

Agenda
Regular City Council Meeting
March 16, 2015

1.City Council Agenda

Documents: March 16, 2015.pdf

2.City Council & Agenda

Documents: Agenda March 16.2015.pdf

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

Order 173-14/15
(Tab 4)

Order Declaring the Portland Rugby Football Club – Pork Roast Fundraiser as a Festival – Sponsored by Sheila Hill-Christian, Acting City Manager.

This order declares Portland Rugby Football Club – Pig Roast Fundraiser 2015 Festival to be held on the Maine State Pier on Saturday, May 9, 2015 from 9:00 a.m. to 6:00 p.m. with a fundraiser and celebration to be held from 1:00 p.m. to 4:00 p.m.

Gates open at 1:00 p.m. on the Maine State Pier and Festival areas bordered by the southeastern end of the Maine State Pier up to the area of business of Portland Schooner Company. Two hundred attendees are expected for this event.

The purpose of the fundraiser is to introduce the community of Portland to the rugby club representing them throughout the northeast and to raise needed funds for the fulfillment of the organization's mission.

**Order 174-14/15
(Tab 5)**

Order Declaring Shipyard Old Port Half Marathon & 5K Road Race as a Festival and Approving Contract and Permits Therefor– Sponsored by Sheila Hill-Christian, Acting City Manager.

This order declares “Shipyard Old Port Half Marathon & 5K Road Race Festival” to be held on Saturday, July 11, 2015, from 5:00 a.m. to 3:00 p.m. in Portland, along city streets and trails. Runners will congregate in the Ocean Gateway queuing lanes areas for the Half Marathon start and the Eastern Prom area for the 5K start. The Half Marathon starts at 7:00 a.m. and the 5K Race starts at 7:20 a.m.

A 21+ beer garden will be set up in the Amethyst Lot. The Old Port Lobster Bake and Health & Fitness Exposition will take place at the Amethyst Lot, Friday, July 10, 2015, from 2:00 p.m. to 8:00 p.m.

The Shipyard Old Port Half Marathon & 5K Road Race is a for-profit event; however, Habitat for Humanity of Greater Portland, Cancer Community Center, and Portland Trails all benefit from the Old Port Half Marathon proceeds. This years' Half Marathon should draw 3,400 runners and the 5K should draw 1,000 runners.

The race route and road closures are included in the agenda backup.

**Order 175-14/15
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Order Declaring United Maine Craftsmen – Payson Pop-Up Craft Show as a Festival – Sponsored by Sheila Hill-Christian, Acting City Manager.

This order declares United Maine Craftsmen-Payson Pop-Up Craft Show Festival to be held in the Payson Park Triangle Grass area from 9:00 a.m. to 4:00 p.m. on July 11, 2015. Rain date will be Sunday, July 12.

This is the first year that United Maine Craftsmen has proposed a crafts festival for a Portland park. However, the organization holds a number of craft fairs throughout the year around the state.

For the Portland show, organizers would like to use Payson Park Triangle Grass area. Three thousand attendees are expected for this event. They would also close off the first entrance into the park from Baxter Blvd. to traffic for ease of setup and breakdown. The second entrance may also be closed down to traffic for the early morning hours to again, assist with the setup.

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The festival area will include all of the Amethyst Lot from the Eastern Promenade Trail to the west Casco Bay to the East. The northern and southern borders are defined by the Nova Star Departure Building to the south and 100 feet from the border of Sail Maine to the north.

The post-race festival will be held at the Amethyst Lot with music, demos, sponsor activities, and more. This area will be overseen/administered by Public Assembly Facilities Management Staff.

The Amethyst lot and surrounding areas would remain open to the public. 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 Raid Events, LLC, its contractor and the City to focus volume within the festival area and its immediate environment, limiting any sound impacts in residential areas.

Beer would be available in a restricted area, to which access would be limited to those twenty one (21) and over. All Security will be provided by Public Assembly Facilities Management Staff. The event will also include merchandise and food vendors. All vendors will require the appropriate permits and licenses.

Once again this year, WinterKids will be the beneficiary for this event. The mission of WinterKids in Portland, Maine is to help children develop healthy lifelong habits through fun, outdoor winter activity.

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

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Application filed 02/20/15. New City and State Applications. This is the former location of The Dancing Elephant.

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BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

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Order 172-14/15 (Tab 12) Order Approving Two-Party Agreement between the City of Portland and the Maine Department of Transportation Re: Improvements to Forest Avenue – Sponsored Sheila Hill-Christian, Acting City Manager.

This order approves a two-party agreement between the Maine Department of Transportation and the City of Portland regarding the planning, development, design, right-of-way, construction, cost sharing and reimbursement for a project to make improvements to Forest Avenue.

The project scope includes but is not limited to reconfiguring the Forest Avenue traffic pattern at Woodfords Corner and Ocean Avenue, widening sidewalks, adding streetscape aesthetics, extending shared lane bikeways, and reducing crossing distances for pedestrians.

The city is also discussing potential additional amenities (including, but not limited to, street finishings, benches and/or higher quality materials) with MDOT and will update the Council on the status of the discussions at a future meeting.

This project has been in discussion for a number of years and the matching and non-matching funds required, \$369,875.10 (the city's matching funds) have been included in the FY 15 Capital Improvement budget. The total cost for the project will be \$1,518,751.00 - \$1,199,000.80 (Federal).

The Agreement has been amended to reflect a correction to the city's local share for preliminary engineering and right of way from 15% to 10%.

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ORDERS:

Order 181-14/15 (Tab 13) Order Granting Two Gas Utility Easements to Unifit for Gas Lines from Westbrook Street to Portland Technology Park – Sponsored by Sheila Hill-Christian, Acting City Manager.

Natural gas service is needed at the Portland Technology Park to be available to occupants, including bioscience manufacturers and technology-related companies.

To connect the Park to natural gas, the City needs to provide Unitil with two easements for installation (and maintenance) of a gas line from the main on Westbrook Street into the Technology Park.

The new gas line will connect to the existing line installed under the completed Phase 1 section of the Park road.

The nearest natural gas main is on Westbrook Street. Over several years, various routes to bring natural gas to the Technology Park were considered. The proposed route is recommended as it is a lower cost option that will minimize impacts to the environment and infrastructure expense.

This order approves providing two, 20-foot wide easements to Unitil. One would be on City-owned land from Westbrook St. to the CMP right-of-way, which is 384 feet in Residential R-1. The other would be located entirely on City-owned Portland Technology Park property, including 336 feet in Resource Protection Zone (RPZ), and the remainder in the Office Park Zone (OP), extending to the Technology Park entrance on Rand Road (under Easement Area 1, the Park Road).

The portion of one of the proposed easements on RPZ land is under Land Bank Commission jurisdiction (listed as Parcel E-4). Staff secured Land Bank Commission approval at its November 6, 2014 meeting. The easement, including the removal of vegetation to a width of 20' on RPZ land, was approved and recommended to the City Council on a unanimous vote of the Commission.

With Council approval of these easements, the project will go to the Planning Board for approval of an amendment to the Subdivision, given that there are new easements. (An additional easement will be from CMP to Unitil as the gas line route crosses a CMP right-of-way.) Once approval is received, then vegetation can be cleared and installation of the gas line can follow.

With natural gas in place, marketing the two available sites at the Technology Park will enhance the City's ability to sell them. Importantly, the Patrons Oxford purchase and sale agreement commits the City to complete a natural gas service connection to the Park.

Further, bringing natural gas to the Technology Park also makes gas accessible to portions of the Pine Tree Industrial Park. Some occupants of that Park have expressed an interest in natural gas, which, to date, has been unavailable to them. Once gas is brought to the Technology Park, it only needs to cross Rand Road for some of the businesses at the Industrial Park to access it.

The cost to the City for the easements (including a revised subdivision plan for Planning Board approval) will be close to \$14,000. There are funds in place to cover this expense. Staff is working on determining the cost for installation of this 1,552-foot gas line and identifying funding sources.

The budget for installation is estimated to be \$75,000 - \$80,000 to be funded from the real estate sales proceeds associated with Unit 1.

It is of note that as businesses tie into the gas line over the next five years, it is anticipated that Unitil will be providing refunds to the City based on new customer usage. While the refund amount is not possible to determine at this time, it would include companies that construct buildings in the Portland Technology Park, as well as those that may tie into the line at the Pine Tree Industrial Park.

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**Order 182-14/15
(Tab 14)**

Order Establishing the Shelter Services Task Force to Conduct a Feasibility Study of Consolidation of Shelter Services – Sponsored by the Public Safety, Health and Human Services Committee, Councilor Edward J. Suslovic, Chair.

The Public Safety, Health and Human Services Committee voted 3 to 0 (Duson absent) at its March 10, 2015 meeting to recommend to the City Council the establishment of a task force to do a feasibility study of the consolidation of shelter services.

The feasibility study will consider the consolidation of the Oxford St. Shelter (OSS) with the services provided at Preble St. Resource Center.

This issue was first discussed in the summer of 2014. The Oxford St. Shelter (OSS) is poorly laid out and over-crowded and it is often necessary to use two over-flow locations. The staffing costs are high due to the lay out and multiple locations and clients must travel through-out the neighborhoods to the various sites causing problems for neighbors, businesses and traffic.

Initial calculations performed last summer indicated a potential for savings; however, there are multiple State budget initiatives in play that must be factored into a new budget once size, lay-out, location, etc. are determined.

OSS is the only municipal shelter existing in the state. Across the country there are few publicly run shelters. It is keeping with the Council's fiduciary responsibility to the tax-payers of Portland to determine if the shelter can be run more efficiently by a private provider under contract with the city.

Completion of a feasibility study does not obligate the city to relinquish operation of the OOS. It will give the city objective information regarding multiple issues that will enable the council to make an informed decision as to the risks and benefits of maintaining such an operation. The public will be represented in the process through multiple seats on a stakeholder group charged with determining criteria for site selection and will have access to information provided throughout the process at the public PSHHS committee meetings.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

**Order 183-14/15
(Tab 15)**

Amendment to Portland City Code Chapter 12. Garbage, Wastes and Junk Re: Abandoned Bicycles - Sponsored by the Transportation, Sustainability, and Energy Committee, Councilor David A. Marshall, Chair.

Bicycles that appear to be abandoned have been locked to public property for months and in some cases years, taking up valuable space on the City's bike racks and cluttering the public right of way and public property.

Public Services staff have been unable to remove bikes identified as abandoned because there are currently no policies or procedures to legally and appropriately handle this type of property. Staff seeks the adoption of the proposed Abandoned Bicycle Ordinance by City Council so that bikes can be identified, removed, and donated to a local organization that can put them back into productive uses for the community.

City staff has received numerous inquiries and complaints from residents regarding abandoned bicycles locked on public property, particularly the bicycle racks at the Casco Bay Municipal Ferry Terminal and on Forest City Landing on Peaks Island. Residents have contacted several different City departments looking for someone to remove the bikes, but without an existing policy staff has been unable to satisfy these requests from the public.

The purpose of the ordinance is to give staff the ability to handle abandoned bikes in an effort to make space available on the City's limited bicycle racks, remove obstructions and clutter from public property, and ensure recovered bicycles are put to productive uses for the community.

The proposed ordinance would define an abandoned bicycle as any bike that has been locked in the same location on public property for one month or longer and meets two or more of the following criteria:

- i. No tires or wheels
- ii. Missing or warped wheels, handle bars, or seats
- iii. Missing, rusted, or broken chain in a state that renders it inoperative
- iv. Visible layer of dust on the seat and/or handle bars.

The ordinance also lays out the removal process by which the Department of Public Services concludes that a bicycle meets the established definition of an abandoned bicycle and tags it with a Removal Notice. The notice will list the date by which the bicycle must be moved by the owner, which will be within 72 hours of being tagged.

All bicycles that are not moved and remain unclaimed within the 72-hour notice period will be removed by Public Services staff and stored for a minimum of 30 days.

The City will not be responsible for damages to locks or bicycles that are removed under this policy. If unclaimed after 30 days, the bicycles will be donated to a local non-profit partner that specializes in refurbishing bicycles.

The Transportation, Sustainability, and Energy Committee met on February 18, 2015, and voted unanimously to forward this item to the City Council with approval for passage.

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

**Order 184-14/15
(Tab 16)**

**Amendment to Portland City Code Chapter 14. Land Use Re: 58
Fore Street – Sponsored by the Planning Board, Stuart O'Brien, Chair.**

The Planning Board recommends a zoning map amendment to change 58 Fore Street and immediately adjacent property, including a 50' wide strip of land owned by the State of Maine, two city-owned parking areas, and submerged lands, that are currently zoned Waterfront Special Use Zone (WSUZ) to a combination of both B-6 and the Eastern Waterfront Port Zone (EWPZ), as well as associated zoning and site plan ordinance text changes, and an amendment to the B-6 Building Height Overlay & Building Envelopes map.

An application was submitted by CPB2 LLC for zoning map and text amendments for property at 58 Fore Street, the site of the Portland Company complex, and adjacent property. The property is currently zoned Waterfront Special Use Zone, and includes warehouses, storage buildings, and a marina with associated parking and laydown areas.

The zones being applied for in place of WSUZ are the B-6 Eastern Waterfront Mixed Zone, and the Eastern Waterfront Port Zone, so that the applicant can subsequently apply for a site plan and subdivision approval for a range of marine-related, residential and commercial uses. The application was heard by the Planning Board on October 21st, November 18th, February 10th, and February 24th.

On February 24, 2015, the Planning Board voted unanimously, 6-0 (Boepple absent) that the proposed map amendments from WSUZ to B-6 and the Eastern Waterfront Port Zone, the amendment to the B-6 Building Height Overlay & Building Envelopes map, and the text amendments to the WSUZ, B-6, EWPZ, Site Plan and Shoreland Overlay zone for 58 Fore Street are consistent with the Comprehensive Plan and recommended adoption of the proposed amendment to the City Council.

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

**Order 185-14/15 Amendment to Zoning Map Re: 58 Fore Street – Sponsored by
(Tab 17) – Sponsored by the Planning Board, Stuart O'Brien, Chair.**

This item is a companion Order to Order 185-14/15 above.

This item must be read on two separate days.

LICENSE RENEWALS:

DAVID BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK(A/L)
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Amendment to Portland City Code Chapter 12. Garbage, Wastes and Junk Re: Abandoned Bicycles - Sponsored by the Transportation, Sustainability, and Energy Committee, Councilor David A. Marshall, Chair.

Bicycles that appear to be abandoned have been locked to public property for months and in some cases years, taking up valuable space on the City's bike racks and cluttering the public right of way and public property.

Public Services staff have been unable to remove bikes identified as abandoned because there are currently no policies or procedures to legally and appropriately handle this type of property. Staff seeks the adoption of the proposed Abandoned Bicycle Ordinance by City Council so that bikes can be identified, removed, and donated to a local organization that can put them back into productive uses for the community.

City staff has received numerous inquiries and complaints from residents regarding abandoned bicycles locked on public property, particularly the bicycle racks at the Casco Bay Municipal Ferry Terminal and on Forest City Landing on Peaks Island. Residents have contacted several different City departments looking for someone to remove the bikes, but without an existing policy staff has been unable to satisfy these requests from the public.

The purpose of the ordinance is to give staff the ability to handle abandoned bikes in an effort to make space available on the City's limited bicycle racks, remove obstructions and clutter from public property, and ensure recovered bicycles are put to productive uses for the community.

The proposed ordinance would define an abandoned bicycle as any bike that has been locked in the same location on public property for one month or longer and meets two or more of the following criteria:

- i. No tires or wheels
- ii. Missing or warped wheels, handle bars, or seats
- iii. Missing, rusted, or broken chain in a state that renders it inoperative
- iv. Visible layer of dust on the seat and/or handle bars.

The ordinance also lays out the removal process by which the Department of Public Services concludes that a bicycle meets the established definition of an abandoned bicycle and tags it with a Removal Notice. The notice will list the date by which the bicycle must be moved by the owner, which will be within 72 hours of being tagged.

All bicycles that are not moved and remain unclaimed within the 72-hour notice period will be removed by Public Services staff and stored for a minimum of 30 days.

The City will not be responsible for damages to locks or bicycles that are removed under this policy. If unclaimed after 30 days, the bicycles will be donated to a local non-profit partner that specializes in refurbishing bicycles.

The Transportation, Sustainability, and Energy Committee met on February 18, 2015, and voted unanimously to forward this item to the City Council with approval for passage.

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

**Order 184-14/15
(Tab 16)**

**Amendment to Portland City Code Chapter 14. Land Use Re: 58
Fore Street – Sponsored by the Planning Board, Stuart O'Brien, Chair.**

The Planning Board recommends a zoning map amendment to change 58 Fore Street and immediately adjacent property, including a 50' wide strip of land owned by the State of Maine, two city-owned parking areas, and submerged lands, that are currently zoned Waterfront Special Use Zone (WSUZ) to a combination of both B-6 and the Eastern Waterfront Port Zone (EWPZ), as well as associated zoning and site plan ordinance text changes, and an amendment to the B-6 Building Height Overlay & Building Envelopes map.

An application was submitted by CPB2 LLC for zoning map and text amendments for property at 58 Fore Street, the site of the Portland Company complex, and adjacent property. The property is currently zoned Waterfront Special Use Zone, and includes warehouses, storage buildings, and a marina with associated parking and laydown areas.

The zones being applied for in place of WSUZ are the B-6 Eastern Waterfront Mixed Zone, and the Eastern Waterfront Port Zone, so that the applicant can subsequently apply for a site plan and subdivision approval for a range of marine-related, residential and commercial uses. The application was heard by the Planning Board on October 21st, November 18th, February 10th, and February 24th.

On February 24, 2015, the Planning Board voted unanimously, 6-0 (Boepple absent) that the proposed map amendments from WSUZ to B-6 and the Eastern Waterfront Port Zone, the amendment to the B-6 Building Height Overlay & Building Envelopes map, and the text amendments to the WSUZ, B-6, EWPZ, Site Plan and Shoreland Overlay zone for 58 Fore Street are consistent with the Comprehensive Plan and recommended adoption of the proposed amendment to the City Council.

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

**Order 185-14/15 Amendment to Zoning Map Re: 58 Fore Street – Sponsored by
(Tab 17) – Sponsored by the Planning Board, Stuart O'Brien, Chair.**

This item is a companion Order to Order 185-14/15 above.

This item must be read on two separate days.

LICENSE RENEWALS:

Tab 1 3-16-15

IN COUNCIL REGULAR MEETING MARCH 2, 2015 VOL. 130 PAGE 63

ROLL CALL:

Mayor Brennan called the meeting to order at 7:00 P.M.(Councilor Hinck arrived during recognitions).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Costa and seconded by Councilor Duson to approve the minute of the February 23, 2015 City Council meeting. Passage 9-0.

PROCLAMATIONS:

- Proc 18-14/15 Proclamation Honoring The January, 2015 Graduates of the Deering and Portland High School Jobs for Maine's Graduates Program - Sponsored by Councilor Justin Costa.
- Proc 19-14/15 Proclamation Honoring Officer Graham Hults and Officer Joseph Chappell as Officers of the Month for January 2015 – Sponsored by Michael F. Brennan, Mayor.

APPOINTMENTS:

CONSENT ITEMS:

- Order 163-14/15 Order Declaring Saturday, August 1, 2015, as "Picnic Music & Arts Festival", A Festival of Music, Crafts and Local Food – Sponsored by Sheila Hill-Christian, Acting City Manager.
- Order 164-14/15 Order Declaring Saturday and Sunday, August 15 and 16, 2015 as "90th Annual St. Peter's Bazaar" and Italian Street Festival" and Approving Friday, August 14, 2015, as "St. Peter's 4-Mile Road Race – Sponsored by Sheila Hill-Christian, Acting City Manager.
- Order 165-14/15 Order Declaring Saturday, August 22, 2015 as "50th Annual WCSH6 Sidewalk Art Festival" – Sponsored by Sheila Hill-Christian, Acting City Manager.
- Order 166-14/15 Order Declaring Saturday, August 22, 2015, as "Portland Downtown Craft Show" – Sponsored by Sheila Hill-Christian, Acting City Manager.

IN COUNCIL REGULAR MEETING MARCH 2, 2015 VOL. 130 PAGE 64

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

LICENSES:

Order 167-14/15 Order Granting Municipal Officers' Approval of A Space for Grace d/b/a A Space for Grace. Application to add After-Hours Entertainment License at 1 Marginal Way – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Donoghue and seconded by Councilor Hinck for passage. Passage 9-0.

Order 168-14/15 Order Granting Municipal Officers' Approval of Old Port Slice Bar d/b/a Old Port Slice Bar. Application for a Class XI Restaurant/Lounge License with Entertainment and Dance at 420 Fore Street – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Duson and second by Councilor Brenerman for passage. Passage 9-0.

Order 169-14/15 Order Granting Municipal Officers' Approval of Aloha Partners, LLC d/b/a The Sinful Kitchen. Application for a Class I FSE License at 906 Brighton Avenue – Sponsored by Katherine L. Jones, City Clerk.

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

Order 170-14/15 Order Granting Municipal Officers' Approval of New England Provisions Co. d/b/a Old Port Lobster Shack. Applications for a Class III & IV (Wine & Beer) License and Outdoor Dining on Private Property at 425 Fore Street – Sponsored by Katherine L. Jones, City Clerk.

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

BUDGET ITEMS:

COMMUNICATIONS:

Com 13-14/15 Communication Re: Appointment of New Members to Reed School Re-Use Task Force – Sponsored by Mayor Michael F. Brennan.

RESOLUTIONS:

**Resolve 5-14/15 Resolution in Support of the Right of Same-Sex Couples to Marry
- Sponsored by Mayor Michael F. Brennan.**

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

UNFINISHED BUSINESS:

ORDERS:

**Order 171-14/15 Order Amending Traffic Schedule Re: Pine and Brackett Streets
- Sponsored by the Transportation, Sustainability, and Energy
Committee, Councilor David A. Marshall, Chair.**

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

**Order 172-14/15 Order Approving Two Party Agreement between the City of Portland
and the Maine Department of Transportation Re: Improvements to
Forest Avenue – Sponsored Sheila Hill-Christian, Acting City Manager.**

This is its first reading.

AMENDMENTS:

LICENSE RENEWALS:

A TRUE COPY.

Katherine L. Jones, City Clerk

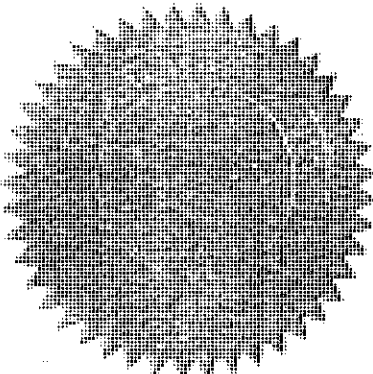
*Proc 20-14/15
Tab 2 3-16-15*

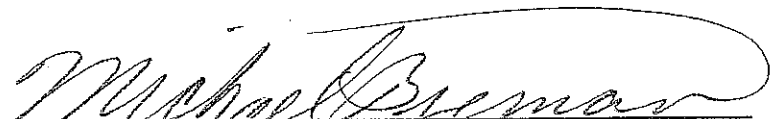
PROCLAMATION
HONORING
DETECTIVE NICHOLAS GOODMAN

- WHEREAS:** **Detective Goodman** is a twelve year veteran with the department and is currently assigned to the Bureau of Investigations; and
- WHEREAS:** **Detective Goodman** greatly assisted the FBI with a federal investigation resulting in the execution of a search warrant at 66 Smith Street. Agents made two arrests and recovered narcotics and cash during the raid; and
- WHEREAS:** **Detective Goodman** has been assigned to a multi-jurisdictional case as a special agent with the Maine Drug Enforcement Agency; and;
- WHEREAS:** **Detective Goodman** worked diligently in his role with the MDEA to assist in compiling evidence against a suspected drug dealer who provided narcotics to a victim who ultimately overdosed; and
- WHEREAS:** **Detective Goodman** is consistent in his enthusiastic approach to investigative policing and remains a valuable asset to our team of law enforcement professionals; 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 Detective Nicholas Goodman as Officer of the Month for February, 2015.

Signed and sealed this 16th day of March, 2015




Michael F. Brennan, Mayor
City of Portland, Maine

Proc 21-14/15
Tab 3 3-16-15

PROCLAMATION

Honoring

Carol Merritt
Employee of the Month

February 2015

* * * * *

WHEREAS: **Carol Merritt**, of the Public Services Department, has been named the City of Portland Employee of the Month by a committee of her peers and selected for this distinct honor from a workforce of 1,300; and

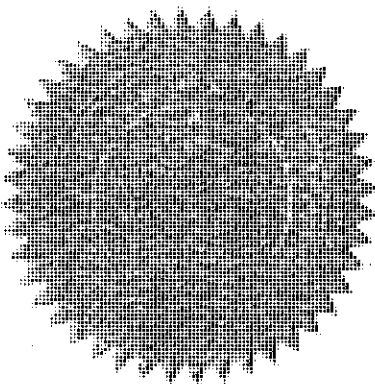
WHEREAS: This award is presented to **Carol** in recognition of her duties as an Account Clerk II with over 25 years of service. **Carol** always goes out of her way to help every customer, resident and caller. She follows up regularly to make sure that needs are met; and

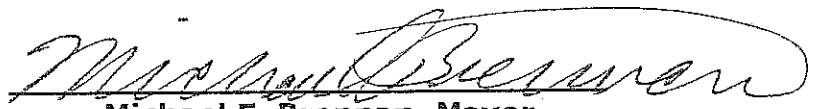
WHEREAS: **Carol** is always willing to help both internal and external customers. It has been noted that she has even changed vacation plans to work on permits. **Carol's** insight and sensitivity to situations is well appreciated and her opinions are often sought for resolving customer permit situations; and

WHEREAS: **Carol** recently assisted with modifications to office and work stations to assist with improved customer service. Co-workers and customers have commented on **Carol's** outstanding commitment to customer service and dedication to serving the public. **Carol** truly is an asset to the Public Services Department and to the City.

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 **Carol Merritt** as **City Employee of the Month, February, 2015**.

Signed and Sealed this 16th day of March, 2015.




Michael F. Brennan, Mayor
City of Portland, Maine

*Order 173-14/15
Tab 4 3-16-15*

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

**ORDER DECLARING THE PORTLAND RUGBY FOOTBALL CLUB - PORK
ROAST FUNDRAISER AS A FESTIVAL**

ORDERED, that Saturday, May 9, 2015 is hereby declared to be the "Portland Rugby Football Club - Pork Roast Fundraiser" Festival, sponsored by the Portland Rugby Football Club; and

BE IT FURTHER ORDERED, that the Portland Rugby Football Club - Pork Roast Fundraiser Festival Zone will be the southeastern end of the Maine State Pier; and

BE IT FURTHER ORDERED, that in the Portland Rugby Football Club - Pork Roast Festival area, a small music stage will be set up with sound volume to be focused on the pier and its immediate environment; and

BE IT FURTHER ORDERED, that the Acting City Manager is authorized to issue a revocable permit to Portland Rugby Football Club under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the Acting City Manager and to the following specific conditions:

1. Portland Rugby Football Club shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Portland Rugby Football Club shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance; and
2. No alcoholic beverages may be sold on the streets or public property during the Festival except within the area of the Festival with access restricted to 21-year-old and older festival goers; and
3. Conditions for use of grounds and requirements for food service, vending sales, and other items specified in an operating agreement issued from the Recreation & Facilities Management Department, shall be adhered to; and

4. The City Clerk's Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival; and
5. Portland Rugby Football Club shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the Portland Rugby Football Club - Pork Roast Fundraiser; and

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

Portland, Maine



Yes. Life's good here.

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: March 3, 2015
RE: Portland Rugby Football Club – Pig Roast Fundraiser 2015

I am requesting that the following order be placed on the next City Council agenda: order authorizing Portland Rugby Football Club – Pig Roast Fundraiser 2015 as a “Festival”, scheduled for Saturday May 9, 2015 (with load in and load out happening before and after the event on Saturday May 9, 2015).

The festival area will include: all of the Maine State Pier.

The Portland Rugby Football Club will be organizing and producing the event. Portland Rugby Football Club is a registered 501c3 non-profit organization. Portland Rugby Football Club will be signing an operating agreement with the City of Portland’s Public Assembly Facilities Division.

Founded in 1969, Portland Rugby Football Club is Maine’s premier rugby club. The club’s long history makes it one of the supporting pillars of New England Rugby. The purpose of the Portland Rugby Club – Pig Roast Fundraiser is to introduce the community of Portland to the rugby club representing them throughout the North East and to raise needed funds for the fulfillment of the organization’s mission.

The mission of Portland RFC is to promote the growth and development of the game of Rugby Union (“Rugby”) in the Portland area; to increase the awareness of Rugby and its traditions; to facilitate participation in Rugby on local, national and international levels, and to foster amateur athletic competition in line with the goals of USA Rugby and affiliated regional organizations.

The bulk of the Maine State Pier would be open to the public with the event being held on the far southeastern side of the pier, access to the schooners that operate from Maine State Pier and egress from the adjacent Casco Bay Lines Terminal and garage would not be impeded.

A small stage would be set-up on the southeast waterside portion of the pier, oriented northwest towards Franklin Street with entertainment performed by local/regional musicians. 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

Portland, Maine



Yes. Life's good here.

Anita R. LaChance
Director

Department of Recreation & Facilities Management

Andrew J. Downs
Director
Public Assembly Facilities

configured by Portland Rugby Football Club, its contractor and the City to focus volume on the pier and its immediate environment, limiting any sound impacts in residential areas. All amplified sound will end at the conclusion of the festival's activities (4:00pm Saturday, May 9th 2015).

Beer would be available in a restricted area, to which access would be limited to those twenty one (21) and over. All Security will be provided by Public Assembly Facilities Division Staff. The event will also include merchandise and food vendors. All vendors will require the appropriate permits and licenses.

City staff feels we can appropriately manage this event and recommend approval.

Order 174 - 14/15
Tab 5 3-16-15

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
SHIPYARD OLD PORT HALF MARATHON & 5K ROAD RACE
AS A FESTIVAL AND APPROVING CONTRACT AND PERMITS THEREFOR

ORDERED, that the Shipyard Old Port Half Marathon & 5K Road Race is hereby declared as a Festival to be held in Portland on Saturday, July 11, 2015, with the Old Port Lobster Bake to be held July 10, 2015; and

BE IT FURTHER ORDERED, that the Old Port Lobster Bake on Friday July 10, 2015 will take place in the Amethyst Lot from 2:00 p.m. to 8 p.m.; and

BE IT FURTHER ORDERED, that the races are authorized from 5:00 a.m. – 3:00 p.m. Saturday, July 11, 2015, to be held in Portland, along city streets and trails; and

BE IT FURTHER ORDERED, that the Half Marathon will start at 7:00 a.m. and the 5K Race will start at 7:30 a.m.; and

BE IT FURTHER ORDERED, that Runners will congregate for the start of the Half Marathon in the Ocean Gateway queuing lanes and in the Eastern Promenade area for the 5-K Road Race; the finish line for both races is at Ocean Gateway; and

BE IT FURTHER ORDERED, that the Acting City Manager is authorized to grant permits to the organizers of the festival, Giddyup Productions, LLC pursuant to Sections 25–27 of the Portland City Code for the following activities:

- Giddyup Productions, LLC will have the use of Amethyst Lot on July 10, 2015 from 2:00 p.m. and the use of the Ocean Gateway Queuing Lanes, Amethyst Lot and along the proposed road race course from 4:00 a.m. on Saturday, July 11, 2015 until 12:00 p.m. with a finish line and post-half marathon celebration to be held in Amethyst Lot; 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 Giddyup Productions, LLC and the City to focus volume on the Ocean Gateway Terminal and its immediate environment; and

BE IT FURTHER ORDERED, that the Festival Areas will be closed to street vendors pursuant to Section 19–17 of the Portland City Code and is reserved for the use of Giddyup Productions, LLC, the Race Committee and event beneficiaries for the

purpose of conducting the Shipyard Old Port Half Marathon & 5K Road Race, subject to the direction and control of the Acting City Manager; and

BE IT FURTHER ORDERED, that the Acting City Manager is authorized to issue a revocable permit under Sections 25-26 thru 25-30 of Portland City Code to Giddyup Productions, 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 said event, other than in an area restricted to 21-year-old and older patrons in Amethyst Lot; this beer garden will be set up during the Lobster Bake and after the race with security provided by Public Assembly Facilities Management staff.
- Race organizer shall indemnify the City and hold it harmless from and against all claims arising out of activities during said event, 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.
- Conditions for use of grounds, specified in permit issued from Public Services Event Office, and a contract from the Public Assembly Facilities Office, shall be adhered to.
- Race organizers shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival.
- City permit fees and license fees, and costs for city staff assistance, will be paid by the race organizer (race organizer will hire many Police Officers and Parking Control Officers to assist with street closures, detours, and at race intersections and hire Public Assembly Facilities staff to oversee the Amethyst Lot area).
- Route of the course is subject to change, depending on construction projects along the course and Police recommendations leading up to the race day; and

BE IT FURTHER ORDERED, the following streets will be closed to vehicular traffic on Saturday July 11, 2015:

- Thames St. and Commercial St. (both lanes – from Hancock St. to Franklin St.) will be closed to vehicular traffic (6:45 a.m. – 7:15 a.m.)
- Franklin Street (at Commercial St.) (7:00 a.m. – 7:15 a.m.), with traffic held back from 7:35 a.m. – 8:30 a.m.);
- Eastern Promenade road (both lanes, from Morning St. to Washington Ave.) (7:10 a.m. – 7:35 a.m.)

- North Street (from Walnut St. to E. Prom), (7:20 a.m. – 7:45 a.m.)
- Cutter Street (6:30 a.m. – 7:30 a.m.)
- North-bound traffic on Washington Ave. (at the intersection with Eastern Prom road), will either be detoured or held back from 7:30 – 8:45a.m. (State Police will close the I-295 Exit 8 ramp onto Washington Ave. from 7:20 – 8:45a.m.)
- Commercial Street (west-bound only, from High St. to Valley St.) (7:00 a.m. – 8:15 a.m.)
- Danforth Street (both lanes, from Valley St. to Vaughan St. (7:10 a.m.– 7:40 a.m.). The uphill lane will remain closed until 8:05a.m.; downhill lane will open up again to traffic again once the last runner reaches Vaughan Street.
- Danforth Street (west-bound lane, from Clark St. to Vaughan St.) (7:10 a.m. – 8:15a.m. (Church attendees detoured onto Clark, to Spring, to Emery St.)
- Western Promenade (both lanes from Vaughan St. to Bowdoin St.) (7:15 a.m. – 7:45a.m.)
- Park Street (from York St. to Commercial St.) (6:00 a.m. – 8:15a.m.)
- Beach Street (from York St. to Commercial St.) (7:20 a.m. – 8:10a.m.); and

BE IT FURTHER ORDERED, that race intersections will be staffed by Police, Parking Control Officers or qualified volunteers so that traffic may proceed when there are no runners nearby; 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 the Festival.



Michael J. Bobinsky
Director of Public Services

TO: Sheila Hill-Christian, Acting City Manager
FROM: Michael Bobinsky, Director of Public Services
DATE: March 3, 2015
RE: **Council Agenda Item** RE: "Shipyard Old Port Half Marathon & 5K Road Race"

I am requesting that the following order be placed on the next City Council agenda: order authorizing the Shipyard Old Port Half Marathon & 5K Road Race, scheduled for Saturday, July 11, 2015. The Old Port Lobster Bake, will be held the night before (Friday, July 10).

The Shipyard Old Port Half Marathon & 5K Road Race is a for-profit event, however, Habitat for Humanity of Greater Portland, Cancer Community Center, and Portland Trails all benefit from the Old Port Half Marathon proceeds.

This race has been held in the city for four years now. Each successive year, attendance at the race increases; this year's Half Marathon should draw 3,400 runners; the 5K - 1000 runners. The Order should include the following three major items:

- (1) The Shipyard Old Port Half Marathon & 5K Road Race be authorized for Saturday, July 11, 2015, from 5am - 3pm, to be held in Portland, along city streets and trails. Runners will congregate in the Ocean Gateway Cueing Lanes area (Half Marathon Start) and the Eastern Prom area (5K Race Start). The Half Marathon starts at 7am; the 5K Race starts at 7:20am.
- (2) A 21+ beer garden will be set up in the Amethyst Lot with security provided by Public Assembly Facilities Management staff. Sponsor of the Beer Garden is Candace Cares, a non-profit supporting cancer programs in Maine. In the event of heavy rains the beer garden will be moved under large tents setup at the Amethyst Lot. Proceeds benefit Habitat for Humanity of Greater Portland, Cancer Community Center, and Portland Trails.
- (3) The Old Port Lobster Bake (and Health & Fitness Exposition) will take place at the Amethyst Lot, Friday, July 10, 2015, from 2 – 8pm. A Beer Garden will also be set up for this event. Both Saturday's and Friday's Beer Gardens will be overseen by Public Assembly Facilities Staff. The use of the Amethyst Lot for all these events is under separate contract with PAF.

These areas will also be closed to street vendors pursuant to Section 19-17 of the Portland City Code and are reserved for the use of the race organizer, for the purpose of conducting the Shipyard Old Port Half Marathon & 5K Road Race and the Old Port Lobster Bake, subject to the direction and control of the City Manager.

(continued)



Michael J. Bobinsky
Director of Public Services

The route of the races are as follows: (Please also refer to Maps)

Half Marathon (start time 7am). Route takes runners from Thames Street, west to Commercial Street, and up onto the Western Prom streets, back down to Commercial Street, where runners continue east, and get onto Fore Street, run up to the Eastern Promenade, then down to Washington Ave. – crossing there and continuing around Back Cove Trail, then crossing Tukey's Bridge and continuing down to Bayside Trail, then running a short distance on Sewage Plant Road and turning around, continuing back to run south onto the Eastern Prom Trail, ending back at the Ocean Gateway Visitors Center Parking Lot / Finish Line. 3400 runners.

5K (start time 7:20am). Route takes runners from the top of Cutter St, north onto Eastern Promenade Road, down the hill to Washington Ave, crossing over Washington Ave. and getting onto Bayside Trail, then getting onto the Eastern Prom Trail running south, and ending at Ocean Gateway Visitors Center Parking Lot / Finish Line. 1000 runners.

The City Manager is authorized to issue a revocable permit under Sections 25-26 thru 25-30 of Portland City Code to the race organizer subject to the following conditions:

- Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event, other than what is approved by City Council (Friday Night Lobster Bake, and Saturday's After Race Festivities – both taking place at Amethyst Lot under the direction of Public Assembly Facilities Management Staff);
- Music will be performed by local bands throughout the day on Saturday, July 11, from a stage located in the Amethyst Lot. 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 the event organizer and the City to focus volume in the Amethyst Lot and its immediate environment, limiting any sound impacts in residential areas;
- Race organizer shall indemnify the City and hold it harmless from and against all claims arising out of activities during said event, and shall take out and maintain public liability insurance coverage (as well as alcohol liability coverage) in the amount of at least \$400,000 per occurrence for personal or bodily injury, death, or property for said purposes;
- Conditions for use of grounds, specified in permit issued from Public Services Event Office, and a contract from the Public Assembly Facilities Office, shall be adhered to;
- Race organizers shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the Festival;

(continued)



Michael J. Bobinsky
Director of Public Services

- City permit fees and license fees, and costs for city staff assistance, will be paid by the race organizer (race organizer will hire many Police Officers and Parking Control Officers to assist with street closures, detours, and at race intersections, and hire Public Assembly Facilities staff to oversee the Amethyst Lot area); and
- Route of the course is subject to change, depending on construction projects along the course and Police recommendations leading up to the race day.

During the Shipyard Old Port Half Marathon & 5K Road Race, streets listed below will be closed to vehicular traffic, Saturday, July 11, 2015: (The city's Police Dept. has endorsed the closures. Many Police Officers and Parking Control Officers will be hired by organizer. Volunteers will also be staffing race intersections.)

During the wave start of the Half Marathon race at 7am, Thames St. and Commercial St. (both lanes - from Hancock St. to Franklin St.) will be closed to vehicular traffic, from approx. 6:45 – 7:15am. Franklin Street (at Commercial St.) will also be closed to traffic while the 3400 runners cross through (approx. 7 – 7:15am). From 7:35 – 8:30am, traffic will be held back at this intersection while runners cross on their return trip from the Western Prom. Commercial Street (from Franklin St. to Beach St.) will have a runners lane down the middle of the street (via large cones and yellow caution tape). Traffic will still flow on both sides of Commercial Street, for a majority of the street.

For the wave start of the 5K race (7:20am), Eastern Promenade road (both lanes, from Morning St. to Washington Ave.) will be closed to vehicular traffic from approximately 7:10 - 7:35am. This will also necessitate during this time, the closure of North Street (from Walnut St. to E. Prom), other than local traffic to residences and East End School. Cutter Street (assembly area for 5K runners) will be closed to traffic from 6:30 – 7:30am.

North-bound traffic on Washington Ave. (at the intersection with Eastern Prom road), will either be detoured or held back from 7:20 - 8:45am. (State Police will close the I-295 Exit 8 ramp onto Washington Ave from 7:20 - 8:45am). This is so runners in both races can cross over Washington Ave.

Commercial Street (west-bound lane only, from High St. to Valley St.) closed from 7:00 - 8:15am.

Danforth Street (both lanes, from Valley St. to Vaughan St.) will be closed to traffic from approx. 7:10 - to 7:40am. The uphill lane will remain closed until 8:05am; downhill lane will open up again to traffic again once the last runner reaches Vaughan Street.

(continued)

Portland, Maine



Yes. Life's good here.

Michael J. Bobinsky
Director of Public Services

Danforth Street (west-bound lane, from Clark St. to Vaughan St.) will be closed to traffic from approx. 7:10 – 8:15am. (Church attendees detoured onto Clark, to Spring, to Emery St.)

Western Promenade (both lanes from Vaughan St. to Bowdoin St.) will be closed to traffic from 7:15 - 7:45am.

Park Street (from York St. to Commercial St.) will be closed to traffic from 6:00 - 8:15am.

Beach Street (from York St. to Commercial St.) will be closed to traffic from 7:20 - 8:10am.

Sewage Plant Rd. (a segment approx. 1,000 ft. long starting from Eastern Prom Trail) will be closed to traffic from 8:00 – 9:45am.

In the event the start of the half marathon or 5k race is delayed, then the ending times of the above street closures would also be delayed.

Some street areas of the race routes will need to be posted "No Parking." These include Thames Street, Fore Street, Cutter Street, and spaces on streets at some race intersections.

The City Manager is also 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 said Festival/Event.

Document prepared by Ted Musgrave, Event Coordinator



CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES
PUBLIC PARK & SPACE APPLICATION (6 pages)
55 Portland St. ~ Portland ~ ME ~ 04101
207-874-8826 (Event Office) ~ Fax 207-874-8816
tvm@portlandmaine.gov

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

TODAY'S DATE	3-6-15	ORGANIZATION NAME	GiddyUp Productions LLC				
ORGANIZATION ADDRESS	141 School St	CITY	South Portland	STATE	ME	ZIP	04106
CONTACT NAME	Erik Boucher	TITLE	President				
HOME #	WORK						
EMAIL	ebouche1@maine.rr.com	CELL	207-210-8655	FAX			

PARK AREA OR PUBLIC SPACE REQUESTED	Eastern Prom Trail, Bayside Trail, Back Cove Trail, Portland Streets Use of Ocean Gateway Terminal area (START & FINISH line for both races), Amehyst Lot, and Moontide Park - by Contractual Agreement with Facilities Management				
EVENT DAY & DATE(S)	Friday, July 10 th (Lobster Bake) & Saturday, July 11 th , 2015 (races)		RAIN DAY & DATE(S)	None	
EVENT START TIME (i.e. set-up start time)	Fri: 8:00am	EVENT END TIME (i.e. when event cleanup is complete)	Sat: 3:00pm	ACTUAL START & END TIME OF EVENT	Fri: 2:00pm to 8:00pm Sat: 5:45am to 2:00pm

EVENT NAME	EXPECTED ATTENDANCE
Friday: Old Port Lobster Bake and Fitness and Health Exposition Saturday: Shipyard Old Port Half Marathon & 5k (road race)	Friday: 2,000 at different times Saturday: 4,500

DESCRIPTION OF EVENT:

Proceeds benefit Habitat for Humanity of Greater Portland, Cancer Community Center, and Portland Trails.

A half marathon (13.1 miles) and a 5K Road Race. This is the fifth year for this event; and the routes for both races are the same as those used in 2014. MAPS attached detail the routes.

ROUTES:

Half Marathon..... runners go off at 7:00am. Start inside the Ocean Gateway queuing lanes, left onto Thames Street, then west on Commercial Street (using the middle of the street for the course - this area will be cordoned off for runners), then at the end of West Commercial St. runners stay on right side of Commercial, round the corner, right onto Valley St., right on Danforth St, then Left on Vaughan St., Left on Western Promenade, right to West St., right on Vaughan St, left on Orchard St, right on Fletcher St, left on Danforth St, right on Clark St, right on Beach St, down the hill to Commercial Street where runners again get into the middle of the street, running east now, take a left onto Hancock St., then a right onto Fore St, straight on Eastern Promenade, down the hill to Washington Ave, cross over Washington Ave then right on Back Cove Trail, cross over I-295 on Washington Ave bridge, sharp left on Back Cove Trail, run Back Cove Trail clockwise, cross over Tukey's Bridge then sharp right on Bayside Trail, loop underneath Tukey's Bridge, right on Sewage Plant Rd, turnaround on Sewage Plant Rd heading in the opposite direction, right on Eastern Prom trail, straight at East End Beach, end at Ocean Gateway Terminal.

5K..... start time 7:20am - Start at top of Cutter St, then proceed right and onto Eastern Promenade, down the hill to Washington Ave, cross over Washington Ave then right onto the Trail, sharp left on Anderson St, right on Bayside Trail, right on Eastern Prom Trail, continue on trail end at Ocean Gateway Terminal.

Some of the race routes are on Trails and Paths (and some on the street).

any volunteers (50+) will staff intersections.

Organizer will hire Police Officers (5 and 1 Supervisor).

Organizer will hire six (6) PCOs placed at Thames and Hancock St, Commercial and India, Commercial and Union, Valley and Danforth Danforth and Vaughan, and Eastern Prom and Cutter.

Organizer will hire some Portland Medcu Staff on bicycles and ATVs to patrol the Back Cove and Eastern Prom trails.

Organizer will hire 3 ambulances to be placed on stand-by at positions along the Back Cove and Eastern Prom trails.

Some barricades will be needed at intersections.

During the races - bicycles, baby joggers, and walkers/joggers with dogs, will not be permitted on portions of the Eastern Prom Trail and Back Cove Pathway.

Start line for the half marathon races is in the Ocean Gateway queuing lanes. Start line for the 5k is near the top of Cutter St. Finish Line for both races is the parking area in front of the Visitor's Center at the Ocean Gateway. Use of the Ocean Gateway and activities there fall under FM Contractual Agreement.

A beer garden will be set up in the Amethyst Lot which falls under FM (see attached map). A portion of the beer garden will be located underneath a 20'x40' tent. DIG SAFE will be contacted. A number of round cocktail tables will be placed under the tent and around the Amethyst Lot.

Temporarily Closed Streets

During the mass start of the half marathon race at 7:00am traffic in both lanes will be curtailed on Thames St and Commercial St from India St to Franklin Art. At the beginning of the half marathon traffic will be stopped by volunteers, PCOs, and Police.

Eastern Promenade closed from Cutter St to Washington Ave from 7:20 am to 7:35 am on Saturday 7/11. Volunteers will be placed on the Eastern Promenade at every intersection from Cutter St to Washington Ave to stop / hold back vehicles until the last runner passes by. Cutter St closed from Eastern Promenade down to the top of the lower parking lot from 6:30 am to 7:30 am on Saturday 7/11. Barricades will also be placed at the top of Cutter St and at the railroad tracks near the bottom. A PCO at the top of Cutter St will stop all traffic from 6:30 am to 7:30am, and then breakdown the barricades. The PCO will stop all traffic on Eastern Promenade from 7:20am to 7:35am. A volunteer will be placed near the railroad tracks on Cutter St to stop / hold back vehicles from 7:30 am to 10:00 am as needed when runners pass by.

The west-bound lane (only) of Commercial St between High St and Valley St from 7:00 AM to 8:15 AM will be closed to traffic. A Police at High St will direct traffic up High St or east on Commercial St.

Both lanes of Danforth St will be closed between Valley St and Vaughan St from 7:10 AM to 7:40 AM. The downhill lane will be opened at 7:40 AM while the uphill lane will remain closed until 8:05 AM.

Western Promenade between Bowdoin St to Vaughan St will be closed from 7:15 AM to 7:42 AM.

Traffic on Park St between York St and Commercial St will be closed from 6:00 AM to 8:15 AM. Barricades will be set up at Park St and York St at 6:00am.

Traffic on Beach St between York St and Commercial St will be closed from 7:20 AM to 8:10 AM. A volunteer at the intersection of Beach St and York St will stop traffic from turning down Beach St.

West-bound traffic on Washington Ave will be held back by Police from Eastern Promenade to I-295 ramp from 7:30 AM to 8:45 AM. State Police will close the I-295 Exit 8 ramp onto Washington Ave from 7:30 AM to 8:45 AM.

Flashing Lights

The traffic signal lights will be turned to flashing mode at the intersections of Franklin Art and Commercial St and Union St and Commercial St from 7:00 AM to 8:30 AM.

Commercial St Runners' Lane #1

A closed runners' lane will be constructed down the middle of Commercial St from Franklin St to Beach St. Starting around 5:00am a crew will set up two rows of 42" tall delineator cones along the length of Commercial St approximately 16' apart. Yellow caution tape will be strung along the tops of each cone. There will be three breaks in the runners' lane to allow vehicular traffic to cross over (when appropriate) at the following intersections: Franklin St, Union St, and High St. Police will be positioned at Franklin St and High St. A PCO will be positioned at Union St.

Commercial St Runners' Lane #2

After the half marathon race starts and runners cross over Franklin Arterial then a row of 24" orange cones will be set up along Commercial St from India St to Franklin Art 10' from the curb (water side). On their return trip through Franklin Art runners will run to the right of these cones.

Fore St Runners' Lane

A single row of 24" cones will be set up on Fore St from Hancock St up to Cutter St. The cones will be placed 8' from the edge of the curb (water side). Runners will run to the right of the cones.

Valley St Runners' Lane

A single row of 24" cones will be set up on Valley St at 6:00 AM to 7:15 AM. The cones will start in the right turning lane on West Commercial St, take up one lane closest to the curb, and wrap around to the beginning of Danforth St.

Water Stops

There will be a number of water stops set up along the course where volunteers will set up folding banquet tables, water coolers, and hand out cups of water and Gatorade drink. Garbage barrels will be placed before and after each stop and volunteers will pick up trash on the ground left by runners. Nine water stops will be placed in the following locations: Mile 1.3 & 4.4: West Commercial St (turnout near Casco Bay Bridge), Mile 3.1: Western Promenade and West St, Mile 5.8: Hancock St and Fore St, Mile 7.2: Eastern Promenade near Loring Memorial Circle, Mile 8.6: Back Cove Trail (in parking lot), Mile 9.4: Back Cove Trail (Vannah Ave), Mile 10.5: Back Cove Trail (Payson Park), Mile 11.5: Sewage Plant Rd, Mile 12.2: East End Beach.

Misting Stations

At each of the following locations a misting station will be setup to cool off runners during the race: Mile 8.6: Back Cove Trail (in parking lot), Mile 11.5: Sewage Plant Rd, Mile 12.2: East End Beach. Water will be pumped from a large water tank using either an electric water pump or a gas-powered pump.

Portable Toilets

Forty (40) portable toilets will be placed in the Ocean Gateway Terminal starting on Friday 7/10 and removed on Monday 7/13. An additional ten (10) portable toilets will be placed in the upper parking lot on Cutter St. One or two portable toilets will be placed at each of the following water stop location out on the course: Mile 1.3 & 4.4: West Commercial St (turnout near Casco Bay Bridge), Mile 8.6: Back Cove Trail (in parking lot), and Mile 11.5: Sewage Plant Rd. They will be closed to the public until 5am on Saturday 7/11 and used by runners before and after the races.

Portable Showers

On Saturday 7/11 a 40' trailer will be positioned in the City owned dirt lot at the end of Thames. The trailer will contain 16 private shower booths and running participants will be offered free showers after the race. The trailer will be maintained and operated by New England Mobile Showers. The trailer will be connected to a nearby fire hydrant. Effluent from the trailer will drain into a nearby storm drain. The Portland Sewer department will provide a portable generator to power the trailer. They will also plug the storm drain before the race and pump-out the water produced by the trailer afterwards.

Sound Systems

A sound systems will be placed in the following areas: 1) Ocean Gateway queuing lanes, 2) Ocean Gateway Visitor's Center parking lot, 3) Amethyst Lot, 4) Back Cove Trail (near Preble St parking lot), 5) Eastern Prom trail (end of Sewage Plant Rd), 6) East End beach, and 7) top of Cutter St. An announcer will speak and give directions to the runners before each race in areas 1) from 6:00am to 7:00am and 7) from 6:30am to 7:30am. Light music will be played in-between announcements. The announcer will play music and make announcements in area 2) from 8:00am to 11:00am. A DJ will play music in areas 4), 5), and 6) starting around 7:30am to 10:00am (stopping after the last runner passes by). A band (Hello Newman) will play at 3) from 9:00am to 1:30pm.

Event Warning Signs

On Wednesday 7/8 starting at 5:00pm signs will be placed along the Eastern Prom and Back Cove trails to warn pedestrians about the race. Each sign will include the event logo, contact phone number, and say:

RACE IN PROGRESS

Saturday 7/11

7:30am to 11:00am

No dogs, strollers, or bicycles

Additional warning signs will be placed in the West End Neighborhood on Western Promenade and West St, and Vaughan St and West St.

A digital CMS sign will be placed at York St and High St that says "WEST COMM ST CLOSED" and "SATURDAY 7/11 7AM-9AM". An additional digital sign will be placed at Fore St and Franklin St that says "OLD PORT ½, ROAD RACE, SATURDAY 7/11" and "EXPECT, DELAYS, 6AM-10AM".

MDOT Guidance For Road Closure 2015

The guidelines set out in the *MDOT Guidance For Road Closure 2015* will be followed. The Chief Engineer's office at MaineDOT will be contacted as required.

No Parking Signs

No parking signs will be placed at the following locations on Friday 7/10/15 by 5pm. No parking will be allowed on Saturday 7/11/15 from 5:00 am to 9:00 am

- Thames St (both sides) between India St and Hancock St
- Commercial St (water side only) between India St and Franklin Art
- Fore St from Hancock St to Vesper St (water side only)
- Hancock St from Thames St to Fore St (public lot side only)

Eastern Promenade Trail

Both half marathon and 5km runners will run along the Eastern Prom Trail from Tukey's Bridge all the way to the Ocean Gateway Terminal.

Back Cove Trail

Half marathon runners will run on the entire Back Cove trail (clockwise). Volunteers will be placed on Tukey's Bridge to stop traffic of bikes, strollers, and dog walkers.

Old Port Lobster Bake and Health and Fitness Exposition

On Friday 7/10/15 the Amethyst Lot will be used to stage a new pre-race event called the Old Port Lobster Bake and Health and Fitness Exposition. Use of the Amethyst Lot and activities there fall under FM Contractual Agreement. Activities planned will last from 2:00pm to 8:00pm. The activities planned are meant for pre-registered runners, their friends and family, and not the general public. A small portion of the Lot will be dedicated to hosting a health and fitness exposition. The exposition will include vendors using 10'x10' canopies to sell or give-away merchandise. Licensed food truck vendors will be invited to participate. Runners will be required to come to the exposition to pick up their registration materials for the race on the following day. A portion of the Lot will be dedicated to a 16'x 20' covered stage. Local bands will be hired to play music on the stage from 5pm to 8pm. A 21+ beer-only garden and cash bar will be set up near the stage and security provided by FM staff. There will be no ticket sales and anyone will be able to listen to the music and walk around the exposition for free. Candace Cares will be the beneficiary for this event. A large portion of the lot will be covered by large tents including 40'x120', and multiple 20'x40' tents. The largest tent will host a private sit-down pasta-dinner for up to 400 people who are affiliated with Team Challenge and the Crohn's and Colitis Foundation. The other tents will be used for cooking and to host a sit-down Lobster Bake.

IS THERE A REGISTRATION FEE?	Yes	
YES, HOW MUCH?	FEE	\$55 half marathon \$25 for 5k
	STUDENT FEE	\$ NA

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN? The entire queuing lanes lot next to the Gateway pier will be used for participant parking (no parking fee). Ocean Gateway Garage. Runners will be encouraged to park in public lots in Old Port area near the Maine State Pier – but not the Casco Bay Ferry building. Public lot off Hancock St. Arrangements with the owners of Hamilton Marine so the people are allowed to park on the Fore St side of the building. Arrangements will also be made with SMRT so that some cars may park on the ocean side of the building.

PLEASE CHECK OFF AND ANSWER:

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

		X-YES	X-NO	X-NOT SURE
*	Are you setting up a canopy(s) ? (canopy is 10x10 size) How many: 12	X		
*	Do you wish to set up a tent(s) ? (a canopy or tent larger than 10x10 needs to be approved by Public Services and a Tent Permit issued from Inspections Division; please call Inspections for information on their application process / PLEASE give them at least a 2-week notice). Public Services will contact Inspections once the tent location is approved so that the Tent Permit Application may go forward. State size(s): 20'x120', 20'x40' Exact Location(s) of Tent Placement Requested: Amethyst Lot, Ocean Gateway In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233.	X		
*	Will you be setting up tables and/or chairs ? How many tables: 20 chairs: 10	X		
*	Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List: portable toilets, stage, PA systems, event signs and banners, directional arrow signs, road closure signs, orange cones, delineator cones with caution tap, water station supplies (125 gallon water containers and bases, hoses, cups, tables, & trash barrels), finish line structure, balloon arch, food trucks, misting stations, mile markers, feather flags	X		
*	Will there be refreshments at the event? Do you wish to sell food ? (If so, you will need approval from Public Services)	X		

	List food and drink: vendors in licensed food trucks will provide various foods such as lobster rolls, French fries, and ice cream. A Temporary Food Service License (from the City Clerk's Office) is needed, even if food is given away (and even if it is pre-packaged). PLEASE give the Clerk's Office at least a 2-week notice.			
	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.) If so, you will need approval from Public Services, and you will need to apply for a Street Goods Vendor License(s) at the City Clerk's Office. List items you wish to sell: race shirts, hats, glass mugs, posters	X		
*	Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Y Band ? Y DJ ? Y If so, your event requires a concert license from the City Clerk's Office. (Just voice – i.e. Press Conference, would not require the license because it is not music). For amplified music/speech, there are time restrictions for the Downtown Parks & Squares (music limited to 11:45am – 1:15pm, and 1 hour between 5pm - 8pm).	X		
*	Will your event require electricity ? Electricity is available at some of the parks & squares	X		
*	Are you planning on bringing a Grill for a Barbecue ? Only Gas Grills are allowed in the parks (NO CHARCOAL). Grilling is subject to weather conditions and possibly Fire Dept. review.		X	
*	Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at Public Services, 55 Portland Street.	X		
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow: 20 barricades A few orange vests and cones may usually be borrowed from Public Services, Event Office. Barricades and signs are borrowed from Public Services, Customer Service.	X		
*	Will your event require street closures ? (Please be specific under "Description of Event")	X		
*	Will your event require Police assistance? An event such as a road race, march in the street, or parade would typically require police assistance.	X		
*	Will your event require Fire/EMS assistance? (For a large walk/race, it is recommended.)	X		
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.)	X		

INSURANCE CERTIFICATE INFORMATION

Will your event require liability insurance? (For an event such as a walkathon, race, festival, press conference, concert, etc., the city requires insurance coverage - General Liability. The City of Portland needs to be named as additional insured and the policy endorsed in regards to the event activities on that date). If your event has been approved for serving food, Product Liability is also required, in addition to General Liability.	X		
♦ If you answered yes, please have "City of Portland, Maine" listed as an additional insured on the certificate, in this way: certificate must say either: A) "the policy actually is 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 Expansion Endorsement, by which the City of Portland is, in fact, automatically made an additional insured." A Certificate which merely has a box checked under 'Addl Insr,' or which merely states The City of Portland is named as an Additional Insured, will not be acceptable. The amount of coverage must be shown on the certificate, and the minimum coverage amount is \$400,000. Please have your insurance company fax a copy to Public Services: 207-874-8816 or email to tvm@portlandmaine.gov. (Email preferred)			

PUBLIC SERVICES POLICIES

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements.

BARBECUES - GAS GRILLS ONLY

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

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where food is being served. Some of Portland's parks already have portable restrooms (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannafords, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park –Playground + Ravine, *East End Beach). If over 150 people are expected to attend the event, a \$25 user fee is required (paid to Public Services). The restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic, 207-799-1980, M-F) to request and pay for a cleaning.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). The area will be checked following your event and if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Public Services has a strict policy that prohibits vehicles from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

TOBACCO FREE ZONES

By city ordinance, smoking is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Please make sure you pass this information along to participants / spectators at the event.

NOTIFICATION

Please keep a copy of this permit on site at all times. City staff may require proof of permit.

REVOCABLE PERMIT

- ♦ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ♦ The City reserves the unconditional right to revoke or revise an issued permit.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	EB	DATE	3/6/15
--	---------------	----	------	--------

ASSUMPTION OF RISK & LIABILITY

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

I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	EB	DATE	3/6/15
--	---------------	----	------	--------

CREDIT CARD INFORMATION

visa or MasterCard Number				Exp Date (Mon/Yr)		
CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED						

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

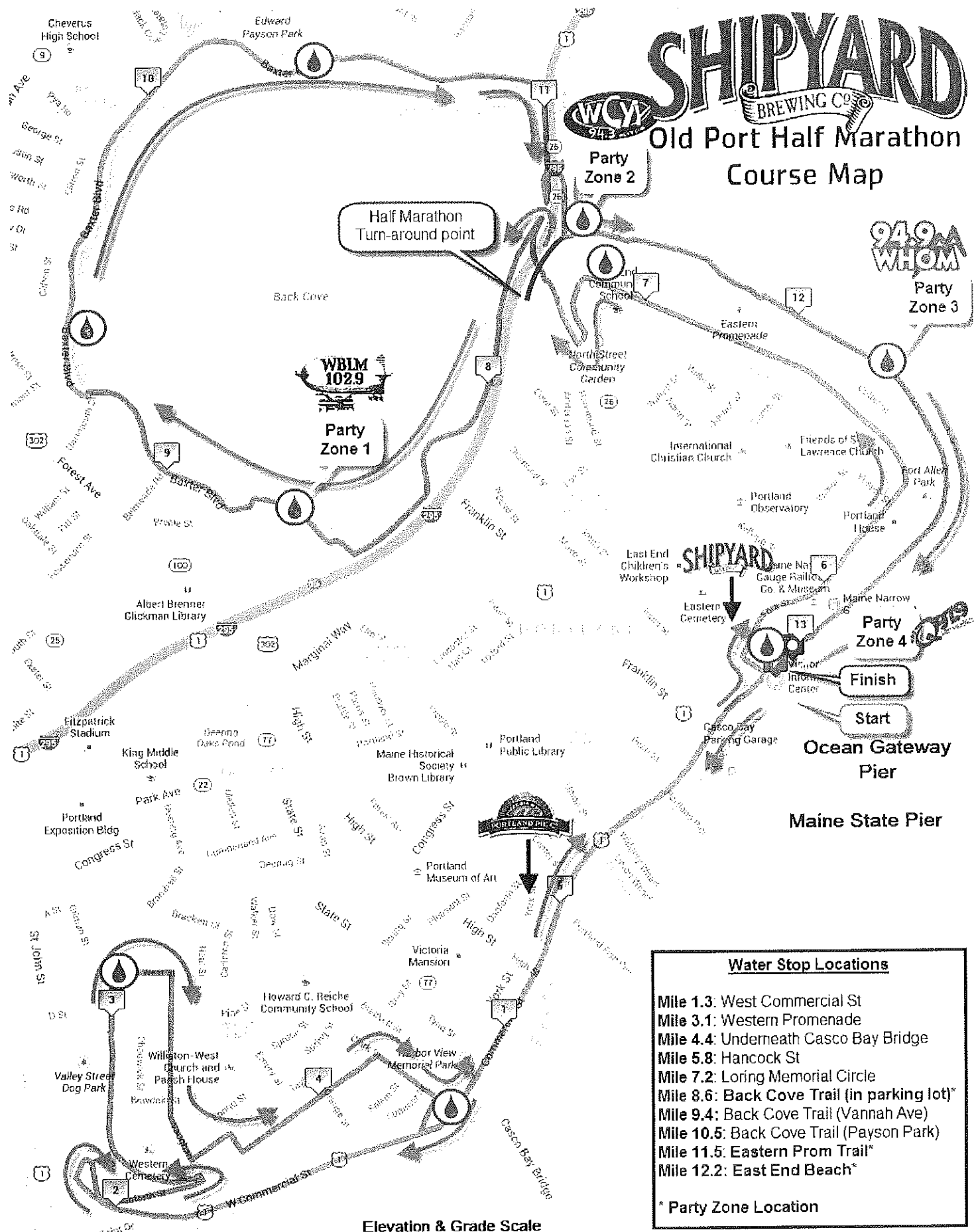
Permit Fee for use of area: \$40 per hour (i.e. a 3 hour event totals \$120) includes use of elec. If your event is rained out / cancelled, the bulk of the fee is returned (however \$40 is non-refundable) Number of Hours of Use: 4 hours: streets + trails	\$ 160 pd CC to be charged following event	Vest, Barricade, Cone Deposit: \$10 per/item	\$???
Electricity: \$5per/hr (fee only pertains to 1 st Amendment uses – i.e. no charge if paying hourly fee)	\$	Public Space / Park Security Deposit: Sound Security Deposit \$100 - \$1000	\$ 100 CC on file
Key Deposit: \$50 per key	\$	Other (Porta-Restroom User Fee, etc.)	\$

FOR OFFICE USE ONLY

DATE REC'D APPLICATION	2-6-2014	DATE REC'D INSURANCE	NEED	PERMIT FEE AMT REC'D	\$160 CC to be charged following event – NEED #	SECURITY DEPOSIT	\$ 100 CC on file
PAYMENT TYPE							
VISA	\$	MC	\$	CK #	CK AMOUNT	\$	CASH AMT \$

SHIPYARD BREWING CO.

Old Port Half Marathon Course Map

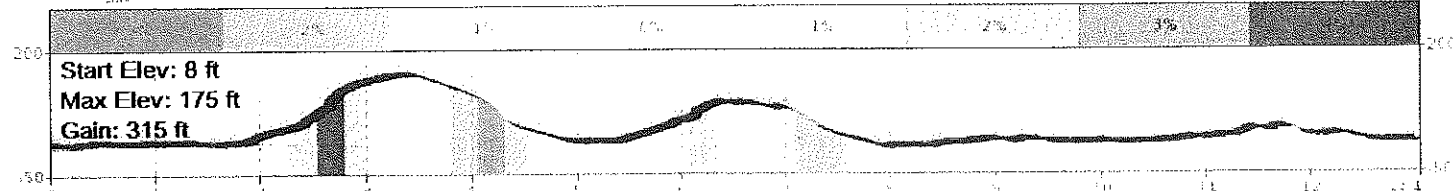


Water Stop Locations

- Mile 1.3: West Commercial St
- Mile 3.1: Western Promenade
- Mile 4.4: Underneath Casco Bay Bridge
- Mile 5.8: Hancock St
- Mile 7.2: Loring Memorial Circle
- Mile 8.6: Back Cove Trail (in parking lot)*
- Mile 9.4: Back Cove Trail (Vannah Ave)
- Mile 10.5: Back Cove Trail (Payson Park)
- Mile 11.5: Eastern Prom Trail*
- Mile 12.2: East End Beach*

* Party Zone Location

Elevation & Grade Scale





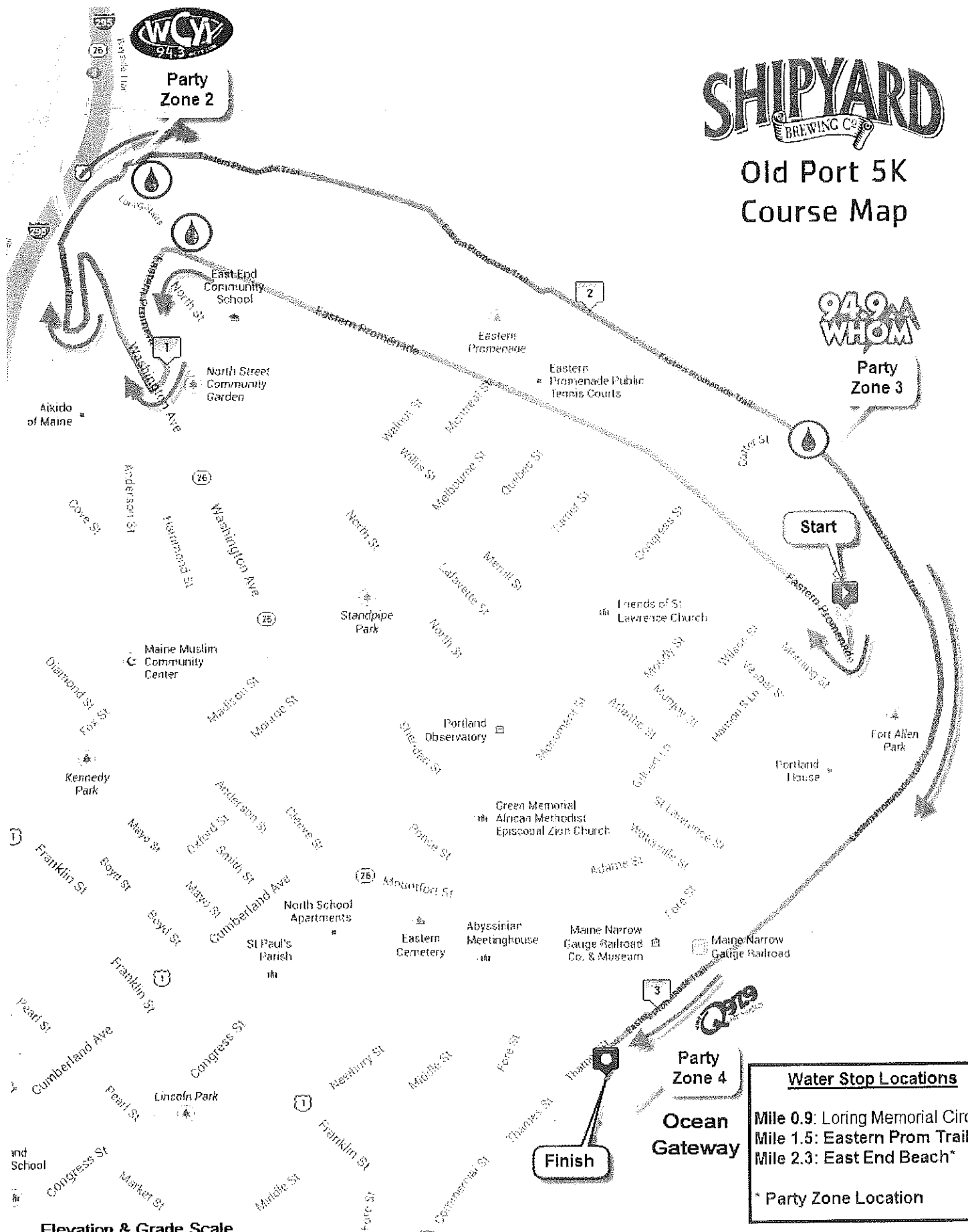
Party
Zone 2



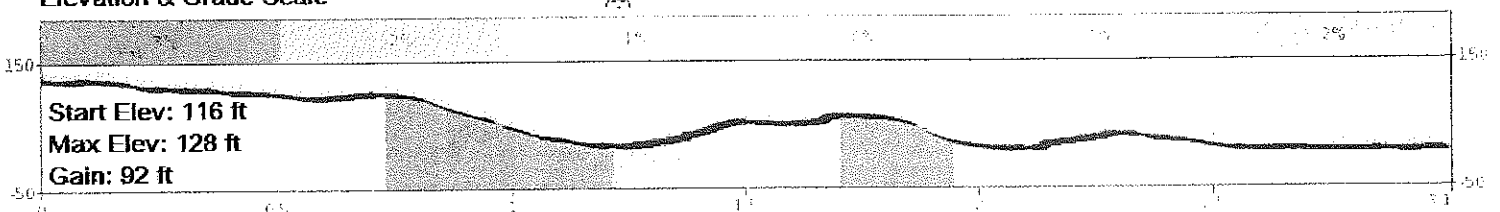
Old Port 5K Course Map



Party
Zone 3



Elevation & Grade Scale



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**

Order 175-14/15
Tab 6 3-16-15

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

**ORDER DECLARING UNITED MAINE CRAFTSMEN – PAYSON POP-UP
CRAFT SHOW AS A FESTIVAL**

ORDERED, that July 11, 2015 is hereby declared to be the United Maine Craftsmen – Payson Pop-Up Craft Show, with a Rain Date of July 12, 2015, sponsored by United Maine Craftsmen; and

BE IT FURTHER ORDERED, that in the United Maine Craftsmen – Payson Pop-Up Craft Show area, the grass triangle at the Baxter Boulevard entrance to Payson Park, will be reserved for Festival attendees; and

BE IT FURTHER ORDERED, that the Payson Park roadway entrances from Baxter Boulevard shall be closed to traffic and the dirt parking lot abutting the first entrance will be reserved for craft vendors; and

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

BE IT FURTHER ORDERED, that the United Maine Craftsmen – Payson Pop-Up Craft Show Festival area including the Dyer’s Flat Parking Area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the Acting City Manager is authorized to issue a revocable permit to United Maine Craftsmen under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the Acting City Manager and to the following specific conditions:

1. United Maine Craftsmen shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. United Maine Craftsmen shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the area of the Festival;
3. Conditions for use of grounds and requirements for food service, vending sales, and other items specified in an operating agreement issued from the Public Services Department, shall be adhered to;
4. The City Clerk's Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival;
5. For services requiring city staff, United Maine Craftsmen will reimburse City Departments for the costs;
6. United Maine Craftsmen shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit (amount determined by the Public Services Director or designee) on file at the Public Services Event Office; and
7. United Maine Craftsmen shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the United Maine Craftsmen – Payson Pop-Up Craft Show; and

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



Michael J. Bobinsky
Director of Public Services

TO: Sheila Hill-Christian, Acting City Manager
FROM: Michael Bobinsky, Director of Public Services
DATE: March 3, 2015
RE: **Council Agenda Item – United Maine Craftsmen – Payson Pop-Up Craft Show**

I am requesting that the following order be placed on the next City Council agenda:

Order declaring Saturday, July 11, 2015, as " United Maine Craftsmen – Payson Pop-Up Craft Show," to be held in Payson Park Triangle Grass area, 9am – 4pm. (Rain Date: Sunday, July 12. If event held on Sunday, then it would coincide with "Sundays on the Boulevard" – where Baxter Blvd. is closed to vehicles.)

United Maine Craftsmen is a non-profit membership organization founded in 1969 to promote Maine artists by providing opportunities for marketing, education and collaboration.

This is the first year that United Maine Craftsmen has proposed a crafts festival for a Portland park. However, the organization holds a number of craft fairs throughout the year around the state: Augusta, Bangor, Westbrook. For the Portland show, organizers would like to use Payson Park Triangle Grass area. They would also close off the 1st entrance into the park from Baxter Blvd. to traffic for ease of setup and breakdown. The 2nd entrance may also be closed down to traffic for the early morning hours (to again, assist with the setup). Approximately 100-125 craft vendors will set up 10x10 canopies on the grass area with some Food Trucks and food vendors setting up on the 1st entrance park roadway. Vendors will be selling their crafts to the general public. There is an admission fee (\$2 adults, under 12: free) to the craft fair, so the triangle will be partitioned off with orange snow fence. Facilities Management Staff will be on site for setup and to assist with parking at Dyer's Flat (which holds approx. 350 cars). 3000 attendees are expected for this event.

In order for this festival to be held, the park roadway entrances from Baxter Blvd. need to be closed to traffic for setup and breakdown, Saturday, July 11, 2015, and the dirt parking lot abutting the 1st entrance needs to be reserved the night before for craft vendors. In the event of inclement weather, the parking ban and park road closures will be pushed forward to the following day.

The Festival area (Payson Park Grass Triangle, and the abutting park roadways, and Dyer's Flat parking area) will be closed to street vendors and artists pursuant to Section 19-17 of the Portland City Code and is reserved the use of United Maine Craftsmen, for the purpose of conducting the Festival, subject to the direction and control of the City Manager.

(continued)



Michael J. Bobinsky
Director of Public Services

**Vehicles in violation of the "no parking" signs in the Festival
Zone (parking lot off 1st park road entrance) shall be towed at owners expense.**

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the United Maine Craftsmen Payson Pop-Up Craft Show organizers for the use of the above-described area for said Festival, subject to the following conditions:

- **United Maine Craftsmen shall be responsible for reimbursing the Police Dept. and Parking Control Office for services – if needed, the Public Services Dept. for services and permit fee for use of the street, the Public Facilities Assembly Dept. for services, and the City Clerk's Office for licenses;**
- The United Maine Craftsmen Payson Pop-Up Craft Show organizers shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit (amount determined by the Public Services Director or designee) on file at the PS Event Office;
- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival;
- The United Maine Craftsmen Payson Pop-Up Craft Show organizers shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival, and may charge a fee for admission into the festival grounds (Payson Park Triangle Grass area);
- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from PS Event Office, shall be adhered to; and
- The United Maine Craftsmen Payson Pop-Up Craft Show organizers shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, 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 damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "United Maine Craftsmen Payson Pop-Up Craft Show" activities, and the City be endorsed on the policy.

The City Manager is also 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 said Festival/Event.

Document prepared by Ted Musgrave, PS Event Coordinator



CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES
PUBLIC PARK & SPACE APPLICATION (3 pages)
55 Portland St. ~ Portland ~ ME ~ 04101
207-874-8826 (Event Office) ~ Fax 207-874-8816
tvm@portlandmaine.gov

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

TODAY'S DATE	January 14, 2015 Revised: 1-16-15, 2-6-2015, 2-13-15	ORGANIZATION NAME	United Maine Craftsmen, Inc.					
ORGANIZATION ADDRESS	16 Old Winthrop Road #2		CITY	Manchester	STATE	ME	ZIP	04351
CONTACT NAME(S)	Vera Wainwright – VP and Show Director Aletha Boyle – President June Budrow – UMC Administrator							
HOME #	WORK (UMC Office) 621-2818		CELL		FAX			
EMAIL	Vera: onthetablecoasters@gmail.com		EMAIL	Office: umcrafts@myfairpoint.net				

PARK AREA OR PUBLIC SPACE REQUESTED	Payson Park (the triangle), Dyer's Flat parking area - between Payson Park and Seaside Nursing Home 1 st entrance into park				
EVENT DAY & DATE(S)	Saturday – July 11, 2015		RAIN DAY & DATE(S)	Sunday – July 12, 2015	
EVENT START TIME e. set-up start time)	5 am	EVENT END TIME (i.e. when event cleanup is complete)	7 pm	ACTUAL START & END TIME OF EVENT	9am till 4pm

EVENT NAME		EXPECTED ATTENDANCE
United Maine Craftsmen – 'Payson Pop-Up'		3000
DESCRIPTION OF EVENT: Please be specific regarding area of public space/park and describe Event in detail. Craft show with approximately 100 – 125 craft vendors and approximately 4 food vendors participating; all vendors will utilize 10x10 white EZ-Up canopies. Vendors will begin setup beginning at 5am on day of event. Dyer's Flat - the area between the park and the Seaside Nursing Home would need to be utilized for parking. The parking will be attended and organized by a group that is hired by UMC for this purpose. Portable toilets and wash stations to accommodate up to 3000 people would be rented; these would be delivered the day prior to the show and be removed immediately following. Triangle is fenced off (snow fence), with openings for ticketing (admission fee charged: \$2) PAF Staff (hired by organizer) are required for the event.		
IS THERE A REGISTRATION FEE?	No registration fee, but entrance fee to show	
IF YES, HOW MUCH?	FEE	\$2 per person
	STUDENT FEE	Free – under 12; over 12 – \$2

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN? See above – Dyer's Flat. The parking will be attended and organized by a group that is hired by UMC for this purpose.

