

Agenda
Regular City Council Meeting
December 15, 2014

1. Agenda For 12-15-2014

Documents: [AGENDA ONLY 12-15-14.PDF](#)

2. Agenda & Packet 12-05-14

Documents: [AGN AND PACKET 12-15-14.PDF](#)

3. Addendum Order 110

Documents: [ADDENDEM 12-15-14.PDF](#)

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

DAVID BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AGENDA
REGULAR CITY COUNCIL MEETING
DECEMBER 15, 2014

The Portland City Council will hold a regular City Council Meeting at 7:00 p.m. in the City Council Chambers, City Hall. The Honorable Michael F. Brennan, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNUAL MEETING:

(Tab 1) Annual Meeting of Creative Portland – Sponsored by Mayor Michael F. Brennan.

The City Council is the Corporator of Creative Portland.

Pursuant to the Bylaws of Creative Portland (CP), the Portland City Council, as Corporator of Creative Portland, shall hold its annual meeting in the of November each year or at a special meeting. This year's Annual Meeting Agenda includes:

1. Accepting CP FYE 2014 Activity and Financial Report; and,
2. Review and authorizing proposed amendment to the Bylaws.

Order 103-14/15 (Tab 2) Order Approving Amendments to the Creative Portland Bylaws - – Sponsored by Alice Kornhauser, President Creative Portland Board.

This order approves the amendments to the Creative Portland Corporation Bylaws. The proposed amendments remove the requirement that all members of the Board of Directors live and/or work in Portland. The Creative Portland Board of Directors votes unanimously on December 4, 2013 to remove this requirement from the Bylaws.

Five affirmative votes are required for passage after public comment.

ANNOUNCEMENTS:

RECOGNITIONS:

Mayor Brennan will recognize Barron Center Staff.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 3) December 1, 2014 Regular Organizational City Council Meeting
December 1, 2014 Special City Council Meeting

PROCLAMATIONS:

Proc 15-14/15 Proclamation Honoring Bruce Hyman as Employee of the Month for
(Tab 4) December 2014 – Sponsored by Mayor Michael Brennan.

Proc 16-14/15 Proclamation Honoring Officer Nicholas Gowen as Police Officer of the
(Tab 5) Month for November 2014 – Sponsored by Mayor Michael F. Brennan.

APPOINTMENTS:

Order 103A Order Appointing Constables for 2015 Re: City and Portland Housing
(Tab 5A) Authority – Sponsored by Sheila Hill-Christian, Acting City Manager.

This order appoints the individuals listed below as constables for calendar year 2015. These appointments shall be effective from 12:01 a.m. January 1, 2015, until 12:00 midnight December 31, 2015.

These appointments are pursuant to Sections 20-19 and 20-19.5, Portland City Code, and none are allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests.

PARKING CONTROL:

Andy Martin
John Peverada
Paul Willey

PROCESS SERVER, PORTLAND POLICE DEPARTMENT

Kelly Waters

ANIMAL CONTROL, POLICE DEPARTMENT:

Debra Estrella

CLIFF ISLAND

Charles Green

PORTLAND HOUSING AUTHORITY

Karin Lavigne
Trevor Nugent
David Gagne
Marcia Yeaton
Shannon Rafferty-Roy

DEPARTMENT OF PUBLIC SERVICES

Nancy Gagne
Craig Pyy
Suzanne Hunt
Rhonda Zazzara
Peter Dubail
John Low
Gregory Vining
Paul Lewis

DEPARTMENT OF BUILDING INSPECTIONS

Tammy Munson
Jonathan Rioux
Jeanie Bourke
George Froehlich
Douglas Morin
Paul Fagone
Brian LaFlamme
Laurie Leader

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

**Order 104-14/15
(Tab 6)**

Order Accepting Easements Re: Isthmus between Great and Little Diamond Islands – Sponsored by Danielle West-Chuhta, Corporation Counsel.

The two easements proposed to be accepted by the City Council, one from the Diamond Island Association and one from Cyrus Hagge, will provide the City with the formal right to access and to do maintenance work on the sandbar between Great Diamond Island and Little Diamond Island.

Since there is no barge landing on Little Diamond Island, the Department of Public Services (“DPS”) equipment for trash removal, road maintenance, and work done by the Forestry Division has to be delivered to Great Diamond Island, and then driven over the sandbar to Little Diamond Island in order to do the work. DPS provides basic maintenance to the sandbar to ensure access at all times and protect public safety.

DPS has applied to the Department of Environmental Protection (“DEP”) to allow for this access and maintenance to the sandbar to continue and is expected to receive that approval (through the application of a DEP exemption to municipal public service departments).

**Order 105-14/15
(Tab 7)**

Order Declaring Reggae Fest as a Festival and Authorizing Additional Festivals Presented by Waterfront Concerts, LLC on the Maine State Pier and Approving Contracts and Permits Therefor - Sponsored by Sheila Hill-Christian.

This order declares Reggae Fest as a festival. The Festival is scheduled for load in at 3:00 pm on Saturday, August 8, 2015, with gates opening on Sunday August 9, 2015 at 12:00 noon, with show time at 12:30 pm and ending at the 9:00 pm curfew; load out will be immediately following the performance on the Maine State Pier. Festival areas are bordered by: All of the Maine State Pier, up to the Portland Ocean Terminal dock and parking / roadway area of the Casco Bay Ferry Terminal.

Staff would like to formally request a “season” festival declaration where they would be able to maintain holds and confirmations through their office, similar to the process that is currently used for events at their other facilities. Each concert will fall under the same guidelines enforced by the City of Portland (Public Assembly Facilities Division). Administrative control over the usage of the Maine State Pier would be maintained. Staff requests this provision so Waterfront Concerts can more actively market the Maine State Pier as a viable option for artists looking for summer outdoor concerts in Maine. Shows would specifically be selected to complement the atmosphere of the Old Port and would be in the genres of Classic Rock, Folk, Country, Alternative and Adult Contemporary. This would apply only for the 2015 outdoor concert season.

Currently, Waterfront Concerts is holding a number of dates on the Maine State Pier for potential concerts in 2015. They may not use or confirm all of these dates, and they may be inclined to add additional dates. A “season” declaration will allow Waterfront Concerts the flexibility to confirm with the artists and agents in a more timely fashion.

Waterfront Concerts, a Maine limited liability company, has previously been approved to organize and present a concert series in 2014. That series consisted of (5) concerts featuring Dierks Bentley, Reggae Festival w/ Freddie McGregor, Three Doors Down (acoustic), Alanis Morissette, and ZZ Top (postponed). We do not foresee any concerns with other potential events. Waterfront Concerts is an experienced concert presenter which currently presents events at Darling’s Waterfront Pavilion and the Cross Insurance Center in Bangor. They also present events at the Androscoggin Bank Colisee in Lewiston, and Merrill Auditorium in Portland.

Green Drinks of Maine, Bangor and Portland will be the main beneficiary for Waterfront Concerts events, along with other potential non-profit organizations throughout the season. Waterfront Concerts will be signing an operating agreement for usage of the Maine State Pier with the City of Portland’s Public Assembly Facilities Division for each event moving forward.

Rental Fee and all expenses for City services will be reimbursed by the organizers for each event.

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

LICENSES:

Order 106-14/15 (Tab 8) **Order Granting Municipal Officers' Approval of Knish Corporation d/b/a Full Belly Deli. Application for a Class III & IV (Wine & Beer) License at 1070 Brighton Ave. – Sponsored by Katherine L. Jones, City Clerk.**

Knish Corporation d/b/a Full Belly Deli. Application for a Class III & IV (Wine & Beer) License at 1070 Brighton Ave.

Five affirmative votes are required for passage after public comment.

Order 107-14/15 (Tab 9) **Order Granting Municipal Officers' Approval of Drinkwater, Ohlson and Briggs d/b/a Lincolns. Application for a Class A Lounge License with Entertainment without Dance at 36 Market Street – Sponsored by Katherine L. Jones, City Clerk.**

Application filed 11/12/14. New City and State applications. Former location of the Meg Perry Center.

Five affirmative votes are required for passage after public comment.

Order 108-14/15 (Tab 10) **Order Granting Municipal Officers' Approval of SmallAxe LLC d/b/a East Ender. Application for a Class I FSE License with Outdoor Dining on Public Property at 47 Middle Street – Sponsored by Katherine L. Jones, City Clerk.**

Application filed 11/14/14. New City and State applications. This is a change of ownership.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

Com 7-14/15 (Tab 11) **Communication Re: Rules and Regulations for Use of Sewer System – Sponsored by Sheila Hill-Christian, City Manager**

This communication is intended to inform Council of revisions to the Rules and Regulations for Use of the Sewer System, specifically Schedule “A,” which outlines the daily maximum discharge limits to the sewer.

A public hearing was held on November 6th after two separate advertisements in the Portland Press Herald and personally through an email invitation to each industry.

In 2011 revisions were made to the City of Portland's Local Limits found in the Rules and Regulations for Use of the Sewer System in agreement with the Portland Water District (PWD) and Maine Department of Environmental Protection (DEP).

While periodic reviews of local limits are a requirement of the Portland Water District's Maine Pollutant Discharge Elimination System permit, the changes being sought in this revision are due to the three year screening limit put into place in 2011 for biochemical oxygen demand (BOD), total suspended solids (TSS), and arsenic. The revisions also reflect updated and more accurate calculations done for total cyanide.

The proposed changes are in line with the necessary actions required by the DEP within this permit cycle. The extension of screening limits rather than technically based limits for BOD and TSS are important as the current capacity of the East End Wastewater Treatment plant is limited and would cause a BOD and TSS limit that would be difficult for industries to comply with. The technically based arsenic limit is tiered so that the industries which tend to discharge arsenic in wastewater will have the highest allowance compared to industries that do not tend to discharge arsenic. The cyanide limit is being increased based on more appropriate calculations than what was used in 2011 and will not cause any problems with operations at the East End Wastewater Treatment plant.

Contact information:

Benjamin Pearson, Assistant Engineer, Industrial Pretreatment Coordinator
207-874-8843

bnp@portlandmaine.gov

<http://portlandmaine.gov/474/Engineering>

As a Communication this item requires no public comment or formal Council action.

RESOLUTIONS:

**Resolve 3-14/15
(Tab 12)**

**Resolution Re: Time Warner – Sponsored by Sheila Hill-Christian,
Acting City Manager.**

This resolution consents to the transfer of the cable franchise agreement from Time Warner Cable to Comcast. In 1986 the City and Time Warner Cable entered into a franchise agreement which granted Time Warner certain nonexclusive rights to construct and maintain a cable telecommunication system for private and public use in the city. In 2014, Time Warner entered into an agreement to merge with Comcast.

According to Federal Law, the franchising authority has a certain amount of time to approve that transfer; however, the Franchise Agreement between the City and Time Warner requires that the City Council approve any transfer of the franchise agreement with the City. This Resolution, if approved, would consent to the transfer subject to certain conditions, including Time Warner's agreement to resolve a dispute with the City involving Time Warner's calculation of franchise fees owed to the City under the franchise agreement.

The settlement agreement relating to that franchise fee calculation is attached to the Resolution and the Council is referred to that document for further details relating to the settlement terms.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

**Order 100-14/15
(Tab 13)**

Order Granting a \$30,000.00 Land Bank Fund Grant to Peaks Island Preserve for Acquisition of the Ice Pond Property – Sponsored by Tom Jewell, Co-Chair of the Land Bank Commission.

At the September 4, 2014 meeting of the Land Bank Commission (LBC), the Peaks Island Land Preserve (PILP) requested a \$30,000 grant from the Land Bank Fund to assist in PILP's acquisition of the two acre "Ice Pond" property on Peaks Island. According to PILP, the Ice Pond property is valued for beauty, natural habitat, and its use as a family ice skating pond in the winter.

In order to conserve this land and continued public access to the property, PILP sought LBC assistance for the purchase of the property. PILP's proposal involved it owning the land, and the City--either alone or in conjunction with Oceanside Conservation Trust--holding a conservation easement.

After careful consideration, the LBC voted unanimously to recommend that the City Council approve a \$30,000 grant to PILP for the acquisition of the property provided that a third party (Oceanside Conservation Trust) hold a conservation easement that allows continued public access to the property. The City's Bond Counsel has opined that the City may use the Land Bank funds for the acquisition of land in which the City has no ownership interest, provided that the money is spent in furtherance of a public purpose (in this case, the conservation easement and public access to the property).

It is important to note that the City holds a fire pond easement on the Ice Pond property, which allows the City to draw water from the pond in the event of a fire on the northwest corner of the island, where there is no public water supply. The pond also has a dam that is in disrepair and that will require repair or replacement in the near future.

Pursuant to a request by the LBC, City staff plan to explore (including costs, etc.) whether or not it would be in the City's best interests to enter into a future cooperative agreement with PILP for the maintenance of the property.

This item must be read on two separate days. It was given a first reading on December 1st. Five affirmative votes are required for passage after public comment.

**Order 101-14/15
(Tab 14)**

Amendment to City Code Sec. 14-49 (Zoning Text and Map Amendment) Re: First Amendment to the Conditional Rezoning Agreement for Property in the Vicinity of St. Lawrence Arts/Congress Street – Sponsored by the Planning Board, Stuart O’Brien, Chair.

On October 28, 2014, the Planning Board voted unanimously (6-0, Dean absent) to recommend amendments to an existing conditional zoning agreement for 76 Congress Street, the St. Lawrence Arts Center, to the City Council. The fundamental elements of the original agreement, adopted in November 2010, remain unchanged – as in 2010, the applicant continues to desire to build an addition on the site of the former St. Lawrence Church sanctuary for the purposes of live theater. However, the original agreement requires modification in order to allow the proposed addition in a new, contemporary form. The amendments include changes to the conceptual site plan and architectural drawings to establish a contemporary design scheme for the building addition.

The amendments also incorporate changes to the St. Lawrence’s transportation demand management plan to include substantial investments in the city’s existing public transit infrastructure as a means of addressing the facility’s parking demand.

The proposed amendments to the conditional zoning agreement to permit a Community hall at 76 Congress Street are consistent with the Comprehensive Plan of the City of Portland and the proposed amendments to the conditional zoning agreement are consistent with existing and permitted uses in the surrounding area, and the proposed amendments to the conditional zoning agreement for 76 Congress Street are in compliance with the standards set out in 14-60 and 14-62. The board voted to recommend the amendments to the conditional zoning agreement for 76 Congress Street to the City Council for its approval.

This item must be read on two separate days. It was given a first reading on December 1st. Five affirmative votes are required for passage after public comment.

**Order 102-14/15
(Tab 15)**

Amendment to Zoning Map Re: Anderson and Fox Streets - Sponsored by the Planning Board, Stuart O’Brien, Chair.

On November 12, the Planning Board voted unanimously (5-0 – Dundon & Soley absent) to recommend a map amendment to change the zoning for 89 Anderson Street from Residential R-6 to Neighborhood Business B-1b. The amendment is proposed by Redfern Properties and is designed to allow them to develop 53 market rate apartments with ground floor restaurant and office uses at the corner of Fox and Anderson Streets in East Bayside. The applicant requested the rezoning in order to achieve the mix of uses and residential density envisioned for the project.

89 Anderson lies at the corner of Fox and Anderson Streets in East Bayside and is currently zoned Residential R-6. Redfern Properties approached the city in the summer of this year with a plan to redevelop the site, now the location of 3Gs Tire and Auto Service, as a 53-unit apartment complex with ground floor restaurant and office uses. In order to develop the site at the proposed density and to allow non-residential uses, the applicant required a zone change, and ultimately proposed Neighborhood Business B-1b for the site. The proposed map change will allow the redevelopment of the 3Gs site at 89 Anderson Street with ground floor retail and residential units above.

This item must be read on two separate days. It was given a first reading on December 1st. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 109-14/15 (Tab 16)

Order Approving Contract with Municipal Resources, Inc. for the City Manager Search – Sponsored by Mayor Michael F. Brennan.

Because the City of Portland is in need of a new City Manager, the City Council formed the City Manager Search Committee. As its first order of business, the Search Committee invited proposals for Executive Search support to hire a new City Manager, received two proposals and recommended Municipal Resources, Inc. (“MRI”) as the search consultant. Once the City Council as a whole approves the contract, the search for candidates will begin, with the intention of a new City Manager beginning work by July 1, 2015.

This contract is recommended for approval by the majority vote of the City Manager Search Committee (3-1, Suslovic opposed) and has been approved as to form by the Office of Corporation Counsel.

Five affirmative votes are required for passage after public comment.

Order 110-14/15 (Tab 17)

Order Approving the Establishment of a Community Garden in Eastern Promenade Park – Sponsored by Sheila Hill-Christian, Acting City Manager.

The Department of Public Services manages a community garden program in which members of the public pay a fee which entitles them to a plot in which to garden. The Community Garden inventory consists of the following locations:

- North Street Garden
- Payson Garden
- Brentwood Garden
- Valley Street Garden
- Clark Street Garden
- Peaks Island Garden
- Riverton Garden

In total, these gardens comprise 264 individual plots. Currently there is a waiting list of 135 residents who want a garden plot. It generally takes at least two years for someone on the waiting list to receive a plot. In light of this, the Department of Public Services seeks to establish a new garden on the Eastern Promenade. The proposed garden will offer approximately 40 new garden plots, as well as a “plant a row” section that will allow groups of individuals to garden cooperatively.

The proposed garden would be located behind the tennis courts and basketball courts in an area that is currently maintained as a “low mow” area. The garden would be behind an existing chain link fence that is 10’ tall and approximately 250’ long so it would not interfere with any views from the street. A fence approximately 4’ in height would surround the garden and an 8’ x 10’ shed would be located inside the fence. These structures would be obscured by the existing fence surrounding the courts.

The proposed garden has been deemed appropriate by the Historic Preservation Board which took up the issue during their meeting on October 15, 2014. The proposal has also been endorsed unanimously by the Parks Commission and the Land Bank Commission during their meetings on November 6, 2014. In addition, the Friends of Eastern Promenade and the Munjoy Hill Neighborhood Organization have endorsed the proposed garden.

The Cultivating Community & the City received a \$15,000 grant from Harvard Pilgrim Health Care Foundation to establish the garden. Gardeners will pay a fee of \$50 per plot to help defray future operating costs.

Eight affirmative votes are required for passage after public comment.

**Order 111-14/15
(Tab 18)**

Order to Accept Gift of Portland Bricks Project Community Art Installation and Adding this Work to the City’s Public Art Collection – Sponsored by the Portland Public Art Committee, Lin Lisberger, Chair.

The Public Art Committee would like to add a Community Art piece to the Public Art Collection – Portland Bricks. The project consists of clay stamped bricks inlaid into the sidewalks around the India Street neighborhood. The bricks are stamped with stories from the past, present, and future of the neighborhood’s residents.

The project is a collaboration between Ayumi Horie, Elise Pepple, Pilar Nadal, MECA students, and neighborhood residents.

Portland Public Art Committee (PPAC) would like to add this community artwork to the collection in the India Street Neighborhood and grant \$5,000 in support of the project. The project brings attention to the India Street neighborhood and is sited on and around India Street itself, calling attention to the history of the street, the neighborhood, and the residents.

The Department of Public Services has agreed to install the bricks into the sidewalk and the PPAC will take over the responsibility of maintaining the artwork. Bricks would be installed spring 2015.

The PPAC, in voting to accept this artwork, also agreed to grant \$5,000 to the project. The \$5,000 amount is from the CIP and was allocated in the 2014 Public Art Committee budget under the line item “Community Art.” This budget was approved by Council at the beginning of 2014.

Five affirmative votes are required for passage after public comment.

**Order 112-14/15
(Tab 19)**

Order Approving 90-Day No Parking Zone on South Side of Walnut Street – Sponsored by Sheila Hill-Christian, Acting City Manager.

To alleviate traffic congestion on Walnut Street between Washington Avenue and North Street, this order directs the city traffic engineer to establish a trial and temporary 90-day no parking zone on the south side of Walnut Street between Washington Avenue and North Street. Approximately three spaces will be removed during this trial period between Sheridan Street and North Street on the south side of Walnut Street. This temporary traffic rule change will improve local traffic flow due to construction taking place on the extension of Sheridan Street north from Walnut Street.

Five affirmative votes are required for passage after public comment

**Order 113-14/15
(Tab 20)**

Order Approving and Authorizing the Acting City Manager to Sign the Second Amendment of the Corporate Guaranty Agreement Re: The Federated Companies LLC – Sponsored by the Housing and Community Development Committee – Councilor Kevin Donoghue, Chair.

The redesign of the Federated Companies Midtown Project requires amendments to one Federated Companies and City of Portland Midtown Project partnership document which includes a Second Amendment of the Corporate Guaranty.

Midtown Project Approved versus Redesigned Project. A side by side comparison includes:

Approved Project	Redesigned Project
Housing: Phase One: Minimum of 174 Units* All Phases: 650 to 850 Units	Housing: 440 Units
Retail: Phase One: Not less than 37,486 sq. ft.* All Phases: 100,000 sq. ft.	Retail: 90,000 sq. ft.
Parking: Phase One: Minimum of 700 Spaces* Phase Two: 400 Spaces	Parking: 800 Spaces

*Federated Guaranty Provided

The reason for the proposed amendment is to reference the Redesigned Project description. Attached is the Second Amendment of Corporate Guaranty Agreement with detailed Redesigned Project description and one rendering for the entire Project. No amendment to the remaining project partnership documents are required.

A comparison of the build-out value of the approved versus redesigned Midtown Project is provided below.

Approved Project	Redesigned Project
Estimated Project Cost: Phase One: \$45-\$50* Million All Phases: \$150-160 Million	Estimated Project Cost: \$85 Million

*Minimum of \$38 million, in municipal assessed valuation, is needed for the City to cover HUD and City Debt Service associated with city investment in Somerset Street.

It is noted that Federated Companies has agreed to construct the entire Project in one phase and the Second Amendment to the Corporate Guaranty maintains the corporate guaranty until a municipal assessed taxable value of \$45 million is achieved.

The Housing and Community Development Committee met on November 12th and voted (3-0 Councilor Hinck absent) to forward this item to the City Council with a recommendation for passage.

Five affirmative votes are required for passage after public comment.

**Order 114-14/15
(Tab 21)**

Order Approving Appointment of Adam Lee as Associate Corporation Counsel – Sponsored by Danielle West-Chuhta, Corporation Counsel.

This order appoints Adam Lee as Associate Corporation Counsel at a salary of \$80,800.00 to be effective January 6, 2015.

Adam Lee has been offered the position of Associate Corporation Counsel, left vacant by Trish McAllister, and he has accepted; as specified in the Portland City Charter, Article VI., Section 1(c), this appointment is made by the Corporation Counsel and must be confirmed by the Portland City Council.

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

**Order 115-14/15
(Tab 22)**

Order Approving Designation of House Island as a Local Historic District and Amending the Map of Historic Districts – Sponsored by the Planning Board, Stuart O’Brien, Chair and the Historic Preservation Board, Rick Romano, Chair.

The Planning Board is recommending that House Island be designated a local historic district subject to the protections of the City’s historic preservation ordinance (Article IX of the Land Use Code.) The Planning Board’s consideration of the nominated historic district was pursuant to a recommendation forwarded by the Historic Preservation Board. (As required under Portland’s historic preservation ordinance, nominated historic districts must be reviewed first by the Historic Preservation Board, which forwards its recommendation to the Planning Board. The Planning Board also considers the effect of designation on other aspects of the comprehensive plan.)

The proposed designation applies to the entire 24-acre island and includes twenty-one (21) historic structures or sites representing several key periods of development history on House Island. Among the significant historic structures on the island are Fort Scammel, built in 1808 and expanded in the 1860’s, and buildings associated with House Island’s role as a Federal immigration and quarantine station during the late 19th and early 20th centuries.

The recommendation to designate House Island as a historic district is based on findings by both the Planning Board and Historic Preservation Board that House Island readily meets the designation criteria outlined in Sections 14-610 and 14-611 of the historic preservation ordinance.

As well, the Planning Board finds that designation is consistent with other goals of the Comprehensive Plan.

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

AMENDMENTS:

**Order 116-14/15
(Tab 23)**

Amendment to City Code Chapter 18 (Parks, Recreation and Public Buildings and Grounds) Re: Parks Commission to Adopt Rules – Sponsored by Danielle West Chuhta, Corporation Counsel.

The Parks Commission (the “Commission”) desires to adopt rules that are supplemental to the provisions of Chapter 18, Article 1 of the Portland City Code, which established the Commission.

The proposed Rules would govern membership, officers, election of officers, meeting times and the Order of Business at meetings as well as other aspects of the orderly and beneficial performance of the Commission.

In order to adopt rules, however, the Parks Commission requires the power to adopt them, which is provided by the ordinance amendment proposed in this agenda item. The ordinance language is modeled on language found in the City Code for the Land Bank Commission, allowing it to adopt rules.

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

**Order 117-14/15
(Tab 24)**

Amendment to Portland City Code Re: Washington Avenue Zoning Map Change R-6 Residential Zone to B1 Neighborhood Business Zone – Sponsored by the Planning Board, Stuart O’Brien, Chair.

The Planning Board recommends a zoning map amendment to change a portion of Washington Avenue that is currently zoned R-6 Residential Zone to B1 Neighborhood Business Zone.

An application was submitted by Munjoy Hill Homes – Sheridan LLC, represented by Ron Gan, for a zoning map amendment for property at 143, 145 & 155 Washington Avenue, on the easterly side of Washington Avenue, between E. Cove Street and Walnut Street. The site currently is used for a legally non-conforming auto repair and used car lot business. The property is zoned R-6 Residential Zone, and the application originally requested that it be rezoned B-2b so that the applicant could subsequently apply a Site Plan and Subdivision application for a mixed-use development. The application was heard by the Planning Board on August, 26th, September 23rd, and October 28th. Over the course of the review, the application changed to a request for the parcels to be rezoned to B-1, and the Planning Board determined it was appropriate to recommend a map amendment for a larger extent than the original application requested.

The intended result of this map amendment is to have Washington Avenue be appropriately zoned to foster the mixed-use, eclectic commercial and residential environment that exists on much of the street today, and incentivize appropriate development to the existing context. The Planning Board considered the surrounding neighborhoods when they chose to recommend that a portion of R-6 that is part of the existing, adjacent residential neighborhood be maintained, but found that maintaining the majority of the existing segment of R-6 on Washington Avenue was not contextually appropriate. Please see the attached full report to the City Council for specific recommended zone boundaries and additional discussion of the proposed change.

On October 28, 2014, the Planning Board voted unanimously 6-0 (Dean absent) to forward this item to the City Council with a recommendation for passage.

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

LICENSE RENEWALS:

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
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AGENDA
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DECEMBER 15, 2014

The Portland City Council will hold a regular City Council Meeting at 7:00 p.m. in the City Council Chambers, City Hall. The Honorable Michael F. Brennan, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNUAL MEETING:

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The City Council is the Corporator of Creative Portland.

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1. Accepting CP FYE 2014 Activity and Financial Report; and,
2. Review and authorizing proposed amendment to the Bylaws.

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– Sponsored by Alice Kornhauser, President Creative Portland Board.**

This order approves the amendments to the Creative Portland Corporation Bylaws. The proposed amendments remove the requirement that all members of the Board of Directors live and/or work in Portland. The Creative Portland Board of Directors votes unanimously on December 4, 2013 to remove this requirement from the Bylaws.

Five affirmative votes are required for passage after public comment.

ANNOUNCEMENTS:

RECOGNITIONS:

Mayor Brennan will recognize Barron Center Staff.

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PROCLAMATIONS:

**Proc 15-14/15 Proclamation Honoring Bruce Hyman as Employee of the Month for
(Tab 4) December 2014 – Sponsored by Mayor Michael Brennan.**

**Proc 16-14/15 Proclamation Honoring Officer Nicholas Gowen as Police Officer of the
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APPOINTMENTS:

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(Tab 5A) Authority – Sponsored by Sheila Hill-Christian, Acting City Manager.**

This order appoints the individuals listed below as constables for calendar year 2015. These appointments shall be effective from 12:01 a.m. January 1, 2015, until 12:00 midnight December 31, 2015.

These appointments are pursuant to Sections 20-19 and 20-19.5, Portland City Code, and none are allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests.

PARKING CONTROL:

Andy Martin
John Peverada
Paul Willey

PROCESS SERVER, PORTLAND POLICE DEPARTMENT

Kelly Waters

ANIMAL CONTROL, POLICE DEPARTMENT:

Debra Estrella

CLIFF ISLAND

Charles Green

PORTLAND HOUSING AUTHORITY

Karin Lavigne
Trevor Nugent

David Gagne
Marcia Yeaton
Shannon Rafferty-Roy

DEPARTMENT OF PUBLIC SERVICES

Nancy Gagne
Craig Pyy
Suzanne Hunt
Rhonda Zazzara
Peter Dubail
John Low
Gregory Vining
Paul Lewis

DEPARTMENT OF BUILDING INSPECTIONS

Tammy Munson
Jonathan Rioux
Jeanie Bourke
George Froehlich
Douglas Morin
Paul Fagone
Brian LaFlamme
Laurie Leader

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

**Order 104-14/15
(Tab 6)**

Order Accepting Easements Re: Isthmus between Great and Little Diamond Islands – Sponsored by Danielle West-Chuhta, Corporation Counsel.

The two easements proposed to be accepted by the City Council, one from the Diamond Island Association and one from Cyrus Hagge, will provide the City with the formal right to access and to do maintenance work on the sandbar between Great Diamond Island and Little Diamond Island.

Since there is no barge landing on Little Diamond Island, the Department of Public Services (“DPS”) equipment for trash removal, road maintenance, and work done by the Forestry Division has to be delivered to Great Diamond Island, and then driven over the sandbar to Little Diamond Island in order to do the work. DPS provides basic maintenance to the sandbar to ensure access at all times and protect public safety.

DPS has applied to the Department of Environmental Protection (“DEP”) to allow for this access and maintenance to the sandbar to continue and is expected to receive that approval (through the application of a DEP exemption to municipal public service departments).

**Order 105-14/15
(Tab 7)**

**Order Declaring Reggae Fest as a Festival and Authorizing
Additional Festivals Presented by Waterfront Concerts, LLC on the
Maine State Pier and Approving Contracts and Permits Therefor -
Sponsored by Sheila Hill-Christian.**

This order declares Reggae Fest as a festival. The Festival is scheduled for load in at 3:00 pm on Saturday, August 8, 2015, with gates opening on Sunday August 9, 2015 at 12:00 noon, with show time at 12:30 pm and ending at the 9:00 pm curfew; load out will be immediately following the performance on the Maine State Pier. Festival areas are bordered by: All of the Maine State Pier, up to the Portland Ocean Terminal dock and parking / roadway area of the Casco Bay Ferry Terminal.

Staff would like to formally request a “season” festival declaration where they would be able to maintain holds and confirmations through their office, similar to the process that is currently used for events at their other facilities. Each concert will fall under the same guidelines enforced by the City of Portland (Public Assembly Facilities Division). Administrative control over the usage of the Maine State Pier would be maintained. Staff requests this provision so Waterfront Concerts can more actively market the Maine State Pier as a viable option for artists looking for summer outdoor concerts in Maine. Shows would specifically be selected to complement the atmosphere of the Old Port and would be in the genres of Classic Rock, Folk, Country, Alternative and Adult Contemporary. This would apply only for the 2015 outdoor concert season.

Currently, Waterfront Concerts is holding a number of dates on the Maine State Pier for potential concerts in 2015. They may not use or confirm all of these dates, and they may be inclined to add additional dates. A “season” declaration will allow Waterfront Concerts the flexibility to confirm with the artists and agents in a more timely fashion.

Waterfront Concerts, a Maine limited liability company, has previously been approved to organize and present a concert series in 2014. That series consisted of (5) concerts featuring Dierks Bentley, Reggae Festival w/ Freddie McGregor, Three Doors Down (acoustic), Alanis Morissette, and ZZ Top (postponed). We do not foresee any concerns with other potential events. Waterfront Concerts is an experienced concert presenter which currently presents events at Darling’s Waterfront Pavilion and the Cross Insurance Center in Bangor. They also present events at the Androscoggin Bank Coliseum in Lewiston, and Merrill Auditorium in Portland.

Green Drinks of Maine, Bangor and Portland will be the main beneficiary for Waterfront Concerts events, along with other potential non-profit organizations throughout the season. Waterfront Concerts will be signing an operating agreement for usage of the Maine State Pier with the City of Portland’s Public Assembly Facilities Division for each event moving forward.

Rental Fee and all expenses for City services will be reimbursed by the organizers for each event.

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

LICENSES:

Order 106-14/15 (Tab 8) **Order Granting Municipal Officers' Approval of Knish Corporation d/b/a Full Belly Deli. Application for a Class III & IV (Wine & Beer) License at 1070 Brighton Ave. – Sponsored by Katherine L. Jones, City Clerk.**

Knish Corporation d/b/a Full Belly Deli. Application for a Class III & IV (Wine & Beer) License at 1070 Brighton Ave.

Five affirmative votes are required for passage after public comment.

Order 107-14/15 (Tab 9) **Order Granting Municipal Officers' Approval of Drinkwater, Ohlson and Briggs d/b/a Lincolns. Application for a Class A Lounge License with Entertainment without Dance at 36 Market Street – Sponsored by Katherine L. Jones, City Clerk.**

Application filed 11/12/14. New City and State applications. Former location of the Meg Perry Center.

Five affirmative votes are required for passage after public comment.

Order 108-14/15 (Tab 10) **Order Granting Municipal Officers' Approval of SmallAxe LLC d/b/a East Ender. Application for a Class I FSE License with Outdoor Dining on Public Property at 47 Middle Street – Sponsored by Katherine L. Jones, City Clerk.**

Application filed 11/14/14. New City and State applications. This is a change of ownership.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

Com 7-14/15 (Tab 11) **Communication Re: Rules and Regulations for Use of Sewer System – Sponsored by Sheila Hill-Christian, City Manager**

This communication is intended to inform Council of revisions to the Rules and Regulations for Use of the Sewer System, specifically Schedule "A," which outlines the daily maximum discharge limits to the sewer.

A public hearing was held on November 6th after two separate advertisements in the Portland Press Herald and personally through an email invitation to each industry.

In 2011 revisions were made to the City of Portland's Local Limits found in the Rules and Regulations for Use of the Sewer System in agreement with the Portland Water District (PWD) and Maine Department of Environmental Protection (DEP).

While periodic reviews of local limits are a requirement of the Portland Water District's Maine Pollutant Discharge Elimination System permit, the changes being sought in this revision are due to the three year screening limit put into place in 2011 for biochemical oxygen demand (BOD), total suspended solids (TSS), and arsenic. The revisions also reflect updated and more accurate calculations done for total cyanide.

The proposed changes are in line with the necessary actions required by the DEP within this permit cycle. The extension of screening limits rather than technically based limits for BOD and TSS are important as the current capacity of the East End Wastewater Treatment plant is limited and would cause a BOD and TSS limit that would be difficult for industries to comply with. The technically based arsenic limit is tiered so that the industries which tend to discharge arsenic in wastewater will have the highest allowance compared to industries that do not tend to discharge arsenic. The cyanide limit is being increased based on more appropriate calculations than what was used in 2011 and will not cause any problems with operations at the East End Wastewater Treatment plant.

Contact information:

Benjamin Pearson, Assistant Engineer, Industrial Pretreatment Coordinator
207-874-8843

bnp@portlandmaine.gov

<http://portlandmaine.gov/474/Engineering>

As a Communication this item requires no public comment or formal Council action.

RESOLUTIONS:

**Resolve 3-14/15
(Tab 12)**

**Resolution Re: Time Warner – Sponsored by Sheila Hill-Christian,
Acting City Manager.**

This resolution consents to the transfer of the cable franchise agreement from Time Warner Cable to Comcast. In 1986 the City and Time Warner Cable entered into a franchise agreement which granted Time Warner certain nonexclusive rights to construct and maintain a cable telecommunication system for private and public use in the city. In 2014, Time Warner entered into an agreement to merge with Comcast.

According to Federal Law, the franchising authority has a certain amount of time to approve that transfer; however, the Franchise Agreement between the City and Time Warner requires that the City Council approve any transfer of the franchise agreement with the City. This Resolution, if approved, would consent to the transfer subject to certain conditions, including Time Warner's agreement to resolve a dispute with the City involving Time Warner's calculation of franchise fees owed to the City under the franchise agreement.

The settlement agreement relating to that franchise fee calculation is attached to the Resolution and the Council is referred to that document for further details relating to the settlement terms.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

**Order 100-14/15
(Tab 13)**

Order Granting a \$30,000.00 Land Bank Fund Grant to Peaks Island Preserve for Acquisition of the Ice Pond Property – Sponsored by Tom Jewell, Co-Chair of the Land Bank Commission.

At the September 4, 2014 meeting of the Land Bank Commission (LBC), the Peaks Island Land Preserve (PILP) requested a \$30,000 grant from the Land Bank Fund to assist in PILP's acquisition of the two acre "Ice Pond" property on Peaks Island. According to PILP, the Ice Pond property is valued for beauty, natural habitat, and its use as a family ice skating pond in the winter.

In order to conserve this land and continued public access to the property, PILP sought LBC assistance for the purchase of the property. PILP's proposal involved it owning the land, and the City--either alone or in conjunction with Oceanside Conservation Trust--holding a conservation easement.

After careful consideration, the LBC voted unanimously to recommend that the City Council approve a \$30,000 grant to PILP for the acquisition of the property provided that a third party (Oceanside Conservation Trust) hold a conservation easement that allows continued public access to the property. The City's Bond Counsel has opined that the City may use the Land Bank funds for the acquisition of land in which the City has no ownership interest, provided that the money is spent in furtherance of a public purpose (in this case, the conservation easement and public access to the property).

It is important to note that the City holds a fire pond easement on the Ice Pond property, which allows the City to draw water from the pond in the event of a fire on the northwest corner of the island, where there is no public water supply. The pond also has a dam that is in disrepair and that will require repair or replacement in the near future.

Pursuant to a request by the LBC, City staff plan to explore (including costs, etc.) whether or not it would be in the City's best interests to enter into a future cooperative agreement with PILP for the maintenance of the property.

This item must be read on two separate days. It was given a first reading on December 1st. Five affirmative votes are required for passage after public comment.

**Order 101-14/15
(Tab 14)**

Amendment to City Code Sec. 14-49 (Zoning Text and Map Amendment) Re: First Amendment to the Conditional Rezoning Agreement for Property in the Vicinity of St. Lawrence Arts/Congress Street – Sponsored by the Planning Board, Stuart O'Brien, Chair.

On October 28, 2014, the Planning Board voted unanimously (6-0, Dean absent) to recommend amendments to an existing conditional zoning agreement for 76 Congress Street, the St. Lawrence Arts Center, to the City Council. The fundamental elements of the original agreement, adopted in November 2010, remain unchanged – as in 2010, the applicant continues to desire to build an addition on the site of the former St. Lawrence Church sanctuary for the purposes of live theater. However, the original agreement requires modification in order to allow the proposed addition in a new, contemporary form. The amendments include changes to the conceptual site plan and architectural drawings to establish a contemporary design scheme for the building addition.

The amendments also incorporate changes to the St. Lawrence's transportation demand management plan to include substantial investments in the city's existing public transit infrastructure as a means of addressing the facility's parking demand.

The proposed amendments to the conditional zoning agreement to permit a Community hall at 76 Congress Street are consistent with the Comprehensive Plan of the City of Portland and the proposed amendments to the conditional zoning agreement are consistent with existing and permitted uses in the surrounding area, and the proposed amendments to the conditional zoning agreement for 76 Congress Street are in compliance with the standards set out in 14-60 and 14-62. The board voted to recommend the amendments to the conditional zoning agreement for 76 Congress Street to the City Council for its approval.

This item must be read on two separate days. It was given a first reading on December 1st. Five affirmative votes are required for passage after public comment.

**Order 102-14/15
(Tab 15)**

Amendment to Zoning Map Re: Anderson and Fox Streets - Sponsored by the Planning Board, Stuart O'Brien, Chair.

On November 12, the Planning Board voted unanimously (5-0 – Dundon & Soley absent) to recommend a map amendment to change the zoning for 89 Anderson Street from Residential R-6 to Neighborhood Business B-1b. The amendment is proposed by Redfern Properties and is designed to allow them to develop 53 market rate apartments with ground floor restaurant and office uses at the corner of Fox and Anderson Streets in East Bayside. The applicant requested the rezoning in order to achieve the mix of uses and residential density envisioned for the project.

89 Anderson lies at the corner of Fox and Anderson Streets in East Bayside and is currently zoned Residential R-6. Redfern Properties approached the city in the summer of this year with a plan to redevelop the site, now the location of 3Gs Tire and Auto Service, as a 53-unit apartment complex with ground floor restaurant and office uses. In order to develop the site at the proposed density and to allow non-residential uses, the applicant required a zone change, and ultimately proposed Neighborhood Business B-1b for the site. The proposed map change will allow the redevelopment of the 3Gs site at 89 Anderson Street with ground floor retail and residential units above.

This item must be read on two separate days. It was given a first reading on December 1st. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 109-14/15 (Tab 16)

Order Approving Contract with Municipal Resources, Inc. for the City Manager Search – Sponsored by Mayor Michael F. Brennan.

Because the City of Portland is in need of a new City Manager, the City Council formed the City Manager Search Committee. As its first order of business, the Search Committee invited proposals for Executive Search support to hire a new City Manager, received two proposals and recommended Municipal Resources, Inc. (“MRI”) as the search consultant. Once the City Council as a whole approves the contract, the search for candidates will begin, with the intention of a new City Manager beginning work by July 1, 2015.

This contract is recommended for approval by the majority vote of the City Manager Search Committee (3-1, Suslovic opposed) and has been approved as to form by the Office of Corporation Counsel.

Five affirmative votes are required for passage after public comment.

Order 110-14/15 (Tab 17)

Order Approving the Establishment of a Community Garden in Eastern Promenade Park – Sponsored by Sheila Hill-Christian, Acting City Manager.

The Department of Public Services manages a community garden program in which members of the public pay a fee which entitles them to a plot in which to garden. The Community Garden inventory consists of the following locations:

- North Street Garden
- Payson Garden
- Brentwood Garden
- Valley Street Garden
- Clark Street Garden
- Peaks Island Garden
- Riverton Garden

In total, these gardens comprise 264 individual plots. Currently there is a waiting list of 135 residents who want a garden plot. It generally takes at least two years for someone on the waiting list to receive a plot. In light of this, the Department of Public Services seeks to establish a new garden on the Eastern Promenade. The proposed garden will offer approximately 40 new garden plots, as well as a “plant a row” section that will allow groups of individuals to garden cooperatively.

The proposed garden would be located behind the tennis courts and basketball courts in an area that is currently maintained as a “low mow” area. The garden would be behind an existing chain link fence that is 10’ tall and approximately 250’ long so it would not interfere with any views from the street. A fence approximately 4’ in height would surround the garden and an 8’ x 10’ shed would be located inside the fence. These structures would be obscured by the existing fence surrounding the courts.

The proposed garden has been deemed appropriate by the Historic Preservation Board which took up the issue during their meeting on October 15, 2014. The proposal has also been endorsed unanimously by the Parks Commission and the Land Bank Commission during their meetings on November 6, 2014. In addition, the Friends of Eastern Promenade and the Munjoy Hill Neighborhood Organization have endorsed the proposed garden.

The Cultivating Community & the City received a \$15,000 grant from Harvard Pilgrim Health Care Foundation to establish the garden. Gardeners will pay a fee of \$50 per plot to help defray future operating costs.

Eight affirmative votes are required for passage after public comment.

**Order 111-14/15
(Tab 18)**

Order to Accept Gift of Portland Bricks Project Community Art Installation and Adding this Work to the City’s Public Art Collection – Sponsored by the Portland Public Art Committee, Lin Lisberger, Chair.

The Public Art Committee would like to add a Community Art piece to the Public Art Collection – Portland Bricks. The project consists of clay stamped bricks inlaid into the sidewalks around the India Street neighborhood. The bricks are stamped with stories from the past, present, and future of the neighborhood’s residents.

The project is a collaboration between Ayumi Horie, Elise Pepple, Pilar Nadal, MECA students, and neighborhood residents.

Portland Public Art Committee (PPAC) would like to add this community artwork to the collection in the India Street Neighborhood and grant \$5,000 in support of the project. The project brings attention to the India Street neighborhood and is sited on and around India Street itself, calling attention to the history of the street, the neighborhood, and the residents.

The Department of Public Services has agreed to install the bricks into the sidewalk and the PPAC will take over the responsibility of maintaining the artwork. Bricks would be installed spring 2015.

The PPAC, in voting to accept this artwork, also agreed to grant \$5,000 to the project. The \$5,000 amount is from the CIP and was allocated in the 2014 Public Art Committee budget under the line item “Community Art.” This budget was approved by Council at the beginning of 2014.

Five affirmative votes are required for passage after public comment.

**Order 112-14/15
(Tab 19)**

Order Approving 90-Day No Parking Zone on South Side of Walnut Street – Sponsored by Sheila Hill-Christian, Acting City Manager.

To alleviate traffic congestion on Walnut Street between Washington Avenue and North Street, this order directs the city traffic engineer to establish a trial and temporary 90-day no parking zone on the south side of Walnut Street between Washington Avenue and North Street.

Approximately three spaces will be removed during this trial period between Sheridan Street and North Street on the south side of Walnut Street.

This temporary traffic rule change will improve local traffic flow due to construction taking place on the extension of Sheridan Street north from Walnut Street.

Five affirmative votes are required for passage after public comment

**Order 113-14/15
(Tab 20)**

Order Approving and Authorizing the Acting City Manager to Sign the Second Amendment of the Corporate Guaranty Agreement Re: The Federated Companies LLC – Sponsored by the Housing and Community Development Committee – Councilor Kevin Donoghue, Chair.

The redesign of the Federated Companies Midtown Project requires amendments to one Federated Companies and City of Portland Midtown Project partnership document which includes a Second Amendment of the Corporate Guaranty.

Midtown Project Approved versus Redesigned Project. A side by side comparison includes:

Approved Project	Redesigned Project
Housing: Phase One: Minimum of 174 Units* All Phases: 650 to 850 Units	Housing: 440 Units
Retail: Phase One: Not less than 37,486 sq. ft.* All Phases: 100,000 sq. ft.	Retail: 90,000 sq. ft.
Parking: Phase One: Minimum of 700 Spaces* Phase Two: 400 Spaces	Parking: 800 Spaces

*Federated Guaranty Provided

The reason for the proposed amendment is to reference the Redesigned Project description. Attached is the Second Amendment of Corporate Guaranty Agreement with detailed Redesigned Project description and one rendering for the entire Project. No amendment to the remaining project partnership documents are required.

A comparison of the build-out value of the approved versus redesigned Midtown Project is provided below.

Approved Project	Redesigned Project
Estimated Project Cost: Phase One: \$45-\$50* Million All Phases: \$150-160 Million	Estimated Project Cost: \$85 Million

*Minimum of \$38 million, in municipal assessed valuation, is needed for the City to cover HUD and City Debt Service associated with city investment in Somerset Street.

It is noted that Federated Companies has agreed to construct the entire Project in one phase and the Second Amendment to the Corporate Guaranty maintains the corporate guaranty until a municipal assessed taxable value of \$45 million is achieved.

The Housing and Community Development Committee met on November 12th and voted (3-0 Councilor Hinck absent) to forward this item to the City Council with a recommendation for passage.

Five affirmative votes are required for passage after public comment.

**Order 114-14/15
(Tab 21)**

Order Approving Appointment of Adam Lee as Associate Corporation Counsel – Sponsored by Danielle West-Chuhta, Corporation Counsel.

This order appoints Adam Lee as Associate Corporation Counsel at a salary of \$80,800.00 to be effective January 6, 2015.

Adam Lee has been offered the position of Associate Corporation Counsel, left vacant by Trish McAllister, and he has accepted; as specified in the Portland City Charter, Article VI., Section 1(c), this appointment is made by the Corporation Counsel and must be confirmed by the Portland City Council.

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

**Order 115-14/15
(Tab 22)**

Order Approving Designation of House Island as a Local Historic District and Amending the Map of Historic Districts – Sponsored by the Planning Board, Stuart O'Brien, Chair and the Historic Preservation Board, Rick Romano, Chair.

The Planning Board is recommending that House Island be designated a local historic district subject to the protections of the City's historic preservation ordinance (Article IX of the Land Use Code.) The Planning Board's consideration of the nominated historic district was pursuant to a recommendation forwarded by the Historic Preservation Board. (As required under Portland's historic preservation ordinance, nominated historic districts must be reviewed first by the Historic Preservation Board, which forwards its recommendation to the Planning Board. The Planning Board also considers the effect of designation on other aspects of the comprehensive plan.)

The proposed designation applies to the entire 24-acre island and includes twenty-one (21) historic structures or sites representing several key periods of development history on House Island. Among the significant historic structures on the island are Fort Scammel, built in 1808 and expanded in the 1860's, and buildings associated with House Island's role as a Federal immigration and quarantine station during the late 19th and early 20th centuries.

The recommendation to designate House Island as a historic district is based on findings by both the Planning Board and Historic Preservation Board that House Island readily meets the designation criteria outlined in Sections 14-610 and 14-611 of the historic preservation ordinance.

As well, the Planning Board finds that designation is consistent with other goals of the Comprehensive Plan.

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

AMENDMENTS:

Order 116-14/15 (Tab 23)

Amendment to City Code Chapter 18 (Parks, Recreation and Public Buildings and Grounds) Re: Parks Commission to Adopt Rules – Sponsored by Danielle West Chuhta, Corporation Counsel.

The Parks Commission (the “Commission”) desires to adopt rules that are supplemental to the provisions of Chapter 18, Article 1 of the Portland City Code, which established the Commission.

The proposed Rules would govern membership, officers, election of officers, meeting times and the Order of Business at meetings as well as other aspects of the orderly and beneficial performance of the Commission.

In order to adopt rules, however, the Parks Commission requires the power to adopt them, which is provided by the ordinance amendment proposed in this agenda item. The ordinance language is modeled on language found in the City Code for the Land Bank Commission, allowing it to adopt rules.

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

Order 117-14/15 (Tab 24)

Amendment to Portland City Code Re: Washington Avenue Zoning Map Change R-6 Residential Zone to B1 Neighborhood Business Zone – Sponsored by the Planning Board, Stuart O’Brien, Chair.

The Planning Board recommends a zoning map amendment to change a portion of Washington Avenue that is currently zoned R-6 Residential Zone to B1 Neighborhood Business Zone.

An application was submitted by Munjoy Hill Homes – Sheridan LLC, represented by Ron Gan, for a zoning map amendment for property at 143, 145 & 155 Washington Avenue, on the easterly side of Washington Avenue, between E. Cove Street and Walnut Street. The site currently is used for a legally non-conforming auto repair and used car lot business. The property is zoned R-6 Residential Zone, and the application originally requested that it be rezoned B-2b so that the applicant could subsequently apply a Site Plan and Subdivision application for a mixed-use development. The application was heard by the Planning Board on August, 26th, September 23rd, and October 28th. Over the course of the review, the application changed to a request for the parcels to be rezoned to B-1, and the Planning Board determined it was appropriate to recommend a map amendment for a larger extent than the original application requested.

The intended result of this map amendment is to have Washington Avenue be appropriately zoned to foster the mixed-use, eclectic commercial and residential environment that exists on much of the street today, and incentivize appropriate development to the existing context. The Planning Board considered the surrounding neighborhoods when they chose to recommend that a portion of R-6 that is part of the existing, adjacent residential neighborhood be maintained, but found that maintaining the majority of the existing segment of R-6 on Washington Avenue was not contextually appropriate. Please see the attached full report to the City Council for specific recommended zone boundaries and additional discussion of the proposed change.

On October 28, 2014, the Planning Board voted unanimously 6-0 (Dean absent) to forward this item to the City Council with a recommendation for passage.

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

LICENSE RENEWALS:

Tab 1 12-15-14

Portland, Maine



Yes. Life's good here.

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM
City Council Agenda Item

TO: Mayor and Members of the City Council

FROM: Greg Mitchell, Economic Development Director
Jennifer Hutchins, Executive Director/Creative Portland

DATE: November 5, 2014

CC: Alice Kornhauser, President/Creative Portland Board of Directors

SUBJECT: Annual Meeting of Corporator of Creative Portland (CP)

COUNCIL MEETING DATE ACTION IS REQUESTED: November 17, 2014

Can action be taken at a later date? No. If not, why not? At the November 5 meeting of the Creative Portland Board of Directors, the Board set the date for the Annual Meeting of the Corporator as November 17, 2014.

PRESENTATION: Alice Kornhauser, President/Creative Portland Board, 5 Minutes

I. SUMMARY OF ISSUE

Pursuant to the Bylaws of Creative Portland (CP), the Portland City Council, as Corporator of Creative Portland, shall hold its annual meeting in the month of November each year or at a special meeting. This year's Annual Meeting Agenda includes:

1. Accepting CP FYE 2014 Activity and Financial Report; and,
2. Review and authorizing proposed amendment to the Bylaws.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

At the November 5 meeting of the Creative Portland Board of Directors, the Board set the date for the Annual Meeting of the Corporator as November 17, 2014.

III. INTENDED RESULT

The intended result of the Annual Meeting of the Corporator would be for it to receive and accept the annual Activity and Financial Report and to accept a proposed amendment to the Bylaws of Creative

Portland. This proposed amendment would remove the requirement that all members of the Board of Directors live and/or work in Portland. The Creative Portland Board of Directors voted unanimously on December 4, 2013 to remove this requirement from the Bylaws.

IV. COUNCIL GOAL ADDRESSED

Promote economic development in the City in a manner that provides for increased property values, diversification across industry sectors, and high paying jobs.

V. FINANCIAL IMPACT

There is no financial impact associated with these actions.

VI. STAFF ANALYSIS AND RECOMMENDATION

Creative Portland Board and its staff recommend that the Corporator hold the Annual Meeting of Creative Portland on November 17, 2014, to review and accept the annual Activity and Financial Report and vote on the proposed amendment to the Bylaws of Creative Portland.

VIII. LIST ATTACHMENTS

1. CP FYE14 Activity and Financial Report (pp. 3 to 15)
2. Bylaws of the Creative Portland Corporation with proposed revision in marked revision format (marked revision on p. 20 of 26)



CREATIVE PORTLAND CORPORATION
BOARD OF DIRECTORS
FISCAL YEAR 2014 ANNUAL REPORT

The Creative Portland Corporation (CP) submits this Annual Report to the Portland City Council, Corporator of Creative Portland, on November 17, 2014. This is the fifth Annual Report submitted as CP ended its fifth fiscal year of operations on June 30, 2014.

The CP Board would like to thank the Portland City Council for allotting TIF funds for FY14 in the amount of \$100,000 from the Creative Portland Development and Arts TIF District. With this investment, CP was able to leverage additional funding from various public and private sources in cash, grants, and donations just over \$136,000, several thousands in in-kind support, and countless hours contributed by dozens of volunteers.

Creative Portland is the lead for the City of Portland's Economic Development Plan section, **Enrich the Creative Economy**. The Plan tasks Creative Portland with leading a task force to create a brand identity for Portland, developing a web and social media plan on a national level, creating incentives to attract and retain artists and entrepreneurs for development of live/work residences or common workspace and housing, and developing creative financing mechanisms to help support major new, expanded, or rehabilitated cultural facilities, among others.

MISSION & VISION

Creative Portland was founded by Portland City Council to grow and support the creative economy. In 2009, the organization adopted the visionary goal of attracting 10,000 people to the city who value and support creativity, innovation and the arts, in particular. CP programs are designed to attract and connect people to the creative community and to provide support to the artists and creative entrepreneurs who make up that community.

MAJOR ACCOMPLISHMENTS FY14

In 2014, Creative Portland was acknowledged and recommended by a national consulting firm for pursuing a "Top Ten Strategy for Talent Attraction" nationwide. The LiveWork Portland website and 2 Degrees Portland program were cited as part of Creative Portland's "best-in-class" campaign, along with campaigns in 10 other U.S. cities.

1. 2 Degrees Portland Program

The 2 Degrees Portland program, a referral and networking service for people who are interested in living and working in the city, continues to serve 15-30 people every month. The database of people volunteering to be "connectors" also grows every month. There are now over 250 connectors who are willing to connect with, and assist, people who are interested in moving here.

BOARD OF DIRECTORS

Peter Bass
Board Member

Thomas Blackburn
Board Member

Ezekiel Callanan
Board Member

Patrick Costin
Board Member

Robert W. Cote
Board Member

Randy Ferrell
Board Member

Arthur Fink
Board Member

Andy Graham
President

Penny Harris
Board Member

Tim Honey
Board Member

Alex Jaegerman
Board Member

Alice Kornhauser
Past President

Kristen Levesque
Board Member

Jessica Lipton
Secretary

David Marshall
Ex officio

Greg Mitchell
Ex officio

Kathleen McKeen
Vice-President

Eugenia O'Brien
Board Member

Mart Pottenger
Board Member

David Wade
Board Member

STAFF

Jennifer Hutchins
Executive Director

Edwige Charlot
Program Associate

Events are held throughout the city as a means to introduce newcomers to Portland's creative community, including Coffee By Design's new facility on Diamond Street, O'Maine Studios (a video production studio), Portland Museum of Art, and Portland Ballet's new studio theater on Forest Avenue.

Creative Portland's has collected dozens of examples of people who decided to move to Portland due, at least in part, to the services found at the LiveWork Portland website and 2 Degrees Portland.

2. Creative Space for Artists and Entrepreneurs

Thanks to a generous grant from the Portland Development Corporation, matched by gifts from private sources, Creative Portland launched an online inventory of space in the city that is primarily intended for use by artists and entrepreneurs. Including venues that range from Running With Scissors to Think Tank and Peloton Labs, the searchable database allows newcomers to identify possible places for them to pursue their artistic and entrepreneurial activities and ideas.

The database currently lists over 45 venues with more than 500 individual offices or studios—85-90% of which are occupied. Creative Portland manages and updates this database on a regular basis and relies on this comprehensive source to help identify emerging needs and demand.

Creative Portland's board has recently decided to prioritize the goal of securing more affordable space for creative use in the city.

3. First Friday Art Walk

Creative Portland worked with Portland's Downtown District to enhance the Art Walk experience by closing a portion of Congress Street to vehicular traffic in December 2013 and June 2014. Both events were met with a nearly unanimous approval rating by Art Walk venues (surveyed in December), as well as positive receptions from City staff, security and Police and the public at large.

Most notably, in December, Creative Portland and several local businesses raised funding to feature an outdoor performance by the Circus Conservatory of America in the 600 block of Congress Street. Hundreds of Portland residents and visitors enjoyed the event and many businesses reported high volumes of customers.

4. Attracting Creative Professionals

Creative Portland partnered with Growing Portland to bring together talent recruiters from large Portland-area companies and organizations to determine shared challenges and possible solutions. Recruiting people from outside Maine with spouses or partners who also have competitive careers emerged as a universal challenge. To help address this, the group piloted a program, managed by Creative Portland, whereby recruiters share with one another the resumes of spouses or partners. While no guarantee of a position, this offer of support was agreed to be a unique and valuable tool for the recruiter.

Due to the success of this network, this program will expand in FY15 and pursue additional strategies.

5. Art Sale Fundraiser: Portland Framed

In April, Creative Portland held its first art sale and fundraiser at the Westin Harborview Hotel to promote and celebrate Portland's artists and creative community. Attended by 300-350 people, the event resulted in multiple sales for Portland artists, features of Portland musicians and artisans, and support from many business sponsors, in-kind donors, and volunteers, including the Westin, Garrard, WCLZ, Akari, and DownEast Magazine.

6. Maine Start-Up and Create Week

Founded by Start-Up Portland, Creative Portland was honored to co-host this inaugural week in downtown Portland with the Portland Regional Chamber to showcase the innovative, creative individuals and businesses that are injecting the economy with new ideas and energy. The dozens of events held over 7 days with over 100 speakers from outside Maine was attended by more than 3,000 people.

Creative Portland will continue to participate in the planning and development of this annual event as it grows into a destination and showcase of Portland's best and brightest artists, creative, and entrepreneurs, as well as a unique marketing tool for attracting people from outside the state.

7. UNE Center for Global Humanities Speaker Series

Creative Portland is honored to be invited by UNE's Center for Global Humanities as a promotional partner in promoting Portland as a "City of Ideas" and encouraging intellectual curiosity and dialogue among residents and visitors alike. The Center hosts speakers from outside Maine on the Portland campus approximately once a month who present lectures on wide-ranging topics that are free and open to the general public. Research shows that access to such cultural events as these are important to a city's ability to attract creative, talented individuals.

CREATIVE PORTLAND FORMATION HISTORY

The City Council, by Order #92 passed November 17, 2008, authorized the establishment of Creative Portland (CP) as an economic development initiative to support Portland's creative economy. Formation of the Board of Directors was complete, in the summer of 2009, with City Council appointments to the Board of Directors. City Councilor David Marshall serves as the City Council representative and Greg Mitchell, Portland's Economic Development Director, serves as the City Manager's representative on the CP Board. The CP Board listing is provided on the CP letterhead for this Annual Report.

The City Council, by Order #94 passed November 17, 2008, established the Creative Portland Development and Arts Tax Increment Financing (TIF) District, as a ten-year program, to provide annual "seed" financing to support CP operations. On May 21, 2012, by Order #184, the Council voted to extend that funding to 15 years.

**CREATIVE
PORTLAND
CORPORATION**

Financial Report

June 30, 2014

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Accessible
Approachable
Accountable

Independent Accountants' Review Report

Creative Portland Corporation
Portland, Maine

We have reviewed the accompanying statement of financial position of Creative Portland Corporation (a nonprofit organization) as of June 30, 2014 and the related statements of activities, and cash flows for the year then ended. A review includes primarily applying analytical procedures to management's financial data and making inquiries of Corporation management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the financial statements as a whole. Accordingly, we do not express such an opinion.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the review in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. Those standards require us to perform procedures to obtain limited assurance that there are no material modifications that should be made to the financial statements. We believe that the results of our procedures provide a reasonable basis for our report.

Based on our reviews, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with accounting principles generally accepted in the United States of America.

South Portland, Maine
October 28, 2014

Macpage LLC

30 Long Creek Drive, South Portland, ME 04106-2437 | 207-774-5701 | 207-774-7945 fax | cpa@macpage.com
One Market Square, Augusta, ME 04330-4637 | 207-622-4766 | 207-627-6545 fax
One Union Street, Suite 505, Portland, ME 04101-4050 | 207-774-4030 | 866-927-0288 fax

macpage.com



Statement of Financial Position

June 30, 2014

ASSETS

Current Assets

Cash and cash equivalents	\$ 22,396
Contributions receivable	19,875
Other current assets	600

Total Current Assets	42,871
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Property and Equipment

Equipment	1,591
	1,591
Accumulated depreciation	884

Total Property and Equipment	707
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Other Assets

Investments - long-term	473
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Total Assets	\$ 44,051
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LIABILITIES AND NET ASSETS

Current Liabilities

Accounts payable and accrued expenses	\$ 1,214
Accrued payroll and payroll taxes	3,782

Total Current Liabilities	4,996
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Total Liabilities	4,996
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Net Assets

Unrestricted net assets	30,555
Temporarily restricted	8,500
	39,055

Total Liabilities and Net Assets	\$ 44,051
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See independent accountants' review report.

The accompanying notes are an integral part of these financial statements.

Statement of Activities

Year Ended June 30, 2014

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
Operating Revenue				
Revenues and releases				
Annual fund	\$ 21,014			\$ 21,014
Arts District TIF Funding	100,000			100,000
Business partnerships	6,250			6,250
Corporate sponsorships	10,000			10,000
Programs	68,981	\$ 17,500		86,481
Interest	39			39
Other income	12,630			12,630
Net assets released from restriction	9,000	(9,000)		
Total Revenues and Releases	<u>227,914</u>	<u>8,500</u>		<u>236,414</u>
Expenses				
Personnel	78,971			78,971
Payroll taxes	5,429			5,429
Benefits	12,716			12,716
Professional services	17,986			17,986
Rent	4,975			4,975
Utilities	221			221
Bank Service charges	34			34
Telecommunications	1,168			1,168
Printing and reproduction	624			624
Travel	6			6
Food and venue	7,354			7,354
Supplies	5,671			5,671
Equipment	566			566
Postage and delivery	217			217
Legal fees	70			70
Professional development	378			378
Dues	795			795
Board expense	29			29
Insurance	4,045			4,045
Advertising	765			765
Depreciation expense	530			530
Projects	66,092			66,092
First Friday Art Walk	8,904			8,904
Total Expenses	<u>217,546</u>			<u>217,546</u>
Change in Net Assets	10,368	8,500		18,868
Net Assets, Beginning of Year	<u>20,187</u>			<u>20,187</u>
Net Assets, End of Year	<u>\$ 30,555</u>	<u>\$ 8,500</u>	<u>\$ -</u>	<u>\$ 39,055</u>

See independent accountants' review report.

The accompanying notes are an integral part of these financial statements.

Statement of Cash Flows

Year Ended June 30, 2014

Cash flows from operating activities:

Change in net assets	\$ 18,868
Adjustments to reconcile change in net assets to net cash flows provided by operating activities:	
Depreciation	530
(Increase) decrease in operating assets:	
Accounts receivable	3,523
Other current assets	(600)
Increase (decrease) in operating liabilities:	
Accounts payable and accrued expenses	(10,793)
Total adjustments	(7,340)
Net cash flows from operating activities	11,528

Cash flows from investing activities:

Purchases of investments	(473)
Net cash flows from investing activities	(473)

Net increase in cash and cash equivalents	11,055
Cash and cash equivalents at beginning of year	11,341
Cash and cash equivalents at end of year	\$ 22,396

See independent accountants' review report.
The accompanying notes are an integral part of these financial statements.

Notes to Financial Statements

June 30, 2014

NOTE 1 – NATURE OF THE CORPORATION AND SIGNIFICANT ACCOUNTING POLICIES

Nature of the Corporation

Creative Portland Corporation (CPC), established November 2008, is a non-profit organization created to receive donations, grants and contributions in support of the City of Portland's economic development efforts which enhance and create economic business and arts district development and employment opportunities.

Basis of Presentation

The accompanying financial statements have been prepared on the accrual basis of accounting in accordance with generally accepted accounting principles. Net assets and revenues, expenses, gains and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, net assets of the Corporation and changes therein are classified and reported as follows:

Unrestricted net assets – Net assets that are not subject to donor-imposed stipulations.

Temporarily restricted net assets – Net assets subject to donor-imposed stipulations that may or will be met, either by actions of the Corporation and/or the passage of time. When a restriction expires, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.

Permanently restricted net assets – Net assets resulting from contributions and other inflows of assets whose use by CPC is limited by donor-imposed stipulations that neither expire by passage of time nor can be fulfilled or otherwise removed by actions of CPC. CPC had no permanently restricted net assets as of June 30, 2014.

Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Revenue Recognition

Support and revenue are accounted for under the accrual method of accounting which requires revenue to be recorded in the period it is earned. Contributions and grants are recorded as unrestricted, temporarily restricted, or permanently restricted support, depending on the existence and/or nature of any donor restriction.

Accounts Receivable

Accounts receivable are stated at the amount management expects to collect from balances outstanding at year-end. No allowance has been provided for these receivables as management considers them to be fully collectible.

Investments

Investments are carried at fair value, and realized and unrealized gains and losses are allocated to unrestricted and temporarily restricted net assets based on donor stipulations as reflected in the statement of activities.

Notes to Financial Statements

June 30, 2014

NOTE 1 – NATURE OF THE CORPORATION AND SIGNIFICANT ACCOUNTING POLICIES – CONTINUED

Property and Equipment

Property and equipment are stated at cost. CPC capitalizes all expenditures in excess of \$1,000 for property and equipment. Depreciation of property and equipment is computed on accelerated and straight-line methods with lives varying from three to five years.

Fair Value Measurements

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. In determining fair value, CPC uses various methods including market, income and cost approaches. Based on these approaches, CPC often utilizes certain assumptions that market participants would use in pricing the asset or liability, including assumptions about risk and or the risks inherent in the inputs to the valuation technique. These inputs can be readily observable, market corroborated, or generally unobservable inputs. CPC utilizes valuation techniques that maximize the use of observable inputs and minimize the use of unobservable inputs. Based on the observability of the inputs used in the valuation techniques, CPC is required to provide the following information according to the fair value hierarchy.

The fair value hierarchy ranks the quality and reliability of the information used to determine fair values. Financial assets and liabilities carried at fair value will be classified and disclosed in one of the following three categories:

Level 1 – Unadjusted quoted prices in active markets for identical assets or liabilities that the reporting entity has the ability to access at the measurement date. The type of investments included in Level 1 include listed equities and listed derivatives.

Level 2 – Inputs other than quoted prices within Level 1 that are observable for the asset or liability, either directly or indirectly; and fair value is determined through the use of models or other valuation methodologies. Investments which are generally included in this category include corporate bonds and loans, less liquid and restricted equity securities and certain over-the-counter derivatives. A significant adjustment to a Level 2 input could result in the Level 2 measurement becoming a Level 3 measurement.

Level 3 – Inputs are unobservable for the asset or liability and include situations where there is little, if any, market activity for the asset or liability. The inputs into the determination of fair value are based upon the best information in the circumstances and may require significant management judgment or estimation. Investments that are included in this category generally include equity and debt positions in private companies.

CDC determined that the investments were a Level 1 as they are equity investments based on quoted prices in active markets.

Contributions

Contributions, including unconditional promises to give, are recorded as made. All contributions are available for unrestricted use unless specifically restricted by the donor. Conditional promises to give are recognized when the conditions on which they depend are substantially met. Unconditional promises to give due in the next year are recorded at their net realizable value. Unconditional promises to give due in subsequent years are reported at the present value of their net realizable value, using risk-free interest rates.

Notes to Financial Statements

June 30, 2014

NOTE 1 – NATURE OF THE CORPORATION AND SIGNIFICANT ACCOUNTING POLICIES – CONTINUED

Functional Expenses

CPC allocates its expenses on a functional basis among various programs. Accordingly, certain costs have been allocated among the programs and supporting services benefited. CPC incurred \$143,454 in program related expenses, \$28,994 in administrative expenses and \$45,098 in fundraising expenses during the year ended June 30, 2014.

Income Taxes

CPC is exempt from income taxes under Internal Revenue Code Section 501(c)(3).

Management has evaluated CPC's tax positions and concluded that CPC had taken no uncertain tax positions that required adjustment to the financial statements. When necessary, CPC accounts for interest and penalties related to uncertain tax positions as part of its provision for federal and state income taxes. CPC is currently open to audit under the statute of limitations by the Internal Revenue Service and state taxing authorities for the years ended June 30, 2011 through June 30, 2014.

Statements of Cash Flows

For purposes of the Statement of Cash Flows, the Corporation considers all cash and other highly liquid instruments with initial maturities of three months or less to be cash equivalents.

Advertising

CPC expenses advertising costs as they are incurred. Advertising expenses amount to \$765 for the year ended June 30, 2014.

NOTE 2 – CASH AND CASH EQUIVALENTS

CPC maintains cash in bank deposit accounts that may at times exceed federally insured limits. CPC has not experienced any losses in these accounts and believes that it is not exposed to any significant risk on cash or cash equivalents.

NOTE 3 – TEMPORARILY RESTRICTED NET ASSETS

The following is a summary of the nature of restrictions on temporary restricted net assets at June 30, 2014:

Restricted grants for programs	<u>\$ 8,500</u>
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NOTE 4 – OPERATING LEASE

The Corporation has a one-year operating lease for office space in Portland, Maine, expiring on November 30, 2014. Monthly rent is \$600 and rent expense for the year ended June 30, 2014 was \$4,975.

Future minimum payments remaining under these operating leases for year ended June 30, 2014 is as follows:

2015	<u>\$ 3,000</u>
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Notes to Financial Statements

June 30, 2014

NOTE 5 – FAIR VALUE MEASUREMENTS

Fair values of assets measured on a recurring basis at June 30, 2014, are as follows:

	Fair Value	Fair Value of Measurements at Reporting Date		
		Level 1	Level 2	Level 3
Equities	\$ 473	\$ 473	\$ -	\$ -

NOTE 6 – SUBSEQUENT EVENTS

Management has evaluated subsequent events to and including October 28, 2014, which represents the date the financial statements were available to be issued and determined that any subsequent events that would require recognition or disclosure have been considered in the preparation of these financial statements.

*Order 103-14/15
Tab 2 12-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING AMENDMENTS TO
CREATIVE PORTLAND BY-LAWS**

ORDERED, that the City of Portland, by authority of its City Council in its capacity as incorporator of Creative Portland Corporation, hereby approves the amendment to the By-Laws of the Creative Portland Corporation in substantially the form attached hereto as Attachment 1; and

BE IT FURTHER ORDERED, that this Order shall be filed as part of the corporate records of the Creative Portland Corporation.

Mayor Michael F. Brennan

Councilor David H. Brenerman

Councilor Kevin J. Donoghue

Councilor Jon Hinck

Councilor David A. Marshall

Councilor Jill C. Duson

Councilor Edward J. Suslovic

Councilor Nicholas M. Mavodones

Councilor Justin Costa

As amended and passed by the City Council/Corporator at its March 19, 2012 Meeting:

**BYLAWS OF THE
CREATIVE PORTLAND CORPORATION
(commonly known as “Creative Portland”)**

**ARTICLE 1
NAME, PRINCIPAL OFFICE, CORPORATE SEAL**

Section 1.1. Name. The name of this corporation shall be the Creative Portland Corporation, commonly known as “Creative Portland”.

Section 1.2. Principal Office. The principal office for the conduct of the activities of the corporation shall be located in Portland, Maine.

Section 1.3. Registered Office. The Registered Office of the Corporation is at 389 Congress Street, Portland, Maine. The address of the Registered Office may be changed from time to time by the Board of Directors or by the Registered Agent.

Section 1.4. Registered Agent. The Registered Agent of the Corporation is the person designated in the Articles of Incorporation, as amended from time to time by the Board of Directors.

**ARTICLE II
PURPOSES**

Section 2.1. General Purposes. The Corporation is organized and shall be operated on a non-profit basis to receive donations, grants and contributions in support of the City of Portland’s economic development efforts by strengthening, stimulating and supporting Portland’s creative industries, enterprises, and workforce, with specific regard for artists and cultural institutions who are critical assets to the city’s identity, economy, and community. In furtherance of its mission, the Corporation shall endeavor to:

- A. Act as the official Local Arts Agency for the City of Portland.
- B. Supports and, at times, sponsors activities and programs, like the First Friday Art Walk, that encourage greater access to, and participation in, arts and culture.
- C. Supports programs that assist artists, creative workers, and creative entrepreneurs with the development of their professional skills and expertise, and help catalyze the creative community with up-to-date information and constructive discussion.

- D. Partner with key institutions to pursue a larger, collective vision based on the success of Portland's creative community with a particular emphasis on the arts and culture.
- E. Consider new (or updated) public policies that affect artists, arts organizations, and creative industries in Portland and makes recommendations to the appropriate governmental bodies.
- F. Pursue strategies that keep Portland's identity as a vibrant, creative place at the forefront nationally, and increase awareness among those with the potential to add to the consumer/audience/donor base for the arts and cultural community.
- G. Develop and implement strategies in conjunction with the City's Economic Development Division to stimulate creative enterprise development, job growth, and attraction of consumers and audiences who frequent and support artists, cultural institutions, and creative enterprises.
- H. Pursue strategies that support the continued development of Portland's Arts District and increase opportunities for artists and arts organizations to thrive.
- I. Conduct and/or fund research to support Corporation objectives as well as the key interests/needs of artists, arts and cultural organizations and creative entrepreneurs.

Section 2.2. Powers. This Corporation shall have all such powers as are authorized to non-profit corporations by the Maine Nonprofit Corporations Act. The corporation shall neither have nor exercise any power, nor shall it engage directly or indirectly in any activity that would invalidate its status (i) as a corporation which is exempt from federal income taxation as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or (ii) as a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended.

Section 2.3. Prohibition of the Inurement of Assets and Income to Private Persons. The corporation is not organized for pecuniary profit and shall not have any capital stock. No part of its net earnings or of its principal shall inure to the benefit of any officer or director of the corporation, or any other individual, partnership or corporation, but reimbursements for expenditures or the payment of reasonable compensation for services rendered shall not be deemed to be a distribution of earnings or principal.

Section 2.4. Dissolution. If this Corporation is dissolved or its legal existence terminated, either voluntarily or involuntarily, or upon final liquidation of the Corporation, none of its assets shall inure to the benefit of any private individual, and all

of its assets remaining after payment of all of its liabilities shall be distributed to one or more organizations which the Board of Directors then determines is qualified both as an exempt organization under Section 501(c)(3) of the Internal Revenue Code, and as an organization engaged in activities substantially similar to those of this Corporation (within the meaning of 13-B M.R.S.A. §407).

Section 2.5 Tax exempt Status. It is intended that the Corporation shall have and continue to have the status of a corporation which is exempt from federal income tax under Section 501(a) of the Internal Revenue Code of 1986, as amended, or successor provisions of federal tax law (the "Internal Revenue Code") as an organization described in Section 501(c)(3) of such Code, and to which contributions are deductible under Section 170(c)(2) and 2055(a)(2) of the Internal Revenue Code, which is other than a private foundation as defined in Section 509(A) of the Internal Revenue Code. The Articles of Incorporation and these Bylaws shall be construed accordingly, and all powers and activities shall be limited accordingly.

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation; provided that the Corporation shall have the power to make an election under Section 501(h) of the Internal Revenue Code. Likewise, the Corporation shall not participate or intervene in any manner or to any extent in any political campaign on behalf of any candidate for public office. Furthermore, the Corporation shall not engage in any activities that are unlawful under applicable federal, state or local laws, including, but not limited to, activities prohibited for an exempt organization under Section 501(c)(3) of the Internal Revenue Code and regulations thereunder as they now exist or as they may hereafter be amended.

ARTICLE III **MEMBERSHIP**

Section 3.1. Member. The sole member of the Corporation shall be the City of Portland, Maine. The sole member of the Corporation shall be referred to as the "Corporator" for the purposes of the Articles of Incorporation and these Bylaws.

Section 3.2 General. The rights and responsibilities of the Corporator, may be changed from time to time by an amendment to the Articles of Incorporation (to the extent required by law) and these Bylaws.

Section 3.3. Powers. The Corporator shall have only those rights set forth in the Articles of Incorporation, as restated in these Bylaws. Such rights are as follows:

- A. The establishment of the size of the Board of Directors within the limits described in Section 4.2 hereof;
- B. The appointment of up to 10 Directors pursuant to Article IV hereof, with the exception of filling of a vacant Board seat as provided in Section 4.5 hereof;

- C. The removal of Directors it has appointed from the Board of Directors;
- D. The amendment, restatement, or modification of the Articles of Incorporation or of the Bylaws of this Corporation;
- E. The approval of the sale, lease, or other disposition (excluding by mortgage or pledge for purposes of security) of all, or substantially all, of the assets and property of the Corporation;
- F. The dissolution of the Corporation or its merger with or consolidation with another corporation; and
- G. Any other matter which a majority of the Board of Directors voting on the matter votes to submit to the Member.

Section 3.4 Annual Meetings. The Annual Meeting of the Corporator shall be held at a regular meeting of the City Council in the month of November of each year at such place and time as shall be fixed by the Board of Directors. In the event of a failure for any reason to hold an Annual Meeting as aforesaid, any business which may properly be transacted at an Annual Meeting, including the election of Directors, may be transacted at a Special Meeting.

Section 3.5 Special Meetings. Special Meetings of the Corporator may be called at any time by the President or a majority of the Directors.

Section 3.6. Notice of Meetings. Notice of all meetings of the Corporator shall be given by the Secretary or in his or her absence or disability by the President, by mailing or emailing to the Corporator a written notice specifying the time and place of the meeting, such notice to be addressed to the Corporator and emailed or mailed (postage prepaid) at least five (5) but not more than fifty (50) days before the meeting.

Section 3.7. Action by Unanimous Consent. Any action required or permitted to be taken at a meeting of the Corporator may be taken without a meeting as long as consent in writing, setting forth the action so taken shall be signed by the Corporator, and filed with the minutes of the meetings of the Corporator.

Section 3.8. Manner of Acting. The act of the Corporator, present in person or by proxy at a meeting, shall be the valid act of the Corporator.

ARTICLE IV **BOARD OF DIRECTORS**

Section 4.1. Management by Board. The affairs of the Corporation shall be managed by its Board of Directors, which may exercise all powers of the Corporation and

do all lawful acts and things necessary or appropriate to carry out the purposes of the Corporation. The Board of Directors may hire an Executive Director to whom it may delegate such duties as it deems appropriate.

Section 4.2. Number of Directors; Eligibility. The Board of Directors shall consist of up to twenty-one (21) individuals – eight (8) of whom shall be Directors appointed by the Corporator through the Portland City Council, two (2) of whom shall be ex officio members of the Board pursuant to Section 4.4 of this Article, and eleven of whom will be elected by the Board of Directors pursuant to Section 4.4 of this Article. ~~All Directors, with the exception of the ex officio members, must be either residents of, own a business located in, or work in the City of Portland.~~

Section 4.3. Nomination. The Corporator shall receive nominations from the Portland City Council Nominating Committee.

Section 4.4. Ex Officio Members of the Board of Directors. There shall be two (2) individuals who shall each be deemed an ex officio members of the Board of Directors by virtue of his or her holding the position of (1) Mayor or City Council member of the City of Portland as appointed by the Corporator; and (2) City Manager or designee of the City Manager associated with the Economic Development Division as appointed by the Corporator.

The provisions of these Bylaws contained in Section 4.5 regarding term of office, Sections 3.2 and 3.3 regarding appointment of directors and Section 4.7 regarding vacancies shall not apply to said ex officio members. The City Manager or designee shall be a member of the Board of Directors so long as he or she continues to serve in the office by virtue of his or her employment in the said capacity by the City; and the Mayor or City Council member shall be appointed annually; and said members shall enjoy all the rights, privileges and responsibilities of all other member of the Board of Directors, including, without limitation, voting privileges, except, however that no ex officio member may serve as President of the Board of Directors. The Board of Directors may take action by unanimous consent only with the consent of said ex officio member. Ex officio members shall be counted as Directors for purposes of determination of the residency/business requirements in Section 4.2 of this Article. Ex officio members shall be entitled to the same indemnification rights available to all Directors under the law, these Bylaws or otherwise.

Section 4.5. Terms of Office. The Corporator shall specify the term of office for which each of its up to ten (10) Directors is initially appointed. The Board of Directors shall specify the term of office for which each of its up to eleven (11) Directors is initially appointed. Thereafter, Directors shall be appointed by either the Corporator or the Board of Directors at Annual Meetings of the Corporation to serve as such for a term of three (3) years. Each Director shall serve until his or her successor shall be duly qualified and appointed. Directors shall be nominated prior to the Annual Meeting of the Corporation. No Director shall succeed himself or herself after his or her initial term for more than two (2) full consecutive terms, and no Director shall serve for more than nine

years. However, if the President is serving the last year of his or her term, and would not otherwise be able to continue on the Board, he or she may in this case (to serve as Immediate Past President) serve for one additional year.

Section 4.6. Voting. Each Director shall be entitled to one (1) vote.

Section 4.7. Vacancies. Any vacancy occurring on the Board of Directors among the Corporator's appointees may be filled by the Corporator.. A person appointed to fill a vacancy which occurs other than by reason of an increase in the number of Directors shall serve the remainder of the term of the individual he/she is replacing unless otherwise ordered by the Corporator.

Any vacancy occurring on the Board of Directors among Board appointees may be filled by the Board of Directors. A person appointed to fill a vacancy which occurs other than by reason of an increase in the number of Directors shall serve the remainder of the term of the individual he/she is replacing unless otherwise ordered by the Board.

Section 4.8. Resignation. Any Director may resign at any time by giving written notice to the President of the Corporation. Such resignation shall take effect on the date of receipt or at any later time specified therein.

ARTICLE V **MEETINGS**

Section 5.1. Annual Meeting. The Annual Meeting of the Board of Directors shall be held without call at the Board's Regular Meeting in the month of November, at the principal office of the Corporation or at some other place fixed by the President.

Section 5.2. Regular Meeting. Other Regular Meetings of the Board of Directors may be held, without call, at such place, date and time as shall be fixed from time to time by resolution of the Board of Directors.

Section 5.3. Special Meetings. Special Meetings of the Board of Directors may be called by such persons as are authorized by law to call Special Meetings. The place, date and time of the Special Meeting shall be fixed in the call therefor.

Section 5.4. Notice of Meetings. Notice of each Annual, Regular or Special Meeting of the Board of Directors shall be given by the person or persons calling the same or by the President or Secretary at least three (3) days in advance thereof. Notice may be given in writing, by email, by telephone, by oral statement or by any other means to the Directors in person or by delivery of a writing to his residence or business address. Notice given in writing by mail shall be deemed given on the day that the same is deposited in the U.S. mails as first class mail, postage prepaid. Neither the business to be transacted there at, nor the purposes of any Annual, Regular or Special Meeting of the Board of Directors need to be specified in the notice of such meeting, except when otherwise provided by law.

Section 5.5. Conduct of Meetings. The final actions of the Board of Directors shall be taken openly, and subject to provisions of the Maine Freedom of Access Law, deliberations of the Board shall be conducted openly, and the records of their actions shall be open to public inspection. The Board may go into executive session from time to time as allowed by the Maine Freedom of Access Law.

Section 5.6. Quorum. A simple majority (over 50%) of the Directors shall constitute a quorum for the transaction of business. The act of the majority of the directors present at a meeting of the Board of Directors at which a quorum is present shall be the act of the Board of Directors.

Section 5.7. Informal Action by Directors. Action of the Directors may be taken in accordance with the provisions of Section 708 of the Maine Nonprofit Corporations Act, Title 13-B M.R.S.A. as it may be amended from time to time. In amplification of, and not in limitation of the foregoing, action taken by agreement of a majority of Directors shall be deemed action of the Board of Directors if all Directors know of the action taken and no Director makes prompt objection to such action. Objection by a Director shall be effective if written objection to any specific action so taken is filed with the Secretary of this Corporation within thirty (30) days of such specific action.

Section 5.8. Notice. Whenever under the provisions of the statutes, Articles of Incorporation or these Bylaws notice is required to be given to any Director, such notice must be given in writing by personal delivery, by email, mail, or by telephone, addressed to such Director at his or her address as it appears on the records of the Corporation, with postage or other delivery fees prepaid, or at his or her telephone number as it appears on the records of the Corporation. Notice by mail shall be deemed to be given at the time it is deposited in the United States mail.

Section 5.9. Indemnification. This corporation shall in all cases indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he or she is or was a Director, officer, employee or agent of this corporation, against expenses, including attorney's fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding to the maximum extent permitted by law, including, without limitation, 13-B M.R.S.A. §714 as it may be amended from time to time, and acts additional thereto and supplementary thereof, to which reference is made.

ARTICLE VI **OFFICERS AND AGENTS**

Section 6.1. Officers. The officers of the corporation shall be chosen annually at the Annual Meeting of the Board of Directors, and shall be a President, Vice President, a Treasurer, a Secretary, and an Immediate Past President. One individual may serve in

more than one such office. The Board of Directors may also appoint one or more Assistant Secretaries and Assistant Treasurers.

Section 6.2. Term. Officers shall be elected for a term of one (1) year to serve until the next Annual Meeting of the Board of Directors or until their successors are duly chosen and qualified. Officers may succeed themselves for any period of years. The initial officers shall be appointed by the Board of Directors at their first meeting following incorporation to serve as such until the first Annual Meeting of the Board of Directors.

Section 6.3. Removal. Any officer of the corporation may be removed by the Board of Directors whenever in their judgment the best interests of the corporation will be served thereby.

Section 6.4. Vacancies. Any vacancy in any office (except the office of Director) may be filled by the Board of Directors.

Section 6.5. President. The President of the Corporation shall be elected from among the members of the Board of Directors, provided however that no ex officio member may be permitted to serve as President.

Section 6.6. Vice-President. The Vice President shall perform such duties as are assigned to him or her by the President and the Board of Directors. In the absence of the President, he or she shall perform the duties of that office.

Section 6.7. Treasurer. The Treasurer shall be the chief financial officer of the corporation and, together with the Assistant Treasurer, shall have the responsibility for all corporate funds and securities and shall maintain full and accurate accounts of receipts and disbursements in a book or books kept for that purpose. The Treasurer shall perform such other duties as may be prescribed by the Board of Directors or the President, under whose supervision the Treasurer shall be.

Section 6.8. Secretary. The Secretary shall attend all meetings of Corporation and the Board of Directors and keep minutes of all meetings of the Corporation and the Board of Directors in a book or books kept for that purpose. The Secretary shall perform such other duties as may be prescribed by the Board of Directors or the President, under whose supervision the Secretary shall be. The Secretary, and any Assistant Secretaries, shall have authority to affix the corporate seal to any instrument which requires it, and when so affixed, it may be attested by the Secretary or by any Assistant Secretary.

Section 6.9 Immediate Past President. The Immediate Past President shall perform such duties as are assigned to him or her by the President and the Board of Directors.

Section 6.9.1. The Assistant Treasurer and Assistant Secretary. One (1) Assistant Secretary shall be appointed by the Board of Directors. The individual appointed Assistant Secretary shall be the Director of Economic Development Division of the City

of Portland and shall be the principal staff person for the Corporation. One (1) Assistant Treasurer shall be appointed by the Board of Directors. The individual appointed as the Assistant Treasurer shall be that individual who holds the position of Treasurer for the City of Portland. The Assistant Treasurer shall, together with the Treasurer, have the responsibility for all corporate funds and securities and shall maintain full and accurate accounts of receipts and disbursements in a book or books kept for that purpose. The Assistant Treasurer shall have such other powers and duties as may be prescribed from time to time by the Board of Directors. Assistant Secretaries and Assistant Treasurers shall not be members of the Board of Directors.

Section 6.9.2. Other Employees. Other employees of the Corporation may be appointed by the Board of Directors, and if so appointed, shall be supervised by, and shall serve under the direction of the Board of Directors.

ARTICLE VII **COMMITTEES**

Section 7.1: Executive Committee

The Executive Committee of the Corporation shall consist of President, Vice President, Treasurer, and Immediate Past President. Except for the power to amend the Articles of Incorporation and Bylaws, the Executive Committee shall have all of the powers and authority of the Board of Directors in the intervals between meetings of the Board of Directors, subject to the direction and control of the Board of Directors. This includes supervision of the staff of the Corporation.

Section 7.2: Finance Committee

The Finance Committee of the Corporation shall consist of three members of the Board. The incumbent Treasurer of the Board will serve as a member and chair of the Finance Committee. The Finance Committee is responsible for developing and reviewing fiscal procedures, a fundraising plan, and annual budget. The Board must approve the budget, and all expenditures must be within the budget. Any major change in the budget must be approved by the Board or the Executive Committee. The fiscal year shall be July 1 to June 30. Annual reports are required to be submitted to the Board showing income, expenditures, and pending income. The financial records of the organization are public information and shall be made available to the membership, Board members, and the public.

Section 7.1: Subcommittees of the Board

The Board may create subcommittees, such as fundraising, marketing, events, as needed. Both members of the Board and the public can be members. The Board President will appoint the Chairs of the Committee. Each Board director shall serve on at least one subcommittee.

ARTICLE VIII
ADOPTION, AMENDMENT

Section 8.1. Generally. These Bylaws may be amended or repealed or new Bylaws adopted only by the affirmative vote of the Corporator, provided, however, that the Bylaws may not be amended in such a way as to cause the Corporation to lose its status (i) as a corporation which is exempt from federal income taxation as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or (ii) as a corporation to which contributions are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended, or (iii) as a corporation described in Section 170(b)(1)(A)(vi) of the Internal Revenue Code of 1986, as amended.

Section 8.2. Amendments. These Bylaws may be amended solely by the Corporator.

ARTICLE IX
CONFLICT OF INTEREST

Section 9.1. Avoidance of Conflict or the Appearance of such Conflict. Every Director shall endeavor to avoid conflicts of interest or the appearance of such conflicts or impropriety as provided by state statute, by full disclosure at all times and by abstention in the appropriate circumstances.

Section 9.1. Disclosure. Any Director who has a direct interest in any matter to be considered by the Board shall fully disclose that interest to the Board. If a Director is unsure whether a direct interest exists in a particular matter or if the issue is otherwise raised in good faith, the Director shall disclose the pertinent facts to the Board, and the Board shall determine the issue.

Section 9.3. Abstention. When the Director has so disclosed and is deemed to have a direct interest in a matter, the Director shall abstain from voting on the matter and from otherwise participating in the decision-making process on the matter. Notation of the disclosure and abstention of the Director shall be recorded in the minutes.

Section 9.4. Direct Interest. For purposes of this Article, direct interest in a matter shall mean:

- A. A substantial financial interest of the Director or of the spouse or dependent child of the Director;
- B. A substantial financial interest of any employer, partner, associate, co-shareholder or other co-venturer of the Director;

C. A substantial financial interest of the Director in any entity which has a substantial financial interest in the matter; or

D. Any other substantial interest of the Director which the Director or the Board believes might reasonably impair the Director's ability to act independently.

ATTEST: _____
Secretary

DATE: _____

Tab 3 - 14/15

IN COUNCIL REGULAR MEETING DECEMBER 1, 2014 VOL. 130 PAGE 37

ROLL CALL: Mayor Brennan called the meeting to order at 12:10. All Councilors Present.

City Clerk Jones administered the oath of office to Councilor Brenerman and Councilor Costa.

ROLL CALL: Mayor Brennan asked the Clerk to read the Call. All Councilors Present.

BUSINESS MEETING

1. Resolve #2 -14/15 - Adopting Council Rules.

Motion by Councilor Marshall and seconded by Councilor Duson for passage. Passage 9-0.

2. Order 96 14/15 Appointing Standing Committees and other Council Appointed Committees.

Motion was made by Councilor Marshall and seconded by Councilor Duson for passage.
Passage 9-0.

4. Order #97 14/15 – Appointing Mayor Pro Tempore.

Motion by Councilor Marshall and seconded by Councilor Duson for passage. Passage 9-0.

Motion by Councilor Hinck and seconded by Councilor Duson to adjourn. Passage 9-0,
12:20 P.M.

A TRUE COPY.

ATTEST

Katherine L. Jones, City Clerk, CMC

IN COUNCIL SPECIAL MEETING DECEMBER 1, 2014 VOL. 130 PAGE 39

ROLL CALL: Mayor Brennan called the meeting to order at 12:25 P.M. All Councilors present.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Marshall and seconded by Councilor Duson for approval of the November 17, 2014 City Council minutes. Passage 9-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

APPOINTMENTS:

CONSENT ITEMS:

LICENSES:

Order 98-14/15 **Order Granting Municipal Officers' Approval of Oscar Pizza LLC d/b/a Otto at 255 Congress Street. Application to add Entertainment Without Dance – Sponsored by Katherine L. Jones, City Clerk.**

Motion was made by Councilor Duson and seconded by Councilor Marshall for passage. Passage 9-0.

Order 99-14/15 **Order Granting Municipal Officers' Approval of Z Dance Hall, LLC d/b/a Z Dance Hall, LLC. Application for a Class A Lounge License with Entertainment with Dance at 1844 Forest Avenue – Sponsored by Katherine L. Jones, City Clerk.**

Motion was made by Councilor Duson and seconded by Councilor Marshall for passage. Passage 9-0.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 25-14/15 **Order Approving the Collective Bargaining Agreement with Police Superior Officers Benevolent Association (PSOBA) – Sponsored by Sheila Hill-Christian, Acting City Manager. This item was given first reading on July 1, 2014.**

Motion was made by Councilor Suslovic and seconded by Councilor Duson for passage. Passage 9-0.

Order 95-14/15 **Order Approving the Collective Bargaining Agreement with the City**
(Tab 5) **Employees benefit Association (CEBA) – Sponsored by Sheila Hill-**
 Christian, Acting City Manager. This item was given first reading on
 11/17/2014.

Motion was made by Councilor Suslovic and seconded by councilor Duson for passage. Passage 9-0.

ORDERS:

Order 100-14/15 **Order Granting a \$30,000.00 Land Bank Fund Grant to Peaks Island Preserve for Acquisition of the Ice Pond Property – Sponsored by Cheryl Leeman, Co-Chair of the Land Bank Commission.**

This is its first reading.

AMENDMENTS:

Order 101-14/15 **Amendment to City Code Sec. 14-49 (Zoning Text and Map Amendment) Re: First Amendment to the Conditional Rezoning Agreement for Property in the Vicinity of St. Lawrence Arts/Congress Street – Sponsored by the Planning Board, Stuart O'Brien, Chair.**

This is its first reading.

Order 102-14/15 **Amendment to Zoning Map Re: Anderson and Fox Streets - Sponsored by the Planning Board, Stuart O'Brien, Chair.**

This is its first reading.

Motion was made by Councilor Brenerman and seconded by Councilor Costa to adjourn. Passage 9-0, 12:40 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

*Dec 15-14/15
Sat 4 12-15-14*

PROCLAMATION

Honoring

Bruce Hyman
Employee of the Month

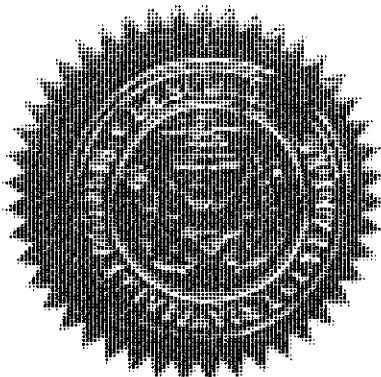
December 2014

* * * * *

- WHEREAS:** **Bruce Hyman** of the Planning & Urban Development Department, has been named the City of Portland Employee of the Month by a committee of his peers and selected for this distinct honor from a workforce of 1,300; and
- WHEREAS:** This award is presented in recognition of **Bruce's** duties as the Bicycle/Pedestrian Program Coordinator for the City. **Bruce** goes about the work of making this City a safer place for people to bicycle and walk. There is a lot of day to day work that goes into fixing curb ramps, ensuring properly striped crosswalks and installing bike racks, work that often goes unrecognized; and
- WHEREAS:** **Bruce** not only talks about multimodal transportation, he also uses a variety of ways to get around – biking, walking, carpooling and using public transit; and
- WHEREAS:** **Bruce** understands what needs to be improved and works to make it happen within financial and personnel restraints, all while thinking strategically. **Bruce** has a fantastic rapport with co-workers, colleagues and business owners. His knowledge and hard work have been recognized by his co-workers. **Bruce** truly is an asset to the Planning & Urban Development Department and to the City, as shown by his recent promotion to head the Transportation Division.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Michael F. Brennan, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Bruce Hyman** as **City Employee of the Month, December 2014**.

Signed and Sealed this 15th day of December 2014



A handwritten signature in black ink, reading "Michael F. Brennan", is written over a horizontal line.

Michael F. Brennan, Mayor
City of Portland, Maine

Dec 16 - 14/15
Feb 5 12-15-14

PROCLAMATION
HONORING
OFFICER NICHOLAS GOWEN

- WHEREAS,** **Officer Gowen** joined the Portland Police Department in 2013 following his education in criminology and history at the University of Southern Maine; and
- WHEREAS,** **Officer Gowen** is recognized this month for his recent work to develop a confidential informant (CI) from a traffic arrest, where the informant ultimately signed up as a registered confidential informant with the Maine Drug Enforcement Agency; and
- WHEREAS,** **Officer Gowen** is credited with obtaining vital information from a confidential informant pertaining to a case currently under investigation by the department's Criminal Investigation Division; and
- WHEREAS,** **Officer Gowen** is well respected by his peers and remains a dependable and pro-active asset to our team who we are fortunate to have represent our department; and

NOW, THEREFORE, BE IT RESOLVED, THAT I, Michael F. Brennan, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Nicholas Gowen** as **Officer of the Month for November 2014.**

Signed and sealed this 15th day of December, 2014

Michael F. Brennan, Mayor
City of Portland, Maine

Order 103A-14/15
Tab 5A 12/15/14

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPOINTING CONSTABLES FOR 2015
RE: CITY AND PORTLAND HOUSING AUTHORITY**

ORDERED, that the individuals listed below are hereby appointed as constables for calendar year 2015;

BE IT FURTHER ORDERED, that these appointments shall be effective from 12:01 a.m. January 1, 2015, until 12:00 midnight, December 31, 2015;

BE IT FURTHER ORDERED, that these appointments are pursuant to Sections 20-19 and 20-19.5, Portland City Code, and none are allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrest.

DEPARTMENT OF BUILDING

INSPECTIONS

Tammy Munson
Jonathan Rioux
Jeanie Bourke
George Froehlich
Douglas Morin
Paul Fagone
Brian LaFlamme
Laurie Leader

PORTLAND HOUSING AUTHORITY

Karin Lavigne
Trevor Nugent
David Gagne
Shannon Rafferty-Roy
Marcia Yeaton

PROCESS SERVER, PORTLAND

POLICE DEPARTMENT

Kelly Watters

PARKING CONTROL

Andy Martin
Paul Willey
John Peverada

CLIFF ISLAND

Charles Green

ANIMAL CONTROL

POLICE DEPARTMENT

Debra Estrella

**DEPARTMENT OF PUBLIC
SERVICES**

Nancy Gagne
Craig Pyy
Suzanne Hunt
Rhonda Zazzara
Peter Dubail
John Low
Gregory Vining
Paul Lewis

*Order 104-14/15
Tab 6 12-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ACCEPTING EASEMENTS
RE: ISTHMUS BETWEEN GREAT AND LITTLE DIAMOND ISLANDS**

ORDERED, that the attached easements from Diamond Island Association and Cyrus Hagge for access to the isthmus between Great and Little Diamond Islands are hereby accepted in substantially the form attached hereto.

**City of Portland, Maine
City Council Agenda Request Form**

TO: Sonia Bean, Senior Administrative Assistant
Mayor Michael Brennan
Acting City Manager Sheila Hill-Christian

FROM: Danielle West-Chuhta, Corporation Counsel

DATE: **December 3, 2014**

- 1) Council meeting at which action is requested:

1st reading: n/a

Final action: Dec. 15, 2014

- 2) Can action be taken at a later date: X YES NO
If not, why not:

- 3) This item is sponsored by: Danielle West-Chuhta, Corporation Counsel

(If the item is sponsored by a Council Committee include the date the committee met and the outcome of the vote.)

If a memorandum addresses the following issues you may attach and reference the memorandum but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE

The two easements proposed to be accepted by the City Council, one from the Diamond Island Association and one from Cyrus Hagge, will provide the City with the formal right to access and to do maintenance work on the sandbar between Great Diamond Island and Little Diamond Island.

Since there is no barge landing on Little Diamond Island, the Department of Public Services ("DPS") equipment for trash removal, road maintenance, and work done by the Forestry Division has to be delivered to Great Diamond Island, and then driven over the sandbar to Little Diamond Island in order to do the work. DPS provides basic maintenance to the sandbar to ensure access at all times and protect public safety.

DPS has applied to the Department of Environmental Protection ("DEP") to allow for this access and maintenance to the sandbar to continue and is

expected to receive that approval (through the application of a DEP exemption to municipal public service departments).

II. REASON FOR SUBMISSION (What issue/problem will this address?)

See above.

III. INTENDED RESULT (How does it resolve the issue/problem?)

Acceptance of two easements by the City Council.

IV. FINANCIAL IMPACT

There is no financial impact with regard to the drafting of these two easements, other than the deed recording costs. There is, however, a continued financial impact in the amount of \$1,000 for crushed stone for the maintenance of the sandbar itself and for the services provided to the islands over the sandbar, both of which have already been approved as part of the annual City budget.

V. STAFF ANALYSIS & RECOMMENDATION

DPS recommends acceptance of these easements and Corporation Counsel has reviewed and approved the easements as to form.

Attachments:

Order Accepting Easements Re: Sandbar between Great and Little Diamond Islands; and

Copies of the Easements.

Sonia Bean - Executive Session

From: Danielle West-Chuhta
To: Judith Rosen; Sonia Bean
Date: 12/3/2014 11:42 AM
Subject: Executive Session
CC: Michael Brennan; Sheila Hill-Christian

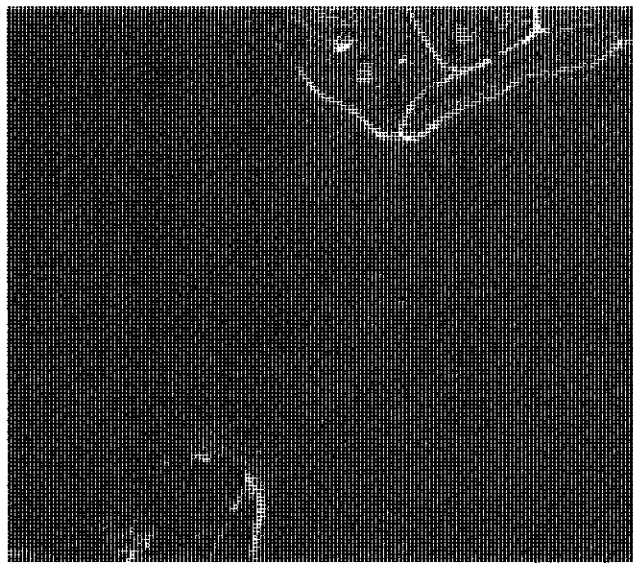
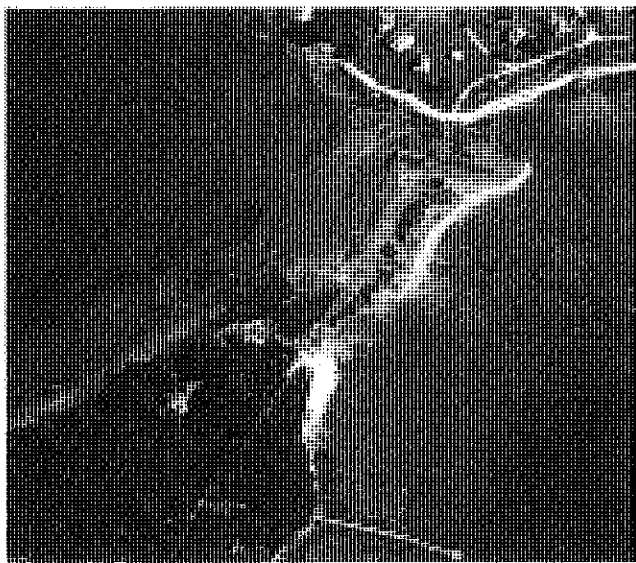
Sonia:

I am going to need an executive session (probably 15-20 mins) in order for Corporation Counsel to discuss Fitzgerald et al v. City of Portland et al. (the Buffer Zone case) with the City Council pursuant to 1 M.R.S. section 405(6)(A)(1)(E).

Thanks,

Danielle

Intertidal Sand Bar Between Great Diamond Island and Little Diamond Island
1/29/2014 wbc





*Order 105-14/15
Tab 7 12-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DECLARING REGGAE FEST
AS A FESTIVAL AND AUTHORIZING ADDITIONAL FESTIVALS
PRESENTED BY WATERFRONT CONCERTS, LLC
ON THE MAINE STATE PIER AND APPROVING CONTRACTS AND
PERMITS THEREFOR**

ORDERED, that Reggae Fest is hereby declared as a Festival to be held in Portland on Sunday, August 8, 2015; and

BE IT FURTHER ORDERED, that Waterfront Concert Festival on Maine State Pier is hereby declared as a series of Festivals in 2015 to be presented by Waterfront Concerts, LLC on behalf of event beneficiaries, which will be non-profit organizations; and

BE IT FURTHER ORDERED, that the City Manager is authorized to grant permits to the Festival organizers, Waterfront Concerts, LLC on behalf of each of the event beneficiaries, pursuant to Sections 25–27 of the Portland City Code for the following activities:

- Waterfront Concerts, LLC will have the use of the Maine State Pier on Sunday, August 8, 2015 for Reggae Fest, when live music will be performed by bands from 12:30 p.m. to 9:00 p.m., and on all other mutually agreeable dates of the Waterfront Concert approved Festivals on Maine State Pier; any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by Waterfront Concerts, LLC and the City to focus volume on the Maine State Pier and its immediate environment; and

BE IT FURTHER ORDERED, that the Festival Area for all of the approved Festivals will be closed to street vendors pursuant to Section 19–17 of the Portland City Code and is reserved for the use of Waterfront Concerts, LLC, and event beneficiaries for the purpose of conducting the Festivals, subject to the direction and control of the Acting City Manager; and

BE IT FURTHER ORDERED, that the Acting City Manager or designee is hereby authorized to issue a revocable permit for each Festival under Sections 25-26 thru 25-30 of Portland City Code to Waterfront Concerts, LLC and event beneficiaries subject to the following conditions:

- Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during the general admission of each of the approved Festivals, other than at a 21+ beer-only garden to be set up near the stage with security provided by Public Assembly Facilities Management staff; when reserved seats, however, are sold to an approved Festival, alcohol may be served within the general Festival area.
- Waterfront Concerts, LLC shall indemnify the City and hold it harmless from and against all claims arising out of activities during all said Festivals/events approved hereunder, and shall take out and maintain public liability insurance coverage in the amount of at least \$400,000 per occurrence for personal or bodily injury, death, or property for said purposes.
- All conditions for use of grounds, specified in each permit for all Festivals approved hereunder issued from Public Services Event Office, shall be adhered to.
- Waterfront Concerts, LLC shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at all of the approved Festivals.
- City permit fees and license fees, and costs for city staff assistance, will be paid by Waterfront Concerts, LLC.

BE IT FURTHER ORDERED, that the Public Assembly Facilities Management Staff or qualified volunteers will provide security at all of the approved Festivals; and

BE IT FURTHER ORDERED, that the Acting City Manager is authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said Code have been met regarding the operation of all of the Festivals approved hereunder; and

BE IT FURTHER ORDERED, that the Acting City Manager is authorized to enter into the Agreement with Waterfront Concerts, LLC and event beneficiaries for the use of the Maine State Pier as described herein.

**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

Two copies to be submitted (with supporting material) at least 12 days before Council meeting:

Copies to: Sonia Bean Nancy English
 Sheila Hill - Christian Danielle West-Chuhta
 Michael Brennan

1. Council Meeting at which action is requested (date): December 15, 2014
2. Can action be taken at a later date? Yes X No
Tour and Promoter would like to confirm event in the upcoming weeks.

If a memo addresses the following issues, you may attach and reference the memo, but please highlight it so that staff may easily answer I-V.

I. SUMMARY OF ISSUE

Declare "Reggae Fest" as a Festival. The Festival is scheduled for load in at 3:00 pm on Saturday, August 8, 2015, with gates opening on Sunday August 9, 2015 at 12 noon, with show time at 12:30 pm and ending at the 9:00 pm curfew; load out will be immediately following the performance on the Maine State Pier. Festival areas are bordered by: All of the Maine State Pier, up to the Portland Ocean Terminal dock and parking / roadway area of the Casco Bay Ferry Terminal.

Waterfront Concerts would also like to present a series of concerts on the Maine State Pier. All of these concerts would follow the same guidelines imposed by the City of Portland. With approval moving forward, it would allow Waterfront Concerts to confirm, announce, and put tickets on sale in a more timely fashion. It would also alleviate pressure on the organizer and staff in preparing each concert to be presented to City Council. Approval of multiple, potential concerts would allow for more activity on the Maine State Pier by eliminating the time constraints and increasing the ability for organizers to confirm bookings. This will apply only to the 2015 outdoor concert season.

We would like to declare the "Waterfront Concerts season" a Festival. Festival areas are bordered by: All of the Maine State Pier, up to the Portland Ocean Terminal dock and parking / roadway area of the Casco Bay Ferry Terminal.

Memo with additional information attached.

II. REASON FOR SUBMISSION (What issue / problem will this address?)

Approval of "Reggae Fest" and an additional series of concerts would allow the time necessary to announce, sell tickets, and properly promote the individual concerts. With each concert falling under the same guidelines, it would expedite the planning and approval process. This would grant each Waterfront Concerts event over the season:

- A Festival Declaration
- Allowance for control of vendors
- Ability to sell tickets / charge admission
- Granting approval for alcohol sales (Maine State Pier)

III. INTENDED RESULT (How does it resolve the issue / problem?)

See above.

IV. FINANCIAL IMPACT

Rental Fees and all costs incurred by City Departments for all concerts will be reimbursed by Waterfront Concerts/Green Drinks Maine, Bangor and Portland, organizers of these events.

V. STAFF ANALYSIS & RECOMMENDATION

Waterfront Concerts, a Maine limited liability company, has previously been approved to organize and present a concert series in 2014. That series consisted of (5) concerts featuring Dierks Bentley, Reggae Festival w/ Freddie McGregor, Three Doors Down (acoustic), Alanis Morissette, and ZZ Top

(postponed). City Staff does not have any concerns with other potential events. Waterfront Concerts is an experienced concert presenter which currently presents events at Darling's Waterfront Pavilion and the Cross Insurance Center in Bangor. They also present events at the Androscoggin Bank Colisee in Lewiston, and Merrill Auditorium in Portland. Waterfront Concerts and Green Drinks Maine, Bangor and Portland will be signing an operating agreement with Recreation and Facilities Management for each event moving forward. These events will be comparable to other successful Maine State Pier concerts.



Anita R. LaChance
Director

Department of Recreation & Facilities Management

Andrew J. Downs
Director
Public Assembly Facilities

TO: Sheila Hill-Christian, Acting City Manager
FROM: Andrew Downs, Director of Public Assembly Facilities
DATE: December 3, 2014
RE: Waterfront Concerts – Reggae Fest and Outdoor Concert “season”

I am requesting that the following order be placed on the next City Council agenda: order authorizing “Reggae Fest” as a festival on August 9, 2015.

Also, authorizing a series of potential concerts presented by Waterfront Concerts on the Maine State Pier, over various dates in 2015.

We would like to formally request a “season” festival declaration where we would be able to maintain holds and confirmations through our office, similar to the process we currently use for events at our other facilities. Each concert will fall under the same guidelines enforced by the City of Portland (Public Assembly Facilities Division). Administrative control over the usage of the Maine State Pier would be maintained. We request this provision so Waterfront Concerts can more actively market the Maine State Pier as a viable option for artists looking for summer outdoor concerts in Maine. Shows would specifically be selected to compliment the atmosphere of the Old Port and would be in the genres of Classic Rock, Folk, Country, Alternative and Adult Contemporary. This would apply only for the 2015 outdoor concert season.

Currently, Waterfront Concerts is holding a number of dates on the Maine State Pier for potential concerts in 2015. They may not use or confirm all of these dates, and they may be inclined to add additional dates. A “season” declaration will allow Waterfront Concerts the flexibility to confirm with the artists and agents in a more timely fashion.

Waterfront Concerts, a Maine limited liability company, has previously been approved to organize and present a concert series in 2014. That series consisted of (5) concerts featuring Dierks Bentley, Reggae Festival w/ Freddie McGregor, Three Doors Down (acoustic), Alanis Morissette, and ZZ Top (postponed). We do not foresee any concerns with other potential events. Waterfront Concerts is an experienced concert presenter which currently presents events at Darling’s Waterfront Pavilion and the Cross Insurance Center in Bangor. They also present events at the Androscoggin Bank Colisee in Lewiston, and Merrill Auditorium in Portland.

Green Drinks of Maine, Bangor and Portland will be the main beneficiary for Waterfront Concerts events, along with other potential non-profit organizations throughout the season. Waterfront Concerts will be signing an operating agreement for usage of the Maine State Pier with the City of Portland’s Public Assembly Facilities Division for each event moving forward. Rental Fee and all expenses for City services will be reimbursed by the organizers for each event.

Green Drinks of Maine, Bangor (www.bangorgreendrinks.org) and Portland (www.portlandgreendrinks.com) are independent affiliates of Green Drinks International,

Portland, Maine



Yes. Life's good here.

Anita R. LaChance
Director

Department of Recreation & Facilities Management

Andrew J. Downs
Director
Public Assembly Facilities

(www.greendrinks.org) a global, organic, self-organizing network focused on communicating the value of the natural environment, sharing goals for sustainability and seeking to promote & develop Green initiatives.

Live music will be performed by bands from a stage set-up on the southeast waterside portion of the pier, oriented northwest towards Franklin Street. Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by Waterfront Concerts' contractor and the City to focus volume on the pier and its immediate environment, limiting any sound impacts in residential areas.

While the bulk of the Maine State Pier would be open only to ticket holders that day, access to the schooners that operate from the Maine State Pier would be preserved all day as would access to, and egress from, the adjacent Casco Bay Lines Terminal and garage, and the Portland Ocean Terminal.

Beer and food will be made available on the Pier; Waterfront Concerts will be responsible for ensuring that all vendors at the festival have complied with appropriate license requirements, including food service, sale of alcohol and concert licenses. All Security for the event will be provided by the City of Portland's Public Assembly Facilities Division.

A "season" festival declaration will allow the Public Assembly Facilities Division the flexibility to manage the potential events presented by Waterfront Concerts for the 2015 Summer Season. It would alleviate the potential of losing concerts because we were not able to present the event to City Council in the short window the artists' management has to announce the tour, set the on sale date for tickets, and work out the details of the tour. Public Assembly Facilities Division Staff are supportive of the request.



275 4th Street
Old Town, ME 04468

Andy Downs / Andrea Smith
City Of Portland, Public Assembly Facilities Division
239 Park Avenue
Portland, Maine 04102
207-874-8200

Dear Andy and Andrea, Please find the attached logistical details breakdown for our proposed Reggae Fest Show on the Maine State Pier on Sunday, August 9, 2015. Thank you for your help and consideration.

Sincerely,

Alex Gray
Member
Waterfront Concerts

Event Details:

Show: Portland Reggae Fest

Show Date: Sunday August 9, 2015

Stage Load In/Site Build: 3 pm, Saturday August 8, 2015

Stage Load Out/Site Deconstruct: Immediately following the performance

Gates: 12:00 PM

Show Time: 12:30 PM

Curfew: 9:00 PM

Artist Performance Schedule (still developing):

Similar to 2014's lineup

TBA: 7:45 - 8:45 pm + an encore to 9pm

TBA: 6:15 - 7:15pm

TBA: 4:45 - 5:45pm

TBA: 3:15 - 4:15pm

TBA: 1:45 - 2:45pm

TBA: 12:30 - 1:15pm

Announce: TBA

VIP Pre Sale: TBA

Optional Local Presales: TBA

Public on sale: TBA

Ticketing: Ticketmaster

Liquor License: Waterfront Concerts, LLC, Maine Dept of Safety

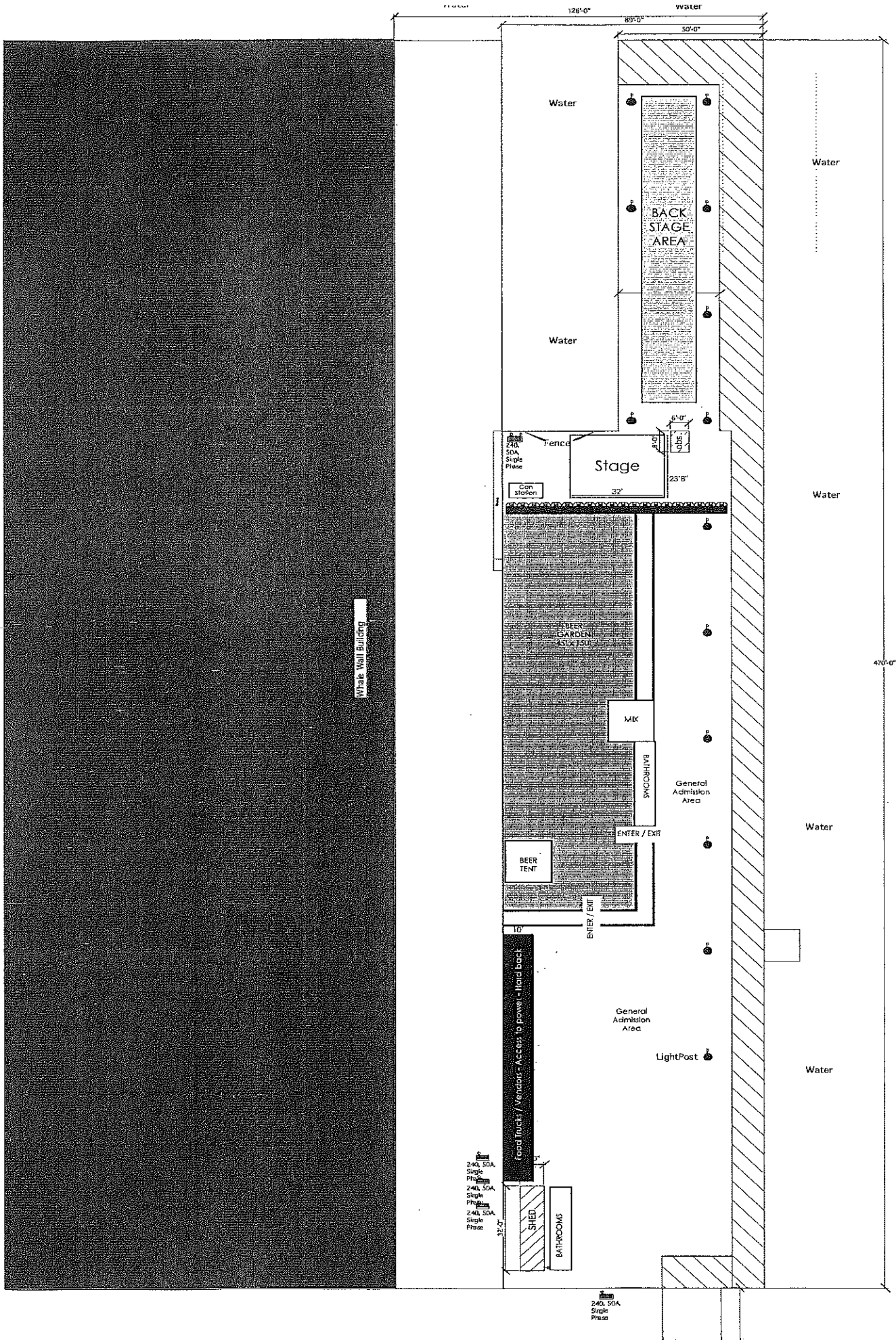
Qualified Catering Service License# 7901

Non Profit Sponsor: Green Drinks of Maine, Bangor and Portland

Portable Toilets: Cassella Waste Systems DBA Blow Brothers

Key Contacts:

Booking	Bob Duteau	617-547-0620	bobduteau@livenation.com
Settlement	Alex Gray	207-735-4291	alex@waterfrontconcerts.com
Production	Robbie Snow	207-944-7283	robbie@waterfrontconcerts.com
Box Office	Randy Dufour	207-400-9533	randy@waterfrontconcerts.com
Catering	Kim Magid	207-415-1894	abmik@maine.rr.com
Labor	Mike Fischer	207-557-2031	mike@productionservicesofmaine.com
Marketing	Elissa Young	718-614-4598	elissa@waterfrontconcerts.com
Merchandise	Chip Jendrasko	207-272-8286	bc2463@aol.com
Food & Bev	Chris Rudolph	207-974-8570	chris@waterfrontconcerts.com
Social Media	Pat Shaw	610-322-2408	pat@waterfrontconcerts.com



Apex3224 Specifications

Trailer:

Trailer Length	34'
Trailer Width	102"
Trailer Height	12' 2"
Cargo Space	6' 11" x 31' 4"
Cargo Capacity	5,000 lbs
Trailer Weight	14,150 lbs
Tongue Weight	1,800 lbs
Rear Axle Rating	10,000 lbs
Front Axle Rating	10,000 lbs
GVWR	20,000 lbs

Stage Deck:

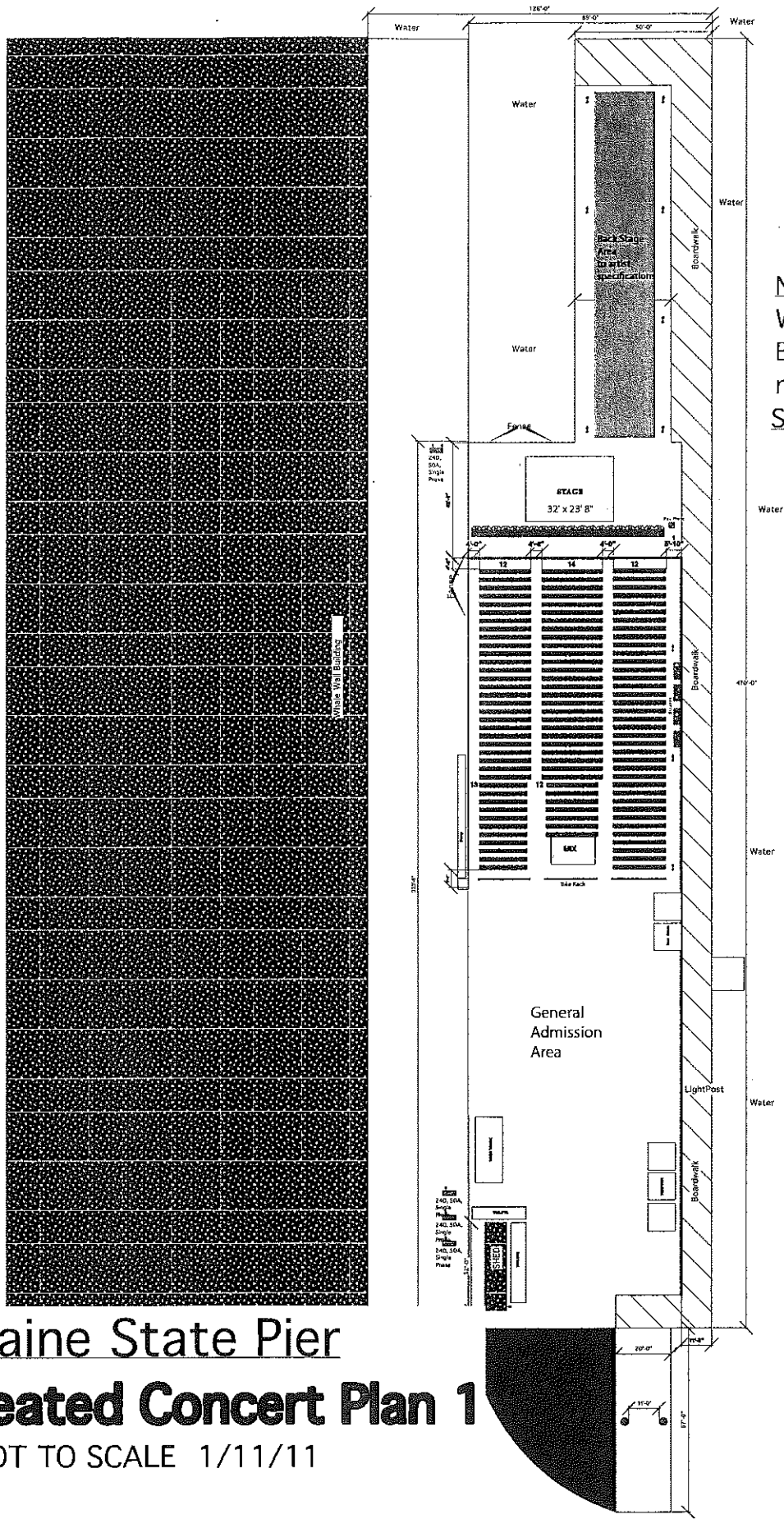
Floor Size	32' x 23' 8"
Floor Height	46" to 66"
Ground to Roof	23' 1"
Floor Rating	150 lb/sqft
Structure	Marine Plywood / Alum
Floor Support	(16) 7,000 lbs jacks

Stage Roof:

Covered Roof	26' 3" x 34'
Deck to Roof Top	17' 8"
Deck to Bottom of Ctr I-Beam	15' 8"
Deck to Bottom of Upstage I-Beam	15' 11"
Deck to Bottom of Downstage I-Beam	15' 5"
Surface	Fiberglass / Alum
Roof Lifting Capability	4,500 lbs
Fly Bays	2,000 lbs ea
Downstage I-Beam	1,000 lbs even dist
Upstage I-Beam	1,000 lbs even dist
Center I-Beams	1,000 lbs even dist ea
Total Roof Capacity	8,000 lbs
Slide Out Bar Length	2' 3"

Other:

Install Time	30 min - 1 hr
Personnel Required	2
Site Prep	None
Hauling Mode	Pick-up Truck
Power Source	5 HP Gas Motor
Secondary Power (optional)	1.5 HP electric motor



Notes:

Would need 25 HC seats.
Benches would need to be removed

Seating Capacity - 1288

Standing Room - 1750

Maine State Pier Seated Concert Plan 1

NOT TO SCALE 1/11/11

*Order 106-1415
Tab 8 12-15-14*

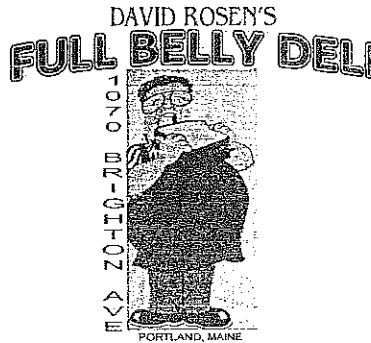
MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Knish Corporation d/b/a Full Belly Deli. Application for a Class III & IV (Wine & Beer)
License at 1070 Brighton Ave.**



November 9, 2014

Dear Mayor and City Council Members,

After 28 years of doing business in the city of Portland, we want to give our customers some new options-beer and wine. We need new tools to compete with the big chain restaurants (most of which were not here when we opened in 1987) in order for our small family operated business to thrive as it once did.

The past 8 or so years have brought us numerous challenges. We have lost key family members, gained new mouths to feed, been forced to move locations, and have lost major catering accounts due to policy changes. Additionally, there is the ever struggling economy coupled with skyrocketing food and utility costs. What is a small business to do? We do not get a government bailout; our "Plan B" was conceived at home around our kitchen table somewhere between 5th grade math and a Red Sox game.

Over the past eighteen months, we have done everything we can think of, from revising our menu, to painting, to cutting operating costs. The next big step is to offer up something never before seen in our Jewish Deli.

We are hopeful you will help us keep our family business alive (at least until Abby graduates from USM and Shaylee receives her art degree from MECA) and give the city of Portland the gift of a beer to go with its Full Belly Deli corned beef on rye!

Thank you,

David Rosen

Owner

Office of the City Clerk

389 Congress Street

Portland, ME 04101

(207) 874-8557

Application for Food Service Establishment With Alcoholic Beverages

Type of Liquor License Applying for: Class III & IV Beer+ WinePlease check one: (Corporation/ LLC/ Non-profit org. ☒) (Sole Proprietor ☐) (Partnership ☐)Business Name (d/b/a): Full Belly Deli. Phone: 207-772-1227Location Address: 1070 Brighton Ave ZIP 04102

If new, what was formerly in this location: _____

Mailing Address: 1070 Brighton Ave ZIP 04102Contact Person: David Rosen Phone: 207-772-1227Manager of Establishment: David Rosen Home Phone # 207-233-5685Owner of Premises (landlord): Brixmor SPE 4LLCAddress of Premises Owner: PO BOX 30906 NY, NY ZIP 10087-0906Does the Issuance of this license directly or indirectly benefit any City employee(s)? Yes ☐ No ☒

If yes, list name(s) of employee(s) and department(s). _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of
land? Yes ☒ No ☐ If yes, please list business name(s) and location(s):Knish Corporation DBA Full Belly Deli, 1070 Brighton Ave 04102Is any principal officer under the age of 18? ☐ Yes ☒ NoHave applicant, partners, associates, or corporate officers ever been *arrested, indicted, or convicted* for any violation
of law? NO If yes, please explain: _____

SOLE PROPRIETOR / PARTNERSHIP INFORMATION: (if corporation, leave blank)

Name of Owner(s): _____ DOB _____ Residence Address _____

Name of Owner(s): _____ DOB _____ Residence Address _____

Name of Owner(s): _____ DOB _____ Residence Address _____

CORPORATE / LLC / NON-PROFIT ORGANIZATION APPLICANTS: (if sole proprietor, leave blank)

Corporation Name: Knish Corporation DBA Full Belly DeliCorporation Mailing Address: 1070 Brighton Ave ZIP 04102Contact Person: David Rosen Phone Number: 207-233-5685

PRINCIPAL OFFICERS: (if more space is needed, please attach a separate page)

Name David Rosen Title Owner DOB 3/13/65 Residence Address 17 Ridge Rd, Westbrook 0409

Name _____ Title _____ DOB _____ Residence Address _____

Name _____ Title _____ DOB _____ Residence Address _____

Name _____ Title _____ DOB _____ Residence Address _____

Name _____ Title _____ DOB _____ Residence Address _____

Name _____ Title _____ DOB _____ Residence Address _____

(Please see reverse side)

Type of Food Served: Del. Sandwiches, Soup, Salad, burgers, fries

Please check all that will be served: Beer ☒ Wine ☒ Liquor ☐

Percentage of sales -- Generated from Food : _____ Generated from Alcohol: _____

Hours and Days of operation: Monday - Friday 9am - 7pm, Saturday 9am - 4pm Sun 11am - 4pm

Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open? Yes ☒ No ☐

If no, please explain _____

Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment? Yes _____ No ☒ If yes, give the distance _____

Will you have entertainment on the premises? Yes _____ No ☒ (If yes, a separate application is required.)

Will you permit dancing on the premises? Yes _____ No ☒

Will you permit dancing after 1:00am? Yes _____ No ☒

Will you have outside dining? Yes _____ No ☒ If yes, please indicate location on diagram. Also, will the outside dining be on PUBLIC _____ or PRIVATE _____ property?

Have you applied for an Outdoor Dining Permit? Yes _____ No ☒

Will you have any amusement devices (pinball, video games, juke box)? Yes _____ No ☒

If yes, please list, # of pinball: _____ # of amusements: _____ # of pool tables: _____

What is your targeted opening date? : December 2014

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

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title owner Date 11/9/14

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☐ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) - (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Full Belly Deli</u> DOB: _____			2. Business Name (D/B/A) <u>Fell Belly Deli</u>		
DOB: _____					
DOB: _____			Location (Street Address) <u>1070 Brighton Ave</u>		
Address <u>1070 Brighton Ave</u>			City/Town <u>Portland</u> State <u>ME</u> Zip Code <u>04102</u>		
			Mailing Address <u>1070 Brighton Ave</u>		
City/Town <u>Portland</u> State <u>ME</u> Zip Code <u>04102</u>			City/Town <u>Portland</u> State <u>ME</u> Zip Code <u>04102</u>		
Telephone Number <u>207-772-1227</u> Fax Number _____			Business Telephone Number <u>207-772-1227</u> Fax Number _____		
Federal I.D. # <u>01-0922432-0</u>			Seller Certificate # <u>0220948</u>		

3. If premises is a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

5. Is applicaut a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

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

7. If manager is to be employed, give name: David Rosen

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

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 1070 Brighton Ave, Portland ME 04102

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

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

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
David H Rosen	3/13/65	Portland, ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Westbrook, ME

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

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

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

Brixmor SPE 4 LLC, PO BOX 30906, NY, NY 10087-0906

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) The premises is a well established deli

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.5 Which of the above is nearest? school

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

If YES, give details: _____

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

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

Dated at: Portland, ME on 11/9, 20 14
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

David Rosen

Print Name

Signature of Applicant or Corporate Officer(s)

Print Name



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

Supplemental Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

Knish Corporation DBA Full Belly Deli

2. Other business name for your entity (DBA), if any:

Full Belly Deli

3. Date of filing with the Secretary of State: 1/12/87

4. State in which you are formed: Maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
David H Rosen	17 Ridge Road, Westbrook, ME 04092	03/13/1965	100

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____

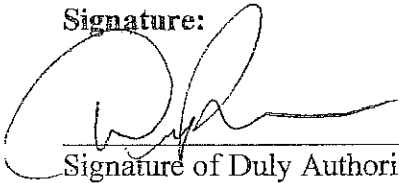
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

11/9/14
Date

David Rosen

Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3424
Email Inquiries: MaineLiquor@Maine.gov

Diagram Knish Corp DBA Full Belly Deli

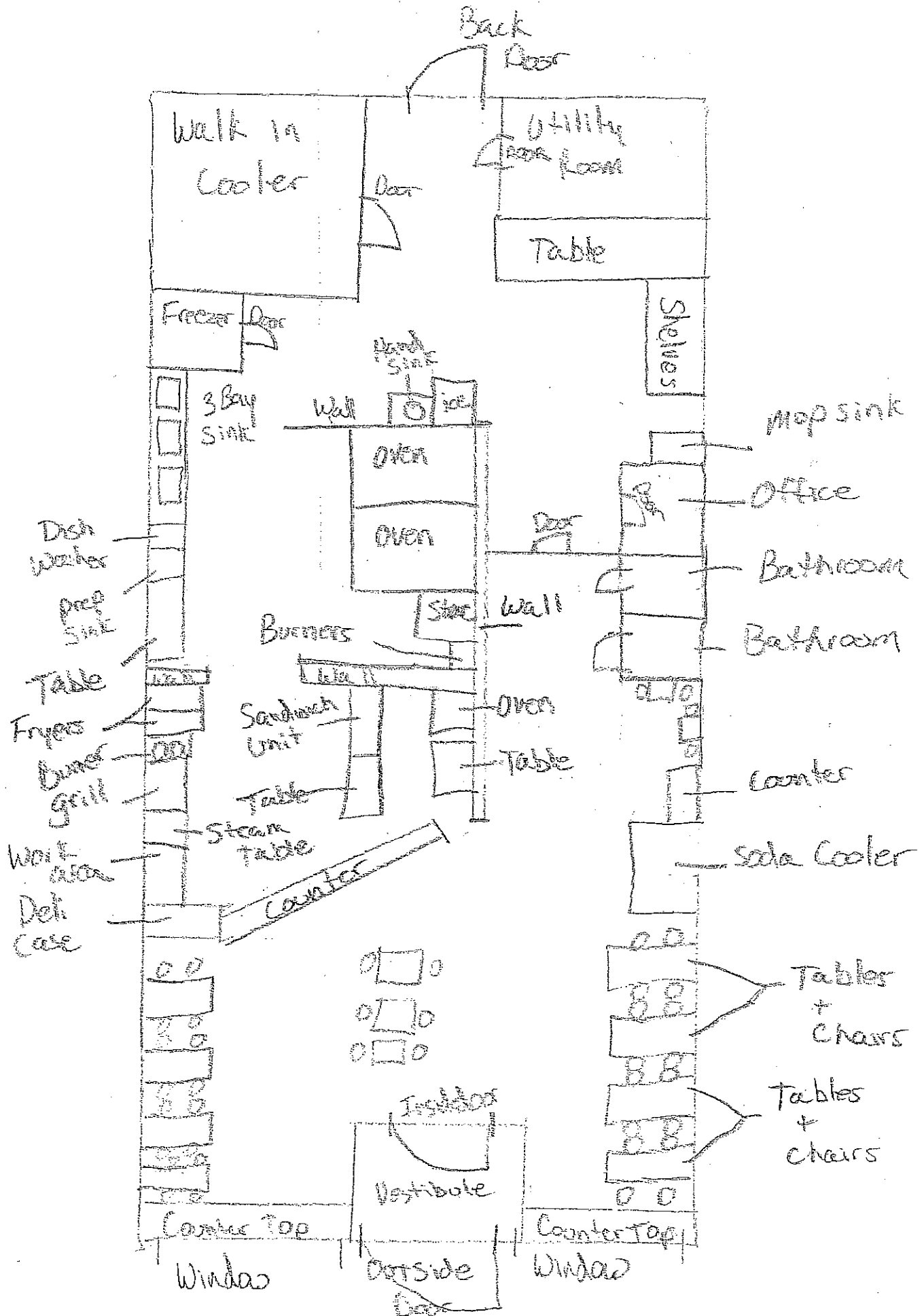
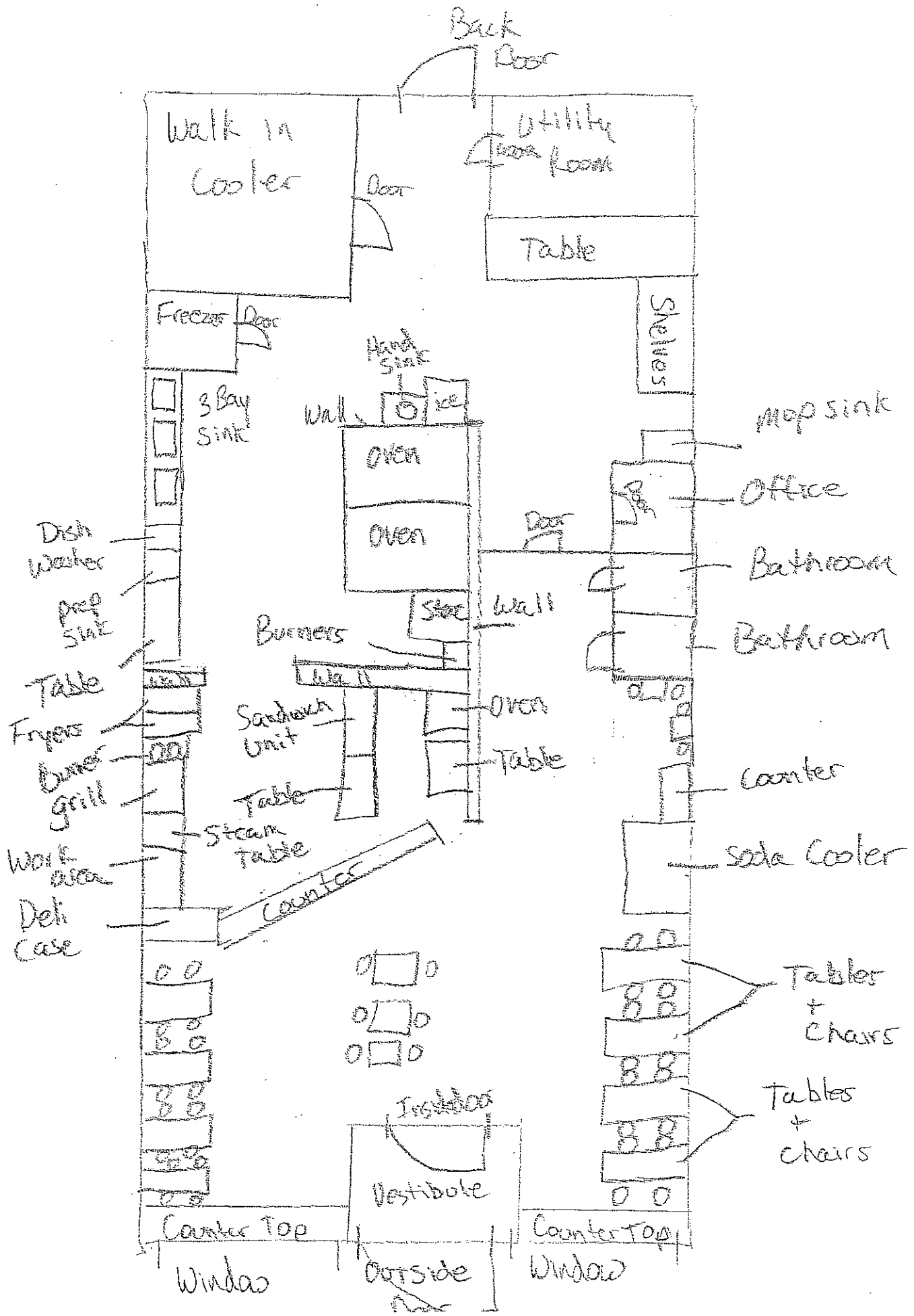
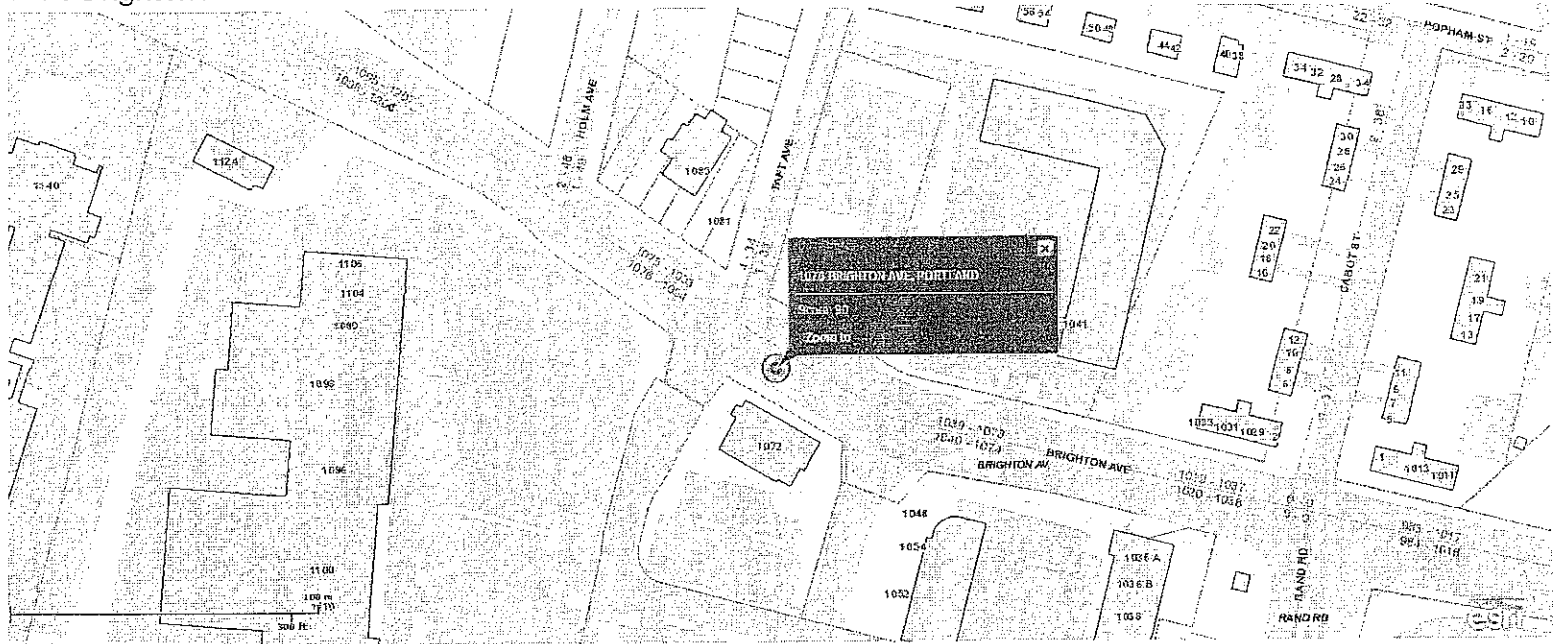


Diagram Knish Corp DBA Full Belly Deli



Full Belly Deli

1070 Brighton Ave.



Copyright 2011 Esri. All rights reserved. Tue Dec 2 2014 03:11:41 PM.

Business Licensing - FULL BELLY DELI - pending Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 11/18/2014 11:38 PM
Subject: FULL BELLY DELI - pending Business License Approval

FULL BELLY DELI - pending is Approved for their Business License Inspection by the Police Dept.

Date: 11/18/2014

Zone:
Comments:

Lt. Gary L Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C341165

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-11-20) :

Inquiries Name(s)

DAVID ROSEN (1965-03-13)

NO MATCH WAS FOUND FOR YOUR REQUEST.

**Office of the City Clerk**

Katherine L. Jones, CCM, City Clerk

December 2, 2014

Full Belly Deli

Attn: David Rosen

1070 Brighton Ave.

Portland, ME 04102

Re: Knish Corporation d/b/a Full Belly Deli at 1070 Brighton Ave. Application for a Class III & IV (Wine & Beer) license.

Dear Mr. Rosen,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, December 15th at 7:00 p.m.** for the review of your application for a Class III & IV (Wine & Beer) license. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the City Council has questions regarding the license application. If there is no representation and questions arise, the issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

Janice Gardner

Business License Administrator

207-874-8557

bl@portlandmaine.gov

SIDES

HAND-CUT FRIES 2.79
BIG MOMMA'S HOMEMADE CHICKEN TENDERS 6.99
(DIPPING SAUCES: RANCH, HONEY MUSTARD,
BBQ, BLUE CHEESE AND KETCHUP)
BIG MOMMA'S POTATO KNISH 2.89
BIG MOMMA'S BRISKET KNISH 2.89
BIG MOMMA'S GLUTEN FREE POTATO LATKES(PANCAKES)(4) 5.99
WITH APPLE SAUCE OR SOUR CREAM
POTATO SALAD 1.99
PASTA SALAD 1.99
COLE SLAW 1.99
SAUER KRAUT 1.99
WHOLE 1/2 SOUR PICKLE 1.99

SOUPS

CHICKEN NOODLE 5.99
MATZO BALLS 1.99
ASK ABOUT TODAY'S SOUP, CHOWDER AND CHILI CHOICES

SALADS

SERVED WITH YOUR CHOICE OF DRESSING:
ITALIAN, RANCH, RUSSIAN, BLUE CHEESE, HONEY MUSTARD OR LIGHT ITALIAN

TOSSED GREEN SALAD 6.99
LETTUCE, TOMATO, CUCUMBER, GREEN PEPPER, ONION AND CARROT

CHEF SALAD 8.99
WE ADD TURKEY, HAM, HARD BOILED EGG AND CHEDDAR CHEESE TO OUR
TOSSED SALAD

FRIED CHICKEN SALAD 8.99
WE ADD A FRIED & CHOPPED CHICKEN PATTY
AND HARD BOILED EGG TO OUR TOSSED SALAD

KIDS' MENU FOR AGES 12 AND UNDER
SERVED WITH YOUR CHOICE OF FRIES OR
MAC & CHEESE FOR \$5.49 EACH

GRILLED CHEESE
HOT DOG
PB&J
CHICKEN TENDERS(2)

BIG MOMMA'S HOMEMADE BAKED GOODIES
WHOOPIE PIES
CAKES
COOKIES
GLUTEN-FREE BROWNIES
GLUTEN FREE WHOOPIE PIES

LET US CATER YOUR NEXT L / OR BUSINESS MEETING

SANDWICH TRAYS
MEAT AND CHEESE PLATTERS
VEGGIE TRAYS
FRUIT BOWLS
POTATO SALAD
COLE SLAW
TOSSED GREEN SALADS
COOKIE TRAYS
INDIVIDUALLY WRAPPED CHEESE CAKE
INDIVIDUALLY WRAPPED CARROT CAKE
WHOOPIE PIES
PAPER PRODUCTS
DELIVERY AVAILABLE(24 HOUR NOTICE)

**WE ACCEPT VISA, MASTER, AMEX
AND DISCOVER CARDS**

BREAKFAST SERVED UNTIL 10:30 MONDAY-SATURDAY

FBD BREAKFAST SANDWICH 4.49
2 EGGS, AMERICAN CHEESE ON A GRILLED BULKIE ROLL
WITH BACON OR HAM

#1-2 EGGS, HOME FRIES AND TOAST 4.99
#2-2EGGS, HOME FRIES, TOAST AND BACON OR HAM 6.99

OMELETTE 7.49
3 EGGS, BACON AND AMERICAN CHEESE,
HOME FRIES AND TOAST
ADDITIONAL MEAT OR CHEESE 1.00
ADDITIONAL VEGES .59

SIDES
HOME FRIES 1.99

COFFEE, TEA OR HOT CHOCOLATE 1.50

POTATO PANCAKES(LATKES)(4) 5.99
SERVED WITH SOUR CREAM OR APPLE SAUCE

PLEASE NOTE:
THERE ARE SIGNIFICANT
DIFFERENCES BETWEEN THE FOLLOWING MENU ITEMS:

HOT PASTRAMI, CORNED BEEF,
HOT CORNED BEEF, REUBENS, RACHELS,
ROAST BEEF, ROAST BRISKET, FALL FOWLS AND GOURMET GOBBLERS

OUR STAFF IS HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

FAMILY OWNED AND OPERATED
SINCE 1987

DAVID ROSEN'S
FULL BELLY DELI



MONDAY-FRIDAY 9AM-7PM
SATURDAY 9AM-4PM
SUNDAY 11AM-4PM

207-772-1227

"BY GEORGE, WE'RE GOOD!"

LIKE US ON FACEBOOK, FOLLOW US
ON TWITTER AND WATCH US ON
INSTAGRAM.

9.2014

DELI SANDWICHES

SERVED ON YOUR CHOICE OF BREAD
WITH A HALF SOUR PICKLE SPEAR
ADD CHEESE TO ANY SANDWICH FOR .99
(AMERICAN, SWISS, PROVOLONE OR CHEDDAR)

MAKE ANY SANDWICH A "SPECIAL" WITH
POTATO SALAD AND COLE SLAW FOR 2.99

- HOT PASTRAMI 11.49
- HOT CORNED BEEF 11.99
- COLD CORNED BEEF 11.49
- CHOPPED LIVER 11.99
- HOT ROAST BRISKET 11.99
- *ALL NATURAL TURKEY BREAST 8.99
- *ROAST BEEF 8.99
- *HAM AND CHEESE 7.99
- *EGG SALAD 7.99
- *ALL WHITE MEAT CHICKEN SALAD 8.99
- *ALL WHITE MEAT TUNA SALAD 8.49
- *BLT 7.99

*INDICATES SANDWICHES SERVED WITH LETTUCE AND TOMATO

PANINI PRESS SANDWICHES

SERVED ON PANINI BREAD WITH YOUR CHOICE OF
POTATO SALAD OR COLE SLAW

MAKE YOUR OWN PANINI SANDWICH COMBINATION
OR CHOOSE ONE OF OURS:

MARIA'S TKO 10.99

TURKEY, BACON, CHEDDAR AND SLICED APPLE WITH
AIOLI-CHIPOTLE MAYO

LITTLE PIG 10.99

HAM, BACON, CHEDDAR, RED ONION & TOMATO
WITH HONEY MUSTARD SAUCE

OFFICER HALEY 10.99

ROAST BEEF, CHEDDAR, ONION, TOMATO & HORSERADISH MAYO

SUSHI'S BROTHER 9.99

WHITE MEAT TUNA SALAD, BACON CHEDDAR AND
SLICED TOMATO

JUMBO HOT DOGS

SERVED ON A GRILLED ROLL WITH
HAND-CUT FRIES AND 1/2 SOUR PICKLE SPEAR

#1 MUSTARD, KETCHUP AND RED RELISH \$5.49

#2 MUSTARD, KETCHUP, RED RELISH AND
COOKED ONIONS \$5.99

#3 MUSTARD, KETCHUP, RED RELISH, COOKED ONIONS
AND HOT SAUR KRAUT \$6.99

COMBINATION DELI SANDWICHES
SERVED ON YOUR CHOICE OF BREAD
WITH A HALF SOUR PICKLE SPEAR

MAKE ANY SANDWICH A "SPECIAL" WITH
POTATO SALAD AND COLE SLAW FOR 2.99

BRISKET COMBO 12.49
BRISKET, PASTRAMI AND SWISS CHEESE

COACH'S CHOICE 12.49
CHOPPED LIVER, CORNED BEEF
AND SWISS CHEESE

GOURMET GOBBLER 10.99
CORNED BEEF, TURKEY, SWISS CHEESE, COLE SLAW
AND RUSSIAN DRESSING

THELMA'S CHOICE 9.99
ROAST BEEF, TURKEY, PROVOLONE CHEESE,
RED ONION, LETTUCE AND RUSSIAN DRESSING

RANCHO 9.99
ROAST BEEF, CHEDDAR CHEESE, LETTUCE, TOMATO, RED ONION,
CUCUMBER AND RANCH DRESSING

HAMWICH 9.49
HAM, BACON, SWISS CHEESE, LETTUCE AND TOMATO

FALL FOWL 9.99
NATURAL TURKEY, CRANBERRY SAUCE AND STUFFING

FUNKY CHICKEN 9.99
APPLE WALNUT CHICKEN SALAD WITH
LETTUCE AND TOMATO

SLICK CHICK 9.99
CHICKEN SALAD, BACON, LETTUCE, TOMATO
AND CHEDDAR CHEESE

TURKEY DELIGHT 9.49
TURKEY, CUCUMBER, LETTUCE, TOMATO
AND RANCH DRESSING

JACK HAMMER 9.49
NATURAL TURKEY, CHEDDAR CHEESE, LETTUCE, TOMATO, RED ONION
AND HONEY MUSTARD

PERKY TURKEY 9.99
NATURAL TURKEY, BACON, SWISS CHEESE,
LETTUCE AND TOMATO

TUNA LAGUNA 9.59
TUNA, CHEDDAR, BACON & TOMATO GRILLED

WE HAVE GLUTEN-FREE BREAD ADD 1.00

REGAL REUBEN 12.49

CORNED BEEF OR PASTRAMI, SWISS CHEESE, SAUERKRAUT
AND RUSSIAN DRESSING GRILLED

ROYAL RACHEL 9.99

TURKEY, SWISS, COLE SLAW AND RUSSIAN DRESSING GRILLED

MAKE ANY SANDWICH A "SPECIAL" WITH
POTATO SALAD AND COLE SLAW FOR 2.99

HOT SUBS

ALL HOT SUBS SERVED WITH HAND-CUT FRENCH FRIES
AND A HALF SOUR PICKLE SPEAR

PEPPER STEAK & CHEESE WITH ONIONS 10.99

TERIYAKI PEPPER STEAK & CHEESE WITH ONIONS 10.99

STAMPEDE PEPPER STEAK & CHEESE WITH BACON, ONION,
MUSHROOM 11.99

VOLCANO SAUCE PEPPER STEAK & CHEESE WITH ONIONS 10.99

PIRATE STEAK & CHEDDAR CHEESE WITH COOKED ONION AND BBQ
SAUCE 10.99

BIG MOMMA'S CHICKEN CORDON BLEU 10.99
HOMEMADE FRIED CHICKEN BREAST WITH HAM AND SWISS CHEESE

BIG MOMMA'S HOMEMADE FRIED CHICKEN BREAST 9.99
WITH LETTUCE & TOMATO

BURGER BASKETS

6OZ ANGUS CERTIFIED BEEF
ALL BURGER BASKETS SERVED WITH OUR HAND-CUT FRIES
AND A PICKLE SPEAR
ASK FOR LETTUCE, TOMATO AND RAW ONION AT NO CHARGE
COOKED ONION ADD .49

HAMBURGER 7.99

BACON HAMBURGER 8.99

CHEESEBURGER 8.99

BACON CHEESEBURGER 9.99

BURGERMELT 9.99

CHEESEBURGER GRILLED BETWEEN TWO SLICES OF GARLIC BREAD

SOUTHWEST BACON CHEDDAR BURGER 9.99
WITH COOKED ONION AND BBQ SAUCE

WARNING: CONSUMING RAW OR UNDER COOKED MEATS, POULTRY, SEAFOOD, SHELLFISH
OR EGGS MAY INCREASE YOUR RISK OF FOODBORNE ILLNESS ESPECIALLY
IF YOU HAVE CERTAIN MEDICAL CONDITIONS

Full Belly Deli

Portland Press Herald
Maine Sunday Telegram
pressherald.com

Classified Advertising Proof

Portland, City Of

389 Congress St
Portland, ME 04101

Thank you for advertising in The Portland Press Herald and Maine Sunday Telegram.

Your order information and a preview of your advertisement are below for your review. If there are any changes or questions, please immediately contact the Classified Department at 207-791-6100 or email classified@pressherald.com

Thank you,
Joan Jensen

207-791-6100 | | Monday-Friday 8:00 am - 5:00 pm

ORDER INFORMATION:

Order Number: 3116

Title: Portland Press Herald
Class: 1000 Legal Notices
Order Price: \$165.15
PO Number: Janice

Start Date: 12/8/2014
Number of Days: 3
Payment Method: Invoice

AD PREVIEW:

Legal Advertisement

**Notice of Public Hearing
City of Portland**

A Public Hearing will be held on December 15th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Knish Corporation d/b/a Full Belly Deli, Application for a Class III & IV (Wine & Beer) license at 1070 Brighton Ave. Sponsored by Katherine L. Jones, City Clerk.

*Order 107-14/15
Tab 9 12-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Drinkwater, Ohlson and Briggs d/b/a Lincolns. Application for a Class A Lounge License
with Entertainment without Dance at 36 Market St.**

Letter of Intent for Lincolns

November 10, 2014

Dear Mayor and City Council,

I write to you today to introduce you to Lincolns and the intentions that we, Drinkwater, Ohlson and Briggs, have with the Commercial space located at 36 Market Street, Portland, Maine. Lincolns will be a bar that functions on the premise of simplicity. We sell a short list of common, premium beers and alcohols all at \$5. We will also offer chili and potato & pasta salad also at the \$5 price point.

We will be open Tuesday through Saturday from 4:00-12:30 with entertainment on the weekends. On Thursdays we will be hosting Tim Hoffman's Laugh Shack, which is an already popular comedy event occurring elsewhere. On Friday and Saturday we will host local live music with an emphasis of quality performers in the intimate setting. A \$5 cover charge will be in effect whenever there is entertainment.

Drinkwater, Ohlson and Briggs is comprised of three seasoned bar professionals. Mark Ohlson is the sole owner of MJ's Wine Bar. Nathan Drinkwater a 10 year veteran of Gritty McDuffs and Stephen Briggs a 7 year veteran at Bull Feeney's.

This will be an underground, cash only lounge for locals to escape the madness of the old port and see quality entertainment. Our projected opening is early January.

Thank you and we look forward to having you in.

Cheers!

Mark, Nate and Steve.

Office of the City Clerk
389 Congress Street
Portland, ME 04101
(207) 874-8557

Application for Food Service Establishment With Alcoholic Beverages

Type of Liquor License Applying for: Class X(A)

Please check one: (Corporation/LLC/Non-profit org. ☒) (Sole Proprietor ☐) (Partnership ☐)

Business Name (d/b/a): Lincolns Phone: 207 653 6278

Location Address: 36 Market St., Portland, ME 04101 ZIP 04101

If new, what was formerly in this location: Meg Perry Center

Mailing Address: 36 Market St., Portland, ME 04101 ZIP 04101

Contact Person: MARK OHLSON Phone: 207 653 6278

Manager of Establishment: MARK OHLSON Home Phone # 207 653 6278

Owner of Premises (landlord): Eric Ciouchetti / ELC Inc

Address of Premises Owner: 42 Market St. Portland ME 04101 ZIP 04101

Does the Issuance of this license directly or indirectly benefit any City employee(s)? Yes ☐ No ☒

If yes, list name(s) of employee(s) and department(s).

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Portland? Yes ☒ No ☐ If yes, please list business name(s) and location(s):

One City Wine Academy / MJS's Wine Bar

Is any principal officer under the age of 18? Yes ☐ No ☒

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law? Yes ☐ No ☒ If yes, please explain: Stew Briggs has an OUI

SOLE PROPRIETOR / PARTNERSHIP INFORMATION: (if corporation, leave blank)

Name of Owner(s):	DOB	Residence Address
Name of Owner(s):	DOB	Residence Address
Name of Owner(s):	DOB	Residence Address

CORPORATE / LLC / NON-PROFIT ORGANIZATION APPLICANTS: (if sole proprietor, leave blank)

Corporation Name: Drink Water, Ohlson and Briggs

Corporation Mailing Address: 36 Market St. Portland, ME ZIP 04101

Contact Person: MARK OHLSON Phone Number: 207 653 6278

PRINCIPAL OFFICERS: (if more space is needed, please attach a separate page)

Name <u>Matthew Drinkwater</u>	Title <u>Owner</u>	DOB <u>11-24-81</u>	Residence Address <u>626 Highland Ave. Topo, ME</u>
Name <u>MARK OHLSON</u>	Title <u>Owner</u>	DOB <u>6-15-79</u>	Residence Address <u>32 Pysa Road, Portland, ME</u>
Name <u>Stephen Briggs</u>	Title <u>Owner</u>	DOB <u>7-28-76</u>	Residence Address <u>12 Spring St. Westbrook, ME</u>
Name	Title	DOB	Residence Address
Name	Title	DOB	Residence Address
Name	Title	DOB	Residence Address

(Please see reverse side)

Type of Food Served: Simple Bar Snacks, No Kitchen

Please check all that will be served: Beer ☒ Wine ☒ Liquor ☒

Percentage of sales - Generated from Food: 10 Generated from Alcohol: 90

Hours and Days of operation: Wed - Sat 4pm - 12:30

Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open? Yes ☐ No ☒

If no, please explain No meals or formal service. Bar with snacks

Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment? Yes ☐ No ☒ If yes, give the distance _____

Will you have entertainment on the premises? Yes ☒ No ☐ (If yes, a separate application is required.)

Will you permit dancing on the premises? Yes ☐ No ☒

Will you permit dancing after 1:00am? Yes ☐ No ☒

Will you have outside dining? Yes ☐ No ☒ If yes, please indicate location on diagram.

Also, will the outside dining be on PUBLIC ☐ or PRIVATE ☐ property?

Have you applied for an Outdoor Dining Permit? Yes ☐ No ☒

Will you have any amusement devices (pinball, video games, juke box)? Yes ☐ No ☒

If yes, please list, # of pinball: _____ # of amusements: _____ # of pool tables: _____

What is your targeted opening date? : January December 1

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

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title Owner Date 11/12/14

Application attachment to other City license

\$485. With Dance
\$270. Without Dance
\$545. After Hours (1AM-3AM).
Total due: _____

Office of the City Clerk
389 Congress Street
Portland, ME 04101
207-874-8557

Supplemental Application for Dancing and Entertainment

Please attach a diagram of floor plan showing where in the facility the entertainment will be setup, the direction of any speakers and where dance floor, if any, will be located.

Business Name (d/b/a): Lincolus
Location Address: 36 MARKET ST, Portland, ME ZIP 04101 Phone 207 653 6278

Will music be electric or acoustical or both? Both

Will amplification used? Yes ☒ No ☐

If yes, where and at what level? Basement

Will you permit dancing on the premises? Yes ☐ No ☒

Will you permit dancing or entertainment after 1:00AM? Yes ☐ No ☒

Will recorded music be played: Inside ☒ Outside ☐ Both ☐

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 750 Feet Apartments

Please describe in detail the type and nature of the business and proposed entertainment: Small
Basement Speakeasy lounge. Beer + Cocktails Bands one day a
week. Comedy one day a week.

If new applicant, what is your targeted opening date? : December 1, 2014

Does the issuance of this license directly or indirectly benefit any City employee? Yes ☐ No ☒
If yes, list names of employee(s) and department(s).

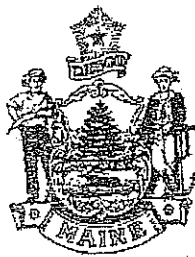
Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts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

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/ We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/ We hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title President Date 10/1/14

Department of Public Safety
Division



Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☐ MALT ☐ SPIRITUOUS ☐ VINOUS

INDICATE TYPE OF LICENSE:

- ☐ RESTAURANT (Class I,II,III,IV)
☐ HOTEL-OPTIONAL FOOD (Class I-A)
☒ CLASS A LOUNGE (Class X)
☐ CLUB (Class V)
☐ TAVERN (Class IV)

- ☐ RESTAURANT/LOUNGE (Class XI)
☐ HOTEL (Class I,II,III,IV)
☐ CLUB-ON PREMISE CATERING (Class I)
☐ GOLF CLUB (Class I,II,III,IV)
☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Drinkwater, Ohlson & Brigggs Inc.</u>		2. Business Name (D/B/A) <u>Lincoln's</u>	
DOB: _____		DOB: _____	
Address <u>36 Market St.</u>		Location (Street Address) <u>36 Market St.</u>	
City/Town <u>Portland</u>		State <u>ME</u>	Zip Code <u>04101</u>
Mailing Address <u>36 MARKET ST</u>			
City/Town <u>Portland</u>	State <u>ME</u>	Zip Code <u>04101</u>	City/Town <u>Portland</u>
Telephone Number	Fax Number	Business Telephone Number <u>207 653 6278</u>	Fax Number
Federal I.D. # <u>47-1888343</u>		Seller Certificate #	

3. If premises are a hotel, indicate number of rooms available for transient guests: N/A
 4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
 5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐
 7. If manager is to be employed, give name: OWNERS NAMES: Mark Drinkwater, Steve Brigggs, MARK Ohlson
 If business is NEW or under new ownership, indicate starting date: December 1
 Requested inspection date: End of November Business hours: 11-12:30 weds - Sat
 9. Business records are located at: on site
 10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

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

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
MARK OHLSON	6/15/1979	Berlin, VT
Matthew Drinkwater	11/24/1981	Belfast, ME
Steven Briggs	7/28/1970	Portland, ME
Residence address on all of the above for previous 5 years (Limit answer to city & state)		

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

Name: Steven Briggs Date of Conviction: 10/2013

Offense: operating under the influence Location: Westbrook

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Eric Ciuchetta, ELC Inc

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Subterranean Rectangle. See Diagram

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☐ NO ☒ Applied for: 11/13

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.3 miles Which of the above is nearest? First parish Uth Church

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

If YES, give details: _____

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

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

Dated at: City Hall, Portland ME on 11/12/14, 20 14
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

Supplemental Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

Drunkwater, Ohlson and Briggs Inc

2. Other business name for your entity (DBA), if any:

Lincolns ~~XXXXXXXXXXXX~~

3. Date of filing with the Secretary of State: Oct, 2014

4. State in which you are formed: MAINE

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
MARK OHLSON	32 Pya Rd Portland ME 04103	6/15/1979	60
Nathan Drunkwater	620 Higdon Ave, Sapo ME 04106	11/24/1981	20
Steven Briggs	12 Spring St. Westbrook, ME 04092	7/28/1976	20

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐

No ☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____

Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes



No



10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: Stephen Briggs

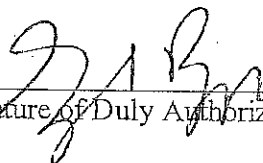
Date of Conviction: 10/2013

Offense: Operating under the influence

Location of Conviction: Westbrook

Disposition: _____

Signature:

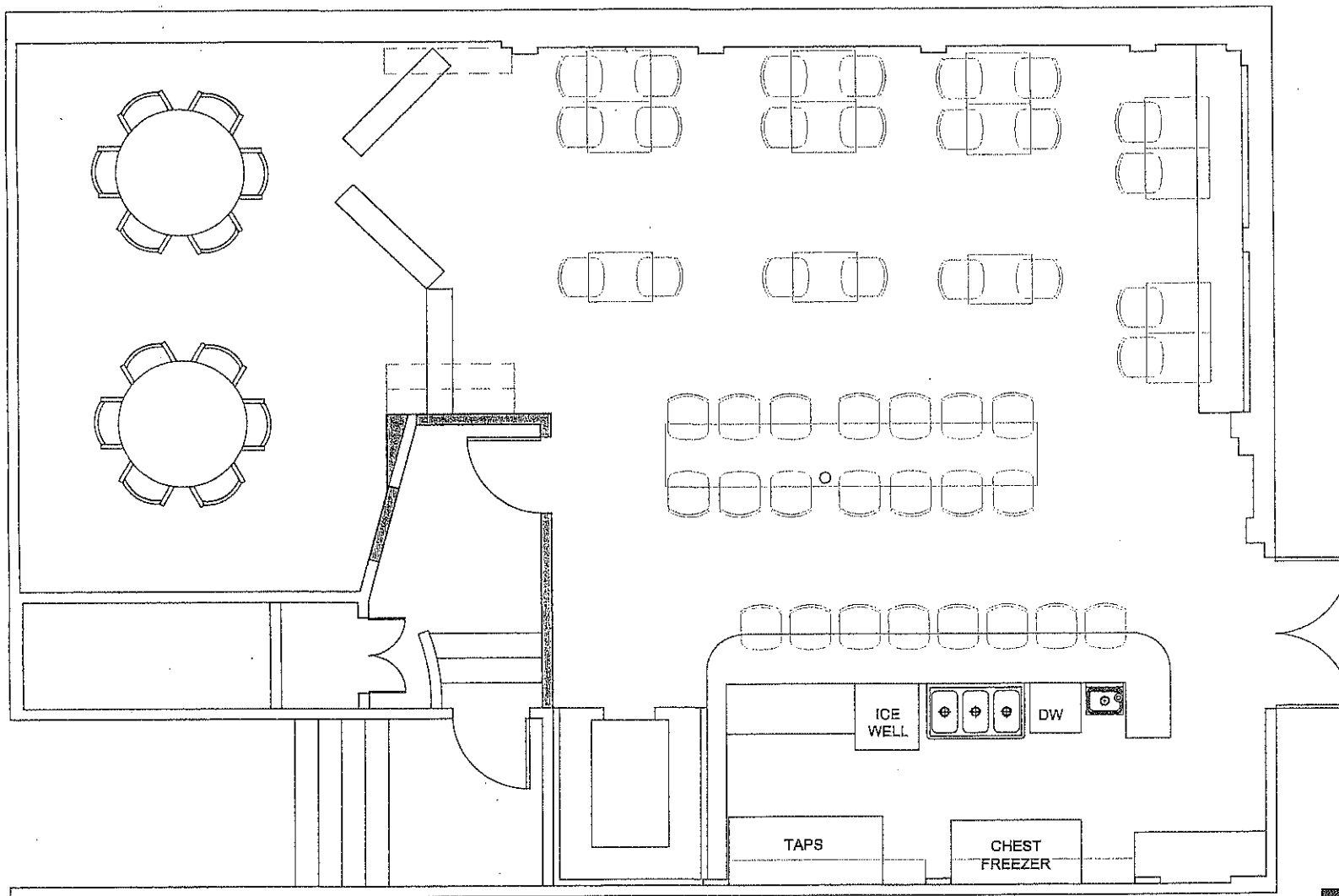

Signature of Duly Authorized Person

10/6/2014
Date

Stephen Briggs
Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3424
Email Inquiries: MaineLiquor@Maine.gov



PARTIAL LOWER LEVEL PLAN

1/4"=1'-0"

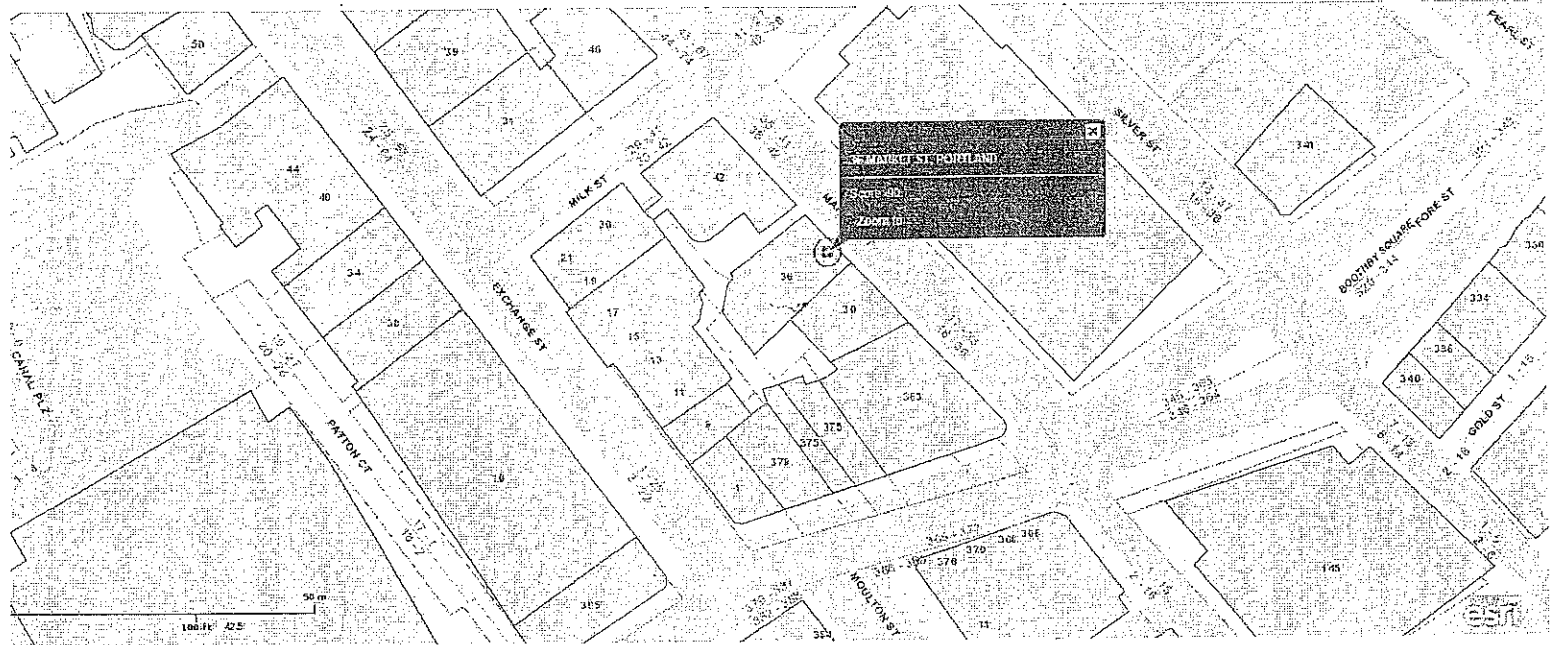
ARCHETYPE
architects

48 Union Wharf Portland, Maine 04101

(207) 772-6022 Fax (207) 772-4056

Lincolns

36 Market St.



Copyright 2011 Esri. All rights reserved. Tue Dec 2 2014 03:13:14 PM.

Lincolns @ 36 Market

Menu

On Tap:

Cider, Prosecco, IPA, Stout, Lager and a local strong beer

Hard Alcohol:

(one of each)

Vodka, Gin, Rum, Irish Whiskey, Bourbon, Tequila, Scotch

Mini-meals

All food comes with fritos

Beef Chili

Served with onions, cheddar and sour cream

3 Bean Chili (veg)

Served with onions, cheddar and sour cream

Potato Salad

Deviled egg style with celery and house pickles on side

Pasta Salad

Corn, black beans, cilantro, mayo and house pickles on side

Business Licensing - LINCOLNS - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 11/24/2014 4:52 PM
Subject: LINCOLNS - PENDING Business License Approval

LINCOLNS - PENDING is Approved for their Business License Inspection by the Police Dept.

Date: 11/24/2014

Zone:
Comments: Approved.

Lt. Gary L Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295

Transaction Response #: MIQ99C341161

Introduction

Inquiries Name(s)

NATHAN DRINKWATER (1981-11-24)

11/20/2014



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C341167

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-11-20) :

Inquiries Name(s)

MARK OHLSON (1979-06-15)

NO MATCH WAS FOUND FOR YOUR REQUEST.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C341163

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-11-20) :

Inquiries Name(s) STEPHEN BRIGGS (1976-07-28)

The information in this rap sheet is provided subject to the following caveats:

Important! When a criminal history record and juvenile crime information record check is processed by the State Bureau of Identification using personal identifiers such as name and date of birth, it is possible that the record supplied belongs to another person with the same or essentially similar name and date of birth. Assurance that the person sought are one and the same requires verification through fingerprint comparison. If the information contained in this response will be used to disqualify an applicant for employment, housing or credit, the person making the eligibility determination should provide the applicant with an opportunity to complete or contest the accuracy of the criminal history information in the response. An individual may request amendment or correction of criminal history record information by a criminal justice agency pursuant to 16 M.R.S.A. subsection 620. (CRSA; 2013-10-17)

****THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2014-11-20 (CRSA)**

1. This record, effective September 1, 2000, contains information relating solely to persons either arrested as a fugitive from justice [15 M.R.S.A. 201.4 or arrested or charged with a State of Maine criminal offense. It does not include Class D or E crimes in Title 12 or Title 29-A, formerly Title 29, unless the crime is alcohol-related or drug-related [25 M.R.S.A. 1541.4-A.A], and certain former crimes no longer classified as criminal. 2. For information

regarding excluded Marine Resources crimes in Title 12, contact the Department of Marine Resources. 3. For information regarding excluded Inland Fisheries and Wildlife crimes in Title 12, contact the Department of Inland Fisheries and Wildlife. 4. For information relating to excluded crimes in Title 29-A, formerly Title 29, contact the Secretary of State, Motor Vehicle Division. 5. A list of former crimes is available from this Bureau. (CRSA; 2013-10-23)

THE FOLLOWING ATN(S) ARE UNSUPPORTED BY FINGERPRINTS IN STATE BUREAU OF IDENTIFICATION FILES: (041786B). (CRSA)

Identification

Subject Name(s)

BRIGGS, STEPHEN J

Subject Description

FBI Number

State Id Number

DOC Number

ME0261802 (ME)

Unknown/NA

Social Security Number

Driver's License Number

Unknown/NA

Unknown/NA

Miscellaneous Numbers

Number

Type

1554226

Unknown (ME)

Sex

Race

Skin Tone

MALE

White

Unknown/NA

Height

Weight

Date of Birth

6'2"

185 Pounds

1976-07-28

Hair Color

Eye Color

Fingerprint Pattern

Brown

Blue

Unknown/NA

Scars, Marks, and Tattoos

Unknown/NA

Blood Type

Medical Condition

Unknown/NA

Unknown/NA

Place of Birth

Citizenship

Ethnicity

Unknown/NA

Unknown/NA

Unknown/NA

Marital Status

Unknown/NA

Religion

Unknown/NA

Employment

Unknown/NA

Residence

Residence as of

2013-10-04

Location Type

PHYSICAL

Mailing Address

TRANSIENT

WESTBROOK, ME 04092-

Telephone

Fingerprint Images

Unknown/NA

Palmprint Images

Unknown/NA

Photo Images

Unknown/NA

DNA Data

Unknown/NA

Caution Information

Firearms Disqualified

C - Cleared

Criminal History**Cycle 001****Tracking Number**

041786B

Earliest Event Date

2013-08-11

Arrest

(Cycle 001)

Arrest Date

2013-08-11

Arresting Agency

ME0030800

Subject Name(s)

BRIGGS, STEPHEN

Arrest Type Adult

Charge

Charge Number 041786B 001
Charge Tracking Number 041786B
Charge Case Number 13-1057-AR
Agency ME0030800
Offense Date 2013-08-11
Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Offense Code 11493 (ME)
Severity Misdemeanor

Prosecutor Disposition (Cycle 001)
Prosecutor Case Number D2_13-8836
Prosecutor Agency ME003013A
Charge

Charge Number 041786B 001
Charge Tracking Number 041786B
Charge Case Number D2_13-8836
Agency ME003013A
Offense Date 2013-08-11
Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Offense Code 11493 (ME)
Severity Misdemeanor
Disposition ADDED (Other)

Court Disposition (Cycle 001)
Court Agency ME003075J
Charge

Charge Number 041786B 001
Charge Tracking Number 041786B
Charge Case Number CUMCDCR201306749
Agency ME003075J
Offense Date 2013-08-11
Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Offense Code 11493 (ME)
Severity Misdemeanor
Disposition GUILTY (2013-12-19; ME)

Sentencing (Cycle 001)
Sentencing Agency ME003075J
Court Case Number CUMCDCR201306749

Charge Number 041786B 001

Charge Tracking Number 041786B

Sentence 2013-12-19: FINED \$500.00 (2013-12-19)

2013-12-19: LICENSE SUSPENSION 90 days (2013-12-19)

Corrections	No data supplied
--------------------	------------------

Index of Agencies

Agency	DISTRICT ATTORNEY'S OFFICE PORTLAND; ME003013A
Contact	
Agency Telephone	207-8718384
Agency Facsimile	
Agency Email Address	
Mailing Address	142 FEDERAL ST PORTLAND, ME 04101

Agency	CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
Contact	
Agency Telephone	207-8224113
Agency Facsimile	
Agency Email Address	
Mailing Address	205 NEWBURY STREET PORTLAND, ME 04112-0287 UNITED STATES OF AMERICA (USA)

Agency	WESTBROOK PD; ME0030800
Contact	
Agency Telephone	207-8540644
Agency Facsimile	
Agency Email Address	
Mailing Address	570 MAIN STREET WESTBROOK, ME 04092

Portland, Maine



Yes. Life's good here.

Office of the City Clerk
Katherine L. Jones, CCM, City Clerk

December 2, 2014

Lincolns
36 Market St.
Portland, ME 04101

Re: Drinkwater, Ohlson and Briggs d/b/a Lincolns at 36 Market St. Application for a Class A Lounge License with Entertainment without Dance.

Dear Nathan, Mark, and Stephen,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, December 15th at 7:00 p.m.** for the review of your application for a Class A Lounge license with entertainment without dance. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the City Council has questions regarding the license application. If there is no representation and questions arise, the issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

Janice Gardner
Business License Administrator
207-874-8557
bl@portlandmaine.gov

Lincolns

Portland Press Herald
Maine Sunday Telegram
pressherald.com

Classified Advertising Proof

Portland, City Of
"attn Peggy Axelsen, Rm 110"
389 Congress St
Portland, ME 04101

Thank you for advertising in The Portland Press Herald and Maine Sunday Telegram.

Your order information and a preview of your advertisement are below for your review. If there are any changes or questions, please immediately contact the Classified Department at 207-791-6100 or email classified@pressherald.com

Thank you,
Joan Jensen

207-791-6100 | | Monday-Friday 8:00 am - 5:00 pm

ORDER INFORMATION:

Order Number: 3122

Title: Portland Press Herald
Class: 1000 Legal Notices
Order Price: \$176.16
PO Number: Janice

Start Date: 12/8/2014
Number of Days: 3
Payment Method: Invoice

AD PREVIEW:

Legal Advertisement

**Notice of Public Hearing
City of Portland**

A Public Hearing will be held on December 15th at 7:00 PM., in City Council Chambers, 389 Congress St., on the application of Drinkwater, Ohlson and Briggs d/b/a Lincolns. Application for a Class A Lounge License with Entertainment without Dance at 36 Market St. Sponsored by Katherine L. Jones, City Clerk.

*Order 108-14/15
Tab 10 10-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

SmallAxe LLC d/b/a East Ender. Application for a Class I FSE License with Outdoor Dining on Public Property at 47 Middle St.

Mayor Brennan and Members of the City Council,

SmallAxe, LLC, represented here by Karl Deuben & Bill Leavy is seeking approval to serve beer, wine and spirits in the restaurant located at 47 Middle Street in Portland, Maine. Currently the East Ender, SmallAxe LLC is purchasing the business and hopes to continue to serve food and alcohol on the premises. Food service will be the primary focus with alcohol served as an enhancement to the dining experience. The restaurant will not be open for late night service and food will be served during all operating hours. Karl & Bill have worked in Portland restaurants for many years and currently own and operate the SmallAxe Food Truck. Both Karl & Bill worked locally at Hugo's Restaurant under Rob Evans and in the Miyake restaurants under Masa Miyake. SmallAxe has garnered local and national accolades. Our hope is to continue to grow our small business and bring our reputation for creating well-crafted food to a restaurant setting. We intend to have about 75 seats and provide another excellent dining option in the thriving neighborhood on Middle Street. We believe that our vision will provide the citizens of Portland with a new food experience as well as provide benefits and stable jobs for our employees. Thank you for your time in reviewing our application for a liquor license.

Sincere and Kind Regards,

Karl Deuben & Bill Leavy

Office of the City Clerk
389 Congress Street
Portland, ME 04101
(207) 874-8557

CITY CLERK

Application for Food Service Establishment With Alcoholic Beverages

Type of Liquor License Applying for: RESTAURANT CLASS I

Please check one: (Corporation/LLC/ Non-profit org. ☒) (Sole Proprietor ☐) (Partnership ☐)

Business Name (d/b/a): SMALL AVE LLC EAST ENDER Phone: 207-671-8495

Location Address: 47 MIDDLE ST. PORTLAND, ME ZIP 04101

If new, what was formerly in this location: _____

Mailing Address: 7 KENOSHA AVE, SCARBOROUGH ME ZIP 04074

Contact Person: KARL DEUBEN Phone: 207-671-8495

Manager of Establishment: BILL LEADY Home Phone # 207-831-3507

Owner of Premises (landlord): JOE MALONE - MALONE COMMERCIAL BROKERS

Address of Premises Owner: 5 MOULTON ST. PORTLAND, ME ZIP 04101

Does the Issuance of this license directly or indirectly benefit any City employee(s)? Yes ☐ No ☒
If yes, list name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Portland? Yes ☒ No ☐ If yes, please list business name(s) and location(s):

SMALL AVE FOODTRUCK - VARIOUS LOCATIONS IN PORTLAND

Is any principal officer under the age of 18? Yes ☐ No ☒

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law? YES ☒ If yes, please explain: KARL DEUBEN HAD A MINOR MARIJUANA INFRACTION IN IOWA IN 1998 or 1999

SOLE PROPRIETOR / PARTNERSHIP INFORMATION: (if corporation, leave blank)

Name of Owner(s): _____	DOB _____	Residence Address _____
Name of Owner(s): _____	DOB _____	Residence Address _____
Name of Owner(s): _____	DOB _____	Residence Address _____

CORPORATE / LLC / NON-PROFIT ORGANIZATION APPLICANTS: (if sole proprietor, leave blank)

Corporation Name: SMALL AVE LLC

Corporation Mailing Address: 7 KENOSHA AVE SCARBOROUGH, ME ZIP 04074

Contact Person: KARL DEUBEN Phone Number: 207-671-8495

PRINCIPAL OFFICERS: (if more space is needed, please attach a separate page)

Name <u>KARL DEUBEN</u>	Title <u>MANAGER</u>	DOB <u>6/29/77</u>	Residence Address <u>7 KENOSHA AVE SCARBOROUGH</u>
Name <u>BILL LEADY</u>	Title <u>MANAGER</u>	DOB <u>8/8/92</u>	Residence Address <u>230 BLACK ME 04090</u>
Name <u>CRAIG MUDGE</u>	Title <u>MANAGER</u>	DOB <u>2/3/49</u>	Residence Address <u>POINT RD. SCARBOROUGH,</u>
Name _____	Title _____	DOB _____	Residence Address <u>7 KENOSHA CT ME 04074</u>
Name _____	Title _____	DOB _____	Residence Address <u>AVE. CAMPEN, ME 04843</u>
Name _____	Title _____	DOB _____	Residence Address _____

(Please see reverse side)

Department of Public Safety
Division



Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☐ MALT ☐ SPIRITUOUS ☐ VINOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV)
☐ HOTEL-OPTIONAL FOOD (Class I-A)
☐ CLASS A LOUNGE (Class X)
☐ CLUB (Class V)
☐ TAVERN (Class IV)

- ☐ RESTAURANT/LOUNGE (Class XI)
☐ HOTEL (Class I,II,III,IV)
☐ CLUB-ON PREMISE CATERING (Class I)
☐ GOLF CLUB (Class I,II,III,IV)
☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>SMALL AVE LLC</u> DOB: _____		2. Business Name (D/B/A) <u>EAST ENDER</u>	
DOB: _____			
DOB: _____		Location (Street Address) <u>47 MIDDLE ST.</u>	
Address <u>7 KENOSHA AVE</u>	City/Town <u>PORTLAND, ME</u>	State <u>ME</u>	Zip Code <u>04101</u>
<u>SCARBOROUGH, ME</u>	City/Town <u>PORTLAND, ME</u>	State <u>ME</u>	Zip Code <u>04101</u>
City/Town <u>207-671-8495</u>	State <u>ME</u>	Zip Code <u>04101</u>	
Telephone Number	Fax Number	Business Telephone Number	Fax Number
Federal I.D. # <u>46-2074748</u>	Seller Certificate #		

3. If premises are a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

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

complete Supplementary Questionnaire, If YES

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

7. If manager is to be employed, give name: JANET WEBBER

8. If business is NEW or under new ownership, indicate starting date: 1/5/2015

Requested inspection date: _____ Business hours: 7 DAYS 11:30AM-10:00PM

9. Business records are located at: 47 MIDDLE ST PORTLAND, ME 04101

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

11. Is/are applicant(s) residents of the State of Maine?

YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
KARL DEUBEN, Craig Mudge 2/3/49	6/29/77	COLORADO
BILL LEAUV	8/8/72	NEW YORK
JANET WEBBER	6/26/69	MAINE
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
KARL - SCARBOROUGH, ME		
JANET + BILL - SCARBOROUGH, ME		

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

Name: KARL DEUBEN Date of Conviction: 1998 or 1999

Offense: MINOR MARIJUANA CHARGE Location: DECORAH, IA

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: JOE MALONE
OF SCARECROW HOLDINGS LLC 5 MOULTON ST. PORTLAND, ME 04101

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) 3 STORY BRICK BUILDING.
SEATING AND SMALL BAR ON 1ST FLOOR, SEATING + BAR ON 2ND FLOOR, 3RD FLOOR OFFICE

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: 11/16/14

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/4 MILE Which of the above is nearest? CHURCH

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

If YES, give details: WE HAVE A LOAN FROM A SILENT MEMBER OF OUR LLC.

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

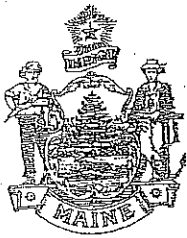
NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: PORTLAND, ME on 11/14 20 14
Town/City, State Date

[Signature]
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

[Signature]
Signature of Applicant or Corporate Officer(s)



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

Supplemental Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name:

SMALL AVE LLC

2. Other business name for your entity (DBA), if any:

EAST ENDER

3. Date of filing with the Secretary of State: JANUARY 2013

4. State in which you are formed: MAINE

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
KAZZ DEUBEN	7 KENDASHA AVE SCARBOROUGH, ME 04074	6/29/72	70
BILL LEAUV	230 BLACK POINT RD SCARBOROUGH, ME 04074	8/8/72	10
CRAIG MUOGG	2 PENNOSCOOT AVE CAMDEN, ME 04843	2/3/49	20

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes



No



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

Name: Karl DEUBEN

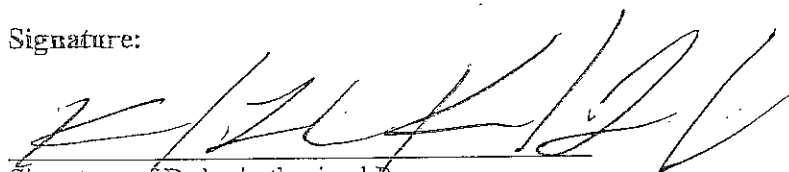
Date of Conviction: 1998 or 1999

Offense: Minor MARIJUANA Charge

Location of Conviction: Decorah, Iowa

Disposition: _____

Signature:



Signature of Duly Authorized Person

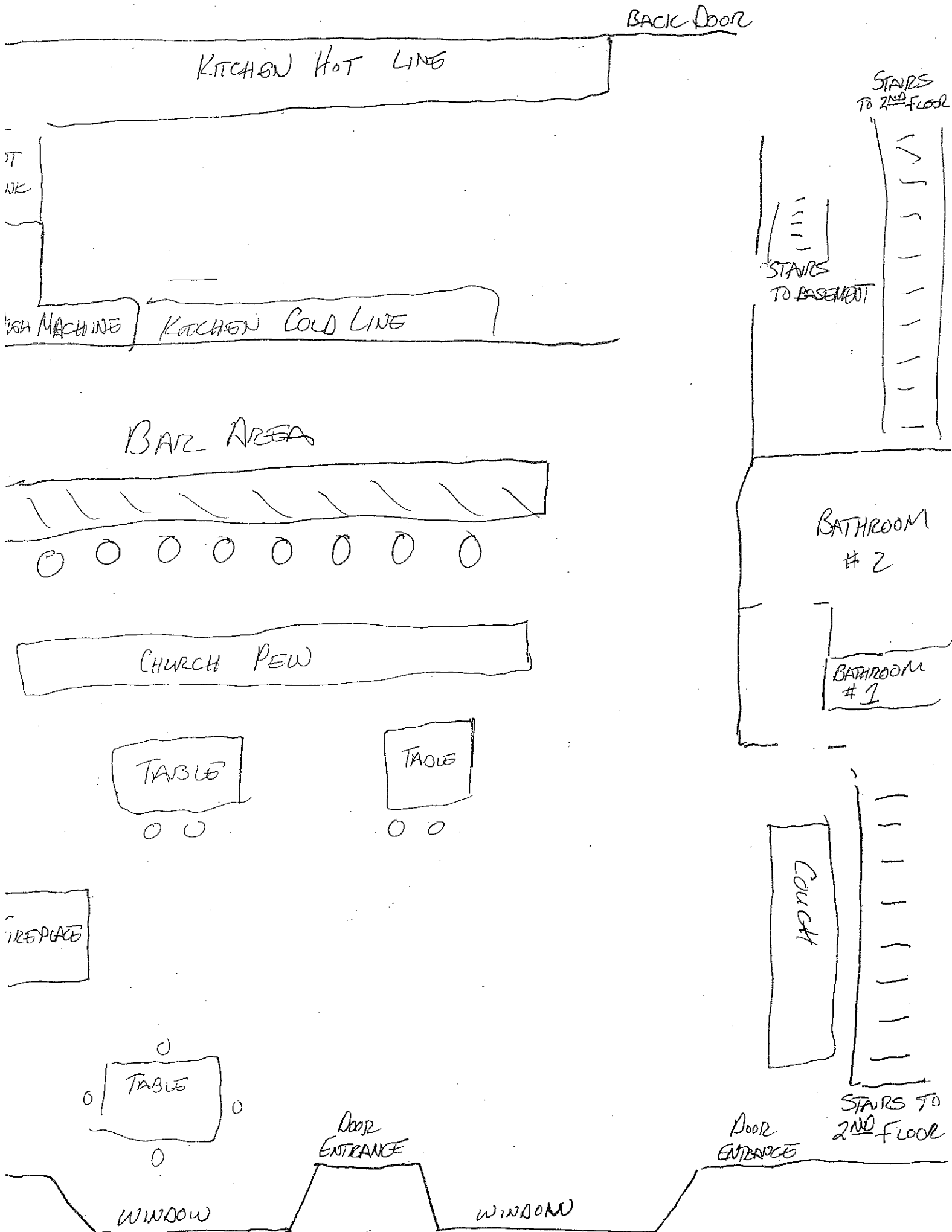
Date

11/10/2014

KARL DEUBEN

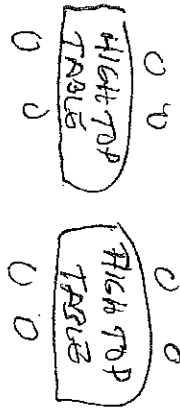
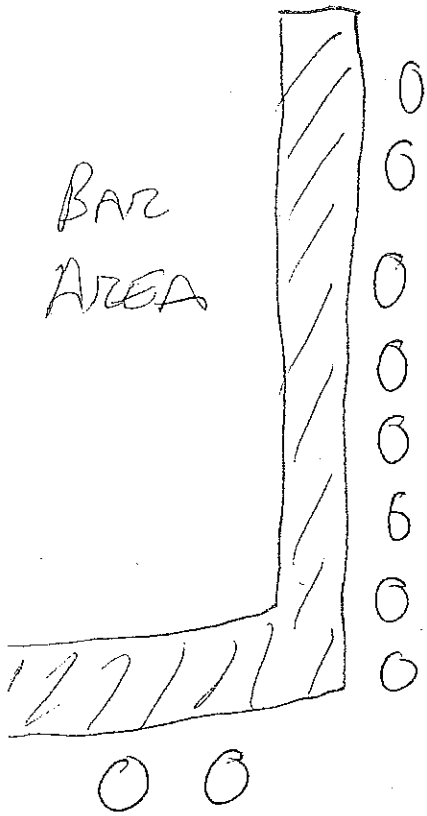
Print Name of Duly Authorized Person

Submit Completed Forms To: Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220

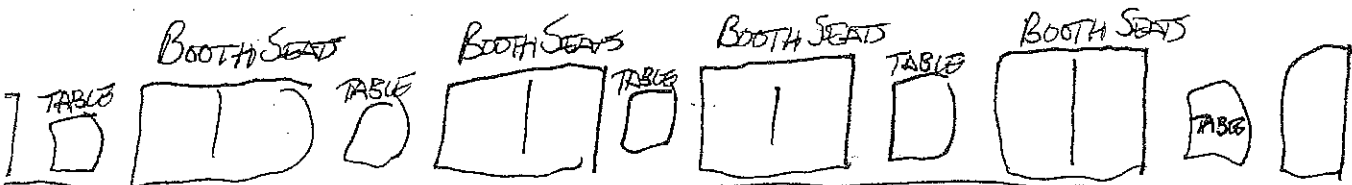
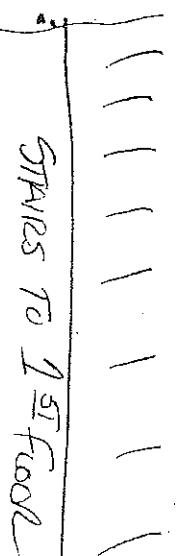
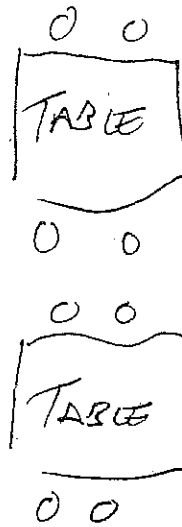
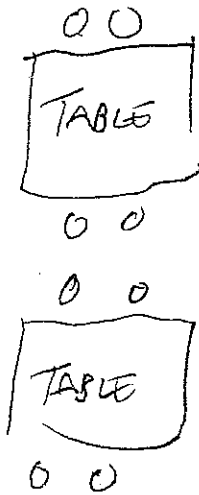
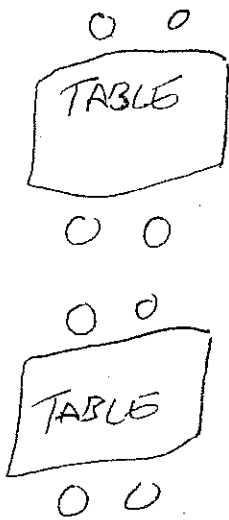
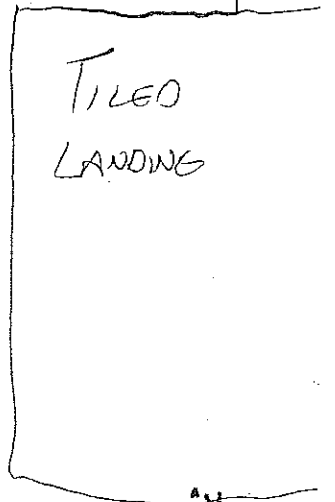
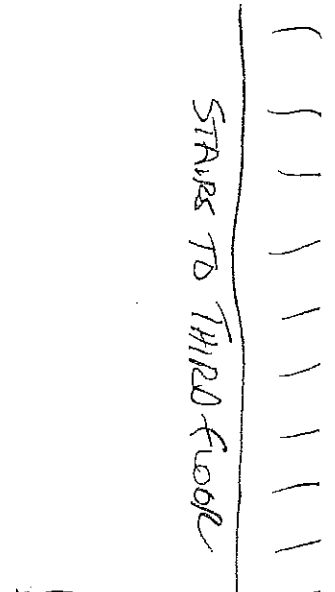


BACK OF BUILDING

FIRE EXIT



HOST STATION





Outdoor Dining Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

☒ New Application for Outside Dining ☐ Renewal Application for Outside Dining		
City Clerk signature for liquor license approval: _____		
Pending Council Date:		
Location Name & Address: <u>EAST ENDER</u> <u>47 Middle Street, Portland ME 04101</u>	Chart <u>028</u>	Block <u>P021001</u>
Owner & Phone #: <u>KARL DEUBEN 207-671-8495</u> <u>BILL LEAVY 207-831-3567</u>	Total Square Footage of Proposed Seating Area: ¹	
Applicant *must* be owner or lessee Name: <u>KARL DEUBEN</u> Address: <u>7 KENOSHA AVE</u> City, State & Zip: <u>SCARBOROUGH, ME 04074</u> E-Mail: <u>INFO@SNACKSTUCK.COM</u>	Annual Fee: <u>\$80</u> Total Sq. Ft.: <u>75</u> Sq. Ft. Fee: (sq ft x \$2) \$ <u>150</u> (Due when issued) Total Fees: <u>\$ 230</u> (Permit not issued until all fees are paid)	
Current use: <u>RESTAURANT</u>		
Business name: <u>EAST ENDER</u>		
Seating area dimensions: <u>5' x 15'</u>		
How many chairs? <u>12</u> How many tables? <u>3</u> ☒ Yes Alcohol is served. ☐ No Alcohol being served.		
Who should we contact for the pre-inspection: <u>KARL DEUBEN</u>		
Mailing address: <u>7 KENOSHA AVE SCARBOROUGH, ME 04074</u> Phone: <u>207-671-8495</u>		

Please submit all of the information outlined in the Outdoor Dining Application Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

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 of Applicant: _____ Date: 11/18/2014

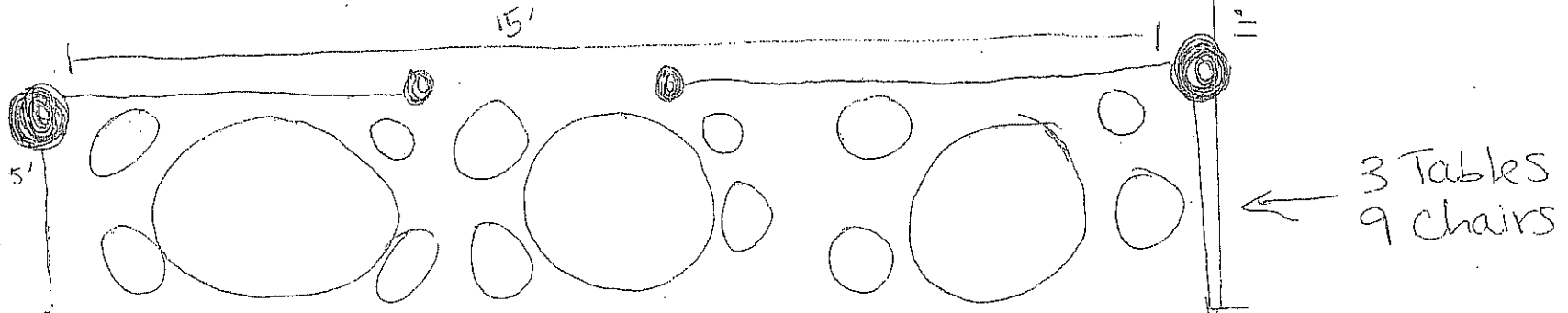
¹ In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the Director of Parks and Recreation or his or her designee.

This is not a permit; you may not commence ANY work until the permit is issued.

Middle Street

curb

sidewalk



3 Tables
9 chairs

47 Middle Street

47 Middle Street
Portland ME 04101

Middle Street

Proposed
Seating
area

BASEMENT

STAIRS

STAIRS

1ST Floor

M
F
BATHROOMS

dinning room

BAR

STAIRS

BACK
DOOR

kitchen

2ND Floor

STAIRS

Dinning Room

STAIRS

Fire Escape

BAR

3RD Floor

OFFICE SPACE

STAIRS

19' 9"

WRB

side walk

door

door

East Ender

47 Middle St.



Copyright 2011 Esri. All rights reserved. Tue Dec 2 2014 03:13:50 PM.

Lunch Menu

Local Lettuce/Fine Herbs/Garlic Vinaigrette \$8

Tuna Nicoise Salad \$14

Smoked Trout Caesar Salad \$10

French Onion Soup \$8

Steamed Local Mussels \$12

Local Shellfish Gratin \$15

House Made Sausage en Brioche with Local Green Salad \$12

Vegetarian Pasta al Forno \$14

Fried Local Fish with Hash Browns \$14

Sandwiches-Accompanied with Local Demi Salad

Grilled Cold Smoked Burger with Stilton/Onion Rings \$14

House Cured BLT \$

Fried Chicken with LT & Ranch

Sides \$6

Creamed Spinach

Pickled Local Greens

Onion Rings

Dinner Menu

Appetizers

Salads

- Local Greens with Garlic Vinaigrette \$8
- Pastrami Cured Scottish Salmon Salad \$9
- Seasonal & Local Composed Salad \$9

Soups

- French Onion \$8
- Du Jour \$7

Salt Cured Foie Gras Torchon with Accompaniments \$14

Steamed Local Mussels \$12

Chicken Fried Sweetbreads \$13

Grilled Cotechino Stuffed Squid \$13

Local Shellfish Gratin \$15

Entrees

Spiced Roasted Local Cornish Hen \$23

Braised Lamb Shank with Soft Panelle Fondutta \$22

Local Pork Schnitzel with Local Vegetables \$20

Pasta- daily \$18

Vegetarian Pasta al Forno \$18

Bouillabaisse \$28

From The Grill

NY Strip with Creamed Greens/Hash Browns \$28

Burger with Stilton/Onion Rings \$16

Whole Trout \$22

Sides \$6

Panelle Fondutta
Creamed Spinach
Pickled Local Greens
Onion Rings

Desserts \$9

Seasonal Fruit Dessert
Bittersweet Chocolate Cake with Ice Cream
Profiteroles
Sticky Toffee Pudding
Ice Creams & Sorbets

Cheese Plate \$14

Nightly cheese selections with accompaniments

Business Licensing - EAST ENDER - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 11/18/2014 11:39 PM
Subject: EAST ENDER - PENDING Business License Approval

EAST ENDER - PENDING is Approved for their Business License Inspection by the Police Dept.

Date: 11/18/2014

Zone:
Comments:

Lt. Gary L Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C341163

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-11-20) :

Inquiries Name(s) CRAIG MUDGE (1949-02-03)

NO MATCH WAS FOUND FOR YOUR REQUEST.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C341162

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-11-20) :

Inquiries Name(s) WILLIAM LEAVY (1972-08-08)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Transaction Response #: MIQ99C341160

11/20/2014

regarding excluded Marine Resources crimes in Title 12, contact the Department of Marine Resources. 3. For information regarding excluded Inland Fisheries and Wildlife crimes in Title 12, contact the Department of Inland Fisheries and Wildlife. 4. For information relating to excluded crimes in Title 29-A, formerly Title 29, contact the Secretary of State, Motor Vehicle Division. 5. A list of former crimes is available from this Bureau. (CRSA; 2013-10-23)

THE FOLLOWING ATN(S) ARE UNSUPPORTED BY FINGERPRINTS IN STATE BUREAU OF IDENTIFICATION FILES: (937784A). (CRSA)

Identification

Subject:

DEUBEN, PAUL

Subject Description

FBI 100-442887

State Id Number
ME0233699 (ME)

DOC Number
Unknown/NA

Social Security Number
Unknown/Not

Driver's License Number
Unknown/NA

Miscellaneous Numbers
Unknown

Sex
Unkn

Race
Unknown/NA

Skin Tone
Unknown/NA

Height: _____
 Unknown: Yes/No: _____

Weight
Unknown/NA

Date of Birth
1977-06-29

Hair Color
Unknown

Eye Color
Unknown/NA

Fingerprint Pattern
Unknown/NA

Scars, Marks, and Tattoos

Unkn. 100

Medical Condition
Unknown/NA

Place: Africa
Upper: MA

Citizenship
Unknown/NA

Ethnicity
Unknown/NA

Marital Status
Unknown/NA

Religion
Unknown/NA

Employer
Unknown/NA

Residence
Residence of
Local
Mailing Address
2012-01-24
PHYSICAL
450 CUMBERLAND AVE APT 3
PORTLAND, ME US

Telephone

Fingerprint Images
Unknown/NA

Palmprint Images
Unknown/NA

Photographs
Unknown/NA

DNA Data
Unknown/NA

Criminal Information
Firearms Licensed
C - Cleared

Criminal History

Cycle 001

Tracking Number	937784A
Earliest Event Date	2001-07-01
Arrest	(Cycle 001)
Arrest Date	2001-07-01
Arresting Agency	ME0030500
Subject Name	DEUBEN, KARL

Arrest Type Adult

Charge

Charge Number 937784A 001

Charge Tracking Number 937784A

Case Number ME01-7918

Agency ME0030500

Offense Date 2001-07-01

Charge Description DISORDERLY CONDUCT (Charge Class E)

Statute 17-A MRSA SUBSECTION 501(1)(A)

Offense Code 706 (ME)

Severity Misdemeanor

Pre-arrest Disposition No data supplied

Court Disposition (Cycle 001)

Court Agency ME003035J

Charge

Charge Number 937784A 001

Charge Tracking Number 937784A

Case Number CR 2001-05534

Agency ME003035J

Offense Date 2001-07-01

Charge Description DISORDERLY CONDUCT (Charge Class E)

Statute 17-A MRSA SUBSECTION 501(1)(A)

Offense Code 706 (ME)

Severity Misdemeanor

Disposition WAIVER (2001-10-02; ME)

Sentencing (Cycle 001)

Sentencing Agency ME003035J

Case Number CR 2001-05534

Charge Number 937784A 001

Charge Tracking Number 937784A

Sentence 2001-10-02: FINED \$100.00 (2001-10-02)

Comments No data supplied

Indemnifying Agencies

Agency 9TH DISTRICT COURT PORTLAND; ME003035J

Contact

Agency Telephone 207-8224205

Agency Fax

Agency E-mail Address

Mailing Address
205 NEWBURY ST
PORTLAND, ME 04101

Agency	PORTLAND PD; ME0030500
Contact	
Agency Telephone	207-8748479
Agency Fax	
Agency E-mail Address	
Mailing Address	109 MIDDLE ST PORTLAND, ME 04111

Portland, Maine



Yes. Life's good here.

Office of the City Clerk

Katherine L. Jones, CCM, City Clerk

December 2, 2014

Karl Deuben, Bill Leavy, and Craig Mudge
7 Kenosha Ave.
Scarborough, ME 04074

Re: SmallAxe LLC d/b/a East Ender at 47 Middle St. Application for a Class I FSE license with Outdoor Dining on Public Property.

Dear Karl, Bill, and Craig,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, December 15th at 7:00 p.m.** for the review of your application for a Class I license with outdoor dining on public property. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the City Council has questions regarding the license application. If there is no representation and questions arise, the issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

Janice Gardner
Business License Administrator
207-874-8557
bl@portlandmaine.gov

Portland Press Herald

Maine Sunday Telegram
 pressherald.com

Classified Advertising Proof

Portland, City Of

389 Congress St
 Portland, ME 04101

Thank you for advertising in The Portland Press Herald and Maine Sunday Telegram.

Your order information and a preview of your advertisement are below for your review. If there are any changes or questions, please immediately contact the Classified Department at 207-791-6100 or email classified@pressherald.com

Thank you,
 Joan Jensen

207-791-6100 | | Monday-Friday 8:00 am - 5:00 pm

ORDER INFORMATION:		Order Number:	3118
Title:	Portland Press Herald	Start Date:	12/8/2014
Class:	1000 Legal Notices	Number of Days:	3
Order Price:	\$176.16	Payment Method:	Invoice
PO Number:	Janice		

AD PREVIEW:

Legal Advertisement

**Notice of Public Hearing
 City of Portland**

A Public Hearing will be held on December 15th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of SmallAxe LLC d/b/a East Ender. Application for a Class I FSE license with Outdoor Dining on Public Property at 47 Middle St. Sponsored by Katherine L. Jones, City Clerk.

Com 7-14/15
Tab 11 12-15-14

MEMORANDUM
City Council Agenda Item

TO: Honorable Mayor Michael Brennan and City Councilors

FROM: Michael J. Bobinsky, Director of Public Services

DATE: December 3, 2014

DISTRIBUTION: Mayor, City Manager; Corporation Council; Sonia Bean

SUBJECT: Communication

SPONSOR: Michael J. Bobinsky, Director of Public Services

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading December 15th **Final Action** Council has 5 days to issue a stay, if not, rules are considered promulgated

I. SUMMARY OF ISSUE (Agenda Description)

This communication is intended to inform Council of revisions to the Rules and Regulations for Use of the Sewer System, specifically Schedule "A," which outlines the daily maximum discharge limits to the sewer. A public hearing was held on November 6th after two separate advertisements in the Portland Press Herald and personally through an email invitation to each industry.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

In 2011, revisions were made to the City of Portland's Local Limits found in the Rules and Regulations for Use of the Sewer System in agreement with the Portland Water District (PWD) and Maine Department of Environmental Protection (DEP). While periodic reviews of local limits are a requirement of the Portland Water District's Maine Pollutant Discharge Elimination System permit, the changes being sought in this revision are due to the three year screening limit put into place in 2011 for biochemical oxygen demand (BOD), total suspended solids (TSS), and arsenic. The revisions also reflect updated and more accurate calculations done for total cyanide.

III. INTENDED RESULT

To update Schedule "A" found in the Rules and Regulations for Use of the Sewer System in order to meet requirements of the Portland Water District's Maine Pollutant Discharge Elimination System permit.

IV. COUNCIL GOAL ADDRESSED

To comply with requirements of maintaining Portland Water District's Maine Pollutant Discharge Elimination System permit for wastewater discharge maximum limits.

V. FINANCIAL IMPACT

While the extension of screening limits for biochemical oxygen demand (BOD) and total suspended solids (TSS) will not have any financial impact on industries, the reduction of arsenic limits may have limited financial impact. The calculated arsenic limit is tiered so that the industries which tend to discharge arsenic in wastewater will be able to meet the limit 95% of the time based on historical data. If the reduced arsenic limit results in a violation for an industry, the financial impact will depend on corrective actions and the results of resampling events to determine compliance.

VI. STAFF ANALYSIS

The proposed changes are in line with the necessary actions required by the DEP within this permit cycle. The extension of screening limits rather than technically based limits for BOD and TSS are important as the current capacity of the East End Wastewater Treatment plant is limited and would cause a BOD and TSS limit that would be difficult for industries to comply with. The technically based arsenic limit is tiered so that the industries which tend to discharge arsenic in wastewater will have the highest allowance compared to industries that do not tend to discharge arsenic. The cyanide limit is being increased based on more appropriate calculations than what was used in 2011 and will not cause any problems with operations at the East End Wastewater Treatment plant.

VII. RECOMMENDATION

It is recommended to follow through with revisions to the Rules and Regulations for Use of the Sewer System, specifically Schedule "A," which outlines the daily maximum discharge limits to the sewer in order to satisfy the permit requirements passed in 2011 for the implementation of screening limits. The revisions will have limited impact on industries at this time.

VIII. LIST ATTACHMENTS

Communication from the Water Resources Division of Public Services dated 12/3/2014

Red-line version of Schedule "A" revisions

Signed letter from the State of Maine Department of Environmental Protection regarding request to revise the Portland Local Limits dated 6/25/2014

IX. CONTACT INFORMATION

Benjamin Pearson

Assistant Engineer, Industrial Pretreatment Coordinator

207-874-8843

bnp@portlandmaine.gov

<http://portlandmaine.gov/474/Engineering>

CITY OF PORTLAND, MAINE RULES AND REGULATIONS FOR USE OF THE WASTEWATER SYSTEM

7. SCHEDULE "A"

PORTLAND WATER DISTRICT, PORTLAND POTW AND WESTBROOK INTERMUNICIPAL SEWER SERVICE AGREEMENT AREA

PORTLAND POTW LIMITS		INTERMUNICIPAL AGREEMENT LIMITS	
Parameter	Discharge Limits mg/L Daily Maximum	Parameter	Discharge Limits mg/L Daily Maximum
BOD*	3,000	BOD	13701401.0
TSS*	1500	TSS	28162824.0
Arsenic**	0.0201.0	Arsenic	0.0940.013
Cadmium	0.024	Cadmium	0.0132
Chromium	1.90	Chromium	2.35
Copper	1.88	Copper	0.69 0.68
Cyanide	0.0130.05	Cyanide	0.52
Hydrocarbon (NPM)	100	Not Applicable	
Lead	0.60	Lead	0.33
Mercury	0.014	Mercury	0.0037
Nickel***	0.76	Nickel	0.209
Silver	0.42	Silver	0.140.12
Total Oil & Grease	500	Total Oil & Grease	100
Zinc	2.57	Zinc	1.411.06

pH must be greater than 5.0 Standard Units (S.U.) and have a caustic alkalinity less than 1000 mg/l. Any pH result of over 8.3 S.U. must be accompanied by a result for caustic (hydroxide) alkalinity from the same sample

*Three year screening limit Screening Limit: For a period of (3) three years, BOD and TSS screening limits are valid through the renewal of Portland Water District's Maine Pollutant Discharge Elimination System permit in 2016. Licensees shall take all reasonable measures to comply with the screening limits. During the three year period, The City will exercise its enforcement discretion on a case-by-case basis with regard to screening limit violations. Violations of the screening limits that occur as the result of normal, routine operations will not result in any fines, public notices or formal compliance schedules. However, other resultant violations of the screening limits, including but not limited to operator error, mechanical or electrical failures, inappropriate procedures, failure to notify or mitigate, spills or slug releases, and natural events may result in formal enforcement action. No significant capital improvements related to BOD and/or TSS reduction shall be required of Industrial Users prior to an upgrade to the dewatering system at the East End Wastewater Treatment Facility, which will occur prior to April 1, 2012. Additionally, discharge violations in excess of 10,000 mg/L of BOD, 5,000 mg/L of TSS or 2.0 mg/L of Arsenic will result in formal enforcement action. Nothing herein shall prevent the City from enforcing all other Industrial Pretreatment regulations.

** A three tiered Arsenic limit as follows: Seafood Processors = 0.228 mg/L, Landfills plus ecoMaine incinerator = 0.055 mg/L, All Others = 0.020 mg/L.

*** Metal Finisher required to meet Categorical Maximum 30 day Average Nickel Discharge Limit of 2.38 mg/L

INDUSTRIAL USER LIMIT VARIANCE FOR THE WESTBROOK INTERMUNICIPAL SEWER SERVICE AREA ONLY

The Control Authority may grant a variance to an industrial user discharging into the sewer system when the industrial user provides sufficient historical documentation to support such request. The Control Authority must determine that allowing such a variance **will not**:

- a) result in an increase of the Maximum Allowable Industrial Headworks Loading
- b) result in a non permitted discharge from the POTW
- c) adversely affect the treatment of wastewater
- d) adversely impact the sanitary sewer system
- e) be in violation of any applicable local, state or federal law or regulation

Should such variances be authorized, any industrial user receiving the variance will impact the total available loadings to other industrial facilities within the treatment system.

The Control Authority will be required to assess the effectiveness of any variances. Modifications to local, state or federal requirements or wastewater characteristic changes within the wastewater system would also require the reevaluation of any variances.

A variance may be revoked at any time at the discretion of the Control Authority (Portland Water District)



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PATRICIA W. AHO
COMMISSIONER

June 25th, 2014

Paul Thomas Hunt
Environmental Manager
Portland Water District
225 Douglass Street, PO Box 3553
Portland, ME 04104

RE: Proposed Update of:

**Local Limits Technical Review
For
The Industrial Pretreatment Program**

Dear Paul,

The Department has received the June 16th, 2014 proposal for **changes to the Portland Local Limits** letter from the City. The technical review indicates that the headworks loading analysis, along with consideration of treatment plant operations and capacity, and Industrial User constraints, yielded the following proposed limit scheme:

<u>POLLUTANT</u>	<u>OLD LOCAL LIMITS</u>	<u>NEW LOCAL LIMITS</u>
BOD*	3,000 mg/l	3,000 mg/l
TSS*	1,500 mg/l	1,500 mg/l
Arsenic**	1.00 mg/l	0.068 mg/l; 0.228 / 0.055 / 0.020
Cadmium	0.024 mg/l	0.024 mg/l
Chromium	1.90 mg/l	1.90 mg/l
Copper	1.83 mg/l	1.83 mg/l
Cyanide, T***	0.05 mg/l	0.13 mg/l
Lead	0.60 mg/l	0.60 mg/l
Nickel****	0.76 mg/l	0.76 mg/l
Silver	0.42 mg/l	0.42 mg/l
Zinc	2.57 mg/l	2.57 mg/l

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

There are no limits proposed for ammonia, mercury, molybdenum, or selenium.

* **BOD & TSS.** *Proposal to extend the screening period to permit renewal in 2016* to allow for POTW and IU upgrades, modifications, and pollution prevention initiatives as needed. This will have allowed both the District and the City essentially one full license cycle to establish BOD & TSS loadings from Industrial Users, study plant processing capacity, and determine how to best approach conventional pollutant management. Current BOD & TSS loadings are above the design capacity of the POTW. ***At present, regulatory (effluent discharge) limits for BOD & TSS, are not being exceeded. If the POTW finds that it begins to exceed one or more of these effluent discharge parameters, the Department, District, and City may need to revisit the screening option and put more restrictive Local Limits or BMPs into place.***

** **Arsenic.** Given the recent changes to the Maine biosolids landspreading and Human Health Criteria limits, the (Portland) District's uniform concentration Local Limit for arsenic calculates out to 0.068 mg/l. Given the nature of the business community in Portland, the District has developed a 3-tiered approach for regulating arsenic that keeps the Maximum Industrial Headworks Loading below its allowable limit:

Seafood Processors (predominantly organically bound As) -	0.228 mg/l
Landfills & EcoMaine incinerator -	0.055 mg/l
All other Industrial Users -	0.020 mg/l

*** **Cyanide, Total.** The cyanide limit that was promulgated in 2011 (0.05 mg/l) was determined *not* to have been based on the most appropriate effluent/sludge partitioning coefficient. Review of historic data and revision of the coefficient indicates that a uniform Local Limit of 0.13 mg/l is protective of the Industrial Headworks Loading Limit.

**** **Nickel.** The POTW discharge currently and historically has no difficulty meeting Water Quality Standards for nickel. The proposed Categorical Limit (433.15, PSES, or 433.17, PSNS; both are the same) of 2.38 mg/l is for Nichols, with a 0.76 mg/l Local Limit for the remaining IUs. ***Be advised that Categorical Limits apply at the end of the regulated process, while Local Limits apply to the final, whole-plant effluent.***

Attached to this letter is a copy of the public notice requesting comments on the DEP's intent to approve the modifications. You will note that there is a 30 day comment period. During this period, the public must be given the opportunity to review the proposed modification documents, which shall be made available at the District office and at the DEP here in Augusta. Please make the documents available, and for those who request such a review at the District office, please forward any comments you get directly to me.

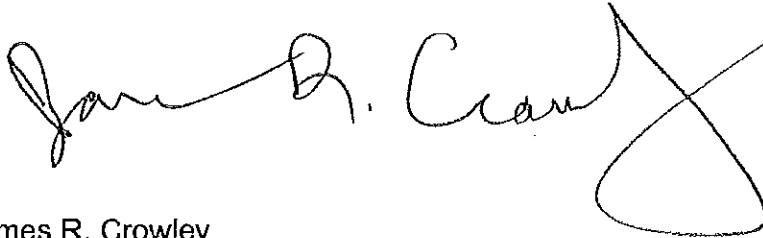
If no comments on this notice are received within 30 days of publishing the Notice, PWD's proposed modifications will be approved without further public notice. In such event, the attached public notice shall constitute the "notice of approval or disapproval"

Letter to PWD
June 25th, 2014
Page 3 of 3

required by 403.11(e) (Chapter 528 Section 11(e)), and no additional notice shall be provided. However, our office will notify you if, in fact, this situation occurs.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Crowley". The signature is fluid and cursive, with a large, sweeping loop at the end that extends upwards and to the right.

James R. Crowley
Compliance Supervisor, State Pretreatment Coordinator
Department of Environmental Protection
Division of Water Quality Management
207-287-8898
james.r.crowley@maine.gov

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER QUALITY MANAGEMENT
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017

Notice of Request for Approval of Modifications to the Industrial Pretreatment Agreement

Public Comment Period: June 26th, 2014 – July 31st, 2014

Public Notice Number:

Permit Number: ME0102075

Applicant Name: Portland Water District, East End Facility

Address: Department of Environmental Protection
Division of Water Quality Management
17 State House Station
Augusta, ME 04333 - 0017
Attn: Jim Crowley, IPP Coordinator

On January 28, 1981, the United States Environmental Protection Agency (EPA) promulgated the General Pretreatment Regulations at 40 C.F.R. Part 403. These Regulations mandated by the Clean Water Act, 33 U.S.C. ' 1251 et seq., govern the control of industrial waste introduced into municipal sewage treatment plants.

Pursuant to the General Pretreatment Regulations, and 06-096 CMR Department of Environmental Protection Chapter 528, Pretreatment Program, the applicant has submitted a request for approval of modifications to its Technically-based Local Limits for Industrial Users. The proposed modifications consist of revisions to current Local Industrial Discharge Limits. Modifications can be reviewed by examining the proposal letter from the Department, along with supporting documentation, Monday through Friday, at the following locations:

8:30 AM to 4:30 PM

Department of Environmental Protection
Division of Water Quality Management (East Campus, Tyson Bldg, 2nd Floor)
17 State House Station
Augusta, Maine 04333 - 0017

8:30 AM to 4:00 PM

Portland Water District office
225 Douglas Street, P.O. Box 3553
Portland, Maine 04101

As specified in 40 CFR 403.18, and 06-096 CMR DEP Chapter 528 Section 18, prior to making a final decision of approval on this request, the DEP Industrial Pretreatment Program Coordinator is providing an opportunity for public comment on the proposed modifications.

Public comments on the proposed modifications should be submitted in writing by July 31st, 2014, to:

Department of Environmental Protection
Division of Water Quality Management
17 State House Station
Augusta, ME 04333 - 0017
Attn: Jim Crowley, IPP Coordinator

All written comments will be considered in the decision on whether or not to approve the proposed modifications. At the request of the applicant, or if there is sufficient public interest, a public hearing may be held and the time and place of the hearing will be given.

Please note that if no comments to this notice are received, the proposed modifications will be approved without changes and without further public notice. In such event, this public notice shall constitute the "notice of approval or disapproval" required by 403.11(e), and Chapter 528 Section 11(e), and no additional notice shall be provided.

Further information may be obtained by calling Jim Crowley of the Department of Environmental Protection at 207-287-8898.

JIM CROWLEY, STATE OF MAINE IPP COORDINATOR

*Resolve 3-14/15
Feb 12 12-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**RESOLUTION CONSENTING, SUBJECT TO CONDITIONS,
TO THE TRANSFER OF CONTROL OF TIME WARNER CABLE
NORTHEAST LLC FROM TIME WARNER CABLE INC.
TO COMCAST CORPORATION**

WHEREAS, on or about May 15, 1986, the City of Portland ("City") and Time Warner Cable Northeast LLC (f/k/a Public Cable Company) ("Franchisee") entered into a certain Franchise Agreement effective as of May 15, 1986, as amended and extended ("Franchise Agreement"), which granted to Franchisee the nonexclusive, revocable right, privilege, and obligation to construct, operate, and maintain and reconstruct in, on, over, under and across the streets of the City, a cable television system, including all wires, conduits, fixtures and appurtenances, for the purpose of reception, transmission, collection, amplification, origination, distribution or redistribution of video, audio or other signals and for the development of cable and broadband telecommunication services for private and public use in and to the City and its residents; and

WHEREAS, Section 6 of the Franchise Agreement provides, among other things, that the Franchise Agreement cannot be sold, transferred, leased, assigned or disposed of in whole or in part by any means without the prior consent of the City expressed by a City Council ("Council") resolution; and

WHEREAS, Section 6 of the Franchise Agreement further provides, among other things, that every change, transfer, or acquisition of control of the Franchisee shall make the Franchise Agreement subject to cancellation unless and until the City shall have consented thereto, which consent shall not be unreasonably withheld; and

WHEREAS, Time Warner Cable Inc. (“Time Warner Cable”), the parent company of Franchisee, Comcast Corporation (“Comcast”), and Tango Acquisition Sub, Inc. (“Tango”), have entered into an Agreement and Plan of Merger dated as of February 12, 2014 (“Merger Agreement”), pursuant to which Time Warner Cable will merge with and into Tango, a wholly-owned subsidiary of Comcast, with Time Warner Cable as the surviving company; and

WHEREAS, by the Merger Agreement, Time Warner Cable will become a wholly-owned subsidiary of Comcast, and thus Comcast will acquire control of the Franchisee; and

WHEREAS, by letter to the City Manager dated April 9, 2014, Comcast requested the City’s consent to the transfer of control of the Franchisee that would occur as a result of the consummation of the Merger Agreement (“Transfer”) and enclosed an Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise (“Application”); and

WHEREAS, 47 U.S.C. § 537 and 47 C.F.R. § 76.502 provide that a request for consent to assignment or transfer of a cable franchise will be deemed granted if the franchising authority does not render a final decision within 120 days of the filing of a complete application for consent, unless the requesting party and the franchising authority agree to an extension of time; and

WHEREAS, the City reviewed the Application; and

WHEREAS, by letter to Comcast dated May 7, 2014, the City informed Comcast that the information provided in the Application was not complete and requested additional information from Comcast, and stated that the City did not believe the statutory 120-day review period had begun; and

WHEREAS, by letter to the City Manager dated May 16, 2014, Comcast provided certain additional information in partial response to the City’s letter dated May 7, 2014, disagreed that the Application was incomplete, and asserted that the 120-day period had begun; and

WHEREAS, by letter to the City Manager dated July 29, 2014, Comcast and Time Warner Cable
consented to an extension of the deadline set forth in 47 C.F.R. § 76.502(a) to and
including September 30, 2014; and

WHEREAS, by letter to the Assistant City Manager dated September 11, 2014, Comcast and Time Warner
Cable consented to an extension of the deadline set forth in 47 C.F.R. § 76.502(a) to and
including November 10, 2014; and

WHEREAS, by letter to outside counsel for the City dated October 27, 2014, Comcast and Time Warner
Cable consented to an extension of the deadline set forth in 47 C.F.R. § 76.502(a) to and
including December 15, 2014; and

WHEREAS, by letter to outside counsel for the City dated December 1, 2014, Comcast and Time Warner
Cable consented to an extension of the deadline set forth in 47 C.F.R. § 76.502(a) to and
including December 31, 2014; and

WHEREAS, the City conducted an audit of Franchisee's franchise fee payments to the City under the
Franchise Agreement and the City Municipal Code for the period of 2009-2013; and

WHEREAS, the City and Franchisee have agreed to settle claims arising out of the fee audit, with the
terms and conditions of that settlement being set forth in a Settlement Agreement
between the City and Franchisee; and

WHEREAS, the City has reviewed the Application, Comcast's aforementioned response for additional
information, and other relevant materials and has determined that consent to the Transfer
would serve the public convenience, safety and general welfare if supported by certain
conditions set forth herein to protect the rights of the City and to serve the public
convenience, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Portland, Maine, hereby:

SECTION 1. consents to the Transfer, subject to the following conditions:

- (a) The Transfer shall be consummated by June 1, 2015 on the terms and conditions set forth in
this Resolution and, to the extent not inconsistent with this Resolution, the Application. If the

Transfer has not closed by June 1, 2015, this consent shall be voidable, *nunc pro tunc*, at the option of the City.

