10%	20%	1.1 x base	N/A	N/A
20%	40%	1.2 x base	10 ft.	N/A
30%	60%	1.3 x base	10 ft.	5 ft.
50%	100%	2.0 x base	15 ft.	5 ft.
75%	N/A	2.5 x base	25 ft.	10 ft.

¹ “Base” is the number of units allowed under the zoning without this bonus but with any other bonuses applied. In R-P zones, multifamily is permitted with a “base” no less than 1 unit per 1,500 SF. of land area. If an eligible project is providing both workforce and affordable housing units, the applicant shall have the option of utilizing applicable incentives, but not cumulatively.

² The maximum additional height permitted in the B-1/B-1b zones and the R-P zone shall be 15 feet. In addition, the maximum structure height is 50 feet within 750 feet of the Portland Observatory.

³ Setback reductions are absolute reductions in front, side, and/or rear setback requirements. The maximum setback reductions in the B-1/B-1b and R-P zones shall be 5 ft.

9. The term of affordability for the required 25% workforce units provided shall be defined as shown in Table 18-B.

D. Implementing regulations. Regulations to further specify the details of this subsection shall be developed, including, but not limited to:

1. Specific methodology for income verification.
2. Situations where less than permanent affordability might be considered.
3. Guidelines for meeting the requirement that off-site units be “in the same neighborhood.”

TABLE 18-B: MINIMUM TERM OF AFFORDABILITY FOR REQUIRED WORKFORCE UNITS

% of Workforce Units Provided	Minimum Term of Affordability
25%	30 years
50%	20 years
100%	10 years

E. Reporting to City Council. In conjunction with the annual report on the Housing Trust Fund, the Planning Authority shall annually report on developments subject to this subsection, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this subsection in achieving its stated purpose.

18.2.4 Density and dimensional bonuses and reductions

Notwithstanding any other provision of this Land Use Code to the contrary, in order to encourage low-income and workforce units in designated growth areas, eligible projects as defined under Subsection 18.2.2 may avail themselves of the following options:

A. Density bonuses. The maximum number of units that would otherwise be allowed under this Land Use Code shall be increased for an eligible project in the manner described in Table 18-C, applicable in the B-1/B-1b, B-2/B-2b/B-2c, B-3/B-3b/B-3c, B-5, R-7, and R-P zones.

B. Planned Residential Unit Developments (PRUDs). In order to promote orderly development of low- and moderate-income development as PRUDs, any project in which more than 50% of the units are low-income or workforce units for rent or for sale may utilize the following dimensional bonuses and changes:

1. Minimum lot area per dwelling unit is reduced by 50%.
2. Maximum number of units and maximum length of buildings do not apply but may be set through site plan review.
3. Minimum building setbacks may be reduced to 10 feet.

4. The PRUD may cross public rights of way provided that the right of way does not count towards minimum lot size nor towards any open space requirements.
 5. Minimum recreation open space area is reduced to 200 square feet per dwelling unit of common area designated for recreational purposes by the residents. Minimum contiguous size and setbacks do not apply and shall be set through site plan review.
 6. The Planning Board's *Design Manual*, design standards, and guidelines with respect to PRUDs shall apply in full to PRUDs utilizing this subsection.
- C. Unit size and term of affordability.** In order to be eligible for this subsection, the low-income and workforce housing units must meet Subsections 18.2.3(C)(3), (4), and (5) and be affordable for the longest term permitted under federal, state, and local laws.
- D. Required public process.** The developer of the project must also commit to a good faith effort to communicate openly with affected properties as their process moves forward. At a minimum, no less than 30 days prior to application for site plan review, any project that wishes to take advantage of this subsection must hold a public meeting noticed to all properties within 500 feet of their site and post a sign on the property in question describing the proposed project, intent to submit an application to the City in 30 days (cite anticipated submission date), and contact information for the developer and the Planning Authority. The Planning Board may adopt regulations regarding the content and

processes for noticing as part of the *Technical Manual*.

- E. Projects under 18.2.3.** Projects that are subject to Subsection 18.2.3 that choose to provide the required workforce housing units on site are eligible for a 25% increase in total permitted units. If an eligible project as defined under Subsection 18.2.2 is also subject to Subsection 18.2.3, the applicant shall have the option of utilizing either this bonus or any bonuses they are eligible for under Subsections 18.2.4(A) and (B) but not both.

18.2.5 Inclusionary zoning for hotel projects

- A. Purpose.** This subsection is based on City analysis, most specifically the analysis documented in the Greater Portland Council of Government study *Proposed Hotel Linkage Fee: Supportable Range* dated August 29, 2018, that finds that new hospitality developments create a need for new affordable housing. This need is the result of the fact that hospitality developments necessarily create a number of jobs that do not pay employees at a rate sufficient to allow those employees to afford market-rate housing in the City of Portland.
- B. Hotel projects.** For the purposes of this subsection, hotel projects shall include any hotel as defined in Article 3 consisting of 10 or more guest rooms for rent. Any expansion of an existing hotel by 10 or more rooms within any five-year period will also be considered a hotel project.
- C. Hotel projects conditional uses.** Notwithstanding anything to the contrary in this Land Use Code, all hotel projects are conditional uses subject to Planning Board



review on the condition that they comply with the requirements of this Subsection 18.2.5.

- D. **Low-income housing minimum.** All hotel projects shall provide one unit of low-income housing for rent in the City of Portland for every 28 rooms in the hotel project, which shall meet the standards outlined in Subsections 18.2.3(C)(3), (4), and (5) and in the implementing regulations governing low-income units. This amount shall be rounded up to the nearest increment of 28 rooms. These units shall be deed restricted for the longest period permitted by law, shall not be used for short-term rentals of less than 30 days, and must be provided with distinct entrances from the street to delineate them from the hotel itself.
- E. **Fee-in-lieu alternative.** As an alternative to providing low-income housing units under Subsection 18.2.5(D) above, a hotel project may pay a fee-in-lieu of \$3,806 per hotel guest room. This amount shall be paid into the City's Housing Trust Fund and used for the purposes set forth in the ordinance and regulations applicable to that trust.
- F. **Annual adjustments.** The amounts in Subsection 18.2.5(E) above shall be adjusted annually in the same way as the fee under Section 18.1.8.
- G. **Regulations.** The Planning Board may promulgate implementing regulations based on this subsection.

18.3 HOUSING TRUST FUND

18.3.1 Purpose

The purpose of enacting this section is:

- A. To establish a City of Portland Housing Trust Fund for the promotion, retention, and

creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the city.

- B. To serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as set out in this article.

18.3.2 Establishment of the Jill C. Duson Housing Trust Fund

The City Council shall establish a special revenue account under the name "City of Portland Jill C. Duson Housing Trust Fund." (Housing Trust Fund).

Deposits into the fund shall include:

- A. Contributions from the City's housing replacement ordinance under Subsection 18.1.8.
- B. In-lieu fees under Subsections 18.2.3 and 18.2.5.
- C. Funds appropriated to be deposited into the fund by vote of the City Council.
- D. Voluntary contributions of money or other liquid assets to the fund.
- E. Any federal, state, or private grant or loan funds provided to the fund.
- F. Interest from fund deposits and investments.
- G. Repayments of loans made from the fund.

18.3.3 Management of the trust fund

The City Manager, or his or her designee, shall serve as the manager of the Housing Trust Fund. The responsibilities of the manager, subject to the orders of the City Council, shall include:

- A. Maintaining the financial and other records of the Housing Trust Fund.
- B. Disbursing and collecting Housing Trust Fund monies in accordance with the Housing Trust Fund annual plan.

- C. Monitoring the use of monies distributed to successful applicants for Housing Trust Fund support to assure on-going compliance with the purposes of the fund and the conditions under which these monies were granted or loaned.

18.3.4 Housing Trust Fund annual plan

- A. Each fiscal year, the City Council shall adopt a Housing Trust Fund annual plan. The City Manager shall submit to the City Council a recommended Housing Trust Fund annual plan, utilizing the revenues of the Housing Trust Fund as well as any other funds the manager may propose as appropriate. The housing committee of the City Council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.
- B. The Housing Trust Fund annual plan shall include:
 1. A description of all programs to be funded in part or in full by the Housing Trust Fund.
 2. A description of how funds from the Housing Trust Fund will be distributed among very low-income, low-income and moderate-income households.
 3. The amount of funds budgeted for programs funded in part or in full from the Housing Trust Fund.
- C. Priority for the expenditure of funds collected pursuant to Section 18.1 shall be given to the creation of new housing stock, through either new construction or conversion of nonresidential buildings to residential use.

18.3.5 Distribution and use of the Housing Trust Fund's assets

- A. All distribution of principal, interest, or other assets of the Housing Trust Fund shall be made in furtherance of the public purposes set out in Section 18.1.
- B. During each year, the Housing Trust Fund shall disburse as grants or loans so much of the Housing Trust Fund's assets as the City Council in its discretion has approved in the Housing Trust Fund annual plan.
- C. Funds shall not be used for City administrative expenses.
- D. Funds shall not be used for property operating expenses or supporting services.
- E. No grants or loans shall be awarded by the Housing Trust Fund to corporations, partnerships, or individuals who are delinquent at the time of application in the payment of property taxes or other fees to the City of Portland, who have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under the fair housing laws of the State of Maine, or who have pending violations of current City electrical, plumbing, building, or housing codes or zoning ordinances.

18.3.6 Term of affordability

- A. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of an affordable rental or cooperative unit, the City of Portland shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it



as necessary. The remaining life of the housing unit shall be presumed to be a minimum of 30 years.

- B. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of ownership housing, the City of Portland shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining and equitable balance between the interests of the owner and the interests of the City of Portland.
- C. The affordability restriction requirements described in this subsection shall run with the land and the City of Portland shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Cumberland County Registry of Deeds.

18.4 CONDOMINIUM CONVERSION

18.4.1 Purpose

The purpose of this section is to regulate the conversion of rental housing to condominiums, to minimize the potential adverse impacts of such conversion on tenants, to ensure that such converted housing is safe and decent, and to maintain a reasonable balance of housing alternatives within the city for persons of all incomes.

18.4.2 Applicability

This section shall apply to the conversion of any rental unit to a condominium unit. For the purposes of this section, developer shall mean any person or other legal entity, but not including an established lending institution unless it is an active participant in a common promotional scheme, who,

whether acting as principal or agent, records a declaration of condominium that includes real estate, any portion of which was previously a rental unit.

18.4.3 Protection of tenants

- A. **Notice of intent to convert.** A developer shall give to each tenant, meaning any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise, written notice of intent to convert at least one 120 days before the tenant is required by the developer to vacate. If a tenant has been in possession of any unit within the same building for more than four consecutive years, the notice period shall be increased by 30 additional days for each additional year, or fraction thereof, to a maximum of 240 additional days. The notice shall set forth specifically the rights of tenants under (A), (B), and (C) of this subsection and Subsection 18.4.4, and shall contain the following statement:

If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Department of Permitting & Inspections, City of Portland, 389 Congress Street, Portland, Maine 04101.

- B. If the notice specifies a date by which the tenant is required to vacate, the notice may also serve as a notice of termination under the applicable law of forcible entry and detainer, if it meets the requirements thereof. The notice shall be hand delivered to the tenant or mailed,

by certified mail, return receipt requested, postage prepaid, to the tenant at the address of the unit or such other address as the tenant may provide. The notice shall be effective when actually received. No tenant may be required by a developer to vacate without having been given notice as required herein, except for the reasons specified in the applicable law of forcible entry and detainer, and in accordance with the procedures thereof. The terms of a tenancy, including rent, may not be altered during the notice period, except as expressly provided in a preexisting written lease. If, within 120 days after a tenant is required by a developer to vacate, the developer records a declaration of condominium without having given notice as required herein, the developer shall be presumed to have converted in violation of this article.

- C. Option to purchase.** For a 60-day period following the giving of notice as required in Subsection 18.4.3(A), the developer shall grant to the tenant an exclusive and irrevocable option to purchase the unit of which the tenant is then possessed, which option may not be assigned. If the tenant does not purchase or contract to purchase the unit during the 60-day period, the developer may not convey or offer to convey the unit to any other person during the following 180 days at a price or on terms more favorable than the price or terms previously offered to the tenant, unless the more favorable price or terms are first offered exclusively and irrevocably to the tenant for an additional 60-day period. This subsection shall not apply to any rental unit that, when converted, will be restricted exclusively to nonresidential use. If, within two years after a

developer records a declaration of condominium, the use of any such unit is changed such that but for the preceding sentence, this subsection would have applied, the developer shall be presumed to have converted in violation of this article.

18.4.4 Relocation payments

If the tenant does not purchase the unit, the developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two months, provided that this requirement shall not apply to any tenant whose gross income exceeds 80% of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time notice is given as required in Subsection 18.4.3. Additionally, the developer shall, upon demand, provide assistance to the tenant in the form of referrals to other reasonable accommodations and in determining the tenant's eligibility for relocation payments as provided herein.

18.4.5 Conversion permit

Before conveying or offering to convey a converted unit, the developer shall obtain a conversion permit from the Building Authority. The permit shall issue only upon receipt of a completed application therefore in a form to be devised for that purpose, payment of a fee as established by the City Council, and a finding, upon inspection, that each unit, together with any common areas and facilities appurtenant thereto, is in full compliance with all applicable provisions of Chapter 6, Articles II, III, and V and Chapter 10, Article II of the City of Portland



Code of Ordinances, and the Life Safety Code as adopted by the state. The developer shall post a copy of the permit in a conspicuous place in each unit and shall make copies available to prospective purchasers upon request.

18.4.6 Variation by agreement

No provision of or right conferred by this Section 18.4 may be waived by a tenant, by agreement or otherwise, and any such waiver shall be void. Any attempt to require, encourage, or induce a tenant to waive any provision hereof, or right conferred hereby, shall be a violation of this article. Nothing herein shall be construed to void any term of a lease which offers greater rights than those conferred hereby.

18.5 RELOCATION OF DISPLACED TENANTS

18.5.1 Purpose

The purpose of this section is to encourage the retention of a diverse housing supply throughout the downtown and in areas readily accessible to the downtown, to ensure that persons displaced as the result of redevelopment of residential units to nonresidential uses within the B-3 Downtown Business zone are treated fairly and consistently, and to ensure that persons so displaced will be relocated at the reasonable expense of the developer to comparable housing at a location providing comparable access to services and amenities.

18.5.2 Notice and eligibility for relocation assistance

When a proposed development will result in the displacement of residents of an existing structure, the developer of the property shall give all tenants written notice as set forth below and shall provide

relocation assistance as set forth below for any tenant whose gross income is 80% or less of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time the developer gives the tenant written notice of intent to cause removal of the residential unit. Such written notice shall be given to the tenant at least 120 days before the tenant shall be required to vacate the premises and shall contain the following statement:

The developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Department of Planning and Urban Development, City of Portland, 389 Congress Street, Portland, Maine 04101.

18.5.3 Relocation assistance for all tenants

The developer shall provide, upon demand, assistance to all tenants who will be displaced by the development in the form of referrals to other reasonable accommodations and in determining the tenants' eligibility for relocation payments as provided herein. The developer shall make relocation payments to eligible tenants in accordance with the schedule adopted by the City Council in Subsection 18.5.4.

18.5.4 Schedule of relocation payments for eligible tenants

The developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of



HOUSING

rent paid by the tenant for the immediately preceding two months.



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

Housing Trust Fund Renaming
Zoning Text Amendment
City of Portland, Applicant

Submitted to: Mayor Snyder & the City Council
From: Chair Mazer & the Portland Planning Board
Council Reading Dates: Mar. 1 and Mar. 15, 2021

Prepared by: Kevin Kraft
Date: February 24, 2021

I. INTRODUCTION AND PROJECT SUMMARY

During the December 7, 2020, City Council Inauguration Meeting, Mayor Kate Snyder announced that in honor and recognition of Councilor Jill Duson's contribution to housing, including "...helping to create a municipal environment conducive to the development of affordable and low income eligible housing..." she asked the Housing and Economic Development Committee to review a request to rename the City's Housing Trust Fund the "Jill C. Duson Housing Trust Fund".

The Housing and Economic Development Committee met on January 5, 2021, and voted unanimously (3-0; Ali absent) to support this recommendation.

Following the Housing and Economic Development Committees vote, the recommendation was forwarded to the Planning Board. On February 23, 2021, the Planning Board voted 5-0-2 (Chann and Dunfey abstained) to recommend to the City Council adoption of the proposed text amendment (**Attachment 1**)

II. ZONING TEXT AMENDMENT PROPOSAL

The applicant proposes to amend the Land Use Code Table of Contents and Article 18 Section 18.3.2. Housing Trust Fund. The proposed text amendment includes the following (**included as Attachment 1**):

Article 18.	HOUSING	18-1
18.1	Housing Preservation and Replacement	
18.2	Affordable Housing	
18.3	<u>Jill C. Duson</u> Housing Trust Fund	
18.4	Condominium Conversion	
18.5	Relocation of Displaced Tenants	

Proposed text amendment – Table of Contents

18.3.2 Establishment of the Jill C. Duson Housing Trust Fund

The City Council shall establish a special revenue account under the name “City of Portland Jill C. Duson Housing Trust Fund.” (Housing Trust Fund).

Deposits into the fund shall include:

- A.** Contributions from the City’s housing replacement ordinance under Subsection 18.1.8.
- B.** In-lieu fees under Subsections 18.2.3 and 18.2.5.
- C.** Funds appropriated to be deposited into the fund by vote of the City Council.
- D.** Voluntary contributions of money or other liquid assets to the fund.
- E.** Any federal, state, or private grant or loan funds provided to the fund.
- F.** Interest from fund deposits and investments.
- G.** Repayments of loans made from the fund.

Proposed text amendment – Section 18.3.2

III. PLANNING BOARD DELIBERATIONS AND RECOMMENDATION

The Planning Board considered the proposed text amendment at a public hearing on February 23, 2021. During Planning Board deliberations, several concerns and questions were raised including the appropriateness of using the City’s Land Use Code as a form of honoring and recognizing an individual person, and that numerous other Councilors had made valuable contributions to the City’s housing policies.

One member raised concerns about the extent to which adequate time, outreach, and notice had been made on the item, and whether the Planning Board would have benefited from additional deliberation and public comment to help inform their decision on the recommendation. One member also argued that recognition in the Land Use Code may give an unfair political platform should such honoree have further intent to actively participate in City politics or pursue future elected positions. Planning staff recognized these concerns, but were able to affirm the change exclusively impacted the name of the Housing Trust Fund, would have no policy ramifications, and that all public noticing requirements had been met for the public hearing.

Ultimately two members abstained from voting to recommend it for adoption.

Other members of the Board generally expressed support for the text amendment and renaming of the City’s Housing Trust Fund in honor of Jill Duson’s career in public service and work on housing.

After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted (5-o-2) (Chann and Dunfey abstained) to find that the following text amendment is consistent with the Comprehensive Plan and recommended adoption to the City Council:

1. Text amendment to the Table of Contents (Article 18 Housing) and Article 18, Section 18.3.2 of the City's Land Use Code (Renaming the City's Housing Trust Fund to the Jill C. Duson Housing Trust Fund).

ATTACHMENTS

1. Proposed Text Amendment



Kevin Kraft <kkraft@portlandmaine.gov>

Public Comment: Jill Duson and the Politicization of Our City Code

George Rheault <george.rheault@gmail.com>

Fri, Feb 19, 2021 at 11:13 AM

To: planningboard@portlandmaine.gov, jmy <jmy@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, Kevin Kraft <kkraft@portlandmaine.gov>, James Rather <jrather@portlandmaine.gov>

I urge the Planning Board to reject the proposed "naming" of a defined term in our city's code of ordinances (specifically the land use code) in honor of a politician who left office a mere few months ago.

The reasons are many but break down into 3 main arguments:

1) Our city politics are roiled enough without one side using our city's code as a flashing billboard for unnecessary hagiography. Where will this stop if the Planning Board permits this inappropriate use of the legislative space? Will we soon see a "Kim Cook Accessory Dwelling Unit" or a "Belinda Ray Emergency Shelter Conditional Use" down the road? No better example of this kind of partisanship exists than the fact that two current Planning Board members contributed to Councilor Duson's last campaign (one even maxed out the contribution limit) as well as a business partner (retired?) of another Planning Board member. See attachment for details. Why should Portland's residents interpret this effort as anything other than naked political action especially when campaign contributors and those who owe their places to the same political machine that appointed them are mindlessly going along with the charade? What are we really celebrating here?

2) Enshrinement of any person with a permanent honor (especially in our legislative code) should only be done when a person is either dead or it is clear they have no further intent to actively participate in our city's politics. Jill Duson is very much still alive and could very well serve again in office through election or appointment. Her statements about "retirement" are not binding and it is unfair to the rest of the City that may oppose her on policy grounds to have this proposed honorific embedded in our land use code burden and influence future debates she may be a participant in, especially with the passage of time.

3) Jill Duson's record on housing issues is actually poor (remember the Noyes Street fire in 2014 that killed 6 young Portlanders including a person of color which was a direct result of the regulatory negligence and forbearance that Duson endorsed?). Indeed based on the November 2020 housing referendum results which Councilor Duson actively campaigned against, it is a real insult to many voters and actual history that Councilor Duson is being held up as some kind of purely objective hero on housing funding when in fact she was deeply controversial and her views very much both reactionary and pro-status quo throughout her tenure.

The fact is Jill Duson stands for a pretty stock character in Portland politics - by which I mean a pro-landlord, pro-incumbent homeowner, pro-housing scarcity booster who will do nothing to disturb the status quo until other politicians (in Jill's case, Ethan Strimling) and events (worsening gentrification and the Trump era) forced her hand. Anyone trying to move into Portland or merely hang on here met an ever escalating wall of expense which Councilor Duson mostly just wrung her hands about rather than aggressively addressing with effective policies that had any chance of ameliorating the problem in any helpful time frame.

Instead of working hard to loosen up Portland's absurd anti-housing zoning policies, Councilor Duson did virtually nothing to expedite the promise of the ReCode effort (now stalled indefinitely and years away from producing much progress). On the actual Housing Trust Fund front, Councilor Duson did nothing to close the many loopholes in the housing replacement ordinance that would have helped fill the Trust Fund sooner and faster (examples - Eastland Hotel skipping out on paying for lost units as well as Donald Sussman using a luxury development at 118 Congress Street as a substitute for affordable units lost in the India Street area). Councilor Duson's legacy is mostly a cautionary tale about window-dressing and political paralysis - not a vigorous leader forcing contested but needed solutions on a wary and anxious polity.

And let's be honest, the Housing Trust fund is not a game-changer in terms of appreciably producing more units. The amount of subsidy given mostly is a bribe to affordable housing developers who then get to plump up their developer and management fees at taxpayer expense rather than tightening their overhead in order to make their projects viable. No surprise Jill Duson and her Council allies received campaign contributions from many of the same developers in this space - which simply highlights the sad nexus of how NIMBY politics has enabled developer interests to distort our housing production in this city by getting special privileges and benefits from cozying up with selected politicians while those same elected officials leave largely untouched the pervasive anti-housing policies deeply embedded in Portland's land-use code that are the primary sources of our long-simmering housing insecurity crisis.

There are many ways for our current City Council to use its power to pump up the memory of a former colleague they wish to honor. For instance, Clifford Robertson's family had to wait about 27 years before his service and legacy were honored with a conference room plaque.

See here:

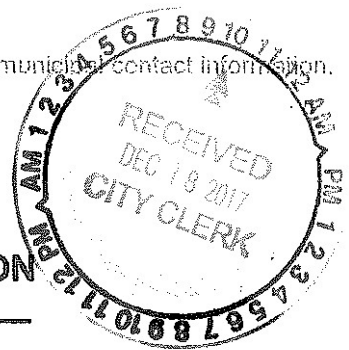
<https://www.pressherald.com/2021/02/15/portland-honors-memory-of-citys-first-black-elected-office-holder/>

Please do the right thing here and firmly and politely decline this effort by requesting that the City Council find some other (hopefully physical) object with which to play their politics.



Duson 2017 Campaign Contributions.pdf

735K



2017 CAMPAIGN FINANCE REPORT — NOVEMBER ELECTION

For Municipal Candidates

Please complete all entries.

Name of Candidate:	Jill C. Duson		☐ Check if any information has changed from previous report
Street Address:	101 Pennell Ave.		
City and Zip Code:	Portland 04103	Telephone Number:	(207) 878-1769
E-mail:	jillduson@gmail.com		
Office Sought:	City Council at Large	District Number (if applicable):	
Name of Treasurer:	Anne M. Haskell		☐ Check if any information has changed from previous report
Mailing Address:	31 Higgins St.		
City and Zip Code:	Portland 04103	Telephone Number:	(207) 712-1244
E-mail:	annehask@maine.rr.com		

TYPE OF REPORT	DUE DATE	DATES OF REPORTING PERIOD
☐ July Semiannual (If required)	July 17, 2017	Beginning of campaign — June 30, 2017
☐ 11-Day Pre-Election	October 27, 2017	July 1, 2017 — October 24, 2017
☒ 42-Day Post-Election	December 19, 2017	October 25, 2017 — December 12, 2017
☐ July Semiannual	July 16, 2018	December 13, 2017 — June 30, 2018
☐ Amendment to:		
☐ Other (specify):		
☐ Check if campaign had no activity for the reporting period (no other pages are required).		

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND TO THE BEST OF MY KNOWLEDGE IT IS TRUE, CORRECT, AND COMPLETE.

Treasurer Signature

Date

Candidate Signature

Date

03/2017

Candidate's Full Name

**SCHEDULE A
CASH CONTRIBUTIONS**

- Itemize all cash contributions from contributors who have given you more than \$50 in this report period.
- Both cash and in-kind contributions count toward the \$50 threshold.
- Report the occupation and employer for individual contributors who contributed more than \$50 in this report period. If you requested employment information but did not receive it, write "information requested."
- Cash contributions of \$50 or less may be aggregated and reported as a lump sum. Use "Contributors giving \$50 or less" as the contributor type.
- If you transferred surplus funds from a previous campaign to your current campaign, report that amount in the first report for the current election cycle.

Total contributions from the same source (except candidate and candidate's spouse/domestic partner) may NOT exceed \$800 in any election for municipal office.

Contributor Types

- | | | | |
|---|---|---|----------------------------------|
| 1 | Candidate and Candidate's Spouse/Domestic Partner | 5 | Political Party Committees |
| 2 | Other Individuals | 6 | Other Candidates and Committees |
| 3 | Commercial Sources (corporations, etc.) | 7 | Contributors giving \$50 or less |
| 4 | Political Action Committees | 8 | Transfer from previous campaign |

Date Received	Contributor's Name, Address, Zip	Occupation	Employer	Type	Amount
	see attached page				
Total Cash Contributions (this page only) ➡ (combined totals from all Schedule A pages must be listed on Schedule F, Line 1)					

DATE RECEIVED	CONTRIBUTOR'S NAME ADDRESS, ZIP	OCCUPATION	EMPLOYER	TYPE	AMOUNT
10-26-17	Thomas Moulton 10 Dana Street Portland ME 04101	Partner	The Dunham Group	2	800.00
10-26-17	Steven Dimillo 113 Pleasant Ave. Portland ME 04103	Owner	Dimillo's Restaurant	2	800.00
10-26-17	Nick Mavodones 79 Chenery St. Portland, ME 04103	Operations Manager	Casco Bay Lines	2	200.00
10/26/17	Proprietors of Union Wharf 36 Union Wharf Portland, ME 04112	Business		3	250.00
10/26/17	Eco Hospitality Consultants Inc 55 Lisbon St., Ste 2400 Lewiston, ME 040240	Business		3	300.00
10/26/17	Greg Groves 45 Eastern Prom Portland, ME 04101	Customer Service	Martin's Point Healthcare	2	100.00
10/27/17	Atlantic Bayside Trust LLC 50 Portland Pier Ste. 400 Portland, ME 04101	Business		3	800.00
10/27/17	Catherine Francoeur 33 Autumn Lane Portland, ME 04103	Training Consultant	UNUM	2	100.00
10/27/17	John Watson PO Box 807 York Harbor, ME 03911	retired		2	800.00
10/30/17	Commerical Street Pilots Inc. 40 Commerical St. #700 Portland, ME 04101	Business		3	500.00
10/30/17	Kelly J. Hasson 79 Chenery St. Portland, ME 04103	retired		2	100.00
11/1/17	Pauline Kane 279 Spurwink Ave. Cape Elizabeth, ME 04107	Realtor	Self Employed	2	250.00
10--25 to 12/12/17	Contributions \$50 or less			2	200.00
	TOTAL				5,200.00

For municipal contact information.



2017 CAMPAIGN FINANCE REPORT — NOVEMBER ELECTION

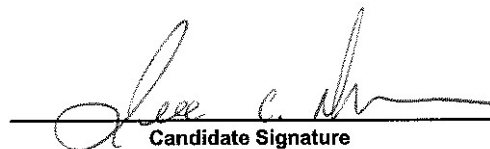
For Municipal Candidates

Please complete all entries.

Name of Candidate:	Jill C. Duson		☐ Check if any information has changed from previous report
Street Address:	101 Pennell Avwe		
City and Zip Code:	Portland 04103	Telephone Number:	(207) 878-0769
E-mail:	jduson@gmail.com		
Office Sought:	City Council at Large	District Number (if applicable):	
Name of Treasurer:	Anne M. Haskell		☐ Check if any information has changed from previous report
Mailing Address:	31 Higgins St.		
City and Zip Code:	Portland 04103	Telephone Number:	(207) 712-1244
E-mail:	annehask@maine.rr.com		

TYPE OF REPORT	DUE DATE	DATES OF REPORTING PERIOD
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☐ Amendment to:		
☐ Other (specify):		
☐ Check if campaign had no activity for the reporting period (no other pages are required).		

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND TO THE BEST OF MY KNOWLEDGE IT IS TRUE, CORRECT, AND COMPLETE.

Treasurer Signature

Date

Candidate Signature

Date

03/2017

Candidate's Full Name

**SCHEDULE A
CASH CONTRIBUTIONS**

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- Both cash and in-kind contributions count toward the \$50 threshold.
- Report the occupation and employer for individual contributors who contributed more than \$50 in this report period. If you requested employment information but did not receive it, write "information requested."
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- | | | | |
|---|---|---|----------------------------------|
| 1 | Candidate and Candidate's Spouse/Domestic Partner | 5 | Political Party Committees |
| 2 | Other Individuals | 6 | Other Candidates and Committees |
| 3 | Commercial Sources (corporations, etc.) | 7 | Contributors giving \$50 or less |
| 4 | Political Action Committees | 8 | Transfer from previous campaign |

Date Received	Contributor's Name, Address, Zip	Occupation	Employer	Type	Amount
	See attached 4 pages				
Total Cash Contributions (this page only) → (combined totals from all Schedule A pages must be listed on Schedule F, Line 1)					

DATE RECEIVED	CONTRIBUTOR'S NAME ADDRESS, ZIP	OCCUPATION	EMPLOYER	TYPE	AMOUNT
7/5/17	James Cohen 62 Deepwood Dr. Portland ME 04103	Attorney	Verrill Dana	2	200.00
7/7/17	Debbie Fisher 9 High Bluff Rd. Cape Elizabeth ME 04106	Real Estate Developer	self	2	100.00
7/18/17	Jeb Troubh 35 Paddock Way Falmouth ME 04105	Real Estate	self	2	250.00
7/28/17	Anne Pringle 44 Neal St. Portland ME 04101	retired		2	100.00
8/5/17	Jay Norris 172 Eastern Prom Portland ME 04101	Professional Consult- ant/Entrepreneur	Self	2	400.00
8/5/17	Craig Young 1 Canal Plaza Portland ME 04101	Real Estate	CBRE/Boulos C.	2	100.00
8/9/17	Marty Pottenger 121 High St. So. Portland ME 04106	Artist	Self	2	100.00
8/9/17	Carol Wishcamper 35 Little River Lane Freeport ME 04032	retired		2	75.00
8/21/17	Liz Cotter Schlax 206 Sligo Rd. Yarmouth ME 04096	Executive Director	UWGP	2	100.00
8/22/17	George Earley 29 William St. Portland ME 04103	Retired		2	100.00
8/25/17	Sean Dundon 5 Stratton Pl. Portland ME 04103	Environmental Engin Engineer	Blackstone Consulting LLC	2	500.00
8/25/17	James Erwin 254 Commercial St. Yarmouth ME 04096	Attorney	Pierce Atwood	2	100.00
8/26/17	Mary Costigan 86 Chenery St. Portland ME 04103	Attorney	Bernstein Shur	2	100.00
8/29/17	James Brady 118 Congress St. 202 Portland ME 04102	Management	Brady Enterprises	2	400.00
8/30/17	David Brenerman 32 Overset Rd. Portland ME 04103	retired		2	352.50
8/30/17	David Brenerman 32 Overset Rd. Portland ME 04103	retired		2	200.00
8/30/17	Briton Vitalius 48 South St. Falmouth, ME 04096	Owner/Broker	Vitalius Real Estate Group	2	200.00
8/30/17	Leslie Clark 12 Texas St. Portland ME 04103	retired		2	100.00
8/31/17	Ty Hobbs 340 Eastern Prom #226 Portland ME 04101	Associate Broker	The Boulos Company	2	100.00
9/14/17	Karen Sudbay 108 Monument St. Portland ME 04101	Congressional Staff	US House of Representatives	2	100.00
9/18/17	Sharon Sudbay 108 Monumant St. Portland ME 04101	consultant	self	2	100.00
				Page 1	3,777.50

9/19/17	Ann Marie Swenson	2 Goldenwood Drive Scarborough ME 04032	Commercial Lending Manager	People's United Bank	2	100.00
9/21/17	Danielle Conway	21 Northledge Terrace Falmouth ME 04105	Dean	University of Maine School of Law	2	400.00
9/21/17	Drummond Woodsum	84 Marginal way Portland ME 04101	company		3	250.00
9/25/17	Lawrence Wold	40 Lambert St. Freeport ME 04132	Banker	TD Bank	2	200.00
9/25/17	Angela Helton	141 Brigham St. So. Portland ME 04106	Business Owner	Northeast Media Associates	2	100.00
9/26/17	James Boyle	25 Dundee Rd. Gorham ME 04038	retired		2	800.00
9/28/17	Thomas Watson	94 Pine St. Portland ME 04102	Self	Watson & son	2	300.00
9/28/17	Edward Suslovic	46 Kenwood St. Portland ME 04103	program staff	University of Southern Maine	2	100.00
9/28/17	Jennifer Southard	46 Kenwood St. Portland ME 04103	nonprofit director	Maine Communit Foundation	2	100.00
9/28/17	Felicia Knight	11 Sylvan Rd. Scarborough ME 04032	President	The KnightCanney Group	2	100.00
9/28/17	Quincy Hentzel	7 Old Farm Lane Cape Elizabeth 04107	Executive	Portland Regional Chamber	2	100.00
9/29/17	Thomas Watson	94 Pine St. Portland ME 04101	Self	Watson & son	2	500.00
10/6/17	Tom Landry	44 Coyle st. Portland, ME 04102	Owner, broker	Benchmark Real Estate		250.00
10/6/17	Joseph Gray	263 State St. Portland ME 04102	retired		2	250.00
10/6/17	James Cloutier	465 Congress St. Portland ME 04101	Attorney	Cloutier, Conley, Duffett PA	2	100.00
10/10/17	Lot 5 Liberty LLC	PO Box 910 Westbrook ME 04092	LLC		3	750.00
10/10/17	Marty Sittig	2108 Ellicott Dr. Tallahassee, FL 32308	owner	Cottage Living	2	250.00
10/10/17	Aquarius Property M	780 Broadway So. Portland ME 04106	company		2	100.00
10/10/17	Harold Pacios	882 Shore Rd. Cape Elizabeth 04107	attorney	Preti Flaherty	2	100.00
10/10/17	Sean Kerwin	18 Parris St. Portland ME 04102	Builder	Self	2	100.00
10/10/17	Mark Ethan Boxer Macomber	34 Glenwood Ave Portland 04103	community development	Anew Development LLC	2	100.00
10/10/17	Edward Lewis Payne	139 Ashmont St. Portland ME 04103	self	Housing Provider	2	100.00
10/11/17	Bryan Dench	78 Hersey St. Portland ME 04103	lawyer	Skelton Taintor and Abbott	2	100.00
					Page 2	5,250.00

