

CITY OF PORTLAND, MAINE

PLANNING BOARD



Brandon Mazer, Chair
Maggie Stanley, Vice Chair
Marpheen Chann
Sean Dundon
Bob Dunfey
David Silk
Austin Smith

AGENDA PORTLAND PLANNING BOARD MEETING

The Planning Board will hold a remote meeting on Tuesday, October 26, 2021, 4:30 p.m. Due to the existence of an emergency or urgent issue, the Planning Board will conduct this meeting by remote methods/technology at the Zoom link provided below in accordance with the requirements of 1 M.R.S. section 403-B and the City Council's Remote Participation Policy.

Public comments will be taken for each item on the agenda during the allotted time and written comments should be submitted to hp@portlandmaine.gov or planningboard@portlandmaine.gov. Please note that the placement of this item on the agenda is subject to change. Please check the Agenda & Minutes Center prior to the meeting for the item's approximate start time.

When participating via Zoom, allow your computer to install the free Zoom app to get the best meeting experience. **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 un-muted by the moderator when it is time for public comment.** For more information on how to use Zoom, please go to: <https://www.portlandmaine.gov/remotepud>

ZOOM INFORMATION

You are invited to a Zoom webinar.

When: Oct 26, 2021 04:30 PM Eastern Time (US and Canada)

Topic: Planning Board Workshop and Public Hearing 10/26/2021

Please click the link below to join the webinar: <https://us02web.zoom.us/j/86027415991>

Or One tap mobile : US: +19292056099,,86027415991# or +13017158592,,86027415991#

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: 860 2741 5991

International numbers available: <https://us02web.zoom.us/j/86027415991>

WORKSHOP - 4:30 PM

1. **ROLL CALL AND DECLARATION OF QUORUM**
2. **COMMUNICATION AND REPORTS**
3. **REPORT OF ATTENDANCE AT THE MEETING HELD ON OCTOBER 12, 2021**

Afternoon Workshop

45 Fore Avenue: All members were present.

Evening Hearing

Winchester Drive (formerly Dalton Street): All members were present.

75 Chestnut Street: All members were present.

4. **REPORTS OF DECISIONS AT THE MEETING HELD ON OCTOBER 12, 2021**

- i. Major Site Plan and Subdivision; Winchester Drive (formerly known as 0 Dalton Street); Hammond House, LLC., Applicant. Stanley moved and Dunfey seconded a motion to waive Technical Manual Section 1.14 to allow for a drive aisle width of 22 feet. Vote 6-1, Chann

opposed. Stanley moved and Dunfey seconded a motion to find the proposed conditional use for workforce housing meets the standards of Land Use Code Section 18.2.3 with two conditions of approval. Vote 7-0. Stanley moved and Chann seconded a motion to approve the subdivision with four conditions of approval. Vote 7-0. Stanley moved and Dundon seconded a motion to approve the site plan with three conditions of approval. Vote 6-1, Silk opposed.

- ii. Level III Site Plan and Subdivision Amendment; 75 Chestnut Street; 75 Chestnut Street, LLC., Stanley moved and Dunfey seconded a motion to find the proposed conditional use for workforce housing meets the standards of Land Use Code Section 14-487 with one condition of approval. Vote 7-0. Stanley moved and Dunfey seconded a motion to approve the subdivision. Vote 7-0. Stanley moved and Dundon seconded a motion to approve the site plan. Vote 7-0.

5. NEW BUSINESS

- i. Master Development Plan Amendment; 58 Fore Street; Portland Foreside Development Company, Applicant. (estimated time 4:30 – 5:30 p.m.) The Planning Board will hold a workshop to consider a master development plan amendment application to allow for interim building and site modifications in connection with the Fore Points Marina to allow the temporary (three-year) siting of improvements that fall outside of the scope of the approved 2018 Level II site plan and 2016 Master Development Plan. The subject property is a 10-acre parcel zoned B-6 and EWPZ, a portion of which lies within the Shoreland Zone.
- ii. Zoning Text Amendment; 58 Fore Street; Portland Foreside Development Company, Applicant. (estimated time 5:30 – 6:30 p.m.) The Planning Board will hold a workshop to consider a zoning text amendment application to facilitate changes to the Land Use Code to allow the siting of restaurants and food service establishments associated with marina facilities in the EWPZ zone.
- iii. Conditional Use Permit; 11 Pomeroy Street; Chabad Lubavitch of Maine, Applicant.(estimated time 6:30 p.m.) The Planning Board will hold a workshop to consider an after the fact conditional use permit application to facilitate the operation of a place of assembly use within a 900 square foot portion of an existing single-family home at 11 Pomeroy Street. The subject property is 73,281 square feet in size and is located in the R-3 Residential zone. A related minor site plan application, PL-000058-2018, has also been submitted and is under staff review.

Memorandum

Planning and Urban Development Department



To: Chair Mazer & Members of the Planning Board
From: Matthew Grooms, Senior Planner
Date: October 22, 2021
Re: 58 Fore Street MDP Amendment
Project ID: PL-001654-2021
CBL: 018-A002-001
Meeting Date: October 26, 2021

I. INTRODUCTION

Portland Foreside Development Company has submitted an application to amend the 58 Fore Street Master Development Plan (MDP), approved in December of 2016, to establish an Interim Conditions plan for the portion of this property generally between the Eastern Promenade Trail and the waterfront. If approved, the interim phase would be adopted as part of the project's 2016 MDP approval, and would detail an interim phase of the development. This amendment to add an interim phase expressly does not supersede the originally approved 2016 MDP. Furthermore, following expiration of the interim phase the applicant is still required to build out the site in accordance with the 2016 MDP. This application is being referred to the Planning Board for compliance with the City of Portland's Land Use Code, Master Development Plan Standards, Section 14.7.



Figure 1: Aerial view of the Fore Points Marina and waterfront portion of the Portland Foreside Development

The Planning Board held a joint first workshop on September 28, 2021, focused on both this MDP amendment application and an associated zoning text amendment application (ZN-001698-2021) to permit restaurants as an accessory use to marinas in the Eastern Waterfront Port Zone (EWPZ). (Note: the zoning text amendment is also scheduled for a second workshop on October 26, 2021). The focus of this first workshop was primarily on establishing the Board's purview and role in this review, and identifying strategies to ensure that the interim condition would be consistent with the originally approved MDP; specifically with respect to waterfront access, circulation, publicly accessible space, and site programming.

As this is a second workshop, the focus of this memo is to update the Board on plan changes that have occurred since the first meeting, and respond to any specific Board or public feedback. For a more detailed

overview of the project's background and compliance with applicable standards, please see the staff's September 28, 2021 memo to the Board .

The Planning and Urban Development Department mailed 259 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the October 16 and 17, 2021 editions of the *Portland Press Herald*. As of the writing of this memo, 107 written public comments have been received. These comments pertain to both this application and the associated zoning text amendment application.

II. MASTER DEVELOPMENT PLAN OVERVIEW

A Master Development Plan (or MDP) is a regulatory option, applied for at the discretion of the applicant, for sites with one acre or more in cumulative lot area that's designed as a cohesive and integral development program consisting of multiple buildings and associated site improvements built in phases over an extended timeframe (Section 14.7). An approved MDP establishes parameters to be adhered to for the full development, including total residential units, types of uses, lot coverage, open space, stormwater management, infrastructure, traffic, parking, site layout and circulation. MDPs may be developed concurrently with site plans and/or subdivisions, or independently. Approval does not constitute an authorization for development, but it does maintain the applicability of regulations in effect at the time of the approval for as long as the MDP approval remains valid. MDP submission requirements are deliberately not as detailed as Site Plan and (when applicable) Subdivision requirements to allow for some flexibility in the final buildout of a large, phased project. Site plan applications, and any other required approvals are required before any development on the site can proceed, as outlined by the City's Land Use Code:

As stated under Sections 14-524.a.3.ciii, and 14-524.f.iv of the City's prior adopted version of the Land Use Code, (*Planning Board Master Development Plan Decisions*) states that the Planning Board *shall approve, approve with conditions, or deny a Master Development Plan application based upon the applicable review standards. An approval, including an approval of waivers, establishes the general parameters to be adhered to for the development, including the supporting documentation for floor area ratio and/or residential density, general types of uses, building coverage, generalized open space plans and infrastructure systems.*

A Master Development Plan approval shall not be construed as final authorization of the development. Approval shall confer pending proceeding status upon the development with the effect of maintaining the applicability of regulations in effect at the time of approval for as long as the Master Development Plan approval remains valid, including permissible extensions if granted.

All site plans for each phase shall be in general conformance with the Master Development Plan.

III. PLANNING BOARD WORKSHOP

At the Planning Board's first workshop, staff and the applicant provided an overview of the original MDP approval and vision for the 58 Fore Street site, along with a discussion of work that has occurred to date under various site plan approvals, as well as temporarily approved or unauthorized work that has occurred since the start of the Covid-19 pandemic, resulting in the consent agreement which prompted these applications (Please see staff's September 28, 2021 memo for more information). The applications presented at this workshop were ultimately intended to amend the MDP so as to better reflect current site conditions, identify how the development would ultimately achieve the vision laid out in the 2016 MDP plan, and answer major questions pertaining to pedestrian site circulation and waterfront access; both of which were key components of the original approval.

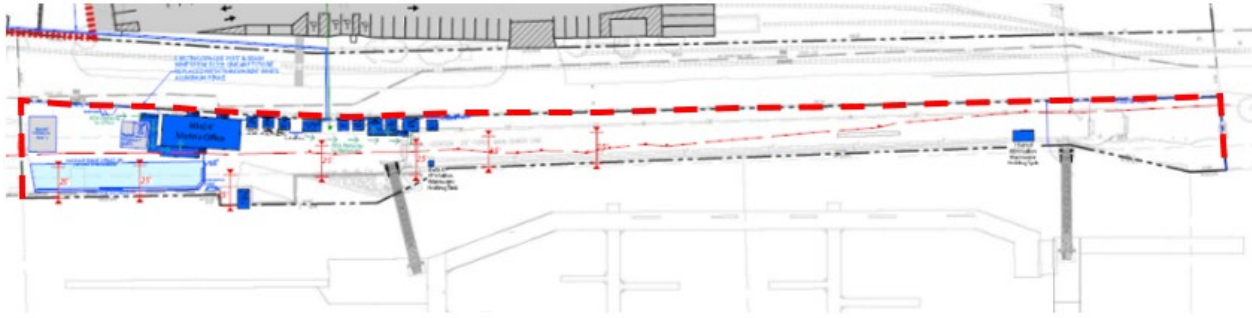


Figure 2: Plan provided at first workshop, which restricted access to marina guests and restaurant patrons. Fencing perimeter shown in dashed red line.

Based upon the questions and comments posed by City staff and the applicant, and testimony provided by members of the public, the Board provided the following feedback with respect to this application.

- Clarify the role and purview of the Planning Board in the MDP amendment process. (Staff)
- Where possible, eliminate or reduce fencing to open up both physical and visual access to the water for users of the Eastern Promenade Trail, and make interface more engaging for visitors. (Applicant)
- Clearly articulate which elements of the MDP are being amended, and identify areas that will be publicly accessible or private. (Applicant)
- Provide additional information on the fill that is being stockpiled on the 58 Fore Street site associated with the Phase I development. (Applicant)
- Define the mechanism to approve this plan as a temporary interim condition, that after a certain point, will be superseded by the approved 2016 MDP. (Staff)

Responses to this feedback are provided in the following section, with individual responses used to frame the discussion of this review going into the second workshop.

IV. RESPONSE TO PLANNING BOARD AND PUBLIC FEEDBACK

A. Clarify the role and purview of the Planning Board in the MDP amendment process.

Within Section 14.14.2 of the site plan ordinance within the Land Use Code, the City has adopted regulations which detail when an amendment to an MDP should be considered minor, meaning administrative review by staff, or major, meaning reviewed by the Planning Board.

Section 14.14.2 states:

An applicant may request a minor amendment to an approved site plan or master development plan by submitting a written statement of the proposed amendments and proposed amended plans to the Planning Authority. Minor amendments:

1. *Are generally consistent with the approved plan.*
2. *Do not impact the layout of buildings and open space.*
3. *Do not propose new uses.*
4. *Do not increase building ground coverage, floor area ratio, or residential density.*
5. *Do not substantially change access, circulation, or infrastructure on or adjacent to the site.*
6. *Do not involve new waiver requests.*
7. *Do not affect any condition or requirement of the Planning Board.*

In reviewing the originally proposed interim conditions plan, staff noted that the presence of fencing around the marina, and along the Eastern Promenade Trail, effectively restricted physical and visual access to the waterfront, which was a defining characteristic of the approved MDP. Staff found that three of the seven requirements for a minor MDP amendment were not met, highlighted in red above; those being consistency with the approved MDP, changes to on-site open space programming and significant changes to site circulation, as a result of the proposed waterfront walkway area being fenced off. Furthermore, the City has observed that the seasonal food service use and marina operation has also impacted trail activities, with movable signage associated with the development being placed on the trail, restaurant patrons queuing on the trail, and both delivery and construction vehicles associated with the development, occasionally driving on the trail. Based upon these findings, staff referred this MDP amendment application to the Planning Board.

With respect to Board purview, staff would advise that the Board limit its feedback to those elements of the site specifically identified in the proposed interim conditions plan, which generally is the portion of this property between the Eastern Promenade Trail and the waterfront. There is a small shipping and receiving shed that has also been introduced into the interim conditions plan, which is located on the landside of the City and Maine DOT right-of-way, though this is the extent of work proposed on that side of the property.

Typically, a Master Development Plan is fairly conceptual in nature, as full design work has not yet occurred at the outset of a major phased development project. The objective of an MDP is to flesh out the key development characteristics of a project, such as building and site design principles, site layout, program of uses, comprehensive infrastructure needs, forecasted traffic and parking demand, and open space planning. The MDP regulations are intentionally designed to memorialize these defining elements of a project, while factoring in sufficient flexibility for a developer to make some modifications as more detailed design work occurs. Subsequent or concurrent with the MDP approval, individual site plans with exact site and design details must then be provided that are consistent with the general parameters of the MDP before any construction can commence.

The application that is now before the Planning Board is somewhat atypical, as the interim conditions plan being presented is specific to a single near-term temporary configuration along the waterfront, for which a concurrent site plan has also been developed and submitted for review (PL-001656-2021). This plan does not account for any other future phases of the development and therefore, should closely reflect the proposed site plan and detail all site elements, including buildings, structures and fencing, major utility infrastructure, landscaping, and any other site improvements anticipated within this area over the duration of the interim phase.

This more detailed plan may then be reviewed against the Master Development Plan standards of the Site Plan ordinance. In particular, staff would highlight the standards listed under 14.7.2.A, *Preservation of Natural Features*, and 14.7.5.A, *Creation of a Cohesive Identity*, as areas for the Board to focus. The *Preservation of Natural Features* standard requires that the MDP provide usable open space, which as of yet, has not been provided in preceding phases of this development. The *Creation of a Cohesive Identity* standard requires that quality exterior materials and architectural detailing be provided at pedestrian scale, and that the MDP create a cohesive identity through the framing of outdoor open spaces and linkages. In looking back at the 2016 MDP approval, and specifically at the site circulation plan, overall site plan and development renderings, it is clear that direct, uninhibited access to the

waterfront was a defining characteristic of the overall development scheme. While staff acknowledge that the proposal before the Board is for a temporary condition, and that full build-out of the proposed open space as originally envisioned is not required at this time, the City does recommend that compliance with these standards be made a priority in order to help facilitate the conversion of this space from restricted private property into a prominent public amenity even in the interim.

In order to achieve compliance with these standards, staff are recommending that the interim conditions plan be more closely aligned with the approved MDP. This may be achieved by reducing or eliminating physical and visual barriers to the waterfront, better defining public and private spaces, improving the interface between temporary structures and programmed areas with adjacent public spaces, and ensuring that this temporary condition does not preclude future buildout of the site as envisioned in the 2016 MDP.

With respect to the existing and proposed temporary buildings, staff recommend no changes to placement or quantity, noting that these structures and the associated outdoor programmed spaces are generally within the footprint of the principal marina office building and adjacent outdoor space shown on the 2016 MDP plan, and of comparable square footage. Staff do request that activities associated with the marina and/or food and beverage service use not impact Eastern Promenade Trail activities, and that landscaping and site amenities be provided to improve the interface between the marina and public spaces.

On October 21, 2021, the applicant provided a series of updated plans and responses to staff review comments (Attachment D), synthesized from feedback gathered at the September 28th workshop. These plans have largely incorporated staff recommendations, and are detailed throughout the following sections of this memo.

B. Where possible, eliminate or reduce fencing to open up both physical and visual access to the water for users of the Eastern Promenade Trail, and make interface more engaging for visitors.

As referenced in the first workshop, the applicant has indicated that the seawall along the edge of their property is structurally unsound, and that there may be safety concerns if the existing fence that is located between the two marina gangways is removed to provide public access. Noting this, the City requested that the applicant further assess these concerns, and depending upon the condition of the site, either remove all or portions of the fence, and/or introduce a new fence that is lower, more visually permeable and relocated as close as is practicable to the water's edge. At present, this strip of property between the edge of the Eastern Promenade Trail and seawall is approximately 40 feet wide with some variation. This would, at a minimum, establish new temporary open space for use by members of the public and strengthen the visual connection of users to the waterfront. In addition, staff have requested that temporary plantings and/or other site improvements be introduced into the plan, to soften the transition between the marina and publicly accessible spaces during this interim condition.

In response, the applicant has revised the interim conditions plan to remove all fencing between the two marina gangways, and establish a new, temporary stone dust trail in the approximate location of originally conceived waterfront walkway with three separate access points from the Eastern Promenade Trail. This space will be augmented by loam and seeded open space and accented with granite mooring anchors which will provide opportunities for seating. At the water's edge, a post and rope barrier will be erected for safety purposes.

Staff support the proposed changes and find that this response addresses concerns raised by the staff, Board and members of the public around providing direct waterfront access as part of this interim phase. Staff will further review the details as part of the minor site plan application.

C. Clearly articulate which elements of the MDP are being amended, and identify areas that will be publicly accessible or private.

Staff requested that one or more revised plans be provided to better articulate the different elements of the proposed interim condition. The applicant has been asked to limit the plan's scope to those areas being actively reviewed, which generally consists of those portions of the property on the waterside of the Eastern Promenade Trail, and to depict only those elements that are to exist during

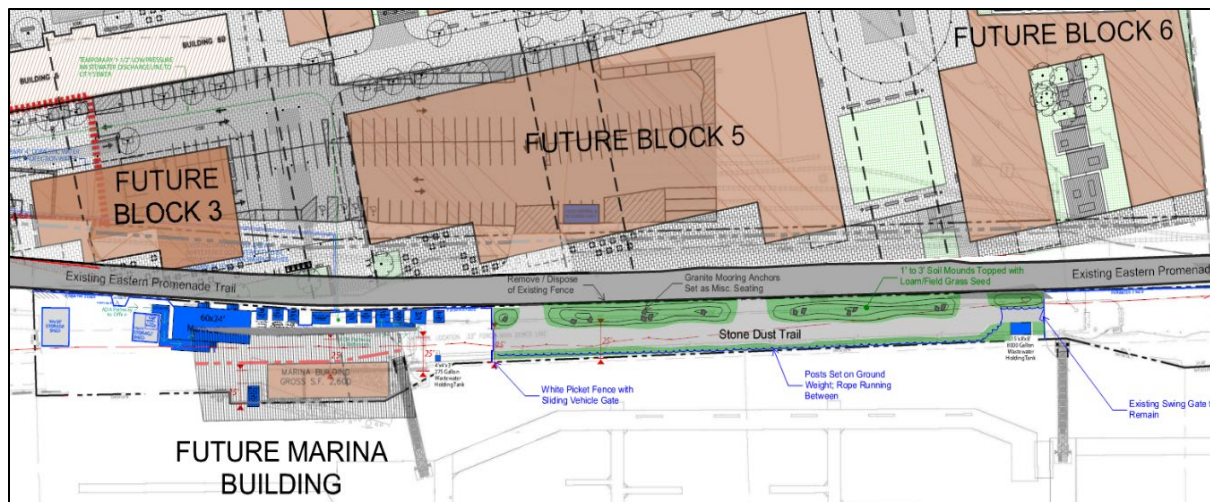


Figure 4: Revised MDP Interim Conditions Plan providing waterfront access via a newly proposed temporary stone dust pathway

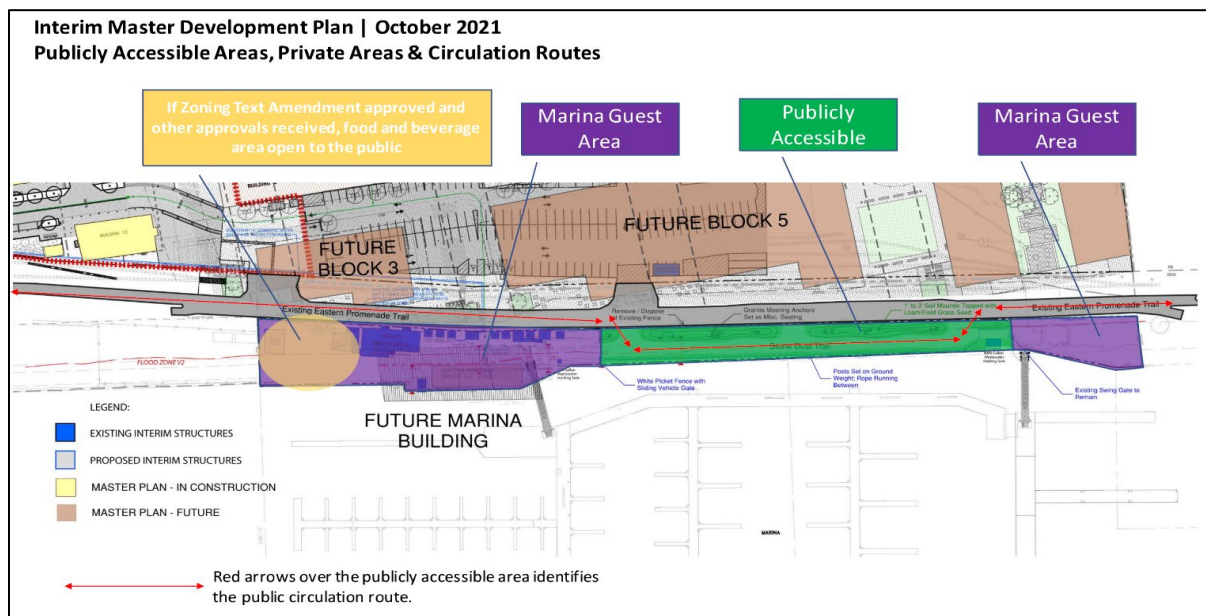


Figure 3: New plan highlighting public and private spaces along this portion of the waterfront

this transitional phase. In general, this plan should reflect both the existing condition and any near-term

improvements and remove unbuilt elements, such as the waterfront trail and original plan for the easterly gangway to clarify the transitional phase. In addition, per the Board's comment, the applicant has been asked to identify which areas of this site will be public, accessible to patrons, and private.

The applicant has prepared two separate plans which address this comment; the first, an updated MDP which is shown under figure 3 and provided as Attachment P1, that clearly illustrates the interim condition anticipated over the next several years for this portion of the property, and the second, a plan which highlights areas of the site that will be publicly accessible, and areas reserved for use by marina guests and restaurant patrons.

D. Provide additional information on the fill that is being stockpiled on the 58 Fore Street site associated with the Phase I development.

A prevailing theme in the public comment provided at the first workshop was a request for more information on the fill material being stockpiled within the upland area of the 58 Fore Street site. In the testimony provided, members of the public had concerns that this fill would be used to build up portions of the site and alter existing grades in order to enable the construction of taller buildings across the development area. In meetings with staff, and in the first workshop, the applicant's engineer clarified that the stockpiling of this fill material, removed in the development of the Sun Life Building, was approved as part of the Phase I construction management plan, and that the fill would be utilized to create earthen ramps for use by construction vehicles and equipment. Given the grade differential between Fore Street and the development site, such ramps are necessary to provide access along the Fore Street slope. Furthermore, it was clarified that from a geotechnical standpoint, that this fill was unsuitable for use as a base layer in new construction. Upon completion of the Phase I work, this fill material will be hauled off site and disposed of. Staff are satisfied that the existing stockpile of material being stored on site is lawfully permitted, and there is no further action on this item.

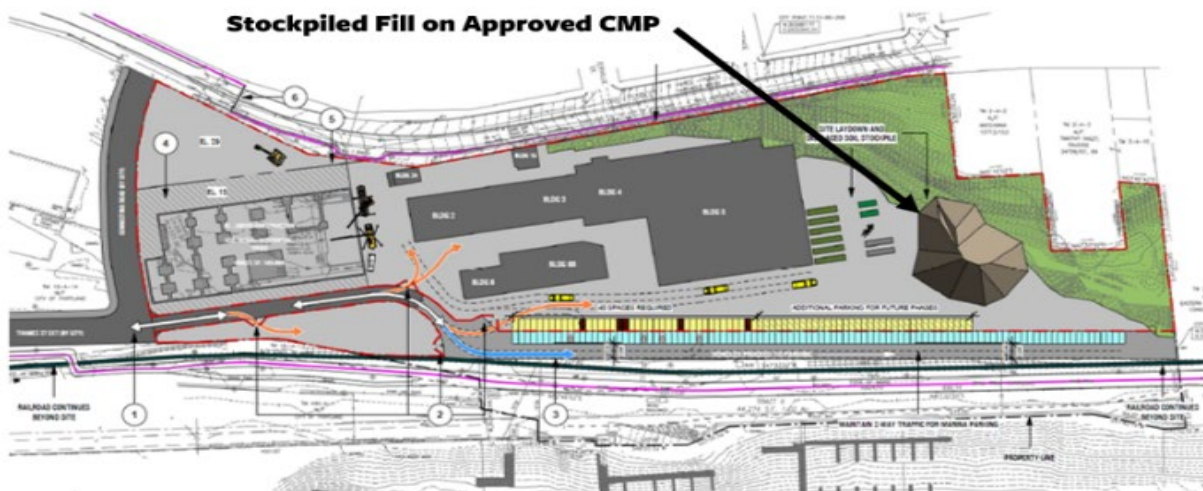


Figure 5: Phase I construction management plan depicting stockpile of fill material to be stored on site during construction

E. Define the mechanism to approve this plan as a temporary interim condition, that after a certain point, will be superseded by the approved 2016 MDP.

On December 20, 2016, the Planning Board approved the final Master Development Plan application for a +/-10 acre mixed-use development, which included a marina, a 2,600 square foot building for marina facilities, and waterfront walkway as well as integration of the existing, public trail.

An applicant proposing a MDP is seeking approval for an overall concept of development that may subsequently be brought for site plan approval in two or more phases. All subsequent site plans for each phase are required to be in general conformance with the approved MDP. Section 14-527.a.3.c.n. specifies that ***“for areas proposed as future development phase(s), the proposed interim conditions shall be managed and maintained to ensure stable, safe and attractive site conditions.”***

On January 16, 2019, the Planning Authority approved a Level II Site Plan application (000330-2018) for the Fore Points Marina for an expansion of an existing marina from 69 slips to 141 slips. As part of the approval, the Planning Authority granted a waiver of the Site Plan standards for site landscaping because at the time the project was not providing onshore site improvements and landscaping would be required to be incorporated into subsequent phases of development. Following approval, Fore Points Marina began operations in May of 2019. During that time temporary building permits were approved for various structures at the marina site, all connected to the marina property for use between May 1 – November 1, 2020 and as a condition of approval the structures were to be temporary and removed no later than November 1, 2020. In addition to temporary structures, fencing was installed and the introduction of a food and beverage use was added to the site all without Site Plan approval.

To resolve the non-conformance the applicant is required to submit a Level II Site Plan demonstrating the interim condition. The sites current condition and the proposed Level II Site Plan, however, substantially deviate from the originally approved MDP. Specifically, the proposed changes impact the layout of buildings and open space, and substantially change access, circulation, and infrastructure adjacent to the site. In this instance, it is necessary for the applicant to amend the originally approved MDP to include an interim phase for a three year period that would identify how the site will function during this time period to ensure that the interim condition is managed and maintained in stable, safe, and attractive manner and is general conformance with the overall vision of the MDP. The MDP amendment will add an interim phase to the originally approved MDP for the marina site, which staff will then use to review the Level II Site Plan against. A condition of approval to limit the interim condition timeframe is suggested by staff. The MDP amendment to add an interim phase for the site expressly does not supersede the originally approved 2016 MDP. Once the interim Level II and MDP plan expires, the applicant intends to return with an application and development program that is in general conformance with the original MDP.

V. PUBLIC COMMENT

As of the writing of this memo, a total of 107 written public comments have been received by Planning staff. Of these comments, most specifically provide recommendations in support of the associated zoning text amendment application to permit restaurants as an accessory use to a marina in the EWPZ. Several of the comments received did raise concerns over the developer's violation of City building and land use codes, the obstruction of pedestrian water views by the temporary structures and fencing, the quality of materials used in the temporary condition, and the stockpiling of fill material on the 58 Fore Street site.

VI. NEXT STEPS

Prior to the scheduling of any future meeting, the applicant shall address the following items:

1. Address staff comments described in this memo, specifically how the applicant will mitigate trail impacts.
2. Address additional comments from the Planning Board.
3. Prepare final plan submission.
4. Schedule and hold planning board public hearing.

VII. ATTACHMENTS

Report Attachments

1. Phase I Construction Management Plan
2. Public Comments

Applicant's Submittals

- A. Application Form
- B. Right, Title & Interest
- C. Supplemental Information
- D. Staff Comments and Response to Comments
- E. LOMA Letter

Applicant's Plans

- P1. Interim MDP Plan
- P2. Interim Access and Circulation
- P3. Photo Documentation
- P4. Architectural Drawings
- P5. 2016 Approved MDP
- P6. Approved Pedestrian Circulation

12. CONSTRUCTION MANAGEMENT PLAN

A Construction Management Plan has been prepared by Consigli Construction for the proposed development. The Contractor will be required to provide adequate safety fencing and signage directing pedestrians safely around the construction area. The Construction Management Plan is attached to this Section for your reference.

It should be noted that the constructability of future phases of development has been considered. The proposed development has been designed such that it will not prevent the construction of future phases of the 58 Fore Street Master Plan.

12.1 Attachments

- Construction Management Plan prepared by Consigli Construction (Uploaded to the Construction Management Plan folder on Eplan)

November 6, 2019



58 Fore Street Phase 1 Summary Construction Management Plan

Prepared For: Portland Department of Planning & Urban Development Department

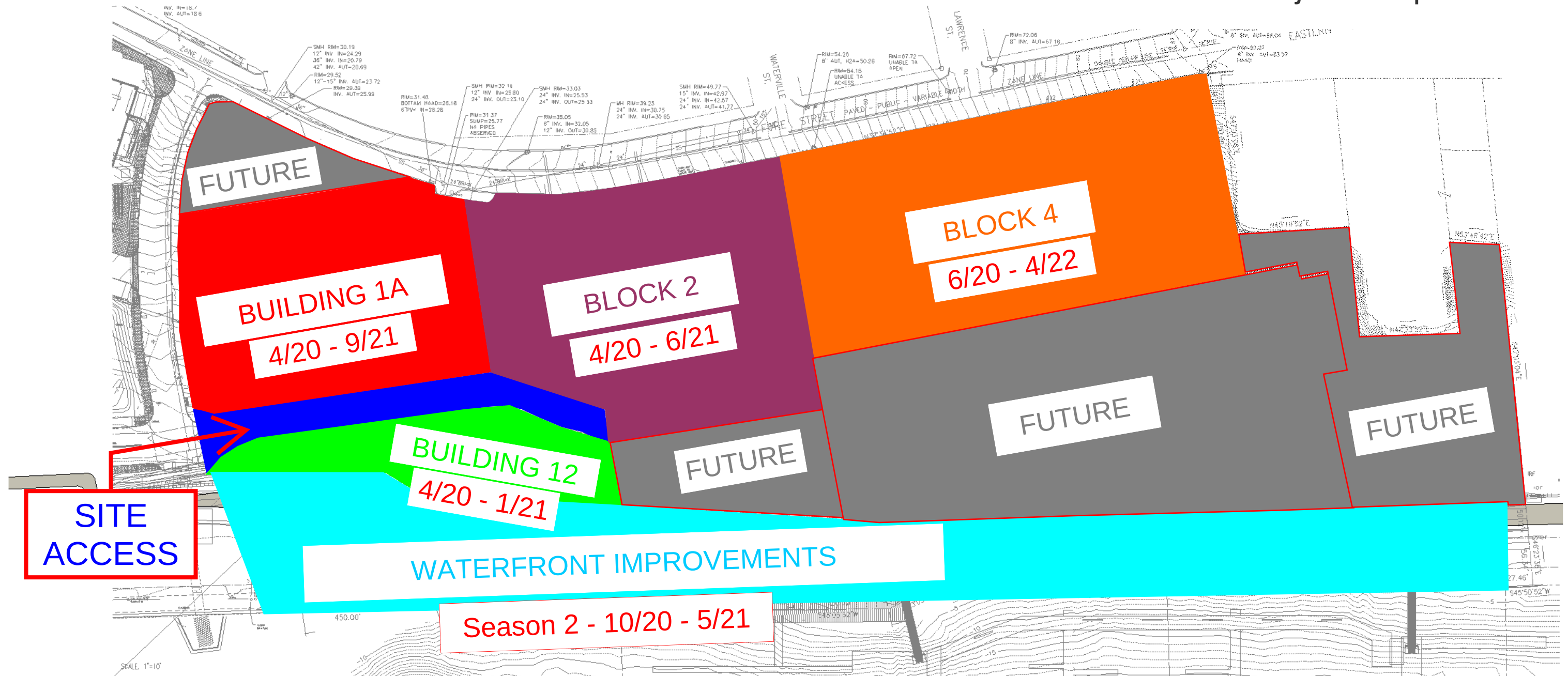
Project Proponent: Portland Foreside Development Company LLC

Construction Manager: Consigli Construction Company Inc

Portland Foreside

Master Planning | April 2020 - April 2022

Phase 1 - Overall Project Scope & Timing



November 6, 2019



58 Fore Street – Building 1A Construction Management Plan

Prepared For: Portland Department of Planning & Urban Development Department
Project Proponent: Portland Foreside Development Company LLC
Construction Manager: Consigli Construction Company Inc

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Construction Principles

The purpose of this Construction Management plan is to identify, mitigate and plan for all potential impacts throughout the duration of building the Mixed-Use Development known as Building 1A, at 58 Fore Street. Portland Foreside Development Co and Consigli Construction are committed to a seamless, incident free project by means of typical practices used to ensure that public safety and community are at the forefront of priorities.

Throughout this CM plan we will refer to specific examples of potential construction practices, traffic control scenarios, neighboring building considerations and public safety; as well as measures in which these items will be managed throughout the project to accommodate the community as much as possible. While we will take the necessary precautions to meet City and State requirements for traffic, noise, dust, vibration, etc., this project will be disruptive to adjacent properties compared to the current condition. Along with our subcontractor team members, it is imperative that we have complete participation from all parties affiliated with the project to maintain our strict safety requirements and ensure a quality building for PFDC.

The Mixed-Use Development at 58 Fore Street known as Building 1A includes the construction of a new 4 story building consisting of 94,000 SF of Occupant Office Space, 5 Retail Shell spaces, 68 structured parking spaces, and 6 surface parking spaces. The building totals approximately 157,000 SF that will be primarily built out of steel and concrete. The completion of the project is anticipated for September 2021.

Consigli has extensively planned the project's schedule, site logistics and safety protocols that will be thoroughly covered in this report with graphics and narratives. This CM plan will continually be updated to meet the needs of the project, community and the city as the project progresses. We aim to deliver a safe and quality project to PFDC, their employees and the City of Portland by means of communication, teamwork and stewardship.

Construction Administration and Communication

Consigli Construction will be the Construction Manager on site throughout the duration of the project. As such, there will be a dedicated team of individuals tasked with managing quality, schedule, site logistics and safety. These personnel will manage and enforce the proposed CMP with all associated subcontractors and material vendors.

Larry Osmer – Senior Project Manager
617.719.9835, losmer@consigli.com

Site Communication

With the proximity to occupied buildings, community outreach and communication will be imperative throughout construction to keep the public informed of the expected turbulence caused by the project. Site signage will be prominently displayed to show pedestrian access around the site and any updates to the proposed CMP.

Quarterly reporting and updating of the CMP will be required to update the City and community of the following activities:

- 1) Construction schedule updates
- 2) Material deliveries, including notice of any oversized loads that may impact public traffic
- 3) Requests for upcoming off-hours work including weekends and holidays
- 4) Notice of any upcoming activities that may produce strong noise, vibration or dust that could adversely affect the neighboring communities.
- 5) Requests for any street openings or public sidewalk work to be completed as part of the construction contract

Construction Schedule

Project Work Hours

Construction work hours will be in accordance with Section 17-18 of the City of Portland Code of Ordinances.

The project site is located within zoning group B6 – Eastern Waterfront Mixed Zone but is within 500 feet of buildings used for residential purposes. As such, work hours will be limited to Monday – Friday 7:00 am – 7:00 pm. Should work extend into Weekends or Holidays, the use of heavy equipment will be kept within the time constraints of 8:00 am – 4:00 pm.

Project Schedule/Logistics

The project is anticipated to be approximately 10 months in duration. Beginning in April 2020 the project will be turned over to PFDC in September 2021.

Regarding scheduled work to take place within public streets and sidewalks, this work will comply with Section 25-129 – Noise, dust and debris of the City of Portland Code of Ordinances. The connection to public utilities and sidewalk construction will require work to be executed within Fore Street and the new connector road between Fore Street and the Thames Street Extension. This work will be scheduled and planned with the City of Portland prior to the execution, and all logistical concerns will be addressed prior to starting the work. The connection to public utilities is tentatively scheduled to happen in the Spring of 2020, with sidewalk construction tentatively scheduled to occur during the Fall of 2020. Temporary barricades, fencing and signage will be required during the installation to control pedestrian and vehicular movements around the work.

Material Deliveries

The construction will require coordination of material deliveries throughout the duration of the project. The following logistical plans show the planned lay-down areas, truck routes and safety protocols that will be in place throughout the duration of construction.

1. All construction traffic will enter site through the Thames Street extension, allowing construction vehicles to pull straight onto site without impacting the public right of way. Area will be provided within the limits of disturbance for construction vehicles to off load and turn around. The same route will be used for vehicles leaving the site. A flagger will be employed if needed during utility tie in work at Fore Street and the Connector Road, however these details will require additional coordination at a later date.

Construction activities, whether it be work going in place or material and equipment deliveries, will create additional traffic along Thames Street. Impacts beyond the increased vehicle traffic

will be mitigated through the simplified path of travel to site, and ability to offload all material deliveries within the project limits of disturbance.

Material Storage and Laydown Areas

The construction will require careful planning and management of the daily occurrences within the site limits. The logistical plans currently outlined intend to keep all construction staging, lay down area and temporary storage within the project limits and secured by temporary fencing. Specified areas will be granted to on-site subcontractors for staging materials to assist in managing their installation. With designated areas delegated to subcontractors, the site will remain accessible by incoming trucks without causing a queuing effect outside of the fence.

Contractor Parking

At the peak of construction, Consigli anticipates that up to 40 people will be on site working various trades associated with the building. All contractors, subcontractors and their employees will be prohibited from parking in on-street City spaces in the vicinity of the site. To account for the anticipated parking demand, we have allowed space for 40 designated parking spaces for the personal vehicles of construction personnel. All subcontractors will be educated during the bidding process of this requirement, language regarding off-street parking will be incorporated into each subcontract agreement, and individual employees will be informed of this requirement their first day on-site during the site safety orientation.

Fire Protection for Construction Activities

The 2013 Standard for Safeguarding Construction, Alteration and Demolition Operations will be enforced on this project by utilizing best management practices to mitigate the fire risks associated with construction. Consigli and its subcontractors will execute the following measures to provide a safe and secure work place:

- 1) PFD Fire Command Center: This centralized location will hold all current project information and will act as the first responders meeting point to obtain the most up to date information of construction. The following documents will be found at this location:
 - a. Hot Work Permits: To be filled out daily by any person performing work that will generate a spark or create a potential fire risk on the job site. The permits are to be completed and approved by Consigli prior to work starting.
 - b. Current Construction Schedule
 - c. Current Construction Logistics Plan
 - d. Pre-Incident Fire Plan
- 2) On-Site Fuel Storage: The use of different flammable liquids will be required throughout construction. A free-standing, 30-minute fire-rated enclosure will be built to safely and securely store all flammable liquids and gases. Fueling trucks will be used as needed, but will not be allowed to stage or park on site for any extended period.
- 3) Means of Egress: The building will be permanently equipped with (2) 2-way stair assemblies for means of egress. The East stair will be installed first, and will provide emergency egress throughout construction. This stair will be identified with temporary signage throughout construction indicating the floor level and exit path direction.
- 4) Good Housekeeping: Consigli Construction will provide necessary dumpsters for the removal of debris from the site. All subcontractors are responsible for the daily clean-up of their work areas to ensure no materials or tools which could pose a hazard to the building are left out over night. Daily safety walks by the Construction Superintendent will be utilized to ensure that all working floors are equipped with an inspected fire extinguisher and clear means of egress in the event of an emergency. Trash chutes and/or material hoists may be utilized to safely and efficiently remove all debris from the project.
- 5) On-site Security: The project site will be secured everyday by means of a temporary post driven construction fence and scrim. Lockable gates will be located at (3) locations for site access.

- 6) Rapid Communication: Evacuation notification will be provided by means of 2-way radios/cellular devices as well as strategically positioned air horns. Upon evacuation of the building all project personnel will report to the muster point location where the Construction Manager and all subcontractor foremen will perform accountability checks. The General Contractor field staff will then be dispatched to all project entry points and the PFD Command Center. Upon arrival of the first responders to the PFD Command Center, the General Contractor will provide an accountability and incident briefing.

Public Safety

The construction will be near pedestrian right of ways and will interact with public traffic throughout the duration of the project. Material deliveries, the use of cranes, lifts, and other heavy machinery all have the potential to impact typical public activity. As a member of the Portland community, Consigli will strive to limit, mitigate and avoid these potential impacts as much as possible by means of controlling noise, on-site dust, vibrations and traffic. By educating and informing the neighborhoods to the construction activities taking place we will aim to build a project that produces minimal impacts to the Thames Street and Fore Street communities.

Noise

Construction activities throughout the project will create noise that leaves the project site. It is the intent of the project team to limit the exposure to the noise by following Section 17-18 of the City of Portland Code of Ordinances. This project site is located within 500 feet of buildings classified as residential. As such, the project hours will be limited the 7:00 am – 7:00 pm, Monday – Friday. Should any weekend or holiday work be required the use of heavy machinery will not commence before 8:00 am. When this work is required, no less than 2-week advanced notice will be provided to PFDC and the neighboring communities.

Work related to the ground improvements, foundations, and structural steel will likely be the loudest activity experienced during construction. This work will take place from February 2020 – September 2020. Recently, many local projects have utilized similar means of construction to much success around Portland.

Dust Control/Air Quality

Maintaining an environmentally conscious project site will be a major priority for the project team to ensure safety not only for the neighboring communities, but also for the construction workers on site day after day. All soils and debris will be kept within the project limits following the State of Maine Department of Environmental Protection erosion control Best Management Practices:

- 1) Erosion controlled construction entrances
- 2) Tarped dump trucks leaving the site with soil/debris
- 3) On-going sidewalk and street cleaning activities
- 4) The installation of temporary, compacted staging areas within the job site
- 5) Using wetting agents to control dust
- 6) Covering stock piles when material is to be piled for long periods of time
- 7) Smoking will not be allowed on the job site

Vibration Monitoring

Some construction practices required for this project will result in ground vibration waves that may transmit to nearby buildings. Prior to any potential vibration causing activities taking place a pre-construction survey will be conducted to review and document existing conditions of all adjacent structures. The survey will encompass all properties abutting the proposed project site to include the following addresses:

- 100 Fore Street (Currently Under Construction)
- 58 Fore Street (remaining buildings owned by PFDC)
- Residences Abutting Fore Street adjacent to the Project Site (private residences)
- 58 Fore Street (Fore Points Marina)

Site removals, vibratory compaction, and ground improvements will be employed on this project and will be monitored by a third-party monitoring company. A pre-construction meeting will be planned with abutting property owners to discuss geological conditions, construction specifications and methods of installation that create vibration.

As an added measure of control, vibration monitoring may be performed at stone or masonry structures within 100' of the site compaction and ground improvements scope performed.

Traffic Control

Throughout the construction process Franklin Street and Thames Street will experience increased traffic due to construction activities. Material deliveries, contractor access and public utility integration will be encountered and mitigated through coordinated logistics plans (provided within this CM Plan), on-site safety personnel, way-finding signage and well-organized traffic control devices. PFDC & Consigli will strive to inform and direct the neighborhood of the activities taking place in public areas as construction progresses through completion. During the Spring of 2020 public utility connections will be made at Fore Street and the Connector Road. During the late Summer or Fall 2020, sidewalk improvements will be made adjacent to the Connector Road.

The main access point to the construction project will be through the private road accessed at the easternmost point of Thames Street. In order to maintain access for tenants of 58 Fore Street and two-way traffic on the private road, site flaggers will be utilized as needed to direct both construction and marina traffic.

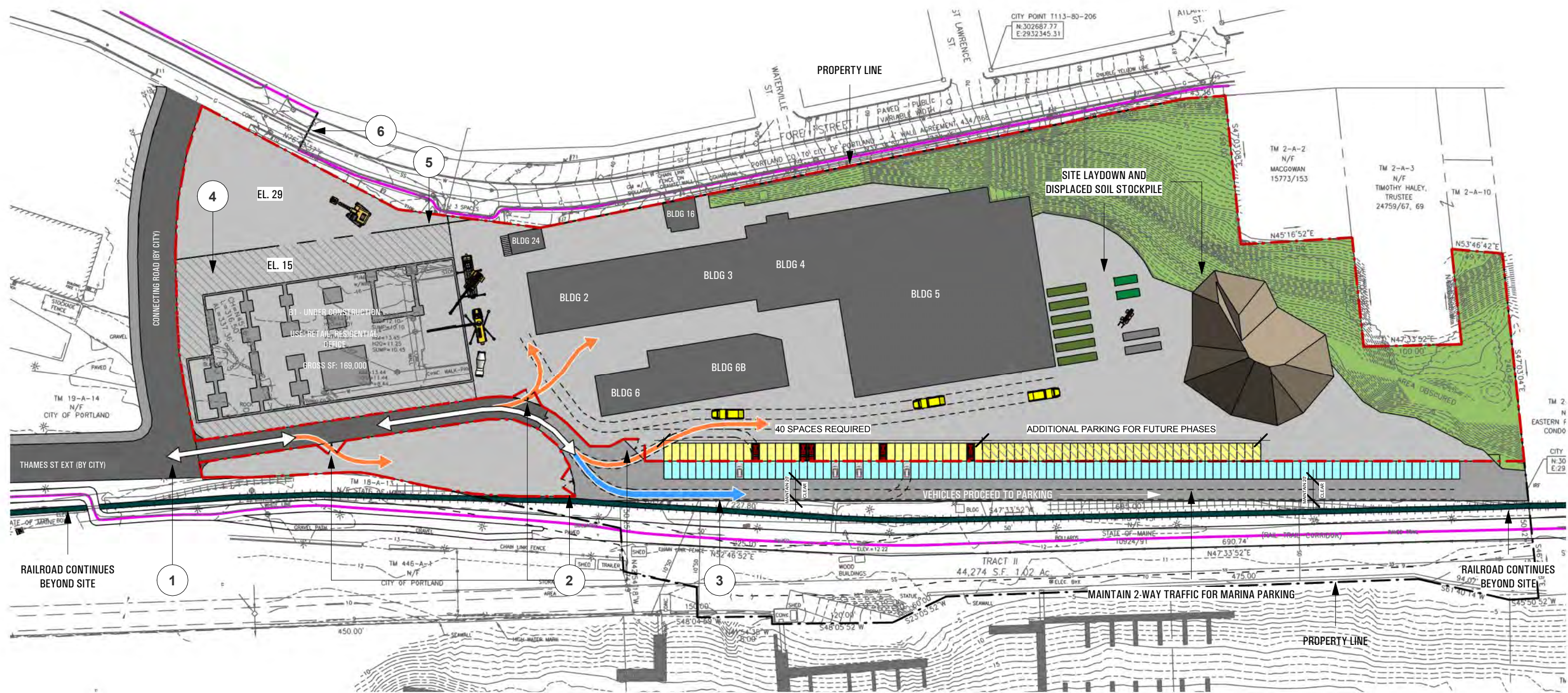


Traffic Management Diagrams

58 FORE ST - BLOCK 1A

CONSTRUCTION MANAGEMENT PLAN

06.19.2019



PLAN LEGEND

- 1 MARINA AND CONSTRUCTION ACCESS VIA THAMES ST EXT

2 MAINTAIN SEPARATE, SECURE ACCESS TO SITE(S)
- 3 ACCESS TO MARINA PARKING; NO CONSTRUCTION PARKING

4 CONSTRUCTION UNDERWAY AT BLOCK 1A SITE
- 5 EDGE OF BUILDING FOOTPRINT; NO THRU ACCESS ON SITE

6 PEDESTRIANS TO UTILIZE EXISTING CROSSWALK ON FORE ST

PARKING LEGEND

- PARKING: MARINA - 100 SPACES
- PARKING: CONSTRUCTION - 40 SPACES

GRAPHIC KEY

- MARINA TRAFFIC

CONSTRUCTION TRAFFIC

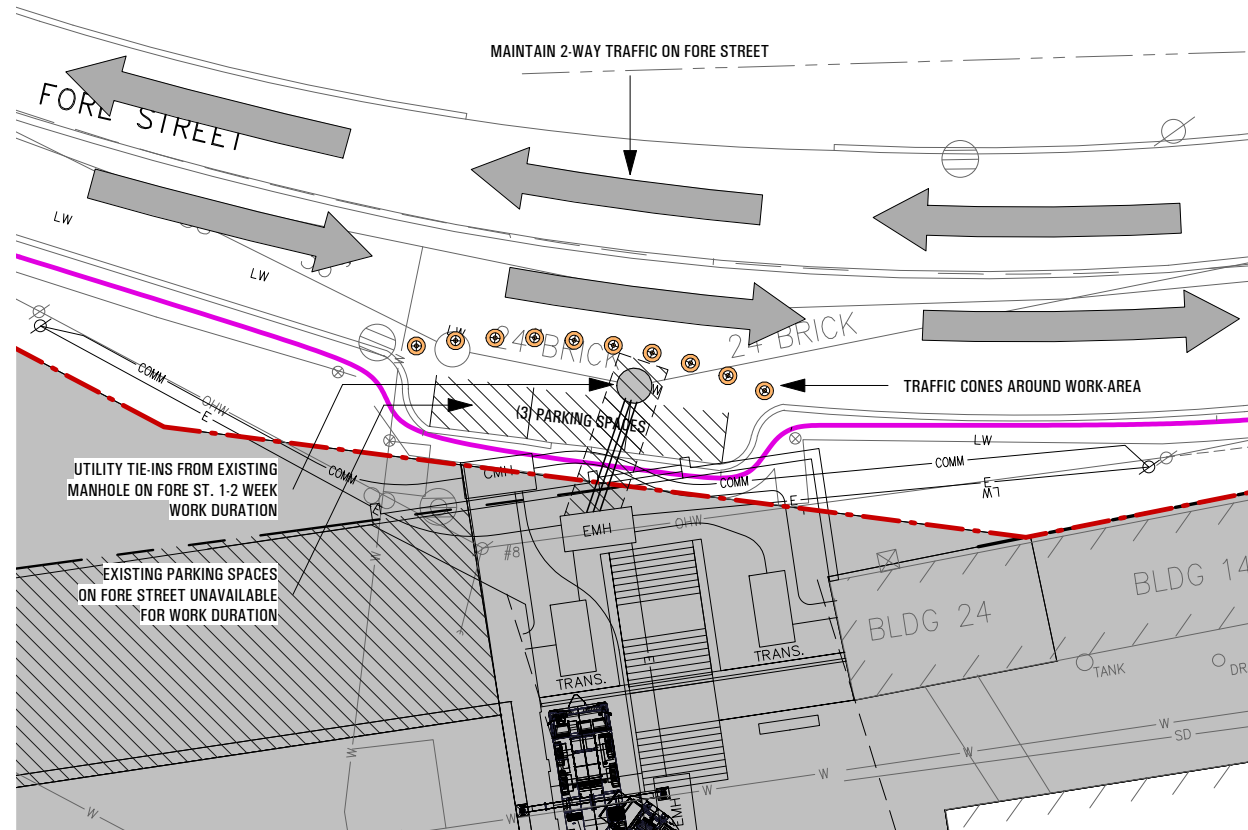
SHARED TRAFFIC
- CONSTRUCTION FENCING
- PEDESTRIAN ACCESS

58 FORE ST - BLOCK 1A

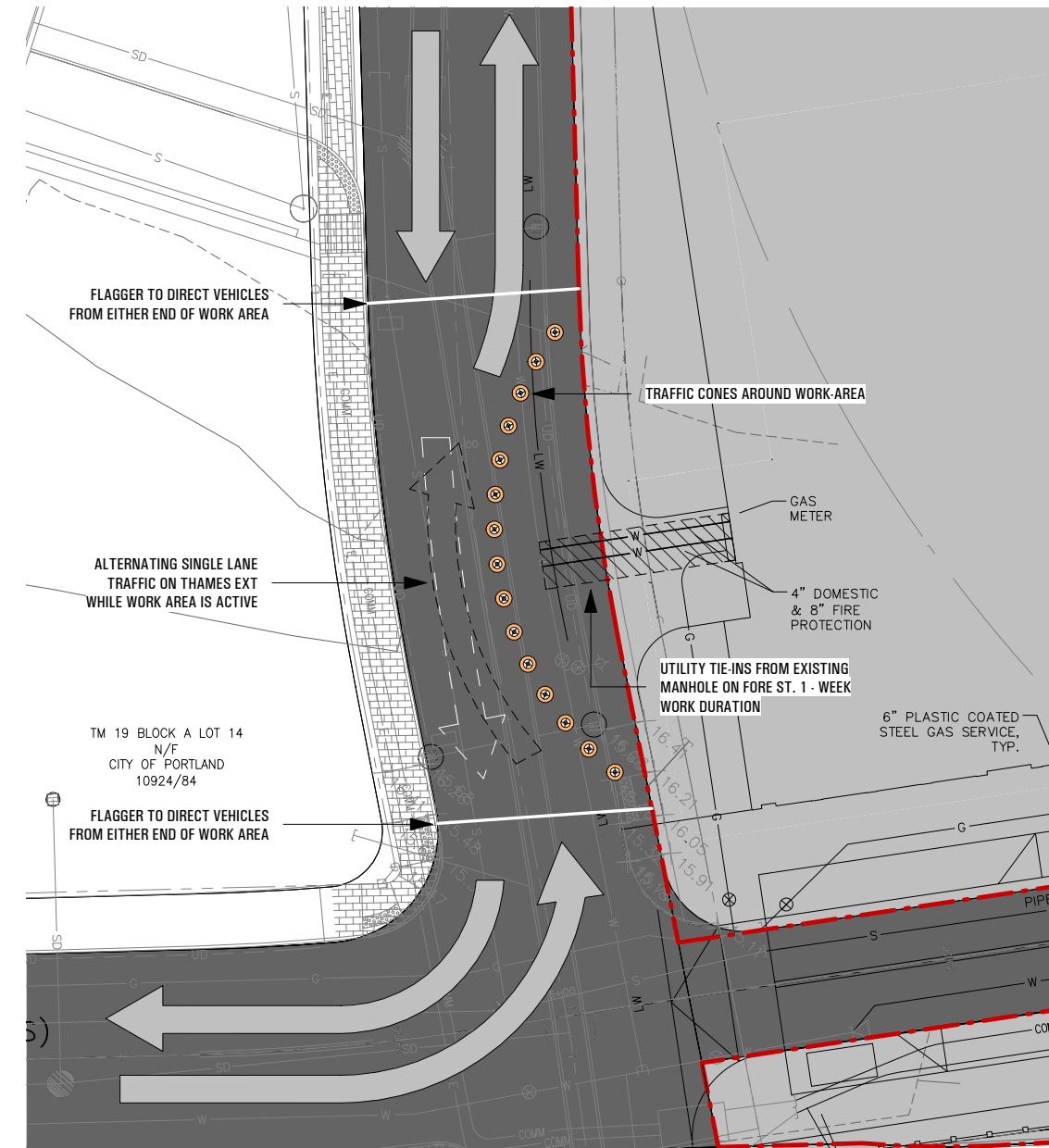
CONSTRUCTION MANAGEMENT PLAN

Utility Tie-ins

06.19.2019



① CMP - Utility Work on Fore St.
1/32" = 1'-0"



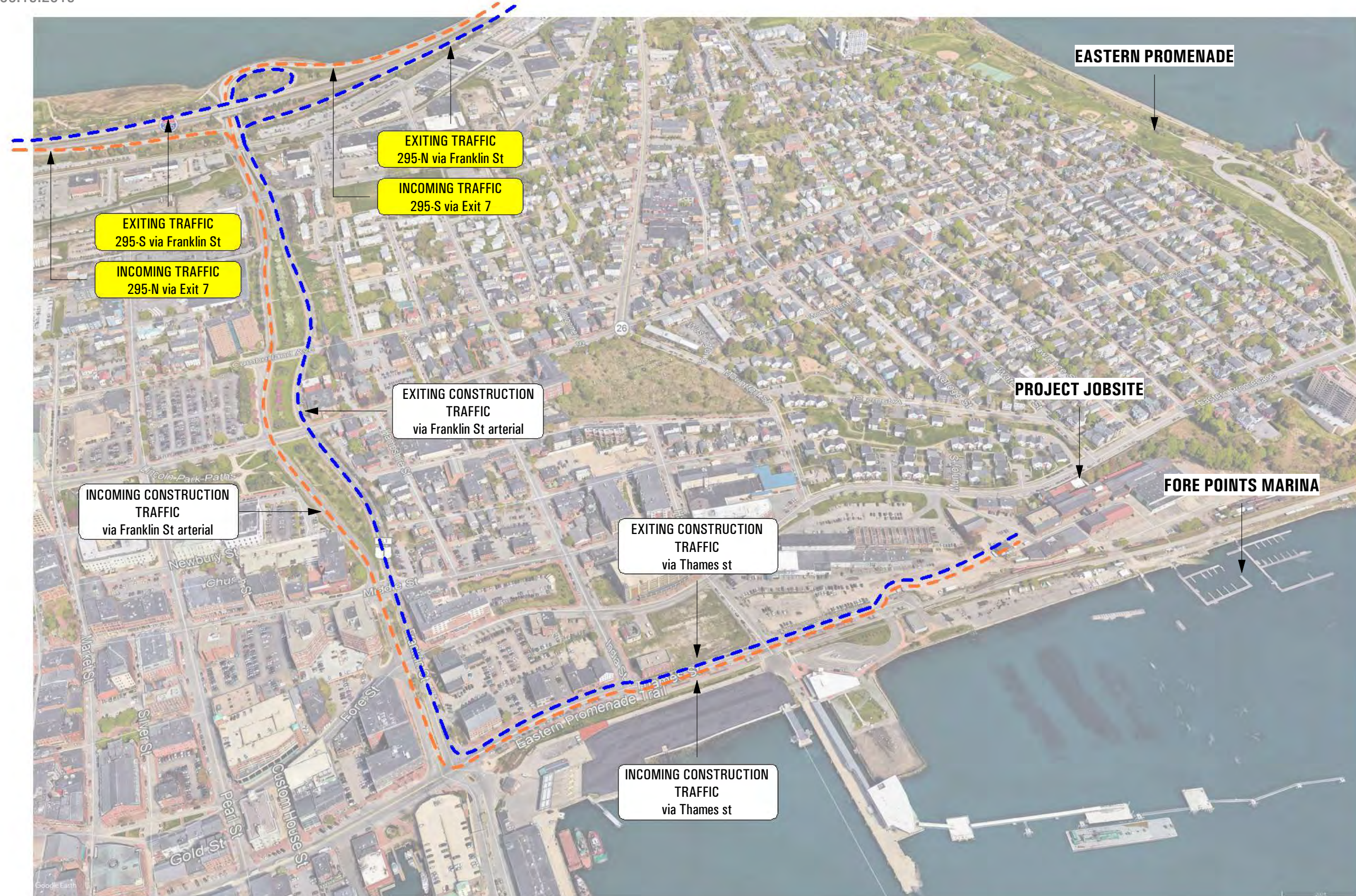
② Utility Work on Thames St. Extension
1/32" = 1'-0"

58 FORE ST - BLOCK 1A

CONSTRUCTION MANAGEMENT PLAN

Traffic Control Plan

06.19.2019



November 6, 2019



58 Fore Street – Building 12 Construction Management Plan

Prepared For: Portland Department of Planning & Urban Development Department
Project Proponent: Portland Foreside Development Company LLC
Construction Manager: Consigli Construction Company Inc

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Construction Principles

The purpose of this Construction Management plan is to identify, mitigate and plan for all potential impacts throughout the duration of building the Mixed-Use Development known as Building 12, at 58 Fore Street. Portland Foreside Development Co and Consigli Construction are committed to a seamless, incident free project by means of typical practices used to ensure that public safety and community are at the forefront of priorities.

Throughout this CM plan we will refer to specific examples of potential construction practices, traffic control scenarios, neighboring building considerations and public safety; as well as measures in which these items will be managed throughout the project to accommodate the community as much as possible. While we will take the necessary precautions to meet City and State requirements for traffic, noise, dust, vibration, etc., this project will be disruptive to adjacent properties compared to the current condition. Along with our subcontractor team members, it is imperative that we have complete participation from all parties affiliated with the project to maintain our strict safety requirements and ensure a quality building for PFDC.

The Mixed-Use Development at 58 Fore Street known as Building 12 includes the construction of a new 3 story building consisting of 6,400 SF of Occupant Office Space and 1 Retail Shell space. The building totals approximately 9,700 SF that will be primarily built out of steel and concrete. The completion of the project is anticipated for December 2020.

Consigli has extensively planned the project's schedule, site logistics and safety protocols that will be thoroughly covered in this report with graphics and narratives. This CM plan will continually be updated to meet the needs of the project, community and the city as the project progresses. We aim to deliver a safe and quality project to PFDC, their employees and the City of Portland by means of communication, teamwork and stewardship.

Construction Administration and Communication

Consigli Construction will be the Construction Manager on site throughout the duration of the project. As such, there will be a dedicated team of individuals tasked with managing quality, schedule, site logistics and safety. These personnel will manage and enforce the proposed CMP with all associated subcontractors and material vendors.

Larry Osmer – Senior Project Manager
617.719.9835, losmer@consigli.com

Site Communication

With the proximity to occupied buildings, community outreach and communication will be imperative throughout construction to keep the public informed of the expected turbulence caused by the project. Site signage will be prominently displayed to show pedestrian access around the site and any updates to the proposed CMP.

Quarterly reporting and updating of the CMP will be required to update the City and community of the following activities:

- 1) Construction schedule updates
- 2) Material deliveries, including notice of any oversized loads that may impact public traffic
- 3) Requests for upcoming off-hours work including weekends and holidays
- 4) Notice of any upcoming activities that may produce strong noise, vibration or dust that could adversely affect the neighboring communities.
- 5) Requests for any street openings or public sidewalk work to be completed as part of the construction contract

Construction Schedule

Project Work Hours

Construction work hours will be in accordance with Section 17-18 of the City of Portland Code of Ordinances.

The project site is located within zoning group B6 – Eastern Waterfront Mixed Zone but is within 500 feet of buildings used for residential purposes. As such, work hours will be limited to Monday – Friday 7:00 am – 7:00 pm. Should work extend into Weekends or Holidays, the use of heavy equipment will be kept within the time constraints of 8:00 am – 4:00 pm.

Project Schedule/Logistics

The project is anticipated to be approximately 9 months in duration. Beginning in April 2020 the project will be turned over to PFDC in December 2020.

All utility connections are planned to be made at the Properties private entrance road, so no work will take place within public streets and sidewalks.

Material Deliveries

The construction will require coordination of material deliveries throughout the duration of the project. The following logistical plans show the planned lay-down areas, truck routes and safety protocols that will be in place throughout the duration of construction.

1. All construction traffic will enter site through the Thames Street extension, allowing construction vehicles to pull straight onto site without impacting the public right of way. Area will be provided within the limits of disturbance for construction vehicles to off load and turn around. The same route will be used for vehicles leaving the site.

Construction activities, whether it be work going in place or material and equipment deliveries, will create additional traffic along Thames Street. Impacts beyond the increased vehicle traffic will be mitigated through the simplified path of travel to site, and ability to offload all material deliveries within the project limits of disturbance.

Material Storage and Laydown Areas

The construction will require careful planning and management of the daily occurrences within the site limits. The logistical plans currently outlined intend to keep all construction staging, lay down area and temporary storage within the project limits and secured by temporary fencing. Specified areas will be granted to on-site subcontractors for staging materials to assist in managing their installation. With designated areas delegated to subcontractors, the site will remain accessible by incoming trucks without causing a queuing effect outside of the fence.

Contractor Parking

At the peak of construction, Consigli anticipates that up to 15 people will be on site working various trades associated with the building. All contractors, subcontractors and their employees will be prohibited from parking in on-street City spaces in the vicinity of the site. To account for the anticipated parking demand, we have allowed space for 5 designated parking spaces for the personal vehicles of construction personnel, as well as additional overflow spaces to be utilized as necessary. All subcontractors will be educated during the bidding process of this requirement, language regarding off-street parking will be incorporated into each subcontract agreement, and individual employees will be informed of this requirement their first day on-site during the site safety orientation.

Fire Protection for Construction Activities

The 2013 Standard for Safeguarding Construction, Alteration and Demolition Operations will be enforced on this project by utilizing best management practices to mitigate the fire risks associated with construction. Consigli and its subcontractors will execute the following measures to provide a safe and secure work place:

- 1) PFD Fire Command Center: This centralized location will hold all current project information and will act as the first responders meeting point to obtain the most up to date information of construction. The following documents will be found at this location:
 - a. Hot Work Permits: To be filled out daily by any person performing work that will generate a spark or create a potential fire risk on the job site. The permits are to be completed and approved by Consigli prior to work starting.
 - b. Current Construction Schedule
 - c. Current Construction Logistics Plan
 - d. Pre-Incident Fire Plan
- 2) On-Site Fuel Storage: The use of different flammable liquids will be required throughout construction. A free-standing, 30-minute fire-rated enclosure will be built to safely and securely store all flammable liquids and gases. Fueling trucks will be used as needed but will not be allowed to stage or park on site for any extended period.
- 3) Means of Egress: The building will be permanently equipped with a 2-way stair assembly for means of egress. This stair will provide emergency egress throughout construction and will be identified with temporary signage throughout construction indicating the floor level and exit path direction.
- 4) Good Housekeeping: Consigli Construction will provide necessary dumpsters for the removal of debris from the site. All subcontractors are responsible for the daily clean-up of their work areas to ensure no materials or tools which could pose a hazard to the building are left out over night. Daily safety walks by the Construction Superintendent will be utilized to ensure that all working floors are equipped with an inspected fire extinguisher and clear means of egress in the event of an emergency. Trash chutes and/or material hoists may be utilized to safely and efficiently remove all debris from the project.
- 5) On-site Security: The project site will be secured everyday by means of a temporary post driven construction fence and scrim. Lockable gates will be located at (2) locations for site access.

- 6) Rapid Communication: Evacuation notification will be provided by means of 2-way radios/cellular devices as well as strategically positioned air horns. Upon evacuation of the building all project personnel will report to the muster point location where the Construction Manager and all subcontractor foremen will perform accountability checks. The General Contractor field staff will then be dispatched to all project entry points and the PFD Command Center. Upon arrival of the first responders to the PFD Command Center, the General Contractor will provide an accountability and incident briefing.

Public Safety

The construction will be near pedestrian right of ways and will interact with public traffic throughout the duration of the project. Material deliveries, the use of cranes, lifts, and other heavy machinery all have the potential to impact typical public activity. As a member of the Portland community, Consigli will strive to limit, mitigate and avoid these potential impacts as much as possible by means of controlling noise, on-site dust, vibrations and traffic. By educating and informing the neighborhoods to the construction activities taking place we will aim to build a project that produces minimal impacts to the Thames Street and Fore Street communities.

Noise

Construction activities throughout the project will create noise that leaves the project site. It is the intent of the project team to limit the exposure to the noise by following Section 17-18 of the City of Portland Code of Ordinances. This project site is located within 500 feet of buildings classified as residential. As such, the project hours will be limited the 7:00 am – 7:00 pm, Monday – Friday. Should any weekend or holiday work be required the use of heavy machinery will not commence before 8:00 am. When this work is required, no less than 2-week advanced notice will be provided to PFDC and the neighboring communities.

Work related to site preparation, foundations, and structural steel will likely be the loudest activity experienced during construction. This work will take place from April 2020 – August 2020. Recently, many local projects have utilized similar means of construction to much success around Portland.

Dust Control/Air Quality

Maintaining an environmentally conscious project site will be a major priority for the project team to ensure safety not only for the neighboring communities, but also for the construction workers on site day after day. All soils and debris will be kept within the project limits following the State of Maine Department of Environmental Protection erosion control Best Management Practices:

- 1) Erosion controlled construction entrances
- 2) Tarped dump trucks leaving the site with soil/debris
- 3) On-going sidewalk and street cleaning activities as necessary
- 4) The installation of temporary, compacted staging areas within the job site
- 5) Using wetting agents to control dust
- 6) Covering stock piles when material is to be piled for long periods of time
- 7) Smoking will not be allowed on the job site

Vibration Monitoring

Some construction practices required for this project will result in ground vibration waves that may transmit to nearby buildings. Prior to any potential vibration causing activities taking place a pre-construction survey will be conducted to review and document existing conditions of all adjacent structures. The survey will encompass all properties abutting the proposed project site to include the following addresses:

- 100 Fore Street (Currently Under Construction)
- 58 Fore Street (remaining buildings owned by PFDC)
- 58 Fore Street (Fore Points Marina)

Site fill and vibratory compaction will be employed on this project and will be monitored by a third-party monitoring company. A pre-construction meeting will be planned with abutting property owners to discuss geological conditions, construction specifications and methods of installation that create vibration.

Traffic Control

Throughout the construction process Franklin Street and Thames Street will experience increased traffic due to construction activities. Material deliveries, contractor access and public utility integration will be encountered and mitigated through coordinated logistics plans (provided within this CM Plan), on-site safety personnel, way-finding signage and well-organized traffic control devices. PFDC & Consigli will strive to inform and direct the neighborhood of the activities taking place in public areas as construction progresses through completion.

The main access point to the construction project will be through the private road accessed at the easternmost point of Thames Street. To maintain access for tenants of 58 Fore Street and two-way traffic on the private road, site flaggers will be utilized as needed to direct both construction and marina traffic.

Historical Preservation

Historic reconstruction of the masonry façade of Building 12 is a critical aspect to the development at 58 Fore Street. A detailed scope will be developed and submitted for approval by the City's Historic Preservation Program Manager before work commences. As the scope includes the reconstruction of a brick masonry façade utilizing current construction technologies to replicate the appearance of the original Portland Company Building 12, scans, photos and other spatial documentation have been taken and will be shared during the planning of this scope to inform the design development.

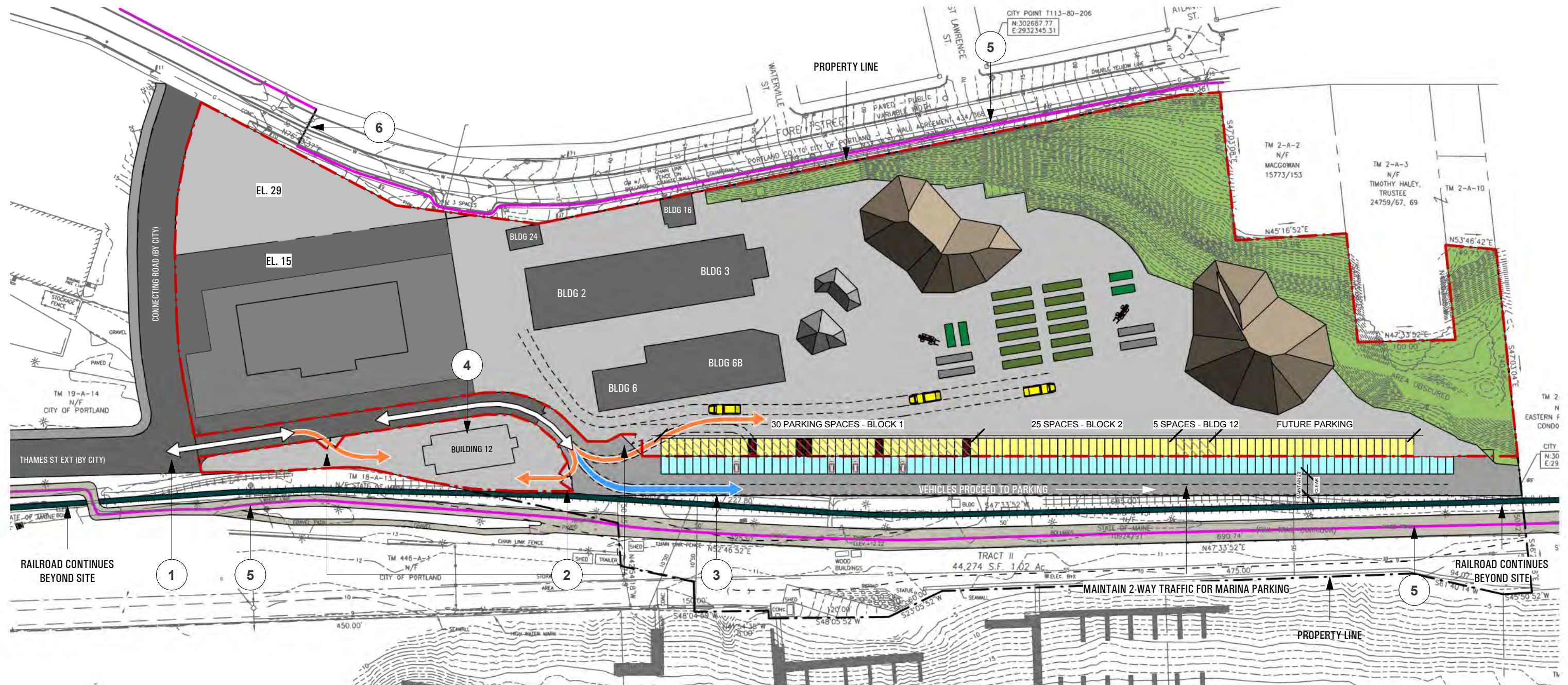


Traffic Management Diagrams

58 FORE ST - BUILDING 12

CONSTRUCTION MANAGEMENT PLAN

07.15.2019



PLAN LEGEND

- | | | |
|--|---|--|
| 1 MARINA AND CONSTRUCTION ACCESS VIA THAMES ST EXT | 3 ACCESS TO MARINA PARKING; NO CONSTRUCTION PARKING | 5 MAINTAIN PEDESTRIAN ACCESS THROUGHOUT PHASE |
| 2 MAINTAIN SEPARATE, SECURE ACCESS TO SITE(S) | 4 BUILDING 12 - UNDER CONSTRUCTION | 6 PEDESTRIANS TO UTILIZE EXISTING CROSSWALK ON FORE ST |

PARKING LEGEND

PARKING: MARINA - 100 SPACES

PARKING: CONSTRUCTION - 30 SPACES

GRAPHIC KEY

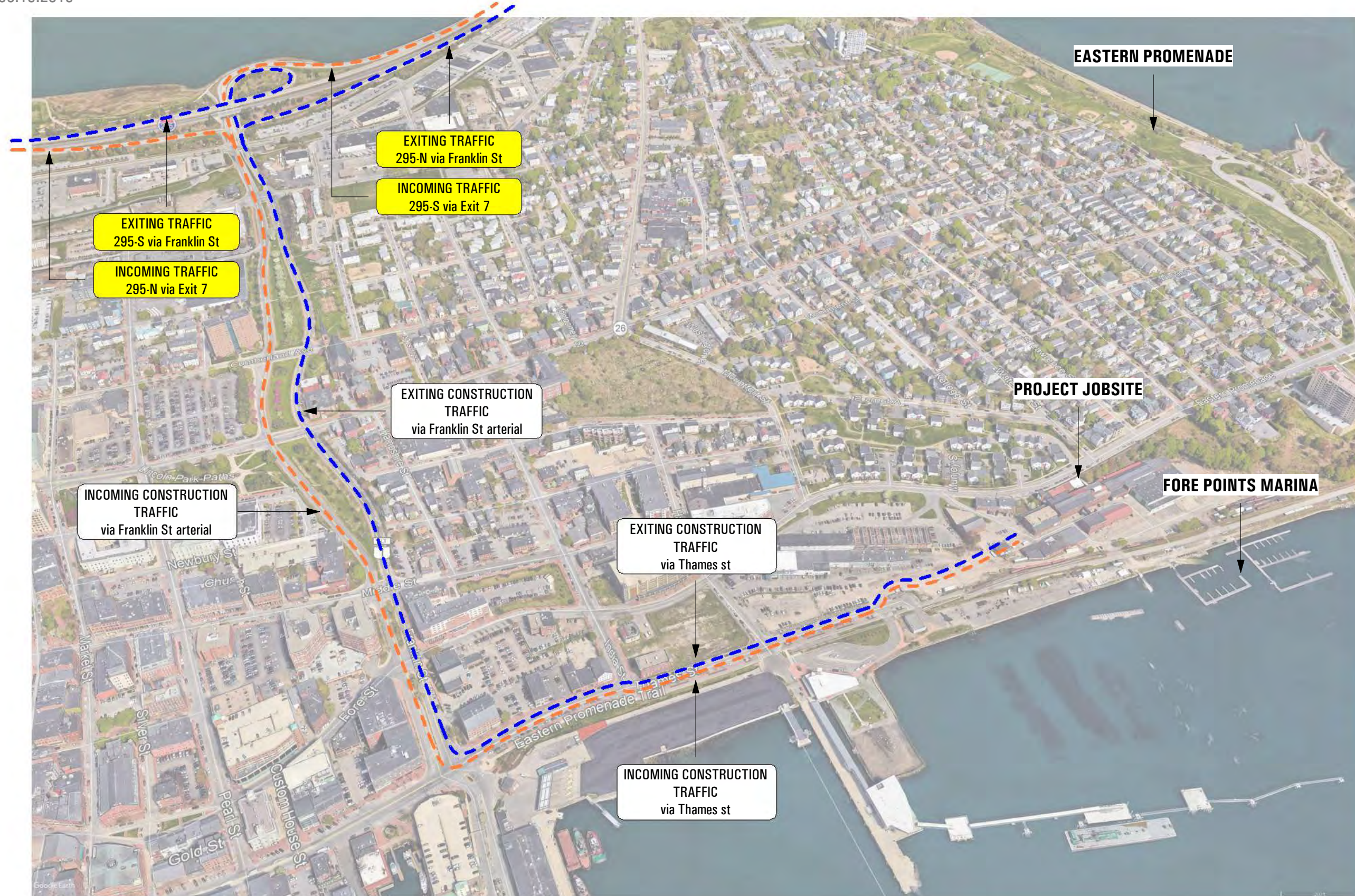


58 FORE ST - BUILDING 12

CONSTRUCTION MANAGEMENT PLAN

Traffic Control Plan

06.19.2019





58 Fore Street – BLOCK 2 Construction Management Plan

Prepared For: Portland Department of Planning & Urban Development Department

Project Proponent: Portland Foreside Development Company LLC

Construction Manager: Consigli Construction Company Inc

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Construction Principles

The purpose of this Construction Management plan is to identify, mitigate and plan for all potential impacts throughout the duration of building the Mixed-Use Development known as Block 2, at 58 Fore Street. Portland Foreside Development Co and Consigli Construction are committed to a seamless, incident free project by means of typical practices used to ensure that public safety and community are at the forefront of priorities.

Throughout this CM plan we will refer to specific examples of potential construction practices, traffic control scenarios, neighboring building considerations and public safety; as well as measures in which these items will be managed throughout the project to accommodate the community as much as possible. While we will take the necessary precautions to meet City and State requirements for traffic, noise, dust, vibration, etc., this project will be disruptive to adjacent properties compared to the current condition. Along with our subcontractor team members, it is imperative that we have complete participation from all parties affiliated with the project to maintain our strict safety requirements and ensure a quality building for PFDC.

The Mixed-Use Development at 58 Fore Street known as Block 2 includes renovation of the Portland Company Historic District, reconstruction of several Portland Company Buildings, and construction of 8 new Townhomes in a 4 story configuration. In aggregate, the buildings represent 17,000 SF Public Marketplace space, 12,000 SF of Occupant Office Space, 17,500 SF leasable event space, 7,600 SF Residential space, and 13 Retail Shell spaces. The buildings total approximately 70,350 SF that will be primarily built out of steel and concrete supporting wood frame construction. The completion of the project is anticipated for June 2021.

Consigli has extensively planned the project's schedule, site logistics and safety protocols that will be thoroughly covered in this report with graphics and narratives. This CM plan will continually be updated to meet the needs of the project, community and the city as the project progresses. We aim to deliver a safe and quality project to PFDC, their employees and the City of Portland by means of communication, teamwork and stewardship.

Construction Administration and Communication

Consigli Construction will be the Construction Manager on site throughout the duration of the project. As such, there will be a dedicated team of individuals tasked with managing quality, schedule, site logistics and safety. These personnel will manage and enforce the proposed CMP with all associated subcontractors and material vendors.

Larry Osmer – Senior Project Manager
617.719.9835, losmer@consigli.com

Site Communication

With the proximity to occupied buildings, community outreach and communication will be imperative throughout construction to keep the public informed of the expected turbulence caused by the project. Site signage will be prominently displayed to show pedestrian access around the site and any updates to the proposed CMP.

Quarterly reporting and updating of the CMP will be required to update the City and community of the following activities:

- 1) Construction schedule updates
- 2) Material deliveries, including notice of any oversized loads that may impact public traffic
- 3) Requests for upcoming off-hours work including weekends and holidays
- 4) Notice of any upcoming activities that may produce strong noise, vibration or dust that could adversely affect the neighboring communities.
- 5) Requests for any street openings or public sidewalk work to be completed as part of the construction contract

Construction Schedule

Project Work Hours

Construction work hours will be in accordance with Section 17-18 of the City of Portland Code of Ordinances.

The project site is located within zoning group B6 – Eastern Waterfront Mixed Zone but is within 500 feet of buildings used for residential purposes. As such, work hours will be limited to Monday – Friday 7:00 am – 7:00 pm. Should work extend into Weekends or Holidays, the use of heavy equipment will be kept within the time constraints of 8:00 am – 4:00 pm.

Project Schedule/Logistics

The project is anticipated to be approximately 15 months in duration. Beginning in April 2020 the project will be turned over to PFDC in July 2021.

Regarding scheduled work to take place within public streets and sidewalks, this work will comply with Section 25-129 – Noise, dust and debris of the City of Portland Code of Ordinances. The connection to public utilities and sidewalk construction will require work to be executed within Fore Street. This work will be scheduled and planned with the City of Portland prior to the execution, and all logistical concerns will be addressed prior to starting the work. The connection to public utilities is tentatively scheduled to happen in the Spring of 2020, with sidewalk construction tentatively scheduled to occur during the Fall of 2020. Temporary barricades, fencing and signage will be required during the installation to control pedestrian and vehicle movements around the work.

Material Deliveries

The construction will require coordination of material deliveries throughout the duration of the project. The following logistical plans show the planned lay-down areas, truck routes and safety protocols that will be in place throughout the duration of construction.

1. All construction traffic will enter site through the Thames Street extension, allowing construction vehicles to pull straight onto site without impacting the public right of way. Area will be provided within the limits of disturbance for construction vehicles to off load and turn around. The same route will be used for vehicles leaving the site.

Construction activities, whether it be work going in place or material and equipment deliveries, will create additional traffic along Thames Street. Impacts beyond the increased vehicle traffic will be mitigated through the simplified path of travel to site, and ability to offload all material deliveries within the project limits of disturbance.

Material Storage and Laydown Areas

The construction will require careful planning and management of the daily occurrences within the site limits. The logistical plans currently outlined intend to keep all construction staging, lay down area and temporary storage within the project limits and secured by temporary fencing. Specified areas will be granted to on-site subcontractors for staging materials to assist in managing their installation. With designated areas delegated to subcontractors, the site will remain accessible by incoming trucks without causing a queuing effect outside of the fence.

Contractor Parking

At the peak of construction, Consigli anticipates that up to 30 people will be on site working various trades associated with the building. All contractors, subcontractors and their employees will be prohibited from parking in on-street City spaces in the vicinity of the site. To account for the anticipated parking demand, we have allowed space for 30 designated parking spaces for the personal vehicles of construction personnel, as well as additional overflow spaces to be utilized as necessary. All subcontractors will be educated during the bidding process of this requirement, language regarding off-street parking will be incorporated into each subcontract agreement, and individual employees will be informed of this requirement their first day on-site during the site safety orientation.

Fire Protection for Construction Activities

The 2013 Standard for Safeguarding Construction, Alteration and Demolition Operations will be enforced on this project by utilizing best management practices to mitigate the fire risks associated with construction. Consigli and its subcontractors will execute the following measures to provide a safe and secure work place:

- 1) PFD Fire Command Center: This centralized location will hold all current project information and will act as the first responders meeting point to obtain the most up to date information of construction. The following documents will be found at this location:
 - a. Hot Work Permits: To be filled out daily by any person performing work that will generate a spark or create a potential fire risk on the job site. The permits are to be completed and approved by Consigli prior to work starting.
 - b. Current Construction Schedule
 - c. Current Construction Logistics Plan
 - d. Pre-Incident Fire Plan
- 2) On-Site Fuel Storage: The use of different flammable liquids will be required throughout construction. A free-standing, 30-minute fire-rated enclosure will be built to safely and securely store all flammable liquids and gases. Fueling trucks will be used as needed but will not be allowed to stage or park on site for any extended period.
- 3) Means of Egress: The buildings will each be permanently equipped with 2-way stair assemblies for means of egress. These stairs will be utilized to provide emergency egress throughout construction and will be identified with temporary signage indicating the floor level and exit path direction.
- 4) Good Housekeeping: Consigli Construction will provide necessary dumpsters for the removal of debris from the site. All subcontractors are responsible for the daily clean-up of their work areas to ensure no materials or tools which could pose a hazard to the building are left out over night. Daily safety walks by the Construction Superintendent will be utilized to ensure that all working floors are equipped with an inspected fire extinguisher and clear means of egress in the event of an emergency. Trash chutes and/or material hoists may be utilized to safely and efficiently remove all debris from the project.
- 5) On-site Security: The project site will be secured everyday by means of a temporary post driven construction fence and scrim. Lockable gates will be located at (2) locations for site access.