PLEASE CHECK OFF AND ANSWER:

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

		X-YES	X-NO	X-NOT SURE
*	Are you setting up a canopy(s)? (canopy is 10x10 size) How many: 100 (approximate)	X		
*	Do you wish to set up a tent(s)? (a canopy or tent larger than 10x10 needs to be approved)		X	

*	Will you be setting up tables and/or chairs ? How many tables: chairs:		X	
*	Are other items or equipment being placed on City property ?		X	
*	Will there be refreshments at the event? Do you wish to sell food? Food vendors (If so, you will need approval from Public Services) List food and drink: possible FOOD TRUCKS A Temporary Food Service License (from the City Clerk's Office) is needed, even if food is given away (and even if it is pre-packaged). PLEASE give the Clerk's Office at least a 2-week notice (874-8557).	X		
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.) ? If so, you will need approval from Public Services, and you will need to apply for a Street Goods Vendor License(s) at the City Clerk's Office (874-8557). List items you wish to sell: Crafts	X		
*	Are you setting up a PA (sound) system ?		X	
*	Will your event require electricity ? Electricity is available at some of the parks & squares		X	
*	Are you planning on bringing a Grill for a Barbecue ? Only Gas Grills are allowed in the parks (NO CHARCOAL). Grilling is subject to weather conditions and possibly Fire Dept. review. May be utilized by food vendors			X
*	Will the event require reserved parking spaces / parking meters ? How many? 350 + area for crafter parking (~75) "No Parking" signs may be purchased at Public Services, 55 Portland Street (874-8822).	X		
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow: barricades, cones A few orange vests and cones may usually be borrowed from Public Services, Event Office. Barricades and signs are borrowed from Public Services, Customer Service.	X		
*	Will your event require street closures ? (Please be specific under "Description of Event")	PARK ROAD		
*	Will your event require Police assistance?		X	
*	Will your event require Fire/EMS assistance? (For a large walk/race, it is recommended.)		X	
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.)	X		
*	Do you wish to have a banner over the street to advertise your event? (Banners hung over Congress St. or Baxter Blvd). Banner inquiries directed to Public Services: 874-8751.	X		

INSURANCE CERTIFICATE INFORMATION

*	Will your event require liability Insurance? (For an event such as a walkathon, race, festival, press conference, concert, etc., the city requires insurance coverage - General Liability. The City of Portland needs to be named as additional insured and the policy endorsed in regards to the event activities on that date). If your event has been approved for serving food, Product Liability is also required, in addition to General Liability.	X		
♦	If you answered yes, please have "City of Portland, Maine" listed as an additional insured on the certificate, in this way: certificate must say either: A) "the policy actually is 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 Expansion Endorsement, by which the City of Portland is, in fact, automatically made an additional insured." A Certificate which merely has a box checked under 'Addl Insr,' or which merely states The City of Portland is named as an Additional Insured, will not be acceptable. The amount of coverage must be shown on the certificate, and the minimum coverage amount is \$400,000. Please have your insurance company email a copy to Public Services: email to tvm@portlandmaine.gov .			

PUBLIC SERVICES POLICIES

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements.

BARBECUES - GAS GRILLS ONLY

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

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where food is being served. Some of Portland's parks already have portable restrooms (*Entrance to Dyer's Flat – beside Payson Park). If over 150 people are expected to attend the event, a \$25 user fee is required (paid to Public Services). The restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic, 207-799-1980, M-F) to request and pay for a cleaning.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). The area will be checked following your event and if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Public Services has a strict policy that prohibits vehicles from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

TOBACCO FREE ZONES

By city ordinance, smoking is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Please make sure you pass this information along to participants / spectators at the event.

NOTIFICATION

Please keep a copy of this permit on site at all times. City staff may require proof of permit.

REVOCABLE PERMIT

- ◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ◆ The City reserves the unconditional right to revoke or revise an issued permit.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES

TYPE INITIALS

VAW

DATE

02/13/15

ASSUMPTION OF RISK & LIABILITY

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

I have read the Assumption of Risk & Liability Agreement

TYPE INITIALS

VAW

DATE

02/13/15

CREDIT CARD INFORMATION

Visa or MasterCard Number

Exp Date (Mon/Yr)

CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED

PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND"

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

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

Permit Fee for use of area: \$40 per hour (i.e. a 3 hour event totals \$120) includes use of elec. If your event is rained out / cancelled, the bulk of the fee is returned (however \$40 is non-refundable) Number of Hours of Use: Sat: 14 hours = \$560	\$ 560 + rain date: \$280 = \$840 due	Vest, Barricade, Cone Deposit: \$10 per/item	\$???
Electricity: \$5per/hr (Note: a fee is not typically charged)	\$	Public Space / Park Security Deposit: Sound Security Deposit \$100 - \$1000	\$???
Key Deposit: \$50 per key	\$	Other (Porta-Restroom User Fee, etc.)	\$

FOR OFFICE USE ONLY

DATE REC'D APPLICATION	1-15-2015	DATE REC'D INSURANCE	NEED	PERMIT FEE AMT REC'D	\$ due	SECURITY DEPOSIT	\$ due
PAYMENT TYPE							
VISA	\$	MC	\$	CK #	CK AMOUNT	\$	CASH AMT
							\$

order 176-14/15
Tab 7 3-16-15

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 PORTLAND URBAN RAID
AS A FESTIVAL AND APPROVING CONTRACT AND PERMITS THEREFOR**

ORDERED, that the Portland Urban Raid is hereby declared as a festival on Saturday, August 15, 2015 and the City Manager is authorized to grant permits to the organizers of the Portland Urban Raid, Raid Events LLC, pursuant to Sec. 25-27 of the Portland City Code for the following activities:

Use of the Eastern Promenade Trail for the Portland Urban Raid from 8:00 a.m. Friday, August 14, 2015 until 8:00 p.m. on Saturday August 15, 2015. Athletes will congregate at Amethyst Lot where the race will begin at 10:00 a.m.

Use of "Amethyst Lot" from 8:00 a.m. Friday, August 14, 2015 until 8:00 p.m. on Saturday August 15, 2015, with a finish line and post-challenge celebration to be held from 10:00 a.m. Saturday August 15, 2015 until 1:00 p.m. Saturday August 15, 2015, with gates opening at 8:00 a.m.; 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 Raid Events LLC's contractor and the City to focus volume on the pier and its immediate environment; and

BE IT FURTHER ORDERED, that the Eastern Promenade Trail will be closed to bicyclists, baby strollers and persons with dogs during the race; and

BE IT FURTHER ORDERED, that under no circumstances may alcoholic beverages be sold on the streets or public property, except the sale and consumption of alcoholic beverages will be permitted solely in the 21-year-old and older area of Amethyst Lot from 10:30 a.m. to 2:00 p.m. on Saturday August 15, 2015; and

BE IT FURTHER ORDERED, that Raid Events LLC shall reimburse the City for all expenses incurred by City Departments in connection with the Festival; and

BE IT FURTHER ORDERED, that Raid Events LLC shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival, its activities and/or use of City streets and property for said Festival, and shall procure and maintain commercial

general liability, including contractual liability, insurance in the minimum amount of Four Hundred Thousand Dollars (\$400,000) per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder, and naming the City of Portland as an additional insured thereon; Raid Events, LLC shall further provide liquor liability insurance covering the sale and consumption of alcoholic beverages; and

BE IT FURTHER ORDERED, that the Acting City Manager is authorized to enter into the Agreement attached hereto for the use of Amethyst Lot on Saturday August 15, 2015 and the provisions of said Agreement shall control the use of said lot; and

BE IT FURTHER ORDERED, that Festival areas will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and the City Manager is authorized to issue such other temporary licenses for the Festival, including licenses for food service establishments, as may be required by the Portland City Code, provided that all applicable requirements of the Code have been met.

MEMORANDUM
City Council Agenda Item

TO: Mayor Brennan and City Council

FROM: Andrew Downs, Director of Public Assembly Facilities

DATE: March 3, 2015

DISTRIBUTION: Sheila Hill-Christian, Michael Brennan, Sonia Bean,
Danielle West-Chuhta, Nancy English, Julie Sullivan

SUBJECT: Portland Urban Raid (5k / Obstacle Course)

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading 3/16/2015 Final Action 3/16/2015

Can action be taken at a later date: _____ Yes X No (If no why not?)
Organizers are in need to begin planning and marketing immediately following approval.

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

I. SUMMARY OF ISSUE (Agenda Description)

Declare "PORTLAND URBAN RAID" as a Festival. Festival is scheduled for Load In 8:00 a.m. Friday, August 14th through Saturday, August 15th, 2015 8:00 p.m. with a finish line and post-5K celebration to be held from 10:00 a.m. Saturday, August 15th until 1:00 p.m. Saturday, August 15th, with gates opening at 8:00 a.m.; in the Amethyst Lot and Festival areas bordered by: All of the Amethyst Lot, from the Eastern Promenade Trail to the west and Casco Bay to the east. The northern and southern borders are defined by the Nova Star Departure Building to the south and 100ft from the border of Sail Maine to the north.

The PORTLAND URBAN RAID is a nontraditional running race offering a course that rivals any other in terms of variety of terrain, unique elements, and stunning views. The 5k race is comprised of twelve obstacles interspersed throughout the 3.1 miles. Using the City of Portland land for an additional obstacle, the PORTLAND URBAN RAID will challenge racers throughout the athletic endeavor. At the race festival (Amethyst Lot), athletes will find sponsor activities and sampling, and the beer garden.

Support from PCOs will be requested at Congress/Eastern Prom, Fore/Hancock (9:30am – 12:30pm). Thames/Hancock will be staffed by PAF City Staff. Volunteer flaggers will staff the Cutter Street / RR Tracks area...and other race intersections and thruways.

The race will start at the Amethyst Lot and run along the Eastern Prom Trail. Route will take racers along the Eastern Prom, up to the Eastern Promenade Sidewalk, up and over Congress St., down Congress Street sidewalk, to left onto Mountfort St, right onto Fore Street, then left onto Hancock St., right onto Thames Street and back again onto the Amethyst Lot. Runners will be using sidewalks as much as possible.

Obstacles will be placed along the course at dispersed locations to challenge runners. Locations include the Grass Rectangular Lot beside the tennis courts on Eastern Prom (Chainlink Crawl / Cargo Net Crawl / Tractor Tires), Eastern Prom Lawn (Sandbag Carry), Cutter St. Middle Parking Lot (edge of the lot – Marine Hurdles and Balance Beams), Eastern Prom Trail (Cone Bars + Monkey Bars + Tire Field). Finish Obstacles will be constructed at the Amethyst Lot (The Ropes, Finish Wall, Cargo Net Climb). Please see the attached course map with obstacle locations.

Cutter St. will be open to traffic, but a Race Volunteer will be located at the bottom of Cutter St where racers will be crossing the road. Race Volunteers will also staff lots of the race intersections (Congress St., etc).

The post race festival will be held at the Amethyst Lot and contain music, demos, sponsor activations, and more. This area will be overseen/administered by Public Assembly Facilities Management Staff.

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

Approval of "PORTLAND URBAN RAID" will allow:

- A Festival Declaration
- Control of vendors in the Festival Zone
- Permission to use public space
- Granting approval for alcohol sales (Amethyst Lot)

III. INTENDED RESULT

See above.

IV. COUNCIL GOAL ADDRESSED

"PORTLAND URBAN RAID" will bring an anticipated 800 people, 600 racers to the Portland Waterfront and provide a positive financial impact to the waterfront during the day of the event.

V. FINANCIAL IMPACT

All costs incurred by City Departments will be reimbursed by Raid Events, LLC, organizers of this event.

VI. STAFF ANALYSIS

This is the 7th year for the PORTLAND URBAN RAID and Parker Swenson, who is organizing this event and has had a successful working relationship with the City of Portland for last several years. Raid Events, LLC will be signing an Operating Agreement with Recreation and Facilities Management with WinterKids being the event's primary beneficiary.

VII. RECOMMENDATION

City staff feels we can appropriately manage the event and recommend approval.

VIII. LIST ATTACHMENTS

- Memo with additional details.
- Course Map with obstacle locations.

Prepared by: Andrew J. Downs, Director of Public Assembly Facilities

Date: March 3, 2015



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: March 3, 2015
RE: Portland Urban Raid

I am requesting that the following order be placed on the next City Council agenda: Order authorizing; Portland Urban Raid as a "Festival", scheduled for Saturday August 15th, 2015 (with load in prior to the event on Friday August 14th, 2015 and load out following the event on Saturday August 15th, 2015)

The festival area will include: All of the Amethyst Lot, from the Eastern Promenade Trail to the west and Casco Bay to the east. The northern and southern borders are defined by the Nova Star Departure Building to the south and 100ft from the border of Sail Maine to the north.

The goal of Portland Urban Raid (www.raidevents.com) "is to bring together a wide variety of folks in a population center in a celebration of health, excitement, creativity, and sustainability. The 5K is the centerpiece for the event, but will feature many unique elements - DJs and live music, awesome venues - so that athletes are constantly surprised by what's happening around them. The race itself is designed to be user-friendly, challenging, and inviting for a wide-range of athletes (not just the folks who have been competing for years)."

The Portland Urban Raid is a nontraditional running race offering a course that rivals any other in terms of variety of terrain, unique elements, and stunning views. The 5k race is comprised of twelve obstacles interspersed throughout the 3.1 miles. Using the City of Portland land for an additional obstacle, the Portland Urban Raid will challenge racers throughout the athletic endeavor. At the race festival (Amethyst Lot), athletes will find sponsor activities and sampling, and the beer garden.

Support from PCOs will be requested at Congress/Eastern Prom, Fore/Hancock (9:30am – 12:30pm). Thames/Hancock will be staffed by Public Assembly Facilities Event Staff. Volunteer flaggers will staff the Cutter Street / RR Tracks area...and other race intersections and thruways.

The race will start at the Amethyst Lot and run along the Eastern Prom Trail. Route will take racers along the Eastern Prom, up to the Eastern Promenade Sidewalk, up and over Congress St., down Congress Street sidewalk, to left onto Mountfort St, right onto Fore Street, then left onto Hancock St., right onto Thames Street and back again onto the Amethyst Lot. Runners will be using sidewalks as much as possible.

Portland, Maine



Yes. Life's good here.

Anita R. LaChance
Director
Department of Recreation & Facilities Management

Andrew J. Downs
Director
Public Assembly Facilities

Obstacles will be placed along the course at dispersed locations to challenge runners. Locations include the Grass Rectangular Lot beside the tennis courts on Eastern Prom (Chainlink Crawl / Cargo Net Crawl / Tractor Tires), Eastern Prom Lawn (Sandbag Carry), Cutter St. Middle Parking Lot (edge of the lot – Marine Hurdles and Balance Beams), Eastern Prom Trail (Cone Bars + Monkey Bars + Tire Field). Finish Obstacles will be constructed at the Amethyst Lot (The Ropes, Finish Wall, Cargo Net Climb). Please see the attached course map with obstacle locations.

Cutter St. will be open to traffic, but Race Volunteer will be located at the bottom of Cutter St where racers will be crossing the road. Race Volunteers will also staff lots of the race intersections (Congress St., etc).

The post race festival will be held at the Amethyst Lot and contain music, demos, sponsor activations, and more. This area will be overseen/administered by Public Assembly Facilities Management Staff.

The Amethyst lot and surrounding areas would remain open to the public. 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 Raid Events, LLC, it's contractor and the City to focus volume with in the festival area and its immediate environment, limiting any sound impacts in residential areas.

Beer would be available in a restricted area, to which access would be limited to those twenty one (21) and over. All Security will be provided by Public Assembly Facilities Management Staff. The event will also include merchandise and food vendors. All vendors will require the appropriate permits and licenses.

Once again this year, WinterKids will be the beneficiary for this event. The mission of WinterKids in Portland, Maine (www.winterkids.org) is to help children develop healthy lifelong habits through fun, outdoor winter activity. WinterKids has been a 501 (c) 3 since 2000. WinterKids has been touted as a unique, doable and fun program by teachers, coaches, ski areas, after-school directors, alternative educators, and families alike.

This is the 7th year for the Portland Urban Raid and Parker Swenson, who is organizing this event and has had a successful working relationship with the City of Portland for the last several years. City staff feels we can appropriately manage this event and recommend approval.



CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES
PUBLIC PARK & SPACE APPLICATION (3 pages)
 55 Portland St. ~ Portland ~ ME ~ 04101
 207-874-8826 (Event Office) ~ Fax 207-874-8816
 tvn@portlandmaine.gov

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

TODAY'S DATE		March 2 nd , 2015		ORGANIZATION NAME		RAID EVENTS LLC			
ORGANIZATION ADDRESS		28 DANFORTH ST, SUITE 210		CITY	PORTLAND	STATE	ME	ZIP	04101
CONTACT NAME(S)		PARKER SWENSON		TITLE		EVENT MANAGER			
WORK #	207-699-2360 X105			CELL	207-749-9347		FAX	207-699-2929	
EMAIL	pswenson@360mediaventures.com			EMAIL	INFO@RAIDEVENTS.COM				

PARK AREA OR PUBLIC SPACE REQUESTED		AMETHYST LOT, EASTERN PROM TRAIL, FORE ST, CONGRESS ST SIDEWALK, ADDITIONAL EASTERN PROM LOCALES					
EVENT DAY & DATE(S)		SETUP: AUGUST 13 TH + 14 TH (THU+FRI) EVENT: AUGUST 15 TH (SAT)		RAIN DAY & DATE(S)		N/A	
EVENT START TIME (i.e. set-up start time)		8/15: 8:00am	EVENT END TIME (i.e. when event cleanup is complete)		8/15: 8:00pm	ACTUAL START & END TIME OF EVENT	8/15: 10AM-1PM

EVENT NAME	EXPECTED ATTENDANCE
PORTLAND URBAN RAID	800 TOTAL, 600 RACERS

DESCRIPTION OF EVENT:

The Urban RAID is a nontraditional running race offering a course that rivals any other in terms of variety of terrain, unique elements, and stunning views. The 5k race is comprised of 12+ obstacles interspersed throughout the 3.1 miles. Using the city of Portland property as an additional obstacle, the Urban RAID will challenge racers throughout their athletic endeavor.

Post race festival will be held at Amethyst Lot and contain music, demos, sponsor activations, a Beer Garden, and more. This area overseen/administered by Facilities Management Staff.

Support from PCOs will be requested at Congress/Eastern Prom and Fore/Hancock (9:30am – 12:30pm). Thames/Hancock will be staffed by a FM STAFF person. Volunteer flaggers will staff the Cutter Street / RR Tracks area..... and other race intersections and thruways.

The race will start at the Amethyst Lot and run along the Eastern Prom Trail. Route will take racers along the Eastern Prom, up to the Eastern Promenade Sidewalk, up and over Congress St., down Congress Street sidewalk, to left onto Mountfort St, right onto Fore Street, then left onto Hancock St., right onto Thames Street and back into the Amethyst Lot. Runners will be using sidewalks as much as possible.

Obstacles will be placed along the course at dispersed locations to challenge runners. Locations include the Grass Rectangular Lot beside the tennis courts on Eastern Prom (Chainlink Crawl / Cargo Net Crawl / Tractor Tires), Eastern Prom Lawn (Sandbag Carry), Cutter St. Middle Parking Lot (edge of the lot – Marine Hurdles and Monkey Bars), Eastern Prom Trail (Cone Bars + Balance Beams + Tire Field). Finish Obstacles will be constructed at Amethyst Lot (The Ropes, Finish Wall, Cargo Net Climb). Please see attached course map with obstacle locations.

Cutter St. will be open to traffic, but Race Volunteer will be located at the bottom of Cutter St where racers will be crossing the road. Race Volunteers will also staff lots of the race intersections (Congress St., etc).

THERE A REGISTRATION FEE?	YES	
IF YES, HOW MUCH?	FEE	Opening Day \$40, Early Bird \$50, Regular \$65, On-site \$75
	STUDENT FEE	\$15 discount off fee

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN? We will need parking for racers, volunteers, spectators, and staff. Parking will be taken care of by on-street parking, Ocean Gateway Garage, and nearby lots

PLEASE CHECK OFF AND ANSWER:

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

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (canopy is 10x10 size) How many: 2 plus sponsors	X		
* Do you wish to set up a tent(s) ? (a canopy or tent larger than 10x10 needs to be approved by Public Services and a Tent Permit issued from Inspections Division; please call Inspections for information on their application process / PLEASE give them at least a 2-week notice). Public Services will contact Inspections once the tent location is approved so that the Tent Permit Application may go forward. State size(s): 10 x 20 tent at Amethyst Lot Exact Location(s) of Tent Placement Requested: Maine State Pier In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233.	X		
* Will you be setting up tables and/or chairs ? How many tables: 6 chairs:	X		
* Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:		X	
* Will there be refreshments at the event? Do you wish to sell food? (If so, you will need approval from Public Services) List food and drink: BEER PROVIDED BY SPONSOR (at Amethyst Lot) A Temporary Food Service License (from the City Clerk's Office) is needed, even if food is given away (and even if it is pre-packaged). PLEASE give the Clerk's Office at least a 2-week notice.	X		
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, you will need approval from Public Services, and you will need to apply for a Street Goods Vendor License(s) at the City Clerk's Office. List items you wish to sell: EVENT MERCHANDISE	X		
* Are you setting up a PA (sound) system YES Are you planning on having Amplified Music Yes Band No DJ No If so, your event requires a concert license from the City Clerk's Office. (Just voice – i.e. Press Conference, would not require the license because it is not music). For amplified music/speech, there are time restrictions for the Downtown Parks & Squares (music limited to 11:45am – 1:15pm, and 1 hour between 5pm - 8pm).	X		
* Will your event require electricity ? Electricity is available at some of the parks & squares	X		
* Are you planning on bringing a Grill for a Barbecue ?		X	
* Will the event require reserved parking spaces / parking meters ? No How many? "No Parking" signs may be purchased at Public Services, 55 Portland Street.		X	
* Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow: A few orange vests and cones may usually be borrowed from Public Services, Event Office. Barricades and signs are borrowed from Public Services, Customer Service.		X	
* Will your event require street closures ? (Please be specific under "Description of Event")		X	
* Will your event require Police assistance ? An event such as a road race, march in the street, or parade would typically require police assistance. See above in description	X		
* Will your event require Fire/EMS assistance ? (For a large walk/race, it is recommended.)	X		
* Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.)	X		
* Do you wish to have a banner over the street to advertise your event? (Banners hung over Congress St. or Baxter Blvd). Banner inquiries directed to Public Services: 874-8801.	X		

INSURANCE CERTIFICATE INFORMATION

* Will your event require liability Insurance? (For an event such as a walkathon, race, festival, press conference, concert, etc., the city requires insurance coverage - General Liability. The City of Portland needs to be named as additional insured and the policy endorsed in regards to the event activities on that date). If your event has been approved for serving food, Product Liability is also required, in addition to General Liability.	X		
♦ If you answered yes, please have "City of Portland, Maine" listed as an additional insured on the certificate, in this way: certificate must say either: A) "the policy actually is 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 Expansion Endorsement, by which the City of Portland is, in fact, automatically made an additional insured." A Certificate which merely has a box checked under 'Addl Insr,' or which merely states The City of Portland is named as an Additional Insured, will not be acceptable. The amount of coverage must be shown on the certificate, and the minimum coverage amount is \$400,000. Please have your insurance company fax a copy to Public Services: 207-874-8816 or email to tvm@portlandmaine.gov . (Email preferred)			

PUBLIC SERVICES POLICIES

ELECTRICITY

If cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements.

BARBECUES - GAS GRILLS ONLY

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

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where food is being served. Some of Portland's parks already have portable restrooms (*East End Beach). If over 150 people are expected to attend the event, a \$25 user fee is required (paid to Public Services). The restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic, 207-799-1980, M-F) to request and pay for a cleaning.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). The area will be checked following your event and if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Public Services has a strict policy that prohibits vehicles from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

TOBACCO FREE ZONES

By city ordinance, smoking is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Please make sure you pass this information along to participants / spectators at the event.

NOTIFICATION

Please keep a copy of this permit on site at all times. City staff may require proof of permit.

REVOCABLE PERMIT

- The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ♦ The City reserves the unconditional right to revoke or revise an issued permit.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	PS	DATE	3/2/15
--	---------------	----	------	--------

ASSUMPTION OF RISK & LIABILITY

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

I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	PS	DATE	3/2/15
--	---------------	----	------	--------

CREDIT CARD INFORMATION

Visa or MasterCard Number				Exp Date (Mon/Yr)		
---------------------------	--	--	--	-------------------	--	--

CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED

PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND"

- ♦ Please make out security deposit checks separate from permit fees.

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

Permit Fee for use of area: \$40 per hour (i.e. a 3 hour event totals \$120) includes use of elec. If your event is rained out / cancelled, the bulk of the fee is returned (however \$40 is non-refundable) Number of Hours of Use: 3 hours	\$ 120 due (possibly more if reserving parking lot)	Vest, Barricade, Cone Deposit: \$10 per/item	\$?
Electricity: \$5per/hr (fee only pertains to 1 st Amendment uses – i.e. no charge if paying hourly fee)	\$	Public Space / Park Security Deposit: Sound Security Deposit \$100 - \$1000	\$ 1000 due
Key Deposit: \$50 per key	\$	Other (Porta-Restroom User Fee, etc.)	\$

FOR OFFICE USE ONLY

DATE REC'D APPLICATION	3-2-2015	DATE REC'D INSURANCE	NEED	PERMIT FEE AMT REC'D	\$ NEED	SECURITY DEPOSIT	\$ NEED
PAYMENT TYPE							
VISA	\$	MC	\$	CK #	CK AMOUNT	\$	CASH AMT

MEMORANDUM
City Council Agenda Item

TO: Mayor Brennan and City Council

FROM: Andrew Downs, Director of Public Assembly Facilities

DATE: 3/3/2015

DISTRIBUTION: Sheila Hill-Christian, Michael Brennan, Sonia Bean,
Danielle West-Chuhta, Nancy English, Julie Sullivan

SUBJECT: Portland Rugby Football Club – Pig Roast Fundraiser

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading 3/16/2015 Final Action 3/16/2015

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

Organizers are in need to begin planning and marketing immediately following approval.

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

I. SUMMARY OF ISSUE (Agenda Description)

Declare “Portland Rugby Football Club – Pig Roast Fundraiser” as a Festival. Festival is scheduled for the Maine State Pier from 9:00 AM on Saturday, May 9, 2015 until 6:00 PM Saturday, May 9, 2019 with a fundraiser and celebration to be held from 1:00 p.m. Saturday, May 9 until 4:00 p.m. Saturday, May 9, 2015, with gates opening at 1:00 p.m.; on the Maine State Pier and Festival areas bordered by: The southeastern end of the Maine State Pier, up to the area of business of the Portland Schooner Company.

The purpose of the “Portland Rugby Football Club – Pig Roast Fundraiser” is to introduce the community of Portland to the rugby club representing them throughout the North East and to raise needed funds for the fulfillment of the organization's mission.

The mission of Portland RFC is to promote the growth and development of the game of Rugby Union (“Rugby”) in the Portland area; to increase the awareness of Rugby and its traditions; to facilitate participation in Rugby on local, national and international levels, and to foster amateur athletic competition in line with the goals of USA Rugby and affiliated regional organizations.

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

Approval of “Portland Rugby Football Club – Pig Roast Fundraiser” will allow:

- A Festival Declaration
- Control of vendors in the Festival Zone
- Permission to use public space and sell tickets / charge admission
- Sale of alcohol (Maine State Pier)

III. INTENDED RESULT

See above.

IV. COUNCIL GOAL ADDRESSED

“Portland Rugby Football Club – Pig Roast Fundraiser” will bring an anticipated 200 people to the Portland Waterfront and provide a positive financial impact to the waterfront during the day of the event.

V. FINANCIAL IMPACT

All costs incurred by City Departments will be reimbursed by Portland Rugby Football Club, organizers of this event.

VI. STAFF ANALYSIS

The Portland Rugby Football Club has had a successful working relationship with the City of Portland for the last several years working as the organizers of the coat check at The Maine Brewers Fest at the Portland Expo. City staff feels the Portland Rugby Club can successfully plan and implement an event that will have a positive impact on the waterfront.

VII. RECOMMENDATION

City staff feels we can appropriately manage the event and recommend approval.

VIII. LIST ATTACHMENTS

- Memo with additional details

Prepared by: Andrew J. Downs, Director of Public Assembly Facilities

Date: March 3, 2015

Order 177-14/15
Tab 8 3-16-15

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:

**Portland Mash Tun LLC d/b/a Portland Mash Tun. Application for a Class XI
Restaurant/Lounge License at 29 Wharf St.**

CITY CLERK

Portland Mash Tun
Rick Binet 2015 FEB 20 PM 3: 03
802-505-5115
rickbinet@gmail.com

To whom it may concern at the Portland Planning Commission:

I am writing this statement of intent to attempt to describe the business I intend to start at 29 Wharf Street.

Beer and the brewing of beer has been my passion for two decades and it is my desire to start a craft beer tap room and nano brewery called Portland Mash Tun. A Mash Tun is the name for the brewing vessel where sugars from the grains used are converted into a fermentable form which can be eaten by yeast to create alcohol in the beer. The venue will also be a top quality grassfed burger based menu at the most competitive price possible to the consumer. It is my goal to provide healthy sustainable meals to customers using only the finest ingredients possible and to do so in as competitive and efficient manner possible for the customer.

I will be applying for a class XI (11) license as I do intend to sell a minimal amount of spirituous alcohol to enable me to serve customers who may find themselves in Portland Mash Tun with a group of beer centric people while they themselves do not enjoy beer or wine. Though I will also sell carefully chosen artisanal wines, the focus will be on beer. Both beers that I am able to brew on premise and also guest beers from the best Maine and other breweries but with the focus on local beers. I will attempt to offer the very best beers available as well as my own efforts at commercial brewing. I have been home brewing since College in the early 90s but this will be my first attempt at commercial brewing.

I started a bar in Waterbury, Vermont in 2009 called Blackback pub. This bar was a combination fly fishing shop and craft beer destination and was named after my personal nickname for Northern Vermont and Maine Brook Trout that take on a black coloration on their backs. I sold that bar in May of 2014 about the same time that I was fortunate to be able to open the King's Head at 254 Commercial Street in Portland with business partner Justin O'Connor. Portland Mash Tun will be a solo venture however. I expect the level of service and product quality at Portland Mash Tun to be on par or better than King's Head or Black Back Pub.

I sincerely hope that Portland Mash Tun is a real enhancement to the community and will augment the already dynamic restaurant lineup we have in this great city.

Very Truly Yours,


Rick Binet

Portland, Maine



Yes. Life's good here.

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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	Portland Mash Tun		
Business Name (d/b/a):	Portland Mash Tun	Phone:	802 505-5115
Location Address:	29 Wharf Street.	Zip:	04101
If new, what was formerly at this location:	Indian Restaurant		
Mailing Address:	521 Cottage Rd, South Portland	Zip:	04106
Contact Person:	Rick Binet	Phone:	802 505-5115
Contact Person Email:	rickbinet@gmail.com		
Manager of Establishment:	Rick Binet	Phone:	802 505-5115
Owner of Premises (Landlord):	416 FORE ST LLC		
Address of Premises Owner:	mailing - P.O. Box 910, Westbrook, ME		Zip: 04098-910

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
Portland Mash Tun LLC		521 Cottage Rd, South Portland, ME 04106	
Contact Person:	Rick Binet	Phone:	802 505-5115
Principal Officers	Title	Date of Birth	Residence Address
RICHARD BINET	Member/manager/owner	7/23/74	521 Cottage Rd, South Portland, ME 04106

About Your Establishment

Class of Liquor License:	CLASS X.1	
Type of food served:	Burgers	
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒	
Projected percentage of sales:	Generated from Food: 50	Generated from Alcohol: 50
Hours & days of operation:	3-12 5-6 M-TR 12-1 FSS	

QUESTIONS

Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?

Y/N
Y ☒

If No, please explain:

After 12 on FSS after 10 Sunday-TR small plates only

Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?

Y/N

If yes, give the distance:

4 miles

Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)

Y/N ☒

Will you permit dancing on the premises?

Y/N ☒

Will you permit dancing after 1:00 a.m.?

Y/N ☒

Will you have outside dining? (If yes, an Outdoor Dining Application is required)

Y/N ☒

If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).

Will you have any amusement devices (pinball, video games, juke box)?

Y/N ☒

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

What is your targeted opening date?

5/25/15

Does the Issuance of this license directly or indirectly benefit any City employee(s)?

Y/N ☒

If Yes, list name(s) of employee(s) and department(s):

Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?

Y/N ☒

If Yes, please list business name(s) and location(s):

King's Head, 254 Commercial Street

Is any principal officer under the age of 21?

Y/N ☒

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?

Y/N ☒

If Yes, please explain:

Speeding tickets, & a class F license violation for driving past a marker at Grand Lake Stream

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

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

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

Signature [Signature] Title member / manager / owner Date 2/12/15

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and M.R.S.A. Title 28-A at www.maine.gov

**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.)			2. Business Name (D/B/A)		
DOB:			Portland Mash Tun		
Portland Mash Tun LLC DOB:					
DOB:			Location (Street Address)		
Address 521 Cottage Road			29 Wharf St.		
City/Town South Portland			City/Town Portland, ME		
State ME			State ME		
Zip Code 04106			Zip Code 04106		
Telephone Number 802-505-5115			Mailing Address 522 Cottage Rd.		
Fax Number			City/Town South Portland		
Federal I.D. # 47-3105318			State ME		
			Zip Code 04106		
			Business Telephone Number 802-505-5115		
			Fax Number		
			Seller Certificate #		

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 applicant 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: Rick Binet

8. If business is NEW or under new ownership, indicate starting date: 5/25/15

Requested inspection date: 5/25/15 Business hours: 3-12 Sunday thru 12-1 F, S

9. Business records are located at: 521 Cottage Rd, South Portland, ME 04106

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
RICHARD EUGENE BINET III	7/23/74	Urbana, IL

Residence address on all of the above for previous 5 years (Limit answer to city & state) Stone, VT, Waterbury, VT
South Portland, 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: Rick Binet

Date of Conviction: June 15 / 2003

Offense: Class F Lic & game

Location: Grand Lake Stream

Disposition: paid \$60 fine

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: 416 Fore Street LLC

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

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

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? 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: _____

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: South Portland, ME on 2/12/15, 20 15
Town/City, State Date

[Signature]
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Rick Binet
Print Name

Print Name

NOTICE - SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

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

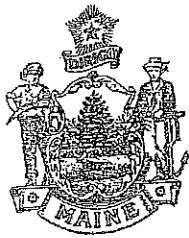
UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. - DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____



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.

- Exact legal name: MASH TUN
Portland Mash Tun LLC
- Other business name for your entity (DBA), if any:
Portland Mash Tun
- Date of filing with the Secretary of State: MASH TUN 10/28/14
- State in which you are formed: MAINE
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
- 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 %
Rick Bines	65 main st, Stone, VT 05672 09-11	7/23/74	100
	2963 VT Rte 100, ^{Watertown,} VT 05676 11-14		
	521 Cottage Rd, South Portland, ME 74-		

- Is any principal person involved with the entity a law enforcement official?
Yes ☐ No ☒
- 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: Rick Binef

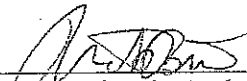
Date of Conviction: 6/15/2003

Offense: Class F Fish & Game

Location of Conviction: Grand Lake Stream, ME

Disposition: Fishing past a marked boundary that I missed.
paid \$60 fine.

Signature:


Signature of Duly Authorized Person

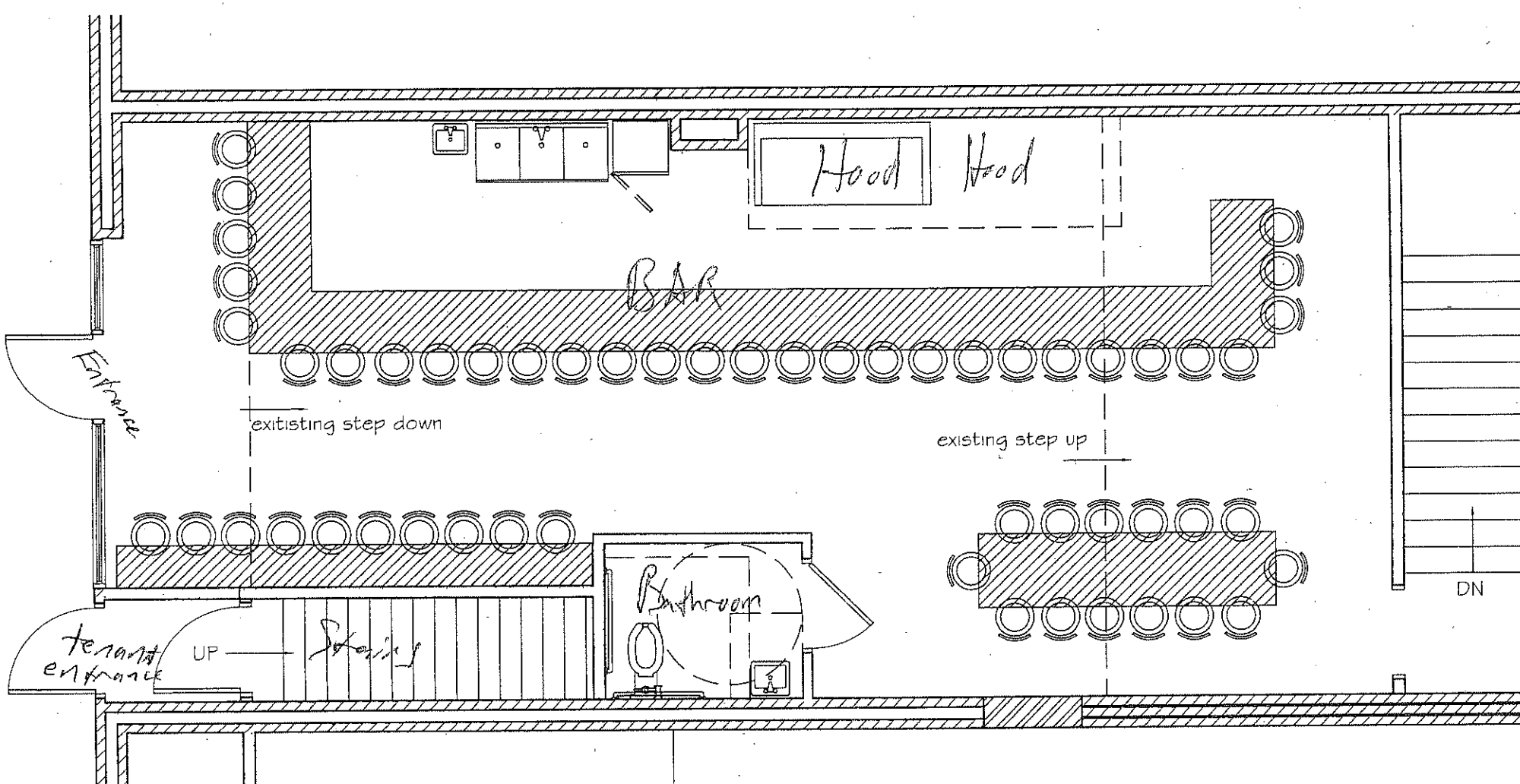
2/15/15
Date

Rick Binef
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



Liquor Storage will be
in the basement

Portland Mash Tun Draft Menu 2-17-15

Brewers Burger Grass Fed Organic Burger choose 6 oz or \$6

8 oz \$8

Add Avocado, Bacon, Cheddar, Bleu, Goat, or Carmelized Onions for \$1

Substitute Gluten Free Bun for \$1.50

Served Open Face with Gravy \$2.00

Sweet Potato Fries \$3 small \$6 large

Russet Fries \$3 small \$6 large

Grilled Salmon Served with Seasonal Vegetables \$12

Hanger Steak and Eggs \$15

Old Port Haddock Sandwich

Fresh never frozen local fishery Haddock Sadwich \$8

Local Maine Clams Market Price

Calamari \$9

Fresh Green Salad \$6

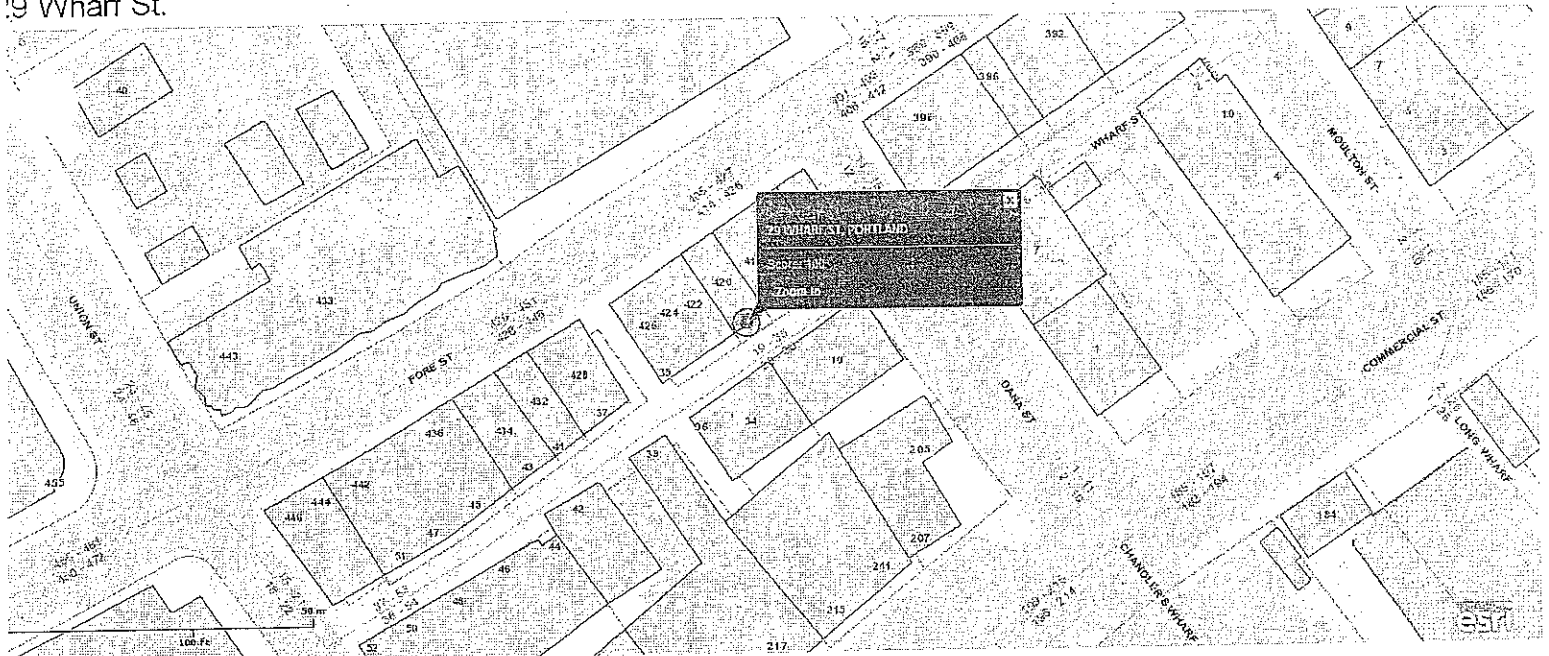
Caesar Salad \$6 small \$9 large

Slab of Cheddar Big hunk of aged Cheddar with honey and Bread \$7

Seasonal Grilled Vegetable \$7

Portland Mash Tun

9 Wharf St.



Copyright 2011 Esri. All rights reserved. Tue Mar 3 2015 02:17:32 PM.

Business Licensing - PORTLAND MASH TUN Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 3/1/2015 2:55 PM
Subject: PORTLAND MASH TUN Business License Approval

PORTLAND MASH TUN is Approved for their Business License Inspection by the Police Dept.

Date: 3/1/2015

Zone:
Comments: Class XI license.

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

Portland, Maine



Yes. Life's good here.

Office of the City Clerk

Katherine L. Jones, CCM, City Clerk

March 3, 2015

Portland Mash Tun

Attn: Rick Binet

29 Wharf St.

Portland, ME 04101

Re: Portland Mash Tun, LLC d/b/a Portland Mash Tun. Application for a Class XI Restaurant/Lounge at 29 Wharf St.

Dear Mr. Binet,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, March 16th at 7 p.m.** for the review of your application for a Class XI Restaurant/Lounge license for Portland Mash Tun, LLC d/b/a Portland Mash Tun at 29 Wharf St. 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



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 #: MIQ99B920610

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2013-08-29) :

Inquiries Name(s) RICHARD BINET III (1974-07-23)

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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C419280

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-26) :
Inquiries Name(s) RICHARD BINET (1974-07-23)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Order 178-14/15
Tab 9 3-16-15

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:

Press Hotel MT LLC d/b/a The Press Hotel. Application for a Class IA 40+ Rooms License with Entertainment with Dance and Outdoor Dining on Public Property at 119 Exchange St.



February 19, 2015

City of Portland
389 Congress Street
Portland, Maine 04101

To the Mayor and Members of the City Council:

Please use this letter as means of introduction. We are developing the former Portland Press Herald building located at 119 Exchange Street into The Press Hotel.

The Press Hotel will have a full service Food & Beverage operation including 2 restaurants/lounges, catering and in-room dining. The legal entity operating the property, Press Hotel MT LLC, is applying for the necessary approvals for the required license and permit applications for the sale of alcoholic beverages and associated activities.

We appreciate your kind consideration in this process, and look forward to a successful working relationship with the City of Portland.

Best Regards,

Michael Strejcek
General Manager
The Press Hotel
119 Exchange Street
Portland, ME 04101

Portland, Maine



Yes. Life's good here.

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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information:	
Business Name (d/b/a):	THE PRESS HOTEL Phone: 800-971-2000
Location Address:	119 EXCHANGE ST PORTLAND ME Zip: 04101
If new, what was formerly at this location:	PORTLAND PRESS HERALD (MAINE SUNDAY TELEGRAM)
Mailing Address:	119 EXCHANGE ST PORTLAND ME Zip: 04101
Contact Person:	JOHN HEWNIKE III Phone: 207 468 7777
Contact Person Email:	DOF@THEPRESSHOTEL.COM
Manager of Establishment:	MICHAEL STREJCIEK Phone: 207 808 8800 NORMAN DUFOUR
Owner of Premises (Landlord):	PRESS HOTEL LLC
Address of Premises Owner:	PO BOX 7486 PORTLAND ME Zip: 04112

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
PRESS HOTEL MT LLC		PO BOX 7486 PORTLAND ME Zip: 04112	
Contact Person:	JAMES H BRADY	Phone:	207 653 9990
Principal Officers	Title	Date of Birth	Residence Address
JAMES H BRADY	MANAGER	6/27/1963	17 SEABOARD DR YARMOUTH ME

About Your Establishment

Class of Liquor License:	1A (40 PLUS ROOMS)	
Type of food served:	CONTINENTAL CUISINE	
Please circle all that will be served:	Beer (X) Wine (X) Liquor (X)	
Projected percentage of sales:	Generated from Food: 70	Generated from Alcohol: 30
Hours & days of operation:	6AM TO 1AM 7 DAYS PER WEEK	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	(X) Y/N
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N (X)
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	(X) Y/N
Will you permit dancing on the premises?	(X) Y/N
Will you permit dancing after 1:00 a.m.?	Y/N (X)
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	(X) Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y/N (X)
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date? APRIL 15, 2015	
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y/N (X)
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N (X)
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	Y/N (X)
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N (X)
If Yes, please explain:	

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

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

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

Signature [Signature] Title AUTHORIZED AGENT Date 2/19/15

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and M.R.S.A. Title 28-A at www.maine.gov

Application attachment to other City license

\$465. With Dance
\$260. Without Dance
\$520. 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): THE PRESS HOTEL

Location Address: 119 EXCHANGE STREET ZIP 04101 Phone 207 808 8800

Will music be electric or acoustical or both? BOTH

Will amplification used? Yes ☒ No ☐

If yes, where and at what level? BANQUETING SERVICES LOWER LEVEL

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? 150 FEET

Please describe in detail the type and nature of the business and proposed entertainment: _____

FULL SERVICE RESTAURANT, HOTEL BANQUET AND CATERING

INDIVIDUAL ENTERTAINERS AND COMBOS FOR SCHEDULED EVENTS

If new applicant, what is your targeted opening date?: APRIL 15, 2015

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 AUTHORIZED AGENT Date 2/19/15



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>THE PRESS HOTEL</u> <u>119 EXCHANGE ST PORTLAND ME 04101</u>	Chart	Block Lot
Owner & Phone #: <u>JAMES H BRADY 207 653 9990</u>	Total Square Footage of Proposed Seating Area: ¹ <u>252</u>	
Applicant *must* be owner or lessee Name: <u>NORMAN DUFOUR</u> Address: <u>PRESS HOTEL 119 EXCHANGE ST</u> City, State & Zip: <u>PORTLAND ME 04101</u> E-Mail: <u>DOF@THEPRESSHOTEL.COM</u>	Annual Fee: <u>\$80</u> Total Sq. Ft.: _____ Sq. Ft. Fee: (sq ft x \$2) \$ _____ (Due when issued) Total Fees: \$ _____ (Permit not issued until all fees are paid)	
Current use: <u>NONE</u>		
Business name: <u>THE PRESS HOTEL</u>		
Seating area dimensions: _____		
How many chairs? <u>18</u> How many tables? <u>6</u>		
☒ Yes Alcohol is served. ☐ No Alcohol being served.		
Who should we contact for the pre-inspection: <u>NORMAN DUFOUR</u> <u>PRESS HOTEL</u> Mailing address: <u>119 EXCHANGE ST PORTLAND ME</u> Phone: <u>207 450 5668</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: [Signature] Date: 2/19/15

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.



Jeff Levine, AICP, Director
Planning & Urban Development Department

Tammy Munson, Director
Inspections Division

OUTDOOR DINING PERMIT CHECKLIST

Permits are required for expanding food service establishments to the outside on City Property. The annual fee is \$80.00 plus \$2.00 per square foot of dining area on streets, sidewalks or other public ways and \$80.00 plus \$6.00 per square foot of dining area in city parks. The annual fee is due when you drop off your permit application. The square footage fee is paid when you pick up your permit. *For purposes of fee calculation, the area abutting the buildings which border Monument Square and extending ten (10) feet from the facade of said buildings shall be considered a sidewalk. The ten (10) foot area shall be measured from that portion of the facade that protrudes furthest into the sidewalk. The area beyond the ten (10) foot sidewalk shall be considered park space.*

Outdoor dining is permitted year round under the permit; however, furniture must be removed in inclement weather to allow for sidewalk snow removal.

The permit must be renewed each year.

All of the following information is required and must be submitted. You will also be required to fill out an Outdoor Dining Permit Application.

A plot plan is required and must include:

- ☐ A drawing of the lot, where the building sits on the lot along with the lot and building dimensions
- ☐ The dimensional setback from the sidewalk to the building
- ☐ The location of the street, and if it's a corner lot, the intersecting streets
- ☐ The sidewalk along with its width and curbing location
- ☐ The location of the table and chair placement, including dimensions

(NOTE: there must be a minimum of four feet of open sidewalk from the outer boundary of the seating area to the curb, and a minimum of five feet on corners, and egress from the building must be maintained free of obstruction per the building code and NFPA Life Safety Code).

Additional Requirements:

- ☐ The permit holder is required to produce at the time of submission and maintain public liability insurance coverage in an amount of not less than four hundred thousand dollars (\$400,000) combined single limit for bodily injury, death and property damage, naming the City as an additional insured thereon.

All permits for outdoor dining are issued subject to the following conditions:

- ☐ The tables and chairs must be placed within the permitted area on the sidewalk in such a manner as to allow the free and safe passage of pedestrian traffic. If the tables and chairs are moved and located outside of the permitted outdoor seating area, they must be relocated to within the permitted area. Failure to contain the tables and chairs to the permitted area may result in a reduced permitted area or a revocation of the permit.

- ☐ The permit holder is responsible for keeping the outdoor seating area clean. The sidewalk area where the tables and chairs are located must be kept neat and free from litter and debris.
- ☐ No food shall be prepared outside.
- ☐ If alcohol is to be served, the permit holder must notify the City's Business Licensing Office in room 203 of City Hall or by telephone at 874-8557 and obtain approval for the service of alcohol outdoors. Additionally, State law requires that any outdoor area serving alcohol be segregated from the rest of the public.
- ☐ All tables and chairs shall be removed prior to a predicted snowfall and while any snow or ice exists within the designated outdoor seating area or within four feet from the boundaries thereof. The City will not be responsible for damage to any tables, chairs or other property that is not properly removed when the City is engaged in sidewalk maintenance activities.
- ☐ The permit holder shall comply with all applicable rules and regulations implemented by the city regarding outdoor dining.

Failure to comply with any of the above conditions will result in revocation or non-renewal of the permit.

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

Signed and acknowledged: 

Date: 2/19/15

Printed name

NORMAN DUFOUR

Establishment

THE PRESS HOTEL

Location

PORTLAND ME

Portland, Maine



Yes. Life's good here.

Jeff Levine, AICP, Director
Planning & Urban Development Department

Tammy Munson, Director
Inspections Division

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no permit application can be reviewed until payment of appropriate permit fees are **paid in full** to the Inspections Office, City of Portland Maine by method noted below:



Within 24-48 hours, once my complete permit application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.



Within 24-48 hours, once my permit application and corresponding paperwork has been electronically delivered, I intend to **hand deliver** a payment method to the Inspections Office, Room 315, Portland City Hall.



I intend to deliver a payment method through the U.S. Postal Service mail once my permit paperwork has been electronically delivered.

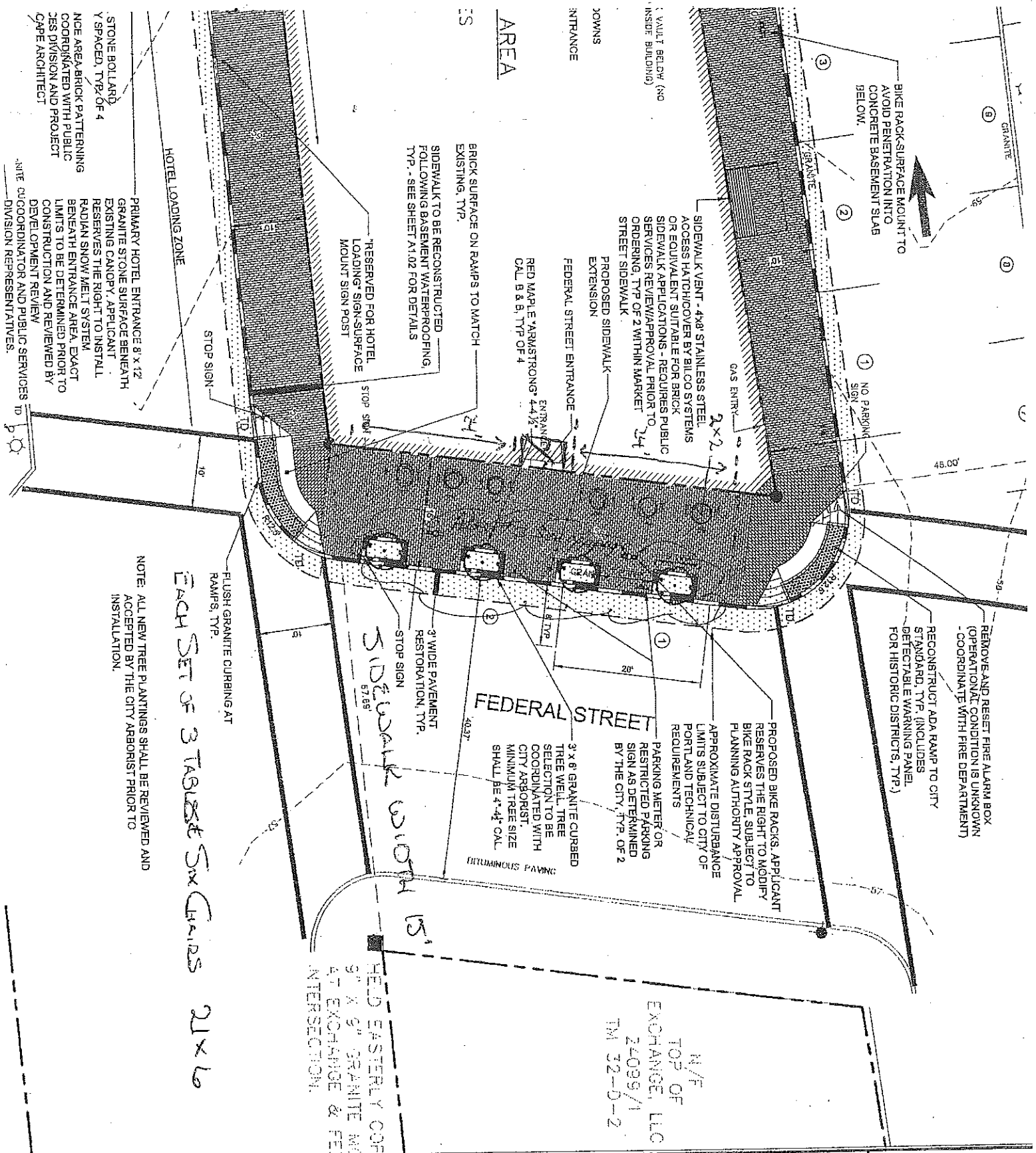
Applicant Signature:

Date:

I have provided digital copies and sent them on:

Date:

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means ie; a thumb drive or CD to the office.



for 60% Design Review and Pricing for 30% Design Review and Pricing TS & E Committee TS & E Committee TS & E Committee Final Plan Submission Jan Submission Final Sidewalk Layout for Review Final Site Plan Application	Project: Press Hotel 119 Exchange St. Portland, ME 04101	Architect: ARCHETYPE architects 48 Union Wharf Portland, Maine 04101 (207) 772-6022 Fax (207) 772-4056	Consultant: ENGINEERS FST Since 1914 FAY, SPOFFORD & THORNDIKE, INC. ENGINEERS • PLANNERS • SCIENTISTS 77B MAIN ST, SUITE 5, SOUTH PORTLAND, ME 04106	Prepared For: 119 Developm LLC P.O. Box 7458 Portland, ME 04112
--	--	--	---	---



CERTIFICATE OF LIABILITY INSURANCE

119DEVE-01

SWING

DATE (MM/DD/YYYY)

2/17/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER United Insurance - Falmouth 202 U.S. Route One Falmouth, ME 04105	CONTACT NAME: PHONE (A/C, No, Ext): (207) 781-3519 FAX (A/C, No): (207) 781-3907 E-MAIL: ADDRESS:
INSURED Press Hotel, LLC & Press Hotel MT, LLC P O Box 7486 Portland, ME 04112	INSURER(S) AFFORDING COVERAGE INSURER A: Hanover Ins Co INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☒ LOC OTHER:	X	RHPA298255	04/17/2014	04/17/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ Included * \$ 1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 0		UHPA29970201	04/17/2014	04/17/2015	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A				PER STATUTE ☐ OTHER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Covered Property is located at 390 Congress St. corner of 119 Exchange St., Portland, ME 04101

* Hired & Non-Owned Auto Liability included in General Liability

The Certificate Holder is named Additional Insured in regards to outdoor serving on the Federal Street sidewalk at The Press Hotel.

CERTIFICATE HOLDER

CANCELLATION

City of Portland Maine 389 Congress St. Portland, ME 04101	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Sandra L. Wing</i>
--	--

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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.)				2. Business Name (D/B/A)			
DOB:				THE PRESS HOTEL			
Press Hotel MT LLC DOB:				119 EXCHANGE STREET			
DOB:				Location (Street Address)			
Address				PORTLAND ME 04101			
PO Box 7486				City/Town State Zip Code			
PORTLAND ME 04112				119 EXCHANGE STREET			
City/Town State Zip Code				Mailing Address			
257 653 9990				PORTLAND ME 04101			
City/Town State Zip Code				City/Town State Zip Code			
Telephone Number				Business Telephone Number			
Fax Number				Fax Number			
Federal ID. # 46 - 3543770				Seller Certificate #			

3. If premises are a hotel, indicate number of rooms available for transient guests: 110

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: NORMAN DUFLORE

8. If business is NEW or under new ownership, indicate starting date: APRIL 15, 2015

Requested inspection date: ASAP Business hours: 8 AM - 6 PM

9. Business records are located at: 119 EXCHANGE 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
MICHAEL STREJCEK	5-4-62	PRAGUE, CZECHOSLOVAKIA
NORMAN DUFOUR	9-23-75	MANCHESTER, NH

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

MICHAEL STREJCEK CAMBRIDGE, MA

NORMAN DUFOUR WELLS, MAINE

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: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____
HOTEL WITH FULL SERVICE RESTAURANT AND BANQUETING

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☐ NO ☒ Applied for: APPLICATION MAILED 2/13/15

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? 1/8 mile 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: MORTGAGE, MASCOMA SAVINGS BANK

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, MAINE on FEBRUARY 19, 2015
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:

PRESS HOTEL MT LLC

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

THE PRESS HOTEL

3. Date of filing with the Secretary of State: 8.26.13

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 %
JAMES H BRADY	17 SEABORNE DR YARMOUTH ME	6/27/63	0
PRESS HOTEL MANAGER LLC	PO BOX 7606 PORTLAND ME 04112		1
US BANCORP CDC	1307 WASHINGTON AVE SUITE 300 ST LOUIS MO 63103		99

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: _____

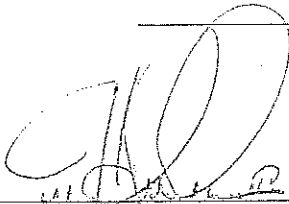
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

Date

2/19/15

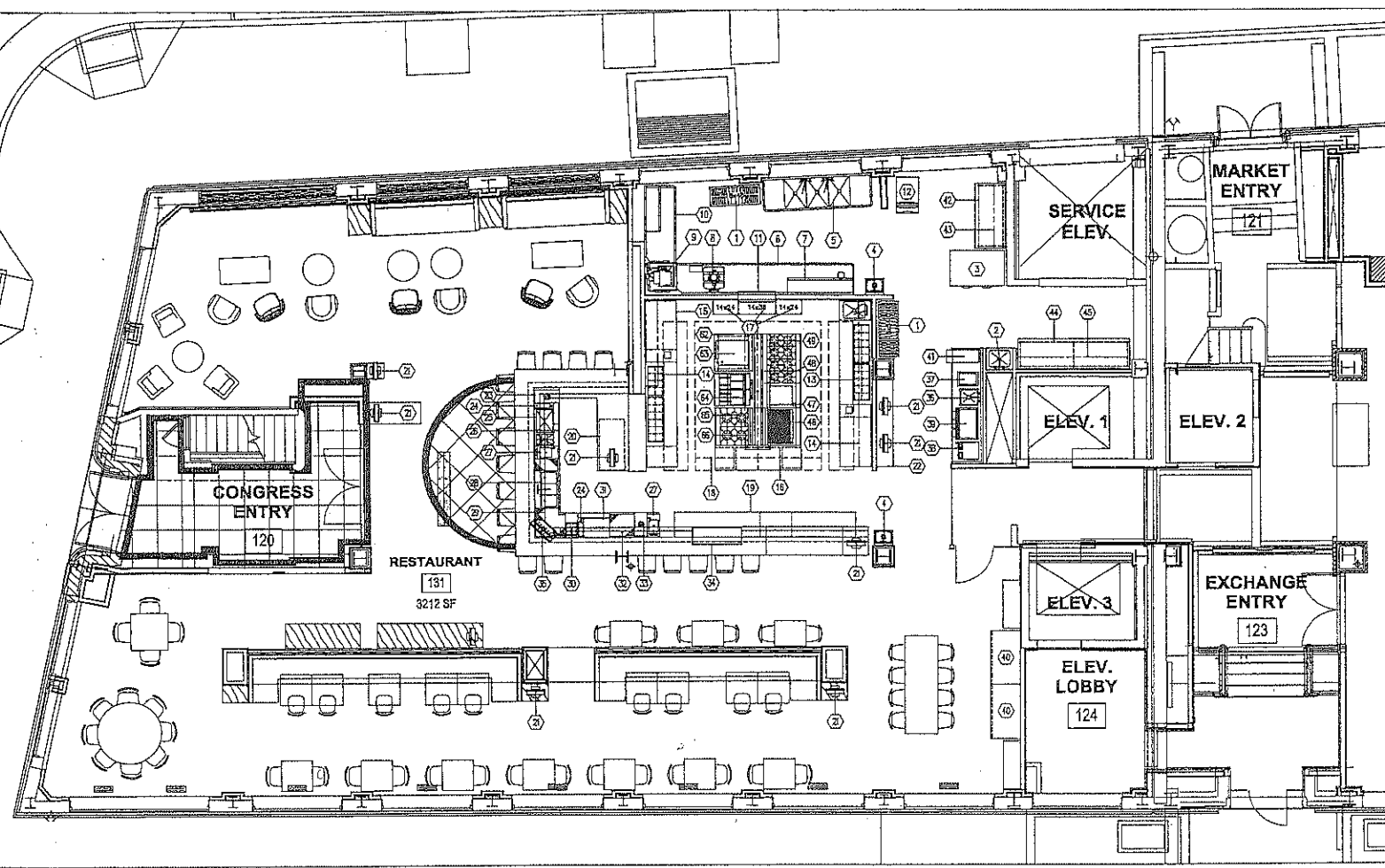
Jon Helmer

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



NOTES:

1. ELECTRICAL CONTRACTOR TO RUN CONTROL WIRING BETWEEN EVAPORATORS AND REMOTE CONDENSING UNITS FOR WALK-IN COOLERS AND FREEZERS. CO-ORDINATE WITH KITCHEN EQUIPMENT CONTRACTOR (K.E.C.).
2. ELECTRICAL CONTRACTOR TO INSTALL SEAL-OFF FITTINGS ON ALL CONDENSING PIPING WALK-IN COOLERS AND FREEZERS.
3. ELECTRICAL CONTRACTOR TO PROVIDE 115 VOLT W.P. RECEPTACLE IN FREEZER FOR URAN LINE HEAT TAPE. HEAT TAPE FURNISHED AND INSTALLED BY K.E.C.
4. PLUMBING CONTRACTOR TO INSTALL VACUUM BREAKERS, BACKFLOW VALVE, AND FLOW CONTROL VALVE (FURNISHED) IN COLD WATER LINE TO DISPOSER.
5. KITCHEN EQUIPMENT CONTRACTOR TO PROVIDE GAS REGULATING VALVES FOR ALL GAS OPERATED KITCHEN EQUIPMENT.
6. FLOOR DRAIN REQUIRES FLOW RATE OF 5 G.P.M.
7. PLUMBING CONTRACTOR TO INSTALL ALL DRAINS AND FALICETS SUPPLIED BY KITCHEN EQUIPMENT CONTRACTOR.

8. PLUMBING CONTRACTOR TO FURNISH AND INSTALL ALL INDIRECT DRAIN INTERFERS TO FLOOR DRAINS.
9. PLUMBING CONTRACTOR TO INSTALL GAS REGULATORS ON ALL GAS EQUIPMENT. REGULATORS BY K.E.C.
10. PLUMBING CONTRACTOR TO IGNITE ALL GAS PILOTS AND ADJUST K.E.C. AND FACTORY TIPS IN START-UP AND DEMONSTRATION OF EQUIPMENT.
11. ELECTRICAL CONTRACTOR TO INTERPINE SOLID-STATE VALVE AND CONTROL PANEL TO DISPOSER.
12. GENERAL CONTRACTOR TO PROVIDE ALL REQUIRED WALL BACKING AS DIRECTED BY K.E.C.
13. GENERAL CONTRACTOR TO PROVIDE ALL REQUIRED FLEXIBLE THROUGH BEAMS FOR REMOTE REFRIGERATION LINES. REFRIGERATION LINES BY K.E.C.

First Floor Restaurant Plan
SCALE - 1/4" = 1' - 0"

EQUIPMENT SCHEDULE	
NO.	DESCRIPTION
1	BREWING UNIT
2	MOP SINK
3	REFRIGERATOR, 2-SECTION
4	WASH SINK
5	STOVE, 4-COMPARTMENT
6	DISHTABLE, SOLID
7	SAFETY FAUCET SINK
8	DISPOSER
9	DISHWASHER, DOOR-TYPE, VENTLESS
10	DISHWASHER, CLEAN
11	PAINT, 100% SHELF
12	FLASK, 100% MACHINE WITH SH
13	COFFEE COOLER (HYDRO SINK)
14	WALL SHELF
15	COFFEE COOLER (BROILER SINK)
16	POD COOLER
17	SOLID BREWING UNIT
18	EXHAUST HOOD
19	REFRIGERATOR, WORK COOLER
20	BACK BAR COOLER
21	P.O.E. SYSTEM (BY OTHERS)
22	DRY CARRIER
23	UNDERBAR, DRY WASTE CHUTE
24	UNDERBAR, SODA GUN HOLDER
25	UNDERBAR, ICE BIN
26	UNDERBAR, SPEED RAIL
27	UNDERBAR, HAND SINK
28	UNDERBAR, HAND SINK
29	UNDERBAR, GARDEN SPRINKLER
30	UNDERBAR, SINK, 3-COM
31	UNDERBAR, ICE BIN
32	UNDERBAR, DRAINAGE/GLASS RACK
33	UNDERBAR, DRY WASTE CHUTE
34	DISHTABLE, 100% SHELF
35	STOVE, 100% (BY OTHERS)
36	BEVERAGE COOLER
37	WATER AND ICE STATION
38	COFFEE, BREWER (BY VENDOR)
39	EXPRESS MACHINE
40	WINE DISPLAY
41	ARTISAN WATER SYSTEM
42	WORK TABLE
43	WALL SHELF
44	WORK CARRIER
45	WALL SHELF
46	WINE, CHILL-BROILER
47	RANGE, PLANCHA
48	RANGE, 2-BURNER
49	RANGE, 1-BURNER
50	SHEET PAN RACK
51	SPARE HANGER
52	HEATED BACKING CARRIER
53	VENTLESS HOOD SYSTEM
54	REDUCED COOK TOP
55	COOK TOP, GAS
56	COOK TOP, GAS
57	REFRIGERATOR, 2-SECTION
58	UNDERBAR, DRAINAGE/GLASS RACK
59	UNDERBAR, ICE BIN
60	UNDERBAR, SPEED RAIL
61	UNDERBAR, SODA GUN HOLDER
62	UNDERBAR, REFRIG. STATION
63	UNDERBAR, STORAGE CARRIER
64	UNDERBAR, HAND SINK
65	UNDERBAR, DRY WASTE CHUTE
66	UNDERBAR, SINK, 3-COM
67	SPARE HANGER
68	WINE, CHILL-BROILER
69	WINE, CHILL-BROILER
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141	WINE, CHILL-BROILER

119 Development, LLC

Prepared for:

ARCHITYPE architects

Architect:

PROJECT

Project:

13 AUG. 27

Date:

14" = 1'-0"

Scale:

FS-1A

Sheet:

Press Hotel

Foodservice Equipment

Floor Plan and Schedule

First Floor

90 CONGRESS STREET

PORTLAND, ME 04101

SAMPLE MENU"

We support the Monterey Bay Aquarium "Seafood Watch"

Dinner served from

DM THE OYSTER BAR

(available all day)

The Grand Shellfish "Tower" with oysters, littleneck clams, shrimp, mussels, and Maine lobster; with red onion Tabasco sauce, mignonette, and cocktail sauce 52.00

Oysters on the half shell with red onion Tabasco sauce and mignonette

• by the each 3.50 • ½ dozen 21.00 • one dozen 38.00

Little neck clams on the half shell with red onion Tabasco sauce and mignonette

• by the each 2.75 • ½ dozen 16.00 • one dozen 28.00

MC shrimp cocktail with cocktail sauce 15.50

TO START

Khmer chicken wings with cool cucumber noodle salad and caraway black pepper dipping sauce 14.00

Clam and haddock chowder with sweet and white potato, red and yellow bell pepper cream 14.00

Pork Jiaozi with mix your own dipping sauce 12.50

Cider-Bourbon cured gravlax with cider cream,
grilled bread and condiments 13.00

Vermont Cheddar and ham pizza with apples and fried sage 14.00

Maine mussels with smashed tomato bruschetta, shallots and herb butter 15.00

ed calamari preserved lemon, red onion, herbs and French cocktail sauce 13.50

Maine Peekytoe crab cakes with spicy
remoulade and Mom's cole slaw 15.00

MAINES

(All entrees come with your choice of evil carbs and sauce)

Plank roasted Atlantic salmon with herbs 28.00

Half chicken under a brick 26.00

MC traditional sesame crusted deep fried rainbow trout 26.00

Linguine with clams, pancetta and parsley 29.00

Tagliatelle with a reggiano cream tomato sauce, veal meatballs and sage 28.00

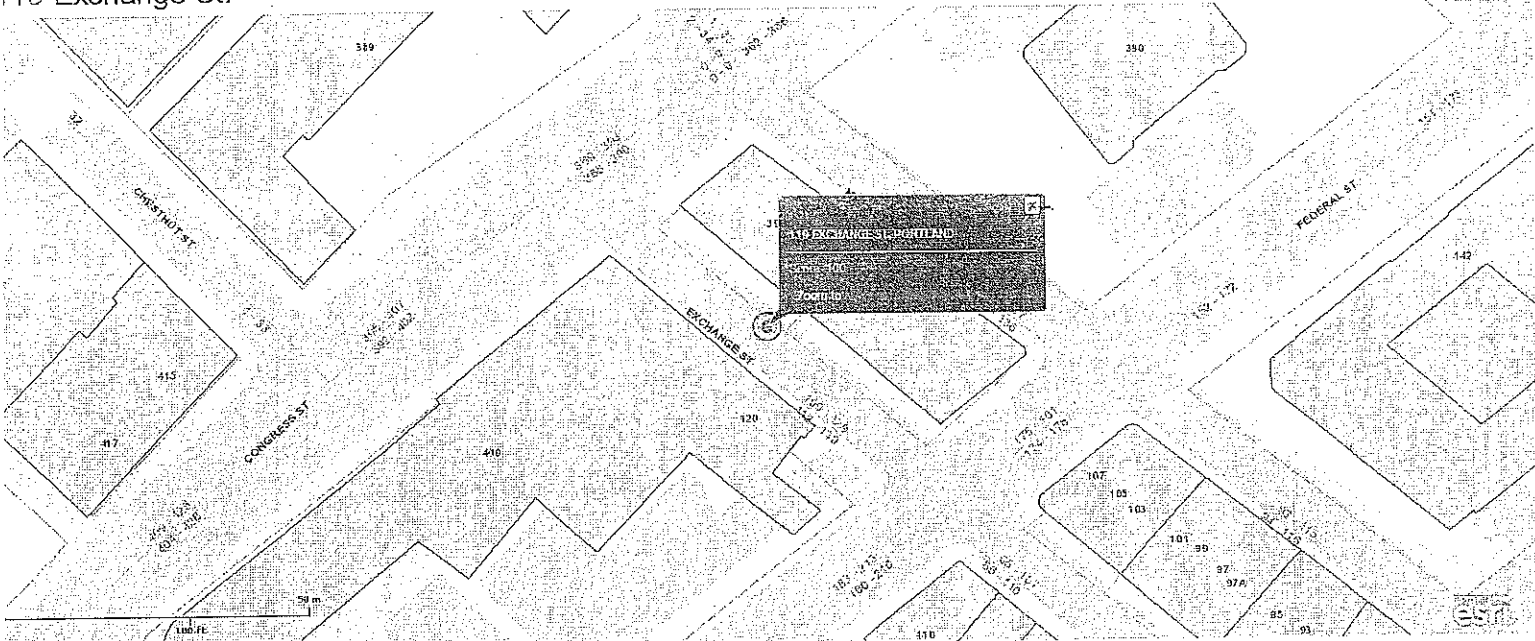
Grilled marinated duck breast and star anise confit duck leg with a burnt orange sauce 31.00

MC lobster "mac and cheese" elbow macaroni with cheddar, lobster, and herb bread crumbs 34.00

Steamed whole Maine lobster 34.00

The Press Hotel

119 Exchange St.



Business Licensing - PRESS HOTEL, THE Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 3/1/2015 2:54 PM
Subject: PRESS HOTEL, THE Business License Approval

PRESS HOTEL, THE is Approved for their Business License Inspection by the Police Dept.

Date: 3/1/2015

Zone:

Comments: All pending license request.

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

Business Licensing - Re: PRESS HOTEL, THE Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 3/2/2015 1:19 PM
Subject: Re: PRESS HOTEL, THE Business License Approval

No issues.

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

>>> Business Licensing 3/2/2015 9:42 AM >>>
Hi Gary,

Here is the background check for Norman Dufour, who is listed as a manager. Let me know.

Thanks,
Janice

>>> Gary Hutcheson 3/1/2015 2:54 PM >>>
PRESS HOTEL, THE is Approved for their Business License Inspection by the Police Dept.

Date: 3/1/2015

Zone:
Comments: All pending license request.

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



Office of the City Clerk
Katherine L. Jones, CCM, City Clerk

March 3, 2015

The Press Hotel
Attn: Jon Helmke
119 Exchange St.
Portland, ME 04101

Re: Press Hotel MT, LLC d/b/a The Press Hotel. Application for a Class IA 40+ Rooms License with Entertainment with Dance and Outdoor Dining on Public Property at 119 Exchange St.

Dear Mr. Helmke,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, March 16th at 7 p.m.** for the review of your application for a Class IA 40+ Rooms License with Entertainment with Dance and Outdoor Dining on Public Property for The Press Hotel at 119 Exchange St. 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



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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C420511

Criminal History Record

Introduction

This criminal history record was produced in response to the following request
(Produced on 2015-02-27) :

Inquiries Name(s) MICHAEL STREJCEK (1962-05-04)

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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C420512

Criminal History Record

Introduction

This criminal history record was produced in response to the following request
(Produced on 2015-02-27) :

Inquiries Name(s) JAMES BRADY (1963-06-27)

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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C420513

Criminal History Record

Introduction

This criminal history record was produced in response to the following request
(Produced on 2015-02-27) :

Inquiries Name(s) NORMAN DUFOUR (1975-09-23)

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

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

****THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2015-02-27**

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

Title 12, contact the Department of Marine Resources. For information regarding excluded Inland Fisheries and Wildlife crimes in Title 12, contact the Department of Inland Fisheries and Wildlife. For information relating to excluded crimes in Title 29-A former Title 29, contact the Secretary of State, Motor Vehicle Division. A list of former crimes is available from this Bureau.

Identification

Subject Name/or potential Alias Name(s)

DUFOUR, NORMAN C
DUFOUR, NORMAN C

Subject Description (date information provided listed in parentheses)

State ID Number
ME0186119

DOC Number
Unknown/NA

Sex
Male

Race
White

Skin Tone
Unknown/NA

Height
511 (2009-11-02)
511

Weight
170 (2009-11-02)
170

Date of Birth
1975-09-23

Hair Color
Brown (2009-11-02)
Brown

Eye Color
Green (2009-11-02)
Green

Scars, Marks, and Tattoos
Unknown/NA

Place of Birth
NH

Citizenship
XX (2009-11-02)

Residence
Residence as of
Address

2011-10-26
P.O. BOX 306
MOODY, ME 04054

Residence as of
Address

2009-11-02
OGUNQUIT, ME

Caution Information
Firearms Disqualified

C - Cleared

Criminal History

Cycle 001

ATN/Tracking Number 767011A
 Earliest Event Date 2009-11-02

Arrest/Charge (Cycle 001)
 Arrest/Charge Date 2009-11-02
 Arresting/Charging Agency OGUNQUIT PD; ME0161200
 Subject Name(s) DUFOUR, NORMAN
 Arrest Type Adult
 Charge 1

Charge Number 767011A 001
 Charge Tracking Number 767011A
 Charge Case Number 09-26290
 Agency OGUNQUIT PD; ME0161200
 Offense Date 2009-11-02
 Charge Description OPERATING UNDER THE INFLUENCE
 Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
 State Sequence Code 11493
 Severity Misdemeanor

Prosecutor Disposition (Cycle 001)
 Prosecution Date 2011-10-22
 Prosecutor Agency DISTRICT ATTORNEY'S OFFICE ALFRED; ME016013A
 Charge 1

Charge Number 767011A 001
 Charge Tracking Number 767011A
 Offense Date 2009-11-02
 Charge Description OPERATING UNDER THE INFLUENCE
 Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
 State Sequence Code 11493
 Severity Misdemeanor
 Prosecutor Action 2011-10-22; ADDED

Court Disposition (Cycle 001)
 Court Case Number YORDCCR200902263
 Court Agency 10TH DISTRICT COURT YORK; ME016045J
 Charge 1

Charge Number 767011A 001
 Charge Tracking Number 767011A
 Agency 10TH DISTRICT COURT YORK; ME016045J
 Offense Date 2009-11-02
 Charge Description OPERATING UNDER THE INFLUENCE
 Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
 State Sequence Code 11493
 Severity Misdemeanor
 Disposition 2010-04-30; TRANSFER FOR JURY TRIAL
 2011-02-24; DISMISSED BY DA/AG - PLED OTHER
 CHARGE

Court Disposition (Cycle 001)
Court Case Number ALFSCCR201000969
Court Agency SUPERIOR COURT ALFRED; ME016015J
Charge 1

Charge Number 767011A 001
 Charge Tracking Number 767011A
 Agency SUPERIOR COURT ALFRED; ME016015J
 Offense Date 2009-11-02
 Charge Description OPERATING UNDER THE INFLUENCE
 Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
 State Sequence Code 11493
 Severity Misdemeanor
 Disposition 2010-04-30; TRANSFER FOR JURY TRIAL
 2011-02-24; DISMISSED BY DA/AG - PLED OTHER
 CHARGE

Sentencing No data supplied

Corrections No data supplied

Index of Agencies

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

Agency 10TH DISTRICT COURT YORK; ME016045J
 Agency Telephone 207-363-1230
 Address PO BOX 770

YORK, ME 03909

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

Agency	OGUNQUIT PD; ME0161200
Agency Telephone	207-646-9362
Address	PO BOX 666 OGUNQUIT, ME 03907

*Order 179-14/15
Tab 10 3-16-15*

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:

The 103, LLC d/b/a Crooners & Cocktails. Application for a Class XI Restaurant/Lounge License at 90 Exchange St.