10/16/17	Portland Public Mark	PO Box 535 Buxton, ME 04093	LLC		3	800.00
10/16/17	Maine Wharf LLC	PO Box 535 Buxton, ME 04093	LLC		3	800.00
10/16/17	Lionel Plante Associates	98 Island Ave. Portland ME 04102	LLC		3	800.00
10/16/17	J. David Pirone	1 Partridge Circle Portland ME 04103	retired		2	500.00
10/16/17	Stephen Goodrick	760 Harbour Isles Ct. No. Palm Beach FL 33410	requested		2	400.00
10/16/17	Sidney St. F. Thaxter	40 Summer st. Portland ME 04101	attorney	Curtis, Thaxter, et	2	250.00
10/16/17	Daniel Haley	140 Eastern Promenade Portland ME 04102	requested		2	250.00
10/16/17	David Pierson	6 Partridge Circle Portland ME 04103	attorney	Eaton Peabody	2	200.00
10/17/17	Kevin Costello	59 Washington St. Marblehead, MA 01945	Real estate	CPB2	2	250.00
10/17/17	John Lufkin	39 Shannon Lane Saco ME 04072	Business Banker	Key Bank	2	100.00
10/17/17	Benjamin Dudley	9 Ponce St. Portland ME 04102	consultant	self	2	100.00
10/17/17	Juliet Browne	142 Pine st. Portland ME 04102	lawyer	Verrill Dana LLP	2	100.00
10/18/17	James Cohen	62 Deepwood Dr Portland M 04103	attorney	Verrill Dana LLP	2	150.00
10/18/17	Brandon Mazer	45 Eastern Prom 9F Portland ME 04101	attorney	Shipyard Brewing	2	100.00
10/18/17	Nathaniel Hull	12 Pine St. Portland ME 04101	lawyer	Verrill Dana LLP	2	100.00
10/20/17	Malone Commercial Brokers	5 Moulton St. Portland ME 04101	Business		3	500.00
10/20/17	Ready Seafood	PO Box 17562 Portland ME 04112	Business		3	500.00
10/20/17	Roger Berle	6 Island Ave. Cliff Island, ME	self	Construction	2	350.00
10/20/17	Portland Longshore- men's Society	PO Box 8141 Portland ME 04104	Business		3	250.00
10/20/17	Harborview Properties	147 Fore St. Portland ME 04101	Business		3	250.00
10/20/17	Ruben Flores	107 Pennell Ave Portland ME 04103	Self	construction	2	150.00
10/20/17	Michael Burton	118 Hope Ave Portland ME 04101	Team Member	Acadia Benefits	2	100.00
10/20/17	Dan Anderson	1326 Washington Ave Portland ME 04103	Real estate	self	2	100.00
					Page 3	7,100.00

10/20/17	Elizabeth Whitman	40 Pitt St. Portland ME 04102	retired		2	100.00
10/12/17	Jack Humeniuk		Business Agent	ILA	3	200.00
10/21/17	Russ Pierce	6 Masefield Terrace Cape Elizabeth ME 04106	Asset mgnt and Operations	Port Properties	2	250.00
10/22/17	Sean Dundon	5 Stratton Place Portland ME 04102	Environmental Engineer	Blackstone Consulting LLC	2	300.00
10/22/17	Phineas Sprague	159 Charles E. Jordan Rd. Cape Elizabeth ME 04106	manager	Portland Yacht Services	2	250.00
10/22/17	Casey Prentice	254 Commercial St. Portland ME 04101	Hospitality	Prentice Hospitali Group	2	225.00
10/24/17	Port Property Management	104 Grant St. Portland ME 04101	business		3	800.00
10/24/17	Crandall Toothaker	PO Box 4271 Portland ME 04112	Real Estate	Portland Maine Rentals	2	750.00
10/24/17	Joseph Morris	172 Eastern Prom Portland ME 04101	requested		2	500.00
10/24/17	Eric Higgins	PO Box 600 Scarborough ME 04032	contractor.	LR Higgins Inc	2	200.00
10/24/17	Leslie Merrill	5 Edgecomb Court Portland ME 04103	constituent services	US House of Representatives	2	100.00
10/24/17	Crunch Consulting	142 High St. Portland ME 04101	business		3	100.00
10/24/17	Ralph Baldwin	305 Commercial St. Portland ME 04101	retired		2	\$ 100.00
10/24/17	Francis Cloutier	PO Box 4271 Portland ME 04112	requested		2	100.00
10/24/17	June Delano	38 Hastings St. Portland ME 04103	retired		2	100.00
10/24/17	John Baldacci	18 Plymouth St. Portland ME 04102	econ development	Pierce Atwood	2	100.00
7/1/2017 - 10/24/17	Contributions \$50 or less				2	1,496.99
					Page 4	5,671.99

Jeffrey Robert Levine <jrlevine@mit.edu>

Feb 19, 2021, 3:49:24 PM (4 days ago)



to planningboard@portlandmaine.gov, ksnyder@portlandmaine.gov

2/18/2021

To the Planning Board:

I was pleased to see a proposal being advanced by Mayor Snyder and others to rename the City's Housing Trust after former City Councilor At-Large Dusen. Her work on behalf of housing issues in the City over her career, culminating in several years at the head of the City's former Housing Committee, warrants such an honor. Councilor Dusen was able to make effective and efficient use of the City Housing Trust as part of what she always called a "bucket" of housing tools.

There is another former City Councilor who also deserves a similar honor. Former District One City Councilor Kevin Donoghue was instrumental in the creation and capitalization of the Housing Trust. He advanced the original Housing Preservation and Replacement Ordinance, and the creation of what was originally referred to as the Housing Replacement Fund. Later, in 2015, he was the leading force in creation of the City's Workforce Housing Ordinance, which created an inclusionary zoning requirement for large new housing developments. That Ordinance has been the primary source of funding for the Housing Trust. Just as Jill Dusen was an expert at utilizing the Housing Trust as a financing layer that leveraged other investments, Kevin Donoghue saw the potential of creating and funding the Trust to fulfill this purpose.

Both Dusen and Donoghue were passionate and successful in advancing production of below-market housing while on the Council. Both deserve recognition for doing so.

For these reasons, I would request that the Planning Board consider recommending the proposal be amended to honor both leaders. The "Jill C. Dusen and Kevin J. Donoghue Housing Trust Fund" would be a great name.

best,

Jeff

Jeff Levine, AICP (he/him)

Lecturer in Economic Development & Planning

Department of Urban Studies & Planning

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 1, 2021

SUBJECT: Order 179-20/21 Traffic Schedule Amendment Re: Limiting Parking on Both Sides of Waverly Street to One Hour - Sponsored by Jon P. Jennings, City Manager

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

In October 2020, the City Manager's office received a petition, signed by over 60% of households and/or businesses with frontage on Waverly Street, requesting that parking on both sides of the street be permanently restricted to one hour.

Petitioners indicated to staff that this request is intended to address a shortage of on-street parking spaces available to Waverly Street residents, as well as the congestion resulting from a high demand for on-street parking.

On October 21, 2021, the Sustainability & Transportation Committee approved the petition for the consideration of the full City Council (3-0). The Committee also requested that any 15-minute parking spots on Waverly Street be maintained, to which staff agreed.

Waverly Street is a two-way street of about 25 feet in width. It is located within Residential Parking Zone 12. As such, residents who apply for and receive residential parking permits would be exempt from these requested restrictions.

This item must be read on two separate days. It received its first reading on March 1, 2021. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order Waverly Street Parking Change - Traffic Schedule Amendment 3.1.2021
2. Waverly 1 hour petition
3. Public Comment Regarding Waverly Street
4. Waverly Street Public Comment

Prepared by:

Date: 3/1/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**TRAFFIC SCHEDULE AMENDMENT
RE: LIMITING PARKING ON BOTH SIDES OF WAVERLY STREET
TO ONE HOUR**

ORDERED, that the City of Portland's Traffic Schedule be and hereby is amended as follows:

By Adding under Waverly Street, from a point 135 feet east of Stevens Avenue for a distance of 570 feet:

North Side

☐ **Schedule XVII – 1 Hour Parking**

By Adding under Waverly Street, from a point 205 feet east of Stevens Avenue for a distance of 465 feet:

South Side

☐ **Schedule XVII – 1 Hour Parking**

Petition for Parking/Traffic Mitigation Changes



Petitioner information

Name: Amanda M. Poulin
Address: 41 Waverly Street
Email: apoulin76@gmail.com
Phone #: 207-210-1968

I am a: ☒ resident

Location of parking change request

Street: Waverly Street
Cross street 1: Forest Avenue
Cross street 2: Stevens Avenue

Time-limited parking requested (circle one):

Odd side

Even side

Both

Time limit (circle one):

1 hour

2 hours

The petition must contain signatures of at least 60% of households and/or businesses (a unit of housing, e.g., single family home, a unit in a multi-family building, commercial businesses) on the requested block. No more than one signature per household or business may be represented on the petition.

Submit petition by mail or email to:

Assistant to the City Manager for Constituent Services
Re: Parking/Traffic Petition
Room 208
Portland, ME 04101

Petition for Parking/Traffic

Mitigation Changes

Street: Waverly Street 9/25/2020



Address	Unit #	Printed Name	Signature	# of vehicles in household	Email *if you wish to be contacted by email in the event of a public meeting
13 Waverly St 04103		Matt Pinney		1	✓
20 Waverly St 04103 #2	#2	Annie Gonsalves	Annie Gonsalves	2	✓
22 Waverly St. 04103	#2	Marne McInnis		3	✓
22 Waverly St.	#1	Sean Hyman		2	✓

Received:

Name

10/2

Date

For Office Use Only

389 Congress Street • Portland, Maine 04101 • 207-874-8300

info@portlandmaine.gov • www.portlandmaine.gov

Petition for Parking/Traffic

Mitigation Changes

Street: Waverly Street 7/17/2020



Address	Unit #	Printed Name	Signature	# of vehicles in household	Email *if you wish to be contacted by email in the event of a public meeting
36 Waverly St 1		Tom Sepulveda	[Signature]		
36 Waverly St.	1	Michael Fox	[Signature]		
36 Waverly St	1	Jonathan Aveline	[Signature]	✓	
36 WAVERLY ST	1	DOOST ZWART	[Signature]		
36 Waverly	2	Elliot Clavette	[Signature]		
36 Waverly St	2	Green Ocean	[Signature]	✓	
36 Waverly	2	SEAN HUGHES	[Signature]		
36 Waverly	2	Andrew Dand	[Signature]		

For Office Use Only

Received: _____

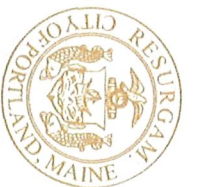
Name _____

Date _____

389 Congress Street • Portland, Maine 04101 • 207-874-8300

info@portlandmaine.gov • www.portlandmaine.gov

Street: WAVERLY St 7/7/2020



Received: _____
Name _____
Date _____

For Office Use Only

Mitigation Changes

[illegible]

info@portlandmaine.gov • www.portlandmaine.gov

Mitigation Changes

9/16/2020

[illegible]

info@portlandmaine.gov • www.portlandmaine.gov

2

Public Comment Regarding Waverly Street

Dear Ms. Libner:

The concept of restricting parking on Waverly Street to one hour, on pain of death, or having to jump through hoops to get a residential parking permit, is ill conceived, to say the least!

Most of us, except for orphans, do have occasional company, and often, they like to visit longer than an hour.

Some who park on Waverley Street are UNE students, Who don't need the added aggravation of searching for an elusive parking spot before the bell rings for their classes.

Do these restrictions also apply to service vehicles? Does the Spectrum repair man have one hour to complete a two-hour task? Are emergency vehicles exempt? God help us if one of us succumbs and it takes the paramedics longer than an hour to drag our lifeless bodies down the stairs, not to mention the morticians and police cars!

This one-hour parking idea is unworkable for so many reasons. Please, do not perpetrate any more parking limitations on our street!

Granted, it is sometimes difficult to navigate the street at certain times of day, but with a preschool on one end and condos on the other, we have learned to live with the inconveniences.

Many of the students who live on this street have parents who help them move into housing. Often, it takes them more than an hour to unpack their child's belongings and say goodbye to them. Sometimes, they even spend the night!

Please rethink this very unfortunate idea and leave waverly Street parking as it is, because it works!

Here's a concept: why don't you build more parking garages and reasonably-priced apartments for those of us who are not millionaires!

Please note that, if this "law" to limit Waverly Street parking to one hour, goes into affect, we will vociferously appeal the case!

Thank you for your attention to this matter.

Sincerely,
Carol Raney

Waverly Street Public Comment

Dena,

RE: Waverly Street parking restrictions

I will be unable to participate in the Sustainability & Transportation Committee Meeting scheduled for October, 21 AT 5:30. PM. I would appreciate if you pass along my comments about the petition to restrict parking on both sides of Waverly Street to one hour.

A couple of concerns:

>> First, has any consideration been given to **one side of the street parking**? The width of the street is apparently non-conforming so even with restricted parking there could be issues with city vehicles (garbage, fire, ambulance) gaining safe access to the street, especially in the winter months.

>> Second, is how the street will be marked to inform the public about the parking restrictions on the street. Specifically, having a large number of metal posts with signs along both sides of the street. I am not in favor of having these signs posted in front of my house at 35 Waverly Street.

Thank you for sharing these concerns with the committee.

Sincerely,

Jerry Hankinson
Deborah Newman
35 Waverly St.
Portland, ME 04103

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: LOT COVERAGE PROVISIONS IN THE B-3 ZONE

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

*That Chapter 14, Sec. 14-7, Table 7-E, Mixed-Use Zone
Dimensional Standards, is hereby amended to read as follows, on
the following page:*

TABLE 7-E (CONT.): MIXED-USE ZONE DIMENSIONAL STANDARDS

	B-1/B-1b	B-2/B-2b/B-2c	B-3/B-3b/B-3c	B-4	B-5/B-5b	B-6	B-7
Structure height (max.)	On-Peninsula: 45 ft., except 50 ft. along Congress Street if commercial first floor and residential above ²	45 ft., except: 50 ft. if first floor is in commercial use and 65 ft. in B-2 and B-2c on lots >5 ac. if required side and rear setbacks are increased by 1 foot for each foot of height over 45 ft.	See Downtown Height Overlay Map	65 ft.	65 ft., except in B-5b along W. Commercial St. south of Danforth St. ⁵ and 120 ft. on Thompson's Point ⁶	65 ft. or as otherwise governed by the B-6 Building Height Overlay Map	See Bayside Height Overlay Map
Lot coverage (max.)			25% of lot area for portions of structures exceeding 125 ft. in height ⁴				
Impervious surface ratio (max.)	90%	Residential: None Other uses in B-2 and B-2c: 80% Other uses in B-2b: 90%		80%			

¹ Uses in structures which existed prior to the date of enactment of the B-1/B-1b zones are exempt.

² The commercial first floor uses shall utilize at least 75 % of the first-floor frontage along Congress Street and shall have an average depth of at least 20 ft.

³ A building will be determined to have an active street frontage upon meeting the following guidelines to the greatest extent practicable: the primary building façade shall be within 10 ft. feet of the front lot line; there shall be no parking on the lot within 35 ft. of the front lot line; no more than 25% of the first floor primary façade shall consist of access to garages, unutilized space, service entrances, storage or mechanicals and the remaining minimum 75% shall have an average depth of a minimum of 20 ft. for residential or commercial uses; and all primary ground floor entries to multi-family buildings must orient to street, not to interior blocks or parking lots.

⁴ Except that no floor area shall be required to be less than 10,500 SF, gross.

⁵ For parcels of land in the B-5b zone located along W. Commercial St. south of Danforth St.: West of the projection of the centerline of the Fletcher St. right-of-way, the maximum building height shall be 45 ft.; and, east of the projection of the centerline of the Fletcher St. right-of-way and west of the projection of the centerline of the Emery St. right-of-way, the maximum building height shall be 55 ft. A projection of the centerline of a street is defined by extending the centerline of the referenced street right-of-way along its most southerly block to the centerline of W. Commercial St. Furthermore, notwithstanding Subsection 7.5.1, no rooftop structure located between the projections of the centerlines of Emery St. and Fletcher St., as described above, shall exceed a height of 62 ft as measured from average grade of the building at its foundation.

⁶ Applies only to parcels subject to an approved master development plan. Thompson's Point is defined as the contiguous parcels of upland occupying the peninsula bounded on the east by Route 295, on the north by the Mountain Division Rail right-of-way, and on the south and west by the Fore River and its associated wetlands. Nearby lands accessed from Hobart and Osgood Streets are not included.

⁷ Does not apply to parking garages and public transportation facilities. Notwithstanding required setbacks, new structures located in the blocks located south of Fore Street and north of Commercial Street and its extension shall build to the key building envelopes shown on the B6 Building Height Overlay & Building Envelopes map. Buildings located in the area east of the Fore Street Connector shall not have a maximum front setback and shall not be required to build to the key building envelope perimeter. Parking structures and the buildings for public transportation facilities may, however, be set back beyond the key building envelopes (toward the interior of blocks), but may not occupy the land between the key building envelope and the street right-of-way.

⁸ For buildings fronting on two or more streets, the minimum building wall on one street may be decreased so long as the frontage is proportionally increased on other streets in so far that the building wall on the secondary street is not reduced to less than 25 ft. Buildings in the area east of the Fore Street Connector shall not be subject to this requirement.

⁹ Does not apply to additions to or relocations of designated historic structures or structures determined to be eligible by the Historic Preservation Board.



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

200 Federal Street
Zoning Amendments – Downtown Height Overlay Map, B-3 Dimensional Standards
ZN-001230-2020
CBL: 032 G001001
Redfern Downtown, LLC, Applicant

Submitted to: Mayor Snyder & the City Council Council Reading Dates: March 1 and March 15, 2021	Prepared by: Caitlin Cameron, Urban Designer Date: February 12, 2021
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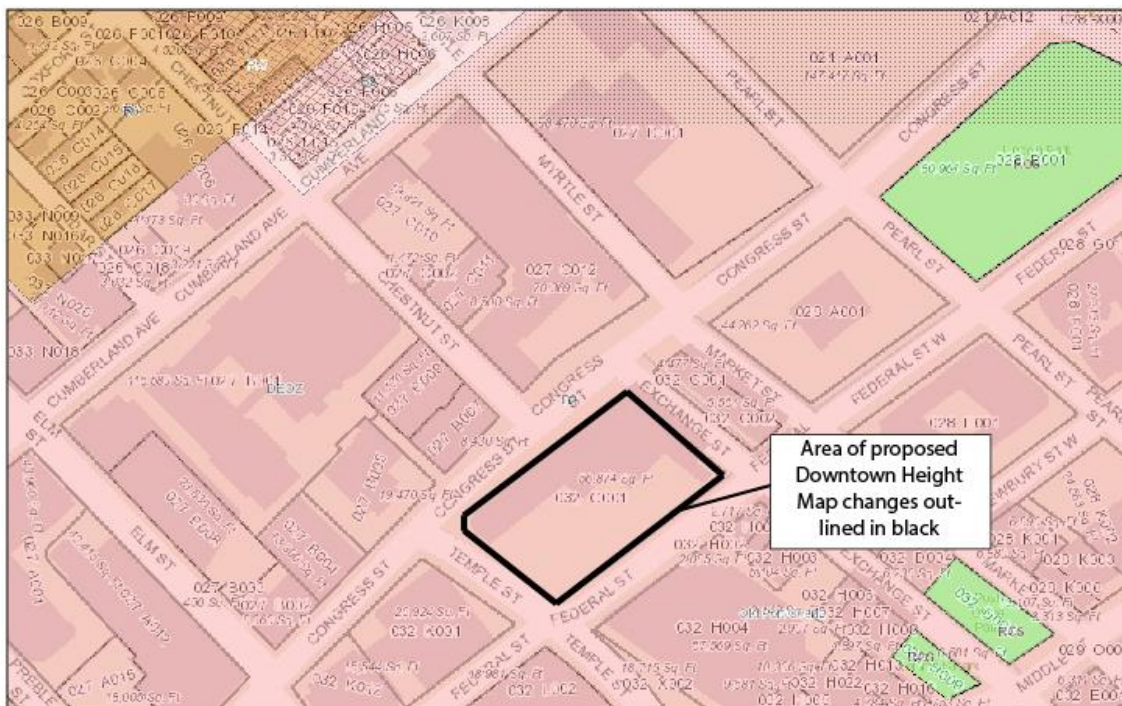


Figure 1 Area of Proposed Downtown Height Map Amendment

I. INTRODUCTION AND PROJECT SUMMARY

On January 26, 2021 the Planning Board voted 7-0 to recommend to the City Council adoption of Downtown Height Overlay map (**attachment 1**) and B-3 text amendments (**attachment 2**) to facilitate the development of properties at 200 Federal Street, currently surface parking and plaza space downtown. The proposed amendments to the B-3 Downtown Business Zone text amendment and Downtown Height Overlay Map amendment for the block at 200 Federal Street include:

- Amendment to the Downtown Height Overlay Map to remove the architectural cap designation and increase the maximum height to 190 feet
- B-3 Text amendment to *Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards* clarifying how to define maximum floor area allowed above 125 feet in height

The objective for these amendments is to facilitate the proposal by applicant RedFern Downtown LLC for the development of an 18-story, 180,000 square foot mixed use building with 266 residential units, ground-floor commercial space, amenity spaces for the residents, and 21 surface parking spaces at 201 Federal St W. The proposed B-3 text amendment would impact the zone in its entirety and not only a future project on the applicant's site. Accordingly, the Planning Board considered the changes from the perspective of whether the lot coverage proposed is appropriate for the B-3 zone overall.

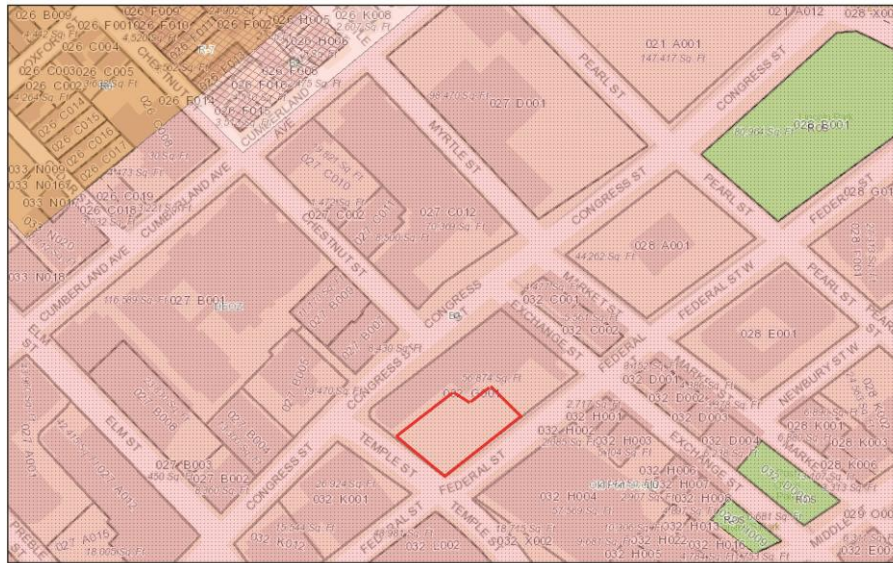


Figure 2: Zoning Map (applicant's property outlined)

a. Current Land Uses and Zoning

The site is at the heart of Portland's walkable downtown, proximate to some of the tallest structures in the city. An existing parcel is being divided to create the new property at 201 Federal Street W at the corner of Temple and Federal streets behind the existing USPS building. The site is located in the B-3 Downtown Business zone. The B-3 zone is a high-density commercial, residential, and mixed-use district mapped throughout the City's downtown. Maximum building heights are regulated by the Downtown Height Overlay Map and vary between 45 feet up to 210 feet. In certain locations, an architectural cap allowance is permitted and allows for an additional 40 feet above the designated height limit.

The applicant's property currently includes a plaza space, surface parking, and an entrance to the USPS facility. Within the same block is the 1950 USPS building facing Congress Street and two historic office buildings fronting on Exchange Street. The surrounding blocks below Congress Street within the same streetscape as this proposal include more recent buildings such as the high rise office buildings One City Center and Two Monument Square, and the Temple Street Parking Garage; the maximum height allowed in these blocks is 150 feet plus up to 40 feet for an architectural cap (Figure 5). The site is not located immediately adjacent to the historic, smaller-scale streetscapes of Congress or Exchange streets and instead has a more immediate relationship to taller, more contemporary structures.



Figure 3: Overall Context

b. Historic Resources

The block being considered is also within the Congress Street Historic District. The proposed new construction will be reviewed by the Historic Preservation Board for design. The block includes three existing buildings, two of which are contributing structures facing Exchange Street. Exchange Street is an important historic street in the downtown with smaller scale, historic buildings and a high volume of tourist foot traffic. The Downtown Height Overlay map protects the historic scale of Exchange Street with a 100 foot offset limiting heights to a 125 foot maximum immediately adjacent to the more sensitive streetscape.

Historic Preservation staff has these additional comments:

Given that most of the historic structures that line Exchange Street are about four stories (six to seven stories on the uppermost block between Congress and Federal), a building of 150 feet would already represent a significant jump in scale from that of Exchange Street. The question becomes, then, whether an additional 40 feet would significantly increase any negative impact of this height disparity.

As viewed from Exchange Street, especially from the corner of Exchange and Federal, the proposed new building will be viewed against buildings of considerable height. Two Monument Square and One City Center, while not as tall as the proposed structure, are 11 and 14 stories respectively. With these buildings as a backdrop, the proposed 190' structure will not appear unduly anomalous in terms of building height and overall scale. Additionally, the provision of a 100' setback from Exchange Street and the 90' maximum streetwall height will help mitigate any impacts.

In addition, the Congress Street Historic District, when created, gave deference to the B-3 zone's height and scale recognizing that downtown Portland has historically and continues to be the location of its tallest buildings and with varying scales.

Sec. 17.8.3. A.6. In the Congress Street Historic District, for new construction within the B-3 zone, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the B-3 zone.

From Deb Andrews, Historic Preservation Program Manager:

... this amendment was adopted to ensure that the more generous heights established for new construction in the B-3 zone would be honored notwithstanding the area's designation as a historic district. (It also recognized that the Congress Street is noteworthy for its significant variety of building heights and scale.) This policy decision may be instructive as the Planning Board considers the request for additional height on this site.

II. DOWNTOWN HEIGHT OVERLAY MAP AMENDMENT PROPOSAL

The applicant's property will be a new parcel created within the block at 200 Federal Street behind the USPS building. The Downtown Height Overlay Map would be modified to remove the 40 foot Architectural Cap (described below in staff analysis) and increase the maximum building height to 190 feet. The 90 foot street wall maximum would be maintained along with the requirement to step back the building 15 feet after that 90 foot height is met. The 100 foot offset preserving lower heights on the more sensitive Exchange Street would remain. The applicant's rationale for the request relies on the economic feasibility of the project in relationship with the construction type and costs for buildings of this scale. The applicant provided renderings of the proposal in its context to provide a sense of scale in comparison with the existing built environment.



Figure 4: View of proposed height from Temple Street

The overall maximum height and massing allowed on this block will not change. Currently on this block, buildings may occupy floor area up to 150 feet in height with the ability to build as tall as 190 feet by incorporating a 40 foot architectural cap above and beyond a 150 foot maximum height. The 40 foot

architectural cap is intended for these purposes (from the *Downtown Height Overlay Map* ***Architectural Cap Allowance):

- 1) Providing a distinctive graduated design for an architectural building top
- 2) To enclose rooftop appurtenances

The architectural cap may include habitable space in the following circumstances as a public good:

Downtown Height Overlay Map - No habitable floor area shall be developed within the building envelope permitted by the additional forty (40) feet, unless at least fifty (50) percent of such habitable floor area is devoted exclusively to one (1) or more publicly accessible uses, such as eating or drinking establishments, an observatory, community meeting rooms or halls available to the public or such other uses that make reasonable accommodation for public use at reasonable times, on a nonmembership basis at no cost or at a cost that will not exclude use by the general public, and provided that such floor area is incidental to the primary design intent of the space to achieve the standards of this section.

Potential implications of the height amendments:

- Scale: The overall scale and massing implications do not change with this proposed amendment. The maximum building wall of 90 feet remains the same, producing the same sense of scale of the building at the pedestrian level. The overall height to which a building structure can rise also remains the same – totaling 190 feet.
- Rooftop Appurtenances: The intent of the architectural cap is to integrate the design of rooftop systems and appurtenances with the overall building form. However, Chapter 14 dimensional exemptions currently exempts rooftop appurtenances from height maximums. Staff do not find any language within the B-3 zone or the Downtown Height Overlay Map that override this exemption. Therefore, though the stated intent of the cap is to house rooftop appurtenances, they are currently and would continue to be allowed above and beyond the maximum height allowance.
- Provision of Housing: The height amendment allows for potential additional housing to be provided on the site. Approximately sixty-four (64) additional housing units are proposed within the applicant's Level III site plan proposal as a result of being able to occupy the floor area above 150 feet. However, the amendment does not guarantee additional housing will be provided because a future building proposal could potentially occupy that floor space with any use allowed in the B-3 zone.
- Parking: The proposed zoning amendments would allow additional habitable floor area in a physically constrained urban infill lot. The increase in habitable floor area also means an increase in required parking. This will need to be accommodated off-site or through the fee-in-lieu given the physical limitations of the site. Traffic and parking implications should be considered. At this time, the applicant proposes to reduce the parking requirement and provide residential parking off-site in an existing garage. Additionally, in December 2020, the City Council adopted parking provisions that allow developments within a ¼ mile radius of fixed route transit to waive out of off-street parking requirements. Any project choosing to take advantage of this exception in lieu of the parking requirements is required to provide a Transportation Demand Management Plan.

Several of the above items are not within the scope of the zoning application before the Board for this hearing and will be reviewed under the Level III Site Plan application.

III. ZONING TEXT AMENDMENT PROPOSAL

The proposed B-3 text would amend *Land Use Code Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards* to modify lot coverage as presented in Attachment 2:

⁴ Except that no floor area shall be required to be less than 10,500 SF, gross.

Staff support the addition of the clarifying language. The interpreted intent of these standards is to mitigate the scale impacts of buildings above 125 feet in height; if the intent is to regulate building scale and footprints, elevators and stairways should be included in the calculation as they contribute to the footprint area. Reference is made elsewhere to gross floor area – to remain consistent with the area of measurement, staff propose introducing the word “gross” to footnote 4 for lot coverage. Gross floor area includes exterior walls. By specifying gross floor area, the intent of the code is more easily interpreted in the future for staff or applicants and creates a consistent reference to how floor area should be measured.

The resulting text amendment would not exclude elevators and stairs from the calculated floor area so that for portions of structures which exceed one hundred twenty-five (125) feet in height, the maximum horizontal building coverage at one hundred twenty-five (125) feet or higher shall not exceed twenty-five (25) percent of the site area, except that no floor area shall be required to be less than ten thousand, five-hundred (10,500) square feet, gross.

IV. COMPREHENSIVE PLAN ANALYSIS

Portland's Plan 2030

Comprehensive Plan goals and policies (state and local) relevant to the proposed map and text amendments are included below. The map and text amendments align with these vision statements and goals by adding infill, residential units within a dense, downtown location currently on an under-developed surface parking lot. The increase in height allows for an increase in dwelling units within a walking and transit-oriented site. Increasing the viability of downtown, infill sites potentially reduces new construction in green field or outlying areas. In addition, the map amendment would allow for a higher number of residential units providing more housing; in this instance, the units are proposed to be market-rate rental apartments and the required workforce units will be provided on-site.



Vision Statements

- Equity: We will be a state and national leader in achieving a more equitable city.
- Equity: We will incorporate the needs of all our residents in planning for our future.
- Sustainable: Portland has been built and rebuilt to endure; we will balance our historic fabric, sound infrastructure, and the best of new technology and design for the future.
- Sustainable: Portland will grow in order to sustain our community, infrastructure, and economy.
- Sustainable: Growth should respect and seek to preserve our spectacular natural resources.
- Secure: We will be committed to accessible housing and healthy food for all our residents.

Environment

- Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.
 - Continue to develop land use policies which support complete neighborhoods.

An Enduring City – Historic Preservation

- Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.
- Ensure an appropriate balance of continuity and change as Portland grows and evolves.

A Livable City: Housing

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

An Accessible City – Transportation

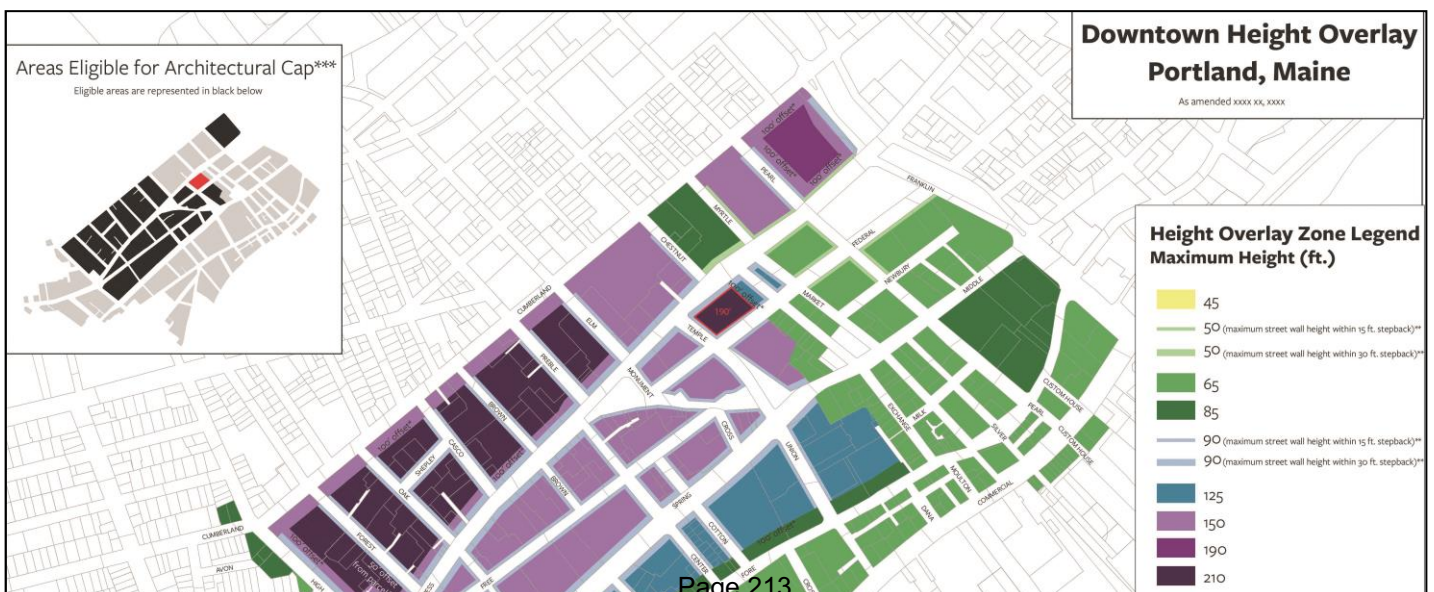
- Promote multi-modal accessibility, enabling residents and visitors of all ages and abilities to participate fully in the social and economic life of the community.
 - Enhance the pedestrian realm

Future Land Use

- Complete Neighborhoods
- Reinforce the Center

V. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed Downtown Height Overlay Map amendments at a hearing on January 26, 2021. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (7-0) to find that the following amendments are consistent with the Comprehensive Plan and recommended adoption to the City Council:



The Planning Board considered the proposed B-3 text amendment at a hearing on January 26, 2021. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (7-0) to find that the following amendment is consistent with the Comprehensive Plan and recommended adoption to the City Council:

Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards to modify lot coverage as presented in Attachment 2:

⁴ Except that no floor area shall be required to be less than 10,500 SF, gross.