- 6) Rapid Communication: Evacuation notification will be provided by means of 2-way radios/cellular devices as well as strategically positioned air horns. Upon evacuation of the building all project personnel will report to the muster point location where the Construction Manager and all subcontractor foremen will perform accountability checks. The General Contractor field staff will then be dispatched to all project entry points and the PFD Command Center. Upon arrival of the first responders to the PFD Command Center, the General Contractor will provide an accountability and incident briefing.

Public Safety

The construction will be near pedestrian right of ways and will interact with public traffic throughout the duration of the project. Material deliveries, the use of cranes, lifts, and other heavy machinery all have the potential to impact typical public activity. As a member of the Portland community, Consigli will strive to limit, mitigate and avoid these potential impacts as much as possible by means of controlling noise, on-site dust, vibrations and traffic. By educating and informing the neighborhoods to the construction activities taking place we will aim to build a project that produces minimal impacts to the Thames Street and Fore Street communities.

Noise

Construction activities throughout the project will create noise that leaves the project site. It is the intent of the project team to limit the exposure to the noise by following Section 17-18 of the City of Portland Code of Ordinances. This project site is located within 500 feet of buildings classified as residential. As such, the project hours will be limited the 7:00 am – 7:00 pm, Monday – Friday. Should any weekend or holiday work be required the use of heavy machinery will not commence before 8:00 am. When this work is required, no less than 2-week advanced notice will be provided to PFDC and the neighboring communities.

Work related to site preparation, foundations, and structural steel will likely be the loudest activity experienced during construction. This work will take place from April 2020 – December 2020. Recently, many local projects have utilized similar means of construction to much success around Portland.

Dust Control/Air Quality

Maintaining an environmentally conscious project site will be a major priority for the project team to ensure safety not only for the neighboring communities, but also for the construction workers on site day after day. All soils and debris will be kept within the project limits following the State of Maine Department of Environmental Protection erosion control Best Management Practices:

- 1) Erosion controlled construction entrances
- 2) Tarped dump trucks leaving the site with soil/debris
- 3) On-going sidewalk and street cleaning activities as necessary
- 4) The installation of temporary, compacted staging areas within the job site
- 5) Using wetting agents to control dust
- 6) Covering stock piles when material is to be piled for long periods of time
- 7) Smoking will not be allowed on the job site

Vibration Monitoring

Some construction practices required for this project will result in ground vibration waves that may transmit to nearby buildings. Prior to any potential vibration causing activities taking place a pre-construction survey will be conducted to review and document existing conditions of all adjacent structures. The survey will encompass all properties abutting the proposed project site to include the following addresses:

- 100 Fore Street (Currently Under Construction)
- 58 Fore Street (remaining buildings owned by PFDC)
- 58 Fore Street (Fore Points Marina)
- Adjacent Properties across Fore Street

Deep foundations and vibratory compaction will be employed on this project and will be monitored by a third-party monitoring company. A pre-construction meeting will be planned with abutting property owners to discuss geological conditions, construction specifications and methods of installation that create vibration.

Traffic Control

Throughout the construction process Franklin Street and Thames Street will experience increased traffic due to construction activities. Material deliveries, contractor access and public utility integration will be encountered and mitigated through coordinated logistics plans (provided within this CM Plan), on-site safety personnel, way-finding signage and well-organized traffic control devices. PFDC & Consigli will strive to inform and direct the neighborhood of the activities taking place in public areas as construction progresses through completion.

The main access point to the construction project will be through the private road accessed at the easternmost point of Thames Street. To maintain access for tenants of 58 Fore Street and two-way traffic on the private road, site flaggers will be utilized as needed to direct both construction and marina traffic.

Historical Preservation

Restoration and renovation of the Portland Company Historic District is a critical aspect to the development at 58 Fore Street. Detailed scopes of work will be developed and submitted for approval by the City's Historic Preservation Program Manager before work commences. These will include restoration of the original masonry facades, new windows to match the aesthetic of the originals, and supplementation of existing structure to preserve the original timber framing while bringing the buildings into compliance with current building code. Consigli will work closely with the design firms and PFDC to ensure existing site conditions are utilized during the planning of this work, and proper coordination is implemented during the construction phase to execute the design team's vision.

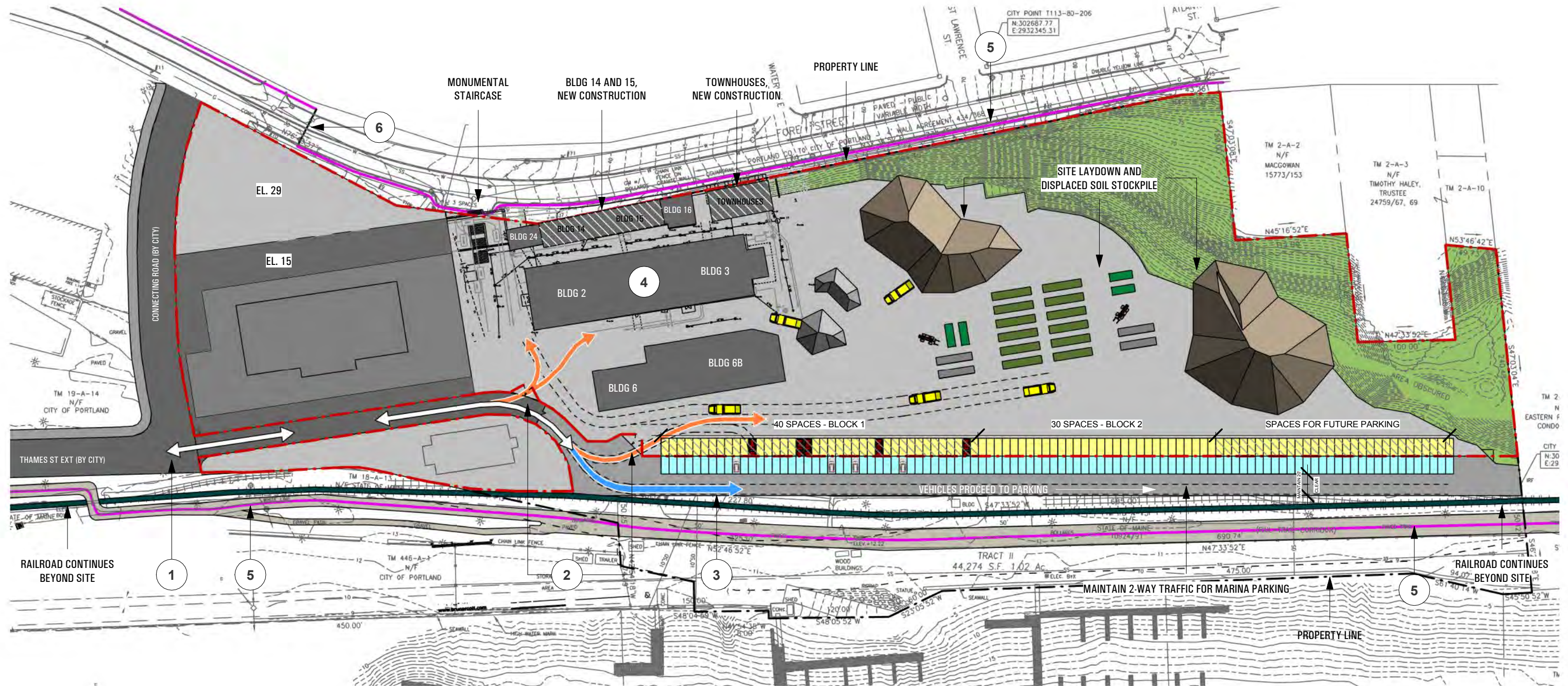


Traffic Management Diagrams

58 FORE ST - BLOCK 2

CONSTRUCTION MANAGEMENT PLAN

07.15.2019



PLAN LEGEND

- 1 MARINA AND CONSTRUCTION ACCESS VIA THAMES ST EXT
- 2 MAINTAIN SEPARATE, SECURE ACCESS TO SITE(S)
- 3 ACCESS TO MARINA PARKING; NO CONSTRUCTION PARKING
- 4 CONSTRUCTION UNDERWAY AT BLOCK 2 SITE
- 5 MAINTAIN PEDESTRIAN ACCESS THROUGHOUT PHASE
- 6 PEDESTRIANS TO UTILIZE EXISTING CROSSWALK ON FORE ST

PARKING LEGEND

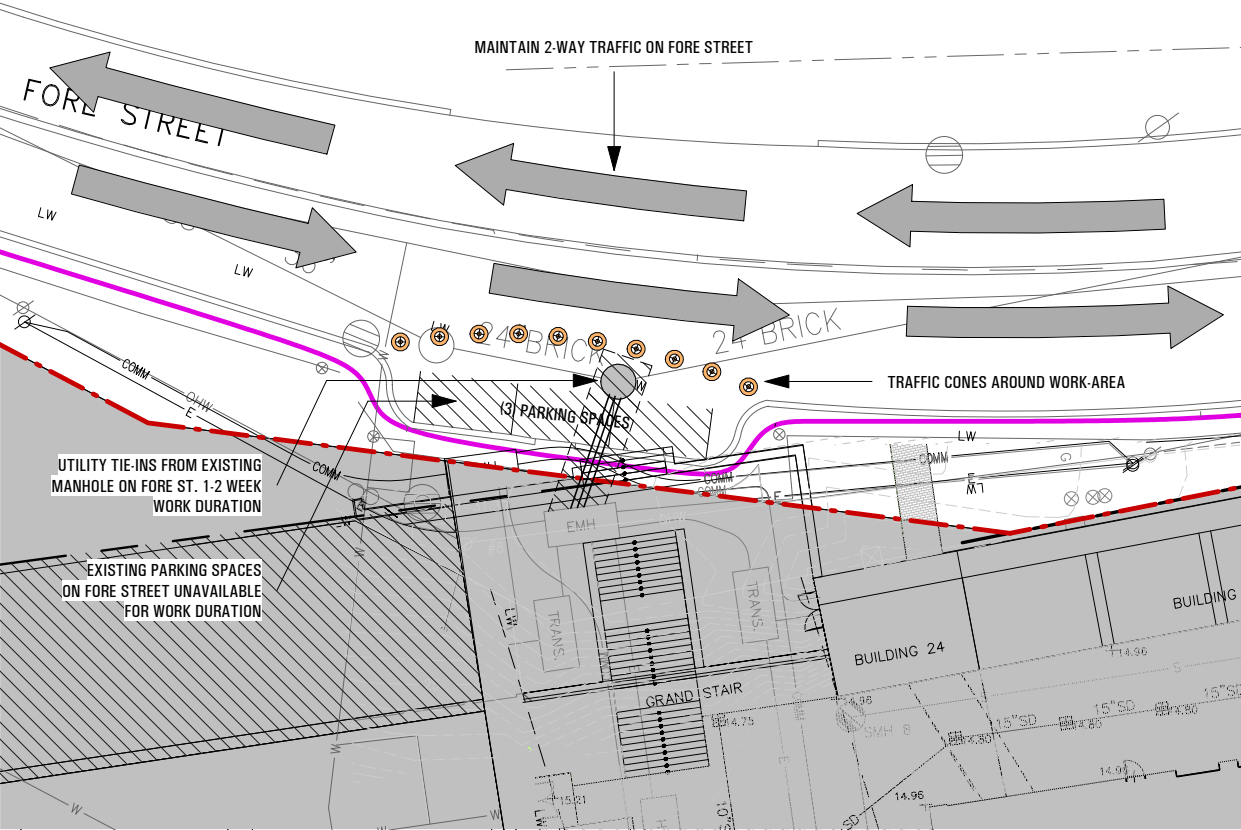
PARKING: MARINA - 100 SPACES

PARKING: CONSTRUCTION - 30 SPACES

GRAPHIC KEY

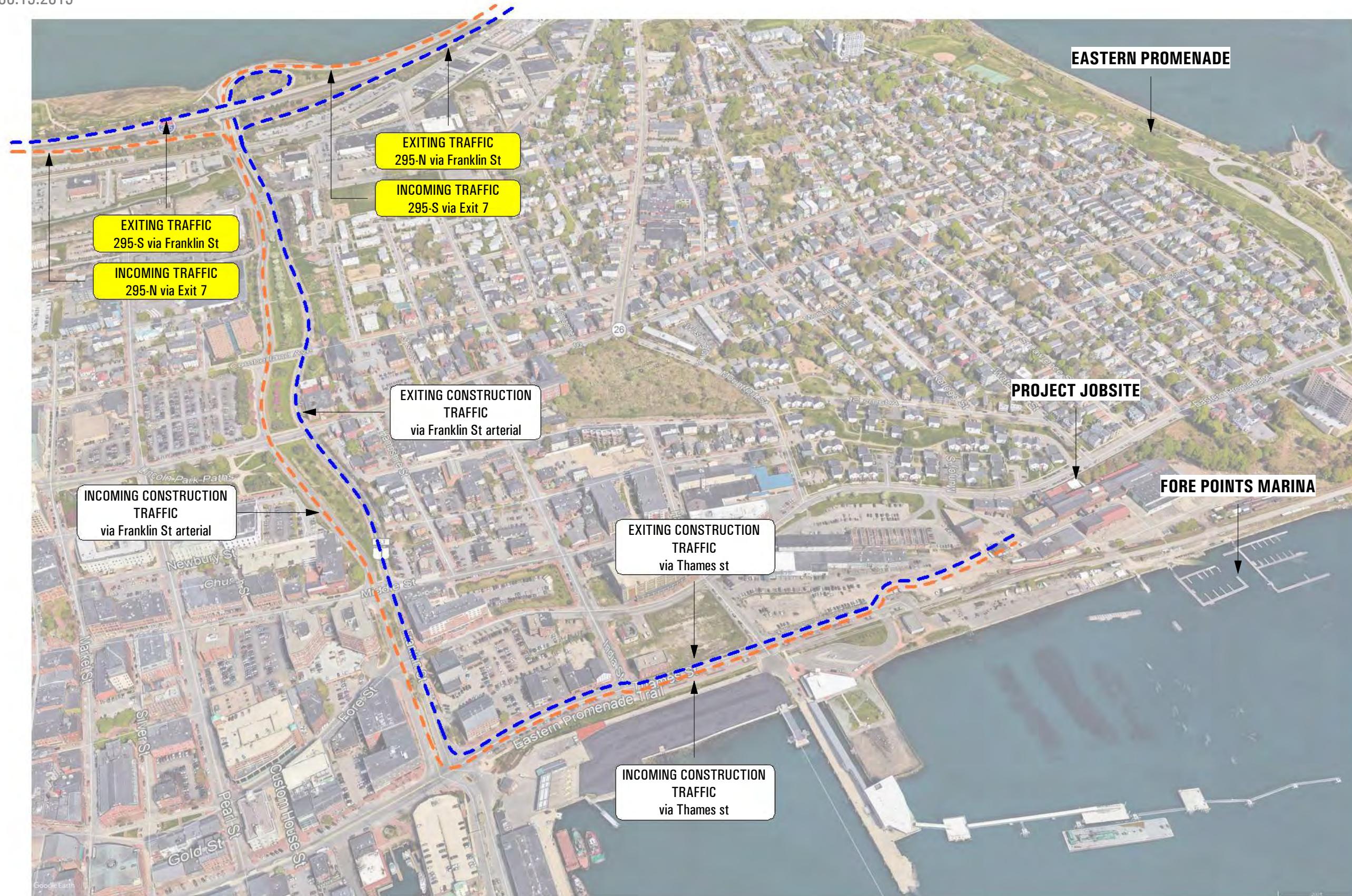
- MARINA TRAFFIC
- CONSTRUCTION TRAFFIC
- SHARED TRAFFIC
- CONSTRUCTION FENCING
- PEDESTRIAN ACCESS

07.09.2019



1 Utility Work on Fore St.
1/32" = 1'-0"

06.19.2019



November 6, 2019



58 Fore Street – Waterfront Season 2

Construction Management Plan

Prepared For: Portland Department of Planning & Urban Development Department
Project Proponent: Portland Foreside Development Company LLC
Construction Manager: Consigli Construction Company Inc

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Construction Principles

The purpose of this Construction Management plan is to identify, mitigate and plan for all potential impacts throughout the duration of rebuilding the Waterfront at 58 Fore Street. Portland Foreside Development Co and Consigli Construction are committed to a seamless, incident free project by means of typical practices used to ensure that public safety and community are at the forefront of priorities.

Throughout this CM plan we will refer to specific examples of potential construction practices, traffic control scenarios, neighboring building considerations and public safety; as well as measures in which these items will be managed throughout the project to accommodate the community as much as possible. While we will take the necessary precautions to meet City and State requirements for traffic, noise, dust, vibration, etc., this project will be disruptive to adjacent properties compared to the current condition. Along with our subcontractor team members, it is imperative that we have complete participation from all parties affiliated with the project to maintain our strict safety requirements and ensure a quality building for PFDC.

The project at 58 Fore Street known as Waterfront Season 2 includes the re-construction and repairs to approximately 900 linear feet of relocation of the Maine Gauge Railroad and Eastern Promenade Trail. The completion of the project is anticipated for May 2021.

Consigli has extensively planned the project's schedule, site logistics and safety protocols that will be thoroughly covered in this report with graphics and narratives. This CM plan will continually be updated to meet the needs of the project, community and the city as the project progresses. We aim to deliver a safe and quality project to PFDC, their employees and the City of Portland by means of communication, teamwork and stewardship.

Construction Administration and Communication

Consigli Construction will be the Construction Manager on site throughout the duration of the project. As such, there will be a dedicated team of individuals tasked with managing quality, schedule, site logistics and safety. These personnel will manage and enforce the proposed CMP with all associated subcontractors and material vendors.

Larry Osmer – Senior Project Manager
617.719.9835, losmer@consigli.com

TBD – Project Manager

TBD – Project Superintendent

Site Communication

With the proximity to occupied buildings and pedestrian trails, community outreach and communication will be imperative throughout construction to keep the public informed of the expected turbulence caused by the project. Site signage will be prominently displayed to show pedestrian access around the site and any updates to the proposed CMP.

Quarterly reporting and updating of the CMP will be required to update the City and community of the following activities:

- 1) Construction schedule updates
- 2) Material deliveries, including notice of any oversized loads that may impact public traffic
- 3) Requests for upcoming off-hours work including weekends and holidays
- 4) Notice of any upcoming activities that may produce strong noise, vibration or dust that could adversely affect the neighboring communities.
- 5) Requests for any street openings or public sidewalk work to be completed as part of the construction contract

Construction Schedule

Project Work Hours

Construction work hours will be in accordance with Section 17-18 of the City of Portland Code of Ordinances.

The project site is located within zoning group B6 – Eastern Waterfront Mixed Zone but is within 500 feet of buildings used for residential purposes. As such, work hours will be limited to Monday – Friday 7:00 am – 7:00 pm. Should work extend into Weekends or Holidays, the use of heavy equipment will be kept within the time constraints of 8:00 am – 4:00 pm.

Project Schedule/Logistics

The project is anticipated to be approximately 5 months in duration. Beginning in October 2021 the project will be turned over to PFDC in May 2021.

Regarding scheduled work to take place within public streets and sidewalks, this work will comply with Section 25-129 – Noise, dust and debris of the City of Portland Code of Ordinances. This work will abut the Eastern Promenade Trail and Maine Gauge Railroad. Temporary barricades, fencing and signage will be required during the installation to control pedestrian and vehicular movements around the work.

Material Deliveries

The construction will require coordination of material deliveries throughout the duration of the project. The following logistical plans show the planned lay-down areas, truck routes and safety protocols that will be in place throughout the duration of construction.

1. All construction traffic will enter site through the Thames Street extension as the Fore Street Entry will be permanently closed, allowing construction vehicles to pull straight onto site without impacting the public right of way. Area will be provided within the limits of disturbance for construction vehicles to off load and turn around. The same route will be used for vehicles leaving the site.

Construction activities, whether it be work going in place or material and equipment deliveries, will create additional traffic along Thames Street. Impacts beyond the increased vehicle traffic will be mitigated through the simplified path of travel to site, and ability to offload all material deliveries within the project limits of disturbance.

Material Storage and Laydown Areas

The construction will require careful planning and management of the daily occurrences within the site limits. The logistical plans currently outlined intend to keep all construction staging, lay down area and temporary storage within the project limits and secured by temporary fencing. Specified areas will be granted to on-site subcontractors for staging materials to assist in managing their installation. With designated areas delegated to subcontractors, the site will remain accessible by incoming trucks without causing a queuing effect outside of the fence.

Contractor Parking

At the peak of construction, Consigli anticipates that up to 15 people will be on site working various trades associated with the project. All contractors, subcontractors and their employees will be prohibited from parking in on-street City spaces in the vicinity of the site. To account for the anticipated parking demand, we have allowed space for 25 designated parking spaces for the personal vehicles of construction personnel. All subcontractors will be educated during the bidding process of this requirement, language regarding off-street parking will be incorporated into each subcontract agreement, and individual employees will be informed of this requirement their first day on-site during the site safety orientation.

Fire Protection for Construction Activities

The 2013 Standard for Safeguarding Construction, Alteration and Demolition Operations will be enforced on this project by utilizing best management practices to mitigate the fire risks associated with construction. Consigli and its subcontractors will execute the following measures to provide a safe and secure work place:

- 1) PFD Fire Command Center within Consigli's Field Office: This centralized location will hold all current project information and will act as the first responders meeting point to obtain the most up to date information of construction. The following documents will be found at this location:
 - a. Hot Work Permits: To be filled out daily by any person performing work that will generate a spark or create a potential fire risk on the job site. The permits are to be completed and approved by Consigli prior to work starting.
 - b. Current Construction Schedule
 - c. Current Construction Logistics Plan
 - d. Pre-Incident Fire Plan
- 2) On-Site Fuel Storage: The use of different flammable liquids will be required throughout construction. A free-standing, 30-minute fire-rated enclosure will be built to safely and securely store all flammable liquids and gases. Fueling trucks will be used as needed, but will not be allowed to stage or park on site for any extended period.
- 3) Means of Egress: The project will be equipped with means of egress through the construction fencing. This work is open sitework and not within any buildings.
- 4) Good Housekeeping: Consigli Construction will provide necessary dumpsters for the removal of debris from the site. All subcontractors are responsible for the daily clean-up of their work areas to ensure no materials or tools which could pose a hazard to the building are left out over night. Daily safety walks by the Construction Superintendent will be utilized to ensure that the site is equipped with an inspected fire extinguisher and clear means of egress in the event of an emergency.
- 5) On-site Security: The project site will be secured everyday by means of a temporary post driven construction fence and scrim. Lockable gates will be located at (3) locations for site access.
- 6) Rapid Communication: Evacuation notification will be provided by means of 2-way radios/cellular devices as well as strategically positioned air horns. Upon evacuation of the project all project personnel will report to the muster point location where the

Construction Manager and all subcontractor foremen will perform accountability checks. The General Contractor field staff will then be dispatched to all project entry points and the PFD Command Center. Upon arrival of the first responders to the PFD Command Center, the General Contractor will provide an accountability and incident briefing.

Public Safety

The construction will be near pedestrian right of ways and will interact with public traffic throughout the duration of the project. Material deliveries, the use of cranes, lifts, and other heavy machinery all have the potential to impact typical public activity. As a member of the Portland community, Consigli will strive to limit, mitigate and avoid these potential impacts as much as possible by means of controlling noise, on-site dust, vibrations and traffic. By educating and informing the neighborhoods to the construction activities taking place we will aim to build a project that produces minimal impacts to the Thames Street and Fore Street communities.

Noise

Construction activities throughout the project will create noise that leaves the project site. It is the intent of the project team to limit the exposure to the noise by following Section 17-18 of the City of Portland Code of Ordinances. This project site is located within 500 feet of buildings classified as residential. As such, the project hours will be limited the 7:00 am – 7:00 pm, Monday – Friday. Should any weekend or holiday work be required the use of heavy machinery will not commence before 8:00 am. When this work is required, no less than 2-week advanced notice will be provided to PFDC and the neighboring communities.

Work related to the seawall improvements, foundations, and excavation activities will likely be the loudest activity experienced during construction. This work will take place from October 2021 – May 2021. Recently, many local projects have utilized similar means of construction to much success around Portland.

Dust Control/Air Quality

Maintaining an environmentally conscious project site will be a major priority for the project team to ensure safety not only for the neighboring communities, but also for the construction workers on site day after day. All soils and debris will be kept within the project limits following the State of Maine Department of Environmental Protection erosion control Best Management Practices:

- 1) Erosion controlled construction entrances
- 2) Tarped dump trucks leaving the site with soil/debris

- 3) On-going sidewalk and street cleaning activities
- 4) The installation of temporary, compacted staging areas within the job site
- 5) Using wetting agents to control dust
- 6) Covering stock piles when material is to be piled for long periods of time
- 7) Smoking will not be allowed on the job site

Vibration Monitoring

Some construction practices required for this project will result in ground vibration waves that may transmit to nearby buildings. Prior to any potential vibration causing activities taking place a third-party engineer will advise if this type of work is cause for concern to any nearby structures.

Site removals, vibratory compaction, and excavation improvements will be employed on this project and will be monitored by a third-party monitoring company. A pre-construction meeting will be planned with abutting property owners to discuss geological conditions, construction specifications and methods of installation that create vibration.

As an added measure of control, vibration monitoring may be performed at stone or masonry structures within 100' of the site compaction and ground improvements scope performed.

Traffic Control

Throughout the construction process Franklin Street and Thames Street will experience increased traffic due to construction activities. Material deliveries, contractor access and public utility integration will be encountered and mitigated through coordinated logistics plans (provided within this CM Plan), on-site safety personnel, way-finding signage and well-organized traffic control devices. PFDC & Consigli will strive to inform and direct the neighborhood of the activities taking place in public areas as construction progresses through completion.

The main access point to the construction project will be through the private road accessed at the easternmost point of Thames Street. In order to maintain access for tenants of 58 Fore Street and two-way traffic on the private road, site flaggers will be utilized as needed to direct both construction and marina traffic.



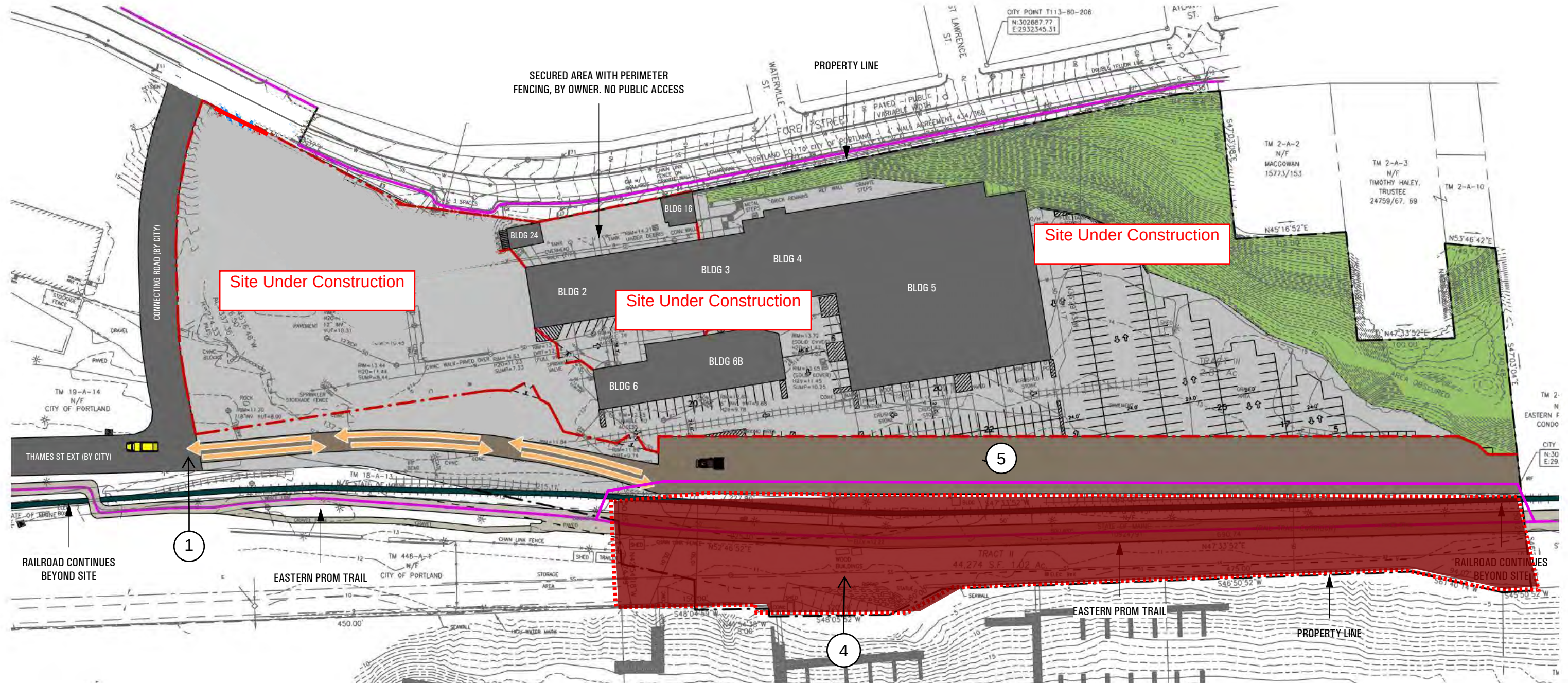
Traffic Management Diagrams

58 FORE STREET - Waterfront Season 2

CMP

Current Conditions

07.31.2019



PLAN LEGEND

- | | | |
|--|--|------------------------|
| 1 MARINA AND CONSTRUCTION ACCESS VIA THAMES ST EXT | 3 ACCESS TO MARINA PARKING; & Construction Parking | 5 Construction Staging |
| 2 MAINTAIN SEPARATE, SECURE ACCESS TO SITE(S) | 4 Construction Work Zone | 6 Shared Parking |

PARKING LEGEND

GRAPHIC KEY

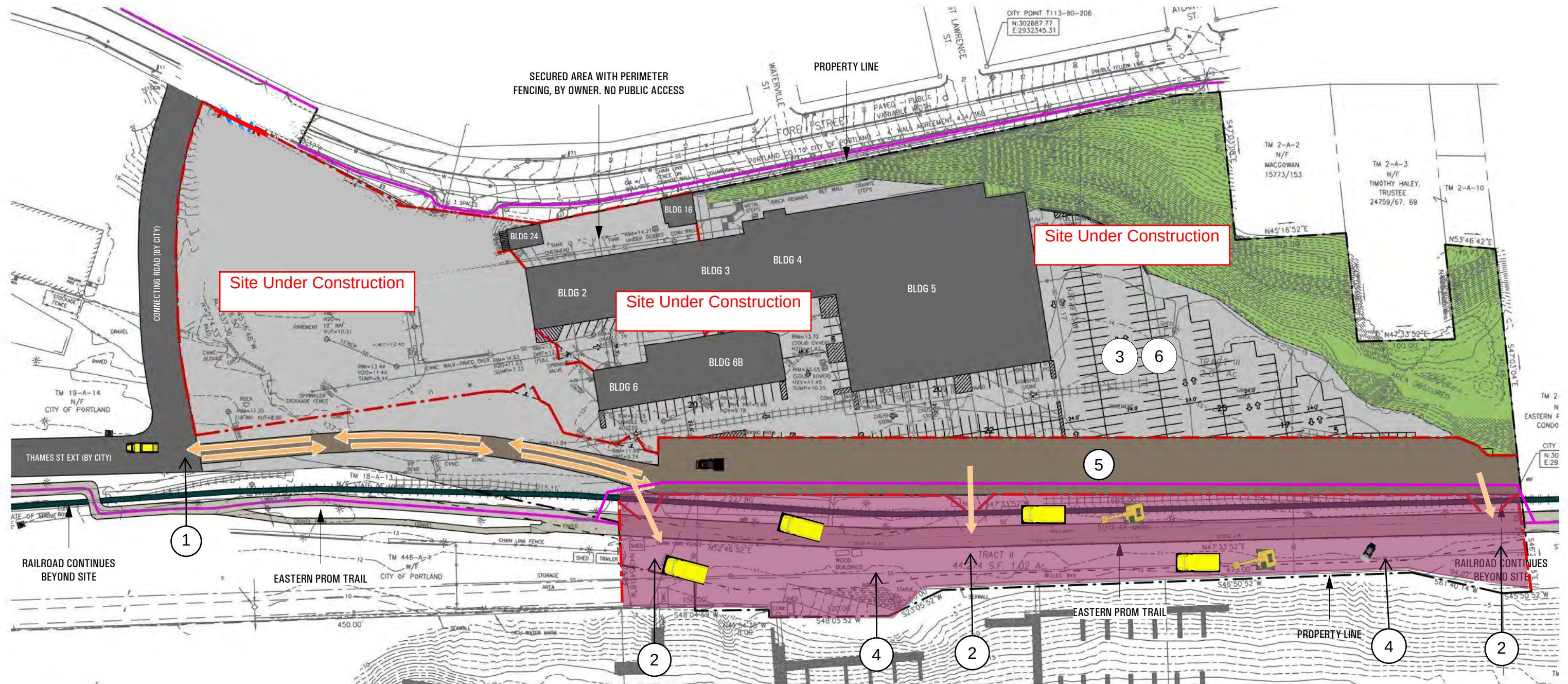
- | | | |
|----------------------|----------------------|-------------------|
| MARINA TRAFFIC | CONSTRUCTION FENCING | PEDESTRIAN ACCESS |
| CONSTRUCTION TRAFFIC | | |

58 FORE STREET - Waterfront Season 2

CMP

Site Access &
Work Zone

07.31.2019



PLAN LEGEND

- | | | |
|--|--|------------------------|
| 1 MARINA AND CONSTRUCTION ACCESS VIA THAMES ST EXT | 3 ACCESS TO MARINA PARKING; & Construction Parking | 5 Construction Staging |
| 2 MAINTAIN SEPARATE, SECURE ACCESS TO SITE(S) | 4 Construction Work Zone | 6 Shared Parking |

PARKING LEGEND

GRAPHIC KEY

- | | | |
|----------------------|----------------------|-------------------|
| MARINA TRAFFIC | CONSTRUCTION FENCING | PEDESTRIAN ACCESS |
| CONSTRUCTION TRAFFIC | | |



58 Fore Street – BLOCK 4 Construction Management Plan

Prepared For: Portland Department of Planning & Urban Development Department
Project Proponent: Portland Foreside Development Company LLC
Construction Manager: Consigli Construction Company Inc

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Construction Principles

The purpose of this Construction Management plan is to identify, mitigate and plan for all potential impacts throughout the duration of building the Mixed-Use Development known as Block 4, at 58 Fore Street. Portland Foreside Development Co and Consigli Construction are committed to a seamless, incident free project by means of typical practices used to ensure that public safety and community are at the forefront of priorities.

Throughout this CM plan we will refer to specific examples of potential construction practices, traffic control scenarios, neighboring building considerations and public safety; as well as measures in which these items will be managed throughout the project to accommodate the community as much as possible. While we will take the necessary precautions to meet City and State requirements for traffic, noise, dust, vibration, etc., this project will be disruptive to adjacent properties compared to the current condition. Along with our subcontractor team members, it is imperative that we have complete participation from all parties affiliated with the project to maintain our strict safety requirements and ensure a quality building for PFDC.

The Mixed-Use Development at 58 Fore Street known as Building 1A includes the construction of a new 4 story building consisting of 218,000 SF of parking. The building will be primarily built out of precast concrete. The completion of the project is anticipated for August 2022.

Consigli has extensively planned the project's schedule, site logistics and safety protocols that will be thoroughly covered in this report with graphics and narratives. This CM plan will continually be updated to meet the needs of the project, community and the city as the project progresses. We aim to deliver a safe and quality project to PFDC, their employees and the City of Portland by means of communication, teamwork and stewardship.

Construction Administration and Communication

Consigli Construction will be the Construction Manager on site throughout the duration of the project. As such, there will be a dedicated team of individuals tasked with managing quality, schedule, site logistics and safety. These personnel will manage and enforce the proposed CMP with all associated subcontractors and material vendors.

Larry Osmer – Senior Project Manager
617.719.9835, losmer@consigli.com

Andy Miller – Project Manager
207.405.1288, amiller@consigli.com

Lee Follett – Project Superintendent
207.232.8919, lfollett@consigli.com

Site Communication

With the proximity to occupied buildings, community outreach and communication will be imperative throughout construction to keep the public informed of the expected turbulence caused by the project. Site signage will be prominently displayed to show pedestrian access around the site and any updates to the proposed CMP.

Quarterly reporting and updating of the CMP will be required to update the City and community of the following activities:

- 1) Construction schedule updates
- 2) Material deliveries, including notice of any oversized loads that may impact public traffic
- 3) Requests for upcoming off-hours work including weekends and holidays
- 4) Notice of any upcoming activities that may produce strong noise, vibration or dust that could adversely affect the neighboring communities.
- 5) Requests for any street openings or public sidewalk work to be completed as part of the construction contract

Construction Schedule

Project Work Hours

Construction work hours will be in accordance with Section 17-18 of the City of Portland Code of Ordinances.

The project site is located within zoning group B6 – Eastern Waterfront Mixed Zone but is within 500 feet of buildings used for residential purposes. As such, work hours will be limited to Monday – Friday 7:00 am – 7:00 pm. Should work extend into Weekends or Holidays, the use of heavy equipment will be kept within the time constraints of 8:00 am – 4:00 pm.

Project Schedule/Logistics

The project is anticipated to be approximately 10 months in duration. Beginning in June 2020 the project will be turned over to PFDC in August 2022.

Regarding scheduled work to take place within public streets and sidewalks, this work will comply with Section 25-129 – Noise, dust and debris of the City of Portland Code of Ordinances. The connection to public utilities and sidewalk construction will require work to be executed within Fore Street and the new connector road between Fore Street and the Thames Street Extension. This work will be scheduled and planned with the City of Portland prior to the execution, and all logistical concerns will be addressed prior to starting the work. The connection to public utilities is tentatively scheduled to happen in the Spring of 2020, with sidewalk construction tentatively scheduled to occur during the Fall of 2020. Temporary barricades, fencing and signage will be required during the installation to control pedestrian and vehicular movements around the work.

Material Deliveries

The construction will require coordination of material deliveries throughout the duration of the project. The following logistical plans show the planned lay-down areas, truck routes and safety protocols that will be in place throughout the duration of construction.

1. All construction traffic will enter site through the Thames Street extension, allowing construction vehicles to pull straight onto site without impacting the public right of way. Area will be provided within the limits of disturbance for construction vehicles to off load and turn around. The same route will be used for vehicles leaving the site. A flagger will be employed if needed during utility tie in work at Fore Street and the Connector Road, however these details will require additional coordination at a later date.

Construction activities, whether it be work going in place or material and equipment deliveries, will create additional traffic along Thames Street. Impacts beyond the increased vehicle traffic

will be mitigated through the simplified path of travel to site, and ability to offload all material deliveries within the project limits of disturbance.

Material Storage and Laydown Areas

The construction will require careful planning and management of the daily occurrences within the site limits. The logistical plans currently outlined intend to keep all construction staging, lay down area and temporary storage within the project limits and secured by temporary fencing. Specified areas will be granted to on-site subcontractors for staging materials to assist in managing their installation. With designated areas delegated to subcontractors, the site will remain accessible by incoming trucks without causing a queuing effect outside of the fence.

Contractor Parking

At the peak of construction, Consigli anticipates that up to 40 people will be on site working various trades associated with the building. All contractors, subcontractors and their employees will be prohibited from parking in on-street City spaces in the vicinity of the site. To account for the anticipated parking demand, we have allowed space for 40 designated parking spaces for the personal vehicles of construction personnel. All subcontractors will be educated during the bidding process of this requirement, language regarding off-street parking will be incorporated into each subcontract agreement, and individual employees will be informed of this requirement their first day on-site during the site safety orientation.

Fire Protection for Construction Activities

The 2013 Standard for Safeguarding Construction, Alteration and Demolition Operations will be enforced on this project by utilizing best management practices to mitigate the fire risks associated with construction. Consigli and its subcontractors will execute the following measures to provide a safe and secure work place:

- 1) PFD Fire Command Center: This centralized location will hold all current project information and will act as the first responders meeting point to obtain the most up to date information of construction. The following documents will be found at this location:
 - a. Hot Work Permits: To be filled out daily by any person performing work that will generate a spark or create a potential fire risk on the job site. The permits are to be completed and approved by Consigli prior to work starting.
 - b. Current Construction Schedule
 - c. Current Construction Logistics Plan
 - d. Pre-Incident Fire Plan
- 2) On-Site Fuel Storage: The use of different flammable liquids will be required throughout construction. A free-standing, 30-minute fire-rated enclosure will be built to safely and securely store all flammable liquids and gases. Fueling trucks will be used as needed, but will not be allowed to stage or park on site for any extended period.
- 3) Means of Egress: The building will be permanently equipped with (2) 2-way stair assemblies for means of egress. Permanent or temporary stairs will provide emergency egress throughout construction. This stair will be identified with temporary signage throughout construction indicating the floor level and exit path direction.
- 4) Good Housekeeping: Consigli Construction will provide necessary dumpsters for the removal of debris from the site. All subcontractors are responsible for the daily clean-up of their work areas to ensure no materials or tools which could pose a hazard to the building are left out over night. Daily safety walks by the Construction Superintendent will be utilized to ensure that all working floors are equipped with an inspected fire extinguisher and clear means of egress in the event of an emergency. Trash chutes and/or material hoists may be utilized to safely and efficiently remove all debris from the project.
- 5) On-site Security: The project site will be secured everyday by means of a temporary post driven construction fence and scrim. Lockable gates will be located at (3) locations for site access.

- 6) Rapid Communication: Evacuation notification will be provided by means of 2-way radios/cellular devices as well as strategically positioned air horns. Upon evacuation of the building all project personnel will report to the muster point location where the Construction Manager and all subcontractor foremen will perform accountability checks. The General Contractor field staff will then be dispatched to all project entry points and the PFD Command Center. Upon arrival of the first responders to the PFD Command Center, the General Contractor will provide an accountability and incident briefing.

Public Safety

The construction will be near pedestrian right of ways and will interact with public traffic throughout the duration of the project. Material deliveries, the use of cranes, lifts, and other heavy machinery all have the potential to impact typical public activity. As a member of the Portland community, Consigli will strive to limit, mitigate and avoid these potential impacts as much as possible by means of controlling noise, on-site dust, vibrations and traffic. By educating and informing the neighborhoods to the construction activities taking place we will aim to build a project that produces minimal impacts to the Thames Street and Fore Street communities.

Noise

Construction activities throughout the project will create noise that leaves the project site. It is the intent of the project team to limit the exposure to the noise by following Section 17-18 of the City of Portland Code of Ordinances. This project site is located within 500 feet of buildings classified as residential. As such, the project hours will be limited the 7:00 am – 7:00 pm, Monday – Friday. Should any weekend or holiday work be required the use of heavy machinery will not commence before 8:00 am. When this work is required, no less than 2-week advanced notice will be provided to PFDC and the neighboring communities.

Work related to the ground improvements, foundations, and precast will likely be the loudest activity experienced during construction. This work will take place from June 2020 – September 2022. Recently, many local projects have utilized similar means of construction to much success around Portland.

Dust Control/Air Quality

Maintaining an environmentally conscious project site will be a major priority for the project team to ensure safety not only for the neighboring communities, but also for the construction workers on site day after day. All soils and debris will be kept within the project limits following the State of Maine Department of Environmental Protection erosion control Best Management Practices:

- 1) Erosion controlled construction entrances
- 2) Tarped dump trucks leaving the site with soil/debris
- 3) On-going sidewalk and street cleaning activities
- 4) The installation of temporary, compacted staging areas within the job site
- 5) Using wetting agents to control dust
- 6) Covering stock piles when material is to be piled for long periods of time
- 7) Smoking will not be allowed on the job site

Vibration Monitoring

Some construction practices required for this project will result in ground vibration waves that may transmit to nearby buildings. Prior to any potential vibration causing activities taking place a pre-construction survey will be conducted to review and document existing conditions of all adjacent structures.

Site removals, vibratory compaction, and ground improvements will be employed on this project and will be monitored by a third-party monitoring company. A pre-construction meeting will be planned with abutting property owners to discuss geological conditions, construction specifications and methods of installation that create vibration.

As an added measure of control, vibration monitoring may be performed at stone or masonry structures within 100' of the site compaction and ground improvements scope performed.

Traffic Control

Throughout the construction process Franklin Street and Thames Street will experience increased traffic due to construction activities. Material deliveries, contractor access and public utility integration will be encountered and mitigated through coordinated logistics plans (provided within this CM Plan), on-site safety personnel, way-finding signage and well-organized traffic control devices. PFDC & Consigli will strive to inform and direct the neighborhood of the activities taking place in public areas as construction progresses through completion. There is planned work along the Fore Street retaining wall that is still in the design phase. Pedestrian access and traffic control will be evaluated upon completion of the design.

The main access point to the construction project will be through the private road accessed at the easternmost point of Thames Street. In order to maintain access for tenants of 58 Fore Street and two-way traffic on the private road, site flaggers will be utilized as needed to direct both construction and marina traffic.



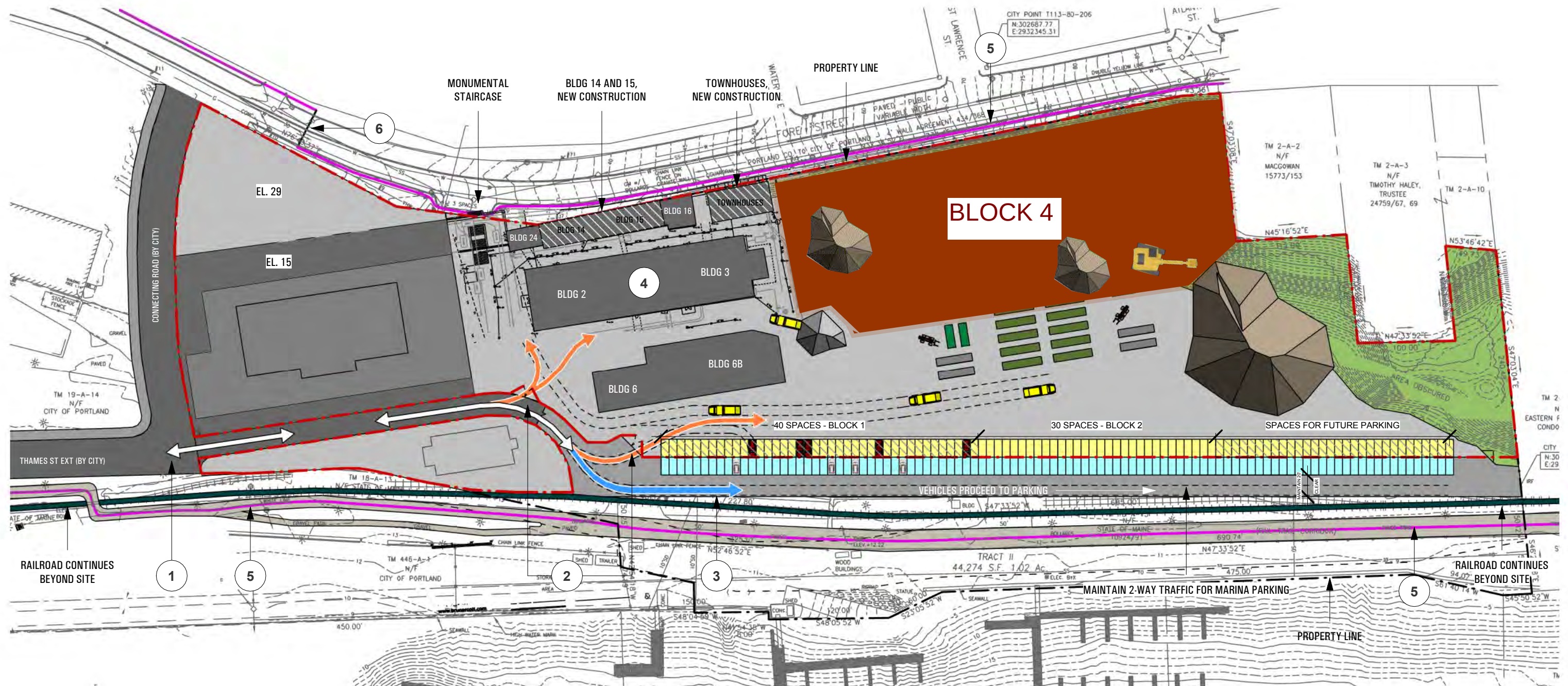
Traffic Management Diagrams

58 FORE ST - BLOCK 4

CMP

Site Access & Work Zone

07.15.2019



PLAN LEGEND

- | | | |
|--|---|--|
| 1 MARINA AND CONSTRUCTION ACCESS VIA THAMES ST EXT | 3 ACCESS TO MARINA PARKING; NO CONSTRUCTION PARKING | 5 MAINTAIN PEDESTRIAN ACCESS THROUGHOUT PHASE |
| 2 MAINTAIN SEPARATE, SECURE ACCESS TO SITE(S) | 4 CONSTRUCTION UNDERWAY AT BLOCK 2 SITE | 6 PEDESTRIANS TO UTILIZE EXISTING CROSSWALK ON FORE ST |

PARKING LEGEND

GRAPHIC KEY





End of Construction Management Plan

Amendment to a Master Development Plan

If at any time before or during development the applicant requests **minor amendments** to an approved master development plan, the **Planning Authority may approve such minor amendments**, provided that they are:

- A. Generally consistent with the approved plan.
- B. Do not impact the layout of buildings and open space.
- C. Do not propose new uses.
- D. Do not increase building ground coverage, floor area ratio, or residential density.
- E. Do not substantially change access, circulation, or infrastructure on or adjacent to the site.
- F. Do not involve new waiver requests.
- G. Do not affect any condition or requirement of the Planning Board.

The applicant shall supply an application and written statement of the proposed amendment(s) and proposed amended plans to the Planning Authority, whose shall make a determination as to the minor nature of the amendmen.t

Those amendments that exceed the criteria for a minor amendment are considered to be **major amendments** and **shall be reviewed by the Planning Board** according to the review procedures for major site plan review.

MAINE REAL ESTATE TAX-Paid

SHORT FORM QUITCLAIM DEED WITH COVENANT
DLN: **1002140130067**

CPB2 I LLC (formerly known as CPB2 LLC), a Delaware limited liability company, with a mailing address of 254 Commercial Street, Suite 118, Portland, Maine 04101 (the "Grantor"), FOR CONSIDERATION PAID, grants to **PF MARINA LLC**, a Maine limited liability company, with a mailing address of 1 Marina Way, Portland, Maine 04101 (the "Grantee"), with QUITCLAIM COVENANT, certain real property, together with any improvements thereon, situated southerly of but not adjacent to Fore Street, in the City of Portland, County of Cumberland and State of Maine, more particularly described on **Exhibit A** attached hereto and made a part hereof.

IN WITNESS WHEREOF, CPB2 I LLC has caused this instrument to be executed by Casey W. Prentice, Manager of CPB2 Management LLC, Manager of CPB2 I LLC, thereunto duly authorized, this 22 day of January, 2021.

WITNESS:

Richard W. Prentice
Name:

CPB2 I LLC

By: CPB2 Management LLC, Manager

By: [Signature]
Casey W. Prentice, Manager

State of Maine

County of Cumberland, ss.

January 22, 2021

PERSONALLY APPEARED the above-named Casey W. Prentice, Manager, of CPB2 Management LLC, Manager of CPB2 I LLC, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability companies.

Before me,

Marion S. Logan
Notary Public/Attorney at Law

Print Name:

Commission Expires

MARION S. LOGAN
Notary Public, Maine

My Commission Expires March 23, 2021

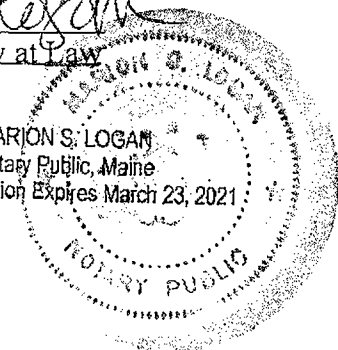


EXHIBIT A

A certain lot or parcel of land situated southerly of but not adjacent to Fore Street in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Commencing at a point on the northerly line of land of the State of Maine at the most easterly corner of land of CPB2 I LLC as described in deed Book 30879, Page 75;

Thence, S 46°23'41" E along land of State of Maine 50.12 feet to the point of beginning;

Thence, S 46°23'41" E continuing along land of State of Maine 0.11 feet to land now or formerly of PF Marina as described in deed Book 34869, Page 50;

Thence, the following courses and distances along said PF Marina:

S 38°07'23" W a distance of 115.79 feet;

S 46°50'49" W a distance of 478.88 feet;

S 39°58'09" W a distance of 25.10 feet;

S 48°05'49" W a distance of 215.52 feet;

S 61°02'10" W a distance of 5.79 feet;

S 41°37'32" E a distance of 25.00 feet;

S 48°03'05" W a distance of 74.90 feet to land now or formerly of City of Portland;

Thence, N 42°54'21" W along land of said City of Portland 69.89 feet to land now or formerly of State of Maine as described in Book 10924, Page 91;

Thence, N 52°46'49" E along land of said State of Maine 225.10 feet;

Thence, N 47°33'49" E continuing along land of State of Maine 690.74 to the point of beginning, containing 24,434 s.f. or 0.56 acres, more or less.

Together with the appurtenant rights and easements to cross the "Rail-Trail Corridor" described in Indenture Deed by and between Maine Department of Transportation and Phineas Sprague dated August 30, 1993 and recorded at Cumberland County Registry of Deeds in Book 10924, Page 97.

The real property conveyed in this Deed is SUBJECT TO the rights, easements, covenants, restrictions, encumbrances, terms and conditions set forth in the instruments listed on **Exhibit B** attached hereto and made a part hereof.

For Grantor's source of title see deed from The Portland Company to CPB2 LLC dated April 1, 2014 and recorded at Cumberland County Registry of Deeds in Book 31425, Page 267. Reference is made to Affidavit dated March 21, 2018 and recorded at Cumberland County Registry of Deeds in Book 34737, Page 327.

EXHIBIT B

EXCEPTIONS

1. Rights and easements granted by Canadian National Railway Company to Portland Water District by instruments dated September 2, 1976 and recorded in the Cumberland County Registry of Deeds in Book 3905, Page 238 and in Book 3905, Page 242, as affected by Easement Modification Agreement dated April 29, 2019 and recorded in the Cumberland County Registry of Deeds in Book 35609, Page 42.
2. Terms, provisions, obligations, exceptions, covenants, reservations, and agreements described in Indenture by and between Maine Department of Transportation and Phineas Sprague, Jr. dated August 30, 1993 and recorded in the Cumberland County Registry of Deeds in Book 10924, Page 97.
3. Rights, easements, terms, conditions and agreemenet described in Deed from CPB2 I LLC to PF Marina LLC dated May 29, 2018 and recorded in the Cumberland County Registry of Deeds in Book 34869, Page 50.
4. Rights and easements granted by CPB2 I LLC to Central Maine Power Company and Northern New England Telephone Operations LLC by instrument dated April 4, 2019 and recorded in the Cumberland County Registry of Deeds in Book 35746, Page 178.
5. Memorandum of Agreement by and between Portland Water District and CPB2 LLC dated August 31, 2020 and recorded in the Cumberland County Registry of Deeds in Book 37254, Page 96.

June 1, 2021

Matthew Grooms
Planner
Portland City Hall
389 Congress Street
Portland, ME 04101

**Re: 58 Fore Street Master Development Plan
Master Development Plan | Interim Building & Site Modifications Application
Project ID: 2016-224**

Dear Matt,

In 2016, the City of Portland approved a Master Development Plan for the redevelopment of 58 Fore Street in Portland, Maine (Project ID: 2016-224). We are requesting approval of an interim building and site modifications condition associated with this Master Development Plan. The interim building and site modifications are associated with Block 7 of the project, which is Fore Points Marina, located at 1 Marina Way, Portland, Maine. We do not wish to formally process a Master Development Plan Amendment with the City of Portland at this time, we are only asking for approval of these interim building and site modifications. It is our intention to proceed with permanent building and site modifications that were previously approved under the Master Development Plan in 2016.

DEFINITIONS

For the purpose of this application and to provide consistency in the language, we would like to define the following terms:

Interim Building & Site Modifications

- A period of time ranging from present day up to 3 years from the date of this application where the interim building and site modifications will exist at Fore Points Marina, located at 1 Marina Way, Portland, ME. Should the conditions need to exist past the 3-year time period, the property owner would need to submit an updated application and receive approval from the Planning Authority.

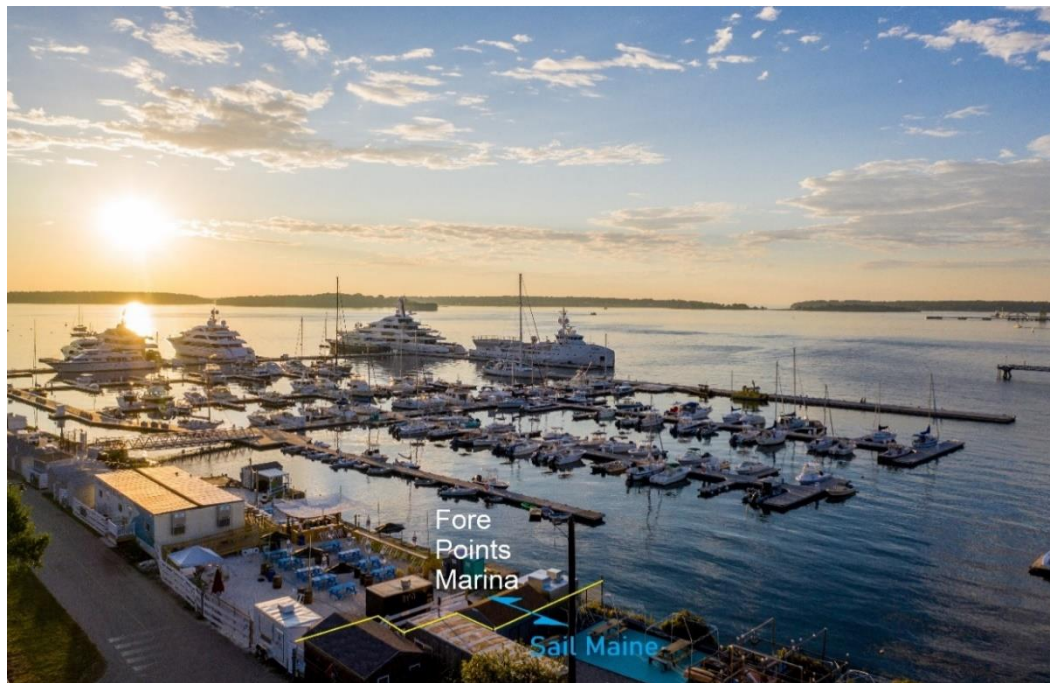
Permanent Building & Site Modifications

- After the interim condition period of time, the permanent building and site changes that will occur at Fore Points Marina located at 1 Marina Way, Portland, ME which are consistent with the originally approved Master Development Plan or as otherwise amended.

SECTION 1: BACKGROUND INFORMATION

Portland Foreside Development Company is coming forward with this application for Interim Building & Site Modifications for several reasons.

- 1) **COVID-19 Impacts:** We had hoped to put forth an application to the Planning Authority for a permanent Marina Office Building in 2021, however like many other businesses, Fore Points Marina was impacted by the COVID-19 pandemic. In lieu of coming forward with permanent buildings at this time, we seek to continue our operations and would like to document the permitted temporary structures that are being used to operate Fore Points Marina until we can come forward with an application for permanent structures. We believe the changes are consistent with the use of this property as an operational Marina and are generally consistent with the building layout proposed during the Master Development Planning process. For reference, we have included the photo below of Fore Points Marina during the summer of 2020.



- 2) **Land Exchange with City of Portland:** During the Master Development Planning process, a three-party land exchange agreement between the property owner, the City of Portland and the MaineDOT was drafted and executed by all three parties. The right to execute the land exchanges as contemplated in this agreement has been extended to October 31, 2023 by all three parties.

SECTION 2: PREVIOUSLY APPROVED BUILDING & SITE CONDITIONS | 2016 MASTER DEVELOPMENT PLAN

In 2016, the Portland Planning Board approved a single 2,600 square foot structure on the property associated with Fore Points Marina for a marina office and operations as part of the Master Development Plan. The Master Development Plan also approved the following:

- ~3,000 SF of deck space surrounding the 2,600 square foot marina office structure
- 220 slip marina
- 110 parking spaces
- New infrastructure, floating dock space and wave attenuators
- Continued pedestrian access along the Maine DOT corridor (to be maintained by Maine DOT and Portland Trails) and an extended privately owned walkway along the water where access points would cross the bike/pedestrian path as well as the rail line.
- The Master Development Plan was approved to modify the Maine DOT easement, rail line and bike/pedestrian path that currently is adjacent to Fore Points Marina by bringing these assets closer to the water.
- The waterfront section of the Master Development Plan was fully envisioned to accommodate pedestrian, bicycle and train movement and to be continuous with the Eastern Promenade Trail.

SECTION 3: INTERIM BUILDING & SITE MODIFICATIONS

For the reasons noted in Section 1, at this time, Fore Points Marina needs to operate in an interim building and site condition. More specifically, we are seeking approval for the following interim building and site modifications (see **Table 1**).

Table 1: Interim Building & Site Modifications

Building/Structure	Square Footage
Office Trailer (60x24)*	1,440
(2) Regular Bathroom Sheds <i>Each Bathroom Shed is 64 SF*</i>	128
(1) ADA Bathroom Shed*	80
(1) Laundry Shed*	64
(1) Utility Shed*	120
(1) Tool Storage Shed*	64
(3) Sheds for Guest Services, Each Guest Shed is 64 SF*	192
Storage Shed #1**	600
Storage Shed #2**	400
Cold Storage**	100
TOTAL	3,188

** Note: Structure was used during the summer of 2020 and summer of 2021 for Marina operations. These received Building Permits and Floodplain Permits from the City of Portland, ME.*

*** Note: These structures are not currently on the Fore Points Marina property. We would like to include them during the interim building and site modification period until we can come forward with a permanent building and site condition.*

SECTION 4: SITE PLAN REVIEW STANDARDS (SECTION 14.6)

The interim building and site modifications requested within this application exceed the criteria for a minor amendment due to layout of buildings and circulations and we understand will be reviewed by the Planning Board for Major Site Plan Review. Below is a narrative regarding how the interim building and site modifications meet the review standards of Section 14.6.

Transportation Standards (Section 14.6.1)

- **Impact on Surrounding Street Systems (Section 14.6.1.a)**

A Traffic Analysis was prepared during the Master Development Plan process for 58 Fore Street which included Fore Points Marina and an analysis of impact on the surrounding street system. There is no change to impact on surrounding street systems due to the interim building and site modifications requested.

- **Access and Circulation (Section 14.6.1.b)**

Access and circulation associated with Fore Points Marina was reviewed as part of the Master Development Plan for 58 Fore Street. As noted in Section 2, pedestrian access along the waterfront and an extended walkway was part of the overall Master Development Plan. This application is focused on interim building and site modifications and is not our permanent building and site conditions.

Pedestrian access outside of the existing MDOT corridor is not possible at this time for several reasons. The area where pedestrian access is intended to be provided in a permanent condition is currently not safe. There has been a seawall collapse and there are sink holes on this part of the property.

Attachment 3 is the Pedestrian Circulation Plan from the approved Master Development Plan. This plan shows three crossing points from the upland area to the Marina property. Currently, we are using one crossing point (the second orange dashed line) to move Marina visitors and guests from the parking area to the Marina building and property. This circulation of guests would remain as part of the interim building and site conditions being proposed.

Marina visitors and guests currently use one crossing point from the parking area to the Marina building and property. This circulation of guests would remain as part of the interim building and site conditions being proposed. Also, during the interim building and site conditions, the trail network would remain as it is today for pedestrians and bicyclists.

- **Public Transit Access (Section 14.6.1.c)**

Public Transit Access for Fore Points Marina was reviewed as part of the Master Development Plan for 58 Fore Street. There is no change to public transit access as previously discussed with the interim building and site modifications proposed.

- **Parking (Section 14.6.1.d)**

Our original Master Development Plan application indicated that there would be 110 parking spaces for Fore Points Marina. The interim building and site modifications are

to support the marina use and no additional parking is being proposed. Furthermore, parking, bicycle storage and electric vehicle charging were all discussed as part of the Master Development Plan for 58 Fore Street which included Fore Points Marina. There is no change to parking needs or access discussed with the interim building and site modifications proposed.

Parking for bicycles is provided at Fore Points Marina with a bike rack on the Marina property next to our western gangway which is near the entrance gate and Marina Office. This bike rack can accommodate 10 bicycles.

- **Transportation Demand Management (Section 14.6.1.e)**

A Transportation Demand Management Plan was prepared during the Master Development Plan process for 58 Fore Street which included Fore Points Marina. There is no change to transportation demand management with the interim building and site modifications proposed.

Environmental Quality Standards (Section 14.6.2)

- **Preservation of Significant Natural Features (Section 14.6.2.a)**

Preservation of Significant Natural Features associated with Fore Points Marina was reviewed as part of the Master Development Plan for 58 Fore Street and as part of the original Level II Site Plan submittal for Fore Points Marina in Section 12. There is no change to preservation of significant natural features with the interim building and site modifications proposed.

- **Landscape Preservation (Section 14.6.2.b)**

Landscape preservation associated with Fore Points Marina was reviewed as part of the Master Development Plan for 58 Fore Street. There is no change to landscape preservation with the interim building and site modifications proposed. During the Level II Site Plan process a waiver was requested for this standard. We have requested this same waiver with our Level II Site Plan Amendment application dated June 1, 2021.

- **Site Landscaping Buffers (Section 14.6.2.c)**

Site landscaping buffers associated with Fore Points Marina was reviewed as part of the Master Development Plan for 58 Fore Street. There is no change to site landscaping buffers with the interim building and site modifications proposed. During the Level II Site Plan process a waiver was requested for this standard. We have requested this same waiver with our Level II Site Plan Amendment application dated June 1, 2021.

- **Water Quality, Stormwater Management and Erosion Control (Section 14.6.2.d)**

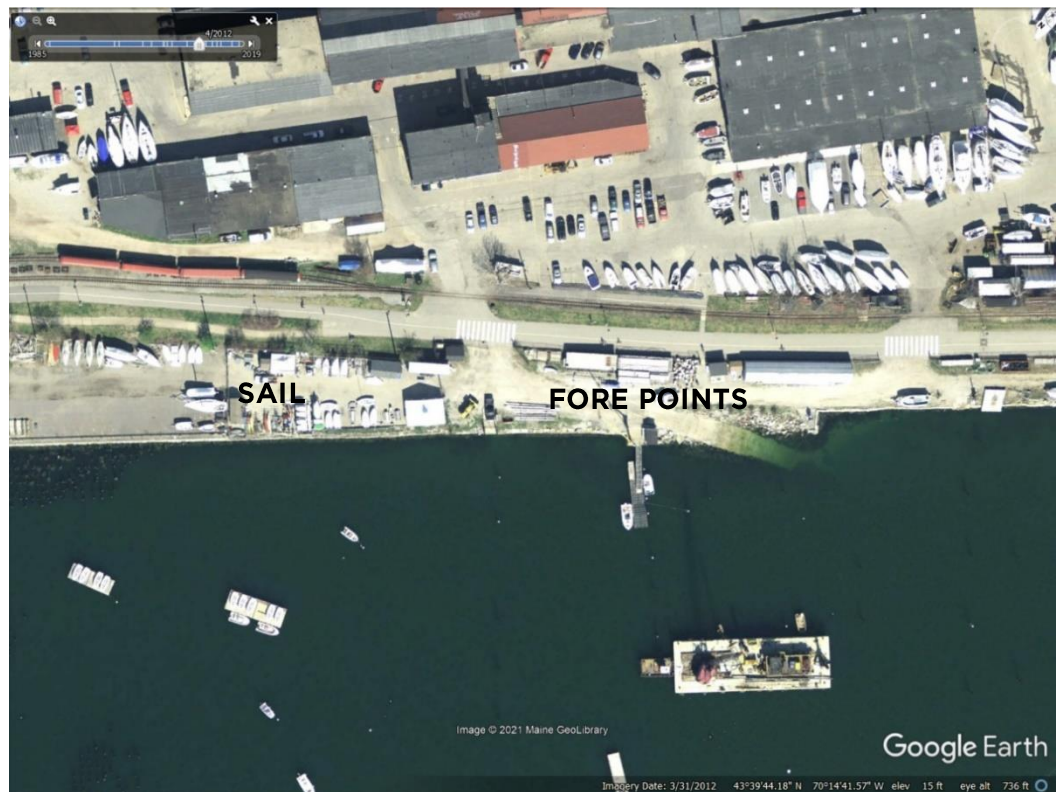
Water quality, stormwater management and erosion control associated with Fore Points Marina was reviewed as part of the Master Development Plan for 58 Fore Street and as part of the original Level II Site Plan submittal in Section 13.

The strategy for stormwater quality management has not changed from the Master Plan. The permanent buildings and site modifications will need to comply with the overall water quality treatment parameters for the project upon construction of those improvements. Under the current, interim building & site modification site conditions,

the trailer and shed structures reside over existing compacted gravel. Rainfall runoff from these structures flows onto a newly placed crushed shell surface, which covers the existing compacted gravel. As noted in the Minor Site Plan amendment, crushed shells provide an improvement over the existing packed gravel surface. Crushed shells slow runoff, reduce erosion and have been proven to provide limited water quality enhancement in past studies based on use of crushed shells in water quality media filters.

Evidence of the existing compacted gravel condition at the site are evident in historical aerial imagery from Google Earth. In the attached images, one can see that the waterfront area associated with the marina has had marina and boat-maintenance services on the land over the past 10 years, with imagery from April 2012 (prior to purchase of the property in 2013), May 2018 (prior to start of construction the present marina), and July 2019 (start of operations at the current marina).

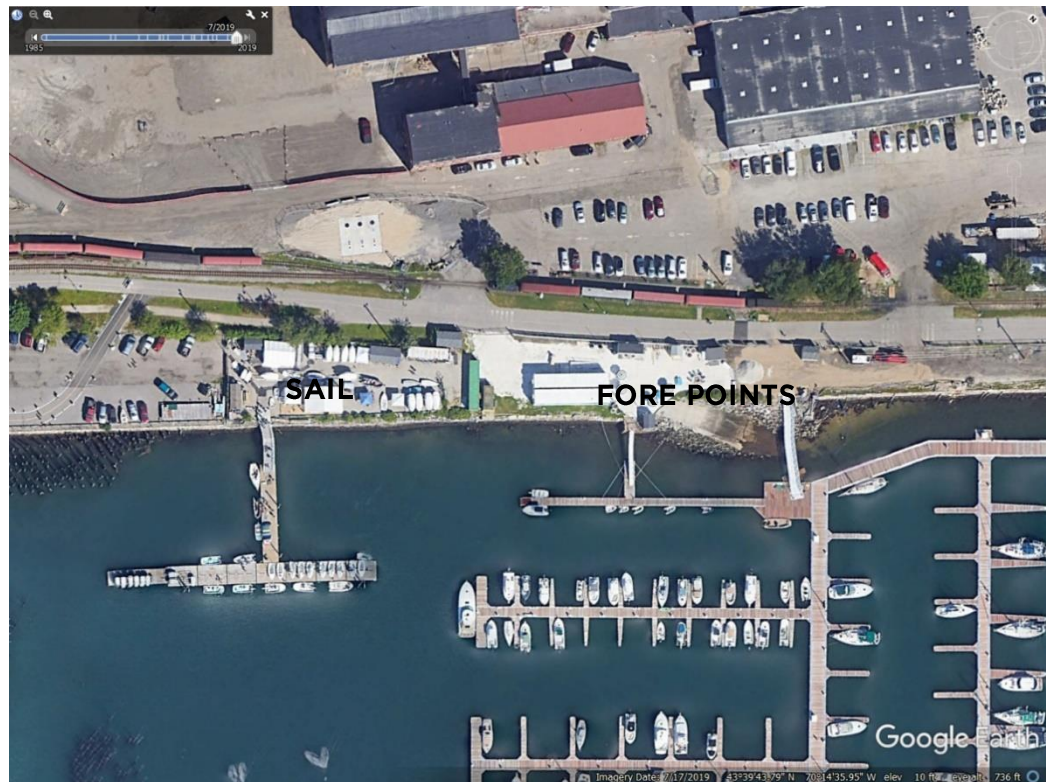
April 2012 (Source: Google Earth)



May 2018 (Source: Google Earth)



July 2019 (Source: Google Earth)



Public Infrastructure & Community Safety Standards (Section 14.6.3)

- **Consistency With City Master Plans (Section 14.6.3.a)**

Consistency with City Master Plans associated with Fore Points Marina was reviewed as part of the Master Development Plan for 58 Fore Street and as part of the original Level II Site Plan submittal in Section 14. There is no change to consistency with City Master Plans with the interim building and site modifications proposed.

- **Public Safety and Fire Prevention (Section 14.6.3.b)**

Public Safety and Fire Prevention associated with Fore Points Marina was reviewed as part of the Master Development Plan for 58 Fore Street and as part of the original Level II Site Plan submittal (see Section 17). We have been working with Public Safety and Fire Prevention during this interim condition period and the buildings and site has been inspected as recently as April and May 2021. Any corrections that were communicated have been made immediately and City staff has been notified.

- **Public Utilities (Section 14.6.3.c)**

Public utilities associated with Fore Points Marina was reviewed as part of the Master Development Plan for 58 Fore Street and as part of the original Level II Site Plan submittal (see Section 15 and Section 16).

In accordance with past approvals, permanent domestic water and fire protection service is installed and in place to the marina.

The master plan envisions that wastewater needs will be accommodated by means of a future pump station to be installed between building blocks 3 & 5. In the current, interim condition, wastewater from the marina office and marina bathrooms flows to a small residential size ejector pump (EOne pump) and is discharged thru a low pressure, small diameter force main to a gravity sewer on the upland site that connects to the City sewer system in Thames Street, as reviewed and approved by the City of Portland Water Resources Department. Wastewater discharge from vessels is presently held in temporary holding tanks on the shore and pumped out / hauled by septic haulers to the wastewater treatment plant. The small ejector pump and hold tanks represent an interim condition, as the permanent condition anticipates a plumbed connection from the marina to the future permanent pump station to address all future wastewater needs at the marina. This permanent condition will be completed as part of future permanent building and site modification work.

The electrical service to the marina is a temporary (interim condition) overhead service from Fore Street down to a transformer situated on the east end of the upland site, with secondary wiring that runs overhead to distribution panels situated at the head of both the east and west gangways, as approved under previous Level II Site Plan documents. The master plan envisions underground electrical feeds to the marina. These underground electrical feeds are partially installed as part of a current upland development project (Phase 1) and will be extended to the marina at a future date to accommodate the permanent building and site modifications.

Site Design Standards (Section 14.6.4 a-d and f-i)

The interim building and site modifications associated with this Master Development Plan are approximately 2,914 sf in total and meet the Site Design Standards.

Historic Resources (Section 14.6.5.e)

The interim building and site modifications associated with this Master Development Plan will not affect any designated historic landmarks or historic districts.

Assessment of Zoning

The interim building and site modifications associated with this Master Development Plan are not permanent structures being proposed. The marina office, bathrooms and laundry facility support the marina use which is an allowed use in the Eastern Waterfront Port Zone. The interim buildings and site modifications have been reviewed with City staff, including Zoning, as recently as April and May 2021 and any corrections that were communicated have been made.

We have included a Proposed Interim Building & Site Modification Plan indicating each of these interim structures (see Attachment 2). Thank you for your consideration. We look forward to meeting with you.

Sincerely,

A handwritten signature in black ink, appearing to read "David Senus", with a stylized, flowing script.

David Senus, PE | Director of Planning & Design
Portland Foreside Development Company

Attachments

- Approved Master Development Plan, Dated May 25, 2017
- Proposed Interim Building & Site Modifications, Dated June 1, 2021
- Approved Master Development Plan, Pedestrian Circulation Plan, 2016
- Deed to PF Marina LLC

October 21, 2021

Matthew Grooms, Planner
Portland City Hall
389 Congress Street
Portland, ME 04101

**Re: 58 Fore Street Master Development Plan
Master Development Plan | Interim Building & Site Modifications
Second Response to Comments
PL-001654-2021**

Dear Matt,

Portland Foreside Development Company has received comments from the City of Portland based on the September 28, 2021 Planning Board meeting where we discussed our Interim Building & Site Modification submittal made on June 1, 2021. The Interim Building & Site Modification submittal is associated with the 58 Fore Street Master Development Plan, originally approved in December 2016. We offer the following response to comments:

Comment 1: The marina office and seasonal restaurant/bar uses occupy roughly the footprint anticipated for the principal marina office identified in the MDP. Staff are comfortable with the proposed layout, noting that this footprint should not expand beyond what is shown on the most recent MDP amendment plan.

Response: Thank you and we agree with this statement.

Comment 2: The operation of the marina and seasonal restaurant should not in any way interrupt trail activity, and the applicant shall consider strategies to address the queuing of patrons, the placement of signage, and delivery of goods to and from the site.

Response: We agree with this comment. We plan to continue using the “vestibule” arrangement for the seasonal restaurant use. This “vestibule”, or more simply a bump-in of the fence-line, was specifically put in place to queue entering patrons off the trail and onto the marina property when entering the seasonal restaurant area. In addition, we have indicated the location of a previously approved shed structure on the Master Development Interim Conditions Plan that has and will continue to be utilized for shipping and receiving packages and deliveries to and from the Marina. The shipping and receiving structure provided an effective means of keeping delivery vehicles from crossing the trail in the summer of 2021, and we request continued use of this shed structure for this purpose over the term of this interim condition approval. We agree that placement of signage should not be allowed to interrupt trail activity.

Comment 3: Temporary landscaping should be introduced in key locations across the site in order to soften the transition between the publicly accessible trail and marina office/restaurant entrance; at secure entrances to the marina gangways, and in areas between the two marina gangways.

Portland Foreside has added temporary landscaping and seashells in several locations across the Fore Points Marina site including along the Eastern Promenade Trail to soften the transition between the trail and marina entrance (see below).



We will add additional temporary landscaping as shown on the MDP Interim Conditions Plan (see **Attachment 1**).

Comment 4: The applicant shall provide an updated MDP interim conditions plan to be inserted into the approved 2016 MDP. This plan should identify publicly accessible and private areas, and interim circulation routes, and should reflect conditions expected over the next several years and remove features not yet developed.

Response: Please see the attached proposed MDP Interim Conditions Plan (**Attachment 1**). We are providing a figure that clearly shows the conditions expected over the next several years and have shadowed features not yet developed (and marked as “Future”). The future rail/trail location is not depicted on this plan, as it would be challenging to display relative to the interim conditions. The previously approved Master Development Plan should continue to be utilized to reference the future rail/trail location.

In addition, we are providing a closer look at the waterfront area that shows publicly accessible and private areas as well as interim circulation routes for the public (see **Attachment 2**). We have previously provided circulation routes within the Fore Points Marina property with our application.

Comment 5: To the extent possible, existing fencing located between the two marina gangways should be either removed, replaced with a lower more visually permeable fence, or shifted closer to the water's edge to allow for greater public access. Understanding that there are safety concerns due to the condition of the seawall, the applicant should consider whether or not it may be practical to open up one or more sections of this area where the integrity of the seawall may allow for public access.

Response: We understand that Staff would like the existing fence between the two marina gangways to be removed, lowered or shifted toward the water. We would like to reiterate that modifications to this waterfront area were planned to take place after a land swap agreement is executed with the City of Portland and the Maine DOT. To date, this has not occurred despite the best efforts of Portland Foreside Development Company; the City Manager’s office declined our request to execute the swap in April of 2020. We still intend to complete these improvements, and we request that the City work with us to honor prior Planning Board approvals and see through the land exchange agreement.

On a related note, please see the attached photo documentation of current conditions along the Eastern Waterfront Port Zone (photos taken on October 13, 2021 – see **Attachment 3**). As the City continues to ask Portland Foreside to open up our private property to the public, which we fully intend to do under this interim improvement plan and ultimately under our Master Development Plan, we once again ask the City to reflect on current conditions of City owned property in this area and public access on City land. City property includes a similar black fence, various un-permitted structures, barbed wire and other security measures. Keep in mind that the 2004 approval for Ocean Gateway conditioned vegetating the large, paved waterfront parking lot west of our property thru a plan to be submitted within 5 years of the Ocean Gateway approval (by 2009), or upon completion of the Ocean Gateway Garage; however, that surface lot has only recently been improved (2020) and still consists of large, paved areas. In addition, there remains extensive City-owned waterfront surface parking areas within the Eastern Waterfront Port Zone between Ocean Gateway and the Maine State Pier. We encourage the City to finally fund Portland Landing park planning, design and construction efforts and to select talented, local design teams to create a waterfront park in this area. These

city properties are exponentially larger than our roughly 700 feet of frontage and are critical to zoning and planning efforts to increase public access to the waterfront in this zone.

That said and in good faith, we have developed a MDP Interim Conditions Plan (**Attachment 1**) to open up the areas of private property between the eastern and western gangway at Fore Points Marina for increased public use during the timeframe in which Fore Points Marina is operating under this Interim Conditions Plan. This plan includes adding interim landscape features as well as a waterfront pathway which represents a substantial investment by the Portland Foreside Development with the intent of collaborating with the City to achieve mutual goals in this area. The future, fully completed condition will include a more formalized waterfront walkway in this area in accordance with the approved Master Development Plan.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Senus", with a stylized, flowing script.

David Senus, PE
Director of Planning & Design
Portland Foreside Development Company

Attachments

- Attachment 1 | MDP Interim Conditions Plan, October 2021
- Attachment 2 | MDP Interim Publicly Accessible Areas, Private Areas & Circulation Routes, October 2021
- Attachment 3 | Eastern Waterfront Port Zone Photos from Pedestrian View, October 2021



Federal Emergency Management Agency
Washington, D.C. 20472

Att. E

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF PORTLAND, CUMBERLAND COUNTY, MAINE	A parcel of land, as described in the Deeds recorded as Document Nos. 23925 and 55154, both in the Office of the Register of Deeds, Cumberland County, Maine The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 230051	
AFFECTED MAP PANEL	NUMBER: 2300510014B	
	DATE: 7/17/1986	
FLOODING SOURCE: PORTLAND HARBOR; CASCO BAY		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY:43.662774, -70.242547 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
--	--	--	1 Marina Way	Portion of Property	C	--	--	10.5 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION
ZONE V
PORTIONS REMAIN IN THE SFHA

SUPERSEDES PREVIOUS DETERMINATION
STATE LOCAL CONSIDERATIONS

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)**
ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

BEGINNING ON THE SOUTHERLY LINE OF LAND NOW OR FORMERLY OF STATE OF MAINE AS DESCRIBED IN DEED BOOK 10924, PAGE 91 AT THE NORTHWESTERLY CORNER OF LAND NOW OR FORMERLY OF PF MARINA, LLC AS DESCRIBED IN DEED BOOK 37742, PAGE 208; THENCE, S 46°23'41" E A DISTANCE OF 16.46 FEET TO THE V2 FLOOD ZONE LINE AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 230051-0014B; THENCE, THE FOLLOWING COURSES AND DISTANCES ALONG SAID V2 ZONE: S 55°30'16" W A DISTANCE OF 6.83 FEET; S 44°11'41" W A DISTANCE OF 13.92 FEET; S 62°37'45" W A DISTANCE OF 14.68 FEET; S 44°11'40" W A DISTANCE OF 23.20 FEET; S 50°32'05" W A DISTANCE OF 84.05 FEET; S 44°11'40" W A DISTANCE OF 102.10 FEET; S 32°53'04" W A DISTANCE OF 11.83 FEET; S 44°11'40" W A DISTANCE OF 162.43 FEET; S 50°32'05" W A DISTANCE OF 21.01 FEET; S 44°11'40" W A DISTANCE OF 18.56 FEET; S 37°51'15" W A DISTANCE OF 21.01 FEET; S 50°32'05" W A DISTANCE OF 42.03 FEET; S 44°11'40" W A DISTANCE OF 27.85 FEET; S 54°12'09" W A DISTANCE OF 40.06 FEET; S 44°11'40" W A DISTANCE OF 32.49 FEET; S 55°30'14" W A DISTANCE OF 11.83 FEET; S 44°11'40" W A DISTANCE OF 41.77 FEET; S 55°30'16" W A DISTANCE OF 23.66 FEET; S 48°00'30" W A DISTANCE OF 34.88 FEET; S 44°11'41" W A DISTANCE OF 18.56 FEET; S 51°02'14" W A DISTANCE OF 58.43 FEET; S 44°11'40" W A DISTANCE OF 18.56 FEET; S 51°19'10" W A DISTANCE OF 37.42 FEET; S 46°04'22" W A DISTANCE OF 51.57 FEET TO LAND NOW OR FORMERLY OF CITY OF PORTLAND AS DESCRIBED IN DEED BOOK 10924, PAGE 84; THENCE, S 46°29'06" W CONTINUING ALONG THE SAID V2 ZONE AND THROUGH LAND OF SAID CITY OF PORTLAND A DISTANCE OF 15.77 FEET; THENCE, S 44°11'40" W CONTINUING ALONG THE SAID V2 ZONE AND THROUGH LAND OF CITY OF PORTLAND A DISTANCE OF 33.56 FEET; THENCE, N 40°18'13" W CONTINUING THROUGH LAND OF CITY OF PORTLAND AND LAND NOW OR FORMERLY OF SAID STATE OF MAINE A DISTANCE OF 100.26 FEET TO THE NORTHERLY LINE OF LAND OF SAID STATE OF MAINE; THENCE, N 52°46'49" E ALONG THE NORTHERLY LINE OF STATE OF MAINE 272.75 FEET; THENCE, N 47°33'49" E CONTINUING ALONG THE NORTHERLY LINE OF STATE OF MAINE 685.00 FEET; THENCE, S 46°23'41" E THROUGH LAND OF STATE OF MAINE 50.12 FEET TO THE POINT OF BEGINNING

ZONE V (This Additional Consideration applies to the preceding 1 Property.)

A portion of this property, but not the subject of the Determination/Comment Document, is located within a Coastal High Hazard Area (Zone V, VE or V1-30). Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. No construction using fill for structural support or that may increase flood damage to other property may take place in these areas.

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)**
ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

SUPERSEDES OUR PREVIOUS DETERMINATION (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))

This Determination Document supersedes our previous determination dated 7/16/2021, for the subject property.

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT

When making determinations on requests for Letters of Map Amendment (LOMAs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMA is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMA *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

LOMAENC-1 (LOMA Removal)

The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures, but is not available for other types of condominium units. The SFIP is available for all other structures. Additional information on the PRP and how a property owner can qualify for this type of policy may be obtained by calling the Flood Insurance Information Hotline, toll free, at 1-800-427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

FEMA has established "Grandfather" rules to benefit flood insurance policyholders who have maintained continuous coverage. Property owners may wish to note also that, if they live outside but on the fringe of the SFHA shown on an effective NFIP map and the map is revised to expand the SFHA to include their structure(s), their flood insurance policy rates will not increase as long as the coverage for the affected structure(s) has been continuous. Property owners would continue to receive the lower insurance policy rates.