- (b) Except for the claims specifically released by the City in Section 2 of the Settlement Agreement attached hereto as Exhibit C, after consummation of the Transfer, Comcast shall ensure that Franchisee continues to assume and be responsible for all past, current, and future obligations and liabilities of the Franchisee under the Franchise Agreement and applicable provisions of the City Municipal Code, including those obligations and liabilities both known and unknown on the date of this Resolution or at the time of consummation of the Transfer.
- (c) After consummation of the Transfer, Comcast shall comply, or cause Franchisee to comply, fully with the terms and conditions of the Franchise Agreement and all applicable provisions of the City Municipal Code.
- (d) After consummation of the Transfer, neither the Franchisee's system nor the rights and privileges granted by the Franchise Agreement shall be assigned or transferred, in whole or in part, to Comcast or to any Comcast subsidiary or affiliate other than the Franchisee without filing a written application to the City and obtaining the Council's prior written consent to such assignment or transfer.
- (e) On or before December 31, 2014, Comcast shall file with the City the Acceptance of this Resolution in the form attached hereto as Exhibit A, executed by Comcast and certified and sworn to as the legally binding act of Comcast.
- (f) On or before December 31, 2014, the Franchisee shall file with the City the Acceptance of this Resolution in the form attached hereto as Exhibit B, executed by Franchisee and certified and sworn to as the legally binding act of Franchisee.
- (g) On or before December 31, 2014, the Franchisee shall file with the City the Settlement Agreement attached hereto as Exhibit C, executed by Franchisee.

BE IT FURTHER RESOLVED, that:

SECTION 2. If any of the conditions specified in Section 1 hereof are not satisfied, then the City's consent to the Transfer is denied-as of December 15, 2014.

SECTION 3. If Comcast does not execute and file with the City the Acceptance of this Resolution in the form attached hereto as Exhibit A, Franchisee does not execute and file with the City the Acceptance of this Resolution in the form attached hereto as Exhibit B, or Franchisee does not execute and file with the City the Settlement Agreement attached hereto as Exhibit C, on or before December 31, 2014, as specified in Section 1, then the Application shall be denied as of the date of this Resolution with no further action from the Council.

SECTION 4. Any material misrepresentation in the Application shall constitute a material violation of the Franchise Agreement and shall be subject to all of the remedies available to the City under the Franchise Agreement and applicable law.

SECTION 5. Upon the filing of the executed Acceptances set forth in Section 1(e) and (f) and the executed Settlement Agreement set forth in Section 1(g) any violation of this Resolution thereafter by Comcast or the Franchisee, and any breach of the Settlement Agreement by Franchisee, shall constitute a violation of the Franchise Agreement and shall be subject to all of the remedies available to the City under the Franchise Agreement and applicable law.

SECTION 6. This Resolution shall not be construed to grant or imply the Council's consent to any other transfer or transaction that may require the City's consent under the Franchise Agreement or applicable federal, state or City law. The City reserves all of its rights with regard to any such future transactions.

SECTION 7. The Council's consent to the Transfer shall not constitute a waiver or release of any of the City's rights under the Franchise Agreement or applicable federal, state or City law, or, except for the claims specifically released by the City in Section ___ of the Settlement Agreement, of any claims the City may have against the Franchisee or its successors,

regardless of whether such rights or claims arose before or after the date of this Resolution or the date of consummation of the Transfer.

SECTION 8. This Resolution is a final decision on the Application within the meaning of 47 U.S.C. § 537, and for these purposes the Application is deemed acted upon on the date that this Resolution is adopted by the Council.

WHEREUPON, Mayor Michael Brennan declared this resolution adopted, affixed his signature and the date and ordered that it be recorded.

Michael F. Brennan, Mayor

Date: _____

ATTEST:

**APPROVED AS TO FORM AND
LEGALITY THIS _____ DAY OF
_____, 2014**

EXHIBIT A

**ACCEPTANCE OF THE FRANCHISE TRANSFER
RESOLUTION BY COMCAST CORPORATION**

Comcast Corporation, a Pennsylvania corporation ("Comcast"), hereby (1) agrees that after consummation of the Transfer it will cause Time Warner Cable Northeast LLC to abide by the terms and conditions of the Franchise Agreement by and between the City of Portland, Maine, and Time Warner Cable Northeast LLC, dated as of May 15, 1986, as amended and extended ("Franchise Agreement"); and (2) agrees that it will abide by and accept the terms and conditions in Resolution No. _____, a Resolution of the City Council of the City of Portland, Maine, Consenting, Subject to Conditions,, to the Transfer of Control of Time Warner Cable Northeast LLC from Time Warner Cable Inc. to Comcast Corporation, adopted _____, 2014.

Comcast warrants and represents that this Acceptance of the Franchise Transfer Resolution is executed by a person lawfully authorized to act on its behalf and that this Acceptance of the Franchise Transfer Resolution is a legally binding obligation of Comcast.

COMCAST CORPORATION
A PENNSYLVANIA CORPORATION

BY: _____

NAME: _____

TITLE: _____

DATE: _____

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF PHILADELPHIA :

I HEREBY CERTIFY that on this _____ day of _____ 2014, before me, the subscriber, a Notary Public of the Commonwealth of Pennsylvania in and for Philadelphia, aforesaid, personally appeared _____ of Comcast Corporation, and acknowledged the foregoing Acceptance of the Franchise Transfer Resolution, to be the act and deed of Comcast Corporation.

As WITNESS my hand and Notary Seal.

Notary Public
Commonwealth of Pennsylvania
My Commission Expires _____

[Seal]

EXHIBIT B

**ACCEPTANCE OF THE FRANCHISE TRANSFER RESOLUTION BY TIME
WARNER CABLE NORTHEAST LLC**

Time Warner Cable Northeast LLC, a _____ limited liability corporation ("Franchisee") and the current holder of the cable television franchise by and between the City of Portland, Maine, and Time Warner Cable Northeast LLC, dated as of May 15, 1986, as amended and extended ("Franchise Agreement"), hereby accepts and agrees to abide by the terms and conditions of Resolution No. _____, a Resolution of the City Council of the City of Portland, Maine, Consenting, Subject to Conditions, to the Transfer of Control of Time Warner Cable Northeast LLC from Time Warner Cable Inc. to Comcast Corporation, adopted _____, 2014.

Franchisee warrants and represents that this Acceptance of the Franchise Transfer Resolution is executed by a person lawfully authorized to act on its behalf and that this Acceptance of the Franchise Transfer Resolution is a legally binding obligation of Franchisee.

TIME WARNER CABLE NORTHEAST LLC
A _____ LIMITED LIABILITY
CORPORATION

BY: _____

NAME: _____

TITLE: _____

DATE: _____

STATE OF _____ :

COUNTY OF _____ :

I HEREBY CERTIFY that on this _____ day of _____ 2014, before me, the subscriber, a Notary Public of the State of _____, in and for _____, aforesaid, personally appeared _____ of Time Warner Cable Northeast LLC, and acknowledged the foregoing Acceptance of the Franchise Transfer Resolution, in _____, _____, to be the act and deed of Time Warner Cable Northeast LLC.

As WITNESS my hand and Notary Seal.

Notary Public
State of _____
My Commission Expires _____

[Seal]

EXHIBIT C

SETTLEMENT AGREEMENT

This Settlement Agreement (hereinafter "Settlement Agreement") is made as of the date last signed below (the "Effective Date") by and between Time Warner Cable Northeast LLC, its subsidiaries, affiliates, parents, predecessors, successors and assigns ("TWC"), and the City of Portland, Maine (the "City"). TWC and the City are referred to individually herein as a "Party" and collectively herein as the "Parties."

WHEREAS, TWC provides service to customers in the City pursuant to a Franchise Agreement dated May 15, 1986 between the Parties (the "Franchise Agreement"); and

WHEREAS, the City conducted an audit (the "Audit") of the franchise fee payments made by TWC pursuant to the Franchise Agreement for the period from January 2009 through December 2013 (the "Audit Period"); and

WHEREAS, the Audit concluded that TWC underpaid franchise fees for the Audit Period;
and

WHEREAS, TWC disputes the conclusions of the Audit, which were set forth in a report produced by the City (the "Audit Report"); and

WHEREAS, there is a dispute between the Parties regarding the amount of franchise fees owed to the City by TWC pursuant to the Franchise Agreement, with the City claiming that TWC owes the City unpaid franchise fees plus interest for the Audit Period ("City Claims"), and TWC claiming that it has overpaid the City franchise fees for the Audit Period ("TWC Claims") (together, the "Dispute"); and

WHEREAS, the Parties desire to fully settle and resolve the Dispute as set forth below;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, TWC and the City, each intending to be legally bound hereby, covenant and agree as follows:

1. Settlement Payment by TWC and Increase of Franchise Fee

Within thirty (30) days after the Effective Date of this Agreement, TWC shall submit payment to the City of One Hundred Thousand Dollars (\$100,000.00) in settlement by both parties of the Dispute for the Audit Period. TWC also agrees to commence, effective January 1, 2015, increasing its franchise fee payments to the City by including the franchise fees, Federal Communications Commission ("FCC"), NSF and processing fees related to cable service that TWC collects from its subscribers in the gross revenues base on which franchise fees are calculated and paid.

2. Release of Claims

This Settlement Agreement is entered into in compromise of the Dispute, including the City Claims and the TWC Claims, and all rights with respect to franchise fees paid, overpaid, and owed during the Audit Period. Specifically, the City and TWC desire to compromise, settle and discharge all disputes, claims, demands, actions or causes of action whatsoever of every kind and nature that pertain to, or arise out of, franchise fee payments by TWC to the City during the Audit Period.

a. Release of City Claims

The City hereby releases and forever discharges TWC, its affiliates and subsidiaries and its respective shareholders, directors, officers, employees, parents, servants, heirs, predecessors, successors, assigns, and agents, of and from any and all claims, actions, causes of action, suits, demands, liabilities, obligations and damages, of any kind or nature whatsoever, whether based on contract, tort or other theories of liability, which the City now has or ever had against TWC from the beginning of time through the end of the Audit Period, both in law and in equity, relating in any way to the Dispute.

b. ~~Partial Release for 2014~~

Each Party hereby releases and forever discharges the other Party, its affiliates and subsidiaries and its respective shareholders, directors, officers, employees, parents, servants, heirs, predecessors, successors, assigns, and agents, of and from any and all claims, actions, causes of action, suits, demands, liabilities, obligations and damages, of any kind or nature whatsoever whether based on contract, tort or other theories of liability which the Party now has or ever had against the other Party for calendar year 2014, both in law and in equity, solely with respect to the specific franchise fee underpayment issues identified in the Audit Report, but not with respect to any other issues relating to franchise fee payments for calendar year 2014.

c. Release of TWC Claims

TWC hereby releases and forever discharges the City, and its respective directors, officers, employees, and agents, of and from any and all claims, actions, causes of action, suits, demands, liabilities, obligations and damages, of any kind or nature, whatsoever, whether based on contract, tort or other theories of liability, which TWC now has or ever had against the City from the beginning of time through the end of the Audit Period, both in law and in equity, relating in any way to the Dispute.

3. Modification

This Settlement Agreement may not be modified, superseded, terminated, or amended, and no provision or breach hereof may be waived or deemed waived by any Party, except by a writing making specific reference thereto signed by the Party to be bound.

4. No Admission

It is understood and agreed that this is a compromise of disputed claims and shall not be construed as an admission of any liability of TWC to the City, or of any liability of the City to TWC, nor, except as provided in the last sentence of paragraph 1 hereof and subject to changes in applicable law, shall it establish a precedent for how either Party may proceed with regard to franchise fees due to the City for timeframes after the Audit Period. This Settlement Agreement is not, and shall not, in any way be construed to be an admission by either Party, or any of their former or current parent companies, successors, assigns, affiliates, subsidiaries, directors, officers, employees and agents, that any one of them has acted wrongfully and/or illegally in any manner, and the settlement set forth herein shall not be construed by any person or in any court, agency or tribunal whatsoever as a present or past admission of liability.

5. Successors and Assigns

This Settlement Agreement and each of its terms shall, upon its execution by the Parties, be binding upon and shall inure to the benefit of the Parties hereto and to the lawful and permitted successors and assigns of each Party, whether those successors and assigns are presently known or unknown.

6. Authority

Each Party to this Settlement Agreement represents and warrants that the person executing this Agreement on its behalf is authorized and has the legal right, power, and authority to do so.

7. Entire Agreement

This Settlement Agreement sets forth the entire agreement between the City and TWC relating to the subject matter of this Settlement Agreement.

8. Governing Law

This Settlement Agreement, and any controversies arising hereunder, shall be interpreted in accordance with the laws of the State of Maine and adjudicated in a state or federal court of competent jurisdiction located in the State of Maine.

IN WITNESS WHEREOF, the Parties have caused this Settlement Agreement to be executed as of the date the last Party signs.

Time Warner Cable Northeast LLC

The City of Portland, Maine

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Order 100 - 14/15
~~Sub 6 - 12-1-14~~
Sub 13 12-15-14

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER GRANTING A \$30,000.00 LAND BANK FUND GRANT TO PEAKS
ISLAND LAND PRESERVE FOR ACQUISITION
OF THE ICE POND PROPERTY**

ORDERED, that a Land Bank Fund Grant Agreement awarding a Land Bank Fund grant to Peaks Island Land Preserve in the amount of Thirty Thousand Dollars (\$30,000.00) is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Acting City Manager to execute said document and any other related documents necessary or convenient to carry out the intent of said document and this Order.

MEMORANDUM
City Council Agenda Item

TO: Mayor Michael Brennan and City Councilors

FROM: Michael J. Bobinsky, Director of Public Services

DATE: November 25, 2014

DISTRIBUTION: (City Manager, Mayor, Corporation Counsel, Sonia Bean, Nancy)

SUBJECT: Land Bank Commission – \$30,000 Land Bank Fund grant to Peaks Island Land Preserve for the Purchase of Ice Pond Property on Peaks Island.

SPONSOR: City Councilor Cheryl Leeman, Co- Chair of the Land Bank Commission

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading__December 1, 2014_____ Final Action__December 15, 2014_____

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

At the Land Bank Commission's September 4, 2014 meeting, it voted unanimously to contribute \$30,000 to the Peaks Island Land Preserve (PILP) to be used for its purchase of the Peaks Island Ice Pond Property. PILP plans to close on the sale of the property at the end of December. In order to appropriate the funds, staff needs City Council approval for the use of the Land Bank funds no later than December 15, which is the last City Council meeting before the end of the year.

PRESENTATION: Cheryl Leeman, Tom Jewell, Co -Chair or (Michael Bobinsky), and John Whitman, President of Peaks Island Land Preserve

I. SUMMARY OF ISSUE

At the September 4, 2014 meeting of the Land Bank Commission (LBC), the Peaks Island Land Preserve (PILP) requested a \$30,000 grant from the Land Bank Fund to assist in PILP's acquisition of the two acre "Ice Pond" property on Peaks Island. According to PILP, the Ice Pond property is valued for its beauty, natural habitat, and its use as a family ice skating pond in the winter.

In order to conserve this land and continued public access to the property, PILP sought LBC assistance for the purchase of the property. PILP proposed that it would own the land, and the City--either alone or in conjunction with Oceanside Conservation Trust—would hold a conservation easement. After careful consideration, the LBC voted unanimously to recommend that the City Council approve a \$30,000 grant to PILP for the acquisition of the

property provided that a third party (Oceanside Conservation Trust) hold a conservation easement that allows continued public access to the property. The City's Bond Counsel has opined that the City may use the Land Bank funds for the acquisition of land in which the City has no ownership interest, provided that the money is spent in furtherance of a public purpose (in this case, the conservation easement and public access to the property).

After the LBC's September 4 meeting, PILP conducted further research on the Ice Pond and discovered that the City holds a fire pond easement on the property, which allows the City to draw water from the pond in the event of a fire on the northwest corner of the island, where there is no public water supply. (See copy attached). Notably, the pond has a dam that is in disrepair and that will require repair or replacement in the near future. In light of this discovery, PILP returned to the LBC at its November 6, 2014 meeting to discuss the possibility of a new scenario—for example, PILP proposed that the City might own the property and PILP would hold a conservation easement, or some other cooperative arrangement between the parties that would address the conservation, open space, public access, and public safety interests in the Property as well as the parties' rights and responsibilities with respect to the repair, replacement and/or maintenance of the dam. Because the potential liabilities of ownership of the property were not yet known (most notably, the cost of repairing or replacing the dam) the LBC rejected PILP's proposal for the City to own the property and reaffirmed its prior decision to recommend that the Council approve the \$30,000 grant for PILP's acquisition of the property with a conservation easement to be held by a third party. The LBC did, however, request that City staff explore further possible scenarios for a future cooperative agreement between the City and PILP regarding the maintenance of the property.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

City Council must approve all recommendations for expending Land Bank funds by the Land Bank Commission. The Commission voted unanimously to endorse spending \$30,000 toward PILP's purchase of the property at their September 4, 2014 meeting and reinforced this action at their November 6, 2014 meeting, provided that PILP grant a conservation easement to Oceanside Conservation Trust or enter into a cooperative agreement with the City that addresses the parties' conservation, open space, public access, and public safety interests in the Property as well as their rights and responsibilities with respect to the repair, replacement and/or maintenance of the dam. The Corporation Counsel's office has prepared the attached Land Bank Fund Grant Agreement, which provides the terms of the grant to PILP. City staff request that the Council approve the grant and the authorize the Acting City Manager to execute a grant agreement in substantially the form attached hereto.

III. INTENDED RESULT

The Intended result is that PILP purchases the Ice Pond property and either grants a conservation easement to Oceanside Conservation Trust or enters into a cooperative agreement with the City as explained above.

IV. COUNCIL GOAL ADDRESSED

Advance environmental program; Improve City services. Approval of this grant to PILP will preserve a historic property on Peaks Island, maintain public access to open space, especially for ice skating, and enhance quality of living within the Peaks Island community.

V. FINANCIAL IMPACT

Funds are available for the grant. The current balance in the Land Bank Fund is \$355,000, and the Land Bank Commission budgeted \$100,000 for land acquisition expenses in FY15 which was included in the most recent year end annual report, dated April 2014.

VI. STAFF ANALYSIS

Staff recommends approval of the Land Bank Commissions endorsement of a \$30,000 grant to be used by PILP as a contribution toward the purchase of the Ice Pond property on Peaks Island, subject to the terms and conditions of the attached agreement. As set forth in the agreement, City staff will report back to the LBC regarding the cost of maintenance of the dam/pond and will ultimately determine if it is in the City's best interests to enter into a future cooperative agreement with PILP as discussed in this memorandum. If the City determines that doing so is not in the City's best interests, then the conservation easement (and maintenance responsibilities, etc.) will stay with PILP and Oceanside Trust.

VII. RECOMMENDATION

I recommend that the Council approve the \$30,000 Land Bank Fund Grant Agreement with PILP in substantially the form attached to this memorandum.

VIII. LIST ATTACHMENTS

- Fire Pond Easement**
- Land Bank Fund Grant Agreement**
- Draft Conservation Easement**
- October 29, 2014 Correspondence from the PILP to the Land Bank Commissioner.**
- Copy of Aerial Site Map and property boundary map**

Prepared by: Michael J. Bobinsky, Director of Public Services

Signature

Date

PEAKS ISLAND LAND PRESERVE

P.O. Box 99

Peaks Island, Maine 04108

October 29, 2014

Thomas F. Jewell, Esq.
Hon. Cheryl A. Leeman
Land Bank Commission
City of Portland
389 Congress Street
Portland, Maine 04101

RE: Peaks Island Land Preserve/Ice Pond Project

Dear Tom and Cheryl:

I am writing to provide you and the other members of the Land Bank Commission with background on the request of the Peaks Island Land Preserve ("PILP") to return to the Commission on November 6 to continue the discussion of its planned acquisition of the Ice Pond property on Peaks Island (the "Ice Pond.")

As you know, on September 4, 2014, the Commission voted to recommend to the City Council a \$30,000 grant to PILP for its acquisition of the Ice Pond. PILP was pleased by that vote and happy to hear Commission members' enthusiasm for the project. PILP has had the Ice Pond on its wish list for years because of its beauty, its natural habitat, and its use as a beloved family skating pond. The Peaks Island community strongly supports long-term conservation of the Ice Pond. Since signing a contract last December to purchase the approximately two-acre parcel, PILP has conducted a successful fundraising campaign, receiving contributions from more than 200 donors, most of them individual islanders.

Our request to return to the Land Bank Commission should not be understood as a suggestion that the September 4 outcome was not a good one. Rather, we are returning in order to ask for more discussion about the soundest ownership structure for the Ice Pond over the long term. It has been suggested since we last appeared before the Commission that it would be a good idea to explore those options more thoroughly before moving forward.

Prior to the September meeting, the idea we discussed with Corporation Counsel Danielle West-Chuhta was that PILP would own fee title to the Ice Pond and the City would hold a Conservation Easement on it, either solely or in conjunction with Oceanside Conservation Trust of Casco Bay ("OCT"). We were agreeable to that, or any other functional partnership involving the City. However, at the September meeting, the idea of the City being sole or co-holder of the CE was rejected in favor of PILP owning fee title and giving a Conservation Easement to OCT only.

It is our understanding that in the past, the City has always been granted some ownership interest in properties in which the Land Bank has invested. We know that last year, the City's bond counsel reversed a previous ruling, opining that it is not essential for the City to hold an ownership interest in Land Bank-funded properties. However, this would be the first case where the City would be obtaining no legal interest.

We have some concern that at the City Council level, there could be concern about proceeding in this manner, both because it has never been done before and also because since 2005 the City has held a fire pond easement on the Ice Pond, allowing it to draw water from the pond using a dry hydrant. This easement expands capacity to fight a fire in the northwest corner of the island, where there is no public water supply.

In mid-October, Fire Chief LaMoria and Mike Murray came out to the island to tour the Ice Pond area. I told them PILP will make every effort to do what is necessary to maintain the pond in its current condition. However, as an all-volunteer organization, PILP feels somewhat daunted by the prospect of being solely responsible to maintain the pond, especially because we are aware the dam that impounds it is in need of repair.

As you may recall, the purchase price for the Ice Pond is \$60,000. But we set (and met!) a fundraising goal of \$160,000 because we know work will be needed on the old laid stone masonry dam that was built by the Trefethen family in the early 20th century to create a pond for the purpose of cutting winter ice for year-round use. During our due diligence investigation we had an engineer come out to evaluate the dam's condition. To no one's surprise he indicated shoring up or replacement of the structure will be necessary to protect the integrity of the pond. He was unable, however, to provide us with a firm plan or cost estimate for this work.

Over the summer we have had numerous conversations with people knowledgeable about dam repair. There are a lot of opinions about how to go about the task of shoring up the dam's weaknesses, and we are now evaluating them. Our hope is to identify a simple, effective solution. In our view, there is no need for what is now a low-profile masonry dam to be replaced by a large, heavily-engineered structure. Despite the uncertainty about how to actually proceed with the dam repair, PILP's Board voted to move forward with the purchase, believing the conservation value of the Ice Pond justifies whatever the cost may be to repair the dam.

Since the September meeting, however, we have had a number of informal conversations with commission members and city officials, some of whom expressed the wish to discuss in more detail whether it is in the best interest of both PILP and the City to approach this project as conceptualized at the September meeting – with PILP owning the fee title and OCT holding a Conservation Easement. We do not know how realistic it is for two non-profit conservation organizations to spearhead the design, permitting and repair/reconstruction of the dam. It has been suggested that the complexity of this task would be lessened considerably if the City had an ownership interest, as well as a practical interest, in doing what is necessary to maintain the pond's integrity.

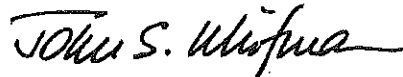
A potential option we would like to explore is for the City to hold fee title to the Ice Pond, and PILP to hold a Conservation Easement on it to protect it from future development. The CE would designate PILP as day-to-day steward, similar to the existing CE held by PILP on 100 +/- acres of City-owned land in the center of the island. As owner of the fee interest, the City would retain rights to maintain the Ice Pond so it will continue to function as a firefighting tool. PILP handle habitat management and supervise its use as a skating pond in the winter.

If the City Council accepts the recommendation that \$30,000 of Land Bank funds be allotted to this project, PILP would still use that money to fund part of the purchase. We recognize there may be other options that make as much or more sense than this, and we will be happy to discuss them with you as well.

If it is decided to stick with the original plan, whereby the City would have no legal interest in the Ice Pond, and the Council accepts the Commission's pending recommendation, PILP is prepared to accept the \$30,000 grant and make its best efforts to address the dam issues. But it does seem to our Board that a PILP-City partnership of some sort might make more sense.

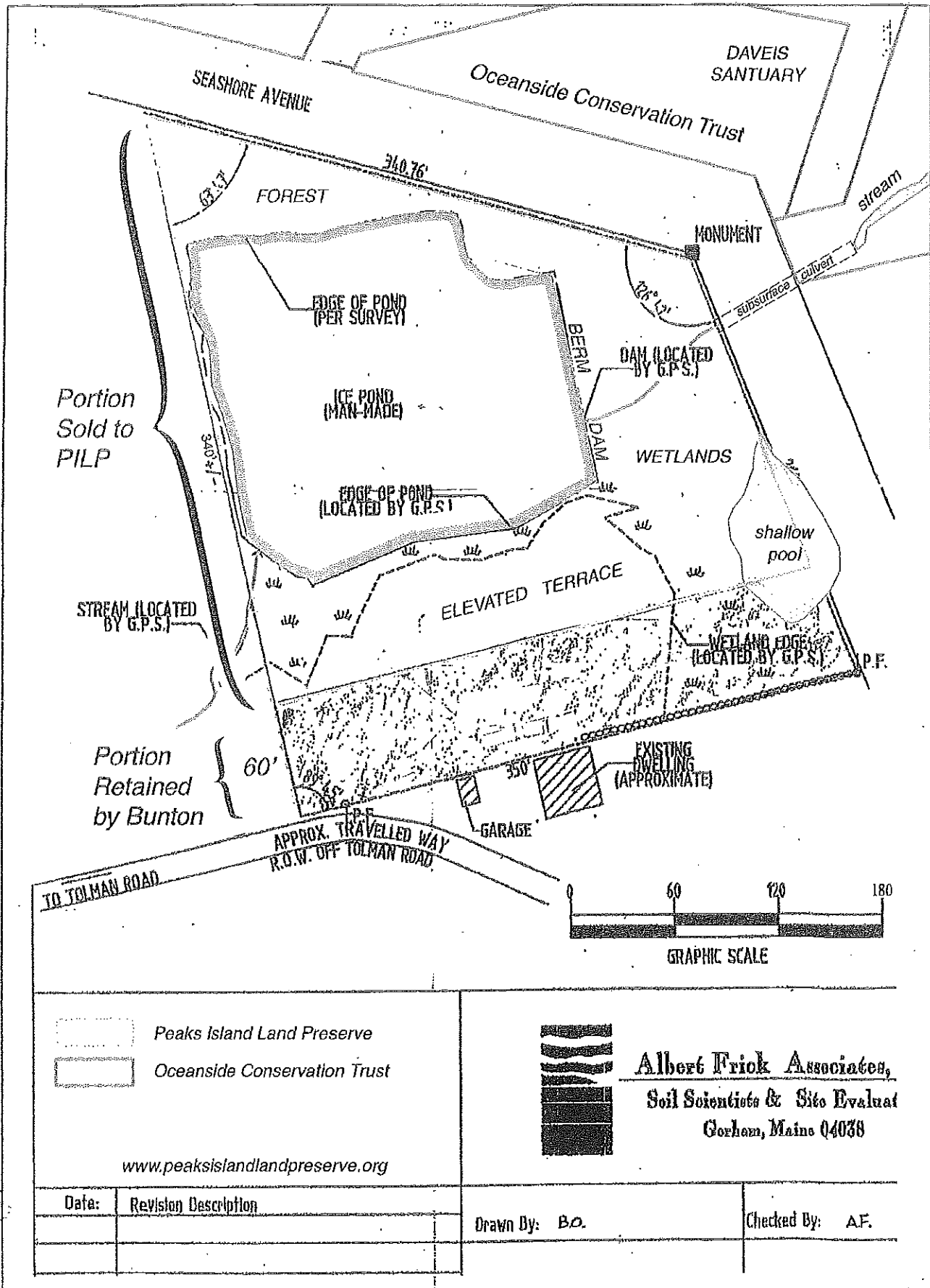
For your reference, I have attached to this letter the report of the engineer who evaluated the dam's condition earlier this year, as well as a copy of the fire pond easement discussed above. We look forward to our discussion with you on November 6.

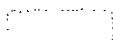
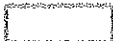
Best regards,

A handwritten signature in dark ink, appearing to read "John S. Whitman". The signature is fluid and cursive, with a long horizontal stroke at the end.

John Whitman, President
Peaks Island Land Preserve

Enc: Ice Pond Dam Study
Fire Pond Easement



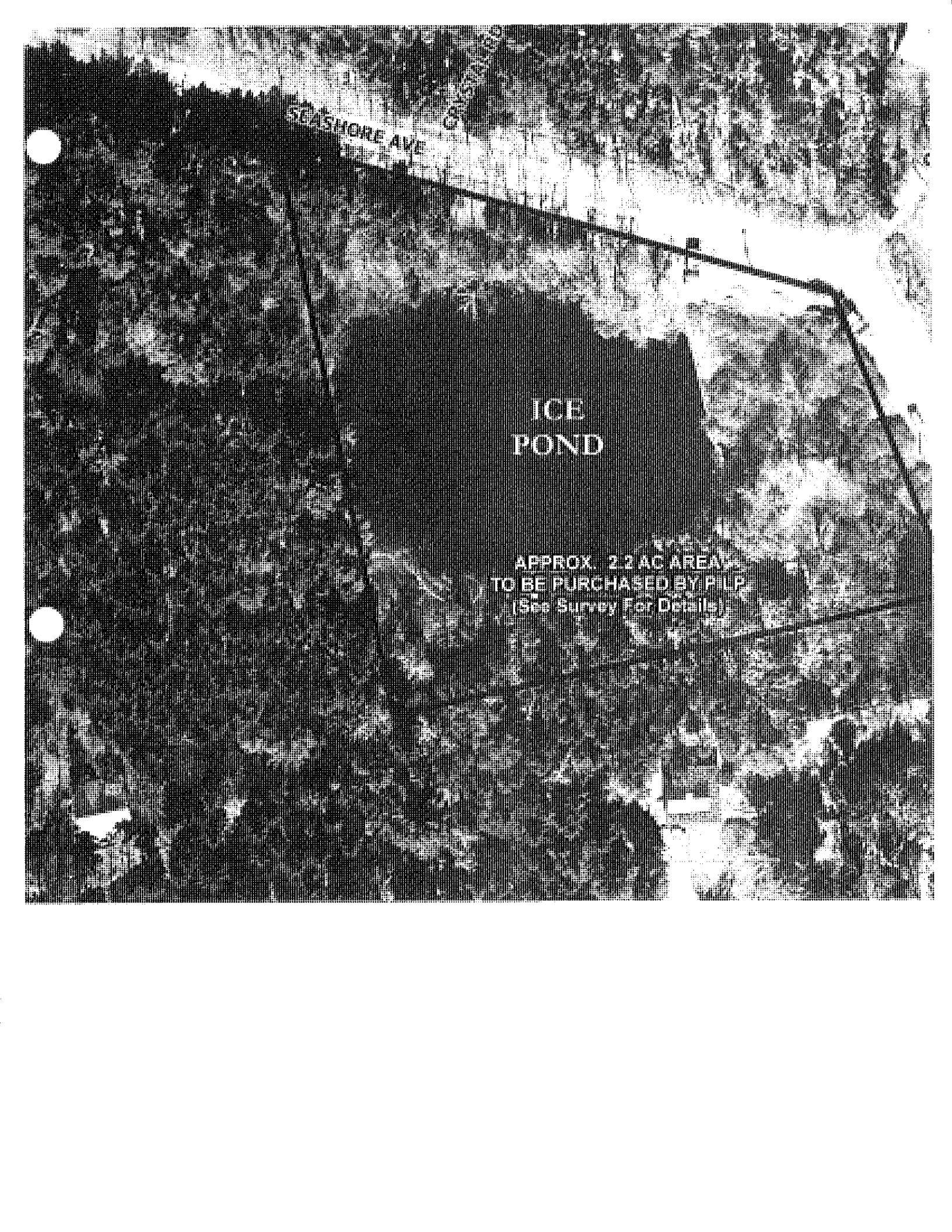
-  Peaks Island Land Preserve
-  Oceanside Conservation Trust

www.peaksislandlandpreserve.org



Albert Frick Associates,
Soil Scientists & Site Evaluat
Gorham, Maine 04038

Date:	Revision Description	Drawn By: B.O.	Checked By: A.F.

An aerial photograph showing a large, dark, irregularly shaped pond in the center. A road, labeled 'SEASHORE AVE', runs diagonally from the top left towards the right side of the image. The surrounding area is a mix of dark, textured land and lighter, more uniform areas. The pond is labeled 'ICE POND'. Below the pond, there is text indicating an area to be purchased.

SEASHORE AVE

ICE
POND

APPROX. 2.2 AC AREA
TO BE PURCHASED BY PILP
(See Survey For Details)

**CONSERVATION EASEMENT
THE ICE POND
PEAKS ISLAND, MAINE**

**PEAKS ISLAND LAND PRESERVE, OWNER
OCEANSIDE CONSERVATION TRUST OF CASCO BAY, HOLDER**

PEAKS ISLAND LAND PRESERVE, a non-profit corporation organized and existing under the laws of the State of Maine with a mailing address of P.O. Box 99, Peaks Island, Maine 04108, on behalf of itself, its successors and assigns, and any successors in interest to the Protected Property ("Owner"), hereby grants, with QUITCLAIM COVENANT, to **OCEANSIDE CONSERVATION TRUST OF CASCO BAY**, a non-profit corporation organized and existing under the laws of the State of Maine, with a mailing address of P.O. Box 10404, Portland, Maine 04104, its successors and assigns ("Holder"), in perpetuity, a Conservation Easement (the "Easement") on and over certain land located on Peaks Island in the City of Portland, County of Cumberland and State of Maine, more particularly described in Exhibit A hereto, and depicted on Exhibit B hereto, both of which exhibits are attached and made a part hereof by reference, (the "Protected Property") on the terms and conditions set forth herein, as follows:

I. PURPOSE

It is the purpose of this Conservation Easement to provide significant public benefit by protecting and preserving in perpetuity: (a) significant bird and amphibian habitat offered by an existing freshwater pond on the Protected Property; (b) continuation of the historic use of the pond during winter for ice-skating and other low-impact recreational opportunities by the general public, and (c) maintenance of the water level in the pond in order to preserve its use as a fire pond.

II. RECITALS

The following recitals more particularly describe the conservation values of the Protected Property (hereinafter, the "Conservation Values") and are incorporated herein as essential terms of this Easement.

WHEREAS, the Protected Property consists of an undeveloped parcel two acres in size, located approximately one hundred yards from Casco Bay in a wooded area at the northeasterly end of Peaks Island;

WHEREAS, the Protected Property is the site of a manmade pond created in the early 1900s by the island's ice merchant, who built a dam across a small brook, cut ice in the winter, stored it in an ice house, and the following summer, supplied hotels and cottages with ice for refrigeration;

WHEREAS, over time, the Protected Property developed into a dynamic ecosystem that supports a variety of flora and fauna, including significant bird activity and amphibian habitat;

WHEREAS, preservation of the Protected Property as open space will help maintain its biological integrity;

WHEREAS, while the Protected Property has not been used as a source of ice in recent years, it has been for several generations a recreational hub for skaters of all ability during the winter months;

WHEREAS, since 2005 the City of Portland has held an easement (the "Fire Pond Easement") allowing the City to use the Protected Property for fire protection purposes on that area of the island, which is has limited public water (and none in the winter months);

WHEREAS, the Protected Property provides a scenic natural landscape along the shore of Casco Bay;

WHEREAS, the public has full access to the Protected Property via Seashore Avenue, so-called;

WHEREAS, this Easement will assure the permanent availability of the Protected Property for the preservation of its important natural resources and ecosystem, and will provide continued opportunity for nature study, recreation and similar activities by the general public.

NOW THEREFORE, in consideration of the foregoing purposes and recitals and for the benefit of the general public, Owner and Holder have established this Easement on, over and across the Protected Property consisting of the foregoing purposes and recitals and the following terms, covenants, restrictions, and affirmative rights granted to Holder and reserved to the Owner, all of which shall run with and bind the Protected Property in perpetuity.

III. LAND USES

A. Land Use.

The Protected Property shall be maintained as open space in its natural state, and used for conservation, nature observation, low-impact recreation, and fire protection, and shall remain open and available to the general public subject to rules that may be promulgated by Owner from time to time, consistent with the provisions of this Easement.

B. Existing Conditions.

As of the effective date of this Easement, the Protected Property is open space. It has direct frontage on Seashore Avenue.

C. Inconsistent Uses Prohibited.

Any activity on, or use of, the Protected Property that is inconsistent with the purposes of this Easement or detrimental to the Conservation Values is expressly prohibited. This prohibition includes, but is not limited to, the activities described in subparagraphs 1 through 9, below.

1. Commercial, industrial, and residential uses, timber cutting, mining, and quarrying activities shall be prohibited on the Protected Property.
2. No standing timber or live vegetation on the Protected Property may be cut, intentionally burned or removed, except to remove dead or damaged vegetation, leaning trees, or live vegetation to the extent necessary to reduce the threat of fire or to combat fire, to eradicate the infestation of opportunistic non-native plants, pests, or plant disease, to promote wildlife habitat, to maintain existing open areas, or to insure the health and safety of the public. Any such work shall be carried out in accordance with then-current conservation management best practices.
3. No excavation, paving, filling, dredging, grading or other alteration may be made to the surface of the Protected Property or the pond on the Protected Property, except:
 - (a) to undertake permitted vegetation management;
 - (b) to stabilize the existing dam (which stabilization work may include replacing the current structure with a new structure of similar size and nature, if it is determined that the current structure cannot be stabilized);
 - (c) to draw water from the pond for the purpose of firefighting, as provided in the Fire Pond Easement, which is recorded in the Cumberland County Registry of Deeds in Book 22982, Page 208, and
 - (d) to remove accumulated silt and sediment from the pond bottom by mechanical means from time to time to prevent such silt and sediment from clogging the hydrant and fire pond piping and/or impairing the natural drainage courses, thus turning the pond into a marsh.

Alteration to the land portion of the Protected Property also may occur on a limited basis in order to establish unpaved footpaths, to prevent erosion or other damage to fragile areas, to undertake ecological studies under

professional supervision and archaeological studies under the supervision of a Maine licensed archaeologist and in accordance with generally accepted professional standards, provided that all such surface alterations shall be designed and constructed in accordance with then-current conservation management best practices to prevent soil erosion, prevent habitat damage, and preserve the undeveloped character of the Protected Property.

4. Natural water bodies and courses and wetlands on the Protected Property may not be altered except as necessary to stabilize the dam as aforesaid, or to draw water for firefighting pursuant to the Fire Pond Easement.

5. No structures of any kind shall be permitted on the Protected Property other than the existing dam as it may be improved, and the dry hydrant and piping associated with the Fire Pond Easement. The definition of structure shall include, but not be limited to, buildings, tent platforms, lean-tos, permanent benches, outhouses, portable toilets, waste disposal systems, outdoor lighting fixtures other than streetlights, trailers, antennae, apparatus for telecommunications and fences or other barriers. Notwithstanding the above, if Owner and Holder agree, benches that are not on a concrete or other permanent base may be placed on the Protected Property for the benefit of skaters and nature observers. Also if Owner and Holder agree, minor structures including but not limited to boundary markers, small unlighted informational and interpretive signs, commemorative plaques and monuments, and unlighted kiosks for displaying signs, notices, and educational information may be permitted. Such structures shall be constructed of dark-colored or natural-appearing materials that blend with the natural surroundings and complement the scenic features of the landscape, as documented in the Baseline Data.

6. No dumping, storage or burial of waste materials of any nature shall be permitted on the Protected Property, except vegetative waste resulting from permitted maintenance of the Protected Property.

7. No storage of abandoned vehicles or equipment or parts thereof shall be permitted, and no other offensive, hazardous or toxic waste material or substance shall be permitted in, on, or under the Protected Property, with the exception of herbicides used in conjunction with vegetation management if the use of same is otherwise permitted by this Easement.

8. Motorized off-road vehicles such as, but not limited to, snowmobiles, dune buggies, all-terrain vehicles, and motorcycles may not be operated on the Protected Property, except for purposes permitted by this Easement and for emergency response services.

9. The Protected Property shall not be divided or subdivided.

Nothing in this easement is intended to limit the rights of the City of Portland under the Fire Pond Easement.

D. Management Plan.

The Owner and Holder agree to collaborate to develop and keep up-to-date a Management Plan (the "Plan") for Protected Property that uses current best practices to protect the quality of the wetlands, enhance recreational use and minimize the danger of fire.

IV. OWNER'S RESERVED RIGHTS

Subject to the land use restrictions set forth in Section III above, Owner retains all ownership rights in and to the Protected Parcel, including the right to use the Protected Parcel for all purposes not inconsistent with this grant. Without limiting the generality of the above statement, the following particular rights are reserved by Owner, which may also be exercised by Holder of this Easement if so specified:

A. Right to Sell.

The Owner retains the right to sell or donate the Protected Property. However, any such sale or donation shall be subject to the terms of this Easement, which shall apply to the Protected Property in perpetuity.

B. Right to Monument and Blaze.

The Owner retains the right to set monuments along boundary lines and at the corners of the Protected Property for survey purposes and for boundary maintenance, provided that such boundary marking is done in a manner so as to minimize visual impact. Under no circumstances shall bright paint or other bright substances be used to blaze boundary lines.

C. Right to Place Signs or Markers.

The Owner shall have the right, but not the obligation, to place reasonably-sized, unlighted signs or markers on the Protected Property that identify the land as protected by this Easement, and to place a monument identifying itself as the donor of this Easement. Holder also shall have the right to place such signs or markers on the Protected Property.

D. Right to Establish Rules.

The Owner may establish rules and regulations for public use of the Protected Property and to control, limit or prohibit certain uses, including, but not limited to, fires, camping, use by organized groups or commercial outfitters, or any other public or private use which may detract from the Conservation Values of the Protected Property. All rules and regulations established by Owner shall be consistent with the terms of this Easement.

E. Right and Obligation to Seek Redress.

The Owner shall have the right and, if requested by Holder, the obligation to take all reasonable and appropriate steps to seek redress from any third party who acts in a manner inconsistent with this Easement and/or causes damage to the Protected Property, including but not limited to bringing legal action and seeking injunctive relief if warranted by the circumstances.

F. Right to Collaborate with City of Portland on Dam Repair

The Owner shall have the right to negotiate with the City of Portland, which holds the Fire Pond Easement, a plan to repair or replace the dam. Such negotiations may address the methods to be used to repair the dam structure, and if repair is not possible, the design of any new dam that would impound the Ice Pond so it can continue its historic function as a skating pond and a fire pond. The Owner agrees to keep the Holder informed about the nature of such discussions, but Owner shall have complete authority to decide the appropriate course of action for dam repair and replacement. In the event the City of Portland declines to become involved in the repair or replacement of the dam, the Owner shall have complete authority to make all decisions in regard to same, subject only to applicable local, state and federal laws. Nothing in this Easement is intended to obligate the Owner to undertake dam repair or replacement efforts that exceed the Owner's financial or practical capability, even if the failure to act results in the water level in the pond falling below its current level.

V. HOLDER'S AFFIRMATIVE RIGHTS

A. Annual Inspection.

The Holder shall inspect the Protected Property annually to assure that the Protected Property is maintained in compliance with all of the covenants and restrictions herein. Holder shall provide Owner with reasonable advance notice of its annual inspection and monitoring visit. Holder shall prepare and keep on file a monitoring report for each such inspection, and shall send a copy of each report to Owner.

B. Ongoing Right of Entry.

Holder shall have the right to enter the Protected Property for ongoing monitoring purposes without necessity of notice to Owner.

C. Right to Enforce.

Holder shall have the right to enforce this Easement by proceedings at law and in equity, including the right to require the restoration of the Protected Property to a condition in compliance with this Easement, after providing Owner with prior notice and reasonable opportunity to cure any breach, except where emergency circumstances require more immediate enforcement action.

Notwithstanding the above, despite Owner's intention to address the issue of stability of the dam promptly upon the execution hereof, as a practical matter, the extent of the dam repair/replacement efforts may be limited by financial considerations. Nothing set forth herein shall require Owner to raise, borrow or otherwise secure funds to repair or replace the dam in any particular manner, even if the techniques it can afford are not adequate to maintain the water level in the pond at its current level. The legal standard that shall be applied to the Owner in any enforcement action regarding the dam shall be whether the Owner made its best efforts to maintain the pond considering all of the circumstances existing at the time.

Further, Holder may not bring an enforcement action against Owner for injury to or change in the Protected Property resulting from natural causes or environmental catastrophe beyond the Owner's control, such as fire, flood, storm, and earth movement, or from any prudent action taken by Owner under emergency conditions to prevent, abate, or mitigate significant injury to the Protected Property resulting from such causes, or from acts committed by third parties; provided, however, that, as set forth herein, the Owner and Holder shall cooperate to take such action as may be reasonably necessary to remedy acts of third parties that, if such acts were committed by Owner, would constitute a breach of this Easement.

If a referee (if the matter is to be resolved by a referee), or a Court of competent jurisdiction (in case of an emergency that calls for injunctive relief), determines that this Easement has been breached, Owner shall reimburse Holder for Holder's reasonable costs of enforcement, including court costs, reference costs, mediation costs, reasonable attorney's fees, and any other payments ordered by such Court or referee.

1. Violations by Owner

In the event Holder determines, in its judgment, that Owner has committed or caused a violation of the terms of this Easement, then (except in the case of an emergency requiring immediate action) Holder shall notify Owner of the violation and confer with Owner concerning the appropriate corrective action to be taken. In the case of an emergency requiring immediate action, Holder shall retain all its rights to pursue against Owner all injunctive and other equitable remedies. In all other instances, however, the parties agree that they will attempt to resolve any disputes through mediation, as set forth in subsection 3 below; failing which they will refer the matter to a referee for determination, as set forth in subsection 4 below.

2. Violations by Third Parties

In the event Holder determines, in its judgment, that a third party has committed or caused a violation of the terms of this Easement, then (except in the case of an emergency requiring immediate action) Holder shall notify Owner of the violation and confer with Owner concerning the appropriate corrective action to be taken. As provided in Section IV (E) above, it shall be Owner's legal obligation to take all reasonable and appropriate steps to seek redress from such third party.

3. Mediation

All disputes between Holder and Owner, other than those in which Holder seeks immediate injunctive or other equitable relief, shall be submitted first to mediation, to be conducted by a mediator mutually agreeable to Holder and Owner. If the parties cannot agree on a mediator, they shall each name a mediator and those mediators shall select another mediator who shall conduct the mediation. The costs of mediation shall be shared equally by the parties. In the event the mediation does not result in a successful resolution of the dispute, either party shall have the right to bring legal action, where by agreement, the dispute shall be submitted to a referee, as set forth in subsection 4, below.

4. Reference.

In the event that mediation is unsuccessful, the parties agree that either of them may initiate a civil action in Maine Superior Court and further agree that in the event such an action is brought, they will mutually request the Court appoint a single referee who shall decide the case pursuant to Maine Rule of Civil Procedure 53, or any successor provision.

5. No Waiver

A delay in enforcement shall not be construed as a waiver of Holder's right to enforce the terms of the Easement.

VI. NOTICES

Any notices to Owner or to Holder required in this Easement shall be sent by registered or certified mail, or other courier providing reliable proof of delivery, to the addresses set forth in the preamble to this Easement, or to such other person or address as may be hereafter specified by notice in writing. All other communication shall be made by reasonable means under the circumstances, provided that facsimile and other electronic communication will not be deemed received unless there is proof of actual delivery.

VII. COSTS, TAXES, LIABILITY

A. Property Taxes.

It is understood by the parties that Owner intends to apply for tax treatment that reflects the fact this Easement effectively severs the development rights from the fee interest in the Protected Property and dedicates it for conservation purposes in perpetuity. Owner shall pay and discharge when due all property taxes and assessments imposed upon the Protected Property and any uses thereof. Owner shall keep the Protected Property free of any liens or encumbrances, including without limitation those arising out of any work performed for, materials furnished to, or obligations incurred by Owner. Holder may, at its discretion, pay any outstanding taxes or assessments and shall then be entitled to reimbursement by Owner.

B. Ownership Costs.

Owner acknowledges that Holder has neither possessory rights in the Protected Property, nor any responsibility or right to control, maintain, or keep up the Protected Property, except as set forth in the Management Plan, referenced in Section III (D) herein, as such plan may be amended from time to time. As between Owner and Holder, Owner shall retain all responsibilities and shall bear all costs and liabilities of any nature related to the ownership, operation, upkeep, improvement and maintenance of the Protected Property.

VIII. REQUIREMENTS UNDER STATE AND FEDERAL LAW

A. Perpetual Grant.

This Easement is established in perpetuity exclusively for conservation purposes consistent with the provisions of 33 Maine Revised Statutes ("MRS") §476 *et seq.*

B. Holder's Qualifications.

The Holder is qualified to hold conservation easements pursuant to 33 MRS §476 (2)(B) and under Internal Revenue Code ("IRS Code") Section 170(h)(3), to wit: a publicly funded, nonprofit 501(c)(3) organization with the authority to accept lands, easements, and buildings for the purpose of preserving and protecting natural, scenic, educational, recreational or open-space values of real property, and with the commitment to preserve the conservation values of the Protected Property.

C. Limited Assignment.

Holder's rights and obligations under this Easement shall be assignable to an entity that, in Holder's discretion, is financially and otherwise capable of assuming the responsibilities of Holder hereunder so long as such entity satisfies the requirements of IRS Code §170(h)(3), or successor provisions thereof, and the requirements of 33 MRS §476(2), or successor provisions thereof. As a condition of transfer, such assignee entity shall agree in writing to uphold the conservation purposes of this grant.

D. Notice of Activity.

Owner agrees to notify Holder prior to undertaking any activity or exercising any reserved right that may have a material effect on the conservation purposes of this grant.

E. Baseline Data.

In order to establish the present condition of the Property's natural, ecological, wildlife and aesthetic resources, and so as to be able to properly monitor future uses of the Property to assure compliance with the terms hereof, Holder and Owner will prepare an inventory of the Property's relevant features and conditions ("Baseline Data") within one year of execution of this easement. The Baseline Data shall include: surface photographs, topographical maps and a summary of key attributes of the Protected Parcel. This initial inventory of the Baseline Data shall be certified as accurate by Owner and Holder upon its completion, and shall be maintained and kept on file at the offices of Holder.

F. No Right to Use as Collateral.

The Owner represents that as of the date of this grant there are no liens or mortgages outstanding against the Protected Property. The Owner shall not have the right to use the Protected Property as collateral to secure the repayment of debt. Under no circumstance may Holder's rights be extinguished or otherwise affected by the recording, foreclosure or any other action taken concerning any subsequent lien or other interest in the Property.

G. Judicial Termination; Eminent Domain.

This Easement constitutes a property right owned by Holder. Notwithstanding that this Easement is an obligation, and not a financial asset, should it be extinguished, which may be accomplished only by judicial proceedings, or should any interest in the Protected Property be taken by the exercise of the power of eminent domain or acquired by purchase in lieu of condemnation subject to the prior written consent of Holder, and Holder is entitled to proceeds in accordance with 33 M.R.S. § 477-A(2), as amended, Holder agrees to use such proceeds for its conservation purposes.

IX. THIRD PARTY INTERESTS

If Holder shall cease to exist or to be a qualified organization under IRS Code §170(h), or should Holder no longer be authorized to acquire and hold Easements under 33 MRS §476 *et seq.*, and prior to its dissolution or disqualification Holder failed to make an assignment of its rights and obligations under this Easement, then such rights and obligations shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the laws of the State of Maine, consistent with the requirements for an assignment pursuant to Paragraph VIII (C) herein.

X. GENERAL PROVISIONS

A. Governing Law.

This Easement is created pursuant to 33 MRS §476 *et seq.* The laws of the State of Maine shall govern the interpretation and performance of this Easement. Any general

rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to carry out the conservation purposes of this Easement. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

B. Joint and Several Obligation.

A person or entity's obligation hereunder as Owner, or successor owner of the Protected Property, shall be joint and several, and will cease, if and when such person or entity ceases to have any present interest in the Protected Property (or pertinent portion thereof), but only to the extent that the Protected Property (or relevant portion thereof), is then in compliance herewith. Responsibility of Owner for breaches of this Easement that occur prior to transfer of title will survive such transfer; provided that the new owner shall also be responsible for bringing the Protected Property into compliance.

C. Record Notice.

The Owner acknowledges that Holder will record this Easement in the Cumberland County Registry of Deeds. In addition, Owner agrees to incorporate the terms of this Easement by reference in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Protected Property. Owner further agrees to give written notice to Holder of the transfer of any interest at least sixty (60) days prior to the date of such transfer. The failure of Owner to perform any act required by this paragraph shall not impair the validity of this Easement or limit its enforceability in any way, or the validity of any transfer by Owner or its successor(s) in interest.

D. Estoppel Certificates.

Holder will provide certificates to Owner or third parties, indicating the extent to which, to Holder's knowledge after due inquiry, the Protected Property is in compliance with the terms of this grant, after an inspection by Holder made at Owner's cost within a reasonable time after Owner's written request.

E. Amendment.

Owner and Holder recognize that rare and extraordinary circumstances could arise which warrant modification of certain of the provisions of this Conservation Easement. To this end, subject to more restrictive laws and regulations, if any, Owner and Holder have the right to agree to amendments to this Conservation Easement without prior notice to any other party, provided that in the sole and exclusive judgment of Holder, such amendment enhances or does not materially detract from the conservation values intended for protection under this Conservation Easement. Amendments will become effective upon recording at the Cumberland County Registry of Deeds. Nothing in this paragraph shall require the Owner or the Holder to agree to any amendment or to negotiate regarding any amendment.

Notwithstanding the foregoing, Holder and Owner have no right or power to consent to any action or agree to any amendment that would result in substantial alteration to or destruction of the Conservation Values recited herein, or would limit the term or result in termination of this Easement, or would adversely affect the qualification of this Easement or the status of Holder under applicable laws, including 33 MRS §476 *et seq.*, IRS Code §§ 170(h) or 501(c)(3), successor provisions thereof and regulations issued pursuant thereto.

F. Future Changes to Area.

In making this grant, Owner has considered the possibility that uses prohibited by the terms of this Easement may become more economically valuable than permitted uses, and that neighboring properties may in the future be put entirely to such prohibited uses. It is the intent of both Owner and Holder that any such changes shall not be deemed to be circumstances justifying the termination or extinguishment of this Easement pursuant to Paragraph E, above.

G. No Waiver.

The failure or delay of Holder, for any reason whatsoever, to discover a violation or initiate an action to enforce this Easement shall not constitute a waiver or estoppel of its rights to do so at a later time.

H. Severability.

If any provision of this Easement or the application of any provision to a particular person or circumstance is found to be invalid, the remainder of this Easement and the application of such provision to any other person or in any other circumstances, shall remain valid. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein. Nothing contained herein will result in a forfeiture of this Easement or reversion to Owner of any rights conveyed hereby.

I. Standing.

Only Holder and Owner may bring an action to enforce this grant, and nothing herein should be construed to grant any other individual or entity standing to bring an action hereunder, unless otherwise provided by law; nor to grant any rights in the Protected Property by adverse possession or otherwise, provided that nothing in this Easement shall affect any public rights in or to the Protected Property acquired by common law, adverse possession, prescription, or other law, independently of this grant.

J. Captions.

The captions in this instrument have been inserted solely for convenience and are not a part of this instrument and shall have no effect upon construction or interpretation.

K. Binding on Successors and Assigns.

The terms “Owner” and “Holder” as used herein shall be construed to mean, unless the context clearly indicates otherwise, the within-named Owner, its successors and assigns and any successors in interest to the Protected Property, and Holder named herein, its successors and assigns.

L. Parties’ Counsel.

Owner has been represented by Brenda M. Buchanan, Esq., who drafted this Easement, to represent its interests in this transaction. Holder’s interests are being represented by its counsel, _____.

[INTENTIONALLY BLANK]

DRAFT

IN WITNESS WHEREOF, PEAKS ISLAND LAND PRESERVE, Owner herein, by and through its duly authorized President, John S. Whitman, has executed this instrument this _____ day of _____, 20____.

Signed, sealed and delivered
in the presence of:

PEAKS ISLAND LAND PRESERVE

Witness

John S. Whitman
President, Board of Directors

STATE OF MAINE
CUMBERLAND, ss

January ____, 2014

Then personally appeared the above-named John S. Whitman, in his capacity as President of PEAKS ISLAND LAND PRESERVE, and acknowledged his execution of the foregoing instrument in such capacity was his free act and deed and the free act and deed of PEAKS ISLAND LAND PRESERVE.

Before me,

Notary Public

Print Name

Commission expires:

Holder Acceptance:

The above and foregoing Conservation Easement was authorized to be accepted by the OCEANSIDE CONSERVATION TRUST OF CASCO BAY by the vote of its Board of Directors on _____, and the said Holder does hereby accept the foregoing Conservation Easement, by and through _____ its [title], hereunto duly authorized, this _____ day of _____ 20__.

OCEANSIDE CONSERVATION TRUST
OF CASCO BAY

By: _____
Name of Authorized Officer

STATE OF MAINE
CUMBERLAND, ss

Date: _____

Personally appeared the above-named _____, duly authorized President of OCEANSIDE CONSERVATION TRUST OF CASCO BAY, and acknowledged her execution of the foregoing instrument to be her free act and deed in said capacity and the free act and deed of the OCEANSIDE CONSERVATION TRUST OF CASCO BAY.

Before me,

Notary Public

Printed name
Commission expires:

EXHIBIT A

To Conservation Easement between Peaks Island Land Preserve and Oceanside Conservation
Trust of Casco Bay dated _____

[INSERT LEGAL DESCRIPTION]

DRAFT

EXHIBIT B

To Conservation Easement between Peaks Island Land Preserve and Oceanside Conservation
Trust of Casco Bay dated _____

[INSERT REDUCED-SIZE COPY OF RECORDED PLAN]

DRAFT

**LAND BANK GRANT AGREEMENT
BY AND BETWEEN
CITY OF PORTLAND
AND
PEAKS ISLAND LAND PRESERVE**

THIS LAND BANK GRANT AGREEMENT is made this ____ day of _____, 2014 by and among the **CITY OF PORTLAND**, a body politic and corporate (hereinafter "City"), and **PEAKS ISLAND LAND PRESERVE**, a Maine nonprofit corporation with a principal place of business in Peaks Island, Maine and a mailing address of P.O. Box 99, Peaks Island, Maine 04108 (hereinafter "Grantee").

W I T N E S S E T H:

WHEREAS, Grantee has executed a purchase and sale agreement for its purchase of certain real property located on Peaks Island and known as the Ice Pond property (the "Property") for the sum of \$60,000.00 (a description of the Property is attached hereto as Exhibit A); and

WHEREAS, the City holds a certain Fire Pond Easement Deed encumbering the Property, which easement grants the City access to the Property for firefighting purposes, as more fully described in that deed, which is recorded in the Cumberland County Registry of Deeds, Book 22982, Page 208 (the "Fire Pond Easement"); and

WHEREAS, the dam that impounds the pond on the Property is in need of repair; and

WHEREAS, at the September 4, 2014 meeting of the City's Land Bank Commission, Grantee requested, and the Land Bank Commission voted to recommend, that the City approve a grant of Thirty Thousand Dollars (\$30,000.00) from the City's Land Bank Fund to assist Grantee in its acquisition of the Property, in exchange for which the Grantee would grant to a third party a conservation easement on the Property for the benefit of the general public; and

WHEREAS, at the November 6, 2014 meeting of the Land Bank Commission, the Grantee proposed, as an alternative to the Land Bank Commission's September 4, 2014 recommendation, that the City and Grantee enter into a cooperative agreement for the purpose of protecting the parties' conservation and open space interests in the Property, the parties' interest in maintaining the dam, and the City's rights under the Fire Pond Easement Deed, and whereby, for example, the City would own the fee interest to the Property subject to a conservation easement that would be held by the Grantee; and

WHEREAS, at its November 6, 2014 meeting, the Land Bank Commission affirmed its September 4, 2014 recommendation, but requested that City staff explore

with Grantee the potential terms and conditions of such a cooperative agreement and return to the Land Bank Commission with a recommendation to either affirm the Land Bank Commission's September 4, 2014 recommendation or to enter into such a cooperative agreement with the Grantee; and

WHEREAS, by Order No. _____, dated _____, the City approved Grantee's request for a \$30,000.00 grant, on the condition that the Grantee either grant a conservation easement on the Property to a third party or enter into a cooperative agreement with the City as set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. On or before the date of the closing on the purchase of the Property by the Grantee, at which closing the deed for the Property will be delivered by the Seller to the Grantee, the City shall pay to the Grantee the sum of Thirty Thousand Dollars (\$30,000.00) from the City's Land Bank Fund for the Grantee's acquisition of the Property. In the event that said closing does not occur by June 30, 2015, this agreement shall terminate and Grantee shall receive no payment hereunder.
2. The Grantee shall cause the following language to be included in the deed from the current owner of the Property:

The property herein conveyed is being acquired by Grantee, in part, with funds from the City of Portland's (the "City") Land Bank Fund in accordance with the City's ordinances governing the Portland Land Bank Commission and Fund (Portland, Me., Code §§ 2-41 to 2-45) and pursuant to a grant agreement between the City and the Grantee, the terms of which are incorporated herein by reference, said agreement to be recorded. The Property is being acquired by the Grantee in furtherance of the Land Bank Commission's conservation and open space interests. The Property, and any subsequent transfer or sale of the Property, is subject to the provisions of said ordinances, as may be amended.

3. As soon as practicable after the execution of this agreement, City staff shall analyze whether it is in the City's best interests to enter into a cooperative agreement with Grantee that addresses the parties' rights and responsibilities regarding the ownership, use, and maintenance of the Property and shall report its findings and recommendations to the Land Bank Commission within 90 days of the date of this Agreement. In the event that City staff recommend that the parties enter into such an agreement, City staff shall request that the Land Bank Commission vote to recommend the same and present that recommendation to the City Council as soon as practicable.
4. Unless Grantee enters into a cooperative agreement with the City as described herein, Grantee shall, within 180 days after the date of its closing on the purchase of the Property, cause to be recorded in the Cumberland County Registry of Deeds a

conservation easement to be held by Oceanside Conservation Trust of Casco Bay in substantially the form attached hereto as Exhibit B.

5. Other than the conservation easement described herein, Grantee shall not grant easements or rights of way across any portion of the Property without prior written approval from the City.
6. The Grantee warrants and represents that it possesses the legal authority to apply for the grant and to be bound by the terms of this Agreement, and has either marketable title to the Premises or a binding Agreement to acquire the same. A resolution or similar action has been duly adopted by the governing body of the Grantee authorizing the execution of this Agreement, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the Grantee to act in connection with this Agreement and to provide additional information as may be required by the City.
7. The Grantee warrants and represents that it has the funds and the commitment to finance its cost share of the acquisition of the Property together with all other costs of owning, managing, and maintaining the Property, except the City's Land Bank Fund share stated in this Agreement.
8. The Grantee warrants and represents that it shall use the moneys granted pursuant to this Agreement only for the purpose of the acquisition of the Property as provided for herein.
9. The Grantee shall keep a permanent record, available for public inspection, to clearly document that the Property has been acquired with Land Bank Fund assistance and that it is subject to the City's ordinances governing the Portland Land Bank Commission and Fund (Portland, Me., Code §§ 2-41 to 2-45).
10. The City, its employees, agents and representatives, shall have the right to enter the Premises at all times and in any manner without prior notice to assure compliance with the terms of this Agreement and any applicable laws.
11. In the event of dissolution of the Grantee, at least sixty (60) days prior written notice of such shall be provided to the City. Any transfer and disposal of the Property shall in accordance with City's ordinances governing the Portland Land Bank Commission and Fund (Portland, Me., Code §§ 2-41 to 2-45).
12. Except as otherwise provided herein, this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The Grantee shall incorporate the terms of this Agreement by reference in any deed or other instrument by which the Grantee sells or transfers any interest (including leasehold interest) in all or a portion of the Property.
13. All costs of recording all documents addressed in this agreement shall be borne by

Grantee.

14. In the event that the Grantee does not meet one or more of its obligations under this Agreement, or in the event of dissolution of the Grantee, the City may exercise, in its sole discretion, any of the following remedies following written notice and thirty (30) days opportunity for the Grantee to cure the default:

- a. the right to a return of the grant funds provided under this agreement;
- b. any other rights or remedies available at law or in equity including, but not limited to, the right to require that the Grantee perform remedial work and transfer title to the Property to the City or a successor designated by the City under such terms and conditions as the court may require. In the event that the City exercises any of the rights available to it upon default of the Grantee, the Grantee shall reimburse the City for its costs of enforcement and collection, including reasonable attorneys' fees.

15. This Agreement may not be amended, in whole or in part, except with the written consent of all of the parties hereto.

16. Any notices or requests for approval required by this Agreement shall be in writing and shall be personally delivered or sent registered or certified mail, return receipt requested, or by other courier providing reliable proof of delivery, to the Grantee and the City at the following addresses, unless one has been notified by the others of a change of address:

To Grantee: c/o John Whitman, President
Peaks Island Land Preserve
P.O. Box 99
Peaks Island, Maine 04108

To City: c/o Office of Corporation Counsel
City of Portland
389 Congress Street
Portland, Maine 04101

17. Assignment. The Grantee shall not assign any of its rights under this Agreement, for security purposes or otherwise.

18. Miscellaneous. Grantee understands that the grant funds to be supplied by the City represents the City's sole commitment to the cost of the Property. Unless agreed to in the cooperative agreement referenced herein or otherwise, any and all additional costs over and above the City's grant funding shall be borne by the Grantee. This Agreement does not form a partnership or joint venture between the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed on the day and date first above written.

WITNESS:

CITY OF PORTLAND

By: _____
Sheila Hill-Christian
Its: Acting City Manager

WITNESS:

**PEAKS ISLAND LAND
PRESERVE**

By: _____
John Whitman
Its: President

STATE OF MAINE

County of Cumberland

_____, 2014

Personally appeared before me the above-named Sheila Hill-Christian, Acting City Manager for the City of Portland, and acknowledged the foregoing instrument is her free act and deed in said capacity, and the free act and deed of the said City of Portland.

Notary Public/Attorney-At-Law

Typed or Printed Name: _____

Commission Expires: _____

PEAKS ISLAND LAND PRESERVE

By: _____
John Whitman
Its: President

STATE OF MAINE

County of Cumberland

_____, 2014

Personally appeared before me the above-named John Whitman, President of Peaks Island Land Preserve and acknowledged the foregoing instrument is his free act and deed in said capacity, and the free act and deed of the said Peaks Island Land Preserve.

Notary Public/Attorney-At-Law

Typed or Printed Name: _____

Commission Expires: _____

FIRE POND EASEMENT DEED

We, Jon Boyle and Allyson Burton, both of 896 Seashore Avenue, Peaks Island, Cumberland County, Maine with a mailing address of 5430 Browyard Ct, Burke, VA 22015 (hereinafter the Grantors), for consideration paid, grant to the City of Portland, a municipal corporation existing under the Laws of the State of Maine and located in Cumberland County, Maine, with a mailing address of 389 Congress Street, Portland, Maine 04101; its successors and assigns (hereinafter the Grantee), with warranty covenants, a perpetual easement to enter at any and all times with persons and machines upon a certain lot or parcel of land more specifically described below for the purpose of obtaining access to a fire pond, and a perpetual easement for the purpose of draining water for firefighting purposes from the pond, said pond being situated upon a certain lot or parcel of land more specifically described below, which lot or parcel of land is located on Peaks Island, Cumberland County, Maine;

This easement shall also include the right to enter at any and all times with men and machines upon said lot or parcel of land for firefighting purposes; the right, but not the obligation, to maintain and repair any access road on or to the fire pond location; the right, but not the obligation, to remove snow and ice from any access road; the right, but not the obligation, to install, maintain, repair and replace a dry hydrant upon said lot or parcel of land; the right, but not the obligation, to lay, re-lay, repair, maintain, relocate or replace an underground water line upon or under said lot or parcel of land with all necessary fixtures and appurtenances together with the right at any and all times to make connections with said water line to dry hydrant and to the pond located on said lot or parcel of land; the right, but not the obligation, to use the soil to such extent as may be needed to embank any of said lines and necessary fixtures and appurtenances to a cover of not less than three (3) feet over and around said lines; the right, but not the obligation, to trim, cut down and remove bushes and trees and to remove grass and growing crops on said parcel of land to such extent as in the judgment of the Grantee herein, its successors and assigns, is necessary for any of the above purposes; and the right, but not the obligation, to clean the pond as is reasonably necessary in the sole judgment of the Grantee herein, its successors and assigns, to allow the pond to serve its intended function hereunder;

Provided, however, that (1) after any such work, the Grantee herein, its successors and assigns, shall restore said lot or parcel of land substantially to its previous conditions; (2) the Grantors herein, their successors and assigns shall assume no responsibility for the repair and replacement of the dry hydrant and water line and necessary fixtures and appurtenances after initial proper installation by the Grantors, nor shall the Grantors herein, their heirs and assigns have any responsibility to maintain the water level in the pond.

FIRE POND EASEMENT DESCRIPTION

The lots or parcels of land subject to this easement located on Seashore Avenue, Peaks Island, Maine known as tax map and lot 97-G-7-8-13-25 as shown on maps of the Tax Assessor of the City of Portland for fiscal year 2006; such maps on file in the office of the Tax Assessor for the City of Portland.

Meaning and intending to convey easement rights over a parcel of property obtained by these Grantors by deed dated _____, and recorded in the Cumberland County Registry of Deeds in Book 17005 Page 134.

With the right to enter at any and all times with men and machines upon said access road for firefighting purposes; the right, but not the obligation, to maintain and repair the access road; and the right, but not the obligation, to remove snow and ice from the access road.

The Grantors agree and covenant for themselves, their administrators, executors, heirs, successors and assigns not to construct or cause or allow to be constructed or erected any building or structure within the limits of the easement herein conveyed which interferes with the easement rights of the Grantee herein, its successors and assigns.

The Grantee agrees by accepting delivery of this deed to be bound by the covenants and conditions set forth herein to be performed by it.

IN WITNESS WHEREOF, the said Grantors, Jon Boyle and Allyson Burton, joining in this deed as Grantors and relinquishing and conveying all rights by descent and all other rights in above described premises, have set our hands and seals this June 30, 2005.

Signed, Sealed and Delivered in the presence of

Witness

Witness

Jon Boyle

Allyson Burton

State of Maine ~~District~~
County of Columbia, ss.

June 30, 2005

Then personally appeared the above named Jon Boyle + Allyson Burton and acknowledged the foregoing instrument to be their free act and deed.

My commission expires:

02/28/2010

Notary Public

Deborah F. Fox
Printed Name

Deborah F. Fox
Notary Public - District of Columbia
My Commission Expires Feb. 28, 2010

G:\OFFICE\DONNA\DEED\Fire Pond Easement Deed.doc

Received
Recorded Register of Deeds
Aug 05, 2005 11:09:54A
Cumberland County
John B O'Brien

SEAL

Order 101-14/15
Tab 7 12-1-14
Tab 14 12-15-14

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: FIRST AMENDMENT TO THE
CONDITIONAL REZONING AGREEMENT
FOR PROPERTY IN THE VICINITY OF
ST. LAWRENCE ARTS/CONGRESS STREET**

ORDERED, that the zoning map and text of the City of Portland, dated December 2000, as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: FIRST AMENDMENT TO THE CONDITIONAL REZONING FOR
PROPERTY
IN VICINITY OF ST. LAWRENCE ARTS CENTER/CONGRESS STREET**

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, which was amended by a Conditional Zone Agreement dated November 4, 2010 and recorded in the Cumberland County Registry of Deeds in Book 28250, Page 201, is hereby further amended to reflect an amended conditional rezoning as detailed below:

**AMENDED CONDITIONAL ZONE AGREEMENT
RE:
ST. LAWRENCE CHURCH**

AGREEMENT made this ____ day of _____, 2014~~0~~ by Friends of the St. Lawrence Church, 76 Congress Street, Portland, Maine ("Developer"), and its successors and assigns.

WITNESSETH

WHEREAS, the Developer owns land located at 76 Congress Street, and more particularly described in a deed from Deirdre E. Nice dated September 12, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13333, Page 9 (the "Property"); and

WHEREAS, the existing building and a previously dismantled portion of the building located on the Property ~~were~~as formerly used as the St. Lawrence Congregational Church until 1986; and

WHEREAS, in 1996, the St. Lawrence Arts Center was founded; and

WHEREAS, in 2001, the building located on the Property hads two principal portions, the sanctuary and the parish hall; and

WHEREAS, in 2001, the parish hall portion of the building was renovated to house a one hundred and ten (110) seat theater, green room, art studio workshops and staff offices; and

WHEREAS, in 2008, the sanctuary portion of the building was dismantled due to structural failure; and

WHEREAS, a conditional rezoning was approved in 2010 which was based upon a reconstruction of the dismantled sanctuary, but that reconstruction proved to be economically infeasible, so the Developer is seeking an amendment to the 2010 conditional rezoning which retains the same programmatic functions as proposed and approved in 2010 but contains them in a new rather than a reconstructed structure; and

WHEREAS, the Developer, as in 2010, proposes and intends to renovate the parish hall theater in order to increase its seating capacity to one hundred and twenty (120) seats substantially in accordance with the plans submitted as Exhibit A attached hereto; and

WHEREAS, the Developer proposes and intends to reconstruct a performance arts hall on the site of the former sanctuary to provide a full basement for "back of house" green rooms, ADA toilets and storage; a lobby that serves both the auditorium and theater space, a top floor "promenade room"/additional lobby, and a new four hundred and one(401~~0~~) seat auditorium substantially in accordance with the plans submitted as Exhibit A attached hereto; and

WHEREAS, the Developer proposes and intends to develop the building on the Property as an energy efficient and ~~LEED-certified~~ facility; and

WHEREAS, the Developer intends to maintain the character of the original parish house, and construct a new structure which will respect the character-defining features of the historic and Property and complement the adjacent residential neighborhood; and

WHEREAS, the ~~existing underlying~~ zoning is R-6 which has dimensional requirements that the existing structure on the site does not meet; and

WHEREAS, the Developer has requested an amended rezoning of the Property in order to permit the proposed development of the Property; and

WHEREAS, the proposed community hall use of the Property is consistent with the Comprehensive Plan and existing and permitted uses in the underlying zone and neighborhood, which include a mix of residential, commercial and institutional uses including churches places of assembly, schools, the Portland Observatory Museum and the Portland Company Marine Complex; and

WHEREAS, the City's Comprehensive Plan calls for strengthening neighborhood identity through cultural programming and creating connections between neighborhoods and the Arts District; and

WHEREAS, the City's Comprehensive Plan calls for the preservation of the Downtown'sPortland's unique identity and historic fabric through the re-use of existing structures and the development of new construction that is respectful of the built and natural surroundings; and

WHEREAS, the City's Comprehensive Plan promotes the enhancement of Portland's cultural community and creative economy through retaining and encouraging arts and cultural organizations and retaining and expanding performance and exhibition space, studio space and office/support space for artists, institutions and organizations; and

WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

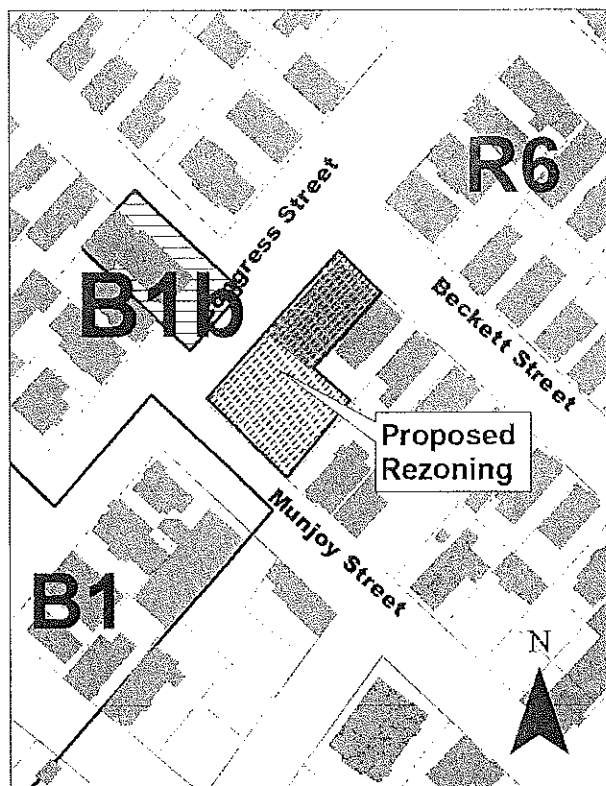
WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the amended rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this Agreement; and

WHEREAS, the Portland City Council has on _____, 2014~~0~~
approved this Agreement in its entirety, by City Council Order No. _____, a true copy of
which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants
and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of
Portland, dated September, 2000 (as amended from time to time and on file in the
Department of Planning and Urban Development, and incorporated by reference into the
Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment
shown below to zone the property conditional R-6, subject to the conditions contained
below.

Image 1: Proposed Rezoning



Prepared by Department of Planning and Development based on GIS Workgroup Data

If this Agreement is not recorded within sixty (60) days after the effective date of the City
Council's approval of the Order, then the first amendment to the conditional rezoning
shall become null and void and the zoning of the Property shall revert to the pre-existing
R-6 zone or the equivalent zone in effect at the time of reversion.

2. Notwithstanding section 14-137(b)(6)(e)(i), the use of the Property shall
be considered and be operated as a place of assembly/community hall.

3. The underlying dimensional requirements of the R-6 zone shall apply and are modified as follows:

- a. Minimum lot Size: 10,500 square feet.
- b. Minimum Yard Dimensions:
 - 1. Front yard: 0 feet.
 - 2. Rear Yard: 0 feet.
 - 3. Side Yard on Side Streets: 0 feet.
- c. Maximum Lot Coverage: 905%.
- d. Maximum Tower Height: 90 feet NA.
- e. Maximum Sanctuary Structure Height: 5465 feet.
- f. Open Space Ratio: 0%.
- g. Minimum Lot Width: 50 feet
- h. The following plans and documents are attached hereto and incorporated into this agreement by reference. The Property will be developed substantially in accordance with these plans and documents, provided, however, that the development of the Property shall be subject to site plan review by the Planning Board and to review by the Historic Preservation Board. Any site plan or historic preservation review applications shall fully comply with the application requirements in the City's Land Use Code. The Planning Board and Historic Preservation Board may require modifications to these documents during their review: subject to such subsequent modifications as may be required by the Planning Board during site plan review and by the Historic Preservation Board during its review and approval: Site Plan A0.01 dated October 15, 2014, Floor Plans A1.00 through A1.04 dated January 16, 2014, and Elevations A2.00 through A2.03, dated September 10, 2014, St. Lawrence Arts Addition for Friends of the St. Lawrence Church by Archetype Architects..

4. The proposed theater in the parish hall shall have no more than one hundred and twenty (120) seats, and the proposed auditorium in the former sanctuary site shall have no more than four hundred and fiveone (4015) seats. The Developer and its successors and assigns shall not be permitted to hold separate audience events in the parish hall and the sanctuary auditorium at the same time. The Developer shall be permitted to hold a separate event in the Promenade Room when another concurrent event is being held in the parish hall or the sanctuary auditorium. This does not preclude the Developer from using the parish hall, the Promenade Room and/or the

sanctuary auditorium for one (1) single event with the total number of attendees of said event not to exceed four hundred and eighty five (485) people. Under no circumstances may more than 485 attendees of any single event or combination of events be present on the Pproperty at the same time.

5. The owner of the Property shall be responsible for ongoing maintenance of the Property, including snowplowing, salting, sanding, sweeping, lighting, trash removal (at least weekly), mowing, etc.

6. Prior to the issuance of a Certificate of Occupancy, the Developer shall install, according to City specifications, new brick sidewalk-a along the Munjoy Street, Beckett Street and Congress Street property frontages and shall reset, as necessary, the existing pink granite curbing. If, at the time of site plan review, the Public Services Department determines that the curbing is in poor condition, the applicant shall replace it, as necessary.

7. Prior to the issuance of a Certificate of Occupancy, the Developer shall provide two (2) trees along each of the Munjoy Street, Beckett Street and Congress Street property frontages. If healthy street trees are already in place along any of these frontages, they may be counted towards this requirement. The size and type of trees to be planted shall be approved by the Portland City Arborist or their designee. If, due to site constraints, the Developer is unable to provide the two (2) required trees per street frontage, they shall contribute \$200.00 per tree or, if the required contribution is greater at the time of the application, that amount, to the City of Portland's Tree Fund. This contribution, if necessary, is independent of any conditions which the Planning Board may lawfully require under site plan review. The Planning Board shall not be authorized, however, to waive this requirement.

8. Prior to the issuance of a Certificate of Occupancy, the Developer shall, at its own expense, install a minimum of two (2) municipal street lights along the Congress Street frontage of the property that meet the specifications and color designated for the Downtown Lighting District, as detailed in the Municipal Street Lighting Standards of the City of Portland Technical Manual, or of a type as may be specified by the City Lighting Plan at the time of the application or by the Planning Division.

~~9. Prior to the issuance of a Certificate of Occupancy, the Developer shall construct any remaining sidewalk connections and sidewalk ramps meeting City technical standards at the intersection of Congress Street and Eastern Promenade on both sides of the street and at the intersection of Moody Street and Eastern Promenade on both sides of the street, unless these improvements are already in place at the time of the application. This may include walkway connections to the Cutter Street parking lots as described in the Eastern Promenade Master Plan (2004).~~

9. Prior to the issuance of a Certificate of Occupancy, the developer shall install any remaining crosswalks, ADA-compliant sidewalk ramps, and other pedestrian improvements meeting City technical standards at the intersections of Congress Street

and Beckett Street or Howard Street and Congress Street and Munjoy Street, unless these improvements are already in place at the time of application.

10 The Developer shall submit a transportation demand management (“TDM”) plan during site plan and conditional use review for review and approval by the Planning Board in a form substantially in accordance with Exhibit B attached hereto as a starting point subject to Planning Board and applicant modification during Site Plan Review (the terms of the attached TDM are incorporated by reference herein). The requirement of TDM plan shall supersede any and all parking requirements under the Land Use Code for the Property. During the site plan review process, the Planning Board shall provide a communication to the City Council that may include recommendations, if the Board deems it necessary, for additional on-street parking regulations in the vicinity of the project site. These may include but shall not be limited to two (2) hour parking limits and/or a residential parking program.

The TDM plan shall include provisions for the contribution of \$70,000 annually to the city’s Sustainable Transportation Fund, with the initial contribution due at the time of Certificate of Occupancy. This funding shall be designated at the city’s sole discretion consistent with the provisions of Section 14-346.2 for improvements intended to enhance transportation choice, promote transit, and/or promote non-automotive transportation to and from Munjoy Hill, and shall initially be used for improvements to Greater Portland Transit District’s #1 Line, which serves Congress Street and Munjoy Hill. If, following monitoring of the TDM plan, the Planning Board or Planning Authority deem other transportation demand management strategies to be more effective in meeting the benchmarks of the TDM plan, the Planning Board or Planning Authority may recommend redesignation of those funds toward such strategies.

The TDM plan shall include monitoring provisions to periodically review the efficacy of the plan over time. The efficacy of the TDM plan shall be reviewed by the TDM plan administrator within three (3) months from the issuance of the certificate of occupancy. The results shall be promptly provided to the City for evaluation upon completion of the review. From that time forward, the TDM plan administrator shall review the TDM plan and report results to the City for evaluation on, at a minimum, an annual basis or in accordance with the TDM monitoring schedule outlined in the TDM plan. Changes to the TDM plan as a product of monitoring shall be reviewed and approved by the Planning Authority.

If at the time of review (and/or at any time thereafter) the City and/or the Developer has received any five (5) or more complaints within a one (1) year period about traffic/parking generated by the use of the facility, the Developer shall report that information to will be required to institute a review process, working in concert with the Planning Authority as part of the annual review process, in accordance with sub-paragraph F of the attached TDM plan.

11. The Developer shall be responsible for ensuring that tour buses, vans and trucks affiliated with performances and events at the Property unload and then relocate to a remote, off street parking location away from the venue for the duration of the event.

12. The provisions of this Agreement are intended to replace and/or supersede the requirements of the underlying R-6 zone and the requirements of the 2010 conditional rezoning. As stated above, to the extent not otherwise altered herein, the zoning requirements for the R-6 zone shall otherwise apply to the Property.

13. In the event of a breach by the Developer or its successors or assigns of the zoning provisions and conditions contained herein (whether the Zoning Administrator, the Planning Authority, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Amended Agreement and a reversion of the Property to the underlying R-6 zone requirements in place before the execution of this Agreement or its equivalent in effect at the time of the reversion.

14. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

15. This amended conditional rezoning shall become null and void and the Property shall revert to the pre-existing R-6 zone or its equivalent in effect at the time of the reversion in the event that the Developer fails to commence construction within ten (10) years from the date of the Council approval of this amended rezoning agreement. This ten (10) year period shall be extended up to an additional one (1) year period if:

- a. The Developer has applied for all required approvals but has not received all required approvals within the aforementioned ten (10) year period; or
- b. Any other event beyond the control of the Developer has occurred which will delay the closing on some or all of the parcels and Developer has notified the City of such event.

If any required approval, including the Council's approval of this amended conditional rezoning, has been appealed, then this rezoning shall become null and void and shall revert to the underlying R-6 zoning or its equivalent in effect at the time of the reversion if the Developer fails to commence construction within one (1) year from the final disposition of such appeal or the above mentioned ten (10) year period, whichever occurs last.

16. This amended conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

17. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

18. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code and any applicable amendments thereto or replacement thereof.

WITNESS: _____

FRIENDS OF THE ST. LAWRENCE CHURCH

STATE OF MAINE
CUMBERLAND, ss.
20104

BY: _____

Personally appeared before me the above-named _____, in his/her capacity as _____ of FRIENDS OF THE ST. LAWRENCE CHURCH, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Alexander Jaegerman, Planning Division Director

DATE: November 19, 2014

DISTRIBUTION: Mayor Michael Brennan; Sheila Hill-Christian, Acting City Manager; Danielle West-Chuhta, Corporation Counsel; Jennifer Thompson, Associate Corporation Counsel; Sonia Bean; Nancy English; Jeff Levine, Director, Planning and Urban Development

SUBJECT: First Amendment to Conditional Zoning Agreement
St. Lawrence Arts Center, 76 Congress Street

SPONSOR: Stuart O'Brien, Chair, Planning Board

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading December 1, 2014 **Final Action** December 15, 2014

Can action be taken at a later date: Yes X No (If no why not?) Public notices will appear in the newspaper and be mailed in advance of the public hearing.

PRESENTATION: Stuart O'Brien, Planning Board Chair, and Alexander Jaegerman, Planning Division Director, 5 minute oral presentation

I. SUMMARY OF ISSUE (Agenda Description)

On October 28, 2014, the Planning Board voted 6-0 (Dean absent) to recommend amendments to an existing conditional zoning agreement for 76 Congress Street, the St. Lawrence Arts Center, to the city council. The fundamental elements of the original agreement, adopted in November 2010, remain unchanged – as in 2010, the applicant continues to desire to build an addition on the site of the former St. Lawrence Church sanctuary for the purposes of live theater. However, the original agreement requires modification in order to allow the proposed addition in a new, contemporary form. The amendments include changes to the conceptual site plan and architectural drawings to establish a contemporary design scheme for the building addition. The amendments also incorporate changes to the St. Lawrence's transportation demand management plan to include substantial investments in the city's existing public transit infrastructure as a means of addressing the facility's parking demand.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

The original conditional zoning agreement for 76 Congress Street was written to allow the Friends of St. Lawrence to rebuild the sanctuary portion of their historic Munjoy Hill building in much its original late 19th century form as a new venue for live theater. Following adoption of the agreement, the applicant conducted a feasibility study with the intent of determining the possible funding for the reconstruction project. It shortly became clear that the proposed reconstruction of the historic structure would be cost prohibitive. Instead, the Friends of the St. Lawrence shifted their vision for the proposed addition, focusing on what has evolved into a contemporary expansion. The Friends of St. Lawrence also revised the transportation demand management plan to focus on improving transit service and providing incentives for alternative modes as means for addressing parking demand.

III. INTENDED RESULT

The proposed amendments to the conditional zoning agreement are designed to allow the Friends of the St. Lawrence to build a contemporary addition to their existing Parish Hall theater.

IV. COUNCIL GOAL ADDRESSED

The proposed amended conditional zoning agreement addresses the following council goals:

Transportation Initiatives: Develop a transportation system that advances healthy living, minimizes environmental impacts and promotes the local economy by advancing opportunities for mass transit, bicycle use, and walking.

Economic Development: Promote economic development in the City in a manner that provides for increased property values, diversification across industry sectors, and high paying jobs.

V. FINANCIAL IMPACT

As a mid-sized venue designed to fill a gap in the city's existing performing arts landscape, the St. Lawrence Arts Center as proposed under these amendments has the potential to stimulate economic development in Munjoy Hill and more broadly. In addition, the transit investments proposed under the transportation demand management plan could translate into significant improvements in the city's existing transit system, which could generate economic returns.

VI. STAFF ANALYSIS

Through the course of review, the Board engaged in substantial discussion surrounding the amendments, particularly the design drawings and the transportation demand management plan. There was significant public comment on both of these elements of the agreement, with neighbors expressing both support and concerns regarding the parking impacts of the venue. Ultimately, the Board found the proposed amendments consistent with the comprehensive plan, consistent with existing and permitted uses of the underlying zone, and in compliance with the standards of both the state statute and the city's land use ordinance on conditional zoning agreements.

VII. RECOMMENDATION

On October 28, 2014, the Planning Board voted 6-0 (Dean absent) that the proposed amendments to the conditional zoning agreement to permit a community ball at 76 Congress Street are consistent with the Comprehensive Plan of the City of Portland; that the proposed amendments to the conditional zoning agreement are consistent with existing and permitted uses in the surrounding area; and that the proposed amendments to the conditional zoning agreement for 76 Congress Street are in compliance with the standards set out in 14-60 and 14-62. The board voted 6-0 (Dean absent) to recommend the amendments to the conditional zoning agreement for 76 Congress Street to the City Council for its approval.

VIII. ATTACHMENTS

1. Order
2. Planning Board Report to City Council (to be forwarded under separate cover)

Prepared by:

Signature

November 19, 2014

Date



CITY COUNCIL REPORT

from

PLANNING BOARD

PORTLAND, MAINE

First Amendment to Conditional Zoning Agreement
St. Lawrence Arts Center, Applicant

Submitted to: Portland City Council
First Reading: December 1, 2014
Second Reading: December 15, 2014

Prepared by: Portland Planning Board
Date: November 19, 2014
Project #: 2014-009

I. INTRODUCTION

On October 28, 2014, the Planning Board voted 6-0 (Dean absent) to recommend amendments to an existing conditional zoning agreement for the property at 76 Congress Street, the St. Lawrence Arts Center, to the city council. The board reviewed these amendments, as well as materials incorporated into the agreement by reference, including a draft Transportation Demand Management (TDM) plan, a draft site plan, and draft architectural drawings, at three separate meetings over the course of 2014.

Legal notice for the December 15 city council hearing will be posted in the *Portland Press Herald* on December 8 and 9, 2014. Notices will be sent to 258 property owners within 500 feet and to the interested citizens list. 36 immediate abutters will also receive a copy of the amended agreement, and a notice will be posted with the City Clerk.

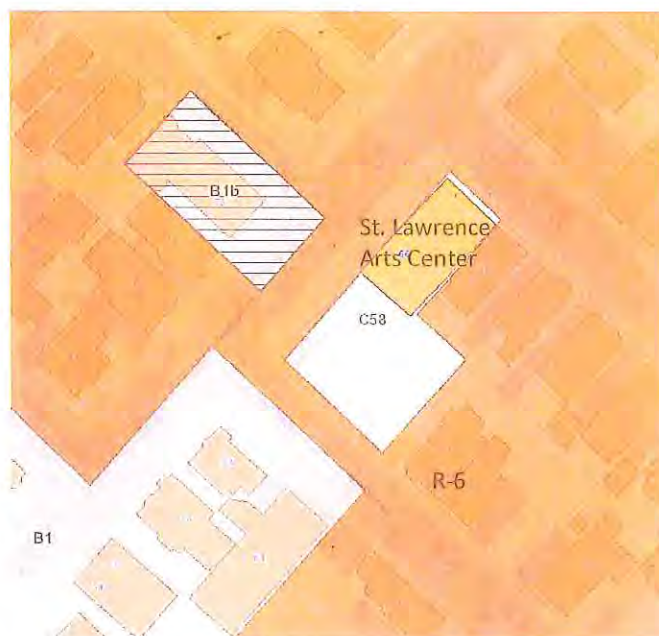


Figure 1: St. Lawrence Arts Center, zoning context

Applicant: Friends of the St. Lawrence Church

Consultants: David Lloyd, Archetype; Tom Gorrill, Gorrill-Palmer, Inc.

II. REQUIRED REVIEWS

Review	Applicable Statute
Conditional Zoning Agreement	MSRA Section 4352(8) City of Portland Code of Ordinances, Chapter 14, Division 1.5

III. PROJECT DATA

Existing Zoning	R-6 Residential with Conditional Zoning Agreement
Existing Use	Place of Assembly – Community Hall
Proposed Use	Place of Assembly – Community Hall
Parcel Size	10,565 SF (.24 acres)



Figure 2: St. Lawrence Arts Center (existing Parish Hall theater) at present

IV. CONTEXT

The St. Lawrence Arts Center sits at 76 Congress Street in the heart of Munjoy Hill. The property is currently the subject of an existing conditional zoning agreement. While the underlying zoning is R-6 Residential, the St. Lawrence neighbors a B-1 Neighborhood Business zone and lies directly across from an active restaurant use in a B-1b zone (*Figure 1*). The Rosemont Market and a restaurant sit on the Congress Street block immediately west. Residential uses surround the site to the north, east, and south. The property lies three blocks from the Eastern Promenade.

V. BACKGROUND

The building now occupied by the St. Lawrence Arts Center was originally constructed in 1897 as a church, and was initially comprised of two sections - the Parish Hall and the sanctuary. The building subsequently served as a congregational church for almost a hundred years until its closure in 1986. In 2001, the Friends of the St. Lawrence renovated the Parish Hall into a live theater/auditorium space under the zoning provisions for a community hall; the sanctuary portion of the building, however, was left vacant as the Friends of St. Lawrence sought the means for renovation. Ultimately, the sanctuary fell into disrepair. In 2006, the primary roof trusses partially collapsed; shortly thereafter, the sanctuary was deemed unsalvageable. It was dismantled in 2009, leaving the remainder of the Congress Street frontage of this Munjoy Hill block vacant. The Friends of the St. Lawrence recovered significant architectural features during the demolition with the intent of someday reconstructing the sanctuary building.

In 2010, the Friends of the St. Lawrence approached the city's Planning Division with a proposal to do just that – rebuild the former church sanctuary in much its original form for use as a 402-seat performance venue. The applicant proposed a plan for the sanctuary that included many of the historic details of the old church building, down to the curbing, rose windows, and stone work. In order to rebuild such a structure, the applicant required relief from several provisions of the underlying R-6 zone, including the dimensional requirements. The concept was endorsed by the Historic Preservation Board and a conditional zoning agreement was drafted and formally adopted in November of 2010 (*Attachment E*).

In the years since the original conditional zoning agreement, however, the reconstruction plans were never realized. Following adoption of the agreement, the applicant embarked on a feasibility study with the intent of determining the extent of possible funding for the reconstruction project. It shortly became clear that the proposed reconstruction of the historic structure was cost prohibitive. Instead, the Friends of the St. Lawrence shifted their vision for the proposed addition, focusing on what has now evolved into a contemporary expansion. In this vein, the applicant applied for amendments to their original conditional zoning agreement in late January of 2014. The fundamental elements of the agreement remain unchanged – the applicant continues to desire to build an addition on the site of the former church sanctuary for the purposes of live theater. However, the original agreement requires modifications in order to allow the proposed addition in its new form.

It should be noted that, as a historic property on the National Register of Historic Places, development on the site is subject to Historic Preservation review. The building was placed on the National Register in 1979, and was designated locally as a historic landmark in 1990. The Historic Preservation Board has previously reviewed not only the demolition plans of the late 2000s, but also the reconstruction plans of 2010.

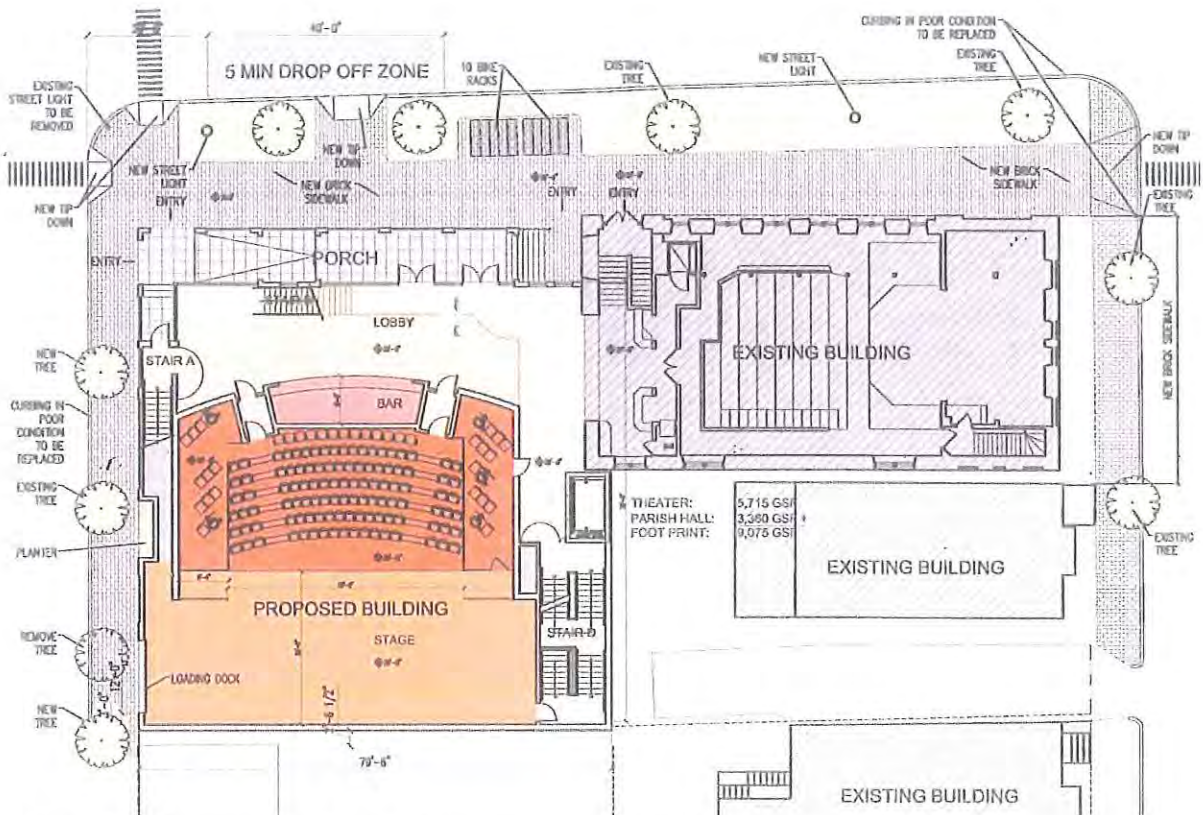


Figure 3: St. Lawrence Arts Center addition, revised conceptual site plan

VI. PROPOSED DEVELOPMENT

1. Development Program

The new development program remains much the same as in the previous reconstruction plan (Table 1). The plans include the renovation of the existing Parish Hall auditorium to increase the seating capacity to 120 and add office space and a meeting room. The plans also include the development of an addition in the old sanctuary space, including:

1. A 401-seat auditorium;
2. A new lobby to serve both the sanctuary and Parish Hall venues;
3. New support spaces including a catering kitchen, concession area, green room, dressing room, and bathrooms; and
4. A new function room, the Promenade Room; on the upper level.

Overall, the footprint of the new plans slightly exceeds the 2010 proposal, although the total square footage is somewhat less.

It should be noted that, over the course of the board's review, there was some question regarding the proposed use of the Promenade Room. The applicant has provided documentation that the "primary use of the Promenade Room will be as a lobby for the 401 seat performance hall. Secondary uses will be as space for SLA and other non-profits to hold events in line with our mission of arts and culture, community and neighborhood and historic preservation. These uses include fundraising, rentals and in-house programming of music, theater, film, meetings, corporate and business rentals, and civic activities" (Attachment I).

Table 1: Development Program, St. Lawrence Arts Center, Past, Existing, and Proposed

	<i>St. Lawrence Church</i>	<i>Parish Hall Theater</i>	<i>2010 Reconstruction Plan, as proposed</i>	<i>Current Plan, as proposed</i>
<i>Footprint</i>		3,360 SF	Existing parish hall + 5,460 addition = 8,820 SF total	Existing parish hall + 5,715 addition + 710 SF porch addition = 9,785 SF total
<i>Floor Area</i>	24,794 SF	8,714 SF	28,188 SF	14,745 SF (addition only)/23,459 total
<i>Height</i>			53 ft. 1 in. + 89 ft. steeple	54 ft.
<i>Development Program</i>		110 seats	120 seats in Parish Hall 402 seats in sanctuary New lobby New support space (concession, kitchen, green room, workshop) New conference and office space New Promenade Room	120 seats in Parish Hall 401 seats in sanctuary New lobby New support space (green rooms, dressing rooms, bathroom, storage) New conference and office space New Promenade Room (to serve as lobby break area during performances, meeting space at other times)(200 person capacity)
<i>Bike Parking</i>		0	12	20
<i>Off-Street Car Parking</i>	0	0	0	0

2. Site Plan

The conditional zoning agreement incorporates a site plan by reference (*Figure 3 and Plan 1*). The agreement language requires that, ultimately, the property be developed “substantially in accordance” with this plan. The submitted site plan includes a number of site improvements, including street trees, street lights, brick sidewalks, crosswalks, and bike racks, associated with the language of the conditional zoning agreement. Some modifications to the on-street parking schedule are implied. As with the original reconstruction plans, no off-street parking is proposed.

It should be noted that some elements of the site plan, including details surrounding the loading door on the side of the building at Munjoy Street and crosswalks across Congress Street, are not entirely resolved. It is understood that these details would be engineered and evaluated in greater detail at the time of site plan review.

3. Design

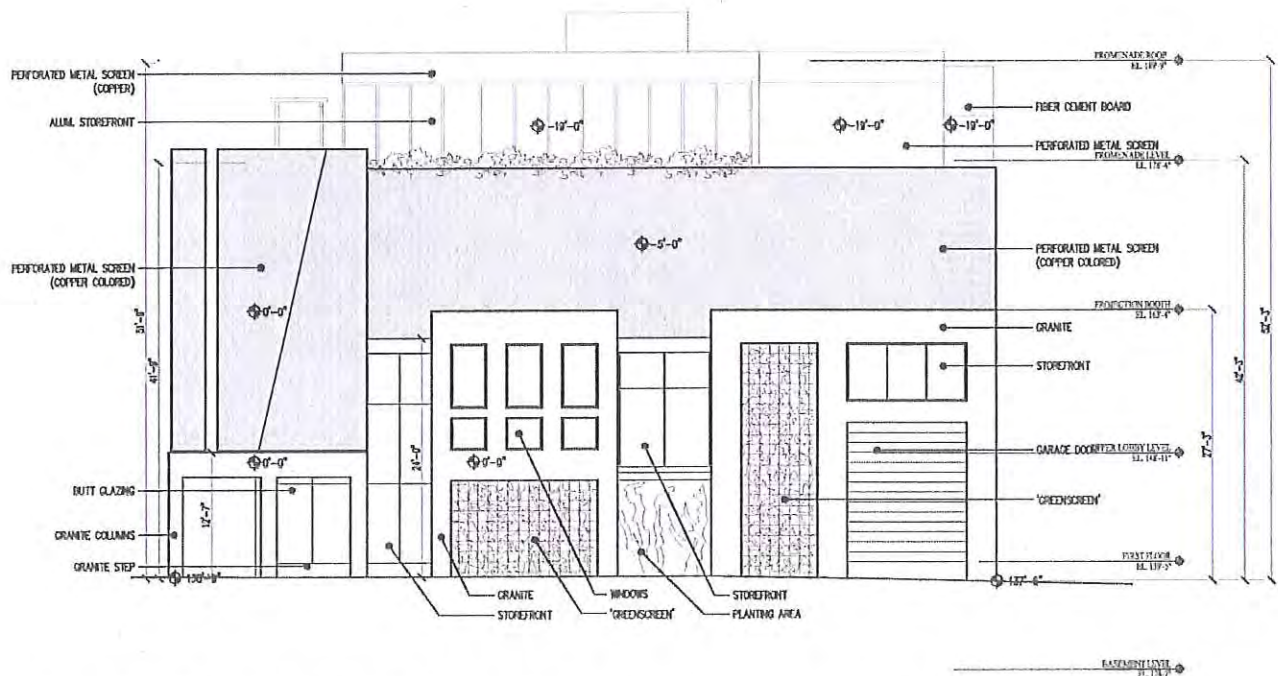
The conditional zoning agreement also incorporates a set of elevations and floor plans by reference. As noted previously, the major change in design from the original conditional zoning agreement is related to the style of the addition’s exterior, which the Friends of St. Lawrence has modified to reflect a more contemporary vision. While contemporary, the architect has attempted to design the building to reference the lines and materials of the existing Parish Hall. Thus the geometry of the proposed addition generally aligns with elements of the existing Parish Hall façade, and the architect has chosen a material palette which alludes to elements of the Parish Hall as well.



*Figures 4 and 5:
Elevation showing
the current plan
transposed against
the 2010
reconstruction
plans (top) and
rendering from
Beckett Street
(bottom)*

Regarding the height and scale of the proposed building, the underlying R-6 zone permits a height of 45' by right. Under the current plan, the bell tower element of the 2010 design has been eliminated, and the height of the addition is proposed at 54'. The applicant's original submittal narrative noted that the "major roof element" of the proposed addition is at approximately 41 feet 4 inches, which is below the maximum allowed by zoning. The Promenade Room, which is set back, stands 54 feet in height. The proposed elevation, set against the 2010 elevation, is shown in *Figure 4*.

Given the historic landmark status of the existing structure, the applicant is required to obtain a certificate of appropriateness from the Historic Preservation Board for the proposed addition. The Historic Preservation Board met for the fourth time on the proposal in early November. Generally, Deb Andrews, the city's Historic Preservation Manager, has indicated the Board's comfort with the design's evolving direction.



Figures 6 and 7: Proposed elevations from Congress Street (top) and Munjoy Street (bottom)



Figures 8 and 9: Renderings from Congress Street (top) and Munjoy Street (bottom)

The site plan ordinance exempts projects from design review when the development affects a designated historic landmark or is within a historic district and thus requires a certificate of appropriateness. However, given the design concerns expressed by the public, the fact that the conditional zoning agreement speaks to matters of form, and the fact that the agreement will ultimately include drawings by reference, staff agreed to the utility of a design review. With respect to the drawings depicted in Figures 6-8 then, the city's urban designer, Caitlin Cameron, provided the following comments:

Overall Design: *The latest design is successful in breaking up the mass and height needed to accommodate the program in its use of materials and varying forms. The project mitigates its size and mass through the use of two-story stone forms that relate well to the scale of the residential architecture surrounding, especially on the Munjoy Street side of the building. The upper Promenade Room is made recessive through the use of storefront glazing and a stepback. The facade is softened by the landscaping and trellis component which has a finer grain and provides shadow lines, articulation, and a human scale. There is a balance of solid and transparency, a mix of materials and textures that add visual interest and make reference to the building's context while at the same time, creating its own modern identity. The project is respectful of its relationship to the Observatory, which should remain the focal point of Munjoy Hill - this project is several blocks away, downhill, and shorter in height, all of which reduce its prominence compared with the Observatory along Congress Street and on the city's skyline.*

Materiality: *The use of stone is appropriate for grounding the project but also in its references to the historic St. Lawrence building adjacent. The stone provides a monumentality and is appropriate for a cultural building. The placement of the stone is thoughtful and reflects the scale of the neighborhood and neighboring building without becoming heavy or overpowering. The metal mesh material is unique to Portland and would make the project stand out as a modern and significant cultural destination on the peninsula. Ideally, the mesh material will have qualities of lightness and translucency that will alleviate the solid massing of the building. The mesh provides the potential use of lighting to create visual interest and a sense of liveliness and activity on the street at night. The mesh also affords some flexibility of expression when it comes to pattern and folding which, in the absence of fenestration, can provide visual interest and articulation to the building. The storefront glazing on the tallest form reduces its impact and makes for a pleasant, airy penthouse space. The green walls on the Munjoy Street facade have the potential add a balance rectilinear building and soften the hard edges of the stone and metal materials. These patches of green wall further break up the facade on the residential street and are a good solution for those parts of the facade that cannot accommodate fenestration.*

Tower Element: *As a corner building with a cultural program, the tower element should have dominance to signify the building on the approach and mark the entrance corner. Upon review, we felt the tower element could be emphasized more through the use of several strategies. First, the height of the tower in proportion to the rest of the building was little too low and we recommend that it increase slightly in height - possibly only the corner piece of the metal would be taller. The Promenade Room at 54' is and should remain the tallest mass of the building and the tower does not need to rise as tall as that - we are suggesting a small, incremental height increase. Secondly, emphasis on the tower could be created with folding mesh which will create a play of light and shadow similar to the roof lines of the existing St. Lawrence building and will also reflect the material qualities of the mesh facade. Third, the use of lights behind the mesh on the tower could emphasize the corner at night. The reviewers all liked the placement of the signage within the tower. Finally, the stone base of the tower should be differentiated more from the mesh portion of the tower - some options discussed included a rusticated belt course or by the stepping back of the mesh portion from the stone base.*

In response, the applicant provided a set of revised elevations and renderings immediately prior to the Planning Board hearing. In these drawings, the architect attempted to address the comments of the design review by creating additional folds in the perforated copper “metal skin” which clads the upper floors of the building, and adding a horizontal break in the metal cladding at the top of the Congress and Munjoy Street facades. A subsequent design review found this iteration largely unsuccessful in meeting the objectives of the urban designer’s critique, and as a result, the board resolved to include the prior iteration of drawings, those shown here, in the conditional zoning agreement. It should be noted that the design will continue to evolve over the course of site plan and Historic Preservation Board review.

3. Transportation Demand Management Plan

The proposed amended conditional zoning agreement also incorporates a transportation demand management plan by reference (*Attachment G*). The draft plan, first developed in January and subsequently repeatedly revised, was reviewed on three occasions by a peer reviewer specializing in TDM plans, Nelson-Nygaard Consulting Associates (*Attachment 3*).

Parking Demand & Supply Estimates

The TDM plan includes a parking analysis which calculates parking demand based on a ratio developed from survey data gathered during a sample of two St. Lawrence shows and validated with observed parking counts and national best practice. The rate used, .45 vehicles/attendee, is more than forecasted by the Institute for Traffic Engineers (ITE) for a “live theater” and falls between the ratios derived from the two shows’ survey data. Using this rate, the analysis calculates a demand under the proposed peak condition (i.e. a 485 attendee occupancy) of 218 spaces for visitors. When added to a presumed 10 parking spaces for employees, a total peak parking demand of 228 spaces results. At the September workshop, members of the public questioned whether the St. Lawrence had adequately planned for demand from crew members associated with performances at the Arts Center. In the final TDM plan, the St. Lawrence has stated that “the SLA will distribute a policy to staff and performers that staff park at a set distance from the Performance Hall. This policy will apply to any performers, cast, and crew traveling by bus to the Performance Hall in their own vehicle. Performers, cast, and crew who arrive in a bus will be able to unload on Munjoy Street, and all buses will be contractually required to park in an accommodating lot.” It follows that cast and crew members have not been included in the parking demand calculations.

It should be noted that Nelson-Nygaard has stated that the parking demand ratio used may in fact be high; based on figures from ITE, they suggest an alternative estimated demand of 122 parking spaces. The St. Lawrence has noted in their revised TDM plan that, post-construction, actual parking demand numbers will be verified through parking counts. This number will provide a baseline from which to assess the efficacy of the transportation demand management plan.

The plan includes data regarding parking supply in the area surrounding the St. Lawrence Arts Center. The plan relies on a parking count from a typical weekday night (i.e. a night without a show) at midnight, when the cars on the street are likely to represent those of neighborhood residents, rather than visitors. This count showed 179 available on-street spaces within a five minute walk (900 feet) of the St. Lawrence Arts Center. The parking count also found a capacity of 95 off-street spaces at the Cutter Street parking lots on the Eastern Promenade. Assuming the use of the Cutter Street lots and all available on-street parking spaces, the TDM plan calculates a total parking supply in the immediate vicinity, then, of 274 spaces, exceeding the peak demand. It should be noted that neighbors have repeatedly raised concerns regarding the TDM plan’s parking calculations, particularly with respect to parking supply. Residents of the surrounding area have noted that parking capacity is diminished during winter conditions and that the Cutter Street lots are often occupied at night during good weather months.

Transportation Demand Management Strategies

In response to questions regarding the adequacy of the on- and off-street parking supply surrounding the St. Lawrence Arts Center, the Saint Lawrence has stated in their TDM plan that they understand the necessity of

robust transportation demand management program in order to reduce impacts to neighbors, mitigate negative impacts to the city's existing transportation infrastructure, and encourage healthier living more broadly (*Attachment G*). The current TDM plan includes a number of mechanisms designed to foster use of alternative modes and thus reduce parking demand. Many of these strategies are a direct response to recommendations made by Nelson-Nygaard in their previous reviews, which encouraged subsidized remote parking, subsidized transit, valet parking, bicycle and pedestrian enhancements, and a strong marketing and education campaign as core elements of a successful transportation demand program. In response to these recommendations, the St. Lawrence proposes the following:

- *METRO subsidies/route improvements and transit incentives:* The central strategy of the revised TDM plan is a \$70,000 annual subsidy to the city's Sustainable Transportation Fund, which would initially be designated to METRO for improve its Route #1 service, both in terms of arrival frequencies and extended hours. METRO has stated that this \$70,000 would be sufficient to increase evening headways from 45 minutes to 30 minutes and extend service to 11 p.m. Monday through Saturday (*Attachment H*). The St. Lawrence has argued that this expansion of service will not only effectively serve their patrons but the greater neighborhood as well, and in this reduce baseline parking demand. As an incentive and as part of the arrangement with METRO, St. Lawrence patrons will be able to use their theater tickets as "valid fare to board the bus."

It should be noted that METRO's #1 does not currently provide front door service to the St. Lawrence. In their most recent iteration of the TDM plan, the St. Lawrence has noted possible route modifications to include a #1 stop at Congress Street/North Street and the relocation of the inbound Atlantic Street leg to Munjoy Street, where it originally existed "until poor street conditions forced it to be relocated." These changes would place an outbound stop two blocks from the St. Lawrence and an inbound stop directly at the arts center. The St. Lawrence has also updated the TDM plan to note that the lobby of the facility will serve as a waiting area for the Route #1 bus in inclement weather. This becomes a viable option with real-time bus arrival information, which Metro plans for 2015.

- *Remote parking incentives:* In conjunction with the transit incentives, the St. Lawrence proposes to offer its patrons free remote parking for up to three hours in several downtown garages proximate to METRO's Route #1. The plan notes that both the Temple Street and Free Street garages are open late on weekdays and weekends and appear to have capacity for this type of arrangement.
- *Valet parking:* The TDM plan also includes front-door valet service for patrons "who wish to pay for exceptionally convenient parking over and above the price of event tickets." The applicant states that the valet would operate at a staffing level sufficient to meet a 4-minute wait time target, with the facility lobby functioning as a waiting area during inclement weather. Cars would be stored in remote lots.
- *Bicycle parking:* The St. Lawrence proposes to encourage bicycling by providing 10 racks (or 20 spaces) in front of the building on Congress Street and becoming a Bicycle Benefits partner. As part of their final submittal, they note that covered bicycle racks could be considered "if they can be successfully incorporated with the design by [the architect] both spatially and aesthetically, or appropriately designed to be placed in front of the historic Parish Hall Theater."
- *Free market options:* The TDM plan also notes the existence of other mode choices, such as cabs and pedicabs, which will be available to patrons.

In addition to the above, the St. Lawrence proposes a number of programmatic elements around education and marketing in the TDM plan. The TDM plan states that the St. Lawrence will provide information regarding alternative mode choices on their website, at the point of ticket purchase, and at a kiosk on site. The plan also includes a marketing campaign, to be developed in concert with METRO, to encourage use of the remote parking and METRO's Route #1.

Monitoring

Lastly, the plan also includes the designation of a TDM coordinator and provisions for long-term monitoring. Responding to board and neighborhood concerns, the applicant modified the TDM plan over the course of the review to increase the rate of initial monitoring and reporting. The SLAC proposes monitoring to begin one month after opening, with twice annual monitoring thereafter for five years. Annual monitoring would occur subsequently. The Friends of St. Lawrence would monitor mode choice and parking demand through METRO ridership tracking, employee and attendee surveys, as well as parking counts before and during events. The findings of the monitoring would be provided to the city, with the initial goal of reducing parking demand by 6% and “reduc[ing] SOV traffic” (i.e. observing a mode shift away from the car) by 6% (or the equivalent of one busload of people). It should be noted that neighbors have raised questions with regard to this monitoring arrangement, arguing that TDM monitoring should be conducted by a third party entity and not St. Lawrence staff, as proposed.

Over the course of the Planning Board review, there was substantial discussion on the city’s existing TDM monitoring system. Historically, the city’s Department of Public Services has generally been responsible for reviewing annual TDM monitoring reports, with reports occasionally returning to the Planning Board (or even the council’s Transportation Committee) in specific circumstances. Given efforts on the part of the city to consolidate transportation planning functions under the Planning Division, there is some consideration that this role might migrate to planning. This would allow for more seamless development, monitoring, and refinement of TDM plans.

Nelson-Nygaard has reviewed the St. Lawrence’s most recent iteration of the TDM plan and provided comments (*Attachment 3*). Generally, this review is very positive. Nelson-Nygaard suggests several minor additions to the TDM plan, such as further enumerating the responsibilities of the TDM coordinator, involving the city and METRO in the development of web and kiosk content, making additional pedestrian improvements, and adding secure indoor bicycle parking. However, the Planning Board is satisfied that the TDM plan is sufficiently developed to be incorporated by reference into the conditional zoning agreement. It is understood that further modification could and would occur at the time of site plan review, with additional revisions possible under the monitoring arrangement thereafter. It is important to note that the Planning Board would review the TDM plan again at the time of site plan review.

Last on the question of the transportation demand management plan, it should be noted that the other theaters in the city, from One Longfellow Square (200 seats) and Portland Stage (286 seats) to Merrill Auditorium (1,900 seats), do not have dedicated off-street parking facilities. This is common of theaters, which are often located in districts with shared garage, surface, and on-street parking. At the request of the Planning Board, the applicant has provided a set of case studies documenting theaters or similar facilities nationwide that use remote parking and shuttle/transit service as part of their TDM plans (*Attachment J*).

VII. CONDITIONAL REZONING AGREEMENT AMENDMENTS

In most terms, the amended conditional zoning agreement as originally proposed by the Friends of St. Lawrence contained very few changes from the adopted form. However, the agreement did evolve over the course of the review in response to comments from both the board and the public. A final amended conditional zoning agreement is presented here (*Attachment I*).

The proposed amended agreement retains many elements of the original conditional zoning agreement:

- *Occupancy Restriction:* The agreement continues to include an occupancy restriction limiting the maximum number of attendees at any single event in the St. Lawrence Arts facility to 485 persons. The occupancy clause restricts the Parish Hall theater to 120 persons, the sanctuary auditorium to 401 persons (representing a slight decrease from 405 in the original agreement), and prevents separate audience events from being held in the Parish Hall and sanctuary auditorium at the same time. The provision, it should be noted, does allow simultaneous events to occur in the Promenade Room and either the Parish Hall or sanctuary. It also allows one event to occur in all three spaces, again provided

that such an event is limited to 485 total attendees. Responding to the concerns of neighbors, Corporation Counsel added language which explicitly states that “under no circumstances may more than 485 attendees of any single event or combination of events be present on the Property at the same time.”

- *Maintenance:* The agreement continues to incorporate language stating that the property owner shall be responsible for ongoing maintenance of the property, including snowplowing, salting, sanding, and sweeping.
- *Sidewalks:* The agreement also continues to include language requiring new brick sidewalks along Munjoy Street, Beckett Street, and Congress Street and the resetting of existing pink granite curbing on these frontages.
- *Street Trees:* As previously, the agreement requires two street trees along the Munjoy Street, Beckett Street, and Congress Street frontages or a contribution to the City of Portland Tree Fund in their stead.
- *Street Lights:* Likewise, the agreement continues to require two street lights meeting the specifications of the Downtown Lighting District along the Congress Street frontage.
- *Buses:* The agreement continues to require that the property owner ensure that tour buses, vans, and trucks serving the site unload and then relocate to a remote, off-street parking location.

There are, however, some basic changes proposed to the language of the agreement:

- *Whereas Clauses:* In keeping with the modification in the proposed building’s design, the agreement has been amended to include references to a “new structure which will respect the character-defining features of the historic property.” The amendments also more explicitly state the functions to be housed in the proposed addition, including “a performance arts hall on the site of the former sanctuary to provide a full basement for ‘back of house’ green rooms, ADA toilets and storage, a lobby that serves both the auditorium and theater space, a top floor ‘promenade room’/additional lobby, and a new four hundred and one (401) seat auditorium.”
- *Dimensional Standards:* The amended agreement also includes changes to the dimensional standards established by the original CZA, as, similarly to the 2010 reconstruction proposal, the new plans do not conform with most of the dimensional standards of the underlying R-6 zone (*Table 2*). The amendments increase the allowable lot coverage to 95% (up from 90%) to account for a larger footprint. The amendments also reduce the allowable height to 54 feet (from 65 ft.).

Pedestrian Connections: On the advice of the city’s consulting traffic engineer, city staff and the Planning Board has suggested changes to the language relating to pedestrian connections and sidewalk ramps. Originally, the conditional zoning agreement referenced sidewalks and ramps at Congress Street, Moody Street, and Eastern Promenade, assuming that the applicant would use parking lots on the Eastern Promenade as part of their TDM plan. These plans have changed, and as such, so has the proposed language of the agreement. Language has been added that requires that the applicant “install any remaining crosswalks, ADA-compliant sidewalk ramps, and other pedestrian improvements meeting City technical standards at the intersections of Congress Street and Beckett Street or Howard Street and Congress Street and Munjoy Street” instead.

TDM Plan: Language was also added to the portion of the agreement which speaks to the TDM plan, recognizing the importance of establishing a process for managing the St. Lawrence’s annual contribution to METRO. The language states that the TDM plan will include the annual \$70,000 contribution, that that contribution will be made to the city’s Sustainable Transportation Fund, and that the funding shall initially be designated for improvements to METRO’s #1 line. The language further states that, following monitoring, the Planning Board or Authority may recommend that SLAC’s annual contribution be redesignated toward other strategies which may be deemed more effective in meeting the goals of the TDM plan. Last, the agreement states that the Planning Authority will review and approve future changes to the TDM plan.

Table 2: Conditional Zoning Agreement Amendments, Comparison to Original CZA and R-6 Zone

	R-6	2010 CZA	CZA Amendments
Use	Places of assembly conditional use	Notwithstanding section 14-137(b)(6)(e)(i), the use shall be a place of assembly/community hall	No change
Min. Lot Size ¹	Large (unlim.) - 30 KSF Medium (<4,500 SF) - 15 KSF Small (<2,250 SF) - 7,500 SF	10,500 SF	No change
Min. Front yard	10 feet	0 ft.	No change
Min. Rear Yard	20 ft. (for structures >100SF)	0 ft.	No change
Min. Side Yard	10 – 15 ft. (based on height)		No change
Min. Side Yard on Side St.	10 ft.	0 ft.	No change
Max. Lot Coverage	40% (> 20 units) 50% (< 20 units)	90%	95%
Max. Tower Height	45 ft. (max structure height)	90 ft.	N/A
Max. Sanctuary Structure Height	45 ft. (max structure height)	65 ft.	54 ft.
Open Space Ratio	20%	0%	No change
Min. Lot Width	40 ft.	50 ft	No change
Off-Street Parking Requirement ²	1/125 SF of building area used for assembly purposes; no additional required for structures subject to HP ordinance	Requirement of TDM plan shall supersede any and all parking requirements of the land use code	No change

The TDM provisions of the agreement closely link the annual contribution with the regulatory framework of the city's Sustainable Transportation Fund, which presents a ready mechanism for this purpose. The fund is established by ordinance and overseen by the council, and is designed explicitly for collecting and disseminating funds in the interest of "broadening transportation choice and facilitating development with lower traffic impacts and reduced parking requirements (14-346.1). Under the ordinance, deposits to the fund shall include fee in-lieu of parking payments, grants, and "voluntary contributions of money or other liquid assets to the fund" (14-346.2(a)). The ordinance outlines the permitted uses of the fund, distinguishing between those funds collected through the fee in-lieu of parking program and funds collected otherwise:

14-346.2(b) Permitted expenditures of the fund.

The Sustainable Transportation Fund may only be expended on the activities as described below:

1. Funds collected as fees in-lieu of parking shall be expended toward capital transportation improvements on the Portland Peninsula. Such capital improvements shall include but are not limited to the following:
 - a. Parking Infrastructure
 - i. Shared-use, publicly accessible parking facilities;
 - ii. Publicly accessible bicycle racks and bicycle parking shelters;
 - b. Transit Capital Improvements and Expenses

¹ For places of assembly on a collector or arterial road. (Maximum Floor Area)

² The off-street parking requirement for places of assembly (including community halls) in Division 20 of the city's land use ordinance is 1 space/125 SF used for assembly purposes. Division 20 includes an exception for historic structures subject to the Historic Preservation ordinance (Section 14-332.2).

- i. Bus shelters, bus turnouts, transit signage and other transit amenities;
 - ii. Buses and transit vehicles;
 - iii. Transit and transportation information systems;
 - iv. Fixed guide way and/or rail transit systems;
- c. Pedestrian and Bicycle Infrastructure
 - i. Multi-use trails, and non-vehicular transportation corridors;
 - ii. Pedestrian infrastructure and amenities located on publicly accessible rights of way including, but not limited to cross walks, signalization, landscaping, street furniture, wayfinding signage, traffic calming, and lighting;
 - iii. New public sidealks and new bicycle lanes along publicly accessible rights of way or corridors where such facilities are not previously provided;
- d. Other such improvements intended to enhance transportation choice and promote transit and non-automotive transport on the Portland Peninsula.

2. Funds collected or appropriated by means other than from a fee in-lieu of parking may be used for any of the capital transportation improvements listed above in (b)(1), and for any of the following uses:

- a. Transportation Demand Management Program administration;
- b. On or off-peninsula transit and/or non-automotive transportation capital or operating expenses;
- c. Transit and/or non-automotive transportation promotion and education material; and
- d. Other such programs or improvements intended to enhance transportation choice and promote transit and non-automotive transport for the City of Portland.

Ultimately, under 14-346.2(c), Sustainable Transportation Fund monies are allocated by the council according to an annual sustainable transportation plan and appropriations schedule developed by the city manager and recommended by the Transportation, Sustainability, and Energy Committee.

Under the provisions of the land use ordinance, the Sustainable Transportation Fund provides a vehicle for collecting and allocating funding for the general purpose of enhancing mode choice. The conditional zoning agreement establishes the more direct link between the funding to be collected from the St. Lawrence and the disbursement of those funds toward strategies contained in the SLAC's TDM plan and thus designed to address parking demand generated from the St. Lawrence Arts facility. The agreement states that the SLAC funding shall "be designated...for improvements intended to enhance transportation choice, promote transit, and/or promote non-automotive transportation to and from Munjoy Hill, and shall initially be used for improvements to Greater Portland Transit District's #1 Line" (*Attachment 1*). As noted above, the agreement further notes that, following monitoring, those funds may recommend redesignated toward "other transportation demand management strategies [deemed] to be more effective in meeting the benchmarks of the TDM plan."

The city council, through the provisions of the Sustainable Transportation Fund, would ultimately be responsible for the allocation of funding generated through the agreement, though, as noted above, the use of the funds would be fundamentally tied to the conditional zoning agreement. Further, the Planning Board or Authority would be authorized through the agreement to recommend a change in the funding allocation. It is assumed that this would be achieved in concert with the city manager's annual planning for the fund.

Over the course of the review, board members requested information on precedents for this type of arrangement. It is often the city's practice to condition an approval on mitigation directly related to the impacts of a proposed development. In the case of conditional zoning agreements, this has commonly taken the form of one time contributions for the improvement of infrastructure necessary to support the development proposed under the agreement, a practice which is permitted explicitly under 14-62(g). The city has also required transportation demand management plans under prior conditional zoning agreements, including that for Maine Medical Center. MMC's conditional zoning agreement obligated the hospital to develop an "Alternative Transportation Plan," including strategies "to reduce single-occupant automobile trips," under site plan review. The MMC conditional zoning agreement also included a substantial contribution to sidewalk rehabilitation projects within 500 feet of the hospital. Corporation Counsel has spoken directly to the question of the city's authority to include such arrangements in a conditional zoning agreement in a memo dated October 21, which is attached (*Attachment 4*).

It should be noted that the amendments to the St. Lawrence conditional zoning agreement also change the procedure for reporting parking and traffic complaints. In the adopted agreement, the language requires the property owner to institute a review process upon hearing five or more complaints regarding parking or traffic. The revised language modifies this arrangement slightly such that, if any complaints are received within a one-year timeframe, those will be reported to the Planning Division as part of the regular transportation demand management (TDM) review process. It should be noted that, regardless of complaints, a review process is institutionalized in the proposed TDM program, where monitoring is planned one month after opening and twice annually thereafter for five years, with annual monitoring to follow. The agreement requires that the results of the monitoring be "promptly provided to the City for evaluation upon completion of the review."

- *Breach Provisions:* Over the course of the review, Planning Board members raised concerns regarding the potential event that the St. Lawrence can no longer afford the \$70,000 annual contribution to the city's Sustainable Transportation Fund. In response, Jennifer Thompson, Associate Corporation Counsel, reviewed the breach provisions of the conditional zoning agreement and made several modifications to ensure that the language is clear in this regard. In the case of insolvency or inability to make the financial contribution, the St. Lawrence would be considered in breach of the conditional zoning agreement. In this case, under the terms of the agreement, the Planning Board could recommend to city council that the conditional zoning agreement be either rescinded, in which case the use of the building could be halted and the property would revert to the underlying R-6 zone, or amended. The breach process calls for the Planning Board to review the nature and source of the problem causing the breach and to recommend an appropriate response, such as revocation or amendments to the agreement, to the council.

VIII. REGULATORY CONSIDERATIONS

Consideration of the request for conditional rezoning is guided by both state statute and the city's land use ordinance. The state statute (Title 30-A Section 4352(8)) requires that all conditional or contract zoning must:

- *Be consistent with the growth management program [adopted by state statute];*
- *Establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and*
- *Only include conditions and restrictions that relate to the physical development or operation of the property.*

The city's ordinance (*Section 14-60*) further states:

Pursuant to 30-A M.R.S.A. Section 4503(9), conditional or contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or unique location of the development proposed, the city council finds it necessary or appropriate to impose, by agreement

with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning is consistent with the city's comprehensive plan. Conditional or contract zoning shall be limited to where a rezoning is requested by the owner of the property to be rezoned. Nothing in this division shall authorize either an agreement to change or retain a zone or a rezoning which is inconsistent with the city's comprehensive plan.

The applicant has previously provided a narrative relating to this regulatory framework (*Attachment D*), making the argument that the conditional zoning agreement as amended is consistent with the state's growth management program, establishes rezoned areas consistent with the uses of the underlying zone, is necessary and appropriate in this instance, and is consistent with the city's comprehensive plan. A summary of the applicant's arguments follows:

A. Consistency with State Growth Management Program

The applicant's narrative cites state planning goals in its discussion of the city's comprehensive plan, which is written using the state statute as a basic framework. The Friends of St. Lawrence identify the following state land use goals:

- A. To encourage orderly growth and development in appropriate areas of each community and region while protecting the State's rural character, making efficient use of public services and preventing development sprawl.
- B. To encourage and promote affordable, decent housing opportunities for all Maine citizens. (Note that under this goal, the city has identified a number of policies related to livability, mixing uses, and neighborhood integrity.)

It should also be noted that the state includes "preserv[ing] the state's historic and archeological resources" among its land use goals as Goal I.

The Planning Board reviewed the applicant's submittal and Planning staff's analysis and found that the proposed amended agreement is in conformance with the state growth management program.

B. Consistency with Underlying Uses

In their narrative, the Friends of St. Lawrence Arts has argued that the conditional zoning agreement establishes a rezoned area which is consistent with the uses of the underlying zone, the Residential R-6. The applicant's narrative states that the proposed use qualifies as a "community hall," as a building or portion of a building built for institutional use and occupied for "social, recreational, artistic, civic, or educational community functions" (*Section 14-47*). The language of the conditional zoning agreement refers to the use of the property as such. While the R-6 zone is essentially residential in nature, the applicant notes that "the zoning ordinance recognizes that a broad range of complementary non-residential uses should be allowed [in the R-6 zone], such as cemeteries, parks, and municipal uses (permitted uses), and schools, intermediate and long-term care facilities, hospitals, colleges and trade schools, professional offices, and places of religious assembly (conditional uses)" (*Attachment D*). Places of assembly, and specifically community halls as a defined type of place of assembly, are listed as conditional uses in the R-6 zone under *Section 14-137*. Further, the narrative states, "there are numerous other churches, places of assembly, and community halls on the peninsula in the R-6 zones."

It should be noted that the applicant argues in their narrative that the addition meets the conditional use standards for a community hall under *Section 14-137(b)*, contending that portions of the structure were in existence and operating as a community hall as of January 4, 2010, the original structure was built for institutional purposes, the structure is operated by a non-profit entity, and that the TDM plan supplied here could apply. It should be noted that the existing conditional zoning agreement language essentially renders the question of the conditional use standards moot, given its explicit reference to the use of the property as a community hall "notwithstanding" these conditions.

The Planning Board reviewed the applicant's submittal and staff's assessment and found the amended conditional zoning agreement to establish an area that is consistent with the underlying uses of the R-6 zone.

C. Necessity of Conditional Zoning Agreement

The applicant has essentially argued in their narrative that unique conditions exist which make the conditional zoning agreement as amended necessary. Most explicitly, they link the conditional zoning agreement directly to the long-term viability of the historic landmark structure on site, stating that the agreement is needed to allow modifications in the R-6 dimensional standards in order to permit an expansion of the scale required to provide long-term financial sustainability for the St. Lawrence Arts Center, including the funding to maintain the historic Parish Hall. The narrative states, "to be a responsible steward, SLA needs to find a way to obtain funds to properly maintain this distinctive 19th century stone structure [the Parish Hall]...The Parish Hall Theater does not have the capacity to generate significantly more revenue by itself; the potential of the currently vacant part of the site needs to be harnessed...The stream of revenue from the new performance hall will enable SLA to cover operating expenses and to generate the additional funds which are necessary to maintain the landmark Parish Hall" (*Attachment D*).

The board ultimately concurred with this assessment, noting the St. Lawrence's unique location on the historic site of a former church and the opportunity to nurture the adaptive reuse of the existing Parish Hall building. Further, the board noted the distinctive community and neighborhood benefits of the development project proposed, citing positive economic development, arts and cultural, and transportation impacts for both Munjoy Hill and beyond.

D. Consistency with the Comprehensive Plan

Finally, the applicant has made the case that the conditional zoning agreement is consistent with the city's comprehensive plan. In their narrative, the applicant writes, "the link between the Comprehensive Plan goals and policies to be advanced by this proposal are squarely on target and beyond question in the areas of arts and culture, neighborhood and sustainable development, and historic preservation" (*Attachment D*). The narrative cites numerous goals from the city's comprehensive plan related to these domains, relying heavily on the city's *Celebrating Community: A Cultural Plan for Portland, Maine* (1998), *Downtown Vision* (1991), *Plan for Portland's Arts District* (1995), and *Housing: Sustaining Portland's Future* (2002), as well as the Historic Preservation ordinance.

These goals include explicit references to creating "a citywide approach where both neighborhoods and the Arts District are venues for heritage, performing, visual, and public art projects;" promoting and enhancing "the cultural community by retaining and encouraging arts and cultural organizations;" and supporting "the cultural community by retaining and expanding performance and exhibition space, housing, studio space, and office/support space for artists, institutions, and organizations" (40). The applicant also cites the 2006 Creative Economy Summit, through which an explicit priority was placed on developing "publicly supported and/or affordable public space for artists," with an action item related to "[f]inishing St. Lawrence Arts."

It should be noted that the city's comprehensive plan also includes transportation policies to encourage alternative travel modes and "provide a convenient, integrated, intermodal transportation system" (30). Likewise, the plan includes goals relating to "maintain[ing] and enhanc[ing] the livability of Portland's neighborhoods as the city grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity" (45).

The Planning Board reviewed the applicant's comprehensive plan analysis and found the amended conditional zoning agreement consistent with the comprehensive plan.

IX. PUBLIC COMMENT

The Planning Board received a number of written comments over the course of the conditional zoning agreement review, including a petition from the Concerned Citizens of Munjoy Hill expressing opposition to the amendments (*Public Comment 1-51*). In general, the concerns regarding the proposed amendments and the development represented therein include:

- *Scale and Massing*: Members of the public raised concerns regarding the dimensional standards represented in the contract zone language, questioning the height and massing of the building in particular. Residents stated that they consider the building out of scale with its surroundings and expressed concerns about shadow impacts. Some residents also stated that they find the architecture of the addition inconsistent with both the existing Parish Hall and the neighborhood.
- *Capacity*: Members of the public also raised concerns regarding the content of the conditional zoning agreement as it relates to capacity figures. Neighbors questioned the clarity of the agreement language with respect to the occupancy limit, and further questioned the ability of the city to enforce such a limit. Related to this concern, some residents also expressed a desire to “scale down” the proposed development to simply reflect a venue of smaller size.
- *Parking Supply*: The Planning Board also fielded numerous concerns regarding the adequacy of the on-street parking supply. At a fundamental level, some residents raised questions about the parking study methodology, calling into question the validity of the parking counts. Neighbors repeatedly stated that insufficient on-street parking supply currently exists and questioned the capacity of the on-street network to absorb more vehicles, particularly during winter conditions. Related to these concerns, neighbors expressed fears regarding traffic safety and congestion resulting from visitors searching for on-street parking. Residents also questioned the frequency of performances required to sustain the SLAC’s program as a means of understanding the potential neighborhood traffic impacts. It should be noted that other residents suggested possible solutions to the parking supply concern, such as building a garage on Munjoy Hill or instituting a residential parking permit program.
- *TDM Plan*: Lastly, there were a variety of comments on the TDM plan itself, arguing that it is unlikely to be effective. At a fundamental level, neighbors voiced doubts that the proposed strategies will ultimately promote significant changes in travel behavior. Residents questioned the efficacy of the METRO in serving St. Lawrence patrons, even at improved headways. Neighbors also noted the complexity of the plan and expressed concerns regarding its efficacy should any one component not come to fruition. Concerns about its monitoring arrangement were expressed as well.

It should also be noted that there was significant support expressed through public comment over the course of the review. Residents stated that they do not perceive parking as a major concern, that the TDM plan will promote alternative modes that benefit the entire neighborhood and city, and that a facility of the proposed size and scale is a welcome presence on Munjoy Hill and needed by the city arts community more broadly.

X. BOARD DELIBERATION AND RECOMMENDATION

The Planning Board considered the proposed amendments to the existing conditional zoning agreement at two workshops and one hearing held over the course of a 10-month period. The review included substantial discussion on the scale and design of the proposed building addition, as depicted in the plans to be attached to the agreement. The review also included considerable analysis on the TDM plan. Ultimately, the Planning Board found that the agreement, as amended, met state and city standards for conditional zoning agreements and voted 6-0 (Dean absent) as follows:

On the basis of the application, plans, reports and other information submitted by the applicant; the policies and requirements of the R-6 zone and the Comprehensive Plan; public comment, staff comments and recommendations contained in this report; and the testimony presented at the Planning Board Hearing, the Planning Board finds:

- A. *That the proposed amendments to the conditional zoning agreement to permit a community hall at 76 Congress Street are consistent with the Comprehensive Plan of the City of Portland;*

- B. That the proposed amendments to the conditional zoning agreement are consistent with existing and permitted uses in the surrounding area;*
- C. That the proposed amendments to the conditional zoning agreement for 76 Congress Street are in compliance with the standards set out in 14-60 and 14-62; and*
- D. That the Planning Board therefore recommends the amendments to the conditional zoning agreement for 76 Congress Street to the City Council for its approval.*

XI. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

- 1. Amended Conditional Zoning Agreement
- 2. Urban designer review (memo from Caitlin Cameron, 10/2/14)
- 3. TDM peer review (memo from Nelson-Nygaard, 10/17/14)
- 4. Corporation Counsel memo (10/21/14)

APPLICANT'S SUBMITTALS

- A. Conditional Zoning Agreement application
- B. Evidence of Right, Title, and Interest,
- C. Locator map
- D. Executive narrative
- E. Adopted Conditional Zoning Agreement
- F. Public Meeting minutes (2/12/14)
- G. Parking Management Plan and cover letter
- H. METRO letter (from Greg Jordan, 9/17/14)
- I. Promenade room uses (memo from Deirdre Nice, 9/2/14)
- J. Case studies (memo from Sarah Cushman, 10/22/14)

PUBLIC COMMENT

- PC-1. Email from Lynne Panico, 2/19/14
- PC-2. Email from Enoch Wenstrom, 2/26/14
- PC-3. Email from Ross Fields, 2/26/14
- PC-4. Handout from Concerned Citizens of Munjoy Hill
- PC-5. Email from Kevin Donoghue, 2/28/14
- PC-6. Planning Division public meeting notes, 2/27/14
- PC-7. Email from Caitlin Shetterly, 2/27/14
- PC-8. Email from Wendy Cody, 2/27/14
- PC-9. Email from Karyn Jenkins, 2/27/14
- PC-10. Email from Annette Elowitch, 2/27/14
- PC-11. Email from Charles Brown, 2/27/14
- PC-12. Email from Chris White, 2/27/14
- PC-13. Email from Larry Hayden, 2/27/14
- PC-14. Email from Katie Wallace, 2/27/14
- PC-15. Email from David Iovino, 2/27/14
- PC-16. Email from Allison Murray, 2/27/14
- PC-17. Email from Lisa Morris, 2/28/14
- PC-18. Email from Stephen Gaal, 3/17/14
- PC-19. Petition to the Portland Planning Board and City Council (from Concerned Citizens of Munjoy Hill)
- PC-20. Email from Enoch Wenstrom, 9/16/14
- PC-21. Email from Tim Baehr, 9/17/14

PC-22. Email from Ross Fields, 9/18/14
PC-23. Email from Steven Gaal, 9/18/14
PC-24. Email from Ann Landsberg, 9/18/14
PC-25. Email from Ralph Carmona, 9/18/14
PC-26. Letter from Leslie Gibbons, Portland Ballet, June 16, 2014
PC-27. Letter from Aimee M. Petrin, Portland Ovarions, July 23, 2014
PC-28. Letter from Lauren Wayne, State Theater, August 6, 2014
PC-29. Letter from Cathleen Murray, 9/22/14
PC-30. Letter from Tyler Kidder, 9/22/14
PC-31. Letter from Peter Munro, 9/22/14
PC-32. Letter from Jaime Parker, 9/22/14
PC-33. Letter from Christian Milneil, 9/22/14
PC-34. Letter from John Pelletier, 9/22/14
PC-35. Letter from Elaine Mullin, 9/22/14
PC-36. Letter from Markos Miller, 9/23/14
PC-37. Letter from Lisa Morris, 9/23/14
PC-38. Letter from Kathryn Masters, 9/23/14
PC-39. Letter from Ross Fields, 9/24/14
PC-40. Letter from Sam Snellings, 10/2/14
PC-41. Letter from Frances Buerkens, 10/20/14
PC-42. Letter from Joshua Broder, 10/18/14
PC-43. Letter from Chris White, 10/26/14
PC-44. Letter from Kate Murray, 10/26/14
PC-45. Letter from Ross Fields, 10/27/14
PC-46. Letter from Robert Clarke, 10/28/14
PC-47. Letter from Annette Elowitch, 10/28/14
PC-48. Letter from John Rogers, 10/28/14
PC-49. Letter from Ross Fields, 10/28/14
PC-50. Letter from Ross Fields, 10/28/14
PC-51. Letter from Ross Fields, 10/30/14

PLANS

Plan 1 Site Plan
Plan 2 Basement Plan
Plan 3 First Floor Plan
Plan 4 Upper Theater Level
Plan 5 Upper Theater Level Continued
Plan 6 Promenade Floor Plan
Plan 7 North Elevation
Plan 8 West Elevation
Plan 9 South Elevation
Plan 10 East Elevation
Plan 11 Building Section
Plan 12 Northeast Rendering
Plan 13 Looking East up Congress Street
Plan 14 Looking West up Congress Street
Plan 15 Munjoy Street View
Plan 16 Beckett Street View
Plan 17 Massing Diagram – Former Approved Scheme
Plan 18 Overlay Diagram – Proposed v. Former Scheme
Plan 19 Street View
Plan 20 Night Rendering

AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: FIRST AMENDMENT TO THE CONDITIONAL REZONING FOR
PROPERTY
IN VICINITY OF ST. LAWRENCE ARTS ~~CENTER~~/CONGRESS STREET

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, which was amended by a Conditional Zone Agreement dated November 4, 2010 and recorded in the Cumberland County Registry of Deeds in Book 28250, Page 201, is hereby further amended to reflect an amended conditional rezoning as detailed below:

AMENDED CONDITIONAL ZONE AGREEMENT
RE:
ST. LAWRENCE CHURCH

AGREEMENT made this ____ day of _____, 20140 by Friends of the St. Lawrence Church, 76 Congress Street, Portland, Maine ("Developer"), and its successors and assigns.

W I T N E S S E T H

WHEREAS, the Developer owns land located at 76 Congress Street, and more particularly described in a deed from Deirdre E. Nice dated September 12, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13333, Page 9 (the "Property"); and

WHEREAS, the existing building and a previously dismantled portion of the building -located on the Property ~~were~~ formerly used as the St. Lawrence Congregational Church until 1986; and

WHEREAS, in 1996, the St. Lawrence Arts Center was founded; and

WHEREAS, in 2001, the building located on the Property had two principal portions, the sanctuary and the parish hall; and

WHEREAS, in 2001, the parish hall portion of the building was renovated to house a one hundred and ten (110) seat theater, green room, art studio workshops and staff offices; and

WHEREAS, in 2008, the sanctuary portion of the building was dismantled due to structural failure; and

WHEREAS, a conditional rezoning was approved in 2010 which was based upon a reconstruction of the dismantled sanctuary, but that reconstruction proved to be economically infeasible, so the Developer is seeking an amendment to the 2010 conditional rezoning which retains the same programmatic functions as proposed and approved in 2010 but contains them in a new rather than a reconstructed structure; and

WHEREAS, the Developer, as in 2010, proposes and intends to renovate the parish hall theater in order to increase its seating capacity to one hundred and twenty (120) seats substantially in accordance with the plans submitted as Exhibit A attached hereto; and

WHEREAS, the Developer proposes and intends to ~~reconstruct~~ a performance arts hall on the site of the former sanctuary to provide a full basement for "back of house" green rooms, ADA toilets and storage; a lobby that serves both the auditorium and theater space, a top floor "promenade room"/additional lobby, and a new four hundred and one (4010) seat auditorium substantially in accordance with the plans submitted as Exhibit A attached hereto; and

WHEREAS, the Developer proposes and intends to develop the building on the Property as an energy efficient ~~and LEED-certified~~ facility; and

WHEREAS, the Developer intends to maintain the character of the original parish house, and construct a new structure which will respect the character-defining features of the historic ~~and~~ Property and complement the adjacent residential neighborhood; and

WHEREAS, the ~~existing underlying~~ zoning is R-6 which has dimensional requirements that the existing structure on the site does not meet; and

WHEREAS, the Developer has requested an amended rezoning of the Property in order to permit the proposed development of the Property; and

WHEREAS, the proposed community hall use of the Property is consistent with the Comprehensive Plan and existing and permitted uses in the underlying zone and neighborhood, which include a mix of residential, commercial and institutional uses including churches places of assembly, schools, the Portland Observatory Museum and the Portland Company Marine Complex; and

WHEREAS, the City's Comprehensive Plan calls for strengthening neighborhood identity through cultural programming and creating connections between neighborhoods and the Arts District; and

WHEREAS, the City's Comprehensive Plan calls for the preservation ~~of the Downtown's~~Portland's unique identity and historic fabric through the re-use of existing structures and the development of new construction that is respectful of the built and natural surroundings; and

WHEREAS, the City's Comprehensive Plan promotes the enhancement of Portland's cultural community and creative economy through retaining and encouraging arts and cultural organizations and retaining and expanding performance and exhibition space, studio space and office/support space for artists, institutions and organizations; and

WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

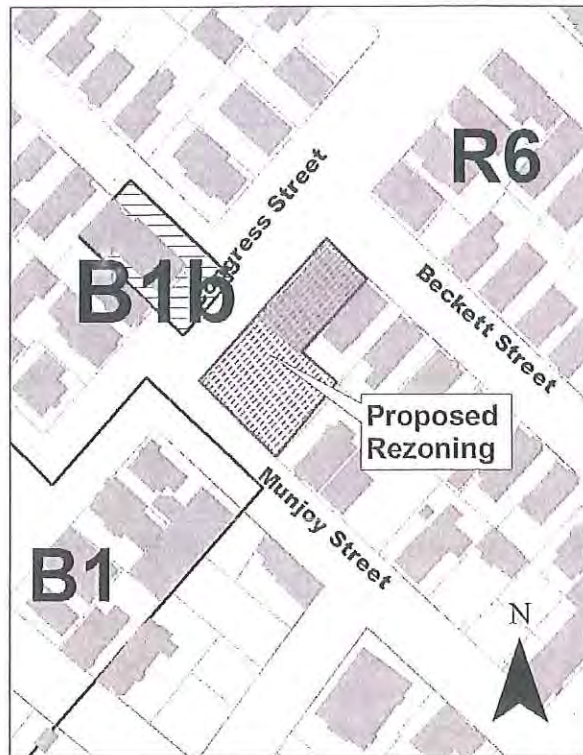
WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the amended rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this Agreement; and

WHEREAS, the Portland City Council has on _____, 20140 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the property conditional R-6, subject to the conditions contained below.

Image 1: Proposed Rezoning



Prepared by Department of Planning and Development based on GIS Workgroup Data

If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the first amendment to the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-6 zone or the equivalent zone in effect at the time of reversion.

2. Notwithstanding section 14-137(b)(6)(e)(i), the use of the Property shall be considered and be operated as a place of assembly/community hall.

3. The underlying dimensional requirements of the R-6 zone shall apply and are modified as follows:

- a. Minimum lot Size: 10,500 square feet.
- b. Minimum Yard Dimensions:
 1. Front yard: 0 feet.
 2. Rear Yard: 0 feet.
 3. Side Yard on Side Streets: 0 feet.
- c. Maximum Lot Coverage: ~~90~~5%.
- d. Maximum Tower Height: ~~90-feet~~ NA.

e. Maximum Sanctuary Structure Height: ~~5465~~ feet.

f. Open Space Ratio: 0%.

g. Minimum Lot Width: 50 feet

h. The following plans and documents are attached hereto and incorporated into this agreement by reference. The Property will be developed substantially in accordance with these plans and documents, provided, however, that the development of the Property shall be subject to site plan review by the Planning Board and to review by the Historic Preservation Board. Any site plan or historic preservation review applications shall fully comply with the application requirements in the City's Land Use Code. The Planning Board and Historic Preservation Board may require modifications to these documents during their review: ~~subject to such subsequent modifications as may be required by the Planning Board during site plan review and by the Historic Preservation Board during its review and approval:~~ Site Plan A0.01 dated October 15, 2014, Floor Plans A1.00 through A1.04 dated January 16, 2014, and Elevations A2.00 through A2.03, dated September 10, 2014, St. Lawrence Arts Addition for Friends of the St. Lawrence Church by Archetype Architects..

4. The proposed theater in the parish hall shall have no more than one hundred and twenty (120) seats, and the proposed auditorium ~~on~~ in the ~~former~~ sanctuary site shall have no more than four hundred and ~~fiveone~~ (401~~5~~) seats. The Developer and its successors and assigns shall not be permitted to hold separate audience events in the parish hall and the sanctuary auditorium at the same time. The Developer shall be permitted to hold a separate event in the Promenade Room when another concurrent event is being held in the parish hall or the sanctuary auditorium. This does not preclude the Developer from using the parish hall, the Promenade Room and/or the sanctuary auditorium for one (1) single event with the total number of attendees of said event not to exceed four hundred and eighty five (485) people. Under no circumstances may more than 485 attendees of any single event or combination of events be present on the Pproperty at the same time.

5. The owner of the Property shall be responsible for ongoing maintenance of the Property, including snowplowing, salting, sanding, sweeping, lighting, trash removal (at least weekly), mowing, etc.

6. Prior to the issuance of a Certificate of Occupancy, the Developer shall install, according to City specifications, new brick sidewalk ~~a~~ along the Munjoy Street, Beckett Street and Congress Street property frontages and shall reset, as necessary, the existing pink granite curbing. If, at the time of site plan review, the Public Services Department determines that the curbing is in poor condition, the applicant shall replace it, as necessary.

7. Prior to the issuance of a Certificate of Occupancy, the Developer shall provide two (2) trees along each of the Munjoy Street, Beckett Street and Congress Street property frontages. If healthy street trees are already in place along any of these frontages, they may be counted towards this requirement. The size and type of trees to be planted shall be approved by the Portland City Arborist or their designee. If, due to site constraints, the Developer is unable to provide the two (2) required trees per street frontage, they shall contribute \$200.00 per tree or, if the required contribution is greater at the time of the application, that amount, to the City of Portland's Tree Fund. This contribution, if necessary, is independent of any conditions which the Planning Board may lawfully require under site plan review. The Planning Board shall not be authorized, however, to waive this requirement.

8. Prior to the issuance of a Certificate of Occupancy, the Developer shall, at its own expense, install a minimum of two (2) municipal street lights along the Congress Street frontage of the property that meet the specifications and color designated for the Downtown Lighting District, as detailed in the Municipal Street Lighting Standards of the City of Portland Technical Manual, or of a type as may be specified by the City Lighting Plan at the time of the application or by the Planning Division.

~~9. Prior to the issuance of a Certificate of Occupancy, the Developer shall construct any remaining sidewalk connections and sidewalk ramps meeting City technical standards at the intersection of Congress Street and Eastern Promenade on both sides of the street and at the intersection of Moody Street and Eastern Promenade on both sides of the street, unless these improvements are already in place at the time of the application. This may include walkway connections to the Cutter Street parking lots as described in the Eastern Promenade Master Plan (2004).~~

9. Prior to the issuance of a Certificate of Occupancy, the developer shall install any remaining crosswalks, ADA-compliant sidewalk ramps, and other pedestrian improvements meeting City technical standards at the intersections of Congress Street and Beckett Street or Howard Street and Congress Street and Munjoy Street, unless these improvements are already in place at the time of application.

10 The Developer shall submit a transportation demand management ("TDM") plan during site plan and conditional use review for review and approval by the Planning Board in a form substantially in accordance with Exhibit B attached hereto as a starting point subject to Planning Board and applicant modification during Site Plan Review (the terms of the attached TDM are incorporated by reference herein). The requirement of TDM plan shall supersede any and all parking requirements under the Land Use Code for the Property. During the site plan review process, the Planning Board shall provide a communication to the City Council that may include recommendations, if the Board deems it necessary, for additional on-street parking regulations in the vicinity of the project site. These may include but shall not be limited to two (2) hour parking limits and/or a residential parking program.

The TDM plan shall include provisions for the contribution of \$70,000 annually to the city's Sustainable Transportation Fund, with the initial contribution due at the time of

Certificate of Occupancy. This funding shall be designated at the city's sole discretion consistent with the provisions of Section 14-346.2 for improvements intended to enhance transportation choice, promote transit, and/or promote non-automotive transportation to and from Munjoy Hill, and shall initially be used for improvements to Greater Portland Transit District's #1 Line, which serves Congress Street and Munjoy Hill. If, following monitoring of the TDM plan, the Planning Board or Planning Authority deem other transportation demand management strategies to be more effective in meeting the benchmarks of the TDM plan, the Planning Board or Planning Authority may recommend redesignation of those funds toward such strategies.

The TDM plan shall include monitoring provisions to periodically review the efficacy of the plan over time. The efficacy of the TDM plan shall be reviewed by the TDM plan administrator within three (3) months from the issuance of the certificate of occupancy. The results shall be promptly provided to the City for evaluation upon completion of the review. From that time forward, the TDM plan administrator shall review the TDM plan and report results to the City for evaluation ~~on, at a minimum, an annual basis or in~~ accordance with the TDM monitoring schedule outlined in the TDM plan. Changes to the TDM plan as a product of monitoring shall be reviewed and approved by the Planning Authority.

If at the time of review (and/or at any time thereafter) the City and/or the Developer has received ~~any five (5) or more~~ complaints within a one (1) year period about traffic/parking generated by the use of the facility, the Developer shall report that information to will be required to institute a review process, working in concert with the Planning Authority as part of the annual review process, in accordance with ~~sub-paragraph F of~~ the attached TDM plan.

11. The Developer shall be responsible for ensuring that tour buses, vans and trucks affiliated with performances and events at the Property unload and then relocate to a remote, off street parking location away from the venue for the duration of the event.

12. The provisions of this Agreement are intended to replace and/or supersede the requirements of the underlying R-6 zone and the requirements of the 2010 conditional rezoning. As stated above, to the extent not otherwise altered herein, the zoning requirements for the R-6 zone shall otherwise apply to the Property.

13. In the event of a breach by the Developer or its successors or assigns of the zoning provisions and conditions contained herein (whether the Zoning Administrator, ~~the Planning Authority,~~ the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Amended Agreement and a reversion of the Property to the underlying R-6 zone requirements ~~in place before the execution of this Agreement or its equivalent~~ in effect at the time of the reversion.

14. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any

entity affiliated with the Developer that takes title to the Property, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

15. This amended conditional rezoning shall become null and void and the Property shall revert to the pre-existing R-6 zone or its equivalent in effect at the time of the reversion in the event that the Developer fails to commence construction within ten (10) years from the date of the Council approval of this amended rezoning agreement. This ten (10) year period shall be extended up to an additional one (1) year period if:

- a. The Developer has applied for all required approvals but has not received all required approvals within the aforementioned ten (10) year period; or
- b. Any other event beyond the control of the Developer has occurred which will delay the closing on some or all of the parcels and Developer has notified the City of such event.

If any required approval, including the Council's approval of this amended conditional rezoning, has been appealed, then this rezoning shall become null and void and shall revert to the underlying R-6 zoning or its equivalent in effect at the time of the reversion if the Developer fails to commence construction within one (1) year from the final disposition of such appeal or the above mentioned ten (10) year period, whichever occurs last.

16. This amended conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

17. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

18. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code and any applicable amendments thereto or replacement thereof.

WITNESS: _____

FRIENDS OF THE ST. LAWRENCE CHURCH

STATE OF MAINE
CUMBERLAND, ss.
2019⁴

BY: _____

Personally appeared before me the above-named _____, in
his/her capacity as _____ of FRIENDS OF THE ST. LAWRENCE
CHURCH, and acknowledged the foregoing instrument to be his/her free act and deed in
his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law

NOTE:

For Exhibit A, see *Plans 1 - 10*

For Exhibit B, see *Attachment G*

From: Caitlin Cameron
To: Donaldson, Helen
CC: Andrews, Deb; Barhydt, Barbara; Jaegerman, Alex
Date: 10/22/2014 6:22 PM
Subject: St. Lawrence - Design Review 10.20.14

Design Review comments 10.20.14

The previous design comments (below) still hold true and are relevant except for in the case of the recent proposed changes to the metal screen facades and tower element of the building.

The suggestion to express the material qualities of the mesh cladding with folding was intended to be a possible tool for accentuating the tower element at the corner and to increase the visual interest and significance of the building on the corner approaches. While we appreciate the design team's efforts in responding to the previous design review comments by experimenting with bending and folding of the metal facades, we felt that it was not successful in achieving the desired effects. The folds tend to make the building appear more bulky, accentuates the mass, and moves away from the sleek sophistication achieved with the previous version of the design. The addition of a horizontal band also accentuates the width of the building and does not add any significant benefit to the facade composition.

We suggest that the design return to the proposal previously submitted with one suggested change - that the corner-most piece of metal screen on the tower be increased in height to accentuate the corner of the building. We feel that the building and especially the corner tower should act, in effect, like a sign for the center, especially on the Congress Street approach from the west.

Previous Design Review comments:

Overall Design: The latest design is successful in breaking up the mass and height needed to accommodate the program in its use of materials and varying forms. The project mitigates its size and mass through the use of two-story stone forms that relate well to the scale of the residential architecture surrounding, especially on the Munjoy Street side of the building. The upper Promenade Room is made recessive through the use of storefront glazing and a setback. The facade is softened by the landscaping and trellis component which has a finer grain and provides shadow lines, articulation, and a human scale. There is a balance of solid and transparency, a mix of materials and textures that add visual interest and make reference to the building's context while at the same time, creating its own modern identity. The project is respectful of its relationship to the Observatory, which should remain the focal point of Munjoy Hill - this project is several blocks away, downhill, and shorter in height, all of which reduce its prominence compared with the Observatory along Congress Street and on the city's skyline.

Materiality: The use of stone is appropriate for grounding the project but also in its references to the historic St. Lawrence building adjacent. The stone provides a monumentality and is appropriate for a cultural building. The placement of the stone is thoughtful and reflects the scale of the neighborhood and neighboring building without becoming heavy or overpowering. The metal mesh material is unique to Portland and would make the project stand out as a modern and significant cultural destination on the peninsula. Ideally, the mesh material will have qualities of lightness and translucency that will alleviate the solid massing of the building. The mesh provides the potential use of lighting to create visual interest and a sense of liveliness and activity on the street at night. The mesh also affords some flexibility of expression when it comes to pattern and folding which, in the absence of fenestration, can provide visual interest and articulation to the building. The storefront glazing on the tallest form reduces its impact and makes for a pleasant, airy penthouse space. The green walls on the Munjoy Street facade have the potential add a balance rectilinear building and soften the hard edges of the stone and metal materials. These patches of green wall further break up the facade on the residential street and are a good solution for those parts of the facade that cannot accommodate fenestration.

Tower Element: As a corner building with a cultural program, the tower element should have dominance to signify the building on the approach and mark the entrance corner. Upon review, we felt the tower element could be emphasized more through the use of several strategies. First, the height of the tower in proportion to the rest of the building was little too low and we recommend that it increase slightly in height - possibly only the corner piece of the metal would be taller. The Promenade Room at 54' is and should remain the tallest mass of the building and the tower does not need to rise as tall as that - we are suggesting a small, incremental height increase. Secondly, emphasis on the tower could be created with folding mesh which will create a play of light and shadow similar to the roof lines of the existing St. Lawrence building and will also reflect the material qualities of the mesh facade. Third, the use of lights behind the mesh on the tower could emphasize the corner at night. The reviewers all liked the placement of the signage within the tower. Finally, the stone base of the tower should be differentiated more from the mesh portion of the tower - some options discussed included a rusticated belt course or by the stepping back of the mesh portion from the stone base.

Caitlin Cameron, LEED AP, Associate AIA
 Urban Designer | Planning & Urban Development Department
 City of Portland, Maine
 389 Congress Street, 4th Floor Portland, ME 04101
 (207) 874-8901 | ccameron@portlandmaine.gov

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MEMORANDUM

To: Nell Donaldson, City of Portland, ME

From: Nelson\Nygaard

Date: October 17, 2014

Subject: Saint Lawrence TDM- Nelson\Nygaard Comments on Parking Management Plan (October 1, 2014) Response

A summary of Nelson\Nygaard's comments on GP's PTDM recommendations for Saint Lawrence follows.

GP's Recommended PTDM Plan

TDM Coordinator

- Executive Director as TDM Coordinator

Recommendation: SLA's commitment to the TDM program is excellent and carrying it forward at the executive director's level indicates a serious commitment to the program. Acknowledging that roles and responsibilities change over time in any position, Nelson\Nygaard recommends that the Executive Director's TDM responsibilities be enumerated in sufficient detail for the City and especially for any other staff or future Directors to continue the coordination role, including in the job description for the Director's position.

Transit

- Transit investment on the Metro 1 Bus-

Recommendation: Nelson\Nygaard considers SLA's investment in the Greater Portland Metro as a laudable and significant strategy to offset the demand of both Saint Lawrence employees and customers while providing enhanced service for those currently using transit. SLA's marketing and implementation plan is a first step toward accommodating potential driving and parking demand proposed for the new theater. SLA's plan should continue to stress creating and achieving a goal for shifting modes and task the proponent with closely monitoring existing trends to attain a reasonable mode shift goal over time.

Nelson\Nygaard would recommend that GP and the proponent further enhance and encourage transit usage by coupling improvements to the pedestrian environment through coordination with City officials to strategically improve walking routes between downtown and the theater – especially for nighttime walks. For example, arts-based programs of wayfinding signs, bus shelters, crosswalk highlighting, supplemental pedestrian-scale lighting, and pedicabs have been developed at virtually no cost in other cities in cooperation with local artists.

Valet

- Curbside regulations

Recommendation: As originally recommended in Nelson\Nygaard's original response, GP should recommend regulating existing curbside space in front of the Saint Lawrence site as a time limited pick up and drop off zone, as well as valet location.

Walking and Biking Improvements

- GP does not suggest any improvements directly surrounding the site other than additional bike parking

Recommendation: In the most recent plan, GP recommends 20 bicycle outdoor parking spaces for a 485-seat. The plan should also consider adding secure, indoor bicycle parking for both customers and visitors, but also employees. The cost to install dozens of attractive bicycle racks (ideally done as an arts project) is nominal compared to the likely site development costs. Such an investment would truly be in keeping with the FSLC's commitment to Portland Trails, the City's committee, and the Bicycle Coalition of Maine. For comparison, Cambridge MA's current bicycle ordinance requires one secure bicycle parking space for every 1,000 sq. ft. of theater space, plus an indoor bike parking space for every 12,000 sq. ft.

To promote walking, GP and SLA should identify potential walking routes from downtown that are the shortest distance, however are visible, safe, and well-lit for customer and employees. These routes should also be advertised on the website and travel information for patrons.

Marketing

- Marketing plan for SLA.

Recommendation: This is a great program outlined for SLA. Nelson\Nygaard only recommends that SLA and GP involve the City, Metro, and other transportation stakeholders in final design of website and kiosk content with the ability to revisit information and refresh materials as needed in future years.

Monitoring Plan

- Surveys and Parking Counts

Recommendations: The occupancy counts should be supplemented by patron surveys on the same peak event day, with both online and intercept components, to develop a mode share and corroborate the parking counts. Both employee and attendees surveys should include a question asking where they parked and if they took advantage of remote parking and Metro transit.

MEMORANDUM

TO: Helen Donaldson

FROM: Jennifer L. Thompson
Associate Corporation Counsel

DATE: October 21, 2014

RE: Monetary exactions in Land Use Permitting

Nell – I understand that some questions have arisen in relation to the St. Lawrence Art Center's ("SLAC") pending application for an amendment to an existing Conditional Rezoning Agreement and the extent to which monetary contributions contemplated in that proposed amendment are permissible under applicable law. Specifically, the proposed amendment contemplates an annual contribution of \$70,000 by SLAC to the City's Sustainable Transportation Fund. The proposed language reads, in pertinent part:

The TDM plan shall include provisions for the contribution of \$70,000 annually to the city's Sustainable Transportation Fund, with the initial contribution due at the time of Certificate of Occupancy. This funding shall be designated at the city's sole discretion consistent with the provisions of Section 14-346.2 for improvements intended to enhance transportation choice, promote transit, and/or promote non-automotive transportation to and from Munjoy Hill, and shall initially be used for improvements to Greater Portland Transit District's #1 Line, which serves Congress Street and Munjoy Hill. If, following annual monitoring of the TDM plan, the Planning Board or Planning Authority deem other transportation demand management strategies to be more effective in meeting the benchmarks of the TDM plan, the Planning Board or Planning Authority may recommend redesignation of those funds toward such strategies.

(Proposed Amended CZA at ¶ 10).

My understanding is that there is some question about the City's authority to condition the amended CZA on this annual contribution as well as the extent to which a monetary exaction such as this may or may not constitute an unconstitutional taking of property. This memo will briefly address those questions.

First, with respect to the City's authority: Conditional Zoning agreements are authorized by both State statute (30-A M.R.S. § 4352(8)) and the Portland City Code (Chapter 14, Sections 14-60 through 14-65). Under Section 14-62(g), the City is authorized to condition CZAs on, among other things, "[c]ontributions toward the provision of municipal services required by the

development[.]” Therefore, under both State law and the City’s Code, monetary exactions aimed at mitigating a development’s impact on municipal infrastructure are permitted. See also 30-A M.R.S. 4354.

Second, and with respect to whether such monetary exactions, though contemplated by State statute and our Code, nevertheless constitute an unconstitutional taking: As you and the Board are likely aware, the United States Supreme Court recently (2013) issued its opinion in *Koontz v. St. Johns River Water Management District*, 133 S. Ct. 2586 (2013). In that case, the Court determined that the constitutional standard set forth in the so-called “*Nollan and Dolan*” cases¹ extends not just to real property exactions but also to monetary contributions. I will not attempt to summarize at length the Court’s holding in this memo. I hope, however, that it will suffice to say that: Under *Nollan*, *Dolan*, and now *Koontz*, municipalities such as the City of Portland are not prohibited from seeking money or real property in compensation for development so long as those exactions meet the nexus and rough proportionality requirements outlined in those cases.

Those requirements, briefly, are that: (1) an “essential nexus” exist between the existing development restriction and the exaction demanded by the government; and (2) that there be “rough proportionality” between the condition exacted and the social harm or impact of the proposed development. So, for example, if as a condition for a site plan approval, a municipal regulatory authority wants a landowner to grant an easement over its property, *Nollan* and *Dolan* require the municipality to be able to demonstrate a legitimate reason for the easement, (e.g., to allow emergency services to access the property or to extend utility service) and the easement has to be limited, roughly, to what the municipality needs in order to accomplish that interest (e.g. an easement over an entire parcel is not needed to permit access by fire trucks or to extend a sewer line).

Now, under *Koontz*, that same nexus and proportionality must exist for monetary exactions.

¹ *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and *Dolan v. City of Tigard*, 512 U.S. 374 (1994). These two cases generally stand for the proposition that land use permits may be conditioned on the relinquishment of real property only if the government can show a “nexus” and “rough proportionality” between the demand made and the “impact of the proposed development.” As explained by the Maine Municipal Association: “the government must always compensate a property owner for land the government takes. The government cannot avoid the constitutional requirement to compensate the landowner for taking property by imposing a condition on approval of a permit to develop real property if otherwise the government would have to pay for the land in order to acquire the land.” Michael L. Stultz, *Demanding Monetary Payments in the Land Use Permitting Process: Slow Down*, Maine Townsman, January 2014 at 23.

Upon review of the language in the proposed amendment of SLAC's CZA, I note that the annual contribution is expressly intended to "enhance transportation choice, promote transit, and/or promote non-automotive transportation to and from Munjoy Hill" where SLAC is located. My further understanding is that \$70,000 was the figure given by METRO representing the actual cost of increasing service to the Hill in order to accommodate attendees of SLAC functions. Therefore, it appears to me that the contribution likely satisfies the standards outlined in *Nollan, Dolan* and *Koontz*. Moreover, my understanding is that SLAC has voluntarily agreed to the annual contribution out of a desire to address the concerns of its neighbors. Given that the contribution is voluntary, was not demanded by the City, and the fact that the contribution is being made in connection with a contractual agreement to rezone the property, it appears to me that the likelihood of a constitutional problem here is quite low.

I hope this has been helpful. I will also plan to attend the Planning Board's public hearing and will be happy to address any additional questions the Board may have at that time.

Development Review Application
Planning Division Transmittal Form

Application Number: 2014-009

Application Date: 01/23/2014

CBL: 003 L001001

Application Type: Zoning Contract/Conditional Rezoning

Project Name: Conditional Re-zoning Amendment

Address: 66- CONGRESS ST

Project Description: Proposed first amendment to the Conditional Rezoning dated November 4 2010, to accommodate the substitution of a different structure.

Distribution List:

Planner	Nell Donaldson	Parking	John Peverada
Zoning	Marge Schmuckal	Design Review	Alex Jaegerman
Traffic Engineer	Tom Errico	Corporation Counsel	Danielle West-Chukhta
Civil Engineer	David Sensus	Sanitary Sewer	John Emerson
Fire Department	Chris Pirone	Inspections	Tammy Munson
City Arborist	Jeff Tarling	Historic Preservation	Deb Andrews
Engineering	David Margolis-Pineo	DRC Coordinator	Phil DiPierro
		Outside Agency	

PROJECT ADDRESS: 76 Congress Street, Portland, Maine

CHART/BLOCK/LOT: 3 - L - 1

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

Proposed first amendment to the Conditional Rezoning dated November 4, 2010,
to accommodate the substitution of a different structure.

CONTACT INFORMATION:	Applicant's Contact for electronic plans Name: Deirdre Nice e-mail Address deirdre.nice@stlawrencearts.org work # 207-347-7177
Applicant - must be owner, Lessee or Buyer Name: Friends of the St. Lawrence Church Business Name, if applicable: Address: 76 Congress Street City/State: Portland, ME Zip Code: 04101	Applicant Contact Information Work # 207-347-7177 Home# Cell # Fax# e-mail: deirdre.nice@stlawrencearts.org
Owner - (if different from Applicant) Name: Address: City/State: Zip Code:	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: Deirdre Nice, Executive Director Address: 76 Congress Street City/State: Portland, ME Zip Code: 04101	Agent/Representative Contact Information Work # 207-347-7177 Cell # e-mail: deirdre.nice@stlawrencearts.org
Billing Information Name: Friends of the St. Lawrence Church Address: 76 Congress Street City/State: Portland, ME Zip Code: 04101	Billing Information Work # 207-347-7177 Cell # Fax# e-mail: deirdre.nice@stlawrencearts.org
Engineer Name: Address: City/State: Zip Code:	Engineer Contact Information Work # Cell # Fax# e-mail:

Surveyor Name: Address: City/State : Zip Code:	Surveyor Contact Information Work # Cell # Fax# e-mail:
Architect Name: David Lloyd, Archetype Address: 48 Union Wharf City/State : Portland, ME Zip Code: 04101	Architect Contact Information Work # 207 772-6022 Cell # Fax# 207 772-4056 e-mail: lloyd@archetypepa.com
Attorney Name: Barbara Vestal Address: 107 Congress St. City/State : Portland, ME Zip Code: 04101	Attorney Contact Information Work # 207 772-7426 Cell # Fax# 207 761-5822 e-mail: vestal@chesterandvestal.com

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Owner. See attached deed.

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 portion of the site currently occupied by the former parish hall is used for the Parish Hall Theater. The portion formerly occupied by the church sanctuary is currently vacant.

Current Zoning Designation(s):

The site is currently the subject of a conditional rezoning, approved by the City Council November 4, 2010 and recorded in Cumberland County Registry Book 28250, Page 201.

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.

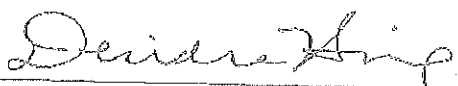
The proposed use of the property is an addition to the existing community hall located in the Parish Hall. The proposed new structure, to be built upon the vacant portion of the site, is to contain a 401 seat performance hall, a Promenade Room/additional lobby, and related facilities, as detailed in the executive narrative.

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.

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 ___ \$2,000.00 (to Section 14-___) (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 (example) and language to be added is depicted as underline (example))	___	
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: 1/22/2014
---	---------------------------

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.

BK13333PG009

056583

WARRANTY DEED

Know all Ye by these Presents,

That I, DEIRDRE E. NICE (Grantor) of 4 Glen Road, Falmouth, Maine 04105,
for consideration paid, do hereby grant unto the said FRIENDS OF THE ST.
LAWRENCE CHURCH (Grantee), of 76 Congress Street, Portland, Maine 04101, with
Warranty Covenants, the following real property situated at 66-76 Congress Street, City
of Portland, County of Cumberland, described as follows:

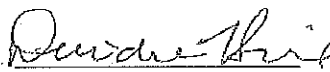
A certain lot or parcel of land with the buildings thereon, situated in said
Portland, and being more particularly described on Exhibit A attached
hereto and made a part hereof.

Meaning and intending to convey the same premises described in a
warranty deed from Stephen P. Sunenblich and Roger Conover to Grantor
and Grantee dated December 9, 1993, and recorded in the Cumberland
County Registry of Deeds in Book 11160, Page 21.

Witness my hand this 12 day of September, 1997.



Witness



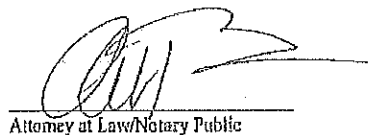
Deirdre E. Nice

STATE OF MAINE
CUMBERLAND, ss

September 12, 1997

Personally appeared the above Deirdre E. Nice, and acknowledged the foregoing
instrument to be her free act and deed.

Before me,


Attorney at Law/Notary Public

MAINE REAL ESTATE TAX PAID

00433336010

EXHIBIT A

Three certain lots or parcels of land and the church edifice and buildings on the same situated at the corners of Congress, Munjoy and Beckett Streets, in the said City of Portland and more particularly bounded and described as follows:

FIRST: Beginning at the corner formed by the intersection of the southerly side line of said Congress Street and the westerly side line of said Beckett Street; thence southeasterly by said Beckett Street forty-five (45) feet to a point; thence westerly on a line at right angles to said Beckett Street eighty (80) feet to Lot No. 1 in Block marked E, on a plan recorded in the Cumberland Registry of Deeds in Plan Book No. 4, Page 18; thence northerly by said Lot No. 1, forty-five (45) feet to said Congress Street; thence easterly by said Congress Street eighty (80) feet to the point begun at.

SECOND: Beginning at the northeasterly corner as formed by the intersection of the southeasterly line of said Congress Street and the northeasterly line of said Munjoy Street; thence southeasterly by said Munjoy Street a distance of forty three and 27/100 (43.27) feet to a point; thence northeasterly at right angles to said Munjoy Street a distance of eighty (80) feet to a point; thence northwesterly at right angles to the last described line a distance of forty five and 69/100 (45.69) feet to Congress Street; thence southwesterly by said Congress Street to the corner begun at. Said lot is further shown on a plan of the premises recorded in said Cumberland Registry of Deeds in Plan Book 4, Page 18, and is the lot number one (1) in Block E on said Plan. The two parcels above described are the same conveyed to the St. Lawrence Street Parish by Jacob H. Groves by his deed dated September 28, 1895, and recorded in the Cumberland Registry of Deeds, Book 630, Page 261.

THIRD: Beginning at a point on the easterly side of Munjoy Street which point is forty three and 27/100 (43.27) feet southerly from the corner made by the intersection of the southerly line of Congress Street with the easterly line of Munjoy Street; thence southerly on said Munjoy Street forty three (43) feet to a point, and from these two points and keeping the same width extending back at right angles to Munjoy Street eighty (80) feet. Being the same premises conveyed to the Saint Lawrence Street Parish by John Cousens by his deed dated August 24, 1896 and recorded in said Registry, Book 639, Page 438. To the several deeds aforesaid and the records thereof reference is hereby made for further description of the premises hereby conveyed.

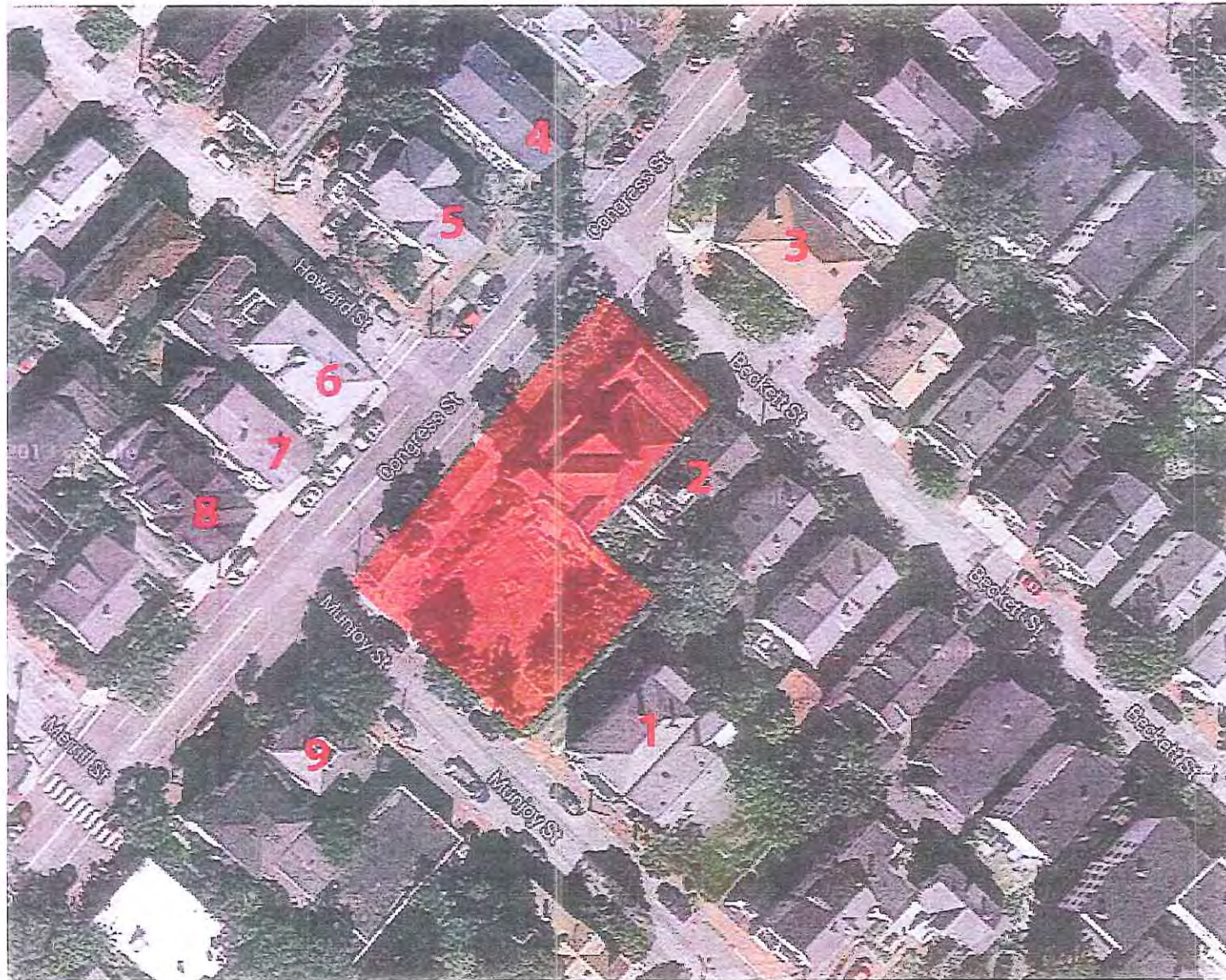
THIS CONVEYANCE IS MADE SUBJECT to an outstanding mortgage from the Grantor and Grantee herein to Fleet Bank of Maine, which mortgage the Grantee, as part of the consideration for this transaction, assumes and agrees to pay.

RECEIVED
RECORDED REGISTRY OF DEEDS

1997 SEP 19 PM 4: 16

CUMBERLAND COUNTY

John B. O'Brien



1 - Property Location - 97 Munjoy St
Owner Information - Mchugh Mary B & Theodore E Jts
Land Use Type - Two Family

2 - Property Location - 98 Beckett St
Owner Information - Rodrigue Paul M
Land Use Type - Three Family

3 - Property Location - 99 Beckett St
Owner Information - Mullin Elaine V
Land Use Type - Residential Condo

4 - Property Location - 65 Congress St
Owner Information - Plmj Llc
Land Use Type - Four Family

5 - Property Location - 67 Congress St
Owner Information - Hatt Yun Ok
Land Use Type - Four Family

6 - Property Location - 73 Congress St
Owner Information - Munjoy Hill Restorations Llc
Land Use Type - Mixed Res/comm

7 - Property Location - 75 Congress St
Owner Information - Corcoran Brendt
Land Use Type - Three Family

8 - Property Location - 77 Congress St
Owner Information - Baker, Susan
Land Use Type - Apartment/Garden

9 - Property Location - 84 Congress St
Owner Information - Breggia Augustine R Trustee
Land Use Type - Retail & Personal Service

Application for the First Amendment to the Conditional Rezoning for Property in Vicinity of St. Lawrence Arts/76 Congress Street, January 22, 2014.

EXECUTIVE NARRATIVE

Evolution of the Proposal

Friends of the St. Lawrence Church formed in February of 1996 to restore the church for renewed use as a performing arts center. Built in 1897, the St. Lawrence was listed on the National Register of Historic Places in 1979 and designated as a local landmark by the City of Portland in 1990. Despite such recognition, both halves of the building suffered decades of neglect.

An intense period of fundraising and volunteer labor coupled with a sound business plan resulted in the opening of the Parish Hall Theater in May of 2001. Since then, the 110-seat venue, St. Lawrence Arts (SLA), has provided a home to local theater companies, dance troupes, and artists, as well as national and international performers. Its state-of-the-art sight and sound capability make it the ideal setting for a multitude of performances.

In 2006, thanks to generous funding from Jane's Trust, the Friends of the St. Lawrence Church (FSLC) initiated an Adaptive Reuse study to develop conceptual plans and budgets for rehabilitation of the Sanctuary portion of the facility into a 400-seat performance hall. The original Sanctuary seated just over 500. Mills Whitaker Architects, LLC was retained to review existing conditions, prepare measured drawings, develop program requirements, review regulatory issues, prepare conceptual plans, and determine preliminary budgets for the project.

The Sanctuary, unoccupied since 1986, exhibited extensive deferred maintenance issues resulting in water infiltration through various roof and wall areas. In 2004, prior to commencement of this study, the deteriorated conditions of the Sanctuary were addressed through the provision of temporary shoring. In 2006 there was a partial collapse of the primary roof trusses which lead to additional stabilization measures. Upon further assessment, it was determined that the integrity of the structure was severely compromised and, as a result, the Sanctuary portion of the facility was dismantled in 2008. The rehabilitation project was, thus, transformed into a reconstruction project.

The program for the Sanctuary, developed in 2006 through discussion with the FSLC board of directors, included a 400-seat performance hall, a lobby serving both the Sanctuary Performance Hall and the Parish Hall Theater, an upper function room integrated with the roof and providing views to the ocean, and support spaces such as concessions, catering kitchen, green room, and workshop space. The plan called for the Parish Hall Theater to be modified to allow a slight increase in seating capacity to 120 (now at 110) with more flexibility to allow for a variety of uses. The plan called for the facility to have a well-integrated, accessible entrance, and an elevator to serve all public areas of the building.

The preliminary project budget to reconstruct the Sanctuary was approximately \$17 million. That would have provided a mid-size, community-based venue for the arts and returned a reconstruction of the original structure to the fabric of Munjoy Hill. This reconstruction plan received wide-spread support, culminating in a November 2010 unanimous City Council approval of a 10-year conditional rezoning. The subsequent feasibility study found funders to be enthusiastic about the mission-related programming. Unfortunately, however, funders were not as enthusiastic about the very expensive reconstruction of the original structure; they seemed to be more receptive to containing that same programming in a more economically-feasible new structure.

To provide space for its well-received program, FSLC decided to shift its plan toward reconstruction through new construction rather than reconstruction through the exceedingly expensive reassembly of the original Sanctuary. The resulting current proposal reflects a need and desire to design a contemporary building with an economically achievable budget. In August of 2012, FSLC selected Archetype Architects and Principal David Lloyd to design a new structure. Archetype Architects brings over 25 years' experience with industrial, historic, and residential design. Mr. Lloyd's projects have been lauded for demonstrating great sensitivity to the urban fabric and employing finely-honed skills to integrate contemporary additions within historical contexts.

Mission of Friends of the St. Lawrence Church

For the last 18 years, the mission of FSLC has incorporated three parts: **arts and culture**, **neighborhood and community**, and **historic preservation**. From its inception in 1996, FSLC understood that creating a performance arts center that fostered creativity and implemented a sound business plan was the key to the long-term success of the organization and fulfillment of its mission. FSLC first began work on the far less deteriorated Parish Hall to begin the transformation from a vacant and structurally compromised historic church to a dynamic arts center. Over the past 12 years, the Parish Hall Theater has brought commerce, vitality, and arts to Munjoy Hill. With only 110-seats and a commitment to affordability for patrons, long-term sustainability and the ability to make the capital investment necessary for the long-term preservation of the historic Parish Hall is contingent upon growth. This expansion will increase the highly positive economic impact that St. Lawrence Arts (SLA) has had on the Parish Hall, the Munjoy Hill neighborhood, the City of Portland, and Southern Maine.

Mission #1: Arts and Culture

SLA directly serves two distinct populations: theater and performing arts groups, many of whom regularly use the Parish Hall Theater, and the thousands of patrons who attend performances each year. Both populations will be well-served by the new facility. Many theater and performing arts groups will welcome the opportunity to perform in a larger, 401-seat venue. More patrons will be able to enjoy events in the facility, furthering SLA's mission to promote arts and culture.

FSLC research of venues and performance trends within the Greater Portland area indicates that the creation of a mid-sized auditorium with the versatility to accommodate *all forms* of

performance and visual art will fill a need in the City of Portland that at present is not being met. Portland has venues that have much larger capacity; for example, Merrill Auditorium seats 1900 and State Theater seats 2036. There are also several smaller venues; for example, Portland Stage Company seats 274, One Longfellow Square seats 200, and several recently developed venues accommodate fewer than 100. Hannaford Lecture Hall at the University of Southern Maine seats 520, but does not have the capability for a wide range of performances. There is no venue in the Greater Portland area that fulfills the need of a medium-sized venue larger than 300 seats but smaller than 1,900 seats. Further distinguishing it from other venues in Portland, the new Performance Hall will be a non-profit space available for use by hundreds of performing arts groups and other non-profits. Moreover, many of the more beautiful non-profit spaces in Portland, like the Portland Museum of Art, The Victoria Manson and others do not allow other non-profits to fundraise in their spaces. St. Lawrence Arts stands out as venue that has always allowed other non-profits to fundraise in its space.

Mission #2: Neighborhood and Community

Mindful of SLA's mission to promote neighborhood and community, SLA remains committed to working with neighborhood institutions, such as schools, to provide cultural experiences for children who might not otherwise be exposed to the arts. For example, before they moved, SLA was host to the Adam's School annual Spring theater presentations, offering the building and its professional equipment and stage for free. We continue to donate the building and host The East End Community Schools annual Portland Children's Film Festival. We have been and continue to encourage the East End Community School to use the St. Lawrence for productions and programs and believe the bigger Performance Hall will enhance their arts programming. The St. Lawrence also plays host to the SMCC's annual music recital as well as many neighborhood meetings, civic meetings, and non-profit fundraisers. For example, last summer, we helped Garbage to Garden raise \$1000 in their first big fundraiser. Each year Konbit Sante raises \$4000-\$5000 in their annual holiday sale in the Parish Hall Theater.

In addition to the performances, members of the community will be able to host small events in the Promenade Room, a breathtaking space with sweeping views of Casco Bay, the city, and Mt. Washington. The space will flexibly lend itself to a variety of events such as memorial services for neighborhood residents, non-profit fundraising events, children's art shows, and additional lobby space for events in the Performance Hall and Parish Hall Theater.

SLA will continue to bring vitality to the Munjoy Hill neighborhood, as it has for the last 12 years. This has been important for neighborhood businesses, and contributed to the renaissance of the East End as a magnet for residents in search of a diverse urban experience. At the same time as it contributes to economic activity, it will also be mending a visual tear in the urban fabric by filling a vacant lot on Congress Street with a well-designed building, in harmony with the Parish Hall and its surrounding neighbors.

SLA is very conscious of the need to manage its performing arts center so that it complements and does not detract from the neighborhood. It has been acting as a responsible neighbor for twelve years, managing performers and performances so that they do not negatively impact the neighborhood. It plans to continue to be a good neighbor as it enters this next phase. As

indicated in the proposed amended conditional rezoning, SLA is willing to limit itself to using only the Parish Hall Theater OR the Performance Hall for audience events at one time, thus precluding simultaneous performances in both spaces. Similarly, in the rare instance in which it will use multiple parts of the building for one single event, it is willing to limit the total number of attendees to 485 people. It has committed to continue to be a good neighbor, properly maintaining its property and ensuring that tour buses, vans and trucks affiliated with an event unload and then relocate to a remote, off-street location away from the venue. SLA has agreed to make specified sidewalk and sidewalk connection improvements in the immediate and broader neighborhood, plant or contribute to the planting of street trees, and improve adjacent street lighting. Similarly, SLA has developed a transportation demand management plan as part of its commitment to be proactive about managing traffic and parking, to minimize neighborhood impacts from those patrons who do not live within walking distance. As part of its core mission, SLA is committed to continuing to fulfill its responsibility to the neighborhood and creative community.

Mission #3: Historic Preservation

The third part of SLA's mission is historic preservation. Unfortunately, before the property came under the ownership of the Friends of the St. Lawrence Church, the Sanctuary had deteriorated too far for it to be reclaimed. Structural deficiencies, compounded by water intrusion and repeated freezing due to lack of heat, rendered it unsafe. However, through the efforts of many, the less spectacular but equally historic Parish Hall has, so far, been spared a similar fate. But the future is by no means assured. Maintenance of an historic structure is challenging and expensive. The income generated from the 110-seat Parish Hall Theater covers ongoing operations, but it does not generate any excess funds to pay for expensive maintenance or capital investment. FSLC has had to rely on grants and foundations to obtain the funds to perform historic preservation maintenance. Over the years, it has successfully applied for and received significant grants from the Davis Family Foundation, the City of Portland, the National Trust for Historic Preservation, and others. But these funds are increasingly scarce and highly competitive.

To be a responsible steward, SLA needs to find a way to obtain sufficient funds to properly maintain this distinctive 19th century stone structure. The site needs to generate more revenue. The Parish Hall Theater does not have the capacity to generate significantly more revenue by itself; the potential of the currently vacant part of the site needs to be harnessed. FSLC's historic preservation mission, based on a sound business plan, is to be furthered by constructing a green building on the site of the former Sanctuary using durable materials and a creative design intended to keep operating costs low. The construction of a medium-size performance hall that can accommodate a wider variety of arts events will allow SLA to increase the number of patrons who will attend events at SLA. The stream of revenue from the new Performance Hall will enable SLA to cover operating expenses and to generate the additional funds which are necessary to maintain the landmark Parish Hall.

Professional Capacity

FSLC is in a unique position to undertake this project, in furtherance of all three parts of its mission. SLA has successfully created and managed the Parish Hall Theater over the past 12 years. SLA has ended each year in the black and has forged excellent relationships as a place for collaboration and celebration of art in all forms as a dynamic, professional arts center.

Rental of Parish Hall is at capacity each year. SLA frequently must refer performance groups to other venues. Also, due to our small seating capacity, we are unable to host performers that sell-out larger venues. The Performance Hall would tremendously enhance SLA's offerings, and broaden and increase our audience while fulfilling our mission in the areas of Arts and Culture, Neighborhood and Community, and Historic Preservation.

FSLC is governed by an all-volunteer Board of Directors from this community, who bring considerable and diverse professional and personal experience to their role. That Board oversees a staff of four, including an Executive/Artistic Director, Development Director, and Theater Manager. The Board and staff have consistently demonstrated great enthusiasm and commitment as they have positioned the Parish Hall Theater to become a heavily-used venue. It has already had an enormous positive impact on Munjoy Hill and the City of Portland. The fact that we are poised to complete the vision of St. Lawrence Arts Center, adding a contemporary Performance Hall and related support spaces to an improved Parish Hall Theater, is hugely exciting for all involved.

Project Data

BUILDING AREA:

The new proposed addition will be 14,745 gross square feet.

Yard requirements:

Previously approved footprint was 5,460 SQ. FT. The current proposed footprint is 5,715 SQ. FT., not including a porch which is 710 SQ. FT. The existing Parish Hall has a footprint of 3,360 SQ. FT. The combined total lot coverage is 95%

Building Height:

The building height as determined by calculating average grade to top of steel roof beam is 54 feet. It should be noted that the major roof element of the performance hall is at approximately 41 feet 4 inches, which is below the maximum allowed by zoning. The Promenade Room, which is set back, gives the height increase to 54 feet but visually from the street the overall mass looks to be at the 41 foot height. The previously approved building had a height of 53 feet 1 inch not including a steeple which went to 89 feet above average grade.

Proposed uses of building:

1. The proposed new addition will seat 401 patrons. The previously approved addition was designed to seat 400 patrons. The proposed addition, while being modern in materials and design, is also being designed with the architecture of the existing Parish Hall in mind. New roof lines of the porch will line up with horizontal elements on the Parish Hall. Granite stone materials will be used in the new addition to reflect those in the Parish Hall. A porch element off Congress Street will give an inviting feeling to the patrons and to neighbors passing by. This porch element will also act as a vehicle to demonstrate the celebration of theater to the street as patrons wait or meet there during intermission. The Architect has already met with the Historic Preservation Board on three occasions. The Architect has incorporated many of the design elements suggested by the Board into the current design. The Board has indicated that the architect is heading in the right direction, and it is anticipated that with a few more meetings, there will be agreement on design which meets the historic preservation standards for new construction.

2: The new addition will be fully ADA accessible and make the existing Parish Hall fully ADA accessible.

3: The building is being designed to meet and exceed the latest energy codes. It will be a highly efficient building in regards to mechanical design and create a healthy interior environment

4: The addition will include space in the lower level for "back of house" green rooms, ADA toilets, and storage.

5: The Promenade Room on the upper level is set back from the street, to help reduce the massing of the building, and has a face primarily of glass. This room will function during performances as a lobby break area, and as a meeting space when there are no performances. Providing views across Casco Bay, it will offer groups a spectacular gathering space unlike anything which is presently available in the Munjoy Hill neighborhood.

APPLICABLE LAND USE ORDINANCES:

Regulatory Considerations:

Chapter 14, Land Use, of Portland's Code of Ordinances regulates the construction of the Performance Hall. In particular, three Articles from Chapter 14 provide the regulatory framework for the design and review process: Article III Zoning, Article V Site Plan, and Article IX Historic Preservation.

The new structure will be a 14,745 gross square foot addition to the existing Parish Hall. A structure of that size requires Major Development Site Plan review and approval by the Planning Board.

Similarly, the structure will be an addition to an existing structure which has been designated as a local Landmark pursuant to the Historic Preservation ordinance. Thus Section 14-634(a) (1) in

Article IX Historic Preservation, requires the applicant to obtain a Certificate of Appropriateness for any exterior alteration to the Parish Hall and new construction adjacent to it.

Finally, as it is not precisely allowed as a permitted use or conditional use in the R-6, and as the site is already subject to a conditional rezoning, the applicant needs to receive approval of an amendment to the 2010 conditional rezoning.

Consistency with the R-6 Zone:

The property is located in an R-6 Residential zone. The building's use is as a place of assembly, specifically a "Community Hall" per zoning definition (Section 14-47, Definitions) since it is occupied for "social, recreational, artistic, civic, or educational community functions." A place of assembly, including a Community Hall, is a Conditional Use in the R-6 zone (Section 14-137(b) (e) provided that the structure was built for institutional or other non-residential uses, the structure is operated by a not-for-profit entity, and a parking management plan is submitted for review and approval by the Planning Board. When the sanctuary portion of the building was dismantled for safety reasons in 2008, the Parish Hall remained, and continued as a community hall in a structure built for religious use, operated by a not-for-profit entity. As a significant portion of the structure was still remaining as of January 4, 2010, it is asserted that the addition of a rebuilt performance hall and related facilities could be treated as a Conditional Use. However, as the prior project to reassemble the Sanctuary required and obtained a conditional rezoning for this site, the applicant is seeking to further amend that conditional rezoning to allow for the same uses in a contemporary building.

This use is harmonious with the applicable R-6 zoning. In Section 14-135, the purpose of the R-6 Residential Zone's is stated, "To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses." While R-6 is to be "primarily" for high density residential development, the zone recognizes that should not be the exclusive use. The zoning ordinance recognizes that a broad range of complementary non-residential uses should be allowed, such as cemeteries, parks and municipal uses (permitted uses), and schools, intermediate and long-term care facilities, hospitals, colleges and trade schools, professional offices, and places of assembly including community halls, neighborhood centers, private and fraternal organizations, and places of religious assembly (conditional uses). Since 1897, the former sanctuary and the adjacent Parish Hall have had a highly positive impact on the Munjoy Hill neighborhood and, the City of Portland, first as a religious institution and later as a non-religious cultural institution, providing places of assembly for neighbor residents and participants from the broader community. This non-residential structure, located on Congress Street, a major arterial, close to the neighborhood business district which is also centered on Congress Street, has made a significant contribution to the character and diverse activities of the neighborhood, while being respectful of the residential scale of Munjoy Hill.

Transportation Demand Management:

Were this application being reviewed as a Conditional Use in accordance with Section 14-137(b) (e), an approved parking management plan would be required. That same requirement was incorporated into the prior conditional rezoning. The current facility serves 10,000 patrons annually. It is reasonable to expect that the number of activities and patrons served will increase when the Performance Hall is constructed. FSLC has commissioned an updated study to review traffic and parking and its impacts on the neighborhood. That study and its recommendations are being submitted with this application.

Yard Requirements:

The former footprint of the building provided the template for establishing the proposed footprint. The former footprint, however, did not conform to current dimensional regulations in terms of minimum yard requirements. On the two principal facades at Congress Street to the north and Munjoy Street to the west, the proposed footprint will be identical to the original footprint.

On the south side yard and east rear yard, there are variations from the original footprint as delineated below:

Side Yard at South: The former footprint at the side yard to the south consisted of an approximate yard of 3'-3" for the majority of the façade's length while the rear apse at the altar area reduced the side yard to 0" where the building met the property line. Current zoning, absent a conditional rezoning, stipulates a side yard of 10' with a possible reduction to no less than 5' (per Section 14-437). The proposed design follows the former side yard setback with variations that increase its nonconformity in two locations: 1) A low areaway projection of approximately 39 SF is proposed to extend from the south facade to the lot line. This vents interior mechanical equipment that would normally be placed outside the building or on the roof. Projections such as this are allowed if they are no more than 2' in height (Section 14-425); 2) A westward extension of the rear apse of about 34 SF and 20' in height is proposed to be coincident with the lot line. This extension will provide space for an interior circular stair that will serve the green room, stage, and catwalk without encroaching upon the original interior volume of the auditorium.

Rear Yard at East: The former footprint at the rear yard to the east consisted of a wall containing the rear apse and chimney. The former wall jogged between the lot line and about 2'-9" from the lot line. The proposed design follows the rear lot line, adding approximately 64 SF to the footprint. This area will be used to provide two interior stairs, one to connect the stage down to the green room below, and the other to connect the lobby to the upper room above. These variations may be permitted as part of the conditional rezoning.

Existing Use:

St. Lawrence Arts, founded in 1996, has played a significant role in the revitalization of Portland's Munjoy Hill neighborhood. The Arts Center is located in the former St. Lawrence Congregational Church, constructed in 1897 and abandoned in 1986. The building consisted of

two major portions that were constructed simultaneously – the Parish Hall and the Sanctuary. In 2001, the Parish Hall was renovated to house a 110-seat multi-use auditorium, green room, art studio workshops and staff offices.

Proposed Use of the Property:

SLA proposes to create an enhanced center for the arts which can accommodate all forms of performance and visual arts in small and medium size venues. Specifically, SLA will augment the existing Parish Hall Theater by building a 401-seat Performance Hall, topped by the Promenade Room, upon the former sanctuary portion of the building. The new structure will enhance the ADA accessibility, reweave the architectural fabric of one-half of a prominent city block on Munjoy Hill's portion of Congress Street, facilitate the sustainability of the landmark Parish Hall structure, contribute to the economic and cultural vitality of the neighborhood, and promote sustainability by utilizing energy-efficient building components and locating the facility on a site easily accessible to many by foot, bicycle or bus.

The proposed addition carefully employs good 21st century design for the new Performance Hall, to complement the existing Parish Hall Theater in its 19th century building. Highlights of the design are as follows:

Planned Uses:

Performance Hall: The addition will house a 401-seat space that functions well primarily for musical performances with either acoustical or amplified groups. Secondary uses include theater, dance, weddings, lectures, seminars, video showings, and other diverse assembly type occupancies. Stage space will be expandable or retractable in size to suit differing needs.

Parish Hall Theater: The addition will increase the flexibility of this space for existing functions, while maintaining its primary use for theater. Seating will be expanded slightly from 110 to 120 while still maintaining its intimacy. The fixed risers will be replaced with telescopic seating and the stage apron will be removable.

Offices & Conference: The design retains two office spaces and provides a meeting room that can serve a variety of uses and user groups.

Lobby: A large lobby space will be provided that is visible from the street and capable of serving both the Performance Hall and Parish Theater.

Concession: Concession space will be included in the lobby area. A catering kitchen and pantry storage area will be readily accessible to the concession area.

Green Room Area: A Green Room will be provided for the performers that will use the Performance Hall. This room will be flexible for other uses, such as rehearsal space. Makeup area, dressing rooms, toilet room, shower, and washer/dryer will be included.

Upper Room: A function room, called the Promenade Room, will be provided above the Performance Hall for mixed-use activities, capitalizing on views of the Eastern Promenade and Casco Bay.

Function and Design:

It is intended that the Performance Hall will have an intimate feeling, retaining the ambiance and nature of the original building, while also being uniquely contemporary and of its own style. The addition will provide adequate workshop space and storage areas, with the areas allotted to each of these functions to be further defined in subsequent phases.

The building will be an energy-efficient facility that utilizes environmentally friendly materials and technologies. The acoustics will take advantage of current technology. Variable acoustics that allow some adjustment of reverberation time will be provided for changing needs (speech, amplified music, acoustical music). Sound isolation will be provided so that simultaneous functions, such as rehearsals, meetings and performances can occur in the Lobby, Performance Hall, and Parish Theater areas without sound interference from adjacent spaces. Similarly, sound transmission to the exterior (neighboring residences) will be minimized to the greatest extent possible.

All public areas will be accessible to the disabled. Accessible features will be well-integrated with the historic character of the building.

CONSISTENCY WITH PORTLAND'S COMPREHENSIVE PLAN

By law, any conditional rezoning or amendment to an already-granted conditional rezoning must be consistent with the City's comprehensive plan. The Law Court has interpreted consistency to mean "in basic harmony with" the plan. *LaBonta v. City of Waterville*, 528 A.2d 1262, 1265 (Me. 1987). Typically, comprehensive plans contain many goals and policies, some of which may be somewhat inconsistent with each other. It is the responsibility of the Planning Board, and ultimately the City Council to determine how best to balance those goals in evaluating a proposed contract zone. It may approve a proposed contract zone amendment if it believes, on balance, that what is proposed is in basic harmony with identified comprehensive plan goals. If the City Council finds that a contract or conditional zone amendment is consistent with one or more identified goals in the comprehensive plan, in any appeal, the Court must defer to the judgment of the City Council, even though there might be different goals in the comprehensive plan that conflict with them. *Alderman v. Town of Baldwin*, 750 A.2d 577, 585 (Me. 2000)

Similarly, there must be a factual link between proposed development and the goals it is said to further. In other words, the goals to be advanced must be part of the comprehensive plan, and it must be reasonable to expect that the proposed development will contribute to moving the City toward the specific Council-identified goal(s). *Rommel v. City of Portland*, Cumberland Superior Court, CV-12-312, Order on Motion for Summary Judgment, December 31, 2013. Unlike the findings in the *Rommel* case, as discussed below, the link between the Comprehensive Plan goals and policies to be advanced by this proposal are squarely on target and beyond question in the areas of arts and culture, neighborhood and sustainable development, and historic preservation.

Maine law also requires that any conditional rezoning must be consistent with the existing and permitted uses within the original zones. 30 M.R.S. Sec. 4352(8)(B). In this case, there is no question that the proposed use is consistent, e.g., in basic harmony with, with existing and permitted uses within the original zones. Places of assembly are essentially permitted as a use in the R-6 zone, provided that certain conditions can be met. The existing Parish Theater is an example of one place of assembly in the R-6 zone. There are numerous other churches, places of assembly, and community halls on the peninsula in R-6 zones.

PORTLAND'S COMPREHENSIVE PLAN: ARTS AND CULTURE

There are a plethora of Portland Comprehensive Plan goals and policies which are advanced by the SLA proposal. The primary goals are in the area of arts and culture. SLA will be creating an affordable and accessible venue for a diverse offering of arts including but not limited to theater, dance, music, film, and workshops.

Portland's Comprehensive Plan (PCP) addresses the goals for and importance of the arts and creative economy in three important components of the plan, its Cultural Plan, its Downtown Vision, and its Plan for Portland's Arts District. Relevant sections are summarized below:

CELEBRATING COMMUNITY: A CULTURAL PLAN FOR PORTLAND, MAINE, 1998

Goal

- Build, sustain and expand audiences.

Policies

- Encourage broad audience participation by leveraging connections within the community.
- Increase opportunities for low-income individuals, students, and families to attend museums, concerts, and arts events.
- Assess the need for a 150 to 400-seat performance facility designed for traditional and contemporary performances.

Goal

- Encourage and safeguard artists' continuing presence in the community.

Goal

- Improve the vitality and civic support of arts and culture throughout the city.

Goal

- Strengthen neighborhood identity through cultural programming and create connections between neighborhoods and the Arts District.

Policies

- Create a Citywide approach where both neighborhoods and the Arts District are venues for heritage, performing, visual, and public art projects.
- Improve transportation access to arts and cultural venues throughout the City.

Goal

- Apply arts and cultural solutions to the community's social issues.

Policies

- Develop more opportunities outside school for youth, particularly low-income students and children with special needs, to see, experience, and participate in visual, performance, and heritage arts.

The above listed goals and policies of the 1998 Cultural Plan are obviously directly relevant to the contribution to be made by an expanded SLA. It has been making a contribution toward these goals through the Parish Theater; it proposes to scale up that contribution with the addition of a more flexible, 401 seat venue.

Even though this plan was prepared in 1998, it continues to be extremely relevant to the City's goals and development strategy today. According to Americans for the Arts, the non-profit arts industry attracts audiences, spurs business development, supports jobs, and generates government revenue. On May 31, 2006, in collaboration with Americans for the Arts, Portland's Creative Economy Summit was held in Merrill Auditorium Rehearsal Hall. Over 200 participants discussed the importance of the creative economy for Portland and developed the foundation of a plan to maintain and grow Portland's Creative Economy. After a day of discussion and many breakout groups, the entire summit regrouped for a final vote on what participants thought was most important for Portland's Creative Economy. The goal receiving the 2nd highest vote total (49) was to:

- "Develop publicly supported and/ or affordable public space for artists" Public space was defined to include performance space, office space, studio space, housing, and exhibition space. *The action items included "Finishing St. Lawrence Arts!"*

It is important to recognize earlier components of the City's Cultural Plan, because they illustrate the depth of the commitment and the City-wide importance placed upon the arts and cultural resources. The first formal recognition of the arts as an engine for revitalization and economic growth was Portland's Downtown Vision: A Celebration of Diversity, prepared in 1991. It specifically recognized the potentially large contribution of the arts to job opportunities and overall economic well-being:

IV. DOWNTOWN VISION -March, 1991

Downtown Vision: Arts and Culture Goals

- Promote and enhance the cultural community by retaining and encouraging arts and cultural organizations.
- Support the cultural community by retaining and expanding performance and exhibition space, housing, studio space, and office/support space for artists, institutions, and organizations.
- Promote the Downtown as the local, statewide and northern New England center for arts and culture.
- Enhance and promote accessibility to diverse arts and cultural opportunities for all segments of the community.

A few years later, in 1995, the City ratified that development strategy by formulating a more detailed plan which called for the creation of the Arts District as a permanent feature of downtown Portland. It was, however, explicit in recognizing that encouragement of the arts should not be limited to downtown, but should be city-wide. Among the goals and objectives were:

IV. A PLAN FOR PORTLAND'S ART DISTRICT - Goals and Objectives -1995

- Improve the economic performance of arts institutions in the Arts District *and throughout the city* (italics added) by:
 - increasing attendance; supporting efforts to develop subscribers, stabilize audiences and develop audience base; improving marketing communications; supporting better integration of arts institutions with the other major downtown interests; and encouraging arts-related businesses to establish in, or relocate to the Arts District.
- Enhance the economic impact of arts institutions in the city by: providing opportunities for expanded spending for goods and entertainment associated with arts attendance at museums, galleries, and performing arts events; extending the length of stay for all visitors in the downtown; and increasing the overall attractiveness of the city for tourists.
- Create a more favorable business climate in the District and in downtown Portland by: increasing pedestrian activity and total visitorship to the downtown; and improving the appearance and the occupancy rate of commercial properties in the Congress Street corridor.
- Support the creative efforts of individual artists and safeguard their continuing presence in the community.
- Contribute to the overall quality of life in the community.
- Establish an Arts District that is a permanent feature of downtown Portland.
- Build community trust and collaboration of broadly diverse groups as a way of fostering cross-cultural communication and understanding

The 1998 Cultural Plan, discussed above, continued the recognition of the appropriateness of encouraging arts venues throughout the City, not just downtown. SLA, and specifically the addition of the Performance Hall, is an important component of advancing that goal.

PORTLAND'S COMPREHENSIVE PLAN: NEIGHBORHOOD AND COMMUNITY

The second mission of SLA, to foster neighborhood and community, is clearly directly consistent with major components of the comprehensive plan as well. SLA describes its contribution to **Neighborhood & Community** as adding activity, entertainment, cultural enrichment, social interaction, renovation and investment that serve the surrounding neighborhood of Munjoy Hill as well as the residents of Greater Portland.

Portland has many goals for orderly growth and development. They generally encourage the creation of additional housing within Portland to maintain its proportion of the County's population. This goal serves a variety of smart growth/sustainability goals, including taking

maximum advantage of the already existing urban infrastructure, reducing energy wasted by commuting to more remote locations, and increasing the possibility of more efficient modes of transportation such as bicycle and mass transit. However, the City recognizes that maintaining neighborhoods which are lively, provide a variety of accessible services and amenities, and offer a good quality of life are key to making this strategy successful. Among the important neighborhood amenities are parks, open space, and cultural opportunities. SLA's contribution to enrichment of the Munjoy Hill neighborhood directly furthers these goals.

It should be noted that SLA is on the edge of Munjoy Hill's neighborhood business district, on the main street, Congress Street. It is centrally located, within relative easy walking distance for almost all of the residents of Munjoy Hill. It is served by Metro Bus #1, which stops within one block of the entrance to the proposed Performance Hall.

Excerpts of relevant goals and policies appear below:

PORTLAND'S GOALS AND POLICIES FOR THE FUTURE

STATE GOAL A: To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl;

I. HOUSING: SUSTAINING PORTLAND'S FUTURE -- November 18, 2002

Goal

- Portland's Comprehensive Plan encourages a manageable level of growth that will sustain the city as a healthy urban center in which to live and work and to achieve a shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.

Policies

- Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.

III. A TIME OF CHANGE: PORTLAND TRANSPORTATION PLAN - July 1993

Transportation Plan Guiding Principle

Provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community.

Land Use and Transportation Link

Link the transportation plan with land use planning policies in the City and region to guide decision-making for development and infrastructure investment.

- Ensure that future growth does not foster auto dependency.

Transportation Policies

- Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient services and natural meeting places. Provide routine, daily services within walking distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences, and fit into the fabric of the neighborhood.
- Encourage businesses to locate in established employment centers, including Downtown, that are served by public transportation or that have the critical mass necessary to support alternative modes of transportation.
- Allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options.

VII. COMMUNITY COMMERCIAL POLICES AND LAND USE PLAN -September 1987-1988

- Encourage the development of new commercial enterprises within the existing neighborhood centers and CBD.
- Maintain and promote a community, which is attractive to both existing and prospective families and homeowners to help support the neighborhood commercial district.

STATE GOAL D. To encourage and promote affordable, decent housing opportunities for all Maine citizens:

Goal

Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

Policies

- Support Portland's livable neighborhoods by encouraging a mix of uses that provide goods and services needed and are within walking distance of most residents.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.

V. REGULATION OF INSTITUTIONAL USES IN RESIDENTIAL ZONES - 1983 (Planning Board Rep. #46-83)

Goals

Institutional uses, where they are to be allowed in residential zones, should be designated conditional uses with review before the Planning Board. Reasonable expansion of existing institutions should be accommodated, but effective use of existing lot area should be required.

Thus the location of the proposed St. Lawrence Arts facility is consistent with the vision of vibrant, densely developed, cohesive neighborhoods on the peninsula with easy access to a variety of services and amenities, including cultural amenities. It makes effective use of the lot, and does not encroach into the residential neighborhood. It is ideally located to promote transportation to it by a large portion of the patrons using modes other than private car.

PORTLAND'S COMPREHENSIVE PLAN: HISTORIC PRESERVATION

The third mission of SLA is historic preservation. Again, it is squarely consistent with the components of Portland's comprehensive plan dealing with historic preservation. The Friends of St. Lawrence Church will contribute to **Historic Preservation** by supporting the long-term maintenance of the historic Parish House through the construction of a sensitively-designed, complementary Performance Hall to generate additional revenue to help maintain the historic structure. The Parish House is a designated landmark structure. Any addition to the Parish House requires full review by the Historic Preservation Board under its new construction standards to receive a Certificate of Appropriateness. This assures the City and community that any new addition will meet the standards of the historic preservation ordinance.

Portland's historic preservation goals are articulated as part of the comprehensive plan through the Historic Preservation Ordinance, adopted in 1989. Relevant excerpts appear below:

I. HISTORIC PRESERVATION ORDINANCE, AN HISTORIC RESOURCE ELEMENT TO THE COMPREHENSIVE PLAN AND AN ORDINANCE PROTECTING HISTORIC RESOURCES IN THE CITY OF PORTLAND -1989

Goals

Preserve Portland's Architectural and Historic Heritage

- Some of America's most appealing cities are those which possess a distinct or unique flavor or appearance. An important element in a City's distinctiveness is its historic areas and architectural landmarks;
- Apply design standards in a reasonable and flexible manner to prevent the unnecessary loss of the community's historical features and to insure compatible construction and rehabilitation in historic districts while not stifling change and development or forcing modern recreations of historic styles;
- Foster civic pride in the city's history and development patterns as presented in such distinctive areas, sites, structures and objects;
- Protect and enhance neighborhood character;
- Stabilize and improve the values of designated properties and areas;
- Protect and enhance the attractiveness of the city to its home buyers, home owners, residents, tourists, visitors, businesses, and shoppers;
- Foster and encourage preservation, restoration, and rehabilitation that respect the historic, cultural, architectural, and archeological significance of distinctive areas, sites, structures, and objects.

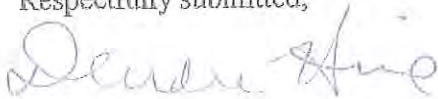
As discussed above, the sanctuary portion of the former church had been allowed to deteriorate too far beyond the point where it could be saved before the building came into the hands of FSLC. However, we have been able to stabilize and repurpose the Parish Hall for now. The maintenance of historic structures is a journey, not a destination. FSLC has determined that to continue on this journey, we need to use the currently vacant part of the lot to generate more revenue. Fortunately, we have developed a strategy to meet this financial need, tied to our

historic preservation mission, which is also consistent with the other parts of our mission -- arts/culture and neighborhood/community.

SUMMARY:

St. Lawrence Arts has proudly been serving the public as an open, affordable, and successful performing arts center in the ever-changing neighborhood of Munjoy Hill since 2001. We are enthusiastically looking forward to continuing this work on a slightly larger scale, but with the same dedication to the arts, our neighborhood, and the broader community. We are a non-profit organization with a dedicated Board, dogged staff, and large community of arts and neighborhood supporters. The project we are proposing will only get built if that community contributes the funds to make this happen. We are confident that the amended conditional rezoning will allow us to move forward with the activities approved in 2010 in a more affordable, contemporary structure which will complement the historic Parish Hall and be compatible with the neighborhood.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Deirdre Nice", written over a horizontal line.

Deirdre Nice, Executive Director
St. Lawrence Arts



PERSPECTIVE A - NORTH - EAST CORNER



PERSPECTIVE B - LOOKING EAST UP CONGRESS STREET



PERSPECTIVE C - LOOKING WEST UP CONGRESS STREET

Order 64-10/11
Tab 13 10-18-10

NICHOLAS M. MAVODONES (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
JILL C. DUSON (A/L)

AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN VICINITY OF ST. LAWRENCE ARTS CENTER/CONGRESS STREET

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below:

CONDITIONAL ZONE AGREEMENT

RE:
ST. LAWRENCE CHURCH

AGREEMENT made this ____ day of _____, 2010 by Friends of the St. Lawrence Church, 76 Congress Street, Portland, Maine ("Developer"), and its successors and assigns.

WITNESSETH

WHEREAS, the Developer owns land located at 76 Congress Street, and more particularly described in a deed from Deirdre E. Nice dated September 12, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13333, Page 9 (the "Property"); and

WHEREAS, the existing building located on the Property was formerly used as the St. Lawrence Congregational Church until 1986; and

WHEREAS, in 1996, the St. Lawrence Arts Center was founded; and

WHEREAS, in 2001, the building located on the Property has two principal portions, the sanctuary and the parish hall; and

WHEREAS, in 2001, the parish hall portion of the building was renovated to house a one hundred and ten (110) seat theater, green room, art studio workshops and staff offices; and

WHEREAS, in 2008, the sanctuary portion of the building was dismantled due to structural failure; and

WHEREAS, the Developer proposes and intends to renovate the parish hall theater in order to increase its seating capacity to one hundred and twenty (120) seats substantially in accordance with the plans submitted as Exhibit A attached hereto; and

WHEREAS, the Developer proposes and intends to reconstruct the sanctuary to provide a full basement, lobby that serves both the auditorium and theater space and a new four hundred (400) seat auditorium substantially in accordance with the plans submitted as Exhibit A attached hereto; and

WHEREAS, the Developer proposes and intends to develop the building on the Property as an energy efficient and LEED-certified facility; and

WHEREAS, the Developer intends to maintain the character of the original structure and Property and complement the adjacent residential neighborhood; and

WHEREAS, the existing zoning is R-6 which has dimensional requirements that the existing structure on the site does not meet; and

WHEREAS, the Developer has requested a rezoning of the Property in order to permit the proposed development of the Property; and

WHEREAS, the proposed community hall use of the Property is consistent with the existing and permitted uses in the neighborhood, which include a mix of residential, commercial and institutional uses including churches, schools, the Portland Observatory Museum and the Portland Company Marine Complex; and

WHEREAS, the City's Comprehensive Plan calls for strengthening neighborhood identity through cultural programming and creating connections between neighborhoods and the Arts District; and

WHEREAS, the City's Comprehensive Plan calls for the preservation of the Downtown's unique identity and historic fabric through the re-use of existing structures and the development of new construction that is respectful of the built and natural surroundings; and

WHEREAS, the City's Comprehensive Plan promotes the enhancement of Portland's cultural community through retaining and encouraging arts and cultural organizations and retaining and expanding performance and exhibition space, studio space and office/support space for artists, institutions and organizations; and

WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

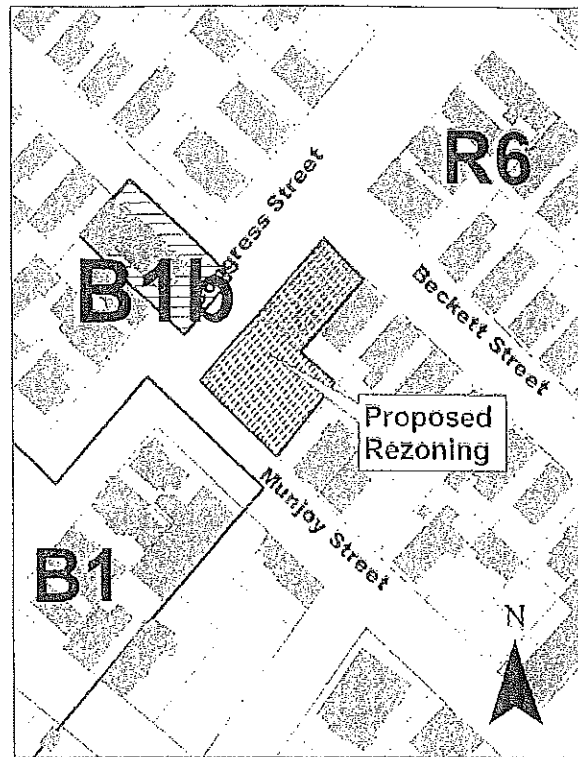
WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this Agreement; and

WHEREAS, the Portland City Council has on _____, 2010 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the property conditional R-6, subject to the conditions contained below.

Image 1: Proposed Rezoning



Prepared by Department of Planning and Development based on GIS Workgroup Data

If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-6 zone or the equivalent zone in effect at the time of reversion.

2. Notwithstanding section 14-137(b)(6)(e)(i), the use of the Property shall be considered and be operated as a place of assembly/community hall.
3. The underlying dimensional requirements of the R-6 zone shall apply and are modified as follows:
 - a. Minimum lot Size: 10,500 square feet.
 - b. Minimum Yard Dimensions:
 1. Front yard: 0 feet.
 2. Rear Yard: 0 feet.
 3. Side Yard on Side Streets: 0 feet.
 - c. Maximum Lot Coverage: 90%.
 - d. Maximum Tower Height: 90 feet.

- e. Maximum Sanctuary Structure Height: 65 feet.
- f. Open Space Ratio: 0%.
- g. Minimum Lot Width: 50 feet

4. The proposed theater in the parish hall shall have no more than one hundred and twenty (120) seats, and the proposed auditorium in the sanctuary shall have no more than four hundred and five (405) seats. The Developer and its successors and assigns shall not be permitted to hold separate events in the parish hall and the sanctuary auditorium at the same time. The Developer shall be permitted to hold a separate event in the Promenade Room when another concurrent event is being held in the parish hall or the sanctuary auditorium. This does not preclude the Developer from using the parish hall, the Promenade Room and/or the sanctuary Auditorium for one (1) single event with the total number of attendees of said event not to exceed four hundred and eighty five (485) people.

Capacity

5. The owner of the Property shall be responsible for ongoing maintenance of the Property, including snowplowing, salting, sanding, sweeping, lighting, trash removal (at least weekly), mowing, etc.

6. Prior to the issuance of a Certificate of Occupancy, the Developer shall install, according to City specifications, new brick sidewalk along the Munjoy Street, Beckett Street and Congress Street property frontages and shall reset, as necessary, the existing pink granite curbing. If, at the time of site plan review, the Public Services Department determines that the curbing is in poor condition, the applicant shall replace it, as necessary.

7. Prior to the issuance of a Certificate of Occupancy, the Developer shall provide two (2) trees along each of the Munjoy Street, Beckett Street and Congress Street property frontages. If healthy street trees are already in place along any of these frontages, they may be counted towards this requirement. The size and type of trees to be planted shall be approved by the Portland City Arborist or their designee. If, due to site constraints, the Developer is unable to provide the two (2) required trees per street frontage, they shall contribute \$200.00 per tree or, if the required contribution is greater at the time of the application, that amount, to the City of Portland's Tree Fund. This contribution, if necessary, is independent of any conditions which the Planning Board may lawfully require under site plan review. The Planning Board shall not be authorized, however, to waive this requirement.

8. Prior to the issuance of a Certificate of Occupancy, the Developer shall, at its own expense, install a minimum of two (2) municipal street lights along the Congress Street frontage of the property that meet the specifications and color designated for the Downtown Lighting District, as detailed in the Municipal Street Lighting Standards of the City of Portland Technical Manual, or of a type as may be specified by the City Lighting Plan at the time of the application or by the Planning Division.

9. Prior to the issuance of a Certificate of Occupancy, the Developer shall construct any remaining sidewalk connections and sidewalk ramps meeting City technical standards at the intersection of Congress Street and Eastern Promenade on both sides of the street and at the intersection of Moody Street and Eastern Promenade on both sides of the street, unless these improvements are already in place at the time of the application. This may include walkway connections to the Cutter Street parking lots as described in the Eastern Promenade Master Plan (2004).

10. The Developer shall submit a transportation demand management ("TDM") plan during site plan and conditional use review for review and approval by the Planning Board in a form substantially in accordance with Exhibit B attached hereto as a starting point subject to Planning Board and applicant modification during Site Plan Review (the terms of the attached TDM are incorporated by reference herein). The requirement of TDM plan shall supersede any and all parking requirements under the Land Use Code for the Property. During the site plan review process, the Planning Board shall provide a communication to the City Council that may include recommendations, if the Board deems it necessary, for additional on-street parking regulations in the vicinity of the project site. These may include but shall not be limited to two (2) hour parking limits and/or a residential parking program.

The TDM plan shall include monitoring provisions to periodically review the efficacy of the plan over time. The efficacy of the TDM plan shall be reviewed by the TDM plan administrator within three (3) months from the issuance of the certificate of occupancy. The results shall be promptly provided to the City for evaluation upon completion of the review. From that time forward, the TDM plan administrator shall review the TDM plan and report results to the City for evaluation on, at a minimum, an annual basis or in accordance with the TDM monitoring schedule outlined in the TDM plan.

If at the time of review (and/or at any time thereafter) the City and/or the Developer has received five (5) or more complaints within a one (1) year period about traffic/parking generated by the use of the facility, the Developer will be required to institute a review process, working in concert with the Planning Authority, in accordance with sub-paragraph F of the attached TDM plan.

11. The Developer shall be responsible for ensuring that tour buses, vans and trucks affiliated with performances and events at the Property unload and then relocate to a remote, off street parking location away from the venue for the duration of the event.

12. The provisions of this Agreement are intended to replace and/or supersede the requirements of the underlying R-6 zone. As stated above, to the extent not otherwise altered herein, the zoning requirements for the R-6 zone shall otherwise apply to the Property.

13. In the event of a breach by the Developer or its successors or assigns of the zoning provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this

Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the Property to the R-6 zone requirements in place before the execution of this Agreement or its equivalent in effect at the time of the reversion.

14. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

15. This conditional rezoning shall become null and void and the Property shall revert to the existing R-6 zone or its equivalent in effect at the time of the reversion in the event that the Developer fails to commence construction within ten (10) years from the date of the Council approval of this rezoning. This ten (10) year period shall be extended up to an additional one (1) year period if:

- a. The Developer has applied for all required approvals but has not received all required approvals within the aforementioned ten (10) year period; or
- b. Any other event beyond the control of the Developer has occurred which will delay the closing on some or all of the parcels and Developer has notified the City of such event.