ATTACHMENTS

1. Downtown Height Overlay amendments
2. Proposed Text Amendments: Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards amendment

TABLE 7-E (CONT.): MIXED-USE ZONE DIMENSIONAL STANDARDS

	B-1/B-1b	B-2/B-2b/B-2c	B-3/B-3b/B-3c	B-4	B-5/B-5b	B-6	B-7
Structure height (max.)	On-Peninsula: 45 ft., except 50 ft. along Congress Street if commercial first floor and residential above ²	45 ft., except: 50 ft. if first floor is in commercial use and 65 ft. in B-2 and B-2c on lots >5 ac. if required side and rear setbacks are increased by 1 foot for each foot of height over 45 ft.	See Downtown Height Overlay Map	65 ft.	65 ft., except in B-5b along W. Commercial St. south of Danforth St. ⁵ and 120 ft. on Thompson's Point ⁶	65 ft. or as otherwise governed by the B-6 Building Height Overlay Map	See Bayside Height Overlay Map
Lot coverage (max.)			25% of lot area for portions of structures exceeding 125 ft. in height ⁴				
Impervious surface ratio (max.)	90%	Residential: None Other uses in B-2 and B-2c: 80% Other uses in B-2b: 90%		80%			

¹ Uses in structures which existed prior to the date of enactment of the B-1/B-1b zones are exempt.

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³ A building will be determined to have an active street frontage upon meeting the following guidelines to the greatest extent practicable: the primary building façade shall be within 10 ft. feet of the front lot line; there shall be no parking on the lot within 35 ft. of the front lot line; no more than 25% of the first floor primary façade shall consist of access to garages, unutilized space, service entrances, storage or mechanicals and the remaining minimum 75% shall have an average depth of a minimum of 20 ft. for residential or commercial uses; and all primary ground floor entries to multi-family buildings must orient to street, not to interior blocks or parking lots.

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⁶ Applies only to parcels subject to an approved master development plan. Thompson's Point is defined as the contiguous parcels of upland occupying the peninsula bounded on the east by Route 295, on the north by the Mountain Division Rail right-of-way, and on the south and west by the Fore River and its associated wetlands. Nearby lands accessed from Hobart and Osgood Streets are not included.

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⁸ For buildings fronting on two or more streets, the minimum building wall on one street may be decreased so long as the frontage is proportionally increased on other streets in so far that the building wall on the secondary street is not reduced to less than 25 ft. Buildings in the area east of the Fore Street Connector shall not be subject to this requirement.

⁹ Does not apply to additions to or relocations of designated historic structures or structures determined to be eligible by the Historic Preservation Board.

KATE SNYDER (MAYOR)
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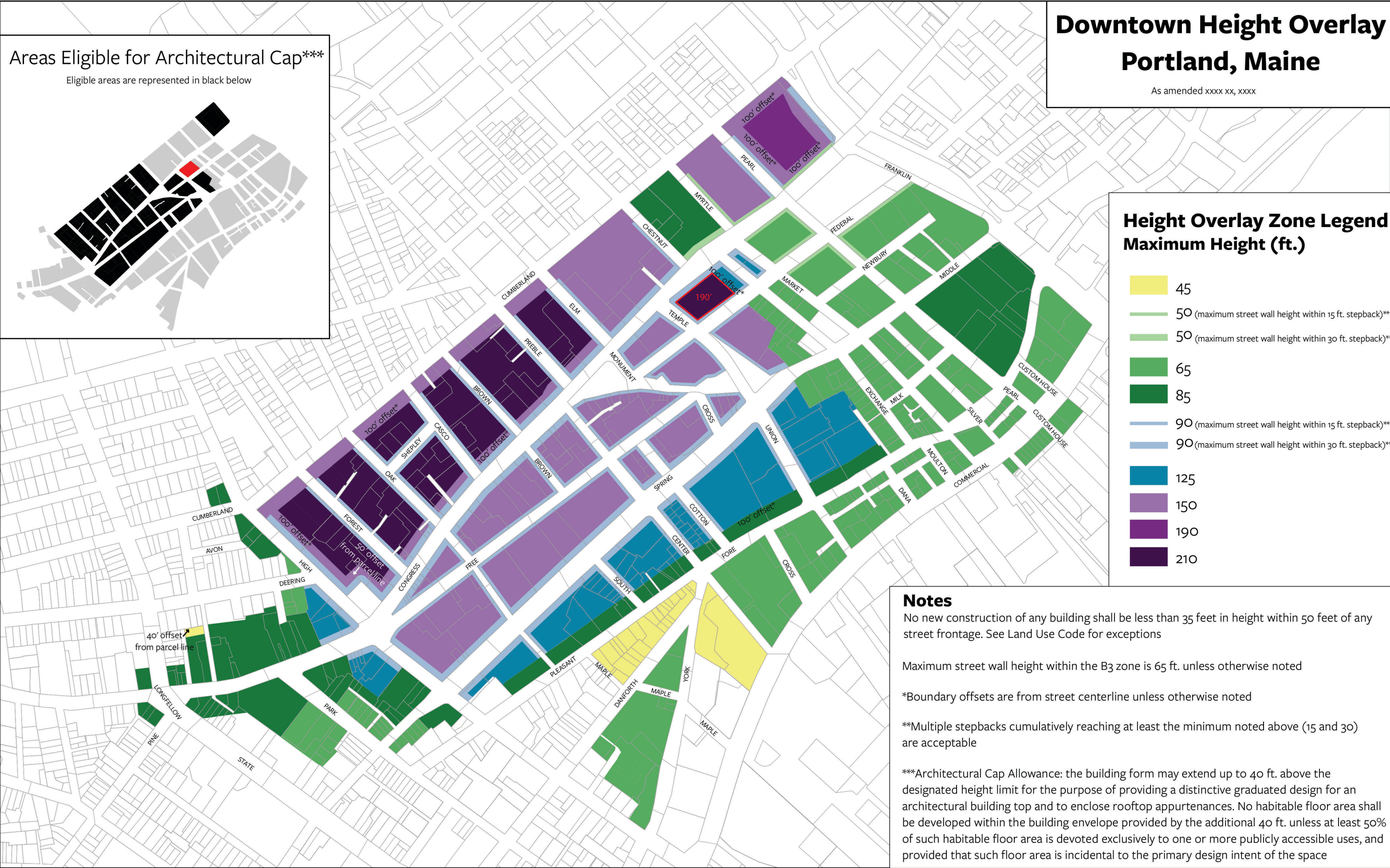
**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO DOWNTOWN HEIGHT OVERLAY MAP
RE: MAXIMUM HEIGHT AND ARCHITECTURAL CAP ELIGIBILITY FOR 200
FEDERAL STREET**

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

That the Downtown Height Overlay Map of the City of Portland as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into Chapter 14, Land Use, of the Portland City Code, be and hereby is amended by adopting the following Height Overlay Map amendment, to revise the maximum height and architectural cap eligibility for 200 Federal Street.



As amended xxxx xx, xxxx



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

200 Federal Street
Zoning Amendments – Downtown Height Overlay Map, B-3 Dimensional Standards
ZN-001230-2020
CBL: 032 G001001
Redfern Downtown, LLC, Applicant

Submitted to: Mayor Snyder & the City Council Council Reading Dates: March 1 and March 15, 2021	Prepared by: Caitlin Cameron, Urban Designer Date: February 12, 2021
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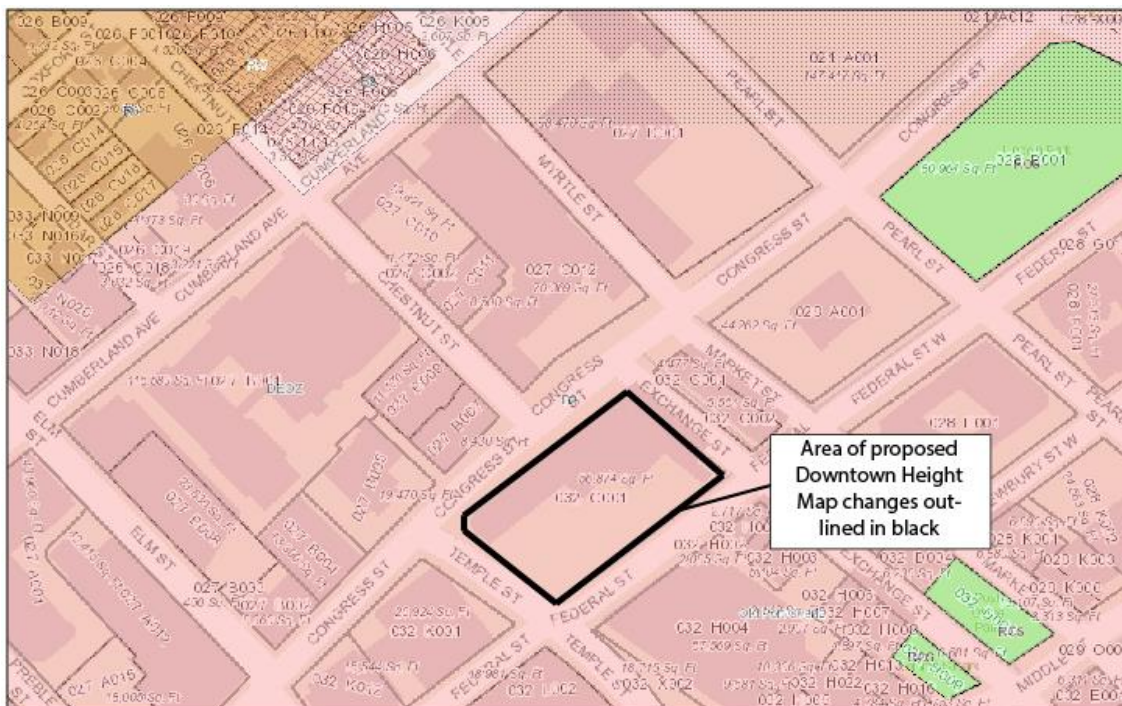


Figure 1 Area of Proposed Downtown Height Map Amendment

I. INTRODUCTION AND PROJECT SUMMARY

On January 26, 2021 the Planning Board voted 7-0 to recommend to the City Council adoption of Downtown Height Overlay map (**attachment 1**) and B-3 text amendments (**attachment 2**) to facilitate the development of properties at 200 Federal Street, currently surface parking and plaza space downtown. The proposed amendments to the B-3 Downtown Business Zone text amendment and Downtown Height Overlay Map amendment for the block at 200 Federal Street include:

- Amendment to the Downtown Height Overlay Map to remove the architectural cap designation and increase the maximum height to 190 feet
- B-3 Text amendment to *Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards* clarifying how to define maximum floor area allowed above 125 feet in height

The objective for these amendments is to facilitate the proposal by applicant RedFern Downtown LLC for the development of an 18-story, 180,000 square foot mixed use building with 266 residential units, ground-floor commercial space, amenity spaces for the residents, and 21 surface parking spaces at 201 Federal St W. The proposed B-3 text amendment would impact the zone in its entirety and not only a future project on the applicant's site. Accordingly, the Planning Board considered the changes from the perspective of whether the lot coverage proposed is appropriate for the B-3 zone overall.

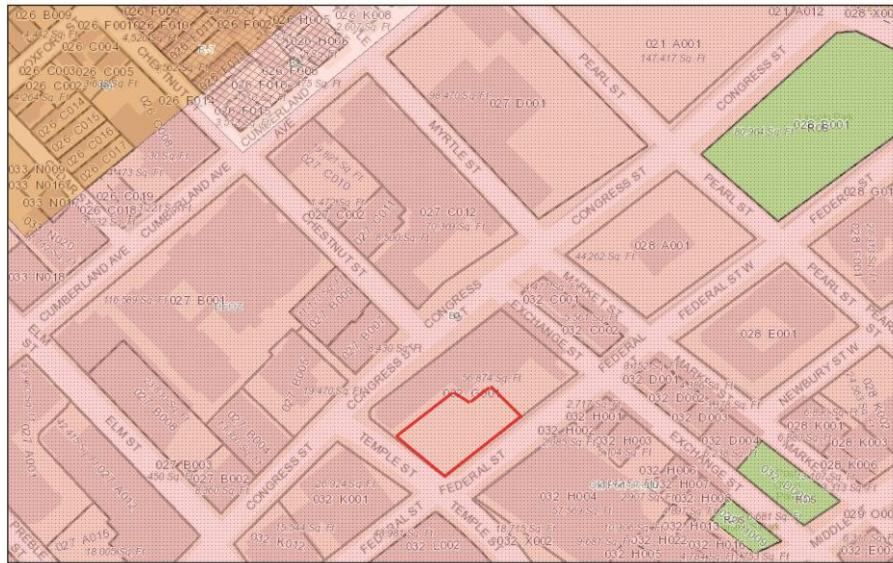


Figure 2: Zoning Map (applicant's property outlined)

a. Current Land Uses and Zoning

The site is at the heart of Portland's walkable downtown, proximate to some of the tallest structures in the city. An existing parcel is being divided to create the new property at 201 Federal Street W at the corner of Temple and Federal streets behind the existing USPS building. The site is located in the B-3 Downtown Business zone. The B-3 zone is a high-density commercial, residential, and mixed-use district mapped throughout the City's downtown. Maximum building heights are regulated by the Downtown Height Overlay Map and vary between 45 feet up to 210 feet. In certain locations, an architectural cap allowance is permitted and allows for an additional 40 feet above the designated height limit.

The applicant's property currently includes a plaza space, surface parking, and an entrance to the USPS facility. Within the same block is the 1950 USPS building facing Congress Street and two historic office buildings fronting on Exchange Street. The surrounding blocks below Congress Street within the same streetscape as this proposal include more recent buildings such as the high rise office buildings One City Center and Two Monument Square, and the Temple Street Parking Garage; the maximum height allowed in these blocks is 150 feet plus up to 40 feet for an architectural cap (Figure 5). The site is not located immediately adjacent to the historic, smaller-scale streetscapes of Congress or Exchange streets and instead has a more immediate relationship to taller, more contemporary structures.



Figure 3: Overall Context

b. Historic Resources

The block being considered is also within the Congress Street Historic District. The proposed new construction will be reviewed by the Historic Preservation Board for design. The block includes three existing buildings, two of which are contributing structures facing Exchange Street. Exchange Street is an important historic street in the downtown with smaller scale, historic buildings and a high volume of tourist foot traffic. The Downtown Height Overlay map protects the historic scale of Exchange Street with a 100 foot offset limiting heights to a 125 foot maximum immediately adjacent to the more sensitive streetscape.

Historic Preservation staff has these additional comments:

Given that most of the historic structures that line Exchange Street are about four stories (six to seven stories on the uppermost block between Congress and Federal), a building of 150 feet would already represent a significant jump in scale from that of Exchange Street. The question becomes, then, whether an additional 40 feet would significantly increase any negative impact of this height disparity.

As viewed from Exchange Street, especially from the corner of Exchange and Federal, the proposed new building will be viewed against buildings of considerable height. Two Monument Square and One City Center, while not as tall as the proposed structure, are 11 and 14 stories respectively. With these buildings as a backdrop, the proposed 190' structure will not appear unduly anomalous in terms of building height and overall scale. Additionally, the provision of a 100' setback from Exchange Street and the 90' maximum streetwall height will help mitigate any impacts.

In addition, the Congress Street Historic District, when created, gave deference to the B-3 zone's height and scale recognizing that downtown Portland has historically and continues to be the location of its tallest buildings and with varying scales.

Sec. 17.8.3. A.6. In the Congress Street Historic District, for new construction within the B-3 zone, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the B-3 zone.

From Deb Andrews, Historic Preservation Program Manager:

... this amendment was adopted to ensure that the more generous heights established for new construction in the B-3 zone would be honored notwithstanding the area's designation as a historic district. (It also recognized that the Congress Street is noteworthy for its significant variety of building heights and scale.) This policy decision may be instructive as the Planning Board considers the request for additional height on this site.

II. DOWNTOWN HEIGHT OVERLAY MAP AMENDMENT PROPOSAL

The applicant's property will be a new parcel created within the block at 200 Federal Street behind the USPS building. The Downtown Height Overlay Map would be modified to remove the 40 foot Architectural Cap (described below in staff analysis) and increase the maximum building height to 190 feet. The 90 foot street wall maximum would be maintained along with the requirement to step back the building 15 feet after that 90 foot height is met. The 100 foot offset preserving lower heights on the more sensitive Exchange Street would remain. The applicant's rationale for the request relies on the economic feasibility of the project in relationship with the construction type and costs for buildings of this scale. The applicant provided renderings of the proposal in its context to provide a sense of scale in comparison with the existing built environment.



Figure 4: View of proposed height from Temple Street

The overall maximum height and massing allowed on this block will not change. Currently on this block, buildings may occupy floor area up to 150 feet in height with the ability to build as tall as 190 feet by incorporating a 40 foot architectural cap above and beyond a 150 foot maximum height. The 40 foot

architectural cap is intended for these purposes (from the *Downtown Height Overlay Map* ***Architectural Cap Allowance):

- 1) Providing a distinctive graduated design for an architectural building top
- 2) To enclose rooftop appurtenances

The architectural cap may include habitable space in the following circumstances as a public good:

Downtown Height Overlay Map - No habitable floor area shall be developed within the building envelope permitted by the additional forty (40) feet, unless at least fifty (50) percent of such habitable floor area is devoted exclusively to one (1) or more publicly accessible uses, such as eating or drinking establishments, an observatory, community meeting rooms or halls available to the public or such other uses that make reasonable accommodation for public use at reasonable times, on a nonmembership basis at no cost or at a cost that will not exclude use by the general public, and provided that such floor area is incidental to the primary design intent of the space to achieve the standards of this section.

Potential implications of the height amendments:

- Scale: The overall scale and massing implications do not change with this proposed amendment. The maximum building wall of 90 feet remains the same, producing the same sense of scale of the building at the pedestrian level. The overall height to which a building structure can rise also remains the same – totaling 190 feet.
- Rooftop Appurtenances: The intent of the architectural cap is to integrate the design of rooftop systems and appurtenances with the overall building form. However, Chapter 14 dimensional exemptions currently exempts rooftop appurtenances from height maximums. Staff do not find any language within the B-3 zone or the Downtown Height Overlay Map that override this exemption. Therefore, though the stated intent of the cap is to house rooftop appurtenances, they are currently and would continue to be allowed above and beyond the maximum height allowance.
- Provision of Housing: The height amendment allows for potential additional housing to be provided on the site. Approximately sixty-four (64) additional housing units are proposed within the applicant's Level III site plan proposal as a result of being able to occupy the floor area above 150 feet. However, the amendment does not guarantee additional housing will be provided because a future building proposal could potentially occupy that floor space with any use allowed in the B-3 zone.
- Parking: The proposed zoning amendments would allow additional habitable floor area in a physically constrained urban infill lot. The increase in habitable floor area also means an increase in required parking. This will need to be accommodated off-site or through the fee-in-lieu given the physical limitations of the site. Traffic and parking implications should be considered. At this time, the applicant proposes to reduce the parking requirement and provide residential parking off-site in an existing garage. Additionally, in December 2020, the City Council adopted parking provisions that allow developments within a ¼ mile radius of fixed route transit to waive out of off-street parking requirements. Any project choosing to take advantage of this exception in lieu of the parking requirements is required to provide a Transportation Demand Management Plan.

Several of the above items are not within the scope of the zoning application before the Board for this hearing and will be reviewed under the Level III Site Plan application.

III. ZONING TEXT AMENDMENT PROPOSAL

The proposed B-3 text would amend *Land Use Code Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards* to modify lot coverage as presented in Attachment 2:

⁴ Except that no floor area shall be required to be less than 10,500 SF, gross.

Staff support the addition of the clarifying language. The interpreted intent of these standards is to mitigate the scale impacts of buildings above 125 feet in height; if the intent is to regulate building scale and footprints, elevators and stairways should be included in the calculation as they contribute to the footprint area. Reference is made elsewhere to gross floor area – to remain consistent with the area of measurement, staff propose introducing the word “gross” to footnote 4 for lot coverage. Gross floor area includes exterior walls. By specifying gross floor area, the intent of the code is more easily interpreted in the future for staff or applicants and creates a consistent reference to how floor area should be measured.

The resulting text amendment would not exclude elevators and stairs from the calculated floor area so that for portions of structures which exceed one hundred twenty-five (125) feet in height, the maximum horizontal building coverage at one hundred twenty-five (125) feet or higher shall not exceed twenty-five (25) percent of the site area, except that no floor area shall be required to be less than ten thousand, five-hundred (10,500) square feet, gross.

IV. COMPREHENSIVE PLAN ANALYSIS

Portland's Plan 2030

Comprehensive Plan goals and policies (state and local) relevant to the proposed map and text amendments are included below. The map and text amendments align with these vision statements and goals by adding infill, residential units within a dense, downtown location currently on an under-developed surface parking lot. The increase in height allows for an increase in dwelling units within a walking and transit-oriented site. Increasing the viability of downtown, infill sites potentially reduces new construction in green field or outlying areas. In addition, the map amendment would allow for a higher number of residential units providing more housing; in this instance, the units are proposed to be market-rate rental apartments and the required workforce units will be provided on-site.



Vision Statements

- Equity: We will be a state and national leader in achieving a more equitable city.
- Equity: We will incorporate the needs of all our residents in planning for our future.
- Sustainable: Portland has been built and rebuilt to endure; we will balance our historic fabric, sound infrastructure, and the best of new technology and design for the future.
- Sustainable: Portland will grow in order to sustain our community, infrastructure, and economy.
- Sustainable: Growth should respect and seek to preserve our spectacular natural resources.
- Secure: We will be committed to accessible housing and healthy food for all our residents.

Environment

- Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.
 - Continue to develop land use policies which support complete neighborhoods.

An Enduring City – Historic Preservation

- Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.
- Ensure an appropriate balance of continuity and change as Portland grows and evolves.

A Livable City: Housing

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

An Accessible City – Transportation

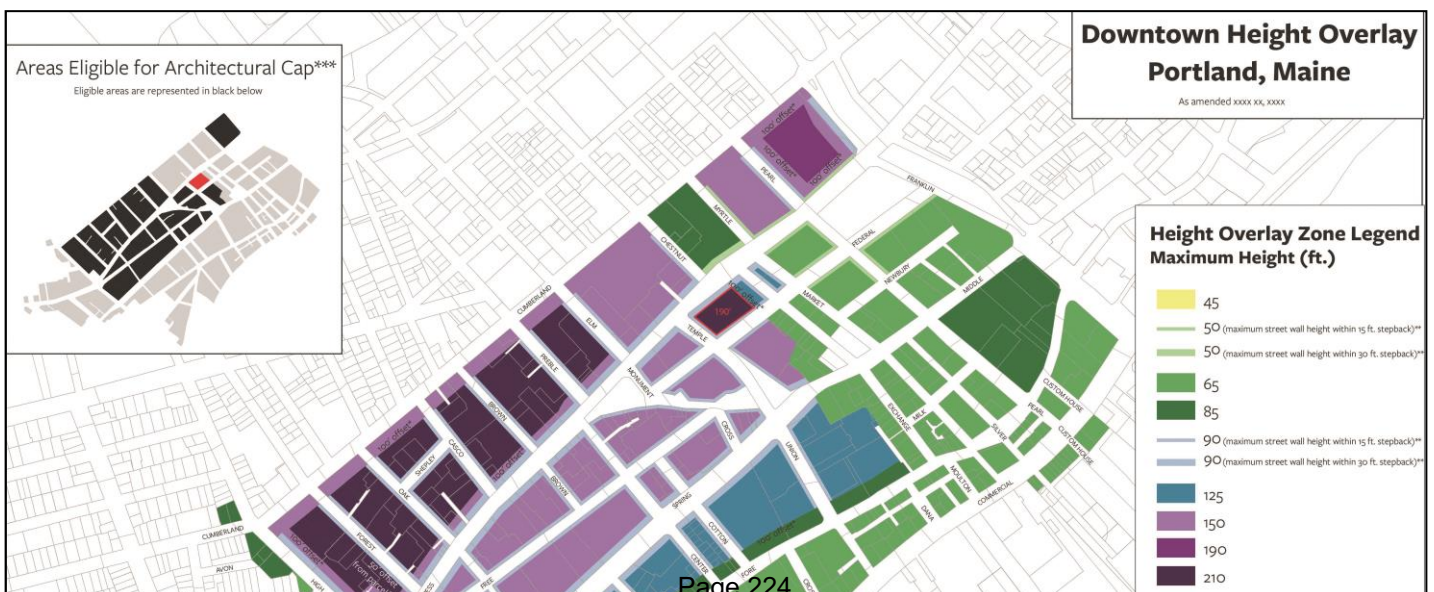
- Promote multi-modal accessibility, enabling residents and visitors of all ages and abilities to participate fully in the social and economic life of the community.
 - Enhance the pedestrian realm

Future Land Use

- Complete Neighborhoods
- Reinforce the Center

V. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed Downtown Height Overlay Map amendments at a hearing on January 26, 2021. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (7-0) to find that the following amendments are consistent with the Comprehensive Plan and recommended adoption to the City Council:



The Planning Board considered the proposed B-3 text amendment at a hearing on January 26, 2021. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (7-0) to find that the following amendment is consistent with the Comprehensive Plan and recommended adoption to the City Council:

Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards to modify lot coverage as presented in Attachment 2:

⁴ Except that no floor area shall be required to be less than 10,500 SF, gross.

ATTACHMENTS

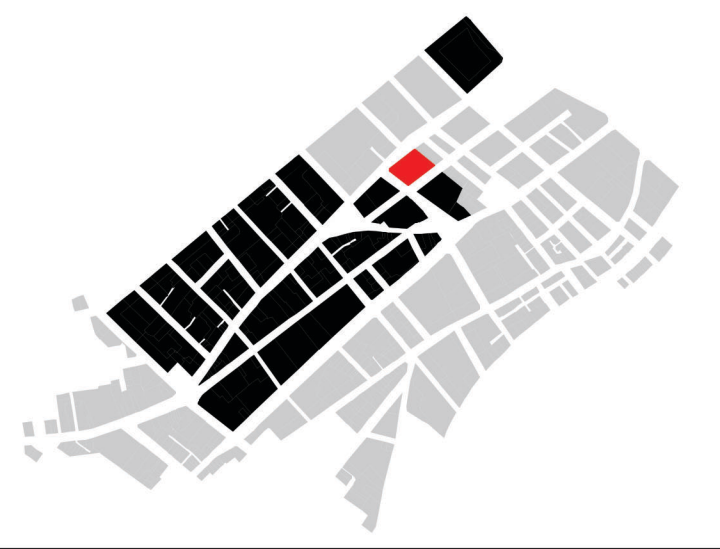
1. Downtown Height Overlay amendments
2. Proposed Text Amendments: Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards amendment

Downtown Height Overlay Portland, Maine

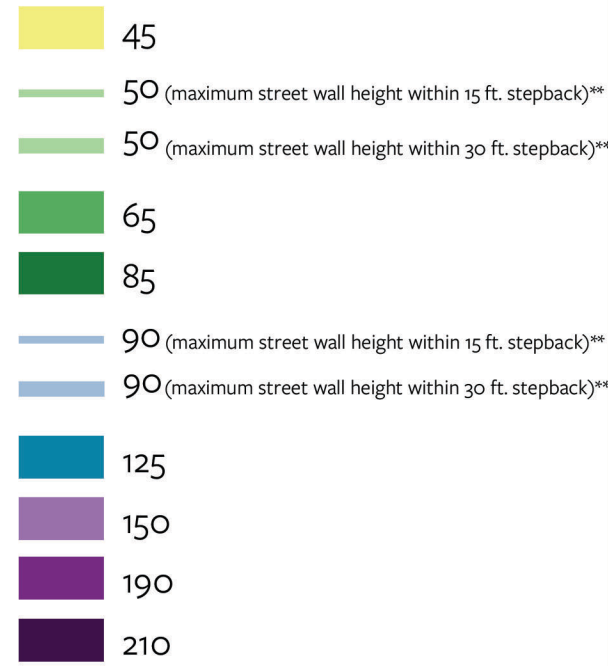
As amended xxxx xx, xxxx

Areas Eligible for Architectural Cap***

Eligible areas are represented in black below



Height Overlay Zone Legend Maximum Height (ft.)



Notes

No new construction of any building shall be less than 35 feet in height within 50 feet of any street frontage. See Land Use Code for exceptions

Maximum street wall height within the B3 zone is 65 ft. unless otherwise noted

*Boundary offsets are from street centerline unless otherwise noted

**Multiple stepbacks cumulatively reaching at least the minimum noted above (15 and 30) are acceptable

***Architectural Cap Allowance: the building form may extend up to 40 ft. above the designated height limit for the purpose of providing a distinctive graduated design for an architectural building top and to enclose rooftop appurtenances. No habitable floor area shall be developed within the building envelope provided by the additional 40 ft. unless at least 50% of such habitable floor area is devoted exclusively to one or more publicly accessible uses, and provided that such floor area is incidental to the primary design intent of the space

MEMORANDUM
City Council Agenda Item

FROM: Paul Bradbury, Jetport Director

DATE: March 1, 2021

SUBJECT: Order 189-20/21 Accepting and Appropriating Federal Aviation Administration Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Grants for the Portland International Jetport - Sponsored by Jon P. Jennings, City Manager

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

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading 3/15/2021 **Final Action 4/5/2021**

Can action be taken at a later date: Yes

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

I. SUMMARY

The Portland International Jetport requests approval to accept two Federal Aviation Administration CRRSAA grants, one in the amount of \$4,488,586 and the other in the amount of \$233,177; and naming the Airport Director as the City's official representative for these grants.

II. AGENDA DESCRIPTION

This order seeks to accept and appropriate a total of \$4,721,763 in funds from the FAA to aid the Portland International Jetport in preventing, preparing for, and responding to the COVID-19 pandemic.

The Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA, Public Law 116-260), signed into law by the President on December 27, 2020, included nearly \$2 billion in funds to be awarded as relief to eligible U.S. airports and eligible concessions at those airports to prevent, prepare for, and respond to the COVID-19 Pandemic. Eligible airports includes the Portland International Jetport, as a primary commercial service airport with more than 10,000 annual passenger boardings.

The Federal Aviation Administration is now issuing grants to eligible airports like the Jetport, in amounts based on the airport's number of annual boardings. The Portland International Jetport is being allocated two CRRSAA Grants: one totaling \$4,488,586 (for costs related to operations, personnel, cleaning, sanitization, janitorial services, and debt service payments), and the other in the amount of \$233,177 (for airport concessions rent relief).

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

III. BACKGROUND

Aviation nationwide has seen a dramatic reduction in passenger volumes due to the pandemic. Passenger boardings at the Jetport dropped from 1,094,000 in 2019 to 397,242 in 2020, a 63.7% year over year decrease. In an effort to support airports and airlines nationwide Congress passed earlier aviation relief as part of the

CARES Act. The Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) is providing a second round of relief with the goal of keeping the nation's primary commercial service airports operational through September 30th of this year.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Acceptance of these grants from the FAA will provide short term fiscal relief to the Jetport and its concession partners to overcome pandemic related revenues losses. These grants will keep the Jetport operational and ready to support the travel needs of the region once pandemic related travel restrictions are lifted.

V. FINANCIAL IMPACT

The Portland International Jetport is projected to have an FY21 operational deficit of \$8.3 million. This shortfall has been covered through the previously accepted CARES Act grant. Based on current forecasts for recovery we are projecting FY22 will have a deficit of approximately \$4.5 million, which can be covered through the acceptance of this \$4,488,586 CRRSAA grant.

VI. STAFF ANALYSIS AND BACKGROUND

Approval of these grants provides continued short term fiscal relief to the Portland International Jetport as it maintains essential operations and continues to recover from the pandemic related nationwide drop in air travel passenger volumes.

VII. RECOMMENDATION

Staff recommends the City Council accept and appropriate this critical CRRSAA grant relief funding to maintain operations and staffing at the Portland International Jetport.

VIII. LIST ATTACHMENTS

1. FAA Coronavirus Response, Relief Suppl. Apr. Grant 3.15.2021

Prepared by:

Paul Bradbury, Jetport Director

Date: 3/1/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ACCEPTING AND APPROPRIATING A
FEDERAL AVIATION ADMINISTRATION
CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL
APPROPRIATION GRANT
FOR THE PORTLAND INTERNATIONAL JETPORT**

ORDERED, that Coronavirus Response and Relief Supplemental Appropriations Act grant funding of approximately \$4,721,763 dollars from the Federal Aviation Administration (FAA) is hereby accepted by the Portland International Jetport (Jetport) for costs related to operations, personnel, cleaning, sanitization, janitorial services, debt service payments, and airport concessions rent relief; and

BE IT FURTHER ORDERED, that the grant funding for said purposes is hereby appropriated; and

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

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam
Lauren Anderson

DATE: March 1, 2021

SUBJECT: Order 190-20/21 Approving the Three-Party Agreement between Portland, the Portland Area Comprehensive Transportation System and the Maine Department of Transportation Re: Elm Street Paving Project - Sponsored by Jon P. Jennings, City Manager

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/15/2021

Final Action 4/4/2021

Can action be taken at a later date: Yes This agreement must be approved by City Council and signed by the City Manager prior to the project going out to bid. Historically with an earlier bid date bid pricing will be improved.

PRESENTATION:

I. SUMMARY

City Council is being asked to approve the attached Portland Area Comprehensive Transportation System (PACTS) Municipal Partnership Agreement and authorize the City Manager to sign the agreement, which would allow the City to move ahead with its plans to improve and pave Elm Street between Congress Street and Marginal Way, approximately 0.45 miles. The agreement obligates the City and PACTS to split the project costs at a 50/50 split.

II. AGENDA DESCRIPTION

An agreement between the City of Portland, the Portland Area Comprehensive Transportation System (PACTS), and the Maine Department of Transportation (MaineDOT) is required to allow for improvements and paving along Elm Street (from Congress Street to Marginal Way).

This three-party agreement will allow the City to move forward with this project, with PACTS providing 50% of the estimated project costs. The City match will be funded through a Fiscal Year 2022 Capital Investment Plan account.

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

III. BACKGROUND

The Elm Street paving project is part of MaineDOT's 2021 work plan. The scope of the MPI project work includes a 2" mill and fill, curb work, sidewalk work, ADA ramp reconstruction, and re-striping after final paving. We are anticipating the project to go out to bid in 2021 with construction following after. This project is classified as a pavement preservation project and is part of the MPI Program. The City will be responsible for 50% of the paving cost and 100% of any overages to the original estimate.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Elm Street Improvements project will improve the pavement surface and ride quality on a regionally important minor arterial. The project will improve sidewalk and ADA ramps for a better and safer pedestrian experience. PACTS will pay for 50% of the project costs

V. FINANCIAL IMPACT

The City is obligated to pay 50% of the estimated paving cost, or \$234,394.00 and 100% of any overages due to added scope in the project area. The total City cost of this project, estimated to be \$234,394.00, would be paid from a FY22 CIP account established for this project, which is currently pending approval by City Council. Please see the attached fiscal impact note for additional information. CDBG funding has also been allocated for sidewalk work along this street.