LOMAs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If a State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to amend an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

When a restudy is undertaken, or when a sufficient number of revisions or amendments occur on particular map panels, FEMA initiates the printing and distribution process for the affected panels. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. In such cases, FEMA attempts to reflect the results of the LOMA on the new map panel. If the results of particular LOMAs cannot be reflected on the new map panel because of scale limitations, FEMA notifies the community in writing and revalidates the LOMAs in that letter. LOMAs revalidated in this way usually will become effective 1 day after the effective date of the revised map.

Your property has been reclassified as moderate-to-low flood risk. Your flood risk has been reduced but not removed.

You may now qualify for a Preferred Risk Flood Insurance Policy with annual rates starting as low as \$325. Keep your home—and everything inside of it—covered for less money. Contact your insurance agent to secure a lower-cost policy today.

Protect the life you've built.

Call **800-427-4661** or visit
www.FloodSmart.gov



FEMA

Page 108



Flooding 101: Did you know?

- Flooding is the most common and costly disaster in the United States. Just 1 inch of flood water can cause \$25,000 of damage to your home.
- People outside of high-risk flood areas file more than 20% of NFIP claims and receive one-third of disaster assistance for flooding.
- Most homeowners and renters insurance doesn't cover flood damage. Only flood insurance provides financial protection from costly flooding.

Stay covered. Save money. Talk to an agent today.

For more information visit [FloodSmart.gov](https://www.floodsmart.gov).

Four Points Marina

0 views



Assigned to me

Subscribe ☐**Adrianna DiBiase**

<dibiaseadrianna@gmail....

Sep 19, 2021, 3:10:29 PM (18 hours

ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Good afternoon,

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Bruce K. White | Sea Tow Portland <bkwhite@seatow.c... Sep 1, 2021, 11:18:56 AM (6 days ago)
to planning@portlandmaine.gov

Hello,

I am taking a moment to express my support of a change to the Eastern Waterfront Zoning ordinances, which would allow food and beverage providers associated with marinas be allowed permanent status.

This would not only increase the public's ability to access and enjoy the waterfront of Portland, it would provide more employment for the service industry and broaden the tax base.

Specifically, the temporary food and beverage service at Fore Points is well run, and a very enjoyable location to enjoy a little of Portland Harbor.

What a nice draw for visitors to Portland either by land or sea, to be able to watch the ships and boats come and go from this special harbor, while enjoying a meal.

I am a business owner, employing 14, with many of them hailing from Portland, or the surrounding communities,

Thank you for your consideration and time.

Bruce White

Bruce White
Sea Tow Portland/Midcoast & Portland Sea Taxi
92 Cape Newagen Road
Southport Island, Maine 04576
[207-772-6724](tel:207-772-6724)
bkwhite@seatow.com
<https://www.seatow.com/local/portland/>

Fore Points Marina

0 views

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Chelsea Roy <chelsearoy.me@gmail.com> Sep 18, 2021, 8:31:13 AM (2 days ago)

to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I support the zoning text amendment to allow food and beverage at the Marina.

-Chelsea Roy

Support for the Marina Bar at Fore Pts. Marina



Assigned to me

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**Christopher Riccardo**<criccardo@visitportland...
to planning@portlandmaine.gov

Sep 1, 2021, 1:02:30 PM (6 days ago)

Hello,

It was recently brought to my attention that there is an opportunity arising for the rezoning of the Eastern Waterfront Port Zone that would allow the Fore Points Marina Bar to operate on a more consistent permanent manner.

In my opinion, as Visitor Services Manager at Visit Portland, that would be an asset to that portion of the waterfront and the city. With more and more development happening in the region it is drawing a growing number of traffic from visitors and locals alike. The food and beverage service would be welcomed in that location and it would offer one more option, if only for patrons, for bathrooms.

I lend my full support to this opportunity to rezone the area.

Please let me know if you have any questions or if I can elaborate on anything.

Regards,

Christopher Riccardo

Visitor Services Manager

Visit Portland

[207.772.5800](tel:207.772.5800)

14 Ocean Gateway Pier | Portland, Maine 04101

criccardo@visitportland.com-----
visitportland.com | @visitportland | #VisitPortlandME

Ciara Price <management@ciaraprice.co>

Sep 17, 2021, 1:43:35 PM (2 days ago)

to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

The Marina Bar is a safe place and a wonderful environment. When you think of Portland, Maine you think coastal and Fore Points Marina is the real life vision. Actually experiencing the entrance of Casco Bay with local food and beverages is something that resonates not only to locals but to tourists who help drive and support our city. I hope you will be open minded and allow the city to grow.

Best,
Ciara

Fore Points Marina

0 views

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Dannie Nichols <daniellefaye.n@gmail.com> Sep 17, 2021, 3:26:48 PM (2 days ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina!

Fore Points has been a staple for me and my friends when we visit Portland. Our trips there just won't be the same without it. It's such a special space for locals and visitors.

Best,

Dannie Nichols

daniellefaye.n@gmail.com

910-352-0193

Deanna Povec <deannapovec@gmail.com>

Sep 20, 2021, 8:37:28 PM (11 hours ago)

to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

The Marina Bar has been a place where we have enjoyed an after work drink in our beautiful backyard. We have made some life long friends here and would not be the same and provide these opportunities if you don't consider keeping food and beverage as part of this amazing space for all to enjoy.

Please consider.

Thank you,
Deanna

Drew Johnson <abjohnson.drew@gmail.com>

Sep 19, 2021, 7:00:09 AM (yesterday)

to planning@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

The Portland waterfront needs to maintain as many of these types of watercraft accessible restaurants/bars as possible. It is an invaluable asset to the city and Casco bay. It is what helps make Portland great!

It is also a great addition to the bike path.

Thank you for your consideration!

Drew Johnson
25 Gleckler Rd, Portland.

Fore Points Marina 0 views

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Gregory Thayer <gregorythayer@gmail.com>

11:17 AM (1 hour ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Portland has the unique identity of being a seafaring city with accessible views that no other city in America rivals. We are also known as a city that excels in food and beverage, and have a burgeoning food truck scene. I believe that by not allowing the marina bar to reopen next summer and subsequent summers, Portland is only hurting itself. My wife and I love to enjoy a place to have food and drink outdoors- a place where Maine as a whole excels. We love to gaze upon the boats and see the islands and open ocean beyond. It would be a shame to no longer have this option.

I believe that supporting the marina's zoning text amendment is a benefit to Portlanders, Mainers, and all who come to visit. For those sailing in and landing at the marine, what a wonderful and welcoming first impression.

Greg Thayer
Portland, ME

Fore Points Marina

0 views

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Hoyt David Morgan <hoytmorgan@gmail.c... Sep 17, 2021, 6:21:51 PM (2 days ago)
to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning amendment to allow food and beverage at the Marina.

I believe the marina and development surrounding it has been / will be very positive for the city and food and beverage is an important piece of this.

Thank you for your consideration.

Sincerely,
Hoyt Morgan

Jack Cowie IV <jcowie@varneyagency.com>

Sep 17, 2021, 1:58:33 PM (2 days ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

I've been living and doing business in greater Portland for a majority of my life. During that period the waterfront dynamic has changed considerably. One thing that has been consistent, however, are the barriers placed for motivated persons to contribute to positive change and I would hate to see that happen again with the Marina Bar. The Prentice Group is rooted in greater Portland and has a vested interest in the economic growth of the City while being devoted to expanding upon what makes it great. Whether it's the restaurants, new development, marinas, or a combination, we need to fan the flames of motivated, in state entrepreneurs while we can. Portland is going to continue to grow at a rapid pace, the Marina Bar and Food Truck obviously fill a void the city is desperate for and it would be incredibly frustrating to see such a success story be stifled by zoning headwinds. Please look upon this and future zoning amendments favorably, it's the best thing for Portland's economy, residents, and visitors.

Thank you,

Jack Cowie IV WCP

Sr. Risk Manager- Real Estate & Development

Fore points marina 0 views



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Jane Ellis <jmdellis@gmail.com>

Sep 18, 2021, 4:51:56 PM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Love this place !! Please support zoning text amendment to allow food and beverages. There should be an extra Reason to share this great place - and let everyone know it's great here! Food with drinks and friends !

Jane Ellis

ennifer.rice knottytide.com <jennifer.rice@knottytide.c... Sep 20, 2021, 2:39:46 PM (17 hours ago)
to Gregory Thayer, planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I'm also writing to support the marina's zoning text amendment to allow food and beverage at the fore points marina.

This is a wonderful, eclectic, and growing city. The marina bar offers yet another unique and compelling option for locals and tourists alike to enjoy the waterfront of Portland. I believe that Portland has a tremendous opportunity to stay historic, unique, quirky, and modern all at the same time. The merging of old-new and "something in between" is where Portland excels and I only see the marina bar as a shining example of that juncture. The space caters to all whom love the water and all whom seek a relaxed and inviting atmosphere. I see it not only as a "here and now" but as a staple for all to enjoy for years to come.

It would be a true shame for the community to lose this pop-up gem. We love it.

Thank you,

Jen

Jennifer Rice
Regulatory Affairs Consultant
P: (717) 891-7145
E: Jennifer.Rice@knottytide.com

Jessica Goodman <jlgoodman19@gmail.com>

Sep 17, 2021, 3:24:03 PM (2 days ago)

to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Good Afternoon,

I am writing to support Fore Points Marina's zoning text amendment to allow food and beverage at Fore Points Marina. It's been such a great resource to have during COVID - we still have time before winter sets in - it would be great to continue to have a safe outdoor space to visit with food and beverage. Thank you for your consideration!

Kind regards,

Jessica

Jessica Goodman, PhD
Portland Resident

jlgoodman19@gmail.com
585-820-9296

Joe Hezlep <joehez@yahoo.com>

8:06 AM (1 hour ago)

to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hi,
I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

I have found that Four Points Marina has truly been a special place over the last two summers in Portland and really added a lot to the waterfront community. Do you ownership truly cares about Portland and its future and the staff have been amazing to both locals and tourists alike. Places like this are exactly what has led to the rise in Portland being a destination city for so many tourists.

Having local people invest in their local community is always the most ideal way for any city or town to grow. And I truly feel like Casey Prentice and his team want what's best for not only their company but also their community.

Thank you for your consideration in this matter.

Joe Hezlep

"You can't live a perfect day without doing something for someone who will never be able to repay you." ~ John Wooden

Sent from Yahoo Mail on Android

Julia Bergquist <bergquist.julia@gmail.com>

Sep 21, 2021, 12:58:17 PM (19 hours ago)

to planning@portlandmaine.gov

Good Afternoon,

I am writing to support the marina's zoning text amendment to allow food and drink at the marina. This was my favorite outdoor space in Portland this summer, and drew a lot of additional income to our city. Please do not prevent Portland natives from enjoying a new form of beautiful waterfront outdoor dining just as it is getting on its feet.

Thank you for your time,

Julia Bergquist

FORE POINTS MARINA

 Assigned to ...

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Justin Bryand <jbryand@hotmail.com> Sep 18, 2021, 10:43:39 AM (yesterday)
to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to all food and beverage at the marina.

kane.kathleen1@gmail.com <kane.kathleen1@gmail.co... Sep 18, 2021, 9:48:11 AM (yesterday)
to planning@portlandmaine.gov, publiccomment@portlandmaine.gov, planningboard@portlandmaine.gov

To whom it may concern,

I am writing to support the Marina's zoning amendment to allow food and beverages at the marina.

This has become such a special place to gather safely during the pandemic. We have been able to celebrate birthdays and engagements here while enjoying the beauty of the city we love and delicious food. The staff are warm and supportive of the community. Please consider the zoning amendment.

Thank you,
Kathleen

Fore Points Marina

0 views

 Assigned to meSubscribe 

Katilyn Coburn <katilyncoburn@gmail.co...
to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Sep 19, 2021, 10:28:31 AM (22 hours ago)

Hello,

I am writing to support the marinas zoning text amendment to allow food and beverage at the marina.

Thank you for your consideration!
Katilyn Coburn

Kayla Bubar <k.m.bubar@gmail.com>

Sep 18, 2021, 9:25:33 AM (yesterday)

to planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

My name is Kayla Bubar - I am a resident of Portland. I am writing today to support the marina's zoning text amendment to allow food and beverage at the marina. It's one of my favorite spots in Portland to grab a bite to eat and a drink. It's unique atmosphere with games, great food, and fantastic cocktails, brings me back every time. It would be a shame to make it difficult for more small businesses to succeed. We've had enough of that this year. Please save Fore Points Marina. We need to keep the heart of Portland alive.

Thank you for your time.

Kayla Bubar

Fore Points Marina 0 views

 Assigned to meSubscribe ☐

Kelley Burich <kelleyaburich@gmail.com> Sep 21, 2021, 5:27:25 PM (15 hours ago)

to planning@portlabdmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello, I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina. It's a great space that brings something unique to Portland that you can't find anywhere else in the area.

Thank you,

Kelley

Fore points marina 0 views



Kimberly Wallingford <kimberly.wallingford2010@gmail.com>
to planning@portlandmaine.gov, planningboard@portlandmaine.gov

To Whom It May Concern,

I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina

Kimberly MacVane

Sent from my iPhone

Reply all

Reply to author

Forward

Kristin Kostka <kristinmkostka@gmail.com>

Sep 19, 2021, 9:42:00 PM (11 hours ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

To Whom It May Concern:

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

As a new member of the Portland community working at the Roux Institute, the Marina is an incredible asset to the community. I look forward to bringing my researchers and students to partake in many more beautiful evenings on the Marina. I fully support this amendment!

Best,

Kristin Kostka
Director of the OHDSI Center
The Roux Institute
Northeastern University

--

Kristin Kostka
p: [508-523-7554](tel:508-523-7554)

Fore Points Marina 0 views

 Assigned to meSubscribe **Laurel Ellis** <laurel.l.ellis@gmail.com>

Sep 18, 2021, 4:41:55 PM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello!

I am writing to support the Marina's zoning text amendment to allow food and beverage at the Marina. It is such a great spot to relax, everyone is always happy and safe there. I have been several times and truly believe it only brings positivity to the neighborhood. Hope they are able to stay open next season.

Thank you for your consideration!

Laurel
(Downtown Portland resident)

Fore Points Marina

0 views

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Lily Hutchinson <lilyhutch95@gmail.com>

Sep 18, 2021, 12:43:45 PM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Good afternoon,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. The marina is such a quiet and peaceful place as well as a lovely location to have food and beverages. The marina is a place for people to gather whether they are coming or going from Portland. Please allow this amendment. Thank you.

Very respectfully,
Lily Hutchinson

Fore Points Marina Bar

 Assigned to ...Subscribe 

0 views



Mina Moutzourogeorgos Miller <mmoutz@ao... Sep 18, 2021, 10:43:21

AM (yesterday)
to Planning@portlandmaine.gov, publiccomment@portlandmaine.gov, planningboard@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

The Marina Bar has been a wonderful source of enjoyment and entertainment for 2 years now to many people; young and old. The views are the best in the city & the Marina Bar has been enjoyed by so many- residents & tourists alike.

It is a great and popular draw because of it's location. The marina bar should be allowed to continue to operated there with food, beverages & even live music (as it was allowed to do last year).

It is a gem in the Portland landscape now and the Marina Bar should be allowed to operate there forever. It's was and remains a great idea with great views, drinks, food and live music should be allowed back - for ALL to enjoy.

Sincerely,
Mina Miller

Fore Points Marina 0 views



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Nate Burbury <nateburbury@gmail.com>
to planningboard@portlandmaine.gov

Sep 19, 2021, 1:06:22 AM (yesterday)

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina

Noelle Chamberland <noelle.chamberland@gmail.com> Sep 18, 2021, 8:56:37 AM (2 days ago)
to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

To whom it may concern,

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Fore Points Marina has become a favorite gathering place for family and friends, and we would be so disappointed to lose the access to Evo X and the other tasty offerings in the area. Please don't take this away from us! We've really enjoyed the development of this under-utilized area of Portland and we hope for even further growth and development.

Thanks for listening!

Noelle Chamberland

Fore Points Marina

0 views



Assigned to me

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PAUL SZATKOWSKI <szatkowski@aol.com> Sep 18, 2021, 10:11:53 AM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina. As property owner in the area and soon to be multiple property owner, I feel that the presence of the marina bar outdoor space has greatly added to that area of waterfront and was something that was sorely needed, as well as taking a lead in the redevelopment of that area. In this "new normal" outdoor venues such as Fore Points should be encouraged and supported, particularly those that add to the waterfront. Thank you.

Paul Szatkowski

Fore Points Marina

0 views

 Assigned to meSubscribe **Pete Vernon** <pfvern@gmail.com>

Sep 18, 2021, 2:18:52 PM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov

Good afternoon,

I am writing to support the Marina's zoning text amendment to allow food and drink sales at the Marina. The Marina Bar has been a great addition to the neighborhood for those of us who live in Munjoy Hill.

Especially at a time when we are still experiencing high levels of transmission of Covid, having a safe outdoor gathering spot like the Marina Bar has been a lifesaver. It would be a shame not to allow for the zoning amendment.

Thank you for your consideration,
Pete Vernon

Support for FPM proposed Zoning Text Amendment

1 view

Pierre de Rochefort

<pierre.derochefort@icloud.com>

Aug 10, 2021, 10:04:48 AM

to planning@portlandmaine.gov, Nina DeRochefort

Dear City of Portland, Planning and Urban Development Department;

We are writing to express support for the Portland Foreside Development Company's Zoning Text Amendment proposal related to the Eastern Waterfront Port Zone (EWPZ) and the Fore Points Marina (FPM) property located at 1 Marina Way. Despite the challenging 2020 COVID context, the FPM has been a significant addition to the EWPZ since it opened in 2019. Within the FPM, the availability of a food and beverage amenity has already proved extremely successful, providing an attractive water-front alternative while adding a compelling dimension in terms of increasing public access to and enjoyment of the water front. In voicing our support, we would suggest that the proposed Zoning Text Amendment is:

- Entirely in line with the City of Portland's Land Use Code allowing for restaurants and food service establishments in the EWPZ so long as they are directly associated with a marina facility and also open to the general public.
- Consistent with the City of Portland's Comprehensive Plan, Portland's Plan 2030 in terms of uses already conditionally allowed in the EWPZ, and ensures that these uses are directly associated with and in the immediate proximity of marina facilities.
- Complementary to and supportive of the City of Portland's Land Use Code that acknowledges that the growth of Portland's marine passenger industry requires supporting services and activities to provide an enjoyable travel experience. The Code states that "non-marine uses that complement the marine passenger industry, are compatible with existing and future-water dependent uses, and provide opportunities for residents and visitors alike to enjoy the Eastern Waterfront throughout the year, are encouraged."
- Complementary to and supportive of higher priority uses by further attracting transient and seasonal boat activity to the site, intermixed with public usage and enjoyment. The mix of use (marina and food/beverage) at FPM, open and inviting to the public, allows for the wider community to enjoy a waterfront location.

Relating this to a wider context, we would also express support for the potentially transformative nature of the entire Portland Foreside project. The Portland Foreside Development Company's current vision is compelling — a mixed-use neighborhood with a focus on community in the best sense of the term, designing sustainably and cohesively to meet the vital historical significance of the area while promoting local residents and visitor's year-round enjoyment of Portland's waterfront through housing, office, lodging, dining, retail, events, and outdoor areas that will promote a sense of inclusiveness, community, and public gathering. In short, we believe the project will be a game-changer for Portland, providing a model for community-based urban planning (and living) for years to come.

Respectfully,

Pierre and Nina de Rochefort
503 Chandler's Wharf, Portland

Sam Basile <sam.basile@zoominfo.com>

7:46 AM (1 hour ago)

to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

If you want to add anything about why you support food and beverage at the Marina it never hurts!

Thank you so much and hope to see you this weekend for a final season beverage!!

Sam Basile

Manager, Strategic Customer Success

O: [617-826-2953](tel:617-826-2953)

E: sam.basile@zoominfo.com

275 Wyman St. Waltham, MA 02451

Fore Points Marina

0 views

 Assigned to meSubscribe 

Samantha Taube <samantha.taube@gmail.c... Sep 18, 2021, 10:09:47 AM (yesterday)
to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Thank you.

--

Samantha Taube

Sarah Pritchard <smpritchard8@gmail.com>

Sep 19, 2021, 9:17:12 AM (24 hours ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

To whom it may concern,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

Thank you,

Sarah Pritchard

Four Points Marina

0 views

Subscribe ☐**Sean** <smalone703@gmail.com>

Sep 18, 2021, 8:42:10 PM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I'm not sure why you would put a small company out of business due to recently established zoning changes. The very small operation there is probably easy to look over but the effect to patrons and staff shouldn't be. Please consider the community you support and strive to ensure the employees at four points marina dont needlessly lose their jobs. They deserve better.

A loyal patron

Sean

Stephanie Hill <hill.stephanielynn@gmail.com>

Sep 17, 2021, 2:59:55 PM (2 days ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the Marina's zoning to allow food and beverage at the marina.

It offers family friendly environment with a great view. The same can't be said for other establishments in the area that cater more to drunken debauchery.

Please consider allowing the marina bar to continue to operate. The summers and nice outdoor weather is limited on the waterfront and many of us would like to be able to get the most out of that time.

Thank you,
Stephanie

Stephanie Peer <speer207@gmail.com>

Sep 18, 2021, 8:48:14 AM (2 days ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hi there,

I'm writing to support the Marina's zoning text amendment to allow food and beverage at the marina. It is delicious, quiet, and such a treat!

Thank you,
Stephanie Peer
71 Deane Street, Portland

Fwd: Fore Points Marina

0 views

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Stephanie Woods <nearhos00@yahoo.co...
to planningboard@portlandmaine.gov

Sep 19, 2021, 5:16:11 PM (16 hours ago)

Hello

> I am writing to support the marina's zoning text amendment to allow food and beverage at the marina. This past two years the marina bar and EvoX food truck have been a welcome addition to Portland's food and bar scene providing a welcoming open space on the waterfront.

> Thank you

welmaurya@gmail.com <welmaurya@gmail.com>
to Planning Board, Planning@portlandmaine.gov

10:06 AM (5 hours ago)

Planning Board Members,

I am writing in support of the Portland Foreside & Fore Points Marina's application for a text amendment to allow for restaurant use.

I walk the Eastern Promenade trail almost every day and have often stopped in to enjoy the outside dining with a friend. The text amendment will allow permanent and increased public access to the waterfront. It really is unique in Portland and serves as a public amenity. The language proposed is measured and well thought out and with no real downside. In many aspects it reinforces the City's goals and Comp Plan.

I hope the Planning Board will vote in favor of this proposal.

Best regards,

Tim Wells

Fore Points Marina Bar

 Assigned to ...Subscribe 

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Miller, Travis <travis.miller@ubs.com>

Sep 20, 2021, 1:30:55 PM (18 hours ago)

to Planning@portlandmaine.gov, publiccomment@portlandmaine.gov, planningboard@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

The Marina Bar has been a wonderful source of enjoyment and entertainment for 2 years now to many people; young and old. The views are the best in the city & the Marina Bar has been enjoyed by so many residents & tourists alike.

It is a great and popular draw because of its location. The marina bar should be allowed to continue to be operated there with food, beverages & even live music (as it could do last year).

It is a gem in the Portland landscape now and the Marina Bar should be allowed to operate there forever. It's was and remains a great idea with great views, drinks, food, and live music should be allowed back for ALL to enjoy.

Sincerely,

Travis Miller

Fore Points Marina 0 views



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Will Siltan <willsiltan@gmail.com>

Sep 18, 2021, 1:01:40 PM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Fore Points is culturally intertwined with the East End (my neighborhood) and I love the fun vibe it has brought to an otherwise non-value added space for Portland residents.

Thank you for your consideration!

Will Siltan

**Michael Hoover
40 Melbourne Street
Portland, ME 04101**

September 22, 2021

Brendan Mazar, Chair
City of Portland Planning Board
389 Congress St, 4th Floor
Portland, ME 04101

VIA EMAIL: planningboard@portlandmaine.gov

RE: 58 Fore Street Master Plan Amendment Proposal Workshop

Chair Mazar and Planning Board Members:

To be clear, the master development approvals granted by the City of Portland for the marina facility at 58 Fore Street consisted of with a single marina building of high-quality design and a public “waterfront walkway” extending for the entire width of the marina. The current development at the site exhibits absolutely no resemblance the approved design concept. In contrast, the area is now occupied by a “marina office” (of approximately the same footprint as the proposed permanent marina building), PLUS a series of pre-fab huts of no architectural distinction which are sited so as to block most views, a sprawling de facto restaurant/bar posing as a temporary event, and a temporary fence that blocks any remaining views to the water which are not already obstructed by the temporary structures.

The 58 Fore Street developer, and applicant for this proposed change to the master development plan and zoning uses, has abused the courtesy offered by the City of Portland to operate the facility in a temporary manner. This abuse must stop, immediately. The developer has had more than enough time to operate with temporary structures and that it should not be granted a 3-year extension to continue to avoid what it promised previously. The public access in the vicinity of the marina was to be one of the few benefits for citizens, and was consistent with the proposed development of water dependent uses in this zoning district. Instead, the developer, with the help of the City, has privatized the waterfront for its own financial gain with the development of a non-water dependent use (the seasonal restaurant), with no consideration paid to public interests.

The developer offers no reasonable explanation for this three year period of “temporary” occupancy. Blaming the pandemic as the reason for a request for the continued operation of the facility in a temporary manner is simply a continuation of this unacceptable behavior, and is not in any way a reasonable justification for this proposal.

In addition to the egregious abuse of existing development permits, the developer has not chosen to construct the temporary facilities in accordance with existing building codes. This is another example of this developed choosing not to comply with existing requirements. These actions, in combination with the use of “temporary” development activities, has resulted in a Consent Agreement with the City to

correct the noncompliant actions taken to date. We understand the "Consent Agreement" requires that all the temporary structures be removed by 11/8/21 but we were unable to locate a detail in the proposed Minor Site Plan amendment (or other documents) specifying where the structures will be placed after removal from the site. Is the City requiring that they be moved completely off the site of 58 Fore Street, or is the applicant proposing just to move them to a slightly different location on the property? They should not be allowed to remain between the Eastern Promenade Trail and the water. Since we could not find answers to these important elements of the approved activity, we ask that the City requires a specific removal plan for public review.

It is also extremely unfortunate that the City allowed the developer to evade the regulatory language by granting multiple consecutive 14-day "temporary events" permits to allow the establishment of the Fore Points Marina Bar. I support that the City is now prohibiting food or liquor service at the property after November 8, 2021 (other than a food truck) except for bona fide temporary events as defined by Code unless the developer is approved for a text amendment. Given the poor decisions taken by the developer to date, I am opposed to such a text amendment. The area immediately along the waterfront is so narrow in the vicinity of the Eastern Waterfront Port Zone that the entire area should be reserved for water-dependent uses. Non-water-dependent uses, like bars and restaurants should be located landward of this zone.

If, despite this, an amendment is approved to allow a bar/restaurant as accessory to a marina use, it should be restricted to being located within a permanent marina structure itself (not a temporary structure), and it should not allow an outside seating or stage presence. Requiring it to be housed in a permanent structure would create an incentive to get rid of the temporary hut-village. Moreover, light and sound carry over the water. Neighboring residential areas should not be subjected to the light and sound intrusion from the introduction of an incompatible new bar/restaurant use in this location.

I also want to bring to your attention the fact that I remain very concerned about the unauthorized filling and other extensive site work that is occurring on the property (and has been occurring for months) which appears to be outside of sections of the property which have obtained approved site plans. I do not believe it is appropriate to approve any amendment to the Master Development Plan whatsoever until this issue of apparently unauthorized site work has been resolved. I have not identified any documentation of the need for large areas of staging necessary for soil deposition, and it is clear that no real efforts to control erosion or runoff is being addressed in this area of the property. Additionally, it took multiple letters to city staff and the DEP this year to force the developer to remove 75 yards of unpermitted fill at the northern end of the site.

From my perspective, the developer is incorporating one more activity designed to take advantage of "temporary" activities which are altering the physical characteristics of the site outside approved plans, and which will conveniently benefit future land development activities at the property without the benefit of review or approval by the city and affected residents. It is my understanding that the only changes made to the entire property known as 58 Fore Street must be consistent with one or more approved site plans. As these site plans are being proposed in stages, there are large areas that have not been the subject of site plan approval. Yet extensive filling has occurred in the entire area east of an extension of St. Lawrence Street outside of the designated limit of disturbance on the approved site plan. I have not identified any site plan notes or approval language addressing the need for, and

approval of, staging disturbances which extend beyond approved limits of disturbance. Moreover, the filling that is occurring seems to be inconsistent with the approved Master Development Plan.

In closing, the long term rampant and egregious disregard for existing approvals for the development of the marina facility as well as for site development at the project should lead the Planning Board to require that the applicant simply commence to adhering to the existing approvals for the Master Plan and site plans at this development. In addition, no changes to the existing zoning language should be adopted. These changes are only requested to benefit the continued misuse of the current approvals by the developer. I ask for your support in requiring that the actions taken by the developer which are not consistent with existing approvals be denied, and that no future zoning language changes be enacted which will simply benefit these well documented, egregious activities in the future.

Regards,

/s/

Michael Hoover

Michael DeCandia <michael@mdcarchitects.com> Sep 22, 2021, 3:50:30 PM (17 hours ago)
to planningboard@portlandmaine.gov

I am a Portland resident and I really enjoy having access to food and beverages at the Four Points Marina. Please allow this to continue indefinitely. I support their application.

Michael DeCandia
305 Commercial Street

Cindy Warren <cindy_warren@live.com>

Sep 22, 2021, 4:13:21 PM (16 hours ago)

to publiccomment@portlandmaine.gov, planningboard@portlandmaine.gov, planning@portlandmaine.gov, Cindy Warren

Hello –

I grew up in the Portland area. One of the things that truly amazes me is how well Portland has allowed the waterfront to be used and enjoyed by all. Allowing the continued use and availability of the Four Point Marina with access to beverages and food uses only contributes to the city's human scale and gives us spaces and use that people of all ages will enjoy.

I remember as a kid and young adult how inaccessible this area was.

To see and personally experience its transformation is magical.

At a time when many of us continue to feel like public access is becoming more and more restricted, having access to a place like this with a beautiful view, a place to feel a cool summer breeze, grab a bite to eat and enjoy the company of others is a gift.

This amendment places a jewel in the areas connecting the East Promenade to the Old Port and Munjoy Hill – places we all know and love. We need to maintain and grow these beautiful ties to the great outdoors and fun spaces. Fill in the blanks.

Maine and its communities have a rich history of giving people access to beaches (Crescent Beach; Scarborough Beach; Popham Beach; Ferry Beach) beautiful views (Two Lights; Portland Headlight) historic places (Admiral Perry's Home), public parks (Katahdin/Baxter State Park; Western and Eastern Promenades; Deering Oaks) and spaces and water access to both the ocean and fresh water. There are too many beautiful sites to mention here.

This amendment will continue to enhance the vibrant and unique nature of the city, its livability and allows it to continue to grow and mature in a way we can all enjoy! There's nothing like it for hundreds of miles!

I urge you to vote "YES" and approve this Four Point Marina Zoning Text Amendment.

Sincerely,

Cindy Warren

821 Barretts Mill Rd

Concord MA 01742

Ross Maniaci <rossmaniaci@gmail.com>

Sep 22, 2021, 4:31:32 PM (16 hours ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hi -

I'm writing to support the Marina's zoning text amendment to allow food & beverage at the Marina.

This is an amazing addition to the waterfront & the Portland Trail.

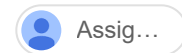
Thanks - Ross Maniaci

Ross Maniaci

rossmaniaci@gmail.com

Cell: [315-415-0285](tel:315-415-0285)

Fore Points Marina Zoning Text Amendment



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Johanna Young <johanna.w.young@gmail.... Sep 22, 2021, 4:54:04 PM (16 hours ago)
to planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov, planning@portlandmaine.gov

To whom it may concern,

As a city resident I would like to express my deep support of the Fore Points Marina Zoning Text Amendment.

The Marina Bar is a wonderful addition to the Portland waterfront and encompasses the working waterfront feel of the city that makes it so special.

There is nothing better in the summer months than enjoying time sitting by the water with friends and family. I brought out-of-state visitors to the Marina Bar as a ritual because of the excellent food, drinks and views of the harbour!

It's a shame that the city is not welcoming and celebrating a venue such as this in the first place. Let us reach out a hand to these businesses instead of making more roadblocks for them.

Best,
Johanna Young
Hawthorne St. Portland, ME

Sara Piwowarski <saraepiwowarski@gmail.com> Sep 22, 2021, 5:42:55 PM (15 hours ago)
to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina.

Best,
Sara

James Meagher <jmmps@maine.rr.com>
to planningboard@portlandmaine.gov

Sep 22, 2021, 7:56:19 PM (13 hours ago)

Planning Board Members,

As a member of the marine construction community, the facility at Four Points is well received by those who visit Portland by water.

Thanks,

James E. Meagher, Director
Underwater Mineral Processing Services
50 Market St. So. Portland, Maine 04106
[207-741-2955](tel:207-741-2955) phone
[207-799-3782](tel:207-799-3782) fax
jmmps@maine.rr.com
<http://www.mpsmaine.com>

thomas coleman harmon <motionhero@yahoo.com> Sep 22, 2021, 8:58:37 PM (12 hours ago)
to planning@portlandmaine.gov

Love this bar and food would be a welcomed addition. Please permit it as it's a stop for me when I come to Portland.

Marie Gardner <peatrisha85@me.com>

9:27 AM (22 minutes ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina.

Sent from my iPhone

Mykaela Twitchell <mtwitchell19@gmail.com>

9:42 AM (8 minutes ago)

to planing@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

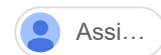
Hello—

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Thank you,

Mykaela Twitchell

Fore Points Marina - Support for food and beverage on the eastern waterfront



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Timothy Schneider <tstimmerworks@gmail.com>

11:09 AM (7 minutes ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

To whom it may concern,

On behalf of my friends and family, please let this serve as support for continued and future food and beverage options at and around the Fore Points Marina, 58 Fore St. development and along the eastern waterfront.

Thank you in advance for your consideration of these great improvements and support for additional options for the eastern prom area residents and visitors alike.

Sincerely,
Timothy Schneider.

Fore Points Marina 0 views

 Assigned to meSubscribe 

daneel dafni <daneeldafni@yahoo.com>

8:21 AM (8 minutes ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina. This spot is one of the only accessible places to enjoy a casual beverage and meal by the water. Please don't continue to take such wonderful places away from the public when we already don't have enough. It would be extremely defeating and disappointing.

Thank you for saving our scene,

Daneel Dafni

Ryan Young <rpyoung1@gmail.com>

Sep 23, 2021, 4:18:47 PM (16 hours ago)

to planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov, planning@portlandmaine.gov

I'm writing to support the Marina's zoning text amendment to allow food and beverage at the Marina. This is a wonderful and much needed small business in Portland. My wife and I started coming back into Portland more and more this summer and Fore Points Marina bar was the draw, no exaggeration. Please consider their ammendment and keep the business alive.

Thank you

Ryan and Breanna Young

P.O. Box 153
Raymond, Maine
04071
[207.441.7533](tel:207.441.7533)

Fore Points Marina

0 views



Assigned to me

Subscribe ☐

Rachel Freid <rachel.freid75@gmail.com>

11:45 AM (15 minutes ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

On a personal note -

STOP MAKING DUMB RULES AND KEEP THIS PLACE OPEN. My goodness, I can't believe I have to write this email - what a waste of everyone's time and energy. Put your money and effort towards things that actually matter. Let people live and drink and eat!

Sincerely,
Portland Resident

Fore Points Marina 0 views



Subscribe ☐



Sophie Samuels <sophialsamuels@gmail.com>

11:56 AM (5 minutes ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. I feel that the bar and restaurant extend the usable space of the Eastern Prom and give life to an area that previously felt abandoned and somewhat unsafe.

Thank you,

Sophie Samuels
Resident of Portland's East End

Fore Points Marina 0 views



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Ian Crowley <ian@greatharbordigital.com>

11:56 AM (5 minutes ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Fore Points Marina

0 views

 Assigned to meSubscribe **Hannah Wolper** <hannah.wolper@gmail.com>

12:42 PM (3 hours ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

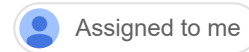
I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

Cheers,
Hannah

--

Hannah Wolper ☆

Fore Points Marina 0 views



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Hannah Mitchell <hannah.mitchell21@outlook.com>

1:34 PM (3 hours ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina.

Fore Points Marina 0 views

Subscribe ☐

Corey Merrill <merrill.corey@gmail.com>

1:46 PM (2 hours ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hi - by way of introduction my name is Corey Merrill and I grew up in Portland, Maine and currently reside in Brooklyn, NY.

I travel to Portland to visit my family at least 6+ times per year and my favorite part about the city (very similar to what I love about living in New York City) - is the restaurant and bar scene. More so than ever before my friends in NYC are asking me for my favorite restaurants / bars to help them plan their long weekend getaways to Portland - so I've essentially created a running list of my favorite spots that I have shared 20+ times this year alone.

All that being said - **I am extremely saddened to hear that one of my favorite spots (the Fore Points Marina Bar) is at risk of closing due to the marina's zoning text amendments. PLEASE, let me know what I can do to help persuade you to avoid doing this - I've seen NYC grow over the 13 years I've lived here and can say that progressive places like what popped up on that Marina last summer are what gives cities like NY and Portland that "it" factor - and what will keep the money flowing.**

Thanks for reading my email and again - if there's anything else you need from me please don't hesitate to reach out.

Thanks,
Corey Merrill

Fore Points Marina

0 views

 Assigned to meSubscribe ☐**Hailee Flaherty** <HFLAHERTY@smhc.org>

2:41 PM (1 hour ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverages at the Marina. Fore Points Marina Bar has been such an amazing asset to Portland. Going to the marina bar had brought me into Portland countless of times, when normally I would have just stayed home. I have seen a ton of other of businesses that I never would have known existed if it wasn't for driving down to the marina bar, and I have brought business to those businesses because of it. Closing down the Fore Points marina bar would be a huge mistake.

Hailee Flaherty

Fore Points Marina

0 views

Subscribe ☐**Frank Gruber** <frankgruber5@gmail.com>

2:58 PM (1 hour ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello Portland Maine Planning Board,

I'm writing to support the marina's zoning text amendment to allow food and beverage at the marina. What started as a temporary setup has brought value to the area and brings life to the water's edge. There are not too many places to eat or drink in the area so I would hate to see it go.

Thanks,
Frank

Fore Points Marina

0 views

Subscribe ☐**Sarah Davidson** <sarahdavidson635@gmail.com>

3:14 PM (1 hour ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hi!

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. We love Evo X and look forward to spending many more summers with them! Please don't take this away from us!

Thank you!
Sarah

--

Sarah Davidson

FORE POINTS MARINA

 Assigned to ...

Subscribe ☐

0 views



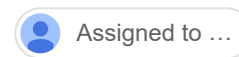
Tom Fitzpatrick <tfitzy92@yahoo.com>

3:48 PM (19 minutes ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the Marina’s zoning text amendment to allow food and beverage at the marina.

Fwd: Fore Points Marine



Subscribe ☐

0 views



J Glover <jglover1@maine.rr.com>
to planningboard@portlandmaine.gov

3:51 PM (17 minutes ago)

> I am writing to support the Marina 's zoning text amendment to allow food and beverage service at the Marina.
>
> Well run, excellent food, and a boost to Portland's economy.
>
> John S Glover

Fore Points Marina

Elizabeth Freeman

Sep 24, 2021, 4:20:30 PM

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Elizabeth Freeman

Portland Maine Resident

Fore Points Marina

Rhonda Green

Sep 24, 2021, 4:31:22 PM

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to SUPPORT the marina's zoning text amendment to allow food and beverage at the Marina.

The Fore Point bar was fully open to the public and embraced by the public- all ages. A fabulous spot that highlights the super energy and by the water location of Portland Maine.

Bravo

Rhonda Green

156 Sheridan St

Portland ME 04101

Fore Points Marina Bar

PC68

david bannon

Sep 24, 2021, 4:33:12 PM

to planning@portlandmaine.gov, planningboard@portlandmaine.gov

Dear Sir/Madam,

As a resident of Turner Street on Munjoy Hill, I have really enjoyed the opportunity to stop in at the Fore Points Marina on my way to and from my home from downtown. The business and the location represents a perfect halfway point for visitors walking to & from Old Port and the Eastern Promenade.

As such, I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

Sincerely

David Bannon

Fore Points Marina Zoning Text Amendment

PC69

Kristen Diver

Sep 24, 2021, 4:37:54 PM
to planning@portlandmaine.gov

To Whom it may Concern,

I would love to support the efforts of keeping food and beverage at the Fore Points Marina!

Thank you,
Kristen Diver

51 Moody St #2
Portland, ME 04101

Zoning Inquiry: 447 Riverside St

PC70

Maya Lorimer

Sep 24, 2021, 6:16:38 PM

to planning@portlandmaine.gov

Hello,

We're interested in potentially acquiring the property located at 447 Riverside St. Our uses would consist of self-storage, U-Haul truck and trailer share, and related retail sales. Are you able to confirm the zoning district of the property and whether or not the above-mentioned uses are permitted?

Thank you,

Maya Lorimer

Amerco Real Estate

2727 N. Central Ave., Suite 500

Phoenix, AZ 85004

[\(602\) 263 6555 Ext. 515302](tel:(602)2636555)

maya_lorimer@uhaul.com

Fore Points Marina

PC71

Tenni Luna

Sep 24, 2021, 6:40:56 PM

to planning@portlandmaine.gov

I'm writing to support the marina's zoning text amendment to allow food and beverage at the marina

The best painkillers in all of Maine are found at this marina. The views and sunsets are incredible, it's a pet-friendly establishment and it's something unique that the rest of Portland doesn't have.

As a longtime resident of Portland, please allow the marina to continue being a place where we can all enjoy those short summer days.

Winston really loves this place!

Sent from my iPhone



Fore Points Marina

PC72

Katie Kennedy

Sep 24, 2021, 7:07:01 PM

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

To whom it may concern,

I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina.

Our family (including young children) has thoroughly enjoyed this waterfront, outdoor dining space at Fore Points Marina. It's been hard the past couple of years with Covid to find outdoor dining that felt safe for children and this was one of our favorites.

Sincerely,
Katherine Kennedy
396 Brighton Ave
Portland, ME 04102

Fore Points Marina

PC73

Courtney Russell

Sep 25, 2021, 8:16:35 AM

to planning@portlandmaine.gov, publiccomment@portlandmaine.gov, planningboard@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina. Please let them stay!

Courtney

Fore Points Marine

PC74

Jeffrey Hargenrader

Sep 25, 2021, 8:28:39 AM

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I'm writing to NOT SUPPORT the marinas zoning text amendment to allow food and drink at the Marina bar.

When Fore points showed up on the marina scene I had nothing but good feelings towards what they could provide for the community. After a couple seasons, they are a disaster, they care not about the city, people, and most importantly a wholesome atmosphere around boats. If you were to allow them To have food and drink I think it should be extremely expensive for the license. They are making some serious money down there, And they are not catering to Portland they are catering to massive yachts that we don't need here to begin with.

Thank-you,
Jeffrey Hargenrader

Fore Points Marina

PC75

Megan Cook

Sep 25, 2021, 11:59:28 AM

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I'm a Munjoy Hill resident and frequently use the Eastern Prom trails for running and walking. I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

Thanks for your time,
Megan

Four Points Marina

PC76

Larlee, Peter (ES)

9:20 AM

to planning@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. I moved to Portland in July 2021 and love the energy that the Old Port has to offer.

My wife and I have been supporting as many local businesses as possible that are in the city.

- I don't go to Lowes or Home Depot, I go to Maine Hardware.
- I try to go to use local markets like Micucci's when possible.
- I have also noticed my entertainment budget increase significantly, supporting many small business and their employees.

I do this to support the City I have now decided to call home, even though in my mind I know I am paying a slight premium to do so. We also entertain friends from neighboring towns as they all want to "see and be introduced" to new locations. If they have a good experience I am sure they are spreading the knowledge to more people to visit and commerce.

Four Points Marina is a great location to grab a coffee, some food, or a beverage. When asked by visitors to the city, I generally recommend Four Points as the Staff is friendly, responsive and the location shows the beauty of Casco Bay and the City.

I would love to see the location remain in business especially with the added development from Sun Life, WEX, and the new retail building being restored.

Thanks for your consideration

Peter Larlee

[781-443-5907](tel:781-443-5907) Mobile

peter.larlee@adp.com

ADVISOR // INFLUENCER

Fore Points Marina

PC77

Nick Vlahos

Sep 25, 2021, 12:33:17 AM

to planni...@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina

Thanks,

Fore Points Marina

PC78

Joan Libby

Sep 27, 2021

to Plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. This place has been such a great addition to Portland. Perfect for boaters, families, children and dogs. A relaxed environment without dealing with the nonsense of those restaurants on the wharf.

Fore Points Marina

PC79

John Gillis

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

To whom it may concern,

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Thank you,

John

Fore Points Marina

Carrie Nalad

Sep 27, 2021

to planni...@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. Marina Bar has been a place for locals and visitors alike to gather and enjoy the beautiful views of Casco Bay and great company. We look forward to the hospitality of those working at the Marina Bar, and it has become a go-to spot for all occasions.

Thank you for your consideration,
Carrie

Fore Points Marina

PC81

Alexandra Andrews

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Good afternoon,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. The marina bar has been such a wonderful addition to the area, especially having a beautiful outdoor space during this pandemic. It has helped to bring tourism back to the Old Port and it became a hot spot for locals to gather. It will be sorely missed this winter and needs to be able to return next spring.

Best regards,

--

Alexandra Andrews

alexandrews207@gmail.com

[\(207\)671-3211](tel:(207)671-3211)

Fore Points Marina

Jessica Eames

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hello!

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

This is a one-of-a-kind establishment like no other in Portland and draws a consistent crowd throughout the summer. It would be a shame and mega loss to Portland to lose it.

Sincerely,
Jess Eames

--

Jessica Eames

jessicaeames89@gmail.com

Fore Points Marina

PC83

Eric Dodge

Sep 27, 2021
to planni...@portlandmaine.gov

Hi,

I'm writing to support the marina's zoning text amendment to allow food and beverage at the marina. It's such a unique space, and eliminating the ability to enjoy food and beverage there I think would be a massive loss for the city. Especially during the pandemic, I think we need all the outdoor dining opportunities we can get to help manage the spread of the virus.

I hope you'll consider! Thanks!

-Eric Dodge
396 Brighton Ave.
Portland, ME 04102

Fore Points Marina

PC84

Watters, Dianne

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hello,

I'm writing to support the zoning amendment to allow food and beverage at the Marina.

This has become a family and friends favorite for summertime visits. A great way to enjoy the East end trail, and stop in for a break to take in the view. We have few spots that allow dogs, so we love to stop in when we can.

Thank you for your support!

Dianne

Dianne Watters, PMP

Senior Product Marketing Manager
Tyler Technologies, Inc.

P: [800.772.2260](tel:800.772.2260) ext. 4140

www.tylertech.com

Four Points Marina

PC85

Aja Brill

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hello,

I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina. We really enjoy spending time here and would be sad if the food and beverage service was taken away.

Thanks,

Aja

Sent from my iPhone

Fore Points Marina

PC86

Julia Clark

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hello, I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

I moved to Portland this past December to plant roots back east where I am from.

Fore points became a home base for me over the summer where i could meet folks who lived in my neighborhood and feel safe and social without being afraid or feeling uncomfortable. Through a hard time the Marina Bar was a place that I could look forward to going after long hard days at work and could always rely on a friendly staff, a great crowd of people of all ages and walks and excellent food and service.

It would be a detriment to our great community to no longer have this safe space to gather and enjoy time outdoors and on the water in true Maine style.

Thank you,

Julia

--

Julia Clark, PhD, MPH

Phone: 401-368-5558

Fore Points Marina

PC87

Travis McKenzie

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

It is such a fabulous place for families and is something I'd like to see come back in the future.

Thanks for your consideration,

Travis

Travis McKenzie
INNERVOICE Media Group
[617-230-6130](tel:617-230-6130)

Fore Points Marina

PC88

Heather York

Sep 27, 2021

to planni...@portlandmaine.gov, public...@portlandmaine.gov, plan...@portlandmaine.gov

Good evening,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. It is a positive addition to the Portland food and beverage community and has been a wonderful COVID-friendly option this year. I look forward to many more summers visiting the marina.

Thank you,
Heather York

Fore Points Marina

PC89

Suzanne Johnson

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

I am an employee of Sun Life and will soon be working there. Lots of us will enjoy having this as option and it's a great way to enjoy the scenery here of the Atlantic ocean.

Suzanne Johnson
Falmouth, ME

Thank you.

Fore Points Marina support

PC90

Tom Bander

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

I am writing to express strong support for the marina's zoning text amendment to allow food and beverage at the marina. My wife and I live nearby on Munjoy Hill and love the sense of community at the marina bar. We regularly walk there or meet with friends (and our dogs!) for food and cocktails. The outdoor setting is very special and also encourages patrons to walk through town, rather than drive. We also appreciate that they highlighted a local charity to support each week throughout the summer.

Thanks,

Tom

--

Tom Bander, MD
Director of Procedural Dermatology
Maine Medical Partners - Dermatology
[616-481-4191](tel:616-481-4191)

Fore Points Marina Bar

PC91

Christine

Sep 27, 2021

to plan...@portlandmaine.gov, public...@portlandmaine.gov, planni...@portlandmaine.gov

To the decision makers—

I am writing to support the Marina's zoning text amendment to allow food and beverage at the Marina.

I have been a longtime resident of the East End, and cannot imagine a future without Fore Points Marina Bar. Marina Bar has been a place for my friends and I (along with our pups and new babies) to come together and celebrate with food and drinks the many life changes that have happened to us. It is a warm, fun, accessible and beautiful space to gather and I truly hope you consider these messages and what it means to so many to have a place like Marina Bar to go to eat, drink and be merry!

Warmest Regards,
Christine and Zeek

Fore Points Marina

PC92

Martha Bleeker

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hi,

I'm writing to support the marina's zoning text ammendment to allow food and beverage at the marina. The FP Marina Bar is my all-time favorite spot in Portland to grab a drink with my wife and friends and enjoy the beauty of my favorite town. I love bringing visitors there to take in the spectacular views while enjoying a lobster roll and Allagash White. Please consider allowing them to reopen next year!! Thank you!!!

-Martha Bleeker

Fore Points Marina

PC93



Kristin Silvani

Sep 27, 2021,
to plan...@portlandmaine.gov, planni...@portlandmaine.gov

Hello,

I'm writing to support the marina's zoning text ammendment to allow food and beverage at the marina. The FP Marina Bar is my all-time favorite spot in Portland to grab a drink with my wife and friends and enjoy the beauty of my favorite town. I love bringing visitors there to take in the spectacular views while enjoying a lobster roll and Allagash White. Please consider allowing them to reopen next year!! Thank you!!!

-Kristin Silvani

Fore Points Marina

PC94

Gabe Balzano-Brookes

Sep 27, 2021

主



to planni...@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. I have really enjoyed gathering outside with friends and family at the Marina Bar and enjoying the beautiful views of Casco Bay, great drinks, delicious food, and great company. We look forward to the hospitality of those working at the Marina Bar.

Thank you for your consideration,
Gabe

Sent from my iPhone

Fore Points Marina

PC95

Kaylie Friel

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

To whom it may concern:

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

The Fore Points Marina bar has added new life to the waterfront in a tucked away spot. It's beautiful 'off the beaten path' location and wonderful atmosphere have been a bright spot for the city of Portland!

Thank you,

Kaylie Friel

Amy Oberlin

PC96

unread,

Sep 27, 2021,

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hello all,

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

I am a resident of Portland on Munjoy Hill and I am a huge fan and have been a frequent patron of the Fore Points Marina Bar and Evo X food truck, both this summer and last summer. The bar and food truck is a fantastic use of the waterfront space and is one of my favorite places to eat in the city. We take nearly every guest there to eat by the waterside, and as our neighbors discovered it over the summer they have had nothing but great things to say about it. None of us have boats but the food and drink makes the marina bar an essential meeting spot for us, where we have already celebrated multiple birthdays during its short existence.

In short: we love the marina bar! Please let her stay!

Thanks for your time,
Amy Oberlin

Amy Oberlin

6:54 AM (4 hours ago)

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

An addendum to my earlier message:

TO BE CLEAR I am actually extremely excited about the Foreside/58 Fore development plans, particularly the "historic core" market and the badly needed housing, and I do NOT think preserving the marina bar should take priority over this development going forward. I would simply like to eat fried fish and drink frozen margaritas at this lovely waterside spot until construction actually begins!

Thank you!
Amy Oberlin

9/28/2021 - PB Workshop on 58 Fore St Developer Abuse of Approved Permit

Karen Snyder

10:48 AM
to Planning Board

Dear Chair Mazer and Planning Board Members,

There has been great concern about 58 Fore St /Foreside developers refusal to follow what was approved in the Master Plan permit.

This developer instead of following what was approved has attempted to thwart it in various egregious ways. Examples are as follows:

Issue #1: Blocked Public Views from the Marina

It originally was approved to be a single marina building and a public waterfront view from public walk which was to be the entire length of marina frontage. Instead, there are multiple buildings and fencing including porta potties which block approximately 450 feet marina frontage of the public ocean views. However, the ENTIRE marina frontage length has been blocked with a fence or buildings by the developer which the City has allowed this waterfront frontage to be privatized. ***See below photos taken as of this morning.***

Issue #2: Abuse of Temporary Event Permit:

The developer has also continues to be granted multiple consecutive 2 week temporary events to allow a marina bar at the site. This is abuse of what was approved for zoning. Temporary events were suppose to be for a few events that are temporary.. not a full time operating bar.

Issue #3: Abuse of Infill

The developer for at least the last year has been putting infill on the property. Per approved permit, they were allowed to be granted only one (1) 15- ton truck of infill deposited on approved permit. As shown in below photos, there is obviously more than one 15-ton truck load because the infill soil is higher that the grey facility building and runs the length of

approximately 500 feet towards east towards Portland House. The volume of this infill was not calculated but it obviously more than one 15-ton truckload. It appears this developer is attempting to build up the mid grade slope in order to build higher due to the fact the Planning Dept refuses to ensure in the zoning language and clarify building height calculations. Therefore, the developers know they can "trick" the system by building the soil height higher in order for the building height to be higher. ***See below evidence of photos taken as of this morning.***

In conclusion, it is obvious that this developer will not follow approved permits knowing that they will only get a slap on the wrist by the city as they overwhelm a portions of the the eastern waterfront, change the landscape, and block public water views in order to maximize their profit margin at the expense of the public.

How can the City, Planning Board, and residents trust anything this developer does when the developer obviously ignores what was permitted, takes advantage of every loop hole, and works around the system? This developer clearly disrespects the City Hall procedures and the residents of Portland.

Regards,
Karen Snyder
Munjoy Hill Resident

58 Fore St/Foreside Marina Frontage As of 9/28/2021



Frontage As of 9/28/2021



NOTE: An estimated 450 feet of marina frontage is blocked by multiple buildings and porta potties

58 Fore St/Foreside Infill Efforts As of 9/28/2021

Panoramic view facing North from public sidewalk from West to East of the infill by 58 F



Note: The infill height is as high as the gray facility building which is the farthest eastern building on site.

As of 9/28/2021

West to East of the infill by 58 Fore St/Forside developer



Fore Points Marina

PC98

Elena Usova

10:44 AM

to planni...@portlandmaine.gov, plan...@portlandmaine.gov, public...@portlandmaine.gov

I'm writing to support the marina's zoning text amendment to allow food and beverage at the Marina. This summer it was a very special place for me and my friends. It would be wonderful if we could have them next summer again.

Thank you

Elena

Fore Point Marina

PC99

Art Timofejev

11:10 AM

to planni...@portlandmaine.gov, plan...@portlandmaine.gov, public...@portlandmaine.gov

Hello,

I'm writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

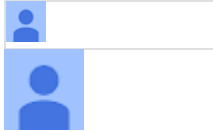
This summer it was a very special place for me and my friends. It would be wonderful if we could have them next summer again.

Thank you

Art.

Fore points marina

PC100



dani-...@yandex.ru
unread,
11:37 AM (1 hour ago)

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov
I'm writing to support the marina's zoning text amendment to allow food and beverage at the Marina.
Thank you

Dani

Fore Points Marina Bar

PC101

Daniel Tonini

<captaindan4u@gmail.com>

10:23 AM (2 hours ago)

to planning@portlandmaine.gov

I am writing to support the Marina Bar zoning text amendment to allow food and beverage at the marina. In a rapidly growing city, it is preposterous that objections to the harmonious nature of this type of business should not be allowed. The Marina Bar is a great example of a vibrant meeting place that gives landlocked people access to the waterfront, as well as the marina facility's member/customer base. The blend of tourism, business, yachting, and commercial activities, all benefit by the placement, soundness, and overall vibe of what Portland was, is, and should remain being.

Thanx for reviewing,
Captain Dan Tonini

Long Live Marina Bar

PC102

Veronica Willette

<veronica.willette@gmail.com>

Sep 27, 2021

to planning@portlandmaine.gov

Hello,

I'm a second generation Munjoy Hiller and have been so proud of Portland for finally having a no frills spot on the water at the foot of the hill to relax and hang out at after work. It's outdoor set up was perfect for playing it safe with COVID, too. Please let this low-key spot with character stay amongst all of the high-end development that has no character.

Many thanks,

Veronica Rollette

Fore Points Marina

PC103

Jennifer Flaxman

3:03 PM (6 minutes ago)

to planni...@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. The Marina Bar is a gem on Portland's waterfront. Please keep it open for years to come!

Jennifer Flaxman

7 Atlantic St, Portland, ME 04101

From: **Joe Lewis** <joe@portcitylegal.com>
Date: Tue, Sep 28, 2021 at 6:38 PM
Subject: Thanks
To: David Silk <dsilk207@gmail.com>

For looking out for the public. As near as I can tell, the applicant has not been a good faith actor and is not a particularly good neighbor. The goal of maximizing visual and physical access should trump all considerations past the legitimate and focused treatment of the marina's security needs. That's it. After that, go upland or go home, eh? Anyway, thanks again for your service to the city. Hope all is well.

- Joe

--

Joe Lewis, Attorney
Port City Legal, LLC
10 Moulton Street, 4th Floor
Portland, Maine 04101
(207) 210-6559
www.portcitylegal.com

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Fore Points Marina Food & Beverage



Liz Harrington
unread,
Sep 28, 2021, 5:38:28 PM

主



to plan...@portlandmaine.gov, planni...@portlandmaine.gov

Dear Portland Planning Board,

The Marina Food and Beverage venue is a great addition to the Eastern waterfront. It is a well designed, well run, low key spot to enjoy delicious food, music and refreshments as well as the spectacular water view that attracts so many to our area.

It was a welcome addition to an area of the waterfront lacking any other food and beverage options and we hope it becomes a permanent fixture. Residents and visitors alike have enjoyed many outings to this spot over the past few years and we would hate to see it close.

We fully support approval of the Fore Points Marina Zoning Text Amendment.

Thank you,

Elizabeth and Brian Harrington
236 Eastern Promenade, Unit 2
Portland, Maine 04101

Sent from my iPhone

Fore Points Marina Bar and waterfront food/beverage

PC106



Paula Mahony

Sep 28, 2021, 9:18:22 PM (19 hours ago)

主

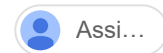


to plan...@portlandmaine.gov, public...@portlandmaine.gov, planni...@portlandmaine.gov

I'm writing in support of Fore Points Marina Zoning Text Amendment. Having food and beverage service along the Eastern path is a great value to those of us who walk and run along that area. Please amend the zoning to allow for continuation of these businesses.

Paula Mahony
Words@Work,Inc.
47 Portland Street, 3rd Fl.
Portland, ME 04101
[\(207\) 797-0147](tel:(207)797-0147)
Paula@wordsatwork.us

58 Fore Street, Portland - Project - Public Comment

Subscribe ☐

0 views

**Kelly Walker** <kellytwalker47@gmail.com>

Oct 1, 2021, 3:55:48 PM (2 days ago)

to planningboard@portlandmaine.gov

I have concerns about the amount of dirt/fill that is being "stored on site" at this project. It appears as though they are attempting to raise the lowest points at which they will start their calculations for building heights. It is important that we preserve our ocean views and sitelines and I want to be sure they are held to keeping the lowest grade where it was before the started the project and putting fill there. It is also important to consider this project's potential impact on the historic nature of Munjoy Hill now that the majority of the hill has been designated as an historic district. By raising the base grade, they will affect both the views of the historic homes and the views from the historic homes. The developer should not be permitted to raise the grade of the site to gain additional height that will adversely impact views of and from any home and especially all the historic homes on the hill which the historic district was created to protect.

All the best,

Kelly Walker**REALTOR® | eXp Realty, LLC****207-699-8340**kellytwalker47@gmail.com[Visit my website](#)**Office | 533 Congress Street | Portland, ME 04101 | (888) 439 - 8743**

[illegible]

PORTLAND, ME 04101

INTERIM MASTER
DEVELOPMENT PLAN

DB NO.:
 DATE: OCT. 19, 2021
 SCALE: 1"=40'
 SHEET: 1 OF 1

INTERIM
MDP



Interim Master Development Plan | October 2021

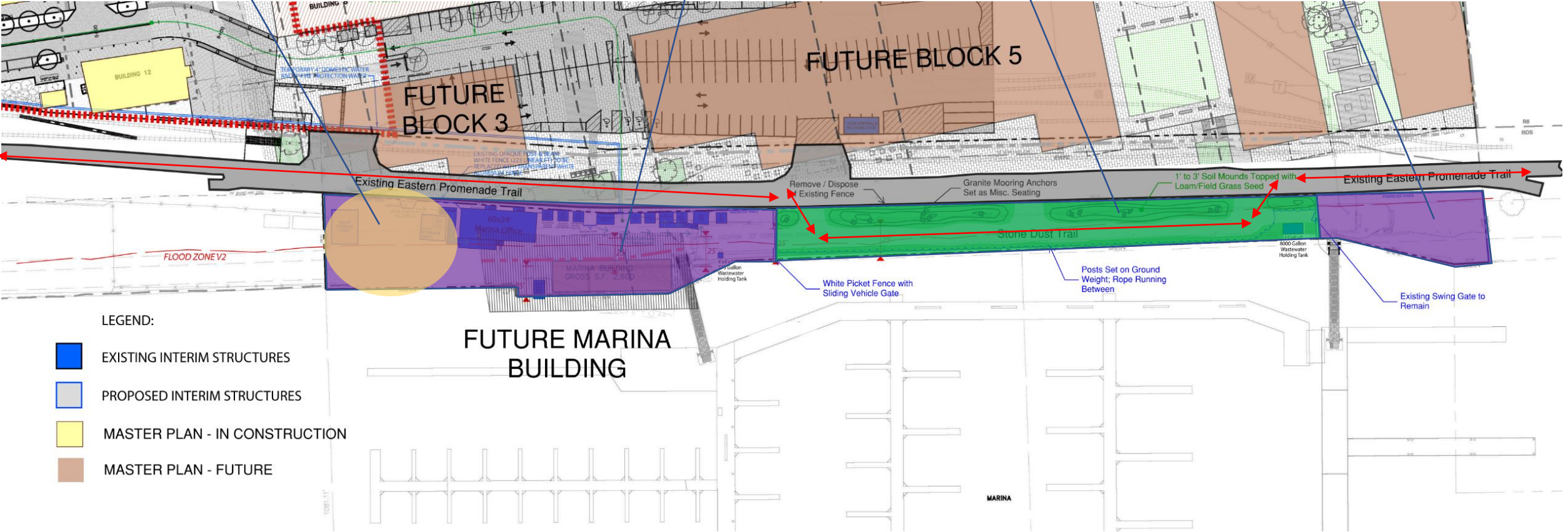
Publicly Accessible Areas, Private Areas & Circulation Routes

If Zoning Text Amendment approved and other approvals received, food and beverage area open to the public

Marina Guest Area

Publicly Accessible

Marina Guest Area



- LEGEND:
- EXISTING INTERIM STRUCTURES
 - PROPOSED INTERIM STRUCTURES
 - MASTER PLAN - IN CONSTRUCTION
 - MASTER PLAN - FUTURE

Red arrows over the publicly accessible area identifies the public circulation route.



Photo Documentation | Area 1, City of Portland Property
October 2021

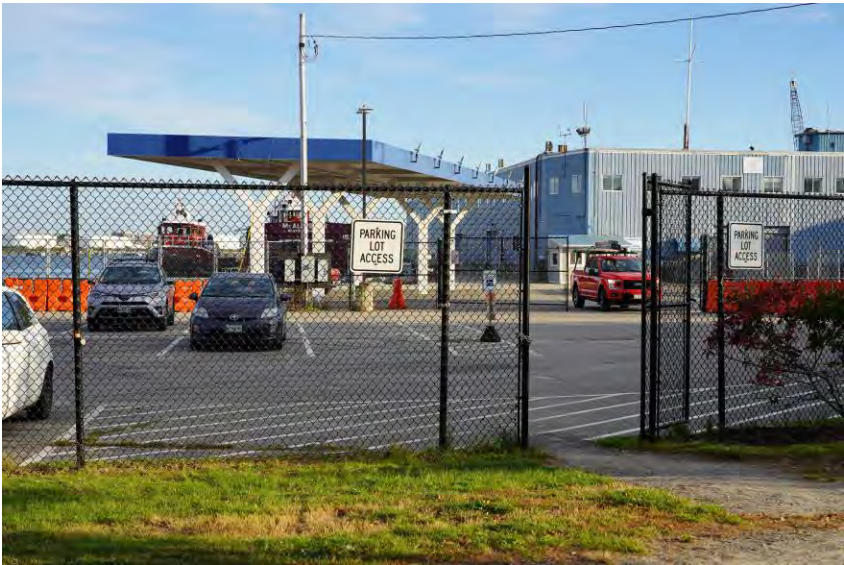




Photo Documentation | Area 3, City of Portland Property
October 2021



Photo Documentation | Area 4, City of Portland Property
October 2021



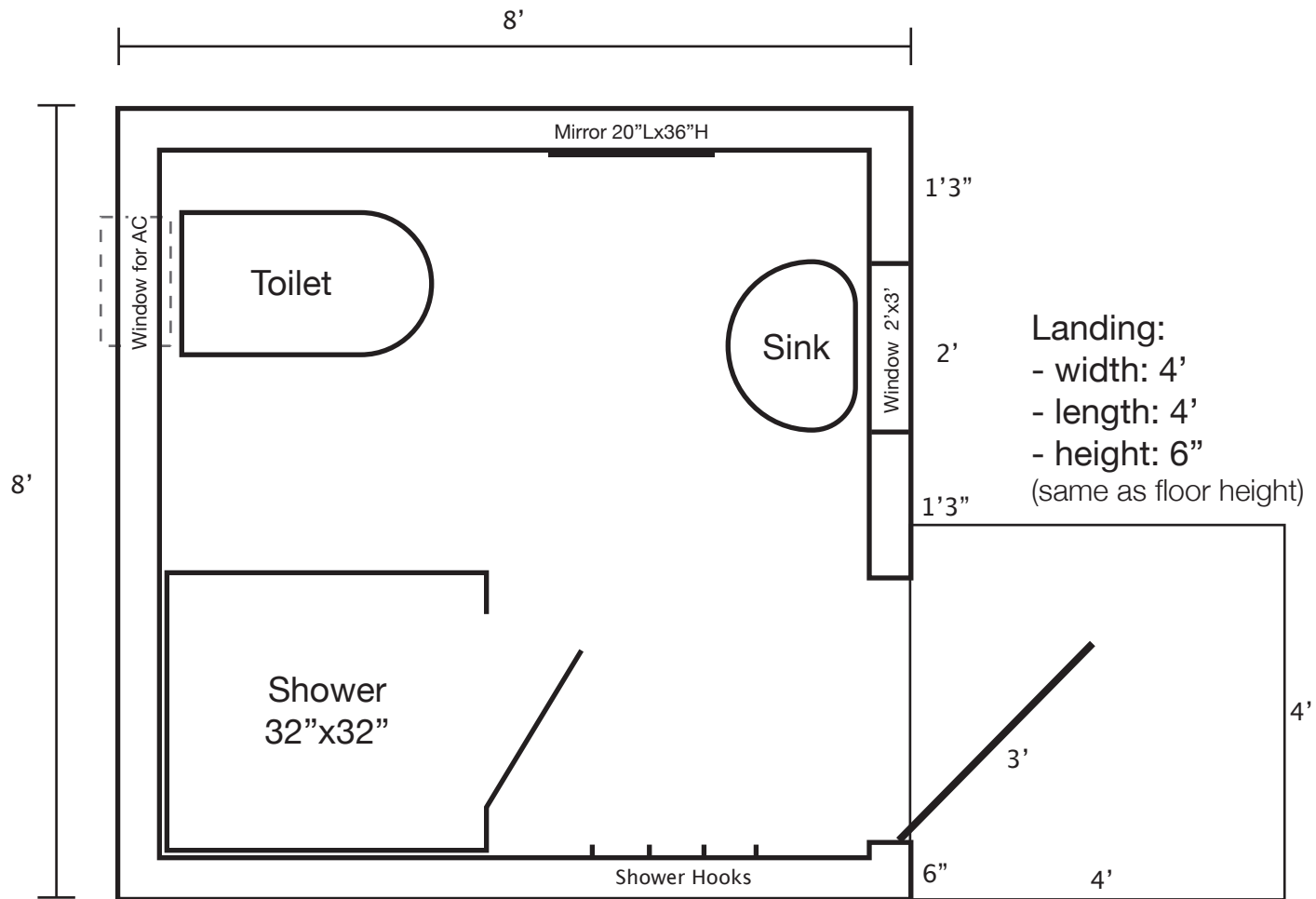
Photo Documentation | Area 5, Fore Points Marina Property
October 2021





Fore Points Marina Temporary Bathroom (2 units)

FLOOR PLAN



*Sheds core and shell pre-fabricated off site. Sheds will be plumbed and wired on site.



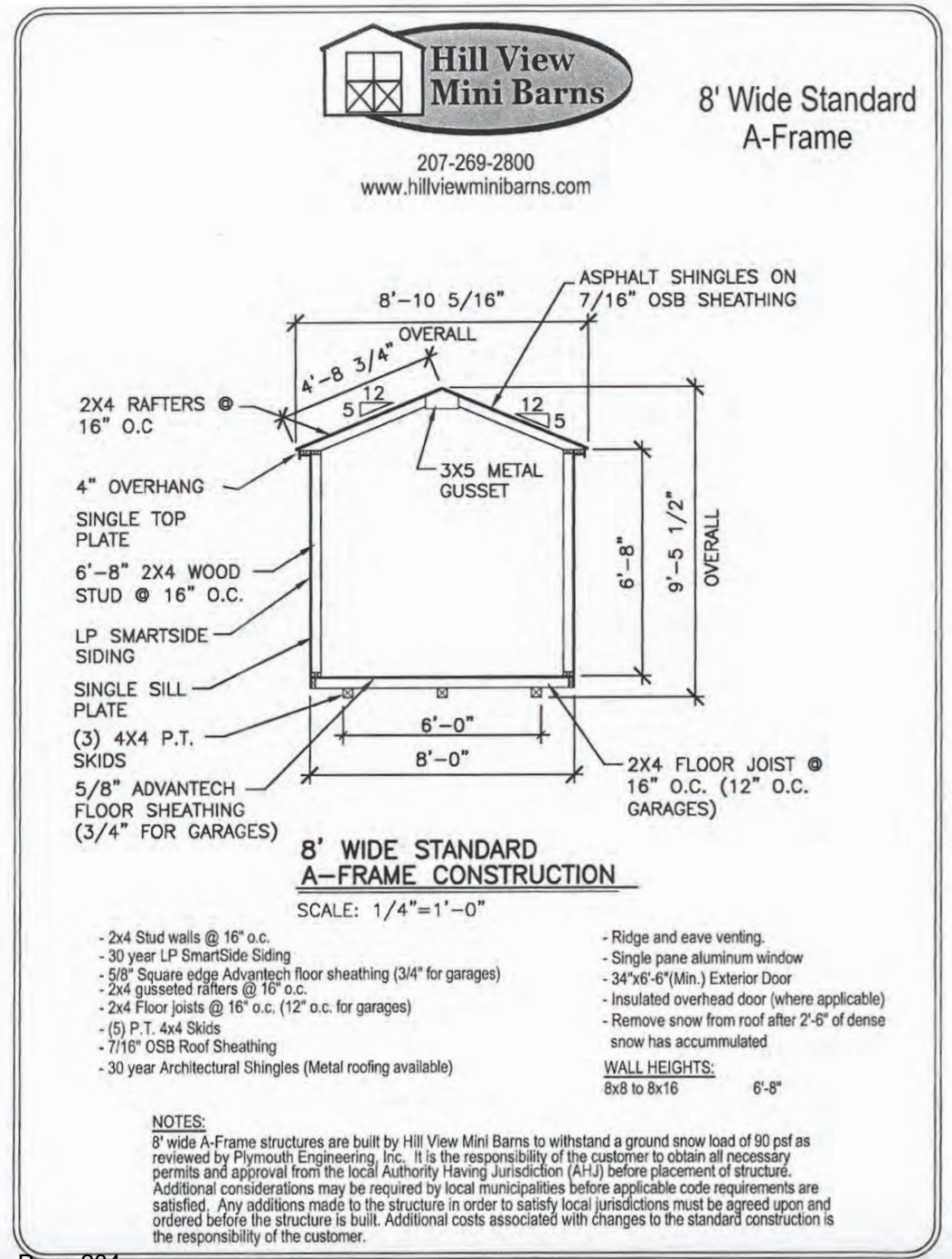
Fore Points Marina Temporary Bathroom (2 units)

SUPPLIER CONSTRUCTION SPECS

(*all wood construction except where specified)

8x8 A-Frame

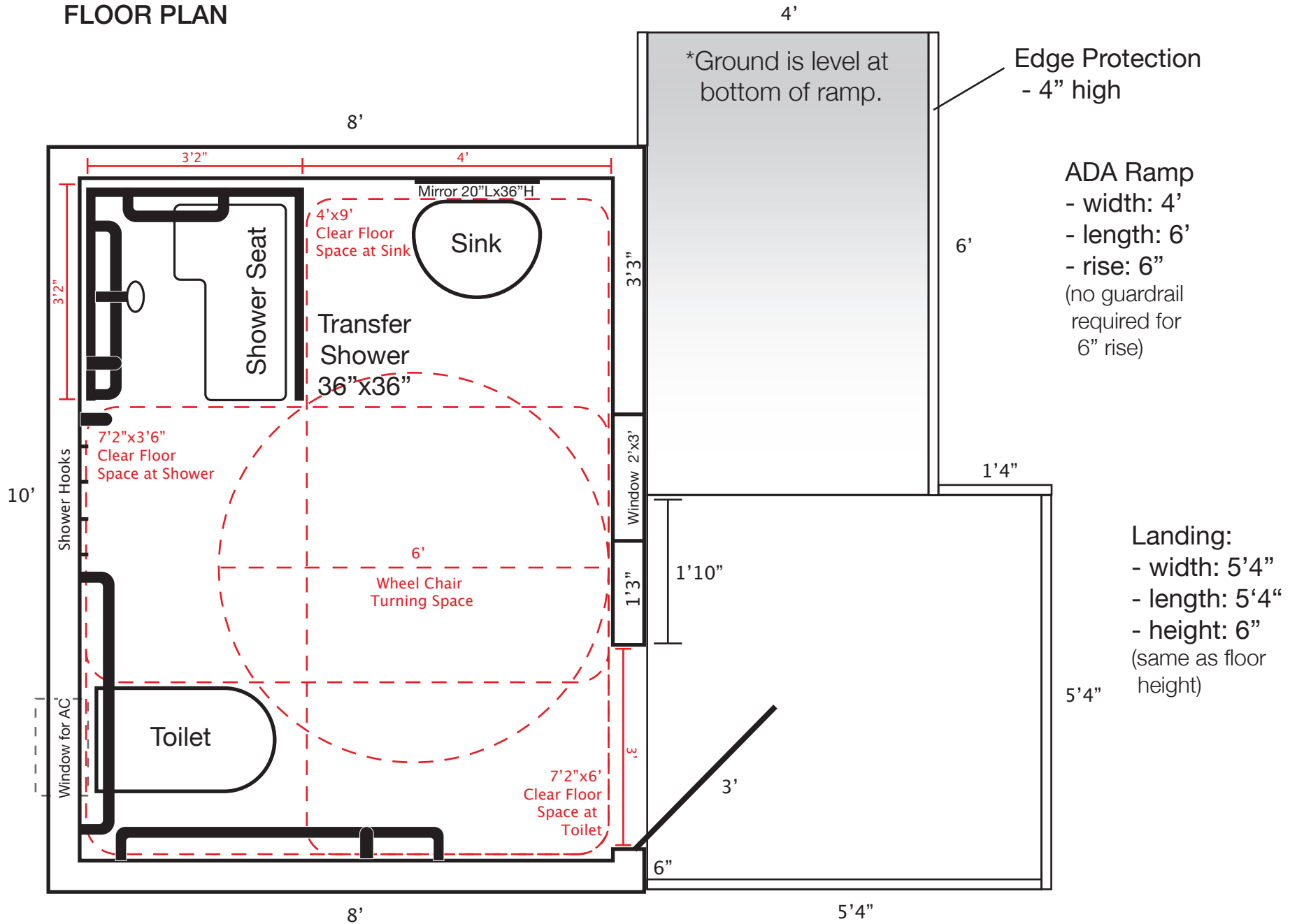
- ~ 80" high walls - 2x4 studs 16" O.C.
- ~ 3 Pressure Treated 4x4 skids
- ~ Snow load rating of 90 P.S.F.
- ~ Lifetime Architectural or Metal Roof
- ~ TechShield roof sheathing
- ~ 30 year LP SmartSide Siding
- ~ 50 year Advantech Floor
- ~ LP SmartSiding
- ~ Fiberglass pre-hung entrance door solid 6 pnl. out swing (R.O. 38.5"x81.75") Left Hinged
- ~ 24"x36" Vertical sliding aluminum window w/grids - White





Fore Points Marina Temporary Bathroom / ADA Model (1 unit)

FLOOR PLAN



*Sheds core and shell pre-fabricated off site. Sheds will be plumbed and wired on site.



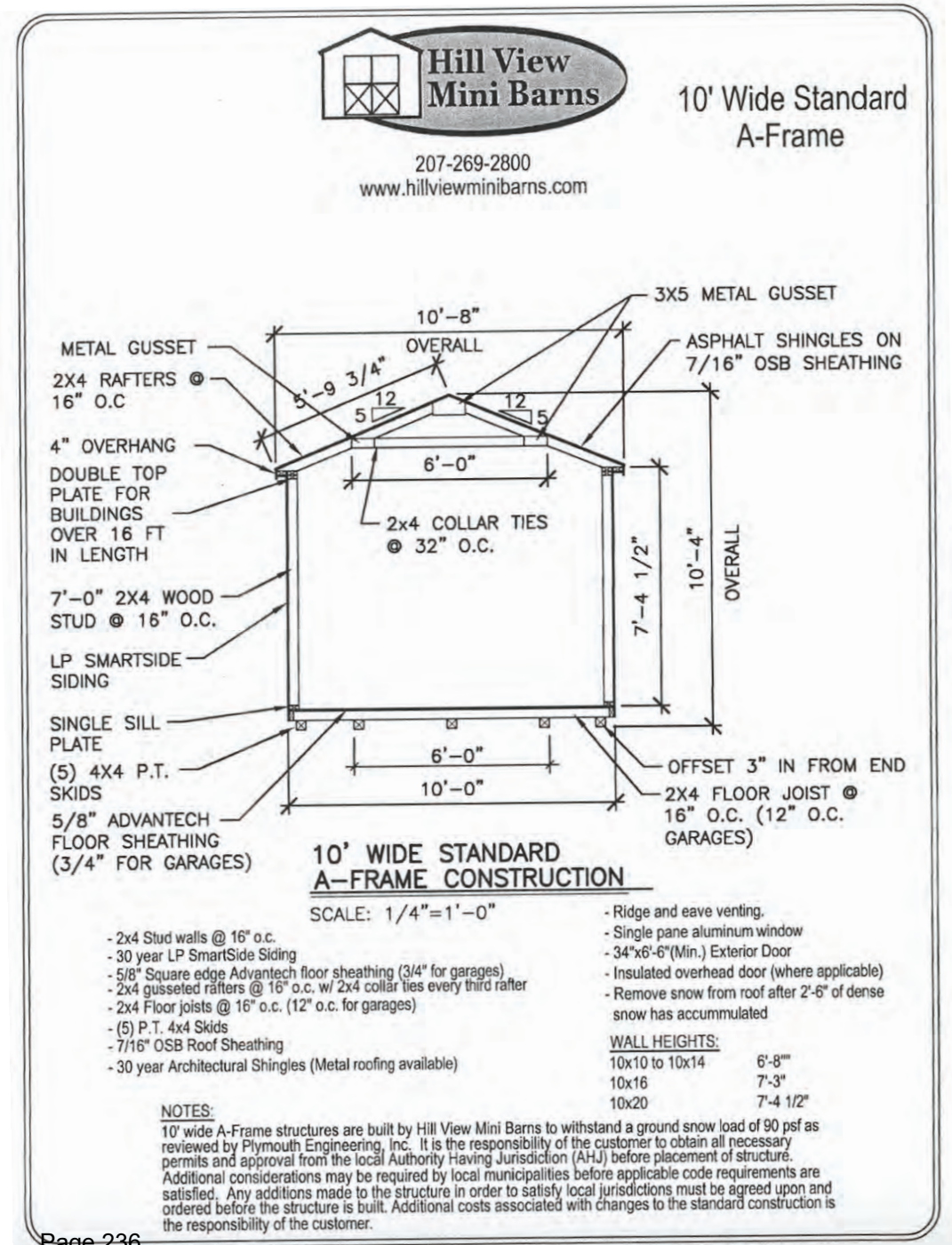
Fore Points Marina Temporary Bathroom / ADA Model (1 unit)

SUPPLIER CONSTRUCTION SPECS

(*all wood construction except where specified)

10x8 A-Frame

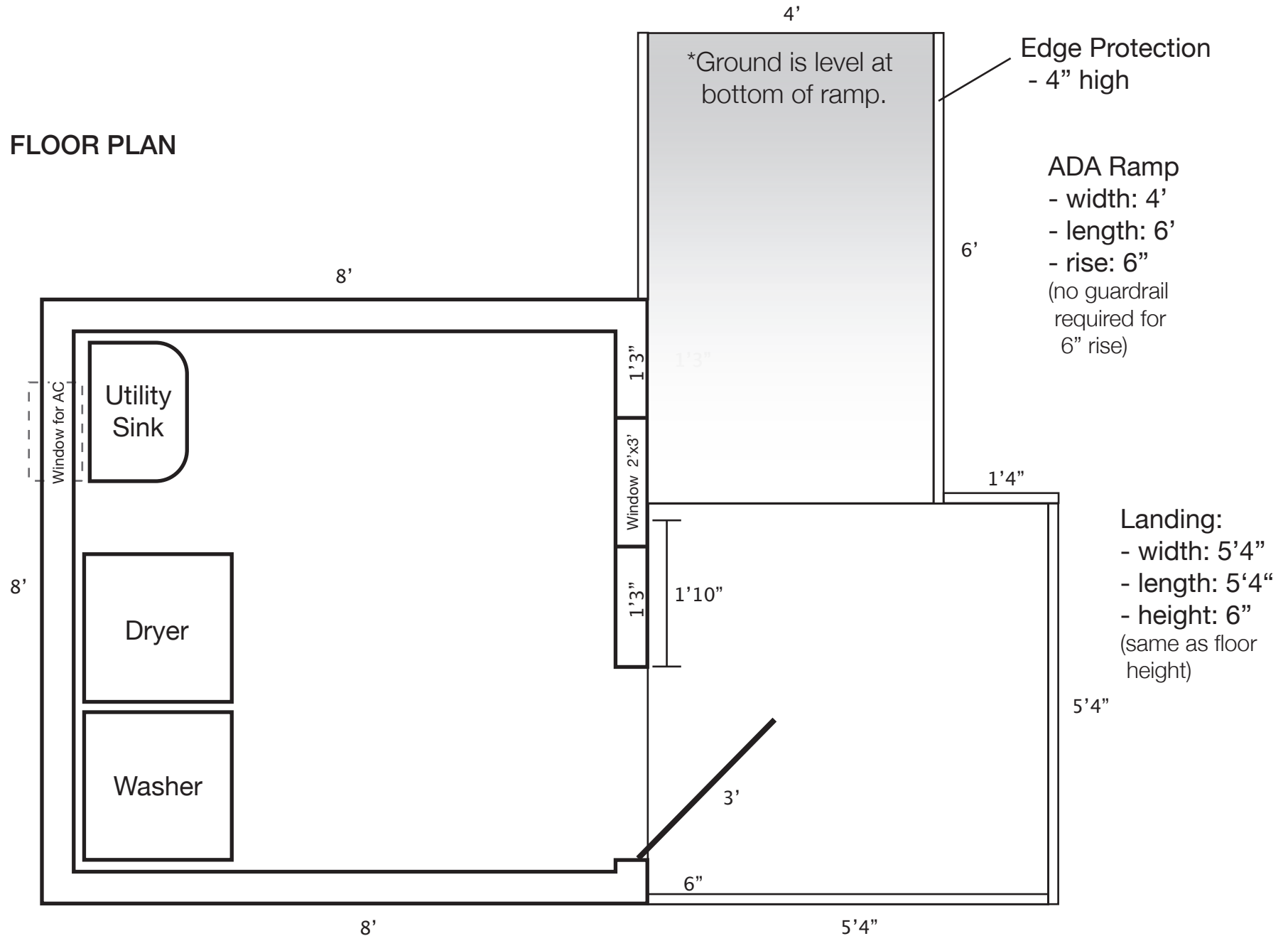
- ~ 80" high walls - 2x4 studs 16" O.C.
- ~ 5 Pressure Treated 4x4 skids
- ~ Snow load rating of 90 P.S.F.
- ~ Lifetime Architectural or Metal Roof
- ~ TechShield roof sheathing
- ~ 30 year LP SmartSide Siding
- ~ 50 year Advantech Floor
- ~ LP Smartsiding
- ~ Fiberglass pre-hung entrance door solid 6 pnl. out swing (R.O. 38.5"x81.75") Left Hinged
- ~ 24"x36" Vertical sliding aluminum window w/grids - White





Fore Points Marina Temporary Laundry Room / ADA (1 unit)

FLOOR PLAN



*Sheds core and shell pre-fabricated off site. Sheds will be plumbed and wired on site.