If any required approval, including the Council's approval of this conditional rezoning, has been appealed, then this rezoning shall become null and void and shall revert to the underlying R-6 zoning or its equivalent in effect at the time of the reversion if the Developer fails to commence construction within one (1) year from the final disposition of such appeal or the above mentioned ten (10) year period, whichever occurs last.

16. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

17. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

18. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code and any applicable amendments thereto or replacement thereof.

WITNESS: _____

FRIENDS OF THE ST. LAWRENCE CHURCH

BY:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2010

Personally appeared before me the above-named _____, in
his/her capacity as _____ of FRIENDS OF THE ST. LAWRENCE
CHURCH, and acknowledged the foregoing instrument to be his/her free act and deed in
his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law

**Transportation Demand Management (TDM) Plan
St. Lawrence Arts Center**

A. Transportation Narrative

The St. Lawrence Arts Center (SLAC) at 76 Congress Street is a LEED registered performance arts center project located on Munjoy Hill, three blocks west of the Eastern Promenade. The SLAC Parish Hall currently holds performances and events with a capacity of 110 persons. With the reconstruction of the Sanctuary, SLAC seeks permission to hold events/performances in the sanctuary which seats 402. The performances and events will end by 10pm. SLAC commits to not holding separate simultaneous events in the two performance spaces.

The SLAC will manage the transportation and parking impacts through a consistent information and management regime. This includes improvements to the walking, transit and bicycling environment to and surrounding the SLAC, incentives to carpool, and operations and parking management strategies to reduce potential parking and traffic impacts to the abutting neighborhood.

In addition to advancing the city's arts and cultural goals, the project also strongly advances the City's transportation and environmental sustainability goals by providing incentives to promote bicycling, walking, bus transit, and carpooling to performances and events in an in-town neighborhood venue.

B. TDM Coordinator

Executive Director Deirdre Nice will serve as TDM coordinator upon completion of the project (2013, date anticipated). Contact information is: Deirdre Nice, SLAC, 76 Congress Street, Portland, Maine, 207-347-7177 or 749-0570 (cell). Ms. Nice is available Monday to Friday from 8:30 am to 4:30 pm.

C. Audience Survey and Neighborhood Parking Survey

Three months and then again at six months after initial occupancy, and annually thereafter, audience members at a sold out show will be surveyed regarding their means of transportation to the event and transportation options available to them. Concurrent with the audience surveys, parking utilization surveys will be conducted in proximity to the SLAC. The surveys will be used to identify and document any existing or potential parking and/or transportation issues arising after initial operation of the Sanctuary.

The survey will be developed in consultation with the City's TDM manager and conform to overall city TDM modeling and planning.

D. Set Parking Reduction Target

Parking Demand Calculation

Audience surveys at sold out performances held in the Parish Hall were conducted on December 22, 2009 and July 9, 2010. One hundred surveys were distributed at each performance with 77 and 36 surveys, respectively, returned. The table below provides a break-down of the means of travel and vehicle occupancy by respondents.

Distribution of Survey Respondents by Means of Travel

	December 22, 2009	Percentage	July 9, 2010	Percentage
Drivers	33	43%	19	53%
Auto Passenger	39	51%	16	44%
Walk	3	4%	1	3%
Bicycle	0	0%	0	0%
Other/Misc.	2	3%	0	0%
Total	77		36	

Distribution of Vehicle Occupancy and Average Occupancy

Occupants, #	December 22, 2009	Percentage	July 9, 2010	Percentage
1	5	16%	3	16%
2	14	45%	10	53%
3	6	19%	2	10%
4	5	16%	2	10%
5	0	0%	2	10%
6	1	3%	0	0%
Average	2.5 persons/veh		2.5 persons/veh	

The two surveys indicate a consistent approximately 2.5 persons/vehicle per performance.

The maximum number of event attendees is 485, adding 375 maximum new attendees and would typically be expected to generate demand for an estimated maximum additional 150 vehicles (375/2.5).

Parking/Transportation Demand Management Fund

As part of its Transportation Demand Management/Parking strategy, SLAC will institute a 50 cent per ticket surcharge to create a fund dedicated to implementation of the TDM Plan. This St. Lawrence Alternate Transportation Fund is anticipated to generate up to \$15,000 per year. This fund may be used for:

- Additional pedestrian and bicycle improvements
- Contribution to extension of METRO service hours of Route #1 and walking, bicycling, transit use and carpooling promotion and incentives
- Other potential ideas to be considered.

On-site Automobile Parking Reduction Strategies

Bicycle Parking

- Bicycle Parking
 - 6 bicycle racks for parking for 12 bicycles along the Congress Street frontage.

Pedestrian Improvements

- Sidewalks
 - The SLAC agrees to make pedestrian improvements to the public sidewalks along the Congress, Munjoy and Beckett Street frontages to include new brick sidewalk. Lighting and street tree improvements are anticipated as part of the conditional rezoning agreement.

Off-site Automobile Parking Reduction Strategies

Pedestrian Improvements

- Sidewalks
 - To improve access to parking spaces located along the Eastern Promenade the SLAC will help make sidewalk and curb ramp. These include remaining sidewalk connections and sidewalk ramps meeting City technical standards at the intersection of Congress Street and Eastern Promenade on both sides of the street and at the intersection of Moody Street and Eastern Promenade on both sides of the street, unless these improvements are already in place at the time of the application.

Bus Transit Availability

The METRO bus Route #1 provides service Monday – Saturday to Munjoy Hill from 5:36 am until 8:35 pm, serving the Portland peninsula primarily along Congress Street (with the route terminating on St. John Street). Service is approximately every 30 minutes throughout the day.

Service to typical evening events is approximately every 30 minutes with stops at/near the St. Lawrence at 6:30 pm, 7:00 pm and 7:30 pm. Route #1 would not currently serve patrons after events.

Off-site Parking – Shared Parking

Portable signs will be deployed to direct patrons to designated off-site parking locations.

On-street parking –

- Over 1400 on-street parking spaces were identified within a 3 to 4 block radius of the SLAC. A parking utilization survey, performed on July 9, 2009, indicated that approximately 355 parking spaces were not occupied during a sold out performance.

Theriault/Landmann Associates, 118 Congress Street, Portland

- Approximately 16-18 parking spaces are available for use by SLAC patrons by agreement with the owners of 118 Congress Street.

Cutter Street and Parking Lots, Eastern Promenade Park

- Two parking lots located within the Eastern Promenade Park have parking capacities of approximately 47 spaces and 20 spaces. Cutter Street itself can accommodate approximately an additional 30 automobiles. The Park currently closes at 10 pm. We request that, as part of the conditional rezoning agreement, that the times be amended to 10:30 pm.

Adams School Parking Lot

- 24 spaces will remain as-is after construction of the Avesta Housing project on approximately half of the school site.

E. Education

The on-site information about transportation options will include:

- A transportation information kiosk with maps and other transportation information located in the common area/lobby of SLAC

The SLAC website will provide event attendees with a wide range of transportation information and options. Almost all tickets to performances are now purchased on-line. This will continue with the new Sanctuary venue. When tickets are purchased, information will be sent regarding parking lot locations and on-street parking that least impacts neighborhood streets. The information will include the developed package of incentives to use these parking locations and the incentives to use alternate means of transport to shows/events.

F. Monitoring

As part of its TDM Plan monitoring program, SLAC will assess the utilization of on-street and off-site parking on an on-going basis.

Three months and six months after initial occupancy, and annually thereafter, SLAC will review the effectiveness of the TDM plan by conducting a patron survey and neighborhood parking utilization survey. SLAC will monitor the number of traffic/parking complaints related to the operation of the SLAC and monitor vehicle occupancy.

Based upon the results of the survey, SLAC will update the TDM Plan and submit a draft plan to the City's TDM Manager for review and comments.

SLAC commits to working with the City (as a condition of its approval) to update the initial TDM Plan and develop a package of measures to meet City requirements. This package may include:

- Additional incentives to bicycle, walk, use transit, carpool and use the off-site parking lots (such as reduced purchase price for items from the concession stand or event raffles)
- Contribution to METRO to extend bus service to serve Munjoy Hill until 10:30 (e.g., extend service for three hours)
- Additional off-site parking at nearby parking garages and parking lots
- Shuttle service serving off-site parking areas
- Contributing to the creation of an improved pathway from the Eastern Promenade to access the lower Cutter Street parking lots.
- Increase in the ticket surcharge to fund additional parking/transportation management strategies.

Timetable for Action Items

Action Item	Timeframe for Implementation
TDM Plan Monitoring	Three months & Six months after Sanctuary opening
Assess success of first three and six months of TDM program and Report to City on initial effectiveness	Per city TDM monitoring
TDM Monitoring	Annually thereafter

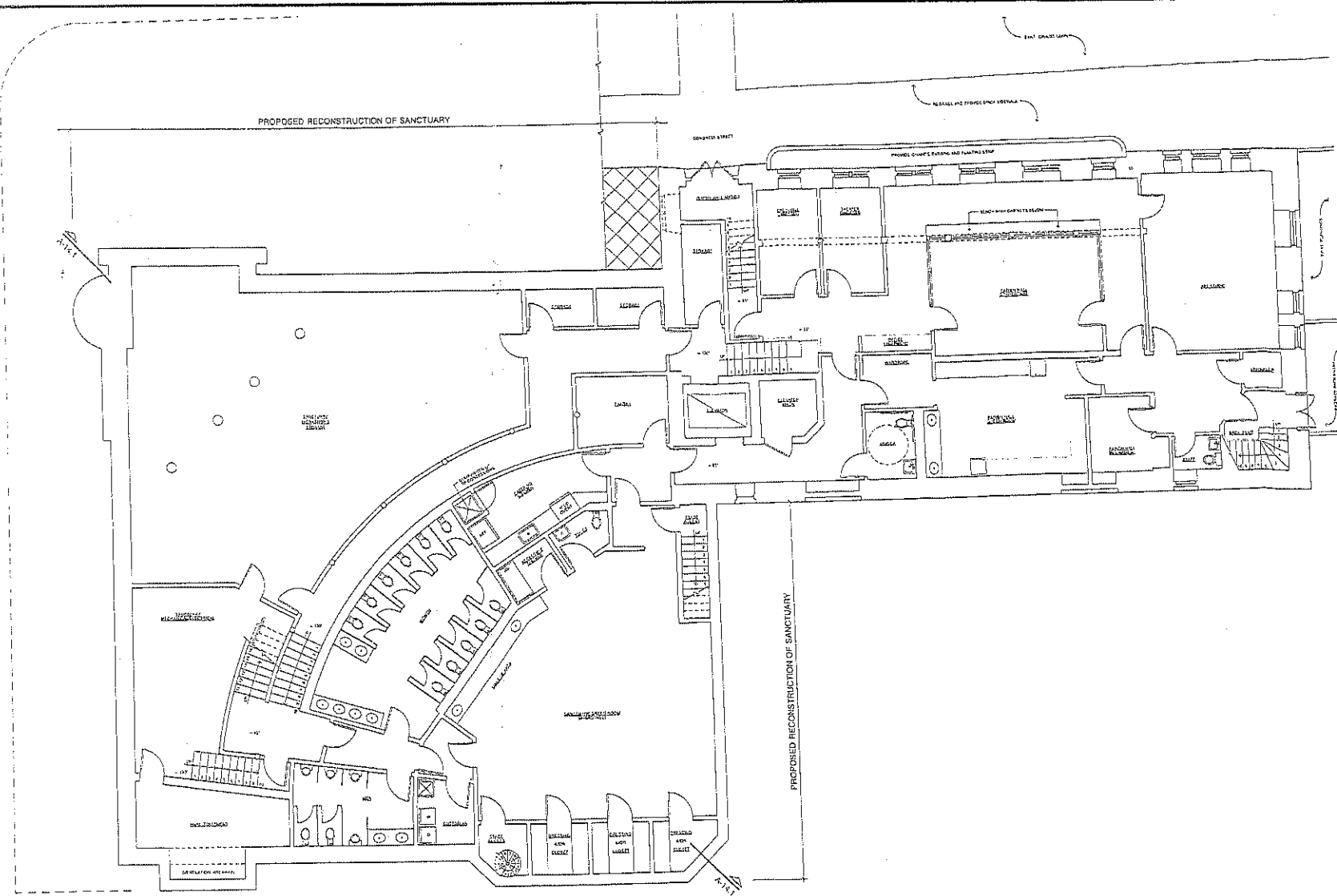


St. Lawrence Arts Center
Munjoy Hill Parking Utilization Survey
Friday, July 9, 2010

Legend	
X	No. of Parked Cars
Y	Parking Amount

Notes:

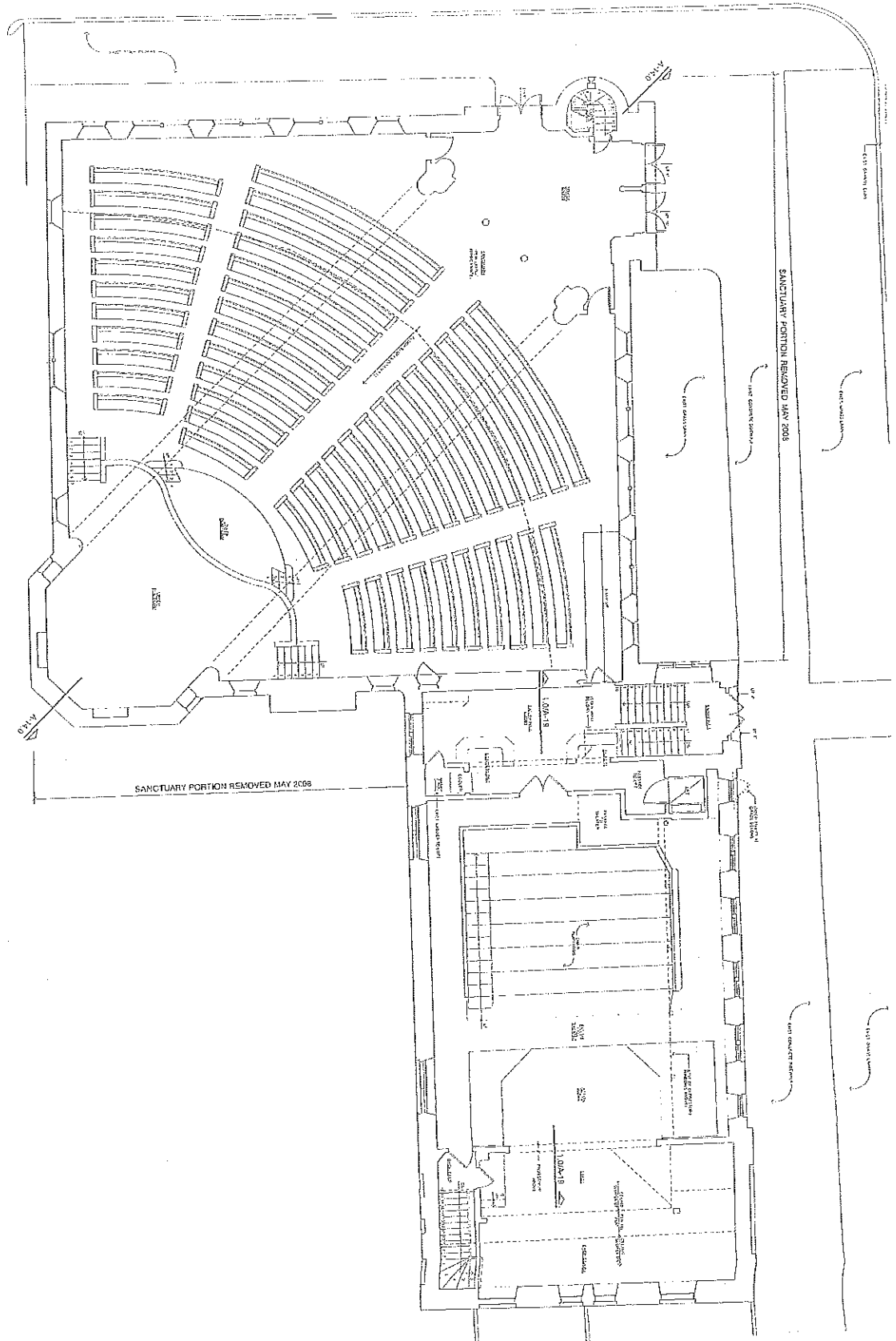
- These counts were taken from 7:15 to 9:30 during a sold out performance at the St. Lawrence Arts Center.
- Audience attendance was approximately 100 persons.
- Total parking supply noted is 1329 spaces with 974 occupied for an occupancy rate of 73%, or 355 available parking spaces.
- Figures highlighted in yellow indicate number of parking spaces but were not included in the July 9th survey/counts.



1
A-1.1
PROPOSED BASEMENT PLAN



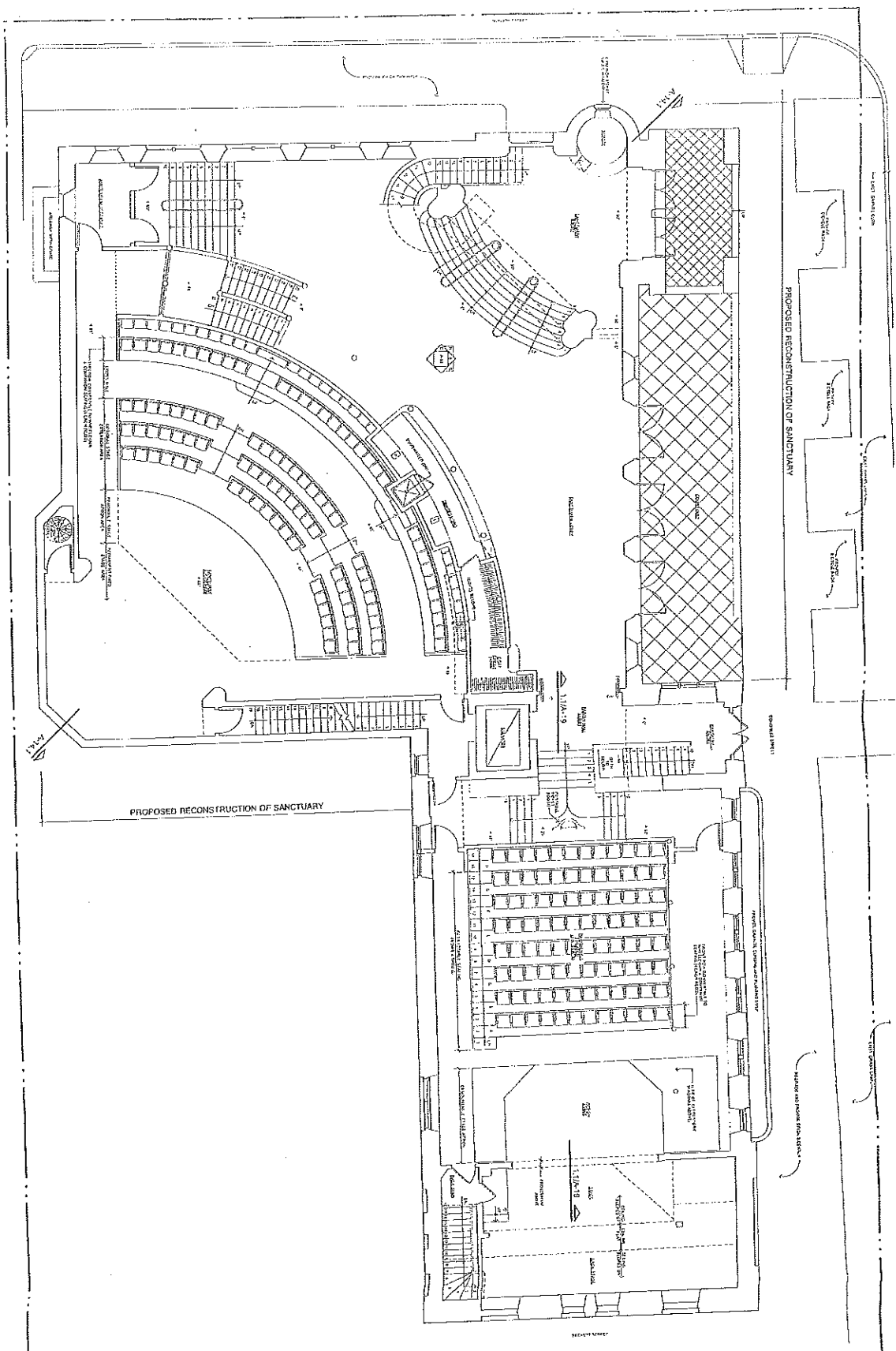
MILLS HARTFASER ARCHITECTS LLC 1000 1/2 STREET PORTLAND, MAINE 04106	
ADAPTIVE REUSE of the ST. LAWRENCE ARTS CENTER 76 CONGRESS STREET PORTLAND MAINE	
PROPOSED BASEMENT PLAN	
PROJECT NAME PROJECT NUMBER	DATE 12.27.2019
PRELIMINARY DESIGN NOT FOR CONSTRUCTION	
A-1.1	



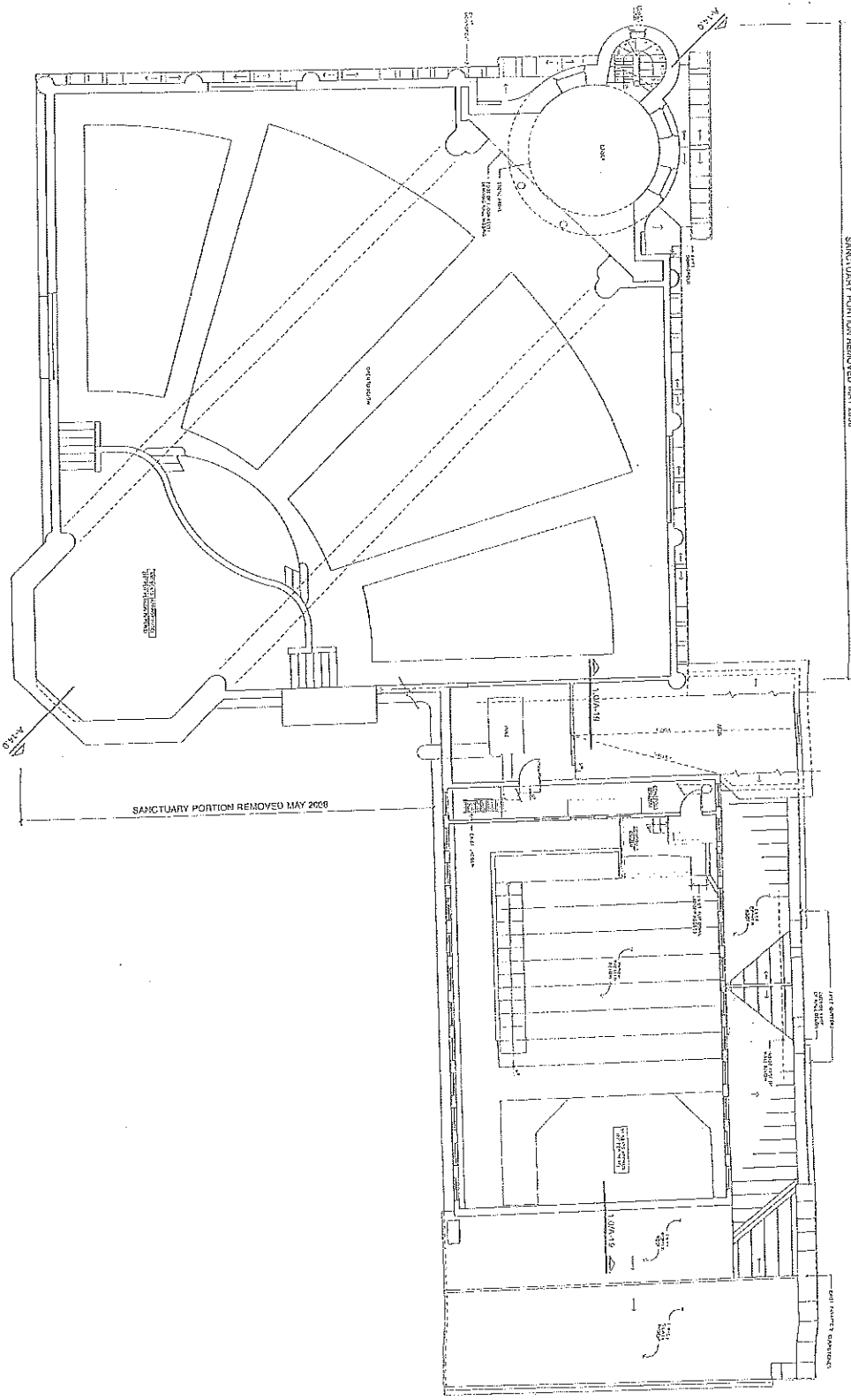
A-2.0	DATE: 10/10/2018	PROJECT: ADAPTIVE REUSE OF THE ST. LAWRENCE ARTS CENTER	CLIENT: ST. LAWRENCE ARTS CENTER
	DESIGNER: [Firm Name]	ARCHITECT: [Firm Name]	ENGINEER: [Firm Name]

ADAPTIVE REUSE of the
ST. LAWRENCE ARTS CENTER
76 CONGRESS STREET
PORTLAND MAINE
EXISTING FIRST FLOOR PLAN

PROPOSED FIRST FLOOR PLAN

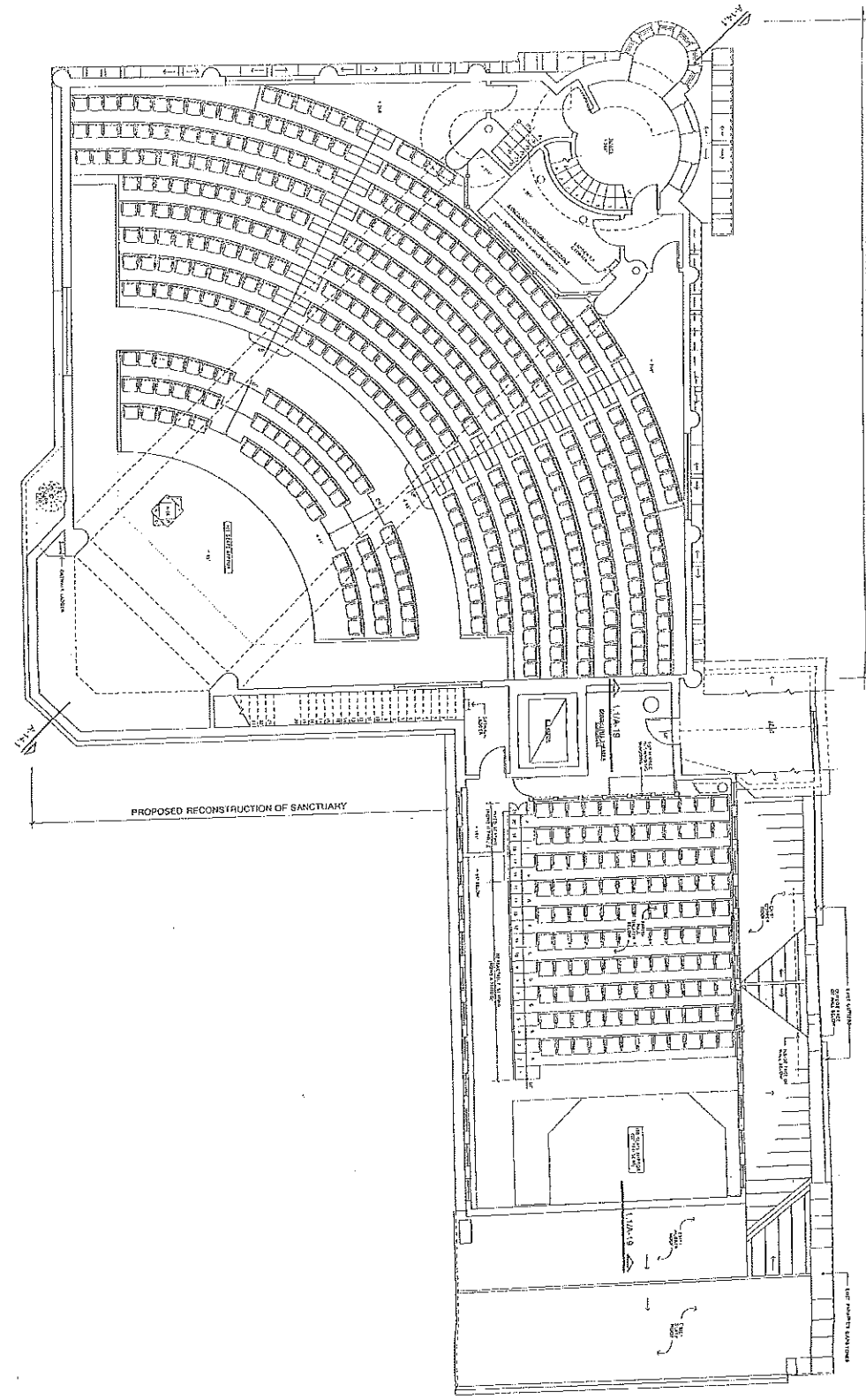


ADAPTIVE REUSE of the ST. LAWRENCE ARTS CENTER 76 CONGRESS STREET PORTLAND MAINE		PROPOSED FIRST FLOOR PLAN	
DATE: 12 JAN 200	SCALE: 1/8" = 1'-0"	PROJECT: ST. LAWRENCE ARTS CENTER	ARCHITECT: M. J. L. ARCHITECTS, INC.
A-2.1		1/8" = 1'-0"	



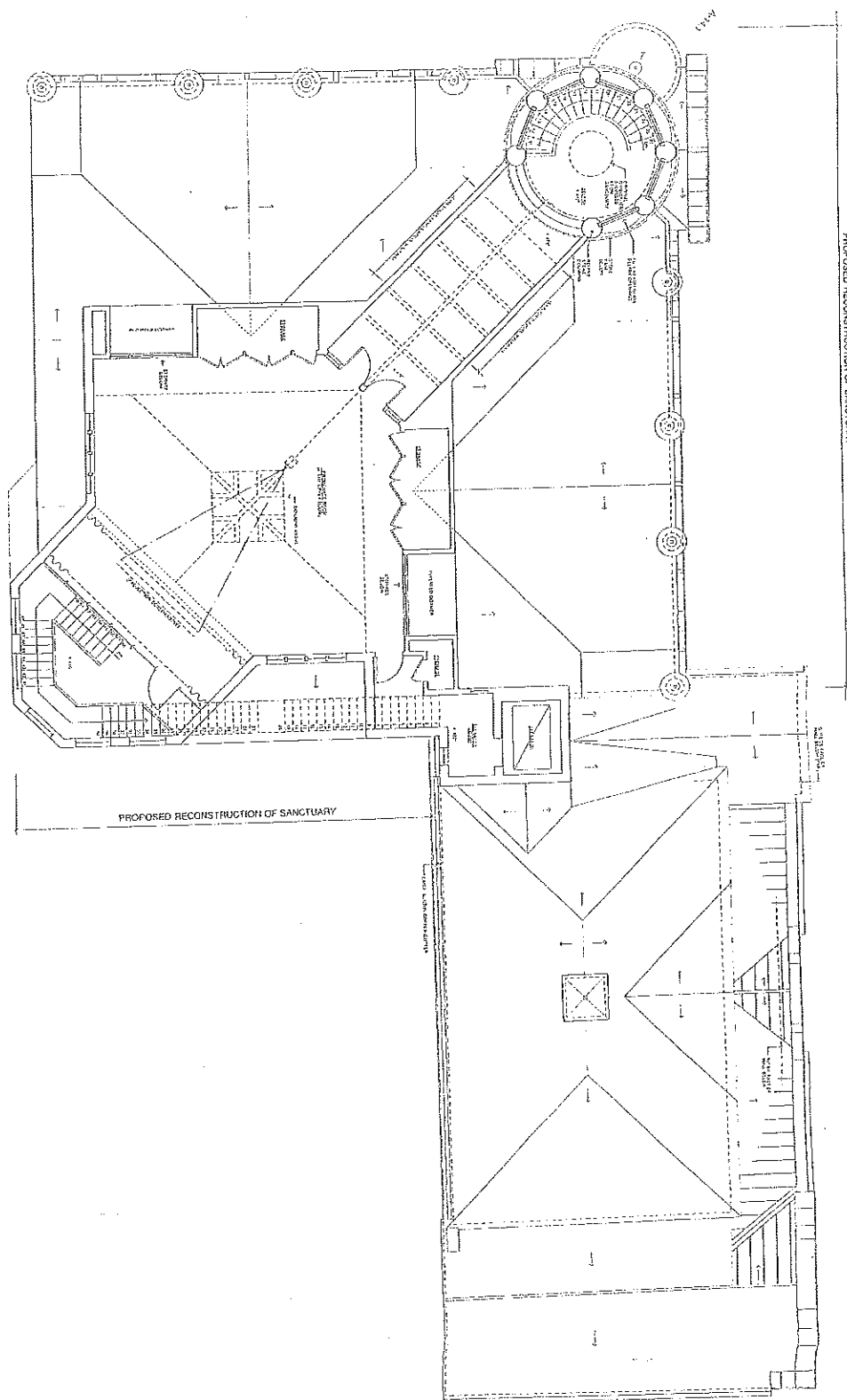
UNIVERSITY OF MAINE ARCHITECTS 100 UNIVERSITY AVENUE PORTLAND, ME 04104		ADAPTIVE REUSE of the ST. LAWRENCE ARTS CENTER 76 CONGRESS STREET PORTLAND MAINE		EXISTING SECOND FLOOR PLAN	
DATE: 11 JUL 2002		PROJECT NO: 02-001		SCALE: 1/8" = 1'-0"	
PROJECT: ST. LAWRENCE ARTS CENTER		CLIENT: ST. LAWRENCE ARTS CENTER		ARCHITECT: UNIVERSITY OF MAINE	
PROJECT NO: 02-001		DATE: 11 JUL 2002		SCALE: 1/8" = 1'-0"	
PROJECT: ST. LAWRENCE ARTS CENTER		CLIENT: ST. LAWRENCE ARTS CENTER		ARCHITECT: UNIVERSITY OF MAINE	

PROPOSED SECOND FLOOR PLAN



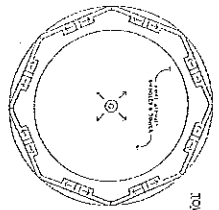
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A-4.1

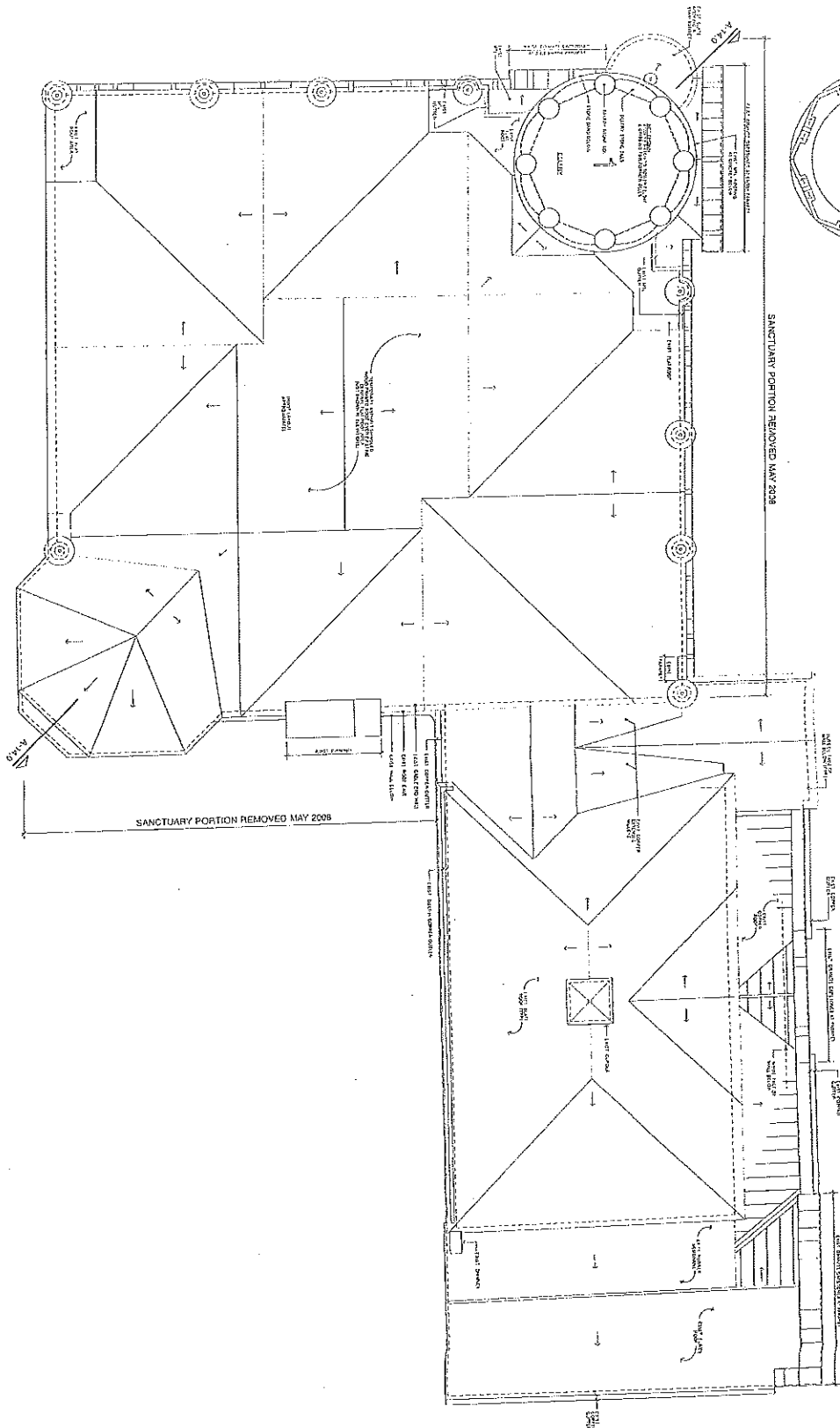


ADAPTIVE REUSE of the
ST. LAWRENCE ARTS CENTER
76 CONGRESS STREET
PORTLAND MAINE
PROPOSED THIRD FLOOR PLAN

STAYTAKER
ARCHITECTS
LLC

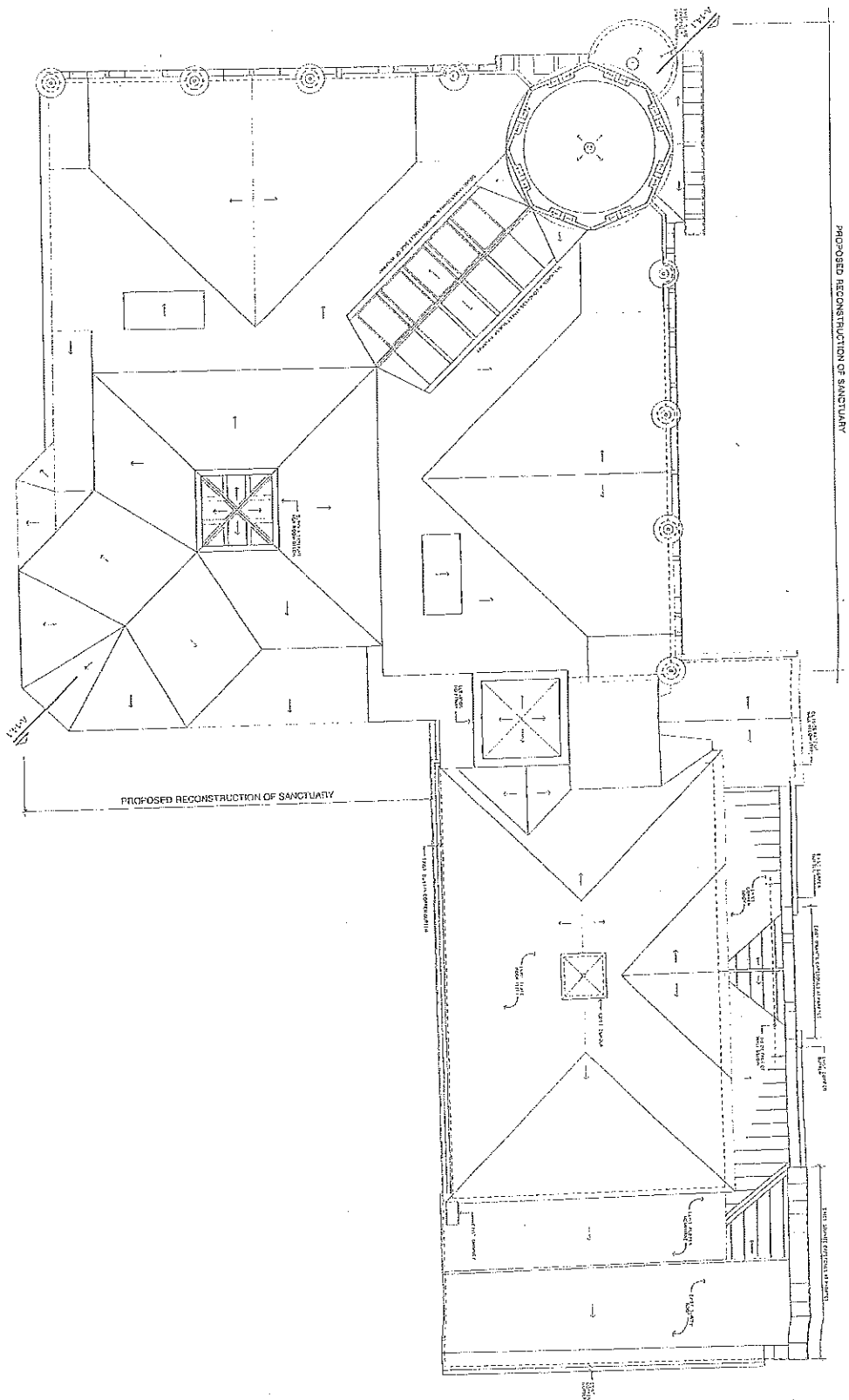


TOWER ROOF PLAN (SEE PLAN)



1 EXISTING ROOF PLAN
A-5.0

A-5.0	DATE: 12.12.2018	PROJECT NAME: PROPERTY ADDRESS:	ADAPTIVE REUSE of the ST. LAWRENCE ARTS CENTER 76 CONGRESS STREET PORTLAND MAINE EXISTING ROOF PLAN	WALSH ARCHITECTS ARCHITECTS 1000 BROADWAY PORTLAND, ME 04101
	REVISIONS	DESIGNER: J. WILSON	PROJECT NO.: 18-001	PROJECT NO.: 18-001



A-5.1	DATE: 12/1/78	PROJECT NAME: ST. LAWRENCE ARTS CENTER	ADAPTIVE REUSE of the ST. LAWRENCE ARTS CENTER 76 CONGRESS STREET PORTLAND MAINE PROPOSED ROOF PLAN
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SANCTUARY PORTION REMOVED MAY 2008

**BILLS
WHITAKER
ARCHITECTS
LLC**
P.O. BOX 759061
ATLANTA, GA 30375-9061
PH 404-525-7411
FAX 404-525-6470

ADAPTIVE REUSE of the
ST. LAWRENCE ARTS CENTER
76 CONGRESS STREET
PORTLAND MAINE
NORTH ELEVATION - CONGRESS STREET

EXISTING NORTH ELEVATION - CONGRESS STREET

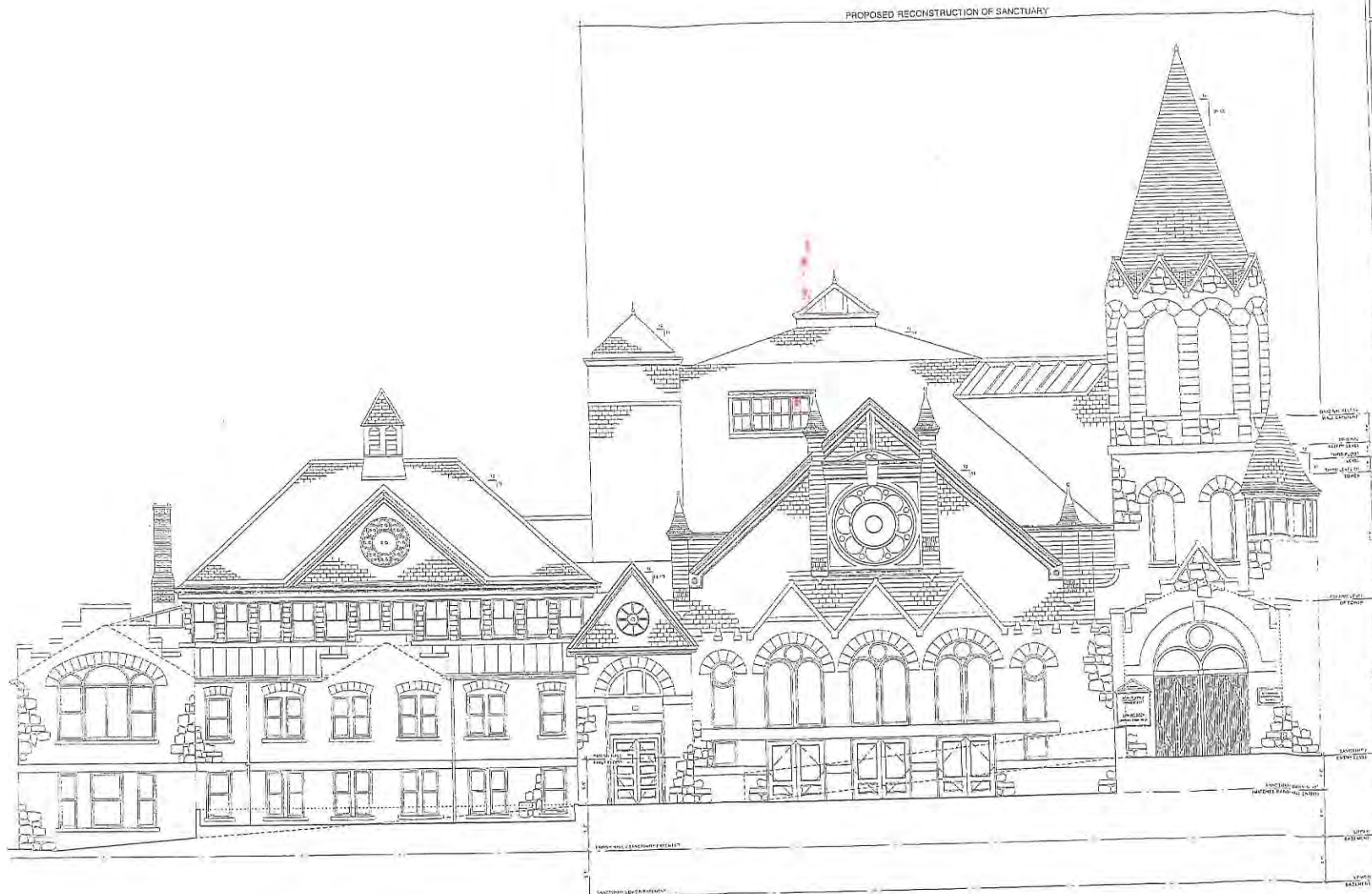
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DATE 12 MAY 1968

POPULARITY DRIVES
NOT FOR CONSTRUCTION

1. **NAME**

A-10.0



1 PROPOSED NORTH EXTERIOR ELEVATION - CONGRESS STREET
 1/8" = 1'-0"

HILLS
 WINTAKEN
 ARCHITECTS
 LLC
 75 LINDA DRIVE
 PORTLAND, ME 04106
 TEL: 603-766-1111
 FAX: 603-766-1112

ADAPTIVE REUSE of the
 ST. LAWRENCE ARTS CENTER
 76 CONGRESS STREET
 PORTLAND MAINE

PROPOSED NORTH ELEVATION - CONGRESS STREET

PROJECT NO.
 1000000000

DATE 12 JULY 2020

PREPARED BY: J. HILL

NOT FOR CONSTRUCTION

1000000000

A-10.1



MILLS
KONIGER
ARCHITECTS
LLC

1000 1/2 ST. JAMES
PORTLAND, ME 04101
P: 603.771.1111
F: 603.771.1112
WWW.MILLSKONIGER.COM

ADAPTIVE REUSE of the
ST. LAWRENCE ARTS CENTER
76 CONGRESS STREET
PORTLAND, MAINE

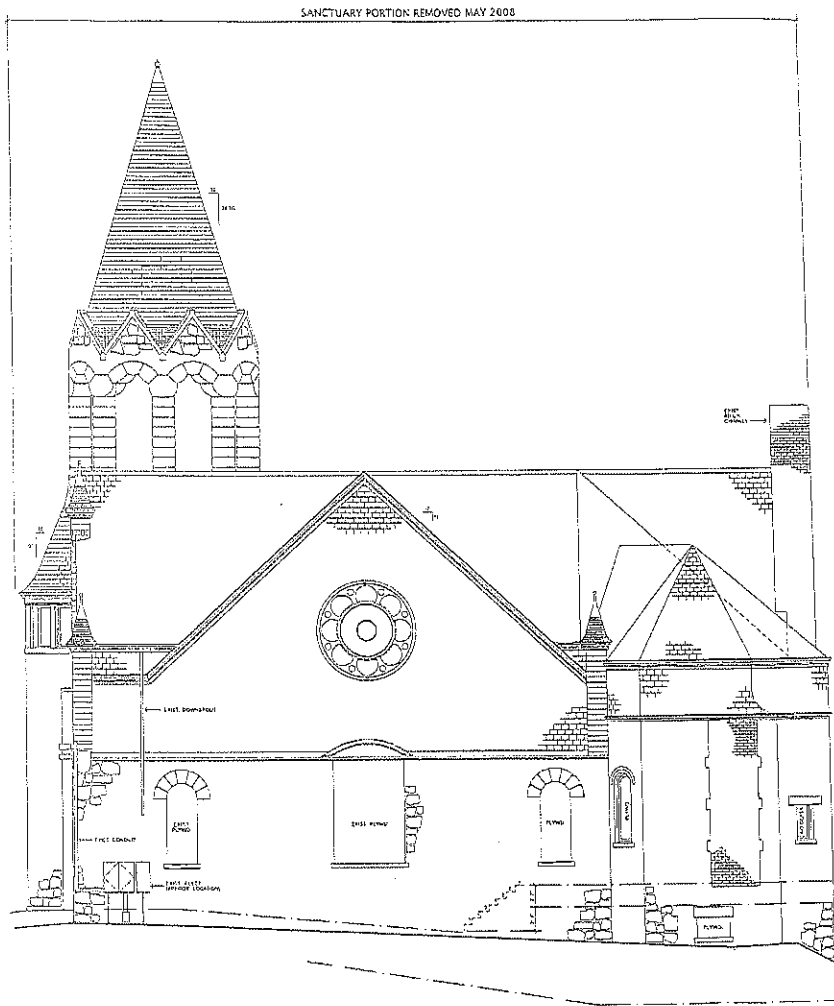
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DATE 13 JULY 2021

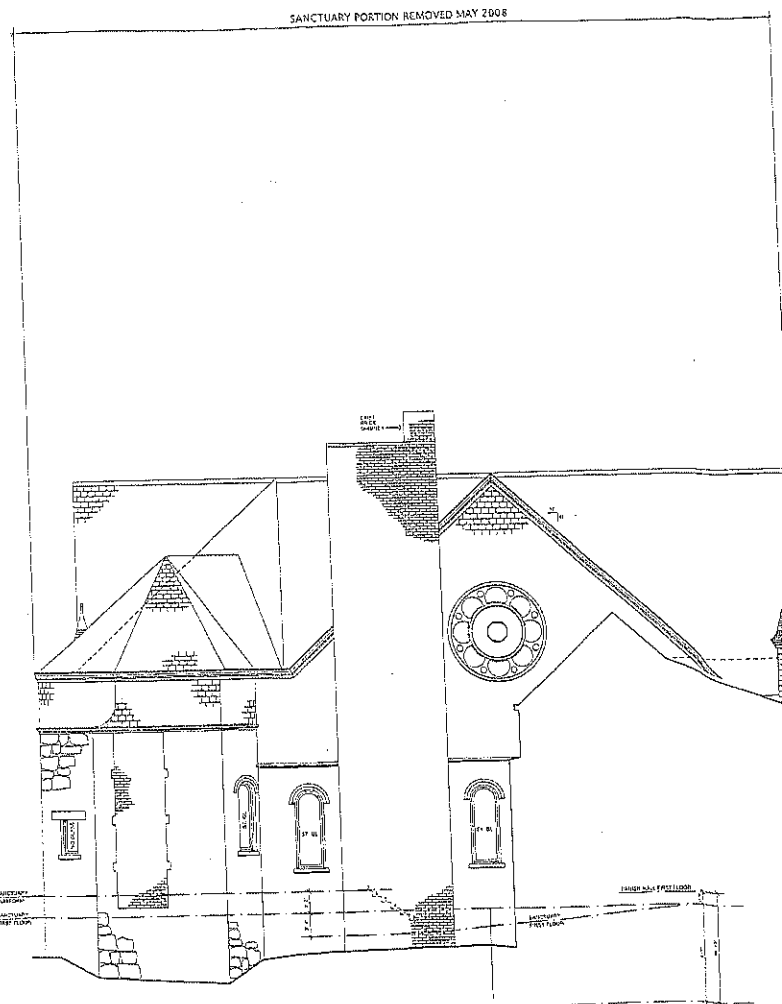
THIS IS A PRELIMINARY DESIGN
NOT FOR CONSTRUCTION

SHEET

A-11.1



1 EXISTING SOUTH EXTERIOR ELEVATION - SANCTUARY
A-12.0



2 EXISTING EAST EXTERIOR ELEVATION - SANCTUARY
A-12.0

HILLS
WHITAKER
ARCHITECTS
LLC
200 KYLE STREET
PORTLAND, ME 04106
TEL: 503.744.1111
FAX: 503.744.1112

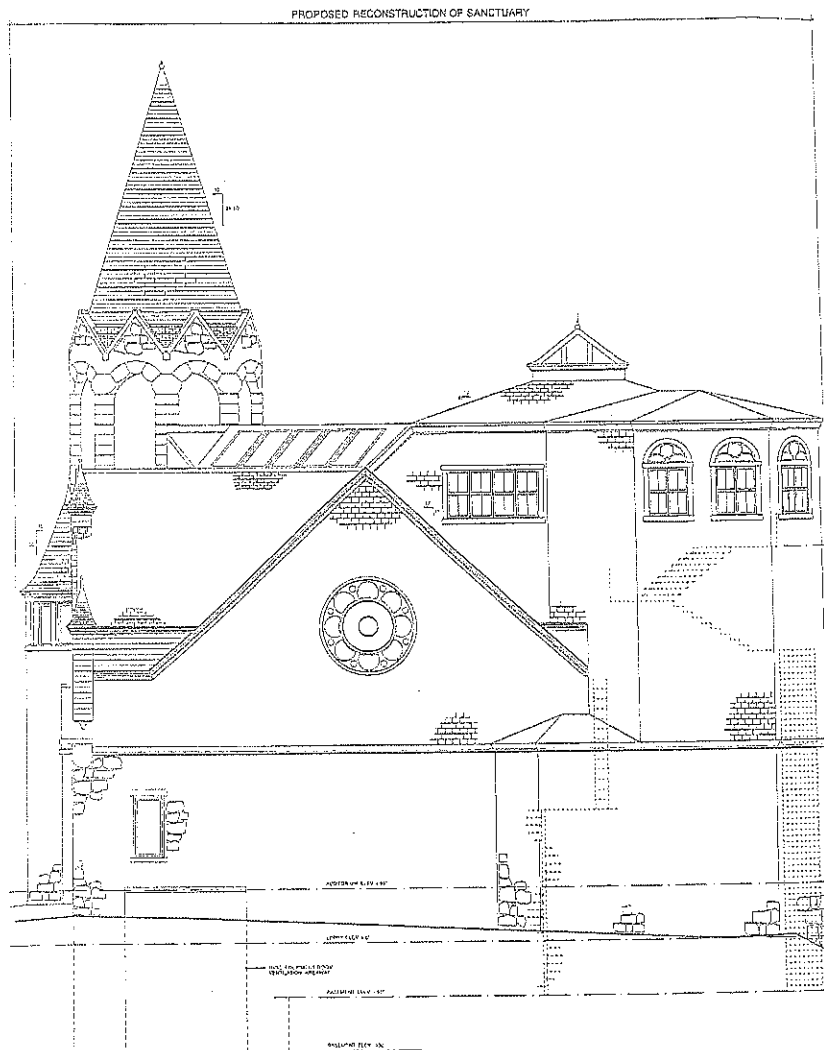
ADAPTIVE REUSE of the
ST. LAWRENCE ARTS CENTER
76 CONGRESS STREET
PORTLAND MAINE
EXISTING SOUTH & EAST ELEVATION - SANCTUARY

DATE: 13 JULY 2008

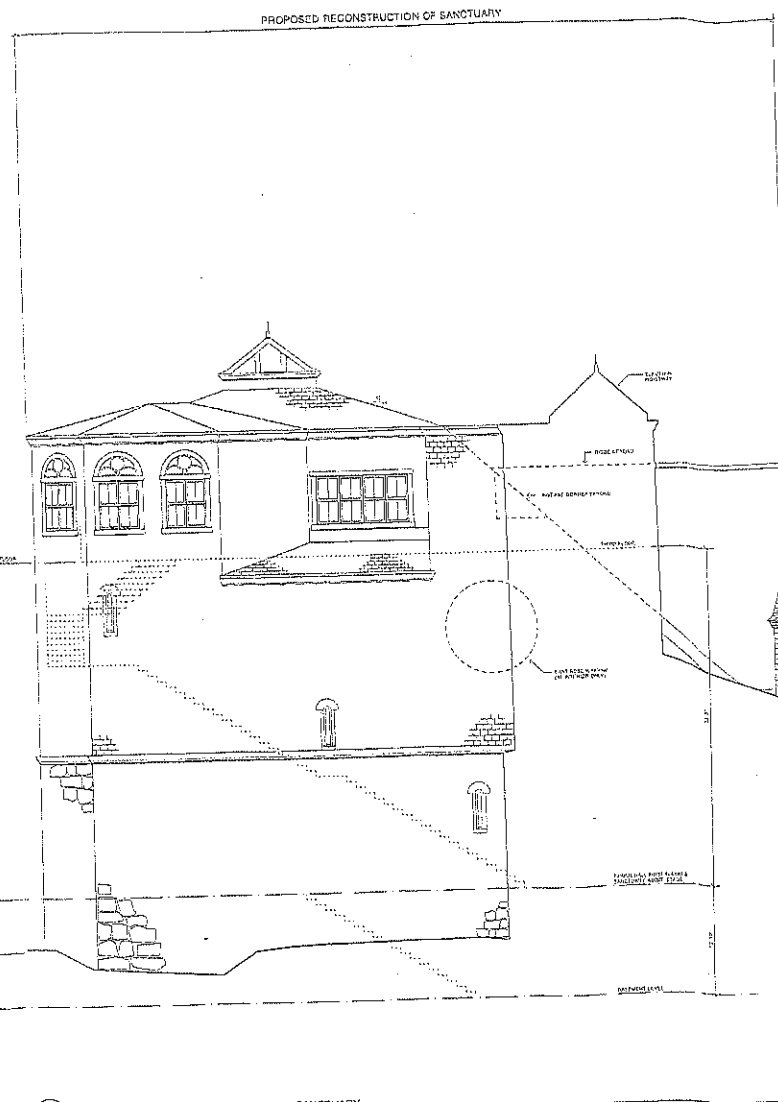
PRELIMINARY DESIGN
NOT FOR CONSTRUCTION

SHEET 1

A-12.0



1 PROPOSED SOUTH EXTERIOR ELEVATION - SANCTUARY
A-12.1



2 PROPOSED EAST EXTERIOR ELEVATION - SANCTUARY
A-12.1

MILLS
VANDERKAM
ARCHITECTS
LLC

200 DEERING AVENUE
PORTLAND, ME 04106
TEL: (207) 761-1111
WWW.MVARCHITECTS.COM

ADAPTIVE REUSE of the
ST. LAWRENCE ARTS CENTER
76 CONGRESS STREET
PORTLAND, MAINE

PROPOSED SOUTH & EAST ELEVATION - SANCTUARY

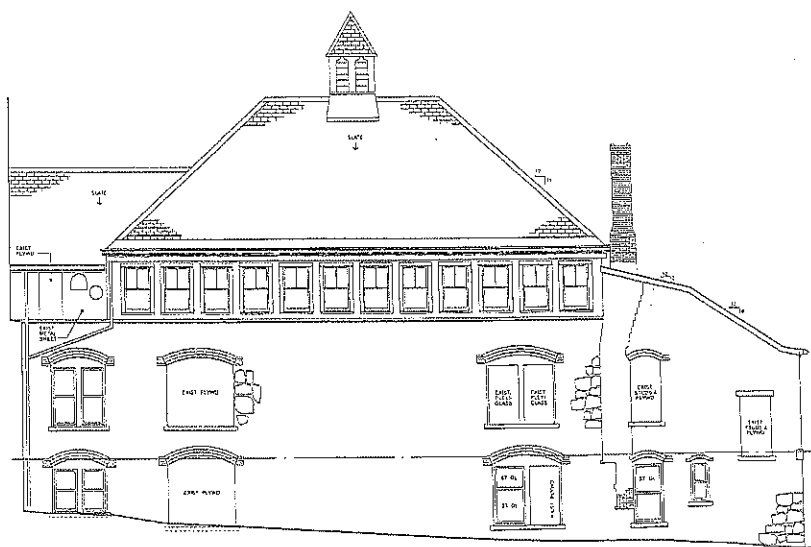
PRELIMINARY DESIGN
ARCHITECTURAL CONSTRUCTION

DATE: JULY 13, 2022

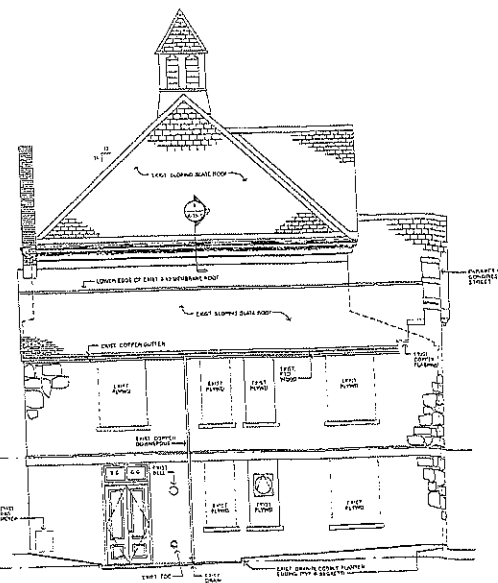
PROJECT: ST. LAWRENCE ARTS CENTER

SHEET: A-12.1

A-12.1



1 EXISTING SOUTH EXTERIOR ELEVATION - PARISH HALL
A-13.0



2 EXISTING EAST EXTERIOR ELEVATION - BECKETT STREET
A-13.0

MILLS
VINTAGES
ARCHITECTS
LLC
100 HANCOCK
BOSTON, MA 02111
TEL: 617-452-1111
WWW.MILLSVINTAGES.COM

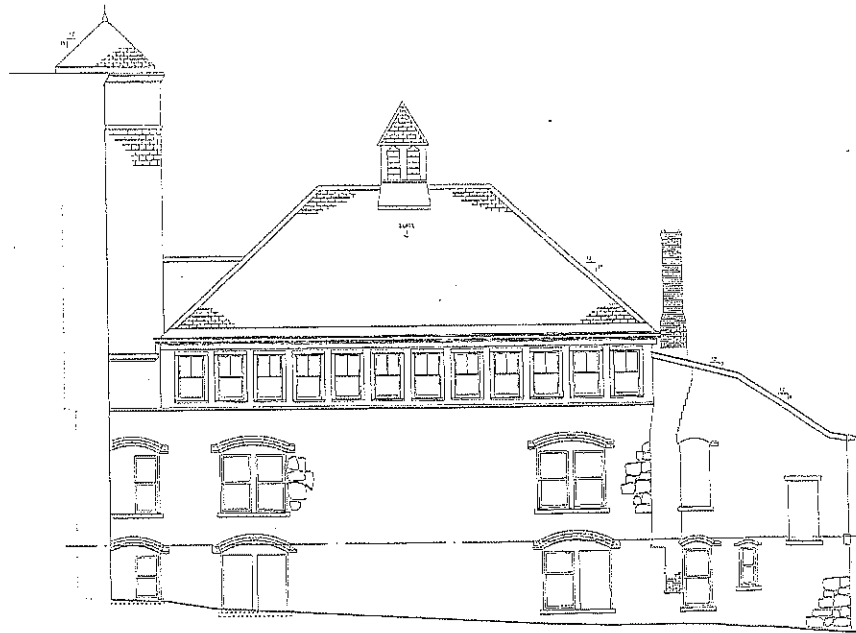
ADAPTIVE REUSE of the
ST. LAWRENCE ARTS CENTER
76 CONGRESS STREET
PORTLAND, MAINE

EXISTING SOUTH & EAST ELEVATION - PARISH HALL

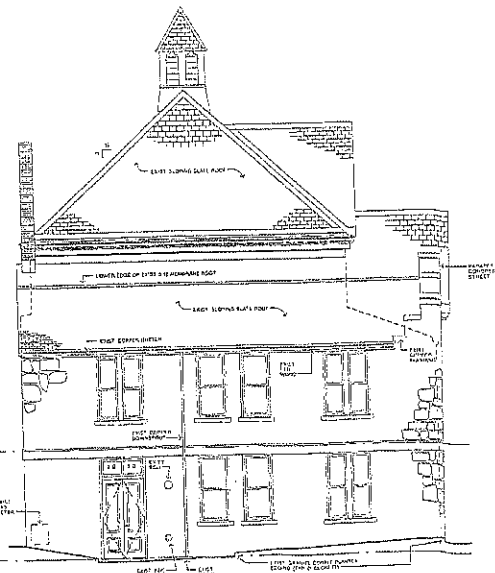
DATE: 13 JULY 2015

PRELIMINARY DESIGN
NOT FOR CONSTRUCTION

WEEK: A-13.0



1 PROPOSED SOUTH EXTERIOR ELEVATION - PARISH HALL
A-13.1



2 PROPOSED EAST EXTERIOR ELEVATION - BECKETT STREET
A-13.1

HOLS
WHITAKER
ARCHITECTS
LLC
111 1ST STREET
PORTLAND, ME 04101
TEL: 603.771.1111
WWW.HOLSARCHITECTS.COM

ADAPTIVE REUSE of the
ST. LAWRENCE ARTS CENTER
76 CONGRESS STREET
PORTLAND MAINE
PROPOSED SOUTH & EAST ELEVATION - PARISH HALL

PROJECT NAME
PROJECT NUMBER

SHEET 12 MAY 2020

PREPARED BY DESIGN
NOT FOR CONSTRUCTION

DATE

A-13.1



1 FORMER CROSS SECTION OF SANCTUARY
A-14.0 Scale: 3/16" = 1'-0"

MILLS
WHITAKER
ARCHITECTS
LLC
225 BAY STREET
PORTLAND, MAINE 04101
TEL: 617.774.1111
WWW.MILLSWHITAKER.COM

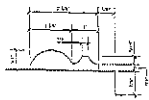
ADAPTIVE REUSE of the
ST. LAWRENCE ARTS CENTER
76 CONGRESS STREET
PORTLAND, MAINE
FORMER CROSS SECTION OF SANCTUARY

PROJECT NAME
PROJECT NUMBER

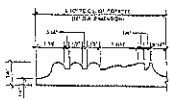
DATE 13 JULY 2021

PRELIMINARY DESIGN
NOT FOR CONSTRUCTION

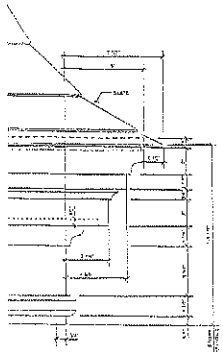
SHEET
A-14.0



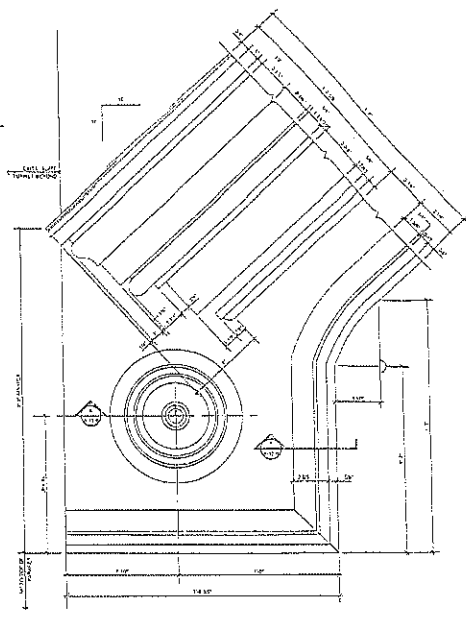
7 RAKE BED MOULD
A-15.0
Scale: Half Actual Size



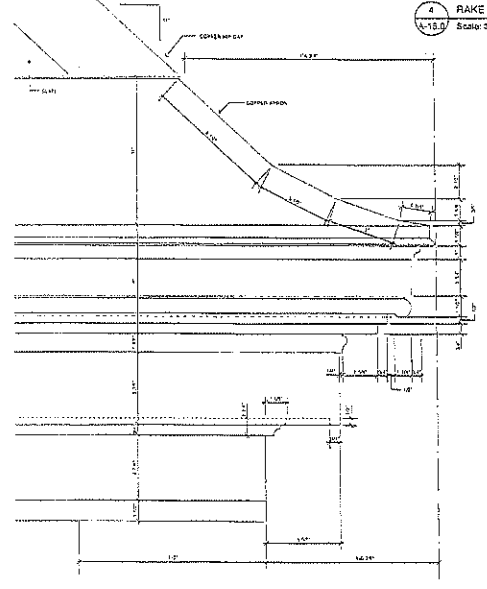
8 ROSETTE IN SECTION
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Scale: Half Actual Size



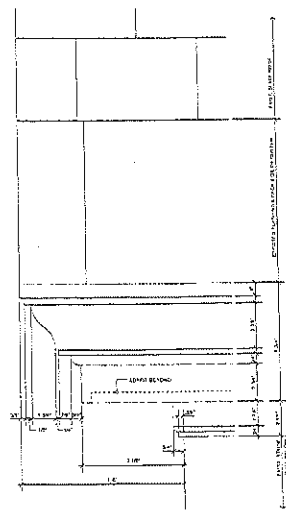
6 TOWER STAIR EAVE DETAIL
A-15.0
Scale: 3\"/>



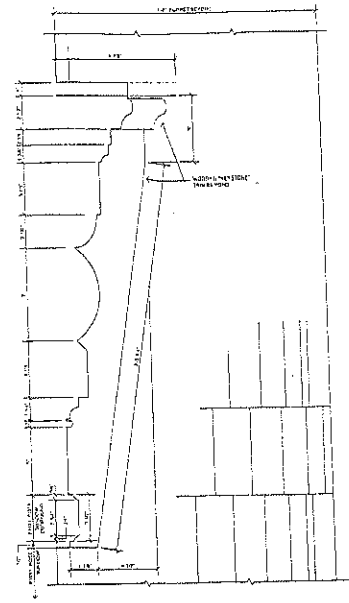
4 RAKE ELEVATION DETAIL AT SANCTUARY
A-15.0
Scale: 3\"/>



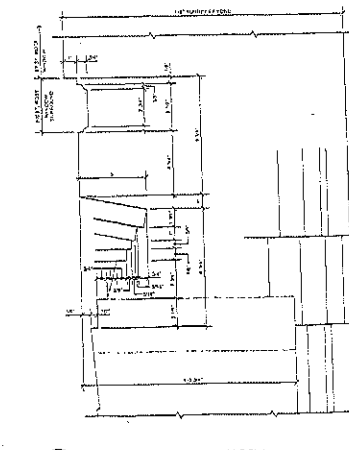
9 EAVE ELEVATION DETAIL @ PARISH HALL
A-15.0
Scale: 3\"/>



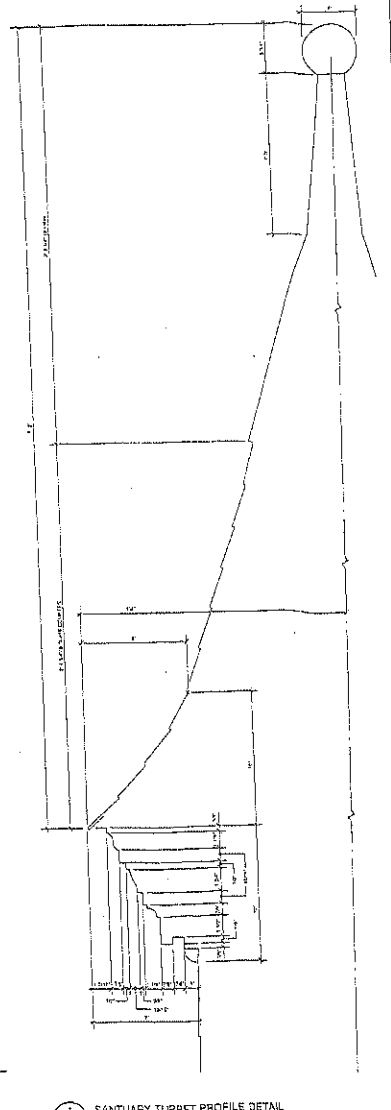
5 EAVE ELEVATION @ PARISH HALL ENTRY
A-15.0
Scale: 3\"/>



2 HEAD TRIM PROFILE @ ROSE WINDOW
A-15.0
Scale: 3\"/>

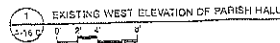


3 STOOL PROFILE @ ROSE WINDOW
A-15.0
Scale: 3\"/>



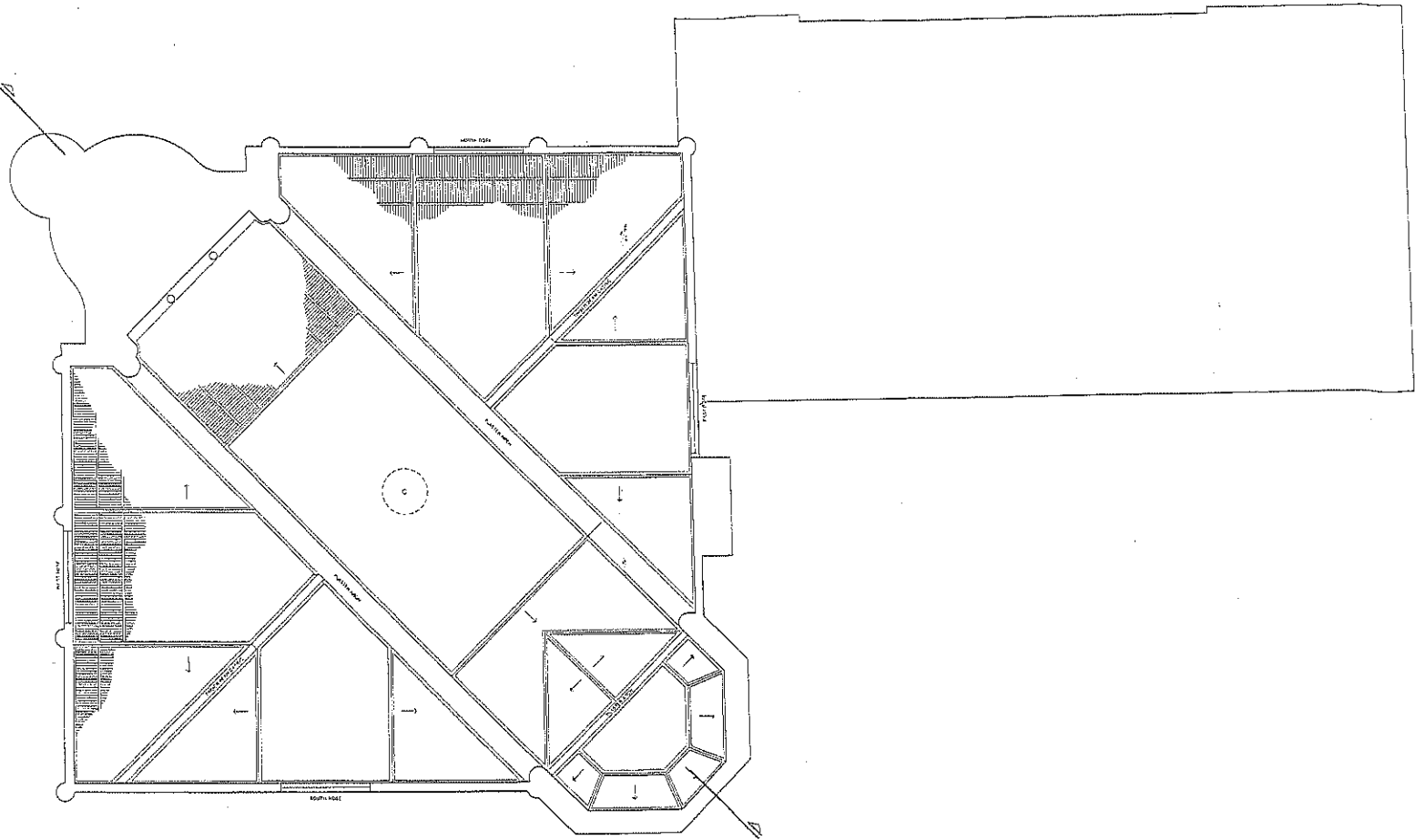
1 SANCTUARY TURRET PROFILE DETAIL
A-15.0
Scale: 3\"/>

ADAPTIVE REUSE of the ST. LAWRENCE ARTS CENTER 76 CONGRESS STREET PORTLAND MAINE EXISTING EXTERIOR TRIM DETAILS	
PROJECT NUMBER 2014-001	DATE 12 JULY 2016
PRELIMINARY DESIGN NOT FOR CONSTRUCTION	
SHEET # A-15.0	



ENCLOSURE
A-16.0

EXISTING WEST ELEVATION OF PARISH HALL



1
A-17.0
FORMER SANCTUARY REFLECTED CEILING PLAN

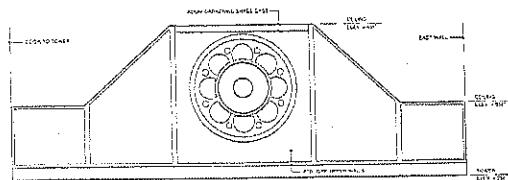
WILLIS
WHITAKER
ARCHITECTS
LLC
1000 10TH AVENUE
SUITE 1000
PORTLAND, ME 04101-1000
TEL: 503.223.1111
FAX: 503.223.1112

PROJECT NAME
PROJECT ADDRESS
DATE
PROJECT NO.

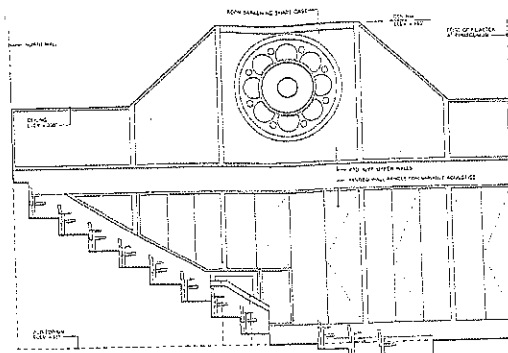
DATE 10 JULY 2008
PRELIMINARY DESIGN
NOT FOR CONSTRUCTION
SHEET 1

A-17.0

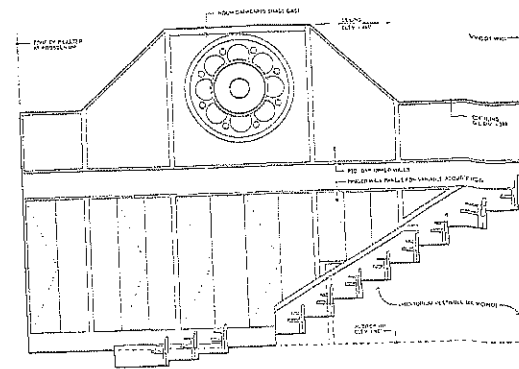
ADAPTIVE REUSE of the
ST. LAWRENCE ARTS CENTER
76 CONGRESS STREET
PORTLAND MAINE
FORMER SANCTUARY REFLECTED CEILING PLAN



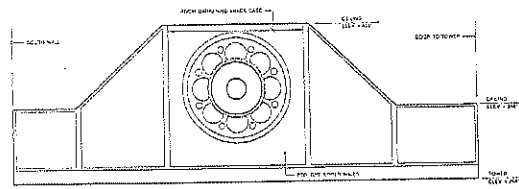
1 NORTH ELEVATION (CONGRESS STREET)
Scale: 3/16" = 1'-0"



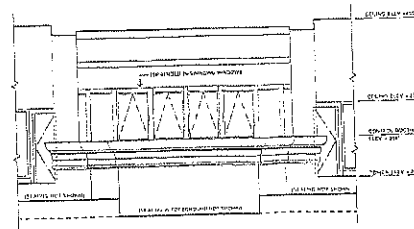
2 EAST ELEVATION
Scale: 3/16" = 1'-0"



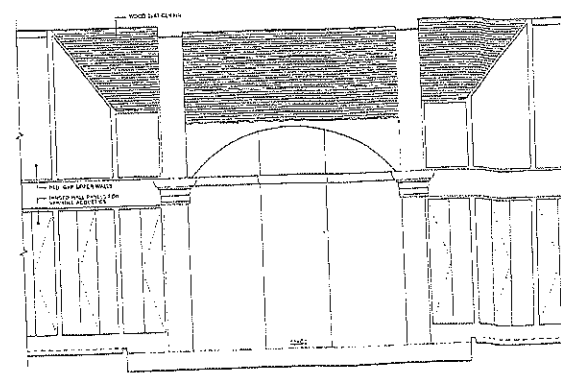
3 SOUTH ELEVATION
Scale: 3/16" = 1'-0"



4 WEST ELEVATION (MUNJOY STREET)
Scale: 3/16" = 1'-0"

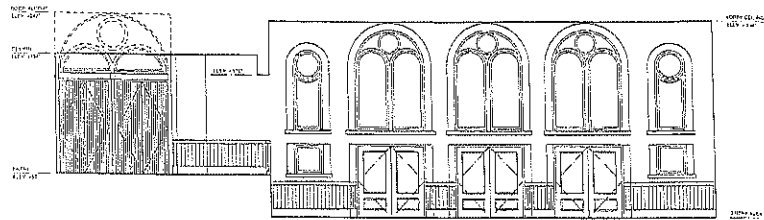


5 NORTHWEST ELEVATION (CONTROLS)
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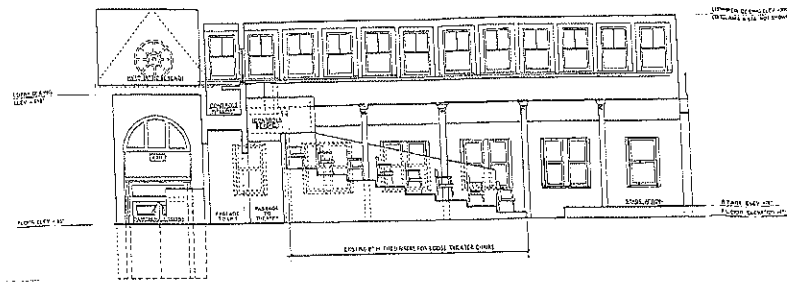


6 SOUTHEAST ELEVATION (STAGE)
Scale: 3/16" = 1'-0"

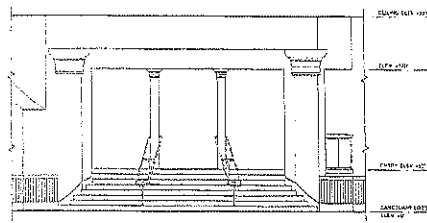
ADAPTIVE REUSE OF THE ST. LAWRENCE ARTS CENTER 76 CONGRESS STREET PORTLAND MAINE	
DATE: 12 JULY 2005	PROJECT: ADAPTIVE REUSE OF THE ST. LAWRENCE ARTS CENTER
ARCHITECT: HILLIER WHITAKER ARCHITECTS LLC	SCALE: 3/16" = 1'-0"
13	



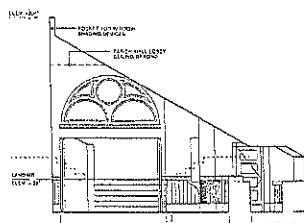
A-19 PROPOSED SANCTUARY LOBBY NORTH ELEVATION
Scale: 3/16" = 1'-0"



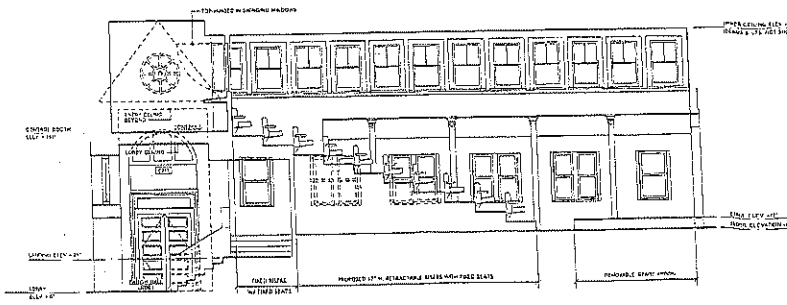
A-19 SECTION OF EXISTING PARISH HALL THEATER & LOBBY
Scale: 3/16" = 1'-0"



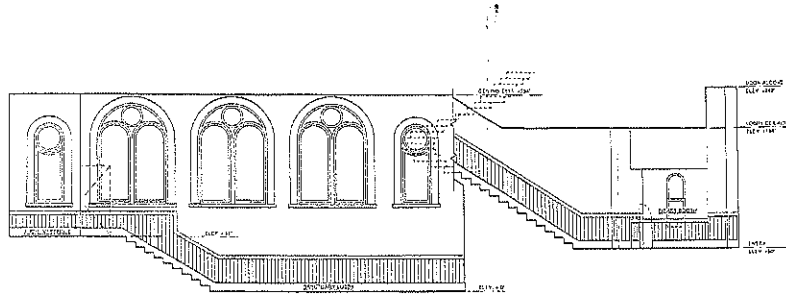
A-19 PROPOSED SANCTUARY LOBBY NORTHWEST ELEVATION
Scale: 3/16" = 1'-0"



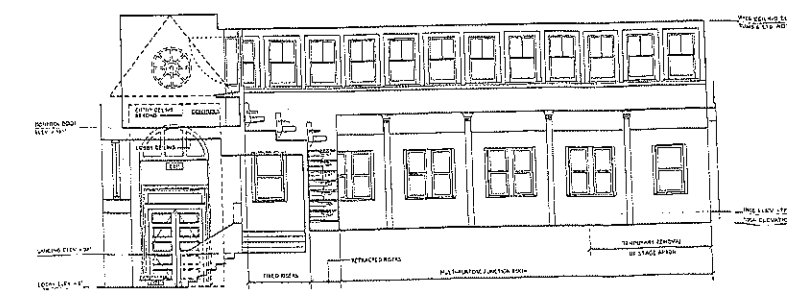
A-19 PROPOSED SANCTUARY LOBBY EAST ELEVATION
Scale: 3/16" = 1'-0"



A-19 SECTION OF PROPOSED PARISH HALL THEATER & LOBBY
Scale: 3/16" = 1'-0"



A-19 PROPOSED SANCTUARY LOBBY WEST ELEVATION
Scale: 3/16" = 1'-0"



A-19 PROPOSED SANCTUARY LOBBY ELEVATION
Scale: 3/16" = 1'-0"

MILLS
WHITAKER
ARCHITECTS
LLC
100 N. 10TH STREET
PORTLAND, ME 04101
TEL: 207.774.1111
WWW.MILLSWHITAKER.COM

ADAPTIVE REUSE of the
ST. LAWRENCE ARTS CENTER
76 CONGRESS STREET
PORTLAND MAINE

LOBBY AND PARISH HALL THEATER INTERIORS

PROJECT NAME
PROJECT NUMBER
DATE 10 JULY 2020
PRELIMINARY DESIGN
NOT FOR CONSTRUCTION
SHEET #
A-19

Neighborhood Meeting for Friends of St. Lawrence Church
February 12, 2014
St. Lawrence Arts, 76 Congress Street, Portland, Maine
5:30 p.m.

Present: See Attached Sign-in Sheet

Deirdre Nice, Executive Director of Friend of St. Lawrence Church (FSLC), opened the meeting by welcoming neighbors and made a short announcement about upcoming events in the Parish Hall Theater as well as alerting attendees that the City of Portland was also hosting a meeting about FSLC's project on Thursday, February 27, 2014 at 7:00 pm at the East End Community School.

David Lloyd, Principal, Archetype Architects, made a brief presentation about the project, updating attendees on the process stating that at present FSLC had gone through three workshops with the City of Portland Historic Preservation Board and had submitted its application for an amendment for its Conditional Rezoning Agreement (CZA). David brought images of the most current design of the exterior of the building, as well as a three-dimensional model of the blocks surrounding the FSCL property to show how the building will relate to the other adjacent buildings. David also showed an image of scale with the proposed FSLC building and the proposed condominium unit at 118 Congress. David gave an overview of the zoning codes in reference to height for this part of Congress Street and explained the height of the proposed Performance Hall for FSLC.

A question was asked about how the proposed Performance Hall compared to the former historic Sanctuary. David explained it has a similar footprint but it is smaller in height; furthermore, it is a smaller building cubic-feet wise.

A question was asked by a neighbor on Beckett Street about the proposed Promenade room in regards to noise and concerns about attendees in the room being able to stare down at neighbors. David addressed these concerns by stating that the Promenade Room is stepped back from the roof edge and will have thermal glazing, which is an excellent soundproofing material.

A question was asked about the use of the Promenade Room as a separate events space or potential for small events. Deirdre explained that it may be used for small events in conjunction with a larger event in the Performance Hall but that the space would not be equipped with lighting and sound for large concerts. Deirdre also stated that St. Lawrence Arts (SLA) ends all events end by 9:30 or 10:00 p.m. and adheres to all City noise ordinances.

A question was asked about the use of original materials on the building like stained glass, David explained that granite would be used on the façade to relate to the granite on the Parish Hall but that given its use as a Performance Hall, the new building would not incorporate stained glass or windows into the design except for glass on the front of the building and in the Promenade Room. Also, David stated that this is a contemporary building so the use of stained glass would not fit into the overall design scheme.

A question was asked about use of colored light on the front of the building and would it be similar to the light design in use on the exterior of the Portland Public Library. David explained that due to the residential nature of the setting, any light illuminating from the building would be very subtle.

Tom Gorrill of Gorrill-Palmer Consulting Engineers, Inc gave a presentation about the Transportation Demand Management (TDM) plan compiled by his firm. First Tom explained what is involved in a parking study, stating how demand is determined and then a review of the current supply, and finally a comparison between the two. The goal of a successful TDM plan is to not have demand exceed supply. Tom explained the formula used to determine the demand expected for the proposed 400-seat Performance Hall. The firm took the current number of people allowed in the building as stated in the CZA, which is 485, data compiled from 2 surveys conducted during sold-out performances of SLA, and national data to determine that FSLC would need to supply 228 spaces. Tom qualified that the Performance Hall only seats 400 people, so using the number of 485 made the study a very conservative estimate. Then it was determined that within a 5 minute walk of the building there are 179 available spaces. Further, by incorporating the Cutter Street lot an additional 95 spaces were available for a total of 274 spaces. Tom qualified his remarks about the Cutter Street lot stating that it is beyond a 5 minute walk and therefore his firm strongly recommends the use of a shuttle for patrons parking in this area. Tom stated that a successful TDM plan has careful management, promotes ride-sharing, public transportation, walking and biking to and from events. Tom stated that FSLC will provide four bike racks adjacent to the Performance Hall.

Tom concluded his presentation by stating that adjustments to the TDM plan will be made and that FSLC is required to file an annual report as a safety net.

A question was posed by a neighbor who disagreed with the number of spaces available and inquired exactly how this supply was determined. Tom said that the number of cars on the street are counted and subtracted by the number of cars it is pre-determined the street can accommodate if people are parked legally (i.e. not in front of driveways).

Jamie Parker stated in response that he counted 10 spaces on his way to SLA for the meeting and strongly disagreed with the comment by the person who said there are not even five spaces currently available around the St. Lawrence Church. Jamie stated that the parking problem is more perceived than real. Tom was asked if his firm could conduct another study and he replied that usually his firm only does one study but in this instance given the extreme concern and scrutiny anticipated about parking, FSLC asked for two surveys.

Vana Carmona stated that she has also gone out and conducted a parking study by counting cars and though she arrived at the same number of empty spaces as Gorrill-Palmer, she did not think there were enough spaces for 485 people. Vana stated that she didn't think it was realistic to think patrons of SLA would use alternate lots or other modes of transportation. Vana asked if Tom Gorrill would be advising on the shuttle, stating that the details are very important and if it is not convenient people would not use the service. Tom stated that the details of the shuttle were not a priority at this point but would be carefully scrutinized at the appropriate time. Vana Carmona then asked Tom to confirm that he was at present just determining supply and demand.

Deirdre Nice made a statement about how important the TDM plan is to FSLC, stating that we are committed to it being a workable and realistic plan that is carefully monitored.

A question was asked if FSLC had considered using the parking garage on India and Fore Streets. Deirdre explained that, at present, FSLC does not have a relationship with this garage but that we will look into making use of it for events via a shuttle as an option if the Cutter Street lot does not provide adequate parking.

Carl Loomis of Valet Services got up and made a brief presentation as an attendee of the meeting (not a formal presenter) on the benefits of valet services and how he feels it can greatly mitigate the effects of parking problems. He explained how he can handle a large influx of cars at one time.

A resident on North Street stated that North Street is not a far walk and that there is plenty of parking along it especially near the school and it should be considered as an option for parking. Another neighbor mentioned the use of residential parking stickers and how this system has worked well in the West End neighborhood with the addition of Maine Medical Center and its recent expansions. This person stated that even though the restaurants might not like the residential parking stickers, FSLC could work with the business to devise a joint parking plan.

Jamie Parker spoke again; encouraging attendees to think more progressively about parking and the creative opportunity to make the journey to the event part of the positive experience and that is can be achieved through outreach and communication.

A resident formerly from Beacon Hill stated that the FSLC has done a great job with its plan to build the Performance Hall and its TDM plan and stated that residential parking is a key way to solve the issue of parking.

Deirdre asked if there were more questions or comments and then invited attendees to take a closer look at David's three-dimensional model as well as the images of the current design. Some attendees took the opportunity to talk to David Lloyd and Tom Gorrill directly.

The meeting concluded at 6:35 p.m.

Respectfully Submitted,

Julia Kirby
Development Director
Friends of St. Lawrence Church

Friends of St. Lawrence Arts
Public Meeting for Contract Zone Amendment
February 12, 2014

<u>Name (Please Print)</u>	<u>email (optional)</u>	<u>Signature</u>
Joan Shesky	joanishesky@gmail.com	Joan Shesky
Robert A. Bradley		Robert A. Bradley
CAROLYN Young	CBYTEY@maine.rr.com	Carolyn
CARL Loomis	CARL.Loomis@valeryme.net	Carl Loomis
Ross Fields	fieldsotm@gmail.com	Ross Fields
Jennifer W. Kstrom	JWIKPORT@YAHOO.COM	Jennifer W. Kstrom
Sam Cohen	Sam.Cohen@munjoyhill.org	Sam Cohen
Tom Enroll	enroll@com	Tom Enroll
JUDITH MALIA		Judith Malia
Chris Lee		Chris Lee
Owen Chaplin		Owen Chaplin
ENOCH WENSTROM		Enoch Wenstrom
Ann Landsberg		Ann Landsberg
Vana Carmona		Vana Carmona
Zeynep Turk	zturk@hotmail.com	Zeynep Turk
Joe Piergrassi SR.	jpier@maine.rr.com	Joe Piergrassi SR.
Trevor Coyne	Tcoyne@maine.rr.com	Trevor Coyne

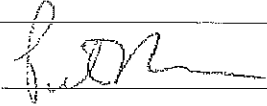
Friends of St. Lawrence Arts
Public Meeting for Contract Zone Amendment
February 12, 2014

Name (Please Print)

email (optional)

Signature

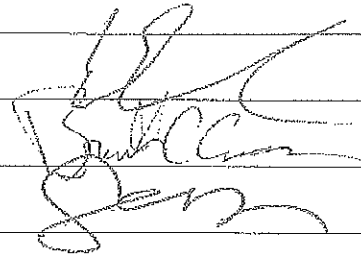
Peter Bass



BARBARA VERRILL

Eric Lessard

BRENDT CORCORAN



Sarah Gravity sarah.gravity@
munjoyhill.org

October 1, 2014

Nell Donaldson
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

Subject: Submission of the Revised Parking Management Plan
St. Lawrence Arts Center
76 Congress Street Portland, Maine

Dear Nell:

Attached please find the revised TDM plan for the St. Lawrence Arts Center (SLA). The revised plan has been prepared working with Staff and Board Members of the Friends of St. Lawrence Church (FSLC) and benefits from comments received from Nelson/Nygaard's assessment of the previous TDM plan and comments received from the Planning Board. We want to emphasize that this plan is a living document intended to be revisited and revised frequently as noted in the Plan.

There are three comments we received from you and the Board that are not provided for in the Plan and are discussed below.

1. Provision for covered bike racks- It is our understanding that SLA will consider covered bike racks if they can be successfully incorporated with the design by Archetype both spatially and aesthetically, or appropriately designed to be placed in front of the Historic Parish Hall Theater.
2. Provision for Ushare- Board member Tim Dean suggested that we look into this option which we have recommended in other TDM plans prepared by our office. These programs allow people to make occasional use of a vehicle easily and affordably by allowing members of the program to rent the vehicle "by the hour" or for short periods of time. UShare has locations in Portland and we have recommended its use in TDM plans done by our office for housing projects as a way to help reduce the need for tenants to own cars. However, we do not see it as a component for SLA's TDM plan, but more as a solution for Munjoy Hill residents who find parking in the neighborhood difficult and owning a car too expensive. Whether or not people bring cars they own, ones they rent, or U-Share cars to the Performance Hall, they will be targeted thru the TDM plan.
3. Case studies- the Board requested case studies from Nelson/Nygaard. SLA and Metro are also working to identify any case studies available.

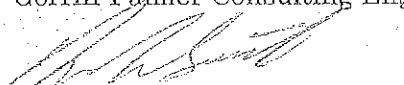
Gorrill-Palmer Consulting Engineers, Inc.

Nell Donaldson
October 1, 2014
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Please contact us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Thomas L. Gorrill, P.E., PTOE
Principal

TLG/tlg/JN2818 / TDM Plan 10-1-14.doc



Gorrill-Palmer Consulting Engineers, Inc.

Engineering Excellence Since 1998

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

October 1, 2014

Deirdre Nice, Executive and Artistic Director
St Lawrence Art Center
76 Congress Street
Portland, ME 04101

Subject: Parking Demand Management Plan
St. Lawrence Arts Center
76 Congress Street Portland, Maine

Dear Ms Nice:

Gorrill-Palmer Consulting Engineers, Inc (GP) completed an evaluation of the parking demand anticipated when the capacity at St Lawrence Arts (SLA) on Congress Street in Portland is expanded from a capacity of 110 to 485 and worked with SLA to develop a Parking Demand Management Plan. The Performance Hall will be 401 seats; however, 485 is the limit set under the current Conditional Rezoning Agreement (2010) and is the number used to estimate parking demand. This report takes into consideration the comments and suggestions provided by an outside peer review (Nelson Nygaard Consulting) on the first TDM completed January, 2014, as well as input from City of Portland planning staff. GP and SLA appreciate that the peer review focused on tangible solutions to discourage patrons of SLA from seeking parking primarily on residential streets directly near the building. SLA plans to implement a combination of solutions to successfully mitigate a parking problem for Munjoy Hill residents, and businesses, as well as patrons of SLA.

Estimate of Parking Demand

There are three potential sources to estimate the parking demand for the facility. Each of these sources is discussed below:

Institute of Transportation Engineers

The Institute of Transportation Engineers (ITE) publication, "Parking Generation, 4th Edition" presents parking rates for various land uses based on studies across the country. Land Use 441, Live Theater projects an average parking ratio of 0.38 vehicles per attendee with a range of 0.37 to 0.40 vehicles per attendee based on rural sites with an average of 800 attendees. The information was based on four studies. Since SLA is only projected to have capacity for 485 and the trip rate increases with fewer attendees, the rate would likely be closer to 0.40 vehicles per attendee.

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St Lawrence Arts Survey Data

SLA has furnished our office with the results of surveys of attendees to two Friday night shows which started at 7:30 p.m. on October 25, 2013 and December 13, 2013. The results are summarized below:

DATE	ATTENDANCE	SURVEYS COMPLETED	PARKING RATIO	NO. OF VEHICLES
10-25-13	103	103	0.54	56
12-13-13	110	110	0.40	44

It is our understanding that the October show attracted an older crowd and therefore the number of people traveling by car may have been higher than other shows.

Staff Demand- Based on information provided by SLA, an attendance of 401 people (sold-out performance) will require 10 staff members. Assuming each staff member commutes in their own vehicle results in a need for 10 staff parking spaces.

Parking Observations

A parking study was conducted by Gorrill-Palmer Consulting Engineers, Inc. on October 25th, the same night as the first survey was distributed to attendees. Two counts were conducted, the first was done before the show (5:45 p.m. to 7:00 p.m.) and the second was completed during the show (7:40 p.m. to 9:10 p.m.). Parked vehicles were counted on all surrounding streets within a half-mile radius of SLA. However, vehicles parked in the vicinity of SLA were the main focus. A walking radius was measured from a one minute walk to the St Lawrence Arts Center up to a four minute walk, assuming the average person walks 3 feet per second (180 feet per minute).

The increase in parked vehicles during the show is provided below:

LENGTH OF WALK	WALKING RADIUS	# OF VEHICLES BEFORE SHOW	# OF VEHICLES DURING SHOW	DIFFERENCE (+/-)
1 minute	180 feet	36	45	+ 9
2 minutes	360 feet	129	147	+ 18
3 minutes	540 feet	293	336	+ 43
4 minutes	720 feet	415	490	+ 75
5 minutes	900 feet	544	664	+ 120

Although we might find these results informative and useful, we can't assume the entire difference of vehicles is representing SLA. The Front Room is a local restaurant and bar located across the street from

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SLA, a popular spot on a Friday evening. Venues, like The Front Room, located near SLA can also influence the demand. Based on these considerations, the 56 vehicles based on the survey appear reasonable.

Comparing Estimates

The parking rate of 0.40 based on ITE coincides with the 0.40 ratio determined from the December show but is less than the 0.54 determined from the October show. However, as previously mentioned, the October show attracted an older crowd and therefore the number of people traveling by car may have been higher than other shows. In addition, as a general principal, parking ratio can be expected to decline as the number of seats increases.

Recommendation for Number of Spaces

After consideration of these variations, our office estimates a demand of 228 spaces (0.45 vehicles per attendee) for the site. This number comprises 218 cars from patrons, and 10 cars for staff. It is our understanding that SLA will distribute a policy to staff and performers that staff park at a set distance from the Performance Hall. This policy will apply to any performers, cast and crew travelling by bus to the Performance Hall in their own vehicle. Performers, cast, and crew who arrive in a bus will be able to unload on Munjoy Street, and all buses will be contractually required to park in an accommodating lot (i.e. not on a residential street). The recommendation for 228 spaces exceeds that forecast by ITE for a live theater and observed during the December show but less than the 0.54 ratio derived from October show which attracted an older crowd. Nelson Nygaard's review of the parking demand for a 401-seat Performance Hall in the Munjoy Hill neighborhood estimates that SLA will need to provide 122 parking spaces. Our parking analysis cited a need for 228 parking spaces, which is based on occupancy of 485 among the three different spaces (Parish Hall Theater, Performance Hall, and the Promenade Room) for one event. It should be noted the typical maximum audience will not exceed 401 people, and many times much less. It is our opinion that 228 spaces is more realistic as it is based on statistically significant surveys conducted during sold-out performances of the current 110-seat Parish Hall Theater (10/25/2013 and 12/13/13) operated by SLA. Furthermore, an independent survey of needed parking spaces for the venue conducted by members of the Concerned Citizens of Munjoy Hill (CCMH) complemented the recommended 228 spaces and therefore, we have proceeded drafting the plan based on a need of 228 spaces.

During the first year of monitoring, SLA will determine the actual parking demand. Once the actual number has been established, SLA will base its monitoring and reduction of single occupancy vehicle (SOV) goal upon the correct and realistic parking demand.

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Parking Supply

A count was also done of the total number of occupied parking spaces on each street within a 900 foot radius of the SLA on Tuesday evening, December 10th beginning at midnight. The purpose of the counts was to estimate the number of spaces used by the area residences and most of the parking that late at night should be associated with residences. The results of these parking observations are provided as follows.

<i>Length of Walk</i>	<i>Walking Radius</i>	<i># of Spaces</i>	<i># Occupied 12:00 midnight Tuesday</i>	<i>Available Spaces</i>
1 minute	180 feet	42	30	12
2 minutes	360 feet	144	107	37
3 minutes	540 feet	345	273	72
4 minutes	720 feet	551	436	115
5 minutes	900 feet	838	659	179

The Cutter Street parking lots located on the Eastern Promenade were vacant during our surveys and have a capacity of 95 vehicles. Results of the Cutter Street parking lots are provided on the following page.

<i>Parking Area</i>	<i># of Available Spaces</i>
Lower Parking Lot	24
Middle Parking Lot	35
Upper Parking Lot	15
On-Street Parking	21
Total:	95

Combining the results of the available on-street parking and Cutter Street lot parking, a total of 274 spaces are available to attendees.

Parking Demand and Supply

As discussed in the "Recommendations for Number of Spaces" section, SLA will typically incur a parking demand of approximately 228 vehicles (including 10 cars for staff) during show events. Though these spaces have been identified, SLA plans to encourage patrons to park downtown and travel by public transportation to the facility.

The available parking in the vicinity of the site is as follows:

- 179 on-street automobile parking spaces
- 95 Cutter Street automobile parking spaces

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This will provide 274 automobile parking spaces for attendees of each show. The 179 on-street parking spaces are based on a 5 minute walk radius around SLA.

Transportation Demand Management (TDM)

Purpose of Plan

The City of Portland requires the creation of a Transportation Demand Management Plan for all projects in excess of 50,000 square feet, or with 100 or more employees or students. SLA meets these requirements. However, in the case of this project, the TDM Plan serves a series of important needs:

- Make maximum use of nearby existing transit infrastructure
- Reduce peak hour trip impacts to adjacent roadway infrastructure
- Reduce the amount of needed parking on-site, especially as land is limited
- Encourage healthy activities

It is important to note that this Plan should not be viewed as a series of fixed, or unchanging recommendations. It is a living document intended to be reviewed and updated on a regular basis as SLA works with changes in local transportation patterns, preferences, and prices. Ultimately, the goal will be to make significant reductions in peak hour single-occupancy vehicle (SOV) activity on the local street networks as well as the need for on-site parking.

TDM Coordinator

SLA has designated its Executive Director as the TDM Coordinator, charged with coordinating the TDM plan. The TDM coordinator will be responsible for the following:

- Coordinating and promoting rideshare opportunities
- Coordinating with and promoting Metro
- Monitoring parking usage
- Overseeing event scheduling
- Encouraging the greater use of bicycling, walking, and bus-based transit
- Overseeing ongoing monitoring and updating of the plan
- Filing annual reports with the City

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The proposed TDM plan will be utilized during both public and private (i.e. corporate rental) events.

Single Occupancy Reduction Strategies

METRO Subsidies

SLA is located on Munjoy Hill in Portland on Congress Street. Its location is nearby the following transit services:

- *Metro Route 1, Congress Street:* Portland METRO provides service to Munjoy Hill with other major stops including Monument Square and the State Theatre. It also allows access to the Greyhound Bus Station and the Elm Street METRO facility. A limited service combining Routes 1 and 5 is provided on Sundays.
- *Primary User:* Patrons of SLA and Community Members
- *Responsibility:* SLA, METRO

SLA is proposing that the core of its TDM be a partnership with Metro to both extend and enhance the service of the Route 1 that travels up and down Congress Street. At present the Route 1 runs on a thirty-minute frequency between 7:00 a.m. and 8:00 p.m. with less frequency between 8:00 p.m. and 10:00 p.m. It is our understanding that Metro is working independently of this project to reduce those intervals to 20 minutes. Based on our conversations with SLA, they are mindful of the discussion taking place at the City of Portland on changes to the downtown's Tax Increment Finance (TIF) policy and that peninsula transit improvements are a potential use of this revenue. SLA recognizes that its proposed partnership with Metro and the revenue SLA proposes to bring to the table could be joined with TIF revenue to support a broader and more consequential transit improvement, one that could eventually lead to 15 minute frequency on the Route 1 all day and evening. The implications of this plan would not only serve the patrons of SLA, but would also allow residents the opportunity to take advantage of more frequent evening transit service on the peninsula.

With enhanced Metro service, patrons of SLA would be encouraged to utilize downtown parking lots, garages and street parking and use the Route 1 to travel up to SLA. The Temple Street and Free Street garages are open until 10:00 p.m. Monday – Saturday and it is our understanding that both have plenty of available parking after 5:00 p.m. Both garages are within one block of stops along the Route 1. The number of parking spaces that these parking facilities provide should exceed the 228 spaces we recommend. Patrons of SLA would have their parking ticket validated for up to three-hours of free parking. It is our understanding that SLA will subsidize and encourage use of this remote parking.

SLA has met with representatives from Metro and it is our understanding that both organizations are highly enthusiastic about a partnership. The Nelson Nygaard review encourages SLA to create a “more

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specific and targeted PTDM” and part of doing so will be an understanding what motivates patrons of SLA to drive and park close to SLA. For this approach to work, SLA and Metro will need to effectively communicate and market the transit option as convenient, affordable, easy, and fun. In particular, the marketing effort should promote transit as a key piece of a fun night out that includes both dining and entertainment. In addition to the higher frequency service on the Route 1 proposed by this plan, Metro will be rolling out real-time bus arrival information in 2015. This technology will allow riders to get actual bus arrival information through smart phones, text, website and, in some places, message boards at bus shelters.

A financial investment by SLA to the Metro will enhance these kinds of conveniences to Portland’s public transportation system. Another key of this partnership is making parking downtown and travelling to and from SLA easy by suggesting patrons park in a specific place (lot or garage) and wait for the Route 1 bus at a specific spot to ride up Munjoy Hill to SLA. At present, the Route 1 stops at the corner of North Street and Cumberland. Possible modifications to the Route 1 would include a stop at Congress and North Street as well as bringing the stop currently on Atlantic and Congress back to Munjoy and Congress (the corner of the new Performance Hall), where it originally was until poor street conditions forced it to be relocated. It is our understanding that SLA and Metro agree that a carefully laid out marketing plan is essential to the success of the TDM plan as well as making the parking and bus ride part of a ticket surcharge so that patrons do not incur extra charges along the way. SLA will commit to validating up to 3 hours of parking in a downtown garage. If patrons partake of other downtown entertainment, i.e. shopping or dinner, the “Park and Shop” system in place by Portland’s Downtown District can be used by patrons to cover additional time in the parking garage. SLA patrons will be able to use their venue ticket as valid fare to board the bus. Based on discussions with SLA, they have included in their financial projections that each patron will pay a ticket surcharge.

SLA is proposing to commit \$70,000 in annual funding to the Greater Portland Metro, which would increase evening frequency on the Route 1 (Congress) from about every 45 minutes to every 30 minutes and extend service to 11:00 p.m. (Monday-Saturday). SLA will provide this funding through its ticket surcharge. Furthermore, the long-term plan of the Greater Portland Metro is to expand its local partnerships in an effort to effectively work with the city of Portland and the Federal Transit Administration to develop the funding programs needed to improve transit service on the peninsula that will include all day frequencies of 20 minutes or even 15 minutes, hours of service through midnight, and added weekend service. While this service improvement to 30 minute frequency will help the Route 1 be an effective transit option for patrons, the number of patrons that can reasonably use the Route 1 bus must be considered. Metro buses’ seating and standing capacity can comfortably accommodate 30-40 people; hence, it is realistic that 2 trips will be required before and after an event to accommodate SLA patrons. This makes the Route 1 option possible for 60-80 patrons. Service improvements that lower frequency to 15 minutes would increase Metro’s capacity to the point where we could accommodate 120-160 patrons in the hour before and after an event. By growing ridership and diversifying the transit system’s revenue base, the partnership can make Metro more competitive in obtaining new federal grant funds that can support further transit expansion. In this manner, this partnership is truly strategic in that it can help

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achieve positive transportation outcomes for the broader community in addition to the specific goal of getting SLA patrons from point A to point B.

Patrons who use the Greater Portland Metro system will be able to wait in the lobby of the Performance Hall for the Route 1, which will negate needing a structure in inclement weather.

Valet Parking

➤ Primary User: Patrons

Gorrill-Palmer agrees with Nelson Nygaard's finding that a superior front-door valet service should be available to patrons who want to arrive at the Performance Hall with their car. SLA is proposing to work with Unified Parking Partners (UPP), a full service parking Management Company based in Portland, Maine, and servicing all of New England. UPP is an affiliate of Towne Park Ltd. from Annapolis, MD. Their focus is garage, flat lot, healthcare, hotel and restaurant, and event parking management. UPP is experienced with accommodating parking for large scale sporting and entertainment events. This service will be available to patrons who wish to pay for exceptionally convenient parking over and above the price of event tickets. Patrons can pay in advance for VIP valet parking as well as pay at the door. Patrons utilizing this service would be charged a fee to cover the cost above the (parking) ticket surcharge. Valet parking fees will fluctuate based on event sales as well as the performer(s). UPP will staff its valet parking service based on estimates of how many patrons will utilize the service. For example, if UPP expects to valet park 50 – 60 cars, a minimum of 5 valet parking attendants would be present. Estimates will be figured by how many patrons sign up in advance to use VIP valet parking as well as a "capture rate" that is based on how many cars are expected for a given event. The number of valet parking attendants is based on services levels, the primary one being the time the patron has to wait. Successful valet parking will have enough valet parking attendants to ensure patrons have a less than 4-minute wait time. For a per-staff, per-hour fee, UPP provides valet parking attendants, environmentally safe and friendly vehicle shuttle for the valet parking staff, and security of the lot where cars are parked during the event. Unified Parking Partners manages several parking lots in Portland and their owner would also utilize Cutter Street and its two parking lots (95 spaces).

Patrons who use Valet Parking will be able to wait in the lobby of the Performance Hall for their car, which will negate needing a structure in inclement weather.

Bicycle Transportation

Portland is an extremely friendly pedestrian and biking city. SLA will encourage patrons who live within a walking and biking distance to access these TDM friendly modes of transportation. SLA will provide 10, uncovered bike racks outside the facility (20 spaces) encouraging patrons and staff members to bike to the Performance Hall. SLA will become a participating business in Bicycle Benefits (www.bicyclebenefits.org), a national program that offers incentives and rewards for patrons who show

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up to an establishment on a bicycle. Portland, Maine businesses already have strong membership in Bicycle Benefits.

- Primary User: Patrons
- Responsibility: SLA

SLA will also work with the City of Portland's Pedestrian-Bicycle Committee as well as The Bicycle Coalition of Maine, an organization that formed in 1992 to make Maine better for bicycling and promote bicycling in Maine.

Pedestrian Accommodations

Pedestrian connections currently surround the SLA building. Congress Street provides sidewalks on both sides of the street for pedestrians walking from in-town Portland. A majority of side streets provide sidewalks for guests who are walking from local neighborhoods. Crosswalks are also provided to nearby streets including Beckett Street, Munjoy Street, and Howard Street as well as on the Eastern Promenade at Moody and Wilson Streets.

- Primary User: Patrons
- Responsibility: City of Portland

Education for Patrons

As discussed, the SLA will provide route maps, schedules, and ticket information via the website with ticket reservations. Information about the METRO Route 1 and downtown parking will be provided. There will also be announcements before and after the show regarding the bus schedule, including real-time arrivals available in the lobby. It is important that this information also be provided on SLA's website along with a link to the METRO Route 1 webpage. A direct link to the parking information should be at the top of SLA's website, next to "Directions." This link should provide exact directions to parking and bus incentives encouraging attendees to carpool or use the transit system.

- Primary User: Patrons
- Responsibility: SLA

Free Market Options

Transportation by Cabs and Pedicabs (bicycle cabs), will also be a viable option to patrons of SLA who live in Portland, or patrons who have parked downtown and elect to not use public transportation.

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Carpooling

Some patrons will still travel by automobile up to Munjoy Hill and SLA will promote car sharing as an option to reduce the number of cars that travel to the facility for an event. SLA will provide information on its website for Go Maine, which is Maine's statewide commuter service providing access to low-cost, healthy, economical and eco-friendly options for commuting. SLA will promote ride share, a multi-modal, one-time ride share opportunity.

Marketing

A carefully thought-out marketing plan that provides easily accessible information is the key to implementing a successful TDM for SLA. SLA will create a marketing strategy that complements and works closely with the other area Portland organizations that promote walking, bicycling, and public transit as alternative modes of transportation. SLA will also implement "honor system" strategies such as a button at the end of the online ticket system to check if you are carpooling or travelling by bus/foot/bike with an associated discount. An outline of the marketing plan is presented below:

- SLA will have a "Where to Park" tab clearly posted on its website that outlines instructions on utilizing the Metro system, including what downtown garage to park in and where to wait for the Route 1 bus. Instructions on how to use public transportation, walk, and bike will be provided at the top of the page emphasizing it over travelling by automobile.
- SLA will have a travel information kiosk in its lobby
- All ticket holders will receive instructions on parking at the time of purchase.
- SLA's website will include a map of the neighborhood encouraging patrons NOT park within 300 feet of SLA citing the negative impact such congestion will have on residents and neighboring businesses.
- SLA's website will have easy to understand information (and links to Portland Trails and Metro) on how to bike or use transit to get to the Performance Hall. SLA will provide a link to Google Transit walk trip planner.
- SLA will try to establish its Performance Hall as a Green Certified event space, acknowledging that the biggest carbon element to an event is how people travel to and from the property (i.e. encourage people to leave cars behind).
- SLA will work with Metro to create a catchy and green marketing campaign to target its audience. The marketing campaign will need to be developed, but will generally focus on the following key messages: Using the Route 1 to get to SLA is easy, free, fast, green and connects dining and entertainment.

Ms Deirdre Nice
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Monitoring

Parking Counts

As part of its TDM Plan monitoring program, SLA will assess the use of its various operational components, starting one month after the opening of the expansion and twice annually thereafter for five years. After five years, once a year monitoring will take effect. As the most critical component of the TDM program will be to reduce parking demand, the first part of each monitoring effort will include a parking count of the surrounding streets before and during an event. This count will include the Cutter Street parking lots on the Eastern Promenade.

Greater Portland Metro

The goal is to have the Metro reduce SOV traffic by 6% in the first year or eliminate 14 cars. In order for SLA patrons to gain ridership on the Route 1, they will have to show their ticket (paper or smart phone), allowing Metro to keep track of ridership as well. This will provide SLA with an exact count of how many Performance Hall patrons are using the bus system.

Surveys – Employees

One month after the expansion of the facility, SLA employees will be surveyed regarding their transportation choices such as automobile/bicycle ownership, parking demand, and the frequency of trips using bicycle, walking carpool/vanpool, and the bus. The survey will be developed in consultation with the City's TDM manager and conform to overall City TDM modeling planning.

The surveys will be conducted to determine:

- Mode of travel to and from work (car/carpool/biking/walking/bus)
- Preferences or concerns with mode of travel
- An important component of the survey will be to determine the flexibility of employees to utilizing various travel modes to access the facility

Surveys – Attendees

For attendees to SLA, surveys will be either conducted as patrons enter the site in the form of one or two questions from a volunteer, or patrons will be given a survey they can complete and return in exchange for a free gift.

The surveys will be conducted to determine:

- Mode of travel to and from the show (car/carpool/walking/bus)
- Preferences or concerns with model of travel

Gorrill-Palmer Consulting Engineers, Inc.

Ms Deirdre Nice
October 1, 2014
Page 12 of 12

- Specify as a driver or a passenger

Submission of Monitoring Information/Updated TDM Plan

Based upon the results of the monitoring, SLA will update the TDM Plan and submit a draft plan to the City's TDM Manager for review and comments. The primary goal of the initial year will be to ascertain the actual parking demand number (228 vs. 122) and reduce the parking demand six percent from the calculated demand.

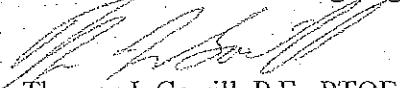
Closure

The TDM plan and SLA's investment in Greater Portland Metro will be a tremendous benefit to the community at large as well as SLA patrons, emphasizing less reliance on automobile traffic, utilization of downtown structures, and investment in an important public infrastructure.

Please contact us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Thomas L Gorrill, P.E., PTOE
Principal

TLG/tlg/JN2818 /TDM August 2014.doc

METRO

Greater Portland Transit District

September 17, 2014

Ms. Deirdre Nice
Executive Director
St. Lawrence Arts
76 Congress Street
Portland, Maine 04101

Re: Enhanced Transit Service on Congress in support of St. Lawrence Theater

Dear Deirdre:

The Greater Portland Transit District (Metro) is pleased to partner with St. Lawrence Arts and offer useable transit services as part of your multi-pronged effort to manage the traffic and parking impacts associated with the theater's proposed expansion.

Using the approximate \$70,000 in annual funding that St. Lawrence Arts is proposing to commit, Metro would increase evening frequency on the Route 1 (Congress) from about every 45 minutes to every 30 minutes and extend service to 11:00 p.m. (Monday-Saturday). As part of this program, theater patrons will be able to use their venue ticket as valid fare to board the bus. This plan will make it easier for patrons to park in Portland's downtown district, enjoy pre-performance activities or dinner, then catch the Route 1 for a quick ride up to the theater on Munjoy Hill.

Additionally METRO will work with St. Lawrence Arts staff to develop a marketing plan to promote these public transit options in a way that catches people's attention. Elements of this plan will include promoting patron's use of "Real-Time Arrival" technology either through smartphones, text or possibly on display in the theater's lobby as well as providing incentives for taking public transit to performances at St. Lawrence.

While this service improvement to 30 minute frequency will help the Route 1 be an effective transit option for some theater patrons, we must be mindful of the number of patrons the Route 1 can reasonably transport both before and after events. Realistically, 2 trips both before and after events (depending on performance start and end times) are likely to be reasonable options for theater patrons. Metro buses' seating and standing capacity can comfortably accommodate 30-40 people. So, the Route 1 can be a realistic option for up to 60-80 people per event. Service improvements that lower frequency to 15 minutes would increase Metro's capacity to the point where we could accommodate 120-160 patrons in the hour before and after an event.

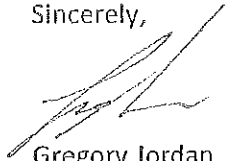
Not only does this partnership benefit St. Lawrence patrons with convenient transit service connecting the downtown district with the theater, it will also provide enhanced transit service for Portland residents and visitors travelling on the peninsula and up to Munjoy Hill and the Eastern Promenade. This is truly a strategic partnership in that we can work together toward making transit a

useable option for theater patrons while also improving transit service generally for Portland residents of Munjoy Hill and the Eastern Promenade.

As Metro continues advancing transit in Portland and growing ridership, we also plan to expand this concept and work with other cultural and artistic venues along our transit routes to promote public transit use through this kind of creative payment arrangement. As we expand our local partners, Metro can more effectively work with the city of Portland and the Federal Transit Administration to develop the funding programs needed to seriously improve transit service on the peninsula with all day frequencies of 20 minutes or better, hours of service through midnight, and added weekend service.

Thank you for this opportunity to work with you and we look forward to a successful partnership.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory Jordan', written over a horizontal line.

Gregory Jordan
General Manager

From: Deirdre Nice <deirdre.nice@stlawrencearts.org>
To: Helen Donaldson <HCD@portlandmaine.gov>
CC: Julia Kirby <julia.kirby@stlawrencearts.org>, David Lloyd <lloyd@archetypepa.com>
Date: 9/2/2014 9:58 AM
Subject: Re: to-do list/plan moving forward

Neil,

3. Other outstanding comments from staff: There are a couple of relatively minor site plan changes/information requests contained in the planning board memo (e.g. Marge's comments re clarification of uses in Promenade Room, verification of dimensional information, conceptual site plan edits, questions from earlier emails about total footprint & square footage numbers, bike parking numbers).

The primary use of the Promenade Room will be as a lobby for the 401 seat performance hall. Secondary uses will be as a space for SLA and other non-profits to hold events in line with our mission of arts and culture, community and neighborhood and historic preservation. These uses include fundraising, rentals and in house programming of music, theater, film, meetings, corporate and business rentals, and civic activities.

I believe the other questions within #3 have been answered in the TDM and the drawings David has provided. If not, I'll hunt that info down.

Thanks and hope you had a great weekend.

-Deirdre

Memo to: Deirdre Nice & Julia Kirby, St. Lawrence Arts Center
From : Sarah Cushman, *Cushman Transportation Consulting, LLC*
Re : *Initial Examples of TDM Sites Utilizing Remote Parking & Shuttle/Transit Strategies*
Date : October 22, 2014

Below are some case examples of evening remote parking and shuttle/transit service to specific sites that are using Transportation Demand Management (TDM) strategies. These have surfaced from initial research that was requested by the Portland Planning Board, as part of the St. Lawrence Arts Center's consistent efforts to produce a successful TDM plan for its proposed 401 seat venue.

While there are a number of examples of very large venues (e.g. the Greek or Ford Theatres in Los Angeles) where access is primarily through remote parking and shuttle, or where a shuttle is offered solely to access a venue from a local transit stop (e.g., Queens Theatre in New York), there are few examples that more closely align with the particular circumstances of the St. Lawrence. I want to be clear that does not indicate this strategy is not a good fit for the St. Lawrence. With good planning and marketing the Arts Center will have real success with this and the rest of its TDM elements – and the larger neighborhood will benefit as well.

Similar Examples in Scale or Patronage

City of Portsmouth, NH

Set-up: New free weekend remote parking and shuttle makes parking easier for Portsmouth visitors, employees, and residents

The City of Portsmouth regularly fills its downtown parking garage, especially on Friday and Saturday afternoons and evenings. The city was facing the need to build another parking garage and decided to experiment with remote parking and a free weekend-only (Thursday afternoon to Sunday afternoon) shuttle from a church parking lot just off Exit 7 of I-95 and running at 10 minute intervals the ½ mile to downtown (a 10 minute ride). The shuttle launched May 2, 2014 and has been so successful that the city keeps extending the seasonal end date (which was early October and now may be the end of the year). There is a remote digital sign board at the Exit 7 off ramp that notifies drivers of the service and also when the downtown garage is full.

Glenwood Avenue Arts District

Chicago, Illinois

Set-up: Remote parking and shuttle for three small theaters in the far north side of Chicago; arts district is half block from local transit service (El Train and two bus lines).

In a dense neighborhood area on the far north side of Chicago – near enough to the suburbs to draw a large suburban clientele - is the Glenwood Avenue Arts District. This is a three-block radius arts district (three small theaters, a 300 seat concert venue, and two small bars with live music) that, as a whole, has access to only one parking lot (25 spaces). On-street parking near all the venues is largely free (there are some 2 hour meters on two nearby corridor streets) but can be difficult to find.



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One of the theaters (Lifeline Theatre – 95 seats, 2-4 shows daily) runs a shuttle for itself and the other two theatres from a remote parking lot. The shuttle is highly successful and the theatres believe if they did not have remote free parking with transportation to the neighborhood they would likely have far fewer suburban patrons.

Paramount Theater

Huntington, NY (Long Island)

Set-up: Remote parking and trolley bus from train depot/parking lot to theater

The Paramount Theater (1600 seats) is located in the heart of Huntington's downtown village and as part of their TDM plan, patrons can use the theater's free trolley service. The trolley runs from 1.6 miles from the remote parking site (Huntington train station on the Long Island Rail Road) and is able for both train users and those who drive to the train parking lot and ride from there. The trolley runs the night of each show from 5:00 pm until 2:00 am.

Larger Complexes - Similar Function, Location, or Patronage:

TD Place/Lansdowne Park - Ottawa Sports and Entertainment Group (OSAG)

Downtown Ottawa, Ontario

Set-up: Increased transit service on multiple lines serving the site with free passes for patrons; free shuttle from four remote parking sites

TD Place/Lansdowne Park is a new arena and shopping center in the heart of the city that has inadequate parking. Lansdowne Park is Ottawa's jewel by the Rideau Canal—a 40-acre site in the heart of the city, adjacent to the historic Bank Street Bridge and wrapped to the East by a gentle curve of the Canal, a UNESCO World Heritage Site. Lansdowne is itself an historic site and houses two of Ottawa's most spectacular examples of early Canadian exhibition space architecture.

As part of its transportation plan, the site developed a plan with the local transit provider, OC Transpo (Ottawa City), to:

- 1) integrate a transit pass with every ticket to an event of the pro football or pro soccer leagues, extending from three hours before until three hours after each game
- 2) increase bus service on regular routes, as well as shuttles from a transitway (separate road for buses) station
- 3) offer a free shuttle from one of four remote parking lots

The site also offers quite a bit of free valet bicycle parking.

Oregon Institute of Technology – Wilsonville

Suburb of Portland, Oregon

Set-up: Subsidizes local transit for evening service to accommodate night students, including professionals

The university pays the local transit agency (SMART) for a late night trip to accommodate evening classes for their students. This service is also open to the general public but it is mainly funded by the student body who votes to approve the fee and pay for the additional service. Oregon Tech's high-demand BS and MS degrees are accessible to traditional full-time students, working professionals, and busy adults by offering day, evening, weekend, and online courses.

From: <lynne_panico@yahoo.com>
To: "hcd@portlandmaine.gov" <hcd@portlandmaine.gov>
Date: 2/19/2014 1:09 PM
Subject: Proposed St Lawrence Expansion

I work out of state during the week and am unable to attend the neighborhood meeting. However, I have two major objections to the proposed expansion:

One is that St Lawrence parking will take up the current on street parking used by area residents, and two is that the architecture is inconsistent with the existing building and area.

The goals of the St Lawrence Friends are worthy of supporting, but not until the issues raised above are addressed. I will strongly oppose the proposed expansion based on the two objections listed.

Lynne Panico

Sent from Windows Mail

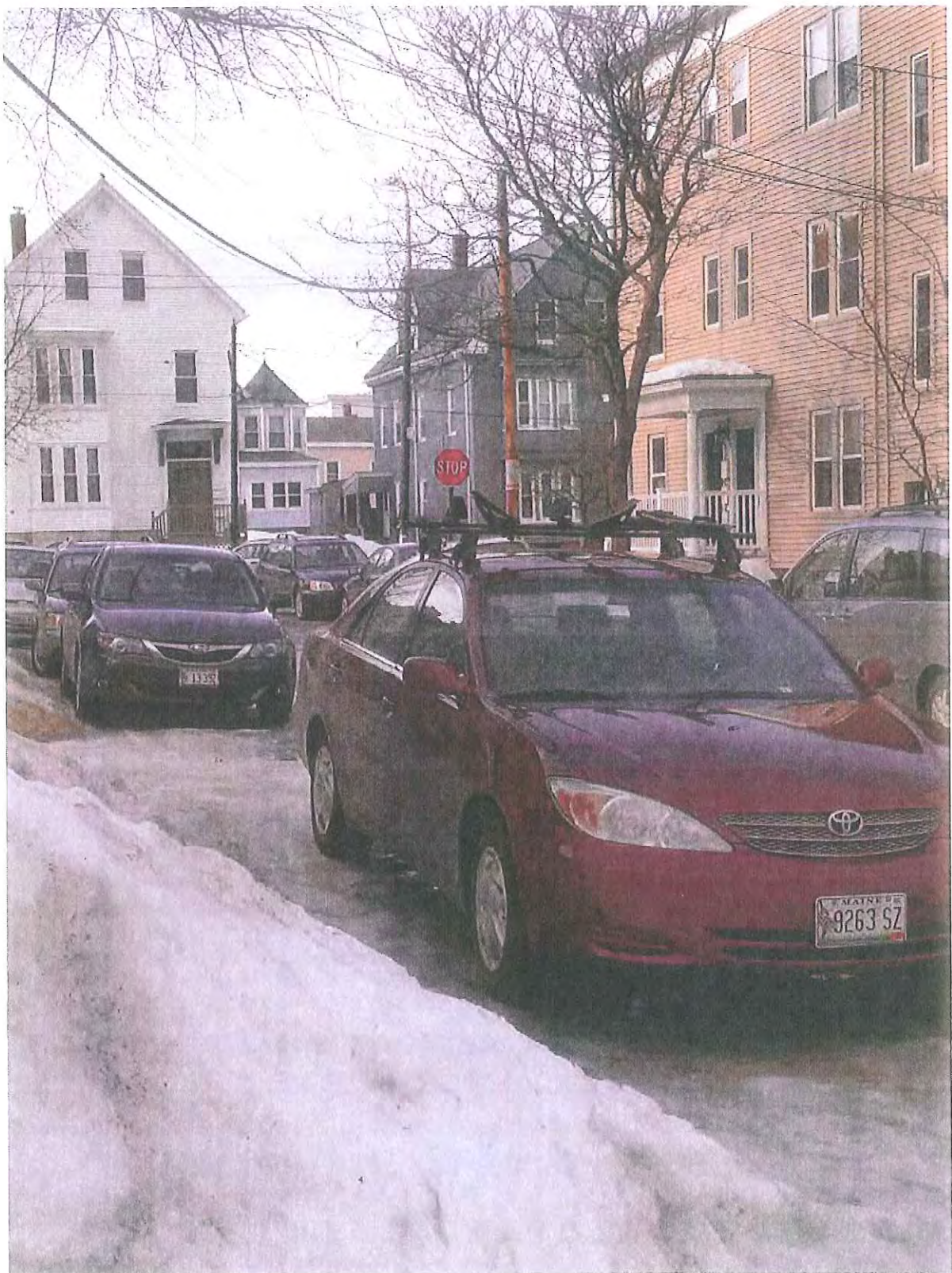
From: ebw <eenebw@gmail.com>
To: <hcd@portlandmaine.gov>
Date: 2/26/2014 10:56 AM
Subject: st lawrence arts center
Attachments: IMG_20140223_144028.jpg; IMG_20140223_143355.jpg

I live on beckett street three houses down from the St Lawrence church. I wanted to attend today's meeting in person but am unable to so am writing this email. Overall, I am not against the project but I have concerns that the scale of it is too large for the neighborhood in terms of noise and parking congestion. I attended the last meeting at St. Lawrence and what I got from the meeting was there really is no parking issue and that the parking stock in the neighborhood is sufficient except for 20 or so spaces.

I would like to offer the following considerations:

1. Beckett Street is hit hard when a show occurs. Parking gets unmanageable with people parking over driveways, making 3 spaces out of two, etc... Refer to the pictures I included in this email that were taken last Sunday at around 2:30. Although illegal parking is not the responsibility of st lawrence, increasing the size of a show from 100 people to upto 500 requires a better plan than "the neighborhood has sufficient parking stock". Last Sunday when the picture was taken I was barely able to drive down the street to my driveway because of the crowded parking basically blocking the street from passage.
2. Before a show the street is crowded by a constant stream of cars looking for parking places. This will only get 4 times worse.
3. After a show, people tend to converse outside their cars. While this is not a big deal normally, it is not a good thing in the summer at 10:30 pm when you are trying to get to sleep.
4. There may be a few parking spaces available occasionally on beckett street but those really should be for residents.

Enoch Wenstrom
88 Beckett St





From: Ross Fields <ross.fields@munjoyhill.org>
To: Ralph Carmona <ralphcarmona@gmail.com>
CC: Jeff Levine <JLEVINE@portlandmaine.gov>, Barbara Barhydt <BAB@portlandmaine.gov>, Nell Donaldson <HCD@portlandmaine.gov>, Deirdre Nice <deirdre.nice@stlawrencearts.org>, Ann Landsberg <alandsberg@aol.com>, Tim Baehr <TBaehr@aol.com>, Nick Mavadones <NickM@cascoabaylines.com>, David Marshall <dave@damfineart.com>, Stephen Gaal <Steve@gaal.com>, Joan Sheedy <joaniesheedy@gmail.com>, Kevin Donoghue <kjdonoghue@gmail.com>, Vana Carmona <vanacarmona@gmail.com>, Bobbi Keppel <bobbik@ghi.net>, Leslie Bailey <legato@ghi.net>, Jon Hinck <jhinck@lewissaul.com>, Tom Kelley <thomas.kelley@maine.edu>, Rita Yarnold <cbayreal@maine.rr.com>, Ema Koch <ekoch4@maine.rr.com>, Jill Duson <jlduson@maine.rr.com>, Peter Bass <Pbass@maine.rr.com>, <vestal@maine.rr.com>, Alex Jaegerman <AQJ@portlandmaine.gov>, John Coyne <jcoyne@portlandmaine.gov>, Michael Brennan <mfbp@portlandmaine.gov>, Mark Rees <MHR@portlandmaine.gov>, Julia Kirby <julia.kirby@stlawrencearts.org>, Maia Greco <maiagreco@verizon.net>, Cheryl Leeman <cal4161@yahoo.com>, Ed Suslovic <edsuslovic@yahoo.com>, Cliff Gallant <gallant.cliff55@yahoo.com>
Date: 2/26/2014 11:40 AM
Subject: St. Lawrence Arts Center - TDM and Parking input
Attachments: Parking Study Munjoy Hill-All Data.xlsx

Jeff,

I too extend my "Thank You" for meeting with me and Ralph yesterday on such short notice. As part of discussion concerning a success approach to this project here are some observations, questions and collected data (attached). These items are a blend of my own thoughts and discussions with members of the community and Concerned Citizens of Munjoy Hill (CCMH). The parking data is the result of the efforts of CCMH.

TDM - Suggestion for Success and Questions

The success of the TDM seems to hinge on the willingness of theater goers to park at the Cutter Street location and be shuttled to the theater. The current problem is that there is no real incentive or enforcement mechanism to make the Cutter Street parking with shuttle service a viable solution.

However, if *Residential Parking Permits* were required within the 3 block area around the theater, during performances, the odds of the Cutter Street parking - shuttle bus system increase dramatically. It now becomes the more convenient, almost only, choice, and much easier to monitor.

There has also been a suggestion that *Handicapped Parking* be put in on the streets, Congress, Munjoy and Beckett, to facilitate the ease of use for theater goers with special physical needs - 4 to 6 spaces.

For which performances will the TDM be in play?

- Only performances in the 401 seat theater?
- Only performances put on by St. Lawrence (i.e. for Good Theater, TDM not required)?
- Any and all events taking place at the newly established Arts Center.

What parking requirements do you see for private shuttle services such as school groups and retirement communities?

- Park anywhere they can find space?
- Required to park in one of the Cutter Street lots?

The impact on available residential and commercial street parking and traffic flow in the Munjoy Hill neighborhood will also depend on the frequency of performances needed for financial success.

- What is the projected performance frequency, 1 per week, 3 per week, 5 per week?

Example: If the 65,000 (approx.) residents living on the peninsula attended the proposed 401 seat theater, once per year, and each performance had 400 seats filled, 3 (3.125) performances per week would be required.

It would definitely be helpful to know and understand just how many performances in the 401 seat theater, given the claim that a 401 seat theater is required (the current 110 seat theater is not big enough) to accommodate acts/groups who aren't currently coming to Portland due to lack

of a properly sized venue, will be expected each day, week, month.

*Parking Data *- Exel Doc attached

Concerned Citizens of Munjoy Hill (CCMH) completed 11 parking counts
- 9 with performances at the current Parish Hall theater
- 2 counts with no performance.

Available Parking (ave) *WITH performance* - 9 samples

32 open spaces - 1 block in all directions from theater (yellow on diagram)
181 open spaces - 2 to 3 blocks, in all directions from theater (tan on diagram)
216 open spaces - 3 to 4 blocks, in all directions from theater (green on diagram)

Available Parking (ave) *NO** performance* - 2 samples

61 open spaces - 1 block in all directions (yellow)
182 open spaces - 2 to 3 blocks in all directions (tan)
202 open spaces - 3 to 4 blocks in all directions (green)

These figures support the concern that theater goers tend to search for and use parking as close to the theater as possible based on almost 50% decrease in available parking within the 1 block area during current performances.

Based on this data, all available parking in the 1 block, and 2 to 3 block, areas would be required during a performance where attendance was 400 to 485.

Thank you for your involvement with this proposed project. If you have any questions or comments please email or call me.

Sincerely,
Ross Fields
46 Turner Street
207-233-43 <207-233-4327>

Spaces Open		Spaces Open	Spaces Open	2/3/2013	Performance at St. L.	
		Eastern		Prom.		
M e l b o u r e	236	Q	200	T	Morning	C Morning o Morning V Morning
	Emerson	e	Emerson	r	Emerson	n Vesper d Vesper l Vesper
		b		n	39	g y s
		e	Howard	e	Howard	r Beckett o O'Brian
		c		r		e SLAC n
	Merrill		Merrill		Merrill	s Munjoy Munjoy
			Layfayette	u	Layfayette	Atlantic o Atlantic Atlantic
	North		North	b	North	St. Lawrence u St. Lawrence St. Lawrence
Tot. Spaces Available						
C 475						

Spaces Open		Spaces Open	Spaces Open	2/16/2013	S/O Perf. at St. L.	
		Eastern		Prom.		
M e l b o u r n e	224	Q	191	T	Morning	C Morning o Morning V Morning
	Emerson	e	Emerson	r	Emerson	n Vesper d Vesper l Vesper
		b		n	41	g y s
		e	Howard	e	Howard	r Beckett o O'Brian
		c		r		e SLAC n
	Merrill		Merrill		Merrill	s Munjoy Munjoy
				C		s M SL C
	North		North	b	North	St. Lawrence u St. Lawrence St. Lawrence
Tot. Spaces Available						
D 456						

Spaces Open		Spaces Open	Spaces Open	2/23/2013	S/O Perf. at St. L.
M e l b o u r n e E	Eastern Prom.				
	222	199			
	Emerson	Emerson	Emerson	Vesper	Vesper
		Howard	Howard	Beckett	O'Brian
	Merrill	Merrill	Merrill	Munjoy	Munjoy
		Layfayette	Layfayette	Atlantic	Atlantic
	North	North	North	St. Lawrence	St. Lawrence
	Tot. Spaces Available 468				

Spaces Open		Spaces Open	Spaces Open	3/2/2013	No Performance
M e l b o u r n e F	Eastern Prom.				
	204	192			
	Emerson	Emerson	Emerson	Vesper	Vesper
		Howard	Howard	Beckett	O'Brian
	Merrill	Merrill	Merrill	Munjoy	Munjoy
		Layfayette	Layfayette	Atlantic	Atlantic
	North	North	North	St. Lawrence	St. Lawrence
	Tot. Spaces Available 451				

Spaces Open		Spaces Open	Spaces Open	3/9/2013	S/O Part. at St. L	
		Eastern		Prom.		F
M	232	Q	166	T	Morning	C Morning o Morning V Morning
e		u		u		i
I	Emerson	e	Emerson	r	Emerson n Vesper d Vesper	l Vesper
b		b		n	31	g y s
o		e	Howard	e	Howard r Beckett	o O'Brian
u		c		r	SLAC	n
r	Merrill		Merrill		Merrill s Munjoy	Munjoy
n				C		s M SL C
e			Layfayette	u	Layfayette	Atlantic o Atlantic
				m		n Gi
	North		North	b	North	St. Lawrence u St. Lawrence
						St. Lawrence
	Tot. Spaces Available					
G	429					

Spaces Open		Spaces Open	Spaces Open	3/16/2013	S/O Part. at St. L	
		Eastern		Prom.		F
M	212	Q	160	T	Morning	C Morning o Morning V Morning
e		u		u		i
I	Emerson	e	Emerson	r	Emerson n Vesper d Vesper	l Vesper
b		b		n	29	g y s
o		e	Howard	e	Howard r Beckett	o O'Brian
u		c		r	SLAC	n
r	Merrill		Merrill		Merrill s Munjoy	Munjoy
n				C		s M SL C
e			Layfayette	u	Layfayette	Atlantic o Atlantic
				m		n Gi
	North		North	b	North	St. Lawrence u St. Lawrence
						St. Lawrence
	Tot. Spaces Available					
H	401					

Spaces Open		Spaces Open	Spaces Open	3/23/2013	S/O Perf. at St. L.		
M e l b o u r n e	Eastern		Prom.			F	
	230	184			M		o
	Emerson	Emerson	Morning	C Morning	o Morning	V Morning	r
							e
			21	g	y		S
		Howard	Howard	r Beckett			O'Brian
	Merrill	Merrill		e SLAC			n
n e			Merrill	s Munjoy	Munjoy		Munjoy
				s	M	SL C	
	Layfayette	Layfayette	Atlantic	o Atlantic			Atlantic
				n		GI	
North		North	North	St. Lawrence	St. Lawrence	St. Lawrence	
Tot. Spaces Available							
435							

Spaces Open		Spaces Open	Spaces Open	3/30/2013	Performanc e at St. L.		
M e l b o u r n e	Eastern		Prom.			F	
	211	194			M		o
	Emerson	Emerson	Morning	C Morning	o Morning	V Morning	r
							e
			22	g	y		S
		Howard	Howard	r Beckett			O'Brian
	Merrill	Merrill		e SLAC			n
n e			Merrill	s Munjoy	Munjoy		Munjoy
				s	M	SL C	
	Layfayette	Layfayette	Atlantic	o Atlantic			Atlantic
				n		GI	
North		North	North	St. Lawrence	St. Lawrence	St. Lawrence	
Tot. Spaces Available							
427							

Spaces Open		Spaces Open	Spaces Open		4/6/2013	Performanc e at St. L.	
M e l b o u r n e	215		167		Eastern Prom.		F
	Emerson	Emerson	Emerson	Emerson	Morning	Morning	Morning
		Howard	Howard	Howard	Vesper	Vesper	Vesper
	Merrill	Merrill	Merrill	Merrill	SLAC	SLAC	O'Brian
		Layfayette	Layfayette	Layfayette	Munjoy	Munjoy	Munjoy
					Atlantic	Atlantic	Atlantic
	North	North	North	North	St. Lawrence	St. Lawrence	St. Lawrence
Tot. Spaces Available		411					

Spaces Open		Spaces Open	Spaces Open		4/13/2013	Performanc e at St. L.	
M e l b o u r n e	167		161		Eastern Prom.		F
	Emerson	Emerson	Emerson	Emerson	Morning	Morning	Morning
		Howard	Howard	Howard	Vesper	Vesper	Vesper
	Merrill	Merrill	Merrill	Merrill	SLAC	SLAC	O'Brian
		Layfayette	Layfayette	Layfayette	Munjoy	Munjoy	Munjoy
					Atlantic	Atlantic	Atlantic
	North	North	North	North	St. Lawrence	St. Lawrence	St. Lawrence
Tot. Spaces Available		356					

Spaces Open		Spaces Open	Spaces Open	4/14/2013	No Performanc e		
M e l b o u r n e	201		173		Eastern Prom.		F
	Emerson	Emerson	Emerson	Emerson	Morning	Morning	Morning
		Howard	Howard	Howard	Vesper	Vesper	Vesper
	Merrill	Merrill	Merrill	Merrill	Beckett	Beckett	O'Brian
					SLAC	SLAC	
					Munjoy	Munjoy	Munjoy
		Lafayette	Lafayette	Lafayette	Atlantic	Atlantic	Atlantic
					St. Lawrence	St. Lawrence	St. Lawrence
	North	North	North	North	St. Lawrence	St. Lawrence	St. Lawrence
	Tot. Spaces Available						
441							

CONCERNED CITIZENS OF MUNJOY HILL

Why you should be concerned about the St. Lawrence Arts Center's latest proposal

The most significant problem with this proposal is its PARKING plan.

- The proposal's TDM (Transportation Demand Management) plan includes a shuttle service to and from the Cutter Street lot to supplement on-street parking and accommodate the estimated 228 parking spaces needed for the 401-seat performance hall.
- The shuttle service seems unworkable, especially during a typical Maine winter.
 - Snow-clogged streets will decrease available on-street parking.
 - There are no shelters to protect those waiting for the bus in foul weather.
 - A parking ban will make the Cutter St. lot hard or impossible to use.
- The shuttle service in the TDM plan lacks important details that would have an impact on the surrounding neighborhood.
 - The size and number of buses
 - The frequency of trips
 - The time for loading, transporting, and unloading passengers
 - How much time will patrons need between parking in the Cutter Street lot and being seated in the performance hall?
 - How much time will patrons need to return to the Cutter Street lot when patrons are all leaving at the same time?
- The proposal is vague or unclear about the maximum number of patrons and how many of the three venues (theater, concert hall, promenade room) can be used at one time. The language of the proposal implies that there could be as many as 600 patrons, and their cars, to accommodate.
- Most troubling is that this proposal gives ongoing oversight of parking issues to the Center's Executive Director and chief promoter of the proposal.

Other concerns: Some people feel that the size and design of the new building are out of character with the neighborhood and the Parish Hall. The size has a direct impact on parking and traffic.

For more information, contact Ralph Carmona at 207-420-5916 or RalphCarmona@gmail.com

From: Kevin Donoghue <kjdonoghue@portlandmaine.gov>
To: Jeff Levine <JLEVINE@portlandmaine.gov>, Helen Donaldson <HCD@portlandmaine.gov>
Date: 2/28/2014 11:11 AM
Subject: SLAC Meeting

Hi Jeff and Nell,

My major takeaways from last night are:

Yes, we are willing accommodate the parking demand, but the impacts are acute in an inner radius of blocks. Whether as a companion to the TDM or part of it, we should be prepared to define options for a parking permit program which could be implemented once the SLAC begins operations or after a defined review period thereafter. Even though the impacts are real, if acute, there remains sufficient community support for the value the SLAC can provide to the neighborhood among established residents. This is my divination of Jeff's values vs. science approach. However, we must use some "science" to mitigate the impacts implicit in our acquiescence of "values." The science should inform our permit program design.

No, the shuttle service is not a viable technique to mitigate parking demand in and around the SLAC. If visitors are rational actors, it is a supremely unattractive option and compares unfavorably to parking two or three blocks deep into the neighborhood. Moreover, it's expensive and heavy on wasted administrative effort. Instead, a comparable amount should be applied to extending daytime frequencies of the METRO #1 into the evening, whether the SLAC is operating then or not. First, it can mitigate baseline residential and commercial parking demand in the neighborhood all while providing a tangible neighborhood benefit that the equally costly shuttle does not. Second, it provides more options for visitors than the shuttle. Virtually every parking space on the Congress Street corridor, including Downtown parking garages, is in play for patrons, encouraging multi-stop visits.

Finally, as much as I would see the building round to the new upper limit of 50 ft in the "Munjoy Hill BI," 118 dwarfs the visual impact of SLAC and, while I'm unhappy with the both the review process and recommended outcome of 118, what's good for the goose. The generous setbacks of the Promenade Room, moreover, make the difference of having the SLAC being much more respectful of the Observatory.

Thanks for your facilitation last night,
Kevin

St. Lawrence Arts Center Conditional Zoning Agreement (CZA)
 Neighborhood Meeting
 2/27/14, 7 p.m., East End School

Jeff Levine, Director of the Planning Division, gave a brief introduction, explaining the purpose of the meeting. Nell Donaldson, Planner, added an overview of the history and current conditional zoning agreement application process.

Julia Kirby provided background on the current St. Lawrence Arts Center proposal, with David Lloyd of Archetype Architects and Tom Gorrill of Gorrill-Palmer Consulting Engineers offering detail on the design and parking/transportation elements of the current plan respectively.

The floor was then opened for questions and comments.

Process

How much influence does public input have on the Planning Board?
<i>Jeff Levine</i> – Public comment is taken seriously by staff, the Planning Board, and the City Council and, ultimately, input is balanced with policy to arrive at a resolution.
What is the process for dealing with the details regarding parking concerns? When will a public discussion about this occur?
<i>Jeff Levine</i> – The TDM plan includes annual reporting requirements. <i>Nell Donaldson</i> – In the conditional zoning agreement there is a draft parking study and TDM plan. This plan will be reviewed during this process.
Has the fire department been consulted?
The requests for further study are a way of opposing the project. The project should not be overburdened by unnecessary studies.

General

Munjoy Hill already has a 100-seat theater. Why is a 400-seat theater necessary?
The existing theater is an asset to Munjoy Hill and the greater community.
Is this theater expansion really necessary given the other facilities in the city?
Most people would support the expansion if it was a 300 seat addition. The project seems out of scale.

Design

How is the massing of the original sanctuary different from the new?
<i>David Lloyd</i> - There is no bell tower in the current proposal and the total cubic volume is now smaller.
Concern regarding recent development pressure and the massing along Congress Street. Will there be shadows due to the proposed height?
The form and massing generally fit the character of Congress Street.
Like architecture.
The mass is overwhelming. Does it obscure the observatory?

Parking Study

The data in the parking analysis doesn't seem to be transparent enough and the arithmetic doesn't seem to work. There are only 179 spaces within a 5 minute walk, but 228 spaces are needed.
Concerned regarding the validity of the parking survey. Supply numbers do not seem accurate.
It appears that the parking study has been done with integrity.

Parking Supply

Never adequate parking on Munjoy Hill right now. Could there be some off-street facility for parking?

There is not enough on-street parking currently, and parking congestion under the new development will create traffic congestion. Encourage the Planning Board to conduct a more careful parking analysis. The two most discussed options present a false choice; is it really a matter of 485 people in the facility or the status quo? Could a smaller venue (with 200-250 seats) work instead?
A change in travel behavior is coming which will alleviate some of these parking concerns. How often does the St. Lawrence expect a sold out performance? Can live with some inconvenience if it's infrequent.
This neighborhood should be urban. Not worried about parking supply.
Parking is a real issue, but we live in a city. TDM strategies (shuttle, transit subsidies, education) could help, as could a residential parking program.
Parking issues can be resolved through public transportation and remote lots.
Is residential parking program needed?
People love to walk in the neighborhood; using on-street spaces farther than 5 minutes away should not be a problem.
How frequently will shows occur? How frequently must there be shows in order to provide sufficient revenue stream? Parking problem might be manageable if infrequent.
Not enough parking spaces now. How will you fit 400+ people into 200 spaces?
This facility is in the middle of a business district. Successful places don't have ample on-street parking.
Could a wrapped garage be built on Munjoy Hill?
A residential parking permit program needs to be instituted.
The parking competition is going to create issues for other businesses, like the restaurants.

Safety

Concern about safety issues with cars circling looking for on-street spots. Couldn't project be downsized to make this work?
Need to consider winter conditions, when snow and ice limit parking aisles and make sidewalks treacherous. Sidewalk maintenance should be part of the plan.
How will fire navigate the streets in the winter when in the winter when streets are tighter with snow, ice, and on-street parking? Will children be safe with all the on-street parking?
Need to look at sidewalk maintenance issue.
Could speed bumps help with traffic safety concerns?

Transportation Demand Management (TDM) Plan

The Cutter Street remote lots won't work in either the summer or winter.
Putting too much stock in the Cutter Street lots. What about the boat trailers that are parked there in the summer?
Need more analysis of TDM strategies. Evaluate demographics of audience and base TDM plan on those demographics.
The shuttle bus to Cutter Street needs more study. The numbers don't work and the logistics have not been thought through carefully enough.

Building Occupancy

The capacity figures in the conditional zoning agreement are ambiguous.
Issue of enforcing capacity. How do you limit the number of occupants to 485?

The meeting concluded at approximately 8:30.

City of Portland - Public Meeting, 2/27/14, East End School
 St. Lawrence Arts Center Conditional Rezoning Amendments, 66 Congress Street

Name	Address	Email
Deirdre Nee	St. Lawrence Arts	deirdre.nee@stlawrencearts.org
Ross Fields	46 Turner St.	ross.fields@munjoyhill.org
Vanna Carmoka	105 North St #1	vannacarmoka@gmail.com
Masha Wajant	83 St. Lawrence St. Portland	
Stephen Goal	176 Eastern Prom. Portland	steve@goal.com
Dwen Chaplin	150 Washington Ave	
Joyce Walworth	135 Sheridan St (203)	joyce.walworth@gmail.com
James P. Poirier	158 North St Portland	
Nita Arnold	559 CONGRESS PORT	CBAYREA1@MAINE.BR.COM
Mary Wadsworth	39 Waterville St.	
Michelle Morgan	26 Lafayette St	mmorgan13@msn.com
Lisa Morris	26 Lafayette St / 38 Turner	lmorris@usm.maine.edu
Fred Brancato	85 Beckett St	oplus2@maine.br.com
MJ Emerson		
Joanne Vandermaest	53 Bantley Ave Portland	vanderjoanne@yahoo
CAROL McCRACKEN	1 NORTH ST.	calockene@aol.com

St. Lawrence Arts Center Conditional Rezoning Amendments, 66 Congress Street

[illegible]

From: Caitlin Shetterly <caitlin.shetterly@gmail.com>
To: <jlevine@portlandmaine.gov>
Date: 2/27/2014 11:09 AM
Subject: St. Lawrence

Dear Jeff,

I'm writing to express my support for the St. Lawrence expansion. I am a theatre director who has benefitted greatly from the amazing just all around wonderfulness of the St. Lawrence. I think if it could expand to give even more to the Portland community, that would be great--and a win win for everyone. Thank you, Caitlin.

CAITLIN SHETTERLY

Writer, Director, Actor,
Independent Radio Producer
EMAIL | BLOG | TWITTER | FACEBOOK | VIDEO

madeforyouandmethebook.com

From: Wendy Cody <wendycody@hotmail.com>
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>
Date: 2/27/2014 11:22 AM
Subject: St Lawrence Arts expansion

Dear Mr. Levine,

I'd like you to know that I support the St Lawrence Arts expansion project and hope you will too. I live in Yarnouth, ME and am a big supporter of expanding the arts in Portland. Thanks for your consideration.

Sincerely,

Wendy Cody

From: Karyn Jenkins <kjenkins671@gmail.com>
To: <jlevine@portlandmaine.gov>
Date: 2/27/2014 11:29 AM
Subject: I support the St. Lawrence Arts Expansion

Jeff,

I will not be able to attend the meeting tonight but I am writing to you to let you know that I support the St. Lawrence Arts Expansion.

Thank you.

Karyn Jenkins
38 Pembroke Street
Portland, Maine 04103
207-671-9055

From: Annette Elowitch <annette@barridoff.com>
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>
Date: 2/27/2014 12:29 PM
Subject: St Lawrence expansion

My husband Rob and I live in Portland and support the St. Lawrence expansion.

Annette Elowitch

Sent from my iPhone

From: charles brown <cbrownjr51@gmail.com>
To: <jlevine@portlandmaine.gov>
Date: 2/27/2014 2:32 PM
Subject: Saint Lawrence Arts

This is a message in support of the St. Lawrence's proposed addition to their theater. I am a longtime Portland resident who has both attended performances and performed at the St. Lawrence space; the addition will provide them with the financial security they need to fulfill their promise as an important arts presenter to the region. Any talk of Munjoy Hill as a desirable location for residence involves taking advantage of the theater's offerings. The theater is part of the neighborhood and is a powerful force for positive change on the Hill. Thank you.

From: Chris White <chriswhite.ars@gmail.com>
To: <jlevine@portlandmaine.gov>
Date: 2/27/2014 3:11 PM
Subject: St. Lawrence Art Center

I am a resident of Windham, but do most of my shopping in Portland. All of my doctors are in Portland. I had my own office located in Portland for over 15 years and ran a gallery on Congress St. for 3 years.

I strongly support the planned St. Lawrence performing arts space. While I recognize that parking may be an issue, the issues of parking and public transportation are perpetual in the City and should not unduly influence decisions about such wonderful projects as this one, which can only enhance the City's reputation as a cultural center for the state and region.

Sincerely,

Christopher White

--

Chris White

Arts Resource Service
48 Madison Road
Windham, Maine 04062
207-892-7578

From: "Larry .Hayden" <larry.hayden49@gmail.com>
To: <jlevine@portlandmaine.gov>
Date: 2/27/2014 3:28 PM
Subject: St. Lawrence expansion

Dear Mr. Levine,
I want to go on record in support of the St. Lawrence Church expansion. The organization is doing great work and deserves all the encouragement possible. It appears they have been open and cooperative with the neighborhood suggestions and will continue to be an asset to the City of Portland.
Sincerely,
Lawrence Hayden
671 Auburn Street
Portland 04103

From: <katie_eraine@yahoo.com>
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>
Date: 2/27/2014 3:47 PM
Subject: St Lawrence arts center

Hey Jeff, I just wanted to send an email expressing my support for the St Lawrence expansion. I live & work on the hill and wholeheartedly support them. Feel free to be in touch. Thanks so much -Katie Wallace

Sent from my iPhone

From: David Iovino <davit70@gmail.com>
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>
Date: 2/27/2014 4:06 PM
Subject: St Lawrence.

Jeff Levine,

I'm writing to support the expansion of the St Lawrence Arts Center. I'm not able to attend the meeting tonight but completely agree that the expansion will help the neighborhood grow. I have owned a business on the hill for 10 years and have seen a steady building of a community, and welcome any growth and addition.

Thank you and feel free to contact me with any questions.
David Iovino

Sent from my iPhone

From: Alison Grey Murray <wharey@yahoo.com>
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>
Date: 2/27/2014 6:03 PM
Subject: St. Lawrence Arts Expansion

Hello Mr. Levine.

My husband and I bought our house on Munjoy Hill ten years ago and have been pleased with the neighborhood changes over that time. In my opinion, the best additions to our neighborhood have been Blue Spoon, The Front Room, the expanded Hill Top location, and Rosemont. I appreciated the perspective in the recent Press Herald article that the expansion of the St. Lawrence will be positive to those businesses.
http://www.pressherald.com/news/Parking_a_hurdle_for_Munjoy_Hill_music_hall_plan_.html?pageType=mobile&id=1

I think the expansion will be good for residents too.

Thank you for your consideration.

Sincerely,
Alison Grey

Can't attend tonight's meeting about St. Lawrence Arts, send Jeff Levine, Director of Planning & Urban Development an email at jlevine@portlandmaine.gov

Tell him that you support the St. Lawrence Arts Expansion! (include your town...especially if you live in Portland, Maine!!) Thanks!! They put emails and letters in the public record.

From: "Lisa Morris" <lmorris@usm.maine.edu>
 To: "Helen Donaldson" <HCD@portlandmaine.gov>
 Date: 9/23/2014 12:15 PM
 Subject: Re: St. Lawrence Arts - revised submittal and upcoming Planning Board workshop

Hi Helen,

I cannot attend tonight's meeting (working...) but I want to chime in regarding the St. Lawrence plans and the planning board's decision making around their request for conditional zoning.

I live around the corner (Lafayette Street). We own a house without a driveway. Parking is occasionally an issue, of course, but the prospects of having a new 400-seat theater around the corner more than offsets this occasional inconvenience. Besides, the St. Lawrence folks have been more than accommodating in their ideas and plans for transportation flow management.

Additionally - and I've said this before: planning around cars and parking is increasingly out-of-date. Younger people are less likely to have cars, more inclined to bike, walk, take a bus, a trolley. We need to stop planning so closely around auto traffic.

I also think the design is fine and have no concerns about the height or bulk (especially since it will help tie in 118 Congress, making 118 look more to scale).

I am concerned that few out-spoken folks will block what is an example of just the kind of economic development an inner-city neighborhood like Munjoy Hill needs: small, non-profit, non-polluting, neighborly. A new theater on this end of town will enhance the overall vibrancy of Portland.

If it doesn't succeed (the risk of any new start-up) the building is sized to be desirable to other small businesses.

Thanks.

Lisa Morris
 26 Lafayette Street

>>> "Helen Donaldson" <HCD@portlandmaine.gov> 9/15/2014 2:25 PM >>>
 To Whom It May Concern:

Please be advised that the Friends of St. Lawrence Arts has submitted additional materials related to proposed amendments to their existing conditional zoning agreement for 76 Congress Street, the St. Lawrence Arts Center. These additional submittals, including a revised transportation demand management plan and revised architectural drawings, will be discussed by the Planning Board at their next workshop, to be held at 4:30 p.m. on Tuesday, September 23 in Council Chambers, City Hall.

These materials may be accessed by visiting the Planning Division on the 4th floor of City Hall or by emailing me directly. Background materials will also be available on the city's website by the end of this week (<http://www.portlandmaine.gov/211/Planning-Board>).

Details on the Planning Board agenda for September 23 may be found here:

<http://www.portlandmaine.gov/211/Planning-Board>

As always, please feel free to email or call with questions or comments. We appreciate your input in this process.

Nell Donaldson

Neil Donaldson
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101
874-8723
hcd@portlandmaine.gov

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested. BZA

From: Stephen Gaal <steve@gaal.com>
 To: <hed@portlandmaine.gov>
 Date: 3/17/2014 2:08 PM
 Subject: FSLAC Amendments to Conditional Rezoning agreement

Dear Ms. Donaldson:

Please forward my comments on the proposed Friends of St. Lawrence Arts Center's Amendments to Conditional Rezoning Agreement to the entire planning board. Please also confirm receipt and forwarding of this communication. Thank you.

Portland Planning Board Members:

I am writing to offer my comments on the proposed Amendments to Conditional Rezoning Agreement: St. Lawrence Arts Center. Regrettably I am not able to attend the March 18 workshop. I have attended every meeting I have been aware of regarding the SLAC proposal including the city sponsored meeting on February 27. I have also read the memorandum from Neil Donaldson to the Planning Board members dated March 15. My compliments to ms. Donaldson on that memorandum. In my view her report on public comment was complete and accurate and the memorandum was factual and neutral.

My name is Stephen Gaal and I am a resident of Munjoy Hill. There are a number of issues and concerns I have about the project as proposed, but first I would like to say that I like having the St. Lawrence Arts Center in the neighborhood. I appreciate the venue it offers Good Theater, one of the most popular theater groups in the greater Portland area. And I like the access to an eclectic mix of entertainment in a very convenient location. The neighborhood has, by and large, successfully assimilated the traffic generated by the current 110-seat theater.

The applicant is not ENTITLED to this contract rezoning. By that I mean this proposed "regional performing arts center" (to use the applicant's description) is in a Residential zone (R-6) and absent both a compelling reason that this provides a net benefit to the community and each and every objection being satisfied, they do not have a right to this rezoning. In fact, the residents of the neighborhood should have a right to have confidence that their planning board will not revert to spot zoning for a particular applicant. So the default case here should be to deny the application.

Capacity, Traffic and Safety

Capacity: My principal issue with the proposed addition is its capacity and the resulting concerns about parking, traffic and safety. As proposed the St. Lawrence will have a total capacity of 721, (401-seat theater, 120-seat theater and 200-person Promenade room.) SLAC, as part of their proposed contract rezone, would limit attendance to any one event to 485 and would limit the use of the facility to one event at a time. This represents about 188 additional vehicles looking for parking. The additional vehicles represent 375 people, almost 1.5 times the capacity of Portland Stage that has a parking garage across the street and a parking lot next door. It is nearly 2.5 times the capacity of One Longfellow Square. The scale of this project is simply unsuitable for a residential neighborhood like the Hill. When Mad Horse Theatre opened a 50-seat performance venue in South Portland in a residential area similar to this one, they were required to show that they had 27 on-site parking spaces for fifty seats. And we are contemplating 375 additional seats with no parking. Does that make sense?

Traffic: The current Traffic Demand Management Plan is essentially identical to the plan put together for the previous contract zone agreement and is superficial, at best. Your own staff described it as "underdeveloped." Although it talks about available parking spaces on nearby streets, public transportation options, bicycles, and a shuttle to Cutter Street, what it does not do is create any additional parking to handle this increased demand. And when the completely predictable issues occur:

- An unworkable van shuttle system that defies common sense. And how about on snow ban nights when the lot starts filling in the afternoon? Or summer evenings when Cutter street is full of cars and boat trailers?
- Traffic jams caused by many vehicles arriving in a short window circling in ever widening circles looking for a space or waiting while a lucky patron who has found one parks.
- Even more cars than currently parked in the space that says "no parking from here to the corner" that would prevent fire trucks from making the turn into side streets near the theater
- Not to mention the blocking of Munjoy Street so trucks setting up and taking down shows can access the sidewalk positioned loading dock?

the neighborhood has no recourse. The building is built and the problem will persist. Annual reviews of the problem will do nothing to alleviate it.

The notion that there is ample on-street parking within a few blocks of the theater based on surveys counting empty parking spaces is appealing but simplistic. Although I am not a traffic engineer, I am an engineer by training and I do have a sense of how systems operate. And parking around the theater is a system in the most general sense. As any system approaches its capacity, virtually anything can and does disrupt the flow and causes "traffic jams" We all know this from driving on a highway that is nowhere near capacity and finding ourselves suddenly in stopped or dramatically slowed traffic. We wonder if there is an accident only to find out that there was just a hill and traffic slightly slowed and bunched, causing a traffic jam. This happens at well below the capacity of the highway. I would encourage the planning board to view parking on the Hill as a system and to understand in a more sophisticated way the impact this project is likely to have. I would be happy to provide members a copy of a Federal Department of Transportation report: Traffic Congestion and Reliability. I am sure there are many others. This addition, if approved, will be a regional performing arts center. An even higher proportion of event attendees will be driving than currently do. Improved public bus transportation and bicycle racks are simply not credible options.

Safety:

This is my most serious concern. Even now, on many nights, near the St. Lawrence, you will find cars parked in the zone that says "No parking from here to the corner." As parking demands increase, that will spread farther and farther from the St. Lawrence. Those parking restrictions are there so fire trucks can make the turn into narrow Munjoy Hill Streets. I would love to have the Fire Department weigh in on this issue. As curtain time nears theatergoers may become more and more anxious to find a space. It is human nature that will translate into going a bit too fast, missing stop signs, etc. This is something we should all be concerned about.

Other alternatives:

I would like to see a continuing and successful St. Lawrence presence on the Hill. So far St. Lawrence has presented us with just two options: the current arrangement that they have declared unsustainable and a dramatically expanded regional performing arts center. I would respectfully suggest there are other options that would be more compatible with the residential neighborhood in which it sits:

- Create an enlarged performing arts center but one that would be significantly smaller than 401, or 485, or 721. How about 200-250 seats? We can probably absorb that much additional traffic. I have suggested that to St. Lawrence and they responded that it doesn't work for them but they have declined to provide any detail on why it doesn't.

- Continue to operate the St. Lawrence as is and raise \$2-3 million for an endowment to maintain the current structure. St. Lawrence has said they breakeven on operations but don't have enough money to maintain the structure. This would allow them to do that.

- Follow your dream, SLAC, and build a new 4-500-seat regional performing arts center. But do it in the Arts district that has the infrastructure to support it

Respectfully,

Stephen Gaal
Portland ME
steve@gaal.com
(603) 651-9183 mobile

Petition to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Friends of St. Lawrence Church (FSLC) Revised Proposal for New Construction of a 400-seat Theater and Arts Center

We support an Arts Center on the site of the historic St. Lawrence Church.

However, we, the undersigned, oppose the current design plan for the Arts Center for the following reasons:

- The **size** is out of proportion with the rest of the neighborhood.
- The **design** is out of character with its residential neighborhood, and with the existing Parish Hall.
- The potential **capacity** of the new Arts Center, at 400, even without the 200-person capacity in the "Promenade" room or the existing 110-seat Parish Hall theater, will create significant **parking** problems not only for the neighboring residences and businesses but also for the patrons of the Arts Center.

Size and design. In 2010, the Friends of the St. Lawrence Church (FSLC), a nonprofit organization that owns the St. Lawrence Arts Center, obtained zoning exemptions from the City Council to build an expanded replica of the original Sanctuary as an arts center. FSLC is now seeking to amend this zoning agreement. The result, if it passes, would be a large box-shaped 400-seat theater topped by a 3,000-square-foot glassed-in "promenade" that accommodates 200 people. This structure will not "maintain the character of the original structure and property and complement the adjacent residential neighborhood" — one of the conditions in the original 2010 zoning agreement.

Capacity and parking. A 400-seat venue creates parking problems. The 2010 proposal called for shuttle transportation from remote parking lots, and expanded public transit. This is unworkable, especially in foul weather. Most patrons will still arrive by car and choke the neighborhood streets as they drive around looking for nonexistent spaces and drop off passengers. Local restaurants and other businesses will lose revenue if increased traffic causes customers to go elsewhere. Parking restrictions to reserve residential spaces (as proposed in 2010) would only add to these difficulties.

The Arts Center, as designed, will be a regional facility, with the potential of drawing patrons (and their cars) from a wide area. Regional facilities are appropriate for arts or commercial districts with adequate parking — but not for a residential neighborhood. If this were a private commercial project, FSLC would be required to establish approximately 160 on-site parking spaces.

For all these reasons, we urge the Planning Board and the City Council to require substantial revisions to the St. Lawrence proposal in size, design, and capacity.

Petition to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

VC
11

Print name	Signature	Address	Phone	e-mail	✓ I can help
Betty Welt	<i>Betty Welt</i>	43 Wilband Rd. Nobleboro, ME 04555	(Good Theater patron)	backlog@tidewater.net	
Martin Welt	<i>Martin J. Welt</i>	43 Wilband Road Nobleboro, ME 04555	Good Theater season ticket holder	backlog@tidewater.net	
Danell Melwinn	<i>Danell Melwinn</i>	89 North Street Portland, ME, 04101	(207) 756-5350	melwinn-danell@yahoo.com	✓
Walter Melwinn	<i>Walter Melwinn</i>	87 North Street 04101	(207) 773-112	Walter.Melwinn@maine.04101	✓
Nikolay Velichkov	<i>Nikolay Velichkov</i>	56 Montreal St. Portland, ME		nkvelichkov@gmail.com	✓
David Coy	<i>David Coy</i>	95 C 0754	699-6053		
Eec masley	<i>Eec masley</i>	12 Moody Street		emasley@pre-intel.net	✓
Evee Keeskemelling	<i>Evee Keeskemelling</i>	74 Vesper St Apt 2 Portland	233-7814		✓
John Peck	<i>John Peck</i>	74 Vesper St Portland Apt #1			✓
John Harris	<i>John Harris</i>	74 Vesper St Portland Apt #2			✓
Julie Keeskemelling	<i>Julie Keeskemelling</i>	74 Vesper St Portland ME			✓
Katy Muller	<i>Katy Muller</i>	221 Wood Rd Portland	233-0808		
Josh Jones	<i>Josh Jones</i>	39 PREBLE St APT 3	518-0893		

Revised

Letter to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
Ed Apon	<i>Ed Apon</i>	<i>Portland, ME. 90 Atlantic</i>	<i>698-8479</i>		✓
Erin Dunne	<i>EDe</i>	<i>240 Brighton Ave Portland, ME 04102</i>		<i>missclairesilk@gmail.com</i>	
Dominick A. Rizzo	<i>DPA.M</i>	<i>72 Oak St. #405 Portland 04103</i>	<i>207 420-6521</i>	<i>dominick@hughes.net</i>	✓
W Pra H	<i>WPAH</i>	<i>8 Merrill 04101</i>		<i>will@tandemcoffee.com</i>	✓
Crystal Pommeroy	<i>CP</i>	<i>45 North St 04101</i>		<i>camypom@gmail.com</i>	✓
Jeremy Susser	<i>JS</i>	<i>70 Deering St 04101</i>		<i>susserj@gmail.com</i>	
John Bowen	<i>JB</i>	<i>36 North St Portland</i>	<i>650-4858</i>	<i>JBOWEN@BHAMC.COM</i>	✓
Matt Libby	<i>ML</i>	<i>35 North St Portland</i>	<i>408-2940</i>	<i>matlib527@hotmail.com</i>	✓
David Morfin	<i>DM</i>	<i>49 Cumberland Ave. #2</i>	<i>207-321-1188</i>	<i>heathphysica@hotmail.com</i>	✓
Austin Saleby	<i>AS</i>	<i>9 Anderson Street Apt 2</i>	<i>207-730-0741</i>	<i>austin.saleby@gmail.com</i>	✓
Zach Carmona	<i>ZC</i>	<i>30 Brentwood St Apt 2</i>	<i>207-510-6949</i>	<i>sucrencasy@yahoo.com</i>	✓
Aaron Charles	<i>AC</i>	<i>58 Congress St. Apt. 3</i>	<i>No sah</i>		
Paul Caputo	<i>PC</i>	<i>↓</i>	<i>↓</i>		
Myie Rolando	<i>MR</i>	<i>↓</i>	<i>↓</i>		
Mike Whitman	<i>MW</i>	<i>23 Emerson #2</i>	<i>522-7863</i>	<i>mytcommand@yahoo.com</i>	✓

Petition to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

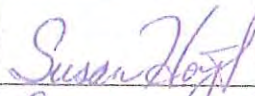
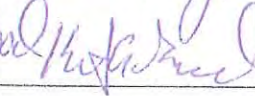
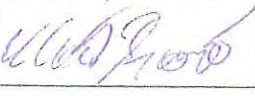
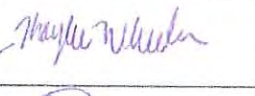
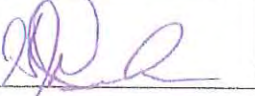
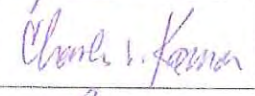
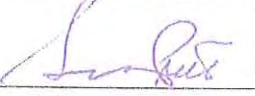
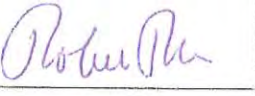
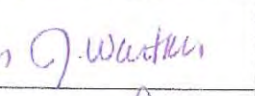
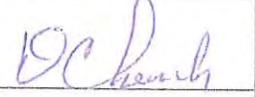
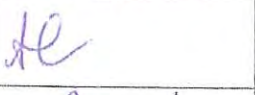
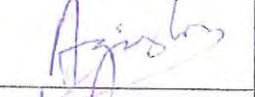
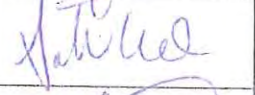
Print name	Signature	Address	Phone	e-mail	✓ I can help
Janet Stewart	Janet Stewart	188 E. Prom Portland, Me	899-2348	johnstewart -bd1@gmail.com	✓
Wendy Napolitano	Wendy Napolitano	208 Eastern Ave Portland	233-9232	wendee napolitano	✓
Tony Napolitano	Tony Napolitano	208 E. Prom	233-9232		✓
Gene Cerino	Gene Cerino	10 Walnut St	838-8917		✓
Rachel Bruce	Rachel Bruce	125 Morning St	845-323-3600	rachelbruce@ gmail.com	✓
Ryan Barnard	Ryan Barnard	125 Morning St	"207-272-2702"	"Barnard 47@gmail.com"	✓
Bethany Tweed	Bethany Tweed	246 E Prom	"207-632-2022"	"bethany.tweed@ykn.com"	✓
Dan Blais	Dan Blais	1350 Forest St	242-9196	daniel.blais13 @gmail.com	✓
Alexis McCoy	Alexis McCoy	254 Eastern Prom. #4	—	alexisjmccoy@gmail.com	✓
Beth Henderson	Beth Henderson	340 Eastern Prom Portland, ME	—	—	✓
Tim Stevenson	Tim Stevenson	270 E. Prom	—	+stevenson35 @gmail.com	✓
Rita Sudbay	Rita Sudbay	45 Melburn St	—	rasadbay@ maine.rr.com	✓
H Ashby	H Ashby	288 E. Prom	—	hlieb@msa.com	✓
Joyce Stenhouse	Joyce Stenhouse	304 E. Prom	—	jstensk@edune.edu	✓
Margaret Hillman	Margaret Hillman	9 Willis St	—	mhillman@maine.rr.com	✓

Petition to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
Susan Hoyt		43 Howard St	773-8746		✓
Heidi Greenwood		402 Salmons Rd	240-1678		
W. Knowlton		36 Woodrow Cove Mole Falls			
Kaylee Wheeler		50 Vesper Street Portland, ME	—		K
Hank Dersch		124 Pleasant St	—		
CHUCK KAMAR		55 Morning St. Unit 2-1 04101	781 492 1192	CKamar@comcast.net	✓
MASON PRATT		45 Eastern Prom Unit 4H	653-9060	mpratt@percutor.com	✓
BOB SWAN		68 MITCHELL RD S.O.P.O.	653-2235	SWAN d 961 @ GMAIL.COM	✓
Jennifer Warkun		168 Eastern Prom R	415-8109	JWarkun1989@gmail.com	✓
Derek Church		325 Ray St	878-8507		
Andrew Collier		170 Eastern Promenade	312-1311	ajcollier1642@gmail.com	✓
Agesha Anis		166 Eastern Promenade	207-620-6339	agesha@gmail.com	✓
Sarah Coonradt		166 Eastern Promenade	207-607-2274	Sarah.Coonradt@maine.edu	✓
Chad Carson		172 E. PROM #1	2—	carsonchad82@gmail.com	✓
Tom Stuenkel		168 E. Prom	712-9569	Stuenkel.tobi@gmail.com	✓

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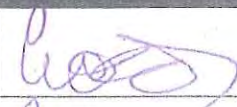
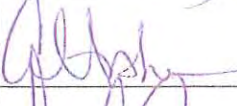
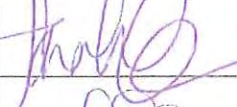
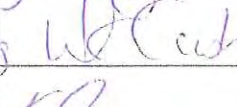
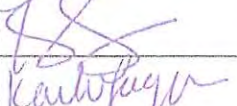
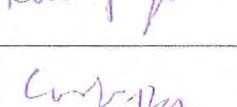
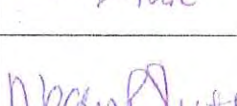
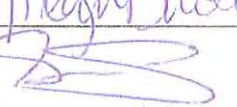
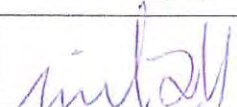
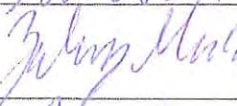
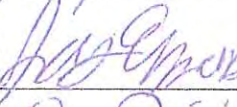
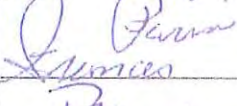
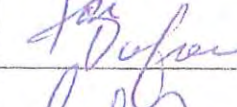
Print name	Signature	Address	Phone	e-mail	✓ can help
Thomas MacMillan	Thomas MacMillan	17 May St #3			
Adam Marletta	Adam Marletta	98 Grant St. Apt 8		adammarletta@gmail.com	
James W. Devine	James W. Devine	696 Congress St.		JamesWDevine@yahoo.com	
MARK S. PLUMMER	Mark S. Plummer	10 DEBBY RD Portland 04101		H3pro_marks@yahoo.com	
Elizabeth Streefer	Elizabeth Streefer	66 Quebec Portland ME		streefer@stratos.net	
Catherine Hall		North St Portland Me			
Bonnie Brien	Bonnie Brien	115 North St Port. Me	Bonnie Brien		
Garry Richards	Garry Richards	208 Congress			
Alex Gann	Alex Gann	54 Walnut St.		bigbajad@mac.com	
Adam Foster	AFW	110 North St		110 north street@gmail	
Anna Bacon	AKB	" "		110 north street@gmail	
Robert Huppewell	Robert Huppewell	93 Atlantic St. Portland, Me			
ELIZABETH CLARK	Elizabeth Clark	16 PRENSCOT ST. Portland.			
Skylar Richardson	Skylar Richardson	1192 Washington Ave Portland, ME 04103			
Kathleen Sullivan	Kathleen Sullivan	158 North St Portland, Me		msullivanmyfairport.com	

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CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
Croix Galipault		25 Waterville St	617.642.5032	croixgalipault@gmail.com	✓
Aimee Hake		56 Congress St Apt 3	914 629 6168	Aimee.fly@gmail.com	✓
Sarah Goan		54 Walnut St Portland 04101	703 403-3681	knickels@hotmail.com	✓
Maria Cushing		12 Ocean View	207 210 827	Maria.Cushing@yahoo.com	✓
Karen Fagan		105 North St #3 Portland	207 518 9274	KKFagans@yahoo.com	✓
Karla Fagan		105 North St #3 Portland ME 04101	207 332 5567	KKFagans@yahoo.com	✓
Carolyn Thach		73 Cumberland Ave #2	(517) 424-4010	carolynthach@gmail.com	✓
Megan Shute		42 Congress St	207 632 4352	MeganShute@gmail.com	✓
Seth Bullock		66 Underwood Rd. Falmouth	207 899 9436	bullockseth16@gmail.com	AS
Indira Gowell		18 Atlantic St #4 Portland		igowell@hotmail.com	✓
Zachary Walker		151 North St. Apt H 108		zwalker91@gmail.com	✓
Janez Ammons		19 Fox Run Rd.		Ammons502@yahoo.com	AS
PARISI FRANCES		158 North St Portland	774-9654		✓
DON DUBESNE		101 North St		dondubessne@yahoo.com	✓
Elizabeth Winy		22 Cumberland St		bizw@hotmail.com	✓

Wina

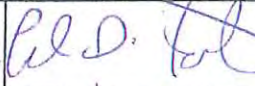
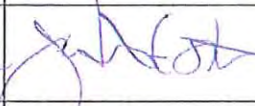
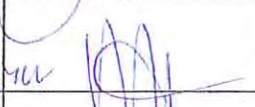
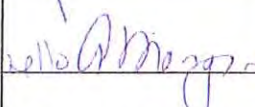
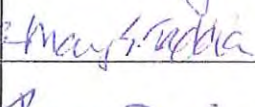
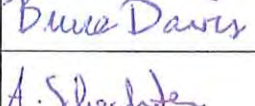
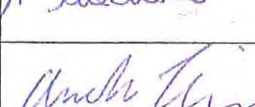
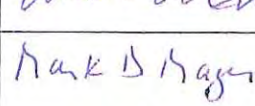
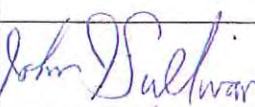
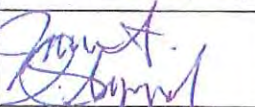
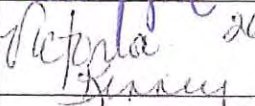
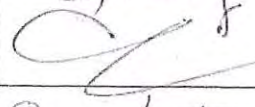
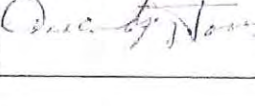
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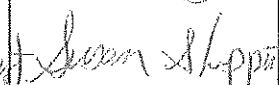
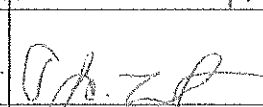
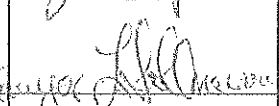
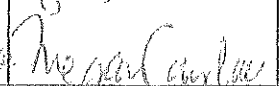
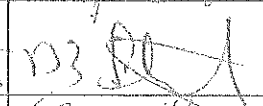
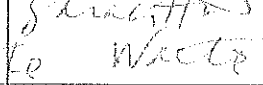
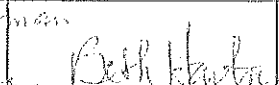
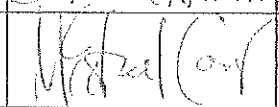
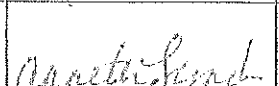
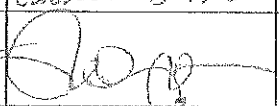
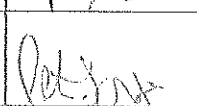
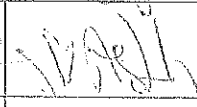
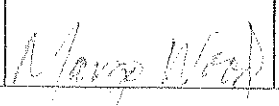
Print name	Signature	Address	Phone	e-mail	✓ I can help
PETER FOSTER		340 E. Prom		fostrpd@gmail.com	✓
Jody Foster		340 E Prom		11 11	✓
Maggie Pullman		84 Rosewood	(02) 99427		AS
James Aust		45 Eastern Prom #3	(207) 712-5445	jim.austma@gmail.com	✓
Anne Mangiello		00 S 4th (Dilbar St)	207-772-8884	iemangand@yahoo.com	✓
Mary Taddia		135 Anderson St.	207.420.1756	mtaddia@unc.edu	✓
Bruce Davis		45 Quebec St Portland	156-0185	bruce.davis21@yahoo.com	✓
Angelika Schechter		21 Deering St. Portland		abraham@gwinet	
Amanda Kierman		68 Sawyer St.		akierman@clarku.edu	
Mark Mayer		15 O'Brien St. Portland, ME 04101		markmayer60@gmail.com	✓
John Sullivan		1382 Forest Av. Portland, ME		jsully65@yahoo.com	
JASON SHEPPARD		Pine St. Portland		resurgom207@gmail.com	
Victoria Kinney		26 William St		Kinneyfam@meane.rr.com	
Spencer Mink		30 Chase St		melnick2000@hotmail.com	
Anna Lopez		56 William St Unit 1		alopez1005@gmail.com	

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Print name	Signature	Address	Phone	e-mail	✓ I can help
Jacelin Porttuff		2416 E. Dom	838-2858	porttuffjacelin@gmail.com	✓
Susan S. Lippert		76 Anderson	837-2800	sue.lippert@icloud.com	
TIM LIPPERT		76 ANDERSON	838-1760	talippert@gmail.com	
LISA Sillars		121 Walnut St	699-7572	LSillars@yahoo.com	
Megan Carlow		22 Madison St	427-6409	mc@run-far-then.com	
Dana Street		110 Park St		dane@daneandstreet.com	
Sarah Wickett		44 Wellstone	529-1003	swickett@comcast.net	
Beth Hartman		28 St George Apt 2	232-0749	beth39hartman@gmail.com	
Michael Carmon		12 P.H. St. Apt 7	772-0009		
Annie Lemek		98 Whitney Ave Portland	400.6024	annielemek@yahoo.com	
STEPHEN MORTON		60 GREEN ST.			
R. L. Tallit		96 Green St	318-0071		
Pete Sager		207 Skidg 1/3			
Josh		3 GRANT ST	207-53576		
Margo Wood		18 Lawn Ave			

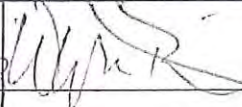
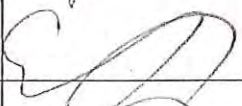
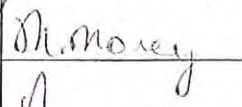
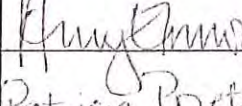
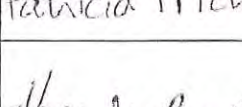
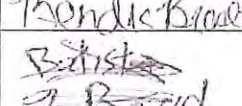
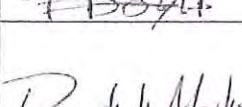
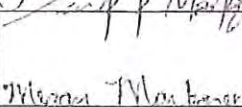
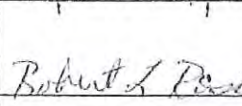
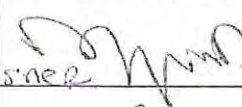
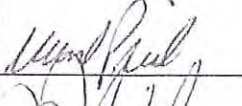
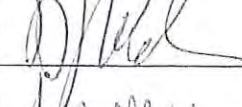
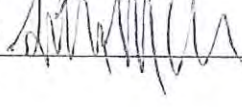
Petition to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

RC
7/20

Print name	Signature	Address	Phone	e-mail	✓ I can help
WAYNE BARTER		18 Lacey Ave.			
Elizabeth Miles		46 Wellington			
Carolyn Roddy		42 Parsons Rd		cradding@maine.rr.com	
Marian Morey		58 Heble St		Marianmorey@gmail.com	
Ann Emmons		50 Pennacott Dr			
Patricia Prieto		48 Sheffield St		pprieto@maine.rr.com	
Kendra Bresette		1244 Washington Ave			
Batista		9 Boyd #1		207.274.0288	
Deek Markgren		291 State St #2		Sademenace@hotmail.com	
Megan Markgren		291 State St #2		meganmarkgrethlefield@yahoo.com	
Robert Ross		43 Highland St		BROSSIS2@GMAIL.COM	
Devan Krossner		27 Brookview Terr			
Mike Pulaski		68 Water St #2		michael.pulaski@gmail.com	
Michael Welch		29 Clifton St		mwelch@hullaw.com	
Susan Welch		29 Clifton St			

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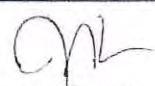
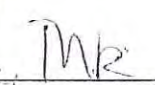
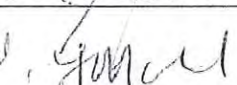
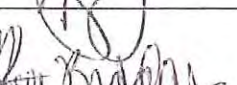
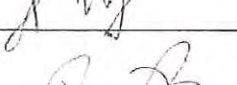
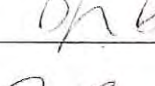
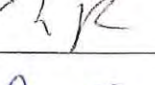
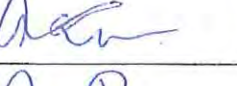
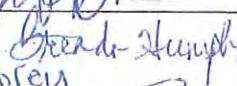
Print name	Signature	Address	Phone	e-mail	✓ I can help
David Ryan	[Signature]	159 Grand St.			
Charmay Miller	[Signature]	159 Grand St.			
Alex	Alex Cocon	92 Revere St.			
James Seng	[Signature]	25 Stradwater Rd		jimejsengineer@gmail.com	
Junma Yang	[Signature]	91 Christy Rd			
John Yanga	[Signature]	103 Frown St.	774-6478	juma.yanga@gmail.com	
Kyle Dennis	[Signature]	546 Cumberland Ave		Kyle.Bertekows@gmail.com	
Alex McFadden	[Signature]	9 Arundel Rd			
Scott McFadden	[Signature]	9 Arundel Rd			
LINNA HANE	[Signature]	178 Pine St Port	24	LINNA HANE linnahane.net mouer77@gmail.com	
Daniel Mack	[Signature]	91 Carleton St Apt 1			
Kelley D.B.	[Signature]	12 Hollis Rd		Kbritos@maine.rr.com	
Christy Morris	[Signature]	9 Pine #2		Christy.Morris@gmail.com	
Peter Black	[Signature]	76 Carleton St			
Amy Hesse	[Signature]	55 ALBA ST.		amy.hesse@gmail.com	

Petition to Portland Planning Board and City Council

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105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
Joseph H. Hill		55 Alb St			
Meghin Kenney		39 Greenleaf St			
James Johnson		43 Samuels St.		jhi@wisc.edu	
Lydia Moland		43 Samuels St			
Arabella Perez		27 Farmland St		perezedgar@jwi.net	
Naty Bradley		712-5170 19 East Commercial Dr.		NBRADS25@GMAIL.COM	
Jason Bradley		79 East Commercial Dr.		JASBRAD@COMcast.com	
Megan Pryor		38 Irving St		mmp Pryor@gmail.com	
Matthew Pryor		38 Irving St			
Andrea Romer		115 Huntington		napromer@hotmail.com	
Jim Romer		115 Huntington		j.d.romer@hotmail.com	
ALAN FREEDMAN		164 CABEL		AL33@MAIN.RP.COM	
James Darr		12 North St 1B		McEntainRSE@gmail.com	
Brenda Humphrey		35 Merrill St			
Guine Kennedy		22 Atlantic		guineke@guineke.com	

RF

Letter to Portland Planning Board and City Council

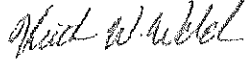
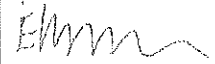
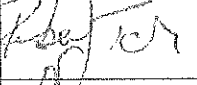
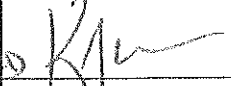
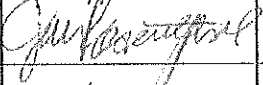
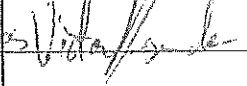
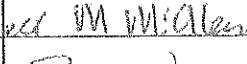
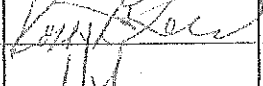
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105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

FSLC would be required to establish approximately 160 on-site parking spaces.

For all these reasons, we urge the Planning Board and the City Council to require substantial revisions to the St. Lawrence proposal in size, design, and capacity.

Print name	Signature	Address	Phone	e-mail	I can help
Keith W. Welch		89 Vesper St. #3	207 774-3443	Sundialocantant@hotmail.com	
Scam Cropper		63 Deerfield Circle, South Portland ME	401-554-7091	Scamsgreat@yahoo.com	
Elke Muller		94 St. Lawrence	452-3049	ludovic@panix.com	
Robert Tate		94 St. Lawrence St 04101	452-3049		
Jamie Hall		90 St. Law	330-1632	SCHE@COSI-TSLC	
George Shaler		13 Merriam St. 04103	771-5571	GSHALER@USM.Maine.edu	
Karas Moudano		27 Melbourne St	404-309-8583	Canvernic@yahoo.com	
Jill Roseman		13 Merriam St	771-5571	inbasur@aol.com	
Victor Bezendes		477 Cumberland Portland	332-4393	Victorbezendes@gmail.com	
Marcella Micalan		219 Bluff Rd Yarmouth	229-7771		
Ross Fields		46 Turner St. #4 Portland ME 04101	207 233-4327	ross.fields@munjoyhill.org	
Mike Dugay		47 Sm. Ct St	—	MSougay@gmail.com	

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Letter to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
Harcourt Moulton	Harcourt Moulton	45-7 Comb Ave Apt 12	200-0367		
Alice Krasowski	Alice Krasowski	28 Morning St	400-4834		
Eric Meyersheim	Eric Meyersheim	24 Yarmouth Ave 203 Portland	546-9248		
Bradley Dabole	Bradley Dabole	22 Emerson St	234-0133		
Thomas Kelley	Thomas Kelley	102 Morning St Apt 3	332-4695		
Sarah Graulty	Sarah Graulty	69 Morning St Apt 2	802-578-7030	Sarahgraulty	
Claire Harrison	Claire Harrison	21 Mackworth St Portland	774-4252		
William Harrison	William Harrison	21 Mackworth St Portland 04103	774-4252		
Patricia A Wilbur	Patricia A Wilbur	2 PINE hedge Apt 1 and 1/2			
Tom Musgrave	Tom Musgrave	149 Bradley St		tom.musgrave@maine.rr.com	
Tiffany Heater	Tiffany Heater	15 Wilkie Street	917-661-1031		
Cornie Holbome	Cornie Holbome	15 Wilkie Street	917-683-0542		
Brittany Romaine	Brittany Romaine	15 Forest Ave Portland ME 04103	207-849-9113	Brittanynd 207@gmail.com	
CHRISTINA STACEY	Christina Stacey	27 Raymond Rd Portland, ME 04103	207-774-4650		
Michelle Baerger	Michelle Baerger	130 Lynn St	207-878-1271		

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Letter to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	I can help
Bill Karl	<i>Bill Karl</i>	130 LYNN ST PORT	878-1271	—	
Will Russell	<i>Will Russell</i>	113 William St Portland			
Margaret Gens	<i>Margaret Gens</i>	880 Forest Ave Apt 1	878-3208	—	
Liah Hayes	<i>Liah Hayes</i>	279 State St Apt 1	416-9229	—	
Maria Conna	<i>Maria Conna</i>	12 PILL ST.	712-0739		
Seth Vanden	<i>Seth Vanden</i>	12 Salem St	899-3744		
Heather Vanden	<i>Heather Vanden</i>	12 Salem ST	899-3744		
Nat Jones	<i>Nat Jones</i>	31 SHUMEN			
JULIA FINE	<i>Julia Fine</i>	22 THOMAS			
Kenn Redford	<i>Kenn Redford</i>	198 DEAN			
Jenn York	<i>Jenn York</i>	24 State St. #1	207-332-1688	yorkjennifercegnini.com	
Mei Selverge	<i>Mei Selverge</i>	37 Bentley Ave			
BRANDY P. MERRAUGH	<i>Brandy Merrough</i>	53 FINE ST.			
Charlie Brown	<i>Charles Brown</i>	83 Sherman St. #3 Portland, ME	400-6941		
Michael Merrough	<i>Michael Merrough</i>	118 Beacon St. Portland ME	774-3732		

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Letter to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
Kathryn Stead	Kathryn Stead	50 Gleckler Rd.	—	stead485@gmail.com	
Bill Gardner	Bill Gardner	126 Gleckler Rd.			
Marsha Stultz	Marsha Stultz	107 Tucker Ave.			
Mindy Ray	Mindy Ray	107 Tucker Ave.			
Barbara Bausch	Barbara Bausch	66 Spruce St #4 Portland			
Dana Fischer	Dana Fischer	71 BRADLEY ST			
Ryan MacDonell	Ryan MacDonell	95 Broadway	—	—	
Emily Blake	Emily Blake	95 Broadway		—	
Garrett Adams	Garrett Adams	30 WEST ST			
Anne Brooks	Anne Brooks	30 WEST ST			
Christina West	Christina West	102 Washington			
Angela Giordano	Angela Giordano	102 Washington			
Cassey Roeder	Cassey Roeder	5 Houlton St	—	—	
Alex Chang	Alex Chang	5 Houlton St	—	—	
Candice Mackay	Candice Mackay	129 EMERY ST.			

Letter to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

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105 North Street, Unit 1, Portland, Maine 04101

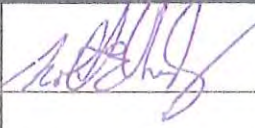
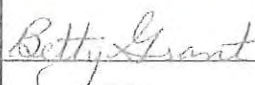
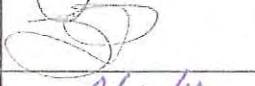
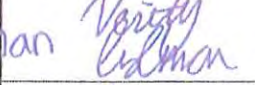
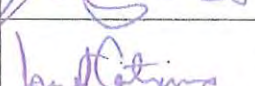
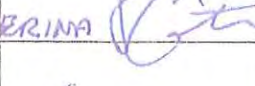
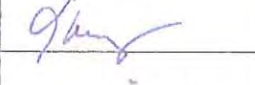
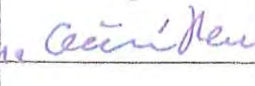
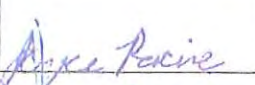
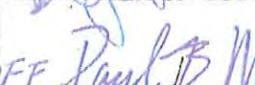
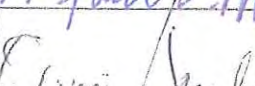
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Petition to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
Scott Hardy		50 Spring St Unit 2		scotthardy@gmail.com	
BETTY GRANT		418 Caprice St			
Scobie L. Webb		147 Vaughan St.		rlwebb@gmail.com	
Verity Cushman		1 Avon Place Apt. #13 Portland, ME. 04101		Verity@sandrink.com	
David Aceto		27 Brackett St Portland, ME		DPAceto@gmail.com	
Katie Ferreira		20 Creeve St. Portland, ME 04101			
Janet Catherine		56 Ocean Ave #2 Portland, ME 04103			
JAMAAL CATERINA		56 Ocean Ave. Portland, ME.			
Jane Gagne		21 EMORY ST APT 410		Jgagne@gmail.com	
Christine Racine		246 Auburn St #119		christina@peacemail.com	
Joyce Racine		246 Auburn St #119 Portland		joyracine@peacemail.com	
Virginia Dos		120 Reed St Portland ME 04103		Tinnig2@yahoo.com	
PAUL B. MANOFF		480 Allen Ave Portland			
ACQUELINE LIVERI		58 Park St, #52 Portland, 04101		OLIVERI@GMAIL.NET	
RALPH CARMONA		105 NORTH ST #1			

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105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
Susan Pare	Susan Pare	CumBer	400-2568		
Jeff Vane	—	✓	400-2568		
MARSHAL WILLIAM H.	William H. Marshall	96 Pitt St.	620-74-0116		
KATHERINE M. MARSHALL	Katherine M. Marshall	"	"		
Morgan Lake Adams	Morgan Lake Adams	16 Linden Street		mlakeadams@gmail.com	
Eric Hodel Nolan	Eric Hodel	32 Felstead St	—	—	
Ken Dator	Ken Dator	84 Farragut St	797-4973	—	
Michael Hops	Michael Hops	14 Hoxey St	—	—	
Shawn Parker	Shawn Parker	14 Hoxey St		shdparker85@yahoo.com	
Susy Kist	Susy Kist	134 Neal St		skist@gwiner.net	
Rita M. Zebrocki	Rita M. Zebrocki	419 Cumberland Ave #43		Rwiltzie@gwiner.net	
Breeder Sauter	Breeder Sauter	15 Murray St Portland, ME 04103	874-2873	bbsauter@earthlink.net	
Carie Demer	Carie Demer	33 Payson St Portland	—	—	
Holly Lord	Holly Lord	202 Cashman St. Portland			
Cody Deboy	Cody Deboy	1Aron Pl APT 13	—	Photocddt@gmail.com	

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Print name	Signature	Address	Phone	e-mail	✓ I can help
Monica Swan	Monica Swan	28 Melbourne		mswan7@gmail.com	✓
Caron Murray	Caron Murray	40 St Lawrence	caron.murray@munjoyhill.org	caron.murray@gmail.com	✓
MARCIA PERKER	Marcia Perker	41 Atlantic		perker.marcia@gmail.com	✓
Alexandra Carter	Alexandra Carter	72 Morning St.		xandra.carter@gmail.com	✓
ANDREW Sawyer	Andrew Sawyer	57 E. Oxford St		Asawyer.Sawyer@gmail.com	✓
DAVID P. Hopkins	David P. Hopkins	67 Wadsworth St.		dhopkins.dave@yahoo.com	✓
Richard R. Farnsworth	Richard R. Farnsworth	755 Old Mast Rd Portland, ME 04101	207-233-3911	omc@maine.vr.com	
Felicia Files	Felicia Files	76 Monument St		felicia.woh@gmail.com	✓
Dina Maghais	Dina Maghais	74 Atlantic St			✓
Lauren Sheeley	Lauren Sheeley	78 Atlantic St.		Lauren.Sheelley@gmail.com	✓
Lenora D. Finner	Lenora D. Finner	96 Vogue St		lenora.d.finner@hotmail.com	✓
Dennis Bailey	Dennis Bailey	55 Morning St		dennis@sawyer-inc.com	✓
Deb Murray	Deb Murray	143 Pine St #6		J.h.crowbar@gmail.com	
Kathleen McKean	Kathleen McKean	53 Hammond St		KMcKean@maine.vr.com	✓
Peter Nesbitt	Peter Nesbitt	20 Pine St			

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CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
Kristie Collins	Kristie Collins	11 George St. apt 2	329 0982	KristieCollins@rocketmail.com	
Michael Royles	[Signature]	18 LORAIN ST		miroy42@gmail.com	
Frances Lowell	F.F. Lowell	13 West St #13			
Haider Hussain	Haider Hussain	610 Congress ST	2391903	haiderhussain36@yahoo.com	
Jessica Long	[Signature]	95 West St	207439 4705	Jess.long327@gmail.com	
STEPHEN KELLEY	Stephen Kelley	439 Congress St #416 PORTLAND		56ALBERTC@GMAIL.COM	
Linda Zaccaro	Linda Zaccaro	72 Frances St. Portland			
Julie Grant	Julie Grant	155 West Dr		jgrant50@maine.rr.com	
Carol Barker	CAROL BARKER	115 Congress St			
PAT CORRIGAN	Pat Corrigan	62 India	450-8186	patrickcorrigan3@gmail.com	
GLENN SMITH	[Signature]	51 QUEBEC ST	420-0384		
Karl Vertz	Karl Vertz	56 Pine St	899-3140	KV124@livr.com	
Charlene Poirier	Charlene Poirier	12 Samuel Rd		Charlene-Poirier@gmail.com	
[Signature]	[Signature]	60 Rockland Ave			
Charles Cain	Charles Cain	51 Newton St	450-2248	ccain1@maine.rr.com	

maine.rr.com

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Print name	Signature	Address	Phone	e-mail	✓ I can help
Jane Smith	Jane N. Smith	195 Deepwood Dr	797-6623	jane.smith@neweng.com	
GAREY Smith	Gary Smith	195 Deepwood Dr	797-6623	GAREY.Smith@neweng.com	
George N. Fricke	George N. Fricke	240 Baxter Blvd	772-1481		
Liz Kalir	Liz Kalir	19 East Lawn Rd	650-0284	li20732@gmail.com	
Sarah Long	Sarah Long	51 Ray St	7		
Peter Calkins	Peter Calkins	25 WASHBURN AVE	772-6374	PCALKINS@MAINE.IRE.COM	
Pauline Skene	Pauline Skene	95 Emery St	780-8063	jskene@net.net	
Nazari Kradokha	Nazari Kradokha	95 Emery St	774-3465		
NATHAN BAKER	Nathan Baker	236 PARK AVE		LIQUIDUSN@YAHOO	
DANIEL MARLOWE	Daniel Marlowe	13 TATE ST	879-0634	DMARLOWE001@YAHOO.COM	
Grey Webster	Grey Webster	B TATE ST			
Beverly Stewart	Beverly Stewart	66 Vesper St	772-0410		
Morgan Krueger	Morgan Krueger	19 Howard St			
Katie Riley	Katie Riley	46 Howard St			
Elizabeth	Elizabeth	2855 TATE ST		ELIZABETH22@gmail.com	

Ross

Letter to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

FSLC would be required to establish approximately 160 on-site parking spaces.

For all these reasons, we urge the Planning Board and the City Council to require substantial revisions to the St. Lawrence proposal in size, design, and capacity.

Print name	Signature	Address	Phone	e-mail	✓ I can help
Vincent (at)	<i>[Signature]</i>	86 Cheney St	773-5815	N/A	
Heather	Pollard	102 New Island	332-8796		
Linda	Reinholdt	25 Farragut St	6071-0019		
Kendra ^{ELIAS}	<i>[Signature]</i>	279 Brackett St #6	504-376-4423		
Eric Menon	<i>[Signature]</i>	279 Brackett St #6	704-376-3423	bimmermonkey@gmail.com	
Kathy Bailey	<i>[Signature]</i>	65 Bennett St			
Kasey ^{Cioffi}	<i>[Signature]</i>	125 Grant St #6	774-364-0474		
Debra ^{COYNE}	<i>[Signature]</i>	142 Rockland Portl. Ave	—	—	
Donna ^{SORRINA}	<i>[Signature]</i>	126 Rockland Ave.	—	—	
DORAN LELAND	<i>[Signature]</i>	33 Willow Ln P.O. 04102	459-8580	LelandDina@gmail.com	
Justin DUNNET	<i>[Signature]</i>	37 W. Kennebunk St.			
Kira Butera	<i>[Signature]</i>	11			

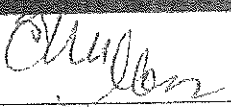
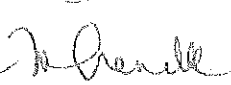
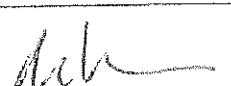
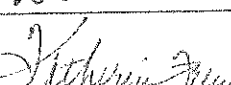
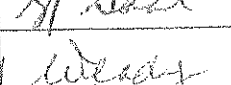
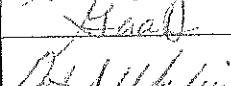
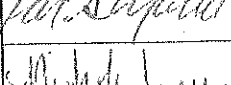
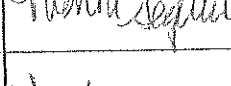
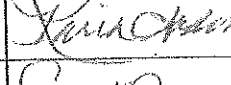
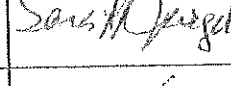
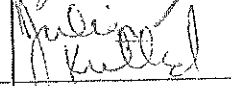
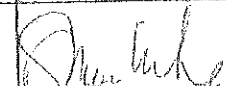
Ross

Letter to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

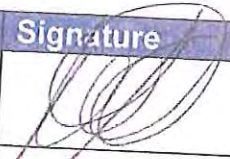
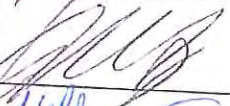
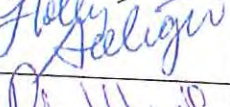
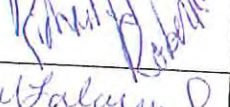
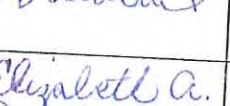
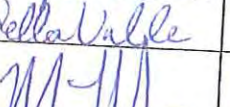
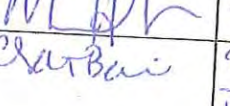
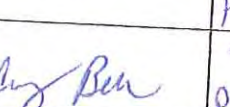
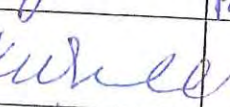
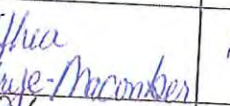
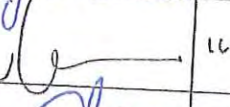
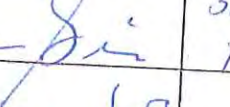
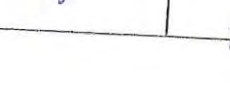
105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
Catherine Mockus		124 Glenwood Hwy Portland	874-7445	mockuskaty@yahoo.com	
Meg Grandae		18 Cobbett Rd Portland	729-625	menadae5@aol	
MICHAEL LAPHAM		18 COBBETT RD Portland	450-6603	MLAPHAM04102@aol.com	
* KATHERINE FREUND		51 BEACON STREET	415-1630	KATHERINE.FREUND@ITNAmerica.org	
STEPHEN GAAL		176 Eastern Prom Portland	775-4329	Steve@gaal.com	
Wendy Gaal		176 Eastern Prom Portland	775-4329	Wendy@gaal.com	
Patrick Malia		119 Morning St. Apt 2 Portland 04101	653-2329	patrick3@yahoo.com	
Nichole Sequeira		119 Morning St Apt 2 Portland/Me	653-9245	niks178@hotmail.com	
KARIN ANDERSON		321 Chestnut St Portland, ME	773-4053	karinandersm1@gmail.com	
Sally Jungreis		51 Thomas Portland			
Shawn Gagne		33 Bay View Dr Portland	838-5950	sgagne2e@earthlink.net	
JULIA KIRTLAND		51 Kellogg Portland	319-5817	julakirtland@gmail.com	
Kim O'Donnell		13 Grosvenor Rd Portland	776-5528	finso@earthlink.net	
SHARON MARTIN		15 Grosvenor Rd Portland		blaugrgr@jahoo.com	
Ben Robesge		8 Beebe Street		bsh9@jsh.ed	

Petition

Letter to Portland Planning Board and City Council

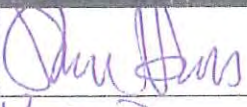
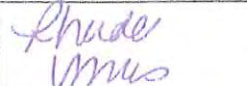
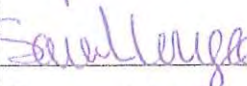
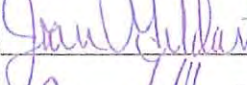
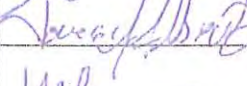
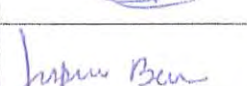
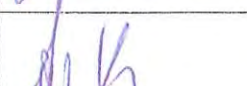
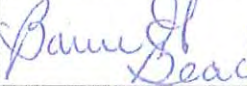
Print name	Signature	Address	Phone	e-mail
MAIA GRECO		107 NORTH STREET	210-6992	MAIAGRECO@VERIZON.NET
ANN KRONENBERGER		107 NORTH ST PORTLAND 04101	210-6997	akronenberger@nsg-i-hq.com
Holly Seeliger		303 Brackett apt 2 Portland, ME	207 415-0207	holly.seeliger@gmail.com
RICHARD ROBERTS		10 Mearns Meeting Drive	207 707-1838	robjiano@msl.com
Madison Lalumand		32 Forest Park #1		mlalumand@gmail.com
Elizabeth A. DellaValle		64 Wellington Rd	899-3123	bothdellavalle@hotmail.com "Kent"
Monica Helms		141 Congress St Portland, ME		mhelms@preblestreet.org
Elizabeth Baldwin		98 Codman St. Portland ME		ervey13@gmail.com
Corey Bell		98 Codman St Portland ME		cobalt corey28@yahoo.com
Kathryn Wadland		270 Capric St Portland ME		
Cynthia Frye-Macomber		10 Knight Street		
MARK ANDERSON		1603 WESTBROOK ST.		
GRACE WHELAN		35 WHELAN AVE.	617 717 8192	gswhehan@gmail.com
Ellen Gilliam		36 Wellstone Pl Portland		
Melissa Kraft		76 Buca Run Portland		
Mika Iakko		161 Xack St P+1D	773 9084	
Rebecca Lytle		161 York St Portland		slille@maine.rr.com

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105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
SHARON ANDSON		14 Cherry St Portland	—	sharon@marketingpros.com	
Kirstin Powell		139 Abby Lane, Portland		kweilinkpe@yahoo.com	
Rhonda Vasmus		18 Lewis St Portland ME		VOSMURCHME@	
Silvia SUPPENNOVA		18 Lewis St Portland ME			
SHEILA SALLIMAN		398 Park St. Portland, ME	—	sheila@quintet	
Sarah Lougee		52 Birchwood Portland		SarahLougee@live.com	
Joan Gildart		97 Glenwood Avenue #48452		gildartjoan@yahoo.	
James A. Alpert		645 Congress #502		JAlpert@guil.com	
name SWAN		21 Sheridan St #3			
DD Swan		21 Sheridan St #3		ddswan@maine.rr.com	
Jessica Bean		61 Mayland St Portland 04103		Jess_More@yahoo.com	
Sandy Rudman		442 Cumberland Ave	—	—	
CARL RUDMAN		442 Cumberland	—	—	
Bonnie Beach		67 Hastings St		bbeach@maine.rr.com	
Stephanie O'Brien		95 West St		clmeverest@yahoo.com	

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Ross

FSLC would be required to establish approximately 160 on-site parking spaces.

For all these reasons, we urge the Planning Board and the City Council to require substantial revisions to the St. Lawrence proposal in size, design, and capacity.

Print name	Signature	Address	Phone	e-mail	✓ I can help
Lynne Coffin	Lynne Coffin	69 State St	207.699.4122	lenthin2000@yahoo.com	
Katie Mahoney	Katie Mahoney	494 Deering Av.	207 807 8490	KRM35@maine.rr.com	
Chelsea Anderson	Chelsea Anderson	7 Huntress St Apt 5	207 807 0385	Chelsea.L.Anderson@me.com	
Lynne Nichols	Lynne Nichols	14 Quebec St Apt 3		lynnnichols@gmail.com	
Frank Barri	Frank Barri	10 Sylvia Rd PTL			
Ann V. Dunbar	Ann V. Dunbar	16 Wilson St PTL			
Dyan Alban	Dyan Alban	11 Arthur St PTL			
Eian Kumaage	Eian Kumaage	23 Pembroke St Portland ME	710-869 5403		
Wendy Flynn	Wendy Flynn	47 Glenridge St Portland	879-4084	wflynn1@yahoo.com	
Matthew Lisak	Matthew Lisak	52 Coyle St Portland	761-7211		
Michael Weldon	Michael Weldon	52 Coyle St Portland ME	761-7211		
Kathy Strange	Kathy Strange	37 Wilkie St.			

*

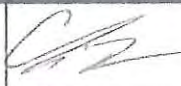
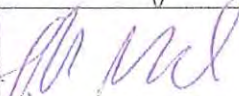
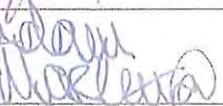
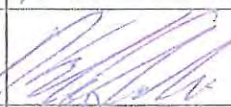
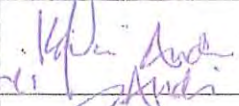
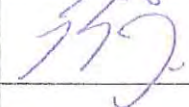
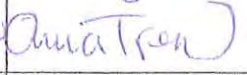
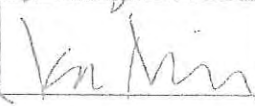
Petition to Portland Planning Board and City Council

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105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

10/19

Print name	Signature	Address	Phone	e-mail	✓ I can help
Chris Brown		163 gilman st 1st fl	774-6047	Chris3018@yahoo.com	
VALOERIE		37 SMITH ST	761-9693	valeried@hotmail.com	
NELSON		2 Kennedy	7613815		
Laurie Davis		134 Oakdale St	838-5201	#jdi74@maine.rr.com	
Jenny McEdward		199 Stevens Ave Portland, ME 04102	207 274 3149	jennifer.mcedward@gmail.com	
Adam Mastretta		98 Grant St.	207-604-0494	adamdo@Gmail	
Patrick Banks		19 Melbourn St #2		pib1978@gmail.com	
Kyle Andrei		9 Dow St. #2	(317)490-3842	kyleandrei@gmail.com	
Kaulani Anderson-Andrei		9 Dow St #2	(812)390-1251	kaulani.andersonandrei@gmail.com	
BEN CHIPMAN		5 Mayo St. #3	(207)318-4964	VoteChipman@gmail.com	
Annatrevarr		51 Myrtle St	699.4141	ajtrev@gwi.net	N
Chris Shorr		240 Harvard St.	210-2267	CShorr@hotmail.com	
Simon Thompson		123 Woodfield Rd.	838-7147	thompson.simon@gmail.com	
Lucas Desmond		39 Clark St	615-7893	lucasdesmond@gmail.com	
KARINA NAPIER		136 DANFORTH ST #2	2074064023	kinhnapier@gmail.com	

#2

Petition to Portland Planning Board and City Council

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105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Margie Fawcett (W.M.)

Print name	Signature	Address	Phone	e-mail	✓ I can help
Leah Parker	<i>Leah Parker</i>	46 Vesper St. Apt 1	207-317-7575	leah.parker@gmail.com	
Jo Anne Richio	<i>Jo Anne Richio</i>	3 Braddish Ct	207-882-2519		
Walter Richio	<i>Walter Richio</i>	5 Braddish Ct	"	W Richio@gmail.com	
Fred Barnett	<i>Fred Barnett</i>	85 Beckett St	774-3163	OPUSA@gmail.com	
Biljana Uzunova	<i>Biljana Uzunova</i>	15 Hanover		sunbeam.bp@gmail.com	
Kevin Sprague	<i>Kevin Sprague</i>		242-0101	KevinSprague@USM.EDU	
Michael Frazier	<i>Michael Frazier</i>	785 Congress St. #5		www.belowst.1.f@gmail.com	
NATE WOODIN	<i>NATE WOODIN</i>	29 JAMESON	614-548-0213		
Len Woodin	<i>Len Woodin</i>	" "			
Michelle Ames	<i>Michelle Ames</i>	259 Westbrook	N/A	Marpetmich@gmail.com	
Sam Mateosian	<i>Sam Mateosian</i>	143 SPRING ST.			
Bethany Mateosian	<i>Bethany Mateosian</i>	143 Spring St			
Theresa Charron	<i>Theresa Charron</i>	17 Glenridge Dr	774-1347		
Christina Sillari	<i>Christina Sillari</i>	104 Murray St	807-9232	cms111arj@gmail.com	
Alex Steel	<i>Alex Steel</i>	128 North St.			

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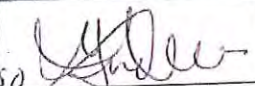
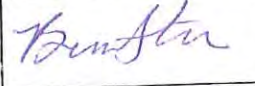
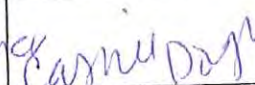
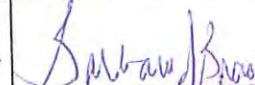
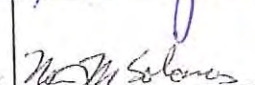
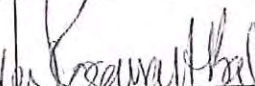
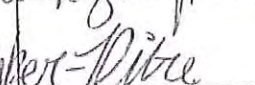
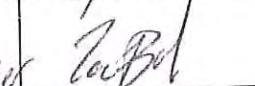
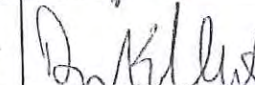
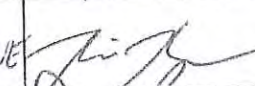
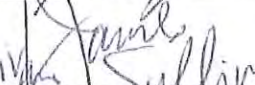
Print name	Signature	Address	Phone	e-mail	✓ I can help
Charlotte Hurley No Rec LST	Charlotte Hurley	Rec LST	Rec LST		
Meghan Stribner	Meghan Stribner	33 Kenwood St	PHd		
Celeste Band	Celeste Band	197 Prospect	PHd	celeste.band@maine.edu	
Dorothy Comfort	Dorothy Comfort	11 Old Barn Ln Portland 04103			
Mike Collier	Mike Collier	97 Montrosso PTld	PTld	miccol@maine.edu	
Tammie McLaughlin	Tammie McLaughlin	7 Codman St			
Jaime Bevo	Jaime Bevo	85 Codman St			
Alexandra Legere	Alexandra Legere	97 Danforth St.		alexandra.legere1@gmail.com	
John Barry	John Barry	32 Bramblewood			
Paul Newner	Paul Newner	139 Pitt St		PNNEWNER@NORUMB-PP.COM	
Anne Wadleigh	Anne Wadleigh	19 Parnis St #19			
Brian D. Linn	Brian D. Linn	666 East St			
Mike Stewart	Mike Stewart	100 Commonwealth Dr.			
John Dineen	John Dineen	4 Allison	878-4485		
James Healy	James Healy	27 State	207-838-3251		

Petition to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

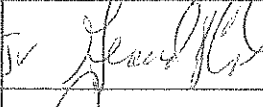
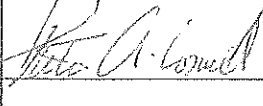
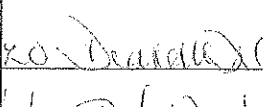
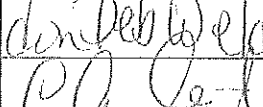
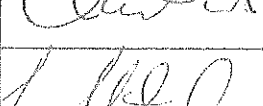
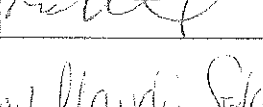
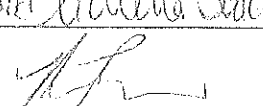
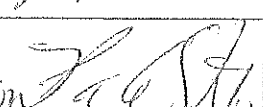
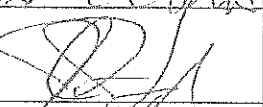
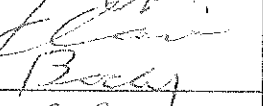
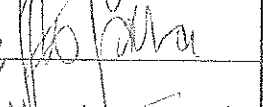
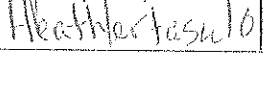
Print name	Signature	Address	Phone	e-mail	✓ I can help
GARY MARCISSE		6a Vesper St	761-1949	gmareisse@yahoo.com	
Linda Burns		49 Austin St		linda.lmhorne@aol.com	
Bruce Stone		49 Austin St.			
Jason Went		42 Hammond St.	775-1050	jwent@gwinet	
Sandrine Chabot		" "	" "	" "	
Cassie Day		17 Stevens		cfish@yahoo	
Aaron Cloutier		145R BRACKETT	450-7732	aaron.cloutier@gmail.com	
Barbara Brady		119 Morning St	413-454-8990	bjbrady55@yahoo.com	
Alex Solomons		400 Woodford St	775-2570	nan.solomons@gmail.com	
Rosemary Baker		1399 Congress St.	407-1561	rosemaryb66@gmail	
Elizabeth Baker-Pitce		1399 Congress St.	807-1860	izatastical@gmail.com	
Thomas Bader		96 Gray St.	712-9070		
Dan Kilbuck		90 GRAY ST	874-7064		
KEVIN KAYNE		1 ALICE ST	939 9815	KKayne@me.com	
Jim Sullivan		87 Douglas	879 1675		

Petition to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
Edward P. Conley Jr		71 Ashbur St	775-1515	edwardpconley@gmail.com	
Patrick Connell		54 Penwith Rd	772-7198	pat.connell@comcast.net	
Diane Diconzo		54 Penwith Rd	772-7198		
Deborah Weldon		552 Allen Ave Port			
Chris DiPietro		221 Virginia St.	Port.		
Mary Stedberg		47 Frederic St	Port 480-562	me991cm@gmail.com	
Claudia Shetler		"	"	TrinaShetler@aol.com	
Theresa Truitt		9 Dalton St		TruittK@503.net	
Paula Ashton		132 Brighton	8281159	Pashton64@earthlink.net	
John Lowndes		46 WATERVILLE	8 ✓	JL@BMAINE-RR.COM	
DAVID BODY		46 WATERVILLE	578 8604	davidbody1937@hotmail.com	
Jonathan Brown		21 Powland St	603-1115	jlbrown@gmail.com	
Nichole Brown		21 Powland St.	415-0494	nbwhite21@yahoo.com	
Sophanie Salas		6 Richardson	632-7622	N/A	
Heather Tasulo		165 Gilman St. Apt. 4 Portland	774-0047	N/A	

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Petition to Portland Planning Board and City Council

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CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
Diane MAHAR	Diane Mahar	36 Northwood St. NE		dcm@tanksunlimited.com	
John Mahan	John Mahan	36 Northwood	798-1499	Johnmahan@tanksunlimited.com	
Charles H Cobswell	Charles H Cobswell	147 Pine St Portland, ME	761-0413		
Katherine Earley	Katherine Earley	29 William St Portland, ME 04101	773-7486	Kate 317 @maine.yc.org	
GEORGE EARLEY	George Earley	29 William St Portland	773-7486	george@maine.yc.org	
Jandro Dadiogu	Jandro Dadiogu	30 Pierce Ave Portland	775-4480		
Tony CAVALLARO	Tony CAVALLARO	38 HASTINGS ST	773-5712		
Pat Dadiogu	Pat Dadiogu	30 Pierce Ave			
WILLIAM LAMM	William Lamm	96 FEDERAL ST #4	253-6023	IRISHASSOCIATION@YAHOO.COM	
CLAIRE PANAGAKOS	Claire Panagacos	63 Rowe Av Portland	207-772-5813		
Theresa Panagacos	Theresa Panagacos	19 Rowe St Portland		TERESA@YAHOO.COM	
Cote Patricia	Cote Patricia	11 Commercial Ave	761-2080		
Helen Lewis	Helen Lewis	100 STATE ST	541-2688		
Colleen Siebel	Colleen Siebel	Commercial Ave			
Krista Bullock	Krista Bullock	Veepert			

Ross

Letter to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

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FSLC would be required to establish approximately 160 on-site parking spaces.

For all these reasons, we urge the Planning Board and the City Council to require substantial revisions to the St. Lawrence proposal in size, design, and capacity.