VI. STAFF ANALYSIS AND BACKGROUND

This is a Minor Arterial in the City of Portland with a high AADT, is a major connector from downtown to off-peninsula, and has a large public transit presence. Elm Street was ranked with a poor to fair PCI (depending on location) when it was last evaluated in 2019. Without this project, the road will continue to deteriorate. A public meeting is scheduled to discuss project intentions in mid-March 2021.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreement to allow the City to improve Elm Street from Marginal Way to Congress Street in 2021.

VIII. LIST ATTACHMENTS

1. Three-party MDOT, PACTS and Portland re Elm Street 3.15.2021
2. PACTS Muni Agreement - Elm Street
3. Elm St - Project Location Map
4. Elm Street - Fiscal Impact Note
5. Elm St Striping - Public Meeting Presentation

Prepared by:

Melissa Graffam

Lauren Anderson

Date: 3/1/2021

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING THE THREE-PARTY AGREEMENT BETWEEN PORTLAND,
THE PORTLAND AREA COMPREHENSIVE TRANSPORTATION SYSTEM
AND THE MAINE DEPARTMENT OF TRANSPORTATION
RE: ELM STREET**

ORDERED, that the three-party Municipal Partnership Initiative Program Agreement between the Maine Department of Transportation, the Portland Area Comprehensive Transportation System and the City of Portland for Elm Street Improvements, with Maine work identification number (WIN) 025007, is hereby approved in substantially the form attached hereto; and

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



MaineDOT use only

TEDOCS #: _____

CTM #: _____

CSN #: _____

PROGRAM: Bureau of Planning

State of Maine
DEPARTMENT OF TRANSPORTATION
Portland Area Comprehensive Transportation System
Municipal Partnership Initiative Agreement
 Proposed Improvements to Elm Street
 (Payable to Municipality)

MaineDOT Use Only

Project Location: PortlandEstimated Project Amount: \$468,788.00State WIN: 025007.00MPO Share: \$234,394.00PACTS ID#: PACTSMunicipal Share: \$234,394.00Municipality Id#: VC1000073472

Agreement Begin Date: _____

Agreement End Date: _____

This Cooperative Agreement (the “Agreement”) is entered into by and between the Maine Department of Transportation (MaineDOT), an agency of state government, the **City of Portland (the “Municipality”)**, a municipality in the State of Maine, and the **Portland Area Comprehensive Transportation System (PACTS)**, the designated Metropolitan Planning Organization for the Portland Urbanized Area, and **Greater Portland Council of Governments (GPCOG)**, a fiduciary agent for PACTS. (MaineDOT, the Municipality, PACTS, and GPCOG) are collectively referred to as the “Parties”).

RECITALS

- A.** MaineDOT, through its partnership with Maine’s Metropolitan Planning Organizations (MPOs), is charged with managing and dispersing state and federal funds to support capital improvement projects programmed by the MPOs. PACTS is MaineDOT’s MPO partner for the Portland Urbanized Area.
- B.** PACTS has created and administers a Municipal Partnership Initiative program (the “PACTS MPI Program”), the purpose of which is to participate in the funding of approved collector and/or arterial roadway projects (the “MPI Project(s)”) with the intention of restoring substandard State and State Aid highways to MaineDOT and PACTS minimum standards.

- C. MPI Projects are administered by the municipality in which the project is being constructed. PACTS' participation in an MPI Project is accomplished through its acceptance of the Project into the PACTS MPI Program, and the contribution of state funds allocated to PACTS and disbursed by MaineDOT to the administering municipality on PACTS' behalf (the "PACTS Share"). MPI Project costs not paid by the PACTS Share are paid by the administering municipality.
- D. The work that is the subject of this Agreement consists of a mill and fill, new pavement markings for vehicle, parking, and a shared bike lane, sidewalk and curb improvements to meet ADA requirements and improve pedestrian safety on Elm Street, beginning at Congress Street and extending northwest 0.44 of a mile to Marginal Way (the "Project"), and is generally outlined in **Appendix A**, made a part herewith.
- E. PACTS has selected the Project for inclusion in the 2021-2022-2023 MaineDOT Work Plan, using state capital improvement funding allocated by MaineDOT.
- F. The Municipality has approved the Project and supports the decision by MaineDOT and PACTS to program the Project, and is prepared to administer and fund the Project in accordance with the terms of this Agreement.
- G. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- H. This Agreement is intended to cover the roles and responsibilities of the Parties through full Project development and construction, and to establish the financial obligations of each Party.

AGREEMENT

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

1. Appendices:

The following appendices are hereby incorporated into this Agreement:

- ☒ Appendix A - PACTS Letter to MaineDOT Outlining Scope and Cost of MPI Project
- ☐ Check if no appendices attached

2. Project Cost Sharing and Payment Schedule:

a. Financial Obligations:

i. Total Project Costs.

- 1. PACTS and the Municipality agree to share in all costs associated with all phases of the Project through construction (the "Total Project Costs") in accordance with the allocations outlined below (the "Party Shares") unless otherwise negotiated by mutual agreement of the Parties.

- a. **PACTS Share** (provided through PACTS' state allocation and disbursed by MaineDOT) - 50% of eligible Project costs, up to a maximum of \$234,394.00.
 - b. **Municipal Share** (provided through the Municipality's obligation of funds) - 50% of eligible Project costs, plus 100% of any and all remaining Project Costs once the PACTS Share has been exhausted (the "Overage").
2. The estimated Total Project Costs are \$468,788.00 (the "Estimated Total Project Costs") and are allocated in the table below. If the Estimated Total Project Costs are adjusted to reflect updated costs, the Municipality will consult with PACTS before such adjustments are approved and implemented.

Total Project Costs	PACTS Share (State MPO Funds) 50% (Max. \$234,394.00)	Municipality's Share 50% + Overage	Estimated Total Cost
Estimated Total Project Costs: <u>\$ 468,788.00</u>			
Estimated Allocated Shares	\$234,394.00	\$234,394.00 +\$0.00	\$468,788.00
Total Party Share of Estimated Total Project Costs	\$234,394.00	\$234,394.00	\$468,788.00

- b. **Payment Schedule:** The Municipality shall be the sole administrator of the Project contract(s) and shall pay up front all Project costs, subject to cost sharing by the Municipality and PACTS as specified above.
- i. The Municipality may begin invoicing PACTS for the PACTS Share of eligible Project costs upon 1/3 Project completion. Invoices shall be submitted no more than monthly with a maximum number of invoice submittals not to exceed five (5) invoices for the total Project.
 - ii. The Municipality shall submit to PACTS for reimbursement detailed invoice(s) documenting actual amounts incurred for Project related costs, together with evidence of such invoices having been paid by the Municipality, and identifying PACTS' share of each invoice submitted.
 - iii. Each invoice shall include the Municipality's certification that all amounts claimed are correct, and not previously claimed.
 - iv. PACTS shall review each such invoice and, upon approval, shall forward each invoice to MaineDOT for payment to the Municipality out of PACTS'

allocated state MPO funds. MaineDOT shall reimburse the Municipality accordingly within thirty (30) days of its receipt of such approved invoice(s) in an aggregate amount not to exceed the total PACTS Share.

3. **Project Milestones:** The Municipality agrees to share information about the Project with PACTS and MaineDOT at the following milestones, as appropriate:

- Project kickoff/initial team meeting/formal public contact;
- Horizontal/Vertical Alignment Complete (HVAC);
- Preliminary public meeting;
- Preliminary Design Report (PDR) complete;
- Formal public meeting(s);
- Plan Impacts Complete (PIC);
- Peer reviews;
- Plans, Specifications and Estimate (PS&E) complete;
- Changes in the Project schedule or engineer's estimate of costs.

4. **Project Design, Construction Plans and Specifications:**

- a. The Municipality shall prepare, or cause to be prepared, all plans, specifications, engineer's estimates and contract documents for the Project within the scope of work identified above, using a standard project development process to ensure adherence to federal and state regulations (the "Preliminary Project Development Materials").
- b. The Municipality shall retain a Professional Engineer licensed in the State of Maine to oversee all Project activities (the "Project Engineer").
- c. The Project must be designed by a Professional Engineer licensed in the State of Maine (the "Design Engineer") and in compliance with MaineDOT's design standards (the "Design Standards").
 - i. The Design Engineer shall provide certification to the Parties that, in his/her professional opinion, the Project will provide a smooth ride and not reduce the safety, mobility or structural quality of the affected State and/or State Aid Highway.
 - ii. All design documents must be stamped and signed by the Design Engineer in accordance with the provisions of this Section.
- d. MaineDOT reserves the right to review and comment on all plans and specifications with the focus on ensuring that the Project will achieve the anticipated benefits and will not degrade safety.
- e. The Municipality, through its Project Engineer, shall obtain written approval from MaineDOT for any exceptions to the "Design Standards". Submitted documentation shall compare the proposed design to the existing conditions for each proposed exception. Any and all exceptions shall be listed on the cover sheet accompanying the Project plans and submitted to MaineDOT, accompanied by a request for acceptance

of the Project's design exceptions. All such requests must include the signature and professional stamp of the Professional Engineer responsible for the design of the Project.

- f. In developing the Project, the Municipality shall ensure that the following elements are satisfied:
 - i. The Project improvements must have a minimum useful life of ten (10) years;
 - ii. The safety of the corridor and the life of the resulting structural and design elements shall be equal to or better than the existing conditions and design;
 - iii. The structures, roadways and design features affected by the Project work shall, at a minimum, be of equal dimensions to the existing features or structures and shall be of improved quality in terms of materials and utility;
 - iv. The Project shall not introduce any unanticipated safety hazards to the traveling public;
 - v. The Project shall retain the same level or an improved level of mobility of travel within the corridor;
 - vi. The Project shall not in any manner decrease the life expectancy of the affected component(s) of Maine's transportation system;
 - vii. The Project shall meet the most recent Americans with Disabilities Act of 1990 (ADA) design requirements;
 - viii. Traffic control and the safety of pedestrians, bicyclists and the traveling public shall be provided for at all times.
- g. The Municipality shall coordinate with affected utilities to identify existing utility locations and/or any utility relocation impacts that may be created by the development of the Project.
- h. It is expected that the Project can be constructed within the existing right-of-way limits. If that is not the case, the Municipality must provide MaineDOT with a detailed explanation of the property rights required for the Project and shall acquire any such property rights in accordance with all applicable state and federal laws. The PACTS Share may only be applied to costs associated with the acquisition of property rights required for the implementation of the Project.
- i. The Municipality shall perform all necessary federal, state and local permitting activities required in connection with the Project.
- j. Project construction must commence within twelve (12) months and must be certified as complete within twenty-four (24) months of the date of execution of this Agreement. If this timeline is not met, and the Municipality cannot show that it has made a good faith effort to meet this timeline, PACTS retains the right to withdraw any unpaid

portion of the PACTS Share and reallocate its remaining funding to other eligible projects in its service area.

- k. Upon completion of Project construction, the Municipality shall provide certification to MaineDOT from the Project Engineer stating that the Project is complete and has been constructed in accordance with the plans and specifications.

5. Public Involvement:

The Municipality shall be responsible for implementing and leading any and all required public involvement processes and activities, including those required by Maine's Sensible Transportation Policy Act, and any necessary media coordination associated with the any phases of the Project covered by this Agreement.

6. Changes to Project Scope:

The Municipality will consult with MaineDOT and PACTS before implementing any adjustments to the Project scope.

7. Termination:

- a. In the event the Municipality decides to terminate the Project for any reason prior to the award of a contract to construct the Project and that termination under this clause is not directed by MaineDOT and PACTS, the Municipality shall be responsible for covering all Project costs incurred up to the time of termination.
- b. This Agreement may be terminated at any time by mutual written agreement of all Parties.
- c. In no event, shall any such action taken under this subsection be deemed a breach of contract, nor shall it represent any individual Party's waiver of claims for breach of contract or its right to any other remedy it may have pursuant to this Agreement, or at law or in equity.
- d. In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those provisions to this Agreement that by their very nature are intended to survive.

8. Miscellaneous Provisions:

- a. Quality of Work. PACTS reserves the right to require the Municipality to refund all reimbursements made and to repay PACTS fully for all Projects costs incurred if the work is found to be unsatisfactory.
- b. Reprogramming of Remaining PACTS Funds. Any state MPO funds allocated to the Project that remain unspent following payment of the final invoice and reconciliation of the Project shall be made available to PACTS for reprogramming once the Project is closed out.

- c. Indemnification. To the extent permitted by law, the Municipality and PACTS shall each individually indemnify, defend and hold harmless MaineDOT, its officers, agents and employees from all claims, suits or liabilities arising from the indemnifying Party's own negligent or wrongful acts, errors or omissions or by that Party's officials, employees, agents, consultants or contractors. Nothing herein shall waive any defense immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. This provision shall survive the termination or expiration of the Project.
- d. Assumption of Responsibility. The Municipality hereby assumes responsibility for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of the Municipality, its employees, agents or representatives, and shall ensure that its contractor(s) assume the same responsibility for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of its own employees, agents or representatives. This assumption of responsibility shall also include damage to vehicles passing through the Project limits.
- e. Obligation of State Funds. Notwithstanding anything herein to the contrary, the Municipality and PACTS acknowledge and agree that, although the execution of this Agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
- f. Performance. The Parties will avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.
- g. Obligation of Municipal Funds. The Municipality represents that it has received all necessary approvals or authorizations by its governing authorities to approve the Project and enter into this Agreement, and that it has obligated the necessary funds to satisfy its Municipal Share of the Project Costs set out herein.
- h. State of Maine's Rights of Set-Off. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller.
- i. Assignment. No assignment of this agreement is contemplated, and in no event, shall any assignment be made without the express written permission of the Parties.

- j. Independent Capacity. The Municipality and PACTS, their respective employees, agents, representatives, consultants and contractors shall not act as officers, employees or agents of MaineDOT.
- k. Governing Law. This Agreement shall be construed under the laws of the State of Maine. Additionally, all activities under this Agreement shall be performed in accordance with applicable federal laws and regulations, including without limitation Title 23 in the U.S. Code (USC) for statutory law, Title 23 in the Code of Federal Regulations (CFR) for administrative law, and Title 2 CFR, Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."
- l. Binding Effect. The Parties shall be bound by the terms of this Agreement. This provision shall apply to the Agreement's executors, their successors, administrators and legal representatives.
- m. Notice. Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Alternatively, communication may be sent via email and shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 16 State House Station
 Augusta, ME 04333-0016
 Attn.: Darryl Belz, PE, MPO Engineer
 Email: darryl.belz@maine.gov

Municipality: City of Portland
 212 Canco Road Suite B
 Portland, ME 04103
 Attn.: Lauren Anderson, PE, Senior Engineer
 Email: landersen@portlandmaine.gov

PACTS: Portland Area Comprehensive Transportation System
 970 Baxter Boulevard, Suite 201
 Portland, ME 04103
 Attn.: Elizabeth Roberts, PE, Transportation Engineer
 Email: eroberts@gpcog.org

Each Party agrees to promptly notify all other Parties of any changes to the above referenced contact information.

DS
ER

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

DocuSigned by:

Kristina Egan

EF67A54B0DDE4EB...

Date 2/10/2021

Kristina Egan, Executive Director *
Greater Portland Council of Governments and
For Portland Area Comprehensive Transportation System
Duly authorized

Date _____

Jon Jennings, City Manager *
Municipality of Portland
Duly authorized

Date _____

Jennifer Brickett, Director, Bureau of Planning *
Maine Department of Transportation
Duly authorized

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

PACTS

Portland Area Comprehensive Transportation System



Darryl Belz, P.E.
Safety/MPO Engineer
Bureau of Planning
Maine Department of Transportation
16 State House Station
Child Street
Augusta, Maine 04433-0016

December 3, 2020

PACTS 2021 Municipal Partnership Initiative Project: Portland, Elm Street Reconstruction Project

Darryl,

The following is a request to develop a Municipal Partnership Initiative (MPI) agreement for the above project for the 2021 PACTS MPI program.

On September 1st, 2020 the PACTS Executive Committee approved programming \$234,393.95 of PACTS' CY2021 state funding allocation for the following project:

Portland, Elm Street Reconstruction Project

Elm Street rehabilitation from Marginal Way to Congress Street, including sidewalk and pedestrian facilities improvements.

The Route Log Miles start at 0.00 and end at 0.44 along Elm Street for a total project length of 0.44 miles.

The scope consists of mill and fill, new pavement markings for vehicle, parking, and a shared bike lane. Sidewalk and curb improvements to meet ADA requirements and improve pedestrian safety. The total cost estimate is \$468,787.90.

Construction complete year is scheduled to be 2021.

The funding is 50% state/50% local with a cap of \$234,393 for the state share.

PACTS is requesting a WIN for the project and a three-party agreement to follow.

The municipal contact is Lauren Andersen. She is aware of contract documents needed such as, a scope of work, unit prices and complete specifications. These documents will be similar or the same as a MaineDOT "Book Project", including a set of plans as necessary to be outlined in the pending agreement.

Thank you for your attention to this matter. If you have any questions, please call.

The Metropolitan Planning Organization for the Portland Urbanized Area

970 Baxter Blvd • Portland, Maine 04103

Telephone: (207) 774-9891 • Fax: (207) 774-7149 • www.pactsplan.org

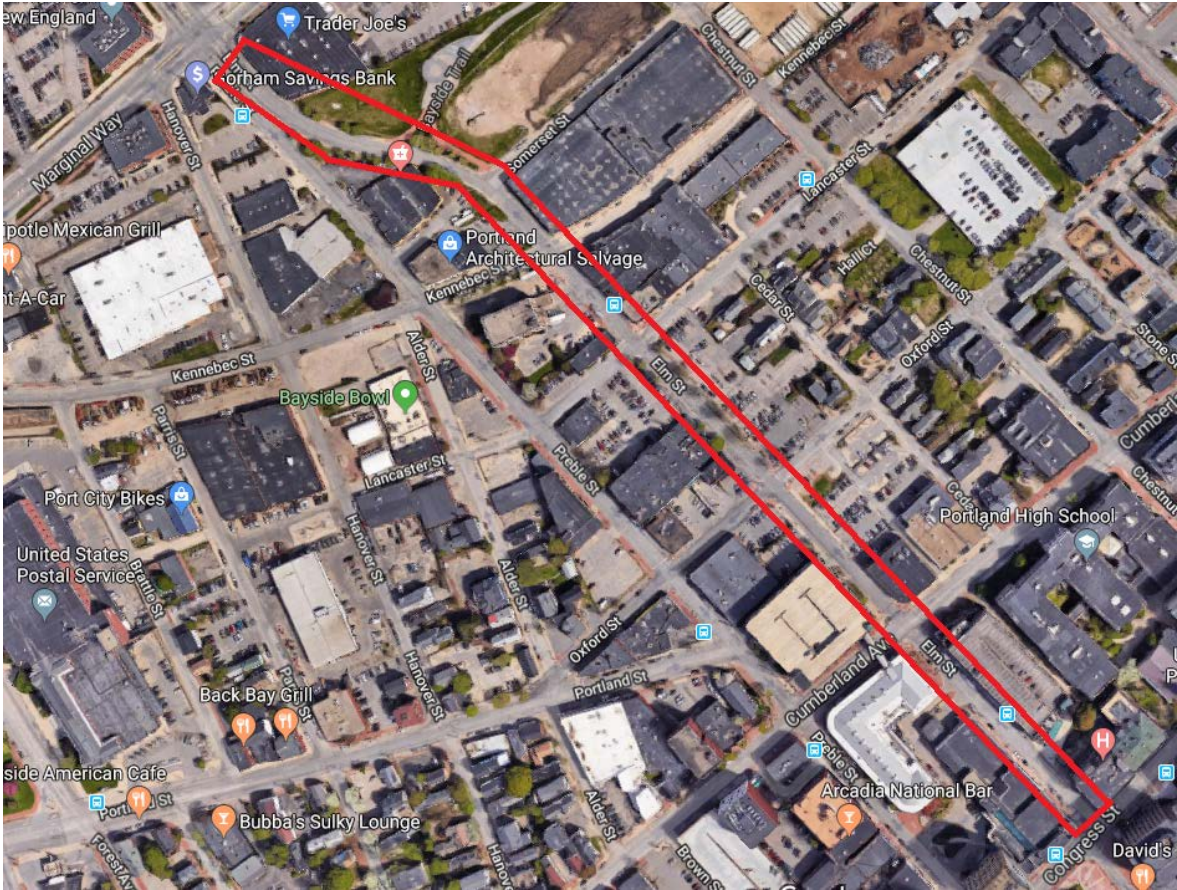
Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Chop". The signature is fluid and cursive, with a large initial "C" and a stylized "H".

Chris Chop
PACTS

cc: Lauren Andersen, City of Portland
Harold Spetla, GPCOG

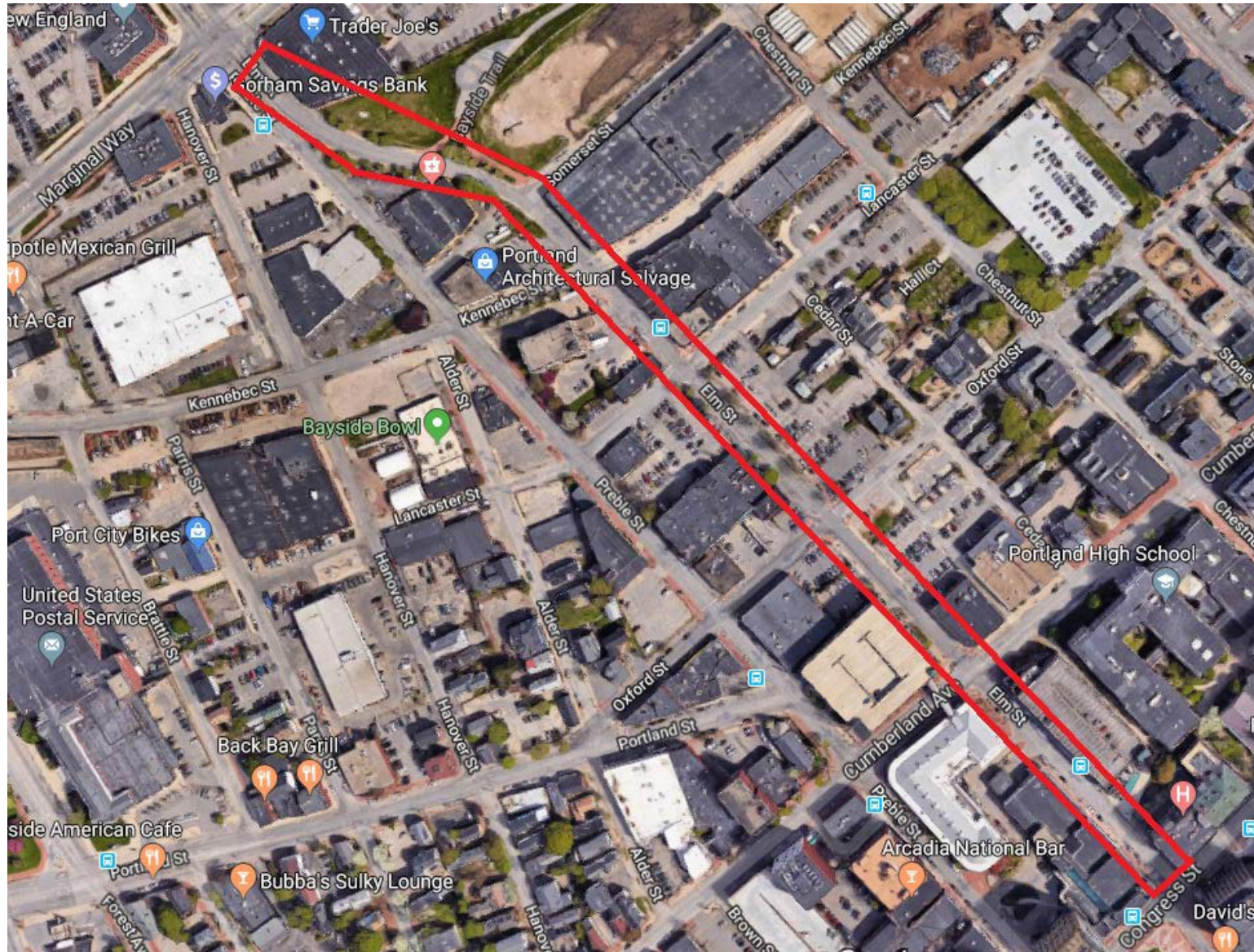
Elm Street Improvements - PACTS MPI
Location Map:



FISCAL IMPACT NOTE New Program Cost Data:	Year 1		Year 2		Year 3	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
<u>Example:</u> ADD: NEW ITEM ANNUAL EXPENDITURES LESS: TOTAL NEW ITEM ANNUAL REVENUES =NEW ITEM NET TAX RATE IMPACT PROJECTION		\$0 \$0 \$0	\$17,580 \$17,580	\$17,580 \$17,580	\$17,580 \$17,580	\$17,580 \$17,580
New Program Impact to the Mil Rate	\$0.0000	\$0.0000	\$0.0022	\$0.0022	\$0.0022	\$0.0022
New Program % Impact on Mil Rate	0.0000%	0.0000%	0.0196%	0.0099%	0.0196%	0.0099%
Mil Rate Including New Program	\$11.3400	\$22.4800	\$11.3422	\$22.4822	\$11.3422	\$22.4822

Notes: The CIP impact will begin in 2022 and remain for the 20 year life of the bond.

Elm Street Improvements



Project Information

Elm Street - Congress Street to Marginal Way

► SCOPE:

- Mill and pave to improve surface quality
- Sidewalk and ramp improvements to meet ADA requirements and improve pedestrian access
 - Sidewalk improvements between Kennebec and Somerset, Lancaster and Oxford, and Oxford and the parking garage
- Striping - proposing new striping pattern to incorporate a bike lane to incorporate multi-modal travel
 - Based on Bayside Master Plan

► FUNDING:

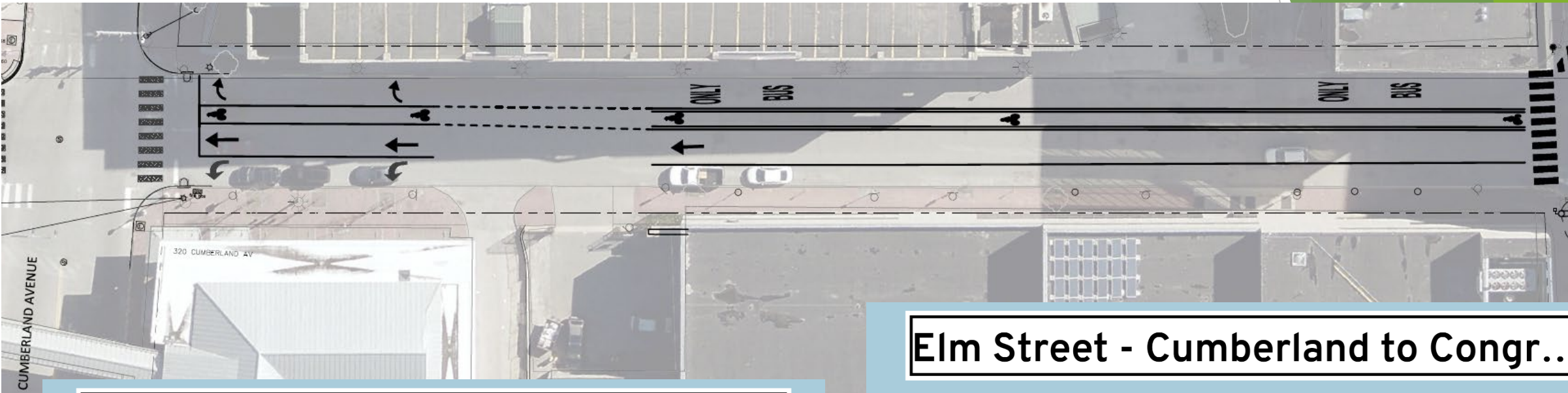
- Portland Area Comprehensive Transportation System (PACTS) Municipal Partnership Initiative (MPI) Paving Project (50/50 split with PACTS)
- Portion of sidewalk work paid through CDBG funds
- FY 22 CIP Account designated for this project (Pending Council Approval)

Striping Overview

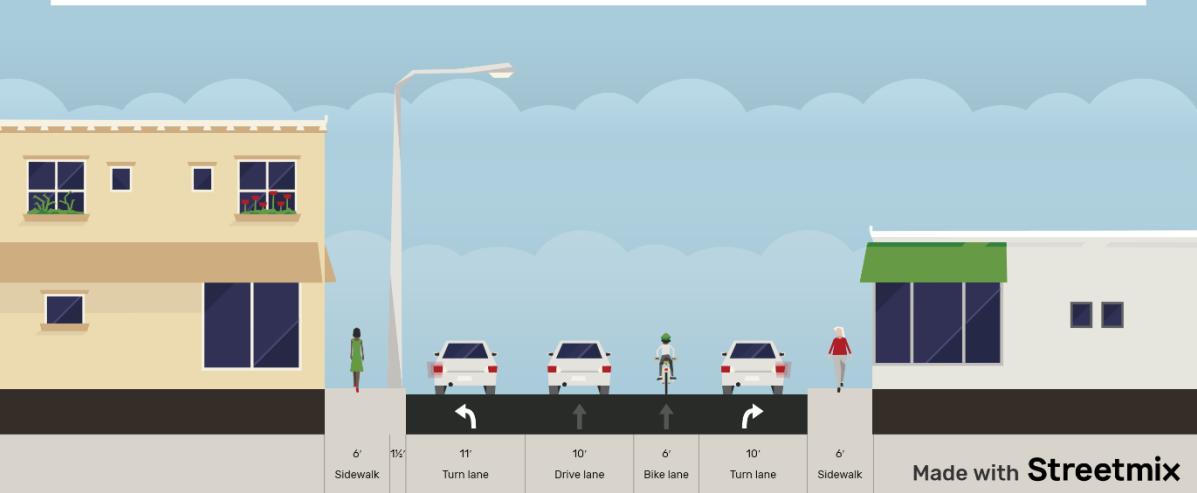
Elm Street - Congress Street to Marginal Way

- ▶ Incorporate designated bike lane for the entire corridor
 - ▶ 6' bike lane
 - ▶ Majority of corridor has buffers - only exception is Somerset to Marginal Way
- ▶ One driving lane throughout corridor with exceptions at Cumberland Avenue and Marginal way
 - ▶ Similar to Preble Street configuration
 - ▶ Traffic study as part of Bayside Master Plan
 - ▶ Busier intersections (Cumberland & Marginal Way) will have multiple lanes to allow for turning actions and reduce queuing
- ▶ Parking will be maintained throughout corridor - net parking change is zero
 - ▶ 4 spaces will be lost at the Cumberland Ave intersection
 - ▶ 4 spaces will be added between Somerset and Kennebec

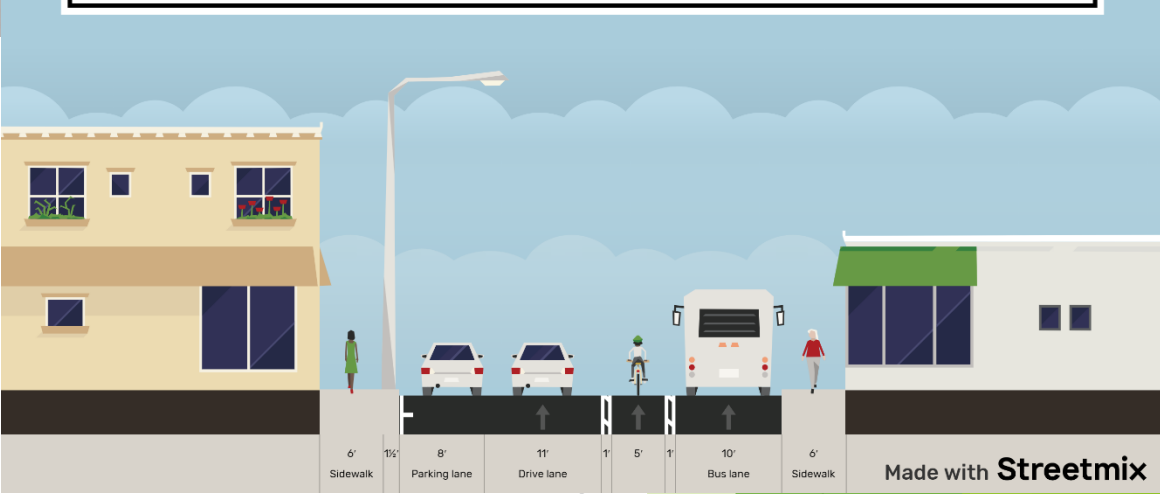
Congress to Cumberland



Elm Street - Cumberland Intersecti...



Elm Street - Cumberland to Congr...