CITY CLERK

2015 FEB 20 PM 2:12

2/19/2015

The103, LLC dba Crooners and Cocktails
Crooners and Cocktails
Portland, ME 04101

Michael Brennan, Mayor
389 Congress St.
Portland, ME 04101

Re: Letter of Intent for Crooners and Cocktails

Dear Mr. Brennan,

Crooners and Cocktails will be a moderately priced 39 seat supper club offering a wide array of classic American cuisine, wines and classic cocktails.

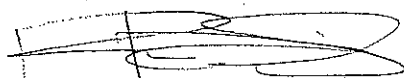
Background music consisting of popular classic tunes, Frank Sinatra hits and other music depicting life during the golden age. The décor for Crooners and Cocktails will feature wood accented construction blended with a modern retro theme. Dinner style tables will be surrounded by oversized leather chairs and accompanied by white linen table cloths.

Crooners and Cocktails will be owned and operated by 103, LLC. The creators and managing members of the company, Ricardo DaSilva and Christopher Harris, have financing of \$100,000 to execute the concept. Mr. DaSilva and Mr. Harris have a proven track record in successful hospitality ventures.

The managing members have a collective 30+ years of experience in the restaurant industry. Their combined efforts in the creation of Crooners and Cocktails have served to yield a detailed plan that encompass the necessary elements required to succeed in today's competitive restaurant environment.

We look forward to adding this new and dynamic restaurant to the already bustling Old Port neighborhood.

Thank you for your consideration,



Ricardo DaSilva
Owner/Operator
Crooners and Cocktails

Crooners and Cocktails

Portland, Maine



Yes, life's good here.

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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information:	
Business Name (d/b/a):	Crooners & Cocktails
Location Address:	90 Exchange St.
If new, what was formerly at this location:	Thai 9
Mailing Address:	90 Exchange St.
Contact Person:	Ricardo DaSilva
Contact Person Email:	rick@croonersandcocktails.com
Manager of Establishment:	Ricardo DaSilva
Owner of Premises (Landlord):	Robyn Callow
Address of Premises Owner:	304 Elementary Way St. Augustine, FL

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
The103, LLC		61 Stuart St. Portland, ME	
Contact Person:	Ricardo DaSilva	Phone:	207-318-3846
Principal Officers	Title	Date of Birth	Residence Address
Ricardo DaSilva	CFO	7/29/76	61 Stuart St. Portland, ME 04103
Christopher Harris	CEO	5/20/81	74 Dibiase St. Portland, ME 04103

About Your Establishment

Class of Liquor License:	XI	
Type of food served:	American Cuisine	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 60	Generated from Alcohol: 40
Hours & days of operation:	Tuesday - Saturday 11:30am - 1am Sunday 10am - 4pm closed Monday	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N
If No, please explain: Bistro Menu after 11pm	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y/N
Will you permit dancing on the premises?	Y/N
Will you permit dancing after 1:00 a.m.?	Y/N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	—
Will you have any amusement devices (pinball, video games, juke box)?	Y/N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	—
What is your targeted opening date?	May 15
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y/N
If Yes, list name(s) of employee(s) and department(s):	—
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	Y/N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N
If Yes, please explain: Ricardo Dasilva DUI 2005 / OAS 2009	

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

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

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

Signature [Signature] Title CFO Date 2/20/15

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>The 103, LLC</u>		2. Business Name (D/B/A) <u>Crooners & Cocktails</u>	
DOB: _____			
DOB: _____			
DOB: _____		Location (Street Address) <u>90 Exchange St.</u>	
Address <u>61 Stuart St.</u>		City/Town <u>Portland</u>	State <u>Me</u> Zip Code <u>04101</u>
		Mailing Address <u>90 Exchange St.</u>	
City/Town <u>Portland</u>	State <u>Me</u> Zip Code <u>04103</u>	City/Town <u>Portland</u>	State <u>Me</u> Zip Code <u>04101</u>
Telephone Number <u>207-318-3846</u>	Fax Number <u>N/A</u>	Business Telephone Number <u>207-536-0469</u>	Fax Number <u>N/A</u>
Federal I.D. # <u>47-2467598</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: Ricardo DaSilva

8. If business is NEW or under new ownership, indicate starting date: May 15, 2015

Requested inspection date: April 6, 2015 Business hours: Tue-Sat 11:30-1am Sun 10AM-4pm closed Mon

9. Business records are located at: 90 Exchange St.

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
Ricardo Basilha	7/29/76	Portland, Me
Christopher Harris	5/20/81	Portland, Me

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

Portland, Me for Both

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: _____

Robyn Callow 304 Elementary Way St. Augustine, FL 32086

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

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☐ NO ☒ Applied for: 2/20/15

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? School (Portland High)

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."

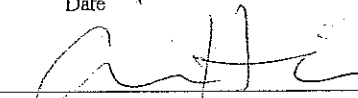
Dated at: Portland, Me on February 20, 2015
Town/City, State Date



Signature of Applicant or Corporate Officer(s)

CEO / owner

Please sign in blue ink



Signature of Applicant or Corporate Officer(s)

CEO / owner



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:

The 103, LLC

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

Crooners and Cocktails

3. Date of filing with the Secretary of State: 11/24/14

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 %
Ricardo DaSilva	Portland, Me	7/29/76	50
Christopher Harris	Portland, Me	5/20/81	50

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: _____

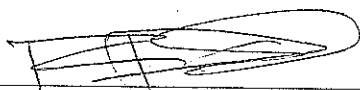
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

Date

2/20/15

Ricardo R. DaSilva
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:

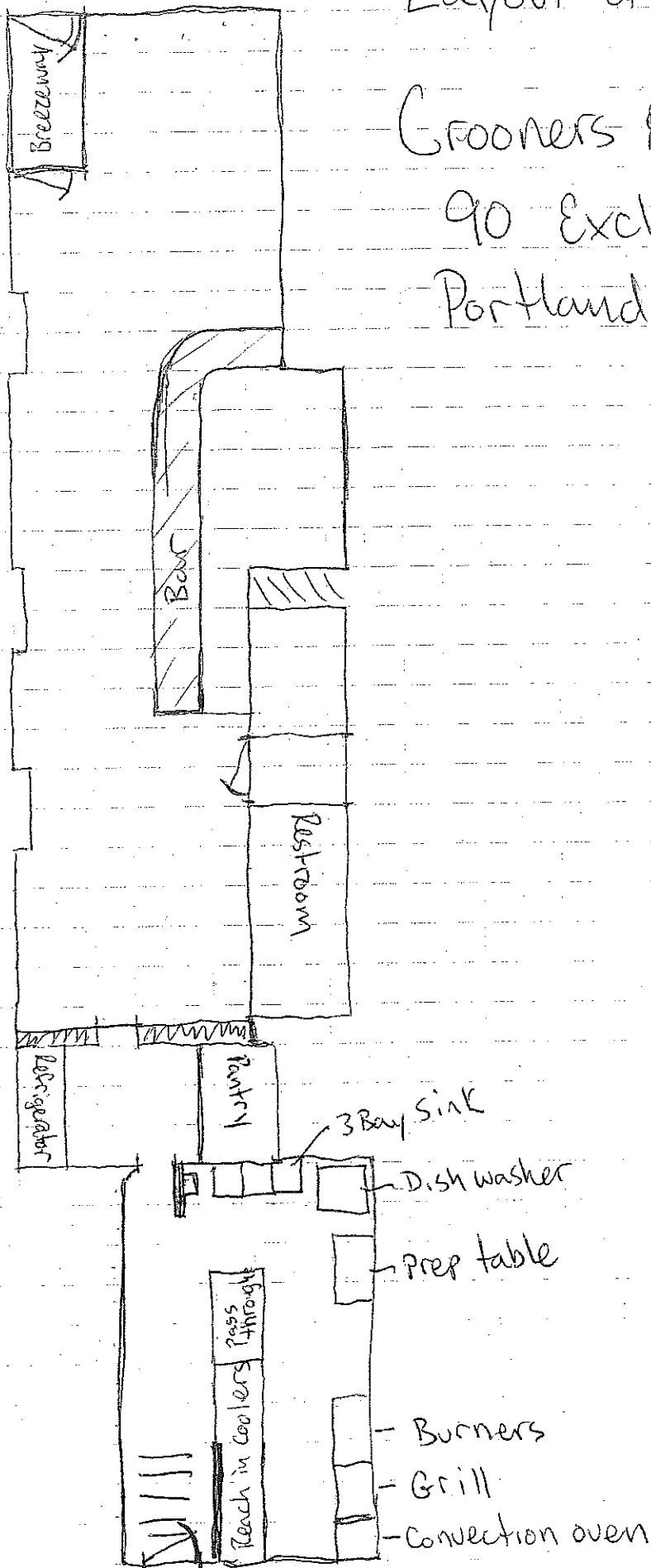
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3424
Email Inquiries: MaineLiquor@Maine.gov

Layout of Premises

Crooners & Cocktails

90 Exchange St.

Portland, Me 04103



Sample Menu

Dinner

BAR SNACKS - \$5

- *Smoked Olives
- *Mixed Nuts
- *Marinated Mushrooms

SOUPS

- *Traditional Lobster Bisque Made the old fashion way with thickened homemade stock. Served w/ chive oil and grilled bread - \$6 / \$10
- *Traditional French Onion served in a crock, piping hot with grilled crouton and horseradish Gruyere crust - \$7

RAW BAR - \$12

- *Oysters in the half shell: w/champagne, lemon, scallion mignonette
- *Chili Lime Shrimp & Scallop Ceviche served w/ toast points and mango coulis
- *Scallop & Pork Belly Skewers served with a maple creme anglaise
- *Smoked Salmon Pate served w/red onion, caper relish and grilled toast points
- *Chilled Seafood Plate: Assorted smoked and fresh seafood of the evening w/ toast points, assorted aioli's served on a bed of ice *\$20 for two

CHARCUTERIE - \$Market

- *3 Cured Meats
- *3 Cheeses
- *Honey, Dijon and Crustini

SALADS - \$8 add Chicken \$2 add shrimp \$4

- *Grilled Caesar Salad: Grilled romaine heart drizzled with house made dressing, crutons and shaved parmesan cheese
- *Winter salad with mixed greens, caramelized onions, dried figs, almonds and goat cheese drizzled with warm apple cider vinaigrette

ENTREES

- *Grilled skirt steak with wild mushroom salad and cauliflower puree topped with a caramelized onion demi glaze - \$24
- *Pan seared salmon with sweet potato gnocchi topped with a carrot ginger sauce - \$22
- *Oven roasted lamb chops with fingerling potatoes and blueberry demi glaze - \$28
- *Fresh linguine with artichoke hearts, sundried tomatoes, baby spinach, portabellas and kalamata olives topped with feta in a white wine butter sauce with fresh herbs - \$16
- *Roasted half chicken with white beans, wilted greens topped with thyme rosemary butter - \$20
- *Risotto of the evening. An ever changing chef selection of a classic favorite - \$Market

Sample Menu

Lunch

BAR SNACKS - \$5

- *Smoked Olives
- *Mixed Nuts
- *Marinated Mushrooms

SOUPS

- *Traditional Lobster Bisque Made the old fashion way with thickened homemade stock. Served w/ chive oil and grilled bread -
- *Traditional French Onion served in a crock, piping hot with grilled crouton and horseradish Gruyere crust

SALADS

- *Grilled Caesar Salad: Grilled romaine heart drizzled with house made dressing, croutons and shaved parmesan cheese
- *Winter salad with mixed greens, caramelized onions, dried figs, almonds and goat cheese drizzled with warm apple cider vinaigrette

Pasta of the day: an ever changing chef selection various pastas and ingredients \$Market

PANINI'S (all served with pasta salad) - \$12

- *Fresh Oven roasted turkey with Granny Smith apples, walnuts, Swiss cheese and dried current aioli
- *Prime Rib thinly sliced with smoked peppers, caramelized onions, blue cheese and horseradish aioli
- *House Smoked Salmon with fresh red onion, capers, and herbed Boursin cheese
- *Marinated Grilled Portobello & eggplant with roasted red peppers, caramelized onions and a smoky chipotle aioli

Crooners & Cocktails

10 Exchange St.



Copyright 2011 Esri. All rights reserved. Tue Feb 24 2015 11:14:51 AM.

Business Licensing - CROONERS & COCKTAILS-PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 3/1/2015 2:56 PM
Subject: CROONERS & COCKTAILS-PENDING Business License Approval

CROONERS & COCKTAILS-PENDING is Approved for their Business License Inspection by the Police Dept.

Date: 3/1/2015

Zone:
Comments: Class XI license.

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

Portland, Maine



Yes. Life's good here.

Office of the City Clerk
Katherine L. Jones, CCM, City Clerk

March 3, 2015

Crooners & Cocktails
Attn: Ricardo Dasilva
90 Exchange St.
Portland, ME 04101

Re: The 103, LLC d/b/a Crooners & Cocktails. Application for a Class XI Restaurant/
Lounge License at 90 Exchange St.

Dear Mr. Dasilva,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, March 16th at 7 p.m.** for the review of your application for a **Class XI Restaurant/Lounge license for The 103, LLC d/b/a Crooners & Cocktails at 90 Exchange St.** 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



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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C416230

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-24) :
Inquiries Name(s) RICARDO DASILVA (1976-07-29)

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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C416233

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-24) :

Inquiries Name(s) CHRISTOPHER HARRIS (1981-05-20)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Order 180-14/15
Tab 11 3-16-15

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:

**Cumberland County Recreation Center and Global Spectrum, LP d/b/a Cross Insurance
Arena. Application for a Civic Auditorium License with Entertainment with Dance at 1
Civic Center Square.**



3601 South Broad Street • Philadelphia, PA 19148-5290 • p 215.952.5217 • 1215.389.9579
pweinberg@comcast-spectacor.com

PHILIP I. WEINBERG
Executive Vice President
General Counsel

2015 FEB 26 PM 1:51

February 24, 2015

Dear Mayor and City Council Members:

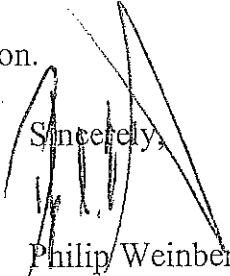
I am writing this letter of intent on behalf of the co-applicant Global Spectrum, LP ("Global"). Effective March 9, 2015, pursuant to a written Management Agreement between Global and Cumberland County Recreation Center, Global will become the new Management Company of the Cross Insurance Arena located at One Civic Center Square, Portland, Maine.

Global is applying for co-licensure with the Cumberland County Recreation Center because it will have a financial interest in the operations of the Cross Insurance Arena, including a financial interest in the sale of alcoholic beverages. Based on this financial interest, the State Liquor Laws and Rules of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations require Global to be a named licensee with the Cumberland County Recreation Center, the owner of the Cross Insurance Arena.

Global respectfully requests approval of the following co-applications of Cumberland County Recreation Center and Global: State of Maine liquor application for a Civic Auditorium liquor license, City of Portland Application for Food Service Establishment With Alcoholic Beverages License and Supplemental Application for Dancing and Entertainment.

Thank you for your consideration.

Sincerely,


Philip Weinberg
President & Secretary
Global Spectrum, Inc.
General Partner of Co-Applicant

Portland, Maine



Yes. Life's good here.

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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	Cross Insurance Arena	Phone:	(207) 775-3481
Location Address:	One Civic Center Square, Portland, ME	Zip:	04101
If new, what was formerly at this location:	N/A		
Mailing Address:	One Civic Center Square, Portland, ME	Zip:	04101
Contact Person:	Michael Scanlon, Regional General Manager Matthew Drivas, Manager	Phone:	(484) 368-4800 (207) 791-2222
Contact Person Email:	mscanlon@philadelphiaunion.com mdrivas@crossarenaportland.com		
Manager of Establishment:	Global Spectrum, LP	Phone:	(215) 952-5218
Owner of Premises (Landlord):	Cumberland County Recreation Center		
Address of Premises Owner:	One Civic Center Square, Portland, ME	Zip:	04101

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
See Attached		Zip:	
Contact Person:		Phone:	
Principal Officers	Title	Date of Birth	Residence Address
See Attached			

About Your Establishment

Class of Liquor License:	Civic Auditorium
Type of food served:	Concessions and catering
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>
Projected percentage of sales:	Generated from Food: 70% Generated from Alcohol: 30%
Hours & days of operation:	Monday - Sunday 24/7 based on event

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N
If No, please explain: Meal options are event dependent	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N
If yes, give the distance: 3 blocks	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y/N
Will you permit dancing on the premises?	Y/N
Will you permit dancing after 1:00 a.m.?	Y/N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y/N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date? N/A	
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y/N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N
If Yes, please list business name(s) and location(s): Cumberland County Recreation Center, d/b/a Cross Insurance Arena, One Civic Center Square, Portland, ME 04101	
Is any principal officer under the age of 21?	Y/N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N
If Yes, please explain:	

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

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

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

Signature [Signature] Title President/Secretary Date 2/24/2015

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and M.R.S.A. Title 28-A at www.maine.gov

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): Cross Insurance Arena

Location Address: One Civic Center Square, Portland, ME ZIP 04101 Phone (207) 775-3481

Will music be electric or acoustical or both? Both

Will amplification used? Yes X No _____

If yes, where and at what level? less than 92 decibels

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

Will you permit dancing or entertainment after 1:00AM? Yes _____ No X

Will recorded music be played: Inside X 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? 3 blocks

Please describe in detail the type and nature of the business and proposed entertainment: _____

Civic Auditorium

If new applicant, what is your targeted opening date? N/A

Does the issuance of this license directly or indirectly benefit any City employee? Yes _____ No X

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 _____

Title President/Secretary Date 2/24/2015

Global Spectrum, Inc.,
the General Partner of Applicant

CITY CLERK

2015 FEB 26 PM 1:51

**ATTACHMENT TO
FOOD SERVICE ESTABLISHMENT WITH ALCOHOLIC BEVERAGES LICENSE**

APPLICANT:

Corporate Name

Cumberland County Recreation Center

Corporate Mailing Address

One Civic Center Square
Portland, ME 04101

Contact Person

Matthew P. Dirvas, Manager

Phone

(207) 775-3481

Principal Officers

Betheda G. Edmonds

Title

Chairman

Date of Birth

10/27/50

Residence Address

122 Hunter Road
Freeport, ME 04032
263 State Street
Portland, ME 04101
285 Yarmouth Road
Gray, ME 04039

Joseph E. Gray, Jr.

Vice Chair

09/15/44

Mitchell A. Berkowitz

Treasurer

07/27/48

CO-APPLICANT:

Corporate Name

Global Spectrum, LP

Corporate Mailing Address

3601 S. Broad Street
Philadelphia, PA 19148

Contact Person

Michael Scanlon, Regional General Manager

Phone

(484) 368-4808

Principal Officers

Philip I. Weinberg

Title

Director/
President/
Secretary

Date of Birth

08/20/55

Residence Address

136 Fisher Road
Jenkintown, PA 19046

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



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 March 1, 2016

INDICATE TYPE OF PRIVILEGE: X MALT X SPIRITUOUS X 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)

X OTHER: Civic Auditorium

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1(a) APPLICANT Cumberland County Recreation Center	2. Business Name (D/B/A) Cross Insurance Arena
Address One Civic Center Square Portland, ME 04101	Location (Street Address) One Civic Center Square Portland, ME 04101
Telephone Number (207) 775-3481	Fax Number (207) 828-8344
Federal I.D. # 01-0328377	Mailing Address General Manager Cross Insurance Center One Civic Center Square Portland, ME 04101
1(b) Co-Applicant Global Spectrum, LP	
Address 3601 S. Broad Street Philadelphia, PA 19148	Business Telephone Number (207) 775-3481
Telephone Number (215) 952-5218	Fax Number (207) 828-8344
Federal I.D. # 59-3599248	Seller Certificate # 3026 5003

3. If premises is 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 \$ 295,782 LIQUOR \$ 127,275

5. Is applicant a corporation, limited liability company or limited partnership? YES X (Co-Applicant) NO X (Applicant)

mpco ,S YE Iflete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐
7. If manager is to be employed, give name: Matthew P. Drivas, Manager; Michael Scanlon, Regional General Manager
8. If business is NEW or under new ownership, indicate starting date: New Management Company effective 3/9/2015
- Requested inspection date: _____ Business hours: Mon.-Fri. 9AM-5PM and by Event
9. Business records are located at: One Civic Center Square, 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 ☐

Co-Applicant was licensed to do business in the State of Maine on January 17, 2013

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
a. Matthew P. Drivas, Manager (Applicant)	01-15-1965	Portland, Maine
b. Michael J. Scanlon, Regional General Manager (Co-Applicant)	02-06-1957	Lawrence, MA
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
a. South Portland, Maine		
b. West Chester, PA		

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: N/A Date of Conviction: N/A Offense: N/A Location: N/A Disposition: N/A
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 applicant own the premises? Yes ☒ (Cumberland County Recreation Center) No ☐ If No give name and address of owner: _____
17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Civic Arena See attached diagrams
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? 3 blocks 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: G.O. Bonds, Cumberland County

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 / Philadelphia, PA on FEBRUARY 20, 20 15
Town/City, State Date

Please sign in blue ink

[Signature]
Signature of Applicant or Corporate Officer(s)

Dale Amford, Tavern General Manager
Print Name

[Signature]
Signature of Applicant or Corporate Officer(s)

Philip I. Weinberg
Print Name

NOTICE - SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

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

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 164 State House Station, Augusta ME 04333-0164. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: _____ Municipal Officers _____ County Commissioners of the
_____ City _____ Town _____ Plantation _____ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

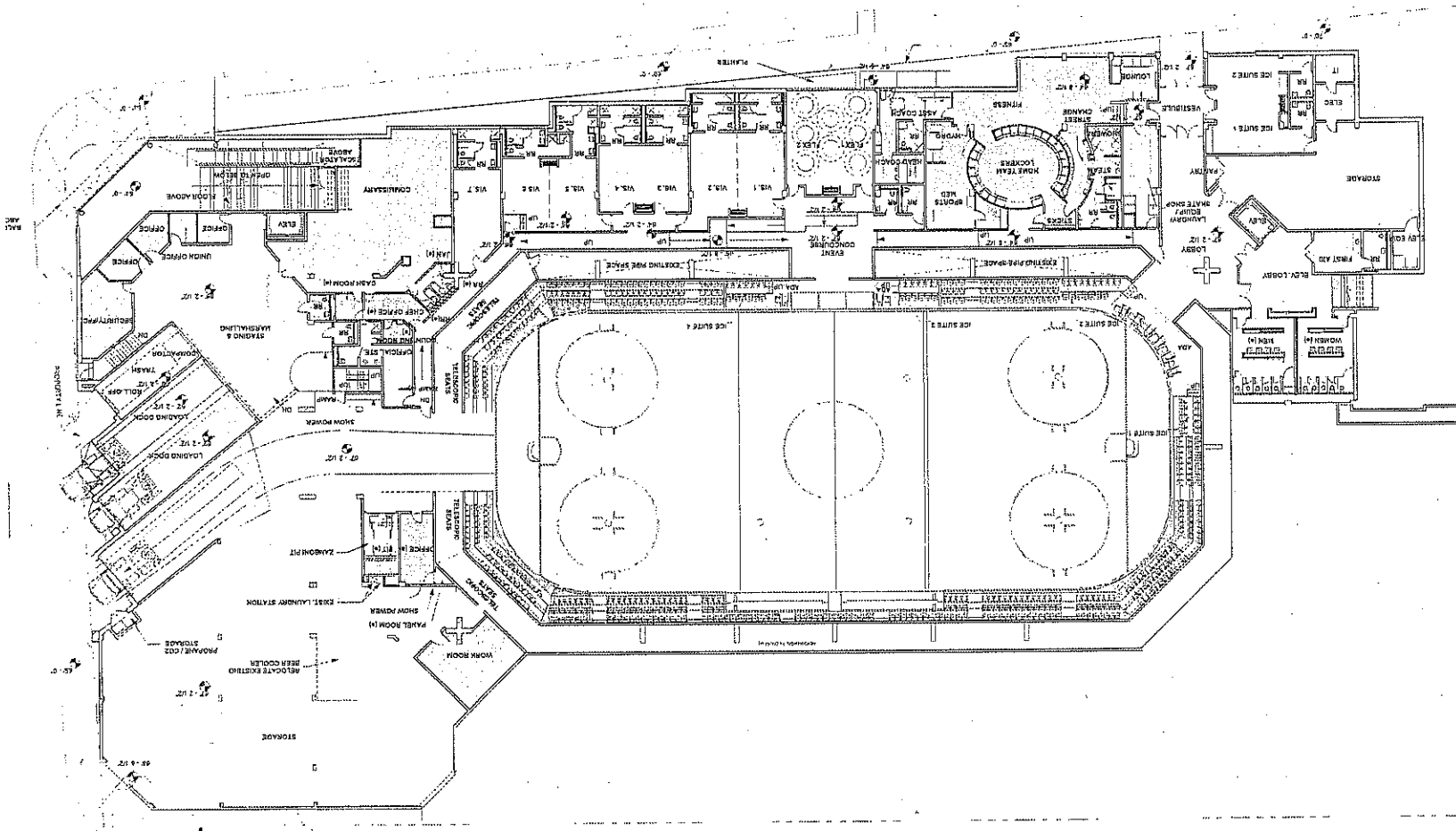
§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).][1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all license requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
4. **No license to person who moved to obtain a license. (REPEALED)**
5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



Concessions Office / Press Suite Services - Mech / Elec Storage Corridor Public Circulation Ticket Sales Visitor / Lockers Home Team Lockers Restrooms Ventr. Circ. Club ADA Seating Table Seating Bowl Seating



EVENT LEVEL | +67'-2 1/2" | scale 1/32"=1'

GLANVILLE

STANLEY H. HARRIS ARCHITECTS

WBRC
WILLIAM B. RICHARDS & COMPANY
ARCHITECTS
1000 W. 10TH AVENUE
DENVER, CO 80202
(303) 733-1100



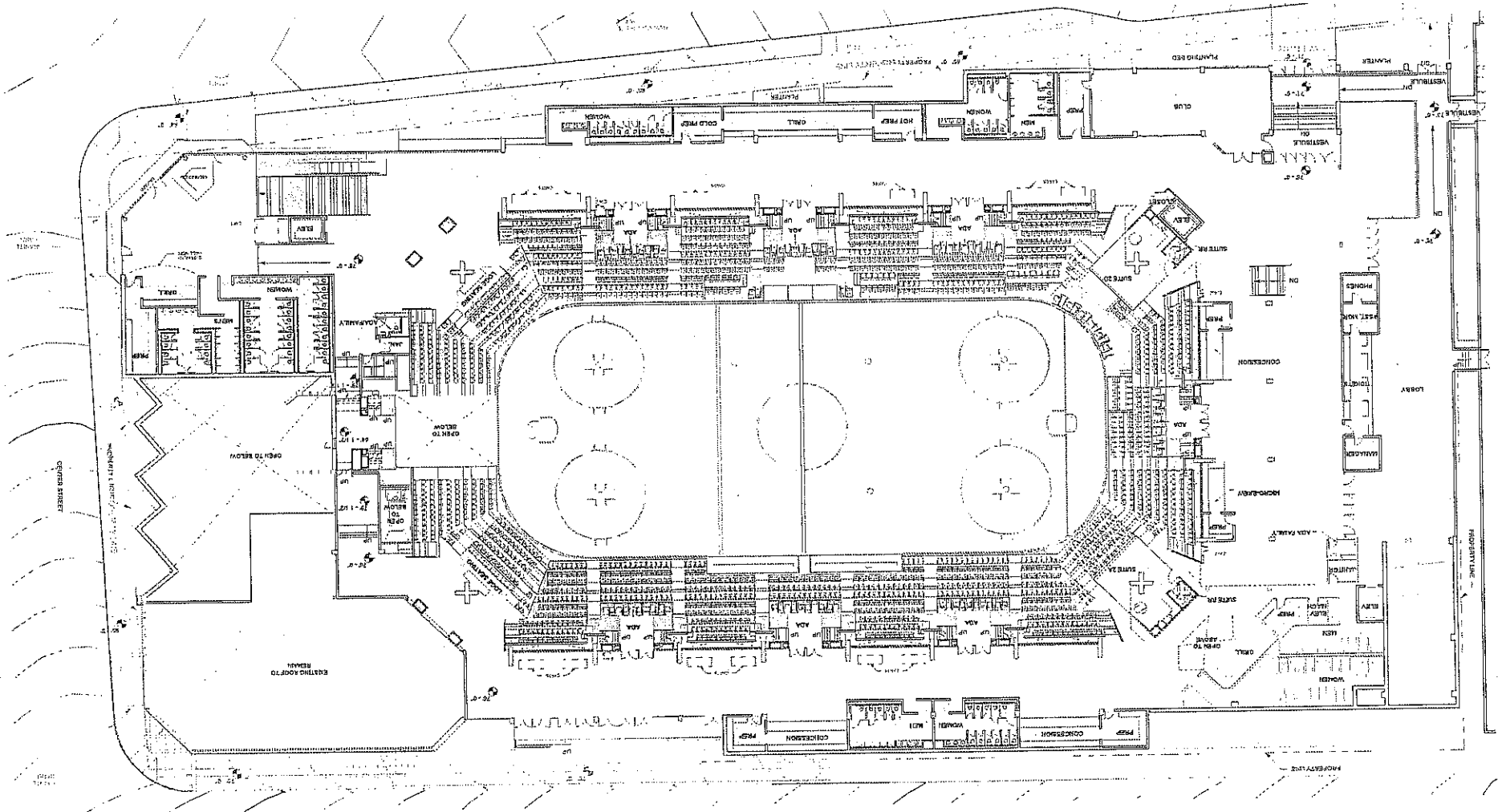
MAIN CONCOURSE | +76'-0" | scale 1/32"=1'

CIAMBRO

STANFORD UNIVERSITY

WBRC

Concessions Suite Office / Press Services - Mech / Elec Storage Corridor Public Circulation Ticket Sales Visitor / Lockers Home Team Lockers Restrooms Club ADA Seating Tele Seating Bowl Seating

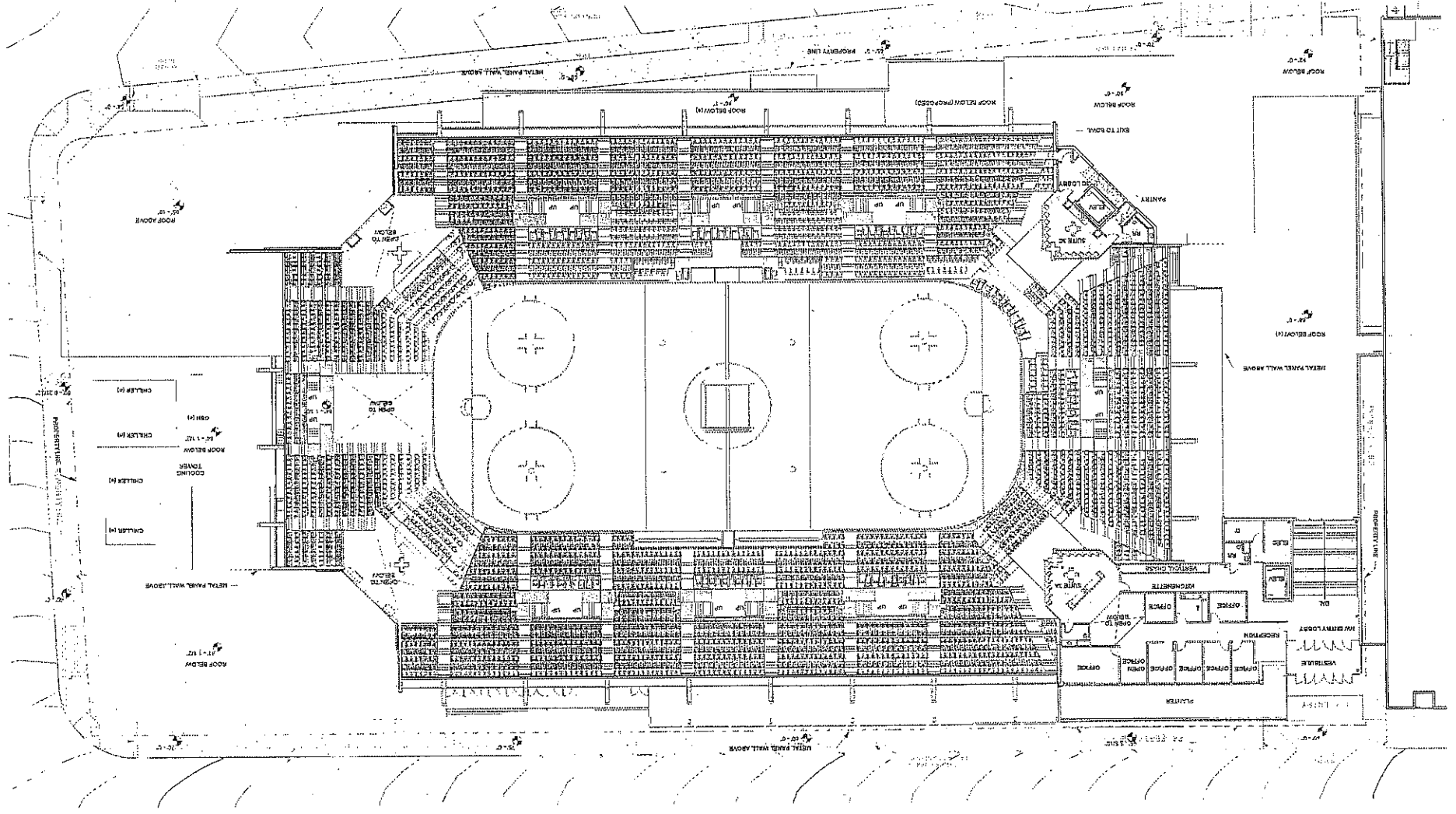


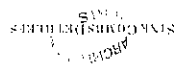


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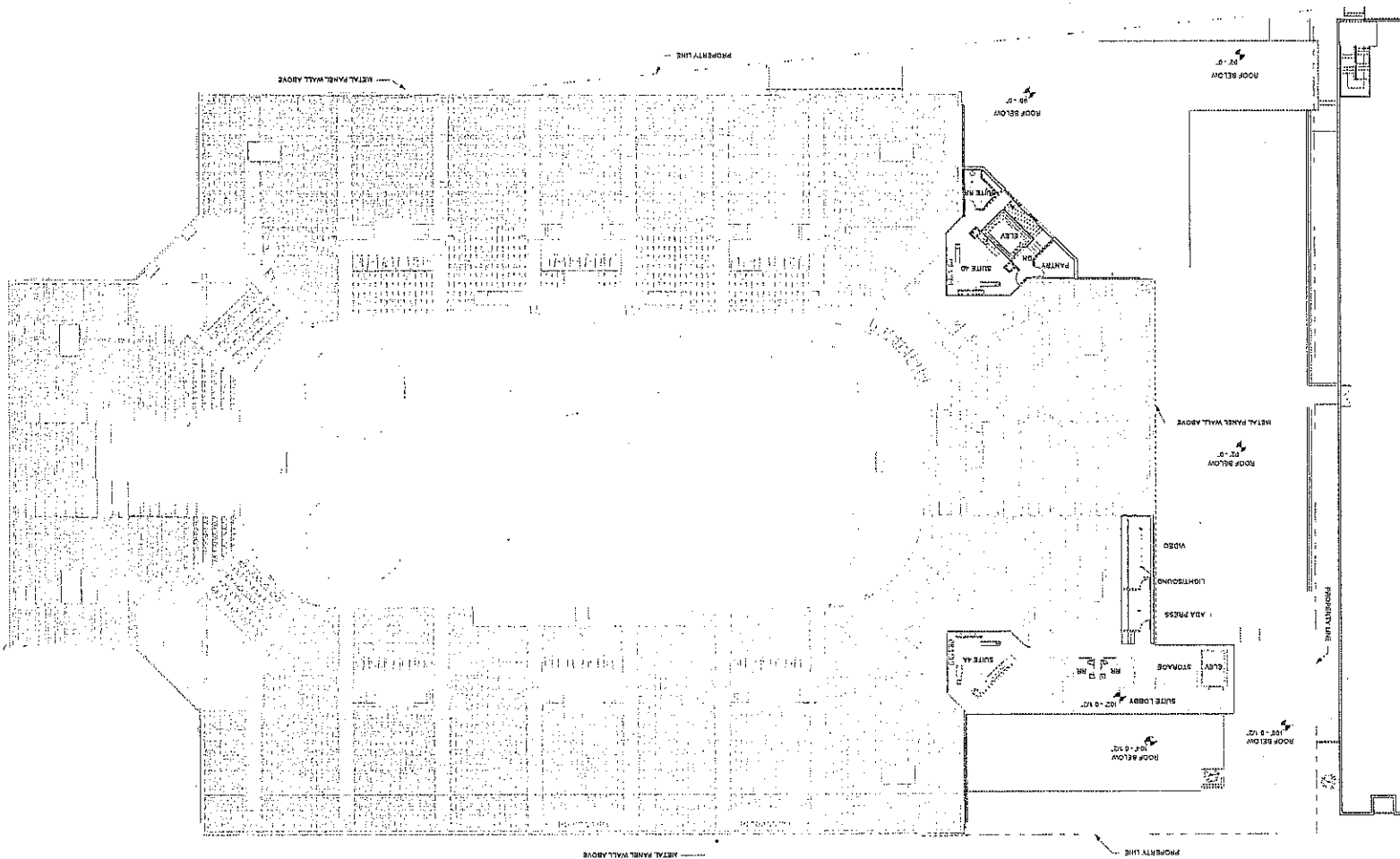
WBRC

Sumit





UPPER SUITES | +102' 6 1/2" | scale 1/32"=1'





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:

Global Spectrum, L.P.

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

3. Date of filing with the Secretary of State: 05/12/1999

4. State in which you are formed: Delaware

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 01/17/2013

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 %
Global Spectrum, Inc.	3601 S. Broad Street Philadelphia, PA 19148	N/A	1%GP
Comcast Spectacor Ventures, LLC	3601 S. Broad Street Philadelphia, PA 19148	N/A	99%LP
Philip I. Weinberg	136 Fisher Road Jenkintown, PA 19046	08/20/55	0% Ownership Director/President
See attached Organizational Chart			

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

Date

Philip I. Weinberg

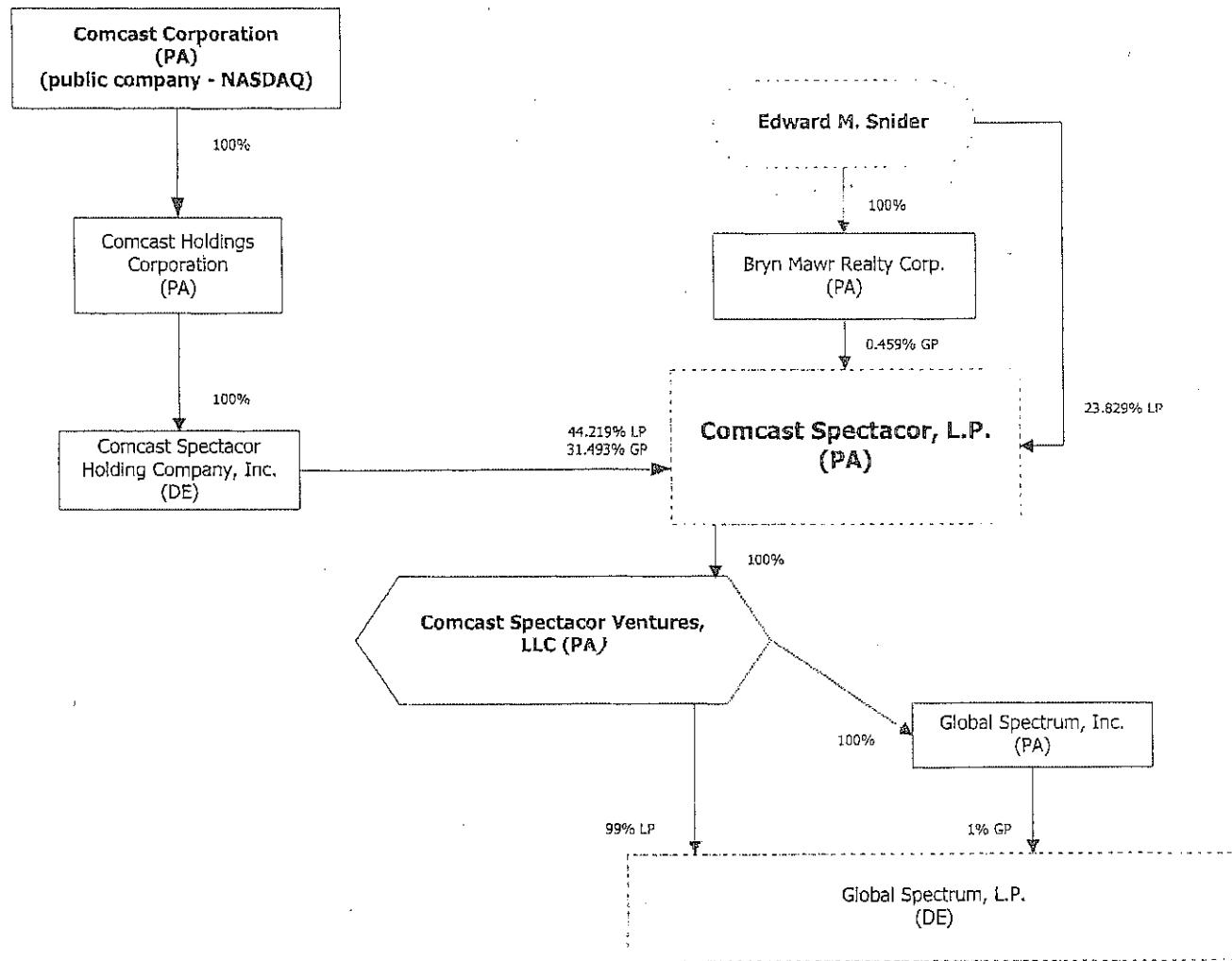
Print Name of Duly Authorized Person

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

GLOBAL SPECTRUM, L.P. ORGANIZATIONAL CHART



Directors/Officers of Global Spectrum, Inc. (the General Partner) is:

Philip I. Weinberg, Director/President/Secretary

ATTACHMENT TO GLOBAL SPECTRUM, L.P.'S ORGANIZATION CHART

Global Spectrum, L.P is a Delaware Limited Partnership, with no officers or directors.

Global Spectrum, Inc. is 1% owner and the General Partner of the applicant.

The sole officer/director of Global Spectrum, Inc. is:

Philip I. Weinberg – Director/President/Secretary – DOB: 8/20/55; Place of Birth: Philadelphia, PA; Address for last 5 years: 136 Fisher Road, Jenkintown, PA 19046

Comcast Spectacor Ventures, LLC is 99% owner and the Limited Partner of the applicant, with no officers or directors.

Comcast Spectacor, LP is a limited partnership, with no officers or directors; it is the sole Member of Comcast Spectacor Ventures, LLC.

Bryn Mawr Realty Corp. is 0.459% owner and General Partner of Comcast Spectacor, LP

The officers of the Bryn Mawr Realty Corp. are:

Philip I. Weinberg – Director/President/Secretary – DOB: 8/20/55; Place of Birth: Philadelphia, PA; Address for last 5 years: 136 Fisher Road, Jenkintown, PA 19046

Scott Sommermann – Director/Vice President – DOB: 12/5/62; Place of Birth: Camden, NJ; Address for last 5 years: 75 Wendee Way, Sewell, NJ 08080

Edward M. Snider is the 100% owner of Bryn Mawr Realty Corp

Edward M. Snider – DOB: 1/6/33; Place of Birth: Washington, DC; Address for last 5 years: 1825 Aloha Lane, Gladwyne, PA 19035

Comcast Spector Holding Company, Inc. is 44.219% owner and the Limited Partner of Comcast Spectacor, L.P. and a pass through entity to Comcast Holdings Corporation, which is 100% owned by Comcast Corporation, a publically traded company on the NASDAQ.



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:

Cumberland County Recreation Center

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

Cross Insurance Center

3. Date of filing with the Secretary of State: 1971 Private and Special Act of Legislature

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 %
Betheda G. Edmonds, Chairman	122 Hunter Road Freeport, ME 04032	10/27/1950	0
Joseph E. Gray, Jr., Vice Chair	263 State Street Portland, ME 04101	09/15/1944	0
Mitchell A Berkowitz, Treasurer	285 Yarmouth Road Gray, ME 04039	07/27/1948	0

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: _____

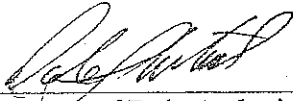
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

2/20/15
Date

Dale Amstead, Liquor General Manager
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

PREMIUM SUITE MENU

CROSS INSURANCE ARENA



Platters

Serves Multiples of 12

Lobster Rolls Our freshly made lobster salad served on a grilled, buttered roll.	180.00
Shrimp Platter Jumbo Shrimp served with lemon wedges and homemade cocktail sauce.	120.00
Slider Platter An assortment of mini deli sandwiches.	65.00
Seasonal Fresh Crudite A seasonal selection of fresh veggies with ranch dipping sauce	65.00
Fruit and Cheeses Platter A seasonal selection of fresh fruit and assortment cheese with assorted crackers	65.00

Please remember all orders subject to 20% service charge and 8% Maine State Sales tax.
Prices and Menus subject to change without notification

Appetizers

Serves multiples of 12

Assorted Snacks

24.00

Assorted Snack Size Bags of Chips and Popcorn

Nacho, Salsa and Guacamole

36.00

Mango and Cilantro Salsas, Guacamole and Blue Nacho Chips

Chicken Tenderloins

36.00

Lightly fried with BBQ, Red Hot and Thai Chili dipping sauces

Hot Pretzels

40.00

Jumbo Salted Pretzels warm out of the oven.

Standard Fare

Serves multiplies of 12

Hot Dogs

36.00

Served with condiments and rolls.

Grilled Italian Sausage

½ order 45.00

84.00

Served with onions, green peppers, and grated cheese in gourmet rolls.

Buffalo Chicken Sub

½ order 45.00

84.00

Served with Red Hot Sauce, carrots, celery and bleu cheese dressing in gourmet rolls.

Grilled Steak & Cheese

½ order 45.00

84.00

Served with onions, green peppers, and grated cheese in gourmet rolls.

Please remember all orders subject to 20% service charge and 8% Maine State Sales tax.

Prices and Menus subject to change without notification

Pizza

Serves multiples of 8

Cheese Pizza Our 16" cheese pizza.	22.00
Pepperoni Pizza Our 16" Pepperoni pizza	24.00
Sausage Pizza Our 16" Sausage pizza	24.00
Onion & Pepper Pizza Our 16" pizza topped with onions and peppers	24.00

Desserts

Serves multiples of 12

Shain's Of Maine Sea Dog Biscuit Ice Cream Two Chocolate Chip Cookies with Vanilla Ice Cream.	36.00
Cookie Basket An assortment of fresh baked cookies.	36.00
Whoopie Pies A Maine Favorite	36.00

Please remember all orders subject to 20% service charge and 8% Maine State Sales tax.
Prices and Menus subject to change without notification

Dunkin Donuts Coffee

Box of Joe
serves 10

Fresh Brewed Dunkin Donuts
Regular/Decaffeinated/Hot Chocolate

25.00

Non Alcoholic Beverages

Sold in 6 packs

Bottled Soda
Pepsi, Diet Pepsi, Mt Dew, Mug Root Beer, Iced Tea and Sierra Mist

18.00

Assorted Soda
Includes 2 Pepsi, 2 Diet Pepsi, 2 Sierra Mist

18.00

Bottle Juice
Grape Juice, Apple Juice

18.00

Aquafina Bottled Spring Water

18.00

Please remember all orders subject to 20% service charge and 8% Maine State Sales tax.
Prices and Menus subject to change without notification

Alcoholic Beverages

6 pack of cans/Wine by the Bottle

Domestic Cans Budweiser, Bud Light	30.00
Microbrew & Import Can Shipyard Summer, Shipyard Export, Baxter, Heineken, Stella Artois	36.00
Smoking Loon Wine Pinot Grigio, Chardonnay, Merlot	25.00

Event Ordering

If you have questions or would like to place an order?
Please feel free to email RStory@crossarenaportland.com

METHOD OF PAYMENT

We accept VISA, MasterCard, Discover, or American Express

Please remember all orders subject to 20% service charge and 8% Maine State Sales tax.
Prices and Menus subject to change without notification

Business Licensing - CROSS INSURANCE ARENA Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 3/1/2015 2:53 PM
Subject: CROSS INSURANCE ARENA Business License Approval

CROSS INSURANCE ARENA is Approved for their Business License Inspection by the Police Dept.

Date: 3/1/2015

Zone:
Comments: Global Spectrum co-licensor.

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

Portland, Maine



Yes. Life's good here.

Office of the City Clerk

Katherine L. Jones, CCM, City Clerk

March 3, 2015

The Bennett Law Firm, P.A.

Attn: Joanne Simonelli

P.O. Box 7799

Portland, ME 04112-7799

Re: Cumberland County Recreation Center and Global Spectrum, LP d/b/a Cross Insurance Arena. Application for a Civic Auditorium License with Entertainment with Dance at 1 Civic Center Square.

Dear Ms. Simonelli,

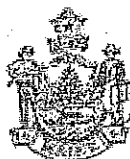
This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, March 16th at 7 p.m.** for the review of the application for a Civic Auditorium License with Entertainment with Dance for Cumberland County Recreation Center and Global Spectrum, LP d/b/a Cross Insurance Arena at 1 Civic Center Square. 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



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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C419282

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-26) :
Inquiries Name(s) JOSEPH GRAY (1944-09-15)

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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C419279

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-26) :
Inquiries Name(s) PHILIP WEINBERG (1955-08-20)

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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C419284

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-26) :
Inquiries Name(s) MATTHEW DRIVAS (1965-01-15)

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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C419286

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-26) :
Inquiries Name(s) MITCHELL BERKOWITZ (1948-07-27)

NO MATCH WAS FOUND FOR YOUR REQUEST.

2



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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C419281

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-26) :
Inquiries Name(s) BETHEDA EDMONDS (1950-10-27)

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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C419283

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-26) :
Inquiries Name(s) MICHAEL SCANLON (1957-02-06)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Order 172-14/15
~~Tab 15 3-2-15~~
Tab 12 3-16-15

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 TWO-PARTY AGREEMENT
BETWEEN THE CITY OF PORTLAND
AND THE MAINE DEPARTMENT OF TRANSPORTATION
RE: IMPROVEMENTS TO FOREST AVENUE**

ORDERED, that the Acting City Manager is authorized to enter into the two-party partnership agreement between the City of Portland and the Maine Department of Transportation (MaineDOT), in substantially the form attached, for work on Forest Avenue:

- WIN #020543, Proposed Improvements to Forest Avenue

BE IT FURTHER ORDERED, that the Acting City Manager is hereby authorized to sign the two-party agreements and any other documents necessary to effect the purpose of this order.

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

**MEMORANDUM
Council Agenda Request**

TO: The City Council of Portland

FROM: Michael Bobinsky, Director of Public Services

DATE: Feb. 18, 2015

DISTRIBUTION: Sheila Hill-Christian, Acting City Manager
Michael Brennan, Mayor
Danielle West-Chuhta, Corporation Counsel
Sonia Bean, Executive Assistant
Nancy English, Administrative Assistant
John Peverada, Parking Manager
Eric Labelle, PE, Assistant Director of Public Services/Operations Mgr.
Katherine Earley, PE, Engineering Services Manager
Jeremiah Bartlett, PE, PTOE, Transportation Systems Engineer

1. Council meeting at which action is requested:

1st reading 3/2/15

2nd reading 3/16/15

2. Can action be taken at a later date: _____ Yes ☒ No.

If no, why not? This is a joint project of the Maine Dept. of Transportation (MDOT) and the City of Portland and is subject to MDOT's scheduling.

3. This item is sponsored by: Michael Bobinsky, Director of Public Services

1. Summary of the Issue:

The attached agreement two-party agreement between the Maine Department of Transportation (MDOT) and the City of Portland requires the approval of the City Council before execution. The agreement includes items regarding the planning, development, design, right of way, construction, cost sharing and reimbursement for a project to make improvements to Forest Avenue in Portland.

2. Reason for Submission

City Code requires that all agreements containing either indemnification or cost sharing must be submitted to the City Council for approval.

3. Intended Result

The project scope includes but not limited to reconfiguring the Forest Ave. traffic pattern at Woodfords Corner and Ocean Avenue, widen sidewalks, add streetscape aesthetics, extend shared lane bikeways and reduce crossing distances for pedestrians.

4. Financial Impacts

This project has been in discussion for a number of years and the matching and non-matching funds required, \$369, 875.10 have been included in the FY 15 Capital Improvement Budget. The total cost for the project will be \$1,518,751.00 - \$1,199,000.80 (Federal) \$135,509.45 State and \$384,240.75 City.

5. Recommendation

Staff Recommends approval of this request.



MaineDOT use only	
TEDOCS #:	_____
CT #:	_____
CSN #:	_____
PROGRAM:	_____

MAINE DEPARTMENT OF TRANSPORTATION MUNICIPAL/STATE AGREEMENT

PROPOSED IMPROVEMENTS TO FOREST AVENUE

(MaineDOT Use Only)

Project Location: Portland
State WIN #: 020543.00
Federal Aid Project #: STP-2054(300)

Estimated Municipal Share: \$369,875.10
Vendor Customer #: 17A12984
Agreement Begin Date: _____
Agreement End Date: (3 years from the date last signed below)

This Agreement is entered into between the Maine Department Of Transportation (hereafter the "Department") and the Municipality of Portland, a municipal corporation located in the County of Cumberland (hereafter the "Municipality") (hereinafter the "Parties") regarding the planning, development, design, right of way, construction, cost sharing and reimbursement for a project to make improvements to Forest Ave., in Portland, Maine, (hereafter Project) as follows:

The following checked appendices are hereby incorporated into this Agreement by reference:

- ☒ Appendix A – Project scope, cost sharing, and payment schedule
- ☒ Appendix B – Perpetual Bicycle/Pedestrian Facility Maintenance
- ☒ Appendix B – Perpetual Landscape Maintenance
- ☒ Appendix B – Perpetual Lighting/Flashing Beacon Operation and Maintenance
- ☒ Appendix B – Perpetual Traffic Signal Operation and Maintenance
- ☐ Appendix B – Perpetual Bridge Lighting/Approach Lighting Maintenance & Snow Plowing
- ☒ Appendix C – Additional work requested by Municipality

- A. The Department agrees to procure and administer a contract to construct the Project in accordance with the plans and specifications developed by the Department and, subject to Department approval. This would include any additional plans, specifications and estimates furnished by the Municipality. Please refer to Appendix A of this Agreement for the outline of the scope, limits of work and cost sharing.
- B. The Department shall be the sole administrator of this contract. The Department will pay all project costs, subject to cost sharing by the Municipality, when applicable, as specified in this agreement. Neither the Department nor its contractors will be required to pay for inspections and permits from the Municipality.
- C. The Department reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. The Department also reserves the right to terminate all provisions pertaining to work requested by the Municipality at any time prior to the award of a contract to

construct the Project because of any failure by the Municipality to meet any of the conditions and stipulations set forth in this Agreement.

- D. Upon acceptance of plans, specifications and estimates, the Department shall solicit competitive bids for the Project. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the Project and fulfillment of all terms set forth herein, the Department will submit the information to the Municipality, who will have up to five (5) business days to review the information and notify the Department of any questions or concerns. If the Department is not presented with any questions or concerns during the time allotted all decisions pertaining to the acceptance of the bids, the award and administration of the contract and all payments thereunder shall be the sole discretion of the Department.
- E. The Municipality, at its election, may request that changes be made or work added to the Project during the period of construction, provided the Municipality agrees in writing to pay any additional cost plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to approval by the Department. In the event that such changes or work are approved for federal participation in the cost thereof, such additional cost may be reduced to the non-federal share.
- F. The Municipality agrees to allow the Department's contractor to control all traffic through the work areas in accordance with the Traffic Control Plan approved by the Department. The development of the Traffic Control Plan will follow the process outlined below:
 - 1. The PM will submit the project for Traffic Analysis and Movement Evaluation (TAME), when possible, approximately one year prior to advertisement. Once the results are received, the PM/Regional Traffic Engineer will discuss the proposed project with the Municipality (scope, limits, day or night work, work window, etc).
 - 2. The Municipality will comment on their concerns/issues (two week timeframe allowed).
 - 3. The PM & Designer will incorporate these comments where practical based on engineering judgment.
 - 4. If the Municipality desires, a meeting will be held prior to PS&E to review the project design, Special Provision 105 – Limitations of Operations, Special Provision 107 - Time, etc.
 - 5. The Municipality will have the opportunity to review and comment.
- G. The Municipality agrees to alter, move, relocate or remove, or cause to be, at no cost to the Project, any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, as necessary to permit construction of the Project, which has not otherwise been provided for during the development of the Project. Any work necessary to do so during the period of construction shall be coordinated with the contractor for the Project.
- H. The Municipality will, at no cost to the Department, assure proper adjustment, relocation, or repair of any portion of a service, whether above or below ground, that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to permit construction of the Project. The Municipality agrees to hold the Department harmless from any claims for damages occurring as a result thereof.

- I. The Municipality agrees that during and after construction it will apply the requirements of the most recent version of the Department's "Utility Accommodation Policy" as the minimum guidelines not withstanding any municipal rules that are more lenient.
- J. To the extent that it is statutorily responsible therefore, the Municipality agrees to provide utilities, and to maintain all improvements and fixtures constructed, installed or furnished as a part of the Project in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. To the extent any warranty exists for said improvements or fixtures, said warranty shall be first relied on by MaineDOT to address maintenance and/or repairs described in this paragraph.
- K. The Municipality agrees that except for an emergency, or as allowed in § 3351-A, it will prohibit the excavation of the highway within the limits of the Project for a period of at least five (5) years after completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any city government under the provisions of 23 M.R.S.A. § 3351. Thereafter, all future excavations within the right-of-way of the Project shall be regulated and controlled in the manner specified by the Department in its most recent *"Rules, Regulations and Policies for Highway Openings"*, which is incorporated herein and made a part hereof by reference.
- L. The Municipality will be responsible to keep new or replaced/rehabilitated pedestrian facilities in usable condition.
- M. The Municipality agrees to keep the right-of-way of the Project inviolate from all encroachments and agrees to remove, or cause to be removed, anything that may encroach thereon.
- N. When applicable the Municipality agrees to regulate all entrances to the highway within the limits of the Project in accordance with the provisions of 23 M.R.S.A. § 704.
- O. The Municipality with city council approval agrees to limit all on-street parking to the parking spaces as designed and constructed under the Project.
- P. The Department shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to the Department's option to withhold for the purposes of set-off any monies owed to the Municipality with regard to this Agreement and any other agreement with the Department, including any agreement for a term commencing prior to the term of this Agreement, plus any amounts owed to the Municipality for any other contract with any State of Maine department or agency.
- Q. To the extent permitted by law, the Municipality shall indemnify, defend and hold harmless the Department, its officers, agents and employees from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the Municipality, its officials, employees, agents, consultants or contractors. Nothing herein shall waive any defense, immunity or limitation of liability that may be available to either party under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. *Any other provision of this agreement to the contrary notwithstanding, this provision shall survive any termination or expiration of this Agreement.*
- R. The Department may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Municipality and in no event shall any such action be deemed a breach

of contract. Postponement, suspension, abandonment or termination may be taken for any reason by the Department or specifically as the result of any failure by the Municipality to perform any of the services required under this Agreement to the satisfaction of the Department.

In the event of Project termination, all provisions of this Agreement shall become null and void except for those set forth under *Appendices A and C, if attached to this Agreement, as well as those provisions that by their very nature are intended to survive.*

- S. The Municipality certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Municipality is unable to certify to this statement, it shall attach an explanation to this Agreement. The Municipality shall promptly notify MaineDOT if it or its principals becomes debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- T. The Parties agree to: comply with and abide by all applicable State and Federal laws, statutes, rules, regulations, standards and guidelines, including the MUTCD and OSHA standards, and Agreement provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.
- U. All provisions of this Agreement, *except those provided above in Paragraphs J-Q and those that by their very nature are intended to survive*, shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.
- V. Anything herein to the contrary notwithstanding, the Municipality acknowledges and agrees that although the execution of this agreement by the Department manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
- W. No assignment of this agreement is contemplated, and in no event shall any assignment be made without the express written permission of the Department.

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT in duplicate effective on the day and date last signed below.

MUNICIPALITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
Sheila Hill-Christian, Acting City Manager

By: _____
Dale Doughty, Director, Maintenance &
Operations

(Date Signed)

(Date Signed)

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project
MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE

FEDERAL AID PROJECT NO. STP-2054(300)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00

Project Scope: Reconfigure Forest Ave. traffic pattern at Woodfords Corner and Ocean Ave, widen sidewalks, add streetscape aesthetics, extend shared lane bikeways and reduce crossing distances for pedestrians.

Funding Outline: The Total Project Estimated Cost is \$1,718,751.00, and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		Project Share				Total Cost
			MPO FEDERAL Portion		MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	10	22,481.30	80	179,850.40	10	22,481.30	224,813.00
Right of Way	10	6,250.00	80	50,000.00	10	6,250.00	62,500.00
Construction	10	106,156.30	80	849,250.40	10	106,156.30	1,061,563.00
Construction Engineering	10	14,987.50	80	119,900.00	10	14,987.50	149,875.00
PROJECT SHARES		\$149,875.10		\$1,199,000.80		\$149,875.10	\$1,498,751.00
Total Cost of Additional Work Requested by Municipality (Below)	100%	220,000					
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)		\$ 369,875.10					

(Check if applicable)

☒ Additional Work as outlined in Appendix C to this Agreement.

Funding Outline: The Municipality agrees to pay 100% of the costs for the work outlined below.

Additional Work	Cost: 100% Municipal Share
PE - Design to include milling and paving on Forest Ave.	\$10,000
Milling and paving on Forest Ave.	\$200,000
CE - Construction Engineering and inspection/testing	\$10,000
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY	\$220,000

Payment:

The Municipality shall submit payment to the Department within 30 days from the invoice date.

1. Prior to award of the contract for Project construction, the Municipality will be invoiced a portion of its share of the cost of the Project. Invoicing will include the following:
 - a. 100% of the local share of the Preliminary Engineering and Right of Way costs; plus
 - b. Fifty percent (50%) of the local share of the Construction and Construction Engineering cost based on the total bid price of the Project; plus
 - c. 100% of all additional work requested by the Municipality (when applicable).
2. Final Voucher Payment to the Contractor. A final bill will be created following the Department's final voucher payment to the Contractor, after all quantities are verified, and any required adjustments have been made. The cost of the work for which the Department will bill the Municipality shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of Project development cost to the point of termination as stipulated above. The final invoice will include the Municipality's share of any remaining costs.

Invoicing Schedule: The Municipal Payment Schedule shown below includes estimated invoicing dates based upon the estimated schedule and estimated cost of the Project:

Entity Name	Receivable Amount	Estimated Invoice Date
Portland	\$53,096.95	3-1-16
Portland	\$158,389.07	7-15-16
Portland	\$158,389.08	12-1-16
	\$	

APPENDIX B
PERPETUAL BICYCLE/PEDESTRIAN FACILITY MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE

FEDERAL AID PROJECT NO. STP-2054(300)

STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00

The Municipality will be responsible for year round maintenance of new or replaced/rehabilitated bicycle/pedestrian facilities in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. When necessary, the Department reserves the right to undertake maintenance and invoice the municipality.

APPENDIX B
PERPETUAL LANDSCAPE MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE

FEDERAL AID PROJECT NO. STP-2054(300)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00

The Municipality agrees to be responsible for maintenance of planting and landscaping, including structures, including, but not limited to privies, picnic shelters, interpretive panels, and park areas, as installed or modified, as part of the above referenced project upon completion of said project. The Municipality also agrees to maintain such planting and landscaping upon the expiration of all warranties applicable to such landscaping, including the maintenance of all lawn areas, trees, and shrubs. These responsibilities shall include, but are not limited to, the following:

1. Plantings shall be watered during periods of drought or extreme dryness.
2. Measures shall be taken to remove any build-up of winter sand in planting areas.
3. Pruning, trimming, and removal of dead branches to maintain healthy plant growth or so as not to pose safety hazards or unsightly conditions.
4. Measures shall be taken to control disease and insects using appropriate insecticides and to control weeds on a timely basis, including hand weeding, mulching and/or application of herbicides through proper legal application.
5. Dead or dying plant material shall be replaced with new material of the same type and size as originally planted.
6. Lawns and grassy areas shall be mowed at least weekly during the late spring and early summer growing season and at least once a month during the remainder of the growing season, unless unusual weather conditions or rapid growth dictate otherwise.
7. All areas of turf, trees and shrubbery shall be fertilized using suitable materials.
8. All litter and refuse shall be removed expeditiously.
9. The Department shall provide technical assistance to the Municipality upon request, by recommending the materials and procedures necessary for such maintenance.

APPENDIX B
PERPETUAL TRAFFIC SIGNAL OPERATION AND MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE

FEDERAL AID PROJECT NO. STP-2054(300)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00

- A. The Municipality agrees to operate and maintain the traffic signal to function as designed and installed by the Department, unless approved otherwise as hereinafter provided or as necessary as follows:
1. All malfunctions and deficiencies in the traffic signal or any equipment appurtenant that is not covered by warrantee shall be repaired or corrected expeditiously in accordance with the Institute of Transportation Engineer's (ITE) "Traffic Signal Installation and Maintenance Manual". Any failure to repair or correct the traffic signal to function as designed could, upon written notification from the Department, result in the Department making all necessary repairs at the Municipality's expense.
 2. The visibility of the traffic signal shall be preserved and maintained at all times by removing any visual impairment thereto.
 3. Except in the case of an emergency, no change in operation or modification to the traffic signal or any equipment appurtenant thereto shall be made without the express written approval of the Department.
 4. The Department shall be notified in writing prior to any removal or replacement of the traffic signal or any equipment and appurtenant thereto. Upon removal, such traffic signal or equipment shall be returned to the Department, at no cost to the Department, unless otherwise agreed upon in writing.
- B. The Municipality agrees to be responsible for the electrical service for the traffic signal and agrees to execute any necessary documentation required to establish such service and provide any local permits necessary for the installation of such service.
- C. The Municipality agrees to maintain all pavement markings (including stop bars, lane use arrows and all striping necessary to delineate the turning lane) and all traffic control signs as furnished under the project.

APPENDIX B
**PERPETUAL LIGHTING/FLASHING BEACON OPERATION
AND MAINTENANCE**

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE

FEDERAL AID PROJECT NO. STP-2054(300)

STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00

- A. The Municipality agrees to operate and maintain the flashing beacon installed under the Project in such a manner as is necessary to preserve the use and function thereof as designed and intended by the Project as follows:
1. The Municipality shall repair or correct all malfunctions and deficiencies in the flashing beacon expeditiously. Any failure to correct the flashing beacon to function as designed could, upon written notification from the Department, result in the Department making all necessary repairs at the Municipality's expense.
 2. The Municipality agrees to be responsible for electrical service for the flashing beacon and agrees to execute any necessary documentation required to establish such service and provide any local permits necessary for installation of such service.
 3. The Municipality shall preserve and maintain the visibility of the flashing beacon at all times by removing all visual impairments thereto.
 4. The Municipality shall make no operational changes or modifications to the flashing beacon without the express written approval of the Department.
 5. The Municipality shall notify the Department in writing prior to any removal or replacement of the flashing beacon.
 6. The Municipality shall maintain all signs and striping necessary or incidental to the operation of the flashing beacon as furnished and installed under the Project.
 7. The Municipality agrees to maintain the beacon with equipment technology equal to or greater than what has been installed.
- B. The Municipality shall implement a Traffic Control Plan in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) including a provision for Municipality employees and/or contractors entering the State's right-of-way for long-term maintenance.

APPENDIX C
Additional Work

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE

FEDERAL AID PROJECT NO. STP-2054(300)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00

1. Description of Work Being Added to Project By The Municipality:

Mill and fill along Forest Ave. from Station 12+50 to 28+50

2. The Municipality agrees to furnish all plans, specifications and estimates necessary to include additional work under the Project; No ☒ - *Disregard this Section*, or Yes ☐ - as follows:

- a) All plans and specifications shall conform to the standards used by the Department as set forth in the latest version of its *"Highway Design Guide"* and *"Standard Details for Highways and Bridges"* and comply with the Department's Utility Accommodation Policy as set forth in its *"Policy On Above Ground Utility Locations"*.
- b) All plans shall be size "D" drawings measuring 22 inches by 36 inches reproducible in black and white print.
- c) All specifications shall be printed on 8-1/2 inch wide by 11 inch long paper suitable for binding in the Department's proposal book.
- d) The Municipality shall provide a detailed engineer's estimate of the cost of such additional work calculated in a manner acceptable to the Department and allowable for bidding. The Municipality agrees that all cost information developed for such bidding shall be kept confidential pursuant to the provisions of Title 23 of the Maine Revised Statutes Annotated (M.R.S.A.) Section 63.
- e) The Municipality shall obtain all permits, licenses, releases and approvals necessary or incidental to the additional work described in Section 1 above.
- f) The submission of all plans, specifications and estimates; as well as all permits, licenses, releases and approvals shall be done in such a timely manner as not to unreasonably delay the Department's schedule for soliciting bids to construct the Project.
- g) The Municipality may utilize the electronic exchange of CADD data; the Municipality must accept pertinent electronic input data as specified by the Department. A copy of the Department's specifications can be found on its website under Business and CADD support. It

is the responsibility of the Municipality to translate this data into other formats required for use in their design software.

3. Following solicitation of competitive bids for the Project under Paragraph D of the Agreement; but before award of a contract to construct the Project that includes additional work as described in Section 1 above; action must be taken by the Municipality:

- a) If the bid price received for such additional work exceeds the detailed engineers estimate by any more than ten (10%) percent, the Municipality may reject such bid price by notifying the Department in writing within five (5) business days following the opening of such bids. The Municipality may waive such right by doing so in writing anytime prior to or during such period. Otherwise, all decisions pertaining to the acceptance of bids and the award of any construction contract shall be the sole discretion of the Department.
- b) If the bid price for such additional work is acceptable to the Municipality, the Municipality shall pay the Department, an amount equal to the Municipality's share of the estimated cost of such additional work based upon the prices of the successful bidder. Following receipt of payment, the Department agrees to award a contract to construct the Project including the additional work.
- c) The parties agree that any additional adjustments to the amount of any payment or deposit made pursuant to the provisions of subparagraph b) above because of any differences between estimated and actual quantities which effects the actual cost of such additional work shall be due and payable upon determination of final quantities, unless the Department determines that the actual cost of such additional work is expected to differ measurably from the amount of such payment, due to changes in quantities placed or work performed during the period of construction.

*Order 181-14/15
Tab 13 3-16-15*

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 TWO GAS UTILITY EASEMENTS
TO UNITIL FOR GAS LINES FROM WESTBROOK STREET TO PORTLAND
TECHNOLOGY PARK**

ORDERED, that two easements are hereby granted to Unitil, in substantially the form attached hereto as Attachment 1, for gas lines from Westbrook Street to Portland Technology Park; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Acting City Manager to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents.



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Greg Mitchell, Economic Development Director
Nelle Hanig, Business Programs Manager

DATE: March 3, 2015

SUBJECT: Order Authorizing Unitil Easements to Connect Natural Gas
to the Portland Technology Park

SPONSOR: Sheila Hill-Christian, Acting City Manager

1. Council meeting at which action is requested: March 16, 2015
2. Can action be taken at a later date? No

If no, why not? Easements will require tree removal, which may need to be done while the ground is still frozen to minimize environmental impacts. However, this work must wait until there is Council approval for the easements, followed by Planning Board approval for an amendment to the Subdivision.

PRESENTATION: Greg Mitchell/5 Minutes

I. SUMMARY OF ISSUE

Natural gas service is needed at the Portland Technology Park to be available to occupants, including bioscience manufacturers and technology-related companies. To connect the Park to natural gas, the City needs to provide Unitil with two easements for installation (and maintenance) of a gas line from the main on Westbrook Street into the Technology Park. The new gas line will connect to the existing line installed under the completed Phase 1 section of the Park road. (See Attachment 1 – Proposed route of the 20' wide gas line.)

The nearest natural gas main is on Westbrook Street. Over several years, various routes to bring natural gas to the Technology Park were considered. The proposed route is recommended as it is a lower cost option that will minimize impacts to the environment and infrastructure expense.

II. REASON FOR SUBMISSION

City staff is seeking Council approval to provide two, 20 foot wide easements to Unitil. One would be on City-owned land from Westbrook St. to the CMP right-of-way, which is 384 feet in Residential R-1. The other would be located entirely on City-owned Portland Technology Park property, including 336 feet in Resource Protection Zone (RPZ), and the remainder in the Office Park Zone (OP), extending to the Technology Park entrance on Rand Road (under Easement Area 1, the Park Road). (See Attachment 2 – Original Subdivision Plat.)

The portion of one of the proposed easements on RPZ land is under Land Bank Commission jurisdiction (listed as Parcel E-4). Staff secured Land Bank Commission approval at its November 6, 2014 meeting. The easement, including the removal of vegetation to a width of 20' on RPZ land, was approved and recommended to the City Council on a unanimous vote of the Commission. (See Attachment 3 - Minutes from 11/6/14 LBC meeting.)

III. INTENDED RESULT

With Council approval of these easements, the project will go to the Planning Board for approval of an amendment to the Subdivision, given that there are new easements. (An additional easement will be from CMP to Unitil as the gas line route crosses a CMP right-of-way.) Once approval is received, then vegetation can be cleared and installation of the gas line can follow.

With natural gas in place, marketing the two available sites at the Technology Park will enhance the City's ability to sell them. Importantly, the Patrons Oxford purchase and sale agreement commits the City to complete a natural gas service connection to the Park.

Further, bringing natural gas to the Technology Park also makes gas accessible to portions of the Pine Tree Industrial Park. Some occupants of that Park have expressed an interest in natural gas, which, to date, has been unavailable to them. Once gas is brought to the Technology Park, it only needs to cross Rand Road for some of the businesses at the Industrial Park to access it.

IV. COUNCIL GOAL ADDRESSED

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 cost to the City for the easements (including a revised subdivision plan for Planning Board approval) will be close to \$14,000. There are funds in place to cover this expense. Staff is working on determining the cost for installation of this 1,552 foot gas line and identifying funding sources. The budget for installation is estimated to be \$75,000 - \$80,000 to be funded from the real estate sales proceeds associated with Unit 1.

It is of note that as businesses tie into the gas line over the next five years, it is anticipated that Unitil will be providing refunds to the City based on new customer usage. While the refund amount is not

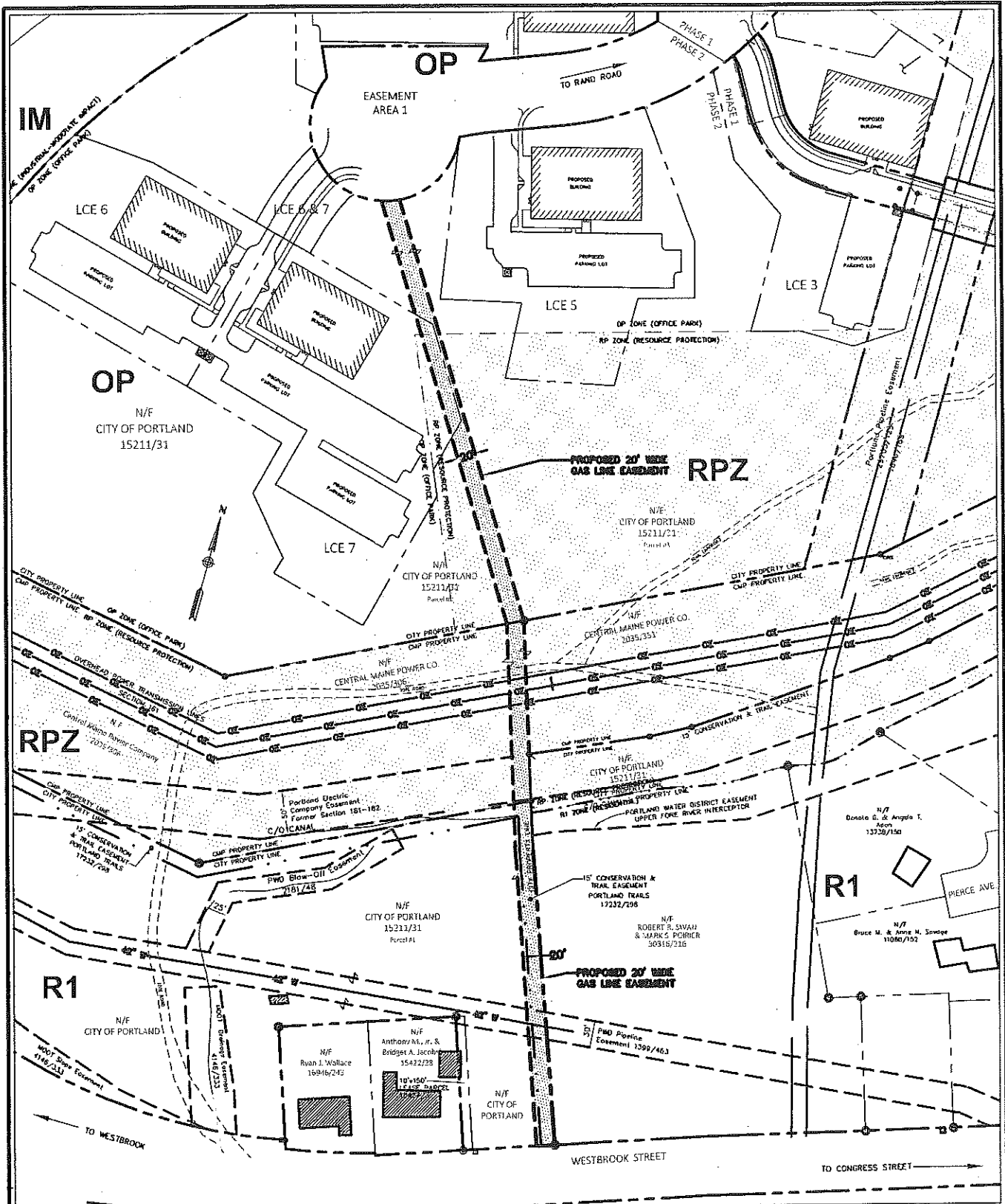
possible to determine at this time, it would include companies that construct buildings in the Portland Technology Park, as well as those that may tie into the line at the Pine Tree Industrial Park.

VI. STAFF ANALYSIS AND RECOMMENDATION

Staff recommends approval of two easements to Unitil so that the Portland Technology Park can be connected to natural gas. (See Attachment 4 – Easement Documents.) Having natural gas is vital to marketing and selling available sites to companies that will construct buildings in the Park. In addition, this gas line will make it possible for companies at the Pine Tree Industrial Park to also be served by this energy resource.