Print name	Signature	Address	Phone	e-mail	✓ I can help
Dennis Jones	[Signature]	335 Sumner St	671-4795	✓	
AYLA ZIMMER	[Signature]	15 Cumberland Ave		—	
Tim Manning	[Signature]	15 Cumberland Ave		—	
Kendra Mac	[Signature]	240 Valley St			
Ron Burdette	[Signature]	73 Western Ave	502-0209	✓	✓
Brandon Hays	[Signature]	104 Oak St, apt 25			
Joanne Vandermust	[Signature]	53 Barb Hwy Ave. Portland	797-5212	Vanderjoan@yahoo.com	
BARBARA WOOD	[Signature]	125 EMERY St.	871-1555	—	—
Paul Olas	[Signature]	2 Poe St	7751470		
TASH MACONER	[Signature]	24 Cranlet St.	332-9573	Erishmcaner@hotmail.com	
Charles Crumville	[Signature]	40 Hamblet	653-5727	—	
Stephanie Thomas	[Signature]	62 Glen Haven	272-4272		

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Letter to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
MILKE HEATERS	Milke Heatlers	82 PARK AVE # 4	207 - 776 9003		
Betty Campbell	Betty Campbell	19 Grayston Ln	775-288		
Alan Chesbroke	Alan Chesbroke	37 Glenwood	—		
John Heneey	John Heneey	154 Francis			
Beth Hartman	Beth Hartman	28 St George	232-0749		
Joan Bullock	Joan Bullock	206 5th St	773-6848		
Kristin Sweeney	Kristin Sweeney	167 Caleb St	772-1490		
Ashley Edmondson	Ashley Edmondson	41 Pitt St.			
Richard Edmondson	Richard Edmondson	41 Pitt St			
CHRISTINE WISSLEY	Christine Wissley	115 HOBART ST	772-2613		
Bill Burns	Bill Burns	139 William Portland ME	518-428 0020		
LARA BURNS	Lara Burns	139 William P. Portland, ME	315-534 5171		
ARTHUR VANDERBURGH	Arthur J. Vanderburgh	193 EDWARDS PORTLAND	772-3291		
Judith Vanderburgh	Judith Vanderburgh	193 Edwards Portland St	772-3291		
Hugh Tarr	Hugh Tarr	290 CAPSILL ST Down Town, ME	772-3226		

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105 North Street, Unit 1, Portland, Maine 04101

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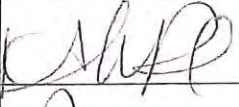
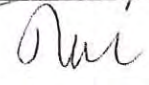
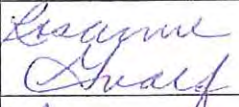
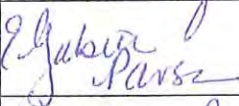
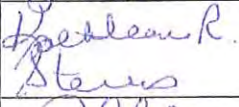
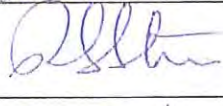
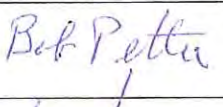
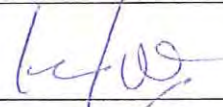
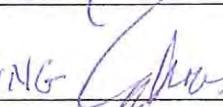
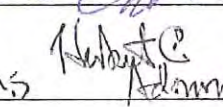
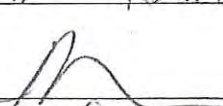
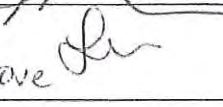
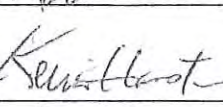
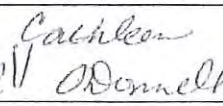
Print name	Signature	Address	Phone	e-mail	✓ I can help
Peter Plonke	Peter Plonke	135 Summit St	878-0508	—	
Jeff Brewer	Jeff Brewer	5 Pine/och Dr	786-8646		
Kathy Brewer	Kathy Brewer	5 Pine/och Dr.	786-8646	kathycasale brewer@yahoo.com	
Maec K. Weston	Kathy Casale	35 Wadsworth St	—	clintgirl1@aol.com	✓
DAVID VICTOR	David Victor	35 Brook Rd	899-2573		
GARY WINSH.P	Gary Winsh.P	17 CHAPMAN ST	797-3628	G.WINSH.P@CHAPMANST.PE.COM	
Cherylann Rubini	Cherylann Rubini	31 Greenwood Ln	807-7087	cpulsoni@macmillan.com	
JOHN LEEKE	John Leake	26 HIGGINS ST. PORTLAND	773-2386	JOHN LEEKE@ HISTORICHOME- WORKS.COM	
Phyllis Leake	Phyllis Leake	26 Higgins St Portland	773-3522	Phyllis C PhyllisLeake.com	
Erin Devlin	Erin Devlin	71 Read St.	775-5689	erindevin@yore schools.org	
Jodelle Austin	Jodelle Austin	41 State St.		jdocean@comcast.net	
Alison Kennedy	Alison Kennedy	54 Richardson		apkenway@ maineinfo.com	
John Zook	John Zook	21 HANOVER ST	—	JZOOK212@ gmail.com	
MAG LIN	MAG LIN	21 HANOVER ST. APT 1		mactongline@yahoo.com	
Gil Doughty	Gil Doughty	112 Rockland	879-9235	gdough.61@yahoo.com	

Petition to Portland Planning Board and City Council

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105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Print name	Signature	Address	Phone	e-mail	✓ I can help
Ashley Baranuk		240 Brighton Ave. Portland ME 04103	401-360-5903	AshCarm@gmail.com	
John Edar		101 Gray St. Portland ME	Portland ME	Johnichaeleder@gmail.com	
Rosanne Graef		30A Salem St. Portland ME	Portland ME	rgraef@gwi.net	
Elizabeth Parsons		44 Winter St. Portland ME	899-2204		
Kathleen R. Stevens		260 Vaughan St. Portland ME	780-6750	Penny.Stevens@maine.rr.com	
Richard Stevens		260 Vaughan St. Portland ME	780-6750	dicko.stevens@maine.rr.com	
Bob PETTEE		309 Spring St. Portland ME	518 524-1808	Bobpettee@gmail.com	
IAN JACOB		59 STATE ST PORTLAND	207 409 2030	IANASPERJACOB@gmail.com	
EDWARD J. KING		48 Pleasant St. Portland ME	776-3841	thewestendnews.com	
HERBERT C. ADAMS		231 State St. Portland ME	772-2565		
Robyn Tucker		10 Alder St. Portland ME	402-8222	robbyntucker@yahoo.com	
Lauren Schaefer-Bave		91 Penn Ave Portland ME 04103	207-329-9588	lschaefer@yahoo.com	* PE
Kisha Marsh		401 Brighton Ave #4 Portland, ME 04102	207-807-2722	marshkisha@yahoo.com	
Kevin Hanstine		23 Grafton St. Portland 04103	561-400-8854	Khanstine@maine.rr.com	
Cathleen O'Donnell		113 North St Portland 04101	207-310-9485	occasionalchef@gmail.com	✓

PAZ

* Lamps - Portland Ed - Box
Mary Demery

Petition to Portland Planning Board and City Council

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105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

Mr. Arny Niles

Print name	Signature	Address	Phone	e-mail	✓ I can help
Earl Anderson	<i>Earl Anderson</i>	571 Grand Ave Portland	—	—	—
Phonse Allen	<i>Phonse Allen</i>	123 Ray St Apt	—	—	—
Eda Zukic	<i>Eda Zukic</i>	10 White Birch Lane Portland ME 04103	—	edazukic@yahoo.com	
Eve Nelson	<i>Eve Nelson</i>	134 Reed St Portland, Maine 04102	—	evelsonste@gmail.com	
Kevin Roberts	<i>Kevin Roberts</i>	121 River St	—	—	
Barbara Roberts	<i>Barbara Roberts</i>	121 River St	—	—	
Frances Wilson	<i>Wilson</i>	259 Spring St	—	—	
Arvid Denson	<i>Arvid Denson</i>	615 Forest Ave	—	Denson321@yahoo.com	
K. Alexanders	<i>K. Alexanders</i>	114 Emerald St.	—	—	
John Liechty	<i>John Liechty</i>	49 Denbitt St	—	—	
AMY LIECHTY	<i>AMY LIECHTY</i>	49 DENBITT ST.	—	—	
Molly Anderson	<i>Molly Anderson</i>	63 Francis St.	—	—	
Toji Persson	<i>Toji Persson</i>	53 Hartley St.	—	—	
PETER WEYL	<i>P. Weyl</i>	17 BREWSTER ST PORTLAND	—	—	
TERRY WEYL	<i>Terry Weyl</i>	"	—	—	

Letter to Portland Planning Board and City Council

Ross

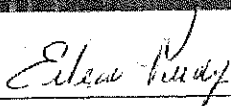
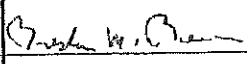
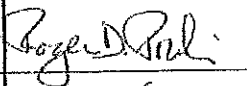
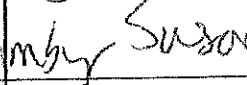
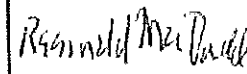
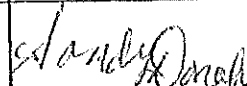
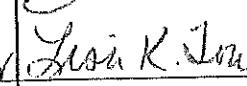
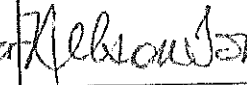
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Print name	Signature	Address	Phone	e-mail	✓ I can help
Eileen Purdy		One Richer Park, DZ Portland	207 761-0126	e.purdy@me.com	
Brendan Benson		44 Reed 70 Portland	774- 5567		
Roger Portin		142 Longfellow ST	774-5348		
Susan Quimby		3 Hyde St Portland	772-6279		
Richard Gannon		95 Hill St Portland	666 0520		
Reginald Maudslayi		95 Kenzige Dr	207-761-0513		
Stanley Donahue		9 Dordrecht Portland	773-1410	jeff@me.com	
Ann Archino Howe		76 Monument St	775-7515		
Bruce King		16 Richmond	207 756-5412		
Jim Parsons		38 Hattley St			
Lisa Toner		53 Haywood St	(207) 838- 8012		
Nelson Toner		"	(207) 838- 9309		

Letter to Portland Planning Board and City Council

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2055

Print name	Signature	Address	Phone	e-mail	✓ I can help
Rouge Shepard	Rouge Shepard	800 Beech Street		rouge-shepard@smiley.com	✓
Gaye Dutcher	Gaye Dutcher	1000 1/2 Lane			
Maria Egges	Maria Egges	59 Marhose Ave			
Heath Paley	Heath Paley	"			
Dean Leslie	Dean Leslie	488 Allen Ave Portland			
Holly Leslie	Holly Leslie	488 Allen Ave Portland			
Ed Ginty	Ed Ginty	46 Turner St Portland ME			✓
Susan Picot	Susan Picot	87 Gossard Dr.			
Elizabeth Emery	E. Emery	55 Sheridan			✓
Doris Emery	Doris Emery	55 Sheridan			✓
Steven Thomas	Steven Thomas	37 Casco St Portland ME			
BEATRICE RUFFIN	BEATRICE RUFFIN	75 York St. Portland, Maine			
Mary Walker	Mary Walker	22 Label Ave Portland ME			
Vicky Rawley	Vicky Rawley	22 Label Portland	650-1465		
Ruth Randall	Ruth Randall	1024 Broadway #15 Portland			

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[illegible]

VC

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CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

margaret
83 mader
munjoy
vesper

Print name	Signature	Address	Phone	e-mail	✓ I can help
Kevin Johanna	<i>Kevin Johanna</i>	41 Montreal St.	780-1004	Kevin@iknowit.net	
Vanessa McGrath	<i>Vanessa McGrath</i>	22 Montreal St	956-9619	munjoydancer@yahoo.com	
Zack Anchors	<i>Zack Anchors</i>	69 Vesper St	978-710 9225		
Stephanie Pooler	<i>Stephanie Pooler</i>	99 Brook Rd.	232-1085	spooler@portlandmaine.gov	
Stephanie Neales	<i>Stephanie Neales</i>	80 Munjoy Hill Employee	207-650-7356	Sneales@gmail.com	
Kevin Kilmartin	<i>Kevin Kilmartin</i>	10-A Emerson St.	207-615-8755		
LATHER FRASIER	<i>Lather Fraser</i>	13 Emerson St. #115	207-518-9584	Bonnie Ames E. Yahoos.com	✓
Morgan Quinn	<i>Morgan Quinn</i>	41 Howard St	978-618 0901	Morganquinn@gmail.com	
Jan Ekins	<i>Jan Ekins</i>	15 Brown St. #202 Portland	228-5274	jan.117@earthlink.net	
DALE (MRS) CRONIN	<i>Dale Cronin</i>	45 Emerson Ave. Portland Me 04101		DALECRONIN@CO.NECAST.NE	
KATHY LODGE	<i>Kathy Lodge</i>	56 North St	4155911	K-jol@live.com	
Roychell Libby	<i>Roychell Libby</i>	85 Gray St	756-2184	RoychellLibby@live.com	
Van Carmona	<i>Van Carmona</i>	105 North St #1 Portland ME 04101	420-6962	vanacarmona@gmail.com	

Petition to Portland Planning Board and City Council

Sponsored by Concerned Citizens of Munjoy Hill

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

[illegible]

PM

105 North Street, Unit 1, Portland, Maine 04101

CONTACT: Ralph Carmona at 207-518-9177 or RalphCarmona@gmail.com

[illegible]

From: "ebw" <enebw@gmail.com>
To: "Helen Donaldson" <HCD@portlandmaine.gov>
Date: 9/16/2014 9:41 AM
Subject: RE: St. Lawrence Arts - revised submittal and upcoming Planning Board workshop

In case I can't attend I would like to comment once again that the neighborhood especially Beckett Street can't support more cars parking on the street. There will be no place for tenants to park as there are approx. 200 people that live on the street and about 35 parking spaces since 1 car frequently parks in two spaces. I have tenants regularly complaining how there is no parking available for them because of the St. Lawrence which most of the time is just due to the staff. Also, the Transportation plan does not seem to take into account summer months that experience a higher than usual parking need due to tourists in the surrounding streets an cutter street. I am not sure why the plan indicates older people tend to use a car more than younger people. The base line is many people are concerned for their safety and will not want to park a long distance away young OR old. I know this is a relatively safe neighborhood but people I work with for example still equate Munjoy hill with crime so they will not tend to want to park blocks away from a show and walk back in the dark. I honestly do not understand why the St. Lawrence staff does not get the impact St. Lawrence currently has on Becket St, let alone what the future impact will be. I have to question how the staff would approach this if this was in the neighborhood they lived in.

Since it is likely this will get approved, I would ask the City Council to please consider issuing Resident Parking permits for Beckett, Munjoy and immediate surrounding areas. Regardless of what the transportation plan implies, the majority of people are not going to be "educated" to learn to park a long distance and walk in the cold or dark. Cutter street is a LONG walk and up a hill if there is no shuttle bus involved.

Thanks for giving me the opportunity to comment.

From: <TBaehr@aol.com>
To: <HCD@portlandmaine.gov>
CC: <JLEVINE@portlandmaine.gov>, <alecjaegerman@gmail.com>, <jbp@portlandmaine.gov>, <bab@portlandmaine.gov>, <jduson@maine.rr.com>, <jcoyne@portlandmaine.gov>, <kjdonoghue@gmail.com>, <dave@damfineart.com>, <edsuslovic@yahoo.com>, <NickM@cascobaylines.com>, <jhinek@lewissaul.com>, <cal4161@yahoo.com>, <mfpb@portlandmaine.gov>
Date: 9/17/2014 9:58 PM
Subject: Re: TDM - Proposed - St. Lawrence Arts Center

Dear Nell,

Thank you for meeting with us on Wednesday. Moving the new St. Lawrence Arts Center through the approval process has been a long journey that is still not at its destination. I think the drawn-out process indicates much passion and commitment among all the parties involved.

So that you have a written record of my small piece of our meeting, I offer the following:

What is striking in all the TDM plan iterations, and especially in the latest one, is the number and diversity of proposed solutions - most or all of which must work at the same time, and often in coordinated fashion.

The various solutions depend on the interlocking cooperation of several parties on a continuing, if not permanent, basis: valet parking, enhanced bus service (with a grant from St. Lawrence), pedi-cabs, parking at Cutter Street, co-promotions and discounts with in-town restaurants and parking garages, bicycle racks, and possibly permit parking on streets near the Arts Center.

Moreover, the solutions require cooperation among multiple parties, any of whom could either not join the venture from the start or, later on, seek to modify or eliminate their participation.

This mix of solutions creates a fairly fragile structure that could crumble if one or more of the individual items were to be withdrawn: the Metro subsidy may need to be cut or eliminated; the Metro could run into unrelated problems; Cutter Street may periodically fill with non-St. Lawrence cars (think snow emergency); restaurants and/or parking garages may withdraw their support.

We must consider two additional challenges in all this.

1. In addition to the Cutter Street lot being filled in a snow emergency, foul weather could make waiting for a bus unbearable and clog any available parking near the Center (as happens now in the winter with events in the Parish Hall).
2. The TDM attempts to address the traffic and parking situation for people going to an event at the Arts Center. When a 400-customer event has ended, a large number of people may be vying for valets and bus seats. Oh, and add foul weather to that.

If TDMs in other situations have been more complicated, as was mentioned in our meeting, it would be good to keep in mind the actual, and not hypothetical, challenges posed by transforming a residential neighborhood in ways that are not good for either the neighborhood or the city. If the set of challenges for another location are not nearly identical, the comparison falls apart.

My concern also touches on an assumption that has been made, by both the St. Lawrence and people reviewing their plans: The desire for a 400-seat venue drives all other considerations, including parking. The size is part of a dream going back more than a decade by people sincerely committed to the arts on Munjoy Hill. Sadly, absolutely no flexibility about size has been expressed by the St. Lawrence or proposed by those reviewing their plans. It's hard to believe that a better plan cannot be conceived.

Sincerely,

Tim Baehr
 North Street

From: Ross or Kathleen Fields <fieldsofun@gmail.com>
 To: Nel Donaldson <HCD@portlandmaine.gov>
 Date: 9/18/2014 8:37 AM
 Subject: Corrections to previous email

To Portland Planning Board and Staff

I continue to wrestle with the issues I see with the proposed 401 seat St. Lawrence Arts Center theater. I have listed my observations for your consideration as you move forward in this process.

1. I have a difficult time understanding why a business, St. Lawrence Arts Center (SLAC), would roll-the-dice on their success or failure. The huge unknown is that of how patrons will respond to the* inconvenience of parking options* being presented in the Transportation Demand Management plan. The risk seems high when considering increasing what is the current parking demand by a factor of four. From a systems approach if you increase any demand by a factor of four without any real attempt to allow for the increase you will most likely be faced with a failing system. If there were a parking facility for 200 cars we wouldn't be having these discussions.

It would be great if you could test the proposals in the TDM prior to making your decision.

2. The whole TDM* hinges on changing human behavior *from the current practice - driving to SLAC and parking as close as possible. What is presented in the TDM offers *no real incentive to change* this behavior. Portland, because of its size and layout, does not present any real obstacles to the continued use of privately owned vehicles.

The changing of human behavior could be forced if Residential Parking Stickers were required on Munjoy Hill around the theater. This would force the use of the alternatives presented in the TDM at the risk of turning patrons away.

I am pretty certain that those who will be affording the \$20+ a seat ticket will be driving their vehicle to the theater and searching out the most convenient parking spot they can find.

3. We all like convenience. So in order for the proposed TDM solutions to actually work they need to be convenient. *Ask yourself* -

- would you park at a downtown garage, wait for a bus that may or may not be on time, or even exist, ride 10 blocks, get off to walk a few more - hoping the weather is agreeable, and then reverse that process only to be competing with 400 people all wanting to get home quickly and "conveniently" at the end of a performance?

- if you are traveling from say the Deering area, or South Portland, Falmouth or Westbrook changing from the #4, #5, #6, #21 to the #1 and then in reverse, would you be willing to plan the time needed? Right now it would be challenging because several of these lines stop operating way before performances at the SLAC let out. Now add in winter traveling conditions.

On a recent Friday evening, my wife and I walked into town to attend a music performance up on Free Street. We checked the schedule of the #1 bus and decided that we would catch the 9:40 p.m., Congress/Elm stop, back up to Munjoy Hill. We arrived at the Congress/Elm bus stop at 9:30 p.m. At 9:55, no #1 bus had shown up, we decided to start walking. We made it to the top of Munjoy Hill around 10:15 p.m. and never saw the #1 bus.

Again, if you are basing your decision on all of these pieces coming together and working I think you are kidding yourself. It is time to get real. This TDM is requiring SLAC to put so much effort, say 80%, in an attempt to get less than 20% of its patrons to use alternative means of transportation/parking. It is not fair to them and not fair to the Munjoy Hill Neighborhood. The data that SLAC has all ready collected (100% participation) makes this extremely clear.

4. It seems as if the *approach is in reverse*. Instead of asking, is a 400 seat theater a viable enterprise for the location, the discussion is about how can we accommodate the amount of cars when space isn't really available or practical.

5. The TDM is more like a house of cards. If one card, one of the players - say downtown restaurants offering free bus tickets, or pedicabs making their way up Congress, decide it isn't worth it, then the whole *system begins to unravel*. Again, a private 200 car parking lot next to the theater would be way more committed.

6. When it comes to *monitoring the TDM* - the parking - and how everything is working, just how is that going to work? Example: It is my understanding that theater staff and performers will have a designated, off site, area to park. How do you know they are actually following through with this? Special tags on their vehicles? Will the monitor be going out during performances to check on adherence to the requirements? Seems a bit absurd.

7. Please also consider the impact of the *loading dock/door*. What standards will be required for this facility. Will there be any restrictions/guidelines concerning vehicle size, time of day it can be used, and length of time a truck can be parked to unload. Under the current plans it looks like a 30 foot van/truck would be blocking half of the street when loading or unloading.

8. One last item is that of *frequency of use*. The Friends of St. Lawrence board has yet to come up with any definitive response concerning the frequency of use of the 400 seat theater. Will it be once a month, once a week, 4 times a week? This would be valuable information. At one the more recent public meetings it was stated by Ms. Nice that SLAC was encouraged to have one performance per month, for the first 6 months in the new theater. Really? This is where I just don't get it. At every meeting I hear that the new 400 seat theater is needed to generate much needed revenue in order to maintain Parish Hall. One performance per month just doesn't make sense, does it?

Bottom line - The proposed TDM offers no real incentive for the changing of behavior of Portland area theater patrons.

Would each one of you be willing to use one of the alternatives presented when going to this theater - winter, spring, summer and fall?

Thank you,

Ross Fields - living in Portland vehicle free since 2011

46 Turner Street
 Portland, ME 04101

From: Stephen Gaal <steve@gaal.com>
To: "hed@portlandmaine.gov" <HCD@portlandmaine.gov>
Date: 9/18/2014 9:40 AM
Subject: St. Lawrence Arts Center Contract Zoning hearing

Dear members of the Portland Planning Board:

I understand that there will be a meeting of the Planning Board on September 23, 2014 to again consider the application for a Revised Contract Zone Agreement with the St. Lawrence Arts Center. Regretfully, I am not able to attend. I respectfully request that you consider the following points as you deliberate on this request. I apologize for the length of this communication but there are many issues to be considered relating to this request.

1. A Contract Zone Agreement is not a right but an exception to current zoning. By definition, a Contract Zone Agreement is a variance from the carefully considered zoning laws of the City of Portland. Some would call it "spot zoning." The applicant is not entitled to this agreement. In fact, absent a compelling argument for community benefit without undo hardship, the default response should be to deny it.
2. The TDM concept is flawed here because if it doesn't work there is no remedy. Parking is, to me, the overriding issue with the proposed SLAC expansion. I won't recite the numbers involved. I am sure that you are all familiar with them. In fact, the TDM proposed by SLAC is full of data and numbers, but has precious little information about how to remedy the issues that will arise when an additional 200 cars try to park in an already crowded neighborhood. And that neighborhood that may get even more crowded if the proposed zoning changes allowing for higher density that are being discussed are passed. Once this is built, there is no going back.
3. The TDM relies on significant changes in human behavior - buses, bikes, carpooling, shuttles vs cars. As much as we would all like to see greater use of public transportation and people-powered transportation, we all know how difficult it is to change human behavior. And the automobile is at the heart of American behavior.
4. This is a regional performance venue in a residential neighborhood with most attendees coming from afar. SLAC has, themselves, described this as a Regional Performance Venue. They certainly are not going to fill a 401 seat theater, and a 200 person Promenade Room with local residents. Most of these people will be coming from some distance. It is highly unlikely that they will be willing to change modes of transportation to attend the theater. Would you drive to Saco, park in a lot some distance from a theater, wait for public transportation, and do the same on your way home?
6. Cutter St is often not available- snow days, summer evenings. I live on the Eastern Promenade overlooking the Cutter Street parking lot. It fills up by 3-4 PM on winter afternoons when there is a snow ban. It is often very busy during summer evenings. And I suspect the
7. SLA has never explained how often this will be used nor discussed the impact on the neighborhood. Despite many requests to SLAC, both in public and private meetings, requesting how often this venue will be used, no information has ever been forthcoming. If the venue were to be used once a month, the impact on the neighborhood is probably minimal. But it is unlikely that you would build a \$7 million dollar facility and use it sparingly.
8. The TDM is a "Golden Moment" plan with many disparate factions and players all required to work at the same time.
9. SLAC is being held to a lower standard with respect to parking. You are all aware of the significant development going on on Munjoy Hill. But even these developments come with parking. The closest to SLAC, 118 Congress Street, has 19 parking spaces for 12 units. 9 and 11 St. Lawrence has parking for each unit. The Sheridan Street development has parking for each unit. The Avesta housing on the site of the old Adams School has parking. I am involved with a small theater company in South Portland in a neighborhood similar to Munjoy Hill (Ferry Village) where we were required to show that we had 27 on-site parking spaces for a 50-seat performance venue. And yet we are contemplating allowing SLAC to create demand for an additional 150-200 cars without any additional parking.
10. There is another option. It has been suggested to SLAC that they modify their plans and reduce the expansion from a 401 seat theater and 200 capacity Promenade Room (in addition to the 114 seat existing theater space) to something more like a 200 seat theater that is more in keeping with what is primarily a residential neighborhood. They have consistently refused saying "this is our plan."
11. There is an Arts District. And it isn't here. I admire the effort and energy that has gone into the St. Lawrence over the years. I am a subscriber to and supporter of The Good Theater. I like having the other cultural offerings available at the St. Lawrence. And I appreciate Ms. Nice's and the SLAC Board's desire to expand their offerings. But we already have an Arts District in Portland, and it isn't here. It is at the other end of Congress Street with the appropriate infrastructure, particularly parking, that is so obviously missing here.

I respectfully urge you to consider these points and those raised by others as you consider this request, and I urge in the strongest way possible to deny this application for a Revised Contract Zone Agreement relating to this expansion of the St. Lawrence.

Stephen Gaal
 176 Eastern Promenade
 Portland ME

steve@gaal.com
(603) 651-9183 mobile

From: <ALandsberg@aol.com>
To: <hcd@portlandmaine.gov>
CC: <JLEVINE@portlandmaine.gov>, <alecjaegerman@gmail.com>, <jbp@portlandmaine.gov>, <bab@portlandmaine.gov>, <jduson@maine.rr.com>, <jcoync@portlandmaine.gov>, <kjdonoghue@gmail.com>, <dave@damfineart.com>, <cdsuslovic@yahoo.com>, <NickM@cascobaylines.com>, <jhinck@lewissaul.com>, <cal4161@yahoo.com>, <mfpb@portlandmaine.gov>
Date: 9/18/2014 12:16 PM
Subject: St. Lawrence Arts Center proposal

To the City of Portland Planning Board and Staff:

I understand that the St. Lawrence Arts Center proponents will be presenting their latest design and TDM revisions to you next week. Before that happens I want to share some concerns I have about the status of the project and the most recent TDM that I have had a chance to review. I have, and have had since the very beginning, so many concerns about this project that it is hard to limit myself to just two areas. However I will give it my best effort.

1. At present, Munjoy Hill has a vibrant neighborhood theater and arts venue in the Parish Hall of the former St. Lawrence Church. Size, scale, and design are very appropriate for the location, tucked into a residential neighborhood of almost all three-story homes. For major musical, theatrical, and other types of bigger performance events, patrons from all around greater Portland and beyond know they can go into town and find a range of many venues of various sizes, all with convenient parking adjacent to the venues.

The St. Lawrence arts Center project, as currently proposed, threatens to turn this densely populated residential neighborhood into a second Arts District, complete with what will now be a regional theater whose management hopes – because there is grossly inadequate street parking available, hence the required TDM - to have many patrons avail themselves of an upgraded Metro “Arts Line.”

Where is the need for another Arts District? Where is the need, given that we have a flourishing one already, one which is supplied with convenient and abundant parking and almost none of which will take needed spaces away from those who live in town? There one can find both garages and open parking lots to accommodate the influx of vehicles: In the downtown business and retail area, where such venues so clearly belong.

2. Munjoy Hill is being crowded in on every side by new development – large developments, tall developments – developments which tower over the modest three-story homes that cover the Hill. I urge you to come up to the Hill, drive down Congress Street, and have a look at the new 118 Congress Street structure as it nears completion. It blends into that location about as well as those gigantic white cruise ships blend with the waterfront and the buildings that line Commercial Street. The St. Lawrence Arts Center will blend into its Munjoy Hill neighborhood in the same way. It won't: It will be a permanent looming presence, just like 118 Congress Street already is.

Please take these issues into consideration as you review the latest proposal from the St. Lawrence Arts Center. Please keep in mind the permanent and irreversible impact that this proposal will have on both Munjoy Hill and its residents if it is allowed to go forward at this size and with the currently proposed TDM. Once this building is up, it's not coming back down.

Thank you very much.
 Ann S. Landsberg
 105 North Street
 899-1043

From: Ralph Carmona <ralphcarmona@gmail.com>
To: Nell Donaldson <ned@portlandmaine.gov>
CC: Jill Duson <jlduson@maine.rr.com>, John Coyne <jcoyne@portlandmaine.gov>, Michael Brennan <mfbpb@portlandmaine.gov>, Kevin Donoghue <kjdonoghue@gmail.com>, David Marshall <dave@damfineart.com>, Ed Suslovic <edsuslovic@yahoo.com>, Nick Mavadones <NickM@cascobaylines.com>, Jon Hinck <jhinck@lewissaul.com>, Cheryl Leeman <cal4161@yahoo.com>, John Peverada <jbp@portlandmaine.gov>, Barbara Barhydt <bab@portlandmaine.gov>, Alex Jaegerman <aqj@portlandmaine.gov>, Jeff Levine <JLEVINE@portlandmaine.gov>, Erna Koch <ekoch4@maine.rr.com>, Rita Yarnold <cbayreal@maine.rr.com>, Stephen Gaal <Steve@gaal.com>, Vana Carmona <vanacarmona@gmail.com>, Ann Landsberg <alandsberg@aol.com>, Cliff Gallant <gallant.cliff55@yahoo.com>, Tim Bachr Ann Landsberg <alandsberg@aol.com>, Leslie Bailey <legato@gwi.net>, Maia Greco <maiaagreco@verizon.net>, Joan Sheedy <joaniesheedy@gmail.com>, Tom Kelley <thomas.kelley@maine.edu>, Bobbi Keppel <bobbik@gwi.net>, Tim Baehr <TBaehr@aol.com>, Ross Fields <ross.fields@munjoyhill.org>
Date: 9/18/2014 1:51 PM
Subject: ST. LAWRENCE PROPOSAL - PLANNING BOARD WORKSHOP - SEPT. 23

Dear Nell and Planning Board Members:

I believe most people on Munjoy Hill want this SLAC proposal to succeed. But the frustrations and concerns over the last 18 months continue to be fundamental in nature.

Beyond Munjoy Hill, CCMH is a committee that represents an increasing sense among residents and business people that growth for growth's sake can undermine the character of a neighborhood and city.

The St. Lawrence expansion, under its present plan, is going to profoundly influence what we can't measure: the character, streetscape, use and social climate on Munjoy Hill. There will be people who feel overwhelmed by the scale of the project, similar to that at 118 Street, and will object to its presence. Many are concerned that the character of Munjoy Hill is radically changing.

Councilor Donoghue is to be commended for seeking to have a public transportation plan to mitigate this problem. But bus scheduling, and other TDM-like fixes are not sufficient. We are faced with a complexity in this latest TDM that defies logic, as other emails to you have touched on.

Business people, like Rita Yarnold, a lifelong native, and Crandall Toothaker, know from personal real estate experience the inevitable effects that inadequate access to parking will have on the St. Lawrence development. Crandall, as you know, has proposed a parking facility. But the hostility toward more parking lots in a cities, like Portland, that face decreased car use in the future, works against that.

The scope of the new Arts center is regional - not neighborhood - in scale. This and other large-scale developments threaten to make Munjoy Hill a futuristic version of urban renewal that damaged the city over a generation ago. It is back to the future.

I want to address two problems in achieving compliance with the current TDM proposal. One is human nature and ingrained habits; the other is making the SLAC Executive Director responsible for maintaining compliance with TDM plan, on its face, a conflict interest.

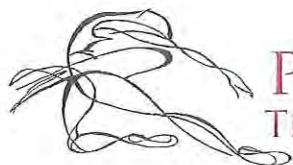
Some unpleasant realities may come into play if the current project is completed as planned. One nightmare scenario is that the new SLAC may become, like our Congress Square, an empty space as customers abandon the Arts Center because of a TDM plan that does not work, and the subsequent parking nightmare. Further large-scale developments, and the retail businesses they include or attract, are destined to ratchet up the need for customer parking.

Growth and development are needed to contribute to Portland's vitality. But unchecked growth raises questions about where Portland is going. The development experience of Munjoy Hill, including this SLAC proposal, may well represent a tipping point for the character of Portland's future.

Many thanks, Nell, for your generous efforts to work with us. See you next Tuesday.

Regards, Ralph

Ralph C. Carmona, Ph.D.
 Adjunct Professor
 Southern Maine Community College
 105 NORTH ST., UNIT 1
 Portland, Maine 04101
 Office: 207-518-9177
 Cell: 207-420-5916
 Email: ralphcarmona@gmail.com



PORTLAND BALLET
THE FUTURE OF DANCE IN MAINE

June 16, 2014

Deirdre Nice
St. Lawrence Arts
76 Congress St.
Portland, ME 04101

Dear Deirdre,

On behalf of Portland Ballet, it is my pleasure to write in support of the creation of the new St. Lawrence Arts Performing Arts Space. Portland is a magnet for the performing arts, and is lucky to be home to large theaters like the 1900 seat Merrill Auditorium and more intimate venues like the 74 seat Portland Ballet Studio Theater. What Portland is missing is the well appointed mid size theater – exactly what St. Lawrence Arts proposes to build. Portland needs this venue – an impressive home for dance, theater, and music that meets the needs of performers, audiences, and presenters. Its location on Munjoy Hill makes it convenient to patrons both on and off the peninsula.

The Board and staff of St. Lawrence Arts have diligently reached out to the performing community to inform their plans for this theater. Dance has many very specific needs, and these needs are met in the current building plans. Portland Ballet envisions utilizing both the theater and the reception space several times each year.

I am pleased to support the St. Lawrence Arts Performing Arts Space. If you have any questions, or would like to refer someone to speak with me, I can be reached at lgibbons@portlandballet.org or 772-9671.

Sincerely,

Leslie Gibbons
Director of Development

PORTLAND OVATIONS



July 23, 2014

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Alison Vanderhoof

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Aimée M. Petrin
Executive Director

Deirdre Nice
St. Lawrence Arts
76 Congress St.
Portland, ME 04101

Dear Deirdre,

We are always excited to hear the progress of St Lawrence Arts new 400-seat performing arts space!

As a multidisciplinary presenter without its own venue, Portland Oventions depends on the resources of the community to continue its legacy of 80+ years of presenting some of the finest artists in dance, music and theater from around the world to our community. This is why we find the vision for St. Lawrence Arts so compelling.

In recent years, Oventions has taken a more expansive view of its programming with greater consideration for working across different scales and venue formats. And while we have found great success with smaller scale (<500) presentations, we also have discovered that our venue options are severely limited beyond live music possibilities. We are unable to bring intimate theater and dance projects that require a more theatrical setting with all of the amenities. We look to the future development of St. Lawrence Arts to help fill that void.

We wish you the best as you continue with this ambitious endeavor and look forward to a day when St. Lawrence Arts is a viable venue partner for us.

Kindly,

Aimée M. Petrin
Executive Director

STATE
- PORTLAND, MAINE -
THEATRE

August 6, 2014

Deirdre Nice
St. Lawrence Arts
76 Congress St.
Portland, ME 04101

Deirdre,

I am happy to submit this letter of support for the new St. Lawrence Performing Arts Space. As the general manager and talent buyer for both the State Theatre and Port City Music Hall, I can speak first hand for the need of a mid-size performing arts venue in Portland that can accommodate not just a certain type of live music, but theater, dance, and performance art.

As we present and promote over 220 events annually, there are many times during the year when I cannot accommodate a national touring artist at either of our venues whether it's due to date unavailability, or for the simple fact that the State Theatre (at 1,870 capacity) is too large. I would love to be able to present these types of musicians at an intimate and flexible space such as the St. Lawrence. As a promoter, I am excited by the venue plans you have shared with me and look forward to promoting many shows at the venue each year.

I am pleased to support the St. Lawrence Arts Performing Arts Space and hope that its current plans come to fruition. Please don't hesitate to reach out with any questions you may have.

All the best,



Lauren Wayne
General Manager/Talent Buyer
State Theatre & Port City Music Hall
207.956.6001
lauren@statetheatreportland.com

From: Kate <czmurray@yahoo.com>
To: "hcd@portlandmaine.gov" <hcd@portlandmaine.gov>
Date: 9/22/2014 10:15 AM
Subject: 76 St. Lawrence Arts Center

Good Morning Mr Donaldson,

I am a resident of 91 Beckett St. I have owned my home since 1990 and have lived in this house since the 70's.....and my family has lived/owned this house for over 100 yrs.

I have many concerns re the addition to the arts center, the chief one being parking, second is the design. I will only address the parking at this time as beautiful Munjoy Hill is becoming more congested all the time. Family and friends don't like to visit because of the parking situation NOW just think what it would be like with this addition! As my brother says "its a crap shot".

I am very happy for the restaurants in area that they are doing a flourishing business. Currently, it is almost impossible to find a parking place on any of the nearby streets adjacent to the restaurants. It is tolerable for there is usually a turnover in a couple of hours and brings business to the area.

When there is a function at the arts center, usually in the evening, you have to park several streets away from your home. This is an especially unsafe/unpleasant/dangerous experience in the winter time when the sidewalks are not shoveled and the streets are a mess. Just think what and addition of an 401 seat theater would do!!

I know Beckett St. very well and the art center sits on the corner. Last winter for example, by mid January we had no place to pile the snow after a storm. Individuals who were either shoveling or snowblowing had to throw the snow into the street as Beckett St gets an excessive amount of snow in any storm but especially a northeaster. Several of other nearby streets experience the same situation as the streets are fairly narrow. Parking was almost impossible with only half the spaces available. Residents had a hard time finding parking spots where would patrons of the theater park?? Cutter St?? Who in their right mind is going to walk up Cutter St and around the prom to Congress St. in our bitterly cold winters to attend a function at the theater....that is 5/6 months of the year. The rest of the year Cutter St is filled with local residents and tourists who are enjoying our beautiful Munjoy Hill and Casco Bay. Would they be displaced in favor of the theater goers?

Has anyone given this serious thought! I am vehemently opposed to this addition!! I do hope to attend the meeting tomorrow if at all possible.

Cathleen Murray
 91 Beckett St.
 Portland, Maine
 04101

From: Tyler Kidder <tylerkidder@yahoo.com>
To: "HCD@portlandmaine.gov" <HCD@portlandmaine.gov>
Date: 9/22/2014 1:43 PM
Subject: St Lawrence Arts Center

Nell & The Planning Board,

I was so heartened to see the St Lawrence Arts folks thinking ahead with their great idea of supporting our existing metro bus system and making it even better with later service for the 'Art Line'. Space on Munjoy Hill is at a premium and should not be squandered on parking lots or tall, unsightly and expensive garages. Instead, we should be encouraging a sustainable and community-building transportation model built on walking, biking, and using public transit. What a waste it would be to use any of our high-valued land on the peninsula to further the cause of a divisive, expensive, isolating vehicle like the automobile. Plenty of folks can drive in to town and then use alternative modes for the 'last mile'. Please don't let the wealthy citizens make bad choices for the rest of us. Gentrification is a very real threat, especially on the Hill.

I appreciate you reviewing comments on this issue from concerned citizens.

Thank you,
Tyler Kidder

Previous Hill resident, frequent Hill visitor, and Asst Director for Sustainable Programs at USM.

Sent from iPhone

From: Peter Monro <jpmonro@me.com>
To: "HCD@portlandmaine.gov" <HCD@portlandmaine.gov>
Date: 9/22/2014 4:24 PM
Subject: Bus subsidy

I support the subsidy proposed by St. Lawrence Arts to increase the frequency of Metro buses in lieu of some other parking approach.

All the moves to increase the frequency of buses and make Metro a mainstream transit service are to be supported, in my opinion. This is a great start to doing just that.

Peter Monro, 32 May Street, 04102

From: Jaime Parker <jaime@trails.org>
To: Helen Donaldson <hcd@portlandmaine.gov>
Date: 9/22/2014 6:40 PM
Subject: St. Lawrence Arts

Hello Nell,

I will not be able to make it to the Planning Board Meeting tomorrow night, but wanted to comment on the proposed TDM plan for the St. Lawrence. See my comments below:

Dear Chair O'Brien and members of the Planning Board,

I would like to take this opportunity to comment on the proposed Transportation Demand Management plan for the St. Lawrence Arts Center. I have been following the process through many meetings and am generally supportive of their proposal, but have also heard persistent neighborhood concerns about parking and traffic.

The latest proposal from the St. Lawrence to contribute funding to METRO to provide increased frequency and later service to the Hill should help alleviate some of those concerns by providing a direct and tangible benefit to the entire neighborhood, not just patrons of the St. Lawrence.

Making improvements to public transportation is one of the most important things we can do to create a stronger, more resilient city. As a parent of a middle schooler who takes METRO every day to get back and forth across town, I know how important it is to have frequent, reliable service. The difference between 20 and 30 minute headways is bigger than it seems, and the proposed 20 minute intervals is approaching the point where METRO can become a viable option for many more people.

I strongly support the St. Lawrence TDM plan, and hope it can set an example for other development throughout the city; that as we look to the future for ourselves and our children, we should not build a city for cars, but for people.

Thank you for considering my comments,

Jaime Parker
73 Atlantic Street

From: Christian MilNeil <c.neal.milneif@gmail.com>
To: <HCD@portlandmaine.gov>
CC: <deirdre.nice@stlawrencearts.org>
Date: 9/22/2014 7:37 PM
Subject: Planning Board public comment re: St. Lawrence Arts

cc: Deirdre Nice, St. Lawrence Arts Executive Director

To the members of the Portland Planning Board,

As someone who served on the Portland Peninsula Transit Study's advisory committee and worked to get that plan implemented into the city's Comprehensive Plan, I'd like to express my strong support for the proposed St. Lawrence Arts Center expansion — and in particular, its visionary Transportation Demand Management plan.

In my opinion, this proposal exemplifies more strongly the principles of Portland's transportation goals and policies than any development proposal I've seen so far.

The proposed enhancements to METRO's Route 1 won't merely benefit the patrons of the new arts venue. By extending service on the city's backbone transit route, it will benefit households and businesses across the entire Portland peninsula, from late-night workers at Mercy Hospital and Maine Medical Center to downtown restaurant patrons.

I urge you to approve this proposal, and to do so with a sense of pride in knowing that your vote is building a more environmentally sustainable, transit-friendly future for our city.

Christian MilNeil
 45 Smith Street (East Bayside)
 Portland, ME
 <<http://www.vigorousnorth.com>>

From: John Pelletier <john.f.pelletier@gmail.com>
To: <HCD@portlandmaine.gov>
Date: 9/22/2014 10:45 PM
Subject: Comment on St. Lawrence Theatre TDM plan

Good evening Nell,

While I am not a resident of Portland, my fiancé and I travel up to the city a couple times a year for shows and general shopping/dinning etc. from the Boston area. We always come by train and take the bus downtown.

I reviewed the TDM plan for the new theatre and found it quite exciting for non-car options! Having worked with the City of Cambridge PTDM manager on projects, I felt the plan was well put-together and thought out and has a high chance to succeed on providing for current SOV parking demand and reducing that demand over the coming years. I especially felt that the extension of bus service will be a valuable element and very innovative, there are only a few examples of that from around the country, but they are pretty successful when packaged properly, as this seems to be.

One note I would have is that since bike parking is dirt cheap, per bike parked, and takes up relatively little space, that 10 racks is on the low side and it might be worth putting in an additional 5-10 racks from the start even if they might not be filled to capacity the first few years. I would also note that if at all feasible the bike parking should be covered and the racks should be of the "staple" or "inverted U" style for maximum security and comfort. Covered parking is more likely to attract patrons who may be leery about coming out to a show by bike if rain is predicted since they would have a wet seat on the ride home.

All in all, as a tourist and active transportation (and transit user) who might be attending shows at this venue in the coming years I would encourage the adoption of this proposed plan and not require the company to build an expensive parking structure that will sit empty most of the time. I believe the parking plan showed sufficient capacity in the surrounding area to cover demand with existing facilities, and that demand will only lessen as the trip reduction strategies are introduced and Portland continues to work on encouraging non-auto travel.

Thank you very much

John Pelletier

92 Central Ave
Newton, Massachusetts 02460

From: Elaine Mullin <elainemullin@gmail.com>
To: <hed@portlandmaine.gov>
Date: 9/23/2014 6:22 AM
Subject: St Lawrence Arts

Dear Ms Donaldson,

I am a 7 year resident of Beckett St and a direct abutter of the St Lawrence. I am in favor of the plans proposed by St Lawrence Arts, despite the fact that there will undoubtedly be more traffic on show nights.

The Friends of the St Lawrence have done a wonderful job in restoring, preserving and developing the Parish Hall. Had they not made it into the lively Arts Center is it, it's entirely possible given the state of the economy and Munjoy Hill at the time, the entire structure of the St Lawrence could have crumbled and been replaced with something of great detriment to the neighborhood. The dedication to the quality of life on the Hill that is evidenced by the efforts of Deidre and the Friends of the the Lawrence contributed greatly to the revival of the area and I see no lessening of their commitment to this neighborhood.

The impact of the addition of a 400 seat theater will surely be felt, just as the impact of the restaurants with early morning deliveries and trash hauling, and the changing street and sky scape with the new condo developments. When I moved to this area I knew it to be one that would likely continue to undergo transitions, like the ones that changed it's direction and brought economic viability back, including St Lawrence Arts. I wanted to be and still want to be a part of it, taking the reality of these businesses with the benefits.

I would recommend a few things in relation to the transportation plan and monitoring to make it more robust:

Parking counts as described be performed on a quarterly basis during the first year, then annually

Surveys of employees and attendees also be done on a quarterly basis and, include a neighborhood survey, residents and businesses, also quarterly during the first year.

Include specifics for performers and parking

Publish the results and SLA response to these surveys in a timely fashion on the SLA website and in local papers

Establish a monitoring committee, including members of the community/neighborhood to oversee and assist with these efforts

In addition to making the monitoring more robust, these efforts will also demonstrate a sincere intent by SLA to make the theater successful in every way, including the area where most concerns are now being expressed and the one which will impact those us who live here the most.

I trust that if the initial plans for transportation management or other aspects of this project do not work well, The Friends of St Lawrence will listen to the neighbors and make changes.

Sincerely,
 Elaine Mullin
 99 Beckett St

From: Markos Miller <markosmiller@hotmail.com>
To: "hdonaldson@portlandmaine.gov" <hdonaldson@portlandmaine.gov>, Tuck O'Brien <tuckobrien@mac.com>, Tuck O'Brien <tuckobrien@me.com>
CC: deirdre nice <deirdrenice@hotmail.com>, Bill Hall <bill.hall@martinspoint.org>, Carol Morrisette <carol@camorrisette.com>
Date: 9/23/2014 9:00 AM
Subject: St Lawrence

Planning Board Chair O'Brien,

I am writing to express my support for the St. Lawrence Performing Arts Center project. The revitalization of the St. Lawrence has played a key role in the renewal of the Munjoy Hill neighborhood over the years, and contributes greatly to the quality of life in the Greater Portland area. The St. Lawrence's expansion project sets the stage for the ongoing growth of the organization, and the vibrancy of the community. I believe we should be embracing the planned growth of our community arts organizations.

I understand that the St. Lawrence proposal has been the target of criticism from some in the neighborhood. I too am a concerned citizen of Munjoy Hill. I am concerned that as a city we are still fretting over issues such as transportation and car storage, although we pride ourselves on being a "walk-able" city. I am concerned that some in our community seek to repress our city's growth and limit the future vibrancy of Portland. I am concerned by a tendency to freeze what we have in place or to turn the clock back when innovation and experimentation are needed to address the challenges of today and to move towards a more sustainable future.

The St. Lawrence project is a forward looking proposal that is rooted in a very real history of neighborhood renewal: an abandoned church restored into a community asset. The St. Lawrence proposal dares to address transportation and parking issues in an innovative manner, strengthening the role of transit on the peninsula and creating alternatives to the automobile. The proposal has also been responsive to many of the design concerns of neighbors, working to fold these into their vision for the organization in the community. It is apparent that the St. Lawrence seeks to continue to contribute to the strengthening of the vibrancy of the Munjoy Hill neighborhood and the greater community.

Sincerely,

Markos Miller 17 Atlantic St Portland, ME 04101 (207) 807-2681

From: "Lisa Morris" <lmmorris@usm.maine.edu>
To: <jlevine@portlandmaine.gov>
Date: 2/28/2014 4:46 PM
Subject: St Lawrence Arts expansion

Hi Jeff,

I want to weigh in on the proposed expansion of the St. Lawrence Arts Center.

I live on the Hill and own two properties (26 Lafayette and 38 Turner), and, for the record, my family (both sides) also goes way back...

I am in favor of the proposal.

I understand people's concerns about traffic and parking but I think the trade-offs are worth some inconvenience. We live in a city. Traffic and parking are par for the course (and, for the record, neither of my properties have a driveway. I park on the street). I am also of the mind that giving car use and parking too much weight in planning is not a good thing. Portland is a very walk-able and bike-able city. We need to encourage people to walk, carpool, take the bus, etc. for environmental and other reasons. Going out of our way to accommodate cars, especially at the cost of a great amenity like a new theater, moves us in the opposite direction. Increasingly, younger people don't even own cars. As gas becomes increasingly expensive (which it will) everyone is going to be using public transportation more. Older people will have their friends and family drop them off out front. People always manage.... If, in the end, the new theater is so successful that parking and traffic become a big problem, I think there are ways to deal with it then (making sure main side walks are clear in winter, better lighting at night to increase safety for walking and biking, a shuttle or two from different parts of the city, incentives, preferred parking for residents).

The concerns expressed regarding the risks from the increased number of cars roaming around the area looking for parking are somewhat more valid. In the meeting last night I suggested speed bumps. I think a few speed bumps here and there are needed around the Hill anyway. Having a theater and more people and traffic related to the theater can also increase safety (makes it less of a haven for drug dealers).

I think the proposed size and height of the addition is reasonable. Its about the size of the previous structure. Its within range of surrounding buildings. The 50 ft or so height is not imposing, and I really like the front of the building's design - set back a bit, the porch effect, the lantern effect, etc. -all of which will make it less imposing.

In terms of the sustainability of the Center, who knows for sure, but I do know that Portland currently does not have a mid-size theater (Portland Stage is 220 seats, State Theater is closer to 2000). A 400 seat theater is a good size and will probably fill a gap and be successful. If not, someone else will buy it and turn it into something else successful.

Thanks for a great first meeting the other night. You and Nell were really great.

Lisa Morris

Ms Donaldson,

I cannot attend the Portland Planning Board meeting tonight, but wanted to express my support for a larger theater at the St Lawrence Church and the potential expanded bus service along the Metro bus #1 route instead of additional parking on Munjoy Hill. My apologies for the last-minute email, and not being able to show in person.

Best regards,
Kathryn Masters
231 State St, Portland

From: Ross or Kathleen Fields <fieldsofun@gmail.com>
To: Nel Donaldson <HCD@portlandmaine.gov>
CC: Ralph Carmona <ralphcarmona@gmail.com>
Date: 9/24/2014 1:52 PM
Subject: Response to Planning Board Meeting 9/23/14 - St. Lawrence Arts Center
Attachments: nielsen-millennial-report-feb-2014.pdf

Dear Nel,

Please see that the following is distributed and placed in the record concerning the Planning Board's review of the St. Lawrence Arts Center's request for a zoning amendment.

To Planning Board Members

In reflecting upon the Planning Board workshop for Zoning amendment for St. Lawrence Arts Center, and with all due respect for Planning Board members, I feel that several Planning Board members are a bit naive or in-the-dark as to how many performances and at what capacity are needed to make St. Lawrence Arts Center (SLAC) financially viable.

Ms. Nice has been asked, on more than one occasion, what types and frequency of acts will be scheduled at this type of venue and has yet been able to answer the question with any quantifiable information. I would think that, if what other organizers are claiming as to SLAC being the right sized venue for specific acts, these acts would be making inquiries. The only one I have heard of so far is Portland Ballet.

I also don't understand why SLAC doesn't share with the community how many performances the new venue will need each year for it to be successful. Is it once per month, once per week, three times per week? Even the most simplistic business plan will have a grasp on needed sales. Knowing the frequency of performances required is important in understanding how the neighborhood will be impacted and if the TDM plan is robust enough.

It appears that the Planning Board is more interested in how much Ms. Nice has done for the community rather than digging to get actual hard data and then doing the math. Is being popular part of the criteria for this zoning amendment?

As to the reply from one board member that since I live in Portland without owning any vehicles, I am proof that "human behavior" is changing, is a bit short sighted and out of touch with reality. Yes, the trend is changing, but will it change enough within the next three years to create the attendance needed by SLAC? Just how many people like me are required for this to work? (Suggest board members take time to read Nielsen's recent report on Millennials (attached) for insight into urban trends being moved forward by this segment of our population.)

If all 65,000 residents on the peninsula - within a 2 mile or less walk from SLAC - attended one sold out performance at SLAC per year that would equate to 162 performances or approximately 3 performances per week. Would all be able to travel by bus or walk?

Is this a practical expectation? Probably not. Is 50%, 32,000 peninsula attendees, or 25%, or 10%, 6,500? The point is that success for SLAC will require customers coming from outside the Portland peninsula area. Which means driving to the venue. SLAC must have some data as from where the majority of their current patrons travel, but it doesn't seem like that information enters into the equation. It seems to always come back to the idea that all of a sudden everyone is going to start riding the bus.

At present there are no real deterrents, or obstacles, that keep people from driving. There is no traffic grid lock, no congested roadways, and at the moment, for the 110 seat theater, no real parking issues. Driving is convenient and until that changes, people will continue to do just that, drive. I know of theater goers who actually live on Munjoy Hill and drive to performances when the weather is inclement.

I suggest the Planning Board gather some actual data by either examining the bus schedules for hours of operation and connecting times and/or actually have someone ride each line with the intention of going to and returning home from a performance at SLAC. I find it interesting that SLAC does not currently publish running times of their performances (expected end time) or promote the use of public transportation on their website. Seems that this would be the perfect time to start educating their patrons and start the slow change of human behavior to alternate means of transportation.

Generally, the #1 has its last run from North Street/E. Prom at 10:50 p.m. - all other buses stop operation with their last run from Elm Street at 9:30 p.m. Current scheduling would require catching the 8:50 p.m. #1 (time of leaving North Street/E Prom stop) in order to make a 9:30 p.m. connection for the #2, #3, or #5. If a show starts at 7 or 8 p.m. only the #1 bus would be of any use and only to patrons living on the peninsula.

The #7 bus, the Falmouth Flyer, with its stop at Congress and Washington would be a great connection except for the fact that the #7 stops running at 6:30 p.m. The #6, North Deering route, makes its last stop at Congress and Washington at 9:35 p.m. headed to N. Deering. So this would be possible for a 7 p.m. performance. The #7 is good Monday through Saturday.

The only Sunday buses are the #1 (combination of #1 and #5) and #4.

The Metro bus system would have to incorporate numerous changes in order for it to become the transportation method of choice by SLAC patrons either on the peninsula or from outlying areas. It's somewhat comical to picture 30 to 40 (if that many) theater goers standing in the St. Lawrence lobby after a performance, staring at the Metro Bus Locator screen, and then all racing out the door, running two blocks to catch the last bus going down the hill. Add to that a rainy night with those 30 or 40 lined up outside the bus as the driver takes their money or punches their pass. Add to that the fact that when the snow piles up it is a rare case when bus stops are cleared adequately to provide a path from the street to the sidewalk (I do have a suggestion for that).

Note: While serving on the Munjoy Hill Neighborhood Organization board I inquired about having bus stop shelters installed on Munjoy Hill. The answer I received was that the sidewalks were too narrow to install the bus stop shelters used by the city. This came from a Metrobus board member. The current size of bus shelter being used would not accommodate 30 to 40 people waiting for a bus.

Again, if you are going to change human behavior you have to make that change an attractive choice. This TDM plan needs to be in much greater detail and way more far reaching than it currently is.

UCarShare - I am a UCarShare member and totally love the service. However, in this case promoting this idea as another option to the TDM is actually counter productive. I thought the idea was to lessen the number of cars not encourage those who might walk, cycle or ride the bus to use a vehicle instead. Please rethink this idea.

There seems to be a lack of facts and information in reviewing the TDM plan. Those that spoke in favor of the plan used phrases like, "I hope, I feel, I know, that this will all work out." I am all for having a vision, a dream, but in this case I would think that you, the Planning Board, would base your decision on more than a hope, a wish, and a prayer.

Thank you for your time and continued dedication.

Ross Fields Linked In page - <https://www.linkedin.com/in/rossfields>
46 Turner Street
Portland, ME

From: Sam Snellings <ssnellings@gmail.com>
To: <HCD@portlandmaine.gov>
Date: 10/2/2014 10:55 PM
Subject: I support the St. Lawrence Arts Center transportation plan

Hello,

I read about the plan to fund the bus system as part of the expansion of the St. Lawrence Arts Center on Munjoy Hill. I think it is a great idea, Portland's transportation system can use all the help it can get (and so can the Munjoy Hill neighborhood).

For the record, I currently live down near Biddeford, but I lived for a few years in East Bayside and still make it regularly to Portland to visit Silly's, Union Bagle Company, and other (mostly edible) destinations.

Sincerely,

--
Sam Snellings
tel: 207-805-6896
fax: 207-591-4774
Find me at Camp207.com
or on LinkedIn <<http://www.linkedin.com/in/ssnellings>>

From: Joshua Broder <jbroder@tilsontech.com>
To: "hed@portlandmaine.gov" <hed@portlandmaine.gov>
Date: 10/18/2014 7:50 PM
Subject: St. Lawrence Arts Center zoning change

Dear Portland Planning Division,

I'm writing in response to recent notice I received in the mail from you about the upcoming public meeting on the zoning change at 66 Congress St. Since I'm not able to attend myself, I would like to provide a written comment.

My wife Eliza and I own and reside at 96 St. Lawrence st., close to 66 Congress St with our two young children. I'm also a business owner in town, and have employees who live all over the city, and own rental properties downtown at 11 South St. and 801 Brighton Ave.

We both strongly support the proposed changes. The St. Lawrence Art Center has been an outstanding member of our neighborhood, and have worked hard against difficult financial headwinds to keep this community anchor institution vibrant and relevant to our cultural life. They have a great plan that will enhance our neighborhood, and we believe that the proposed changes in support of their project make good sense for our neighborhood and the city.

Regards,

Joshua Broder & Eliza Ginn

[Description: Description: tilson-logo sig]

Joshua Broder | CEO

245 Commercial Street | Portland, ME 04101

t: +1 207-358-7402 | m: +1 (207) 653-0573 | f: +1 (207) 772-3427

Twitter @joshuabroder

jbroder@tilsontech.com<mailto:jbroder@tilsontech.com> | www.tilsontech.com<http://www.tilsontech.com/>

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Tilson is hiring! Please visit our employment page<http://www.tilsontech.com/careers/> for details.

From: Frances Buerkens <frances.buerkens@gmail.com>
To: <hcd@portlandmaine.gov>
CC: <kjdonoghue@portlandmaine.gov>, <jhinck@portlandmaine.gov>, <nmm@portlandmaine.gov>, <jduson@portlandmaine.gov>, Will Ginn <will.m.ginn@gmail.com>
Date: 10/20/2014 11:12 AM
Subject: St Lawrence Arts Center Zoning Change

Dear Portland Planning Division,

I am writing in response to the notice about the upcoming public meeting on the zoning change at 66 Congress. I am not able to attend but I would like to submit a written comment in support of the project.

My boyfriend and I own a home on St Lawrence street, just several hundred feet from the St Lawrence Arts Center. We work in Portland as well. Our life is rooted very deeply on the peninsula, and as such, we support any development that will further enhance the lives of those who live here.

The St Lawrence Arts Center is a vital part of our hilltop community. We would be incomplete without them. Their current facility is charming but cramped. A larger performing arts center would bring great value to our growing community.

Parking is not an issue that bothers us - it's not as if there are performances every single night of the year - and most people will be home from work by the time concert goers start their search for a space.

Thank you for your time.

Frances Buerkens & William Ginn

--
Frances Buerkens
Marketing Specialist & Photographer
www.francesbuerkens.com
207.200.6289

From: Chris White <chriswhite.ars@gmail.com>
To: <hed@portlandmaine.gov>
Date: 10/26/2014 8:50 AM
Subject: St. Lawrence Proposal
Attachments: St Lawrence_final.doc

Helen Donaldson and the Portland Planning Board

This letter is in support of the Friends of the St. Lawrence organization's plans for building a performing arts venue on the site of the dismantled church and their approach to mitigating any traffic and parking issues the operation of such a space might cause.

In 1990 my wife and I moved to the Greater Portland area. We first lived in South Portland and now reside in Windham. Portland, however, has been where we've variously been employed, operated businesses, shopped, volunteered, and participated in the social and cultural life.

A few years after we arrived we attended various charettes and public forums during the time Portland was working with a consultant seeking ways to restore economic and civic vitality to downtown Portland, especially along the Congress Street corridor. The consultant's recommendations were that city should recognize, support and build upon its strongest downtown assets, its cultural institutions, artists, and 'creative community.' The creation of the Arts District is one result of those recommendations.

Despite the economic disruption after 9/11 and 2008's Great Recession ... and from which the world, let alone Portland, has not yet fully recovered ... the 'creative community' in Portland has largely persevered, helping to keep the economy alive, if not humming. The crowds that flock to participate in the First Friday Art Walks demonstrate this every month, including those in the depths of winter.

The Friends of the St. Lawrence was formed during the mid-nineties as well. From the outset they had three goals; create a local community resource offering a diverse range of workshops and performance opportunities; preserve and renovate a wonderful, historic, building; use the restored space as a regional performance venue.

From the beginning the group has fulfilled the first of their goals, offering a wide array of programming. While it labored long and hard to do so, given the challenging economic climate preserving and renovating the sanctuary has proved impractical. Accepting the inevitable, the Friends of the St. Lawrence did the next best thing and carefully dismantled, rather than merely destroying, the old building and began planning for a replacement building of similar size and stature.

The Friends of the St. Lawrence have, for twenty years, been clear about their goals. During that time they have significantly contributed to the rebirth of the Congress Street Corridor. They've helped make the Munjoy Hill neighborhood a vibrant and economically productive asset for the city. While it would be impossible to specifically credit any particular retail shop's success or restaurant's decision to locate nearby, the existing venue has absolutely demonstrated the effects the consultants predicted would come from having solid arts organizations as neighborhood anchors.

Parking, traffic and public transit issues have been problematic and contentious in Portland at least since the time the trolley ceased functioning. To single the St. Lawrence out for unwarranted criticism, to treat what has been an explicit and integral part of their mission for twenty years ... programing a four hundred plus seat performing venue ... as if it were a newly hatched brainstorming idea is demeaning and mean spirited.

The St. Lawrence has modified and amended their building plans to address various concerns. They should have the current design accepted so the plan can move ahead. Their forward thinking and innovative approach to mitigating possible impacts the venue's visitors might have on traffic and parking in the neighborhood should be likewise be approved and supported.

With respect,

Christopher White

Windham

[copy also attached as a Word .doc file]

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Chris White

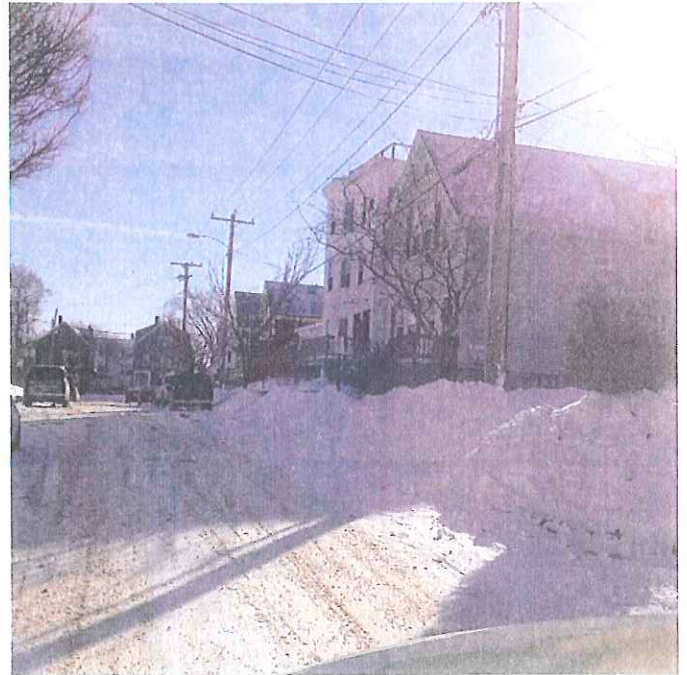
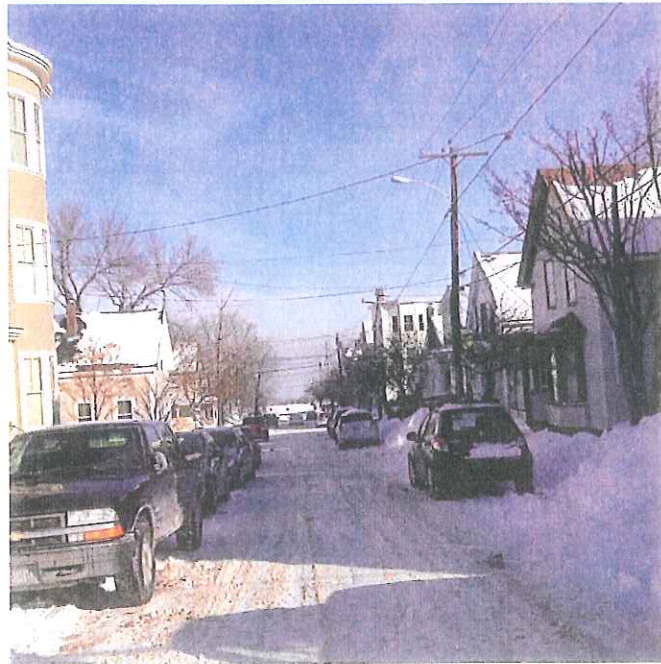
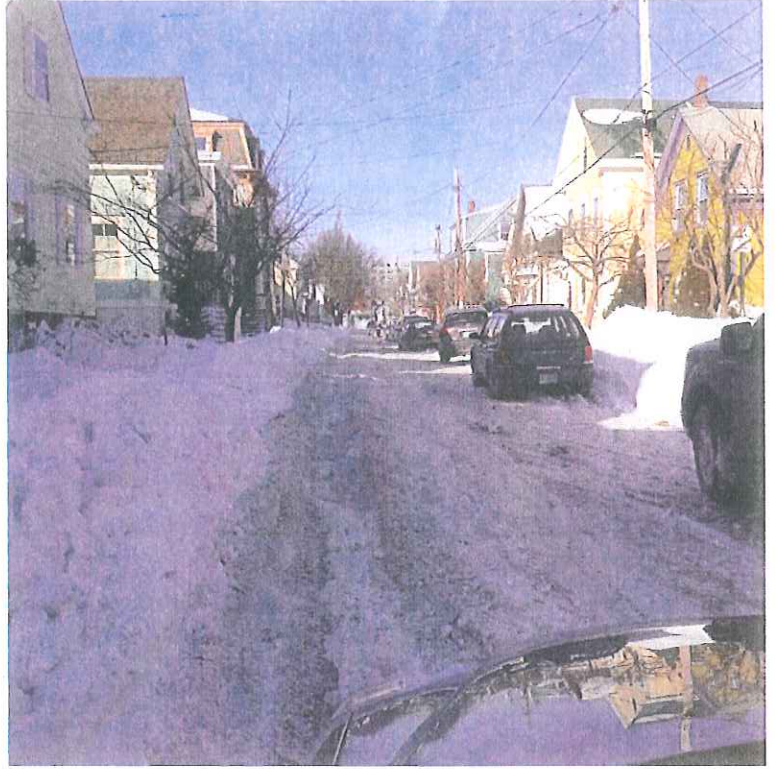
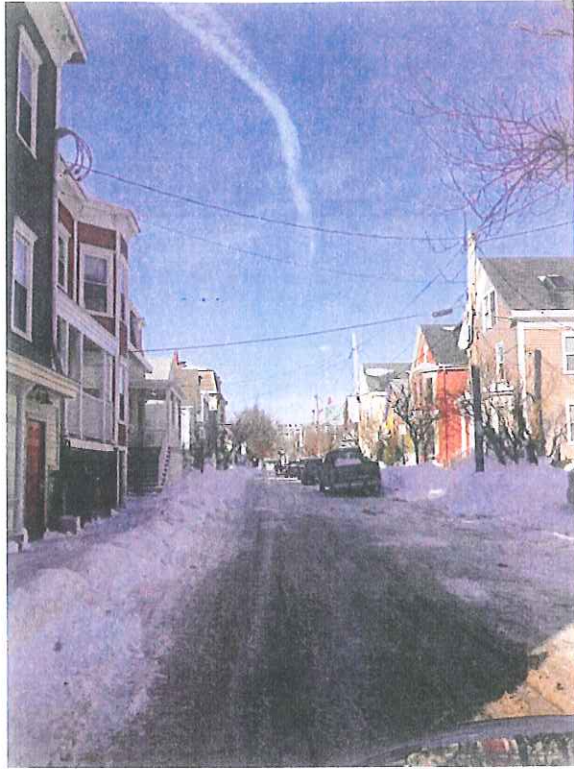
Arts Resource Service
48 Madison Road
Windham, Maine 04062
207-892-7578

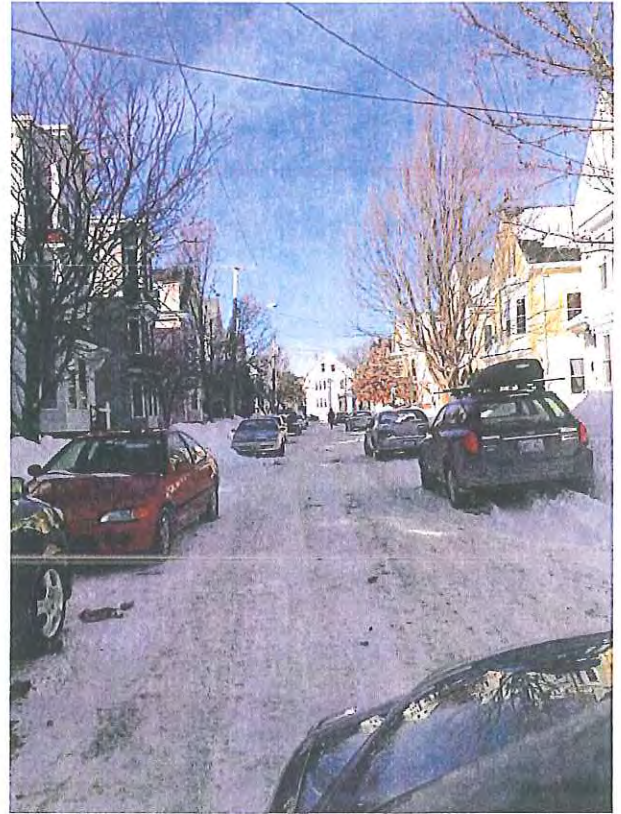
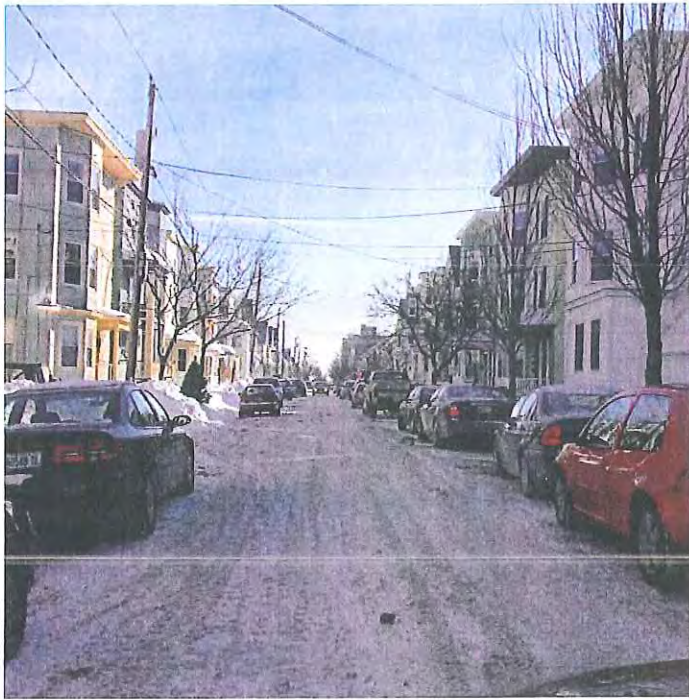
From: Kate <czmurray@yahoo.com>
To: Helen Donaldson <hcd@portlandmaine.gov>
Date: 10/26/2014 5:56 PM
Subject: Photos

Dear Nell,

Attached you will find 6 photos of scenes of streets surrounding St. Lawrence taken at the beginning of last winter. As you know conditions got worse as the winter progressed. I would appreciate it if you would print this email out and distribute it to all the planning board members so that they will have it for the meeting on Thursday. Thank you.

Picture 1 Howard St directly across from St. L
Picture 2 Slightly further down Howard St
Picture 3 Corner of Howard/Turner St. toward the prom
Picture 4 Emerson St. facing Congress St.
Picture 5 Beginning of Vesper St. just off Congress
Picture 6 Beckett St. facing Congress St.





From: Ross or Kathleen Fields <fieldsofun@gmail.com>
To: Nel Donaldson <NCD@portlandmaine.gov>
Date: 10/27/2014 1:34 PM
Subject: St. Lawrence - TDM - clarification/correction request

Hi Nel,

I have been going over the most current TDM plan presented by Friends of St. Lawrence and believe there are some items that either require a bit more clarification or correction.

I would greatly appreciate it if these could be taken care of before tomorrow's Planning Board hearing or at the hearing itself.

They are as follow:

1. Is it correct that Gorrill-Palmer is stating that there is not a dependable, adequate supply (179 spaces available, 218 needed) of on street parking within a 5 minute walk without incorporating the use of parking in the Cutter Street lots and Cutter Street itself?

If adequate parking is not available then I strongly encourage that the current facility be re-sized from 110 to say 200 to 250 seats.

2. Under Single Occupancy Reduction Strategies - METRO Subsidies - The Metro Route #1 does not currently run at a 30 minute frequency between 7 and 8 p.m. There is a run from Congress and Elm at 6:45 p.m. and 7:13 p.m., 28 minutes apart, but the next bus is at 7:55 p.m. which is not at a 42 mins., followed 45 mins. later by the 8:40 p.m. bus. The way it is stated in the current TDM is misleading and not factual.

Note: Under the current schedule there is actually an 80 minute separation between the 9:25 p.m. bus and the last 10:45 p.m. bus heading to Munjoy Hill. Under the current schedule a theater goer attending a performance that ends at 9:30 p.m. would have to wait 1 hour and 15 minutes for the next and last bus of the evening.

3. Cost - \$70,000 is misrepresented. In the last paragraph in the section entitled METRO Subsidies, The first line implies that the frequency time will be improved to a 20 minute frequency from a 30 minute frequency and extended service for \$70,000.

I believe the actual figures as stated by Greater Portland Transit District are:

\$70,000 - improve frequency from 45 to 30 minutes

\$100,000 - improve frequency to 20 minutes

\$120,000 - improve frequency to 15 minutes

Please verify.

Of course I am assuming that if St. Lawrence is unable to pay the fee then Metro Bus can alter the service being provided? Is this also correct?

4. If the METRO Bus is going to be the "core" solution in the TDM plan incorporating parking facilities in downtown Portland has anyone taken a close look at parking availability and cost?

CBRE Portland Public Parking, 54 Elm, M-F 7:00 a.m. to 6:00 p.m. S-S Closed
Top of Old Port 11 Pearl M-F 6:30 a.m. to 6:00 p.m. S-S Closed
Municipal Parking 21 Elm M-F 6:00 a.m. to 10:00 p.m. Sat 8 a to 10 p Sun closed
Cumberland County Parking 240 Newbury M-Sun 24 hour
MHR Temple St. Garage 11 Temple M-Sat 7 am to 12 mn Sun Noon to 12 mn
MHR Custom House Parking 25 Pearl M-Th 7 am to 11 pm, Sat to 12 mn, Sun to 9:30 p.m.
One City Center Parking 41 Free St M-F 6:00 a.m. to 10 p.m., Sat 9 to 4 p.m. Sun-closed

Fore River
to 12 mn, Sat to 12 mn

28 Free St M-Th 6:30 a to 7 p, F

It varies with these facilities on payment method from "cash only" to "cash or credit card". Also if you happen to get to the parking garage after it closed there is a \$25 after hours release fee.

Here is a screen print of the lots available and costs if parking between 6:30 p.m. and 10:00 p.m. This is based on a 7:30 p.m. show time.

www.bestparking.com/portland-maine-parking/

[image: Inline image 1]

5. This is more of an observation. At present St. Lawrence is not taking any pro-active role in encouraging (the word "encourage" is used a lot in the TDM) its patrons to use the bus. It would seem that you would want to start sooner than later in the changing of human behavior.

As I continue to work with this issue I keep going back to a basic principle of sales and marketing: if your product or service is not convenient for your customer to use or obtain they won't be your customer for very long. Is this TDM and the issue of parking making it more or less convenient for St. Lawrence theater goers?

This TDM is more of an experiment than a plan.

Thank you for the continued effort and dedication put forth by you and the Planning Board in this matter.

Sincerely,
Ross Fields
46 Turner Street
Portland, Maine 04101

From: robert clarke <kidrob13@hotmail.com>
To: "HCD@portlandmaine.gov" <HCD@portlandmaine.gov>
Date: 10/28/2014 12:03 PM
Subject: St Lawrence arts center

Insane proposal. People are not going to ride the bus or their bikes from Falmouth or Cumberland or any other suburban area. I thought the point was to save the church? They destroyed the old church to be rebuilt? Really? Most definitely do not support. Robert clarke. Munjoy hill home owner
Sent from my iPhone

*
*

From: Annette Elowitch <annette@barridoff.com>
To: <hcd@portlandmaine.gov>
Date: 10/28/2014 12:18 PM
Subject: Attn: Helen Donaldson/ RE: St. Lawrence Arts Building

Dear Ms. Donaldson,

We are writing in support of the amendment to the 2010 zone agreement for the St. Lawrence Arts Building. We feel the changes and improvements to the building will be an attribute to Portland and the East End community. The plan is certainly in keeping with the changes and improvements that are happening in the neighborhood overall. Portland needs to support its venues for music, art and cultural activities as we grow as a city and a vacation destination. St. Lawrence Arts provides a space for theatre camps, emerging artists, and a venue for community theatre. The improvements and additional space could open the door to even more. We hope the City will embrace the efforts of the St. Lawrence Arts to expand and contribute to the city overall.

Sincerely,
Annette & Rob Elowitch
Barridoff Galleries

From: John Rogers <roj876@gmail.com>
To: <hcd@portlandmaine.gov>
Date: 10/28/2014 12:42 PM
Subject: 76 St Lawrence Street - In SUPPORT

Dear Ms. Donaldson,

I am writing to express my support for the proposed expansion of the St Lawrence Arts Center. I am traveling this evening and am unable to attend the hearing to express my support in person. I live at 35 Congress Street, two blocks east of SLA.

I do not believe that scale of the project or its design are inappropriate for this area of Munjoy Hill. As a resident of the Hill, I welcome the expansion as an important part of realizing the City's vision for the expansion of the arts corridor. The proposed expansion is a great addition to the Hill, the Portland arts community, and Portland in general.

Thank you.

John

John Rogers

Planning Board Hearing
Portland, Maine
October 28, 2014

I have extensively reviewed the TDM plan (experiment) and input to this plan by other contributors and each time I am challenged to see any real solution(s) based on actual facts that would solve the problem of parking a potential of 281 vehicles in a residential neighborhood where no parking lot or garage exists.

I become increasingly skeptical that an actual solution is being sought when it is stated in the TDM that, "St. Lawrence Arts is proposing that the core of its TDM be a partnership with Metro [Bus]".

Explain to me how busing, at most, 15 theater goers per performance, reducing needed parking spaces by approximately 7, is a "core" solution to the parking issue.

The value of 15 theater goers using the bus per performance was arrived at using the data from survey forms handed out and collected from SLA theater goers. The surveys indicated that 0% to 3% of theater goers used some other form of transportation other than car, walking or biking. These were the same surveys used by the transportation consultants to establish the vehicle per attending patron ratio.

I appreciate the Metro Bus system and all the changes and improvements they have planned in the years to come. I am not sure if these improvements will be sufficient enough to change the current human behavior of driving to an event and looking for the closest parking space possible.

My wife and I recently went to a Sea Dogs evening game. Since we have no vehicles we road the #1 down Congress and walked the couple of blocks down to the stadium. After the game we figured we would wait outside of the stadium for the #5 and then switch to the #1 at Congress and Elm. It didn't happen. We ended up walking home to the Hill from Congress and Elm. My point though is that we were the only people standing at the bus stop in front of Hadlock Field, after a sold out game, after the parking lots had emptied and the lights were being turned off at the stadium. I believe the same is going to hold true for those attending events at SLA, they are going to drive.

I appreciate the vision and effort put forth by SLA, but I don't envy them for having to work so hard at attempting to change the transportation choices made by their customers. Even if they were able to double the current percentage of people choosing to ride the bus to the theater it would only account for a reduction of 14 parking spaces leaving the demand at 204.

Parking will not be SLA's biggest problem. Not having sufficient funds to maintain yet another building will be the challenge.

Ross Fields
46 Turner Street
Portland, Maine 04101

From: Ross <fieldsoftun@gmail.com>
To: Nell Donaldson <HCD@portlandmaine.gov>
Date: 10/28/2014 9:36 PM
Subject: SLA hearing

If their books are balanced where is the need for an additional \$160k needed for maint and repairs to Parish Hall. Ross Fields

Sent from my iPhone

From: Ross or Kathleen Fields <fieldsofun@gmail.com>
To: Helen Donaldson <HCD@portlandmaine.gov>
Date: 10/30/2014 8:44 AM
Subject: Re: SLA hearing

Thank you Neil, very much appreciate all that you have to go through for these workshops and hearings.

I completely understand that the Planning Board is not responsible for considering the financial viability of a business when reviewing applications. While at the same time, on paper and from a marketing and strategy - it looks like a train wreck (or bus accident) primed and ready to happen.

I was completely taken aback by the closing remarks from the final Planning Board member when he said that the Metro Bus partnership was the core of SLA's TDM, when it is clearly stated as such in the TDM.

I stand very strongly on the fact that if you make your product or service more difficult to use or acquire you won't be in business for very long. If the project were downsized I believe it could definitely work.

I chuckle to myself when the fact that because I don't own any venue is an indication that "human nature" is changing. The reality is that we are going to take way more than those living on Munjoy Hill who can't talk to a performance to make the once community theater - now a regional theater venue - successful.

I support creating a theater of 200 to 250 seats. The neighborhood can absorb this size easily and SLA can better manage the one single facility instead of three - where only one can be reasonably scheduled at a time.

Again, thank you for all your efforts and professionalism in this process.

Sincerely,
Ross Fields
46 Turner Street
Portland, Maine

p.s. I assume this email will also be added to the documents made available for council members.

On Thu, Oct 30, 2014 at 8:21 AM, Helen Donaldson <HCD@portlandmaine.gov> wrote:

> Ross,
>
> I just wanted to let you know that I continue to put your comments into the record, and that they will all be available to the Council when they consider the amendments. Right now, SLAC is tentatively scheduled to go forward for first reading with the council on 11/17 and second reading on 12/1.
>
> Best,
> Neil
>
>
>
>
> _____
> Neil Donaldson
> City of Portland Planning Division
> 389 Congress Street
> Portland, Maine 04101
> 874-8723
> hcd@portlandmaine.gov
> >>> Ross <fieldsofun@gmail.com> 10/28/2014 9:36 PM >>>
> If their books are balanced where is the need for an additional book needed for maint and repairs to Parish Hall. Ross Fields
>

> Sent from my iPhone

>

> Notice: Under Maine law, documents - including e-mails - in the possession

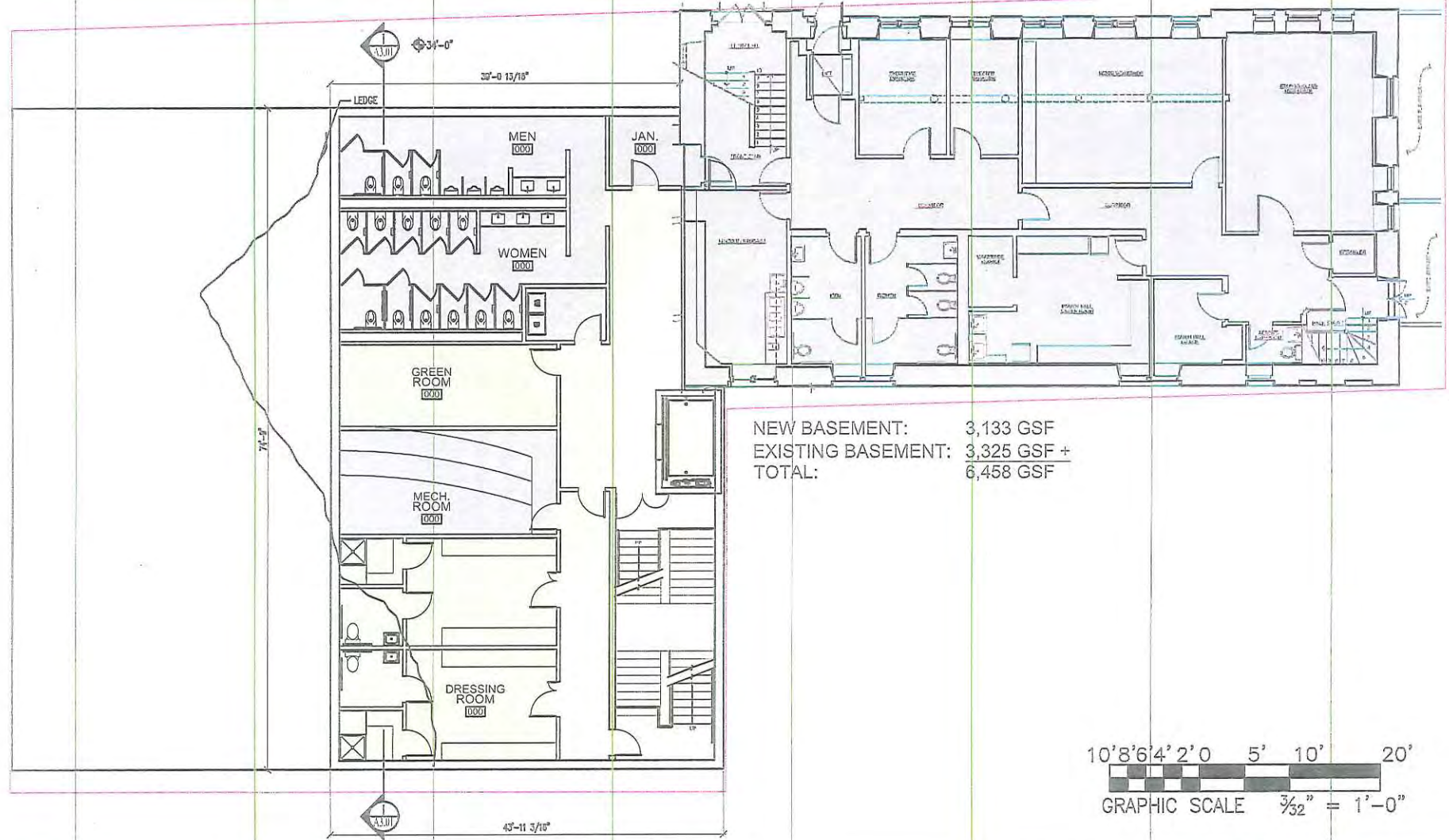
> of public officials or city employees about government business may be

> classified as public records. There are very few exceptions. As a result,

> please be advised that what is written in an e-mail could be released to

> the public and/or the media if requested. --

>



Prepared for:
**FRIENDS OF THE
 ST. LAWRENCE CHURCH**
 76 CONGRESS STREET
 PORTLAND, MAINE 04101

Consulting Engineer:

ARCHETYPE
 architects
 48 Union Wharf Portland, Maine 04101
 (207) 772-6022 Fax (207) 772-4056

Project:
**ST. LAWRENCE ARTS
 ADDITION**
 76 CONGRESS STREET
 PORTLAND, MAINE 04101

Revisions:

Date: 10 Sept. 2014 Scale: $\frac{3}{32}'' = 1'-0''$
BASEMENT PLAN

A1.00



10' 8' 6' 4' 2' 0 5' 10' 20'



Consulting Engineer.



48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Project: ST. LAWRENCE ARTS
ADDITION

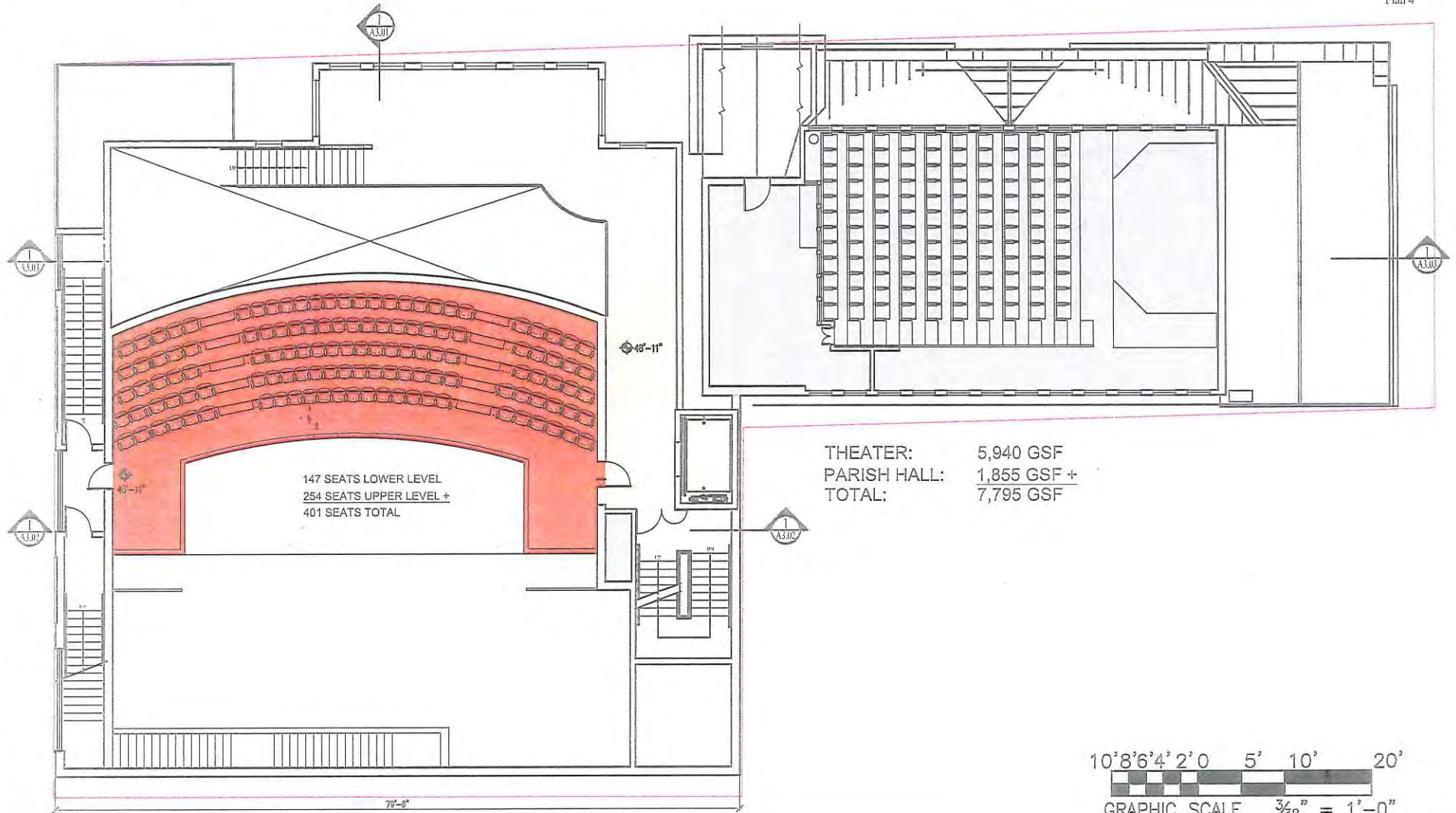
76 CONGRESS STREET
PORTLAND, MAINE 04101

Revisions:

Date:	10 Sept. 2014	Scale:	$\frac{3}{32}'' = 1'-0''$
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FIRST FLOOR PLAN

A1.01



Prepared for:
**FRIENDS OF THE
ST. LAWRENCE CHURCH**
76 CONGRESS STREET
PORTLAND, MAINE 04101

Consulting Engineer:

ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

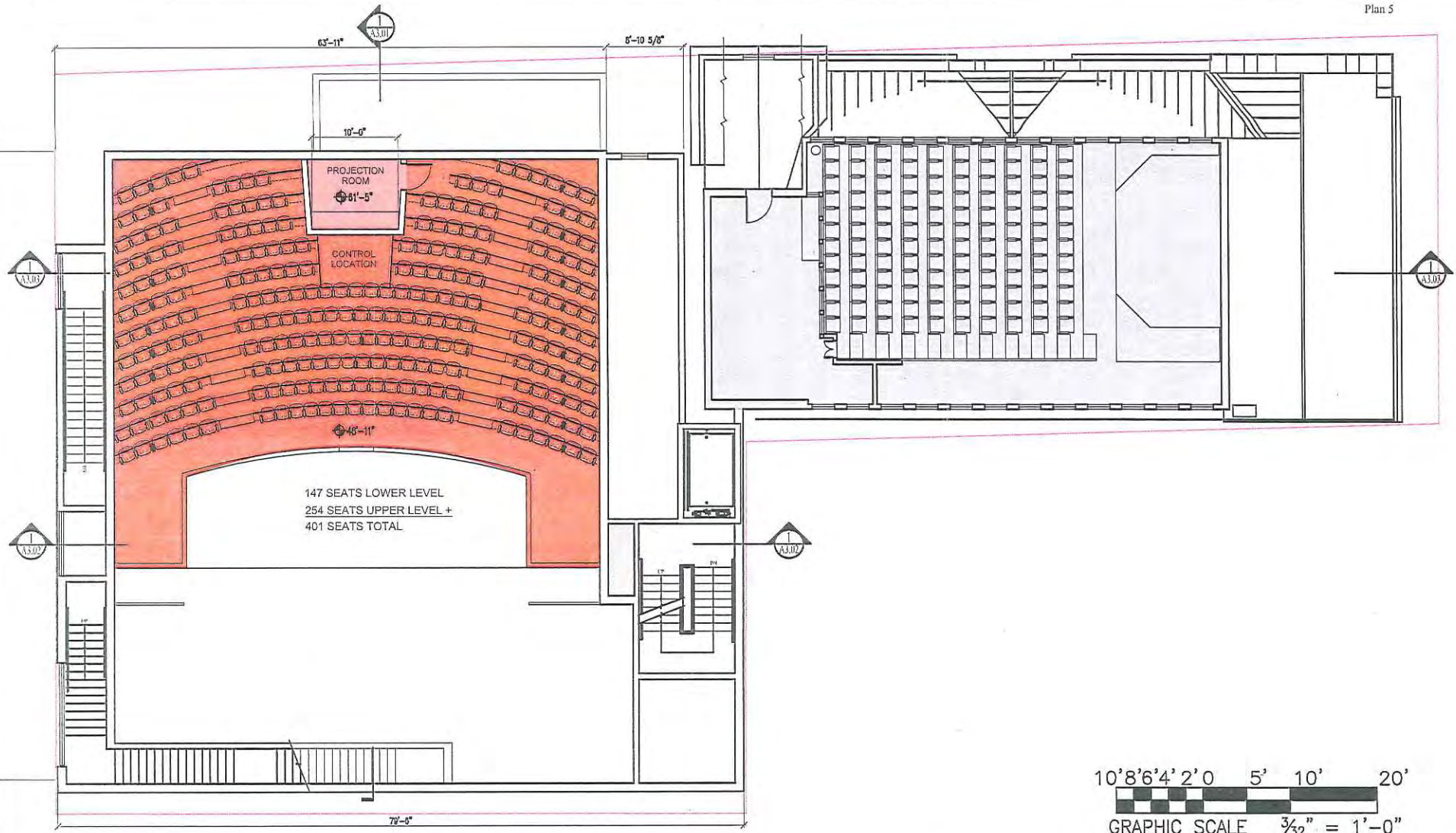
Project:
**ST. LAWRENCE ARTS
ADDITION**
76 CONGRESS STREET
PORTLAND, MAINE 04101

Revisions:

Date: 10 Sept. 2014 Scale: 3/32" = 1'-0"

UPPER THEATER LEVEL

A1.02



Prepared for:
**FRIENDS OF THE
 ST. LAWRENCE CHURCH**
 76 CONGRESS STREET
 PORTLAND, MAINE 04101

Consulting Engineer:

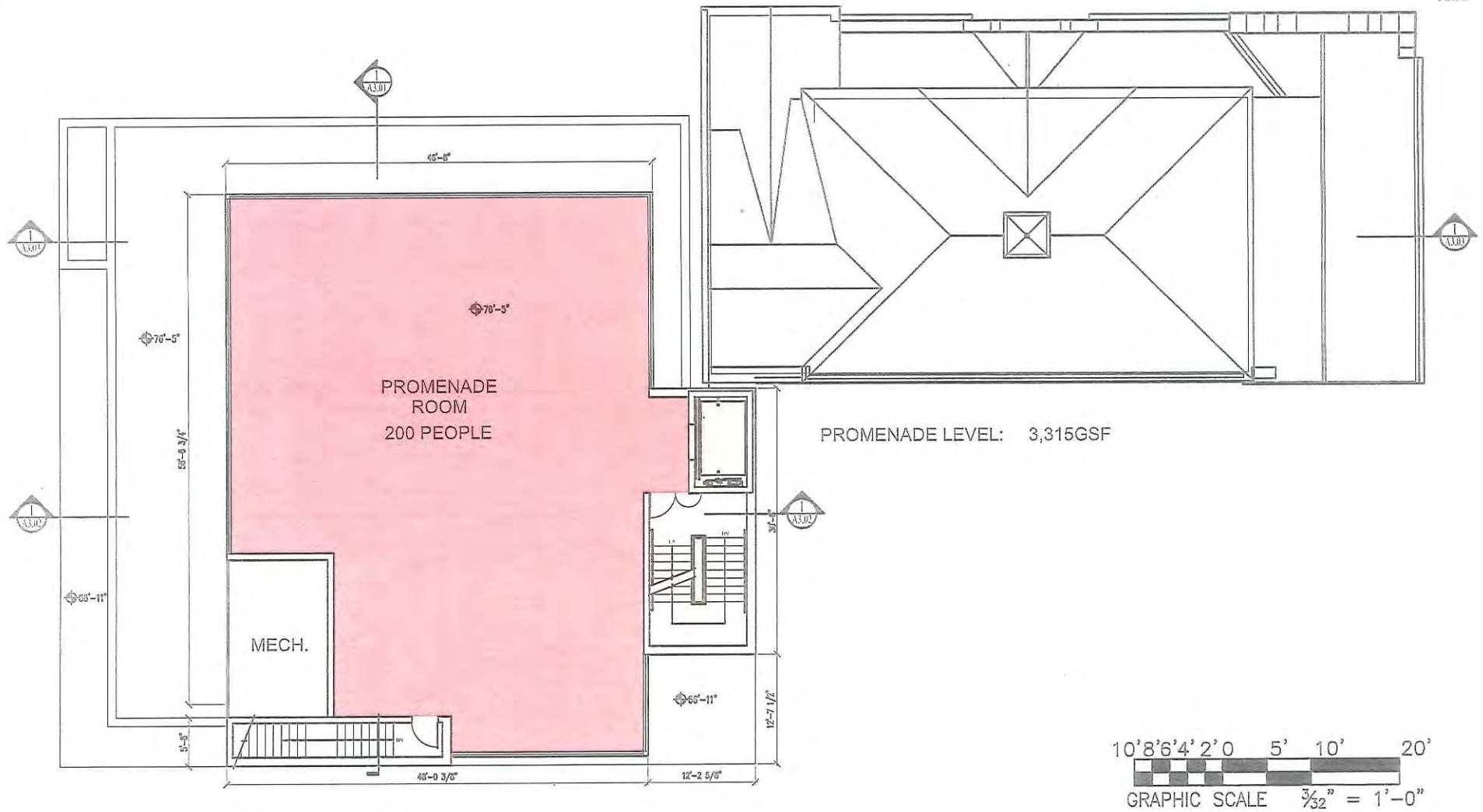
ARCHETYPE
 architects
 48 Union Wharf Portland, Maine 04101
 (207) 772-6022 Fax (207) 772-4056

Project:
**ST. LAWRENCE ARTS
 ADDITION**
 76 CONGRESS STREET
 PORTLAND, MAINE 04101

Revisions:

Date: 10 Sept, 2014
 Scale: $\frac{3}{32}'' = 1'-0''$
**UPPER THEATER LEVEL
 CONTINUED**

A1.03



Prepared for:
**FRIENDS OF THE
 ST. LAWRENCE CHURCH**
 76 CONGRESS STREET
 PORTLAND, MAINE 04101

Consulting Engineer:

ARCHETYPE
 architects
 48 Union Wharf Portland, Maine 04101
 (207) 772-6022 Fax (207) 772-4056

Project:
**ST. LAWRENCE ARTS
 ADDITION**
 76 CONGRESS STREET
 PORTLAND, MAINE 04101

REVISIONS:

Date: 10 Sept. 2014 Scale: $\frac{1}{32}'' = 1'-0''$

**PROMENADE
 FLOOR PLAN**

A1.04

GENERAL NOTES:

1. AVERAGE GRADE BY DEFINITION: 4 CORNER AVERAGE GRADE -
NW 130'-0" + NE 134'-0" + SE 133'-0" + SW 137'-6" / 4 = 133'-9"
(AVERAGE GRADE)
2. BUILDING HEIGHT: THE VERTICAL MEASUREMENT AT THE FOUR
CORNERS FROM GRADE TO HIGHEST POINT OF ROOF BEAM -
NW 51'-0" + NE 55'-3" + SE 56'-8" + SW 52'-3" = 217'4" / 4 = 54'-4"
(BUILDING HEIGHT)



10' 8" 6" 4" 2" 0" 5' 10' 20'
GRAPHIC SCALE $\frac{1}{32}" = 1'-0"$



Prepared for:
**FRIENDS OF THE
ST. LAWRENCE CHURCH**
76 CONGRESS STREET
PORTLAND, MAINE 04101

Consulting Engineer:

ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

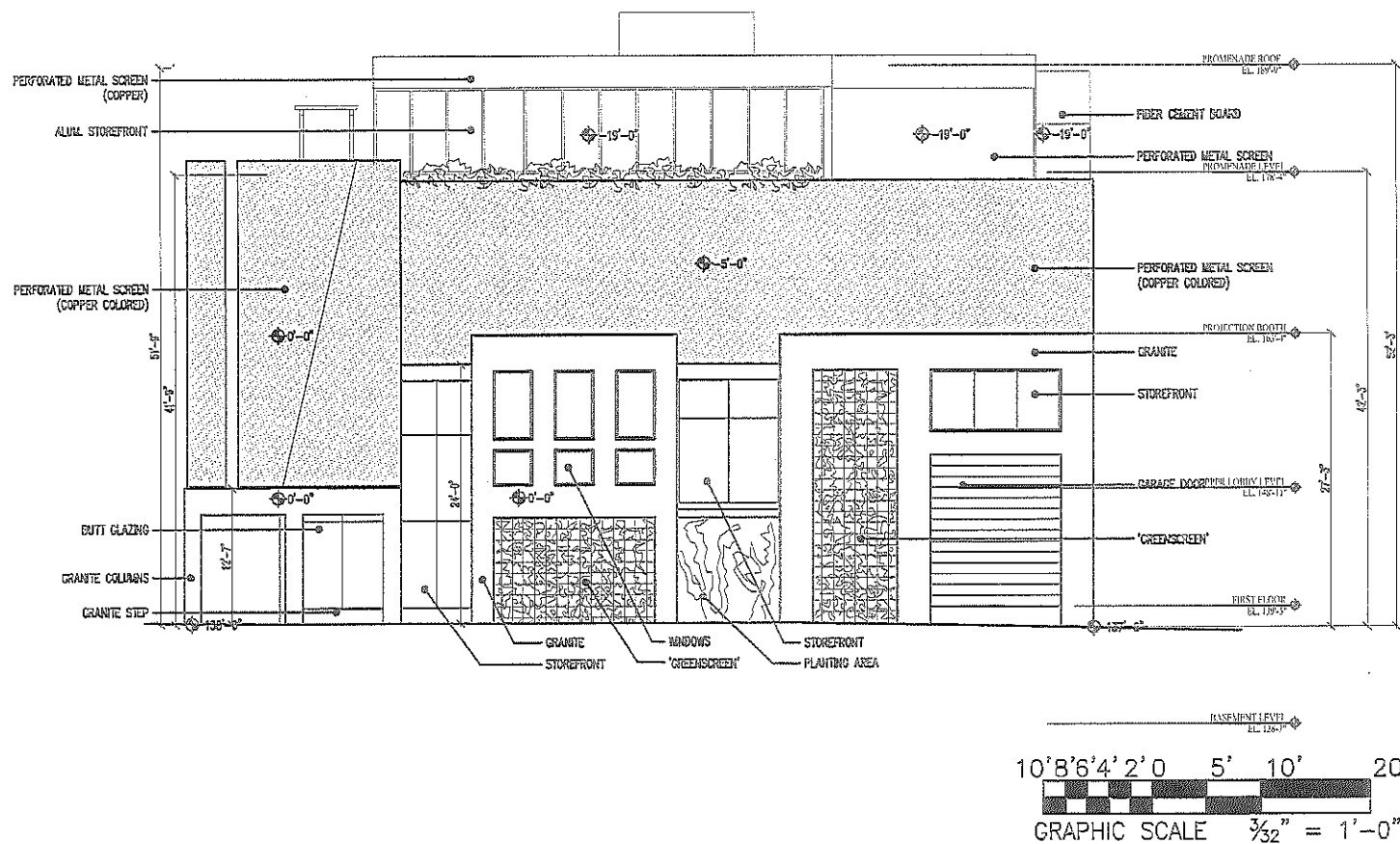
Project:
**ST. LAWRENCE ARTS
ADDITION**
76 CONGRESS STREET
PORTLAND, MAINE 04101

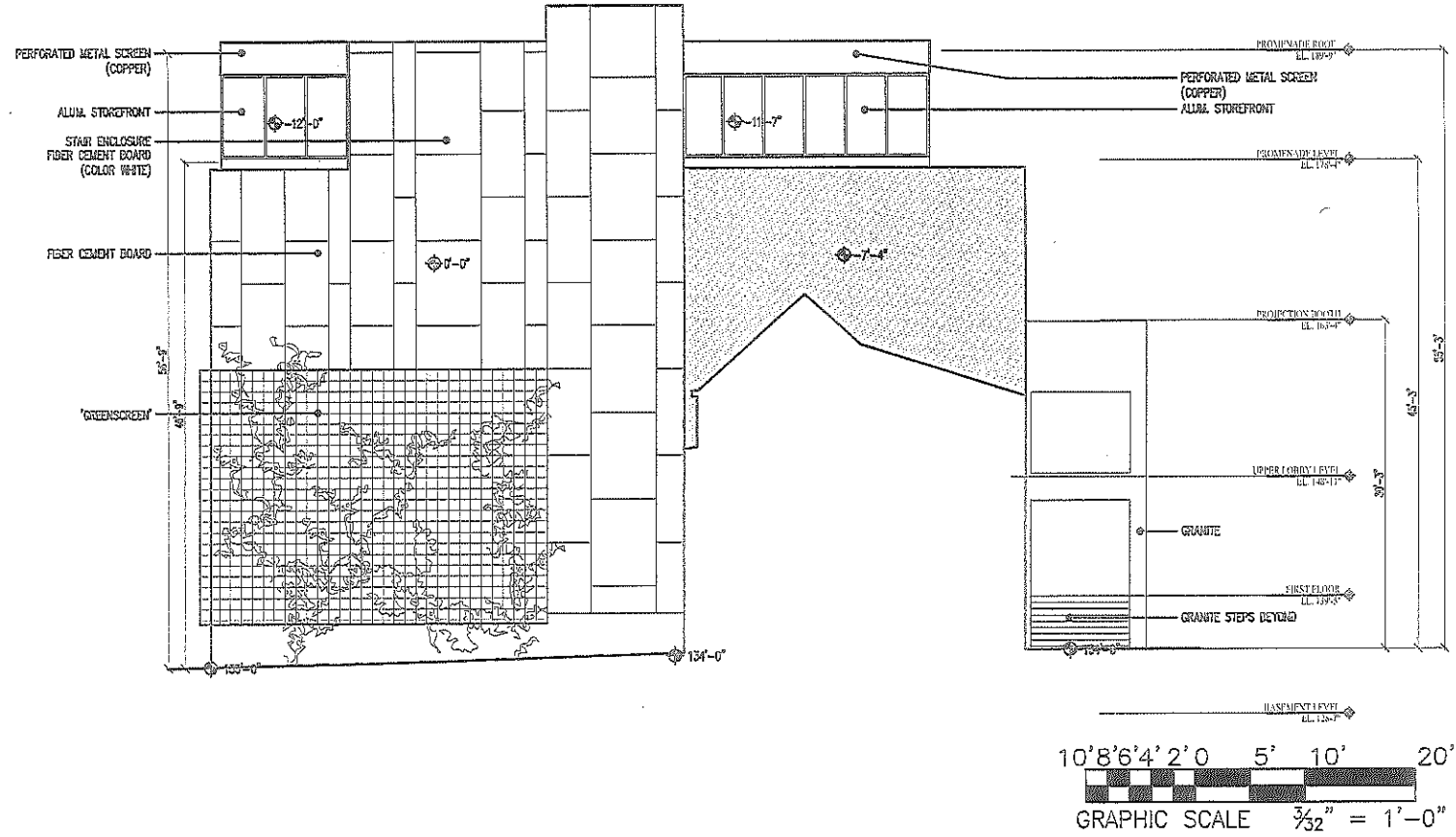
Revisions:

Date: 10 Sept. 2014 Scale: $\frac{1}{32}" = 1'-0"$

NORTH ELEVATION

A2.00





Prepared for:
**FRIENDS OF THE
ST. LAWRENCE CHURCH**
76 CONGRESS STREET
PORTLAND, MAINE 04101

Consulting Engineer:

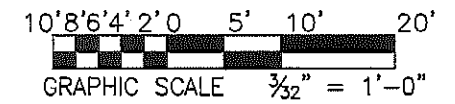
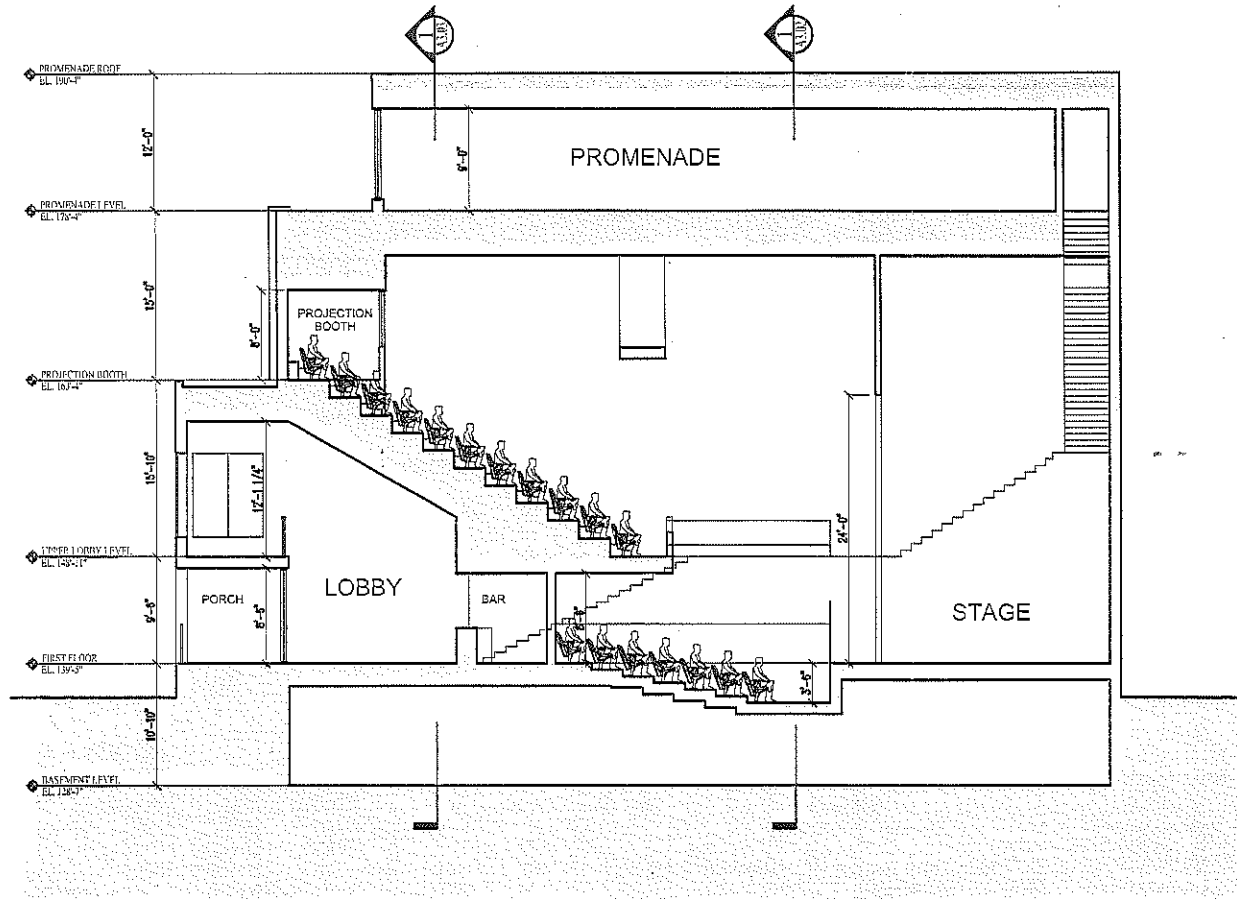
ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 772-6032 Fax (207) 772-4056

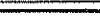
Project:
**ST. LAWRENCE ARTS
ADDITION**
76 CONGRESS STREET
PORTLAND, MAINE 04101

Revisions:

Date: 10 Sept. 2014
Scale: 3/32" = 1'-0"
EAST ELEVATION

A2.03



	Prepared for:	Consulting Engineer:	 48 Union Wharf Portland, Maine 04101 (207) 772-6022 Fax (207) 772-4056	Project:	Revisions:	Date: 10 Sept. 2014	Scale: $\frac{3}{32}" = 1'-0"$	BUILDING SECTION	A3.01
	FRIENDS OF THE ST. LAWRENCE CHURCH								



St. Lawrence Arts - North East Rendering



PERSPECTIVE B - LOOKING EAST UP CONGRESS STREET



PERSPECTIVE C - LOOKING WEST UP CONGRESS STREET





Saint Lawrence Arts - Beckett St. View



FORMER APPROVED SCHEME
MASSING DIAGRAM



PROPOSED SCHEME WITH FORMER
APPROVED OVERLAY DIAGRAM





Sonia Bean - Fwd: 66-76 Congress St St Lawrence Arts Center

From: Leighann <ppapi@maine.rr.com>
To: "hcd@portlandmaine.gov" <hcd@portlandmaine.gov>
Date: 12/10/2014 1:51 PM
Subject: Fwd: 66-76 Congress St St Lawrence Arts Center

Dear Mr. Donaldson,

My husband and I have owned property across the street from the St Lawrence Art Center for 30 years, although we believe that the center is a wonderful part of the neighborhood we also believe that the addition being proposed is not at all a good fit for the community. Our biggest concern of course is the traffic and parking issues that will arise during events, much of Munjoy Hill has only on street parking for its residents and the addition of 400 seats to this venue will surely tax the parking situation. I understand that SLA has proposed valet parking, bus service etc. but not all visitors will utilize those services and will still park on the street.

We would like to know if the city will be issuing parking permits to residents and have resident only parking in specified areas?

Thank you for taking the time to listen to our concerns I look forward to your response.

Sincerely,
Leigh-Ann Papi

Order 102 - 14/15
~~Tab 8 - 12-1-14~~
Tab 15 12-15-14

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

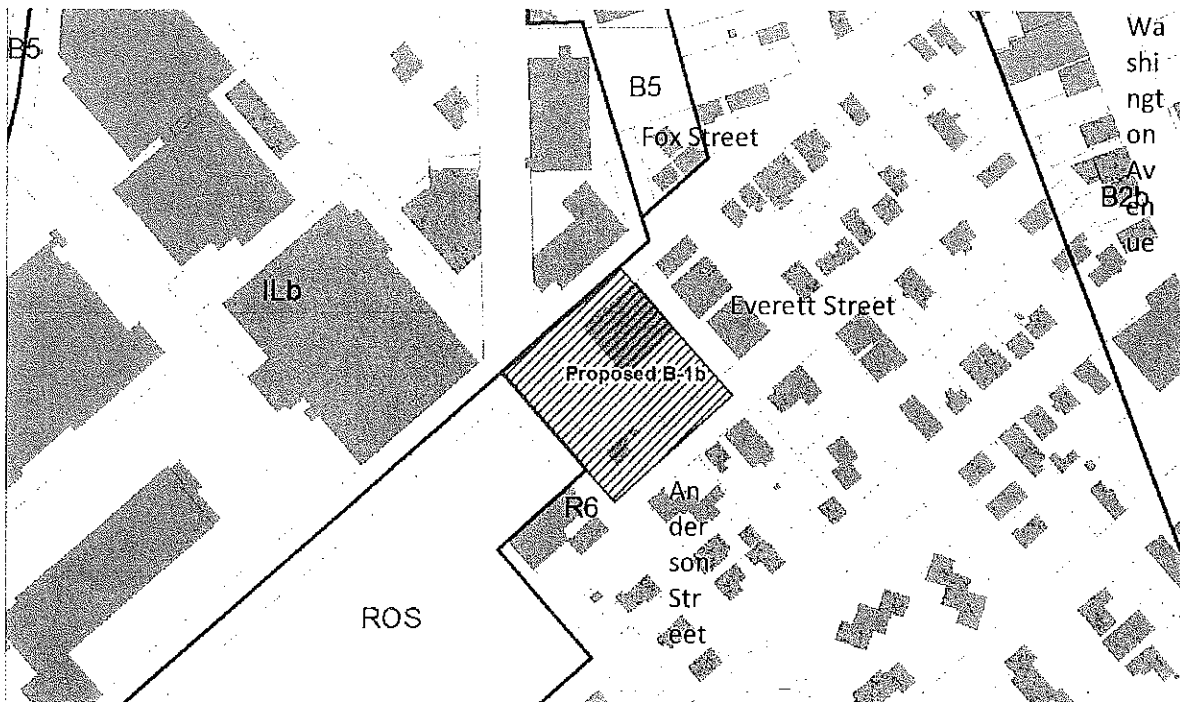
**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO ZONING MAP
RE: ANDERSON AND FOX STREETS**

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

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the following map change amendment as depicted in the area map below; and specifically rezoning land at 89 Anderson Street from Residential R-6 to Neighborhood Business B-1b.



MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Alexander Jaegerman, Planning Division Director

DATE: November 19, 2014

DISTRIBUTION: Mayor Michael Brennan; Sheila Hill-Christian, Acting City Manager; Danielle West-Chuhta, Corporation Counsel; Jennifer Thompson, Associate Corporation Counsel; Sonia Bean; Nancy English; Jeff Levine, Director, Planning and Urban Development

SUBJECT: B-1b Zoning Map Amendment Request
89 Anderson Street

SPONSOR: Stuart O'Brien, Chair, Planning Board

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading December 1, 2014 **Final Action** December 15, 2014

Can action be taken at a later date: Yes X No (If no why not?) Public notices will appear in the newspaper and be mailed in advance of the public hearing.

PRESENTATION: Stuart O'Brien, Planning Board Chair, and Alexander Jaegerman, Planning Division Director, 5 minute oral presentation

I. SUMMARY OF ISSUE (Agenda Description)

On November 12, the Planning Board voted to recommend a map amendment to change the zoning for 89 Anderson Street from Residential R-6 to Neighborhood Business B-1b. The amendment is proposed by Redfern Properties and is designed to allow them to develop 53 market rate apartments with ground floor restaurant and office uses at the corner of Fox and Anderson Streets in East Bayside. The applicant requested the rezoning in order to achieve the mix of uses and residential density envisioned for the project.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

89 Anderson lies at the corner of Fox and Anderson Streets in East Bayside and is currently zoned Residential R-6. Redfern Properties approached the city in the summer of this year with a plan to redevelop the site, now the location of 3Gs Tire and Auto Service, as a 53-unit apartment complex with ground floor restaurant and office uses. In order to develop the site at the proposed density and to allow non-residential uses, the applicant required a zone change, and ultimately proposed Neighborhood Business B-1b for the site.

III. INTENDED RESULT

The proposed map change will allow the redevelopment of the 3Gs site at 89 Anderson Street with ground floor retail and residential units above.

IV. COUNCIL GOAL ADDRESSED

The proposed map amendment addresses the following council goals:

Promote Housing Availability: Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.

Economic Development: Promote economic development in the City in a manner that provides for increased property values, diversification across industry sectors, and high paying jobs.

V. FINANCIAL IMPACT

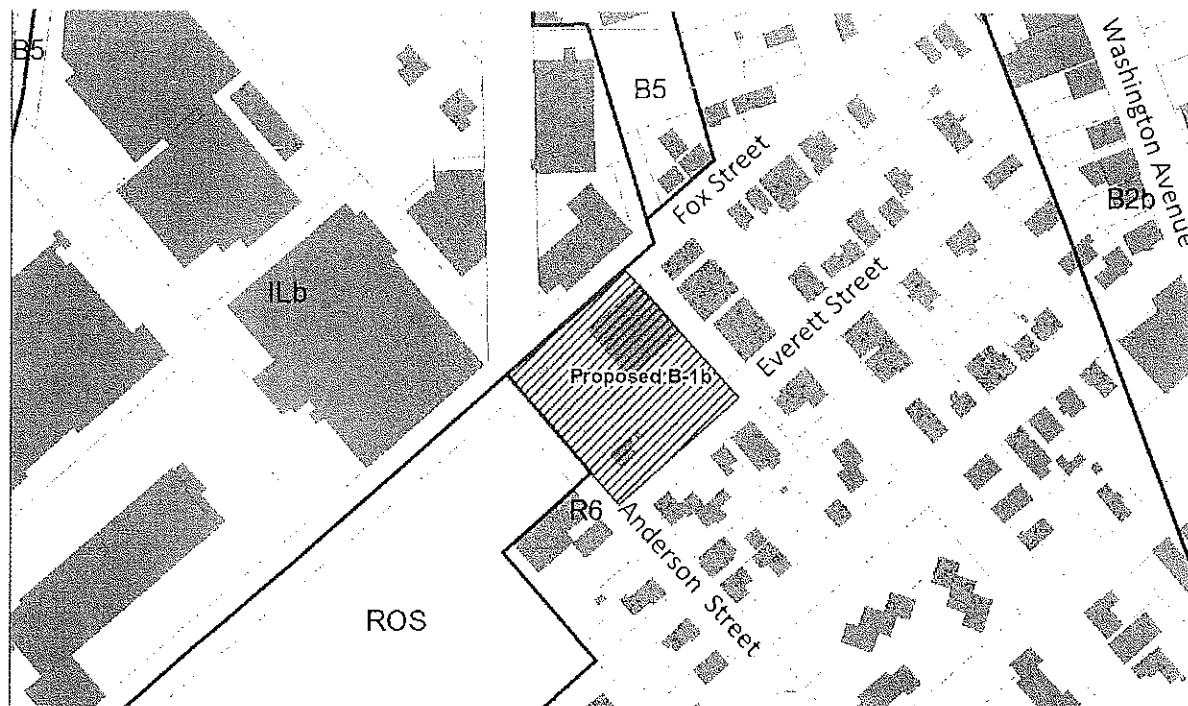
The development facilitated by the proposed zone change will include dense, market rate rental housing and retail space. Both of these have the potential to generate revenue for the city, in addition to encouraging economic development in East Bayside more broadly.

VI. STAFF ANALYSIS

Through the course of review, the board spent considerable time discussing the potential impacts of the zone change with respect to traffic and physical form, which emerged as neighborhood concerns. Ultimately, the Board found significant cause to support the proposed map amendment, given the high visibility of the site on the corner of Fox/Anderson Streets; the mix of surrounding uses and the situation of 89 Anderson as a transitional parcel; and the potential to meet comprehensive plan goals around mixed use developments, walkability, and dense and diverse housing. The board noted that concerns regarding neighborhood traffic and building scale will require careful consideration under site plan review.

VII. RECOMMENDATION

On November 12, 2014, the Planning Board voted 5-0 (Dundon and Soley absent) that the proposed map amendment to change the zoning for 89 Anderson Street from Residential R-6 to Neighborhood Business B-1b, as shown below, is consistent with the comprehensive plan. The board voted 5-0 (Dundon and Soley absent) to recommend adoption of the proposed amendment to the city council.



VIII. ATTACHMENTS

1. Order
2. Planning Board Report to City Council (to be forwarded under separate cover)

Prepared by:

Signature

November 19, 2014
Date



CITY COUNCIL REPORT from PLANNING BOARD PORTLAND, MAINE

Map Amendment for 89 Anderson Street
Rezone from R-6 to B-1b
Redfern Properties, Applicant

Submitted to: Portland City Council
First Reading: December 1, 2014
Second Reading: December 15, 2014

Prepared by: Portland Planning Board
Date: November 19, 2014
CBLs: 12 I 001001, 005

I. INTRODUCTION

On November 12, 2014, the Portland Planning Board voted 5-0 (Soley and Dundon absent) to recommend a zoning map amendment, proposed by Redfern Properties, for a site at 89 Anderson Street to the city council. The property lies at the corner of Anderson and Fox Streets in East Bayside and is currently zoned



Figures 1 (top) & 2: 89 Anderson Street from corner of Anderson and Fox; site from Anderson Street looking east.

Residential R-6. The amendment would change the zoning on the site to Neighborhood Business B-1b and would allow the applicant to develop a mixed use building, including 53 rental housing units, on the parcel.

The board considered the zone change request at two workshops and one public hearing, where discussion centered largely on the potential building scale and traffic impact implications of the amendment, as well as the affordability and neighborhood impacts of the housing development project that provides the impetus for the zone change.

A legal ad for the council hearing will be posted on the city's web page and in the *Portland Press Herald* on December 8 and 9, 2014.

Notices will also be sent to 150 property owners within 500 feet of the site and to the interested citizen list.

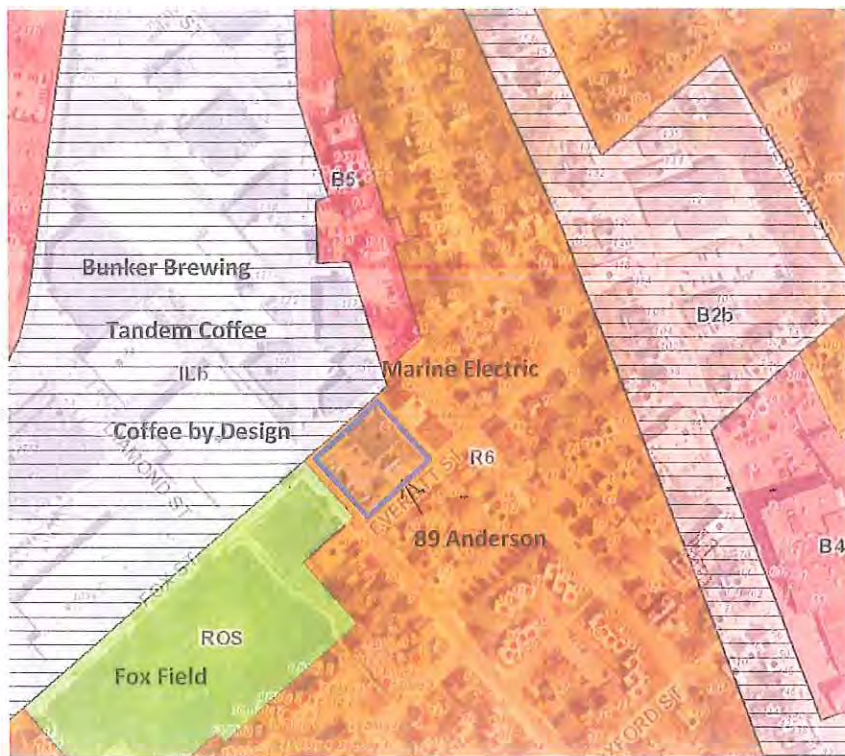


Figure 3: 89 Anderson zoning context

family housing to the east. Most of the adjacent housing is of a smaller scale, with a mix of single and two-family buildings characteristic of the city's East End. A sizable Recreation Open Space (ROS) parcel, the site of the Kennedy Park basketball courts and Fox Field, sits directly to the southwest. An Industrial IL-b zone, with uses typical of the evolving East Bayside, including Coffee By Design's roastery, Tandem coffee roasters, and Bunker Brewery, lies across Fox Street. The Urban Commercial Business B-5 zone is the nearest commercial zone; portions of Anderson Street north of Fox are zoned B-5. This B-5 zone is home to numerous multi-family properties, including a recent condominium development. There is a B-2b zone east of the site on Washington Avenue.

II. CONTEXT

89 Anderson Street, which consists of two parcels, is currently occupied by 3Gs Tire and Auto Service. The eastern half of the site houses a one-story brick garage building. The remainder of the site, including the corner at Anderson and Fox Streets, is dedicated to surface parking. There is some evidence that the site has long housed a garage; the tax records indicate this as the property's use as far back as 1924.

The site lies at the intersection of several zones. The property itself is zoned R-6; as such, it is surrounded on two sides by mostly residential uses, including some large three-story multi-

III. PROPOSED MAP AMENDMENT

Current Zoning:	R-6 (Residential)
Proposed Zoning:	B-1b (Neighborhood Business)
Current Uses:	Auto repair
Proposed Uses:	Mixed-use with first floor commercial (restaurant and office) and upper floor residential
Parcel Area:	23,357 SF

IV. ZONING ANALYSIS

Redfern Properties proposes to develop 53 units of high-density, market rate rental housing on the site as well as first floor commercial space and, in particular, a restaurant. The underlying zone precludes this plan on at least two counts. The existing R-6 zoning allows a density of 1 unit/1,000 SF of lot area for the first three units and 1 unit/1,200 SF thereafter, a density that the applicant has stated is too low to support the project. Even under proposed amendments to the R-6 zone currently under consideration by the board, where a density of 1 unit/725 units might be permitted, the applicant has stated that the project is not feasible. Secondly, restaurants are not permitted in the R-6 zone, nor are other commercial establishments. Professional offices are listed as a conditional use.

City staff conducted a comprehensive analysis of potential zoning designations, including a comparison of purposes, permitted uses, and dimensional requirements under the existing R-6 zoning, proposed amendments to the R-6, the R-7, the B-1b, and the B-2b. At the board's workshops, the R-7 and the B-2b

were effectively eliminated as options. The analysis found that the R-7 does not permit the commercial uses envisioned under the amendment application and that the B-2b, while supportive of the density and desired development program, also permits a range of uses, including auto service stations and drinking establishments, widely considered too intense. There was considerable support for the B-1b zoning designation on the site and, as such, the board ultimately directed staff to advertise the zoning to B-1b as proposed by the applicant.

Purpose Statements

The existing R-6 zoning is designed to promote dense, urban housing characteristic of the city's peninsula. The purpose of the R-6 zone, which can currently be found predominantly in the East and West Ends of the city, is to "set aside areas...for housing characterized primarily by multi-family dwellings at a high density" and to "conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses."

The proposed B-1b zoning designation, in contrast, is more explicitly designed for mixed-use development. The purpose statement reads, "[t]he purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures." While this portion of the purpose statement plainly references existing buildings, it should be noted that B-1b amendments recently adopted by the council will eliminate this distinction in an effort to promote small-scale mixed use buildings whether existing or new. The purpose statement continues, "[t]he zone also provides the opportunity for mixed use and high residential density in on-peninsula locations." Many of the city's traditional, small-scale neighborhood commercial nodes lie in B-1 or B-1b zoning designations, including portions of Congress Street in Munjoy Hill and portions of Pine Street in the West End.

Table 1: Purposes

R-6 Residential	B-1	B-1b
To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses. In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.	To provide limited ^{united} areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure. The zone also provides the opportunity for mixed use and high residential density in on-peninsula locations. Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.	To provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. The zone also provides the opportunity for mixed use and high residential density in on-peninsula locations. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). ¹

¹Reference to "existing buildings" to be eliminated under amendments adopted by the city council on November 17, 2014.

Permitted Uses & Potential Impacts

In keeping with the intent to encourage high-density housing, the R-6 permits most housing types by right. Some institutional uses and professional offices are permitted conditionally, but otherwise the R-6 zone does not permit most non-residential uses, and commercial uses are excluded entirely. It should be noted that the auto repair use which currently occupies 89 Anderson is technically non-conforming.

The B-1 and B-1b zones, in contrast, permit commercial uses, including offices, personal services, business services, and retail establishments, by right. They also permit places of assembly, clinics, municipal uses, and schools. However, in the B-1b zone, these uses are permitted on the first floor only. Upper floor uses are limited exclusively to residential. In this way, the B-1b is intended to promote mixed-use buildings. Under recent amendments to the ordinance, restaurants are permitted in the B-1 and B-1b so long as their hours are limited to 6 a.m. to 11 p.m, food service and consumption are their primary functions, and there are no drive-throughs. The maximum floor area for use by the public is limited to 2,000 SF.

Traffic Impacts

The change in permitted uses associated with the proposed map amendment poses the potential to generate new and different impacts on the neighborhood. In particular, over the course of the review, neighbors have repeatedly raised questions and concerns regarding the potential trip generation and traffic safety impacts of the proposed zone change.

Given the traffic-related concerns voiced repeatedly over the course of the review, the applicant elected to conduct a traffic analysis specific to the proposed buildout of their site. In early September, the applicant submitted a preliminary traffic impact study (*Attachment I*). The study, conducted by William Bray of Traffic Solutions, included summaries of existing bicycle and pedestrian volumes and safety trends at several locations near the 89 Anderson site; estimated trip generation from the proposed site uses; and existing and future anticipated levels of service at several nearby intersections, taking into account traffic to be generated by other approved projects in the vicinity. The traffic study and associated submittals generally found the following:

- There are “moderate” bicycle and pedestrian volumes through study area intersections, with higher volumes occurring in the PM peak hour than in the AM peak hour. Of the three intersections studied, the highest bicycle volumes were observed at the Washington Avenue/Fox Street intersection and the highest pedestrian volumes were observed at the Anderson Street/Cumberland Avenue intersection;
- Of the roadway segments and intersections studied, the Washington Avenue/Walnut Street/Fox Street intersection meets MaineDOT’s criteria for a high crash location. Of the nine accidents observed at this location over a three year timeframe, the plurality involved vehicles heading eastbound on Fox Street turning left onto Washington Avenue;
- A trip generation analysis for the proposed development at 89 Anderson Street yielded a net change in estimated trip generation of 15 AM and 9 PM peak hour trips from the site (i.e. 15 more AM and 9 more PM peak hour trips than currently occur to/from the site under 3Gs ownership). Based on the gross estimated trip generation from the site¹, future traffic operations were not anticipated to experience significant degradation in service as a result of the proposed development. The study showed that the Fox Street approach to the Washington Avenue/Walnut Street/Fox Street intersection, which currently experiences a high level of delay, will continue to do so.

The study included a preliminary signal warrant analysis for the Washington Avenue/Walnut Street/Fox Street intersection, which found that, at least preliminarily; it was not expected to meet signal warrants.

¹ The preliminary traffic impact study used gross trip generation estimates (27 AM and 33 PM peak hour trips) for the proposed use and did not account for existing traffic to/from the site.

Table 2: Permitted Uses

		R-6	B-1/B-1b ¹
Permitted	Residential	Single-family and two-family dwellings	Any use permitted in nearest residential zone; if commercial first floor multi-family permitted by right
		Multi-family dwellings	
		Handicapped family units	
		Single-family manufactured housing	
		Lodging houses	
	Institutional	Governmental buildings and uses/municipal uses	•
		Schools	•
		Clinics	•
		Places of assembly	•
		Nursery schools, kindergartens	•
		Day care facilities	•
	Business	Professional offices	• ²
		Personal services	•
		Business services	•
		Offices of building tradespeople	•
		Retail establishments	•
	Other	Accessory uses	•
		Hostels	•
		Wind energy systems	•
		Cemeteries	•
		Parks	•
		Home occupation	•
		Special needs independent living units	•
		Conversion into bed and breakfast	•
		Utility substations	•
		Beverage dealers	•
		Bed and breakfasts	•
		Studios for artists and craftspeople	•
		Neighborhood center	•
	Conditional	Sheltered care group homes	•
		Schools	•
		Long-term and extended care facilities	•
		Intermediate care facility	•
		Places of assembly	•
		Hospitals	•
		Nursery schools and kindergartens	•
		Day care facilities	•
		College, university, trade schools	•
		Restaurants	• ³
Conditional	Institutional	Conversion into bed and breakfast (over 5 rooms)	•
		Utility substations	•
		Professional offices	•
		Chancellery	•
		Off-street parking	• ³
		Hostels	•
		Temporary wind anemometer towers	•
		Wind energy systems	•
	Other		

¹ Permitted on ground floor of B-1b; above ground floor, only residential uses of 14-162(a), bed and breakfasts, hostels permitted² Amendments to include business and general offices, excluding veterinarians, were adopted by the council on November 17, 2014³ Under amendments adopted by the council on November 17, 2014, restaurants will be permitted, provided they meet the following requirements:

max. floor area for use by public of 2,000 SF; hours limited to 6 am to 11 pm; food service and consumption is primary function; and no drive-throughs.

Table 3: Dimensional Requirements¹

	R-6	Proposed R-6²	Adopted B-1/B-1b (11/17/14)
Min. Lot Area per D.U.	1,000 SF; 1,200 SF after first three ³	725 SF	<i>On-peninsula:</i> 435 SF
Min. Lot Width	40 ft.	30 ft.	None
Min. Front Yard	10 ft., except where average depth of adjacent front yards is less	5 ft., except where average depth of adjacent front yards is less	
Max. Front yard			10 ft., or average depth of nearest developed lots
Min. Rear Yard	<i>Principal > 100 SF footprint:</i> 20 ft.	<i>Principal > 100 SF footprint:</i> 10 ft.	<i>Principal:</i> None; 10 ft. if abutting a residential zone
	<i>Detached accessory < 144 SF footprint:</i> 5 ft.	No change	<i>Accessory:</i> None; 5 ft. if abutting a residential zone
Min. Side Yard	1-3 stories: 10 ft. ⁴	5 ft.	<i>Principal:</i> None; 5 ft. if abutting residential zone
	4 stories: 12 ft. ⁴		<i>Accessory:</i> None; 5 ft. if abutting a residential zone
	5 stories: 15 ft. ⁴		
	Side yard on side street: 10 ft.		<i>Corner lot:</i> 10 feet max
Max. Structure Height	Principal: 45 ft.	No change	<i>On-peninsula:</i> 45 ft. ^{5, 3}
	Accessory detached: 18 ft.		
Structure Stepbacks			Above 35 ft.: 10 ft. from side and 15 ft. from rear property line if abutting a residential zone
Max. Floor Area	See footnote ⁶		<i>Total max. first floor area for non-residential uses per structure:</i> 10,000 SF
			<i>Total max. first floor area per retail establishment:</i> 5,000 SF
Max. Lot Coverage	> 20 units: 40%	60%	
	< 20 units: 50%		
Open Space Ratio	< 20 units: 20% ⁶	20%	
	> 20 units: 30%		
Max. Impervious			90%

¹ Table only includes relevant dimensional standards. Note that other dimensional standards apply.

² These amendments have yet to be brought to the Planning Board for review, and are subject to change.

³ Other restrictions apply for lodging houses, intermediate care facilities

⁴ The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. Other exceptions apply.

⁵ Except 50 ft. along Congress Street if commercial first floor & residential upper floors. The commercial first floor uses shall utilize at least 75 percent of the first floor frontage along Congress Street and shall have an average depth of at least 20 feet.

⁶ Minimum/maximum gross floor area requirements exist for places of assembly and bed and breakfasts.

Tom Errico, the city's consulting traffic engineer, reviewed the findings of the preliminary traffic impact study and provided comments (*Attachment I*). These comments included some technical concerns, including a request that the trip generation estimates be revised to include all land uses proposed for the site and that a full signal warrant analysis be conducted for the Washington Avenue/Walnut Street/Fox Street intersection. The comments also echoed traffic concerns voiced by neighbors regarding the comprehensiveness of the traffic counts, noting that volumes were counted when Unitil was completing work in the Anderson Street right-of-way and when school and community activities in the area were not in session.

In response, the applicant's traffic engineer provided a revised submittal on November 3, 2014 (*Attachment K*). This submittal included:

- Updated trip generation numbers that account for all proposed land uses on the site, as well as existing traffic generated from 3Gs, and an assessment of impacts on adjacent intersection levels of service. The revised totals show projected peak hour volumes of 27 AM and 41 PM trips from the site under the proposed buildout scenario, including the restaurant use. When existing trips from 3Gs are taken into account, the resulting net peak hour trip generation is reduced to 15 AM and 17 PM peak hour trips. Given these numbers, Mr. Bray writes that "new site generated peak hour values are lower than the volume of site generated trips utilized in the [original] traffic impact study completed...in August 2014. Therefore, the intersection levels of service summary....are conservative estimates of the project's impact on intersection operations." That LOS summary projected no significant degradation of service under the post-development condition (*Attachment I*).
- Updated traffic counts for the Washington Avenue/Walnut Street/Fox Street intersection, designed to coincide with a school day. The AM peak hour volumes observed in these counts, which were conducted in October, were generally higher than the volumes counted in late summer. The opposite was true of the PM counts, with the October volumes lower than those from August. It should be noted that Unitil was working in Anderson Street at the time of the counts.
- Updated counts for Fox Street/Anderson Street, reflecting a Friday schedule at the nearby mosque. It should be noted that these counts do not capture an event at Fox Field, as originally planned, as inclement weather resulted in the cancellation of events there on the day of the scheduled count. These counts showed a PM peak hour between 3:45 and 4:45 where 652 vehicles entered the intersection. This volume was actually slightly lower than the total PM peak hour volume recorded in August. Mr. Bray writes that, "although it would have been desirable to obtain traffic data for the intersection during scheduled field events at the East Bayside Field Complex, a high level of confidence remains in the validity of the conclusions of the traffic impact study...The noted intersection [Fox/Anderson] was projected to operate at the absolutely best level of service...under post-development conditions and...it is highly reasonable to assume that more than acceptable traffic operations would remain at the intersection even with the addition of significantly heavier peak hour volumes of traffic generated by the sports fields" (*Attachment K*).
- A full traffic signal warrant analysis for Washington Avenue/Walnut Street/Fox Street (*Attachment L*). Based on Mr. Bray's analysis, the existing traffic volumes and crash patterns fail to meet the warrants for a signal at this location.

In addition, the applicant has provided a conceptual site plan showing pedestrian improvements at Fox and Anderson Streets associated with the city's Anderson Street Byway Project (*Figure 4 and Attachment M*). The city is currently in the process of bidding this construction project, which will ultimately include construction work to create sidewalks, permanent pedestrian crossings, and utility upgrades at the Anderson Street/Fox Street intersection and along Anderson Street in this vicinity. At the present time, the construction drawings for the Byway Project have left the right-of-way at the Redfern property at the corner of Fox and Anderson Streets unresolved, pending the outcome of this zone change request and subsequent planning under site plan review. It is assumed that Redfern Properties would be responsible for pedestrian improvements along their frontages.

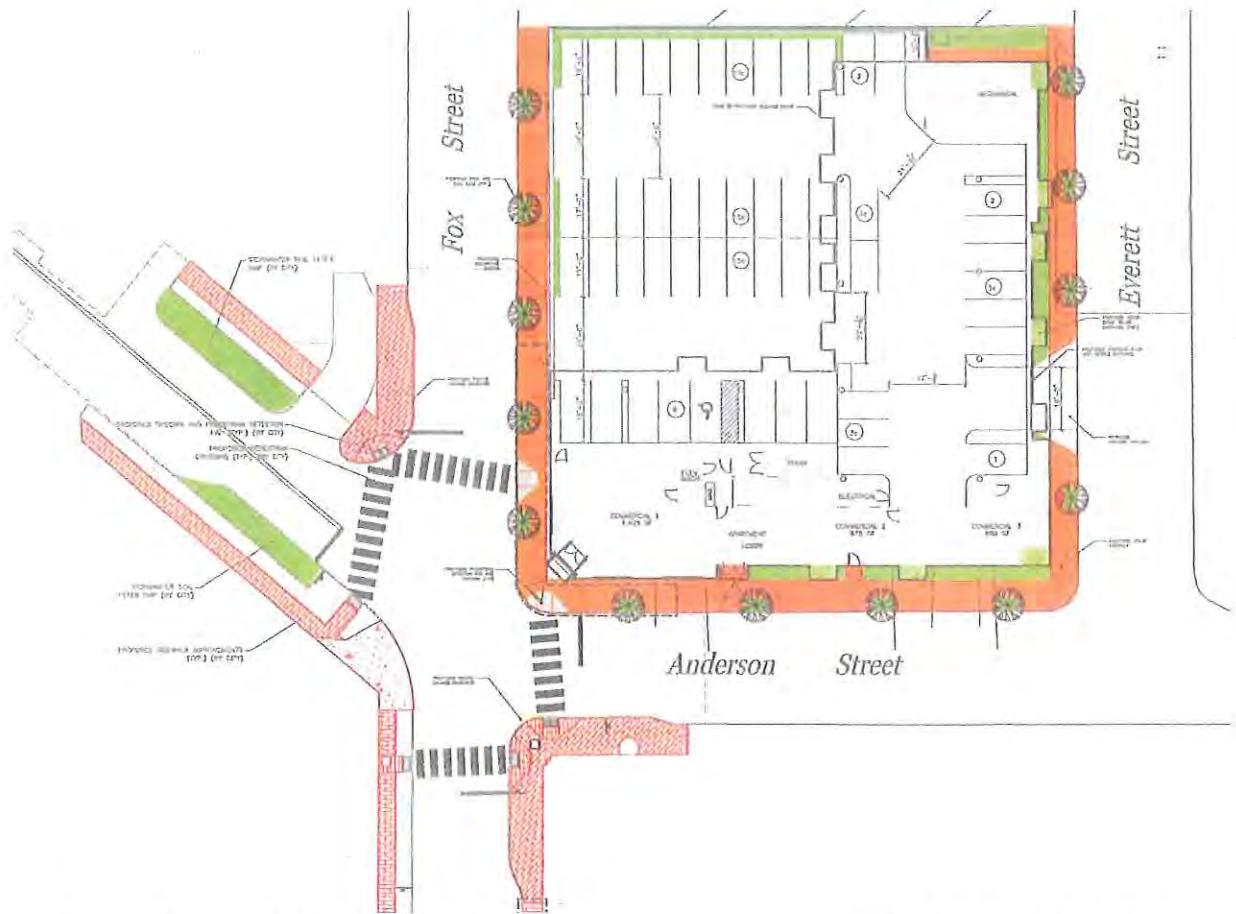


Figure 4: Conceptual plan, 89 Anderson Street, showing improvements associated with Anderson Street Byway Project.

Mr. Errico has reviewed this revised submittal (*Attachment 2*). Though Mr. Errico's comments include some suggested modifications to the traffic engineer's analysis, it is generally assumed that these would occur at the time of site plan review. Mr. Errico writes,

A detailed traffic signal warrant analysis was conducted at the Washington Avenue/Walnut Street/Fox Street intersection. The methods and analyses meet those contained in the Manual on Uniform Traffic Control Devices, Federal Highway Administration and I find them to be acceptable. The conclusion uses existing traffic volumes and concludes that a traffic signal is not warranted under current October 2014 traffic volume conditions. Based upon a detailed review of the warrant analysis, a warrant is closely met, and in my professional opinion, given development growth activity in the area, a traffic signal is likely to be needed in the future. Given both safety and capacity needs at this location, the applicant will likely be required to make a monetary contribution to this intersection as part of Site Plan conditions of approval.

It was noted previously that traffic counts at the Washington Avenue/Walnut Street/Fox Street intersection should be conducted during school time periods. The applicant has updated counts and I have no further comment.

It was previously noted that the applicant should consider the traffic impact of the proposed commercial space on the area transportation system. The applicant conducted a trip generation analysis assuming the space is occupied by a Specialty Retail use and therefore would add approximately 8 vehicles to the road system during the PM Peak hour. If the 2,780 square foot space

is assumed to be a High-Turnover restaurant, 32 additional PM peak hour trips can be expected. I would note that not all of this traffic would be new and in fact a reduction in trips is likely given the projects urban location. The applicant notes that the original traffic study did not account for a reduction of vehicle trips due to the elimination of the 3G's business. I concur with the applicant that when considering this trip credit, the level of service analysis conclusion should remain valid (that the intersection will operate at a very good level of service), even under a restaurant use assumption.

It was previously noted that the traffic counts consider the volume impact of recreation events at the East Bayside Athletic Facility. The applicant attempted to collect the requested information, but due to weather issues, was unable to capture traffic volumes that included field event motorists/pedestrians. I concur with the applicant that the level of service conditions at the Fox Street/Anderson Street intersection would not be expected to degrade substantially and acceptable levels of service would be expected with field activities.

Per previous comments, the applicant conducted a traffic count on a Friday to capture traffic and pedestrian demand from the Mosque located on Anderson Street north of Fox Street. I concur that based upon the count, the level of service conclusions provided in the original traffic study would not be substantially different given added Mosque related traffic. I would note that the applicants analysis did highlight the heavy pedestrian demand that travels through this intersection and I would note that Phase 1 of the City's Anderson Street Neighborhood By-Way project is proceeding with the project expected to begin before the end of the year. The Phase 1 project primarily consists of improving pedestrian facilities at the Fox Street/Anderson Street intersection.

I have reviewed the concept site plan graphic provided by the applicant and concur that it provides details that represent elements of the Anderson Street Neighborhood By-Way project. It should be noted that the By-Way project is not implementing any improvements to the 89 Anderson Street corner, with the assumption that a future project will be disturbing this corner. The details provided on the graphic for the 89 Anderson Street corner generally seem acceptable, but adjustments can be expected during the design and site plan approval process.

It should be reiterated that, under site plan review, the city routinely assesses traffic impacts and requires mitigation where necessary. The city is currently examining the Washington Avenue/Walnut Street/Fox Street intersection in an effort to address existing concerns there. A contribution or improvements relative to any impacts posed by the Redfern development would be identified at the time of site plan review.

It should also be reiterated that residents have raised concerns about volumes at the Fox Street/Anderson Street intersection, the existing geometry of this intersection, the profile of Fox Street, and pedestrian and vehicular safety more broadly in this area. In both written correspondence and at Planning Board meetings, Mr. Errico has stated that crash data does not indicate safety problems at Fox Street/Anderson Street, and that since the intersection is designed as a four-way stop, he does not have concerns about the existing geometry (*Attachment 1*). He has also noted that the capital investments associated with the Anderson Street Byway Project should improve the overall function of the Fox Street/Anderson Street intersection.

Other Potential Impacts

As noted previously, there are other potential impacts associated with the change in permitted uses under the proposed zone change. In that the B-1b allows ground floor retail and, with the amendments now under consideration by the council, restaurant uses, there is the potential for night time activity and the concomitant light and noise. It should be noted that, as with traffic impacts, the city regulates light and, to some extent, noise impacts through the site plan review process.

Dimensional Requirements and Form

The purpose of the existing R-6 zoning is to encourage high density housing. The R-6's basic control for density, the minimum requirement of 1,000 SF of lot area per dwelling unit for the first three units with 1,200 SF of lot area required per dwelling unit thereafter, would limit the residential buildout of the 89 Anderson parcel to 19 units. The Planning Division is currently drafting text amendments to the R-6 which would allow it to more closely replicate the type of development that originated prior to zoning and can be found in many of the city's R-6 zones. Under the proposed amendments, a density of one unit/725 SF of lot area would be permitted. This would allow the development of 32 units on site. The current R-6 allows a lot coverage of 50% and poses setback requirements of 10 feet on the front yard, 20 feet on the rear yard, and 10-15 feet on the side yard, which guarantees that buildings will be separated both from each other and the street with a significant amount of open space. A height of 45 feet is allowed. The proposed R-6 dimensional requirements would increase the lot coverage to 60%, reduce the setbacks to 5 feet for the front yard, 10 feet for the rear yard, and 5 feet for the side yard. The height limit would not change.

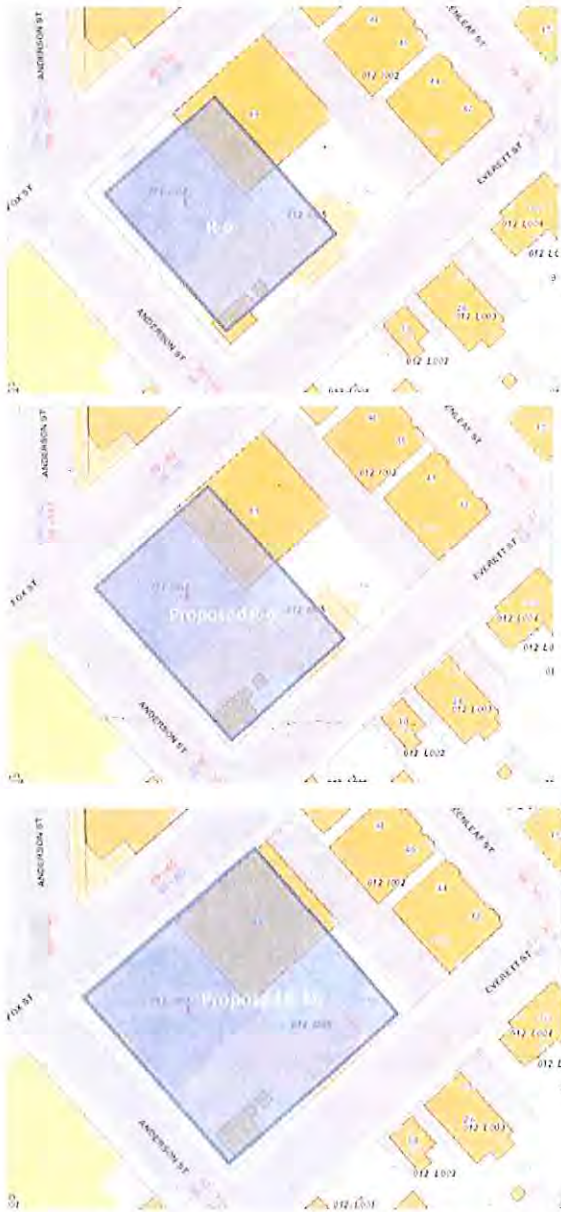


Figure 5: Conceptual diagrams depicting building envelopes under potential zoning designations, 89 Anderson Street site (Note: "Proposed B-1b" depicts dimensional standards recently adopted by city council.)

The city's business zones generally encourage a denser urban form. The B-1b zone allows 90% impervious surface and permits a density of one unit/435 SF of lot area. A rezoning to B-1b would thus, as the applicant proposes, allow 53 units on site. As in the R-6, the maximum height allowed is 45 feet. There is a maximum 10 foot front yard setback. Under B-1 amendments recently adopted by the City Council, side and rear yard setbacks would be reduced to 5 feet and 10 feet respectively if a property abuts a residential zone. These amendments also include a stepback provision, which would require an increase in setback to 15 feet above 35 feet in height on the rear of the property if abutting a residential zone.

Neighbors have raised concerns regarding potential scale and massing under the zone change. It should be noted that the height limits of the R-6 and the B-1, even under proposed amendments, are the same at 45 feet. Regarding lot coverage, however, there is a significant difference between the existing and the proposed zoning. The proposed R-6 amendments allow a lot coverage of 60% and the B-1b effectively allows 90%. Staff has developed conceptual diagrams to depict the rough building envelope on the 89 Anderson Street site under the existing R-6, the proposed R-6, and the recently adopted B-1 (Figure 5). In addition, the applicant has provided photosimulated elevations in an attempt to depict the proposed building under the dimensional requirements of the B-1b zone, as proposed (Attachment H and Figure 6). In response to questions raised by the public, it should be noted that numerous other recently approved or constructed housing and mixed-use development projects, including the Chestnut Street Lofts (34 units), Pearl Place I and II (60 and 54 units respectively), the Avesta project at 409 Cumberland Avenue (57 units), the Seaport Lofts at 101-121 Newbury Street (39 units), and West End Place (39 units), are of similar scale and nature. Not all of these projects are located in the B-1 or B-1b zones.



ANDERSON STREETSCAPE



EVERETT STREETSCAPE

Figure 6: Proposed 89 Anderson Street elevation in context

It should also be reiterated that neighbors have raised particular concerns with regard to the setbacks under the proposed zoning, expressing a concern that sight lines will be obstructed and cause safety issues, particularly at the Fox Street/Anderson Street intersection. Mr. Errico was consulted regarding this concern and noted that, given that Fox Street/Anderson Street is a four-way stop, he finds the sight distance to be acceptable (*Attachment 1*).

V. POLICY ANALYSIS

The applicant argues in their cover letter that the “site lies at the convergence of several zones and represents an opportunity to improve an underdeveloped property in a way that will contribute to the neighborhood and city” (*Attachment A*). In their submittals, Redfern includes a comprehensive plan analysis (*Attachment G*). In this analysis, they attest that the proposed zone change will meet numerous goals of the city’s comprehensive plan, most particularly those of the city’s housing plan, *Housing: Sustaining Portland’s Future*.

First in their analysis, Redfern argues that the proposed market-rate rental housing project which the proposed zone change will allow will help to meet the city’s goal of “[e]nsur[ing] that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.” They further elaborate that, by providing rental housing at projected rents below 30% of HUD’s median income for the Portland metro region, the zone change would allow the city to actualize an objective under this goal: “ensur[ing] the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied.” Redfern also cites goals from *Housing: Sustaining Portland’s Future* related to “encourag[ing] higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation” and “increas[ing] Portland’s rental housing stock.”

Maybe more relevant to the rezoning request, Redfern cites objectives from *Housing: Sustaining Portland’s Future* related to “support[ing] Portland’s livable neighborhoods by encouraging a mix of uses that provide needed goods and services within walking distance of most residents,” writing that the B-1b zoning designation will encourage “uses and services compatible with residential neighborhoods, thus supporting the planning concept of ‘walkable neighborhoods.’” The applicant also quotes the objective regarding “encourag[ing] neighborhood business centers throughout the city to reduce dependence on the car and make neighborhood life without a car more practical,” writing that “the B-1b zone is designed to create neighborhood business centers. Mixed-use buildings...both provide residence and neighborhood

business/services that create excellent 'traditional' neighborhoods less dependent on the automobile."

As always when considering the rezoning of a residentially-zoned area, it should also be noted that *Housing: Sustaining Portland's Future* advises against commercial encroachment with policies such as "[w]hile accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses." In this regard, it should be noted that the B-1b provides for a fairly narrow range of commercial uses and further limits those uses to the ground floor only.

Based upon the applicant's submission and the planning staff's assessment, the Planning Board found that the proposed map amendment is consistent with the goals and objectives of Portland's Comprehensive Plan. The Board found the site to be appropriate for a small scale commercial zone that supports housing and neighborhood business uses. It was noted that the proposed B-1b zone for the site serves as a transition or buffer between the more intense uses of the industrial and B-5 zones and the R-6 residential zone for the East Bayside neighborhood. The Board noted that the design and traffic questions will be addressed at the site plan stage and that the proposed rezoning is consistent with the goals for more livable neighborhoods and active streetscapes.

VI. PUBLIC COMMENT

Over the course of the review, the Planning Board received numerous public comments on the proposed zone change (*Attachments PC-1-18*). In general, many of the questions and concerns expressed in this correspondence focused on issues regarding traffic generation and impacts to Washington Avenue/Walnut Street/Fox Street, and Fox Street itself; geometry and sight lines at Fox Street/Anderson Street and Washington Avenue/Walnut Street/Fox Street, particularly with respect to pedestrian (but also vehicular) safety; and Fox Street width, in combination with the existing parking situation, grades, speeds, and snow. Nearby residents have called for traffic calming, pedestrian upgrades, signal improvements, and the elimination of tractor trailer parking along lower Fox as a way to mitigate some of these concerns. Safety is a general, overriding issue.

Residents also expressed opposition regarding the scale of the building allowed under the proposed zone change, both in terms of mass and in terms of units. Neighbors have stated that the eventual project will be out of context with the surrounding neighborhood. In conjunction with these concerns, residents have also expressed a desire for additional open space on the site.

Lastly, residents have consistently voiced concerns regarding the type of housing units likely to be developed under the proposed zone change, and what market rate housing might mean in terms of affordability for the surrounding neighborhood. These and other comments reflect a general concern about the changing nature of East Bayside and the need to plan for these changes in a proactive manner.

It should be noted that there have also been numerous comments in support of the proposed zone change, citing the 89 Anderson site as an ideal location for mixed-use development.

VII. BOARD DELIBERATION AND RECOMMENDATION

As is customary, the board considered whether the proposed designation makes rational sense for a broader area than the 89 Anderson Street site. In this instance, there is a compelling case that the surrounding zones should remain as they currently exist. The R-6 zone in this area of East Bayside is largely intact with residential properties, save for the 89 Anderson site, which houses a non-conforming auto repair use, and there are longstanding comprehensive plan policies which seek to limit commercial expansion into residential zones. With respect to the nearby IL-b, recent policy papers on the part of the city's Economic Development Division have strongly advocated for retaining industrially-zoned land in the city. Likewise, the ROS zone at Fox Field is clearly a valuable community resource that city policy would encourage to leave in its current state. Furthermore, it should be noted that the city's B-1 zones are generally small and circumscribed, part of makes them attractive as neighborhood retail and residential nodes.

Ultimately, the Planning Board found significant cause to support the proposed map amendment on the 89 Anderson Street parcel alone. The high visibility of the site on the corner of Fox Street/Anderson Street clearly presents some challenges for the ground floor residential uses promoted by the existing R-6 zone and, in turn, seems to provide a relatively ideal opportunity for first floor retail with residential above. Because of

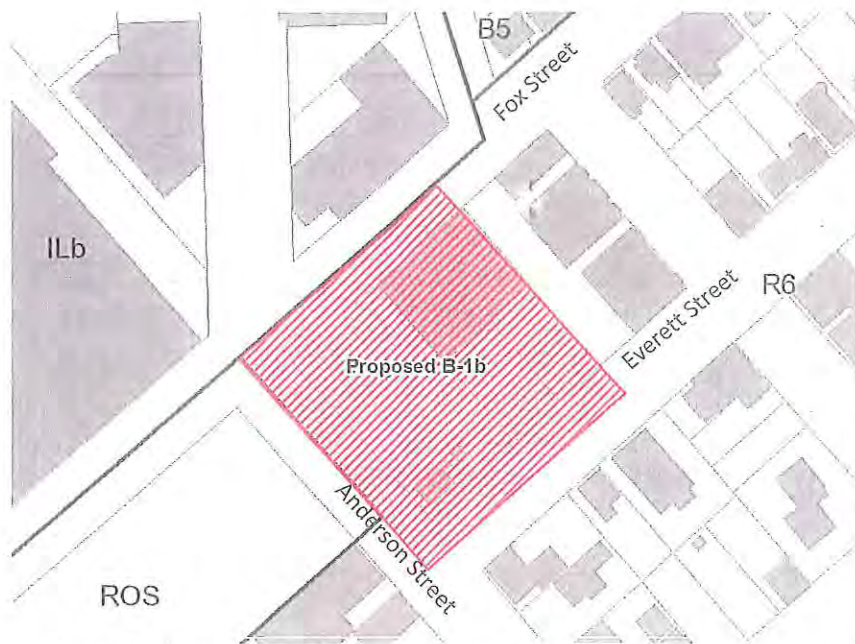


Figure 7: Proposed zone change, 89 Anderson Street

the mix of surrounding uses at Anderson Street/Fox Street, the site could function as a transitional parcel, tying the residential south of Fox with the industrial/commercial uses to the north and the open space to the west. In this vein, the B-1 purpose statement refers particularly to “street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses” as suitable locations for the zone. Lastly and maybe most importantly, however, board members found that the policies of the comprehensive plan clearly support the proposed map change, in as much as they promote walkable neighborhoods with goods and services in close proximity (or

even on the same lot) as residential uses and dense housing of varying types. It should be noted that concerns regarding neighborhood traffic and building scale and design will require careful consideration under site plan review.

Given this analysis, the board ultimately voted 5-0 (Dundon and Soley absent) as follows:

Based on the material provided in this report, public testimony, a review of applicable policies, and other information, the Planning Board finds that the proposed map amendment to change the zoning for 89 Anderson Street from Residential R-6 to Neighborhood Business B-1b, as shown in the map above, is consistent with the comprehensive plan and does recommend adoption of the proposed amendment to the city council.

VIII. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Traffic engineer review (email from Tom Errico, 9/17/14)
2. Traffic engineer review (email from Tom Errico, 11/5/14)

APPLICANT'S SUBMITTALS

- A. Zoning Map Amendment Application (6/23/14)
- B. Vicinity Map
- C. Preliminary Site and Floor Plans
- D. Building Rendering
- E. Neighborhood Meeting Minutes
- F. Supplemental Cover Letter (from Jonathan Culley, 9/11/14)
- G. Comprehensive Plan Analysis

- H. Supplemental Drawings
- I. Preliminary Traffic Impact Study
- J. Traffic Study Revision
- K. Response to Comments (memo from Traffic Solutions, 10/30/14)
- L. Traffic Signal Warrant Assessment
- M. Intersection Improvements Plan

PUBLIC COMMENT

- PC-1. Email from Ellen Bailey, 7/17/14
- PC-2. Email from Chris Bruni, 7/18/14
- PC-3. Email from Jed Harris, 7/18/14
- PC-4. Email from Karen Snyder, 7/18/14
- PC-5. Email from Cynthia Cochran, 7/20/14
- PC-6. Email from Karen Snyder, 7/21/14
- PC-7. Email from Jeremy Benn, 7/23/14
- PC-8. Letter from Joe Flynn, undated
- PC-9. Emails from Ellen Bailey, 8/14/14 and 8/18/14
- PC-10. Email from Toby Rzepka, 8/21/14
- PC-11. Email from Karen Snyder, 9/10/14
- PC-12. Correspondence from Cynthia Cochran, 9/18/14
- PC-13. Letter from Ellen Bailey, 9/20/14
- PC-14. Email from Kathleen McKeon, 9/22/14
- PC-15. Letter from Michele Castner, 9/22/14
- PC-16. Email from Karen Snyder, 10/12/14
- PC-17. Email from Christian Milneil, 11/5/14
- PC-18. Email from Cynthia Cochran, 11/12/14

From: Tom Errico <thomas.errico@tylin.com>
To: Helen Donaldson <HCD@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>
Date: 9/17/2014 7:09 PM
Subject: 89 Anderson Street - Preliminary Traffic Review

Hi Nell - I have reviewed the traffic study prepared by Bill Bray, P.E. for the project, responded to some neighborhood comments, and provided a trip generation comparison summary between the existing and proposed land use zones. The following presents my comments.

The study collected traffic volumes at the Washington Avenue/Fox Street/Walnut Street intersection during the summer time period and not when area schools were in session. It is requested that the traffic counts be updated to include school activity.

A estimated traffic signal warrant evaluation was conducted at the Washington Street/Fox Street/Walnut Street intersection and could not conclusively determine whether a traffic signal should be installed. The applicant should conduct a full comprehensive traffic signal warrant study and render a decision on traffic signalization.

The traffic study should be revised to account for all development land uses. It is my understanding that a restaurant is being proposed and therefore should be included in the analysis.

It should be noted that the traffic study assumed access and egress from the parking lot for the project is via a driveway on Everett Street. I find this to be acceptable.

Given that the Washington Avenue/Fox Street/Walnut Street intersection is a High Crash Location, the applicant should expect to participate in implementation of mitigation improvements at this location.

There have been concerns expressed regarding sight distance adequacy at the Fox Street/Anderson Street intersection. Given that all movements must stop, I find sight distance conditions to be acceptable.

There have been concerns expressed regarding the geometric alignment of the Fox Street/Anderson Street intersection (the northerly Anderson Street approach) and that it is non-compliant from an intersection design perspective. The existing configuration of the intersection does make two specific movements difficult from a turning perspective. The right-turn movement from westbound Fox Street and the left-turn movement from southbound Anderson Street. Because these two movements are low volume turns, crash data has not identified any safety problems, and that it is a four-way STOP intersection, I do not find the geometry to be a concern.

There have been concerns raised regarding the width of Fox Street and general overall safety given traffic volume increases, on-street parking, etc. Fox Street east of Anderson Street is approximately 30 feet wide. Parking is permitted on both sides of the street. Assuming parking lane widths of 7 feet, 16 feet of travel width would be available under a worst-case condition (where cars are parked opposite each other). This width issue should be reviewed further in respect the most appropriate layout of travel lanes and parking lanes for Fox Street.

I have conducted a trip generation comparison analysis between the existing and proposed zoning. Based upon information provided by you, the two zoning scenarios will consist of the following with the associated AM and PM peak hour traffic volumes (combined entering and exiting):

§ Existing Zoning - 20 Residential Units

- o AM Peak Hour - 10 vehicles
- o PM Peak Hour - 12 vehicles

§ Proposed Zoning - 53 Residential Units and 5,255 square feet of Office Space

- o AM Peak Hour - 37 vehicles
- o PM Peak Hour - 43 vehicles

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International]T.Y. Lin International
12 Northbrook Drive
Falmouth, ME 04105
207.781.4721 (main)
207.347.4354 (direct)

207.400.0719 (mobile)
207.781.4753 (fax)
thomas.errico@tylin.com<mailto:thomas.errico@tylin.com>
Visit us online at www.tylin.com<http://www.tylin.com>
Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

From: Tom Errico <thomas.errico@tylin.com>
To: Helen Donaldson <HCD@portlandmaine.gov>
CC: Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pinco <DMP@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>
Date: 11/5/2014 4:27 PM
Subject: 89 Anderson Street

Nell - The following presents my comments as it relates to the analysis prepared by Bill Bray, P.E. transmitted to the City by email on Monday November 3, 2014.

* A detailed traffic signal warrant analysis was conducted at the Washington Avenue/Walnut Street/Fox Street intersection. The methods and analyses meet those contained in the Manual on Uniform Traffic Control Devices, Federal Highway Administration and I find them to be acceptable. The conclusion uses existing traffic volumes and concludes that a traffic signal is not warranted under current October 2014 traffic volume conditions. Based upon a detailed review of the warrant analysis, a warrant is closely met, and in my professional opinion, given development growth activity in the area, a traffic signal is likely to be needed in the future. Given both safety and capacity needs at this location, the applicant will likely be required to make a monetary contribution to this intersection as part of Site Plan conditions of approval.

* It was noted previously that traffic counts at the Washington Avenue/Walnut Street/Fox Street intersection should be conducted during school time periods. The applicant has updated counts and I have no further comment.

* It was previously noted that the applicant should consider the traffic impact of the proposed commercial space on the area transportation system. The applicant conducted a trip generation analysis assuming the space is occupied by a Specialty Retail use and therefore would add approximately 8 vehicles to the road system during the PM Peak hour. If the 2,780 square foot space is assumed to be a High-Turnover restaurant, 32 additional PM peak hour trips can be expected. I would note that not all of this traffic would be new and in fact a reduction in trips is likely given the projects urban location. The applicant notes that the original traffic study did not account for a reduction of vehicle trips due to the elimination of the 3G's business. I concur with the applicant that when considering this trip credit, the level of service analysis conclusion should remain valid (that the intersection will operate at a very good level of service), even under a restaurant use assumption.

* It was previously noted that the traffic counts consider the volume impact of recreation events at the East Bayside Athletic Facility. The applicant attempted to collect the requested information, but due to weather issues, was unable to capture traffic volumes that included field event motorists/pedestrians. I concur with the applicant that the level of service conditions at the Fox Street/Anderson Street intersection would not be expected to degrade substantially and acceptable levels of service would be expected with field activities.

* Per previous comments, the applicant conducted a traffic count on a Friday to capture traffic and pedestrian demand from the Mosque located on Anderson Street north of Fox Street. I concur that based upon the count, the level of service conclusions provided in the original traffic study would not be substantially different given added Mosque related traffic. I would note that the applicants analysis did highlight the heavy pedestrian demand that travels through this intersection and I would note that Phase I of the City's Anderson Street Neighborhood By-Way project is proceeding with the project expected to begin before the end of the year. The Phase I project primarily consists of improving pedestrian facilities at the Fox Street/Anderson Street intersection.

* I have reviewed the concept site plan graphic provided by the applicant and concur that it provides details that represent elements of the Anderson Street Neighborhood By-Way project. It should be noted that the By-Way project is not implementing any improvements to the 89 Anderson Street corner, with the assumption that a future project will be disturbing this corner. The details provided on the graphic for the 89 Anderson Street corner generally seem acceptable, but adjustments can be expected during the design and site plan approval process.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director
 [T.Y. Lin International] T.Y. Lin International
 12 Northbrook Drive
 Falmouth, ME 04105
 207.781.4721 (main)
 207.347.4354 (direct)
 207.400.0719 (mobile)
 207.781.4753 (fax)
 thomas.errico@tylin.com <mailto:thomas.errico@tylin.com>
 Visit us online at www.tylin.com <http://www.tylin.com>
 Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

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P.O. Box 8816
Portland, ME 04104
Office: 207-776-9715
Fax: 207-221-2822
www.redfernproperties.com

June 23, 2014

Ms. Barbara Barhydt
City of Portland, Planning Division
389 Congress Street, 4th Floor
Portland, ME 04101

Dear Barbara:

Please find attached a Zoning Map Amendment Application related to 89 Anderson Street. Our current plans for 89 Anderson call for a mixed-use building with commercial uses on the ground floor, including a restaurant and residential rental apartments on upper floors.

Per the attached, the parcel sits at the convergence of several Zones and represents an opportunity to improve an underdeveloped property in a way that will contribute to the neighborhood and City. Per our typical standards, the new building will be constructed to a very high environmental standard. The Application and related development plans would support the City's goals as outlined in the comprehensive plan as follows:

- Create new housing on Portland's peninsula
- Encourage neighborhood business centers
- Maximize Development where public infrastructure and amenities already exist
- Locate and Design Housing to reduce impact on Environmentally Sensitive Areas
- Design Housing to use new technology and materials that reduce costs and increase energy efficiency

In addition, our development plans consider the 2010 report entitled "Creating a Sustainable Vision for Maine's Most Diverse Neighborhood". The report created by a Sustainable Design Assessment Team (SDAT), led by experts from the American Institute of Architects (AIA), and in consultation with local officials, community leaders, technical experts, non-profit organizations, and citizens (including many neighbors) takes a comprehensive look at the East Bayside neighborhood and makes recommendations for

a sustainable future. The intersection at Fox and Anderson Streets is called out as one of several "Places with Potential". The report calls out recommendations for creating "Sense of Place" at this corner and suggests "attracting neighborhood-serving uses, such as a coffee shop or deli", among other things. B-2b zoning would support such uses.

Please find attached the following in support of this application:

1. Zoning Map Amendment Application Form
2. Copy of Purchase and Sale Agreement
3. Vicinity Map Showing Current Zoning
4. Rendering of Proposed Building
5. Proposed Site Plan and Floor Plans
6. Excerpt from report "Creating Sustainable Vision for Maine's Most Diverse Neighborhood" pages 60-62

We are committed to creating a progressive and noteworthy project that will enhance an already diverse and dynamic neighborhood. Please do not hesitate to contact me.

Sincerely,



Jonathan Culley
Redfern Properties LLC



Zoning Map/Text Amendment/Contract or Conditional Rezoning Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the review of requests for zoning map amendments, zoning text amendments and contract or conditional re-zoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Zone Change.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT NAME: _____

PROPOSED DEVELOPMENT ADDRESS:

____ 89 Anderson Street, Portland _____

PROJECT DESCRIPTION:

____ Mixed-use building with ground floor commercial and residential apartments on
floors 2-4. _____

CHART/BLOCK/LOT: ____ 12-I-1.5 _____

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Jonathan Culley Business Name, if applicable: Redfern Properties LLC Address: P.O. Box 8816 City/State : Portland, ME Zip Code: 04104	Applicant Contact Information Work # 207-221-5746 Home# Cell # 207-776-9715 Fax# 207-221-2822 e-mail: jonathan@redfernproperties.com
Owner – (if different from Applicant) Name: Perigee LLC Address: P.O. Box 4714 City/State : Portland, ME Zip Code: 04112	Owner Contact Information Work # 207-874-9569 Home# Cell # Fax# e-mail:
Agent/ Representative Name: Address: City/State : Zip Code:	Agent/Representative Contact information Work # Cell # e-mail:
Billing Information Name: Redfern Properties LLC Address: P.O. Box 8816 City/State : Portland, ME Zip Code: 04105	Billing Information Work # 207-221-5746 Cell # 207-776-9715 Fax# 207-221-5746 e-mail: jonathan@redfernproperties.com

Engineer Name: Will Savage, Acorn Engineering Address: 158 Danforth St. City/State: Portland, ME Zip Code: 04102	Engineer Contact Information Work # 207-775-2655 Cell # 207-317-1884 Fax# e-mail: wsavage@acorn-engineering.com
Surveyor Name: Nadeau Land Surveys Address: 918 Brighton Ave. City/State: Portland, ME Zip Code: 04103	Surveyor Contact Information Work # 207-878-7870 Cell # Fax# 207-878-7871 e-mail: jim@nadeaulandsurveys.com
Architect Name: Ryan Senatore Architecture Address: 565 Congress St., Suite 304 City/State: Portland, ME Zip Code: 04101	Architect Contact Information Work # 207-650-6414 Cell # Fax# e-mail: ryan@senatorearchitecture.com
Attorney Name: Eben Adams, Pierce Atwood Address: 254 Commercial St. City/State: Portland, ME Zip Code: 04101	Attorney Contact Information Work # 207-791-1175 Cell # Fax# 207-791-1350 e-mail: eadams@pierceatwood.com

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

The Applicant, Redfern Properties LLC has entered into a Purchase and Sale
Agreement with the Owner, Perigee LLC. The Purchase and Sale Agreement
is attached.

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 property is currently used as a Tire and Auto Service garage. This is
believed to be a non-conforming use.

Current Zoning Designation(s): R-6

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.

Redfern Properties intends to build a mixed-use building with ground floor

commercial uses, including a restaurant on the corner of Fox & Anderson.

Floors 2-4 will consist of market-rate rental apartments.

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.

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

Zoning Map Amendment

☒ \$2,000.00 (from R-6 zone to B-2b zone)

Zoning Text Amendment

☐ \$2,000.00 (to Section 14-_____)

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.)

The City invoices separately for the following:

- Notices (\$.75 each)
- Legal Ad (% of total Ad)
- Planning Review (\$40.00 hour)
- Legal Review (\$75.00 hour)
-

Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.

APPLICATION SUBMISSION:

1. All plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file names which can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal>
2. **The submission shall include the following materials:**
 - a. One (1) paper set of the zoning amendment application, concept plan and written narrative.
 - b. 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.

APPLICANT SIGNATURE:

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 Planning Authority and Code Enforcement'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 of Applicant: 	Date: 6/23/2014
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Individual Member
Individual Membership



Specialist,
Industrial and
Office Real Estate

CBRE | The Boulos Company

CONTRACT FOR THE SALE OF REAL ESTATE

Date: 4/10/14

One Canal Plaza, Portland, ME 04101
(207) 772-1333

RECEIVED OF: Redfern Properties LLC and/or Assigns, whose mailing address is PO Box 8816, Portland ME 04112, hereinafter called the Purchaser(s), the sum of [REDACTED] as earnest money deposit and in part payment of the purchase price of the following described real estate, situated in the municipality of Portland, County of Cumberland, State of Maine and located at 25-37 Everett Street, 89-99 Anderson Street and 52-64 Fox Street being all the property owned by the Seller(s) at the above address, and described at said County's Registry of Deeds Book 24750, Page 045 and further described as: two parcels consisting of .469 +/- acre and .067 +/- acre improved by two single story commercial buildings and referenced by the City of Portland Assessor as aMap 12, Block I, Lots 1 and 5 as shown on the attached plan upon the terms and conditions indicated below:

1. **PERSONAL PROPERTY:** The following items of personal property are included in this sale (if applicable): n/a
2. **PURCHASE PRICE:** The TOTAL purchase price being [REDACTED] to be paid as follows: earnest money deposit to be paid into Escrow account upon full execution of the Contract, extension payments for Permitting and Approval, as outlined in paragraph 22, and the balance to be paid by bank check or wire transfer at Closing.
3. **EARNEST MONEY/ACCEPTANCE:** CBRE | The Boulos Company shall hold said earnest money in a non-interest bearing account and act as Escrow Agent until closing, unless otherwise noted in Contract; this offer shall be valid until April 10, 2014 at 4:00 PM; and, in the event of the Seller's non-acceptance, this earnest money shall be returned promptly to the Purchaser(s).
4. **TITLE:** That a deed, conveying good and merchantable title in accordance with standards adopted by the Maine Bar Association shall be delivered to the Purchaser(s) and this transaction shall be closed and the Purchaser(s) shall pay the balance due and execute all necessary papers on or before forty five (45) days following successful completion of inspection period (paragraph 10) and Permitting and Approvals Period (Addendum A). Purchaser agrees to provide written notice to Seller that the conditions have been waived at least five (5) days prior to the first day of the month prior to Closing so the Seller(s) can provide adequate notice to Seller(s)' tenant to vacate the premises prior to Closing. If Seller(s) is unable to convey in accordance with the provisions of this paragraph, then the Seller(s) shall have a reasonable time period, not to exceed thirty (30) days, from the time the Seller(s) receives written notice of the defect, unless otherwise agreed to by both parties, to remedy the title, after which time, if such defect is not corrected so that there is merchantable title, the Purchaser(s) may, within fifteen (15) days thereafter, at Purchaser's option, declare the contract null and void and any earnest money shall be returned to the Purchaser(s) and neither party shall have any further obligation hereunder. If the Purchaser(s) does not declare the contract void within the period set forth above, the Purchaser(s) shall have waived the right to object to title. The Seller(s) hereby agrees to make a good-faith effort to cure any title defect during such period.
5. **DEED:** That the property shall be conveyed by a warranty deed, and shall be free and clear of all encumbrances except building and zoning restrictions of record, restrictive covenants and conditions of record and usual public utilities servicing the property and shall be subject to applicable land use and building laws and regulations.
6. **POSSESSION /OCCUPANCY:** Possession/occupancy of premises shall be given to Purchaser(s) immediately at closing, and the property shall be conveyed free and clear of any tenants or leases, unless otherwise agreed by both parties in writing.
7. **LEASES/TENANT SECURITY DEPOSITS:** Seller(s) agrees to transfer at closing to Purchaser(s) all Seller(s)' rights under the current leases to the property and all security deposits held by Seller(s) pursuant to said leases.
8. **RISK OF LOSS:** Until the transfer of title, the risk of loss or damage to said premises by fire or otherwise, is assumed by the Seller(s) unless otherwise agreed in writing. Said premises shall then be in substantially the same condition as at present, excepting reasonable use and wear.
9. **PRORATIONS:** The following items shall be prorated as of the date of closing:
 - a. Real Estate Taxes based on the municipality's tax year. Seller is responsible for any unpaid taxes for prior years.
 - b. Fuel
 - c. n/a
 - d. ~~Rents~~
 - e. Metered utilities, such as water and sewer, shall be paid by Seller(s) through the date of closing.
 - f. Purchaser(s) and Seller(s) shall each pay its transfer tax as required by the State of Maine.
10. **INSPECTION PERIOD:** The Purchaser(s) is encouraged to seek information from professionals regarding any specific issue of concern. Purchaser(s) acknowledges receipt of disclosure form attached hereto. The Agent makes no warranties regarding the condition, permitted use or value of the Seller's real or personal property. This Contract is subject to the following inspections, with the results being satisfactory to the Purchaser(s):

TYPE OF INSPECTION	YES	NO	RESULTS REPORTED	TYPE OF INSPECTION	YES	NO	RESULTS REPORTED
a. General Building	☒	☐	Within 90 days	g. Lead Paint	☐	☒	Within ____ days
b. Utilities to site	☒	☐	Within 90 days	h. Pests	☐	☒	Within ____ days
c. Geotechnical	☒	☐	Within 90 days	i. ADA	☐	☒	Within ____ days
d. Survey	☒	☐	Within 90 days	j. Wetlands	☒	☐	Within 90 days
e. Curb Access	☒	☐	Within 90 days	k. Environmental Scan	☒	☐	Within 90 days
f. Access for utilities	☒	☐	Within 90 days	l. Other: <u>zoning</u>	☒	☐	Within 90 days

The use of days is intended to mean from the effective date of this Contract. All inspections will be done by inspectors chosen and paid for by the Purchaser(s). If the result of any inspection or other condition specified herein is unsatisfactory to the Purchaser(s), in Purchaser(s) sole discretion, Purchaser(s) may declare the Contract null and void by notifying Seller(s) in writing within the specified number of days, and any earnest money shall be returned to the Purchaser(s). If the Purchaser(s) does not notify the Seller(s) that an inspection is unsatisfactory within the time period set forth above, this contingency is waived by the Purchaser(s) and the earnest money deposit is paid to the Seller(s) and credited to the Purchase Price if a Closing occurs. In the event of a title defect or Seller(s) default, the Seller(s) shall pay the deposit amount back to the Purchaser(s). In the absence of inspection(s) mentioned above, the Purchaser(s) is relying completely upon Purchaser's own opinion as to the condition of the property.

11. FINANCING: Intentionally Deleted.

12. AGENCY DISCLOSURE: The Purchaser(s) and Seller(s) acknowledge that they have been informed that the Selling Licensee is acting as a Buyer's agent in this transaction and is representing the Purchaser(s) and that the Listing Licensee is acting as a Buyer's agent in this transaction and is representing the Purchaser(s). The Purchaser(s) is responsible for paying the brokerage commission. The Seller(s) shall have no responsibility to pay a brokerage commission. Furthermore, pursuant to Real Estate Commission requirements, the Purchaser(s) provides notice and the Seller(s) acknowledges that a potential partner of the purchasing entity, Drew Sigfridson, is a licensed real estate broker in the State of Maine with CBRE | The Boulos Company.

13. DEFAULT: If Purchaser(s) fails to perform any of the terms of this Contract or is otherwise in default of any of its obligations, Seller shall retain the earnest money as full and complete liquidated damages and shall have no further claims against the Purchaser. If Seller(s) fails to perform any of the terms of this Contract or is otherwise in default of any of its obligations, Purchaser(s) shall have the option of employing all available legal and equitable remedies. Notwithstanding any other provision of this agreement, Escrow Agent shall have the right to require written releases from both parties prior to releasing the earnest money to either party. If a dispute arises between Purchaser(s) and Seller as to the existence of a default hereunder and/or the release of the earnest money and said dispute is not resolved by the parties within (30) days, Escrow Agent may elect to file an action in interpleader and deposit the earnest money in the court to resolve said dispute, or otherwise disburse the earnest money pursuant to Maine Real Estate Commission regulations. Purchaser(s) and Seller, jointly and severally, shall indemnify Escrow Agent for all costs, losses, expenses, and damages, including reasonable attorneys' fees, incurred by Escrow Agent in connection with said action and/or in connection with any dispute relating to this Contract and/or the Deposit.

14. MEDIATION: Any dispute or claim arising out of or relating to this Contract or the premises addressed in this Contract shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules of the American Arbitration Association. This clause shall survive the closing of this transaction.

15. PRIOR STATEMENTS: Any verbal representations, statements and agreements are not valid unless contained herein. This Contract completely expresses the obligations of the parties. This is a Maine contract and shall be construed according to the laws of Maine.

16. HEIRS/ASSIGNS: This Contract is assignable ☒ Yes ☐ No. This Contract shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns (if assignment is allowed by the terms of this Contract), of the respective parties.

17. COUNTERPARTS: This Contract may be signed on any number of identical counterparts, including telefacsimile copies, with the same binding effect as if the signatures were on one instrument. Original or telefacsimiled signatures are binding.

18. BINDING CONTRACT: This Contract is a binding contract when signed by both Seller(s) and Purchaser(s) and when that fact has been communicated to all parties or to their agents. The Effective Date of the Contract is noted below. Time is of the essence of this Contract.

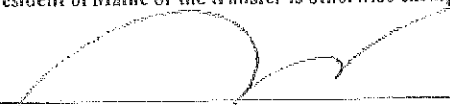
19. REVIEW OF LEASES AND INCOME AND EXPENSE INFORMATION: The Seller(s) shall provide the Purchaser(s) with copies of all leases regarding the subject property within five (5) days of the effective date of this contract. Purchaser(s) shall have ten (10) days from such delivery to review leases and income & expense information regarding the property. If the result of the review is unsatisfactory to the Purchaser(s), in Purchaser(s) sole discretion, Purchaser(s) may declare the Contract null and void by notifying the Seller(s) in writing within the specified number of days set forth above, and any earnest money shall be returned to the Purchaser(s). If the Purchaser(s) does not notify the Seller(s) that the review is unsatisfactory within the time period set forth above, this contingency is waived by the Purchaser(s).

20. Seller(s) and Purchaser(s) acknowledge receipt of the Maine Real Estate Commission Disclosure of Agency Relationship Form (Form #2), if the property is, or has a component of, one to four residential dwelling units.

21. ADDENDA: This Contract has addenda containing additional terms and conditions: YES ☒ NO ☐

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

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


Purchaser

Redfern Properties and/or Assigns

Name/Title

4/9/2014
Date

Soc. Sec. # or Tax I.D. #

Purchaser

Date

Name/Title

Soc. Sec. # or Tax I.D. #

The Seller(s) accepts the offer and agrees to deliver the above-mentioned property at the price and upon the terms and conditions set forth above.

Signed this _____ day of _____, Effective date of Contract: April 10, 2014.

The Listing Licensee is Drew Sigfridson of CBRE | The Boulos Company (Company).

The Selling Licensee is Drew Sigfridson of CBRE | The Boulos Company (Company).


Seller

Perigee LLC

Name/Title

041014
Date

Soc. Sec. # or Tax I.D. #

Seller

Date

Name/Title

Soc. Sec. # or Tax I.D. #

Offer reviewed and refused on _____, Seller

Seen and agreed to:


Seller(s)


Purchaser(s)

Addendum A

1. PERMITTING AND APPROVALS PERIOD: The Contract shall be conditioned upon the Purchaser's receipt of permits and approvals for its planned development, including the expiration of any appeals period. Purchaser shall have **One Hundred Twenty (120) days** after the completion of the inspection period to attain permits and approvals for its planned development on the subject property. In addition, Purchaser shall have the right to five (5), thirty (30) day extensions of the Permitting and Approvals Period, upon payment on each occasion, prior to the end of the Permitting and Approvals Period (as the same may have been previously extended), of an additional [REDACTED]

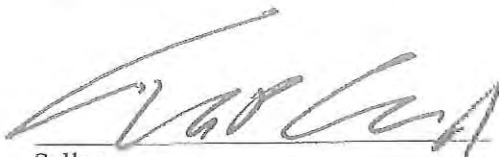
[REDACTED] Dollars for extensions 4 and 5, if needed, (the "Extension Payments") to the Seller(s), which Extension Payments shall be non-refundable (except in the event of Seller's default under the Contract), but credited to the Purchase Price if a Closing occurs. If Purchaser elects to terminate the Contract within the Inspection Period, the Deposit shall be returned to Buyer; otherwise, the Deposit shall be nonrefundable and retained by Seller (except in the event of Seller's default under the Contract), provided that it shall be credited to the Purchase Price if a Closing occurs.

SEEN AND AGREED TO:



Purchaser

4/9/2014
Date



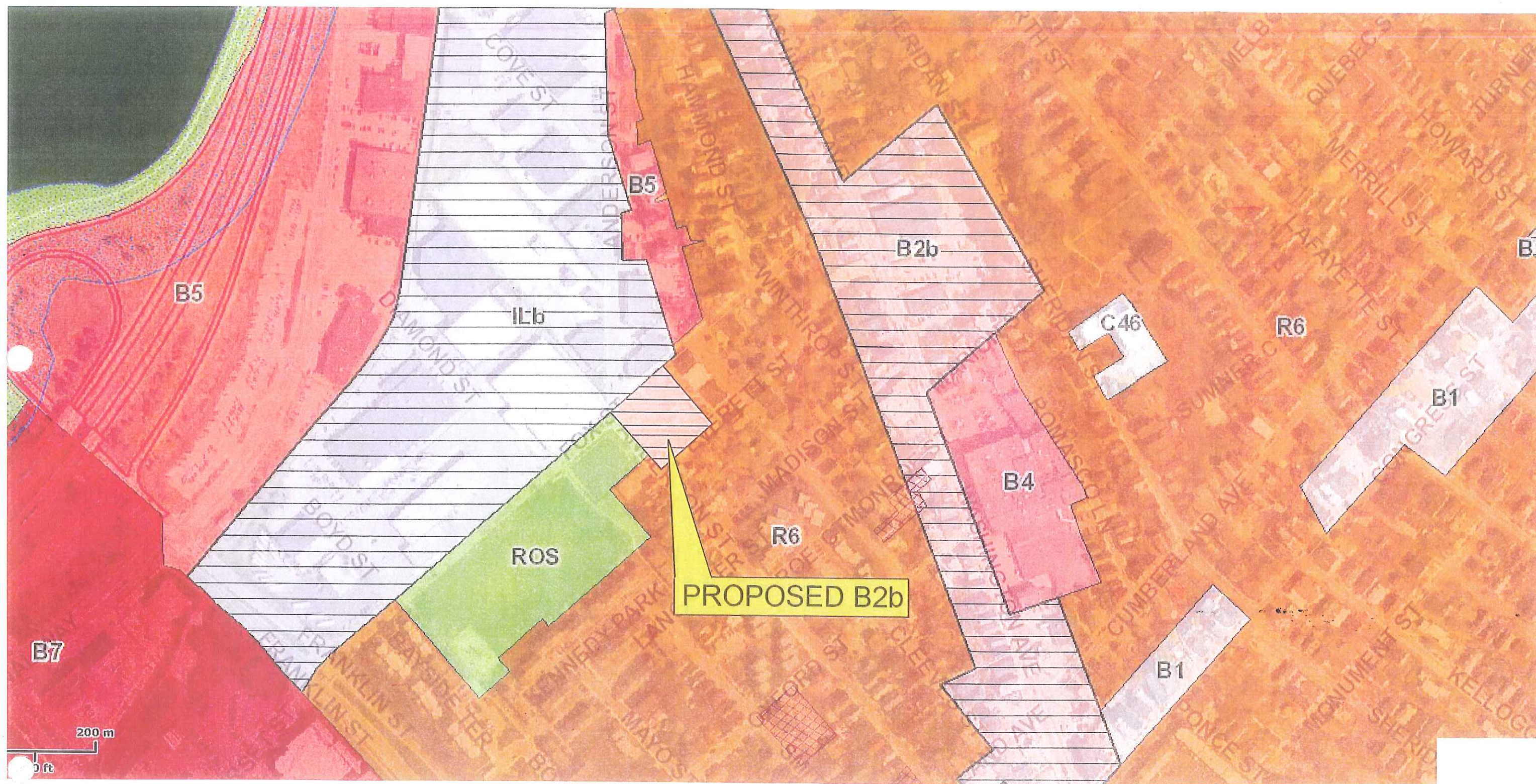
Seller

04/10/14
Date

Seen and agreed to:

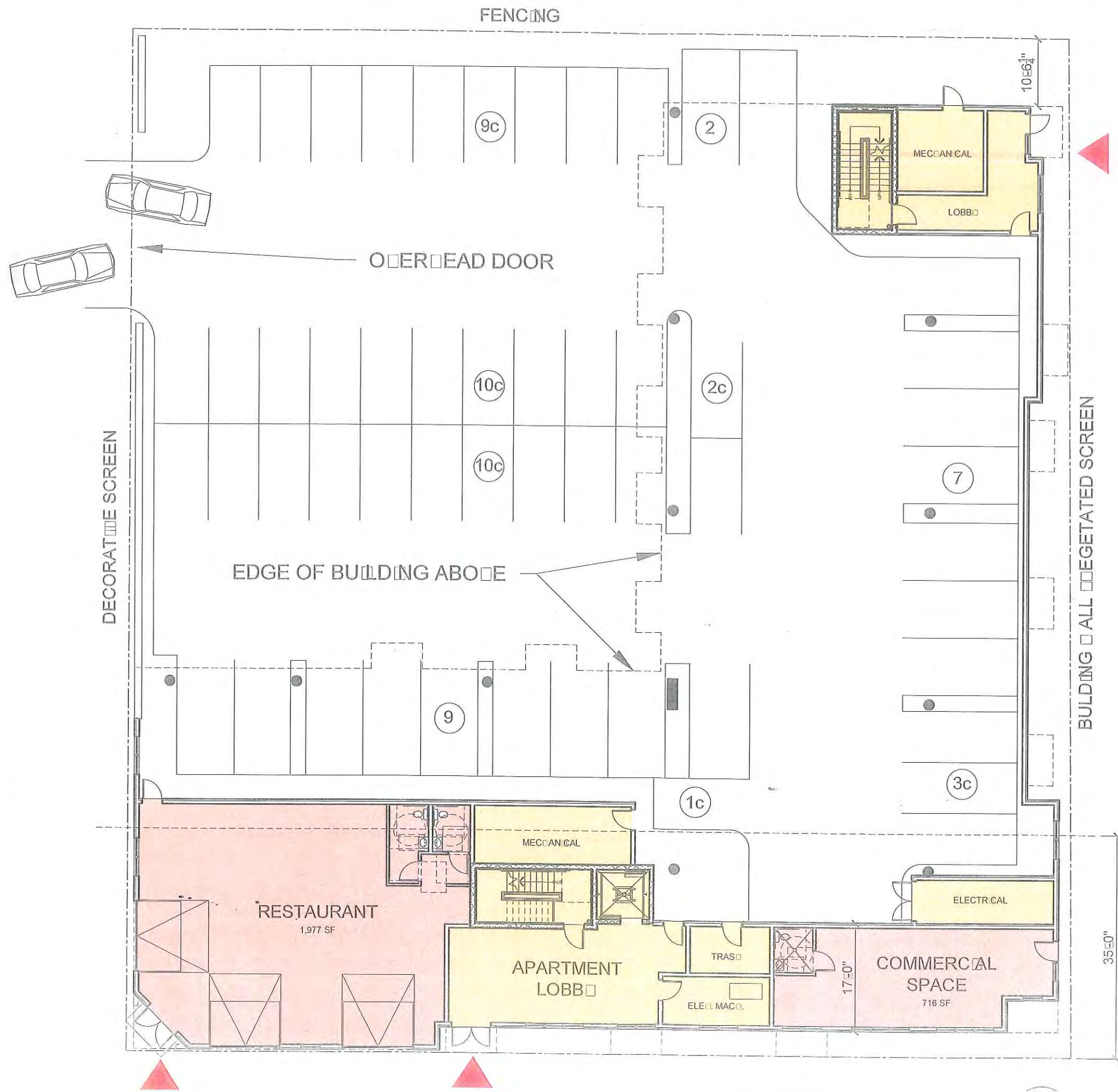
TC
Seller(s)

Purchaser(s)



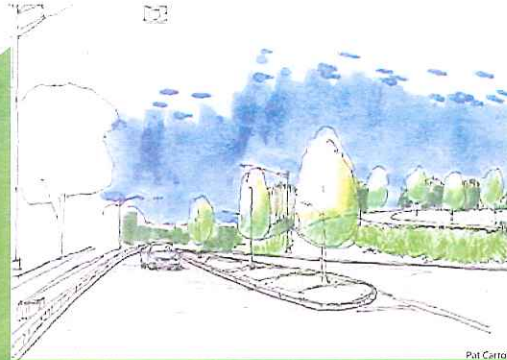


RYAN SENATORE **ARCHITECTURE**





UNIT TABULATION		
UNIT	AREA (SF)	TYPE
201	915	2 BEDROOM
202	952	2 BEDROOM
203	512	1 BEDROOM
204	616	1 BEDROOM
205	512	1 BEDROOM
206	667	1 BEDROOM
207	616	1 BEDROOM
208	396	STUDIO
209	411	STUDIO
210	194	2 BEDROOM
211	411	STUDIO
212	631	1 BEDROOM
213	411	STUDIO
214	512	1 BEDROOM
215	661	1 BEDROOM
216	512	1 BEDROOM
217	615	1 BEDROOM
218	617	1 BEDROOM



PORTLAND, ME SDAT

Creating a Sustainable Vision for Maine's Most Diverse Neighborhood



PLACES WITH POTENTIAL

Place with Potential: Fox and Anderson

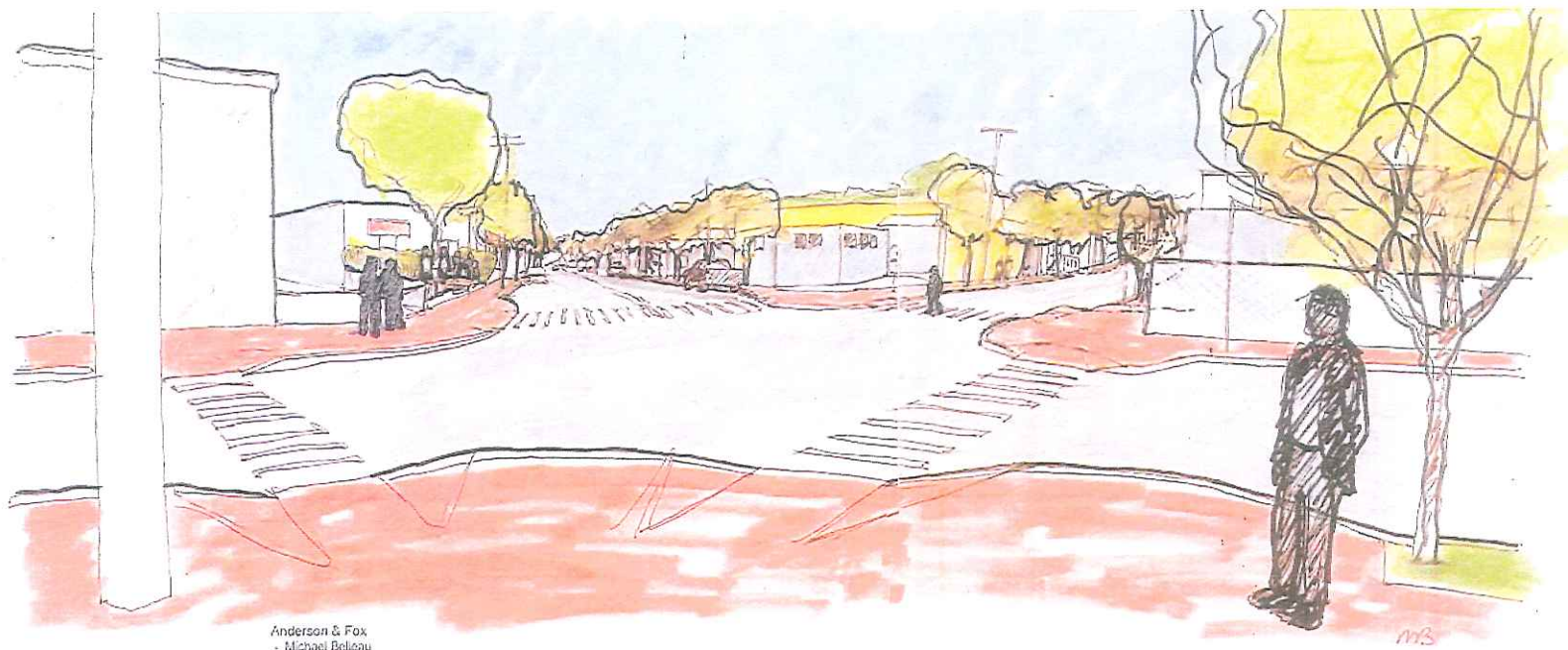
The intersection of Fox Street and Anderson Street is a community center both geographically and socially. It is at the juncture between the residential neighborhood and the light industrial/arts district. It includes Fox Field, which is the primary outdoor recreational facility in East Bayside and a gathering place for youth. There is potential for both creating a place where a broader spectrum of community members can gather and for building upon the improvements to Fox Field that the City and community are already making. Some ideas for how Fox and Anderson could be transformed over time as funding is found are listed below.

- Paint crosswalks at the 4-way stop.
- Install curb extensions ("bulb-outs") to increase sidewalk area to emphasize the pedestrian orientation and channelize vehicular traffic. The sidewalk paving could be brick as shown in the adjacent sketches.



Top: Plan view of crosswalks, curb extension and a green space.

Bottom: Bird's eye sketch showing brick paving, street trees and a gateway.



Above: The intersection of Fox and Anderson Streets today.

Below: A sketch showing crosswalks, curb extensions, brick sidewalks, a pocket park, street trees and storm-water collection parkways.

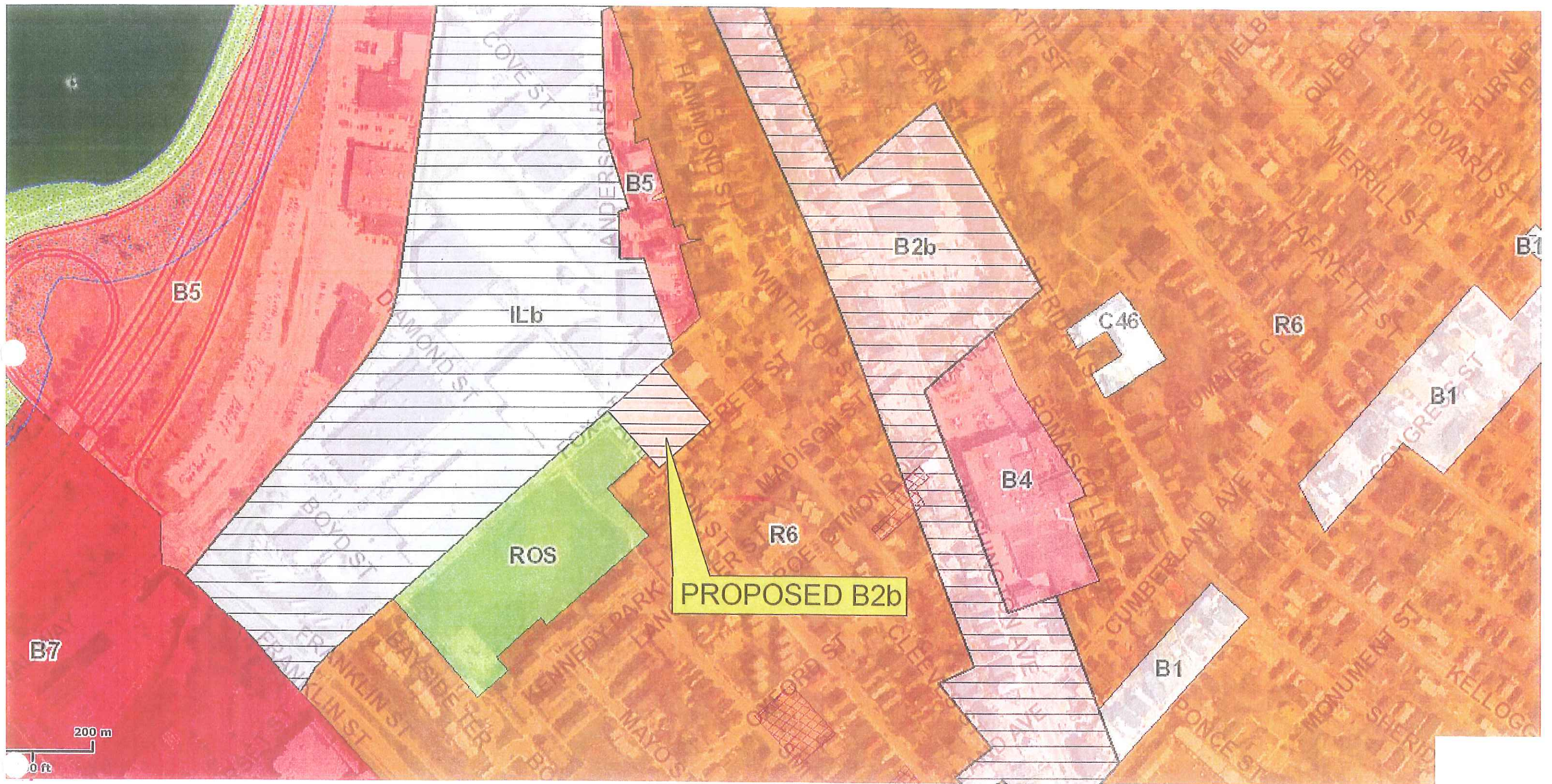
- Working with the property owner and tenant on the northeast corner, add a pocket park on the undeveloped triangle of land and the curb extension with facilities that would complement the uses at Fox Field and support commercial activity.
- Plant street trees in parkways, install pedestrian street lights, and other streetscape improvements.
- Attract neighborhood-serving uses, such as a coffee shop or a deli, to Anderson Street near its intersection with Fox Street.
- Continue to refine facilities around the edges of Fox Field to accommodate complementary park uses, including seating, picnicking, and other park uses. Close the street for special community events and turn the street into a outdoor room.
- Consider programming events at Fox Field.
- Expand the park as more facilities are needed.
- Add a recreation / community center near Fox Field.



Existing sidewalk on Fox Street adjacent to Fox Field.



Sketch of sidewalk with curb extension, storm water parkway and trees.



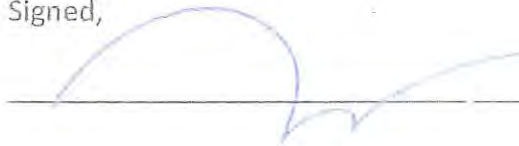
89 Anderson Street
Neighborhood Meeting Certification

I, Jonathan Culley of Redfern Properties LLC hereby certify that a neighborhood meeting was held on July 16, 2014 at our office at 178 Washington Avenue, Portland at 6:00pm.

I also certify that on July 1, 2014, invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change.
2. Residents on the "interested parties" list.
3. A digital copy of the notice was also provided to Jennifer Yeaton of the Planning Division at jmy@portlandmaine.gov and Nell Donaldson, the assigned planner, to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed,



7/18/2014

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes



P.O. Box 8816
Portland, ME 04104
Office: 207-221-5746
Fax: 207-221-2822
www.redfernproperties.com

July 1, 2014

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a new development at the corner of Fox and Anderson Streets (89 Anderson). The project consists of two commercial spaces on the ground floor and residential rental apartments on Floors 2-4. This meeting pertains to our Application for a Zoning Map Amendment. Should our project go forward, there will be additional meetings in the future that will pertain to a Site Plan review.

Meeting Location: Redfern Office, 178 Washington Ave, Portland
Meeting Date: Wednesday, July 16th
Meeting Time: 6:00pm

The City Code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please contact me at 207-221-5746 or jonathan@redfernproperties.com. I hope to see you at the meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Culley", is written over a faint, larger version of the same signature.

Jonathan Culley
Redfern Properties LLC

SIGN-IN SHEET

89 Anderson Street

Neighborhood Meeting Zone Map Amendment Application

July 16, 2014, 6pm

Redfern Properties Office, 178 Washington Ave

Name

Address

Nell Donaldson

City of Portland

Cardyn treat

41 Hammond St. Street 5@yahoo

Wade R. Fleming

16 Hall St

marthe voland

28 Hammond St.

Edie Woodward

28 Hammond St.

Teal Rathbun.

9 Everett St.

Cynsthea Larrea

15 Everett St jmkml@marie.mn.us

Will Pratt

18 Marlison St. will @ tanko
coffee

WENDY WEST

Resident: 23 Fox St. / EBNO ~~111~~ Board Member

Chris Bruni

32 Zwerghornchen

Timothy Poulson

11 Boynton st. infinitegoldking@

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we will be able to provide a more complete picture of the role of the state in the development of the economy.

SIGN-IN SHEET

89 Anderson Street

Neighborhood Meeting Zone Map Amendment Application

July 16, 2014, 6pm

Redfern Properties Office, 178 Washington Ave

Name	Address
Olha DAVIS	olyadavis@gmail.com
BYRON DAVIS	77 Anderson St bvdavis@gmail.com
Ellen Bailey	17 Hammond St. ebailey66@gmail.com
Cynthia Cochran	17 Hammond St. ccocoran@maine.rr.com
Christopher Teret	73 Anderson St christopherteret@hotmail.com
Heather Abt	30 Everett St.
SUSAN Abt	65 Randall St.
K. Snyder	72 Waterville St. Karsny@yahoo.com
COLLE CASWELL	89 ANDERSON ST.
Sue Lippert	76 Anderson sue.lippert@icloud.com
TIM LIPPERT	76 ANDERSON talippert@gmail.com
Nicole Castner	86 Anderson St mcastner@icloud.com
RA RATHBAND	9 EVERETT ST.
Evan Carmel	5 Everett
ALEX LEEMAN	51 Hammond
Kathleen McLean	53 Hammond
F. Haynes	178 Washington AVE
Dan + Michelle Hall	9 Apple West Topsham
REBECCA LEEMAN	23 Fox ST. PTLD cleeman@gmail.com

SIGN-IN SHEET

89 Anderson Street

Neighborhood Meeting Zone Map Amendment Application

July 16, 2014, 6pm

Redfern Properties Office, 178 Washington Ave

Name

Karen Farber
Hope Chrupcala

Address

Maine Craft Distilling 101 Foy St.
86 Anderson St hondahawk88@hotmail.com

89 Anderson Street

Neighborhood Meeting – Zoning Map Amendment Application

Meeting held July 16, 2014, 6pm at Redfern Properties Office, 178 Washington Ave, Portland

Meeting Minutes:

Please note that minutes are not verbatim, but we have made our best efforts to reflect meaning and intent.

The meeting began at 6:05pm. Jonathan Culley, principal of Redfern Properties introduced himself and Ryan Senatore, or Ryan Senatore Architecture. Jonathan Culley provided background on Redfern Properties, which has been developing real estate in Portland since 2005. Culley emphasized that Redfern is local, with its office in the East Bayside neighborhood. He described current projects Munjoy Heights and West End Place, and explained Redfern's core values of progressive, super energy-efficient infill developments. Culley explained Redfern's view that infill development and increasing urban density benefits our environment as well as our cultural institutions; that reversing 'suburban sprawl' is good for our society.

Culley explained City of Portland's approval process, that this evening's meeting is related to the Zoning Map Amendment Application and that if the Zone change is approved there will be a Site Plan review which is a more detailed process focusing on the more technical aspects of the project such as traffic, parking, stormwater, architectural design, landscaping, etc. Culley said there will be another neighborhood meeting related to Site Plan review if the Zone Change is approved.

Culley discussed why Redfern is pursuing B2B zoning, explaining that the R7 Zone would allow for the same building size and residential density, but would not allow for the ground floor commercial space. He referred to the 2010 AIA "A Vision for East Bayside" Study which recommended a community gathering space, such as a deli or coffee shop at the corner of Fox and Anderson, and that this is only feasible with Business Zoning. Culley described both ground floor commercial spaces and shared Redfern's vision for a community room, perhaps in cooperation with East Bayside Neighborhood Organization (EBNO) or some other non-profit, community based organization. Culley indicated Redfern's willingness to provide a 'no-cost' lease to a well-suited non-profit organization to use this space, and create a positive street presence on Anderson Street. Culley described how Redfern is engaged with Bruce Hyman of the City of Portland to improve the sidewalk/crosswalk design that the City if working on should the project go forward.

Culley presented a Zoning Map and showed how 89 Anderson street is at the convergence of a number of different zones, with R-6, R-7, ILB, B5, and B2B all within a few hundred feet of the property.

Ryan Senatore shared a preliminary rendering of the building and described the architectural elements of the current design. He discussed our architectural strategies to address scale and massing. He described the elements on the ground floor commercial spaces and how they are designed to interact with the street.

The presentation was concluded and the floor was opened for questions and comments. Questions and comments are in bold:

Q. Are you planning on green space in the back?

Culley described plans for strips of green space around the parking lot and for vegetative elements between the sidewalk and building, but explained that we do not have a final site plan.

Q. Where is the entrance to the garage? Several concerns were expressed about a potential vehicle entry on Fox Street, related to traffic patterns on Fox Street.

Culley responded that the site plan presented was preliminary and that we did not have strong views about whether the parking entrance was on Fox or Everett and that a traffic study would be commissioned later in the process that would inform those design decisions.

Q. Is the entire lot built? Avesta typically uses 80/20 providing for some green space.

Culley discussed the difference between lot coverage and green space, explaining that our lot coverage was less than 60%, and reiterated that % green space was to be determined.

Comment: I have a philosophical difference am not into density, it is not what I would choose for our City.

Q. What is the unit mix, will these support families.

Culley indicated that the current plan was for roughly 10 studios, 31 1-bedrooms, and 12 2-bedrooms, and that this was very preliminary and would be determined by market demand.

Q. How many total apartments?

The Zoning would allow for up to 53 apartments and that is the current plan.

Q. How much parking are you planning?

53 spots, one spot for each apartment.

Q. What if two people share an apartment and they each have two cars, where do they park?

Culley indicated that Redfern is seeing a number of situations where people living in Portland don't have cars and this may balance out, but that a parking and traffic study which be done later in the process.

Comment: My building has 3 units, and there are 5 cars.

Comment: My main concern is that there is a crisis of affordable housing and the neighborhood is becoming unaffordable.

Culley explained that his view is that this project will improve affordability and not hurt it. He explained his view that the best way to improve affordability is to introduce new supply to address the demand. By bring the apartment supply closer in line with apartment demand, affordability should improve.

Comment: I disagree with that response. The things that improve affordability are inclusionary zoning and rent control. It is irresponsible to be building housing without addressing affordability. The neighborhood is changing and some working people are being forced out.

Culley explains that these are not high-priced condominiums that they are more modest market-rate apartments, and would be significantly less expensive and downscale from the West End Place building we are doing on the West End.

Q. I have been studying zoning. Why not leave it R6? This could support 23 units, why wouldn't 23 units work?

To cover land and construction costs, if we were to build 23 units, they would need to be high-end condos for the project to be feasible and we don't want to do that. We believe that building modest, market-rate apartments for working people is better for this site.

Q. I was looking at B2C Zoning and wondering if that would provide more protection for the neighborhood?

Culley said he did not know what B2C zoning was but would look into it. Nell Donaldson, planner with City of Portland indicated that she was not overly familiar with B2C zoning.

Q. Will Redfern be managing the building?

We are not a property manager, but we do intend to own the building for a long time. We would hire a professional property management company.

Comment: Business on Fox in the ILB are worried that if residential development continues that the commercial/industrial district may be at risk and rents will rise.

Culley responded that he understands the City Council to be very protective of the ILB zone and he wouldn't expect residential development in the ILB anytime soon, but that is not something he is expert on, and that this would be a question for the City.

Q: 3Gs is providing a function for the area. Now we will have to drive to South Portland to get our cars serviced. Has there been any thought to a different type of business that would serve the community on the ground floor? The last thing we need is another restaurant.

We are not marketing the space and are not tied to a restaurant, but is largely in response to the AIA study. A grocery store wouldn't work well because of Whole Foods, but we don't know exactly what the commercial space would be, and we remain open minded.

Q. Did you consider a three-story building without the commercial space, but still 53 units.

This wouldn't work because we need parking on the ground floor. The building is largely above the parking. Culley referred again to the site plan and explained how the parking sits in relation to the commercial and residential spaces.

Q. Is there a plan for parking for the businesses?

Culley explained that the City would likely require some parking for the businesses, depending on the type of use, but he thought that a restaurant would require some parking. He suggested that this might be solved with leased parking off site.

Q. Is there anyplace else in the City that has something similar in scale within a R6?

Bayside Anchor was recently approved and is an excellent comparison, Walker Terrace and 53 Danforth are 2 R7 type buildings. Nell Donaldson, planner, City of Portland, explained that much of East End and West End is R6 and there are some big buildings.

Q. Can the neighborhood support this density?

Nell Donaldson reiterated that the Planning Board will take a general review of density during the Zoning review but will take a very detailed review during the Site Plan review and will consider traffic, stormwater, etc., all the things that determine whether the neighborhood can support this density.

Q. Is anyone taking a holistic view of growth and how Portland's overall growth impacts traffic?

Traffic on Fox street is getting bad. It seems like no one is looking at the big picture.

Nell Donaldson explained that every site plan review requires a traffic engineer and that any traffic analysis should address 'background traffic assumptions' and all of the projects that have come before would be included in any traffic study. An open discussion about traffic on Fox Street ensued.

Q. You talked about the process for rezoning and then Site Plan review. The order seems backward. Can you explain the process again. If you get a zone change but not Site Plan review, would the zone revert back to R6?

Nell Donaldson explained the zoning process and the rationale for the process.

Q. You said that roughly 10% of the 300,000 Greater Portland population lives on Portland peninsula? How are you defining Greater Portland?

Culley apologized saying his numbers were approximate and not precise, but were meant to reflect his view that we have an opportunity to have a denser city and with increased urban density will come a lower carbon footprint, more vibrant neighborhoods, and more successful arts and cultural institutions.

Q. Is this building going flush with the sidewalk? Would the balconies overhang the sidewalk?

Ryan Senatore reviewed the Site Plan and showed how the building is at the sidewalk/property line on the corner of Fox and Anderson, but we are holding the façade 4' back from the sidewalk for most of the property. These balconies would not overhang.

Q. How do the apartments on Marginal Way do?

Culley explained that this was student housing, set up more as a dormitory than apartments, and that, he understood them to be successful, though had no first-hand knowledge.

Q. How many apartments are in your West End building?

Culley responded 39 units, that it was a similar building but on a slightly smaller lot.

Q. Are there any buildings going up that look similar to this?

Culley responded that he hoped the building was 'unique' but the West End Place building and the 118 Congress building were somewhat similar in scale, organization, etc.

Q. It sounds like you are thinking about a vision for a greener city, but I want to encourage you to think about where do the plumbers and electricians live? Where do the working class people live? Please think about the relationship between class and environment.

Culley: I appreciate these points. While it is certainly a question of numbers, I don't think that working class people will be excluded. These are not upscale units. While the term affordable is subject to some debate, we envision that this is a place that a school teacher could afford to live.

Comment: Several people weighed in on the question of what is affordable. One participant calculated that someone making \$12 an hour, which is above minimum wage, would have to exceed the recommended income as % of rent guidelines to live here. Another participant who was a teacher opined that a beginning teacher would have trouble paying \$1,000 per month in rent for a studio apartment. A number of neighbors expressed sincere concerns about affordability.

Culley again indicated that these are complex problems, and we share these concerns about housing affordability, but that we remain of the view that more supply of market rate apartments will increase overall affordability of housing in Portland.

Comment: In cities like New York and San Francisco, that have gotten bigger and more expensive, I wonder where the people who work in grocery stores live. Portland is growing now and it is very important that we get this right. I am very concerned about families and how they will be able to afford to live on the peninsula.

Culley, one more comment, as an owner of apartments, we will not set the market. It is possible that instead of getting \$1,000, we only get \$800 per month and we might lose money. The market will set the rents. People will only pay what they can afford to pay. It is a complex socio/economic discussion.

Q. You mentioned your unit mix. Was there any discussion of doing a 3-bedroom unit?

Culley: Our unit mix is not final, and will be driven by perceived market demand. The trend seems to be for smaller units, as opposed to bigger units, but we will keep looking to the market for information before we finalize our unit mix. Right now, the market seems to be for studio, 1 and 2 bedroom apartment.

Q. Question to Nell Donaldson: What kind of things are you as a planner and what is the Planning Board looking for to base you decision on the Zone Change request?

Nell Donaldson: The basic threshold is whether the Zone change is consistent with the Master Plan/Comprehensive Plan.

Q. Jonathan, what is your backup plan if you do not get the zone change?

We most likely would not go through with our purchase of the property. Our contract, as is typical, is contingent on getting our approvals.

Q. What is the Planning Board meeting schedule?

Nell Donaldson: The meeting is next Tuesday, July 22 at 4pm in room 209 at City Hall. The workshop starts at 4pm, but this is the 3rd item on the agenda so it likely won't be reviewed before 5pm. After the workshop, the Planning Board may request another workshop or they might schedule a public hearing at which they will take a vote. Public Comment will be taken at workshops and public hearings.

Q. Why does the City keep changing and relaxing ordinances in order to permit new developments? How do you protect the residents?

Nell Donaldson: This is complex, but we make zoning and ordinances and then things change, but zoning remains static. The City tries to adapt to emerging trends. The City is actively trying protect your interests, while responding to demands from many constituencies and demographics. East Bayside is changing and we want to protect the things that are good, while allowing for organic growth.

Comment: We feel like we are not being protected, like the sale of Congress Square Park and the way the mayor was robo-calling before the vote. We feel like it is pro-development.

Nell Donaldson: These are good concerns, and while you may feel like you are not being listened to, I can tell you that City Staff talks a lot about these issues and concerns. Please come to the Planning Board and express your opinions.

Comment: I am not sure the purpose of this meeting, but it seems like you are asking us for something, and you have a duty to consider our comments and make some structural changes to your proposal. It does not sound like you have agreed to any changes at this meeting, and so I will go to the Planning Board and say that I do not see any reason to allow for this Zoning change.

Culley: I am certainly listening to everyone's comments and concerns. I think the real purpose of this meeting is to share information, rather than to negotiate changes. We have tried to be very transparent in describing the project, and giving you the information you need to create some opinions. We have

tried to tell you why we think this is good for Portland. While I would like to get support of all neighbors, I understand if some of you don't support the project, and I certainly respect your opinions.

Q. Could this deal be viable for you if the building was smaller?

I don't think the project would be viable if it was materially smaller. I don't think we could get our Bank to fund the project.

Comment: I don't agree that this project will reduce rents in Portland. I don't believe that if traffic is bad, it helps to build another lane.

Q. In the name of transparency will you share your financial figures that you have been showing the Bank?

We certainly have assumptions, and while I am not willing to share my personal financial details, I can share that we are currently projecting average rents of around \$1,200. Rents for studios would be lower and 2-bedrooms would be higher. These are the current directions.

Comment: I can't imagine that 53 units is a magic number.

Again, the deal would not be viable if there were many fewer than 53 units. I can't say whether the breakeven or viability threshold is 49,50,51, etc., but I can certainly say that this deal wouldn't work with 40 units. 53 is the allowable units per the zoning. We would need to be very close to 53 units to make this work.

Comment: The number one consideration is not the amount of profit you make, but the impact on the neighborhood.

Culley: I agree. As I stated, we work here and live here and will be living with and around our developments and we only want to do good development. The City process is there to protect the neighborhood. Also, I offer that we have built buildings in the past that people were against and then we built them and they decided they weren't so bad, maybe they even liked the change. Maybe some of the people who move into this building will be interesting people who add to the fabric of the neighborhood. Change and uncertainty are difficult for neighborhoods and we understand that.

Q: What is the market rate for a studio apartment?

Culley: I know of studio apartments on Congress Street that rent for around \$900. There are certainly units that rent for less, but for newer apartments, maybe \$900. We expect our studios to be between \$900-1000 per month. Again our assumptions are roughly \$900-1000 per month for studio apartments, \$1100-1200 for one bedrooms and slightly higher for two-bedrooms.

Comment: An \$1,000 studio apartment is really expensive. I am looking to pay about \$450 per month. Adding these apartments to East Bayside doesn't help.

Culley, I appreciate your point. I am not trying to define 'affordable'. We are only saying that adding to housing supply should improve affordability based on the law of supply and demand.

Comment: I am an electrician, and I have a family, and I own a house and my mortgage is \$760 per month and I am struggling to pay the bills. I am scraping by. This is real. Please be honest and look at the reality of how people are living. Face up to the reality that this is not affordable.

Comment: I just did some calculations. If you pay 40% of your income for housing, and work 40 hours per week, you would need to make \$12 an hour to afford one of these apartments. Minimum wage is nowhere near \$12 per hour. We would like to get minimum wage up to \$12 per hour in Portland.

Culley, I would be for it!

Q. What about the people who are living behind the parking lot. What is the rear setback?

Ryan Senatore: There is a 10' setback, but their building doesn't go to the property line. There is a parking lot for their building.

Culley: There will likely be a retaining wall between the properties.

Comment: It is important that people come to Planning Board meetings and speak up. Or email the City.

Nell Donaldson: Please come to the meeting or email me and your comments will be included in the Planning Board. My email is hcd@portlandmaine.gov

Q. How often do these projects get turned down by the Planning Board?

Nell Donaldson: Not very often. However many projects are changed. There is a Site Plan Ordinance that sets many criteria, including parking, stormwater, etc. When plans do not meet these standards, they must adapt to meet the criteria.

Comment: But the ordinances are being bent.

Nell Donaldson: The ordinance has a number of subjective criteria and the Planning Board has to make some decisions.

Q. How many citizens will it take to slow down the development happening in Portland? In 2012 there were 60 building permits, in 2013 there were 450.

Nell Donaldson: Yes, things have been busy. I encourage people to get involved and make comments and get involved. The Director of Planning is very interested in getting involvement from citizens and hearing people's opinions.

Q. Is the Comprehensive Plan available on the City website? Is there a plan for East Bayside?

Neil Donaldson: Yes it is. I am not sure exactly where it is but it is on the City web site. Comprehensive Plan is a collection of plans that have been developed over the years.

There is not necessarily a plan for each neighborhood.

Q. How does a parking/traffic study fit in to the Planning Board meeting?

Neil Donaldson: The Board may talk generally about parking and traffic, but the detailed discussion would happen later during Site Plan review.

Q. The Workshop is next Tuesday, do we know the next meeting would be?

Neil Donaldson: After the workshop the Board will either request another workshop or schedule a Public Hearing where they would take a vote on whether to recommend to the City Council. We do not have a date yet for any subsequent meetings.

The meeting was adjourned at 7:37pm.

P.O. Box 8816
Portland, ME 04104
Office: 207-221-5746
Fax: 207-221-2822
www.redfernproperties.com

September 11, 2014

Nell Donaldson
Planning Division, City of Portland
389 Congress Street, 4th Floor
Portland, ME 04101

Re: 89 Anderson Street, Zone Change Application

Dear Nell:

Please find attached revisions and supplemental materials related to our Zone Change Application for 89 Anderson Street.

First, please note that based on feedback from the Planning Board Workshop, and City Staff, we are prepared to revise our Zone Change Application to request B-1b (Neighborhood Business Zone), where we were previously seeking B-2b. This revision is conditioned upon text amendments to the B-1b that would reduce the 'rear yard' setback requirement to 10' or less, and any other required amendments arising from an interpretation by the Zoning Administrator. We understand that the process of making a series of text amendments to the B-1b is underway, and that 'rear yard' setback would be included in the proposed changes.

We agree with City Staff that the B-1b is, in many ways, a more appropriate zone for this neighborhood location, providing more security to neighbors in terms of potential business uses. Further, the zone appears to be designed specifically for locations such as 89 Anderson, per the following excerpt from the Zoning Ordinance (page 14-239 of the Land Use Code):

"The Zone also provides the opportunity for mixed-use and high residential density in on-peninsula locations....Suitable locations for this zone may include street intersections, arterial streets, and site with existing or traditional neighborhood retail and service uses"

Clearly 89 Anderson meets the criteria for B-1b suitability as stated in the Ordinance, as it is located at an intersection, on an arterial street (Fox Street), and the neighborhood has many existing businesses.

Also attached to this letter is a ***Traffic Impact Study***, prepared by William Bray, P.E. Though not typically required for a Zone Change application, we hope that the Traffic Impact Study can provide comfort to neighbors and the Planning Board that the proposed development will not create adverse impacts. The study concludes that:

“The operational analysis conducted for the three study intersections clearly shows that traffic generated by the proposed apartment complex has virtually no impact on traffic operations at any of the three study intersections.”

However, the study also identifies some problems on Fox Street that should be addressed. Should our project go forward, we would hope to work closely with the neighborhood and the City, to advocate for safety improvements along the Fox Street corridor, and particularly at the Fox/Washington intersection.

Please also find attached a more detailed *Comprehensive Plan Analysis*. The analysis focuses on the City's Housing Goals, and how the proposed project will have an important impact in meeting the stated Policy objectives. While the 2002 Comprehensive Plan document entitled *Housing: Sustaining Portland's Future* emphasizes the need for new housing, it is important to note that this need has become far more pressing in recent years. Availability and affordability of housing in Portland is at or near crises levels. Experts generally agree that new housing supply is the best way to address these challenges. In particular, new market-rate rental housing, such as our proposed project is a vital component of any solution to Portland's housing problems.

Finally, attached are a series of *Architectural Renderings* that show the proposed building in the context of the surrounding built environment. We believe that these images demonstrate a wide variety of forms and massings in the immediate neighborhood, and that the proposed building is appropriate in size and scale.

Please do not hesitate to contact me with any questions about the attached.

Sincerely,



Jonathan Culley
Redfern Properties LLC

Attachments: Traffic Impact Study (52 pages)
Comprehensive Plan Analysis (5 pages)
Architectural Renderings (9 pages)

89 Anderson Street Zone Change Application Comprehensive Plan Analysis

The City of Portland's Comprehensive Plan articulates goals for a denser, more populous, and more vibrant City. The proposed project at 89 Anderson is consistent with the Plan's goals and objectives in many ways, including those included in this document. This document demonstrates the 89 Anderson Street project's consistency with the document entitled *Housing: Sustaining Portland's Future* which was adopted as part of Portland's Comprehensive Plan in 2002. Please note that the Housing shortage in Portland has become far more pronounced since this Comprehensive Plan document was created in 2002. Relevant excerpts from the Comprehensive Plan document are shown in bold, while our responses are in regular (non-bold) type.