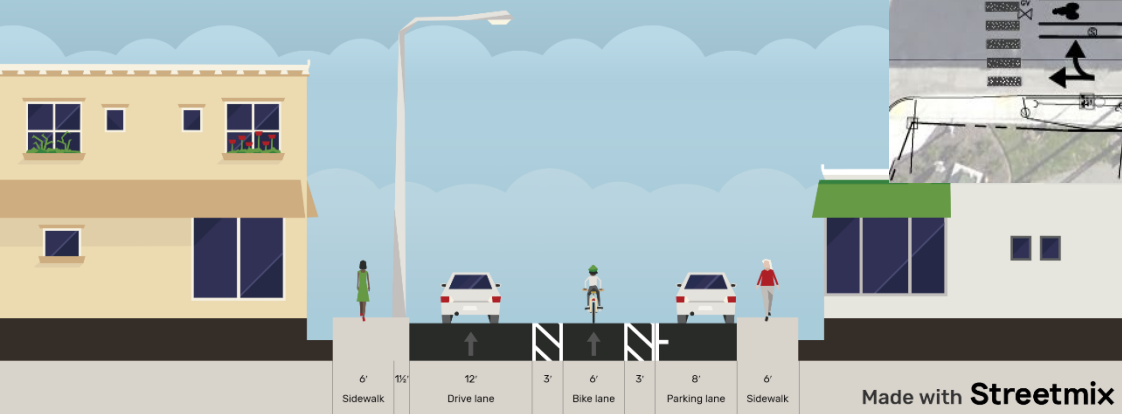
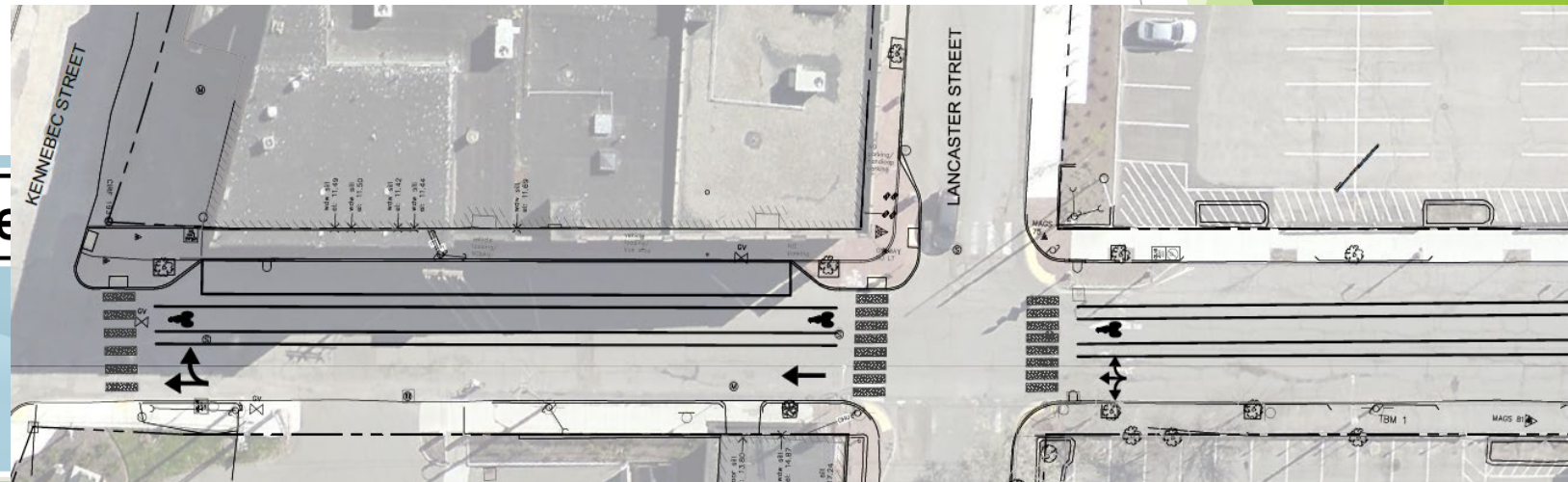


Note: Lane widths shown are preliminary design and exact width may change during final design; lane widths may vary slightly throughout the corridor based on exact street width

Cumberland to Kennebec

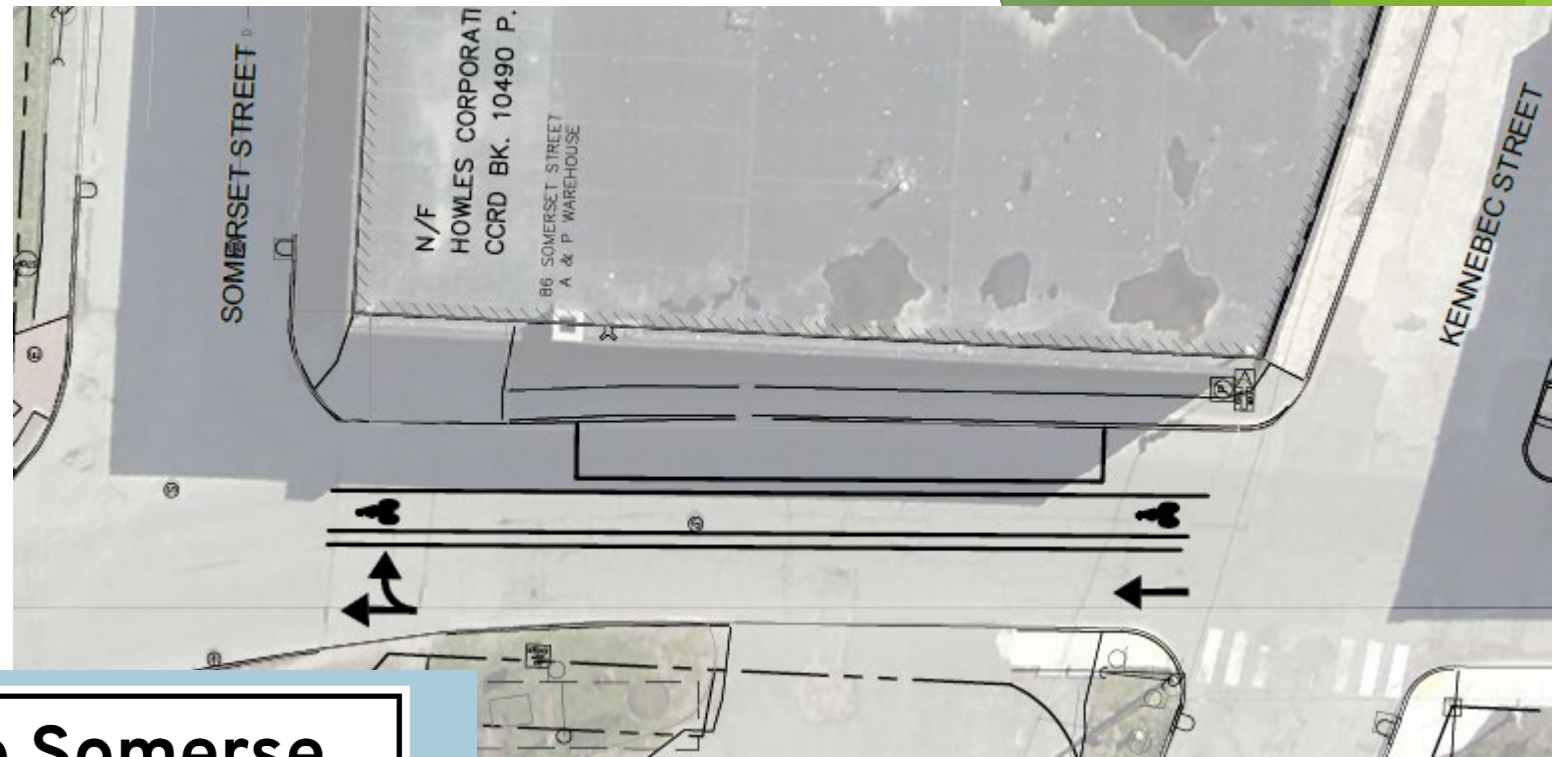


Elm Street - Cumberland to Kennebec

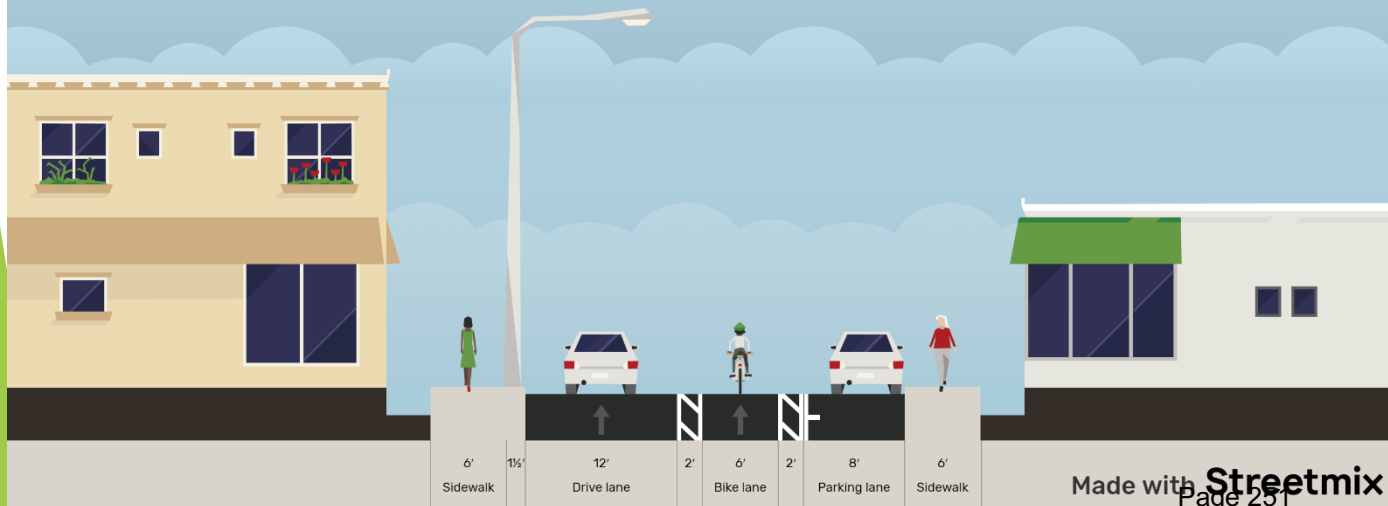


Note: Lane widths shown are preliminary design and exact width may change during final design; lane widths may vary slightly throughout the corridor based on exact street width

Kennebec to Somerset



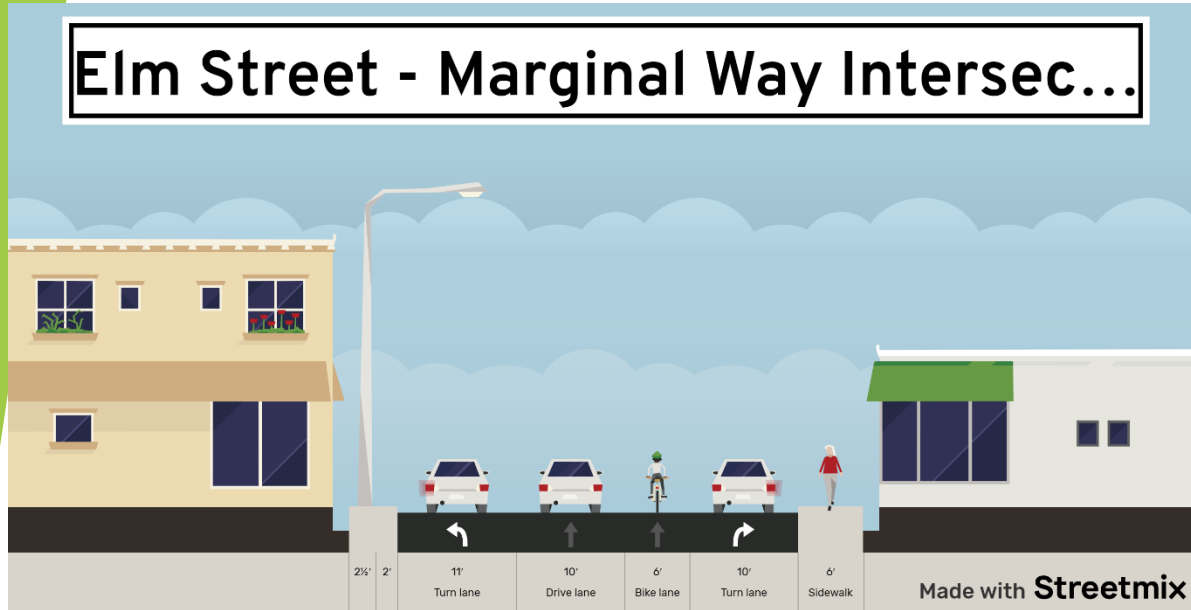
Elm Street - Kennebec to Somerse...



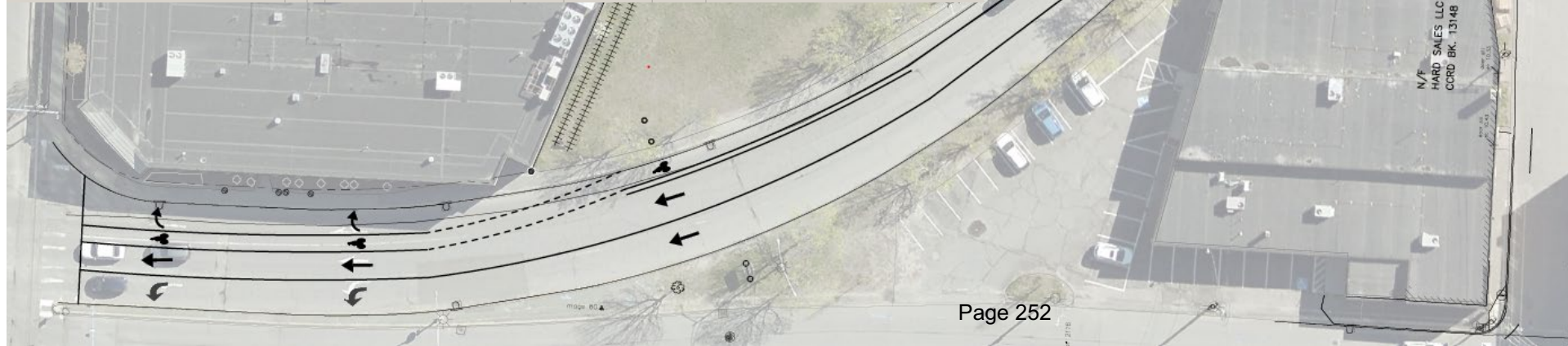
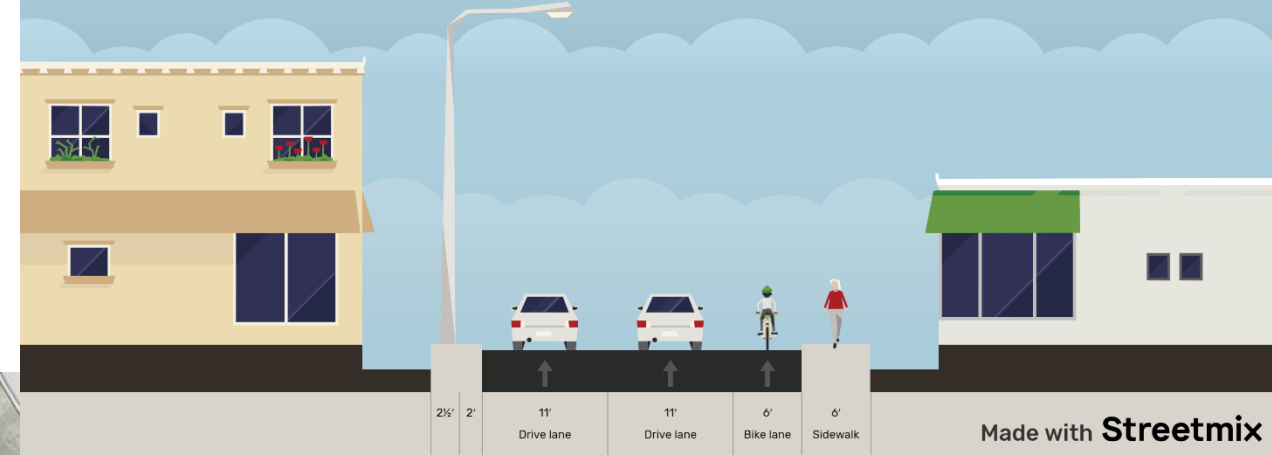
Note: Lane widths shown are preliminary design and exact width may change during final design; lane widths may vary slightly throughout the corridor based on exact street width

Somerset to Marginal Way

Elm Street - Marginal Way Intersec...



Elm Street - Somerset to Marginal ...



Note: Lane widths shown are preliminary design and exact width may change during final design; lane widths may vary slightly throughout the corridor based on exact street width

Questions/Comments?

MEMORANDUM
City Council Agenda Item

FROM: Christine Grimando

DATE: February 2, 2021

SUBJECT: Order 191-20/21 Amendment to City Code Sec. 5.2 (Zoning Map Amendment) and to C-61 Conditional Zone Agreement Re: 32 Thomas Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

SPONSOR: Brandon Mazer, Chair, Portland Planning Board
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading 3/15/2021 **Final Action 4/5/2021**

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

PRESENTATION: Brandon Mazer, Planning Board Chair, 5 minutes

I. SUMMARY

On January 26, 2021, the Planning Board unanimously recommended the adoption of the proposed amendments to the conditional zone agreement (CZA-57) in order to more accurately reflect the current status of the property, to permit the proposed programmatic changes to the site, and to facilitate the adaptive reuse of the building, which continues to be governed by a conditional zoning agreement.

II. AGENDA DESCRIPTION

On January 26, 2021, the Planning Board voted unanimously (7-0) to issue a positive recommendation for the proposed amendments to the Conditional Zone Amendment.

32 Thomas Street, LLC is proposing to update some of the contextual provisions, as well as substantive changes, of the Original Conditional Zone Agreement (CZA-57) for property at 32 Thomas Street in order to more accurately reflect the current status of the property, to permit the proposed programmatic changes to the site, and to facilitate the adaptive reuse of the building, which continues to be governed by a conditional zoning agreement. The subject property, 32 Thomas Street, is in the West End and is located in an area of the City generally zoned R-4 Residential. The existing building complex located on the parcel was formerly used as the Williston-West Church. At the request of a prior owner, and because of the unique nature of the parcel and the historic buildings located on it, the City of Portland altered the zoning for this parcel under the terms of a conditional zoning agreement dated July 13, 2012. Since that date, some, but not all of the improvements contemplated and authorized by the original CZA have been completed, and 32 Thomas Street, LLC seeks to amend the CZA to allow additional dwelling units at the subject property in the future.

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

III. BACKGROUND

When the Williston-West Church merged with Immanuel Baptist Church in 2011, the property was sold and the adaptive reuse of the former church and Parish Hall was proposed. The reuse involved creating approximately 2,500 square feet of office space, a use that was not allowed in the R-4 zone. Other uses

proposed at the time included an accessory unit on the first floor of the Parish Hall, a family residence and possibly one other dwelling on the second and third floors of the Parish Hall, and rehabilitation and use of the Williston West Church sanctuary as a residential space. In order to allow the proposed uses within the 2012 redevelopment plan, the City Council approved the Original CZA, which outlined the permitted uses, dimensional standards, and performance requirements for the redevelopment of the site. According to the applicant, the work on the residential portion of the project was started, but the Conditional Zoning Agreement was the subject of a legal challenge, partially related to whether the commercial uses authorized under the agreement were consistent with the City's previous Comprehensive Plan. In the end, the CZA was upheld and is still in effect today. However, the adaptive reuse project stalled and the site was sold at auction in 2019, at this time the ownership of the subject property was transferred to the Applicant. Although the Applicant's development plan for the site is largely consistent with the provisions of the Original CZA, the Applicant does propose some deviations from the prior owner's proposals – many of which will more closely align with the underlying R-4 zoning.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Applicant is proposing to update some of the provisions of the original CZA in order to more accurately reflect the current status of the property and to permit the proposed programmatic changes to the site and to facilitate the adaptive reuse of the property by replacing the commercial use with six additional residential units.

Portland's Plan 2030 identifies a vision statement, policy goals for the City, and principles of future land use, several of which support the proposed amendments. The proposal supports housing goals of encouraging housing growth throughout the city, as well as providing new opportunities for smaller units that serve as family housing.

V. FINANCIAL IMPACT

There will be no negative anticipated financial impact to the City through these amendments to an existing conditional zone agreement request. The proposed amendments will allow current uses at the subject property to operate as permitted uses and allows the property owners to renovate and reinvest in uses in an existing historic building.

VI. STAFF ANALYSIS AND BACKGROUND

The underlying R-4 zone creates limitations with respect to density and setbacks that would make the adaptive reuse project infeasible. The R-4 zone requires 3,000 square feet of land for the first three dwelling units, and then 6,000 square feet of land for each additional unit thereafter. This density requirement would limit development on this site to four residential units in the event of a new construction project; currently there are five units housed within the existing structures, facilitated by the CZA – thus, in order for the project as-built to remain in conformance with zoning standards, zoning relief is required via a CZA. Future expansion of the number of dwelling units at the site, as per the applicant's business plans, would not be possible under the terms of the current CZA and would be reviewed by the Planning Board under a future Major Site Plan application.

VII. RECOMMENDATION

The Planning Board voted unanimously (7-0) to find the proposed amendment to the original CZA-57 for the property located at 32 Thomas Street to be consistent with the Comprehensive Plan and R-4 Residential Zone for the City of Portland and recommends to the City Council adoption of the amendment for 32 Thomas Street.

VIII. LIST ATTACHMENTS

1. 32 Thomas Street Amendment to Conditional Zone Agreement 3.15.2021
2. 32 Thomas St City Council Report
3. PC1. Charles Remmel 11-6-2020
4. A. Cover Letter Email
5. B. Amended and Restated Conditional Zone Agreement_Final (2) Clean
6. C. 32 Thomas Street_Zoning Application_9.23.2020
7. D. Map and Text Amendment Checklist
8. E. Deed
9. Plan 1. Vicinity Map
10. Plan 2. Recording Plat

Prepared by:

Christine Grimando

Date: 2/2/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO CITY CODE CHAPTER 14
SEC. 5.2 (ZONING MAP AMENDMENT)
AND TO C-61 CONDITIONAL ZONE AGREEMENT
RE: 32 THOMAS STREET**

ORDERED, that the zoning map and text of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Chapter 14, Sec. 5.2 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

**AMENDED AND RESTATED
CONDITIONAL ZONE AGREEMENT
RE: 32 THOMAS STREET**

THIS AMENDED AND RESTATED CONDITIONAL ZONE AGREEMENT is made this _____ day of _____, 2021 by 32 Thomas Street, LLC, a Maine limited liability company, having an address of _____, Portland, Maine (“Developer”), and its successors and assigns. This Amended and Restated Conditional Zone Agreement (“Agreement”) amends and replaces in its entirety an existing Conditional Zone Agreement dated July 13, 2012, and recorded in the Cumberland County Registry of Deeds, Book 29784, Page 123 (the “Original CZA”).

WITNESSETH

WHEREAS, the Developer owns real property located at 32 Thomas Street, consisting of the parcel shown on the City’s Tax Map 62, Block E, Lot 5, being more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 29217, Page 171 (collectively the “Property”); and

WHEREAS, the existing building complex located on the Property was formerly used as the Williston-West Church; and

WHEREAS, the building complex located on the Property is comprised of two principal portions, the former sanctuary and the former parish house; and

WHEREAS, the Property, located within the West End Historic District, is currently zoned R-4 Residential; and

WHEREAS, the building complex is listed in the National Register of Historic Places, the sanctuary is a designated local landmark as defined by Article 17 of the Portland City Code and the Parish house is a contributing structure within the West End Historic District under Article 17; and

WHEREAS, the former sanctuary and the former parish hall are important large-scale non-residential historic structures that were designed by noted architects Francis Fassett and John Calvin Stevens respectively; and

WHEREAS, the building complex significantly contributes to the architectural fabric of the neighborhood and distinctive sense of place that defines Portland and therefore requires special consideration with regard to its rehabilitation and preservation; and

WHEREAS, historically appropriate and neighborhood compatible adaptive re-use of historic religious structures is often challenging, and reasonable use flexibility may enable economically viable rehabilitation and productive use of such buildings for their long-term preservation; and

WHEREAS, the Property is currently improved with 5 residential units in the former parish hall, and Developer proposes to create up to an additional 6 units in the building complex and make other improvements and modifications as contemplated in this Agreement; and

WHEREAS to create this additional number of units the current R-4 zoning requirement of 3,000 square feet of land area per dwelling unit needs to be modified pursuant to and using this Agreement to 1,500 square feet per dwelling unit; and

WHEREAS, the Portland City Council previously re-zoned the Property pursuant to the “Original CZA” or C-61 by Order 214-11/12 approved on June 18, 2012; and

WHEREAS, the underlying R-4 zoning and the Original CZA have dimensional requirements that the existing building complex does not meet, but is lawfully nonconforming, and may require additional setback modifications to accommodate minor exterior modifications; and

WHEREAS, the Developer has requested a rezoning in the form of an Amended and Restated Conditional Zone Agreement for the Property in order to permit the proposed residential development of the Property which will facilitate funding the comprehensive rehabilitation and long-term maintenance of the historic structures; and

WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommend the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

WHEREAS, the City, by and through the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§5.3-4 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unique and historical nature of the Property, the proposed development:

- Contributes a desirable, unique type of housing to the peninsula stock;
- Promotes sustainability by allowing for rehabilitation of an existing historic building to provide new housing development consistent with the medium and high density urban residential development pattern typically found on the peninsula;
- Makes improvements to below-grade infrastructure, including parking, to accommodate new growth;
- Accommodates well-designed density, which is integral to healthy, walkable city neighborhoods; and therefore it is necessary and appropriate to impose, by agreement, the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the City's comprehensive land use plan; and

WHEREAS, the Portland City Council has on _____, 2021 approved this Agreement in its entirety, by City Council Order ____-20/21, a true copy of which is attached hereto as an attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, Dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §1.2 of the Code) by adopting the map change amendment shown below to zone the Property conditional R-4, subject to the conditions contained below.

If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the underlying R-4 zone, but shall remain subject to and with the benefit of the Original CZA.

2. Permitted uses:

a. All uses allowed in the R-4 Zone, as adjusted, modified or limited herein.

- b. Modifications and limitations: The existing land area requirement of 3,000 square feet per dwelling unit shall be reduced for the Property to a minimum of
 - i. One thousand five hundred (1,500) square feet of land area per dwelling unit;
 - ii. On-site parking shall be required as specified in Article 19 (off-street parking) of the Land Use Code, for the combined uses of the site;
 - iii. The project shall be subject to Article 14 (site plan) of the Land Use Code for site plan review and approval and the following additional standards:
 - 1. Any addition or exterior alterations such as façade materials, building form, and roof pitch shall be designed to be compatible with the architectural style of the existing structures;
 - 2. The scale and surface area of parking, driveways, car lifts, mechanical car parking systems, or car parking structures, and paved areas shall be arranged and landscaped to be compatible in size and scale with the neighboring properties in the area and where feasible to properly screen vehicles from adjacent properties and streets; and
 - 3. Pre-existing dimensions of the structure existing as of January 1, 1984 shall be considered conforming. Existing setbacks may be further reduced by up to three (3) feet, or 50%, whichever is less, to accommodate minor exterior modifications.
 - iv. Use of the former sanctuary as a community hall as set forth in § Table 6-A of the Code is prohibited;
 - v. No part of the Property shall be used as a bed and breakfast, hotel, treatment facility, congregate care facility, office, or commercial or business enterprise, excepting a home occupation as currently permitted in §Table 6-A.

3. Any increase in the volume or footprint of either the parish house or the sanctuary shall be prohibited, except as necessary to accommodate any improvements, such as ramps or stairs, required in order for the Property to comply with the American With Disabilities Act, Maine Human Rights Act, or similar laws, ordinances or regulations governing access for the disabled.

4. The provisions of this Agreement are intended to replace and/or supersede the associated provisions of the underlying R-4 zone and the Original CZA. As stated above, to the extent not otherwise altered or limited herein, the zoning requirements for the R-4 zone shall otherwise apply to the Property.

5. Under no circumstances shall the Developer be permitted to convert the residential dwellings as may be allowed by this Agreement to an institutional or business use.

6. This AGREEMENT may also be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A M.R.S.A §4452 and the Portland City Code.

7. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its or their successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

8. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

9. Except as expressly modified herein, the Property shall be governed by and comply with the provisions of the Portland City Code, including but not limited to, the maintenance requirements of historic structures set forth in section Article 17 of the Code, and any applicable amendments thereto or replacement thereof.

WITNESS: _____

32 THOMAS STREET, LLC

BY:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2021

2

Personally appeared before me the above-named _____, in his/her capacity as _____ of 32 THOMAS STREET, LLC, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

Conditional Zoning Agreement
32 Thomas Street
ZN-0001309-2020
32 Thomas Street LLC, Applicant

Submitted to: Mayor Snyder & City Council From: Chair Mazer and the Portland Planning Board Council Reading Dates: March 15, 2021 and April 5, 2021	Prepared by: Shukria Wiar Date: February 26, 2021
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I. INTRODUCTION

On January 26, 2021, the Planning Board unanimously recommended (7-0) the adoption of the proposed amendments to the conditional zone agreement (CZA-57) in order to more accurately reflect the current status of the property, to permit the proposed programmatic changes to the site, and to facilitate the adaptive reuse of the building, which continues to be governed by a conditional zoning agreement.

32 Thomas Street in the West End is located in an area of the City generally zoned R-4. The existing building complex located on the parcel was formerly used as the Williston-West Church. At the request of a prior owner, and because of the unique nature of the parcel and the historic buildings located on it, the City of Portland altered the zoning for this parcel under the terms of a conditional zoning agreement dated July 13, 2012 (the "Original CZA"). Since that date, some, but not all of the improvements contemplated and authorized by the Original CZA have been completed.

In 2019, ownership of the subject property was transferred to the Applicant. Although the Applicant's development plan for the site is largely consistent with the provisions of the Original CZA, the Applicant does propose some deviations from the prior owner's proposals – many of which will more closely align with the underlying R-4 zoning. In order to facilitate its development of the site, the applicant initially proposed that the City dissolve the Original CZA in order to allow the dimensional and use standards governing the parcel to return to the underlying R-4 zone, with text amendments to the R-4 zone that would allow the proposed programmatic changes at the site, including reducing the R-4 lot area per dwelling unit requirements for sites

meeting specific criteria. The Board held a workshop on October 6, 2020 and a public hearing on January 26, 2021.

Figure 1: 32 Thomas Street – Subject Property



Currently, and consistent with the Original CZA, the subject property includes five residential condominium units and two commercial condominium units housed within the parish house and the sanctuary. The pending application proposes to reconfigure the interior floor area of the structures to remove the commercial spaces approved in the Original CZA and add six more dwelling units, yielding a total of eleven units.

If approved, the site would continue to be identified on the City's zoning map as CZA-57, and the Original CZA approved by the City in 2012 would be amended and superseded by a new agreement substantially in the same form as the draft attached to this report.

II. PROJECT DATA

Current Zoning:	Conditional Zone Agreement
Proposed Zoning:	New Conditional Zone Agreement (boundaries to remain as-is)
Current Uses:	Residential and Commercial (six units + 2 commercial spaces)
Proposed Uses:	Residential (11 units)
Parcel Area:	17,798 square feet
Area to be Rezoned:	17,798 square feet

III. BACKGROUND AND EXISTING CONDITIONS

a. History of the Site and Buildings

The Williston West Church was designed by Francis Fassett, Portland's leading architect in the 1870s, in the High Victorian Gothic Style. The building's form is defined by the large three-story bell tower and it originally had a slate roof which was replaced with asphalt shingles in 1957. Some of the stained-glass windows were created by well-known artists. The Parish Hall was added by John Calvin Stevens in 1905 and included a wing to connect to the church. Its architecture harmonizes with the church, and the Parish Hall is notable for the stained-glass windows on the upper floors. It also has historic interest as the meeting place of the Young People's Society of Christian Endeavor (a national organization that led to the Sunday School movement) which started there in 1881.

b. Existing Conditions

The building complex comprises two existing buildings (church and Parish Hall) that are linked via a connecting structure, and a courtyard area is located between the connector and Thomas Street. The site is 17,798 square feet in area and is located at the corner of Thomas Street and Carroll Street on the periphery of the underlying R-4 Residential zone, with the R-6 zone located immediately to the north and east.

Figure 3: Existing Conditions



Figure 2: Site in 1902



The Church and Parish Hall (the latter designed by John Calvin Stevens in 1905) are located within the West End Historic District and are both listed on the National Register of Historic Places, recognizing both the architectural and historical significance of the buildings. Additionally, both structures are landmarked by the City of Portland under its historic preservation ordinance.

The aerial photograph in Figure 4 illustrates that the existing buildings are very close to the lot boundaries. The parking lot to the west of the church is owned by the abutter and serves the adjacent condominiums.

c. Previously Approved Development

The original church building was constructed in 1888 and the Parish Hall in 1914. When the Williston-West Church merged with Immanuel Baptist Church in 2011, the property was sold and the adaptive reuse of the former church and Parish Hall was proposed. The reuse involved creating approximately

2,500 square feet of office space, a use that was not allowed in the R-4 zone. Other uses proposed at the time included an accessory unit on the first floor of the Parish Hall, a family residence and possibly one other dwelling on the second and third floors of the Parish Hall, and rehabilitation and use of the Williston West Church sanctuary as a residential space.

In order to allow the proposed uses within the 2012 redevelopment plan, the City Council approved the Original CZA, which outlined the permitted uses, dimensional standards, and performance requirements for the redevelopment of the site. According to the applicant, the work on the residential portion of the project was started, but the Conditional Zoning Agreement was the subject of a legal challenge, partially related to whether the commercial uses authorized under the agreement were consistent with the City's previous Comprehensive Plan. In the end, the CZA was upheld and is still in effect today. However, the adaptive reuse project stalled and the site was sold at auction in 2019.

Figure 4: Subject Property



IV. ANALYSIS OF PROPOSED CZA AMENDMENT

The applicant proposes to amend and reinstate the Original CZA to allow for the conversion of interior floor area into six additional dwelling units, yielding a total of eleven units. In order to permit higher residential densities via reduction in the minimum lot area per dwelling unit requirement from 3,000 square feet of lot area per dwelling unit to 1,500 square feet per dwelling unit. Below is a relevant excerpt from the proposed CZA; refer to [Attachment B](#) for the complete proposed language.

....

WHEREAS, the Property is currently improved with 5 residential units in the former parish hall, and Developer proposes to create up to an additional 6 units in the building complex and make other improvements and modifications as contemplated in this Agreement; and

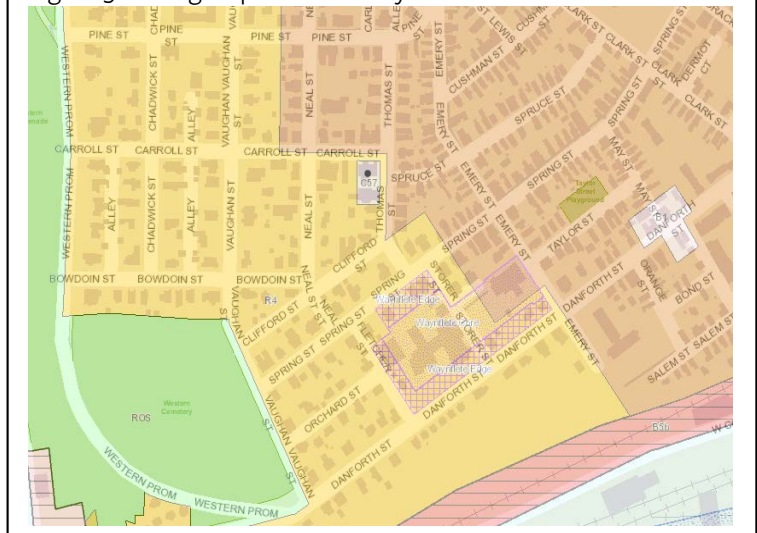
WHEREAS to create this additional number of units the current R-4 zoning requirement of 3,000 square feet of land area per dwelling unit needs to be modified pursuant to and using this Agreement to 1,500 square feet per dwelling unit; and

....

WHEREAS, the City, by and through the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§ 14-60 to 14-62 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unique and historical nature of the Property, the proposed development:

- *Contributes a desirable, unique type of housing to the peninsula stock;*

Figure 5: Zoning Map of the Vicinity



- Promotes sustainability by allowing for rehabilitation of an existing historic building to provide new housing development consistent with the medium and high density urban residential development pattern typically found on the peninsula;
- Makes improvements to below-grade infrastructure, including parking, to accommodate new growth;
- Accommodates well-designed density, which is integral to healthy, walkable city neighborhoods; and therefore it is necessary and appropriate to impose, by agreement, the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the City's comprehensive land use plan; and

....

According to the applicant, the underlying R-4 zone creates limitations with respect to density and setbacks that would make the adaptive reuse project infeasible. The R-4 zone requires 3,000 square feet of land for the first three dwelling units, and then 6,000 square feet of land for each additional unit thereafter. This density requirement would limit development on this site to four residential units in the event of a new construction project; currently there are five units housed within the existing structures, facilitated by the CZA – thus, in order for the project as-built to remain in conformance with zoning standards, zoning relief is required, whether via a CZA or via a text amendment. Future expansion of the number of dwelling units at the site, as per the applicant's business plans, would not be possible under the terms of the current CZA. Should the CZA amendment be approved by the City Council, the applicant is proposing to add six additional residential units to yield a total of eleven units, and this would be reviewed by the Planning Board under a future Major Site Plan application.