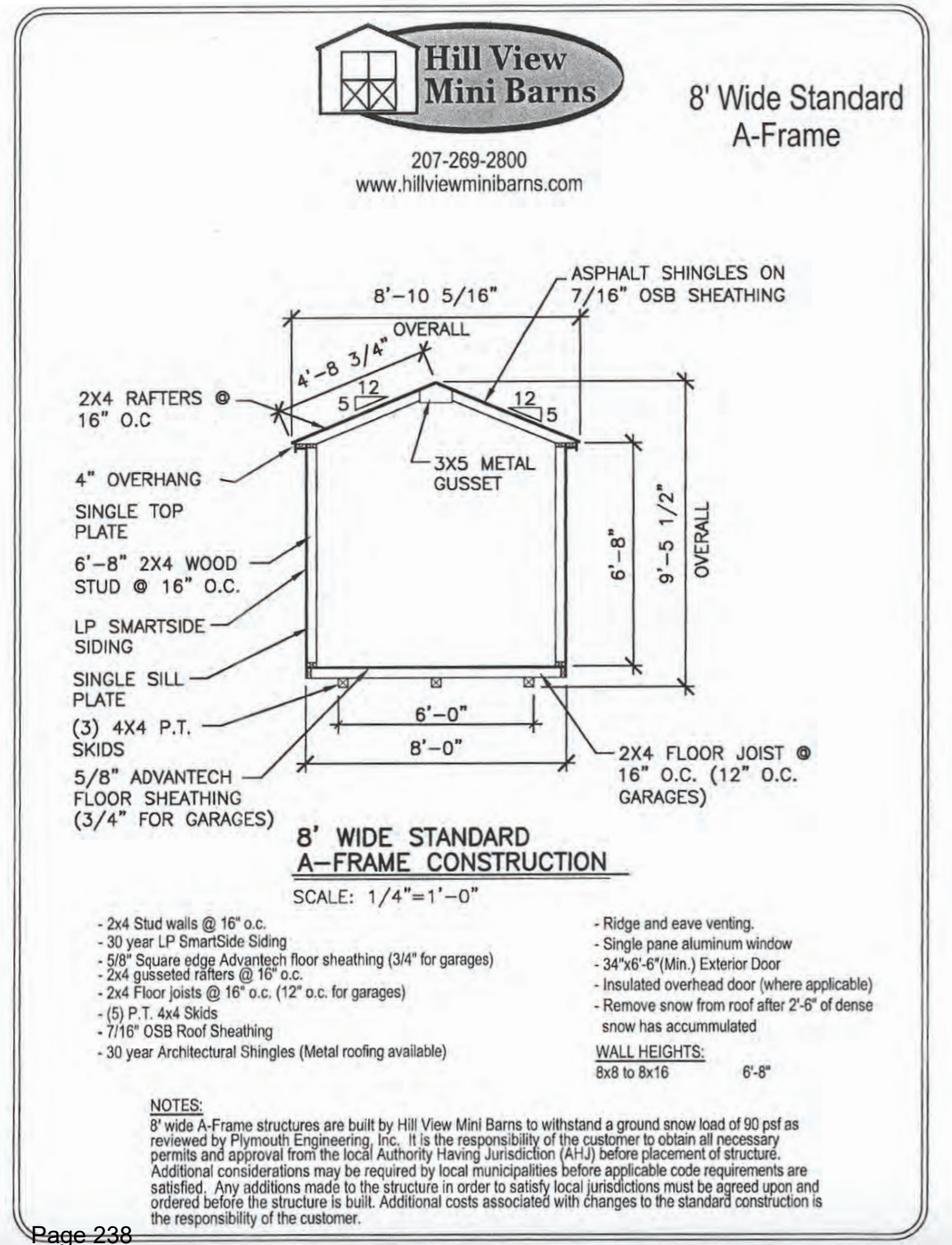
Fore Points Marina Temporary Laundry Room / ADA (1 unit)

SUPPLIER CONSTRUCTION SPECS

(*all wood construction except where specified)

8x8 A-Frame

- ~ 80" high walls - 2x4 studs 16" O.C.
- ~ 3 Pressure Treated 4x4 skids
- ~ Snow load rating of 90 P.S.F.
- ~ Lifetime Architectural or Metal Roof
- ~ TechShield roof sheathing
- ~ 30 year LP SmartSide Siding
- ~ 50 year Advantech Floor
- ~ LP Smartsiding
- ~ Fiberglass pre-hung entrance door solid 6 pnl. out swing (R.O. 38.5"x81.75") Left Hinged
- ~ 24"x36" Vertical sliding aluminum window w/grids - White

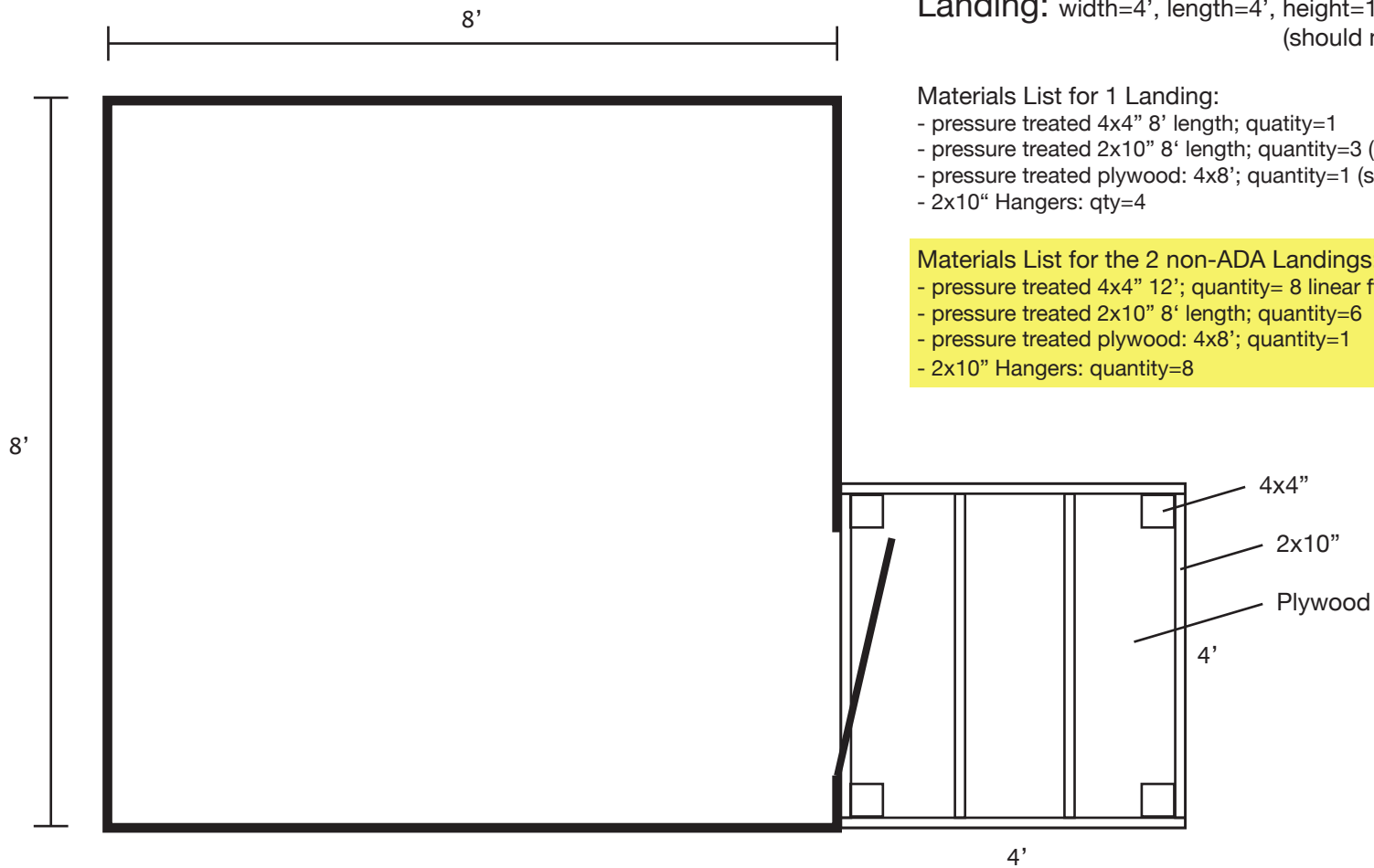




Fore Points Marina Bathroom Non-ADA Landings

(2 units)

FLOOR PLAN



Landing: width=4', length=4', height=11.5" for both non-ADA sheds
(should match interior floor height)

Materials List for 1 Landing:

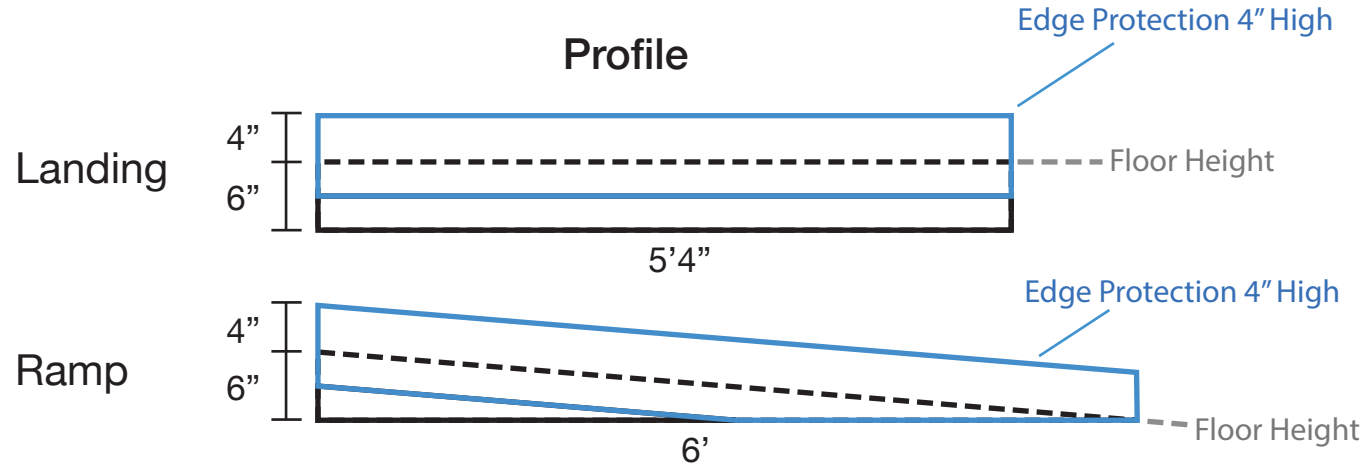
- pressure treated 4x4" 8' length; quantity=1
- pressure treated 2x10" 8' length; quantity=3 (24 linear feet)
- pressure treated plywood: 4x8'; quantity=1 (split between 2 landings)
- 2x10" Hangers: qty=4

Materials List for the 2 non-ADA Landings:

- pressure treated 4x4" 12'; quantity= 8 linear ft
- pressure treated 2x10" 8' length; quantity=6
- pressure treated plywood: 4x8'; quantity=1
- 2x10" Hangers: quantity=8

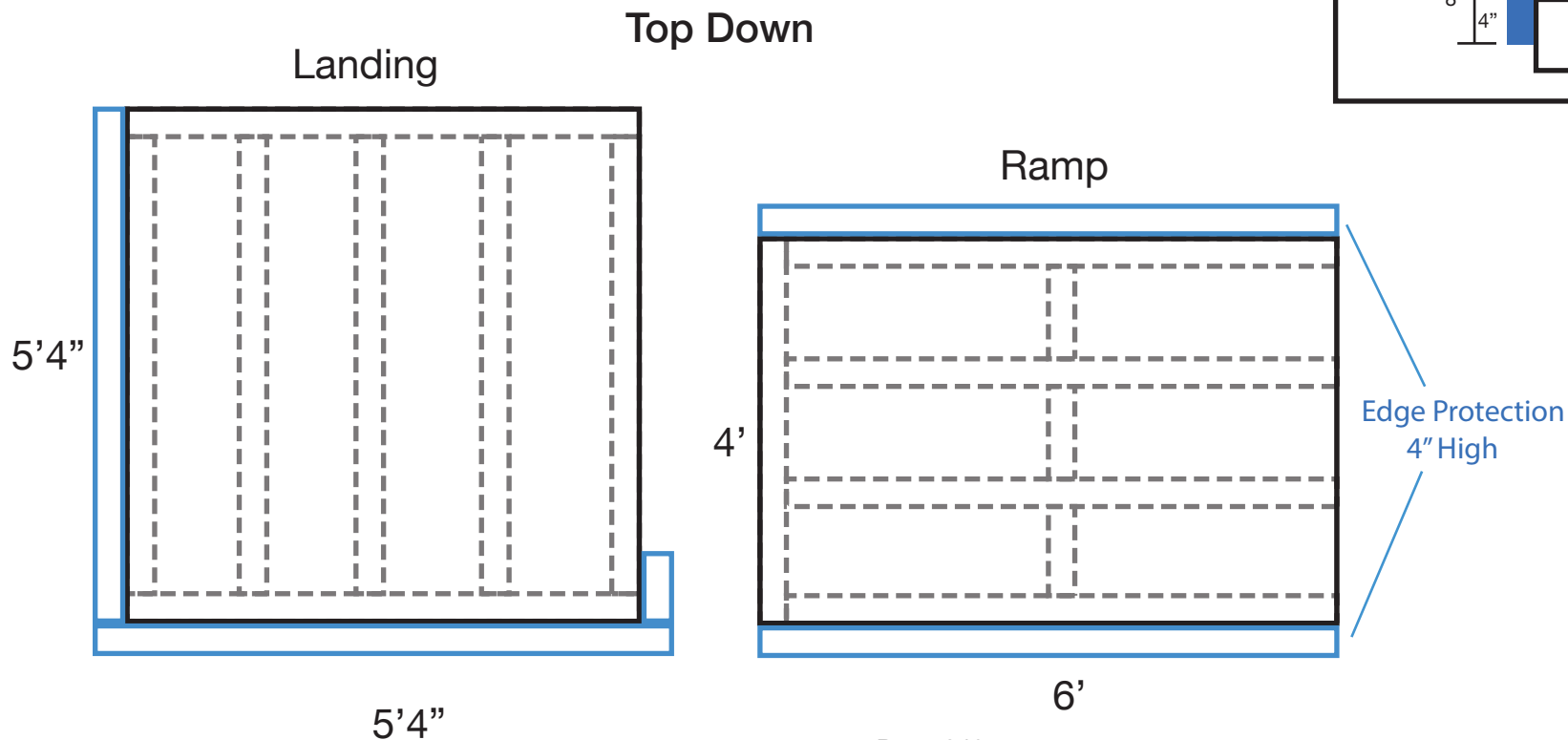


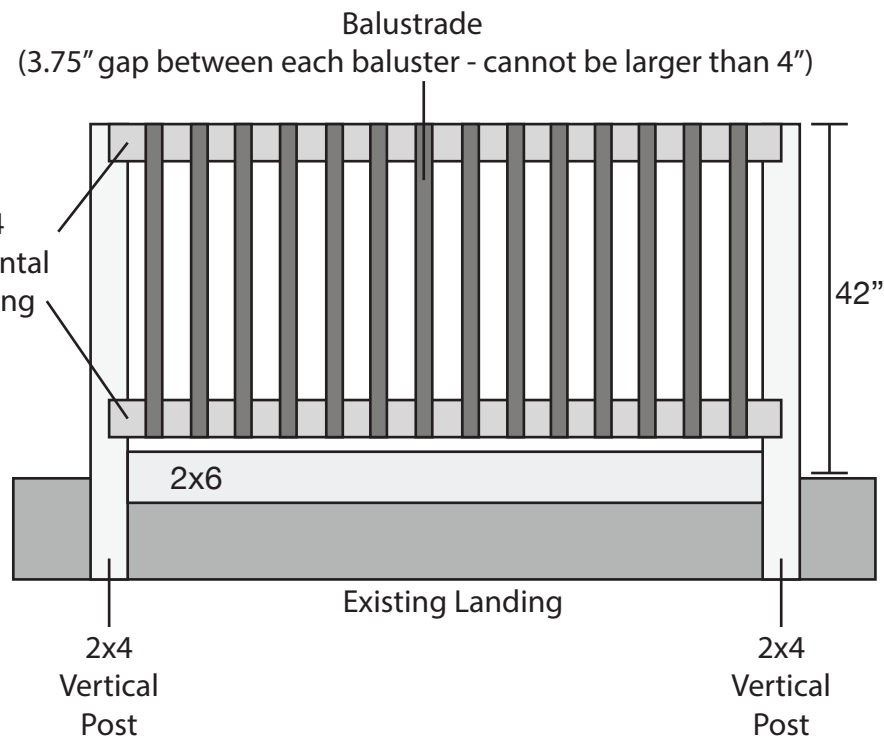
Fore Points Marina ADA Ramp & Landing Construction



5'4"x5'4" Landing
~ 2x6 Pressure Treated base
~ Pressure Treated Plywood top
~ ULINE Non Skid Tape - Top Coating
~ 2x8 boards for 4" high edges

6x4 Ramp
~ 2x6 Pressure Treated base
~ Pressure Treated Plywood Top
~ ULINE Non Skid Tape - Top Coating
~ 2x8 boards for 4" high edges

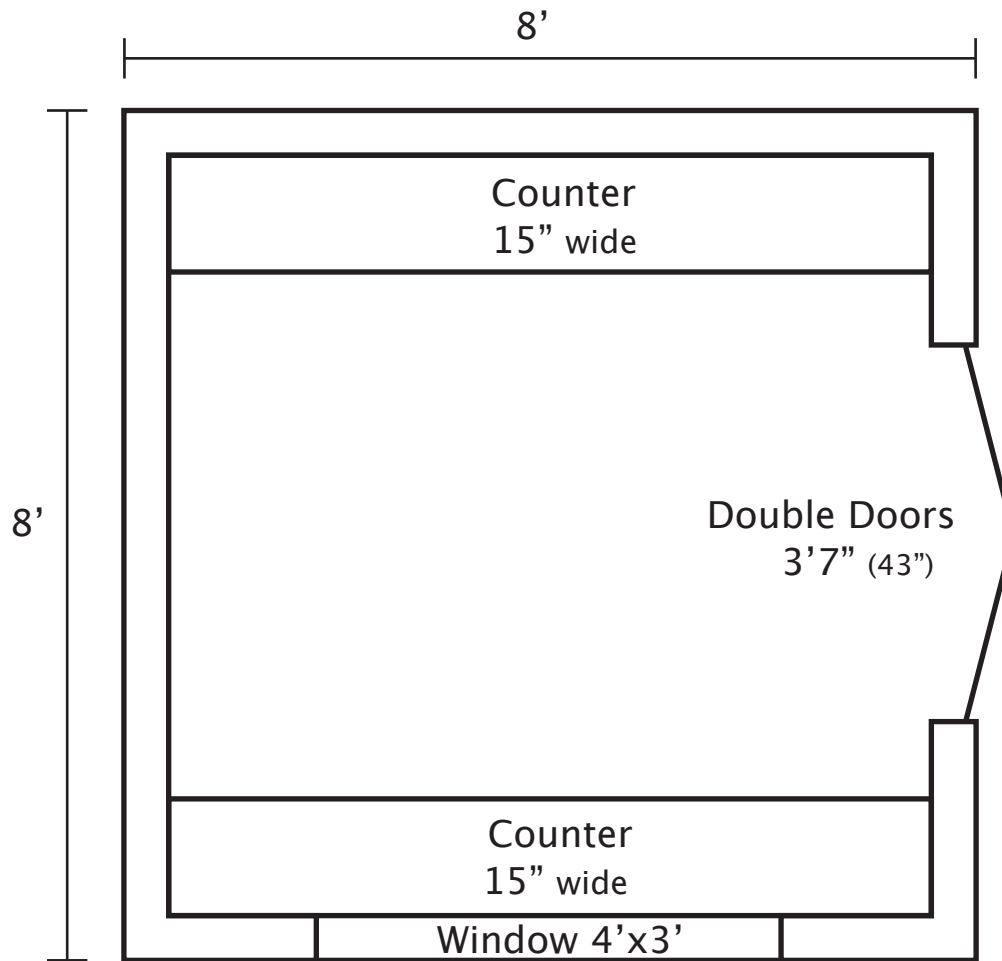






Fore Points Marina Commercial Shed (3 units)

FLOOR PLAN

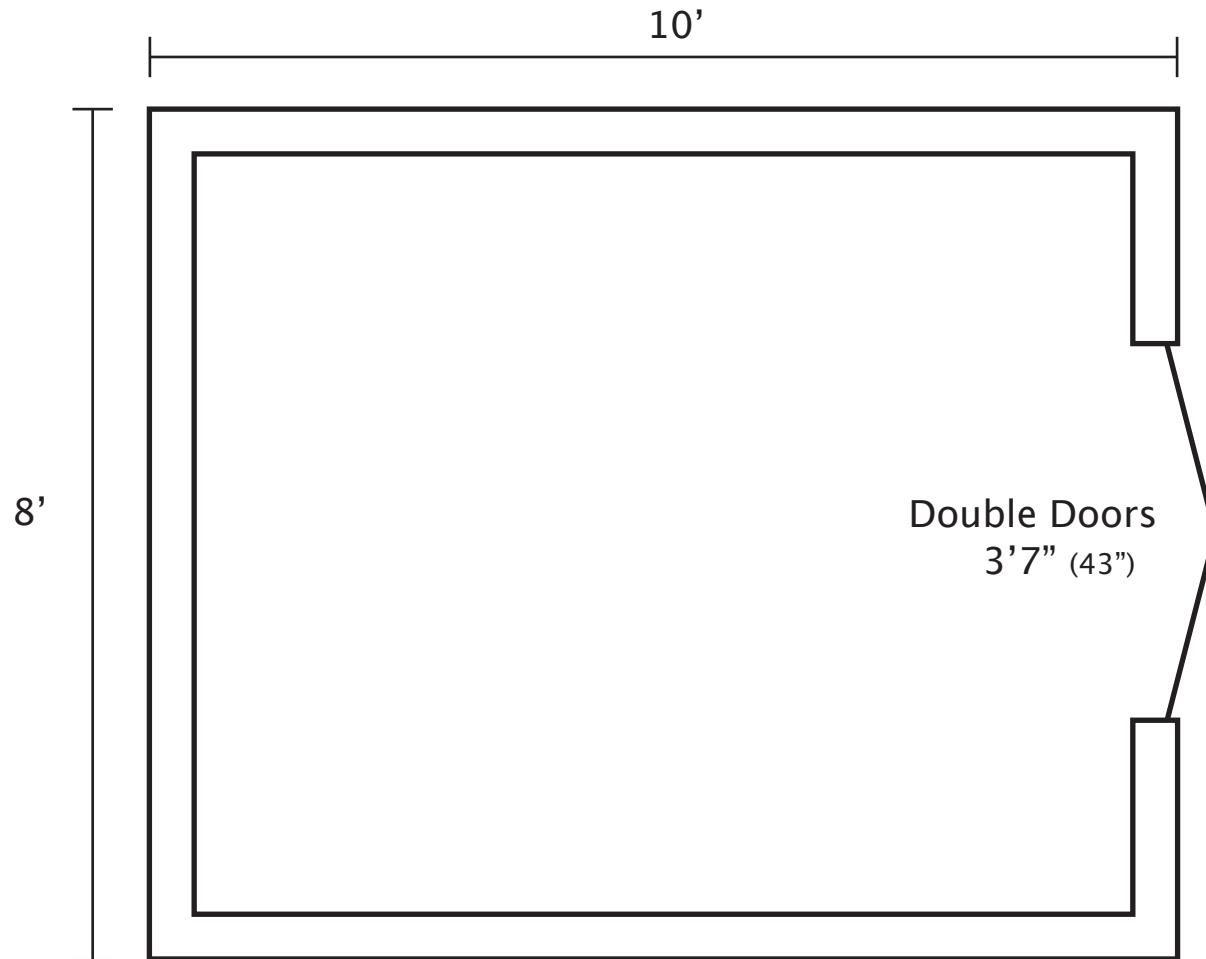


*Sheds core and shell pre-fabricated off site. Sheds will be wired on site.



Fore Points Marina Utility Shed (1 unit)

FLOOR PLAN



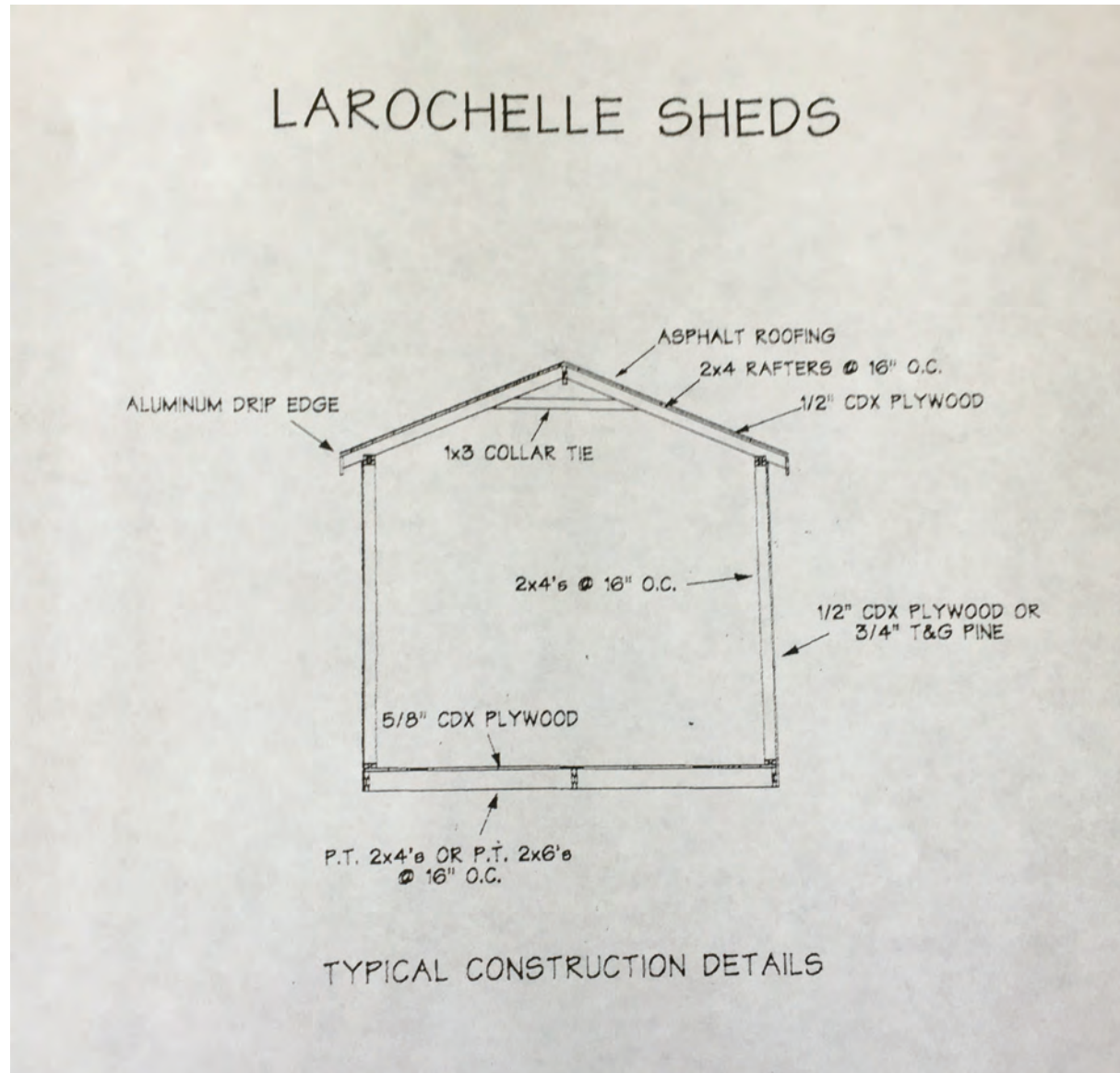
*Shed pre-fabricated off site.



Fore Points Marina Commercial Shed (3 units) and Utility Shed (1 unit)

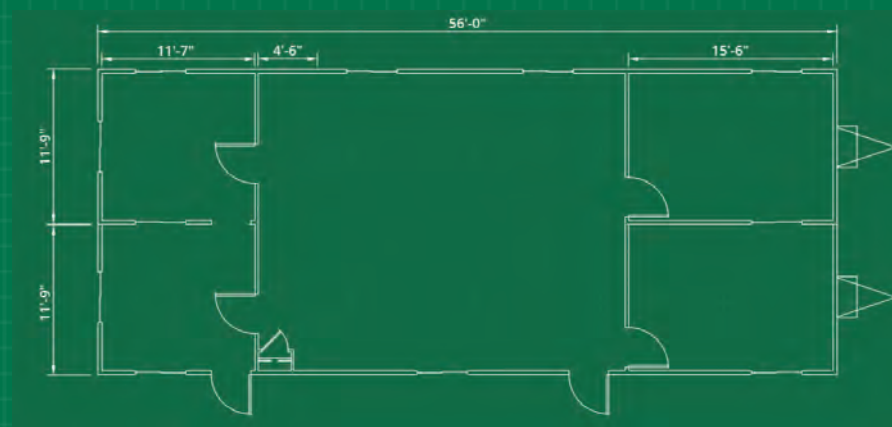
SUPPLIER CONSTRUCTION SPECS

(*all wood construction except where specified)





In addition to your office solution, we can provide additional products and services that complete your space- creating a more productive, comfortable, and safe work environment.



CUSTOMIZATION

- Steps & Ramps
- Furniture & Appliances
- Technology
- Site Services
- Loss Protection

Dimensions

60' Long (including hitch)
56' Box size
24' Wide
8' Ceiling height

Exterior Finish

Aluminum or wood siding
I-Beam Frame
Standard drip rail gutters

Interior Finish

Paneled walls
Carpet or vinyl tile floor
Gypsum or T-grid suspended ceiling

Electric

Fluorescent ceiling lights
Breaker panel

Heating/Cooling

Central HVAC or thru-wall AC

Windows/Doors

Horizontal slider windows
(2) Vision panel doors with standard locks or (2) steel doors with dead bolt lock

Other

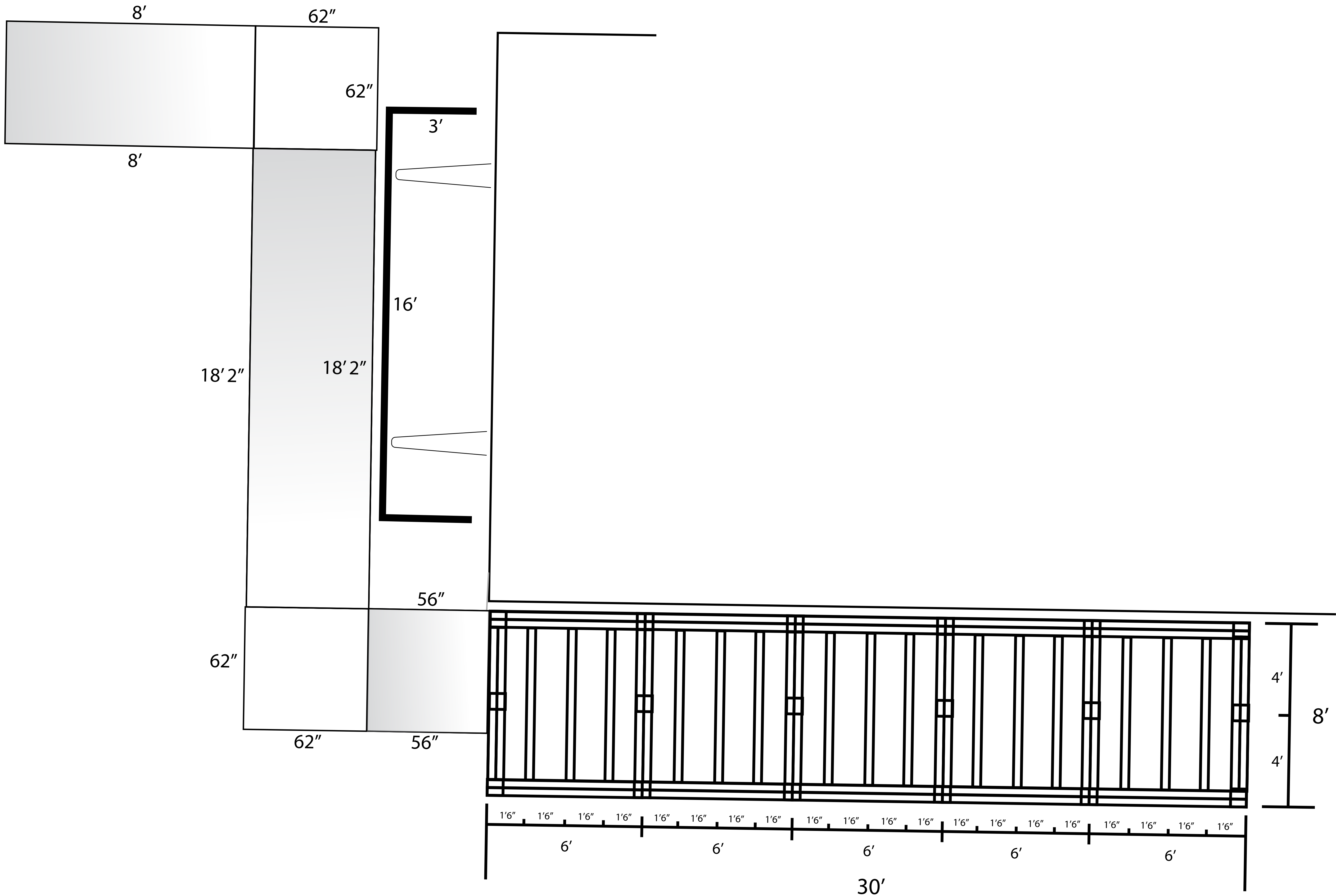
Private office(s)
Optional restroom



* Photos are representational; actual products vary.
Additional floor plans and specifications may vary from



Marina Office ADA Ramp Design and Materials List



Models

Model #	Description
TAVSO23	2 & 3 step OSHA compliant model
TAVSM34	3 & 4 step MASS. compliant model
TAVSC34	3 & 4 step CAL-OSHA compliant model

Configured exactly as **you** need it:

Versa-Step OSHA Model



Configured as 3-step

Or



Configured as 2-step

Versa-Step CAL-OSHA / MASS. code Model



Configured as 4-step

Or



Configured as 3-step

(Shown with MASS. code Handrail)

Specifications

Specification	TAVSO23	TAVSM34 TAVSC34	
PLATFORM			
Construction	Aluminum		
Tread	Perforated		
Width	38"		
Depth	60"		
STEPS			
Construction	Aluminum		
Tread	Perforated		
Rise	8.5"	7.0"	
Tread depth	12"		
Tread width	36"		
Standard elevations	25.5" & 34"	28" & 35"	
LEGS			
Construction	Flo-Coat® galvanized steel		
Adjustability range	9"		
Adjustability increments	1/4"		
Foot pads construction	Polyethylene plastic		
GUARDRAILS			
Construction	Flo-Coat® galvanized steel		
Height with mid-rail	42"		
HANDRAILS			
Construction	Flo-Coat® galvanized steel		
Height to top rails	36"		
Mid-rail	Standard		
Horizontal extension*	N/A	12"	
Vertical extension*	N/A	24"	

*TAVSC34 only for each spec.

For information on additional Tri-Arc products including Scaffolding, Warehouse Ladders, and other products for the modular industry, please contact us or visit our web site.

Tri-Arc Manufacturing Company

Reaching your needs **one step at a time™**

390 Fountain Street Pittsburgh, PA 15238 800-565-2165 Toll Free 800-530-8329 Fax

www.tri-arc.com

Page 247



www.tri-arc.com

TRIARC

Reaching your needs **one step at a time™**



Designed to offer the **most versatility** of any modular access step product on the market today.

Versa-Step's features will save you time and money, and remove the hassles associated with site erection of modular access.

Versatility

2-in-1

Versa-Step's **OneStair** system enables the stairway to be configured as either a 2-step or 3-step model for OSHA compliant models and 3-step or 4-step model for both CAL-OSHA and MASS. compliant models.

Max-Adjust

Versa-Step's **PerfAdjust** legs offer maximum adjustability, making it easier to position the platform flush with the threshold of the building door.

Functionality

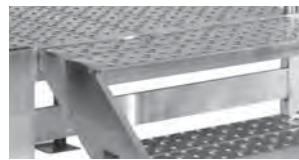
- **Versa-Step's** functionality makes it very quick and simple to set up, position flush against the door threshold and attach to the trailer.
- **Versa-Step's** unique modular leg and foot pad design ensures preservation of each **PerfAdjust** leg for future field applications even when disassembly occurs in the most difficult ground surface conditions.

Contact us today: 800-565-2165
or www.tri-arc.com

Features

OneStair Stairway

Unlike most modular stair systems, Versa-Step's **OneStair** can be configured with the platform as either a 2 or 3 step stairway or 3 or 4 step stairway depending on the model



PerfAdjust Legs

The unique perforated individual adjustable legs provide 9" of total adjustability in 1/4" increments



Plastic Foot Pad

High density polyethylene plastic material design securely fits onto legs



Offset Rail

The back guard rail is designed to be offset so that it does not make contact with the building when the step is positioned against the building



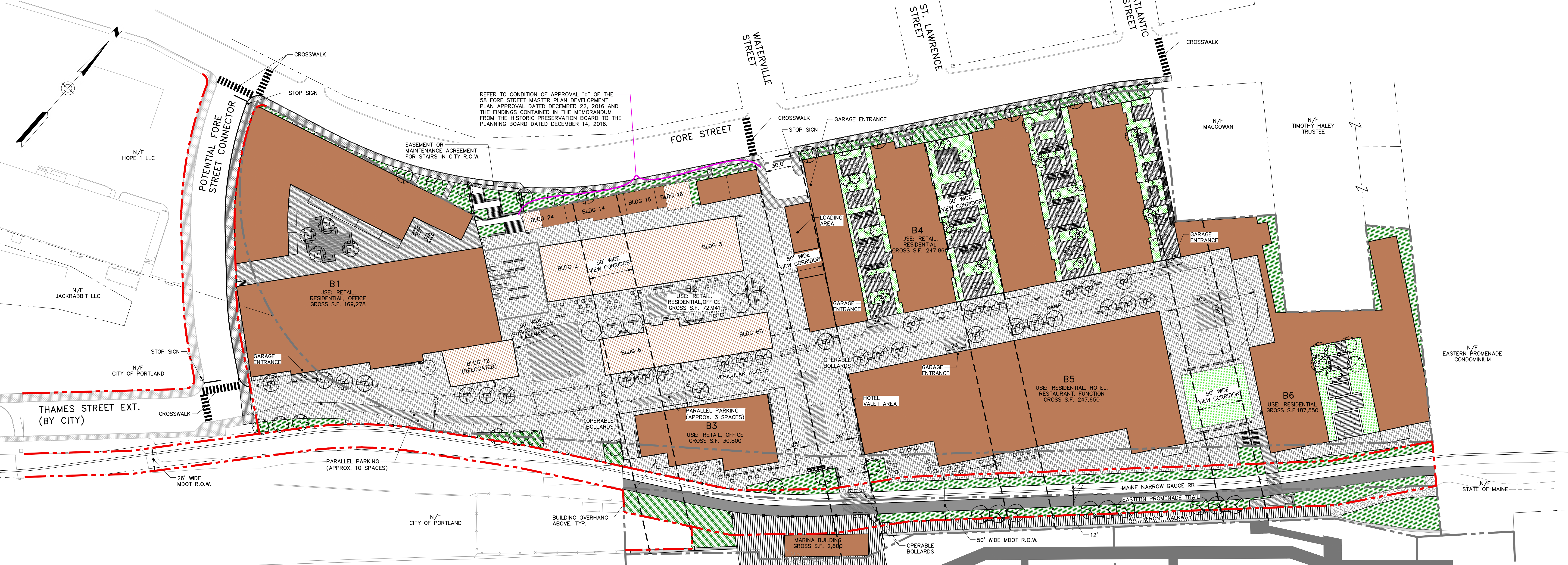
Advantages

- 
- Purchase one model instead of two
 - Eliminates extra trips to site
 - Reduces inventory of step and parts
 - Reduces overall expenses
 - **Saves time and money**

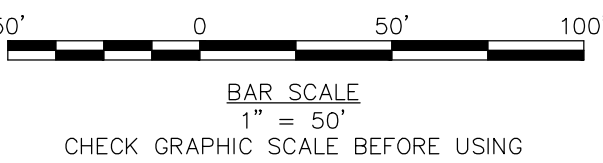
- 
- Easily positions platform to threshold of door
 - No need to shimmy legs
 - Increases safety of step
 - **Saves time and money**

- 
- Eliminates need to replace entire leg if damaged or requires breaking to remove from ground
 - Reduces replacement parts costs
 - **Saves time and money**

- 
- Eliminates damages caused by rail making contact with siding panel of building
 - Saves time required to repair siding panel
 - Eliminates costs associated with repairs
 - **Saves time and money**



PLANT LIST			
SYMBOL	TYPE	BOTANICAL NAME	COMMON NAME
TREES - DECIDUOUS			
	STREET TREE	ACER RUBRUM	RED MAPLE
		OSTRYA VIRGINIANA	AMERICAN HOPHORNBEAM
		ULMUS AMERICANA	AMERICAN ELM
	SHADE TREE	NYSSA SYLVATICA	TUPELO
		QUERCUS BICOLOR	SWAMP WHITE OAK
		QUERCUS PALUSTRIS	PIN OAK
	ORNAMENTAL TREE	AMELANCHIER CANADENSIS	EASTERN SERVICEBERRY
		CRATAEGUS CRUS-GALLI VAR. INERMIS	THORNLESS COCKSPUR HAWTHORN
		MAGNOLIA VIRGINIANA	SWEET BAY MAGNOLIA
	WATERFRONT TREE	AMELANCHIER CANADENSIS	EASTERN SERVICEBERRY
		NYSSA SYLVATICA	TUPELO
		SASSAPRAS ALBIDUM	SASSAFRASS
SHRUBS AND GROUNDCOVERS			
	PLANTING ZONE 1	CLETHRA ALNIFOLIA	SWEET PEPPERBUSH
		CORNUS CANADENSIS	BUNCHBERRY
		ILEX VERTICILLATA	WINTERBERRY
		OSMUNDA CINNAMOMEA	CINNAMON FERN
		TIARELLA CORDIFOLIA	FOAMFLOWER
		VIORNUM ACERIFOLIUM	MAPLELEAF VIBURNUM
	PLANTING ZONE 2	ARCTOSTAPHYLOS UVA-URSI	BEARBERRY
		ARONIA MELANOCARPA	BLACK CHOKEBERRY
		COMPTONIA PERGRINA	SWEETERN
		MYRICA PENSYLVANICA	NORTHERN BAYBERRY
		RHUS AROMATICA 'GRO-LOW'	GRO-LOW FRAGRANT SUMAC
		RHUS TYPHINA	STAGHORN SUMAC

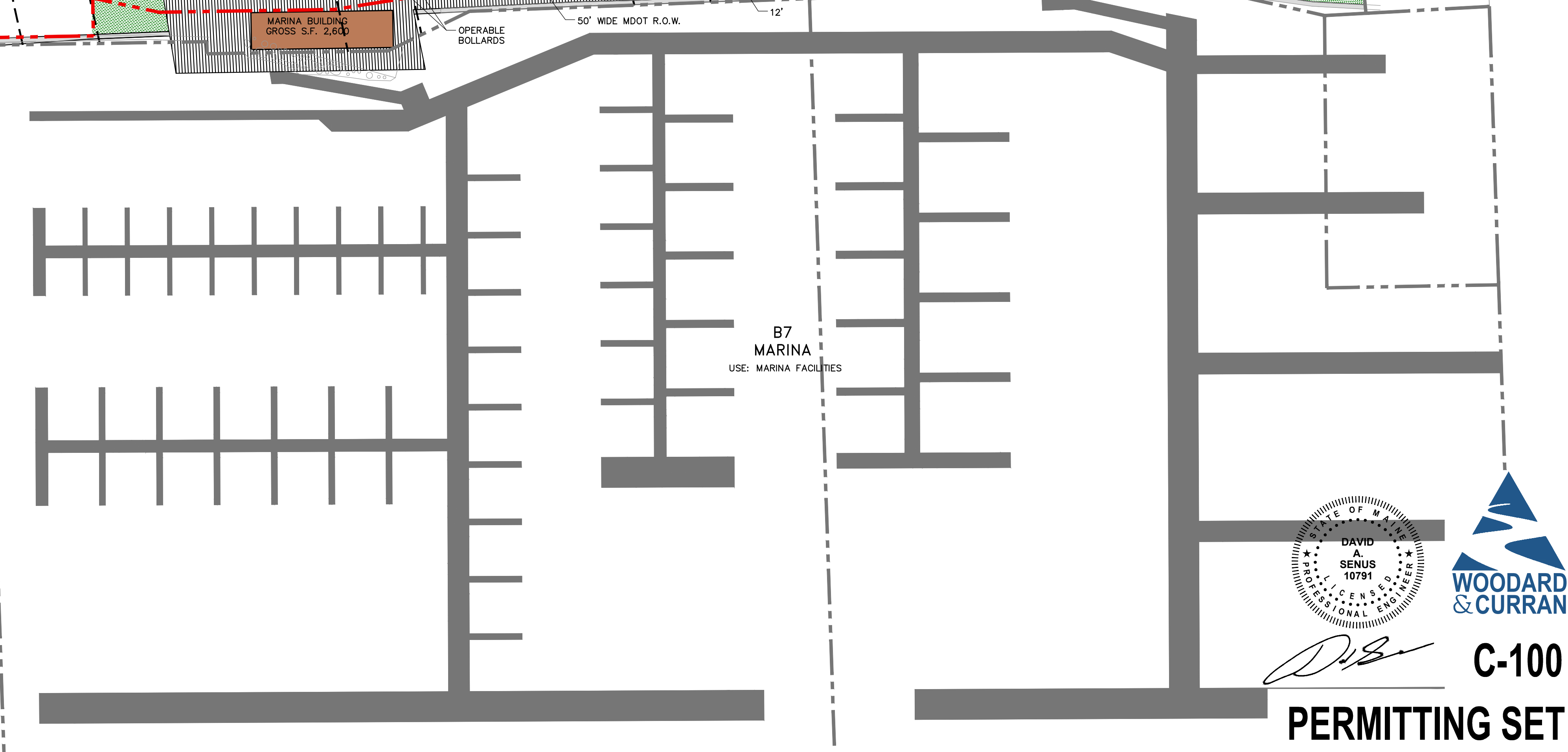


09/16/2016 (REVISED 05/25/2017)
Scale: 1" = 50'



- LEGEND**
- TRASH / RECYCLING RECEPTACLE
 - BENCH
 - BIKE RACK
 - BOLLARD
 - STREET LIGHT
 - MARINA CART
 - FENCE
 - 1FT PAVERS
 - 2FT PAVERS
 - BRICK PAVING (BUILDING 1)
 - WOOD DECKING
 - WATERFRONT WALKWAY
 - ASPHALT
 - TRAIN TRACKS
 - CONTRIBUTING HISTORICAL BUILDING
 - PROPOSED BUILDING

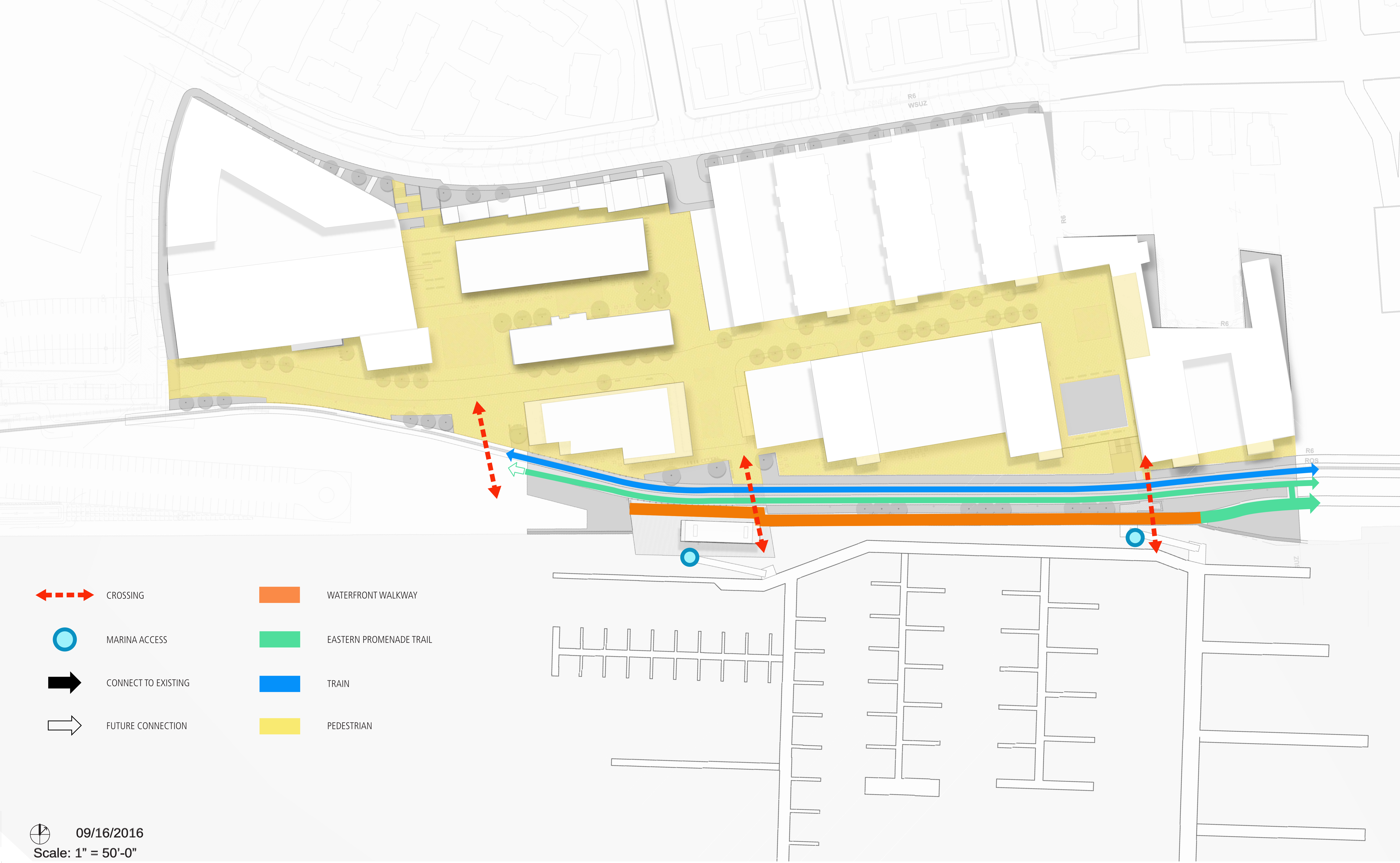
- PROPERTY LINE LEGEND**
- EXISTING OFFSITE PROPERTY LINE
 - EXISTING 58 FORE STREET PROPERTY LINE
 - PROPOSED PROPERTY LINE



C-100
PERMITTING SET

OVERALL SITE MASTER PLAN
58 FORE STREET MASTER PLAN

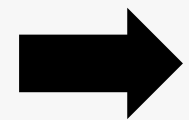
SCOTT SIMONS ARCHITECTS MICHAEL BOUCHER LANDSCAPE ARCHITECTURE WOODARD & CURRAN THORNTON TOMASETTI THE BOULOS COMPANY MASON ARCHITECTS APPLIED TECHNOLOGY MANAGEMENT PERKINS+WILL



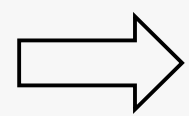
CROSSING



MARINA ACCESS



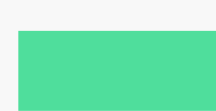
CONNECT TO EXISTING



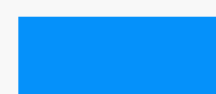
FUTURE CONNECTION



WATERFRONT WALKWAY



EASTERN PROMENADE TRAIL



TRAIN



PEDESTRIAN



09/16/2016

Scale: 1" = 50'-0"

Memorandum
Planning and Urban Development Department



To: Chair Mazer & Members of the Planning Board
From: Matthew Grooms, Senior Planner
Date: October 22, 2021
Re: Zoning Text Amendment (Article 10)
Project ID: ZN-001698-2021
Meeting Date: October 26, 2021

I. INTRODUCTION

Portland Foreside Development Company has submitted a zoning text amendment application to amend Chapter 14, Article 10 of the City's Land Use Code to permit restaurants as an accessory component to a marina and allow such accessory use to occur within 25 feet of the pier edge, an area currently reserved for water dependent uses in the Eastern Waterfront Port Zone (EWPZ). This application is being referred to the Planning Board for compliance with the City of Portland's comprehensive Plan, Portland's Plan 2030, and adopted waterfront and zoning policies stated in the EWPZ Purpose Statement.

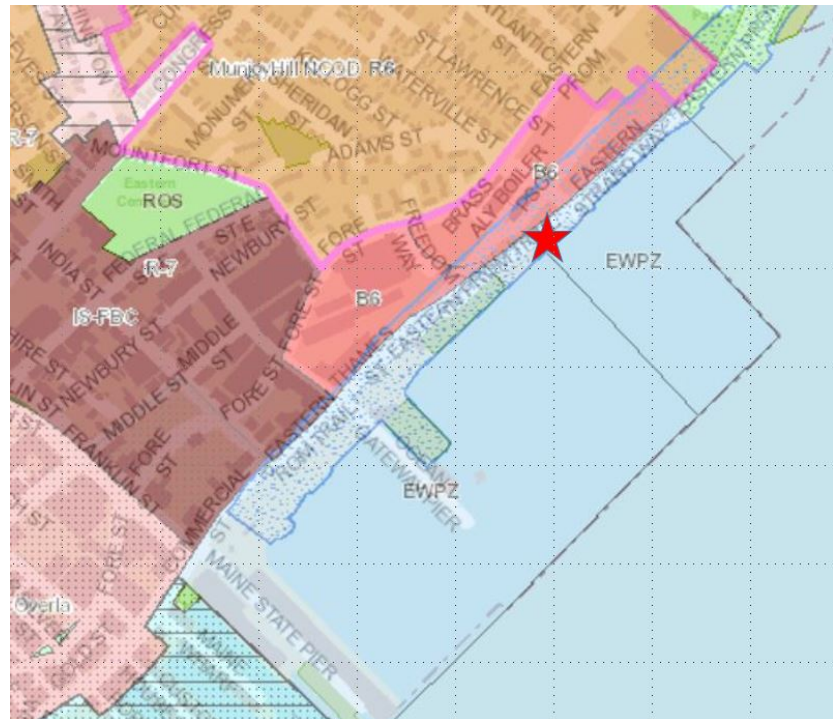


Figure 1: Zoning map highlighting the location of the Fore Points Marina where restaurant use would be permitted if zoning is adopted

The Planning Board held a joint first workshop on September 28, 2021, focused on both this zoning text amendment application, as well as the associated Master Development Plan (MDP) amendment application (PL-001654-2021). (Note: The MDP amendment is also scheduled for a second workshop on October 26, 2021). The focus of this first workshop, with respect to this zoning amendment application, was to determine whether the amendment was consistent with the approved 58 Fore Street MDP, and to consider how the proposed language would impact public waterfront access and pedestrian circulation within the site.

This second workshop will focus primarily on changes to the proposed text that have been introduced in response to Board feedback, which specifically further define how much interior space the restaurant use may occupy within a future marina office building.

The legal advertisement for this workshop ran in the October 16 and 17, 2021 editions of the *Portland Press Herald*. As of the writing of this memo, 107 written public comments have been received with the majority of those comments in support of the proposed text amendment.

II. PLANNING BOARD WORKSHOP

The Planning Board held a first workshop on this application on September 28, 2021, and were generally supportive of permitting the restaurant use as an accessory element to a marina under select circumstances. Namely, the Board requested either confirmation that outdoor dining would not inhibit public access to areas identified as publicly accessible in the approved 2016 MDP, or additional controls within the zoning to ensure those publicly accessible areas remain unobstructed. The Board also requested that the proposed language regarding interior restaurant space be clarified to specify both preparatory and seating space. Discussion of how this feedback has been addressed is listed below.

III. PROPOSED ZONING TEXT AMENDMENT

A. Overview of Text Amendment

In 2020, the applicant, Portland Foreside Development Company, began operating a food and beverage service use at the Portland Foreside Marina property on a temporary basis during the Covid-19 pandemic. The applicant would now like to make this a permitted use and therefore have submitted a zoning text amendment application requesting that Section 10.2.3.B.11(a) and Section 10.2.7.C.4 of the City's Land Use Code be amended to allow restaurants as an accessory use to a marina. This amendment would limit the use to less than 1,000 square feet of interior space, and constrain outdoor activities to within 100 feet of the principal marina building. Further, this request is seeking to permit such accessory use within the required 25-foot pier edge setback applicable to most uses in the EWPZ.

The proposed text amendments are below, with new text introduced since the September workshop in bold.

Addition to from Article 10, Waterfront Zones, Eastern Waterfront Port Zone, Permitted Uses:

***"Section 10.2.3.B.11(a):** Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26.*

a. Restaurants and food service establishments, including any storage or preparatory space, shall be permitted as accessory uses if such uses do not exceed 1,000 square feet of total interior floor area of the principal marina building and are within 100 feet of the principal marina building, provided pedestrian circulation is not unreasonably impaired and further provided that such accessory uses are open to the general public.

And

Addition to from Article 10, Waterfront Zones, Eastern Waterfront Port Zone, Dimensional Requirements:

***"Section 10.2.7.C.4 – Setback from pier line:** Notwithstanding the above requirements, a minimum setback of 25 feet from the edge of any pier, wharf or working edge of the hardened*

shoreline shall be required for any structure, provided that marine offices, as defined in Section 10.2.3 (B)(12), may be located up to five feet from the edge of any pier, wharf, or working edge of the hardened shoreline. The setback area may be utilized for water-dependent uses, restaurants and food service establishments accessory to marinas, and public uses and activities, subject to the provisions of Subsections 10.2.2 and 10.2.4, and shall not be utilized for ~~restaurant, drinking, or~~ other non-water-dependent uses or for off-street parking. The edge of any pier, wharf, or bulkhead shall include any attached apron(s)."

B. Staff Policy Analysis

As shown in the preceding section, the text now before the Board remains largely unchanged from what was presented at the first Planning Board workshop. Language pertaining to the use of interior and exterior space has been introduced, to clarify that all operations associated with the restaurant are included as part of any dimensional limits. In addition, language clarifying that pedestrian circulation should not be unreasonably impaired was added to ensure the space is functioning as originally envisioned. No additional controls on outdoor dining have been introduced, as the location of the Eastern Promenade Trail and the approved circulation plan for the 58 Fore Street MDP effectively already limit where this restaurant can occur, as seen in the plan below. By allowing the restaurant use to extend up to 100 feet from the principal marina building, the City would provide the marina with some flexibility in how outdoor dining is arranged without being overly prescriptive, while retaining other assurances through the MDP and zoning performance standards that this use would not disrupt public access.

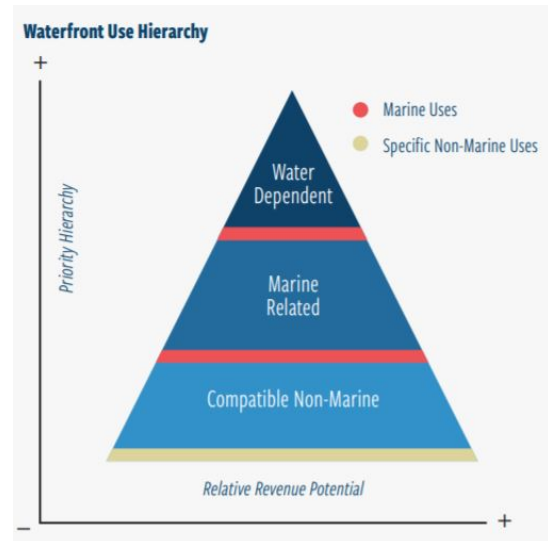


Figure 2: Hierarchy of waterfront uses concept adopted as City policy in Portland's Plan 2030.

In reviewing the proposed amendment, Planning staff focused primarily on ensuring that the restaurant was consistent with policy priorities for the City's waterfront and the eastern waterfront in particular. The zones are built around a policy framework that both prioritizes water dependent uses, and ensures that other marine-related or compatible non-marine uses are compatible with water-dependent activities. In this case, that policy direction would limit restaurant uses in scope, and discourage such uses as principal uses. Based upon the current boundaries of the EWPZ, this marina development is likely to be the only marina in the EWPZ, and so the zoning should be considered for how it will function in this relatively constrained physical context. Staff provided input to the applicant early in this process on this policy framework, and the resulting proposal addressed that feedback by only allowing restaurants as accessory to a marina, capped at just 1,000 square feet of interior floor space, with language to ensure it be public in nature rather than limited to marina customers, and limited in terms of its footprint as to not have an adverse impact on marine uses and waterfront access. Staff's initial assessment of the draft amendment is that it succeeds in proposing a change to permitted uses that is generally consistent with the zone, with



Figure 3: The location of outdoor dining is restricted by the Eastern Promenade Trail and site circulation as depicted on this approved MDP plan. Proposed language further requires that pedestrian circulation not be unreasonably impaired by the use.

waterfront priorities, with precedents in other waterfront zones in Portland's Land Use Code, and with the common functioning and amenities often associated with marinas.

In regards to allowing accessory restaurants within the 25-foot pier edge setback, staff would note that if the use allows for adequate right-of-way access to the water, and does not impede or preclude existing or potential water-dependent development within the site, and complies with Shoreland Zoning and Flood Plain standards, that it would also be generally consistent with the purpose of these dimensional requirements.

If the text amendments as presented are adopted, any potential impacts of a restaurant use on this site would still require rigorous review under both site plan and zoning performance standards, which include specific requirements around maintaining adequate waterfront access for other users and ensuring the compatibility of non-marine uses with water-dependent activities. Any proposal would also have to be reviewed for consistency with the MDP approval, which established broad project parameters around programming, publicly accessible open space, and circulation, all of which a site plan would need to comply with.

Currently, restaurants and food service establishments are permitted in all three waterfronts zones (WPDZ, WCZ, EWPZ) in a variety of forms as described below:

Waterfront Port Development Zone (WPDZ), the purpose of the WPDZ is to ensure the continued viability of the Port of Portland. Permitted uses are primarily limited to those uses which are dependent upon deep-water and which contribute to port activity. Non-marine activity may be allowed to the extent that it will not have any adverse impact on marine uses. Much like the EWPZ, restaurants and drinking establishments are expressly prohibited, however, as specified in Table 10-A, footnote 2, food service establishments, including food trucks and other similar retail and service support uses are permitted as accessory uses if all such uses do not exceed 2,000 SF in total floor area of the building and each individual use does not exceed 1,000 SF in total floor area of the

building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele.

Waterfront Central Zone (WCZ), the purpose of the WCZ is to protect and nurture water-dependent and marine-related support uses so that they may grow and prosper in the present and into the future in an environment and area dedicated to this purpose. Non-marine uses are encouraged provided they do not interfere with and are not incompatible with the first and second priority uses, specifically interior accessory uses including *food service establishments shall be permitted as accessory uses if they are part of and located within the lot lines of a use set forth in Subsections 10.3.3(A)(1), (7), (11), or (12); such uses do not exceed 2,000 SF in total floor area of the building, or 25 percent of the total floor area of the building, whichever is less, and each individual accessory use does not exceed 1,000 square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele.* In addition, marine-compatible uses, including restaurants, are encouraged to locate and grow along Commercial Street within the Commercial Street Overlay Zone, while higher priority marine uses are protected on the waterfront.

Eastern Waterfront Port Zone (EWPZ), is intended to nurture a wide range of deepwater-dependent industry and commerce as well as the encouragement of non-marine uses that support deepwater activities. Currently, the EWPZ allows restaurants/food services as a conditional use in association with marine passenger use facilities, including, Intermodal marine passenger facilities; cruise ship home port and port-of-call berthing and support, and international and domestic ferries. The use is further restricted to equal or less than 35 percent of the gross floor area of the principal associated marine passenger use and no more than 35,000 gross square feet (cumulatively) in the EWPZ. Currently, restaurants and drinking uses are not permitted within the minimum 25-foot setback from the edge of any pier, wharf, or working edge of the hardened shoreline.

While all three waterfront zones allow restaurants and food service establishments in a variety of manners, the common theme is that all three zones restrict these uses to a minimal size, and are intended to be accessory and subsidiary to water dependent uses and public access.

IV. COMPREHENSIVE PLAN CONSISTENCY

Portland's Plan 2030

Portland's Plan maintains a long-standing City policy to prioritize and promote our city's unique mixture of water-dependent, marine-related and compatible non-marine uses along our waterfronts. Looking at regional and national examples, restaurants are often co-located within or alongside marinas, as a restaurant does not inhibit a marina's operation and serves to attract other users to the site, providing revenue to a traditional marine industry. The key to finding the introduction of restaurants in the EWPZ consistent with the comprehensive plan is balancing that use with the waterfront priorities of the zone. A restaurant use with no limits on size or location may be generally



consistent with some economic development goals for the city as a whole, but more importantly for the purposes of this review, specifically inconsistent with the priorities for the waterfront. As proposed, the amendment addresses that priority, by requiring that the use be accessory to a marina, and be limited in its scale and permissible location. The addition of a restaurant, if tailored in its application, reinforces the waterfront as a key component of Portland's economic health, balancing traditional and emerging industries with tourism and recreation. This is further supported by the fact that the restaurant would only be permitted as an accessory use to a marina, and would be subject to restrictive dimensional standards.

V. PUBLIC COMMENT

A total of 107 written public comment have been received on this application, generally in support of permitting restaurants as an accessory component to a marina. Much of the public comment focused on the fact that there are few other restaurants with immediate waterfront access located elsewhere in Portland, and that the use draws visitors to the site who would otherwise not utilize the marina property. There were a few comments opposed to the restaurant, mostly citing the lack of general public waterfront access elsewhere on the site currently, and the quality of the temporary structures and spaces erected without authorization from the City.

VI. ATTACHMENTS

Report Attachments

1. Article 10 Zoning Amendments
2. Public Comments

Applicant's Submittal

- A. Zoning Amendment Narrative and Policy Analysis

DRAFT AMENDMENTS FOR PLANNING BOARD CONSIDERATION

10 WATERFRONT ZONES

10.1 IN GENERAL

Portland's waterfront zones were developed to support a wide range of industries unique to the city's maritime environment that rely upon access to the working waterfront. Competing demands for limited access require a more exhaustive use list, specialized performance standards, and a unique set of dimensional restrictions that are unlike those of other zones. Given this high degree of specialization, Article 10 should generally be viewed in isolation from other articles within the Land Use Code, with the exception of waterfront-specific definitions, listed within Article 3. Uses specific to Article 10 may feature some degree of overlap with other defined uses allowed elsewhere within the city. However, in such instances, the use as referenced within this article shall control.

10.2 EASTERN WATERFRONT PORT ZONE (EWPZ)

10.2.1 Purpose

- A. The Eastern Waterfront Port Zone is created to nurture deepwater-dependent activity within the context of the established waterfront. The transport of goods and passengers by water is an important component of both the local and regional economies and this transport and other forms of marine industry are dependent upon land and piers with direct access to Portland Harbor. Given the existing pier infrastructure, proximity to deep water, and

urban context, Portland's Eastern Waterfront is uniquely situated to support a wide range of water-dependent industry and commerce through a variety of marine activities.

- B. The support and expansion of Portland's marine industry requires piers, uplands, and circulation consistent with the transportation purpose and use of marine facilities. The growth of Portland's marine passenger industry also requires supporting services and activities to provide a safe, convenient, and enjoyable travel experience for users of marine passenger facilities. Non-marine uses that complement the marine passenger industry, are compatible with existing and future water-dependent uses, and provide opportunities for residents and visitors alike to enjoy the Eastern Waterfront throughout the year, are encouraged.
- C. The primary use of the deep-water resources must be for the berthing and support of large vessels. Non-marine uses that complement and support the deepwater infrastructure and do not conflict or compete for limited space with existing or anticipated deepwater-dependent uses are encouraged. Existing and future pier infrastructure and upland support areas should be designed and maintained to support a variety of marine uses and be responsive to future technologies and trends in the marine industry.
- D. Given the need to nurture and support deepwater-dependent uses and the need for non-deepwater-dependent uses to complement the marine passenger industry and to support the maintenance and repair of pier infrastructure, the Eastern Waterfront Port Zone recognizes the following hierarchy of uses:

1. The first priority of this zone is to protect and nurture existing and potential deepwater-dependent uses (those uses requiring a minimum of 15 feet of water depth).
2. The second priority is to allow shallow water-dependent and other permitted marine uses, so long as they do not interfere with deepwater-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure.
3. Other uses specified herein are allowed only if they do not interfere with and are not incompatible with higher priority uses.

10.2.2 No adverse impact on marine uses

No use shall be permitted, approved or established in this zone if it will have an impermissible adverse impact on future marine development opportunities. A proposed non-water-dependent component of a development will have an impermissible adverse impact if it will result in any one or more of the following:

- A. The proposed use will displace an existing water-dependent use.
- B. The proposed use will reduce existing commercial vessel berthing space.
- C. The proposed use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses.

- D. The siting of a proposed use will substantially reduce or inhibit existing public access to marine or tidal waters.

10.2.3 Permitted uses

Subject to a determination that the proposed use meets the standards of Subsection 10.2.2, the following uses are permitted in the Eastern Waterfront Port Zone:

A. Marine passenger

1. Intermodal marine passenger facilities.
2. Cruise ship home port and port-of-call berthing and support.
3. International and domestic ferries.

B. Marine commercial

1. Transient and long-term commercial berthing.
2. Marine-related warehousing.
3. Marine-related construction, manufacturing, fabrication, salvage, and repair.
4. Storage and repair of fishing equipment.
5. Ship and other marine vessel construction, building, servicing, and repair.
6. Boat and marine equipment storage.
7. Harbor and marine supplies and services, chandlery, and ship supply such as fueling and bunkering of vessels.
8. Public, non-profit, or commercial marine transportation and excursion services, including captained charter services, sport fishing and water taxis.
9. Ship and off-shore support services, including but not limited to tug boats, pilot boats, and chandlery.
10. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.



WATERFRONT ZONES

11. Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26.

a. Restaurants and food service establishments, including any storage or preparatory space, shall be permitted as accessory uses if such uses do not exceed 1,000 square feet of total interior floor area of the principal marina building and are within 100 feet of the principal marina building, provided pedestrian circulation is not unreasonably impaired and further provided that such accessory uses are open to the general public.

12. Marine office, including but not limited to offices of owners of marinas, wharves or their agents, and naval architects, and seafood brokers.

C. Commercial

1. Professional, business, government, and general office located in upper floors of structures existing as of September 18, 2006.

**Editor's Note - On-site parking for non-marine commercial uses are permitted as conditional uses subject to the provisions of Subsection 10.2.4.*

2. Temporary events, except festivals as otherwise governed under paragraph (3) listed below. Buildings, piers and lands within the EWPZ may be used for temporary public and private events

including but not limited to exhibitions, conferences, meetings, and trade shows under the following conditions:

- a. Temporary events occupying more than 10,000 square feet of building or outdoor space shall not exceed a combined total of 60 days between May 1st to October 31st.
- b. No temporary event may continue for more than 14 days of continuous operation.
- c. Any temporary event that anticipates more than 5,000 people in attendance on any single day must provide and be subject to a parking management plan. The parking management plan must be submitted for the review and approval of the public works authority at least 60 days prior to the first day of the event.

3. Festivals subject to City license.
4. Street vendors licensed pursuant to Chapter 19 of the City of Portland Code of Ordinances.

D. Public

1. Fire, police, and emergency services.
2. Governmental agency emergency operations/crisis centers.
3. Research, military and visiting attraction vessel berthing.
4. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.

E. Other

1. A facility for non-profit organizations whose facility may include offices,

classrooms, equipment, equipment rentals, storage, and bathrooms for the public.

10.2.4 Conditional uses

A. The following uses shall be permitted as conditional uses in the Eastern Waterfront Port Zone, provided that, notwithstanding Subsection 6.5.1, or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the review authority, and provided further that in addition to the provisions of Subsection 6.5.2, such uses will not impede or preclude existing or potential water-dependent development within the zone, will allow for adequate right-of-way access to the water, are compatible with marine uses, and meet all additional standards set forth below.

B. Conditional use standards

1. *Marine compatibility.* The proposed use shall be compatible with existing and potential marine uses in the vicinity, as required by Subsection 10.2.8(M) and (N).
2. *Parking and traffic circulation.* All applications for conditional use in the EWPZ shall submit a parking and circulation plan for review and approval by the Planning Board. The parking and circulation plan shall show the location of all existing and proposed structures, travel ways, and parking under the common ownership and/or control of the subject pier or property. The plan shall demonstrate that the parking and circulation of the conditional use does not interfere with the functional marine utility of the property and otherwise meets the standards and conditions of the EWPZ.

C. Conditional uses

1. *Marine*
 - a. Marine products, wholesaling, and retailing.
 - b. Ice-making services.
 - c. Marine freight facilities providing service for, and/or intermodal transfer of, container and breakbulk freight.
 - d. Marine educational facilities.
 - e. Seafood retailing, wholesaling, packaging, and shipping.
 - f. Seafood processing for human consumption, subject to the performance standards applicable to the I-L zone as listed in Section 6.8.
 - g. Commercial marinas serving commercial and recreation boats located west of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26, provided that such facilities are located in areas that do not conflict with the navigation and handling of deepwater-dependent vessels accessing existing or potential deepwater berthing.
 - h. Fish byproducts processing, provided that:
 - i. Any fish byproducts processing facility has a valid rendering facility license under Chapter 12 of the Portland City Code of Ordinances.
 - ii. Any fish byproducts facility shall employ current and appropriate

odor control technology to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the IM zone in Subsection 6.8.10.

- iii. The processing other material wastes or byproducts shall not be deemed a lawful accessory use permitted herein.

2. *Commercial*

- a. Structured parking available to the general public.
- b. Professional, business, government and general offices uses in upper floors of structures constructed after September 18, 2006.
- c. Passenger support services supporting a marine passenger use listed under Subsection 10.2.3(A). The total ground floor area occupied by any combination of the following uses (regardless of ownership) shall not exceed 35% of the gross floor area of the principal associated marine passenger use and no more than 35,000 square feet cumulative within the EWPZ:
 - i. Retail.
 - ii. Restaurants/food service other than street vendors.
 - iii. Retail service.
 - iv. Passenger information services.

- 3. *Industrial*. The following industrial uses are permitted provided that such uses shall conform to the IM zone performance standards set forth in Section 6.8 in

addition to the performance standards of Subsection 10.2.8. Where redundant or contradictory performance standards exist, the more restrictive standard applies.

- a. Non-marine-related warehousing in structures existing as of September 18, 2006.
- b. Facilities for combined marine and general construction.
- c. Low impact industrial uses as permitted in the IL zone in structures existing as of September 18, 2006, excluding all auto repair service facilities.

4. *Public*

- a. Utility substations. Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps and telecommunication switching stations, are permitted under the following conditions:
 - i. The facility is located more than 100 feet from the water's edge.
 - ii. The facility occupies no more than 50 square feet of structure above ground.
 - iii. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise useable and made available for marine-related uses, including but not limited to parking, travel ways, and/or storage.

- iv. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.
- b. Maritime museums, limited to 5,000 square feet of ground floor footprint.

**Editor's Note - On-site parking for non-marine commercial and industrial uses are permitted as conditional uses subject to the following provisions.*

- 5. *Parking for non-marine uses.*
Notwithstanding Subsection 19.1.6 and Article 14 of this Land Use Code, no parking shall be allowed in this zone for non-marine uses unless the applicant can demonstrate that the number of parking spaces on-site exceeds the number of parking spaces needed to accommodate the demand for marine and water-dependent uses that are permitted by Subsections 10.2.3 and 10.2.4 which are or may be located on the subject property. (See editor's note below.) The remainder of parking required, if any, for such non-marine uses shall be provided off-site.

**Editor's Note - Vacant ground floor space should be considered to have a parking demand similar to other space housing an existing water-dependent use elsewhere on the subject property or on a comparable property.*

- D. The following use shall be permitted only upon the issuance of a conditional use permit subject to the provisions of Section 6.5, and any special provisions, standards, or requirements specified below:
 - 1. Wind energy systems.
 - 2. Solar energy systems.

10.2.5 Prohibited uses

Uses, whether floating or fixed to land, which are not enumerated in Subsections 10.2.3 or 10.2.4 as permitted or conditional uses are prohibited. Those uses that are specifically prohibited shall include, without limitation:

- A. Residential uses.
- B. Amusement/theme parks.
- C. Bulk freight facilities.
- D. On-site gambling casinos not accessory to and located aboard either a ferry or inter-port cruise ship.

10.2.6 Contract or conditional rezoning

In addition to those marine and non-marine uses authorized in Subsections 10.2.3 and 10.2.4, an applicant may apply to locate a non-marine use not otherwise permitted, if the reviewing body finds the applicant has met the standards of Subsection 10.2.2, the performance standards of Subsection 10.2.8, the applicable standards of contract/conditional rezoning contained in Section 5.3, and conforms to the following requirements:

- A. Standards for contract or conditional rezoning:
 - 1. All non-marine uses are either permitted or conditionally permitted in the B-5 zone, and are not specifically prohibited in Subsection 10.2.5 above. Any hotel, inn, or other similar transient lodging establishment proposed must be located landward of the spring tide line and westerly of the extension of the India Street right-of-way.
 - 2. The aggregate ground floor area of any development permitted hereunder located within 100 feet of the pier edge or working edge of the hardened shoreline shall be occupied by at least 50% of one or more

- marine uses set forth in Subsections 10.2.3 and 10.2.4. Note: the circulation areas and areas occupied for accessory parking serving marine uses shall not be used as the basis for calculating the 50% provision above.
3. The development is consistent with the Comprehensive Plan and without the non-marine use component authorized herein, the site could not otherwise support an economically viable water-dependent use.
 4. The project's public benefits outweigh its potential negative impacts, provided that such public benefits include one or more of the following: protection of existing water-dependent uses, preservation of future water-dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels, and visual and physical access to the waterfront for the general public.
 5. The non-marine portion of the development will not significantly restrict air or light for marine uses located in the immediate vicinity; will not create significant adverse local climatic effects on marine uses such as an undue increase of winds or shadowing; and will not adversely affect the efficient operation of marine uses, such as by producing less efficient traffic, parking or circulation patterns.
 6. The rezoning contains adequate provisions and/or conditions to ensure that on-site water-dependent infrastructure remains occupied by commercial marine use(s) listed in Subsections 10.2.3 and 10.2.4 and

that said use is not abandoned after the project is developed.

- B. Notwithstanding Subsection 10.2.8(H) and off-street parking standards of Article 14, all on-site parking constructed or used for non-marine uses allowed only by contract or conditional rezoning shall be subject to the conditional use provisions Subsection 10.2.4(C)(5). Additionally, the total amount of parking shall be established by the City Council in the conditional or contract rezoning agreement after consideration of the Planning Board's recommendation on the same.

10.2.7 Dimensional requirements.

In addition to the generally applicable provisions of Section 7.5 of this Land Use Code, lots in the EWPZ shall be subject to the following requirements:

- A. **Minimum lot size:** None
- B. **Minimum frontage:** None
- C. **Minimum yard dimensions:**
 1. *Front setback:* None
 2. *Side setback:* None
 3. *Rear setback:* None
 4. *Setback from pier line:* Notwithstanding the above requirements, a minimum setback of 25 feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure, provided that marine offices, as defined in Section 10.2.3(B)(12), may be located up to five feet from the edge of any pier, wharf, or working edge of the hardened shoreline. The setback area may be utilized for water-dependent uses, restaurants and food service establishments accessory to marinas, and

A map of the Portland waterfront area, showing various zones and water bodies. The text "WATERFRONT ZONES" is overlaid on the map.

WATERFRONT ZONES

public uses and activities, subject to the provisions of Subsections 10.2.2 and 10.2.4, and shall not be utilized ~~for restaurant, drinking, or~~ other non water-dependent uses or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).

June 29, 2021

Matt Grooms, Planner
City of Portland
Portland City Hall
389 Congress Street
Portland, ME 04101

**Re: Eastern Waterfront Port Zone
Zoning Text Amendment Application
Fore Points Marina, 1 Marina Way, Portland, ME**

Dear Matt,

On behalf of PF Marina LLC, Portland Foreside Development Company is pleased to submit this package of materials for a proposed Zoning Text Amendment related to the Eastern Waterfront Port Zone and the property located at 1 Marina Way, Portland, ME, Fore Points Marina (FPM). Thank you to the City of Portland Planning Department for working with us in advance of this application to help make sure that our proposed Zoning Text Amendment aligns well with the City's existing Land Use Code and Comprehensive Plan.

Fore Points Marina

Located in the Eastern Waterfront Port Zone (EWPZ), FPM opened for business for its first partial season in 2019. The 2020 season was the first full season which included welcoming seasonal slip holders, transient boaters from the Casco Bay area and beyond, and larger sailboats and yachts.

Zoning Text Amendment Request

Presently, the EWPZ contains property from only two landowners, the City of Portland and FPM. The EWPZ allows for restaurant/food service; however, this allowance is currently tied to marine passenger use facilities, including:

1. Intermodal marine passenger facilities.
2. Cruise ship home port and port-of-call berthing and support.
3. International and domestic ferries.

The language also restricts this use to equal or less than 35% of the gross floor area of the principal associated marine passenger use and no more than 35,000 gsf cumulative in the EWPZ.

We seek a Text Amendment to **Section 10.2.3(B)(11) and Section 10.2.7(C)(4)** of the City of Portland's Land Use Code to allow for restaurants and food service establishments in the EWPZ so long as they are directly associated with a marina facility and also open to the general public. This requested Zoning Text Amendment is consistent with the City of Portland's Comprehensive Plan, Portland's Plan 2030; further detail is provided in Attachment E. The proposed amendment is consistent with uses already conditionally allowed in the EWPZ, and ensures that these uses are directly associated with and in the immediate proximity of marina facilities. The limited

extent of EWPZ land area and the makeup of land ownership in the zone, solely consisting of the City and FPM, affords a strong level of predictability for the outcome of this amendment.

Portland Land Use Code Context

The City of Portland's Land Use Code acknowledges that the growth of Portland's marine passenger industry requires supporting services and activities to provide an enjoyable travel experience. It states that ***"non-marine uses that complement the marine passenger industry, are compatible with existing and future-water dependent uses, and provide opportunities for residents and visitors alike to enjoy the Eastern Waterfront throughout the year, are encouraged."***

In the EWPZ, there is a hierarchy of uses that focus on deep-water-dependent uses and shallow-water-dependent uses, followed by other uses only if they do not interfere with and are not incompatible with higher priority uses.

The proposed Zoning Text Amendment does not interfere with any deep-water or shallow-water-dependent uses and, in fact complements and supports higher priority uses by further attracting transient and seasonal boat activity to the site, intermixed with public usage and enjoyment. Numerous marinas throughout the State of Maine provide food and beverage service for their guests and to the public. This mix of use (marina and food/beverage) is successful in these communities as it opens private marina facilities to the public and community as a whole. Food/beverage use at FPM, which will be open and inviting to the public, allows for the community to enjoy a waterfront location which could otherwise be reserved solely for marina guests.

Our package is intended to meet the City's submission requirements for a Zoning Text Amendment application and includes the following:

- Application Form
- Right, Title & Interest
- Vicinity Map
- Proposed Zoning Text Amendment
- Consistency with City Comprehensive Plan Narrative

Thank you for your consideration and we look forward to speaking with you about this Zoning Text Amendment request.

Sincerely,



David A. Senus, PE
Director of Planning & Design



Zoning Map/Text Amendment Application Portland, Maine

Planning and Urban Development Department
Planning Division and Planning Board

Portland's Planning and Urban Development Department coordinates the development review process for requests for zoning map amendments, zoning text amendments and contract or conditional rezoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. The **Application Process for a Zone Change** is summarized below under Section I and the associated costs for reviews are found under Section II, **Development Review Fees, Public Notices and Guarantees**, and are listed on the fee structure sheet.

I. APPLICATION SUBMITTAL

Pre-application meeting

Prior to submitting a zoning amendment application, the Planning Division recommends that the applicant or the designated representative schedule a pre-application meeting to discuss the review process and applicable standards for a proposal. Please contact Barbara Barhydt, Development Review Services Manager at 874-8699 to schedule a meeting.

Zoning Amendment Application

All plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

- Submit one (1) complete paper set of the zoning amendment application with a concept plan and a written narrative. Contract and conditional rezoning applications must include site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Applications may be submitted between 8 a.m. and 4:30 p.m. Monday through Friday at the Planning Division on the 4th floor of City Hall, 389 Congress Street, Portland.
- All applications are processed in the order in which they are received.
- In order for the Planning Division's Administrative Staff to accept and log-in an application, the application form must be complete, it shall be signed by the applicant's or the applicant's designated representative, and all applicable fees paid at the time of submittal.
- The Land Use Code is available on the City's website at www.portlandmaine.gov.
- If the application is found to be incomplete, the applicant will be informed in writing of the required plans and materials.

II. DEVELOPMENT REVIEW FEES, PUBLIC NOTICES AND GUARANTEES

Zoning Application Fees

- Each application must be submitted with the applicable fees as listed in the fee structure on page 4. The fees cover general administrative processing costs.
- Application fees may be paid in cash or by check (addressed to the City of Portland).
- An application will not be processed without the required application fees.

Fee for City Review Services

- The City of Portland charges fees for service to cover the cost of reviews by Planning and Legal staff members. The charges will be billed at an hourly rate and will be invoiced monthly for reimbursement.
- Current billing rates: Planning services, \$40.00/ hour and Legal services: \$75.00/hour.

Fee for Third Party Review

- Portland contracts with local engineering firms to conduct engineering reviews of development proposals. The direct cost of all engineering services or third-party consultant reviews, such as the civil engineering review of stormwater management plans, traffic impact reviews and such other reviews as required under the City's Ordinances, will be included in the monthly invoices for reimbursement.

Public Notices

- Public notices must be sent to property owners within 500 for all proposals at the time an application is received. Zoning map amendments for Industrial zones require notices to be sent to property owners within 1,000 feet.
- In advance of a Planning Board workshop or public hearing, public notices for projects must be sent to property owners and are posted in a legal ad in the Portland Press Herald and on the City's web site.
- In addition, zoning map amendments, text amendments and conditional rezoning agreements require individual notices to be posted in the Portland Press Herald.
- The Planning Division mails public notices and posts notices in the newspaper. The applicant will be billed for actual or apportioned costs for advertising and sending mailed notices.
- The applicant is required to hold a neighborhood meeting under the City's regulations for zone change requests. The mailing labels must be purchased from the Planning Division for the neighborhood meeting invitation. A request for labels requires a minimum of two business days to generate the mailing labels and a charge of \$1.00 per sheet will be payable upon receipt of the labels.

Third Party Review Fees

- Engineer and Third Party Review Fees - The fees are assessed by the Consulting Engineers and Third Party Reviewers.
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with \$300.00 being the minimum.

Noticing/Advertisements Planning Board/City Council Review

- Legal Advertisement: Percent of total bill
- Notices: .75 cents each
(notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council)

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT ADDRESS: Fore Points Marina, 1 Marina Way, Portland, ME 04101

CHART/BLOCK/LOT: Map 18, Lot A002

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

This Zoning Text Amendment is to modify Section 10.2.3.B.12 to allow for restaurants and food service establishments with outside dining at a marina office or facility as permitted uses, by right in the Eastern Waterfront Port Zone.