Document: *Housing: Sustaining Portland's Future* Adopted November 18, 2002

Portland Today: A Shortage of Housing

Condition One: Portland has a shortage of housing units because nearly two households were formed for every new housing unit created since 1990. (page 26)
The proposed development addresses the housing shortage by adding housing supply.

Condition Two: Lack of housing supply causes price increases for both renters and owners. (page 26)
The proposed project creates new housing supply which will contribute to improving housing affordability.

Condition Three: Portland has limited vacant land suitable for new development, thus infill sites and redevelopment options are the primary opportunities for creating new housing. (page 27)
The proposed project is the redevelopment of a currently underutilized site and with a non-conforming use.

Ensure and Adequate and Diverse Supply of Housing for All

Policy #1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future. (page 29)
The only way to ensure adequate housing supply is to create new housing. Further, the 89 Anderson project fulfills the currently unmet need for market-rate rental housing.

Housing development in Portland in the last several decades has been mostly either low-income subsidized housing or condominium housing, while the number of market-rate rental apartments has declined due to demolition or conversion to other ownership types.

Objective 1.a: Ensure construction of a diverse mix of housing types that offers a continuum of options across all income levels for both renter and owner-occupied. (page 29)

Per above, there has been very little new construction of market-rate rental apartments. The 89 Anderson project will meet the housing demand for renters who earn around the median income for the region.

Objective 1.b: A variety of housing choices should be available such that no one should have to spend more than 30% of their income for housing. (page 30)

Per above, there is ample supply of condominium homes in the Portland market, and there have been several hundred new subsidized units completed in the last several years (though there is still unmet demand), but almost zero new market-rate units. The projected (pro forma) rents for the 89 Anderson project are below 30% of the U.S. Government's established Median Income for the Portland ME HUD Metro FMR Area (source: <http://www.huduser.org/portal/datasets/il/il2014/2014summary.odn>). Per the 'huduser' website, the Median Incomes for various family sizes and 30% of income levels are as follows:

Family Size	Median Income (Per HUD)	30% Median Income	89 Anderson Projected Rent
1	\$54,200	\$1,355	\$1,000
2	\$61,900	\$1,548	\$1,300
3	\$69,600	\$1,740	\$1,600
4	\$77,300	\$1,933	\$1,750

Note: The 89 Anderson Projected Rent contemplates a 'Studio' apartment for the 1 person family, a 'one-bedroom' for the 2 person family, a smaller 'two-bedroom' for the 3 person family, and the largest 'two-bedroom' for the 4 person family.

The table above demonstrates that our projected rents are less than 30% of the Median Income as defined by HUD. So by definition, the 89 Anderson apartments would target those near the middle of the income strata.

Objective 1.c: Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation. (page 30)

The 89 Anderson project is located a short walk from downtown (about 13 minutes by foot), and near public transportation, grocery stores, schools (Portland High School, East End Community School), and other services. It represents an ideal location for higher density housing.

Objective 1.d: Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords. (page 31)

89 Anderson will increase the rental housing stock, providing new construction housing, with exceptional energy efficiency, and modern amenities, creating a new type of housing, not currently available.

Objective 1.g: Identify vacant land and redevelopment opportunities throughout the city to facilitate the construction of new housing. (page 33)

The proposed project is the redevelopment of a currently underutilized site and with a non-conforming use.

Objective 1.h: Promote Portland as a Pro-Housing Community. (page 33)

Providing Zoning that would make feasible a market-rate rental housing project would demonstrate that Portland is serious about addressing its Housing needs.

Neighborhood Stability and Integrity

Policy #3: Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity. (page 43)

89 Anderson meets Portland's housing needs on neighborhood scale (i.e. without altering current block design). By adding ground floor commercial uses at a location on a key intersection and across from a major public park, 89 Anderson adds to 'sense of place' in the East Bayside neighborhood.

Objective 3.a: While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses. (page 43)

The current use of 89 Anderson is non-conforming. B1-b Zoning limits the type of businesses to those that are compatible with residential neighborhoods.

Objective 3.b: Support Portland's livable neighborhoods by encouraging a mix of needed uses and services within walking distance of most residents. (Page 43)

The B1-b zone encourages uses and services compatible with residential neighborhoods, thus supporting the planning concept of 'walkable neighborhoods'.

Objective 3.c: Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood. (Page 44)

East Bayside is an eclectic neighborhood with a wide range of buildings ranging from large multi-family (Bayside East at Smith/Oxford St., Portland Housing Authority), mid-sized multi-family (Greenleaf Apartments abutting 89 Anderson), small multi-family and

single family homes, and large industrial buildings across Fox Street from 89 Anderson. The new building at 89 Anderson will be similar in scale and character to Bayside East and the recently approved Bayside Anchor, while creating a connection to the larger industrial buildings across Fox Street.

Objective 3.d: Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation. (Page 44)

89 Anderson is adjacent to a large public park/open space and is in close proximity to many services and bus routes.

Objective 3.e: Ensure the integrity and economic value of Portland's neighborhoods. (Page 45)

The substantial investment in the 89 Anderson project should serve to improve safety and security in the neighborhood, while potentially increasing the value of nearby properties.

Objective 3.g: Encourage neighborhood populations that are economically, socially, culturally and ethnically diverse. (Page 46)

East Bayside is currently largely populated by owner-occupied homes and subsidized housing. New market-rate housing would add a new type of housing and increase economic diversity in the neighborhood.

Sustainable Development

Policy #5: Portland's Comprehensive Plan encourages a manageable level of growth that will sustain the City as a healthy urban center in which to live and work and to achieve a shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the City by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities. (page 53)

The planning of 89 Anderson is based on the principles of 'smart growth' development. By creating high-density housing on the Portland peninsula in a previously developed, but non-conforming parcel, the project is consistent with sustainable development patterns.

Objective 5a: Encourage growth in Portland that strives for a dynamic balance of the essential elements of the city, such as excellent schools, diverse housing choices, proximity to services and employment, increased public transit usage, expanded economic base, high quality services, and an affordable tax rate. (page 53)

The mixed-use project at 89 Anderson will create a new type of housing choice (adding to diversity of housing options), close to employment centers and public transit. The project will provide substantial new tax revenue, likely with minimal associated expense.

Objective 5 b: Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads exist or may be expanded at minimal costs. (page 53)

89 Anderson Street is across the street from a large public park/open space, and is built on existing roads with existing utility infrastructure.

Objective 5.c.: Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing. (page 54)

By helping to alleviate Portland's housing crunch, 89 Anderson helps Portland become a more attractive home for employers.

Objective 5.d.:Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical. (page 54)

The B1-b zone is designed to create neighborhood business centers. Mixed-use buildings such as 89 Anderson, provide both residence and neighborhood business/services that create excellent 'traditional' neighborhoods less dependent on the automobile.

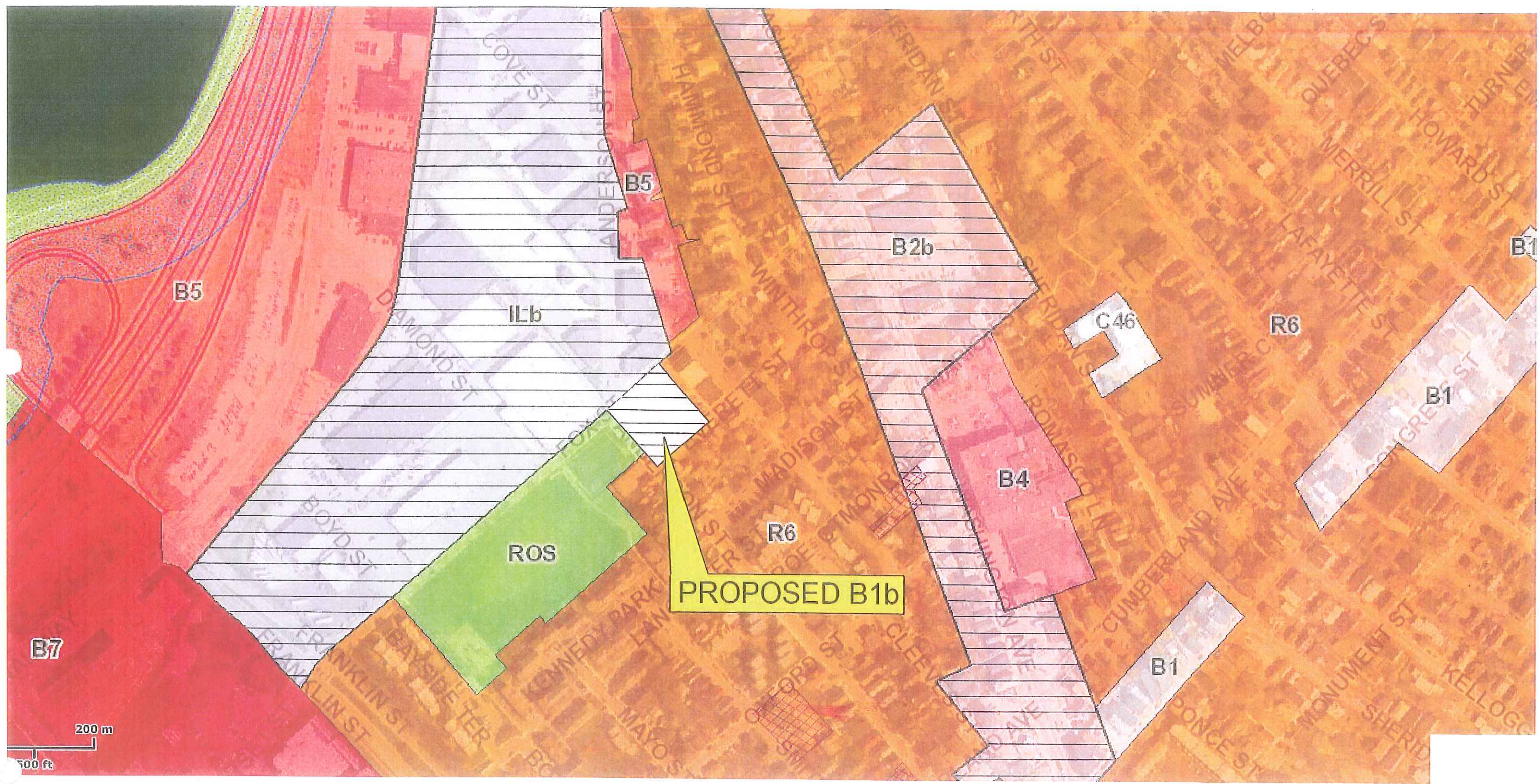
Objective 5.e: Locate and design housing to reduce impacts on environmentally sensitive areas.-(page 54)

The 89 Anderson site is currently an auto garage with a large asphalt parking area, with little environmental value. Housing on such properties reduces the need to create housing on more environmentally sensitive areas.

Objective 5.f: Design housing using new technologies and materials that reduce costs and increase energy efficiency. (page 55)

Redfern Properties believes deeply in building the most energy efficient buildings possible. Some of our previous projects have won honors for energy efficiency and sustainability. Like our past and current projects, we plan to build 89 Anderson to an exceedingly high environmental standard.

Att. H













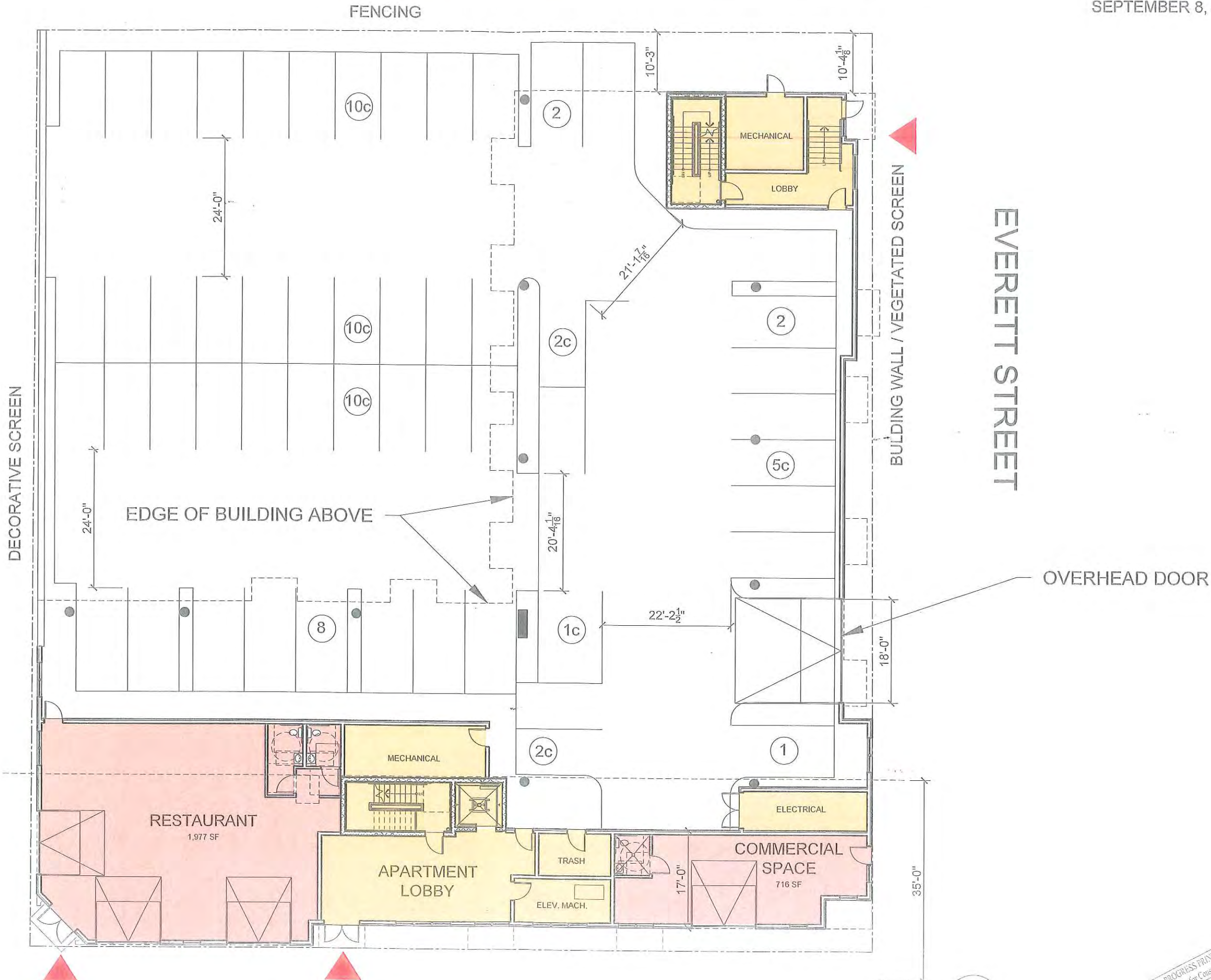
ANDERSON STREETSCAPE



EVERETT STREETSCAPE

FOX STREET

EVERETT STREET



Att. I

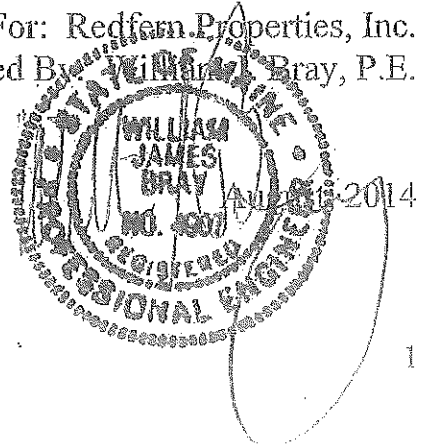
TRAFFIC IMPACT STUDY

FOR

PROPOSED

89 Anderson Street Apartment Complex

Prepared For: Redfern Properties, Inc.
Prepared By: William James Bray, P.E.



INTRODUCTION

Redfern Properties, LLC is proposing to construct a 53-unit apartment building on a parcel of property located at 89 Anderson Street. A total of 53 parking spaces will be provided under the cover of the proposed apartment building. Access to the covered parking spaces will be provided through a single entrance located on Everett Street.

The purpose of this study is to examine existing traffic conditions in the general vicinity of the proposed project, estimate the total number of site trips generated by the project, and make a determination as to whether the existing transportation system can safely accommodate the added traffic demand generated by the project.

EXISTING CONDITIONS

Existing Traffic: Manual turning movement counts were conducted at three study area intersections per direction received from the City's Traffic Peer Review Consultant. The intersections included the following locations:

1. Anderson Street @ Fox Street
2. Washington Avenue/Fox Street/Walnut Street
3. Anderson Street @ Cumberland Avenue

All vehicular traffic entering each intersection was recorded in 15-minute intervals between the hours of 7:00 to 9:00 AM and between 3:00 to 6:00 PM (Copies of the field data summary sheets are attached). In addition, both pedestrian and bicycle data was gathered at each location both directionally and time of day. From a summary of the data, it was determined that the morning peak hour occurs between 8:00 and 9:00 AM at each study area location; the PM peak hour falls between 4:30 and 5:30 at each of the locations.

Bicycle and pedestrian volume totals recorded during the vehicular peak hour(s) at each study location are summarized in the following tables:

Bicycle Volumes (Street Peak Hour)

<u>Intersection/Approach</u>	<u>AM Peak Hour</u>	<u>PM Peak Hour</u>
Washington Ave./Walnut St./Fox St.		
- Washington Avenue EB	1	9
- Washington Avenue WB	2	13
- Walnut Street	0	1
- Fox Street	2	2
Anderson St./Fox St.		
- Anderson Street EB	1	6
- Anderson Street WB	3	9
- Fox Street NB	0	11
- Fox Street SB	0	7
Anderson St./Cumberland Ave.		
- Anderson Street	1	0
- Cumberland Avenue NB	2	4
- Cumberland Avenue SB	5	5

Bicycle travel through the study intersections was somewhat moderate during the afternoon peak hour; volumes recorded in the morning peak hour were very low at each of the three study intersections. The highest volume of bicycle trips in the PM peak hour were recorded traveling along the Washington Avenue corridor (22

two-way trips) and a second predominate travel route was along Fox Street with a total two-way volume of 18 trips.

**Pedestrian Volumes
(Street Peak Hour)**

Intersection/Approach	AM Peak Hour	PM Peak Hour
Washington Ave./Walnut St./Fox St.		
- Crossing Washington Ave. @ Walnut St.	2	0
- Crossing Washington Ave. @ Fox St.	6	8
- Crossing Walnut St.	5	4
- Crossing Fox St.	4	18
Anderson St./Fox St.		
- Crossing East Anderson St.	9	14
- Crossing West Anderson St.	4	2
- Crossing North Fox St.	12	6
- Crossing South Fox St.	7	9
Anderson St./Cumberland Ave.		
- Crossing Anderson St.	21	29
- Crossing Cumberland Ave. @ Anderson St.	14	30

The volume of pedestrian movements recorded at each of the three study intersections was highest at the Anderson Street/Cumberland Avenue intersection where a total of 35 pedestrian movements were recorded in the morning peak hour and 59 pedestrian movements were recorded in the afternoon peak hour.

Traffic data collected during the months of July and August are generally representative of “peak” travel conditions and further adjustment is not required. Figures 1 and 2 are “*line-diagrams*” presenting “*peak*” hour vehicular traffic volumes for the AM and PM peak hours, respectively, for the study area intersections.

Existing Safety Trends: The Maine Department of Transportation’s (MaineDOT) Accident Records Section provided the latest three-year (2011 through 2013) crash data for the following roadway segments:

1. Fox Street between Franklin Arterial and Washington Avenue
2. Washington Avenue/Fox Street/Walnut Street intersection
3. Anderson Street between Fox Street and Cumberland Avenue
4. Everett Street between Anderson Street and Greenleaf Street

Their report is summarized as follows and attached as an appendix to the report:

2011 -2013 Traffic Accident Summary

<u>Location</u>	<u>Total Crashes</u>	<u>Critical Rate Factor</u>
1. Fox Street @ Franklin Arterial	20	0.58
2. Fox Street and N. Boyd Street	3	1.03
3. Fox Street @ Diamond Street	1	0.34
4. Fox Street @ Anderson Street	2	0.73
5. Fox Street @ Greenleaf Street	2	0.98
6. Fox Street @ Winthrop Street	2	1.06
7. Washington Avenue/Fox Street/Walnut Street	9	1.98
8. Fox Street btw. Cove Street and Greenleaf Street	1	0.54
9. Fox Street btw. Winthrop Street and Washington Avenue	1	0.48
10. Anderson Street @ Madison Street	1	4.63
11. Anderson Street @ Oxford Street	1	4.09
12. Anderson Street @ Cumberland Avenue	2	0.71
13. Anderson Street btw. Fox Street and Everett Street	1	4.42
14. Anderson Street btw. E. Lancaster Street and E. Oxford Street	4	16.00
15. Anderson Street btw. E. Oxford Street and Cumberland Avenue	4	11.44

The MaineDOT considers any roadway intersection or segment a high crash location if both of the following criteria are met:

- *8 or more accidents*
- *A Critical Rate Factor greater than 1.00*

As the data presented in the table shows (location highlighted in yellow), the Washington Avenue/Walnut Street/Fox Street intersection meets MaineDOT's criteria for a high crash location. A total of 9 crashes and a Critical Rate Factor (CRF) of 1.98 were reported for the intersection. A more in-depth review (preparation of detailed vehicle collision diagrams) was prepared for the intersection to determine if a clear pattern of accident is occurring (Copies of the Collision Diagrams are attached as an appendix to the report).

The detailed review of the vehicle crash reports for the intersection would suggest two clear patterns of concern: 1) Four of the nine accidents involved vehicles on the Fox Street approach turning left onto Washington Avenue being struck by thru vehicles traveling eastbound on Washington Avenue; 2) A total of three collisions involved vehicles approaching Washington Avenue from the Walnut Street approach sliding through the intersection and striking a thru vehicle on Washington Avenue.

Implementation of one or more of the suggested remediation measures should help reduce the frequency of traffic crashes occurring at this "off-set" intersection:

- Utilization of an anti-icing agent on the full length of Walnut Street would potentially reduce vehicle skidding problems on Walnut Street.
- Alternatively, or in conjunction with utilization of the anti-icing agent, the City may want to consider closure of Walnut Street at North Street during periods of severe winter road conditions using a remotely operated flashing "Street Closed" beacon placed at the top of the Walnut Street "hill".
- Replace and/or update existing pedestrian crossing equipment (equipment presently inoperative) at both existing Washington Avenue crosswalks to improve safety of pedestrians crossing "busy" Washington Avenue.

In addition to the aforementioned recommendations, preliminary evaluation was given to full traffic signalization of the intersection; however, present intersection traffic volumes and/or other factors do not appear to satisfy the warrants for traffic signals.

SITE TRAFFIC

Site Trip Generation: The eighth edition of the Institute of Transportation Engineers (ITE) "TRIP GENERATION" manual was used to determine the volume of site traffic generated by the proposed 53-unit residential apartment complex project. The ITE publication provides numerous land-use categories and the average volume of trips that are generated by each category. The following trip rates were used to calculate the trip generation of the proposed project:

Land Use #220 - Apartment

AM Peak Hour = 0.51 trips per occupied unit

PM Peak Hour = 0.62 trips per occupied unit.

Accordingly, the proposed 53-unit apartment complex can be expected to generate a total of 27 trips in the morning peak hour and 33 trips during the afternoon peak hour.

Site Trip Distribution: The Institute of Transportation Engineers handbook provides the following directional distribution rates for an apartment unit during the AM and PM peak hours:

AM Peak Hour = 20% enter site and 80% exit site

PM Peak Hour = 65% enter site and 35% exit site

Based upon the noted directional distribution patterns, 22 trips during the morning peak hour and 12 trips in the evening peak hour will exit the site and the remaining trips (5 AM trips and 21 PM trips) during both peak time periods will enter the site.

Site Trip Assignment: Vehicle trips generated by the proposed project were assigned through the three study intersections on the basis of existing travel patterns and the Consultants knowledge of travel patterns in the City of Portland. Figures 3 and 4 graphically depict the assignment for both peak commuter time periods.

FUTURE TRAFFIC

Other Development Traffic: Traffic generated by projects that have been approved by the Local Planning Board and/or the Maine Department of Transportation, yet are not opened, must be included in the estimate of pre-development traffic. At the direction of the City's Development Review Services Manager, trips generated by the following projects were appropriately added to the base travel conditions at the site driveway intersections.

- Washington Avenue Efficiencies
- PHA Bayside Anchor Project
- Munjoy Heights
- Intermodal "Staging" Area

Figures 5 and 6 illustratively present the Other Development traffic assignment for the study intersections.

2014 Pre-Development Traffic: The 2014 Pre-Development traffic forecasts were prepared for the study intersections by combining the 2014 Design Hour traffic volumes shown on Figures 1 and 2 with the Other Development traffic values displayed on Figures 5 and 6. Figures 7 and 8 present the 2014 pre-development traffic forecasts at each of the three study intersections.

2014 Post-Development Traffic: Estimated 2014 Pre-Development traffic forecasts prepared for the study intersections, as depicted on Figures 7 and 8, were combined with the site traffic projections highlighted on Figures 3 and 4 to create estimated 2014 Post-Development traffic forecasts for the study intersections. Figures 9 (AM Peak Hour) and 10 (PM Peak Hour) are line diagrams that present the estimated 2014 Post-Development traffic conditions for the study intersections.

MOBILITY ANALYSIS

Capacity analyses of both 2014 Pre and Post-Development traffic conditions were performed for each of the three study intersections utilizing the Synchro and SimTraffic computer models. Levels of Service rankings are similar to the academic grading system, where an "A" is very good with little delay and "F" represents very poor conditions.

The following table summarizes the relationship between delay and Level of Service for an unsignalized intersection:

Level of Service Criteria for Unsignalized Intersections

<u>Level of Service</u>	<u>Total Control Delay (sec/veh)</u>
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

The result of the capacity analysis is presented in the following table:

Level of Service Summary 2014 Pre and Post-Development Conditions

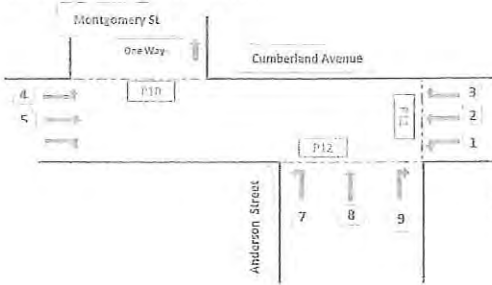
<u>Intersection/Approach</u>	<u>2014 Pre-Development</u>				<u>2014 Post-Development</u>			
	<u>AM Peak Hour</u>		<u>PM Peak Hour</u>		<u>AM Peak Hour</u>		<u>PM Peak Hour</u>	
	<u>Delay (sec.)</u>	<u>LOS</u>	<u>Delay (sec.)</u>	<u>LOS</u>	<u>Delay (sec.)</u>	<u>LOS</u>	<u>Delay (sec.)</u>	<u>LOS</u>
1. Washington Ave./ Walnut St./Fox St.								
- Washington Ave. EB	1 sec.	A	2 sec.	A	1 sec.	A	2 sec.	A
- Washington Ave. WB	1 sec.	A	4 sec.	A	4 sec.	A	4 sec.	A
- Walnut St.	13 sec.	B	16 sec.	C	15 sec.	B	17 sec.	C
- Fox St.	11 sec.	B	27 sec.	D	13 sec.	B	27 sec.	D
2. Fox St. @ Anderson St.								
- Anderson St. EB	5 sec.	A	5 sec.	A	5 sec.	A	5 sec.	A
- Anderson St. WB	6 sec.	A	6 sec.	A	6 sec.	A	6 sec.	A
- Fox St. NB	6 sec.	A	7 sec.	A	6 sec.	A	7 sec.	A
- Fox St. SB	6 sec.	A	7 sec.	A	7 sec.	A	7 sec.	A
3. Anderson St. @ Cumberland Ave.								
- Anderson St.	4 sec.	A	3 sec.	A	4 sec.	A	3 sec.	A
- Cumberland Ave. NB	1 sec.	A	1 sec.	A	1 sec.	A	1 sec.	A
- Cumberland Ave. SB	1 sec.	A	1 sec.	A	1 sec.	A	1 sec.	A

As presented in the chart above, the proposed project has no measurable impact on traffic operations at any of the three study intersections. Each intersection was found to operate at acceptable levels of service under both pre-development and post-development conditions.

SUMMARY

1. The proposed 53-unit apartment complex can be expected to generate a total of 27 vehicle trips during the AM peak hour and a slight increase of 33 trips in the afternoon peak hour. Twenty-two (22) trips during the morning peak hour and 12 trips in the evening peak hour will exit the site and the remaining trips (5 AM trips and 21 PM trips) during both peak time periods will enter the site.
2. MaineDOT's Traffic Safety Bureau's latest three-year safety report for the identified portions of Washington Avenue, Fox Street, and Anderson Street shows that all roadway segments and intersections, with the exception of the Washington Avenue/Fox Street/Walnut Street intersection, experience fewer traffic crashes than the threshold criteria for identification of a high crash location. The noted traffic intersection, based upon the most recent three-year data, meets both of MaineDOT's criteria for identification of a high crash location. A total of 9 vehicle crashes were reported at the intersection during the study time period and the Critical Rate Factor, which compares operations at the intersection with a statewide average for similar locations, exceeds 1.00 at 1.98. Detailed vehicle collision diagrams were prepared for each of the reported 9 vehicle crashes to determine if a correctible pattern of vehicle crash is occurring at the intersection. The detailed analysis identified two crash patterns; four "angle" collisions involving vehicles entering Washington Avenue from Fox Street being struck by motorists traveling eastbound on Washington Avenue. The second pattern involved three crashes that resulted from vehicles approaching Washington Avenue on Walnut Street skidding, during inclement weather, into thru vehicles traveling west on Washington Avenue.
3. It would appear that all modes of transportation would benefit from full traffic signalization of the Washington Avenue/Fox Street/Walnut Street intersection; an abbreviated preliminary assessment of existing travel conditions was conducted and it was determined that prevailing traffic conditions at the noted intersection do not appear to meet the minimum travel conditions required for traffic signalization (Copy of abbreviated traffic signal warrant study is attached as an appendix to the report). The City may want to monitor traffic conditions on an annual basis to determine if prevailing conditions change meeting one or more of the warrants for traffic signalization. This report does identify three improvement strategies that, with implementation, should improve overall safety at the intersection, they include the following:
 - Utilization of an anti-icing agent on the full length of Walnut Street would potentially reduce vehicle skidding problems on Walnut Street.
 - Alternatively, or in conjunction with utilization of the anti-icing agent, the City may want to consider closure of Walnut Street at North Street during periods of severe winter road conditions using a remotely operated flashing "*Street Closed*" beacon placed at the top of the Walnut Street "hill".
 - Replace and/or update existing pedestrian crossing equipment (equipment presently inoperative) at both existing Washington Avenue crosswalks to improve safety of pedestrians crossing "busy" Washington Avenue.
4. The operational analysis conducted for the three study intersections clearly shows that traffic generated by the proposed apartment complex has virtually no impact on traffic operations at any of the three study intersections. Each study intersection was found to operate at acceptable levels of service during both the pre-development and post-development conditions.
5. Pedestrian crosswalk markings and stop bars should be installed at the Anderson Street/Fox Street intersection on all four approaches of the intersection.

INTERSECTION PLAN
WITH NUMBERED MOVEMENTS:



Portland
Intersection: Cumberland Ave/Anderson St/Montgomery St.
Date: 8/13/14
Day of Week: Wednesday
Weather:
Remarks:

Count Summary Movement

Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P10	P11	P12	C2	C4	C5	C6	C7	C9
7:00	7:15	1	16	0	0	29	0	1	0	3	0	0	0	50	0	0	3	0	1	1	0	0	1
Truck Count		0	1	1	0	1	0	0	0	1	0	0	0	4									
7:15	7:30	0	18	0	0	16	1	2	0	6	0	0	0	43	4	1	4	0	0	0	1	0	0
Truck Count		0	0	0	0	0	1	0	0	0	0	0	0	1									
7:30	7:45	1	13	1	0	25	3	2	0	3	0	0	0	48	4	5	3	0	0	0	0	0	0
Truck Count		0	0	1	0	0	0	0	0	0	0	0	0	1									
7:45	8:00	3	18	1	1	39	0	1	1	3	0	0	0	67	3	3	4	0	0	2	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0									
8:00	8:15	4	28	0	1	54	3	1	0	10	0	0	0	101	7	3	5	0	0	0	0	0	0
Truck Count		0	2	0	0	2	0	0	0	0	0	0	0	4									
8:15	8:30	3	23	0	3	55	1	0	0	11	0	0	0	95	8	5	4	1	0	2	0	0	0
Truck Count		0	0	0	0	3	0	1	0	1	0	0	0	5									
8:30	8:45	1	16	0	1	59	1	0	0	10	0	0	0	88	2	0	9	1	1	2	0	1	0
Truck Count		1	3	0	0	1	0	0	0	1	0	0	0	6									
8:45	9:00	2	32	2	0	38	1	3	0	15	0	0	0	93	5	0	3	0	0	0	0	0	0
Truck Count		0	3	0	0	1	0	0	0	0	0	0	0	4									

PEAK HOUR COUNT

TIME:

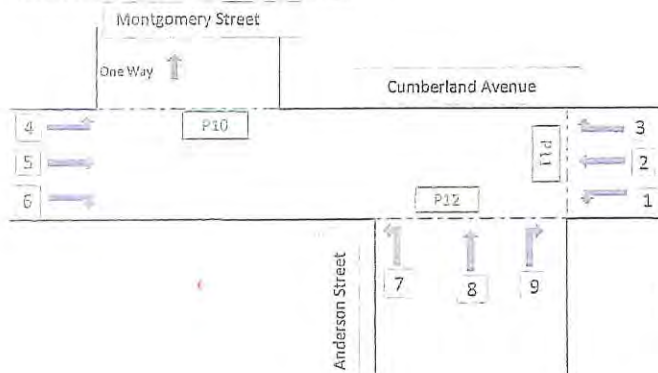
8:00

TO:

9:00

11	107	2	5	213	6	5	0	48	0	0	0	397
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INTERSECTION PLAN
WITH NUMBERED MOVEMENTS:



Red = Bicycle Movement
Green = Pedestrian Movement

Portland
Intersection: Cumberland Ave/Anderson St/Montgomery St
Date: 8/13/14
Day of Week: Wednesday
Weather: _____
Remarks: _____

Count Summary Movement

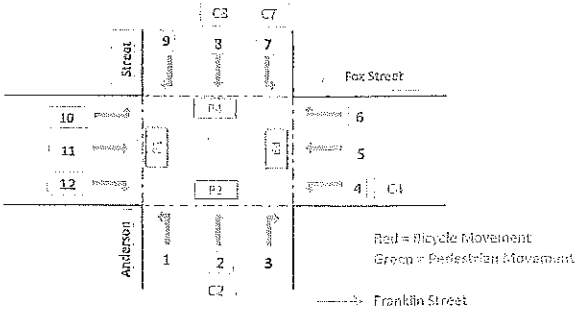
Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P10	P11	P12	C1	C2	C4	C5	C6
3:00	3:15	5	52	0	2	43	1	1	0	11	0	0	0	115	12	7	11	1	1	0	2	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0								
3:15	3:30	2	46	0	1	38	2	4	0	9	0	0	0	102	10	13	7	0	0	1	0	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1								
3:30	3:45	4	42	4	1	32	1	1	1	5	0	0	0	91	6	6	7	1	1	0	0	0
Truck Count		1	0	0	1	2	0	0	0	0	0	0	0	4								
3:45	4:00	5	68	2	2	43	3	3	0	13	0	0	0	139	12	5	12	0	0	0	1	0
Truck Count		0	0	0	0	1	0	0	0	0	0	0	0	1								
4:00	4:15	7	40	2	0	28	4	3	0	4	0	0	0	88	3	3	11	0	0	0	0	1
Truck Count		0	0	0	0	1	0	0	0	0	0	0	0	1								
4:15	4:30	5	64	0	1	32	3	3	0	11	0	0	0	119	6	6	7	0	1	0	0	0
Truck Count		0	1	0	0	1	0	0	0	0	0	0	0	2								
4:30	4:45	8	60	2	0	61	2	3	1	11	0	0	0	148	20	3	7	0	1	0	2	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1								
4:45	5:00	3	67	3	0	60	2	5	1	10	0	0	0	151	10	19	14	0	1	0	1	2
Truck Count		0	2	0	0	2	0	0	0	0	0	0	0	4								
5:00	5:15	2	76	1	3	48	1	1	1	14	0	0	0	147	5	6	2	0	1	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0								
5:15	5:30	7	117	4	2	80	4	6	0	13	0	0	0	233	4	2	6	0	1	0	0	0
Truck Count		0	0	0	0	1	0	0	0	0	0	0	0	1								
5:30	5:45	5	89	1	0	46	3	1	0	7	0	0	0	152	3	2	1	0	0	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0								
5:45	6:00	2	78	2	1	47	4	3	0	12	0	0	0	149	2	0	2	0	0	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0								

PEAK HOUR COUNT

20	323	10	5	252	9	15	3	48	0	0	0	685
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TIME: 4:30 TO: 5:30

INTERSECTION PLAN
WITH NUMBERED MOVEMENTS:



Portland
Intersection: Fox Street/Anderson Street
Date: 8/12/14
Day of Week: Tuesday
Weather: _____
Remarks: _____

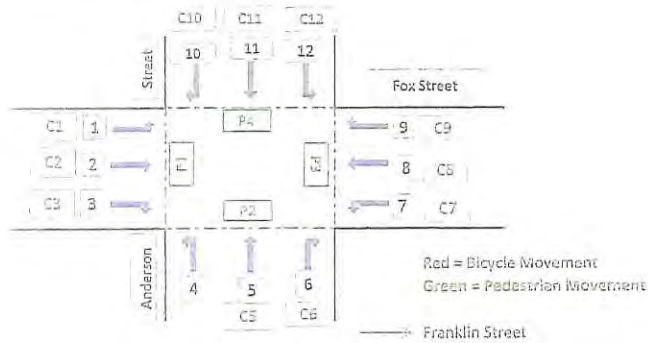
Count Summary Movement

Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P1	P2	P3	P4	C2	C4	C7	C8
7:00	7:15	1	3	8	2	15	3	3	1	0	0	19	6	61	1	1	3	1	0	0	1	0
Truck Count		0	0	1	0	0	0	0	1	0	0	0	0	2								
7:15	7:30	1	1	3	1	12	3	9	3	1	0	25	1	60	1	0	0	2	0	1	0	0
Truck Count		0	0	1	0	0	0	0	0	0	0	0	0	1								
7:30	7:45	6	8	15	1	16	1	7	4	1	0	33	3	95	0	0	0	0	0	0	0	0
Truck Count		0	1	2	0	0	0	0	0	0	0	1	0	4								
7:45	8:00	1	11	17	3	20	7	12	1	0	3	40	1	116	0	0	0	0	0	0	1	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0								
8:00	8:15	4	9	21	3	18	4	14	2	1	0	39	1	116	4	1	5	3	0	0	1	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0								
8:15	8:30	2	10	17	6	16	11	14	2	0	0	40	3	121	4	0	0	5	0	0	0	0
Truck Count		0	1	2	0	0	0	0	0	0	0	0	0	3								
8:30	8:45	3	12	35	3	20	8	20	0	1	1	29	2	134	4	3	0	0	1	0	0	0
Truck Count		0	0	2	0	1	0	0	0	0	1	1	0	5								
8:45	9:00	7	21	22	1	21	8	13	6	2	1	32	0	134	0	0	2	1	0	0	1	1
Truck Count		0	0	0	0	1	0	0	0	0	0	0	0	1								

PEAK HOUR COUNT

TIME: 8:00 TO: 9:00											
16	53	99	13	77	31	61	10	4	3	141	514

INTERSECTION
WITH NUMBERED MOVEMENTS:



Portland
Intersection: Fox Street/Anderson Street
Date: 6/12/14
Day of Week: Tuesday
Weather:
Remarks:

Count Summary Movement

		Count Summary Movement																											
Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P7	P8	P9	P4	C1	C2	C3	C5	C6	C7	C8	C9	C10	C11	C12
3:00	3:15	1	27	2	3	6	14	4	34	12	2	9	12	126	2	0	0	1	2	3	0	1	1	0	2	0	0	0	1
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0															
3:15	3:30	0	27	2	11	10	21	8	28	13	1	5	9	135	2	1	2	2	0	0	0	1	1	0	0	0	0	2	4
Truck Count		0	0	0	0	0	1	0	0	0	0	0	0	1															
3:30	3:45	0	28	5	6	9	16	10	31	15	2	7	17	146	0	0	2	2	0	0	0	0	0	0	0	0	0	0	0
Truck Count		0	1	0	0	0	1	0	1	0	0	0	0	3															
3:45	4:00	1	36	3	6	8	13	5	29	18	3	4	10	136	3	2	2	0	0	2	0	0	0	1	1	0	0	0	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1															
4:00	4:15	3	26	0	6	11	16	9	34	15	1	4	10	135	1	1	0	3	0	0	0	0	1	2	0	0	0	0	0
Truck Count		0	0	0	1	0	1	0	0	0	0	0	0	2															
4:15	4:30	1	26	4	5	14	9	10	41	16	2	5	12	145	0	0	2	2	0	0	0	0	0	1	0	0	0	0	0
Truck Count		0	0	0	0	0	1	0	0	0	0	0	0	1															
4:30	4:45	2	49	2	6	2	10	9	30	23	3	3	14	153	2	0	1	2	0	0	0	0	5	3	2	0	0	1	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0															
4:45	5:00	3	40	5	4	9	21	8	45	20	3	9	11	178	1	0	3	5	0	0	1	0	2	0	1	0	0	3	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0															
5:00	5:15	2	34	2	5	6	17	7	38	18	4	2	17	152	2	1	0	3	0	2	1	0	1	0	0	0	1	1	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0															
5:15	5:30	3	35	1	9	14	22	9	49	18	0	5	17	182	1	1	6	4	0	1	2	0	1	5	0	0	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0															
5:30	5:45	1	27	3	5	7	17	8	40	15	5	2	12	142	3	5	1	2	0	1	0	1	1	0	2	1	0	1	0
Truck Count		0	0	0	0	0	1	0	0	0	0	0	0	1															
5:45	6:00	1	30	1	3	9	13	4	46	12	0	0	17	136	3	1	0	6	1	1	0	1	2	1	0	0	0	0	0
Truck Count		0	0	0	0	0	1	0	0	0	0	0	0	1															

PEAK HOUR COUNT

TIME: 4:30 TO: 5:30															
10	158	10	24	31	70	33	162	79	10	19	59	665			

INTERSECTION PLAN
WITH NUMBERED MOVEMENTS:



Portland
Intersection: Washington Ave./Fox St./Walnut St.
Date: 8/14/14
Day of Week: Thursday
Weather: _____
Remarks: Construction

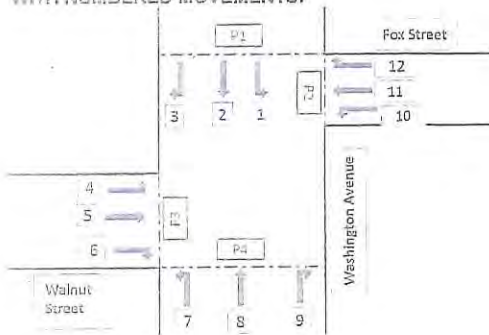
Count Summary Movement

Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P1	P2	P3	P4	C2	C8	C14	C12
7:00	7:15	7	24	1	2	6	3	6	74	1	5	7	5	141	1	1	2	0	0	0	0	0
Truck Count		0	1	0	0	0	0	1	6	0	0	0	0	8								
7:15	7:30	3	26	1	1	10	5	6	78	3	10	10	5	158	0	0	1	0	0	0	0	0
Truck Count		1	2	0	0	0	0	0	4	0	0	0	0	7								
7:30	7:45	9	36	2	4	14	4	2	85	12	1	5	9	183	0	1	0	1	0	0	0	0
Truck Count		0	5	0	1	0	0	0	3	0	0	0	0	9								
7:45	8:00	10	47	2	2	11	6	3	142	8	7	2	11	251	0	4	3	2	0	0	0	0
Truck Count		1	1	0	0	0	0	0	4	0	0	0	0	6								
8:00	8:15	10	39	2	3	11	9	2	159	19	10	4	9	277	4	1	1	1	1	0	0	1
Truck Count		0	3	0	0	0	0	0	1	0	0	0	0	4								
8:15	8:30	19	43	2	5	16	10	4	126	8	8	1	11	253	1	2	3	1	0	0	0	0
Truck Count		0	2	0	1	0	0	1	7	0	0	0	2	13								
8:30	8:45	15	40	2	1	13	2	2	114	9	8	2	15	223	1	0	1	0	0	1	0	0
Truck Count		0	2	0	0	0	0	0	1	1	1	0	0	5								
8:45	9:00	16	60	6	2	21	6	2	117	7	9	2	15	263	0	1	0	0	0	1	1	0
Truck Count		0	2	1	0	0	0	0	5	2	0	0	0	10								

PEAK HOUR COUNT

TIME: 8:00 TO: 9:00												
60	191	13	12	61	27	11	530	46	36	9	52	1,048

INTERSECTION
WITH NUMBERED MOVEMENTS:



Portland
Intersection: Washington Ave./Fox St./Walnut St.
Date: 8/14/14
Day of Week: Thursday
Weather: _____
Remarks: _____

Count Summary Movement

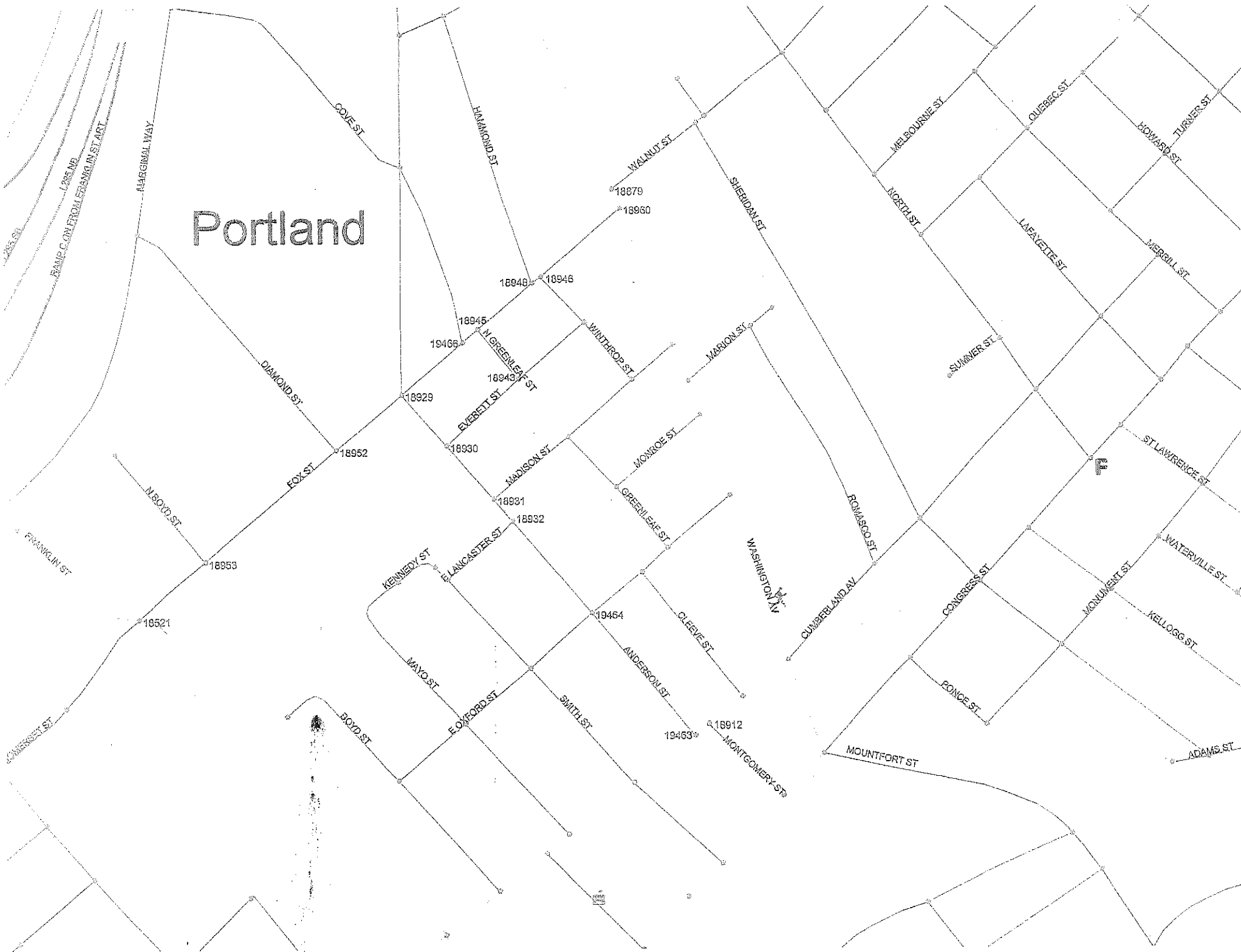
Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P1	P2	P3	P4	C1	C2	C4	C6	C8	C9	C11	C12
3:00	3:15	20	83	4	0	8	3	10	63	19	5	11	10	236	4	1	3	0	0	2	1	0	1	0	1	0
Truck Count		0	0	0	0	0	0	0	2	0	1	0	0	3												
3:15	3:30	14	57	1	4	9	5	4	58	6	11	15	13	197	0	3	2	1	0	0	0	0	1	0	0	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1												
3:30	3:45	21	110	6	0	13	11	2	66	13	9	22	15	288	3	4	1	0	0	1	1	0	1	0	0	0
Truck Count		0	0	0	1	0	0	0	1	0	0	0	0	2												
3:45	4:00	19	68	3	3	10	0	3	67	8	9	6	8	204	1	4	2	1	0	0	0	0	2	0	0	0
Truck Count		0	0	0	0	1	0	0	0	0	0	0	0	1												
4:00	4:15	36	108	6	0	6	3	5	90	8	15	18	17	312	0	2	0	1	0	1	0	0	0	0	0	0
Truck Count		0	3	0	0	0	0	0	0	0	0	0	0	3												
4:15	4:30	18	104	8	2	15	3	7	76	12	9	17	9	278	1	4	0	0	0	1	0	0	1	0	0	0
Truck Count		0	0	0	0	1	0	0	2	0	0	1	0	4												
4:30	4:45	23	136	7	2	14	11	3	73	19	11	9	16	324	0	3	1	0	0	4	0	0	2	0	0	1
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0												
4:45	5:00	16	139	4	2	14	9	7	81	6	5	17	23	323	2	3	1	0	0	3	0	1	4	0	0	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1												
5:00	5:15	22	148	8	1	7	3	7	83	6	12	19	8	324	2	3	1	0	1	1	0	0	1	0	0	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1												
5:15	5:30	15	154	7	2	11	1	9	76	12	15	14	11	327	4	5	1	0	0	4	0	0	1	1	1	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0												
5:30	5:45	30	130	8	5	13	4	5	93	8	9	21	15	341	1	4	0	1	0	2	0	0	1	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0												
5:45	6:00	9	84	3	0	9	3	8	75	9	6	14	7	227	3	2	1	1	1	2	0	0	1	0	0	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1												

PEAK HOUR COUNT

TIME: 4:30 TO: 5:30

76	579	26	7	46	24	26	313	43	43	59	58	1,300
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Portland



Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☒ Crash Summary I☐ Section Detail☒ Crash Summary II☐ 1320 Public☐ 1320 Private☐ 1320 Summary

REPORT DESCRIPTION

#1

REPORT PARAMETERS

Year 2011, Start Month 1 through Year 2013 End Month: 12

Route: 0560293

Start Node: 18521

Start Offset: 0

☐ Exclude First Node

End Node: 18960

End Offset: 0

☐ Exclude Last Node

Route: 0026X

Start Node: 18960

Start Offset: 0

☒ Exclude First Node

End Node: 18879

End Offset: 0

☐ Exclude Last Node

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

			Nodes															
Node	Route - MP	Node Description	U/R	Total Crashes	K	Injury	Crashes		Percent Annual M	Crash Rate	Critical Rate	CRF						
						A	B	C	PD	Injury	Ent-Veh							
18521	0560293 - 0	Int of FOX ST FRANKLIN ST	9	20	0	0	2	8	10	50.0	11.697	0.57	0.99	0.00				
Statewide Crash Rate:													0.65					
18953	0560293 - 0.06	0509373 POR,N.BOYD,FOX ST.	2	3	0	0	0	0	3	0.0	2.209	0.45	0.44	1.03				
Statewide Crash Rate:													0.14					
18952	0560293 - 0.16	0509372 POR,FOX,DIAMOND ST.	2	1	0	0	0	0	1	0.0	2.178	0.15	0.44	0.00				
Statewide Crash Rate:													0.14					
18929	0560293 - 0.21	0509349 POR,ANDERSON,FOX ST.	2	2	0	0	0	0	2	0.0	1.996	0.33	0.45	0.00				
Statewide Crash Rate:													0.14					
19466	0560293 - 0.25	0509888 POR,FOX STREET,COVE STREET	2	0	0	0	0	0	0	0.0	1.531	0.00	0.48	0.00				
Statewide Crash Rate:													0.14					
18945	0560293 - 0.26	0509365 POR,FOX,N.GREENLEAF ST.	2	2	0	0	0	1	0	100.0	1.381	0.48	0.49	0.00				
Statewide Crash Rate:													0.14					
A18948	0560293 - 0.30	0509368 POR,FOX,HAMMOND ST.	2	0	0	0	0	0	0	0.0	0.000	0.00	0.00	0.00				
Statewide Crash Rate:													0.14					
P18946	0560293 - 0.31	0509366 POR,FOX,WINTHROP ST.	2	2	0	0	0	0	2	0.0	1.248	0.53	0.50	1.06				
Statewide Crash Rate:													0.14					
A18960	0560293 - 0.36	Int of FOX ST WASHINGTON AV	2	0	0	0	0	0	0	0.0	0.000	0.00	0.00	0.00				
Statewide Crash Rate:													0.14					
P18879	0026X - 0.28	Int of WALNUT ST, WASHINGTON AV	2	9	0	0	0	2	7	22.2	4.034	0.74	0.38	1.98				
Statewide Crash Rate:													0.14					
Study Years: 3.00				NODE TOTALS:				39	0	0	2	11	25	33.3	26.274	0.49	0.54	0.92

Crash Summary I

Sections																		
Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	K	Injury Crashes				Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF		
18521	18953	194034	0 - 0.06	0560293 - 0	0.06	2	0	0	0	0	0	0.0	0.00138	0.00	971.45	0.00		
Int of FOX ST, FRANKLIN ST				RD INV 05 60293										Statewide Crash Rate: 346.84				
18952	18953	194637	0 - 0.10	0560293 - 0.06	0.10	2	0	0	0	0	0	0.0	0.00201	0.00	881.52	0.00		
0509372 POR, FOX, DIAMOND ST.				RD INV 05 60293										Statewide Crash Rate: 346.84				
18929	18952	194603	0 - 0.05	0560293 - 0.16	0.05	2	0	0	0	0	0	0.0	0.00097	0.00	1064.25	0.00		
0509349 POR, ANDERSON, FOX ST.				RD INV 05 60293										Statewide Crash Rate: 346.84				
18929	19466	194604	0 - 0.04	0560293 - 0.21	0.04	2	0	0	0	0	0	0.0	0.00061	0.00	1195.29	0.00		
0509349 POR, ANDERSON, FOX ST.				RD INV 05 60293										Statewide Crash Rate: 346.84				
18945	19466	194628	0 - 0.01	0560293 - 0.25	0.01	2	0	0	0	0	0	0.0	0.00015	0.00	1497.37	0.00		
0509365 POR, FOX, N. GREENLEAF ST.				RD INV 05 60293										Statewide Crash Rate: 346.84				
18945	18948	194627	0 - 0.04	0560293 - 0.26	0.04	2	1	0	0	0	1	0.0	0.00049	681.12	1258.33	0.00		
0509365 POR, FOX, N. GREENLEAF ST.				RD INV 05 60293										Statewide Crash Rate: 346.84				
18946	18946	194629	0 - 0.01	0560293 - 0.30	0.01	2	0	0	0	0	0	0.0	0.00012	0.00	1483.19	0.00		
0509366 POR, FOX, WINTHROP ST.				RD INV 05 60293										Statewide Crash Rate: 346.84				
18946	18960	194630	0 - 0.05	0560293 - 0.31	0.05	2	1	0	0	0	1	0.0	0.00058	575.63	1210.04	0.00		
0509366 POR, FOX, WINTHROP ST.				RD INV 05 60293										Statewide Crash Rate: 346.84				
18879	18960	3123723	0 - 0.01	0026X - 0.27	0.01	2	0	0	0	0	0	0.0	0.00036	0.00	793.55	0.00		
Int of WALNUT ST, WASHINGTON AV				ST RTE 26										Statewide Crash Rate: 136.16				
Study Years: 3.00				Section Totals:		0.37	2	0	0	0	0	2	0.0	0.00666	100.05	648.35	0.15	
					Grand Totals:		0.37	41	0	0	2	11	27	31.7	0.00666	2050.99	796.08	2.58

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☒ Crash Summary I ☐ Section Detail ☒ Crash Summary II ☐ 1320 Public ☐ 1320 Private ☐ 1320 Summary

REPORT DESCRIPTION

#3

REPORT PARAMETERS

Year 2011, Start Month 1 through Year 2013 End Month: 12

Route: 0560847	Start Node: 18929 End Node: 19463	Start Offset: 0 End Offset: 0	☒ Exclude First Node ☐ Exclude Last Node
Route: 0561238	Start Node: 19463 End Node: 18912	Start Offset: 0 End Offset: 0	☒ Exclude First Node ☒ Exclude Last Node

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

Nodes														
Node	Route - MP	Node Description	U/R	Total Crashes	K	Injury Crashes			PD	Percent Annual M Injury	Ent-Veh	Crash Rate	Critical Rate	CRF
18930	0560847 - 0.53	0509350 POR,ANDERSON,EVERETT ST.	2	0	0	0	0	0	0	0.0	0.159	0.00	0.49	0.00
												Statewide Crash Rate:	0.14	
18931	0560847 - 0.56	0509351 POR,ANDERSON,MADISON ST.	2	1	0	0	0	1	0	100.0	0.153	2.18	0.47	4.63
												Statewide Crash Rate:	0.14	
18932	0560847 - 0.59	0509352 POR,E.LANCASTER,ANDERSON ST.	2	0	0	0	0	0	0	0.0	0.133	0.00	0.41	0.00
												Statewide Crash Rate:	0.14	
19464	0560847 - 0.65	0509886 POR,ANDERSON ST,E.OXFORD STR.	2	1	0	0	0	0	1	0.0	0.164	2.03	0.50	4.09
												Statewide Crash Rate:	0.14	
19463	0560847 - 0.74	Int of ANDERSON ST CUMBERLAND AV	2	2	0	0	0	0	2	0.0	2.068	0.32	0.45	0.00
												Statewide Crash Rate:	0.14	
Study Years: 3.00			NODE TOTALS:		4	0	0	0	1	3	25.0	2.677	0.50	1.19

Crash Summary I

Sections																	
Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	K	Injury Crashes				Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF	
18929	18930	194602	0 - 0.04	0560847 - 0.49	0.04	2	1	0	0	0	0	1	0.0	0.00006	5272.76	1194.07	4.42
0509349 POR,ANDERSON,FOX ST.				RD INV 05 60847											Statewide Crash Rate: 346.84		
18930	18931	194605	0 - 0.03	0560847 - 0.53	0.03	2	0	0	0	0	0	0	0.0	0.00004	0.00	682.58	0.00
0509350 POR,ANDERSON,EVERETT ST.				RD INV 05 60847											Statewide Crash Rate: 346.84		
18931	18932	194607	0 - 0.03	0560847 - 0.56	0.03	2	0	0	0	0	0	0	0.0	0.00004	0.00	441.48	0.00
0509351 POR,ANDERSON,MADISON ST.				RD INV 05 60847											Statewide Crash Rate: 346.84		
18932	19464	194609	0 - 0.06	0560847 - 0.59	0.06	2	4	0	0	1	0	3	25.0	0.00007	19896.34	1243.30	16.00
0509352 POR,E.LANCASTER,ANDERSON ST.				RD INV 05 60847											Statewide Crash Rate: 346.84		
19463	19464	195146	0 - 0.09	0560847 - 0.65	0.09	2	4	0	0	0	0	2	0.0	0.00008	15854.90	1385.36	11.44
Int of ANDERSON ST CUMBERLAND AV				RD INV 05 60847											Statewide Crash Rate: 346.84		
18912	19463	194577	0 - 0.01	0561238 - 0.98	0.01	2	0	0	0	0	0	0	0.0	0.00020	0.00	785.75	0.00
Int of CUMBERLAND AV, MONTGOMERY ST				RD INV 05 61238											Statewide Crash Rate: 136.16		
Study Years: 3.00				Section Totals:		0.26	9	0	0	1	0	6	11.1	0.00049	6102.75	1070.96	5.70
				Grand Totals:		0.26	13	0	0	1	1	9	15.4	0.00049	8815.08	1357.90	6.49

COLLISION DIAGRAM

SHEET 1 OF 2

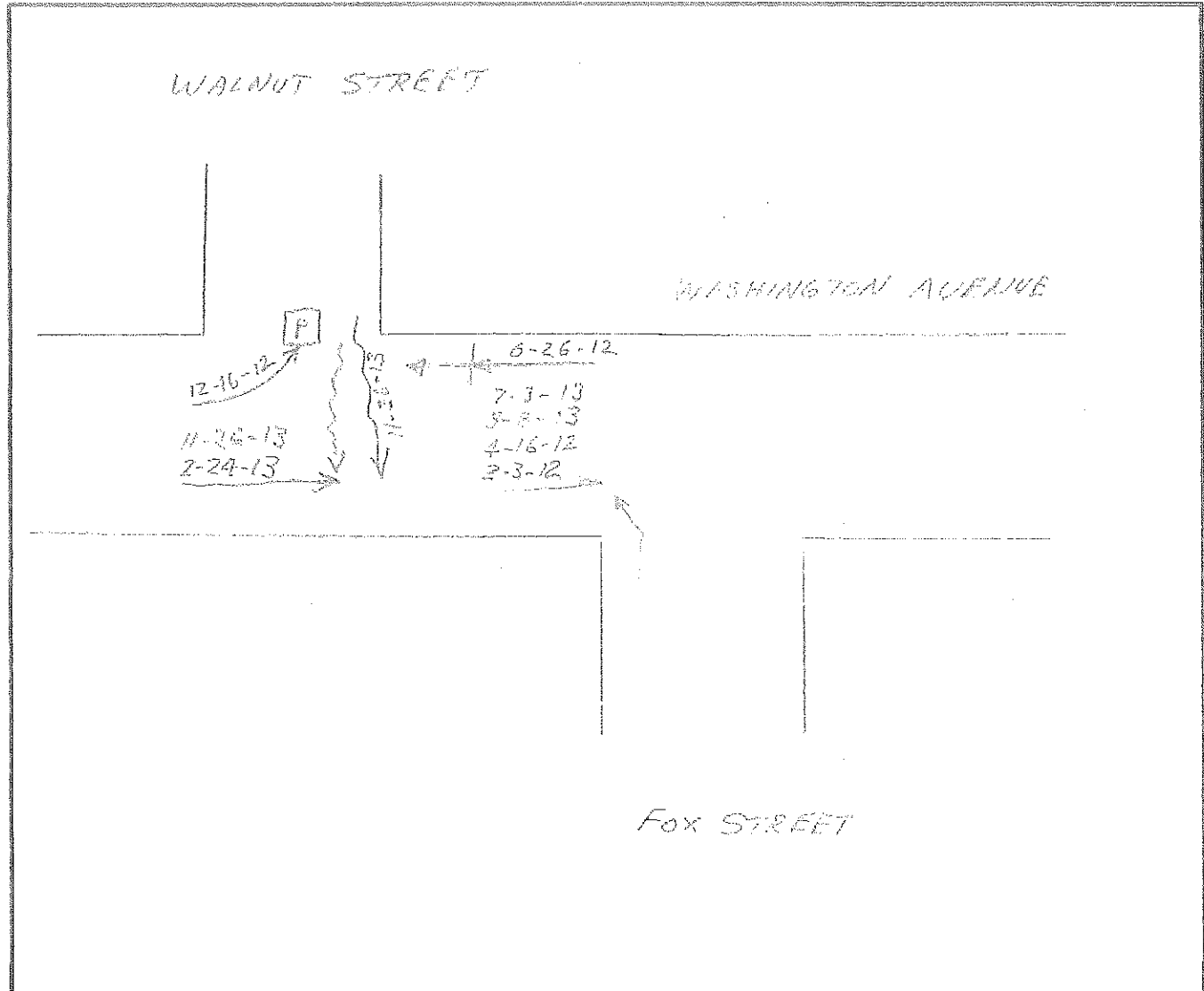
LOCATION WASHINGTON AVE / WALNUT ST. / FOX ST.

TOWN PORTLAND

NODE NO(S) P18879

YEARS REVIEWED 2011-2014

DATE PREPARED 8-23-2014



CRITICAL RATE FACTOR			EQUIV. PROP. DAMAGE ACC/YEAR			ACC/MEV														
LIGHT 1. DAWN (MORNING) 2. DAYLIGHT 3. DUSK (EVENING) 4. DARK (ST. LIGHTS ON) 5. DARK (NO ST. LIGHTS) 6. DARK (ST. LIGHTS OFF) 7. OTHER			ROAD SURFACE 1. DRY 2. WET 3. SNOW/SLUSH-SANDED 4. ICE/PACKED SNOW-SANDED 5. MUDDY 6. DEBRIS 7. OILY 8. SNOW/SLUSH-NOT SANDED 9. ICE-PKD. SNOW-NOT SANDED 10. OTHER			APPARENT CONTRIBUTING FACTORS - HUMAN 1. NO IMPROPER ACTION 2. FAIL TO YLD. RIGHT OF WAY 3. ILLEGAL UNSAFE SPEED 4. FOLLOW TOO CLOSE 5. DISREGARD TRAFFIC CONTROL DEVICE 6. DRIVING LEFT OF CENTER-NO PASSING 7. IMPROPER PASS-OVERTAKING 8. IMP. UNSAFE LANE CHANGE 9. IMP. PARKING START/STOP 10. IMPROPER TURN 11. UNSAFE BACKING 12. NO SIGNAL OR IMP. SIGNAL 13. IMPEDING TRAFFIC 14. DRIVER INATTENTION-DISTRACTION 15. DRIVER INEXPERIENCE 16. PEDEST. VIOLATION ERROR 17. PHYSICAL IMPAIRMENT 18. VISION OBSCURED- 19. VISION OBSCURED-SUN/HEADLIGHTS 20. OTHER VISION OBSCUREMENT 21. HIT AND RUN 22. UNKNOWN 23. OTHER HUMAN VIOLATION FACTOR			VEHICULAR 24. DEFECTIVE BRAKES 25. DEFECTIVE SUSPENSION 26. DEFECTIVE TIRE/FAILURE 27. DEFECTIVE STEERING 28. DEFECTIVE LIGHTS 29. OTHER VEHICLE DEFECT 30. UNKNOWN			SYMBOLS ANGLE BACKING FIXED OBJECT HEAD ON OVERTURN PARKED VEHICLE PEDESTRIAN REAR END SIDE SWIPE TURNING MOVE CHANGE LANE OUT OF CONTROL FATAL ACCIDENT VEHICLE (MOVING) BICYCLE ANIMAL SLED			WEATHER C = CLEAR SL = SLEET F = FOG S = SNOW R = RAIN CL = CLOUDY XW = CROSS WINDS			INJURIES K = FATAL A = INCAPACITATING B = NON-INCAPACITATING C = POSSIBLE INJURY		

COLLISION DIAGRAM

SHEET 2 OF 2

LOCATION WASHINGTON AVE. / WALNUT ST. / FOX ST.

TOWN PORTLAND

NODE NO(S) Page 79

YEARS REVIEWED 2011-2014

DATE PREPARED 8-23-2014

[illegible]

WALNUT STREET

27
61
12

WASHINGTON AVENUE

11
530
46

13
191
60

FOX STREET

36
9
52

6
141
3

SITE

ANDERSON STREET

16
53
99

4
10
61

13
77
31

ANDERSON STREET

5
48

6
213

CUMBERLAND AVENUE

11
109

2014 DESIGN HOUR TRAFFIC
AM PEAK HOUR
FIGURE 1

Project Name and Location
89 ANDERSON STREET APARTMENTS
PORTLAND, MAINE
DATE: AUGUST 18, 2014
DRAWING: 1

6:\LAND PROJECTS\34005\344202 TRAFFIC SOLUTIONS\89 ANDERSON ST\PLANSET\89 ANDERSON STREET.DWG
TRAFFIC SOLUTIONS
235 BANCROFT STREET, PORTLAND, MAINE 04102-1720

WALNUT STREET

24
46
7

WASHINGTON AVENUE

26
313
43

26
579
76

FOX STREET

ANDERSON STREET

43
59
58
10
158
10

SITE

24
31
70

10
19
59

ANDERSON STREET

18
48

9
252

CUMBERLAND AVENUE

20
333

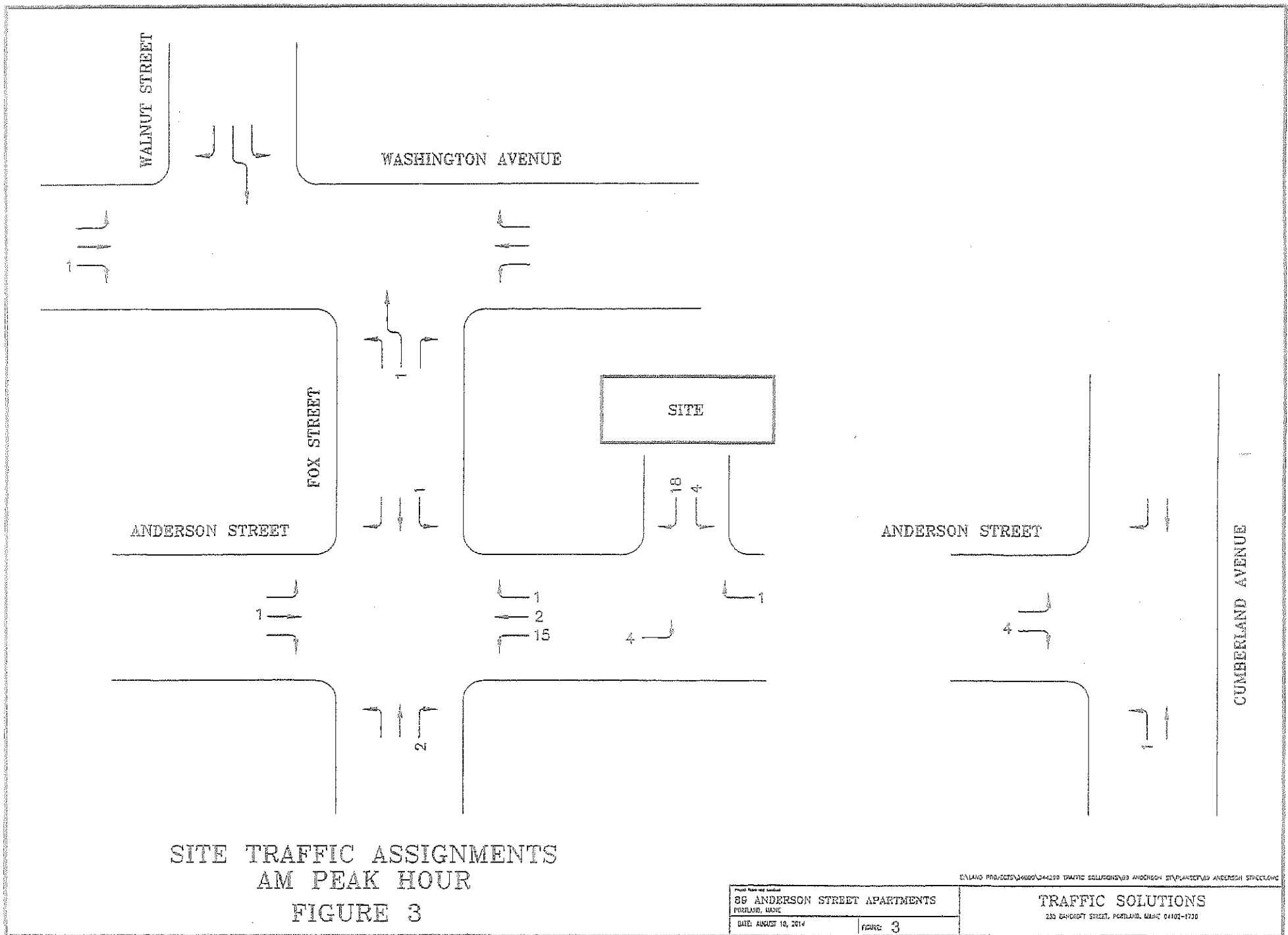
2014 DESIGN HOUR TRAFFIC
PM PEAK HOUR
FIGURE 2

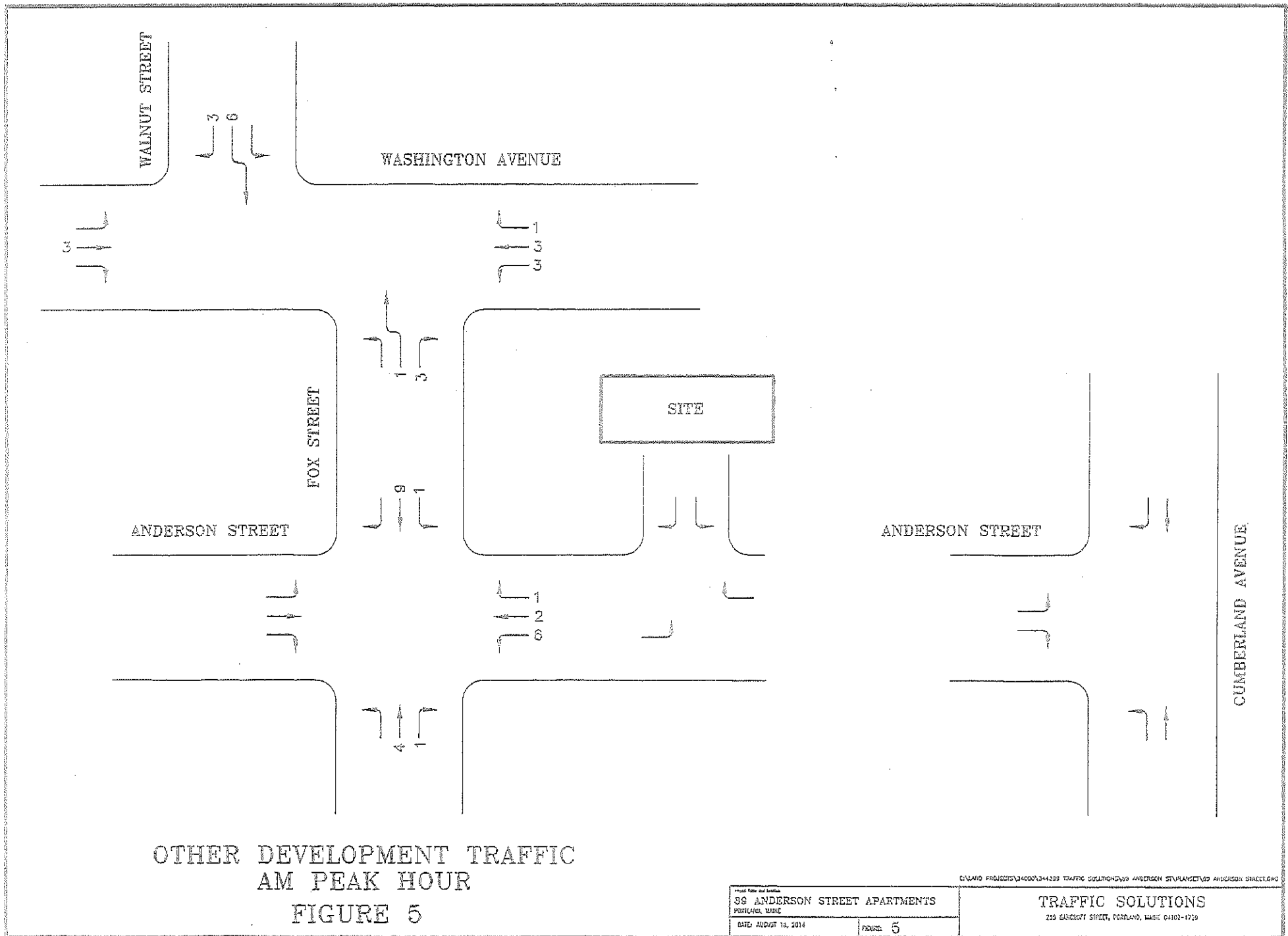
Project Name and Location
89 ANDERSON STREET APARTMENTS
PORTLAND, MAINE
DATE: AUGUST 18, 2014

FIGURE 2

TRAFFIC SOLUTIONS
235 EMBURY STREET, PORTLAND, MAINE 04102-1720

2:\LAND PROJECTS\34000\34099 TRAFFIC SOLUTIONS\89 ANDERSON ST\LANDSCAPE AND DESIGN\34099





Project Name and Location 99 ANDERSON STREET APARTMENTS PORTLAND, MAINE	
DATE AUGUST 18, 2014	FIGURE 5

CLIENT PROJECT# 340007344329 TRAFFIC SOLUTIONS#99 ANDERSON ST#LANCET#99 ANDERSON STREET#99
TRAFFIC SOLUTIONS 235 GAINES STREET, PORTLAND, MAINE 04102-1729

WALNUT STREET

WASHINGTON AVENUE

FOX STREET

ANDERSON STREET

ANDERSON STREET

CUMBERLAND AVENUE

SITE

OTHER DEVELOPMENT TRAFFIC
PM PEAK HOUR
FIGURE 6

Project Name and Location:
89 ANDERSON STREET APARTMENTS
PORTLAND, MAINE
DATE: AUGUST 18, 2014
PAGE: 6

ENLARGED PROJECT: 1/4"=20' TRAFFIC SOLUTIONS FOR ANDERSON STREET/FOX STREET AND ANDERSON STREET/CUMBERLAND AVENUE
TRAFFIC SOLUTIONS
225 BALDWIN STREET, PORTLAND, MAINE 04102-1730

WALNUT STREET

30
67
12

WASHINGTON AVENUE

11
533
46

14
194
63

FOX STREET

ANDERSON STREET

36
10
55

6
150
4

SITE

ANDERSON STREET

6
213

16
53
99

5
12
67

5
48

13
81
32

11
109

CUMBERLAND AVENUE

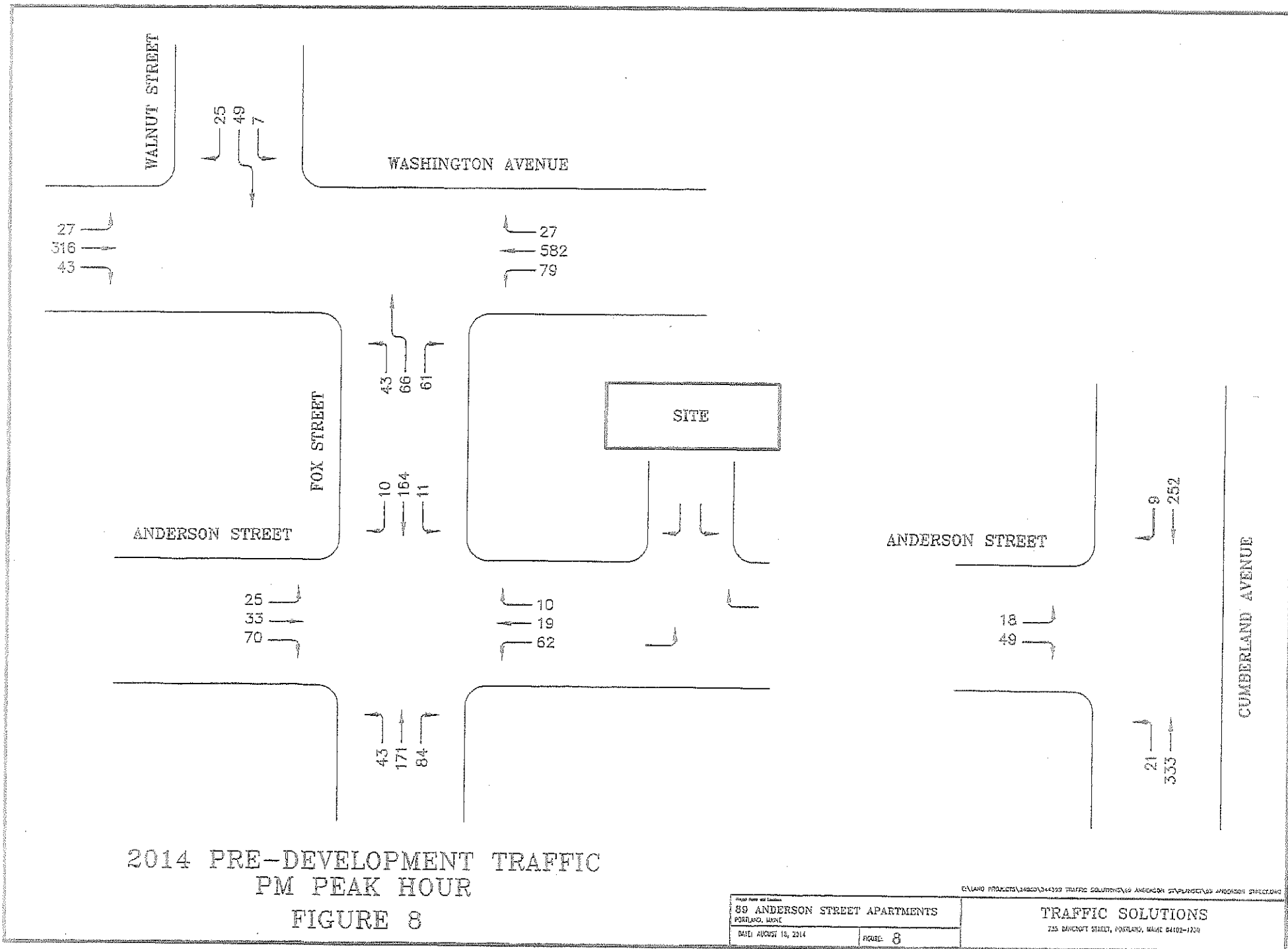
2014 PRE-DEVELOPMENT TRAFFIC
AM PEAK HOUR
FIGURE 7

Project Name and Location
89 ANDERSON STREET APARTMENTS
PORTLAND, MAINE
DATE: AUGUST 10, 2014

FIGURE 7

C:\LAND PROJECTS\140601\144390 TRAFFIC SOLUTIONS\89 ANDERSON ST\LAND\89 ANDERSON STREET.DWG

TRAFFIC SOLUTIONS
235 BAKER STREET, PORTLAND, MAINE 04102-1733



WALNUT STREET

30
67
12

WASHINGTON AVENUE

11
533
47

14
194
63

FOX STREET

36
11
55

6
150
5

SITE

18
4

ANDERSON STREET

6
213

ANDERSON STREET

16
54
99

6
14
32

4

1

5
52

13
81
34

12
109

CUMBERLAND AVENUE

2014 POST-DEVELOPMENT TRAFFIC
AM PEAK HOUR
FIGURE 9

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:25	4:25	4:25	4:25	4:25	4:25
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2238	2298	2292*	2198	2271	2261
Vehs Exited	2235	2292	2270*	2189	2267	2251
Starting Vehs	25	20	18	18	23	18
Ending Vehs	28	26	40	27	27	27
Travel Distance (mi)	593	612	608	573	609	599
Travel Time (hr)	26.2	26.7	27.5	24.9	27.0	26.5
Total Delay (hr)	5.1	4.8	5.8	4.4	5.3	5.1
Total Stops	1099	1188	1241	1098	1182	1162
Fuel Used (gal)	21.7	22.4	22.6	20.9	22.3	22.0

Interval #0 Information Seeding

Start Time 4:25
End Time 4:30
Total Time (min) 5
Volumes adjusted by Growth Factors.
No data recorded this interval.

Interval #1 Information Recording

Start Time 4:30
End Time 5:30
Total Time (min) 60
Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	2238	2298	2292	2198	2271	2261
Vehs Exited	2235	2292	2270	2189	2267	2251
Starting Vehs	25	20	18	18	23	18
Ending Vehs	28	26	40	27	27	27
Travel Distance (mi)	593	612	608	573	609	599
Travel Time (hr)	26.2	26.7	27.5	24.9	27.0	26.5
Total Delay (hr)	5.1	4.8	5.8	4.4	5.3	5.1
Total Stops	1099	1188	1241	1098	1182	1162
Fuel Used (gal)	21.7	22.4	22.6	20.9	22.3	22.0

2: Washington Ave & Walnut Street Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.3	0.0	0.3	0.1
Total Del/Veh (s)	1.9	0.6	17.3	2.1

4: Fox Street & Washington Ave Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.0	0.5	0.0	0.3
Total Del/Veh (s)	0.5	3.6	26.0	6.2

5: Fox Street & Anderson Street Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.1	0.3	0.0	0.2
Total Del/Veh (s)	5.0	5.7	6.8	6.8	6.3

6: Cumberland Ave & Anderson Street Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.0	0.3	0.2	0.2
Total Del/Veh (s)	3.1	0.5	0.3	1.0

Total Network Performance

Approach	EB	NB	SB	All
Denied Del/Veh (s)				0.4
Total Del/Veh (s)				7.7

Intersection: 2: Washington Ave & Walnut Street

Movement	EB	WB	SB
Directions Served	LT	TR	LR
Maximum Queue (ft)	122	38	113
Average Queue (ft)	23	8	43
95th Queue (ft)	75	30	85
Link Distance (ft)	422	12	156
Upstream Blk Time (%)		0	0
Queuing Penalty (veh)		1	0
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 4: Fox Street & Washington Ave

Movement	EB	WB	NB
Directions Served	TR	LT	LR
Maximum Queue (ft)	33	146	179
Average Queue (ft)	4	41	81
95th Queue (ft)	22	112	152
Link Distance (ft)	12	1288	760
Upstream Blk Time (%)	0		
Queuing Penalty (veh)	0		
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 5: Fox Street & Anderson Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	62	58	118	75
Average Queue (ft)	37	35	60	42
95th Queue (ft)	58	53	92	67
Link Distance (ft)	764	1258	282	760
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Cumberland Ave & Anderson Street

Movement	EB	NB
Directions Served	LR	LT
Maximum Queue (ft)	56	45
Average Queue (ft)	31	6
95th Queue (ft)	52	29
Link Distance (ft)	1258	289
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 2

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:25	4:25	4:25	4:25	4:25	4:25
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2201	2294	2276	2197	2254	2246
Vehs Exited	2200	2291	2257	2193	2246	2238
Starting Vehs	28	21	18	26	18	21
Ending Vehs	29	24	37	30	26	27
Travel Distance (mi)	581	608	599	569	600	592
Travel Time (hr)	25.3	26.7	27.4	25.0	26.3	26.1
Total Delay (hr)	4.6	5.0	6.1	4.6	4.8	5.0
Total Stops	1096	1118	1161	1055	1133	1113
Fuel Used (gal)	21.2	22.2	22.2	20.7	21.8	21.6

Interval #0 Information Seeding

Start Time 4:25
End Time 4:30
Total Time (min) 5
Volumes adjusted by Growth Factors.
No data recorded this interval.

Interval #1 Information Recording

Start Time 4:30
End Time 5:30
Total Time (min) 60
Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	2201	2294	2276	2197	2254	2246
Vehs Exited	2200	2291	2257	2193	2246	2238
Starting Vehs	28	21	18	26	18	21
Ending Vehs	29	24	37	30	26	27
Travel Distance (mi)	581	608	599	569	600	592
Travel Time (hr)	25.3	26.7	27.4	25.0	26.3	26.1
Total Delay (hr)	4.6	5.0	6.1	4.6	4.8	5.0
Total Stops	1096	1118	1161	1055	1133	1113
Fuel Used (gal)	21.2	22.2	22.2	20.7	21.8	21.6

2: Washington Ave & Walnut Street Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.3	0.0	0.2	0.1
Total Del/Veh (s)	1.7	0.6	16.0	2.0

4: Fox Street & Washington Ave Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.0	0.5	0.0	0.3
Total Del/Veh (s)	0.5	3.8	27.0	6.5

5: Fox Street & Anderson Street Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.1	0.3	0.0	0.2
Total Del/Veh (s)	4.6	5.6	6.8	6.7	6.2

6: Cumberland Ave & Anderson Street Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.0	0.3	0.2	0.2
Total Del/Veh (s)	3.3	0.5	0.3	0.9

Total Network Performance

Denied Del/Veh (s)	0.3
Total Del/Veh (s)	7.6

Intersection: 2: Washington Ave & Walnut Street

Movement	EB	WB	SB
Directions Served	LT	TR	LR
Maximum Queue (ft)	95	47	113
Average Queue (ft)	19	7	42
95th Queue (ft)	63	31	84
Link Distance (ft)	422	12	156
Upstream Blk Time (%)		0	0
Queuing Penalty (veh)		1	0
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 4: Fox Street & Washington Ave

Movement	EB	WB	NB
Directions Served	TR	LT	LR
Maximum Queue (ft)	31	199	208
Average Queue (ft)	5	45	83
95th Queue (ft)	23	135	161
Link Distance (ft)	12	1288	737
Upstream Blk Time (%)	0		
Queuing Penalty (veh)	0		
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 5: Fox Street & Anderson Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	62	55	107	72
Average Queue (ft)	22	33	57	35
95th Queue (ft)	45	50	89	57
Link Distance (ft)	662	1258	281	737
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Cumberland Ave & Anderson Street

Movement	EB	NB
Directions Served	LR	LT
Maximum Queue (ft)	52	44
Average Queue (ft)	30	5
95th Queue (ft)	48	25
Link Distance (ft)	1258	289
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 1

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:55	6:55	6:55	6:55	6:55	6:55
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1738	1660	1705	1739	1659	1701
Vehs Exited	1737	1662	1708	1735	1648	1697
Starting Vehs	16	16	20	23	14	14
Ending Vehs	17	14	17	27	25	17
Travel Distance (mi)	483	459	475	474	456	469
Travel Time (hr)	20.8	19.2	20.5	20.2	19.4	20.0
Total Delay (hr)	3.3	2.8	3.4	3.1	3.0	3.1
Total Stops	982	883	963	926	870	926
Fuel Used (gal)	17.7	16.6	17.4	17.3	16.4	17.1

Interval #0 Information Seeding

Start Time 6:55
End Time 7:00
Total Time (min) 5
Volumes adjusted by Growth Factors.
No data recorded this interval.

Interval #1 Information Recording

Start Time 7:00
End Time 8:00
Total Time (min) 60
Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	1738	1660	1705	1739	1659	1701
Vehs Exited	1737	1662	1708	1735	1648	1697
Starting Vehs	16	16	20	23	14	14
Ending Vehs	17	14	17	27	25	17
Travel Distance (mi)	483	459	475	474	456	469
Travel Time (hr)	20.8	19.2	20.5	20.2	19.4	20.0
Total Delay (hr)	3.3	2.8	3.4	3.1	3.0	3.1
Total Stops	982	883	963	926	870	926
Fuel Used (gal)	17.7	16.6	17.4	17.3	16.4	17.1

2: Washington Ave & Walnut Street Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.4	0.0	0.1	0.3
Total Del/Veh (s)	1.3	0.4	15.3	2.7

4: Fox Street & Washington Ave Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.0	0.2	0.0	0.1
Total Del/Veh (s)	0.5	3.5	13.1	2.6

5: Fox Street & Anderson Street Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.2	0.2	0.0	0.1
Total Del/Veh (s)	5.2	5.9	5.7	6.5	5.8

6: Cumberland Ave & Anderson Street Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.0	0.1	0.2	0.1
Total Del/Veh (s)	3.7	0.4	0.2	1.0

Total Network Performance

Approach	EB	NB	SB	All
Denied Del/Veh (s)			0.3	
Total Del/Veh (s)			6.3	

Intersection: 2: Washington Ave & Walnut Street

Movement	EB	WB	SB
Directions Served	LT	TR	LR
Maximum Queue (ft)	62	24	112
Average Queue (ft)	4	1	50
95th Queue (ft)	27	12	95
Link Distance (ft)	422	12	156
Upstream Blk Time (%)		0	0
Queuing Penalty (veh)		0	0
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 4: Fox Street & Washington Ave

Movement	EB	WB	NB
Directions Served	TR	LT	LR
Maximum Queue (ft)	31	112	92
Average Queue (ft)	8	37	41
95th Queue (ft)	30	89	71
Link Distance (ft)	12	1288	735
Upstream Blk Time (%)	0		
Queuing Penalty (veh)	2		
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 5: Fox Street & Anderson Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	68	69	71	72
Average Queue (ft)	27	36	37	36
95th Queue (ft)	55	58	59	58
Link Distance (ft)	600	1258	281	735
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Cumberland Ave & Anderson Street

Movement	EB	NB
Directions Served	LR	LT
Maximum Queue (ft)	63	34
Average Queue (ft)	28	3
95th Queue (ft)	50	19
Link Distance (ft)	1258	289
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 2

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:55	6:55	6:55	6:55	6:55	6:55
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1614	1713	1638	1725	1629	1663
Vehs Exited	1602	1717	1640	1711	1632	1659
Starting Vehs	11	17	21	14	17	14
Ending Vehs	23	13	19	28	14	18
Travel Distance (mi)	451	478	461	482	455	465
Travel Time (hr)	18.7	19.8	19.3	20.2	19.2	19.4
Total Delay (hr)	2.6	2.8	2.8	2.9	2.9	2.8
Total Stops	805	859	877	844	849	849
Fuel Used (gal)	16.0	17.2	16.5	17.1	16.3	16.6

Interval #0 Information Seeding

Start Time 6:55
End Time 7:00
Total Time (min) 5
Volumes adjusted by Growth Factors.
No data recorded this interval.

Interval #1 Information Recording

Start Time 7:00
End Time 8:00
Total Time (min) 60
Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	1614	1713	1638	1725	1629	1663
Vehs Exited	1602	1717	1640	1711	1632	1659
Starting Vehs	11	17	21	14	17	14
Ending Vehs	23	13	19	28	14	18
Travel Distance (mi)	451	478	461	482	455	465
Travel Time (hr)	18.7	19.8	19.3	20.2	19.2	19.4
Total Delay (hr)	2.6	2.8	2.8	2.9	2.9	2.8
Total Stops	805	859	877	844	849	849
Fuel Used (gal)	16.0	17.2	16.5	17.1	16.3	16.6

2: Washington Ave & Walnut Street Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.5	0.0	0.2	0.3
Total Del/Veh (s)	1.2	0.4	13.2	2.4

4: Fox Street & Washington Ave Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.0	0.2	0.0	0.1
Total Del/Veh (s)	0.5	3.3	11.3	2.2

5: Fox Street & Anderson Street Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.1	0.2	0.0	0.1
Total Del/Veh (s)	4.7	5.5	5.5	6.0	5.4

6: Cumberland Ave & Anderson Street Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.0	0.2	0.2	0.1
Total Del/Veh (s)	3.5	0.3	0.2	0.9

Total Network Performance

Denied Del/Veh (s)	0.3
Total Del/Veh (s)	5.7

Intersection: 2: Washington Ave & Walnut Street

Movement	EB	WB	SB
Directions Served	LT	TR	LR
Maximum Queue (ft)	43	24	117
Average Queue (ft)	4	1	46
95th Queue (ft)	23	10	85
Link Distance (ft)	422	12	156
Upstream Blk Time (%)		0	0
Queuing Penalty (veh)		0	0
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 4: Fox Street & Washington Ave

Movement	EB	WB	NB
Directions Served	TR	LT	LR
Maximum Queue (ft)	38	130	98
Average Queue (ft)	8	33	38
95th Queue (ft)	30	87	69
Link Distance (ft)	12	1288	740
Upstream Blk Time (%)	0		
Queuing Penalty (veh)	2		
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 5: Fox Street & Anderson Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	61	57	74	56
Average Queue (ft)	25	31	36	31
95th Queue (ft)	49	51	60	46
Link Distance (ft)	647	1258	281	740
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Cumberland Ave & Anderson Street

Movement	EB	NB
Directions Served	LR	LT
Maximum Queue (ft)	52	31
Average Queue (ft)	25	2
95th Queue (ft)	47	16
Link Distance (ft)	1258	289
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 2



Traffic Solutions
William J. Bray, P.E.
235 Bancroft Street
Portland, ME 04102
(207) 774-3603
(207) 400-6890 mobile
trafficsolutions@maine.rr.com

August, 2014

Traffic Signal Warrant Assessment

Washington Avenue/Fox Street/Walnut Street Intersection Portland, Maine

INTRODUCTION

An abbreviated traffic signal warrant analysis was conducted for the Washington Avenue/Fox Street/Walnut Street intersection based upon traffic data gathered in the month of August 2014 between the hours of 7:00 to 9:00 AM and, again, between the hours of 3:00 to 6:00 PM. The traffic data was adjusted by a factor of 13%, which represents the approximate variation between “peak” traffic collected during the week of August 14 and “average” travel conditions during the month of November (Adjustment factor based upon MaineDOT’s Weekly Group Mean Factors; refer to attached copy of MaineDOT factors). The abbreviated or preliminary traffic signal warrant analysis is based upon a total of 5-hours of traffic data; a formal traffic signal warrant study is generally prepared based upon 12-hours of traffic data and traffic information.

TRAFFIC SIGNAL WARRANT ASSESSMENT

The abbreviated traffic signal warrant analysis follows the guidelines presented in the 2009 edition of the Manual on Uniform Traffic Control Devices (MUTCD) in Chapter 4C. The MUTCD provides nine separate traffic signal warrants, whereby, prevailing conditions at an intersection can be evaluated to determine if sequenced traffic signals are warranted. Each of the nine warrants is listed as follows:

- Warrant 1 – Eight Hour Vehicular Volume
- Warrant 2 – Four Hour Vehicular Volume
- Warrant 3 – Peak Hour
- Warrant 4 – Pedestrian Volume
- Warrant 5 – School Crossing
- Warrant 6 – Coordinated Signal System
- Warrant 7 – Crash Experience
- Warrant 8 – Roadway Network
- Warrant 9 – Intersection near a Grade Crossing

The federal publication clearly states that, “*the satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal*”. Guidance is specifically provided in the MUTCD on the conduct of the required engineering study and the judgment required in completing the signal warrant assessment. The direction provided, specific to prevailing conditions found at the study intersection, is summarized as follows:

A traffic signal should not be installed unless an engineering study indicates that the signal will improve the overall safety and/or operation of the intersection.

A signal should not be installed if it will seriously disrupt traffic flow.

Estimated 2014 "Average" Hourly Traffic Data

The presentation of the traffic volume data presented in Table 1 has been adjusted, as necessary, to project the hourly "major" and "minor" street volumes used in the conduct of the traffic signal warrant study.

Table 1
Abbreviated Traffic Signal Warrant Study
"Average" Conditions-Traffic Values⁽¹⁾
Washington Avenue/Fox Street/Walnut Street Intersection

<u>Time of Day</u>	<u>Major Street Volume⁽²⁾</u> <u>(Both Approaches)</u> <u>Washington Avenue</u>	<u>Minor Street Volume⁽³⁾</u> <u>Fox Street</u>	<u>Minor Street Volume⁽³⁾</u> <u>Walnut Street</u>
7:00 - 8:00 AM	562	73	67
8:00 - 9:00 AM	740	87	84
3:00 - 4:00 PM	634	59	117
4:00 - 5:00 PM	867	71	145
5:00 - 6:00 PM	880	41	131

Notes:

⁽¹⁾ "Average traffic values were computed applying a 13% reduction of August 2014 Traffic Data (refer to copy of August traffic count cards for subject intersection), which is based upon the Maine Department of Transportation's Weekly Group Mean Factors.

⁽²⁾ Washington Avenue has been defined as the "major" street.

⁽³⁾ Minor Street approaches are both Fox Street and Walnut Street. All right-turn movements were included in hourly Minor Street volumes.

Traffic Safety Data: The Washington Avenue/Walnut Street/Fox Street intersection meets MaineDOT's criteria for a high crash location. A total of 9 crashes and a Critical Rate Factor (CRF) of 1.98 were reported for the intersection. A more in-depth review (preparation of detailed vehicle collision diagrams) was prepared for the intersection to determine if a clear pattern of accident is occurring (Copies of the Collision Diagrams are attached as an appendix to the report). The detailed review of the vehicle crash reports for the intersection would suggest two clear patterns of concern: 1) four of the nine accidents involved vehicles on the Fox Street approach turning left onto Washington Avenue being struck by thru vehicles traveling eastbound on Washington Avenue; 2) the second pattern, with a total of three collisions, involved vehicles approaching Washington Avenue from Walnut Street sliding through the intersection striking a thru vehicle on Washington Avenue.

Traffic Signal Warrant Analyses: The evaluation was conducted for Warrants 1, 2, 3, and 7 and was based upon the 5-hours of traffic data presented in Table 1 only.

Each of the three traffic signal warrants used in the analyses are briefly described below followed by a determination of whether forecast conditions meet or fail required conditions.

Warrant 1: Eight Hour Vehicular Volume

Condition A - Warrant requires 500 vehicles per hour on major roadway (combination of both directions) and a total of 150 vehicles per hour on the highest minor street approach.

Condition B - Warrant requires 750 vehicles per hour on major roadway (combination of both directions) and a total of 75 vehicles per hour on the highest minor street approach.

Condition A+B - Warrant requires 80% of values stated for both Conditions A & B.

Warrant Likely Not Satisfied

Warrant 2: Four Hour Vehicular Volume

If travel conditions for any four hours of an average day representing the volume per hour on the major street and the corresponding vehicles per hour on the higher volume minor street approach all fall above the applicable curve in Figure 4C-1 then warrant is met.

Warrant Likely Not Satisfied

Warrant 3: Peak Hour

If travel conditions for one hour of an average day representing the volume per hour on the major street and the corresponding vehicles per hour on the higher volume minor street approach fall above the applicable curve in Figure 4C-3 then warrant is met.

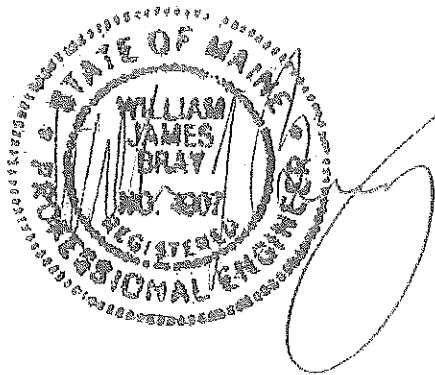
Warrant Likely Not Satisfied

Warrant 7: Crash Experience

Analysis based upon conclusions of safety evaluation conducted in Safety History Section above. Each of the following criteria must be met to consider the need for a traffic control signal:

- A. Adequate trial of alternatives with satisfactory observance and enforcement has failed to reduce the crash frequency; and
- B. Five or more reported crashes, of types susceptible to correction by a traffic control signal, have occurred within a 12-month period; and
- C. For each of any 8 hours of an average day the vehicles per hour given in the 80% column for Condition A in Table 4C-1 or the vph in both of the columns of Condition B in Table 4C-1 exists on both the major and minor street approaches.

Warrant Likely Not Satisfied



2012
Weekly Group Mean Factors
Average: 2009, 2010, 2011

Month	Start Date	Dates	Month Week #	Urban Group I	Arterial Group II	Recreations Group III	Group I + II	Group II + III	Group I + III	Year Week #
Jan	01	2,3,4,5,6	1	1.02	1.11	1.35	1.07	1.23	1.19	1
	08	9,10,11,12	2	1.09	1.21	1.50	1.15	1.36	1.30	2
	15	16,17,18,1	3	1.10	1.23	1.53	1.17	1.38	1.32	3
	22	23,24,25,2	4	1.05	1.18	1.46	1.12	1.32	1.26	4
	29	30,31,1,2,3	5	1.12	1.26	1.57	1.19	1.42	1.35	5
Feb	05	6,7,8,9,10	1	1.02	1.14	1.41	1.08	1.28	1.22	6
	12	13,14,15,1	2	1.02	1.12	1.36	1.07	1.24	1.19	7
	19	20,21,22,2	3	1.06	1.15	1.38	1.11	1.27	1.22	8
	26	27,28,29,1	4	1.06	1.17	1.38	1.12	1.28	1.22	9
Mar	04	5,6,7,8,9	1	1.06	1.16	1.39	1.11	1.28	1.23	10
	11	12,13,14,1	2	1.00	1.10	1.33	1.05	1.22	1.17	11
	18	19,20,21,2	3	1.02	1.13	1.35	1.08	1.24	1.19	12
	25	26,27,28,2	4	1.01	1.12	1.32	1.07	1.22	1.17	13
Apr	01	2,3,4,5,6	1	0.98	1.09	1.26	1.04	1.18	1.12	14
	08	9,10,11,12	2	0.97	1.08	1.22	1.03	1.15	1.10	15
	15	16,17,18,1	3	0.97	1.04	1.12	1.01	1.08	1.05	16
	22	23,24,25,2	4	0.97	1.05	1.17	1.01	1.11	1.07	17
	29	30,1,2,3,4	5	0.93	1.02	1.10	0.98	1.06	1.02	18
May	06	7,8,9,10,11	1	0.92	1.00	1.08	0.96	1.04	1.00	19
	13	14,15,16,1	2	0.92	0.98	1.04	0.95	1.01	0.98	20
	20	21,22,23,2	3	0.89	0.93	0.92	0.91	0.93	0.91	21
	27	28,29,30,3	4	0.90	0.94	0.96	0.92	0.95	0.93	22
Jun	03	4,5,6,7,8	1	0.89	0.93	0.91	0.91	0.92	0.90	23
	10	11,12,13,1	2	0.90	0.92	0.90	0.91	0.91	0.90	24
	17	18,19,20,2	3	0.90	0.89	0.81	0.90	0.85	0.86	25
	24	25,26,27,2	4	0.89	0.86	0.77	0.88	0.82	0.83	26
Jul	01	2,3,4,5,6	1	0.87	0.81	0.70	0.84	0.76	0.79	27
	08	9,10,11,12	2	0.88	0.83	0.71	0.86	0.77	0.80	28
	15	16,17,18,1	3	0.88	0.82	0.69	0.85	0.76	0.79	29
	22	23,24,25,2	4	0.88	0.81	0.67	0.85	0.74	0.78	30
	29	30,31,1,2,3	5	0.87	0.79	0.64	0.83	0.72	0.76	31
Aug	05	6,7,8,9,10	1	0.87	0.78	0.65	0.83	0.72	0.76	32
	12	13,14,15,1	2	0.87	0.79	0.66	0.83	0.73	0.77	33
	19	20,21,22,2	3	0.88	0.81	0.70	0.85	0.76	0.79	34
	26	27,28,29,3	4	0.88	0.85	0.78	0.87	0.82	0.83	35
Sep	02	3,4,5,6,7	1	0.89	0.88	0.86	0.89	0.87	0.88	36
	09	10,11,12,1	2	0.90	0.90	0.89	0.90	0.90	0.90	37
	16	17,18,19,2	3	0.91	0.91	0.92	0.91	0.92	0.92	38
	23	24,25,26,2	4	0.92	0.91	0.96	0.92	0.94	0.94	39
	30	1,2,3,4,5	5	0.91	0.89	0.98	0.90	0.94	0.95	40
Oct	07	8,9,10,11,1	1	0.92	0.90	0.98	0.91	0.94	0.95	41
	14	15,16,17,1	2	0.93	0.95	1.05	0.94	1.00	0.99	42
	21	22,23,24,2	3	0.95	1.00	1.12	0.98	1.06	1.04	43
	28	29,30,31,1	4	0.95	1.02	1.18	0.99	1.10	1.07	44
Nov	04	5,6,7,8,9	1	0.96	1.04	1.21	1.00	1.13	1.09	45
	11	12,13,14,1	2	0.97	1.04	1.23	1.01	1.14	1.10	46
	18	19,20,21,2	3	1.00	1.04	1.25	1.02	1.15	1.13	47
	25	26,27,28,2	4	0.97	1.03	1.24	1.00	1.14	1.11	48
Dec	02	3,4,5,6,7	1	1.00	1.13	1.32	1.07	1.23	1.16	49
	09	10,11,12,1	2	1.01	1.12	1.34	1.07	1.23	1.18	50
	16	17,18,19,2	3	0.98	1.08	1.30	1.03	1.19	1.14	51
	23	24,25,26,2	4	1.08	1.14	1.34	1.11	1.24	1.21	52



Traffic Solutions
William J. Bray, P.E.
235 Bancroft Street
Portland, ME 04102
(207) 774-3603
(207) 400-6890 mobile
trafficsolutions@maine.rr.com

Att. J

September 17, 2014

Jonathan Culley
Redfern Properties, LLC
P.O. Box 8816
Portland, Maine 04104

RE: Portland Anderson Street Apartment Project – Trip Generation 3G's Garage

Dear Jonathan:

In an effort to accurately measure the existing volume of peak hour traffic generated by the 3G's auto repair garage, in-field traffic counts were conducted on Thursday, September 11 (Field data summary sheets from that effort are attached for documentation of the results). Manual traffic counts were conducted between the hours of 7:30 to 9:00 AM and again between 3:30 to 5:30 PM. From a summary of the data during each peak travel period, the total volume of trips entering or exiting the garage was determined. A total of 12 vehicle trips was recorded entering/exiting the garage during the morning peak hour (7:30 to 8:30 AM) and a total of 24 trips was measured in the evening peak hour of 3:30 to 4:30 PM.

Your proposed 53-unit apartment project, which will raze the existing 3G's garage, is projected to generate a total of 27 trips in the AM peak hour and 33 trips during the PM peak hour. Accordingly, the "net" increase in vehicle trips generated by the proposed 53-unit apartment project is 15 trips during the AM peak hour and 9 trips in the PM peak hour.

The Traffic Impact Study conducted for the proposed project by Traffic Solutions was prepared based upon the full vehicle trip generation of the 53-unit apartment project with no deduction applied for vehicle trips generated by the existing 3G's auto repair garage. The results presented in the noted report represent an extremely conservative assessment of the projects traffic impact.

I spoke to Tom Errico, P.E.; the City's Peer Traffic Consultant, yesterday and promised him a copy of this letter to further assist him in his review of the traffic impacts of the proposed project.

Very truly yours,

William J. Bray, P.E.

Cc: Thomas Errico, P.E.

JOB NO.

INTERSECTION

Top Mega Library

DATE 2/1/81

DAY OF WEEK

WEATHER

REMARKS:

- Harva (ars de liscu) puncts

✓ 6/22/20

MOVEMENT

[illegible]

PEAK FOR COUNT

TIME: 7:30 TO: 8:30

[illegible]



Traffic Solutions
William J. Bray, P.E.
235 Bancroft Street
Portland, ME 04102
(207) 774-3603
(207) 400-6890 mobile
trafficsolutions@maine.rr.com

Att. K

October 30, 2014

Thomas A. Errico, P.E.
Senior Associate
Traffic Engineering Director
T.Y. Lin International
12 Northbrook Drive
Falmouth, ME 04105

RE: 89 Anderson Street East Bayside Lofts Project – Response to Comments Received September 17 and October 2, 2014

Dear Tom:

This letter formally addresses comments (requiring a response) presented in the noted documents identified above from your office, which I understand is based upon a preliminary review of the traffic materials previously submitted for the proposed East Bayside Lofts Project. Each comment is noted in italic print followed by an appropriate response in “bold” print.

September 17, 2014 E-Mail Document

1. The study collected traffic volumes at the Washington Avenue/Fox Street/Walnut Street intersection during the summer time period and not when area schools were in session. It is requested that the traffic counts be updated to include school activity.

A 12-hour manual traffic count was conducted at the noted intersection on Tuesday, October 28, 2014 with all vehicular, pedestrian and bicycle traffic approaching the intersection recorded in 15-minute intervals. From a summary of the data, a peak hour of traffic was determined for both the morning and afternoon peak time periods. The following table compares the peak hour data collected earlier on Thursday, August 14 with the most recent data collected on October 28.

**Traffic Volume Data Comparison
Washington Avenue/Fox Street/Walnut Street
(August 14 and October 28, 2014)**

<u>Turning Movement</u>	<u>August 14, 2014</u>		<u>October 14, 2014</u>		<u>Difference</u>	
	<u>AM Peak</u>	<u>PM Peak</u>	<u>AM Peak</u>	<u>PM Peak</u>	<u>AM Peak</u>	<u>PM Peak</u>
Washington Ave. EB Left to Walnut St.	11	26	15	24	4	2
Washington Ave. EB Thru movement	530	313	605	253	75	60
Washington Ave. EB Right to Fox St.	46	43	38	35	8	8
Washington Ave. WB Left to Fox St.	60	76	69	76	9	0
Washington Ave. WB Thru movement	191	579	209	451	18	128
Washington Ave. WB Right to Walnut St.	13	26	8	15	5	11
Walnut St. Left to Washington Ave. EB	12	7	11	9	1	2
Walnut St. Left to Fox St.	61	46	66	30	5	16
Walnut St. Right to Washington Ave. WB	27	24	41	10	14	14
Fox St. Left to Washington Ave. WB	36	43	30	26	6	17
Fox St. Left to Walnut St.	9	59	29	51	20	8
Fox St. Right to Washington Ave. EB	52	58	35	36	17	22
TOTAL Volumes					108	284

Notes: Red highlighted numbers reflect the volume increase of August data compared to October data.

As presented in the table, the traffic data collected during the month of August is slightly lower than the data collected in the month of October during the morning peak hour and the August data is considerably greater in the PM peak hour.

2. An estimated traffic signal warrant evaluation was conducted at the Washington Avenue/Fox Street/Walnut Street intersection and could not conclusively determine whether a traffic signal should be installed. The applicant should conduct a full comprehensive traffic signal warrant study and render a decision on traffic signalization.

A detailed traffic signal warrant assessment has been completed and is attached as a separate document to the body of this letter. The traffic signal warrant assessment concluded that prevailing travel conditions at the noted intersection do not meet the warrants for signalization.

3. The traffic study should be revised to account for all development land uses. It is my understanding that a restaurant is being proposed and, therefore, should be included in the analysis.

Attached is a copy of the latest development proposal, dated October 17, 2014, which identifies a total of 2,780 square feet of commercial space proposed for the first floor of the development. At this time specific usage of this space remains undetermined. The eighth edition of the Institute of Transportation Engineers (ITE) "TRIP GENERATION" manual was used to determine the volume of site traffic generated by the commercial space. The ITE publication provides numerous land-use categories and the average volume of trips that are generated by each category. The following trip rates were used to calculate the trip generation of the proposed project:

Land Use #814 – Specialty Retail Center
PM Peak Hour = 2.71 trips/1000 square feet

Accordingly, the proposed 2,780 square feet of commercial space can be expected to generate a total of 8 additional site generated trips in the PM peak hour. The previous traffic impact study completed for the proposed 53-apartment units estimated that a total of 27 trips would be generated in the morning peak

hour and a total of 33 trips in the afternoon peak hour. The revised total volume of peak hour trips generated by the proposed 89 Anderson Street project is 27 trips in the morning peak hour and a total of 41 trips in the evening peak hour. As previously discussed with your office, the proposed East Bayside Lofts Project displaces the existing 3G's automobile repair center. Peak hour vehicle trips generated by the existing site should be appropriately deducted from the estimate of "new" site generated trips to forecast the "net" increase in site generated traffic. Attached is a copy of a letter, dated September 17, 2014, which was forwarded to your office that provides documentation on the volume of trips generated by the existing 3G's auto repair facility. The estimate of trips was determined based upon field counts conducted onsite on September 11, 2014. In summary, the existing 3G's auto repair facility generates a total of 12 trips in the morning peak hour and a total of 24 trips in the PM peak hour. Subtraction of these existing trips from the forecasted volume of trips generated by the proposed project results in a total volume of "new" trips generated by the proposed project of 15 trips in the AM peak hour and a total of 17 PM peak hour trips. Both "new" site generated peak hour values are lower than the volume of site generated trips utilized in the traffic impact study completed for the proposed project in August 2104. Therefore, the intersection levels of service summary, presented in the August traffic impact study, are conservative estimates of the project's impact on intersection operations.

October 2, 2014 E-Mail Document

4. Contact Ethan Owens from the City's Recreational Department and get a schedule of field events.

Please find attached copies of the City's fall schedule of events held at the East Bayside Athletic Facility. The majority of events scheduled for weekdays are between the hours of 5:00 and 8:00 PM. A traffic count was conducted at the Anderson Street/Fox Street intersection on Friday, October 24, 2014 between the hours of 12-Noon and 6:00 PM (Copy of traffic data is attached for reference) to measure the traffic impacts of the recreational uses at the East Bayside Field Complex. Two events were scheduled for the field complex that evening; unfortunately weather conditions required cancelation of both events. The scheduled count was completed anyway to measure the impact of the adjacent Mosque has on traffic operations at the intersection. The traffic data was summarized and it was determined that the peak hour at the intersection occurred between the hours of 3:45 and 4:45 PM when a total of 652 vehicles entered the intersection. The most recent traffic data was then compared with the traffic count data conducted on Tuesday, August 12, 2014, which was used in the conduct of the traffic impact study for the project to determine the validity of the earlier data. A total of 665 vehicles were recorded at the intersection in August, which represents a slightly higher volume than the October data. Although it would have been desirable to obtain traffic data for the intersection during scheduled field events at the East Bayside Field Complex; a high level of confidence remains in the validity of the conclusions of the traffic impact study even with omission of traffic data generated by the sports field complex. The noted intersection was projected to operate at the absolutely best level of service (Level of Service A) under post-development conditions and, based upon that determination, it is highly reasonable to assume that more than acceptable traffic operations would remain at the intersection even with the addition of significantly heavier peak hour volumes of traffic generated by the Sports fields.

5. Contact the Mosque and see what their schedule is.

A gentleman at the Mosque advised that the busiest time period at the religious facility occurs on a Friday between the hours of 12-Noon and 6:00 PM. A traffic survey was conducted at the Anderson Street/Fox Street intersection between the noted hours (Copy of the data summary is attached). From a summary of the data a peak hour was determined for the six hour manual traffic count. The highest volume of vehicles entering the intersection occurred between 3:45 and 4:45 PM when a total of 652 vehicles entered the intersection. The total volume of traffic recoded during this time period is slightly lower than the values measured during the month of August, when a total of 665 vehicles was recorded.

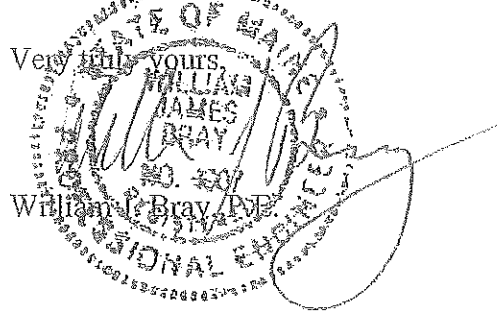
Pedestrian travel through the intersection was somewhat heavy between 12:00 and 1:30 PM, when more than 90 pedestrians walked through the intersection.

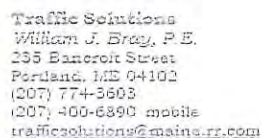
6. *Contact the North End School and see if they have any unusual days in the coming weeks.*

The school administrative office advised that the school has early discharge times on Wednesdays, while Tuesdays and Thursdays generally represent typical conditions.

Tom, your assistance and guidance in sorting through the myriad of traffic issues and determining the additional traffic data and analyses requirements is much appreciated. Please contact me with questions or clarification of the information enclosed.

Very truly yours,
WILLIAM JAMES BRAY
NO. 307
William J. Bray, P.E.
REGIONAL ENGINEER



[illegible]

Portland
 Intersection: Washington Ave/Fox St/Walnut St
 Date: 10/28/14
 Day of Week: Tuesday
 Weather: _____
 Remarks: _____

Red = Bicycle Movement
Green = Pedestrian Movement

Count Summary Movement

[illegible]



Traffic Solutions
William J. Bray, P.E.
235 Bancroft Street
Portland, ME 04102
(207) 774-3603
(207) 400-6890 mobile
trafficsolutions@maine.rr.com

September 17, 2014

Jonathan Culley
Redfern Properties, LLC
P.O. Box 8816
Portland, Maine 04104

RE: Portland Anderson Street Apartment Project – Trip Generation 3G's Garage

Dear Jonathan:

In an effort to accurately measure the existing volume of peak hour traffic generated by the 3G's auto repair garage, in-field traffic counts were conducted on Thursday, September 11 (Field data summary sheets from that effort are attached for documentation of the results). Manual traffic counts were conducted between the hours of 7:30 to 9:00 AM and again between 3:30 to 5:30 PM. From a summary of the data during each peak travel period, the total volume of trips entering or exiting the garage was determined. A total of 12 vehicle trips was recorded entering/exiting the garage during the morning peak hour (7:30 to 8:30 AM) and a total of 24 trips was measured in the evening peak hour of 3:30 to 4:30 PM.

Your proposed 53-unit apartment project, which will raze the existing 3G's garage, is projected to generate a total of 27 trips in the AM peak hour and 33 trips during the PM peak hour. Accordingly, the "net" increase in vehicle trips generated by the proposed 53-unit apartment project is 15 trips during the AM peak hour and 9 trips in the PM peak hour.

The Traffic Impact Study conducted for the proposed project by Traffic Solutions was prepared based upon the full vehicle trip generation of the 53-unit apartment project with no deduction applied for vehicle trips generated by the existing 3G's auto repair garage. The results presented in the noted report represent an extremely conservative assessment of the projects traffic impact.

I spoke to Tom Errico, P.E.; the City's Peer Traffic Consultant, yesterday and promised him a copy of this letter to further assist him in his review of the traffic impacts of the proposed project.

Very truly yours,

William J. Bray, P.E.
Cc: Thomas Errico, P.E.



JOB NO.

INTERSECTION

DATE _____

DAY OF WEEK

WEATHER

REMARKS:

COUNT SUMMARY
MOVEMENT[illegible]

REPAIR CO.

[illegible]

10 15

I rewound each time

930-3909
9 cloudy & comfortable

JOB NO. _____

INTERSECTION PLAN
WITH NUMBERED MOVEMENTS:INTERSECTION Fox Napa AutocareDATE 7/11DAY OF WEEK Thursday

WEATHER _____

REMARKS:

Napa

COUNT SUMMARY
MOVEMENT

In Out

	1	2	3	4	5	6	7	8	9	10	11	12	TOTAL
2:00	5	4											
2:15													
2:30	2	4											
2:45	5	4											
3:00	2	4											
3:15	1	3											
3:30	2	3											
3:45	2	3											
4:00	2	1											
4:15	-	1											
4:30	-	2											
4:45													
5:00													
5:15													
5:30													
5:45													
6:00													

PEAK HOUR COUNT

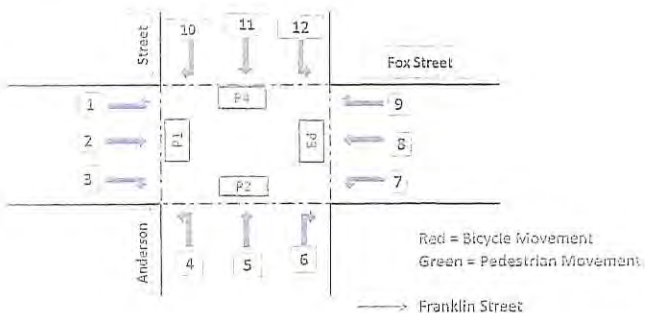
TIME:

TO:



Traffic Solutions
 William J. Bray, P.E.
 255 Bancroft Street
 Portland, ME 04102
 (207) 774-3603
 (207) 400-6890 mobile
trafficsolutions@maine.cc.com

INTERSECTION PLAN
 WITH NUMBERED MOVEMENTS:



Portland
 Intersection: Fox Street/Anderson Street
 Date: 10/24/14
 Day of Week: Friday
 Weather: Cloudy
 Remarks: School bus came btwn 3:15-3:30

Count Summary Movement

Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P1	P2	P3	P4	C2	C3	C5	C6	C7	C8	C9	C11	C12
3:00	3:15	3	27	2	2	9	16	9	33	14	3	6	17	141	5	2	0	3	1	0	0	0	0	0	0	0	0
Truck Count		0	1	2	0	0	0	0	2	1	0	0	0	6													
3:15	3:30	3	40	2	8	9	16	11	24	10	5	8	12	148	10	0	3	11	0	1	1	0	1	0	0	0	0
Truck Count		0	0	0	0	0	1	0	0	0	0	0	0	1													
3:30	3:45	1	42	1	2	7	19	7	30	22	2	10	7	150	0	0	2	0	0	0	0	0	0	0	0	1	0
Truck Count		0	1	0	0	0	0	1	0	0	0	0	0	2													
3:45	4:00	0	42	1	6	8	34	6	34	16	3	6	15	171	1	0	0	1	0	0	0	1	0	0	0	0	0
Truck Count		0	1	0	0	0	1	0	0	0	1	0	0	3													
4:00	4:15	3	38	8	3	13	20	10	29	13	0	8	22	167	0	0	1	0	1	0	0	0	0	1	0	0	0
Truck Count		0	0	0	1	0	0	0	1	0	0	0	0	2													
4:15	4:30	1	34	1	4	6	18	7	31	25	3	3	12	145	0	1	1	2	0	0	0	0	0	0	0	0	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1													
4:30	4:45	2	47	5	4	14	12	11	38	10	1	5	14	163	1	0	0	2	0	0	0	0	0	0	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0													
4:45	5:00	0	48	5	9	3	7	0	42	12	2	1	11	140	0	1	0	0	0	0	0	0	0	0	0	0	0
Truck Count		0	0	1	1	0	0	0	0	1	0	0	0	3													
5:00	5:15	0	43	2	7	11	19	5	37	14	0	3	16	157	1	0	1	4	0	0	0	0	0	0	0	0	1
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0													
5:15	5:30	2	24	3	6	8	18	7	36	13	1	4	12	134	2	0	1	5	0	0	0	0	1	0	1	0	0
Truck Count		0	0	0	0	0	1	0	0	0	0	0	0	1													
5:30	5:45	2	24	4	4	7	10	15	37	16	1	4	18	142	5	0	0	5	1	0	1	0	0	1	0	0	0
Truck Count		0	1	0	0	0	0	0	1	0	0	0	0	2													
5:45	6:00	1	14	2	6	3	12	3	32	12	1	4	9	99	1	0	7	3	0	0	0	0	0	0	0	0	0
Truck Count		0	0	0	0	0	0	0	1	0	0	1	0	2													

PEAK HOUR COUNT

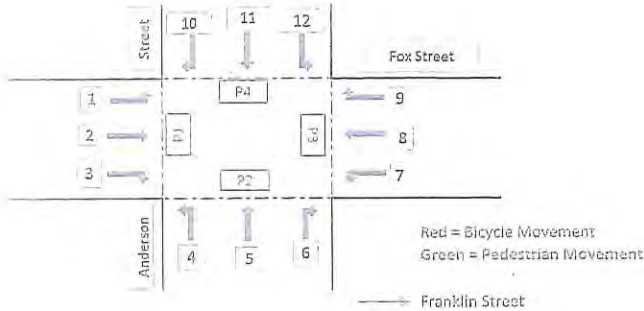
TIME: 3:45 TO: 4:45

6	163	15	18	41	85	34	133	64	8	22	63	652
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Traffic Solutions
William J. Bray, P.E.
335 Bancroft Street
Portland, ME 04102
(207) 774-5603
(207) 400-6890 mobile
trafficsolutions@maine.rr.com

INTERSECTION PLAN WITH NUMBERED MOVEMENTS:



Portland
Intersection: Fox Street/Anderson Street
Date: 10/24/14
Day of Week: Friday
Weather: Cloudy
Remarks:

Count Summary Movement

Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P1	P2	P3	P4	C2	C4	C5	C6	C7	C8	C9	C11	C12
12:00	12:15	2	31	4	8	8	16	12	35	12	2	10	10	150	0	1	2	1	0	0	0	0	0	0	0	0	0
Truck Count		0	0	0	0	1	1	0	2	0	0	0	0	4													
12:15	12:30	0	28	3	6	11	17	16	30	16	2	5	13	147	5	0	2	1	0	0	0	1	0	0	0	0	0
Truck Count		0	2	0	1	1	0	0	1	0	0	0	1	6													
12:30	12:45	0	28	3	4	10	16	12	27	7	4	3	15	129	6	1	3	1	0	0	0	0	1	0	0	0	0
Truck Count		0	1	0	0	0	0	0	2	0	0	1	1	5													
12:45	1:00	1	28	7	8	10	18	7	27	16	2	8	11	143	4	1	6	0	0	0	0	0	0	0	0	0	0
Truck Count		0	2	0	0	1	1	0	2	1	0	0	0	7													
1:00	1:15	0	30	5	3	8	19	11	29	4	0	6	10	125	4	2	3	1	0	0	1	0	0	0	0	0	0
Truck Count		0	1	0	0	0	0	0	0	2	0	0	0	3													
1:15	1:30	0	39	3	14	20	48	7	32	9	3	3	21	199	23	1	13	3	2	1	1	0	0	0	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0													
1:30	1:45	0	37	3	4	13	32	10	23	12	1	1	13	149	1	1	0	1	0	0	0	0	0	0	0	0	0
Truck Count		0	1	0	0	0	4	1	0	0	0	0	0	6													
1:45	2:00	1	31	4	4	12	41	10	27	13	1	4	8	156	2	1	4	3	0	0	0	0	0	0	0	0	0
Truck Count		0	0	0	0	0	2	1	0	0	0	0	0	3													
2:00	2:15	0	33	5	4	5	12	5	16	12	1	4	17	114	0	0	0	0	0	0	0	0	0	0	0	1	0
Truck Count		0	0	0	0	0	1	0	0	0	0	0	0	1													
2:15	2:30	0	34	3	4	6	2	10	25	8	1	6	13	112	1	2	2	4	0	0	0	1	1	0	0	0	0
Truck Count		0	0	0	0	0	2	0	0	0	0	0	0	2													
2:30	2:45	0	22	1	5	7	9	6	33	11	2	3	17	116	7	1	0	1	0	0	0	0	0	0	0	0	1
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0													
2:45	3:00	2	26	3	6	7	17	7	33	20	1	5	12	139	0	1	1	1	0	0	0	0	0	1	2	0	2
Truck Count		0	0	1	0	0	3	0	0	0	0	0	0	4													

PEAK HOUR COUNT

TIME: 1:00 TO: 2:00

1	139	15	25	53	146	40	111	40	5	14	52	641
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September 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	11:00 AM-3:00 PM W rugby AF Field Rental Portland Womens Rugby Club / Brittney Braasch 11:00 AM-3:00 PM
7	8	9	10	11	12	13
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro 10:45 AM-1:15 PM 2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	12:00 PM-4:00 PM Men's Rugby AF Game Field Prep Portland Rugby Club - Men's / Matthew Winch 12:00 PM-4:00 PM
14	15	16	17	18	19	20
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro 10:45 AM-1:15 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	11:00 AM-3:00 PM W rugby AF Field Rental Portland Womens Rugby Club / Brittney Braasch 11:00 AM-3:00 PM
21	22	23	24	25	26	27
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth	11:00 AM-3:00 PM W rugby AF Field Rental Portland Womens Rugby Club / Brittney Braasch

September 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
21 10:45 AM-1:15 PM	22 5:00 PM-8:00 PM	23 5:00 PM-8:00 PM	24 5:00 PM-8:00 PM	25 5:00 PM-8:00 PM	26 5:00 PM-8:00 PM	27 11:00 AM-3:00 PM
28 10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro 10:45 AM-1:15 PM	29 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	30 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM				

October 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
			5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	12:00 PM-4:00 PM Men's Rugby AF Game Field Prep Portland Rugby Club - Men's / Matthew Winch 12:00 PM-4:00 PM
5	6	7	8	9	10	11
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro 10:45 AM-1:15 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	12:00 PM-4:00 PM Men's Rugby AF Game Field Prep Portland Rugby Club - Men's / Matthew Winch 12:00 PM-4:00 PM
12	13	14	15	16	17	18
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro 10:45 AM-1:15 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	
19	20	21	22	23	24	25
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro 10:45 AM-1:15 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	
26	27	28	29	30	31	
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep						

October 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	31	
The Plymouth House / John Buro 10:45 AM-1:15 PM						

November 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1

**Traffic Signal Warrant Assessment
Washington Avenue/Fox Street/Walnut Street Intersection
Portland, Maine**

TRAFFIC SIGNAL WARRANT ASSESSMENT

The traffic signal warrant analysis follows the guidelines presented in the 2009 edition of the Manual on Uniform Traffic Control Devices (MUTCD) in Chapter 4C. The MUTCD provides nine separate traffic signal warrants, whereby, prevailing conditions at an intersection can be evaluated to determine if sequenced traffic signals are warranted. Each of the nine warrants is listed as follows:

- Warrant 1 – Eight Hour Vehicular Volume
- Warrant 2 – Four Hour Vehicular Volume
- Warrant 3 – Peak Hour
- Warrant 4 – Pedestrian Volume
- Warrant 5 – School Crossing
- Warrant 6 – Coordinated Signal System
- Warrant 7 – Crash Experience
- Warrant 8 – Roadway Network
- Warrant 9 – Intersection near a Grade Crossing

The federal publication clearly states that, *“the satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal”*. Guidance is specifically provided in the MUTCD on the conduct of the required engineering study and the judgment required in completing the signal warrant assessment. The direction provided, specific to prevailing conditions found at the study intersection, is summarized as follows:

A traffic signal should not be installed unless an engineering study indicates that the signal will improve the overall safety and/or operation of the intersection.

A signal should not be installed if it will seriously disrupt traffic flow.

Estimated 2014 “Average” Hourly Traffic Data: The federal MUTCD publication specifically states that the determination of traffic signal justification must be based upon *“average”* travel conditions. MaineDOT provides weekly group mean factors for multiple roadway classifications for the full state highway system based upon their extensive annual traffic count program. MaineDOT has established that the section of Washington Avenue and both Walnut and Fox Streets at the noted intersection are Group I roadways, which are defined as urban roadways or those roads that typically see commuter traffic and experience little fluctuation from week to week throughout the year. MaineDOT’s annual count program suggests that the last week in October, during a typical year is generally representative of *“average”* travel conditions (MaineDOT’s weekly mean factor for the week of October 27 is 0.97).

Accordingly, a manual traffic turning movement count was conducted at the subject intersection on Tuesday, October 28, 2014. The traffic data survey recorded all vehicular and pedestrian traffic entering the intersection in 15-minute intervals between the hours of 6:00AM and 6:00PM consistent with the MaineDOT’s policy in the performance of a traffic signal warrant study (A copy of the data summary is

attached for reference). Table 1 below presents the collected data in a summary format for the traffic signal warrant assessment:

Table 1
Traffic Signal Warrant Study
"Average" Conditions - Vehicular and Pedestrian Volumes
(Washington Avenue/Fox Street/Walnut Street Intersection)

<u>Time of Day</u>	<u>Major Street Volume⁽¹⁾</u> <u>(Both Approaches</u> <u>Washington Avenue)</u>	<u>Minor Street</u> <u>Volume⁽²⁾</u> <u>Fox Street</u>	<u>Minor Street</u> <u>Volume⁽²⁾</u> <u>Walnut Street</u>	<u>Pedestrian Volumes</u> <u>Crossing Washington</u> <u>Avenue</u>
6:00 - 7:00AM	359	59	59	0
7:00 - 8:00AM	698	91	87	7
8:00 - 9:00AM	921	95	116	6
9:00 - 10:00AM	551	73	69	5
10:00 - 11:00AM	539	97	48	11
11:00 - 12:00PM	509	97	55	8
12:00 - 1:00PM	601	109	61	22
1:00 - 2:00PM	608	133	55	25
2:00 - 3:00PM	587	118	75	11
3:00 - 4:00PM	680	131	61	6
4:00 - 5:00PM	801	125	47	13
5:00 - 6:00PM	674	96	54	12

Notes:

⁽¹⁾ Washington Avenue has been defined as the "major" street.

⁽²⁾ Minor Street approaches are both Fox Street and Walnut Street. All right-turn movements were included in hourly Minor Street volumes.

Traffic Safety Data: The Washington Avenue/Walnut Street/Fox Street intersection meets MaineDOT's criteria for a high crash location. A total of 9 crashes and a Critical Rate Factor (CRF) of 1.98 were reported for the intersection. A more in-depth review (preparation of detailed vehicle collision diagrams) was prepared for the intersection to determine if a clear pattern of accident is occurring (Copies of the Collision Diagrams are attached as an appendix to the report).

The detailed review of the vehicle crash reports for the intersection would suggest two clear patterns of concern: 1) four of the nine accidents involved vehicles on the Fox Street approach turning left onto Washington Avenue being struck by thru vehicles traveling eastbound on Washington Avenue; 2) the second pattern, with a total of three collisions, involved vehicles approaching Washington Avenue from Walnut Street sliding through the intersection striking a thru vehicle on Washington Avenue.

Traffic Signal Warrant Analyses: The assessment was conducted for Warrants 1, 2, 3, 4 and 7; the remaining warrants were considered not applicable for conditions found at the subject intersection. Each of the five traffic signal warrants used in the analyses are briefly described below followed by a determination of whether forecast conditions meet or fail required conditions.

Warrant 1: Eight Hour Vehicular Volume

Condition A - Warrant requires 500 vehicles per hour on major roadway (combination of both directions) and a total of 150 vehicles per hour on the highest minor street approach.

Condition B - Warrant requires 750 vehicles per hour on major roadway (combination of both directions) and a total of 75 vehicles per hour on the highest minor street approach.

Condition A+B - Warrant requires 80% of values stated for both Conditions A & B.

Warrant Not Satisfied Condition A: Hourly volumes on either side street below minimum value of 150 vehicles for eight hour time period.

Warrant Not Satisfied Condition B: Hourly volumes on major street below minimum value of 775 vehicles for eight hour time period.

Warrant Not Satisfied Condition A+B: Hourly volumes on both major and minor streets below minimum values for eight hour time period.

Warrant 2: Four Hour Vehicular Volume

If travel conditions for any four hours of an average day representing the volume per hour on the major street and the corresponding vehicles per hour on the higher volume minor street approach all fall above the applicable curve in Figure 4C-1 (Refer to attached Figure 4C-1 with plotted points).

Warrant Not Satisfied: All points on Figure 4C-1 fall below applicable curve.

Warrant 3: Peak Hour

If travel conditions for one hour of an average day representing the volume per hour on the major street and the corresponding vehicles per hour on the higher volume minor street approach fall above the applicable curve in Figure 4C-3. (Refer to attached Figure 4C-3 with plotted points).

Warrant Not Satisfied: All points on Figure 4C-3 fall below applicable curve.

Warrant 4: Pedestrian Volume

The need for a traffic signal shall be considered if study finds that one of the following criteria is met:

A. For each of any 4 hours of an "average" day the volume of vehicles on major street and the volume of pedestrians crossing street all fall above curve in Figure 4C-5 or,

B. For 1 hour (any four consecutive 15-minute periods) of an "average" day the volume of vehicles on major street and the volume of pedestrians crossing major street falls above curve in Figure 4C-7.

Warrant Not Satisfied Condition A: All points on Figure 4C-5 fall below applicable curve.

Warrant Not Satisfied Condition B: All points on Figure 4C-7 fall below applicable curve.

Warrant 7: Crash Experience

Each of the following criteria must be met to consider the need for a traffic control signal:

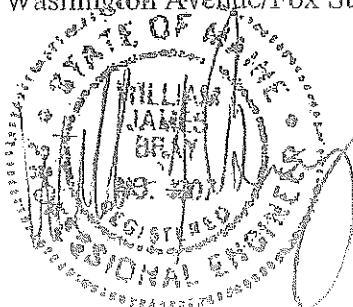
A. Adequate trial of alternatives with satisfactory observance and enforcement has failed to reduce the crash frequency; and

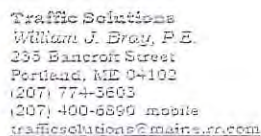
B. Five or more reported crashes, of types susceptible to correction by a traffic control signal, have occurred within a 12-month period; and

C. For each of any 8 hours of an average day, the vehicles per hour given in the 80% column for Condition A in Table 4C-1, or the vph in both of the columns of Condition B in Table 4C-1 exists on both the major and minor street approaches.

Warrant Not Satisfied: Criteria B isn't met, only four crashes reported by MaineDOT meet standard. Criteria C traffic volume requirement of 80% of values for Condition A and B stated in Warrant 1 above are not met for eight hours of an average day.

In summary, based upon the presentation of facts stated above, sequenced traffic control signals are not warranted at the Washington Avenue/Fox Street/Walnut Street intersections.



[illegible]

Portland
Intersection: Washington Ave/Fox St/Walnut St
Date: 10/28/14
Day of Week: Tuesday
Weather: _____
Remarks: _____

Red = Bicycle Movement
Green = Pedestrian Movement

Count Summary Movement

		Count Summary Movement																												
Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P1	P2	P3	P4	C1	C2	C3	C4	C5	C7	C8	C9	C10	C11	C12	
6:00	6:15	4	29	3	4	1	9	6	9	0	0	3	3	71	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Truck Count		0	0	0	0	0	0	0	1	0	1	0	0	2																
6:15	6:30	3	37	5	4	3	6	5	21	0	4	16	0	104	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Truck Count		0	3	0	0	0	0	0	0	0	0	0	0	3																
6:30	6:45	4	45	6	4	6	5	10	35	2	0	4	13	134	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1																
6:45	7:00	3	82	10	2	8	7	7	25	0	0	10	3	157	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	
Truck Count		0	1	0	0	0	0	1	0	0	0	1	1	4																
7:00	7:15	8	55	4	6	4	8	7	28	1	2	15	6	144	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	
Truck Count		0	1	0	0	0	0	0	2	0	1	0	0	4																
7:15	7:30	5	97	2	5	3	15	11	35	1	0	13	4	191	0	2	3	0	0	0	0	0	0	0	3	0	0	0	0	
Truck Count		0	3	0	0	0	0	0	2	0	0	0	0	5																
7:30	7:45	5	133	3	4	11	9	14	48	1	2	17	5	252	1	0	0	1	0	0	0	0	1	0	0	0	0	0	0	
Truck Count		0	1	1	1	0	0	0	2	1	0	0	0	6																
7:45	8:00	8	143	4	5	10	10	18	55	0	2	13	7	275	0	0	1	5	0	2	0	0	0	0	1	0	0	0	0	
Truck Count		0	2	0	0	0	0	0	0	0	1	0	0	3																
8:00	8:15	6	176	5	6	9	8	22	61	1	1	17	14	326	1	7	0	1	0	0	0	0	0	0	0	0	0	0	0	
Truck Count		0	3	1	0	0	1	0	2	0	0	0	0	7																
8:15	8:30	12	133	3	9	8	8	15	49	4	6	23	11	281	0	0	0	3	0	2	0	0	0	1	0	0	0	0	0	
Truck Count		0	2	0	1	0	0	0	1	0	0	1	0	5																
8:30	8:45	12	143	2	9	2	8	13	39	3	1	12	8	252	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	
Truck Count		0	3	0	0	0	0	1	2	0	0	0	1	7																
8:45	9:00	7	122	3	5	5	15	18	46	1	1	12	7	242	1	0	3	0	0	3	0	0	0	0	1	0	0	0	0	
Truck Count		0	3	0	1	0	1	1	6	0	1	0	0	13																
9:00	9:15	3	96	2	3	8	9	7	34	1	0	17	4	184	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	
Truck Count		0	2	1	0	0	1	0	2	0	1	0	0	7																
9:15	9:30	7	69	0	8	9	6	12	31	2	3	14	5	166	1	0	0	0	0	0	0	0	0	0	2	0	0	0	0	
Truck Count		2	3	1	0	0	0	1	2	0	0	0	0	9																
9:30	9:45	4	69	2	4	4	7	10	36	1	1	9	1	148	1	0	5	2	0	0	0	0	0	0	0	0	0	0	0	
Truck Count		0	3	0	0	0	0	1	4	0	0	0	0	8																
9:45	10:00	12	64	2	5	2	7	14	39	1	0	11	3	160	0	0	1	0	0	1	1	0	0	0	1	0	0	0	0	
Truck Count		0	5	1	0	0	0	0	4	1	0	0	0	11																
10:00	10:15	4	46	2	8	7	12	18	35	1	4	10	3	150	2	0	0	0	0	1	0	0	0	0	0	0	0	0	0	
Truck Count		0	0	0	0	0	0	0	3	1	0	0	1	5																
10:15	10:30	3	113	3	6	10	7	11	49	2	1	5	4	214	1	0	0	1	0	1	0	0	0	0	1	0	0	0	0	
Truck Count		0	3	0	0	0	0	0	1	1	0	0	0	5																

[illegible]

COLLISION DIAGRAM

SHEET 1 OF 2

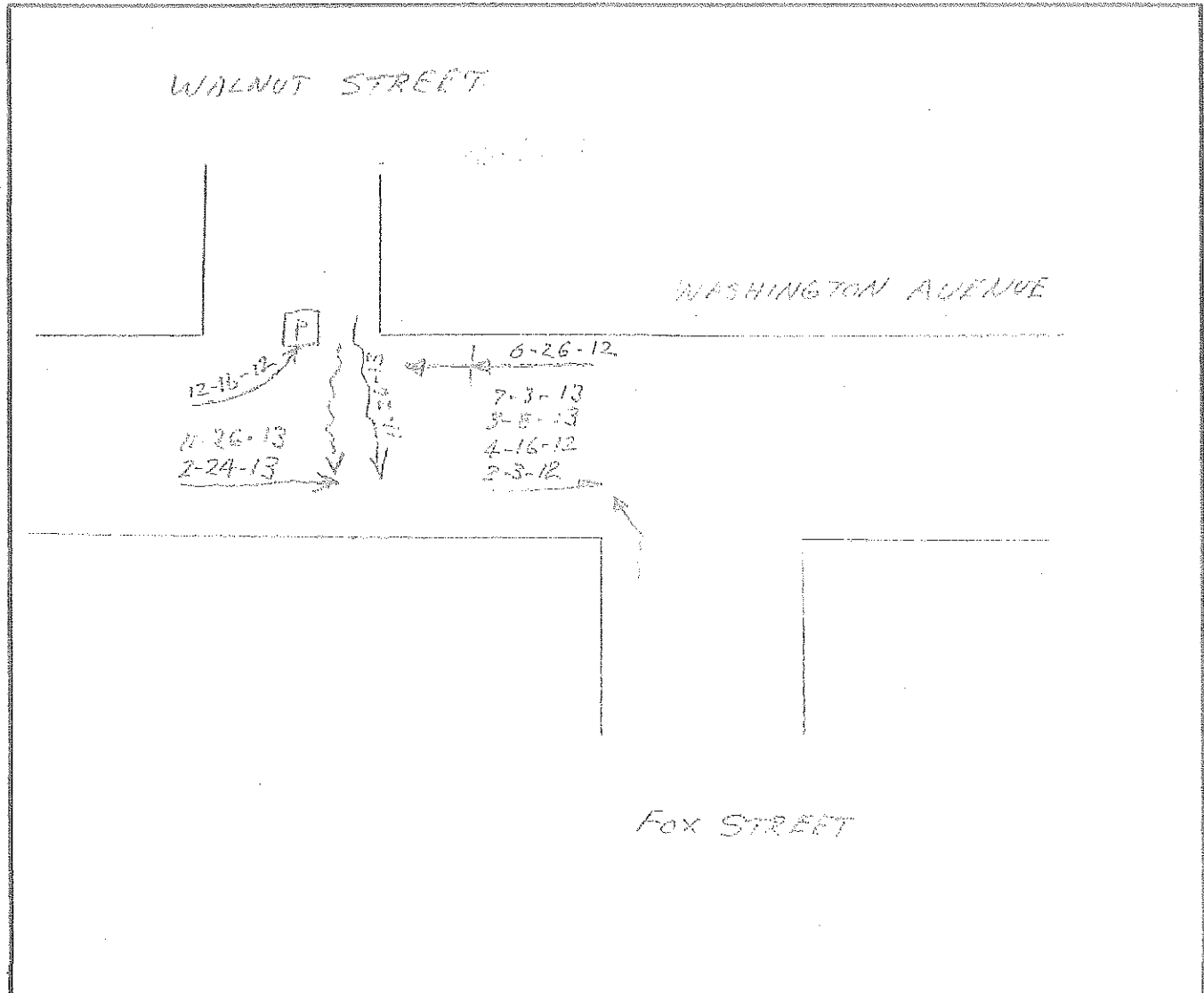
LOCATION WASHINGTON AVE./WALNUT ST./FOX ST.

TOWN PORTLAND

NODE NO(S) P18879

YEARS REVIEWED 2011-2014

DATE PREPARED 8-23-2014



CRITICAL RATE FACTOR _____ EQUIV. PROP. DAMAGE ACC/YEAR _____ ACC/MEV _____

LIGHT

- | | | |
|-------------------------|-------------------------|--------------------------|
| 1. DAWN (MORNING) | 2. DAYLIGHT | 3. DUSK (EVENING) |
| 4. DARK (ST. LIGHTS ON) | 5. DARK (NO ST. LIGHTS) | 6. DARK (ST. LIGHTS OFF) |
| 7. OTHER | | |

ROAD SURFACE

- | | | |
|--------------------------|--------------------------|-----------------------------|
| 1. DRY | 2. WET | 3. SNOW/SLUSH-SANDED |
| 4. ICE/PAVED SNOW-SANDED | 5. MUDDY | 6. DEBRIS |
| 7. OILY | 8. SNOW/SLUSH-NOT SANDED | 9. ICE-PRD. SNOW-NOT SANDED |
| 10. OTHER | | |

APPARENT CONTRIBUTING FACTORS - HUMAN

- | | | |
|--------------------------------------|-------------------------------------|--------------------------------------|
| 1. NO IMPROPER ACTION | 2. FAIL TO YLD. RIGHT OF WAY | 3. ILLEGAL UNSAFE SPEED |
| 4. FOLLOW TOO CLOSE | 5. DISREGARD TRAFFIC CONTROL DEVICE | 6. IMPROPER PASS-OVERTAKING |
| 7. DRIVING LEFT OF CENTER-NO PASSING | 8. IMP. UNSAFE LANE CHANGE | 9. IMP. PARKING START/STOP |
| 10. IMP. UNSAFE LANE CHANGE | 11. UNSAFE BACKING | 12. NO SIGNAL OR IMP. SIGNAL |
| 13. IMPEDING TRAFFIC | 14. DRIVER INATTENTION-DISTRACTION | 15. DRIVER INEXPERIENCE |
| 16. PEDEST. VIOLATION ERROR | 17. PHYSICAL IMPAIRMENT | 18. VISION OBSCURED-WINDSHIELD GLASS |
| 19. VISION OBSCURED-SUN/HEADLIGHTS | 20. OTHER VISION OBSCUREMENT | 21. HIT AND RUN |
| 22. OTHER HUMAN VIOLATION FACTOR | 23. UNKNOWN | |

VEHICULAR

- | | | |
|------------------------------------|----------------------------|--------------------------|
| 41. DEFECTIVE BRAKES | 42. DEFECTIVE TIRE/FAILURE | 43. DEFECTIVE LIGHTS |
| 44. DEFECTIVE SUSPENSION OR FACTOR | 45. DEFECTIVE STEERING | 46. OTHER VEHICLE DEFECT |
| 47. UNKNOWN | | |

SYMBOLS

- | | | |
|----------------|----------------|------------------|
| ANGLE | PEDESTRIAN | FATAL ACCIDENT |
| DACKING | REAR END | VEHICLE (MOVING) |
| FIXED OBJECT | SIDE SWIPE | BICYCLE |
| HEAD ON | TURNING MOVE | ANIMAL |
| OVERTURN | CHANGE LANE | SLID |
| PARKED VEHICLE | OUT OF CONTROL | |

C = CLEAR
SL = SLEET

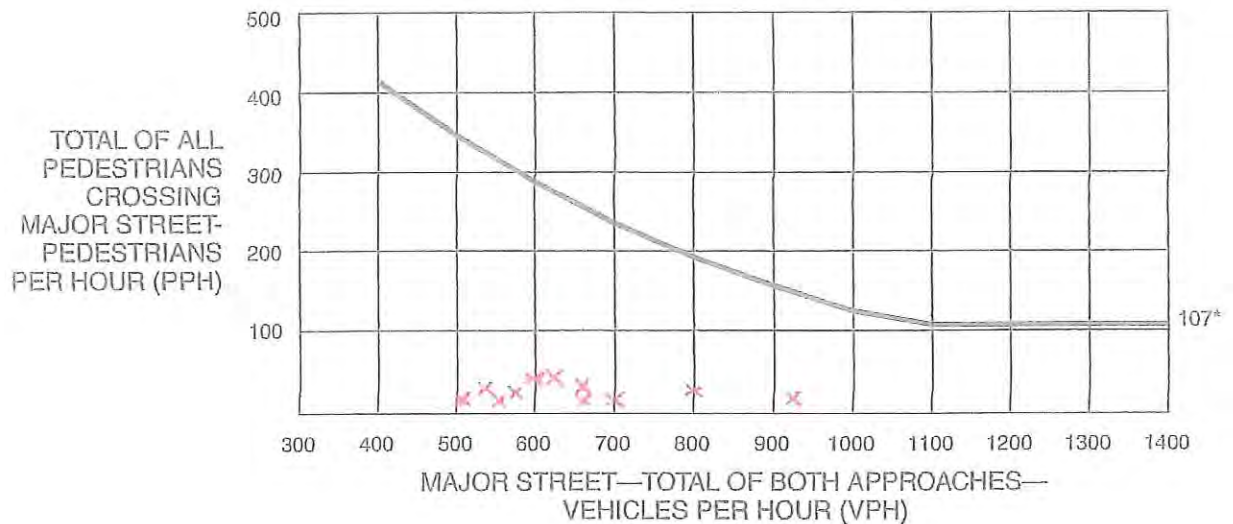
WEATHER

F = FOG
S = SNOW
R = RAIN
CL = CLOUDY
XW = CROSS WINDS

INJURIES

K = FATAL
A = INCAPACITATING
B = NON-INCAPACITATING
C = POSSIBLE INJURY

Figure 4C-5. Warrant 4, Pedestrian Four-Hour Volume



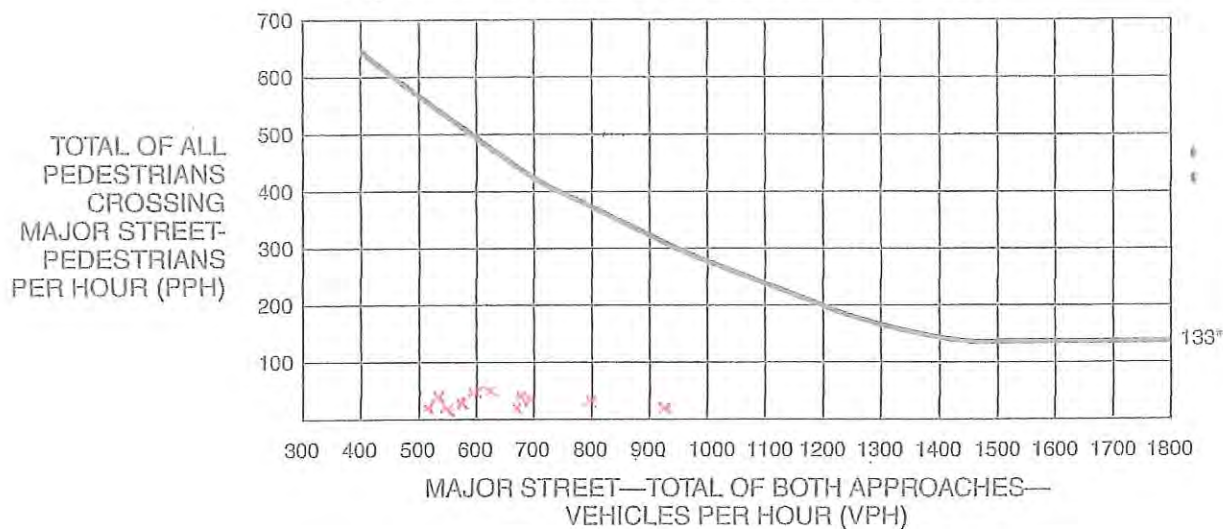
*Note: 107 pph applies as the lower threshold volume.

Figure 4C-6. Warrant 4, Pedestrian Four-Hour Volume (70% Factor)



*Note: 75 pph applies as the lower threshold volume.

Figure 4C-7. Warrant 4, Pedestrian Peak Hour

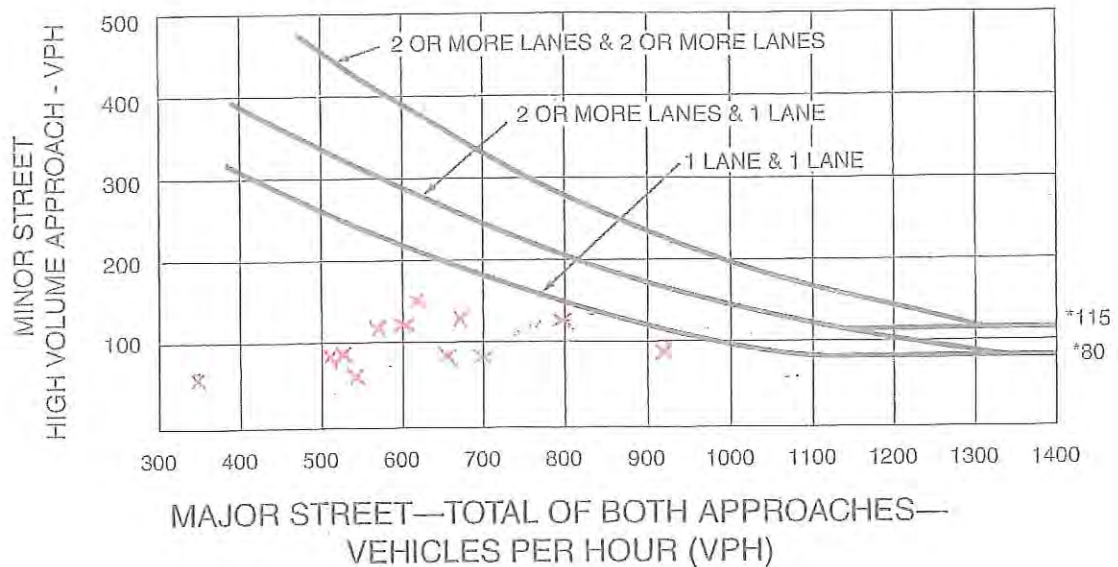


*Note: 133 pph applies as the lower threshold volume.

Figure 4C-8. Warrant 4, Pedestrian Peak Hour (70% Factor)

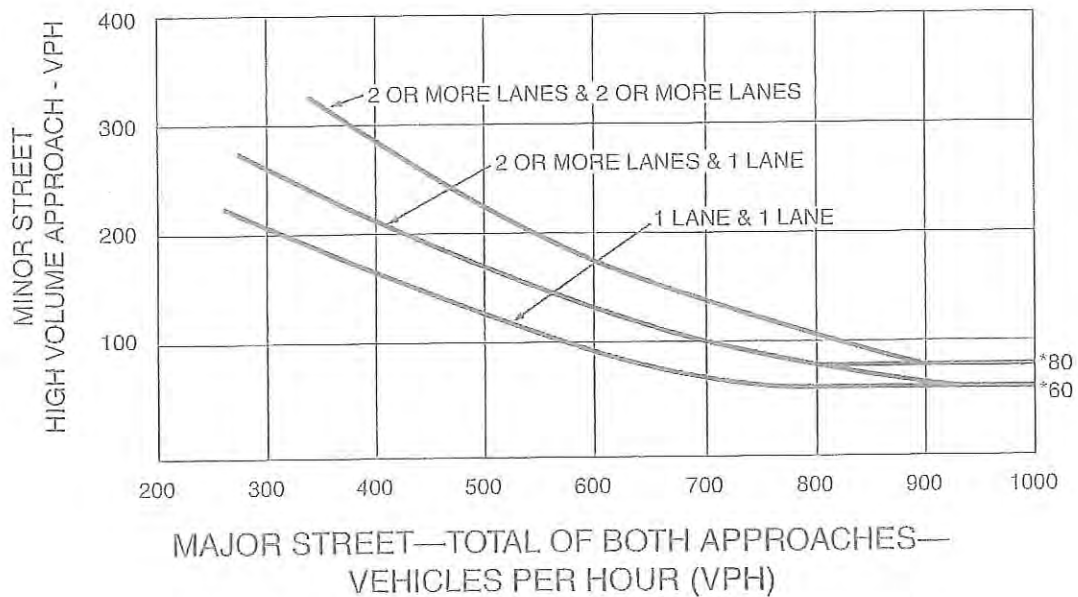


*Note: 93 pph applies as the lower threshold volume.

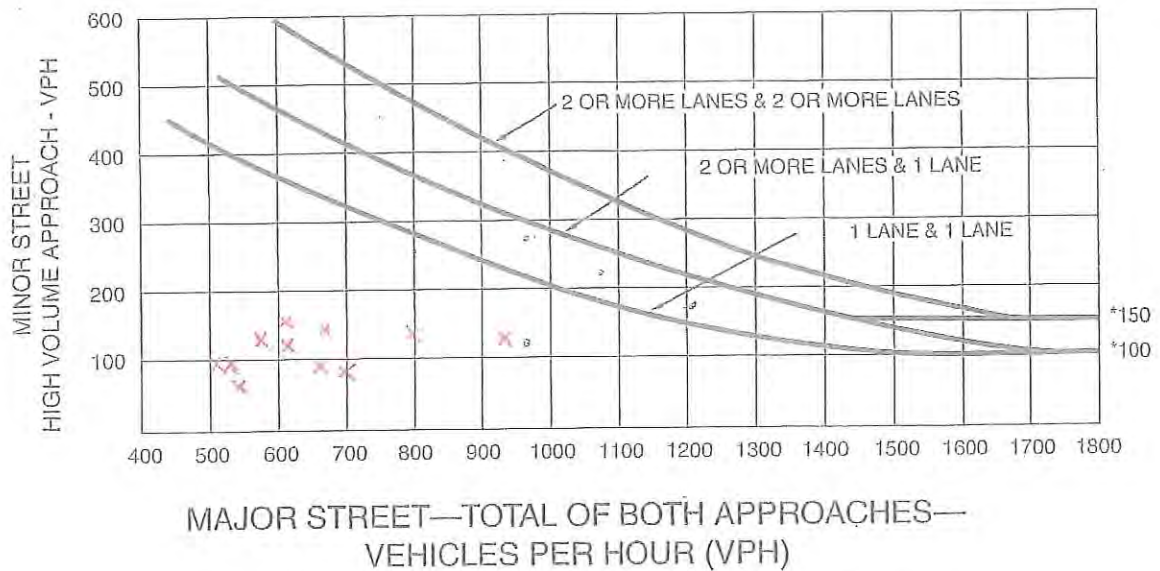
Figure 4C-1. Warrant 2, Four-Hour Vehicular Volume

*Note: 115 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 80 vph applies as the lower threshold volume for a minor-street approach with one lane.

Figure 4C-2. Warrant 2, Four-Hour Vehicular Volume (70% Factor)
(COMMUNITY LESS THAN 10,000 POPULATION OR ABOVE 70 km/h (40 mph) ON MAJOR STREET)



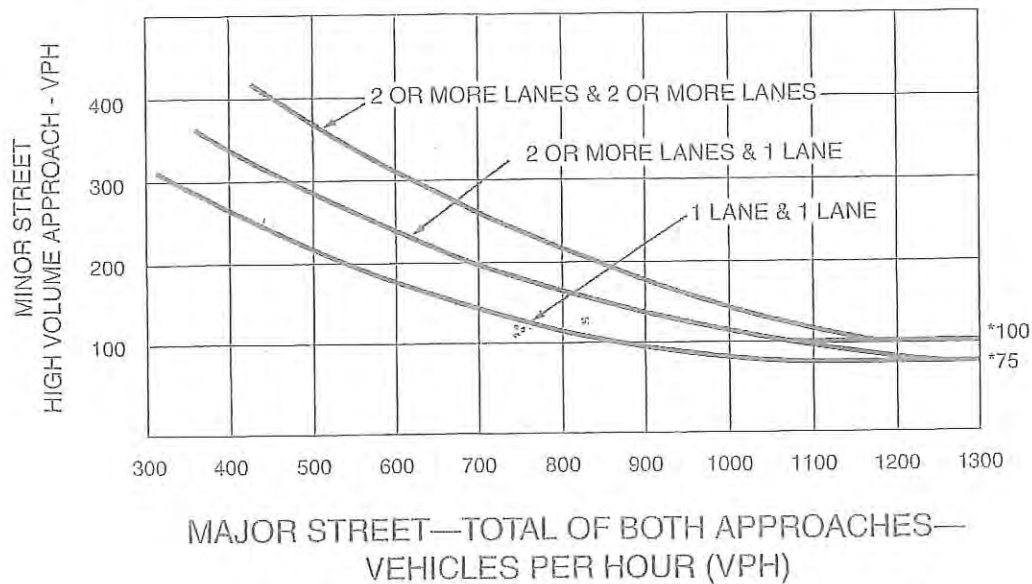
*Note: 80 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 60 vph applies as the lower threshold volume for a minor-street approach with one lane.

Figure 4C-3. Warrant 3, Peak Hour

*Note: 150 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 100 vph applies as the lower threshold volume for a minor-street approach with one lane.

Figure 4C-4. Warrant 3, Peak Hour (70% Factor)

(COMMUNITY LESS THAN 10,000 POPULATION OR ABOVE 70 km/h (40 mph) ON MAJOR STREET)



*Note: 100 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 75 vph applies as the lower threshold volume for a minor-street approach with one lane.

Jennifer Yeaton - Concerns about the Proposed Zoning Change for 89 Anderson Street

From: Ellen Bailey <efbailey66@gmail.com>
To: <hcd@portlandmaine.gov>
Date: 7/17/2014 5:51 PM
Subject: Concerns about the Proposed Zoning Change for 89 Anderson Street

July 17, 2014

To Nell Donaldson (City Planner),

Thank you so much for your willingness to hear residents' concerns about the proposal submitted by Jonathan Culley of Redfern to rezone the property at 89 Anderson Street from an R-6 (residential) to a B-2b (community business) zone. I have a few concerns about this change that I will share and will reference a few city documents along with my concerns.

My first concern is the increase in traffic that will result at the corner of Fox and Anderson by putting in retail at that intersection. The intersection of Fox and Anderson is already a very difficult to negotiate and adding retail along with potentially 53+ new residents is going to cause a dangerous situation to become even more dangerous. This area is widely used by pedestrians, cyclists, and joggers. Because many people use this intersection, it becomes confusing and undermines everyone's safety. I am particularly concerned that adding a retail space to this intersection (like a restaurant) will just create an even more difficult, confusing and dangerous situations for drivers, pedestrians and residents.

There are also many children living near this location and I am concerned for their safety in particular, as they play in the vicinity and on occasion run out in to the street after a stray ball. This location is also a school bus stop where many children get on and off the bus. Adding a retail space here is going to increase the potential for accidents involving the children who live in the nearby buildings.

In addition, I am alarmed that the entrance and exit to this mixed use development is going to be located on Fox Street (according to the current plans). Fox Street is being used by an increasing number of cars and trucks every day and the intersection of Fox and Anderson is a particularly difficult one to navigate. Adding 53+ residents to Fox Street, who will most likely all own at least one car, is going to be yet another influx of traffic concerns, especially since residents will be trying to turn into and out of their apartment complex via Fox Street. When cars currently enter or exit the Three GGGs garage it creates quite a bit of confusion and undermines the safety of all who are trying to negotiate the intersection. I am of the opinion that the traffic in and out of a 53-unit building that also houses retail (such as a restaurant) is going to be higher than the current Three GGGs traffic, thus making that intersection even more active, more confusing and more dangerous.

My concerns here echo the concerns outlined in *Sustainable Portland: Final Report of the Mayor's Sustainable Portland Taskforce*. The taskforce outlined several challenges to the sustainability of

communities in Portland. Their number one concern was traffic. They state, "Portland has a deserved reputation for a high quality of life, but sustaining this quality requires constant vigilance given the numerous challenges facing our community. The Sustainable Portland Task Force highlighted several of these challenges: 1. Traffic – Existing neighborhood traffic conditions with high traffic volumes and excessive speeding on neighborhood streets result in excessive energy consumption and undermine neighborhood livability and 'sense of place'." (p. 26)

I am concerned that Fox Street traffic is already undermining the livability in East Bayside and adding retail spaces, along with a large number of new residents on Fox Street is going to make a bad traffic situation even worse. For this reason, I don't think 89 Anderson Street should be considered for any type of business zone, nor do I think the zoning should allow for such high residential density. This corner is too dangerous for this type of influx. I am of the opinion that this intersection should remain an R-6 zone for reasons of safety for all residents, drivers and pedestrians.

I have other concerns that are more related to a Site Level Review, but I would still like to mention them here as I believe they relate to the zoning change request. I am very concerned about the lack of affordable housing in Portland and based on the initial figures given for the cost of renting one of the apartments at this new development, I am quite sure the working people of Portland will not be able to live in this building. The rates I have heard are \$1,000 dollars per month for the cheapest apartments, the studios. The one and two-bedroom apartments will be even more expensive. This type of expensive housing is not in keeping with the current situation in East Bayside. We are largely what is called "working class" and need affordable "workforce housing" in our neighborhood. This also echoes goals outlined in the *Sustainable Portland* report. One of the benchmarks under the recommendations for maintaining and growing the economy of Portland is "availability and affordability of 'workforce housing'." (p. 22) East Bayside has long been an area where the workforce of Portland can afford to live. This building does not follow that desired goal, a goal which the city of Portland has set.

This difference in income needed to live in the proposed development also is in direct conflict with the section entitled *Sustainable Portland: The Community*. The second paragraph of a section entitled "Landlords, Tenants, and Developers as Partners in Sustainability states, "The City also needs to ensure that there are adequate opportunities for the sustainable development of new housing and business spaces that support transit use and walkability while promoting and preserving neighborhood viability and integrity." (p. 25)

This project fails in two of the objectives in that sentence. First, it will actually undermine walkability because it will increase the danger for pedestrians due to an increase in traffic. Secondly, this building and any sort of zoning change away from R-6 will undermine the integrity of the neighborhood. The rest of the neighborhood is R-6. Maintaining the integrity of the neighborhood means maintaining the R-6, family friendly zone.

Some have tried to make the argument to me that since there is an industrial zone across Fox Street, then this does not actually undermine the integrity of the neighborhood. I strongly disagree with this on two counts. One, retail and industrial zones are quite different. I am of the opinion that the B-2b retail zones should stay up on Washington Avenue, not leak down Fox Street. Equating industrial zoning to the type of retail zoning on Washington is not accurate. They are very different and create quite different traffic patterns. Second, it does not matter what is on the other side of Fox Street. The rest of the Fox –

Anderson- Everatt neighborhood is R-6, is designed for family dwellings and is dedicated to the working class of Portland. In order to maintain the integrity of that block, I am of the opinion that the zone should be consistent and that zone is R-6.

I would like to close by emphasizing that in the *Sustainable Portland* document, one of the main goals is to attract families to Portland. This quote comes from the section entitled "*Challenges to a Sustainable Community*". They state one of the challenges as being the perception of urban density and clarify with this statement: "If the city of Portland is to achieve a density that competes with sprawling suburbs and provides viable transit alternatives to single occupancy vehicles, the City must promote and protect the image and reality of urban living that attracts a wide range of current and future residents – especially families with children." (p. 27)

This project being proposed by Jonathan Culley of Redfern is the absolute opposite of what is stated in this document. His proposed development is certainly not inviting to families with children. In fact, such small residences really discourage families from moving to Portland. The goal of being family friendly further strengthens my view that East Bayside should remain R-6. East Bayside is a great area for families and we need to build dwellings for them, not tiny, little studio apartments in a B-2b or R-7 that are barely large enough for even two people.

Thank you for reading and considering my concerns on this zoning change.

To be very clear, I am not in favor of a B-2b zone at 89 Anderson Street. I am in favor of maintaining the current zone and that is an R-6 zone.

Sincerely,

Ellen Bailey (resident of Hammond Street, which is in East Bayside)

Ellen Bailey

From: Chris Bruni <Chris@portlandpottery.com>
To: "hcd@portlandmaine.gov" <hcd@portlandmaine.gov>
Date: 7/18/2014 4:18 PM
Subject: Everett Street Project

I own a garage across the street from the projected Redfern Project. I don't see a downside to the housing they are undertaking. A huge risk and investment in an up to recently ignored section of town, cannot be a bad thing. I wish them luck, and support. If you have any questions you can reach me at this email or my cell 232-0845

Chris Bruni
32 Everett Street

From: Jed Harris <jedtharris@gmail.com>
To: <hcd@portlandmaine.gov>
Date: 7/18/2014 12:38 PM
Subject: Redfern 89 Anderson

Neil,

This keeps getting bounced back from my work email so I'm resending it from my personal email.

I'm writing in support of Redfern's proposed project and zone change at 89 Anderson Street in Portland. I was unable to make the community meeting the other night and I'm away for the workshop next week. My firm, Cotton Street Holdings, owns the former Nissen Bakery building at 75 Washington Ave along with the parking lot and State of Maine office building at 107 Washington, both located just up Fox Street from the proposed project. I think Redfern's project would be very beneficial to the East Bayside neighborhood and start to make a dent in the shortage of peninsula housing. In addition,

I think it would be very positive for E. Bayside to have new market rate housing to balance several of the more recent subsidized projects that have occurred in the neighborhood. Please feel free to contact me if you have any additional questions.

Regards,
Jed Harris

--

Managing Partner
80 Exchange Street, Suite 30
Portland, ME 04101
(207) 653-8262 (c)
(207) 747-4577 (o)

From: Karen Snyder <karsny@yahoo.com>
 To: "hcd@portlandmaine.gov" <hcd@portlandmaine.gov>
 Date: 7/18/2014 11:44 AM
 Subject: Fw: Notice - 89 Anderson St. Neighborhood Mtg.

Hi Nell,

Thank you for attending the 89 Anderson Meeting this past Wednesday, July 16, regarding Jonathan Culley's development proposal for 3G's property if the zoning is moved from an R6 to an R7.

As you witnessed in your attendance of the meeting, there were over 15 concerned local residents that voiced their disapproval of Jonathan's development. As a typical developer, Jonathan thought his opinion and unfounded statements were correct and the local residents were wrong in his push in trying to convince the local East Bay residents that his 89 Anderson development proposal is a good thing for the neighborhood. The local residents all know that the only thing Jonathan cares about is his profit margin and not truly concerned about how it affects the local residents and affordability since he doesn't live in the city of Portland but actually a suburb.

I am re-iterating mine and the other local East Bay residents concerns below with this development.

1) The proposed "market rate" rates are several hundred dollars higher than current market rents for studios. For example, on the East End, the market rate for a studio ranges from \$500 to \$650. Jonathan is proposing \$1,000/month for a studio. This means other residences will now "justify" upping their rents since this development has. Rents will NOT go down. They never do.

* I know this for a fact because I am also a property owner and I could raise my tenant's rent by several hundred dollars / month but I won't. Why? I want working class people to LIVE in this city and not only the subsidized or entitled rich people from away.

2) Who are going to afford these "market rates" apartments? It is definitely not the like minded hard working middle class local residents that live in East Bay but entitled rich kids from away which will change the dynamic of the neighborhood from a family environment to somewhat a party hard environment.

3) The current design of having the garage entrance of 53 parking spots entering off of Fox Street is ridiculous and will create an extreme traffic hazard and congestion more than it already does and especially during the winter.

4) Where is the overflow parking for the additional resident cars of these apartment residents suppose to park, besides parking for the restaurant?

5) Jonathan claims that his project will create urban in-fill and keep people from living in the suburbs. But yet, Jonathan doesn't really practice what he preaches because he lives in the suburbs of Falmouth so doesn't his claim ring false to you?

6) Jonathan claims that his project are environmentally friendly by just having a high R value on the roof and walls of around 32. But don't you think he has proven that this is a false claim since his 79 Walnut project clear cut the last remaining forested area of Munjoy hill to put 12 High end \$800,000 condos and gutted the side of Munjoy Hill? Putting solar panels, green roof, and creating green spaces is environmentally friendly.. not clearing cutting and put high R value rated condos/apartments. Therefore, this claim by Jonathan rings false.

7) Jonathan through out a number for the green space of his development is 12% but yet the entire plan from what I see is building or parking garage so how can there be 12% green space on this looming 4 story development?

8) The lack of open space. This development will be again "bending" the current city ordinances when it comes to building height, traffic regulations, and green space within this development.

Ultimately, how many local residents does it take that actually live in Portland that start protesting these developments from the get go will the City council members and planning board members starting taking notice that local residents are GREATLY displeased with the stance the city takes in being pro-development. The current impression is that the City is NOT respecting and protecting the hard working local residents that have been in this city for a long time and want their city to remain liveable? The city should be concerned in protection the survival of the local hard working residents that are NOT subsidized or NOT rich. The middle class is dying and they should be helped and protected.

Does the smell of out of state development money continue to trump the needs and desires of the current hard working local Portland city residents who actually make this city what it is or will the city make Portland another soulless center as Manhattan and San Francisco where working middle class can not live and enjoy the city they work in?

Additionally, I would hope you and the other City council and planning members take this into consideration in future developments and if anything put a moratorium (a stop) on building permits. A moratorium on building permits has happened before in city of Portland in the 70's and it should again be considered.

Regards,

Karen Snyder
 Munjoy Hill Property Owner

On Monday, June 30, 2014 1:27 PM, Jennifer Yeaton <JMY@portlandmaine.gov> wrote:

July 1, 2013

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a new development at the corner of Fox and Anderson Streets (89 Anderson). The project consists of two commercial spaces on the ground floor and residential rental apartments on Floors 2-4. This meeting pertains to our

Application for a Zoning Map Amendment. Should our project go forward, there will be additional meetings in the future that will pertain to a Site Plan review.

Meeting Location: Redfern Office, 178 Washington Ave, Portland
Meeting Date: Wednesday, July 16th
Meeting Time: 6:00 pm

The City Code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please contact me at 207-221-5746 or jonathan@redfernproperties.com. I hope to see you at the meeting.
Sincerely,

Jonathan Culley

Jonathan Culley
Redfern Properties LLC
Cell: 207-776-9715
Office: 207-221-5746
Fax: 207-221-2822
jonathan@redfernproperties.com
www.redfernproperties.com
www.redfernhomes.com
www.munjoyheights.com

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

From: Karen Snyder <karsny@yahoo.com>
To: "hcd@portlandmaine.gov" <hcd@portlandmaine.gov>
Date: 7/21/2014 11:17 AM
Subject: Re: Notice - 89 Anderson St. Neighborhood Mtg.

Hi Nell,

Per our discussion this morning, please add the below additional concerns regarding the 89 Anderson development when below points illustrate how this development actually goes against certain sections within the long term Portland comprehensive plan. There are 3 major points below that the City of Portland, ME really need to evaluate in regards to how this specific proposal does not represent or adheres to the Portland comprehensive plan:

Point 1: Portland Comprehensive Plan: Page 11 - A Community Vision for Portland, Future Directions of Portland

Section 1: Build a Vibrant City, Build upon the distinctive fabric of Portland's built environment by rehabilitating historic resources and by developing new buildings that respect scale and character of traditional development patterns.

Concern: The 89 Anderson development is proposing putting a 4 story 53 apartment building where the entire lot is built upon with basically no setbacks besides this proposal being the only B2B 4 -tory commercial/apartment building in East Bay amongst single family home neighborhood. This proposal does not meet the Comprehensive plan which is to build new building that respect scale and character of traditional development patterns.

Point 2: Portland Comprehensive Plan: Page 11 - A Community Vision for Portland, Future Directions of Portland

Section 2: Serve the People; Support and encourage the creation and preservation of an adequate supply of quality housing for all.

Concern: How is Portland city government protecting the middle class, blue collar, and hard working nurses, teachers, restaurant workers of Portland within the long range comprehensive plan? If all current housing projects are either for subsidized housing or for the wealthy people who will only live part-time in these high-end apartments or condos. How does this respect and preserve the middle class who are getting pushed out of Portland due to higher rents and that can't afford the high end condos? A vibrant city is where middle class families and people live full time and not subsidized people or wealthy people who live a couple months out of the year. What is Portland planning handling this middle class crises? The only time I believe the city helped the middle class was in 1999 where on Munjoy Hill, property owners who lived on their property got certain incentives to live there and do renovations.

Point 3: Portland Comprehensive Plan: Page 11 - A Community Vision for Portland, Future Directions of Portland

Section 3: Provide High Quality Leadership; Create a sustainable community with vital neighborhoods, high quality infrastructure, a strong economy, healthy environment, while keeping municipal taxes affordable.

Concern: What is the definition of a vital neighborhood to the Portland city government? Is it where families live and build a community? How can 53 high end apartments in a 4 story commercial building suppose to achieve a strong community network if these residents do not own and there are constant influx of restaurant traffic? A neighborhood is where people want to go and decompress from work. Not have to fight traffic and hear restaurant noise. Additionally, how are municipal taxes suppose to remain affordable for the middle class if high end condos and high end apartments are being built within the city? How do all these concerns actually adhere to the long range comprehensive plan? Again, the middle class is being not represented in the Portland, ME comprehensive plan very effectively which these people are the heart and soul to a vital neighborhood.

The weblink to the above Portland Maine comprehensive plan that is referred to is below:

<http://www.portlandmaine.gov/DocumentCenter/Home/View/2959>

Thanks for your support.

Regards,
Karen Snyder
Munjoy Hill Property Owner

From: "Cynthia L. Cochran" <ccochran@maine.rr.com>
 To: Helen Donaldson <hcd@portlandmaine.gov>
 Date: 7/20/2014 10:18 PM
 Subject: Concerns re Redfern's rezoning request for 89 Anderson Street

July 20, 2014

To Nell Donaldson (City Planner),

Thank you for the opportunity to submit comment on Redfern's rezoning request for 89 Anderson Street.

First, I want to express disappointment about the neighborhood meeting notes that you prepared and submitted with other documents for the planning board's review for this project. I attended that meeting and can attest to the omission of some important aspects of the discussions. I will address two points of discussion that were either omitted or extensively abbreviated in these notes.

This proposal makes many substantive references to the Portland, ME SDAT -- Creating a Sustainable Vision for Maine's Most Diverse Neighborhood. At the neighborhood meeting, in response to my questions about this, Nell Donaldson stated that the City of Portland has not officially adopted this study, or any aspect of it. We discussed that the City has not adopted any plan at all, specific to the East Bayside Neighborhood. This discussion was not mentioned at all in the notes for the planning board.

The discussion about traffic and safety impacts of this proposed project, added to the impact of previously approved projects, was abbreviated and summarized with the statement, "An open discussion about traffic on Fox Street ensued."

More pointedly, I wish to express my opinion that the citation of a few, selected, out-of context, pages from the SDAT study of the East Bayside Neighborhood in Redfern's proposal is misleading and disrespectful to the overall integrity of this study and to its specific recommendations for this location. The study identified this location as a "Place of Potential" for service to our neighborhood and to support community connections. Redfern's primary objective, to provide 53 market-rate, individual housing units, is actually in opposition to the intentions of the study's recommendations for this location.

Traffic :It seems that it is never quite the right time or venue to talk about the traffic and safety issues being created by the development recommendations of the City's planning staff and board members. The entire length of Fox Street, especially the corners at Walnut/Washington/Fox and Fox/Anderson are already safety concerns for drivers, pedestrians, and bicyclists. The board has already approved developments on Sheridan, Walnut, and Washington that will substantially increase traffic at these corners and on Fox Street. There is also a proposal to house 30 or so tractor trailers for the Nova Star at 122 Anderson Street. This proposal would route 60 or so daily trips of tractor trailers through the same Fox/Anderson Street intersection where the Redfern project seeks to locate an additional 53+ new residents. All of these individual projects claim to have little to no impact on traffic or parking for the neighborhood in their individual zoning or site plan applications. The traffic and safety implications of the accumulated impact of these projects seems to have no venue for public feedback, consideration and discussion.

Second, I wish to express my disappointment that the City planning staff is once again seeking to expand upon the original proposal from the developer in order to meet its own, internally developed objectives for development in the East Bayside Neighborhood. Jonathan Culley has stated that he was encouraged by the City planners to seek the B-2b zoning, and Section VI of the Staff Memorandum includes discussion of extending the B-2b zoning further up Fox Street to include the adjacent, multi-family, residential, R-6 lots on the eastern third of the block. This is the

second attempt, this year, by City planners to rezone significant portions of East Bayside in support of a vision for development that has not been communicated to residents of this neighborhood.

All of that being said, here are my specific concerns with the Redfern rezoning/project proposal:

Proposed Housing Units:

oNone for families with children.Same with Avesta's 134 Washington Avenue project (18 efficiencies only) which was previously approved.

oNone are affordable for Portland's working class

Traffic and Parking:

oWill add substantially to the already dangerous amount of traffic on Fox Street (in addition to the already approved projects on Walnut Street, Sheridan Street, and Washington Avenue).

oPlacing the entry/exit to the building's parking area on Fox Street, unnecessarily, and substantially, increases the impact of these additional drivers on this already congested and dangerous street.

oFox Street is not wide enough to accommodate parking on two sides and two-way traffic currently, without adding 53+ more cars to the traffic flow, on top of the increase from previously approved projects.

oThe intersection at Fox/Washington/Walnut is one crash away from being designated a High Crash Area.The "jag" between Walnut/Washington/Fox, the slopes of the two streets and the amount of traffic moving both north/south and east/west at this spot makes it very dangerous to navigate for vehicles, pedestrians, and bicyclists.

oIn winter, accumulated snow makes Fox Street even more narrow, congested, slippery, and dangerous.

oThe intersection at Fox/Anderson is also "jagged" and although the 4-way stop signs have helped here, the addition of a 4-story building wall that lines up with the sidewalk on Fox and Anderson will significantly block the view of drivers coming down Fox Street from Washington Avenue and impair their ability to see cars, pedestrians, and bicyclists coming to this corner from the south-side, residential areas via Anderson Street.

oA restaurant at this location will also add traffic and create more parked car obstruction on Fox Street.

Community/Neighborhood uses/Retail Spaces:

oThese spaces are not a meaningful contribution to our neighborhood.

oCommunity space: This 716 square feet space is 17 feet wide by 42 feet long.This is not sufficient for community gatherings.

o Restaurant: Why?To justify the B-2b zoning?To try to use a slice from the SDAT study report to create an appearance of community support?What other rationale could there be that we don't know about?

In summary, I do not support this proposal to rezone this or any other lots on Fox Street to B-2b.I am in favor of 89 Anderson Street and all other R-6 lots on Fox Street remaining R-6.

Thank you for your time and consideration of my comments.

Cynthia L. Cochran

17 Hammond Street



918 Forest Ave
Portland, ME
(207) 878-8800

Dear Mr Donaldson,

This letter is in regards to the requested zoning changes to 89 Anderson Street, Portland.

Joe Flynn of Flynn & Company Real Estate supports Jonathan Culley's proposed project at 89 Anderson St as we are neighbors owning an apartment building at 83 Anderson St and believe it is a wonderful concept to improve the neighborhood.

Thank you for your time.

Sincerely,

Joe Flynn

A handwritten signature in black ink, appearing to read "Joe Flynn", with a large, stylized flourish at the end.

From: Jeremy benn <jbenn617@gmail.com>
To: <HCD@portlandmaine.gov>
Date: 7/23/2014 10:37 AM
Subject: Proposed zone change at 89 Anderson Street

Good Morning Mr Donaldson,

I just wanted to show my support for the proposed zone change at 89 Anderson Street by Mr Culley with Redfern. I own a handful of properties in the city and always hear the same complaint from prospective tenants, "It is so hard to get a rental in Portland". It is exciting to see new housing offered on the peninsula.

I am in favor of the zone change and overall project at 89 Anderson Street, it is good for the city and its residents.

Sincerely,

Jeremy Benn
807-9218

From: Ellen Bailey <efbailey66@gmail.com>
 To: Helen Donaldson <HCD@portlandmaine.gov>
 CC: Christine Grimando <CDG@portlandmaine.gov>
 Date: 8/18/2014 12:01 PM
 Subject: Re: Question about Sight Lines and How that Relates to Buildings and Parking in a B-I Zone

Hi Nell,

Thank you for this message. I vaguely remembered that you are not in the office on Fridays, so no concerns and Christine did answer my initial questions. We did receive a notice from Jonathan that he is seeking B-1 zoning now and he is in the process of planning another neighborhood meeting. We haven't gotten a date for that meeting yet.

Mostly though, there are a number of us who live here in East Bayside who are becoming increasingly alarmed at what we are seeing, and experiencing on Fox Street. I was almost in an accident myself on Saturday (the 16th), pulling out of Hammond Street onto Fox because the cars parked on Fox blocked my view of those coming down the hill. The corners are confusing, visibility is poor already and there is a lot more traffic here. And we are looking at Nova Star conducting up to sixty tractor trailer trips through Fox/Anderson daily from May to November; looking at the Munjoy Heights development; at the Avesta development (134 Washington); the possible new townhouse development on 145-155 Washington; and then having 75 or so residents move in right on that corner (89 Anderson Street). What we would really like to see is Fox Street made safer BEFORE hundreds more people are using it. We would also like to have some assurance that someone is looking at these projects collectively rather than in isolation. We get the reply often that the city doesn't look at the big picture, that these concerns are only dealt with on a project-by-project basis.

I (and several of us who live here) am now getting a little clearer picture of some of the regulations that really need to be taken seriously on this corner, like the 200 feet of visibility (in a 25 mph zone) required by new streets and even driveways. So buildings certainly should not block a driver from seeing 200 feet down adjacent streets. That really means that no zoning change should be made that allows for building up to the street in that location. Building up to the street there is quite dangerous and the Maine DOT is verifying that.

There is another violation on that corner that I became aware of when reading the "Transportation Systems and Street Design Standards". The angle there does not meet the standards. Collector streets (which Fox Street should be changed to) are required to meet at 90 degree angles. Neighborhood streets should be meeting at an acute angle no less than 75 degrees and an obtuse angle no greater than 105 degrees. I measured the Fox/Anderson Street angle and got around a 55/125 degree angle there. So, the angle is 20 degrees away from what is considered safe on little neighborhood streets and 35 degrees away from what is considered safe on a collector. That is significant! So, I am seeing that our concerns are supported by the data.

If a building goes in that corner which limits sight view to less than 200 feet, then we will have two major violations of safety codes. The street angle and the sight view. Let's add the tractor trailer trucks; the pedestrians (including a lot of children); athletes and spectators using the fields and on street parking on Fox Street; business traffic for Rising Tide, Maine Crafts, etc.; tractor trailer trucks parking on Fox Street for days at a time; the through traffic; and a large number of new residents and we see (again, I am not alone here) some major congestion and accidents waiting to happen.

I am not against development. In fact, I really like the townhouse project I heard about for 145 Washington Avenue. It is only 17 units and there will be no problem with visibility there. It is a reasonable number of new residents, and there will be on-site parking, so there wouldn't be a huge impact on traffic. In contrast, this particular location at the Fox/Anderson Street intersection and the large number of people who will live in the proposed building directly on the intersection is a huge problem. We need to work on safety at this corner BEFORE we start bringing in a bunch of tractor trailer trucks and build a 53-unit apartment building, which translates to around 75 people living there. Of course, I don't really think it is an appropriate location to build such a large apartment complex or to have any zoning that is more permissive than what is already there (R-6). We want everyone to be safe and it's not even safe now.

I know we won't have a workshop for a bit, but this is about more than just the 89 Anderson Street project. Although this project will add significantly to the danger.

I really appreciate you reading this. I was wondering if you could pass this on to the appropriate people in Traffic. I am cc-ing Christine as well.

I was sad to hear there is not a committee working on Fox Street. I think there must have been some miscommunication somewhere along the line, because I was told that someone from Traffic said to a couple of our community members that a City Staff committee was working on Fox Street safety. People were told that Christine was coordinating it. I have tried to correct that misconception with a couple of people who told me about it. I think Fox Street needs some attention, so I was disappointed to find out there really isn't any committee looking at this street which already has six different zones on it (IL-B, B-5, R-OS, R-6, B-2b and a recent addition of R-7 for PHA).

Thank you for your time Nell (and Christine). I appreciate you keeping the residents "in the loop" about what is happening down here and paying attention to our increasing concern.

Ellen Bailey-resident of East Bayside

<<<On Mon, Aug 18, 2014 at 8:47 AM, Helen Donaldson HCD@portlandmaine.gov wrote:

Ellen,

I apologize that I wasn't in the office on Friday and so didn't respond, I trust that Christine's email addresses your questions, but if you have additional concerns, feel free to let me know.

We are waiting on more information from Jonathan before scheduling another planning board workshop. I will be sure to let you and others know as soon as that workshop date is set.

Best,
Nell

Nell Donaldson
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101
874-8723
hcd@portlandmaine.gov

<<<Christine Grimando 8/15/2014 4:34 PM >>>

Hi Ellen,

In answer to your first question, parking standards are addressed in Division 20 of the Land Use Code. It sounds like you already found that document, but just in case, it can be accessed here: <http://www.portlandmaine.gov/DocumentCenter/Home/View/1080>. I've also attached Division 20 as a pdf. New residential development > on-peninsula, in the B-1 zone, has a requirement of a minimum of one space per dwelling unit, unless the application demonstrates it meets criteria for altering that 1 per unit number. Non-residential uses have different parking requirements which are listed by use and square footage, generally.

In answer to your second, I will answer broadly that the sight distance standard you reference does indeed apply to new driveways and new streets. I will forward your comments about the building's impact on sight distances to the City's Traffic Engineer, so that he can incorporate your questions and concerns in his overall traffic review of the proposal at 89 Anderson Street. After the recent Planning Board workshop the applicant is having additional traffic analysis completed for the proposal, and it has not yet been submitted for review by the consulting traffic engineer. Like all other application materials, it will be available to the public for review.

Nell Donaldson, Planner, is reviewing the proposal for 89 Anderson Street, so I will defer to her any other specific questions you might have about that application, and I have cc'd her on this email.

I was recently sent an email message that referenced my being Chair of a Parking Staff Committee, and I assume this is likely the reason these questions were directed to me. I want to clarify that there is no such official group, and that I have no overarching role in regard to parking and traffic in the neighborhood. I did recently engage City staff in a preliminary discussion about potential improvements to the Washington/Fox/Walnut intersection due to development proposals I am reviewing. There is no formal proposal as of this time.

Best,
Christine

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

<<<Ellen Bailey <cfbailey66@gmail.com> 8/14/2014 3:06 PM >>>

Hi Nell (and I was told Christine Grimando is also a person to send this to),

My name is Ellen Bailey and I am a resident of East Bayside. I have communicated with you before about Jonathan Culley's proposal to rezone 89 Anderson Street. He just recently sent out an e-mail letting us know that he is seeking B-1 zoning now.

I have been reading up on B-1 zoning, but am unclear about a couple of details. I was wondering if you could answer my questions and then let me know where I can find the information. I am looking for the correct document and the correct section.

1. My first question is about parking in a B-1 zone. It is not clear to me how many parking spaces must be provided for anyone. I was wondering if you could tell me how many on-site parking spaces are required for the residents and how many are required for whatever business is located on the first floor.

2. My second question relates to sight lines or what I have read in the "Transportation Systems and Street Design Standards" as Sight Distance. This document states, "Where driveways or new streets enter an existing street, vehicular sight-distance shall conform to standards established by the Maine DOT as contained in their publication, Chapter 299, Highway Driveway and Entrances Rules and noted below for entrances with standard vehicles." In the table referred to, it states that for a 25 mph speed limit, a sight-distance of 200 feet is required. My question is this: Do new buildings have to maintain this same guideline? Of course, it would make sense to me that they should, since the Maine DOT has determined the safest distances for sight distance, whether it be a new street, new driveway or new building. Specifically, I am very concerned that the building proposed at 89 Anderson Street will significantly limit drivers' sight-distances because the building will directly obstruct the driver's view. I pointed out the danger inherent in the Fox St./ Anderson St. intersection due to the angle at which the two streets meet in the last planning workshop for this proposal.

This is what I stated:

"Here is the situation: Anderson Street meets Fox Street at a fairly sharp angle on its north side and at a right angle on its south side. 89 Anderson Street is on the south side. Unfortunately, this means the four corners of this intersection are substantially out of alignment.

The lack of visibility will be most pronounced for people coming down Fox Street from Washington Avenue. To their right will be the angled part of the intersection and to their left, several feet beyond their stop sign will be the other part of Anderson Street. The fact that the left hand part of Anderson Street is several feet ahead of the stop sign is what creates the obstructed view. I actually measured the distance between the stop sign's location on Fox Street and the potential corner of the Redfern building. It is about 40 feet.

This lack of alignment means that if 45-50 walls are built flush with the sidewalk in that location, drivers coming down Fox from Washington will have a mostly obstructed view to their left. In fact, from what I have observed, only a portion of the first car will be visible. Nothing behind it will be visible, including pedestrians, cyclists and children. This lack of visibility will be even worse in the winter with the addition of snow banks."

If this building goes up as proposed, then drivers from the east side of Fox Street and the south side of Anderson will probably not even be able to see 30 feet down the adjoining street, let alone 200 feet. I am also concerned about allowing any zoning in there that allows the owner to build right up to the street because of this. I was wondering if you could clarify how far is required by law in terms of sight-distance and if it is legal for a building to obstruct the view of the driver sitting at the stop sign.

I am really trying to see the issues before they happen, as I use this intersection frequently, both as a driver and as a pedestrian.

Thank you for your help with these two questions Neil.

Sincerely,
Ellen Bailey (17 Hammond Street)

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested. --

From: Kevin Donoghue <kjdonoghue@portlandmaine.gov>
 To: Toby Rzepka <tobyrzezka@gmail.com>
 CC: Lamm Rosalee <nosasaurus@hotmail.com>, Tom Errico <thomas.errico@tylin.com>, Jeff Levine <JLEVINE@portlandmaine.gov>, Mike Bobinsky <mbobinsky@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, John Peverada <jbp@portlandmaine.gov>, Helen Donaldson <HCD@portlandmaine.gov>, Bruce Hyman <BHYMAN@portlandmaine.gov>, Sheila Christian <SHC@portlandmaine.gov>
 Date: 8/25/2014 10:47 PM
 Subject: Re: Housing development and traffic in East Bayside

Hi Toby,

Thanks for your reply. You're correct to observe that a well-developed street grid helps spread traffic regardless of whether there are one-way streets, but is especially necessary in those instances. You're also correct that it is not as wide as Congress on the Hill, but the experience of narrower striped lanes may offer some options short of removing parking residents depend on. Absent a climbing bike lane, a center line yielding a broad climbing lane and a narrow coasting lane may well help address these concerns. A peer-reviewed traffic study has been commissioned by Jonathan Culley here and I will ask that his contracted engineer, or at least peer reviews on staff, consider this.

Thanks,
 Kevin

On Thu, Aug 21, 2014 at 10:47 AM, Toby Rzepka <tobyrzezka@gmail.com> wrote:

Dear Kevin,

This is Toby Rzepka, a resident of 13 Fox St. and husband of Rosalee Lamm, who emailed you a couple of days ago after the EBNO meeting--I could not attend because I was home with our 3-year old. We've been talking a lot with each other and with our neighbors about traffic issues and I wanted to join the conversation. I appreciated your thoughtful response to Rosalee's email and would like to express my concerns and hopes for the neighborhood.

I agree with the need for more housing on the peninsula, and have no objection to a higher density R6. But like Rosalee and many of our neighbors, I think the traffic situation needs to be sorted. While the intersection of Walnut/Washington/Fox is dangerous, I'm more concerned with the increased volume of traffic racing up Fox St. as much of the hill uses it as a connector to Franklin Art and 295. With both the Hill and East Bayside increasing in density, I believe there will be an eventual need to make Fox one-way. Obviously, this would require opening up other connectors, either by connecting Gould St. to Washington or connecting Marginal to Washington--but Fox St. is not wide enough to support the kind of traffic that will be using it after all the new (and future) developments go in. As the neighborhood increases in density, Fox St. will become congested and dangerous, not to mention frustrating for drivers, who often have to stop and pull over to allow oncoming vehicles to pass as it is. This street was clearly never meant for this kind of heavy traffic, especially considering the parking on both sides.

In the meantime, I love your idea about a yellow line and a bike lane--and we could even consider speed bumps, as people tend to tear down the street (especially motorcycles). But because cars often have to pull over to let each other pass, I'm not sure how there would be room for strict lanes plus a bike lane and two rows of parking. This illustrates the problem--the street's not big enough for what it is being asked to do and we need to spread the burden.

The other big issue potentially affecting Fox St. traffic is the Nova Star truck storage behind Bunker Brewing. I can't imagine how the feel of the neighborhood would change with a dozen large semis rolling through it daily. This neighborhood is currently a great place for families (and getting better!) and I'm worried that will change for the worse with more traffic and more industrial trucking. I realize that, as a brownfield site, the uses for the owner are limited, but surely the answer is not to further industrialize the street adjacent to the PHA complex where so many families with children live.

I am really excited for the Fox/Anderson intersection changes. If this could be combined with a ban on tractor trailer parking on lower Fox St., it has the potential to transform the area adjacent to the PHA housing complex from a gritty industrial-looking street to a lovely, park-side, pedestrian area. Though obviously the other side of Fox is de facto industrial, the businesses there are largely pedestrian/retail friendly as well (i.e. Coffee By Design, Rising Tide, Maine Craft Distilling, Tandem Coffee, etc.). If we can push toward the human scale and away from the industrial scale of lower Fox, we could draw more business, more tourism, and make East Bayside a better place to live.

To sum up: My vision for Fox St. is a densely populated, pedestrian-friendly street with sidewalks throughout and reduced traffic. This can be accomplished by:

1. Making Fox St. one way by connecting Gould St. or Marginal to Washington
2. Banning tractor trailer parking on lower Fox St.
3. Preventing the Nova Star trucking project from going forward
4. Installing sidewalks on lower Fox and Anderson

I hope you and others share my vision--with each meeting focusing on one specific issue, it's hard to lose site of the big picture.

All the best,

Toby Rzepka

From: Karen Snyder <karsny@yahoo.com>
 To: Helen Donaldson <hcd@portlandmaine.gov>
 Date: 9/10/2014 3:49 PM
 Subject: Re: Concerns for last July 22nd meeting and proposed map amendment, 89 Anderson Street

Hi Nell,

Firstly, the link you provided only got us to the front page of the Portland Planning web site. Were you trying to send us a link to Jonathon's last agenda? Secondly, Jonathon's traffic study which was scanned was partially cut off and not complete so one could not read it entirely.

I am sorry but I guess I am kind of confused by Jonathon's emails regarding latest traffic information for the intersection of Fox and Washington and his latest proposal of asking for zone B1B instead of B2B in a zone which is primarily zoned R6. It appears that Jonathon did not hear the concerns of the neighborhood residents as well as some of the planning board members concerns regarding the first planning meeting held on July 22, 2014.

Majority of the local residents that attended the July 22, 2014 meeting expressed their opinions and disagreed with Jonathon's proposal.

Point 1: Majority of the local residents in that neighborhood specifically expressed they zoning should be kept at R6 at 89 Anderson.

Point 2: Even some of the planning board members, specifically Bill Hall, expressed that there should NOT be 'spot zoning' in neighborhoods where residential R6 zoning is the only zone.

Point 3: Traffic congestion is all ready dangerous in this intersection (Fox & Anderson) but it is still workable. Any more complexity and traffic to this intersection and it will have to be reworked (Especially Jonathon's poor design of spilling out the apt garage onto Fox Street). Why should our tax payer/ property taxes monies be used to repair this traffic corner if this proposal is approved for some reason? It is an barely acceptable intersection now but if Jonathon builds on this site, Jonathon needs to be pay for this traffic intersection redesign and construction and NOT THE TAXPAYERS of the city of Portland.

Point 4: The reason why Jonathon wants to have 89 Anderson zoned a B1 or R7 is based strictly on his profit margin even though the local residents want it kept as a R6. Because he wants the highest amount of apartments jammed into that space.

Some additional comments heard from the planning board member, Carol Morrisette kept on repeating the fact that she wants "diversity" in this neighborhood. I would like to specifically ask her what is she talking about? That East Bayside neighborhood has an amazing diversification of people all ready. There are blue collar workers, teachers, artists, electricians, nurses, immigrants from Africa and Asia, etc. What does she mean she wants diversity? It must be diversity of income since these are expensive apartments starting at 1,000/ month for a studio unit at this proposed development.

Ultimately, I think it comes down to accountability and living in these neighborhoods. The Portland Planning Board members and the developer, Jonathon Culley, spout "infill is good" yet they themselves do not live on the peninsula. Additionally, they really don't care about the ramifications of the development or if it hurts the quality of life for the current residents because it appears their primary concerns are the developer's profit margin and increased property taxes for the city. As a local resident of the City of Portland and multiple property owner, this is very disappointing to watch again and again by the current city of Portland establishment of planning board members and the developers with all these backdoor wheeling and dealing that is going on.

When will the local resident voices be heard and considered?

Regards,
 K. Snyder
 East End Resident

On Tuesday, September 9, 2014 9:21 AM, Helen Donaldson <HCD@portlandmaine.gov> wrote:

To Whom It May Concern,

Please be advised that the City of Portland has received additional materials related to the proposed zoning map amendment for 89 Anderson Street. These materials include a traffic impact analysis. The applicant has indicated the intent to provide further supplemental information, including an analysis of consistency with the Comprehensive Plan, in the coming days.

If you are interested in seeing these materials, please don't hesitate to contact me. I am happy to either send pdfs or provide an opportunity for you to view a paper copy in person.

We have tentatively scheduled this proposal for a second workshop with the planning board on September 23. You can follow the board's agenda and find workshop materials on the city's website: <http://www.portlandmaine.gov/211/Planning-Board>

As always, we appreciate your input on this and other projects.

Best,
 Nell Donaldson

September 18, 2014

To Nell Donaldson (City Planner)

Thank you for the opportunity to submit comment on Redfern's rezoning request for 89 Anderson Street.

I have previously submitted comment on this proposal (July 20). Since then, many things have occurred that have, or will have, impact on this area of East Bayside, as follows:

1. The intermodal transportation facility at 122 Anderson Street has been conditionally approved by the Planning Authority;
2. East Cove Townhomes proposal for rezoning/development at 145-155 Washington Avenue is under consideration by the Planning Board;
3. The Franklin Redesign Committee has unveiled proposals to help "fix" the Marginal Way/Franklin Arterial intersection;
4. I've become aware of yet another development in the works for 192 Washington Avenue for 15 market rate apartments;
5. Redfern has changed its rezoning request from B2-b to B1-b and conducted a traffic impact study;
6. I have taken the time to research, analyze, document, and discuss/share with City staff, City Councilors, East Bayside residents, business owners, and visitors to Fox Field (Kennedy Park), a number of safety concerns that relate to the entire length of Fox Street.

On the advice of City Councilor, Kevin Donoghue, I am submitting the most recent version of the research, referred to in #6 above, as part of my comments today regarding Redfern's proposal for rezoning 89 Anderson Street. It is my intention to make this information available to all of the Planning Board members for consideration at this time, and this is the method that Councilor Donoghue suggested to accomplish that goal.

Yesterday, I met with Jonathan Culley and William Bray, the traffic consultant hired by Redfern to conduct the Traffic Impact Study related to the rezoning request for 89 Anderson Street. At that meeting I was shown, and later emailed, an addition to the original study. This addendum provides traffic volume counts for the existing business (3G's), located at 89 Anderson Street, that should be subtracted from the traffic volume numbers, previously reported in the study, that will be generated by Redfern's proposed development of 53 housing units, in order to arrive at the net increase in traffic volume.

These are my comments about the Traffic Impact Study:

1. In paragraph one, on page one of the study, it is stated that "Access to the covered parking spaces will be provided through a single entrance located on Everett Street."

This statement indicates a change from the original plan to provide access from Fox Street. As this addresses one of my previously submitted concerns, I want to express my gratitude for this change.

2. It is my understanding that this traffic study was conducted at the same time as gas line upgrade construction was being conducted on Washington and Cumberland Avenue. This construction certainly would have impacted the traffic volumes counted at this time because traffic was diverted and drivers were likely to choose to “stay away” from this congestion.
3. It is also my understanding that the PM Peak Hour traffic counts did not include traffic volumes generated by athletic events, (i.e. games and/or practices of the Portland Youth Football League, Portland Area Youth Soccer, Portland Adult and Women’s Rugby, etc.) on Fox Field (Kennedy Park).
4. I appreciate that this traffic study included an analysis of “traffic generated by projects that have been approved by the Local Planning Board and/or the Maine Department of Transportation, yet are not opened.” However, the following proposals for development are not included, yet are most likely to be approved, and will impact this area, one of them (the “fix” for the Marginal Way/Franklin intersection), quite significantly:
 - a. The option for “fixing” the Marginal Way/Franklin intersection that was “least hated” by East Bayside residents and business owners who attended a September 4 neighborhood meeting would bring a substantial amount of additional traffic volume to this area because:

Vehicles, driving west on Marginal Way, from East Bayside will not be able to go straight, or turn left, at the Franklin Street intersection; they will only be able to turn right, to access Rte. 295, north or south. Vehicles will still be able to enter East Bayside, turning right or left, from Franklin Street, or heading straight through on Marginal Way from Bayside. However, they must use connecting streets, through the industrial zone, to Fox Street, in order to leave.
 - b. Additional traffic volume from East Cove Townhomes, the proposed rezoning/development at 145-155 Washington Avenue, also being considered at this Planning Board meeting, on September 23, 2014;
 - c. Additional traffic volume from an upcoming development for 15 market-rate apartments at 192 Washington Avenue.
5. I also appreciate the attention paid in this traffic study to the intersection at Walnut/Washington/Fox Streets, including the updated designation of this intersection as a “high crash location,” and the suggested remediation measures for Walnut Street and the dysfunctional pedestrian crossing equipment at both existing Washington Avenue crosswalks. However, the preliminary traffic warrant evaluation for full traffic signalization at this intersection, conducted under this study concludes that:

“ . . . present intersection traffic volumes and/or other factors do not appear to satisfy the warrants for traffic signals.”

Perhaps a study done when there is no gas line construction along this section of Washington Avenue would produce a different result. However, even full signalization, at this intersection, would not adequately address the conditions that contribute to its designation as a high crash location. Parking restrictions along "upper" Fox Street, east of Anderson Street are needed, as well as suitable, and doable, remediation measures for Walnut Street.

6. In summary, about the traffic study: I greatly appreciate this effort to analyze the traffic impact of the proposed rezoning/development at 89 Anderson Street. However, this study, although conducted using current, applicable industry standards, is still simply a snapshot in time, and more art, than science. Yes, there are lots of numbers involved, but, my 28 year career as a public accountant has taught me that numbers, even though presented according to all professional compliance standards, are only representations, much like any piece of artwork. Human, common sense interpretation, and knowledge of the larger context within which they are presented, must be applied for these representations to be utilized as effective tools for decision-makers.

There are two more comments I wish to make today for this 2nd Planning Board Public Workshop on Redfern's proposal for rezoning/development at 89 Anderson Street, as follows:

1. Sight-line issues at the Fox/Anderson Street corner would be caused by the building, as currently depicted in the architectural drawings presented at the July 16 neighborhood meeting, at this location. My research about this issue revealed that this corner does not meet the City of Portland's Transportation Systems and Street Design Standards for the "Horizontal Alignment of Streets," stated in Section 1.3 of the City of Portland Technical Manual, as:

"When two streets intersect and one street is an arterial or collector street, or both streets are arterial or collector streets, the angle of intersection shall be 90 degrees. When two streets intersect and neither street is an arterial or collector street, the angle of intersection shall be at least 75 degrees and no greater than 105 degrees."

Streets are classified in accordance with the Federal Highway Administration Functional Classification Guidelines. Fox and Anderson Streets are currently classified as "Local Streets." However, these classifications have not been updated since 2005. Fox Street has likely become a "Collector Street" since then. If it isn't now, then it will be very soon.

Yesterday, when I met with Jonathan Culley and William Bray, I was informed that a different standard, than the one quoted above, applies to an intersection which has 4-way stop signs. Apparently, the intersection meets this different standard if a driver, stopped in-line with the stop sign, can see the cars, at all, that are also stopped in-line with the stop signs at any of the intersecting street segments. I can only assume that this same standard applies equally to 4-way stop intersections that meet at 90 degree

angles. I sincerely hope that the Planning Board will seriously question the applicability of this standard for this specific situation:

- a. The northern street segment of Anderson Street intersects Fox at roughly a 45 degree angle;
 - b. The stop sign on the eastern street segment of Fox Street is located approximately 35-40 feet from the right-angle line of intersection with the southern street segment of Anderson Street;
 - c. Currently, there are four different land use zones that converge at this corner: Residential Zone R-6; Recreation and Open Space Zone R-OS; Urban Commercial Business Mixed Use Zone B5; and Low Impact Industrial Zone IL-b. The convergence, at this corner, of all of these land use zones, already creates a challenging situation in regards to safeguarding residential, business, and industrial vehicular traffic and parking, as well as Fox Field visitor vehicular traffic and parking, and all pedestrian, and bicyclist traffic. Redfern's request to rezone 89 Anderson Street from R-6 to B1-b will certainly increase this challenge.
 - d. The community center/mosque, located within the IL-b zone, at this corner, conducts frequent, outdoor gatherings and activities for its members, families, and children, creating an additional safety consideration.
2. Why B1-b? I still do not understand the rationale for requesting this specific zone for a 53 unit housing development. As I stated in my previous comments to the Planning Board on July 20, the community space does not seem sufficient for anything other than an office; and the commercial space seems like an after-thought to justify the zone. Placing a restaurant, with its additional traffic and parking requirements at this corner does not make any sense in relation to the safety challenges already discussed and already present at this location. Therefore, I do not support this request for rezoning, and most certainly do not support any extension of the B1-b zone further east up Fox Street or in any direction along Anderson Street.

Thank you for your consideration of my comments. I hope you will take the time to look through the other documents I have submitted as comment, as well. I look forward to further discussions with you at the workshop on September 23.

Sincerely,

Cynthia L. Cochran
17 Hammond Street
Portland, ME 0410
(207) 773-0522
ccochran@maine.rr.com

Fox/Anderson Street Safety Concerns & Other Important Issues

Contents List

Street Design Issues

Traffic Lights & Traffic Calming Issues **UPDATED!**

Parking Issues **UPDATED!**

Redfern's Rezoning/Development at 89 Anderson Street **UPDATED!**

Cardente's Land Use Proposal - 122 Anderson Street **UPDATED!**

Franklin Street Redesign - Fix Marginal Way/Franklin Streets
Intersection – Impacts on East Bayside? **UPDATED!**

Proposed Revision - Residential R-6 Zoning Ordinance

Other Issues for Discussion:

- School Children - Traffic & Related Safety Issues

- Multiple Zones/Land Uses along Fox Street

- Does the IL-b Zoning Ordinance Need an Update?

WOW! There's an awful lot going on!

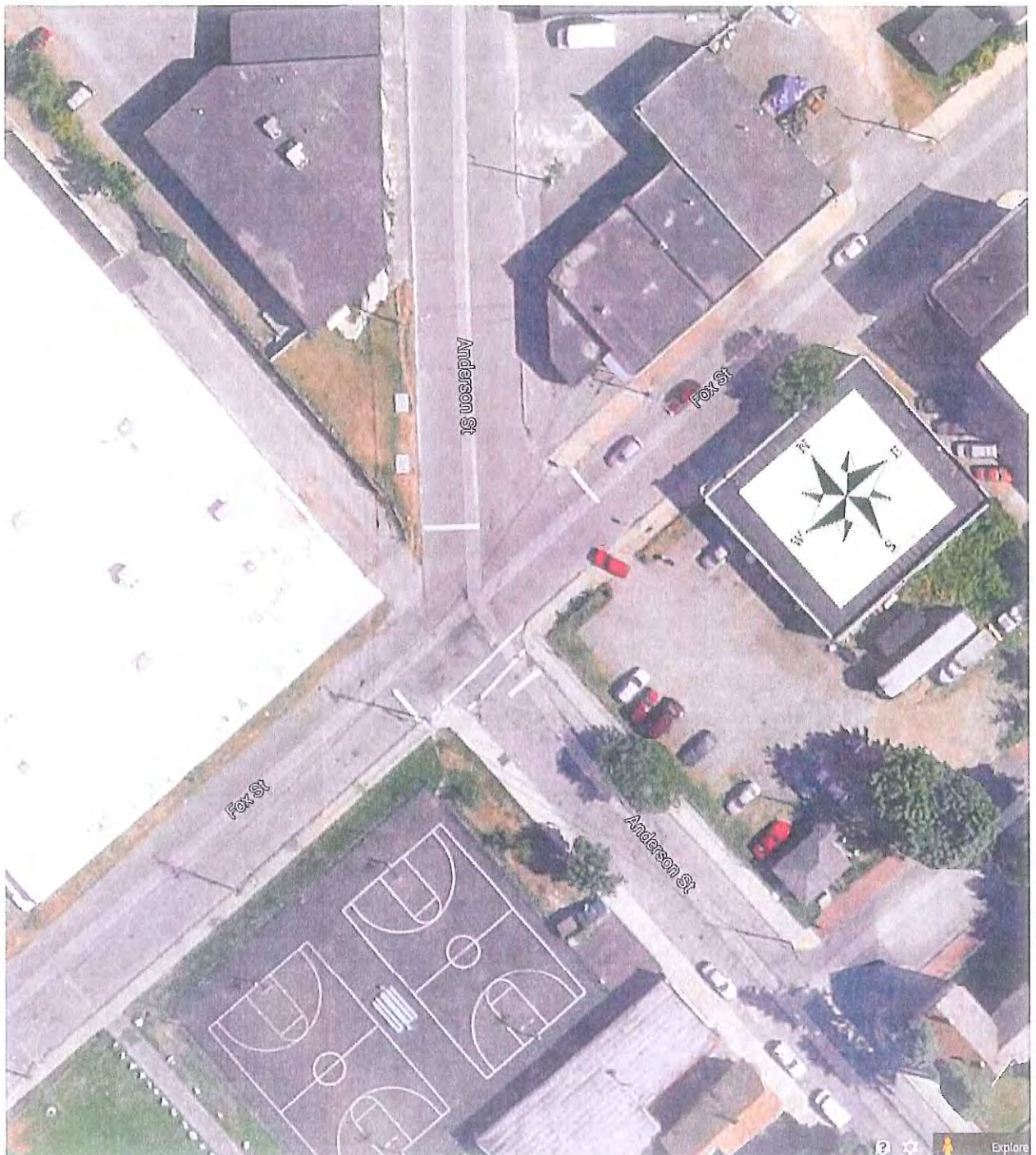
Contacts & Links

I. Street Design

A) Fox/Anderson Streets Corner

- 1) This corner does not meet the City of Portland's Transportation Systems and Street Design Standards for the "Horizontal Alignment of Streets," stated in Section 1.3 of the City of Portland Technical Manual, as:

"When two streets intersect and one street is an arterial or collector street, or both streets are arterial or collector streets, the angle of intersection shall be 90 degrees. When two streets intersect and neither street is an arterial or collector street, the angle of intersection shall be at least 75 degrees and no greater than 105 degrees."



- a) Streets are classified in accordance with the Federal Highway Administration Functional Classification Guidelines.
 - b) Fox and Anderson Streets are currently classified as "Local Streets." However, these classifications have not been updated since 2005. Fox Street has likely become a "Collector Street" since then. If not now, then soon. (See Attachment A)
- 2) If Redfern's proposals for rezoning and development of 89 Anderson Street are approved, this corner will not meet Maine DOT's or the City of Portland's Transportation Systems and Street Design Standards for "Sight Distance," stated in Section 1.6 of the City of Portland Technical Manual, as a measured distance of 200 or 250 feet for speed limits of 25 or 30 mph, respectively. The walls of the proposed building will obstruct these required sight distances. (See IV,A, 1-3 below and Photos at Attachment F).

B) Fox Street/Washington Avenue Corner

- 1) This corner does not meet the City of Portland's Transportation Systems and Street Design Standards for "Street Grades," stated in Section 1.4 of the City of Portland Technical Manual, as follows:
- "Street grades at intersections shall not be more than three (3) percent for a distance of one hundred (100) feet from the center of the intersection."
- 2) Due to the downhill slope of Fox Street from its intersection with Washington Avenue, as well as allowed on-street parking, this corner does not meet Maine DOT's or the City of Portland's Transportation Systems and Street Design Standards for "Sight Distance," stated in Section 1.6 of the City of Portland Technical Manual, as a measured distance of 200 or 250 feet for speed limits of 25 or 30 mph, respectively. (See III,A,2 below)

II. Traffic Lights & Traffic Calming Issues

A) Crosswalks/Curbs/Sidewalks UPDATES! (See #1-4 below) (See Larger Map of Area - Attachment B)

- 1) A request was sent on 9/11/2014, to Bruce Hyman and Tom Errico to provide the latest, detailed description and time-line projections for all phases of this long-awaited project.
- 2) Clarification received from Tom Errico, private consultant, thomas.errico@tylin.com on 9/10/2014.
 - a) Work this fall (Nov) will be sub-surface level (i.e. below ground level).
 - b) There are different phases to these planned improvements; details are dynamic.
 - c) We won't see any sidewalks or curb extensions until next year.
- 3) Bruce Hyman, (Public Works, BHYMAN@portlandmaine.gov, 874-8833) projected earlier that:
 - a) New sidewalks on north side of Fox/west side of Anderson Streets and the west side of Anderson/ north side of Fox Streets (to just beyond the Community Center building) are scheduled to begin ~~(Oct)~~. Updated date is next spring.
 - b) Crosswalks and curb extensions on three sides of the Fox/Anderson Streets corner are scheduled to begin ~~(Oct)~~. Updated date is next spring.
 - c) Additional sidewalks on Anderson Street and curb extensions/crosswalks at the fourth corner (3Gs corner) at Fox/Anderson Streets will be scheduled for 2015.

- 4) Crosswalks (at least paint lines and related signage to restrict parking) are needed for corners of Diamond and Fox Streets. **Something like this is supposedly included in phase 2 of this project.**
 - a) Increased pedestrian patronage at Coffee By Design, Rising Tide Brewing Company, and other area business require safer passage across these streets.
 - b) Increased pedestrian and bicyclist traffic accessing the East Bayside portions of the Portland Trails.
- 5) Crosswalks (at least paint lines and related signage to restrict parking) are needed for corners of Anderson and Madison Streets. Many children cross at this location from PHA's Kennedy Park campus to attend activities at The Root Cellar on Washington Avenue.
- 6) Traffic Lights should be installed at corners of Fox/Anderson and Fox/Washington in light of the failures, cited above, to meet street design safety standards, and increased residential, recreational, commuter, pedestrian, and bicyclist traffic all along Fox Street.

III. **Parking Issues** (See Larger Map of Area - Attachment B)

A) Parking Along Fox Street from Anderson Street to Washington Avenue

- 1) Parking on both sides of "upper" Fox Street causes persistent obstruction to a safe flow of two way traffic. Winter snow and parked vehicles restrict traffic flow to one lane only.
- 2) Although parking is restricted as far down as 50 ft. from Washington Avenue on the South side of "upper" Fox Street, this is not the case for the North side, where parking is allowed for an additional 35 feet from the "No Parking from Here to Corner" sign. This contributes to the failure to meet Maine DOT's or the City of Portland's Transportation Systems and Street Design Standards for "Sight Distance," stated in Section 1.6 of the City of Portland Technical Manual at the corner of Fox and Washington Avenue. **(See I,B,2 above)**
- 3) The "No Parking – Here to Corner" signage is missing (i.e. not there) on Fox Street corners with Hammond and Winthrop Streets and on Hammond Street corners with Fox Street. Cars parked consistently within 25 ft. of these corners block drivers' vision as they pull out onto Fox Street, creating a safety hazard.

Recommendations:

- (a) Restrict parking further down the North side of Fox Street from its corner with Washington Avenue to the edge of the Gallery Parking Lot driveway.
- (b) Restricting parking to one side only of Fox Street, East of Anderson Street
- (c) Put up the missing "No Parking" signs

B) Parking Along Fox Field **UPDATE!** (See Recommendations, a-b below)

- 1) Up to 4-5 tractor trailers consistently park along Fox Field, often for 2-7 days at a time **(Photos at Attachment C)**
 - a) Greatly reduces availability of parking for participants in Fox Field activities
 - b) Greatly reduces safety due to decreased sightlines for all users on Fox Street (pedestrians, bicyclists, and vehicular traffic)
 - c) These tractor trailers do not belong to, nor conduct business for the industrial zone businesses across the street.

Recommendations:

- a) 3 hour limit on south side of Fox Street between Franklin and Anderson Streets. This allows adequate parking time for field event participants
 - b) Petitions and supportive signatures, in support of this proposal, were collected and submitted to Jeremiah Bartlett. These, along with Kevin Donoghue's sponsorship, will be reviewed by the Transportation, Sustainability, and Energy Committee (TSEC) at their Sept. 17 meeting
- 2) There is no off-street parking available for participants or spectators using the basketball courts and/or Fox Field. This situation results in cars parked illegally, as well as cars parked on the business lots across the street. The business lots are restricted for business patrons and are clearly marked as such. **(Photos at Attachment D1 and D2)**
- a) Fox Field is a City owned Recreation and Open Space (R-OS) Zone. Division 20, Sec 14-332.1 of City Zoning Code states:

"Recreation open space zone: Off-street parking adequate to serve projected employee and visitor needs shall be provided."
 - b) Fox Field use has increased substantially over the past few years.
 - c) Traffic volume on Fox Street has substantially increased over the past few years and will increase further due to current, and on-going housing developments in the area
 - d) Field users, opening driver-side doors to unload multiple passengers and athletic equipment, create numerous traffic hazards
 - e) Children and adults walking between vehicles into the Fox Street roadway create a safety hazards for all users on Fox Street due to the reduced sightlines between vehicles, and often, the sudden and unexpected nature of these movements.

Recommendations: **(Photos at Attachment E)**

- a) Create an off-street, parking area behind the facilities building and two residential properties at 80 - 90 Anderson Street with gated access from Fox Street, between the basketball courts and the athletic field.
- b) A locked gate should be installed to allow use only during athletic events. Discuss possibility with Ethan Owens, City's Athletic Facilities Manager, ewens@portlandmaine.gov.
- c) Use grasscrete instead of pavement to retain a permeable surface area. Keeps the grass growing! See description and examples of grasscrete [here](#).

IV. Redfern's Rezoning/Development at 89 Anderson Street

A) Restricted sight-lines at Fox/Anderson Street corner **(See I,A, 1-2 above and Photos at Attachment F)**

- 1) Architectural drawings presented at the Neighborhood Meeting on July 16 locate the building walls at the edges of the sidewalks along Fox and Anderson Streets
- 2) Due to the angle at which Anderson Street intersects Fox Street from the North, the Stop Sign at the foot of Fox, when headed west, is located 35-40 feet back from the location of the end of the sidewalk on the opposing corner.
- 3) 45-50 foot walls would obstruct the view of vehicles coming to Fox Street from the residential area south on Anderson Street, as well as those coming down the hill from Washington Avenue on Fox Street.

B) On-site parking to be accessed from Fox Street UPDATE! Access now from Everett Street! (See separate PDF file: Traffic Impact Study provided by Jonathan Culley on 9/9/2014)

- 1) Architectural drawings presented at the Neighborhood Meeting on July 16 locate the entrance/exit for the 53 proposed, on-site parking on Fox Street
- 2) This creates substantial, additional safety hazards for all users of Fox Street.
- 3) Locating the parking access on Everett Street is a reasonable alternative.

C) Overflow parking for residents and patrons of the proposed restaurant

- 1) This has not yet been addressed. At the Neighborhood Meeting on July 16, Jonathan mentioned the possibility of obtaining parking, directly across Fox Street, from same property owner (as 3Gs). However, it has become common practice for “on-peninsula” developers to take advantage of an option to pay fees to the City instead of providing the number of parking spaces required by zoning ordinances. (See City of Portland Code of Ordinances, Chapter 14 - Land Use, Division 20 – Off-Street Parking, Sec. 14-345).
- 2) Parking requirements for B1 zone: 1 for each residential unit; 12 for the restaurant space and 1-4 additional for other commercial space, depending on use of occupant, totaling 66-69.

D) Information Resources: UPDATE!

- 1) Planning Board Workshop #2: September 23, 2014, 7pm, City Council Chambers. Documents and materials have not yet been posted, but will be available from [here](#).
- 2) Email Update from Redfern’s Jonathan Culley on August 4, 2014 (Attachment G)
- 3) Architectural drawings presented at July 16 Neighborhood Meeting (Attached)
- 4) Proposal Documents for July 22 Public Workshop:
 - a) [Planning Staff Memo](#)
 - b) [Applicant's Submittal](#)
 - c) [Neighborhood Meeting Packet](#)
 - d) [Public Comment](#)

V. Cardente Realty’s Land Use Proposal for 122 Anderson Street

A) Intermodal Transportation Facility for staging up to 30 tractor trailers for the Nova Star Ferry operations from mid-May thru early November UPDATE! (See #1 below)

- 1) Clarification was obtained from Tom Errico regarding monitoring process outlined in Section B, iv of the conditional approval at 9/10 meeting with City staff.
 - a) Monitoring time-frames will be coordinated with information from Recreation & Facilities management to include days & times when Fox Field is in use.
 - b) Monitoring will be conducted within the two week period of commencement of operations (i.e. in Sept/Oct 2014) and will also be conducted during the 2015 season, once operations have become more established (i.e. July/August, 2015).
- 2) This land use proposal received conditional approval from the City Planning Authority on August 15, 2014. (See attached approval letter for waivers and conditions)
- 3) Only 15 tractor trailers are allowed during 2014.

- 4) It appears that each trailer will pass through the Fox/Anderson Street corner twice daily, on its journeys to and from this staging site (i.e. 15 trucks = 30 trips). (See attached map)

VI. Franklin Street Redesign— Impact on East Bayside? UPDATE!

A) Fixing the Marginal Way/Franklin Arterial intersection: (See new attachments, #1-2 below)

- 1) Meeting held Sept 4 at Zero Station, 222 Anderson Street:
 - a) Meeting flyer, meeting notes, and graphic illustrations of proposed solutions are presented in attachments. (See attachments pages 22-28)
 - b) **Please note:** The solution titled “Restricting Out-Movements from East Marginal Way,” that was “disliked the least,” will increase traffic volumes on Fox Street. (See attach, page 25)
- 2) **Follow up meeting to discuss these options further:** Franklin Street Public Workshop will be held on Wednesday, October 1 at Rines Auditorium/Portland Public Library from 5:30 to 7 pm.

B) Franklin Street Redesign Committee – City web site is [here](#).

C) Documents currently available from this site:

- 1) [Alternative Cross Sections](#)
- 2) [Station Graphics](#)
- 3) [Minutes of April 3, 2014 Meeting](#)
- 4) [Minutes of January 29, 2014 Public Workshop](#)

VII. Proposed Revision of Residential R-6 Zoning Ordinance

A) R-6 Zone changes web site: <http://www.portlandmaine.gov/1260/Amendments-to-the-R-6-Zone>

B) Cliff Notes (underlying details are not yet available): (See attached City Zoning Map)

Potential R-6 Amendments to Dimensional Requirements		
<i>Residential Dimensional Requirements</i>	<i>Existing</i>	<i>Proposed</i>
Lot Size	4,500 sf	2,500 sf
Min. Lot Area/Dwelling Unit	1,000-1,200 sf	725 sf
Lot Area/Lodging House Rooming Unit	250 s.f	250 s.f
Street Frontage	40 feet	30 feet
Front Yard Setback	10 feet, or no more than average depths of adjacent front yards	5 feet, or no more than average depths of adjacent front yards
Rear Yard Setback	20 feet	10 feet
Side Yard Setback	10-15 feet, variable by height	5 feet
Side Yard on Side Street	10 feet	0 feet
Maximum Lot Coverage	40-50%, variable by # of dwelling units/lot	60%
Minimum Lot Width	40 feet	30 feet
Maximum Height	45 feet	45 feet
Landscaped Open Space	20-30%, variable by # of dwelling units/lot	20%
Parking	1 space/unit	1 space/unit, except none required for first 3 units

Date: June 17, 2014

/III. Other Issues for Discussion

A) School Children - Traffic & Related Safety Issues.

- 1) Could this stop be relocated to a safer place? Greenleaf Street? Could the bus be re-routed down Madison, instead of stopping to let children off the bus on upper Fox Street?
- 2) Need for crossing guards at appropriate times and locations for East Bayside school children
- 3) What are the issues and needs for parents, children, bus drivers, etc.?