V. ZONING ANALYSIS

The applicant is requesting this conditional rezoning primarily to allow the higher density of residential units to be introduced into the existing building. Consideration of the request for conditional rezoning is guided by State Statute (Title 30-A Section 4352) which requires that all conditional or contract zoning must:

30-A M.R.S.A. section 4352(8): A municipal zoning ordinance may provide for any form of zoning consistent with this chapter, subject to the following provisions . . . A zoning ordinance may include provisions for conditional or contract zoning. All rezoning under this subsection must:

- A. Be consistent with the growth management program adopted under this chapter;
- B. Establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and
- C. Only include conditions and restrictions that relate to the physical development or operation of the property. The municipal reviewing authority shall conduct a public hearing before any property is rezoned under this subsection. Notice of this hearing must be posted in the municipal office at least 13 days before the public hearing. Notice must also be published at least 2 times in a newspaper having general circulation in the municipality. The date of the first publication must be at least 7 days before the hearing. Notice must also be sent to the owner or owners of the property to be rezoned and to the owners of all property abutting the property to be rezoned at the owners' last known addresses. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.

The City's Associate Corporation Counsel, Jennifer Thompson, has reviewed and approved the draft language of the proposed Conditional Zone Agreement. Ms. Thompson states that the proposed CZA meets the standards of the City's Code. In addition, the amendment to the CZA must accord with the City's ordinance regarding conditional rezoning as stated below:

5.3.1 Authority and purpose Pursuant to 30-A M.R.S. § 4352(8), 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. The conditional or contract zoning must be consistent with the Comprehensive Plan, and rezoned areas must be consistent with the existing and permitted uses within the original zone. Nothing in this section shall authorize either an agreement to change or retain a zone or a rezoning which is inconsistent with the City's Comprehensive Plan.

5.3.4 Conditions and restrictions Conditions and restrictions imposed under the authority of this section 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.*
- H. Provisions for enforcement and remedies for breach of any condition or restriction.*

Additionally, staff have reviewed the land uses proposed in the amendment and find that they are consistent and in harmony with existing and permitted uses in the R-4 zone. The R-4 zone is mapped within the West End neighborhood of the city and is bound by the Western Prom ROS zone to the west, the R-6 zone that extends along Bramhall Street to the north, additional R-6 along Neal Street and Vaughn Street to the east, and the B-5b zone that extends along West Commercial Street to the south. R-4 includes a number of development controls intended to limit residential conversions and to control the form of development to limit impacts to neighborhood character by regulating floor to ceiling heights, fire escapes, and other aspects of the building envelope. Specifically, the R-4 currently contains a number of residential condominiums and rentals similar to those proposed by the Applicant, therefore with the proposed higher density the proposal is consistent with the purpose statement.

According to the applicant, the existing R-4 zone creates limitations with respect to density and setbacks that would make the adaptive reuse project infeasible. The R-4 zone requires 3,000 square feet of land for the first three dwelling units, and then 6,000 square feet of land for each additional unit thereafter. This density requirement would limit development on this site to four residential units in the event of a new construction project; currently there are five units housed within the existing structures, facilitated by the CZA. The applicant is proposing to add six additional residential units to yield a total of eleven units.

VI. CONSISTENCY WITH THE COMPREHENSIVE PLAN

As part of the review of the proposed CZA amendment, the applicant was required to demonstrate, and the Planning Board was required to find, that the proposal is consistent with the City's Comprehensive Plan and with existing and permitted uses in the underlying R-4 zone. The applicant has submitted a Comprehensive Plan analysis (Attachment A). Staff have identified the following goals and policies which are relevant to the proposed text amendment and finds the proposal in conformance with both the housing, historic preservation, and sustainability goals of the Comprehensive Plan, as well as the future land use vision set forth within the Plan. As stated, the purpose of the R-4 Zone is:



To preserve the unique character of the Western Promenade area of the city by controlling residential conversions and by allowing the continued mix of single-family, two-family, and low-rise multifamily dwellings and other compatible development at medium densities.

The central vision of Portland's Plan 2030 is represented by the Venn diagram demonstrating the integral interrelation of the community's core belief that Portland is equitable, sustainable, connected, dynamic, authentic and secure. The vision conveys the message of the City's need to balance many competing interests to assure the advance of the vision as a unified concept. In this instance, that the City's goals for increasing and modifying the overall housing supply in a walkable, urban neighborhood must be balanced with the desire to ensure an appropriate balance of continuity and change as Portland grows and evolves.

Housing: A Livable City

State Goals:

- To encourage and promote affordable decent, housing opportunities for all Maine citizens

Local Goals:

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

Goals from Future Strategies:

3. Remove Housing Barriers

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

4. Promote Sustainability

- Encourage rehabilitation of existing historic buildings and materials.

An Enduring City

State Goals:

- To preserve the State's historic and archaeological resources.

Local Goals:

- Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.
- Ensure an appropriate balance of continuity and change as Portland grows and evolves.

The Board found the proposed CZA amendment to be consistent with the above goals of the Comprehensive Plan.

VII. PUBLIC COMMENT

The application was noticed to 100 neighbors and interested parties. Although the prior proposal to amend the broadly applicable R-4 zone did receive a fair amount of public comment, staff did not receive any written public comment on revised proposal in advance of the Planning Board hearing. It is noteworthy that, after hearing neighborhood concerns about the initial text amendment proposal, this Applicant worked cooperatively with the neighborhood group on the details of this new proposal. It appears that the proposed language reflects an overall site development plan that satisfies the concerns articulated by interested parties. Staff did receive a phone call from Anne Pringle, President of the Western Promenade Neighborhoods Association, and from resident Charles Rimmel to express their support for the project. After the Planning Board workshop, the applicant met with the abutting neighbors in regard to the R-4 zone text amendment. The neighborhood expressed that they did not support the change. Though the text amendment was intended to be specific to this property by criteria intended to limit the

universe of applicable parcels, the neighbors felt that it could have implications for other properties in the R-4 zone as well. Neighbors in attendance supported the alternative of a new or amended CZA in lieu of an R-4 text amendment. As an amendment and reinstatement of an existing CZA, it was determined that this application did not require a neighborhood meeting. Public comment made at the January 26, 2021 Planning Board hearing public included one in support of the amendment focusing on the benefits of the CZA as it relates to facilitating the adaptive reuse of the structures while preserving historic elements, along with questions about the review of the application under the previous code rather than the current, newly adopted code, and general concerns about neighborhood outreach by applicants and the City for land use applications.

VIII. PLANNING BOARD RECOMMENDATION TO THE CITY COUNCIL

The Planning Board voted unanimously (7-0) to find the proposed amendment to the original CZA-57 for the property located at 32 Thomas Street to be consistent with the Comprehensive Plan and R-4 Residential Zone for the City of Portland and recommends to the City Council adoption of the amendment for 32 Thomas Street:

1. That, because of the unusual nature and unique location of the proposed development and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as outlined in the proposed Conditional Zone Agreement;
2. That the proposed Conditional Zone Agreement for the reuse and rehabilitation of 32 Thomas Street as described in this Report is consistent with the Comprehensive Plan of the City of Portland;
3. That the proposed Conditional Zone Agreement for the reuse and rehabilitation of 32 Thomas Street as described in this Report is consistent with existing and permitted uses in the R-4 Zone;
4. That the proposed Conditional Zone Agreement for 32 Thomas Street is in compliance with the standards of Article 5.3-4 Conditions and Restrictions of Conditional or Contract Zoning; and
5. That the Planning Board therefore recommends the approval of the Conditional Zone Agreement for 32 Thomas Street to the City Council.

The Planning Board's positive recommendation is based on a finding that the agreement achieves the comprehensive plan objectives related to encouragement of housing production, of historic preservation, and of adaptive reuse of historic structures. The proposed additional residential units result in minimal alterations to the character-defining features of the two church structures. The revised agreement has addressed staff's concerns. In addition, the applicant has worked and addressed the concerns raised by members of the West End neighborhood.

IX. ATTACHMENTS

PUBLIC COMMENTS

PC 1. Charles Rimmel 11.06.2020

APPLICANT'S SUBMITTAL

- A. Cover Letter Email
- B. Amended and Restated Conditional Zone Agreement
- C. 32 Thomas Street Zoning Application_9.23.2020
- D. Map and Text Amendment Checklist
- E. Deed

PLANS

Plan 1 Vicinity Map

Plan 2 Recording Plat

Brandon Mazer, Chair, PPB
c/o Christine Grimando, Director
Portland City Hall
389 Congress Street
Portland, Maine, 04101

Re: Williston West Site and Residential Re-use

Dear Chairman Mazer

I listened to the workshop discussion and public comment concerning Williston West, and I felt it is necessary to provide some further history and perspective about the West End. I would request that you provide this submission to the other members of the PB. The thoughts and reflections I express here arise from living in the West End for 51 years, and being actively engaged in the politics and civic issues that touch upon this area of Portland. In that regard, perhaps they represent my idiosyncratic views, but I thought the information might be of some help as the Planning Board and the City address issues in the area, including the Williston project. (To avoid any confusion about Williston, I am supportive of the move to make appropriate revisions/changes to the existing CZA to eliminate the business office use and to allow expanded residential re-use of this site, and support in the main the current concept plan of the current applicant. However I do not favor adding amendments to an entire zone for a single project. Amending a zone for the benefit of a single project is, in effect, a CZA by other means, with broader possible downsides.)

Truncated History of the Western Prom From The Late 1960's

The period of the late 60's and early 70's was a period of intense social reexamination. This included, primarily among a younger generation, approaches to different lifestyles—everything from communes, to more rural relocations, particularly in Maine to rural area and communities surrounding Portland. However for some of us, we wanted to make our stand in urban living, close to the city's life and center. To this end, our family bought and restored a house on Thomas Street, mostly with our own labor, while both working full-time jobs. At that time, even the more architecturally interesting homes in the West End were very inexpensive, as demand for this type of housing was minimal. To understand this fact and what that meant, in 1969-1970, Portland was at a low point in its seeming collapse, except for the off-peninsula areas. Perhaps the last place to which any one wanted to move was the peninsula, whose housing stock was deteriorated and moving in the wrong direction, and adjoined a downtown which itself was in serious decline. (We were able to obtain low-interest Model Cities loans for renovations, because the West End, including the Western Prom, was considered a blighted urban area.)

As it happens, we were not alone, and a number of younger families with children began to see the possibilities of the Western Prom area and bought into the area. However, from my perspective, the City administration at that moment in time did not appreciate what was happening. Its focus was to discount the area as a residential area, and to foster and promote conversions of the housing to medical offices and uses adjunct to Maine Medical. Thus ensued a nearly ten year battle between the residents of the area and the City, during which the Western Prom Neighborhood Association was formed, contesting the City's limited vision. (This may help explain why allowing a business office use in the R-4 as part of a contract zone was such a flash point for the neighborhood.)

At this later point in time, things had started to change in terms of attitudes toward urban possibilities generally in the American culture. Here is where the Western Prom area played an important role for Portland's urban revitalization. Because of its location and housing stock, it presented and crystalized the unique opportunities of peninsula residential living, and was a catalyst over the next nearly two decades for what is now the resurgent demand for residential living on the peninsula. (It was to take nearly 15-20 years before interest in the East End development to mushroom.) The attitude and understanding of the West End's value, as well as other peninsula areas, also grew and expanded in the City administration.

Planning tends to focus on the here and now. If one takes a longer view, is the current interest in the peninsula and Portland in general to continue at its current intensity? Maybe the Covid decimation of the bars and restaurants and urban businesses will change Portland's trajectory. Maybe Portland is at an apex. I hope not. That said, the continuation of protections for the West End R-4 area and its housing stock could in the future once again be vital and more centrally important.

I don't know the answers to these questions, but I do believe one needs to be careful and not casual about this area, its history, its zoning, and its importance for Portland to the concept of urban living alongside the downtown. I can provide witness, from my personal experience, that assertions that it has always been an area solely of privilege and exclusion are simply incomplete and historically inaccurate.

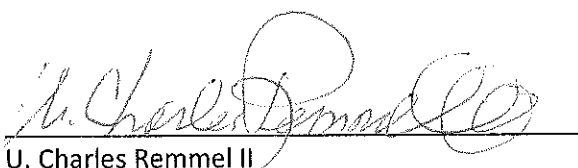
R-4 verses R-6

The discussion about the R-4 boundary lines and perhaps moving the Williston site into the R-6, was not well considered. In my judgment, it was looking at the boundary lines from entirely the wrong perspective and vantage point. The proper question is why aren't both sides of Thomas Street in the R-4, because both sides are almost exclusively residential homes and consistent with the housing stock, purposes, and residential uses in the R-4? Why is the dividing line in the middle of the street? The same could be said of Carroll and Neal Street (out to West Street).. The attention should be on where the R-4 should be expanded and properly redrawn to make certain that areas not now in the R-4, but consistent with its uses and goals, are included. The mistake is the current location of the R-6 line.

To return to the theme of the prior discussion, the Western Prom area is a unique asset. Thought needs to be given to its enhancement.

Density Consideration

I am not oblivious to the problem of density, and affordable housing. It is very challenging to increase each of these on the peninsula, which is now among the most, if not the most, expensive real estate in Maine. The Western Prom area is a beneficiary and a victim of high real estate values. Because of pricing, it is not now an entry point for beginning families with children as it was in 1969-1970. Because of its valuations, and current use, it is an unlikely candidate to resolve the density and affordable housing concerns, no matter what enthusiasm one might bring to the housing issues of Portland. Each section of Portland is unique and has its own issues and possibilities. As to the West End in and around the R-4, it has been a success story over the last 50 years, and its uses and advantages to the overall City should be recognized, and the area not be forced into becoming something else through misplaced zoning initiatives.

A handwritten signature in dark ink, reading "U. Charles Remmel II". The signature is written in a cursive style with a large, prominent loop at the end of the last name. It is positioned above a horizontal line.

U. Charles Remmel II

41 Thomas Street

Portland, Maine

cremmel@krz.com



Shukria Wiar <shukriaw@portlandmaine.gov>

Williston West Amended and Restated CZA

Erin Cooperrider <erin@newheightgroup.com>

Mon, Dec 7, 2020 at 9:37 AM

To: Shukria Wiar <shukriaw@portlandmaine.gov>

Cc: James Rather <jrather@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>

Hi Shukria:

After further conversations with the neighborhood and Portland Landmarks, we have agreed to pursue the original application to amend and restate the Conditional Zone Agreement that is currently in place for Williston West. Christine and I have discussed the reasons for this approach, and determined that the meeting we previously requested is not necessary.

Attached is a draft of an Amended and Restated CZA that meets our needs and is acceptable to the WPNA for your review. We look forward to advancing this application.

Best Regards,

Erin Cooperrider
NewHeight Group
erin@newheightgroup.com
207.720.0181

Verdante at Lincoln Park. 29 homes. 22 plans. Endless Possibilities. verdantecondos.com

NewHeight Group. Development for Today's Lifestyles. newheightgroup.com



Amended and Restated Conditional Zone Agreement_Final.docx

25K

AMENDED AND RESTATED
CONDITIONAL ZONE AGREEMENT

RE:
WILLISTON-WEST CHURCH

THIS AMENDED AND RESTATED CONDITIONAL ZONE AGREEMENT is made this ____ day of _____, 2020 by 32 Thomas Street, LLC, a Maine limited liability company, having an address of _____, Portland, Maine (“Developer”), and its successors and assigns. This Amended and Restated Conditional Zone Agreement (“Agreement”) amends and replaces in its entirety an existing Conditional Zone Agreement dated July 13, 2012, and recorded in the Cumberland County Registry of Deeds, Book 29784, Page 123 (the “Original CZA”).

WITNESSETH

WHEREAS, the Developer owns real property located at 32 Thomas Street, consisting of the parcel shown on the City’s Tax Map 62, Block E, Lot 5, being more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 29217, Page 171 (collectively the “Property”); and

WHEREAS, the existing building complex located on the Property was formerly used as the Williston-West Church; and

WHEREAS, the building complex located on the Property is comprised of two principal portions, the former sanctuary and the former parish house; and

WHEREAS, the Property, located within the West End Historic District, is currently zoned R-4 Residential; and

WHEREAS, the building complex is listed in the National Register of Historic Places, the sanctuary is a designated local landmark as defined by Article ~~17A~~ of the Portland City Code and the Parish house is a contributing structure within the West End Historic District under Article ~~17A~~; and

WHEREAS, the former sanctuary and the former parish hall are important large-scale non-residential historic structures that were designed by noted architects Francis Fassett and John Calvin Stevens respectively; and

WHEREAS, the building complex significantly contributes to the architectural fabric of the neighborhood and distinctive sense of place that defines Portland and therefore requires special consideration with regard to its rehabilitation and preservation; and

WHEREAS, historically appropriate and neighborhood compatible adaptive re-use of historic religious structures is often challenging, and reasonable use flexibility may enable

economically viable rehabilitation and productive use of such buildings for their long-term preservation; and

WHEREAS, the Property is currently improved with 5 residential units in the former parish hall, and Developer proposes to create up to an additional 6 units in the building complex and make other improvements and modifications as contemplated in this Agreement; and

WHEREAS to create this additional number of units the current R-4 zoning requirement of 3,000 square feet of land area per dwelling unit needs to be modified pursuant to and using this Agreement to 1,500 square feet per dwelling unit; and

WHEREAS, the Portland City Council previously re-zoned the Property pursuant to the “Original CZA”; and

WHEREAS, the underlying R-4 zoning and the Original CZA have dimensional requirements that the existing building complex does not meet, but is lawfully nonconforming, and may require additional setback modifications to accommodate minor exterior modifications; and

WHEREAS, the Developer has requested a rezoning in the form of an Amended and Restated Conditional Zone Agreement for the Property in order to permit the proposed residential development of the Property which will facilitate funding the comprehensive rehabilitation and long-term maintenance of the historic structures; and

WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommend the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

WHEREAS, the City, by and through the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§ ~~14-60 to 14-62~~ 5.3-4 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unique and historical nature of the Property, the proposed development:

- Contributes a desirable, unique type of housing to the peninsula stock;
- Promotes sustainability by allowing for rehabilitation of an existing historic building to provide new housing development consistent with the medium and high density urban residential development pattern typically found on the peninsula;
- Makes improvements to below-grade infrastructure, including parking, to accommodate new growth;
- Accommodates well-designed density, which is integral to healthy, walkable city neighborhoods; and therefore

it is necessary and appropriate to impose, by agreement, the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the City’s comprehensive land use plan; and

WHEREAS, the Portland City Council has on _____, 2020 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as an Attachment 1 (the “Order”);

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, Dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § ~~14-49-1.2~~ of the Code) by adopting the map change amendment shown below to zone the Property conditional R-4, subject to the conditions contained below.

If this Agreement is not recorded within sixty (60) days after the effective date of the City Council’s approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the underlying R-4 zone, but shall remain subject to and with the benefit of the Original CZA.

2. Permitted uses:

- a. All uses allowed in the R-4 Zone, as adjusted, modified or limited herein.
- b. Modifications and limitations: The existing land area requirement of 3,000 square feet per dwelling unit shall be reduced for the Property to a minimum of
 - i. One thousand five hundred (1,500) square feet of land area per dwelling unit;
 - ii. On-site parking shall be required as specified in Article 19 (off-street parking) of the Land Use Code, for the combined uses of the site;
 - iii. The project shall be subject to Article 14 (site plan) of the Land Use Code for site plan review and approval and the following additional standards:
 1. Any addition or exterior alterations such as façade materials, building form, and roof pitch shall be designed to be compatible with the architectural style of the existing structures;
 2. The scale and surface area of parking, driveways, car lifts, mechanical car parking systems, or car parking structures, and paved areas shall be arranged and landscaped to be compatible in size and scale with the neighboring properties in the area and where feasible to properly screen vehicles from adjacent properties and streets; and
3. Pre-existing dimensions of the structure existing as of January 1, 1984

shall be considered conforming. Existing setbacks may be further reduced by up to three (3) feet, or 50%, whichever is less, to accommodate minor exterior modifications.

- iv. Use of the former sanctuary as a community hall as set forth in Section ~~14-103(b)(2)(a)~~, Table 6-A of the Code is prohibited;
- v. No part of the Property shall be used as a bed and breakfast, hotel, treatment facility, congregate care facility, office, or commercial or business enterprise, excepting a home occupation as currently permitted in ~~§14-102(b)(4)~~ Table 6-A.

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3. Any increase in the volume or footprint of either the parish house or the sanctuary shall be prohibited, except as necessary to accommodate any improvements, such as ramps or stairs, required in order for the Property to comply with the American With Disabilities Act, Maine Human Rights Act, or similar laws, ordinances or regulations governing access for the disabled.

4. The provisions of this Agreement are intended to replace and/or supersede the associated provisions of the underlying R-4 zone and the Original CZA. As stated above, to the extent not otherwise altered or limited herein, the zoning requirements for the R-4 zone shall otherwise apply to the Property.

5. Under no circumstances shall the Developer be permitted to convert the residential dwellings as may be allowed by this Agreement to an institutional or business use.

6. This AGREEMENT may also be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A M.R.S.A §4452 and the Portland City Code.

7. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its or their successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

8. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

9. Except as expressly modified herein, the Property shall be governed by and comply with the provisions of the Portland City Code, including but not limited to, the maintenance requirements of historic structures set forth in section Article 17 of the Code, and any applicable amendments thereto or replacement thereof.

[Signature to Follow on Next Page]

WITNESS: _____

32 THOMAS STREET, LLC

By:

STATE OF MAINE
CUMBERLAND, ss

Personally appeared before me the above-named _____ in his/her capacity as _____ of 32 Thomas Street, LLC, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney-at-Law

September 22, 2020

Planning and Urban Development Department
Planning Division
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

Subject: Map and Text Amendment Application
26 - 32 Thomas Street ("Williston-West Church")

To Whom it May Concern:

West End, LLC, which owns the membership interests in 32 Thomas Street, LLC, owner of 26 - 32 Thomas Street, is seeking map and text amendments to enable an adaptive reuse of the property.

The project site is comprised of eight parcels, Chart 062, Block E00, Lot 5001 (26 Thomas St Unit 1), Chart 062, Block E00, Lot 5002 (26 Thomas St Unit 2), Chart 062, Block E00, Lot 5003 (26 Thomas St Unit 3), Chart 062, Block E00, Lot 5004 (26 Thomas St Unit 4), Chart 062, Block E00, Lot 5005 (26 Thomas St Unit 5), Chart 062, Block E00, Lot 5006 (26 Thomas St Unit 6), Chart 062, Block E00, Lot 5007 (26 Thomas St Unit 7), and the Williston-West Church. The lot(s) that constitute 26 - 32 Thomas Street are currently improved with the historic Williston West Church a/k/a West-End Church sanctuary, and the historic parish house containing five residential condominium units and two commercial condominium units.

The parish house and the sanctuary are connected by a modern addition. Five residential units are built and currently occupied, while the commercial condominium in the parish house and the sanctuary sit empty.

The proposed map and text amendments would make the adaptive reuse project financially feasible by allowing for the construction of additional residential density, while returning the property to the R-4 zone, making it more compatible with the surrounding neighborhood. In addition, the proposed text amendments draw from existing language regarding alterations in other residential zones in Portland. Our thinking here is that this approach may help the City to unify its policy on adaptive reuse across several zones.

The property is currently subject to a Conditional Zoning Agreement which includes commercial space. We are seeking to dissolve the Conditional Zoning Agreement and return the property to the R-4 zone, subject to approval of the proposed text amendments.

September 22, 2020

Planning and Urban Development Department
Map and Text Amendment Application for Williston-West Church
Page 2

1. Text amendments to the R-4 zone to allow for adaptive reuse of buildings in non-residential use as of 1984, as is currently permitted in the R-3 and R-5 zones; and
2. Dissolution of Conditional Zone Agreement C57, which was required due to the nonconforming uses proposed in the previous plan, and return of the property to the R-4 zone.

We look forward to further discussing the project and this request for map and text amendments both with staff and the Planning Board.

Sincerely,

A handwritten signature in black ink, appearing to be 'Shawn Lyden', with a long horizontal line extending to the right.

Shawn Lyden
Principal, West End LLC

CITY OF PORTLAND
Planning & Urban Development Department

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

Zoning Amendments

32 Thomas Street (“Williston-West”)

Overview

Our team is proposing to an adjustment to the current zoning to allow for adaptive reuse of the property located at 26 - 32 Thomas Street. While the previous redevelopment plan for this site included commercial space, the current proposal seeks to rezone the project for an entirely residential use. Toward that end, we are seeking two amendments to the City’s zoning code:

1. Text amendments to the R-4 zone to allow for adaptive reuse of buildings in non-residential use as of 1984, as is currently permitted in the R-3 and R-5 zones; and
2. Repeal of Conditional Zone Agreement C57, which was required because of the nonconforming uses proposed in the previous plan.

While the immediate purpose for these amendments is to allow for the completion of the long-delayed adaptive reuse for this historic property, the amendments have other benefits as well:

- They bring consistency across similar residential zoning districts to allow for adaptive reuse of former churches, schools, and similar buildings;
- They eliminate a conditional zoning agreement, creating more consistent rules across properties in the same zoning district; and
- They bring the proposed reuse of 32 Thomas Street in line with the residential character of the R-4 zone.

Further information about the previous redevelopment effort on this site, this proposal, alternatives considered, and its consistency with City plans are below. We look forward to working with City staff, the Planning Board, and the City Council on these changes.

Previous Proposal

The original church building was constructed in 1888 and the Parish Hall in 1914. The site is an individually-designated landmark property and is also on the National Register of Historic places. After the Williston-West Church merged with Immanuel Baptist in 2011, the property was sold. The new owners proposed an adaptive reuse of the former church and Parish Hall. This reuse involved creating approximately 2,500 square feet of office space as well as residences and a possible community space.

In order to allow this redevelopment plan to go forward, the City Council approved a Conditional Zoning Agreement (C57) that outlined the permitted uses, dimensional standards, and performance requirements for the redevelopment of the site. While work commenced on

the residential portion of the project, the Conditional Zoning Agreement was the subject of a legal challenge, partially related to consistency with the City's previous Comprehensive Plan and the commercial uses. In the end, the C57 agreement was upheld. However, the project stalled and eventually the site was sold at auction.

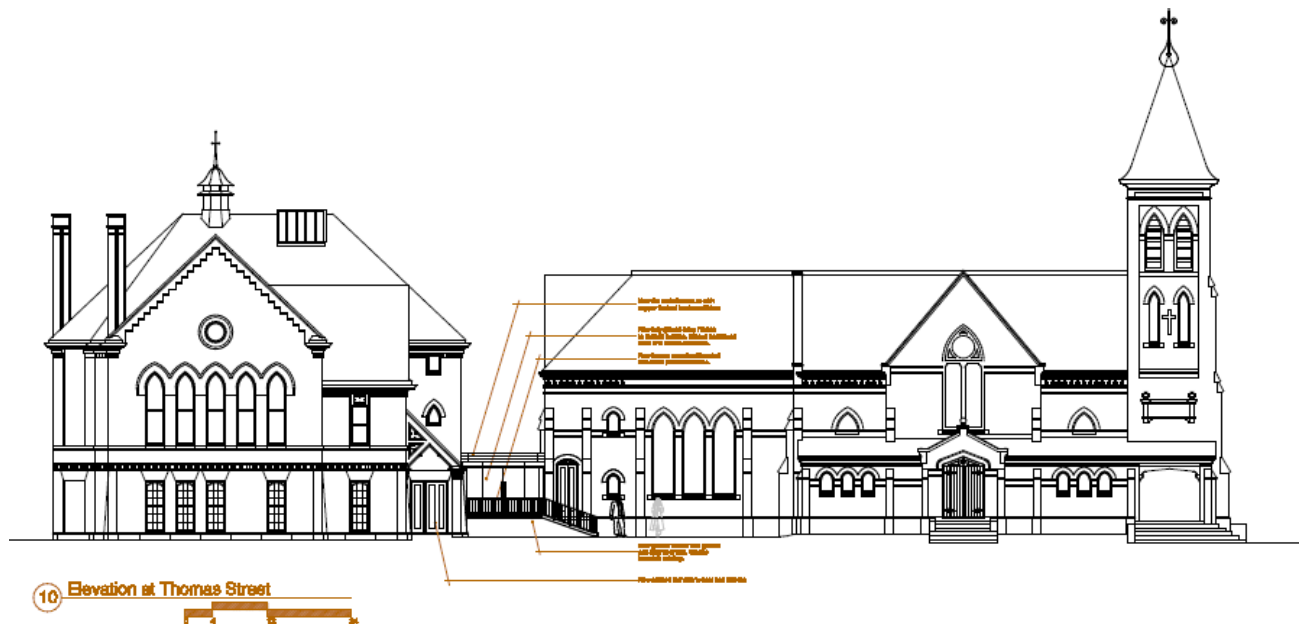


Figure 1: Elevation of the Buildings from Thomas Street (Garrison Consulting)

Current Proposal

Our team proposes to complete redevelopment of the buildings with additional residences rather than commercial space. We plan for a total of 11 units on the site. The exact configuration of the units is still under development, but the only primary use on the site would be housing. The plan includes completing renovation of the building's exterior, with some possible modifications to accommodate the revised plan and accessory parking needs.

Given the primarily residential nature of our development proposal, we have explored zoning options that are in keeping with City plans, the current ReCode Portland effort, and other local concerns and interests. We want to create an economically feasible project that fits in with the surrounding neighborhood as much as possible.

Adaptive reuse of an existing building is a different enterprise than new development, creating a need for zoning allowances that differ from the base zoning. We have explored several options that might meet various stakeholders' interests as much as possible, and have developed a proposal we believe does so.

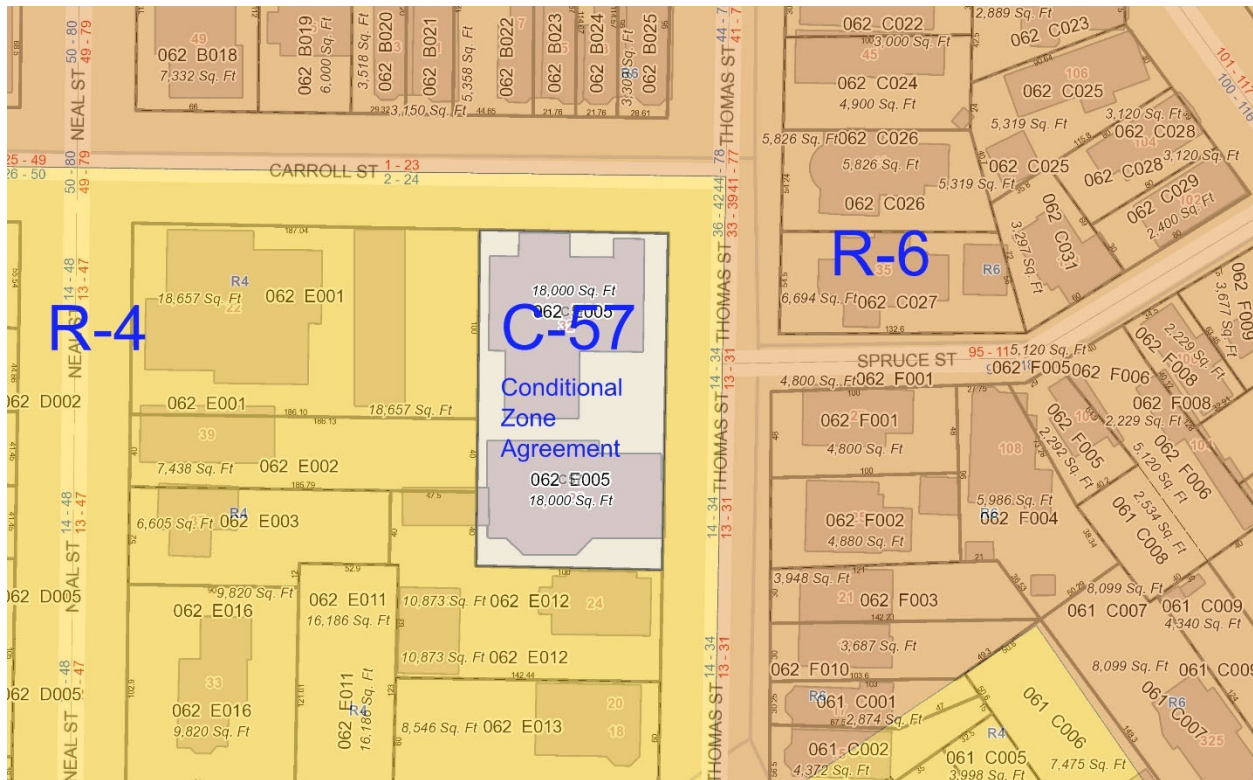


Figure 2: Existing Zoning around 32 Thomas Street

Limitation of the Existing R-4 Base Zone

The purpose of the existing R-4 zone is:

“To preserve the unique character of the Western Promenade area of the city by controlling residential conversions and by allowing the continued mix of single-family, two-family, and low-rise multifamily dwellings and other compatible development at medium densities.”

We consider this site to be “compatible development,” as redevelopment would be residential and would allow for preservation and restoration of an existing historic structure. However, the language of the R-4 zone would not, by itself, permit this redevelopment.

Commercial uses on the site under our plan would be limited to home occupations and other uses permitted in the R-4 zone. However, there are other limits in the base zone that would make our project infeasible. Most importantly, the R-4 zone requires 3,000 square feet of land for each of the first three dwelling units, and then 6,000 square feet of land for each additional unit. Those requirements would limit redevelopment of this site to four units, less than the five already on the site.

The existing zone also creates limitations with respect to setbacks. While we don’t plan to significantly modify the exterior of the buildings, we may need to make some minor changes to

accommodate modern building codes or other factors. Much of the existing building is dimensionally nonconforming, making modifications very challenging.

Alternatives Considered

We explored several zoning options before setting on our proposed approach, focusing on three possibilities:

- *Amend the Existing C57 Conditional Zoning Agreement:* This approach has some appeal as being based on the existing zoning for the site. In fact, this was our original proposal earlier this year. After further consideration, however, we determined that this approach is not the best way to move forward. From the City's perspective, it retained a conditional zoning agreement while staff, the Planning Board, and the City Council are looking to simplify the zoning code and reduce site specific zoning allowances. From our perspective, this approach did not give us the flexibility we need in designing an economically viable reuse of the site. From the neighborhood's perspective, while this approach might seem to provide the most certainty, the reality is that the bulk of the restoration work required in the C57 agreement is already complete. There is a risk that tying the site to a specific redevelopment proposal would result in additional delays in project completion.
- *Propose a Map Amendment to R-6:* This approach would provide our team with the density and dimensional standards needed to complete redevelopment of the site. It would potentially be consistent with City goals to keep contiguous zoning districts, as the R-6 zone is right across the street. However, this approach is opposed by some in the neighborhood who are concerned about moving properties from R-4 to R-6. For this reason, we sought another approach.
- *Add Existing Language regarding Adaptive Reuse to the R-4 zone:* For some time, in Section 14-118 (3), the R-5 zone has allowed for adaptive reuse of structures that were in non-residential use as of January 1, 1984 into three or more dwelling units as a conditional use. The planning objective in this language is presumably to permit economically viable use of these structures, consistent with the residential character of the zone. This section was adapted for the R-3 zone in Section 14-88 (3) in 2018, with some adjustments to the language to acknowledge the differences between the R-5 and R-3 zones. This R-3 amendment permitted adaptive reuse of the former Reed School site.

We believe this final option is the best approach, and can replace the existing C-57 Conditional Zoning Agreement. This approach works for our team, as it gives us the ability to redevelop the site in an economically feasible way. It works for the City in that it takes an existing zoning tool – designed to accomplish goals outlined in City plans with respect to reuse of existing historic structures as well as housing production goals- and simply adapts it for use in an additional

zone. Finally, it works for the neighborhood, as it allows for existing permitted uses while also restoring historic structures.