CONTACT INFORMATION:

Applicant's Contact for electronic plans

Name: Mary McCrann, AICP
e-mail Address mcm@portlandforeside.com
work # 207-318-4806

Applicant – must be owner, Lessee or Buyer Name: PF Marina LLC Business Name, if applicable: Fore Points Marina Address: 1 Marina Way City/State : Portland, ME Zip Code:	Applicant Contact Information Work # 207.517.1100 Home# Cell # Fax# e-mail: cwp@portlandforeside.com
Owner – (if different from Applicant) Name: Same Address: City/State : Zip Code:	Owner Contact Information Work # Same Home# Cell # Fax# e-mail:
Agent/ Representative Name: None Address: City/State : Zip Code:	Agent/Representative Contact information Work # None Cell # e-mail:
Billing Information Name: Chris Burchill Address: 254 Commercial Street, Suite 118 City/State : Portland, ME Zip Code: 04101	Billing Information Work # 207.517.1100 Cell # Fax# e-mail: accounting@portlandforeside.com
Engineer Name: Not Applicable Address: City/State : Zip Code:	Engineer Contact Information Work # Not Applicable Cell # Fax# e-mail:

Surveyor Name: Not Applicable Address: City/State : Zip Code:	Surveyor Contact Information Work # Not Applicable Cell # Fax# e-mail:
Architect Name: Not Applicable Address: City/State : Zip Code:	Architect Contact Information Work # Not Applicable Cell # Fax# e-mail:
Attorney Name: Mary Costigan, Bernstein Shur Address: 100 Middle Street City/State : Portland, ME Zip Code: 04101	Attorney Contact Information Work # 207-774-1200 Cell # Fax# e-mail: mcostigan@bernsteinshur.com

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Eastern Waterfront Port Zone
Please see the attached deed and survey identifying the applicant's right, title and interest in the subject property.

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

Existing Use: Describe the existing use of the subject property:

The subject property is currently used by Fore Points Marina as a marina facility for recreational boaters including dockage, a marina office, restrooms, laundry and outdoor space for gathering.

Current Zoning Designation(s):

Eastern Waterfront Port Zone

Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The proposed use of the property will remain the same as the existing use of the property - to serve Fore Points Marina and marina guests as a recreational boating facility. With this zoning text amendment, restaurants/food service would be permitted by right in lieu of the temporary event category.

Site Plan: 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. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1' = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

There are no improvements to a Site Plan being proposed as part of this zoning text amendment application.

APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check payable to the City of Portland.

Zoning Map Amendment ____ \$2,000.00 (from ____ zone to ____ zone)	Fees Paid (office use) ____	The City invoices separately for the following: • Notices (\$.75 each) (notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.
Zoning Text Amendment <u>X</u> \$2,000.00 (to Section 14- 10.2.3.B.12 (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (<u>example</u>) and language to be added is depicted as underline (<u>example</u>))	____	
Combination Zoning Text Amendment and Zoning Map Amendment ____ \$3,000.00	____	
Conditional or Contract Zone ____ \$3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	____	

Signature of Applicant:	Date:
--------------------------------	--------------

Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

SHORT FORM QUITCLAIM DEED WITH COVENANT

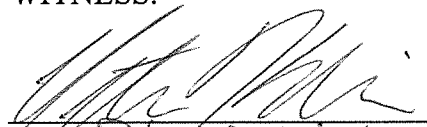
DLN: **1001840028303**

CPB2 I LLC (formerly known as **CPB2 LLC**), a Delaware limited liability company, with a mailing address of 254 Commercial Street, Suite 118, Portland, Maine 04101 (the "Grantor"), FOR CONSIDERATION PAID, grants to **PF MARINA LLC**, a Maine limited liability company, with a mailing address of 254 Commercial Street, Suite 118, Portland, Maine 04101 (the "Grantee"), with QUITCLAIM COVENANT, certain real property, together with any improvements thereon, situated southerly of but not adjacent to Fore Street, in the City of Portland, County of Cumberland and State of Maine, more particularly described on **Exhibit A** attached hereto and made a part hereof.

IN WITNESS WHEREOF, CPB2 I LLC has caused this instrument to be executed by Casey W. Prentice, Manager of CPB2 Management LLC, Manager of CPB2 I LLC, thereunto duly authorized, this 29 day of May, 2018.

as of

WITNESS:


Name: Peter D. Klein

State of Maine
County of Cumberland, ss.

CPB2 I LLC

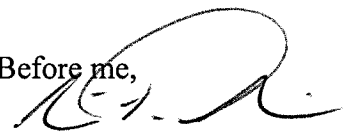
By: CPB2 Management LLC, Manager

By: 
Casey W. Prentice, Manager

May 24, 2018

PERSONALLY APPEARED the above-named Casey W. Prentice, Manager of CPB2 Management LLC, Manager of CPB2 I LLC, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability companies.

Before me,



Notary Public/Attorney at Law
Print Name: Christopher Devlin
Commission Expires:

WORKSITE_ACTIVE:10166625.4

EXHIBIT A

A certain lot or parcel of land situated southerly of but not adjacent to Fore Street in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Commencing at a point on the northerly line of land of the State of Maine at the most easterly corner of land of CPB2 as described in deed book 30879, page 75;

Thence, S 46°23'41" E along land of the State of Maine 50.23 feet to the point of beginning;

Thence, the following courses and distances along land of the State of Maine:

S 46°23'41" E 56.23 feet;

S 45°50'49" W 27.46 feet;

S 61°40'11" W 94.07 feet;

S 46°50'49" W 475.00 feet;

S 23°05'49" W 60.00 feet;

S 48°05'49" W 120.00 feet;

N 41°54'41" W 8.00 feet;

S 48°04'56" W 150.00 feet to land of said City of Portland;

Thence, N 42°54'21" W along land of said City of Portland 5.00 feet;

Thence, N 48°03'05" E a distance of 74.90 feet;

Thence, N 41°37'32" W a distance of 25.00 feet;

Thence, N 61°02'10" E a distance of 5.79 feet;

Thence, N 48°05'49" E a distance of 215.52 feet;

Thence, N 39°58'09" E a distance of 25.10 feet;

Thence, N 46°50'49" E a distance of 478.88 feet;

Thence, N 38°07'23" E a distance of 115.79 feet to the point of beginning.

The Grantor also conveys to the Grantee, its successors and assigns, (a) the perpetual, nonexclusive right and easement on, over and across the streets, driveways and other travel ways now existing or hereafter constructed on the remaining land of the Grantors' property, as described in deed from The Portland Company to CPB2 LLC dated April 1, 2014 and recorded at Cumberland County Registry of Deeds in Book 31425, Page 267 and in Trustee's Deed from Elizabeth M. Sprague, Eric Thomas Sprague and Phineas M. Sprague, Trustees of the Buena Vista Trust, dated April 19, 2013 and recorded at Cumberland County Registry of Deeds in Book 30879, Page 75 (collectively, the "Grantor's Land"), for ingress and egress between (i) the Grantee's Land (as defined below) and (ii) the public streets currently known as Fore Street and Thames Street (as the same may be extended, modified and/or altered from time to time), for

WORKSITE_ACTIVE:10166625.4

pedestrians and all types of vehicles, (b) the perpetual, nonexclusive right and easement under, on, over and across Grantor's Land to install, lay, construct, operate, maintain, repair, replace and remove the utility lines, conduits, pipes and related facilities that now or hereafter serve the Grantee's Land, including, without limitation, those related to gas, electricity, cable, fiber optics, telephone, telecommunications, sewer, water, storm, and drainage, and (c) the perpetual, nonexclusive right to use, in common with others, the Grantee's allocable share of the parking spaces now existing or hereafter constructed on Grantor's Land, subject to the terms and conditions adopted by the Grantor from time to time (the easements described in clauses (a) and (b) and the parking rights described in clause (c) being hereinafter collectively referred to as "Rights"), provided that any such acts shall be performed at the Grantee's sole cost and expense in such a manner as to reasonably minimize the interference with the Grantor's use and enjoyment of the Grantor's Land, and that the location of such future utility lines, conduits, pipes and related facilities under, on, over and across the Grantor's Land is subject to the prior written approval of the Grantor, which approval shall not be unreasonably withheld, delayed or conditioned. The Rights, all rights incidental thereto, are for the benefit of and are intended to be appurtenant to the property herein conveyed (the "Grantee's Land").

Together with the appurtenant rights and easements to cross the "Rail-Trail Corridor" described in Indenture Deed by and between Maine Department of Transportation and Phineas Sprague dated August 30, 1993 and recorded at Cumberland County Registry of Deeds in Book 10924, Page 97.

The Grantee's Land is being conveyed subject to the terms and conditions of the Boating Infrastructure Grant Program Agreement between the Maine Department of Transportation and CPB2 LLC dated December 30, 2016 (the "BIG Agreement") and assigned by CPB2 I LLC (formerly known as CPB2 LLC) to PF Marina LLC through the execution of an Assignment and Assumption Agreement of even date herewith, for a period of twenty (20) years from the date of completion of the Fore Street Marina described in the BIG Agreement, as further evidenced in a Notice of Grant Agreement executed by PF Marina LLC of even date herewith to be recorded at the Cumberland County Registry of Deeds.

For Grantor's source of title see deed from The Portland Company to CPB2 LLC dated April 1, 2014 and recorded at Cumberland County Registry of Deeds in Book 31425, Page 267. Reference is made to Affidavit dated March 21, 2018 and recorded at Cumberland County Registry of Deeds in Book 34737, Page 327.

WORKSITE_ACTIVE:10166625.4

Received
Recorded Register of Deeds
May 29, 2018 03:37:53P
Cumberland County
Nancy A. Lane

SHORT FORM QUITCLAIM DEED WITH COVENANT
DLN: **1002140130067**

CPB2 I LLC (formerly known as CPB2 LLC), a Delaware limited liability company, with a mailing address of 254 Commercial Street, Suite 118, Portland, Maine 04101 (the "Grantor"), FOR CONSIDERATION PAID, grants to **PF MARINA LLC**, a Maine limited liability company, with a mailing address of 1 Marina Way, Portland, Maine 04101 (the "Grantee"), with QUITCLAIM COVENANT, certain real property, together with any improvements thereon, situated southerly of but not adjacent to Fore Street, in the City of Portland, County of Cumberland and State of Maine, more particularly described on **Exhibit A** attached hereto and made a part hereof.

IN WITNESS WHEREOF, CPB2 I LLC has caused this instrument to be executed by Casey W. Prentice, Manager of CPB2 Management LLC, Manager of CPB2 I LLC, thereunto duly authorized, this 22 day of January, 2021.

WITNESS:

Robert W. Prentice
Name:

CPB2 I LLC

By: CPB2 Management LLC, Manager

By: Casey W. Prentice, Manager

State of Maine
County of Cumberland, ss.

January 22, 2021

PERSONALLY APPEARED the above-named Casey W. Prentice, Manager, of CPB2 Management LLC, Manager of CPB2 I LLC, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability companies.

Before me,

Marion S. Logan
Notary Public/Attorney at Law

Print Name:

Commission Expires

MARION S. LOGAN
Notary Public, Maine
My Commission Expires March 23, 2021

EXHIBIT A

A certain lot or parcel of land situated southerly of but not adjacent to Fore Street in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Commencing at a point on the northerly line of land of the State of Maine at the most easterly corner of land of CPB2 I LLC as described in deed Book 30879, Page 75;

Thence, S 46°23'41" E along land of State of Maine 50.12 feet to the point of beginning;

Thence, S 46°23'41" E continuing along land of State of Maine 0.11 feet to land now or formerly of PF Marina as described in deed Book 34869, Page 50;

Thence, the following courses and distances along said PF Marina:

S 38°07'23" W a distance of 115.79 feet;

S 46°50'49" W a distance of 478.88 feet;

S 39°58'09" W a distance of 25.10 feet;

S 48°05'49" W a distance of 215.52 feet;

S 61°02'10" W a distance of 5.79 feet;

S 41°37'32" E a distance of 25.00 feet;

S 48°03'05" W a distance of 74.90 feet to land now or formerly of City of Portland;

Thence, N 42°54'21" W along land of said City of Portland 69.89 feet to land now or formerly of State of Maine as described in Book 10924, Page 91;

Thence, N 52°46'49" E along land of said State of Maine 225.10 feet;

Thence, N 47°33'49" E continuing along land of State of Maine 690.74 to the point of beginning, containing 24,434 s.f. or 0.56 acres, more or less.

Together with the appurtenant rights and easements to cross the "Rail-Trail Corridor" described in Indenture Deed by and between Maine Department of Transportation and Phineas Sprague dated August 30, 1993 and recorded at Cumberland County Registry of Deeds in Book 10924, Page 97.

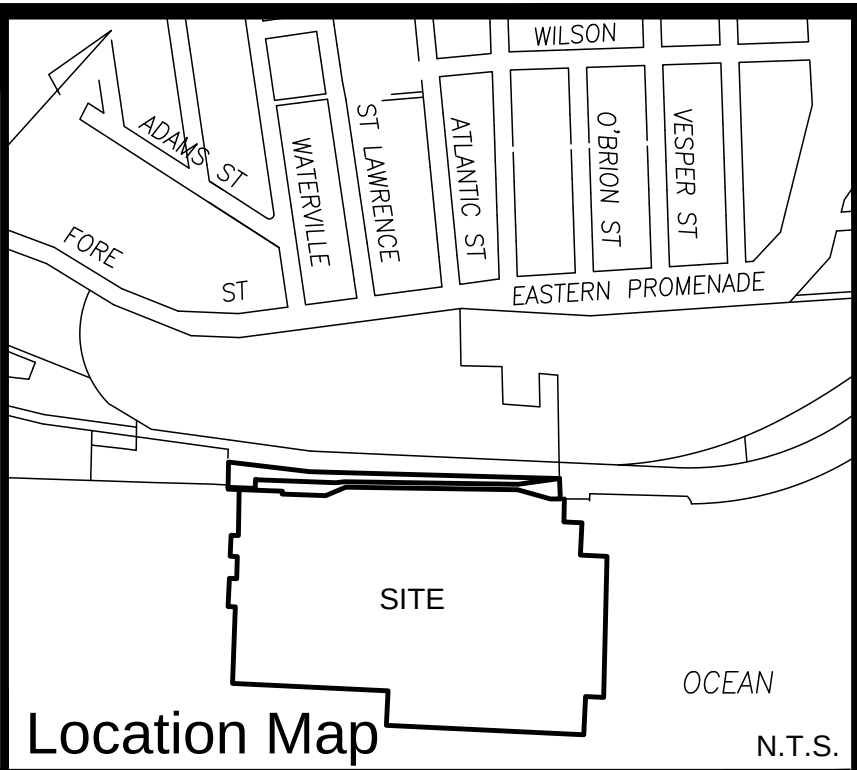
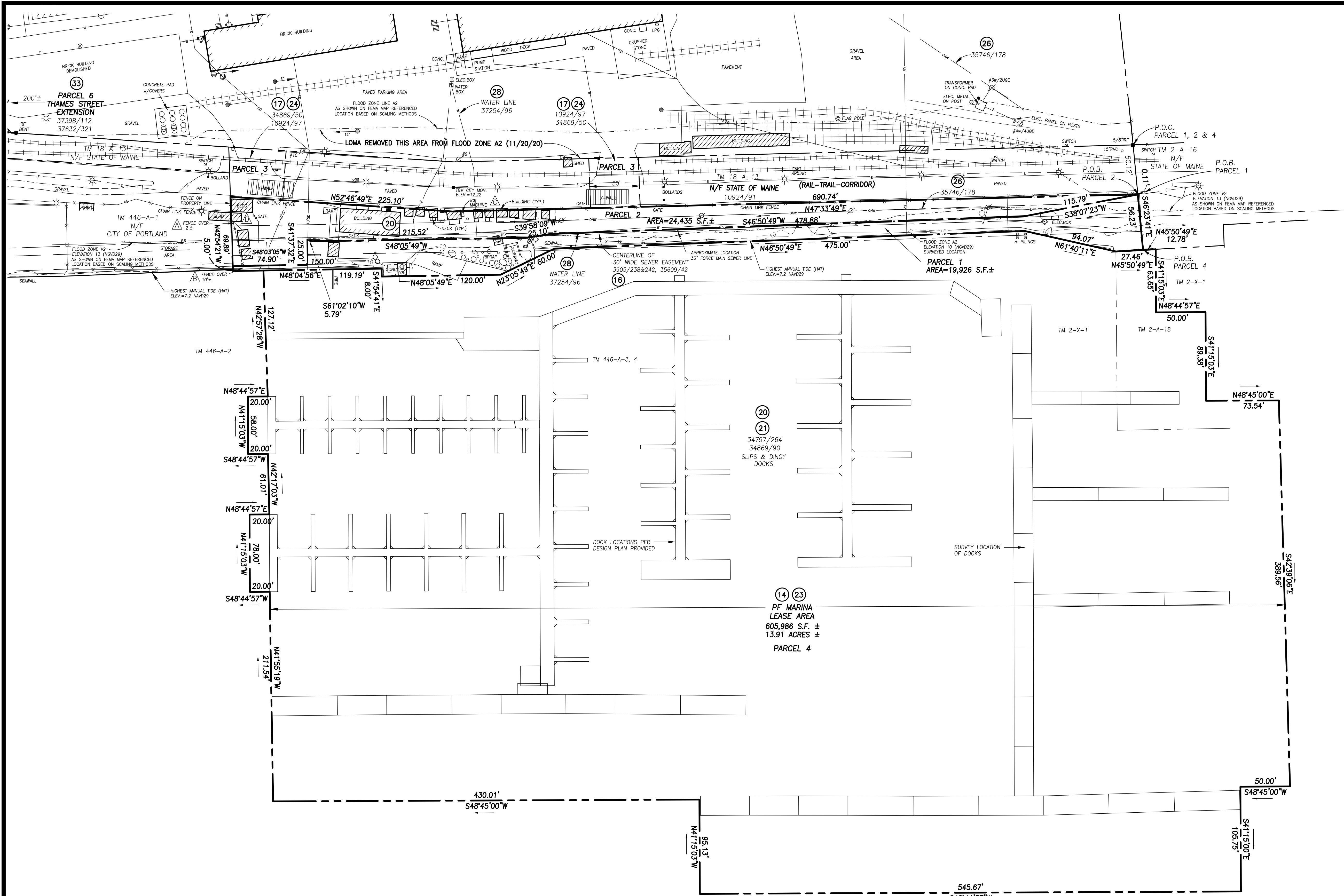
The real property conveyed in this Deed is SUBJECT TO the rights, easements, covenants, restrictions, encumbrances, terms and conditions set forth in the instruments listed on **Exhibit B** attached hereto and made a part hereof.

For Grantor's source of title see deed from The Portland Company to CPB2 LLC dated April 1, 2014 and recorded at Cumberland County Registry of Deeds in Book 31425, Page 267. Reference is made to Affidavit dated March 21, 2018 and recorded at Cumberland County Registry of Deeds in Book 34737, Page 327.

EXHIBIT B

EXCEPTIONS

1. Rights and easements granted by Canadian National Railway Company to Portland Water District by instruments dated September 2, 1976 and recorded in the Cumberland County Registry of Deeds in Book 3905, Page 238 and in Book 3905, Page 242, as affected by Easement Modification Agreement dated April 29, 2019 and recorded in the Cumberland County Registry of Deeds in Book 35609, Page 42.
2. Terms, provisions, obligations, exceptions, covenants, reservations, and agreements described in Indenture by and between Maine Department of Transportation and Phineas Sprague, Jr. dated August 30, 1993 and recorded in the Cumberland County Registry of Deeds in Book 10924, Page 97.
3. Rights, easements, terms, conditions and agreemenet described in Deed from CPB2 I LLC to PF Marina LLC dated May 29, 2018 and recorded in the Cumberland County Registry of Deeds in Book 34869, Page 50.
4. Rights and easements granted by CPB2 I LLC to Central Maine Power Company and Northern New England Telephone Operations LLC by instrument dated April 4, 2019 and recorded in the Cumberland County Registry of Deeds in Book 35746, Page 178.
5. Memorandum of Agreement by and between Portland Water District and CPB2 LLC dated August 31, 2020 and recorded in the Cumberland County Registry of Deeds in Book 37254, Page 96.



Plan References

- "BOUNDARY & TOPOGRAPHY SURVEY AT 58 FORE STREET, PORTLAND, MAINE MADE FOR WOODARD & CURRAN" AUGUST 29, 2016, REVISED OCT. 3, 2016 BY OWEN HASKELL, INC.
- "ALTA/ACSM LAND TITLE SURVEY, 58 FORE STREET, PORTLAND, MAINE MADE FOR CPB2 LLC" BY OWEN HASKELL, INC. DATED MAY 22, 2013.
- "ALTA/ACSM LAND TITLE SURVEY, 58 FORE STREET, PORTLAND, MAINE MADE FOR PF MARINA LLC" BY OWEN HASKELL, INC. DATED MAY 22, 2018 AND PLAN OF PF MARINA LEASE AREA AT 58 FORE STREET, PORTLAND, MAINE MADE FOR PF MARINA LLC BY OWEN HASKELL, INC. DATED MAY 17, 2018 AS REVISED ON JANUARY 22, 2019.
- "ALTA/ACSM LAND TITLE SURVEY, 58 FORE STREET, PORTLAND, MAINE MADE FOR PF ONE DEVCO LLC AND PF LAND LLC" BY OWEN HASKELL, INC. DATED MARCH 4, 2020 LAST REVISED NOVEMBER 5, 2020.
- "SUBDIVISION PLAT, PORTLAND FORESIDE, THAMES STREET & FORE STREET, PORTLAND, MAINE MADE FOR OWNER OF RECORD, CPB2 I LLC," BY OWEN HASKELL INC. DATED FEBRUARY 13, 2020 AND RECORDED AT CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 220, PAGE 65.
- "AMENDED SUBDIVISION PLAT, PORTLAND FORESIDE, THAMES STREET AND FORE STREET, PORTLAND MAINE, MADE FOR OWNER OF RECORD, PF ONE DEVCO LLC AND PF LAND LLC" BY OWEN HASKELL, INC. DATED NOVEMBER 20, 2020 AND RECORDED AT CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 220, PAGE 446.

General Notes

- OWNERS OF RECORD:
PARCELS ONE & THREE: PF MARINA LLC
C.C.R.D. BOOK 34869 PAGE 50
PARCEL TWO: PF MARINA LLC
C.C.R.D. BOOK 37742, PAGE 208
- PARCEL IS SHOWN AS LOT 2 BLOCK A ON THE CITY OF PORTLAND'S ASSESSORS MAP 18.
- BEARINGS ARE BASED ON MAINE STATE PLANE COORDINATES WEST ZONE NAD83.
CITY POINTS: T-113-80-206 N:302687.77 E:2932345.31
T-113-12-111 N:302722.13 E:2933029.45
- UTILITIES SHOWN HEREON ARE BASED ON OBSERVED EVIDENCE ONLY OF SURFACE FEATURES. THE SURVEYED PROPERTY IS SERVED BY PUBLIC WATER, ELECTRICAL, COMMUNICATIONS SERVICES AND PUBLIC SEWER FROM LOCATIONS IN FORE STREET.
- THE SURVEYED PROPERTY DEPICTED HEREON IS THE SAME PROPERTY DESCRIBED ON EXHIBIT A OF THE CATIC COMMITMENT NO. 123120-01 AND CONTAIN NO GAPS OR GORES BETWEEN THE COMMON BOUNDARY LINE OF EACH PARCEL.

ALTA / NSPS Land Title Survey

1 Marina Way
Portland, Cumberland County, Maine
Made For
PF MARINA, LLC
1 Marina Way, Portland, Maine

Surveyor's Certification

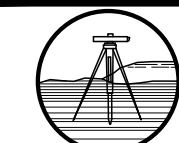
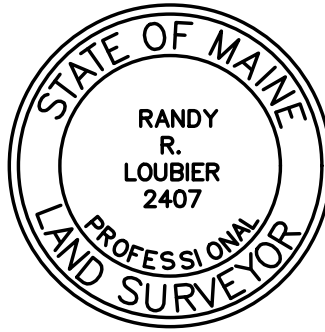
TO: PF MARINA, LLC; CATIC; BAR HARBOR BANK & TRUST, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 7A, 11, AND 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JANUARY 21, 2021.

Randy R. Loubier
RANDY R. LOUBIER
PROFESSIONAL LAND SURVEYOR NO. 2407

DATE OF PLAT OR MAP: JANUARY 26, 2021

DATE OF LAST REVISION: MARCH 18, 2021



OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS

390 U.S. ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424

DRAWN BY: RRL/JLW	FIELD BOOK: FILE	JOB NO. 2019-031 P
CHECKED BY: RRL/SDG	SCALE: 1" = 50'	DRWG. # MARINA-ALTA

Legend

- IRON PIPE OR ROD FOUND
- UTILITY POLE
- MANHOLE
- CATCH BASIN
- HYDRANT
- SS SANITARY SEWER
- W WATER LINE
- SD STORM DRAIN
- N/F NOW OR FORMERLY
- 000/000 DEED BOOK / PAGE
- SCHEDULE B EXCEPTION
- POSSIBLE ENCROACHMENT
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

Zoning Information

NONE PROVIDED

Possible Encroachments

- FENCE ONTO PREMISES 2'±
- FENCE ONTO PREMISES 10'±
- BUILDINGS OVER PROPERTY LINE UP TO 2'±
- BUILDING OVER PROPERTY LINE 10'±

Flood Zone Note

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS PARTIALLY LOCATED IN FLOOD ZONE A2 ELEV. 10, AREAS OF 100-YEAR FLOOD AND PARTIALLY LOCATED IN FLOOD ZONE V2 ELEV. 13, AREAS OF 100-YEAR COASTAL FLOOD WITH VELOCITY ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 230051-00148, WHICH BEARS AN EFFECTIVE DATE OF JULY 17, 1986. THE FEMA FIRM ZONE A2 FLOOD LINE IS DEMARKED ON THE PLAN BY THE ELEVATION 10 CONTOUR. ALL POINTS NORTH OF THIS CONTOUR ON THE SUBJECT PROPERTY EXCEEDS THIS ELEVATION AND THEREFORE FALL OUTSIDE OF THE A2 ZONE.

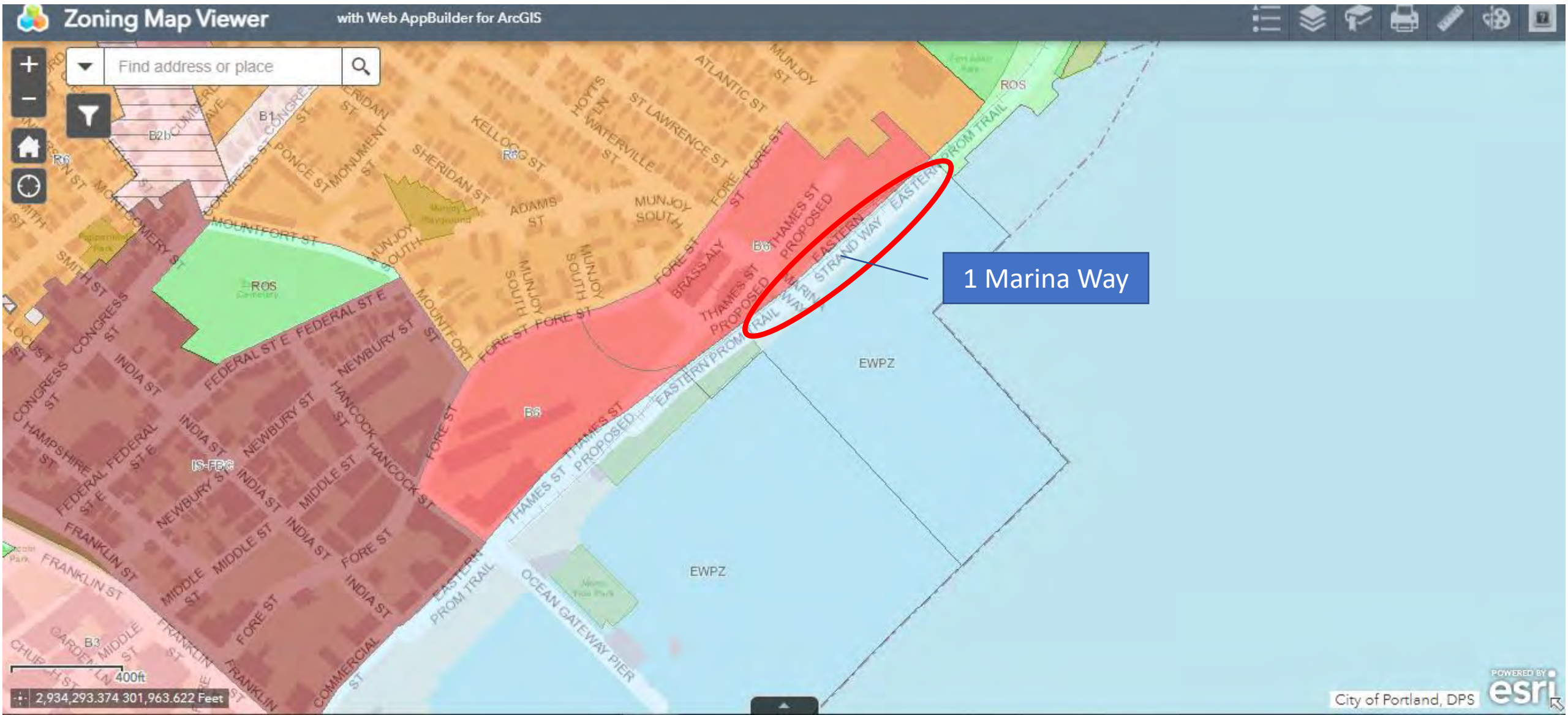
Utility Note

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

CASCO BAY / FORE RIVER

Vicinity Map of 1 Marina Way
Showing Eastern Waterfront, Including Ocean Gateway

December 2020



Vicinity Map of 1 Marina Way
Showing Eastern Waterfront

December 2020



Vicinity Map of 1 Marina Way
Showing Ownership and Use of Abutting Parcels

December 2020



1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26.

- a. Restaurants and food service establishments shall be permitted as accessory uses if such uses are within 100 feet of the principal marina building and do not exceed 1,000 SF of total interior floor area of the building; and further provided that such accessory uses are open to the general public.

12. Marine office, including but not limited to offices of owners of marinas, wharves or their agents, and naval architects, and seafood brokers.

C. Commercial

1. Professional, business, government, and general office located in upper floors of structures existing as of September 18, 2006.

**Editor's Note - On-site parking for non-marine commercial uses are permitted as conditional uses subject to the provisions of Subsection 10.2.4.*

2. Temporary events, except festivals as otherwise governed under paragraph (3) listed below. Buildings, piers and lands within the EWPZ may be used for temporary public and private events including but not limited to exhibitions, conferences, meetings, and trade shows under the following conditions:
 - a. Temporary events occupying more than 10,000 square feet of building or outdoor space shall not exceed a combined total of 60 days between May 1st to October 31st.
 - b. No temporary event may continue for more than 14 days of continuous operation.
 - c. Any temporary event that

anticipates more than 5,000 people in attendance on any single day must provide and be subject to a parking management plan. The parking management plan must be submitted for the review and approval of the public works authority at least 60 days prior to the first day of the event.

3. Festivals subject to City license.
4. Street vendors licensed pursuant to Chapter 19 of the City of Portland Code of Ordinances.

D. Public

1. Fire, police, and emergency services.
2. Governmental agency emergency operations/crisis centers.
3. Research, military and visiting attraction vessel berthing.
4. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.

E. Other

1. A facility for non-profit organizations whose facility may include offices, classrooms, equipment, equipment rentals, storage, and bathrooms for the public.

10.2.4 Conditional uses

- A. The following uses shall be permitted as conditional uses in the Eastern Waterfront Port Zone, provided that, notwithstanding Subsection 6.5.1, or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the review authority, and provided further that in addition to the provisions of Subsection 6.5.2, such uses will not impede or preclude existing or potential water-dependent development within the zone, will allow for adequate right-of-way access to the water, are compatible with marine uses, and meet all additional standards set forth below.



- maintenance of the marine infrastructure for commercial vessels, and visual and physical access to the waterfront for the general public.
5. The non-marine portion of the development will not significantly restrict air or light for marine uses located in the immediate vicinity; will not create significant adverse local climatic effects on marine uses such as an undue increase of winds or shadowing; and will not adversely affect the efficient operation of marine uses, such as by producing less efficient traffic, parking or circulation patterns.
 6. The rezoning contains adequate provisions and/or conditions to ensure that on-site water-dependent infrastructure remains occupied by commercial marine use(s) listed in Subsections 10.2.3 and 10.2.4 and that said use is not abandoned after the project is developed.
- B. Notwithstanding Subsection 10.2.8(H) and off-street parking standards of Article 14, all on-site parking constructed or used for non-marine uses allowed only by contract or conditional rezoning shall be subject to the conditional use provisions Subsection 10.2.4(C)(5). Additionally, the total amount of parking shall be established by the City Council in the conditional or contract rezoning agreement after consideration of the Planning Board's recommendation on the same.
- 10.2.7 Dimensional requirements.**
- In addition to the generally applicable provisions of Section 7.5 of this Land Use Code, lots in the EWPZ shall be subject to the following requirements:
- A. Minimum lot size: None
 - B. Minimum frontage: None
 - C. Minimum yard dimensions:
 1. *Front setback*: None
 2. *Side setback*: None
 3. *Rear setback*: None
 4. *Setback from pier line*: Notwithstanding the above requirements, a minimum setback of 25 feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure, provided that marine offices, as defined in Section 10.2.3(B)(12), may be located up to five feet from the edge of any pier, wharf, or working edge of the hardened shoreline. The setback area may be utilized for water-dependent uses, [restaurants and food service establishments accessory to marinas](#), and public uses and activities, subject to the provisions of Subsections 10.2.2 and 10.2.4, and shall not be utilized for ~~restaurant, drinking, or~~ other non water-dependent uses or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).
 - D. Maximum impervious surface: 100%
 - E. Maximum building height: 45 feet, except as follows:
 1. For purposes of this subsection only, moveable elements such as cranes and gantries, connection devices such as conveyors or bridges, and floating vessels shall not be subject to the space and bulk requirements, but shall be subject to a determination by the Federal Aviation Administration that the location of such equipment will not create a hazard to air traffic.

Attachment E

Consistency with City of Portland Comprehensive Plan Portland's Plan 2030

This proposed amendment to the Eastern Waterfront Port Zone text to allow for restaurants and food service establishments associated with a marina helps advance several specific goals and strategies of the City of Portland Comprehensive Plan, Portland's Plan 2030, and is consistent with the vision statement of the City's Plan.

SECTION 1. GOALS & STRATEGIES

Waterfront Policy Guide

The Waterfront Policy Guide specifically includes the following **goals** which align with this request for a Zoning Text Amendment:

- Prioritize and promote Portland's unique mix of water-dependent, marine-related uses and compatible non-marine uses.
- Promote passive and active recreational access to the waterfront.

Food and beverage service are compatible non-marine uses that support and complement existing water-dependent, marine related uses in Portland. Providing the opportunity for residents and visitors to visit, eat, drink and gather near the waterfront promotes more passive access to the waterfront as well.

Specific **strategies and actions** in the Waterfront Policy Guide which also support this Zoning Text Amendment include:

- Expand waterfront access
 - Expand waterfront access for the public where possible and where appropriate, and
 - Protect and promote access to the waterfront and Portland islands for commercial and marine activity, including berthing.
- Support traditional and emerging marine industries
 - Collaborate with private pier and waterfront property owners to implement waterfront policies that promote and protect the marine economy.

The restaurants and food service establishments use, accompanying an existing marina, provides residents and visitors with greater waterfront access in a location that has traditionally been viewed as either private, restricted to marina access or private industry. In addition, introducing a restaurant and food service establishment that is linked with the existing marina encourages additional visitors to Portland from the boating community. These visitors may be island residents, Maine residents that sail in Casco Bay out of nearby towns and cities, or national or international transient boaters arriving in Portland from across the globe.

Although the menu offerings of a restaurant and food service establishment are not dictated in zoning language, the expectation is that any food business at this location will have a strong focus on local seafood offerings purchased from Portland fish markets and fishermen.

Economic Policy Guide

In addition to consistency with the Waterfront Policy Guide, this Zoning Text Amendment is also consistent with a number of **goals** from the Economy Policy Guide, they include:

- Create economic prosperity by growing Portland's tax and employment base.
- Value innovation and creativity as cornerstones of the local economy and as central to Portland's uniqueness and diversity.
- Reinforce the waterfront as a key component of Portland's economic health, balancing traditional and emerging industries with tourism and recreation.
- Respect that our unique quality of place is key to our current and future economic success.
- Value and nurture Portland-based businesses.

Particularly as Portland emerges from the COVID-19 pandemic, the support of local businesses who intend to foster and grow Portland's tax and employment base is critical. The start of food and beverage offerings at Fore Points Marina was innovative and creative, a response to demand from the Portland community, and something truly unique to Portland's waterfront. There is no other space that offers the waterfront access and trail access to food and beverage service like Fore Points Marina. In addition, allowing for these non-marine uses, by right, does help reinforce a balance between the traditional marine use of the marina and tourism and passive recreation opportunities. The quality of place of this location is unique and we should all encourage that this food and beverage offering be shared with the general public in addition to the marina guests.

Future Land Use Policy Guide

The Future Land Use Policy Guide of the Comprehensive Plan acknowledges that change will occur along the waterfront over the next decade. The change will be consistent with existing waterfront land use policies, including offering public and recreational access to the water where possible.

This Zoning Text Amendment is directly supportive of this guidance, as it offers improved public access to a unique location of the waterfront where public access had not previously been promoted.

SECTION 2. VISION STATEMENT

The Vision Statement in Portland's Plan 2030 offers support for a Zoning Text Amendment associated with Fore Points Marina. While this text amendment is modest in nature, it is supportive of the following 6 points from the Vision Statement:

- Portland will grow in order to sustain our community, infrastructure, and economy,
- Vibrant arts and cultural life will be central to our identity,
- We will embrace innovation in order for our community to thrive,
- We will strive to create a resilient economy through innovation, investment, and commitment to diversity,
- We will support our working waterfront as a commitment to maintaining a vibrant maritime economy in the 21st century, and
- We will invest in and support our local economy.

In many ways, allowing for restaurants and food service establishments at Fore Points Marina is providing support to the City of Portland's economy and ability to grow. These services in this waterfront location also complement the culture that has been created by FPM which welcomes boaters, residents, and visitors alike to enjoy the waterfront. These services are supportive to this marine use along the working waterfront as well as the local economy.

SECTION 3. ZONING

Eastern Waterfront Port Zone

Waterfront Zoning in the City of Portland has a long history. The EWPZ was created to nurture deepwater-dependent activity within the context of the established eastern waterfront neighborhood. Fore Points Marina meets this intent by providing marina services to vessels of all sizes, both private and commercial. As noted in the City's Zoning Code, the Eastern Waterfront is *"uniquely situated to support a wide range of water-dependent industry and commerce through a variety of marine activities."*

The Zoning Code also acknowledges that the growth of Portland's marina passenger industry requires supporting services and activities to provide an enjoyable travel experience. The Code further states that *"non-marine uses that complement the marine passenger industry, are compatible with existing and future-water dependent uses, and provide opportunities for residents and visitors alike to enjoy the Eastern Waterfront throughout the year, are encouraged."*

In the EWPZ, there is a hierarchy of uses that focus on deepwater-dependent uses, and shallow water-dependent uses, followed by other uses only if they do not interfere with and are not incompatible with higher priority uses. The proposed Zoning Text Amendment does not interfere with any deepwater or shallow water dependent uses and, in fact, complements and supports higher priority uses by further attracting transient and seasonal boating activity to the site, intermixed with the public enjoyment.

In the Waterfront Central Zone (WCZ), water-dependent and marine uses are prioritized, but limited non-marine development is allowed to provide needed revenues to pier owners. Portland's Plan 2030 promotes this balance between these uses where the marine use is given space and protection, while the pier owner is given opportunity to generate revenue for maintenance and a return on investment. This same model is welcome and necessary in the EWPZ which is limited to two property owners, and where there is an opportunity for FPM, the marine use, to also generate revenue for maintenance of the asset, including the land area and sea wall, and to maximize return on investment.

Four Points Marina

0 views

 Assigned to meSubscribe 

Adrianna DiBiase <dibiaseadrianna@gmail.... Sep 19, 2021, 3:10:29 PM (18 hours ago)
to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Good afternoon,

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Bruce K. White | Sea Tow Portland <bkwhite@seatow.c... Sep 1, 2021, 11:18:56 AM (6 days ago)
to planning@portlandmaine.gov

Hello,

I am taking a moment to express my support of a change to the Eastern Waterfront Zoning ordinances, which would allow food and beverage providers associated with marinas be allowed permanent status.

This would not only increase the public's ability to access and enjoy the waterfront of Portland, it would provide more employment for the service industry and broaden the tax base.

Specifically, the temporary food and beverage service at Fore Points is well run, and a very enjoyable location to enjoy a little of Portland Harbor.

What a nice draw for visitors to Portland either by land or sea, to be able to watch the ships and boats come and go from this special harbor, while enjoying a meal.

I am a business owner, employing 14, with many of them hailing from Portland, or the surrounding communities,

Thank you for your consideration and time.

Bruce White

Bruce White
Sea Tow Portland/Midcoast & Portland Sea Taxi
92 Cape Newagen Road
Southport Island, Maine 04576
[207-772-6724](tel:207-772-6724)
bkwhite@seatow.com
<https://www.seatow.com/local/portland/>

Fore Points Marina

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Chelsea Roy <chelsearoy.me@gmail.com> Sep 18, 2021, 8:31:13 AM (2 days ago)

to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I support the zoning text amendment to allow food and beverage at the Marina.

-Chelsea Roy

Support for the Marina Bar at Fore Pts. Marina



Assigned to me

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**Christopher Riccardo**<criccardo@visitportland...
to planning@portlandmaine.gov

Sep 1, 2021, 1:02:30 PM (6 days ago)

Hello,

It was recently brought to my attention that there is an opportunity arising for the rezoning of the Eastern Waterfront Port Zone that would allow the Fore Points Marina Bar to operate on a more consistent permanent manner.

In my opinion, as Visitor Services Manager at Visit Portland, that would be an asset to that portion of the waterfront and the city. With more and more development happening in the region it is drawing a growing number of traffic from visitors and locals alike. The food and beverage service would be welcomed in that location and it would offer one more option, if only for patrons, for bathrooms.

I lend my full support to this opportunity to rezone the area.

Please let me know if you have any questions or if I can elaborate on anything.

Regards,

Christopher Riccardo

Visitor Services Manager

Visit Portland

[207.772.5800](tel:207.772.5800)

14 Ocean Gateway Pier | Portland, Maine 04101

criccardo@visitportland.com-----
visitportland.com | @visitportland | #VisitPortlandME

Ciara Price <management@ciaraprice.co>

Sep 17, 2021, 1:43:35 PM (2 days ago)

to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

The Marina Bar is a safe place and a wonderful environment. When you think of Portland, Maine you think coastal and Fore Points Marina is the real life vision. Actually experiencing the entrance of Casco Bay with local food and beverages is something that resonates not only to locals but to tourists who help drive and support our city. I hope you will be open minded and allow the city to grow.

Best,
Ciara

Fore Points Marina

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Dannie Nichols <daniellefaye.n@gmail.com> Sep 17, 2021, 3:26:48 PM (2 days ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina!

Fore Points has been a staple for me and my friends when we visit Portland. Our trips there just won't be the same without it. It's such a special space for locals and visitors.

Best,

Dannie Nichols

daniellefaye.n@gmail.com

910-352-0193

Deanna Povec <deannapovec@gmail.com>

Sep 20, 2021, 8:37:28 PM (11 hours ago)

to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

The Marina Bar has been a place where we have enjoyed an after work drink in our beautiful backyard. We have made some life long friends here and would not be the same and provide these opportunities if you don't consider keeping food and beverage as part of this amazing space for all to enjoy.

Please consider.

Thank you,
Deanna

Drew Johnson <abjohnson.drew@gmail.com>

Sep 19, 2021, 7:00:09 AM (yesterday)

to planning@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

The Portland waterfront needs to maintain as many of these types of watercraft accessible restaurants/bars as possible. It is an invaluable asset to the city and Casco bay. It is what helps make Portland great!

It is also a great addition to the bike path.

Thank you for your consideration!

Drew Johnson
25 Gleckler Rd, Portland.

Fore Points Marina 0 views



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Gregory Thayer <gregorythayer@gmail.com>

11:17 AM (1 hour ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Portland has the unique identity of being a seafaring city with accessible views that no other city in America rivals. We are also known as a city that excels in food and beverage, and have a burgeoning food truck scene. I believe that by not allowing the marina bar to reopen next summer and subsequent summers, Portland is only hurting itself. My wife and I love to enjoy a place to have food and drink outdoors- a place where Maine as a whole excels. We love to gaze upon the boats and see the islands and open ocean beyond. It would be a shame to no longer have this option.

I believe that supporting the marina's zoning text amendment is a benefit to Portlanders, Mainers, and all who come to visit. For those sailing in and landing at the marine, what a wonderful and welcoming first impression.

Greg Thayer
Portland, ME

Fore Points Marina

0 views

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Hoyt David Morgan <hoytmorgan@gmail.c... Sep 17, 2021, 6:21:51 PM (2 days ago)
to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning amendment to allow food and beverage at the Marina.

I believe the marina and development surrounding it has been / will be very positive for the city and food and beverage is an important piece of this.

Thank you for your consideration.

Sincerely,
Hoyt Morgan

Jack Cowie IV <jcowie@varneyagency.com>

Sep 17, 2021, 1:58:33 PM (2 days ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

I've been living and doing business in greater Portland for a majority of my life. During that period the waterfront dynamic has changed considerably. One thing that has been consistent, however, are the barriers placed for motivated persons to contribute to positive change and I would hate to see that happen again with the Marina Bar. The Prentice Group is rooted in greater Portland and has a vested interest in the economic growth of the City while being devoted to expanding upon what makes it great. Whether it's the restaurants, new development, marinas, or a combination, we need to fan the flames of motivated, in state entrepreneurs while we can. Portland is going to continue to grow at a rapid pace, the Marina Bar and Food Truck obviously fill a void the city is desperate for and it would be incredibly frustrating to see such a success story be stifled by zoning headwinds. Please look upon this and future zoning amendments favorably, it's the best thing for Portland's economy, residents, and visitors.

Thank you,

Jack Cowie IV WCP

Sr. Risk Manager- Real Estate & Development

Fore points marina 0 views



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Jane Ellis <jmdellis@gmail.com>

Sep 18, 2021, 4:51:56 PM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Love this place !! Please support zoning text amendment to allow food and beverages. There should be an extra Reason to share this great place - and let everyone know it's great here! Food with drinks and friends !

Jane Ellis

ennifer.rice knottytide.com <jennifer.rice@knottytide.c... Sep 20, 2021, 2:39:46 PM (17 hours ago)
to Gregory Thayer, planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I'm also writing to support the marina's zoning text amendment to allow food and beverage at the fore points marina.

This is a wonderful, eclectic, and growing city. The marina bar offers yet another unique and compelling option for locals and tourists alike to enjoy the waterfront of Portland. I believe that Portland has a tremendous opportunity to stay historic, unique, quirky, and modern all at the same time. The merging of old-new and "something in between" is where Portland excels and I only see the marina bar as a shining example of that juncture. The space caters to all whom love the water and all whom seek a relaxed and inviting atmosphere. I see it not only as a "here and now" but as a staple for all to enjoy for years to come.

It would be a true shame for the community to lose this pop-up gem. We love it.

Thank you,

Jen

Jennifer Rice
Regulatory Affairs Consultant
P: (717) 891-7145
E: Jennifer.Rice@knottytide.com

Jessica Goodman <jlgoodman19@gmail.com>

Sep 17, 2021, 3:24:03 PM (2 days ago)

to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Good Afternoon,

I am writing to support Fore Points Marina's zoning text amendment to allow food and beverage at Fore Points Marina. It's been such a great resource to have during COVID - we still have time before winter sets in - it would be great to continue to have a safe outdoor space to visit with food and beverage. Thank you for your consideration!

Kind regards,

Jessica

Jessica Goodman, PhD
Portland Resident

jlgoodman19@gmail.com
585-820-9296

Joe Hezlep <joehez@yahoo.com>

8:06 AM (1 hour ago)

to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hi,
I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

I have found that Four Points Marina has truly been a special place over the last two summers in Portland and really added a lot to the waterfront community. Do you ownership truly cares about Portland and its future and the staff have been amazing to both locals and tourists alike. Places like this are exactly what has led to the rise in Portland being a destination city for so many tourists.

Having local people invest in their local community is always the most ideal way for any city or town to grow. And I truly feel like Casey Prentice and his team want what's best for not only their company but also their community.

Thank you for your consideration in this matter.

Joe Hezlep

"You can't live a perfect day without doing something for someone who will never be able to repay you." ~ John Wooden

Sent from Yahoo Mail on Android

Julia Bergquist <bergquist.julia@gmail.com>

Sep 21, 2021, 12:58:17 PM (19 hours ago)

to planning@portlandmaine.gov

Good Afternoon,

I am writing to support the marina's zoning text amendment to allow food and drink at the marina. This was my favorite outdoor space in Portland this summer, and drew a lot of additional income to our city. Please do not prevent Portland natives from enjoying a new form of beautiful waterfront outdoor dining just as it is getting on its feet.

Thank you for your time,

Julia Bergquist

FORE POINTS MARINA

 Assigned to ...

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Justin Bryand <jbryand@hotmail.com>

Sep 18, 2021, 10:43:39 AM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to all food and beverage at the marina.

Sep 18, 2021, 9:48:11

kane.kathleen1@gmail.com <kane.kathleen1@gmail.co... AM (yesterday)
to planning@portlandmaine.gov, publiccomment@portlandmaine.gov, planningboard@portlandmaine.gov

To whom it may concern,

I am writing to support the Marina's zoning amendment to allow food and beverages at the marina.

This has become such a special place to gather safely during the pandemic. We have been able to celebrate birthdays and engagements here while enjoying the beauty of the city we love and delicious food. The staff are warm and supportive of the community. Please consider the zoning amendment.

Thank you,
Kathleen

Fore Points Marina

0 views

 Assigned to meSubscribe 

Katilyn Coburn <katilyncoburn@gmail.co...
to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Sep 19, 2021, 10:28:31 AM (22 hours ago)

Hello,

I am writing to support the marinas zoning text amendment to allow food and beverage at the marina.

Thank you for your consideration!
Katilyn Coburn

Kayla Bubar <k.m.bubar@gmail.com>

Sep 18, 2021, 9:25:33 AM (yesterday)

to planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

My name is Kayla Bubar - I am a resident of Portland. I am writing today to support the marina's zoning text amendment to allow food and beverage at the marina. It's one of my favorite spots in Portland to grab a bite to eat and a drink. It's unique atmosphere with games, great food, and fantastic cocktails, brings me back every time. It would be a shame to make it difficult for more small businesses to succeed. We've had enough of that this year. Please save Fore Points Marina. We need to keep the heart of Portland alive.

Thank you for your time.

Kayla Bubar

Fore Points Marina 0 views



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Kelley Burich <kelleyaburich@gmail.com> Sep 21, 2021, 5:27:25 PM (15 hours ago)

to planning@portlabdmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello, I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina. It's a great space that brings something unique to Portland that you can't find anywhere else in the area.

Thank you,

Kelley

Fore points marina 0 views



Kimberly Wallingford <kimberly.wallingford2010@gmail.com>
to planning@portlandmaine.gov, planningboard@portlandmaine.gov

To Whom It May Concern,

I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina

Kimberly MacVane

Sent from my iPhone

Reply all

Reply to author

Forward

Kristin Kostka <kristinmkostka@gmail.com>

Sep 19, 2021, 9:42:00 PM (11 hours ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

To Whom It May Concern:

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

As a new member of the Portland community working at the Roux Institute, the Marina is an incredible asset to the community. I look forward to bringing my researchers and students to partake in many more beautiful evenings on the Marina. I fully support this amendment!

Best,

Kristin Kostka
Director of the OHDSI Center
The Roux Institute
Northeastern University

--

Kristin Kostka
p: [508-523-7554](tel:508-523-7554)

Fore Points Marina

0 views



Assigned to me

Subscribe ☐**Laurel Ellis** <laurel.l.ellis@gmail.com>

Sep 18, 2021, 4:41:55 PM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello!

I am writing to support the Marina's zoning text amendment to allow food and beverage at the Marina. It is such a great spot to relax, everyone is always happy and safe there. I have been several times and truly believe it only brings positivity to the neighborhood. Hope they are able to stay open next season.

Thank you for your consideration!

Laurel
(Downtown Portland resident)

Fore Points Marina

0 views

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Lily Hutchinson <lilyhutch95@gmail.com>

Sep 18, 2021, 12:43:45 PM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Good afternoon,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. The marina is such a quiet and peaceful place as well as a lovely location to have food and beverages. The marina is a place for people to gather whether they are coming or going from Portland. Please allow this amendment. Thank you.

Very respectfully,
Lily Hutchinson

Fore Points Marina Bar

 Assigned to ...Subscribe 

0 views



Mina Moutzourogeorgos Miller <mmoutz@ao... Sep 18, 2021, 10:43:21

AM (yesterday)
to Planning@portlandmaine.gov, publiccomment@portlandmaine.gov, planningboard@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

The Marina Bar has been a wonderful source of enjoyment and entertainment for 2 years now to many people; young and old. The views are the best in the city & the Marina Bar has been enjoyed by so many- residents & tourists alike.

It is a great and popular draw because of it's location. The marina bar should be allowed to continue to operated there with food, beverages & even live music (as it was allowed to do last year).

It is a gem in the Portland landscape now and the Marina Bar should be allowed to operate there forever. It's was and remains a great idea with great views, drinks, food and live music should be allowed back - for ALL to enjoy.

Sincerely,
Mina Miller

Fore Points Marina 0 views

 Assigned to me

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Nate Burbury <nateburbury@gmail.com>
to planningboard@portlandmaine.gov

Sep 19, 2021, 1:06:22 AM (yesterday)

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina

Noelle Chamberland <noelle.chamberland@gmail.com> Sep 18, 2021, 8:56:37 AM (2 days ago)
to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

To whom it may concern,

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Fore Points Marina has become a favorite gathering place for family and friends, and we would be so disappointed to lose the access to Evo X and the other tasty offerings in the area. Please don't take this away from us! We've really enjoyed the development of this under-utilized area of Portland and we hope for even further growth and development.

Thanks for listening!

Noelle Chamberland

Fore Points Marina

0 views



Assigned to me

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PAUL SZATKOWSKI <szatkowski@aol.com> Sep 18, 2021, 10:11:53 AM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina. As property owner in the area and soon to be multiple property owner, I feel that the presence of the marina bar outdoor space has greatly added to that area of waterfront and was something that was sorely needed, as well as taking a lead in the redevelopment of that area. In this "new normal" outdoor venues such as Fore Points should be encouraged and supported, particularly those that add to the waterfront. Thank you.

Paul Szatkowski

Fore Points Marina

0 views

 Assigned to meSubscribe **Pete Vernon** <pfvern@gmail.com>

Sep 18, 2021, 2:18:52 PM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov

Good afternoon,

I am writing to support the Marina's zoning text amendment to allow food and drink sales at the Marina. The Marina Bar has been a great addition to the neighborhood for those of us who live in Munjoy Hill.

Especially at a time when we are still experiencing high levels of transmission of Covid, having a safe outdoor gathering spot like the Marina Bar has been a lifesaver. It would be a shame not to allow for the zoning amendment.

Thank you for your consideration,
Pete Vernon

Support for FPM proposed Zoning Text Amendment

1 view

Pierre de Rochefort

<pierre.derochefort@icloud.com>

Aug 10, 2021, 10:04:48 AM

to planning@portlandmaine.gov, Nina DeRochefort

Dear City of Portland, Planning and Urban Development Department;

We are writing to express support for the Portland Foreside Development Company's Zoning Text Amendment proposal related to the Eastern Waterfront Port Zone (EWPZ) and the Fore Points Marina (FPM) property located at 1 Marina Way. Despite the challenging 2020 COVID context, the FPM has been a significant addition to the EWPZ since it opened in 2019. Within the FPM, the availability of a food and beverage amenity has already proved extremely successful, providing an attractive water-front alternative while adding a compelling dimension in terms of increasing public access to and enjoyment of the water front. In voicing our support, we would suggest that the proposed Zoning Text Amendment is:

- Entirely in line with the City of Portland's Land Use Code allowing for restaurants and food service establishments in the EWPZ so long as they are directly associated with a marina facility and also open to the general public.
- Consistent with the City of Portland's Comprehensive Plan, Portland's Plan 2030 in terms of uses already conditionally allowed in the EWPZ, and ensures that these uses are directly associated with and in the immediate proximity of marina facilities.
- Complementary to and supportive of the City of Portland's Land Use Code that acknowledges that the growth of Portland's marine passenger industry requires supporting services and activities to provide an enjoyable travel experience. The Code states that "non-marine uses that complement the marine passenger industry, are compatible with existing and future-water dependent uses, and provide opportunities for residents and visitors alike to enjoy the Eastern Waterfront throughout the year, are encouraged."
- Complementary to and supportive of higher priority uses by further attracting transient and seasonal boat activity to the site, intermixed with public usage and enjoyment. The mix of use (marina and food/beverage) at FPM, open and inviting to the public, allows for the wider community to enjoy a waterfront location.

Relating this to a wider context, we would also express support for the potentially transformative nature of the entire Portland Foreside project. The Portland Foreside Development Company's current vision is compelling — a mixed-use neighborhood with a focus on community in the best sense of the term, designing sustainably and cohesively to meet the vital historical significance of the area while promoting local residents and visitor's year-round enjoyment of Portland's waterfront through housing, office, lodging, dining, retail, events, and outdoor areas that will promote a sense of inclusiveness, community, and public gathering. In short, we believe the project will be a game-changer for Portland, providing a model for community-based urban planning (and living) for years to come.

Respectfully,

Pierre and Nina de Rochefort
503 Chandler's Wharf, Portland

Sam Basile <sam.basile@zoominfo.com>

7:46 AM (1 hour ago)

to Planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

If you want to add anything about why you support food and beverage at the Marina it never hurts!

Thank you so much and hope to see you this weekend for a final season beverage!!

Sam Basile

Manager, Strategic Customer Success

O: [617-826-2953](tel:617-826-2953)

E: sam.basile@zoominfo.com

275 Wyman St. Waltham, MA 02451

Fore Points Marina

0 views

 Assigned to meSubscribe 

Samantha Taube <samantha.taube@gmail.c... Sep 18, 2021, 10:09:47 AM (yesterday)
to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Thank you.

--

Samantha Taube

Sarah Pritchard <smpritchard8@gmail.com>

Sep 19, 2021, 9:17:12 AM (24 hours ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

To whom it may concern,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

Thank you,

Sarah Pritchard

Four Points Marina

0 views

Subscribe ☐**Sean** <smalone703@gmail.com>

Sep 18, 2021, 8:42:10 PM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I'm not sure why you would put a small company out of business due to recently established zoning changes. The very small operation there is probably easy to look over but the effect to patrons and staff shouldn't be. Please consider the community you support and strive to ensure the employees at four points marina dont needlessly lose their jobs. They deserve better.

A loyal patron

Sean

Stephanie Hill <hill.stephanielynn@gmail.com>

Sep 17, 2021, 2:59:55 PM (2 days ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the Marina's zoning to allow food and beverage at the marina.

It offers family friendly environment with a great view. The same can't be said for other establishments in the area that cater more to drunken debauchery.

Please consider allowing the marina bar to continue to operate. The summers and nice outdoor weather is limited on the waterfront and many of us would like to be able to get the most out of that time.

Thank you,
Stephanie

Stephanie Peer <speer207@gmail.com>

Sep 18, 2021, 8:48:14 AM (2 days ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hi there,

I'm writing to support the Marina's zoning text amendment to allow food and beverage at the marina. It is delicious, quiet, and such a treat!

Thank you,
Stephanie Peer
71 Deane Street, Portland

Fwd: Fore Points Marina

0 views



Assigned to me

Subscribe



Stephanie Woods <nearhos00@yahoo.co... Sep 19, 2021, 5:16:11 PM (16 hours ago)
to planningboard@portlandmaine.gov

Hello

> I am writing to support the marina's zoning text amendment to allow food and beverage at the marina. This past two years the marina bar and EvoX food truck have been a welcome addition to Portland's food and bar scene providing a welcoming open space on the waterfront.

> Thank you

welmaurya@gmail.com <welmaurya@gmail.com>

10:06 AM (5 hours ago)

to Planning Board, Planning@portlandmaine.gov

Planning Board Members,

I am writing in support of the Portland Foreside & Fore Points Marina's application for a text amendment to allow for restaurant use.

I walk the Eastern Promenade trail almost every day and have often stopped in to enjoy the outside dining with a friend. The text amendment will allow permanent and increased public access to the waterfront. It really is unique in Portland and serves as a public amenity. The language proposed is measured and well thought out and with no real downside. In many aspects it reinforces the City's goals and Comp Plan.

I hope the Planning Board will vote in favor of this proposal.

Best regards,

Tim Wells

Fore Points Marina Bar

 Assigned to ...Subscribe 

0 views

**Miller, Travis** <travis.miller@ubs.com>

Sep 20, 2021, 1:30:55 PM (18 hours ago)

to Planning@portlandmaine.gov, publiccomment@portlandmaine.gov, planningboard@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

The Marina Bar has been a wonderful source of enjoyment and entertainment for 2 years now to many people; young and old. The views are the best in the city & the Marina Bar has been enjoyed by so many residents & tourists alike.

It is a great and popular draw because of its location. The marina bar should be allowed to continue to be operated there with food, beverages & even live music (as it could do last year).

It is a gem in the Portland landscape now and the Marina Bar should be allowed to operate there forever. It's was and remains a great idea with great views, drinks, food, and live music should be allowed back for ALL to enjoy.

Sincerely,

Travis Miller

Fore Points Marina

0 views



Assigned to me

Subscribe ☐**Will Siltan** <willsiltan@gmail.com>

Sep 18, 2021, 1:01:40 PM (yesterday)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Fore Points is culturally intertwined with the East End (my neighborhood) and I love the fun vibe it has brought to an otherwise non-value added space for Portland residents.

Thank you for your consideration!

Will Siltan

**Michael Hoover
40 Melbourne Street
Portland, ME 04101**

September 22, 2021

Brendan Mazar, Chair
City of Portland Planning Board
389 Congress St, 4th Floor
Portland, ME 04101

VIA EMAIL: planningboard@portlandmaine.gov

RE: 58 Fore Street Master Plan Amendment Proposal Workshop

Chair Mazar and Planning Board Members:

To be clear, the master development approvals granted by the City of Portland for the marina facility at 58 Fore Street consisted of with a single marina building of high-quality design and a public “waterfront walkway” extending for the entire width of the marina. The current development at the site exhibits absolutely no resemblance the approved design concept. In contrast, the area is now occupied by a “marina office” (of approximately the same footprint as the proposed permanent marina building), PLUS a series of pre-fab huts of no architectural distinction which are sited so as to block most views, a sprawling de facto restaurant/bar posing as a temporary event, and a temporary fence that blocks any remaining views to the water which are not already obstructed by the temporary structures.

The 58 Fore Street developer, and applicant for this proposed change to the master development plan and zoning uses, has abused the courtesy offered by the City of Portland to operate the facility in a temporary manner. This abuse must stop, immediately. The developer has had more than enough time to operate with temporary structures and that it should not be granted a 3-year extension to continue to avoid what it promised previously. The public access in the vicinity of the marina was to be one of the few benefits for citizens, and was consistent with the proposed development of water dependent uses in this zoning district. Instead, the developer, with the help of the City, has privatized the waterfront for its own financial gain with the development of a non-water dependent use (the seasonal restaurant), with no consideration paid to public interests.

The developer offers no reasonable explanation for this three year period of “temporary” occupancy. Blaming the pandemic as the reason for a request for the continued operation of the facility in a temporary manner is simply a continuation of this unacceptable behavior, and is not in any way a reasonable justification for this proposal.

In addition to the egregious abuse of existing development permits, the developer has not chosen to construct the temporary facilities in accordance with existing building codes. This is another example of this developed choosing not to comply with existing requirements. These actions, in combination with the use of “temporary” development activities, has resulted in a Consent Agreement with the City to

correct the noncompliant actions taken to date. We understand the "Consent Agreement" requires that all the temporary structures be removed by 11/8/21 but we were unable to locate a detail in the proposed Minor Site Plan amendment (or other documents) specifying where the structures will be placed after removal from the site. Is the City requiring that they be moved completely off the site of 58 Fore Street, or is the applicant proposing just to move them to a slightly different location on the property? They should not be allowed to remain between the Eastern Promenade Trail and the water. Since we could not find answers to these important elements of the approved activity, we ask that the City requires a specific removal plan for public review.

It is also extremely unfortunate that the City allowed the developer to evade the regulatory language by granting multiple consecutive 14-day "temporary events" permits to allow the establishment of the Fore Points Marina Bar. I support that the City is now prohibiting food or liquor service at the property after November 8, 2021 (other than a food truck) except for bona fide temporary events as defined by Code unless the developer is approved for a text amendment. Given the poor decisions taken by the developer to date, I am opposed to such a text amendment. The area immediately along the waterfront is so narrow in the vicinity of the Eastern Waterfront Port Zone that the entire area should be reserved for water-dependent uses. Non-water-dependent uses, like bars and restaurants should be located landward of this zone.

If, despite this, an amendment is approved to allow a bar/restaurant as accessory to a marina use, it should be restricted to being located within a permanent marina structure itself (not a temporary structure), and it should not allow an outside seating or stage presence. Requiring it to be housed in a permanent structure would create an incentive to get rid of the temporary hut-village. Moreover, light and sound carry over the water. Neighboring residential areas should not be subjected to the light and sound intrusion from the introduction of an incompatible new bar/restaurant use in this location.

I also want to bring to your attention the fact that I remain very concerned about the unauthorized filling and other extensive site work that is occurring on the property (and has been occurring for months) which appears to be outside of sections of the property which have obtained approved site plans. I do not believe it is appropriate to approve any amendment to the Master Development Plan whatsoever until this issue of apparently unauthorized site work has been resolved. I have not identified any documentation of the need for large areas of staging necessary for soil deposition, and it is clear that no real efforts to control erosion or runoff is being addressed in this area of the property. Additionally, it took multiple letters to city staff and the DEP this year to force the developer to remove 75 yards of unpermitted fill at the northern end of the site.

From my perspective, the developer is incorporating one more activity designed to take advantage of "temporary" activities which are altering the physical characteristics of the site outside approved plans, and which will conveniently benefit future land development activities at the property without the benefit of review or approval by the city and affected residents. It is my understanding that the only changes made to the entire property known as 58 Fore Street must be consistent with one or more approved site plans. As these site plans are being proposed in stages, there are large areas that have not been the subject of site plan approval. Yet extensive filling has occurred in the entire area east of an extension of St. Lawrence Street outside of the designated limit of disturbance on the approved site plan. I have not identified any site plan notes or approval language addressing the need for, and

approval of, staging disturbances which extend beyond approved limits of disturbance. Moreover, the filling that is occurring seems to be inconsistent with the approved Master Development Plan.

In closing, the long term rampant and egregious disregard for existing approvals for the development of the marina facility as well as for site development at the project should lead the Planning Board to require that the applicant simply commence to adhering to the existing approvals for the Master Plan and site plans at this development. In addition, no changes to the existing zoning language should be adopted. These changes are only requested to benefit the continued misuse of the current approvals by the developer. I ask for your support in requiring that the actions taken by the developer which are not consistent with existing approvals be denied, and that no future zoning language changes be enacted which will simply benefit these well documented, egregious activities in the future.

Regards,

/s/

Michael Hoover

Michael DeCandia <michael@mdcarchitects.com> Sep 22, 2021, 3:50:30 PM (17 hours ago)
to planningboard@portlandmaine.gov

I am a Portland resident and I really enjoy having access to food and beverages at the Four Points Marina. Please allow this to continue indefinitely. I support their application.

Michael DeCandia
305 Commercial Street

Cindy Warren <cindy_warren@live.com>

Sep 22, 2021, 4:13:21 PM (16 hours ago)

to publiccomment@portlandmaine.gov, planningboard@portlandmaine.gov, planning@portlandmaine.gov, Cindy Warren

Hello –

I grew up in the Portland area. One of the things that truly amazes me is how well Portland has allowed the waterfront to be used and enjoyed by all. Allowing the continued use and availability of the Four Point Marina with access to beverages and food uses only contributes to the city's human scale and gives us spaces and use that people of all ages will enjoy.

I remember as a kid and young adult how inaccessible this area was.

To see and personally experience its transformation is magical.

At a time when many of us continue to feel like public access is becoming more and more restricted, having access to a place like this with a beautiful view, a place to feel a cool summer breeze, grab a bite to eat and enjoy the company of others is a gift.

This amendment places a jewel in the areas connecting the East Promenade to the Old Port and Munjoy Hill – places we all know and love. We need to maintain and grow these beautiful ties to the great outdoors and fun spaces. Fill in the blanks.

Maine and its communities have a rich history of giving people access to beaches (Crescent Beach; Scarborough Beach; Popham Beach; Ferry Beach) beautiful views (Two Lights; Portland Headlight) historic places (Admiral Perry's Home), public parks (Katahdin/Baxter State Park; Western and Eastern Promenades; Deering Oaks) and spaces and water access to both the ocean and fresh water. There are too many beautiful sites to mention here.

This amendment will continue to enhance the vibrant and unique nature of the city, its livability and allows it to continue to grow and mature in a way we can all enjoy! There's nothing like it for hundreds of miles!

I urge you to vote "YES" and approve this Four Point Marina Zoning Text Amendment.

Sincerely,

Cindy Warren

821 Barretts Mill Rd

Concord MA 01742

Ross Maniaci <rossmaniaci@gmail.com>

Sep 22, 2021, 4:31:32 PM (16 hours ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hi -

I'm writing to support the Marina's zoning text amendment to allow food & beverage at the Marina.

This is an amazing addition to the waterfront & the Portland Trail.

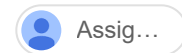
Thanks - Ross Maniaci

Ross Maniaci

rossmaniaci@gmail.com

Cell: [315-415-0285](tel:315-415-0285)

Fore Points Marina Zoning Text Amendment



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Johanna Young <johanna.w.young@gmail.... Sep 22, 2021, 4:54:04 PM (16 hours ago)
to planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov, planning@portlandmaine.gov

To whom it may concern,

As a city resident I would like to express my deep support of the Fore Points Marina Zoning Text Amendment.

The Marina Bar is a wonderful addition to the Portland waterfront and encompasses the working waterfront feel of the city that makes it so special.

There is nothing better in the summer months than enjoying time sitting by the water with friends and family. I brought out-of-state visitors to the Marina Bar as a ritual because of the excellent food, drinks and views of the harbour!

It's a shame that the city is not welcoming and celebrating a venue such as this in the first place. Let us reach out a hand to these businesses instead of making more roadblocks for them.

Best,
Johanna Young
Hawthorne St. Portland, ME

Sara Piwowarski <saraepiwowarski@gmail.com> Sep 22, 2021, 5:42:55 PM (15 hours ago)
to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina.

Best,
Sara

James Meagher <jmmps@maine.rr.com>
to planningboard@portlandmaine.gov

Sep 22, 2021, 7:56:19 PM (13 hours ago)

Planning Board Members,

As a member of the marine construction community, the facility at Four Points is well received by those who visit Portland by water.

Thanks,

James E. Meagher, Director
Underwater Mineral Processing Services
50 Market St. So. Portland, Maine 04106
[207-741-2955](tel:207-741-2955) phone
[207-799-3782](tel:207-799-3782) fax
jmmps@maine.rr.com
<http://www.mpsmaine.com>

thomas coleman harmon <motionhero@yahoo.com> Sep 22, 2021, 8:58:37 PM (12 hours ago)
to planning@portlandmaine.gov

Love this bar and food would be a welcomed addition. Please permit it as it's a stop for me when I come to Portland.

Marie Gardner <peatrisha85@me.com>

9:27 AM (22 minutes ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina.

Sent from my iPhone

Mykaela Twitchell <mtwitchell19@gmail.com>

9:42 AM (8 minutes ago)

to planing@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

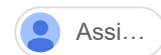
Hello—

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Thank you,

Mykaela Twitchell

Fore Points Marina - Support for food and beverage on the eastern waterfront



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Timothy Schneider <tstimmerworks@gmail.com>

11:09 AM (7 minutes ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

To whom it may concern,

On behalf of my friends and family, please let this serve as support for continued and future food and beverage options at and around the Fore Points Marina, 58 Fore St. development and along the eastern waterfront.

Thank you in advance for your consideration of these great improvements and support for additional options for the eastern prom area residents and visitors alike.

Sincerely,
Timothy Schneider.

Fore Points Marina 0 views



Subscribe ☐



daneel dafni <daneeldafni@yahoo.com>

8:21 AM (8 minutes ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina. This spot is one of the only accessible places to enjoy a casual beverage and meal by the water. Please don't continue to take such wonderful places away from the public when we already don't have enough. It would be extremely defeating and disappointing.

Thank you for saving our scene,

Daneel Dafni

Ryan Young <rpyoung1@gmail.com>

Sep 23, 2021, 4:18:47 PM (16 hours ago)

to planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov, planning@portlandmaine.gov

I'm writing to support the Marina's zoning text amendment to allow food and beverage at the Marina. This is a wonderful and much needed small business in Portland. My wife and I started coming back into Portland more and more this summer and Fore Points Marina bar was the draw, no exaggeration. Please consider their ammendment and keep the business alive.

Thank you

Ryan and Breanna Young

P.O. Box 153
Raymond, Maine
04071
[207.441.7533](tel:207.441.7533)

Fore Points Marina

0 views



Assigned to me

Subscribe ☐

Rachel Freid <rachel.freid75@gmail.com>

11:45 AM (15 minutes ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

On a personal note -

STOP MAKING DUMB RULES AND KEEP THIS PLACE OPEN. My goodness, I can't believe I have to write this email - what a waste of everyone's time and energy. Put your money and effort towards things that actually matter. Let people live and drink and eat!

Sincerely,
Portland Resident

Fore Points Marina 0 views

 Assigned to meSubscribe **Sophie Samuels** <sophialsamuels@gmail.com>

11:56 AM (5 minutes ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. I feel that the bar and restaurant extend the usable space of the Eastern Prom and give life to an area that previously felt abandoned and somewhat unsafe.

Thank you,

Sophie Samuels
Resident of Portland's East End

Fore Points Marina 0 views

 Assigned to me Subscribe 



Ian Crowley <ian@greatharbordigital.com> 11:56 AM (5 minutes ago)
to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina’s zoning text amendment to allow food and beverage at the marina.

Fore Points Marina 0 views



Subscribe ☐



Hannah Wolper <hannah.wolper@gmail.com>

12:42 PM (3 hours ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

Cheers,
Hannah

--

Hannah Wolper ☆

Fore Points Marina 0 views

 Assigned to me

Subscribe ☐



Hannah Mitchell <hannah.mitchell21@outlook.com> 1:34 PM (3 hours ago)
to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina.

Fore Points Marina 0 views

 Assigned to meSubscribe 

Corey Merrill <merrill.corey@gmail.com>

1:46 PM (2 hours ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hi - by way of introduction my name is Corey Merrill and I grew up in Portland, Maine and currently reside in Brooklyn, NY.

I travel to Portland to visit my family at least 6+ times per year and my favorite part about the city (very similar to what I love about living in New York City) - is the restaurant and bar scene. More so than ever before my friends in NYC are asking me for my favorite restaurants / bars to help them plan their long weekend getaways to Portland - so I've essentially created a running list of my favorite spots that I have shared 20+ times this year alone.

All that being said - **I am extremely saddened to hear that one of my favorite spots (the Fore Points Marina Bar) is at risk of closing due to the marina's zoning text amendments. PLEASE, let me know what I can do to help persuade you to avoid doing this - I've seen NYC grow over the 13 years I've lived here and can say that progressive places like what popped up on that Marina last summer are what gives cities like NY and Portland that "it" factor - and what will keep the money flowing.**

Thanks for reading my email and again - if there's anything else you need from me please don't hesitate to reach out.

Thanks,
Corey Merrill

Fore Points Marina

0 views



Assigned to me

Subscribe ☐**Hailee Flaherty** <HFLAHERTY@smhc.org>

2:41 PM (1 hour ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverages at the Marina. Fore Points Marina Bar has been such an amazing asset to Portland. Going to the marina bar had brought me into Portland countless of times, when normally I would have just stayed home. I have seen a ton of other of businesses that I never would have known existed if it wasn't for driving down to the marina bar, and I have brought business to those businesses because of it. Closing down the Fore Points marina bar would be a huge mistake.

Hailee Flaherty

Fore Points Marina

0 views

Subscribe ☐

Frank Gruber <frankgruber5@gmail.com>

2:58 PM (1 hour ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello Portland Maine Planning Board,

I'm writing to support the marina's zoning text amendment to allow food and beverage at the marina. What started as a temporary setup has brought value to the area and brings life to the water's edge. There are not too many places to eat or drink in the area so I would hate to see it go.

Thanks,
Frank

Fore Points Marina

0 views



Assigned to me

Subscribe ☐**Sarah Davidson** <sarahdavidson635@gmail.com>

3:14 PM (1 hour ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hi!

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. We love Evo X and look forward to spending many more summers with them! Please don't take this away from us!

Thank you!
Sarah

--

Sarah Davidson

FORE POINTS MARINA

 Assigned to ...

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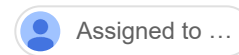
Tom Fitzpatrick <tfitzy92@yahoo.com>

3:48 PM (19 minutes ago)

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the Marina’s zoning text amendment to allow food and beverage at the marina.

Fwd: Fore Points Marine



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0 views



J Glover <jglover1@maine.rr.com>
to planningboard@portlandmaine.gov

3:51 PM (17 minutes ago)

> I am writing to support the Marina 's zoning text amendment to allow food and beverage service at the Marina.
>
> Well run, excellent food, and a boost to Portland's economy.
>
> John S Glover

Fore Points Marina

Elizabeth Freeman

Sep 24, 2021, 4:20:30 PM

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Elizabeth Freeman

Portland Maine Resident

Fore Points Marina

Rhonda Green

Sep 24, 2021, 4:31:22 PM

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to SUPPORT the marina's zoning text amendment to allow food and beverage at the Marina.

The Fore Point bar was fully open to the public and embraced by the public- all ages. A fabulous spot that highlights the super energy and by the water location of Portland Maine.

Bravo

Rhonda Green

156 Sheridan St

Portland ME 04101

Fore Points Marina Bar

PC68

david bannon

Sep 24, 2021, 4:33:12 PM

to planning@portlandmaine.gov, planningboard@portlandmaine.gov

Dear Sir/Madam,

As a resident of Turner Street on Munjoy Hill, I have really enjoyed the opportunity to stop in at the Fore Points Marina on my way to and from my home from downtown. The business and the location represents a perfect halfway point for visitors walking to & from Old Port and the Eastern Promenade.

As such, I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

Sincerely

David Bannon

Fore Points Marina Zoning Text Amendment

PC69

Kristen Diver

Sep 24, 2021, 4:37:54 PM
to planning@portlandmaine.gov

To Whom it may Concern,

I would love to support the efforts of keeping food and beverage at the Fore Points Marina!

Thank you,
Kristen Diver

51 Moody St #2
Portland, ME 04101

Zoning Inquiry: 447 Riverside St

PC70

Maya Lorimer

Sep 24, 2021, 6:16:38 PM

to planning@portlandmaine.gov

Hello,

We're interested in potentially acquiring the property located at 447 Riverside St. Our uses would consist of self-storage, U-Haul truck and trailer share, and related retail sales. Are you able to confirm the zoning district of the property and whether or not the above-mentioned uses are permitted?

Thank you,

Maya Lorimer

Amerco Real Estate

2727 N. Central Ave., Suite 500

Phoenix, AZ 85004

[\(602\) 263 6555 Ext. 515302](tel:(602)2636555)

maya_lorimer@uhaul.com

Fore Points Marina

PC71

Tenni Luna

Sep 24, 2021, 6:40:56 PM

to planning@portlandmaine.gov

I'm writing to support the marina's zoning text amendment to allow food and beverage at the marina

The best painkillers in all of Maine are found at this marina. The views and sunsets are incredible, it's a pet-friendly establishment and it's something unique that the rest of Portland doesn't have.

As a longtime resident of Portland, please allow the marina to continue being a place where we can all enjoy those short summer days.

Winston really loves this place!

Sent from my iPhone



Fore Points Marina

PC72

Katie Kennedy

Sep 24, 2021, 7:07:01 PM

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

To whom it may concern,

I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina.

Our family (including young children) has thoroughly enjoyed this waterfront, outdoor dining space at Fore Points Marina. It's been hard the past couple of years with Covid to find outdoor dining that felt safe for children and this was one of our favorites.

Sincerely,
Katherine Kennedy
396 Brighton Ave
Portland, ME 04102

Fore Points Marina

PC73

Courtney Russell

Sep 25, 2021, 8:16:35 AM

to planning@portlandmaine.gov, publiccomment@portlandmaine.gov, planningboard@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina. Please let them stay!

Courtney

Fore Points Marine

PC74

Jeffrey Hargenrader

Sep 25, 2021, 8:28:39 AM

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

I'm writing to NOT SUPPORT the marinas zoning text amendment to allow food and drink at the Marina bar.

When Fore points showed up on the marina scene I had nothing but good feelings towards what they could provide for the community. After a couple seasons, they are a disaster, they care not about the city, people, and most importantly a wholesome atmosphere around boats. If you were to allow them To have food and drink I think it should be extremely expensive for the license. They are making some serious money down there, And they are not catering to Portland they are catering to massive yachts that we don't need here to begin with.

Thank-you,
Jeffrey Hargenrader

Fore Points Marina

PC75

Megan Cook

Sep 25, 2021, 11:59:28 AM

to planning@portlandmaine.gov, planningboard@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello,

I'm a Munjoy Hill resident and frequently use the Eastern Prom trails for running and walking. I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

Thanks for your time,
Megan

Four Points Marina

PC76

Larlee, Peter (ES)

9:20 AM

to planning@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. I moved to Portland in July 2021 and love the energy that the Old Port has to offer.

My wife and I have been supporting as many local businesses as possible that are in the city.

- I don't go to Lowes or Home Depot, I go to Maine Hardware.
- I try to go to use local markets like Micucci's when possible.
- I have also noticed my entertainment budget increase significantly, supporting many small business and their employees.

I do this to support the City I have now decided to call home, even though in my mind I know I am paying a slight premium to do so. We also entertain friends from neighboring towns as they all want to "see and be introduced" to new locations. If they have a good experience I am sure they are spreading the knowledge to more people to visit and commerce.

Four Points Marina is a great location to grab a coffee, some food, or a beverage. When asked by visitors to the city, I generally recommend Four Points as the Staff is friendly, responsive and the location shows the beauty of Casco Bay and the City.

I would love to see the location remain in business especially with the added development from Sun Life, WEX, and the new retail building being restored.

Thanks for your consideration

Peter Larlee

[781-443-5907](tel:781-443-5907) Mobile

peter.larlee@adp.com

ADVISOR // INFLUENCER

Fore Points Marina

PC77

Nick Vlahos

Sep 25, 2021, 12:33:17 AM

to planni...@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina

Thanks,

Fore Points Marina

PC78

Joan Libby

Sep 27, 2021

to Plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. This place has been such a great addition to Portland. Perfect for boaters, families, children and dogs. A relaxed environment without dealing with the nonsense of those restaurants on the wharf.

Fore Points Marina

PC79

John Gillis

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

To whom it may concern,

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

Thank you,

John

Fore Points Marina

Carrie Nalad

Sep 27, 2021

to planni...@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. Marina Bar has been a place for locals and visitors alike to gather and enjoy the beautiful views of Casco Bay and great company. We look forward to the hospitality of those working at the Marina Bar, and it has become a go-to spot for all occasions.

Thank you for your consideration,
Carrie

Fore Points Marina

PC81

Alexandra Andrews

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Good afternoon,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. The marina bar has been such a wonderful addition to the area, especially having a beautiful outdoor space during this pandemic. It has helped to bring tourism back to the Old Port and it became a hot spot for locals to gather. It will be sorely missed this winter and needs to be able to return next spring.

Best regards,

--

Alexandra Andrews

alexandrews207@gmail.com

[\(207\)671-3211](tel:(207)671-3211)

Fore Points Marina

Jessica Eames

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hello!

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

This is a one-of-a-kind establishment like no other in Portland and draws a consistent crowd throughout the summer. It would be a shame and mega loss to Portland to lose it.

Sincerely,
Jess Eames

--

Jessica Eames

jessicaeames89@gmail.com

Fore Points Marina

PC83

Eric Dodge

Sep 27, 2021
to planni...@portlandmaine.gov

Hi,

I'm writing to support the marina's zoning text amendment to allow food and beverage at the marina. It's such a unique space, and eliminating the ability to enjoy food and beverage there I think would be a massive loss for the city. Especially during the pandemic, I think we need all the outdoor dining opportunities we can get to help manage the spread of the virus.

I hope you'll consider! Thanks!

-Eric Dodge
396 Brighton Ave.
Portland, ME 04102

Fore Points Marina

PC84

Watters, Dianne

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hello,

I'm writing to support the zoning amendment to allow food and beverage at the Marina.

This has become a family and friends favorite for summertime visits. A great way to enjoy the East end trail, and stop in for a break to take in the view. We have few spots that allow dogs, so we love to stop in when we can.

Thank you for your support!

Dianne

Dianne Watters, PMP

Senior Product Marketing Manager
Tyler Technologies, Inc.

P: [800.772.2260](tel:800.772.2260) ext. 4140

www.tylertech.com

Four Points Marina

PC85

Aja Brill

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hello,

I am writing to support the Marina's zoning text amendment to allow food and beverage at the marina. We really enjoy spending time here and would be sad if the food and beverage service was taken away.

Thanks,
Aja

Sent from my iPhone

Fore Points Marina

PC86

Julia Clark

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hello, I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

I moved to Portland this past December to plant roots back east where I am from.

Fore points became a home base for me over the summer where i could meet folks who lived in my neighborhood and feel safe and social without being afraid or feeling uncomfortable. Through a hard time the Marina Bar was a place that I could look forward to going after long hard days at work and could always rely on a friendly staff, a great crowd of people of all ages and walks and excellent food and service.

It would be a detriment to our great community to no longer have this safe space to gather and enjoy time outdoors and on the water in true Maine style.

Thank you,

Julia

--

Julia Clark, PhD, MPH

Phone: 401-368-5558

Fore Points Marina

PC87

Travis McKenzie

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

It is such a fabulous place for families and is something I'd like to see come back in the future.