VII. ATTACHMENTS

1. Proposed Gas Line Route
2. Original Subdivision Plat
3. Minutes from 11/6/2014 Land Bank Commission Meeting
4. Two Easement Documents

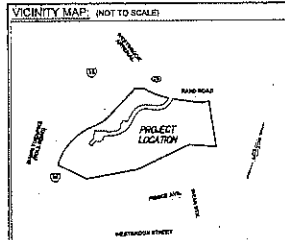


CITY OF PORTLAND
PUBLIC SERVICES
ENGINEERING DIVISION

PROPOSED GAS LINE EASEMENT
for the Portland Technical Park

C3D PROJECT: Rand Rd - Land Services Inc (DPW copy)
DRAWING: Exhibit_B_PropGAS_Easmnt2015.dwg

SCALE:
1" = 150'
DATE:
01/29/2015



GENERAL NOTES:

- [illegible]

MAP REFERENCES:

- [illegible]

GRAPHIC SCALE:



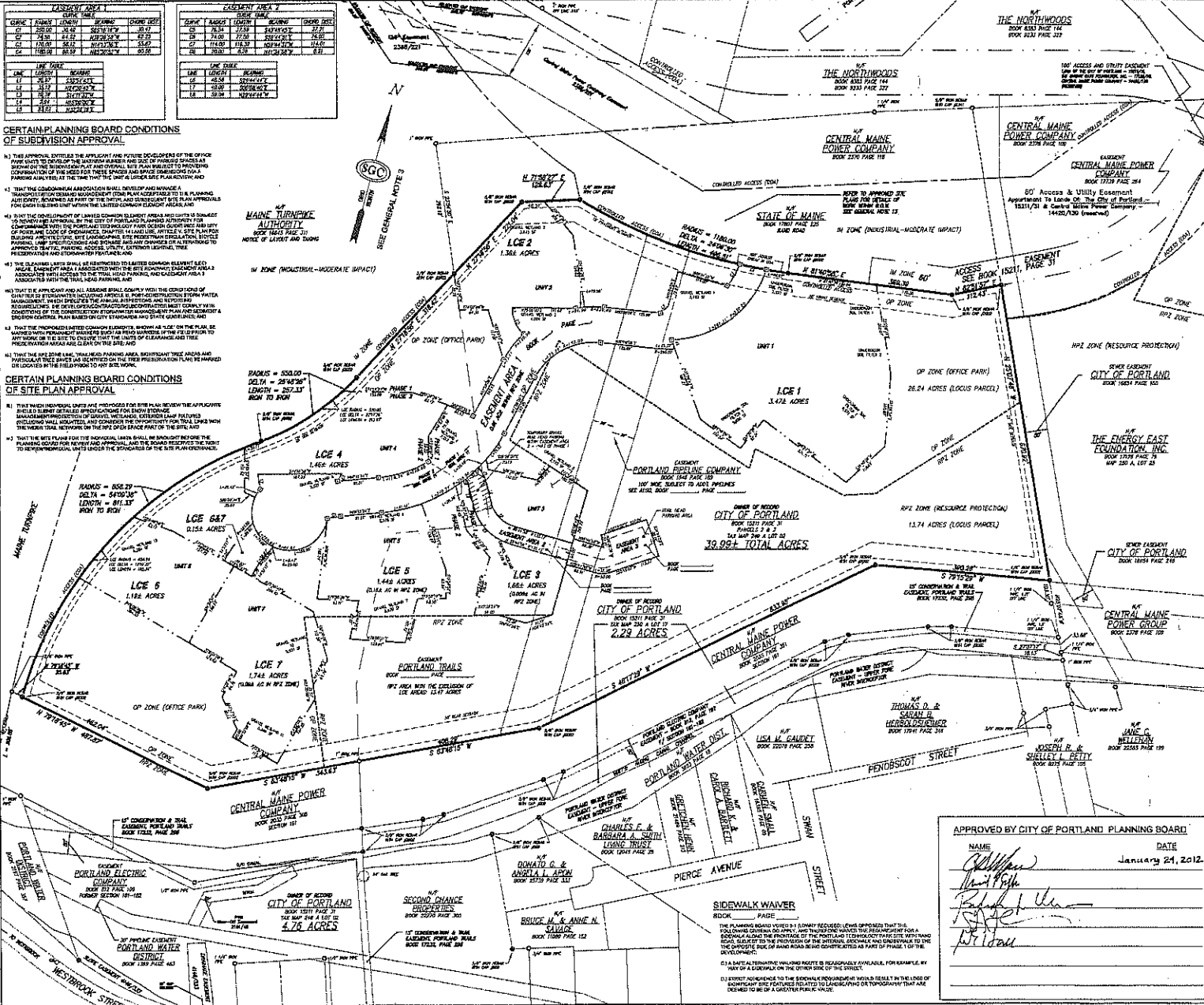
KASAPPA'S BUNIA					KASAPPA'S BUNIA				
CURRIC LANE					CURRIC LANE				
DATE	INCOME	EXPENSE	SALES	CHORO	DATE	INCOME	EXPENSE	SALES	CHORO
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98	25.00	15.00	50.00	30.00	99	25.00	15.00	50.00	30.00
99	25.00	15.00	50.00	30.00	100	25.00	15.00	50.00	30.00
100	25.00	15.00	50.00	30.00	101	25.00	15.00	50.00	30.00
101	25.00	15.00	50.00	30.00	102	25.00	15.00	50.00	30.00
102	25.00	15.00	50.00	30.00	103	25.00	15.00	50.00	30.00
103	25.00	15.00	50.00	30.00	104	25.00	15.00	50.00	30.00
104	25.00	15.00	50.00	30.00	105	25.00	15.00	50.00	30.00
105	25.00	15.00	50.00	30.00	106	25.00	15.00	50.00	30.00
106	25.00	15.00	50.00	30.00	107	25.00	15.00	50.00	30.00
107	25.00	15.00	50.00	30.00	108	25.00	15.00	50.00	30.00
108	25.00	15.00	50.00	30.00	109	25.00	15.00	50.00	30.00
109	25.00	15.00	50.00	30.00	110	25.00	15.00	50.00	30.00
110	25.00	15.00	50.00	30.00	111	25.00	15.00	50.00	30.00
111	25.00	15.00	50.00	30.00	112	25.00	15.00	50.00	30.00
112	25.00	15.00	50.00	30.00	113	25.00	15.00	50.00	30.00
113	25.00	15.00	50.00	30.00	114	25.00	15.00	50.00	30.00
114	25.00	15.00	50.00	30.00	115	25.00	15.00	50.00	30.00
115	25.00	15.00	50.00	30.00	116	25.00	15.00	50.00	30.00
116	25.00	15.00	50.00	30.00	117	25.00	15.00	50.00	30.00
117	25.00	15.00	50.00	30.00	118	25.00	15.00	50.00	30.00
118	25.00	15.00	50.00	30.00	119	25.00	15.00	50.00	30.00
119	25.00	15.00	50.00	30.00	120	25.00	15.00	50.00	30.00
120	25.00	15.00	50.00	30.00	121	25.00	15.00	50.00	30.00
121	25.00	15.00	50.00	30.00	122	25.00	15.00	50.00	30.00
122	25.00	15.00	50.00	30.00	123	25.00	15.00	50.00	30.00
123	25.00	15.00	50.00	30.00	124	25.00	15.00	50.00	30.00
124	25.00	15.00	50.00	30.00	125	25.00	15.00	50.00	30.00
125	25.00	15.00	50.00	3					

CERTAIN PLANNING BOARD CONDITIONS OF SUBDIVISION APPROVAL

- [illegible]

CERTAIN PLANNING BOARD CONDITIONS OF SITE PLAN APPROVAL

- [illegible]



CONSERVATION COUNTY - MEETING OF NEEDS
 Received: October 10, 2013

$$\begin{array}{r} x \ 3 \ 52 \\ \times \ 212 \\ \hline \end{array} = P. K. M.$$

 Riddle Park 212 P. 224
 MSFC: *Shirley E. Forney*

1. NAME OF THE COMPANY: _____
 2. ADDRESS: _____
 3. CITY: _____
 4. STATE: _____
 5. ZIP: _____
 6. PHONE: _____
 7. FAX: _____
 8. E-MAIL: _____
 9. WEBSITE: _____
 10. INDUSTRY: _____
 11. PRODUCT: _____
 12. SERVICE: _____
 13. TYPE OF BUSINESS: _____
 14. TYPE OF EMPLOYMENT: _____
 15. TYPE OF FINANCING: _____
 16. TYPE OF INVESTMENT: _____
 17. TYPE OF RESEARCH: _____
 18. TYPE OF DEVELOPMENT: _____
 19. TYPE OF PRODUCTION: _____
 20. TYPE OF DISTRIBUTION: _____
 21. TYPE OF SALES: _____
 22. TYPE OF MARKETING: _____
 23. TYPE OF FINANCIAL: _____
 24. TYPE OF LEGAL: _____
 25. TYPE OF OTHER: _____

REVISIONS:	
NO.	DATE
1	5-25-2011
2	10-17-2011
3	1-17-2012
4	7-18-2012
5	9-25-2012

SEAL

9/27/12

ONLY VALID WITH ORIGINAL STAMP

[illegible]

PORTLAND TECHNOLOGY PARK
 OF
 SUBDIVISION PLAT
 CONDOMINIUM
 RAND ROAD, PORTLAND, MAINE
 RECORD OWNER,
 CITY OF PORTLAND - DECLARANT
 388 CONGRESS STREET, PORTLAND, MAINE

APPROVED BY CITY OF PORTLAND PLANNING BOARD

NAME William DATE January 24, 2012
David
Robert
John
William

LAND BANK COMMISSION MEETING

THURSDAY, NOVEMBER 6, 2014

ROOM 24 – CITY HALL BASEMENT

ATTENDANCE: Tom Jewell (Co-Chair), Cheryl Leeman (Co-Chair), Breana Behrens, Meri Lowry, Rene Perry, Colleen Tucker, Commission members.

CITY STAFF: Mike Bobinsky, Public Services, Doug Roncarati, Public Services, Michael Goldman, Associate Corporation Counsel, Judith Rosen, Executive Department.

GUESTS: Nelle Hanig, Greg Mitchell, Economic Development; David Margolis-Pineo, Jeff Tarling, Public Services; Craig Lapine, Cultivating Communities; John Whitman, Brenda Buchanan, Peaks Island Land Preserve.

ROLL CALL AND DECLARATION OF A QUORUM

The meeting was called to order by Co-Chair Tom Jewell at 5:10 p.m. A motion was made by Colleen Tucker, second by Meri Lowry to accept the minutes from the September 4, 2014 meeting.

Portland Technology Park: Nelle Hanig and David Margolis-Pineo reviewed a proposal submitted to the Land Bank Commission asking for a Natural Gas Main Easement at Portland Technology Park. They are requesting our approval and recommendation to the City Council to establish a twenty foot wide easement to Unitil over Resource Protection Zone (RPZ) property in Land Bank Parcel E-4, to install and maintain an underground natural gas line from Westbrook Street to the Portland Technology Park and to remove vegetation as may be required. (see attached) They presented two options to Commission members. Discussion followed.

Bill Mann made a motion to accept Option 1, second by Councilor Cheryl Leeman to approve and recommend option #1 to the full City Council. Passed unanimously .

Community Garden at the Eastern Promenade: Mike Bobinsky and Jeff Tarling asked for approval from the Land Bank Commission to have the Department of Public Services establish a new community garden at the Eastern Promenade in an area directly behind the tennis courts (see attached). There will be 40 individual garden plots with an 8' fence around it and a small orchid. Upkeep will be done by volunteers. There are 130 people on a waiting list for a garden spot. Both the Friends of Eastern Promenade and Historic Preservation have approved the project unanimously. Discussion followed.

A motion was made by Bill Mann, second by Councilor Cheryl Leeman, to approve this request. Passed unanimously.

Acquisition of the Ice Pond (Peaks Island) Agreement: Brenda Buchanan and John Whitman brought a proposal to the Land Bank Commission to potentially alter the easement agreement that members agreed to at its September meeting (see attached). At that time the Commission members voted to give a grant of \$30,000 to the Ice Pond project. They proposed another option which would be that the City hold fee title to the Ice Pond and Peaks Island Land Preserve hold the conservation easement on it to protect it from future development. The City already holds a fire pond easement on the Ice Pond which allows it to draw water from the pond which expands capacity to fight a fire in the northwest corner of the island where there is no public water supply. There is a 100 year old dam on this property which needs shoring up or replacement. They are interested in a partnership with the City. Discussion followed. It was felt that this needs further discussion with Public Services and Corporation Counsel. The Ice Pond acquisition will be taking place by the end of December. Because of the short time frame, all parties agreed that the allocation of \$30,000 that was approved in September stay as is at this time.

Meeting adjourned at 6:35 p.m.

Respectfully Submitted

Judith Rosen

GAS LINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF PORTLAND,

hereinafter known as the Grantor, for one dollar paid and other good and valuable consideration, grants to:

Northern Utilities, Inc. d/b/a Unitil, a Maine corporation, having its principal place of business at 1075 Forest Avenue, Portland, Cumberland County, Maine 04103 hereinafter referred to as the Grantee, a company duly established by law, its successors and assigns forever, without covenant, the perpetual right and easement at any time and from time to time to excavate for, lay, add to and remove gas pipelines and other appurtenances for the transmission of high and low pressure gas through, under, and across a portion of Parcel 1 as described in a deed to this Grantor recorded in the Cumberland County Registry of Deeds, Book 15211, Page 31, said portion being a twenty-foot wide strip of land more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Easement Premises") and generally depicted on the sketch plan attached hereto as Exhibit B and incorporated herein by reference.

The above granted rights being more particularly described as the right to excavate for, lay, alter, enlarge, relocate, rebuild, repair, maintain, operate, use, and remove one or more high or low pressure gas pipelines with the suitable foundations, manholes, equipment and appurtenances through, under and across the Easement Premises with permission to enter upon said premises for access thereto for all of the above purposes.

The exact location of said facilities within the Easement Premises and all necessary appurtenances are to be determined by the Grantee. The type of equipment needed is to be determined by the Grantees. The location of said equipment shall become permanent upon the erection or placement thereof. Said equipment shall be and remain the property of the Grantee, its successors and assigns.

Also granted, is the perpetual right and easement at any time and from time to time to clear and keep cleared that portion and areas of the Easement Premises wherein the systems are located, of trees, roots, branches, structures, objects and surfaces as may, in the opinion of the Grantee, its successors and assigns, interfere with the safe and efficient operation and maintenance of said systems.

All work for and on said systems shall be in accord with applicable laws and regulations. The Grantee, its successors and assigns shall not perform any work within the easement without the written consent of the Grantor, its successors and assigns, which consent shall not be unreasonably withheld, except under circumstances where repair or replacement of the gas line is required on an immediate basis due to emergency conditions. In such instances Grantee will notify Grantor as soon as practical.

Following completion of the construction and installation of said systems or any other exercise of the rights granted herein, the Grantee will, at its sole expense, restore the area disturbed by the exercise of the rights herein granted to its condition as of the date of this easement, except that cleared trees, brush, etc. need not be replaced or restored.

Grantor reserves the right to grant other easements on said strip of land in so far as other easements will not cause unreasonable interference with this easement granted to Grantee. Prior

to granting such other easements, Grantor shall provide reasonable notice to Grantee, and Grantee will provide feedback regarding any safety aspects and concerns raised by locating within said easement due to the proximity of the existing gas line.

Grantee shall promptly remove all waste, tools, and all material and equipment after each permitted entry upon the Easement Premises pursuant to this easement.

Grantee by acceptance of and/or exercise of the rights created by this easement, forever releases, holds harmless and indemnifies Grantor, its agents, representatives, heirs, successors and assigns, from and against any and all claims, injury or death to any person and damage or loss of any property, that in any way relate, arise from or are connected to the exercise of the easement rights.

The rights herein granted are subject to any leases, easements, rights, restrictions, and/or mortgages of record, including but not limited to those matters addressed in the attached exhibits, insofar as same are now in force and applicable.

Signed as a sealed instrument this ____ day of _____, 2015.

CITY OF PORTLAND

Witness

By: _____
Brendan O'Connell
Its Director of Finance

STATE OF MAINE
County of Cumberland, ss.

Dated: _____, 2015

Then personally appeared before me the above-named Brendan O'Connell, Director of Finance of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed, in said capacity, and the free act and deed of said City of Portland.

Notary Public
Print Name:
My Commission Expires:

Exhibit A

A certain utility easement across lands situated on the northerly side of Westbrook Street in the City of Portland, Cumberland County, State of Maine, and bounded and described as follows:

BEGINNING on the northerly line of Westbrook Street at the southeasterly corner of land now or formerly of the City of Portland, described as Parcel #1 in a deed dated December 7, 1999 and recorded in Deed Book 15211, Page 31 in the Cumberland County Registry of Deeds (CCRD);

THENCE, N19°52'49W three hundred twenty-nine and eighty-two hundredths feet (329.82') along the northeasterly line of said land now or formerly of the City of Portland to a point;

THENCE, N18° 02' 23"W fifty-five and fifty-seven hundredths feet (55.57') and continuing along the said northeasterly line of land now or formerly of the City of Portland to the southeasterly sideline of land now or formerly of the Central Maine Power Company as described in a deed dated March 7, 1951 and recorded in Deed Book 2035, Page 306 (CCRD), said point is also the northeasterly corner of said Parcel #1, said point is also witnessed by a #5 iron rebar with a cap stamped "LSI PLS 2002";

THENCE, S63° 48' 15"W twenty and twenty hundredths feet (20.20') along the northerly line of said Parcel #1 land, now or formerly of the City of Portland and along the southerly line of said land of Central Maine Power to a point;

THENCE, S18° 02' 23"E fifty-three and two hundredths feet (53.02') through said land now or formerly of the City of Portland and along a line that is parallel to and 20.00' (twenty and no hundredths feet) westerly of the second above described line to a point;

THENCE, S19°52'49E three hundred twenty-nine and eighty-four hundredths feet (329.84') through said land now or formerly of the City of Portland and along a line that is parallel to and 20.00' (twenty and no hundredths feet) westerly of the first above described line to a point in the northerly side of Westbrook Street;

THENCE, N71°00'32E twenty and no hundredths feet (20.00') along the northerly line of Westbrook Street to **THE POINT OF BEGINNING**.

Meaning and intending to convey a 20 foot wide utility easement across land now or formerly of the City of Portland described as Parcel #1 in a deed dated December 7, 1999 and recorded in Deed Book 15211, Page 31 in the Cumberland County Registry of Deeds (CCRD).

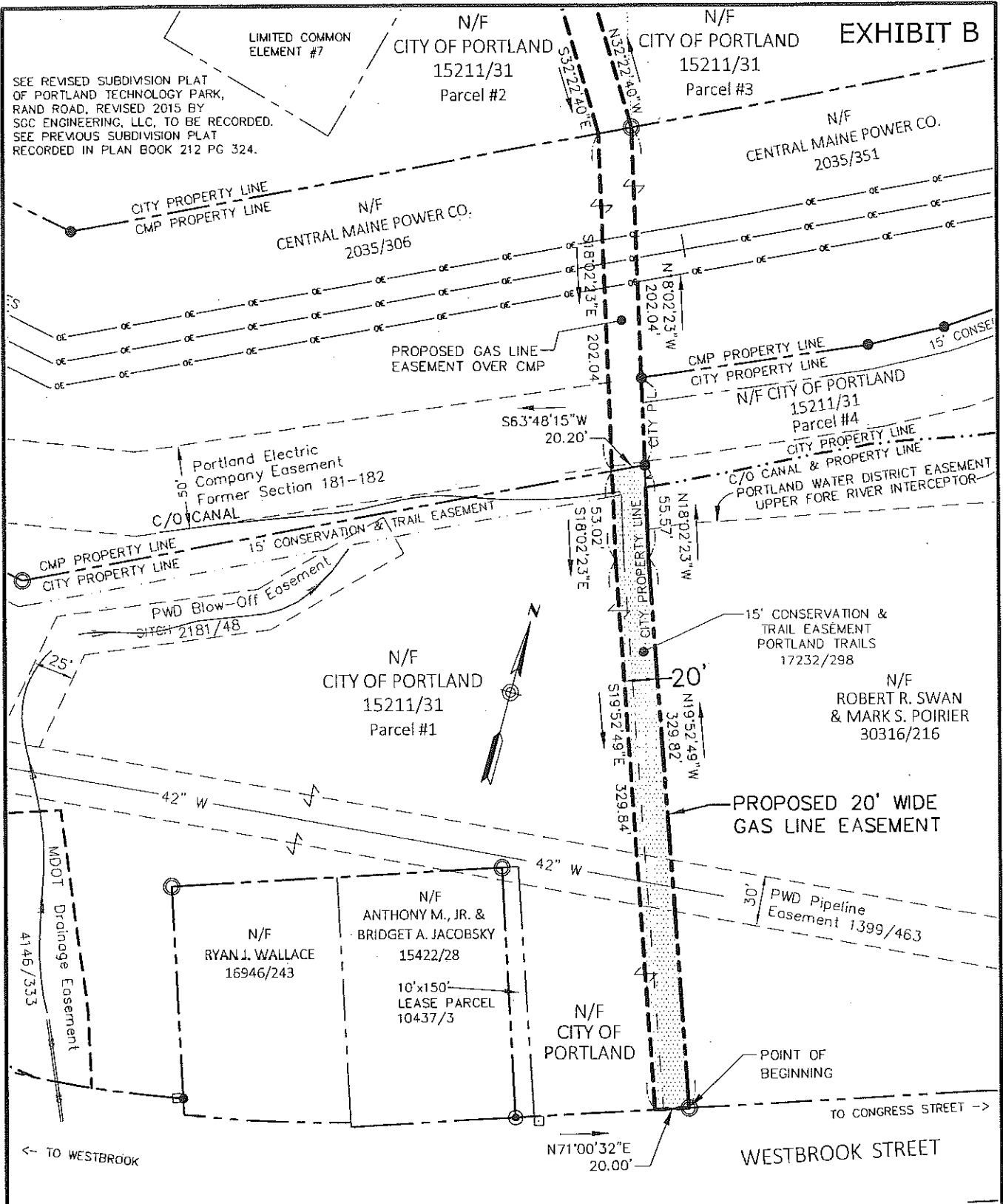
Subject to other rights conveyed to Portland Trails as described in a deed dated December 14, 2001 and recorded in Deed Book 17232, Page 298 (CCRD) and other rights conveyed to the Portland Water District in a deed dated June 24, 1932 and recorded in Deed Book 1399, Page 463 (CCRD) and shown on Plan Book 20, Pages 38 and 39 (CCRD).

This deed description is based on a plan titled Standard Boundary Survey, Property of the City of Portland, Westbrook Street, by Land Services, Inc., dated October, 1997, revised October 23, 2002 on file at the Portland Public Services Department Engineering and Archives Vault, Plan 988/19. Bearings referenced herein are grid north.

SEE EXHIBIT B ATTACHED

EXHIBIT B

SEE REVISED SUBDIVISION PLAT
OF PORTLAND TECHNOLOGY PARK,
RAND ROAD, REVISED 2015 BY
SGC ENGINEERING, LLC, TO BE RECORDED.
SEE PREVIOUS SUBDIVISION PLAT
RECORDED IN PLAN BOOK 212 PG 324.



CITY OF PORTLAND
PUBLIC SERVICES
ENGINEERING DIVISION

PROPOSED GAS LINE EASEMENT
ACROSS LAND OF CITY OF PORTLAND

C3D PROJECT: Rand Rd - Land Services Inc (DPW copy)
DRAWING: Exhibit_B_PropGAS_Easmnt2015.dwg

SCALE:
1" = 80'
DATE:
02/06/2015

GAS LINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF PORTLAND,

hereinafter known as the Grantor, for one dollar paid and other good and valuable consideration, grants to:

Northern Utilities, Inc. d/b/a Unitil, a Maine corporation, having its principal place of business at 1075 Forest Avenue, Portland, Cumberland County, Maine 04103 hereinafter referred to as the Grantee, a company duly established by law, its successors and assigns forever, without covenant, the perpetual right and easement at any time and from time to time to excavate for, lay, add to and remove gas pipelines and other appurtenances for the transmission of high and low pressure gas through, under, and across a portion of the land conveyed to the Grantor by deed recorded in the Cumberland County Registry of Deeds, Book 15211, Page 31, said portion being a twenty-foot wide strip of land more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Easement Premises") and generally depicted on the sketch plan attached hereto as Exhibit B and incorporated herein by reference. The Easement Premises is also identified as "Easement Area 1" on the Subdivision Plat Of Portland Technology Park Condominium, Rand Road, Portland, Maine, dated September 29, 2011 and last revised on _____, 2015, prepared by SGC Engineering, LLC for the City of Portland – Declarant, approved by the City of Portland Planning Board on _____, 2015 and to be recorded in the Cumberland County Registry of Deeds.

The above granted rights being more particularly described as the right to excavate for, lay, alter, enlarge, relocate, rebuild, repair, maintain, operate, use, and remove one or more high or low pressure gas pipelines with the suitable foundations, manholes, equipment and appurtenances through, under and across the Easement Premises with permission to enter upon said premises for access thereto for all of the above purposes.

The exact location of said facilities within the Easement Premises and all necessary appurtenances are to be determined by the Grantee. The type of equipment needed is to be determined by the Grantees. The location of said equipment shall become permanent upon the erection or placement thereof. Said equipment shall be and remain the property of the Grantee, its successors and assigns.

Also granted, is the perpetual right and easement at any time and from time to time to clear and keep cleared that portion and areas of the Easement Premises wherein the systems are located, of trees, roots, branches, structures, objects and surfaces as may, in the opinion of the Grantee, its successors and assigns, interfere with the safe and efficient operation and maintenance of said systems.

All work for and on said systems shall be in accord with applicable laws and regulations. The Grantee, its successors and assigns shall not perform any work within the easement without the written consent of the Grantor, its successors and assigns, which consent shall not be unreasonably withheld, except under circumstances where repair or replacement of the gas line is required on an immediate basis due to emergency conditions. In such instances Grantee will notify Grantor as soon as practical.

Following completion of the construction and installation of said systems or any other exercise of the rights granted herein, the Grantee will, at its sole expense, restore the area disturbed by the

exercise of the rights herein granted to its condition as of the date of this easement, except that cleared trees, brush, etc. need not be replaced or restored.

Grantor reserves the right to grant other easements on said strip of land insofar as other easements will not cause unreasonable interference with this easement granted to Grantee. Prior to granting such other easements, Grantor shall provide reasonable notice to Grantee, and Grantee will provide feedback regarding any safety aspects and concerns raised by locating within said easement due to the proximity of the existing gas line.

Grantee shall promptly remove all waste, tools, and all material and equipment after each permitted entry upon the Easement Premises pursuant to this easement.

Grantee by acceptance of and/or exercise of the rights created by this easement, forever releases, holds harmless and indemnifies Grantor, its agents, representatives, heirs, successors and assigns, from and against any and all claims, injury or death to any person and damage or loss of any property, that in any way relate, arise from or are connected to the exercise of the easement rights.

The rights herein granted are subject to any leases, easements, rights, restrictions, and/or mortgages of record, including but not limited to those matters addressed in the attached exhibits, insofar as same are now in force and applicable.

Signed as a sealed instrument this ____ day of _____, 2015.

CITY OF PORTLAND

Witness

By: _____
Brendan O'Connell
Its Director of Finance

STATE OF MAINE

County of Cumberland, ss.

Dated: _____, 2015

Then personally appeared before me the above-named Brendan O'Connell, Director of Finance of the City of Portland, and acknowledged the foregoing instrument to be her free act and deed, in said capacity, and the free act and deed of said City of Portland.

Notary Public
Print Name:
My Commission Expires:

Exhibit A

20 foot wide utility easement from Central Maine Power Property to the Portland Technology Park:

A certain utility easement across lands situated northerly of but not adjacent to the northerly side of Westbrook Street in the City of Portland, Cumberland County, State of Maine, and bounded and described as follows:

COMMENCING on the northerly line of Westbrook Street at the southeasterly corner of land now or formerly of the City of Portland, described as Parcel #1 in a deed dated December 7, 1999 and recorded in Deed Book 15211, Page 31 in the Cumberland County Registry of Deeds (CCRD);

THENCE, N19°52'49W three hundred twenty-nine and eighty-two hundredths feet (329.82') along the northeasterly line of said land now or formerly of the City of Portland to a point;

THENCE, N18° 02' 23"W fifty-five and fifty-seven hundredths feet (55.57') and continuing along the said northeasterly line of land now or formerly of the City of Portland to the southeasterly sideline of land now or formerly of the Central Maine Power Company as described in a deed dated March 7, 1951 and recorded in Deed Book 2035, Page 306 (CCRD), said point is also the northeasterly corner of said Parcel #1, now or formerly of the City of Portland, said point is also witnessed by a #5 iron rebar with a cap stamped "LSI PLS 2002";

THENCE, CONTINUING N18° 02' 23"W two hundred two and four hundredths feet (202.04') thru said land now or formerly of the Central Maine Power Company to the southerly line of land now or formerly of the City of Portland and described as Parcel #2 in a deed dated December 7, 1999 and recorded in Deed Book 15211, Page 31 (CCRD) and **THE POINT OF BEGINNING**, said point is also the northeasterly sideline of said land now or formerly of the Central Maine Power Company, said point is also witnessed by a one inch iron pipe;

THENCE, N32° 22' 40"W four hundred ninety-one and twenty-nine hundredths feet (491.29') through said Parcel #2 of land now or formerly of the City of Portland to a point in the southerly line of Easement Area 1 as shown on the Revised Subdivision Plat of the Portland Technology Park, Rand Road, Revised 2015 by SGC Engineering, LLC to be recorded, and as shown on the Subdivision Plat of Portland Technology Park Condominium, Rand Road, revised Sept. 25, 2012 and Recorded in Plan Book 212, Page 324 (CCRD), said point is located S28° 18' 17"W, 97.28' on a chord tie course from the northwesterly corner of Limited Common Element 5 as shown on the said 2015 Revised Plat of the Portland Technology Park;

THENCE, southwesterly along the southerly line of said Easement Area 1 along a non-tangent curve to the right with a radius of eighty-four and eight-four hundredths feet (84.84') an arc distance of twenty and fifty-four hundredths feet (20.54') to a point, said curve has a chord bearing of S70°13'23"W and a chord distance of twenty and forty-nine hundredths feet (20.49');

THENCE, S32° 22' 40"E four hundred ninety-three and twenty-four hundredths feet (493.24') through said Parcel #2 of land now or formerly of the City of Portland and through Limited Common Element #7 as shown on said Plats of the Portland Technology Park, to a point;

THENCE, S18° 02' 23"E thirty-five hundredths feet (0.35') through said Parcel #2 of land now or formerly of the City of Portland to a point in the southerly line of said Parcel #2 and to the northerly line of said land now or formerly of Central Maine Power Company;

THENCE, N63° 48' 15"E twenty and twenty hundredths feet (20.20') along the southerly boundary of said Parcel #2 of land now or formerly of the City of Portland to **THE POINT OF BEGINNING.**

Meaning and intending to convey a 20 foot wide utility easement across land now or formerly of the City of Portland described as Parcel #2 in a deed dated December 7, 1999 and recorded in Deed Book 15211, Page 31 in the Cumberland County Registry of Deeds (CCRD). The above described utility easement is also shown as a 20' wide utility easement on the Revised Subdivision Plat of the Portland Technology Park, Rand Road, Revised 2015 by SGC Engineering, LLC to be recorded.

Bearings referenced herein are grid north.

SEE EXHIBIT B ATTACHED

Utility Easement over EASEMENT AREA 1 of the Portland Technology Park:

A certain utility easement across lands situated on the southerly side of Rand Road in the City of Portland, Cumberland County, State of Maine, and bounded and described as follows:

COMMENCING at a point on the southerly line of Rand Road, said point being marked with a 5/8" rebar with cap (PLS#2002) located at the northeasterly corner of a parcel of land now or formerly of the City of Portland, described as Parcel #3 in a deed dated December 7, 1999 and recorded in Deed Book 15211, Page 31 of the Cumberland County Registry of Deeds (CCRD).

THENCE, S62°51'57"W one hundred twelve and forty-three hundredths feet (112.43') along the southerly line of said Rand Road to an angle point in said Rand Road witnessed by a 5/8" rebar with cap (PLS #2002);

THENCE, S81°40'58"W three hundred sixty-nine and thirty-nine hundredths feet (369.39') along the southerly line of said Rand Road to a point of curvature in said Rand Road witnessed by a 5/8" rebar with cap (PLS #2002);

THENCE, Southwesterly along the southerly sideline of said Rand Road along a tangent curve to the right with a radius of one thousand one hundred eighty and no hundredths feet (1180.00') and an arc distance of forty-eight and sixty-two hundredths feet (48.62'), to a

monument to be set and the **POINT OF BEGINNING**, said curve has a chord bearing of S82°51'47"W and a chord distance of forty-eight and sixty-two hundredths feet (48.62');

THENCE, Southwesterly along a non-tangent curve to the right with a radius of two hundred thirty and no hundredths feet (230.00') and an arc length of two hundred eighty-one and twenty-one hundredths feet (281.21') and through land now or formerly of the City of Portland described in a deed dated December 7, 1999 and recorded in Deed Book 15211, Page 31 in the Cumberland County Registry of Deeds (CCRD), to a monument (to be set), said curve has a chord bearing of S37°22'03"W and a chord distance of two hundred sixty-four and two hundredths feet (264.02');

THENCE, S35°54'43"E twenty and ninety-seven hundredths feet (20.97') feet to a point;

THENCE, Southwesterly along a non-tangent curve to the right with a radius of two hundred fifty and no hundredths feet (250.00') and an arc distance of forty and thirty-seven hundredths feet (40.37') to a point, said curve has a chord bearing of S75°30'34"W and a chord distance of forty and thirty-two hundredths feet (40.32');

THENCE, S80°08'06"W one hundred twenty-five and ninety-nine hundredths feet (125.99') to a monument (to be set);

THENCE, Southwesterly along a tangent curve to the left with a radius of one hundred fifty and no hundredths feet (150.00') and an arc length of one hundred seventy five and twenty-nine hundredths feet (175.29') to a monument (to be set), said curve has a chord bearing of S46°39'27"W and a chord distance of one hundred sixty-five and forty-eight hundredths feet (165.48');

THENCE, S12°59'08"W one hundred forty-two and five hundredths feet (142.05') to a monument (to be set);

THENCE, Southwesterly along a tangent curve to the right with a radius of three hundred fifty and no hundredths feet (350.00') and an arc distance of three hundred forty and seventy-four hundredths feet (340.74') to a monument (to be set), said curve has a chord bearing of S40°52'30"W and a chord distance of three hundred twenty-seven and forty-four hundredths feet (327.44');

THENCE, S68°45'54"W ninety-one and fifty-one hundredths feet (91.51') to a monument (to be set);

THENCE, Southwesterly along a tangent curve to the left with a radius of two hundred fifty and no hundredths feet (250.00') and an arc distance of thirty and forty-nine hundredths feet (30.49') to a monument (to be set), said curve has a chord bearing of S65°16'18"W and a chord distance of thirty and forty-seven hundredths feet (30.47');

THENCE, Southwesterly, Westerly and Northwesterly along a non-tangent reverse curve to the right with a radius of eighty-four and eighty-four hundredths feet (84.84') and an arc distance of three hundred ten and sixty hundredths feet (310.60') to a monument (to be set),

said curve has a chord bearing of N81°47'38"W and a chord distance of one hundred sixty-three and ninety-nine hundredths feet (163.99');

THENCE, N24°30'45"W thirty-five and twelve hundredths feet (35.12') to a point;

THENCE, N74°16'58"E one hundred eighty-seven and thirty-three hundredths feet (187.33') to a point;

THENCE, S14°11'33"W nineteen and thirty-nine hundredths feet (19.39') to a monument (to be set);

THENCE, N68°45'54"E ninety-one and fifty-one hundredths (91.51') to a monument (to be set);

THENCE, Northeasterly along a tangent curve to the left with a radius of two hundred seventy and no hundredths feet (270.00') and an arc distance of one hundred eighteen and four hundredths feet (118.04') to a monument (to be set), said curve has a chord bearing of N56°14'28"E and a chord distance of one hundred seventeen and ten hundredths feet (117.10');

THENCE, N15°09'07"W fifty-nine and twenty hundredths feet (59.20') to a point;

THENCE, N16°23'46"E seventy-nine and fifty-eight hundredths feet (79.58') to a point;

THENCE, S82°55'55"E sixty-one and forty-three hundredths feet (61.43') to a monument (to be set);

THENCE, N12°59'08"E one hundred forty-two and thirteen hundredths feet (142.13') to a monument (to be set);

THENCE Northeasterly along a non-tangent curve to the right with a radius of two hundred thirty and no hundredths feet (230.00') and an arc distance of seventy-three and eleven hundredths feet (73.11') to a monument (to be set), said curve has a chord bearing of N22°14'22"E and a chord distance of seventy-two and eighty hundredths feet (72.80');

THENCE, Northwesterly along a non-tangent curve to the right with a radius of seventy-four and fifty-eight hundredths feet (74.58') and an arc distance of sixty-four and twenty-two hundredths feet (64.22') to a point, said curve has a chord bearing of N39°39'58"W and chord distance of sixty-two and twenty-five hundredths feet (62.25');

THENCE, N15°00'00"W two and ninety-four hundredths feet (2.94') to a point;

THENCE, N75°00'00"E one hundred forty-one and sixty-two hundredths feet (141.62') to a monument (to be set);

THENCE, Northeasterly along a non-tangent curve to the right with a radius of two hundred thirty and no hundredths feet (230.00') and an arc distance of sixty-four and no hundredths feet (64.00') to a monument (to be set), said curve has a chord bearing of N72°09'49"E and a chord distance of sixty-three and seventy-nine hundredths feet (63.79');

THENCE, N80°08'06"E one hundred twenty-five and ninety-nine hundredths feet (125.99') to a monument (to be set);

THENCE, N32°26'19"E twenty-three and twenty-three hundredths feet (23.23') to a point;

THENCE, N00°04'04"E seventy nine and eighty-seven hundredths feet (79.87') to a point;

THENCE, S89°51'35"E one hundred fourteen and no hundredths feet (114.00') to a monument (to be set);

THENCE, Northeasterly along a non-tangent curve to the left with a radius of one hundred seventy and no hundredths feet (170.00') an arc distance of fifty-six and twelve hundredths feet (56.12') to the southerlyline of said Rand Road and a monument (to be set), said curve has a chord bearing of N14°13'36"E and a chord distance of fifty-five and eighty-seven hundredths feet (55.87');

THENCE, Northeasterly along the southerly line of said Rand Road along a non-tangent curve to the left and with a radius of one thousand one hundred eighty and no hundredths feet (1180.00') and an arc distance of sixty and fifty-nine hundredths feet (60.59') to THE POINT OF BEGINNING, said curve has a chord bearing of N85°30'52"E and chord distance of sixty and fifty-eight hundredths feet (60.58').

Meaning and intending to convey a utility easement across land now or formerly of the City of Portland described as Parcels #2 and #3 in a deed dated December 7, 1999 and recorded in Deed Book 15211, Page 31 in the Cumberland County Registry of Deeds (CCRD). The above described utility easement is shown as **EASEMENT AREA 1** on the Revised Subdivision Plat of the Portland Technology Park, Rand Road, Revised 2015 by SGC Engineering, LLC to be recorded and as shown on the Subdivision Plat of Portland Technology Park Condominium, Rand Road, revised Sept. 25, 2012 and Recorded in Plan Book 212, Page 324 (CCRD).

Bearings referenced herein are grid north.

SUBJECT TO all rights, easements, and restrictions of record, including (without limitation) the following:

1. Rights and easements granted to the Portland Pipe Line Company in a deed dated August 28, 1941, recorded in Deed Book 1646, Page 189 (CCRD) and in a deed dated May 24, 2012, recorded in Deed Book 29703, Page 129 (CCRD).
2. Rights and easements granted to Portland Trails in a deed dated July 16, 2012 and recorded in Deed Book 30001, Page 66 (CCRD).
3. Rights and easements granted to Portland Water District in a deed dated November 19, 2012 and recorded in Deed Book 30292, Page 125 (CCRD).
4. Declaration of Condominium for the Portland Technology Park to be recorded.

*Order 182-14/15
Tab 14 3-16-15*

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 ESTABLISHING
THE SHELTER SERVICES TASK FORCE TO CONDUCT
A FEASIBILITY STUDY OF
CONSOLIDATION OF SHELTER SERVICES**

ORDERED, that a task force be established to conduct a feasibility study of consolidation of shelter services; and it shall include representatives from:

- Preble Street Resource Center;
- Portland Zoning Administration;
- Portland Social Services Division;
- Portland Police Department;
- Neighborhood Association(s);
- Avesta Housing or Community Housing of Maine;
- Portland Real Estate Business, with a Chamber of Commerce Recommendation;
- Milestone Foundation;
- The Opportunity Alliance;
- Taxpayers from Districts 3,4 or 5;
- Homeless Voices for Justice; and
- University of New England; and

BE IT FURTHER ORDERED, that the study regarding consolidation of sites for emergency shelter and homeless services is hereby authorized and shall be completed on or before the end of eight months from the effective date of this order.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Dawn Stiles

DATE: March 13, 2015

DISTRIBUTION: City Manager, Mayor, Sonia Bean, Danielle West-Chuhta,
Nancy English, Julie Sullivan

SUBJECT: Shelter Consolidation

SPONSOR: PSHHS

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading 3/16/15 Final Action 3/16/15

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) Dawn Stiles – 5 minutes plus Q & A Time

I. SUMMARY OF ISSUE (Agenda Description)

The Public Safety, Health and Human Services Committee voted 3 to 0 (Duson absent) at its March 10, 2015 meeting to recommend to the City Council the establishment of a task force to do a feasibility study of the consolidation of shelter services.

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

The feasibility study will consider the consolidation of the Oxford St. Shelter (OSS) with the services provided at Preble St. Resource Center.

This issue was first discussed in the summer of 2014. The Oxford St. Shelter (OSS) is poorly laid out and over-crowded and it is often necessary to use two over-flow locations. The staffing costs are high due to the lay out and multiple locations and clients must travel throughout the neighborhoods to the various sites causing problems for neighbors, businesses and traffic.

III. INTENDED RESULT

An objective assessment of potential alternative sites for one or more replacement shelters and the cost/benefit/impact on multiple groups.

IV. COUNCIL GOAL ADDRESSED

Addresses the Council goal of Homeless Reduction

V. FINANCIAL IMPACT

Initial calculations performed last summer indicated a potential for savings, however there are multiple State budget initiatives in play that must be factored into a new budget once size, lay-out, location, etc. are determined.

VI. STAFF ANALYSIS

OSS is the only municipal shelter existing in the state. Across the country there are few publicly run shelters. It is keeping with the Council's fiduciary responsibility to the tax-payers of Portland to determine if the shelter can be run more efficiently by a private provider under contract with the city.

VII. RECOMMENDATION

Completion of a feasibility study does not obligate the city to relinquish operation of the OOS. It will give the city objective information regarding multiple issues that will enable the council to make an informed decision as to the risks and benefits of maintaining such an operation. The public will be represented in the process through multiple seats on a stakeholder group charged with determining criteria for site selection and will have access to information provided throughout the process at the public PSHHS committee meetings.

VIII. LIST ATTACHMENTS

Shelter Consolidation narrative document

Prepared by: Dawn Stiles

Date: 3/13/2015

**Proposed Emergency Shelter Consolidation Study**

Public Safety, Health & Human Services Committee

March 10, 2015

Due to mounting financial pressures, the need for more efficient and effective emergency shelter service delivery is paramount. Staff has conducted preliminary explorations at various points over the last year or so, some in collaboration with Preble Street, which show that redesigning emergency shelter services will yield not only financial savings and streamline services, but also improve the quality and efficacy of such services.

The Public Safety, Health & Human Services Committee recommends moving to a more formal, collaborative process including a comprehensive feasibility study that would be completed over an 8 month time frame as detailed below.

Shelter Site Selection Criteria

There are several key internal and external stakeholders who should comprise the small group which will meet over a brief period of time to develop site selection criteria. A facilitator has yet to be determined. Stakeholders should include:

- Preble Street
- City Zoning
- City Social Services
- Police
- Neighborhood Association(s)
- Housing Representative (CHOM or Avesta)
- Business Leader – (Chamber Recommendation – possible Realtor)
- Milestone
- Opportunity Alliance
- Taxpayer Rep. from District 3,4 & 5
- Homeless Voices for Justice
- UNE Representative

Draft Scope for Feasibility Study

Staff proposes contracting with an external organization with expertise to examine the overall feasibility of consolidating City and Preble Street emergency shelter and other homeless services under one umbrella, run by Preble Street with the City as a partner, including:

- Number of clients to be served
- Eligibility requirements and methods of verification
- Scope of services to be provided
- Approach to securing permanent housing

- Funding sources
- Possible locations and site layouts (Consideration to community impact – Consideration of both single facility and scattered sites)
- Cost/benefit analyses

The study will also revisit data from Preble Street regarding the estimated cost of scattered site shelters from the Homelessness Task Force. Though this model was described as an alternative to a consolidated shelter, the costs appear to be prohibitively high and thus this model may be unrealistic given the current environment. Please see **Attachment A** for detail on this option, with the note that these estimates are for shelter operations only. Preble Street worked from the assumption that there would be no rental costs, no case management, employment, counseling or other supportive services, and no soup kitchen services. Preble Street currently spends approximately \$3.5 million between the Resource Center and the Soup Kitchen for these programs which includes the cost of in-kind food donations and in-kind case management services. *

Social Services Division leadership evaluated the costs of current emergency shelter services delivered at Oxford Street with two overflow sites (Preble Street's day room and the City's Social Services waiting room) versus a single-floor, one-building model (**Attachment B**). This analysis showed estimated savings of between \$675,448 (paying rent) and \$813,358 (not paying rent). *

At the same time, Social Services leadership considered space needs for a consolidated shelter using 65 Hanover Street as a possibility, concluding that it would not be an ideal site (**Attachment C**). However, the estimated requirements for square footage would be helpful data as the site selection criteria and feasibility study are developed.

* These cost estimates were calculated prior to the January 2015 audit which requires that funding for the shelter be billed based on eligible individuals housing allowance rather than operating cost. This will change all previous cost assumptions.

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**

*Order 183-14/15
Tab 15 3-16-15*

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

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 12. GARBAGE, WASTES AND JUNK
RE: ABANDONED BICYCLES**

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

That Chapter 12 is hereby amended to read as follows:

Art. I. In General, § 12-1--12-15
Art. II. Garbage and Solid Waste Removal/Recycling, §§
12-16--12-45
Art. III. Health Nuisances, §§ 12-46--12-60
Art. IV. Public and Private Dumps, §§ 12-61--12-74
Art. V. Junked Motor Vehicles, §§ 12-75--12-99
Art. VI. Solid Waste Disposal, §§ 12-100--12-119
Art. VII. Rendering Wastes, §§ 12-120--12-205
Div. 1. Generally, §§ 12-120--12-149
Div. 2. Waste Transportation Licenses, §§ 12-150--12-199
Div. 3. Construction and Operation of Rendering Facilities,
§§ 12-200--12-205
Art. VIII. Abandoned Bicycles, §§ 12-206--12-209

...

Article VIII. Abandoned Bicycles

Sec. 12-206. Authority and Purpose.

The purpose of this Article is to make space available on
the City's limited bicycle parking facilities, remove
obstructions to the public right of way, and ensure recovered
bicycles are put to productive uses for the community.

Section 12-207. Definitions.

(a) Abandoned bicycle means any bicycle that has been
locked in the same location within the public right of way for
one month or longer and meets two or more of the following
criteria:

- (1) no tires or wheels;
- (2) missing or warped wheels, handle bars, or seats;
- (3) missing, rusted, or broken chain in a state that renders it inoperative; or
- (4) visible layer of dust on the seat and/or handle bars.

(b) Recovered bicycle means any bicycle tagged and removed as provided in this Article and as further detailed in the rules and regulations for said program established by the Department of Public Services.

(c) Removal notice means a physical tag placed on a bicycle deemed to be abandoned pursuant to subsection (a), above, by the Department of Public Services and demanding its removal.

(d) Non-profit partner means a local organization that specializes in refurbishing bicycles and that has expressed an interest and ability to put recovered bicycles back into productive uses for the community.

Section 12-208. Identification & Removal Process

(a) Where the Department of Public Services concludes that a bicycle meets the definition of an abandoned bicycle outlined in section 12-207(a), that bicycle may be tagged with a Removal Notice. The tag will list the date by which the bicycle must be removed, which will be within 72 hours (3 days) of being tagged.

(b) Bicycles locked within the public right of way that are blocking the vehicular travel lane(s), the pedestrian way, a handicapped access ramp, or otherwise presenting a public safety hazard may be removed immediately without notice.

(c) All bicycles tagged with a Removal Notice and remaining unclaimed after the 72-hour notice period will be removed and stored by the Department of Public Services for a minimum of 30 days.

(d) If unclaimed after 30 days, the Department of Public Services may donate unclaimed bicycles to a local non-profit partner.

Section 12-209. Policy Implementation

This Article shall not alter the procedures or responsibilities of the Portland Police Department with respect to bicycles transferred to its possession and disposed of pursuant to 25 M.R.S. §§ 3501-3507. One (1) year after implementation, the Department of Public Services in conjunction with the Planning and Urban Development Department will evaluate the City's abandoned bicycle program and its current non-profit partner(s) to determine compliance with the purpose as stated in Section 12-206.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Kristine Keeney, Transportation Division

DATE: 3/2/15

DISTRIBUTION: City Manager, Mayor, Sonia Bean, Danielle West-Chuhta,
Nancy English, Julie Sullivan

SUBJECT: Abandoned Bicycle Ordinance

SPONSOR: Transportation, Sustainability, and Energy Committee, 2/18/15, unanimous

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading: 3/16/15 Final Action: 4/06/15

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

The goal of City staff is to tag and remove abandoned bicycles that are taking up scarce space on the City's bike racks and cluttering public property before the peak summer season.

PRESENTATION: Kristine Keeney, Transportation Division, oral presentation, 5 minutes

I. SUMMARY OF ISSUE (Agenda Description)

Bicycles that appear to be abandoned have been locked to public property for months and in some cases years, taking up valuable space on the City's bike racks and cluttering the public right of way and public property. Public Services staff have been unable to remove bikes identified as abandoned because there are currently no policies or procedures to legally and appropriately handle this type of property. Staff seeks the adoption of the proposed Abandoned Bicycle Ordinance by City Council so that bikes can be identified, removed, and donated to a local organization that can put them back into productive uses for the community.

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

City staff have received numerous inquiries and complaints from residents regarding abandoned bicycles locked on public property, particularly the bicycle racks at the Casco Bay Municipal Ferry Terminal and on Forest City Landing on Peaks Island. Residents have contacted several different City departments looking for someone to remove the bikes, but without an existing policy staff have been unable to satisfy these requests from the public.

The purpose of the ordinance is to give staff the ability to handle abandoned bikes in an effort to make space available on the City's limited bicycle racks, remove obstructions and clutter from public property, and ensure recovered bicycles are put to productive uses for the community.

III. INTENDED RESULT

The proposed ordinance would define an abandoned bicycle as any bike that has been locked in the same location on public property for one month or longer and meets two or more of the following criteria:

- i. No tires or wheels
- ii. Missing or warped wheels, handle bars, or seats
- iii. Missing, rusted, or broken chain in a state that renders it inoperative

- iv. Visible layer of dust on the seat and/or handle bars.

The ordinance also lays out the removal process by which the Department of Public Services concludes that a bicycle meets the established definition of an abandoned bicycle and tags it with a Removal Notice. The notice will list the date by which the bicycle must be moved by the owner, which will be within 72 hours of being tagged.

All bicycles that are not moved and remain unclaimed within the 72-hour notice period will be removed by Public Services staff and stored for a minimum of 30 days. The City will not be responsible for damages to locks or bicycles that are removed under this policy. If unclaimed after 30 days, the bicycles will be donated to a local non-profit partner that specializes in refurbishing bicycles.

IV. COUNCIL GOAL ADDRESSED

Address repeated inquiries from constituents and make City bicycle facilities cleaner and more accessible for residents and visitors.

V. FINANCIAL IMPACT

The only anticipated financial impact from the approval of the proposed ordinance is in staff time and limited spending on permanent signage at certain problem locations.

VI. STAFF ANALYSIS

There are currently no policies or procedures for staff to address the issue of abandoned bicycles locked on city property. While the Portland Police Department handles unclaimed, lost, or stolen property throughout the City, they do not have the capacity to tag, cut locks, transport, process, and separate abandoned bicycles for donation to a local non-profit.

Maine state law allows municipalities to dispose of unclaimed bicycles in a manner decided by the local legislative body. Therefore, in order for the Public Services department to be legally able to tag, remove, and donate bikes, legislative action is needed in the form of an ordinance.

If approved, staff can quickly respond to resident concerns about abandoned bikes locked to public property. Additionally, the bicycles can also be donated to a local non-profit organization to be refurbished and put towards beneficial uses for the community.

VII. RECOMMENDATION

Staff recommends that the Council adopt the proposed Abandoned Bicycle Ordinance and amend Chapter 12 of the Portland City Code.

VIII. LIST ATTACHMENTS

1. **Abandoned Bicycle Ordinance-** **Please note a minor language change was made by Corporation Counsel to the ordinance on page 2, Section 12-208(d) highlighted in red text since TS&E approval*
2. **Abandoned Bicycle Policy**
3. **Abandoned Bicycle Removal Notices**

Prepared by: Kristine Keeney

Date: 3/2/2015



City of Portland Department of Public Services

Abandoned Bicycle Policy

Abandoned Bicycles

A bicycle may be deemed abandoned if it has been locked in the same location on public property for one month or longer and meets two or more of the following criteria at which point it can be removed by the Department of Public Services for public safety and maintenance purposes:

1. no tires or wheels
2. missing or warped wheels, handle bars, or seats
3. missing, rusted, or broken chain in a state that renders it inoperative
4. visible layer of dust on the seat and/or handle bars

If you identify an abandoned bicycle please contact Public Services Dispatch at 207-874-8493. When reporting an abandoned bike, please provide a description of the bicycle's color, location, type of lock, what the bike is locked to (such as a bike rack, sign or light post, fence, etc.), and at least two criteria from the list above.

Bicycle Removal Process

Bicycles that have been deemed abandoned based on the above criteria will be tagged with an "Abandoned Bicycle Removal Notice" by the Department of Public Services. The tag will list the date that the bicycle must be moved by the owner, which will be within 72 hours (3 days) of being tagged. If a serial number is located on the bicycle, the Department of Public Services staff will contact the Portland Police Department dispatch to verify the bicycle is not stolen property. If the bicycle has not been moved by the above date the Department of Public Services will remove the bicycle. Bicycles that are blocking the pedestrian way or a handicapped access ramp can be removed immediately without notice.

All bicycles will be stored for a minimum of 30 days. You may retrieve your bicycle (at no charge) by contacting Public Services Dispatch at 207-874-8493. If your bicycle has been tagged in error simply take off the tag and move your bike to a different location.

THE DEPARTMENT OF PUBLIC SERVICES IS NOT RESPONSIBLE FOR DAMAGES TO LOCKS OR BICYCLES THAT ARE REMOVED.

Removing abandoned bicycles helps keep the City's limited bicycle parking and scarce sidewalk space useful and safe for everyone. All unclaimed bicycles will be donated to a local non-profit that specializes in refurbishing bicycles.

ABANDONED BICYCLE REMOVAL NOTICE



Tag ID:

ABANDONED BICYCLE REMOVAL NOTICE

This bicycle has been identified as abandoned and will be removed on ____/____/____. The owner is responsible for moving the bicycle by the above date to another location. If the bicycle has not been moved by the above date the Department of Public Services will remove the bicycle and it will be stored for no less than 30 days. If the bicycle is not claimed within 30 days of removal it will be donated to a local non-profit organization.

If this bicycle is not abandoned and cannot be moved by the above date please call Public Services Dispatch at 207-874-8493.

ABANDONED BICYCLE REMOVAL NOTICE



Tag ID:

ABANDONED BICYCLE REMOVAL NOTICE

This bicycle has been identified as abandoned and will be removed on ____/____/____. The owner is responsible for moving the bicycle by the above date to another location. If the bicycle has not been moved by the above date the Department of Public Services will remove the bicycle and it will be stored for no less than 30 days. If the bicycle is not claimed within 30 days of removal it will be donated to a local non-profit organization.

If this bicycle is not abandoned and cannot be moved by the above date please call Public Services Dispatch at 207-874-8493.

ABANDONED BICYCLE REMOVAL NOTICE



Tag ID:

ABANDONED BICYCLE REMOVAL NOTICE

This bicycle has been identified as abandoned and will be removed on ____/____/____. The owner is responsible for moving the bicycle by the above date to another location. If the bicycle has not been moved by the above date the Department of Public Services will remove the bicycle and it will be stored for no less than 30 days. If the bicycle is not claimed within 30 days of removal it will be donated to a local non-profit organization.

If this bicycle is not abandoned and cannot be moved by the above date please call Public Services Dispatch at 207-874-8493.

Order 184-14/15
Tab 16 3-16-15

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 PORTLAND CITY CODE
CHAPTER 14. LAND USE
Re: 58 Fore Street**

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

That Chapter 14, Article III, Division 1, Section 48,
Division 15.1, Section 14-269 to 14-273, Division 17.5, Sections
301 to 301.1, and 303, Division 18.7, Sections 320.5 to 320.10,
Division 22, Section 369.5, Division 26, Section 449, and
Article V, Section 524 of the Portland City Code are hereby
amended to read as follows:

DIVISION 1. GENERALLY

...

Sec. 14-48. Establishment of zones.

In order to carry out the provisions of this article, the
city is hereby divided into the following classes of zones:

...

~~(dd) Waterfront special use zone~~

...

DIVISION 15.1. B-6 EASTERN WATERFRONT MIXED ZONE

...

Sec. 14-269. Permitted uses.

The following uses are permitted in the B-6 zone:

(a) Commercial:

1. Professional, business and general offices;
2. Restaurants and other eating and drinking
establishments, except that no drinking

establishments as defined in section 14-47 that are located east of Waterville Street shall be permitted within fifty feet (50') of Fore Street, and provided that restaurants that are located east of Waterville Street and within fifty feet (50') of Fore Street must meet the following requirements:

a. The hours of operation shall be limited to between 5:00 a.m. and 11:00 p.m. each day.

b. Food service and consumption are the primary function of the restaurant;

3. Hotels and inns limited to no more than 150 rooms;
4. Craft and specialty shops, including the on-premises production of handcrafted goods;
5. Retail and retail service establishments, excluding those with gas pumps;
6. Theatres;
7. Banking services, excluding vehicular drive-up services;

Editor's Note: Drive-up banking facilities located in the interior of parking structures are allowed as a conditional use subject to the criteria outlined below in the conditional use provisions of this section.

8. Cabinet and carpentry shops;
9. Personal services;
10. Business services;
11. Offices of business trades people;
12. Miscellaneous repair services, excluding all types of automotive repair except for automobile repair and service establishments;
13. Telecommunication and broadcast and receiving facilities, except as prohibited in section 14-

271 (prohibited uses);

In addition, building mounted telecommunications antennas, discs, transmitting and receiving equipment and the like shall adhere to the following criteria. Such roof-mounted equipment shall be:

- a. No taller than 15 feet above the highest structural steel of the building roof; and
 - b. Set back no less than 15 feet from the building perimeter; and
 - c. Integrated into the architecture of the building in placement, form, color, and material so as to screen or camouflage such equipment from public view.
14. Brew pubs and microbreweries without associated bottling facilities; and brewpubs and microbreweries with associated bottling facilities limited to 5,000 bottles per year output, except that no brew pubs or microbreweries that are located east of Waterville Street shall be permitted within fifty feet (50') of Fore Street.
 15. Electronic data storage;
 16. Marine products wholesaling and retailing;
 17. Harbor and marine supplies and services, chandlery and ship supply;
 18. Underground marine fuel storage provided that fuel storage structures shall be used solely for the purpose of fueling vessels;
 - 19~~8~~. Bakeries, coffee roasters, and commercial kitchens with building footprints limited to fifteen thousand (15,000) square feet of contiguous building space.
 - ~~19~~20. Printing establishments.

(b) *Residential:*

1. Attached dwellings including row houses, two-family and multifamily dwellings;
2. Handicapped family units;
3. Combined living/working spaces, including but not limited to artist residences with studio space;
4. Mixed use residential and commercial structures.

(c) *Public:*

1. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures;
2. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces;
3. Pedestrian and multi-use trails;

(d) *Other:*

1. Studios for artists, photographers and craftspeople including but not limited to, painters, sculptors, dancers, graphic artists and musicians;
2. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses, except that parking lots shall not be considered a permitted accessory use and such parking is subject to the conditional use section of the B-6 zone.
3. Health clubs, martial arts and meditation facilities.
4. Intermodal transportation facilities.
5. Nursery schools, kindergartens, and daycare facilities or home babysitting services.

6. Private clubs or nonprofit social and recreational facilities, as defined in 14-47.
7. Educational facilities.
8. Temporary events, provided that all such events on a lot do not exceed a combined total of (60) days per year and that the total floor area utilized for such uses does not exceed seventy thousand (70,000) square feet at any one (1) time.
9. Museums and art galleries.

(e) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

...

DIVISION 15.1. B-6 EASTERN WATERFRONT MIXED ZONE

...

Sec. 14-272. Dimensional requirements.

In addition to the provisions of article III, division 25 of this Code, lots in the B-6 Eastern Waterfront Business Zone shall meet the following requirements:

...

3. View Corridors and Key Street Wall Development

Notwithstanding sections 1. and 2. above, new structures located in the blocks located south of Fore Street and north of Commercial Street and its extension, shall build to the key building envelopes shown on the B6 Building Height Overlay & Building Envelopes map Eastern Waterfront Building Height Overlay Map. Buildings located in the easternmost key building envelope, shall not have a maximum front setback, and shall not be required to build to the key building envelope perimeter. Parking structures and the buildings for public transportation facilities may, however, set back beyond the key building

envelopes (toward the interior of blocks), but may not occupy the land between the key building envelope and the street right of way.

- (d) Minimum length of building wall required to be located along street frontage of lot (except that buildings located in the easternmost key building envelope, as shown on the B6 Building Height Overlay & Building Envelopes map, shall not be subject to this requirement).

- i. 70% of lot street frontage; or
- ii. 25% of building perimeter,
- iii. For buildings fronting on two or more streets, the minimum building wall on one street may be decreased so long as the frontage is proportionally increased on other streets in so far that the building wall on the secondary street is not reduced to less than 25 feet.

- (e) Maximum lot coverage: One hundred (100) percent.

- (f) Maximum building height: 65 feet, or as otherwise governed by a Building Height Overlay map (for example, in the Eastern Waterfront). Building Height Overlay maps are found in the Planning and Development Department Office.

- (g) Minimum building height: No new construction of any building shall have less than three (3) floors of habitable space above the average adjacent grade within twenty five (25) feet of any public street (except that buildings located in the easternmost key building envelope, as shown on the B6 Building Height Overlay & Building Envelopes map, shall not be subject to a minimum building height).

...

Sec. 14-273. Performance standards.

All new development in the B-6 Eastern Waterfront Business Zone shall comply with the following standards:

...
(b) Noise:
...

4. Exemptions:

- a. Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (a)3 of this section. Construction activities on a site abutting any residential use between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day shall not exceed fifty (50) dBA.
- b. The following uses and activities shall also be exempt from the requirements of subsection (a)3 of this section:
 - i. The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency devices.
 - ii. Traffic noise on public roads or noise created by airplanes and railroads.
 - iii. Noise created by refuse and solid waste collection, provided that the activity is conducted between 6:00 a.m. and 7:00 p.m.
 - iv. Emergency construction or repair work by public utilities, at any hour.
 - v. Noise created by any ~~recreational activities~~ temporary activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, ~~and fireworks displays,~~ festivals, events and

concerts.

DIVISION 17.5. EASTERN WATERFRONT PORT ZONE*

Sec.14-301. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-300.1. (no adverse impact on marine uses), the following uses are permitted in the Eastern Waterfront Port Zone:

(b) *Marine commercial:*

1. Transient and long-term commercial berthing;
2. Marine-related warehousing;
3. Marine related construction, manufacturing, fabrication, salvage and repair;
4. Storage and repair of fishing equipment;
5. Ship and other marine vessel construction, building, servicing, and repair;
6. Boat and marine equipment storage;
7. ~~Marine fuel storage and dispensing provided that on site fuel storage structures shall be used solely for the purpose of fueling vessels and shall be limited, cumulatively, to 20,000 gallons of storage capacity within the zone, Harbor and~~
marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;
8. Public, non-profit, or commercial marine transportation and excursion services, including captained charter services, sport fishing and water taxis;
9. Ship and off-shore support services, including

but not limited to tug boats, pilot boats, and chandleries;

10. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices;—
11. Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26;
12. Marine office, including but not limited to offices of owners of marinas, wharves or their agents, and naval architects, and seafood brokers.

...

(e) Other:

1. Wind energy systems, as defined and allowed in Article X, Alternative Energy.
2. A facility for non-profit organizations whose facility may include offices, classrooms, equipment, equipment rentals, storage, and bathrooms for the public.

Sec. 14-301.1. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the Eastern Waterfront Port Zone, provided that, notwithstanding section 14-471(c), section 14-474(a), or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority, and provided further that in addition to the provision of section 14-474(c)(2) such uses will not impede or preclude existing or potential water-dependent development within the zone, will allow for adequate right-of-way access to the water, are compatible with marine uses, and meet all additional standards set forth below:

...

2. Conditional uses:

a. Marine:

- i. Marine products, wholesaling and retailing;
- ii. Ice-making services;
- iii. Marine freight facilities providing service for, and/or intermodal transfer of, container and breakbulk freight;
- iv. Marine educational facilities;
- v. Seafood retailing, wholesaling, packaging and shipping;
- vi. Seafood processing for human consumption, subject to the performance standards of the IL zone set forth in section 14-236 in addition to the performance standards of section 14-304;
- vii. Commercial marinas serving commercial and recreation boats located west of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26, provided that such facilities are located in areas that do not conflict with the navigation and handling of deepwater dependent vessels accessing existing or potential deepwater berthing;
- viii. Fish byproducts processing, provided that:
 - a. Any fish byproducts processing facility has a valid rendering facility license under chapter 12 of the Portland city code; and
 - b. Any fish byproducts facility shall employ current and appropriate odor control technology to eliminate or

minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the IM zone (section 14-252); and

- c. The processing other material wastes or byproducts shall not be deemed a lawful accessory use Permitted herein.

...

Sec. 14-303. Dimensional requirements.

...

4. Setback from pier line: Notwithstanding the above requirements, a minimum setback of twenty-five(25) feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure, provided that marine offices, as defined in Section 14-301(b)(12), may be located up to five (5) feet from the edge of any pier, wharf or working edge of the hardened shoreline. The setback area may be utilized for water-dependent uses and public uses and activities, subject to the provisions of sections 14-300.1 (no adverse impact) and 14-301.1 (conditional use provisions), and shall not be utilized for restaurant, drinking, or other non water-dependent uses or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).

...

~~DIVISION 18.7. WATERFRONT SPECIAL USE ZONE*~~ RESERVED

~~*Editor's Note See the editor's note to division 18 of this article.~~

~~Sec. 14-320.5. Purpose.~~

~~The waterfront special use zone recognizes that the uses appropriate in this zone are constrained by its proximity to heavy industrial use on the western end, a high density residential neighborhood on the north, and park and R-OS land to the east. Uses to be located in this zone must be compatible with these existing neighborhood uses.~~

~~At a minimum, parcels in this zone generally enjoy visual access to the port. It is further recognized that this area has historically been used for marine uses and that some of the parcels have the capacity to accommodate active water dependent uses. While physical access to the water may not currently be legally available to all parcels in this zone, it is anticipated that developments in this zone may be able to negotiate easements for access. At a minimum, development in this zone should not be incompatible with marine and water dependent uses. Uses which contribute to the maintenance and improvement of the infrastructure along the water's edge as a condition of use are strongly encouraged.~~

~~(Ord. No. 168-93, § 2, 1-4-93)~~

~~Sec. 14-320.5.5. No adverse impact on marine uses.~~

~~No use shall be permitted, approved or established in this zone if it will have an impermissible adverse impact on future marine development opportunities. A proposed development will have an impermissible adverse impact if it will result in any one (1) or more of the following:~~

- ~~(a) The proposed nonwater dependent use will displace an existing water dependent use;~~
- ~~(b) The proposed use will reduce existing commercial vessel berthing space;~~
- ~~(c) The proposed nonwater dependent use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water dependent uses or significantly impede access to vessel berthing or other access to the water by water dependent uses; or~~
- ~~(d) The siting of a proposed nonwater dependent use will substantially reduce or inhibit existing public access to marine or tidal waters.~~

~~(Ord. No. 168-93, § 2, 1-4-93)~~

~~Sec. 14-320.6. Permitted uses.~~

~~Subject to a determination that the proposed use meets the standards of section 14-320.5.5 (no adverse impact on marine~~

uses):

~~(a) The following uses are permitted in the waterfront special use zone on both the north and south sides of the railroad line indicated on the City of Portland Zoning Map:~~

~~1. Marine:~~

- ~~a. Marine products, wholesaling, distribution and retailing;~~
- ~~b. Marine repair services and machine shops;~~
- ~~c. Tugboat, fireboat, pilot boat and similar services;~~
- ~~d. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;~~
- ~~e. Marine industrial welding and fabricating;~~
- ~~f. Shipbuilding and facilities for construction, maintenance and repair of vessels;~~
- ~~g. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water taxis;~~
- ~~h. Cargo handling facilities, including docking, loading and related storage;~~
- ~~i. Boat repair yards;~~
- ~~j. Boat storage facilities, including rack storage facilities;~~
- ~~k. Seafood processing;~~
- ~~vi. Seafood packing and packaging;~~
- ~~m. Seafood loading and seafood distribution;~~

~~n. Fabrication, storage and repair of fishing equipment;~~

~~o. Ice making services;~~

~~p. Facilities for marine construction and salvage;~~

~~q. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices;~~

~~r. Fabrication of marine related goods;~~

~~s. Fishing and commercial vessel berthing;~~

~~t. Noncommercial berthing;~~

~~u. Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers;~~

~~v. Public landings;~~

~~w. Marinas;~~

~~x. Intermodal transportation facilities.~~

~~2. Industrial uses:~~

~~Industrial uses which meet the performance standards of the I-2 zone.~~

~~3. Public:~~

~~Pedestrian and bicycle trails.~~

~~The following uses are permitted in the waterfront special use zone only on the north side of the railroad tracks indicated on the City of Portland Zoning Map only in (a) buildings in existence on January 4, 1993, or (b) one (1) new structure per parcel (as defined in 30 A.M.R.S.A. Section 4401(6)), which parcel was in existence on January 4, 1993, of up to five thousand (5,000) square feet in total floor area. No~~

~~construction of a new structure of more than five thousand (5,000) square feet in total floor area or in excess of one (1) per parcel for uses other than those specified in subsections (1) through (3) above is allowed without approval of a conditional use pursuant to section 14 320.6.5 or conditional or contract rezoning pursuant to division 1.5 of this article.~~

~~4. Commercial uses:~~

- ~~a. Professional, business, and general offices;~~
- ~~b. Business service establishments;~~
- ~~c. Restaurants, provided that food service and consumption shall be the primary function of the restaurant;~~
- ~~d. Cabinet and carpentry shops;~~
- ~~e. Cold storage facilities;~~
- ~~f. Museums and art galleries.~~

~~5. Other:~~

- ~~a. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses or temporary exhibition uses, provided that all such exhibition uses on a lot do not exceed a combined total of sixty (60) days per year and that the total floor area utilized for such uses does not exceed seventy thousand (70,000) square feet at any one (1) time;~~
- ~~b. Parking: Parking shall be permitted as long as it does not impede access to water by existing or potential marine uses.~~
- ~~c. Institutional uses including marine research, education and laboratory facilities. Such uses shall not include any type of overnight accommodations.~~
- ~~d. Wind energy systems, as defined and allowed in Article X, Alternative Energy.~~

~~6. Public:~~

- ~~a. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures, provided that such structures are located more than one hundred (100) feet from the water;~~
- ~~b. Municipal uses;~~
- ~~c. Landscaped pedestrian parks, plazas and similar outdoor pedestrian spaces, including without limitation pedestrian and bicycle trails.~~

~~7. Industrial uses:~~

~~Warehousing and wholesaling.~~

~~(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 187-99, 1-4-99; Ord. No. 33-11/12, 1-18-12)~~

~~Sec. 14-320.6.5. Conditional uses.~~

~~(a) The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of sections 14-320.5.5, 14-474 and any special provisions, standards or requirements specified below, and further provided that, notwithstanding section 14-474(a) or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:~~

- ~~1. Any use permitted in section 14-320.6(d)2, 4, 5 or 6, (c), (f) or (g), in one (1) new structure of more than five thousand (5,000) square feet, but not more than ten thousand (10,000) square feet in total floor area per parcel.~~

~~(b) The following use shall be permitted only upon the issuance of a conditional use permit subject to the provisions of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:~~

- ~~1. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following~~

~~standards are met in addition to Sec 14-430:~~

- ~~a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and~~
- ~~b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and~~
- ~~c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and~~
- ~~d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and~~
- ~~e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and~~
- ~~f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and~~
- ~~g. Towers shall be used for installing anemometers and similar devices at a range~~

~~of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and~~

~~h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.~~

~~2. Wind energy systems, as defined and allowed in Article X, Alternative Energy.~~

~~(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)~~

~~Sec. 14 320.7. Contract or conditional zoning.~~

~~An applicant may only construct a new structure of either more than five thousand (5,000) square feet in total floor area for occupancy by uses enumerated in section 14 320.6(d)1, or ten thousand (10,000) square feet in total floor area for occupancy by uses enumerated in section 14 320.6(d)2, 4, 5 or 6, (e), (f) or (g) or in excess of one (1) per parcel for occupancy by these same uses if a rezoning is approved pursuant to division 1.5 of this article. A conditional or contract rezoning shall only be approved if, after public hearing and opportunity for public comment, the reviewing body finds that the applicant has carried the burden of proof to show that the proposed development meets the standards of section 14 320.55 and all of the following standards:~~

~~(a) The proposed development is consistent with the comprehensive plan.~~

~~(b) The project's public benefits outweigh its potential negative impacts, taking into consideration as public benefits protection of existing water dependent uses, preservation of future water dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels (either on or~~

~~off site), and visual and physical access to the waterfront for the general public.~~

~~(c) The proposed development responds to any unique physical conditions and development opportunities along the shoreline.~~

~~(d) The proposed development is sensitive to design opportunities and local environmental conditions, makes use of creative design solutions, does not significantly restrict air, light or water views of other structures located in the vicinity and does not create significant adverse local climatic effects such as increased winds, shadowing, or less efficient traffic, parking or circulation patterns.~~

~~(e) The proposed development is consistent with the Portland Waterfront Public Access Design Guidelines, a copy of which is on file in the department of planning and urban development.~~

~~(f) The proposed rezoning contains adequate provisions and/or conditions to ensure that the water dependent use is not abandoned after the project is developed.~~

~~(Ord. No. 168-93, § 2, 1-4-93)~~

~~**Sec. 14-320.8. Prohibited uses.**~~

~~Uses which are not enumerated in section 14-320.6 as permitted or in section 14-320.6.5 as conditional uses are prohibited.~~

~~(Ord. No. 168-93, § 2, 1-4-93)~~

~~Sec. 14-320.9. Dimensional requirements.~~

~~In addition to the provisions of article III, division 25 of this Code, lots in the waterfront special use zone shall be subject to the following requirements:~~

- ~~(a) Minimum lot size: None.~~
- ~~(b) Minimum frontage: None.~~
- ~~(c) Minimum yard dimensions:~~

~~Front setback: None.~~

~~Side setback: None required unless adjacent to a residential zone; if adjacent to a residential zone, twenty five (25) feet.~~

~~Rear setback: None required unless adjacent to a residential zone; if adjacent to a residential zone, twenty five (25) feet.~~

~~Setback from pier line: Notwithstanding the above requirements, a minimum setback of five (5) feet from the edge of any pier, wharf or bulkhead shall be required for any structure. The setback area may be utilized for activities related to the principal uses carried on in the structure, subject to the provisions of sections 14-313 and 14-314, but shall not be utilized for off street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).~~

- ~~(d) Maximum lot coverage: One hundred (100) percent.~~

- ~~(e) 1. Maximum building height: Forty five (45) feet, except in the area formed by the projection of the centerline of Atlantic Street between its intersections with Wilson Street and the Eastern Promenade easterly to the easternmost boundary of the waterfront special use zone, where facilities for bulk storage of materials delivered to a site by waterborne transportation or awaiting transportation from the site by means of waterborne transportation may be erected to heights that shall not exceed sixty five (65) feet above mean sea level. In those areas where~~

~~the maximum height may not exceed forty five (45) feet above grade, no structure may exceed sixty five (65) feet in height above mean sea level. For purposes of this section, a projection of the centerline of a street shall consist of an extension of the centerline of the street to the water side boundary of the waterfront special use zone.~~

~~2. Additional bulk, height and location standards for structures exceeding forty five (45) feet in height above grade within the waterfront special use zone:~~

~~a. The maximum horizontal diagonal measurement of portions of a structure, cluster of structures or equipment exceeding forty five (45) feet in height above grade shall not exceed one hundred (100) feet, except that for each foot that the structure, cluster of structures, or equipment is lowered from the maximum permitted height, the maximum horizontal measurement may increase by one (1) foot.~~

~~b. In addition to any other setback requirements, portions of structures or clusters of structures exceeding forty five (45) feet in height above grade shall be set back a minimum of one (1) foot from the exterior property line of the owner of the underlying fee interest for each foot that the structure or cluster of structures exceeds forty five (45) feet in height above grade.~~

~~c. No structure or cluster of structures exceeding forty five (45) feet in height above grade may be located closer than one hundred fifty (150) feet from any other such structure or cluster of structures.~~

~~d. The cumulative width of the portion of structures exceeding forty five (45) feet in height above grade shall not exceed more than thirty (30) percent of the average~~

~~width of the lot as measured by a line drawn parallel to the water.~~

- ~~e. No structure shall exceed forty five (45) feet in height above grade within the view corridors established by the projection of the street right of way lines for Atlantic Street, Vesper Street or for O'Brion Street.~~
- ~~f. For purposes of this section only, moveable elements such as cranes and gantries, and connection devices such as conveyors or bridges shall not be subject to the space and bulk requirements, but shall be subject to a determination by the Federal Aviation Administration that the location of such equipment will not create a hazard to navigation. Other rooftop appurtenances shall not exceed the maximum height limits set forth in this section.~~
- ~~g. The applicant must provide a determination from the Federal Aviation Administration that structures and equipment will not exceed the applicable height guidelines for the runway approach and will not create a hazard to navigable airspace. Such a determination shall be accepted as conclusive evidence that the proposed development will not create a hazard.~~
- ~~h. Accessory uses in structures which exceed forty five (45) feet in height above grade shall not be located higher than forty five (45) feet within the structure.~~

~~Sec. 14-320.10. Performance standards.~~

~~All uses in the waterfront special use zone shall comply with the following standards:~~

- ~~(a) Outdoor storage of materials: Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of forty five (45) feet, and such materials shall be entirely contained,~~

~~including runoff contaminants and residual material,
within a designated area within the lot boundaries.~~

~~(b) Noise:~~

- ~~1. The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront special use zone between the hours of 7:00 p.m. and 7:00 a.m. from industrial facilities or operations commenced on or after July 1, 1988, shall not exceed fifty five (55) decibels on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.~~
- ~~2. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ).~~
- ~~3. In addition to the sound level standards otherwise established, facilities or operations established or built in the waterfront special use zone on or after July 1, 1988, shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones. Tonal sound is defined as a sound wave usually perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Impulse sounds are defined as sound events~~

~~characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.~~

- ~~(c) Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.~~
- ~~(d) Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Code are more stringent.~~
- ~~(e) Discharges into harbor areas: No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of parks and public works in accordance with chapter 24, article III of this Code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this Code and federal and state environmental statutes and regulations regarding wastewater discharges.~~
- ~~(f) Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.~~
- ~~(g) Landfill of docking and berthing areas: Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. Sections 471 through 478, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of parks and public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable~~

waters.

- ~~(h) Off street parking: Off street parking is required as provided in division 20 (off street parking) of this article.~~
- ~~(i) Off street loading: Off street loading is required as provided in division 21 of this article.~~
- ~~(j) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.~~
- ~~(k) Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.~~
- ~~(l) Signs: Signs shall be permitted as set forth in division 22 of this article.~~
- ~~(m) Storage of pollutants and oily wastes: On premises storage of pollutants and oily wastes shall not be permitted for more than forty five (45) days.~~
- ~~(n) Compatibility of nonmarine uses with marine uses: Nonmarine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither unreasonably interfere with the existence or operation of marine uses nor significantly impede access to vessel berthing or other access to the water by existing or potential marine uses.~~

...

DIVISION 22. SIGNS

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Sec. 14-369.5. Tables.

- (a) Table 1. Permitted sign types by zone.

Note: The following legend applies for Table 1 below:

- A. Allowed, no permit required;
- B. Allowed, permit required;
- C. Allowed, subject to licensing and permit required;
- D. Prohibited;
- E. Not Applicable

Parenthetical letters, i.e. (a), refer to the notes provided at the end of Table 1.

. . . .