Proposed Language

The specific amendments to the R-4 zone we are proposing are as follows:

Adding a new section 14-103 (a):

"14-103 (a)

4. Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that:

a. If there has been previous alteration of part of the structure for residential use after January 1, 1984, it was consistent with zoning in effect at the time altered;

b. No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;

c. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;

d. One thousand five hundred (1,500) square feet of land area per dwelling unit shall be required;

e. On-site parking shall be required as specified in division 20 (off-street parking) of this article, for the combined uses of the site;

f. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

1. Any addition or exterior alterations such as facade materials, building form, and roof pitch shall be designed to be compatible with the architectural style of the structure;

2. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.

3. Pre-existing dimensions of the structure existing as of January 1, 1984 shall be considered conforming. Existing setbacks

may be further reduced by up to three (3) feet, or 50%, whichever is less, to accommodate minor exterior modifications."

In addition, we propose amending 14.105 (b) to allow for this new section:

"14.105. (b) Minimum lot area per dwelling unit: Three thousand (3,000) square feet, except as provided for ~~a multiplex~~ elsewhere this section. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit."

The proposed language in 14-103(a) is very similar to the language in the R-5 and R-3 zones, but contains three slightly different elements:

1. It clarifies that a partial alteration of a non-residential building to residential uses does not eliminate the ability to utilize this section. This language is advisable because the Williston-West site has been partially converted to five residential units.
2. It uses a different lot area minimum per dwelling unit. While the R-3 and R-5 zones use 3,000 square feet per unit, the minimum proposed would be 1,500 square feet of lot area per unit. This reflects the generally higher densities in the area, and the economics of redevelopment on the Peninsula.
3. It reduces setback requirements for existing buildings, and further allows for minor reductions in setback requirements to allow for changes such as those that might be required to meet current building code. While such an allowance is not as important in the R-3 and R-5 zones, where there is more space on most sites, it is essential in an urban site where the existing building is already very close to existing lot lines.

The proposed language still requires that the project be reviewed as a conditional use, in order to ensure that these standards are met.

The change to 14.105 (b) simply replaces the term "a multiplex" with the term "elsewhere in this section." While currently the only time lot area per dwelling unit varies from the district's base is in the case of multiplexes, adding 14-103(a) would create a second variation.

Alternatively, the phrase "or in 14-103(a)" could be added after "multiplex."

Applicability Elsewhere in the R-4 Zone

As a general text amendment, this would apply to any properties in the R-4 zone. While this is slightly more expansive than a conditional zoning agreement, we believe this opens up opportunities for other non-residential structures in the zone to be converted to residential uses with certainty. This change would therefore encourage non-conforming uses to come into conformance with the primarily residential nature of the R-4 zone.

One concern raised by neighbors is whether this amendment would encourage division of larger apartments into smaller spaces, by increasing the number of units that can be built on a

site. However, as this language only applies to buildings in non-residential use prior to 1984, it does not apply in many cases in the zone. We are not aware of any such buildings where a partial conversion to residential space has occurred since 1984, which are the only properties where there may be some risk of units being divided into smaller spaces.

Consistency with City Plans

These proposed amendments are consistent with City plans. In particular, they will help accomplish three long-stated City goals:

- Additional housing production;
- Adaptive reuse of historic buildings; and
- Streamlining and clarifying of City land use code.

In particular, these changes are consistent with the city's Comprehensive Plan. At the core of that plan is housing production. The Plan calls for production of a variety of housing types and locations, with a specific, but achievable, goal of reaching a population of 72,000 by 2027. That target will require production of 2,557 housing units, or almost 300 per year. While this project by itself will not accomplish this goal, it will help in achieving that level of housing production.

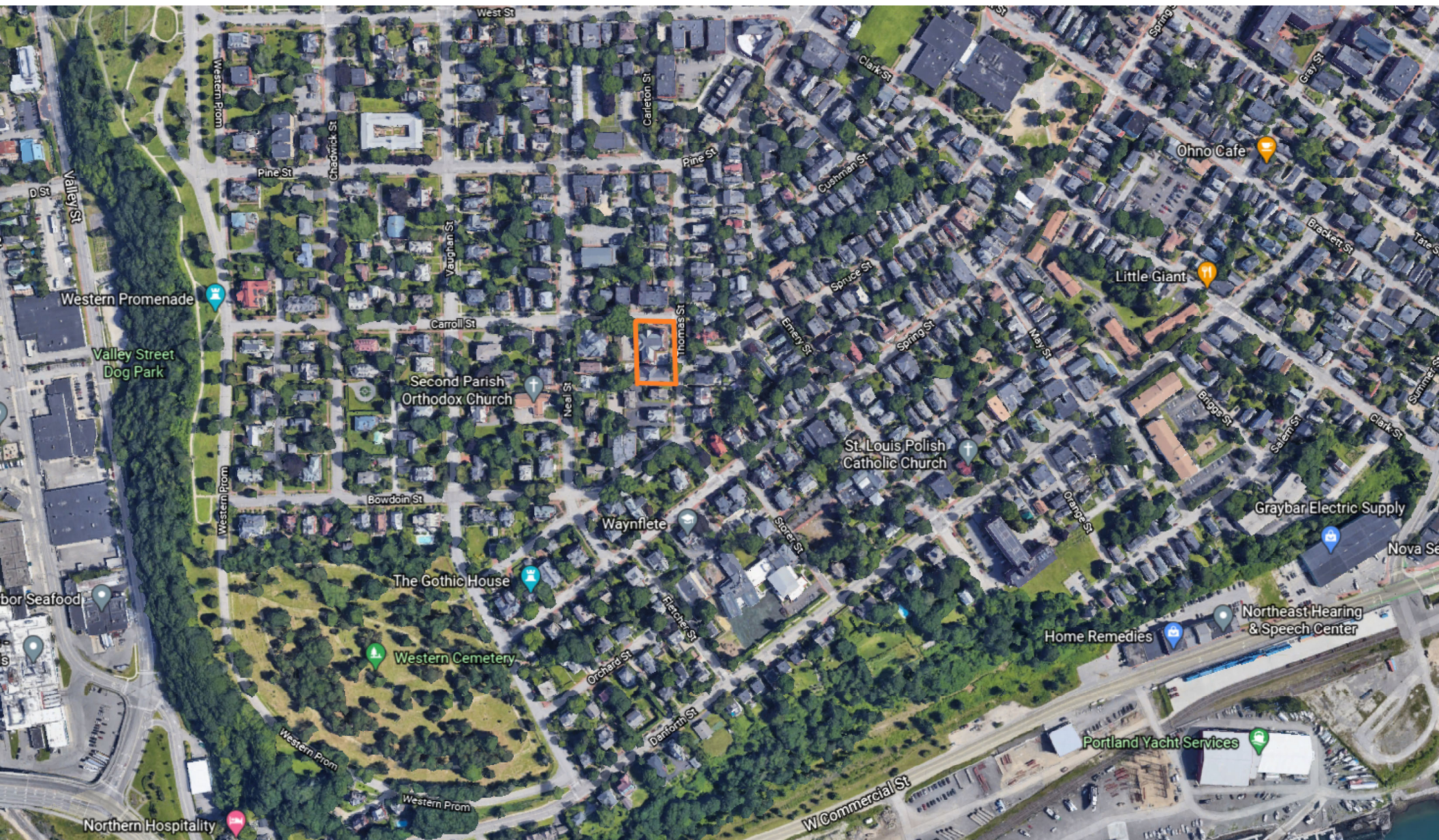


Portland's Plan also calls for adaptive reuse of historic structures, calling for the City to "[s]tabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development." This proposed adaptive reuse will allow for such a quality investment in an existing historic structure in a way that does not require public subsidy.

Conclusion

Our team is excited to continue the work that began in 2011 to preserve the former Williston-West Church and Parish Hall. By adopting these zoning amendments, the City will allow for adaptive reuse of this site consistent with City policies, while also cleaning up and simplifying City land use code. We look forward to discussing these changes with staff, the Planning Board and the City Council.

Vicinity Map



WARRANTY DEED
Maine Statutory Short Form

KNOW ALL BY THESE PRESENTS, that **WILLISTON-WEST CHURCH, a/k/a Williston-West United Church of Christ, successor in interest to Williston Church**, a Maine non-profit corporation having a place of business at Portland, County of Cumberland, and State of Maine, for consideration paid, grants to **32 THOMAS STREET, LLC**, a Maine limited liability with a place of business in Portland, County of Cumberland and State of Maine, whose mailing address is 477 Congress Street, Suite 601, Portland, Maine 04101, with **WARRANTY COVENANTS**, the land, together with any improvements thereon, located in the City of Portland, County of Cumberland and State of Maine, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, said WILLISTON-WEST CHURCH has caused this instrument to be signed and sealed by Patrick Costin, its duly-authorized Chairman of the Board of Trustees this 19TH day of December, 2011.

WITNESS:

WILLISTON-WEST CHURCH,
a/k/a Williston-West United Church of
Christ, successor in interest to Williston
Church

By: Patrick Costin
Its: Chairman of Board of Trustees

STATE OF MAINE
COUNTY OF CUMBERLAND

December 19, 2011

Personally appeared before me the above-named Patrick Costin, Chairman of the Board of Trustees, and acknowledged the foregoing to be his free act and deed in said capacity and the free act and deed of said church.

Notary Public/Attorney at Law

Peter L. Murray
Printed Name

**EXHIBIT A
TO
WARRANTY DEED**

Two certain lots or parcels of land, together with any improvements thereon, situated in the City of Portland, County of Cumberland and State of Maine and further described as follows:

PARCEL 1: A certain parcel of land located in said Portland bounded as follows. Beginning at the corner made by the intersection of the Westerly side of Thomas Street unto the Southerly side of Carroll Street; thence Southerly by said Westerly side of Thomas Street one hundred and five (105) feet to a point; thence Westerly on a line parallel with said Southerly side of Carroll Street one hundred (100) feet to a point; thence Northerly on a line parallel with said Westerly side of Thomas Street one hundred and five (105) feet to said Carroll Street; thence Easterly by said Carroll Street to the point begun at. Being the same premises described in two certain agreements between Abby A. Steele and John H. True. Being the premises described in a deed from Abby A. Steele to Williston Church dated April 13, 1886 and recorded in the Cumberland County Registry of Deeds in Book 525, Page 221.

PARCEL 2: Property located in said Portland, being the premises described in a deed from Edward P. Chase to Williston Church dated September 9, 1897 and recorded in the Cumberland County Registry of Deeds in Book 652, Page 460.

Also hereby conveying all of the Grantor's right, title and interest in and to the fee underlying all public or private rights-of-way, easements, streets and alleys over, contiguous, benefitting or appurtenant to the premises.

The above described property is conveyed subject to an Easement from Williston Church to Central Maine Power and New England Telephone and Telegraph dated November 11, 1970 and recorded in said Registry of Deeds in Book 3157, Page 51.

By acceptance of this deed, Grantee agrees, for itself and its successors and assigns, that should the Grantee, its successors or assigns, at any time desire to demolish or alter the building on the property conveyed herein as to result in material damage to or removal of the stained glass windows, pipe organ and church bell, the Grantor shall have the right to remove and repossess the affected stained glass windows, pipe organ and church bell, without charge, but at its own expense, for preservation, recycling and/or re-use by Grantor, its successors and assigns, at Grantor's other location or elsewhere; provided, however, that Grantor, its successors or assigns, shall at its own expense reasonably restore any portion of the property disturbed by such removal activities.

Meaning and intending to describe the same property as described in a deed from Abby Steele to Williston Church, dated April 13, 1886 and recorded in said Registry of Deeds in Book 525, Page 221 and in a deed from Edward Chase to Williston Church, dated September 9, 1897 and recorded in said Registry of Deeds in Book 652, Page 460.

The above-described premises were surveyed by Northeast Civil Solutions as shown on a "Boundary Survey of 26 Thomas Street, Portland, Maine" dated December 13, 2011, and the Grantor conveys all right, title and interest in and to the metes and bounds description as follows:

A certain lot or parcel of land, together with any improvements thereon, located on the southerly side of Carroll Street and on the westerly side of Thomas Street, in the City of Portland, County of Cumberland, State of Maine, being more particularly bounded and described as follows:

BEGINNING at a #5 rebar w/cap stamped "NCS, INC PLS 1314" at the intersection of the southerly right-of-way line of Carroll Street and the westerly right-of-way line of Thomas Street. Said rebar being shown on a plan entitled "Boundary Survey of 26 Thomas Street, Portland, Maine" by Northeast Civil Solutions, dated December 13, 2011;

THENCE S 17°46'20" W along the westerly right-of-way line of said Thomas Street 180.00' to a #5 rebar w/cap stamped "NCS, INC PLS 1314". Said rebar being the northeasterly corner of land now or formerly of McKee Associates LLC as recorded in a deed recorded in the Cumberland County Registry of Deeds in Book 15262, Page 140;

THENCE N 72°58'37" W along the northerly line of land now or formerly of said McKee Associates LLC, 100.00' to a #5 rebar w/cap stamped "NCS, INC PLS 1314";

THENCE N 17°46'20" E along the easterly line of said McKee Associates LLC, land now or formerly of Sidney Tripp as recorded in a deed recorded in said Registry of Deeds in Book 15671, Page 307 and land now or formerly of McLellan School Houses Condominiums 180.00' to a #5 rebar w/cap stamped "NCS, INC PLS 1314". Said rebar being on the southerly right-of-way line of Carroll Street;

THENCE S 72°58'37" E along the southerly right-of-way line of said Carroll Street 100.00' to the POINT OF BEGINNING.

The above described parcel contains 17,998 square feet, more or less.

The basis of bearing for the above described parcel is Magnetic 1980.

S:\SANG01\Williston West Church\Deed.doc

Received
Recorded Register of Deeds
Dec 20, 2011 02:21:24P
Cumberland County
Pamela E. Lovley

Site Plan

ZONING, BULK & SPACE REQUIREMENTS:

- REFERENCE CONDITIONAL ZONING AGREEMENT REGARDING IN CUMBERLAND COUNTY REISTRY OF DEEDS AT BOOK 29784 PAGE 123 AND R4 ZONING REQUIREMENTS.
2. PERMITTED USES:
- A. ALL USES IN THE R-4 ZONE, INCLUDING
- B. PROFESSIONAL OFFICES, INCLUDING COMPUTER SOFTWARE PROGRAMMING AND MARKETING, AND EXCLUDING PERSONAL SERVICES, RETAIL SERVICES AND VETERINARIANS SUBJECT TO THE FOLLOWING:
- i. PROFESSIONAL OFFICES SHALL BE LOCATED ON THE FIRST FLOOR OF THE PARISH HOUSE AND SHALL OCCUPY NO MORE THAN 2,800 SF OF FLOOR AREA.
 - ii. THE TOTAL NUMBER OF EMPLOYEES OF THE PROFESSIONAL OFFICES SHALL NOT EXCEED FOURTEEN (14) NON-RESIDENT EMPLOYEES REGULARLY SCHEDULED TO OCCUPY THE PREMISES AT ANY ONE TIME.
 - iii. THE BUSINESS UTILIZING THE OFFICE SPACE SHALL BE A SINGLE TENANT OFFICE SPACE OWNED OR CONTROLLED BY THE OWNER OF THE PARISH HOUSE.
 - iv. THE OFFICE USE SHALL NOT GENERATE FREQUENT DAILY VISITATION BY CLIENTS CUSTOMERS, OR THE GENERAL PUBLIC.
 - v. THE OWNER OF THE PARISH HOUSE BUSINESS SHALL SECURE AND PROVIDE TO ITS EMPLOYEES ONE (1) OFF STREET PARKING SPACE FOR EACH EMPLOYEE WHO COMMUTES TO THE OFFICE BY HIS OR HER AUTOMOBILE.
- THIS PROJECT INCLUDES AN OFFICE USE ON THE FIRST FLOOR OF THE PARISH HOUSE THAT OCCUPIES APPROXIMATELY 2,800 SF OF FLOOR AREA. THE UNDERLYING ZONING REQUIREMENTS FOR THE UNDERLYING R4 ZONE APPLY BUT FOR THE FOLLOWING MODIFICATIONS AS SET FOR THE CONDITIONAL REZONING AGREEMENT. THESE INDIVIDUAL REQUIREMENTS ARE LISTED BELOW ALONG WITH THE ESTABLISHED COMPLIANCE TO THOSE REQUIREMENTS.
- A. MINIMUM LOT SIZE FOR PLACES OF ASSEMBLY AND PROFESSIONAL OFFICE USES COMBINED: 17,500 SF. THE LOT SIZE OF THE SUBJECT PROPERTY IS 17,986SF AND IS THEREFORE AS SHOWN ON THE BOUNDARY SURVEY BY NORTHEAST CITY SOLUTIONS DATED DECEMBER 13, 2011.
- B. MINIMUM YARD DIMENSIONS
- i. FRONT YARD: 10'-0" TO THE EXISTING FRONT YARD OF PARISH HOUSE IS 14'-0". THE SANCTUARY IS 16'-10" AT THOMAS STREET AND 6'-9" AT CARROLL ST.
 - ii. REAR YARD: 3 FEET. THE EXISTING STRUCTURE AT SANCTUARY IS 2'-9" AND AT THE EXISTING STRUCTURE AT THE REAR OF THE PARISH HOUSE IS 3'-9".
 - iii. SIDE YARD: 4 FEET. THE SIDE OF THE EXISTING PARISH HOUSE STRUCTURE AT THE SIDE YARD IS 8'-3".
 - iv. SIDE YARD ON SIDE STREETS: 8 FEET.
- C. MAXIMUM LOT COVERAGE: 90%. THE EXISTING FOOTPRINT OF THE STRUCTURES ON THE PROPERTY IS APPROXIMATELY 17,200 SF. THE PROPOSED STRUCTURES ON THE PROPERTY:
- D. MAXIMUM STRUCTURE HEIGHT (SANCTUARY): 37 FEET. THE EXISTING HEIGHT OF THE SANCTUARY IS APPROXIMATELY 37 FEET.
- E. MAXIMUM STRUCTURE HEIGHT (PARISH HOUSE): 47 FEET. THE EXISTING HEIGHT OF THE PARISH HOUSE IS APPROXIMATELY 47 FEET.
- F. MAXIMUM STRUCTURE HEIGHT (BELL TOWER): 70 FEET. THE EXISTING HEIGHT OF THE BELL TOWER IS APPROXIMATELY 70 FEET.
- G. MINIMUM FLOOR AREA FOR PLACES OF ASSEMBLY: 6,000SF. THIS PROJECT DOES NOT PROVIDE ANY PROVISION FOR CONSIDERATION FOR THE USE OF THE SANCTUARY AS A COMMUNITY HALL AT THIS TIME.
- H. RESIDENTIAL DWELLINGS WITHIN THE EXISTING STRUCTURES SHALL BE GOVERNED BY THE EXISTING SET OF SEVERAL CITY ORDINANCES UNDERLYING THE R-4 ZONE. DENSITY CALCULATIONS FOR RESIDENTIAL USE SHALL BE BASED ON THE LOT SIZE OF THE PARCEL WITHOUT LAND AREA DEDUCTIONS FOR OTHER NON-RESIDENTIAL USES ON THE SITE. THIS PROJECT PROPOSES 5 RESIDENTIAL DWELLING UNITS WITHIN THE EXISTING STRUCTURE OF THE PARISH HOUSE. THE R-4 ZONE REQUIRES A MINIMUM LOT AREA OF 3,000SF PER UNIT AND A MINIMUM FLOOR AREA OF 7000SF PER UNIT. THE PROPOSAL OF 5 UNITS REQUIRES 15,000SF OF LAND AREA. THE EXISTING LAND AREA OF THE PROPERTY IS 17,986 SF. THE SMALLEST OF 5 PROPOSED UNITS IS APPROXIMATELY 1,100 SF.
- I. THE CONDITIONAL REZONING AGREEMENT PROHIBITS THE INCREASE IN VOLUME OR FOOTPRINT OF EITHER THE PARISH HOUSE OR THE SUBMISSION FOR THE REPAIR OR RENOVATION OF THE EXISTING PORTICO CONNECTOR TO THE PARISH HOUSE AND THE TRANSPORT OF THE SANCTUARY AS THE MAIN ENTRANCE TO THE RESIDENCES IN THE PARISH HOUSE. THESE MODIFICATIONS WILL NOT INCREASE THE VOLUME OR FOOTPRINT OF THE PARISH HOUSE OR THE TRANSPORT OF THE SANCTUARY.
- J. THE CONDITIONAL REZONING AGREEMENT INCLUDES A REHABILITATIONS SCHEDULE. THAT WORK HAS COMMENCED AND IS UNDERWAY AS NOTED. THIS PROJECT DOES NOT INTEND TO OBTAIN A CERTIFICATE OF REHABILITATION FROM THE CITY OF PORTLAND UNTIL ALL OF THE WORK ON THE REHABILITATION SCHEDULE HAS BEEN COMPLETED.
- K. THE 4 ONE-SITE PARKING SPACES ARE DEDICATED FOR USE BY THE OCCUPANTS OF THE RESIDENTIAL UNITS ONLY.
- L. EXISTING 4 UTILITY SERVICES SHALL BE REMOVED. NEW UTILITY SERVICES SHALL BE INSTALLED UNDERGROUND.
- M. PRECISE CONSTRUCTION DETAILS SHALL MEET HISTORICAL PRESERVATION AND SITE PLAN COMPLIANCE OF APPROVAL AND CITY OF PORTLAND TECHNICAL STANDARDS, WHERE APPLICABLE.

UNIT SQUARE FOOTAGE TABLE:		
UNIT #	DESCRIPTION	SQUARE FOOTAGE (SF)
1	GROUND FLOOR CARETAKERS	1,115
2	OVERLOOKING THOMAS STREET	2,161
3	CENTER OF BUILDING	1,768
4	SOUTHWEST CORNER	1,627
5	REAR NORTHWEST CORNER	1,507

WAIVER:

ON THE BASIS OF THE APPLICATION, PLANS, REPORTS AND OTHER INFORMATION SUBMITTED BY THE APPLICANT, FINDINGS AND RECOMMENDATIONS, CONTAINED IN THE PLANNING BOARD REPORT FOR APPLICATION ON DECEMBER 8, 2015 FOR APPLICATION #2015-131 (26-32 THOMAS STREET) RELEVANT TO PORTLAND'S TECHNICAL AND DESIGN STANDARDS AND OTHER REGULATIONS, AND THE TESTIMONY PRESENTED AT THE PLANNING BOARD HEARING, THE BOARD HAS THE HONOR TO WAIVE THE TECHNICAL MANUAL DESIGN SECTION 1.1.4, PARKING LOT AND PARKING SPACE DESIGN, WHICH REQUIRES A DRIVE ALLEY OF 24 FEET WIDTH FOR 90 DEGREE PARKING, TO ALLOW A PARKING ALLEY OF 21 FEET AS SUPPORTED BY THE TRAFFIC ENGINEERING REVIEWER.

CONDITIONS OF APPROVAL

ON THE BASIS OF THE APPLICATION, PLANS, REPORTS AND OTHER INFORMATION SUBMITTED BY THE APPLICANT, FINDINGS AND RECOMMENDATIONS CONTAINED IN THE PLANNING BOARD REPORT FOR THE PUBLIC HEARING ON DECEMBER 8, 2015 FOR APPLICATION #2015-131 (26-32 THOMAS STREET) RELEVANT TO THE SUBDIVISION REGULATIONS, AND THE TESTIMONY PRESENTED AT THE PLANNING BOARD HEARING, THE PLANNING BOARD VOTED 6-0 TO FIND THAT THE PLAN IS IN CONFORMANCE WITH THE SUBDIVISION STANDARDS OF THE LAND USE CODE AND TO APPROVE THE APPLICATION, SUBJECT TO THE FOLLOWING CONDITION OF APPROVAL:

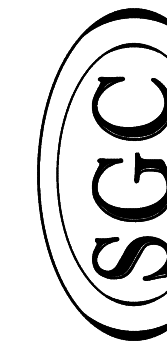
1. THE APPLICANT SHALL FINALIZE THE SUBDIVISION PLAT TO ADDRESS PLANNING BOARD AND STAFF COMMENTS, AND TO CONFIRM THAT THE 4 ON-SITE PARKING SPACES ARE FOR THE USE OF THE OCCUPANTS OF THE PROPOSED RESIDENTIAL UNITS ONLY; THE FINAL PLAT TO BE SUBMITTED FOR REVIEW AND APPROVAL BY CORPORATION COUNSEL, DEPARTMENT OF PUBLIC WORKS, AND THE PLANNING AUTHORITY PRIOR TO SIGNATURE BY THE PLANNING BOARD.

APPROVED BY CITY OF PORTLAND PLANNING BOARD

[illegible][illegible]

SGC ENGINEERING, LLC

- Civil Design & Survey Engineering
- Environmental & Regulatory Permitting
- Electrical Power Systems Engineering



SERVING OUR CLIENTS IN THE U.S.A. & CANADA

RECORD OWNER:	MAJELLA GLOBAL TECHNOLOGY DEVELOPMENT 1200 MIDDLE STREET PORTLAND, MAINE
DATE: 12/02/2015	DRAWN: TDO PROJECT: 1309001
DESIGN: TDO	CHECK: EGW FILE: 1309001_RECORDING PLATWDG

RECORDING PLAT
WILLISTON CHURCH
26 THOMAS STREET
PORTLAND, MAINE

TITLE:

SHEET

1

SCALE: 1" = 20'

CITY OF PORTLAND
Planning & Urban Development Department

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

WARRANTY DEED
Maine Statutory Short Form

KNOW ALL BY THESE PRESENTS, that **WILLISTON-WEST CHURCH, a/k/a Williston-West United Church of Christ, successor in interest to Williston Church**, a Maine non-profit corporation having a place of business at Portland, County of Cumberland, and State of Maine, for consideration paid, grants to **32 THOMAS STREET, LLC**, a Maine limited liability with a place of business in Portland, County of Cumberland and State of Maine, whose mailing address is 477 Congress Street, Suite 601, Portland, Maine 04101, with **WARRANTY COVENANTS**, the land, together with any improvements thereon, located in the City of Portland, County of Cumberland and State of Maine, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, said WILLISTON-WEST CHURCH has caused this instrument to be signed and sealed by Patrick Costin, its duly-authorized Chairman of the Board of Trustees this 19TH day of December, 2011.

WITNESS:

WILLISTON-WEST CHURCH,
a/k/a Williston-West United Church of
Christ, successor in interest to Williston
Church

By: Patrick Costin
Its: Chairman of Board of Trustees

STATE OF MAINE
COUNTY OF CUMBERLAND

December 19, 2011

Personally appeared before me the above-named Patrick Costin, Chairman of the Board of Trustees, and acknowledged the foregoing to be his free act and deed in said capacity and the free act and deed of said church.

Notary Public/Attorney at Law

Peter L. Murray
Printed Name

**EXHIBIT A
TO
WARRANTY DEED**

Two certain lots or parcels of land, together with any improvements thereon, situated in the City of Portland, County of Cumberland and State of Maine and further described as follows:

PARCEL 1: A certain parcel of land located in said Portland bounded as follows. Beginning at the corner made by the intersection of the Westerly side of Thomas Street unto the Southerly side of Carroll Street; thence Southerly by said Westerly side of Thomas Street one hundred and five (105) feet to a point; thence Westerly on a line parallel with said Southerly side of Carroll Street one hundred (100) feet to a point; thence Northerly on a line parallel with said Westerly side of Thomas Street one hundred and five (105) feet to said Carroll Street; thence Easterly by said Carroll Street to the point begun at. Being the same premises described in two certain agreements between Abby A. Steele and John H. True. Being the premises described in a deed from Abby A. Steele to Williston Church dated April 13, 1886 and recorded in the Cumberland County Registry of Deeds in Book 525, Page 221.

PARCEL 2: Property located in said Portland, being the premises described in a deed from Edward P. Chase to Williston Church dated September 9, 1897 and recorded in the Cumberland County Registry of Deeds in Book 652, Page 460.

Also hereby conveying all of the Grantor's right, title and interest in and to the fee underlying all public or private rights-of-way, easements, streets and alleys over, contiguous, benefitting or appurtenant to the premises.

The above described property is conveyed subject to an Easement from Williston Church to Central Maine Power and New England Telephone and Telegraph dated November 11, 1970 and recorded in said Registry of Deeds in Book 3157, Page 51.

By acceptance of this deed, Grantee agrees, for itself and its successors and assigns, that should the Grantee, its successors or assigns, at any time desire to demolish or alter the building on the property conveyed herein as to result in material damage to or removal of the stained glass windows, pipe organ and church bell, the Grantor shall have the right to remove and repossess the affected stained glass windows, pipe organ and church bell, without charge, but at its own expense, for preservation, recycling and/or re-use by Grantor, its successors and assigns, at Grantor's other location or elsewhere; provided, however, that Grantor, its successors or assigns, shall at its own expense reasonably restore any portion of the property disturbed by such removal activities.

Meaning and intending to describe the same property as described in a deed from Abby Steele to Williston Church, dated April 13, 1886 and recorded in said Registry of Deeds in Book 525, Page 221 and in a deed from Edward Chase to Williston Church, dated September 9, 1897 and recorded in said Registry of Deeds in Book 652, Page 460.

The above-described premises were surveyed by Northeast Civil Solutions as shown on a "Boundary Survey of 26 Thomas Street, Portland, Maine" dated December 13, 2011, and the Grantor conveys all right, title and interest in and to the metes and bounds description as follows:

A certain lot or parcel of land, together with any improvements thereon, located on the southerly side of Carroll Street and on the westerly side of Thomas Street, in the City of Portland, County of Cumberland, State of Maine, being more particularly bounded and described as follows:

BEGINNING at a #5 rebar w/cap stamped "NCS, INC PLS 1314" at the intersection of the southerly right-of-way line of Carroll Street and the westerly right-of-way line of Thomas Street. Said rebar being shown on a plan entitled "Boundary Survey of 26 Thomas Street, Portland, Maine" by Northeast Civil Solutions, dated December 13, 2011;

THENCE S 17°46'20" W along the westerly right-of-way line of said Thomas Street 180.00' to a #5 rebar w/cap stamped "NCS, INC PLS 1314". Said rebar being the northeasterly corner of land now or formerly of McKee Associates LLC as recorded in a deed recorded in the Cumberland County Registry of Deeds in Book 15262, Page 140;

THENCE N 72°58'37" W along the northerly line of land now or formerly of said McKee Associates LLC, 100.00' to a #5 rebar w/cap stamped "NCS, INC PLS 1314";

THENCE N 17°46'20" E along the easterly line of said McKee Associates LLC, land now or formerly of Sidney Tripp as recorded in a deed recorded in said Registry of Deeds in Book 15671, Page 307 and land now or formerly of McLellan School Houses Condominiums 180.00' to a #5 rebar w/cap stamped "NCS, INC PLS 1314". Said rebar being on the southerly right-of-way line of Carroll Street;

THENCE S 72°58'37" E along the southerly right-of-way line of said Carroll Street 100.00' to the POINT OF BEGINNING.

The above described parcel contains 17,998 square feet, more or less.

The basis of bearing for the above described parcel is Magnetic 1980.

S:\SANG01\Williston West Church\Deed.doc

Received
Recorded Register of Deeds
Dec 20, 2011 02:21:24P
Cumberland County
Pamela E. Lovley

**REAUTHORIZATION OF
AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AMENDMENT)
RE: Conditional Zoning Agreement
Williston-West Church**

ORDERED, that the zoning text of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

**AMENDED CONDITIONAL ZONE AGREEMENT
RE: WILLISTON-WEST CHURCH**

AGREEMENT (the “Agreement”) made this ____ day of _____, 2020 by 32 Thomas Street, LLC, a Maine limited liability company having a mailing address _____, Maine ____ (“Developer”), and its successors and assigns.

W I T N E S S E T H

WHEREAS, the Developer owns real property located at 32 Thomas Street, consisting of the parcel shown on the City’s Tax Map 62, Block E, Lot 5, being more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 29217, Page 171 (collectively the “Property”); and

WHEREAS, the existing building complex located on the Property was formerly used as the Williston-West Church; and

WHEREAS, on June 18, 2012, the City of Portland (hereinafter “City”) granted a conditional rezoning agreement (the “Original CZA”), which Original CZA was recorded in the Cumberland County Registry of Deeds on July 26, 2012 in Book 29784, Page 123; and

WHEREAS, prior to the Original CZA, the Property was zoned R-4 Residential; and

WHEREAS, the properties on the opposite sides of Thomas and Carroll Streets, directly across from the Property, are zoned R-6 Residential; and

WHEREAS, the building complex located on the Property is comprised of two principal portions, the sanctuary and the parish house; and

WHEREAS, the building complex is listed in the National Register of Historic Places, the sanctuary is a designated local landmark as defined by Article IX of the Portland City Code and the parish house is a contributing structure within the West End Historic District under Article IX; and

PROPOSED DRAFT

WHEREAS, the sanctuary and the parish hall are important, unique, large-scale, non-residential historic structures that were designed by noted architects Francis Fassett and John Calvin Stevens, respectively; and

WHEREAS, the building complex significantly contributes to the architectural fabric of the neighborhood and distinctive sense of place that defines Portland and therefore requires special consideration with regard to its rehabilitation and preservation; and

WHEREAS, the standards of review for alterations of historic structures set forth in Portland City Land Use Code (the “Code”) §14-650 include the following: (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose; and (b) The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible;

WHEREAS, prior to the Original CZA, the building complex located on the Property was falling into a state of disrepair; and

WHEREAS, pursuant to the Original CZA, the Developer has invested significant time and resources into restoring the building located on the Property, including without limitation rehabilitation of the parish house and the development of five (5) residential condominium units therein; and

WHEREAS, the Original CZA allowed for use of a portion of the first floor of the parish house for office use, which uses, particularly in the R-4 zone, have been limited; and

WHEREAS, the Original CZA provided for the Developer to maintain the sanctuary and to use the building as a community hall for limited community uses; and

WHEREAS, historically appropriate and neighborhood compatible adaptive re-use of historic religious structures is often challenging, and reasonable use flexibility may enable economically viable rehabilitation and productive use of such buildings for their long term preservation; and

WHEREAS, development of the Project in accordance with the Original CZA, and specifically of the maintenance of the sanctuary for use as a community hall for limited community uses has not proved to be economically viable; and

WHEREAS, the Developer proposes and intends to develop the portion of the parish house that was intended to be developed for office use under the Original CZA into two (2) additional residential units, as illustrated in Exhibit A-1, A-2 and A-3 attached hereto; and

PROPOSED DRAFT

WHEREAS, the Developer proposes and intends to develop the sanctuary into four (4) additional residential units, as illustrated in Exhibits A-1, A-2 and A-3 attached hereto; and

WHEREAS, the Developer proposes and intends to install underground parking to accommodate the additional residential units as illustrated in Exhibit B attached hereto; and

WHEREAS, the Developer has requested an amendment to the Original CZA to allow for development of six (6) additional residential units as described above, which requires a reduction of the permitted level of density within the R-4; and

WHEREAS, the proposed addition of six (6) additional residential units provide the necessary economic value for the feasibility of the productive use of the building complex and the associated rehabilitation investments; and

WHEREAS, the additional six (6) residential units cannot be accommodated under dimensional requirements of the R-4 zone; and

WHEREAS, the Developer has completed the schedule of rehabilitation improvements to the building complex to address immediate needs to ensure the soundness and integrity of the building envelope and structural elements in accordance with the Original CZA; and

WHEREAS, the Developer intends to continue to maintain the historic character of the structures and Property and intends to perform additional improvements to the building complex to prolong its useful life and preserve the historic character, all with the goal of extending the useful life of the building complex for a time period approaching fifty (50) years or longer; and

WHEREAS, the Developer has requested a rezoning of the Property in order to permit the proposed development of the Property, which will facilitate funding the long-term maintenance of the historic structures; and

WHEREAS, the proposed uses of the Property are consistent with and more conforming to the existing and permitted uses in the neighborhood than were allowed under the Original CZA; and

WHEREAS, the Original CZA provides for the Property to be subject to the R-4 dimensional requirements, except to the extent that the existing building complex does not meet, but is lawfully nonconforming with the same; and

WHEREAS, since entering into the Original CZA, the Developer has determined that the provides for the Property to be subject to, except to the extent that the existing building complex does not meet the rear yard setback requirements as amended by the Original CZA; and

PROPOSED DRAFT

WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

WHEREAS, the City, by and through the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§ 14-60 to 14-62 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unique and historical nature of the Property, the proposed development:

- Contributes a desirable, unique type of housing to the peninsula stock;
- Promotes sustainability by allowing for rehabilitation of an existing historic building to provide new housing development consistent with the medium and high density urban residential development pattern typically found on the peninsula;
- Makes improvements to below-grade infrastructure, including parking, to accommodate new growth;
- Accommodates well-designed density, which is integral to healthy, walkable city neighborhoods; and therefore

it is necessary and appropriate to impose, by agreement, the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the City's comprehensive land use plan; and

WHEREAS, the City Council of the City authorized the execution of the Original CZA on June 18, 2012 by City Council Order No. 214-11/12 and reauthorized the execution of this Agreement on _____ by way of this Order, a true copy of which is attached hereto as Exhibit ____; and

WHEREAS, the Developer has agreed to enter into this Agreement, with its concomitant terms and conditions, which shall hereinafter bind the Developer, its successors or assigns;

NOW, THEREFORE, in consideration of the rezoning of the Property, the Developer contracts to be bound by the following terms and conditions:

1. Pursuant to the Order, the Property shall remain within a Conditional Rezone C-57, subject to the conditions contained below. If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the reauthorization of the conditional rezoning shall become null and void and the zoning of the Property shall revert to the Original CZA.
2. Permitted uses:
 - a. All uses allowed in the R-4 zone.
 - b. Alteration of an existing structure to accommodate one (1) or more dwelling units, subject to the requirements of 14-103(a)(2), which are modified as follows:

14-103(a)(2)(f): 2,000 square feet of land area per dwelling unit shall be required.