Thanks for your consideration,

Travis

Travis McKenzie
INNERVOICE Media Group
[617-230-6130](tel:617-230-6130)

Fore Points Marina

PC88

Heather York

Sep 27, 2021

to planni...@portlandmaine.gov, public...@portlandmaine.gov, plan...@portlandmaine.gov

Good evening,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. It is a positive addition to the Portland food and beverage community and has been a wonderful COVID-friendly option this year. I look forward to many more summers visiting the marina.

Thank you,
Heather York

Fore Points Marina

PC89

Suzanne Johnson

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

I am an employee of Sun Life and will soon be working there. Lots of us will enjoy having this as an option and it's a great way to enjoy the scenery here of the Atlantic ocean.

Suzanne Johnson
Falmouth, ME

Thank you.

Fore Points Marina support

PC90

Tom Bander

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

I am writing to express strong support for the marina's zoning text amendment to allow food and beverage at the marina. My wife and I live nearby on Munjoy Hill and love the sense of community at the marina bar. We regularly walk there or meet with friends (and our dogs!) for food and cocktails. The outdoor setting is very special and also encourages patrons to walk through town, rather than drive. We also appreciate that they highlighted a local charity to support each week throughout the summer.

Thanks,

Tom

--

Tom Bander, MD
Director of Procedural Dermatology
Maine Medical Partners - Dermatology
[616-481-4191](tel:616-481-4191)

Fore Points Marina Bar

PC91

Christine

Sep 27, 2021

to plan...@portlandmaine.gov, public...@portlandmaine.gov, planni...@portlandmaine.gov

To the decision makers—

I am writing to support the Marina's zoning text amendment to allow food and beverage at the Marina.

I have been a longtime resident of the East End, and cannot imagine a future without Fore Points Marina Bar. Marina Bar has been a place for my friends and I (along with our pups and new babies) to come together and celebrate with food and drinks the many life changes that have happened to us. It is a warm, fun, accessible and beautiful space to gather and I truly hope you consider these messages and what it means to so many to have a place like Marina Bar to go to eat, drink and be merry!

Warmest Regards,
Christine and Zeek

Fore Points Marina

PC92

Martha Bleeker

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hi,

I'm writing to support the marina's zoning text ammendment to allow food and beverage at the marina. The FP Marina Bar is my all-time favorite spot in Portland to grab a drink with my wife and friends and enjoy the beauty of my favorite town. I love bringing visitors there to take in the spectacular views while enjoying a lobster roll and Allagash White. Please consider allowing them to reopen next year!! Thank you!!!

-Martha Bleeker

Fore Points Marina

PC93



Kristin Silvani

Sep 27, 2021,
to plan...@portlandmaine.gov, planni...@portlandmaine.gov

Hello,

I'm writing to support the marina's zoning text ammendment to allow food and beverage at the marina. The FP Marina Bar is my all-time favorite spot in Portland to grab a drink with my wife and friends and enjoy the beauty of my favorite town. I love bringing visitors there to take in the spectacular views while enjoying a lobster roll and Allagash White. Please consider allowing them to reopen next year!! Thank you!!!

-Kristin Silvani

Fore Points Marina

PC94

Gabe Balzano-Brookes

Sep 27, 2021

主



to planni...@portlandmaine.gov

Hello,

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. I have really enjoyed gathering outside with friends and family at the Marina Bar and enjoying the beautiful views of Casco Bay, great drinks, delicious food, and great company. We look forward to the hospitality of those working at the Marina Bar.

Thank you for your consideration,
Gabe

Sent from my iPhone

Fore Points Marina

PC95

Kaylie Friel

Sep 27, 2021

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

To whom it may concern:

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

The Fore Points Marina bar has added new life to the waterfront in a tucked away spot. It's beautiful 'off the beaten path' location and wonderful atmosphere have been a bright spot for the city of Portland!

Thank you,

Kaylie Friel

Amy Oberlin

PC96

unread,

Sep 27, 2021,

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

Hello all,

I am writing to support the marina's zoning text amendment to allow food and beverage at the marina.

I am a resident of Portland on Munjoy Hill and I am a huge fan and have been a frequent patron of the Fore Points Marina Bar and Evo X food truck, both this summer and last summer. The bar and food truck is a fantastic use of the waterfront space and is one of my favorite places to eat in the city. We take nearly every guest there to eat by the waterside, and as our neighbors discovered it over the summer they have had nothing but great things to say about it. None of us have boats but the food and drink makes the marina bar an essential meeting spot for us, where we have already celebrated multiple birthdays during its short existence.

In short: we love the marina bar! Please let her stay!

Thanks for your time,
Amy Oberlin

Amy Oberlin

6:54 AM (4 hours ago)

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov

An addendum to my earlier message:

TO BE CLEAR I am actually extremely excited about the Foreside/58 Fore development plans, particularly the "historic core" market and the badly needed housing, and I do NOT think preserving the marina bar should take priority over this development going forward. I would simply like to eat fried fish and drink frozen margaritas at this lovely waterside spot until construction actually begins!

Thank you!
Amy Oberlin

9/28/2021 - PB Workshop on 58 Fore St Developer Abuse of Approved Permit

Karen Snyder

10:48 AM
to Planning Board

Dear Chair Mazer and Planning Board Members,

There has been great concern about 58 Fore St /Foreside developers refusal to follow what was approved in the Master Plan permit.

This developer instead of following what was approved has attempted to thwart it in various egregious ways. Examples are as follows:

Issue #1: Blocked Public Views from the Marina

It originally was approved to be a single marina building and a public waterfront view from public walk which was to be the entire length of marina frontage. Instead, there are multiple buildings and fencing including porta potties which block approximately 450 feet marina frontage of the public ocean views. However, the ENTIRE marina frontage length has been blocked with a fence or buildings by the developer which the City has allowed this waterfront frontage to be privatized. ***See below photos taken as of this morning.***

Issue #2: Abuse of Temporary Event Permit:

The developer has also continues to be granted multiple consecutive 2 week temporary events to allow a marina bar at the site. This is abuse of what was approved for zoning. Temporary events were suppose to be for a few events that are temporary.. not a full time operating bar.

Issue #3: Abuse of Infill

The developer for at least the last year has been putting infill on the property. Per approved permit, they were allowed to be granted only one (1) 15- ton truck of infill deposited on approved permit. As shown in below photos, there is obviously more than one 15-ton truck load because the infill soil is higher that the grey facility building and runs the length of

approximately 500 feet towards east towards Portland House. The volume of this infill was not calculated but it obviously more than one 15-ton truckload. It appears this developer is attempting to build up the mid grade slope in order to build higher due to the fact the Planning Dept refuses to ensure in the zoning language and clarify building height calculations. Therefore, the developers know they can "trick" the system by building the soil height higher in order for the building height to be higher. ***See below evidence of photos taken as of this morning.***

In conclusion, it is obvious that this developer will not follow approved permits knowing that they will only get a slap on the wrist by the city as they overwhelm a portions of the the eastern waterfront, change the landscape, and block public water views in order to maximize their profit margin at the expense of the public.

How can the City, Planning Board, and residents trust anything this developer does when the developer obviously ignores what was permitted, takes advantage of every loop hole, and works around the system? This developer clearly disrespects the City Hall procedures and the residents of Portland.

Regards,
Karen Snyder
Munjoy Hill Resident

58 Fore St/Foreside Marina Frontage As of 9/28/2021





NOTE: An estimated 450 feet of marina frontage is blocked by multiple buildings and porta potties

58 Fore St/Foreside Infill Efforts As of 9/28/2021

Panoramic view facing North from public sidewalk from West to East of the infill by 58 F



Note: The infill height is as high as the gray facility building which is the farthest eastern building on site.

As of 9/28/2021

West to East of the infill by 58 Fore St/Forside developer



Fore Points Marina

PC98

Elena Usova

10:44 AM

to planni...@portlandmaine.gov, plan...@portlandmaine.gov, public...@portlandmaine.gov

I'm writing to support the marina's zoning text amendment to allow food and beverage at the Marina. This summer it was a very special place for me and my friends. It would be wonderful if we could have them next summer again.

Thank you

Elena

Fore Point Marina

PC99

Art Timofejev

11:10 AM

to planni...@portlandmaine.gov, plan...@portlandmaine.gov, public...@portlandmaine.gov

Hello,

I'm writing to support the marina's zoning text amendment to allow food and beverage at the Marina.

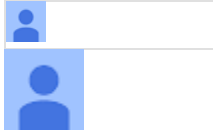
This summer it was a very special place for me and my friends. It would be wonderful if we could have them next summer again.

Thank you

Art.

Fore points marina

PC100



dani-...@yandex.ru
unread,
11:37 AM (1 hour ago)

to plan...@portlandmaine.gov, planni...@portlandmaine.gov, public...@portlandmaine.gov
I'm writing to support the marina's zoning text amendment to allow food and beverage at the Marina.
Thank you

Dani

Fore Points Marina Bar

PC101

Daniel Tonini

<captaindan4u@gmail.com>

10:23 AM (2 hours ago)

to planning@portlandmaine.gov

I am writing to support the Marina Bar zoning text amendment to allow food and beverage at the marina. In a rapidly growing city, it is preposterous that objections to the harmonious nature of this type of business should not be allowed. The Marina Bar is a great example of a vibrant meeting place that gives landlocked people access to the waterfront, as well as the marina facility's member/customer base. The blend of tourism, business, yachting, and commercial activities, all benefit by the placement, soundness, and overall vibe of what Portland was, is, and should remain being.

Thanx for reviewing,
Captain Dan Tonini

Long Live Marina Bar

PC102

Veronica Willette

<veronica.willette@gmail.com>

Sep 27, 2021

to planning@portlandmaine.gov

Hello,

I'm a second generation Munjoy Hiller and have been so proud of Portland for finally having a no frills spot on the water at the foot of the hill to relax and hang out at after work. It's outdoor set up was perfect for playing it safe with COVID, too. Please let this low-key spot with character stay amongst all of the high-end development that has no character.

Many thanks,

Veronica Rollette

Fore Points Marina

PC103

Jennifer Flaxman

3:03 PM (6 minutes ago)

to planni...@portlandmaine.gov

I am writing to support the marina's zoning text amendment to allow food and beverage at the Marina. The Marina Bar is a gem on Portland's waterfront. Please keep it open for years to come!

Jennifer Flaxman

7 Atlantic St, Portland, ME 04101

From: **Joe Lewis** <joe@portcitylegal.com>

Date: Tue, Sep 28, 2021 at 6:38 PM

Subject: Thanks

To: David Silk <dsilk207@gmail.com>

For looking out for the public. As near as I can tell, the applicant has not been a good faith actor and is not a particularly good neighbor. The goal of maximizing visual and physical access should trump all considerations past the legitimate and focused treatment of the marina's security needs. That's it. After that, go upland or go home, eh? Anyway, thanks again for your service to the city. Hope all is well.

- Joe

--

Joe Lewis, Attorney

Port City Legal, LLC

10 Moulton Street, 4th Floor

Portland, Maine 04101

(207) 210-6559

www.portcitylegal.com

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I am a lawyer, but I am not your lawyer unless you have been in my office and signed a contract. Unless I am your lawyer, this communication is not intended as legal advice, and no attorney client relationship results. Please consult your own attorney for legal advice.

Fore Points Marina Food & Beverage



Liz Harrington

unread,

Sep 28, 2021, 5:38:28 PM

主



to plan...@portlandmaine.gov, planni...@portlandmaine.gov

Dear Portland Planning Board,

The Marina Food and Beverage venue is a great addition to the Eastern waterfront. It is a well designed, well run, low key spot to enjoy delicious food, music and refreshments as well as the spectacular water view that attracts so many to our area.

It was a welcome addition to an area of the waterfront lacking any other food and beverage options and we hope it becomes a permanent fixture. Residents and visitors alike have enjoyed many outings to this spot over the past few years and we would hate to see it close.

We fully support approval of the Fore Points Marina Zoning Text Amendment.

Thank you,

Elizabeth and Brian Harrington
236 Eastern Promenade, Unit 2
Portland, Maine 04101

Sent from my iPhone

Fore Points Marina Bar and waterfront food/beverage

PC106



Paula Mahony

Sep 28, 2021, 9:18:22 PM (19 hours ago)

主

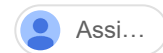


to plan...@portlandmaine.gov, public...@portlandmaine.gov, planni...@portlandmaine.gov

I'm writing in support of Fore Points Marina Zoning Text Amendment. Having food and beverage service along the Eastern path is a great value to those of us who walk and run along that area. Please amend the zoning to allow for continuation of these businesses.

Paula Mahony
Words@Work,Inc.
47 Portland Street, 3rd Fl.
Portland, ME 04101
[\(207\) 797-0147](tel:(207)797-0147)
Paula@wordsatwork.us

58 Fore Street, Portland - Project - Public Comment



Subscribe ☐

0 views



Kelly Walker <kellytwalker47@gmail.com>

Oct 1, 2021, 3:55:48 PM (2 days ago)

to planningboard@portlandmaine.gov

I have concerns about the amount of dirt/fill that is being "stored on site" at this project. It appears as though they are attempting to raise the lowest points at which they will start their calculations for building heights. It is important that we preserve our ocean views and sitelines and I want to be sure they are held to keeping the lowest grade where it was before the started the project and putting fill there. It is also important to consider this project's potential impact on the historic nature of Munjoy Hill now that the majority of the hill has been designated as an historic district. By raising the base grade, they will affect both the views of the historic homes and the views from the historic homes. The developer should not be permitted to raise the grade of the site to gain additional height that will adversely impact views of and from any home and especially all the historic homes on the hill which the historic district was created to protect.

All the best,

Kelly Walker

REALTOR® | eXp Realty, LLC

207-699-8340

kellytwalker47@gmail.com

[Visit my website](#)

Office | 533 Congress Street | Portland, ME 04101 | (888) 439 - 8743

Memorandum

Planning and Urban Development Department



To: Chair Mazer & Members of the Planning Board
From: Jimmy Dealaman, Planner
Date: October 22, 2021
Re: Conditional Use Application for Place of Assembly Use
Project ID: CU-001763-2021
CBL: 193 E001
Meeting Date: October 26, 2021

I. INTRODUCTION

Chabad Lubavitch of Maine Inc. has submitted an after the fact Conditional Use application to facilitate a change of use to utilize approximately 900 square feet of floor area within an existing single family home for the organization's rabbi and family as a religious place of assembly space at 11 Pomeroy Street. A related Minor Site Plan application, PL-000058-2021, is also under staff review.

The parcel is approximately 1.7 acres in size, is situated in the Rosemont neighborhood, and is zoned R-3 Residential.



Figure 1: Aerial View with 11 Pomeroy Street Outlined in Blue

Per the City's Land Use Code, gatherings may include 15 non-permanent residents before a building's use is considered a "place of assembly." Due to the single family home's usage as a place of religious assembly, with gatherings in which more than 15 non-permanent residents assemble, the current use of the building is in violation of City codes. In order to bring the religious place of assembly activity into compliance, the City has requested the applicant take all necessary actions, including but not limited to obtaining required permits and approvals. The proposed place of assembly institutional use in the R-3 zone requires a Conditional Use permit to be reviewed by the Planning Board for compliance with the Conditional Use standards in Section 6.5.2 as well as the requirements of the R-3 Conditional Use standards listed in Section 6.5.6(F).

The Planning and Urban Development Department mailed 116 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the October 16th and 17th, 2021 editions of the *Portland Press Herald*.

Applicant: Chabad Lubavitch of Maine Inc.
Applicant Representatives: Chris Macdonald, BH2M, Civil Engineer

II. REQUIRED REVIEWS

<i>Review</i>	<i>Applicable Standards</i>
Site Plan	Section 14.6
Conditional Use Review (Places of assembly (<10,000 SF))	General Conditional Use standards Section 6.5.2 and specific conditional use standards 6.5.6(F)

III. PROJECT DATA

Existing Zoning	R-3 Residential
Property Size	73,821 square feet
Existing Use	Single Family Home
Proposed Use	Single Family Home; Place of Assembly

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	3,071 SF	3,071 SF	0
Building Floor Area	7,605 SF	7,605 SF	0
Impervious Surface Area	7,500 SF	9,650 SF	2,150SF
Parking Spaces	1 space	8 spaces	+7 spaces
Bicycle Parking Spaces	0	0	0

IV. BACKGROUND

The Chabad Lubavitch of Maine (“Chabad”) property previously received approval for a single-family home and synagogue on site. The applicant did not post the required performance guarantee, and the plan / approval expired in 2007.

In 2013, Chabad received a Level II site plan approval to pave Pomeroy Street and a separate Level I minor residential approval to construct the existing single family home. Both of these changes were reviewed at a staff level; neither required a Planning Board hearing. The building was finished in 2015.

Chabad received a building permit for a two-story addition to the single family home in 2017. Including the addition, the house is 7,605 square feet, and is located on a 73,821 square foot (1.69 acre) lot. Permits for the building addition were reviewed and issued by the Permitting and Inspections Department.

Since 2018, according to Chabad, the number of worshipers attending services has increased to more than 15 people, prompting the need for a conditional use as a place of assembly. Additionally, the applicant estimates that larger gatherings of 25 – 35 people occur during special events approximately eight times a year. The applicant previously appeared before the Planning Board at a workshop held on November 27, 2018 for a similar conditional use application (CU-000057-2018), which expired after staff comments were unresolved.

Staff met with the applicant on June 16, 2021 at a requested pre-application meeting and provided guidance about how to resume the application process via reapplying again under the City’s new land use code, and the current conditional use and minor site plan applications were submitted as a result of that feedback.

V. EXISTING CONDITIONS AND SURROUNDING AREA

The existing single family home located at 11 Pomeroy Street is situated on a 1.7 acre site located in the Rosemont neighborhood and in the R-3 residential zone. The neighborhood is bounded by the Capisic Brook to the west, Brighton Avenue and Woodford Street to the north, Capisic Street to the south, and Stevens Avenue to the east. The property is surrounded by a neighborhood primarily containing single family residential uses and is immediately adjacent to 11 single family homes which are located on Bancroft Street, Benjamin Way and Redlon Park Road.



Figure 2: Subject Property at 11 Pomeroy Street

J.I.

VII. PROPOSED DEVELOPMENT

The site is in active operation as a place of assembly use, with somewhere between 10 to 20 people who typically attend worship services Thursday (7-8:15 am), Sunday (9-10am), and Saturdays (10:30am-1pm). The premises also provide other specific services, one of which is a summer camp that typically is conducted for 3 weeks in July and there are 15 to 18 youths from four to six families that participate, via morning drop-off and afternoon pick-up on weekdays. The summer camp is described as being conducted primarily off site with field trips and visits to other locations. Additionally, the site occasionally hosts larger gatherings of 25-35 people during special events approximately eight times a year.

The after-the-fact review is for the conversion of 900 square feet of an existing 7,605 square foot single family home occupied by the organization's rabbi and family to a dedicated religious place of assembly space. The remainder of the building would continue to function as a separate single family residential use.

According to the applicant attendees are prohibited to drive on days when attendance will be at its highest, which the applicant argues will reduce the number of vehicles on site to a number less than what may

typically be expected for religious assembly, but on a typical day, fewer than 10 cars are expected to visit the site.

No additional structures are proposed as part of this change, but the site improvements include paving the existing parking area and adding striping to create seven defined parking spaces as well as widening the parking aisle to create 24 feet in order to provide a sufficient vehicle turnaround area. To address the Fire Department's comments regarding access, the plan proposes expanding the driveway width to a minimum width of 16 feet, as well as creating a no-parking area along Pomeroy Street across from the driveway in order to provide sufficient fire truck access.

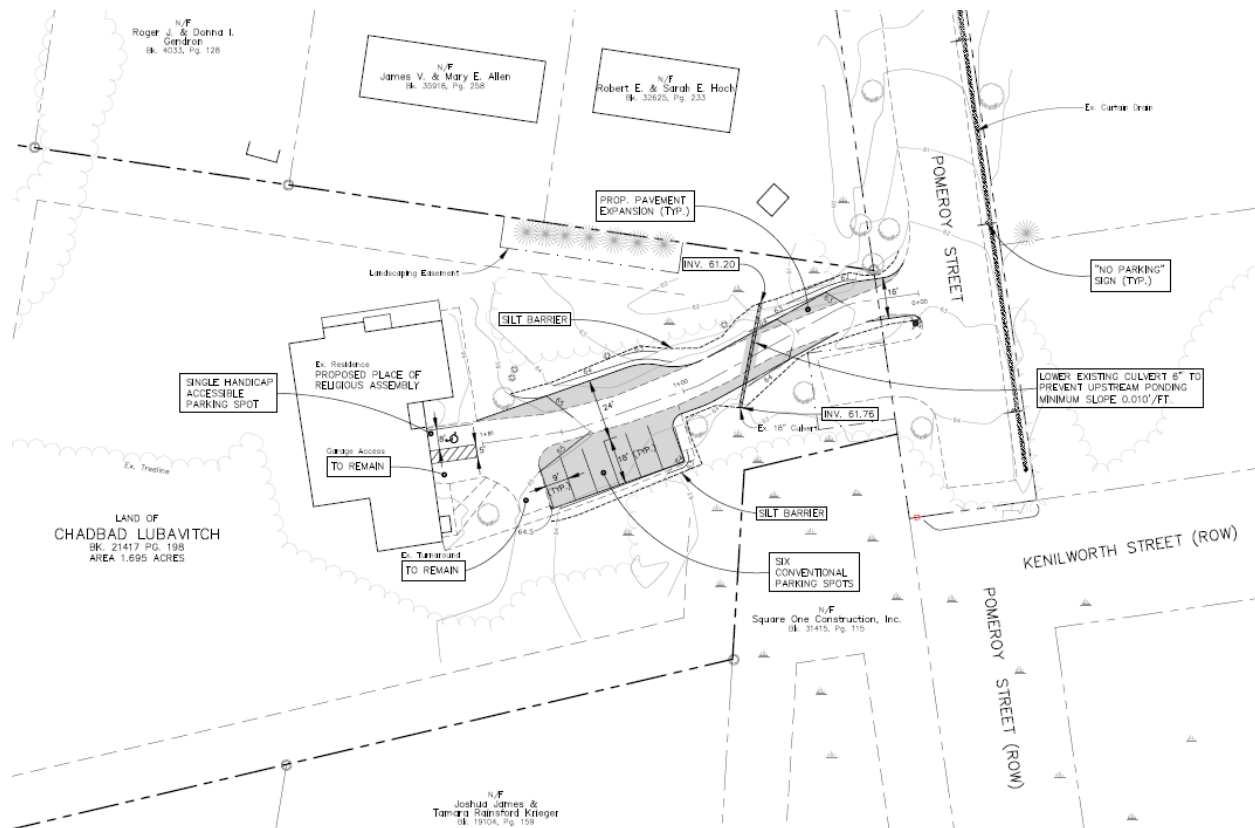


Figure 3: Proposed Site Plan

VIII. RIGHT, TITLE, & INTEREST

The applicant submitted a warranty deed (Attachment D) recorded in book 21417 page 198 in the Registry of Deeds as evidence of ownership of the property in question.

IX. ZONING ANALYSIS

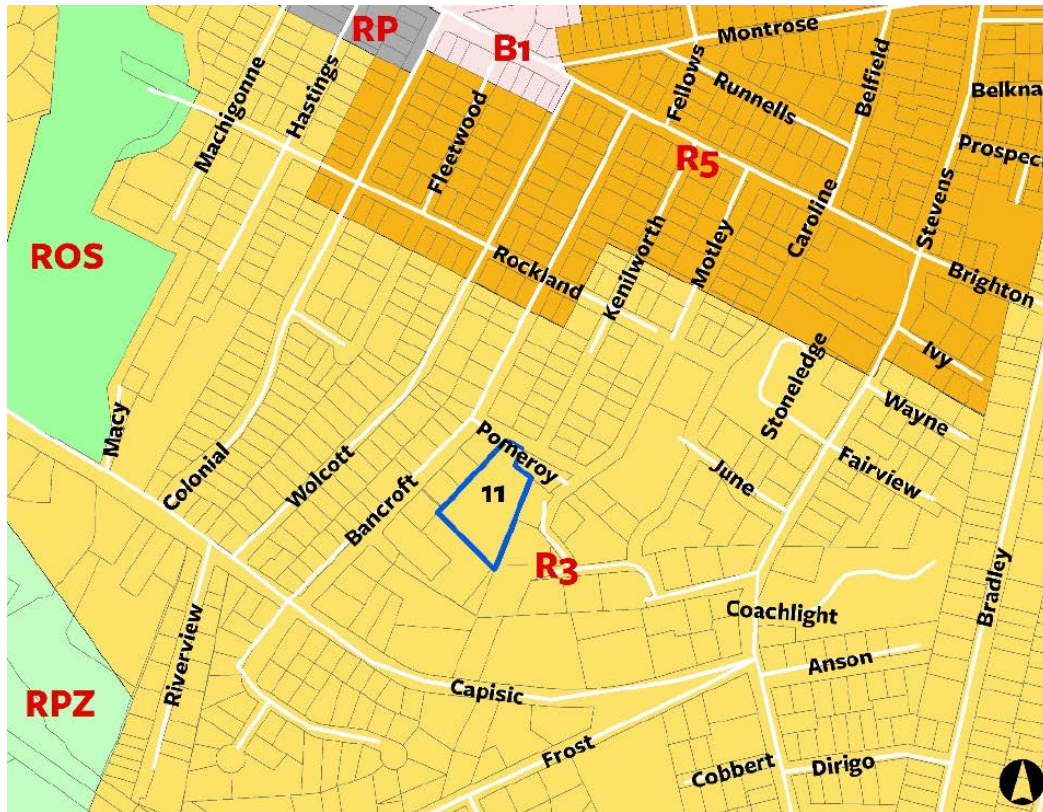


Figure 4: Zoning context of proposed 11 Pomeroy project. The project parcel is outlined in blue.

As stated above, the building at 11 Pomeroy Street was permitted as a single family home, and Chabad seeks approval for a place of assembly use (<10,000 SF), which is considered a conditional use in the R-3 Residential zone requiring a minimum lot size of one acre.

The applicant is required to provide one parking space per dwelling unit and one parking space per 150 square feet of gathering space. Assuming the gathering space calculation of 900 square feet, six parking spaces are required for the place of assembly and one parking space for the residential component, for a total of seven required parking spaces.

In addition to the R-3 zone dimensional requirements, the proposal is subject to meeting conditional use requirements which include zoning specific conditional use standards (Section 6.5.6(F)) and the general conditional use standards (Section 6.5.2) which are described below:

A. DIMENSIONAL REQUIREMENTS

The project is subject to the dimensional standards for the respective uses of single family residential (approximately 6,705 square feet) and institutional place of assembly (approximately 900 square feet) in the R-3 residential zone. The following table is provided below to summarize the dimensional requirements of the R-3 zone (Land Use Code Sec. 7.3) which are met by both uses:

	<i>Permitted</i>	<i>Proposed</i>
Lot Area (min.)Place of Assembly	1 ac.	1.695 ac.
Lot Area (min.) Residential	6,500 SF	73,821 SF
Area Per Dwelling Unit	6,500 SF	73,821 SF
Minimum Street Frontage	50 feet	67.17 feet
Front Yard Minimum	25 feet	168.8 feet
Rear Yard Minimum	25 feet	130.9 feet
Side Yard (right)	16 feet	43.5 feet
Side Yard (left)	16 feet	70.2 feet
Maximum Lot Coverage	35%	5.4%
Maximum Structure Height	35 feet	34' – 10.5"
Off Street Parking Spaces	8 spaces Total 1 space required for residential 1 space required per every 125 feet of gathering space	8 spaces

B. ZONE-SPECIFIC CONDITIONAL USE STANDARDS – SEC. 6.5.6(F)

Places of Assembly are permitted in the R-3 zone as conditional uses, requiring review by the Planning Board. The applicant has submitted an analysis addressing how the proposal meets the R-3 Conditional Use Standards (Attachment N). Staff review of the conditional use standards is provided below:

Sec. 6.5.6 Supplemental use-specific conditional use standards:

In addition to the general conditional use standards, the following standards shall apply to specific conditional uses:

(F) Institutional uses (excluding preschools):

1. *The Planning Board shall be the review authority.*

Staff Comments: The application has been referred to the Planning Board as the reviewing authority.

2. *In the case of expansion of existing institutional uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas.*

Staff Comments: The proposal does not involve any expansion outside the existing lot.

3. *The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter.*

Staff Comments: The proposal does not significantly displace or convert any residential uses. The existing single family use will remain, and the portion of the building converted into assembly space will not decrease the number of bedrooms within the residential space.

4. *In the case of a use or use expansion which constitutes a combination of the conditional institutional uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.*

Staff Comments: The lot continues to meet the minimum lot size requirements for the combination of uses. The cumulative lot size for both uses with concurrent operations is approximately 50,060 square feet (i.e. Minimum lot area for place of assembly <10,000 square feet = 1 ac or 43,560 square feet + Minimum lot area per residential dwelling unit = 6,500 square feet)

Standards 5-8. **Staff Comments:** These provisions do not apply to the subject proposal.

C. GENERAL CONDITIONAL USE STANDARDS – SEC. 6.5.2

The following standards in Section 6.5.2 apply to all conditional uses:

Sec. 6.5.2 General conditional use standards:

The review authority shall, after review of the application, approve a conditional use upon a finding that the proposed conditional use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zone. The review authority shall find that this standard is satisfied if it finds that:

- A. *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.*

Applicant Response: *“The project does not generate vehicle volume substantially greater than the surrounding uses. Attendees are prohibited to drive on days when attendance will be at its highest, which will reduce the number of vehicles on site than what may be typically expected for religious assembly. The driveway and parking are proposed to be expanded to the minimal extent practical to meet the City’s code. The proposed 16’ wide driveway is not considered to be abnormally wide in comparison to the surrounding uses. Additional parking for 6 vehicles is effectively replacing informal gravel parking of the same size and location currently found on site.”*

Staff comment

The City’s consulting traffic engineer has reviewed the applicant’s trip generation estimate and requests additional information to be provided about the maximum number of attendees including during the summer camp and events and an assumption regarding vehicle occupancy (Attachment 1). Although the parking and paved area are significantly changing the traffic engineer still seeks to confirm that the parking demand will not exceed supply.

Overall, Planning staff find that the additional impervious surface proposed for the site is kept at minimal amount in order to meet the sufficient parking, driveway access requirements for the place of assembly use, and expanse of pavement is not substantially greater than would normally occur at other allowable uses in the same zone.

Additionally, the hours of operation of the place of assembly use are typically conducted within business hours and not expected to impact the residential uses outside normal operating schedule. Staff will continue to review the project once the hours of traffic generation have been provided.

- B. *The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.*

Applicant Response: *“The project does not generate harmful or unsanitary conditions. The existing building utilizes municipal water and sewer, hosting worshippers with no negative effects. No additional lighting or emissions are proposed with the use, and with the majority of activities occurring inside the building, no harmful generation of noise is anticipated.”*

Staff comment: Given that there are no proposed exterior building changes and based on the information provided by the applicant, staff do not find there are any substantially greater negative impacts related to these categories that would result by this change in use and accompanying site work.

- C. *The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.*

Applicant Response: *“The proposed use will not have impact on surrounding properties. The building and parking are well screened from abutting properties. No impacts to landscaping, arrangement of structures, screening and signage are proposed with this proposed use, as no tree removal or expansions of the building are proposed. No increases in deliveries, trash, or loading are proposed over what is currently occurring on site.”*

Staff comment: The applicant has indicated that no increases in deliveries, trash, or loading is proposed over what is currently occurring on site. Staff have reviewed the proposal as it relates to the design and operation and find that the proposed site changes do not create impacts to landscaping, screening, sign, loading, deliveries, trash and waste generation, arrangement of structures, and materials storage. Based on the materials provided as part of the current application, the proposal does not create a substantially greater negative impact on surrounding properties than those allowable uses in the zone as related to these categories.

- D. *The proposed use will meet any additional zone or use-specific standards identified in Tables 6-A to 6-F and Subsections 6.5.6 and 6.5.7.*

Staff comment: All applicable standards referenced under these sections have been incorporated into this memo, see Section B.

X. PUBLIC COMMENT

When the previous application (CU- 000057-2018) was under review, Planning staff received 12 written comments (Attachments PC1 – PC12) which are attached to this report again for reference. When the project went to the Planning Board in 2018 public comments focused on the activities advertised on the Chabad of Maine website, including a kid’s camp and room rentals. Area residents also expressed concerns regarding traffic, parking, and stormwater impacts. Previous expansion of uses on site, and the potential for growth, also caused concern.

Staff received 13 recent public comments (Attachments PC13-25). Some comments described concerns that the site has grown with a significant amount of guest traffic on a regular basis despite the use's status as out of compliance with the Land Use Code as well as not being supportive of expanding the driveway and parking area to increase/permit a place of assembly use. Other concerns identified that large gatherings have taken place in the summer which have created disruptive conditions to the surrounding neighbors, as well as bringing unwanted additional traffic through the neighborhood.

XI. NEXT STEPS

At this time staff are seeking the Planning Board's feedback on the conditional use standards and, specifically, if the place of assembly use creates a substantially greater negative impact on the surrounding uses or other allowable uses in the same zone (See Section IX.C. above).

Following a public workshop, the applicant is expected to:

1. Address additional comments from the Planning Board.
2. Prepare final plan submission.
3. Schedule and hold future Planning Board meeting.

XII. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Comments from Consulting Traffic Engineer, dated 10.21.2021

APPLICANT'S SUBMITTAL

- A. Cover Letter
- B. Conditional Use Checklist
- C. Minor Site Plan Checklist
- D. Right Title Interest
- E. Traffic
- F. Environmental Impacts
- G. Design and Operation
- H. Zoning Analysis Table
- I. Site Plan Assessment
- J. Waiver Table
- K. Public Infrastructure and Safety Narrative
- L. Site Design
- M. Stormwater Report
- N. Response to Staff Comment (dated 10.20.2021)

PLANS

- | | |
|--------|--------------------------------|
| Plan 1 | Cover Page |
| Plan 2 | Site Plan |
| Plan 3 | Existing Conditions |
| Plan 4 | Erosion Control Details |
| Plan 5 | Pre Development Drainage Plan |
| Plan 6 | Post Development Drainage Plan |

PAST PUBLIC COMMENT (Submitted in 2018)

PC1. Judy Gailen 9-6-18
PC2. Kristine and Rick Jacobs 9-9-18
PC3. Jonathan Matt 9-10-18
PC4. Jeff Emerson 9-11-18
PC5. Jonathan Matt 9-12-18
PC6. Douglas Babkirk 9-12-18
PC7. Jessica Teesdale 9-23-18
PC8. Bill Green 10-17-18
PC9. Jonathan Matt 9-10-18
PC10. Douglas Babkirk 11-29-18
PC11. Kenneth Capron 11-27-18
PC12. Jeff Emerson 11-28-18

NEW PUBLIC COMMENT

PC13. Judy Richard 10-6-2021
PC14. Lisa Richard 10-6-2021
PC15. Judy Gailen 10-16-2021
PC16. Matt Steege 10-20-2021
PC17. Richard Funnell 10-20-2021
PC18. Heather Shields 10-21-2021
PC19. Jeff Emerson 10-21-2021
PC20. Sarah Delisle 10-21-2021
PC21. Richie Garcia 10-21-2021
PC22. Lee Lindenau 10-21-2021
PC23. Ali Goldstein 10-22-2021
PC24. Douglas Dempsey 10-22-2021
PC25. Emily Raisch 10-22-2021



Jimmy Dealaman <jdealaman@portlandmaine.gov>

11 Pomeroy Street - Conditional Use Standard Traffic Review

Tom Errico <thomas.errico@tylin.com>

Thu, Oct 21, 2021 at 4:10 PM

To: Jimmy Dealaman <jdealaman@portlandmaine.gov>

Hi Jimmy – I have reviewed project details as it relates to Sec. 6.5.2 General conditional use standards for item A. *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement and number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.*

- According to the applicant the project is projected to generate 10 daily trips and 2 peak hour trips. They note the project will generate less than 10 cars at the site. The estimate is based on an outdated version of the ITE Trip Generation Manual and for a land use that is not representative for this project. I would suggest the applicant provide an estimate based upon the maximum number of attendees expected and an assumption regarding vehicle occupancy. I would expect this project to generate more than 10 trips per day. This estimate should also be performed for the summer camp. The applicant should also define the hours or traffic generation for both events and the summer camp.
- While the parking supply is based on zoning requirements, I am concerned that parking demand will exceed supply and thus will require vehicles parking off site. The applicant shall consider the estimate for trip generation (and number of attendees) in estimating parking demand .

Please contact me if you have any questions.

Thanks

Thomas A. Errico, PE

Senior Associate

Traffic Engineering Director

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August 24, 2021

Shukria Wiar
Planner
Planning and Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101

Re: Chabad Lubavitch of Maine
Change of Use and Minor Site Plan Applications

Dear Shukria,

Chabad Lubavitch of Maine Inc. has engaged with BH2M to provide design and permitting assistance for Conditional Use and Minor Site Plan applications through the City of Portland for their private residence at 11 Pomeroy Street in Portland. Chabad Lubavitch has been providing assembly space for worshippers at their private residence, and these applications seek to clarify the use of this property as a Place of Religious Assembly.

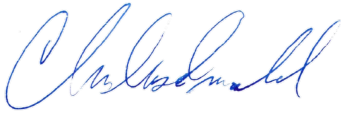
Working with Rabbi Moshe Wilanski of Chabad Lubavitch, we understand that 900 square feet of the private residence has been dedicated toward a Place of Religious Assembly. Chabad Lubavitch has been operating as Place of Religious Assembly and does not propose any additional structures to facilitate this change of use, nor does it project any increased use of the property. However, following the parking requirements for a Place of Assembly, and requirements as provided by the City of Portland Fire Department, additional parking and expanded driveway widths are required to conform to the proposed use.

Following up on our June 16, 2021 pre-application meeting, we are providing the attached applications for the Planning Department's review. Given the proposed change of use, a Conditional Use Permit application is required. We understand that given the proposed change to an Institutional Use, approval of the Conditional Use Permit is required through the Planning Board. We also discussed the Minor Site Plan Permit application as being required for this change of use to facilitate permitting of the expanded parking and driveway areas.

We have organized our submission into lettered attachments for use in uploading to eplan, and have noted on the application checklists which attachment can be referenced for responses to a specific checklist item.

We trust that these applications and supporting documents will facilitate approval of the change of use for the project. We look forward to answering any questions yourself or the Planning Department may have and look forward to addressing the Planning Board to gain approval of the Conditional Use Permit application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christopher MacDonald".

Christopher MacDonald, P.E.
Civil Engineer

CITY OF PORTLAND
Planning & Urban Development Department

**CONDITIONAL USE – PLANNING BOARD REVIEW
SUBMISSION CHECKLIST**

Please submit each document as a separate PDF file.
Please confirm by electronically checking the boxes in the left-hand column.

Conditional uses are listed in the land use code for each zone. The applicant must address the general standards as well as any use- or zone-based conditional use standards contained in Article 6.5 of the land use code in the written application.

GENERAL APPLICATION DOCUMENTS

☒	N/A	Project Description Cover letter with detailed project description Attachment A
☒	N/A	Completed Checklist – Conditional Use (this document) Attachment B
☒	N/A	Evidence of Right, Title and Interest Attachment D Deeds, leases, or purchase and sales agreements

CONDITIONAL USE STANDARDS AND CRITERIA

☒	N/A	Traffic Attachment E Demonstrate that the volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the zone.
☒	N/A	Environmental Impacts Attachment F Demonstrate that the proposed use will not create any unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.
☒	N/A	Design and Operation Attachment G Demonstrate that the design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.
☒	N/A	Use- and Zone-Specific Criteria Attachment H Address any use- or zone-specific standards in Sections 6.5.6 and 6.5.7 of the land use code.

CITY OF PORTLAND
Planning & Urban Development Department

Att. C

MINOR SITE PLAN GENERAL DOCUMENT AND DRAWINGS CHECKLIST Please submit each document as a separate PDF file. Please confirm by electronically checking the boxes in the left-hand column. ** PLEASE FILL OUT AND UPLOAD SEPARATELY THE ZONING ASSESSMENT TABLE AND WAIVER TABLE AS NOTED BELOW ** At the time of application submission, please contact the Department of Public Works regarding E-911 addressing for your project.		
GENERAL APPLICATION DOCUMENTS		
☒ Yes	NA	Project Description Cover letter with detailed project description Attachment A
☒ Yes	NA	Completed Checklist (this document) Attachment C
☒ Yes	NA	Evidence of Right, Title and Interest Attachment D Deeds, leases, or purchase and sales agreements
Yes	☒ NA	Evidence of State or Federal Approvals Permits or letters of non-jurisdiction, if applicable
Yes	☒ NA	Zoning Assessment (see Zoning Assessment Table) Summary of compliance with use and dimensional standards of the land use code
Yes	NA	Site Plan Standards Assessment (see Article 14.6 of the land use code) Attachment I Summary of project compliance with site plan standards of the land use code
Yes	☒ NA	Summary of Existing and/or Proposed Easements or Covenants, if applicable Evidence of existing easements and any proposed easements, covenants, public or private rights-of-way
☒ Yes	NA	Waiver Requests (see Waiver Table) Attachment J Written request for waiver describing request and compliance with waiver standards
Yes	☒ NA	Evidence of Financial and Technical Capacity* - Letter or evidence from a financial institution or third party verifying financial capacity to undertake project - Evidence of the project team's technical capacity to undertake project
*NOTE: Not required for Minor Residential and <u>Low Impact Site Development</u> projects		

MINOR SITE PLAN STANDARDS AND SUBMISSION CHECKLIST Provide assessment of compliance with standards and include supplemental documentation, as applicable. Please submit each document as a separate PDF file.		
TRANSPORTATION		
Yes	NA	Impact on Surrounding Street Systems (14-14.6.1(A)) Attachment E Describe incremental volume of traffic impacts and mitigation measures. If needed
Yes	NA	Access and Circulation (14-14.6.1(B)) Attachment E Identify and describe the following: - Site access and internal circulation, including ADA access - Drive-up features, if applicable - Loading and servicing needs, routes, and geometry, providing turning templates for delivery vehicles, if applicable - Sidewalks and condition along street frontages and internal walkways - Engineered details for ADA ramps and public sidewalks, meeting sidewalk material policy and construction requirements (Technical Manual, Section 1)
Yes	NA	Public Transit (14-14.6.1(C)), if applicable Identify and describe the following: Existing available transit service and proposed transit improvements, including design details, such as easement, pad base, and shelter
Yes	NA	Off-Street Parking (14-14.6.1(D)), if applicable Attachment E Identify and describe the following: - Proposed vehicular and bicycle parking supply (including ADA-compliant parking) in relation to applicable parking requirements in Article 19 of the land use code - Curb cut separation and parking layout (Technical Manual, Section 1) - Construction details for bicycle racks - Management plan for snow storage and removal
Yes	NA	Transportation Demand Management (TDM) (14-14.6.1(E)), if applicable Provide TDM plan drafted in accordance with Technical Manual Section 1 requirements

ENVIRONMENTAL		
Yes	NA	Preservation of Significant Natural Features (14-14.6.2(A)), if applicable Identify and describe the following: Attachment F • High and moderate value waterfowl and wading habitat • Aquifers (for Casco Bay Islands) • Waterbodies (including wetlands, watercourses, significant vernal pools and floodplains) • Proposed preservation areas and protection measures • Documentation from environmental compliance consultants and determinations from applicable state and federal agencies
Yes	NA	Landscape Preservation (14-14.6.2(B)) Attachment F Identify and describe the following: • Measures to preserve trees, including within required zoning setbacks (Technical Manual, Section 4) • Measures to protect existing vegetation during construction
Yes	NA	Site Landscaping and Buffers (14-14.6.2(C)) Attachment F Identify and describe the following: • Overall landscaping approach and consistency with standards • The use of screening and buffering of service areas and between non-residential and residential uses • Existing Heritage or Feature Trees on site and measures to preserve • Compliance with street tree requirements
Yes	NA	Water Quality, Stormwater Management, and Erosion Control (14-14.6.2(D)) Attachment F • Provide stormwater management plan in compliance with Section 5 of Technical Manual and DEP Chapter 500 stormwater for basic, general, and flooding standards, as applicable • Provide erosion control plan and measures • Provide evidence of compliance with Urban Impaired Stream Standards pursuant to DEP Chapter 500 stormwater, as applicable • Describe subsurface sanitary sewage disposal and groundwater protection

PUBLIC INFRASTRUCTURE AND SAFETY		
Yes NA	Consistency with City Master Plans (14-14.6.3(A)) Describe proposed easements, rights and improvements to connect or continue off-premises public infrastructure, as applicable	
Yes NA	Public Safety and Fire Prevention (14-14.6.3(B)) Attachment K Identify and describe the following: - Compliance with Crime Prevention through Environmental Design (CPTED) requirements (Technical Manual, Section 3) - Emergency vehicle access - Consistency with public safety standards (Technical Manual, Section 3)	
Yes NA	Availability and Adequacy of Public Utilities (14-14.6.3(D)) (Technical Manual, Sections 2 & 9) Attachment K Identify and describe the following: - Electrical services, including providing underground services - Existing and proposed connections for public utilities and required public utility upgrades - Sewer line connections	Section "C", as there is no Section "D"
SITE DESIGN		
Yes NA	Massing, Ventilations and Wind Impact (14-14.6.4(A)) Identify and describe the following: - Wind and ventilation impacts on adjoining structures and/or adjacent public spaces, including wind study, if applicable - Bulk, location, or height impacts on adjoining structures	
Yes NA	Shadows (14-14.6.4(B)), if applicable Provide shadow analysis of impacts on publicly accessible open space (Technical Manual, Section 11)	
Yes NA	Snow and Ice Loading (14-14.6.4(C)) Attachment L Describe building design to prevent snow and ice from loading or falling onto adjacent properties or public ways	
Yes NA	View Corridors (14-14.6.4(D)), if applicable Describe any protection of designated view corridors (Portland Design Manual, Appen. 1)	
Yes NA	Historic Resources (14-14.6.4(E)), if applicable Identify and describe the following: The site's status as a designated landmark, within a historic district or historic landscape district, or within 100 feet of any designated landmark, historic district, or historic landscape district	

	Compliance with standards for preservation and documentation of archaeological resources
Yes NA	Exterior Lighting (14-14.6.4(F)) Describe how the proposed site lighting will adhere to photometrics requirements as it relates to light trespass and full cutoff fixture design, pursuant to Technical Manual Section 12
Yes NA	Noise and Vibration (14-14.6.4(G)) Provide data on noise levels for HVAC and other mechanical equipment, such as design specifications, to demonstrate consistency with state and federal noise emissions requirements as well as City code
Yes NA	Signage and Wayfinding (14-14.6.4(H)), if applicable - Provide signage plan showing the location, dimensions, height and setback of all existing and proposed signs - Provide drawings of all commercial and directional signage on site
Yes NA	Zone-Related Design Standards (14-14.6.4(I)) Address any applicable design review standards by zone, including compliance with Design Manual

MINOR SITE PLAN DRAWINGS CHECKLIST

Please upload the following DRAWINGS with the listed details into e-Plan.

All drawings must be submitted in a 24 x 36 sheet size.

BOUNDARY SURVEY (stamped by a Maine Licensed Surveyor and drawn as per Technical Manual Sec. 13)

SITE PLAN(s) (stamped by a Maine Licensed Professional Engineer) including:

All sheets – Include a title block with project title and the following information:

- Project street address
- Name and address of property owner & applicant
- Licensed design professional, incl firm that produced plans
- North arrow
- Date of preparation and revision history block
- Tax parcel (chart, block, and lot) number

Existing Conditions Plan with the following:

- Existing structures, with distance from primary building façade(s) to the property line
- Approximate location of structures on abutting properties
- All streets and intersections adjacent to the site
- Existing driveways, pedestrian ways, and bicycle infrastructure, including dimensions and materials
- Existing public transit infrastructure
- Existing vehicle & bicycle parking areas
- Existing utilities on site and within adjacent rights-of-way
- Existing grades (two-foot contours preferred)
- Location of water courses, wetlands, and vegetation, or other significant natural features
- Existing soil conditions and location of test pits and borings
- Zoning boundary lines, including overlays
- Location of all existing easements and rights-of-way

Proposed Site Plan with the following:

- Location, area, and limits of the proposed site disturbance or alteration, including any proposed pier, dock, or wharf reconstruction
- Proposed structures, including floor area and finish floor elevation and distance from the property line
- Proposed paved areas, including parking spaces and dimensions if applicable
- Location of proposed utilities
- Proposed protection measures for watercourses, wetlands, or other significant natural features
- Proposed grades and contours
- Erosion control plan
- Proposed landscaping, screening, and proposed street trees, including existing vegetation to be preserved
- Proposed stormwater management controls

- Proposed curb and sidewalk (show any proposed geometric modifications, if applicable) - Engineered specifications and cross-sections for proposed driveways, sidewalks and paved areas, if applicable - Location, dimensions and ownership of proposed easements, public or private rights-of-way - Please utilize color-coding and/or hatches and shading to delineate changes between the pre and post development condition as needed *NOTE: Minor Residential and Low-Impact Site Development projects may optionally submit the drawings below, but are not required to do so; all other Minor Site Plan applications should include the below drawings in their submission.
UTILITY PLAN* including:
- Proposed electrical infrastructure - Location, sizing and directional flows of all proposed sewer and stormwater infrastructure - Location and dimensions of off-premises public or publicly accessible infrastructure adjacent to site - Electric utility infrastructure
GRADING AND DRAINAGE PLAN* including:
- Proposed grades - Proposed stormwater management measures meeting Technical Manual (Section 5) standards - Any proposed alteration of a watercourse or wetlands - Any groundwater protection measures - Proposed buffers and preservation measures for wetlands or significant natural features
LANDSCAPE PLAN* including:
- Existing vegetation to be preserved and preservation measures - Proposed landscaping, screening, and street trees, including caliper widths for trees - Planting schedule, including street trees
ARCHITECTURAL PLANS AND RENDERINGS* including:
- Exterior building elevations, color renderings, illustrations of all sides - Axonometric and street-level views for structures greater than three stories in height - Provide context drawings, if applicable (Design Manual, page 1) - Floor plans
CONSTRUCTION MANAGEMENT PLAN* including:
- Specifics on traffic control, sidewalk sheds, and pedestrian rerouting - Include a drawing and written narrative
OTHER*
Details and cross-sections, as necessary



Attachment D. Right Title and Interest

See attached deed.

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **MOSHE WILANSKY** and **CHANA WILANSKY** of Portland, Maine, for consideration paid, GRANTS TO **CHABAD LUBAVITCH OF MAINE, INC.**, a Maine non-profit corporation whose mailing address is 101 Craigie Street, Portland, ME 04102, with WARRANTY COVENANTS, the premises situated in the City of Portland, County of Cumberland and State of Maine, described as follows:

A certain lot or parcel of land located on the southwesterly sideline of Pomeroy Street, so-called, in the City of Portland, County of Cumberland and State of Maine; said parcel being more particularly described as follows:

Beginning at an 1/2" iron rod found on the southwesterly sideline of said Pomeroy Street at the southeasterly corner of land now or formerly of Kriston Briggs;

Thence South 46° 11' 30" East along the southwesterly sideline of said Pomeroy Street a distance of 269.44 feet to a capped iron rod found (PLS #1278) and the northerly sideline of Motley Street, so-called;

Thence South 71° 08' 30" West along the northerly sideline of said Motley Street a distance of 58.71 feet to a point;

Thence in a general southwesterly direction along the northerly sideline of said Motley Street and along a circular curve to the left, circumscribed by a radius of 218.81 feet, an arc length of 44.47 feet to a capped iron rod found (PLS #1278) and land now or formerly of Joshua James and Tamara Rainsford Krieger; said capped iron rod found being South 65° 19' 13" West a tie distance of 44.39 feet from said previous capped iron rod found;

Thence North 34° 26' 02" West along the land of said Krieger a distance of 86.47 feet to a capped 5/8" iron rod found (PLS #1172);

Thence South 38° 44' 24" West along the land of said Krieger, along land now or formerly of the Redlon Park Homeowner's Association, and along land now or formerly of Nancy A. Roy a distance of 350.00 feet to a point and remaining land of Stuart B. Herrick, Jr.;

Thence North 28° 05' 22" West along the remaining land of Stuart B. Herrick, Jr. a distance of 286.03 feet to a point and land now or formerly of Thomas and Melody Lussier;

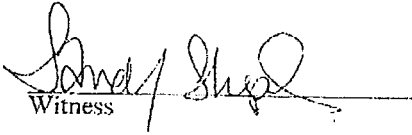
Thence North 60° 18' 30" East along the land of said Lussier, along land now or formerly of Roger and Donna Gendron, along land now or formerly of Jean Gilpatrick and along land of said Briggs a distance of 350.00 feet to the point of beginning.

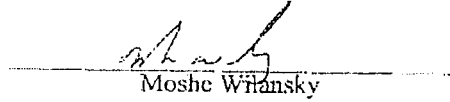
The above-described parcel contains 87,924 square feet. All bearings refer to Magnetic North as observed in 1973.

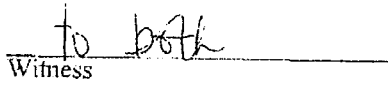
Reference is made to an unrecorded plan entitled Plan of Property, Bancroft Street, Portland, Maine, dated July 31, 1986, by R.P. Titcomb Associates, Inc. (Job #8660), as revised by unrecorded plan entitled Standard Boundary Survey and existing Conditions Plan for Stuart B. Herrick, Jr., dated March 2004, by BII2M (Job #03217).

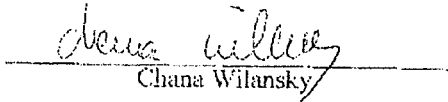
Being the same premises conveyed to the Grantors herein by Warranty Deed of Stuart B. Herrick, Jr. dated May 28, 2004 and recorded in the Cumberland County Registry of Deeds at Book 21341, Page 37.

IN WITNESS WHEREOF, the said Moshe Wilansky and Chana Wilansky have caused this instrument to be signed and sealed on June 15, 2004.


Witness


Moshe Wilansky


Witness

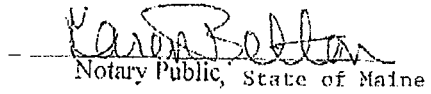

Chana Wilansky

State of Maine
Cumberland, ss.

June 15, 2004

Then personally appeared the above-named Moshe Wilansky and/or Chana Wilansky and acknowledged the foregoing instrument to be his/her/their free act and deed.

Before me,


Notary Public, State of Maine

SEAL

Print Name: Karen Belton

My commission expires 08/26/06

Received
Recorded Register of Deeds
Jun 15, 2004 11:22:22A
Cumberland County
John B O'Brien

f:\home\nc\clerk\encl\wilansky, moshe & chana\warranty deed to chabad.doc



Attachment E. Traffic

As there are no proposed expansions of the use of the property, as such there are no proposed increases in traffic to and from the property. Per discussions with the Portland Fire Department, on street parking is proposed to be excluded for the opposite (North) side of Pomeroy Street to allow a fire truck “sweep” into the driveway.

Additional specific traffic related sections of the Land Use Ordinance:

- **Section 14.6.1 A:** The project does not propose changes to the surrounding street network and will not create or aggravate any significant hazard to safety. The project is located in a neighborhood with relatively low traffic and should not be classified as Level “D” or below.
- **Section 14.6.1 B 1:** The project proposes to widen the access drive to 16’ and will provide safe and reasonable access for the proposed use and increased access for safety and emergency equipment.
- **Section 14.6.1 B 2:** The existing turn around is proposed to remain, and should not affect the continued access and safe turning around of delivery vehicles. The proposed increased width of the driveway should also allow better access to the site.
- **Section 14.6.1 B 3:** See Attachment J for a waiver request of the requirement for curbing and sidewalk along Pomeroy Street.
- **Section 14.6.1 D:** Parking is proposed to be in conformance with the standards of the proposed use, see Attachment H. Bicycle parking is not required as the project proposes less than 10 parking spaces. Snow storage is proposed as existing, utilizing the periphery of the driveway areas. The proposed changes to parking and driveway width are not anticipated to significantly increase snowbank accumulation and can be handled effectively on site.



Attachment F. Environmental Impacts

There are no environmental impacts proposed or assumed for the change of use or proposed site improvements. Expansions of parking and driveway are proposed in areas previously developed areas. The driveway is proposed to be expanded in areas of lawn and the proposed parking is sited in an area of gravel currently used as informal parking. Bordering wetlands and wooded areas are not proposed to be disturbed, and no trees are proposed to be removed.

Additional specific environmental related sections of the Land Use Ordinance:

- **Section 14.6.2 A:** The project does not propose impacts to the surrounding wetlands or trees and proposes to place areas of improvement in existing developed areas.
- **Section 14.6.2 B:** The project does not propose to disturb areas of trees. Silt barriers are shown along the limits of disturbance to protect the surrounding areas from silt migration and incidental impact.
- **Section 14.6.2 C:** The project does not propose to disturb the existing areas of buffering. Existing trees along the property line will remain in place and continue to provide effective screening from abutting properties. Existing trees along the ROW will not be disturbed with the proposed site improvements.
- **Section 14.6.2 D:** The project proposes the minimum amount of additional impervious area required by City for the proposed use, assuming 6 parking spots and a widened driveway. A stormwater report is included with this submission as Attachment M demonstrating that there are no anticipated increases in stormwater runoff from pre to post development conditions. Stormwater treatment is not required as the project qualifies as a redevelopment project and proposes less than 5,000 s.f. of additional non-roof impervious areas.

Attachment G. Design and Operation

The subject property and surrounding properties are made up of private residences. For the subject property, in addition to being a private residence, worshippers have been welcomed. The permit applications do not seek to expand this use, but seeks to clarify the use of this property additionally as a Place of Religious Assembly. Given this, the project does not propose an increase in deliveries, trash, or waste generation or materials storage. There are no proposed changes to trees, screening, or arrangement and expansion of structures. No signage is proposed, outside of the “No Parking” signs as required by the City Fire Department.

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

ZONING ANALYSIS Relevant Zone(s) R-3

All Projects:

	Required	Proposed
Lot Size	1 ac. (Assembly)	1.695 ac.
Area Per Dwelling Unit	6,500 s.f.	1.695 ac.
Minimum Street Frontage	50'	67.17'
Front Yard Minimum	25'	168.8'
Front Yard Maximum	N/A	
Rear Yard	25'	130.9'
Yard Right	16'	43.5'
Yard Left	16'	70.2'
Side Street Setback	N/A	
Step Back	N/A	
Maximum Lot Coverage	35%	5.4%
Minimum Lot Coverage	N/A	
Maximum Height	35'	34' - 10.5"
Open Space	N/A	
Maximum Impervious Area	N/A	
Pavement Setback	N/A	
Floor Area Ratio	N/A	
Off Street Parking Spaces	6 (Assembly)	7
Loading Bays	N/A	
Other 1		
Other 2		
Other 3		



Attachment I. Site Plan Assessment

The project proposes to meet the requirements of the Site Plan Review Standards, section 14.6 of the Land Use Code. As detailed in the checklist, Attachment C, additional attachments have been included to address specific requirements of section 14.6.

Standard to be Waived: Cite Ordinance or Technical Manual Standard	Cite Standard Language: Cite specific language of applicable Ordinance or Technical Manual Standard	Waiver Being Sought: Describe waiver being sought. Ex. – We are requesting a two-way parking lot drive aisle width of 20' feet.	Justification for Waiver: Address specific waiver criteria, if applicable, and document reasons for the waiver request.
14.6.1-B-3-a	All development shall provide curb and sidewalks along all frontages, installed to specifications as described in the transportation systems and street design standards of the Technical Manual.	Waiver from Sidewalks, section 14.6.1.B-3-c	i: There is no reasonable expectation for pedestrian use ii: There are no sidewalks in the surrounding neighborhood and construction of sidewalks will not contribute to pedestrian oriented development.
14.6.1-B-3-a	All development shall provide curb and sidewalks along all frontages, installed to specifications as described in the transportation systems and street design standards of the Technical Manual.	Waiver from Curb, section 14.6.1-B-3-d	iii: The street was constructed in the past 60 months without curb. v: Runoff within the street does not require curbing for stormwater management
Tech. Manual 1.7.2.3	Any site with driveway access to a street shall have a minimum width of 20 feet for two-way ingress and egress, with a preferred 24 feet.	Waiver from 20' minimum driveway width, section 1.7.2.3	See October 20, 2021 comment response. Given constraints of property lines along frontage of existing driveway, fire hydrant, likely wetland impacts, and recommendations from PFD of 16' wide min.



Attachment K. Public Infrastructure and Safety

The project proposes to meet the following applicable Land Use Ordinance requirements:

- **Section 14.6.3 B:** The project meets the requirements of CPTED. The configuration of the driveway provides a clear view from the front door of the building to Pomeroy Street with unobstructed views of the entirety of the driveway. Existing lighting is proposed to remain, featuring lighting along the west side of the driveway. The City of Portland Fire Department has had an opportunity to provide comments for the change of use, and has requested that the driveway be 16' wide and parking be prohibited along the opposite side (north) of Pomeroy Street to provide better emergency vehicle access to the site. The site plans show both of these requirements being met.
- **Section 14.6.3 C:** The project does not propose any new utility connections. The property is currently serviced by City utilities, and these are to remain.



Attachment L. Site Design

As the project does not propose any new structures, the bulk of site design requirements listed do not apply to the project. The project is not located in a view corridor or historic district. No new lighting is proposed as part of the project. No new HVAC systems are proposed, and no new wayfinding signs are proposed. The proposed project is not subject to zone-related design standards.

Following up on the requirements of the Land Use Ordinance, the project proposes to meet the following applicable requirements:

- **Section 14.6.4 C:** While no new structures are proposed, the current structures do not pose an issue with snow and ice loading onto adjacent properties. Snow will continued to be managed on site for driveway and parking areas to be cleared, with snowbanks along the periphery of the driveway.

STORMWATER MANAGEMENT REPORT

**11 POMEROY STREET CHANGE OF USE
Portland, Maine**

Submitted by:

CHABAD LUBAVITCH OF MAINE, INC.

Prepared by:



Date:

August, 2021

Updated October, 2021

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APPENDIX A	SOILS REPORT
APPENDIX B	PRE DEVELOPMENT CALCULATIONS
APPENDIX C	POST DEVELOPMENT CALCULATIONS

1.0 **INTRODUCTION**

Chabad Lubavitch of Maine, Inc. is proposing a Change of Use to a Place of Religious Assembly for their private residence located at 11 Pomeroy Street in Portland. In order to meet the City's requirements for a use of this type, parking and emergency vehicle access must be upgraded. The upgrades also require a Minor Site Plan review through the City of Portland. We are providing this stormwater report to satisfy the requirements of the Minor Site Plan review.

The scope of work includes but is not limited to:

- Construction of an increase in width of the existing driveway to 16' wide.
- Construction of additional parking.

The proposed improvements will create approximately 2,150 square feet of new impervious area.

The Stormwater Management Plan has been prepared to satisfy the requirements of the City of Portland by applying Maine Department of Environmental Protections "Stormwater Management Rules" Chapters 500, 501 and 502 as well as the most recent version of the "Maine Stormwater Best Management Practices Manual". Per the City of Portland land use regulations, the project will be required to meet the Basic, General, and Flooding Standards.

1.1 **OVERVIEW OF MODELING METHODOGY AND SOURCE INFORMATION**

Hydrologic Analysis: The pre and post development conditions have been modeled using modeling software (Hydrocad Version 10) which is based upon the methodology contained within the USDA Soil Conservation Service Technical Release 55. Type III 24-hour storm distributions for south east Cumberland County were used for the analysis. The following frequencies and 24-hour rainfall depths were used for the analysis:

Return Period	24-Hour Rainfall Depth
2-Year Storm	3.10 inches
10-Year Storm	4.60 inches
25-Year Storm	5.80 inches

Soils: The soils used for the stormwater analysis were digitized from the Natural Resource Conservation Service (NRCS), web soil survey website. The source of the data is the Cumberland County Soil Survey (Class D). Refer to the following for additional documentation regarding the soils used for modelling:

- Appendix A of this Report
- Pre and Post Development Watershed Plans (Sheets A and B)

The soils include:

Soil Map Unit	Unit Description	Hydrologic Soil Group
BgB	Nicholville very fine sandy loam, 0-8% slopes	C
HrB	Lyman-Tunbridge complex, 0-8% slopes, rocky	D
Wa	Walpole fine sandy loam	A/D*

*D soils assumed for areas of known wetlands

Topography: Field survey by BH2M, areas outside the immediate property utilize contour information provided by the Maine Office of GIS.

1.2 **DESCRIPTION OF POINTS OF ANALYSIS**

The watershed model analyzes the discharge of runoff at three Analysis Points as described below:

Analysis Point #1

Description: Discharge along neighboring property lines along the northwest side of the project

Pre Development Tributary Drainage Areas: 4.17 acres

Post Development Tributary Drainage Areas: 4.17 acres

1.3 **PRE DEVELOPMENT CONDITIONS**

The Pre Development Conditions are shown on Sheet 2 - Existing Conditions by BH2M as well as Sheet A –Pre Development Drainage Plan of the accompanying plans. The project is located along the south eastern end of Pomeroy Street, and is the only home with a driveway along Pomeroy Street. The project features an existing residence with an approximate 200 lf driveway and associated areas of lawn. There are areas of wetlands to the east of the property with an existing culvert under the driveway crossing the wetlands.

The watershed that was analyzed for this project is approximately 4.17 acres. The analysis points are described in Section 1.2 of this report. The watershed generally runs from east to west.

The Pre Development Watershed Map is included as Sheet A – Pre Development Drainage Plan of the accompanying plans and the Calculations are attached as Appendix B.

The Pre Development Watershed Model predicts the following peak flow rates:

Pre Development Peak Flows (cu. ft./sec)			
Analysis Point	2-Year	10-Year	25-Year
AP-1	1.57	4.37	7.02

1.4 **POST DEVELOPMENT CONDITIONS**

The proposed project includes construction of a wider driveway and additional parking to meet the requirements of the proposed Change of Use to a place of Religious Assembly. The driveway is proposed to be widened from the approximate 10'-12' wide of existing to 16' wide to meet requirements of emergency access. Six additional parking spots are required, with 1 handicap spot on existing pavement and 6 spots proposed expanded pavement to the east of the driveway in an area of existing informal gravel parking.

The Post Development Drainage Plan is included as Sheet B of the accompanying plan set and the Calculations are attached as Appendix C.

Given the minor nature of the proposed improvements there is no net change in run off expected, as the modeled results indicate. The Post Development Watershed Model predicts the following peak flow rates:

Post Development Peak Flows (cu. ft./sec)			
Analysis Point	2-Year	10-Year	25-Year
AP-1	1.57	4.37	7.02

1.5 **DEVELOPMENT WITHIN URBAN IMPAIRED STREAM WATERSHEDS**

The project is located within the Capisic Brook Watershed. Capisic Brook is listed as an Urban Impaired Stream (06-096 CMR 502 Appendix B) as well as the Portland Technical Manual Section 5, Part II-A. To meet the Urban Impaired Stream Standard, the Applicant must either mitigate project impacts by reducing or eliminating an off-site or on-site pre-development impervious stormwater source or pay a compensation fee. Compensation fees may only be used in watersheds where a Compensation Fee Utilization Plan (CFUP) has been developed by a Municipality or other entity and approved by the Department. The City of Portland administers a CFUP for Capisic Brook. The Applicant intends to pay a compensation fee to the CFUP to meet the Urban Impaired Stream Standard. The compensation fee for the project is based on Table 1 found in 06-096 CMR 501 3.A.(1). The calculated compensation fee for the project is shown in the Table below. The project proposes some areas of new pavement, but does not propose new areas of landscaped areas, as disturbed areas are proposed in existing landscaped areas.

Type of Surface	Compensation Fee (per acre)	Proposed Area (acres)	Compensation Fee
Non-roof Impervious Area	\$12,500	0.04	\$500.00
Roof	\$5,000	0	\$0
Landscape Area	\$2,500	0	\$0
Total			\$500.00

1.6 **BASIC STANDARDS**

The proposed project is required to meet the Basic Standards. To meet the Basic Standards the project design must demonstrate that the erosion and sedimentation control, inspection and maintenance, and housekeeping standards specified in Appendices A, B, and C of 06-096 Chapter 500 are met, and that the grading or other construction activity will not impede or otherwise alter drainageways so as to have an unreasonable adverse impact on a wetland or waterbody, or an adjacent downslope parcel.

The proposed project will provide temporary (during construction) BMP's and post-construction BMP's. Refer to Sheet 3 of the Project Plans for erosion and sedimentation control narratives and details.

1.7 **GENERAL STANDARDS - REDEVELOPMENT**

The proposed project is not required to meet General Standards. Per the City of Portland Technical Manual Section 5, Part II-D "Redevelopment Projects", projects are required to provide treatment that include redevelopment of non-roof impervious greater than 5,000 sf. Where this project proposes 2,150 sf of new impervious treatment is not required.

1.8 **FLOODING STANDARD**

The proposed project is required to meet the Flooding Standards. To meet the Flooding Standard, the project design must demonstrate that the stormwater management systems will accomplish the following:

- a) The system must detain, retain, or result in the infiltration of stormwater from 24-hour storms of the 2-year, 10-year, and 25-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project.
- b) The design of piped or open channel systems must be based on a 10-year, 24-hour storm without overloading or flooding beyond channel limits.

- c) The areas expected to be flooded by runoff from a 10-year or 25-year, 24-hour storm must be defined, and no buildings or other similar facilities may be planned within such areas.
- d) Runoff from the project may not flood the primary access road to the project and any public roads bordering the project as a result of a 25-year, 24-hour storm.

The following Table compares the Pre and Post Development peak flow rates for the 2-year, 10-year, and 25-year return periods. Refer to Appendix B for the Pre-Development model and Appendix C for Post Development model.

Peak Flow Comparison (cu. ft./sec)						
Analysis Point	2-Year		10-Year		25-Year	
	Pre	Post	Pre	Post	Pre	Post
AP-1	1.57	1.57	4.37	4.37	7.02	7.02

As illustrated in the table above, the proposed redevelopment project will not increase expected run off from the site. These results are expected given the minor nature of the required improvements.

1.9 **CLOSURE**

The proposed stormwater management facilities have been designed to mitigate stormwater impacts associated with development of the proposed project. The proposed stormwater management facilities have been designed to meet the Basic, General and Flooding Standards required by Chapter 500 and the City of Portland.

Appendix A
Soils Report



United States
Department of
Agriculture

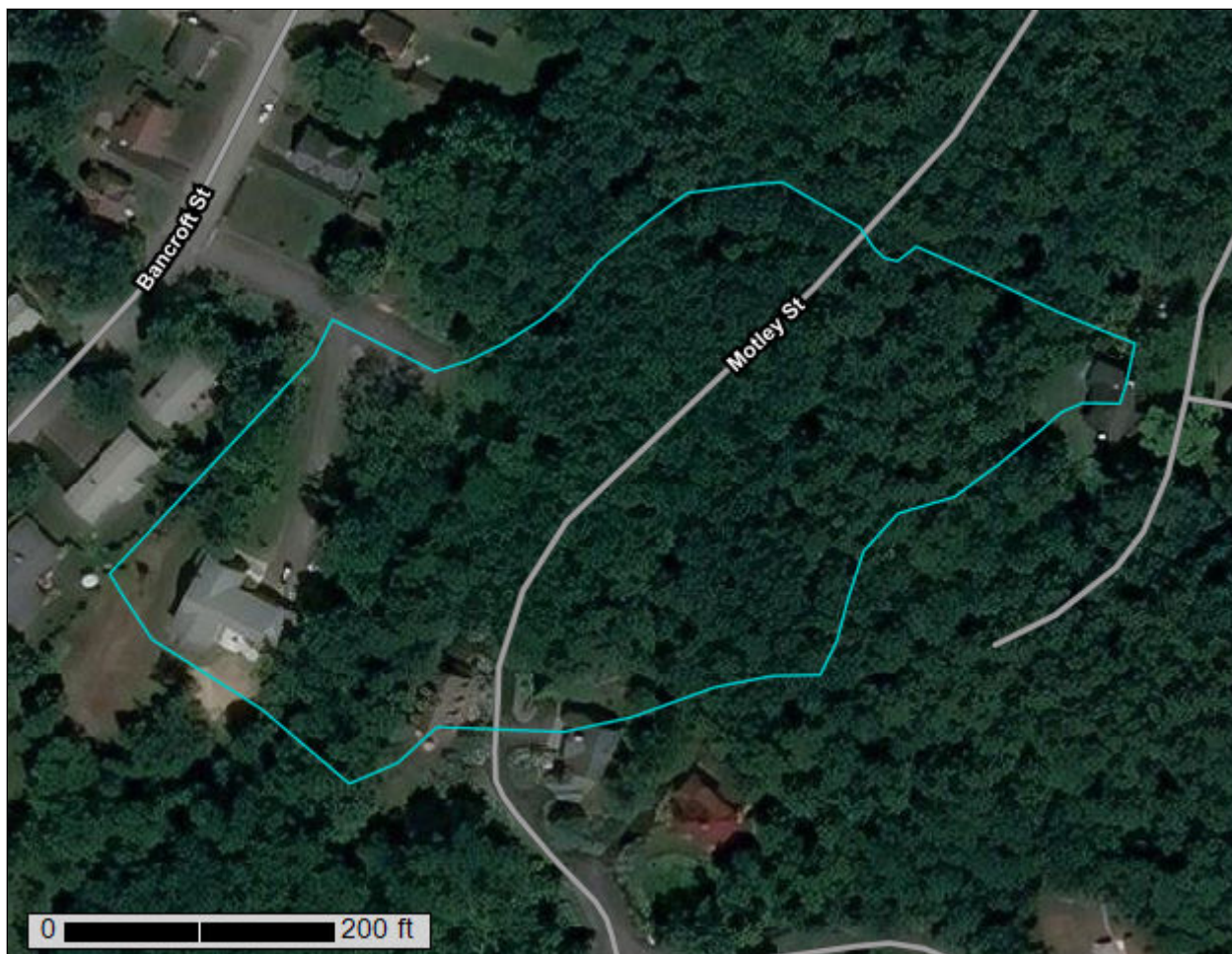
NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Cumberland County and Part of Oxford County, Maine

11 Pomeroy Street



July 13, 2021

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

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identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

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MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 17, Jun 5, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BgB	Nicholville very fine sandy loam, 0 to 8 percent slopes	1.8	43.2%
HrB	Lyman-Tunbridge complex, 0 to 8 percent slopes, rocky	1.1	25.8%
Wa	Walpole fine sandy loam	1.3	31.0%
Totals for Area of Interest		4.2	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The

delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Cumberland County and Part of Oxford County, Maine

BgB—Nicholville very fine sandy loam, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2yhg5

Elevation: 20 to 2,300 feet

Mean annual precipitation: 34 to 50 inches

Mean annual air temperature: 37 to 45 degrees F

Frost-free period: 90 to 160 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Nicholville and similar soils: 85 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Nicholville

Setting

Landform: Lakebeds (relict)

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Coarse-silty glaciomarine deposits

Typical profile

Ap - 0 to 7 inches: very fine sandy loam

Bs - 7 to 19 inches: very fine sandy loam

BC - 19 to 30 inches: very fine sandy loam

C - 30 to 65 inches: loamy very fine sand

Properties and qualities

Slope: 0 to 8 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Moderately well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.14 to 1.42 in/hr)

Depth to water table: About 18 to 30 inches

Frequency of flooding: None

Frequency of ponding: None

Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)

Available water capacity: High (about 10.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 2e

Hydrologic Soil Group: C

Hydric soil rating: No

Minor Components

Roundabout, somewhat poorly drained

Percent of map unit: 5 percent

Landform: Lakebeds (relict)

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Landform position (two-dimensional): Footslope, toeslope

Landform position (three-dimensional): Base slope

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: No

Croghan

Percent of map unit: 5 percent

Landform: Lakebeds (relict)

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: No

Salmon

Percent of map unit: 3 percent

Landform: Lakebeds (relict)

Landform position (two-dimensional): Backslope, summit

Landform position (three-dimensional): Side slope, crest

Down-slope shape: Linear

Across-slope shape: Convex

Hydric soil rating: No

Roundabout

Percent of map unit: 2 percent

Landform: Lakebeds (relict)

Landform position (two-dimensional): Footslope, toeslope

Landform position (three-dimensional): Base slope

Down-slope shape: Linear

Across-slope shape: Concave

Hydric soil rating: Yes

HrB—Lyman-Tunbridge complex, 0 to 8 percent slopes, rocky

Map Unit Setting

National map unit symbol: 2x1cx

Elevation: 0 to 520 feet

Mean annual precipitation: 36 to 65 inches

Mean annual air temperature: 36 to 52 degrees F

Frost-free period: 90 to 160 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Lyman and similar soils: 50 percent

Tunbridge and similar soils: 30 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lyman

Setting

Landform: Ridges, hills

Landform position (two-dimensional): Shoulder, backslope, summit

Landform position (three-dimensional): Crest, nose slope

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Loamy supraglacial till derived from granite and gneiss and/or loamy supraglacial till derived from phyllite and/or loamy supraglacial till derived from mica schist

Typical profile

Oe - 0 to 1 inches: moderately decomposed plant material

A - 1 to 3 inches: loam

E - 3 to 5 inches: fine sandy loam

Bhs - 5 to 7 inches: loam

Bs1 - 7 to 11 inches: loam

Bs2 - 11 to 18 inches: channery loam

R - 18 to 79 inches: bedrock

Properties and qualities

Slope: 0 to 8 percent

Surface area covered with cobbles, stones or boulders: 1.5 percent

Depth to restrictive feature: 11 to 24 inches to lithic bedrock

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to high (0.00 to 14.03 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water capacity: Low (about 3.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 6s

Hydrologic Soil Group: D

Hydric soil rating: No

Description of Tunbridge

Setting

Landform: Hills, ridges

Landform position (two-dimensional): Backslope, shoulder, summit

Landform position (three-dimensional): Side slope, crest

Down-slope shape: Linear

Across-slope shape: Convex

Parent material: Loamy supraglacial till derived from granite and gneiss and/or loamy supraglacial till derived from phyllite and/or loamy supraglacial till derived from mica schist

Typical profile

Oe - 0 to 3 inches: moderately decomposed plant material

Oa - 3 to 5 inches: highly decomposed plant material

E - 5 to 8 inches: fine sandy loam

Bhs - 8 to 11 inches: fine sandy loam

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Bs - 11 to 26 inches: fine sandy loam
BC - 26 to 28 inches: fine sandy loam
R - 28 to 79 inches: bedrock

Properties and qualities

Slope: 3 to 8 percent
Surface area covered with cobbles, stones or boulders: 1.5 percent
Depth to restrictive feature: 21 to 41 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to high (0.00 to 14.03 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water capacity: Low (about 5.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6s
Hydrologic Soil Group: C
Hydric soil rating: No

Minor Components

Ragmuff

Percent of map unit: 10 percent
Landform: Ridges, hills
Landform position (two-dimensional): Backslope, footslope
Landform position (three-dimensional): Base slope, side slope
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: No

Abram

Percent of map unit: 5 percent
Landform: Hills, ridges
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Nose slope, crest
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

Peru

Percent of map unit: 4 percent
Landform: Hills, ridges
Landform position (two-dimensional): Footslope, backslope
Landform position (three-dimensional): Base slope, side slope
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: No

Rock outcrop

Percent of map unit: 1 percent
Landform: Hills, ridges
Landform position (two-dimensional): Shoulder, summit
Landform position (three-dimensional): Nose slope, crest, free face
Down-slope shape: Convex

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Across-slope shape: Convex
Hydric soil rating: No

Wa—Walpole fine sandy loam

Map Unit Setting

National map unit symbol: blk7
Elevation: 0 to 2,800 feet
Mean annual precipitation: 30 to 50 inches
Mean annual air temperature: 37 to 46 degrees F
Frost-free period: 80 to 165 days
Farmland classification: Not prime farmland

Map Unit Composition

Walpole and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Walpole

Setting

Landform: Outwash plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy glaciofluvial deposits

Typical profile

H1 - 0 to 8 inches: fine sandy loam
H2 - 8 to 20 inches: fine sandy loam
H3 - 20 to 65 inches: gravelly loamy sand

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)
Depth to water table: About 0 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Available water capacity: Low (about 5.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Minor Components

Au gres

Percent of map unit: 9 percent
Landform: Outwash plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: Yes

Scarboro

Percent of map unit: 5 percent
Landform: Outwash plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Dip
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: Yes

Deerfield

Percent of map unit: 1 percent
Landform: Outwash plains
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Rise
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

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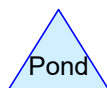
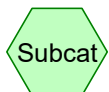
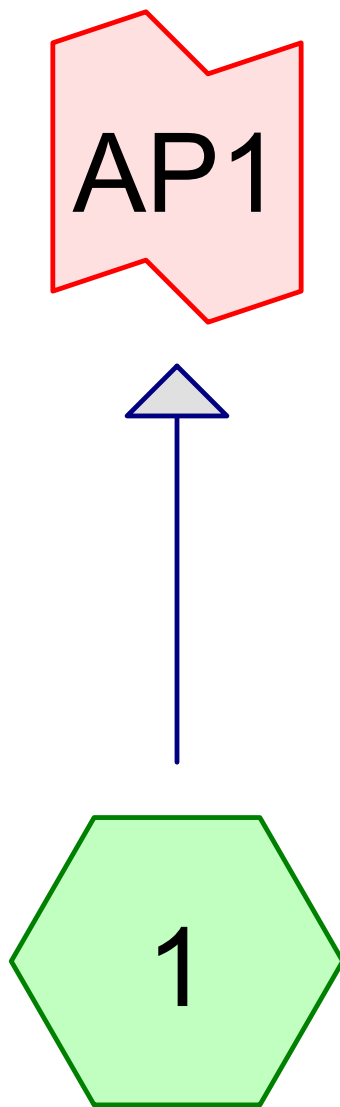
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Appendix B
Pre-Development Calculations



Routing Diagram for Pre Development
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Pre Development

Prepared by BH2M

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Type III 24-hr 25-YR Rainfall=5.80"

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Page 2

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1:

Runoff Area=181,488 sf 8.54% Impervious Runoff Depth>2.18"
Flow Length=671' Tc=24.6 min CN=67 Runoff=7.02 cfs 0.756 af

Link AP1:

Inflow=7.02 cfs 0.756 af
Primary=7.02 cfs 0.756 af

Total Runoff Area = 4.166 ac Runoff Volume = 0.756 af Average Runoff Depth = 2.18"
91.46% Pervious = 3.811 ac 8.54% Impervious = 0.356 ac

Pre Development

Prepared by BH2M

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Type III 24-hr 25-YR Rainfall=5.80"

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Page 3

Summary for Subcatchment 1:

Runoff = 7.02 cfs @ 12.36 hrs, Volume= 0.756 af, Depth> 2.18"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
12,902	39	>75% Grass cover, Good, HSG A
1,140	74	>75% Grass cover, Good, HSG C
9,786	80	>75% Grass cover, Good, HSG D
24,855	30	Woods, Good, HSG A
75,546	70	Woods, Good, HSG C
41,757	77	Woods, Good, HSG D
* 15,502	98	Impervious
181,488	67	Weighted Average
165,986		91.46% Pervious Area
15,502		8.54% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.1	150	0.1133	0.17		Sheet Flow, Woods: Light underbrush n= 0.400 P2= 3.10"
9.0	457	0.0284	0.84		Shallow Concentrated Flow, Woodland Kv= 5.0 fps
0.1	41	0.0100	5.94	10.50	Pipe Channel, 18.0" Round Area= 1.8 sf Perim= 4.7' r= 0.38' n= 0.013
0.4	23	0.0200	0.99		Shallow Concentrated Flow, Short Grass Pasture Kv= 7.0 fps
24.6	671	Total			

Summary for Link AP1:

Inflow Area = 4.166 ac, 8.54% Impervious, Inflow Depth > 2.18" for 25-YR event

Inflow = 7.02 cfs @ 12.36 hrs, Volume= 0.756 af

Primary = 7.02 cfs @ 12.36 hrs, Volume= 0.756 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

Pre Development

Prepared by BH2M

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Type III 24-hr 2-YR Rainfall=3.10"

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Page 1

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1:

Runoff Area=181,488 sf 8.54% Impervious Runoff Depth>0.56"
Flow Length=671' Tc=24.6 min CN=67 Runoff=1.57 cfs 0.195 af

Link AP1:

Inflow=1.57 cfs 0.195 af
Primary=1.57 cfs 0.195 af

Total Runoff Area = 4.166 ac Runoff Volume = 0.195 af Average Runoff Depth = 0.56"
91.46% Pervious = 3.811 ac 8.54% Impervious = 0.356 ac

Pre Development

Prepared by BH2M

HydroCAD® 10.00-22 s/n 02712 © 2018 HydroCAD Software Solutions LLC

Type III 24-hr 10-YR Rainfall=4.60"

Printed 8/18/2021

Page 2

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1:

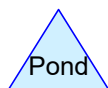
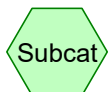
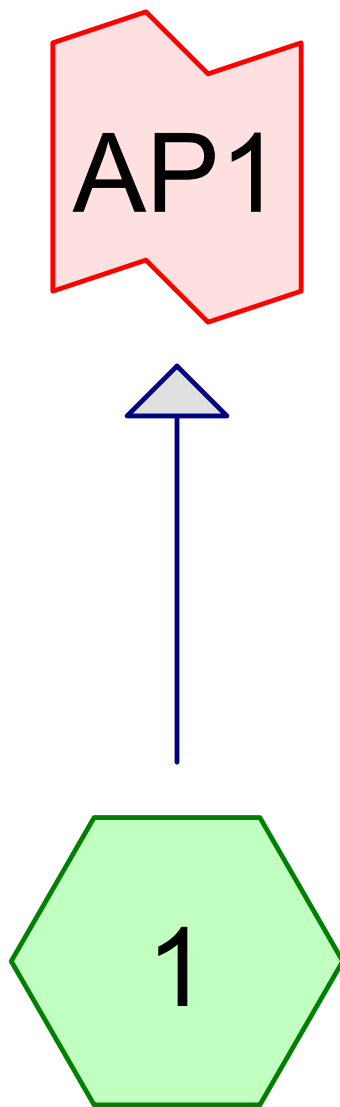
Runoff Area=181,488 sf 8.54% Impervious Runoff Depth>1.39"
Flow Length=671' Tc=24.6 min CN=67 Runoff=4.37 cfs 0.481 af

Link AP1:

Inflow=4.37 cfs 0.481 af
Primary=4.37 cfs 0.481 af

Total Runoff Area = 4.166 ac Runoff Volume = 0.481 af Average Runoff Depth = 1.39"
91.46% Pervious = 3.811 ac 8.54% Impervious = 0.356 ac

Appendix C
Post Development Calculations



Routing Diagram for Post Development
Prepared by BH2M, Printed 10/20/2021
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Post Development

Type III 24-hr 25-YR Rainfall=5.80"

Prepared by BH2M

Printed 10/20/2021

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Page 2

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1:

Runoff Area=181,490 sf 9.73% Impervious Runoff Depth>2.18"
Flow Length=671' Tc=24.6 min CN=67 Runoff=7.02 cfs 0.756 af

Link AP1:

Inflow=7.02 cfs 0.756 af
Primary=7.02 cfs 0.756 af

Total Runoff Area = 4.166 ac Runoff Volume = 0.756 af Average Runoff Depth = 2.18"
90.27% Pervious = 3.761 ac 9.73% Impervious = 0.405 ac

Post Development

Prepared by BH2M

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Type III 24-hr 25-YR Rainfall=5.80"

Printed 10/20/2021

Page 3

Summary for Subcatchment 1:

Runoff = 7.02 cfs @ 12.36 hrs, Volume= 0.756 af, Depth> 2.18"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
11,144	39	>75% Grass cover, Good, HSG A
1,052	74	>75% Grass cover, Good, HSG C
9,484	80	>75% Grass cover, Good, HSG D
24,855	30	Woods, Good, HSG A
75,546	70	Woods, Good, HSG C
41,757	77	Woods, Good, HSG D
* 17,652	98	Impervious
181,490	67	Weighted Average
163,838		90.27% Pervious Area
17,652		9.73% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.1	150	0.1133	0.17		Sheet Flow, Woods: Light underbrush n= 0.400 P2= 3.10"
9.0	457	0.0284	0.84		Shallow Concentrated Flow, Woodland Kv= 5.0 fps
0.1	41	0.0100	5.94	10.50	Pipe Channel, 18.0" Round Area= 1.8 sf Perim= 4.7' r= 0.38' n= 0.013
0.4	23	0.0200	0.99		Shallow Concentrated Flow, Short Grass Pasture Kv= 7.0 fps
24.6	671	Total			

Summary for Link AP1:

Inflow Area = 4.166 ac, 9.73% Impervious, Inflow Depth > 2.18" for 25-YR event

Inflow = 7.02 cfs @ 12.36 hrs, Volume= 0.756 af

Primary = 7.02 cfs @ 12.36 hrs, Volume= 0.756 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

Post Development

Prepared by BH2M

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Type III 24-hr 2-YR Rainfall=3.10"

Printed 10/20/2021

Page 1

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1:

Runoff Area=181,490 sf 9.73% Impervious Runoff Depth>0.56"
Flow Length=671' Tc=24.6 min CN=67 Runoff=1.57 cfs 0.195 af

Link AP1:

Inflow=1.57 cfs 0.195 af
Primary=1.57 cfs 0.195 af

Total Runoff Area = 4.166 ac Runoff Volume = 0.195 af Average Runoff Depth = 0.56"
90.27% Pervious = 3.761 ac 9.73% Impervious = 0.405 ac

Post Development

Type III 24-hr 10-YR Rainfall=4.60"

Prepared by BH2M

Printed 10/20/2021

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Page 2

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1:

Runoff Area=181,490 sf 9.73% Impervious Runoff Depth>1.39"
Flow Length=671' Tc=24.6 min CN=67 Runoff=4.37 cfs 0.481 af

Link AP1:

Inflow=4.37 cfs 0.481 af
Primary=4.37 cfs 0.481 af

Total Runoff Area = 4.166 ac Runoff Volume = 0.481 af Average Runoff Depth = 1.39"
90.27% Pervious = 3.761 ac 9.73% Impervious = 0.405 ac



ANDREW S. MORRELL
ROBERT C. LIBBY, Jr.
WALTER E. PELKEY
STEVEN J. BLAKE

Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

380B Main Street Tel. (207) 839-2771
Gorham, Maine 04038 www.bh2m.com

October 20, 2021

Jimmy Dealaman, Planner
City of Portland Planning and Urban Development
City Hall, 389 Congress Street, 4th Floor
Portland, Maine 04101

Re: Initial Review Comments
11 Pomeroy Street

Dear Jimmy;

We have reviewed the initial comments that were provided on October 13, 2021 and October 19, 2021 and offer the following responses. We have included the original comment (*italics*) and our responses (**bold**). Revisions to documents can be found on the project portal as referenced, and also included is the following list of attachments:

- Attachment 1 – Land Use Section 6.5.6.F Review
- Attachment 2 –Turning Template Figure
- Attachment 3 – First Floor Plan

Conditional Use:

Please submit narrative to meeting the specific zone criteria which is for 6.5.6.F, which is for institutional uses.