	I-M, I-Ma, I-Mb Industrial	I-H, I-Hb Industrial	Eastern Waterfront Port Waterfront Central Waterfront Special-Use	Waterfront Port Development
Freestanding	B	B	B	B
In general(b)				
ResidentialI	A	A	A	A
Residential(d)	A	A	A	A
Temporary/ Portable (b)	D/D	B/D	D	D
Building	B	B	B	B
Commercial				
Banner				
Building	A	A	A	A
Marker(f)				
Awning	B	B	B	B
Identification(e)	A	A	A	A
Incidental(d)	A	A	A	A
Marquee(g)	B	B	B	B
Projecting	B	B	B	B
Residential(b)	A	A	A	A
Roof	D	D	D	D
Roof Integral	D	D	D	D
Suspended(g)	B	B	B	B
Temporary(h)	B	B	B	B
Wall	B	B	B	B
Window(I)	A	A	A	A
Miscellaneous	A	A	A	A
Community, Cultural Banner				
Directory(j)	A	A	A	A
Flag(k)	A	A	A	A
Pennant	D	D	D	D
Portable-in City right-of-way (A-frame)	D	D	C	D

Contents of Table 2:

2.1 Sign Regulations for R-1-R-7, IR-1-IR-3 Residential Zones

2.2 Sign Regulations for Institutional Uses in Residential Zones

2.3 Sign Regulations for RP Residence-Professional Zone

2.4 Sign Regulations for ROS/RPZ Open Space Zones & Signs in all Municipal Parks

2.5 Sign Regulations for B-1 Neighborhood Business Zone - Single Tenant Lots

2.6 Sign Regulations for B-2 Regional Business Zone - Single Tenant Lots

2.7 Sign Regulations for AB Airport Business Zone - Single Tenant Lots

2.8 Sign Regulations for B-3 Downtown Business, B-5 Urban Commercial, B-6 and B-7 Mixed Use Urban, WC Waterfront Central, ~~WSU Waterfront Special Use~~, and EWP, Eastern Waterfront Port Zones

2.9 Sign Regulations for IB Island Business Zone - Single Tenant Lots

2.10 Sign Regulations for B-4 Commercial Corridor Zone - Single Tenant Lots

2.11 Sign Regulations for OP Office Park Zones

2.12 Sign Regulations for I-L, I-Lb, I-M, I-Ma, I-Mb, I-H, I-Hb Industrial and WPD Waterfront Port Development Zones

2.13 Sign Regulations for B-1, B-2, AB, IB, and B-4 Business Zones - Multi-Tenant Lots

2.14 Sign Regulations for Gas Stations - All Zones Where Permitted

TABLE 2.8 SIGN REGULATIONS BY ZONE

Downtown Business (B-3), Urban Commercial (B-5), and Waterfront
Central (WC), ~~and Waterfront Special Use (WSU) Zones~~

DIVISION 26. SHORELAND REGULATIONS

Sec. 14-449. Land use standards.

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

(a) *Principal and accessory structures:*

1. All principal and accessory structures shall be set back at least seventy-five (75) feet horizontal distance, from the normal high water line of water bodies, the upland edge of a wetland or associated tributary streams within a shoreland zone, except that in the following zones the setback shall be as indicated below:
 - a. B-3, B-5, B-5b, I-L (south and east of I-295), and I-M (south and east of I-295): Twenty-five (25) feet.
 - b. W-C, W-PD, ~~W-SU, I-B,~~ EWP: No setback required. Pier edge setbacks apply in EWP (Sec. 14-303(c)(4), W-C (Sec. 14-310(d)(4), and W-PD (Sec. 320.2(c)), ~~and W-SU (Sec. 320.9(c)).~~

For the principle structures, setback measurements shall be taken from the top of a costal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant "Classification of Coastal Bluffs", and

published in the most recent Coastal Bluff Map as further referenced on the Zoning Map.

Notwithstanding this requirement, when a lot is a lot of record as defined in section 14-433 or cannot otherwise meet the setback requirement of this section due to physical limitations of the site, the Planning Board may approve a reduction of the setback requirement for a principal structure to the least amount necessary to achieve a building dimension of twenty-eight (28) feet, provided that the setback is not reduced to less than forty (40) feet. Structures in existence on June 15, 1992, may be expanded once during the lifetime of the structure up to twenty-five (25) feet toward a freshwater wetland, stream or tributary stream, provided that the setback is not reduced to less than forty (40) feet and the floor area or volume is not increased by more than thirty (30) percent. In no event shall the setback from a coastal wetland be reduced to less than seventy-five (75) feet, except in the B-3, B-5, B-5b, EWP, W-C, W-PD, ~~W-SU~~, I-B, I-L and I-M zones, where setbacks shall be as set forth above in this subsection.

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

. . . .

- (b) *Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high water line of a water body or within a wetland:*

. . . .

6. Except in the W-C, EWP, W-PD, ~~W-SU~~, and I-B

zones, no new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity;

(c) *Clearing or removal of vegetation:*

1. In all shoreland areas in resource protection zones, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that zone.
2. The clearing or removal of vegetation standards of this section shall not apply to the following zones: EWP, WCZ, WPD, ~~WSU~~, B-3, B-5, B-5b, B-6, B-7, I-L (south and east of I-295) and I-M zones (south and east of I-295).

(j) *Roads and driveways:*

1. Roads and driveways shall be setback a minimum of seventy-five (75) feet from the normal high-water or upland edge of a coastal wetland, freshwater wetland, river or tributary stream within a shoreland zone, except:
 - a. In the EWP, WC, WPD, ~~WSU~~, B-3, B-5, B-5b, I-L (south and east of I-295) and I-M (south and east of I-295) roads and driveways shall be setback as established for structures in those zones; as specified in Sec. 14-449(a)1.
 - b. Where the planning board determines that no other reasonable alternative exists. If no other reasonable alternative exists, the planning board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet, horizontal

distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or effective use of additional ditch relief culverts and turnouts place so as to avoid sedimentation of the water body, tributary stream or wetland.

(k) *Parking areas:* Parking areas shall be set back a minimum of seventy-five (75) feet from the normal high-water or upland edge of a coastal wetland, freshwater wetland, river or tributary stream within a shoreland zone except:

1. In the EWP, WC, WPD, ~~WSU~~, B-3, B-5, B-5b, I-L and I-M zones, parking setbacks shall be as established for structures in those zones; as specified in Sec. 14-449(a)1.

2. Parking setbacks in the S-P (stream protection) zones are as established in Division 26.7.

3. Where the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream, the board may reduce the parking setback requirement to no less than fifty (50) feet in the R-OS, and I-B zones to the least amount necessary for construction, provided that the applicant proves by a preponderance of the evidence that appropriate techniques will be used to prevent sedimentation of the water body.

Sec. 14-524. Site plan review processes.

Sec. 14-526. Site plan standards.

...

9. *Zoning Related Design Standards:*

- a. Development of certain types and/or proposed in certain zones, as specified below, are subject to design standards in addition to the provisions of Section 14-526 (a) in order to ensure designs that contribute to and enhance the goals and policies for specific districts of the City. The City of Portland Design Standards is listed in the City of Portland Design Manual, which is included by reference. If the development is located in a historic district or associated with a historic landmark, City of Portland Historic Preservation standards shall supersede:

- (i) B3, B5, B5-b, B7 Zones, and B6 and EWPZ Waterfront Zones: Development in the B3, B5, B5-b, B7 business zones and in the B6 and EWPZ waterfront zones shall be designed to support the development of dense, mixed-use neighborhoods with attractive, safe and convenient street level pedestrian environments as demonstrated by compliance with all applicable design standards listed in the Design Manual. New development along the Eastern Waterfront should avoid large monolithic massing along all street frontages and should promote permeability through and within the development at a scale compatible with the existing street networks of the Eastern Waterfront. Where new structures are larger than buildings characteristically found in Portland's waterfront, horizontal and vertical variation should be used to break large expanses of building into components that are in scale with the context to which they most closely relate.
- ...

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Alex Jaegerman, Planning Division Director

DATE: March 4, 2015

DISTRIBUTION: City Manager, Mayor, Sonia Bean, Danielle West-Chuhta,
Nancy English, Julie Sullivan

SUBJECT: Map and Text Amendments for 58 Fore Street

SPONSOR: Stuart O'Brien, Chair, Planning Board

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading__ March 16th _____ **Final Action**__ April 6th _____

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

PRESENTATION: Planning Board Chair Stuart O'Brien will make a five minute presentation.

I. SUMMARY OF ISSUE (Agenda Description)

The Planning Board recommends a zoning map amendment to change 58 Fore Street and immediately adjacent property, including a 50' wide strip of land owned by the State of Maine, two city-owned parking areas, and submerged lands, that are currently zoned Waterfront Special Use Zone (WSUZ) to a combination of both B-6 and the Eastern Waterfront Port Zone (WSUZ), as well as associated zoning and site plan ordinance text changes, and an amendment to the B-6 Building Height Overlay & Building Envelopes map.

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

An application was submitted by CPB2 LLC for zoning map and text amendments for property at 58 Fore Street, the site of the Portland Company complex, and adjacent property. The property is currently zoned Waterfront Special Use Zone, and includes warehouses, storage buildings, and a marina with associated parking and laydown areas. The zones being applied for in place of WSUZ are the B-6 Eastern Waterfront Mixed Zone, and the Eastern Waterfront Port Zone, so that the applicant can subsequently apply for a site plan and subdivision approval for a range of marine-related, residential and commercial uses. The application was heard by the Planning Board on October 21st, November 18th, February 10th, and February 24th.

III. INTENDED RESULT

58 Fore Street is currently zoned Waterfront Special Use Zone (WSUZ). CPB2 LLC applied in August of 2014 for zoning map and text amendments. The intended result of these amendments is to have 58 Fore Street be appropriately zoned to foster both a dedicated waterfront zone, and a mixed-use upland zone, allowing a range of residential and commercial uses.

IV. COUNCIL GOAL ADDRESSED

In both the increased potential for housing development and the range of commercial uses that are allowed in the B-6 zone, the proposed map amendment addresses both housing and economic development goals. Specifically, this change addresses the following Council goals, while retaining a viable waterfront zone. 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 February 24, 2015, the Planning Board voted unanimously, 6-0 (Boepple absent) that the proposed map amendments from WSUZ to B-6 and the Eastern Waterfront Port Zone, the amendment to the B-6 Building Height Overlay & Building Envelopes map, and the text amendments to the WSUZ, B-6, EWPZ, Site Plan and Shoreland Overlay zone for 58 Fore Street are consistent with the Comprehensive Plan and recommended adoption of the proposed amendment to the City Council.

VIII. LIST ATTACHMENTS

1. Planning Board Report to City Council

Prepared by: Christine Grimando

Date: March 2, 2015

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Prepared by: Christine Grimando

Date: March 2, 2015



CITY COUNCIL REPORT
from
PLANNING BOARD
PORTLAND, MAINE

Zoning Map and Text Amendments for 58 Fore Street
Applicant and Property Owner: CPB2 LLC

Submitted to: Portland City Council First Reading: March 16, 2015 Second Reading : April 6, 2015	Prepared by: Portland Planning Board Date: March 4, 2015 CBLs: 018 A001001, 018 A002, 018 A003, 018 A013, 019 A014, 446 A001, 446 A003, 446 A004, 002 X001, 002 A018
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I. INTRODUCTION

This is an application for zoning map and text amendments for property at 58 Fore Street, the site of the Portland Company complex, and adjacent property, including a 50' wide strip of land owned by the State of Maine, two City-owned parking areas, and submerged lands. Established in 1846 for the manufacture of railroad equipment, the Portland Company continued and evolved as an industrial complex, manufacturing steel through 1978. It is now occupied by a variety of tenants. The property is currently zoned Waterfront Special Use Zone (WSUZ), and includes warehouses, storage buildings, and a marina with associated parking and laydown areas. The zones being applied for in place of WSUZ are the B-6 Eastern Waterfront Mixed Zone, and the Eastern Waterfront Port Zone (EWPZ). There are also proposed text amendments for the B-6, EWPZ and Shoreland Overlay zones, and an amendment to the B-6 Building Height Overlay & Building Envelopes map.

This application was reviewed by the Planning Board on the following dates: a workshop on October 21st, a workshop and site walk in November 18th, a third workshop on February 10th, and a public hearing on February 24th. Full application materials from the applicant submitted for prior workshops, as well as related historic and Comprehensive Plan documents, are stored here: <http://www.portlandmaine.gov/1341/58-Fore-Street-Portland-Company>

The Eastern Waterfront Building Height Study can be found at the above link or accessed directly here: <http://www.portlandmaine.gov/DocumentCenter/Home/View/3378>

Applicant: CPB2 LLC
Property Owner: CPB2 LLC
Consultants: Woodard & Curran & Bernstein Shur

A neighborhood meeting was held on September 16, and notes and documentation from that meeting are included in the original application materials, available on the project website or upon request from the Planning & Urban Development Department. Written public comment that has been received to date is included (Public Comment PC1 through PC 27).

II. CONTEXT

Current Uses. The property is currently occupied by a range of uses, including a full service marina, parking, warehouses, boat storage, a blacksmith facility and some accessory office space. The property is also bisected by a 50' wide strip of Maine State property land that encompasses both the Maine Narrow Gauge Railway and a public, multi-use trail that is an extension of the Eastern Promenade, maintained by Portland Trails and the City of Portland. The application also includes two adjacent City-owned lots.

Surrounding Uses. The property is contiguous with active waterfront uses to the west, bordered by the Ocean Gateway Terminal, and east of that, at the foot of Commercial and Franklin Streets, the Maine State Pier, both serving deep water dependent large vessels, including cruise ships. To the east is the Eastern Promenade. The neighborhood to the immediate north is residential, with Waterville, St. Lawrence and Atlantic Streets perpendicular to the Fore Street-side boundary of the property, and abutted by Munjoy South apartments. Also to the north but immediately west of this residential area is the India Street neighborhood, which contains residential uses and a diverse mix of commercial uses – Shipyard Brewery, parking garages, the shops of India Street, a Marriot Residence Inn, and the Eastern Cemetery.

Zoning Context. The immediately adjacent zones to 58 Fore Street are R-6 (Residential) to the east and north, ROS (Recreation and Open Space) to the east, B-6 to the west, and EWPZ to the west and south. The property is also partially in the Shoreland Zone, and partially in a flood zone.

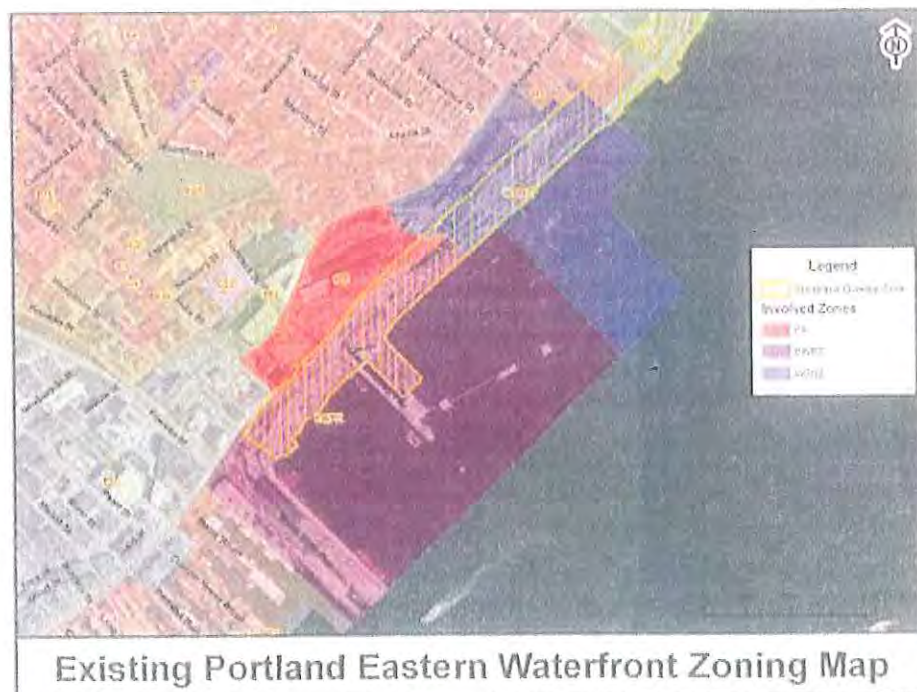


Figure 12, Existing Zoning



Figure 23, Aerial View of 58 Fore Street

III. PROPOSED MAP AMENDMENT

Current Zoning:	Waterfront Special Use Zone (WSUZ), Shoreland Overlay
Proposed Zoning:	B-6, Eastern Waterfront Port Zone (EWPZ), Shoreland Overlay
Current Uses:	Warehouses, storage buildings, marina, associated parking. State of Maine Property, currently utilized by the Maine Narrow Gauge Railroad and a section of the paved, public Eastern Promenade Trail maintained by Portland Trails/City of Portland. The City Property includes gravel and paved parking areas.
Proposed Uses:	None proposed at this time
Total Parcel Area:	Approximately 12 acres, + submerged lands
Area to be Rezoned:	Approximately 12 acres, + submerged lands

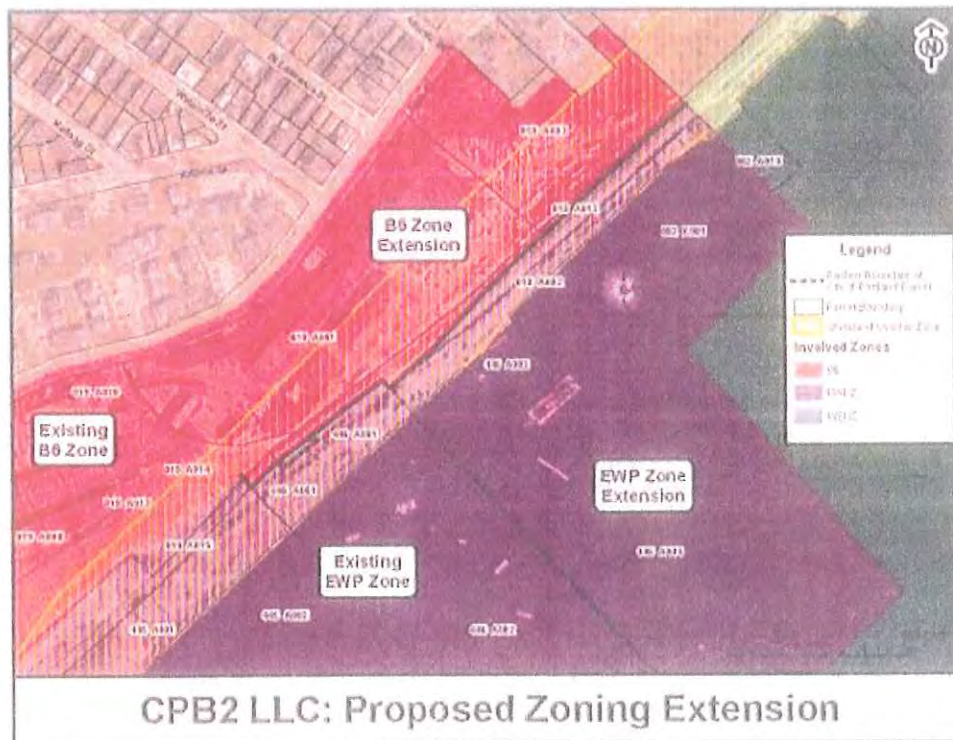
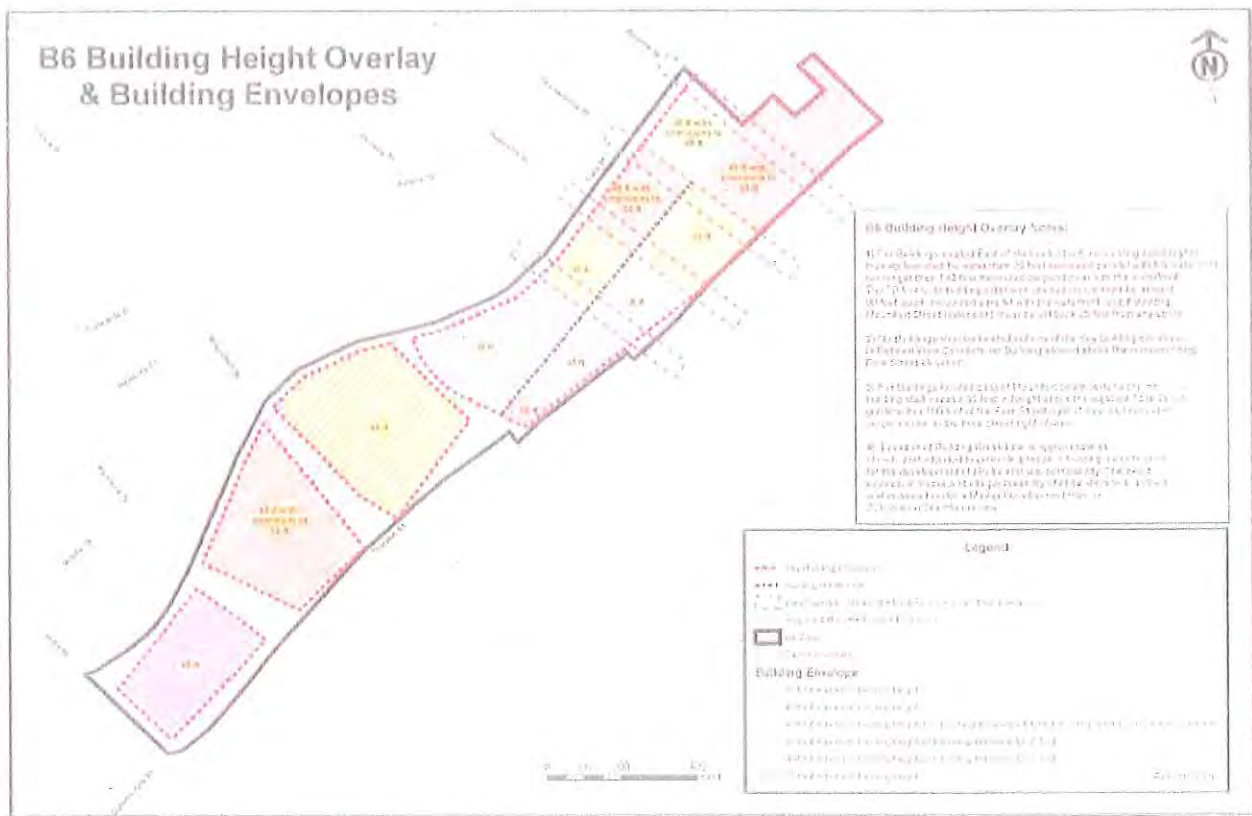


Figure 34, Proposed Zoning

In addition to the base zone map amendment, the application includes a change to the B-6 Building Height Overlay & Building Envelopes map, which currently encompasses the existing B-6 zone, and is proposed to be extended to encompass the new, easterly extent of the B-6 zone.

The proposed amended height map contains a note #3, which states that *no buildings east of Mountfort Street shall exceed 35 feet in height above the adjacent Fore Street right-of-way grade*, with the reference to the depth of this restriction extended to 100 feet. This was proposed by the applicant in response to concerns made in written and verbal public comments about the potential of buildings to rise above Fore Street greater than 35 feet.



IV. PROPOSED TEXT AMENDMENTS

The application includes text amendments to the following sections of the Land Use Code:

- **Sec. 14-48. Establishment of Zones (Division 1)**
Reference to WSUZ is struck.
- **B-6 Eastern Waterfront Mixed Zone (Division 15.1)**

The following permitted uses are proposed to be added to the B-6 zone:

- o Private clubs or nonprofit social and recreational facilities, as defined in 14-47.
- o Educational facilities.
- o Temporary events, provided that all such events on a lot do not exceed a combined total of (60) days per year and that the total floor area utilized for such uses does not exceed seventy thousand (70,000) square feet at any one (1) time.
- o Museums and art galleries.
- o A new use of underground fuel storage in B-6

An exemption from the noise standard has been modified to include temporary activities, festivals, events and concerts. Special events are subject to their own permitting standards.

Mediation is proposed to be changed to *Meditation* – staff and the applicant view this as correction of an existing typo.

In response to concerns raised during the February 10th public comment period, the applicant has proposed a standard prohibiting brew pubs with entrances on Fore Street east of Waterville Street, and a standard limiting the hours, locations and primary functions drinking establishment in the same area.

- **Eastern Waterfront Port Zone (Division 17.5)**

The following changes to the use standards are proposed:

- A permitted marine use that references a maximum fuel storage of 20,000 gallons has been substituted with similar language that appears in other zones, and provides for similar functions, except that the maximum of 20,000 gallons has been removed.
- Marinas are proposed as a permitted use east of the Ocean Gateway facility (referenced by deed). Marinas are currently a conditional use – the application proposes they remain conditional west of Ocean Gateway.
- To be added: Marine office, including but not limited to offices of owners of marinas, wharves or their agents, and naval architects, and seafood brokers.
- To be added: A facility for non-profit organizations whose facility may include offices, classrooms, equipment, equipment rentals, storage, and bathrooms for the public.

The following change to the dimensional requirements is proposed:

- Sec. 14-303. Dimensional requirements.

....

4. Setback from pier line: Notwithstanding the above requirements, a minimum setback of twenty-five(25) feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure, provided that marine offices, as defined in Section 14-301(b)(12), may be located up to five (5) feet from the edge of any pier, wharf or working edge of the hardened shoreline. The setback area may be utilized for water-dependent uses and public uses and activities, subject to the provisions of sections 14-300.1 (no adverse impact) and 14-301.1 (conditional use provisions), and shall not be utilized for restaurant, drinking, or other non water-dependent uses or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).

- **Waterfront Special Use Zone (Division 18.7)**

The body of section is struck, replaced by *Reserved*.

- **Signs (Division 22)**

References to WSUZ are struck.

- **Shoreland Regulations (Division 26)**

References to WSUZ are struck, and references to B-6 are inserted. Any change to Shoreland Regulations require Maine DEP approval.

- **Site Plan Massing and Permeability in B-6 and EWPZ.**

The applicant has proposed additions to the Site Plan standards that address design concerns raised over the course of Planning Board review regarding massing and permeability of future developments under the B-6 and Eastern Waterfront Port Zones. Specifically, 14-526(d) Site Design Standards: *B3, B5, B5-b, B7 Zones, and B6 and EWPZ Waterfront Zones: Development in the B3, B5, B5-b, B7 business*

zones and in the B6 and EWPZ waterfront zones shall be designed to support the development of dense, mixed-use neighborhoods with attractive, safe and convenient street level pedestrian environments as demonstrated by compliance with all applicable design standards listed in the Design Manual. New development along the Eastern Waterfront should avoid large monolithic massing along all street frontages and should promote permeability through and within the development at a scale compatible with the existing street networks of the Eastern Waterfront. Where new structures are larger than buildings characteristically found in Portland's waterfront, horizontal and vertical variation should be used to break large expanses of building into components that are in scale with the context to which they most closely relate.

- **Fuel Storage**

Fuel storage is addressed in three ways in the proposed text amendments.

1. Fuel storage in the WSUZ is eliminated, along with all other reference to this zone. The WSUZ zone currently allows for the following at 58 Fore Street: *Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels.*
2. The B-6 zone proposes a new use: *Underground marine fuel storage provided that fuel storage structures shall be used solely for the purpose of fueling vessels.* As a mixed-use zone adjacent to the Eastern Waterfront Port zone, this is a waterfront compatible use.
3. The proposed text amendments to the Eastern Waterfront Port Zone removes the current limitation of 20,000 gallons of fuel storage, and replaces it with the language currently in the WSUZ, the current zone of this site: *Marine fuel storage and dispensing provided that on-site fuel storage structures shall be used solely for the purpose of fueling vessels and shall be limited, cumulatively, to 20,000 gallons of storage capacity within the zone; Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;*

The applicant has provided a consultant opinion from Petroleum Marine Consultants in their submission materials for the February 10th workshop regarding the fuel storage capacity needs of a deep water marina that will accommodate both small and large transient vessels, which sites anticipated fuel capacity needs well in excess of 20,000 gallons.

The proposed change is not a net change to fuel storage standards for this area, since it aligns with the fuel storage standard of the current zone. Nor does it hamper the functioning of the EWPZ. Any large fuel storage additions proposed for the property would be included in an application to the Planning Board, and subject full site plan and safety reviews.

Supplemental Text Amendments

Staff has included additional text amendments not in the original submission made by the applicant. These are changes to the B-6 dimensional standards, exempting the new, eastern portion of the B-6 zone from the following requirements that don't fit well the particular conditions of 58 Fore Street: a three story building minimum stories of habitable space within 25 feet of any public street (14-272.g), and a requirement that 70% of building wall or 25% or building perimeter be located along the street frontage of the lot (14-272.d). The three story minimum runs counter to the B-6 Building Height Overlay & Building Envelopes map requirements. For a parcel this size, where multiple interior buildings could be constructed, requiring a 70% of building wall be along street frontage would require all buildings constructed along the site line of Fore Street.

Full drafts of all proposed text changes are included in Attachment A.

V. ZONING ANALYSIS

Purpose of WSUZ, B6, EWPZ. The purpose of the WSUZ is defined by its constraints, as a zone sandwiched between high density residential to the north, parkland to the east, and industrial uses to the west, and the need to be compatible between these diverse land uses. It sets minimum expectations for development in the zone to be compatible with water-related and water-dependent uses, and that uses be compelled to contribute to maintenance and improvement of waterfront infrastructure.

The purpose of the B-6, eastern waterfront mixed zone is to establish a zoning district for the upland portion of the eastern waterfront area. The B-6 zone encourages this district to acquire a distinctly urban form through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. The zone promotes a range of uses to achieve twenty-four hour urban vitality and shared use of parking infrastructure as recommended in the Eastern Waterfront Master plan for redevelopment. The B-6 is described as a zone that abuts a waterfront zone, not as having a water-dependent purpose itself.

The purpose of the EWPZ is more explicit in its purpose as a waterfront zone than the WSUZ, and quite detailed. It exists to nurture a wide range of deepwater-dependent industry and commerce. Piers, uplands, and circulation patterns consistent with the transportation needs of marine facilities are mentioned, as well as the encouragement of non-marine uses that support deepwater activities, provided that they do not conflict or compete for limited space with existing or anticipated deepwater-dependent needs. It's primary emphasis, however, is on the berthing and support of large vessels. The purpose statement ends on a recognized hierarchy of uses:

- (a) The first priority of this zone is to protect and nurture existing and potential deepwater dependent uses (those uses requiring a minimum of 15 feet of water depth);*
- (b) The second priority is to allow shallow water-dependent and other permitted marine uses, so long as they do not interfere with deepwater dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure; and*
- (c) Other uses specified herein are allowed only if they do not interfere with and are not incompatible with higher priority uses.*

Comparison of Allowed Uses

Both the WSUZ and the EWPZ contain a prohibition on uses that have adverse impacts on marine uses (Sec. 14-320.5.5 & Sec. 14-300.1), including uses that will displace an existing water-dependent use; uses that will reduce existing commercial vessel berthing space; uses, structures or activities that will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or the siting of uses that will substantially reduce or inhibit existing public access to marine or tidal waters. B-6, being an upland zone, does not contain a parallel section.

The WSUZ distinguishes allowed uses according to their location north and south of the railway tracks. A full slate of marine-related and marine-dependent uses allowed on both sides of the tracks in the WSUZ. No residential construction is allowed either as a permitted use or as a conditional use. The uses permitted north of those tracks limit new construction, unless approved under conditional or contract rezoning.

In conjunction with the standard conditions of approval for all conditional uses (Section 14-474), conditional uses in the EWPZ are allowed provided the uses do not impede or preclude existing or potential water-dependent development within the zone, will allow for adequate right-of-way access to the water, are compatible with marine uses, and can demonstrate that parking and traffic circulation does not interfere with the functional marine utility of the property.

As with other zones, uses not enumerated are not permitted. Additionally, the following uses are specified as prohibited: residential uses, amusement/theme parks, bulk freight facilities, on-site gambling casinos not accessory to and located aboard either a ferry or inter-port cruise ship.

B-6 permitted uses include a host of residential, commercial, and other uses, such as professional offices, restaurants, hotels and inns (max. 150 rooms), retail, theatre, banks, carpentry shops, brew pubs, marine product sales, marine services, bakeries and commercial kitchens, live/work spaces, multi-use trails, artists, studios, health clubs, daycare facilities.

B-6 conditional uses include meeting and exhibition facilities up to a total of 20,000 gross sf; wholesaling, providing the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building footprint of less than 15,000 square feet; drive-up banking facilities located in the interior of parking structures, subject to multiple criteria; surface and structured parking, subject to multiple criteria, including ground floor commercial requirements for structured lots; and temporary wind anemometer towers.

As with other zones, uses not enumerated are not permitted. Additionally, the B-6 use requirements specifically prohibit ground mounted telecommunication towers; waste, scrap, and/or byproduct storage and processing facilities; auto service stations; and drive-up facilities, excepting bank drive-ups in interior parking structures.

In sum, neither the WSUZ nor the EWPZ allow residential uses or anything but ancillary non-residential, non-marine uses. They tackle this issue through different tools – the WSUZ allowing a greater range of non-marine-dependent uses north of the rail line that splits the zone and through limits on new construction, and EWPZ through a narrower list of combined possible uses and strong language regarding the necessary marine compatibility of non-marine uses. The emphasis in the list of permitted uses for EWPZ is on marine-dependent uses, with most marine-related uses being conditionally allowed. The allowed uses of the B-6 zone are varied.

Comparison of Dimensional Requirements:

	WSUZ	EWpz	B-6
Min. Lot Size	None	None	None
Min. Street Frontage	None	None	
Min. Front Yard	None	None	
Min. Rear Yard	None required unless adjacent to a residential zone; if adjacent to a residential zone, twenty-five (25) feet.	None	None
Min. Side Yard	None required unless adjacent to a residential zone; if adjacent to a residential zone, twenty-five (25) feet.	None	
Max. Setback from Street Line			10 ft., excepting parking garages, public trans. facilities, and subject to the building height envelopes of Eastern Waterfront Building Height Overlay Map. See Sec. 14-272 c.2 for exemptions.
Min. Length of Building Wall required to be located along street frontage of lot			70% of lot street frontage or 25% of building perimeter. For buildings fronting on 2+ streets, building wall on one street may be decreased so long as it is proportionally increased on others and the building wall on the secondary street is not reduced to less than 25 ft.
Min. Setback from Pier Line	5 feet from the edge of any pier, wharf or bulkhead. The setback may be utilized for activities related to the principal uses carried on in the structure, subject to 14-313/14-314, but shall not be utilized for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).	25 feet from the edge of any pier, wharf or bulkhead. The setback may be utilized for activities related to the principal uses carried on in the structure, subject to 14-313/14-314, but shall not be utilized for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).	
Max. Structure Height	45-100 ft. (see Sec. 14-320.9.e)	45 ft, except for cranes and gantries, rooftop appurtenances (see Sec. 14-303.e for full exemptions)	65 ft. or as otherwise governed by a Building Height Overlay Map
Minimum Building Height for New Construction			3 floors of habitable space above the average adjacent grade within 25 ft. of any public street. See Sec. 14-272 c.3.g for exemptions.
Max. Lot Coverage			100%
Max. Impervious Surface		100%	

Building Height Overlay and Building Envelopes Map

The current B-6 Building Height Overlay & Building Envelopes map was adopted in 2004 as a direct outgrowth of the policy recommendations of the Height Study, and regulates heights and building areas within the current B-6 boundaries (Figure 6). A simultaneously amended B-6 Building Height Overlay and B-6 zone extent is critical to

maintain Comprehensive Plan consistency. Illustration 33 of the Eastern Waterfront Building Height Study is the document that has informed the creation of the Building Height Overlay and Building Envelopes map. Illustration 33 is included as part of the Eastern Waterfront Building Height Study, pg. 29: and in Figure 7 below.



Figure 56, Current Height Overlay and Building Envelopes

Implementing Illustration 33's policy recommendations into zoning regulations for the newly extended area of the B-6 zone required some modifications. View corridors and building-height envelopes are maintained as shown on Illustration 33.

- Interior build-to lines have been eliminated because they would not have any practical importance or benefit for the area.
- An additional building restriction was added in a height maximum along Fore Street of 35 feet. This was added to allay concerns about the extent of the view

obstruction and the unpredictability of

possible building heights along Fore Street. It originally was accompanied by a depth of 35 feet, so that buildings beyond 35 feet in distance from the Fore Street right of way could potentially exceed the 35 foot height cap, but this distance is now extended to 100 feet from the edge of Fore Street. The topography of the site, which includes significant grade, would make it extremely unlikely that a building could exceed 35 feet above Fore Street while complying with the height maximums of the Height Overlay map. This is a more restrictive map than the previous iteration, and gives considerably more assurance of predictable maximums in the viewshed from Fore Street.

- Illustration 33 shows an opening between the building envelopes, through the center of the Portland Co. site, and is referred to in the Height Study as the Portland Company Alignment. The location of this alignment is the service alley that presently runs between buildings on the site. The alignment as depicted on Illustration 33 is outside of the key building envelopes boundary, indicating that it should be preserved from further development. The proposed height overlay map (Attachment A and Figure 5) depicts the building envelopes touching, but with a seam between them along the centerline of the corridor, accompanied by a map note that indicates there shall be a break of buildings. This insures this corridor from being spanned by single buildings, but does not specify the distance between buildings. The reasons for this are several - close scrutiny of Illustration 33 shows the Portland Co. alignment running through a portion of an existing building; the intended dimensions of the alignment are not specified; there is an historic preservation process, both in terms of the potential designation of the site or portions of the site, which if approved would lead to the requirement for Certificate of Appropriateness review by the Historic Preservation Board when a development proposal is brought forward, that will allow for evaluation of the precise area best retained between buildings; and, the anticipated Master Development Plan requires the Planning Board to review it for consistency with City Comprehensive Plan. The break between the building envelopes in the area of this alignment is a rational implementation of zoning based on the policy recommendations of Illustration 33, and one that leaves some discretion to the tools available to both the

Historic Preservation Board and the Planning Board to determine the final dimensions and physical characterizations of this area.

Visualizing Heights

At the November workshop the applicant submitted multiple sections to illustrate the height implications of the zoning map amendment on the property. An example from that submission is included as Figure 8.

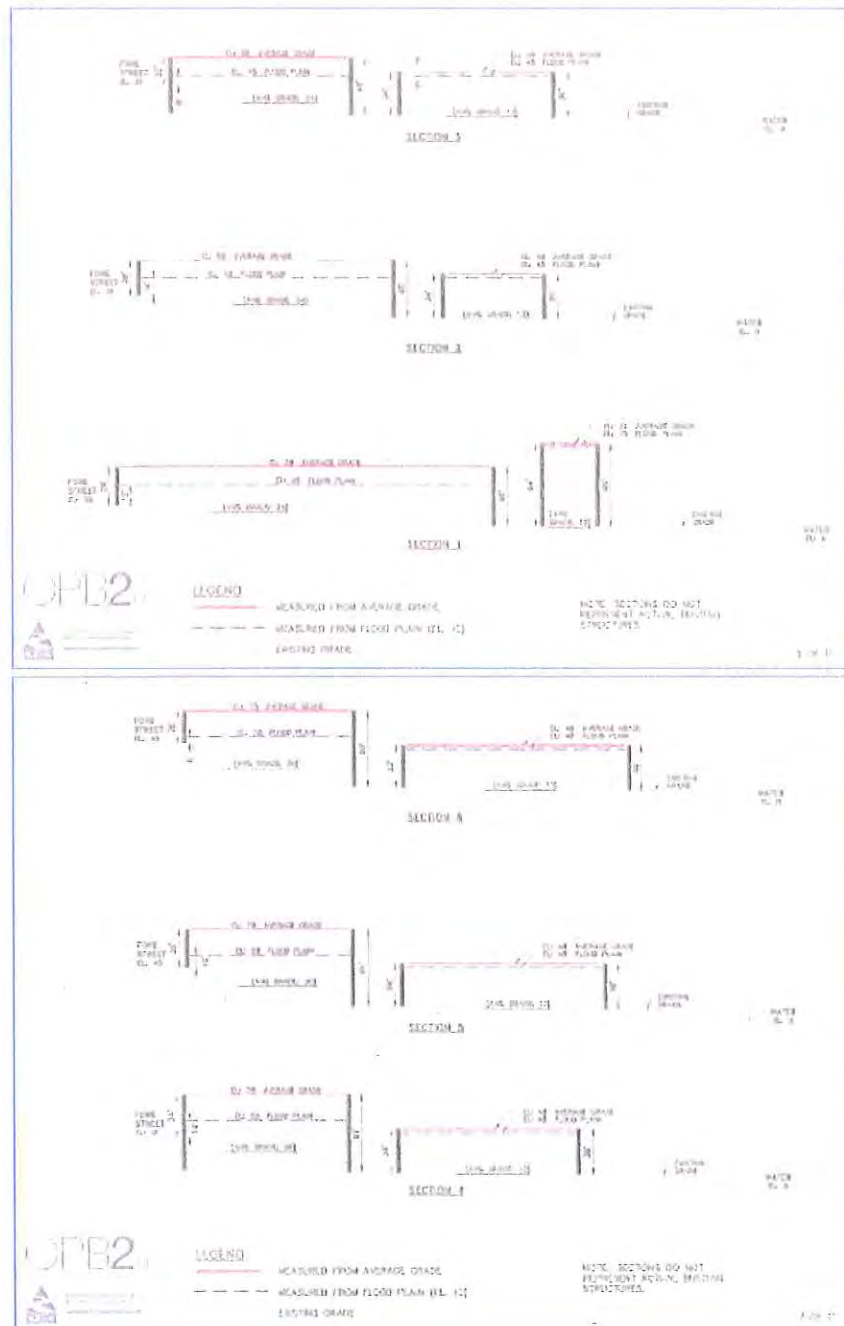


Figure 68

The Planning Board subsequently requested additional visuals to better understand the height implications of the project both from Fore Street looking south, and from the southern portion of the property looking towards Fore Street. An excerpt of the response to that request is included in Figure 9.. The section below layers existing buildings on Fore Street (north side of street), maximum building envelopes under the B-6 Height Overlay, buildings at 58 Fore Street that are visible at Fore Street, a dashed line marking the 35 foot height maximum proposed at Fore Street, the heights and location of existing utility poles and preserved view corridors.

VI. COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan Volume 1 (2002/2004) gives an overview of the years of waterfront planning efforts of the City, and addresses redevelopment of Waterfront East specifically. It outlines four redevelopment principles for development in this area: 1) Character and Impact of Development; 2) Mixed-use as a component of an active, vibrant urban area; 3) maintaining Maritime Resources; and 4) Economically Responsible Development that benefits the city and the region. These four principles are restated and expanded upon in the Eastern Waterfront Masterplan (adopted 2002 and amended 2004 & 2006). The application to rezone this area (section 2.4) cites support in that document for zoning changes that foster upland mixed use development as well as water dependent and marine uses within 75 feet of the shore line. Rezoning of this eastern waterfront area, which resulted in the establishment of the B-6 zone, was anticipated, and the zone changes proposed herein reflect the overall policy guidance of the Eastern Waterfront Masterplan. Both Volume 1 of the Comprehensive Plan and the Eastern Waterfront Masterplan indicate that land within 75 feet of mean high water should be given priority to water-dependent and marine uses, which corresponds to the proposed boundary between the B-6/EWPZ zones. **The Planning Board found that the proposed rezoning from WSUZ to B6 and EWPZ is consistent with these four broad principles. Detail on each of these principles follows, as well as a summary of consistency with the Building Height Study and the Design Guidelines.**

- *Character and Impact of Development.* This section calls for a variety of related outcomes, including compatibility with surrounding neighborhoods and maritime uses, historic preservation and adaptive reuse, compatible architecture, protection of view corridors, integrated street and trail networks. **Protection of view corridors consistent with the Height Study are proposed. Review for greater connectivity and eventual review of new building designs will take place by the Planning Board when a development proposal is brought forward. The process for determining whether this property will receive an historic designation, and the extent of that designation, is about to begin, and if designated will result in subsequent Historic Preservation Board development review.**
- *Mixed Use.* The Eastern Waterfront Masterplan calls for the development of vibrant and active mixed-use areas, compatible with maritime resources, that maintains access to the waterfront, maintains and enhances trail access, and includes but is not limited to residential, commercial, public, institutional, marine, park, trail and industrial uses. **The full name of the B-6 zone includes the descriptor *Eastern Waterfront Mixed Use Zone*. It was created as a direct outgrowth of the Eastern Waterfront Masterplan recommendations as a mixed-use zone that could operate as a maritime compatible but upland zone in this area. Extension of the B-6 zone, while retaining a waterfront zone in the form of the EWPZ, is a specific fulfillment of Comprehensive Plan policies for the Eastern Waterfront.**
- *Maritime Resources.* The Eastern Waterfront Masterplan calls for land within 75' of the mean high water line being reserved for waterfront dependent and associated marine-related uses. **The new zone boundaries reserve 75 feet of land for the Eastern Waterfront Port Zone, a dedicated waterfront zone.**
- *Economically Responsible Development.* This includes multiple objectives, including positive economic return to City government, strengthening water related tourism, assuring that future development benefits residents, infrastructure investments, and enhancing multi-modal transportation opportunities. **This application for rezoning greatly enhances the potential for redevelopment and investment in this site, while retaining maritime resources, increasing the prospect for water-related tourism, and maintaining public access through the site.**
- *Recommendations specific to 58 Fore Street* in The Eastern Waterfront Masterplan emphasize

better vehicular and pedestrian connections to surrounding areas, encourage sensitivity to historic nature of the site and adaptive reuse of historic structures, promotion of shared parking, retention and/or expansion of marine uses, and active public use of the water. When a development proposal for this property is brought forward, the specifics of circulation, parking and waterfront access will be reviewed, by the Planning Board and very likely by the Historic Preservation Board. The rezoning proposal allows for all of these policy priorities to occur when a development program is ultimately submitted. In addition to the rezoning, the applicant has proposed site plan standards that ensure that future proposals provide appropriate massing, design and permeability in site layouts, standards which support improved circulation patterns and improved connections to surrounding neighborhoods.

Two other pertinent documents adopted as into the Comprehensive Plan are the Eastern Waterfront Design Guidelines and the Eastern Waterfront Building Height Study.

The Eastern Waterfront Building Height Study. The B-6 Building Height Overlay & Building Envelopes map was adopted in 2004 as a direct outgrowth of the policy recommendations of the Height Study, and regulates heights and building areas within the current B-6 zone. The proposed revisions to this overlay map are also a result of interpretation of the policy recommendations of the Height Study, particularly the culminating recommendations embodied in "Illustration 33". This height overlay amendment establishes building envelopes, height maximums throughout, with additional limits along Fore Street, no-build areas, dimensional requirements of towers above base heights, and view corridors.

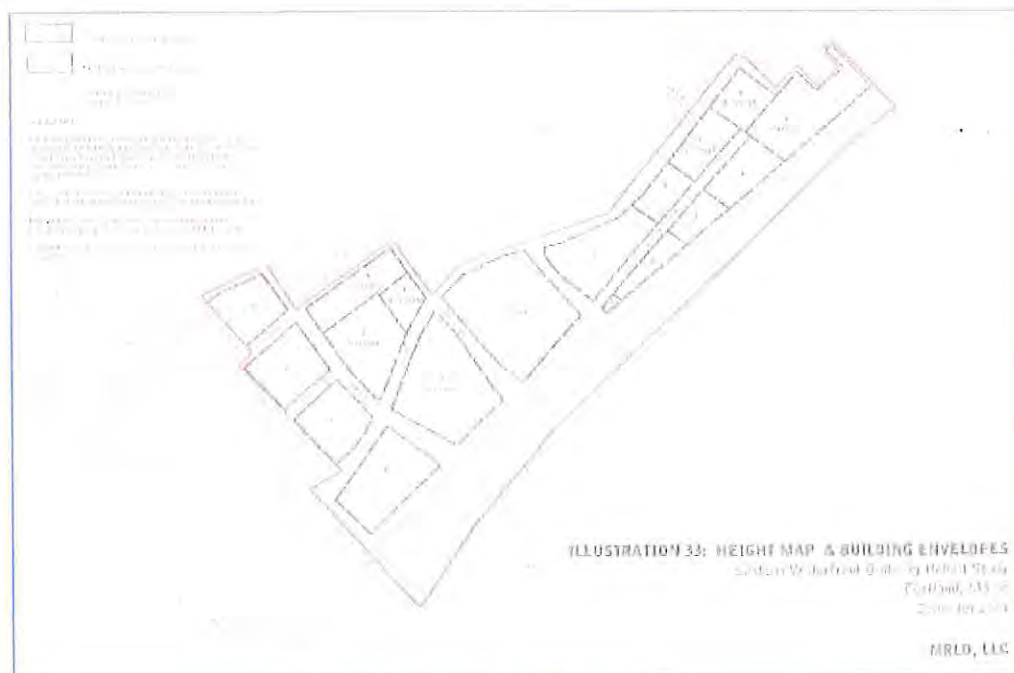


Figure 87, Illustration 33

The B-6 Building Height Overlay & Building Envelopes map was adopted in 2004 as a direct outgrowth of the policy recommendations of the Height Study, and regulates heights and building areas within the current B-6 boundaries (Figure 6). The Height Overlay map includes a reference to buildings east of Mountfort Street

(extension), stating that building heights shall be measured from feet above flood plain, rather than the more common method of measuring from average grade. This was a decision made when implementing the Height Study for the original B-6 zone, but not a recommendation made within the Height Study itself. Earlier drafts of the Height Study indicate the use of flood plain was debated, as were a range of heights and other elements deliberated as part of the extensive planning process for the Eastern Waterfront that were not ultimately included as part of the final, adopted plan. There is no directive on how height is to be measured when implementing the Height Study in zoning, and nothing explicit on this subject except a single mention to height measurement in the form of a map note in Illustration 33 that references buildings east of Hancock Street being measured from average grade. Since the initial October workshop, there have been extensive discussions concerning the height impacts above Fore Street, including the implications of both measurement methods, and the Planning Board concluded that an amended B-6 Height Overlay that utilizes average grade as the method for determining heights is consistent with the Comprehensive Plan. The amended Overlay (Figure 5) does not specify average grade, as this is the default zoning method City-wide, and it is implied.

To assist in the review of the of the height implications of this application the applicant included various visuals, including cross sections of the implications of building measurements taken from flood plain or average grade (Figure 8).

The proposed simultaneously amended B-6 Building Height Overlay and B-6 zone boundary maintains Comprehensive Plan consistency.

Design Guidelines for Development of the Eastern Waterfront will be a pertinent policy document when a development proposal is brought forward. The applicant has brought forward preemptory language from the Design Guidelines regarding massing and permeability taken directly from the recommendations of the Guidelines, in response to Planning Board and public concerns. A future master development plan would be reviewed for consistency with the Eastern Waterfront Design Guidelines. Staff also proposes to bring forward an amendment to the City of Portland Design Manual, for Planning Board consideration and subsequent action, that incorporates the Eastern Waterfront Design Guidelines by reference and/or text amendment. The rezoning of this area does not trigger any conflict with this document.

VII. PUBLIC COMMENT

Though the issues of interest and concern to the public in regard to the rezoning of this site have been varied, the issues of building heights and resulting view impacts were a central topic of the Planning Board review. Other issues raised to date have included the preference for a contract zone for the area, methods for building height measurement, the range of uses abutting the adjacent residential neighborhood, retention of a viable waterfront zone, potential noise and traffic impacts, pedestrian access to the property and to the water, the continued presence of the rail/trail, sea level rise impacts, the desire to see a development concept for the property prior to rezoning, and the importance of historic preservation. Public comments submitted to date are included as PC1 through PC27.

VIII. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed map amendment at a public hearing on February 24, 2015. 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, Boepple absent) that the proposed map amendment from the WSUZ to B-6 and EWPZ, an amendment to the B-6 Building Height Overlay & Building Envelopes map, and the proposed text amendments to the WSUZ, B-6, EWPZ and Shoreland Overlay zone are consistent with the Comprehensive Plan and recommended adoption of the proposed map amendment to the City Council.

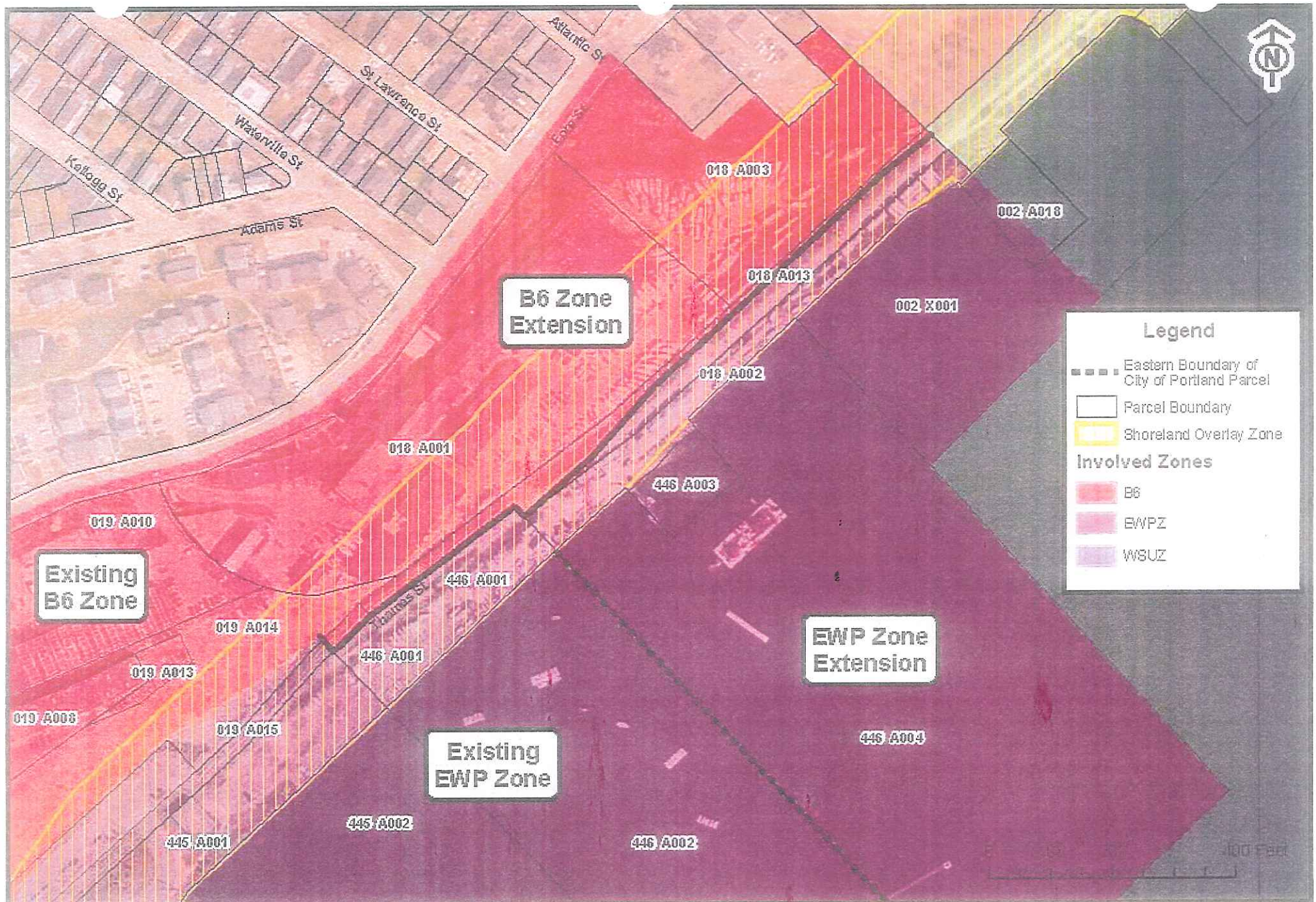
IX. ATTACHMENTS

Applicant's Submittal

A. Proposed Map and Text Amendments

Public Comment

- PC 1. A. Adams
- PC 2. Vestal/Soul of Portland
- PC 3. Macomber
- PC 4. Burwell
- PC 5. Vestal
- PC 6. Ingalls
- PC 7. Agopian
- PC 8. Snyder
- PC 9. Snyder
- PC 10. Greater Portland Landmarks
- PC 11. Small
- PC 12. Pressier
- PC 13. Burwell
- PC 14. Macomber
- PC 15. Ansheles
- PC 16. Vestel
- PC 17. Stevens
- PC 18. PSA
- PC 19. Postcards
- PC 20 GPL
- PC 21 PSA
- PC 22 Vestal
- PC 23 Donovan
- PC 24 Hebold
- PC 25 Macomber
- PC 26 McGee
- PC 27 Whitten Pts 1 & 2



CPB2 LLC: Proposed Zoning Extension

Sec. 14-48. Establishment of zones.

In order to carry out the provisions of this article, the city is hereby divided into the following classes of zones:

. . .

~~(dd) Waterfront special use zone~~

. . .

DIVISION 15.1. B-6 EASTERN WATERFRONT MIXED ZONE

Sec. 14-269. Permitted uses.

The following uses are permitted in the B-6 zone:

(a) Commercial:

1. Professional, business and general offices;
2. Restaurants and other eating and drinking establishments, except that no drinking establishments as defined in section 14-47 that are located east of Waterville Street shall be permitted within fifty feet (50') of Fore Street, and provided that restaurants that are located east of Waterville Street and within fifty feet (50') of Fore Street must meet the following requirements:
 - a. The hours of operation shall be limited to between 5:00 a.m. and 11:00 p.m. each day.
 - b. Food service and consumption are the primary function of the restaurant;
3. Hotels and inns limited to no more than 150 rooms;
4. Craft and specialty shops, including the on-premises production of handcrafted goods;
5. Retail and retail service establishments, excluding those with gas pumps;
6. Theatres;
7. Banking services, excluding vehicular drive-up services;

Editor's Note: Drive-up banking facilities located in the interior of parking structures are allowed as a conditional use subject to the criteria outlined below in the conditional use provisions of this section.

8. Cabinet and carpentry shops;

9. Personal services;
10. Business services;
11. Offices of business trades people;
12. Miscellaneous repair services, excluding all types of automotive repair except for automobile repair and service establishments;
13. Telecommunication and broadcast and receiving facilities, except as prohibited in section 14-271 (prohibited uses);

In addition, building mounted telecommunications antennas, discs, transmitting and receiving equipment and the like shall adhere to the following criteria. Such roof-mounted equipment shall be:

- a. No taller than 15 feet above the highest structural steel of the building roof; and
 - b. Set back no less than 15 feet from the building perimeter; and
 - c. Integrated into the architecture of the building in placement, form, color, and material so as to screen or camouflage such equipment from public view.
14. Brew pubs and microbreweries without associated bottling facilities; and brewpubs and microbreweries with associated bottling facilities limited to 5,000 bottles per year output, except that no brew pubs or microbreweries that are located east of Waterville Street shall be permitted within fifty feet (50') of Fore Street.
 15. Electronic data storage;
 16. Marine products wholesaling and retailing;
 17. Harbor and marine supplies and services, chandlery and ship supply;

18. Underground marine fuel storage provided that fuel storage structures shall be used solely for the purpose of fueling vessels;

19. Bakeries, coffee roasters, and commercial kitchens with building footprints limited to fifteen thousand (15,000) square feet of contiguous building space.

20. Printing establishments.

(b) *Residential:*

1. Attached dwellings including row houses, two-family and multifamily dwellings;
2. Handicapped family units;
3. Combined living/working spaces, including but not limited to artist residences with studio space;
4. Mixed use residential and commercial structures.

(c) *Public:*

1. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures;
2. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces;
3. Pedestrian and multi-use trails;

(d) *Other:*

1. Studios for artists, photographers and craftspeople including but not limited to, painters, sculptors, dancers, graphic artists and musicians;
2. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses, except that parking

lots shall not be considered a permitted accessory use and such parking is subject to the conditional use section of the B-6 zone.

3. Health clubs, martial arts and meditation facilities.
4. Intermodal transportation facilities.
5. Nursery schools, kindergartens, and daycare facilities or home babysitting services.
6. Private clubs or nonprofit social and recreational facilities, as defined in 14-47.
7. Educational facilities.
8. Temporary events, provided that all such events on a lot do not exceed a combined total of (60) days per year and that the total floor area utilized for such uses does not exceed seventy thousand (70,000) square feet at any one (1) time.
9. Museums and art galleries.

- (e) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

Sec. 14-270. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the B-6 zone as provided in 14-474 (conditional uses), provided that, notwithstanding section 14-474(a) or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority:

(1) *Commercial:*

- a. Meeting and exhibition facilities limited to a total of 20,000 gross square feet of interior floor area.
- b. Wholesaling, providing the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building footprint of less

than 15,000 square feet.

- c. Drive-up banking facilities located in the interior of parking structures, subject to the following criteria:
 - i. All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street line;
 - ii. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets;
 - iii. Drive-up vehicle circulation shall not create an impediment for retail or mixed-use development for the first floor of the subject garages along any adjacent public streets.
- d. Research and development and related production facilities, including but not limited to biotechnology, subject to the following conditions:
 - i. Associated manufacturing and warehousing uses combined are not to exceed 15,000 square feet.
 - ii. Biotechnology facilities must demonstrate approvals by all applicable regulatory authorities prior to commencement of operations.

(2) *Parking*

. . .

Sec. 14-273. Performance standards.

All new development in the B-6 Eastern Waterfront Business Zone shall comply with the following standards:

(b) *Noise:*

1. *Definitions:*

- a. Tonal sounds are defined as sound waves usually perceived as a hum or whine because their instantaneous sound pressure varies essentially as a simple sinusoidal function of time.
- b. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with duration of less than one (1) second.

2. *Measurement:* Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. Measurements shall be made at all major lot lines of the site, at a height of at least four (4) feet above the ground surface. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ₁).

3. *Maximum permissible sound levels:* The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows:

- a. Sixty (60) dBA between the hours of 7:00 a.m. and 10:00 p.m.
- b. Fifty (50) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

In addition to the sound level standards established above, all uses located within this zone shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones.

4. *Exemptions:*

- a. Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (a)3 of this section. Construction activities on a site abutting any residential use between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day shall not exceed fifty (50) dBA.
- b. The following uses and activities shall also be exempt from the requirements of subsection (a)3 of this section:
 - i. The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency devices.
 - ii. Traffic noise on public roads or noise created by airplanes and railroads.
 - iii. Noise created by refuse and solid waste collection, provided that the activity is conducted between 6:00 a.m. and 7:00 p.m.
 - iv. Emergency construction or repair work by public utilities, at any hour.
 - v. Noise created by any ~~recreational activities~~ temporary activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, ~~and~~ fireworks

displays, festivals, events and
concerts.

DIVISION 15.1. B-6 EASTERN WATERFRONT MIXED ZONE

Sec. 14-272. Dimensional requirements.

In addition to the provisions of article III, division 25 of this Code, lots in the B-6 Eastern Waterfront Business Zone shall meet the following requirements:

(a) *Minimum lot size:* None.

(b) *Minimum frontage:* None.

(c) *Yard dimensions:*

1. Minimum yards in the B-6 zone:

Front setback: None required except as provided in 3. below:

Side setback: None required.

Rear setback: None required.

2. Maximum building setback from street line except for parking garages, public transportation facilities and provided in 3. below: 10 feet.

a. For lots fronting on more than one street, the setback can be increased more than ten (10) feet if all of the following conditions are met:

i. The increased setback occurs at the intersection of the streets;

ii. The increased setback area is the primary pedestrian entrance to the building;

iii. Seventy-five (75) percent of the total building wall length facing the abutting streets shall be setback no greater than ten (10) feet; and

iv. All building wall segments, which make

up the increased setback shall be included in the calculation of the total building wall length noted in subsection iii above.

In addition, for any new construction on a lot abutting three or more streets, the maximum setback shall apply only to the two most major streets. (For purposes of this section, major street shall mean that street with the highest traffic volume or the greatest street width in comparison with the remaining streets).

3. View Corridors and Key Street Wall Development

Notwithstanding sections 1. and 2. above, new structures located in the blocks located south of Fore Street and north of Commercial Street and its extension, shall build to the key building envelopes shown on the B6 Building Height Overlay & Building Envelopes map Eastern Waterfront Building Height Overlay Map. Buildings located in the easternmost key building envelope, shall not have a maximum front setback, and shall not be required to build to the key building envelope perimeter. Parking structures and the buildings for public transportation facilities may, however, set back beyond the key building envelopes (toward the interior of blocks), but may not occupy the land between the key building envelope and the street right of way.

(d) Minimum length of building wall required to be located along street frontage of lot (except that buildings located in the easternmost key building envelope, as shown on the B6 Building Height Overlay & Building Envelopes map, shall not be subject to this requirement).

i. 70% of lot street frontage; or

ii. 25% of building perimeter,

iii. For buildings fronting on two or more streets, the minimum building wall on one street may be decreased so long as the

frontage is proportionally increased on other streets in so far that the building wall on the secondary street is not reduced to less than 25 feet.

- (e) *Maximum lot coverage:* One hundred (100) percent.
- (f) *Maximum building height:* 65 feet, or as otherwise governed by a Building Height Overlay map (for example, in the Eastern Waterfront). Building Height Overlay maps are found in the Planning and Development Department Office.
- (g) *Minimum building height:* No new construction of any building shall have less than three (3) floors of habitable space above the average adjacent grade within twenty five (25) feet of any public street (except that buildings located in the easternmost key building envelope, as shown on the B6 Building Height Overlay & Building Envelopes map, shall not be subject to a minimum building height).

This provision shall not apply to:

- i. Parking attendant booths,
- ii. Information kiosks and ticketing booths,
- iii. Parking garages,
- iv. Public transportation facilities,
- v. Additions to buildings existing as of December 8, 2004 provided that the cumulative additions since December 8, 2004 does not exceed 25% of the building footprint on December 8, 2004 except that such restriction shall not apply to those portions of the building addition that are constructed closer to the street line than the building footprint existing as of December 8, 2004,
- vi. Buildings or building additions of less than 2,000 square feet footprint, on lots or available building sites of less than 2,000 square feet,

- vii. Utility substations, including sewage collection and pumping stations; water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures, and
- viii. Additions to and/or relocations of designated historic structures.

DIVISION 18.7. WATERFRONT SPECIAL USE ZONE* RESERVED

~~*Editor's Note See the editor's note to division 18 of this article.~~

~~Sec. 14-320.5. Purpose.~~

~~The waterfront special use zone recognizes that the uses appropriate in this zone are constrained by its proximity to heavy industrial use on the western end, a high density residential neighborhood on the north, and park and R-OS land to the east. Uses to be located in this zone must be compatible with these existing neighborhood uses.~~

~~At a minimum, parcels in this zone generally enjoy visual access to the port. It is further recognized that this area has historically been used for marine uses and that some of the parcels have the capacity to accommodate active water dependent uses. While physical access to the water may not currently be legally available to all parcels in this zone, it is anticipated that developments in this zone may be able to negotiate easements for access. At a minimum, development in this zone should not be incompatible with marine and water dependent uses. Uses which contribute to the maintenance and improvement of the infrastructure along the water's edge as a condition of use are strongly encouraged.~~

~~(Ord. No. 160-93, S-2, 1-4-93)~~

~~Sec. 14-320.5.5. No adverse impact on marine uses.~~

~~No use shall be permitted, approved or established in this zone if it will have an impermissible adverse impact on future marine development opportunities. A proposed development will have an impermissible adverse impact if it will result in any one (1) or more of the following:~~

- ~~(a) The proposed nonwater dependent use will displace an existing water dependent use;~~
- ~~(b) The proposed use will reduce existing commercial vessel berthing space;~~
- ~~(c) The proposed nonwater dependent use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or~~

City of Portland
Code of Ordinances
Sec. 14-320.5.5

Land Use
Chapter 14
Rev. 1-4-93

~~loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or~~

- ~~(d) The siting of a proposed nonwater-dependent use will substantially reduce or inhibit existing public access to marine or tidal waters.~~

~~(Ord. No. 168-93, § 2, 1-4-93).~~

~~Sec. 14-320.6. Permitted uses.~~

~~Subject to a determination that the proposed use meets the standards of section 14-320.5.5 (no adverse impact on marine uses):~~

- ~~(a) The following uses are permitted in the waterfront special use zone on both the north and south sides of the railroad line indicated on the City of Portland Zoning Map:~~

~~1. Marine:~~

- ~~a. Marine products, wholesaling, distribution and retailing;~~
- ~~b. Marine repair services and machine shops;~~
- ~~c. Tugboat, fireboat, pilot boat and similar services;~~
- ~~d. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;~~
- ~~e. Marine industrial welding and fabricating;~~
- ~~f. Shipbuilding and facilities for construction, maintenance and repair of vessels;~~
- ~~g. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water~~

~~Exhibit~~

- ~~h. Cargo handling facilities, including decking, loading and related storage;~~
- ~~i. Boat repair yards;~~
- ~~j. Boat storage facilities, including rack storage facilities;~~
- ~~k. Seafood processing;~~
- ~~l. Seafood packing and packaging;~~
- ~~m. Seafood loading and seafood distribution;~~
- ~~n. Fabrication, storage and repair of fishing equipment;~~
- ~~o. Ice-making services;~~
- ~~p. Facilities for marine construction and salvage;~~
- ~~q. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices;~~
- ~~r. Fabrication of marine-related goods;~~
- ~~s. Fishing and commercial vessel berthing;~~
- ~~t. Noncommercial berthing;~~
- ~~u. Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers;~~
- ~~v. Public landings;~~
- ~~w. Marinas;~~
- ~~x. Intermodal transportation facilities.~~

~~2. Industrial uses:~~

~~Industrial uses which meet the performance standards of the I-2 zone.~~

~~3. Public:~~

~~Pedestrian and bicycle trails.~~

~~The following uses are permitted in the waterfront special use zone only on the north side of the railroad tracks indicated on the City of Portland Zoning Map only in (a) buildings in existence on January 4, 1993, or (b) one (1) new structure per parcel (as defined in 30 A M.R.S.A. Section 4401(6)), which parcel was in existence on January 4, 1993, of up to five thousand (5,000) square feet in total floor area. No construction of a new structure of more than five thousand (5,000) square feet in total floor area or in excess of one (1) per parcel for uses other than those specified in subsections (1) through (3) above is allowed without approval of a conditional use pursuant to section 14-320.6.5 or conditional or contract rezoning pursuant to division 1.5 of this article.~~

~~4. Commercial uses:~~

~~a. Professional, business, and general offices;~~

~~b. Business service establishments;~~

~~c. Restaurants, provided that food service and consumption shall be the primary function of the restaurant;~~

~~d. Cabinet and carpentry shops;~~

~~e. Cold storage facilities;~~

~~f. Museums and art galleries.~~

~~5. Other:~~

~~a. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses or temporary exhibition uses, provided that all such~~

~~exhibition uses on a lot do not exceed a combined total of sixty (60) days per year and that the total floor area utilized for such uses does not exceed seventy thousand (70,000) square feet at any one (1) time;~~

- ~~b. Parking: Parking shall be permitted as long as it does not impede access to water by existing or potential marine uses.~~
- ~~c. Institutional uses including marine research, education and laboratory facilities. Such uses shall not include any type of overnight accommodations.~~
- ~~d. Wind energy systems, as defined and allowed in Article X, Alternative Energy.~~

~~6. Public:~~

- ~~a. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures, provided that such structures are located more than one hundred (100) feet from the water;~~
- ~~b. Municipal uses;~~
- ~~c. Landscaped pedestrian parks, plazas and similar outdoor pedestrian spaces, including without limitation pedestrian and bicycle trails.~~

~~7. Industrial uses:~~

~~Warehousing and wholesaling.~~

~~(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 187-99, 1-4-99; Ord. No. 33-11/12, 1-18-12)~~

~~Sec. 14-320.6.5. Conditional uses.~~

~~(a) The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions~~

~~of sections 14-320.5.5, 14-474 and any special provisions, standards or requirements specified below, and further provided that, notwithstanding section 14-474(a) or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority.~~

- ~~1. Any use permitted in section 14-320.6(d)2, 4, 5 or 6, (e), (f) or (g), in one (1) new structure of more than five thousand (5,000) square feet, but not more than ten thousand (10,000) square feet in total floor area per parcel.~~

~~(b) The following use shall be permitted only upon the issuance of a conditional use permit subject to the provisions of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:~~

- ~~1. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:~~

- ~~a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and~~
- ~~b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and~~
- ~~c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and~~
- ~~d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the~~

~~proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and~~

- ~~e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and~~
- ~~f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and~~
- ~~g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and~~
- ~~h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.~~

~~2. Wind energy systems, as defined and allowed in Article X, Alternative Energy.
(Ord. No. 163-93, § 2, 1-4-93; Ord. No. 29-09/10, 8-3-09, emergency passage;
Ord. No. 33-11/12, 1-18-12)~~

~~Sec. 14-320.7. Contract or conditional zoning.~~

~~An applicant may only construct a new structure of either more than five thousand (5,000) square feet in total floor area~~

~~for occupancy by uses enumerated in section 14-320.6(d)1, or ten thousand (10,000) square feet in total floor area for occupancy by uses enumerated in section 14-320.6(d)2, 4, 5 or 6, (c), (f) or (g) or in excess of one (1) per parcel for occupancy by those same uses if a rezoning is approved pursuant to division 1.5 of this article. A conditional or contract rezoning shall only be approved if, after public hearing and opportunity for public comment, the reviewing body finds that the applicant has carried the burden of proof to show that the proposed development meets the standards of section 14-320.55 and all of the following standards:~~

- ~~(a) The proposed development is consistent with the comprehensive plan.~~
- ~~(b) The project's public benefits outweigh its potential negative impacts, taking into consideration as public benefits protection of existing water-dependent uses, preservation of future water dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels (either on or off site), and visual and physical access to the waterfront for the general public.~~
- ~~(c) The proposed development responds to any unique physical conditions and development opportunities along the shoreline.~~
- ~~(d) The proposed development is sensitive to design opportunities and local environmental conditions, makes use of creative design solutions, does not significantly restrict air, light or water views of other structures located in the vicinity and does not create significant adverse local climatic effects such as increased winds, shadowing, or less efficient traffic, parking or circulation patterns.~~
- ~~(e) The proposed development is consistent with the Portland Waterfront Public Access Design Guidelines, a copy of which is on file in the department of planning and urban development.~~
- ~~(f) The proposed rezoning contains adequate provisions and/or conditions to ensure that the water-dependent~~

~~use is not abandoned after the project is developed.
(Ord. No. 168-93, § 2, 1-1-93)~~

~~Sec. 14-320.8. Prohibited uses.~~

~~Uses which are not enumerated in section 14-320.6 as permitted or in section 14-320.6.5 as conditional uses are prohibited.~~

~~(Ord. No. 168-93, § 2, 1-1-93)~~

~~Sec. 14-320.9. Dimensional requirements.~~

~~In addition to the provisions of article III, division 25 of this Code, lots in the waterfront special use zone shall be subject to the following requirements:~~

~~(a) Minimum lot size: None.~~

~~(b) Minimum frontage: None.~~

~~(c) Minimum yard dimensions:~~

~~Front setback: None.~~

~~Side setback: None required unless adjacent to a residential zone; if adjacent to a residential zone, twenty five (25) feet.~~

~~Rear setback: None required unless adjacent to a residential zone; if adjacent to a residential zone, twenty five (25) feet.~~

~~Setback from pier line: Notwithstanding the above requirements, a minimum setback of five (5) feet from the edge of any pier, wharf or bulkhead shall be required for any structure. The setback area may be utilized for activities related to the principal uses carried on in the structure, subject to the provisions of sections 14-313 and 14-314, but shall not be utilized for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).~~

~~(d) Maximum lot coverage: One hundred (100) percent.~~

~~(e) 1. Maximum building height: Forty five (45) feet, except in the area formed by the projection~~

~~of the centerline of Atlantic Street between its intersections with Wilson Street and the Eastern Promenade easterly to the easternmost boundary of the waterfront special use zone, where facilities for bulk storage of materials delivered to a site by waterborne transportation or awaiting transportation from the site by means of waterborne transportation may be erected to heights that shall not exceed sixty five (65) feet above mean sea level. In those areas where the maximum height may not exceed forty five (45) feet above grade, no structure may exceed sixty five (65) feet in height above mean sea level. For purposes of this section, a projection of the centerline of a street shall consist of an extension of the centerline of the street to the water side boundary of the waterfront special use zone.~~

~~2. Additional bulk, height and location standards for structures exceeding forty five (45) feet in height above grade within the waterfront special use zone:~~

~~a. The maximum horizontal diagonal measurement of portions of a structure, cluster of structures or equipment exceeding forty five (45) feet in height above grade shall not exceed one hundred (100) feet, except that for each foot that the structure, cluster of structures, or equipment is lowered from the maximum permitted height, the maximum horizontal measurement may increase by one (1) foot.~~

~~b. In addition to any other setback requirements, portions of structures or clusters of structures exceeding forty five (45) feet in height above grade shall be set back a minimum of one (1) foot from the exterior property line of the owner of the underlying fee interest for each foot that the structure or cluster of structures exceeds forty five (45) feet in height above grade.~~

- ~~c. No structure or cluster of structures exceeding forty-five (45) feet in height above grade may be located closer than one hundred fifty (150) feet from any other such structure or cluster of structures.~~
- ~~d. The cumulative width of the portion of structures exceeding forty-five (45) feet in height above grade shall not exceed more than thirty (30) percent of the average width of the lot as measured by a line drawn parallel to the water.~~
- ~~e. No structure shall exceed forty-five (45) feet in height above grade within the view corridors established by the projection of the street right-of-way lines for Atlantic Street, Vesper Street or for O'Brien Street.~~
- ~~f. For purposes of this section only, moveable elements such as cranes and gantries, and connection devices such as conveyers or bridges shall not be subject to the space and bulk requirements, but shall be subject to a determination by the Federal Aviation Administration that the location of such equipment will not create a hazard to navigation. Other rooftop appurtenances shall not exceed the maximum height limits set forth in this section.~~
- ~~g. The applicant must provide a determination from the Federal Aviation Administration that structures and equipment will not exceed the applicable height guidelines for the runway approach and will not create a hazard to navigable airspace. Such a determination shall be accepted as conclusive evidence that the proposed development will not create a hazard.~~
- ~~h. Accessory uses in structures which exceed forty-five (45) feet in height above grade shall not be located higher than forty-five~~

City of Portland
Code of Ordinances
Sec. 14-320.6.5

Land Use
Chapter 14
Rev. 1-18-12

~~{45} feet within the structure.~~
~~{Ord. No. 169-03, S 2, 1-1-03}~~

~~Sec. 14-320.10. Performance standards.~~

~~All uses in the waterfront special use zone shall comply with the following standards:~~

~~(a) Outdoor storage of materials: Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of forty five (45) feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.~~

~~(b) Noise:~~

~~1. The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront special use zone between the hours of 7:00 p.m. and 7:00 a.m., from industrial facilities or operations commenced on or after July 1, 1998, shall not exceed fifty five (55) decibels on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.~~

~~2. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ).~~

~~3. In addition to the sound level standards otherwise established, facilities or operations established or built in the waterfront special~~

~~use zone on or after July 1, 1988, shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones. Tonal sound is defined as a sound wave usually perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.~~

- ~~(c) Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile-supported pier.~~
- ~~(d) Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Code are more stringent.~~
- ~~(e) Discharges into harbor areas: No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of parks and public works in accordance with chapter 24, article III of this Code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this Code and federal and state environmental statutes and regulations regarding wastewater discharges.~~
- ~~(f) Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.~~
- ~~(g) Landfill of docking and berthing areas: Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. Sections 471 through 478, and permitted only if the landfill does not reduce the amount of linear~~

~~berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of parks and public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.~~

~~(h) Off street parking: Off street parking is required as provided in division 20 (off street parking) of this article.~~

~~(i) Off street loading: Off street loading is required as provided in division 21 of this article.~~

~~(j) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.~~

~~(k) Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.~~

~~(l) Signs: Signs shall be permitted as set forth in division 22 of this article.~~

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

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

DIVISION 17.5. EASTERN WATERFRONT PORT ZONE*

Sec. 14-301. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-300.1. (no adverse impact on marine uses), the following uses are permitted in the Eastern Waterfront Port Zone:

(a) *Marine passenger:*

1. Intermodal marine passenger facilities;
2. Cruise ship home port and port of call berthing and support;
3. International and domestic ferries.

(b) *Marine commercial:*

1. Transient and long-term commercial berthing;
2. Marine-related warehousing;
3. Marine related construction, manufacturing, fabrication, salvage and repair;
4. Storage and repair of fishing equipment;
5. Ship and other marine vessel construction, building, servicing, and repair;
6. Boat and marine equipment storage;
7. ~~Marine fuel storage and dispensing provided that on-site fuel storage structures shall be used solely for the purpose of fueling vessels and shall be limited, cumulatively, to 20,000 gallons of storage capacity within the zone; Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;~~
8. Public, non-profit, or commercial marine

transportation and excursion services, including captained charter services, sport fishing and water taxis;

9. Ship and off-shore support services, including but not limited to tug boats, pilot boats, and chandleries;
10. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices;
11. Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26;
12. Marine office, including but not limited to offices of owners of marinas, wharves or their agents, and naval architects, and seafood brokers.

(c) *Commercial:*

1. Professional, business, government, and general office located in upper floors of structures existing as of September 18, 2006.

*Editor's Note--On-site parking for non-marine commercial uses are permitted as conditional uses subject to the provisions of section 14-301.1. (conditional uses, parking) below.

2. Temporary events, except festivals as otherwise governed under section 14-301I3 below.

Buildings, piers and lands within the EWPZ may be used for temporary public and private events including but not limited to exhibitions, conferences, meetings, and trade shows under the following conditions:

- a. Temporary events occupying more than 10,000 square feet of building or outdoor space

shall not exceed a combined total of sixty
(60) days between May 1st to October 31st;

- b. No temporary event may continue for more than 14 days of continuous operation;
- c. Any temporary event that anticipates more than 5,000 people in attendance on any single day must provide and be subject to a parking management plan. The parking management plan must be submitted for the review and approval of the public works authority at least 60 days prior to the first day of the event.

2. Festivals subject to City license.

4. Street vendors licensed pursuant to Chapter 19 as a result of a competitive bid process conducted pursuant to Chapter 2 of the City Code.