B) Multiple Zones/Land Uses along Fox Street (See attached City Zoning Map)

- 1) Six zones are currently represented on Fox Street:
 - a) Residential Zone R-6;
 - b) Residential Zone R-7;
 - c) Recreation and Open Space Zone [R-OS];
 - d) Community Business Zone B-1b;
 - e) Urban Commercial Mixed Use Zone B5;
 - f) Low Impact Industrial Zone IL-b
- 2) What opportunities and challenges does this convergence bring to our neighborhood?

C) Does the IL-b Zoning Ordinance Need an Update?

- 1) The purpose of this zoning is stated as follows in Chapter 14, Division 13 of the City of Portland Code of Ordinances:

“The low impact industrial zone is intended to provide areas in which low impact industrial uses and limited other uses serving employees and residents of the surrounding neighborhood will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and the I-M or I-H industrial zones, or will stand alone as a smaller scale industrial district.”
- 2) Can permitted uses be updated and/or expanded to allow greater flexibility to property owners and tenants
- 3) Can additional “other uses serving employees and residents of the surrounding neighborhood” be identified and included?
- 4) Are certain currently permitted uses really “compatible” with the adjacent Recreation and Open Space (R-OS) and Residential R-6 and R-7 Zones?
- 5) Other issues and concerns?

IX. WOW! There’s an awful lot going on!

(See attached street map with known developments as of 8/31/2014)

Email Contact Information and Links to Information

City Web Site: <http://www.portlandmaine.gov/>

Portland's Comprehensive Plan: <http://me-portland.civicplus.com/562/Comprehensive-Plan>

Mayor: Michael Brennan, mfpb@portlandmaine.gov

Mayor's Office: <http://me-portland.civicplus.com/338/Mayors-Office>

District 1 City Councilor: Kevin Donoghue, kjdonoghue@portlandmaine.gov

At Large City Councilors: Jon Hinck, jhinck@portlandmaine.gov

Nicholas Mavodones, NMM@portlandmaine.gov

Jill Duson, jduson@portlandmaine.gov

Planning & Urban Development: <http://www.portlandmaine.gov/314/Planning-Urban-Development>

Department Head: Jeff Levine, jlevine@portlandmaine.gov

Planning Division Director: Alex Jaegerman, aqj@portlandmaine.gov

Traffic Engineer: Jeremiah Bartlett, JBartlett@portlandmaine.gov

Parking: <http://www.portlandmaine.gov/351/Parking>

Manager: John Peverada, jbp@portlandmaine.gov

Codes, Regulations & Ordinances: <http://www.portlandmaine.gov/756/Codes-Regulations-Ordinances>

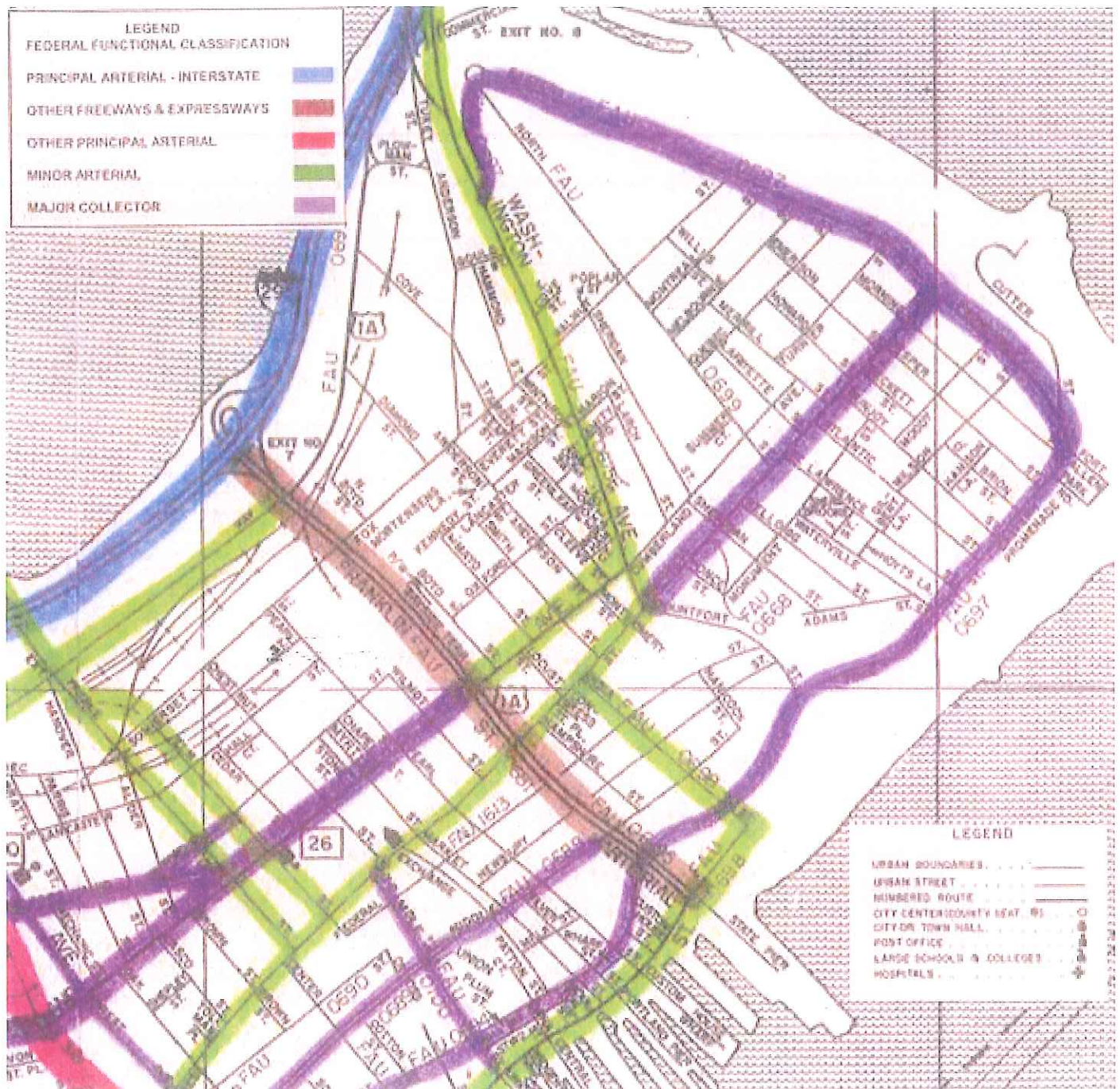
Chapter 14 – Land Use: <http://www.portlandmaine.gov/DocumentCenter/Home/View/1080>

City Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2211>

Fox/Anderson Street Safety Concerns & Other Important Issues

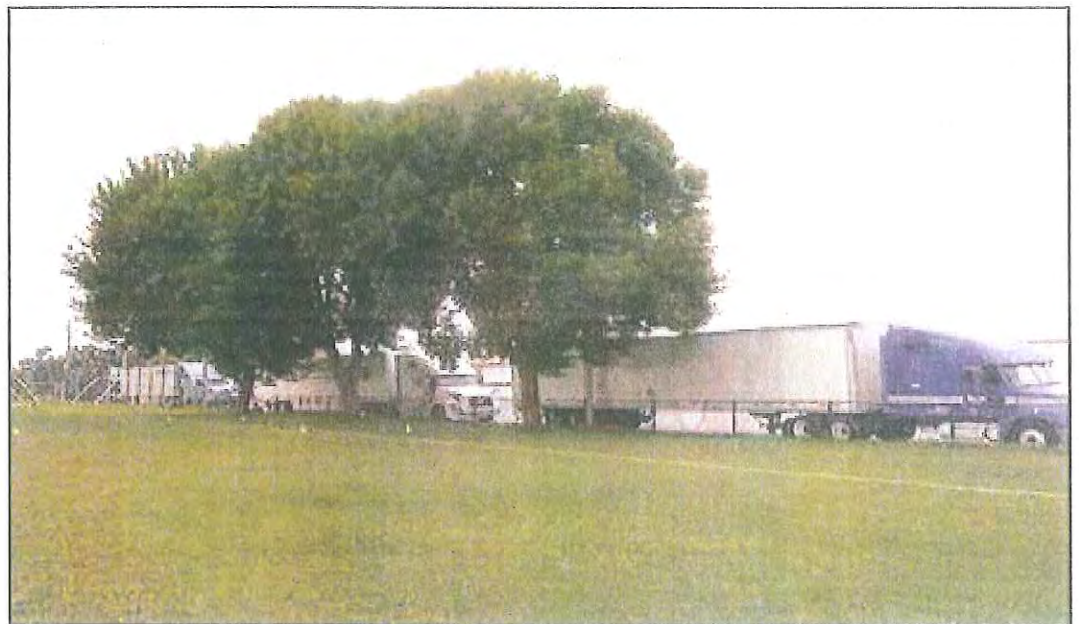
Attachments List

- A - Street classification map
 - B - Earth view map of Fox/Anderson Streets
 - C - Photos of tractor trailers parking along Fox Field
 - D1 - Photos of parking situation when Fox Field is in use
 - D2 - Business parking lots filled with field use overflow
 - E - Photos of possible area for off-street parking for Fox Field
 - F - Photos of Fox/Anderson intersection **UPDATE!** Now shows building outline in red
 - G - Email update on 89 Anderson Street proposal **UPDATE!** Emails and Traffic Study (See PDF file)
- Architectural drawings of proposed building at 89 Anderson Street (3 pages)
- Conditional approval letter for intermodal staging at 122 Anderson Street (6 pages)
- Map of Nova Star tractor trailer route through East Bayside
- Franklin Redesign Committee meeting about fixing the Marginal Way/Franklin intersection **UPDATE!** (Now 7 pages)
- Zoning Map of East Bayside/Munjoy Hill
- East Bayside/Munjoy Hill street map showing known developments as of 8/31/2014



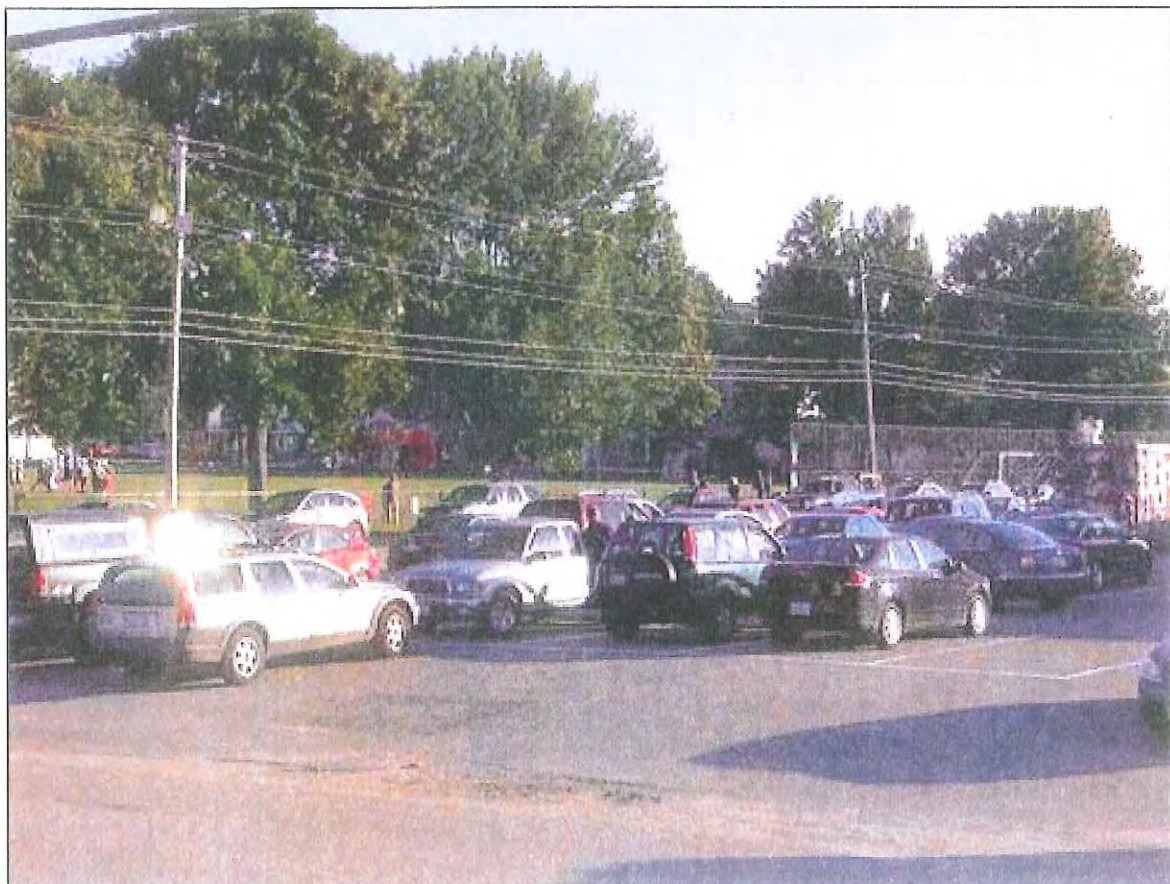


Tractor trailers
parked along
Fox Field





**Business
parking lots
filled with
overflow
parking during
field use**





Possible area for off-street parking for Fox Field users





Line of sight
issues at Fox/
Anderson Street
corner
(Redfern's
proposed
building site
outlined in red)



Subject: 89 Anderson - Update and Traffic Study
From: Jonathan Culley <jonathan@redfernproperties.com>
Date: 9/9/2014 9:03 AM
To: Jonathan Culley <jonathan@redfernproperties.com>

Last update received by neighborhood residents about Redfern's proposed rezoning/ development at 89 Anderson

Dear East Bayside Resident:

You are included on this email if you provided your email address on the sign-in sheet at the July 16th neighborhood meeting, or if I have otherwise communicated with you on the proposed 89 Anderson Street project.

To give you an update, we have been waiting for the results of a Traffic Study, which we have recently received and is attached. The Study took a comprehensive look at Fox Street from Franklin to Washington, looking at the three intersections (including Fox/Anderson). This is a far more comprehensive study that is required by the Zoning process, and is a response to concerns expressed by neighbors and the Planning Board. The study makes some important recommendations, that we intend to advocate for, should our project go forward. We understand that Tom Errico, the City's traffic engineer (actually employed by T.Y. Lin by contracts to the City) is conducting a peer review of this Study this week.

Second, we have decided to modify our Zoning request to ask for B1b as opposed to B2b Zoning, the rationale for which is discussed in the email below.

We have not yet scheduled a subsequent workshop with the Planning Board, but expect to do so soon. I will send a subsequent email when we have a workshop scheduled.

I would welcome additional discussion on the attached Traffic Study or any other matters that are of concern to you. Please do not hesitate to call or email me. Thanks!

Jonathan Culley
Redfern Properties LLC
 Cell: 207-776-9715
 Office: 207-221-5746
 Fax: 207-221-2822

jonathan@redfernproperties.com
 www.redfernproperties.com
 www.redfernhomes.com
 www.munjoyheights.com

From: Jonathan Culley <jonathan@redfernproperties.com>
Sent: Monday, August 04, 2014 12:46 PM
To: Jonathan Culley <jonathan@redfernproperties.com>
Subject: 89 Anderson update

Dear East Bayside Resident:

You are included on this email if you provided your email address on the sign-in sheet at the July 16th neighborhood meeting, or if I have otherwise communicated with you on the proposed 89 Anderson Street project. I wanted to provide an update on our process. We have taken two meaningful steps since the July 22nd Planning Board meeting.

First, in response to what seemed like the loudest concerns during Public Comment at the July 22nd meeting, we have commissioned a traffic (and parking) study for the neighborhood including Fox Street from Franklin to Washington. Bill Bray of Traffic Solutions Inc. will be conducting the study; you may see him seeing his traffic counting equipment on Fox Street in the near future. We have asked the City to have their traffic engineer provide a 'peer review' of the study, once complete, and they have agreed. We hope to have some preliminary results by the 3rd week of August and I would

be pleased to host a meeting for concerned neighbors once we have a Draft of the report. I have asked Bill Bray to consider things like traffic lights and other traffic calming devices that could alleviate some of the pressure on Fox Street. My ultimate hope would be to go the City, in conjunction with you, the neighbors, to press for some changes that could dramatically improve the traffic situation.

Second, while our sense was that the Planning Board was generally supportive of the project, we sensed some hesitation about the B2b zone in this location. So we are working with City staff to potentially revise our request to ask for B1 Neighborhood Zone (instead of B2b). While this would allow our proposed building to go forward, it seems more appropriate for the neighborhood. In fact, this zone was written for situations such as this and it is considerably more restrictive on the types of allowable commercial uses on the ground floor, and thus would offer some additional protections for the neighborhood, preventing non-compatible uses. I will paraphrase from Section 14-161 of the Land Use Code - page 14-239 at <http://www.portlandmaine.gov/DocumentCenter/View/3430>

"The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complementary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment...."

This zone shall encourage mixed use buildings such as commercial first floor with residential uses above....The zone also provides the opportunity for mixed use and high residential density in on-peninsula locations.

Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses."

We do not expect to have another Planning Board workshop until after we receive the Traffic Study, and make a final decision on whether we will seek B1 Neighborhood Zone (but it looks like it is going this way). So I am guessing the next workshop will not be until September.

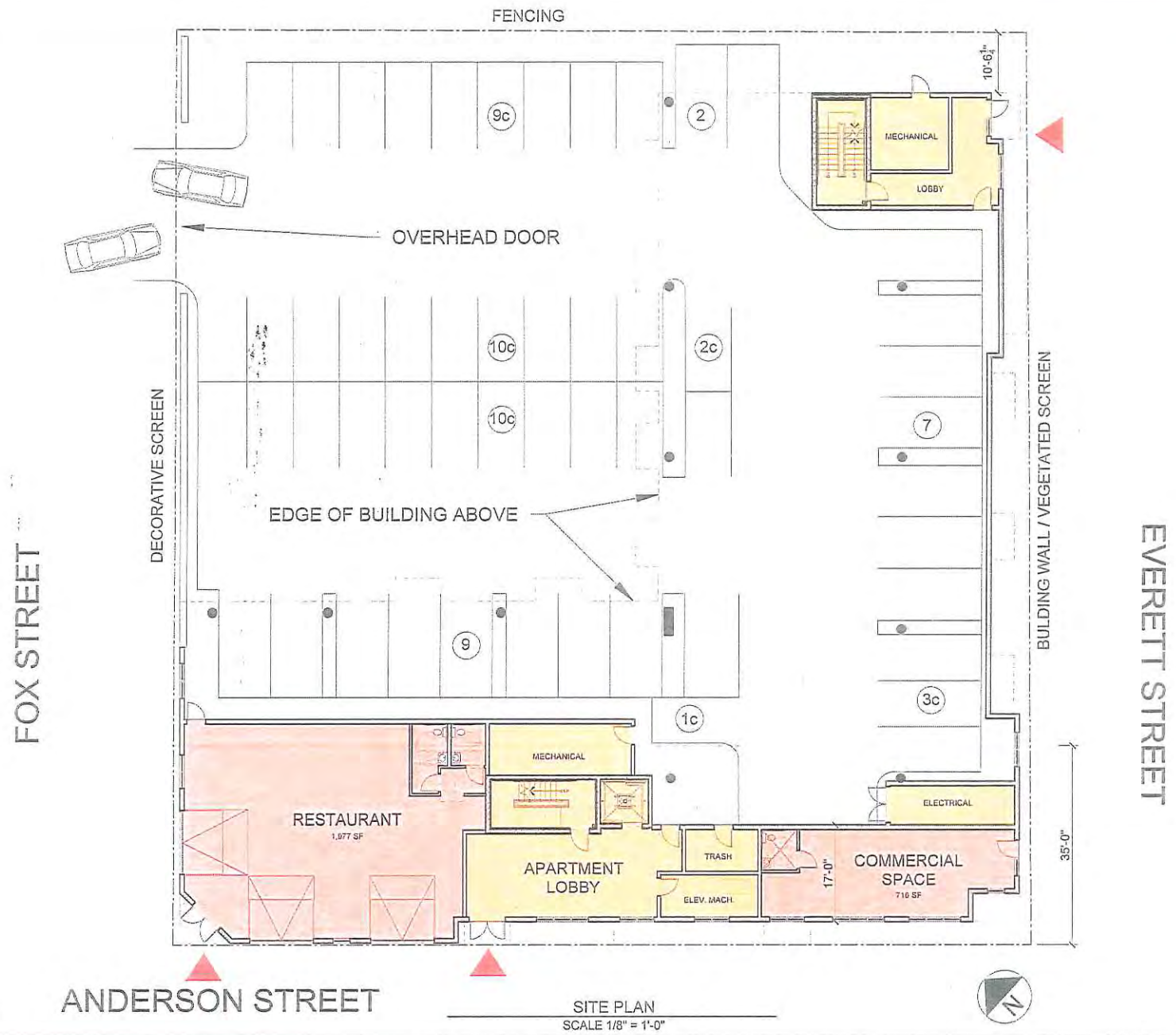
As always, I welcome dialogue with all of you. Please call or email me anytime to share thoughts, ideas, and concerns. Otherwise, I will be back in touch once we have more information on the Traffic Study.

Jonathan Culley
Redfern Properties LLC
Cell: 207-776-9715
Office: 207-221-5746
Fax: 207-221-2822

jonathan@redfernproperties.com
www.redfernproperties.com
www.redfernhomes.com
www.munjoyheights.com

Architectural drawing's of Redfern's proposed development at 89 Anderson Street
presented at July 16 neighborhood meeting (3 pages)







UNIT	AREA (SF)	TYPE
201	915	2 BEDROOM
202	952	2 BEDROOM
203	582	1 BEDROOM
204	616	1 BEDROOM
205	582	1 BEDROOM
206	667	1 BEDROOM
207	686	1 BEDROOM
208	396	STUDIO
209	418	STUDIO
210	894	2 BEDROOM
211	418	STUDIO
212	638	1 BEDROOM
213	418	STUDIO
214	582	1 BEDROOM
215	668	1 BEDROOM
216	582	1 BEDROOM
217	615	1 BEDROOM
218	617	1 BEDROOM



Alex Jaegerman, FAICP
Division Director, Planning Division

**Conditional approval for
Intermodal Transportation
Facility at 122 Anderson
(pages 13-18)**

August 15th, 2014

Douglas Cardente
Anderson Street Realty, LLC
322 Fore Street, 3rd floor
Portland, ME 04101

Michael Cardente
322 Fore Street, 3rd floor
Portland, ME 04101

Project Name: Change of use to Intermodal Transportation Facility for up to 30 vehicles
Project ID: #2014-112 CBL: 10 H005001
Address: 122 Anderson Street, Portland
Applicant: Douglas Cardente, Anderson Street Realty LLC
Planner: Jean Fraser

Dear Messrs Cardente:

On August 15th, 2014, the Planning Authority approved, with waivers and conditions as listed below, a Level II site plan for the use of the site for Intermodal Transportation for up to 30 vehicles at 122 Anderson Street. The approval includes the use of the northernmost drive for trucks accessing the intermodal part of the site. The decision is based upon the application, documents and plans submitted by Anderson Street Realty LLC and shown on the attached plan submitted July 18, 2014. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance, particularly the Transportation Standards (see the Traffic Review Comments of August 4th, 2014 attached).

A. WAIVERS

1. Sidewalks

The Site Plan standards require a sidewalk along all frontages of the site. The Planning Authority has waived this requirement as the proposal meets two of the waiver criteria set out in section 14-506 (b):

3. A safe alternative-walking route is reasonably and safely available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.
4. The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program or has been funded through an earlier CIP or through other sources.

The City's Anderson Street Neighborhood Byway Project is anticipated to commence in September 2014 and will include construction work to create sidewalks, permanent pedestrian crossings and utility upgrades at the Anderson Street/Fox Street intersection, including a sidewalk along the frontage of the proposal site and along Anderson Street.

2. Location and Spacing of Driveways

Section 1.7.1.7 of the City's Technical Manual establishes spacing requirements for driveways. These are not fully met by the proposals as they are utilizing the existing driveways and curb cuts that currently serve other users as well as the proposed use. The Planning Authority supports a waiver from these standards in view of the existing conditions and the constraint on any substantial modification, and subject to the conditions of approval for the site plan.

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B. SITE PLAN REVIEW

The Planning Authority finds the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval, and the standard conditions of approval, listed below:

- i. That this approval is for the use of the site for an intermodal transportation facility as presented in application #2014-112, ie for trucks waiting to load onto the Nova Star Ferry at Ocean Gateway (known as a staging area). Any other use of the site shall be subject to any city required reviews and approvals, licenses, and permits, as applicable; and
- ii. The trucks departing the site to go to the Ocean Gateway facility shall use the route from the site to Anderson Street to Fox Street to Franklin Street to Commercial Street; and
- iii. That the intermodal transportation facility trucks shall access the site only via the northernmost drive access, and that trucks entering or exiting the site over a delivery day time period (trucks arriving in advance of ship departure during the day and leaving the site to get to the ship) shall be limited to 15 trucks during 2014 operations. The applicant/operator shall be required to submit to the Planning Authority, on a monthly basis, a written record of the number of trucks using the site each day. Following the results of the monitoring study outlined in Condition iv., the number of trucks may be increased to a maximum number of 30 trucks either entering or exiting the site over a 24-hour period. Otherwise the maximum will remain 15 trucks at any one time; and
- iv. That the applicant shall fund a traffic and pedestrian monitoring study (maximum cost \$1500) to be conducted by the Planning Authority. The monitoring study shall be conducted within two weeks after operations begin and at a later date in the 2014 season. The monitoring study will ensure the conditions of this approval are being met and identify any issues that may need resolution. It should be noted that the monitoring study shall include all roadways / intersections between 122 Anderson Street and the Ocean Gateway site. If the monitoring study identifies safety concerns, the applicant shall be fully responsible for implementation of mitigation measures. It is anticipated that possible mitigation measures may include, but are not limited to, additional warning signs and pavement marking, traffic signal modifications at intersections along Franklin Street, truck arrival/departure management by personnel at the site, and route adjustments; and
- v. The applicant or operator shall implement, from the commencement of truck staging operations, a departure management plan that limits the truck departure rate to a maximum frequency of one truck per minute, to take place between the hours of 7:00pm and 9:30pm. The westbound Fox Street signal phase at Franklin Street will not likely be able to process more than one truck and therefore is currently a limiting factor. The departure management plan may be adjusted in agreement with the Planning Authority based on the monitoring study, which will review this departure rate and recommend adjustments, as necessary; and
- vi. That between the hours of 10pm and 7am no trucks shall access or leave the site, and any new lighting shall be turned off during these hours. Refrigerator trucks shall only utilize the site between 7am and 10pm, shall be parked as far as possible from Anderson Street and meet the sound standards of the IIb zone. All other trucks shall turn off their engines when on the site to minimize fumes; and

- vii. The applicant shall implement temporary pedestrian enhancements to the Anderson Street/Fox Street intersection to be implemented in advance of the commencement of the truck staging operation. These improvements shall include the following and be carried out in accordance with City standards:
- o A crosswalk shall be painted on the westerly Fox Street approach. The crosswalk shall be aligned with the apex on the southwest corner of the intersection and the Coffee By Design Driveway on the northwest corner (half of the crosswalk would be in the driveway).
 - o A crosswalk shall be painted on the easterly Fox Street approach. The crosswalk shall be aligned with each corner apex.
 - o STOP bars shall be re-painted on the eastbound Fox Street approach and the southbound Anderson Street approach.

It should be noted that the permanent improvements at this intersection are expected to be under construction beginning later this summer; if the temporary pedestrian enhancements are impacted by the construction activity, they will be reinstated per city requirements by the utility or city contractors until the permanent pedestrian measures are installed; and

- viii. That the monitoring study identified in Condition iv. shall include the driveway access/egress conditions for both site driveways. Currently, Tandem Coffee and Bunker Brewery use both driveways and this will continue in the future. If deemed necessary from the monitoring study, on-site circulation and access provisions will need to be formally regulated and controlled. An outcome of the monitoring study could be that the northerly driveway (with the truck scale) be used for trucks and employees only and the southerly driveway be used for Tandem Coffee and Bunker Brewery customers and the Community Center. Changes may require both regulatory and wayfinding signage and the applicant would be required to propose how to physically separate the two driveways, internally, so that vehicles are controlled; and
- ix. The applicant shall be responsible for providing a fully paved driveway of a minimum width of 22 feet wide from the right-of-way boundary extending into the site for 50 feet, prior to the commencement of the truck staging operation. A plan of the construction details for this improvement shall be provided for review and approval by the Planning Authority prior to installation. The remainder of the site shall be maintained with a surface that does not allow the creation of dust. In addition, the applicant shall install truck entering warning signs at the site driveway that are compliant with the Manual on Uniform Traffic Control Devices, Federal Highway Administration. Final details of signs shall be reviewed and approved by the Planning Authority; and
- x. That the applicant shall advise the lessees on the site and the Muslim Community Center in advance of the start date for the proposed truck staging operation, and provide details of the likely truck activity and a contact person if there are any problems on the site; and
- xi. That this approval is for an intermodal transportation facility based on the specific Nova Star operations as described in the submissions in July 2014 as part of #2014-112. Any proposed changes in the operator, timing of the truck departures or other operational characteristics shall be advised to the Planning Authority prior to commencement and may be subject to further review; and

- xii. That separate permits from the Inspections Division shall be required for any new or revised signage (except those meeting MUTCD as installed for traffic and pedestrian safety). Other required permits include a Street Opening Permit from the Department of Public Services for any work in the right of way (eg curb cuts); a Change of Use Permit from the Inspections Division; and a Building Permit for Site Work only from the Inspections Division.

The approval is based on the submitted site plan for application #2014-112. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval. The standard conditions of approval are listed below.

NOTE

The applicant and operator should note that the Anderson Neighborhood Byway Project is anticipated to commence in September 2014 and will include construction work to create sidewalks, permanent pedestrian crossings and utility upgrades at the Anderson Street/Fox Street intersection and along the frontage of the proposal site and Anderson Street. The construction will necessitate limitations on vehicle and pedestrian access to the site during the construction activities, such as single lane alternative flow scenarios. It is anticipated this would be less of an issue at the time of the trucks departure from the site in the evening, but would impact trucks arriving at the Intermodal Transportation facility as well as other users of the property.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** A separate building permit for Site Work only is required from the Inspections Division, and permits for work in the right of way are required from the Department of Public Services. This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount or a minimum of \$300. and four (4) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

The proposals have been reviewed as a Level II Staff level review in accordance with the current ordinance requirements, as summarized in the attached "*Report of Findings*".

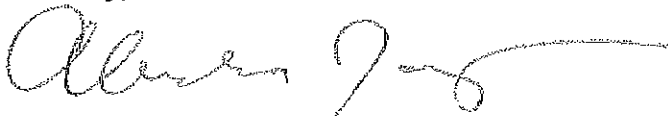
The site plan ordinance includes a provision regarding appeals of an administrative decision, as follows:

Sec. 14-529. Appeals.

- (a) When the planning authority has approved, approved with conditions, or denied a site plan, or has approved a request to extend the expiration date of a Master Development Plan, any person aggrieved may appeal the decision to the planning board within thirty (30) calendar days of the date of the written decision of the planning authority. Upon the taking of such an appeal, the application or request for an extension shall be reviewed as a new application or request.

If there are any questions, please contact Jean Fraser at (207) 874- 8728.

Sincerely,



Alexander Jaegerman, FAICP
Planning Division Director

Attachments:

1. Staff Report of Findings
2. Site Plan and narratives submitted July 2014
3. Traffic Review comments from Tom Errico dated August 4, 2014, as amended 8.11.2014

cc list below

Next Page

CC:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CBO, Inspections Division
Lannie Dobson, Administration, Inspections Division
Brad Saucier, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Farley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services

Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhita, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

Intermodal Transportation Facility at 122 Anderson Street - conditionally approved route for Nova Star tractor trailers to/from East Bayside to Ocean Gateway facility

DIRECTIONS TO THE INTERMODAL TRUCK STAGING YARD:

- FROM 295
1. EXIT 7 FRANKLIN ST. ARTERIAL
 2. TAKE 2ND LEFT ONTO FOX ST.
 3. TAKE 3RD LEFT ONTO ANDERSON ST.
 4. TAKE 2ND LEFT INTO DRIVEWAY (NOVA STAR SIGN)



(See related "Fact Sheet" on page 21)



Help us Fix the Marginal Way-Franklin St. Intersection!

- The intersection is choked with vehicles during peak travel times and is very uncomfortable for bicyclists and pedestrians to cross
- Traffic projections show that congestion at the intersection will get worse in coming years
- Moving around within East Bayside is not always easy for vehicles, bikes OR pedestrians!

Please come hear about possible solutions and tell the City of Portland representatives your thoughts on how traffic affects customers, employees and residents.

East Bayside
Neighborhood Meeting
Sept. 4, 5:30 pm at Zero Station

FMI Carol Morris/329-6502

See page 28 for more contact info for Carol Morris

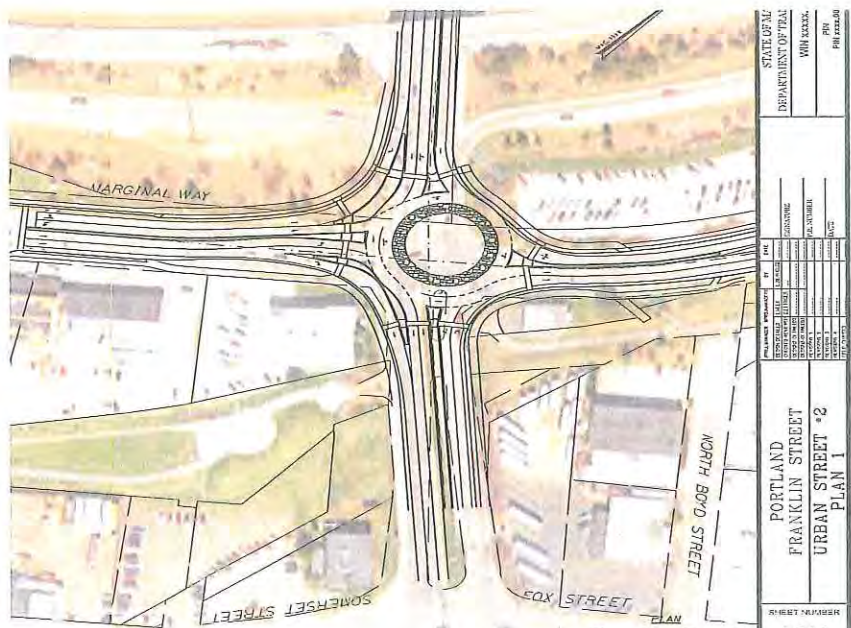
**Franklin Street Feasibility Study
East Bayside Neighborhood Meeting
September 4, 2014**

Purpose of Meeting: To Provide Information to the East Bayside Neighborhood on a Series of Possible Solutions to the Traffic Congestion on Marginal Way.

General Comments Made on Traffic

- A suggestion was made to reduce traffic in the intersection by shutting off I-295 to be accessible in only one direction, northbound OR southbound, diverting traffic to other nearby intersections.
- A suggestion was made to add an exit ramp northbound of the intersection so that I-295 northbound traffic could get off at Washington Street, as right now this exit is the only way to get to the Hill.
- A suggestion was made to add shuttle services
- Fox Street is dangerous and new development will make it more so
- Fox is becoming a real corridor and there are a lot of kids there, so it is not safe. We do not need more traffic on Fox.
- Pedestrians need to be able to cross more safely at the Bayside Trail, it is now stop and go and not ideal to have more traffic on Franklin.

Comments on Roundabout **See #1 on related Fact Sheet - page 25**



- Would the roundabout fit into the current street space? (*No, it would not, it would be bigger. However, it would not impact any buildings.*)

- How quickly can people adapt to a roundabout? That would be a concern, as people in Maine are not used to roundabouts.
- This is potentially hazardous in terms of pedestrian safety.
- We need to draw commuter traffic into other parts of the city – look at the city as a whole and provide incentives for traffic to use different routes.
- The traffic is backed up most days at 6:45 am and at 4:30 pm
- Can't we limit the number of cars that come into the city? Put a cap on the number?
- Was new development in Bayside factored into this (Yes.)
- How does traffic here compare to Forest Avenue? *(It is not an apple- to-apples comparison for a number of reasons, but the northbound Forest Ave. peak hour traffic at the State and Marginal intersection is 1528 vehicles; at the Franklin and Marginal intersection it is 1127.)*
- **Summary: Roundabout here is too big and not safe.**

Comments on New Ramps **See #2 on related Fact Sheet - page 25**



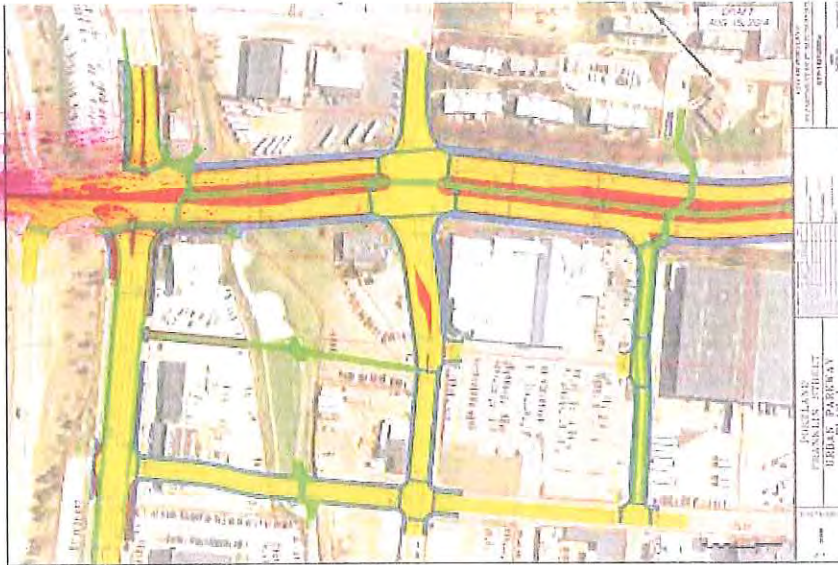
- Generally do not like having all that traffic entering into East Marginal Way and dividing the Park and Ride.
- Marginal Way is already a mess.
- Maybe have all the traffic just turn left off the ramps?
- Does not seem like a good solution.
- **Summary: Not a good solution – too much diversion of traffic**

Comments on Rephasing Signals **See #3 on related Fact Sheet - page 25**

- *It was noted that this is not enough by itself to solve the problems*
- Question asked if this has already been done to improve traffic flow? The answer was yes, and discussion ensued as to the objective of keeping traffic to a reasonable speed – signals are not supposed to be timed so everyone can hit all the lights green and go fast.
- It was noted that with Franklin Towers at the top of the hill, it would not be a good thing to have drivers traveling very fast through that intersection.
- The city noted that the design speed for the new Franklin will be 25 mph.

- It was noted that the speed on Somerset is slated to be 30 mph and that does not make sense if Franklin is 25 mph. *(City staff to look into this.)*

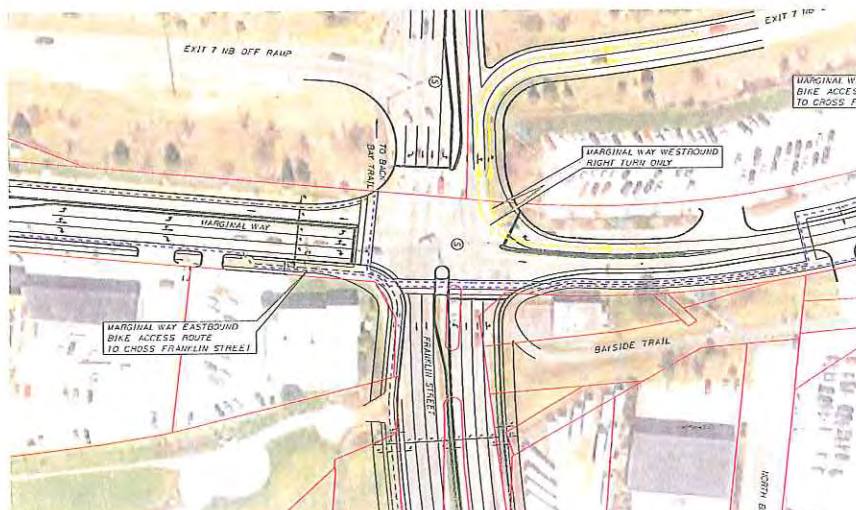
Comments on a Center Median on Franklin Blocking Marginal Way Through-Traffic



See #4 on related Fact Sheet - page 25

- This just moves the pain up the corridor.
- What will this do to all the new development in Bayside? Cuts off East Bayside.
- The traffic should be kept as close to the north-end of the corridor as possible.
- This is not a safe solution for Bayside or East Bayside
- **Summary: Not a safe or useful solution**

Comments on Restricting Out-Movements from East Marginal Way



See #5 on related Fact Sheet - page 25

Further clarification about this option:

Vehicles, driving west on Marginal Way, from East Bayside will not be able to go straight, or turn left, at the Franklin Street intersection; they will only be able to turn right, to access Rt 295, north or south. Vehicles will still be able to enter East Bayside, turning right or left, from Franklin Street, or heading straight through on Marginal Way from Bayside. However, they must use connecting streets, through the industrial zone, to Fox Street, in order to leave.

- Generally, people disliked this solution the least. But if it is built, there MUST be improvements to Fox St. so people do not treat it as a raceway.
- The corner at Anderson and Washington is not safe now.
- Question about what changes on Fox might look like (*Answer: Not yet designed.*)
- ***Summary: Not wonderful but the best of the solutions as long as safety improvements are made to Fox Street as part of the mix - slowing down traffic and adding pedestrian amenities.***

Comments on Which Cross Street Traffic Should Use?

- Businesses will need to weigh in on this question.
- Diamond has increasing number of pedestrians, but is a loading zone for trucks – right now not safe
- Cove St. has an odd angle into Anderson Street.
- Boyd did not seem to be a popular choice as it is too narrow.
- ***But generally group not sure of best solution, but noted that the more sidewalks, the better in terms of safety and handling more through-traffic safely.***

Franklin Street/Marginal Way Intersection Fact Sheet

- * Initial traffic analysis of Franklin Street, as part of the Franklin Street Redesign Study, showed serious problems with the Marginal Way Intersection by 2035.
- * We know this intersection is already congested during peak travel times and does not function well for bikes and pedestrians either.
- * The challenge at the intersection is based partly on high traffic volumes (this is one of the highest traffic volume intersections in the state) and also on the number of conflicts, i.e., vehicles turning in multiple directions and the signal time needed to process them through the traffic movement.
- * The below solutions have been analyzed:
 1. *A large-scale (2-3 lane) roundabout in one of two intersections (Marginal Way or Fox/Somerset)*
 2. *Relocating I-295 northbound off-ramps directly onto Marginal Way*
 3. *Retiming and rephasing traffic signals to move more traffic more efficiently on Franklin Street*
 4. *A raised center median on Franklin Street prohibiting through and left-turn access to Marginal Way*
 5. *Restricting left turn and through-movements out of east Marginal Way*
- * Here is an overview of what we found:
 1. *A large-scale roundabout in one of two intersections (Marginal Way or Fox/Somerset):* This works from a traffic perspective. Traffic volumes are such that the roundabouts would be three lanes wide in some parts, which would impact adjacent properties and challenge bike and pedestrian safety.
 2. *Relocating the I-295 northbound off-ramps directly onto Marginal Way:* This worked very well to reduce traffic on Franklin but there is concern about the effects on I-295 as a result of shorter ramps: for example, inadequate deceleration and vehicles backed up onto the highway.
 3. *Retiming/rephasing of traffic signals to move more traffic on Franklin Street:* Due to the amount of traffic, this by itself did not make enough difference.
 4. *A raised center median on Franklin Street prohibiting access to Marginal Way:* This worked from a traffic perspective. It impeded access to/from East Marginal Way and diverted the traffic to areas such as the Fox/Somerset intersection).
 5. *Restricting left turn and straight-ahead movements out of East Marginal Way:* All vehicles entering east Marginal Way would get there the same way as now. Vehicles leaving East Marginal Way would still be able to make a right-hand turn to access I-295 north or south, but could not take a left to go up Franklin or continue straight onto West Marginal. Vehicles wanting to travel to another location on the peninsula would be re-routed to Fox Street. The traffic model shows only a small number of people travel in this direction. This works from a traffic perspective.
 6. We want to hear from the businesses, customers and residents in the neighborhood regarding any changes.

PLEASE JOIN US AT ZERO STATION, 222 ANDERSON STREET< ON SEPTEMBER 4 AT 5:30 PM TO
HEAR DETAILS AND PROVIDE NEEDED FEEDBACK ON POTENTIAL SOLUTIONS!



Photo by David A. Rodgers:motate.com

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Evan Richert
AICP
Community Planner

contact

Carol Morris, President
Morris Communications
12 High Tide Road
Kennebunkport, ME 04046

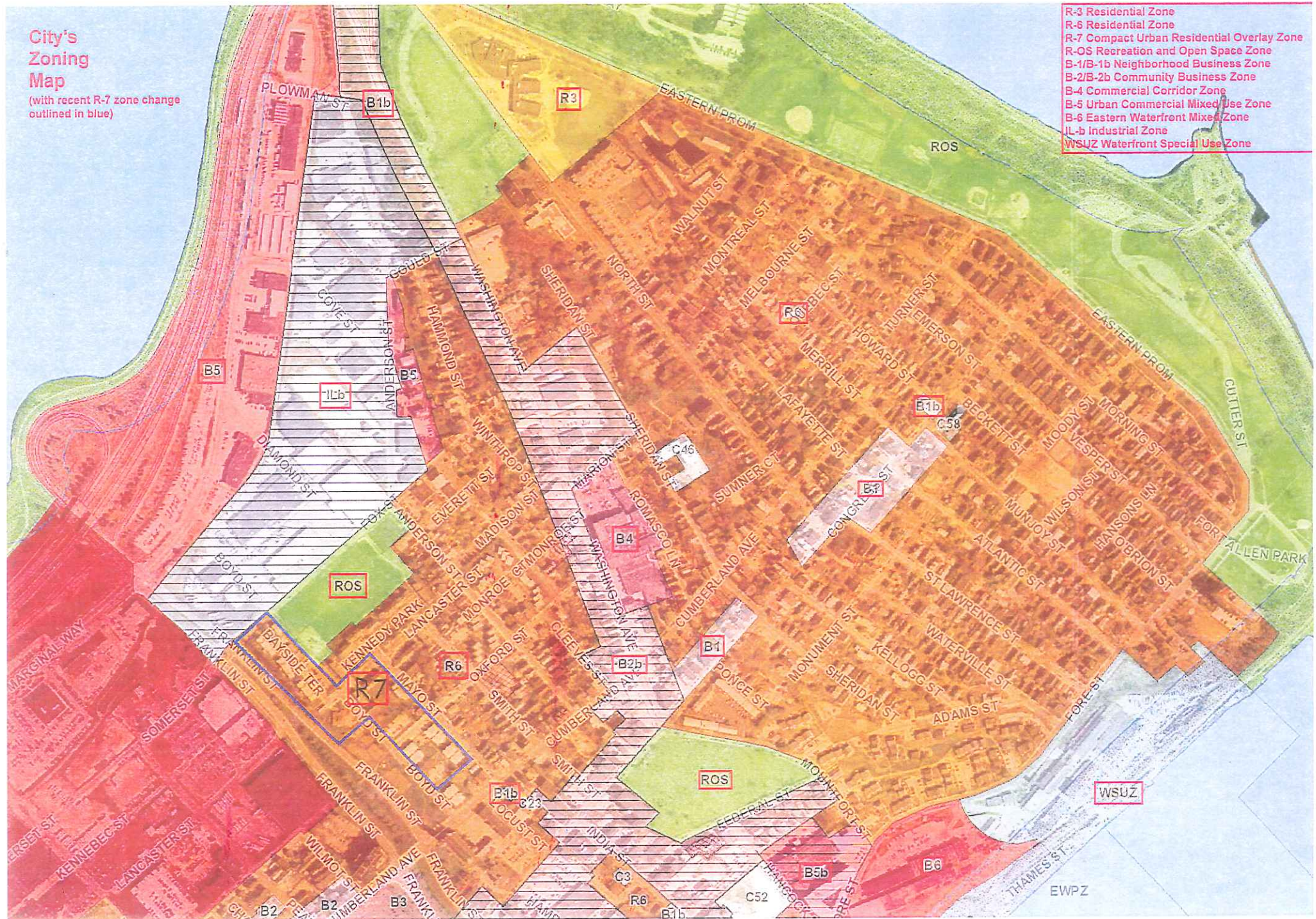
Phone: 207-329-6502
Fax: 207-283-8433

Email: cmorris@morriscomm.net

City's Zoning Map

(with recent R-7 zone change outlined in blue)

- R-3 Residential Zone
- R-6 Residential Zone
- R-7 Compact Urban Residential Overlay Zone
- R-OS Recreation and Open Space Zone
- B-1/B-1b Neighborhood Business Zone
- B-2/B-2b Community Business Zone
- B-4 Commercial Corridor Zone
- B-5 Urban Commercial Mixed Use Zone
- B-6 Eastern Waterfront Mixed Use Zone
- IL-b Industrial Zone
- WSUZ Waterfront Special Use Zone



Wow! There's an awful lot going on!

East Bayside/Munjoy Hill street map showing known developments, etc., as of 8/31/2014



Please note: The map location of the 15 market rate apartments on Washington Avenue is incorrect. It should be located at 192 Washington Avenue, which is further north, past the blocked off Gould Street intersection.

TRAFFIC IMPACT STUDY

FOR

PROPOSED

Includes annotations added by
Cynthia Cochran on 9/11/2014

89 Anderson Street Apartment Complex

Please Note: This study does not address sight-line issues at any of the intersections identified as being impacted by the proposed development. Most specifically, it does not address the sight-line issues at the intersection of Fox/Anderson Streets, which will be created by the location of the building, planned for 89 Anderson Street, and shown on the developer's architectural site drawings.

Prepared For: Redfern Properties, Inc.
Prepared By: William James Bray, P.E.



INTRODUCTION

Redfern Properties, LLC is proposing to construct a 53-unit apartment building on a parcel of property located at 89 Anderson Street. A total of 53 parking spaces will be provided under the cover of the proposed apartment building. Access to the covered parking spaces will be provided through a single entrance located on Everett Street.

The purpose of this study is to examine existing traffic conditions in the general vicinity of the proposed project, estimate the total number of site trips generated by the project, and make a determination as to whether the existing transportation system can safely accommodate the added traffic demand generated by the project.

EXISTING CONDITIONS

Existing Traffic: Manual turning movement counts were conducted at three study area intersections per direction received from the City's Traffic Peer Review Consultant. The intersections included the following locations:

1. Anderson Street @ Fox Street
2. Washington Avenue/Fox Street/Walnut Street
3. Anderson Street @ Cumberland Avenue

All vehicular traffic entering each intersection was recorded in 15-minute intervals between the hours of 7:00 to 9:00 AM and between 3:00 to 6:00 PM (Copies of the field data summary sheets are attached). In addition, both pedestrian and bicycle data was gathered at each location both directionally and time of day. From a summary of the data, it was determined that the morning peak hour occurs between 8:00 and 9:00 AM at each study area location; the PM peak hour falls between 4:30 and 5:30 at each of the locations.

Bicycle and pedestrian volume totals recorded during the vehicular peak hour(s) at each study location are summarized in the following tables:

Bicycle Volumes
(Street Peak Hour)

<u>Intersection/Approach</u>	<u>AM Peak Hour</u>	<u>PM Peak Hour</u>
Washington Ave./Walnut St./Fox St.		
- Washington Avenue EB	1	9
- Washington Avenue WB	2	13
- Walnut Street	0	1
- Fox Street	2	2
Anderson St./Fox St.		
- Anderson Street EB	1	6
- Anderson Street WB	3	9
- Fox Street NB	0	11
- Fox Street SB	0	7
Anderson St./Cumberland Ave.		
- Anderson Street	1	0
- Cumberland Avenue NB	2	4
- Cumberland Avenue SB	5	5

Bicycle travel through the study intersections was somewhat moderate during the afternoon peak hour; volumes recorded in the morning peak hour were very low at each of the three study intersections. The highest volume of bicycle trips in the PM peak hour were recorded traveling along the Washington Avenue corridor (22

two-way trips) and a second predominate travel route was along Fox Street with a total two-way volume of 18 trips.

Pedestrian Volumes (Street Peak Hour)

<u>Intersection/Approach</u>	<u>AM Peak Hour</u>	<u>PM Peak Hour</u>
Washington Ave./Walnut St./Fox St.		
- Crossing Washington Ave. @ Walnut St.	2	0
- Crossing Washington Ave. @ Fox St.	6	8
- Crossing Walnut St.	5	4
- Crossing Fox St.	4	18
Anderson St./Fox St.		
- Crossing East Anderson St.	9	14
- Crossing West Anderson St.	4	2
- Crossing North Fox St.	12	6
- Crossing South Fox St.	7	9
Anderson St./Cumberland Ave.		
- Crossing Anderson St.	21	29
- Crossing Cumberland Ave. @ Anderson St.	14	30

The volume of pedestrian movements recorded at each of the three study intersections was highest at the Anderson Street/Cumberland Avenue intersection where a total of 35 pedestrian movements were recorded in the morning peak hour and 59 pedestrian movements were recorded in the afternoon peak hour.

Traffic data collected during the months of July and August are generally representative of “peak” travel conditions and further adjustment is not required. Figures 1 and 2 are “line-diagrams” presenting “peak” hour vehicular traffic volumes for the AM and PM peak hours, respectively, for the study area intersections. **PDF pages 23-24**

Existing Safety Trends: The Maine Department of Transportation’s (MaineDOT) Accident Records Section provided the latest three-year (2011 through 2013) crash data for the following roadway segments:

1. Fox Street between Franklin Arterial and Washington Avenue
2. Washington Avenue/Fox Street/Walnut Street intersection
3. Anderson Street between Fox Street and Cumberland Avenue
4. Everett Street between Anderson Street and Greenleaf Street

Their report is summarized as follows and attached as an appendix to the report:

It is not known if increased traffic volumes during athletic events on Fox Field (Kennedy Park) was included in this assessment.

Additional traffic volume due to the redesign of the Franklin/Marginal Way intersection was not included in this assessment.

Additional traffic volume from East Cove Townhomes development at 145-155 Washington Avenue was not included in this assessment.

Additional traffic volume from development at 192 Washington Avenue was not included in this assessment.

See "Future Traffic" section PDF page 5 below

2011 -2013 Traffic Accident Summary

<u>Location</u>	<u>Total Crashes</u>	<u>Critical Rate Factor</u>
1. Fox Street @ Franklin Arterial	20	0.58
2. Fox Street and N. Boyd Street	3	1.03
3. Fox Street @ Diamond Street	1	0.34
4. Fox Street @ Anderson Street	2	0.73
5. Fox Street @ Greenleaf Street	2	0.98
6. Fox Street @ Winthrop Street	2	1.06
7. Washington Avenue/Fox Street/Walnut Street	9	1.98
8. Fox Street btw. Cove Street and Greenleaf Street	1	0.54
9. Fox Street btw. Winthrop Street and Washington Avenue	1	0.48
10. Anderson Street @ Madison Street	1	4.63
11. Anderson Street @ Oxford Street	1	4.09
12. Anderson Street @ Cumberland Avenue	2	0.71
13. Anderson Street btw. Fox Street and Everett Street	1	4.42
14. Anderson Street btw. E. Lancaster Street and E. Oxford Street	4	16.00
15. Anderson Street btw. E. Oxford Street and Cumberland Avenue	4	11.44

The MaineDOT considers any roadway intersection or segment a high crash location if both of the following criteria are met:

- *8 or more accidents*
- *A Critical Rate Factor greater than 1.00*

As the data presented in the table shows (location highlighted in yellow), the Washington Avenue/Walnut Street/Fox Street intersection meets MaineDOT's criteria for a high crash location. A total of 9 crashes and a Critical Rate Factor (CRF) of 1.98 were reported for the intersection. A more in-depth review (preparation of detailed vehicle collision diagrams) was prepared for the intersection to determine if a clear pattern of accident is occurring (Copies of the Collision Diagrams are attached as an appendix to the report).

The detailed review of the vehicle crash reports for the intersection would suggest two clear patterns of concern: 1) Four of the nine accidents involved vehicles on the Fox Street approach turning left onto Washington Avenue being struck by thru vehicles traveling eastbound on Washington Avenue; 2) A total of three collisions involved vehicles approaching Washington Avenue from the Walnut Street approach sliding through the intersection and striking a thru vehicle on Washington Avenue.

Implementation of one or more of the suggested remediation measures should help reduce the frequency of traffic crashes occurring at this "off-set" intersection:

- Utilization of an anti-icing agent on the full length of Walnut Street would potentially reduce vehicle skidding problems on Walnut Street.
- Alternatively, or in conjunction with utilization of the anti-icing agent, the City may want to consider closure of Walnut Street at North Street during periods of severe winter road conditions using a remotely operated flashing "Street Closed" beacon placed at the top of the Walnut Street "hill".
- Replace and/or update existing pedestrian crossing equipment (equipment presently inoperative) at both existing Washington Avenue crosswalks to improve safety of pedestrians crossing "busy" Washington Avenue.

In addition to the aforementioned recommendations, preliminary evaluation was given to full traffic signalization of the intersection: however, present intersection traffic volumes and/or other factors do not appear to satisfy the warrants for traffic signals. See PDF pages 49-52

SITE TRAFFIC

Site Trip Generation: The eighth edition of the Institute of Transportation Engineers (ITE) “TRIP GENERATION” manual was used to determine the volume of site traffic generated by the proposed 53-unit residential apartment complex project. The ITE publication provides numerous land-use categories and the average volume of trips that are generated by each category. The following trip rates were used to calculate the trip generation of the proposed project:

Land Use #220 - Apartment

AM Peak Hour	= 0.51 trips per occupied unit
PM Peak Hour	= 0.62 trips per occupied unit.

Accordingly, the proposed 53-unit apartment complex can be expected to generate a total of 27 trips in the morning peak hour and 33 trips during the afternoon peak hour.

Site Trip Distribution: The Institute of Transportation Engineers handbook provides the following directional distribution rates for an apartment unit during the AM and PM peak hours:

AM Peak Hour	= 20% enter site and 80% exit site
PM Peak Hour	= 65% enter site and 35% exit site

Based upon the noted directional distribution patterns, 22 trips during the morning peak hour and 12 trips in the evening peak hour will exit the site and the remaining trips (5 AM trips and 21 PM trips) during both peak time periods will enter the site.

Site Trip Assignment: Vehicle trips generated by the proposed project were assigned through the three study intersections on the basis of existing travel patterns and the Consultants knowledge of travel patterns in the City of Portland. Figures 3 and 4 graphically depict the assignment for both peak commuter time periods. PDF pages 25-26

FUTURE TRAFFIC

Other Development Traffic: Traffic generated by projects that have been approved by the Local Planning Board and/or the Maine Department of Transportation, yet are not opened, must be included in the estimate of pre-development traffic. At the direction of the City’s Development Review Services Manager, trips generated by the following projects were appropriately added to the base travel conditions at the site driveway intersections.

- Washington Avenue Efficiencies
- PHA Bayside Anchor Project
- Munjoy Heights
- Intermodal “Staging” Area

See comments on PDF page 3 above

Figures 5 and 6 illustratively present the Other Development traffic assignment for the study intersections. PDF pages 27-28

2014 Pre-Development Traffic: The 2014 Pre-Development traffic forecasts were prepared for the study intersections by combining the 2014 Design Hour traffic volumes shown on Figures 1 and 2 with the Other Development traffic values displayed on Figures 5 and 6. Figures 7 and 8 present the 2014 pre-development traffic forecasts at each of the three study intersections. PDF pages 29-30

2014 Post-Development Traffic: Estimated 2014 Pre-Development traffic forecasts prepared for the study intersections, as depicted on Figures 7 and 8, were combined with the site traffic projections highlighted on Figures 3 and 4 to create estimated 2014 Post-Development traffic forecasts for the study intersections. Figures 9 (AM Peak Hour) and 10 (PM Peak Hour) are line diagrams that present the estimated 2014 Post-Development traffic conditions for the study intersections. **PDF pages 31-32**
See comments at PDF page 3 above

MOBILITY ANALYSIS

Capacity analyses of both 2014 Pre and Post-Development traffic conditions were performed for each of the three study intersections utilizing the Synchro and SimTraffic computer models. Levels of Service rankings are similar to the academic grading system, where an "A" is very good with little delay and "F" represents very poor conditions.

The following table summarizes the relationship between delay and Level of Service for an unsignalized intersection:

Level of Service Criteria for Unsignalized Intersections

<u>Level of Service</u>	<u>Total Control Delay (sec/veh)</u>
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

The result of the capacity analysis is presented in the following table:

Level of Service Summary 2014 Pre and Post-Development Conditions

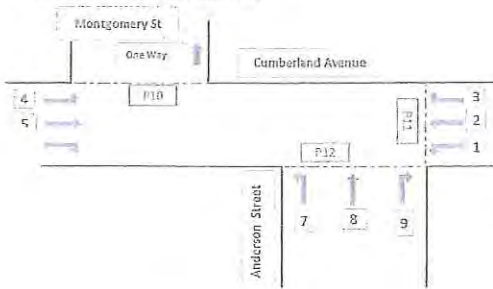
<u>Intersection/Approach</u>	<u>2014 Pre-Development</u>				<u>2014 Post-Development</u>			
	<u>AM Peak Hour</u>		<u>PM Peak Hour</u>		<u>AM Peak Hour</u>		<u>PM Peak Hour</u>	
	<u>Delay (sec.)</u>	<u>LOS</u>	<u>Delay (sec.)</u>	<u>LOS</u>	<u>Delay (sec.)</u>	<u>LOS</u>	<u>Delay (sec.)</u>	<u>LOS</u>
1. Washington Ave./ Walnut St./Fox St.								
- Washington Ave. EB	1 sec.	A	2 sec.	A	1 sec.	A	2 sec.	A
- Washington Ave. WB	1 sec.	A	4 sec.	A	4 sec.	A	4 sec.	A
- Walnut St.	13 sec.	B	16 sec.	C	15 sec.	B	17 sec.	C
- Fox St.	11 sec.	B	27 sec.	D	13 sec.	B	27 sec.	D
2. Fox St. @ Anderson St.								
- Anderson St. EB	5 sec.	A	5 sec.	A	5 sec.	A	5 sec.	A
- Anderson St. WB	6 sec.	A	6 sec.	A	6 sec.	A	6 sec.	A
- Fox St. NB	6 sec.	A	7 sec.	A	6 sec.	A	7 sec.	A
- Fox St. SB	6 sec.	A	7 sec.	A	7 sec.	A	7 sec.	A
3. Anderson St. @ Cumberland Ave.								
- Anderson St.	4 sec.	A	3 sec.	A	4 sec.	A	3 sec.	A
- Cumberland Ave. NB	1 sec.	A	1 sec.	A	1 sec.	A	1 sec.	A
- Cumberland Ave. SB	1 sec.	A	1 sec.	A	1 sec.	A	1 sec.	A

As presented in the chart above, the proposed project has no measurable impact on traffic operations at any of the three study intersections. Each intersection was found to operate at acceptable levels of service under both pre-development and post-development conditions.

SUMMARY

1. The proposed 53-unit apartment complex can be expected to generate a total of 27 vehicle trips during the AM peak hour and a slight increase of 33 trips in the afternoon peak hour. Twenty-two (22) trips during the morning peak hour and 12 trips in the evening peak hour will exit the site and the remaining trips (5 AM trips and 21 PM trips) during both peak time periods will enter the site.
2. MaineDOT's Traffic Safety Bureau's latest three-year safety report for the identified portions of Washington Avenue, Fox Street, and Anderson Street shows that all roadway segments and intersections, with the exception of the Washington Avenue/Fox Street/Walnut Street intersection, experience fewer traffic crashes than the threshold criteria for identification of a high crash location. The noted traffic intersection, based upon the most recent three-year data, meets both of MaineDOT's criteria for identification of a high crash location. A total of 9 vehicle crashes were reported at the intersection during the study time period and the Critical Rate Factor, which compares operations at the intersection with a statewide average for similar locations, exceeds 1.00 at 1.98. Detailed vehicle collision diagrams were prepared for each of the reported 9 vehicle crashes to determine if a correctable pattern of vehicle crash is occurring at the intersection. The detailed analysis identified two crash patterns; four "angle" collisions involving vehicles entering Washington Avenue from Fox Street being struck by motorists traveling eastbound on Washington Avenue. The second pattern involved three crashes that resulted from vehicles approaching Washington Avenue on Walnut Street skidding, during inclement weather, into thru vehicles traveling west on Washington Avenue.
3. It would appear that all modes of transportation would benefit from full traffic signalization of the Washington Avenue/Fox Street/Walnut Street intersection; an abbreviated preliminary assessment of existing travel conditions was conducted and it was determined that prevailing traffic conditions at the noted intersection do not appear to meet the minimum travel conditions required for traffic signalization (Copy of abbreviated traffic signal warrant study is attached as an appendix to the report). The City may want to monitor traffic conditions on an annual basis to determine if prevailing conditions change meeting one or more of the warrants for traffic signalization. This report does identify three improvement strategies that, with implementation, should improve overall safety at the intersection, they include the following:
 - Utilization of an anti-icing agent on the full length of Walnut Street would potentially reduce vehicle skidding problems on Walnut Street.
 - Alternatively, or in conjunction with utilization of the anti-icing agent, the City may want to consider closure of Walnut Street at North Street during periods of severe winter road conditions using a remotely operated flashing "*Street Closed*" beacon placed at the top of the Walnut Street "hill".
 - Replace and/or update existing pedestrian crossing equipment (equipment presently inoperative) at both existing Washington Avenue crosswalks to improve safety of pedestrians crossing "busy" Washington Avenue.
4. The operational analysis conducted for the three study intersections clearly shows that traffic generated by the proposed apartment complex has virtually no impact on traffic operations at any of the three study intersections. Each study intersection was found to operate at acceptable levels of service during both the pre-development and post-development conditions.
5. Pedestrian crosswalk markings and stop bars should be installed at the Anderson Street/Fox Street intersection on all four approaches of the intersection.

INTERSECTION PLAN
WITH NUMBERED MOVEMENTS:



Portland
Intersection: Cumberland Ave./Anderson St./Montgomery St.
Date: 8/13/14
Day of Week: Wednesday
Weather: _____
Remarks: _____

Red = Bicycle Movement
Green = Pedestrian Movement

Count Summary Movement

Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P10	P11	P12	C2	C4	C5	C6	C7	C9
7:00	7:15	1	16	0	0	29	0	1	0	3	0	0	0	50	0	0	3	0	1	1	0	0	1
Truck Count		0	1	1	0	1	0	0	0	1	0	0	0	4									
7:15	7:30	0	18	0	0	16	1	2	0	6	0	0	0	43	4	1	4	0	0	0	1	0	0
Truck Count		0	0	0	0	0	1	0	3	0	0	0	0	1									
7:30	7:45	1	13	1	0	25	3	2	0	3	0	0	0	48	4	5	3	0	0	0	0	0	0
Truck Count		0	0	1	0	0	0	0	0	0	0	0	0	1									
7:45	8:00	3	18	1	1	39	0	1	1	3	0	0	0	67	3	3	4	0	0	2	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0									
8:00	8:15	4	28	0	1	54	3	1	0	10	0	0	0	101	7	3	5	0	0	0	0	0	0
Truck Count		0	2	0	0	2	0	0	0	0	0	0	0	4									
8:15	8:30	3	23	0	3	55	1	0	0	11	0	0	0	96	8	5	4	1	0	2	0	0	0
Truck Count		0	0	0	0	3	0	1	0	1	0	0	0	5									
8:30	8:45	1	16	0	1	59	1	0	0	10	0	0	0	88	2	0	9	1	1	2	0	1	0
Truck Count		1	3	0	0	1	0	0	0	1	0	0	0	6									
8:45	9:00	2	32	2	0	38	1	3	0	15	0	0	0	93	5	6	3	0	0	0	0	0	0
Truck Count		0	3	0	0	1	0	0	0	0	0	0	0	4									

PEAK HOUR COUNT

TIME:

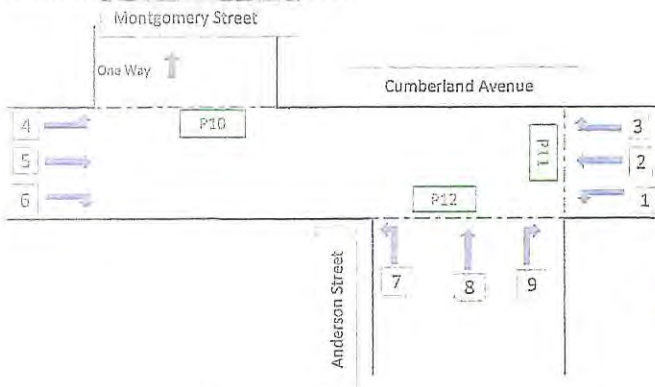
8:00

TO:

9:00

11	107	2	5	213	6	5	0	48	0	0	0	397
----	-----	---	---	-----	---	---	---	----	---	---	---	-----

INTERSECTION AN
WITH NUMBERED MOVEMENTS:



Portland
Intersection: Cumberland Ave/Anderson St/Montgomery St
Date: 8/13/14
Day of Week: Wednesday
Weather: _____
Remarks: _____

Red = Bicycle Movement
Green = Pedestrian Movement

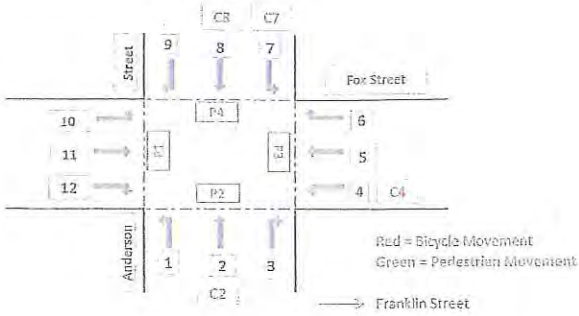
Count Summary Movement

Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P10	P11	P12	C1	C2	C4	C5	C6
3:00	3:15	5	52	0	2	43	1	1	0	11	0	0	0	115	12	7	11	1	1	0	2	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0								
3:15	3:30	2	46	0	1	38	2	4	0	9	0	0	0	102	10	13	7	0	0	1	0	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1								
3:30	3:45	4	42	4	1	32	1	1	1	5	0	0	0	91	6	6	7	1	1	0	0	0
Truck Count		1	0	0	1	2	0	0	0	0	0	0	0	4								
3:45	4:00	5	68	2	2	43	3	3	0	13	0	0	0	139	12	5	12	0	0	0	1	0
Truck Count		0	0	0	0	1	0	0	0	0	0	0	0	1								
4:00	4:15	7	40	2	0	28	4	3	0	4	0	0	0	88	3	3	11	0	0	0	0	1
Truck Count		0	0	0	0	1	0	0	0	0	0	0	0	1								
4:15	4:30	5	64	0	1	32	3	3	0	11	0	0	0	119	6	6	7	0	1	0	0	0
Truck Count		0	1	0	0	1	0	0	0	0	0	0	0	2								
4:30	4:45	8	60	2	0	61	2	3	1	11	0	0	0	148	20	3	7	0	1	0	2	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1								
4:45	5:00	3	67	3	0	60	2	5	1	10	0	0	0	151	10	19	14	0	1	0	1	2
Truck Count		0	2	0	0	2	0	0	0	0	0	0	0	4								
5:00	5:15	2	76	1	3	48	1	1	1	14	0	0	0	147	5	6	2	0	1	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0								
5:15	5:30	7	117	4	2	80	4	6	0	13	0	0	0	233	4	2	6	0	1	0	0	0
Truck Count		0	0	0	0	1	0	0	0	0	0	0	0	1								
5:30	5:45	5	89	1	0	46	3	1	0	7	0	0	0	152	3	2	1	0	0	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0								
5:45	6:00	2	78	2	1	47	4	3	0	12	0	0	0	149	2	0	2	0	0	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0								

PEAK HOUR COUNT

PEAK HOUR COUNT							TIME:		4:30		TO:		5:30	
20	323	10	5	252	9	15	3	48	0	0	0	0	0	685

INTERSECTION PLAN
WITH NUMBERED MOVEMENTS:



Portland
Intersection: Fox Street/Anderson Street
Date: 8/12/14
Day of Week: Tuesday
Weather: _____
Remarks: _____

Count Summary Movement

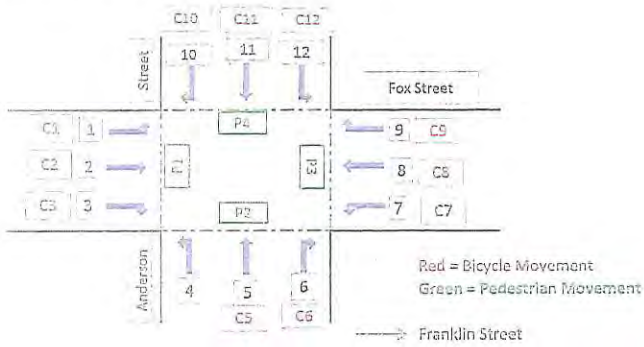
Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P1	P2	P3	P4	C1	C2	C3	C4	C5	C6	C7	C8
7:00	7:15	1	3	8	2	15	3	3	1	0	0	19	6	61	1	1	3	1	0	0	1	0	0	0	0	0
Truck Count		0	0	1	0	0	0	0	1	0	0	0	0	2												
7:15	7:30	1	1	3	1	12	3	9	3	1	0	25	1	60	1	0	0	2	0	0	1	0	0	0	0	0
Truck Count		0	0	1	0	0	0	0	0	0	0	0	0	1												
7:30	7:45	6	8	15	1	16	1	7	4	1	0	33	3	95	0	0	0	0	0	0	0	0	0	0	0	0
Truck Count		0	1	2	0	0	0	0	0	0	0	1	0	4												
7:45	8:00	1	11	17	3	20	7	12	1	0	3	40	1	116	0	0	0	0	0	0	1	0	0	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0												
8:00	8:15	4	9	21	3	18	4	14	2	1	0	39	1	116	4	1	6	3	0	0	1	0	0	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0												
8:15	8:30	2	10	17	6	16	11	14	2	0	0	40	3	121	4	0	0	5	0	0	0	0	0	0	0	0
Truck Count		0	1	2	0	0	0	0	0	0	0	0	0	3												
8:30	8:45	3	12	35	3	20	8	20	0	1	1	29	2	134	4	3	0	0	1	0	0	0	0	0	0	0
Truck Count		0	0	2	0	1	0	0	0	0	1	1	0	5												
8:45	9:00	7	21	22	1	21	8	13	6	2	1	32	0	134	0	0	2	1	0	0	1	0	0	1	1	1
Truck Count		0	0	0	0	1	0	0	0	0	0	0	0	1												

PEAK HOUR COUNT

TIME: 8:00 TO: 9:00

16	53	99	13	77	31	61	10	4	3	141	6	514
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INTERSECTION
WITH NUMBERED MOVEMENTS:



Portland

Intersection: Fox Street/Anderson Street

Date: 8/12/14

Day of Week: Tuesday

Weather:

Remarks:

Count Summary Movement

Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P7	P8	P9	P4	C1	C2	C3	C5	C6	C7	C8	C9	C10	C11	C12
3:00	3:15	1	27	2	3	6	14	4	34	12	2	9	12	126	2	0	0	1	2	3	0	1	1	0	2	0	0	0	1
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0															
3:15	3:30	0	27	2	11	10	21	8	28	13	1	5	9	135	2	1	2	2	0	0	0	1	1	0	0	0	0	2	4
Truck Count		0	0	0	0	0	1	0	0	0	0	0	0	1															
3:30	3:45	0	28	5	6	9	16	10	31	15	2	7	17	146	0	0	2	2	0	0	0	0	0	0	0	0	0	0	0
Truck Count		0	1	0	0	0	1	0	1	0	0	0	0	3															
3:45	4:00	1	36	3	6	8	13	5	29	18	3	4	10	136	3	2	2	0	0	2	0	0	0	1	1	0	0	0	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1															
4:00	4:15	3	26	0	6	11	16	9	34	15	1	4	10	135	1	1	0	3	0	0	0	0	1	2	0	0	0	0	0
Truck Count		0	0	0	1	0	1	0	0	0	0	0	0	2															
4:15	4:30	1	26	4	5	14	9	10	41	16	2	5	12	145	0	0	2	2	0	0	0	0	0	1	0	0	0	0	0
Truck Count		0	0	0	0	0	1	0	0	0	0	0	0	1															
4:30	4:45	2	49	2	6	2	10	9	30	23	3	3	14	153	2	0	1	2	0	0	0	0	5	3	2	0	0	1	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0															
4:45	5:00	3	40	5	4	9	21	8	45	20	3	9	11	178	1	0	3	3	0	0	1	0	1	0	1	0	0	3	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0															
5:00	5:15	2	34	2	5	6	17	7	38	18	4	2	17	152	2	1	0	3	0	2	1	0	1	0	0	0	1	1	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0															
5:15	5:30	3	35	1	9	14	22	9	49	18	0	5	17	182	1	1	6	4	0	1	2	0	1	5	0	0	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0															
5:30	5:45	1	27	3	5	7	17	8	40	15	6	2	12	142	3	5	1	2	0	1	0	1	1	0	2	1	0	1	0
Truck Count		0	0	0	0	0	1	0	0	0	0	0	0	1															
5:45	6:00	1	30	1	3	9	13	4	46	12	0	0	17	136	3	1	0	6	1	1	0	1	2	1	0	0	0	0	0
Truck Count		0	0	0	0	0	1	0	0	0	0	0	0	1															

PEAK HOUR COUNT

TIME:

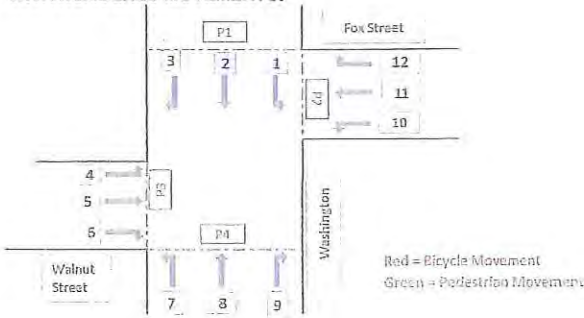
4:30

TO:

5:30

10	158	10	24	31	70	33	162	79	10	19	59	665
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INTERSECTION PLAN
WITH NUMBERED MOVEMENTS:



Portland
Intersection: Washington Ave./Fox St./Walnut St.
Date: 8/14/14
Day of Week: Thursday
Weather:
Remarks: Construction

Count Summary Movement

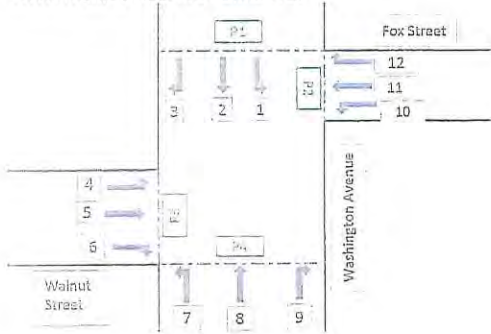
Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P1	P2	P3	P4	C1	C2	C3	C4	C5	C6	C7	C8
7:00	7:15	7	24	1	2	6	3	6	74	1	5	7	5	141	1	1	2	0	0	0	0	0	0	0	0	0
Truck Count		0	1	0	0	0	0	1	6	0	0	0	0	8												
7:15	7:30	3	26	1	1	10	5	6	78	3	10	10	5	158	0	0	1	0	0	0	0	0	0	0	0	0
Truck Count		1	2	0	0	0	0	0	4	0	0	0	0	7												
7:30	7:45	9	36	2	4	14	4	2	85	12	1	5	9	183	0	1	0	1	0	0	0	0	0	0	0	0
Truck Count		0	5	0	1	0	0	0	3	0	0	0	0	9												
7:45	8:00	10	47	2	2	11	6	3	142	8	7	2	11	251	0	1	3	2	0	0	0	0	0	0	0	0
Truck Count		1	1	0	0	0	0	0	4	0	0	0	0	6												
8:00	8:15	10	39	2	3	11	9	2	159	19	10	4	9	277	4	1	1	1	1	0	0	0	0	0	0	1
Truck Count		0	3	0	0	0	0	0	1	0	0	0	0	4												
8:15	8:30	19	43	2	5	16	10	4	126	8	8	1	11	253	1	2	3	1	0	0	0	0	0	0	0	0
Truck Count		0	2	0	1	0	0	1	7	0	0	0	2	13												
8:30	8:45	15	40	2	1	13	2	2	114	9	8	2	15	223	1	0	1	0	0	1	0	0	0	0	0	0
Truck Count		0	2	0	0	0	0	0	1	1	1	0	0	5												
8:45	9:00	16	60	6	2	21	6	2	117	7	9	2	15	263	0	1	0	0	0	1	1	1	0	0	0	0
Truck Count		0	2	1	0	0	0	0	5	2	0	0	0	10												

PEAK HOUR COUNT

TIME: 8:00 TO: 9:00

60	191	13	12	61	27	11	530	46	36	9	52	1,048
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INTERSECTION
WITH NUMBERED MOVEMENTS:



Portland
Intersection: Washington Ave./Fox St./Walnut St.
Date: 8/14/14
Day of Week: Thursday
Weather: _____
Remarks: _____

Count Summary Movement

Start	End	1	2	3	4	5	6	7	8	9	10	11	12	Total	P1	P2	P3	P4	C1	C2	C4	C6	C8	C9	C11	C12
3:00	3:15	20	83	4	0	8	3	10	63	19	5	11	10	236	4	1	3	0	0	2	1	0	1	0	1	0
Truck Count		0	0	0	0	0	0	0	2	0	1	0	0	3												
3:15	3:30	14	57	1	4	9	5	4	58	6	11	15	13	197	0	3	2	1	0	0	0	0	1	0	0	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1												
3:30	3:45	21	110	6	0	13	11	2	66	13	9	22	15	288	3	4	1	0	0	1	1	0	1	0	0	0
Truck Count		0	0	0	1	0	0	0	1	0	0	0	0	2												
3:45	4:00	19	68	3	3	10	0	3	67	8	9	6	8	204	1	4	2	1	0	0	0	0	2	0	0	0
Truck Count		0	0	0	0	1	0	0	0	0	0	0	0	1												
4:00	4:15	36	108	6	0	6	3	5	90	8	15	18	17	312	0	2	0	1	0	1	0	0	0	0	0	0
Truck Count		0	3	0	0	0	0	0	0	0	0	0	0	3												
4:15	4:30	16	104	8	2	15	3	7	76	12	9	17	9	278	1	4	0	0	0	1	0	0	1	0	0	0
Truck Count		0	0	0	0	1	0	0	2	0	0	1	0	4												
4:30	4:45	23	136	7	2	14	11	3	73	19	11	9	16	324	0	3	1	0	0	4	0	0	2	0	0	1
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0												
4:45	5:00	16	139	4	2	14	9	7	81	6	5	17	23	323	2	3	1	0	0	3	0	1	4	0	0	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1												
5:00	5:15	22	148	8	1	7	3	7	83	6	12	19	8	324	2	3	1	0	1	1	0	0	1	0	0	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1												
5:15	5:30	15	154	7	2	11	1	9	76	12	15	14	11	327	4	9	1	0	0	4	0	0	1	1	1	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0												
5:30	5:45	30	130	8	5	13	4	5	93	8	9	21	15	341	1	4	0	1	0	2	0	0	1	0	0	0
Truck Count		0	0	0	0	0	0	0	0	0	0	0	0	0												
5:45	6:00	9	84	3	0	9	3	8	75	9	6	14	7	227	3	2	4	1	1	2	0	0	1	0	0	0
Truck Count		0	1	0	0	0	0	0	0	0	0	0	0	1												

PEAK HOUR COUNT

TIME: 4:30 TO: 5:30

76	579	26	7	46	24	26	313	43	43	59	58	1,300
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Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☒ Crash Summary I ☐ Section Detail ☒ Crash Summary II ☐ 1320 Public ☐ 1320 Private ☐ 1320 Summary

REPORT DESCRIPTION

#1

REPORT PARAMETERS

Year 2011, Start Month 1 through Year 2013 End Month: 12

Route: 0560293

Start Node: 18521

Start Offset: 0

☐ Exclude First Node

End Node: 18960

End Offset: 0

☐ Exclude Last Node

Route: 0026X

Start Node: 18960

Start Offset: 0

☒ Exclude First Node

End Node: 18879

End Offset: 0

☐ Exclude Last Node

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

Node	Route - MP	Node Description	U/R	Nodes							Percent Annual M Injury Ent-Veh	Crash Rate	Critical Rate	CRF	
				Total Crashes	K	A	B	C	PD						
18521	0560293 - 0	Int of FOX ST FRANKLIN ST	9	20	0	0	2	8	10	50.0	11.697	0.57	0.99	0.00	
											Statewide Crash Rate:	0.65			
18953	0560293 - 0.06	0509373 POR,N.BOYD,FOX ST.	2	3	0	0	0	0	3	0.0	2.209	0.45	0.44	1.03	
											Statewide Crash Rate:	0.14			
18952	0560293 - 0.16	0509372 POR,FOX,DIAMOND ST.	2	1	0	0	0	0	1	0.0	2.178	0.15	0.44	0.00	
											Statewide Crash Rate:	0.14			
18929	0560293 - 0.21	0509349 POR,ANDERSON,FOX ST.	2	2	0	0	0	0	2	0.0	1.996	0.33	0.45	0.00	
											Statewide Crash Rate:	0.14			
19466	0560293 - 0.25	0509888 POR,FOX STREET,COVE STREET	2	0	0	0	0	0	0	0.0	1.531	0.00	0.48	0.00	
											Statewide Crash Rate:	0.14			
18945	0560293 - 0.26	0509365 POR,FOX,N.GREENLEAF ST.	2	2	0	0	0	1	0	100.0	1.381	0.48	0.49	0.00	
											Statewide Crash Rate:	0.14			
A18948	0560293 - 0.30	0509368 POR,FOX,HAMMOND ST.	2	0	0	0	0	0	0	0.0	0.000	0.00	0.00	0.00	
											Statewide Crash Rate:	0.14			
P18946	0560293 - 0.31	0509366 POR,FOX,WINTHROP ST.	2	2	0	0	0	0	2	0.0	1.248	0.53	0.50	1.06	
											Statewide Crash Rate:	0.14			
A18960	0560293 - 0.36	Int of FOX ST WASHINGTON AV	2	0	0	0	0	0	0	0.0	0.000	0.00	0.00	0.00	
											Statewide Crash Rate:	0.14			
P18879	0026X - 0.28	Int of WALNUT ST, WASHINGTON AV	2	9	0	0	0	2	7	22.2	4.034	0.74	0.38	1.98	
											Statewide Crash Rate:	0.14			
Study Years: 3.00				NODE TOTALS:	39	0	0	2	11	25	33.3	26.274	0.49	0.54	0.92

Crash Summary I

Sections																	
Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	K	Injury Crashes				Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF	
18521	18953	194034	0 - 0.06	0560293 - 0	0.06	2	0	0	0	0	0	0.0	0.00138	0.00	971.45	0.00	
Int of FOX ST, FRANKLIN ST				RD INV 05 60293									Statewide Crash Rate: 346.84				
18952	18953	194637	0 - 0.10	0560293 - 0.06	0.10	2	0	0	0	0	0	0.0	0.00201	0.00	881.52	0.00	
0509372 POR, FOX, DIAMOND ST.				RD INV 05 60293									Statewide Crash Rate: 346.84				
18929	18952	194603	0 - 0.05	0560293 - 0.16	0.05	2	0	0	0	0	0	0.0	0.00097	0.00	1064.25	0.00	
0509349 POR, ANDERSON, FOX ST.				RD INV 05 60293									Statewide Crash Rate: 346.84				
18929	19466	194604	0 - 0.04	0560293 - 0.21	0.04	2	0	0	0	0	0	0.0	0.00061	0.00	1195.29	0.00	
0509349 POR, ANDERSON, FOX ST.				RD INV 05 60293									Statewide Crash Rate: 346.84				
18945	19466	194628	0 - 0.01	0560293 - 0.25	0.01	2	0	0	0	0	0	0.0	0.00015	0.00	1497.37	0.00	
0509365 POR, FOX, N. GREENLEAF ST.				RD INV 05 60293									Statewide Crash Rate: 346.84				
18945	18948	194627	0 - 0.04	0560293 - 0.26	0.04	2	1	0	0	0	1	0.0	0.00049	681.12	1258.33	0.00	
0509365 POR, FOX, N. GREENLEAF ST.				RD INV 05 60293									Statewide Crash Rate: 346.84				
18946	18948	194629	0 - 0.01	0560293 - 0.30	0.01	2	0	0	0	0	0	0.0	0.00012	0.00	1483.19	0.00	
0509366 POR, FOX, WINTHROP ST.				RD INV 05 60293									Statewide Crash Rate: 346.84				
18946	18960	194630	0 - 0.05	0560293 - 0.31	0.05	2	1	0	0	0	1	0.0	0.00058	575.63	1210.04	0.00	
0509366 POR, FOX, WINTHROP ST.				RD INV 05 60293									Statewide Crash Rate: 346.84				
18879	18960	3123723	0 - 0.01	0026X - 0.27	0.01	2	0	0	0	0	0	0.0	0.00036	0.00	793.55	0.00	
Int of WALNUT ST, WASHINGTON AV				ST RTE 26									Statewide Crash Rate: 186.16				
Study Years: 3.00				Section Totals:		0.37	2	0	0	0	2	0.0	0.00666	100.05	648.35	0.15	
				Grand Totals:		0.37	41	0	0	2	11	27	31.7	0.00666	2050.99	796.08	2.58

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☒ Crash Summary I ☐ Section Detail ☒ Crash Summary II ☐ 1320 Public ☐ 1320 Private ☐ 1320 Summary

REPORT DESCRIPTION

#3

REPORT PARAMETERS

Year 2011, Start Month 1 through Year 2013 End Month: 12

Route: 0560847	Start Node: 18929	Start Offset: 0	☒ Exclude First Node
	End Node: 19463	End Offset: 0	☐ Exclude Last Node
Route: 0561238	Start Node: 19463	Start Offset: 0	☒ Exclude First Node
	End Node: 18912	End Offset: 0	☒ Exclude Last Node

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

Nodes														
Node	Route - MP	Node Description	U/R	Total Crashes	K	Injury Crashes			PD	Percent Annual M Injury	Ent-Veh	Crash Rate	Critical Rate	CRF
18930	0560847 - 0.53	0509350 POR,ANDERSON,EVERETT ST.	2	0	0	0	0	0	0	0.0	0.159	0.00	0.49	0.00
												Statewide Crash Rate:	0.14	
18931	0560847 - 0.56	0509351 POR,ANDERSON,MADISON ST.	2	1	0	0	0	1	0	100.0	0.153	2.18	0.47	4.63
												Statewide Crash Rate:	0.14	
18932	0560847 - 0.59	0509352 POR,E.LANCASTER,ANDERSON ST.	2	0	0	0	0	0	0	0.0	0.133	0.00	0.41	0.00
												Statewide Crash Rate:	0.14	
19464	0560847 - 0.65	0509886 POR,ANDERSON ST,E.OXFORD STR.	2	1	0	0	0	0	1	0.0	0.164	2.03	0.50	4.09
												Statewide Crash Rate:	0.14	
19463	0560847 - 0.74	Int of ANDERSON ST CUMBERLAND AV	2	2	0	0	0	0	2	0.0	2.068	0.32	0.45	0.00
												Statewide Crash Rate:	0.14	
Study Years: 3.00			NODE TOTALS:		4	0	0	0	1	3	25.0	2.677	0.50	1.19

Crash Summary I

Sections																	
Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	K	Injury Crashes				Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF	
								A	B	C	PD						
18929	18930	194602	0 - 0.04	0560847 - 0.49	0.04	2	1	0	0	0	0	1	0.0	0.00006	5272.76	1194.07	4.42
0509348 POR,ANDERSON,FOX ST.				RD INV 05 60847											Statewide Crash Rate: 346.84		
18930	18931	194605	0 - 0.03	0560847 - 0.53	0.03	2	0	0	0	0	0	0	0.0	0.00004	0.00	682.58	0.00
0509350 POR,ANDERSON,EVERETT ST.				RD INV 05 60847											Statewide Crash Rate: 346.84		
18931	18932	194607	0 - 0.03	0560847 - 0.56	0.03	2	0	0	0	0	0	0	0.0	0.00004	0.00	441.48	0.00
0509351 POR,ANDERSON,MADISON ST.				RD INV 05 60847											Statewide Crash Rate: 346.84		
18932	19464	194609	0 - 0.06	0560847 - 0.59	0.06	2	4	0	0	1	0	3	25.0	0.00007	19896.34	1243.30	16.00
0509352 POR,E.LANCASTER,ANDERSON ST.				RD INV 05 60847											Statewide Crash Rate: 346.84		
19463	19464	195146	0 - 0.09	0560847 - 0.65	0.09	2	4	0	0	0	0	2	0.0	0.00008	15854.90	1385.36	11.44
Int of ANDERSON ST CUMBERLAND AV				RD INV 05 60847											Statewide Crash Rate: 346.84		
18912	19463	194577	0 - 0.01	0561238 - 0.98	0.01	2	0	0	0	0	0	0	0.0	0.00020	0.00	785.75	0.00
Int of CUMBERLAND AV, MONTGOMERY ST				RD INV 05 61238											Statewide Crash Rate: 186.16		
Study Years: 3.00				Section Totals:	0.26		9	0	0	1	0	6	11.1	0.00049	6102.75	1070.96	5.70
				Grand Totals:	0.26		13	0	0	1	1	9	15.4	0.00049	8815.08	1357.90	6.49

COLLISION DIAGRAM

SHEET 1 OF 2

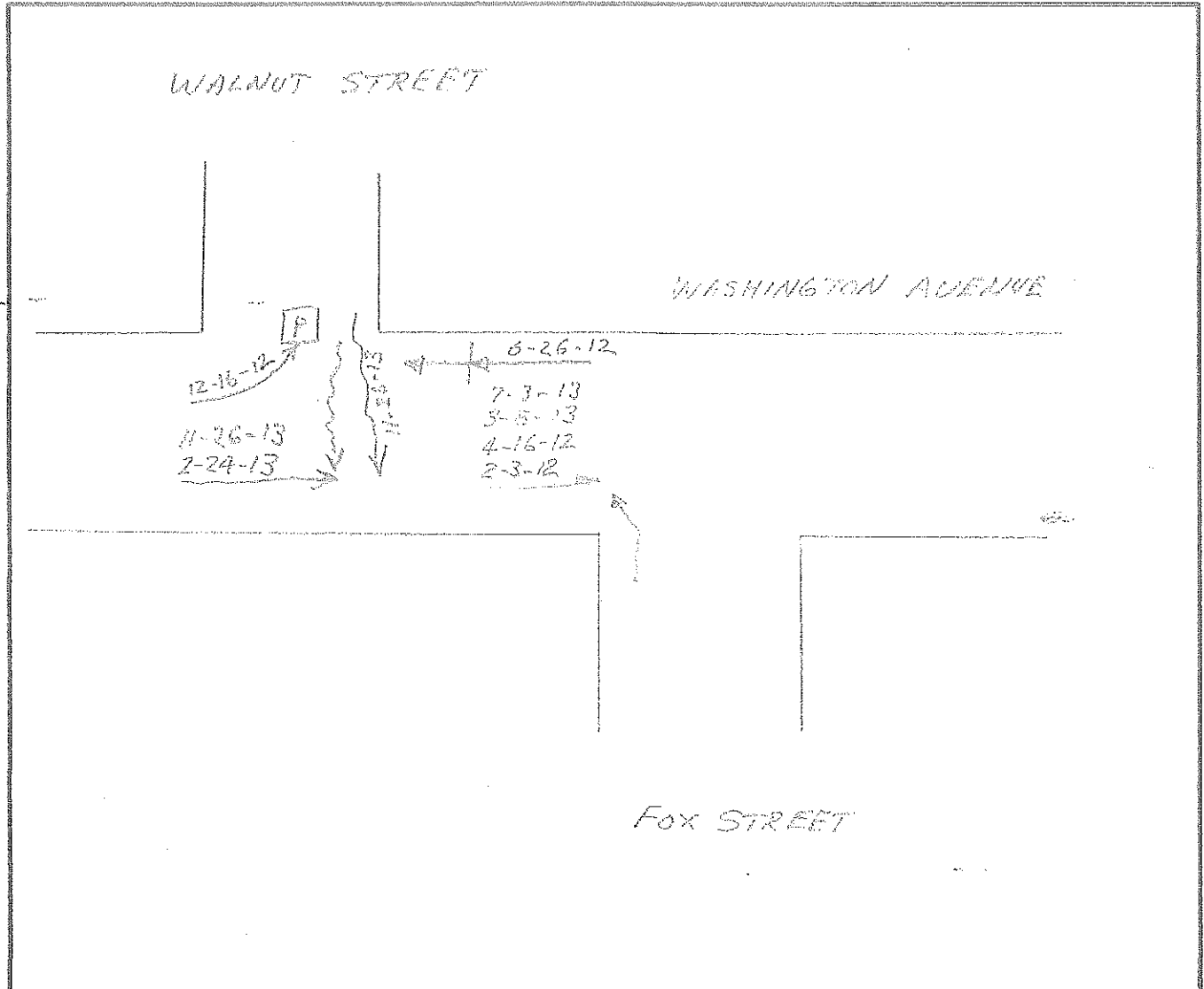
LOCATION WASHINGTON AVE./WALNUT ST./FOX ST.

TOWN PORTLAND

NODE NO(S) P18879

YEARS REVIEWED 2011-2014

DATE PREPARED 8-23-2014



CRITICAL RATE FACTOR _____ EQUIV. PROP. DAMAGE ACC/YEAR _____ ACC/MEV _____

LIGHT

- | | | |
|-------------------------|-------------------------|--------------------------|
| 1. DAWN (MORNING) | 2. DAYLIGHT | 3. DUSK (EVENING) |
| 4. DARK (ST. LIGHTS ON) | 5. DARK (NO ST. LIGHTS) | 6. DARK (ST. LIGHTS OFF) |
| 7. OTHER | | |

ROAD SURFACE

- | | | |
|--------------------------|--------------------------|-----------------------------|
| 1. DRY | 2. WET | 3. SNOW/SLUSH-SANDED |
| 4. ICE/PAKED SNOW-SANDED | 5. MUDDY | 6. DEBRIS |
| 7. OILY | 8. SNOW/SLUSH-NOT SANDED | 9. ICE-PKD. SNOW-NOT SANDED |
| 10. OTHER | | |

APPARENT CONTRIBUTING FACTORS - HUMAN

- | | | |
|--------------------------------------|-------------------------------------|----------------------------------|
| 1. NO IMPROPER ACTION | 2. FAIL TO YLD. RIGHT OF WAY | 3. ILLEGAL UNSAFE SPEED |
| 4. FOLLOW TOO CLOSE | 5. DISREGARD TRAFFIC CONTROL DEVICE | 6. IMPROPER PASS-OVERTAKING |
| 7. DRIVING LEFT OF CENTER-NO PASSING | 8. IMP. UNSAFE LANE CHANGE | 9. IMP. PARKING START/STOP |
| 10. IMP. UNSAFE BACKING | 11. NO SIGNAL OR IMP. SIGNAL | 12. IMPROPER TURN |
| 13. DRIVER INATTENTION-DISTRACTION | 14. PEDEST. VIOLATION ERROR | 15. DRIVER INEXPERIENCE |
| 16. WINDSHIELD GLASS | 17. PHYSICAL IMPAIRMENT | 18. VISION OBSCURED- |
| 19. VISION OBSCURED-SUN/HEADLIGHTS | 20. OTHER VISION OBSCUREMENT | 21. OTHER HUMAN VIOLATION FACTOR |
| 22. HIT AND RUN | 23. UNKNOWN | |

VEHICULAR

- | | | |
|-------------------------|---------------------------|-------------------------|
| 1. DEFECTIVE BRAKES | 2. DEFECTIVE TIRE/FAILURE | 3. DEFECTIVE LIGHTS |
| 4. DEFECTIVE SUSPENSION | 5. DEFECTIVE STEERING | 6. OTHER VEHICLE DEFECT |
| 7. OR FACTOR | 8. UNKNOWN | |

SYMBOLS

- | | | |
|----------------|----------------|------------------|
| ANGLE | PEDESTRIAN | FATAL ACCIDENT |
| BACKING | REAR END | VEHICLE (MOVING) |
| FIXED OBJECT | SIDE SWIPE | BICYCLE |
| HEAD ON | TURNING MOVE | ANIMAL |
| OVERTURN | CHANGE LANE | SLED |
| PARKED VEHICLE | OUT OF CONTROL | |

WEATHER

- | | | |
|------------|----------|------------------|
| C = CLEAR | F = FOG | R = RAIN |
| SL = SLEET | S = SNOW | CL = CLOUDY |
| | | XW = CROSS WINDS |

INJURIES

- | | |
|--------------------|------------------------|
| K = FATAL | D = NON-INCAPACITATING |
| A = INCAPACITATING | C = POSSIBLE INJURY |

COLLISION DIAGRAM

SHEET 2 OF 2

LOCATION WASHINGTON AVE. / WALNUT ST. / FOX ST.

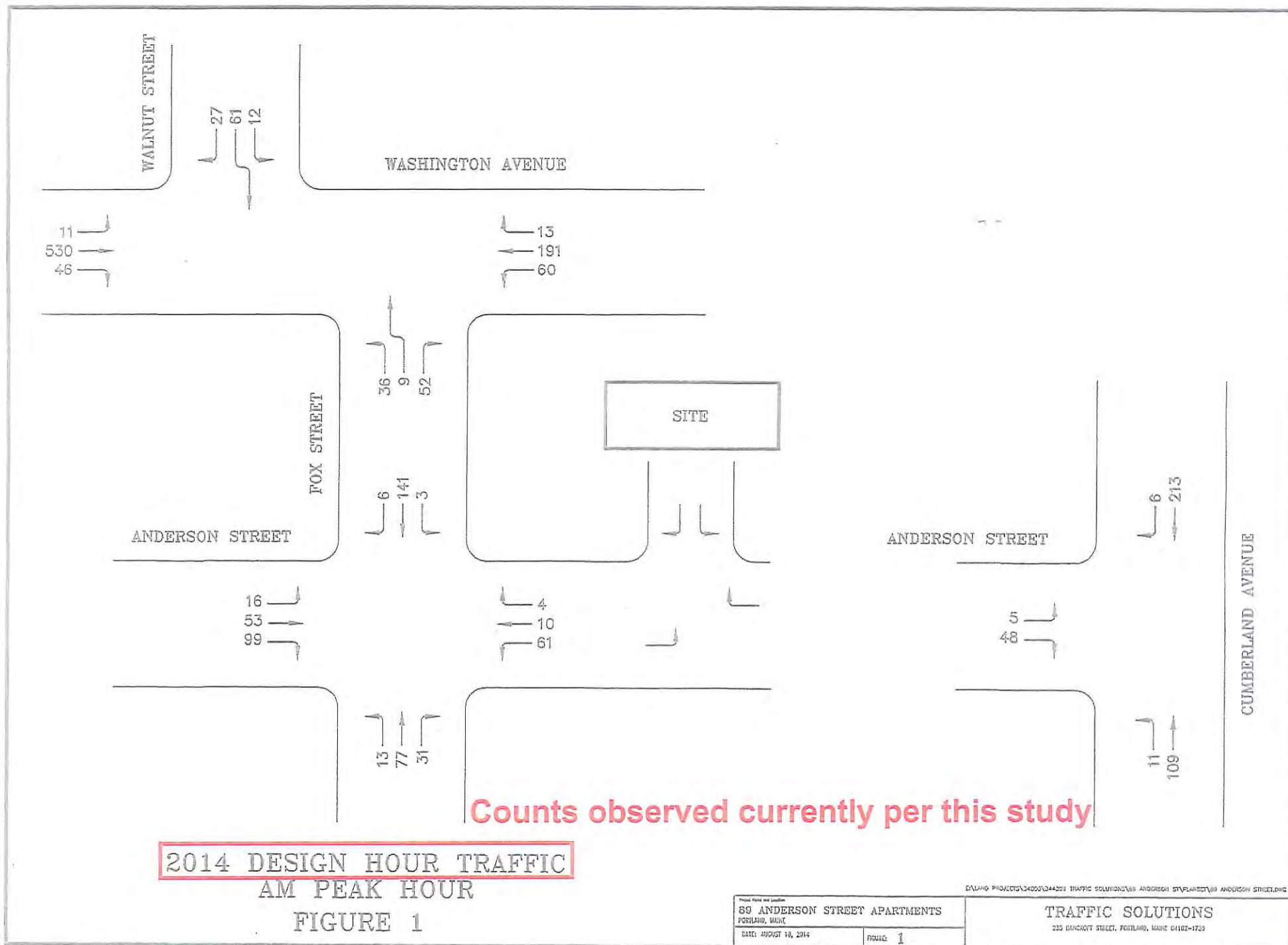
OWN BORGANO

NODE NO(S) PAGE 79

YEARS REVIEWED 2011-2014

DATE PREPARED 8-23-2014

[illegible]



2014 DESIGN HOUR TRAFFIC

AM PEAK HOUR

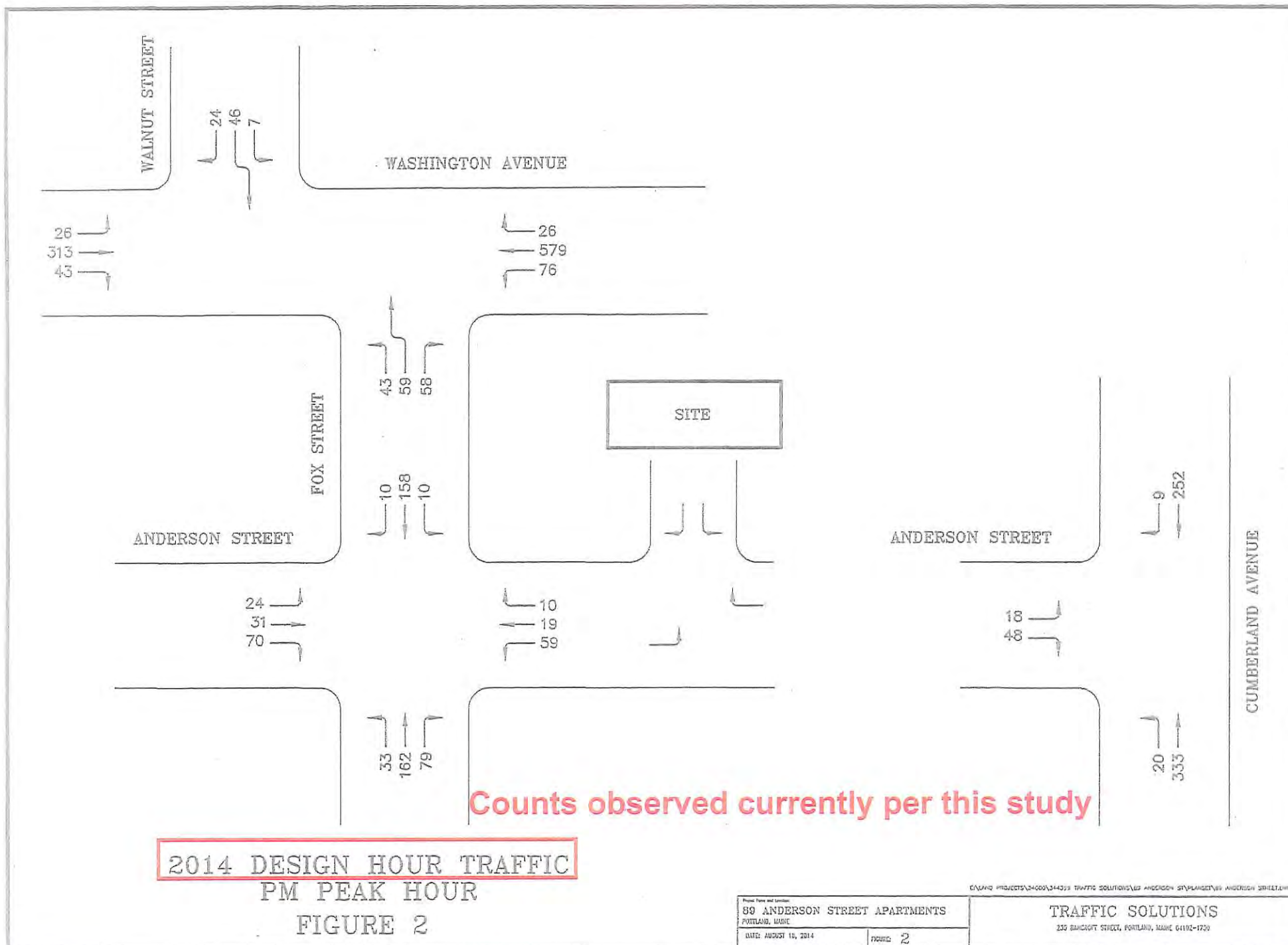
FIGURE 1

Project Name and Location
 89 ANDERSON STREET APARTMENTS
 PORTLAND, MAINE
 DATE: AUGUST 18, 2014

FIGURE 1

EXAMINER PROJECT/34000/344201 TRAFFIC SOLUTIONS/89 ANDERSON STREET/89 ANDERSON STREET.DWG

TRAFFIC SOLUTIONS
 235 BANCROFT STREET, PORTLAND, MAINE 04102-1720



WALNUT STREET

WASHINGTON AVENUE

FOX STREET

ANDERSON STREET

SITE

ANDERSON STREET

CUMBERLAND AVENUE

SITE TRAFFIC ASSIGNMENTS
PM PEAK HOUR

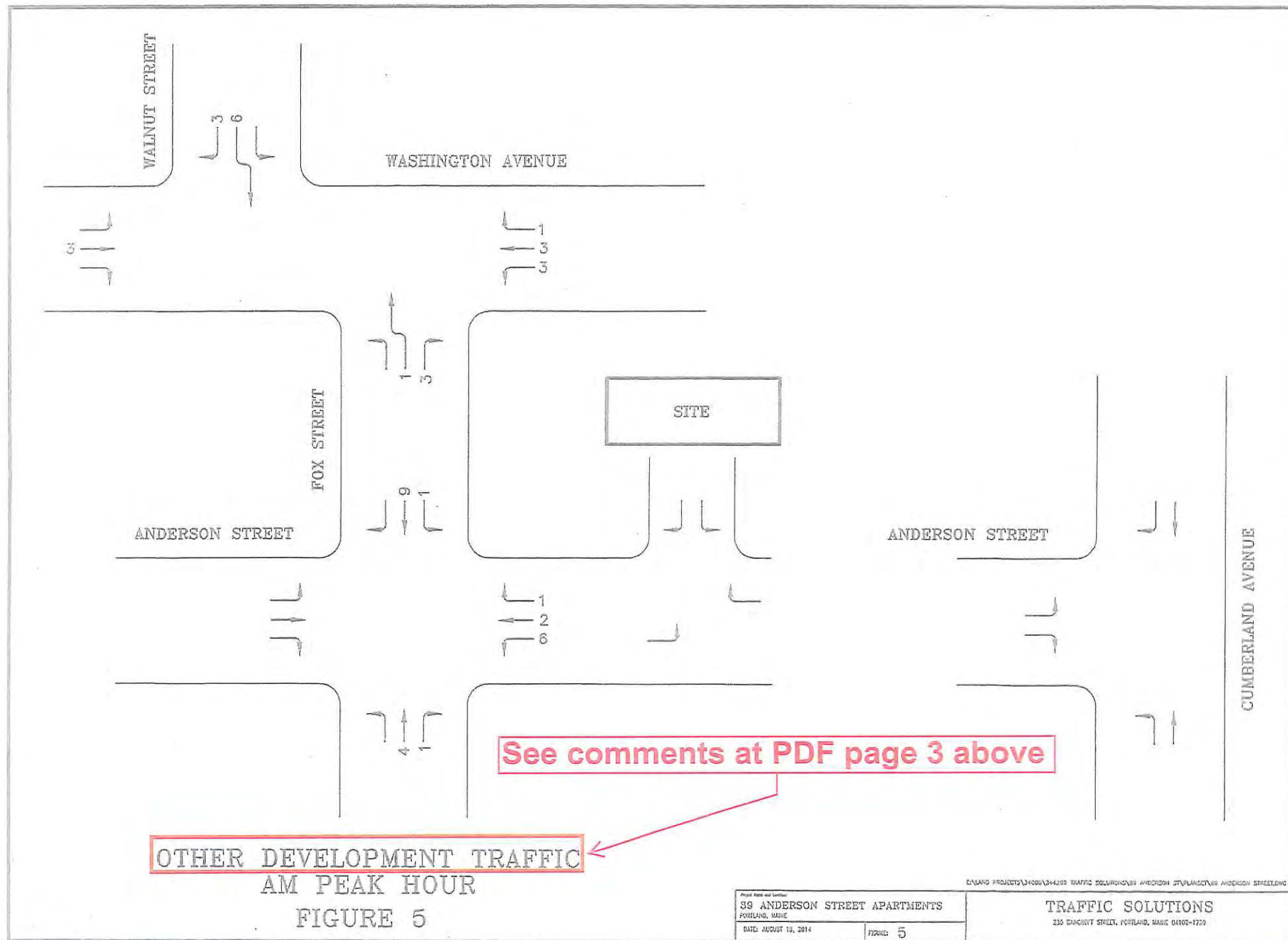
FIGURE 4

Project Name and Location
89 ANDERSON STREET APARTMENTS
PORTLAND, MAINE
DATE: AUGUST 18, 2014

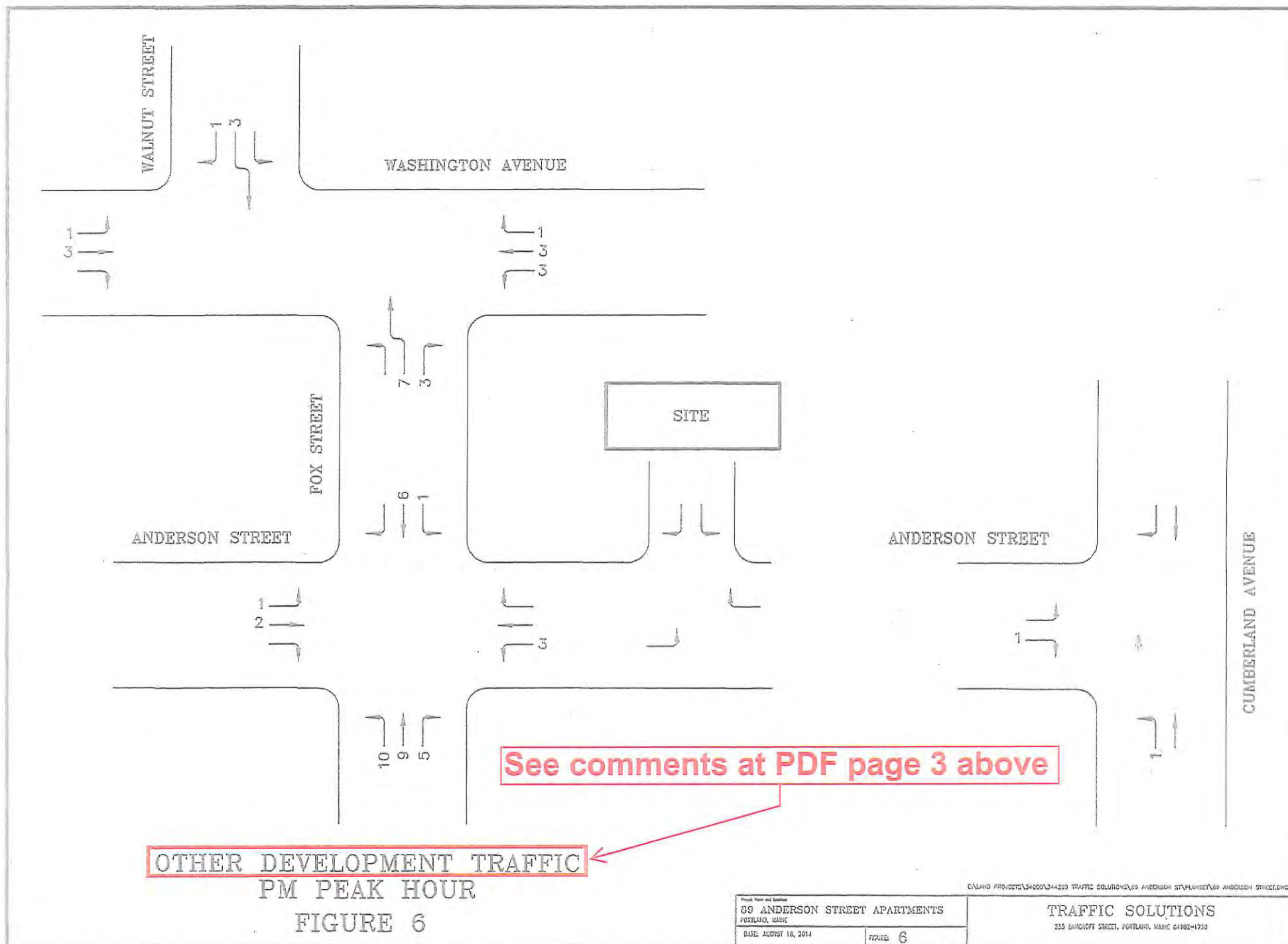
FIGURE 4

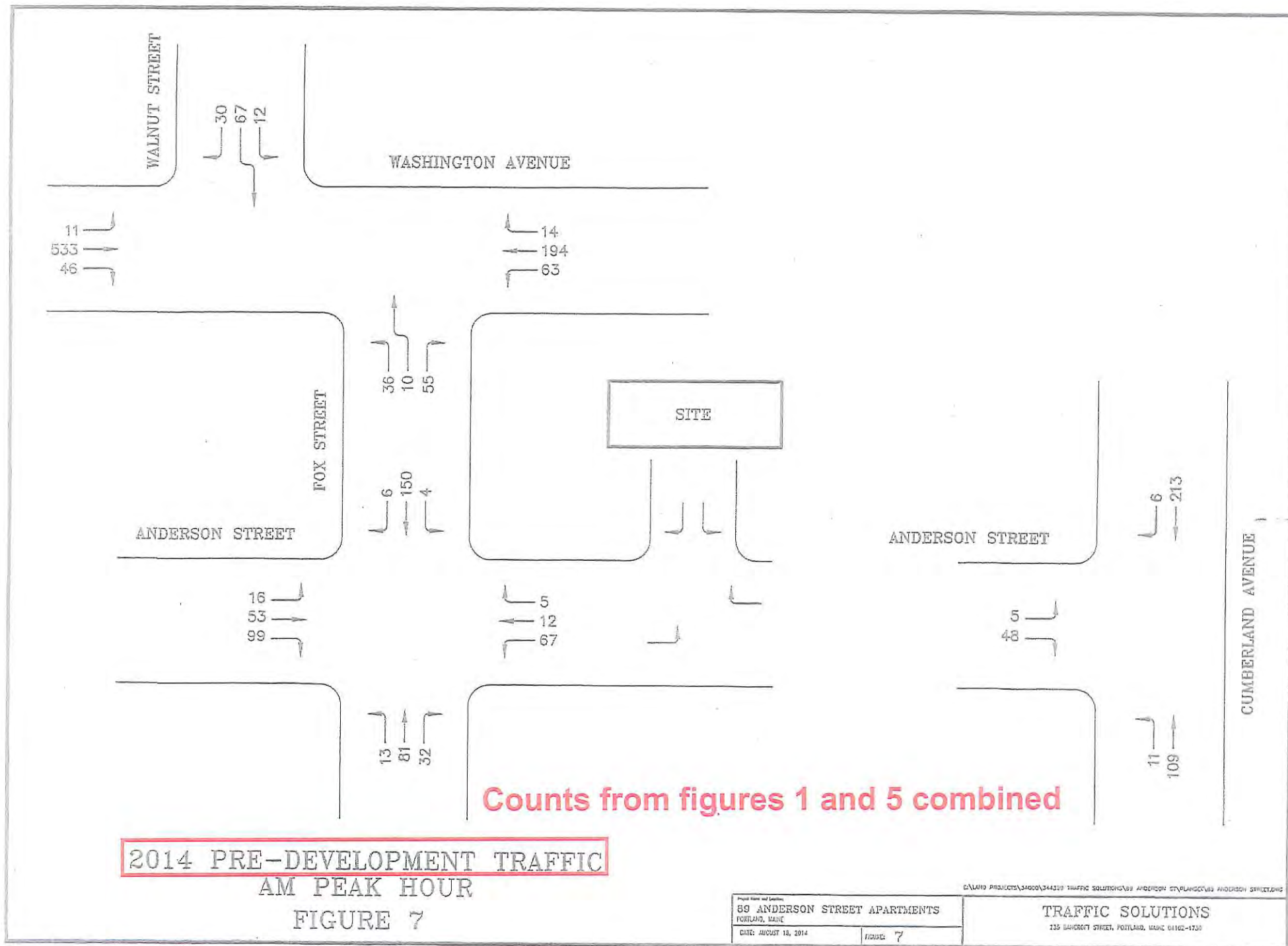
ENLARGED PROJECTS\34020\344359 TRAFFIC SOLUTIONS\89 ANDERSON ST\PLANSET\34 ANDERSON STREET.DWG

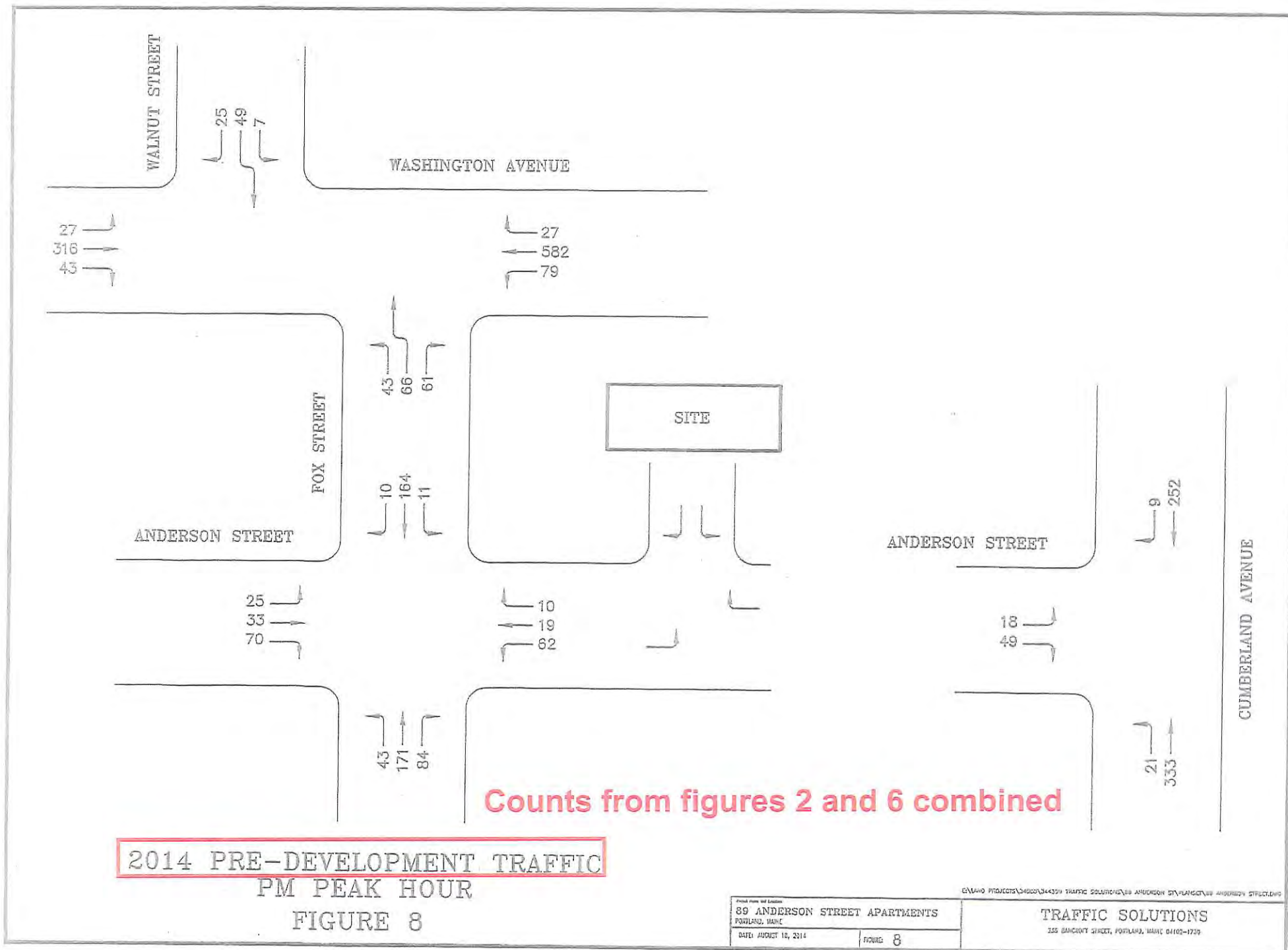
TRAFFIC SOLUTIONS
235 BANCROFT STREET, PORTLAND, MAINE 04102-1720

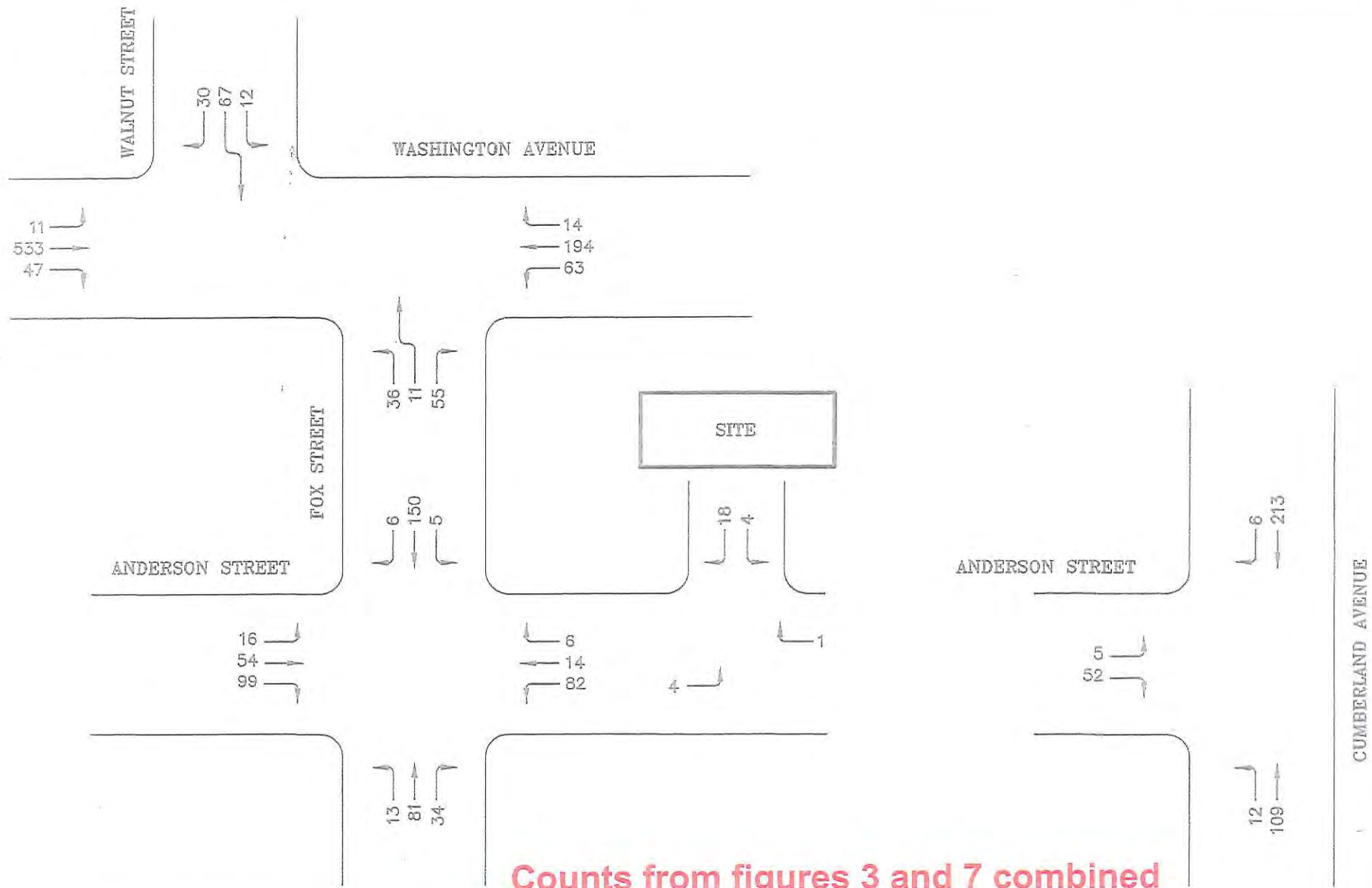


OTHER DEVELOPMENT TRAFFIC
AM PEAK HOUR
FIGURE 5

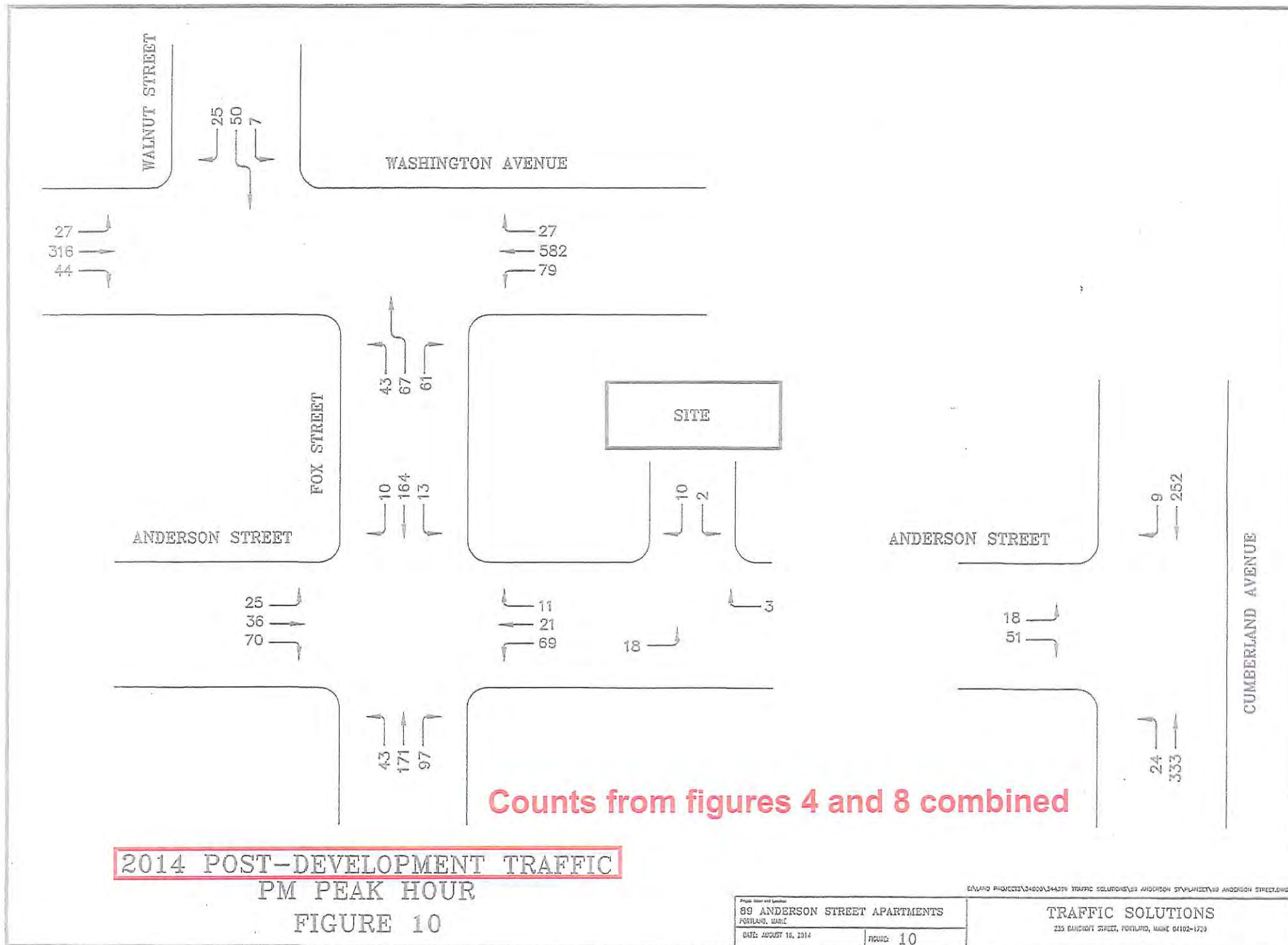








2014 POST-DEVELOPMENT TRAFFIC
AM PEAK HOUR
FIGURE 9



Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:25	4:25	4:25	4:25	4:25	4:25
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2238	2298	2292	2198	2271	2261
Vehs Exited	2235	2292	2270	2189	2267	2251
Starting Vehs	25	20	18	18	23	18
Ending Vehs	28	26	40	27	27	27
Travel Distance (mi)	593	612	608	573	609	599
Travel Time (hr)	26.2	26.7	27.5	24.9	27.0	26.5
Total Delay (hr)	5.1	4.8	5.8	4.4	5.3	5.1
Total Stops	1099	1188	1241	1098	1182	1162
Fuel Used (gal)	21.7	22.4	22.6	20.9	22.3	22.0

Interval #0 Information Seeding

Start Time 4:25
End Time 4:30
Total Time (min) 5
Volumes adjusted by Growth Factors.
No data recorded this interval.

Interval #1 Information Recording

Start Time 4:30
End Time 5:30
Total Time (min) 60
Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	2238	2298	2292	2198	2271	2261
Vehs Exited	2235	2292	2270	2189	2267	2251
Starting Vehs	25	20	18	18	23	18
Ending Vehs	28	26	40	27	27	27
Travel Distance (mi)	593	612	608	573	609	599
Travel Time (hr)	26.2	26.7	27.5	24.9	27.0	26.5
Total Delay (hr)	5.1	4.8	5.8	4.4	5.3	5.1
Total Stops	1099	1188	1241	1098	1182	1162
Fuel Used (gal)	21.7	22.4	22.6	20.9	22.3	22.0

2: Washington Ave & Walnut Street Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.3	0.0	0.3	0.1
Total Del/Veh (s)	1.9	0.6	17.3	2.1

4: Fox Street & Washington Ave Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.0	0.5	0.0	0.3
Total Del/Veh (s)	0.5	3.6	26.0	6.2

5: Fox Street & Anderson Street Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.1	0.3	0.0	0.2
Total Del/Veh (s)	5.0	5.7	6.8	6.8	6.3

6: Cumberland Ave & Anderson Street Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.0	0.3	0.2	0.2
Total Del/Veh (s)	3.1	0.5	0.3	1.0

Total Network Performance

Denied Del/Veh (s)	0.4
Total Del/Veh (s)	7.7

Intersection: 2: Washington Ave & Walnut Street

Movement	EB	WB	SB
Directions Served	LT	TR	LR
Maximum Queue (ft)	122	38	113
Average Queue (ft)	23	8	43
95th Queue (ft)	75	30	85
Link Distance (ft)	422	12	156
Upstream Blk Time (%)		0	0
Queuing Penalty (veh)		1	0
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 4: Fox Street & Washington Ave

Movement	EB	WB	NB
Directions Served	TR	LT	LR
Maximum Queue (ft)	33	146	179
Average Queue (ft)	4	41	81
95th Queue (ft)	22	112	152
Link Distance (ft)	12	1288	760
Upstream Blk Time (%)	0		
Queuing Penalty (veh)	0		
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 5: Fox Street & Anderson Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	62	58	118	75
Average Queue (ft)	37	35	60	42
95th Queue (ft)	58	53	92	67
Link Distance (ft)	764	1258	282	760
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Cumberland Ave & Anderson Street

Movement	EB	NB
Directions Served	LR	LT
Maximum Queue (ft)	56	45
Average Queue (ft)	31	6
95th Queue (ft)	52	29
Link Distance (ft)	1258	289
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 2

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:25	4:25	4:25	4:25	4:25	4:25
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2201	2294	2276	2197	2254	2246
Vehs Exited	2200	2291	2257	2193	2246	2238
Starting Vehs	28	21	18	26	18	21
Ending Vehs	29	24	37	30	26	27
Travel Distance (mi)	581	608	599	569	600	592
Travel Time (hr)	25.3	26.7	27.4	25.0	26.3	26.1
Total Delay (hr)	4.6	5.0	6.1	4.6	4.8	5.0
Total Stops	1096	1118	1161	1055	1133	1113
Fuel Used (gal)	21.2	22.2	22.2	20.7	21.8	21.6

Interval #0 Information Seeding

Start Time 4:25
End Time 4:30
Total Time (min) 5
Volumes adjusted by Growth Factors.
No data recorded this interval.

Interval #1 Information Recording

Start Time 4:30
End Time 5:30
Total Time (min) 60
Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	2201	2294	2276	2197	2254	2246
Vehs Exited	2200	2291	2257	2193	2246	2238
Starting Vehs	28	21	18	26	18	21
Ending Vehs	29	24	37	30	26	27
Travel Distance (mi)	581	608	599	569	600	592
Travel Time (hr)	25.3	26.7	27.4	25.0	26.3	26.1
Total Delay (hr)	4.6	5.0	6.1	4.6	4.8	5.0
Total Stops	1096	1118	1161	1055	1133	1113
Fuel Used (gal)	21.2	22.2	22.2	20.7	21.8	21.6

2: Washington Ave & Walnut Street Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.3	0.0	0.2	0.1
Total Del/Veh (s)	1.7	0.6	16.0	2.0

4: Fox Street & Washington Ave Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.0	0.5	0.0	0.3
Total Del/Veh (s)	0.5	3.8	27.0	6.5

5: Fox Street & Anderson Street Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.1	0.3	0.0	0.2
Total Del/Veh (s)	4.6	5.6	6.8	6.7	6.2

6: Cumberland Ave & Anderson Street Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.0	0.3	0.2	0.2
Total Del/Veh (s)	3.3	0.5	0.3	0.9

Total Network Performance

Denied Del/Veh (s)	0.3
Total Del/Veh (s)	7.6

Intersection: 2: Washington Ave & Walnut Street

Movement	EB	WB	SB
Directions Served	LT	TR	LR
Maximum Queue (ft)	95	47	113
Average Queue (ft)	19	7	42
95th Queue (ft)	63	31	84
Link Distance (ft)	422	12	156
Upstream Blk Time (%)		0	0
Queuing Penalty (veh)		1	0
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 4: Fox Street & Washington Ave

Movement	EB	WB	NB
Directions Served	TR	LT	LR
Maximum Queue (ft)	31	199	208
Average Queue (ft)	5	45	83
95th Queue (ft)	23	135	161
Link Distance (ft)	12	1288	737
Upstream Blk Time (%)	0		
Queuing Penalty (veh)	0		
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 5: Fox Street & Anderson Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	62	55	107	72
Average Queue (ft)	22	33	57	35
95th Queue (ft)	45	50	89	57
Link Distance (ft)	662	1258	281	737
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Cumberland Ave & Anderson Street

Movement	EB	NB
Directions Served	LR	LT
Maximum Queue (ft)	52	44
Average Queue (ft)	30	5
95th Queue (ft)	48	25
Link Distance (ft)	1258	289
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 1

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:55	6:55	6:55	6:55	6:55	6:55
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1738	1660	1705	1739	1659	1701
Vehs Exited	1737	1662	1708	1735	1648	1697
Starting Vehs	16	16	20	23	14	14
Ending Vehs	17	14	17	27	25	17
Travel Distance (mi)	483	459	475	474	456	469
Travel Time (hr)	20.8	19.2	20.5	20.2	19.4	20.0
Total Delay (hr)	3.3	2.8	3.4	3.1	3.0	3.1
Total Stops	982	883	963	926	870	926
Fuel Used (gal)	17.7	16.6	17.4	17.3	16.4	17.1

Interval #0 Information Seeding

Start Time 6:55
End Time 7:00
Total Time (min) 5
Volumes adjusted by Growth Factors.
No data recorded this interval.

Interval #1 Information Recording

Start Time 7:00
End Time 8:00
Total Time (min) 60
Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	1738	1660	1705	1739	1659	1701
Vehs Exited	1737	1662	1708	1735	1648	1697
Starting Vehs	16	16	20	23	14	14
Ending Vehs	17	14	17	27	25	17
Travel Distance (mi)	483	459	475	474	456	469
Travel Time (hr)	20.8	19.2	20.5	20.2	19.4	20.0
Total Delay (hr)	3.3	2.8	3.4	3.1	3.0	3.1
Total Stops	982	883	963	926	870	926
Fuel Used (gal)	17.7	16.6	17.4	17.3	16.4	17.1

2: Washington Ave & Walnut Street Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.4	0.0	0.1	0.3
Total Del/Veh (s)	1.3	0.4	15.3	2.7

4: Fox Street & Washington Ave Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.0	0.2	0.0	0.1
Total Del/Veh (s)	0.5	3.5	13.1	2.6

5: Fox Street & Anderson Street Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.2	0.2	0.0	0.1
Total Del/Veh (s)	5.2	5.9	5.7	6.5	5.8

6: Cumberland Ave & Anderson Street Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.0	0.1	0.2	0.1
Total Del/Veh (s)	3.7	0.4	0.2	1.0

Total Network Performance

Denied Del/Veh (s)	0.3
Total Del/Veh (s)	6.3

Intersection: 2: Washington Ave & Walnut Street

Movement	EB	WB	SB
Directions Served	LT	TR	LR
Maximum Queue (ft)	62	24	112
Average Queue (ft)	4	1	50
95th Queue (ft)	27	12	95
Link Distance (ft)	422	12	156
Upstream Blk Time (%)		0	0
Queuing Penalty (veh)		0	0
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 4: Fox Street & Washington Ave

Movement	EB	WB	NB
Directions Served	TR	LT	LR
Maximum Queue (ft)	31	112	92
Average Queue (ft)	8	37	41
95th Queue (ft)	30	89	71
Link Distance (ft)	12	1288	735
Upstream Blk Time (%)	0		
Queuing Penalty (veh)	2		
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 5: Fox Street & Anderson Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	68	69	71	72
Average Queue (ft)	27	36	37	36
95th Queue (ft)	55	58	59	58
Link Distance (ft)	600	1258	281	735
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Cumberland Ave & Anderson Street

Movement	EB	NB
Directions Served	LR	LT
Maximum Queue (ft)	63	34
Average Queue (ft)	28	3
95th Queue (ft)	50	19
Link Distance (ft)	1258	289
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 2

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:55	6:55	6:55	6:55	6:55	6:55
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1614	1713	1638	1725	1629	1663
Vehs Exited	1602	1717	1640	1711	1632	1659
Starting Vehs	11	17	21	14	17	14
Ending Vehs	23	13	19	28	14	18
Travel Distance (mi)	451	478	461	482	455	465
Travel Time (hr)	18.7	19.8	19.3	20.2	19.2	19.4
Total Delay (hr)	2.6	2.8	2.8	2.9	2.9	2.8
Total Stops	805	859	877	844	849	849
Fuel Used (gal)	16.0	17.2	16.5	17.1	16.3	16.6

Interval #0 Information Seeding

Start Time 6:55
End Time 7:00
Total Time (min) 5
Volumes adjusted by Growth Factors.
No data recorded this interval.

Interval #1 Information Recording

Start Time 7:00
End Time 8:00
Total Time (min) 60
Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	1614	1713	1638	1725	1629	1663
Vehs Exited	1602	1717	1640	1711	1632	1659
Starting Vehs	11	17	21	14	17	14
Ending Vehs	23	13	19	28	14	18
Travel Distance (mi)	451	478	461	482	455	465
Travel Time (hr)	18.7	19.8	19.3	20.2	19.2	19.4
Total Delay (hr)	2.6	2.8	2.8	2.9	2.9	2.8
Total Stops	805	859	877	844	849	849
Fuel Used (gal)	16.0	17.2	16.5	17.1	16.3	16.6

2: Washington Ave & Walnut Street Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.5	0.0	0.2	0.3
Total Del/Veh (s)	1.2	0.4	13.2	2.4

4: Fox Street & Washington Ave Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.0	0.2	0.0	0.1
Total Del/Veh (s)	0.5	3.3	11.3	2.2

5: Fox Street & Anderson Street Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.1	0.2	0.0	0.1
Total Del/Veh (s)	4.7	5.5	5.5	6.0	5.4

6: Cumberland Ave & Anderson Street Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.0	0.2	0.2	0.1
Total Del/Veh (s)	3.5	0.3	0.2	0.9

Total Network Performance

Denied Del/Veh (s)		0.3	
Total Del/Veh (s)		5.7	

Intersection: 2: Washington Ave & Walnut Street

Movement	EB	WB	SB
Directions Served	LT	TR	LR
Maximum Queue (ft)	43	24	117
Average Queue (ft)	4	1	46
95th Queue (ft)	23	10	85
Link Distance (ft)	422	12	156
Upstream Blk Time (%)		0	0
Queuing Penalty (veh)		0	0
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 4: Fox Street & Washington Ave

Movement	EB	WB	NB
Directions Served	TR	LT	LR
Maximum Queue (ft)	38	130	98
Average Queue (ft)	8	33	38
95th Queue (ft)	30	87	69
Link Distance (ft)	12	1288	740
Upstream Blk Time (%)	0		
Queuing Penalty (veh)	2		
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 5: Fox Street & Anderson Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	61	57	74	56
Average Queue (ft)	25	31	36	31
95th Queue (ft)	49	51	60	46
Link Distance (ft)	647	1258	281	740
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Cumberland Ave & Anderson Street

Movement	EB	NB
Directions Served	LR	LT
Maximum Queue (ft)	52	31
Average Queue (ft)	25	2
95th Queue (ft)	47	16
Link Distance (ft)	1258	289
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 2



Traffic Solutions
William J. Bray, P.E.
235 Bancroft Street
Portland, ME 04102
(207) 774-3603
(207) 400-6890 mobile
trafficsolutions@maine.rr.com

August, 2014

Traffic Signal Warrant Assessment

Washington Avenue/Fox Street/Walnut Street Intersection Portland, Maine

INTRODUCTION

An abbreviated traffic signal warrant analysis was conducted for the Washington Avenue/Fox Street/Walnut Street intersection based upon traffic data gathered in the month of August 2014 between the hours of 7:00 to 9:00 AM and, again, between the hours of 3:00 to 6:00 PM. The traffic data was adjusted by a factor of 13%, which represents the approximate variation between “peak” traffic collected during the week of August 14 and “average” travel conditions during the month of November (Adjustment factor based upon MaineDOT’s Weekly Group Mean Factors; refer to attached copy of MaineDOT factors). The abbreviated or preliminary traffic signal warrant analysis is based upon a total of 5-hours of traffic data; a formal traffic signal warrant study is generally prepared based upon 12-hours of traffic data and traffic information.

TRAFFIC SIGNAL WARRANT ASSESSMENT

The abbreviated traffic signal warrant analysis follows the guidelines presented in the 2009 edition of the Manual on Uniform Traffic Control Devices (MUTCD) in Chapter 4C. The MUTCD provides nine separate traffic signal warrants, whereby, prevailing conditions at an intersection can be evaluated to determine if sequenced traffic signals are warranted. Each of the nine warrants is listed as follows:

- Warrant 1 – Eight Hour Vehicular Volume
- Warrant 2 – Four Hour Vehicular Volume
- Warrant 3 – Peak Hour
- Warrant 4 – Pedestrian Volume
- Warrant 5 – School Crossing
- Warrant 6 – Coordinated Signal System
- Warrant 7 – Crash Experience
- Warrant 8 – Roadway Network
- Warrant 9 – Intersection near a Grade Crossing

The federal publication clearly states that, *“the satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal”*. Guidance is specifically provided in the MUTCD on the conduct of the required engineering study and the judgment required in completing the signal warrant assessment. The direction provided, specific to prevailing conditions found at the study intersection, is summarized as follows:

A traffic signal should not be installed unless an engineering study indicates that the signal will improve the overall safety and/or operation of the intersection.

A signal should not be installed if it will seriously disrupt traffic flow.

Estimated 2014 "Average" Hourly Traffic Data

The presentation of the traffic volume data presented in Table 1 has been adjusted, as necessary, to project the hourly "major" and "minor" street volumes used in the conduct of the traffic signal warrant study.

Table 1
Abbreviated Traffic Signal Warrant Study
"Average" Conditions-Traffic Values⁽¹⁾
Washington Avenue/Fox Street/Walnut Street Intersection

<u>Time of Day</u>	<u>Major Street Volume⁽²⁾</u> <u>(Both Approaches)</u> <u>Washington Avenue</u>	<u>Minor Street Volume⁽³⁾</u> <u>Fox Street</u>	<u>Minor Street Volume⁽³⁾</u> <u>Walnut Street</u>
7:00 - 8:00 AM	562	73	67
8:00 - 9:00 AM	740	87	84
3:00 - 4:00 PM	634	59	117
4:00 - 5:00 PM	867	71	145
5:00 - 6:00 PM	880	41	131

Notes:

- ⁽¹⁾ "Average traffic values were computed applying a 13% reduction of August 2014 Traffic Data (refer to copy of August traffic count cards for subject intersection), which is based upon the Maine Department of Transportation's Weekly Group Mean Factors.
- ⁽²⁾ Washington Avenue has been defined as the "major" street.
- ⁽³⁾ Minor Street approaches are both Fox Street and Walnut Street. All right-turn movements were included in hourly Minor Street volumes.

Traffic Safety Data: The Washington Avenue/Walnut Street/Fox Street intersection meets MaineDOT's criteria for a high crash location. A total of 9 crashes and a Critical Rate Factor (CRF) of 1.98 were reported for the intersection. A more in-depth review (preparation of detailed vehicle collision diagrams) was prepared for the intersection to determine if a clear pattern of accident is occurring (Copies of the Collision Diagrams are attached as an appendix to the report). The detailed review of the vehicle crash reports for the intersection would suggest two clear patterns of concern: 1) four of the nine accidents involved vehicles on the Fox Street approach turning left onto Washington Avenue being struck by thru vehicles traveling eastbound on Washington Avenue; 2) the second pattern, with a total of three collisions, involved vehicles approaching Washington Avenue from Walnut Street sliding through the intersection striking a thru vehicle on Washington Avenue.

Traffic Signal Warrant Analyses: The evaluation was conducted for Warrants 1, 2, 3, and 7 and was based upon the 5-hours of traffic data presented in Table 1 only.

Each of the three traffic signal warrants used in the analyses are briefly described below followed by a determination of whether forecast conditions meet or fail required conditions.

Warrant 1: Eight Hour Vehicular Volume

Condition A - Warrant requires 500 vehicles per hour on major roadway (combination of both directions) and a total of 150 vehicles per hour on the highest minor street approach.

Condition B - Warrant requires 750 vehicles per hour on major roadway (combination of both directions) and a total of 75 vehicles per hour on the highest minor street approach.

Condition A+B - Warrant requires 80% of values stated for both Conditions A & B.

Warrant Likely Not Satisfied

Warrant 2: Four Hour Vehicular Volume

If travel conditions for any four hours of an average day representing the volume per hour on the major street and the corresponding vehicles per hour on the higher volume minor street approach all fall above the applicable curve in Figure 4C-1 then warrant is met.

Warrant Likely Not Satisfied

Warrant 3: Peak Hour

If travel conditions for one hour of an average day representing the volume per hour on the major street and the corresponding vehicles per hour on the higher volume minor street approach fall above the applicable curve in Figure 4C-3 then warrant is met.

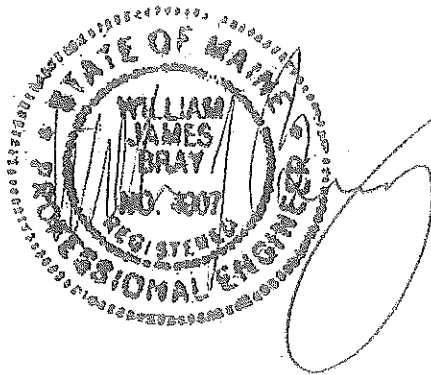
Warrant Likely Not Satisfied

Warrant 7: Crash Experience

Analysis based upon conclusions of safety evaluation conducted in Safety History Section above. Each of the following criteria must be met to consider the need for a traffic control signal:

- A. Adequate trial of alternatives with satisfactory observance and enforcement has failed to reduce the crash frequency; and
- B. Five or more reported crashes, of types susceptible to correction by a traffic control signal, have occurred within a 12-month period; and
- C. For each of any 8 hours of an average day the vehicles per hour given in the 80% column for Condition A in Table 4C-1 or the vph in both of the columns of Condition B in Table 4C-1 exists on both the major and minor street approaches.

Warrant Likely Not Satisfied



2012
Weekly Group Mean Factors
Average: 2009, 2010, 2011

Month	Start Date	Dates	Month Week #	Urban Group I	Arterial Group II	Recreational Group III	Group I + II	Group II + III	Group I + III	Year Week #
Jan	01	2,3,4,5,6	1	1.02	1.11	1.35	1.07	1.23	1.19	1
	08	9,10,11,12	2	1.09	1.21	1.50	1.15	1.36	1.30	2
	15	16,17,18,1	3	1.10	1.23	1.53	1.17	1.38	1.32	3
	22	23,24,25,2	4	1.05	1.18	1.46	1.12	1.32	1.26	4
	29	30,31,1,2,3	5	1.12	1.26	1.57	1.19	1.42	1.35	5
Feb	05	6,7,8,9,10	1	1.02	1.14	1.41	1.08	1.28	1.22	6
	12	13,14,15,1	2	1.02	1.12	1.36	1.07	1.24	1.19	7
	19	20,21,22,2	3	1.06	1.15	1.38	1.11	1.27	1.22	8
	26	27,28,29,1	4	1.06	1.17	1.38	1.12	1.28	1.22	9
Mar	04	5,6,7,8,9	1	1.06	1.16	1.39	1.11	1.28	1.23	10
	11	12,13,14,1	2	1.00	1.10	1.33	1.05	1.22	1.17	11
	18	19,20,21,2	3	1.02	1.13	1.35	1.08	1.24	1.19	12
	25	26,27,28,2	4	1.01	1.12	1.32	1.07	1.22	1.17	13
Apr	01	2,3,4,5,6	1	0.98	1.09	1.26	1.04	1.18	1.12	14
	08	9,10,11,12	2	0.97	1.08	1.22	1.03	1.15	1.10	15
	15	16,17,18,1	3	0.97	1.04	1.12	1.01	1.08	1.05	16
	22	23,24,25,2	4	0.97	1.05	1.17	1.01	1.11	1.07	17
	29	30,1,2,3,4	5	0.93	1.02	1.10	0.98	1.06	1.02	18
May	06	7,8,9,10,11	1	0.92	1.00	1.08	0.96	1.04	1.00	19
	13	14,15,16,1	2	0.92	0.98	1.04	0.95	1.01	0.98	20
	20	21,22,23,2	3	0.89	0.93	0.92	0.91	0.93	0.91	21
	27	28,29,30,3	4	0.90	0.94	0.96	0.92	0.95	0.93	22
Jun	03	4,5,6,7,8	1	0.89	0.93	0.91	0.91	0.92	0.90	23
	10	11,12,13,1	2	0.90	0.92	0.90	0.91	0.91	0.90	24
	17	18,19,20,2	3	0.90	0.89	0.81	0.90	0.85	0.86	25
	24	25,26,27,2	4	0.89	0.86	0.77	0.88	0.82	0.83	26
Jul	01	2,3,4,5,6	1	0.87	0.81	0.70	0.84	0.76	0.79	27
	08	9,10,11,12	2	0.88	0.83	0.71	0.86	0.77	0.80	28
	15	16,17,18,1	3	0.88	0.82	0.69	0.85	0.76	0.79	29
	22	23,24,25,2	4	0.88	0.81	0.67	0.85	0.74	0.78	30
	29	30,31,1,2,3	5	0.87	0.79	0.64	0.83	0.72	0.76	31
Aug	05	6,7,8,9,10	1	0.87	0.78	0.65	0.83	0.72	0.76	32
	12	13,14,15,1	2	0.87	0.79	0.66	0.83	0.73	0.77	33
	19	20,21,22,2	3	0.88	0.81	0.70	0.85	0.76	0.79	34
	26	27,28,29,3	4	0.88	0.85	0.78	0.87	0.82	0.83	35
Sep	02	3,4,5,6,7	1	0.89	0.88	0.86	0.89	0.87	0.88	36
	09	10,11,12,1	2	0.90	0.90	0.89	0.90	0.90	0.90	37
	16	17,18,19,2	3	0.91	0.91	0.92	0.91	0.92	0.92	38
	23	24,25,26,2	4	0.92	0.91	0.96	0.92	0.94	0.94	39
	30	1,2,3,4,5	5	0.91	0.89	0.98	0.90	0.94	0.95	40
Oct	07	8,9,10,11,1	1	0.92	0.90	0.98	0.91	0.94	0.95	41
	14	15,16,17,1	2	0.93	0.95	1.05	0.94	1.00	0.99	42
	21	22,23,24,2	3	0.95	1.00	1.12	0.98	1.06	1.04	43
	28	29,30,31,1	4	0.95	1.02	1.18	0.99	1.10	1.07	44
Nov	04	5,6,7,8,9	1	0.96	1.04	1.21	1.00	1.13	1.09	45
	11	12,13,14,1	2	0.97	1.04	1.23	1.01	1.14	1.10	46
	18	19,20,21,2	3	1.00	1.04	1.25	1.02	1.15	1.13	47
	25	26,27,28,2	4	0.97	1.03	1.24	1.00	1.14	1.11	48
Dec	02	3,4,5,6,7	1	1.00	1.13	1.32	1.07	1.23	1.16	49
	09	10,11,12,1	2	1.01	1.12	1.34	1.07	1.23	1.18	50
	16	17,18,19,2	3	0.98	1.08	1.30	1.03	1.19	1.14	51
	23	24,25,26,2	4	1.08	1.14	1.34	1.11	1.24	1.21	52

051 2013 Fresh ~ 1.000 "11" 100 "100" 2

09/20/14

To Nell Donaldson,

Thank you for all your work posting relevant documents for the 89 Anderson Street rezoning proposal workshop scheduled for Tuesday, September 23rd. I just finished reading through the Memo, Staff Attachments and Public Comments. After reading these documents I have a few additional concerns and comments of my own. I know it is too late to have my comments published online, but I am hoping they will get to the Planning Board.

I read with interest the traffic study that was completed by William Bray and then the review of that study by Thomas Errico. I am very concerned about safety on Fox Street, particularly at the intersections of Fox/ Washington and Fox/ Anderson. I have seen increased traffic on Fox Street along with greater stress on the street due to more usage by Fox field users and tractor trailer trucks. Here are a few comments I have about the studies in particular.

1. The timing of William Bray's traffic analysis renders it inaccurate. When he completed this study, gas line upgrade work was occurring on Washington Avenue and Cumberland Avenue. Due to this work, traffic was diverted away from Fox Street, thus lowering the traffic volume. For this reason, I think this study cannot be used.

2. I agree with Tom Errico that another problem with the timing of this study is related to usage differences on Fox Street when school is in session and when it is not in session. I agree with Tom that another traffic count must occur when school is in session and traffic is at full volume.

3. I also think a traffic analysis must occur when there is an athletic event, such as a lacrosse game or a soccer game happening at Fox Field. The parking during an athletic event and the chaos that occurs at the location of Fox/ Anderson during a game needs serious consideration.

4. I did not see a significant analysis done of the impact that the intermodal transportation facility located at 122 Anderson Street will have on the Fox/ Anderson Street intersection. The tractor trailer trucks which will be parked at the facility will need to enter and exit East Bayside using the Fox/ Anderson Street intersection. The timing of the egress of the trucks will mean a steady flow of tractor trailer trucks at the same time games and other athletic are occurring at Fox Field. This warrants further study.

5. I think that more precise data is needed to account for all of the new traffic coming from the following:

- a. the proposal to re-route traffic from I-295 into East Bayside. The current proposal which the Franklin Street Redesign Committee is considering, will not allow drivers to leave East Bayside via Marginal Way unless they are taking a right onto 295. This will force drivers (myself included) to use Fox Street in order to get onto Marginal Way going toward Forest Avenue. I did not even see this proposal and its impact on Fox Street mentioned in the traffic analysis.

b. new developments (some approved, some still to be approved) which will house residents who will need to use Fox Street to leave the peninsula. These new developments include,

- i. 134 Washington Avenue (18 units)
- ii. Munjoy Heights (29 units)
- iii. 192 Washington Avenue (15 apartments)
- iv. Sheridan Street Apartments (5 units)
- v. East Cove Townhomes (14 units, plus a restaurant)
- vi. 89 Anderson Street (53 units, plus a restaurant)

* I include 89 Anderson Street because there is disagreement between Bill Bray's numbers and Tom Errico's numbers in terms of trips generated from 89 Anderson Street. It seems very clear from Errico's numbers that putting in a 53-unit apartment building on the intersection of Fox/ Anderson will indeed have a much greater impact than building an R-6 compliant building at that intersection. I think all of these developments and the resulting traffic on Fox Street must be considered in a traffic analysis.

6. I am one of the residents who raised the concern about the existing geometry of the Fox/ Anderson intersection and the resulting lack of visibility due to walls being built on that very intersection. Errico says in his report that since this is a four way stop, the lack of visibility is not of concern to him. I am still very concerned about the lack of visibility that will occur at that intersection. It may look fine on paper to say the intersection is a four way stop, thus it is fine if we cannot see anything except a portion of the first car (and I mean just a portion, the entire car length of a vehicle on Anderson will not be visible to a driver approaching from the Washington Avenue side of Fox Street). I submit that for those of us who are well acquainted with the mixed uses already occurring on the intersection that saying lack of visibility is not an issue, is irresponsible. There are many children who use that intersection on a regular basis, as well as cyclists, joggers and skateboarders. People (particularly children) do not always stop when crossing the intersection which means it is vital for drivers to have a good view of all streets on Fox/ Anderson. This needs more careful consideration which takes into account the many and varied uses of the intersection. The tremendous blocking of a driver's view due to the proposed building right up to the corner will be very dangerous. I still hold the view that no zoning should be allowed at this intersection which gives permission to build up to the sidewalk.

There is a glaring omission in the reports that I have read for September 23rd. That omission is a clear and adequate answer to a question asked at the last workshop. One planning board member asked for Jonathan to make it clear to all involved, why a business zone would be a good idea for the Fox/ Anderson Street intersection of East Bayside. The question was how this would be beneficial to our neighborhood. I have not read anything which gives me a clear response. From everything I read, the opposite appears to be the case. A business zone at that intersection would be harmful to the neighborhood by increasing the amount of vehicular traffic, reducing visibility, increasing the amount of

pedestrian traffic and just generally causing more confusion at an already chaotic spot of East Bayside. Jonathan states in his report that safety and security would be increased, but he does not give any specifics as to how safety and security would increase. It seems that more evidence is given to the contrary. Since no satisfactory answer is given as to how a B-1 or B-2 zone is better for this section of East Bayside than an R-6 zone, I am still in support of keeping this piece of property R-6.

I am concerned that comparisons are made between the Bayside Anchor Project, Bayside East (at the corner of Oxford and Smith) and the project being proposed for 89 Anderson. These projects cannot be compared for two reasons:

1. The issue here is location. Bayside Anchor and Bayside East have nowhere near the traffic that Fox/Anderson has and Fox/Anderson will have an increasing amount of traffic based on several decisions which have been made.

2. Bayside Anchor and Bayside East are not located in business zones. A business on the ground floor just adds to the chaos, something not included in Bayside Anchor and Bayside East.

I disagree with Jonathan Culley when he states that the rezoning from R-6 to B-1b is particularly appropriate for this location and that the proposed map amendment is consistent with the goals of the Comprehensive Plan. In fact, this rezoning is entirely inappropriate for Fox/ Anderson Street as this area is in an R-6 neighborhood with mostly single-family and two-family homes. Spot rezoning in an R-6 area to a business zone is not appropriate. It also is in violation of the pedestrian friendly, family friendly goals of the Comprehensive Plan. A B-1b zone here will create a dangerous situation for pedestrians (due to factors mentioned earlier in this letter) and is not conducive to family friendly housing. Contrary to Jonathan Culley's statement, this parcel remaining R-6 is particularly appropriate for this location and remaining R-6 is consistent with the goals of the Comprehensive Plan.

It would be a much healthier situation for this neighborhood to have a reasonable R-6 type residence built at this corner than a business. Many references were made to the current use being as a garage and somehow using that to justify rezoning to a business zone. I suggest that a garage at this location is nonconforming and inappropriate. Why then, are we talking about repeating this error by rezoning to a business zone? We need to be reducing traffic at Fox/Anderson, not increasing traffic. Therefore, since the property is being sold, I am of the opinion that we should be looking for a better situation with more visibility and less traffic. I think an R-6 type structure is plenty permissive without being overwhelming. Anything more permissive than an R-6 zone will just increase the chaos, the danger and the tension in this section of East Bayside.

Please do not allow for a change in zoning at 89 Anderson Street. We need to keep our neighborhood livable.

Thank you for your consideration,

Ellen F. Bailey (resident of East Bayside)

From: Kathleen McKeon <kmckeon@maine.it.com>
 To: <HCD@portlandmaine.gov>
 Date: 9/22/2014 9:50 PM
 Subject: 89 Anderson--9/23/14

Dear Helen,

I know it is late but am hoping that some of the planning board members will have a chance to review my letter about the proposed zone change.

Thanks,
 Kathleen

September 22, 2014

Dear Planning Board,

I am writing to express my concerns about the proposed development by Redfern at 89 Anderson Street and the request for a spot zoning change from R6 to B1-b. I believe it reflects the interests of the developer rather than the needs of the East Bayside community.

Both R6 and B1-b are high density zones and both types of development can help sustain the future growth of Portland. I believe that B1-b will strain the infrastructure and create higher density that which will have a negative impact on East Bayside when compared to R6. City planners must take into account that this is a neighborhood and an industrial zone. Residents have lived here since the 1800s and commercial business has been on the periphery. Spot zoning to B1-b creates a commercial zone in our residential area. Our neighborhood is bordered by B1-b and B2-b in other areas that provide ample opportunity for commercial businesses and housing ventures to develop. Presently, 89 Anderson Street is zoned R6 and this residential area should not be encroached upon for commercial development.

I am also concerned about Redfern's request for multiple zone changes during this process. City planning is complicated and proposing changing zones with each new meeting is confusing. It can also be educational. From my research I have learned that spot zoning is a micro approach to city planning that potentially favors individual developer requests over the needs and concerns of community residents. It often occurs in neighborhoods of lower socioeconomic status. It does not always increase property values for residents. Selective zone changes for individual developments can lead to projects being approved that are out of scale and style with the surrounding neighborhood. It also contributes to increased administrative costs, meetings, time and processes of workflow for planning board and city council members. Staying at the R6 zone promotes greater creative use of architectural space and provides an opportunity for development to better reflect the needs and style of our community.

Redfern has requested a zone change from R6 to B1-b with the premise that B1-b will be a better fit for the community. The proposal to put in a restaurant or store does not guarantee improvement to our neighborhood and may be difficult to lease as it is a busy street corner on the edge of an industrial zone. Similar style storefronts have been up for lease and vacant on Middle Street in the India Street neighborhood for years. The impacts of greater population density, 53 proposed units, increased traffic, questionable affordability, effect on neighborhood diversity and environmental concerns must be considered.

This year we have lost a great deal of green space because of development in our neighborhood and I am concerned how a spot zone change will impact the environment. Development within R6 (as currently zoned) allows for setbacks and landscaped open space of at least 20% of an existing lot and up to 60% of building maximum lot coverage. This allows for potential re-greening of this urban industrial area, presently an automotive garage. Transforming the lot into a greener space would be an opportunity for positive change for our community. Redfern's design builds up to the sidewalks with minimal green space (as proposed, approximately 12%.) Much of the allocated 12% green space would edge the parking areas on the inside of the buildings, less-accessible to the general public. Portland promotes its green open spaces as an enhanced quality of life. We must consider the impact of the loss of green space requirements and set backs when considering spot zone changes. It is important to set a precedent for the future of our city.

Traffic and pedestrian sidewalk safety are clearly neighborhood concerns. Can the infrastructure support this growth? Redfern did have a recent traffic survey performed with the suggestion to put in crosswalks and pedestrian safety signs at the corner of Fox and Anderson Street. Unfortunately during the days of the study, Unifil gas-line construction was occurring on Washington and Cumberland Avenues. This caused detours in traffic flow from residents of Munjoy Hill who often use Fox Street for their daily commutes and access to stores and highway. As the study was performed in August, children were not in school. Both of these reasons question the validity of the report as there are potentially statistically significant differences in pedestrian and traffic flow counts. Measuring traffic flow from 3G's also lacks relevance and validity as the project will be a commercial and residential use rather than an automotive garage.

As a method of predicting future trends, a traffic report is purely hypothetical and does not include the actual real flow of traffic from the many new developments that are under construction in the neighborhood. This includes future changes to Franklin Arterial and the as yet unknown effect of the Intermodal Trucking impact on this intersection. An additional traffic study during school days when Unifil is finished with the neighborhood is a reasonable request to help clarify present traffic flow and I believe this has already been requested by the planning board. Future traffic flow is more difficult to assess but all local residents will be directly affected and decisions must be made that protect the safety of our neighborhood.

East Bayside is rich in diversity and history. At the last planning board meeting, attendees were asked to consider the proposed development from a broader viewpoint of diversity of style. In my opinion, the project lacks architectural diversity and the height may have a negative impact for the surrounding tenement and colonial houses in the neighborhood due to shadow effect and scale. Planning board members should consider

maintaining the R6 zone at 89 Anderson with the purpose to enhance and honor the history of the housing style of the working class and immigrant families of Portland. There is potential to create a more interesting architectural project that would fit in better with East Bayside than the one proposed.

We must also consider the diversity of our community and existing barriers to city government processes. Kennedy Park is one of the lowest socioeconomic and highest culturally diverse areas of Portland. Many of the residents of our neighborhood are illiterate. Some are recent immigrants or refugees. People live in subsidized housing or rent and work more than one job. Many come from countries where they would go to jail or worse if they expressed differing views from the government or city planners. Notification via mail is ineffective if one cannot read. Work takes precedent over planning board meetings when one is trying to pay rent and feed the family. These are barriers to the participation of local residents in the city planning board process. We must consider socioeconomic disparity, cultural diversity and help educate residents to understand the city government and planning board processes. A zone change will impact all residents and this decision should not be fast-tracked for the needs of a developer. I ask that you as planning board members support the needs of all members of our community when considering spot zoning.

Finally, the cost of rentals for this development is higher than what the average working class person can afford. Marketed at 30% below the local income level, the proposed rates are beyond what anyone working in the service industry can afford. Thanks to Avesta and Portland Public Housing, Kennedy Park will continue to have subsidized housing, creating a "poverty island" in our changing neighborhood while the working middle class residents are forced to move to surrounding areas. Future development in Portland ought to consider the housing needs of the working class residents as priority. East Bayside has always been a haven for the working class families of Portland and would be an excellent area for a mixed income development project.

Clearly the East Bayside neighborhood is on the frontline of development in the city of Portland. This is unlikely to change. Is spot zoning the answer? A zone change from R6 to B1-b at the 89 Anderson Street proposed project is speculative and purely in the interest of the developer and does not support the vitality and future growth of our neighborhood. I question the objectivity and validity of the provided traffic study and believe it should be repeated. We must have the integrity to sustainably guide the growth and development of East Bayside to reflect the history and diversity of our community. I ask that you protect East Bayside from this zoning encroachment and consider my concerns when deciding on spot zoning for the 89 Anderson Street development.

Sincerely,

Kathleen McKeon
53 Hammond Street
Portland, ME 04101
kmckeon@maine.rr.com

Michele Castner
86 Anderson Street
Portland, Maine 04101

September 22, 2014

Helen Donaldson, Planner and Members of the Planning Board
Planning Division
City Hall, 4th Floor
389 Congress Street
Portland, ME 04101

**RE: Redfern Properties: 89 Anderson Street Zoning Proposal,
Planning Board Workshop, September 23, 2014**

Dear Ms. Donaldson and Members of the Planning Board,

Thank you for the opportunity to share with you my thoughts about the above named applicant's proposal/request for a zoning change at 89 Anderson Street. I am particularly invested in this proposal as I reside across the street from this parcel at 86 Anderson Street. I am also very invested in the East Bayside Neighborhood and am currently a board member for East Bayside Neighborhood Organization (EBNO). I am writing to you, however, not in an official EBNO capacity but as a private citizen and resident of East Bayside.

I believe that the goal of creating more housing on the peninsula as noted in the Portland Council Common Goals (2014) to "provide increased availability in all segments of the housing market" can be achieved by keeping the 89 Anderson Street parcel as an R-6 zone. The City Council's Objective 3 to "complete draft rewrites of the R6" is near completion and could potentially accommodate 32 new residences at this parcel without disrupting the current R-6 zoning. Maintaining the integrity of this zoning is consistent with the residential neighborhood it abuts.

Maintaining the R-6 zoning at 89 Anderson Street also supports Portland's Comprehensive Plan, Housing: Sustaining Portland's Future goal to, "maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity". Upholding the R-6 zone, I believe, can address the need to provide more housing while also, "protect the stability of Portland's residential neighborhoods from excessive encroachment by inappropriately scaled" uses as noted in the City of Portland's housing policy.

The current building proposal from Redfern Properties for this parcel, if a zone change is granted, encompasses the entire block facing Anderson Street. The scale of this building is considerably larger and different than the neighboring R-6 homes.

The next block on Anderson Street, for example, which is a similar size, has 4 homes (i.e., 1 multi-unit, 3 single family). I urge the Planning Board to consider the City Councilor's objective to, "encourage innovative new housing development which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood" and protect and maintain the R-6 zoning for this parcel.

Thank you very much for your time and consideration. I am grateful for your service to the City of Portland and look forward to continuing to collaborate with you to ensure that East Bayside continues to be a thriving, vibrant wonderful neighborhood.

Sincerely,

Michele Castner

From: Karen Snyder <karsny@yahoo.com>
To: Helen Donaldson <hed@portlandmaine.gov>
CC: "Cynthia L. Cochran" <ccochran@maine.rr.com>
Date: 10/12/2014 6:31 AM
Subject: 89 Anderson Planning Proposal

Hi Helen,

89 Anderson planning proposal is so against what the ordinances and zoning was suppose to protect against yet the planning board members especially Jack Soley and Carol Morrisette seem to vacillate back and forth trying to justify this planning proposal in some form or fashion.

This 89 Anderson proposal is SPOT ZONING!. Besides the fact that it is at the worst possible intersection in East Bayside to have a over developed lot with too much traffic congestion to further exacerbate the current intersection issues.

When will the planning board members stick to the current ordinances and zoning laws and not allow developers break or bend the ordinances? Isn't that what ordinances were to be for in the first place?

Additionally, I am deeply concerned about the conflict of interest that I see with certain planning board members and the developers.

After attending so many planning meetings this past year, I am quite concerned that there is an extreme amount of conflict of interest with the current planning board members and the developers. Even though the planning board positions are "volunteer", the current members are NOT altruistic or wanting to protect local citizens quality of life especially if the planning board members are property owners or lawyers in town.

I propose that certain planning board members need to step down from their current positions.

There is EXTREME dissatisfaction with how they are handling all these proposed development and allowing these developers to break ordinances or change them even though there is a large amount of opposition and inconvenience by local residents.

The current planning board members are effectively trying to PUSH out current local residents from their environment.

They should be ashamed of themselves.

Regards.
K. Snyder

From: Barbara Barhydt
To: Donaldson, Helen; Munson, Jennifer
Date: 11/5/2014 4:40 PM
Subject: Fwd: Comments re: 89 Anderson Street/East Bayside B1b rezoning

To the Portland Planning Board:

I'd like to express my support for the rezoning proposal and Redfern Properties' development proposal for 98 Anderson Street in East Bayside. I am a homeowner and landlord who resides at 45 Smith Street, a short walk away from the subject property. I'm also the current chair of the Portland Housing Authority board of commissioners, though these comments represent only my own opinions and not necessarily those of the PHA.

The proposed rezoning supports Portland's Comprehensive Plan in several ways. Most urgently, it supports the city's housing goals — currently one of the highest priorities for the city.

East Bayside likes to think of itself as an inclusive neighborhood, not an exclusionary one. Outside of our public housing, though, the few homes and apartments that come on the market each year in East Bayside go to the highest bidders, which are becoming an increasingly wealthy portion of the population (this problem also poses big challenges to the Portland Housing Authority's Section 8 housing choice voucher programs, which assist hundreds of low-income families in paying market rents to private-sector landlords).

The threat of gentrification requires us to work harder to accommodate the economically diverse mix of families who would like to live here, instead of trying to shut them out. The proposed project will provide much-needed relief in Portland's housing market by serving middle-income renters, and inviting new households to live here will also bring new vitality to our neighborhood's sidewalks and small businesses.

The rezoning also supports the city's sustainable transportation goals, by inviting new in-town housing and retail services to a walkable location near two bus routes. The site is also on the route of a planned and funded "neighborhood byway" — a street designed to prioritize and encourage travel by foot and by bike — on Anderson Street, with connections to regional bike routes via the new Tukey's Bridge path.

Some neighbors have expressed concerns about traffic. I'd like to point out that the current land use of the site — a car repair shop — is literally in the business of attracting cars to the site. The current use's site layout also causes significant safety problems, with its main driveway located in close proximity to the Fox/Anderson intersection. The Board should consider to the real-world examples of Walker Terrace in the West End, or Chestnut Street Lofts in Bayside, where the replacement of automobile-related land uses with new in-town housing actually helped calm traffic on Congress Street and Cumberland Avenue, respectively.

Finally, in 2010, a team of professionals from the American Institute of Architects assisted the East Bayside residents in producing a "Sustainable Vision for Maine's Most Diverse Neighborhood." That plan identified the corner of Fox and Anderson Street as a "place with potential" that should "attract neighborhood-serving uses, such as a coffee shop or a deli." (see page 62 (<http://www.aia.org/aiaucmp/groups/aia/documents/pdf/aiab085786.pdf>)). While the current R6 zone prohibits this, the B1 designation would make this possible, and I'm encouraged to note that the applicant would like to build a corner retail space for precisely this purpose.

Thank you for considering these points, and for your service to the planning board.

Yours,
 Christian MilNeil
 45 Smith Street

<http://christianmilneil.com>

The Vigorous North:
 A field guide to the wilderness areas of American cities.
<http://www.vigorousnorth.com>

To: Helen Donaldson, City Planner
From: Cynthia L. Cochran, East Bayside Resident and Property Owner
Date: November 7, 2014
Re: 89 Anderson Street – Redfern's Rezoning/Project Request

Although the planning board assured the public at the September 23, 2014 workshop that they "won't permit an unsafe building" to be built at this site, I continue to be extremely concerned about the impact on motorist sight lines at Fox/Anderson Street intersection, given the applicant's architectural design for this project. I do not accept the proposition that the 4-way stop signs will keep this intersection safe for motorists, pedestrians, bicyclists, skateboarders, etc. Planning board members have acknowledged that this corner is already dangerous, given the angles and the multi-land uses that converge here.

Proposed, and generally supported, amendments to the R-6 zone ordinance would allow for 31 housing units to be built at this site with no zone change. I hope the board will weigh seriously, all the facts, circumstances, conditions, and contexts of this location before adding a 7th, higher impact land use, along the, approximately 1750 linear foot, Fox Street.

The promised improvements at the Fox/Anderson Street intersection are very welcome, and will help pedestrian traffic, but they will not mitigate the sight line concerns.

I appreciate that the applicant provided the Full Traffic Signal Warrant Assessment for the Washington/Fox/Walnut Street intersection. It is unfortunate that the warrant criteria were not met. The planning board and staff should seriously consider restricting parking on Fox Street, to one side only, east of Anderson Street, to increase safety, and improve sight-lines at this intersection.

When this intersection was reviewed by planning staff and Tom Errico for the Avesta project at 134 Washington Street in May 2014, the high crash location criteria had not yet been met. Three months later, in August, that criteria had been met. The May 27th staff memorandum included the following comment on page 15 describing the crashes at this intersection:

"It is possible that their sight lines were restricted by parked vehicles. Consideration should be given to restricting parking to provide adequate sight lines."

There are many problems with the applicant's traffic impact study, revisions, and follow up response to concerns brought forward at the September 23 public workshop:

1. At the Sept 23 workshop, both the public and the planning board specifically requested that field events at Kennedy Park (Fox Field) be taken into account. This was not accomplished by the applicant, apparently due to bad weather on the one day selected. The schedule of athletic events for the period Sept 24 – Oct 24 indicates there were 23 Week days with field events available for conducting this count. The applicant chose the very last day, and, unfortunately, the weather was bad and the events were cancelled. The applicant conducted and submitted the Friday, Oct 24, 3:45-4:45 PM peak counts anyway, and compares them with the previous Tuesday, Aug 14, 4:30-5:30PM counts, although the day of the week, the PM peak hour, and the weather conditions were all completely different. This comparison is not valid due to the many different conditions.

The applicant also states:

"The noted intersection was projected to operate at the absolutely best level of service (Level of Service A) under post-development conditions, and based upon that determination, it is highly reasonable to assume that more than acceptable traffic operations would remain at the intersection even with the addition of significantly heavier peak hour volumes of traffic generated by the Sports fields."

The attached photographs, taken on Friday, Oct 10, between 5:10 – 5:17 PM document that level of service issues for both Washington/Fox and Franklin/Fox intersections impact traffic congestion and motorist decision-making at the Fox/Anderson intersection. Youth Football League practice was occurring at this time. However, most of the related vehicles were parked, so this level of traffic congestion is not solely attributable to that event.

The applicant's initial traffic impact study, revisions, and additions have not included counts at the Franklin/Fox intersection, although it is just as close to the 89 Anderson Street site as the three that have been included.

Also attached is a yearly schedule of athletic events held at Fox Field from Oct 2013 thru Oct 2014. Please note the heavy, daily use of this field in all months of the year except the 4½ month period starting Nov 10, 2013 and ending March 29, 2014.

2. The applicant's response to the request that counts be included for the commercial spaces proposed in this rezoning request:

Applicant backed away from previous declarations and architectural drawings that indicated a 1,977 SF restaurant and a 716 SF commercial space, and states that the

usage of 2,780 SF of commercial space is undetermined at this time. New drawings show 3 separate commercial spaces of differing sizes. However, the applicant chose to submit traffic impact data based upon the category #814 - "Specialty Retail Center" from the 8th edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual and calculates a total of 8 additional PM Peak Hour trips for the total commercial space on this site. This is based upon 2.71 trips per 1,000 SF indicated for this category of use:

$$2,780 \text{ SF} / 1,000 \text{ SF} \times 2.71 = 8 \text{ PM Peak Hour trips}$$

The ITE Common Trip Generation Rates for the PM Peak Hour is attached. This is from the 9th edition of the ITE Trip Generation Manual, and although the Specialty Retail Center category number has changed, the rate is the same, and other relevant rates are most likely unchanged. I have highlighted in yellow a number of the more likely, permitted uses for commercial space at this site, based on the recent modifications to the land use ordinance code for the B-1/B-1b zones.

The trips per unit for these most likely uses range from low to high, 1.49 per 1,000 SF for general office building, to 40.75 for Coffee/Donut Shop without Drive-Through Window. These rates result in a range of 5 to 114 PM Peak Hour trips.

The applicant's selected category is highlighted in red. The 2.71 trips per 1,000 SF resulting in 8 PM peak hour trips is on the very low end of this range. Given that the applicant states that the usage of this commercial space is undetermined, and that this aspect of the project design is clearly mutable, the board should consider the traffic impacts of the broadest range of commercial uses at this site.

The applicant had originally proposed a restaurant and community center/office space. Using the 2,000 SF limit on restaurant space in the recently amended B-1b ordinance, the result would be something like this, depending on the type of restaurant and other commercial use:

Restaurant Space at 2,000 SF (2,000/1000 = 2 units): 15 to 52 PM peak hour trips

#931 – Quality Restaurant at 7.49 trips per unit = 15

#932 – High-Turnover (Sit Down) Restaurant at 11.15 trips per unit = 23

#933 Fast Food Restaurant without Drive Through Window at 26.15 trips per unit = 53

Commercial Space at 780 SF (780/1000 = .78 units): 2 to 30 PM peak hour trips

#710 – General Office Building at 1.49 trips per unit = 2

#715 – Single Tenant Office Building at 1.74 trips per unit = 2

#936 – Coffee/Donut Shop without Drive-Through Window at 40.75 trips per unit = 32

Totals for Commercial Space: 17 to 85 PM peak hour trips

Note that these calculations are only for the PM peak hour trips. No calculation was provided for AM peak hour trips. Perhaps Tom Errico can supply this missing information.

3. The applicant has used different methods to determine the number of peak vehicle trips generated by the proposed 89 Anderson Street project and generated by the existing 3G's automobile repair center. The 8th edition of the ITE Trip Generation Manual was used to determine peak vehicle trips for the proposed development, but field counts, conducted on Thursday, Sept 11, 2014, were used to determine the numbers for 3G's. The field count amounts are subtracted from the ITE Trip Generation Manual amounts to determine the volume of "new" trips generated by the proposed project. This mixed methodology does not produce a reasonable estimate.

The attached ITE Common Trip Generation Rates for the PM Peak Hour indicates that the rate for Category #942 – Automobile Care Center is 3.11 per 1,000 SF (highlighted in blue). Applying this method to the 5,698 SF 3G's building results in 18 PM peak hour trips, an amount that is 25% less than the 24 amount, indicated by the field count. One could conclude that, based on the actual field count, the ITE rates are 25% too low, and, perhaps unreliable; or, at least the very least, if the ITE rates are used to determine estimated peak vehicle trips, they should be applied consistently.

I was unable to locate a free source for the ITE AM peak hour rates, so am unable to calculate how much less that would be from the applicant's field count of 12. Perhaps this information can be supplied by Tom Errico. If the same 25% reduction is applied, the equivalent ITE count would be 9.

4. No consideration has been given to the anticipated, increased traffic volumes on Anderson, Cove, and Fox Streets that will result from restrictions on traffic leaving East Bayside via Marginal Way, as proposed by the Franklin Street Redesign Committee in its effort to reduce congestion at the Marginal Way/Franklin Street intersection. The Committee has determined that this restriction is the "best option."

Counts were conducted by the Franklin Redesign Committee in their efforts to evaluate the effectiveness of this restriction which should be utilized by the planning board to evaluate the accumulated traffic impacts of this proposed development. See attached counts for Urban Street #1 and #2. The net increased traffic count for Urban Street #1 is 94 for the AM peak, and 115 for the PM peak. The net increased traffic count for Urban Street #2 is 100 for the AM peak, and 84 for the PM peak. This net increase will be routed to Fox Street via either Cove, Diamond, or Anderson Streets.

Each of the issues, cited above, change the results of the traffic impact study originally conducted by the applicant. A summary is provided below.

Traffic Impact Data Analysis for 89 Anderson Street

	Anderson/Fox Intersection	
	AM Peak	PM Peak
Site Traffic - #220 - Apartment	28	33
Site Traffic - Restaurant	???	15 - 53
Site Traffic - Other Commercial Space	???	2 - 32
Totals for site	28 - ???	50 - 118
Current Use - 3Gs - #942 - Automobile Care Center	-9	-18
Net increase for site	19 - ???	32 - 100
Kennedy Park (Fox Field) Use - Impact on PM Peak		???
Other Development Traffic including:	24	37
(From Applicant's Traffic Impact Study, figures 5& 6)		
Washington Avenue Efficiencies		
PHA Bayside Anchor Project		
Munjoy Heights		
Intermodal Transportation Facility - 122 Anderson St.		
Total traffic impact at Anderson/Fox Streets	43 - ???	69 - 137
Franklin Street Redesign - Marginal Way restriction	94 - 100	115 - 84
		184 -
Accumulated Traffic Impact to Fox Street	137 - 143+???	221

Summary:

During all the public meetings, from July through today, I have researched and presented a great deal of information to the board, regarding this location and its many challenges. The parking implications for this mixed use project have not yet been addressed at any of these meetings. Parking, at this location, is already a huge problem, due to increasing customers for the Fox Street industrial zone businesses, the lack of adequate parking for Coffee By Design patrons, the lack of off-street parking for Fox Field, and the deluge of parental vehicles, needing parking spaces that occurs for each Fox Field athletic event.

I do not support the applicant's request for B-1b zoning because it would add significantly to all of these challenges. The failure of the Washington/Fox/Walnut intersection to meet full signalization criteria, and the failure, to date, of city planners to present any meaningful and practical methods for mitigating these challenges reinforces my opposition to this rezoning request and project proposal.

More pictures of Fox Street traffic/parking congestion:



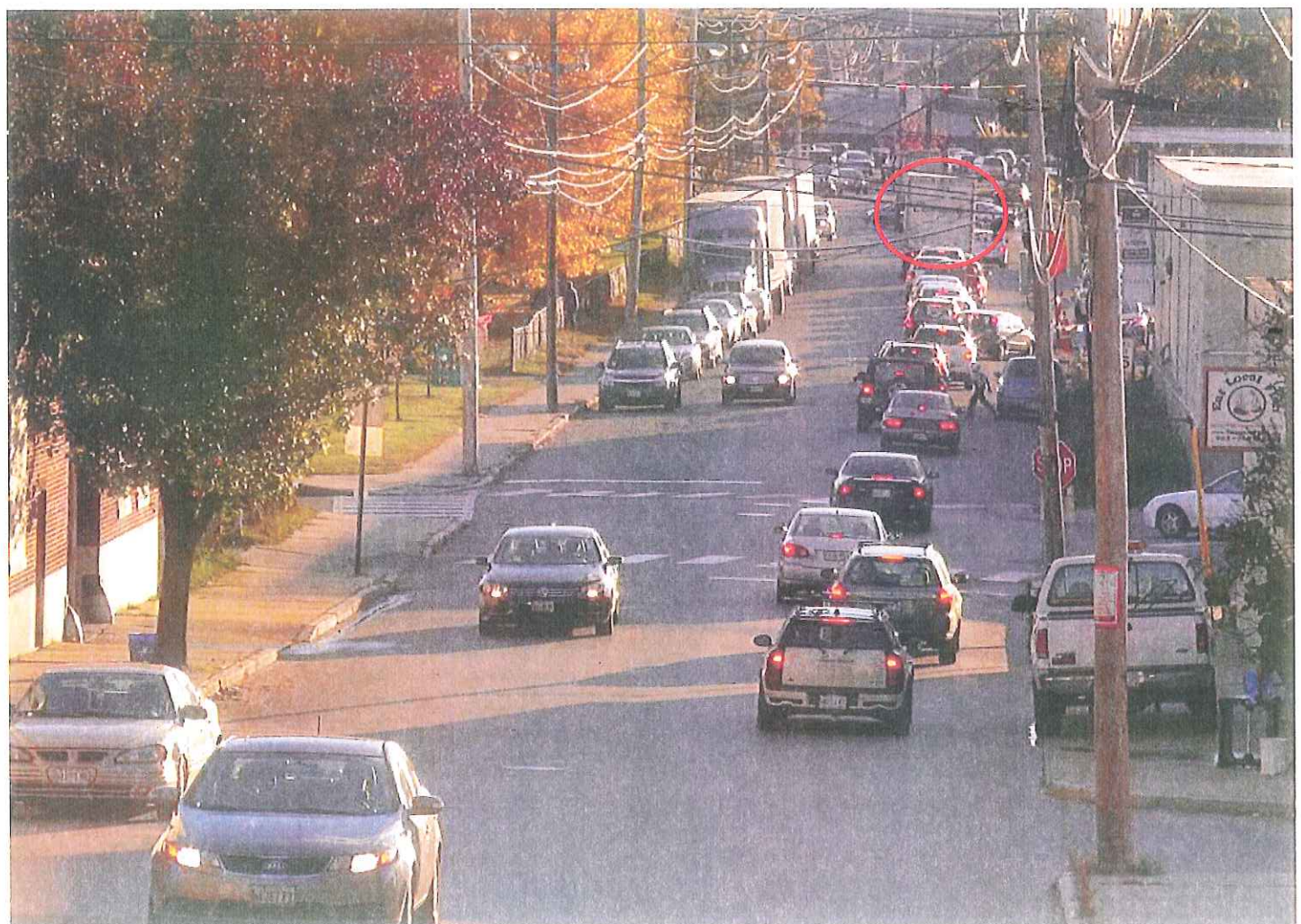
From Hammond St intersection, facing east, towards Washington Ave, 5:10:36 PM, Friday, Oct 10, 2014



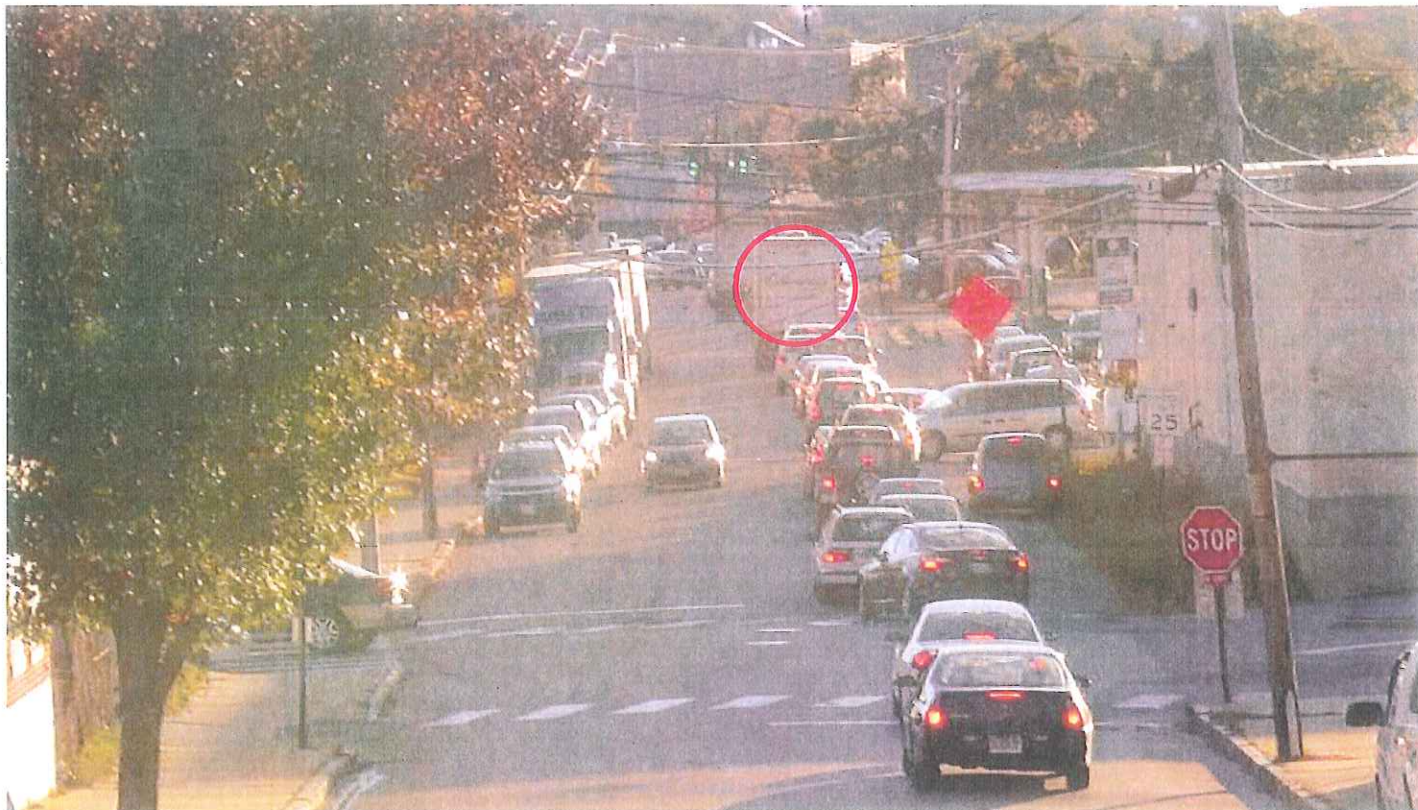
From Anderson St intersection facing east, towards Washington Ave, 5:15:55 PM, Friday, Oct 10, 2014
Please note the position change of the circled vehicle in the two pictures after more than 5 minutes.



Anderson St, facing west, towards Franklin St, 5:11:45 PM, Friday, Oct 10, 2014. Light is red.



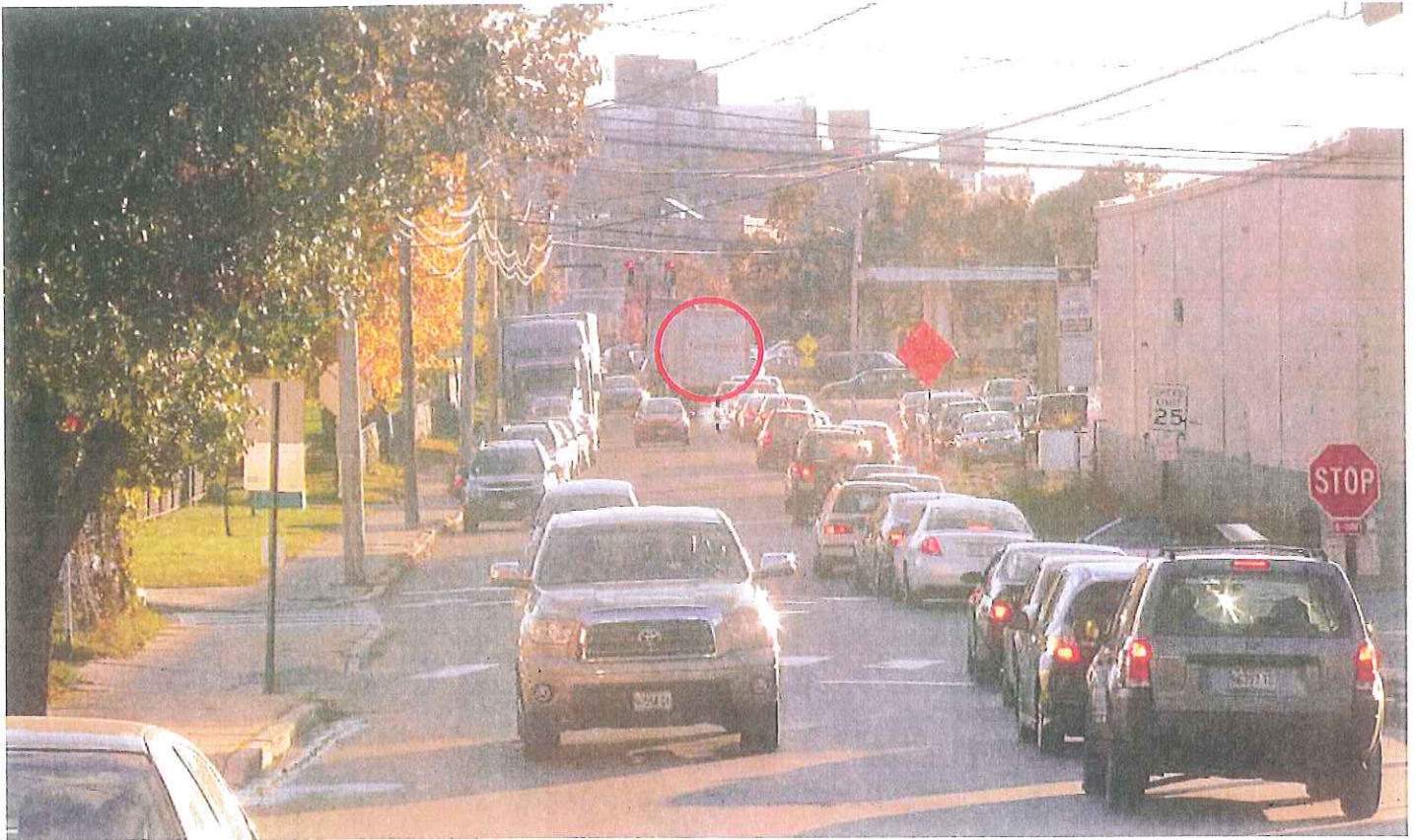
Anderson St, facing west, towards Franklin St, 5:12:06 PM, Friday, Oct 10, 2014. Light is still red.



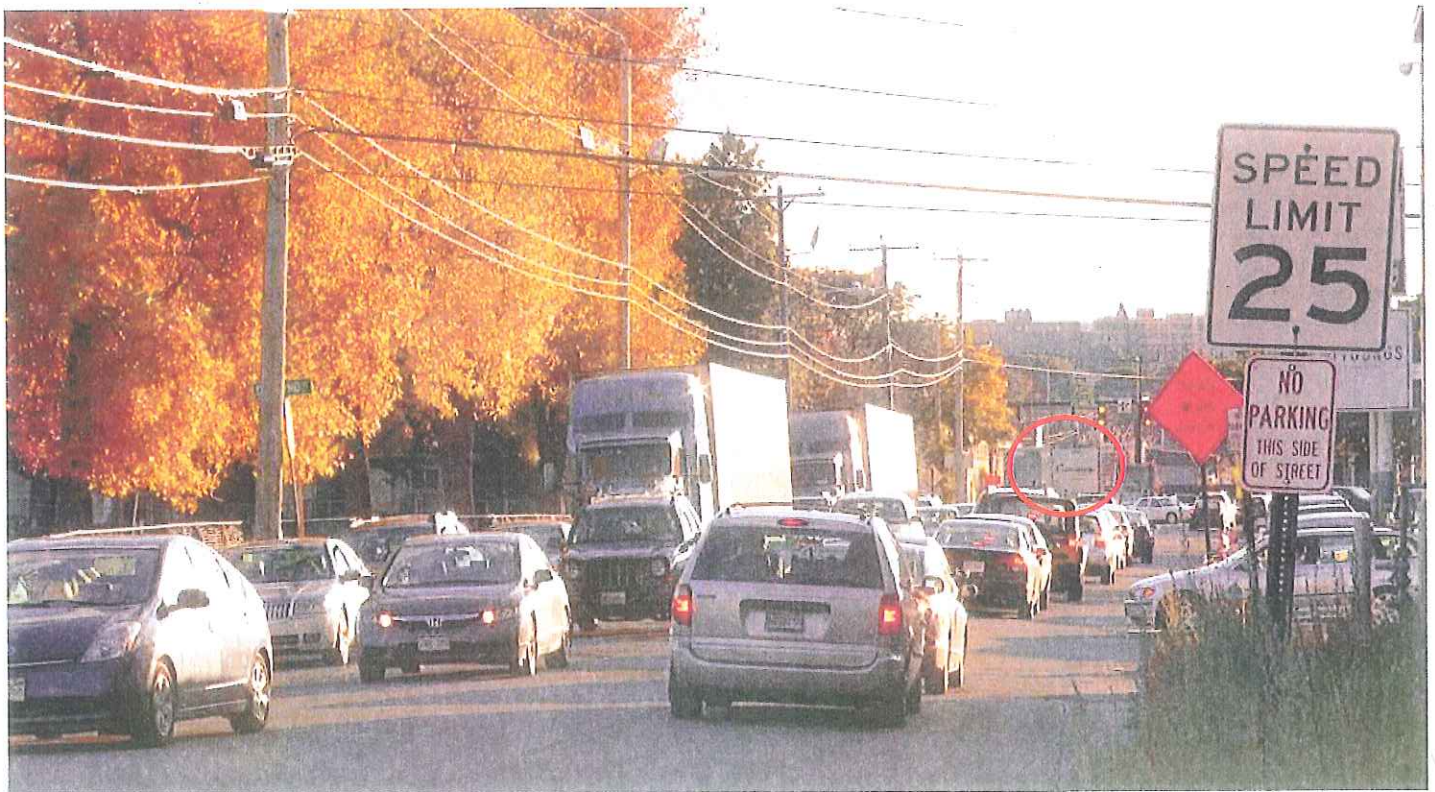
Anderson St, facing west, towards Franklin St, 5:12:35 PM, Friday, Oct 10, 2014. Light is green.



Anderson St, facing west, towards Franklin St, 5:12:53 PM, Friday, Oct 10, 2014. Light is red.



Anderson St, facing west, towards Franklin St, 5:13:36 PM, Friday, Oct 10, 2014. Light is red.



Anderson St, facing west, towards Franklin St, 5:16:51 PM, Friday, Oct 10, 2014. Light is yellow. Con-way truck just makes it through the yellow light, three light cycles and more than 5 minutes later.

October 2013

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
		2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	12:00 PM-4:00 PM Portland Rugby Match AF Field Rental Portland Rugby Club - Men's / Matthew Winch 12:00 PM-4:00 PM
6	7	8	9	10	11	12
	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	
13	14	15	16	17	18	19
	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM	12:00 PM-4:00 PM Portland Rugby Match AF Field Rental Portland Rugby Club - Men's / Matthew Winch 12:00 PM-4:00 PM

For Facility: East Bayside Athletic Facility | For Room: Fox Multipurpose Field | From Date: 10/1/2013 |

Thru Date: 10/1/2014

Recreation & Facilities Management



October 2013

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
13	14	15	16	17	18	19
	PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	
20	21	22	23	24	25	26
	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	
27	28	29	30	31		
	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM		

November 2013

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
					2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM 5:00 PM-7:00 PM PYFL PRACTICE AF Field Rental PYFL / Football League Portland Youth 5:00 PM-7:00 PM	12:00 PM-4:00 PM Portland Rugby Match AF Field Rental Portland Rugby Club - Men's / Matthew Winch 12:00 PM-4:00 PM
3	4	5	6	7	8	9
	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM	2:00 PM-5:00 PM PHS practice AF Game Field Prep Portland High School / High School Portland 2:00 PM-5:00 PM	12:00 PM-4:00 PM Portland Rugby Match AF Field Rental Portland Rugby Club - Men's / Matthew Winch 12:00 PM-4:00 PM
10	11	12	13	14	15	16
17	18	19	20	21	22	23

November 2013

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2013

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

January 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

March 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31					
	4:00 PM-5:30 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 4:00 PM-5:30 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM					

April 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
		5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	3:00 PM-5:00 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 3:00 PM-5:00 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	
6	7	8	9	10	11	12
	4:00 PM-5:30 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 4:00 PM-5:30 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	3:00 PM-5:00 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 3:00 PM-5:00 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	8:00 AM-1:00 PM Rugby Games AF Field Rental Portland Womens Rugby Club / Rugby Women's 8:00 AM-1:00 PM
13	14	15	16	17	18	19
	4:00 PM-5:30 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 4:00 PM-5:30 PM 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	3:00 PM-5:00 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 3:00 PM-5:00 PM 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	8:00 AM-12:30 PM Rugby Games AF Field Rental Portland Womens Rugby Club / Rugby Women's 8:00 AM-12:30 PM

April 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
13	14	15	16	17	18	19
	Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM		Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM			
20	21	22	23	24	25	26
	4:00 PM-5:30 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 4:00 PM-5:30 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	3:00 PM-5:00 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 3:00 PM-5:00 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	
27	28	29	30			
	4:00 PM-5:30 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 4:00 PM-5:30 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	3:00 PM-5:00 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 3:00 PM-5:00 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM			

May 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
				5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	9:00 AM-1:00 PM Rugby Games AF Field Rental Portland Womens Rugby Club / Rugby Women's 9:00 AM-1:00 PM
4	5	6	7	8	9	10
	4:00 PM-5:30 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 4:00 PM-5:30 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	3:00 PM-5:00 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 3:00 PM-5:00 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:00 PM-7:00 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 5:00 PM-7:00 PM	11:00 AM-2:00 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 11:00 AM-2:00 PM
11	12	13	14	15	16	17
	4:00 PM-5:30 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 4:00 PM-5:30 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	3:00 PM-5:00 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 3:00 PM-5:00 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	

May 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
18	19	20	21	22	23	24
	4:00 PM-5:30 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 4:00 PM-5:30 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	3:00 PM-5:00 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 3:00 PM-5:00 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	11:00 AM-2:00 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 11:00 AM-2:00 PM
25	26	27	28	29	30	31
2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	3:00 PM-5:00 PM Portland Youth Rugby AF Field Rental U19 High School Rugby / Rocco Frenzilli 3:00 PM-5:00 PM 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	

June 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	2 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	3 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	4 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	5 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	6 5:30 PM-7:00 PM Youth Lax AF Field Rental Back Bay Youth Lacrosse / Lacrosse Back Bay 5:30 PM-7:00 PM	7
8 2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	9	10	11	12	13	14
15 2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	16	17	18	19	20	21
22 2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	23 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	24 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	25 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	26 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	27 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	28
29 2:00 PM-6:00 PM Soccer League AF Game Field Prep	30 9:30 AM-12:30 PM Field use AF Field Rental					

June 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30					
Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM					

July 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM 3:00 PM-7:30 PM Lax Practice AF Field Rental Maineiax Lacrosse / Mimi Sokolowski 3:00 PM-7:30 PM	2 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	3 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	4 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	5
6 2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	7 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	8 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM 3:00 PM-7:30 PM Lax Practice AF Field Rental Maineiax Lacrosse / Mimi Sokolowski 3:00 PM-7:30 PM	9 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	10 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	11 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	12 2:00 PM-4:00 PM Soccer AF Game Field Prep Lawum Kayamba 2:00 PM-4:00 PM
13 2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	14 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	15 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	16 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	17 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	18 9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	19

For Facility: East Bayside Athletic Facility | For Room: Fox Multipurpose Field | From Date: 10/1/2013 |

Thru Date: 10/1/2014

Recreation & Facilities Management



July 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
20	21	22	23	24	25	26
2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	
27	28	29	30	31		
2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM		

August 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
					9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM	
3	4	5	6	7	8	9
2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	
10	11	12	13	14	15	16
2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	9:30 AM-12:30 PM Field use AF Field Rental Portland Housing Authority / Emily Mancini-Fitch 9:30 AM-12:30 PM 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	

August 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
17	18	19	20	21	22	23
2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	
24	25	26	27	28	29	30
2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	
31						
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro 10:45 AM-1:15 PM 2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM						

September 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	11:00 AM-3:00 PM W rugby AF Field Rental Portland Womens Rugby Club / Brittney Braasch 11:00 AM-3:00 PM
7	8	9	10	11	12	13
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro 10:45 AM-1:15 PM 2:00 PM-6:00 PM Soccer League AF Game Field Prep Portland Latino League Soccer / carlos salamonca 2:00 PM-6:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	12:00 PM-4:00 PM Men's Rugby AF Game Field Prep Portland Rugby Club - Men's / Matthew Winch 12:00 PM-4:00 PM
14	15	16	17	18	19	20
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro 10:45 AM-1:15 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	11:00 AM-3:00 PM W rugby AF Field Rental Portland Womens Rugby Club / Brittney Braasch 11:00 AM-3:00 PM
21	22	23	24	25	26	27
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth	11:00 AM-3:00 PM W rugby AF Field Rental Portland Womens Rugby Club / Brittney Braasch

For Facility: East Bayside Athletic Facility | For Room: Fox Multipurpose Field | From Date: 10/1/2013 |

Thru Date: 10/1/2014

Recreation & Facilities Management



September 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
21 10:45 AM-1:15 PM	22 5:00 PM-8:00 PM	23 5:00 PM-8:00 PM	24 5:00 PM-8:00 PM	25 5:00 PM-8:00 PM	26 5:00 PM-8:00 PM	27 11:00 AM-3:00 PM
28 10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro 10:45 AM-1:15 PM	29 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	30 5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM				

October 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
			5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	12:00 PM-4:00 PM Men's Rugby AF Game Field Prep Portland Rugby Club - Men's / Matthew Winch 12:00 PM-4:00 PM
5	6	7	8	9	10	11
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro 10:45 AM-1:15 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	12:00 PM-4:00 PM Men's Rugby AF Game Field Prep Portland Rugby Club - Men's / Matthew Winch 12:00 PM-4:00 PM
12	13	14	15	16	17	18
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro 10:45 AM-1:15 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	
19	20	21	22	23	24	25
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep The Plymouth House / John Buro 10:45 AM-1:15 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	5:00 PM-8:00 PM Practice AF Field Rental PYFL / Football League Portland Youth 5:00 PM-8:00 PM	
26	27	28	29	30	31	
10:45 AM-1:15 PM Plymouth HSL Adult FB AF Game Field Prep						

October 2014

East Bayside Athletic Facility

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	31	
The Plymouth House / John Buro 10:45 AM-1:15 PM						

INSTITUTE OF TRANSPORTATION ENGINEERS

COMMON TRIP GENERATION RATES (PM Peak Hour)

(Trip Generation Manual, 9th Edition)

Code	Description	Unit of Measure	Trips Per Unit
PORT AND TERMINAL			
30	Truck Terminal	Acres	6.55
90	Park and Ride Lot with Bus Service	Parking Spaces	0.62
INDUSTRIAL			
110	General Light Industrial	1,000 SF	0.97
120	General Heavy Industrial	Acres	2.16
130	Industrial Park	1,000 SF	0.85
140	Manufacturing	1,000 SF	0.73
150	Warehousing	1,000 SF	0.32
151	Mini-Warehouse	1,000 SF	0.26
152	High-Cube Warehouse	1,000 SF	0.12
170	Utilities	1,000 SF	0.76
RESIDENTIAL			
210	Single-Family Detached Housing	Dwelling Units	1.00
220	Apartment	Dwelling Units	0.62
221	Low-Rise Apartment	Dwelling Units	0.58
230	Residential Condominium / Townhouse	Dwelling Units	0.52
240	Mobile Home Park	Dwelling Units	0.59
251	Senior Adult Housing - Detached	Dwelling Units	0.27
252	Senior Adult Housing - Attached	Dwelling Units	0.25
253	Congregate Care Facility	Dwelling Units	0.17
254	Assisted Living	Beds	0.22
255	Continuing Care Retirement Community	Dwelling Units	0.16
LODGING			
310	Hotel	Rooms	0.60
320	Motel	Rooms	0.47
330	Resort Hotel	Rooms	0.42
RECREATIONAL			
411	City Park	Acres	0.19
412	County Park	Acres	0.09
413	State Park	Acres	0.07
415	Beach Park	Acres	1.30
416	Campground / Recreation Vehicle Park	Camp Sites	0.27
417	Regional Park	Acres	0.20
420	Marina	Berths	0.19
430	Golf Course	Acres	0.30
431	Miniature Golf Course	Holes	0.33

Code	Description	Unit of Measure	Trips Per Unit
432	Golf Driving Range	Tees / Driving Positions	1.25
433	Batting Cages	Cages	2.22
435	Multi-Purpose Recreational Facility	Acres	5.77
437	Bowling Alley	1,000 SF	1.71
441	Live Theater	Seats	0.02
443	Movie Theater without Matinee	1,000 SF	6.16
444	Movie Theater with Matinee	1,000 SF	3.80
445	Multiplex Movie Theater	1,000 SF	4.91
452	Horse Race Track	Acres	4.30
454	Dog Race Track	Attendance Capacity	0.15
460	Arena	Acres	3.33
473	Casino / Video Lottery Establishment	1,000 SF	13.43
480	Amusement Park	Acres	3.95
488	Soccer Complex	Fields	17.70
490	Tennis Courts	Courts	3.88
491	Racquet / Tennis Club	Courts	3.35
492	Health / Fitness Club	1,000 SF	3.53
493	Athletic Club	1,000 SF	5.96
495	Recreational Community Center	1,000 SF	1.45
INSTITUTIONAL			
520	Elementary School	1,000 SF	1.21
522	Middle School / Junior High School	1,000 SF	1.19
530	High School	1,000 SF	0.97
536	Private School (K-12)	Students	0.17
540	Junior / Community College	1,000 SF	2.54
560	Church	1,000 SF	0.55
565	Daycare Center	1,000 SF	12.46
566	Cemetery	Acres	0.84
571	Prison	1,000 SF	2.91
580	Museum	1,000 SF	0.18
590	Library	1,000 SF	7.30
591	Lodge / Fraternal Organization	Members	0.03
MEDICAL			
610	Hospital	1,000 SF	0.93
620	Nursing Home	1,000 SF	0.74
630	Clinic	1,000 SF	5.18
640	Animal Hospital / Veterinary Clinic	1,000 SF	4.72

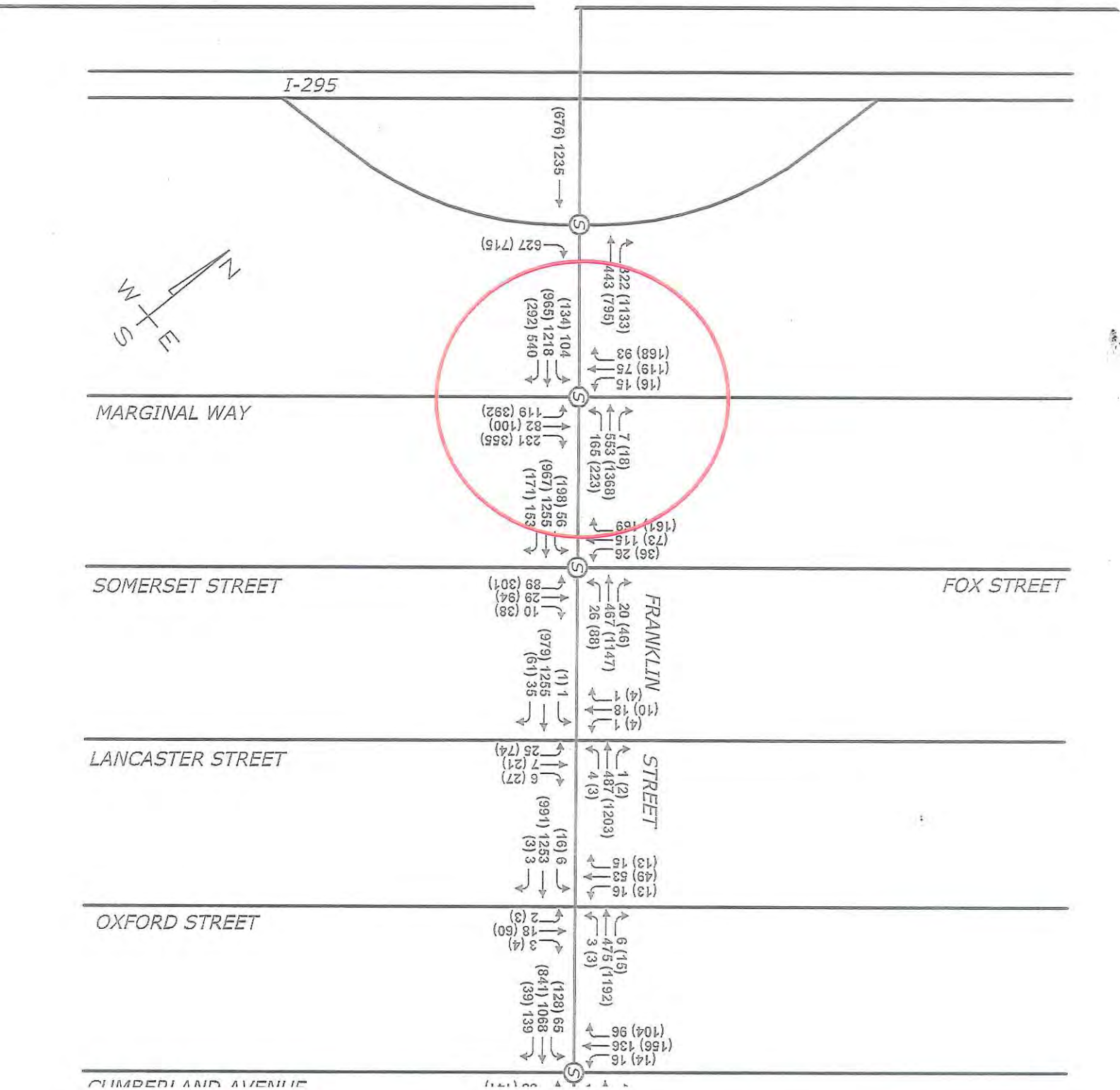
Code	Description	Unit of Measure	Trips Per Unit
OFFICE			
710	General Office Building	1,000 SF	1.49
714	Corporate Headquarters Building	1,000 SF	1.41
715	Single Tenant Office Building	1,000 SF	1.74
720	Medical-Dental Office Building	1,000 SF	3.57
730	Government Office Building	1,000 SF	1.21
732	United States Post Office	1,000 SF	1.22
733	Government Office Complex	1,000 SF	2.85
750	Office Park	1,000 SF	1.48
760	Research and Development Center	1,000 SF	1.07
770	Business Park	1,000 SF	1.29
RETAIL			
812	Building Materials and Lumber Store	1,000 SF	4.49
813	Free-Standing Discount Superstore	1,000 SF	4.35
814	Variety Store	1,000 SF	6.82
815	Free Standing Discount Store	1,000 SF	4.98
816	Hardware / Paint Store	1,000 SF	4.84
817	Nursery (Garden Center)	1,000 SF	6.94
818	Nursery (Wholesale)	1,000 SF	5.17
820	Shopping Center	1,000 SF	3.71
823	Factory Outlet Center	1,000 SF	2.29
826	Specialty Retail Center	1,000 SF	2.71
841	New Car Sales	1,000 SF	2.62
842	Recreational Vehicle Sales	1,000 SF	2.54
843	Automobile Parts Sales	1,000 SF	5.98
848	Tire Store	1,000 SF	4.15
850	Supermarket	1,000 SF	9.48
851	Convenience Market (Open 24 Hours)	1,000 SF	52.41
852	Convenience Market (Open 15-16 Hours)	1,000 SF	34.57
853	Convenience Market with Gasoline Pumps	1,000 SF	50.92
854	Discount Supermarket	1,000 SF	8.34
857	Discount Club	1,000 SF	4.18
860	Wholesale Market	1,000 SF	0.88
861	Sporting Goods Superstore	1,000 SF	1.84
862	Home Improvement Superstore	1,000 SF	2.33
863	Electronics Superstore	1,000 SF	4.50
864	Toy / Children's Superstore	1,000 SF	4.99
866	Pet Supply Superstore	1,000 SF	3.38
867	Office Supply Superstore	1,000 SF	3.40
875	Department Store	1,000 SF	1.87

Code	Description	Unit of Measure	Trips Per Unit
876	Apparel Store	1,000 SF	3.83
879	Arts and Craft Store	1,000 SF	6.21
880	Pharmacy / Drugstore without Drive-Through Window	1,000 SF	8.4
881	Pharmacy / Drugstore with Drive-Through Window	1,000 SF	9.91
890	Furniture Store	1,000 SF	0.45
896	DVD/Video Rental Store	1,000 SF	13.60
SERVICES			
911	Walk-In Bank	1,000 SF	12.13
912	Drive-In Bank	1,000 SF	24.30
918	Hair Salon	1,000 SF	1.93
925	Drinking Place	1,000 SF	11.34
931	Quality Restaurant	1,000 SF	7.49
932	High-Turnover (Sit-Down) Restaurant	1,000 SF	11.15
933	Fast Food Restaurant without Drive-Through Window	1,000 SF	26.15
934	Fast Food Restaurant with Drive-Through Window	1,000 SF	33.84
935	Fast Food Restaurant with Drive-Through Window and No Indoor Seating	1,000 SF	153.85
936	Coffee / Donut Shop without Drive-Through Window	1,000 SF	40.75
937	Coffee / Donut Shop with Drive-Through Window	1,000 SF	42.8
938	Coffee / Donut Shop with Drive-Through Window and No Indoor Seating	1,000 SF	75
940	Bread / Donut / Bagel Shop with Drive-Through Window	1,000 SF	18.99
941	Quick Lubrication Vehicle Shop	Service Bays	5.19
942	Automobile Care Center	1,000 SF	3.11
943	Automobile Parts and Service Center	1,000 SF	4.46
944	Gasoline / Service Station	Fueling Positions	13.87
945	Gasoline / Service Station with Convenience Market	Fueling Positions	13.51
946	Gasoline / Service Station with Convenience Market and Car Wash	Fueling Positions	13.94
947	Self Service Car Wash	Stalls	5.54
948	Automated Car Wash	1,000 SF	14.12
950	Truck Stop	1,000 SF	13.63

Note: All land uses in the 800 and 900 series are entitled to a "passby" trip reduction of 60% if less than 50,000 ft² or a reduction of 40% if equal to or greater than 50,000 ft².

* Approximated by 10% of Weekday average rate.