Response: Responses to each section of 6.5.6.F have been included as Attachment 1.

Transportation:

Please provide vehicle turning templates sized for the type of vehicles expected to use the site (Note: a waiver to the minimum driveway aisle width within the parking area may be needed. The minimum width in this area is 24 feet as specified in Sec 1.14.3 of the City's Technical Manual.)

Response: Please see the Attachment 2 showing turn templates for the proposed parking area. The vehicle shown is a Sprinter Van, a typical passenger van expected to access the site. This shows that a wider driving isle is necessary for vehicles to maneuver and remain on pavement. A 24' wide isle behind the proposed parking is now shown on the plan to be in conformance with the requirements of the technical manual and to meet the turning template. A waiver request will not be necessary. An updated site plan and stormwater report, showing the additional impervious area for the isle, have been uploaded to the portal.

The current driveway width of 16 feet does not meet the requirements of Section 1.7.2.3 of the City's Technical Manual which apply to the project requiring a minimum width of 20 feet. If the project cannot provide the minimum width please submit a waiver request providing justification as a basis for granting a waiver.

Response: Section 1.7.2.3 relates to Multi family, Commercial and Industrial uses, however, in this case we understand that is the most appropriate standard for an Institutional use as is proposed. The driveway width has been proposed based on feedback from the City Fire Department, requesting a minimum of 16' wide access. The driveway width is constrained at the frontage along Pomeroy Street by the property boundary and an existing tree to the north, and an existing fire hydrant and city easement for a hammerhead turn around to the south. The 16' width proposed is the widest practical driveway that can be provided without impacts to the adject properties or city easement. Additionally, the area of the existing wetland crossing would likely require additional wetland impacts to facilitate a wider driveway. We request a waiver from the 20' minimum width standard based on these constraints. An updated waiver table uploaded to the portal.

Please provide an estimate of traffic expected to the site and provide this information (i.e. measuring the # of trips that occur during a peak hour time of the week).

Response: Utilizing Trip Generation Rates from the 8'th edition of the ITE Trip Generation Report, reviewing "Synagogue", ITE Code 561, we find a total of 10 calculated daily trips and 2 pm peak trips expected given the 900 sf assembly area. While the ITE Report provides these values generally for this category, in reality less than 10 cars are expected on site.

Parking:

Please submit updated floor plans (or confirm if those submitted on 11/16/2018 are still current/accurate for the project) Staff are seeking to confirm the proposed square footage of the place of assembly use and the square footage used for single family home. Per Table 19-A of the City's Land Use Code, Places of Assembly must provide 1 parking space for 150 SF of floor area used for assembly purposes. Also, single family homes are required to provide 1 parking space. In order to confirm the combined parking requirement for the site is met, floor plans indicating the square footage of each use are needed.

Response: A copy of the first floor plan has been included as Attachment 3 showing of the area of religious assembly. Consistent with our initial submission, this shows 900 sf, corresponding to 6 parking spots required. The plans show six proposed conventional spots, one proposed handicap spot, with the existing garage space and the space outside in front of the garage reserved for residential use. There are sufficient spaces proposed and existing to meet requirements.

General:

During review of the project, feedback from peer reviewers asked whether the property was operating a summer camp? Please share more information about the operations of as they relate to trips to the site, hours of operation, drop-off/access, etc.

Response: There is a summer camp that is conducted from the premises. The summer camp is conducted for 3 weeks in July and there are 15 to 18 kids from 4 to 6 families that participate in the camp. Children are dropped off in the morning and picked up in the

afternoon of the weekdays. This summer camp is typically conducted off site with field trips and visits to other locations, but given the effects of Covid, one week of the camp was conducted onsite this past season.

Please clarify if the area highlighted below [note: highlighted 12x70 area] is denoted for any special reason (existing easement, etc)

Response: This is a previously granted landscaping easement for trees apparently existing prior development of the residence. This has been noted as “Landscaping Easement” on the updated site and existing condition plans, which have been updated on the portal.

Sec. 6.5.2 General conditional use standards:

The review authority shall, after review of the application, approve a conditional use upon a finding that the proposed conditional use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zone. The review authority shall find that this standard is satisfied if it finds that:

A. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.

Response: The project does not generate vehicle volume substantially greater than the surrounding uses. Attendees are prohibited to drive on days when attendance will be at its highest, which will reduce the number of vehicles on site than what may be typically expected for religious assembly. The driveway and parking are proposed to be expanded to the minimal extent practical to meet the City’s code. The proposed 16’ wide driveway is not considered to be abnormally wide in comparison to the surrounding uses. Additional parking for 6 vehicles is effectively replacing informal gravel parking of the same size and location currently found on site.

B. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.

Response: The project does not generate harmful or unsanitary conditions. The existing building utilizes municipal water and sewer, hosting worshippers with no negative effects. No additional lighting or emissions are proposed with the use, and with the majority of activities occurring inside the building, no harmful generation of noise is anticipated.

C. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

Response: The proposed use will not have impact on surrounding properties. The building and parking are well screened from abutting properties. No impacts to landscaping, arrangement of structures, screening and signage are proposed with this proposed use, as no tree removal or expansions of the building are proposed. No increases in deliveries, trash, or loading are proposed over what is currently occurring on site.

D. The proposed use will meet any additional zone or use-specific standards identified in Tables 6-A to 6-F and Subsections 6.5.6 and 6.5.7."

Response: The proposed use, a place of assembly under 10,000 sf, is identified in Table 6 A as a permissible conditional use in this Zone, R-3. A detailed response to the applicable items in Section 6.5.6.F has been included as Attachment 1.

We trust these responses will provide additional information helpful in your review of the project. We look forward to discussing the project with the Planning Board.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christopher R. MacDonald".

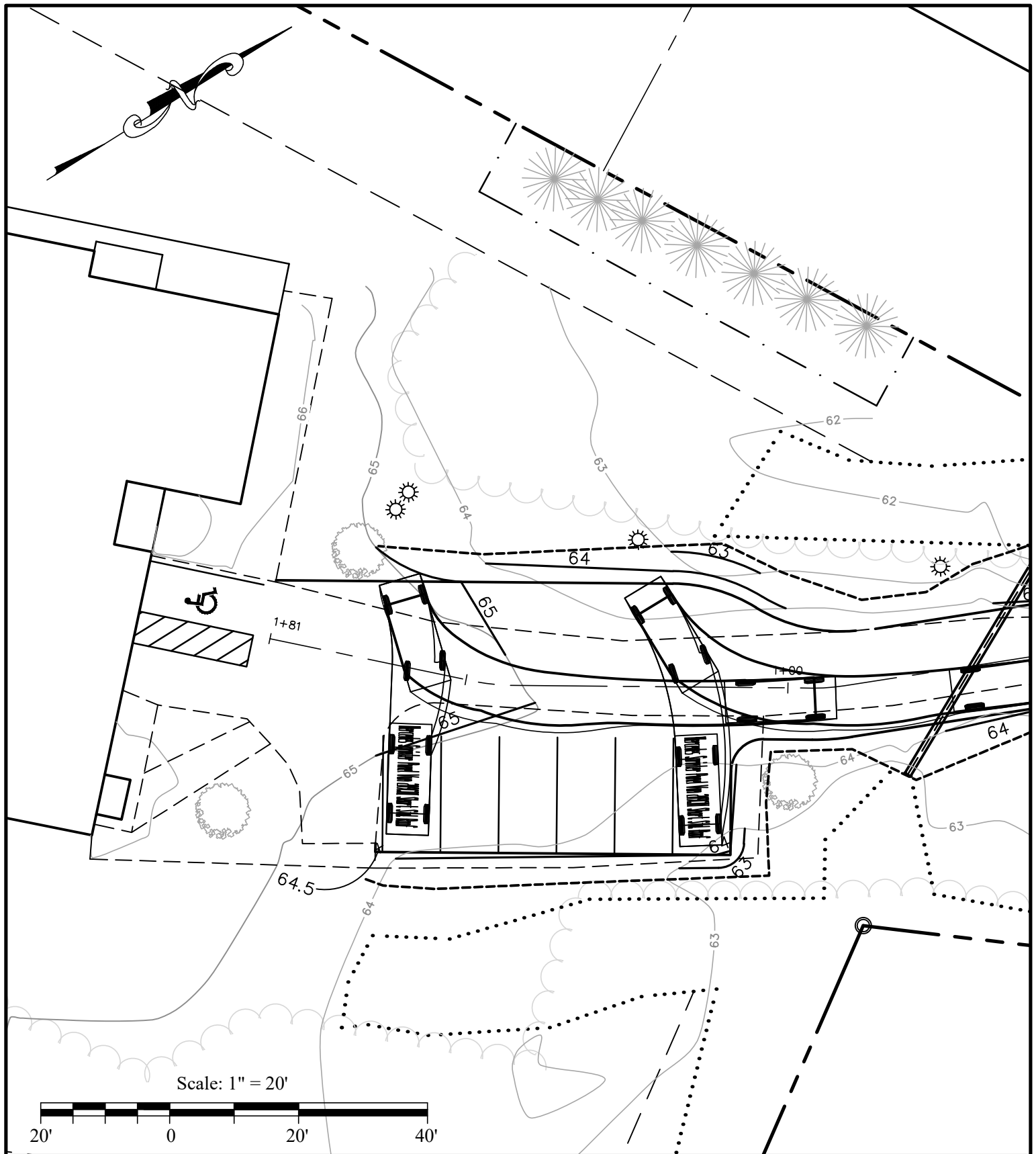
Christopher R. MacDonald, P.E.
Project Manager

Attachment 1. Land Use Section 6.5.6.F Review

The following enumerated sections relate to the individual sections of 6.5.6.F.

1. We understand the Planning Board has review authority for this change of use application.
2. The project does not propose any building expansions and all driveway expansions are proposed on existing property.
3. This item is not applicable as it relates to the IR-1 and IR-2 zones; this project is located in the R-3 zone.
4. The proposed project will have a residence and place of religious assembly. Per table 7-A, the R-3 district requires 6,500 sf for a residence, and 1 acre per place of assembly under 10,000 sf. The cumulative lot size requirement is 1.15 acres. The property consists of 1.695 acres, and therefore is in conformance with this requirement.
5. This item is not applicable as it relates to a community hall, no such use is proposed.
6. This item is not applicable as it relates to a private club serving alcoholic beverages; no such uses are proposed.
7. This item is not applicable as it relates to the R-2 zone and a post-secondary school, this is a different zone and no such use is proposed.
8. This item is not applicable as it relates to the R-5 zone and a post-secondary school, this is a different zone and no such use is proposed.

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ATTACHMENT 2
PARKING TURNING TEMPLATE
11 POMEROY CHANGE OF USE AND
MINOR SITE PLAN APPLICATIONS

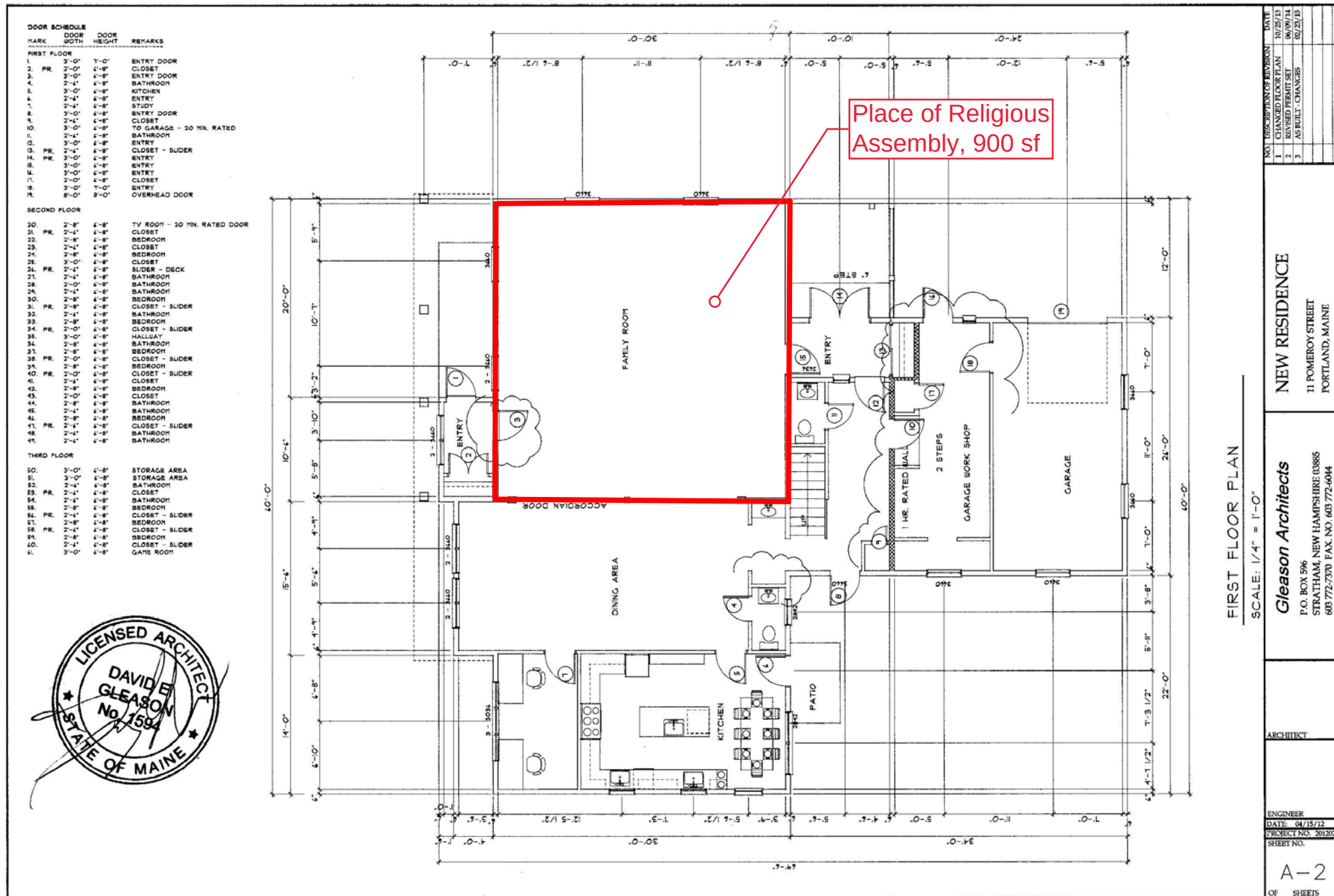


BH2M

Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

380B Main Street
Gorham, Maine 04038

Tel. (207) 839-2771
www.bh2m.com



September 12, 2018

To: Portland Planning Board
Jon Jennings
Greg Mitchell
Tuck O'Brien
Brian Batson

From: Douglas Babkirk, 55 Redlon Park Road

Re: Rabbi Wilansky's request for change of use permit (Plan # PL-000058-2018)

As a ten-year resident of Redlon Park, and neighbor to the Chabad House of Maine at 11 Pomeroy Street, I am writing to request that the change of use permit be denied. To approve the permit would sanction the expansion of scheduled worship, lodging and youth activities at the home that was approved as a private residence in 2014 in an R-3 zone that allows for conditional activities. Three areas of concern underlie my request:

Expansion to housing overnight guests

1. The facility has expanded beyond a private residence to serving as a quasi hotel charging "donations" for overnight lodging as described on the Chabad House of Portland Maine website: https://www.chabadofmaine.com/templates/articlecco_cdo/aid/3338110/jewish/Reservations-at-Chabad.htm.
2. When I telephoned this spring to inquire about the number of guests the House could accommodate, Mrs. Wilansky informed me they could serve 15 and expand to 18 if needed. This was before the current two-story addition was under construction. The traffic, parking and outdoor activities relative to such a year-round lodging facility is unacceptable in a residential neighborhood.

Noise Levels of On-Site Activities

3. Since the Chabad House arrival, we have experienced as neighbors living within 300 feet of the property:
 - Loud outdoor recreation noise after sunset by children playing basketball and other games outside of the Chabad House. The website outlines year-round youth activities: https://www.chabadofmaine.com/templates/articlecco_cdo/aid/2905574/jewish/Camp-Gan-Israel.htm
 - Construction activity beginning at 7am on Sundays this summer that ceased upon my request
 - Children screaming and playing so loudly in the daytime that I sent a recording to Tuck O'Brien to confirm the noise. He said he would make a site visit to the property but I never heard back from him regarding his findings.

Traffic congestion

4. It is my understanding that most of the Orthodox worshipers who attend services do not drive vehicles to the Chabad House, yet there have been events at the facility when cars have filled the parking area, both sides of the short, dead end Pomeroy Street and spilled

into Bancroft Street. Such congestion is a potential safety hazard if fire department vehicles had to maneuver on these streets.

By approving a change of use permit for the Chabad House, the Planning Board would condone these past and current practices that have significantly stretched, if not ignored, the approved conditional use in 2014 as a place of worship for 15 or fewer people. By expanding the religious events capacity and allowing the guest lodging and scheduled youth activities to continue, the Planning Board would set a poor precedent in the future for other taxpayers who request changes in use within the residential neighborhoods of Portland as well as open the door to possible future change of use requests by Rabbi Wilansky.

Please do not approve this change of use request so that we may maintain the residential Rosemont neighborhood that we have without expanded large group activities and guest lodging facilities.

Chabad House application

Judy Gailen <judy@judygailendesigns.com>

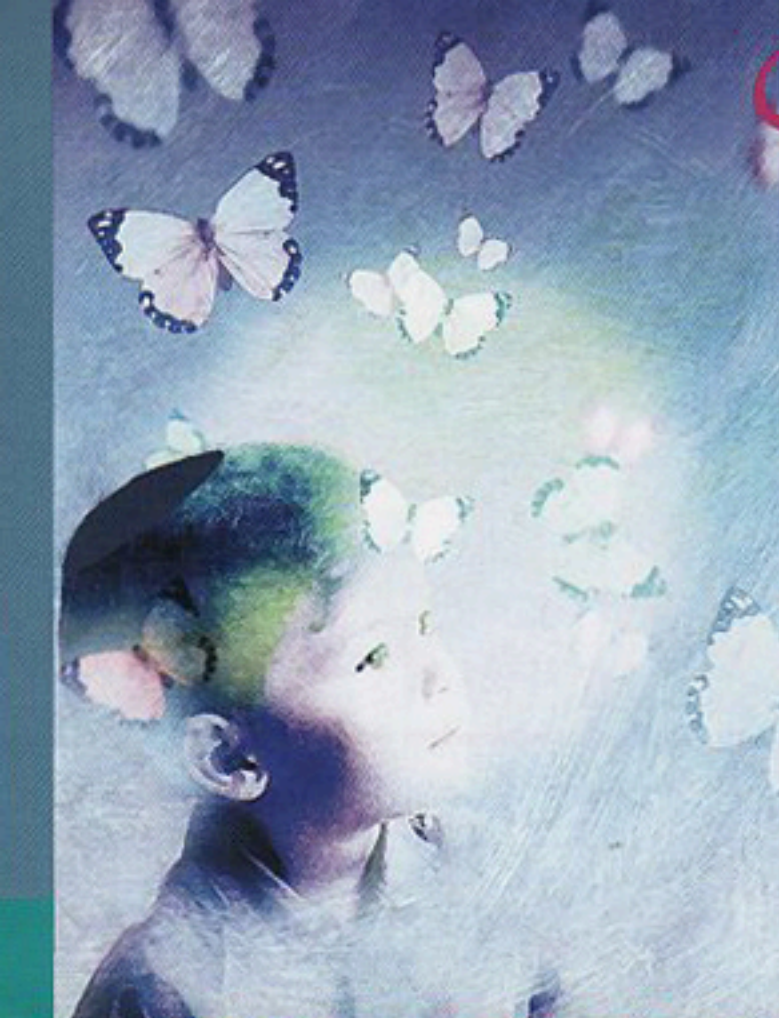
Sep 6, 2018 11:39 AM

Posted in group: **Planning Board**

I am writing in response to the postcard I just received about the request for conditional use at the Chabad House on Pomeroy St.

I recently came across this brochure that I received (because I am Jewish and was a member of a temple and the JCA) as they were building the "house" (and I put that in quotations, because it was never meant to be just a single family house, no matter what they said).

I always meant to to submit it with the question, " Is this what you ask for when you are building a single family home? This is a temple, and it has always been the idea to build a temple, and I feel like it was deceptively presented from the very beginning. I cannot believe that the city did not realize what they were doing. The postcard says no changes to the structure are proposed, but they have been building all summer.



Chabad Lubavitch of Maine is celebrating 28 years of serving the Jewish communities of Maine with dedication and pride. Our programs, some of which are highlighted in this publication, are at the forefront of Jewish culture and learning. From educational programs to social services and everything in between, all of our activities are a reflection of our commitment to strengthen Judaism and Jewish families in Maine. We are an open and welcoming community. Our success in this mission is a direct result of your generosity, encouragement and participation.

As we look toward the future of Jewish life in Maine, we have recognized the need to expand our facilities in order to better serve the escalating needs of a growing population. We have nearly completed construction on a 2.2 acre property in Brighton Corner, a few blocks away from Stevens Avenue. The physical edifice is completed on a three story facility with a sanctuary and study hall, classrooms, hospitality suites, office space, activity rooms, a sukkah plaza and a full service kitchen and dining room. This Chabad House is set on a beautiful property surrounded by woods just off Bancroft Street.

This will be a new Center for Jewish Life in Maine. We are in the midst of applying for grants and donations to realize the fulfillment of this reality. This publication serves as a summary of our plan for the completed facility. We hope that you will consider supporting this important and exciting project by significantly contributing to our Building Campaign Fund. More importantly, we hope to see you and your family enjoying the warmth and beauty of Jewish life by participating in some of our enriching programs. We reach out to you as full time and also summer residents of Maine, visitors to Maine, and proactive Jewish community leaders who seek to strengthen and enrich Jewish communal life. By investing in the growth of Jewish life in Maine today, we are assured a strong foundation for tomorrow.

With warm wishes to you and your family,

Rabbi Moshe and Chana Wilansky



Let's Complete
our dream
Together

Dear Rabbi,

Please accept our small gift as a token of appreciation for an amazing work that you do and for helping us so many times. May you, your family and congregation have a joyous and healthy year.

— JS



Dear Rabbi Wilansky,

Thank you for volunteering your time to make candles with us. We liked using different wax this year. The beeswax felt cool and smelled good. We used our candles in our menorahs and they burned beautifully.

Happy Chanukah!

Levey Day School
Portland, Maine



Dear Rabbi Wilansky,

Thank you for your time and dedication to our community here at the Cedars. We truly appreciate your presence with your family during Chanukah and all the Jewish holidays.

Cedars Nursing Home

FEATURES

Imagine a place where Jews from all walks of life can come together and experience the joy of their heritage; where we can bask in the warmth of community life and share joyous occasions; where the environment is as welcoming as your own home, and the friendships formed last forever; where each person can learn, and grow as one chooses; where we can discover together what makes us unique and transmit this uniqueness to our children.

- 2,500 square feet of community space
- A large Social Hall that can accommodate community celebrations
- Meeting rooms for lectures, seminars and community gatherings
- Private study/library for individual and group learning
- Classrooms for adult education classes
- 500-square-foot space to house our extensive children's programs
- Kosher kitchen and Passover kitchen
- Administrative offices
- State of the Art Playground
- Sukkah Plaza

Let's Complete
our dream
Together

☐ Campus Dedication	\$300,000	☐ Sefer Torah	\$36,000	☐ Holy Ark	\$18,000	☐ Offices	ea. \$5,000
☐ Building Dedication	\$250,000	☐ Computer Lab	\$36,000	☐ Lobby Furniture	\$12,000	☐ Builder Sponsor	\$3,600
☐ Sanctuary	\$100,000	☐ Hospitality Room (2)	\$25,000	☐ Study Furnishings	\$10,000	☐ Sanctuary Seating	\$3,600
☐ Library	\$100,000	☐ Playground	\$25,000	☐ Luvor-Sanctuary	\$10,000	☐ Front Entrance Mezuzah	\$1,800
☐ Main Entrance	\$75,000	☐ Passover Kitchen	\$20,000	☐ Yahrzeit Board	\$10,000	☐ Prayer Book Cabinet	\$1,800
☐ Social Hall	\$72,000	☐ Coat Room	\$18,000	☐ Founder Sponsor	\$7,200	☐ Sponsor	ea. \$1,800
☐ Kosher Kitchen	\$50,000	☐ Platforms (Bimah)	\$18,000	☐ Ner Tamid (Lamp)	\$5,000	☐ Supporter Sponsor	ea. \$1,000
☐ Hospitality Suite	\$50,000	☐ Landscaping	\$18,000	☐ Tallis Rack	\$5,000	☐ Tree of Life Leaf	ea. \$360
☐ Rabbi's Study	\$50,000	☐ Classroom	\$18,000	☐ Chazan's Lectern	\$5,000	☐ Memorial Plaque	\$360
☐ Tree of Life Display	\$36,000	☐ Camp/Game Room	\$18,000	☐ Office Furnishings (4)	ea. \$5,000	☐ Mezuzahs	ea. \$250

✓ **Yes**, I am pleased to sponsor the above dedication (please select option(s) from above) in honor of: _____

I hereby pledge to pay a total of \$_____ (please select payment option:) ☐ in Full or ☐ in _____ installments over _____ months/years.
(Maximum of 5 years for dedications over \$10,000; 3 years for dedications over \$3,600; 1 year for all other dedications)

Name: _____ Last Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Tel: (____) _____ E-mail: _____

Credit Card #: _____ Exp Date: ____/____ Security Code: _____

Billing Address: _____ City: _____ State: _____ Zip: _____

Amount: \$_____ Other Donation Your Choice: \$_____ Signature: _____

Let's Complete
our dream
Together

Please complete and detach this form and mail it to the address on the reverse.

Chabad House Lubavitch of Maine
Address: 101 Craigie Street, Portland, ME 04102
T: 207.871.8947 F: 760.875.8947
E: rabbi@chabadofmaine.com W: Chabadofmaine.com



Let's Complete
our dream
Together

PL-000058-2018 11 Pomeroy Street Portland Maine

KMRAJACOBS JACOBS <kmrajacobs@outlook.com>

Sep 9, 2018 3:04 PM

Posted in group: **Planning Board**

Hello,

I would like to express my concerns before this plan is approved.

This is a quiet residential neighborhood and I feel that opening this up to a place of worship of 15+ individuals is a tremendous mistake.

There is enough traffic using Bancroft Street as a cut through between Brighton Avenue and Capisic Street without adding more.

The residents at 11 Pomeroy Street are plentiful enough and have already added 3 - 5 vehicles on an already crowded street.

I would ask that you consider the re-zoning carefully before approving.

Kristine & Rick

Chabad of Maine Change of Use Request

Jeff D. Emerson <jdemerson@northendgroup.com>

Sep 11, 2018 5:02 AM

Posted in group: **Planning Board**

I am a resident of Redlon Park Road which is adjacent to the Chabad of Maine (Chabad) on Pomeroy Street. Chabad has applied to the City of Portland for a change of use permit. I oppose this application.

- The change of use application, for Chabad to expand its scope beyond the limit of 15 non-family members present at any one time on its site (a limit placed on it by the City of Portland (City) and in Section 14-90 of the Land Use Code), is precisely the "incrementalism" to which I referred in my December 1, 2017 e-mail to Tom Federle, Chabad's attorney. A copy of that e-mail is included in the attached collection of documents (it is the first document). As you can see, from this partial file of documents, there is a long history with Chabad and its incrementalism
- This incrementalism was entirely predictable once the City permitted the construction of a mixed use 8,000 square foot property in a residential neighborhood. Indeed, the first example of incrementalism was the increase in size of the structure to 10,000 square feet, also permitted by the City
- Chabad has been engaged in religious services, provision of kosher meals, lodging and summer camps as evidenced by its web site. None of these activities was specifically permitted by the City. None of these activities is appropriate to a residential neighborhood. All of these activities are examples of incrementalism
- If the City authorizes this change of use we reasonably can expect more examples of incrementalism which are unlikely to comport with a residential neighborhood
- Part of the application would include, as I understand it, a tax exempt status for Chabad. If granted, this would add insult to injury as I will be paying for Chabad's expansion and services in a residential neighborhood
- Less than one (1) mile from Chabad is a large Jewish Community Center, appropriately sited in a commercial area. Why do we need an expanded Chabad in a residential neighborhood?

Let me be very clear: I am Jewish. I understand Chabad and its mission. I support Chabad--but not in a residential neighborhood. In my e-mail to Tom Federle I noted that I want what all people want: a good neighbor. Chabad has not been a good neighbor; any expansion of Chabad in its facility or its services will change fundamentally the nature of its neighborhood and is inappropriate to a residential neighborhood. It is particularly inappropriate when there is a large Jewish Community Center at Congress and Stevens less than one (1) mile from Chabad. We cannot un-ring the bell for Chabad, its facility or its (current) services. But it would be totally inappropriate for the City to permit the change of use. The expansion of Chabad, in size and services, needs to stop now.



Jeff D. Emerson

President

NorthEnd Group LLC

18 Redlon Park Road

Portland, ME 04102

Tel: (240) 752-7143

Efax: (207) 221-1159

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Jeff D. Emerson

From: Jeff D. Emerson
Sent: Friday, December 01, 2017 6:47 AM
To: 'Tom Federle'
Cc: 'Tuck O'Brien'; Doug Babkirk
Subject: Chabad of Maine

Tom, thank you for visiting with me yesterday about Chabad of Maine (CM). It was a cordial, reasonable and productive discussion. As I told you, we cannot un-ring the bell for the construction of the Chabad House, its size or services which it provides, however inappropriate the City of Portland may have been in permitting it. I am willing to accept the status quo, albeit I do take exception to an 8,000 to 10,000 square foot dwelling, providing religious and commercial services, which is exempt from taxes (which means that I am paying for it).

You asked me what the Redlon Park Road neighbors want. I said that I am not in the habit of speaking for other people but, speaking for myself, I want what all people want: good neighbors. Specifically, as the *quid pro quo* for my acceptance of the Chabad House, I want

- No further increase in the size of CM beyond that which already is approved and permitted by the City of Portland
- No increase in the services which CM offers beyond those services (kosher meals, religious services, lodging and summer camp for kids) which CM currently offers
- A commitment not to purchase other homes in the CM neighborhood for the purposes of incorporating them in the CM activities
- Honoring the no more than 15 non-Wilansky family members at CM at any one-time restriction which was imposed by the City of Portland and as codified in, *inter alia*, Section 14-90 of the Land Use Code

We discussed the incrementalism which the Chabad of Maine seemingly has pursued: from an application to build a Single-Family Residence to a Chabad House with religious and commercial services to an application for Change of Use and tax-exempt status. I would not consider the Chabad of Maine to be a good neighbor if it continues down this path of incrementalism.

Finally, we discussed my suggestion that the Rabbi should invite his neighbors (not just from Redlon Park Road) to the Chabad House as a way to demystify it and as an opportunity for us to talk and exchange our respective thoughts and concerns. You thought that this was a good idea.

The Rebbe, Rabbi Menachim Schneerson, of righteous memory, would frequently quote the Maimonidean adage: Each person should see himself as though the entire world is in delicate balance and, with but **one deed**, he or she can tip the scales for good. Let's work together to tip the scales for good.

Jeff

Jeff D. Emerson

President

Jeff D. Emerson

From: Jeff D. Emerson
Sent: Thursday, September 14, 2017 8:51 AM
To: 'ARL@portlandmaine.gov'
Cc: Doug Babkirk
Subject: Chabad of Maine

Importance: High

Dear Ms. LaChance,

It is my understanding that the City of Portland (City) is re-assessing its approval of an expansion of the facility of Chabad of Maine. I am the Treasurer of the Redlon Park Association (Association); several association members' homes abut the Chabad of Maine. I also am Jewish and well-informed about Chabads. So, let me be very clear about where I stand on this issue: it is inappropriate for the City to have permitted the construction of an 8,000 square foot facility in a residential neighborhood which is used for, inter alia, religious services, lodging and summer camps for children. Having done so, over the objection of the Association, the City attorneys parsed their way to a rationale by saying that the use of the Chabad of Maine facility would be limited to no more than fifteen (15) non-family members at any one time. It is unclear how, or even if, this limit is enforced.

Now the Association has learned that the City has approved an expansion of the Chabad of Maine facility by more than 2,000 square feet. This makes the facility (it is not a home) larger than any residential building in the area by at least a factor of two. That alone should have been sufficient reason for caution in permitting the expansion. However, if you go to the Chabad of Maine web site (<http://www.chabadofmaine.com>), you will observe that it advertises services for food, lodging, day care and other services not appropriate to a residential neighborhood.

The Chabad of Maine facility already is built. It already is serving people kosher meals, providing lodging and religious services. That bell cannot be un-rung. But I urge the City to reign in the activities of the Chabad of Maine now by declining the permit for expansion and by enforcing the City's determination that no more than fifteen non-family members can be there at any one time.



Jeff D. Emerson

President
NorthEnd Group LLC
18 Redlon Park Road
Portland, ME 04102

tel: (240) 752-7143
efax: (207) 221-1159
e-mail: jdemerson@northendgroup.com

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Jeff D. Emerson

From: Jeff D. Emerson
Sent: Thursday, July 20, 2017 2:20 PM
To: 'jrioux@portlandmaine.gov'
Cc: Doug Babkirk; 'bbatson@portlandmaine.gov'
Subject: Portland Chabad House

Importance: High

Dear Jon,

This e-mail is a follow-up to Doug Babkirk's call to you this morning (and subsequent e-mail) inquiring about the permitted use of the City of Portland Chabad House property at 11 Pomeroy Street. Doug is President of the Redlon Park Road Association and I am its Treasurer.

Our concern focuses on the originally permitted use of the property as a single residence that now is advertised online and acting as a Chabad House with communal activities, a day youth camp and **paid accommodations** for visiting guests.

The URL for accommodations at the Portland Chabad House, which is in a residential neighborhood and which abuts homes in the Redlon Park Road Association neighborhood, is:

http://www.chabadofmaine.com/templates/articlecco_cdo/aid/304355/jewish/Accommodation-Info.htm

We now understand that the City recently has permitted a two-story addition to the Chabad residence/Center which will increase daily activities and overnight lodging capacity and traffic in a residential zone of Portland.

This simply is outrageous. Initially the City issued a permit for an 8,000-square foot personal residence which already was several times larger than any other residence in the abutting neighborhoods. Then the City agreed to permit the use of 11 Pomeroy as a commercial and religious establishment provided that no more than 15 non-family members were present at the Chabad House at any one time. Now the City apparently is agreeing to permit the substantial expansion of the Chabad House which clearly, by its own web site, is a commercial and religious establishment.

This is an unacceptable use of a residentially zoned area. We expect the City to deny any further construction at 11 Pomeroy Street and to investigate the current use of the Chabad House in light of the City ordinances and zoning regulations. We will appreciate your prompt response to this request.

Jeff

Jeff D. Emerson

President
NorthEnd Group LLC
18 Redlon Park Road
Portland, ME 04102

Jeff D. Emerson
18 Redlon Park Road
Portland, ME 04102

Helen Donaldson
City of Portland
389 Congress Street
Portland, Maine 04101

April 16, 2016

RE: Residence at 11 Pomeroy Street

Dear Ms. Donaldson:

We write to you on behalf of the Redlon Park Association (the Association) and its members who are residents of Redlon Park Road in Portland. As you know, the Association has long been interested in the zoning for, and construction of, a single family home at 11 Pomeroy Street. That property abuts one or more existing homes in the Association.

The Association took no position with respect to the zoning for, or construction of, a single family home on that site, though we would note that it is an unusually large single family home relative to the size of homes in the neighborhood. However, the Association does note that the zoning in this neighborhood is limited to single family homes. We understand this limitation to mean that the home is for the principal residence of one family and is not intended for any other uses, especially commercial uses.

The Association has reason to believe that the property is being used as a Chabad House (http://www.chabad.org/centers/default_cdo/aid/117638/jewish/Chabad-Lubavitch-of-Maine.htm) which means that religious services are conducted there. We are concerned that the strain on neighborhood resources may become significant, including but not limited to, foot and vehicle traffic. In addition, since the road and driveway were built the amount of still water pooling in the woods from the construction has doubled due to poor drainage. This issue alone should require an inspection by the City. We request that the City of Portland take such steps as may be necessary and advisable to ensure that the use of this property is limited to a dwelling exclusively for use as a single family home.

We are happy to discuss this matter with you or your designate. You may contact me at (240) 752-7143 or at jdemerson@northendgroup.com. If I have not heard from you within ten (10) days of the date of this letter I will call you.

Thank you.

Sincerely,



Jeff D. Emerson
Treasurer
Redlon Park Association

cc: Ed Suslovic

Jeff D. Emerson

From: Doug Babkirk <doug.babkirk@maine.edu>
Sent: Thursday, July 20, 2017 6:11 PM
To: Jeff D. Emerson
Subject: Fwd: 11 Pomeroy Street

She did not address the issue of running a hotel in a single residence
Perhaps a meeting with the woman she recommended is in order

Sent from my iPhone

Begin forwarded message:

From: "Jeff D. Emerson" <jdemerson@northendgroup.com>
Date: July 20, 2017 at 2:29:41 PM EDT
To: Doug Babkirk <doug.babkirk@maine.edu>
Subject: FW: 11 Pomeroy Street

From: Barbara Barhydt [mailto:BAR@portlandmaine.gov]
Sent: Tuesday, June 24, 2014 11:50 AM
To: Jeff D. Emerson <jdemerson@northendgroup.com>
Cc: Ann Machado <AMACHADO@portlandmaine.gov>; Alex Jaegerman <AQJ@portlandmaine.gov>; Helen Donaldson <HCD@portlandmaine.gov>; Jeff Levine <JLEVINE@portlandmaine.gov>; Marge Schmuckal <MES@portlandmaine.gov>; Philip DiPierro <PD@portlandmaine.gov>
Subject: Re: 11 Pomeroy Street

Dear Mr. Emerson:

Thank you for your e-mail regarding 11 Pomeroy Street.

The application approved for 11 Pomeroy Street is for a single family home and for the extension of Pomeroy Street to serve the home. The permits for construction were issued last week. The site is within the Residential R-3 zone, which permits single family homes and planned residential developments.

Please note that the R-3 zone does include other uses that are called conditional uses. Conditional uses require additional review by the Planning Board or the Zoning Board of Appeals. A place of assembly is one of the institutional uses that requires conditional use review by the Planning Board. If such a use were to be proposed for this site, the applicant would be required to submit an application and the request would be considered by the Planning Board at a public hearing. There are limitations regarding the size of such facilities that are proposed on local streets (refer to Section 14-90 in the Land Use Code, <http://www.portlandmaine.gov/DocumentCenter/Home/View/1080>) . Also, please note that the zoning ordinance defines a place of religious assembly as a gathering of more than 15 people beyond the immediate family. The definition is as follows:

Place of assembly: A building or portion of a building used as a community hall, neighborhood center, private and fraternal organization or place of religious assembly. This definition shall not include buildings or portions of buildings used as a community hall, neighborhood center, private and fraternal organization or place of religious assembly

where fifteen (15) or fewer people, not including the permanent residents of a single family dwelling, assemble.

If you have concerns about the use of the property once construction is complete and the building is occupied, then you may submit your concerns and any evidence to Marge Schmuckal, Zoning Administrator, and to me.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

>>> "Jeff D. Emerson" <jdemerson@northendgroup.com> Friday, June 20, 2014 5:06 PM >>>
Dear Ms. Barhydt,

I write to you as a concerned citizen who owns property at 18 Redlon Park Road in an area near to 11 Pomeroy Street where Rabbi Moshe Wilansky apparently has been approved to construct a rather large dwelling. As you may know, Rabbi Wilansky heads Chabad of Maine in Portland. I met with Rabbi Wilansky last year and I have reason to believe, based on that meeting and other information and belief, that Rabbi Wilansky may intend to use the dwelling as a Chabad House, as well as his personal residence. A Chabad House would be used for religious services and to offer visiting Jews a place where they may have a kosher meal and stay overnight. I have no problem with Chabad House. But I do not think that it is appropriate in a residential community.

My understanding from Nell Donaldson is that the property at 11 Pomeroy Street is zoned for a single family dwelling. Consequently, I request that the City of Portland take such steps as may be necessary and advisable to ensure that any dwelling built on this property is limited exclusively to use as a single family home. Thank you.

Jeff D. Emerson

President
NorthEnd Group LLC
18 Redlon Park Road
Portland, ME 04102

tel: (240) 752-7143
efax: (207) 221-1159
e-mail: jdemerson@northendgroup.com

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DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND BUILDING PERMIT



This is to certify that

CHABAD LUBAVITCH OF MAINE INC

Located at

11 POMEROY ST

PERMIT ID: 2017-00377

ISSUE DATE: 04/26/2017

CBL: 193 E001001

has permission to **Construction of two-story addition 21' x 26'**

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise closed-in. 48 hour notice is required.

A final inspection must be completed before this building or part thereof is occupied. If a certificate of occupancy is required, it must be procured prior to occupancy.

N/A

Fire Official

/s/ Greg Gilbert

Building Official

**THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY
THERE IS A PENALTY FOR REMOVING THIS CARD**

Approved Property Use - Zoning
single family dwelling

Building Inspections

Use Group: Type:
Single Family Residence
ENTIRE
MUBEC / 2009 IRC

Fire Department

PERMIT ID: 2017-00377

Located at: 11 POMEROY ST

CBL: 193 E001001

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703

or email: buildinginspections@portlandmaine.gov

Check the Status of Permit or Schedule an Inspection at
<http://www.portlandmaine.gov/planning/permitstatus.asp>

With the issuance of this permit, the owner, builder or their designee is required to provide adequate notice to the City of Portland Inspections Division for the inspections listed below. Appointments must be requested 48 to 72 hours in advance. The inspection date will need to be confirmed by this office.

- **Please read the conditions of approval that are attached to this permit.**
- **Permits expire in 6 months if the project is not started or ceases for 6 months.**
- **If the inspection requirements below are not followed, then additional fees may be incurred due to the issuance of a "Stop Work Order" and subsequent release to continue.**
- **Per Section 107.3.1 of the Maine Uniform Building and Energy Code (MUBEC), one set of printed approved stamped construction documents will be kept at the site of work and open to inspection by building officials.**

REQUIRED INSPECTIONS:

Setbacks and Footings Prior to Pouring

Foundation/Backfill

Close-in Plumbing/Framing

Electrical - Residential

Final Inspection

The project cannot move to the next phase prior to the required inspection and approval to continue.

If the permit requires a certificate of occupancy, it must be paid and issued to the owner or designee before the space may be occupied.

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No:	Date Applied For:	CBL:
2017-00377	03/23/2017	193 E001001

Proposed Use:

Same: Single Family

Proposed Project Description:

Construction of two-story addition 21' x 26'

Dept: Zoning**Status:** Approved w/Conditions**Reviewer:** Christina Stacey**Approval Date:** 04/07/2017**Note:** R-3 zone**Ok to Issue:** ✓

Front setback 25' min - addition >150' scaled - OK

Rear setback 25' min - addition >150' scaled - OK

Side setback 14' min - Left - addition >70' scaled - OK

Right - addition >100' scaled - OK

Lot coverage is <35%

Max height 35' - addition 25' grade to peak - OK

Conditions:

- 1) This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
- 2) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building Inspection **Status:** Approved w/Conditions**Reviewer:** Greg Gilbert**Approval Date:** 04/26/2017**Note:****Ok to Issue:** ✓**Conditions:**

- 1) For conditioned space- insulation shall comply with the IECC, 2009 (Maine State Energy Codes).
- 2) Roof Trusses may not be used unless engineered drawings are submitted to and approved by Inspections Department
- 3) R401.2 Requirements. Foundation construction shall be capable of accommodating all loads according to Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice. Gravel fill used as footings for wood and precast concrete foundations shall comply with Section R403.
Foundation Drainage: Fabric, Damp proofing shall comply with Section R405 & R406, see attachment.
- 4) All construction shall comply with City Code Chapter 10.
All smoke detectors and smoke alarms shall be photoelectric.
Hardwired Carbon Monoxide alarms with battery backup are required on each floor.
A sprinkler system is recommended but not required.
- 5) Separate permits are required for any electrical: plumbing, sprinkler, fire alarm, HVAC systems, commercial hood exhaust systems and fuel tanks. Separate plans may need to be submitted for approval as a part of this process.
- 6) This permit is approved based upon information provided by the applicant or design professional. Any deviation from the final approved plans requires separate review and approval prior to work.

PERMIT ID: 2017-00377**Located at:** 11 POMEROY ST**CBL:** 193 E001001



Permitting and Inspections Department
Michael A. Russell, MS, Director



Reviewed for Code Compliance
Signed (Date/Design)
Approved with Conditions
Date: 04/26/17

General Building Permit Application

Project Address: 11 Dummeroy Street

Tax Assessor's CBL: 193 E 1 Chart # Block # Lot # Cost of Work: \$ \$30,000

Proposed use (e.g., single-family, retail, restaurant, etc.): Single Family

Current use: Single Family Past use, if currently vacant: _____

☐ Commercial ☐ Multi-Family Residential ☐ One/Two Family Residential

Type of work (check all that apply):

- | | | |
|---|--|---|
| ☐ New Structure | ☐ Foundation Only | ☐ Change of Ownership - Condo Conversion |
| ☒ Addition | ☐ Fence | ☐ Change of Use |
| ☐ Alteration | ☐ Pool - Above Ground | ☐ Change of Use - Home Occupation |
| ☐ Amendment | ☐ Pool - In Ground | ☐ Radio/Telecommunications Equipment |
| ☐ Shed | ☐ Retaining Wall | ☐ Radio/Telecommunications Tower |
| ☐ Demolition - Structure | ☐ Replacement Windows | ☐ Tent/Stage |
| ☐ Demolition - Interior | ☐ Commercial Hood System | ☐ Wind Tower |
| ☐ Garage - Attached | ☐ Tank Installation/Replacement | ☐ Solar Energy Installation |
| ☐ Garage - Detached | ☐ Tank Removal | ☐ Site Alteration |

Project description/scope of work (attach additional pages if needed):

Construction of a 2 story addition - approximately 21' x 26'

Applicant Name: Chaband Cub Architects Phone: (207) 650-8295

Address: 11 Dummeroy Street Email: _____

Lessee/Owner Name (if different): _____ Phone: () -

Address: Architect Email: _____

Contractor Name (if different): Gleason Architects Phone: (63) 772-7370

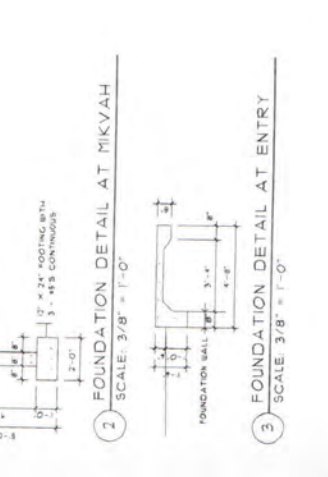
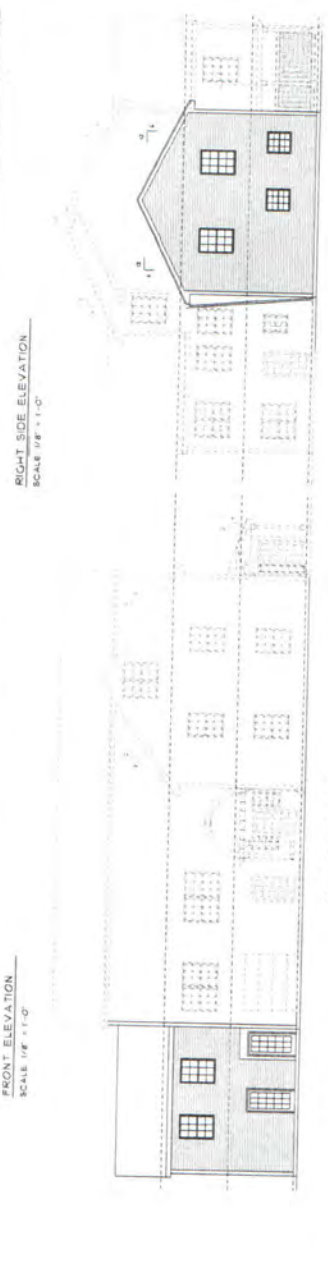
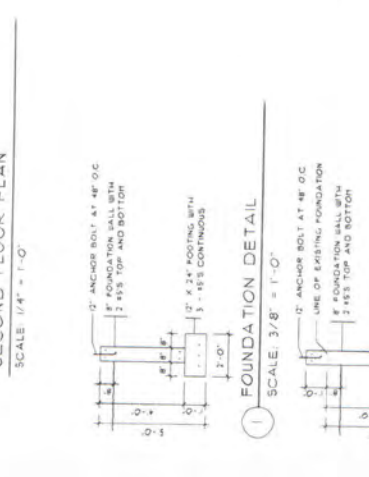
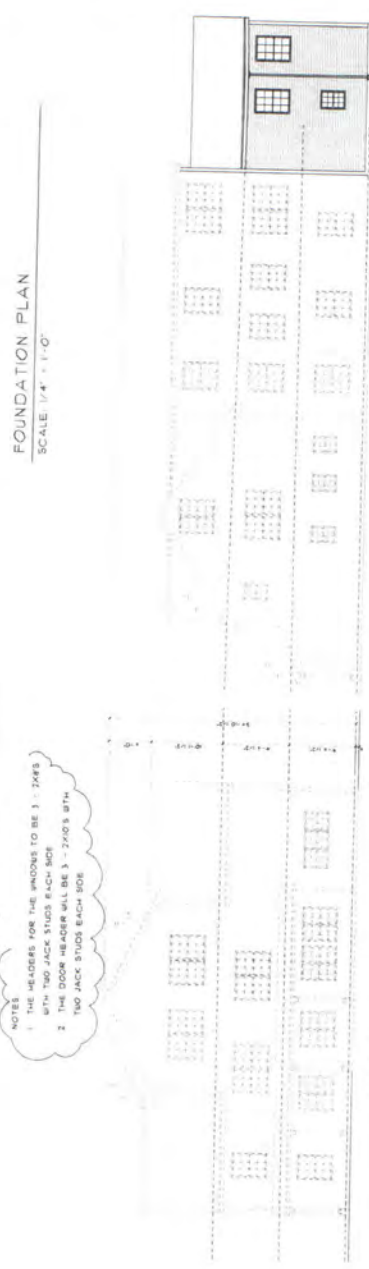
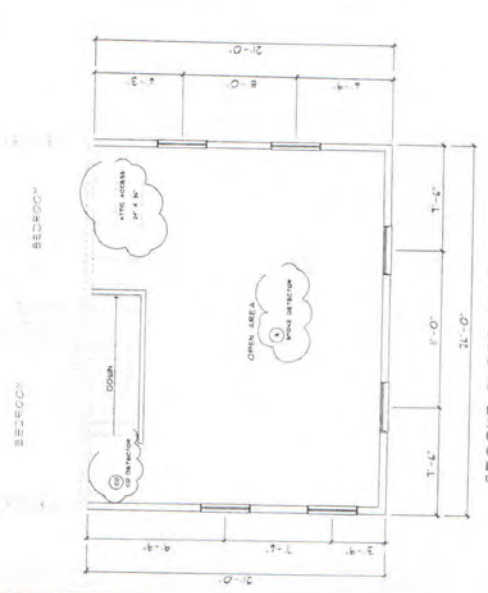
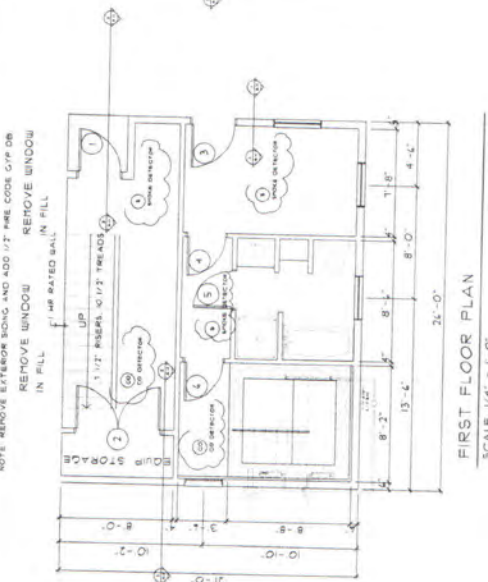
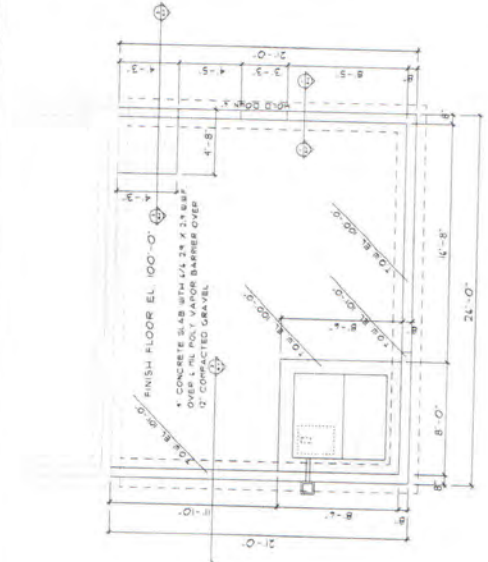
Address: P.O. Box 696 Stratton, NH Email: gleasonarchitects@gmail.com

I hereby certify that I am the owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

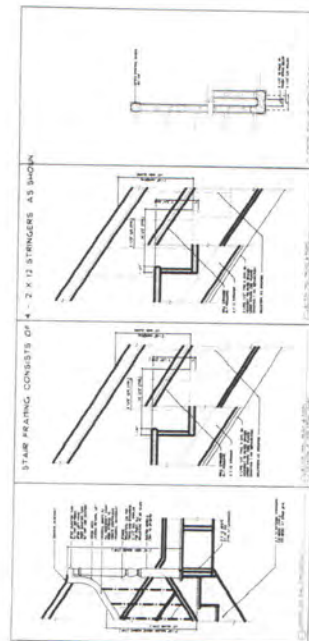
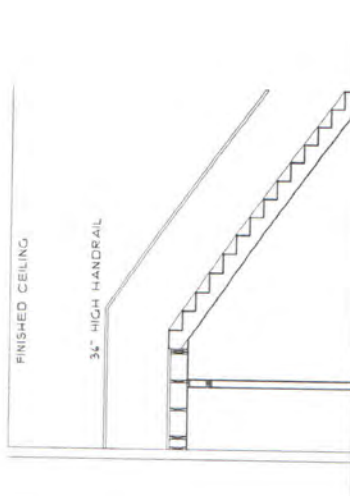
Signature: [Signature] architect for the owner Date: 3/22/17

Review of this application will not begin until the permit payment is received. This is not a permit. Work may not commence until the permit is issued.

389 Congress Street/Portland, Maine 04101/ <http://portlandmaine.gov> /tel: (207) 874-8703/fax: (207) 874-8716



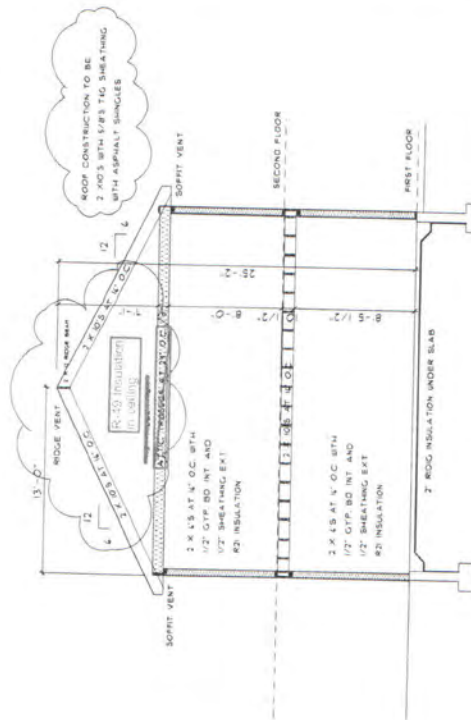
1. Perimeter foundations drainage was planned but illustrated on the drawings. The drains will be "extended 12" beyond the outside edge of the footings, 6" above the top of the footing covered with a filter membrane. These lines will drain to daylight or a drain well which will be located on site.
2. These will be a maximum of 6" on center, the plans reflect 4" on center and 12" from each corner. They will be 1/2" diameter, 12" steel bolts with a bend at the embedded end and be in the concrete foundation wall at least 7".
3. The design load of the roof is 50 psf ground snow load.
4. The roof framing will be 2 X 10's at 16" o.c. as is illustrated on the drawings, 12" o.c.
5. The sheathing will be 5/8" T & G, exterior grade plywood or equal and be nailed at center on the edges, 8" on center on support members.
6. The window schedule is illustrated on the drawings.
7. The roof will have ice and water shield 4" from the roof edges at the fascia and minimum of 15 pound felt under the architectural asphalt shingles.
8. The stair cross section is illustrated on the drawings.
9. The C/O monitor will be located in each bedroom and have a battery back-up. The fire separation detail for the wall between the garage and the house is illustrated on the drawings.
10. Windows to be ALLSIDE CUSTOM



ROOF FRAMING PLAN
SCALE 1/4" = 1'-0"



SECOND FLOOR FRAMING PLAN
SCALE 1/4" = 1'-0"



BUILDING SECTION
SCALE 1/4" = 1'-0"

NEW RESIDENCE

11 POWEROY STREET
PORTLAND, MAINE

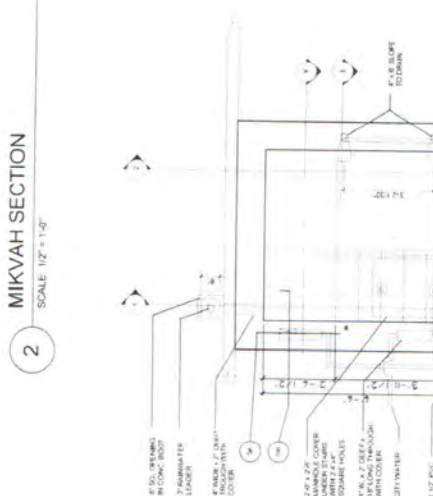
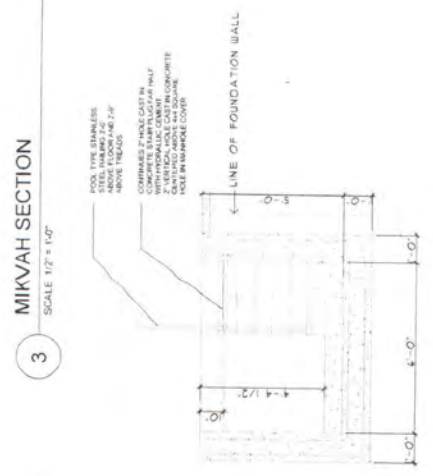
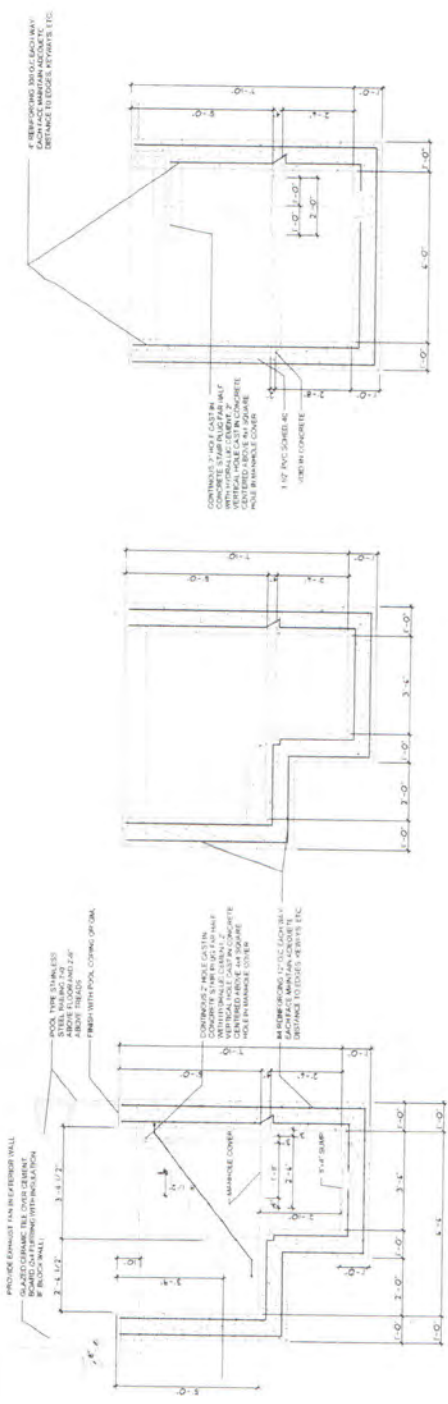
Gleason Architects
P.O. BOX 596
STRATHAM, NEW HAMPSHIRE 03865
603 772-7370

ARCHITECT

ENGINEER
DATE 02/15/17
PROJECT NO. 201518
SHEET NO.

A-2

OF SHEETS



Re: Comments regarding Rabbi Wilansky's change of use permit request for 11 Pomeroy Street

Jonathan Matt <jmatt001@maine.rr.com>

Sep 12, 2018 10:00 PM

Posted in group: **Planning Board**

Well done Doug! I like the fact that you recorded the noise.

On Sep 12, 2018, at 5:47 PM, Douglas Babkirk <doug.babkirk@maine.edu> wrote:

September 12, 2018

To: Portland Planning Board

Jon Jennings

Greg Mitchell

Tuck O'Brien

Brian Batson

From: Douglas Babkirk, 55 Redlon Park Road

Re: Rabbi Wilansky's request for change of use permit (Plan # PL-000058-2018)

As a ten-year resident of Redlon Park, and neighbor to the Chabad House of Maine at 11 Pomeroy Street, I am writing to request that the change of use permit be denied. To approve the permit would sanction the expansion of scheduled worship, lodging and youth activities at the home that was approved as a private residence in 2014 in an R-3 zone that allows for conditional activities. Three areas of concern underlie my request:

Expansion to housing overnight guests

1. The facility has expanded beyond a private residence to serving as a quasi hotel charging "donations" for overnight lodging as described on the Chabad House of Portland Maine website: https://www.chabadofmaine.com/templates/articlecco_cdo/aid/3338110/jewish/Reservations-at-Chabad.htm.
2. When I telephoned this spring to inquire about the number of guests the House could accommodate, Mrs. Wilansky informed me they could serve 15 and expand to 18 if needed. This was before the current two-story addition was under construction. The traffic, parking and outdoor activities relative to such a year-round lodging facility is unacceptable in a residential neighborhood.

Noise Levels of On-Site Activities

1. Since the Chabad House arrival, we have experienced as neighbors living within 300 feet of the property:
 - Loud outdoor recreation noise after sunset by children playing basketball and other games outside of the Chabad House. The website outlines year-round youth activities: https://www.chabadofmaine.com/templates/articlecco_cdo/aid/2905574/jewish/Camp-Gan-Israel.htm
 - Construction activity beginning at 7am on Sundays this summer that ceased upon my request

- Children screaming and playing so loudly in the daytime that I sent a recording to Tuck O'Brien to confirm the noise. He said he would make a site visit to the property but I never heard back from him regarding his findings.

Traffic congestion

1. It is my understanding that most of the Orthodox worshipers who attend services do not drive vehicles to the Chabad House, yet there have been events at the facility when cars have filled the parking area, both sides of the short, dead end Pomeroy Street and spilled into Bancroft Street. Such congestion is a potential safety hazard if fire department vehicles had to maneuver on these streets.

By approving a change of use permit for the Chabad House, the Planning Board would condone these past and current practices that have significantly stretched, if not ignored, the approved conditional use in 2014 as a place of worship for 15 or fewer people. By expanding the religious events capacity and allowing the guest lodging and scheduled youth activities to continue, the Planning Board would set a poor precedent in the future for other taxpayers who request changes in use within the residential neighborhoods of Portland as well as open the door to possible future change of use requests by Rabbi Wilansky.

Please do not approve this change of use request so that we may maintain the residential Rosemont neighborhood that we have without expanded large group activities and guest lodging facilities.

September 12, 2018

To: Portland Planning Board
Jon Jennings
Greg Mitchell
Tuck O'Brien
Brian Batson

From: Douglas Babkirk, 55 Redlon Park Road

Re: Rabbi Wilansky's request for change of use permit (Plan # PL-000058-2018)

As a ten-year resident of Redlon Park, and neighbor to the Chabad House of Maine at 11 Pomeroy Street, I am writing to request that the change of use permit be denied. To approve the permit would sanction the expansion of scheduled worship, lodging and youth activities at the home that was approved as a private residence in 2014 in an R-3 zone that allows for conditional activities. Three areas of concern underlie my request:

Expansion to housing overnight guests

1. The facility has expanded beyond a private residence to serving as a quasi hotel charging "donations" for overnight lodging as described on the Chabad House of Portland Maine website: https://www.chabadofmaine.com/templates/articlecco_cdo/aid/3338110/jewish/Reservations-at-Chabad.htm.
2. When I telephoned this spring to inquire about the number of guests the House could accommodate, Mrs. Wilansky informed me they could serve 15 and expand to 18 if needed. This was before the current two-story addition was under construction. The traffic, parking and outdoor activities relative to such a year-round lodging facility is unacceptable in a residential neighborhood.

Noise Levels of On-Site Activities

3. Since the Chabad House arrival, we have experienced as neighbors living within 300 feet of the property:
 - Loud outdoor recreation noise after sunset by children playing basketball and other games outside of the Chabad House. The website outlines year-round youth activities: https://www.chabadofmaine.com/templates/articlecco_cdo/aid/2905574/jewish/Camp-Gan-Israel.htm
 - Construction activity beginning at 7am on Sundays this summer that ceased upon my request
 - Children screaming and playing so loudly in the daytime that I sent a recording to Tuck O'Brien to confirm the noise. He said he would make a site visit to the property but I never heard back from him regarding his findings.

Traffic congestion

4. It is my understanding that most of the Orthodox worshipers who attend services do not drive vehicles to the Chabad House, yet there have been events at the facility when cars have filled the parking area, both sides of the short, dead end Pomeroy Street and spilled

into Bancroft Street. Such congestion is a potential safety hazard if fire department vehicles had to maneuver on these streets.

By approving a change of use permit for the Chabad House, the Planning Board would condone these past and current practices that have significantly stretched, if not ignored, the approved conditional use in 2014 as a place of worship for 15 or fewer people. By expanding the religious events capacity and allowing the guest lodging and scheduled youth activities to continue, the Planning Board would set a poor precedent in the future for other taxpayers who request changes in use within the residential neighborhoods of Portland as well as open the door to possible future change of use requests by Rabbi Wilansky.

Please do not approve this change of use request so that we may maintain the residential Rosemont neighborhood that we have without expanded large group activities and guest lodging facilities.

Pomeroy St. Proposal?

jessica teesdale <teamteesdale@me.com>

Sep 23, 2018 11:34 AM

Posted in group: **Planning Board**

When is the planning board meeting for the Pomeroy St. proposal# PL-000058-2018? The Citizen self serve portal is unavailable currently. I have not received any response from the questions I sent regarding this project.

RE: Pomeroy St. Level 1 site alteration and Conditional Use application plan # PL-000058-2018

I received a postcard notification that we are within 500 ft of the proposed site. Chabad of Maine was built as a "single family home" with 16 bedrooms and 14 bathrooms. The Chabad is advertised already online as a Hotel.

This is from the Chabad of Maine website:

https://www.chabadofmaine.com/templates/articlecco_cdo/aid/304355/jewish/Accommodation-Info.htm

This house is anything but a single family home.

Here are the questions I have:

- 1.What impact will this change have on the traffic and parking in our quiet neighborhood?
2. Will Pomeroy street remain Public access? Can anyone park there?
3. Is the application proposing to change the Zone status? Will this remain zone R-3?
4. will the approval of this application open any doors for zone change in the future?
5. How will this effect property taxes for the surrounding properties?
5. Is Chabad of Maine a business profiting from hotel style accommodations?
6. How large will the assemblies be? What is the maximum capacity for an assembly?
7. Does this effect the value of my home.
- 8.Will paving more of the woods have an environmental impact on the water in our basements?
- 9.When will final decision be made about this?

We live in a quiet residential neighborhood. This is not the ideal location for increased traffic, a hotel, or regular large assemblies. I was against such a large building going in that site back when it was proposed and built against the will of the neighborhood. The neighborhood knows that the Chabad of Maine is a place of Worship, and has been since the building was built. We have nothing against having religious neighbors. We have concerns about the size and scope of the business that is operating out of the "single family" home.

Every neighbor I spoke to so far would sign a petition to limit any changes that would increase traffic, effect property value, and bring business into our quiet pocket neighborhood.

This type of building/business model would be much better suited for Brighton Ave, or even Capisic St.

Thank you for taking the time to listen. Please advise on what steps you think we should take as a neighborhood to organize and get answers to our questions. Should I forward this directly to the planning board?

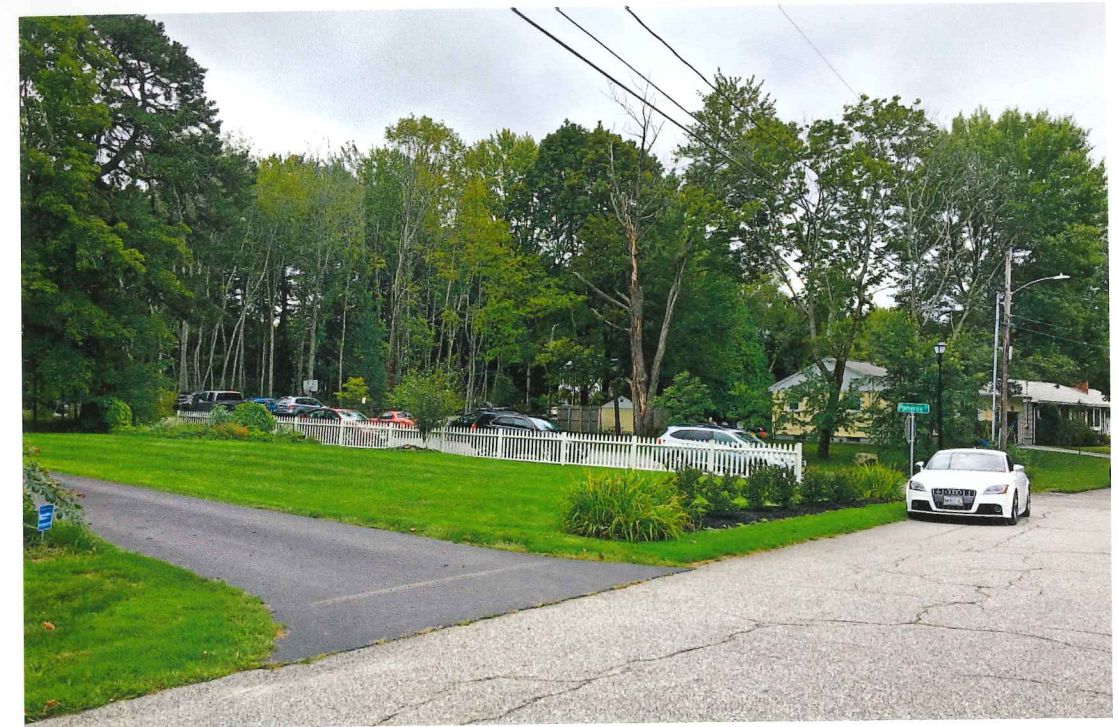
Jessica Teesdale

IMPORTANT NOTICE FROM CITY OF PORTLAND PLANNING DIVISION

IN THE VICINITY OF 11 POMEROY ST

To residents and property owners: Chabad of Maine, has submitted a Level I Site Alteration application and a Conditional Use application for a place of assembly at 11 Pomeroy Street. The applicant is seeking a conditional use review for a place of religious assembly serving over 15 people within the existing single family home. No changes to the existing structure are proposed. The site plan has an increase in impervious surface of 975 sf to accommodate parking for 6 vehicles. The 73,821 sf parcel is in the R-3 zone. The proposal is subject to Portland's conditional use review criteria and site plan standards. In accordance with the Portland Land Use Ordinance, notices of receipt of a Level I Site Alteration application must be sent to property owners located within 500 ft. of the subject property (or 1,000 ft. if the property is located in an Industrial Zone). This application will be reviewed administratively by City Staff. This is the only notice you will receive.

A project and plan summary is available for viewing on the Citizen Self Service Portal (<https://egweb.portlandmaine.gov/energovprod/selfservice>), by referencing Plan Number PL-000058-2018. Written comments should be submitted to planningboard@portlandmaine.gov. If you have any questions regarding the proposal, please contact Christian Roadman, Planner, by phone at 207-874-8984 or e-mail at croadman@portlandmaine.gov





SO. MAINE P&DC 0410
CITY OF PORTLAND
PLANNING AND URBAN DEPARTMENT
389 CONGRESS ST.
PORTLAND ME 04101



TO: GREEN WILLIAM D VN VET & RUTH L GREEN JTS
22 ROCKLAND AVE
PORTLAND ME 04102



Sept. 19, 2018
Pomeroy St

Sept. 19, 2018
Pomeroy St

is needed to accurately reflect the increase to more than 15 worshippers at the site, which also offers lodging and summer camps. The home is in an R-3 zone, where places of assembly are allowed as a conditional use.

According to the application, more than 15 worshippers regularly attend services at Chabad of Maine, which is also expanding to two floors totaling 1,000 square feet.

The change of use will also require Chabad to add eight more parking spaces to meet parking standards, according to the application filed by Sevee & Mahar Engineers.

"However, even with the growth in worshippers there is no anticipated increase in impact to the surrounding street system, as attendees are prohibited from bringing a vehicle on days when attendance is at its highest," the application notes.

While Wilansky said relations with immediate neighbors are good, Chabad and its expansion have drawn objections from residents of the Redlon Park subdivision which sits behind the Pomeroy Street property.

Jeff Emerson, who is treasurer of the neighborhood association, said his communications with city officials have reflected his own concerns. What he worries about is the city allowing incremental growth by Chabad that is not consistent with the residential setting.

"Chabad has been engaged in religious services, kosher meals, lodging and summer camps as evidenced by its website," Emerson said in a Sept. 5 email. "None of these activities was specifically permitted by the city. All of these activities are examples of incrementalism."

Wilansky bought the property in 2004, according to the deed, and the home was completed in 2015.

While objecting to allowing the incremental growth, Emerson also said he was concerned because the religious place of assembly designation would make the site tax exempt. It is now valued at \$574,000, according to city records, and taxed at more than \$12,900.

"Which means that, as it grows in size and services, my neighbors and I are paying for it," he said.

David Harry can be reached at 781-3661 ext. 110 or dharry@theforecaster.net. Follow him on Twitter: @DavidHarry8.

the Portland FORECASTER

September 12, 2018

www.theforecaster.net

News of The City of Portland



DAVID HARRY / THE FORECASTER

Rabbi Moshe Wilansky of Chabad of Maine is seeking a zoning change to make this home at 11 Pomeroy St. in Portland a religious place of assembly.

Neighbors wary about religious center's growth

By David Harry

PORTLAND — A single-family home in the Rosemont section of the city could be redesignated as a place of religious assembly.

Chabad of Maine, part of an Orthodox Jewish, Hasidic

movement known for its outreach, is based at 11 Pomeroy St. For nearly a year, it has considered seeking the conditional use change in its neighborhood.

The change will require Planning Board approval.

Rabbi Moshe Wilansky on Sept. 5 said the change will not mean an increase in activities, and said he wants to continue being a good neighbor.

The conditional use change
Chabad, Page 2.

Bill Gilles

723-8619

407-6756

Chabad of Maine

Jonathan Matt <Jonathan.Matt@rmsmortgage.com>

Sep 10, 2018 2:19 PM

Posted in group: **Planning Board**

Hello,

I live on Redlon Park Rd which is adjacent to the Chabad of Maine facility. I received notification that this facility has applied for a change of use. My response is "... well of course it has!". The permitting of this facility has been a charade from the beginning. No one who researched what "Chabad" is ever believed this was a private home and the change of use application confirms that it was never intended to be a private home. Any fair minded person looking at its website (<https://www.chabadofmaine.com/>) would agree that calling it anything other than a hotel is semantic hairsplitting.

This commercial facility has caused a great deal of stress and anger to the residents that surround it. I feel the city has been cowed by fear of being called anti-Semitic to detriment of this residential neighborhood. Only a mile away is the beautiful new Jewish Community Center which is situated as it should be in a commercial zone.

Please do not approve this change, stand up for the law and the people you serve.

Thank you,

Jonathan Matt



Jonathan Matt

Data Warehouse Architect
Residential Mortgage Services, Inc.
24 Christopher Toppi Drive | South Portland, ME 04106

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☎ 207-808-4105

📠 207-358-2316

Jonathan.Matt@rmsmortgage.com

www.RSMortgage.com

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croadman@portlandmaine.gov, sgo@portlandmaine.gov, gmitchell@portlandmaine.gov, bbatson@portlandmaine.gov, jpj@portlandmaine.gov, jdemerson@northendgroup.com, bab@portlandmaine.gov, jlevine@portlandmaine.gov

Douglas Babkirk <doug.babkirk@maine.edu>

Nov 29, 2018 5:31 PM

Posted in group: **Planning Board**

November 29, 2018

To: City of Portland Planning Board & Staff
From: Douglas G. Babkirk, 55 Redlon Park Road, Portland
Re: Chabad of Maine request for change of use permit

I am writing to follow up my experience of the November 27th Planning Board workshop and to reaffirm my opposition to the request for change of use permit so that the current level of activities at the Chabad House remains intact without further expansion.

As a ten-year resident of Portland living within sight and sound of the Chabad House, I introduced myself and welcomed Rabbi Wilansky when he moved to 11 Pomeroy Street. Moreover, last spring I assisted him in troubleshooting a malfunctioning smoke alarm system when I heard his multiple alarms go off from my yard. We have been good neighbors.

Since the arrival of Chabad House and its sponsored activities I have experienced an increase in outdoor activity and noise level when children and older youth visiting the Chabad House were playing outdoors beyond 9PM on several occasions. I left a voice message on Rabbi Wilansky's phone asking that the play activity be confined to indoors or cease by 9 PM but never received a response.

Since the Chabad House construction, I have noticed an increase in standing water in the woods behind our home and the home of the Krieger family that abuts 11 Pomeroy Street. At the November 27th workshop, two individuals claimed that water runoff from the Redlon Park neighborhood was creating the problem, but our neighborhood drainage system built and approved by the City in 1999 directs water south of the Chabad property and not into our woods. The idea of six, additional, impervious surface parking spaces is problematic for increasing the amount of stagnant water from parking runoff and mosquitoes in our woods after a summer rain event.

I have noticed traffic congestion with cars parked on both sides of Bancroft Street and Pomeroy Street during periodic holy day and worship services at 11 Pomeroy Street; this has implications for public safety vehicles and their ability to respond to any crisis.

My specific requests of the Planning Board as you consider the Rabbi's request for change in use:

- Cap indoor worship services to no more than 20 non-resident individuals.
- Limit room and board guests to no more than 6 bedrooms and ensure the building meets all safety and short-term rental codes given the not for profit facility has expanded to more than just a private residence as described on the Chabad of Maine website.
- Ensure parking is restricted to one side of Bancroft and Pomeroy Streets during Chabad events.
- Require any new parking spaces to include improved and effectively maintained storm water runoff management.

- Restrict outdoor activities (youth camp, worship services and recreational activities, building construction) to operate only between 9AM-6PM.
- Develop procedures for the City to monitor any levels of activity at the Chabad House going forward.

At the workshop no one opposing a change of use requested that the current level of Chabad activities be curtailed. They asked that the Planning Board not approve any activity expansion beyond what is in place to maintain the residential nature of the neighborhood.

I found it offensive, shameful and disgraceful that several men including Paul Aronson, a former District Attorney, supporting the Rabbi's request for change of use implied that my neighbor, Jeff Emerson, and anyone else in opposition were anti Semitic. Mr. Aronson then went on to use this anti Semitic argument to caution the City in doing anything less than granting the change of use request. Mr. Emerson is Jewish and clearly articulated his concerns about the incremental and unmonitored nature of expanded activities, (room and board for up to 18 guests; youth camp activities, holy day gatherings involving more than the maximum allowed 15 worshipers), ever since the Chabad House of Maine was built on Pomeroy Street. Mr. Emerson's opposition to any expansion of activities was not formed with any religious bias to the Jewish faith as insinuated by supporters who spoke at the workshop.

I support the Chabad of Maine as a service to the Orthodox Jewish community and request that the Planning Board allow it to continue at its current level of activity and not approve any expansion of activity.

I look forward to the public hearing to discuss this in greater depth and appreciate your due diligence in comprehensively reviewing the Rabbi's request for change of use with its potential impact on the surrounding neighborhood.

Chabad of Maine (11 Pomeroy Street)

Jeff D. Emerson <jdemerson@northendgroup.com>

Nov 28, 2018 11:38 AM

Posted in group: **Planning Board**

Dear Planning Board Members:

Last evening I testified at the Chabad of Maine (11 Pomeroy Street) (Chabad) Workshop in opposition to the grant of conditional use for expansion of Chabad facilities and activities. It was unfortunate that I was accused, by several speakers, of "fear of the Other" which is code for anti-Semitism. I elected not to state that I am Jewish since that should be irrelevant to my comments. Rabbi Wilansky knows that I am Jewish since, when I visited him at his Chabad on Craigie Street, he invited me to join his congregation to make a minion.

One of the rabbis who spoke last night made the point that there are so few Orthodox Jews in Portland that Rabbi Wilansky regularly has a problem making a minion (10 men). One might reasonably wonder why, if there are so few Orthodox Jews in Portland, Chabad would need a 10,000 square foot facility, much less an expansion of that facility in size, parking spaces, occupancy and activities.

The Chair of the Planning Board stated that the speakers had failed to identify any limits which they wanted on the conditional use permit for Chabad. Actually, I have done so repeatedly, in writing, to the Planning Board. The limits which my neighbors and I seek are these:

- No further increase in the size of Chabad
- No increase in the services which Chabad offers
- A commitment not to purchase other homes in the Chabad neighborhood for the purposes of incorporating them in the Chabad activities
- Honoring the no more than 15 (or 25 if that is approved) non-family members at Chabad at any one-time restriction and policing of that limit by the City of Portland

Chabad has been built and increased incrementally in size and scope of activities. That bell cannot be un-rung. But, as staff pointed out several times last night, if the size and scope of activities of Chabad increases further (beyond that which it seeks in the conditional use permit) the facility will be inappropriate for an R-3 zoned neighborhood.

The Rebbe, Rabbi Menachim Schneerson, of righteous memory, would frequently quote the Maimonidean adage: each person should see himself as though the entire world is in delicate balance and, with but **one deed**, he or she can tip the scales for good.

Let's work together to tip the scales for good.



Jeff D. Emerson

President

NorthEnd Group LLC

18 Redlon Park Road

Portland, ME 04102

Tel: (240) 752-7143

Efax: (207) 221-1159

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Not if but when

KenCapron1 <kcapron1@maine.rr.com>

Nov 27, 2018 5:32 PM

Posted in group: **Planning Board**

Dear sirs,

Watching the discussion of the application by Chabad to expand 11 Pomeroy Street, my one observation is that they seem to have taken a residential home and over time added bits and pieces such that eventually the question will come as to when they will make the decision to move to a larger facility in a non-residential area.

Having run and supported many non-profits, we all have reached that point of decision as to when to move out of the basement and cough up the money for a 'real' place of business.