(d) *Public:*

- 1. Fire, police and emergency services;
- 2. Governmental agency emergency operations/crisis centers;
- 3. Research, military and visiting attraction vessel berthing;
- 4. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.

(e) *Other:*

- 1. Wind energy systems, as defined and allowed in Article X, Alternative Energy.
- 2. A facility for non-profit organizations whose facility may include offices, classrooms, equipment, equipment rentals, storage, and bathrooms for the public.

Sec. 14-301.1. Conditional uses.

(a). The following uses shall be permitted as conditional uses in the Eastern Waterfront Port Zone, provided that, notwithstanding section 14-471(c), section 14-474(a), or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority, and provided further that in addition to the provision of section 14-474(c)(2) such uses will not impede or preclude existing or potential water-dependent development within the zone, will allow for adequate right-of-way access to the water, are compatible with marine uses, and meet all additional standards set forth below:

1. Conditional use standard:

- a. *Marine compatibility*: The proposed use shall be compatible with existing and potential marine uses in the vicinity, as required by section 14-304(n) and (o) (compatibility of non-marine uses with marine uses and functional utility of piers and access to the water's edge); and
- b. *Parking and traffic circulation*:
 - i. *Parking and traffic circulation plan*: All applications for conditional use in the EWPZ shall submit a parking and circulation plan for review and approval by the planning board. The parking and circulation plan shall show the location of all existing and proposed structures, travel ways and parking under the common ownership and/or control of the subject pier or property. The plan shall demonstrate that the parking and circulation of the conditional use does not interfere with the functional marine utility of the property and otherwise meets the standards and conditions of the EWPZ.

2. Conditional uses:

- a. *Marine*:
 - i. Marine products, wholesaling and retailing;

- ii. Ice-making services;
- iii. Marine freight facilities providing service for, and/or intermodal transfer of, container and breakbulk freight;
- iv. Marine educational facilities;
- v. Seafood retailing, wholesaling, packaging and shipping;
- vi. Seafood processing for human consumption, subject to the performance standards of the IL zone set forth in section 14-236 in addition to the performance standards of section 14-304;
- vii. Commercial marinas serving commercial and recreation boats located west of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26, provided that such facilities are located in areas that do not conflict with the navigation and handling of deepwater dependent vessels accessing existing or potential deepwater berthing;
- viii. Fish byproducts processing, provided that:
 - a. Any fish byproducts processing facility has a valid rendering facility license under chapter 12 of the Portland city code; and
 - b. Any fish byproducts facility shall employ current and appropriate odor control technology to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the IM zone (section 14-

252); and

- c. The processing other material wastes or byproducts shall not be deemed a lawful accessory use Permitted herein.
- b. *Commercial:*
 - a. Structured parking available to the general public;
 - b. Professional, business, government and general offices uses in upper floors of structures constructed after September 18, 2006;
 - c. Passenger support services supporting a marine passenger use listed under 14-301(a) (marine passenger). The total ground floor area occupied by any combination of the following uses (regardless of ownership) shall not exceed 35% of the gross floor area of the principle associated marine passenger use and no more than 35,000 square feet cumulative within the EWPZ:
 - i. Retail;
 - ii. Restaurants/food service other than street vendors;
 - iii. Retail service;
 - iv. Passenger information services.
- c. *Industrial:* The following industrial uses are permitted provided that such uses shall conform to the IM zone performance standards set forth in section 14-252 in addition to the performance standards of 14-304. Where redundant or contradictory performance standards exist, the more restrictive standard applies.
 - i. Non-marine related warehousing in structures existing as of September 18, 2006;

ii. Facilities for combined marine and general construction;

iii. Low impact industrial uses as permitted in the IL zone in structures existing as of September 18, 2006, excluding all auto repair service facilities.

d. *Public:*

i. *Utility substations:* Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps and telecommunication switching stations, are permitted under the following conditions:

- a. The facility is located more than 100 feet from the water's edge;
- b. The facility occupies no more than 50 square feet of structure above ground;
- c. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise useable and made available for marine related uses, including but not limited to parking, travel ways, and/or storage; and
- d. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.

ii. Maritime museums, limited to 5,000 square feet of ground floor footprint.

*Editor's Note-On-site parking for non-marine commercial and industrial uses are permitted as conditional uses subject to the provisions of section 14-301.1. (conditional uses, parking) below.

- e. *Parking for non-marine uses:* Notwithstanding sections 14-304(h), 14-331, 14-334 (regarding off-street parking requirements) and article V (site plan) of this chapter, no parking shall be allowed in this zone for non-marine uses unless the applicant can demonstrate that the number of parking spaces on-site exceeds the number of parking spaces needed to accommodate the demand for marine and water-dependent uses that are permitted by section 14-301 (permitted marine uses) and 14-301.1. (conditional marine uses) which are or may be located on the subject property (see editor's note below). The remainder of parking Required, if any, for such non-marine uses shall be provided off-site.

*Editor's Note-Vacant ground floor space should be considered to have a parking demand similar to other space housing an existing water-dependent use elsewhere on the subject property or on a comparable property.

Sec. 14-303. Dimensional requirements.

4. Setback from pier line: Notwithstanding the above requirements, a minimum setback of twenty-five (25) feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure, provided that marine offices, as defined in Section 14-301(b)(12), may be located up to five (5) feet from the edge of any pier, wharf or working edge of the hardened shoreline. The setback area may be utilized for water-dependent uses and public uses and activities, subject to the provisions of sections 14-300.1 (no adverse impact) and 14-301.1 (conditional use provisions), and shall not be utilized for restaurant, drinking, or other non water-dependent uses or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).

DIVISION 26. SHORELAND REGULATIONS

Sec. 14-449. Land use standards.

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

(a) *Principal and accessory structures:*

1. All principal and accessory structures shall be set back at least seventy-five (75) feet horizontal distance, from the normal high water line of water bodies, the upland edge of a wetland or associated tributary streams within a shoreland zone, except that in the following zones the setback shall be as indicated below:
 - a. B-3, B-5, B-5b, I-L (south and east of I-295), and I-M (south and east of I-295): Twenty-five (25) feet.
 - b. W-C, W-PD, ~~W-SU~~, I-B, EWP: No setback required. Pier edge setbacks apply in EWP (Sec. 14-303(c)(4), W-C (Sec. 14-310(d)(4), and W-PD (Sec. 320.2(c)), ~~and W-SU (Sec. 320.2(e))~~.

For the principle structures, setback measurements shall be taken from the top of a costal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant "Classification of Coastal Bluffs", and published in the most recent Coastal Bluff Map as further referenced on the Zoning Map.

Notwithstanding this requirement, when a lot is a lot of record as defined in section 14-433 or cannot otherwise meet the setback requirement of this section due to physical limitations of the site, the Planning Board may approve a reduction of the setback requirement for a principal structure to the least amount necessary to achieve a building dimension of twenty-eight (28)

feet, provided that the setback is not reduced to less than forty (40) feet. Structures in existence on June 15, 1992, may be expanded once during the lifetime of the structure up to twenty-five (25) feet toward a freshwater wetland, stream or tributary stream, provided that the setback is not reduced to less than forty (40) feet and the floor area or volume is not increased by more than thirty (30) percent. In no event shall the setback from a coastal wetland be reduced to less than seventy-five (75) feet, except in the B-3, B-5, B-5b, EWP, W-C, W-PD, ~~W-SU~~, I-B, I-L and I-M zones, where setbacks shall be as set forth above in this subsection.

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

- (b) *Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high water line of a water body or within a wetland:*

6. Except in the W-C, EWP, W-PD, ~~W-SU~~, and I-B zones, no new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity;

- (c) *Clearing or removal of vegetation:*

1. In all shoreland areas in resource protection

zones, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that zone.

2. The clearing or removal of vegetation standards of this section shall not apply to the following zones: EWP, WCZ, WPD, ~~WSU~~, B-3, B-5, B-5b, B-6, B-7, I-L (south and east of I-295) and I-M zones (south and east of I-295).

(j) *Roads and driveways:*

1. Roads and driveways shall be setback a minimum of seventy-five (75) feet from the normal high-water or upland edge of a coastal wetland, freshwater wetland, river or tributary stream within a shoreland zone, except:
 - a. In the EWP, WC, WPD, ~~WSU~~, B-3, B-5, B-5b, I-L (south and east of I-295) and I-M (south and east of I-295) roads and driveways shall be setback as established for structures in those zones; as specified in Sec. 14-449(a)1.
 - b. Where the planning board determines that no other reasonable alternative exists. If no other reasonable alternative exists, the planning board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or effective use of additional ditch relief culverts and turnouts place so as to avoid sedimentation of the water body, tributary stream or wetland.

(k) *Parking areas:* Parking areas shall be set back a minimum of seventy-five (75) feet from the normal high-water or upland edge of a coastal wetland, freshwater wetland, river or tributary stream within a shoreland zone except:

1. In the EWP, WC, WPD, ~~WSU~~, B-3, B-5, B-5b, I-L and I-M zones, parking setbacks shall be as established for structures in those zones; as specified in Sec. 14-449(a)1.

2. Parking setbacks in the S-P (stream protection) zones are as established in Division 26.7.

3. Where the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream, the board may reduce the parking setback requirement to no less than fifty (50) feet in the R-OS, and I-B zones to the least amount necessary for construction, provided that the applicant proves by a preponderance of the evidence that appropriate techniques will be used to prevent sedimentation of the water body.

DIVISION 22. SIGNS

Sec. 14-369.5. Tables.

(a) Table 1. Permitted sign types by zone.

Note: The following legend applies for Table 1 below:

- A. Allowed, no permit required;
- B. Allowed, permit required;
- C. Allowed, subject to licensing and permit required;
- D. Prohibited;
- E. Not Applicable

Parenthetical letters, i.e. (a), refer to the notes provided at the end of Table 1.

	I-N, I-Ma, I-IIb Industrial	I-H, I-IIb Industrial	Eastern Waterfront Port Waterfront Central Waterfront Special-Use	Waterfront Port Development
Freestanding	B	B	B	B
In general (b)				
Residential I	A	A	A	A
Residential (d)	A	A	A	A
Temporary/ Portable (b)	D/D	B/D	D	D
Building	B	B	B	B
Commercial				
Banner				
Building	A	A	A	A
Marker (f)				
Awning	B	B	B	B
Identification (e)	A	A	A	A
Incidental (d)	A	A	A	A
Marquee (g)	B	B	B	B
Projecting	B	B	B	B
Residential (b)	A	A	A	A
Roof	D	D	D	D
Roof Integral	D	D	D	D
Suspended (g)	B	B	B	B
Temporary (h)	B	B	B	B
Wall	B	B	B	B
Window (I)	A	A	A	A
Miscellaneous	A	A	A	A
Community, Cultural Banner				
Directory (j)	A	A	A	A

Flag(k)	A	A	A	A
Pennant	D	D	D	D
Portable-in				
City right-of-way (A-frame)	D	D	C	D

Contents of Table 2:

2.1 Sign Regulations for R-1-R-7, IR-1-IR-3 Residential Zones

2.2 Sign Regulations for Institutional Uses in Residential Zones

2.3 Sign Regulations for RP Residence-Professional Zone

2.4 Sign Regulations for ROS/RPZ Open Space Zones & Signs in all Municipal Parks

2.5 Sign Regulations for B-1 Neighborhood Business Zone - Single Tenant Lots

2.6 Sign Regulations for B-2 Regional Business Zone - Single Tenant Lots

2.7 Sign Regulations for AB Airport Business Zone - Single Tenant Lots

2.8 Sign Regulations for B-3 Downtown Business, B-5 Urban Commercial, B-6 and B-7 Mixed Use Urban, WC Waterfront Central, ~~WSU Waterfront Special Use~~, and EWP, Eastern Waterfront Port Zones

2.9 Sign Regulations for IB Island Business Zone - Single Tenant Lots

2.10 Sign Regulations for B-4 Commercial Corridor Zone - Single Tenant Lots

2.11 Sign Regulations for OP Office Park Zones

2.12 Sign Regulations for I-L, I-Lb, I-M, I-Ma, I-Mb, I-H, I-Hb Industrial and WPD Waterfront Port Development Zones

2.13 Sign Regulations for B-1, B-2, AB, IB, and B-4

Business Zones - Multi-Tenant Lots

2014 Sign Regulations for Gas Stations -- All Zones Where Permitted

. . .

TABLE 2.8 SIGN REGULATIONS BY ZONE

Downtown Business (B-3), Urban Commercial (B-5), and Waterfront
Central (WC), ~~and Waterfront Special Use (WSU)~~ Zones

. . .

Proposed amendments from Land Use Code regarding massing and permeability in B-6 and EWPZ

Sec. 14-524. Site plan review processes.

14-524(a)(3)(c)(iii) *Standards of Review*. A Master Development Plan shall adhere to the following general requirements and features, and shall meet the Master Development Plan Site Plan Standards of 14-526 (d) (9):

- a. A designated tract of land consisting of a parcel or parcels of contiguous land or land on both sides of a public street, totaling one (1) acre or more;
- b. Developed in a comprehensive, design-integrated manner, according to an overall master development plan;
- c. Consistent with the objectives of this ordinance;
- d. Consistent with the City's Comprehensive Plan and consistent with City Council approved master plans and facility plans for off-premise infrastructure, including but not limited to, trails, pedestrian and bicycle network, view corridors, environmental management, sewer and stormwater, streets, or other facilities (see Section 15 of the Technical Manual);
- e. Developed so as to locate buildings and improvements in a manner that provides usable open space, preserves significant natural features, as defined by the site plan ordinance standards, and preserves existing trees to the maximum extent possible;
- f. Developed so as to be in conformance with Portland's Historic Preservation Ordinance standards for designated landmarks or for properties within designated historic districts or designated historic landscapes, if applicable. When proposed adjacent to or within one hundred (100) feet of designated landmarks, historic districts or historic landscapes, the Master Plan shall be developed so as to be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development;

- g. An efficient use of land which properly considers topography and protects significant natural features including, but not limited to, waterways, wetlands, floodplains and wildlife;
- h. An efficient use of land demonstrating full coordination of its own site development and surrounding context including, but not limited to, the land uses and functions contemplated, architecture, open space and pedestrian networks, vehicular access and circulation, and all other infrastructure;
- i. Linked and coordinated with surrounding land uses, infrastructure and off-site public facilities, including but not limited to the public school system, where appropriate, in a manner that is safe, efficient, non-injurious to the public, and an improvement or benefit to the public where possible;
- j. Designed with sizing of street and other infrastructure systems to accommodate the overall service demand of the Master Plan;
- k. Designed to create a street grid pattern that reflects average city block sizes of the neighborhood for street connectivity;
- l. Designed as to create a cohesive identity through building scale, massing, and articulation; use of quality exterior materials, architectural detailing at pedestrian scale; consistency of design and materials for streetscape and pedestrian amenities; framing of outdoor open space and linkages; a clear conveyance of the function and significance of various buildings, entrances, and features; and to generally comply with design and development standards of the zone in which it is located;
- m. Inclusive of provisions for the ownership and maintenance of usable open space as appropriate; and
- n. For areas proposed as future development phase(s), the proposed interim conditions shall be managed and

maintained to ensure stable, safe and attractive site conditions.

Sec. 14-526. Site plan standards.

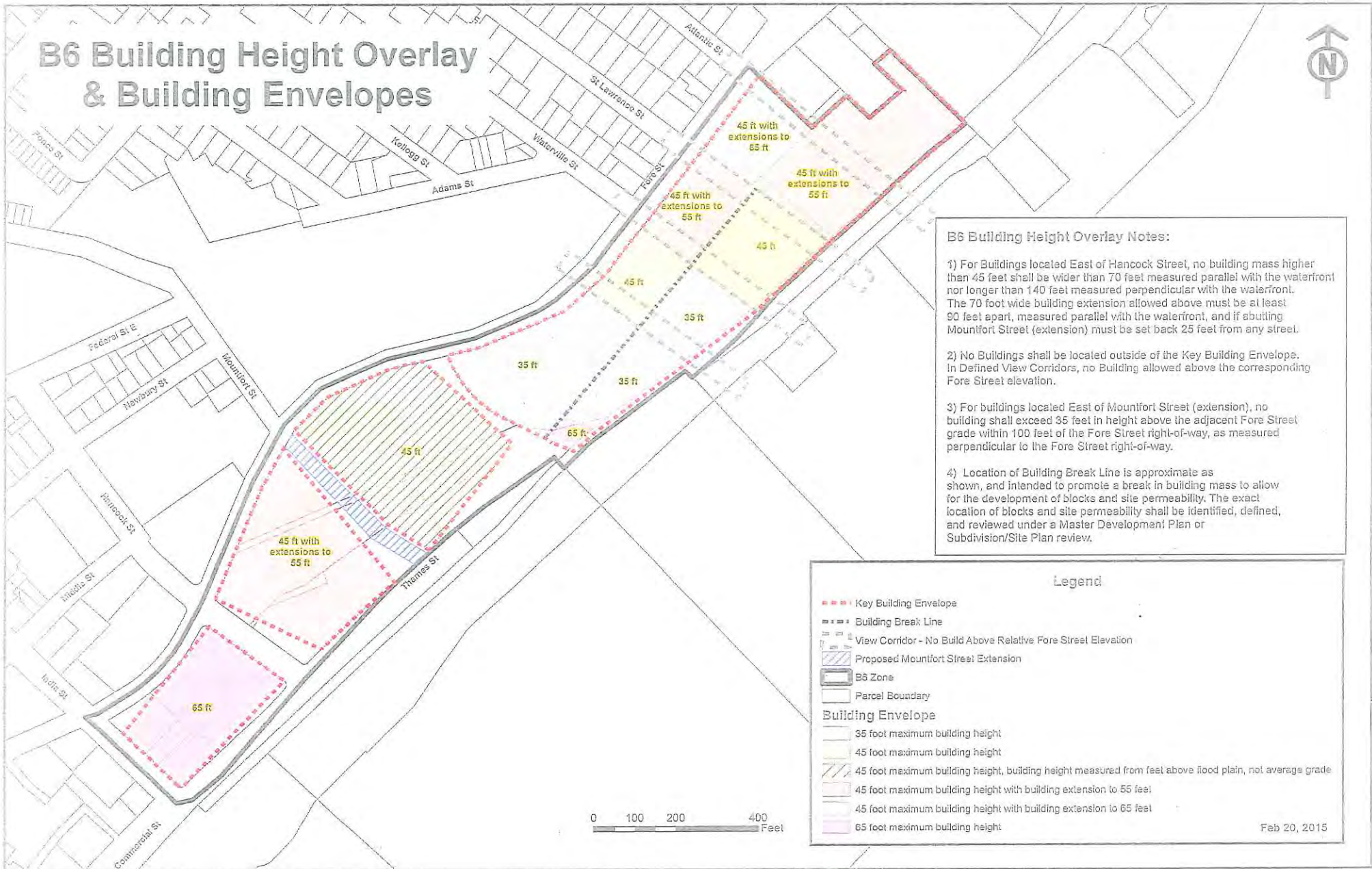
14-526(d) *Site Design Standards*

9. *Zoning Related Design Standards:*

- a. Development of certain types and/or proposed in certain zones, as specified below, are subject to design standards in addition to the provisions of Section 14-526 (a) in order to ensure designs that contribute to and enhance the goals and policies for specific districts of the City. The City of Portland Design Standards is listed in the City of Portland Design Manual, which is included by reference. If the development is located in a historic district or associated with a historic landmark, City of Portland Historic Preservation standards shall supersede:
 - (i) B3, B5, B5-b, B7 Zones, and B6 and EWPZ Waterfront Zones: Development in the B3, B5, B5-b, B7 business zones and in the B6 and EWPZ waterfront zones shall be designed to support the development of dense, mixed-use neighborhoods with attractive, safe and convenient street level pedestrian environments as demonstrated by compliance with all applicable design standards listed in the Design Manual. New development along the Eastern Waterfront should avoid large monolithic massing along all street frontages and should promote permeability through and within the development at a scale compatible with the existing street networks of the Eastern Waterfront. Where new structures are larger than buildings characteristically found in Portland's waterfront, horizontal and vertical variation should be used to break large expanses of building into components that are in scale with the context to which they most closely relate.
- b. *Master Development Plan Design Standards:* A Master Plan shall comply with the design and development standards

of the zone in which it is located, and shall achieve a cohesive land development consistent with the assets of the site, land uses, functional activities, and major design elements, such as buildings, roads, utilities, drainage systems and open space as well as with the Master Development Plan Standards of Review contained in Section 14-524.

B6 Building Height Overlay & Building Envelopes



B6 Building Height Overlay Notes:

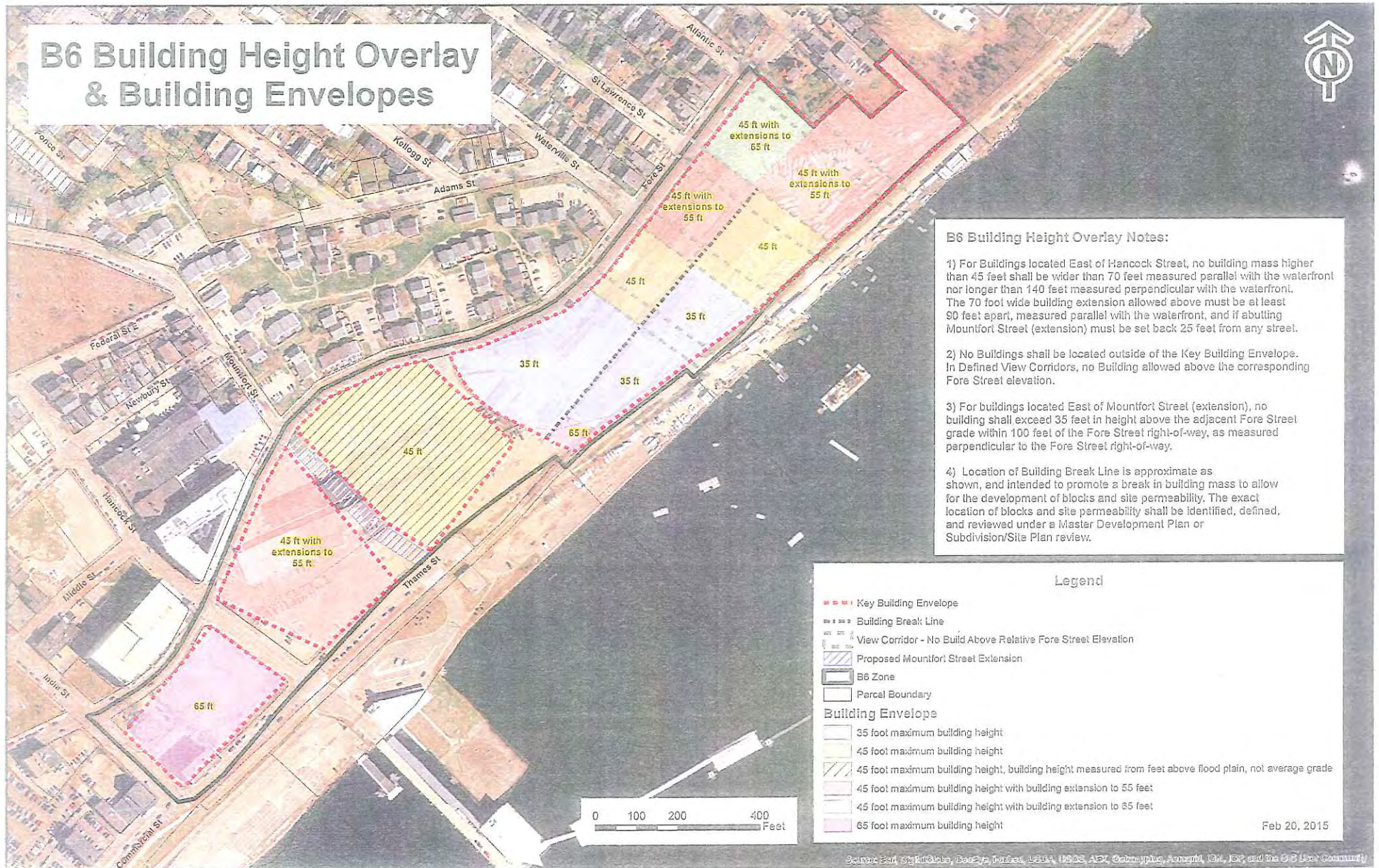
- 1) For Buildings located East of Hancock Street, no building mass higher than 45 feet shall be wider than 70 feet measured parallel with the waterfront nor longer than 140 feet measured perpendicular with the waterfront. The 70 foot wide building extension allowed above must be at least 90 feet apart, measured parallel with the waterfront, and if abutting Mountfort Street (extension) must be set back 25 feet from any street.
- 2) No Buildings shall be located outside of the Key Building Envelope. In Defined View Corridors, no Building allowed above the corresponding Fore Street elevation.
- 3) For buildings located East of Mountfort Street (extension), no building shall exceed 35 feet in height above the adjacent Fore Street grade within 100 feet of the Fore Street right-of-way, as measured perpendicular to the Fore Street right-of-way.
- 4) Location of Building Break Line is approximate as shown, and intended to promote a break in building mass to allow for the development of blocks and site permeability. The exact location of blocks and site permeability shall be identified, defined, and reviewed under a Master Development Plan or Subdivision/Site Plan review.

Legend

- Key Building Envelope
- Building Break Line
- View Corridor - No Build Above Relative Fore Street Elevation
- Proposed Mountfort Street Extension
- B6 Zone
- Parcel Boundary
- Building Envelope
 - 35 foot maximum building height
 - 45 foot maximum building height
 - 45 foot maximum building height, building height measured from feet above flood plain, not average grade
 - 45 foot maximum building height with building extension to 55 feet
 - 45 foot maximum building height with building extension to 65 feet
 - 65 foot maximum building height

Feb 20, 2015

B6 Building Height Overlay & Building Envelopes



Feb 20, 2015

Source: Esri, DigitalGlobe, GeoEye, AeroCast, USDA, USGS, APX, GeoEye, AeroCast, IGN, IGC, and the GIS User Community

Lannie Dobson - Re: Fwd: 58 Fore Street

From: Lannie Dobson
To: Christine Grimando
Subject: Re: Fwd: 58 Fore Street

>>> Christine Grimando 2/6/2015 9:24 AM >>>

Hi Lannie,

I had sent this and one other to Jen yesterday, but I'm resending for good measure.

Christine

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

>>> Christine Grimando 2/5/2015 6:24 PM >>>

Hi Jen,

More public comment.

Christine

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

>>> Angela Adams <aaa@angelaadams.com> 2/5/2015 6:10 PM >>>

Dear Chairman O'Brien, Members of the the Planning Board and Senior Planner Ms. Grimando,

As a Portland resident, property owner and business owner I am writing to express my concerns regarding the proposed development of the 10 acre site known as The Portland Company and located at 58 Fore Street.

This parcel of land is critical to our city and the lifestyle that we all embrace as residents and business owners. It is most often the first thing you see as you fly in, the first thing you see entering the harbor by boat, ferry or cruise ship and it is the route the leaf peepers, tourists and locals use to show off the beauty of our coastal city from Fore Street. Developing this site is an exciting idea and if done thoughtfully and with the residents of the neighborhood and city in mind, Portland could have a world class waterfront that is enjoyed by all.

The Portland Company history is a critical part of the DNA of our city and a national treasure. Maine has a long history of craft and innovation and there is no better example of this than the Portland Company.

The historic importance of this site is of national significance:

- It is the only surviving pre-civil war locomotive manufacturing facility in the country
- It was critical to the development of many industries in Maine, including the textile industry, paper making and canning industries
- The company's development of Maine's railroads and the shipping industry are of significant importance
- This site is the only intact industrial complex from the 19th and early 20th century remaining in the city today
- Architecturally, the buildings which were built in the 1840's and 1850's are the only remaining industrial buildings of that era in our city.
- The Portland Company buildings as a whole, comprise the historic manufacturing process that allowed them to manufacture everything on one site (outside of the boiler construction) and was the only facility in the nation to do this on one site.
- The maritime significance is immense as our lighthouse components, lanterns and navigational buoys were manufactured there.
- Bug Light, the lighthouse at the entrance to Portland Harbor was made at the Portland Company complex.

The list goes on and on as to the historical significance of this site and I urge you to please consider preserving the existing buildings and maintaining the integrity of this important historical site.

Preserving the existing buildings is only one of my primary concerns. The other is in regard to the overall design of this project, the magnitude of it and it's importance to our city. As a designer, I am well aware of the time and consideration that must go into designs and projects in order for them to be great. We all know what a less than thoughtful development looks like and it's always unfortunate to see this, especially in our beautiful city.

My concern is that in order for the most valuable piece of our city to be designed in such a way that is worthy of it's spectacular site, it must be done in the most thoughtful process possible. It should be done incrementally and with intermittent approvals that allow the city to manage the process and development in such a way that prevents it from being a one sided project that benefits developers far more than an entire city of people that live and work here. The developers are asking for a zone change that would grant broad changes to the site that greatly benefit them and that could have a disastrous impact on the city's waterfront and surrounding neighborhood. An alternative to granting the zone change request is to instead change the zone to a Contract Zone that would allow the city to monitor the development and manage the evolution of the project in such a way that works both for the developers and the residents of the city. This property is too important for us to hand the keys over to developers that, like all developers, will have very different intentions for the site than the city does. This site cannot be developed simply for the benefit of investors.

Like everyone else I know, I live here because I love the fact that Portland is located on the waterfront. Many of us would have a much easier time running a business in other cities, but we choose Portland because it is a great place to live and because it is a beautiful city located on the ocean. We all get to enjoy the spectacular views, watching the boats and planes come and go and walking along the trails that line the waterfront.

This property is not like other properties you have been asked to vote on. This is the MOST valuable property in our city and our state. It must be treated differently and with the greatest care and consideration for the future or we will forever look longingly back on the days when it was a more integral part of our lives and city and not just a big business deal that made a lot of investors and developers very wealthy. We need to preserve the integrity of the historic site and the value of the waterfront views for greatest number of people and not simply for the wealthy that have the resources to purchase it. It's the reason we all live here and we need to be thoughtful about every aspect of it's future.

Sincerely,

Angela Adams

Angela Adams
Co-Founder, Creative Director

angela adams
273 Congress Street Portland, Maine 04101
(207) 774 3523 / ext. 203 fax (207) 874 9619

From: Barbara Vestal <vestal@chesterandvestal.com>
To: Christine Grimando <CDG@portlandmaine.gov>
Date: 2/5/2015 3:15 PM
Subject: Portland Company Complex
Attachments: 58 Fore - average grade vs. flood plain.pdf

3-D Height and Massing Study, 58 Fore Street, Portland, Maine,

Prepared for Keep the Soul of Portland in the Portland Company by Rob Whitten, Whitten Architects.

Submitted to the Portland Planning Board for the 2/10/2015 workshop by Barbara Vestal due to Rob Whitten's absence from the country. Rob Whitten is expected to be back for the February 10th workshop to briefly explain the study in person.

Background and Methodology:

At the request of Keep the Soul of Portland in the Portland Company (SOP), Whitten Architects (WA) prepared a graphic 3D representation of the Portland Company site and the surrounding Portland neighborhoods using Google Earth information and 3D modeling. They used it to show the maximum possible site coverage and maximum possible heights as currently proposed by the applicant in a much more detailed scale than the previous submissions of the applicant. The applicant's submissions represented maximum build-out heights by dividing the 10 acre site into 9 large blocks, and using the average grade within each of those large blocks as the baseline. Due to the extreme change in grade in some parts of the site, the applicant's methodology minimized the height impact in the portion of the site closest to Fore Street.

In contrast, the study prepared for SOP divided the 10 acre site into 35' by 35' squares, and calculated average mean height within each square. Then it applied the proposed allowable height to each 35' by 35' square. The resulting graphic representation shows the possibilities and limits of the proposed heights and massing as proposed by the applicant. The representation is NOT a design. It does NOT represent specific buildings. Where there are proposals for "extensions" or "towers", WA did not select where they would be located. Instead the extension is shown over the full area where it could be located. It should be noted that according to the existing proposal, these extensions would be limited to a width of 70' parallel with the water and a depth of 140' perpendicular to the water and would have to be separated by at least 90'.

In summarizing the methodology, Rob Whitten of Whitten Architects states:

We overlaid the Portland Company site with a 35' x 35' grid and used it to calculate the average mean height within each 35' square. We worked with Google height information in 5' contours. The grid is more or less parallel to Fore Street and the waterfront edge of the Portland Company site. We then took the 2004 Eastern Waterfront Planning information for Building Envelopes and Heights including view easements and established a height for each of the 35' x 35' grids. (Note: this is the same as proposed by the applicant, except that the applicant additionally proposes to limit heights immediately along Fore Street to 35 feet for a distance of 35 feet back from Fore Street. The WA study used the same 35' for 35' limit.) In the video, none of the Fore Street heights exceed 35' above Fore Street for a depth of 35'. The heights are approximate. They are only as good as the Google information.

The CPB2 submission treated each height area as a big block, which results in lower heights along Fore Street. In the video diagram we broke them into the smaller 35' x 35' units which results in more accurately representing the higher heights that would be allowed along Fore Street. It is a logical representation of the Eastern Waterfront Master Plan Height Overlay description as interpreted by the applicant.

The heights show what is possible on the Portland Company site as re-zoned to a B-6 zone. The 3D diagrams do not show buildings or any sort of design. The diagrams show the maximum possible site coverage and the maximum

possible heights in 35' x 35' sizes. Note that we show all possible options for height extensions in the B-6 zone. The Height Overlay extensions are limited to a variety of blocks and options relative to the waterfront. How they are placed and organized is a building and site design process.

There are two ways to interpret the Eastern Waterfront Building Height Study height overlay illustration 33 (from which the zoning is derived). The applicant asserts that maximum heights should be measured from average grade. SOP asserts that the maximum heights should be measured from "FEET ABOVE FLOOD PLAIN, NOT FROM AVERAGE GRADE". SOP asserts that measuring heights from flood plain is consistent with the intent of the Eastern Waterfront Height Study, which emphasizes placing taller buildings in the "shadow areas" below Fore Street. Measuring from flood plain is also consistent with how the B-6 zoning was implemented in the adjacent block when it was rezoned to B-6. In that rezoning of the waterfront area from India Street up to (but not including) the 58 Fore Street property, the City adopted as part of the building height overlay: "For buildings located east of Mountfort Street (extension), building heights shall be measured from feet above flood plain, not from average grade."* As the 58 Fore Street is east of Mountfort Street and the same condition of steep slopes toward Fore Street applies, the same method of measuring heights should apply.

It should also be noted that the WA representation is based upon conservative assumptions in showing height and massing. It calculates grade using existing, pre-development grade. In fact, as height is traditionally calculated for mainland Portland, it is based on post-development grade. The applicant could fill portions of the site, resulting in greater finished heights. Similarly the WA representation shows flat-roofed buildings with no roof-top appurtenances. In fact, actual heights could be higher if a different roof form is used (e.g. for a peak roof parallel to Fore Street, half of the roof from the eaves to the peak could exceed the applicable height limit) and if there are HVAC units, stairway access units, satellite dishes, decks or other non-occupied elements on the roof.

Videos of the Results of the Height and Massing Study:

There are two ways to view the results of the study. One way is to go to the website of SOP at www.soulofportland.org and click on Height Study and Other Links and scroll down a few inches. Posted on that website are images from Vimeo files.

You may also go directly to Vimeo by using the following link:
<http://vimeo.com/album/3202655/video/116566665>

The "first video" that appears on the website (a portion of the Keep the Soul of Portland in the Portland Company 3-D Height and Massing Study prepared by Whitten Architects) shows the maximum potential massing under the zoning currently proposed by the developer* if building heights are measured from average grade*. This shows the maximum potential massing going up Fore Street toward the Eastern Prom.

Videos have been made of additional views of the developer's proposed massing as rendered in the SOP study, showing an overview (long), going along the Eastern Prom Trail heading away from India Street, going down Fore Street, and going down Atlantic, St. Lawrence and Waterville Streets toward the "view corridors" as now proposed. Each of these videos assumes heights measured from average grade, as proposed by the developer.

They may be seen at www.soulofportland.org at Height Study and Other Links, or you may go directly to Vimeo by using the following links:

<http://vimeo.com/album/3202655/video/116573487> (overview)

<http://vimeo.com/album/3202655/video/116565732> (Eastern Prom Trail heading away from India St.)

<http://vimeo.com/album/3202655/video/116567730> (heading down Fore St. toward the Old Port)

<http://vimeo.com/album/3202655/video/116568347> (Waterville Street "view corridor")

<http://vimeo.com/album/3202655/video/116569060> (St. Lawrence Street "view corridor")

<http://vimeo.com/album/3202655/video/116569828> (Atlantic Street "view corridor")

Images Comparing the Impact of Measuring from Average Grade or Flood Plain

The *next sets of six still shots *show a series of comparisons of the maximum potential massing under the same zoning, first showing massing if building heights are measured from average grade (as contended by the developer) and then, from the same location, *if building heights are measured by feet above flood plain (as asserted is proper by SOP)*. Only portions of the site are shown in these views. Whether height is measured from average grade or from flood plain only makes a significant difference in the massing in the vicinity of Fore Street. The captions in the bottom right identify location and method of measurement. They are attached to this e-mail as a pdf file.

--

Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION

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EDWIN P. CHESTER
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dixon@chesterandvestal.com

February 5, 2015

Chair O'Brien and Members of the Planning Board
c/o Christine Grimando
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Portland Company Complex

Dear Chair O'Brien and Members of the Planning Board,

The Portland Company Complex, a very visible 10 acre gateway site, is critical to the identity of Portland. As the applicant needs a zone change of some variety in order to proceed with uses that are not currently allowed, the Board has the opportunity to craft zoning that is fully reflective of the best use of that site. It is important for the City to get its zoning right. I firmly believe that the B-6 zone is not the answer for the reasons outlined below.

1. THE B-6 ZONE WAS NOT DRAFTED TO APPLY TO THE PORTLAND COMPANY SITE.

During the course of the Eastern Waterfront master planning process, an "Ultimate Build-out Scheme" scenario was developed by the Planning Office in the spring of 2002. It included City-owned land, the parcel referred to as the Farley-Marino property and some land belonging to Shipyard Brewing. It did not include the Portland Company Complex because its owner was not interested in redeveloping his property at that time. That illustration is attached as Exhibit A.

The Eastern Waterfront Master Plan generally recommended mixed use development for upland areas of the Eastern Waterfront, including the Portland Company Complex. But it did not recommend that the Portland Company Complex be rezoned from WSUZ to B-6. Mixed use development on the Portland Company Complex can be accommodated within the existing WSUZ regulation.

Between the spring of 2002 and its adoption in December 2004, the Planning Board developed and forwarded to the City Council the proposed B-6 Eastern Waterfront Mixed Use Zone. It applied only to the properties east of India Street, north of Commercial Street and its extension, west of the Portland Company complex, and south of Fore Street. It did not include the Portland

Company Complex (See Exhibit B). This area was denoted the "Central Redevelopment District." In some documents the Shipyard Property, which was eventually developed as the Gateway Parking Garage and the Residence Inn, was included in the discussion as well. However, the B-6 zoning which was enacted in December 2004 applies only to the "Central Redevelopment Area," without the Shipyard properties.

2. THE B-6 ZONE MANDATES A VERY SPECIFIC FORM OF DEVELOPMENT WHICH IS A POOR FIT FOR THE PORTLAND COMPANY SITE

The B-6 zone is a variation of a form-based code. The attached Ultimate Build-out Scheme (Exhibit A) set the stage for a form of urban development that is woven throughout the zoning language. It is very specific to the three blocks that were rezoned to B-6.

The Ultimate Build-out is premised upon a re-connected grid of public streets and public sidewalks (Hancock St., Mountfort St. and an unnamed/unbuilt street adjacent to 58 Fore St.) The parking is directed to the interior of each block (light blue), with structures accommodating mixed uses wrapped around the parking (dark blue). There are virtually no provisions for the consideration of existing buildings, because the area of the Ultimate Build-out is composed of vacant land, surface parking lots, and metal industrial structures which will be razed in the event of development. The B-6 ordinance incorporates unique dimensional requirements to produce this Ultimate Build-out -- e.g., "built to lines," 10 foot maximum setbacks from "build to lines," minimum street wall lengths, and minimum heights -- and requires for ground floor retail space to create new, very dense urban space.

Poor Fit: Already Existing Structures: In contrast to the 3 blocks of B-6, the Portland Company Complex is already significantly occupied by historic buildings. The majority of these buildings are of the character which should be adaptively reused, as stated in the Master Plan and the Design Guidelines. Contrary to assuming a virtually blank slate, as the B-6 does, the Design Guidelines state:

Historically and architecturally significant structures and sites should be inventoried and protected from demolition and carefully rehabilitated in a way that is consistent with their original architectural intent. The challenge and opportunity is to adaptively reuse significant structures while retaining their historic character (Design Guidelines, p.7).

The form-based code approach of the B-6 zone is inconsistent with the goals for the important buildings already occupying a portion of this site.

Poor Fit: No Street Grid: There is no street grid proposed for 58 Fore which will produce the basic building blocks of the B-6 zone -- blocks surrounded on four sides by public streets. The only streets proposed are the existing Fore Street (which is well above the grade of most of the

existing buildings and the "Portland Company Alignment" where no buildings will be allowed. Presumably the no build area will serve as a street, but it is not clear whether it will be public. The B-6 zone relies upon public streets and public sidewalks on both sides of the streets to make the land publicly accessible, thus securing a benefit for the general public. There is no such similar street grid proposed on the Portland Company site.

The rest of the circulation pattern on the Portland Company site has yet to be determined, and may consist of private lanes. This is the opposite of the B-6 zone which relies upon a grid of public streets and sidewalks to assure public access.

Poor Fit: Build-to Lines Nonsensical: In the existing B-6 zone, the dashed lines are "key building envelopes." The B-6 zone states:

New structures located in the blocks located south of Fore Street and north of Commercial Street and its extension, shall build to the key building envelopes [sic] shown on the *Eastern Waterfront Building Height Overlay Map*. (14-272(c)(3))

These build-to lines are tied to the building envelopes, not to streets. The Overlay Map which the applicant proposed to apply to 58 Fore Street has 9 building envelopes. There are eight "built to" lines that do not abut streets or the edge of the parcel. It is unclear what the zoning intends to accomplish by requiring build-to lines in the eight locations where build-to lines are in the middle of a parcel, not bounded by a street. Similarly the impact of overlaying this grid of build-to lines on top of historic structures is unclear.

Poor Fit: High-Density Urban Pattern of Development: The type of development that would be produced by the B-6 standards is similar to the Ocean Gateway Garage and the Residence Inn. Even beyond the question of whether the provisions are effective to generate ground floor active uses (given that the "retail space" in the Gateway Garage has been vacant since it was constructed), it is important to ask whether this is, in fact, the type of development desired at 58 Fore St. It may make more sense to first settle the issue of whether the 58 Fore Street site, or some portion of it, is going to be designated a local historic district before casting the form of new development in stone as do the very detailed standards in the B-6 zone.

Poor Fit: Brew Pubs, Restaurants, etc. Incompatible with Immediately Adjacent Residential Neighborhood: The B-6 zone was designed to abut other commercial uses. Extending that zone to 58 Fore Street gives no consideration to the established residential neighborhood which, for over 100 years, has overlooked, but not interacted with, the 58 Fore Street property except at its single entrance. The substantial change in grade has acted as a buffer between the industrial use and the residences. The proposed extension of the B-6 to 58 Fore St. completely disregards this traditional buffer.

Except for the Portland Company site itself, both sides of Fore Street in the vicinity of 58 Fore St. are occupied by residential uses, mostly in small scale 1-3 family structures, with the exception of the Portland House. There are no existing non-residential uses except for one small insurance office, which may be a home occupation. The Munjoy Hill neighborhood moving north from Fore Street is of a similar, entirely residential, character.

In contrast, if the entire 58 Fore St. site is rezoned to B-6 as proposed, it would allow a developer to build, as of right, on the south side of Fore Street hotels, retail space, offices, restaurants, brew pubs and any number of other uses facing the residential neighborhood. It would require at least 75% of the street wall of whatever use to be built out to within 10 feet of Fore Street. And, in a provision that is inconsistent with how the maximum height limits should be applied to this site, it would require that uses facing Fore Street not have less than three (3) floors of habitable space above the average adjacent grade. This scale and range of permitted uses is completely out of character and incompatible with the existing, long-standing residential uses.

While these non-residential uses might belong in the area where the existing B-6 is located and on the filled land portion of 58 Fore Street, they are completely inappropriate on the upper portion of Fore Street. A rezoning to allow the incursion of this type of commercial use into a residential area that has no such similar uses would be unprecedented.

3. THE EXISTING B-6 ZONE REFLECTS CAREFUL PLANNING OF PUBLIC VISTAS WHICH HAS NOT YET BEEN UNDERTAKEN IN RELATION TO THE PORTLAND COMPANY SITE.

The B-6 Building Height Overlay & Building Envelopes evidences a level of planning to preserve public views and vistas from public streets that has not yet taken place on the 58 Fore Street site. In the overlay, the building envelopes are pulled back from street lines and the street space is splayed out to enhance public views. If serious consideration is being given to a B-6 rezoning for 58 Fore Street, that same level of detailed vista analysis needs to be done for that site. The Height Study just assumes that the existing buildings will remain on the site, and that the vistas over the existing buildings will remain. The study did not look at the impacts of new construction on the vistas.

4. THE CIRCULATION PATTERN WITHIN THE PORTLAND COMPANY COMPLEX, PARTICULARLY FOR WATER-DEPENDENT USES, NEEDS TO BE CONSIDERED PRIOR TO ADOPTION OF THE HEIGHT OVERLAY.

The B-6 dimensional requirements appear to allow limited space for driveways between buildings which are arranged around the build-to lines. But it is unclear whether these will be private or public within the 58 Fore Street site. It is also unclear whether they will be sufficient to provide the circulation patterns to allow continued existence of marine uses under the WSUZ.

The preface to the Eastern Waterfront Master Plan states: "the water's edge is the most precious resource we have" (p. 2). Similarly, the Design Guidelines note that the challenge is to preserve the value and marine utility of the water's edge while stimulating appropriate upland development for the benefit of the general population (p. 14). The Community Development Committee of the City Council, prior to recommending approval, added a section to the Master Plan noting the challenges of implementing the Master Plan. It reemphasized the importance of the working waterfront and full utilization of deep-water berthing resources, stating:

The challenge will be to maximize the benefits of mixed-use non-marine development, while retaining the function and future flexibility of the Eastern Waterfront as a pivotal intermodal hub in Maine's transportation system. Transportation utility of the Eastern Waterfront will require constant and vigilant protection (Master Plan, p. 21).

The circulation pattern within the 58 Fore Street site is critical to maintaining the functionality of the water's edge. The current circulation pattern does not allow for any obvious vehicular access to the water's edge. The building envelopes do not suggest any circulation pattern. As protection of the utility of the water's edge has been identified as a primary goal, it should be addressed as part of any rezoning.

5. THE "PORTLAND COMPANY ALIGNMENT" NEEDS TO BE CONSISTENT WITH THE ORIGINAL HEIGHT STUDY RECOMMENDATION

Illustration 33 of the Height Study (Exhibit C) shows a "Portland Company Alignment" (a no-build area) that was carefully located to preserve views from the B-6 area into the Portland Company Complex and line up to avoid the existing historic buildings. Building envelopes in the B-6 zone were pulled back to preserve the view into the heart of the historic buildings. However, in the applicant's proposed overlay map (Exhibit D), the no-build area has been moved so that views from the B-6 zone are not preserved. It also cuts across existing buildings.

It is unclear whether shifting this alignment is intentional or an oversight. If it is intentional, the applicant should make it clear that it is asking for an amendment to the height overlay and explain the basis for the change in the alignment. However, as it was carefully located as part of the Height Study design process, it would seem that there is good reason for keeping the original alignment.

6. THE APPLICANT'S POSITION THAT HEIGHTS AT 58 FORE SHOULD BE MEASURED FROM AVERAGE GRADE IS INCORRECT, AND WOULD RESULT IN A DEVELOPMENT WHICH IS OUT OF SCALE WITH THE RESIDENTIAL NEIGHBORHOOD

One of the primary goals of the Eastern Waterfront Height Study was to balance the needs of the study area against the surrounding "impact areas", including the Munjoy Hill residential

neighborhood. As part of that balancing, it identified three "shadow areas" where development could be located that would not negatively impact the adjacent areas. The upper Fore Street shadow area was identified to justify a height of 65 feet, due to the large change in grade.

Obviously, the large change in grade would not be cited as a reason to allow that extra height if it was anticipated that the extra height would be located at the top of the slope, as is contended should be allowed by the applicant. As is clear in the Building Height Study, it was intended that the resulting extra-tall structure would be located on the filled land portion of the site.

The November 2004 graphic, prepared by the height consultant after the adoption of the Building Height Study as part of the Master Plan (Exhibit E), includes as General Note 2:

The height of buildings and tower masses east of Mountfort Street or its extension shall be measured from 2' above the flood plain elevation for the site based on the National Geodetic Vertical Datum. Where allowed, building mass above 4 floors shall not be wider than 70 feet parallel with the waterfront nor longer than 140 feet perpendicular with the waterfront. [Emphasis added]

This graphic applies to the entire study area, including the Portland Company site.

This method of calculating height was carried over one month later into the December 2004 Council-adopted B-6 Building Height Overlay & Building Envelopes, which states in Note 4:

For buildings located east of Mountfort Street (extension), building heights shall be measured from feet above flood plain, not from average grade (Exhibit B). [Emphasis added]

Thus, not only does it make sense for heights for the entire area east of Mountfort Street extension to be measured from flood plain based upon the substance of the height study, but it is also consistent with what the City actually enacted in the B-6 zone.

CONCLUSION: EXTENSIVE MODIFICATIONS TO B-6 OR OTHER ALTERNATIVES

The B-6 zone is not an appropriate zone to import to the heart of residential Munjoy Hill unless it is very significantly modified to keep the impact and uses down on the filled land. Moreover, the urban form the B-6 tries to create is incompatible with the existing historic structures and protection of the water's edge for the working waterfront.

If the City is still considering importing the B-6 zone to 58 Fore Street, the zoning text for the B-6 would require multiple modifications, including, but not limited to:

(1) there should be a very substantial mandatory minimum setback from Fore Street (greater than 150 feet) for all new construction which would override the otherwise required build-to line and keep commercial uses from being developed on the southern side of Fore Street;

(2) the building height overlay should specify, as it does for the block of B-6 adjacent to 58 Fore Street, that "the heights shall be measured from feet above flood plain, not from average grade";

(3) the minimum height requirement of 3 stories should be deleted for this portion of the B-6 zone as being inconsistent with the historic buildings; and

(4) the circulation pattern established as part of the height overlay and the dimensional requirements in the B-6 text, particularly the built-to lines, should be re-examined and modified as necessary to respond to the Master Plan goals of adaptive reuse of historic structures, protection of the utility of the water's edge for water-dependent uses, and preservation of public visual access to the water.

Much additional study is required to determine what pattern of development is appropriate for this site and how successfully the form-based code developed for the three blocks in the "Ultimate Build-Out Scenario" translates to an entirely different location.

In lieu of essentially rewriting the B-6 zone text to make numerous exceptions for 58 Fore Street, it would be better to leave the B-6 text alone and not expand its scope. That would leave the applicant with two options: applying for some form of contract zone under the existing WSUZ, or proposing text amendments to the WSUZ.

The WSUZ as written anticipates that any new mixed use development over 5,000 square feet will be reviewed as a contract zone, using the standards contained in the existing WSUZ text. In the past, the City has required very detailed plans to accompany any conditional rezoning. However, there is nothing in the enabling legislation or in the City's own ordinance pertaining to contract zones that requires that level of detail.

The applicant has made it clear that it does not want to invest in developing plans to the level of detail previously required by the City in order to pursue a contract zone. If the City finds that reasoning compelling, the applicant and the City should explore whether there is a more conceptual way to approve a conditional rezoning that clarifies, in general terms, what each will get in exchange for agreeing to a conditional rezoning, without requiring a site plan level of detail. Perhaps conditions more in the nature of performance standards would provide a way for the City to give the applicant the certainty it says it needs to proceed while still enacting a conditional rezoning that will run with the land to any new owner.

Chair O'Brien & Board
February 5, 2015
Page Eight

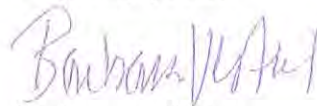
In the alternative, now that the Farley-Marino site has been rezoned to B-6, 58 Fore Street is the only property remaining in the WSUZ. That fact offers the opportunity for carefully crafted amendments to the text of the WSUZ which are designed to allow a thoughtful version of the proposed development. It would obviate the need to comply with the precedent set by the City for conditional rezonings.

The applicant would have to reveal enough of its concepts and plans to allow discussion of text amendments. The amendments would likely identify sub-areas of the site for different treatment, such as permitting a certain range of uses only on the filled land. Similarly it could allow for new construction in locations and meeting dimensional requirements that are not incompatible with the existing historic structures. It could be in the nature of form based code, but designed for this particular location.

There is no reason to make tortured amendments to the B-6 or have portions of the B-6 apply only to the 58 Fore Street site when, due to the geographic scope of the existing WSUZ, the City can amend that zoning text directly to allow the development it wants to permit.

The applicant bought the property with the WSUZ in place. The burden is on the applicant to show that it will be in the best interest of the City to modify the zoning requirements. The Master Plan does lend support for upland mixed uses, provided they are balanced with protecting the water's edge for marine uses. But moving the B-6 zone over to encompass 58 Fore Street is like trying to jam a square peg in a round hole. As there are at least two viable better alternatives, I urge you to recommend that request for rezoning to B-6 not be approved.

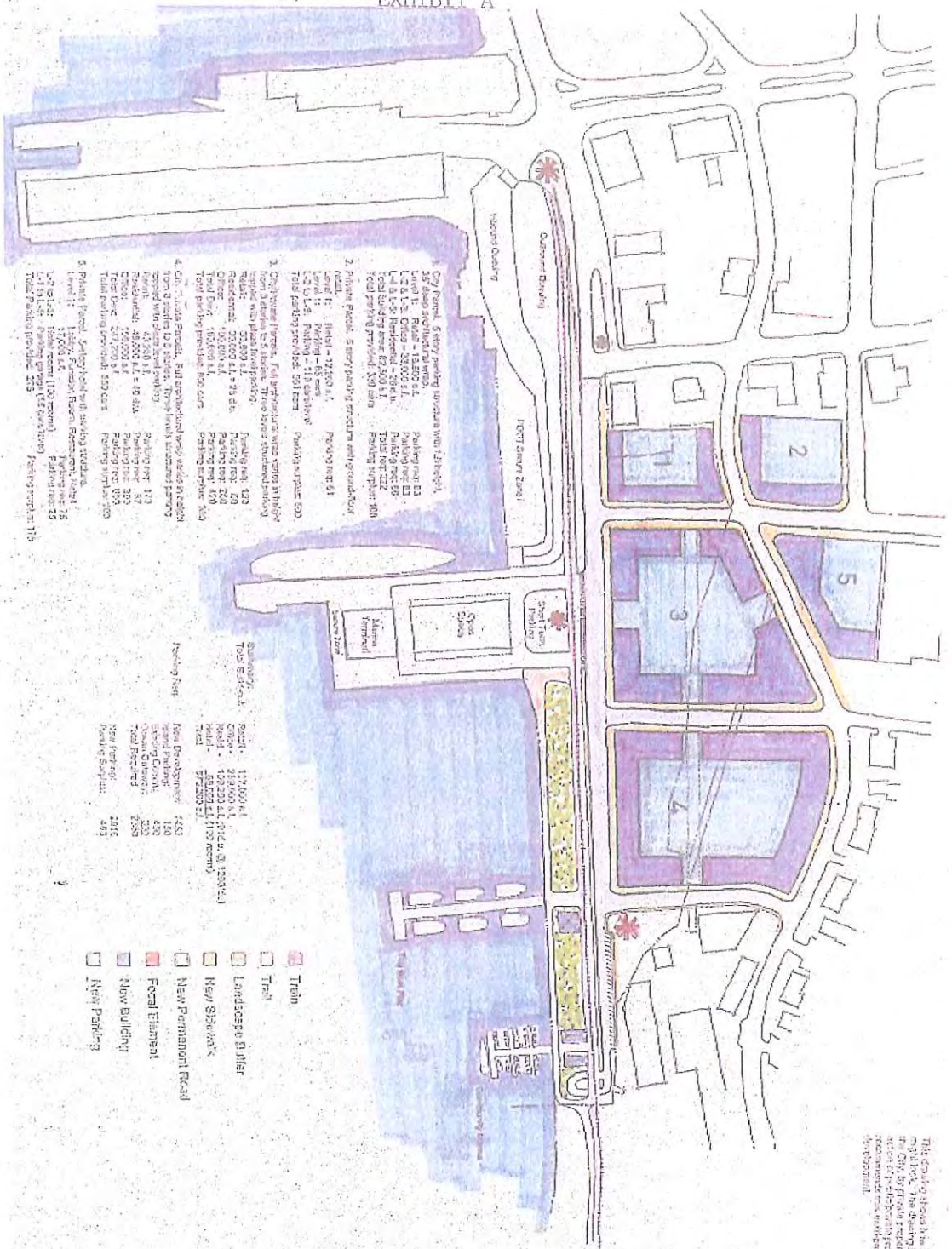
Very truly yours,



Barbara A. Vestal

BAV/om
Enclosures
cc: Christine Grimando

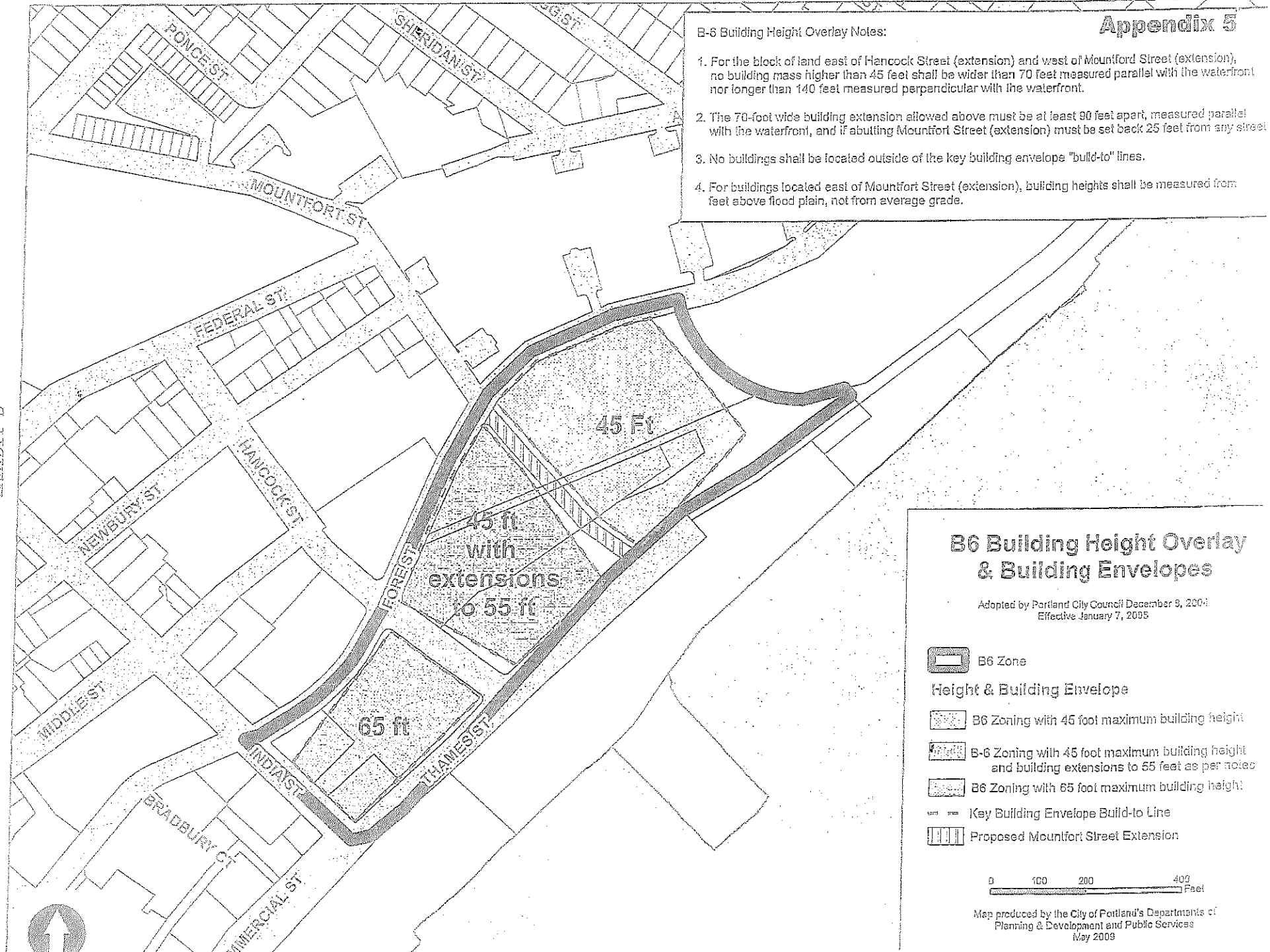
EXHIBIT A



This drawing shows the proposed building footprints and parking lots. The drawing is for informational purposes only and does not constitute a final plan. The final plan will be subject to review and approval by the City of Portland Planning Committee.

B-6 Building Height Overlay Notes:

1. For the block of land east of Hancock Street (extension) and west of Mountford Street (extension), no building mass higher than 45 feet shall be wider than 70 feet measured parallel with the waterfront nor longer than 140 feet measured perpendicular with the waterfront.
2. The 70-foot wide building extension allowed above must be at least 90 feet apart, measured parallel with the waterfront, and if abutting Mountford Street (extension) must be set back 25 feet from any street.
3. No buildings shall be located outside of the key building envelope "build-to" lines.
4. For buildings located east of Mountford Street (extension), building heights shall be measured from feet above flood plain, not from average grade.



B6 Building Height Overlay & Building Envelopes

Adopted by Portland City Council December 9, 2004
Effective January 7, 2005



B6 Zone

Height & Building Envelope



B6 Zoning with 45 foot maximum building height



B-6 Zoning with 45 foot maximum building height and building extensions to 55 feet as per notes



B6 Zoning with 65 foot maximum building height



Key Building Envelope Build-to Line



Proposed Mountford Street Extension

0 100 200 400 Feet

Map produced by the City of Portland's Departments of
Planning & Development and Public Services
May 2009

-  STUDY AREA (3 STORY MINIMUM)
-  KEY BUILDING ENVELOPES BY HEIGHT
-  NO BUILD ABOVE RELATIVE FORE STREET ELEVATION

GENERAL NOTES:

1. FOR BUILDINGS EAST OF HANCOCK STREET OR ITS EXTENSION, NO BUILDING MASS ABOVE 4 FLOORS (45 FEET ABOVE THE AVERAGE GRADE) SHALL BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.
2. THE 70' WIDE TOWERS, AS DEFINED ABOVE, MUST BE AT LEAST 140 FEET APART, MEASURED PERPENDICULAR WITH THE WATERFRONT.
3. NO BUILD FLOATING ZONES ARE VIEW CORRIDORS WITH NO BUILDING ABOVE THE CORRESPONDING FORE STREET ELEVATION.
4. NO BUILDINGS SHALL BE LOCATED OUTSIDE OF THE KEY BUILDING ENVELOPES.

EXHIBIT C

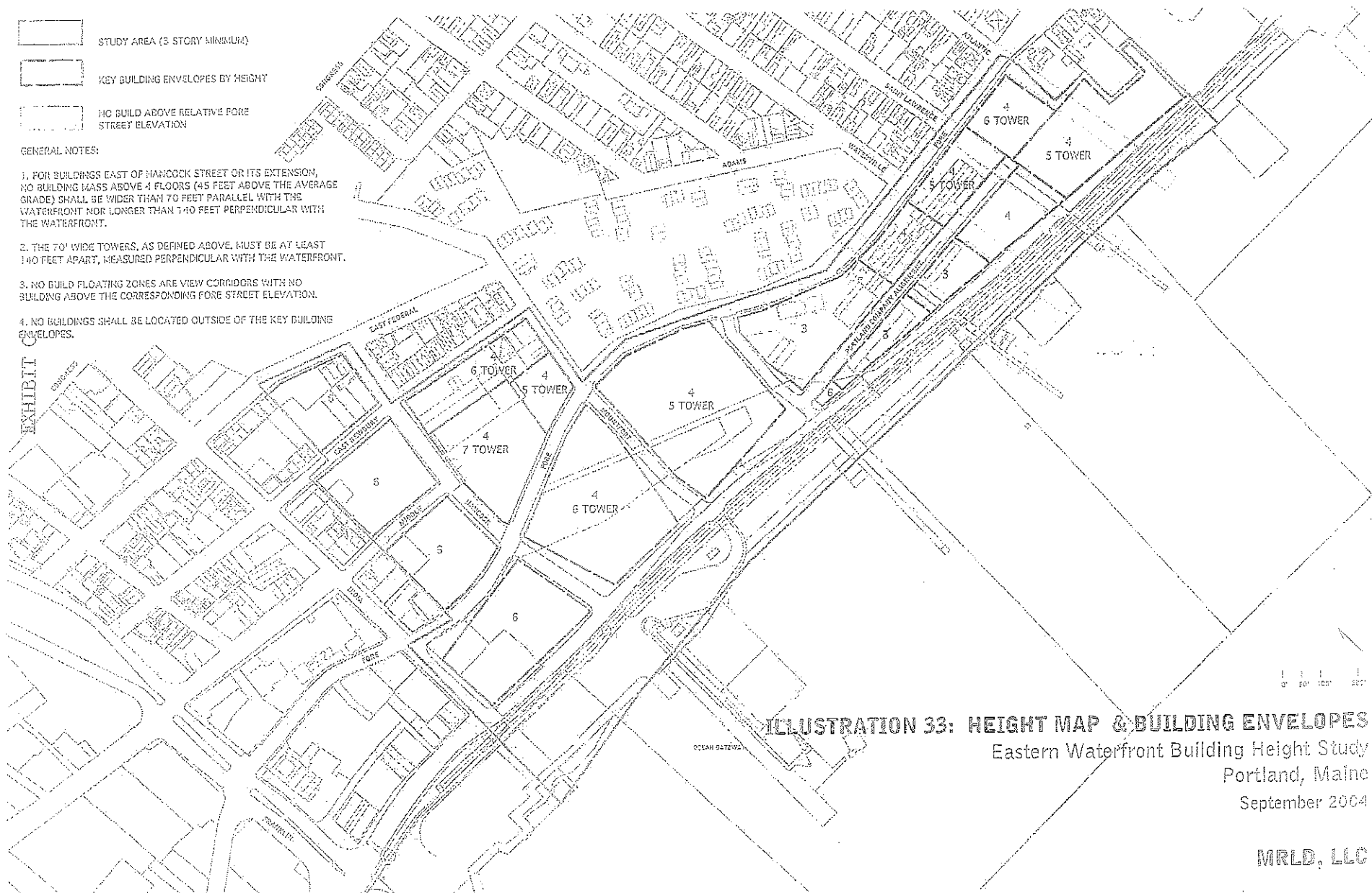
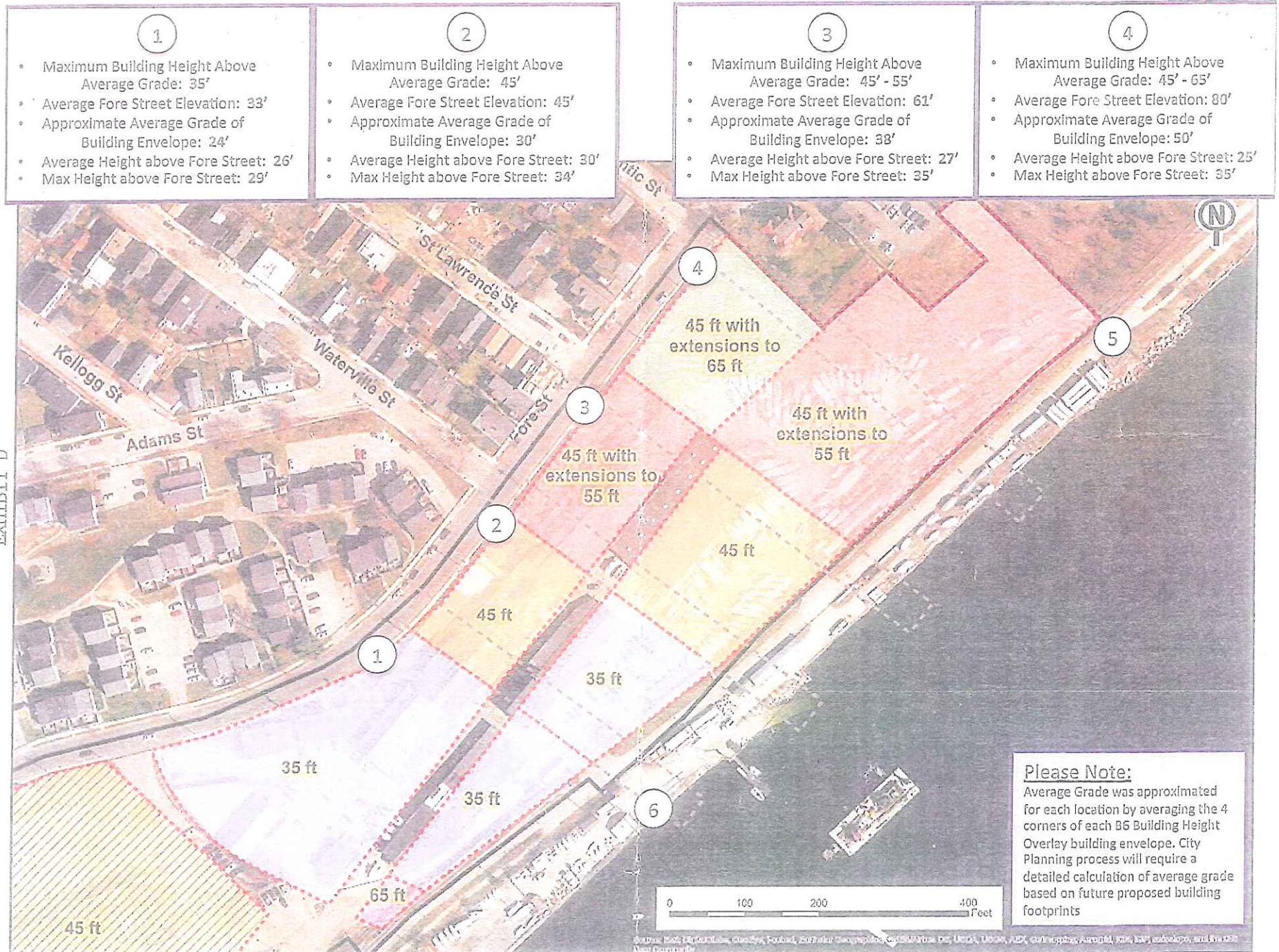


ILLUSTRATION 33: HEIGHT MAP & BUILDING ENVELOPES
 Eastern Waterfront Building Height Study
 Portland, Maine
 September 2004

MRLD, LLC



-  STUDY AREA (3 STORY MINIMUM)
-  KEY BUILDING ENVELOPES BY HEIGHT
-  NO BUILD ABOVE RELATIVE FORE STREET ELEVATION

GENERAL NOTES:

1. FOR BUILDINGS EAST OF HANCOCK STREET OR ITS EXTENSION, BUILDING MASS ABOVE 4 FLOORS (45 FEET ABOVE THE AVERAGE GRADE) SHALL NOT BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.
2. THE HEIGHT OF BUILDINGS AND TOWER MASSES EAST OF MOUNTFORT STREET OR ITS EXTENSION SHALL BE MEASURED FROM 2' ABOVE THE FLOOD PLAIN ELEVATION FOR THE SITE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM. WHERE ALLOWED, BUILDING MASS ABOVE 4 FLOORS SHALL NOT BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.
3. THE 70' WIDE TOWERS, AS DEFINED ABOVE, MUST BE AT LEAST 140 FEET APART, MEASURED PERPENDICULAR WITH THE WATERFRONT.
4. NO BUILD FLOATING ZONES ARE VIEW CORRIDORS WITH NO BUILDING ABOVE THE CORRESPONDING FORE STREET ELEVATION.
5. NO BUILDINGS SHALL BE LOCATED OUTSIDE OF THE KEY BUILDING ENVELOPES.

EXHIBIT E



ILLUSTRATION 33:
HEIGHT MAP & BUILDING ENVELOPES
 Eastern Waterfront Building Height Study
 Portland, Maine
 1 November 2004

MRLD, LLC



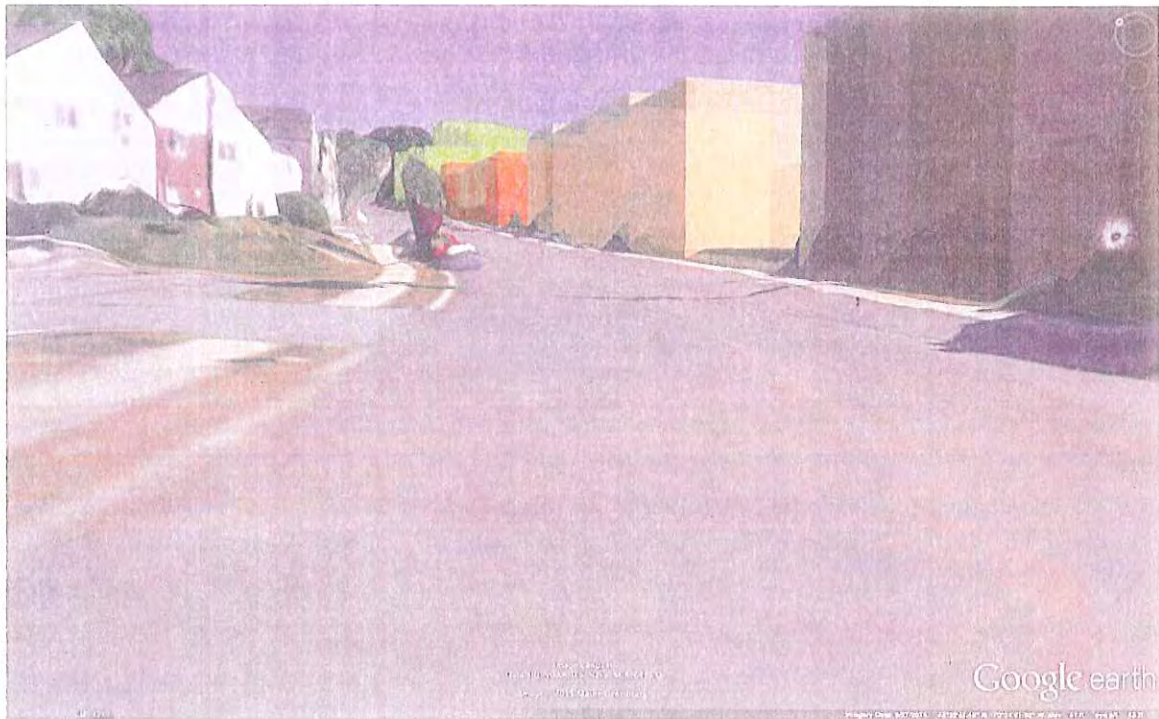
SOUL OF PORTLAND
SOULOFPORTLAND.ORG

FORE STREET & MUNJOY SOUTH
HEIGHTS ABOVE AVERAGE GRADE



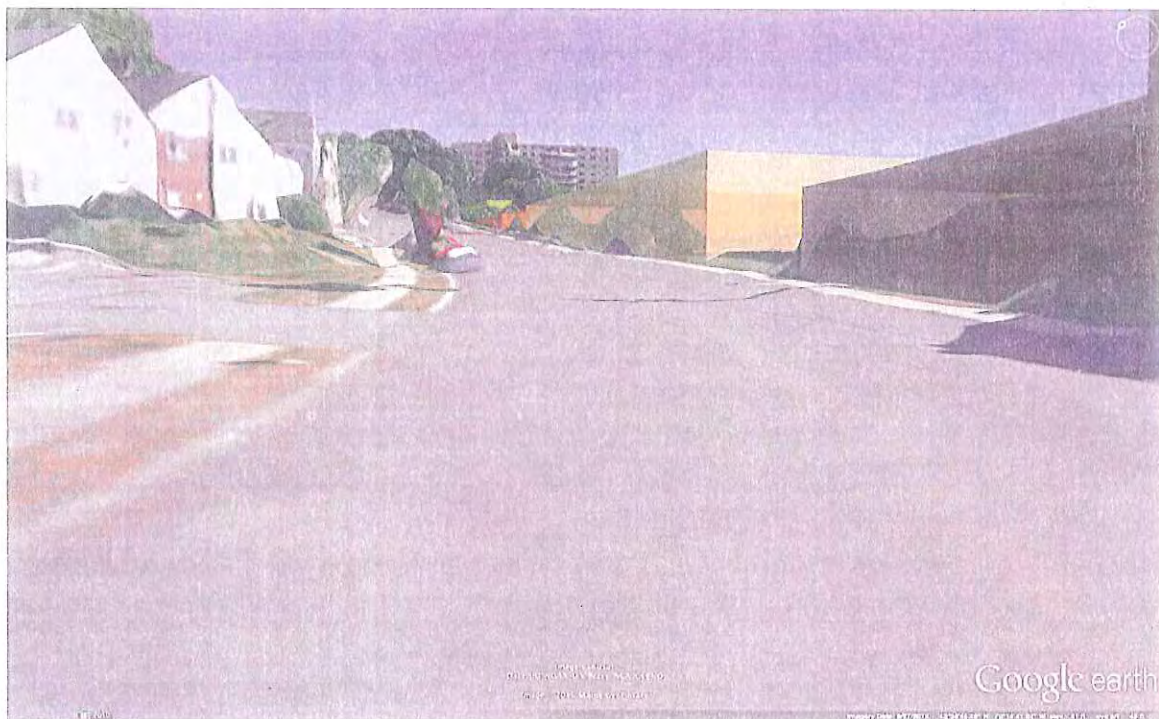
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FORE STREET & MUNJOY SOUTH
HEIGHTS ABOVE FLOOD PLAIN



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58 FORE STREET
HEIGHTS ABOVE AVERAGE GRADE



SOUL OF PORTLAND
SOULOFPORTLAND.ORG

58 FORE STREET
HEIGHTS ABOVE FLOOD PLAIN



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FORE STREET & WATERVILLE STREET
HEIGHTS ABOVE AVERAGE GRADE



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SOULOFPORTLAND.ORG

FORE STREET & WATERVILLE STREET
HEIGHTS ABOVE FLOOD PLAIN

February 6, 2015

Chair O'Brien and Members of the Planning Board
% Christine Grimando
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Chair O'Brien and Members of the Planning Board,

My name is Peter Macomber and I live on St Lawrence Street. I'd like to call the Board's attention to a study completed in 1983 by Terrien Architects and Mitchell-Dewan Associates titled "Portland Waterfront: Public Access Design Project". This study is referenced in Volume 2 of the Comprehensive Plan (page N-16) and is thereby incorporated into the Comprehensive Plan.

Among other things, the study identifies significant viewpoints and panoramas in the City. The panoramas from Fore Street above and overlooking the Portland Company complex and into the working harbor are labelled as **major panoramas** (Exhibits A-1 and A-2). The larger the arrow on the map, the more significant the panorama. These major panoramas are classified in the study as having an 'A' view, showing not only background views of the harbor and beyond, but also foreground waterfront activities as well.

The study acknowledges that progress is inevitable: "*conditions and circumstances of private interest and concern will continue to change, as will the scope and application of public policy*". But it also cautions that "*the City must nurture its connection to the sea to bring full advantage to the many public and private users, present and future, that take their livelihood and enjoyment from the waterfront.*"

I mention this study not only because it's part of the City's Comprehensive Plan and helps inform policy decisions, but also because it speaks to us, from 37 years ago, about just how valuable the street-level views of the water have been and continue to be. And it calls upon the City to preserve these views as much as possible in the face of change.

When I walk along Fore Street between Atlantic and Waterville streets, I also take "*enjoyment from the waterfront.*" I see daily the panoramas that are highlighted in that study. I find the harbor vista to be as compelling and significant as the authors of that study did 37 years ago. And I think the majority of Munjoy Hill residents and City residents would strongly agree with that. As such, I am very focussed on the building height issues related to the Portland Company development especially if any buildings protrude above Fore Street and degrade the street-level panorama. How building height maximums are calculated will determine whether these panoramas will survive.

But how the height maximums are determined is, at best, bewildering. I find the height calculations as brought forward at Planning Board workshops with regard to the site topology to be vague, confusing and contradictory. And it's not just me. It appears that differing

interpretations of this issue extend to the city staff as well: in a memo to the Board dated October 8, 2014, staff referenced the Eastern Waterfront Building Height Study and wrote *"Given the topography of the site, a measurement from average adjoining grade could result in substantially higher building forms than were predicated for this area, as we read the plan."* But one month later this policy position is turned on its head. In a memo dated November 12, 2014, staff wrote *"Planning staff does not believe that the floodplain measurement would produce the intended development patterns outlined in the Eastern Waterfront Building Height Study."* This is a breathtaking reversal of position.