Urban Street #1 - 203

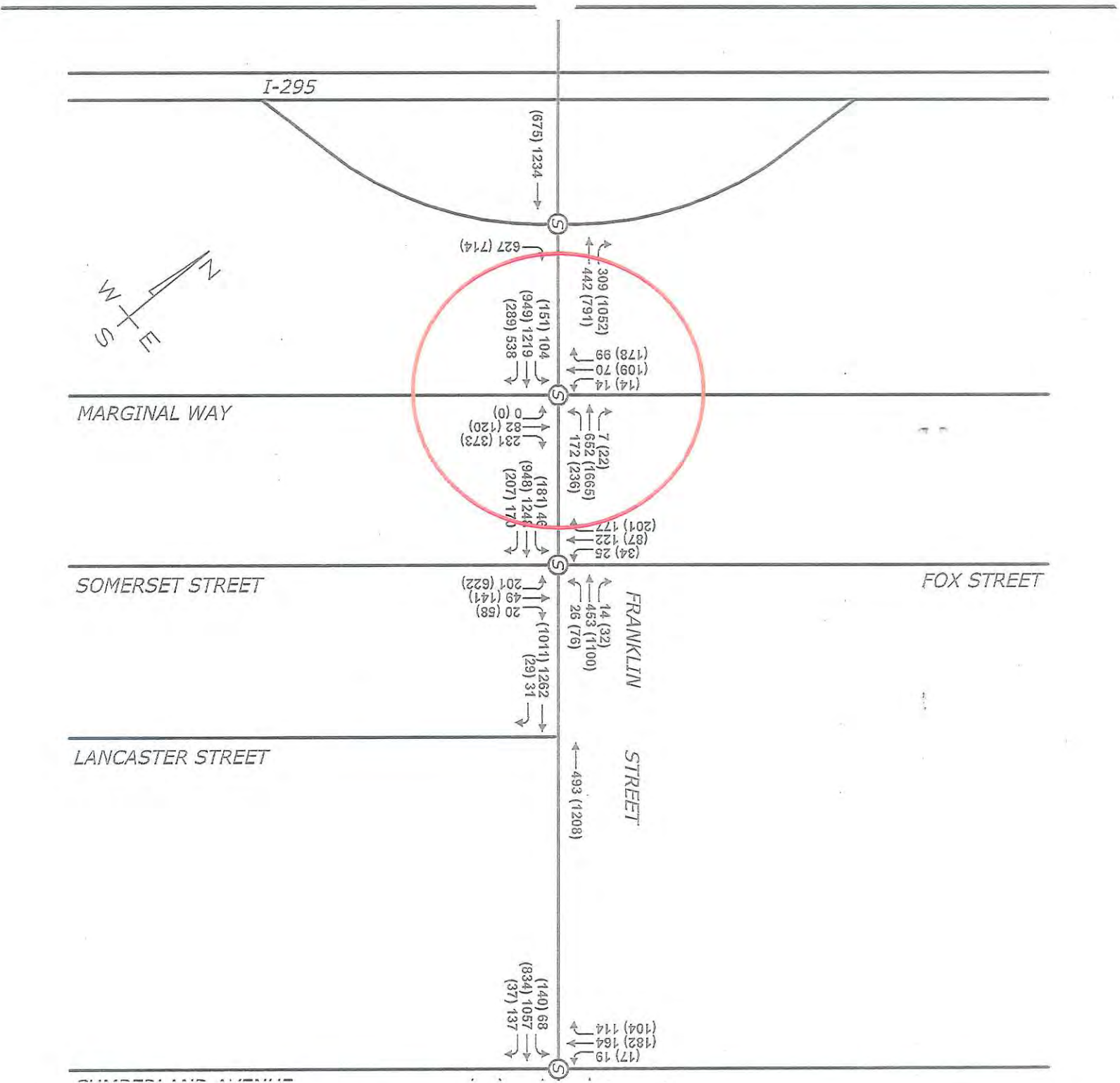


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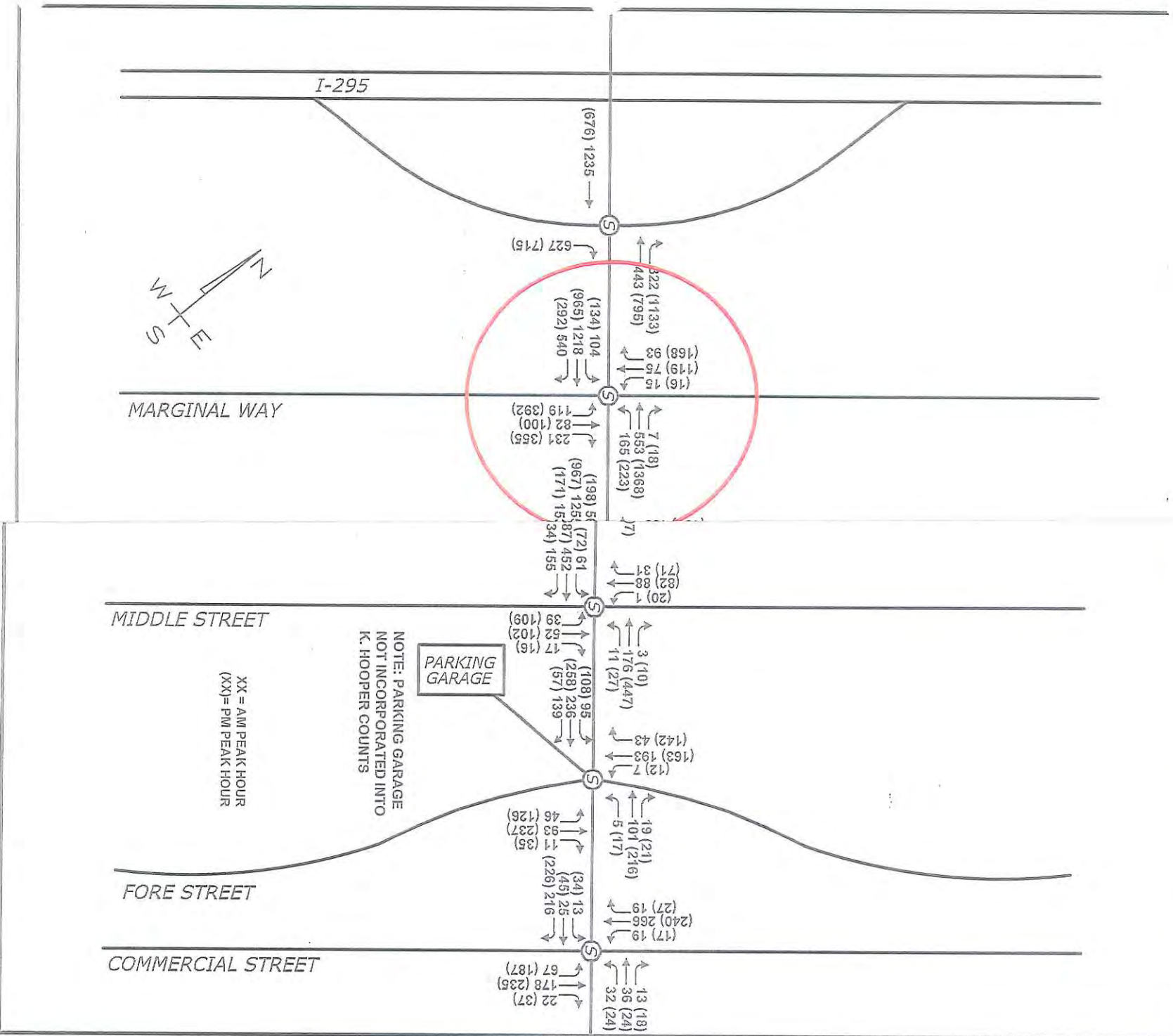
FRANKLIN STREET

Urban Street #2 - 2034



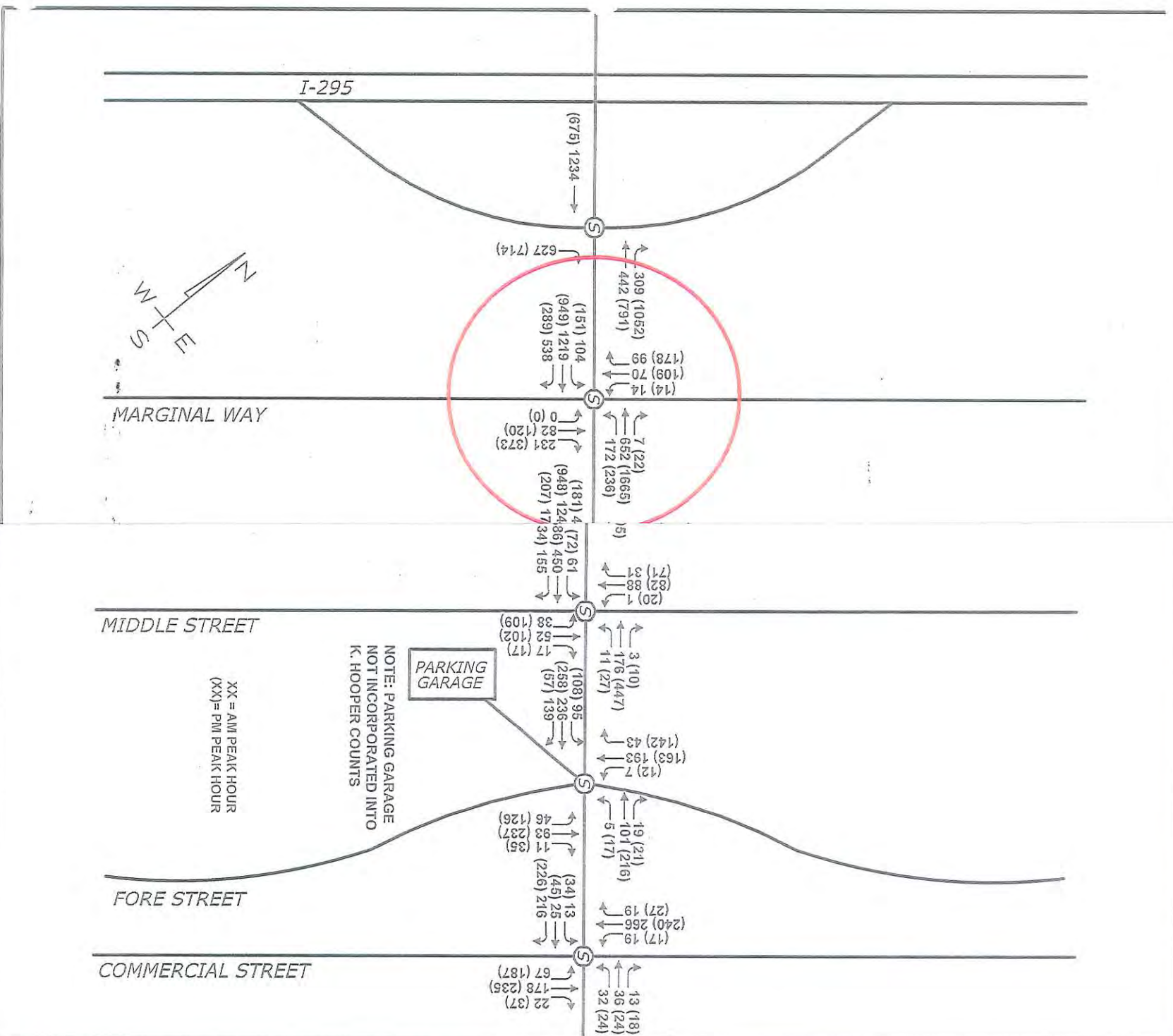
FRANKLIN STREET

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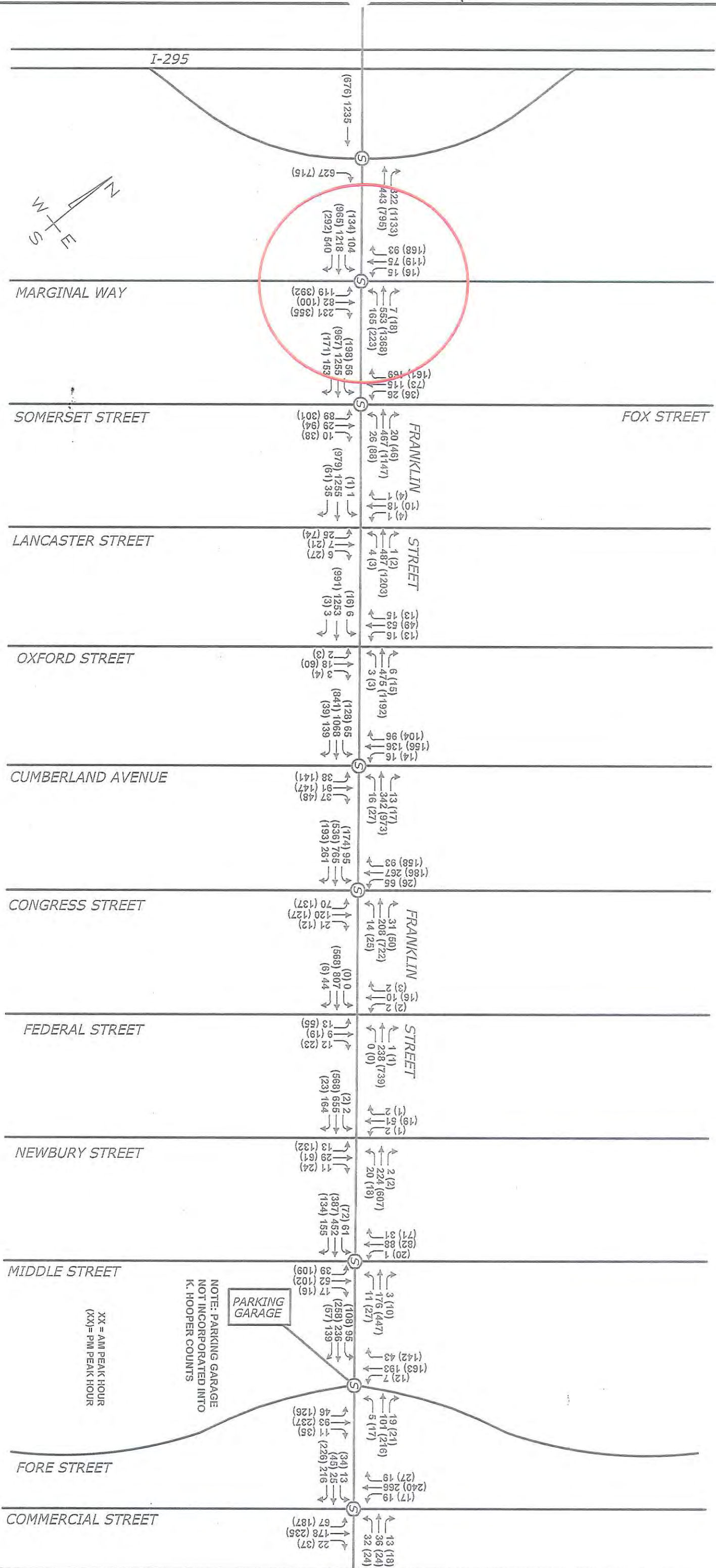
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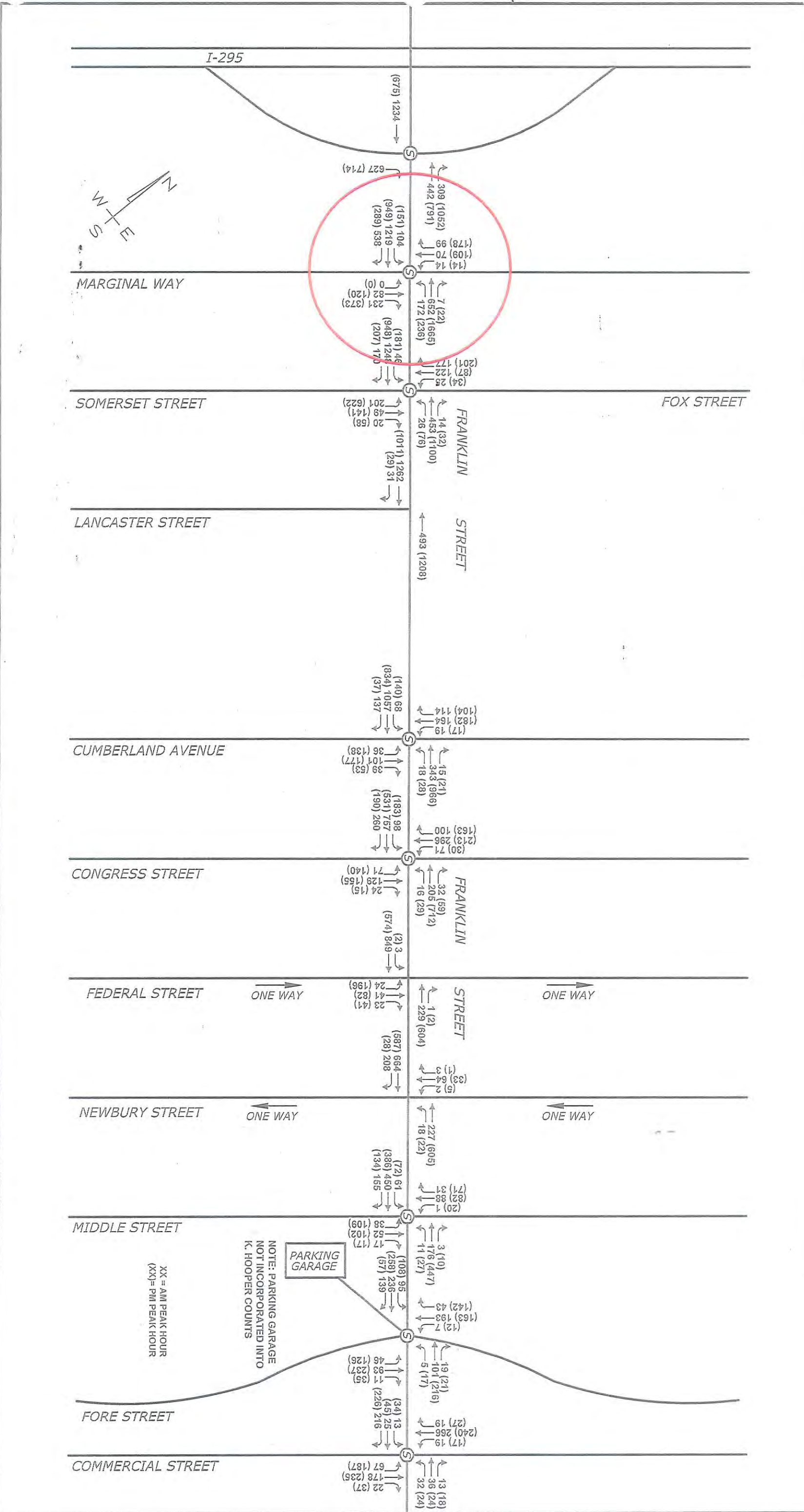
Urban Street #1 - 2035 Design Hour Volumes



FRANKLIN STREET, PORTLAND, MAINE

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Date: APR 2014
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Urban Street #2 - 2035 Design Hour Volumes



FRANKLIN STREET, PORTLAND, MAINE

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Draft: LAN
Checked: TLG

Scale: NONE
Date: APR 2014
File Name: 2735 -Traffic UrbanSt #2.dwg

*Order 109-14/15
Tab 16 12-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING CONTRACT WITH MUNICIPAL RESOURCES, INC.
FOR THE CITY MANAGER SEARCH**

ORDERED, that the contract with Municipal Resources, Inc. for the City Manager Search is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Mayor to execute said document and any other related documents necessary or convenient to carry out the intent of said document.

**City of Portland, Maine
City Council Agenda Request Form**

TO: Sonia Bean, Senior Administrative Assistant
Mayor Michael Brennan
Acting City Manager Sheila Hill-Christian

FROM: Danielle West-Chuhta

DATE: 12/4/2014

- 1) Council meeting at which action is requested:

1st reading: _____ n/a _____
Final action: _____ December 15, 2014 _____

- 2) Can action be taken at a later date: _____ YES _____ X NO
If not, why not: The Manager Search Committee voted to approve
Municipal Resources Inc. to seek candidates for City Manager and wants
to put the company under contract to begin the work as soon as possible.

- 3) This item is sponsored by: Mayor Michael Brennan

(If the item is sponsored by a Council Committee include the date the
committee met and the outcome of the vote.)

If a memorandum addresses the following issues you may attach and reference the memorandum but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE

Because the City of Portland is in need of a new City Manager, the City Council formed the City Manager Search Committee. As its first order of business, the Search Committee invited proposals for Executive Search support to hire a new City Manager, received two proposals and recommended Municipal Resources, Inc. ("MRI) as the search consultant. Once the City Council as a whole approves the contract, the search for candidates will begin, with the intention of a new City Manager beginning work by July 1, 2015.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

This contract will assist the City in hiring a new City Manager.

III. INTENDED RESULT (How does it resolve the issue/problem?)

The hiring of MRI and ultimately a City Manager.

IV. FINANCIAL IMPACT

The MRI contract will cost the City \$15,500.00 and reimbursement of authorized expenses (i.e., advertising, travel) related to the executive search.

V. STAFF ANALYSIS & RECOMMENDATION

This contract is recommended for approval by the majority vote of the City Manager Search Committee (3-1, Suslovic opposed) and has been approved as to form by the Office of Corporation Counsel.

Attachments:

Contract between the City of Portland and Municipal Resources, Inc.; and

Order Approving the Agreement with Municipal Resources, Inc. for the City Manager Search

**CONTRACT BETWEEN
CITY OF PORTLAND
AND
MUNICIPAL RESOURCES, INC.**

This **AGREEMENT** is made this _____ day of _____, 2014, by and between the **CITY OF PORTLAND**, a body politic and corporate, located in the County of Cumberland and State of Maine (hereinafter "**CITY**") and **MUNICIPAL RESOURCES, INC.**, a New Hampshire corporation with a mailing address of 120 Daniel Webster Highway, Meredith, NH 03253 (hereinafter "**CONSULTANT**" or "**MRI**").

W I T N E S S E T H:

WHEREAS, the **CITY** is in need of a consultant to conduct a search for a new City Manager; and

WHEREAS, the **CITY** has determined that **CONSULTANT** has the requisite skills, knowledge and experience to provide such services and best meets **CITY**'s needs for such services;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. SERVICES.

CONSULTANT shall provide assistance to the **CITY** in its recruitment of a new City Manager in accordance with **CONSULTANT**'s Scope of Services, a copy of which is attached hereto as Exhibit A and is fully incorporated herein. In the event of any inconsistency between this contract document and said exhibit, this document shall prevail.

CONSULTANT agrees to include the **CITY**'s designation as an affirmative action/equal opportunity employer in all employment advertisements placed, or other recruitment performed, by **CONSULTANT** on **CITY**'s behalf. Further, **CONSULTANT** agrees to make a good faith effort to refer qualified minority and women applicants.

2. **COMPENSATION.**

CITY agrees to pay **CONSULTANT** an amount not to exceed Fifteen Thousand Five Hundred Dollars (\$15,500.00) for its services and expenses in accordance with the schedule of fees and charges attached hereto as Exhibit B. **CITY** shall not pay **CONSULTANT** for any amount in excess of \$15,500.00 unless **CONSULTANT** first obtains **CITY**'s prior written approval to pay such amounts. In the event of any inconsistency between this contract document and Exhibit B, this document shall prevail.

3. **TERM; SCHEDULE.**

The recruitment and selection process described in the Scope of Services typically takes approximately 90-120 days to complete. **CONSULTANT** understands that the City wishes to have a City Manager commencing work no later than July 1, 2015 and will make best efforts to accomplish that goal. This Agreement will remain in effect until the Scope of Services is completed, unless sooner terminated as provided herein or extended by agreement of the parties.

4. **TENURE GUARANTEE.**

In the event that **CITY** hires a new City Manager as a result of **CONSULTANT**'s performance under this agreement, as documented by an executed employment agreement between **CITY** and the City Manager, and in the event that said employment relationship is terminated by either party within 18 months, **CONSULTANT** guarantees to undertake an additional recruitment and selection process at no expense to the **CITY**. However, no such guarantee shall exist if said termination occurs due to death or catastrophic illness of the selected candidate, or due to the actions of a majority of newly elected Council Members. There shall be no cost to the **CITY** for **CONSULTANT**'s recruitment services under this tenure guarantee, except that the **CITY** shall be responsible for advertising costs and interview travel and lodging expenses, provided that the **CITY** first approves such costs and expenses in writing.

5. **STATUS AS INDEPENDENT CONTRACTOR.**

CONSULTANT in accordance with its status as an independent contractor, covenants and agrees that its employees will conduct themselves consistent with such status, that they will neither hold themselves out as, nor claim to be, officers or employees of the **CITY**, by reason of this Agreement, and that **CONSULTANT** and its employees will not, by reason of this Agreement, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the **CITY**, including but not limited to health insurance, unemployment insurance benefits, Workers' Compensation benefits, Social Security coverage or retirement membership or credit.

6. **INDEMNIFICATION**

To the fullest extent permitted by law, **CONSULTANT** shall defend, indemnify and hold harmless the **CITY**, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including, but not limited to, the costs of defense, including attorneys' fees arising out of or resulting from the performance of this Agreement, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of property, including the loss of use therefrom, and (2) is caused in whole or in part by any negligent act or omission of **CONSULTANT**, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Such obligation of indemnification shall not be construed to negate or abridge any other obligation of indemnification running to the **CITY** which otherwise exists. The extent of the indemnification provision shall not be limited by the provision for insurance in this Agreement.

7. **INSURANCE.**

Prior to the execution of this Agreement, the **CONSULTANT** shall, at its own expense, carry Professional Liability Insurance for errors, omissions and negligence, in the amount of One Million Dollars (\$1,000,000.00) per claim. Throughout the term of this Agreement, **CONSULTANT** shall procure and maintain General Liability Insurance coverage and Automobile Insurance coverage in amounts of not less than Four Hundred Thousand Dollars (\$400,000) per occurrence for bodily injury, death, and property damage, naming the **CITY** as an additional insured thereon, and shall also procure Workers' Compensation Insurance coverage in the amount required by Maine law; fidelity insurance covering loss of funds or destruction of property; and errors and omissions insurance. The Workers' Compensation insurance shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. **CONSULTANT** shall furnish and thereafter maintain certificates evidencing such coverage, which certificates shall guarantee thirty (30) days' notice to **CITY** of termination of insurance from insurance company or agent.

8. **PAYMENT.**

CITY agrees to pay **CONSULTANT** within thirty (30) days of submission of an itemized invoice by **CONSULTANT**.

The **CITY** shall notify **CONSULTANT** promptly of any deficiencies or disapproval of work done by **CONSULTANT** and shall give it reasonable opportunity to correct or cure the same.

9. **NO ASSIGNMENT.**

This Agreement is one for services and may not be assigned, transferred, conveyed, or otherwise disposed of, nor may **CONSULTANT** transfer or convey its right, title or interest herein or its power to execute such contract to any other person or corporation without the previous consent in writing, of the **CITY**.

10. **TERMINATION.**

The **CITY** or **CONSULTANT** may terminate this Agreement for cause immediately upon written notice to the other of such termination. In the event of such termination, **CONSULTANT** shall be paid for all services satisfactorily performed up to the date of receipt of notice of termination.

The **CITY** may terminate this Agreement for its convenience, and in its sole discretion, upon thirty (30) days' prior written notice to **CONSULTANT**. In the event of termination for convenience, **CONSULTANT** shall be paid for all services satisfactorily performed on or before the termination date.

11. **CONSULTANT'S REPRESENTATIONS**

CONSULTANT represents to the **CITY** that it is a duly constituted corporation under the laws of the State of New Hampshire and is authorized to do business in the State of Maine as a professional services corporation.

CONSULTANT has no liens or encumbrances which would adversely affect its ability to perform as stipulated under this agreement, its terms, and conditions.

12. **CITY'S REPRESENTATIONS**

The **CITY** represents to **CONSULTANT** that sufficient funds have been appropriated so it may retain and compensate **CONSULTANT** for the services provided for herein.

The **CITY's** representative is authorized to enter into this agreement on behalf of the **CITY**.

The **CITY** is aware of no action, contemplated action, liability or other encumbrance which would limit or otherwise preclude the **CITY** from freely entering into this agreement and compensating **CONSULTANT** for the services provided.

13. **COMPLIANCE WITH LAW**

CONSULTANT agrees that in performance of its services hereunder, it shall comply with all applicable federal, state and local law and regulation, including without limitation, all laws and regulations prohibiting discrimination in employment.

14. NOTICES.

All notices required or permitted under this Agreement shall be in writing and shall be deemed sufficiently served if sent by First Class mail addressed as follows, or such other address as they may designate from time to time:

If to City: Sheila Hill-Christian
 Acting City Manager
 City of Portland
 389 Congress Street
 Portland, ME 04101

If to Consultant: Donald R. Jutton, President
 Municipal Resources, Inc.
 120 Daniel Webster Highway
 Meredith, NH, 03253

15. GOVERNING LAW.

This Agreement shall be construed in all respects in accordance with, and governed by, the laws of the State of Maine. All parties hereto hereby consent to the exclusive jurisdiction of the Superior Court for the County of Cumberland in the State of Maine, for all actions, proceedings and litigation arising from or relating directly or indirectly to this Agreement or any of the obligations hereunder, and any dispute not otherwise resolved as provided herein shall be litigated solely in said Court.

16. MULTIPLE COUNTERPARTS.

This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. A signature in a pdf or electronic document shall be considered the equivalent of an original signature.

17. EXTENT OF AGREEMENT.

This Agreement, with its attachments, represents the entire and integrated agreement between the **CITY** and **CONSULTANT** and supersedes and replaces all terms and conditions of any prior agreements, arrangements, negotiations, or representations, written or oral with respect to this Agreement. This Agreement may only be modified by written agreement of the parties.

IN WITNESS WHEREOF, the CITY has caused this Agreement to be signed by Michael F. Brennan, its Mayor, thereunto duly authorized, and MUNICIPAL RESOURCES, INC. has caused this Agreement to be signed by Donald R. Jutton in his capacity as President, the day and date first written above.

WITNESS:

CITY OF PORTLAND

By:

Michael F. Brennan
Its Mayor

WITNESS:

MUNCIPAL RESOURCES, INC.

By:

Donald R. Jutton
Its President

Approved as to Form:

Approved as to Budget:

Corporation Counsel

Finance Director

Exhibit A

SCOPE OF SERVICES

MRI will undertake the following activities in the basic executive recruitment process:

1. Receive input toward developing an **"Ideal Candidate Profile and Challenge Statement"**. The purpose of the Ideal Candidate Profile and Challenge Statement is to:
 - a. Identify critical organizational issues and challenges;
 - b. Clarify roles, responsibilities, and expectations for the position; and
 - c. Establish criteria that will help us assess the candidates to ensure that individual management strengths, behavioral styles, and motivating values of the finalists are aligned with the requirements of the position.

This will be accomplished in a number of different ways including both face-to-face and telephone interviews with elected/appointed officials, staff, and citizens, focus groups, on-line surveys, and general research by our staff. This information gathering process provides insight into key aspects of the position and also allows us to develop pertinent essay questions that are specific to each community for distribution to candidates as the process advances. When the Ideal Candidate Profile / Challenge Statement is generated and approved by the Client, it will be posted on MRI's recruitment website for potential candidates to review.

2. We will work with the Client to develop a timeline for the recruitment process so that the Client and all candidates can plan accordingly. This timeline will be provided to all candidates and posted on MRI's recruitment website.
3. We will develop and submit to the client a recommended updated position description, if requested.
4. We will research MRI's data base and canvas MRI's professional network to identify and reach out to promising potential candidates to invite their application.
5. We will develop ad copy, recommend advertising venues, and coordinate placement of the ads. Resumes will be received for approximately 30 days.
6. We will evaluate salary data in-state and nation-wide for comparable municipalities and provide a recommended a competitive salary range and compensation package.

7. We will receive and acknowledge receipt of all applications/resumes; candidates will be kept apprised of their status at each selection point throughout the process.
8. We will work with the Council Search Committee to develop a strategy for the total search, including defining MRI's role in the resume review process. If desired, we will establish an MRI team of management consultants, of which at least two will review and rank candidates against the Ideal Candidate Profile, screen all resumes for minimum qualifications and assist in identification of applicants to be invited to interview.
9. We will provide resumes to the Council Search Committee for review via a designated SharePoint site.
10. We will work with the Council Search Committee to develop the process for committee and other stakeholder interviews of semi-finalists, provide sample questions and work with the Council Search Committee to develop suggested interview questions.
11. If desired, MRI will develop and distribute a written essay questionnaire to the top qualified candidates (generally 15 to 20 candidates), focusing the questions on matters of special relevance to the client's needs or current situation. The questions will be prepared in consultation with the Committee and candidates will have 15 days to respond. The Committee and consultant team will review and rank essay responses as they are returned.
12. We will conduct a web search of each semi-finalist to identify and isolate potential background or past employment issues or concerns to be addressed in the next step of the process (telephone interviews).
13. After essay responses have been returned, reviewed, and ranked, two (2) members of the consulting team (and Committee members as they desire) will conduct telephone interviews with the top candidates with focus on current position and reasons for leaving; career history of successes and failures; future personal and professional goals; and their understanding of best practices and contemporary professional thinking in the field.

At this point in the process, we will implement one of the 3 alternatives as determined most desirable by the Selection Committee:

14. **ALTERNATIVE 1:** The MRI team of professional management consultants and the Selection Committee will conduct onsite interviews with the top 4 to 6 candidates (interview room and on-site lunch for panel to be provided by the client). The top candidates emerging from that interview would be presented to the Council interview.

ALTERNATIVE 2 (recommended): If the Client decides to have community and/or employee input into the process, the MRI team will facilitate two rounds of interviews; the first to include up to three separate panels (panel #1 consisting of 5 to 7 municipal employees; panel #2 consisting of 7 to 9 community representatives; and panel # 3 consisting of the Selection Committee and one of MRI's professional team. The selection of the panelists is up to the appointing authority with input from MRI. Each panel will be facilitated by a member of our consultant team. The second round will consist of individual interviews with the Council and the top two to four candidates that emerge from the first round of interviews.

ALTERNATIVE 3: Develop some other mutually agreeable structured approach in consultation with the Selection Committee.

15. Following whichever of the preliminary interview process alternatives that is chosen and prior to final Council decision, MRI will administer a standardized management profiling instrument (Cleaver Synergy Profile) for the top 2 or 3 candidates to help inform the Client regarding potential strengths and weaknesses of the finalist(s). Our lead consultant will review the results of the management profile with the Council and then, in conciliation with them determine what, if any, additional steps are needed to arrive at a final selection – additional steps may include more interviews, an onsite “meet and greet” with key staff, a family visit or other mutually agreeable screening activities .
16. If desired, we will assist with development of terms and conditions of employment, preparation of a conditional offer of employment, drafting the employment agreement, and development of initial goals and objectives.
17. If requested, we will assist the appointing authority with contract negotiations.
18. If the final candidate will be relocating to the community from a significant distance, we recommend and will, if desired by the client, coordinate a family visit to the community prior to making a conditional offer of employment.
19. We will complete a detailed background check on the selected candidate, which shall include, but not be limited to, previous employment, personal and professional references, employment and education verifications, credit history, and criminal and motor vehicle records checks.
20. We will assist with developing an appropriate transition plan upon request of the client.
21. Conduct or recommend consultant to provide executive assessment of finalist(s).

MRI Personnel In Charge

Donald R. Jutton, President, will serve as Principal-In-Charge of this engagement, coordinating activities, interfacing directly with the Client, and participating throughout the engagement as required. Carol Granfield and Gregory Hanscom will serve as team members on this engagement. Additional team members will be assigned and participate upon request of the Client.

Gail H. Schillinger will serve as the Communication Liaison between the Client and MRI to expedite the flow of project information, to record and properly direct Client inquiries regarding the project, and to ensure that problems or issues that may arise during the engagement are addressed and resolved expeditiously. Please feel free to contact Ms. Schillinger regarding any matter related to this project at:

Gail H. Schillinger
Communication Liaison
Municipal Resources, Inc.
120 Daniel Webster Highway
Meredith, NH 03253
(603) 279-0352, x-303
(866) 501-0352, x-303 TOLL FREE
gschillinger@municipalresources.com

Notice of Change in Personnel

Except as otherwise provided below, the MRI consultants assigned to any scope of work or project will remain throughout the duration of that specific scope of work or project. MRI retains the right, upon 30 days written notice, to remove from the project any of its consultants whom it believes can no longer suitably perform under its obligations to this agreement or any Supplement to it.

The Client, upon 30 days written notice, may request MRI to replace any of its consultants with another qualified representative.

Administration of Agreement Modifications

In all cases where this agreement is modified or expanded a written Supplemental Scope of Work (Supplement) must be prepared which clearly defines the services to be provided and details the billing rates or amounts to be charged by MRI and paid by the Client. Supplements must be executed by the authorized representatives of the respective parties prior to any billable work being undertaken. The Supplement(s) shall identify:

- The MRI officer or principal responsible for the successful delivery of services and/or project completion and the client's contracting official(s) or officer(s);
- The specific details of the work to be performed;
- The MRI personnel to be assigned;

- The basis upon which MRI services are being retained, including the normal hourly rate(s), cost reduction considerations or the agreed upon fee(s) for the personnel assigned and/or the services provided;
- The Client's contact person responsible for administering the Supplement, activities or project and the associated reporting requirements; and
- Any special or other conditions such as time deadlines, special reporting requirements, budget limitations, or other similar constraints.

EXHIBIT B

SCHEDULE OF FEES AND CHARGES

MRI's services for this Recruitment & Selection process will be provided on a lump sum fee basis that is intended to cover all professional time and expenses. The process will be completed for a lump sum fee of \$15,500.00; payment to be made as follows:

1. **\$4,000.00** to be invoiced upon signing this agreement;
2. **\$4,000.00** to be invoiced upon completion of the review and initial ranking of candidates;
3. **\$4,000.00** to be invoiced upon completion of initial reference checks on semi-finalist candidates; and
4. **\$3,500.00** to be invoiced upon the Client receiving our recommendation(s) after the interview process is complete.

Payments will be made within thirty (30) days of receipt of the invoice unless otherwise agreed. Invoices not paid within thirty (30) days will accrue interest at the rate of 1.5% per month.

In the event that the work schedule requires overnight accommodations at the Client's location, the MRI consultant will be reimbursed actual cost of accommodations plus \$35 for meal expense.

Third parties retained by MRI who or which are not MRI employees or affiliates and as noted on any Supplement(s) will be invoiced at a cost sufficient to cover all charges and costs.

Also, there may be additional charges for a background investigation associated with an out-of-state finalist should the Client elect to have an on-site field visit conducted. The Client must budget for these costs separately.

ADVERTISING ALLOWANCE and CANDIDATE EXPENSES

We suggest an advertising budget of \$1,200.00. This includes advertising in the following venues, and on other appropriate publications and websites, which will be selected in consultation with the Client.

We suggest a candidate expense allowance of \$1,500.00 to cover incidental costs of the interviews and travel/overnight accommodations should the Client determine that candidates coming from a long distance are to be partially or totally reimbursed for such expenses.

The fees and charges set forth in the schedule above **do not include** the cost of advertising, the cost of accommodations for on-site interviews, reimbursement of candidate travel expenses, the cost of a family visit, or the cost of medical or psychological exams. In addition, the City is responsible for providing food and lodging for the interview team (on nights prior to the interviews) and for providing food and interview rooms for the interview panels and candidates on the interview days.

*Order 110-14/15
Tab 17 12-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING THE ESTABLISHMENT OF A COMMUNITY GARDEN
IN EASTERN PROMENADE PARK**

ORDERED, that the establishment of a Community Garden in Eastern Promenade Park
is hereby approved.

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Michael Bobinsky, Director of Public Services

DATE: September 19, 2014

DISTRIBUTION: Sheila Hill-Christian, Acting City Manager
Michael Brennan, Mayor
Danielle West-Chuhta, Corporation Counsel
Sonia Bean, Senior Administrative Assistant
Nancy English, Executive Legal Assistant

SUBJECT: Eastern Promenade Community Garden

SPONSOR: City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ December 15, 2014 _____ Final Action _____

Can action be taken at a later date: ☒ Yes ☐ No

I. SUMMARY OF ISSUE

The Department of Public Services manages a community garden program in which members of the public pay a fee which entitles them to a plot in which to garden. The Community Garden inventory consists of the following locations:

- North Street Garden
- Payson Garden
- Brentwood Garden
- Valley Street Garden
- Clark Street Garden
- Peaks Island Garden
- Riverton Garden

In total, these gardens comprise 264 individual plots. We currently have a waiting list of 135 residents who want a garden plot. It generally takes at least two years for someone on the waiting list to receive a plot. In light of this, the Department of Public Services seeks to establish a new garden on the Eastern Promenade. The proposed garden will offer approximately 40 new garden plots as well as a "plant a row" section that will allow groups of individuals to garden cooperatively.

The proposed garden would be located behind the tennis courts and basketball courts in an area that is currently maintained as a "low mow" area. The garden would be behind an existing chain link fence that is 10' tall and approximately 250' long so it would not interfere with any views from the street. A fence approximately 4' in height would surround the

garden and an 8' x 10' shed would be located inside the fence. These structures would be obscured by the existing fence surrounding the courts.

The proposed garden has been deemed appropriate by the Historic Preservation Board which took up the issue during their meeting on October 15, 2014. The proposal has also been endorsed unanimously by the Parks Commission and the Land Bank Commission during their meetings on November 6, 2014. In addition, the Friends of Eastern Promenade and the Munjoy Hill Neighborhood Organization have endorsed the proposed garden.

II. REASON FOR SUBMISSION

City Code requires Land Bank and Council approval for improvements in Land Bank designated properties. The Land Bank unanimously endorsed the proposed garden during their meeting on November 6, 2014. We are requesting Council approval at this time.

III. INTENDED RESULT

Establish a new garden that will provide more Portland residents to participate in the Community Garden program by reducing the number of people on the waiting list.

IV. COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

The Cultivating Community & the City received a \$15,000 grant from Harvard Pilgrim Health Care Foundation to establish the garden. Gardeners will pay a fee of \$50 per plot to help defray future operating costs.

VI. STAFF ANALYSIS

The Community Garden program continues to grow and increasing numbers of residents express interest in getting a plot. Establishing a new garden will provide more opportunity to participate.

VII. RECOMMENDATION

Staff recommends approval of the community garden proposed for the Eastern Promenade

VIII. LIST ATTACHMENTS

Proposed community garden concept plan and site photos

Prepared by:

Troy Moon
Environmental Programs and Open Space Manager

*Order 111-14/15
Feb 18 12-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER TO ACCEPT GIFT OF
PORTLAND BRICKS PROJECT COMMUNITY ART INSTALLATION
AND ADDING THIS WORK TO THE CITY'S PUBLIC ART COLLECTION**

ORDERED, that the City hereby gratefully accepts the gift of the Portland Bricks Project, consisting of stamped bricks inscribed with stories and historic details, to be installed in the City sidewalks in the India Street neighborhood and to be added to the Portland Public Art Collection; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Acting City Manager to execute any related documents necessary or convenient to carry out the intent of this order.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Alex Jaegerman, Planning Division Director

DATE: December 3, 2014

DISTRIBUTION: (City Manager, Mayor, Sonia Bean, Danielle West-Chuhta ,
Nancy English)

SUBJECT: **Order** to add the Portland Bricks project into the public art collection as a
Community Art Granted Project.

SPONSOR: Lin Lisberger, Portland Public Art Committee, Chair

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ **Final Action** _____ **x** _____

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

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

I. SUMMARY OF ISSUE (Agenda Description)

The Public Art Committee would like to add a Community Art piece to the Public Art Collection – Portland Bricks. The project consists of clay stamped bricks inlaid into the sidewalks around the India Street neighborhood. The bricks are stamped with stories from the past, present, and future of the neighborhood's residents. The project is a collaboration between Ayumi Horie, Elise Pepple, Pilar Nadal, MECA students, and neighborhood residents.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

Additions to the Public Art Collection require Council approval.

III. INTENDED RESULT

The Portland Public Art Committee would like to add this community artwork to the collection in the India Street Neighborhood and grant \$5,000 in support of the project. The project brings attention to the India Street neighborhood and is sited on and around India Street itself, calling attention to the history of the street, the neighborhood, and the residents. The Department of Public Services has agreed to install the bricks into the sidewalk and the PPAC will take over the responsibility of maintaining the artwork. Bricks would be installed spring 2015.

IV. COUNCIL GOAL ADDRESSED

N/A

V. FINANCIAL IMPACT

The PPAC, in voting to accept this artwork, also agreed to grant \$5,000 to the project. The \$5,000 amount is from the CIP and was allocated in the 2014 Public Art Committee budget under the line item "Community Art." This budget was approved by Council at the beginning of 2014.

VI. STAFF ANALYSIS

Staff support the vote of the PPAC to add and fund this community art project that engages with neighborhood residents and brings positive attention to the India Street neighborhood. This project has several community partners and has been in progress for a year.

VII. RECOMMENDATION

The Portland Public Art Committee has voted to accept the Portland Bricks project into the Portland Public Art Collection as a community art granted project. Therefore, the committee and staff recommend proceeding with adding the project into the collection.

VIII. LIST ATTACHMENTS

- Portland Bricks project application

Prepared by:



Signature

December 2, 2014
Date



Maine Transportation Conference December 4, 2014

An introduction to the City of Portland's Waterfront

1. The City's history and waterfront policy

- **Portland's history** is a story of **Marine Transportation, Rail, and Manufacturing**
- Current Policies seek to build on this history.
- As Maine has a 3 Port Strategy, Portland has **policies** promoting **3 functionally distinct sub-areas** along the waterfront:
 - Western Waterfront** – Deep-water freight, industry, rail transportation
 - Central Waterfront** -Fishing and traditional marine industry mixed with tourism, recreation, and downtown uses
 - Eastern Waterfront** – Marine passenger industries and mixed-use development - local ferry (6 Casco Bay islands and +/-1 million trips per year), international ferry (Nova Star to Yarmouth, NS), and cruise ships

Eimskip's arrival and growth in Portland is a resurgence of Portland's transportation heritage and will hopefully create opportunities throughout the waterfront consistent with long-standing policies

2. Role of Municipal Government: City-Owned Facilities, City Policies, Partnerships

- The City owns **critical facilities**:
 - Ocean Gateway** Marine Passenger Terminal (City managed)
 - Maine State Pier** housing the Portland Ocean Terminal (City managed) and the Casco Bay Island Ferry Terminal (managed by a multi-municipal elected board)
 - Portland Fish Pier** (managed by the Portland Fish Pier Authority)
 - International Marine Terminal - IMT** (managed by the Maine Port Authority)
- **City Policies** promote marine industry and transportation while allowing **compatible mixed-use development**. Non-marine investment supports marine infrastructure. Much of the waterfront is privately owned and Pier Owners have a reasonable expectation of a return on investment.
- **Partnerships** – with **State of Maine agencies, private pier owners, industry, and developers** - are key to implementing policies promoting port and downtown investment.

3. Role of the State of Maine

- **Investments by the State** into Port of Portland Waterfront Facilities are essential – and much appreciated.
- **Management of the International Marine Terminal by the Maine Port Authority** has brought investment, growth, and opportunity (Eimskip, expansion of the IMT, rail links to IMT....)
- **Promotion**. The Port Authority's leadership brought Eimskip to the port. The State's profile and expertise positions the Port of Portland to compete for business and investment

4. Active Projects

- **IMT Expansion**: State acquisition of land for yard and rail expansions and future growth
- **Ocean Gateway**: Improvements supporting passenger services (State funded)
- **Portland Fish Exchange**: Repairs and improvements (State funded)
- **Portland Company redevelopment**: Private mixed use and marina development in the Eastern Waterfront
- **"New Yard" expansion**: Portland Yacht Services boat and ship repair yard expansion (private)
- **Investing in Manufacturing Communities**: Federal designation opening opportunities for funding
- **New England Ocean Cluster House**: Applying an Icelandic model for innovation on the Portland Waterfront

5. Future opportunities: Expanding seafood processing, cold storage and transportation. We must expand our local market for locally processed foods through **institutional purchasing**, restaurants, and fostering Portland's food culture

The above combine to create the "Portland Brand" - an authentic mixed-use working waterfront where marine history, industry, and transportation intersect



Information for the Portland Public Arts Committee
Submitted by Ayumi Horie, Elise Pepple and Pilar Nadal

Project narrative	2-3
Aerial Map	4
Website	5
Installation Plan	6
Timeline	7
Brick Images	8
Budget	9
Who: Bios & Community	10

Project Narrative

What if, when someone walked down the street, the architecture could literally tell the city's stories?

On this spot in 1732, you would be swimming in Broad Cove.

*On this spot in 1987 Harry proposed to Juliet saying,
"marry me even though you think I'm an idiot!"*

Portland Brick aims to highlight what is significant about the city by personalizing the streets. The project celebrates layers of local culture by combining the past, present, and future memories of the city. We hope to create an everyman's history, present, and future of Portland. This is a multifaceted public art project that marries together community, function, and history through technology, live performance, and earth from this city.

The project consists of three parts:

First, historical facts, individual memories, and future wishes (limited to the length of a tweet, 140 characters) will be stamped into local brick clay that has been customized to fill gaps in the existing sidewalks. In this way, the stories of Portland will literally repair the city sidewalks. Each story will begin with the handle "on this spot..." By layering the past, present, and future we hope that residents will participate in shaping the memory of the city. We will fabricate thirty bricks: ten with historical facts, ten with personal memories, and ten with future wishes for the city.

Second, the website will connect residents and tourists alike to an online map of the brick locations. This map will function like a museum audio tour. The phrases appearing on each brick will be expanded into full-length stories, so that residents and visitors may take an audio tour of the city through the lens of personal narrative. Think of what you would get if The Moth radio hour and Google Maps had a baby.

Third, after crowdsourcing future wishes for the city, we will create a sort of Portland Make a Wish Foundation in which we collaborate with residents to make some of their wishes come true at the locations they specify.

In 2013, Portland Brick met with The Portland Public Art Committee to discuss the feasibility of collaborating with the city. We met with Caitlin Cameron from The Planning Division, David Margolis Pineo from Public Works, and Deb Andrews from The Historical Preservation Committee. During these meetings the project was met with enthusiasm. It was determined that Public Works could install bricks and that the lasting nature of the bricks met the qualifications for historic preservation. During these meetings, The India Street

Neighborhood was proposed as a potential location to pilot this project. During a meeting of the I.S.N.A.C. we presented the project and were met with a positive response. As a result of these meetings, we moved forward with the project and began applying for funding.

During the summer of 2014, artist Ayumi Horie began working on brick fabrication, processing native clay in order to achieve maximum durability. Concurrently, Elise Pepple began outreach to community entities on India Street. She began collaborating with community entities to collect the first series of stories. Thus far, Elise has collaborated with The Italian Heritage Society, The Maine Jewish Museum, MECA students, as well as residents and neighborhood businesses. Funding from The Maine Arts Commission enabled us to partner with MECA students as we began the collection phase of the project. Pilar Nadal translated this project into an ongoing collaboration with her class. Pilar and Elise developed a college-level curriculum in conjunction with this project.

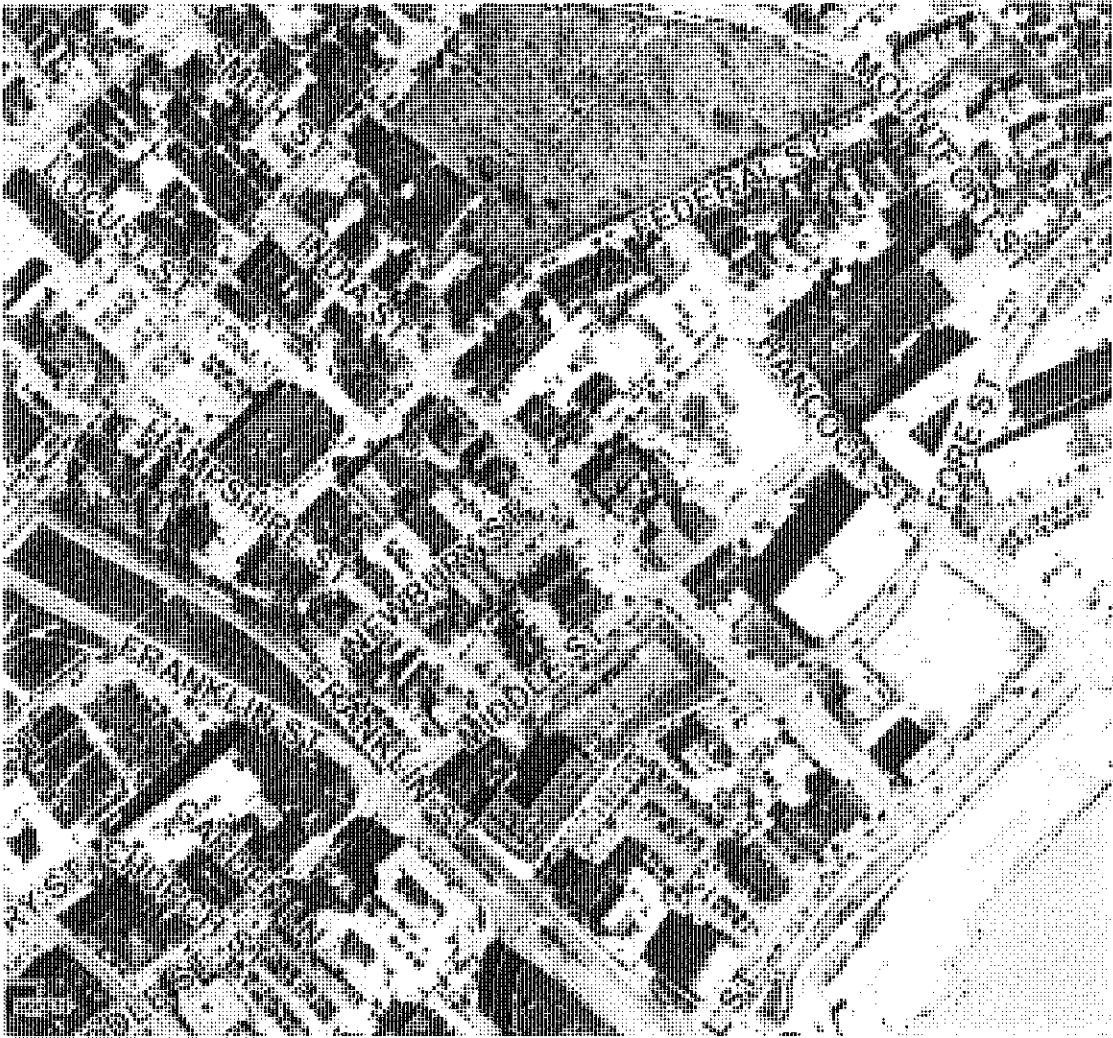
Right now, we are engrossed in story collection, as well as the fabrication of bricks. Funding from the Portland Public Art Committee will support more research into the composition of the clay (creating a product that will last even longer than 100 years), brick fabrication, equipment for brick fabrication and development of a website. Brick fabrication is both labor-intensive and time-intensive. This winter, Ayumi Horie will fabricate two thirds of the bricks. Artist Pilar Nadal, will contribute her knowledge of typography to the graphic design for the bricks. The depth of the stamping is a consideration, as is proximity of the design to the edges of the brick. We will begin installing the bricks in phases, rather than in one mass installation. This way, as new bricks appear in the neighborhood, Portland residents have a greater opportunity to participate in the project. To support the dissemination of this project we will use \$1,000 of PPAC funds to create a more sophisticated website that allows both residents and tourists to share stories and contribute to the project. This winter, Elise Pepple will host a public live storytelling event in which residents share their stories of the neighborhood. She will also continue collecting stories, producing audio pieces for the website.

We will complete the brick installation by June 2015. To share the conclusion of the project, we will participate in First Friday Art Walk. Creative Portland, who runs First Friday Art Walk, has expressed support for the project. Subsequent to the fabrication phase, we will use funds from our live storytelling event to create a series of "wish fulfillments" on India Street. For this aspect of the project, Elise Pepple and Pilar Nadal, both social practice-based artists will take some of the wishes for the neighborhood and translate them into short-term public interventions. By June 2015, we will have fabricated and installed thirty bricks, created a website that showcases neighborhood stories, and created three public interventions.

Aerial Photos & Map

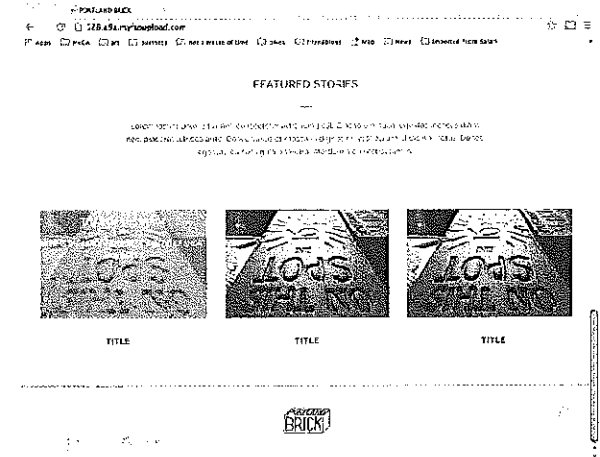
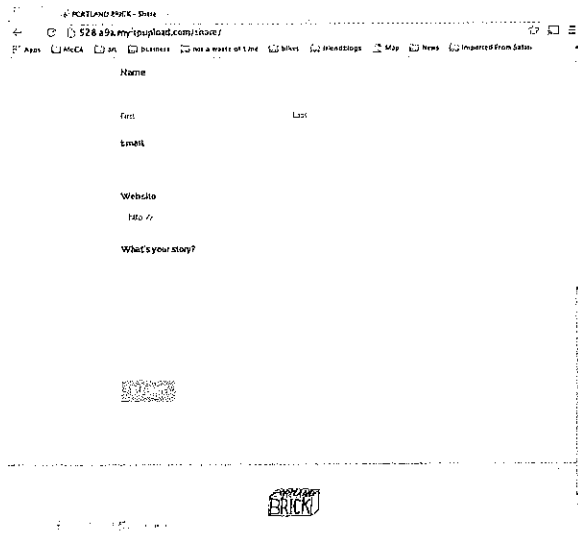
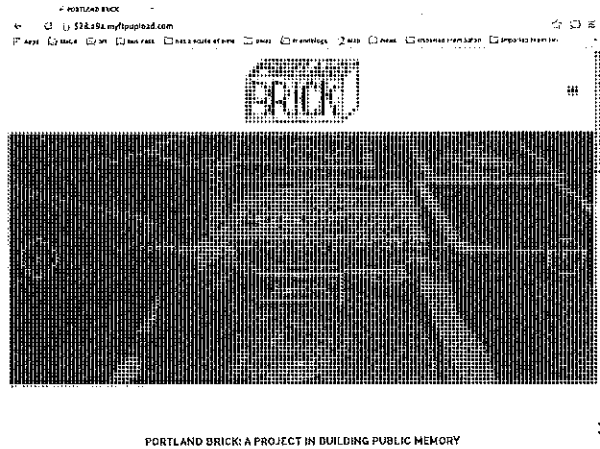
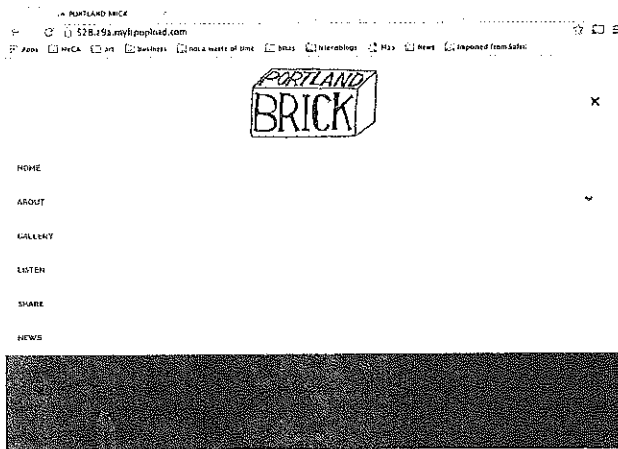
We will create 30 bricks- with phrases. Some phrases will be just one brick, some with be three or four.

Red dots denote possibilities for locations of brick sets:



Website

We are currently working with web designer, Stacy Kim of Perch, to create a revised website. Her initial draft is located here: <http://528.a9a.myftpupload.com/>



Installation plan

We are planning on installing several brick sets by the end of the year before snow and ice set in. Over the winter, we'll take a break from installation and resume again in April, rolling out brick sets in phases that will work with Public Services' schedule. We have been in contact with David Margolis-Pineo of the Department of Public Services for a year through both email and multiple in-person meetings. He is supportive of the project and based on his experience with sidewalk bricks in Portland (some of which are over a hundred years old), he is confident of their long-term durability. As an added precaution, we are planning on applying a sealant to them to make the bricks impervious to salt corrosion.

Timeline

October 2013- August 2014

- Work with The Portland Public Art Committee to determine feasibility of project.
- Meet with Historic Preservation to determine if Portland Brick adheres to requirements for historic neighborhoods.
- Meet with Public Works to establish feasibility of installation.
- Meet with India Street Neighborhood Association to establish interest in project.

June-August 2014

- Artists Adam Chau and Ayumi Horie conduct experiments to choose font, size, and material for printing text using 3-D technology
- Elise Pepple and Pilar Nadal develop curriculum to engage 20 freshmen in FYI-In class to assist in project.
- Slake the excavated Stroudwater clay to prepare it for use

September-December 2014

- Community outreach
- Story collection
- Brick Fabrication

December 2014-March 2015

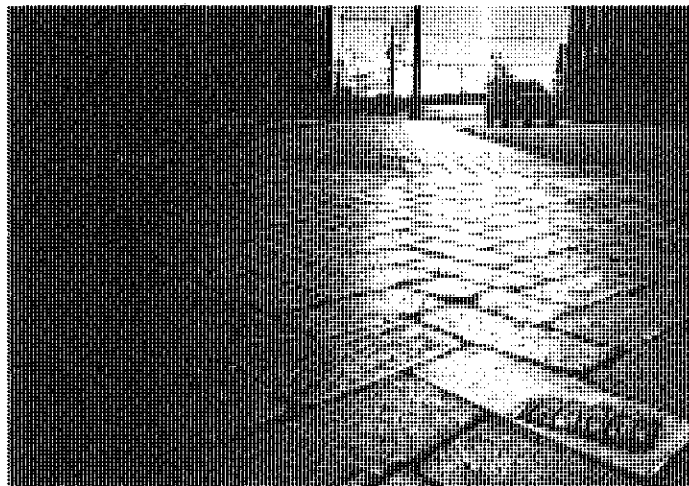
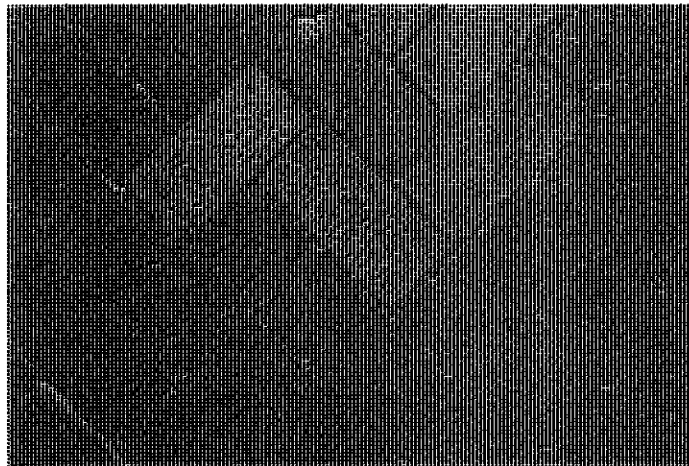
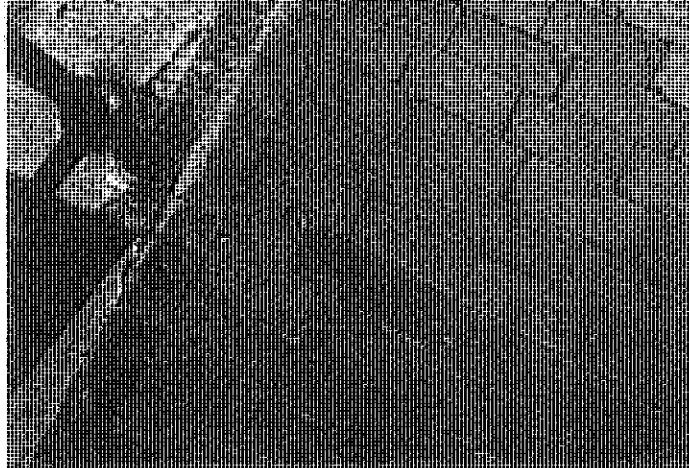
- Build website
- Content development for website
- Collect stories
- Brick fabrication
- Imprint story text into bricks
- Host a public live storytelling event based on stories shared during Portland Brick

March- June 2015

- Portland Public Works installs bricks
- First Friday Art Walk

Images

These are mockups of the bricks being installed in the sidewalks. Numbers on the logo brick will change, depending on the phrase number.



Budget

The PPAC funds will be directly allocated to brick fabrication and web development. We are asking for \$5,000 from PPAC. We will use \$4,000 to cover the material costs, costs of a hydraulic brick press, labor, and design involved with brick fabrication. We will use \$1,000 to create a more sophisticated website that enables greater participation in the project.

Portland Brick received a \$4,000 grant from The Maine Arts Commission to collaborate with a MECA class on the collection phase of this project this fall. Portland Brick has also received in kind support of greater than \$10,000 from artists donated time, partnering with MECA, and community support..

Who

Ayumi Horie is a full-time studio potter in Portland, Maine who makes functional pottery with drawings of animals and typography, inspired by American and Japanese folk traditions and comics. She often works collaboratively on projects, including a tile mapping project of Greenwich Village in 2009, which celebrated the quadracentennial of New York City and the centennial of Greenwich House Pottery. In 2011, she was the first recipient of Ceramics Monthly's Ceramic Artist of the Year award. Ayumi travels nationally and internationally to give lectures and workshops and has organized multiple online fundraisers including Obamaware in 2008, Handmade For Japan in 2011, which has raised over \$100,000 for disaster relief, and a medical fundraiser for a fellow potter that raised over \$50,000. She is on the board of trustees at the American Craft Council and on the curatorial board at accessCeramics.org.

Elise Pepple is a storyteller, socially-engaged artist, and social worker. She facilitated StoryCorps' Alaska Initiative, produced a radio show dedicated to place-based stories for KCAW, and hosts live storytelling events. In 2012 she relocated to Portland, Maine to attend The Salt Institute for Documentary Study. Elise received a Community Arts Development Grant from The Alaska State Council on the Arts to produce *The Other AK: an experiment in narrative tourism*. Elise is a National Arts Strategies Creative Community Fellow for 2014. She is also pursuing her Master's in Social Work from Smith College. Her aim is to leverage the power of storytelling and art to foster a sense of belonging and meaning on the macro and micro scale.

Pilar Nadal is a printmaker, educator and fake radio co-host in Portland, Maine. In her individual and collaborative work, she utilizes printmaking and public engagement practices, creating playful and interactive prints and installations that explore communication technologies and the spaces that relationships inhabit. Nadal currently teaches at The Maine College of Art, Southern Maine Community College, and Pickwick Independent Press.

The community impacted by this project are: residents, visitors, business owners, organization leaders, community members, and any and all passersby.

*Order 118-14/15
Tab 19 18-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING 90-DAY NO PARKING ZONE
ON SOUTH SIDE OF WALNUT STREET**

ORDERED, that the City Traffic Engineer is hereby authorized and directed to place signs creating a 90-day No Parking Zone on the south side of Walnut Street from Washington Avenue to North Street pursuant to Portland City Code §28-26; and

BE IT FURTHER ORDERED, that this No Parking Zone is hereby approved and shall be effective immediately upon the placing of the signs; and

BE IT FURTHER ORDERED, that this No Parking zone shall terminate after 90 days.



TO: Mayor and City Council

FROM: Ian Houseal, Assistant to the City Manager

DATE: December 15, 2014

DISTRIBUTION: Sheila Hill-Christian, Michael Brennan, Danielle West-Chuhta, Sonia Bean, Nancy English

SUBJECT: Order directing the City Traffic Engineer to establish a trial and temporary ninety day no parking zone on the south side of Walnut Street between Washington Avenue and North Street

SPONSOR: Sheila Hill-Christian, Acting City Manager

I. SUMMARY OF ISSUE

To alleviate traffic congestion on Walnut Street between Washington Avenue and North Street, this order directs the city traffic engineer to establish a trial and temporary 90-day no parking zone on the south side of Walnut Street between Washington Avenue and North Street. Approximately three spaces will be removed during this trial period between Sheridan Street and North Street on the south side of Walnut Street. This temporary traffic rule change will improve local traffic flow due to construction taking place on the extension of Sheridan Street north from Walnut Street.

II. REASON FOR SUBMISSION

Council action is required to implement a temporary and trial traffic rule change according to City Code 28-26.

III & IV. INTENDED RESULTS AND COUNCIL GOAL ADDRESSED

The intended result of this action will be the temporary removal of parking resulting in relieving traffic congestion on Walnut Street due to construction in the vicinity.

V. FINANCIAL IMPACT

There is no apparent financial impact associated with this action

VI & VII. STAFF ANALYSIS AND RECOMMENDATION

This traffic change should result in improved traffic circulation on Walnut Street alleviating some traffic congestion due to construction on Sheridan Street. Staff recommends the traffic rule change on a temporary basis coinciding with construction activities in the vicinity.

VII. LIST ATTACHMENTS

See attached Order.

*Order 113-14/15
Tab-20 12-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING AND AUTHORIZING THE ACTING CITY MANAGER
TO SIGN THE SECOND AMENDMENT OF
THE CORPORATE GUARANTY AGREEMENT
RE: THE FEDERATED COMPANIES LLC**

ORDERED, that the Second Amendment of the Corporate Guaranty Agreement with The Federated Companies LLC is hereby approved in substantially the forms attached hereto as Attachment 1; and

BE IT FURTHER ORDERED, that the Acting City Manager is hereby authorized to execute whatever documents are necessary to effect the intent and purpose of these Agreements and this Order.



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

City Council Agenda Item

TO: Mayor and Members of the City Council

FROM: Greg Mitchell, Economic Development Director

DATE: December 1, 2014

SUBJECT: Order Authorizing Second Amendment to Corporate Guaranty - Federated Companies
Midtown Project Partnership Document Amendments

SPONSOR: Housing and Community Development Committee (HCDC), Councilor Kevin Donoghue/Chair

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading: December 15, 2014 **Final Action:** January 5, 2015

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

I. Summary of Request

The redesign of the Federated Companies Midtown Project requires amendments to one Federated Companies and City of Portland Midtown Project partnership document which includes a Second Amendment of the Corporate Guaranty.

Midtown Project Approved versus Redesigned Project. A side by side comparison includes:

Approved Project	Redesigned Project
Housing: Phase One: Minimum of 174 Units* All Phases: 650 to 850 Units	Housing: 440 Units
Retail: Phase One: Not less than 37,486 sq. ft.* All Phases: 100,000 sq. ft.	Retail: 90,000 sq. ft.
Parking: Phase One: Minimum of 700 Spaces* Phase Two: 400 Spaces	Parking: 800 Spaces

*Federated Guaranty Provided

Economic Development Department, City of Portland, 389 Congress Street, Portland, ME 04101; (207) 874-8683

The reason for the proposed amendment is to reference the Redesigned Project description. Attached is the Second Amendment of Corporate Guaranty Agreement with detailed Redesigned Project description and one rendering for the entire Project. No amendment to the remaining project partnership documents are required. See attached fully executed project partnership documents.

II. Reason for Submission

City Council approval is needed to amend the Corporate Guaranty Agreement.

III. Intended Result

The intended result is for the City Council to approve the Second Amendment of Corporate Guaranty Agreement and authorize the City Manager to sign the document.

IV. Council Goal Addressed

Promote economic development in the City in a manner that provides for increased property values, diversification across industry sectors, and high paying jobs.

V. Financial Impact

A comparison of the build-out value of the approved versus redesigned Midtown Project is provided below.

Approved Project	Redesigned Project
Estimated Project Cost: Phase One: \$45-\$50* Million All Phases: \$150-160 Million	Estimated Project Cost: \$85 Million

*Minimum of \$38 million, in municipal assessed valuation, is needed for the City to cover HUD and City Debt Service associated with city investment in Somerset Street.

It is noted that Federated Companies has agreed to construct the entire Project in one phase and the Second Amendment to the Corporate Guaranty maintains the corporate guaranty until a municipal assessed taxable value of \$45 million is achieved.

VI. Staff Analysis

Staff recommends approval of the Second Amendment of Corporate Guaranty Agreement.

VII. Recommendation

The HCDC voted unanimously (3-0; Councilor Hinck absent for the item) to forward this to the City Council with a recommendation that it be approved.

VIII. Attachments

- Proposed Second Amendment of Corporate Guaranty with Exhibit A (pp. 3 to 10);
- Executed Second Amendment of Purchase and Sale Agreement and Amendment of Guaranty and Parking Garage Contribution and Funding Agreement of October 14, 2014 (pp. 11 to 32); and,
- Executed Corporate Guaranty Agreement of October 15, 2012 (pp. 33 to 94).

Economic Development Department, City of Portland, 389 Congress Street, Portland, ME 04101; (207) 874-8683

SECOND AMENDMENT OF CORPORATE GUARANTY AGREEMENT

THIS AGREEMENT dated _____, 2014 is made by and between **THE CITY OF PORTLAND, MAINE**, a body politic and corporate with a place of business at 389 Congress Street, Portland, Maine 04101 (the "City" or "Seller"), **LEGACY PARK APARTMENTS, LLC**, a Florida limited liability company with a place of business at 3301 NE 1st Avenue, Suite M-302, Miami, Florida 33137 ("Legacy" or "Buyer"), **THE FEDERATED COMPANIES LLC**, a Florida limited liability company with a principal place of business at 3301 NE 1st Avenue, Suite M-302, Miami, Florida 33137 ("Federated"), and **FEDEQ DV001, LLC**, a Maine limited liability company with a mailing address of PO BOX 370008, Miami, Florida 33137 ("FEDEQ").

RECITALS

WHEREAS, The City and Federated entered into a certain June 3, 2011 Purchase and Sale Agreement, as amended by a First Amendment to Purchase and Sale Agreement dated October 15, 2012 (the "P&S") and a Second Amendment Of Purchase And Sale Agreement And Amendment of Guaranty And Parking Garage Contribution And Funding Agreement dated October 14, 2014 (the "Second Amendment") (the P&S, as amended, is referred to herein as the "P&S"), and

WHEREAS, Federated has assigned its rights as buyer under the P&S to Legacy pursuant to a certain Assignment and Assumption Agreement dated June 27, 2011 (the "Assignment"), and Legacy has assigned its right to purchase the Property to a Maine limited liability company known as FEDEQ DV001, LLC by a certain Assignment and Assumption Agreement dated October 14, 2014 (the "FEDEQ Assignment"); and

WHEREAS, the City, Legacy, Federated, and FEDEQ are parties to a certain October 15, 2012 Corporate Guaranty Agreement dated October 15, 2012, as amended by the Second Amendment (the Corporate Guaranty Agreement, as amended, is referred to herein as the "Guaranty Agreement"); and

WHEREAS, the City, Legacy, and FEDEQ are parties to a certain Parking Garage Contribution and Funding Agreement dated October 15, 2012, as amended by the Second Amendment (the Parking Garage Contribution and Funding Agreement, as amended, is referred to herein as the "Parking Garage Agreement"); and

WHEREAS, as a result of a pending lawsuit filed by certain Portland residents against the City, Federated, and Legacy, Federated has submitted to the City's Planning Department a site plan application and amended subdivision plan with a redesigned plan for the development of its Midtown Project on the Property. The redesigned Midtown Project is described in a certain "Midtown Project Description" by CBT Architects, a copy of which is attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the City, Legacy, Federated and FEDEQ now wish to amend certain provisions of the Guaranty Agreement and the Second Amendment as set forth herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Guaranty Agreement and the Second Amendment are hereby amended as follows:

1. Section 1 of the Guaranty Agreement and sections 3(a) & (b) of the Second Amendment are hereby deleted and the following is added to the Guaranty Agreement as section 1:

Subject to Planning Board approval, FEDEQ shall construct the Midtown Project in a single phase in substantially the form described in the Midtown Project Description. The parties agree that the Midtown Project shall consist of four buildings and will include not less than four hundred (400) residential apartments, not less than 85,000 square feet of retail space, and a parking garage containing not less than 800 spaces. Notwithstanding anything to the contrary in the Midtown Project Description, the parties agree that the specifications shown on a plan as may be approved by the Planning Board shall be deemed to satisfy the design guidelines and specifications required by the terms of the Guaranty, provided that the Midtown Project, as approved, is in substantially the form described in the Midtown Project Description. The Midtown Project shall be substantially complete within three years after the date on which the Buyer shall have requisitioned a total of one million dollars (\$1,000,000.00) in City Grant Funds, exclusive of funds requisitioned by the City or by the Buyer for environmental remediation costs (the "Guaranty Deadline"). The annual penalty for not meeting the Guaranty Deadline shall be limited to Guarantor paying to City, on an annual basis for a maximum term of seventeen (17) years, the annual difference between the actual tax revenue realized from the Midtown Project, as constructed, and the Midtown Project's tax revenue the City would have received had the Midtown Project been substantially completed (the "Midtown Project Value") by the Guaranty Deadline. The Midtown Project Value shall be the City of Portland Assessor's estimated assessed value of the Midtown Project property (real and personal) made on the April 1 following the Guaranty Deadline, and based on the Midtown Project as it may be approved by the Planning Board. Notwithstanding anything in the forgoing, this Guaranty is contingent on the full \$9,007,000.00 in City Grant Funds being contributed to Guarantor for the construction of the Garage. Guarantor's aggregate, maximum penalty liability under this Guaranty shall not exceed \$9,007,000.00. Finally, regardless of when substantial completion of the Midtown Project is achieved, this Guaranty shall automatically terminate, Guarantor shall have zero financial liability under this Guaranty and City shall provide Guarantor with a release from any financial liability under this Guaranty effective as of the earlier of the date that the City of Portland Assessor's estimated assessed value of the Midtown Project reaches \$45,000,000.00 or as of the date of the timely and valid exercise of the City's right of repurchase under Section 9 of the Parking Garage Agreement, as amended. For purposes of this Guaranty, "substantial completion" is deemed to mean all structures having received a Certificate of Occupancy from the City of Portland, and the complete 'fit-out' of all commercial portions of the Midtown Project.

The rights and obligations under the P&S and under the Parking Garage Agreement are cumulative and in addition to the rights described herein.

2. The parties recognize that the definition of the Land subject to the P&S, as set forth in section 2(a) of the Second Amendment, is likely to change following review by the Planning Board of the new site plan application and amended subdivision plan. The parties hereby agree to execute a further amendment to the P&S and any other documents that may be required to document such a change.
3. All terms capitalized but not defined herein shall have the meanings defined in the P&S, the Guaranty and the Parking Garage Agreement.
4. Except as amended hereby, the P&S, the Guaranty, the Parking Garage Agreement and the Job Creation Agreement shall remain in full force and effect and are hereby ratified. In the event of any conflict between the terms of this Agreement and the terms of the P&S, the Guaranty and the Parking Garage Agreement, the terms of this Agreement shall govern and control.
5. This Agreement may be signed in counterparts, which shall be construed together as one document.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed and sealed by their respective duly authorized undersigned officers as of the date first mentioned above.

CITY OF PORTLAND

By: _____
Name: Sheila Hill-Christian
Its: Acting City Manager

Approved: Acting Finance Director

Approved to Form: Corp. Counsel

LEGACY PARK APARTMENTS LLC

By: _____
Jonathan Cox
Its: Manager

THE FEDERATED COMPANIES LLC

By: _____
Jonathan Cox
Its: Manager

FEDEQ DV001, LLC

By: _____
Jonathan Cox
Its: Manager

EXHIBIT A

MIDTOWN PROJECT DESCRIPTION

ATTACHMENT A

MIDTOWN PROJECT DESCRIPTION

The proposed project is a mixed-use residential/retail development in the Bayside area of Portland. It consists of four buildings designated "midtownOne", "midtownTwo", "midtownThree", and midtownFour" further described below. The project will contribute about 87,200 square feet of direct street access retail space at the ground level, about 440 new apartments ranging from 400 square foot studios to 1,050 square foot two-bedroom units, and structured off street parking for about 800 vehicles.

The project site is bound on the north by the Bayside Trail, on the East by Pearl Street, on the South by Somerset Street, and on the West by Elm Street, Chestnut Street bisects the site. Immediately neighboring uses consist of Whole Foods to the southeast at Somerset and Franklin, warehousing and open land along Somerset Street opposite the project and low-rise retail and commercial development supported by surface parking extending from the Bayside Trail to Marginal Street to the North. Low and mid-rise residential development extends up the slope from Somerset Street to Portland's downtown district along Congress Street.

The proponent's intent is to lead the way in creating a compact walkable mixed-use residential "main street" anchoring the Bayside neighborhood with continuous retail frontage along Somerset Street, while also improving the trail.

Concurrent with the project, both Somerset Street and the Bayside Trail will be raised above flood level from Pearl Street to Elm Street. Future projects may be expected to raise this infrastructure to the East and West of the project site. Pearl Street to the north of Somerset Street has been designed in such a way as to allow its extension to Marginal Street in the future.

midtownOne and Two are located between Pearl and Chestnut Street. They are separated by a mews and courtyard providing public access between Somerset Street and the Bayside Trail. midtownOne will be a six-story building containing 80 dwelling units in a mix of studio, one, and two bedroom apartments with a main entrance on Pearl Street and a secondary entrance on the courtyard. The ground floor retail space is provided with frontage on Somerset Street, the mews, and the courtyard. midtownOne's façade will be a mix of cement fiberboard and enameled metal panels.

midtownTwo is a seven story-parking garage. The entire ground floor is retail space accessible from Somerset Street, Chestnut Street, and the Trail. Elevator and stair cores are located in the northeast and southwest corners to provide access and egress to the mews/courtyard at one end and the corner of Somerset and Chestnut streets at the other. Garage vehicular entrance and retail service access is located at the eastern end to allow the greatest flexibility in retail leasing. Building B's facades will consist of architectural precast concrete, painted railings, and "green screen" living plant panels.

The four buildings abut public space on all sides and therefore do not have "fronts" and "backs". All facades of each building are composed of the same materials.

midtownThree is located between Chestnut Street and the Bayside Trailhead connection at the intersection of Elm and Somerset Streets. It consists of 260 apartments in a mix of one and two bedroom dwelling units in a pair of five story buildings over a continuous one-story retail base. The retail space has frontage on all four sides, although access to/from the trail is prevented by a six-foot high berm

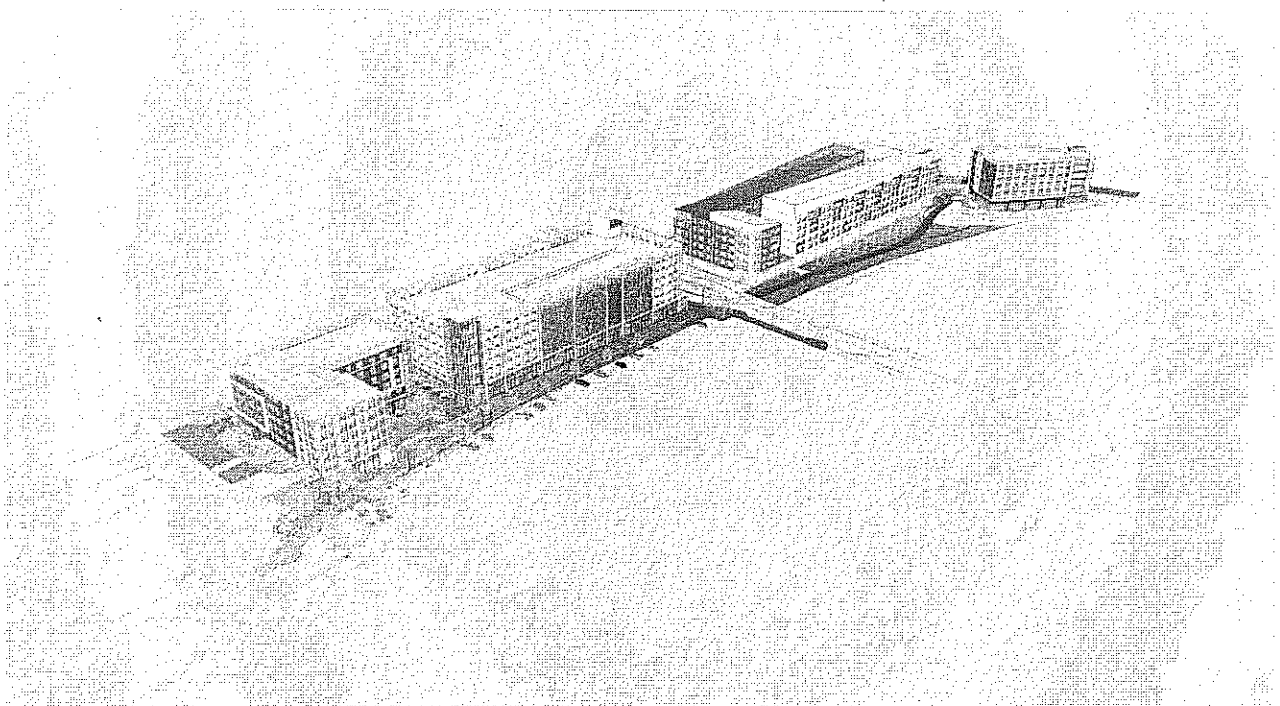
containing contaminated soil abutting the building along most of its trailside facade. Apartments are accessed through a lobby and elevators on Chestnut Street. Service is located at a single point along Somerset Street contiguous with the apartment building cores. The unobstructed retail space west of these core functions allows the greatest possible flexibility to attract the variety and high quality of merchants who will make the project a success and contribute to the pedestrian desirability of Somerset Street.

midtownFour is of similar construction to midtownOne and Three; five stories of residential development over one story of retail space. This building will have 100 studio or loft apartment units with a lobby entry facing Elm Street near the trail. Retail frontage will face Elm Street and the trail. The buildings service entrance will be located to the east adjacent to the building's entrance. Move in/move out, delivery and trash/recycling vehicles will use the pull-off provided on Elm St for convenient access to these entrances. This building's facade will also be composed of a combination of enameled metal panels and cement fire boards constructed as an energy efficient "rain-screen" enclosure.

In total the project will consist of approximately 87,200 square feet of retail space in the four buildings, approximately 440 new apartments in three building to provide housing for 500-600 residents, and about 800 off-street parking spaces, providing one space per dwelling unit and four spaces per thousand square feet of retail space. The development of the midtown buildings will provide essentially continuous active street frontage along Somerset, Chestnut, Pearl, and Elm Streets and along the Bayside Trail. The height of the residential buildings at 72 feet, and of the parking garage at 92 feet, are substantially lower than the 105 and 125 foot heights allowed by the B-7 height overlay for these parcels. The design of the buildings will be in keeping with planning guidelines for the district. This project will bring great enhancement to Somerset Street, provide residential development immediately adjacent and overlooking the Bayside Trail, and will provide the catalyst for a walkable retail district from Whole Foods to Trader Joe's in the spirit of Portland's other great streets.

Prepared by

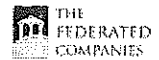
David Hancock
CBT Architects



midtown
Portland, ME

Site perspective view

A1 15 October 2014 cbt



**SECOND AMENDMENT OF PURCHASE AND SALE AGREEMENT
AND
AMENDMENT OF GUARANTY
AND
PARKING GARAGE CONTRIBUTION AND FUNDING AGREEMENT**

THIS AGREEMENT dated March April 14, 2014 is made by and between THE CITY OF PORTLAND, MAINE, a body politic and corporate with a place of business at 389 Congress Street, Portland, Maine 04101 (the "City" or "Seller"), LEGACY PARK APARTMENTS, LLC, a Florida limited liability company with a place of business at 3301 NE 1st Avenue, Suite M-302, Miami, Florida 33137 ("Legacy" or "Buyer"), THE FEDERATED COMPANIES LLC, a Florida limited liability company with a principal place of business at 3301 NE 1st Avenue, Suite M-302, Miami, Florida 33137 ("Federated"), and FEDEQ DV001, LLC, a Maine limited liability company with a mailing address of PO BOX 370008, Miami, Florida 33137 ("FEDEQ").

RECITALS

WHEREAS, The City and Federated entered into a certain Purchase and Sale Agreement dated June 23, 2011, as amended by a First Amendment to Purchase and Sale Agreement dated October 15, 2012 (collectively, the "P&S"), and Federated has assigned its rights as buyer under the P&S to Legacy pursuant to a certain Assignment and Assumption Agreement dated June 27, 2011 (the "Assignment"); and

WHEREAS, Legacy has assigned its right to purchase the Land to a Maine limited liability company known as FEDEQ DV001, LLC by assignment and assumption agreement, a copy of which is attached hereto as Exhibit A (the "FEDEQ Assignment");

WHEREAS, the City, Legacy, and Federated are parties to that certain Corporate Guaranty Agreement dated October 15, 2012 (the "Guaranty Agreement"), and the City and Legacy are parties to a certain Parking Garage Contribution and Funding Agreement dated October 15, 2012 (the "Parking Garage Agreement") and the City and Legacy are parties to a certain Job Creation Agreement dated October 15, 2012 (the "Job Creation Agreement"); and

WHEREAS, the City, Legacy, Federated and FEDEQ now wish to amend certain provisions of the P&S, the Guaranty Agreement and Parking Garage Agreement as set forth herein.

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the P&S, the Guaranty Agreement and the Parking Garage Agreement are hereby amended as follows:

1. The City hereby consents to the FEDEQ Assignment, agrees to convey the Land to FEDEQ at Closing, as nominee of Legacy, and agrees to recognize FEDEQ as Buyer for all purposes under the P&S, the Parking Garage Agreement, the Job Creation Agreement and the Guaranty.

2. The P&S is hereby amended to reflect the following terms and conditions:
- a. The definition of the Land subject to the P&S is hereby amended to read as follows: Certain real property located on Somerset Street, Portland, Maine which contains approximately 3.44 acres and which is known as lots 1, 2, 3, 5, 6, and 7 shown on that certain "Amended Subdivision/Recording Plat on Somerset Street, Portland, Maine" prepared for Fay, Spofford & Thorndike by Owen Haskell, Inc., dated April 10, 2013, last revised December 20, 2013 and approved by the Portland Planning Board on January 14, 2014 (the "Amended Subdivision Plan"), a copy of which is attached hereto as Exhibit B.
 - b. The City shall grant to FEDEQ all of the easement rights over lots 4 and 9 (which lots shall be retained by the City) as shown on the Amended Subdivision Plan and over that portion of "Pearl Street Extension" owned by the City as shown on the Amended Subdivision Plan. All easements created by and shown on the prior subdivision plan, entitled "Bayside Railyard Portland, Maine" dated October 30, 2008 and prepared for the Downtown Portland Corporation by SGC Engineering, LLC, recorded in the Cumberland County Registry of Deeds in Plan Book 209, Page 36 (the "Subdivision Plan"), that are not expressly shown on the Amended Subdivision Plan are hereby extinguished, including, without limitation, an easement crossing lot 3, the underpass easement shown on lots 1 and 2, the geothermal easements, and the former location of the trail corridor easement.
 - c. The total the acreage of the Land subject to the P&S is 3.44 acres, and the Purchase Price shall be Two Million Four Hundred Eight Thousand **Dollars (\$2,408,000.00)**, based on the per acre purchase price set forth in the P&S.
 - d. The parties acknowledge that the approvals for the development of the Land obtained by the Buyer and Federated have been appealed to the Maine Superior Court, and that a further appeal may be taken to the Maine Supreme Judicial Court (collectively, the "Appeals"). The definition of the Permit Period in the P&S shall be extended for a period of time necessary to allow all such appeals to be resolved or settled, including any remand to the Portland Planning Board, and any subsequent appeals following such remand. The Permit period shall expire when all appeals have been resolved or settled, and when the time period for filing any further appeals has expired without any further appeals having been filed (the "End of Appeals"). Notwithstanding any language in the P&S to the contrary, Legacy is not required to pay an additional deposit in connection with this extension of the Permit Period.
 - e. The City, rather than Legacy, shall undertake the environmental remediation of the Scrapyard and the Railyard, in accordance with the VRAPs. Section 5 of the Agreement is hereby amended to provide that the City will undertake the remediation required by the terms of the VRAPs, during the pendency of the Appeals. Nothing set forth in this Agreement shall alter the financial responsibility of the parties for such remediation expense. The City shall pay the first \$50,000 of remediation expense for the Scrapyard, and the City shall be reimbursed for all other reasonable costs of remediation from the

City Grant Funds, provided that the City shall provide Federated with copies of all budgets, invoices and estimates for such work. The amount of City Grant Funds available to FEDEQ as nominee of Legacy under the Parking Garage Agreement shall be reduced by the amount of City Grant Funds incurred by the City for environmental remediation costs that exceed the required expenditure of \$50,000 by the City.

- f. The City and Legacy and Federated agree to share the costs of the improvements to Somerset Street as required by the City's Planning Board on January 14, 2014 in accordance with the cost estimates and sharing formula set forth on Exhibit C attached hereto.
3. The Guaranty is hereby amended to reflect the following terms and conditions:
 - a. FEDEQ shall construct Phase I of the Project in accordance with the plans and specifications shown on the plan entitled "Midtown Phase I Plan" last revised November 22, 2013 and prepared for The Federated Companies (the "Phase I Plan") approved by the Portland Planning Board (the "Planning Board") on January 14, 2014 a copy of which is attached hereto as Exhibit D, and in accordance with the terms and conditions of the Level 3 site plan approval for Phase 1 of the Project approved by the Planning Board on January 14, 2014 (the "Level 3 Approval"). The specifications shown on the Phase I Plan and the terms and conditions of the Level 3 Approval shall be deemed to satisfy the design guidelines and specifications required by the terms of the Guaranty. Phase I of the Project shall consist of a parking garage containing not less than 700 spaces, not less than one hundred seventy four (174) residential apartments, and not less than 37,486 sf of retail space.
 - b. The Guaranty Deadline as set forth in the Guaranty shall be amended to extend for a period of three (3) years after the date on which the Buyer shall have requisitioned a total of \$1,000,000 in City Grant Funds, exclusive of funds requisitioned by the City or by the Buyer for environmental remediation costs.
 4. The Parking Garage Agreement is hereby amended to reflect the following terms and conditions:
 - a. The requisition timetable set for in the Parking Garage Agreement and the deadlines for the Buyer's initial requisition, and the City's initial disbursement, of the City Grant Funds are hereby extended until the End of Appeals, and a period of one-year thereafter (the "Amended Initial Drawdown Period"), and Buyer shall file its initial requisition request with the City before the end of the Amended Initial Drawdown Period. The Buyer shall have an additional period of three (3) months following from when it files its initial requisition request to have requisitioned \$1,000,000 in the City Grant Funds. The City shall, at the City's option, either (i) obtain and transmit to Buyer evidence of HUD's approval of the extension of the disbursement deadline for the HUD Funds and the City Grant Funds throughout the drawdown by Buyer; or (ii) the City shall draw down and hold the HUD Funds throughout the pendency of the Appeals and shall make the City Grant Funds available

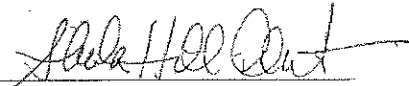
for Buyer's future use in accordance with the terms and conditions of the Parking Garage Agreement, throughout the drawdown by Buyer.

- b. The Garage shall have reached Start-Up Phase within two (2) years after the Buyer shall have requisitioned \$1,000,000 in City Grant Funds for Garage construction. Uses of the City Grant Funds by the City or by the Buyer for environmental remediation costs shall not count towards this \$1,000,000 requisition requirement.
5. All terms capitalized but not defined herein shall have the meanings defined in the P&S, the Guaranty and the Parking Garage Agreement.
6. Except as amended hereby, the P&S, the Guaranty, the Parking Garage Agreement and the Job Creation Agreement shall remain in full force and effect and are hereby ratified. In the event of any conflict between the terms of this Agreement and the terms of the P&S, the Guaranty and the Parking Garage Agreement, the terms of this Agreement shall govern and control.
7. This Agreement may be signed in counterparts, which shall be construed together as one document.

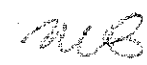
IN WITNESS WHEREOF, the parties have caused this Agreement to be signed and sealed by their respective duly authorized undersigned officers as of the date first mentioned above.

(Signature page follows.)

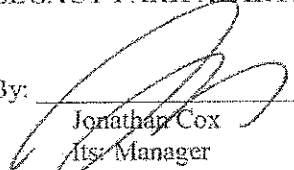
CITY OF PORTLAND

By: 
Name: Sheila Hill-Christian
Its: Acting City Manager

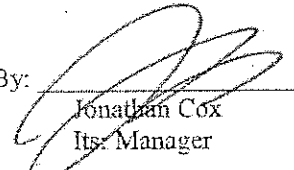
Approved: Suzanne Knight, Acting Finance Director

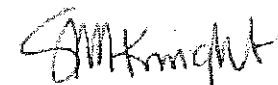

Approved to Form: Corp. Counsel

LEGACY PARK APARTMENTS LLC

By: 
Jonathan Cox
Its: Manager

THE FEDERATED COMPANIES LLC

By: 
Jonathan Cox
Its: Manager


Finance Director
City of Portland, Maine

FEDEQ DV001, LLC

By: 
Jonathan Cox
Its: Manager

EXHIBIT A
to 2nd AMENDMENT TO PURCHASE AND SALE AGREEMENT
ASSIGNMENT AND ASSUMPTION AGREEMENT TO FEDEQ
(TO BE PROVIDED)

EXHIBIT "A"

ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT dated Oct 14, 2014 is made by and between LEGACY PARK APARTMENTS, LLC, a Florida limited liability company with a place of business at 3301 NE 1st Avenue, Suite M-302, Miami, Florida 33137 ("Legacy" or "Assignor") and FEDEQ DV001, LLC, a Maine limited liability company with a mailing address of P.O. Box 370008, Miami, Florida 33137 ("FEDEQ" or "Assignee").

RECITALS

WHEREAS, The City of Portland, Maine ("Seller") and The Federated Companies LLC ("Federated") entered into a certain Purchase and Sale Agreement (the "Purchase and Sale Agreement") effective June 23, 2011; and

WHEREAS, Federated subsequently assigned its rights and obligations as buyer under the Purchase and Sale Agreement to Legacy, by virtue of an Assignment and Assumption Agreement dated June 27, 2011; and

WHEREAS, Seller and Legacy entered into a certain First Amendment to Purchase and Sale Agreement dated October 15, 2012 (the "First Amendment") and a Second Amendment of Purchase and Sale Agreement and Amendment of Guaranty and Parking Garage Contribution and Funding Agreement dated _____, 2014 (the "Second Amendment") (the original Purchase and Sale Agreement, the First Amendment and the Second Amendment are hereinafter collectively referred to as the "P&S"); and

WHEREAS, the Seller, Legacy and Federated are also parties to a certain Corporate Guaranty Agreement (the "Guaranty"), the Seller and Legacy are parties to a certain Parking Garage Contribution and Funding Agreement (the "Parking Agreement") and the City and Legacy are parties to a certain Job Creation Agreement ("Job Creation Agreement"), each dated October 15, 2012 (the Guaranty, Parking Agreement and Job Creation Agreement are hereinafter collectively referred to as the "Related Agreements"); and

WHEREAS, Legacy has formed FEDEQ DV001, LLC, a Maine limited liability company, to acquire the property and to undertake the development thereof, and in connection therewith, Legacy desires to assign its rights to and obligations under the P&S and the Related Agreements to FEDEQ, and FEDEQ desires to assume the same.

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. ASSIGNMENT. Assignor hereby assigns, transfers, sets over and conveys to Assignee all of Assignor's right, title and interest in, to and under the P&S and the Related Agreements, other than the Guaranty.

2. ASSUMPTION. Assignee does hereby assume and agree to perform all of the Assignor's obligations with respect to the P&S and the Related Agreements, other than the Guaranty, accruing from and after the date hereof. Assignee acknowledges that Assignor has posted the required deposit under the P&S, and agrees that such deposit shall be refunded to the Assignor upon Assignee's closing on the acquisition under the P&S.

3. EFFECT ON GUARANTY. The Assignor and Assignee recognize that Assignee shall be the nominee of the Assignor under the Guaranty to be the "Receiving Entity" as defined therein. Notwithstanding the foregoing, nothing set forth in this Assignment and Assumption Agreement shall in any way alter or affect the obligations of Assignor or of The Federated Companies, LLC, under the Guaranty, and the Assignor and The Federated Companies, LLC shall remain obligated under the Guaranty notwithstanding this Assignment.

4. WARRANTIES AND REPRESENTATIONS. In connection with the foregoing assignment and assumption of the P&S and the Related Agreements, the Assignor does hereby make the following warranties and representations:

a. The P&S and the Related Agreements remain in full force and effect and have not been modified, amended or terminated except as set forth herein; and

b. Neither the Assignor nor, to the best of Assignor's knowledge without inquiry, the Seller, is in default under the P&S or the Related Agreements.

5. SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon and inure to the benefit of the Assignor and the Assignee and their respective successors and assigns.

6. COUNTERPARTS. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

7. AMENDMENTS. This Agreement may not be amended in any respect except by further agreement, in writing, fully executed by each of the parties hereto.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives under seal as of the date first written above.

ASSIGNOR:

LEGACY PARK APARTMENTS, LLC

By: _____

Jonathan Cox
Its Manager

ASSIGNEE:

FEDEQ DV001, LLC

By: 

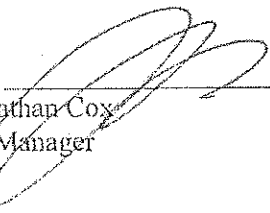
Name:

Its:

Jonathan Cox
Manager

Consenting to the terms hereof:

THE FEDERATED COMPANIES, LLC

By: 

Jonathan Cox

Its Manager

EXHIBIT B
TO 2nd AMENDMENT TO PURCHASE AND SALE AGREEMENT

Amended Subdivision/Recording Plat by Owen Haskell last revised December 20, 2013

EXHIBIT C
TO 2nd AMENDMENT TO PURCHASE AND SALE AGREEMENT

Cost Sharing Arrangement for Somerset Street Improvements

Agreement by and between
FEDEQ DV001 and City of Portland
on Costs For Off-Site Improvements
Improving Somerset Street,
To be Partially Funded by City of Portland

THIS AGREEMENT dated Oct. 14, 2014 is made by and between THE CITY OF PORTLAND, a body politic and corporate with a place of business at 389 Congress Street, Portland, Maine 04101 (the "City" or "Seller"), and FEDEQ DV001, LLC, a Maine limited liability company with a mailing address of PO BOX 370008, Miami, Florida 33137 ("FEDEQ" or "Buyer").

RECITALS

WHEREAS, an Agreement for the purchase and sale of real estate (the "P&S Agreement") has been made between the City and FEDEQ Apartments, LLC, a Florida limited liability company with a place of business at 3301 NE 1st Avenue, Suite M-302, Miami, Florida 33137, assignee of said P&S Agreement from the Federated Companies LLC, a Florida limited liability company with a principal place of business at 3301 NE 1st Avenue, Suite M-302, Miami, Florida 33137 ("Federated"); and FEDEQ Apartments LLC has recently assigned its rights in and to the P&S Agreement to FEDEQ DV001, LLC, a Maine limited liability company with a mailing address of PO BOX 370008, Miami, Florida 33137 ("FEDEQ");

WHEREAS, related to, and benefiting the development planned by Buyer on the real property which is the subject of the P&S Agreement, and integral thereto, are certain improvements detailed herein to the adjacent public way known as Somerset Street, and more specifically for the portion thereof between Pearl Street and Elm Street (the "Project"), which both the City and Buyer wish to see made;

WHEREAS, the estimated total costs of the Project are \$4,000,000; and

WHEREAS, the City and the Buyer are willing to share these costs, as set out herein;

NOW, THEREFORE, the parties hereto hereby agree as follows:

1. **Project and Scope and Cost and Timeline/Schedule:** FEDEQ and the City have jointly agreed to the scope of Project which work is more specifically described in Attachment A attached hereto with an estimated total project cost of \$4,000,000 (the "Total Project Cost"). FEDEQ and the City have jointly agreed to a schedule or timeline for the Project, which is attached hereto as Attachment B. The term "Total Project Cost" shall mean the actual Project cost as established by FEDEQ and the City following receipt of a guaranteed maximum cost construction contract acceptable to the City and FEDEQ.
2. **Cost Sharing and Conditions Precedent:** Subject to the terms hereof, the City will fund two-thirds (2/3) of the Total Project Cost, and FEDEQ will fund one-third (1/3) of the Total Project Cost.

FEDEQ's agreement to fund said one-third (1/3) of the Total Project Cost is contingent upon: FEDEQ (or assigns) closing on acquisition of the real estate which is subject matter of the P&S Agreement.

In the event FEDEQ (or assigns) fails to close on the acquisition of the real estate which is the subject matter of the P&S Agreement, FEDEQ shall have the right to cancel and terminate this Agreement by giving written notice of such cancellation and termination to the City, and upon the giving of such notice, this Agreement shall be terminated and FEDEQ shall be relieved of all further obligations hereunder.

Prior to the issuance of a Building Permit for the Project, FEDEQ shall provide the City with evidence of its financial resources, in the amount of at least one-third of the Total Project Cost, available and dedicated to the costs of this Project, in a form reasonably acceptable to the City's Director of Finance, which may include a commitment from a commercial lender to fund requisitions for payment of Project costs.

More than likely, the actual total project cost will not be precisely the amount of the Total Project Cost stated above. Therefore, the parties agree:

- (a) The contract(s) for the Project will not be 'mixed' with any other work needed by either party. Notwithstanding the foregoing, nothing herein shall prevent FEDEQ from entering into contracts with the same contractor for construction of other portions of the midtown project to be coordinated with the work on the Project, provided, however, that costs must be allocable to the Project and the midtown project.
- (b) In order to address both parties' concerns that the Total Project Costs could exceed the estimate stated above, the City and, FEDEQ will meet early in the development and design of this project to jointly and cooperatively manage said project's design, staging, procurement costs and construction costs; and said parties will continue to meet as reasonably necessary for this same purpose, and will work collaboratively to control procurement and construction costs. And in particular, before FEDEQ executes contracts for the construction of the Project, the parties shall meet and agree on the scope and cost of those contracts, including amounts for project supervision and construction management, general conditions, building permit fees, bonding costs, insurance and including an

appropriate construction contingency amount. All such construction contracts shall be in the form of guaranteed maximum cost contracts.

- (c) Any changes to the Project cost over and above any established contingency included in the Total Project Cost during construction shall require mutual review and agreement in writing, which shall not be unreasonably withheld or delayed.

3. Procedures for Making Disbursements (Payments). With respect to all requisitions for disbursements of the City's share of Total Project Costs, the City and FEDEQ agree as follows:

- a. FEDEQ shall deliver to the City a written request for payment (a "Requisition") which shall be in substantially the same form as AIA Forms G702 and G703. The Requisition shall be accompanied by: (i) a summary of all expenses requested, (ii) copies of invoices, bills, receipts and such other information as may be reasonable to document the expenditures described in the Requisition, (iii) mechanics' lien affidavits and/or written lien waivers from such contractors, laborers, subcontractors and materialmen for work done and materials supplied which were paid for pursuant to the immediately preceding Requisition, and (iv) a certified payroll in conformance with the requirements of the Davis-Bacon Act of 1931, as amended, for all contractors and subcontractors on site and for which invoices are included.
- b. Requisitions shall be submitted by FEDEQ no more frequently than monthly. Prior to the disbursement by the City of any requested Requisition, City's construction inspector shall certify to City that the work for which a Requisition has been submitted has been completed and the City's Housing and Neighborhood Services staff will verify all workers are being paid the prevailing wage.
- c. A copy of the construction schedule will be submitted to the City at the beginning of the project. Updates will be provided by FEDEQ as necessary to remain accurate.
- d. City shall make disbursements to FEDEQ only after such certification and verification, and with a certified payroll, all the same must be correct and

complete. Each Requisition for disbursement shall be submitted at least five (5) days before the date for which the disbursement is requested, and the City shall make such advancement no later than fifteen (15) days after receipt of each Requisition to make such disbursement.

4. **Project Administration and Supervision:** FEDEQ will be responsible for procuring the construction contracts and for providing for the owner's administration for the Project, consistent with the scope of Project contained in Attachment A, hereto, and upon the Timeline attached hereto as Attachment B. All FEDEQ's costs for procurement of construction contracts, administration or the like shall not be shared by the City, nor shall the City be required to share in any other type of internal costs of FEDEQ. Notwithstanding the foregoing, the items described in section 2(b) above shall be payable as part of the Total Project Costs.

The City of Portland will monitor and inspect the work of the Project, including for compliance with City Rules and Ordinances. The City shall have the right to suspend work on the Project as it reasonably deems necessary, to provide for such compliance, and for compliance with the Scope of Work in Attachment A. The City's monitoring and inspection will be collaborative with FEDEQ.

The Contracts for the work of the Project between FEDEQ and its vendors and contractors shall contain these two provisions:

Prior to the execution of this Agreement, the **CONTRACTOR** will procure and maintain Automobile Insurance and General Public Liability Insurance coverage and coverage in amounts of not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage, naming the **CITY OF PORTLAND** as an additional insured thereon, and also Workers' Compensation Insurance coverage. With respect to the Liability Insurance, the **CONTRACTOR** will provide the **CITY OF PORTLAND** a certificate of insurance evidencing such coverage, in this way: certificate must say either: A) "the policy has been endorsed to name the City of Portland as an Additional Insured" and a copy of the endorsement must come to the City of Portland with the certificate, or B) "the policy already includes an endorsement, such as the General Liability Extension Endorsement, by which the City of Portland is automatically made an additional insured." A Certificate which merely has a box checked under "Addl Insr," or the like, or which merely states the City of Portland is named as an Additional Insured, will not be acceptable. The **CONTRACTOR** shall furnish the **CITY OF PORTLAND** and thereafter maintain certificates evidencing all such coverages, which certificates shall provide for thirty (30) days' notice to the **CITY OF PORTLAND** of termination of insurance from insurance company or agent.

The **CONTRACTOR** shall furnish to FEDEQ and to the **CITY OF PORTLAND**, upon execution of the Contract, a Contract Performance Bond and a Contract Labor and Materials Payment Bond each for the full amount of the Contract and issued by a surety

company or surety companies authorized to do business in the State of Maine and approved by the **CITY OF PORTLAND**. The Bonds shall remain in effect for one year after final acceptance of the Work, and protect both FEDEQ and **CITY OF PORTLAND** for at least one year of warranty of the Work hereunder, and also shall insure settlement of claims for the payment of all bills for labor, materials and equipment. The bonds described in this section shall be deemed to satisfy the performance guaranty requirements for the Project as required by section 14-501 of the City of Portland Code of Ordinances, and no further performance guaranty shall be required.

5. **Requirements related to Funding Sources.** FEDEQ, its employees, assigns, agents and subcontractors for this project, at all times shall comply with the requirements of the Section 108 Loan Guarantee and Brownfields Economic Development Initiative Grant program and Federal Labor Standards pursuant to Davis Bacon and related Acts, specifically including:

- a. Davis-Bacon Act, as amended.(40 U.S.C 276a - 276a-5.) All laborers and mechanics employed by contractors or subcontractors, including employees of other governments, on construction work assisted under this contract, and subject to the provisions of the federal acts and regulations listed in this paragraph, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act.
- b. Contract Work Hours and Safety Standards Act, as amended. (40 U.S.C. 327-333). All laborers and mechanics employed by contractors or subcontractors shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours and Safety Standards Act, and the contractors and subcontractors shall comply with all regulations issued pursuant to these acts and with other applicable Federal laws and regulations pertaining to labor standards.
- c. Copeland Anti-Kickback Act, as amended. (18 U.S.C. 874 and 40 U.S.C. 276c). This Act requires that workers be paid at least once a week, and without any deductions or rebates except permissible deductions.

6. **Entire Agreement.** This Agreement (i) constitutes the entire agreement between the parties hereto with respect to the Project and it supersedes all prior discussions, undertakings or agreements between the parties in respect to the Project; (ii) shall not be modified except by a written agreement executed by both parties; (iii) shall be binding upon and inure to the benefit of the parties hereto, and their respective successors and assigns; (iv) may be executed in counterparts; and (v) may be executed by facsimile signatures. This Agreement shall not confer any rights or remedies upon any third-party

other than the parties to this Agreement and their respective successors and permitted assigns.

7. **Notices.** Any notice by either party to the other party shall be in writing and shall be deemed to have been duly given when either delivered personally, or mailed by certified mail, return receipt requested, or sent by nationally recognized overnight courier, or sent by facsimile to the City at Portland City Hall, 389 Congress Street, Portland, Maine 04101, Attn: City Manager facsimile 207-874-8669, with a copy to, the Director of Economic Development, facsimile 207-756-8217, and another copy to Corporation Counsel, at the same address, facsimile 207-874-8497), and to FEDEQ, at the address recited above, with a copy to The Federated Companies, 801 Brickell Avenue, Suite 720, Miami, Florida 33131, Attn: Jonathan Cox, facsimile (800) 523-5931.
8. **Severability.** In the event any one or more of the provisions contained in this Agreement shall be for any reason held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Agreement.

IN WITNESS WHEREOF, the City and FEDEQ, by their representatives duly authorized, have caused this instrument to be executed as of Oct 14, 2014.

CITY OF PORTLAND

By Sheila Hill-Christian
Sheila Hill-Christian, Acting City Manager

FEDEQ DV001, LLC

By Jonathan Cox
Jonathan Cox
its: Manager

By Suzanne Knight
Suzanne Knight, Acting Finance Director

By MLO
Corporation Counsel Attorney

Budget Site Construction Cost Estimate Peer Review

Midtown - Somerset Street Improvements

12/5/2013



Description	Site Development Costs		Somerset Street Costs		Total Costs	
	Total	% of Total	Total	% of Total	Total	% of Total
Item (a) Basis of Design:						
Site Demolition	\$ -	0.0%	\$ 28,055	2.1%	\$ 28,055	0.8%
Preliminary Site Work	\$ -	0.0%	\$ 61,241	4.6%	\$ 61,241	1.8%
Earthwork	\$ -	0.0%	\$ 32,447	2.4%	\$ 32,447	0.9%
Dewatering	\$ -	0.0%	\$ 10,000	0.8%	\$ 10,000	0.3%
Storm Drainage (See Note 1)	\$ 202,470	9.7%	\$ 1,260	0.1%	\$ 203,730	6.0%
Sanitary Systems	\$ 20,596	1.0%	\$ -	0.0%	\$ 20,596	0.6%
Water Systems	\$ 118,118	5.7%	\$ 1,200	0.1%	\$ 119,318	3.5%
Portland Water District - Water Service Fees	\$ 15,000	0.7%	\$ -	0.0%	\$ 15,000	0.4%
Misc Site Utilities (See Note 2)	\$ 175,933	8.4%	\$ 240,948	18.1%	\$ 416,881	12.2%
Utility - Gas Utility Fees (Allowance)	No Cost	0.0%	No Cost	0.0%	\$ -	0.0%
Central Maine Power - Phase 1 Electrical Utility Fees	\$ 266,000	12.8%	\$ 332,000	24.9%	\$ 600,000	17.5%
Central Maine Power - Phase 2 Electrical Utility Fees	\$ 317,000	15.2%	\$ 83,000	6.2%	\$ 400,000	11.7%
Time Warner - Communication Utility Fees (Allowance)	No Cost	0.0%	No Cost	0.0%	\$ -	0.0%
Fairpoint - Communication Utility Fees	No Cost	0.0%	No Cost	0.0%	\$ -	0.0%
Roads/Walks (See Note 3)	\$ 99,463	4.8%	\$ 540,113	40.5%	\$ 639,576	18.7%
Site Improvements (See Note 4)	\$ 550,623	26.4%	\$ 2,398	0.2%	\$ 553,021	16.2%
Concrete (See Note 4)	\$ 161,666	7.7%	\$ -	0.0%	\$ 161,666	4.7%
Misc Metals (See Note 4)	\$ 40,991	2.0%	\$ -	0.0%	\$ 40,991	1.2%
Electrical Site (See Note 5)	\$ 116,953	5.6%	\$ -	0.0%	\$ 116,953	3.4%
Item (a) Basis of Design Sub-Total	\$ 2,086,813	100%	\$ 1,332,662	100%	\$ 3,419,475	100%
Estimate Adjustment and Indirect Costs:						
Cost Estimate Adjustments (See W&C 11/15/2013 Memo)	\$ 11,900	3.1%	\$ 40,000	14.3%	\$ 51,900	7.8%
Contractor General Conditions (See Note 6)	\$ 166,945	43.1%	\$ 106,613	38.1%	\$ 273,558	41.0%
Contractor OH&P, Insurance, Bonds (See Note 7)	\$ 208,681	53.8%	\$ 133,266	47.6%	\$ 341,948	51.2%
Estimate Adjustment and Indirect Costs	\$ 387,526	100.0%	\$ 279,879	100.0%	\$ 667,406	100.0%
Somerset Street Improvements Total (Rounded)	\$ 2,474,000		\$ 1,613,000		\$ 4,087,000	

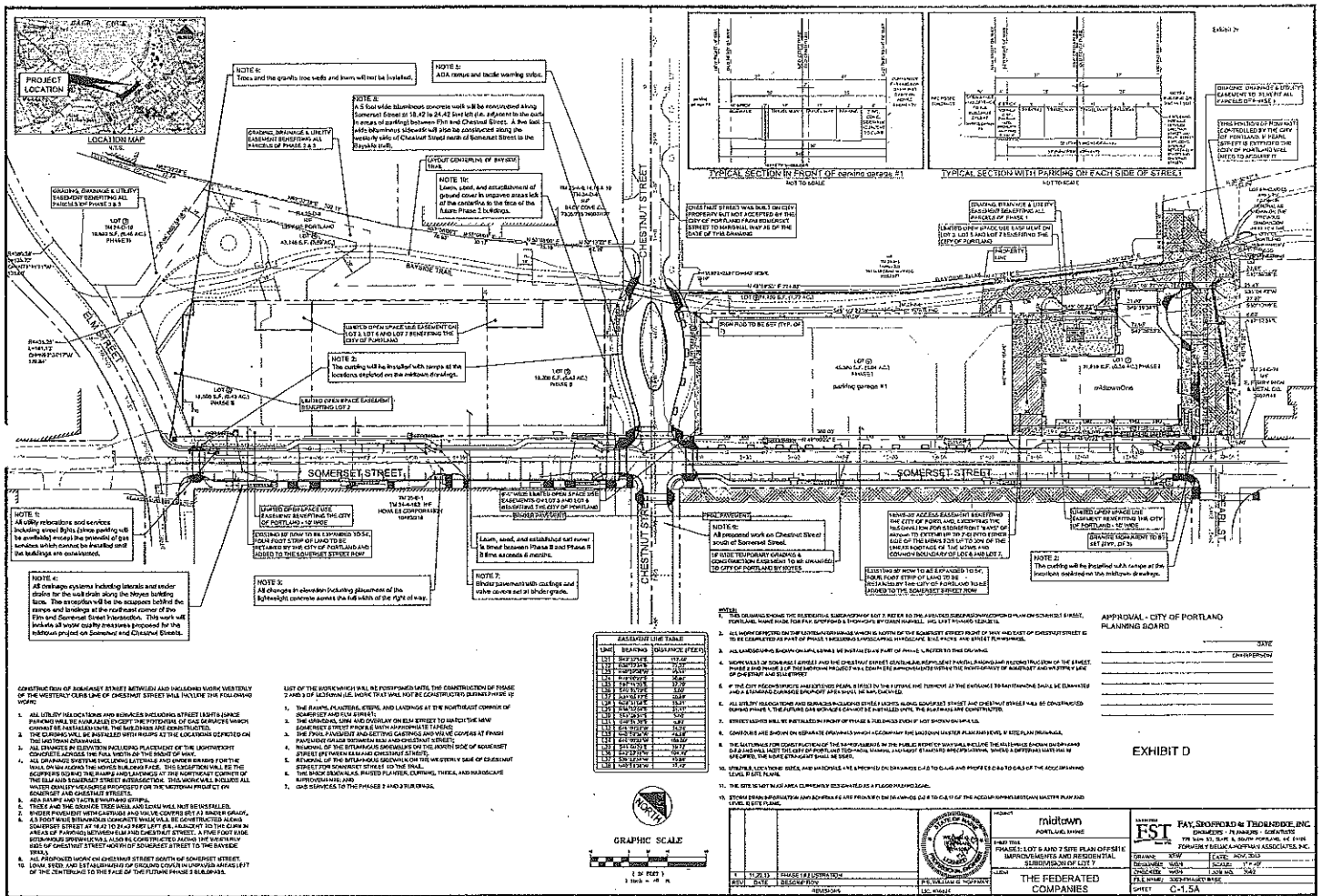
Notes:

- 1) Cost segregation assumes Site Development Costs include off-site drainage piping/structures required for on-site stormwater treatment system.
 - a) Cost to raise existing storm drainage manholes/catch basins is included in the Somerset Street Costs.
- 2) Cost segregation assumes Site Development Costs will include electrical trenching, backfill and precast concrete light pole bases.
 - a) Infrastructure and utility company fees to relocate overhead electrical/communication utilities are shared based on scope of work.
- 3) Cost segregation assumes Site Development Costs will include new and existing granite curbing along Somerset, Elm, Chestnut and Pearl Streets.
 - a) Cost for approximately 1,080 CY of lightweight concrete fill under new sidewalks is included in the Site Development Costs.
 - b) Cost to remove and re-set approximately 1,120 LF of existing granite curb on the southeast side is included in the Somerset Street Costs.
- 4) Cost segregation assumes Site Development Costs will include all brick pavers, concrete ramps/planters/stairs/rails and trees.
- 5) Cost segregation assumes Site Development Costs will include all site lighting concrete bases, light poles, luminaires and wiring.
- 6) Contractor General Conditions (not included in PC estimate) may range in the amount of 8-10% depending on schedule and concurrent activities.
- 7) Contractor OH&P, Insurance, Bonds and Contingency (not included in PC estimate) may range in the amount of 10-12%.
- 8) Allowance has been included for electrical utility company fees for relocating existing overhead electrical services to underground.
 - a) CMP Phase 1 cost assumes Site Development Costs include (1)-2000 & (1)-500 KVA pad mount transformers, 500 CU cable and junction pole.
 - b) CMP Phase 1 cost assumes Somerset Street Costs include (1)-1000 KVA submersible transformer, 500 CU cable and riser poles.
 - c) CMP Phase 2 cost assumes Site Development Costs include (3)-2000 & (1)-500 KVA pad mount transformers and 500 CU cable.
 - d) CMP Phase 2 cost assumes Somerset Street Costs include 500 CU primary cable at Elm Street.
- 9) Allowance has been included for water utility company fees for new Site Development fire and domestic water services.
- 10) No allowances have been included for gas, telephone and cable utility company fees since there should be no charge for this work.
- 11) No allowances have been included for unsuitable soils or contaminated groundwater treatment/disposal.
- 12) No allowances have not been included for offsite improvements or traffic control signalization.

ATTACHMENT B TO COST SHARING ARRANGEMENT
TIMELINE FOR PROJECT -
TO BE PROVIDED

EXHIBIT D
TO 2nd AMENDMENT TO PURCHASE AND SALE AGREEMENT

Midtown Phase I Plan” last revised November 22, 2013 and prepared for The Federated
Companies



CORPORATE GUARANTY AGREEMENT

THIS CORPORATE GUARANTY AGREEMENT, (this "Guaranty"), is made as of the 18th day of Sept, 2012, by LEGACY PARK APARTMENTS, LLC, a Florida limited liability company, with a principal place of business at 801 Brickell Avenue, Suite 720, Miami, Florida 33131 ("Guarantor"), and, jointly and severally, by THE FEDERATED COMPANIES LLC, a Florida limited liability company, with a principal place of business at 801 Brickell Avenue, Suite 720, Miami, Florida 33131, see below and THE CITY OF PORTLAND, MAINE, a body politic and corporate with a place of business at 389 Congress Street, Portland, Maine 04101, ("City").

WHEREAS Guarantor is the assignee, by virtue of an Assignment and Assumption Agreement effective June 27, 2011, ("Assignment"), of a Purchase and Sale Agreement between The City of Portland, Maine, ("City"), effective June 23, 2011, ("Agreement"), as amended, for the purchase of certain blighted and brownfield real property located on Somerset Street, Portland, Maine known as Lots 1, 2, 3, 5, 6, 7, 8 and a portion of Lot 9, (collectively, "the Land"), consisting of approximately 3.25 acres formerly known as the "Bayside Railyard";

WHEREAS City, in order to create jobs and economic growth for the Citizens of Portland, Maine, has agreed to make a \$9,007,000.00 contribution, ("City Grant Funds"), to Legacy Park Apartments, LLC from funds being provided to the City by the U.S. Department of Housing and Urban Development, ("HUD Funds"), toward the expense of the design, development and construction of a garage, with no fewer than 700 parking spaces on a portion of Lot 5 and all of Lots 6 and 7 and a portion of Lot 9, ("Garage"), pursuant to the terms of a Parking Garage Contribution and Funding Agreement of even or near date hereto between City and Guarantor. ("Parking Garage Agreement").

WHEREAS City, in order to induce Guarantor to enter into this Guaranty and a Job Creation Agreement, hereby agrees to pay the City Grant Funds to Guarantor, Legacy Park Apartments, LLC or its nominee ("Receiving Entity") in accordance with the terms of the Parking Garage Agreement.

WHEREAS Guarantor, contingent on receiving the City Grant Funds, hereby makes the following Guaranty, subject to the conditions contained herein.

NOW THEREFORE in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, City hereby agrees to pay the City Grant Funds to the Receiving Entity and Guarantor guarantees to City that:

1. Guaranty: Guarantor shall construct and substantially complete Phase I of the Project, as more particularly described in the attached Phase I Site Plan, Design Guidelines, and Specifications Sheet, ("Exhibit 4," parts 1, 2, and 3), within three (3) years after the date of on which a total of \$1,000,000.00 in City Grant Funds has been requisitioned by the Receiving Entity and disbursed by the City to the Receiving Entity ("Guaranty Deadline"). The annual penalty for not meeting the Guaranty Deadline shall be limited to Guarantor paying to City, on an annual basis for a maximum term of 17 years, the annual difference between the actual tax revenue realized from Phase I, as constructed, and the Phase I tax revenue the City would have received had Phase I been substantially completed (The "Phase I Projected Value") by the Guaranty Deadline. The Phase I Projected Value shall be the City of Portland Assessor's estimated assessed value of the Phase I property (real and personal), made on the April 1 following the Guaranty Deadline, and based on the

description of Phase I in Exhibit 4, and the related specifications and design guidelines provided by the Guarantor on or about July 1, 2012. Notwithstanding anything in the foregoing, this Guaranty is contingent on the full \$9,007,000.00 in City Grant Funds being contributed to Guarantor for the construction of the Garage. Guarantor's aggregate, maximum penalty liability under this Guaranty shall not exceed \$9,007,000. Finally, regardless of when substantial completion of all buildings in Phase I is achieved, this Guaranty shall automatically terminate. Guarantor shall have zero financial liability under this Guaranty and City shall provide Guarantor with a release from any financial liability under this Guaranty effective as of the earlier of the date of substantial completion of Phase I or as of the date of the timely and valid exercise of the City's right of repurchase under Section 9 of the Parking Garage Agreement, as amended. For purposes of this Guaranty, "substantial completion" is deemed to mean a structure having received a Certificate of Occupancy from the City of Portland, and the complete "fit-out" of all commercial portions of Phase I.

The rights and obligations under the Agreement between the parties hereto, and under the Parking Garage Contribution Agreement of near or even date, are cumulative and in addition to the rights described herein.

2. Warranties and Representations: In connection with the foregoing, City and Guarantor hereby make the following warranties and representations:

(a) The financial liability limitations of this Guaranty are intended by the parties to supersede and amend the defense and indemnification obligations of the Buyer/Guarantor to City in regard to the City Grant under Section 11 of the Agreement. Similarly, the provisions of the Job Creation Agreement are intended by the parties to supersede and amend the job creation duties and obligations of the Buyer/Guarantor to City under Section 11 of the Agreement. Accordingly, this Guaranty is contingent upon the City paying the City Grant Funds to Guarantor in accordance with the terms of the Parking Garage Agreement, irrespective of the source of funds utilized by the City for such City Grant Funds.

(b) Apart from the express modifications stated in this Guaranty, the Parking Garage Agreement and Job Creation Agreement, the Agreement for the purchase of the Land, as assigned and amended, remains in full force and effect and has not been otherwise modified, amended or terminated.

(c) Attached as Exhibit 1 to this Guaranty is a true, accurate and complete copy of the Purchase and Sale Agreement and First Amendment thereto.

(d) Attached as Exhibit 2 to this Guaranty is a true, accurate and complete copy of the Assignment.

(e) Attached to Exhibit 3 to this Guaranty is a true, accurate and complete copy of the Parking Garage Agreement.

(f) Attached as Exhibit 4 to this Guaranty is the, Phase I Site Plan, Design Guidelines, and Specifications Sheet.

(g) Attached as Exhibit 5 to this Guaranty is a true, accurate and complete copy of the Job Creation Agreement.

(h) Neither the Guarantor, nor the City is in default of the Agreement.

September 6, 2012 by LCW

(Haystack - Federated Companies) Corporate Guaranty (Final redline of CORPORATE GUARANTY AGREEMENT for Execution.docx

3. Successors and Assigns and Enforcement: This Guaranty shall be binding upon and inure to the benefit of the Guarantor's respective successors and assigns. Guarantor pledges that:

(a) it will not assign its rights hereunder without the City's consent, and only to a related entity;

(b) it will permit the City's Corporation Counsel, Manager, Director of Economic Development and Finance Director to review balance sheet, to satisfy themselves of the strong solvency and net worth of both the Guarantor and The Federated Companies LLC;

(c) it will not substantially change such strong solvency and net worth without notifying the City of such changes;

(d) it will not alter its corporate structure or transfer substantially all its assets without providing the City a replacement Guaranty from another entity with strong solvency and net worth, or in the alternative, a letter of credit for the obligations hereunder; and

(e) In any legal proceeding with respect to the obligations created by this Guaranty, all parties hereto waive jury trial, agree that the Maine Superior Court shall have exclusive jurisdiction, that the substantive and choice of law used shall be Maine law and that the prevailing party shall be awarded the reasonable attorneys' fees and costs incurred in regard to any legal proceeding arising out of the obligations created by this Guaranty, including, should the City prevail, a reasonable hourly fee for the services of the City's employee attorneys, that is, its Corporation Counsel.

(f) This Agreement and the performance hereof by Guarantor will not contravene any law, judgment, order, injunction, decree or any contractual restriction or arrangement binding on Guarantor, at the time execution hereof. All parties hereto acknowledge that this Agreement is a legally enforceable instrument and the obligations stated herein are likewise legally enforceable, and that at the time of execution hereof they have no reason to believe otherwise.

4. Counterparts: This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

5. Amendments: This Guaranty may not be amended in any respect whatsoever except by a further agreement, in writing, fully executed by each of the parties.

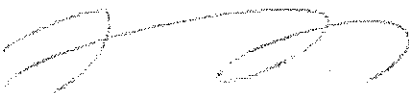
(Signature page follows on p. 4.)

September 6, 2012 by LCW

10 (layover) - Federated Companies Corporate Counsel 2012 (redline of) CREDIT GUARANTEE AGREEMENT for financing.doc

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives under seal as of September 6, 2012.

LEGACY PARK APARTMENTS LLC, a Florida limited liability company

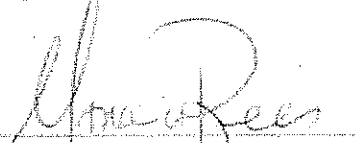
By: 
Jonathan Cox, Manager



Brett DePatullo
Commission #00702211
Expires May 17, 2014
www.floridanotary.com



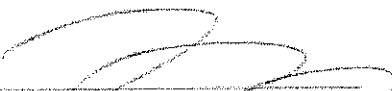
CITY OF PORTLAND

By: 
Mark H. Rees
City Manager

JOINDER

THE FEDERATED COMPANIES LLC, a Florida limited liability company, with a principal place of business at 801 Brickell Avenue, Suite 720, Miami, Florida 33131, hereby joins in this Guaranty, agreeing that it is jointly and severally liable for, and hereby makes, the same guaranty and other obligations as described in the paragraphs numbered 1, 2 and 3 above, subject to the terms and conditions stated therein.

THE FEDERATED COMPANIES, LLC, a Florida limited liability company

By: 
Jonathan Cox, Manager


Finance Director
City of Portland, Maine

APPROVED AS TO FORM:

CORPORATION COUNSEL'S OFFICE

September 6, 2012 by LCW

of Bayside - Federated Companies' Corporate Guaranty. Final redline of CORPORATE GUARANTY AGREEMENT for Execution.docx

EXHIBIT 1

[P&S]

September 6, 2012 by LCW

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EXHIBIT 2

[Assignment to Legacy Park]

September 6, 2012 by LCW

On-Buside - Federated Companies Purchase and Sale Agreement (Final FIRST AMENDMENT TO PURCHASE AGREEMENT for Execution.doc)

FIRST AMENDMENT TO PURCHASE AND SALE AGREEMENT

THIS FIRST AMENDMENT TO PURCHASE AND SALE AGREEMENT, ("Amendment"), is entered into as of Sept. 15 2012, by and between THE CITY OF PORTLAND, MAINE, a body politic and corporate with a place of business at 389 Congress Street, Portland, Maine 04101 ("Seller") and LEGACY PARK APARTMENTS LLC, a Florida limited liability company with a place of business at 801 Brickell Avenue, Suite 720, Miami, Florida 33131, or its nominee or assignee ("Buyer"). (Seller and Buyer are also hereinafter referred to individually as "party" or, collectively, "parties").

WHEREAS Buyer is the assignee, by virtue of an Assignment and Assumption Agreement, ("Assignment"), effective June 27, 2011 of a Purchase and Sale Agreement, effective June 23, 2011, between The Federated Companies LLC and Seller ("Agreement"). Assignment and Agreement are attached hereto and incorporated herein by reference, collectively, as Exhibit "A".

WHEREAS Section 11 of the Agreement requires that the Seller and Buyer enter into a formal agreement stipulating to the terms and conditions of the Seller's contribution of HUD Funds during the Inspection Period.

WHEREAS Section 11 of the Agreement provides that the Inspection Date shall be extended until the parties have reached agreement on the use of HUD Funds for the garage.

NOW THEREFORE for good and valuable consideration, including the mutual promises made below, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree that the Agreement is amended as follows:

A. Section 4 of the Agreement is amended by deletion of the original text of Paragraph 2 and insertion of the following text in its place:

"The term "Inspection Date" means midnight on the sixtieth (60th) day following full execution by the parties and HUD approval, if HUD approval is required, of the formal agreement stipulating the terms and conditions of the HUD Funds contribution identified under Section 11 of this Agreement."

B. Section 5 of the Agreement is amended by deletion of the original text and insertion of the following in its place:

C. Section 5. Use Restrictions and Environmental Matters. Buyer understands that lots 1, 2, 3, 5 and a portions of lot 6 and a portion of lot 9 were encumbered with deeds restrictions, including but not limited to a restriction on residential uses on a portion of the Property. Pan Am/Guilford, the holder of those restrictions has released these restrictions, and before the start of construction by Buyer the Seller will secure environmental liability insurance on the Railyard to protect Pan

September 6, 2012 by LCW

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Am/Guilford, which was a condition of its releasing these restrictions.

The Seller, through its consultant and others has undertaken a number of environmental studies which are referenced in Exhibit B to this Amendment. The Maine Department of Environmental Protection (hereinafter "DEP") has issued one or more letter(s) confirming their approval of a Voluntary Response Action Program ("VRAP") Plan for the former rail yard property which is contained within lots 1, 2, 3, 5 and a portion of lot 6 and a portion of lot 9 (hereinafter "Railyard"). The VRAP includes a remediation plan approved on the Railyard property by the DEP. As part of the development plan for the Railyard property, Buyer is responsible for complying with the remediation VRAP Plan for the Property. To the extent required by law, the approval of the U.S. Environmental Protection Agency shall also be obtained for both of these VRAP Plans.

The Seller has commenced review of the environmental conditions for on the portion of Property which is contained within a portion of Lot 6 and Lots 7, 8 and a portion of Lot 9, (hereinafter "Scrapyard"). The Seller will secure a VRAP for the Scrapyard (subject to Buyer's input and approval) and Buyer shall undertake remediation in accordance with the VRAP. The Seller will reimburse Buyer for its first Fifty Thousand Dollars (\$50,000.00) of actual expense for such remediation, and all other costs of remediation, which shall fully comply with such VRAP, shall be paid by the Buyer from City Grant Funds received from City. The Seller will work together with the Buyer to ensure the timely remediation in accordance with the Buyer's development plans.

Although Buyer is under no obligation to obtain such environmental liability insurance, should Buyer, at Buyer's sole election, secure environmental liability insurance on the Scrapyard and/or any other portion of the Property, Buyer will use best efforts to secure for the Seller the option to obtain coverage under such insurance policy(ies) as an Additional Insured, by endorsement in any other form; provided, however, that any additional cost for such additional coverage shall be paid by the Seller and shall not relieve Seller of the duty of providing the environmental liability insurance required to provide on the Railyard for the benefit of PanAm/Guilford described above.

D. Section 6 of the Agreement is amended by adding, at the end of the existing first sentence, "including but not limited to Site Plan approval from the City of Portland, Subdivision Approval Amendment(s) from the City of Portland, and any amendments to the Land Use Code of the City of Portland."

E. The first sentence of Section 11 of the Agreement is amended by deleting the existing text, and replacing it with the following:

Contingent on the full disbursement of \$9,007,000.00 in City Grant Funds from Seller to Buyer as provided in the Parking Garage Contribution Agreement, and as a condition of this sales transaction, the Buyer will construct, at its expense, a parking garage on (approximately, as the exact location is not yet set), a portion of Lot 5 and all

September 6, 2012 by LCW

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of Lots 6 and 7 and a portion of Lot 9 which shall contain not less than 700 parking spaces. ("Garage").

F. Section 11 of the Agreement is amended by deleting the original text of numbered Paragraph 4 and the insertion of the following text in its place:

"Buyer shall construct the Garage using sustainable and energy efficient construction methods, including, but not limited to, energy efficient lighting."

G. Section 15 of the Agreement is amended by deletion of the original text and insertion of the following in its place:

"Section 15. Rights of Seller to Repurchase Undeveloped Property.

(a) If three years after the substantial completion of the Garage, construction activity has not been commenced and diligently pursued on any other portions of the Property, the Seller shall have a one-time right to notify Buyer in writing of such default under this Section within thirty (30) days of such default and Buyer shall have ninety (90) days thereafter to cure such default. Provided, however, that there shall be no event of default by Buyer if the City is in default of any provision of the Parking Garage Contribution Agreement. If Seller fails to provide Buyer with written notice of default within thirty (30) days of such default, then the provisions of this Section shall be deemed waived by Seller.

(b) If the Garage does not reach substantial completion within three years after the date of closing on the purchase by Buyer of the Property related to the Garage then the Seller shall have a one-time right to notify Buyer in writing of such default under this Section within thirty (30) days of such default and Buyer shall have ninety (90) days thereafter to cure such default. If Seller fails to provide Buyer with written notice of default within thirty (30) days of such default, then the provisions of this Section shall be deemed waived by Seller.

If Buyer fails to cure a default under either 15(a) or 15(b) above, the Seller shall have the right or remedy, but not the obligation, which is described in this paragraph in concept: namely, to repurchase any or all such portions of the undeveloped Property at Buyer's Purchase Price (prorated with respect to the quantity of land, as necessary). Seller may, at the closing of such repurchase, use such consideration (that is, the prorated portion of Buyer's Purchase Price) to pay-off and remove any and all then existing mortgages, liens, assessments or other encumbrances on the undeveloped Property being repurchased. Any amounts by which such then existing mortgages, liens, assessments and other encumbrances exceed such consideration, shall continue to the obligations of Buyer, or its successors or assigns; and Buyer, its successors or assigns, shall indemnify Seller with respect to such excess amounts.

Dr. Kostas A. Chelidopoulos, President, and Scientific Agreement, Zonal Hellenic Association of Environmental Engineers for Examination

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year first written above.

SELLER:

CITY OF FORT LAUDERDALE

24

NAME: Mr. H. Ross

Title: CIA Memo

Date of Execution: 6-25-12

BUNN

THE FEDERATED COMPANIES, LLC

655

James Cox

Title: Member

Date of Execution: 10/5/63

September 6, 2012 by LCW

On Day 44 - Redwood Company Purchase and Sale Agreement (First AMENDMENT TO PURCHASE AGREEMENT) for
Beverly Hills



Approved: Ellen Sanborn, Finance Director



Approved as to Form: Corp. Counsel

EXHIBIT "A"
TO FIRST AMENDMENT TO
PURCHASE AND SALE AGREEMENT

[Insert Assignment AND P&S]

ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (this "Agreement") is made as of the 27th day of June, 2011, by and between **THE FEDERATED COMPANIES, LLC**, a Florida limited liability company, with an address of 404 Washington Avenue, Suite PH, Miami Beach, FL 33139 (together, the "Assignor") and **LEGACY PARK APARTMENTS LLC**, a Florida limited liability company, with an address of 404 Washington Avenue, Suite PH, Miami Beach, FL 33139 (the "Assignee").

For and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration to it in hand paid by the Assignee to the Assignor and the mutual covenants herein contained, the receipt and sufficiency of the foregoing consideration being hereby acknowledged, the parties hereto agree as follows:

1. **ASSIGNMENT**: The Assignor hereby assigns, transfers, sets over and conveys to the Assignee all of the Assignor's right, title and interest in, to and under that certain Purchase and Sale Agreement by and between The City of Portland, Maine (the "City") and Assignor, with respect to certain real property described therein (the "Purchase Agreement").

2. **ASSUMPTION**: The Assignee does hereby assume and agree to perform all of the Assignor's obligations with respect to the Agreement accruing from and after the date hereof. Assignee acknowledges that Assignor has posted the required deposit under the Purchase Agreement and agrees that such deposit shall be refunded to Assignor upon Assignee's closing on the acquisition under the Purchase Agreement.

3. **WARRANTIES AND REPRESENTATIONS**: In connection with the foregoing assignment and assumption of the Purchase Agreement, the Assignor does hereby make the following warranties and representations:

(a) The Purchase Agreement remains in full force and effect and has not been modified, amended or terminated;

(b) Attached as Exhibit A to this Agreement is a true, accurate and complete copy of the Purchase Agreement; and

(c) Neither the Assignor nor, to the best of Assignor's knowledge without inquiry, the City is in default of the Purchase Agreement.

With the exception of the foregoing warranties, this Assignment is made without recourse or representation or warranty, express, implied or by operation of law, of any kind and nature whatsoever.

4. **SUCCESSORS AND ASSIGNS**: This Agreement shall be binding upon and inure to the benefit of the Assignor and the Assignee and their respective successors and assigns.

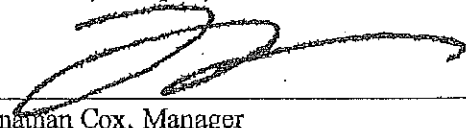
5. COUNTERPARTS: This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

6. AMENDMENTS: This Agreement may not be amended in any respect whatsoever except by a further agreement, in writing, fully executed by each of the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives under seal as of June 27, 2011.

ASSIGNOR:

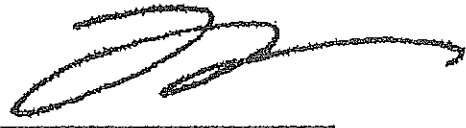
THE FEDERATED COMPANIES, LLC, a Florida
limited liability company

By: 

Jonathan Cox, Manager

ASSIGNEE:

LEGACY PARK APARTMENTS LLC, a Florida
limited liability company

By: 

Jonathan Cox, Manager

Exhibit A

PURCHASE AND SALE AGREEMENT

This Purchase Agreement (this "Agreement"), is entered into as of the *Effective Date*, as defined below, by and between The City of Portland, Maine a body politic and corporate with a place of business at 389 Congress Street, Portland, Maine 04101 ("Seller") and The Federated Companies LLC, a Florida limited liability company with a place of business at 404 Washington Avenue, Suite PH, Miami Beach, FL 33139 or its nominee or assignee ("Buyer").

WHEREAS, Seller is the Owner of a certain real property located on Somerset Street, Portland, Maine which contains approximately 3.25 acres and which is known as lots 1, 2, 3, 5, 6, 7 and 8, which land is further described in Exhibit A, attached hereto and incorporated herein (collectively "the Land") and

WHEREAS, Seller seeks to sell the Land for development purposes; and

WHEREAS, Buyer desires to acquire the Land from Seller, and Seller seeks to sell the same to Buyer on such terms as are set out herein,

Now Therefore, in consideration of the foregoing and for good and valuable consideration, the parties intend to be legally bound as follows:

Section 1. Property. The Land, all rights and privileges appurtenant to the Land and all improvements located on the land, are referred to collectively as the "Property." The Seller agrees to sell the Property to Buyer on the terms and conditions contained herein. The parties understand and agree that a portion of land representing a trail access from Somerset Street as shown on Exhibit A-1, may need to be adjusted depending on the nature and extent of development on Lots 6 and 7. The trail access adjustment shall be subject to the mutual agreement of the parties on the placement of the lot lines and the trail access

Section 2. Purchase Price and Deposit. The "Purchase Price" for the Property shall be Seven Hundred Thousand Dollars (\$700,000) per acre and shall be paid in cash (or by certified or bank check or federal funds wire transfer) at the Closing as defined in Section 8 of this Agreement subject to the adjustments described in this Agreement. The calculation of the acreage of the Property shall be made by the Seller providing, not later than forty-five (45) days after the Effective Date, an ALTA survey, satisfactory to Buyer and Buyer's lender, of the Property, excluding that portion of land utilized for trail access as described above. Within ten (10) business days after the Effective Date of this Agreement, Buyer shall deliver to a nationally-recognized title company ("Escrow Agent") the sum of Twenty Five Thousand Dollars (\$25,000) (the "Initial Deposit"), which shall be held in escrow in accordance with the terms of Section 14 of this Agreement. The Initial Deposit, and any other deposits made by Buyer under the terms of this Agreement shall be held by the Escrow Agent, and is referred to collectively as the "Deposit." The Deposit shall be

applied toward the Purchase Price at the Closing unless otherwise forfeited by the Buyer pursuant to the terms of this Agreement.

Section 3. Title.

(a) Seller shall convey its interest in the Property to Buyer by a good and sufficient quitclaim deed with covenant (the "Deed"). The Deed shall convey insurable title to the Property and be free of encumbrances except (i) zoning, environmental and subdivision laws, rules, regulations and restrictions and other land use matters; and (ii) any "Defects of Title" (as defined below) accepted or waived by Buyer pursuant to Section 3(b). Buyer acknowledges that: the deed of conveyance shall contain a restriction lasting for 30 years, including the 30th year, starting on the closing date, that, in the event that the property or any portion thereof shall be exempt from real and personal property taxes then a yearly payment by the then-owner of the exempt portion shall be made in lieu of taxes equivalent to the property taxes that would otherwise be paid on the exempt portion of the real and personal property situated on Property, which restriction shall also confirm that Buyer and its successors and assigns shall possess and be vested with all rights and privileges as to abatement and appeal of valuations, rates and the like as are accorded owners of real and personal property in Maine. For purposes of this Agreement, insurable title means title which an insurance company with a rating of B+ or better by Standard & Poor's (or other comparable rating by another rating organization) licensed to do business in Maine is willing to insure upon payment of a premium at customary and filed rates on a standard ALTA Form B Policy (rev. October 17, 1992) with no exceptions listed on Schedule B, Part I thereof, except for the standard exceptions and Defects of Title pursuant to paragraph 3(b) below, with no indemnification or legal opinion to be required from Buyer to issue such policy, and with the creditor's rights exception deleted.

(b) On or before the date that is forty-five (45) days after the Effective Date, Buyer shall notify Seller of any defects in title that would make Seller unable to give title to the Property as herein stipulated or which would otherwise adversely affect Buyer's intended development of the Land (any of which is called herein a "Defect of Title"). Buyer shall be deemed to have waived any objection to any Defect of Title that existed as of the Effective Date if Buyer fails to notify Seller of such Defect of Title on or before the end of such 45-day period. With respect to the existence of any Defect of Title that does not exist on the Effective Date but which arises prior to the Closing Date, Buyer shall notify Seller of any such Defect of Title on or prior to the Closing Date as defined in Section 8 hereof. Seller shall have, at its option, a period of not more than sixty (60) days after receipt of notice(s) of any defect in title within which to remedy or cure any Defect of Title and Seller agrees to use good faith efforts to cure such Defect of Title. If the Closing Date shall fall within the said 60-day period, it shall be extended to the date that is ten (10) business days after the expiration of such 60-day period or after the date such Defect of Title is cured to Buyer's reasonable satisfaction (but in no event shall the Closing Date be earlier than is otherwise provided herein). Buyer shall have ten (10) business days after receipt of notification by Seller that the Defect of Title has been cured to advise Seller whether it is satisfied with the title defect cure. If such Defects of Title are not corrected or remedied within such 60-day period, then Buyer shall elect by written notice to the Seller on or before the Closing Date, as the same may be extended, either (i) to accept title to the Property subject to the uncured Defects of Title without reduction of

the purchase price and without any right to damages and without any other liability on the part of Seller, or (ii) to terminate this Agreement, whereupon the Deposit shall be returned to Buyer and all obligations of the parties hereunder shall cease and neither party shall have any claim against the other by reason of this Agreement, except with respect to any provision hereof that expressly survives the termination of this Agreement. For purposes of this subsection (b), Seller may elect to cure or remedy any Defect of Title by providing Buyer with a binding commitment from a title insurance company licensed to do business in Maine committing to issue an endorsement to Buyer's owner's title insurance policy providing affirmative coverage for such Defect of Title at no additional premium to Buyer beyond any premium required for such title policy without such endorsement; and Buyer agrees to accept such affirmative coverage as a cure or remedy for such Defect of Title provided that the form and content of such affirmative coverage is satisfactory to Buyer and its advisors in their reasonable discretion; or the Seller may cure by other means satisfactory to the Buyer.

Any time taken to cure any defect in title shall extend by the same amount of time the Inspection Date described by section 4 of this Agreement.

(c) Seller represents and warrants to Buyer, effective as of the date of this Agreement and also effective as of the date of Closing, that: (i) Seller holds good and clear, record and marketable title to the Property in fee simple; (ii) there are no uncorrected violations of any laws or codes with respect to the Property, its condition, or use; (iii) no options, rights of first refusal, or other contracts have been granted or entered into which give any other party a right to purchase or acquire any interest in the Property or obligate the Seller in any respect; (iv) there are no leases, licenses, or other occupancy agreements in effect with respect to any part of the Property, other than a deed restriction preventing residential use and other uses as required which Seller shall seek to lift before Closing; (v) Seller has not received written notice of any planned or threatened condemnation or eminent domain proceedings with respect to the Property; (vi) the Property abuts a public way which imposes no access restrictions; (vii) this Agreement has been duly authorized by all requisite action and is not in contravention of any law or organizational documents and this Agreement has been duly executed by a duly authorized officer or official of Seller; (viii) Seller's execution of this Agreement does not violate any other contracts, agreements, or any other arrangements of any nature whatsoever that Seller has with third parties and (ix) the Seller shall seek to obtain, at its sole cost and expense, such environmental insurance as may be agreed upon by Seller and PanAm/Guilford, as a prior titleholder, that is sufficient to get PanAm/Guilford to lift the current deed restrictions on uses. Seller will not cause nor, to the best of Seller's ability, permit any action to be taken which would cause any of Seller's representations or warranties to be false as of Closing, and in any event shall notify Buyer of any change in these representations and warranties. Seller's representations and warranties shall survive the Closing and the delivery of the Deed.

Section 4. Inspection of Property. Buyer, and those parties controlled by Buyer or associated with Buyer, shall have the right to access the Property to inspect its condition, including, without limitation, making surveys, testing the geotechnical quality of soils and whether any Hazardous Materials exist (including sub-surface), and pursuing permits and approvals. Seller shall cooperate with Buyer, without material cost to Seller, in connection with all such inspections and

actions by Buyer, including without limitation, by delivering to Buyer within ten (10) days of the effective date of this agreement, copies of any and all surveys, permits, title reports, hazardous waste reports, environmental assessments, geotechnical reports, samplings and investigations, all contracts and leases affecting the Property, any documents relating to the physical condition of the Property (including, without limitation, any improvements located thereon) and the status of the Property's compliance with applicable building code, zoning, land use and environmental laws, rules and regulations, feasibility studies (including financing), building and site plans, floor plans, property inspections, elevation studies, appraisals or other such pertinent information Seller has compiled related to the property and/or the proposed development that is in the Seller's possession or control, and signing any consents or authorizations for permit applications that may be required. If Buyer does not purchase the Property for any reason then Buyer shall promptly repair any damage that it may have caused.

The term "Inspection Date" means midnight on the sixtieth (60th) day following the Effective Date.

If Buyer is not satisfied with the condition of the Property for any reason, or no reason, in its sole discretion, then Buyer may terminate this Agreement by delivering written notice of such termination to Seller no later than five (5) days after the Inspection Date, in which event the Escrow Agent shall immediately return the Initial Deposit to Buyer. However, if Buyer does not so terminate this Agreement, then the parties shall proceed forward in this transaction. Upon Buyer's election to move forward, the Buyer shall deposit, within five (5) days, an additional Twenty Five Thousand Dollars (\$25,000) in escrow with the Escrow Agent as Additional Earnest Money ("Additional Deposit"). Both the Deposit and the Additional Deposit shall be deemed non-refundable except in the event that the Seller fails to perform or the Buyer is unable to obtain the permits and approvals. The Deposit and the Additional Deposit shall be credited against the purchase price upon closing unless forfeited as otherwise provided in this Agreement.

Section 5. Covenants of the Seller. The Seller, through its consultant and others have undertaken a number of environmental studies which are referenced in Exhibit B to this agreement. The Maine Department of Environmental Protection (hereinafter "DEP") has issued one or more letter(s) confirming their approval of a Voluntary Response Action Program ("VRAP") Plan for the former rail yard property which is contained within lots 1, 2, 3, 5 and a portion of 6 (hereinafter "Railyard"). The VRAP includes a remediation plan approved on the Railyard property by the DEP. As part of the development plan for the Railyard property, Buyer shall be responsible for complying with the remediation plan for the property.

Buyer understands that lots 1, 2, 3, 5 and a portion of lot 6 are encumbered with deed restrictions, including but not limited to a restriction on residential uses on a portion of the Property. Pan Am/Guilford, a prior owner of the property has the sole discretion and is under no obligation to remove said deed restrictions. Provided that Pan Am/Guilford is in agreement with the insurance coverage provided by the Seller, the Seller will secure environmental liability insurance on the Railyard portion of the Property which will permit Pan Am/Guilford and the Seller to remove the deed restrictions on the property for residential and other uses, as required by Buyer.

The Seller has commenced review of the environmental conditions on the portion of the Property which is contained within a portion of Lot 6 and Lots 7 and 8 (hereinafter "Scrapyard"). The Seller will secure a VRAP for the Scrapyard (subject to Buyer's input and approval) and shall undertake remediation at its sole cost and expense in accordance with the VRAP. The Seller will work together with the Buyer to ensure the timely remediation in accordance with the Buyer's development plans. Buyer understands and agrees that no residential uses shall be approved on Lots 7 and 8 of the Scrapyard, even if such uses are allowed by the VRAP.

Section 6. Permit Period. Buyer shall have an additional One Hundred and Eighty (180) days following the Inspection Date (the "Permit Period") in which to obtain the permits and approvals that are necessary or desirable for Buyer's contemplated development of the Property for a mixed-use project including a parking garage as described in Section 11 of this Purchase Agreement. Buyer shall work with the City on the development of a master plan of all properties. Subject to the mutual agreement of the parties, the master plan may, but is not required to, include the elimination of the accessway from Somerset St to the Bayside Trail between Lots 6 and 7 or the 20ft wide accessway from Somerset St. to the Bayside Trail running through Lot 3, and the purchase of the underlying property in the accessway between Lots 6 and 7 by Buyer. It is the intent of the Buyer to build a mixed-use project which incorporates goals proposed by the City in its "A New Vision for Bayside", including, but not limited to, provide commercial and/or retail space on the first floor to allow for a user friendly neighborhood. If, by the end of the Permit Period, Buyer has not obtained all such permits and approvals, with all appeal periods with respect to such permits and approvals having expired with no appeal having been taken (or if taken, then with such appeal having been resolved to Buyer's satisfaction), then Buyer may terminate this Agreement by delivering written notice of such termination to Seller no later than five (5) business days after the end of the Permits Period, in which event the Deposit shall be returned to Buyer as provided in the Escrow Agreement. However, if Buyer does not so terminate this Agreement then the parties shall proceed forward in this transaction in accordance with the terms of this Agreement and the Deposit shall become non-refundable (except in the event of a Seller default, or because the Closing does not occur due to the failure of a condition precedent or as otherwise provided in this Agreement), but the Deposit shall always remain applicable to the Purchase Price unless otherwise provided by this Agreement.

During the Permit Period, as soon as practicable but no later than the same time as the Buyer presents its formal application for site plan approval, the Seller will present its plan for subdivision amendments to the Land consistent with the needs of the Buyer's site plan approval. The Seller shall be the applicant for the subdivision amendment, whether the review is done administratively or otherwise. Buyer shall provide, at its sole cost and expense, all required surveys in connection with the necessary subdivision amendments.

Notwithstanding anything in the foregoing to the contrary, Buyer shall have the right to extend the Permit Period up to three times, each extension for a period of thirty (30) days, by notifying Seller in writing of such extension within five (5) business days after the end of the then-current Permits Period, and depositing with Escrow Agent an additional deposit of Three Thousand Dollars (\$3,000) per extension (the "Permit Extension Deposit"). The Permit Extension Deposit shall be

considered part of the Deposit and shall non-refundable (except in the event of a Seller default, or because the Closing does not occur due the failure of a condition precedent or if Buyer/Seller is unable to obtain the permits and approvals or as otherwise provided in this Agreement), but the Deposit shall always remain applicable to the Purchase Price as provided herein. All references in this Agreement to the Permit Period shall mean the Permit Period as the same may be extended in accordance with the terms of this paragraph.

Section 7. Conditions Precedent to Closing. Seller and Buyer's obligation to Close hereunder are conditioned upon the satisfaction of the following conditions:

- (a) there shall be no pending or threatened action, suit, litigation, hearing or administrative proceeding relating to Seller, any entity comprising Seller, or to all or any portion of the Property;
- (b) the Property shall be free and clear of any leases, licenses, occupancy agreements, and any other parties in possession;
- (c) Seller shall have delivered to Buyer such documentary and other evidence as the Buyer's title company may reasonably require evidencing Seller's authority, the absence of mechanic's liens and parties in possession, and any other matters that the title company may reasonable require;
- (d) all of Seller's obligations under this Agreement shall have been performed and all its representations and warranties shall be true and correct;
- (e) the condition of the Property (including without limitation the condition of the Property with respect to title and survey matters, as well as the presence of fixtures, equipment, and other personal property that is to be transferred at the Closing as elected by Buyer) shall be as required by this Agreement and no changes shall have occurred to such condition of the Property since the date of this Agreement (Buyer shall have the right to re-inspect the Property prior to the Closing to confirm the foregoing);
- (e) notwithstanding anything in this Agreement to the contrary, Buyer shall have obtained any and all permits and approvals necessary or desirable for its contemplated development of the Property, with all appeal periods with respect to such permits and approvals having expired with no appeal having been taken (or if taken, then with such appeal having been resolved to Buyer's satisfaction);
- (f) any hazardous materials on the property shall be handled in accordance with the requirements of the applicable VRAP agreement and this Agreement;
- (g) Seller shall have paid, or will pay at or prior to Closing, all taxes, assessments, charges, fees, levies and impositions, coming due prior to the Closing Date;
- (h) if any subdivision or other governmental approval is required in order to convey the Property as a separate parcel or lot then Seller shall have obtained all such subdivisions and/or other governmental approvals and shall have recorded any and all required plans in connection with the same;
- (i) from and after the Effective Date, there shall have occurred no material adverse change to the Property (or any material portion thereof) which is continuing at the date and time scheduled for Closing which could have an adverse impact on Buyer's intended use of the Property; and
- (k) Buyer shall have secured all permits, licenses and approvals (not subject to further action) necessary to construct its proposed mixed-use facility and parking garage on the Property.

Section 8. Closing. The Closing shall be held and completed at 10:00 A.M. or at such other time as may be agreeable to the parties at the office of the Buyer's lender's counsel in Portland, Maine, or through electronic communication or by mail by agreement of the parties, on the date that is thirty (30) days (or such shorter period of time as Buyer may elect upon five (5) days written notice to Seller) following the end of the Permit Period, time being of the essence. Notwithstanding the foregoing, in no event shall Buyer be obligated to close sooner than the fifth (5th) day following the satisfaction of the conditions precedent set forth in this Agreement. At the Closing, Seller shall cause the release of the Property from all loans and other monetary encumbrances secured by the Property, including, without limitation, municipal liens and utility fees of all kinds, and Seller shall pay all prepayment penalties or fees assessed by the holders of such loans and encumbrances, if any.

Seller is exempt from real estate transfer tax pursuant to 36 M.R.S.A. § 651. Seller shall pay the brokerage commission due to the brokers(s) described below, and all of its costs incurred.

Buyer shall pay its share of the real estate transfer tax and for all recording costs. Buyer shall be responsible for all of its own costs incurred, including, without limitation, the cost of studies or inspections desired by Buyer. The real estate taxes and other customary items of proration and adjustment shall be computed as of the date of Closing and added to or deducted from the net proceeds as the case may be. In the event accurate prorations or other adjustments cannot be made at Closing because of the lack of necessary information, the parties shall prorate and adjust based on the best available information, subject to prompt modification upon the receipt of the necessary information. At the Closing, Seller shall deliver to Buyer: (i) a Quitclaim Deed with covenant (ii) releases of any real estate liens or other instruments or agreements to be cancelled pursuant to the terms of this Agreement, in form appropriate for recording; (iii) an updated certification of the warranties and representations contained herein; (iv) an assignment of permits and warranties; (v) a Bill of Sale (if applicable), in form and substance satisfactory to Buyer, transferring to Buyer, without additional charge, all fixtures, equipment, and other personal property located at the Property (except for any fixtures, equipment and other personal property that Buyer has directed Seller in writing to remove on or before the date of the Closing, which Seller shall so remove, without causing damage to the Property); (vi) an assignment, transferring ownership of all the permits, plans and approvals which are part of the Property and (vii) such other documents required under the terms of this Agreement or customarily delivered at closings in the State of Maine. On or before Closing, Seller shall terminate any contracts relating to the Property that Buyer has not agreed to assume and shall pay all costs associated with such contracts. On or before Closing, Seller will do, make, execute and deliver all such additional and further acts, instruments and documents as may be consistent with this Agreement and customarily and reasonably required by Buyer and/or the Buyer's title company to complete the transactions described in this Agreement.

Section 9. Condemnation and Casualty. If, prior to Closing, all or any part of the Property or access to the Property shall become subject to condemnation through eminent domain by governmental or other lawful authority, or should be subject to damage or destruction by fire or other casualty, then Buyer shall have the option of either (a) completing the purchase, in which event all condemnation proceeds or claims thereof (or, in the event of a fire or other casualty, all

casualty insurance proceeds, together with a credit against the Purchase Price for the amount of any insurance deductible) shall be assigned to Buyer, or (b) terminating this Agreement, in which event, notwithstanding any provision herein to the contrary, the Deposit shall be returned to the Buyer, and this Agreement shall have no further force or effect. Seller shall bear the risk of loss to the Property due to condemnation or casualty until the Closing and the recording of the Deed. Seller shall keep the Property insured at its presently insured levels from the date of this Agreement until the Closing and the recording of the Deed.

Section 10. Broker. At the Closing, Seller shall pay any and all fees or other commissions due and payable to CBRE| The Boulos Company (the "Broker"), pursuant to separate agreement. Except for the Broker, Seller and Buyer represent and warrant to each other that neither has dealt with any other real estate broker, agent, or salesperson. Seller agrees to defend, indemnify, and hold Buyer harmless from any claims, costs, judgments, or liabilities of any kind advanced by persons claiming real estate brokerage fees through Seller. Buyer agrees to defend, indemnify and hold Seller harmless from any claims, costs, judgments, or liabilities of any kind advanced by persons (other than the Broker) claiming real estate brokerage fees through Buyer. The indemnities set forth in this Section shall survive Closing.

Section 11. Conditions Which Survive Closing As a condition of this sales transaction, the Buyer will construct, at its expense, a parking garage on a portion of Lot 6 and all of Lots 7 and 8 which shall contain not fewer than 500 parking spaces. The Seller shall make a contribution to the cost of construction from the funds being provided to the Seller from the U.S. Department of Housing and Development (the "HUD Funds") in accordance with and to the extent allowed by federal law and regulations, including HUD's regulations. During the inspection period described in Section 4 above, the Seller and the Buyer shall enter into a formal agreement stipulating the terms of this contribution and the conditions of the contribution, which are expected to include the following:

1. The garage shall be open during reasonable hours 7 days per week subject to modification from time to time by buyer based on historical and projected volume of usage of the garage.
2. The garage shall have shared use with residents 7 days a week, 24 hours per day.
3. During snow bans, garage shall be available for snow ban parking and the overnight snow ban parking rate shall not exceed 50% of the then current daily maximum rate charged for parking at the garage.
4. The garage shall be made available for special event parking during off hours.
5. The garage shall provide turnover parking for the general public.
6. Rates shall be based upon market conditions.

7. The garage shall participate in the Park & Shop program.
8. The garage must accept both cash and credit card payments.
9. The garage must remain as a public parking facility for a minimum of 30 years.

The agreement referred to in this section shall further provide that Buyer shall comply with all the terms and conditions related to the use of HUD funds including, but not limited to, providing documentation of job creation. The Inspection Date shall be extended until the parties have reached agreement on these issues.

The agreement shall further provide that HUD has to approve the use of its funds for the garage and that if such approval is obtained, Buyer or any nominees, assigns or successors in interest shall be responsible for complying with any conditions required by HUD in addition to the conditions listed above and shall defend and indemnify Seller against any actions brought by HUD to enforce any HUD conditions and any sanction or fines resulting from an enforcement action.

In return for the use of HUD funds, the garage and any attached structures or units in it designed for non garage use shall comply with and be certified by the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) Silver Standard, and shall achieve the minimum LEED optimize energy performance points necessary to meet the targets of the 2030 challenge as published by Architecture 2030, pursuant to the City of Portland's City Code, Section 6, Article VII.

Section 12. Default.

(a) Buyer Default. If Buyer defaults and fails to perform its obligations under this Agreement under this Agreement, Seller, at no cost, shall receive the Deposit and all interest thereon, as well as the results and reports of all development studies, testing reports, construction and design documents related to the garage, and surveys of the Property completed by the Buyer. The parties agree that the Deposit and development studies and surveys are a reasonable liquidated measure of Seller's damages and not a penalty and shall be Seller's sole and exclusive remedy at law and in equity because of the difficulty in ascertaining the exact amount of damages sustained by Seller.

(b) Seller's Default. If Seller defaults and fails to perform its obligations under this Agreement, then Buyer may, without limitation of its other rights and remedies, terminate this Agreement upon written notice to Seller, upon which event the Deposit and all interest thereon shall be immediately refunded to Buyer, and/or exercise all of its available remedies at law or in equity, including, but not limited to, the right to seek a judgment compelling the specific performance of this Agreement and/or an action for damages.

(c) Attorney Fees. In the event of litigation, the substantially prevailing party shall be entitled to receive its reasonable legal fees and court costs from the other party. This provision shall survive the Closing and delivery of the Deed.

Section 13. Miscellaneous. This Agreement (i) constitutes the entire agreement between the parties hereto with respect to the transaction contemplated herein and it supersedes all prior discussions, undertakings or agreements between the parties; (ii) shall not be modified except by a written agreement executed by both parties; (iii) shall be binding upon and inure to the benefit of the parties hereto, and their respective successors and assigns; (iv) may be executed in counterparts; and (v) may be executed by facsimile signatures. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Maine. Any notice by either party to the other party shall be in writing and shall be deemed to have been duly given when either delivered personally, or mailed by certified mail, return receipt requested, or sent by nationally recognized overnight courier, or sent by facsimile, or sent by e-mail addressed to Seller, at Portland City Hall, 389 Congress Street, Portland, Me 04101, Attn: City Manager facsimile 207-874-8669, email: pfinnigan@portlandmaine.gov, with a copy to, the Director of Economic Development facsimile 207-756-8217, email: gmitchell@portlandmaine.gov, and another copy to Corporation Counsel, at the same address (facsimile 207-874-8497), email: gary@portlandmaine.gov; and to Buyer c/o The Federated Companies, 404 Washington Ave, Floor 8, Miami Beach, FL 33139, Attn: Jonathan Cox, facsimile (800) 523-5931, email: j_cox@federatedcompanies.com with a copy to Marc Shandler, Esq., The Federated Companies, 404 Washington Ave, Floor 8, Miami Beach, FL 33139, facsimile (800) 523-5931, email: m_shandler@federatedcompanies.com.

In the event any one or more of the provisions contained in this Agreement shall be for any reason held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Agreement.

The term "Effective Date" as used in this Agreement shall mean the first date upon which both Buyer and Seller have executed a final counterpart of this Agreement and delivered the same to the other party.

The term "day" or "days" as it relates to a time or timeline for performance shall mean business days and shall not include weekends or state or federal holidays.

Buyer shall be entitled without Seller's consent to assign all of its right, title and interest in and to this Agreement to any primary lender or to any entity in which Buyer maintains a controlling interest. Buyer shall also be entitled with Seller's consent, which shall not be unreasonably withheld, to assign all or part of its right, title and interest in and to this Agreement to any other entity. Buyer may also take title in the name of a nominee at the closing in which case the nominee shall be subject to all obligations of Buyer under this Agreement, and all rights of Seller. If the end of any time period herein, or if any specified date, falls on a weekend or state or federal holiday, then the end of such time period, or such date, as the case may be, shall be extended to the next business day thereafter. At the request of either party, Buyer and Seller agree to reasonably cooperate with the

other and Escrow Agent in structuring and documenting the sale of the Property to effect a tax deferred exchange in accordance with the provisions of Section 1031 of the Internal Revenue Code and its corresponding regulations. Such cooperation shall be at no cost to the other party. In no event shall such cooperation require a delay of the Closing. The Section headings as used in this Agreement are for convenience or reference only and shall not be deemed to vary the content of this Agreement.

Section 14. Escrow Provisions. As an inducement to Escrow Agent to act as escrow agent, Buyer and Seller agree that: (a) Escrow Agent will hold the Deposit in an interest-bearing account at a banking institution with which Escrow Agent has an established banking relationship, and such interest shall follow the disposition of the Deposit in accordance with the terms of this Agreement; (b) the Escrow Agent shall disburse the Deposit (and the interest earned thereon) only in accordance with this Agreement; (c) Escrow Agent will not be liable for any error or judgment, or for any act or omission under this Agreement made in good faith, except for Escrow Agent's own gross negligence or willful misconduct; (d) Buyer and Seller will jointly and severally indemnify and hold harmless Escrow Agent from and against any claim, costs, damages, attorneys' fees, expenses, obligations, or charges made against Escrow Agent by reason of its action or failure to act in connection with any of the transactions contemplated by this Agreement, unless caused by Escrow Agent's gross negligence or willful misconduct; (e) Escrow Agent will have no liability for any claim, costs, damage, attorneys' fees, expenses, obligations, or charges resulting from a delay in the electronic wire transfer of funds, unless such matters arise as a result of Escrow Agent's gross negligence or willful misconduct; and (f) in the event Escrow Agent receives or becomes aware of conflicting instructions, demands, or claims with respect to this Agreement or the Deposit, Escrow Agent may file a suit in interpleader, and upon the filing of such suit in interpleader and placing of the Deposit with a court of competent jurisdiction, Escrow Agent shall be fully released and discharged from all further obligations imposed by this Agreement with respect to the Deposit.

Section 15. Right of Seller to Repurchase the Property. If construction activity is not commenced and diligently pursued on any or all lots within two years of the date of receipt by the Buyer of final site plan approval, the Seller shall have the right, but not the obligation, to repurchase said lots at Buyer's purchase price

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year set forth next to their respective signatures below.

[Signature page to follow]

PURCHASER:

The Federated Companies LLC

By: _____

Jonathan Cox, Manager

Date of Execution: _____

6/23/11

SELLER:

City of Portland

By: _____

Patricia A. Fumigan

Acting City Manager

Date of Execution: _____

6.16.2011

JOINDER OF ESCROW AGENT

Escrow Agent joins in the execution of this Agreement to acknowledge its agreement to act as escrow agent hereunder and to handle the Deposit in accordance with the terms and conditions set forth herein.

ESCROW AGENT:

By: _____

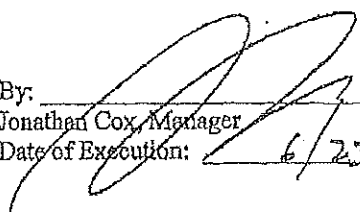
Name: _____

Title: _____

Date: _____

PURCHASER:

The Federated Companies LLC

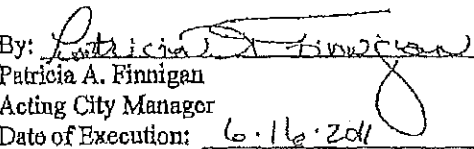
By: 

Jonathan Cox, Manager

Date of Execution: 6/23/11

SELLER:

City of Portland

By: 

Patricia A. Finnigan

Acting City Manager

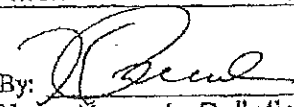
Date of Execution: 6.16.2011

JOINDER OF ESCROW AGENT

Escrow Agent joins in the execution of this Agreement to acknowledge its agreement to act as escrow agent hereunder and to handle the Deposit in accordance with the terms and conditions set forth herein.

ESCROW AGENT:

Monument Title Company

By: 

Name: Karen L. Pelletier

Title: Managing Director/Exec VP

Date: July 1, 2011

EXHIBITS

A - Description of Land

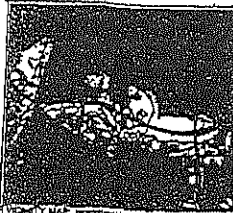
A-1 Proposed Somerset Street Subdivison plan, showing possible trail access

B -- index of environmental studies

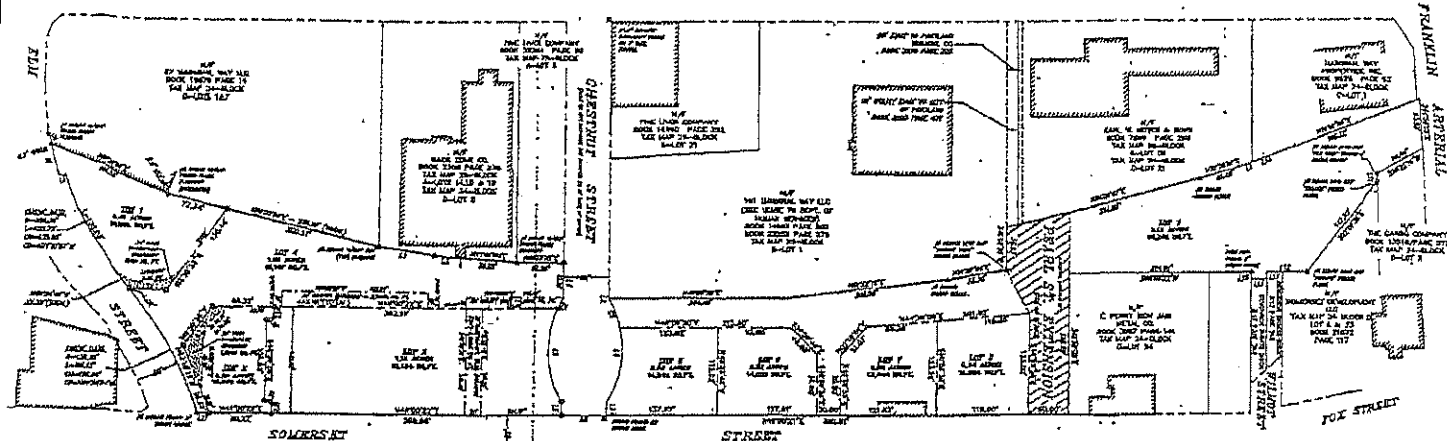
EXHIBIT A

Description of Land Being Purchased:

Lots 1, 2, 3, 5, 6, 7 and 8 as shown on a subdivision plan entitled "Bayside Railyard Portland, Maine" prepared for the Downtown Portland Corporation by SGC Engineering, LLC as approved by the Portland Planning Board on December 9, 2008 and recorded in the Cumberland County Registry of Deeds on 1/27/09 in Book 209, Page 36.

[illegible][illegible]

MARGINAL WAY



SOLICIT

STREET

CHESTNUT STREET

ADDITIONALLY PROPOSED PARAGRAPHS:

WOMEN'S COMMISSION
DOING THE SAME WORK FOR
THE SAME REASONS

ANTHROPOLOGY OF PORTLAND
CLASSICAL PERIOD

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[illegible]

1. The first condition is that the person must be a resident of the United States at the time of the death.

2. The second condition is that the person must be a citizen of the United States at the time of the death.

3. The third condition is that the person must be a resident of the United States at the time of the death.

4. The fourth condition is that the person must be a citizen of the United States at the time of the death.

5. The fifth condition is that the person must be a resident of the United States at the time of the death.

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ATTORNEY CITY OF PORTLAND
PLANNING BOARD

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REMARKS		DATE	
1st	1871	1st	1871
2nd	1872	2nd	1872
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32nd	1902	32nd	1902
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90th	1960	90th	1960
91st	1961</		

174

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OF PROPERTY LOCATED IN
**BAYSIDE RAILYARD
PORTLAND, MAINE**
MANAGER
DOWNTOWN PORTLAND CORPORATION
200 FARMINGTON STREET, PORTLAND, MAINE 04101

Exhibit B

List of Bayside Rail Yard Related Environmental Reports

Site Assessment and Environmental Analysis: Phase I of the Portland Brownfields Project, Portland, Maine, Tewhey Associates, April 1999

Environmental Remediation Plan, Phase III of the Portland Brownfields Project, Portland, Maine, Tewhey Associates, Nov. 1998

Phase II Environmental Site Assessment, Union Branch Rail Line Property, Portland, Maine, Haley & Aldrich, Inc. Dec. 2000

Environmental Conditions at the Proposed DHS Building Land annex, Portland, Maine, Tewhey Associates, August 2003

Tewhey Associates Memo from J. Tewhey to M. Adelson of the City of Portland Re: Results of Testing of Excavated Soil at the Former Rail Yard Site in Bayside, Tewhey Associates, December 13, 2003

Subsurface Soil Observations and Testing at Northern End of Proposed Chestnut Street Extension, Tewhey Associates, Jan 2005

Phase I Environmental Site Assessment, Rail Yard Subdivision Lots 1,2,3,4 and 9 Somerset Street, Portland, Maine, Tewhey Associates, Dec. 2008

VRAP Completion Document, Bayside Trail Project, Former Union Branch Rail Line, Portland, Maine, Tewhey Associates, August 2010

Bayside Rail Yard DEP VRAP, July 2001

Bayside Rail yard DEP VRAP, November 2008

Chestnut Street Extension DEP VRAP, May 2005

DHS Annex Property DEP VRAP Certification, April 2004

Soil Remediation Consideration, Tewhey Associates, January 2002

Stockpiled Group 2 Soils at Brownfields Property Site, June 2005

NEMR Concrete Pad Sampling, September 2008

NEMR Phase I Environmental Site Assessment, February 2009

NEMR Phase II Soil Investigation, February 2007

NEMR Phase II Soil Investigation, July 2009

September 6, 2012 by LCW

O:\Bayside - Federated Companies\Purchase and Sale Agreement\2final FIRST AMENDMENT TO PURCHASE AGREEMENT for Execution.doc

EXHIBIT "B"
TO FIRST AMENDMENT TO
PURCHASE AND SALE AGREEMENT

[insert Environmental Studies]

Exhibit B

List of Bayside Rail Yard Related Environmental Reports

Site Assessment and Environmental Analysis: Phase I of the Portland Brownfields Project, Portland, Maine, Tewhey Associates, April 1999

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NEMR Phase I Environmental Site Assessment, February 2009

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NEMR Phase II Soil Investigation, July 2009

September 6, 2012 by LCW

O:\Bayside - Federated Companies\Purchase and Sale Agreement\2final FIRST AMENDMENT TO PURCHASE AGREEMENT for Execution.doc

Amended Exhibit ⁹~~A~~ to the Purchase and Sale Agreement
[2012]
Description of the Land Being Purchased

Lots 1, 2, 3, 5, 6, 7, 8 and a portion of Lot 9 as shown on a subdivision plan entitled "Bayside Railyard, Portland, Maine" prepared for Downtown Portland Corporation by SGC Engineering, LLC as approved by the Portland Planning Board on December 9, 2008, and recorded in the Cumberland County Registry of Deeds in on January 27, 2009, in Plan Book 209, Page 36; the portion of Lot 9 included is that portion which is within 120 feet of northwesterly sideline of Somerset Street.

September 6, 2012 by LCW

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EXHIBIT 3

[Parking Garage Agreement]

September 6, 2012, 2012 by LCW

Q. Bayside Redevelopment Compensatory Parking Garage Contribution Agreement Final Parking Contribution and Funding Agreement for Development

PARKING GARAGE CONTRIBUTION AND FUNDING AGREEMENT

This Parking Contribution and Funding Agreement (the "Parking Garage Agreement") is made this 5th day of October, 2012, by and between the CITY OF PORTLAND, MAINE, a body politic and corporate with a place of business at 389 Congress Street, Portland, Maine (hereinafter "City") and LEGACY PARK APARTMENTS LLC, a Florida limited liability company with a place of business at 801 Brickell Avenue, Suite 720, Miami, Florida 33131 (hereinafter "Legacy Park").

WHEREAS Legacy Park is the assignee, by virtue of an Assignment and Assumption Agreement effective June 27, 2011, ("Assignment"), of a Purchase and Sale Agreement between The City of Portland, Maine, ("City"), effective June 23, 2011, ("Agreement"), for the purchase of certain blighted and brownfield real property located on Somerset Street, Portland, Maine known as Lots 1, 2, 3, 5, 6, 7, 8 and a portion of Lot 9, collectively, "the Land"), consisting of approximately 3.25 acres formerly known as the "Bayside Railyard";

WHEREAS City, in order to create jobs and economic growth for the Citizens of Portland, Maine, has agreed to make a \$9,007,000.00 contribution, ("City Grant Funds"), to Legacy Park from funds being provided to the City by the U.S. Department of Housing and Urban Development pursuant to the Bayside Redevelopment Project, Maine BEDI Grant and Section 108 Loan Program, ("HUD Funds"), toward the expense of the construction of a garage, with no fewer than 700 parking spaces and at least thirty thousand square feet of retail space on the first floor on a portion of Lot 5 and all of Lots 6 and 7 and a portion of Lot 9, ("Garage");

WHEREAS Section 11 of the Agreement requires City and Legacy Park to enter into a formal Parking Garage Agreement stipulating the terms and conditions of the contribution of the City Grant Funds to Legacy Park for the construction of the Garage,

NOW THEREFORE, in consideration of the foregoing and for good and valuable consideration the parties covenant and agree in this Parking Garage Agreement as follows:

1. Garage Construction. Subject to the terms and conditions of this Parking Garage Agreement and the City contributing City Grant Funds as described below, Legacy Park or its nominee shall construct the Garage in the location depicted on the plan attached hereto and incorporated herein by reference as Exhibit "A". The Garage shall have reached "Start-up Phase" as defined below within two (2) years after the date on which a total of \$1,000,000.00 in City Grant Funds has been requisitioned by Legacy Park and disbursed by the City to Legacy Park. Notwithstanding the above, Legacy Park will diligently work to have constructed a sufficient percentage of the Garage so as to permit Legacy Park to requisition the City Grant Funds in full by November 31, 2014, so as to allow full disbursement of the City Grant Funds by December 31, 2014. If Legacy Park informs the City, in good faith, before October 1, 2014 that Legacy Park will not meet this requisition timetable, with evidence and reasons for this, the City will use its best

efforts to obtain an extension of this disbursement deadline for the HUD Funds from HUD, and if it obtains such an extension, it shall immediately transmit to Legacy Park evidence of this extension by HUD, and this timetable shall thereby be correspondingly changed, without further action of the parties hereto being required.

Legacy Park shall construct the Garage and any attached structures or units designed for non-garage use using sustainable and energy efficient construction methods, including, but not limited to, energy efficient lighting.

2. City Grant Funds. The City shall provide a grant to Legacy Park or its nominee of Nine Million Seven Thousand Dollars (\$9,007,000.00) in City Grant Funds for use by Legacy Park for the City Grant Funds Uses as defined below. This funding is being provided in part as an incentive to build the Garage which would otherwise not be commercially viable. Accordingly, the City agrees that the first \$9,007,000.00 of City Grant Funds Uses, disbursed in accordance with this Parking Garage Agreement, shall be City Grant Funds, but subject to and less the retainage described below. The City Grant Funds may be used for all purposes related to the Garage allowed with such HUD Funds, including but not limited to design, planning, permitting, environmental testing and remediation, and construction ("City Grant Funds Uses").
3. Legacy Park Contribution. Following the disbursement of City Grant Funds, less the retainage, Legacy Park shall provide sufficient additional funds for completion of the construction of the Garage, ("Legacy Park Contribution"). The Legacy Park Contribution shall either come from its own equity or financing from a construction lender. The Legacy Park Contribution, in addition to the City Grant Funds will cover the complete cost of constructing the Garage to completion.
4. Procedures for Making Disbursements (Payments). With respect to all requisitions for disbursements of the City Grant Funds, the City and Legacy Park agree as follows:
 - (a) Legacy Park shall deliver to the City a written request for payment (a "Requisition") which shall be in substantially the same form as AIA Forms G702 and G703. The Requisition shall be accompanied by: (i) a summary of all expenses requested, (ii) copies of invoices, bills, receipts and such other information as may be reasonable to document the expenditures described in the Requisition, (iii) mechanics' lien affidavits and/or written lien waivers from such contractors, laborers, subcontractors and materialmen for work done and materials supplied which were paid for pursuant to the immediately preceding Requisition, and (iv) a certified payroll in conformance with the requirements of the Davis-Bacon Act of 1931, as amended, for all contractors and subcontractors on site and for which invoices are included.

- (b) Requisitions shall be submitted by Legacy Park no more frequently than monthly. Prior to the disbursement by the City of any requested Requisition, City's construction inspector shall certify to City that the work for which a Requisition has been submitted has been completed and the City's Housing and Neighborhood Services staff will verify all workers are being paid the prevailing wage.
- (c) A copy of the construction schedule will be submitted to the City at the beginning of the project. Updates will be provided by Legacy Park as necessary to remain accurate.
- (d) City shall make disbursements to Legacy Park only after such certification and verification, and with a certified payroll, all the same must be correct and complete. Each Requisition for disbursement shall be submitted at least five (5) days before the date for which the disbursement is requested, and the City shall make such advancement no later than fifteen (15) days after receipt of each Requisition to make such disbursement. If the City fails to make any disbursement within fifteen (15) calendar days after such requisition with all required and correct and complete paperwork as delineated in this Parking Garage Agreement, such disbursement shall be paid with interest at a rate of one-quarter of one percent per month, from that date until the disbursement is in fact made ("Interest For Late Payment"). If any such Interest For Late Payment is owed then such amount shall be in addition to the City Grant Funds.
- (e) City shall retain ten percent (10%) of the City Grant Funds as retainage, which shall be disbursed to Legacy Park upon receipt of the Certificate of Occupancy for the Garage or as mutually agreed upon between the City and Legacy Park.

5. Garage Operations.

- (a) Key Card. The Garage shall be equipped with a "key card" system (or its equivalent) whereby weekly, monthly or longer term users shall have 24-hour access to the Garage 7 days a week, it being understood that certain users may only have access at certain hours based on contractual agreements with the owners of Garage. Legacy Park shall make the Garage available for public (hourly access) use during the "Start-Up Phase" at such times as established by Legacy Park during reasonable commercial business hours, which shall at a minimum be from 7 a.m. to 7 p.m., Monday through Saturday, and 10 a.m. to 7 p.m., Sundays and Holidays. The expression "Start-Up Phase" shall mean that period commencing when the Garage receives a Certificate of Occupancy allowing operation of the parking garage portion of the Garage facility and ending the date when the first other building (and not merely the retail portion within the parking garage structure) within the Project is issued a Certificate of Occupancy and that building starts using parking in the Garage. During and after

the Start-Up Phase the Garage shall be open during reasonable hours, seven days per week, subject to modification from time to time by Legacy Park based on historical and projected volume of usage.

(b) Additional Requirements:

(i) Hourly and monthly rates for the Garage shall be based upon prevailing market rates, defined as follows: in no event shall rates be greater than 110% of the average market rates charged by City at City-owned and operated garages or the average of the three highest rates charged by garages within the City, excluding any garages that may be owned by Legacy Park or any of its affiliates;

(ii) The Garage shall participate in the Park and Shop Program;

(iii) The Garage shall be available for City snow ban parking, and the overnight (i.e. 5:00 p.m. to 8:00 a.m.) snow ban parking rate per hour shall not exceed three times the then-current maximum hourly rate charged by the Garage;

(iv) Upon written request of the City in each such instance, the Garage shall be available at customary rates for parking for special events held on the Portland Peninsula after 5:30 pm on weekdays and if requested, at requested reasonable times on weekends.

(v) The Garage shall have shared use with the public 7 days a week, 24 hours per day.

(vi) The Garage shall provide a minimum of 200 hourly turnover parking to the general public, and will provide within 2 days upon request data and information, including the number of non-turnover parkers present in the Garage at any given time, in order for the City to verify compliance with this condition.

(vii) The Garage will accept both cash and credit card payments.

(viii) The Garage will be maintained so long as it is a public parking facility, in accordance with the then current edition of the National Parking Association's "Parking Garage Maintenance Manual (now in its Fourth Edition) , and in particular in accordance with the Recommended Maintenance Checklist contained therein.

(c) The Garage will remain a public parking facility for a minimum of thirty (30) years.

These requirements (a) through (c) shall be a covenant contained in the deed to Lots 6 and 7 and the covenant shall run with the Land for the stated thirty (30) year period from the date of

conveyance of Lots 6 and 7 from the City to Legacy Park and thereafter shall automatically expire.

7. Payments in Lieu of Taxes. In consideration of the City Grant Funds paid to Legacy Park by the City, Legacy Park agrees, for itself and its successors, assigns and lessees for a period of thirty (30) years starting on the closing date of the purchase of the Land, that in the event that any portion of the Land is ever exempt from real or personal property tax, then a yearly payment by the then owner of the exempt portion shall be made in lieu of taxes equivalent to the property taxes that would otherwise be paid on the exempt portion of the real and personal property situated on the property. This requirement shall be a covenant contained in the deed to the Land and the covenant shall run with the land for the stated thirty (30) year period.

8. Compliance with HUD requirements.

(a) Job Creation. HUD regulations require that the City, as the original grantee of the HUD Funds, document all jobs created through the use of HUD Funds disbursed to Legacy Park as City Grant Funds. Legacy Park recognizes that one of the primary goals of City's contribution of the City Grant Funds is the creation of jobs, and Legacy Park agrees to create the required number of jobs necessary for the City's use of the HUD Funds and to provide City with timely and complete documentation of all jobs created or caused to be created as a result of receiving the City Grant Funds, and requirements related to job creation shall be contained in a Job Creation Agreement to be entered into between the parties.

(b) Section 108 Compliance. Legacy Park, its employees, assigns, agents and subcontractors for this project, at all times shall comply with the requirements of the Section 108 Loan Guarantee and Brownfields Economic Development Initiative Grant program and Federal Labor Standards pursuant to Davis Bacon and related Acts, specifically including:

A. Davis-Bacon Act, as amended. (40 U.S.C 276a - 276a-5.) All laborers and mechanics employed by contractors or subcontractors, including employees of other governments, on construction work assisted under this contract, and subject to the provisions of the federal acts and regulations listed in this paragraph, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act.

B. Contract Work Hours and Safety Standards Act, as amended. (40 U.S.C. 327-333). All laborers and mechanics employed by contractors or subcontractors shall receive overtime compensation in accordance with

and subject to the provisions of the Contract Work Hours and Safety Standards Act, and the contractors and subcontractors shall comply with all regulations issued pursuant to these acts and with other applicable Federal laws and regulations pertaining to labor standards.

C. Copeland Anti-Kickback Act, as amended. (18 U.S.C. 874 and 40 U.S.C. 276c). This Act requires that workers be paid at least once a week, and without any deductions or rebates except permissible deductions.

9. Default. In the event that Legacy Park is in default of a material provision on any of the obligations contained in this Parking Garage Agreement, and Legacy Park fails to cure said default within ninety (90) days of receipt of written notice issued by the City, then Legacy Park shall, if requested to do so by the City, convey to the City the Garage and the related real property, on these terms and conditions:

- This conveyance to the City shall be without the requirement of further legal action by the City.
- The cost to the City for this purchase will, in concept, be the sum of the cost of construction of the Garage and all related improvements associated with the Garage, plus the cost to the cost to Legacy Park for the related land upon which the Garage sits (the "Garage Land"), less the amount of the City Grant Funds actually disbursed up to the time of this purchase.
- The City acknowledges that Legacy Park will most likely use the Garage and the Garage Land as collateral for a construction loan for the purpose of finishing the construction of the Garage and other costs and improvements related to the project. The City therefore agrees to work on documents at the time of such financing, with Legacy Park and its construction lender, to make it possible for the City to have the remedy described above in concept, and to also permit such construction financing.

The City agrees that Legacy Park's obligations under this Parking Garage Agreement are "non-recourse" and that any recovery by the City shall be limited to the Garage. None of Legacy Park, its officers, members, employees, attorneys, agents or affiliates (collectively, "Legacy Park Persons") shall be personally liable for the performance of this Parking Garage Agreement, and the City shall not commence or prosecute any action against any Legacy Park Person, for payment or performance of any obligations under this Parking Garage Agreement. The City shall not seek, obtain, or enforce a deficiency judgment against any Legacy Park Person. Notwithstanding this provision, the rights and obligations under the Agreement between the parties and the Corporate Guaranty Agreement of near or even date are cumulative and in addition to the rights described herein.

In the event of an alleged default by the City, Legacy Park, at its sole election, shall have the right to seek specific performance and any and all other relief to be provided

by a Court, at law or in equity, including, but not limited to, common law writs. City expressly consents to the jurisdiction of the Maine Courts in the event of an alleged City breach under this Parking Garage Agreement.

10. Assignment. Legacy Park shall be entitled, without the City's consent, to assign all of its right, title, interest and obligations in and to this Parking Garage Agreement to any lender or to any entity in which Legacy Park maintains a majority interest and management control. The City must be notified within thirty (30) days or Legacy Park will be in default of this Parking Garage Agreement as described in Section 9 of this Agreement.
11. Termination. In the event that the Parking Garage Agreement is terminated on account of Legacy Park's default, the obligation of the City to provide the City Grant Funds described herein is terminated.
12. Miscellaneous Provisions. In the event of litigation, the prevailing party shall be entitled to receive its reasonable legal fees and court costs from the other party. This provision shall survive the Closing and delivery of the Deed pursuant to the Agreement.
13. Entire Agreement. This Parking Garage Agreement (i) constitutes the entire agreement between the parties hereto with respect to the construction and operation of the Garage and it supersedes all prior discussions, undertakings or agreements between the parties in respect to the Garage; (ii) shall not be modified except by a written agreement executed by both parties; (iii) shall be binding upon and inure to the benefit of the parties hereto, and their respective successors and assigns; (iv) may be executed in counterparts; and (v) may be executed by facsimile signatures. This Parking Garage Agreement shall not confer any rights or remedies upon any third-party other than the parties to this Parking Garage Agreement and their respective successors and permitted assigns.
14. Notices. Any notice by either party to the other party shall be in writing and shall be deemed to have been duly given when either delivered personally, or mailed by certified mail, return receipt requested, or sent by nationally recognized overnight courier, or sent by facsimile, or sent by e-mail addressed to the City at Portland City Hall, 389 Congress Street, Portland, Maine 04101, Attn: City Manager facsimile 207-874-8669, email: MHR@portlandmaine.gov, with a copy to, the Director of Economic Development, facsimile 207-756-8217, email: gmitchell@portlandmaine.gov, and another copy to Corporation Counsel, at the same address, facsimile 207-874-8497, email: gary@portlandmaine.gov, and to Buyer c/o The Federated Companies, 801 Brickell Avenue, Suite 720, Miami, Florida 33131, Attn: Jonathan Cox, facsimile (800) 523-5931, email: j_cox@federatedcompanies.com
15. Severability. In the event any one or more of the provisions contained in this Parking Garage Agreement shall be for any reason held invalid, illegal or unenforceable in any

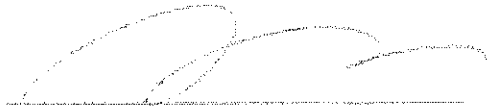
September 6, 2012, 2012 by LCW

City of Portland - Legacy Park Apartments Parking Garage Contribution Agreement, 2012 and Parking Contribution and Parking Agreement For Legacy Park

respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Parking Garage Agreement, and this Parking Garage Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Parking Garage Agreement.

In Witness Whereof, the parties have hereunto executed this Parking Garage Agreement as of the day and year set forth next to their respective signatures below.

LEGACY PARK APARTMENTS LLC



By: Jonathan Cox

Its: Member

Date of Execution: 10/15/12

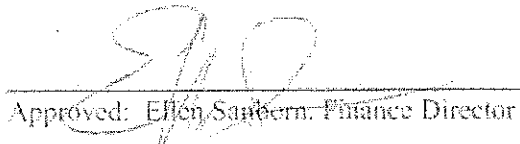
CITY OF PORTLAND



By: Mark Rees

Its: City Manager

Date of Execution: 10-15-12



Approved: Ellen Saubert, Finance Director



Approved as to Form: Corp. Counsel

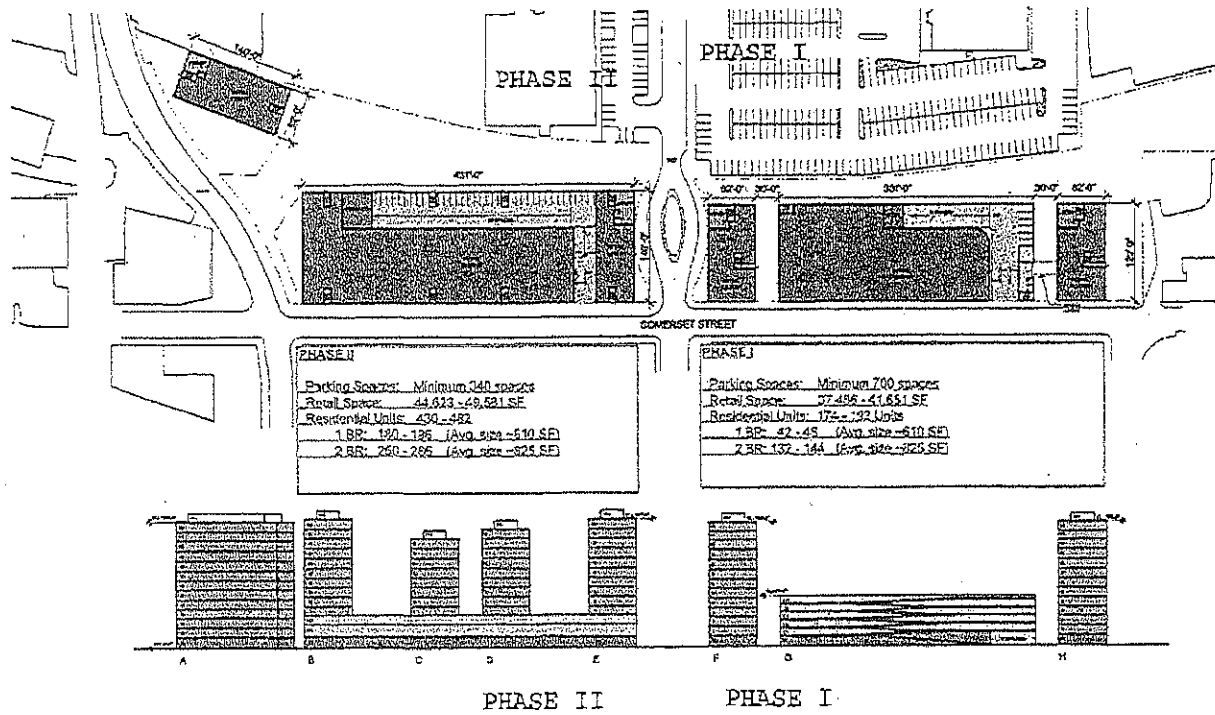


Exhibit A

September 6, 2012 by LCW

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EXHIBIT 4 (part 1 of 3)

[Phase I Site Plan]

EXHIBIT 4 (part 2 of 3)

[Phase I Design Guidelines]

1. Introduction

The emphasis of the Guidelines is on the public spaces. The goal of the Guidelines is to provide high quality, attractive and active spaces that employ contemporary techniques but connect to the unique history of the site and Portland, ME as a whole. To this end, the Guidelines are focused on the impact of buildings on the public environment. These Guidelines seek to create spaces, not projects. The goal is to create an ever-changing, lively atmosphere with visual appeal throughout (this is not a traditional business or residential district). The focus is on the pedestrian to provide a human scale, good way finding, and a comfortable walking environment. The Guidelines are also intended to create visual interest from near and far. Up close, ground level design standards produce comfortable, inviting, and stimulating environments. From afar, a variable skyline of roof edges, vertical shafts, and signage create interest.

2. Use

2.1 Active Ground Floor Uses

Active uses that engage pedestrians shall be located along all street frontages. Ground level land uses shall be established and designed to animate public sidewalks, the wharf and alleys/mews to provide visual appeal. In required active ground floor areas, the following uses are acceptable:

- Commercial uses, such as retail stores, retail service establishments, food and beverage establishments; and/or entertainment facilities, and
- Lobbies for above grade uses such as office, residential, and hotel with an emphasis on high quality design, visual transparency, and where possible, uses that engage the street.

3. Massing

The Guidelines describe the overarching design principles for all future construction in the Project Area. The Guidelines define the intended quality, characteristics and coherence of the urban elements, which regulate how the site shall be used for civic and commercial purposes. The Guidelines define building mass, street wall heights, and façade articulation necessary to create a lively urban waterfront environment.

Building setbacks above the lower levels should be employed to help limit the perceived mass of the structure and to insure that buildings maintain a human scale and a consistent street wall throughout. Setbacks for upper stories may vary in accordance with the Master Development Plan.

The buildings will have three basic components: base; middle; and top. The base will be designed in a scale and articulation that is related directly to the pedestrian. The middle portion of the building will provide scale to the buildings both horizontally and vertically. And finally, the top will be designed in a manner to provide unique articulation that visually terminates the top of the building.

3.1 Build-to-Lines

Street walls on public rights-of-way are encouraged to vary in height and express distinguishable facade types to evoke multiple buildings/uses. A minimum of 75% of the lineal length of the mandatory building frontage shall be set at the parcel boundary line or within 10 feet there from. The first two stories of a building are required to be set at this mandatory front parcel line. Variation in street wall facades is encouraged along upper levels and roof lines. In areas where active ground floor uses are required, building entrances should be located at least every 75 feet (preferably every 30-35 feet).

The character and scale of facades forming the street wall may involve the combined use of traditional and innovative materials to express a transition from a historical era to a more modern design vernacular. The character, height and massing of street walls should include:

- Commercial uses, such as retail stores, retail service establishments, food and beverage establishments; and/or entertainment facilities, and
- Define a continuous street and highly articulated building by building wall mass along all building lines (i.e., zero front yard setbacks along public rights of way)
- Encourage projections, canopies, signage, lighting, and variation of building size
- Discourage projecting balconies
- Encourage balconies recessed within or integral with the facade wall where balconies are proposed.
- Encourage articulation of the facade that could include changing design treatment and/or materials to reduce the apparent mass of long building facades.

Encroachments on the sidewalk will be designed to encourage pedestrian activity and will be human scale. The encroachment will not impede the visual.

4.0 Circulation & Service.

Streetscapes in the Project Area are meant to be pedestrian friendly environments, featuring a consistent palette of signage, lighting, paving, and furniture. Streets should be well lit, active, human scaled, and feel safe day and night.

The City's streetscape standards will be used for public sidewalks, streetlights, street furniture, fencing and walls, landscaping and signage in order to create a unified image of the neighborhood.

Street lighting shall comply with the *Technical and Design Standards and Guidelines*.

4.1 Parking

The provision of off-street parking within the Project Area will be as set forth in the approved planned unit development.

Parking structures will be designed to be compatible and integral to adjacent architecture in form, bulk, massing, articulation, and materials; incorporating design elements that provide visual interest on all sides visible from public rights of way.

Parking structures will be designed above grade and in a way to provide natural ventilation.

The entrance to parking structures will minimize impact on the pedestrian realm and be designed to maximize driver and pedestrian safety.

4.2 Refuse Collection

Refuse collection areas and dumpster locations shall be fully enclosed within portions of principal buildings for which they proposed to serve and shall be screened from view so as not to affect other views from around the site.

5. Architectural Features

Design references to Portland's are encouraged. The design of new buildings and structures should be timeless and enduring, seeking inspiration from the rich industrial and architectural precedents of Portland's downtown and waterfront and should seek to uphold its strong history.

5.1 Edges

Special care and design attention along with more decorative treatment and materials are desired for all edges of buildings. These are the most visible part of the urban scene. Edges include roof lines, canopies, cornices, and more prominent window openings and entrances.

5.2 Bases

Buildings should be articulated to respond to individual users. The diversity of storefront articulation will break down the scale of the overall project and street wall. The first level of buildings should be articulated by material change to express a building base and use other elements such as color, design detail, smaller scale, and higher quality materials to provide visual interest. Building ground floor bases, typically 25'x40', should emphasize the ground floor activity and provide the highest quality of pedestrian environment.

5.3 Storefront and Retail Facades

See Article 9.

5.4 Corners

Corners are particularly visible and are suggested to be made more noticeable. Changes in orientation, shapes, additional materials, colors, and projections are all favored means of adding special visual appeal to interesting streets, wharf, and public spaces.

5.5 Cornices

A crowning projection, or cornice, shall be encouraged at the top of a building along the street wall (top of the building for those under 60', and at the setback for those over). These elements can be very modest in detail.

5.6 Appurtenances

Canopies, awnings, and marquees are permitted and encouraged as they provide weather protection and provide visual interest and delight to the streetscape environment. These elements are to be decorative and light weight. Variety and non-repetitive design are desired. Canopies can be constructed of a variety of materials including both fabric and metal. Fabric awnings can be retractable.

Lettering and logos are permitted on the valence flap of the awning but lettering is generally discouraged on the main body of the awning. It is desirable for these projecting elements to incorporate outdoor heating systems to lengthen the comfortable use of outdoor spaces.

Backlit awnings and canopies are expressly prohibited. Awnings and canopies may be lit from the exterior.

5.7 Skyline

A goal for the project is to create a varied and highly decorative skyline as seen from afar. The varied rooflines can be achieved by changing heights, also by varying roof types, roof angles, and the addition of vertical elements to contrast with the roofs.

Roof terrace structures shall not be enclosed and are not considered an additional building level. Rooftop terraces are encouraged to take advantage of views.

All exposed mechanical equipment and bulkheads shall be mounted on roofs. Equipment should be integrated into the roof design and screened in a method that is integral to the architectural design of the building and adds visual interest to the skyline. All venting of HVAC equipment shall occur on the interior of development parcels. All venting runs for cooking fans shall be fully enclosed and incorporated into the interior of proposed buildings and vented through the highest roof of the building podium.

5.8 Back Sides of Buildings.

The back sides of buildings will be designed with high quality facade materials, transparent windows, operable building entrances, and other design features consistent with the primary facades of the building. Utility meters, exhaust vents, fire escapes etc. will be designed in a manner to be unobtrusive.

6. Materials

6.1 Building Materials and Color

Use of innovative building technologies is encouraged throughout the project and should be contrasted with traditional building materials that reference Portland's history.

Recent innovations in building materials can showcase advancements in environmentally conscious design and provide a sense of excitement for project visitors.

New buildings shall be constructed with materials common throughout the Portland's downtown and waterfront rich architectural history. Use of materials such as brick, stone, steel and wood is required for the first 40 vertical feet of a building's base, especially on pedestrian-oriented street wall facades. The use of these high-quality materials is intended to convey a solid, lasting look. Buildings should employ industrial materials as a way of visually and conceptually evoking the industrial/working heritage of Portland's downtown and waterfront. These include timber, forged and cast metals as well as rough hewn stone and metal cables.

The use of cement fiber shingles, imitation stone, imitation brick, stucco or exterior insulation finish systems will be considered on any building facade above the first 40 vertical feet of the buildings.

Facade coloration shall be achieved by use of the inherent color of building materials rather than the application of color to the surface of materials. Paint should be reserved for trims and accents on metal, wood, cornices, frames and the like. Use of material's inherent color sets a standard of authenticity associated with industrial structures. Examples of this type of facade coloration desired are a variety of earth tones achieved through the use of unglazed brick, wood, concrete and steel.

Masonry facades shall include the use of stone as architectural accents for lintels, sills, copings and keystones. Foundation bases, sills and lintels shall to the greatest extent possible use local (within 500 mile radius) stone or limestone. Masonry finishes are encouraged to be natural rather than highly finished or polished.

6.2 Glass and Fenestration

The base of buildings should feature the use of glass for the first story to emphasize the importance of the ground level active use (only one level of active use is required). Glazing and openings shall promote a flexibility of ground floor uses and the potential for change over time. Proportion of glazing to overall wall area shall be a minimum of 75% on ground level street wall frontages facing public rights-of-way. The first floor windows and storefronts will be transparent with active uses visible behind them. Opaque glass shall not be used at the first floor level. Window openings shall express sills and headers of metal or stone. Storefronts should be integrated into the design and materials of the entire building. The storefront's bulkhead/knee wall should be constructed of a durable and evocative material. Transoms are encouraged for larger window units. In all building facades windows are encouraged to be set back from the wall surface a minimum of six inches from the surface of masonry to the glazing. Tinted or reflective glass will not be utilized.

Window proportions, groupings and rhythms shall be integral elements of the design of each building facade and urban street-wall. Punched windows are desired above the 2nd floor. Curtain walls are discouraged unless used to define a vertical corner or other discreet architectural emphasis. Glazing systems shall be designed to promote area-wide visibility, accessibility and safety during evening hours and during the winter season. Well designed fenestration patterns that evoke historic fenestration are preferred over attempts to replicate historic patterns.

7. Signage

Signage lighting should come from direct shielded light sources and be carefully integrated into the overall design of the building so as to provide visibility and safety but avoid creating glare or light distribution that adversely affects motorists or pedestrians. Backlit signage is generally discouraged.

Neon signs may be allowed so long as they are carefully designed in size, shape and color that complement the architecture of the building and the district.

8. Lighting

The vision for Bayside seeks a maximum amount of light that creates a variety of environments and experiences. Lighting should be used for artistic purposes and carefully integrated with the architecture and buildings, such as to accent edges.

The commercial buildings are intended to be inviting to the public, to encourage visitors to enter the site from the city streets, to shop at the retail stores and eat at the restaurants, and to generally stay longer and take full advantage of the waterfront area. Balanced against an appropriate level of street illumination, there is a need to limit light that is cast up and into upper floors of buildings or the atmosphere. Lighting fixtures should be scaled to the pedestrian and have a distinctive industrial character. Architectural accent lighting should highlight corners and roof edges.

Storefront lighting is one of the best sources of sidewalk lighting in urban areas. It is warm and welcoming, and contributes to a sense of activity and watchfulness. It also generally provides a greater amount of light directly onto the sidewalk than do street-level luminaries. Retail storefronts are an effective way to provide lighting from the buildings.

The first four feet inside any retail or restaurant establishment shall have decorative lighting, preferably with visible point sources. Occupancies on the first floor that do not have active, bright window displays shall be designed to provide visual articulation from lighting at no greater than 25 feet intervals. This can be accomplished in a variety of ways, such as:

- Decorative luminaries mounted to walls, posts, brackets, etc.
- Lighting surfaces, textures and objects such as pilasters, wall features, banners, sculptures, graphics, etc.
- Internally lighted glowing architectural or graphic elements such as glass block, display cases, signage panels, canopies, transparencies, etc.
- Lighting at entryways (especially if they are recessed).
- Lighting property addresses.

9. Retail

9.1 Retail Storefront Requirements

All buildings with retail on the first floor shall incorporate a traditional storefront design with a large display window or windows of clear glass, bulkheads, recessed entries (where appropriate), transom windows, and suitable locations for signs at their ground levels. Blank walls should be minimized and static displays (including photographs) will be discouraged in display windows. Modern and creative design solutions may be employed as long as the traditional storefront proportions are referenced. Multiple storefronts within the same building should be visually compatible in terms of scale, alignment, color and materials. The intent is to encourage creativity by individual retailers to add to the character and place making of Bayside.

9.1.1 Storefront Character

Storefronts should be individual expressions of a tenant's identity; however, tenants will be discouraged from using national brand standard storefronts and/or representations of their identity in an effort to create a retail environment that is uniquely Bayside. Storefronts should be integral to the building design but should also provide a distinct retail identity at the ground level.

9.1.2 Storefront Entries and Doors

Door placement and design are an integral part of each storefront, as they are the prevalent method of entry into each space. Placement and design should provide a direct "connection" to the sidewalks and streets. Restaurant tenants are encouraged to provide a clear thru-way and a visual connection to exterior seating areas, if any.

9.1.3 Storefront Materials

The design, fit, and finish of all components for each storefront should be of the highest quality. Additional focus should be on window design to create a visual connection between the interior and exterior. Durable materials should be utilized for storefront construction as these are especially critical at street level where pedestrian contact will be considerable. Storefronts should be predominantly glass to provide views into the store, but glass should not be the exclusive material.

9.1.4 Storefront Lighting

Night lighting of retail will help animate Bayside, prolong street life after business hours, and increase pedestrian safety. Storefront facades, recessed doorways, outdoor spaces and passageways should be well lit. Sign lighting, including flat-mounted signs, blade and banner signs, must be lit with concealed lighting or from above with down-lighting. Fixtures should be located and angled to ensure that they spotlight the tenant's merchandise and do not point toward the window or cause distracting reflections. Include "after hour" lighting within the front of stores to contribute to pedestrian lighting and provide for a comfortable night time strolling experience.

9.1.5 Storefront Canopies and Awnings

Design and placement should complement the scale of the store facade design. Collective placement of canopies and/or awnings along a street should maintain overall design integrity and avoid a uniform layout providing weather protection at a minimum of 20 feet at all storefront and building entrances. Canopies shall be constructed of permanent, durable materials, with glass and steel preferred. Awning material should be of a woven fabric or other material that projects the natural appearance of canvas, metal, glass, etc. Retractable or open side awnings are acceptable. Vinyl awnings and internally lit awnings are not allowed.

9.1.6 Storefront Signage

Creativity in signage design is encouraged and adds to the ground level experience at Bayside. Non-descript box signs are discouraged.

10. Sustainability

The project will be designed in accordance with the energy standards of the building codes and using new sustainability construction practices.

EXHIBIT 4 (part 3 of 3) [Phase I Specifications Sheet]

Standard Features

EXTERIOR FEATURES

- Pile / Grade Beam Foundation Construction
- Parapet roof design
- Multi-ply Insulated Roofing Membrane system
- Parking Garage access
- Direct access to ground floor retail
- Connecting walkways to Bayside trail
- Multi material exterior facade; brick, exterior insulated finish systems, glazing and metals

BATHROOMS

- 2- Bedroom Units shall have 2 baths; 1- Bedroom Units shall have 1 ½ baths
- Polished Brass/Chrome Fixtures & Accessories in Bathrooms
- Surface mount brushed nickel/brass vanity lights
- Half Baths/Powder rooms Pedestal Sink
- Full and ½ baths shall have White Laminate Cabinets and solid surface vanity tops with integral sink
- Baths shall have ceramic on floor and walls
- Elongated Commodes in all Baths
- Handicapped Units equipped per code
- Energy Star Rated Bathroom Fans per specification

KITCHEN

- Maple Cabinets with 30" -- 42" Upper Wall Cabinets
- Premium grade Formica Counter Tops with 3 ½" backsplash
- Single Bowl Stainless Steel Drop in Sink
- Garbage disposal
- Single Lever Polished Chrome Faucet with spray
- Energy Efficient Appliance Package to include: Dishwasher, Self-Cleaning Oven, Microwave with re-circulating exhaust fan, Side x Side Refrigerator
- Appliance Packages to be Profile or Stainless Steel
- Surface mount light in Kitchen and Dining areas

ENERGY EFFICIENCY

- Energy Star Forced Warm Air High Efficiency Electric Furnace with Central Air Conditioning per unit
- Energy Star Rated 45 Gallon Electric Hot Water Heater per unit
- Energy Star Rated Efficient Double Glazed Double Hung Vinyl Tilt Windows with Screens and Grilles
- Energy Star Rated Insulation in Attic ceiling areas and Interior Walls

FLOORING

- Vinyl Flooring in Foyer, Kitchen, Laundry and Baths
- Carpeting in Hallways, Bedrooms, Dining Room, Living Room and Closets

INTERIOR FEATURES

- Six Panel Masonite Interior Doors with Brushed Nickel/Brass Hardware
- All doors, windows and cased openings shall be trimmed with 2 ½" casing. Baseboard shall be 3 ½"
- Walls are painted one prime and one matte flat finish Sherwin Williams Linen White; trim is painted one prime and two coats semi-gloss latex Sherwin Williams White. Ceilings are smooth finish and painted white
- Ventilated Shelving in closets
- Washer and Electric Dryer per unit
- Approximately 8' Ceiling Height on all levels
- Cable/Data/Telephone ports in all bedrooms and living areas
- Outlets per code

COMMON AREAS

- Vestibules and lobby areas shall have tile and carpet flooring and painted walls
- Common hallways shall have carpeting and painted walls
- Centralized elevator lobby location (pedestrian and service) per building
- Centralized mail center per building
- Fully furnished amenity areas
- Management/Leasing Office on-site
- Private ground floor door entry with security system

CONSTRUCTION FEATURES

- Type I Construction, steel and concrete frame
- Concrete/Metal decking Flooring system
- Panelized exterior wall system; EIFS, glazing, brick
- Concrete/Metal decking Flooring system
- Interior Walls and Ceilings are gypsum wall board per code
- Closed Loop Mechanical System
- 150 Amp Electrical Service per unit
- Hard wired smoke and heat detectors with battery backup and one combination smoke/carbon monoxide detector per code
- Ground Fault Interrupt (GFI) installed per code
- Fire Suppression designed per code
- STC Rating designed per code

August 20, 2012 by LCW

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EXHIBIT 5

[Job Creation Agreement]

JOB CREATION AGREEMENT

THIS JOB CREATION AGREEMENT made this 15th day of October between LEGACY PARK APARTMENTS LLC, a Florida limited liability company, with a principal place of business at 801 Brickell Avenue, Suite 720, Miami, Florida 33131, its nominee or assignee, ("Legacy Park"), and CITY OF PORTLAND, MAINE a municipal corporation located at 389 Congress Street, Portland, Maine 04101 ("City").

WHEREAS Legacy Park is the assignee, by virtue of an Assignment and Assumption Agreement effective June 27, 2011, ("Assignment"), of a Purchase and Sale Agreement between The City of Portland, Maine, ("City"), effective June 23, 2011, (collectively, "Agreement"), as amended, for the purchase of certain blighted and brownfield real property located on Somerset Street, Portland, Maine known as Lots 1, 2, 3, 5, 6, 7, 8 and a portion of Lot 9, (collectively, "the Land"), consisting of approximately 3.25 acres formerly known as the "Bayside Railway";

WHEREAS City, in order to create jobs and economic growth for the Citizens of Portland, Maine, has agreed to make a \$9,007,000.00 contribution, ("City Grant Funds"), to Legacy Park from funds being provided to the City by the U.S. Department of Housing and Urban Development pursuant to the Bayside Redevelopment Project, Maine BEDI Grant and Section 108 Loan Program, ("HUD Funds"), toward the expense of the construction of a garage, with no fewer than 700 parking spaces and approximately thirty thousand square feet of commercial space on the first floor on a portion of Lot 5 and all of Lots 6 and 7 and a portion of Lot 9, ("Garage");

WHEREAS Section 11 of the Agreement requires Legacy Park to comply with all the terms and conditions related to the use of the HUD Funds contributed by the City as City Grant Funds to Legacy Park for the construction of the Garage related to providing documentation of job creation in accordance with the terms of this Job Creation Agreement.

NOW THEREFORE, in consideration of the foregoing and for good and valuable consideration the parties covenant and agree in this Job Creation Agreement as follows:

I. Job Creation Requirement:

- (a) Legacy Park shall create a minimum of 40 new¹ permanent, full-time or full-time equivalent jobs² in the Bayside neighborhood resulting from or related to the disbursement of the City Grant Funds for the construction of the Garage. ("Job Creation Requirement"). For the purpose of this Jobs Creation Agreement, Legacy Park may meet the Job Creation Requirement with jobs related to the operation of the Garage or jobs related to new or existing Bayside neighborhood business activity created or increased by the operation of the Garage. The new jobs may be, but are not required to be, employees of Legacy Park, or its lessees.

¹ In accord with HUD law and regulations, these must be new jobs, and not re-hired jobs.

² Per currently applicable regulations, full time jobs require a worker to work at least 1750 hours per year. Part time jobs require a worker to work at least 875 hours but less than 1750 hours per year. Part-time jobs must be converted to Full Time Equivalents (FTE). An FTE can be defined as two part time jobs. Also or said another way, no more than two part-time jobs can equal one full-time job.

City agrees to assist Legacy Park with information required by Legacy Park to meet the Reporting Requirements of this Job Creation Agreement related to Job Creation Requirement. In particular, when 'countable' new jobs are created by businesses that are not lessees of Legacy Park, the City will use best efforts to assist Legacy Park to obtain the necessary documentation from such employers or otherwise, to 'count' these jobs to, in part, meet this Job Creation Requirement; Legacy Park, however, acknowledges that this Job Creation Requirement (and the related reporting) remains its obligation. The jobs must be created within two (2) years from the issuance of the Certificate of Occupancy for the Garage.

- (b) Legacy Park shall be deemed to have met the Job Creation Requirement and this Job Creation Agreement shall terminate upon submission to the City of a Position Summary Quarterly Report identifying the 40th full time or full time equivalent new job created in accordance with the provisions of Section 1(a) of this Job Creation Agreement, and verification and approval of the same by the City.

2. Reporting Requirements:

Legacy Park shall submit a Position Summary Quarterly Report, (Attachment A), for all new jobs created under this Job Creation Agreement on a quarterly basis until the Job Creation Requirement is met:

- (a) total number of full time persons employed as a result of the completion of the Garage;
- (b) total number of part time persons employed as a result of the completion of the Garage; and
- (c) the employee name, job title, and average number of hours worked per week for the previous quarter.

AND EITHER (Choose 1 or 2 to be used for Legacy Park and it's Lessees reporting job creation):

- 1) Applicant/employer certifications (Attachment B) to be completed by all potential employees and the employer;

OR

- 2) A copy of the companies' payrolls. A baseline payroll must be submitted prior to the completion of the Garage.

- 3. Default. Legacy Park shall be deemed to be in default of this Job Creation Agreement if there is a failure to comply with any of the terms, conditions, provisions, or covenants of this Job Creation Agreement, or its obligations hereunder, including its obligation to meet

the Job Creation Requirement set forth herein. Any default will be considered a breach of this Job Creation Agreement and Section 9 of the Parking Garage Contribution Agreement. If Legacy Park informs the City, in good faith, at least 3 months before the deadline for its meeting this Job Creation Requirement that Legacy Park may not meet this deadline, with evidence and reasons for this, the City will use its best efforts to obtain an extension of this deadline from HUD or to otherwise change this requirement, such as a reduction in the number of required new jobs, and if it obtains such an extension or change, it shall immediately transmit to Legacy Park evidence of this extension or change by HUD, and this timetable shall thereby be correspondingly changed, without further action of the parties hereto being required.

4. Records. Legacy Park agrees to maintain a copy of all records related to the creation of jobs as required by this Job Creation Agreement for a period of four years after the creation of the 40th job. Legacy Park will, at any time during normal business hours, and as often as the City may deem necessary, permit the City, HUD or its designee to have full and free access to Legacy Park's records related to the new jobs identified in the Position Summary Quarterly Reports submitted under this Job Creation Agreement and to make copies of same at no cost or expense to the City. This right also extends to verification of the wages paid related to the new jobs. City agrees to review and maintain copies of such employment related records in complete confidentiality and in accordance with all State and Federal laws related to employment information and records.
5. Compliance with Laws and Regulations. Legacy Park, as the recipient City Grant Funds, shall comply with all applicable requirements of Federal laws related to the HUD Funds received by the City including, but not limited to, the applicable provisions of Title 24 Code of Federal Regulations, Section 570, state or local laws, regulations or ordinances and further agrees to abide by Title VIII of the Civil Rights Act of 1968 barring discrimination upon the basis of race, color, religion, familial status, sex or national origin, in the sale, lease, rental, use or occupancy of Legacy Park's property
6. Entire Agreement. This Job Creation Agreement and the Parking Garage Contribution Agreement constitute the entire agreement between the parties arising out of or related to Section 11 of the Agreement, as assigned and amended, and supersedes all prior representations and understandings of the parties. No modifications or amendments of the Job Creation Agreement shall be binding unless executed in writing by all the parties.
7. Waiver. No waiver of any of the provisions of this Job Creation Agreement shall be deemed, or shall constitute, a waiver of any other provisions, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.
8. Successors. This Job Creation Agreement shall be binding upon and shall inure to the benefit of, the parties, their respective personal representatives, heirs, successors and assigns.
9. Assignment. Legacy Park shall not have the right to assign this Job Creation Agreement, or any rights hereunder, to any person or entity without the express written consent of the City. Such consent by the City shall not be unreasonably withheld.

September 6, 2012 by LCW

10. Governing Law. This Job Creation Agreement shall be governed by and construed in accordance with the State of Maine.
11. Notices. Any notice by either party to the other party shall be in writing and shall be deemed to have been duly given when either delivered personally, or mailed by certified mail, return receipt requested, or sent by nationally recognized overnight courier, or sent by facsimile, or sent by e-mail addressed to the City at Portland City Hall, 389 Congress Street, Portland, Maine 04101, Attn: City Manager facsimile 207-874-8669, email: MHR@portlandmaine.gov, with a copy to, the Director of Economic Development, facsimile 207-756-8217, email: gmitchell@portlandmaine.gov, and another copy to Corporation Counsel, at the same address, facsimile 207-874-8497, email: gary@portlandmaine.gov, and to Buyer c/o The Federated Companies, 801 Brickell Avenue, Suite 720, Miami, Florida 33131, Attn: Jonathan Cox, facsimile (800) 523-5931, email: j_cox@federatedcompanies.com.
12. Counterparts. This Job Creation Agreement may be executed in any number of counterparts, which together shall constitute one document.
13. Paragraph Headings. The paragraph headings hereof are for convenience only and shall not form a part of this Job Creation Agreement or be used in the interpretation hereof.

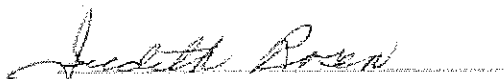
IN WITNESS WHEREOF, the parties have executed this Job Creation Agreement as of the date first written above.

Legacy Park Apartments LLC:


Witness

By: Jonathan Cox
Its: Member

City of Portland, Maine


Witness

By: Mark H. Rees
Its: City Manager


Approved: Ellen Sanborn Finance Director


Approved as to Form/Corp. Counsel

ATTACHMENT A

POSITION SUMMARY QUARTERLY REPORT

This report summarizes all the new employee information you have collected for new positions created since your last report. Please list all new employees hired. *Do not include new employees hired to fill job vacancies caused by an employee who left.* The report should be completed as of the last day of each quarter (March 31, June 30, September 30, and December 31) and submitted to avp@portlandmaine.gov by the 10th of the month following the quarterly period covered. The report is to be submitted by Legacy Park with either: 1) the Applicant/Employer Certifications (attachment B) or 2) a copy of the company's payroll, including all weeks in the quarter. If you decide to submit the company payrolls you will need to provide a baseline payroll prior to utilizing the garage. If you have any questions, please do not hesitate to call at 207-874-8731.

Date: _____

Company Name: _____

[illegible]

September 6, 2012 by LCW

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Number of Full Time Employees at End of Last Quarter _____

Number of Part Time Employees at End of Last Quarter _____

Number of New Full Time Positions Filled in this Quarter _____

Number of New Part Time Positions Filled in this Quarter _____

Total Full Time and Part Time Employees Ending this Quarter _____

(No more than two part time jobs can be added to create one full time equivalent.)

Employer Certification

To the best of my knowledge, I certify that the information contained in this position Summary Report is true and accurate.

Quarter Ending

Signature/Title

Date

Company

ATTACHMENT B
Applicant/Employer Certification

This employer has received funding from the City of Portland for business expansion that will create new jobs. The funding for this program comes from the U.S. Department of Housing and Urban Development. One of the requirements of this program is that we must report information about potential employees. Please complete the information requested below and return it to the employer. The information will not be used to evaluate you for this position.

Thank you in advance for your cooperation. If you have any questions about completing this form, please feel free to contact us at 207-874-8731.

APPLICANT CERTIFICATION

Name: _____ Address: _____

Employer: _____ Job Applied For: _____

How many persons live in your household? ____
The Head of Household is female ____ or male ____

Check all that apply. I am:

- _____ Hispanic or Latino
- _____ American Indian or Alaskan Native
- _____ Asian
- _____ Black or African American
- _____ Native Hawaiian or Other Pacific Islander
- _____ White

Date: _____ Signature: _____

EMPLOYER CERTIFICATION

Job Title: _____

Full Time _____ Part Time _____ # of Hours per Week _____

Starting Pay/Hourly Rate \$

Date Interviewed: ____/____/____ Date Hired: ____/____/____

Employer Name _____ Signature/Title _____

*Order 114 -14/15
Tab 31 12-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING APPOINTMENT OF ADAM LEE AS
ASSOCIATE CORPORATION COUNSEL**

ORDERED, that Adam Lee is hereby appointed as Associate Corporation Counsel at a salary of \$80,800.00, said appointment to be on effective January 6, 2015 at 8:00 a.m; and

BE IT FURTHER ORDERED, that this appointment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately.

**City of Portland, Maine
City Council Agenda Request Form**

TO: Sonia Bean, Senior Administrative Assistant
Mayor and Portland City Councilors

FROM: Danielle West-Chuhta, Corporation Counsel

DATE: **December 2, 2014**

- 1) Council meeting at which action is requested:

1st reading: December 15, 2014

Final action: January 5, 2015 (Request to enact as an emergency)

- 2) Can action be taken at a later date: YES x NO
If not, why not: This position, formerly held by Trish McAllister, is currently vacant in Corporation Counsel. This position is primarily focused on enforcement issues and litigation.

- 3) This item is sponsored by: Corporation Counsel

(If the item is sponsored by a Council Committee include the date the committee met and the outcome of the vote.)

If a memorandum addresses the following issues you may attach and reference the memorandum but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE

Adam Lee has been offered the position of Associate Corporation Counsel, left vacant by Trish McAllister, and he has accepted; as specified in the Portland City Charter, Article VI., Section 1(c), this appointment is made by the Corporation Counsel and must be confirmed by the Portland City Council.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

Confirmation of Adam Lee's appointment as Associate Corporation Counsel. This confirmation we are requesting be enacted as an emergency so that Attorney Lee can start work immediately on January 6, 2015.

III. INTENDED RESULT (How does it resolve the issue/problem?)

This item will allow the Office of the Corporation Counsel to remain fully staffed.

IV. FINANCIAL IMPACT

The starting salary offered and accepted by Adam Lee of \$80,800 falls within the projected budget for the office payroll, and has been reviewed and approved by the City Manager and the Human Resources Department.

V. STAFF ANALYSIS & RECOMMENDATION

The Corporation Counsel's office has reviewed Adam Lee's resume, interviewed him and contacted his references, and it along with the Human Resources Department recommends his appointment to this position be confirmed.

Attachments:

Order Appointing Adam Lee as Associate Corporation Counsel

Resume

Adam R. Lee, Esq.

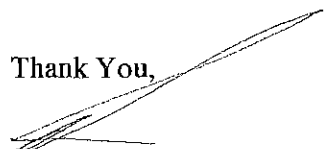
132 Main St. Apt. 102 • Auburn, Maine 04210 • w. 207-784-3200 c. 207-312-4057 • arlee1979@gmail.com

Thank you for your consideration of my application for the position of Associate Corporate Counsel. For the last six years I have proven myself as a successful litigator at a highly regarded full service law firm. Over the course of those six years I have developed a diverse litigation practice and have gained substantial pre-trial, trial and appellate experience representing municipalities, counties, individuals and businesses. Prior to my present position, and immediately following Law School, I was a Law Clerk for Justices Jabar, Marden, Mills and Nivison in the Kennebec County Superior Court. Additionally, for a little less than year I have served as the Ward 4 representative to the Auburn City Council. With my substantial experience, I am confident that I would immediately contribute as a high level litigator for the City of Portland, and with my background I would provide a unique perspective that would substantially benefit the City.

While I have been successful and am generally satisfied in my current position, I covet the potential of working on interesting and unique cases with a dynamic team serving the interests of a single client. I have carried heavy caseloads in multiple areas of the law for several clients over the past 6 years. As Associate Corporate Counsel, I look forward to utilizing the skills I have honed in private practice and learning from some of the very best municipal attorneys in this State.

Given my present employment, I ask for your discretion in your evaluation of my resume and cover letter. I appreciate your consideration and am available by telephone (preferably my cell phone number) or e-mail to arrange an interview.

Thank You,



Adam R. Lee

CITY OF PORTLAND MAINE

SEP 11 2014

HUMAN RESOURCES DEPARTMENT

Adam R. Lee, Esq.

132 Main St. Apt. 102 • Auburn, Maine 04210 • w. 207-784-3200 c. 207-312-4057 • arlee1979@gmail.com

RELEVANT EMPLOYMENT:

Skelton, Taintor and Abbott, P.A.

Associate Attorney, September 2008-Present

- Extensive experience in Civil litigation including pre-trial, trial and appellate experience in municipal, commercial, employment, public utility/energy, criminal and general civil litigation
- Drafted hundreds of memoranda of law dealing with Motions to Dismiss, Summary Judgment and various other motions in Maine's State and Federal Courts
- Prevailed as lead trial counsel in various types of cases including municipal, employment contracts, real estate partition, foreclosure, probate and divorce
- Drafted several prevailing appellate briefs in appeals and successfully argued appeals to Maine Supreme Judicial Court
- Successfully managed own high volume family law and criminal practice while supporting shareholders
- Member of Maine and Androscoggin County Bar Associations, admitted to practice in Maine and New Hampshire State Courts, Maine Federal Courts and the First Circuit Court of Appeals, and selected one of the 40 best trial attorneys in Maine under the age of 40 by the National Trial Lawyers

Justices Jabar, Marden, Mills, and Nivison of the Maine Superior Court, Augusta, ME

Judicial Law Clerk, August 2007-August 2008

- Drafted and edited Decisions and Orders for Maine's trial court of general jurisdiction
- Researched and prepared bench memoranda in a variety of civil cases, criminal cases, and judicial reviews of final state agency and municipal actions.
- Extensively observed and participated in court procedure

Vermont Attorney General- Civil Rights Unit, Montpelier, VT

Law Clerk, Summer 2006

- Substantial legal writing and research of state and federal employment discrimination law
- Drafted charges, interviewed complainants and respondents, analyzed discovery evidence, and drafted objective advisory memos regarding final decisions of the Attorney General's office.

Environmental Tax Policy Institute, South Royalton, VT

Research Fellow, Summer 2005- 2007

- Contributed to and edited various publications by Prof. Janet Milne
- Extensively researched the intersection of EPA regulations and tax incentives
- Precisely tracked the 2005 Energy Bill

CITY OF PORTLAND AND MAINE

SEP 11 2004

University of Rochester, Rochester, NY

Assistant Director of Debate/Visiting Lecturer, August 2002-May 2004

- Taught college level classes in Communications and Advanced Debate
- Acted as primary research director and coach to nationally ranked policy debate team

HUMAN RESOURCES DEPARTMENT

EDUCATION:

Vermont Law School, South Royalton, VT

Juris Doctor, Cum Laude, May 2007

- Class Rank: 27/178 (top 15%) GPA: 3.45
- Dean's List: Fall 2005, Spring 2006, Fall 2006, and Spring 2007
- Academic Excellence Award: Intellectual Property Law
- Research Fellow to Professor Janet Milne and the Environmental Tax Policy Inst., 2005-2007
- Teaching Assistant to Professor Cheryl Hanna in Constitutional Law I and II, 2006
- Vice President of Negotiations Board
- Class of 2007 Commencement Speaker
- Student Bar Association Senator, 2005-2007

University of Texas, Austin, TX

B.A. in History, Minor in Sociology, May 2002

- Member of the University of Texas Debate Team, selective group of 12 policy debaters
- Recipient of George and Virginia Nokes scholarship award for Debate
- Named as 1 of 30 All-American Debaters 2001-02 by the Cross-Examination Debate Association

*Order 115-14/15
Tab 22 12-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DESIGNATING HOUSE ISLAND AS A HISTORIC DISTRICT AND
AMENDING THE MAP OF HISTORIC DISTRICTS**

WHEREAS, the City Council is authorized pursuant to Portland City Code Chapter 14, Section 622 to designate a defined area in the City as an historic district; and

WHEREAS, the Portland Historic Preservation Board and Planning Board have both unanimously recommended the designation of the House Island Historic District; and

WHEREAS, the designation of the House Island Historic District will fulfill a stated objective of the Comprehensive Plan to protect the City's historic resources through ongoing identification and designation of eligible landmarks and districts; and

WHEREAS, the designation will formally recognize the unique history and landmarks situated on House Island; and

WHEREAS, the designation will provide future generations the opportunity to view in person Fort Scammel and buildings on House Island associated with its role as a Federal immigration and quarantine state more than a hundred years ago; and

WHEREAS, the designation will ensure that alterations to historic structures within the island district are compatible with the buildings' and the fort's historic character and will prevent the incremental loss of character that can occur through small inappropriate changes over time; and

WHEREAS, the designation will stabilize and enhance the property value and economic vitality of House Island; and

WHEREAS, the designation will increase the attractiveness of the island district to tourists; and

WHEREAS, the designation will provide property owners access to federal and state tax incentives available for the rehabilitation of historic properties;

NOW THEREFORE BE IT HEREBY ORDERED that, pursuant to Chapter 14, Section 622, the Portland City Council hereby designates House Island, as shown on the attached map, as the House Island Historic District; and

BE IT FURTHER ORDERED, that the map of Historic Districts with Landmarks and Historic Landscape Districts is hereby amended to include the House Island Historic District as set forth on the attached map.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Alex Jaegerman, Planning Division Director

DATE: December 3, 2014

DISTRIBUTION: Mayor Michael Brennan, City Manager Sheila Hill-Christian, Sonia Bean, Danielle West-Chuhta, Nancy English, Jeff Levine

SUBJECT: Recommendation to designate House Island as a local historic district subject to the provisions of Portland's historic preservation ordinance (Article IX of the Land Use Code).

SPONSOR: Planning Board, Stuart O'Brien, Chair
Historic Preservation Board, Rick Romano, Chair

COUNCIL MEETING DATE ACTION IS REQUESTED: January 5, 2015
1st reading December 15, 2014 **Final Action** January 5, 2015

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

PRESENTATION: (List the presenter(s), type and length of presentation)
Five-minute presentation by Planning Board Chair Stuart O'Brien and Historic Preservation Manager Deborah Andrews

I. SUMMARY OF ISSUE (Agenda Description)

The Planning Board is recommending that House Island be designated a local historic district subject to the protections of the City's historic preservation ordinance (Article IX of the Land Use Code.) The Planning Board's consideration of the nominated historic district was pursuant to a recommendation forwarded by the Historic Preservation Board. (As required under Portland's historic preservation ordinance, nominated historic districts must be reviewed first by the Historic Preservation Board, which forwards its recommendation to the Planning Board. The Planning Board also considers the effect of designation on other aspects of the comprehensive plan.)

The proposed designation applies to the entire 24 acre island and includes twenty-one (21) historic structures or sites representing several key periods of development history on House Island. Among the significant historic structures on the island are Fort Scammel, built in 1808 and expanded in the 1860's, and buildings associated with House Island's role as a Federal immigration and quarantine station during the late 19th and early 20th centuries.

The recommendation to designate House Island as a historic district is based on findings by both the Planning Board and Historic Preservation Board that House Island readily meets the designation criteria outlined in Sections 14-610 and 14-611 of the historic preservation ordinance. As well, the Planning Board finds that designation is consistent with other goals of the Comprehensive Plan.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

House Island today is an extraordinarily rich cultural landscape with numerous extant historic resources associated with various significant chapters in the island's history. Once an important center for fishing and lobstering activities, the island also played a key role in the fortification of Portland Harbor in the 19th century. In the late 19th and early 20th centuries, House Island became Portland's "Ellis Island", a site for processing immigrants into the United States in the late 19th and early 20th centuries.