Whether it is size of staff or need for meeting space, there are many things that can act as tipping points.

I would like to recommend that this would be a good time to make such a move to better accommodate the fluctuating number of patrons. If not this time, then when. Or will we see at some point in the future an effort to change the zoning for that specific property. Slow creep may be effective but at some point people will either need to change the zoning or simply say no to expansion.

I would also like to raise the issue of property tax exemption and the advantage of having a residence be identified "officially" as a non-profit in order to gain property exemption.

I also heard during the testimony that Chabad does occasionally have short term overnight guests – not unlike a BnB.

I hope this helps. All of us non-profits have to make the decision sooner or later to move and grow. Whatever the decision, I wish them well.

Sincerely,

Kenneth A. Capron
1375 Forest Avenue D-11
Portland, Maine 04103
Phone: 207-797-7891
Email: kcapron1@maine.rr.com



Virus-free. www.avg.com

Judy Richard <judithrichard1@yahoo.com>
to planningboard@portlandmaine.gov

Oct 6, 2021, 12:09:45 PM (13 days ago)

I am writing in response to the notice I received from the City regarding an application to facilitate site improvements at 11 Pomeroy Street.

I am opposed to the City approving and granting these permits.

This site is located in R-3 Residential Zoning and only residences should be allowed within this zone. This site has grown significantly in the amount of guests on a regular basis and is no longer conducive to residential zoning. The resident(s) had a large gathering earlier in the summer with lots of noise and loud music that was disruptive to the neighbors.

I am a resident in the neighborhood and stopped to chat with another neighbor out walking in the vicinity of Pomeroy Street on Bancroft Street and the amount of traffic that was entering and departing this area is not conducive to a residential area. They guests of 11 Pomeroy were barely stopping and whizzing right by my neighbor and her dog while she was standing on the side of the street (I was in my vehicle). By allowing driveway expansion and additional parking, it will allow for more guests and traffic. I do not wish to see this residence increase the amount of guests they have. This will translate into more traffic and more danger to the neighborhood.

I am not opposed to this staying the same as it is now but I am opposed to it expanding in driveway and parking spaces as well as clarifying as a place of Religious Assembly. This does not comply with current local zoning ordinances. I disagree with Attachment E Section 14.6.1A that states "it will not create or aggravate any significant hazard." It then goes on to state that "the project is in a neighborhood with relatively low traffic." I walk these streets daily and have seen the increase in traffic and do not wish to see a non-residential use in the neighborhood that wishes to be recognized as a place of Religious Assembly or any other non-residential use. Please keep this as a family friendly and safe neighborhood for those who wish to walk and bike without an increase in traffic.

Thank you for allowing me to voice my concerns.

Judy Richard

LRICHARD14@maine.rr.com <LRICHARD14@maine.rr.... Oct 6, 2021, 5:27:42 PM (11 days ago)
to planningboard@portlandmaine.gov, lrichard14@maine.rr.com

I am writing in response to the postcard notice recently received from the City regarding an application to facilitate site improvements at 11 Pomeroy Street.

I am not in favor to have the city grant any permits.

It was my understanding when this location was constructed a few years back that it was for residential purposes only. The site is located in R-3 Residential Zoning and should stay residential only. As it is, there has been increased traffic to this location in recent months. The residents had a gathering of some sort earlier this summer with lots of noise and music that I could hear from a street away.

I do not wish to see this residence increase the amount of guests they have. That will only translate into more traffic. I am fine with the way it is now, but am opposed to an increase of the driveway and adding parking spaces as well as clarifying this as a place of Religious Assembly. This does not comply with current local zoning ordinances.

I disagree with attachment E Section 14.6.1A that states "it will not create or aggravate any significant hazard". It then states that "the project is in a neighborhood with relatively low traffic". I disagree with that as people are driving through to cut over to Capisic and/or Brighten Ave quite frequently. My family and I walk the neighborhood streets in this area quite often and have seen an increase of traffic and do not wish to see a non-residential use in the neighborhood that wishes to be recognized as a place of religious Assembly or any other non-residential use,

Regards,
Lisa Richard

11 Pomeroy St 0 views



Subscribe ☐



Judy Gailen <judy@judygailendesigns.com> Oct 16, 2021, 6:12:46 PM (yesterday)
to planningboard@portlandmaine.gov

I am writing in response to a couple of postcards we received about the temple on Pomeroy St. I don't understand why you bother to send them. It doesn't seem to matter what anyone says about proposed building in the neighborhood...everything is already decided and whatever neighbors may have to say seems to be moot.

This never was intended to just be a single family home. Before it was even finished (because I belonged once to another temple and somehow got on their list), I received a glossy brochure fundraising for additional building for temple activities (which I have previously shared with you). They built an addition onto the building, and after that we received a card saying they wanted to expand their parking lot, and that no additional building was planned. Of course not...it was already done. And now they have applied for an "after the fact" permit? This is laughable. Everything they want to do will be done. How large is it going to be in the end? My property taxes are going up. Are they, as a religious organization, paying taxes?

To be honest, I don't really care about the temple at this point. It's a done deal. What is bothering me is the way the city approaches all of this. It was really brought into light with the 7-house development down the street. By the time there was a public meeting about that (in the developer's driveway at 4pm in the afternoon, which I and many others could not attend) the whole thing was designed and ready to go and the reps of the city seemed perfectly happy with it. There was no question it would be built, no matter how unhappy people were. So why pretend that what people want for their neighborhood really matters? And forget trying to make sense of the legalize of zoning.

I was never a person who felt it necessary to get embroiled in these matters. But now it just seems that the "planning board" is mostly about planning ways for developers and the city to make more money.

Thanks for listening to my rant, if you've made it this far.

Sincerely,
Judy Gailen
68 Bancroft St.

Matt Steege <matt.steege@gmail.com>

Oct 20, 2021, 3:40:51 PM (16 hours ago)

to planningboard@portlandmaine.gov

Good afternoon board members,

My name is Matthew Steege and I the homeowner of 28 Benjamin Way, Portland, ME. The purpose of this correspondence is to notify the members of the City of Portland Planning Board of my opposition to the subject property's application (see subject line for reference) for the following reasons:

1. I purchased property in a neighborhood zoned for residential use, and after many discussions with neighboring homeowners, the overwhelming consensus is that we would like it to remain that way. *Note: I have not spoken to anyone who feels differently on this matter.*
2. The Chabad at 11 Pomeroy Street backs up to my lot. Over the last year, I have personally witnessed many gatherings exceeding their approved capacity limits that have taken place both indoors and outdoors. These events include: an outdoor children's summer camp with a large tent shelter, multiple large tables, and outdoor seating; frequent religious ceremonies; and general celebrations. These events were often loud enough that they could be heard from inside my residence from the farthest upstairs bedroom with the doors and windows all closed. I am unaware if permits were issued for these gatherings, and I have not complained to the city in any instance. That said, I have absolutely no interest in these becoming a regular occurrence or growing larger in size increasing in noise disturbance. I believe that approving any increased use of The Chabad will make these minor nuisances more common and more invasive of my personal space and legal property.
3. It is my belief that if the property owners at 11 Pomeroy Street seek to establish a place of religious worship, that they should legally do so in an area zoned for such commercial use. I'm quite certain that if I were to submit an application to turn my property into an auto body shop, the City of Portland would receive numerous complaints and quickly deny my application. The Chabad's application should not be treated differently because it is religious in nature.

I would like to close by saying that I firmly believe our neighborhood is extremely tolerant of religious beliefs and practices, however we are also staunch in our trust that each of us respect the privacy and zoning rights regulated by the city. Based on their history of violating city ordinance and ignoring code enforcements, it is clear that The Chabad at 11 Pomeroy Street feels differently on the latter count, and I respectfully request that The City of Portland Planning Board deny their application.

Thank you for your time,

Matthew Steege

Richard Funnell <richard.funnell@me.com>

Oct 20, 2021, 4:36:36 PM (16 hours ago)

to planningboard@portlandmaine.gov

Hello,

My name is Richard Funnell, and I live at 130 Bancroft St in Rosemont.

I would like to voice my opposition to the application by the owners of 11 Pomeroy Street to operate as a place of assembly.

This neighborhood is safe and quiet for our residents: families, pedestrians, cyclists, and pets, and this change would bring large numbers of non-residents to a street that can ill afford additional cars and traffic.

Bancroft Street is the only way to reach Pomeroy St, and with its lack of sidewalks is susceptible to crowding from the already large gatherings which take place at 11 Pomeroy. Many of these vehicles do not respect street signs or speed limits, which shows a disregard for the safety of current residents of this neighborhood.

As a dog owner, I've noticed the increase in street traffic on my regular walks, and these conditions will only get worse when snow and ice set in. I do not feel comfortable seeing an increase in the number of vehicles on Bancroft St.

Additionally, as a homeowner who has dealt with stormwater and drainage issues stemming from the wetlands that are part of this community, I am very opposed to adding additional impermeable surfaces which can and will affect drainage in our neighborhood. This is an area that needs more green spaces, not additional parking lots.

The fact that this application is being requested "after the fact" shows a disregard for the codes and regulations which the City of Portland already has in place, and does not signal future intent to follow the rules which all residents must abide by.

I would hope that the city considers a history of past violations and no longer allows these and future violations to occur.

I would respectfully ask that this application for a place of assembly at 11 Pomeroy Street be denied.

Thank you for your time and consideration.

Richard Funnell
130 Bancroft St
Portland ME 04102
[714-625-1222](tel:7146251222)

Heather Shields <hshields@legacysir.com>

10:49 AM (3 minutes ago)

to planningboard@portlandmaine.gov

Dear Planning Board Members,

My name is Heather Shields. I am a resident and homeowner at 20 Benjamin Way — my home sits right behind 11 Pomeroy Street. Their backyard borders ours.

Please accept this email in strong opposition to the application for 11 Pomeroy Street to operate a place of assembly (Application PL-000058-2018 / Plan Number CU-001763-202). Our neighborhood is a residential neighborhood. Our streets and our neighborhood cannot support this change of use as well as the increased traffic and noise that ensue.

Furthermore, the Chabad at 11 Pomeroy Street is already in violation of City of Portland Code of Ordinances by operating illegal Short Term Rental Units, and operating an unlicensed commercial kitchen on premise and has yet to rectify these violations. With the Chabad already violating these ordinances, we as neighbors are subject to countless large outdoor gatherings, a summer camp and numerous out of state short term visitors. These visitors rarely obey the traffic signs or respect the fact that this is a residential neighborhood.

In discussion with many of our neighbors, I believe that I am not alone in opposing this change. We respectfully request that you deny the application for the place of assembly at 11 Pomeroy Street and associated applications, and direct the owners to address their outstanding code violations.

Thank you.

Heather Shields
20 Benjamin Way
Portland

Jeff D. Emerson <jdemerson@northendgroup.com>
to planningboard@portlandmaine.gov

8:14 AM (3 hours ago)

In advance of your workshop on October 26 please read the attached.

Jeff D. Emerson

President

NorthEnd Group LLC

18 Redlon Park Road

Portland, ME 04102

Tel: (240) 752-7143

Efax: (207) 221-1159

Jeff D. Emerson
18 Redlon Park Road
Portland, ME 04102

Christine Grimando
Department Director
Planning and Urban Development Department
City of Portland
389 Congress Street 4th Floor
Portland, Maine 04101

October 5, 2021

Re: Chabad Lubavitch of Maine
Change of Use and Minor Site Plan Applications

Dear Ms. Grimando,

The neighbors of Chabad Lubavitch of Maine (Chabad) received a Notice that Chabad has applied for an "after the fact" Conditional Use Permit for its operations at 11 Pomeroy Street. Setting aside that an "after the fact" application is an oxymoron, as a neighbor of Chabad, I oppose any permit to continue, much less expand, its violations of City of Portland regulations.

By her letter dated August 4, 2020 Anne Torregrossa, Associate Counsel for the City, detailed the violations by Chabad of the City of Portland Code of Ordinances. None of those violations would be cured by granting an "after the fact" permit to Chabad. Such a grant would merely institutionalize the violations and permit Chabad to expand its operations which it has done since its original construction. The amount of traffic and noise created by Chabad, including but not limited to Jewish holidays, is significant and a disruption to the quiet enjoyment of the neighborhood by its neighbors.

Since 2018 I have been clear with the City and its Planning Board that the limits on Chabad which my neighbors and I seek are these:

- No further increase in the size of Chabad
- No increase in the services which Chabad offers
- A commitment not to purchase other homes in the Chabad neighborhood for the purposes of incorporating them into the Chabad activities
- Honoring the no more than 15 non-family members at Chabad at any one-time restriction originally imposed by the City and policing of that limit by the City of Portland

Chabad has been built and increased incrementally in its size and the scope of activities over the years. That bell cannot be un-rung. But, as the Planning Commission pointed out (in 2018), if the size and scope of activities of Chabad increases further (beyond that which it seeks in the conditional use permit) the facility will be inappropriate for an R-3 zoned neighborhood.

Arguably, Chabad already is inappropriate for a residential neighborhood.

Sincerely,



To the Planning Board,

My name is Sarah Delisle and I am a resident and homeowner at 32 Benjamin way, previous to Benjamin way I lived on Bancroft Street for over 10 years. We have seen this residence violate residential Zoning since the erection of the building. They have a website for people to pay and stay, events with hundreds of people and have been in violation with the city for over a year. I have seen the city be Strick in all other areas of housing and I am still baffled as to how this has continued.

I'm writing to oppose the Applications under review for 11 Pomeroy Street to operate a place of assembly, Application PL-000058-2018 / Plan Number CU-001763-2021. My reasons for opposing the changes include the following:

- We purchased property in a neighborhood zoned for residential use only, and expected as such only residential neighbors. We are not interested in changing the character of the neighborhood by increasing traffic due to the proposed place of assembly.*
- The Chabad at 11 Pomeroy Street is already in violation of City of Portland Code of Ordinances by operating illegal Short Term Rental Units, and operating an unlicensed commercial kitchen on premise and has yet to rectify these violations.*
- An official place of assembly designation would increase traffic on Bancroft Street and result in more street parking making driving more dangerous in the neighborhood. We bought in a neighborhood to avoid this.*

In discussion with many of our neighbors, I am not alone in opposing this change. We respectfully request that you deny the application for the place of assembly at 11 Pomeroy Street and associated applications, and direct the owners to address their outstanding code violations.

Thank you.

*Sarah & Jon Delisle
32 benjamin way*

Richie Garcia <rich62684@gmail.com>

2:34 PM (1 hour ago)

to planningboard@portlandmaine.gov

To the Portland Planning Board,

My name is Joseph Garcia, a homeowner and resident near 11 Pomeroy Street.

I am opposed to the applications under review for 11 Pomeroy Street to operate a place of assembly (Application PL-000058-2018 / Plan Number CU-001763-2021).

My reasons for opposing the changes include the following:

- We prefer to live in a "residential-use only" area of town and would like to retain the charm and character of our neighborhood.

- It is my understanding that 11 Pomeroy street is already in violation of many ordinances including operating an unlicensed commercial kitchen and the use of illegal short-term rental units.

- Increasing traffic on Bancroft street would make walking in the neighborhood more dangerous. There are also no sidewalks on Bancroft St, so pedestrians must use the road.

I have discussed this with some of my neighbors and I am not alone in my opposition to their application. I request that the board deny the applications for 11 Pomeroy Street and direct the owners to rectify their current violations.

Thank you for your consideration,

Joseph Richard Garcia
21 Benjamin Way, Portland, ME 04102

Lee Lindenau <leelindenau@gmail.com>
to planningboard@portlandmaine.gov

Oct 21, 2021, 8:23:32 PM (12 hours ago)

Dear Planning Board Members,

My name is Lee Lindenau and I am a resident and homeowner at 20 Benjamin Way. My home sits right behind 11 Pomeroy Street and we share bordering backyards.

I am strongly in opposition to the application by the occupants of 11 Pomeroy Street to expand the capacity as a place of assembly (Application PL-000058-2018 / Plan Number CU-001763-2021). To my knowledge they are already in violation of City of Portland Code of Ordinances by operating illegal Short Term Rental Units and operating an unlicensed commercial kitchen on site. The increased traffic and noise will most certainly go from being a nuisance to a real problem for many of my neighbors. Over the last year, I have personally witnessed many gatherings exceeding their approved capacity limits that have taken place both indoors and outdoors. These events include: an outdoor children's summer camp with a large tent shelter, multiple large tables, and outdoor seating; frequent religious ceremonies; and general celebrations. These events were often loud enough that they could be heard from inside my residence from the farthest upstairs bedroom with the doors and windows all closed. I am unaware if permits were issued for these gatherings, and I have not complained to the city in any instance. Many of us in the neighborhood have witnessed both in and out of state short term visitors who rarely obey traffic signs or speed limits on our streets.

I have absolutely no interest in these events becoming a more regular occurrence or growing larger in size leading to more frequent noise disturbances. I believe that approving any expansion and associated increased use of the Chabad will make these minor nuisances more common and more invasive of my personal space and legal property.

I would like to point out that our neighborhood, while extremely tolerant of religious beliefs, are also united in our expectation that all of us respect the privacy and zoning rights of a residential neighborhood properly regulated by the city of Portland. Based on their history of violating past ordinances and ignoring code enforcements, it is clear that the Chabad at 11 Pomeroy Street does not share the same view of what it means to own in a residential neighborhood. I respectfully request the City of Portland deny the Chabad's application.

Thank you.

Lee Lindenau
20 Benjamin Way
Portland

Ali Goldstein <alison.goldstein@gmail.com>

10:01 AM (27 minutes ago)

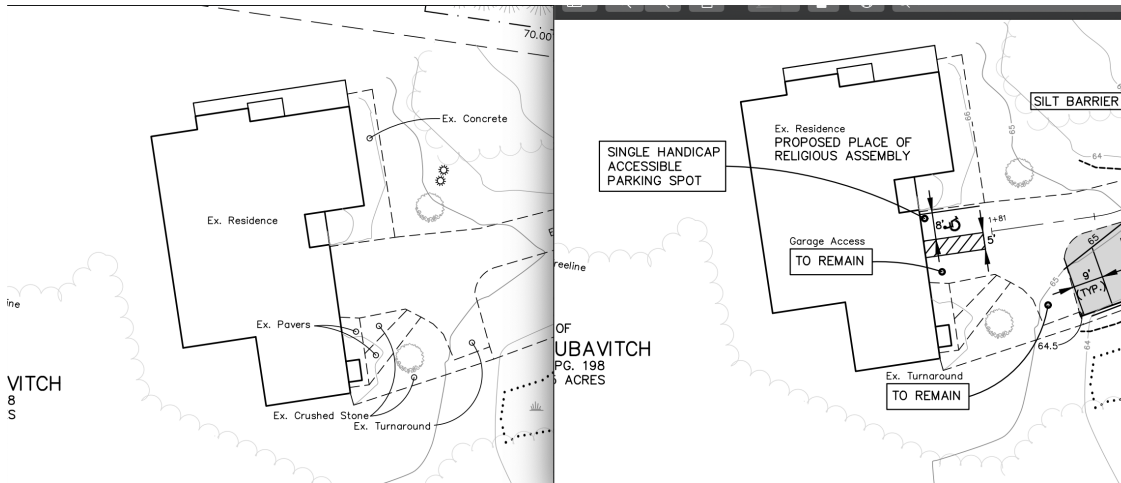
to planningboard@portlandmaine.gov, Daniel Norup

Subject: 11 Pomeroy Street Application PL-000058-2018 / Plan Number CU-001763-2021

To the Planning Board,

Our names are Daniel and Alison Norup, and we are residents and homeowners at 14 Benjamin Way - direct neighbors and within the immediate vicinity of 11 Pomeroy Street.

We write to oppose the Applications under review for 11 Pomeroy Street to operate a place of assembly, Application PL-000058-2018 / Plan Number CU-001763-2021. This is a distinct change of use as seen below:



Our reasons for opposing the changes include the following:

- **Change of Use:** We purchased property in a neighborhood zoned for residential use only. In that purchase, we expected as such only residential neighbors and pulled the original permitting for the Chabbaad to confirm that. We are not interested in changing the residential nature of the neighborhood.
- **Preserving a Residential Neighborhood:** An official place of assembly designation would increase traffic in the area even more than what we have seen since purchasing on July 27, 2020, especially on Bancroft Street. We already witnessed an uptick in traffic since The Chabbaad at 11 Pomeroy Street's "after the fact" Conditional Use Permit for Short Term Rental Units was approved on January 27, 2021. The increased traffic deters and makes it less safe for residents to walk as families, with their dogs, and with their children as well as cyclist to bike in the neighborhood.

In discussion with many of our neighbors, we believe that we are not alone in opposing this change. We respectfully request that you deny the application for the place of assembly at 11 Pomeroy Street and associated applications.

Thank you.

*Daniel and Alison Norup
14 Benjamin Way
Portland, ME 04102*

Douglas Dempsey <douglas.dempsey@gmail.com>
to planningboard@portlandmaine.gov, Laurel McCosham

10:04 AM (25 minutes ago)

Good Day,

Please see the attached document which serves as our comments regarding the after-the-fact conditional use permit application for 11 Pomeroy Street (CU-001763-2021).

Thank you for your time.

Sincerely,

Douglas Dempsey & Laurel McCosham

Douglas Dempsey & Laurel McCosham
25 Benjamin Way
Portland, ME 04102

October 22, 2021

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

**Re: Conditional Use Application, 11 Pomeroy Street
Place of Assembly CU and Minor SP
CU-001763-2021**

Dear Planning Board Members,

As the homeowners of 25 Benjamin Way here in Portland, ME, we wish to register our opposition to the above noted application on the following grounds:

Our neighborhood is residential. It is why we and our neighbors chose to live here. We feel that maintaining it as residential will ensure our community retains the qualities that drew us here.

We have observed that the property at 11 Pomeroy Street is not a single-family residence. We understand that under local zoning ordinances, an R-3 neighborhood such as ours is characterized by single-family homes on individual lots. In no way can the property accurately be described as a single-family dwelling.

The non-residential character of 11 Pomeroy Street has revealed itself on a number of occasions. Several very large gatherings and organized religious events have frequently been held, especially in the summer months. While we respect the right of anyone to practise their faith, many of these events were large and loud enough to easily be heard from our home across the street. The application to operate a place of assembly only stands to increase the volume and frequency of these gatherings. It will also further diminish our neighborhood's residential character. We respectfully suggest that such gatherings would be more appropriately held in a non-residential or mixed-use area of the city.

We trust you will consider our concerns and those of our neighbors who share our perspective. We care deeply about preserving this neighborhood as a quiet, residential space where privacy is respected. We hope you will look carefully at the non-residential uses of 11 Pomeroy Street and the suitability of their application to this residential neighborhood. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, reading "Douglas R. Dempsey & Laurel McCosham". The signature is written in a cursive, flowing style.

Douglas Dempsey & Laurel McCosham

Emily Raisch <emily.raisch@gmail.com>
to planningboard@portlandmaine.gov, jdealaman

10:16 AM (14 minutes ago)

To the Planning Board,

My name is Emily Raisch and I'm a homeowner at 130 Bancroft Street. I'm writing in opposition to the application at 11 Pomeroy Street Application PL-000058-2018 / Plan Number CU-001763-2021 for the following reasons:

1. We purchased our property in a neighborhood zoned for residential use, and my feeling, as well as the sentiment expressed by all of the neighbors to whom I have spoken, is that we want it to remain residential. Any place of assembly should be built/established in a more appropriately zoned area.
2. The application proposes to convert a section of the property to a place of assembly. This would increase the amount of traffic coming down Bancroft Street and the number of vehicles parked on Bancroft and Pomeroy Street. We already see large numbers of vehicles parked on both streets around religious services and holidays, and more cars passing through on the days surrounding those days. More traffic and parked cars makes it more difficult and dangerous for pedestrians. We have many families with young children who play in yards in the area, as well as dogs and recreational walkers. Most importantly, Bancroft and Pomeroy Street both lack sidewalks as alternatives for pedestrians to use when the street is full of cars. In short, this is a residential neighborhood ill equipped to safely handle both the increase in traffic that would result from additional services and the additional parking needs generated when congregants park for extended periods of time during holidays.
3. The property owners at 11 Pomeroy Street have already been documented by the city as being in violation of a number of city ordinances, including operating Short Term Rentals without a permit and operating an unlicensed commercial kitchen. To me, this makes me concerned that they will not respect additional codes and ordinances in the future, which makes me especially wary of expanding their presence.
4. The Chabad already regularly hosts large gatherings which are audible from my property. I assume that approval of this application would further increase the frequency and size of these gatherings, compounding my concerns above.

It is my firm belief that religious organizations should be held to the same code that commercial organizations and private citizens are subject to, and I would hope that this application is reviewed accordingly. Thank you for your time!

CHANGE OF USE & MINOR SITE PLAN

11 POMEROY STREET, PORTLAND, MAINE

For
CHABAD LUBAVICH OF MAINE INC.
11 POMEROY STREET
PORTLAND, MAINE

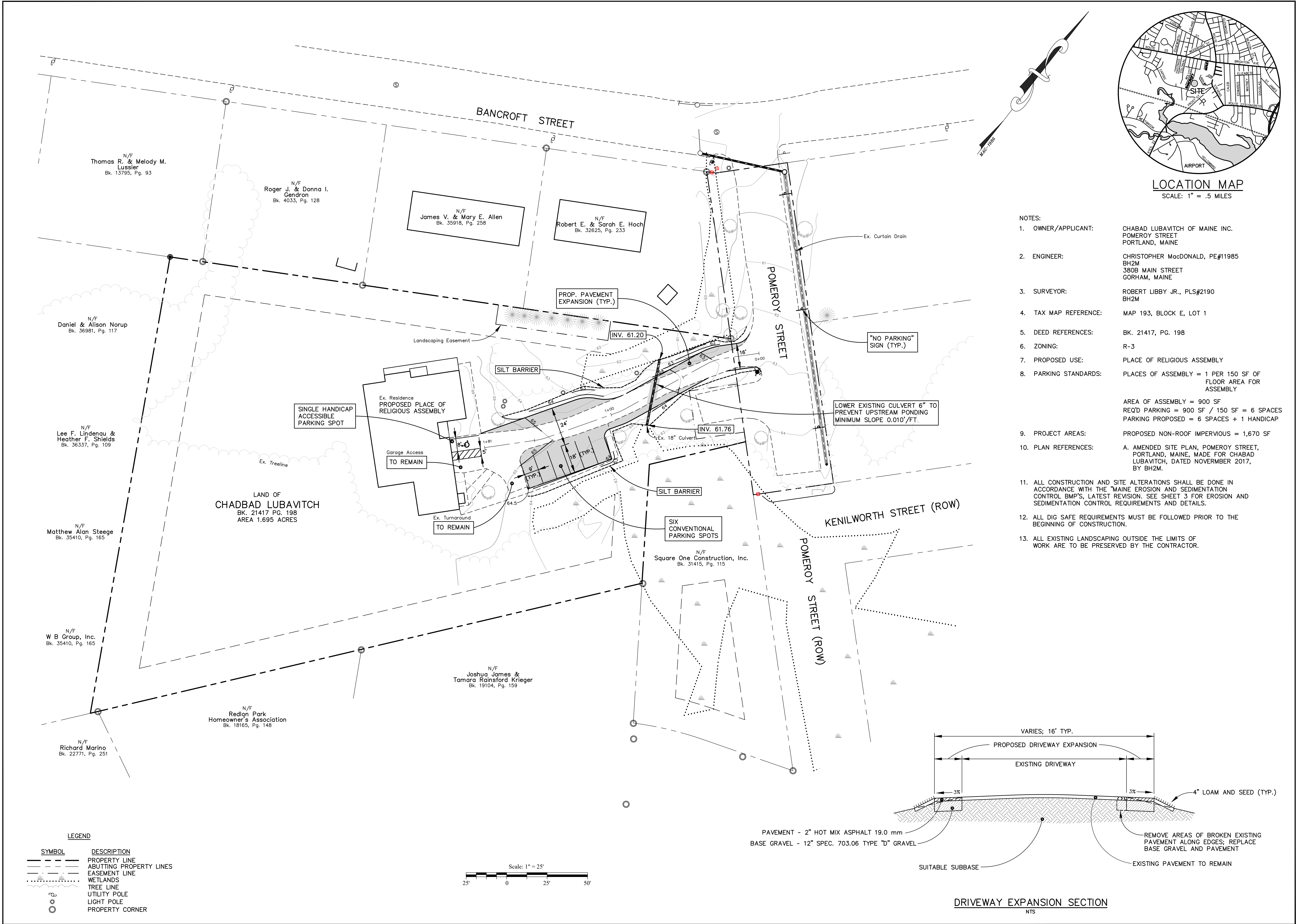
PLAN INDEX

- 1 SITE PLAN
- 2 EXISTING CONDITIONS
- 3 EROSION CONTROL DETAILS
- A STORMWATER PRE DEVELOPMENT CONDITIONS
- B STORMWATER POST DEVELOPMENT CONDITIONS



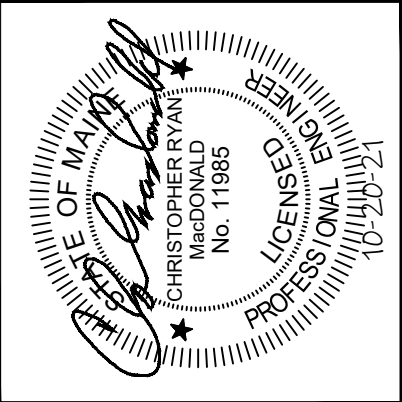
Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

380B Main Street
Gorham, Maine 04038
Tel. (207) 839-2771
www.bh2m.com



- NOTES:
- OWNER/APPLICANT: CHABAD LUBAVITCH OF MAINE INC.
POMEROY STREET
PORTLAND, MAINE
 - ENGINEER: CHRISTOPHER MacDONALD, PE#11985
BH2M
380B MAIN STREET
GORHAM, MAINE
 - SURVEYOR: ROBERT LIBBY JR., PLS#2190
BH2M
 - TAX MAP REFERENCE: MAP 193, BLOCK E, LOT 1
 - DEED REFERENCES: BK. 21417, PG. 198
 - ZONING: R-3
 - PROPOSED USE: PLACE OF RELIGIOUS ASSEMBLY
 - PARKING STANDARDS: PLACES OF ASSEMBLY = 1 PER 150 SF OF FLOOR AREA FOR ASSEMBLY
AREA OF ASSEMBLY = 900 SF
REQ'D PARKING = 900 SF / 150 SF = 6 SPACES
PARKING PROPOSED = 6 SPACES + 1 HANDICAP
 - PROJECT AREAS: PROPOSED NON-ROOF IMPERVIOUS = 1,670 SF
 - PLAN REFERENCES: A. AMENDED SITE PLAN, POMEROY STREET, PORTLAND, MAINE, MADE FOR CHABAD LUBAVITCH, DATED NOVEMBER 2017, BY BH2M.
 - ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENTATION CONTROL BMP'S, LATEST REVISION. SEE SHEET 3 FOR EROSION AND SEDIMENTATION CONTROL REQUIREMENTS AND DETAILS.
 - ALL DIG SAFE REQUIREMENTS MUST BE FOLLOWED PRIOR TO THE BEGINNING OF CONSTRUCTION.
 - ALL EXISTING LANDSCAPING OUTSIDE THE LIMITS OF WORK ARE TO BE PRESERVED BY THE CONTRACTOR.

NO.	DATE	REVISION	DESCRIPTION
1	08/24/21		Submitted to Planning Department for Initial Review
2	10/20/21		Revisions Based on Planning Department Comments



BH2M
Berry, Huff, MacDonald, Milfigan Inc.
Engineers, Surveyors
380B Main Street
Gorham, Maine 04038
Tel. (207) 839-2771
www.bh2m.com

FOR
Chabad Lubavitch of Maine Inc.
11 Pomeroiy Street
Portland, Maine

SITE PLAN
CHANGE OF USE & MINOR SITE
PLAN APPLICATION
LAND OF
CHABAD LUBAVITCH OF MAINE INC.
11 POMEROY STREET
PORTLAND, MAINE

DESIGNED C. MacDonald	DATE June 2021
DRAWN Dept.	SCALE As Noted
CHECKED W. Thompson	JOB. NO. 21100

SHEET
1

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EROSION AND SEDIMENT CONTROL PLAN

THIS PLAN HAS BEEN DEVELOPED AS A STRATEGY TO CONTROL SOIL EROSION AND SEDIMENTATION DURING AND AFTER CONSTRUCTION. THIS PLAN IS BASED ON THE STANDARDS AND SPECIFICATIONS FOR EROSION PREVENTION IN DEVELOPING AREAS AS CONTAINED IN THE LATEST REVISION OF TO THE 2016 MAINE EROSION AND SEDIMENT CONTROL BMP'S MANUAL FOR DESIGNERS AND ENGINEERS, AND THE LATEST REVISION TO THE 2014 MAINE EROSION AND SEDIMENT CONTROL FIELD GUIDE FOR CONTRACTORS. SEE MANUALS FOR ADDITIONAL INFORMATION AND DETAILS.

DURING CONSTRUCTION THE DEVELOPER/APPLICANT OR THEIR REPRESENTATIVES WILL BE RESPONSIBLE FOR IMPLEMENTING THE EROSION AND SEDIMENT CONTROL BMP'S AS WELL ROUTINE INSPECTIONS AND MAINTENANCE OF THE BMP'S.

THE PROPOSED LOCATIONS OF SILTATION AND EROSION CONTROL STRUCTURES ARE SHOWN ON THE SITE PLAN.

- ALL CONSTRUCTION INSPECTIONS SHALL BE CONDUCTED BY SOMEONE WITH KNOWLEDGE OF EROSION AND STORMWATER CONTROL, INCLUDING STANDARDS AND PERMIT CONDITIONS. CONSTRUCTION INSPECTIONS SHALL BE PERFORMED AT LEAST ONCE A WEEK, AND PRIOR TO AND 24 HOURS AFTER A WET WEATHER EVENT (1 INCH OR MORE IN A 24 HOUR PERIOD). CONSTRUCTION INSPECTION AND CORRECTIVE ACTION DOCUMENTATION RECORDS SHALL BE MAINTAINED FOR A MINIMUM OF 5 YEARS.
- THE SCOPE OF CONSTRUCTION INSPECTIONS INCLUDE THE EROSION AND SEDIMENTATION CONTROL MEASURES AS WELL AS DISTURBED AREAS, MATERIAL STORAGE AREAS, AND LOCATIONS WHERE VEHICLES ENTER AND EXIT THE SITE.
- ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP'S", DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST REVISION.
- THOSE AREAS UNDERGOING ACTUAL CONSTRUCTION WILL BE LEFT IN AN UNTREATED OR UNVEGETATED CONDITION FOR A MINIMUM TIME. AREAS SHALL BE PERMANENTLY STABILIZED WITHIN 7 DAYS OF FINAL GRADING AND TEMPORARILY STABILIZED WITHIN 7 DAYS OF INITIAL DISTURBANCE OF THE SOIL. IF THE DISTURBANCE IS WITHIN 75 FEET OF A WETLAND OR WATERBODY, THE AREA SHALL BE STABILIZED WITHIN 2 DAYS OR PRIOR TO ANY STORM EVENT, WHICHEVER COMES FIRST.
- EXCAVATION AND EARTHWORK SHALL BE DONE SUCH THAT NO MORE THAN 1 ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME.
- EXPOSED AREA SHOULD BE LIMITED TO THAT WHICH CAN BE MULCHED IN ONE DAY.
- CONTINUATION OF EARTHWORK OPERATIONS ON ADDITIONAL AREAS SHALL NOT BEGIN UNTIL THE EXPOSED SOIL SURFACE ON THE AREA BEING WORKED HAS BEEN STABILIZED SUCH THAT NO MORE THAN ONE ACRE OF THE SITE IS WITHOUT EROSION CONTROL PROTECTION.
- SEDIMENT BARRIERS (EROSION CONTROL MIX, STONE CHECK DAMS, STABILIZED CONSTRUCTION ENTRANCE, ETC.) SHOULD BE INSTALLED PRIOR TO ANY SOIL DISTURBANCE OF THE CONTRIBUTING DRAINAGE AREA ABOVE THEM. THE CONTRACTOR SHALL MAINTAIN THE STABILIZED CONSTRUCTION ENTRANCE UNTIL ALL DISTURBED AREAS ARE STABILIZED.
- INSTALL EROSION CONTROL MIX AT TOE OF SLOPES TO FILTER SILT FROM RUNOFF. SEE E.C. MIX DETAIL FOR PROPER INSTALLATION. EROSION CONTROL MIX WILL REMAIN IN PLACE PER NOTE #7. THE USE OF AN EROSION CONTROL MIX BERM IS PROHIBITED AT THE BASE OF SLOPES STEEPER THAN 3:1 OR WHERE THERE IS FLOWING WATER.
- ALL EROSION CONTROL STRUCTURES WILL BE INSPECTED, REPLACED, AND/OR REPAIRED EVERY 7 DAYS AND IMMEDIATELY BEFORE AND FOLLOWING ANY SIGNIFICANT RAINFALL (0.5 INCH OR MORE IN A 24-HOUR PERIOD) OR SNOW MELT OR WHEN NO LONGER SERVICEABLE DUE TO SEDIMENT ACCUMULATION OR DECOMPOSITION. IF AN INSPECTION DETERMINES THAT A CORRECTIVE ACTION IS REQUIRED, THE ACTION OR REPAIR SHALL BE STARTED BY THE END OF THE NEXT WORKDAY AND COMPLETED WITHIN SEVEN DAYS OR BEFORE THE NEXT STORM EVENT. SEDIMENT DEPOSITS SHOULD BE REMOVED AFTER EACH STORM EVENT. THEY MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE HALF THE HEIGHT OF THE BARRIER. SEDIMENT CONTROL DEVICES SHALL REMAIN IN PLACE AND BE MAINTAINED BY THE CONTRACTOR UNTIL AREAS UPSLOPE ARE STABILIZED BY TURF. EROSION CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS OF PERMANENT STABILIZATION. PERMANENT STABILIZATION IS BOX GRASS CATCH IN VEGETATED AREAS.
- NO SLOPES, EITHER PERMANENT OR TEMPORARY, SHALL BE STEEPER THAN ONE AND ONE HALF TO ONE (1.5:1).
- IF FINAL SEEDING OF THE DISTURBED AREAS IS NOT COMPLETED 45 DAYS PRIOR TO THE FIRST KILLING FROST, USE TEMPORARY MULCHING (DORMANT SEEDING MAY BE ATTEMPTED AS WELL) TO PROTECT THE SITE AND DELAY SEEDING UNTIL THE NEXT RECOMMENDED SEEDING PERIOD.

- TEMPORARY SEEDING OF DISTURBED AREAS THAT HAVE NOT BEEN FINAL GRADED SHALL BE COMPLETED BY AUG. 15 OR 45 DAYS PRIOR TO THE FIRST KILLING FROST (OCT. 1) TO PROTECT FROM SPRING RUNOFF PROBLEMS.
- DURING THE CONSTRUCTION PHASE, INTERCEPTED SEDIMENT WILL BE RETURNED TO THE SITE AND REGRADED ON OPEN AREAS. POST SEEDING SEDIMENT, IF ANY WILL BE DISPOSED OF IN AN ACCEPTABLE MANNER.
- REVEGETATION MEASURES WILL COMMENCE UPON COMPLETION OF CONSTRUCTION EXCEPT AS NOTED ABOVE. ALL DISTURBED AREAS NOT OTHERWISE STABILIZED WILL BE GRADED, SMOOTHED, AND PREPARED FOR FINAL SEEDING AS FOLLOWS:
 - FOUR INCHES OF LOAM WILL BE SPREAD OVER DISTURBED AREAS AND SMOOTHED TO A UNIFORM SURFACE.
 - APPLY LIMESTONE AND FERTILIZER ACCORDING TO SOIL TEST. IF SOIL TESTING IS NOT FEASIBLE ON SMALL OR VARIABLE SITES, OR WHERE TIMING IS CRITICAL, FERTILIZER MAY BE APPLIED AT THE RATE OF 800 POUNDS PER ACRE OR 18.4 POUNDS PER 1,000 SQUARE FEET USING 10-20-20 (N-P205-K20) OR EQUIVALENT. APPLY GROUND LIMESTONE (EQUIVALENT TO 50% CALCIUM PLUS MAGNESIUM OXIDE) AT A RATE OF 3 TONS PER ACRE (138 LB PER 1,000 SQ. FT.).
 - FOLLOWING SEED BED PREPARATION, DISTURBED AREAS WILL BE SEED TO A MIXTURE OF 47% CREEPING RED FESCUE, 5% REDTOP, AND 48% TALL FESCUE. THE LAWN AREAS WILL BE SEED TO A PREMIUM TURF MIXTURE OF 44% KENTUCKY BLUEGRASS, 44% CREEPING RED FESCUE, AND 12% PERENNIAL RYEGRASS. SEEDING RATE IS 1.03 LBS PER 1,000 SQ. FT. LAWN QUALITY SOO MAY BE SUBSTITUTED FOR SEED. SEED MIX SHALL CONTAIN 10% ANNUAL RYE GRASS.
 - HAY MULCH AT THE RATE OF 70-90 LBS PER 1,000 SQUARE FEET FOR OVER 75% COVERAGE. FOR UNPROTECTED OR WINDY AREAS, ANCHOR MULCH WITH PEG AND TWINE (1 SQ. YD./BLOCK). HYDRAULIC MULCHES MAY ALSO BE USED, APPLIED AT A RATE OF 5 LBS PER 1,000 SQUARE FEET FOR PAPER MULCH OR 40 LBS PER 1,000 SQUARE FEET OR AS DIRECTED BY THE MANUFACTURER. ON SLOPES GREATER THAN 3:1 EROSION CONTROL MIX MAY BE USED, SEE EROSION CONTROL MIX NOTES BELOW.
 - FOR DISTURBED AREAS TO BE MAINTAINED IN POST-CONSTRUCTION AS A MEADOW BUFFER, APPLY NEW ENGLAND CONSERVATION WILDLIFE MIX BY NEW ENGLAND WETLAND PLANTS, INC., OF AMHERST, MASSACHUSETTS OR APPROVED EQUAL.

- ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS ONCE THE SITE IS STABILIZED WITH 90% GRASS CATCH IN VEGETATED AREAS. TEMPORARY EROSION AND SEDIMENT CONTROL BLANKET SHALL BE USED IN ALL DITCHES AND SWALES AS SHOWN IN DETAILS.
- WETLANDS WILL BE PROTECTED WITH EROSION CONTROL MIX OR SILT FENCE INSTALLED AT THE EDGE FOR THE WETLAND OR THE BOUNDARY OF WETLAND DISTURBANCE. ALL AREAS WITHIN 75 FEET OF A PROTECTED NATURAL RESOURCE MUST BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS DURING WINTER CONSTRUCTION.
- ALL STORMWATER WILL BE PREVENTED FROM RUNNING ONTO STOCKPILES. SEDIMENT BARRIERS WILL BE INSTALLED DOWNGRADIENT OF ALL STOCKPILES.

- PERMANENT POST-CONSTRUCTION BMP'S (VEGETATED SWALES, WET PONDS, ETC.) WILL NOT BE USED TO MANAGE FLOWS DURING CONSTRUCTION WITHOUT SPECIAL PROTECTION AND/OR RESTORATION.

ADDITIONAL TEMPORARY SEED MIXTURE (FOR PERIODS LESS THAN 12 MONTHS):

SEASON	SEED	RATE
SUMMER (5/15 - 8/15)	SUDANGRASS	40 LBS/ACRE
LATE SUMMER/EARLY FALL (8/15 - 9/15)	OATS	80 LBS/ACRE
FALL (9/15 - 11/1)	WINTER RYE	112 LBS/ACRE
WINTER (11/1 - 4/1)	MULCH W/ DORMANT SEED	80 LBS/ACRE**
SPRING (4/1 - 7/1)	OATS	80 LBS/ACRE
	ANNUAL RYEGRASS	40 LBS/ACRE

**SEED RATE ONLY

EROSION CONTROL MIX

EROSION CONTROL MIX (ECM) SHALL MEET THE REQUIREMENTS PROVIDED IN THE LATEST REVISION OF MAINE DEP'S EROSION AND SEDIMENTATION CONTROL BMP MANUAL. ECM IS ACCEPTABLE FOR USE ON SLOPES OF GREATER THAN 3:1 BUT LESS THAN 2:1. ECM SHALL CONSIST OF WELL-GRADED ORGANIC COMPONENT 50 - 100% OF DRY WEIGHT, AND COMPOSED OF FIBROUS AND ELONGATED FRAGMENTS. ECM SHALL BE FREE FROM REFUSE, MATERIAL TOXIC TO PLANT GROWTH OR CONSTRUCTION DEBRIS. ECM SHALL BE EVENLY DISTRIBUTED AND APPLIED AT A THICKNESS OF 2" ON 3:1 SLOPES, WITH AN ADDITIONAL 1/2" PER 20' OF SLOPE FOR A MAXIMUM OF 100' IN LENGTH. SLOPES GREATER THAN 3:1, ECM SHALL BE APPLIED AT THICKNESS OF 4" OR 5" FOR SLOPES GREATER THAN 60' IN LENGTH.

NO SLOPES, EITHER PERMANENT OR TEMPORARY, SHALL BE STEEPER THAN ONE AND ONE HALF TO ONE (1.5:1). EROSION CONTROL MIX IS AN ACCEPTABLE STABILIZATION MEASURE FOR SLOPES UP TO 3:1, WITH LIMITS THAT ARE COVERED BY NOTES ON THIS SHEET. SLOPES BETWEEN 3:1 AND 2:1 SHALL BE STABILIZED WITH EROSION CONTROL BLANKETS, AND ALL SLOPES GREATER THAN 2:1 SHALL BE STABILIZED WITH RIPRAP. SEE SLOPE STABILIZATION DETAIL FOR ADDITIONAL INFORMATION.

EROSION CONTROL DURING CONSTRUCTION

WINTER CONSTRUCTION
NOVEMBER 15 THROUGH APRIL 15

- WINTER CONSTRUCTION PERIOD: NOVEMBER 15 THROUGH APRIL 15
- OVERWINTER STABILIZATION OF DITCHES AND CHANNELS:

ALL STONE-LINED DITCHES AND CHANNELS MUST BE CONSTRUCTED AND STABILIZED BY NOVEMBER 15. ALL GRASS LINED DITCHES AND CHANNELS MUST BE CONSTRUCTED AND STABILIZED BY SEPTEMBER 1. IF A DITCH OR CHANNEL IS NOT GRASS-LINED BY SEPTEMBER 1, THEN ONE OF THE FOLLOWING ACTIONS MUST BE TAKEN TO STABILIZE THE DITCH FOR LATE FALL AND WINTER.

 - INSTALL A SOD LINING IN THE DITCH:

A DITCH MUST BE LINED WITH STONE RIPRAP BY NOVEMBER 15. PROPER INSTALLATION INCLUDES: PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL, AND ANCHORING SOD AT THE BASE OF THE DITCH WITH JUTE OR PLASTIC MESH TO PREVENT THE SOD FROM SLIDING DURING FLOW CONDITIONS. SEE THE PERMANENT VEGETATION BMP SECTION.
 - INSTALL A STONE LINING IN THE DITCH:

A DITCH MUST BE LINED WITH STONE RIPRAP BY NOVEMBER 15. A REGISTERED PROFESSIONAL ENGINEER MUST BE HIRED TO DETERMINE THE STONE SIZE AND LINING THICKNESS NEEDED TO WITHSTAND THE ANTICIPATED FLOW VELOCITIES AND FLOW DEPTHS WITHIN THE DITCH. IF NECESSARY, THE CONTRACTOR WILL REGRADE THE DITCH PRIOR TO PLACING THE STONE LINING SO TO PREVENT THE STONE LINING FROM REDUCING THE DITCH'S CROSS-SECTIONAL AREA.
- OVERWINTER STABILIZATION OF DISTURBED SLOPES:

ALL STONE-COVERED SLOPES MUST BE CONSTRUCTED AND STABILIZED BY NOVEMBER 15. ALL SLOPES TO BE VEGETATED MUST BE SEEDDED AND MULCHED BY SEPTEMBER 1. THE DEPARTMENT WILL CONSIDER ANY AREA HAVING A GRADE GREATER THAN 1:5% TO BE A SLOPE. IF A SLOPE TO BE VEGETATED IS NOT STABILIZED BY SEPTEMBER 1, THEN ONE OF THE FOLLOWING ACTIONS MUST BE TAKEN TO STABILIZE THE SLOPE FOR LATE FALL AND WINTER. STABILIZE THE SOIL WITH TEMPORARY VEGETATION AND EROSION CONTROL MATS. BY OCTOBER 1 THE DISTURBED SLOPE MUST BE SEEDDED WITH WINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1000 SQUARE FEET AND THEN INSTALL EROSION CONTROL MATS OR ANCHORED MULCH OVER THE SEEDING. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR FAILS TO COVER AT LEAST 75% OF THE SLOPE BY NOVEMBER 1, THEN THE CONTRACTOR WILL COVER THE SLOPE WITH A LAYER OF EROSION CONTROL MIX OR WITH STONE RIPRAP AS DESCRIBED IN THE FOLLOWING STANDARDS.

 - STABILIZE THE SOIL WITH SOD:

THE DISTURBED SLOPE MUST BE STABILIZED WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES THE CONTRACTOR PINNING THE SOD ONTO THE SLOPE WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL. THE CONTRACTOR WILL NOT USE LATE SEASON SOD INSTALLATION TO STABILIZE SLOPES HAVING A GRADE GREATER THAN 1:5% (2:1V) OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE.
 - STABILIZE THE SOIL WITH EROSION CONTROL MIX:

EROSION CONTROL MIX MUST BE PROPERLY INSTALLED BY NOVEMBER 15. THE CONTRACTOR WILL NOT USE EROSION CONTROL MIX TO STABILIZE SLOPES HAVING GREATER THAN 50% (2:1V) OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE. SEE THE EROSION CONTROL MIX NOTES FOR ADDITIONAL CRITERIA.
 - STABILIZE THE SOIL WITH STONE RIPRAP:

PLACE A LAYER OF STONE RIPRAP ON THE SLOPE BY NOVEMBER 15. THE DEVELOPMENT'S OWNER WILL HIRE A REGISTERED PROFESSIONAL ENGINEER TO DETERMINE THE STONE SIZE NEEDED FOR STABILITY ON THE SLOPE AND TO DESIGN A FILTER LAYER FOR UNDERNEATH THE RIPRAP.
- OVERWINTER STABILIZATION OF DISTURBED SOILS:

BY SEPTEMBER 15, ALL DISTURBED SOILS OR AREAS HAVING A SLOPE LESS THAN 1:5% MUST BE SEEDDED AND MULCHED. IF THE DISTURBED AREAS ARE NOT STABILIZED BY THIS DATE, THEN ONE OF THE FOLLOWING ACTIONS MUST BE TAKEN TO STABILIZE THE SOIL FOR LATE FALL AND WINTER.

 - STABILIZE THE SOIL WITH TEMPORARY VEGETATION:

BY OCTOBER 1, SEED THE DISTURBED SOIL WITH WINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1000 SQUARE FEET, LIGHTLY MULCH THE SEEDS WITH HAY OR STRAW AT 75 POUNDS PER 1000 SQUARE FEET, AND ANCHOR THE MULCH WITH PLASTIC NETTING. MONITOR GROWTH OF THE RYE. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR FAILS TO COVER AT LEAST 80% OF THE DISTURBED SOIL BEFORE NOVEMBER 1, THEN MULCH THE AREA FOR OVER-WINTER PROTECTION AS DESCRIBED BELOW.
 - STABILIZE THE SOIL WITH SOD:

STABILIZE THE DISTURBED SOIL WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL.
 - STABILIZE THE SOIL WITH MULCH:

BY NOVEMBER 15, MULCH THE DISTURBED SOIL BY SPREADING HAY OR STRAW AT A RATE OF AT LEAST 150 POUNDS PER 1000 SQUARE FEET ON THE AREA SO THAT NO SOIL IS VISIBLE THROUGH THE MULCH. IMMEDIATELY AFTER APPLYING THE MULCH, ANCHOR THE MULCH WITH PLASTIC NETTING TO PREVENT WIND FROM MOVING THE MULCH OFF THE DISTURBED SOIL. PROVIDE NETTING ON ALL SLOPES GREATER THAN 3:1.
- MAINTENANCE:

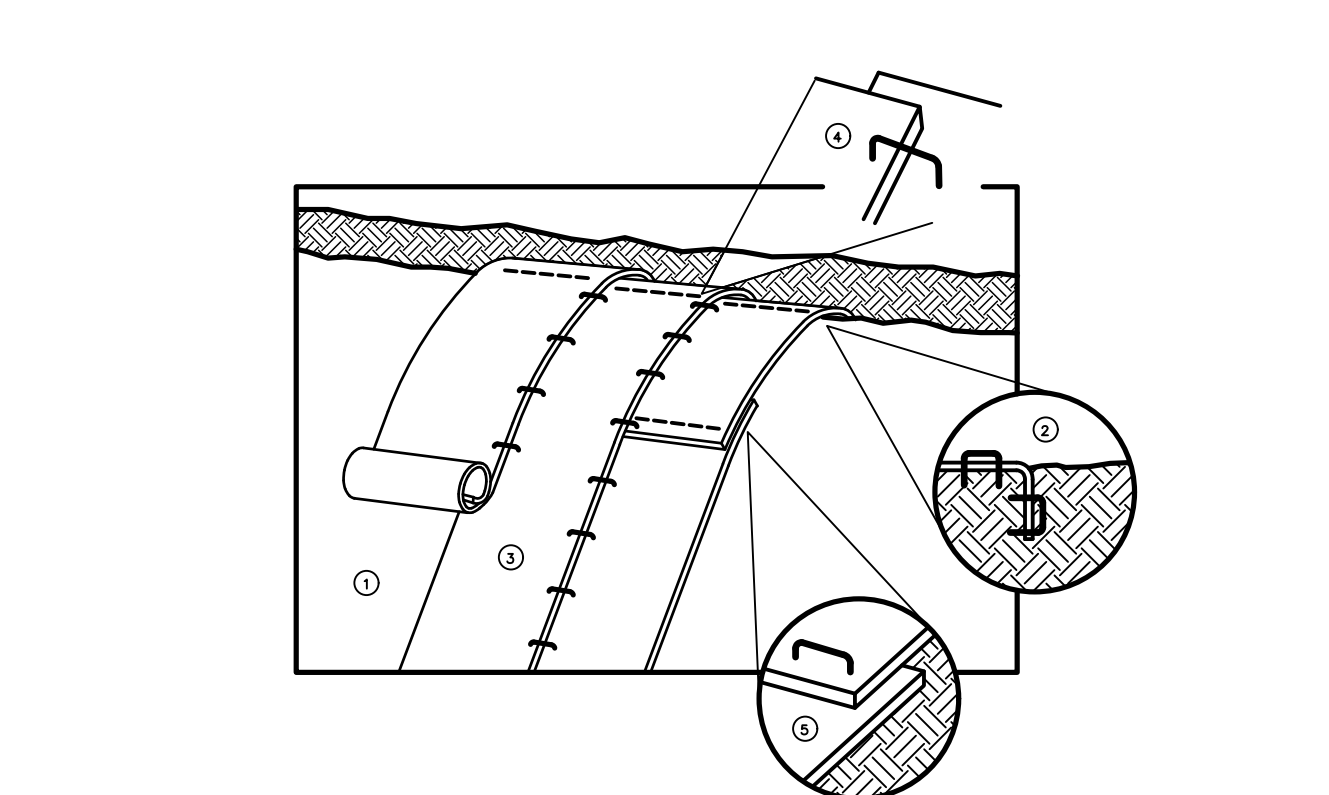
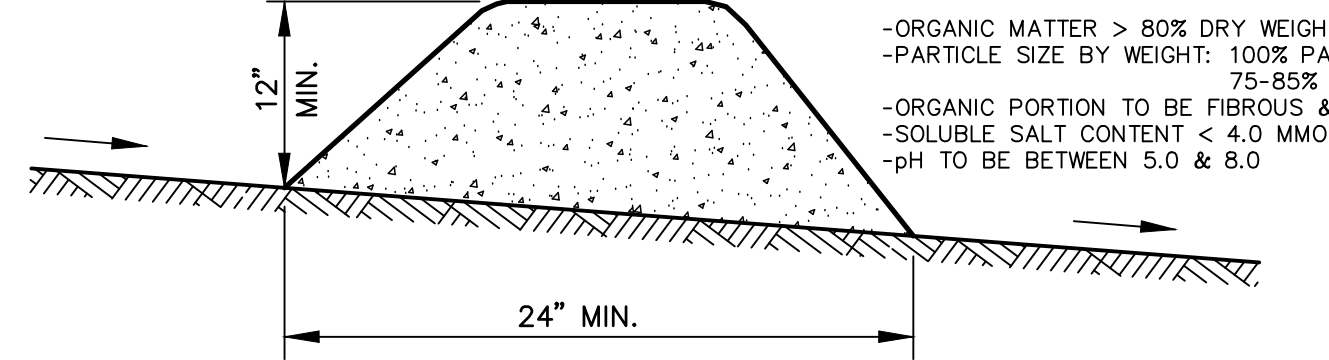
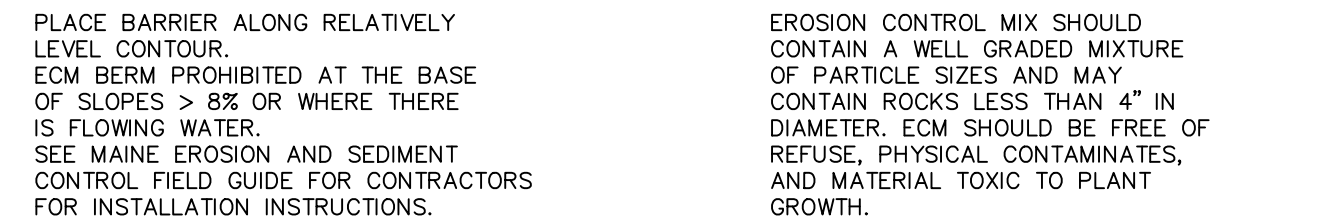
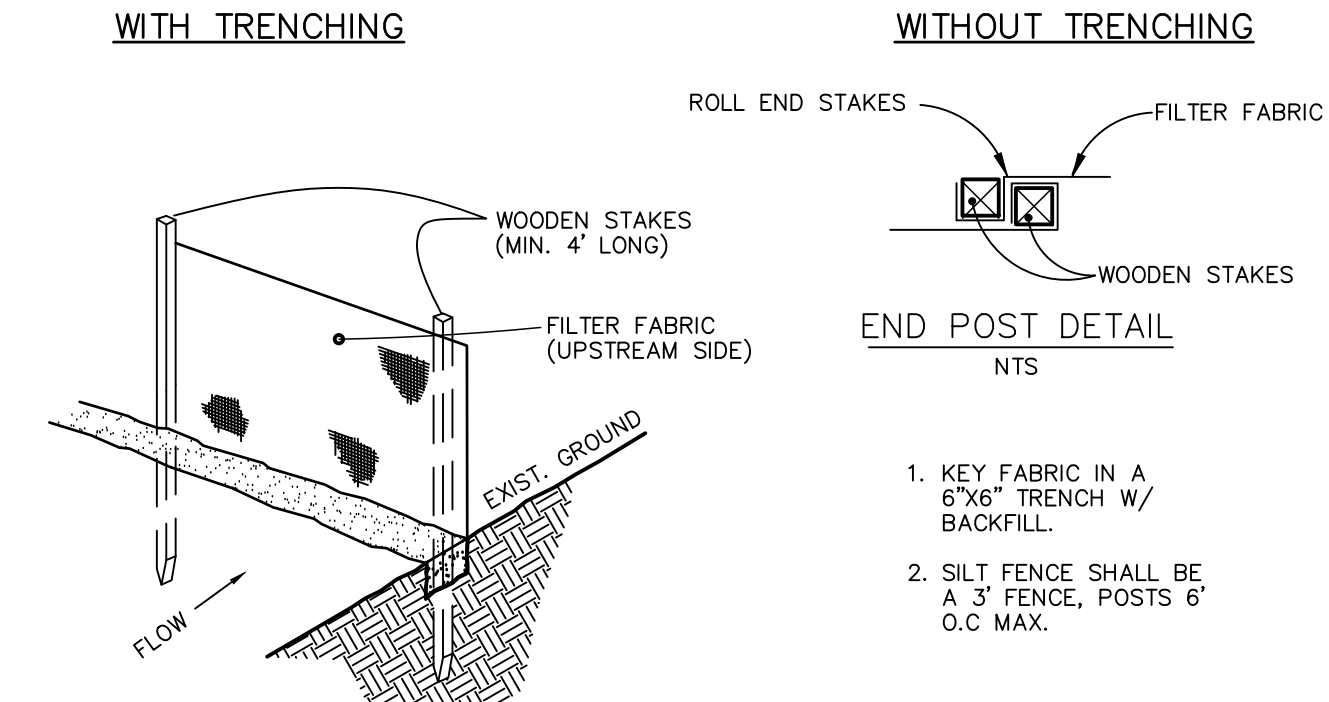
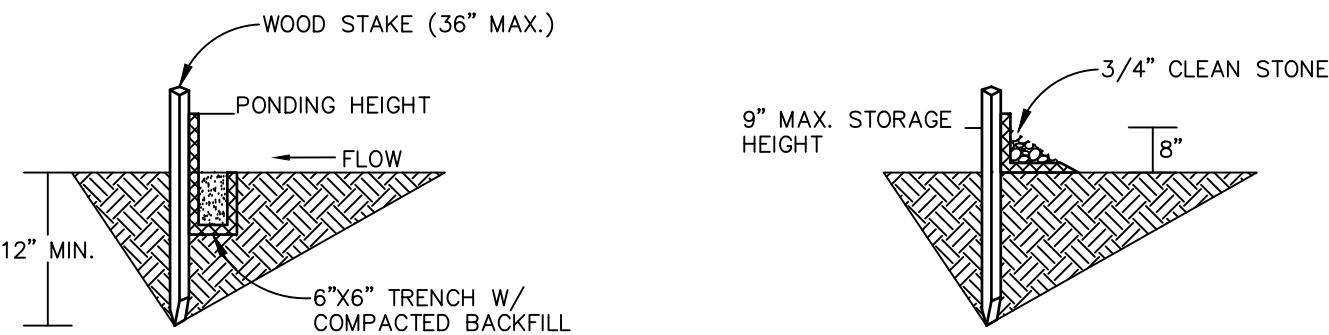
IF AN INSPECTION DETERMINES THAT A CORRECTIVE ACTION IS REQUIRED, THE ACTION OR REPAIR SHALL BE STARTED BY THE END OF THE NEXT WORKDAY AND COMPLETED WITHIN SEVEN DAYS OR BEFORE THE NEXT STORM EVENT. MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION SEASON. ONCE A CONTRACTOR SHALL PERFORM A VISUAL INSPECTION OF ALL INSTALLED EROSION CONTROL MEASURES AND PERFORM REPAIRS AS NEEDED TO INSURE THEIR CONTINUOUS FUNCTION, FOLLOWING THE TEMPORARY AND/OR FINAL SEEDING AND MULCHING, THE CONTRACTOR SHALL, IN THE SPRING, INSPECT AND REPAIR ANY DAMAGES AND/OR BARE SPOTS. AN ESTABLISHED VEGETATIVE COVER MEANS A MINIMUM OF 85 TO 90% OF AREAS VEGETATED WITH VIGOROUS GROWTH.

STABILIZATION SCHEDULE BEFORE WINTER:

SEPTEMBER 15	ALL DISTURBED AREAS MUST BE SEEDDED AND MULCHED. ALL SLOPES MUST BE STABILIZED, SEEDDED AND MULCHED. ALL GRASS LINED DITCHES AND CHANNELS MUST BE STABILIZED WITH MULCH OR AN EROSION CONTROL BLANKET
OCTOBER 1	IF THE SLOPE IS STABILIZED WITH AN EROSION CONTROL BLANKET AND SEEDDED, ALL DISTURBED AREAS TO BE PROTECTED WITH AN ANNUAL GRASS MUST BE SEEDDED AT A SEEDING RATE OF 3 POUNDS PER 1000 SQUARE FEET AND MULCHED.
NOVEMBER 15	ALL STONE LINED DITCHES AND CHANNELS MUST BE CONSTRUCTED AND STABILIZED. SLOPES THAT ARE COVERED WITH RIPRAP MUST BE CONSTRUCTED BY THAT DATE.
- DURING WINTER CONSTRUCTION PERIOD ALL SNOW SHALL BE REMOVED FROM AREAS OF SEEDING AND MULCHING PRIOR TO PLACEMENT.
- AREAS WITHIN 75 FEET OF STREAMS, WETLANDS, AND OTHER PROTECTED NATURAL RESOURCES THAT ARE NOT STABILIZED WITH VEGETATION BY DEC. 1 SHALL BE MULCHED AND ANCHORED WITH NETTING. IF WORK CONTINUES IN THIS AREA DURING THE WINTER, A DOUBLE LINE OF SEDIMENT BARRIERS MUST BE USED.

HOUSEKEEPING

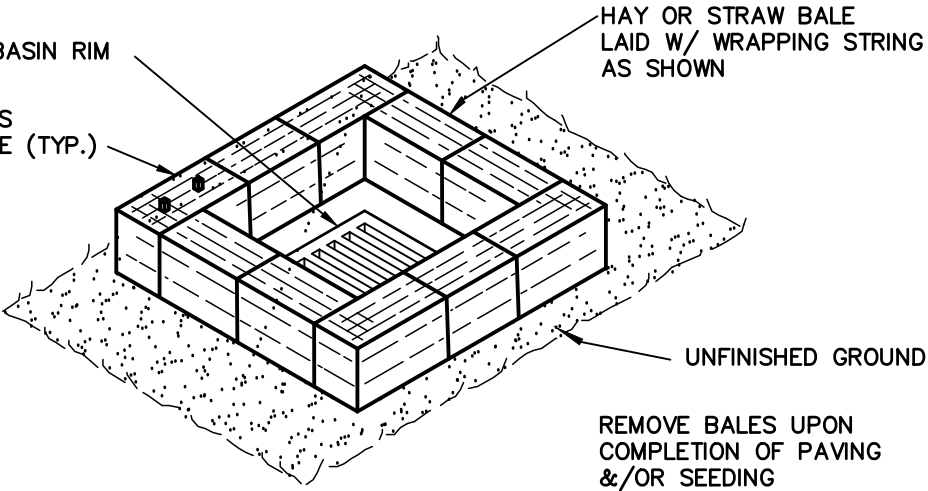
- SPILL PREVENTION: CONTROLS MUST BE USED TO PREVENT POLLUTANTS FROM BEING DISCHARGED FROM MATERIALS 1. ON SITE, INCLUDING STORAGE PRACTICES TO MINIMIZE EXPOSURE TO STORMWATER, AND APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING AND IMPLEMENTATION.
- GROUNDWATER PROTECTION: DURING CONSTRUCTION, LIQUID PETROLEUM PRODUCTS AND OTHER HAZARDOUS MATERIALS WITH THE POTENTIAL TO CONTAMINATE GROUNDWATER MAY NOT BE STORED OR HANDLED IN AREAS OF THE SITE DRAINING TO AN INFILTRATION AREA. AN "INFILTRATION AREA" IS ANY AREA OF THE SITE THAT BY DESIGN OR AS A RESULT OF SOILS, TOPOGRAPHY, AND OTHER RELEVANT FACTORS ACCUMULATES RUNOFF THAT INFILTRATES INTO THE SOIL. DYES, BERMES, SUMPES, AND OTHER FORMS OF SECONDARY CONTAINMENT THAT PREVENT DISCHARGE TO GROUNDWATER MAY BE USED TO ISOLATE PORTIONS OF THE SITE FOR THE PURPOSES OF STORAGE AND HANDLING OF THESE MATERIALS.
- ERODIBLE SEDIMENT AND DUST: ACTIONS MUST BE TAKEN TO ENSURE THAT ACTIVITIES DO NOT RESULT IN NOTICEABLE EROSION OF SOILS OR FUGITIVE DUST EMISSIONS DURING OR AFTER CONSTRUCTION. OIL MY NOT BE USED FOR DUST CONTROL. ANY OFFSITE TRACKING OF MUD OR SEDIMENT SHALL BE VACUUMED IMMEDIATELY AND PRIOR TO THE NEXT SIGNIFICANT STORM EVENT.
- DEBRIS AND OTHER MATERIALS: LITTER, CONSTRUCTION DEBRIS, AND CHEMICALS EXPOSED TO STORMWATER MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE.
- TRENCH OR FOUNDATION DE-WATERING: TRENCH DE-WATERING IS THE REMOVAL OF WATER FROM TRENCHES, FOUNDATIONS, COFFER DAMS, POND, AND OTHER AREAS WITHIN THE CONSTRUCTION AREA THAT RETAIN WATER AFTER EXCAVATION. IN MOST CASES THE COLLECTED WATER IS HEAVILY SILTED AND HINDERS CORRECT SAFE CONSTRUCTION PRACTICES. THE COLLECTED WATER MUST BE REMOVED FROM THE PONDED AREA, EITHER THROUGH GRAVITY OR PUMPING, AND MUST BE SPREAD THROUGH NATURAL, WOODED BUFFERS OR REMOVED TO AREAS THAT ARE SPECIFICALLY DESIGNED TO COLLECT THE MAXIMUM AMOUNT OF SEDIMENT POSSIBLE, LIKE A COFFERDAM SEDIMENTATION BASIN AVOID TO FLOW OVER THE WATER TO FLOW OVER DISTURBED AREAS OF THE SITE. EQUIVALENT MEASURES MAY BE TAKEN IF APPROVED BY THE DEPARTMENT.
- NON-STORMWATER DISCHARGES: IDENTIFY AND PREVENT CONTAMINATION BY NON-STORMWATER DISCHARGES, WHERE ALLOWED NON-STORMWATER DISCHARGES EXIST. THEY MUST BE IDENTIFIED AND STEPS SHOULD BE TAKEN TO ENSURE THE IMPLEMENTATION OF APPROPRIATE POLLUTION PREVENTION MEASURES FOR THE NON-STORMWATER COMPONENT(S) OF THE DISCHARGE. AUTHORIZED NON-STORMWATER DISCHARGES ARE:
 - DISCHARGES FROM FIREFIGHTING ACTIVITY;
 - FIRE HYDRANT FLUSHINGS;
 - VEHICLE WASHWATER IF DETERGENTS ARE NOT USED AND WASHING IS LIMITED TO THE EXTERIOR OF VEHICLES (ENGINE, UNDERCARRIAGE AND TRANSMISSION WASHING IS PROHIBITED);
 - DUST CONTROL RUNOFF IN ACCORDANCE WITH PERMIT CONDITIONS AND APPENDIX C(3) OF MAINE DEP 06-096 CHAPTER 500;
 - ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS;
 - PAVEMENT WASHWATER (WHERE SPILLS/LEAKS OF TOXIC OR HAZARDOUS MATERIALS HAVE NOT OCCURRED, UNLESS ALL SPILLED MATERIAL HAD BEEN REMOVED) IF DETERGENTS ARE NOT USED;
 - UNCONTAMINATED AIR CONDITIONING OR COMPRESSOR CONDENSATE;
 - UNCONTAMINATED GROUNDWATER OR SPRING WATER;
 - FOUNDATION OR FOOTER DRAIN-WATER WHERE FLOWS ARE NOT CONTAMINATED;
 - UNCONTAMINATED EXCAVATION DEWATERING (SEE REQUIREMENTS IN APPENDIX C(5) MAINE DEP 06-096 CHAPTER 500);
 - POTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS; AND
 - LANDSCAPE IRRIGATION.
- UNAUTHORIZED NON-STORMWATER DISCHARGES: THE DEPARTMENT'S APPROVAL UNDER THIS CHAPTER DOES NOT AUTHORIZE A DISCHARGE THAT IS MIXED WITH A SOURCE OF NON-STORMWATER OTHER THAN THOSE DISCHARGES IN COMPLIANCE WITH APPENDIX C(6) MAINE DEP 06-096 CHAPTER 500. SPECIFICALLY, THE DEPARTMENTS APPROVAL DOES NOT AUTHORIZE DISCHARGES OF THE FOLLOWING:
 - WASTEWATER FROM THE WASHOUT OR CLEANOUT OF CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS OR OTHER CONSTRUCTION MATERIALS;
 - FUELS, OILS OR OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE;
 - SOAPS, SOLVENTS, OR DETERGENTS USED IN VEHICLE AND EQUIPMENT WASHING; AND
 - TOXIC OR HAZARDOUS SUBSTANCES FROM A SPILL OR OTHER RELEASE.
- ADDITIONAL REQUIREMENTS: ADDITIONAL REQUIREMENTS MAY BE APPLIED ON A SITE-SPECIFIC BASIS.



- Prepare soil before installing blankets.
- Begin at top of slope by anchoring blanket in 6" x 6" trench. Backfill & compact trench after stapling.
- Roll blankets down or horizontally across slope.
- The edges of parallel blankets must be stapled with approx. 2" overlap.
- When blankets must be spliced down the slope, place blankets end over end (shingle style) with approx. 4" overlap. Staple through overlapped area, approx. 12" apart.
- Erosion control blankets shall be used on slopes steeper than 3:1 but limited to a max. of 2:1.

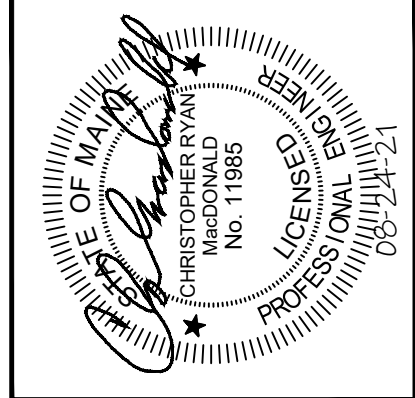
Slope Stabilization:
Erosion Control Blanket shall be in accordance with M.D.O.T. standard specifications, Section 6.13, Temporary Erosion Control Blankets and Extended Use Erosion Control Blankets.

Slope Stabilization Detail
N.T.S.



LOW POINT
SEDIMENT CONTROL BARRIER
N.T.S.

REVISION	DESCRIPTION
NO.	DATE
1	08/24/21
	Submitted to Planning Department for Initial Review



BH2M

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FOR
Chabad Lubavitch of Maine Inc.
11 Pomeroy Street
Portland, Maine

**EROSION CONTROL
DETAILS**

CHANGE OF USE & MINOR SITE
PLAN APPLICATION

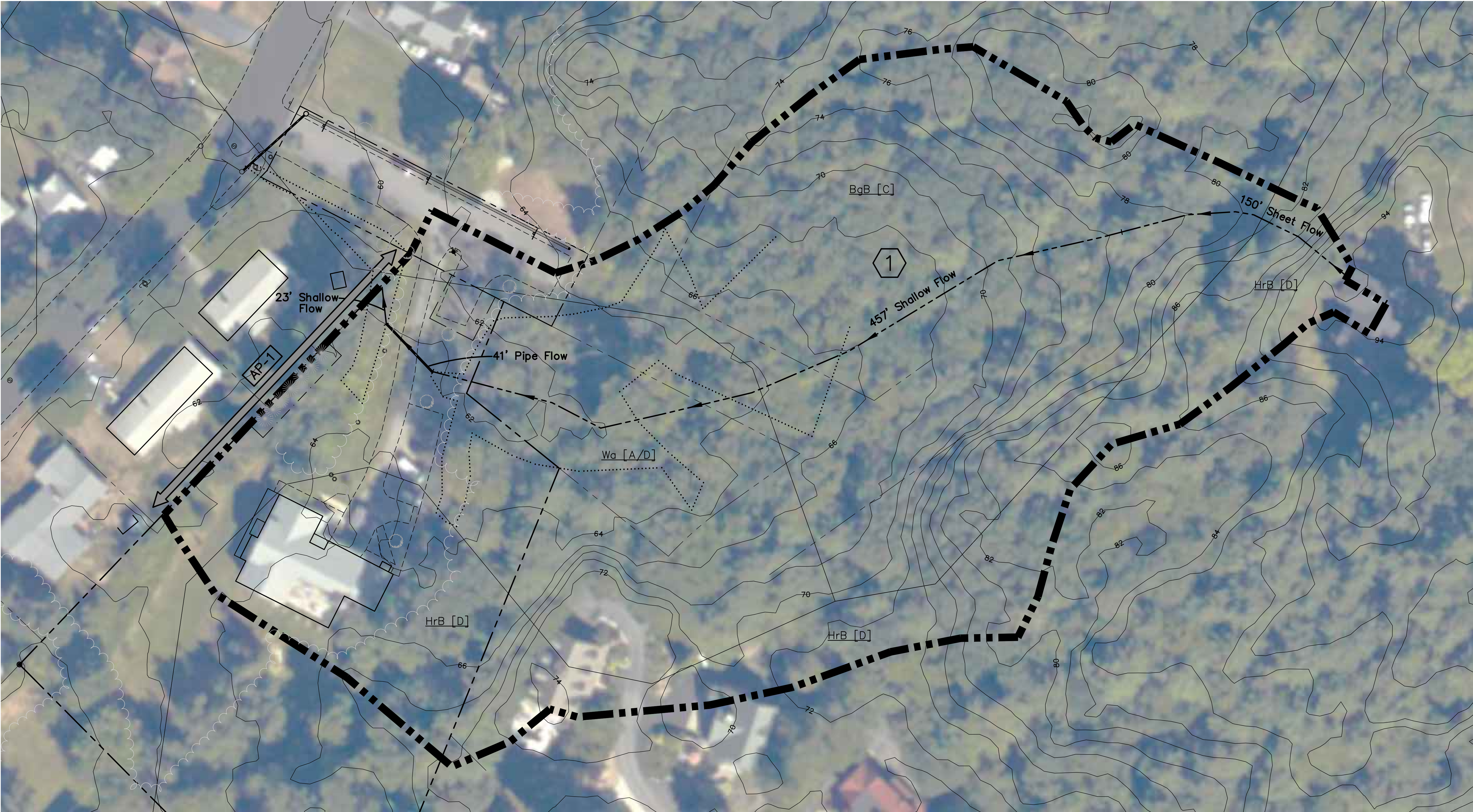
LAND OF
CHABAD LUBAVITCH OF MAINE INC.
11 POMEROY STREET
PORTLAND, MAINE

DESIGNED	DATE
C. MacDonald	August 2021
DRAWN	SCALE
B. Monsen	As Noted
CHECKED	JOB. NO.
C. MacDonald	21100

SHEET

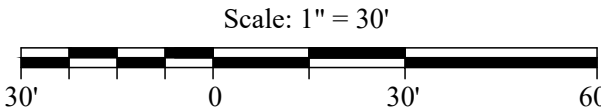
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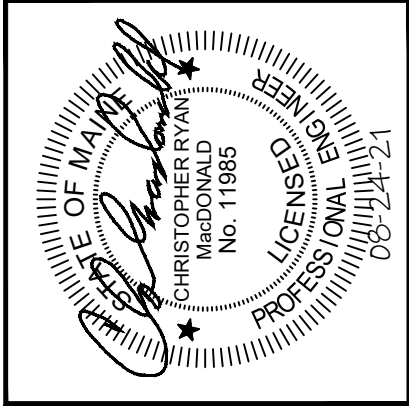


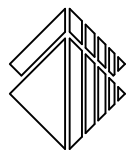
SYMBOL		LEGEND	
		SYMBOL	DESCRIPTION
			DRAINAGE SUB AREA
			DRAINAGE AREA BOUNDARY
			TIME OF CONCENTRATION ROUTE
PRE DEVELOPMENT FLOWS			
ANALYSIS POINT	2 YR. STORM	10 YR. STORM	25 YR. STORM
AP-1	1.57 CFS	4.37 CFS	7.02 CFS

SYMBOL		SOILS LEGEND	
		SYMBOL	DESCRIPTION
			SOIL BOUNDARY LINES
			LIMIT OF WETLANDS
HYDROLOGIC SOIL GROUP*			
SYMBOL	SOIL	GROUP	
BgB	NICHOLVILLE (0-8%)	C	
HrB	LYMAN-TUNBRIDGE (0-8%)	D	
Wa	WALPOLE	A/D	
* SOILS INFORMATION PROVIDED BY NRCS FROM USDA WEB SOIL SURVEY FOR CUMBERLAND COUNTY AND PART OF OXFORD COUNTY, MAINE, SURVEY AREA DATA VERSION 17, DATED JUNE 5, 2020.			



REVISION		DESCRIPTION	
NO.	DATE		
1	08/24/21	Submitted to Planning Department for Initial Review	



**BH2M**

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FOR

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11 Pomeroy Street
Portland, Maine

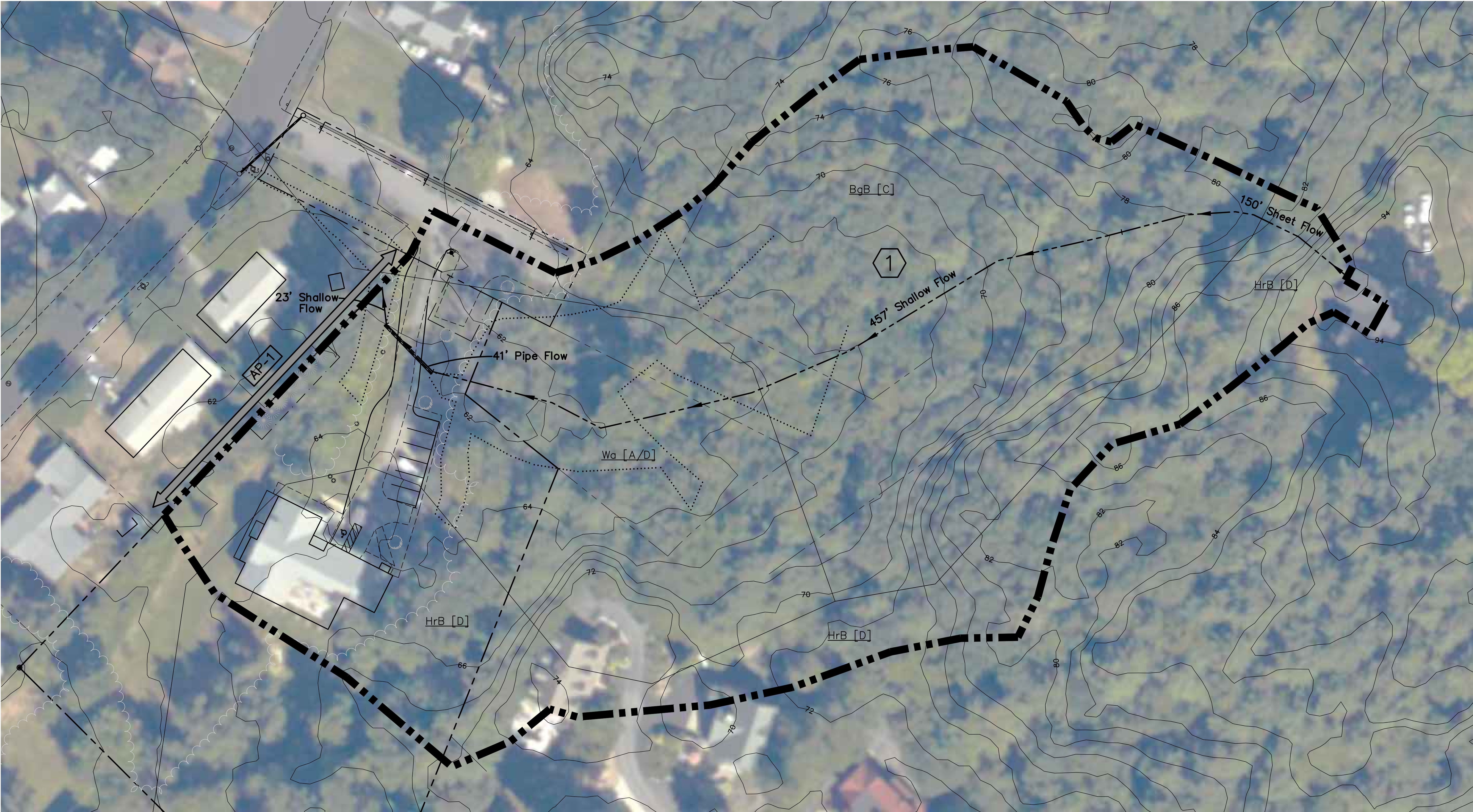
PRE DEVELOPMENT
DRAINAGE PLAN
CHANGE OF USE & MINOR SITE
PLAN APPLICATION
LAND OF
CHABAD LUBAVITCH OF MAINE INC.
11 POMEROY STREET
PORTLAND, MAINE

DESIGNED	DATE
C. MacDonald	August 2021
DRAWN	SCALE
Staff	1" = 30'
CHECKED	JOB. NO.
C. MacDonald	21100

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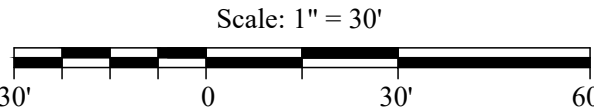
SYMBOL	DESCRIPTION
	DRAINAGE SUB AREA
	DRAINAGE AREA BOUNDARY
	TIME OF CONCENTRATION ROUTE

ANALYSIS POINT	POST DEVELOPMENT FLOWS		
	2 YR. STORM	10 YR. STORM	25 YR. STORM
AP-1	1.57 CFS	4.37 CFS	7.02 CFS

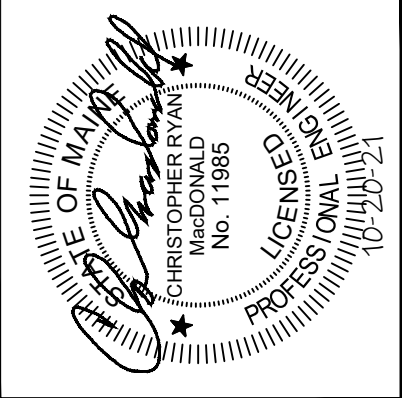
SYMBOL	DESCRIPTION
	SOIL BOUNDARY LINES
	LIMIT OF WETLANDS

HYDROLOGIC SOIL GROUP*		
SYMBOL	SOIL	GROUP
BgB	NICHOLVILLE (0-8%)	C
HrB	LYMAN-TUNBRIDGE (0-8%)	D
Wa	WALPOLE	A/D

* SOILS INFORMATION PROVIDED BY NRCS FROM USDA WEB SOIL SURVEY FOR CUMBERLAND COUNTY AND PART OF OXFORD COUNTY, MAINE, SURVEY AREA DATA VERSION 17, DATED JUNE 5, 2020.



NO.	DATE	REVISION	DESCRIPTION
1	08/24/21		Submitted to Planning Department for Initial Review
2	10/20/21		Revisions Based on Planning Department Comments



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POST DEVELOPMENT
DRAINAGE PLAN
CHANGE OF USE & MINOR SITE
PLAN APPLICATION
LAND OF
CHABAD LUBAVITCH OF MAINE INC.
11 POMEROY STREET
PORTLAND, MAINE

DESIGNED C. MacDonald	DATE August 2021
DRAWN Staff	SCALE 1" = 30'
CHECKED C. MacDonald	JOB. NO. 21100

SHEET
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