3. The underlying dimensional requirements of the R-4 zone shall apply and are modified as follows:

b. Minimum Yard Dimensions:

1. Front yard: 3 feet.
2. Rear Yard: 1 foot.
3. Side Yard: 4 feet.
4. Side Yard on Side Streets: 8 feet.

c. Maximum Lot Coverage: 90%.

d. Maximum Structure Height (Sanctuary): 37 feet.

e. Maximum Structure Height (Parish House): 46 feet.

f. Maximum Structure Height (Bell Tower): 70 feet.

g. Residential dwellings within the existing structures shall be governed by the provisions of Section 14-103(a)(2) of the underlying R-4 zone, except that 1,500 square feet of land area per dwelling unit shall be required.

h. Minimum lot area per dwelling unit: one thousand five hundred (1,500) square feet.

5. Any increase in the volume or footprint of either the parish house or the sanctuary shall be prohibited.

6. Developer shall develop the Property in accordance with the plans attached hereto and in keeping with the standards of Article IX, Historic Preservation, of the Portland City Code and as shall be reviewed and approved by the Historic Preservation Board or staff under the terms of the Portland City Code.

8. The provisions of this Agreement are intended to replace and/or supersede the associated provisions of the Original CZA. As stated above, to the extent not otherwise altered herein, the zoning requirements for the R-4 zone shall otherwise apply to the Property.

9. For a period of five (5) years from _____, Developer shall submit an annual report to the Planning Authority which shall include the number of employees working at the premises, the location and number of secured off street parking spaces, and other items pertaining to compliance with provisions of this Agreement as required by the Planning Authority. Thereafter, to the extent the Planning Authority requires additional information/report(s) the Developer shall provide the Authority with any such additional information/report(s).

10. In the event of a breach by the Developer or its successors or assigns of the provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a Court determines such breach), the Planning Board, after notice and hearing, may review the circumstances of the breach and recommend to the City Council that this Agreement be amended or be rescinded and determine that such rescission should result in the termination of this Agreement and a reversion of the Property to the R-4 zone requirements in place before the execution of this Agreement.

11. This Agreement may also be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

12. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

13. The Planning Authority shall be notified of any potential and/or pending sale of the Property (which most likely will be evidenced by a Purchase & Sales Agreement or its equivalent), and prior to closing the sale of the Property shall meet with the buyer and verify that he/she/it has read, understood and agrees to be bound by the terms, conditions, limitations and provisions of this Agreement, and said buyer shall so state in a signed affidavit to be kept on file with the Planning Authority.

14. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

15. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code, including but not limited to, the maintenance requirements for historic structures set forth in section 14-690 of the Code, and any applicable amendments thereto or replacement thereof.

[Signatures to Follow on Next Page]

WITNESS: _____

32 THOMAS STREET, LLC

BY:

STATE OF MAINE
CUMBERLAND, ss.

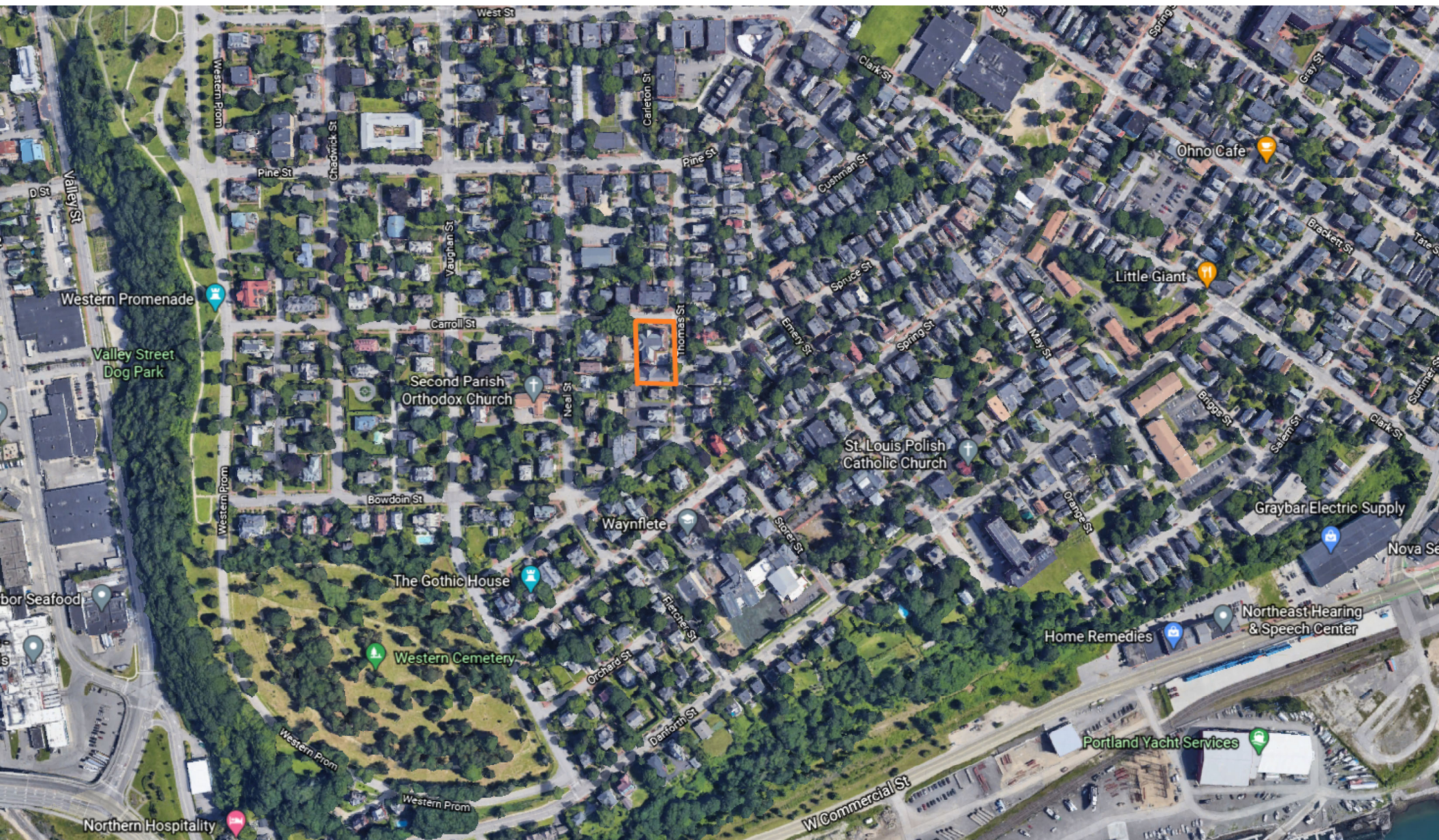
_____, 2020

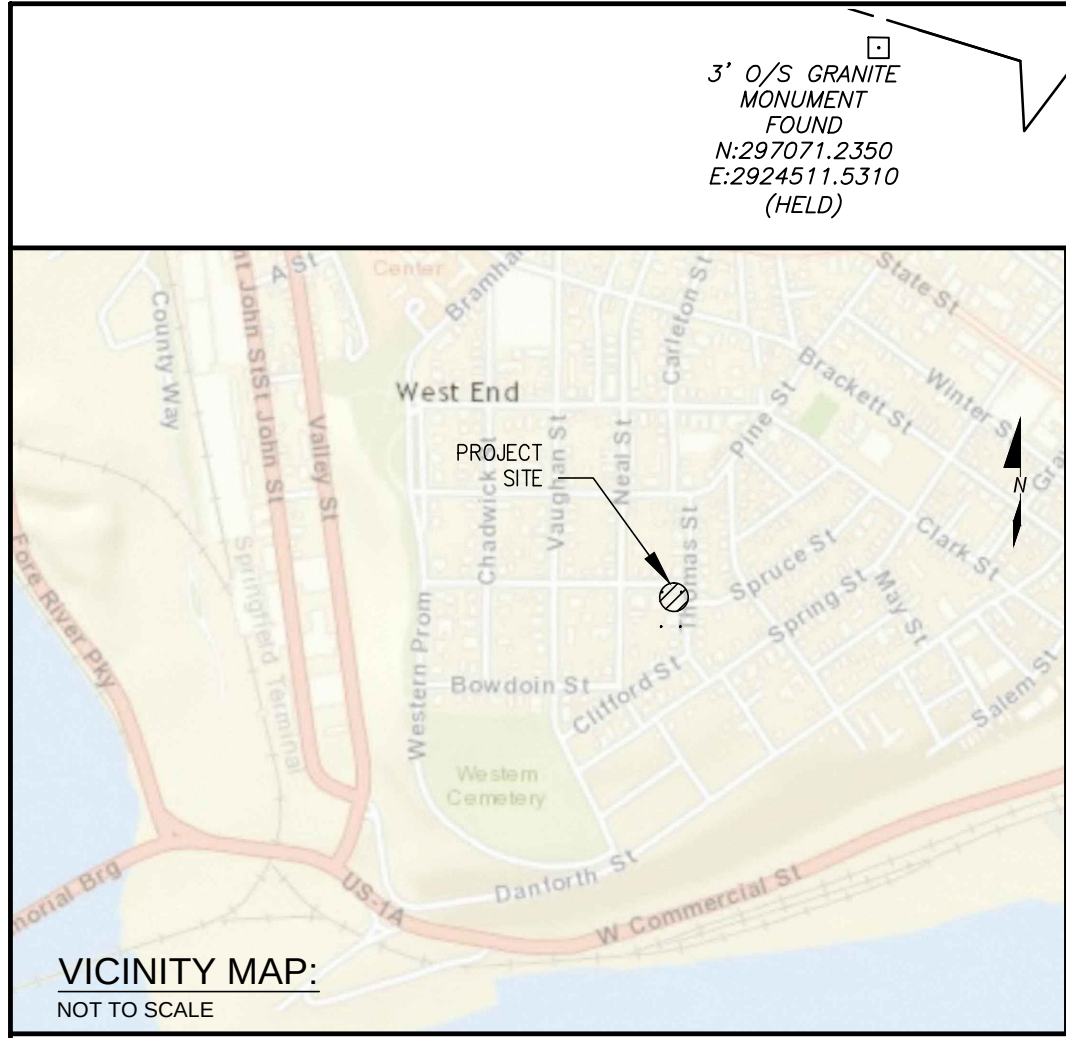
Personally appeared before me the above-named _____, in his capacity as _____ of 32 THOMAS STREET, LLC, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

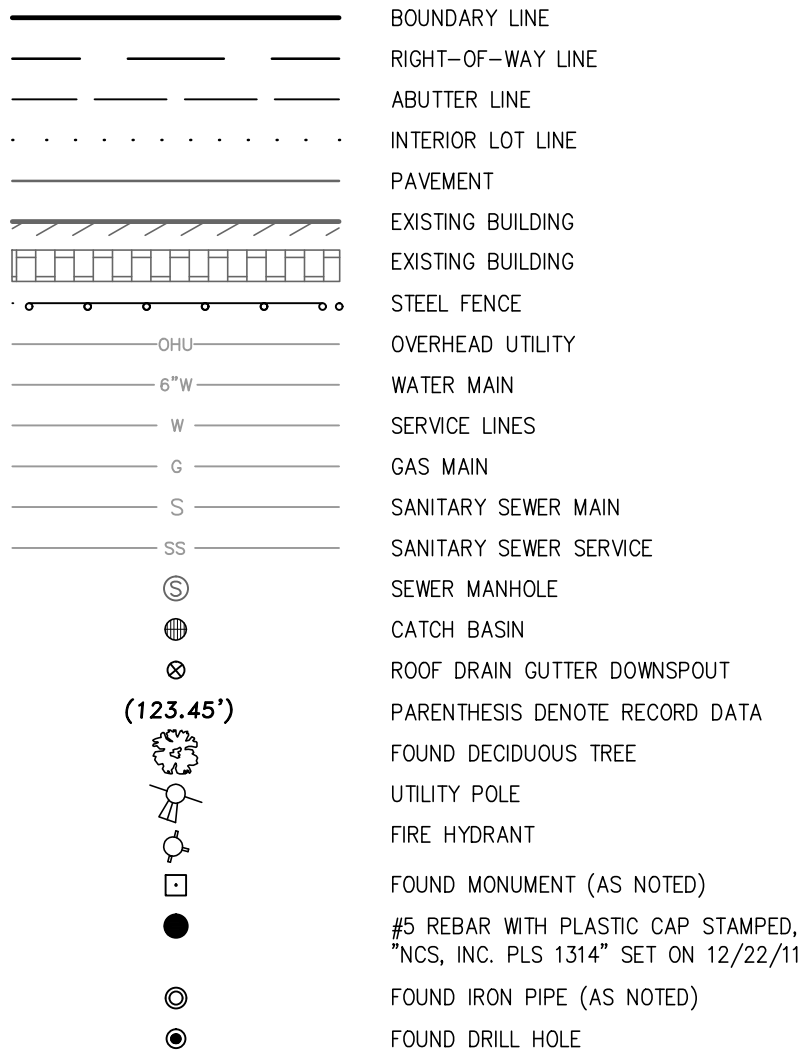
Notary Public/Attorney at Law

Vicinity Map

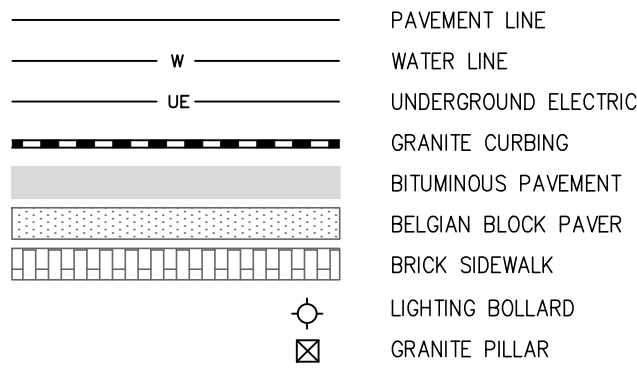




LEGEND
EXISTING



PROPOSED

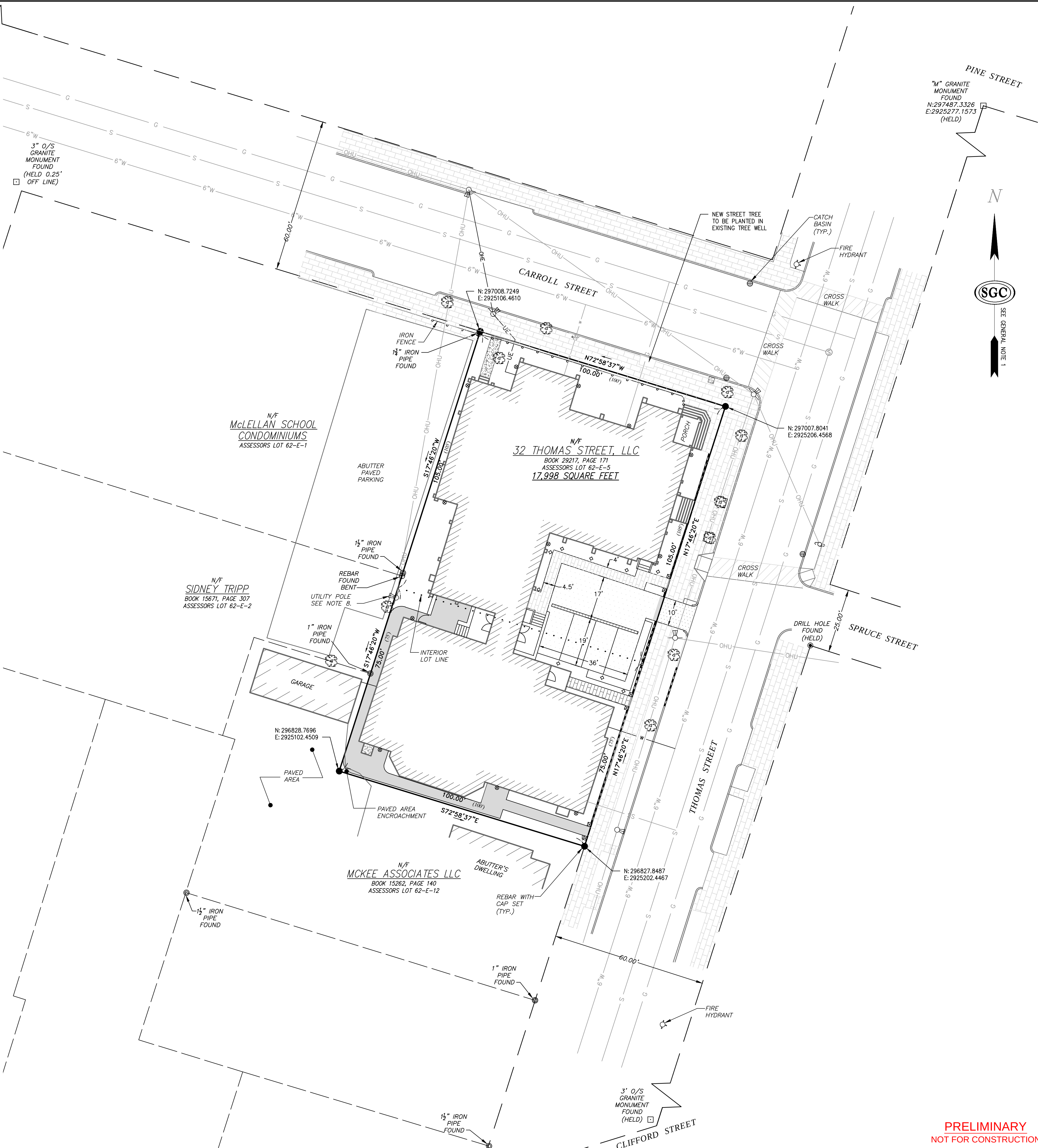


SURVEY NOTES:

- THE BASIS OF BEARING FOR THIS SURVEY IS MAGNETIC 1980 AND FROM PLAN REFERENCED IN NOTE 4.A. COORDINATES FOR PROPERTY CORNERS ARE BASED ON COORDINATES PROVIDED BY CITY OF PORTLAND FOR CONCRETE MONUMENTS IN MAINE STATE PLANE COORDINATE SYSTEM (2-ZONE PROJECTION), WEST ZONE USING THE NAD 1983 (HARN) DATUM AND THE U.S. SURVEY FOOT AS THE UNIT OF MEASURE.
- DEED AND PLAN BOOK REFERENCES ARE TO THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
- RECORD OWNERSHIP OF THE PARCELS SURVEYED CAN BE FOUND IN THE FOLLOWING DEEDS OF RECORD:
 - DEED FROM ABBY STEEL TO WILLUSTON CHURCH DATED APRIL 13, 1886 AND RECORDED IN DEED BOOK 525, PAGE 221
 - DEED FROM EDWARD CHASE TO WILLUSTON CHURCH DATED SEPTEMBER 9, 1987 AND RECORDED IN DEED BOOK 652, PAGE 460.
- REFERENCE IS MADE TO THE FOLLOWING PLANS:
 - PLAN OF LAND ON NEAL AND CARROLL STREETS PORTLAND, MAINE FOR MCLELLAN SCHOOL HOUSES, BY OWEN HASKELL, INC., DATED DECEMBER 15, 1992 AND RECORDED IN PLAN BOOK 97, PAGE 1.
 - CLIFFORD STREET CONDOMINIUM AT 15 CLIFFORD STREET, PORTLAND, MAINE FOR WILLIAM HAMIL, BY OWEN HASKELL, INC., DATED SEPTEMBER 10, 1980 AND RECORDED IN PLAN BOOK 37, PAGE 1.
 - PLAN OF REVALUATION PLAN OF PORTLAND, DATED OCTOBER 24, 1884 AND RECORDED IN PLAN BOOK 5, PAGE 62.
 - VARIOUS RIGHT-OF-WAY PLANS OBTAINED FROM THE CITY OF PORTLAND ENGINEERING DEPARTMENT
- THE PARCEL SURVEYED IS IDENTIFIED ON THE CITY OF PORTLAND TAX ASSESSOR'S MAP 62, BLOCK E, PARCEL 5.
- THE PARCEL SURVEYED IS LOCATED IN THE R-4 ZONE/DISTRICT. PORTIONS OF BULK AND SPACE REQUIREMENTS ARE AS FOLLOWS:

MIN. STREET FRONTAGE	50 FT
MIN. FRONT YARD	25 FT
MIN. SIDE YARD	10 FT*
MIN. REAR YARD	25 FT

* SIDE YARD IS DETERMINED BY HEIGHT OF STRUCTURE AND CAN INCREASE TO 16 FT
- THE WIDTH AND LAYOUT OF CARROLL AND THOMAS STREETS IS 60 FT AND FROM PLANS REFERENCED IN NOTES 4.D.
- REFERENCE IS MADE TO THE FOLLOWING EASEMENTS OF RECORD:
 - SUBJECT TO THE RIGHT OF CENTRAL MAINE POWER AND NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY TO CONSTRUCT, ERECT, REBUILD, OPERATE, MAINTAIN AND REMOVE ELECTRIC DISTRIBUTION AND COMMUNICATION LINES AS DESCRIBED IN DEED BOOK 3157, PAGE 51.
- THE UTILITIES SHOWN ON THIS PLAN WERE FROM FIELD OBSERVATION ONLY. THERE MAY BE OTHER UTILITIES EXISTING THAT ARE NOT SHOWN. CONTACT DIG-SAFE (888) DIG-SAFE PRIOR TO ANY EXCAVATION WORK.
- THERE IS MENTION OF AN UNDERGROUND OIL STORAGE FACILITY IN DEED BOOK 9824, PAGE 156. THE LOCATION OF THIS FACILITY IS UNKNOWN.
- BOUNDARY AND EXISTING CONDITIONS SURVEY CONDUCTED BY NORTHEAST CIVIL SOLUTIONS, INC., DATED DECEMBER 13, 2011.



ZONING, BULK & SPACE REQUIREMENTS:

- REFERENCE CONDITIONAL ZONING AGREEMENT RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS AT BOOK 29784 PAGE 123 AND R4 ZONING REQUIREMENTS.
- PERMITTED USES:
 - ALL USES IN THE R-4 ZONE
 - PROFESSIONAL OFFICES, INCLUDING COMPUTER SOFTWARE PROGRAMMING AND MARKETING, AND EXCLUDING PERSONAL SERVICES, RETAIL SERVICES AND VETERINARIANS SUBJECT TO THE FOLLOWING LIMITATIONS:
 - PROFESSIONAL OFFICES SHALL BE LOCATED ON THE FIRST FLOOR OF THE PARISH HOUSE AND SHALL OCCUPY NO MORE THAN 2,800 SF OF FLOOR AREA.
 - THE TOTAL NUMBER OF INDIVIDUALS WORKING IN THE PROFESSIONAL OFFICES SHALL NOT EXCEED FOURTEEN (14) NON-RESIDENT EMPLOYEES REGULARLY SCHEDULED TO OCCUPY THE PREMISES AT ANY ONE TIME.
 - THE BUSINESS UTILIZING THE OFFICE SPACE SHALL BE A SINGLE TENANT OFFICE USER OWNED BY OR AFFILIATED WITH THE OWNER OF THE BUILDING COMPLEX.
 - THE OFFICE USE SHALL NOT GENERATE FREQUENT DAILY VISITATION BY CLIENTS CUSTOMERS, OR THE GENERAL PUBLIC.
 - THE OWNER OR OPERATOR OF THE BUSINESS SHALL SECURE AND PROVIDE TO ITS EMPLOYEES ONE (1) OFF STREET PARKING SPACE FOR EACH EMPLOYEE WHO COMMUTES TO THE OFFICE BY HIS OR HER AUTOMOBILE.
- THIS PROJECT INCLUDES AN OFFICE USE ON THE FIRST FLOOR OF THE PARISH HOUSE THAT OCCUPIES APPROXIMATELY 2,500 SF OF FLOOR AREA. THE UNDERLYING DIMENSIONAL REQUIREMENTS FOR THE UNDERLYING R4 ZONE APPLY BUT FOR THE FOLLOWING MODIFICATIONS AS PER THE CONDITIONAL REZONING AGREEMENT. THESE INDIVIDUAL REQUIREMENTS ARE LISTED BELOW ALONG WITH THE ESTABLISHED COMPLIANCE TO THOSE REQUIREMENTS:
 - MINIMUM LOT SIZE FOR PLACES OF ASSEMBLY AND PROFESSIONAL OFFICE USES COMBINED 17,500 SF. THE LOT SIZE OF THE SUBJECT PROPERTY IS 17,998SF AND IS DOCUMENTED AS SUCH ON THE BOUNDARY SURVEY BY NORTHEAST CIVIL SOLUTIONS DATED DECEMBER 13, 2011.
 - MINIMUM YARD DIMENSIONS:
 - FRONT YARD: 3 FEET. THE EXISTING FRONT YARD OF PARISH HOUSE IS 4'-0".
 - REAR YARD: 3 FEET. THE EXISTING STRUCTURE OF SANCTUARY IS 2'-9" AND AT THE EXISTING STRUCTURE AT THE REAR OF THE PARISH HOUSE IS 3'-9".
 - SIDE YARD: 4 FEET. THE SIDE OF THE EXISTING PARISH HOUSE STRUCTURE AT THE SIDE YARD IS 5'-0".
 - SIDE YARD ON SIDE STREETS: 8 FEET.
 - MAXIMUM LOT COVERAGE: 90%. THE EXISTING FOOTPRINT OF THE STRUCTURES ON THE PROPERTY IS APPROXIMATELY 12,000 SF PROVIDING A LOT COVERAGE OF 67%.
 - MAXIMUM STRUCTURE HEIGHT (SANCTUARY): 37 FEET. THE EXISTING HEIGHT OF THE SANCTUARY IS APPROXIMATELY 37 FEET.
 - MAXIMUM STRUCTURE HEIGHT (PARISH HOUSE): 47 FEET. THE EXISTING HEIGHT OF THE PARISH HOUSE IS APPROXIMATELY 47 FEET.
 - MAXIMUM STRUCTURE HEIGHT (BELL TOWER): 70 FEET. THE EXISTING HEIGHT OF THE BELL TOWER IS APPROXIMATELY 70 FEET.
 - MAXIMUM FLOOR AREA FOR PLACES OF ASSEMBLY: 6,000SF. THIS PROJECT DOES NOT INCLUDE ANY PROVISION OR CONSIDERATION FOR THE USE OF THE SANCTUARY AS A COMMUNITY HALL AT THIS TIME.
 - RESIDENTIAL DWELLINGS WITHIN THE EXISTING STRUCTURES SHALL BE GOVERNED BY THE PROVISIONS OF SECTION 14-103(A)(2) OF THE UNDERLYING R-4 ZONE. DENSITY CALCULATIONS FOR RESIDENTIAL USE SHALL BE BASED ON THE LOT SIZE OF THE PARCEL WITHOUT LAND AREA DEDUCTIONS FOR OTHER NON-RESIDENTIAL USES ON THE SITE. THIS PROJECT PROPOSES 5 RESIDENTIAL DWELLING UNITS WITHIN THE EXISTING STRUCTURE OF THE PARISH HOUSE. THE R-4 ZONE REQUIRES A MINIMUM LOT AREA OF 3,000SF PER UNIT AND A MINIMUM FLOOR AREA OF 700SF PER UNIT. THE PROPOSAL OF 5 UNITS REQUIRES 15,000SF OF LAND AREA. THE EXISTING AND AREA OF THE SITE IS 17,998 SF. THE SMALLEST OF THE 5 PROPOSED UNITS IS APPROXIMATELY 1,100 SF.
 - THE CONDITIONAL REZONING AGREEMENT PROHIBITS THE INCREASE IN VOLUME OR FOOTPRINT OF EITHER THE PARISH HOUSE OR THE SANCTUARY. THE SUBMISSION INCLUDES THE RENOVATION OF THE EXISTING PORTICO CONNECTOR BETWEEN THE PARISH HOUSE AND THE TRANSEPT OF THE SANCTUARY AS THE MAIN ENTRANCE TO THE RESIDENCES IN THE PARISH HOUSE. THESE MODIFICATIONS WILL NOT INCREASE THE FOOTPRINT OR THE VOLUME OF THE PRIMARY STRUCTURES ON THE PROPERTY.
 - THE CONDITIONAL REZONING AGREEMENT INCLUDED A REHABILITATIONS SCHEDULE. THAT WORK HAS COMMENCED AND IS UNDERWAY AS NOTED. THIS PROJECT DOES NOT INTEND TO SEEK A CERTIFICATE OF OCCUPANCY FOR THE OFFICE USE IN THE PARISH HOUSE UNTIL ALL OF THE WORK ON THE REHABILITATION SCHEDULE HAS BEEN COMPLETED.
 - THE 4 ON-SITE PARKING SPACES ARE DEDICATED FOR USE BY THE OCCUPANTS OF THE RESIDENTIAL UNITS ONLY.
 - EXISTING OVERHEAD UTILITY SERVICES SHALL BE REMOVED. NEW UTILITY SERVICES SHALL BE INSTALLED UNDERGROUND.
 - PRECISE CONSTRUCTION DETAILS SHALL MEET HISTORIC PRESERVATION AND SITE PLAN CONDITIONS OF APPROVAL AND CITY OF PORTLAND TECHNICAL STANDARDS, WHERE APPLICABLE.

UNIT SQUARE FOOTAGE TABLE:

UNIT #	DESCRIPTION	SQUARE FOOTAGE (SF)
1	GROUND FLOOR CARETAKERS	1,115
2	OVERLOOKING THOMAS STREET	2,161
3	CENTER OF BUILDING	1,768
4	SOUTHWEST CORNER	1,627
5	REAR NORTHWEST CORNER	1,507

WAIVER:

ON THE BASIS OF THE APPLICATION, PLANS, REPORTS AND OTHER INFORMATION SUBMITTED BY THE APPLICANT, FINDINGS AND RECOMMENDATIONS, CONTAINED IN THE PLANNING BOARD REPORT FOR APPLICATION ON DECEMBER 8, 2015 FOR APPLICATION #2015-131 (26-32 THOMAS STREET) RELEVANT TO PORTLAND'S TECHNICAL AND DESIGN STANDARDS AND OTHER REGULATIONS, AND THE TESTIMONY PRESENTED AT THE PLANNING BOARD HEARING, THE PLANNING BOARD VOTED 6-0 TO WAIVE THE TECHNICAL MANUAL STANDARD SECTION 1.14. PARKING LOT AND PARKING SPACE DESIGN, WHICH REQUIRES A DRIVE AISLE OF 24 FEET WIDTH FOR 90 DEGREE PARKING, TO ALLOW A PARKING AISLE OF 21 FEET AS SUPPORTED BY THE TRAFFIC ENGINEERING REVIEWER.

CONDITIONS OF APPROVAL:

ON THE BASIS OF THE APPLICATION, PLANS, REPORTS AND OTHER INFORMATION SUBMITTED BY THE APPLICANT, FINDINGS AND RECOMMENDATIONS CONTAINED IN THE PLANNING BOARD REPORT FOR THE PUBLIC HEARING ON DECEMBER 8, 2015 FOR APPLICATION #2015-131 (26-32 THOMAS STREET) RELEVANT TO THE SUBDIVISION REGULATIONS, AND THE TESTIMONY PRESENTED AT THE PLANNING BOARD HEARING, THE PLANNING BOARD VOTED 6-0 TO FIND THAT THE PLAN IS IN CONFORMANCE WITH THE SUBDIVISION STANDARDS OF THE LAND USE CODE AND TO APPROVE THE APPLICATION, SUBJECT TO THE FOLLOWING CONDITION OF APPROVAL:

- THE APPLICANT SHALL FINALIZE THE SUBDIVISION PLAT TO ADDRESS PLANNING BOARD AND STAFF COMMENTS, AND TO CONFIRM THAT THE 4 ON-SITE PARKING SPACES ARE FOR THE USE OF THE OCCUPANTS OF THE PROPOSED RESIDENTIAL UNITS ONLY; THE FINAL PLAT TO BE SUBMITTED FOR REVIEW AND APPROVAL BY CORPORATION COUNSEL, DEPARTMENT OF PUBLIC WORKS, AND THE PLANNING AUTHORITY PRIOR TO SIGNATURE BY THE PLANNING BOARD.

APPROVED BY CITY OF PORTLAND PLANNING BOARD

NAME	DATE

REVISIONS:

NO.	DATE	DESCRIPTION
0	12/17/2015	CITY OF PORTLAND PRELIM SUBDIVISION SUBMITTAL
1	12/17/2015	CITY OF PORTLAND FINAL SUBDIVISION SUBMITTAL

SGC ENGINEERING, LLC

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• Environmental & Regulatory Permitting
• Electrical Power Systems Engineering

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SGC

SERVING OUR CLIENTS IN THE U.S.A. & CANADA

RECORD OWNER:

MAJELLA GLOBAL TECHNOLOGY
DEVELOPMENT
1200 MIDDLE STREET
PORTLAND, MAINE

TITLE:

RECORDING PLAT
WILLISTON CHURCH
26 THOMAS STREET
PORTLAND, MAINE

SHEET:

1

DATE: 12/02/2015
DESIGN: TDD

DRAWN: TDD
CHECK: EDW

PROJECT: 1309001
FILE: 1309001_RECORDING PLAT.DWG

SCALE: 1" = 20'