It seems to boil down to this: should you measure building heights in this particular site from the floodplain or from average grade? Average grade calculations seem to be used fairly consistently in Portland, although I've found only one reference to average grade in the the Land Use Code: *"Pre-development grade is defined as average grade, existing on October 1, 2000, at the corners of the foundation of the proposed structure."* It seems logical, though, and seems like it works quite well, even for a relatively steep site that has a consistent slope.

But does this methodology still work when 5% of a site is at one elevation and 80% at a much lower elevation with an extremely steep slope comprising about 15% between? Take a close look at the applicant's submittal "height measurement package" of November 7, 2014, page 9, Sections 7-9 (Exhibit B) to see how steeply the slope drops. These sections are between Waterville and St Lawrence streets. Is "average grade" still an appropriate methodology for determining building heights in such extreme topological conditions?

Maybe the best way to see how surprising an outcome can result from such extreme conditions is to look at it from the opposite direction.

Let's take "Section 8" of the applicant's submittal and flip the elevations (Exhibit C). Let's suppose that the site conditions were reversed and 80% of the site is now at an elevation of 61 feet and 5% is now at 14 feet. And let's say that an imaginary developer wanted to have a zone-permitted 45 foot building over that entire block of land.

The "average grade" of this imaginary site is exactly the same as the actual one - 38 feet - that the applicant has calculated. But even though the elevation of 95% of the imaginary site supports a 45' building, the "average grade" formula would prohibit it. Only a 22 foot building would be permitted, or two full stories less than the desired 45 feet. Hmmm. I have a feeling that our imaginary developer would strongly advocate alternative measurement methods for determining building height maximums.

You may find this scenario a little silly and ludicrous, but then the converse must also be silly and ludicrous. And in truth, if 95% of a building envelope supports a given building height, it really should be permitted. Conversely, if 95% of a building envelope does not support a given building height, it should not be permitted.

This is a valid observation with respect to the matter before you. **If the preponderance of the elevation of the Portland Company site does not support a given building height, you must look at another way of calculating that building height.**

I urge the Board to consider the elevation of the bulk of the Portland Company site as a basis for calculating heights. That would be the "floodplain" methodology that has been interpreted or advocated by, among others, the Soul of Portland group, by Planning Staff in the memo to the Board dated October 8, 2014, the more recent version of Illustration 33 of the Eastern Waterfront Building Height Study (Exhibit D, Note 2) and even by the City's own B-6 Building Height Overlay Map (Exhibit E). This approach would bring consistency and clarity to the applicant and to the citizens of Portland as well as helping preserve the treasured street-level panoramas that were celebrated 37 years ago.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Macomber", with a horizontal line extending to the right.

Peter Macomber

VISUAL CORRIDORS

Eastern Prom

KEY TO CHART

REF. 24 VIEWS

VIEWERS

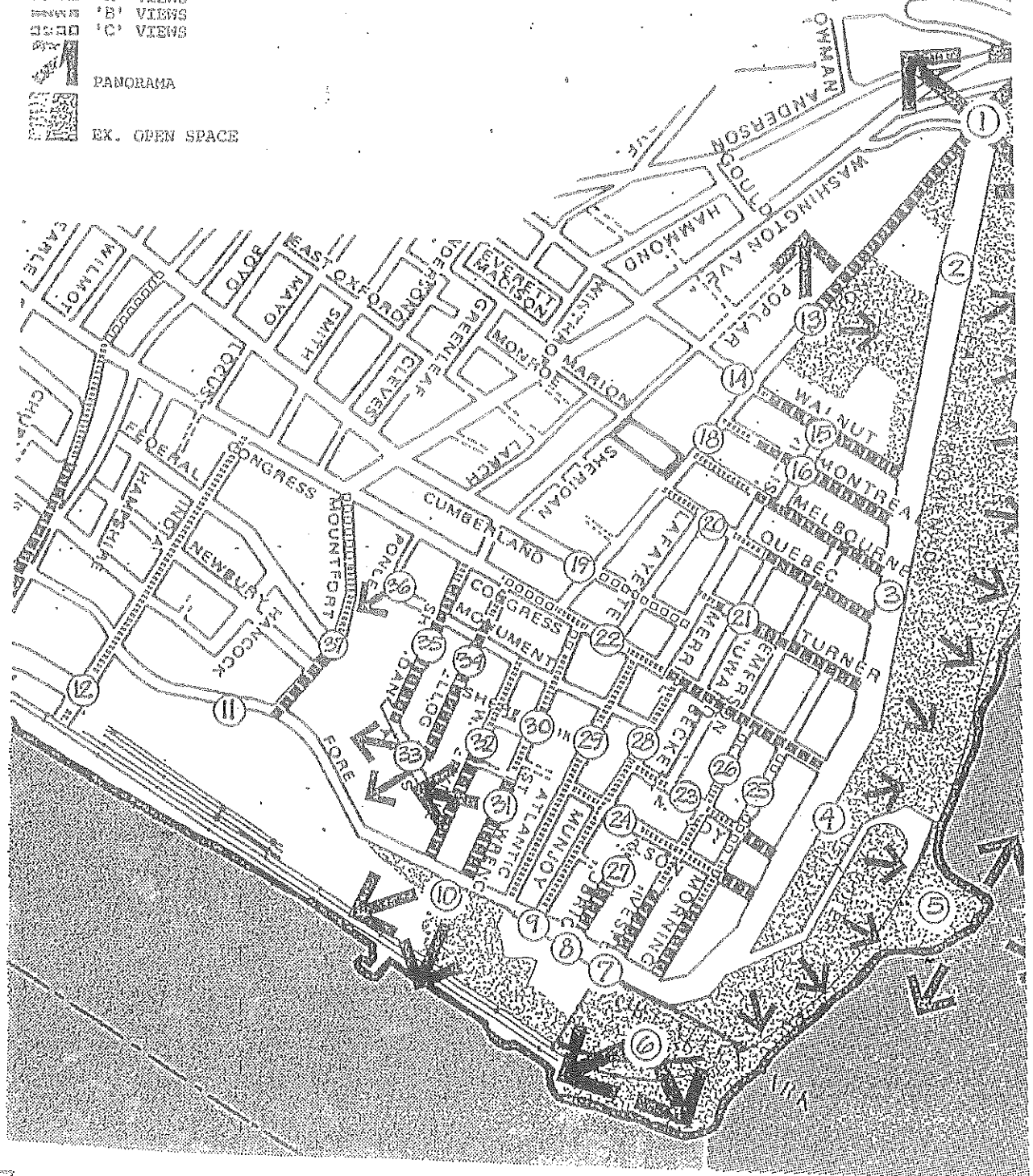
13:00 'C' VIEWS



PANORAMA



EX. OPEN SPACE



Within each of the four subsections the view corridors have been classified as follows, based upon field observations at street level:

■■■■■ 'A' VIEWS. Foreground or midground views of Portland's waterfront or the water's edge, plus background views of Casco Bay or South Portland.

■■■■■■■■■■ 'B' VIEWS. Midground or background views of Casco Bay or the Fore River and the opposite shore, with the Portland Waterfront obstructed by grade changes or buildings.

□□□□□□ 'C' VIEWS. Water is not visible, but the observer has a sense of being near the water.

The map(s) of each section graphically show the extent of each type of view corridor. In addition the location of panorama viewpoints are noted: the larger the arrow the greater the significance of the panorama in terms of angle of view, position of observer, and degree of obstructions. A panorama is generally assumed to be a point or area offering the street level observer the opportunity to view water and waterfront activities in a cone of vision greater than 45°. The visual corridors map also indicates major open spaces that exist along the waterfront.

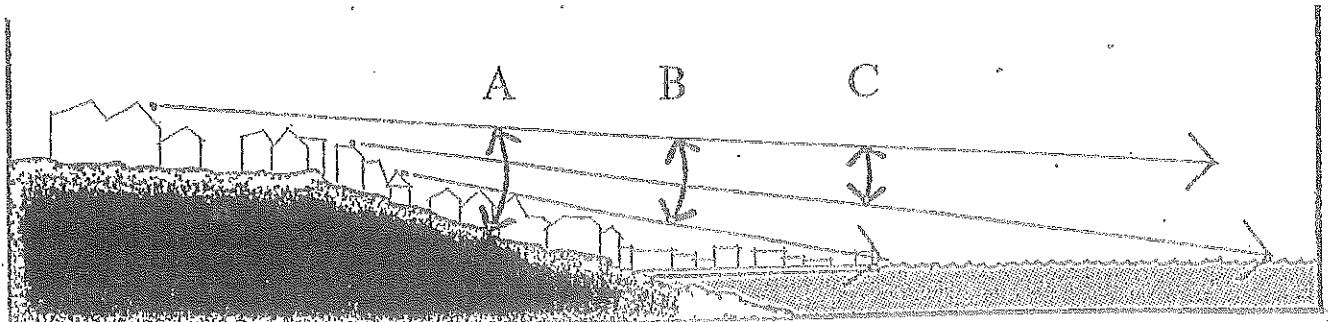
Opposite the visual corridors map is a chart describing characteristics of the visual corridors and viewpoints. In some instances the number on the chart refers to a single point, in others, a street - usually running perpendicular to the waterfront, and in others it represents an entire area Location.

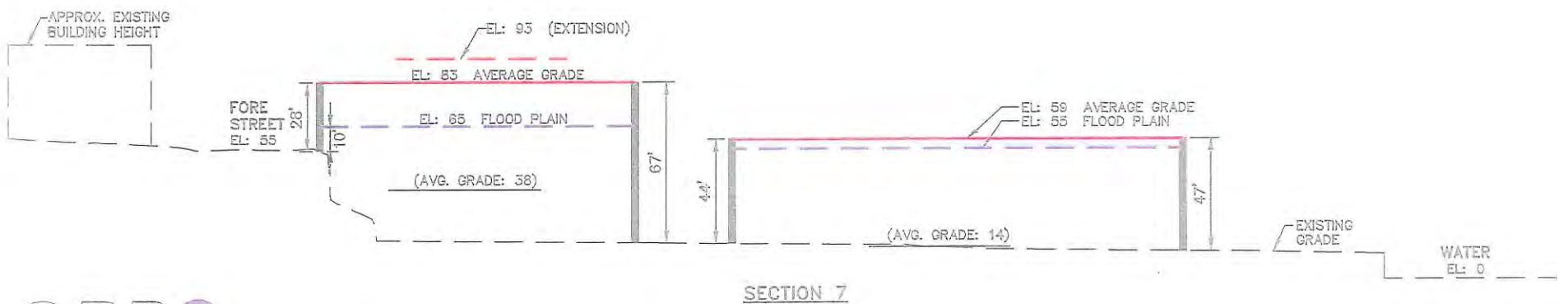
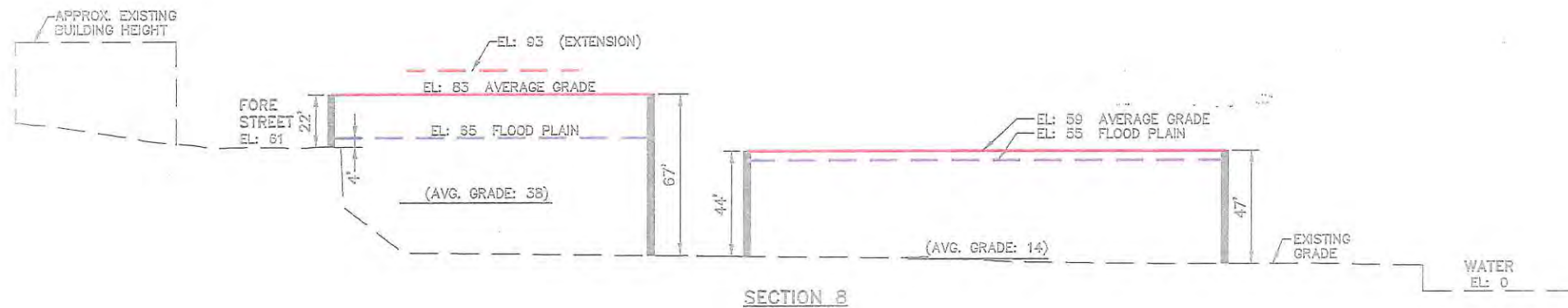
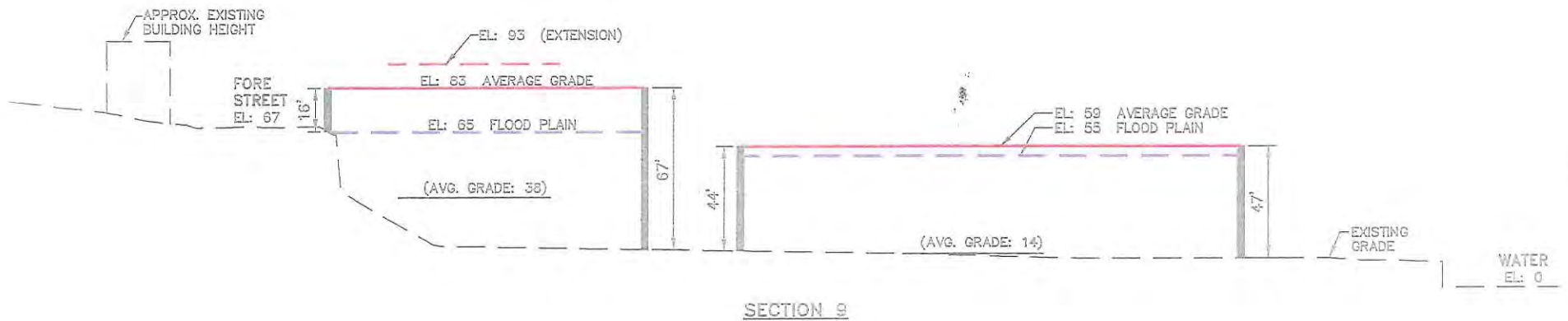
The Position column refers to the observer's position relative to the waterfront (WF): well above it, at the waterfront roofline, or at the water's edge.

Neighborhood land use and Condition observations are the result of site visits by consultant team members and are included for use as a benchmark for continuing assessments.

The View Types indicate whether the view at the designated position is a major panorama (solid block), minor panorama (cross-hatched block), a corridor terminus, or a minor interest point (occupying a relatively small percentage of the cone of vision at ground level).

Where 'A' VIEWS are found, the 'A' View Foreground (waterfront activity) is noted. Similarly, the 'B' View Background records waterfront activities or land uses on the opposite shore.





CPB2 LLC
CITY PLANNING & DESIGN

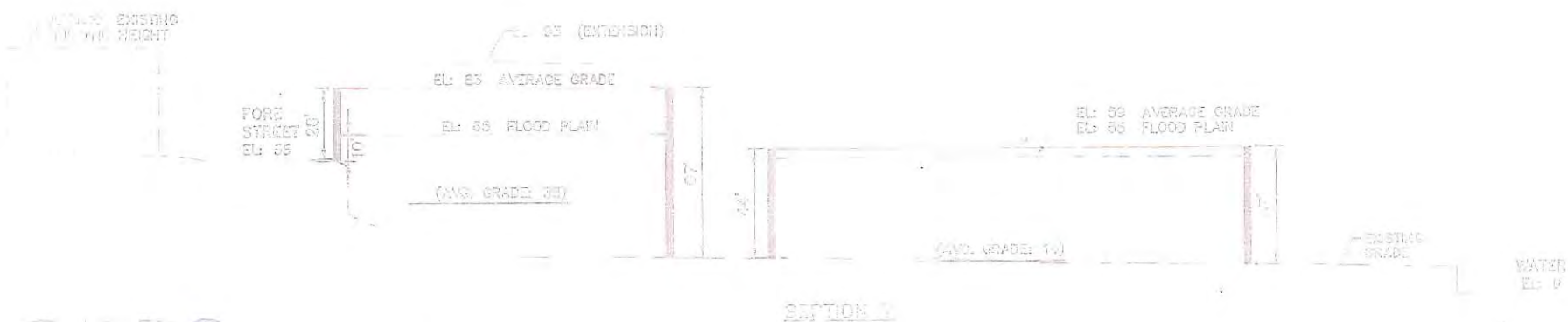
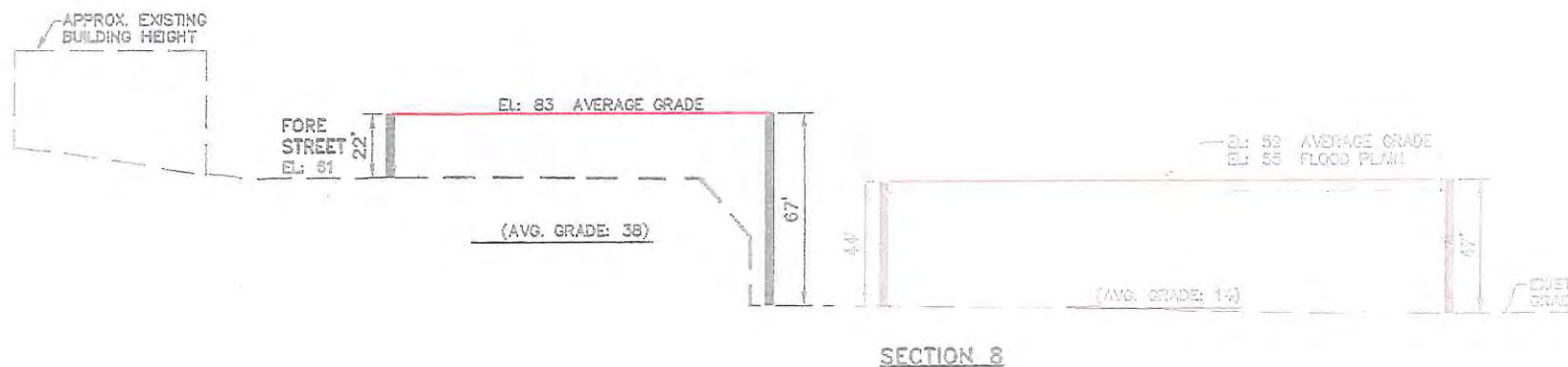


41 Hobbins Drive | Portland, Maine 04102
800.435.4282 | www.woodardclark.com
COMMITMENT & INTEGRITY DRIVE RESULTS

LEGEND

- MEASURED FROM AVERAGE GRADE
- - - - - MEASURED FROM FLOOD PLAIN (EL. 10)
- - - - - EXISTING GRADE

NOTE: SECTIONS DO NOT
REPRESENT ACTUAL BUILDING
STRUCTURES.



LEGEND

- MEASURED FROM AVERAGE GRADE
- - - MEASURED FROM FLOOD PLAIN (EL. 10)
- EXISTING GRADE

NOTE: SECTIONS DO NOT REPRESENT ACTUAL BUILDING STRUCTURES.

-  STUDY AREA (3 STORY MINIMUM)
-  KEY BUILDING ENVELOPES BY HEIGHT
-  NO BUILD ABOVE RELATIVE FORE STREET ELEVATION

GENERAL NOTES:

1. FOR BUILDINGS EAST OF HANCOCK STREET OR ITS EXTENSION, BUILDING MASS ABOVE 4 FLOORS (45 FEET ABOVE THE AVERAGE GRADE) SHALL NOT BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.
2. THE HEIGHT OF BUILDINGS AND TOWER MASSES EAST OF MOUNTFORT STREET OR ITS EXTENSION SHALL BE MEASURED FROM 2' ABOVE THE FLOOD PLAIN ELEVATION FOR THE SITE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM. WHERE ALLOWED, BUILDING MASS ABOVE 4 FLOORS SHALL NOT BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.
3. THE 70' WIDE TOWERS, AS DEFINED ABOVE, MUST BE AT LEAST 140 FEET APART, MEASURED PERPENDICULAR WITH THE WATERFRONT.
4. NO BUILD FLOATING ZONES ARE VIEW CORRIDORS WITH NO BUILDING ABOVE THE CORRESPONDING FORE STREET ELEVATION.
5. NO BUILDINGS SHALL BE LOCATED OUTSIDE OF THE KEY BUILDING ENVELOPES.

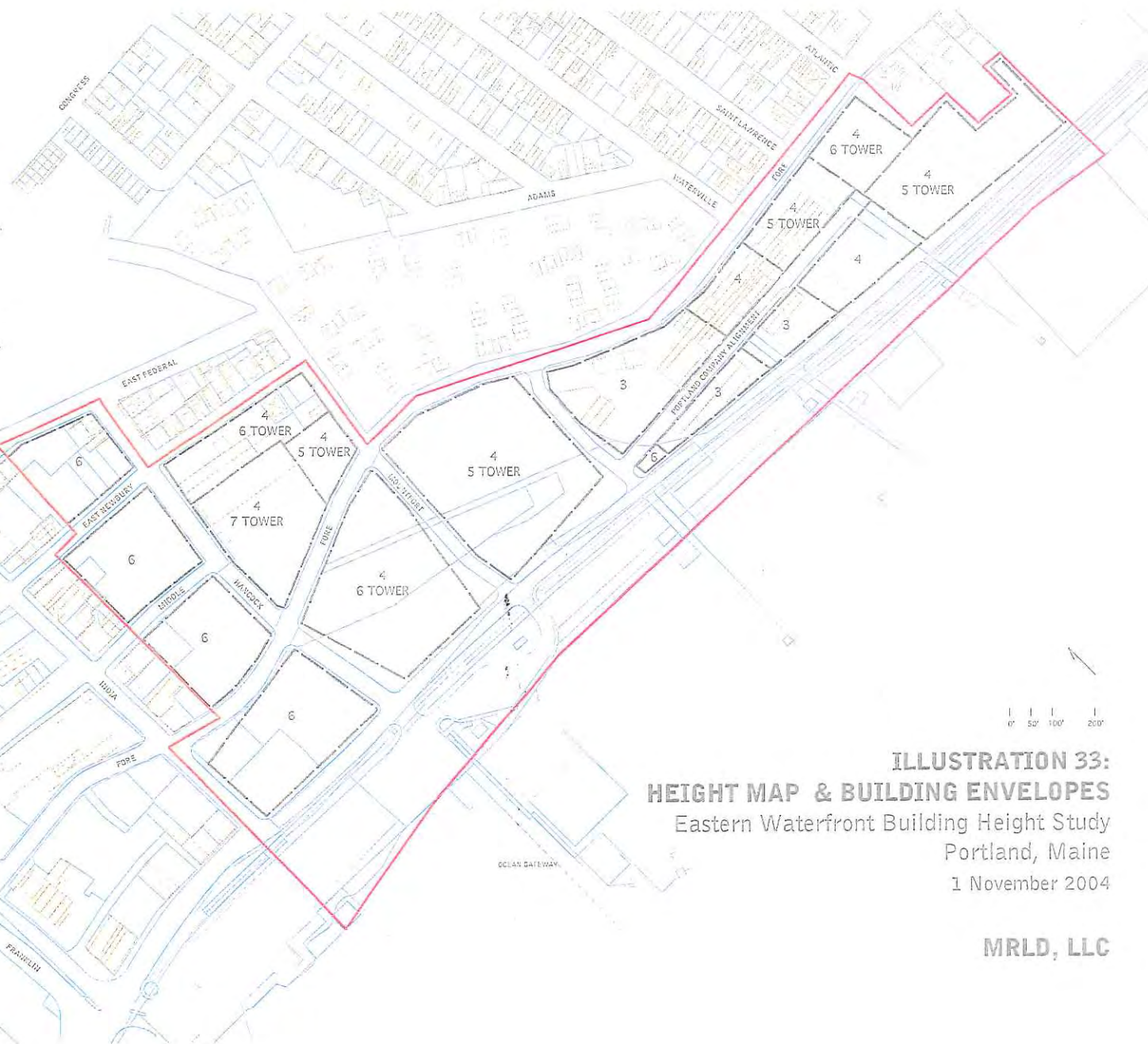


ILLUSTRATION 33:
HEIGHT MAP & BUILDING ENVELOPES
 Eastern Waterfront Building Height Study
 Portland, Maine
 1 November 2004

MRLD, LLC



Lannie Dobson - Re: Fwd: The Comprehensive Plan on public views of the harbor and building heights

From: Lannie Dobson
To: Christine Grimando
Subject: Re: Fwd: The Comprehensive Plan on public views of the harbor and building heights

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
edg@portlandmaine.gov

Ph: (207) 874-8608

>>> Brian Burwell <burwell@maine.edu> 2/6/2015 9:50 AM >>>

Dear Chair O'Brien and Planning Board Members,

Re: Development of the Portland Company property

The City's Comprehensive Plan is a rigorous document incorporating professional expertise and resident inputs. And it is an asset belonging to all of its citizens.

Community forums held in 2001 were asked "What makes Portland distinctive?" Portland's natural setting was the number one response. (Comprehensive Plan, Vol 2, Natural Environment Inventory and Analysis, N-1). Recognizing the vital contributions of the ocean to its unique history and current character, the City has focused much planning effort on optimizing its relationship to the waterfront.

THE PUBLIC ACCESS DESIGN PROJECT

In 1983 the City engaged Terrien Architects and Mitchell-Dewan Assoc. to provide guidelines for "public access" to the waterfront for the entire peninsula. The Public Access Design Project identified "major viewing corridors and viewing points, (and) suggested measures to preserve and enhance these resources.." On Munjoy Hill, as well as other high points in the City, public access is defined in terms of water and/or harbor views obtained at street level. The Public Access Design Project classifies a major panorama "to be a point or area offering the street level observer the opportunity to view water and waterfront activities in a cone of vision greater than 45 degrees."

--" Panorama viewpoints are noted with an arrow, the larger the arrow, the greater the significance of the panorama in terms of angle of view, position of observer, and degree of obstructions. "



Comprehensive Plan, Volume 2, N-16.

As seen above, in addition to the Ft. Allen Park area, the only "major panoramic views" of the ocean and/or harbor are along Fore Street in the Waterville and Saint Lawrence Street blocks, and along Waterville Street; with lesser panoramas along Adams Street and at the corner of Ponce and Monument Streets. The streets sloping down to Adams and Fore are replete with "view corridors". This study assessed these panoramic and corridor views as "increasingly important for the well being of the entire City...", and having a goal "to protect and enhance them." (The entire study relating to the East End is available at dropbox: <https://www.dropbox.com/s/c9bx3a1usc053k0/Portland%20Waterfront%20Public%20Access%20Design%20Project.pdf?dl=0>)

THE EASTERN WATERFRONT BUILDING HEIGHT STUDY

The Building Height Study was adopted into the Comprehensive Plan in December of 2004 after four years of work. It anticipated development of the Portland Company property emphasizing how the unusual topography of the site, with Fore Street rising to 80 feet over sea level, allows for the preservation of harbor views for pedestrians on Fore Street while enabling four to six story buildings nestled into the hillside. Guiding principles for the Building Height Study include:

- * "Protect, enhance and create views from various vantage points surrounding the study area and within the study area"; and
- * "Place taller and larger buildings in the "shadow" of existing grade changes"

The report was finalized after a lively meeting at Adams School attended by over 100 neighborhood residents who in large majority criticized the draft building heights as too aggressive. The study author notes that the "final illustrations provided herein, including section drawingsreflect public input generated at the neighborhood meeting." (Appendix D-5) Section E (attached below) shows existing and proposed building heights relative to Fore Street for the Portland Company property. Public views along Fore Street are minimally affected, while five and six story buildings (including the towers) are largely within the shadow of existing grade changes.

THESE PANORAMIC HARBOR VIEWS CONTRIBUTE TO THE PEDESTRIAN EXPERIENCE OF LARGE NUMBERS OF THE PUBLIC

Panoramic views of the harbor enhance the experience of living on the Hill and help foster a balance in the Hill's natural and increasingly dense built environment.

Neighborhood residents, whose numbers are increasing from new infill developments and building enlargements, walk the area and to and from downtown.

Hundreds of downtown workers on lunch breaks, cruise line passengers and other visitors stroll the Fore Street sidewalks during good weather in order to experience the harbor views unique to Portland.

According to the Maine Department of Transportation 4,573 vehicles traveled on upper Fore Street on October 21, 2013.

Austin, Seattle and other cities protect unique natural views and respect typography to maintain and enhance distinctive character

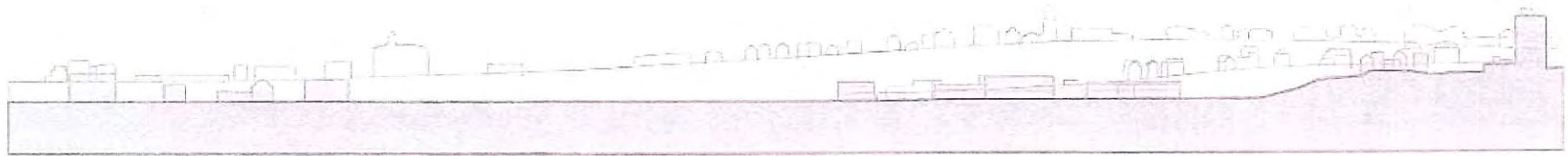
B-6 REQUIREMENTS FOR A BUILT STREETScape ON THE SOUTH SIDE OF FORE STREET ARE ANTITHETICAL TO "WHAT MAKES PORTLAND DISTINCTIVE".

B-6 is designed to apply to a commercial setting, with no setbacks in order to create a built streetscape. Application of B-6 standards to this setting would disrespect the unique, wonderful panoramas currently enjoyed by Portland's residents and visitors. It would be a be a major, non-reversible mistake.

Question: If we ignore the wisdom and clear intent of these Comprehensive Plan documents, why would the City and its residents bother with the strenuous efforts to develop such plans?

Sincerely,

Brian Burwell
31 Fore Street



SECTION 2 EXISTING - EAST / WEST (with Congress Street and Fore Street Elevations)

PROPOSED E4



SECTION 2 PROPOSED - EAST / WEST (with Congress Street and Fore Street Elevations)

EASTERN WATERFRONT HEIGHT STUDY

CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

107 Congress Street, Portland, Maine 04101

Telephone (207) 772-7426 Fax (207) 761-5822

EDWIN P. CHESTER
BARBARA A. VESTAL
MICHAEL P. DIXON

chester@chesterandvestal.com
vestal@chesterandvestal.com
dixon@chesterandvestal.com

February 5, 2015

Chair O'Brien and Members of the Planning Board
c/o Christine Grimando
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Portland Company Complex

Dear Chair O'Brien and Members of the Planning Board,

The Portland Company Complex, a very visible 10 acre gateway site, is critical to the identity of Portland. As the applicant needs a zone change of some variety in order to proceed with uses that are not currently allowed, the Board has the opportunity to craft zoning that is fully reflective of the best use of that site. It is important for the City to get its zoning right. I firmly believe that the B-6 zone is not the answer for the reasons outlined below.

1. THE B-6 ZONE WAS NOT DRAFTED TO APPLY TO THE PORTLAND COMPANY SITE.

During the course of the Eastern Waterfront master planning process, an "Ultimate Build-out Scheme" scenario was developed by the Planning Office in the spring of 2002. It included City-owned land, the parcel referred to as the Farley-Marino property and some land belonging to Shipyard Brewing. It did not include the Portland Company Complex because its owner was not interested in redeveloping his property at that time. That illustration is attached as Exhibit A.

The Eastern Waterfront Master Plan generally recommended mixed use development for upland areas of the Eastern Waterfront, including the Portland Company Complex. But it did not recommend that the Portland Company Complex be rezoned from WSUZ to B-6. Mixed use development on the Portland Company Complex can be accommodated within the existing WSUZ regulation.

Between the spring of 2002 and its adoption in December 2004, the Planning Board developed and forwarded to the City Council the proposed B-6 Eastern Waterfront Mixed Use Zone. It applied only to the properties east of India Street, north of Commercial Street and its extension, west of the Portland Company complex, and south of Fore Street. It did not include the Portland

Company Complex (See Exhibit B). This area was denoted the "Central Redevelopment District." In some documents the Shipyard Property, which was eventually developed as the Gateway Parking Garage and the Residence Inn, was included in the discussion as well. However, the B-6 zoning which was enacted in December 2004 applies only to the "Central Redevelopment Area," without the Shipyard properties.

2. THE B-6 ZONE MANDATES A VERY SPECIFIC FORM OF DEVELOPMENT WHICH IS A POOR FIT FOR THE PORTLAND COMPANY SITE

The B-6 zone is a variation of a form-based code. The attached Ultimate Build-out Scheme (Exhibit A) set the stage for a form of urban development that is woven throughout the zoning language. It is very specific to the three blocks that were rezoned to B-6.

The Ultimate Build-out is premised upon a re-connected grid of public streets and public sidewalks (Hancock St., Mountfort St. and an unnamed/unbuilt street adjacent to 58 Fore St.) The parking is directed to the interior of each block (light blue), with structures accommodating mixed uses wrapped around the parking (dark blue). There are virtually no provisions for the consideration of existing buildings, because the area of the Ultimate Build-out is composed of vacant land, surface parking lots, and metal industrial structures which will be razed in the event of development. The B-6 ordinance incorporates unique dimensional requirements to produce this Ultimate Build-out -- e.g., "built to lines," 10 foot maximum setbacks from "build to lines," minimum street wall lengths, and minimum heights -- and requires for ground floor retail space to create new, very dense urban space.

Poor Fit: Already Existing Structures: In contrast to the 3 blocks of B-6, the Portland Company Complex is already significantly occupied by historic buildings. The majority of these buildings are of the character which should be adaptively reused, as stated in the Master Plan and the Design Guidelines. Contrary to assuming a virtually blank slate, as the B-6 does, the Design Guidelines state:

Historically and architecturally significant structures and sites should be inventoried and protected from demolition and carefully rehabilitated in a way that is consistent with their original architectural intent. The challenge and opportunity is to adaptively reuse significant structures while retaining their historic character (Design Guidelines, p.7).

The form-based code approach of the B-6 zone is inconsistent with the goals for the important buildings already occupying a portion of this site.

Poor Fit: No Street Grid: There is no street grid proposed for 58 Fore which will produce the basic building blocks of the B-6 zone -- blocks surrounded on four sides by public streets. The only streets proposed are the existing Fore Street (which is well above the grade of most of the

existing buildings and the "Portland Company Alignment" where no buildings will be allowed. Presumably the no build area will serve as a street, but it is not clear whether it will be public. The B-6 zone relies upon public streets and public sidewalks on both sides of the streets to make the land publicly accessible, thus securing a benefit for the general public. There is no such similar street grid proposed on the Portland Company site.

The rest of the circulation pattern on the Portland Company site has yet to be determined, and may consist of private lanes. This is the opposite of the B-6 zone which relies upon a grid of public streets and sidewalks to assure public access.

Poor Fit: Build-to Lines Nonsensical: In the existing B-6 zone, the dashed lines are "key building envelopes." The B-6 zone states:

New structures located in the blocks located south of Fore Street and north of Commercial Street and its extension, shall build to the key building envelopes [sic] shown on the *Eastern Waterfront Building Height Overlay Map*. (14-272(c)(3))

These build-to lines are tied to the building envelopes, not to streets. The Overlay Map which the applicant proposed to apply to 58 Fore Street has 9 building envelopes. There are eight "built to" lines that do not abut streets or the edge of the parcel. It is unclear what the zoning intends to accomplish by requiring build-to lines in the eight locations where build-to lines are in the middle of a parcel, not bounded by a street. Similarly the impact of overlaying this grid of build-to lines on top of historic structures is unclear.

Poor Fit: High-Density Urban Pattern of Development: The type of development that would be produced by the B-6 standards is similar to the Ocean Gateway Garage and the Residence Inn. Even beyond the question of whether the provisions are effective to generate ground floor active uses (given that the "retail space" in the Gateway Garage has been vacant since it was constructed), it is important to ask whether this is, in fact, the type of development desired at 58 Fore St. It may make more sense to first settle the issue of whether the 58 Fore Street site, or some portion of it, is going to be designated a local historic district before casting the form of new development in stone as do the very detailed standards in the B-6 zone.

Poor Fit: Brew Pubs, Restaurants, etc. Incompatible with Immediately Adjacent Residential Neighborhood: The B-6 zone was designed to abut other commercial uses. Extending that zone to 58 Fore Street gives no consideration to the established residential neighborhood which, for over 100 years, has overlooked, but not interacted with, the 58 Fore Street property except at its single entrance. The substantial change in grade has acted as a buffer between the industrial use and the residences. The proposed extension of the B-6 to 58 Fore St. completely disregards this traditional buffer.

Except for the Portland Company site itself, both sides of Fore Street in the vicinity of 58 Fore St. are occupied by residential uses, mostly in small scale 1-3 family structures, with the exception of the Portland House. There are no existing non-residential uses except for one small insurance office, which may be a home occupation. The Munjoy Hill neighborhood moving north from Fore Street is of a similar, entirely residential, character.

In contrast, if the entire 58 Fore St. site is rezoned to B-6 as proposed, it would allow a developer to build, as of right, on the south side of Fore Street hotels, retail space, offices, restaurants, brew pubs and any number of other uses facing the residential neighborhood. It would require at least 75% of the street wall of whatever use to be built out to within 10 feet of Fore Street. And, in a provision that is inconsistent with how the maximum height limits should be applied to this site, it would require that uses facing Fore Street not have less than three (3) floors of habitable space above the average adjacent grade. This scale and range of permitted uses is completely out of character and incompatible with the existing, long-standing residential uses.

While these non-residential uses might belong in the area where the existing B-6 is located and on the filled land portion of 58 Fore Street, they are completely inappropriate on the upper portion of Fore Street. A rezoning to allow the incursion of this type of commercial use into a residential area that has no such similar uses would be unprecedented.

3. THE EXISTING B-6 ZONE REFLECTS CAREFUL PLANNING OF PUBLIC VISTAS WHICH HAS NOT YET BEEN UNDERTAKEN IN RELATION TO THE PORTLAND COMPANY SITE.

The B-6 Building Height Overlay & Building Envelopes evidences a level of planning to preserve public views and vistas from public streets that has not yet taken place on the 58 Fore Street site. In the overlay, the building envelopes are pulled back from street lines and the street space is splayed out to enhance public views. If serious consideration is being given to a B-6 rezoning for 58 Fore Street, that same level of detailed vista analysis needs to be done for that site. The Height Study just assumes that the existing buildings will remain on the site, and that the vistas over the existing buildings will remain. The study did not look at the impacts of new construction on the vistas.

4. THE CIRCULATION PATTERN WITHIN THE PORTLAND COMPANY COMPLEX, PARTICULARLY FOR WATER-DEPENDENT USES, NEEDS TO BE CONSIDERED PRIOR TO ADOPTION OF THE HEIGHT OVERLAY.

The B-6 dimensional requirements appear to allow limited space for driveways between buildings which are arranged around the build-to lines. But it is unclear whether these will be private or public within the 58 Fore Street site. It is also unclear whether they will be sufficient to provide the circulation patterns to allow continued existence of marine uses under the WSUZ.

The preface to the Eastern Waterfront Master Plan states: "the water's edge is the most precious resource we have" (p. 2). Similarly, the Design Guidelines note that the challenge is to preserve the value and marine utility of the water's edge while stimulating appropriate upland development for the benefit of the general population (p. 14). The Community Development Committee of the City Council, prior to recommending approval, added a section to the Master Plan noting the challenges of implementing the Master Plan. It reemphasized the importance of the working waterfront and full utilization of deep-water berthing resources, stating:

The challenge will be to maximize the benefits of mixed-use non-marine development, while retaining the function and future flexibility of the Eastern Waterfront as a pivotal intermodal hub in Maine's transportation system. Transportation utility of the Eastern Waterfront will require constant and vigilant protection (Master Plan, p. 21).

The circulation pattern within the 58 Fore Street site is critical to maintaining the functionality of the water's edge. The current circulation pattern does not allow for any obvious vehicular access to the water's edge. The building envelopes do not suggest any circulation pattern. As protection of the utility of the water's edge has been identified as a primary goal, it should be addressed as part of any rezoning.

5. THE "PORTLAND COMPANY ALIGNMENT" NEEDS TO BE CONSISTENT WITH THE ORIGINAL HEIGHT STUDY RECOMMENDATION

Illustration 33 of the Height Study (Exhibit C) shows a "Portland Company Alignment" (a no-build area) that was carefully located to preserve views from the B-6 area into the Portland Company Complex and line up to avoid the existing historic buildings. Building envelopes in the B-6 zone were pulled back to preserve the view into the heart of the historic buildings. However, in the applicant's proposed overlay map (Exhibit D), the no-build area has been moved so that views from the B-6 zone are not preserved. It also cuts across existing buildings.

It is unclear whether shifting this alignment is intentional or an oversight. If it is intentional, the applicant should make it clear that it is asking for an amendment to the height overlay and explain the basis for the change in the alignment. However, as it was carefully located as part of the Height Study design process, it would seem that there is good reason for keeping the original alignment.

6. THE APPLICANT'S POSITION THAT HEIGHTS AT 58 FORE SHOULD BE MEASURED FROM AVERAGE GRADE IS INCORRECT, AND WOULD RESULT IN A DEVELOPMENT WHICH IS OUT OF SCALE WITH THE RESIDENTIAL NEIGHBORHOOD

One of the primary goals of the Eastern Waterfront Height Study was to balance the needs of the study area against the surrounding "impact areas", including the Munjoy Hill residential

neighborhood. As part of that balancing, it identified three "shadow areas" where development could be located that would not negatively impact the adjacent areas. The upper Fore Street shadow area was identified to justify a height of 65 feet, due to the large change in grade.

Obviously, the large change in grade would not be cited as a reason to allow that extra height if it was anticipated that the extra height would be located at the top of the slope, as is contended should be allowed by the applicant. As is clear in the Building Height Study, it was intended that the resulting extra-tall structure would be located on the filled land portion of the site.

The November 2004 graphic, prepared by the height consultant after the adoption of the Building Height Study as part of the Master Plan (Exhibit E), includes as General Note 2:

The height of buildings and tower masses east of Mountfort Street or its extension shall be measured from 2' above the flood plain elevation for the site based on the National Geodetic Vertical Datum. Where allowed, building mass above 4 floors shall not be wider than 70 feet parallel with the waterfront nor longer than 140 feet perpendicular with the waterfront. [Emphasis added]

This graphic applies to the entire study area, including the Portland Company site.

This method of calculating height was carried over one month later into the December 2004 Council-adopted B-6 Building Height Overlay & Building Envelopes, which states in Note 4:

For buildings located east of Mountfort Street (extension), building heights shall be measured from feet above flood plain, not from average grade (Exhibit B). [Emphasis added]

Thus, not only does it make sense for heights for the entire area east of Mountfort Street extension to be measured from flood plain based upon the substance of the height study, but it is also consistent with what the City actually enacted in the B-6 zone.

CONCLUSION: EXTENSIVE MODIFICATIONS TO B-6 OR OTHER ALTERNATIVES

The B-6 zone is not an appropriate zone to import to the heart of residential Munjoy Hill unless it is very significantly modified to keep the impact and uses down on the filled land. Moreover, the urban form the B-6 tries to create is incompatible with the existing historic structures and protection of the water's edge for the working waterfront.

If the City is still considering importing the B-6 zone to 58 Fore Street, the zoning text for the B-6 would require multiple modifications, including, but not limited to:

(1) there should be a very substantial mandatory minimum setback from Fore Street (greater than 150 feet) for all new construction which would override the otherwise required build-to line and keep commercial uses from being developed on the southern side of Fore Street;

(2) the building height overlay should specify, as it does for the block of B-6 adjacent to 58 Fore Street, that "the heights shall be measured from feet above flood plain, not from average grade";

(3) the minimum height requirement of 3 stories should be deleted for this portion of the B-6 zone as being inconsistent with the historic buildings; and

(4) the circulation pattern established as part of the height overlay and the dimensional requirements in the B-6 text, particularly the built-to lines, should be re-examined and modified as necessary to respond to the Master Plan goals of adaptive reuse of historic structures, protection of the utility of the water's edge for water-dependent uses, and preservation of public visual access to the water.

Much additional study is required to determine what pattern of development is appropriate for this site and how successfully the form-based code developed for the three blocks in the "Ultimate Build-Out Scenario" translates to an entirely different location.

In lieu of essentially rewriting the B-6 zone text to make numerous exceptions for 58 Fore Street, it would be better to leave the B-6 text alone and not expand its scope. That would leave the applicant with two options: applying for some form of contract zone under the existing WSUZ, or proposing text amendments to the WSUZ.

The WSUZ as written anticipates that any new mixed use development over 5,000 square feet will be reviewed as a contract zone, using the standards contained in the existing WSUZ text. In the past, the City has required very detailed plans to accompany any conditional rezoning. However, there is nothing in the enabling legislation or in the City's own ordinance pertaining to contract zones that requires that level of detail.

The applicant has made it clear that it does not want to invest in developing plans to the level of detail previously required by the City in order to pursue a contract zone. If the City finds that reasoning compelling, the applicant and the City should explore whether there is a more conceptual way to approve a conditional rezoning that clarifies, in general terms, what each will get in exchange for agreeing to a conditional rezoning, without requiring a site plan level of detail. Perhaps conditions more in the nature of performance standards would provide a way for the City to give the applicant the certainty it says it needs to proceed while still enacting a conditional rezoning that will run with the land to any new owner.

Chair O'Brien & Board
February 5, 2015
Page Eight

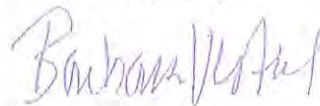
In the alternative, now that the Farley-Marino site has been rezoned to B-6, 58 Fore Street is the only property remaining in the WSUZ. That fact offers the opportunity for carefully crafted amendments to the text of the WSUZ which are designed to allow a thoughtful version of the proposed development. It would obviate the need to comply with the precedent set by the City for conditional rezonings.

The applicant would have to reveal enough of its concepts and plans to allow discussion of text amendments. The amendments would likely identify sub-areas of the site for different treatment, such as permitting a certain range of uses only on the filled land. Similarly it could allow for new construction in locations and meeting dimensional requirements that are not incompatible with the existing historic structures. It could be in the nature of form based code, but designed for this particular location.

There is no reason to make tortured amendments to the B-6 or have portions of the B-6 apply only to the 58 Fore Street site when, due to the geographic scope of the existing WSUZ, the City can amend that zoning text directly to allow the development it wants to permit.

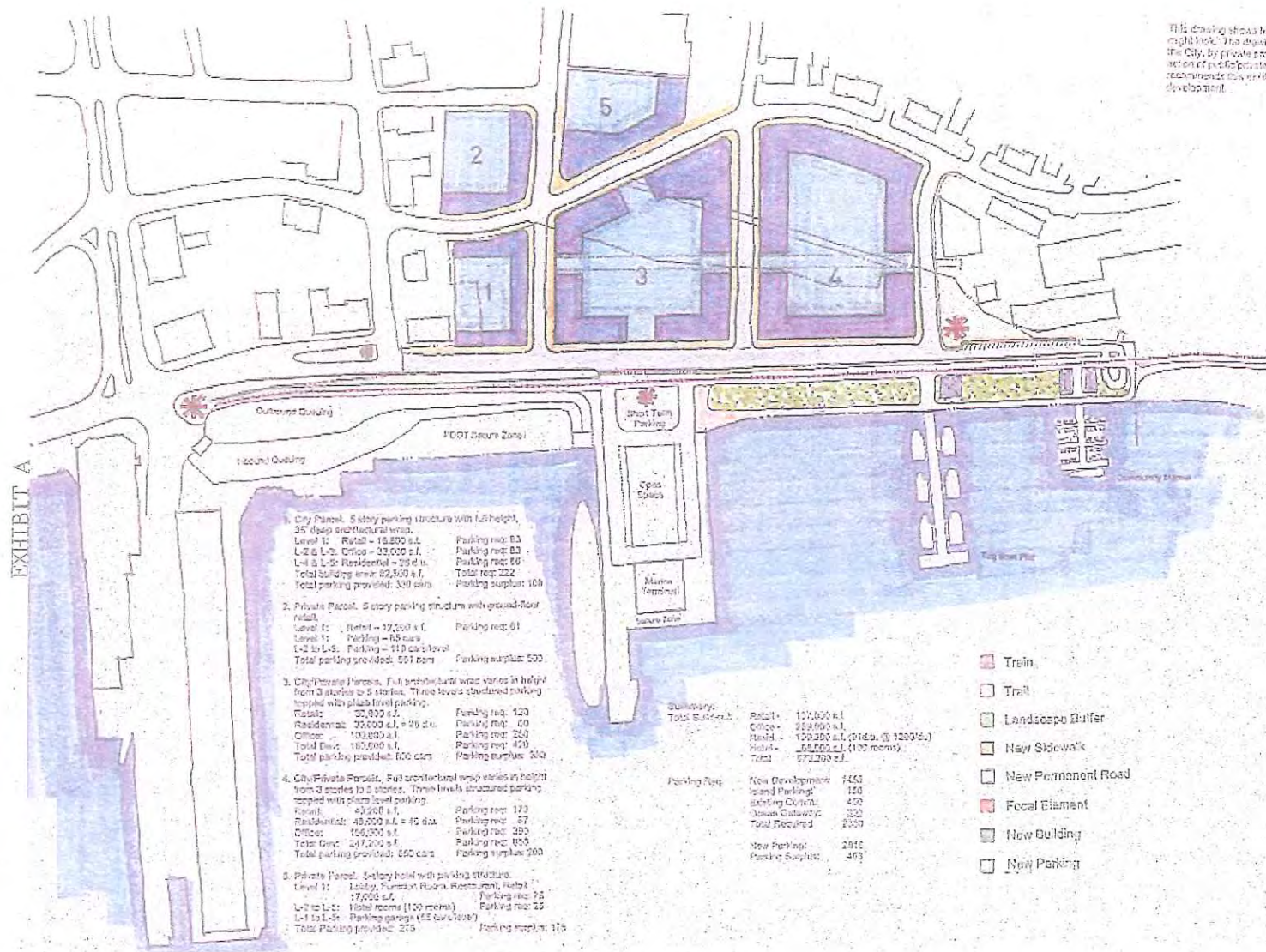
The applicant bought the property with the WSUZ in place. The burden is on the applicant to show that it will be in the best interest of the City to modify the zoning requirements. The Master Plan does lend support for upland mixed uses, provided they are balanced with protecting the water's edge for marine uses. But moving the B-6 zone over to encompass 58 Fore Street is like trying to jam a square peg in a round hole. As there are at least two viable better alternatives, I urge you to recommend that request for rezoning to B-6 not be approved.

Very truly yours,



Barbara A. Vestal

BAV/om
Enclosures
cc: Christine Grimando



Portland Planning Office
Spring 2002

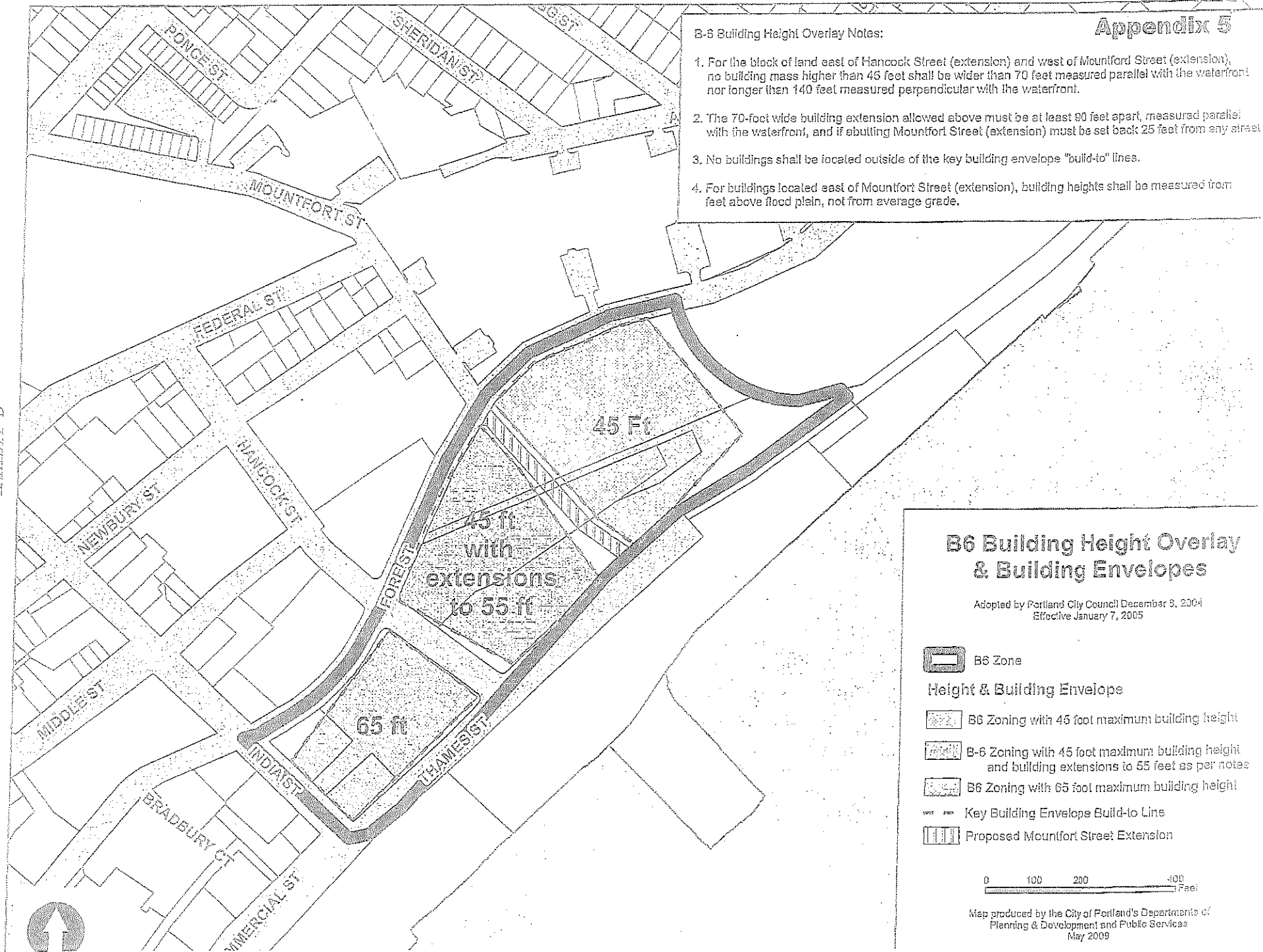
Ultimate Build-out Scheme
Joint Development of City/Private Parcels

Waterfront Development and
Master Planning Committee

3

B-6 Building Height Overlay Notes:

1. For the block of land east of Hancock Street (extension) and west of Mountfort Street (extension), no building mass higher than 45 feet shall be wider than 70 feet measured parallel with the waterfront nor longer than 140 feet measured perpendicular with the waterfront.
2. The 70-foot wide building extension allowed above must be at least 90 feet apart, measured parallel with the waterfront, and if abutting Mountfort Street (extension) must be set back 25 feet from any street.
3. No buildings shall be located outside of the key building envelope "build-to" lines.
4. For buildings located east of Mountfort Street (extension), building heights shall be measured from feet above flood plain, not from average grade.



B6 Building Height Overlay & Building Envelopes

Adopted by Portland City Council December 9, 2004
Effective January 7, 2005



B6 Zone

Height & Building Envelope



B6 Zoning with 45 foot maximum building height



B-6 Zoning with 45 foot maximum building height and building extensions to 55 feet as per notes



B6 Zoning with 65 foot maximum building height



Key Building Envelope Build-to Line



Proposed Mountfort Street Extension

0 100 200 400 Feet

Map produced by the City of Portland's Department of
Planning & Development and Public Services
May 2009

-  STUDY AREA (3 STORY MINIMUM)
-  KEY BUILDING ENVELOPES BY HEIGHT
-  NO BUILD ABOVE RELATIVE FORE STREET ELEVATION

GENERAL NOTES:

1. FOR BUILDINGS EAST OF HANCOCK STREET OR ITS EXTENSION, NO BUILDING MASS ABOVE 4 FLOORS (45 FEET ABOVE THE AVERAGE GRADE) SHALL BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.
2. THE 70' WIDE TOWERS, AS DEFINED ABOVE, MUST BE AT LEAST 140 FEET APART, MEASURED PERPENDICULAR WITH THE WATERFRONT.
3. NO BUILD FLOATING ZONES ARE VIEW CORRIDORS WITH NO BUILDING ABOVE THE CORRESPONDING FORE STREET ELEVATION.
4. NO BUILDINGS SHALL BE LOCATED OUTSIDE OF THE KEY BUILDING ENVELOPES.

EXHIBIT C

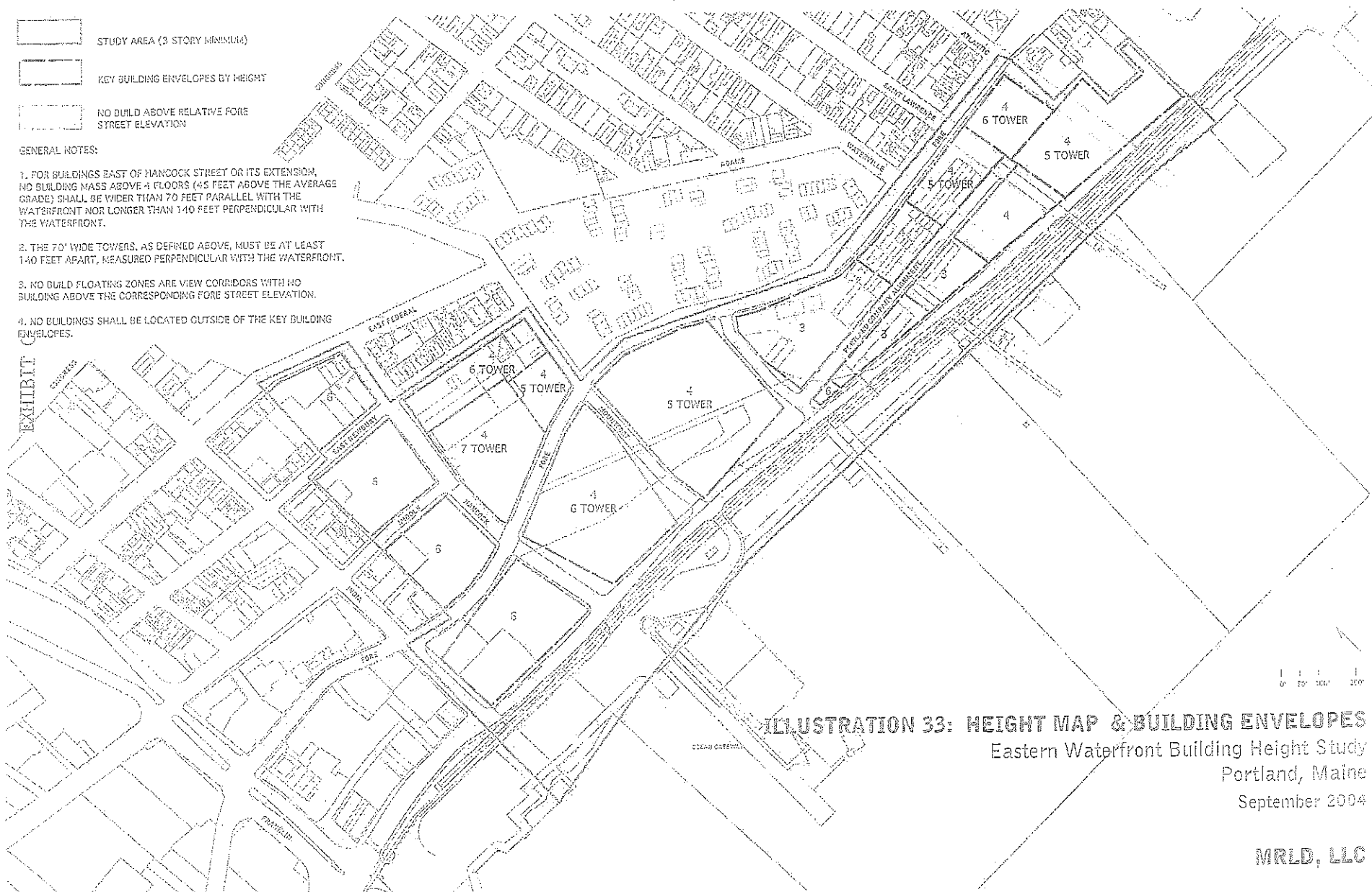
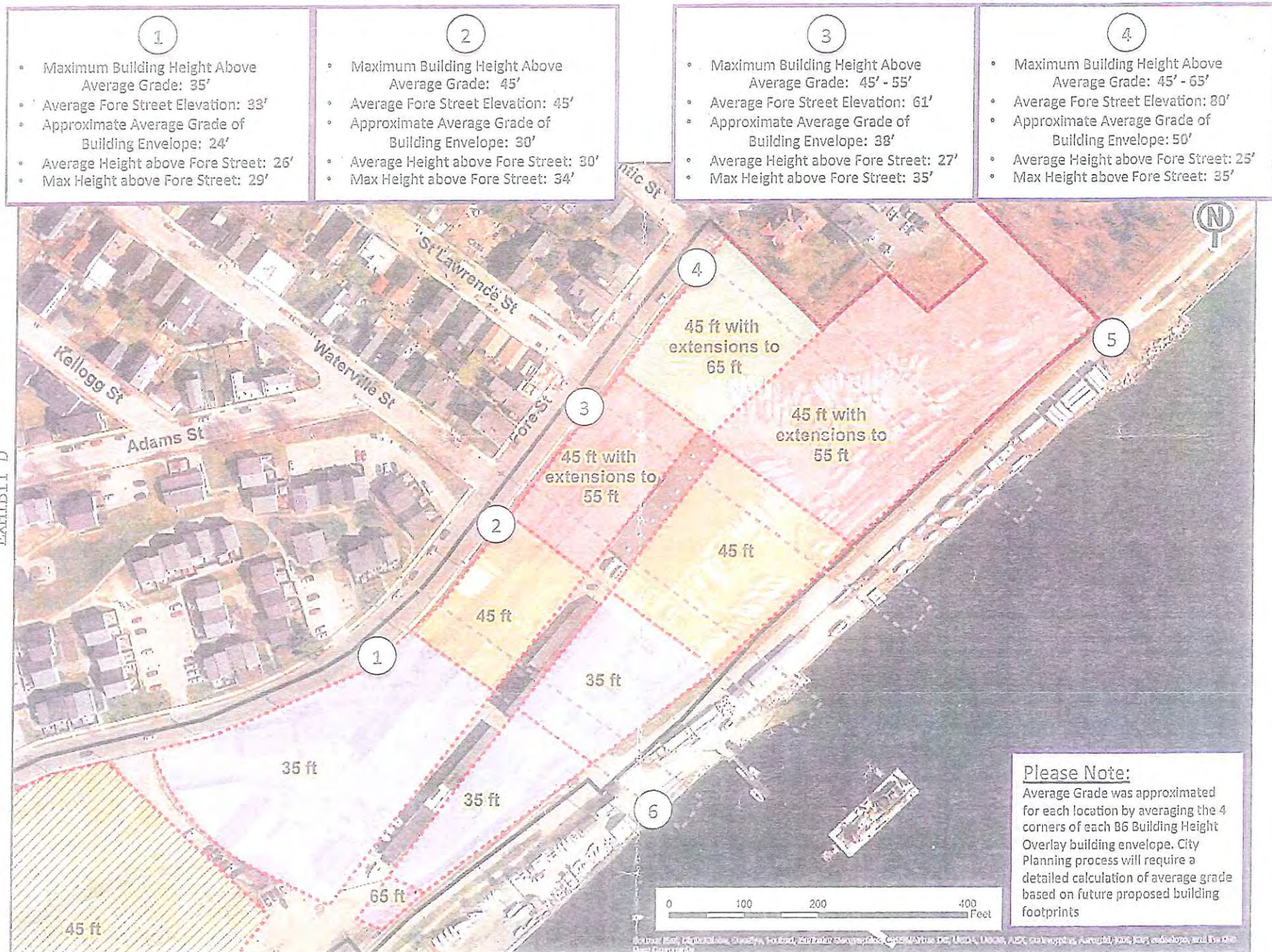
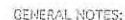


ILLUSTRATION 33: HEIGHT MAP & BUILDING ENVELOPES
 Eastern Waterfront Building Height Study
 Portland, Maine
 September 2004

MRLD, LLC





- EXHIBIT F

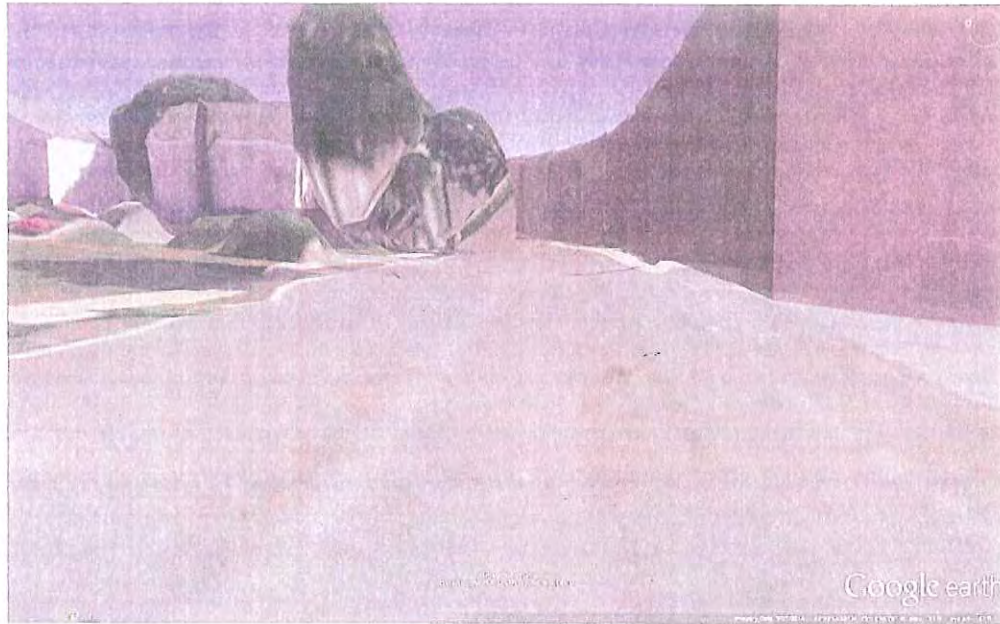


Eastern Waterfront Building Height Study

Portland, Maine

1 November 2004

MRLD, LLC



SOUL OF PORTLAND
SOULOFPORTLAND.ORG

FORE STREET & MUNJOY SOUTH
HEIGHTS ABOVE AVERAGE GRADE



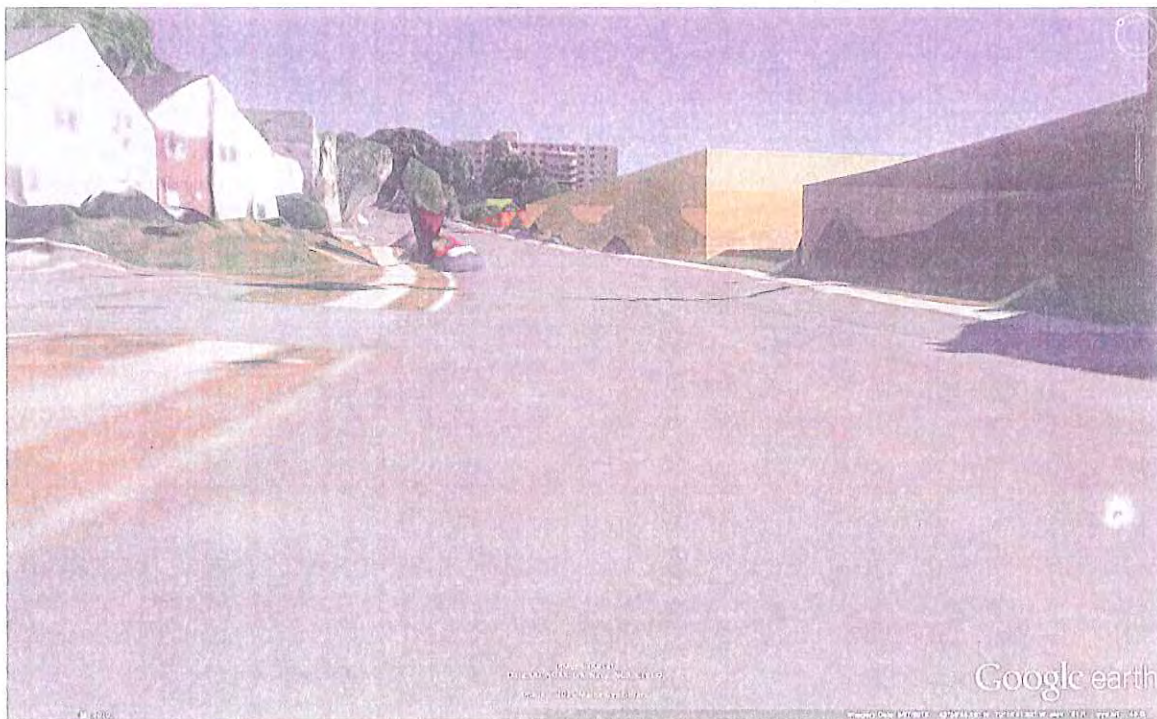
SOUL OF PORTLAND
SOULOFPORTLAND.ORG

FORE STREET & MUNJOY SOUTH
HEIGHTS ABOVE FLOOD PLAIN



SOUL OF PORTLAND
SOULOFPORTLAND.ORG

58 FORE STREET
HEIGHTS ABOVE AVERAGE GRADE



SOUL OF PORTLAND
SOULOFPORTLAND.ORG

58 FORE STREET
HEIGHTS ABOVE FLOOD PLAIN




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FORE STREET & WATERVILLE STREET
 HEIGHTS ABOVE AVERAGE GRADE




SOUL OF PORTLAND
 SOULOFPORTLAND.ORG

FORE STREET & WATERVILLE STREET
 HEIGHTS ABOVE FLOOD PLAIN

P.O. Box 7602
Portland ME 04112
October 2, 2014

Deb Andrews, Historic Preservation Mgr.
Planning Division
City Hall, 4th flr.
389 Congress St.
Portland ME 04101

Ms. Andrews:

We are writing in support of Greater Portland Landmarks request to designate the Portland Company site at 58 Fore St. an historic district.

The Portland Company buildings have had a strong impact on marine and industrial work and they have impacted industry nationwide.

This is an opportunity to preserve the last of historical businesses in Portland. We have learned from the demolition of Union Station how deeply that loss has been felt and regretted in this town.

Lets not do it again.

Sincerely,
Errett and Susan Ingalls

October 3, 2014

Paula Guillemette Agopian
98 Monument St
Portland, Me 04101

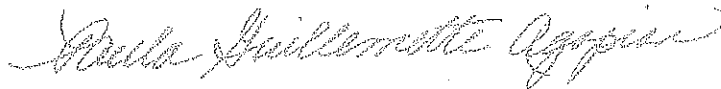
Deb Andrews, Historic Preservation Program Mgr.
City of Portland
389 Congress St
Portland, Me 04101

Dear Deb,

I was in attendance September 25th for the presentation of Sutherland Conservation Consultant's report on the historic significance of The Portland Co. property at 58 Fore St. I found it informational and thought provoking. It conjured up thoughts of Union Station, The Portland Co. is the East End's Union Station. I was aware that the property was of historic significance but was unaware of the far reaching implications on so many levels. I would like to see a presentation of this caliber done for our neighborhood, and will present that to The Munjoy Hill Neighborhood Organization's next Board Meeting on the 13th. This study could prove pivotal and key to the redevelopment of this site. I would hope at all levels of approval that the powers that be let this report weigh heavily in the decision making process. It deserves great consideration. The presenter's words "building removal will have an adverse impact on this site" are still ringing in my ears.

P.S. If there is a tour of the site I would love to participate before it is disturbed!

Sincerely, Paula Guillemette Agopian



Cc. Historic Preservation Chair, Rick Romano and Board Members
City of Portland Planning Board Chair, Stuart G. O'Brien and Board Members
City of Portland Planning Dept. Alex Jaegerman
Greater Portland Landmarks Hillary Bassett, Director
MHNO Board
CPE2 LLC, Jim Brady

Deb Andrews - 58 Fore Historical Significance Concerns

From: Karen Snyder <karsny@yahoo.com>
To: "dga@portlandmaine.gov" <dga@portlandmaine.gov>
Date: 10/12/2014 6:47 AM
Subject: 58 Fore Historical Significance Concerns
Attachments: 58ForeStreetHistoricBuildings.JPG; 58ForeStreetSeaWall.JPG

Dear Ms. Andrews,

I am voicing my concern as many others regarding the 58 Fore street proposed development.

There is a large amount of historical significance to this site, and there are concerns that the developer will destroy the original sea wall of Portland or buildings that are late 1900's that are over the sea wall.

I have attached historical buildings and the original sea wall photos.

There is additional concern by the proposal to change zone ordinances in order for this developer to build an inappropriate height for this area besides blocking the water views of all the residents of Waterville Street.

The Historical Preservation board was specifically created as a direct result of the travesty of allowing Union Station to be destroyed to allow a developer to put up a seedy strip mall.

It is up to the Historical Preservation board to PROTECT historical significant structures against the scourge of developers.

Please keep this in mind.

Regards,
K.Snyder
Munjoy Hill Resident





From: Karen Snyder <karsny@yahoo.com>
To: "cdg@portlandmaine.gov" <cdg@portlandmaine.gov>
Date: 10/12/2014 6:57 AM
Subject: Fw: Legal Ads for 10-14 and 10-21
Attachments: PB Lgl Ad 10-14-14.pdf; PB Lgl Ad 10-21-14.pdf

Dear Christine,

I am writing to voice my concerns with the 58 Fore Street zone amendment proposal.

There is concern by many Munjoy Hill residents in regards to this developer destroying the historical significance of the buildings as well as building height concerns for this area in regards to blocking the current water views of all the residents on Waterville Street.

When will the planning board finally respect and listen to the opposition of the local residents regarding all these developers that are trying (with success) in changing ordinances so their profit margins are large at the cost and inconvenience of local residents and the quality of life for the residences?

Regards,
K. Snyder
Munjoy Hill Resident

On Sunday, October 12, 2014 6:50 AM, Karen Snyder <karsny@yahoo.com> wrote:

Hi Helen,

What is the content of the B1 and B2 zoning amendments? Is this specific to 89 Anderson?

The attachment is quite generic.

Thanks,

K. Snyder
Munjoy Hill Resident

On Friday, October 10, 2014 8:44 AM, Jennifer Munson <JMY@portlandmaine.gov> wrote:

Good Moring,

Please see the attached.

Jennifer Munson, Office Manager
Planning and Urban Development
City of Portland
389 Congress St., 4th Floor
Portland ME 04101
jmy@portlandmaine.gov
(207)874-8719
(207)756-8258 (fax)

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.

--

Greater Portland Landmarks

Planning Board – comments re: Portland Company Complex, 58 Fore Street

10/21/2014

Greater Portland Landmarks is especially interested in the proposed plans to redevelop the Portland Company Complex at 58 Fore Street. Recent research conducted by Sutherland Consulting has clearly established the local, state and national historic significance of the Complex as the only intact historic locomotive manufacturing complex remaining in the country. The City is now proceeding with a peer review of the developer's engineering study regarding structural integrity of the historic buildings. These materials are essential to a future consideration of the potential for historic designation of the complex.

Landmarks has several questions we would like to ask.

- a) We understand that what is being proposed is to adopt the zoning and related recommendations from the Eastern Waterfront Master Plan. As part of the documentation in the Mitchell Razor Landscape Design map of 2004 there was inclusion on the map which shows the "Portland Company alignment" that recognizes the "alleyway typology" "like Wharf Street" between the major buildings of the Complex. We believe that the alleyway is an essential character defining element because it reflects the relationship of the Complex to the rail lines and to the manufacturing process associated with the Portland Company. The alignment shown on more recent maps appears to be different than the earlier maps? Has it been changed and if so why has it been changed?
- b) We would like to be sure that any zoning change or presentation of a potential plan for the site will not prejudice or limit historic preservation board consideration of the potential for historic designation. For this reason we urged the Historic Preservation Board to move more quickly to request designation. At the request of staff, the Preservation Board is moving more cautiously. What assurances will the city and the developers provide to support the historic preservation board's requests outlined in their memo of Oct. 15, 2014 that zoning changes not prejudice the review and findings of the Historic Preservation Board as it considers the potential for historic designation of the property?
- c) Building heights are important to us, especially with respect to views of the Complex from the water and views of the harbor from the Portland Observatory. How will the height overlay map apply, and from what level with building heights be measured?

The Guiding Principles of the Eastern Waterfront Master plan specifically call for development to be "Compatible with the surrounding areas, neighborhoods, natural environment and maritime uses, with objectives to "Encourage historic preservation and adaptive reuse of historic structures", "Encourage compatible architecture," and "Preserve significant public view corridors to and from the water and along the waterfront."

Thank you for your consideration.

Hilary Bassett
Executive Director
Greater Portland Landmarks

Lannie Dobson - Fwd: Planning Board Workshop on Portland Co.

From: Christine Grimando
To: Dobson, Lannie
Date: 2/20/2015 1:30 PM
Subject: Fwd: Planning Board Workshop on Portland Co.

One more, which came in on the 10th, but that I hadn't gotten into the folder.

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

>>> <bristolchrismal@aol.com> 2/10/2015 9:47 AM >>>

Dear Christine,

I was planning to attend this meeting, but it now looks very unlikely that I can. So I would be very grateful if you would put this question for the Board's attention.

I was going to say something about the extraordinary value of the Portland Company complex, including its entire extant layout, in terms of industrial history, and indeed the history of the resurgence of Portland as a port city in the 19th century. But the report commissioned by the City from Sutherland Conservation and Consulting says all that needs to be said. Just reading the Executive Summary alone, especially the Findings, is enough to elevate the importance of the site to a national level in one's awareness.

I presume the Board members are all familiar with the Report. Two quotes from the Findings are worth restating here:

"All of the buildings constructed over 50 years ago contribute to the historic significance and integrity of the Portland Company complex;" and ...

"The removal of any of the historic buildings ... will diminish the ability of the complex to demonstrate the historic manufacturing process of the Portland Company."

So I am asking the Board for reassurance that they will be guided by this report and its findings in making decisions on this current planning application, or any revision of it.

Thank you,
Chris Small,
Freeport, Maine,
(Volunteer 1996-2010, and one-time Board member, at the Maine Narrow Gauge Railroad)

From: <dpreisse@maine.rr.com>
To: <cdg@portlandmaine.gov>
Date: 11/11/2014 11:43 AM
Subject: 58 Fore Street
Attachments: photo-19 copy.JPG; photo-19.JPG; SO2.JPG; Cruise ship.JPG

Dear Christine,

I am emailing you to share my thoughts in regards to the 58 Fore Street zoning change and in particular the site plan that has not yet been seen. I have attended the open forum with the developer as well as the city hall meeting for public comment. It is hard for me to support a zoning change without seeing the site plan that demonstrates the building heights above Fore Street. I can not attend the site walk or the public comment meeting on the 18th so wanted to share my thoughts with you to share with Council and Developers.

I do live on Munjoy Hill and each day I am in awe of the panoramic active harbor view that is seen now freely from the overlook driving/walking/biking on Fore Street between Waterville and St. Lawrence. I have observed hundreds of people and the tour/trolley buses as they stop for a short glance traveling this street. I know there are many who appreciate the unique beauty yet do not take part in civic action to save what could be lost.

Development of the property and all the ideas generally presented by the developers sound interesting to me and others I have spoken to. I am very concerned with the zoning approval of the height and the height overlay plans. It is so confusing to me even after all the dialogue. I believe at one time I heard in a presentation by the developer that the buildings could be 14-22 feet ABOVE Fore Street. That scares me to death and I can vision another mass half the height of the Portland House blocking the suns warmth and birds eye views so breathtakingly wonderful now. - I am well aware of snake oil sales pitches and asking for zoning changes and getting something that was not wanted or expected but is allowed with these changes. I strongly support saving all the historical buildings (the Flower Show building was not marked in the developers presentation to save) and promoting this site as a historical district with the guidance and expertise of Portland Landmarks and the Historical Society.

The scaffolding view from the water to the residential area to the Observatory are just as vital as those looking down the hill to the vitality on the water. I have included a couple of pictures to express this greatness that occurs in Casco Bay that some may not have seen. Preserving this one last bit of scenic overview is vital and not to be lost for myself, my neighbors, Portlanders, tourists or for future generations. Please keep this point in mind as you make recommendations to the City Council.

I would encourage the City Council to not only walk the actual site but also take a stroll up the hill on Fore Street to experience this feeling of being on top of the world, a stop to catch one's breath, and savor the breathtaking beauty of the working/recreational waters of Casco Bay.

Best,
Denise Preisser







From: Brian Burwell <burwell@maine.edu>
To: <edg@portlandmaine.gov>
Date: 11/14/2014 8:56 AM
Subject: Planning Board, 58 Fore Street, Protecting Pedestrian Views

Dear Planning Board members,

I am writing to defend existing pedestrian "key views of the harbor...a community resource to be preserved and protected..." ("Design Guidelines for the Eastern Waterfront", p.12, Adopted by Comprehensive Plan, 2002)

I appreciate the wonderful views along Adams and elsewhere, but am most familiar with the two blocks of Fore Street sidewalks between Waterville and Atlantic Streets.