Despite this rich history and eligibility for both National Register and local historic designation, House Island currently lacks any protection of its historic resources. After the US government's sale of the House Island after WWII, the island was privately owned by one family which operated an event center on the island and offered historical tours. With the island's impending sale in 2014, City staff informed the prospective buyer (now current owner) of the island's eligibility for designation and the likelihood of its nomination.

III. INTENDED RESULT

Designation of House Island will not preclude additional development on the island. Rather, it will ensure that the identified historic resources on House Island are preserved over time and any alterations or additions are compatible with the subject structure's historic character. New construction on the island will be reviewed for general compatibility with the prevailing development pattern on the island in terms of scale, massing, materials, etc.

IV. COUNCIL GOAL ADDRESSED

Portland's Comprehensive Plan identifies historic preservation as a major priority within the City's land use policies. Portland's historic preservation ordinance (Article IX of the Land Use Code) was adopted in 1990 to provide protection for identified historic resources, whether they be individually designated or included as part of a larger historic district and includes provisions for the ongoing identification, nomination and designation of historic resources.

V. FINANCIAL IMPACT

As historic designation does not affect the underlying zoning as regards allowable uses and does not preclude additional development on the island, there will be no diminution in the assessed value of the two properties on the island. In numerous studies, historic district designation has been shown to enhance property values over time.

VI. STAFF ANALYSIS

See attached staff memo and report prepared by ttl-architects: *House Island, Portland, ME: Analysis of Eligibility as a Local Historic District.*

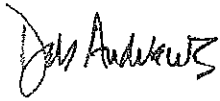
VII. RECOMMENDATION

Planning and Historic Preservation staff fully supports the designation

VIII. LIST ATTACHMENTS

Planning Board report and consultant's report: *House Island, Portland, ME: Analysis of Eligibility as a Local Historic District.*

Prepared by:



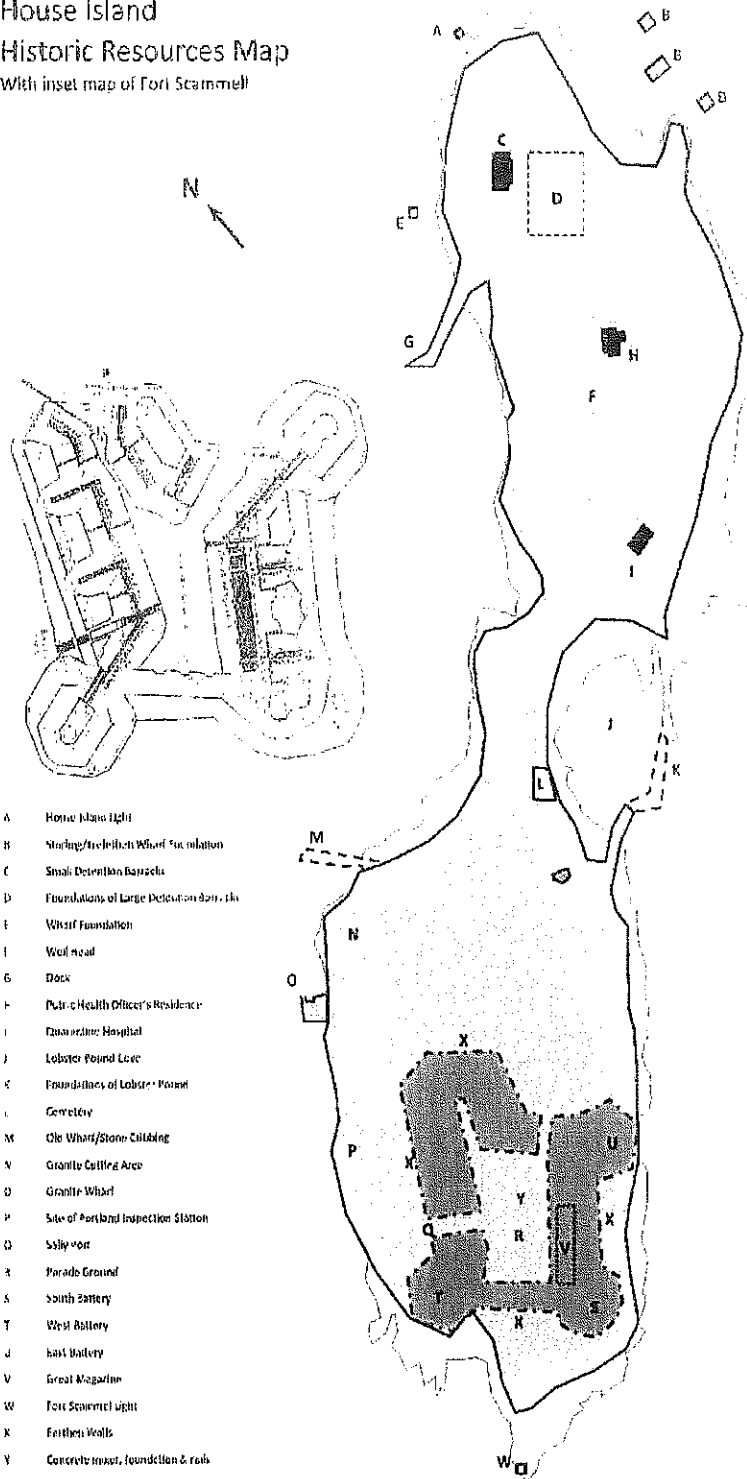
Signature

December 2, 2014
Date

House Island

Historic Resources Map

With inset map of Fort Scammell



- A Home Main Light
- B Storage/Armillary Wheel Foundation
- C Small Detention Barracks
- D Foundations of Large Detention Barracks
- E Wharf Foundation
- F Wharf
- G Dock
- H Public Health Officer's Residence
- I Quarantine Hospital
- J Lobster Pound Cove
- K Foundations of Lobster Pound
- L Cemetery
- M Old Wharf/Stone Building
- N Granite Cutting Area
- O Granite Wharf
- P Site of Portland Inspection Station
- Q Ship's Port
- R Parade Ground
- S South Battery
- T West Battery
- U East Battery
- V Great Magazine
- W Fort Scammell Light
- X Earthen Walls
- Y Concrete mass, foundation & rails



CITY COUNCIL REPORT

From

PLANNING BOARD PORTLAND, MAINE

Recommendation to Designate House Island as a Local Historic District under the provisions of Portland's historic preservation ordinance (Article IX of the Land Use Code)

Submitted to: Portland City Council Requested Council Action: January 5, 2015	Submitted by: Planning Board Date: December 3, 2014
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I. Introduction

The Planning Board is recommending to the City Council that House Island within Portland Harbor be designated a local historic district subject to the provisions of Portland's historic preservation ordinance (Article IX of the Land Use Code). The proposed district designation applies to the entire 26-acre House Island and includes twenty-one (21) identified historic structures or sites representing several key periods of development history on the island—see Fig. 1. Among the significant extant historic resources on the island are Fort Scammel, built in 1808 and expanded in the 1860's, and buildings associated with House Island's role as a Federal immigration and quarantine station during the late 19th and early 20th centuries. Historic district designation will ensure that House Island's historic resources are protected from demolition and any alterations or additions to existing structures are compatible with their historic character. New construction will be reviewed for general compatibility with the prevailing development pattern on the island in terms of scale, massing, materials, etc.

On November 25, 2014, the Planning Board voted 4-0 (Dean, Morrisette and Soley absent) that House Island meets all the criteria for designation in Division 3 of the historic preservation ordinance and that the island's designation as a historic district is consistent with the City's Comprehensive Plan. Based on these findings, the Planning Board voted to recommend to the Council that the island be designated as a local historic district.

The Planning Board's review of the proposed designation was upon the recommendation of the Historic Preservation Board which voted unanimously on October 1, 2014 to recommend designation following its own review of the island's eligibility for historic district designation. In the case of nominated historic districts, Portland's historic preservation ordinance requires that the Historic Preservation Board first review the nomination according to the criteria outlined in Division 3 of the ordinance and, based on its findings, forward a recommendation to the Planning Board. The Planning Board, in turn, considers the recommendation of the

Historic Preservation Board and conducts its own independent analysis as to whether the nominated district meets the designation criteria. In addition, the Planning Board must also consider the effect of designation on other aspects of the Comprehensive Plan. Based on its own findings, the Planning Board forwards its recommendation to the City Council which has the final authority to designate local landmarks and historic districts.

House Island
Historic Resources Map
With inset map of Fort Scammell

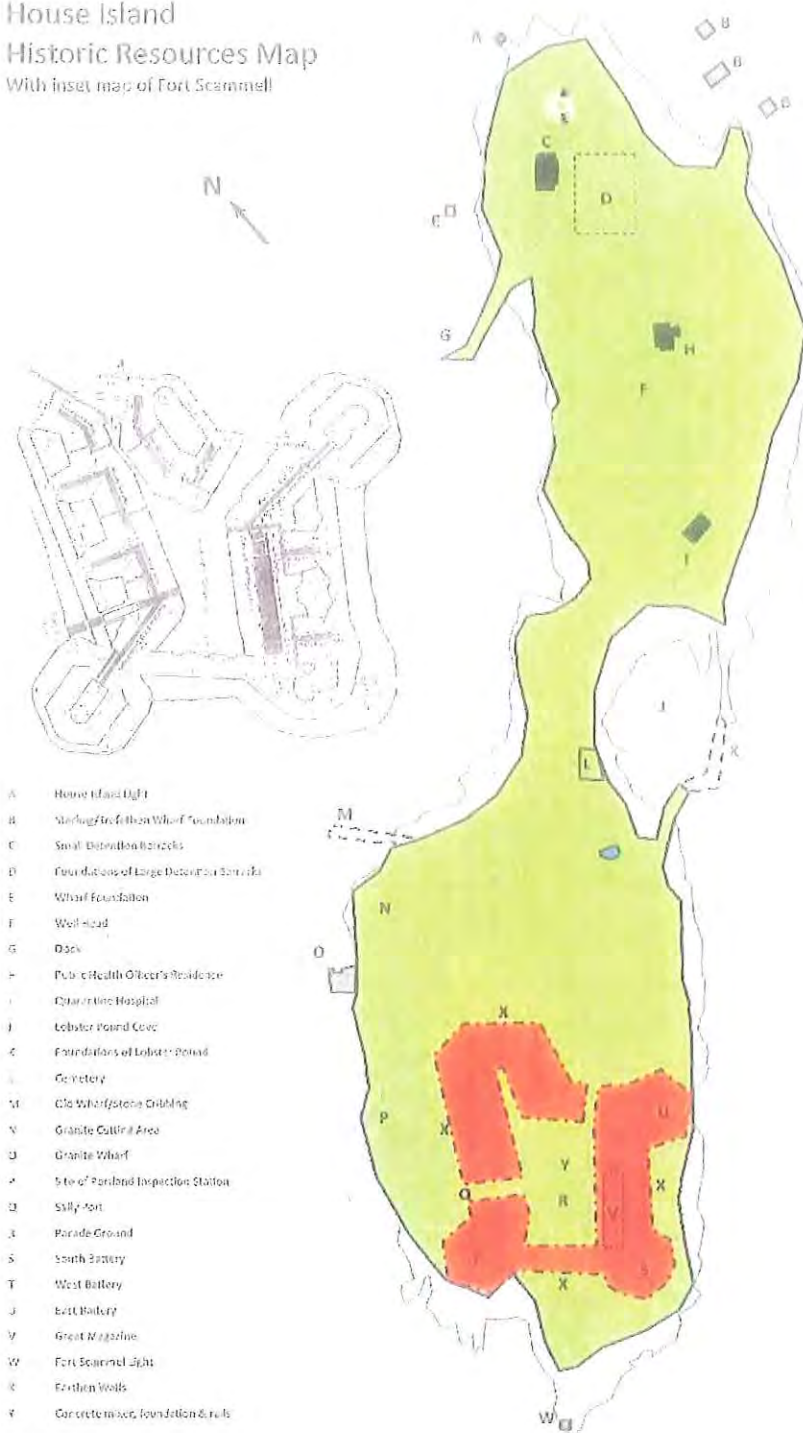


Figure 1. (larger version of map included in consultant report)

II. Planning Board Deliberations and Recommendation

The Planning Board's final deliberations on the nominated historic district followed a preliminary workshop on October 21, 2014. At the workshop, Historic Preservation Program Manager Deborah Andrews presented the Historic Preservation Board's formal recommendation to designate House Island as well as the HP Board's specific findings which led to their favorable recommendation. Preservation consultant Julie Larry of ttl-architects, who prepared the detailed documentation required to consider the merits of the nominated district, also made a presentation. Ms. Larry described the island's development history and explained the significance of the extant historic resources on the island. In her presentation, Ms. Larry addressed the specific designation criteria enumerated in the City's preservation ordinance, explaining how, in her professional assessment, House Island met all six of the minimum criteria for designation, as well as the ordinance requirement that a substantial number of the structures and sites within the proposed district exhibit sufficient integrity of location, design, condition, materials and workmanship to make them worthy of preservation or restoration.

Public comment was also taken at the 10/21 workshop. The current owners of the northern and southern sections of House Island addressed the Board. Michael Scarks, who purchased the entire island in May 2014 and sold the northern half in late September, indicated that he had no objection to designating Fort Scammel itself, but questioned the rationale for designating the balance of the island. Mr. Scarks also questioned the timing of the nomination. Vincent "Cap" Mona, the new owner of the north half of the island that includes historic structures associated with the island's role as an immigration and quarantine station, also introduced himself and indicated that he was working with historic preservation staff on a plan to rehabilitate the historic buildings he had purchased. Mr. Mona did not express a position on the proposed designation. Four other members of the public, including Hilary Bassett Executive Director of Greater Portland Landmarks, expressed support for the nomination/designation. (A compilation of all written public comment during Planning Board and Historic Preservation Board deliberations is enclosed as Attachment 4.)

In response to a follow-up question from a Planning Board member regarding the timing of the nomination, staff explained that after the US government's sale of House Island following WWII, the island was privately owned by the Cushing family for several decades. Although the Cushing family offered tours of the historic sites on the island and appeared committed to its preservation, they were resistant to historic designation of the island. Some months before the island was put on the market, historic preservation staff became aware that the Cushing family had entered into negotiations with a statewide conservation organization and a statewide preservation organization about placing conservation and preservation easements on the island. (These easements would have provided a level of protection comparable to historic district designation.) Later, after negotiations had apparently fallen through, staff learned that the island had been put on the market and that there was an interested buyer (Mr. Scarks). When Mr. Scarks met with Planning staff during his due-diligence period, staff informed him that the island had been identified as eligible for historic district designation as early as 1990. (Portland's *Historic Resources Design Manual*, which was adopted as part of Portland's historic preservation ordinance in 1990, lists House Island as a property eligible

for local historic designation.) A short time later, Peak Island summer resident Jo Israelson and Greater Portland Landmarks petitioned the Historic Preservation Board to nominate House Island for historic district designation.

At the conclusion of the workshop session, Planning Board members indicated that they found House Island to clearly meet the historic preservation ordinance's designation criteria and expressed support for its designation as a local historic district.

The Planning Board's formal public hearing on the proposed historic district designation was held on November 25th. Following a presentation by staff, public comment and Board deliberations, the Planning Board voted 4-0 (Dean, Morrisette & Soley absent) as follows:

Upon the recommendation of the Historic Preservation Board and on the basis of documentation and analysis provided in the report *House Island, Portland, ME: Analysis of Eligibility as a Local Historic District* prepared by ttl-architects, as well information included in the staff report for the November 25, 2014 public hearing, the Planning Board

1) finds that House Island:

- a) meets the historic preservation ordinance's minimum criteria for historic district designation as set forth in Sec. 14-610 (a), specifically (a) 1, 2, 3, 4, 5 and 6, based on the Board's finding that the summary statements included in the ttl-architects report (pages 2-5 of the report), addressing criteria (a) 1,2,3,4,5 and 6 are well-founded and based on detailed research and available documentation. Accordingly, the Board confirms and references the report's statements of significance as the basis for its finding;**
- b) meets the criterion in Sec. 14-610 (b), based on the Board's finding that a substantial number of the structures and sites within the proposed district have a high degree of cultural, historic or architectural significance and integrity, many of which qualify as landmarks, and that the proposed district also has within its boundaries other sites and structures which contribute to the overall visual characteristics of the most significant properties and sites. Pursuant to this finding, the Board supports classifications for each identified site and structure within the district boundary included in the ttl-architects' report. (see Index of Resources on page 22 of report);**
- c) meets the integrity criterion set forth in Sec. 14-611, based on the Board's finding that the district and the structures and sites therein have sufficient integrity of location, design, condition, materials and workmanship to make them worthy of preservation or restoration;**
- d) is consistent with the goals of the Comprehensive Plan, based on the Board's findings that both the Historic Preservation element of the Comprehensive Plan and the Shoreland Zoning Amendments of December 1991 (which are incorporated by reference in the Plan) encourage the identification, protection and preservation of historic resources within the City of Portland and that designation does not conflict with other aspects of the Comprehensive Plan; and therefore**

- 2) recommends to the City Council that House Island be designated as a local historic district, the boundaries of which are illustrated in Figure 1.

III. Historic Preservation Board Deliberations and Recommendation to the Planning Board

On October 1, 2014, the Historic Preservation Board voted unanimously (6-0, Turk absent) to recommend to the Planning Board designation of House Island as a local historic district based on findings that it met the criteria for designation in Division 3 of the historic preservation ordinance. (The full text of Article IX, Division 3 is enclosed as Attachment 1.) Formal deliberations on the nomination followed two preliminary workshops including a site visit to House Island to review current conditions of the existing structures and sites. Detailed documentation on the development history and significance of the island and its extant structures was provided in a report prepared by ttl-architects entitled *House Island, Portland, ME: Analysis of Eligibility as a Local Historic District*. (See Attachment 2.)

The Historic Preservation Board's recommendation was based on findings that House Island meets the criteria for designation as defined in Division 3 of the historic preservation ordinance. Under Sec. 14-610 (a) Minimum Criteria for Designation, a nominated historic district must be found to exhibit at least one (1) of six (6) identified areas of cultural, historic, architectural, and/or archeological significance. The Board found that House Island meets all six (6) of the identified criteria. In making this finding, the Historic Preservation Board referenced and confirmed the statements of significance included in the ttl-architect report that addressed the Criteria 1-6. The Board found that ttl's concluding statements of significance, which describe in a succinct narrative how the various criteria are met, were well-founded and based on detailed research and available documentation.

The Historic Preservation Board also found that House Island meets the criterion set forth in Sec. 14-610 (b), which requires that a substantial number of the sites, structures, or objects within a proposed district have a high degree of significance and that other sites and structures within the district boundaries contribute to the overall visual characteristics of the significant properties within it. The Board found that the nominated district met this standard. The Board supported the ttl-report's recommended classifications for each identified site and structure within the district boundary (see Index of Resources on page 22 of consultant's report).

Finally, the Historic Preservation Board found that the structures and sites located within the proposed House Island district meet the separate criterion set forth in Sec. 14-611, which requires that the historic resource must exhibit sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration. Based on the Board's site visit to House Island, the Board was satisfied that the structures and sites within House Island exhibit a high degree of integrity.

IV. Background – Initiation of Nomination, Documentation, Etc.

On July 9, 2014, the City's historic preservation office received letters from Greater Portland Landmarks and Peaks Island summer resident Jo Israelson requesting that House Island be nominated as a local historic district. (See Attachment 3). The letters were distributed to the

members of the Historic Preservation Board as a communication at their meeting later that day. At the Board's next scheduled meeting (July 16), Board members Penny Pollard and Bruce Wood distributed a letter to the full Board, formally nominating House Island for consideration as a local historic district. (The ordinance stipulates that district nominations must be initiated by any two members of the Historic Preservation Board or by written petition by one or more owners of affected property in the proposed district, provided two or more members of the Board sponsor the petition.)

Following the nomination, a detailed report was prepared by Julie Larry of ttl-architects documenting the multi-layered history and architecture of House Island. The report also included an analysis of House Island's significance and level of integrity, specifically addressing the designation criteria included in Portland's historic preservation ordinance. Staff reviewed the report and found that it constituted a "complete nomination" for purposes of considering the merits of designation.

On August 6th, an initial workshop was held on the proposed designation. Julie Larry of ttl-architects was invited to make a powerpoint presentation based on her written report. Ms. Larry reviewed the long history of development on House Island and the various key roles it has played over time. Using historic and recent photographs, she described the numerous extant structures and sites on the island that document various periods of its history and the specific activities that it has supported. Finally, Ms. Larry presented her findings as to the relative significance of House Island within the context of the history of Portland and beyond.

This informational workshop was followed by a site visit on September 3rd. Accompanied by property owner Michael Scarks and City staff, members of the Historic Preservation Board toured the entire island, reviewing the specific historic resources identified in Ms. Larry's report. Visiting the property was critical to the Board's deliberations as it provided an opportunity to observe the current condition of the sites, structures and objects within the proposed district. In order for the Board to address the question of *integrity* as defined in the historic preservation ordinance, it was essential to review the historic resources first hand. The site visit also provided Board members with the opportunity to decide whether the designation classifications (Landmark, Contributing, Non-contributing) recommended by the consultant for each site, structure and object within the district boundaries were appropriate. The site visit allowed Board members to observe the overall visual character of the island, the spatial and scale relationship between the individual structures on it and the visual relationship between the north and south ends of the island. Finally the site visit, which concluded with a boat tour around the entire perimeter of the island, provided Board members with an opportunity to observe available views of the island and its built resources from the water and other islands within Casco Bay and understand its role as a key character-defining feature of the bay.

ATTACHMENTS

1. Excerpts from historic preservation ordinance (Article IX) applicable to the nomination and designation of historic resources, including designation criteria
2. *House Island, Portland, ME: Analysis of Eligibility as a Local Historic District*, prepared by Julie Larry, ttl-architects
3. Original petition letters from Greater Portland Landmarks and Jo Israelson requesting that the Historic Preservation Board nominate House Island as a local historic district
4. Compilation of Written Public Comment

ATTACHMENT

(s) To annually report to the council with following matters:

1. Survey work in progress or completed;
2. The number of projects reviewed (by type);
3. How many certificates of each type were issued.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

DIVISION 3. CATEGORIES AND CRITERIA FOR DESIGNATION

Sec. 14-610 Minimum criteria for designation.

(a) The historic preservation board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure or object for designation by ordinance as a landmark or district:

- (1) Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States;
- (2) Its location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property;
- (3) Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States;
- (4) Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;
- (5) Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States; or
- (6) Its representation of a significant cultural, historic,

architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.

14-610 In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.

(c) In the case of a nominated historic landscape district, the historic preservation board shall also consider its significance as a geologic, natural or man-made landscape feature associated with the development, heritage or culture of the City of Portland, State of Maine, New England region, or the United States.

(d) The planning board and council shall apply the criteria of subsections (a), (b) and (c) but shall also consider the effect of such designation on other aspects of the comprehensive plan of the city.

(Ord. No. 235-90, 2-26-90)

14-611. Criteria of nomination and historic designation.
Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.

(Ord. No. 235-90, 2-26-90)

Sec. 14-612. Designation of historic landscape districts.

An historic landscape district may be nominated and considered for designation only if the entire area of the district is owned by a unit of federal, state or local government, or any combination of such ownership.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 2, 5-17-93)

Sec. 14-613. Reserved.

DIVISION 4 - NOMINATION, CONSIDERATION AND DESIGNATION

Sec. 14-614. Procedure.

The provision of this division shall govern the nomination, consideration and designation of landmarks and districts.
(Ord. No. 235-90, 2-26-90)

(a) Nomination of an area, site, structure or object for consideration of designation as a landmark, historic district or historic landscape district shall be submitted to the department, on a form provided by the department, by the following:

- (1) Any two (2) members of the historic preservation board on their own initiative, by written notice to the department; or
- (2) By written petition of any owner, in the case of a landmark; or
- (3) By written petition of one (1) or more owners of affected property in the case of a district; provided two (2) members of the historic preservation board must sponsor the petition.

(b) A nomination shall be completed and filed with the department with all required signatures and any fees specified therefore for the nomination to be pending.

(c) Upon nomination, the department shall notify the owner or owners of the nomination and shall transmit the nomination to the historic preservation board for its consideration at its next scheduled meeting, which in no event shall be held later than thirty (30) days following nomination.

(d) At any time after a complete nomination is filed for an historic district, the owner of a structure who seeks a permit for demolition may apply to the historic preservation board for a determination that the structure to be demolished is noncontributing and eligible for a demolition permit. The determination of the historic preservation board that the structure is eligible for a permit shall be conclusive.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-616. Notification of nomination and public hearing.

(a) A public hearing on the nomination shall be held by the historic preservation board within thirty (30) days following the first scheduled meeting referred to in section 14-615(c), but in no event later than sixty (60) days following receipt of the completed nomination form by the department. Notice of the nomination and of the public hearing shall be in accordance with the procedures for public hearings before the planning board for site plan approval.

(b) The hearing shall be conducted in accordance with procedures adopted by the historic preservation board. The historic preservation board shall consider all testimony or evidence relating to the designation criteria in division 3 from any person who makes written submissions or appears at the public hearing. Historic preservation board members may also present testimony or make submissions. The owner of a nominated landmark or of property within a nominated district shall be allowed reasonable opportunity to present testimony or evidence concerning the applicability of the designation criteria in division 3.

(Ord. No. 235-90, 2-26-90)

Within thirty (30) days following the close of the public hearing, the historic preservation board shall make recommendation to the council in the case of a landmark, or to the planning board in the case of a district, upon the evidence as to whether the nominated landmark or district meets the criteria for designation in division 3. Such recommendation shall be approved by at least four (4) members of the historic preservation board and shall be accompanied by a report to the council or planning board containing the following information:

- (a) Explanation of the significance or lack of significance of the nominated landmark or district as it relates to the criteria for designation.
- (b) Explanation of the integrity or lack of integrity of a nominated landmark or historic district.
- (c) Proposed design guidelines for review of alteration or construction. The specific design guidelines may provide explanation by text and/or schematic examples of visual compatibility for purposes of division 7.
- (d) Relationship of the nominated landmark or district to the ongoing effort by the committee to identify and nominate

all potential areas, sites, structures and objects that meet the criteria for designation.

- (e) A map showing the location of the nominated landmark and the boundaries of the nominated district.
- (f) A list, including the address, of every site, structure and object in each nominated historic district indicating their degree of cultural, historic, architectural or archeological significance by classification as of a landmark or contributing significance.

Where a motion either in favor of a recommendation or in opposition to a recommendation results in a vote of fewer than four (4) members, the item shall automatically be tabled to the next regularly scheduled meeting.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 3, 5-17-93)

Sec. 14-618. Reserved.

Sec. 14-619. Notification of historic preservation board recommendation.

(a) The recommendation of the historic preservation board, including a copy of the report, shall be transmitted to the city council in the case of a landmark and to the planning board in the case of a district. Notice of the recommendation shall be sent by mail to the owner of a nominated landmark and to all owners within a nominated district within ten (10) business days following adoption of the recommendation and report.

(b) If the recommendation of the historic preservation board is that the property or district not be designated, the nomination process shall terminate and no new nomination shall be submitted for the identical property or area for a period of one (1) year from the date of termination, except upon a showing of substantial and material newly discovered information.

(Ord. No. 235-90, 2-26-90)

Sec. 14-620. Determination by planning board.

(a) The planning board, upon receipt of a recommendation and a report from the historic preservation board concerning nomination of a district, may hold a workshop meeting pursuant to the provisions of section 14-26. After review of the historic preservation board recommendation and report, the planning board shall hold a public hearing.

(b) All meetings, hearings and deliberations of the planning board to consider the recommendation and report of the historic preservation board shall be held in conformity with sections 14-24 through 14-28.

(c) The planning board may request the chair of the historic preservation board, or a member designated by the chair, to appear at any meeting, hearing or deliberation to explain any recommendation or report.

(d) The planning board shall make its final determination including written findings as to whether the nominated district meets the criteria for designation in division 3 within forty-five (45) days following receipt of the recommendation and report from the historic preservation board. A copy of the determination of the planning board shall be sent by regular mail to all owners within a nominated district within ten (10) business days following the determination.

(Ord. No. 235-90, 2-26-90)

Sec. 14-621. Planning board recommendation to city council

The recommendation of the planning board regarding a nominated district shall be filed with the city clerk within ten (10) business days. It shall be accompanied by a copy of the report and recommendation of the historic preservation board and, in the case of a recommendation that the council designate, a draft of a proposed designation ordinance, including any proposed design guidelines for review of alteration, construction, removal or demolition. The recommendation of the planning board may include proposed changes in other city ordinances, policies, infrastructure, or recommendations with respect to the comprehensive plan of the city relating to the proposed designation.

(Ord. No. 235-90, 2-26-90)

Sec. 14-622. Action by the city council.

(a) Within sixty (60) days after the filing of a recommendation on the nomination with the city clerk pursuant to section 14-620, the council shall designate the landmark or district or reject designation. Any designation ordinance may include design guidelines for the designated landmark or district.

(b) Designation of a district shall be accompanied by a list, including the address, of every site, structure and object in the district which is determined to be a landmark or considered to be

contributing or noncontributing, indicating their degree of cultural, historic, architectural or archeological significance. This list may be amended thereafter by the council upon recommendation from the planning board under the same procedures as set forth above. Where there are no express findings by the council in the designation ordinance, there shall be a presumption that the council found that all requirements of sections 14-610 and 14-611 were met.

(c) Notice of the proposed action of the council shall be provided by mail to the nominator and the owner of the nominated landmark and/or of all properties adjacent thereto prior to council action. The notice shall include a copy of the resolution or designation ordinance and design guidelines.

(d) Notice of council action to the same persons shall be sent within ten business days following the council action. A copy of each designation ordinance and design guidelines shall be sent to the planning board, the historic preservation board and the department. A complete schedule of all landmarks and districts, including design guidelines and a listing of landmark and contributing structures, shall be maintained by the department as part of the design manual and shall be available for public inspection and copying during ordinary business hours.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-623. Amendment and rescission of designation

Amendment and rescission of any designation shall be upon the request of a person or persons authorized to nominate the property or properties affected, or upon request of the council, and shall follow the procedure set forth in division 4 for designation. The council may rescind or amend a designation only after all of these procedures have been followed. The standards for rescission or amendment applied by the committee, planning board and council shall be limited to those provided in section 14-610(a) and section 14-611. Amendments may include refinement or correction of design guidelines, maps, and other parts of any designation ordinance.

(Ord. No. 235-90, 2-26-90)

Sec. 14-624. Reserved.

Sec. 14-625. Reserved.

*Editor's note - Order No. 197-03/04 adopted 9/8/04, repealed §14-625 Projects of Special Merit in its entirety.

Sec. 14-626. Reserved.

Sec. 14-627. Reserved.

Sec. 14-628. Time limits.

(a) Any time limit specified for any step in the process for nomination or designation of a landmark may be extended with the consent of the property owner.

(b) Any time limit specified for any step in the process for nomination or designation of a district may be extended where at least ten (10) percent of the owners of property within the boundaries of the proposed district have given written consent to the extension.

(c) Failure to comply with any time limit in the nomination and designation process as provided in divisions 3 or 4 shall not affect the validity of any designation nor the interim protection provided by division 5.

(Ord. No. 235-90, 2-26-90)

Sec. 14-629. Reserved.

DIVISION 3. INTERIM PROTECTION FOR NOMINATIONS

SECTION 14-630. Nominations, Landmarks and Districts

(a) From the time of nomination until the historic preservation board acts upon such nomination, a site, structure, object or area nominated but not yet designated as a landmark or district shall be subject to all of the provisions of divisions 8 and 10 governing demolition and minimum maintenance, to the same extent as if designated. Upon final action of the historic preservation board recommending designation, the site, structure, object or area nominated shall be subject to all of the protection of this article until a final decision on designation by the council becomes effective. If the council rejects designation or fails to designate a property, that property shall no longer be subject to the provisions of divisions 8 and 10 of this article.

(b) Alteration or new construction commenced pursuant to a building permit issued prior to nomination shall not require a certificate of appropriateness, unless such permit has expired, been canceled or revoked. No project for which any application is pending, and which has received substantive review by the planning

board prior to nomination, shall be affected by nomination. Substantive review, as used in this paragraph, shall include workshop review of any completed application under articles IV or V of this chapter.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 4, 5-17-93; Ord. No. 165-08/09, 3-16-09)

Sec. 14-631. National Register of Historic Places

(a) Every property, landmark or district listed in the National Register of Historic Places prior to adoption of this article, as shown in the design manual, is hereby designated as a landmark or district and shall be subject to all of the protection of this article, until such time as such designation is amended or rescinded as provided by section 14-623. Listed properties which would qualify for designation as historic landscape districts shall be subject to the applicable provisions of this article. If there is any inconsistency between the boundaries of any landmark or district as shown in the designation ordinance, if any, the design manual and/or the National Register, such inconsistency shall be resolved in favor of such ordinance and the design manual in that order. A certificate of appropriateness shall be obtained for every alteration or new construction affecting said listed properties and districts.

(b) Upon notice to the city that a property or area has been listed in the National Register after the adoption of this article, a nomination shall be deemed submitted to the historic preservation board for designation of such property or area as a landmark, historic district or historic landscape district under this article, and the procedures of this division shall be applicable thereto.
(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-632. Properties eligible for listing on National Register or for local designation.

A certificate of economic hardship shall be obtained prior to demolition of any structure which has not been designated in accordance with this article but which is eligible for listing on the National Register of Historic Places under the criteria established by 16 U.S.C. Section 470(a) or its successor statute and/or regulations made thereunder or which is eligible for local listing under the criteria for designation of this article. The determination of eligibility for listing shall be made by the department, which may refer such a determination to the historic preservation board, and by the board of appeals if an appeal is taken. Upon determination of eligibility, the structure so

determined shall also be subject to the provisions of division 10 until a final decision by the council on designation becomes effective. If the council rejects designation or fails to designate a structure which has been determined to be eligible under the terms of this section, that structure shall no longer be subject to the provisions of divisions 8 and 10 of this article.
(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 5, 5-17-93)

Sec. 14-633 Reserved

DIVISION 6. CERTIFICATES OF APPROPRIATENESS AND NONAPPLICABILITY

Sec. 14-634. Certificate of appropriateness required.

(a) Except as provided in sections 14-635 and 14-636, a certificate of appropriateness shall be required before the following actions affecting any landmark, contributing or noncontributing structures, objects, sites or property in a district may be undertaken and shall be a condition precedent to the issuance of any permit authorizing such work:

- (1) Any exterior alteration or new construction requiring a building permit from the City of Portland, including, but not limited to the following:
 - a. Removal and replacement of architectural detailing including, but not limited to, porch spindles and columns, railings, window moldings and cornices;
 - b. Moving of structures or objects on the same site or to another site;
 - c. Construction of rooftop additions or decks;
 - d. Alteration of accessory structures such as garages;
 - e. Porch replacement or new construction of porches;
 - f. Installation of exterior access stairs;
 - g. Window or door replacement requiring enlargement of openings;
 - h. Installation of antennas and satellite receiving dishes;

House Island, Portland, ME Analysis of Eligibility as a Local Historic District

By ttl-architects, LLC

30 July 2014

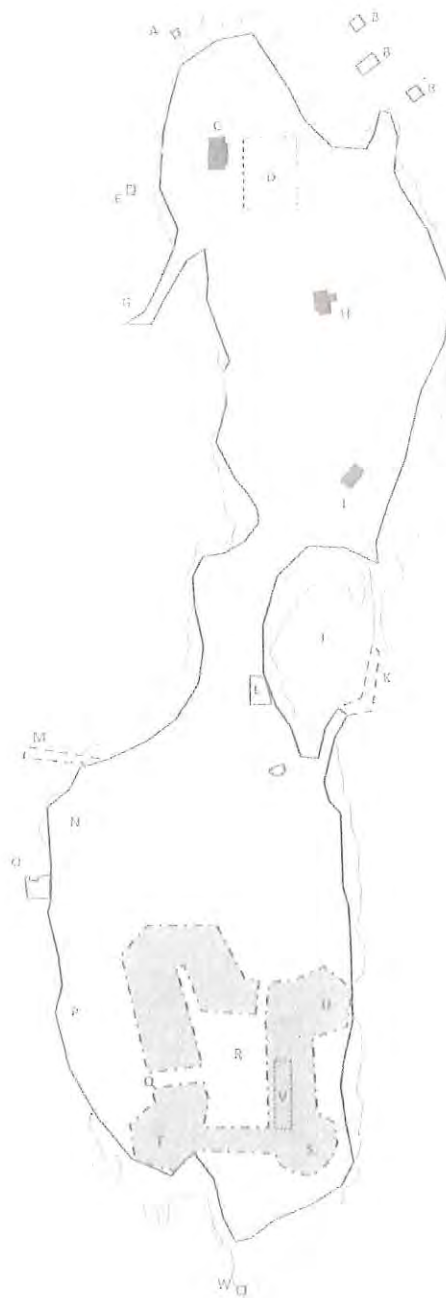


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SUMMARY DESCRIPTION OF A POTENTIAL HOUSE ISLAND HISTORIC DISTRICT

House Island is a 24 acre island just off the coast of Portland on the north side of the entrance to Portland Harbor between Cushing Island and Fort Gorges. The potential House Island Historic District includes Fort Scammell, three 1907 buildings and a pump station associated with the US Hospital, Quarantine and Immigration Station, cut granite wharves, the remains of a late 19th century lobster pound, a cemetery, the site of the City of Portland's Inspection Station, and two United States Coast Guard markers. Fort Scammell on House Island has been identified as eligible for listing on the National Register of Historic Places by the City of Portland.

House Island has a long history of use as a center for fishing, for military fortifications and as a site for processing immigrants into the United States in the late nineteenth and early 20th centuries. After the United States government's sale of the island following World War II, the island has been privately owned by one family until its sale in 2014.



SUMMARY STATEMENTS ADDRESSING THE CITY OF PORTLAND'S MINIMUM CRITERIA STANDARDS FOR DESIGNATION AS A LOCAL HISTORIC DISTRICT

House Island meets the minimum criteria standards for designation as a local historic district as defined in Sec. 14-610 of the City of Portland's Historic Preservation Ordinance and summarized below:

Sec. 14-610.a.1 - Value as a significant example of the cultural, historic, architectural, archaeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States.

The potential historic district provides a unique state and local example of the social history surrounding immigration in the United States in the late 19th and early 20th centuries, particularly the public health laws for immigrants from foreign ports and the immigration laws of the early 20th century which established quotas for entry into the United States. The extant United States Hospital, Quarantine and Immigration Station facilities on the north half of House Island assumed the functions previously administered at the City of Portland's Inspection Station located on the Fort Scammell military reservation. The site and extant above ground resources are significant at the local, state, and national level for their association with United States immigration policy and processing operations.

The potential historic district is also significant in the area of maritime history and commerce as it is a district that represents the local economic, cultural and social importance of fishing on Maine's islands. Although few remains of its fishing past are located on the island, just offshore on the northeast end of the island are the remains of three early 19th century wharves used by the island's fish curing businesses. The wharves and the remains of the c1889 lobster pound in Lobster Pound Cove provide evidence of the island's importance in the local fishing economy.

Fort Scammell is significant as one of the major fortifications of the Federal strategy to protect coastal cities leading up to the War of 1812 and again during the Civil War. Because of its location, Fort Scammell, along with Fort Gorges and Fort Preble, was a critical element in the defense of the entrance to Portland Harbor. Built in 1808 as a second system fort with a blockhouse, the extant fort structures are the result of a redesign of the fort from 1862-1870 to conform to national third system fortification designs. The site and extant above ground resources are significant at the local, state, and national level for their role in the United States' design and strategy for coastal defenses.

Although no professional archeological investigations have been undertaken on House Island, other islands in Casco Bay have yielded artifacts 2000-4000 years old, evidence of Native American use of the islands for hunting, fishing, and gathering and House Island may have the potential to yield information on its use by native Americans. In addition, there is potential to yield information on the historic use of the island during the period 1623-1808 when the island was used primarily for fishing and farming. The island is locally and regionally significant for its potential ability to expand the archeological database for the late Ceramic period in Casco

Bay, and to develop a more comprehensive understanding of island life from pre-contact into the early 19th century.

Sec. 14-610.a.2 - Location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structures on the property.

The potential district has been the site of events that have had an important impact on the region as a whole from the mid nineteenth century through the early twentieth century. The remaining resources associated with the United States Hospital, Quarantine, and Immigration Station provide a unique national, state and local example of immigration processing operations.

Additionally, the potential historic district is also significant in the area of maritime history and commerce as an example of the local economic, cultural and social importance of fishing on Maine's islands. The early nineteenth century granite wharves and the remains of the c1889 lobster pound provide evidence of the island's importance in the local fishing economy. The lobster pound provides evidence of the ingenuity of Maine's lobster merchants to regulate supply and pricing for their product, a site significant to the lobster fishery's rise to prominence in Maine, and is an early example of this type of enclosure in Maine.

Sec. 14-610.a.3 - Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archaeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States.

As the site of Portland's Inspection and Quarantine Station, House Island served as a port of entry for European immigrants arriving in New England in the late 19th century to work in area mills, to immigrate to the western states, or to immigrate north into Canada via the St. Lawrence and Atlantic Railroad. In the 20th century the United States Hospital, Quarantine and Immigration Station on House Island served as an alternative quarantine and inspection station to heavily used federal facilities in Boston and New York. The site and extant above ground resources are significant at the local, state, and national level for their association with European immigration to the United States in the late 19th and early 20th centuries.

In addition, Fort Scammell is significant for its association with Army Engineer Thomas Lincoln Casey (1831-1896). Casey oversaw construction on coastal fortifications in Maine, including Fort Knox, Fort Preble, Fort Scammell, and Fort Gorges. He oversaw the Washington Monument construction 1879-1888, was the engineer of the Thomas Jefferson Building at the Library of Congress, and served as the Chief of Engineers for the United States Army Corps of Engineers from 1888-1895.

Sec. 14-610.a.4 - Exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design detail, materials or craftsmanship.

Fort Scammell is significant as one of the major fortifications of the Federal strategy to protect coastal cities from 1807-1918 and as example of a mid-nineteenth century fortification known for its design and engineering. Begun in 1808, the second system fortifications were altered and the block house removed to conform to national third system fortification designs 1862-1870. The fort was also slightly altered again in the 1890s during a massive construction and modernization program with a focus on concrete fortifications, the installation of large caliber breech loading artillery, and the installation of mine fields, with smaller guns employed to protect mine fields from mine sweeping vessels. During this period Fort Scammell's East Battery was equipped to control a minefield in Whitehead Passage and the fort was upgraded with 15-inch Rodman cannons. During World War One concrete bases for three-inch anti-aircraft guns were built on the South and East Batteries, but no guns were installed.

In addition the Acadian Revival style of the Small Detention Barracks and the Quarantine Hospital are locally unique examples of this style of architecture.

Sec. 14-610.a.5 - Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, State of Maine, New England region, or the United States.

Fort Scammell is significant for its association with Army Engineer Thomas Lincoln Casey (1831-1896). Casey oversaw construction on coastal fortifications in Maine, including Fort Knox, Fort Preble, Fort Scammell, and Fort Gorges. He oversaw the Washington Monument construction 1879-1888, was the engineer of the Thomas Jefferson Building at the Library of Congress, and served as the Chief of Engineers for the United States Army Corps of Engineers from 1888-1895.

Sec. 14-610.a.6 - Representation of a significant example of the cultural, historic, architectural, archaeological or related theme expressed through distinctive areas, sites, structures, or objects.

The potential district is significant in the area of Military History. Fort Scammell is significant as one of the major fortifications of the Federal strategy to protect coastal cities from 1807-1918. Because of its location, Fort Scammell, along with Fort Gorges and Fort Preble, was a critical element in the defense of the entrance to Portland Harbor in the 19th century and early 20th century. Fort Scammell was determined eligible for listing on the National Register of Historic Places by the City of Portland. Fort Gorges was listed on the National Register of Historic Places in 1973 and is a city designated landmark.

Although no professional archeological investigations have been undertaken on House Island, other islands in Casco Bay have yielded artifacts 2000-4000 years old,

evidence of Native American use of the islands for hunting, fishing, and gathering. The island has a strong likelihood to yield important information about Native American lifeways over a broad period, the early settlement of the island, and use of the island for marine trade. During the period 1623-1808 when the island was used primarily for fishing and farming there were numerous fish houses, flakes¹, outbuildings, and two dwellings on the island as well as the extant remains of the wharves on the northeast end of the island and the lobster pound in the cove on the east side of the island. The island is locally and regionally significant for its potential as a source for artifacts and information to expand the archeological database for the late Ceramic period in Casco Bay, and to develop a more comprehensive understanding of island life from pre-contact into the early 19th century.

HISTORIC CONTEXT

Native American Occupation

Native American occupation of Casco Bay likely began 12,000 years ago, although sea level changes are believed to have washed away evidence of early human presence. There have been no archeological investigations of House Island, although other islands in Casco Bay have yielded artifacts 2000-4000 years old, evidence of Native American use of the Casco Bay islands for hunting, fishing, and gathering. A potential House Island Historic District has a strong likelihood to yield important information about Native American use over a broad period.²

Early European Settlement, c.1600-1675

House Island may have been occupied by European settlers as early as 1623 when Christopher Leavitt was granted six thousand acres including the islands of Casco Bay by King Charles I of England. Although Leavitt and his men may have established a trading center on House Island for commerce with the Wabanaki,³ the earliest documented structure on the island is a house transferred in a 1661 deed from Nicholas White to John Breme, along with a right for White's fish business. In the first few decades of European settlement the island was inhabited principally by fisherman, with some subsistence farming, and was the site of active fish curing, and possibly fish trading, businesses.

¹Wood framed structures for drying fish.

² An undated article clipping in the files at Greater Portland Landmarks indicates that in 1845, during construction on Fort Scammell, a Native American gravesite was discovered, although there is no indication what happen to the remains that were uncovered.

³Conforti, Joseph A. ed. "Creating Portland: A History and Place in Northern New England. Lebanon, NH: University Press of New England, 2005.

Indian Wars, 1676-1715

The French and Indian Wars were a series of conflicts that were part of a larger colonial struggle between France and England that lasted three quarters of a century. The settlement on the Portland peninsula, then known as Casco, was destroyed in 1676 during King Phillips War or the First Indian War (1675-1678). After the Treaty of Casco in April of 1678, Portland was resettled.

In September of 1689, during a conflict known as King William's War (1689-1697), 200 Norridgewock, Penobscot, and Canadian Indians gathered on Peaks Island and attacked European settlements in Back Cove. While the September attackers were driven off, a second attack in the spring of 1690 forced the surrender of Fort Loyal near the foot of India Street. The settlement at Portland was burned and European settlers were killed or taken prisoner. Although there was some resettlement in Casco Bay, principally at Spring Point in South Portland, these settlers were driven out after an attack in August of 1703⁴. The area was not substantially resettled until the close of Queen Anne's War (1702-1713) after the 1713 Treaty of Portsmouth ended hostilities between England and France. By 1715 Portland, then known as Falmouth, was resettled. House Island, like most of the area, was mostly unsettled from 1676-1715.

During this turbulent period, House Island was owned by George Munjoy, owner of the eastern end of the Portland peninsula and Peaks Island, and his family. Munjoy acquired a fourth interest in House Island in 1663 and eventually acquired the rights to the whole island. His garrisoned dwelling at the corner of Fore and Mountfort Streets on the peninsula was demolished in 1676. Deeds indicate there were two houses, an old house and a new house, on the island at this time, although they were likely demolished or deteriorated substantially during the period of abandonment. After his death in 1680, his ownership of the island was affirmed by the provincial authorities and deeded to his widow, although she seems to have resided in Boston during the conflicts.

Resettlement Period, 1715-1750

As the Casco Bay area was resettled after the cessation of hostilities, House Island was owned in part by various fisherman, farmers, and businessmen; no one owner possessed a right to the entire island. For most of this period of European resettlement the island was the site of fish curing businesses. There are no known remains of this period of resettlement on House Island. Archeological investigations might yield information on island life in the 18th century as deeds indicate dwellings were present on the island during this time.

⁴Goold, Nathan. *A History of Peaks Island and Its People: Also a Short History of House Island*. Portland, ME: Lakeside Press, 1897.

Nineteenth Century Fish Curing Yard and Lobster Pound

In 1801 the island was acquired by John Walden Green of Salem, a fisherman and farmer. He built a dwelling upon the island, no longer extant. He sold the southern half of the island, twenty-acres, to the US Government in 1808.

For most of the 19th century the northern portion of the island was owned by members of the Trefethen and Starling families. In 1822 John Starling [Sterling]⁴ (1785-1870) acquired one half of the north part of the island and moved to the island with his wife Patience Bowe [Browne]. In 1823 his cousin Henry Trefethen III (1797-1880) acquired title to the other half of the north end of the island, and moved to the island from Monhegan. The two families lived on the island in a two family house (See images). The Starling and Trefethen families fished and cured their catches in large flake yards.⁵ (See images).

Besides the two-family dwelling house the Starling and Trefethen families had fishing sheds and piers on the eastern side of the island. Although the wooden outbuildings are no longer extant, three large stone piers of cut granite that formed the bases of the wharves are extant. The families also laid out a cemetery near the middle of the island overlooking Lobster Pound Cove. The cemetery's oldest grave is William Hogart (c1777-1822).

Information from the Cushing family, owners of the island in the second half of the 20th century, dates the use of the cove on the east side of the island as a lobster pound to the 1850s. *Maine's Sea Fisheries* and the history of lobster pounds in Maine indicate the establishment of the lobster pound was probably closer to 1889 when Howard H. Trefethen established his wholesale lobster business.

Prior to 1880 lobstering in Maine was largely irrelevant to Maine's economy, ranking sixth in pounds landed behind cod, herring, mackerel, hake, and haddock. In the 1880s lobsters quickly became the most valuable catch in Maine's fisheries driven in part by the rise of Maine as a tourist destination and the ability to transport fresh lobster to urban markets. The lobster catch in Maine grew from 14 million pounds in 1880 to 25 million pounds in 1889. The value of the catch increased from \$269,000 in 1880 to \$574,000 in 1889. By 1900 the lobsters were Maine's most valuable catch worth approximately \$1 million dollars. As the value of the catch and demand for lobsters increased the number of lobsterman increased as well from less than 200 in 1876 to 3,304 in 1898. Lobster for delivery out of state was initially canned locally,

⁵ The *Maine Register or State Year-book and Legislative Manual* of 1889 indicates that Alpheus G. Sterling and Charles & Henry Trefethen were fish curers and fish wholesalers on House Island. Alpheus, the youngest son of John Starling, inherited the Starling family share of the island. In 1888 deeds indicate Alpheus sold the Trefethens the right to use the water in the eastern cove for a lobster pound. Other fisherman from the island include Henry Trefethen III's nephew George Trefethen, Jr. who sold dry, smoked and pickled fish at 6 Commercial Wharf. George's brother John Waterman Trefethen was a wholesale and retail dealer in fresh and pickled fish on the east end of Commercial Wharf in Portland.

but was quickly replaced by fresh shipment after 1885 with the development of lobster pounds along the coast.⁶

Lobstering in Maine was a seasonal business, with trapping occurring in March-July and October-December. The steady demand and seasonal supply resulted in low prices when lobsters were readily available and high prices when there were fewer lobsters available for market. In an effort to hold lobsters captive for sale out of season, a lobster pound was created in 1875 by Johnson & Young of Boston in a nine-acre bay along the coast of Vinalhaven, using a natural shoal with a wire fence across the top. By 1890, there were three lobster pounds in Maine, including the lobster pound on House Island. By 1898, the House Island lobster pound was one of nine pounds along the Maine Coast.

In 1889 Howard H. Trefethen, grandson of Henry Trefethen III, entered the wholesale lobster business becoming one of three principals in Holbrook, Trefethen & Harvey, wholesalers in live, boiled and pickled lobster on Long Wharf. A business journal notes in 1891 Holbrook, Trefethen & Harvey had a pound on the island. The pound was located in a cove on the east side of the island, now known as Lobster Pound Cove (See images). Two natural rock ledges were extended by a granite wall topped with a short weir to enclose the cove and create a containment pond for the lobsters. Historic photographs show a small gable building at the northern end of the wall. The fish house was likely used for the storage of lobster feed, for packing the lobsters, and for the storage of gear, usually nets or seines, used to harvest the lobsters from the pound. In the 19th century, Howard's cousin, Newell Fales Trefethen, continued the family's involvement with wholesale lobstering, operating a lobster business in Portland. He moved his lobster house, N.F. Trefethen Co. from Portland Pier to Customs House Wharf, building a two story lobster house.⁷ He also operated a lobster pound in South Bristol, Maine. His uncle, George Trefethen Jr worked with him at N.F. Trefethen Co.

Military Ownership, 1808-World War II

Second Systems Forts and the War of 1812

In 1807 the English ban on US trade with France and concerns in the United States over British aggression toward the country's coastal cities and sailing vessels prompted President Jefferson to renew the country's fortification program. Forts built during this period were known as second system forts. Second system forts were built with engineers from the US Military Academy at West Point, a corps program established in 1802 to cut the country's reliance on foreign engineering. Second system forts in Maine include: Fort Sullivan in Eastport (1808), Fort at Machias in Machiasport (1808), Fort Penobscot (1808), Fort at Castine (1808), Fort at Fort Island⁸ in Boothbay (1808), Fort Edgecomb (1808), Fort at Kennebec in Georgetown

⁶ O'Leary, Wayne. *Maine's Sea Fisheries: The Rise and Fall of a Native Industry, 1830-1890*. Boston: Northeastern University Press, 1996. Page 258.

⁷ See 1924 tax photo, Item No 86340.

⁸ Also known as Damariscotta Battery. The island is also known as Webber Island.

(1808), Fort at St. George (1808), Fort Scammell (1808), Fort Preble in South Portland (1808), and Fort McClary at Kittery Point (1808). In addition Fort Sumner in Portland (1794) was altered in 1808 with the addition of a brick gun house and water battery.

Fort Scammell was named in honor of Alexander Scammell (1747-1781), adjutant general of the Continental Army in the Revolutionary War. He was killed in action during the Battle of Yorktown. Construction of the fort was overseen by Henry Alexander Scammell Dearborn (1783-1851) a Portland lawyer and son of Major General Henry Dearborn. General Dearborn was a former Secretary of War and served in Alexander Scammell's regiment. Henry Dearborn acting as the Agent of Fortifications also oversaw construction in 1808 of Fort Preble across the harbor entrance in South Portland.

Fort Scammell initially consisted of a semi-circular fort. The fort overlooked the harbor entrance and was built of stone, brick, and sod a portion of the brick has been exposed (Image). In the center of the fort was the Powder Magazine. To the north of the magazine was an octagonal blockhouse. The block house had six guns located on the upper floor. The building was also used as a barracks. To the east of the blockhouse was a Brick Furnace to heat the shot before loading into the cannons. The fort was equipped with eleven 24 and 32-pounder mounted cannons. The rear (north) wall of the fort was a wooden stockade that bisected the wooden blockhouse.

In June of 1812 the United States declared war on England. Fort Scammell was garrisoned during the War of 1812 (1812-1814), but the fort's guns only fired once in August of 1813 on a British Privateer beyond Whitehead Passage. A month later in September 1813 a British Flag of Truce party landed at the Fort to negotiate for the release of British prisoners from the *HBM Brig Boxer* captured after a battle with the *US Brig Enterprize* off Pemaquid Point on 5 September 1813.

Near the end of the war in October of 1814 an exterior battery was completed on the north end of fort. The exterior battery was designed and engineered by Major Daniel Lane of the 33rd Regiment Infantry of Maine.⁹ The detached gun battery overlooked the northern end of the island and protected the rear of the fort from a landward attack.

Third Systems Forts

In 1816 Congress appropriated \$800K to improve the country's seacoast defensive system. Without the threat of war, construction projects moved slowly. Fort Preble and Fort Scammell were the only two Maine second system forts altered in the 1840s and 1850s. Fort Scammell was altered in the 1840s when earthen walls were extended east and west of the semi-circular fort for gun mounts. The walls were extended in the 1850s to encompass the gun battery. Forts built or altered after the War of 1812 are known as Third System forts. Third System forts are large brick or stone forts with multiple tiers of gun batteries built on promontories or on islands at choke points to important harbor entrances with earth covered batteries open to the

⁹ Information courtesy of Kenneth E Thompson, Jr.

rear and concrete magazines to store powder and ammunition. Third System forts in Maine include: Fort Knox in Prospect (1844-1869), Fort Popham in Phippsburg (1862-1870), Fort Gorges in Portland (1861-1870), New Fort Scammell (1862-1870), New Fort Preble in South Portland (1863-1870), and New Fort McClary in Kittery Point (1863-1870).

Thomas Lincoln Casey (1831-1896) was a West Point graduate, Class of 1852. He was assigned to the Corps of Engineers and taught engineering at West Point 1854-1859. In the 1860s he was assigned to Maine to oversee construction of Fort Knox, Fort Gorges, New Fort Scammell, and New Fort Preble. After the Civil War he was assigned to oversee construction on the Washington Monument 1879-1888. He served as the Chief of Engineers for the US Army Corps of Engineers 1888-1895 and was the engineer for the Library of Congress' Thomas Jefferson Building (1890-1897).

During the 1862 construction at Fort Scammell, a two-story granite bastion was built on the east side of the 1850s earthen walls and a one-story granite bastion was built on the west side near the end of the 1840s earthen wall extension. The enclosed bastions were equipped with 10-inch guns.¹⁰ Tunnels from the parade ground provide access the enclosed interior. A proposed granite bastion to the north was not built, although the tunnel from the parade ground was constructed. Typical of 19th century fortifications, each bastion was planned to have multiple tiers of casemates and a barbette tier on the top.

The granite for Fort Scammell was quarried on Mount Waldo and brought by stone sloops to the island. Wharves on the west side of the island were constructed for the off-loading of the granite, as was a stone cutting shed. Granite was unloaded and moved using block and tackle. Not only was the granite for Fort Scammell prepared on House Island, but also the granite for Fort Gorges and Fort Preble. A field of cut and uncut granite is extant just to the north of the stone wharf. A second field of granite is located the fort north of the east bastion. The granite blocks were moved from the cutting area by the wharf to the east bastion by way of a short narrow gauge railroad. A small area of narrow gauge tracks leading to the mixer have been uncovered.¹¹ A mound near the center of the parade ground is the remains of the foundation of a large concrete mixer. The mixer took 26 men to operate. Concrete was also brought onto the island in barrels. "A solidified chunk of concrete with the marking of wood barrel staves that have rotted away is located in the gallery of the East Battery."¹²

¹⁰ Although Third System forts generally have batteries open to the rear, similar to Fort Gorges and Fort Popham, Fort Scammell's batteries are enclosed. At Fort Scammell, tunnels were constructed to connect the interior of each battery to the parade ground in the center of the fort. Smoke produced by the firing cannons was vented through flues built into the walls.

¹¹ A group including members of the Coast Defense Study Group, Portland Harbor Museum, and Kenneth E Thompson, Jr. undertook to clear some of the overgrowth within and around the fort and uncovered a section of the tracks.

¹² From the Fort Scammell Tour published by Portland Discovery Land and Sea Tours, 2012.

By 1870 the fort was modified to accept 13-inch guns on barbette emplacements as well as at the top of the two granite bastions. In the mid 1860s the wooden blockhouse was removed and a large gunpowder magazine built near the tunnel entrance to the east bastion. Work on the fort was halted by a federal funding freeze on coastal defense projects in the late 1870s. With the abandonment of the construction of the North Bastion, construction at Fort Scammell relatively complete.

Endicott Period/ Board of Fortification: 1890-1910

In 1885 President Cleveland appointed a joint military and civilian board led by William Crowninshield Endicott, then Secretary of War, to assess the country's coastal defenses. The Board of Fortifications recommended a massive construction and modernization program with a focus on concrete fortifications and installation of large caliber breech loading artillery and mortar batteries with open topped concrete walls protected by earthworks. The program also included the use of mine fields, with smaller guns employed to protect the mine fields from mine sweeping vessels.

Spanish-American War

In 1890 Fort Scammell was altered to accommodate the larger 15-inch Rodman cannons and the east battery was used to control a minefield established in Whitehead Passage. In 1898 as a temporary measure, two old rebored 15-inch Rodman cannons were mounted on Fort Scammell on the east side of the fort. Despite this small improvement, Fort Scammell's days were drawing to a close. In 1903 the fort was listed as without armament and was not garrisoned. Although concrete bases for three-inch anti-aircraft guns were built on south and east batteries during World War One in 1918, no guns were installed.

Quarantine Stations& Immigration, 1892-1937

In the eighteenth and nineteenth centuries in order to prevent the entry and spread of infectious diseases, vessels suspected of having contagious diseases could be stopped and quarantined. Initially, this was done on a port by port basis, with no national control or oversight. New York's first quarantine station was built in 1758 on Bedloe's [Liberty] Island. In 1832, Little Hardwood Island, a small two-acre island in Passamaquoddy Bay was utilized to isolate ship passengers infected with cholera who were arriving at St. Andrews for settlement in Canada and northern New England. The island became known as Quarantine Island and Hospital Island. Hospital Island was used through the period of Irish immigration during the Potato Famine 1845-1852 and closed in 1865. The hospital and other buildings were destroyed by a storm in 1869. In 1879, the first nationally funded and operated United States Quarantine Station was built on Ship Island, Mississippi for the Port of New Orleans. The same year the Ship Island Quarantine Station was established, a second act established a National Board of Health to coordinate with local and state wide systems of quarantine.

In Maine in 1884, 15-acre Widow's Island off North Haven in Penobscot Bay became the site of a US Navy hospital for yellow fever patients. The hospital was functional 1885-1904, but never had a yellow fever patient. In 1904 after ownership was

acquired by the State of Maine, it was used by patients from Augusta Mental Health Institute and Bangor Mental Health Institute for recreation and was known as the Chase Island Convalescent Hospital.

At the end of the nineteenth century in Maine, smaller ports often had no quarantine anchorage, quarantine facility, or even quarantine laws or regulations. In 1896 there were no inspection stations in Castine, Eastport, Ellsworth, Waldoboro, Belfast, Rockland, Wiscasset, York and Kennebunkport.¹³ Larger ports like Bath and Bangor, had designated anchorages in the river for vessels suspected of possibly carrying infectious diseases and local laws outlining the procedures for inspecting vessels from foreign ports. A small vessel carrying the local health officer would board and inspect ships at anchorage. In Portland, like Bangor and Bath, a vessel would anchor in the harbor and the Public Health Officer would inspect the ships' crews and passengers for disease. Portland unlike other ports also had a quarantine facility.

The facility was built on land owned by the Federal Government on House Island that was part of the Fort Scammell Military Reservation and licensed to the Portland Board of Health in 1892 to use for quarantine purposes.¹⁴ The City of Portland built a one-and-a-half story cottage with a steam disinfecting chamber, a 30' x36' coal shed, two steam boilers in a boiler house, and a pier on wood pilings. The wood framed cottage was 36' x 78' with a monitor roof and two cupolas. Inside there were two 10'x48' corridors for packing and unpacking baggage. There were six 10' x8' rooms with bathtubs and attached dressing rooms. Water came from a small pond on the hill behind the station and was fed by gravity into a cistern. During inspection, immigrants were stripped and their clothes run through the steam room to disinfect while they bathed. As part of the steam process, heat from the steam was vented to dry the clothing before it was returned to the newly bathed immigrants. Persons that needed to be retained were housed in an old house on the island or in the ordinance building inside the fort. A watchman lived on the island, but the Public Health Officer would be brought out to the island by steamer. In 1895, 415 immigrants passed through the inspection and quarantine station.¹⁵

In 1896 at the urging of western states, particularly Michigan, and with the approval of the City of Portland, Congress authorized the takeover of the Portland Inspection and Quarantine Station at Fort Scammell. They appropriated \$12,000 for its purchase and maintenance that year, although records indicate they may not have

¹³ _____. *Report of the Federal Security Agency: Public Health Service*. Washington, DC: US Government Printing Office, 1896.

¹⁴ _____. *United States Military Reservations, National Cemeteries, and Military Parks*. United States Army, office of the Judge Advocate General, Charles Edward Hay Jr. US Government Printing Office, 1904. Deed from John Green Walden (c1758-1822) and wife to the United States dated February 29, 1808, conveying 12 acres of land. Deed recorded Book 53, Page 531 in the Cumberland County Registry of Deeds.

¹⁵ _____. "Portland" *Annual Report of the Supervising Surgeon General of the Marine Hospital Services*. Washington, DC:US Government Printing Office, 1896.

assumed full control of the inspection station until January of 1902.¹⁶ In 1904 one hundred steamers with 1,342 passengers were inspected. In an article in the *Journal of Medicine and Science*, the medical officer in command of the United States Hospital, Quarantine and Immigration Station at Portland, P.C. Kalloch, described the need for a barracks capable of holding 150-200 immigrants, a small hospital, and a residence for doctors and staff on House Island. Until 1905, the north end of the island had been in continuous use for fishing and fish curing. The north end of the island was purchased by the United States from the Sterling and Trefethen heirs. In 1907 the small wood framed barracks for about 50 people, the Public Health Officer's Residence and the Quarantine Hospital were completed. A beehive pump station over a 270-foot deep well to supply water to the barracks was also completed during this period of construction. The pump was powered by a windmill that was removed in the 1970s.

In 1913 a federal subcommittee of the House Appropriations Committee heard testimony for the need of a "fire proof" building for detaining 500 immigrants at the US Hospital, Quarantine and Immigration Station on House Island. The need for expansion of the US Hospital, Quarantine and Immigration Station on House Island to increase detention capacity was in part affected by early 20th century immigration laws. Congress passed the 1917 Immigration Act on 5 February 1917 to restrict the immigration of undesirable immigrants from other countries, including any persons with tuberculosis, any form of contagious disease, a disability restricting them from earning a living in the United States or any "idiot, imbecile, epileptics, alcoholics, poor, criminal, beggars, polygamist, or anarchist."¹⁷ The act established a literacy test for immigrants and the requirement for medical examinations before entering the country. In 1920 a second Detention Barracks was built to the east of the Small Barracks. It had a capacity for 592 people.¹⁸ It was torn down in 1962, although the remains of the foundation are still visible.

The Emergency Quota Act 1921 was passed by Congress to temporarily limit the number of immigrants into the United States. The law imposed quotas based on the country of birth. Allowable quotas for each country were calculated at three percent of the total number of foreign-born persons from that country recorded in the 1910 United States census.¹⁹ The Act was superseded in 1924 by the Johnson-Reed Act which limited the number of immigrants allowed into the United States to two percent of the total number of people of each nationality living in the United States as of the 1890 national census.

¹⁶ _____. *Report of the Federal Security Agency: Public Health Service*. Washington, DC: US Government Printing Office, 1904.

¹⁷ Tucker, Davis and Jessi Creller. "Summary of the 1917 Immigration Act" The University of Washington-Bothell Library website.

http://library.uwb.edu/guides/usimmigration/1917_immigration_act.html

¹⁸ _____. *Fort Scammell Tour*. Portland: Portland Discovery Land & Sea Tours, 2012.

¹⁹ Barrientes, Brenda "Summary of the 1921 Emergency Quota law; An Act to limit the immigration of Aliens into the United States" The University of Washington-Bothell Library website. http://library.uwb.edu/guides/usimmigration/1921_emergency_quota_law.html

In the 1920s, the Portland station was largely used as an overflow station for the ports of Boston and New York. In November of 1923 the ships *President Polk* and *George Washington* were diverted to Portland from New York and 218 immigrants from those ships were quarantined at the station. The station was abandoned in the winter of 1923. In 1937 the US Hospital, Quarantine and Immigration Station on House Island was officially closed and offered for sale.

Navigation

In the early 20th century, a shoal about 60 yards off the north end of the island was marked by House Island Light.²⁰ A shoal with 14-17 feet of water over it extends from House Island into Diamond Island Roads, the anchorage for vessels waiting for inspection. In 1906, at the time of development of the island by the United States government, a black spar buoy off the north end of the island at the easterly entrance to Diamond Island Roads anchorage was added.²¹ Known as House Island Buoy 1, it was discontinued in 1982.²² In 1914 lights were added to the navigational markers on the island.

The south end of the island is now marked by Fort Scammel Point Light 2, a 35' high triangular red daymark on a skeleton tower. On the north end of the island is House Island Light 3 with a square green daymark on a skeleton tower 20' above water and a House Island Buoy, a green can buoy, at N 43°39' 22.408" and W 70°12'20.221".²³

Private Ownership, 1950-present

At the end of World War II Fort Scammel was sold to Navy Captain Lincoln King, ret. for \$1200 in 1948. King wanted to sell the fort's granite to the US Army Corps of Engineers for a planned breakwater from the shore of South Portland to Spring Point Light. Hilda Cushing of South Portland wanted to see the fort preserved and was quoted as saying, "You can't have tomorrow without today."²⁴ She purchased the southern half of the island from King in 1954. In 1955 she purchased the remainder of the island which was then owned by Stanley Pettengill. Her family owned the island until 2014.

²⁰ United States Coast Pilot: The Atlantic Coast. US Coast & Geodetic Survey. US Government Printing Office, 1911.

²¹ "Maine-Portland Harbor Buoyage" *The Canada Gazette*. Ottawa. Saturday August 25, 1906. Page 435.

²² _____. "150 Bouys in use along Maine Coast to be discontinued by Coast Guard". *Bangor Daily News*. April 1, 1982

²³ _____. *Light List, Volume 1 Atlantic Coast: St Croix River, Maine to Shrewsbury River, New Jersey*. US Department of Homeland Security, United States Coast Guard. US Government Printing Office, 2014.

²⁴ Gratwick, Harry. *The Forts of Maine: Silent Sentinels of the Pine Tree State*. Charleston, SC: The History Press, 2013. P.55

ARCHITECTURAL DESCRIPTIONS

House Island is an hourglass shaped island, with the north and south ends of the island connected by a narrow ridge dropping off to semicircular beaches on the east and west sides of the island. The island is characterized by a zone of exposed bedrock around the shoreline with sand beaches on either side of the narrow ridge connecting the two halves of the island, a small sandy beach to the east of the Public Health Officer's Residence and by the former Starling and Trefethen Wharves on the north east side of the island. Like most small coastal islands, the surface of the island has a thin layer of topsoil with bedrock either bare or close to the surface. Exposed bedrock is particularly predominate on the south half of the island. The south half of the island is dominated by Fort Scammell. The cut granite exteriors of the east and west battery are connected by the earth covered magazines and exterior walls of the south battery and unfinished site of the north battery. The fort is centered around a roughly rectangular parade ground that is entered through a sally port on the west side of the island. To the west of the fort is a stone wharf, the remains of a second wharf, the site of the 1892 Portland Inspection Station, and the remains of the stone cutting yard and the partial foundations of the stone work house. On the north end of the island are three wood framed structures associated with the former United States Hospital, Quarantine and Immigration Station, used as seasonal residences and for private functions in the second half of the twentieth century. Primary access is via a dock on the west side of the island. The various resources on the island are connected by mown trails.

Small Detention Barracks (1907)

Map Location C, contributing

Located at the north end of the island is the small detention barracks constructed in 1907. The one-and-one-half story, rectangular shaped wood-frame building was constructed in the Acadian Revival style. The barracks is eight bays wide and two bays deep and is capped by a hipped roof featuring a flared eave projecting out over the facade and each elevation. The flared eave is a character-defining feature of the Acadian Revival style as is the raised foundation and steeply pitched hipped roof. The soffit is open with decorative rafters exposed. The roof is sheathed with asphalt shingles. The barracks is constructed on a rough-cut, un-coursed granite foundation. A wood water table caps the foundation. The walls of the barracks are clad with wood shingles.

The principal southeast facade features a slightly projecting center gable over a four-bay wide by one-bay deep entry bay. The southeast facade of the entry bay features four tall window openings, reading from south to north (left to right) the southernmost opening is infilled by a stacked three-light window, the next opening features a nine-over-nine double-hung wood sash, next is a six-over-six double-hung wood sash window with a three-light transom and the last opening is a six-over-six double-hung wood sash window with a three-light transom as well; however the muntins and frame of the last transom are considerable lighter than that to the south. A single multi-light wood entry door is located on the north and south elevations of the entry bay. A band of three one-over-one double-hung sash replacement windows are located in the gable above. Two six-over-six double-hung wood sash windows are located to the north and south of the entry bay. A simple wood surround highlights each door and window opening. Each window has a slightly projecting wood sill. A brick chimney pierces the southwest roof plane to each side of the central gable.

The north and south elevations feature two six-over-six double-hung wood sash windows with a single-light foundation opening below each window. Like the windows on the facade, the openings feature a simple wood surround with a slightly projecting wood sill. Centered above on the plane of the roof is a single hipped roof dormer. The dormer features a flared eave and exposed rafters like the principal hip. A six-over-six double-hung wood sash window provides light to the interior.

The rear (northwest) elevation features a centrally located sliding glass door with a ten-light transom above and three, six-over-six double-hung wood sash windows to each side. Two, hipped roof dormers are located on the roof plane above. Each dormer features an overhanging flared eave and exposed rafters as well as a six-over-six double-hung wood sash window. A slender brick chimney pierces the roof plane to the south of the south dormer. Historic images of the island show that a chimney was located to the north of the north dormer. A full-width wood deck is located along the northwest elevation. A central wood stair provides access to the deck. A simple wood balustrade wraps the deck above and wood lattice is located below.

Large Detention Barracks (1920) ruins only

Map Location D, contributing

Located east of the small detention barracks are the deteriorated and partial remnants of the one-story large barracks constructed in 1920. The barracks was constructed of brick laid in a six-course common bond on a poured concrete foundation. The barracks was razed in 1962.

Public Health Officer's Residence (1907)

Map Location H, contributing

Located to the southeast of the small detention barracks is the public health officer's quarters constructed in 1907. The one-and-one-half story, t-shaped wood-frame building was constructed in Dutch Colonial Revival style with Acadian Revival style influences. The residence is three bays wide and two bays deep and is capped by a side gable gambrel roof featuring a flared eave projecting out over the facade and each elevation. The upper plane of the roof is sheathed with asphalt while the lower plane is sheathed with wood shingles. The residence is constructed on a rough-cut, un-coursed granite foundation. A wood water table caps the foundation. The walls of the residence above are clad with pebbled dash.

The principal west facade features a projecting one-story entry porch centered on the facade. The roof of the porch is supported by classically inspired wood columns resting on wood plinths. Wood steps provide access to the porch. Access is gained through a multi-light wood door flanked by eight-light sidelights. A single 6/6 double-hung wood sash window is located to each side of the entry porch. The windows feature a simple wood surround and slightly projecting wood sill. Historic images of the quarters show the sash were originally six-over-two. A four-light foundation window is centered below each of the first floor windows. A nearly full-width shed roof dormer is located across the lower roof plane on the facade. The dormer features a centered paired six-over-six double-hung wood sash with a single six-over-six double-hung wood sash located to each side. Historic images of the quarters show the paired sash of the dormer were originally a multi-light diamond patterned sash over two-lights and like the first floor, the single six-over-six were historically six-over-two-lights. An interior brick chimney pierces the ridge of the roof to the north of center and an exposed exterior end-wall chimney is located on the south elevation.

A raised one-story wrap-around porch is located at the southeast corner of the south elevation and continues down along the east (rear) elevation. The flat roof of the porch is supported by classically inspired wood columns resting on wood plinths. Wood steps provide access to the porch at the southeast corner of the porch. A paired multi-light French door at the east end of the south elevation provides secondary entrance to the building. The exposed brick chimney stack is located to the west and a single six-over-six double-hung wood sash window is located at the west end of the foundation. A six-over-six double-hung wood sash window is located to each side of the chimney stack in the gable above.

The north elevation features two six-over-six double-hung wood sash windows on the first floor with a window stacked above each opening in the gable. A semi-circular window is located above near the gable peak.

The rear (west) elevation features a two-story centrally located projecting gable with a shed roof dormer to each side. Additionally, a one-and-one-half story rear-ell projects out to the east. An advertisement in 1915 requested services to construct a boiler room and laundry, although no building is mentioned, it appears as though the one-and-one-half story ell may have been added on after the initial construction in 1907. The ell is two-bays wide and one bay deep and is capped by a gable roof featuring a flared eave. The plane of the roof is sheathed with asphalt while the gable end is clad with wood shingles. The ell is constructed on a rough-cut, un-coursed granite foundation with a wood water table capping the foundation. The walls of the ell, like the residence, are clad with pebbled dash. An inset entry is located at the northeast corner of the ell. The windows of the ell are smaller in scale than the principal block.

Quarantine Hospital(1907)

Map Location I, Contributing

Located south of the Public Health Officers Quarters, the Quarantine Hospital was constructed in 1907 in the Acadian Revival style. The hospital is a four bay wide and two bay deep, one-story rectangular shaped wood-frame dwelling which is capped by a hipped roof featuring a flared eave projecting out over the facade and each elevation. The flared eave is a character-defining feature of the Acadian Revival style. The soffit is open with rafters exposed. The roof is sheathed with asphalt shingles. The hospital is constructed on a rough-cut, un-coursed granite foundation. A wood water table caps the foundation. The walls of the hospital are clad with wood shingles.

The principal north facade features a central entry flanked by six-over-six double-hung wood sash windows with a secondary entrance located to the west. Both openings features a single-light and wood panel entry door with a transom above and a wood screen door. A single light wood transom is located over the central entry and a three-light transom is located over the entry to the west. A simple wood surround highlights each door and window opening. Each window has a slightly projecting crown and wood sill. A slender brick chimney rises from the east end of the roof. Two slender metal vents pierce the north roof plane to the north and west of the chimney. A set of wood stairs and a wood deck provides access to both entries. A simple wood railing wraps the deck.

The west elevation features two six-over-six double-hung wood sash windows with a single-light foundation opening below each window. Like the windows on the facade, the west

elevation openings feature a simple wood surround with a slightly projecting crown and wood sill. Wood flower boxes are located below the sill.

The rear (south) elevation features four six-over-six double-hung wood sash windows symmetrically aligned across the elevation. A small wood frame opening (boarded over) is located between the two western most window openings. The sill of the small opening is level with the meeting rail of the primary windows. A slender brick chimney pierces the roof at the west end of the roof.

Starling/Trefethen's Wharves, (c1823)

Map Location B, Contributing

Three foundations of the former wharves used by the Starling and Trefethen families are located just off the northeastern shore of the island. The rectangular wharf bases are comprised of small cut and uncut stones. Historically the wharves were extended by wood pilings and wood framed piers. One and two story wood framed fish houses were located on the wharves for the processing of fish.

Old Wharf(1862)

Map Location E, Contributing

The foundations of an old wharf are located just off shore to the west of the Small Detention Barracks. The wharf base is composed of uncut stones.

Beehive Well Head(1907)

Map Location F, Contributing

To the west of the Public Health Officer's House is a domed brick structure covered in concrete parging. The domed structure covers a fresh water well.

Dock(early 20th century, improvements 1950s)

Map Location G, Contributing

The actively used dock is largely comprised of wood pilings supporting a long wood wharf with floating docks on the northwestern end for loading and unloading vessels. At the shore end of the dock, stone cribbing is located between the pilings. To the south of the dock is a flat sandy beach for barge landings.

Lobster Pound Cove and Foundation of Lobster Pound (1889)

Map Locations J & K, contributing

To the east side of the narrowest point of land between the south and north ends of the island lies Lobster Pound Cove. The semicircular shaped cove has a sandy beach that resolves into rock ledges at the outermost edges of the cove. A natural barrier of ledge extends from the northern edge of the cove into the water. A barrier of cut granite stones connects the ledge barrier to the ledge on the south side of the cove. The stone fill is visible at low tide, but submerged at high tide. The barrier stones are the remains of Trefethen's lobster pound. The stone barrier and ledges were topped by a wood weir. Historic photos indicate a one-story gable roof fish house was located the north end of the enclosure, although no remains of the fish house are apparent in aerial images.

Cemetery (1822)

Map Location L, Contributing

A small cemetery is located at the north eastern end of the south section of the island overlooking Lobster Pound Cove. The cemetery is bounded in part by a low wall and picket fence. The cemetery has a few stones. Approximately twenty-two burials are located in the cemetery.

Old Wharf/Stone Cribbing (1850s)

Map Location M, contributing

A natural ledge on the west side of the island is topped by the remains of an old wharf with rough and cut stones. The remaining stones are largely below the water at high tide. To the south of the remains of the old wharf are piles of cut granite stones scattered across the rocky shore.

Site of Stone Cutting Shed and Granite cutting area (1850s)

Map Location N, Landmark

Between the remains of the old wharf and a wharf of cut granite stones lies an area composed of piles of stacked rough cut granite, finished granite stones, and cast-off waste stones. At the south end of the area is a stacked granite foundation, possibly the foundation of the former Stone Cutting Shed.

Granite 'Engineer's' Wharf (1850s)

Map Location O, Landmark

The wharf structure on the west shore of the fort is composed of blocks of large cut granite. The granite perimeter stones curve out from the juncture with the shore and a recessed cut is located on the north side of the wharf. The interior of the wharf is paved with small granite pavers. The pavers have deteriorated with the growth of organic materials between the stones. The western end of the wharf has a deteriorated raised wooden platform and is used for the storage of lobster traps. Large wood bumper pilings are located along the perimeter of the water side of the wharf.

Site of Portland Inspection Station (1892)

Map Location P, Contributing

The site of the former 1892 inspection station is located between the entrance to the fort and the granite wharf. The area is overgrown, except for the mown path with outcroppings of ledge.

Fort Scammell

Fort Scammell was originally built as a semi-circular stone, brick and sod fortification facing Casco Bay and the entrance to Portland Harbor in 1808. In 1814 a single exterior battery was built to the rear of the fort overlooking the north end of the island. In the 1840s and 1850s semi-circular fortification was extended by earthen walls on the right and left flanks and finally to the rear to incorporate the exterior battery and enclose a much larger area. During the Civil War and shortly thereafter, the fort was expanded and rebuilt. The major changes of the new construction include the two granite block bastions (east bastion and west bastion) on the east and west sides of the island, the parade ground, and the great magazine. A planned north bastion was never completed.

Sally Port (1850s)

Map Location Q, Landmark

Fort Scammell, like most nineteenth century forts, is entered through a sally port. The segmentally arched and vaulted passage originally contained heavily timbered doors which were held by the large iron pins on the outside of the archway. The sally port is flanked on both sides by earthen bomb proofs. A band of square granite pavers is located at the outermost opening in the sally port.

Parade Ground (1850s, altered 1862)

Map Location R, Landmark

Fort Scammell includes a centrally located parade ground. A mound near the center of the parade ground is the remains of the foundation of a large concrete mixer. The parade ground was larger before the fort was expanded and rebuilt in the 1860s and 1870s. Openings around the parade ground lead via tunnels to powder magazines and the gun emplacements.

1808 Fort aka South Bastion (1808, altered 1862)

Map Location S, Landmark

The earthen walls of the South Bastion have been partially excavated to reveal a section of the stone and brick walls of the south battery constructed in 1808. Approximately 80% of the 150-foot brick wall has been exposed to reveal 25 courses of tapered and curving brick atop a fieldstone foundation secured to a granite outcropping. The exposed brick walls of the fort were whitewashed. The walls were whitewashed to make it evident to enemy vessels that the harbor was defended. A World War I anti-aircraft gun emplacement is located on top of the South Bastion.

1814 Exterior Battery (1814)

Built to defend the rear (north) of the 1808 fort from a land invasion on the north end of the island. A portion of the battery has been incorporated into the 1840s and 1850s expansion of the fort and survives.

West Bastion (1862)

Map Location T, Landmark

A one-story granite block bastion was constructed in 1862 along with the two-story granite block east bastion. The granite casemates of both bastions face Casco Bay. The west bastion was originally designed to have two levels of casemates while the east bastion was designed for three; however, the west bastion was only completed to the first level of casemates and the east bastion was completed to the second level. Each bastion contains a series of arched and enclosed casemates with heavily vaulted ceilings to support the gun platforms above. The barbette tier (top) parapets were added in the late 1860s.

East Bastion (1862)

Map Location U, Landmark

A two-story granite block bastion was constructed in 1862 along with the one-story granite block west bastion. The granite casemates of both bastions face Casco Bay. The east bastion was designed to have three levels of casemates while the west bastion was designed with two; however, the east bastion was only completed to the second level of casemates and the west bastion was completed to the first. Each bastion contains a series

of arched and enclosed casemates with heavily vaulted ceilings to support the gun platforms above. The barbette tier (top) parapets were added in the late 1860s.

Great Magazine (1870s)

Map Location V, Landmark

Along the southeast side of the parade ground and over the site of the 1808 blockhouse a large central magazine or Great Magazine was built in 1870. The magazine was used as the central storeroom for ammunition.

House Island Light 3 (late 20th century)

Map Location A, non-contributing

House Island Light 3 is located on the north end of the island. A square green day mark is mounted 20 feet above the water on a skeleton tower resting on a concrete base fixed to a rocky ledge.

Fort Scammel Point Light 2 (late 20th century)

Map Location W, non-contributing

Fort Scammel Point Light 2 is located on the south end of the island. A triangular red day mark is mounted 35 feet above the water on a skeleton tower resting on a concrete base fixed to a rocky ledge.²⁵

Flagpoles

A flagpole is located atop the western battery. A second flagpole is located outside the Public Health Officer's Residence. Additional smaller flag poles are located on the dock and on the deck of the Quarantine Hospital.

²⁵<http://me.usarbors.com/harbor-guide/portland-harbor#sthash.F8IKC8ke.dpuf>

INDEX OF RESOURCES

Map ID	Resource Name	AYB	Level of Significance
A	House Island Light 3	Late 20 th Century	Non-Contributing
B	Starling/Trefethen Wharf 1	Circa 1823	Contributing
	Starling/Trefethen Wharf 2	Circa 1823	Contributing
	Starling/Trefethen Wharf 3	Circa 1823	Contributing
C	Small Detention Barracks	1907	Contributing
D	Large Detention Barracks	1920	Contributing
E	Old Wharf	unknown	Contributing
F	Well Head	1907	Contributing
G	Dock	Early 20 th Century	Contributing
H	Public Health Officer's Residence	1907	Contributing
I	Quarantine Hospital	1907	Contributing
J	Lobster Pound Cove	Circa 1889	Contributing
K	Lobster Pound Foundations	Circa 1889	Contributing
L	Cemetery	1822-2008	Contributing
M	Old Wharf/Stone Cribbing	1850s	Contributing
N	Site of Stone Cutting Shed	1850s	Landmark
O	Granite "Engineer's" Wharf	1850s	Landmark
P	Site of Portland Inspection Station	1892	Contributing
Q	Sally Port	1850s	Landmark
R	Parade Ground	1850s (1862)	Landmark
S	South Bastion & Site of 1808 Fort/exposed wall	1808 (1862)	Landmark
T	West Bastion	1862	Landmark
U	East Bastion	1862	Landmark
V	Great Magazine	1870	Landmark
W	Fort Scammell Light 2	Late 20 th Century	Non-Contributing
X	Earthen Walls	1840s- 1850s	Landmark
Y	Concrete mixer, granite foundation stones & narrow gauge rails	1850s- 1860s	Landmark

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Deed from John Green Walden and wife to the United States. Book 53, Page 531. 1808.

Deed from George Trefethen to United States of America. Book 747, Page 293. 1904.

Deed from George Trefethen and others to United States of America. Book 748, Page 247. 1904.

Deed from the United States of America to Lincoln King. Book 1916, Page 458. 1948.

Deed from the War Assets Administration to Stanley Pettengill. Book 2182, Page 53. 1954.

Deed from the Lincoln King to Hilda Cushing. Book 2210, Page 416. 1954.

Deed from Stanley Pettengill to Hilda Cushing. Book 2231, Page 415. 1955.

House Island, Portland, ME
Analysis of Eligibility as a
Local Historic District
Revised 6 October 2014

Other Collections:

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Indian Graves, Burying Ground that Was Discovered on House Island. Files at Greater Portland Landmarks. Undated.

NOAA's Historic Fisheries Collection.

**House Island, Portland, ME
Analysis of Eligibility as a
Local Historic District**

Appendix C - Extant Images



2012 photo by Max Yeston, Greater Portland Landmarks

Small Detention Barracks (1907) *Map Location C, Contributing*



2013 photo, Greater Portland Landmarks

Remains of the Large Detention Barracks (1920) Map Location D, Contributing



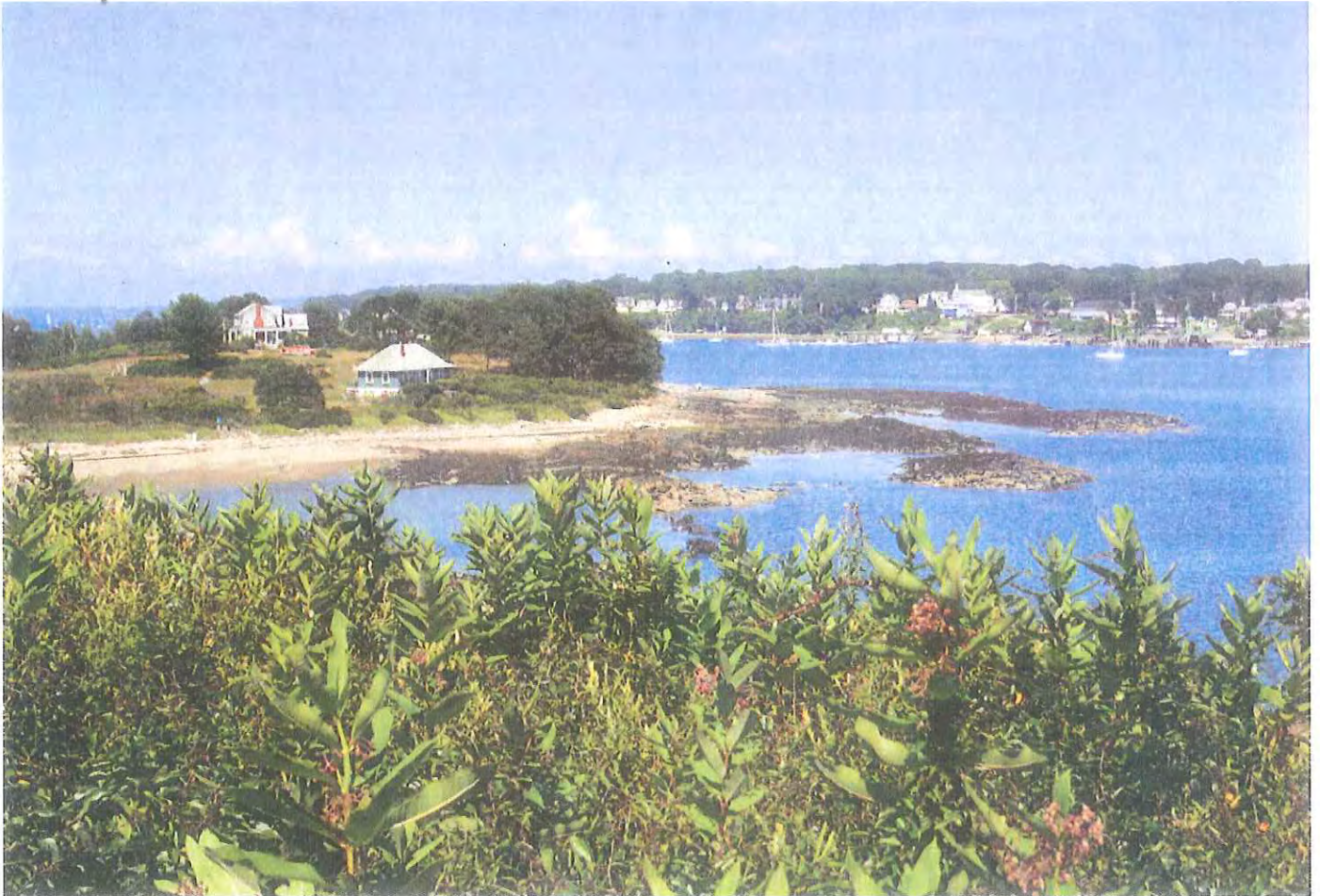
2012 photo by Max Yeston, Greater Portland Landmarks

Public Health Officer's Residence (1907) *Map Location H, Contributing*



2012 photo by Max Yeston, Greater Portland Landmarks

Quarantine Hospital (1907) *Map Location I, Contributing*



2013 photo, Greater Portland Landmarks

Lobster Cove (c1889) *Map Location J, Contributing*



2013 photo, Greater Portland Landmarks

Old Wharf/Stone cribbing and Remains of Granite Stones (1850s) *Map Location M, Contributing*



2013 photo, Greater Portland Landmarks

Granite "Engineer's" Wharf (1850s) *Map Location O, Landmark*



2013 photo, Greater Portland Landmarks

Sally Port (1850s) *Map Location Q, Landmark*



2013 photo, Greater Portland Landmarks

Parade Ground Looking North (1850s, 1862) *Map Location R, Landmark*



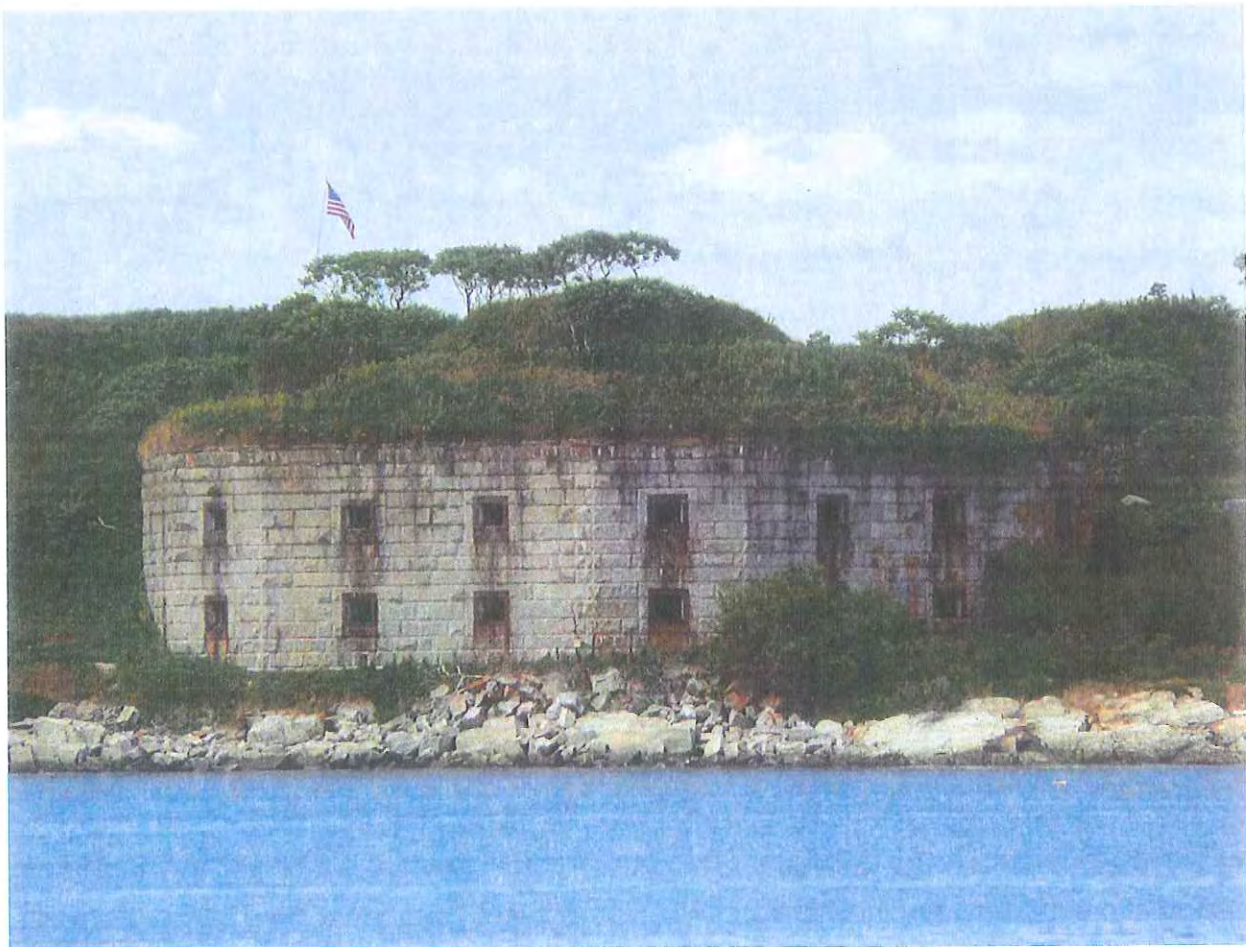
2013 photo, Greater Portland Landmarks

1808 Wall, South Battery (1808, 1862) *Map Location S, Landmark*



2012 photo by Max Yeston, Greater Portland Landmarks

West Bastion (1862) *Map Location T, Landmark*



2012 photo by Max Yeston, Greater Portland Landmarks

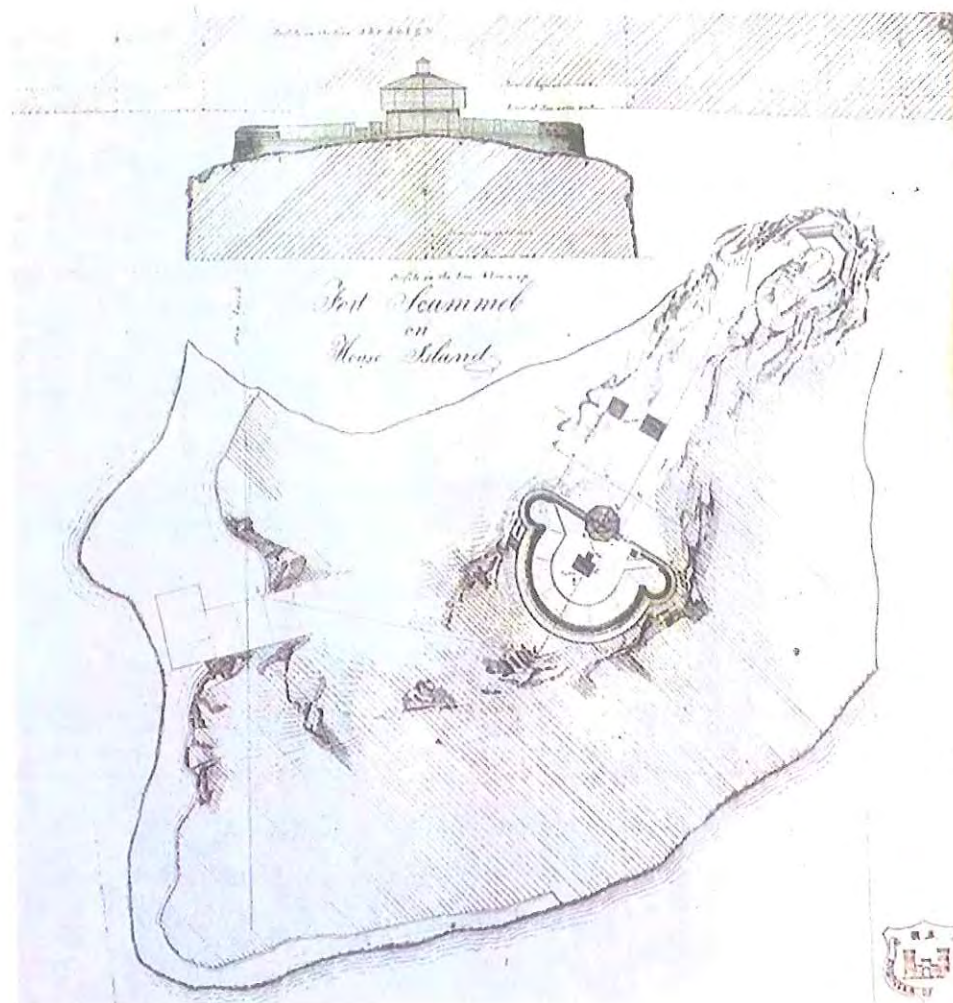
East Bastion (1862) *Map Location U, Landmark*



Image of partially exposed wall of the South Bastion. Courtesy of Kenneth E. Thompson, Jr.

**House Island, Portland, ME
Analysis of Eligibility as a
Local Historic District**

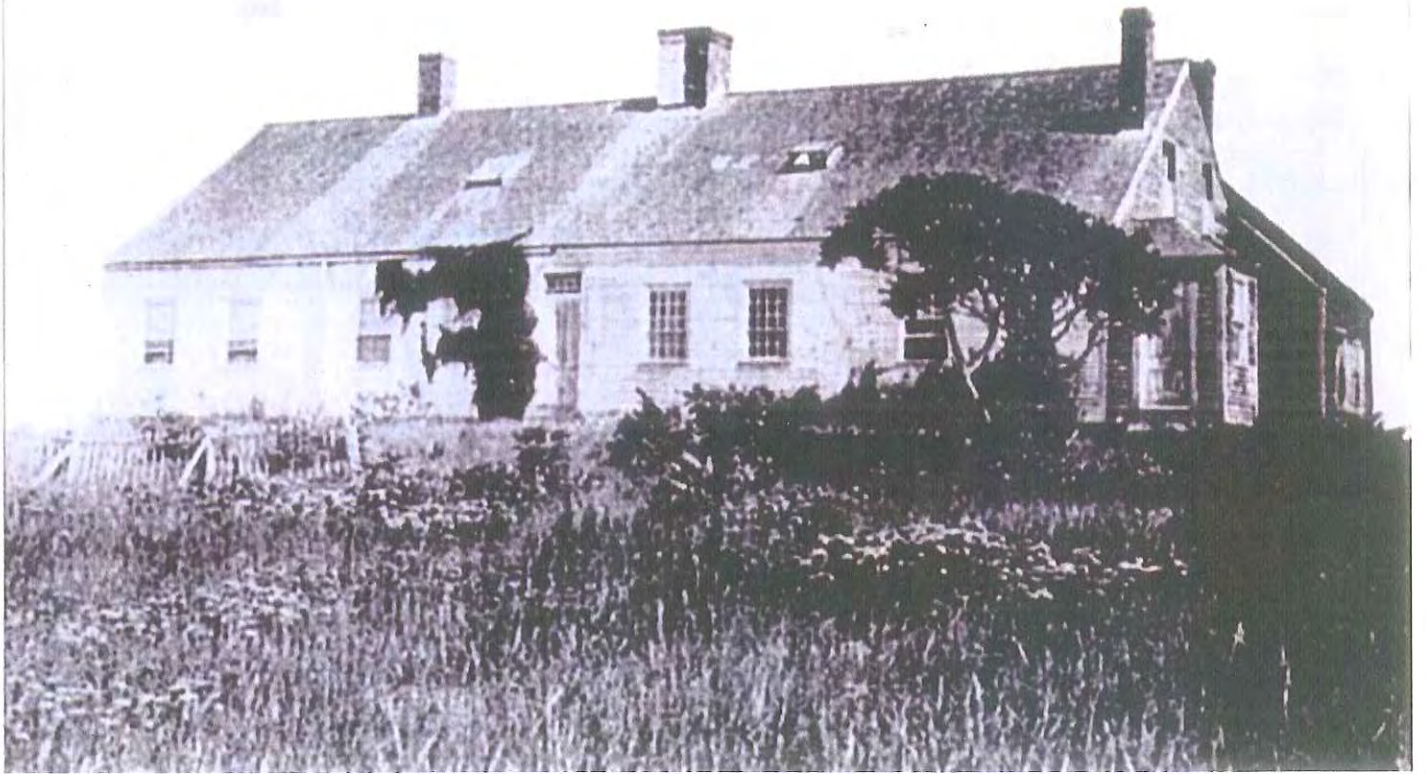
Appendix B - Historic Images



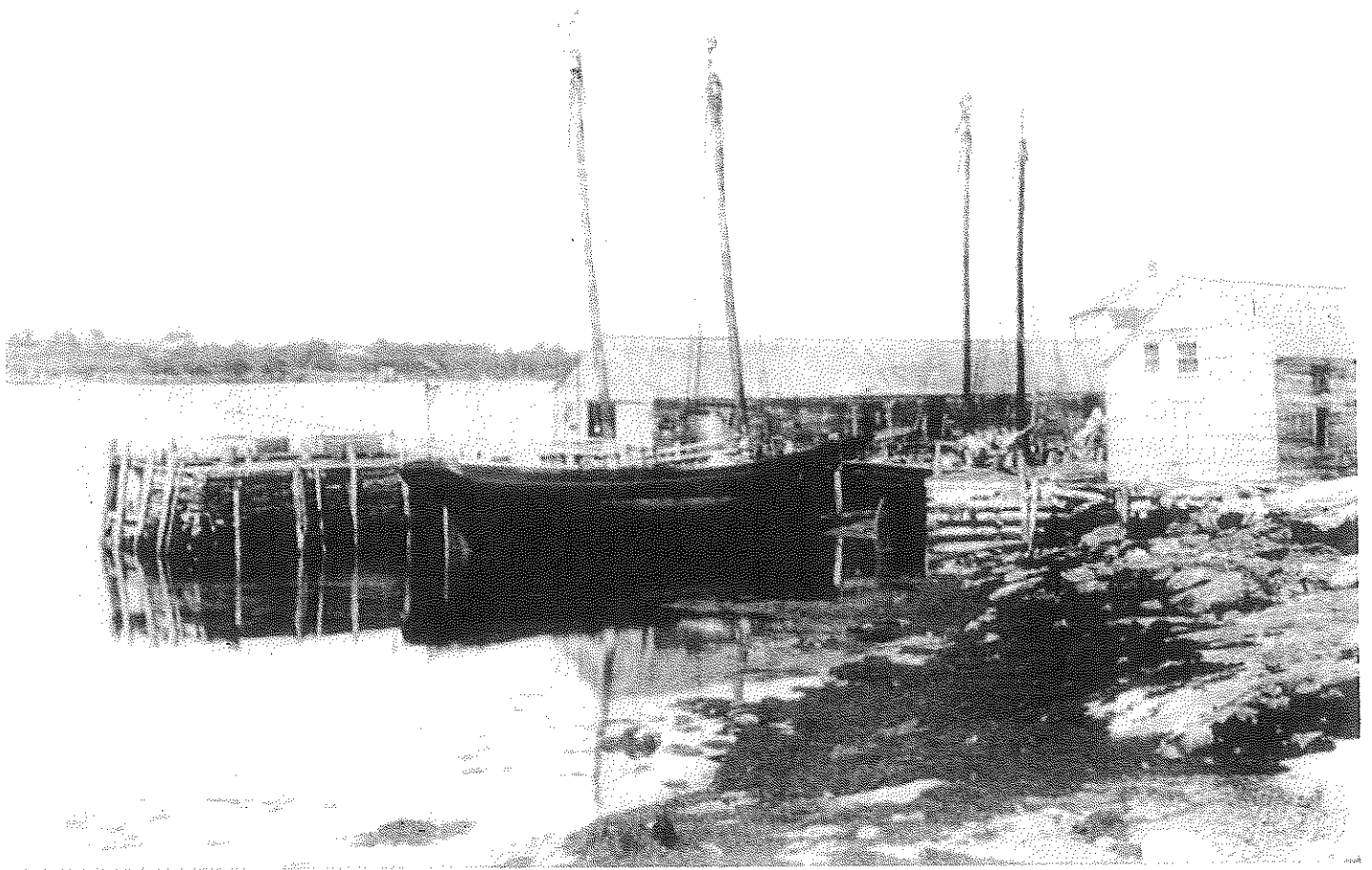
1808 Plan of Fort Scammel on House Island



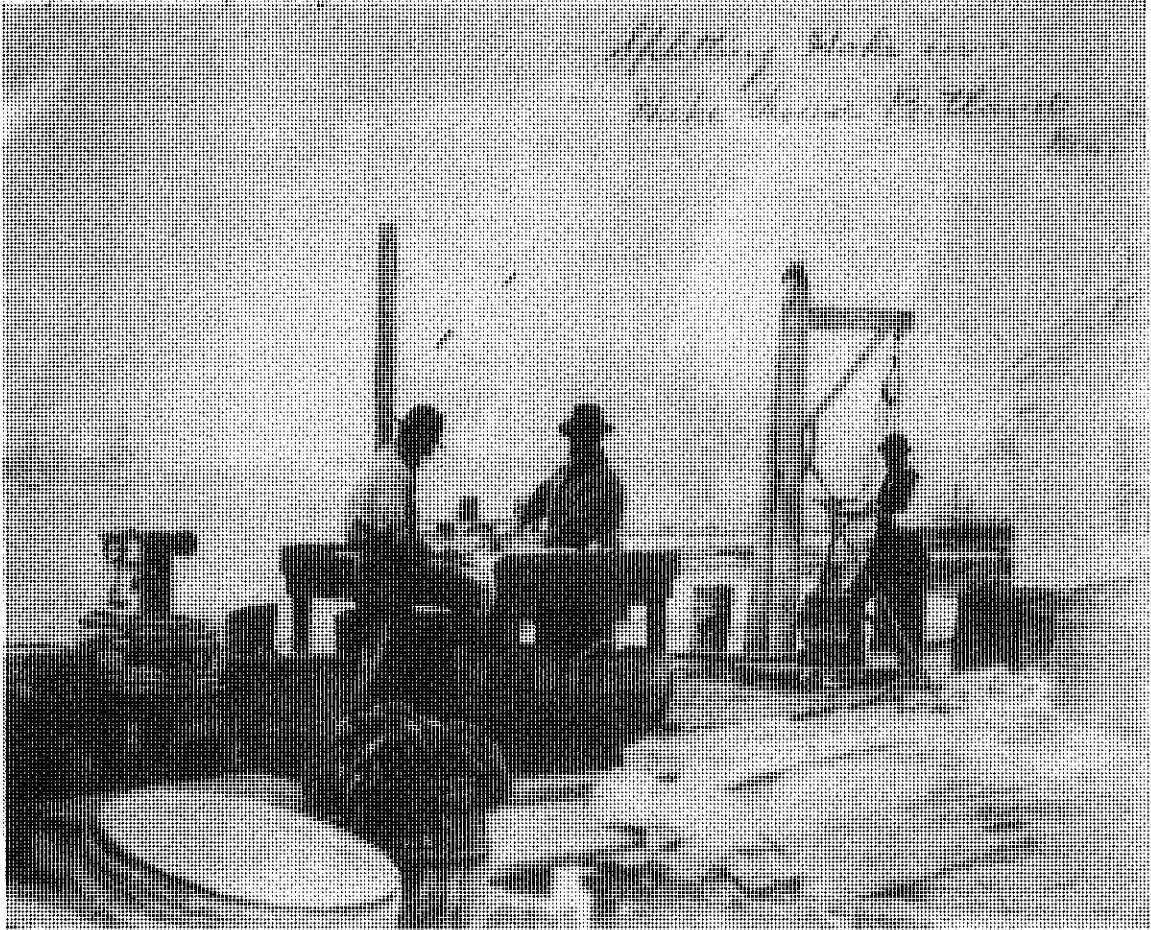
House Island in the nineteenth century from *New England Magazine: An Illustrated Monthly*, Vol.14.



Dwelling on House Island from *The Casco Bay Islands, Maine* by Ruth S Sargent.



Fish Houses and wharves on House Island from *The Casco Bay Island: 1850-2000* by Kimberly E MacIsaac.



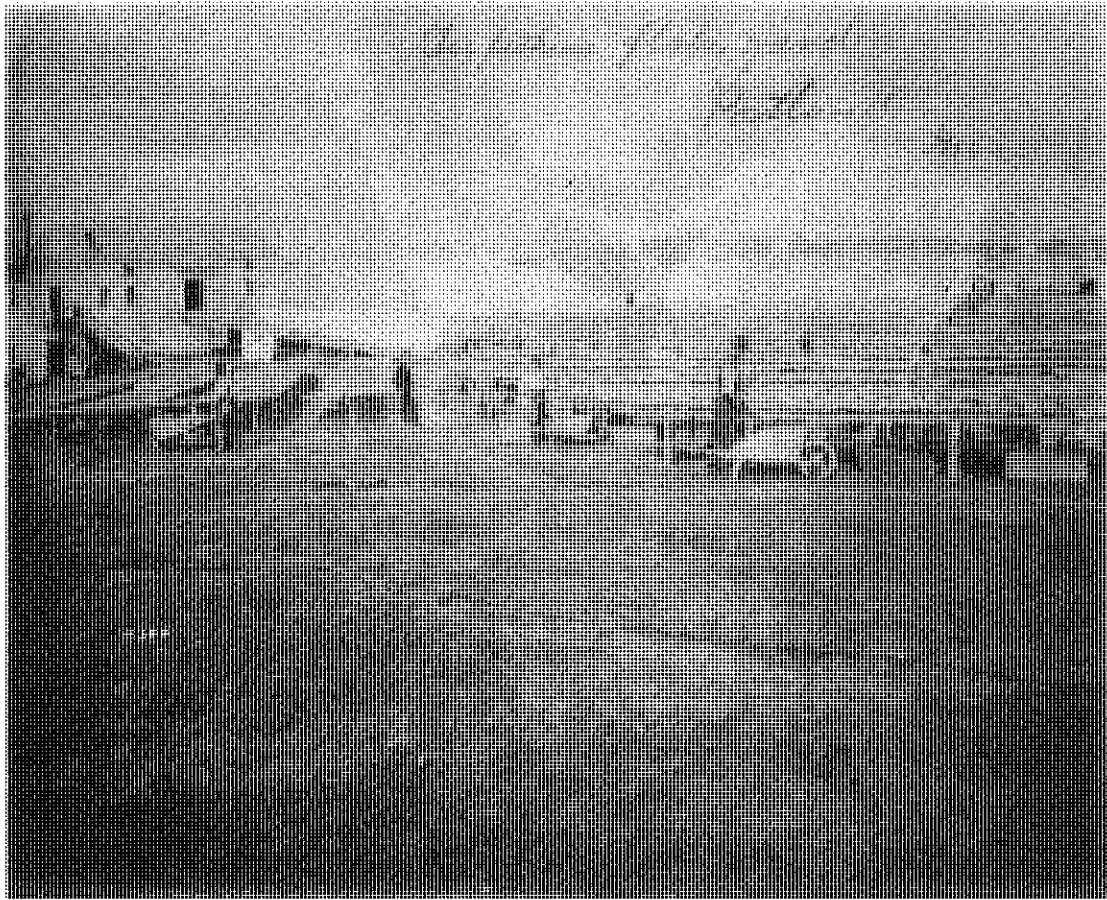
Splitting Hake on Trefethen's Wharf, House Island.
Image No.fish6813, NOAA's Historic Fisheries Collection.



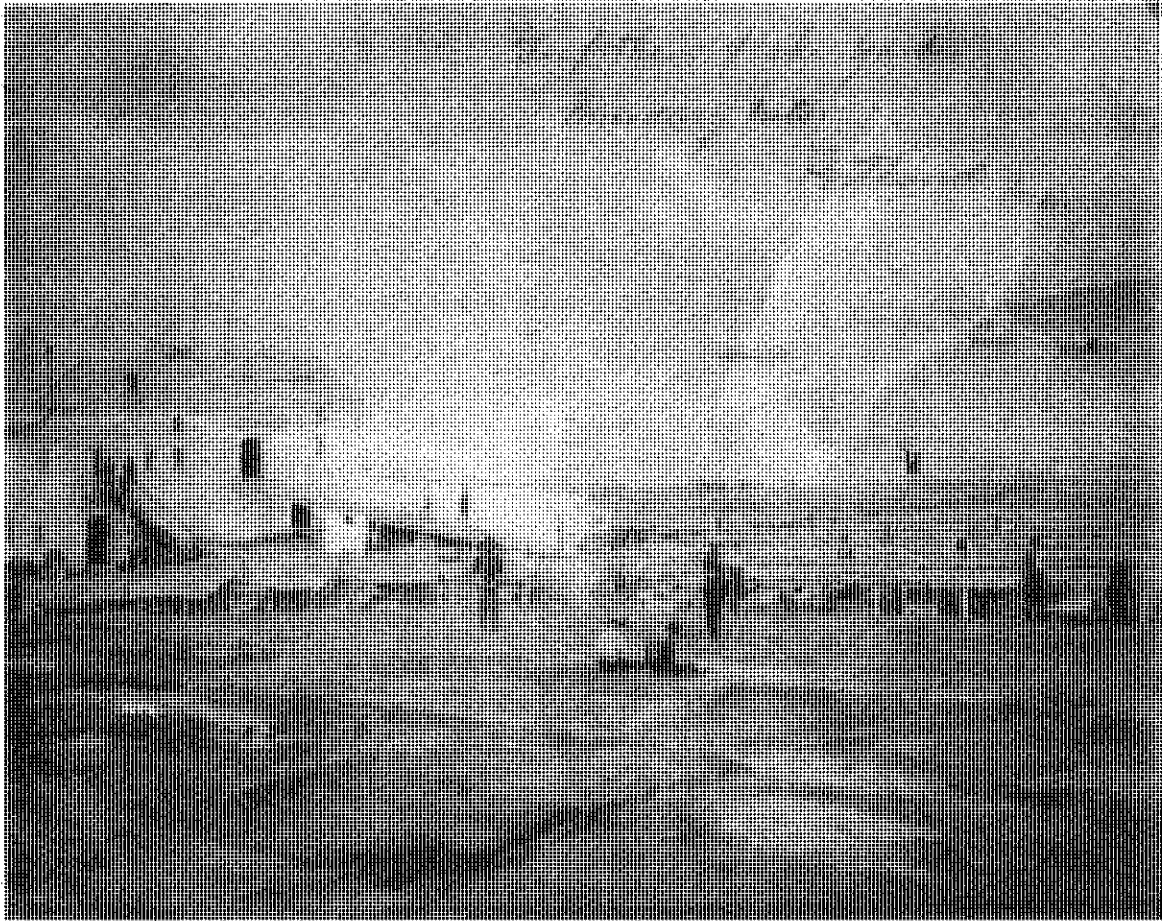
Trefethen's Flake Yard [House Island].
Image No.fish6851, NOAA's Historic Fisheries Collection.



View of House Island fish flakes (drying racks) *From The Casco Bay Island: 1850-2000* by Kimberly E MacIsaac.



Trefethen's flake yard [House Island]
Image No.fish6850, NOAA's Historic Fisheries Collection.



Mending nets at Trefethen's flake yard [House Island].
Image No.fish6849, NOAA's Historic Fisheries Collection.



Fisherman mending herring gill-nets at House Island, Casco Bay, Maine.
Image No. Figb0121, NOAA's Historic Fisheries Collection.



Undated Image of House Island Lobster Pound from *New England Magazine: An Illustrated Monthly*, Vol.14.



Image of the Lobster Pound. Courtesy of Kenneth E. Thompson, Jr.



Late 19th century image of House Island. Courtesy of Kenneth E. Thompson, Jr.

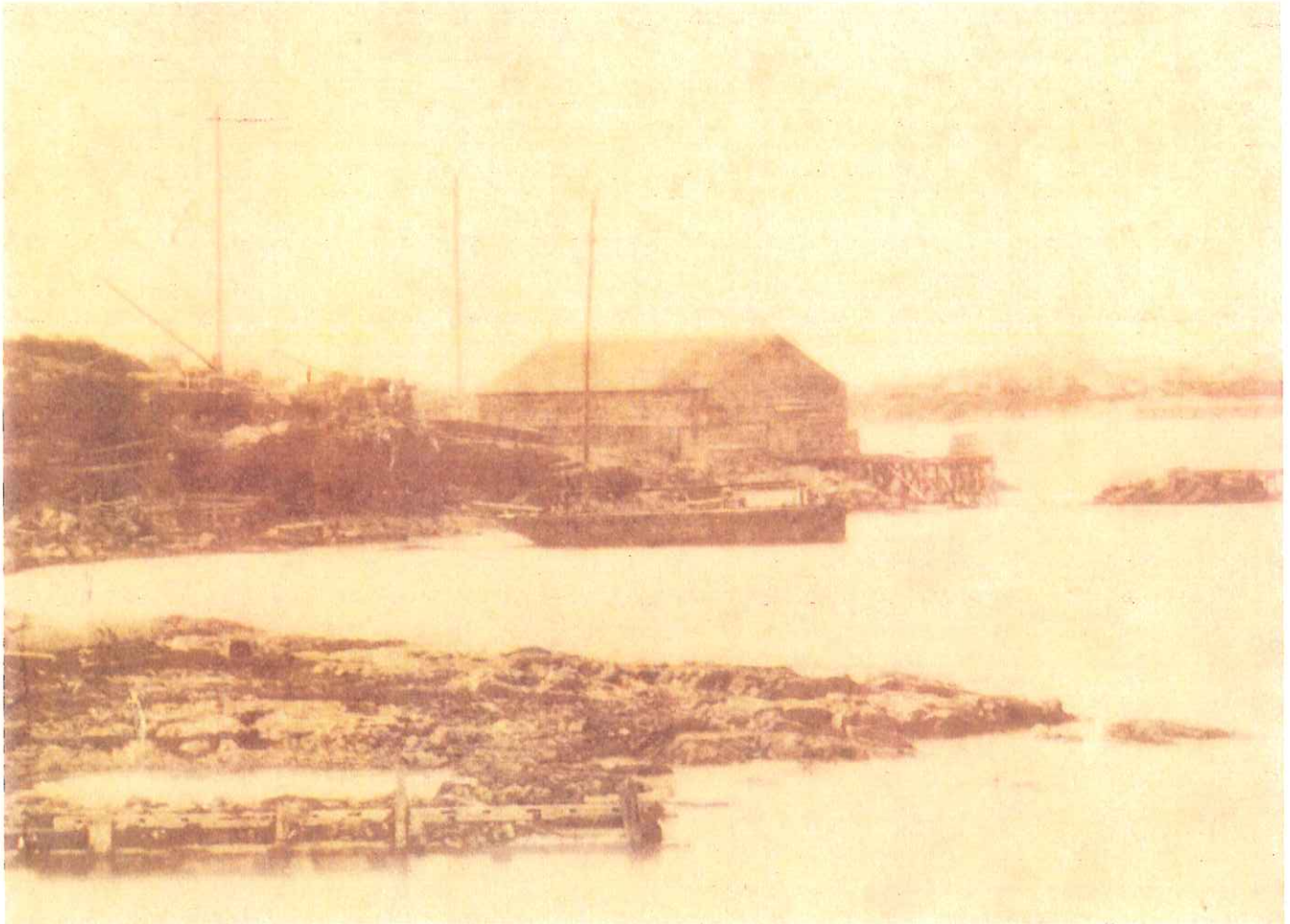
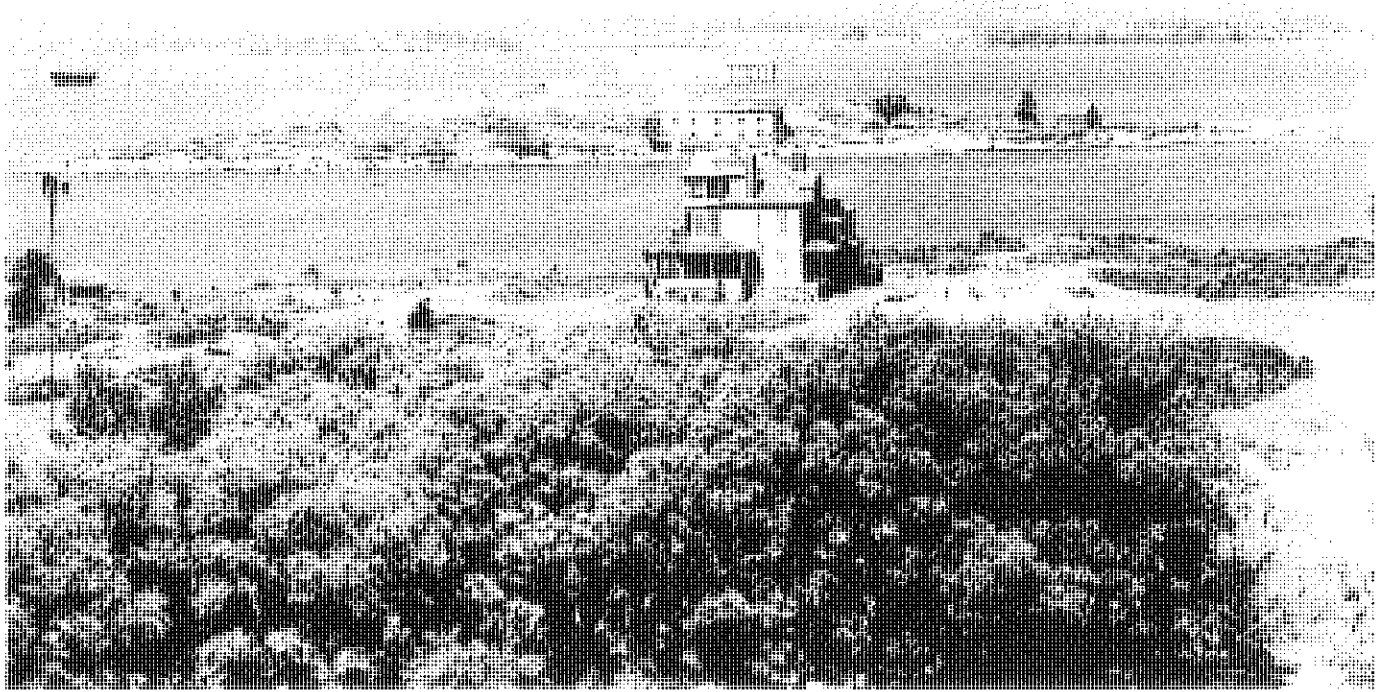
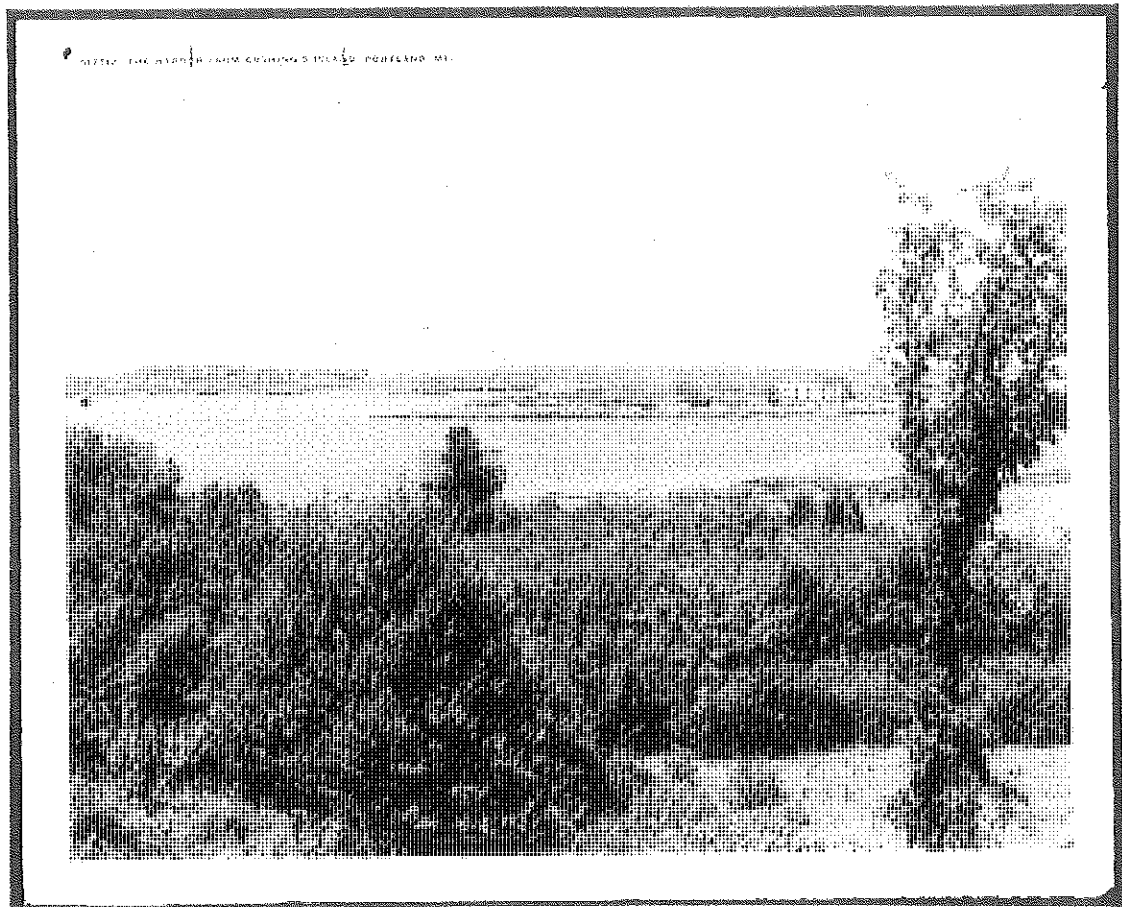


Image of a sloop near the Granite Cutting Shed (map location N) and the Old Wharf (M) a wood structure over stone cribbing.
Courtesy of Kenneth E. Thompson, Jr.



View of Fort Scammell (middle ground) and Fort Gorges (back ground). Courtesy of Kenneth E. Thompson, Jr.



Fort Scammell, House Island 1900-1906 from the collections of the Library of Congress

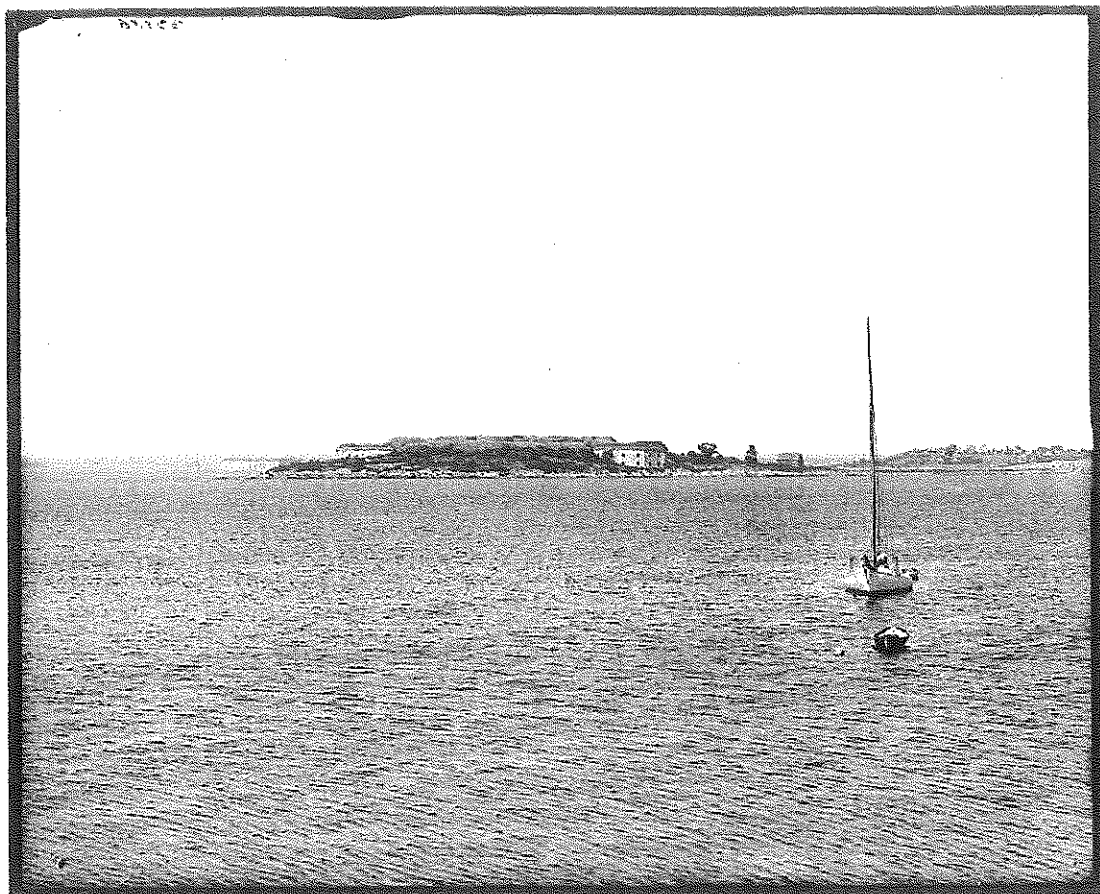


Image of Fort Scammell, House Island 1900-1910 from the collections of the Library of Congress



L to R the Public Health Officer's House, the Large Detention Barracks, and behind, the Small Detention Barracks *From The Casco Bay Island: 1850-2000* by Kimberly E MacIsaac.

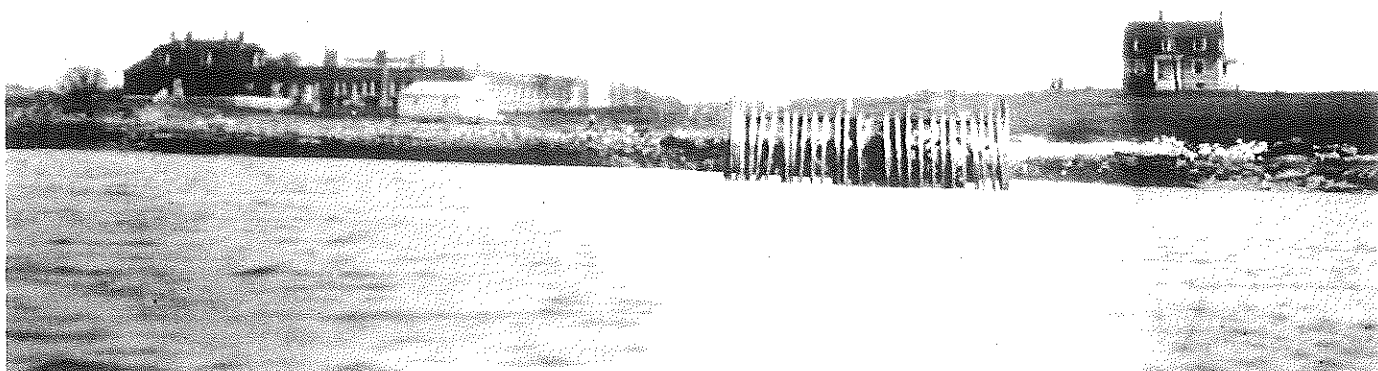


Image of House Island May 1941 from the *National Archives*. Identifier No. 7318778.



Public Health Officer's House, House Island. Item 68410, Maine Memory Network.

ATTACHMENT
3



93 High Street
Portland, ME 04101

207-774-5561
info@portlandlandmarks.org
www.portlandlandmarks.org

TRUSTEES

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Member-at-Large

July 9, 2014

Deb Andrews
Manager, Historic Preservation Program
City of Portland
389 Congress Street
Portland, ME 04101

Dear Deb:

I write on behalf of Greater Portland Landmarks to request that the City of Portland Historic Preservation Board nominate House Island as an historic district. The 24-acre island strategically situated at the entrance to Casco Bay played an important role in American history protecting Portland Harbor from the War of 1812 through the Civil War, and later as an immigration center in the early 20th century. House Island has tremendous significance to the history of Portland and to the overall character of Portland Harbor. Landmarks declared it a Place in Peril in 2012, when the property was placed on the market for sale. Its historic resources currently lack any protection.

In 1808, the U.S. Government purchased the southwest section of House Island and initially erected an octagonal timber fortification named after Revolutionary War General Alexander Scammell. Garrisoned during the War of 1812, Fort Scammell (1808-1898) was fired upon by British privateers in 1813 and is the only fortification guarding Portland Harbor ever fired upon – and to return fire. In 1862 Fort Scammell was completely redesigned and totally rebuilt for the Civil War under the direction of Thomas Lincoln Casey, who was also the architect of Washington's Monument. He specified use of portland cement in the fort, which is significant because according to the Portland Cement Association of the US and Canada, the earliest recorded shipment of portland cement to the US from England was in 1868. The Fort is extremely well built heavy masonry and remarkably intact. This primarily underground fort is, cathedral-like in its scale and a wonder to behold. This unique structure is of national significance.

The northern half of House Island was a federal Immigration Quarantine Station from 1907-1937, "the Ellis Island of the North," and retains three residential-scale buildings from that era, which served as the doctor's house, the detention barracks and the quarantine hospital. All have recently been in use, but all need maintenance.

Earlier the island was the site of a major shipbuilding enterprise, a major fish drying industry and retains a lobster pound. The island has been kept primarily cleared of trees by its previous owners, the Cushing family. In a different fiscal era, this site could be a candidate to be a National Park.

House Island is one of the most important historic landmark sites and cultural landscapes in the City of Portland. Its location at the center of the Harbor, its significance in national and local history, and its value as a resource that combines fascinating elements of the built and natural environment make it a top priority to find a way to preserve the site.

Thank you for your consideration.

Yours sincerely,

Hilary Bassett
Executive Director

Deb Andrews - Designation of House Island as a Historic District

From: Jo Israelson <welcomingthestrangerart@gmail.com>
To: <dga@portlandmaine.gov>
Date: 7/9/2014 10:11 PM
Subject: Designation of House Island as a Historic District
Attachments: 02The Past is Prologue OR Why Don't We Know About That.docx

July 9, 2014

TO: Deb Andrews, Historic Preservation Manager

City Of Portland

Historic Preservation Office

FR: Jo Israelson 443.622.0863

RE: Request for House Island Designation as Historic District

This is a request to your office to consider designating House Island as a historic district.

I am a Portland-born and Munjoy-Hill raised artist. I am preparing for a 2015 exhibit at the Maine Jewish Museum. Because my work often focuses on a little known moment in history that reflects larger issues within a current context, the role of the House Island quarantine station in the lives of Portland immigrants peaked my interest.

"In November 1923, 218 immigrants traveling to NY and Boston on the George Washington and the President Polk ships were diverted to Casco Bay, Maine. They were then detained on House Island, known at that time as the "Ellis Island of the North." This quarantine station was in service from 1907 until 1937.

For the past year I have been researching the history of House Island and specifically the Immigration and Quarantine station. I have delved into the files of the Maine State Archives, Maine Historical Society, the Portland Room of the Portland Public Library, the New England Archives in Waltham, and Judaica Collection at the Glickman Library as well as the National Archives in Washington, D.C. There appears to be very little documentation relative to House Island and the Immigration Station.

I found a few details. It was in service from 1904 – 1937. As the implementation date of the 1924 quotas approached, passenger ships not allowed to land in Boston

or NY were re-routed to House Island. Immigrants allowed to remain in the U.S. could then be sent by rail to New York or Boston. Others were returned to their country of origin.

- What I haven't found yet were artifacts from the Doctor's Home, the quarantine station itself, the environs surrounding the buildings.
- What I haven't found yet are detailed photographs of the buildings on the island.
- What I haven't found yet are all the names of people who were held there from 1904 – 1937.
- What I haven't found yet were the names of Portland residents whose family members came into Portland through House Island.
- What I haven't found were the names of those returned to their country of origin.

As kids growing up on Munjoy Hill (The Hill), we were more interested in hanging out on the Prom, playing pick up baseball, and finding beach glass. Studying history was an anathema: too many dates and too much war. I was only interested in the people who made the history – many of whom we never learned about. Those people were this city's immigrants and our ancestors. House Island's story has not been told.

Portland is a city created by immigrants; Irish, Italian, Eastern European, English...I am hoping that your office will honor House Island's history and its role as, not only the Gateway to the City, but also the gateway to those who built it.

Attached is an article entitled: *The Past is Prologue or Why Don't we Know About That* published in the May, Munjoy Hill Observer that chronicles my research.

I hope you will consider my request. Thank you for your assistance.

cc.

Rick Romano

John Turk

Ted Oldham

Scott Benson

Bruce Wood

Penny Pollard

**Greater Portland Landmarks Statement In Support of Designation of House
Historic District -- Planning Board meeting 11/25/2014**

House Island is one of the most important historic landmark sites and cultural lan
Portland. Its location at the center of the Harbor, its significance in national and local history, and its
importance to both the built and natural environment make it a top priority to preserve the site.

House Island's Fort Scammell protected Portland Harbor from the War of 1812 through the Civil War.
The three residential-scale buildings on the northern half of House Island were known as "the Ellis
Island of the North," serving as a federal immigration quarantine station from 1907-1937.

Greater Portland Landmarks strongly encourages the Planning Board to support the Historic
Preservation Board's recommendation to designate House Island as an historic district. There are three
aspects within the purview of the planning board jurisdiction:

- a) the nomination is complete, and includes strong evidence of its historic significance in
the study prepared by ttl architects;
- b) the nomination has been carefully reviewed and unanimously recommended by the
Historic Preservation Board, which determined that it meets all 6 criteria for historic district
designation based on its cultural, historic, architectural, and archeological significance, and retains
its historic integrity. Please note that a site only needs to meet 1 of the 6 criteria to be designated,
so that this site is especially significant to Portland on multiple levels, and
- c) historic preservation is named as a goal of the City's comprehensive plan, with the City's
Historic Preservation ordinance cited as an historic resource element to the plan which protects
historic resources in the City of Portland.

A local historic district provides a formal means to preserve the existing historic buildings, structures
and landscape features. It does not prevent new development. Rather, it provides a formal means to
review and manage change, including any new construction, to ensure that it is compatible and sensitive
in design, scale and quality of materials to what is already there.

There is no ideal time for a district designation. Landmarks named House Island as a Place in Peril, our
endangered property listing, in 2012. The previous owners had stewarded the property for nearly 60
years. We did not request designation during the time of the sale. However, when we learned that a new
owner envisioned potential demolitions, we felt it very important to provide protections for this highly
significant place while there was still time. As stated before, district designation provides a way to
manage change in a way that respects the historic resources – it does not prevent change.

Local historic district designation also provides long-term protection for the historic resources on the
island, protections that transcend the ownership of the land. This is important, because different owners
may have different objectives in owning the island. Recently, the northern part of House Island was
sold to new owners, and there will be other transitions in ownership going forward.

House Island has tremendous significance to the history of Portland and to the overall character of
Portland Harbor, and needs to be protected for the benefit of future generations. Again, we urge you to
recommend the designation of House Island as a local historic district.

Christopher Closs, Preservation Services Advisor
Greater Portland Landmarks

Deb Andrews - House Island Public Hearing

From: Mike Scarks <miscarks@hotmail.com>
To: Deb Andrews <dga@portlandmaine.gov>
Date: 11/25/2014 3:31 PM
Subject: House Island Public Hearing

Dear Deb: As I am unable to attend tonight's public hearing, I would appreciate you providing this email to the Board for inclusion into the record.

I still oppose the entire Island(at least the southern half which I own) being incorporated into a new Historic District. I certainly agree that the fort itself is a "landmark worthy" structure and support that designation; however, I believe that designation is sufficient to protect all the historic significance on the south Island without unduly burdening the owner and tax payer with excessive regulation.

If there has to be an Historic District then I firmly believe it should coincide with the outer limits of the fort itself.

Thank you for forwarding this to the board. Sincerely, Mike Scarks

Amy Osborn
1 Stratton Place
Portland, ME 04101

November 22, 2014

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

Dear Planning Board Members,

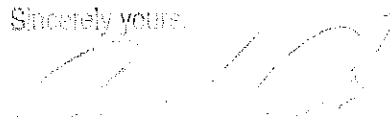
I ask that you take the positive action of creating an historic district that encompasses the whole of the island known as House Island. The case is well researched and documented and overwhelmingly meets the standards for designation as such.

Growing up in Portland and on Cushing's Island in the summers, I and my father and grandfather before me, have admired for more than a century the architectural beauty and historic significance of Fort Scammell (1808) and the 1907 immigration station houses as well as the landscape of House Island. As a tourist and business destination, Portland must protect this picturesque view that 1000s of cruise passengers, commercial and recreational vessels have of House Island as they pass through Portland Harbor to and from the City mainland.

With a residence at 1 Stratton Place (Park Row 1847) within the eastern boundary of the West End Historic District, I am grateful for the guidance of the Historic Preservation Ordinance (1989) and the operations of its board and staff appointed to enforce its mandate. The board/staff are well-informed, reasonable in their decision-making and, importantly, most helpful to property owners subject to the ordinance. I have no doubt that the two developers who have purchased House Island, Mr. Michael Scarke and Mr. Vincent Mona, and any future owners of individual properties carved from their individual parcels, will find this to be the case. Misters Scarke and Mona are seasoned investors with prior historic property preservation experience and both were aware before their individual purchases that House Island was listed to be considered for historic district status.

The near-in islands together with the mainland define the entrance to Portland Harbor. As an islander from Cushing's, I grew up with a sense of responsibility to maintain the beauty of the island's historic architecture and landscape for future generations. Long before the existence of the Historic Preservation Ordinance, Cushing's islanders came together as an island community and 'government' to protect these gifts. House Island does not have such a history though former owner Hilda Cushing saved the Fort from demolition and was a steward committed to essentially no change over 60 years of singular ownership. Now, with new owners and no "island community" history to guide their actions, I believe it is essential that the City of Portland use the one tool at their disposal to guide protection of the historic significance of House Island architecture and landscape. Designate House Island in its entirety as an Historic District of the City of Portland.

Sincerely yours,


Amy Osborn

Deb Andrews - ""Support historic districting of House Island and historic designation of Fort Scammell.""

From: Hank Banquer <hbanquer@earthlink.net>
 To: <dga@portlandmaine.gov>
 Date: 11/25/2014 8:58 AM
 Subject: ""Support historic districting of House Island and historic designation of Fort Scammell.""

To the DGA

I feel it is important to the nation and to me personally that historic sites that influenced us as a nation state and people should be preserved for our future generations. Knowing your story and how your family came to the USA and the hope and promise that meant to them is an important milestone. In fact for many of us it is the only history we have. It all started when our family(s) arrived in the USA our history began to be written and documented. When I visit sites in New England where my family of Jewish immigrants arrived for what is now the Soviet Union it make me think of the hardships and the emotional turmoil to leave Europe for a far off land for only a promise of a new life. My sister is a resident of Peaks Island and I try to visit as often as I can. Whenever we pass House Island and Fort Scammell we talk about the life our great grand parent had, the courage to make a better life for future generations of our family. When I am with my wife and children when they were young, often on the 4th of July holiday, visiting my sister on Peaks we understand this really unique phenomena of immigration because my children have been influenced directly by immigration in their generation. I hope that future generations of my family will be able to appreciate these special sites where immigrants passed through. It was their personal doorway to a new life of freedom and prosperity. To know who we are we need to know our history and places like House island are where it started for many immigrant families.

As a personal note when my wife, who is Singaporean, applied for her green card we went to what was sort of the Ellis island of Hawaii. The building that stood there with its huge high doors leading from the wharf inside, the waiting area, benches and facilities all struck me emotionally. Then the big doors to Honolulu that the new immigrants passed through after processing. I was just in awe and the thoughts of all the people who passed thru these to a better life was emotional and something I was now experiencing with my wife who was being processed through. We are often referred to as the island family as both myself and sister reside on islands so they are a special places for us as well.

Please consider this in some respects, not just a place of historical value but a place that is the beginning of many peoples dream and lives. To some it is just history, emotional and even spiritual to others but it is something special to everyone whose family(s) were immigrants. We ask that you please preserve this site for future generations so they will have a place to visit, connect with their past and rethink what it meant to come to the USA and be an American.

Henry Y. Banquer
 PO Box 807
 Volcano, HI 96785

Hank Banquer
 Mobile: 808-990-5419
hbanquer@earthlink.net

Deb Andrews - For hearing tonight re: House Island

From: Nancy 3.Hoffman <3nancy3@gmail.com>
To: <dga@portlandmaine.gov>
Date: 11/25/2014 10:27 AM
Subject: For hearing tonight re: House Island

November 25, 2014

To: Planning Board c/o Deb Andrews, dga@portlandmaine.gov

Dear Ms. Andrews and Members of the Portland Planning Board -

This is in support of the proposed designation of House Island as a Historic District.

I am a graduate architect who has worked for the National Park Service in Lakewood, Colorado. I also was Assistant Director of the Dade County Historic Survey, Miami, Florida (1977-1980), and served on the State of Florida historic survey team in Key West, Florida (1975 - 1977). I have worked briefly for Portland Landmarks, and for various preservation architects in New England.

In Florida, my responsibilities included researching and writing nominations to the National Register of Historic Places for districts including over 1,000 structures.

One of the most significant nominations I worked on was for the "Freedom Tower," also known as the Miami News Building. In short, this building served as the primary immigration center for Cubans coming into the United States in the 1960's and 1970's. Our nomination of this structure was upgraded by the Park Service, and the building became a National Historic Landmark. (ref. "Update Magazine" of The Historical Assoc. of Southern Florida, June, 1978).

It is surprising and perhaps ironic that I now live on Peaks Island, and have learned of the potential designation of another, earlier, immigration center to the local landmarks listing. In reading the historic material provided by Julie Larry of ttl-architects, I am impressed with the detail and comprehensive nature of her research on House Island. At a time when a major influx of immigrants from Europe were entering this country and forming the core of the famed "melting pot" of cultures in America, House Island served as a significant intake point for many of those immigrants.

I concur that the structures on House Island and the remains of others meet the minimum criteria under Section 14-610 and 14-611 of the historic preservation ordinance. I urge the Planning Board of the City of Portland to designate House Island as a local historic district.

Nancy 3. Hoffman
53 Brackett Avenue
Peaks Island, Maine 04108
207-939-0301, email: 3nancy3@gmail.com

Deb Andrews - Letter in support

From: Jo Israelson <welcomingthestrangerart@gmail.com>
To: Deb Andrews <dga@portlandmaine.gov>
Date: 11/23/2014 8:33 AM
Subject: Letter in support

Thank you for your assistance and have a lovely Thanksgiving.

This letter is in support of historic districting for House Island.

It has been said that, at its best, preservation engages the past in a conversation with the present, over a mutual concern for the future. William J. Murtagh, First Keeper of the National Register of Historic Places

It has been 100+ years since the first immigrants stepped onto House Island to be processed at the House Island Immigration and Quarantine Station.

Many of the immigrants that passed through House Island were bound for New York and Boston. They came for a better life – to escape oppression or persecution, to find religious freedom, to seek economic prosperity. They came hoping for a new life in a new land.

They left family and friends and a familiar way of life.

They traveled in steerage for up to 18 days.

They arrived not knowing where they would sleep that night or where they would obtain a meal.

Some people will look at a slab of granite on House Island and see an unused block of stone.

But I see the marks made by the hands of men who quarried the stone and constructed granite wharves and forts.

Some people will look the remnants of the Quarantine and Immigration Station – the original detention center, the doctor's residence and the hospital – and see land for development.

But I hear the voices of those who came to America hoping for a better life for themselves and their children.

Some people will look at a fort that fired only one shot in defense of Portland and not understand its role in protecting the entire bay.

But I know that the architecture has more significance and its long history is of greater value than the firing of canon.

Jo Israelson

11/23/2014

From: Lynne Mason <lynnemason108@yahoo.com>
To: <dga@portlandmaine.gov>
Date: 11/20/2014 1:34 PM
Subject: historical preservation of house island

Dear council,

I hope some plan or compromise can be worked out and that House Island in Portland Maine has its historical history preserved for all to learn and enjoy. It is a rich heritage of immigration history so topical to our times.

Best Dr. Lynne Mason
Po Box 26
Plum Island Maine
born in Portland Maine
425-223-0157

Deb Andrews - House Island, Portland Maine

From: STEPHEN BYRNE <stephen.byrne@sbcglobal.net>
To: "DGA@portlandmaine.gov" <DGA@portlandmaine.gov>
Date: 11/17/2014 7:47 AM
Subject: House Island, Portland Maine

I am writing in support of House Island as a local historic district. In July of 2011, I was fortunate to tour the island with a friend & my 10 year old son. We saw the Fort/Battery, the houses, the infirmary & listened to the history of the island. I hadn't realized the importance of the island. It would be a shame to lose this piece of history. JoAnn Byrne

Greater Portland Landmarks

Statement In Support of Designation of House Island as a Local Historic District

Planning Board meeting 10/21/2014

House Island is one of the most important historic landmark sites and cultural landscapes in the City of Portland. Its location at the center of the Harbor, its significance in national and local history, and its value as a resource that combines fascinating elements of the built and natural environment make it a top priority to find a way to preserve the site.

House Island's Fort Scammell protected Portland Harbor from the War of 1812 through the Civil War. The three residential-scale buildings on the northern half of House Island were known as "the Ellis Island of the North," serving as a federal immigration quarantine station from 1907-1937.

Greater Portland Landmarks strongly encourages the Planning Board to support the Historic Preservation Board's recommendation to designate House Island as an historic district. There are three aspects within the purview of the planning board jurisdiction:

- a) the nomination is complete, and includes strong evidence of its historic significance in the study prepared by ttl architects;
- b) the nomination has been carefully reviewed and unanimously recommended by the Historic Preservation Board, which determined that it meets all 6 criteria for historic district designation based on its cultural, historic, architectural, and archeological significance, and retains its historic integrity. Please note that a site only needs to meet 1 of the 6 criteria to be designated, so that this site is especially significant to Portland on multiple levels, and
- c) historic preservation is named as a goal of the City's comprehensive plan, with the City's Historic Preservation ordinance cited as an historic resource element to the plan which protects historic resources in the City of Portland.

A local historic district provides a formal means to preserve the existing historic buildings, structures and landscape features. It does not prevent new development. Rather, it provides a formal means to review and manage change, including any new construction, to ensure that it is compatible and sensitive in design, scale and quality of materials to what is already there.

Local historic district designation also provides long-term protection for the historic resources on the island, protections that transcend the ownership of the land. This is important, because different owners may have different objectives in owning the island. Recently, the northern part of House Island was sold to new owners, and there will be other transitions in ownership going forward.

House Island has tremendous significance to the history of Portland and to the overall character of Portland Harbor, and needs to be protected for the benefit of future generations. Again, we urge you to recommend the designation of House Island as a local historic district.

Hilary Bassett
Executive Director
Greater Portland Landmarks

From: Herbert Nolan <herbnolan@me.com>
To: DGA@portlandmaine.gov
CC: NMM@portlandmaine.gov; jhinck@portlandmaine.gov; jduson@portlandmaine.gov...
Date: 9/26/2014 11:38 AM
Subject: Comments on the proposed House Island Historic District
Attachments: letter to portland board.pdf

Dear Ms. Andrews:

Attached is my comment letter regarding the proposed House Island local historic district which I and many other islanders support. Please distribute it to the Historic Preservation Board. Since this matter may be before the Portland City Council at some point this winter I am forwarding the comment letter to the council members as well. As I look at House Island on my way to Peaks tomorrow I will do so with much deeper appreciation of its history and significance having read the excellent report by ttl-Architects.

All my best,

Herb Nolan

September 23, 2014

Rick Romano, Chair
Portland Preservation Board
389 Congress Street
Fourth Floor
Portland, ME 04101

Dear Mr. Romano and fellow board members:

I've read the historic research on House Island, sponsored by Greater Portland Landmarks, and now have a much deeper appreciation for this Casco Bay landmark. I, and many of my fellow islanders in the bay, urge you to consider the historic significance of this little island and vote to designate it a local historic district. There are several compelling arguments to safeguard this island, its extraordinary history leading the list.

History: House Island is one of the best preserved coastal fortifications on the eastern seaboard from the early 19th century and played a pivotal role in the defense of Portland harbor. Furthermore, it supported a significant fishing industry and became, in the early 20th century, the "Ellis Island of the North" welcoming tens of thousands of immigrants to North America. That rich history is evidenced by a group of well-preserved artifacts that generations of islanders know and cherish. All of this could be swept away by bull dozers or degraded by poorly conceived development in a matter of months.

In addition to its compelling history and artifacts, there two other reasons for protecting this invaluable resource:

Visibility: House Island is a gateway to the harbor and a character defining feature of the bay. It is seen by thousands of people on shore or on shipboard every day. Five miles of urban waterfront in Portland, South Portland, and Cape Elizabeth overlook House Island. (see attached diagram showing this view shed.) This small but highly visible island is viewed at close hand by those who take the island ferries every day. Close to *one million* ferry passengers have had the opportunity to enjoy the view of House Island this year alone. Over *eighty thousand* passengers see House Island from the decks of cruise ships as they enter and leave Portland Harbor each season. Many more people pass by on tour boats or on their own vessels each summer. The scenic value of House Island to all of these thousands of residents and visitors is incalculable. Its degradation by excessive development would be a loss to hundreds of thousands of individuals.

Economics: The City of Portland has made great efforts to protect its historic fabric and scenic beauty over the years. The value of tourism to the City of Portland has grown tremendously as a result, and the bay has played an important role in that growth. Cruise ships bring in millions of dollars of revenue each year. One week this fall eight cruise ships with twelve hundred passengers crowded Portland's wharves. Over a million dollars was likely spent during their stay. The economic impact of whale watching, deep sea fishing, and tour boats during the summer months is comparable to that of cruise ships. Our summer residents play an economic role as well. The island population, which triples in size during the summer, has a direct and indirect impact of over one hundred million dollars on the Portland economy according to one University of Maine study. Much of the tourism economy depends on and takes for granted Portland's stewardship of its historic character. Eroding that character will inevitably erode the reasons people cherish this city and chose to visit or live here.

On a personal note, I grew up in Portland and spent my summers on Cushings Island. I live in a house built in 1884 and remodeled in 1913 for my grandfather who was the dean of St. Luke's Cathedral. Reverend Nolan had a recessed cross built into the fire place and welcomed scores of islanders to Sunday morning mass in our living room each summer. I've spent years maintaining that historic house and its shoreline as something of a shared legacy in the bay. Many fellow islanders feel a similar responsibility. Well over half of Cushings Island is in conservation to protect the scenic approaches to Portland Harbor in perpetuity. We are proud of that commitment.

The same degree of care should be taken with House Island. Any owner/developer worth their salt will take pride in restoring and reusing the existing structures and will make limited additions to the island only in a way that respects the historic character of the island. One thing is for certain, those magnificent fortifications and their slopes guarding the entrance to Portland harbor should remain intact and unencumbered for generations to come. Designation as an historic district is one way to ensure this.

Thank you for your thoughtful consideration.

Sincerely,

Herbert Nolan
Portland, ME

CC Deb Andrews, Historic Preservation Manager
 Stuart O'Brien, Chair, Planning board
 Portland City Council

ENC: Views to House Island



Views to House Island from the mainland, the islands, and the approaches to Portland harbor
Note: 65% of Cushings Island was placed into conservation in 1980 to protect the undeveloped scenic beauty of the land and to "preserve, protect, and enhance the entrance to Portland harbor."

Part of the CBRE Group, Inc. Affiliates, Inc. 2014
29 September, 2014

Ora Canal Plaza Suite 500
Portland ME 04101

T 207 772.1333
F 207 871 1288

www.bowles.com

Deborah G. Andrews
Department of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, ME 04101

Dear Ms. Andrews,

Historic Districts have value throughout the city of Portland, and they provide the public with an opportunity to experience and appreciate our city's cultural and traditional heritage. While I understand the need, it seems that proposing Historic Districts, has recently become a new mechanism to thwart any development, whether the property be historic or not.

I am writing to you today to voice my opposition to the nomination of House Island as a historic district because the nomination would create an entirely new standard of what should be a historic district.

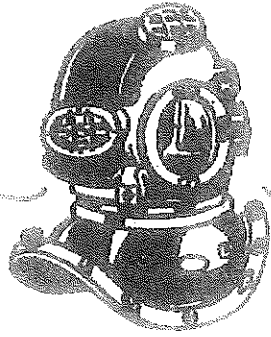
With the exception of Fort Scammel, which would not be impacted by Mr. Scarks' plans for the island, the other structures are in need of serious repair. There is no trace of any of the historical activities that long ago took place on the island

I have personally known Mike Scarks as a developer for over 30 years. If you look back at all the projects he has repurposed, including Nissen Bakery, the Merrill Transportation property on Forest Ave, and of course the former Maine National Bank building, it is obvious he has taken into consideration preservation aspects of each development, resulting in a positive contribution to the City. This has all been done within the current planning process.

Change is inevitable, and without it we would be living in the past. Although there are plenty of structures which need to be preserved, the dilapidated, fallen down structures on House Island do not qualify as historic. As such, in the case of House Island, the designation of a historic district would do far more harm than good.

Sincerely,


Daniel Greenstein



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Deborah G. Andrews

9/30/2014

Historic Preservation Program Manager

Dept. of Planning & Urban Development

Portland City Hall, 4th floor

389 Congress St.

Portland, Maine 04101

Re: House Island

Dear Ms. Andrews;

I BELIEVE THE HISTORIC BOARD IS SLOWLY MAKING A LOT OF THIS CITY LESS THAN USEFUL TO A GREAT NUMBER OF THE PUBLIC.

MAKING ANOTHER PROPERTY HISTORIC WHEN THE PROPERTIES THAT ARE TRULY HISTORIC NOW, LIKE FT. GORGES, ARE IN DISREPAIR AND NOT AVAILABLE TO THE PUBLIC BECAUSE THEY ARE TOO DANGEROUS, AND THERE IS NO FUNDING AVAILABLE TO MAKE THEM EVEN REASONABLY SAFE.

HOUSE ISLAND HAS NO PUBLIC ACCESS AND WILL NEED A SMALL MOUNTAIN OF MONEY TO JUST REBUILD THE EXISTING INFRASTRUCTURE.

I BELIEVE REAL HISTORIC PRESERVATION IS WORKING WITH WILLING PARTIES TO PRESERVE AND ENHANCE THE PUBLIC AND

PRIVATE USE OF PROPERTIES. IF HOUSE ISLAND IS DESIGNATED AS HISTORIC, THEN ARE YOU NOT DOING THE SAME THING HERE AND MAKING ANOTHER PROPERTY LESS THAN USEFUL WITH NO FUNDING AVAILABLE TO DO ANYTHING.

AS A FINAL THOUGHT, IT SEEMS INAPPROPRIATE TO PROPOSE THIS CHANGE NOW AND NOT WHEN HAROLD FIRST PUT THE PROPERTY ON THE MARKET TWO YEARS AGO.

SINCERELY,

A handwritten signature in dark ink, appearing to read "Roger P. Hale", written over the printed name.

Roger P. Hale, Pres.

General Marine Construction Corp.

Deb Andrews - House Island Hearing

From: "Nancy 3. Hoffman" <3nancy3@gmail.com>
To: <dga@portlandmaine.gov>
Date: 10/1/2014 9:46 AM
Subject: House Island Hearing

October 1, 2014

Dear Ms. Andrews and Members of the Historic Preservation Board -

This is in support of the proposed designation of House Island as a Historic District.

I am a graduate architect who has worked for the National Park Service in Lakewood, Colorado. I also was Assistant Director of the Dade County Historic Survey, Miami, Florida (1977-1980), and served on the State of Florida historic survey team in Key West, Florida (1975 - 1977). I have worked briefly for Portland Landmarks and for various preservation architects in New England.

In Florida, my responsibilities included researching and writing nominations to the National Register of Historic Places for districts including over 1,000 structures.

One of the most significant nominations I worked on was for the "Freedom Tower," also known as the Miami News Building. In short, this building served as the primary immigration center for Cubans coming into the United States in the 1960's and 1970's. Our nomination of this structure was upgraded by the Park Service, and the building became a National Historic Landmark. (ref. "Update Magazine" of The Historical Assoc. of Southern Florida, June, 1978).

It is surprising and perhaps ironic that I now live on Peaks Island, and have learned of the potential designation of another, earlier, immigration center to the local landmarks listing. In reading the historic material provided by Julie Larry of ttl-architects, I am impressed with the detail and comprehensive nature of her research on House Island. At a time when a major influx of immigrants from Europe were entering this country and forming the core of the famed "melting pot" of cultures in America, House Island served as a significant intake point for many of those immigrants.

I concur that the structures on House Island and the remains of others meet the minimum criteria under Section 14-610 and 14-611 of the historic preservation ordinance. I urge the Historic Preservation Board and the City of Portland to designate House Island as a local historic district.

Nancy 3. Hoffman
53 Brackett Avenue
Peaks Island, Maine 04108
207-939-0301, email: 3nancy3@gmail.com

Deb Andrews - House Island

From: "Astrid O'Brien" <aobrien@fordham.edu>
To: <dga@portlandmaine.gov>
Date: 9/22/2014 4:07 PM
Subject: House Island

I have been spending summers on Peaks Island since 1966: we bought a seasonal residence on the island in 1968. I have always been fascinated by House Island, and curious about its history, the history of those who built the houses and the fort, what they did, etc. This is human history; we cannot plan a positive future unless we know more about ourselves than the brief span of an individual life. Therefore it would be a great loss to simply tear down the buildings for commercial gain. They should be preserved, their history made visible in a museum. I support the historic districting of House Island, and its coming under the jurisdiction of the Preservation Board. thank you, (Dr.) Astrid M. O'Brien

Deb Andrews - house Island

From: "M. Roth" <shecap10@hotmail.com>
To: "dga@portlandmaine.gov" <dga@portlandmaine.gov>
Date: 10/1/2014 2:06 PM
Subject: house Island

Good day Ms. Andrews,

I am writing regarding House Island and it's historic designation debate. I have lived on Peaks Island for the past 10 years and captained the Casco Bay Lines ferries for the past 17 years. This particular property always saddened me as it was completely off-limits to the public and appeared deserted and derelict. It was not until Mr. Skarks purchased the island that I was given opportunity to set foot on House Island.

Here on Peaks we have several cemeteries that have stones dating back to the 1700's that lie in disrepair. Fort Gorges is falling into ruin and the energies of those advocating for House Island would be most welcome in the fight to save history that is easily accessible but often ignored.

Having seen the rehabilitation of the Nissan building on Munjoy Hill done by Mr. Skarks I feel strongly that he will be a good steward of House Island. His willingness to make the fort accessible to the public to me is worth celebrating. If we curtail those who are willing to take on impossibly large tasks such as Mr. Skarks has we will only see history crumble as we pass by on the ferry year after year. Although romantic from afar, the condition of the wooden structures is moderate to poor and they pose little to no significant architectural details.

Please give Mr. Skarks the ability to save House Island in his own vision and with support from the local community.

Best regards,

Cpt. Mary-jo Roth

Deb Andrews - House Island

From: priscilla webster <pwebster@gwi.net>
To: <dga@portlandmaine.gov>
Date: 9/22/2014 8:28 PM
Subject: House Island

Dear Ms. Andrews:

I am aware of an Historic Preservation Hearing about House Island on October 1, but will not be able to attend.

The building that housed the hospital there is a little known part of US history, not just Maine history, and I hope you will be able to see that it is preserved and not torn down. I remember going on a tour there from Peaks Island a few years back and I was so amazed to learn of the island's part in the US immigration story. I hope others will have that chance.

Sincerely,
Priscilla Webster
29 Centennial Street
Peaks Island

Deb Andrews - Can this be read at tomorrows Historic Preservation Board meeting

From: Arthur Fink <af@arthurfinkphoto.com>
To: Deb Andrews <DGA@portlandmaine.gov>
Date: 9/30/2014 1:18 PM
Subject: Can this be read at tomorrows Historic Preservation Board meeting

Dear Deb Andrews,

I'll not be able to attend tomorrow's Historic Preservation Board meeting, where the House Island historic district proposal will be discussed. I hope that this short statement can be read on my behalf:

I wish that I could be present in person to speak strong on behalf of protecting the rich history of House Island, by creating an appropriate historic district.

Where else in Maine — let alone in Portland — can we encounter so much history in one place? Fort Scammel dates back to the early 1800's. The immigration station, from the middle of the last century, was our version of Ellis Island.

Surely it's possible to develop part of the island for modern usage, while maintaining much more than token symbols of this history. And surely we should have a mechanism to insure that any development on the island is respectful of such rich history. That's what a historic district provides.

Our cultural history should not be obliterated, or put in the shadows of excessive "development". We should put in place a mechanism to insure this — and that's exactly what our government provided, when it passed the historic preservation ordinance.

I've served on Portland's Historic Preservation Board, and know that it has lots of flexibility to allow reasonable development, as long as significant architectural, historic, and cultural elements are preserved and respected. Please give them the opportunity to work with the new island owner to protect House Island, even as some some development arrives.

Best regards,

Arthur Fink

Arthur Fink Photography

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Click on this link to [join my e-mail list](#) (via Constant Contact)
for news about shows, art and spirit and creativity workshops,
creativity coaching, wedding, birth, and event photography.

Deb Andrews - In support of House Island historic district

From: Shelagh Reiser <out2cthec@hotmail.com>
To: "dga@portlandmaine.gov" <dga@portlandmaine.gov>
Date: 9/30/2014 7:51 PM
Subject: In support of House Island historic district

Hi Deb,

I am unable to attend the meeting tomorrow but am very much in support of designating House Island as an historic landmark and protecting it for all of us, and the visitors to Portland, to enjoy. I have been a sea kayak guide on Peaks for several years, and I take countless visitors (and islanders!) around House Island every year. People are awed and enchanted to visit and explore Fort Gorges; they are also very interested in Fort Scammel and House Island and, of course, would love to set foot there as well.

In addition, we see osprey there often, as well as blue herons in the shallows - my favorite shore birds! And of course, lots of other wildlife.

I am hoping the Portland will protect this piece of our historic, vibrant, welcoming, accessible waterfront.

Sincerely,

Sheila Reiser
Peaks Island

I don't get to my e-mail every day, so if your message has a short time line, you're better off contacting me by phone. Thanks!

From: "Miranda Vinograd" <miranda.vinograd@gmail.com>
To: <DGA@portlandmaine.gov>
Date: 8/4/2014 8:26 AM
Subject: House Island

Peaks Island, Portland, ME
8/3/14

Dear Ms Andrews,

I was astonished to discover that House Island and especially Fort Scammell are not covered by any preservation order nor included in the Portland historic district. It seems intuitively logical that as the historic harbour fortifications from Fort Gorges to the Liberty Ship memorial are intrinsic to the importance of Portland as a seaport (its all in the name) they should be strenuously preserved, documented and publicised. In addition, House Island has buildings and remains significant to the history of immigration which is in danger of being overlooked. But it seems that this may all be lost through inaction and handed over to developers without protection or consideration.

Will this be another example of Portland losing great landmarks like Union Station which could only have added to the value of Portland as a unique historical destination of charm and interest? The economic value of The Old Port comes from its surviving warehouses and cobbled streets not the modern blandness of a Maine Mall. Would the cruise ships stop here if the history was swept away?

Portland should allow something of universal interest be created on House Island and that should begin by making it part of the Portland historic district and protecting the significant buildings on the island.

Sincerely,

Miranda Vinograd

This email is free from viruses and malware because avast! Antivirus protection is active.
<http://www.avast.com>

Kelly J. Butterfield
6 Wadsworth Street
Portland, Maine 04103

September 29, 2014

Deborah G. Andrews
Department of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, Maine 04101

Dear Ms. Andrews,

Recently, House Island was purchased by Michael Scarks, a Portland-based real estate developer. No sooner was the ink dry on the deed, and the city of Portland is now considering designating House Island as an historic district.

House Island has been privately owned for more than 50 years and this recent sale was a private sale from one owner to another.

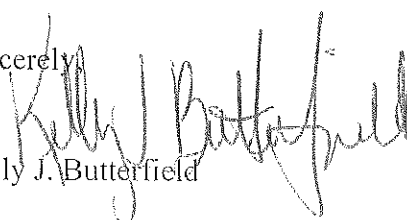
The Island properties were in despair, taxes were reportedly delinquent, and the island was littered with years of accumulated trash and other debris. While House Island is home to Fort Scammel, a visible landmark in Casco Bay, it has not been a public destination, nor has the City of Portland ever before taken steps to incorporate this island into its historic district, a district largely defined by pedestrian access and public ways.

The petition to designate House Island as a historic district is totally unnecessary and short sighted. The new owner has no plans to remove or alter Fort Scammel, nor does he have plans for a high density real estate development. This developer has an outstanding record in this city of doing some very good things in the city, including renovating a number of older buildings including the Nissen Bakery on Washington Avenue and the former Maine National Bank building on Exchange Street.

Allowing a designation that would limit and restrict a private developer's vision and investment is sending a terrible message to others who want to invest in, improve, and upgrade properties around this city.

Sincerely,

Kelly J. Butterfield

A handwritten signature in dark ink, appearing to read "Kelly J. Butterfield", is written over the printed name.

Deb Andrews - House Island

From: Donovan Gray <polardog@comcast.net>
To: <dga@portlandmaine.gov>
Date: 9/4/2014 6:04 PM
Subject: House Island

I totally support House Island's designation as an historic landmark. A friend of mine, David Hansen, an expert on coastal fortifications in the US, told me Portland Harbor has more forts (7) than any other location in the US except for Boston and New York City. Fort Scammel is rather unique with so much of it being underground and its use as a quarantine facility from 1898 to 1920. So go with gusto! ;-)

-dmg

Donovan Gray
polardog@comcast.net
360-402-6851

From: Sharoan <sharoana@gmail.com>
To: "dga@portlandmaine.gov" <dga@portlandmaine.gov>
Date: 9/2/2014 8:16 AM
Subject: House Island

Deb,

I am writing in support of House Island becoming a historic district.

Please also know that I am absolutely opposed to a Helipad being built anywhere on any of the Islands in the Portland Harbor.

sharoan

Deb Andrews - House Island

From: Fgowdy <fgowdy@cox.net>
To: <dga@portlandmaine.gov>
Date: 8/6/2014 3:22 AM
Subject: House Island

As a summer resident of Peaks Island for the past 50 years, and a taxpayer to the city of Portland, I believe House Island should be designated a historic landmark. The fort, the history as a quarantine station, and the beauty of the island all combine to make it a treasure for all. It is important to preserve such treasures.

Sincerely
Diane Gowdy

Deb Andrews - House Island...

From: kmci <kmcinern@gmail.com>
To: <DGA@portlandmaine.gov>
Date: 7/30/2014 4:25 PM
Subject: House Island...

Hi Deb,

If there is any way that House Island could be preserved, it would be wonderful.

If and when structures go up on House ("vacation homes"), the character of Casco Bay itself (every view from every vantage point, on shore as well as on the water) will change and be lost forever.

I wish the federal, state and local entities could work together to find a solution that would give fair compensation to whoever bought it, while preserving it for the historic site it is.

I hope you find a way to keep House Island the special place it is, and always has been.

Thank you,

Kathy (over 20 years on Munjoy Hill, & lived on West End prior to that)

Deb Andrews - House Island

From: Arthur Fink <arthur@arthurfink.com>
To: Deb Andrews <dga@portlandmaine.gov>
Date: 8/1/2014 3:12 AM
Subject: House Island

Dear Deb Andrews,

I'm out of town, and will not be back in time to attend the August 6 workshop regarding House Island.

Were I at the meeting, I would strongly support the historic district designation. House Island has a rich and varied history, and should have all the protections that Portland's historic preservation ordinance offers. Further, I would support any possible interim measures to offer similar protection during the period the nomination is being considered.

Best regards,

Arthur Fink

Arthur Fink

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www.InsightAndClarity.com

arthur@ArthurFink.com 207.615.5722

Deb Andrews - House Island

From: Cheryl Miner <c.nunes.miner@gmail.com>
To: <dga@portlandmaine.gov>
Date: 7/31/2014 8:20 AM
Subject: House Island

I would like to see House Island designated as a local historic district. I live on Peaks Island and enjoyed going over to House Island several times and had hopes that I would be able to take my grandsons there when got a little older. I know they would love it.

I cannot make the August 6th meeting but I am putting the September meeting on my calendar.

I am the Chair of the Peaks Island Council, is there anything that the Council could do to help preserve this historic island?

Cheryl Miner
c.nunes.miner@gmail.com

Order 116-14/15
Tab 23 12-15-14

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO CITY CODE CHAPTER 18
(PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS)
Re: Parks Commission to Adopt Rules**

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

1. That Chapter 18 (Parks, Recreation and Public
Buildings and Grounds) is amended to read as follows:

...

Sec. 18-10. Parks Commission.

(a) *Findings.* The City Council hereby finds that:

(1) Several city parks and public grounds including, but not limited to, Deering Oaks, Eastern Promenade, Western Promenade, Baxter Woods, Baxter Pines, Riverside Golf Course, Payson Park and Stroudwater Park are already all protected by and through deed covenants and restrictions;

(2) The city's cemeteries are already protected by Chapter Seven (7) of the Portland City Code;

(3) The Land Bank has protected twenty-six (26) properties for conservation and preservation purposes;

(4) Therefore, in order to enhance these existing protections on the city's parks and public grounds, the city council hereby amends the city's parks ordinance as follows:

(b) *Established.* There shall be a commission composed of thirteen (13) members which shall be known as "Parks Commission," hereinafter referred to as the "commission."

(c) *Composition.* One (1) member of the city council, who is on the Transportation, Sustainability and Energy Committee, shall be appointed annually by the city council. One (1) member representing Friends of Deering Oaks; one (1) member representing Friends of the Eastern Promenade; one (1) member representing Friends of Evergreen Cemetery; and one (1) member representing Portland Trails shall be appointed for three-year terms by the city council. Seven (7) members representing the public-at-large and one (1) member representing the Land Bank Commission shall be appointed for three-year terms by the city council. Such three-year terms shall be staggered so that no more than three (3) members representing the public-at-large are appointed in any one (1) year. All members shall serve until their successors are appointed, for a period, however, not to exceed sixty (60) days after

expiration of the term. The commission may from time to time establish such subcommittees as it deems appropriate.

(d) *Duties.* The duties of the commission shall include:

- (1) Soliciting, encouraging and accepting private contributions to the city, in cash or in kind, whether by gift, trust, or subject to conditions; provided any gift in kind and that the form of any trust or conditions has been approved by the city council or is ratified by the city council;
- (2) Making recommendations to the city council as to the sale of dedicated parks and public grounds (as described in section 18-14 below) and disposition of trust funds held for parks, trails and open space;
- (3) Maintaining inventories of parks, trails and open space needs as it determines to be desirable;
- (4) Submitting an annual report to the city council regarding the state of the city's parks and public grounds and making specific recommendations therein about suggested goals and improvements for the parks and public grounds;
- (5) Encouraging educational programs, through the schools or otherwise, in forestry education or other relevant subjects it determines to be beneficial to the parks programs of the city;
- (6) Undertaking such other activities as to enhance the parks, trails and open space programs of the city as it deems appropriate from time to time; ~~and~~
- (7) Conducting an annual meeting of all parks, trails and open space advocacy groups to discuss annual projects and to recommend goals and priorities for capital improvement projects to the city council; ~~and-~~
- (8) Adopting reasonable rules for the conduct of its meetings, which rules shall include provisions for public comment.

**City of Portland, Maine
City Council Agenda Request Form**

TO: Sonia Bean, Senior Administrative Assistant
Mayor Michael Brennan
Acting City Manager Sheila Hill-Christian

FROM: Danielle West-Chuhta, Corporation Counsel

DATE: 12/3/2014

- 1) Council meeting at which action is requested:

1st reading: 12/15/2014
Final action: 1/5/2015

- 2) Can action be taken at a later date: X YES NO
If not, why not:

- 3) This item is sponsored by: Danielle West-Chuhta, Corporation Counsel
(If the item is sponsored by a Council Committee include the date the committee met and the outcome of the vote.)

If a memorandum addresses the following issues you may attach and reference the memorandum but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE

The Parks Commission (the "Commission") desires to adopt rules that are supplemental to the provisions of Chapter 18, Article 1 of the Portland City Code, which established the Commission. The proposed Rules would govern membership, officers, election of officers, meeting times and the Order of Business at meetings as well as other aspects of the orderly and beneficial performance of the Commission.

In order to adopt rules, however, the Parks Commission requires the power to adopt them, which is provided by the ordinance amendment proposed in this agenda item. The ordinance language is modeled on language found in the City Code for the Land Bank Commission, allowing it to adopt rules.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

See above.

III. INTENDED RESULT (How does it resolve the issue/problem?)

The proposed amendment will allow the Parks Commission to adopt rules (similar to the ones attached hereto).

IV. FINANCIAL IMPACT

There is no financial impact.

V. STAFF ANALYSIS & RECOMMENDATION

This amendment is recommended for passage by Corporation Counsel, and it has been reviewed and approved by the Parks Commission as well.

Attachments:

Order: Amendment to City Code Chapter 18 (Parks, Recreation And Public Buildings And Grounds) Re: Parks Commission Rules; and

Proposed Rules of the Portland Parks Commission

Rules of the Portland Parks Commission

Article 1. General Provision.

Section 1. These rules are supplementary to the provisions of Chapter 18, Article I of the City Code as it relates to the procedures of the Parks Commission (hereinafter, "Commission") and are adopted pursuant to the authority granted in Section 18-10(c)(1) of said Code.

Section 2. Roberts Rules of order shall supplement these rules and shall control procedures not covered by these rules.

Article II. Officers and Duties.

Section 1. The Commission shall consist of thirteen (13) members as follows: one (1) member of the City Council who is also on the Transportation, Sustainability and Energy Committee; one (1) member representing Friends of Deering Oaks; one (1) member representing Friends of the Eastern Promenade; one (1) member representing Friends of Evergreen Cemetery; and one (1) member representing Portland Trails shall be appointed for three-year terms by the city council; and seven (7) members representing the public-at-large and one (1) member representing the Land Bank Commission, who shall be appointed for three-year terms by the City Council.

Section 2. The officers of the Commission shall be the Chair and Vice-Chair.

Section 3. The Chair and Vice-Chair shall be elected annually by the Commission members at the first regular meeting in January. The City Council and Land Bank Commission representatives are not eligible to serve as Chair or Vice-Chair of the Commission.

Section 4. The Chair shall appoint chairs and members for those committees as may be appropriate. Chairs of committees shall be appointed from voting members of the Commission.

Section 5. There is no prohibition on officers serving consecutive terms in the same office.

Article III. Meetings.

Section 1. Regular meetings shall be held the 2nd Thursday of each month at 5:00 p.m. or at such other time and location of which notice is given by the Commission.

Section 2. Special meetings may be called by the Chair at the Chair's discretion or upon request of three (3) or more Commission members, provided that a twenty-four (24) hour notice is given to each member.

Section 3. Meetings of any committee or subcommittee of the Commission shall be held at the call of the Commission or the committee chair or by agreement of at least two sub-committee members.

Section 4. The Commission may, by a majority vote, specify a date for an agenda item.

Section 5. The Chair shall set the agenda for regular meetings of the Commission, workshops, public hearing and other meetings.

Article IV. Order of Business.

All regular meetings of the Commission shall proceed as follows:

- a. Roll call and declaration of quorum
- b. Approval of minutes of the previous meeting
- c. Communications
- d. Unfinished Business
- e. New Business
- f. Adjournment

This order of business may be amended for any given meeting in the discretion of the Commission.

Article V. Notice.

Notice of meetings shall be given in the same manner as for City Council standing committees; i.e. by listing in the City calendar, which is distributed to the public, except that in the event of an emergency meeting, best practicable notice will be given.

Article VI. Conduct of Public Hearings

Section 1. The public may be given an opportunity to comment on any item under consideration by the Commission prior to a final Commission action on that item. Rules governing the procedure for such public comment shall be determined by the Commission.

Article VII. Deliberations, Voting, Decisions.

Section 1. Fifty percent (50%) of the members of the Commission either in person or electronically shall constitute a quorum.

Section 2. The Commission may meet and deliberate at any properly called meeting, regardless of the presence of a quorum, or may continue consideration of such matter to any later meeting. However, no final action shall be taken on such a matter without a quorum being present.

Section 3. Recommendations to the City Council shall include facts and the reason or reasons for such recommendation and shall contain a separate statement setting forth the recommendation of the Commission.

Section 4. The Commission will take no final or binding vote on a recommendation to the City Council unless it shall first have stated its findings, reasons and conclusions at a meeting open to the public.

Section 5. When a vote is completed it shall be in order for any member who voted in the majority, in the negative, in a tie vote, or otherwise on the prevailing side, to move for reconsideration thereof at the same or at the next regular meeting but not afterwards; and when the motion for reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote completed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such regular meeting or unless two-thirds of voting members consent to such reconsideration.

Section 6. In the event of a tie vote, the matter shall be postponed until the next meeting, where it shall be considered as unfinished business.

Section 7. Any member with an interest, or an appearance of an interest, in a question before the Commission shall disclose or abstain from participation in deliberations on the question under discussion and from voting on such question, or said member may be excused from such participation and from voting on the question by majority vote of the commission.

Article VIII. Amendment of Rules

Section 1. These rules may be amended, or suspended, by a two-thirds affirmative vote of the members of the Commission.

Section 2. The proposed amendment must be presented in writing at a regular or special Commission meeting preceding the meeting at which the vote is taken.

Article IX. Annual Report

Section 1. The Commission shall annually file a state of the parks report with the City Council and City Manager on the physical, economic, and social status of each of the City of Portland's parks and/or public spaces and recommendations as to those spaces.



CITY COUNCIL REPORT
From
PLANNING BOARD
PORTLAND, MAINE

Recommendation to Designate House Island as a Local Historic District under the provisions of Portland's historic preservation ordinance (Article IX of the Land Use Code)

Submitted to: Portland City Council Requested Council Action: January 5, 2015	Submitted by: Planning Board Date: December 3, 2014
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I. Introduction

The Planning Board is recommending to the City Council that House Island within Portland Harbor be designated a local historic district subject to the provisions of Portland's historic preservation ordinance (Article IX of the Land Use Code). The proposed district designation applies to the entire 26-acre House Island and includes twenty-one (21) identified historic structures or sites representing several key periods of development history on the island—see Fig. 1. Among the significant extant historic resources on the island are Fort Scammel, built in 1808 and expanded in the 1860's, and buildings associated with House Island's role as a Federal immigration and quarantine station during the late 19th and early 20th centuries. Historic district designation will ensure that House Island's historic resources are protected from demolition and any alterations or additions to existing structures are compatible with their historic character. New construction will be reviewed for general compatibility with the prevailing development pattern on the island in terms of scale, massing, materials, etc.

On November 25, 2014, the Planning Board voted 4-0 (Dean, Morrisette and Soley absent) that House Island meets all the criteria for designation in Division 3 of the historic preservation ordinance and that the island's designation as a historic district is consistent with the City's Comprehensive Plan. Based on these findings, the Planning Board voted to recommend to the Council that the island be designated as a local historic district.

The Planning Board's review of the proposed designation was upon the recommendation of the Historic Preservation Board which voted unanimously on October 1, 2014 to recommend designation following its own review of the island's eligibility for historic district designation. In the case of nominated historic districts, Portland's historic preservation ordinance requires that the Historic Preservation Board first review the nomination according to the criteria outlined in Division 3 of the ordinance and, based on its findings, forward a recommendation to the Planning Board. The Planning Board, in turn, considers the recommendation of the

Historic Preservation Board and conducts its own independent analysis as to whether the nominated district meets the designation criteria. In addition, the Planning Board must also consider the effect of designation on other aspects of the Comprehensive Plan. Based on its own findings, the Planning Board forwards its recommendation to the City Council which has the final authority to designate local landmarks and historic districts.

House Island
Historic Resources Map
With inset map of Fort Scammell

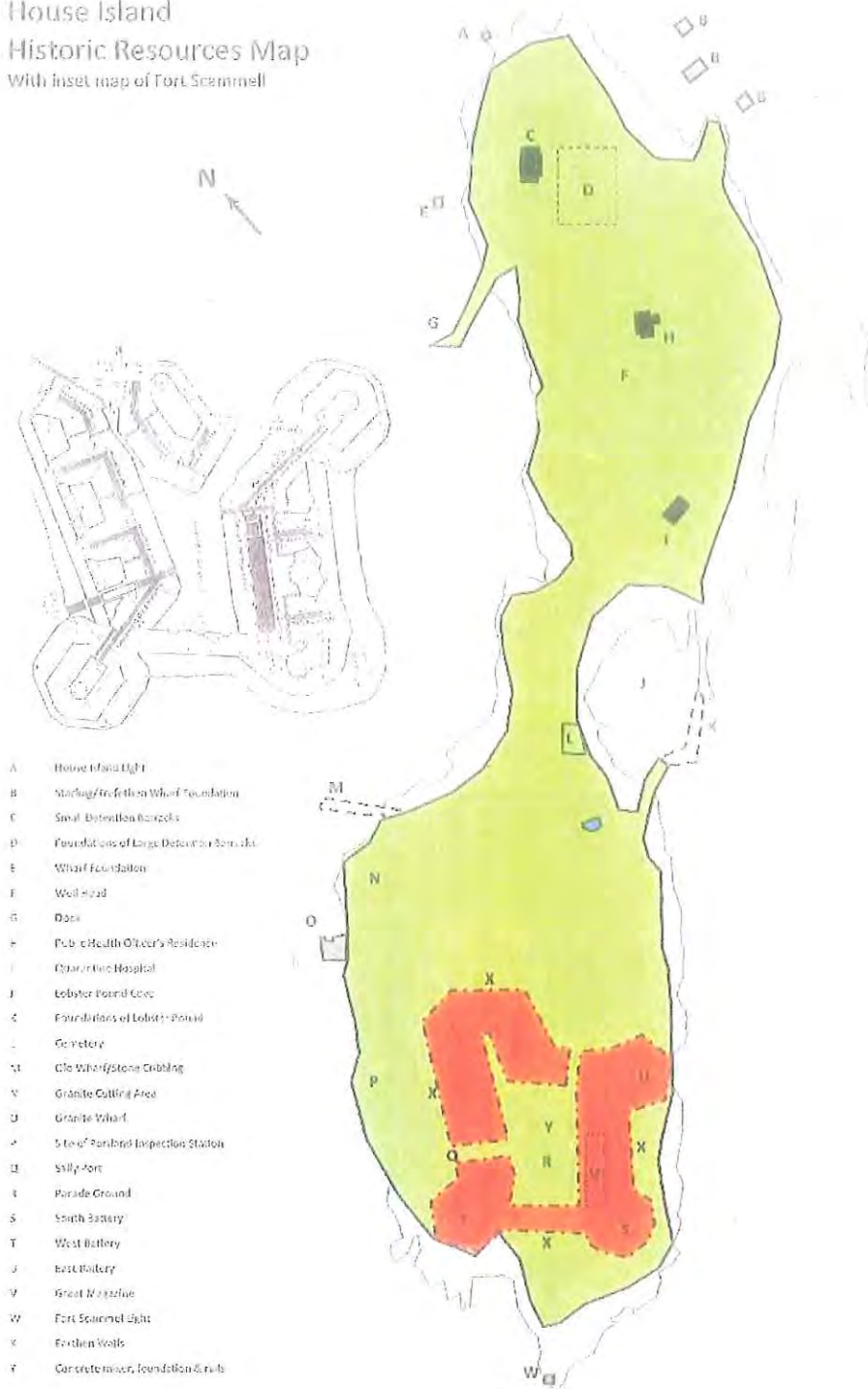


Figure 1. (larger version of map included in consultant report)

II. Planning Board Deliberations and Recommendation

The Planning Board's final deliberations on the nominated historic district followed a preliminary workshop on October 21, 2014. At the workshop, Historic Preservation Program Manager Deborah Andrews presented the Historic Preservation Board's formal recommendation to designate House Island as well as the HP Board's specific findings which led to their favorable recommendation. Preservation consultant Julie Larry of ttl-architects, who prepared the detailed documentation required to consider the merits of the nominated district, also made a presentation. Ms. Larry described the island's development history and explained the significance of the extant historic resources on the island. In her presentation, Ms. Larry addressed the specific designation criteria enumerated in the City's preservation ordinance, explaining how, in her professional assessment, House Island met all six of the minimum criteria for designation, as well as the ordinance requirement that a substantial number of the structures and sites within the proposed district exhibit sufficient integrity of location, design, condition, materials and workmanship to make them worthy of preservation or restoration.

Public comment was also taken at the 10/21 workshop. The current owners of the northern and southern sections of House Island addressed the Board. Michael Scarks, who purchased the entire island in May 2014 and sold the northern half in late September, indicated that he had no objection to designating Fort Scammel itself, but questioned the rationale for designating the balance of the island. Mr. Scarks also questioned the timing of the nomination. Vincent "Cap" Mona, the new owner of the north half of the island that includes historic structures associated with the island's role as an immigration and quarantine station, also introduced himself and indicated that he was working with historic preservation staff on a plan to rehabilitate the historic buildings he had purchased. Mr. Mona did not express a position on the proposed designation. Four other members of the public, including Hilary Bassett Executive Director of Greater Portland Landmarks, expressed support for the nomination/designation. (A compilation of all written public comment during Planning Board and Historic Preservation Board deliberations is enclosed as Attachment 4.)

In response to a follow-up question from a Planning Board member regarding the timing of the nomination, staff explained that after the US government's sale of House Island following WWII, the island was privately owned by the Cushing family for several decades. Although the Cushing family offered tours of the historic sites on the island and appeared committed to its preservation, they were resistant to historic designation of the island. Some months before the island was put on the market, historic preservation staff became aware that the Cushing family had entered into negotiations with a statewide conservation organization and a statewide preservation organization about placing conservation and preservation easements on the island. (These easements would have provided a level of protection comparable to historic district designation.) Later, after negotiations had apparently fallen through, staff learned that the island had been put on the market and that there was an interested buyer (Mr. Scarks). When Mr. Scarks met with Planning staff during his due-diligence period, staff informed him that the island had been identified as eligible for historic district designation as early as 1990. (Portland's *Historic Resources Design Manual*, which was adopted as part of Portland's historic preservation ordinance in 1990, lists House Island as a property eligible

for local historic designation.) A short time later, Peak Island summer resident Jo Israelson and Greater Portland Landmarks petitioned the Historic Preservation Board to nominate House Island for historic district designation.

At the conclusion of the workshop session, Planning Board members indicated that they found House Island to clearly meet the historic preservation ordinance's designation criteria and expressed support for its designation as a local historic district.

The Planning Board's formal public hearing on the proposed historic district designation was held on November 25th. Following a presentation by staff, public comment and Board deliberations, the Planning Board voted 4-0 (Dean, Morrisette & Soley absent) as follows:

Upon the recommendation of the Historic Preservation Board and on the basis of documentation and analysis provided in the report *House Island, Portland, ME: Analysis of Eligibility as a Local Historic District* prepared by ttl-architects, as well information included in the staff report for the November 25, 2014 public hearing, the Planning Board

1) finds that House Island:

- a) meets the historic preservation ordinance's minimum criteria for historic district designation as set forth in Sec. 14-610 (a), specifically (a) 1, 2, 3, 4, 5 and 6, based on the Board's finding that the summary statements included in the ttl-architects report (pages 2-5 of the report), addressing criteria (a) 1,2,3,4,5 and 6 are well-founded and based on detailed research and available documentation. Accordingly, the Board confirms and references the report's statements of significance as the basis for its finding;**
- b) meets the criterion in Sec. 14-610 (b), based on the Board's finding that a substantial number of the structures and sites within the proposed district have a high degree of cultural, historic or architectural significance and integrity, many of which qualify as landmarks, and that the proposed district also has within its boundaries other sites and structures which contribute to the overall visual characteristics of the most significant properties and sites. Pursuant to this finding, the Board supports classifications for each identified site and structure within the district boundary included in the ttl-architects' report. (see Index of Resources on page 22 of report);**
- c) meets the integrity criterion set forth in Sec. 14-611, based on the Board's finding that the district and the structures and sites therein have sufficient integrity of location, design, condition, materials and workmanship to make them worthy of preservation or restoration;**
- d) is consistent with the goals of the Comprehensive Plan, based on the Board's findings that both the Historic Preservation element of the Comprehensive Plan and the Shoreland Zoning Amendments of December 1991(which are incorporated by reference in the Plan) encourage the identification, protection and preservation of historic resources within the City of Portland and that designation does not conflict with other aspects of the Comprehensive Plan; and therefore**

- 2) recommends to the City Council that House Island be designated as a local historic district, the boundaries of which are illustrated in Figure 1.

III. Historic Preservation Board Deliberations and Recommendation to the Planning Board

On October 1, 2014, the Historic Preservation Board voted unanimously (6-0, Turk absent) to recommend to the Planning Board designation of House Island as a local historic district based on findings that it met the criteria for designation in Division 3 of the historic preservation ordinance. (The full text of Article IX, Division 3 is enclosed as Attachment 1.) Formal deliberations on the nomination followed two preliminary workshops including a site visit to House Island to review current conditions of the existing structures and sites. Detailed documentation on the development history and significance of the island and its extant structures was provided in a report prepared by ttl-architects entitled *House Island, Portland, ME: Analysis of Eligibility as a Local Historic District*. (See Attachment 2.)

The Historic Preservation Board's recommendation was based on findings that House Island meets the criteria for designation as defined in Division 3 of the historic preservation ordinance. Under Sec. 14-610 (a) Minimum Criteria for Designation, a nominated historic district must be found to exhibit at least one (1) of six (6) identified areas of cultural, historic, architectural, and/or archeological significance. The Board found that House Island meets all six (6) of the identified criteria. In making this finding, the Historic Preservation Board referenced and confirmed the statements of significance included in the ttl-architect report that addressed the Criteria 1-6. The Board found that ttl's concluding statements of significance, which describe in a succinct narrative how the various criteria are met, were well-founded and based on detailed research and available documentation.

The Historic Preservation Board also found that House Island meets the criterion set forth in Sec. 14-610 (b), which requires that a substantial number of the sites, structures, or objects within a proposed district have a high degree of significance and that other sites and structures within the district boundaries contribute to the overall visual characteristics of the significant properties within it. The Board found that the nominated district met this standard. The Board supported the ttl-report's recommended classifications for each identified site and structure within the district boundary (see Index of Resources on page 22 of consultant's report).

Finally, the Historic Preservation Board found that the structures and sites located within the proposed House Island district meet the separate criterion set forth in Sec. 14-611, which requires that the historic resource must exhibit sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration. Based on the Board's site visit to House Island, the Board was satisfied that the structures and sites within House Island exhibit a high degree of integrity.

IV. Background – Initiation of Nomination, Documentation, Etc.

On July 9, 2014, the City's historic preservation office received letters from Greater Portland Landmarks and Peaks Island summer resident Jo Israelson requesting that House Island be nominated as a local historic district. (See Attachment 3). The letters were distributed to the

members of the Historic Preservation Board as a communication at their meeting later that day. At the Board's next scheduled meeting (July 16), Board members Penny Pollard and Bruce Wood distributed a letter to the full Board, formally nominating House Island for consideration as a local historic district. (The ordinance stipulates that district nominations must be initiated by any two members of the Historic Preservation Board or by written petition by one or more owners of affected property in the proposed district, provided two or more members of the Board sponsor the petition.)

Following the nomination, a detailed report was prepared by Julie Larry of ttl-architects documenting the multi-layered history and architecture of House Island. The report also included an analysis of House Island's significance and level of integrity, specifically addressing the designation criteria included in Portland's historic preservation ordinance. Staff reviewed the report and found that it constituted a "complete nomination" for purposes of considering the merits of designation.

On August 6th, an initial workshop was held on the proposed designation. Julie Larry of ttl-architects was invited to make a powerpoint presentation based on her written report. Ms. Larry reviewed the long history of development on House Island and the various key roles it has played over time. Using historic and recent photographs, she described the numerous extant structures and sites on the island that document various periods of its history and the specific activities that it has supported. Finally, Ms. Larry presented her findings as to the relative significance of House Island within the context of the history of Portland and beyond.

This informational workshop was followed by a site visit on September 3rd. Accompanied by property owner Michael Scarks and City staff, members of the Historic Preservation Board toured the entire island, reviewing the specific historic resources identified in Ms. Larry's report. Visiting the property was critical to the Board's deliberations as it provided an opportunity to observe the current condition of the sites, structures and objects within the proposed district. In order for the Board to address the question of *integrity* as defined in the historic preservation ordinance, it was essential to review the historic resources first hand. The site visit also provided Board members with the opportunity to decide whether the designation classifications (Landmark, Contributing, Non-contributing) recommended by the consultant for each site, structure and object within the district boundaries were appropriate. The site visit allowed Board members to observe the overall visual character of the island, the spatial and scale relationship between the individual structures on it and the visual relationship between the north and south ends of the island. Finally the site visit, which concluded with a boat tour around the entire perimeter of the island, provided Board members with an opportunity to observe available views of the island and its built resources from the water and other islands within Casco Bay and understand its role as a key character-defining feature of the bay.

ATTACHMENTS

1. Excerpts from historic preservation ordinance (Article IX) applicable to the nomination and designation of historic resources, including designation criteria
2. *House Island, Portland, ME: Analysis of Eligibility as a Local Historic District*, prepared by Julie Larry, ttl-architects
3. Original petition letters from Greater Portland Landmarks and Jo Israelson requesting that the Historic Preservation Board nominate House Island as a local historic district
4. Compilation of Written Public Comment

*Order 117-14/15
Feb 24 12-15-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

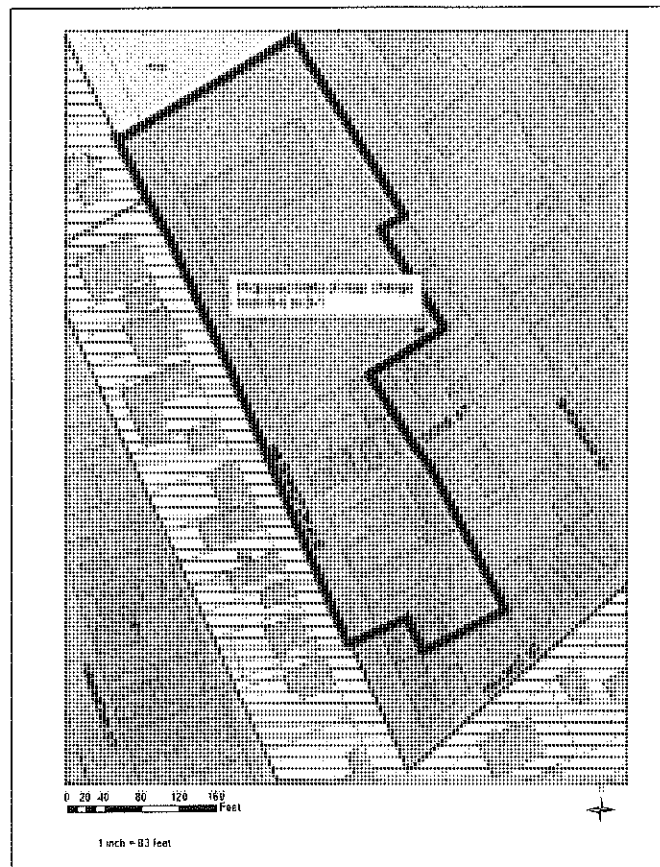
**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO ZONING MAP
RE: 143 to 185 WASHINGTON AVENUE**

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

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the following map change amendment as depicted in the area map below; and specifically rezoning from Residential R-6 to Neighborhood Business B-1 an area starting at 143 Washington Avenue and extending northward to include 185 Washington Avenue, as depicted in the area map below.



MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Alex Jaegerman, Planning Division Director

DATE: December 2, 2014

DISTRIBUTION: Mayor Michael Brennan; Sheila Hill-Christian, Acting City Manager; Danielle West-Chuhta, Corporation Counsel; Jennifer Thompson, Associate Corporation Counsel; Sonia Bean; Nancy English

SUBJECT: R-6 to B-1 Map Amendment

SPONSOR: Stuart O'Brien, Chair, Planning Board

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading December 15, 2014 **Final Action** January 5, 2015

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

PRESENTATION: Stuart O'Brien, Planning Board Chair, and Alex Jaegerman, Planning Division Director, 5 minute oral presentation

I. SUMMARY OF ISSUE

The Planning Board recommends a zoning map amendment to change a portion of Washington Avenue that is currently zoned R-6 Residential Zone to B1 Neighborhood Business Zone.

II. REASON FOR SUBMISSION

An application was submitted by Munjoy Hill Homes – Sheridan LLC, represented by Ron Gan, for a zoning map amendment for property at 143, 145 & 155 Washington Avenue, on the easterly side of Washington Avenue, between E. Cove Street and Walnut Street. The site currently is used for a legally non-conforming auto repair and used car lot business. The property is zoned R-6 Residential Zone, and the application originally requested that it be rezoned B-2b so that the applicant could subsequently apply a Site Plan and Subdivision application for a mixed-use development. The application was heard by the Planning Board on August, 26th, September 23rd, and October 28th. Over the course of the review, the application changed to a request for the parcels to be rezoned to B-1, and the Planning Board determined it was appropriate to recommend a map amendment for a larger extent than the original application requested.

III. INTENDED RESULT

The intended result of this map amendment is to have Washington Avenue be appropriately zoned to foster the mixed-use, eclectic commercial and residential environment that exists on much of the street today, and incentivize appropriate development to the existing context. The Planning Board considered the surrounding neighborhoods when they chose to recommend that a portion of R-6 that is part of the existing, adjacent residential neighborhood be maintained, but found that maintaining the majority of the existing segment of R-6 on Washington Avenue was not contextually appropriate. Please see the attached full report to the City Council for specific recommended zone boundaries and additional discussion of the proposed change.

IV. COUNCIL GOAL ADDRESSED

In both the increased potential for housing development and the range of commercial uses that are allowed in the B-1 zone, the proposed map amendment addresses both housing and economic development goals. Specifically, this change addresses the following Council goals:

Promote Housing Availability: Provide increased availability in all segments of the housing market while insuring that there is suitable balance of housing opportunities among those sectors.

Economic Development: Promote economic development in the City in a manner that provides for increased property values, diversification across industry sectors, and high paying jobs.

V. FINANCIAL IMPACT

There are no known municipal financial impacts associated with this amendment.

VI. STAFF ANALYSIS

The review found the proposed text amendments consistent with the Comprehensive Plan.

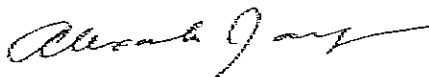
VII. RECOMMENDATION

On October 28, 2014, the Planning Board voted unanimously, 6-0 (Dean absent) that the proposed map amendments from R-6 to B-1 including 143, 145 & 155 Washington Avenue, extending northward to the beginning of the ROS zone, are consistent with the Comprehensive Plan and recommended adoption of the proposed amendment to the City Council.

VIII. ATTACHMENTS

1. Planning Board Report to City Council

Prepared by:



Signature

December 3, 2014

Date



CITY COUNCIL REPORT
from
PLANNING BOARD
PORTLAND, MAINE

B-1 ZONING MAP AMENDMENTS
Munjoy Hill Homes – Sheridan LLC, APPLICANT

Submitted to: Portland City Council First Reading: December 15, 2014 Second Reading: January 5, 2015	Prepared by: Portland Planning Board Date: December 3, 2014
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I. INTRODUCTION

On October 28, 2014, the Planning Board voted unanimously (6-0, Dean absent) to recommend a zoning map amendment, from R-6 to B-1, to the City Council. The original request by the applicant was for a zoning map amendment for property at 143, 145 & 155 Washington Avenue, on the easterly side of Washington Avenue, between E. Cove Street and Walnut Street, so that the applicant could then apply for a mixed use development consisting of commercial uses facing Washington Avenue, and residences in the form of apartments and townhomes. The property is currently used for a legally non-conforming auto repair and used car lot business. The application was reviewed by the Planning Board at two workshops August 26th and September 23rd, as well as at a public hearing on October 28th.

II. BACKGROUND

An application was submitted by Munjoy Hill Homes – Sheridan LLC, represented by Ron Gan, for a zoning map amendment for property at 143, 145 & 155 Washington Avenue, on the easterly side of Washington Avenue, between E. Cove Street and Walnut Street. The site currently is used for a legally non-conforming auto repair and used car lot business. The application was originally a request for a rezoning to B-2b so that the applicant could subsequently apply a Site Plan and Subdivision application for a mixed-use development. Over the course of the Planning Board review, with the agreement of the applicant, the application changed in both the specific zone being considered, and the geographic extent of the change.

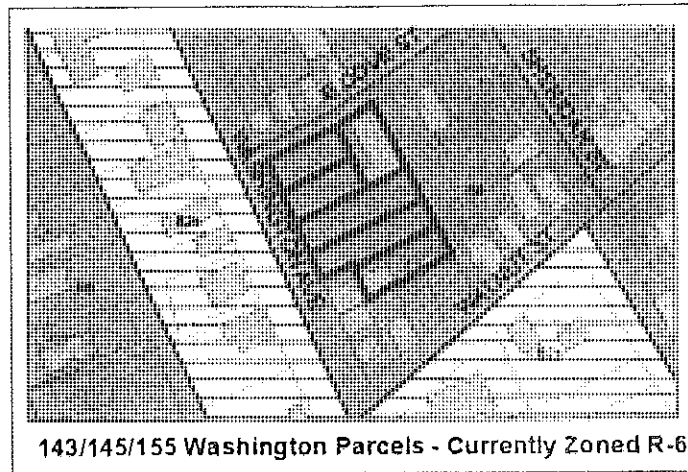


Figure 1, Original Parcels in Map Amendment Application

This length of Washington Ave. is zoned R-6, a residential zone, and is faced on the western side of Washington Ave. with the B-2b, Community Business zone. From Walnut St. to the edge of the park to the north is approximately 740 feet and is currently the only length of residential zoning on Washington Avenue (Figure 2).

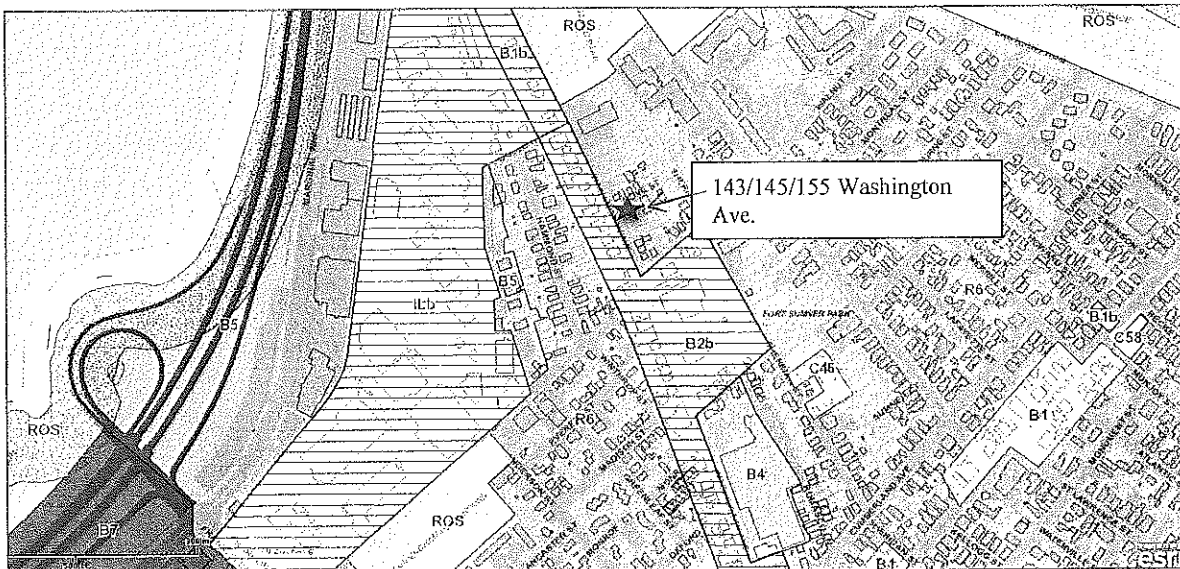


Figure 2, Zoning Context

Washington Ave. contains a truly eclectic mix of uses, building types and scales, including single family and multi-family residential, and a wide span of non-residential uses such as restaurants, retail, offices, galleries, a meadery, auto repair, a redemption center, and light industrial uses – a diverse gamut on a half mile (+/-) stretch. The block the 143/145/155 Washington Ave. parcels are on contains a fairly concentrated pocket of residences relative to the blocks closer to Congress Street, but also contains a mixture of residential and commercial on both sides of the street. Commercial uses in this section include the Northern Burner Supply building (185 Washington Ave.) and the East End Redemption recycling center (174 Washington Ave.). The newly approved, not yet constructed Avesta Housing efficiencies (134 Washington Ave.) will be on the facing side of the street.

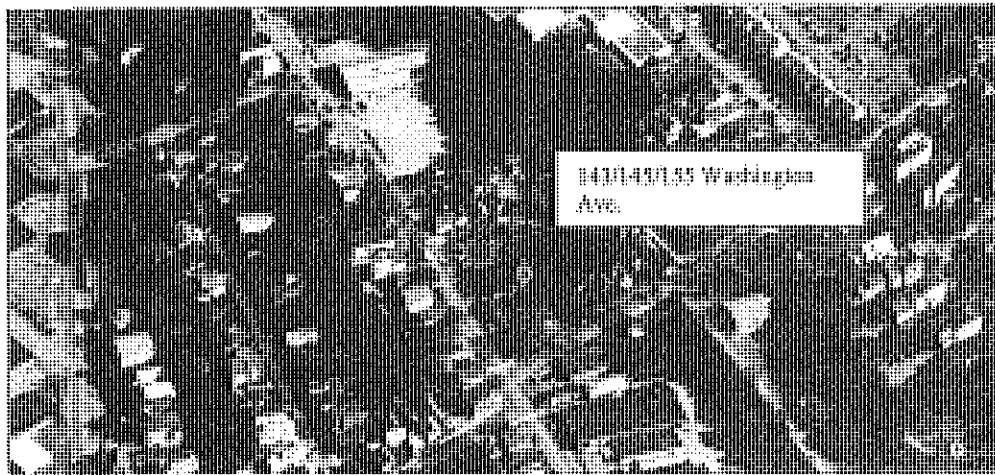


Figure 3, Aerial view of Washington Ave.

The Planning Board determined, after hearing extensive public comment, and after their own deliberations, that this section of Washington Avenue warranted rezoning, but that a different zone and with alternate boundaries than originally requested. The first change, that this area be changed from the R-6 zone to the B-1 zone, rather than the B-2b zone, was decided due to the B-1 zone's relative constraints on scale and range of commercial development. Both the B-1 and B-2b zones allow for high residential densities, commercial, and mixed-use development, but the B-1 zone is written to encourage relatively smaller scale commercial development. The B-1 purpose statement states: *The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk.....* A map of existing on-peninsula B-1 and B-1b areas shows the selective, neighborhood application of the zone to date (Figure 4).

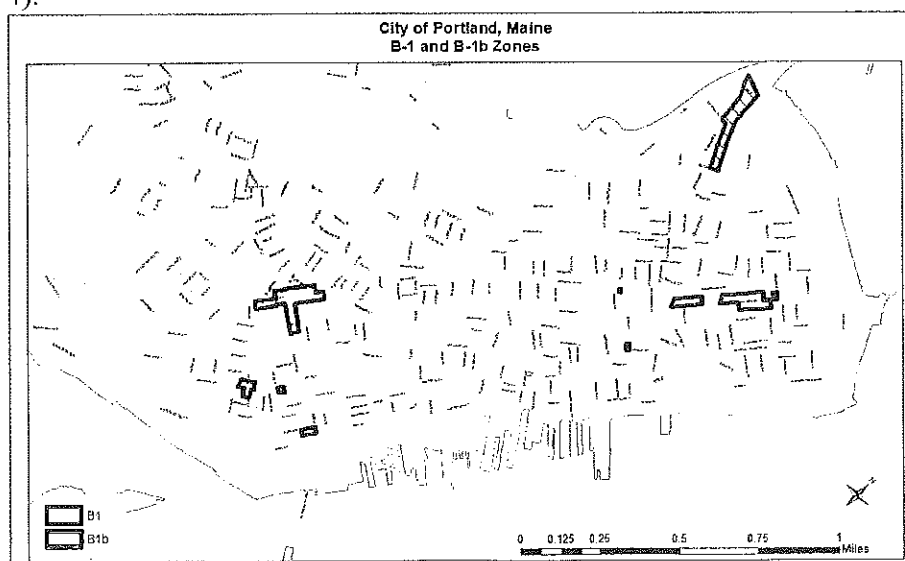


Figure 4

It achieves this through a comparatively shorter list of allowed commercial uses, and certain maximum sizes for commercial uses, such as a maximum restaurant size of 2,000 sf, a maximum first floor area for non-residential uses of 10,000 sf, and a total maximum floor area per retail establishment to 5,000 sf (exclusive of bulk storage, kitchen areas, or vent shafts). Much of the successful existing retail in the B-1 zone, including the Hilltop Superette (former Colucci's) and Hilltop Coffee on Congress Street, Pat's Meat Market on Stevens Avenue, and Rosemont Market on Brighton Avenue, is between 2,000 and 4,000 sf in first floor area. The intent of this standard is not to imply that there is not economic or aesthetic value in or need for larger commercial spaces, but only to cultivate increments of smaller non-residential development in areas where this seems most in keeping with the neighborhood context. Existing structures are exempt from the 10,000 sf maximum for non-residential uses, allowing flexibility for existing building stock.

Though there are a range of scales and of uses on Washington Ave. today, the Board determined that B-1 was the more contextually sensitive zone for this particular section of the street, especially considering the clusters of intact residential housing along and abutting it, including Walnut St., East Cove, and Sheridan St. to the east.

The recommendation for the rezoning of a larger area than the original application requested was done in recognition that R-6 is largely not the most appropriate zone for Washington Ave., for future as well as for existing businesses, should they seek to redevelop or substantially alter their properties. However, the Board recognized that the residential area nearest the intersection of Washington Ave. and Walnut St. is part of a contiguous residential neighborhood extending up Walnut and the adjacent residential streets, and chose to recommend these properties remain zoned as R-6 (Figure 5).

The applicant indicated, at the October 28th public hearing, that they had not retained an option on all of the properties initially applied for, and that their eventual development proposal would be altered, but they still were requesting the change. The current owner of the Casale Auto lot supported the change, as did one of the Northern Burner property owners, a resident of East Cove St., and all the comment received at the public hearing. No one spoke against the zone change to B-1 or proposed zone boundaries.

III. INTENDED RESULT

The intended result of this map amendment is to have Washington Avenue be appropriately zoned to foster the mixed-use, eclectic commercial and residential environment that exists on much of the street today, and incentivize development appropriate to the existing urban fabric. The Planning Board considered the surrounding neighborhoods when they chose to recommend that a portion of R-6 that is part of the existing, adjacent residential neighborhood be maintained, but found that maintaining the majority of the existing segment of R-6 on Washington Avenue was not contextually appropriate.

IV. PROPOSED MAP AMENDMENT

Below is a map of the proposed zone boundaries for the B-1 zone. Currently R-6, this change to B-1 would extend from the original application parcels northward to encompass the Northern Burner Supply site at 185 Washington Avenue. The re-zoned area stops at the current ROS zone line, at what is a portion of the Eastern Promenade.

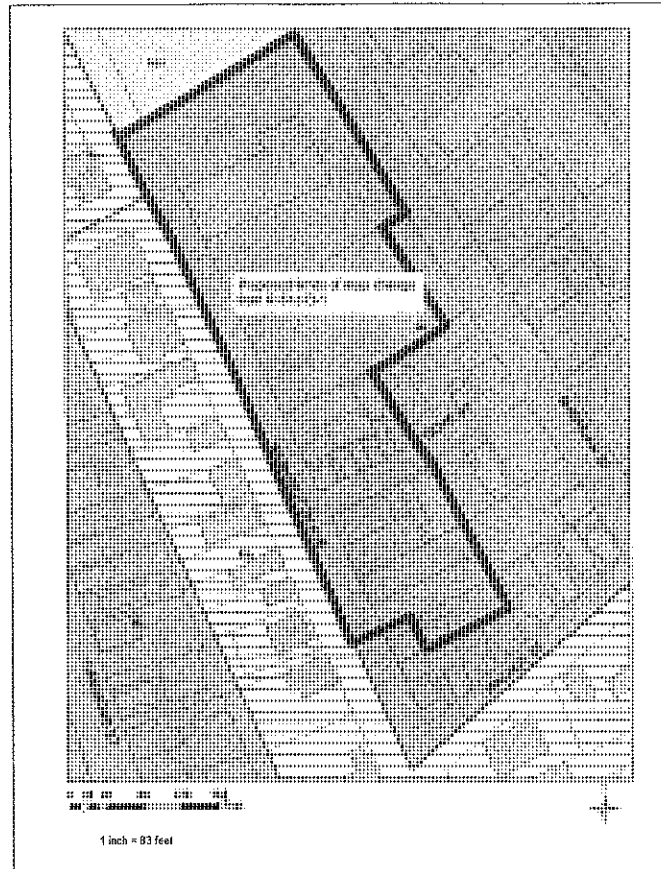


Figure 5, Proposed boundary of zone change from R-6 to B-1

V. COMPREHENSIVE PLAN

The Comprehensive Plan supports both the initial mixed-use development concept brought forth for 143/145/155 Washington Avenue, and for this policy change as a whole. The Planning Board found support for the rezoning in the City's Comprehensive Plan element, Housing: Sustaining Portland's Future (2002), Policy #5, Sustainable Development, specifically the subsection *Infill Development: encourage development on vacant lots along accepted city streets*. The application also included a less specific reference to Sustainable Portland (2009), which encourages increasing housing density. The Board noted that Policy #5 includes recommendations for redevelopment of underutilized parcels, building housing near transit and services, and encouraging mixed-use development. On-peninsula, mixed use infill development near services, that will access existing infrastructure, is widely supported by this document. The Board also found that Policy #3 of the Housing Plan emphasizes appropriately scaled non-residential development that is compatible with residential areas, as well allowing for a mix of commercial and residential development along arterials. Finally, with the recent amendments to the B-1 Zone, and the purpose statement of that zone, the Planning Board found that the B-1 Zone is the most appropriate zone for this section of Washington Avenue, incorporating the applicant's requested area, the additional land for which their option expired, and the lot frontage along Washington Avenue to the north including the Northern Burner property and adjacent to the existing R-OS zone.

VI. PUBLIC COMMENT

Public comment throughout the review process was largely supportive of a mixed commercial and residential development in this area, and of the eventual selection of B-1 and the recommended boundaries for the map change. There were general concerns voiced about cumulative development impacts to neighborhood traffic, aesthetics of new development, and overall change. There was greater support for a change to B-1 over B-2b, and preference by Walnut Street residents to retain residential zoning for their properties.

VII. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed map amendment at a hearing on October 28, 2014. After a carefully considered discussion about the appropriate zone boundaries, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (6-0, Dean absent) that the proposed map amendment to Neighborhood Business B-1, as shown in Figure 5, is consistent with the Comprehensive Plan and recommended adoption of the proposed map amendment to the City Council.

Proposed Community Garden Eastern Promenade Figures and Photographs

City of Portland
Department of Public Services
10/9/2014

Figure 1 - Location

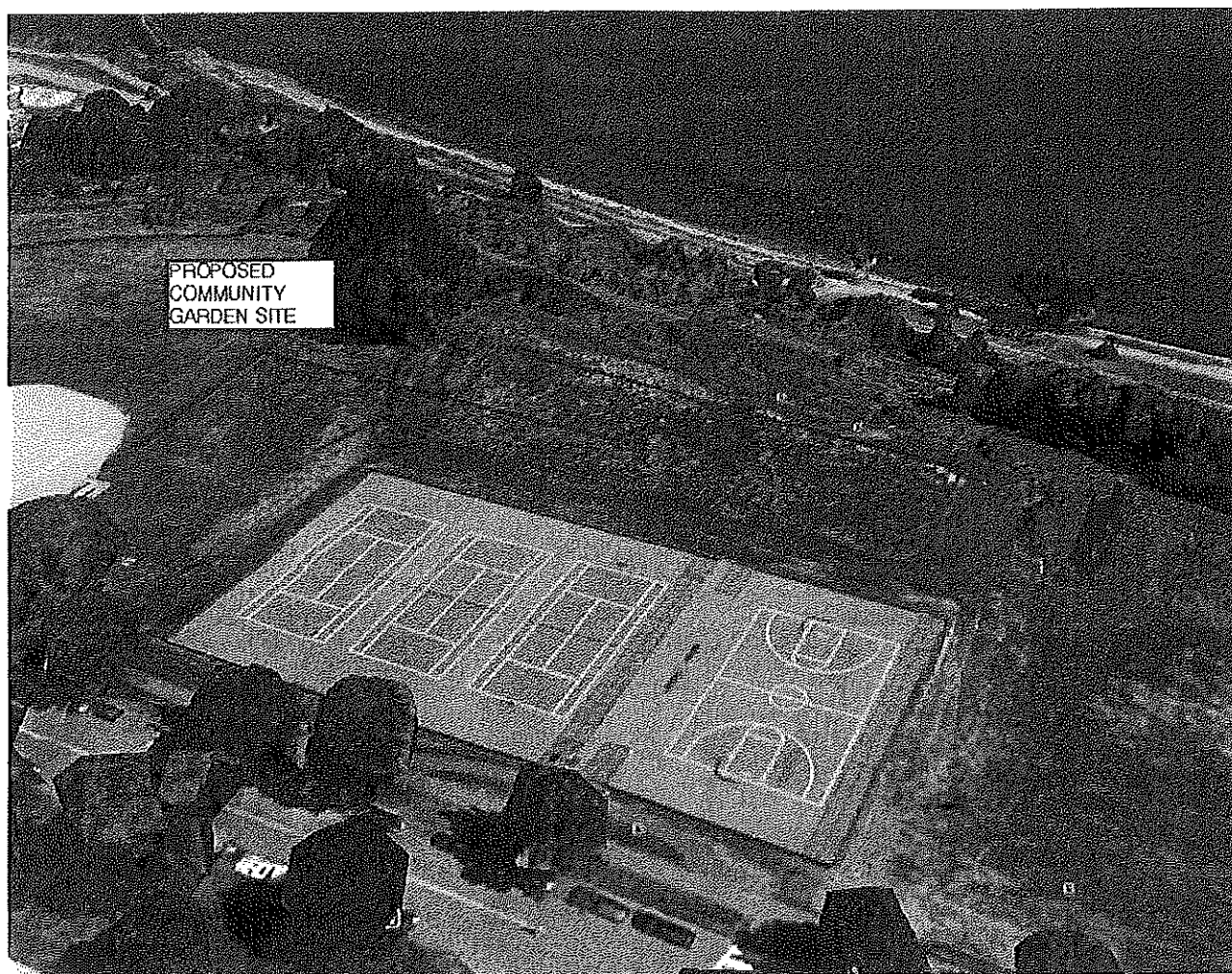


Figure 2 – Concept Sketch

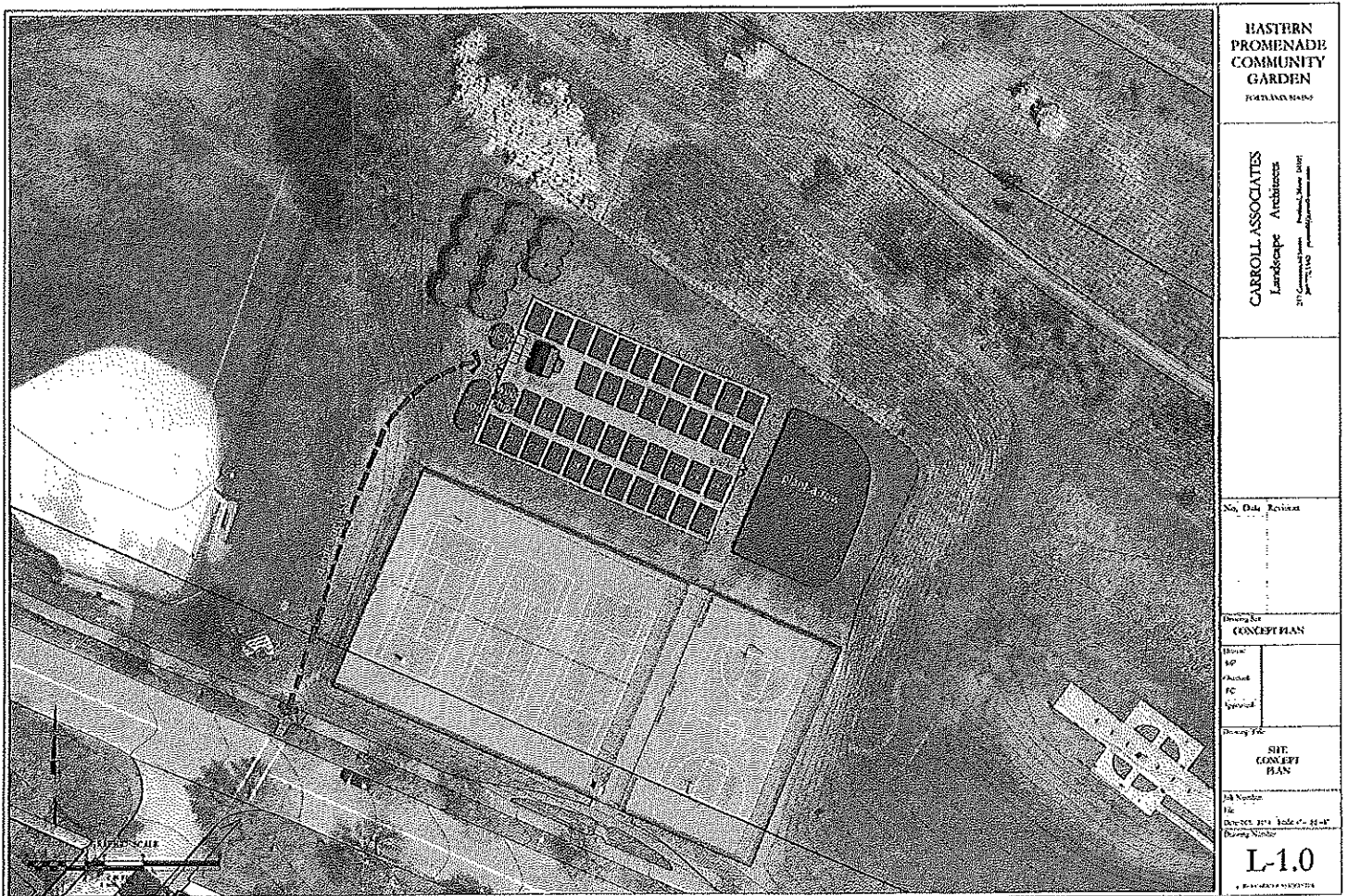


Photo 1 – North St. Fence and Shed

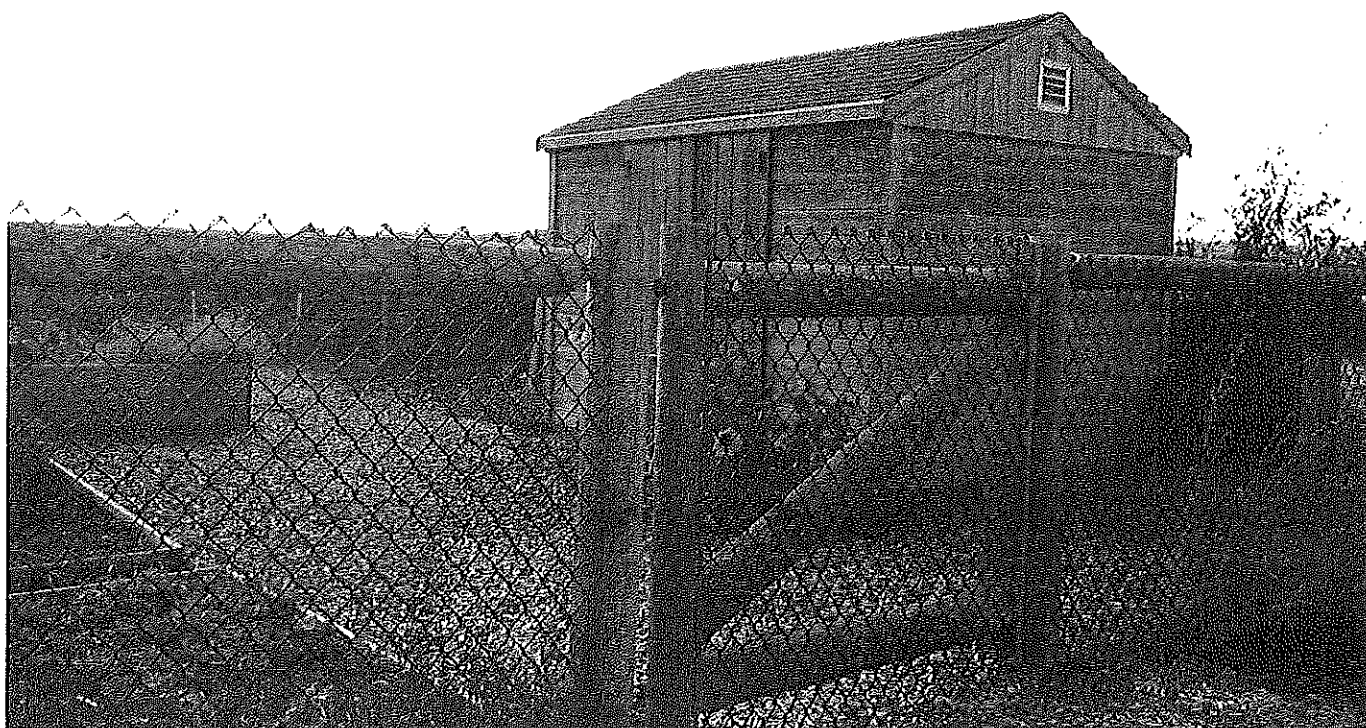


Photo 2- from street



Photo 3 – from street



Photo 4 – From sidewalk, south of
courts



Photo 5 –from park, south of courts



Photo 6 – view back toward street
from northern corner