While working on a three family residence at the corner of Waterville and Fore, I observe large numbers of neighborhood people walking these sidewalks to and from downtown and "around the block". In nice weather multiple small groups of downtown office workers walk up and down the Fore Street sidewalks during their lunch breaks. Many visiting tourist often stop in wonder and take pictures of the sailing schooners, ferries etc. and of themselves in front of the wire fence.

The existing four story Portland Company buildings situated along these two blocks do not interfere with sidewalk views because of the high elevation of Fore Street relative to the level land below. The cover and last page illustration (Section E Existing and Proposed East/West with Congress Street and Fore Street Elevations) of the "Eastern Waterfront Building Height Study" (adopted by the Comprehensive Plan in 2004) show how existing and anticipated four story structures preserve those sidewalk views.

The "Eastern Waterfront Building Height Study" allows for 70 foot wide towers separated by 140 feet. Such a tower in front of the Waterville to St. Lawrence Street block would interfere with the existing wonderful view of harbor activities. During the decade since this detailed height study was adopted, significant changes have occurred and continue to trend which strongly argue for preservation of unobstructed views and therefore against towers which would depreciate these views:

- * Increasing resident population in the neighborhood as a result of "infill" development and additions.
- * People walking and jogging more for healthy exercise.
- * Increasing numbers of tourists.
- * Increasing recognition of the value of pedestrian views of important natural elements. Many cities including Seattle, San Diego, Austin and Portland, Oregon incorporate preservation of such views into their development design criteria.
- * Blockage of pedestrian views by new construction to the west of Mountfort St.

To what extent these views, unique to Portland, are to be forever lost by a large public to be replaced by private structures (residences?) for a relatively few, is before you. I request that you consider the developers' opportunities for substantial development on these ten acres with little or no obstruction of current views.

Lastly, resident evaluations of developer plans for the site could provide valuable inputs to Planning Board and City Council members tasked with melding CPBE's rights and citizen interests. Award of B-6 zoning would provide substantial value to CPBE and could follow, not precede, resident vetting. Lack of a site plan for the "Neighborhood Meeting" of September left residents frustrated and distrustful. Without a site plan, residents are left jousting windmills like Don Quixote. I request that the Planning Board require a site plan from CPBE and obtain public input, both positive and negative, before deciding whether or not to recommend a zoning change from Waterfront Special Use Zone to B-6.

Thank you.

Brian Burwell
Owner, 31 Fore Street

burwell@maine.edu



46

From: Barbara Barhydt
To: Grimando, Christine; Jaegerman, Alex; Munson, Jennifer
Date: 11/14/2014 7:58 AM
Subject: Fwd: 58 Fore Street site visit and workshop

public comment

>>> Peter Macomber <pbm@macomber.com> Friday, November 14, 2014 7:16 AM >>>

Dear Chair O'Brien, Planning Board members, Planning Director Jaegerman and staff:

My name is Peter Macomber and my wife, Pam, and I live on Munjoy Hill. We have been residents of Portland since 1979, the last two on the Hill. I will be out of town next week during the scheduled site visit and the hearing, so I am sending this lieu of attending and commenting.

The purpose of your site visit and workshop is to review the building height overlay as it applies to the proposed zoning change. Because it also relates to building heights, it is also very important that you take into consideration the breathtaking pedestrian viewshed of Portland harbor from Fore Street between Atlantic and Waterville streets. This is to my knowledge the only publicly-accessible elevated viewpoint in the entire city that encompasses such a magnificent panorama of the inner working harbor, including the Gateway terminal and visiting cruise ships, the South Portland waterfront and the never-ending ship traffic.

This viewpoint has always been there throughout the history of the city, never blocked by any buildings and always freely accessible to all who walk by.

As a property owner in this area, I can attest to the surprising number of people who abruptly stop as they walk up or down Fore Street and are mesmerized by the view, sometimes for minutes at a time. Or to the cars that suddenly pull over to the side of the street, people piling out and excitedly taking pictures of the panorama or of the cruise ships.

And when the sun is low and illuminates the entire harbor with a quality of light that's unique to Maine, the scene is nothing short of magical.

This awesome landscape and seascape is part of the soul of Munjoy Hill and truly belongs to all of Portland. It must be preserved by ensuring that any development does not impinge on that entire view. Keeping the maximum building height of any development at or below the grade of Fore Street would do it.

(A thought about the so-called "view corridors" that are part of the Eastern Waterfront Height Study: they're a ridiculous sop to the public and are tantamount to telling people to look through the wrong end of a telescope with blinders on; those corridors only compartmentalize and minimize the view and conceal more than they reveal. The only real "view corridor" is the one that fully encompasses the entire viewshed, not tiny slivers of it!)

—

The B-6 zone as it currently exists requires that the minimum new building height within 25 feet of a street is 3 stories. This requirement is quite appropriate in the current B-6 zone, but obviously not appropriate in the proposed development. The developer's refrain is that they merely want to "drag over the existing B-6 zone" to the Portland Company property, but to "drag over" all requirements of that zone without closely examining how they'd impact the unique conditions of the property would be inappropriate.

But there's at least one aspect that would be appropriate: at the last public meeting, some questions were asked about the current B-6 Height Overlay map and the phrase "feet above the flood plain, not from average grade" as it applied to building heights on one particular lot of land. But it actually makes a lot of sense if you think about it. Fore Street begins to climb steeply as it passes to the east of Mounfort Street, so calculating the building heights from the flood plain instead of the average grade takes that steep climb into consideration. Because otherwise an envisioned 45-foot maximum building height could translate into 55 or even 65 feet if the average grade was used instead.

It is very important to follow the same reasoning as you consider building heights in the proposed development. Fore Street climbs even more steeply beyond Waterville Street while the Portland Company property is primarily on that same flood plain. Average grade calculations could result in buildings that ludicrously not only tower over Fore Street, but are the equivalent of 80-90 feet

above the flood plain. Using average grade calculations on what is basically a cliff edge is highly inappropriate, and would be a flawed methodology for this zoning. And since about 85-90% of the Portland Company land is at the flood plain level, using that as a basis for building heights makes far more sense.

I humbly suggest that during the site visit next week you include a short walk up Fore Street between Waterville and Atlantic streets so you can see for yourselves what I'm writing about. Enjoy that view!

The Planning Board's work will be very difficult in the weeks ahead. I thank you for your time and energy as you consider this zoning change. Please know that Pam and I are both very much in favor of a vibrant, yet thoughtful development of the property. But surely there is a way to keep this very special public viewshed forever open as well as provide the developers an opportunity to maximize their returns. I ask that you keep in mind these comments as you preserve this precious asset for the future of the city and its inhabitants and visitors.

Respectfully,
Peter & Pam Macomber
Saint Lawrence St.

From: Jeff Levine
To: Caitlin Cameron; Christine Grimando; Tammy Munson
Date: 11/19/2014 3:09 PM
Subject: Fwd: outdoor seating and height restrictions

On outdoor seating and 58 Fore Street.

Jeff

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan
(<http://www.portlandmaine.gov/>)
>>> Nancy <nkacatalyst@msn.com> 11/19/2014 2:35 PM >>>

Hi Jeff- I saw your name from a recent PPH article. As a Portland resident (15 years on Little Diamond Island) and almost 8 years on Craigie Street) I would like to share my opinion on two recent issues.

1. As someone who LOVES to eat and cherishes the warm weather when we can eat outside in Portland, I do enjoy the outdoor cafes and seating areas at many of Portland's restaurants. My concern though is when the dining tables and robe dividers stretch onto the sidewalks pushing people to the road. It seems antithetical to the idea of a side "walk". All summer and fall we walk down Commercial street from our Parking spot on Widgery Wharf to the Casco Bay Lines. This year, I particularly noted (not just at Cruise ship times) that it was very difficult to walk down the sidewalks. It was the sidewalk cafes, food and craft vendors, and even the lines for the Trolley and day-time boats that cause multiple bottlenecks. While I support the tourist industry and want Portland small businesses to thrive, I just worry about how many times, we and others have to walk in the street because the sidewalks are too crowded. I also noticed people in wheelchairs and the elderly having a difficult time getting by. I am an able-bodied person, but pulling our luggage down the sidewalk has been very difficult because the sidewalk space is so limited. So I hope you will consider the safety of "walkers" as well as the diners when determining the line on the sidewalks for outdoor dining.

2. In today's paper there is discussion about increasing the height of new building at the bottom of Munjoy Hill/Fore Street. While I don't live in that part of town, I do appreciate the view not just from the mainland but looking at the city from the water as well. I know "view" might be less motivating than "business revenue" and potential tax, but I travel enough to other towns/cities to recognize that this is one of the unique features of Portland. I hope you and Portland will think long and hard about extending the heights and variances, as once it's gone, it's gone. I do believe one of the reasons Portland has been featured in so many articles and magazines polls lately is because of its unique character and balanced growth. Hope we can keep it that way.

Thank you very much for reading my email and considering my opinion when you make your decisions.

Nancy

Nancy Ansheles
186 Craigie Street
Portland, ME 04102
207-774-3634
207-272-5009 (Cell)
nkacatalyst@msn.com

CHESTER & VESTAL

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EDWIN P. CHESTER
BARBARA A. VESTAL
MICHAEL P. DIXON

chester@chesterandvestal.com
vestal@chesterandvestal.com
dixon@chesterandvestal.com

February 19, 2015

Chair O'Brien and Members of the Planning Board
c/o Christine Grimando
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Portland Company Complex

Dear Chair O'Brien and Members of the Planning Board:

At the February 10th Planning Board workshop, some members of the Board seemed to indicate that the abutting neighborhood's concerns would be addressed during the master planning process by reference to the publication "Design Guidelines for the Eastern Waterfront." That document was adopted in October 2004 as Appendix C of the Master Plan for Redevelopment of the Eastern Waterfront.

I want to make sure that those Guidelines really will apply if the Portland Company site is rezoned to B-6. And I also want to make sure that what is contained in those Guidelines will make sense when applied to the site.

I am concerned that these Design Guidelines will not apply unless proper text amendments are adopted as part of the zone change. This should be taken care of by the Planning Board before it goes to the City Council.

14-526(d) Site Design Standards (9) Zoning Related Design Standards (a) states that certain development "as specified below" is subject to design standards in addition to the regular site plan standards. Subsection (i) includes B6 in the heading but omits B6 in the text. The applicant has proposed to put it in. (See attachment with applicant's proposed amendment.) That text amendment is necessary but does not go far enough.

That provision goes on to say that the development "shall be designed to support the development of dense, mixed-use neighborhoods with attractive, safe and convenient street level pedestrian environments as demonstrated by compliance with all applicable design standards listed in the [City of Portland] Design Manual (emphasis added)."

Chair O'Brien and Planning Board Members
February 19, 2015
Page Two

The Design Guidelines for the Eastern Waterfront are not included in the City of Portland Design Manual. Other design standards are quoted in full in the text or are incorporated by reference to a numbered appendix and then attached in full in multiple numbered appendices. For example, appendices include the Downtown Urban Design Guidelines (48 pages), the USM Design Principles and Standards (7 pages) and B-7 Design Guidelines (23 pages).

In contrast, the entire treatment of the EWPZ and B6 is as follows:

"(1) STANDARD. Eastern Waterfront design standards: All major and minor development reviewed under the provisions of the eastern waterfront zones shall be designed to support the development of this urban neighborhood as a dense, mixed use, pedestrian friendly neighborhood."

It does not incorporate the 23 pages of the Design Guideline document in any way. It does not say that development should be consistent with the Design Guidelines for the Eastern Waterfront. That document is not included in an appendix to the Design Manual. The only appendix that appears to be related is Appendix 5, the one-page B-6 Building Height Overlay & Building Envelopes map.

This could be easily fixed in multiple ways, one of which would be to add in the site plan ordinance after "Design Manual" the language "or contained in Design Guidelines for the Eastern Waterfront."

I am also concerned that these Design Guidelines for the Eastern Waterfront will not make sense when the Board tries to apply them to the Portland Company site because they are premised upon a PUBLIC street and sidewalk grid. The applicant has yet to propose any circulation pattern within the site. It has said that it is not its intent to create a gated community. I believe many members of the public would be against a gated community as well.

However, it is my understanding from the applicant that the City staff has told the applicant that, for a variety of reasons, it does not want the internal circulation grid to consist of public streets. It is my understanding that the applicant and City staff are envisioning that this might be developed using private roads, perhaps subject to an easement for use by the general public. I think it is important to provide for this possibility as part of the zone change.

If these are to be private roads rather than public streets, it would be problematic for the Board to apply a statement such as the following in a master plan context if there are, in fact, no "streets":

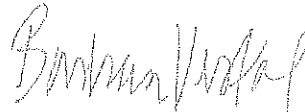
Sidewalks are key to defining streets as civic places. Sidewalks should be provided along both sides of all streets and should be wide enough to accommodate visiting and residential pedestrians comfortably and safely. (p. 3)

Chair O'Brien and Planning Board Members
February 19, 2015
Page Three

There are numerous references throughout the design guidelines to street corridors, street hierarchies, treatment of street frontages, etc. The determination of public streets vs. public easements may be a question for a later day. But if the Design Guidelines are to be successfully applied as intended, this possibility needs to be anticipated. Site Plan Design Standards 14-526(d)(9)(a)(i) should be amended to further add after "or Design Guidelines for the Eastern Waterfront" (as proposed above) "and further, in the B6 and EWPZ, if the Planning Board votes to accept private roads with public easements in lieu of public streets, the Design Guidelines shall be applied and interpreted as if the private roads were public streets."

Finally, the applicant has proposed an amendment to this same site design standard to address permeability. It is responsive to neighborhood concerns to address that. However, the applicant's proposed amendment would "promote permeability through and within the development at a scale compatible with the existing street network of the Eastern Waterfront." Instead of using the massive-block, street network of the current Eastern Waterfront. I believe it is much more in keeping with the Design Guidelines for the Eastern Waterfront to promote a scale compatible with the central waterfront and the Munjoy Hill neighborhood.

Very truly yours,



Barbara A. Vestal

BAV/om
Enclosure
cc: Christine Grimando

maintained to ensure stable, safe and attractive site conditions.

Sec. 14-526. Site plan standards.

14-526(d) *Site Design Standards*

9. *Zoning Related Design Standards:*

- a. Development of certain types and/or proposed in certain zones, as specified below, are subject to design standards in addition to the provisions of Section 14-526 (a) in order to ensure designs that contribute to and enhance the goals and policies for specific districts of the City. The City of Portland Design Standards is listed in the City of Portland Design Manual, which is included by reference. If the development is located in a historic district or associated with a historic landmark, City of Portland Historic Preservation standards shall supersede:

- (i) B3, B5, B5-b, B7 Zones, and B6 and EWPZ Waterfront Zones: Development in the B3, B5, B5-b, B7 business zones and in the B6 and EWPZ waterfront zones shall be designed to support the development of dense, mixed-use neighborhoods with attractive, safe and convenient street level pedestrian environments as demonstrated by compliance with all applicable design standards listed in the Design Manual. ^{VESTAL AMENDMENT} ~~New~~ BELOW
development along the Eastern Waterfront should avoid large monolithic massing along all street frontages and should promote permeability through and within the development at a scale compatible with the existing street networks of the Eastern Waterfront. Where new structures are larger than buildings characteristically found in Portland's waterfront, horizontal and vertical variation should be used to break large expanses of building into components that are in scale with the context to which they most closely relate.

- b. *Master Development Plan Design Standards:* A Master Plan shall comply with the design and development standards of the zone in which it is located, and shall achieve a

** or contained in Design Guidelines for the Eastern Waterfront, and further, in the B6 and EWPZ, if the Planning Board votes to accept private roads with a public easement in lieu of public streets, the Design Guidelines shall be applied and interpreted as if the private roads were public streets.

February 19, 2015

To: Portland Planning Board
Re: Portland Company Re-zoning
From: Paul Stevens
21 Thomas St
Portland

In May of 2012, my architect great grandfather, John Calvin Stevens, wrote in an op-ed to the Evening Express: "Portland has by nature been granted exceptional opportunities. These opportunities have been in many cases sadly neglected by her citizens. They have sat quietly by and seen the finest chances for beautiful development ignored and spoiled". I too have sadly and often observed this in my nearly 50 years as an architect and Portland resident.

The re-zoning of the Portland Company is the "exceptional opportunity". Many citizens spent years developing a thoughtful plan for the Eastern Waterfront. That plan was partially implemented with new B-6 zoning and the Eastern Waterfront Design Guidelines. The Portland Company site was exempted at the time although it was fully intended to be included. It is now time to follow through and pave the way for what can be a significant development at our front door on the Atlantic. It is significant for its promise of adaptive reuse of the historic structures, opportunity for new construction and contribution to our property tax base. The owners of the property have signaled their intent to embrace the planning and vision for this property established by our citizens. They will have to opportunity to demonstrate this in the master planning process that will follow the re-zoning.

It is way past time for Portland to say "yes" to such an opportunity. To say "no" will relegate the Portland Company site to inappropriate under use and eventual loss of its historic structures.



Portland Company Re-zoning; The PSA statement of support.

The PSA supports the re-zoning of the Portland Company for mixed use. The development of this, the most important site in Portland, will be of significant benefit to our citizens both economically and environmentally. The applicant has embraced the vision set forth by the Eastern Waterfront Master Planning Committee and memorialized in the existing B-6 zoning ordinance and the Eastern Waterfront Design Guidelines. The re-zoning will create the opportunity for adaptive re-use of the historic buildings, exciting new architecture and increased public access to a renewed landscape on the harbor's edge. We urge the Planning Board to support this important initiative.

Portland Society for Architecture

PO BOX 5321

Portland, Maine 04101

www.portlandarchitects.org

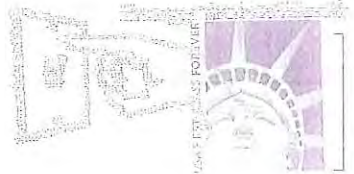
Save the valued view.

Please share your thoughts about building height and site plan views with the City Council members and developers of 56 Fore Street.

I frequently walk on the bike/pedestrian path along the waterfront between the Old Port and the Eastern Prom. The sight of the Observatory on the crest of Munjoy Hill, and the historic architecture on the slopes are a very important part of the character of the East End. Any additional height will block that view including the Observatory. Do not let that happen.

Card design by portlanddenise@gmail.com

Sincerely,
Maggie Wilson
Saint Lawrence St. 01101



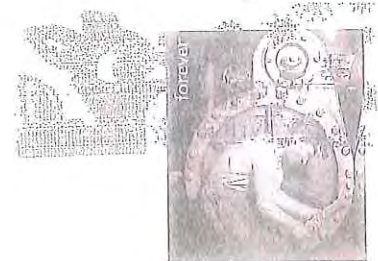
Christine Grimando
To: Senior Planner
Planning Division
City Hall
4th Floor
380 Congress Street
Portland, Maine 04101

Save the valued view.

Please share your thoughts about building height and site plan views with the City Council members and developers of 58 Fore Street.

While our views will not be blocked substantially, the pedestrian views of "Feel" of Fore Street will be severely damaged if they build on Fore Street.

Card design by portlanddenise@gmail.com



USA | Building a Nation

Christine Grimando
To: Senior Planner
Planning Division
City Hall
4th Floor
380 Congress Street
Portland, Maine 04101

Phil van Stank
a watermill

September 1, 2014

Good day.

In Portland, there is talk that the city officials are considering rezoning for the owners of the Portland Company, who have purchased 10 acres on the ocean at 58 Fore Street in Portland, Maine. They want to add thirteen acres of "submerged" land, enabling them to turn their ten acres into twenty-three acres,

If this is acceptable, then I, as an owner of two acres on the ocean, should be able to use "submerged" land to add another 2.6 acres to my land.

They are increasing their land by 130%, and I should be able to do the same.

Why not?!!

A very concerned citizen

SEP - 3 2014

Dept. of Building Inspections
City of Portland Maine

Save the valued historic buildings

Please share your thoughts
about building height and site
plan views with the City
Council members and
developers of 58 Fore Street.

Honestly? I feel that the
city is prostituting
itself for the almighty
dollar and a claim to
game - tall game. This
will all be realized when
it is too late. How sad.
Where is preservation of
that that is good? Soon we'll
look like any other city.

Card design by portlanddenise@gmail.com



Christine Grimando
To: Senior Planner
Planning Division
City Hall
4th Floor
380 Congress Street
Portland, Maine 04101

Tyler

Greater Portland Landmarks Comment for Planning Board public hearing Feb. 24, 2015

As the board considers the zoning recommendation, Greater Portland Landmarks continues to believe that the City would be better served by completing the historic review and designation of the complex in tandem with the zoning. Any zoning change or presentation of a potential plan for the site should not prejudice or limit historic preservation board consideration of the potential for historic designation.

For this reason, we suggest that if the Planning Board endorses the zoning change, that it add a condition that calls for a process to work out any potential differences between the zoning and the historic preservation board recommendations regarding a historic district. This process should occur prior to City Council consideration of both zoning and a potential district.

The City's historic preservation ordinance requires very strict time frames for consideration of potential historic designation, which we believe will not unduly delay matters. The Planning Board itself could then deliberate on any changes needed and whatever goes to the Council would have the full vetting of both the Historic Preservation Board and the Planning Board.

We see advantages in the parallel consideration of zoning and historic preservation: to avoid any zoning language that prejudices the historic preservation review, to work out any differences in parallel and in advance of council deliberation, and to provide clear direction to the developers.

Regarding heights, the overall scale of development on the site should be respectful of the existing views from the harbor of the complex and of the 19th century Munjoy Hill neighborhood as well as views of and from the National Historic Landmark Portland Observatory. There should be site permeability that fosters the connection with nearby historic districts and neighborhoods and the waterfront.

We would like to make it clear that Greater Portland Landmarks is not opposed to development of this site. In fact we are optimistic about the potential for redevelopment and adaptive reuse of the Portland Company site as a signature project which will bring new vitality to the eastern waterfront. The 10 acre site has room for both the historic complex and new architecture that is compatible with and enhances one of the most distinctive contexts in our city. We believe that the best outcome would be to design the site in a manner that retains the integrity and character of the industrial complex while bringing new and creative uses to these historic buildings. This approach would brand the development as one truly unique to Portland and to Maine by making the history of the Portland Company live into the future as a significant part of a contemporary reuse of this waterfront site.

Hilary Bassett, Executive Director, Greater Portland Landmarks



24 February 2015

To: Members of the Portland Planning Board
RE: India Street Sustainable Neighborhood Plan:
Critical Action 8: Adopt a Form-based Code

Portland Society for Architecture
1000 NE Oregon Street, Suite 200
Portland, Oregon 97232
Phone: 503.228.1111
Fax: 503.228.1112
www.portlandpsa.org

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www.portlandpsa.org

Dear Members of the Board:

The PSA is cognizant of the great effort by staff and others in this production ----- but the PSA is strongly apposed to the current proposal before the Board. We plan to respond in more detail later, but have some initial comments. The specifications of the proposed FBC for the India Street District goes way beyond a simple set of common guidelines to prescribe a very high level of specificity and visual appearance; it represents a virtual 'taking' of the building facades from their owners. Instead of the natural evolution of this urban neighborhood that is represented by diversity, vitality, and authenticity, we will be forcing a 'cookie-cutter' approach upon its property owners and residents that is stuck in time, neither honoring our existing historic structures, nor looking to the future, and above all turning its back to Portland's proud architectural heritage.

The PSA is one-hundred percent behind the idea of creating a pedestrian friendly mixed use urban neighborhood and believes that a simple set of common sense guidelines can do that. This proposal is neither simple nor commonsensical.

Respectfully,
The Portland Society for Architecture

CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

107 Congress Street, Portland, Maine 04101
Telephone (207) 772-7426 Fax (207) 761-5822

EDWIN P. CHESTER
BARBARA A. VESTAL
MICHAEL P. DIXON

chester@chesterandvestal.com
vestal@chesterandvestal.com
dixon@chesterandvestal.com

February 24, 2015

HAND DELIVERED

Chair O'Brien and Members of the Planning Board
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Portland Company Complex

Dear Chair O'Brien and Members of the Planning Board:

It is true that we have spoken with the applicant since the last workshop. But we did not resolve the matter. I was not heartened by the modest accommodations offered. And at the outset of the conversation, I stated that I reserved the right to advocate for heights to be measured from flood plain. Because if that happens, the issues of bars and setbacks and vistas and site permeability all go away.

So this morning I spent two hours going through old Planning Board files to resolve whether height is to be measured from flood plain or from average grade. I found unquestionable evidence that height on the Portland Company site is to be measured from flood plain. This is a clear, quantitative standard in the Eastern Waterfront Building Height Study, which is part of the Waterfront Master Plan.

That means that how to measure height on the Portland Company site is not a policy question. It is not a judgment call for the Planning Board. It is a quantitative standard in the master plan which the City Council cannot lawfully ignore. Your recommendation to the City Council should be consistent with that standard.

So what did I find?

Exhibit 1: Draft Report, August 25, 2004. Red buildings. Page 5 - Findings. Height: Upper Fore shadow: 8 floors. It says those heights are mapped on Illustration 32. Turn to it. See written in on the draft: "Max. 8 floors above floodplain." Also written in by hand 5 "from flood plain" on two other areas east of Mountfort Street.

Exhibit 2: The next event was a neighborhood meeting on September 7, 2004 on Munjoy Hill. This is an excerpt from a 9/28/04 City Council report. It notes that a clear and large majority of the citizens were concerned with the scale of development. As a result, staff revisited the conclusions of the Height Study and reduced maximum heights to reflect public concern. It

refers to Attachment 7 where heights have been reduced. Now on the Portland Company site, it shows the shadow area reduced from 8 stories to 5-6, and similar reductions on other parts. Note printed in 3 places on the Portland Company site "from flood plain."

Exhibit 3: Not dated, but prepared by the consultant, illustrates a reduced buildout, showing 8 stories reduced to 6 stories.

Exhibit 4: Illustration 33: Height Map & Building Envelopes. Dated November 1, 2004. See note #2: "The height of building and tower masses east of Mountfort Street or its extension shall be measured from 2' above the flood plain elevation for the site based on the national geodetic vertical datum." This includes the Portland Company site.

Exhibit 5: Memo from Bill Needelman to City Council dated November 19, 2004, with 4 attachments. I have only copied 2.

Attachment 1 is the existing and proposed sections, showing the Portland Company buildings barely breaking the plain of Fore Street. This is described as an illustration of the Planning Board recommendation.

Attachment 4 is a working document. It is described as showing the amended building heights forwarded by Councilor Gorham at the previous Council meeting. The area is getting narrowed down to smaller B-6. See a similar note: "#4: For buildings located east of Mountfort Street, building heights shall be measured from 2 feet above flood plane, not from average grade."

Exhibit 6: This is a copy of what was actually adopted as the B-6 zone on December 8, 2004. The wording of note 4 changed only slightly. It states: "For buildings located east of Mountfort Street (extension) building heights shall be measured from feet above flood plain, not from average grade."

From the August 25th draft through to the December 8, 2004 adoption, it was clear and unchanged. Heights east of Mountfort Street extension are to be measured from flood plain. While B-6 only includes one building envelope east of Mountfort, that standard clearly applies across the entire study area, including the Portland Company site.

It is also worth noting, in the Findings section on Heights of the 8/25/2004 draft report (Exhibit 1), it states: "Areas of 1-2 stories are possible along the stretch of Fore Street frontage between Atlantic and Waterville, except for four view corridor openings where no building can front Fore Street or break the relative elevation at Fore Street."

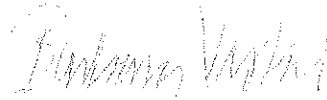
Compare that the same section in the December 2004 final report (Exhibit 7). Most of the findings only have minor tweaks – like substituting 5 to 6 for 8 in the upper Fore shadow. But, significantly, the entire statement about the possibility of 1-2 story buildings with frontage on

Chair O'Brien and Members of the Board
February 24, 2015
Page Three

Fore Street has been deleted from the report. With the reduced height, measured from flood plain, those buildings facing on Fore Street are no longer possible.

The proposed height overlay map must be amended so that it provides that all heights east of Mountfort Street or its extension shall be measured from flood plain, including the Portland Company site. The City Council cannot lawfully do otherwise and still be consistent with a quantitative standard in the master plan.

Very truly yours,



Barbara A. Vestal

EAV/om

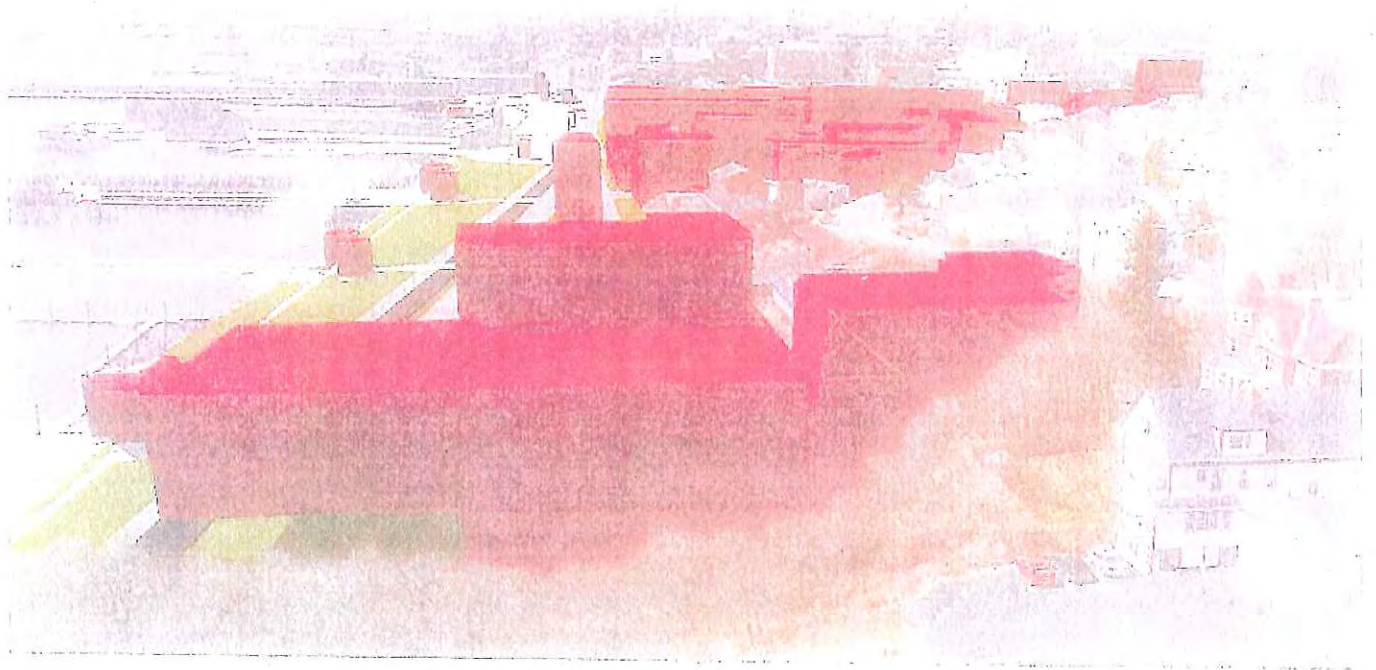
Attachments: Exhibits 1 - 7

EXHIBIT 1

Draft Report

Eastern Waterfront Building Height Study

Portland, Maine



25 August 2004

prepared by:

City of Portland Planning Office
MRLE, LLC

This concept build out is just one of hundreds of possible iterations meeting the guiding principles for the project. It was important to develop a build out scheme to visualize the area as redeveloped.

Illustrations 18-31 are all critical for visualizing the concept build out from different vantage points and contexts, but Illustrations 30 and 31, photo simulations are most telling and helpful for understanding how the redeveloped Eastern Waterfront will become a new and vibrant area while respecting the character and needs of adjacent neighborhoods.

FINDINGS

Height

Heights are defined in the study area using the following parameters (one floor or story is considered 11'):

- The overall fabric is three to five stories.
- The maximum heights for the three massing / height shadow zones noted in Illustration 9 and mapped on Illustration 32 are:

Middle / East Federal shadow:	7 – 8 floors
Shipyard shadow:	7 floors
Upper Fore shadow:	8 floors
- Areas of 1-2 stories are possible along the stretch of Fore Street frontage between Atlantic and Waterville, except for four view corridor openings where no building can front Fore Street or break the relative elevation at Fore Street. These three breaks in the possible 1-2 story Fore Street elevation are noted on the Illustration 32, Height Map.
- Any building mass or "tower" above the 5 story limit, where allowed, has a maximum 70' width parallel with the shore and a maximum 140' length perpendicular to the shore. 70' wide towers must be separated by 140'.

1/2"

1:10,000



EXISTING BUILDING ABOVE 5 FLOORS SHALL BE WIDER THAN 20' FLOORED WITH THE WATERFRONT AND LONGER THAN 140' PERPENDICULAR WITH THE WATERFRONT.
EXISTING BUILDING ABOVE 5 FLOORS ARE A MINIMUM OF 140' LONG, MEASURED PARALLEL WITH THE WATERFRONT.
EXISTING BUILDING ABOVE 5 FLOORS ARE VIEW CORRIDORS WITH NO BUILDING ABOVE THE CORRESPONDING POLE STREET ELEVATION

STUDY AREA (1/2 - 5 STORIES)
EXISTING BUILDING ENVELOPES BY HEIGHT
STREET ELEVATION
NO BUILD ABOVE RELATIVE POLE

EXHIBIT 2

Waterfront II

The Final Report of the Mayor's Waterfront Task Force on Economic Development: *Investing in our Working Waterfront*, October 2000, picked up where Waterfront I left off. The "Waterfront II" report included four economic related recommendations: (1) Encourage private and public waterfront investment, (2) Create a Waterfront-Centered economic development outreach program, (3) Support current use taxation, and (4) Support clean, working harbors.

The first recommendation included a specific provision that "recommends the development of waterfront parking garages not located on the water-side (with appropriate streetscape for retail or office uses) to supplement or replace the surface parking which serves the area. The intent is to free up precious waterfront land for productive use while relieving the parking problems for waterfront commerce."

The Waterfront II final report was adopted by the City Council as part of the Comprehensive Plan.

6. Neighborhood Meeting:

On September 7, 2004, the Planning Staff hosted a Neighborhood Meeting on Munjoy Hill to present the B-6 zone proposal and the Building Height Study. Please refer to the Neighborhood Meeting Material included in Appendix 2 of the Master Plan to understand the public's reaction to Building Height Study as presented at the neighborhood meeting.

In summary, very little discussion was generated by the uses proposed in the B-6 zone itself; but there was a clear and large majority of people concerned with the scale of development and the potential to impact public and private views. Given that compatible architecture is one of the signature principles of the Eastern Waterfront Master Plan, Staff took this criticism seriously and revisited the conclusions of the Height Study. The amended Master Plan document, including Appendix D - the Building Height Study, and the B-6 Building Height Overlay Map, Attachment 7, have been reduced to reflect public concern over view impacts.

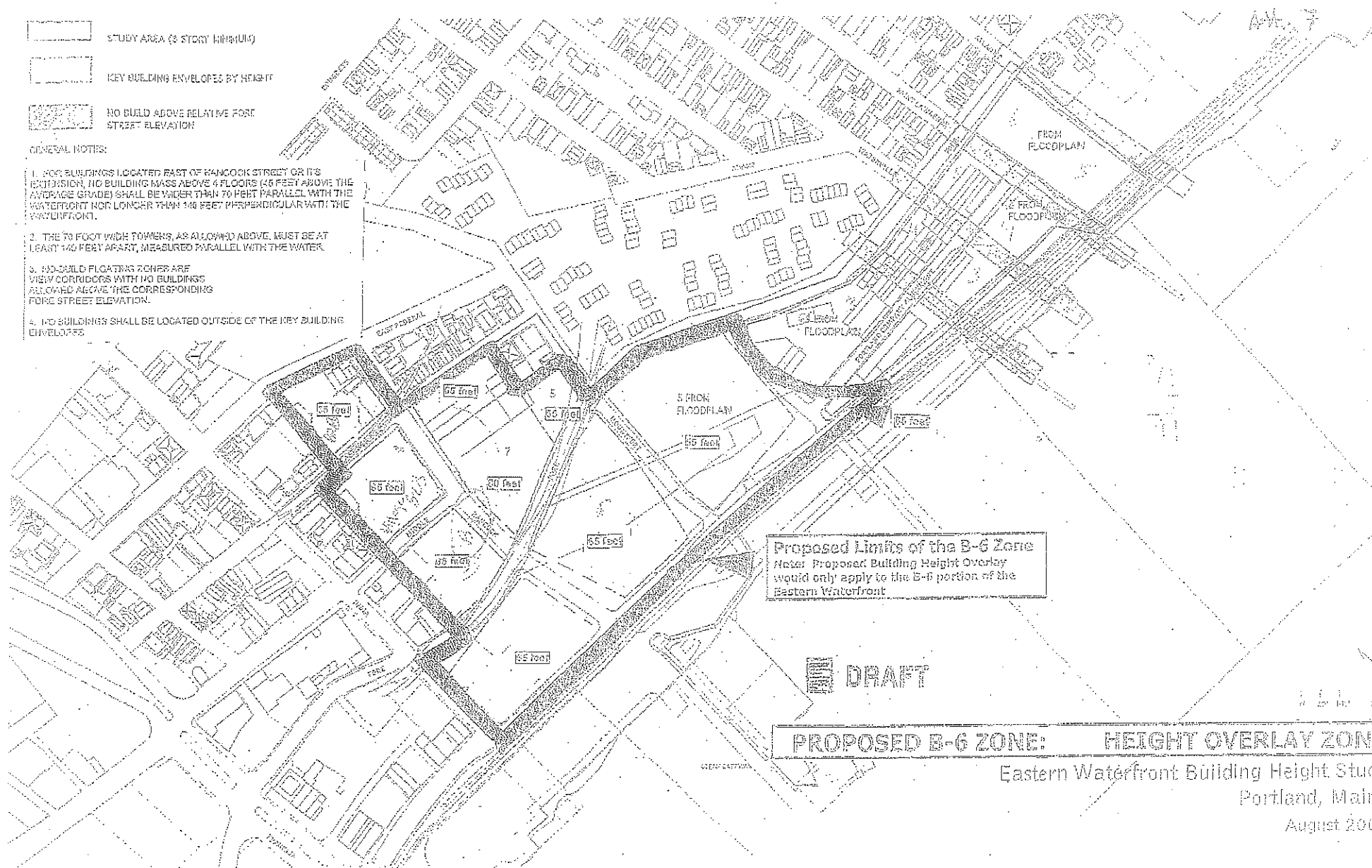
7. Planning Board Recommendation:

As stated above, the CDC and Planning Board both recommended adoption of the Master Plan in 2002. With the Building Height study complete, the Planning Board recommends the formal adoption of the Master Plan into the

-  STUDY AREA (3 STORY BUILDING)
-  KEY BUILDING ENVELOPES BY HEIGHT
-  NO BUILD ABOVE RELATIVE FORT STREET ELEVATION

GENERAL NOTES:

1. FOR BUILDINGS LOCATED EAST OF RANCOCK STREET OR ITS EXTENSION, NO BUILDING MASS ABOVE 4 FLOORS (48 FEET ABOVE THE AVERAGE GRADE) SHALL BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.
2. THE 70 FOOT WIDE TOWERS, AS ALLOWED ABOVE, MUST BE AT LEAST 140 FEET APART, MEASURED PARALLEL WITH THE WATER.
3. NO-BUILD FLOATING ZONES ARE VIEW CORRIDORS WITH NO BUILDINGS ALLOWED ABOVE THE CORRESPONDING FORT STREET ELEVATION.
4. NO BUILDINGS SHALL BE LOCATED OUTSIDE OF THE KEY BUILDING ENVELOPES.



PROPOSED B-6 ZONE: HEIGHT OVERLAY ZON

Eastern Waterfront Building Height Study
Portland, Maine
August 200



EXHIBIT 3

-  STUDY AREA (3 STORY MINIMUM)
-  KEY BUILDING ENVELOPES BY HEIGHT
-  NO BUILD ABOVE RELATIVE FORE STREET ELEVATION

GENERAL NOTES:

1. FOR BUILDINGS EAST OF HANCOCK STREET OR ITS EXTENSION, BUILDING MASS ABOVE 4 FLOORS (45 FEET ABOVE THE AVERAGE GRADE) SHALL NOT BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.

2. THE HEIGHT OF BUILDINGS AND TOWER MASSES EAST OF MOUNTFORT STREET OR ITS EXTENSION SHALL BE MEASURED FROM 2' ABOVE THE FLOOD PLAIN ELEVATION FOR THE SITE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM. WHERE ALLOWED, BUILDING MASS ABOVE 4 FLOORS SHALL NOT BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.

3. THE 70' WIDE TOWERS, AS DEFINED ABOVE, MUST BE AT LEAST 140 FEET APART, MEASURED PERPENDICULAR WITH THE WATERFRONT.

4. NO BUILDING FLOATING ZONES ARE VIEW CORRIDORS WITH NO BUILDING ABOVE THE CORRESPONDING FORE STREET ELEVATION.

5. NO BUILDINGS SHALL BE LOCATED OUTSIDE OF THE KEY BUILDING ENVELOPES.



ILLUSTRATION 33:
HEIGHT MAP & BUILDING ENVELOPES
 Eastern Waterfront Building Height Study
 Portland, Maine
 1 November 2004

MRLD, LLC

EXHIBIT 5

Memorandum
Department of Planning and Development
Planning Division



To: Mayor Smith and the Portland City Council

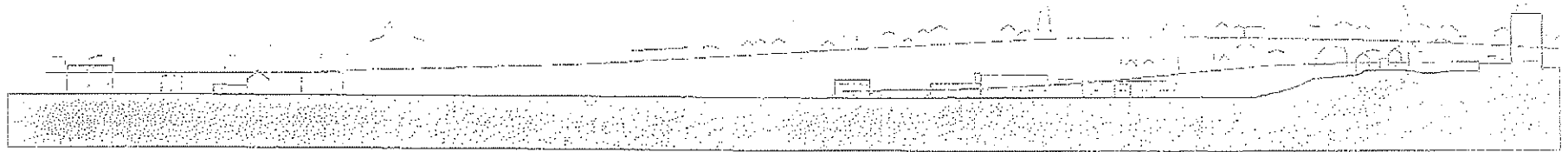
From: Bill Needelman, Senior Planner

Date: November 19, 2004

Re: Additional Material for the Eastern Waterfront Rezoning Workshop

As support for the November 22 workshop on Eastern Waterfront rezoning, Planning staff is providing the following additional material. This material will be helpful during both the on-site building height demonstration and the following workshop. Please find with the previously circulated material the following material:

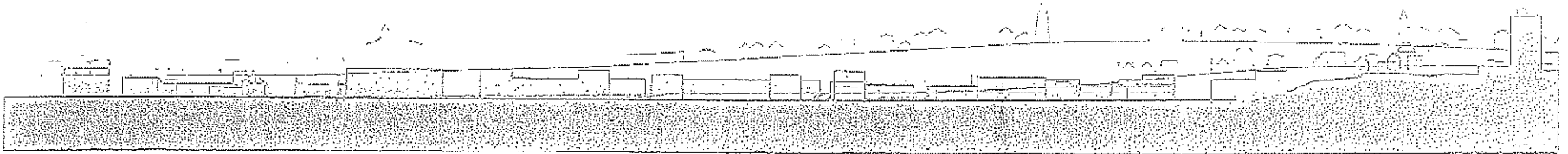
1. East / West Section: This drawing is taken from the Building Height Study and reflects the Planning Board's recommendation.
2. Potential Building Extensions: As suggested at the previous Council meeting, drawing 2 shows a maximum number of building extensions on those block where they are allowed. The higher number represents the highest point of the building. Again, these numbers reflect the current recommendation.
3. Aerial Photo: The attached aerial photo shows the approximate locations and heights of the City "lift trucks" that will be in place prior to the workshop on November 22. The trucks will be in position from 3:00 to 4:30pm.
4. Councilor Gorham Amendment: Drawing 4 shows the amended building heights forwarded by Councilor Gorham at the previous Council meeting.



SECTION E EXISTING - EAST / WEST (with Congress Street and Fore Street Elevations)

PROPOSED B6

SEA WAREHOUSE WAREHOUSE WAREHOUSE WAREHOUSE WAREHOUSE WAREHOUSE WAREHOUSE



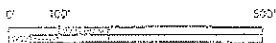
SECTION E PROPOSED - EAST / WEST (with Congress Street and Fore Street Elevations)

EASTERN WATERFRONT HEIGHT STUDY

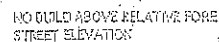
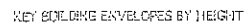
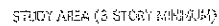
Portland, Maine

23 September 2001

BRID, LLC



①



General Notes:

1. For any block that is designated as a revolving area for towers, no building mass above four stories (48 feet above average grade) shall be wider than 70 feet parallel with the waterfront nor longer than 140 feet perpendicular with the waterfront.
2. Within each block, the 70 foot wide towers, as defined above, must be at least 140 feet apart, measured parallel with the waterfront.
3. No buildings shall be located outside of the key building envelope, "build-to" lines.
4. For buildings located east of Mountfort Street, building heights shall be measured from 2 feet above flood plane, not from average grade.

Note: Proposed Building Height Overlay Zone would only apply to the E-S portion of the Eastern Waterfront.

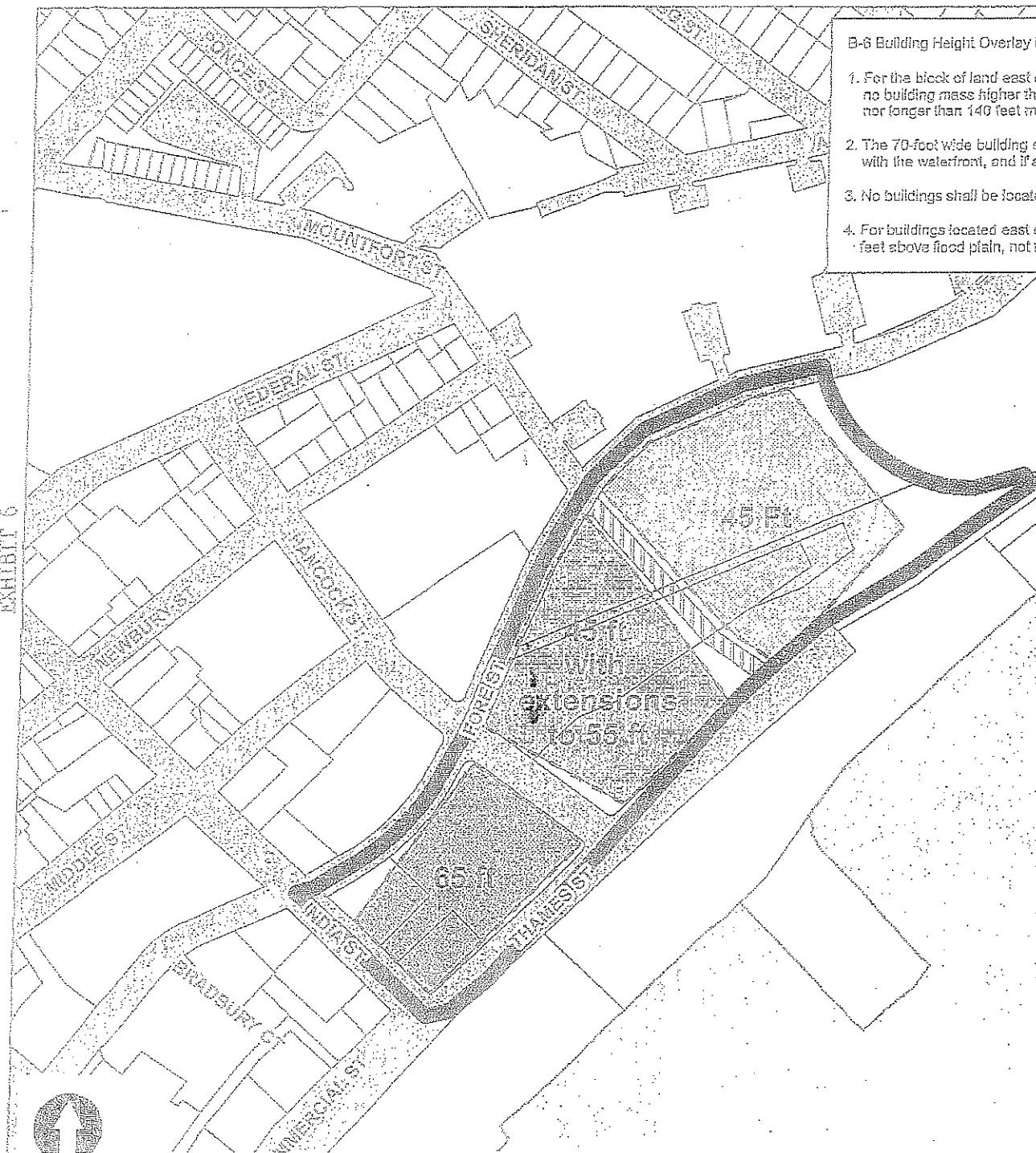
Proposed B-6: BUILDING HEIGHT OVERLAY MAP

Eastern Waterfront Building Height Study
Portland, Maine
13 September 2004

B-6 Building Height Overlay Notes:

1. For the block of land east of Hancock Street (extension) and west of Mountford Street (extension), no building mass higher than 45 feet shall be wider than 70 feet measured parallel with the waterfront nor longer than 140 feet measured perpendicular with the waterfront.
2. The 70-foot wide building extension allowed above must be at least 80 feet apart, measured parallel with the waterfront, and if abutting Mountford Street (extension) must be set back 25 feet from any street.
3. No buildings shall be located outside of the key building envelope "build-to" lines.
4. For buildings located east of Mountford Street (extension), building heights shall be measured from feet above flood plain, not from average grade.

EXHIBIT 6



B6 Building Height Overlay & Building Envelopes

Adopted by Portland City Council December 6, 2004
Effective January 7, 2005



B6 Zone

Height & Building Envelope



B6 Zoning with 45 foot maximum building height



B-6 Zoning with 45 foot maximum building height and building extensions to 55 feet as per notes



B6 Zoning with 65 foot maximum building height



Key Building Envelope Build-to Line



Proposed Mountford Street Extension

0 100 200 400 Feet

Map produced by the City of Portland's Departments of
Planning & Development and Public Services
May 2009

The concept build out was a test of the conclusions drawn from earlier analysis. The analysis documents are just one of hundreds of possible iterations meeting the guiding principles for the project. It was important to develop a build out scheme to visualize the area as redeveloped.

When the draft build out images were shown to the public at a neighborhood meeting, the clear consensus from the participants was that the concept build out was too aggressive. Working with the City Planning Division staff, the Height Map and section drawing were reduced on a block-by-block basis to reflect public concern, while retaining consistency with the principles of this analysis and the broader principles of the Eastern Waterfront Master Plan.

The final illustrations provided herein, including section drawings, the height and building envelope map and photomontage images, reflect public input generated at the neighborhood meeting. These images are critical for visualizing the concept build out from different vantage points and contexts. The multiple perspectives are helpful for understanding how the redeveloped Eastern Waterfront will become a new and vibrant area while respecting the character and needs of adjacent neighborhoods. The final *Illustration 33, Height Map and Building Envelopes*, will furthermore become the foundation of a regulatory map use in the future rezoning of portions of the Eastern Waterfront.

The previous draft analysis documents that show higher buildings, including plans, sections, computer models and photo simulations, will be provided in the final report appendix to illustrate the full process of the study.

FINDINGS

Height

Heights are defined in the study area using the following parameters (one floor or story is considered 11'):

- The overall fabric is from of 3 to 4 floors. Areas allowing taller buildings are noted on Illustration 33.
- The maximum heights for the three massing / height shadow zones noted in Illustration 9 and mapped on Illustration 33 are:

Middle / East Federal shadow:	6 floors
Shipyard shadow:	7 floors
Upper Fore shadow:	5 to 6 floors

- No buildings can break the relative elevation at Fore Street at the four "floating zones" noted on Illustration 33. These floating zones are extensions of Munjoy Hill Street corridors and protect connectivity between public streets and the harbor as viewed over the Portland Company properties.
- Any building mass or "tower" above the 4 story limit, where allowed, has a maximum 70' width parallel with the shore and a maximum 140' length perpendicular to the shore. 70' wide towers must be separated by 140'. Please note that west of Hancock Street, the tower provision has not been applied.

View Corridors, Building Envelopes and Street Wall Development

Assuming certain street layouts, Illustration 32, Alignments / Open Space Map creates and protects views and establishes a range of streetscapes due to the interplay between the building walls and street alignments.

For this scenario to work, the engineering of the road alignments is critical for establishing the setbacks, which in turn allow for varying sidewalk widths and the preservation of views. As stated above, in translating Illustration 32 in to the regulatory Height Map and Building Envelopes map, the "splays" have been simplified to reflect current development proposals.

Recommendations Beyond Building Heights

Alleys

In addition to building heights and alignments, this report recommends a system of alleys modeled after Wharf Street and the area between the Portland Company complex and the "Map Room" tower. These alleyways are proposed as a secondary level of pedestrian and vehicular circulation. The conditions can range from an open alley with sky bridges to arcades with minimum height of two stories. One alley may vary, beginning with a covered arcade and three stories of building for a depth of 35 or 70 feet and then an open alley with skywalks.

Step backs

Step backs have not been specifically addressed as the maximum building height is seven stories and the "aerial splays" studied in the three dimensional model, specifically on Hancock Street may be too specific/restrictive for planning and market implementation. The varied street level experience is not impacted by the loss of step backs. The majority of view creation and preservation is maintained using building heights and setbacks/alignments. It is more important in the Eastern Waterfront to create defined and energized streets than focus on step back formulas.

2/24/2015

1 | Page



Maine Rail Transit Coalition
84 Middle St
Portland, Maine 04102
Telephone: 207-329-6732
Mailto: info@mainerailtransit.org
WWW.MaineRailTransit.Org

To: City of Portland Department of Planning & Development
From: Anthony J. Donovan, Maine Rail Transit Coalition (MRTC)
Date: February 24, 2015
Re: 58 Fore St. Zoning Map/Text Amendment Application Public meeting Comments

Sir/Madam:

The MRTC is a state-wide coalition of professionals with offices in Portland established for the purpose of expanding passenger rail service in the region. Our work is in public policy and planning initiatives to attract private investment that contribute to the walkability of community and reduce the reliance on automobiles for the economy and environmental benefits.

The background to our interest in the 58 Fore Street waterfront development, in addition to our residency and business interests here, was a 2013 study for expanding passenger rail on the railway corridor between Portland at the OceanGate cruise ship terminal and downtown Lewiston, Maine. We continue to advocate for that service and hope this development will not interfere with use of the State-owned railway abutting the site.

First and foremost we express our support for the development of this underutilized property referred to as the Portland Company. The proposed zoning map/text change to allow for the highest and best valued use of the property in accordance with the City Comprehensive Plan for an economically responsible development appears to be in the best interest of the City and waterfront.

Please consider;

1. The City of Portland Eastern Waterfront Master Plan (EWMP) was done through the committed efforts of a broad and diverse group of citizen volunteers, expert consultants and city staff. The Portland Company property should have been zoned to B-6 at the time of the adoption of the EWMP. The EWMP was adopted by the City Council and now the City should approve the rezoning that was established in that plan.
2. The 58 Fore Street plan, if allowed to proceed with this rezoning, consistent with the EWMP, will allow for a redevelopment that will contribute to Portland as a livable, walkable community destination, for the enjoyment and benefit of the entire city.

2/24/2015

2 | Page



3. The proposed extension of the B-6 height overlay, as well as the Design Guidelines for the Eastern Waterfront, is appropriate to development on Fore Street. The Portland Company development will give more people access to the waterfront as residents and visitors. It will provide the public with better views and vistas of the waterfront than is currently provided by the limited views along Fore Street sidewalks and for those who have the good fortune to have been able to afford homes on the opposite side of Fore Street.

Opponents to this application for a zone change, in addition to seeking to protect their views, claim it will lead to noise from bars and restaurants, festivals and fireworks, at the same time as they raise issues about protecting a working waterfront. I suggest the working waterfront, with its welding and banging and 24 hour industrial activity has long gone from this section of the city.

More issues remain, but will be discussed in different forums, such as the controversial topic of inclusionary housing, the appropriateness of any historic district designation and the restoration of a passenger rail service to alleviate congestion and pollution in the City.

The process for assuring a good development is in place and can best be achieved by allowing the appropriate zoning to B-6 and moving forward with the developers as they establish a master plan appropriate to this unique waterfront site. In conclusion, we ask that the Planning Board allow this zone change so that we can get down to the real good work of this project.

Sincerely,

Anthony J. Donovan

Anthony J. Donovan, Founding Member
Maine Rail Transit Coalition

Cc. Portland City Council

Lannie Dobson - Re: Fwd: support for 58 Fore Street rezoning application

From: Lannie Dobson
To: Grimando, Christine
Subject: Re: Fwd: support for 58 Fore Street rezoning application

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

>>> "Daren Hebold, CCIM" <dhebold@luxrealty.com> 2/23/2015 11:43 AM >>>

Good afternoon Jeff, Tuck and Beth:

While I cannot attend the planning board public hearing tomorrow evening (Tues 24th), I wanted to write in with my endorsement for CPB2's zoning change application. Would you please distribute this message with Planning Staff and Council as you deem appropriate?

BACKGROUND

I attended an informative on-site presentation at the Portland Company earlier this week. CPB2 principals Casey and Kevin led us through a discussion of their very methodical and thoughtful approach to planning this important large waterfront parcel consistent with the established EWMP. Having been a commercial real estate broker in Portland since 2004 and Portland-business owner, I have seen countless proposed projects throughout Southern Maine. I have a keen sense of a quality, well-planned project and know one when I see it.

MY ENDORSEMENT

Accordingly, it is my perception that CPB2's request to replace 58 Fore Street's current antiquated zoning designation with a combination of B-6 and EWPZ is both appropriate and desirable. This request balances the developer's interest of producing a vibrant mixed-use, economically viable project, while still preserving the City's usual planning controls for this landmark site. Moreover I believe that having an approx 35' height variance along Fore Street is acceptable, given that the developer will be going to great lengths to preserve the existing view corridors and pedestrian access from the various East End tributary streets spilling down to this oceanfront parcel.

Thank you for hearing my opinion regarding this development.

With best regards, Daren Hebold

Daren Hebold, CCIM, President
LUX Realty Group | Maine to New
York
Investment and Lodging Real Estate
75 Market Street

Portland, ME 04101

(207) 329-5092 direct

[LODGING](#) | [INVESTMENT](#) | [PRIVATE EQUITY](#)

February 23, 2015
Chair O'Brien and Members of the Planning Board
c/o Christine Grimando
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Chair O'Brien and Members of the Planning Board,

I cannot attend the Planning Board public meeting on February 24th as I am out of town. In lieu of making a public comment, I am sending these comments for your consideration.

Mentioned often at the planning board meetings regarding this zoning change application are two unwritten and unofficial, but commonly used ways in Portland to measure building height limits: the average grade of the four corners of a site, and the average of regular intervals around the perimeter of a building.

But there's a third way and, unlike the other two, it's one that is actually enshrined in the B-6 land use code: measurement above the floodplain.

1. Since the B-6 zone was envisioned to eventually cover the Portland Company site, the B-6 Building Height Overlay map mandates must also apply to the site.

It has been declared at the planning board meetings by the applicant and Planning Staff that the B-6 zone, when it was enacted, was intended to eventually apply to the Portland Company site. If so, then the B6 Building Height Overlay & Building Envelopes map (Exhibit 1) must have been created with that intention in mind. That map *explicitly and unambiguously* states that "For buildings located east of Mountfort Street (extension), building heights shall be measured from feet above flood plain, not from average grade".

It is plain to see that the floodplain measurement is called for here because of the topography of the area and how it changes along Fore Street. And this topographical change becomes even more pronounced further east. So if that measurement is appropriate for the current B-6 zone, it is even more appropriate for the Portland Company site

The B-6 Overlay map was adopted by the City Council concurrent with the Eastern Waterfront Master Plan and the Building Height Study in 2004. It is specifically referred to in the City Land Use Code. *It cannot be clearer or more explicit, and it cannot be ignored.* The Portland Company site is located east of Mountfort Street and *must* follow the same regulations as the rest of the B-6 zone.

2. A revised and more current version of Illustration 33 from the Building Height Study specifically states, yet again, that building heights east of Mountfort Street, including the Portland Company site, shall be based on the flood plain.

The revised and updated version of Illustration 33 (Exhibit 2) is dated two months later than the version that is included in the Eastern Waterfront Building Height Study, It is also dated one month earlier than the Study was adopted by the city, indicating some clarifications to the Study had been discussed and anticipated.

This document also unambiguously states that building heights east of Mountfort Street shall be based on a measurement above the floodplain. While not included with the Study (which for

some reason is titled "Draft Final Report"), it clearly shows intent to align measurement policies with the B6 Building Height Overlay map and produce a floodplain base for determining building heights over the entire area east of Mountfort Street, including the Portland Company site.

3. The Eastern Waterfront Building Height Study not only implies a floodplain measurement, but depicts it as well.

When the eastern waterfront plan was being developed, a heavily-attended public meeting on September 7, 2004 on Munjoy Hill generated a great deal of negative comment concerning planned building heights along Fore Street. This is mentioned in both the Eastern Waterfront Master Plan and the Building Height Study. The city's consultant and author of the Study, Mitchell Rasor, writes that he and the City staff went back to the drawing board to reflect this public concern. The final report envisions reduced building heights:

"The final illustrations provided herein, **including section drawings**, the height and building envelope map and photomontage images, reflect public input generated at the public meeting." (emphasis added)

I spoke with Mr. Rasor recently, who told me that "Section E" as depicted in his report was a section through Fore Street. This "Section E" drawing (Exhibit 3), presented on the last page of the Study, shows both current and proposed build-outs, and clearly depicts potential building masses at the eastern end of Fore Street that are much lower and less aggressive than the applicant's submissions that use an average grade measurement. Curiously, it strongly resembles both the applicant's drawings and the study done by Whitten Architects of what floodplain measurements would produce in building heights. Buildings could still break the grade at Fore Street, but would not be as aggressively tall as the applicant desires.

Mr. Rasor also told me that, since the Study was done more than ten years ago, he could not recall if any one particular measurement methodology was used but it is apparent from the above that a *floodplain measurement was anticipated for this area by the Building Height Study*.

In its final paragraph, the Building Height Study recommends "moderately scaled development, with taller buildings taking advantage of topography and existing view shadows". It encourages utilizing the extreme grade changes of the site to nestle the buildings into the "shadows" of the site, producing maximum-height buildings while still respecting the scale of the neighborhood. *This will only be achieved by utilizing a floodplain measurement versus an average grade measurement.*

4. This is a unique site and demands a more thoughtful approach than a one-size-fits-all average grade measurement.

With regard to topography, this site is very different than any other in Portland. It has the bulk of its footprint roughly at the floodplain. And it has extreme grade changes in very short distances. To use the average grade methodologies for building heights here is inappropriate and does not follow the B-6 height overlay rules.

The Building Height Study concludes that "while building height maximums are needed, maximums by themselves could result in overly monolithic forms that are out of character with Portland's varied and diverse development history."

It's important to note that using floodplain measurement along with building height maximums will still result in buildings that will break the grade above Fore Street. This is desirable because it will help integrate the development into the community. But it will also help prevent the unforeseen consequence of building masses that are out of scale for the neighborhood and out of character for Portland.

There is a effort by the applicant, city staff and others to discount these precedents and arguments for floodplain measurement. Their efforts to produce tall, maximum-height buildings using average grade measurements could result in structures that not only overshadow Fore Street, but may also result in unfortunate massing along the street.

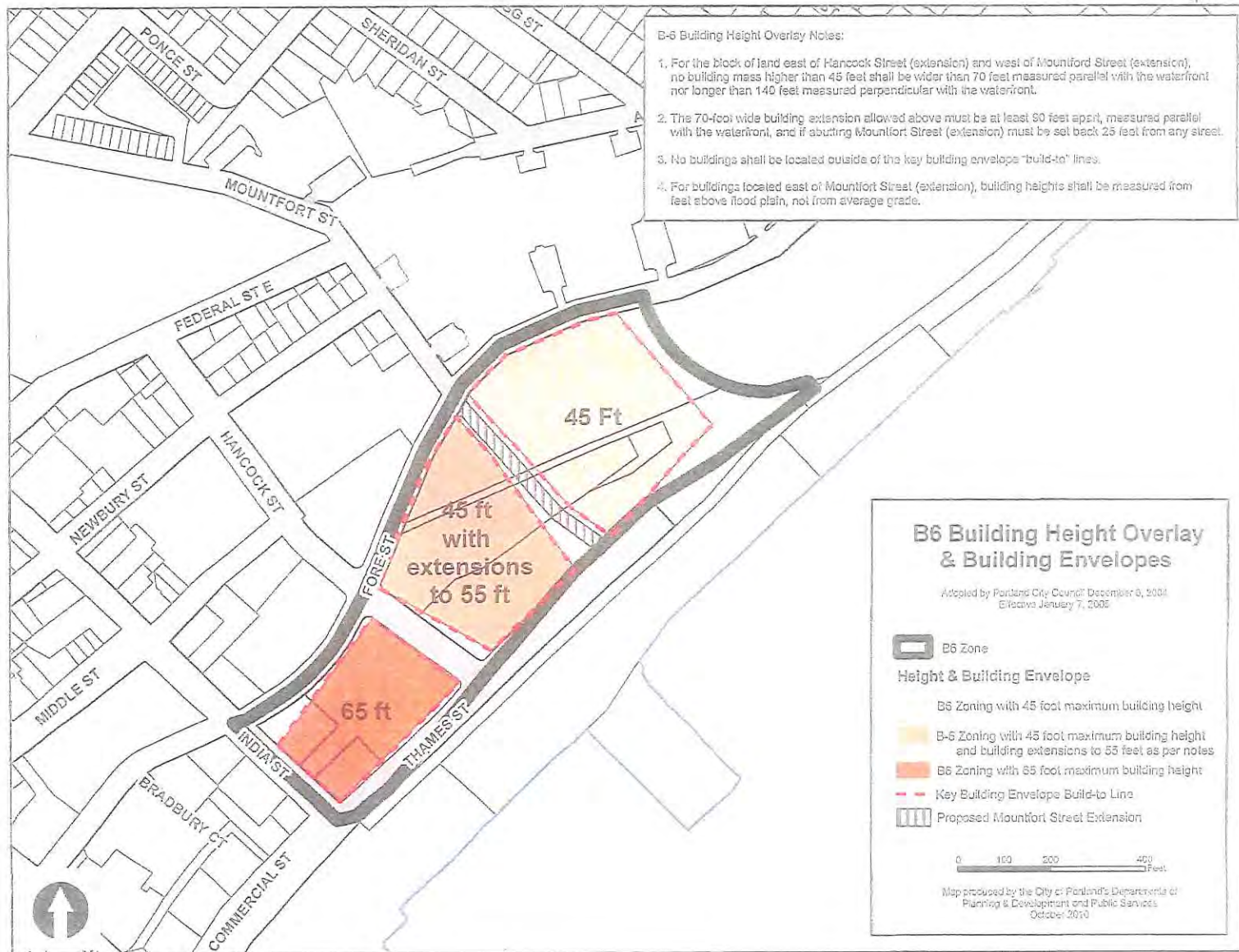
The effort to produce taller, more massive structures may be as much ego and principle-driven as it is dollar-driven, instead of a desire to produce an appropriate and context-sensitive development.

But why? Creative engineering, architecture and thoughtful planning along with the ability to build 65 foot tall buildings on the site based on floodplain can result in a truly impressive, striking and forward-thinking development that will produce great value to the City, its residents and the developers; a development that everyone can be proud of and that will have the strong backing and support of the community.

Reading through the various documents and studies that apply to the Eastern Waterfront, it is apparent that a floodplain measurement for determining building heights in the B-6 area has been anticipated and is *appropriate, reasonable and follows city policies and recommendations*. Please take this into consideration as you discuss this zoning change.

Sincerely,

Peter Macomber
St Lawrence Street



-  STUDY AREA (3 STORY MINIMUM)
-  KEY BUILDING ENVELOPES BY HEIGHT
-  NO BUILD ABOVE RELATIVE FORE STREET ELEVATION

GENERAL NOTES:

1. FOR BUILDINGS EAST OF HANCOCK STREET OR ITS EXTENSION, BUILDING MASS ABOVE 4 FLOORS (15 FEET ABOVE THE AVERAGE GRADE) SHALL NOT BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.
2. THE HEIGHT OF BUILDINGS AND TOWER MASSES EAST OF MOUNTFORT STREET OR ITS EXTENSION SHALL BE MEASURED FROM 2' ABOVE THE FLOOD PLAIN ELEVATION FOR THE SITE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM. WHERE ALLOWED, BUILDING MASS ABOVE 4 FLOORS SHALL NOT BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.
3. THE 70' WIDE TOWERS, AS DEFINED ABOVE, MUST BE AT LEAST 140 FEET APART, MEASURED PERPENDICULAR WITH THE WATERFRONT.
4. NO BUILD FLOATING ZONES ARE VIEW CORRIDORS WITH NO BUILDING ABOVE THE CORRESPONDING FORE STREET ELEVATION.
5. NO BUILDINGS SHALL BE LOCATED OUTSIDE OF THE KEY BUILDING ENVELOPES.

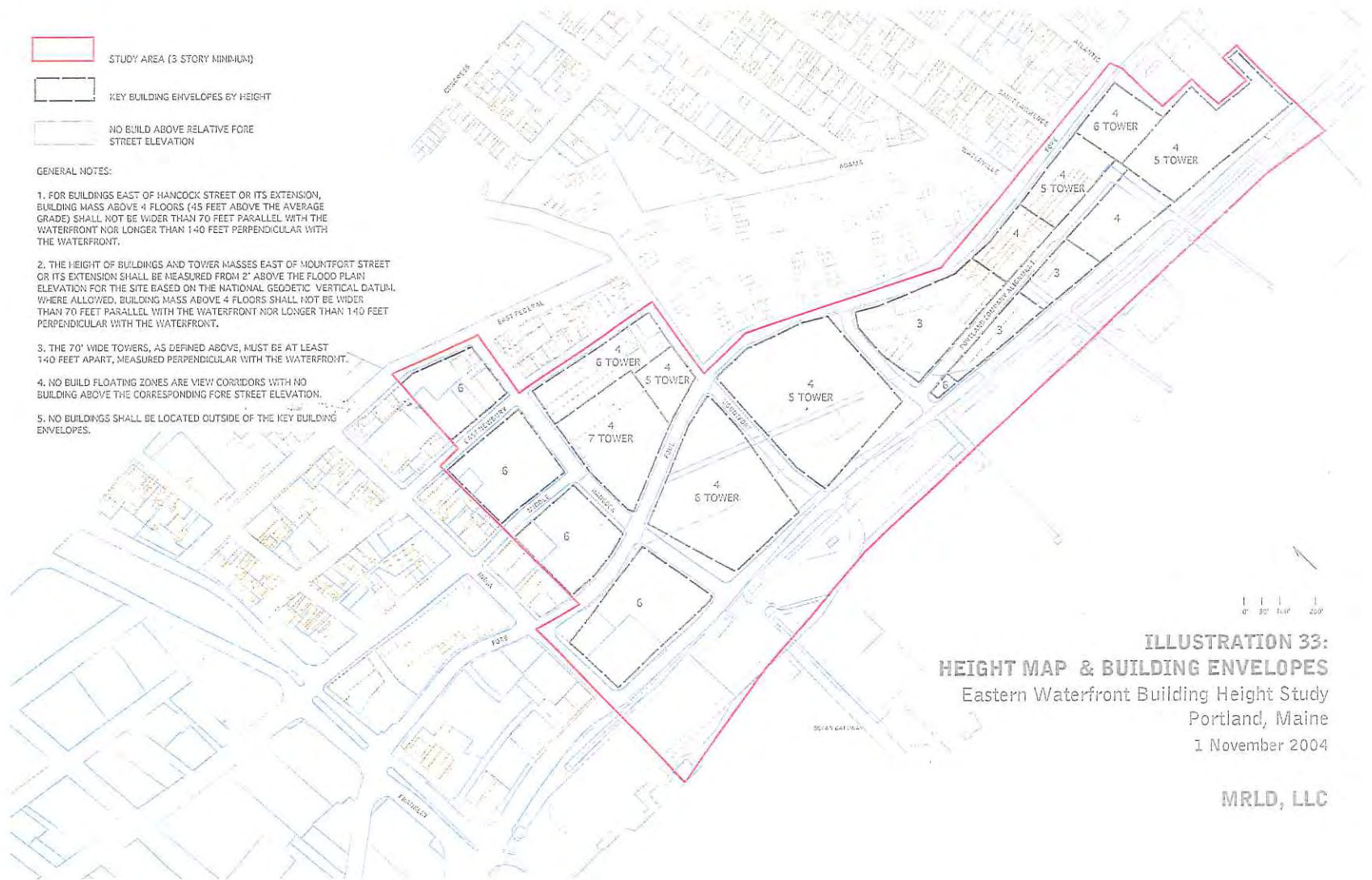
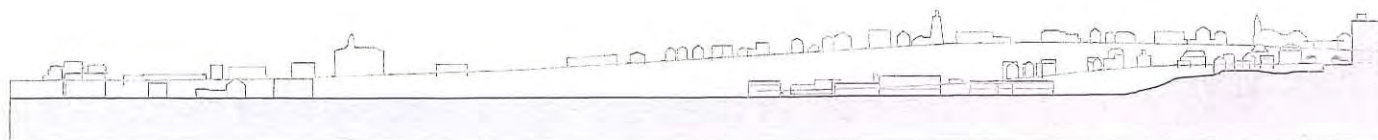
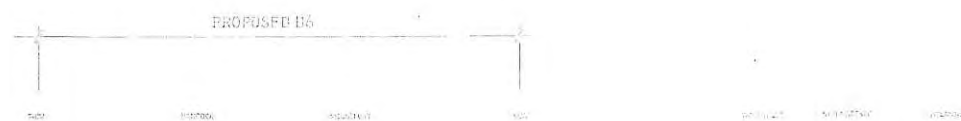


ILLUSTRATION 33:
HEIGHT MAP & BUILDING ENVELOPES
 Eastern Waterfront Building Height Study
 Portland, Maine
 1 November 2004

MRLD, LLC



SECTION E EXISTING - EAST / WEST (with Congress Street and Fore Street Elevations)



SECTION E PROPOSED - EAST / WEST (with Congress Street and Fore Street Elevations)

EASTERN WATERFRONT HEIGHT STUDY

Portland, Maine

September 2004

MIRLD, LLC



Lannie Dobson - Re: Fwd: Portland Company complex rezoning concerns

From: Lannie Dobson
To: Grimando, Christine
Subject: Re: Fwd: Portland Company complex rezoning concerns

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

>>> Steven McGee <stevemcgee@rcn.com> 2/22/2015 5:30 PM >>>
Hello Christine,

We are writing with comments and concerns for the City of Portland Planning Board to consider at the Tuesday, February 24th meeting regarding the zoning map amendment related to the Portland Company complex.

First we want to state that, as Fore Street residents, we are very much in favor of development of the Portland Company Complex, but that development must be responsible and considerate of the surrounding neighborhood and impacts to residents and visitors.

It is our understanding that plans for the new complex include restaurants, bars and brew pubs in addition to residential units, retail and exhibition space. We have concerns with all proposed uses having entrances directly on Fore Street rather than through the main entrance to the complex. This would create additional parking issues on Fore Street as well as safety issues for both vehicular and pedestrian traffic. Fore Street is heavily used by pedestrians, residents and many tourists making their way to and from the Eastern Prom. Parking is already at a premium for the many residents and guests on Fore Street. The increase in vehicular and pedestrian traffic would add more pressure to an already difficult situation.

Not only is the increase in traffic a concern but the noise and light pollution from these proposed establishments would degrade the existing neighborhood. There needs to be a balance between the proposed uses of the Portland Company Complex and the immediate and surrounding Munjoy Hill community. Other dining and drinking establishments on Munjoy Hill must stop serving at 10:00 PM. Although the B6 zoning proposed for the Portland Company Complex allows service until 11:00 we would like to see serving hours restricted to 10:00 PM to be consistent with the rest of Munjoy Hill and to preserve the character of the neighborhood.

Thank you,

Steve & Michelle McGee
25 Fore Street #1
Portland, ME 04101

From: Rob Whitten <rob@whittenarchitects.com>
To: Christine Grimando <CDG@portlandmaine.gov>
CC: Ned Chester & Barbara Vestal <vestal@chesterandvestal.com>
Date: 3/4/2015 2:06 PM
Subject: Re: Planning Board Presentation
Attachments: Mail Attachment.png; SOP-150304-PPB150224.pdf

Hi Christine,

Attached please find a pdf/text of the oral, 3 minute presentation made to the City of Portland Planning Board on 02/24/2015.

Please include it with the pdf visuals that were provided to the Planning Board members and members of the Planning Department.

It explains the images and their sequence; and it will help the City Council members visualize the impact of the proposed B-6 zone on the Portland Company site at 58 Fore Street.

Thank you.

My best, Rob.

Rob Whitten, AIA

Whitten Architects
37 Silver Street
Portland, Maine 04101
P: 207.774.0111 x101 <tel:207-774-0111>
www.whittenarchitects.com <http://www.whittenarchitects.com/>

> On Mar 4, 2015, at 8:52 AM, Christine Grimando <CDG@portlandmaine.gov> wrote:

>

> Hi Rob,

>

> If you'd like to send a written statement, please feel free to forward it along. Please bring any copies you would like to distribute to the Council.

>

> Christine

>

>

>

>

> Christine Grimando, AICP

> Senior Planner

> Planning & Urban Development Department

> 389 Congress Street

> Portland, Maine 04101

> cdg@portlandmaine.gov <mailto:cdg@portlandmaine.gov>

> Ph: (207) 874-8608

> >>> Rob Whitten <rob@whittenarchitects.com> 3/3/2015 5:01 PM >>>

> Hi Christine,

>

> Thank you for your note.

>

> I would like the materials regarding the proposed zoning change to 58 Fore Street that were handed out and distributed to the City of Portland Planning Board and members of the Planning Committee included in the digital record that goes to the City Council.

>

> Please find two attachments as distributed on 02/24/2015:

>

> Attachment #1: Primary package for 3 minute presentation as a Portland resident in the public portion of the Planning Board meeting.

>

> Attachment #2: Supplemental package that supports and expands on the 3 minute presentation.

>

> I'd like to prepare a written statement of the 3 minute presentation that references to the images. Do let me know if this is appropriate.

>

> Sincerely, Rob.

>

>

> Rob Whitten, AIA

>
> Whitten Architects
> 37 Silver Street
> Portland, Maine 04101
> P: 207.774.0111 x101 <tel:207-774-0111>
> www.whittenarchitects.com <http://www.whittenarchitects.com/>

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>
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>

>> On Mar 3, 2015, at 3:55 PM, Christine Grimando <CDG@portlandmaine.gov <mailto:CDG@portlandmaine.gov>> wrote:

>>

>> Rob,

>>

>> Do you wish the large color packet you passed out at the February 24th Planning Board Public Hearing to be included in the digital record that gets forwarded to the Council? If so, could you please send a digital copy of the submission, and I'll make sure it gets included going forward.

>>

>> Best,

>>

>> Christine

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>>

>> Christine Grimando, AICP

>> Senior Planner

>> Planning & Urban Development Department

>> 389 Congress Street

>> Portland, Maine 04101

>> cdg@portlandmaine.gov <mailto:cdg@portlandmaine.gov>

>> Ph: (207) 874-8608

>>

>> 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. --

>

Presentation of 3D Images to the Portland Planning Board
02/24/2015

Written version of 3 minute comments by resident Rob Whitten

Mr. Chairman and Members of the Portland Planning Board, good evening.

My name is Rob Whitten; my wife and I have lived at 23 St. Lawrence Street on Munjoy Hill since 1976.

I'm an architect and I'm assisting the Soul of Portland with the creation of a 3D graphic diagram that helps explain the possible build-out and development of the Portland Company site at 58 Fore Street as a result of the proposed B-6 zoning request by CPB2.

Our 3D presentation was initially based on Google Earth contour information. Tonight we've provided you with print packages of revised and updated information based on contours from the ALTA survey provided by the developer and based on recent modifications to height and use put forward by CPB2. All information is based on the Eastern Waterfront Height Proposals prepared by the City in October 2004.

Given a three minute time limit, I'll just address the graphic information shown in the first packet of images.

1. The first image shows the 2004 Master Plan Heights as evaluated on a 35' x 35' grid that runs parallel to Fore Street and across the entire 10 acre site. The grid works within a residential scale and is consistent with the scale of the surrounding Munjoy Hill residential neighborhood where a typical lot is 50' x 100'.
2. The second image is a 3D aerial view of the site from the West showing the maximum limits of height and 100% lot coverage as permitted in the proposed B-6 zone.
3. The third image is the cross-section cut of Fore Street looking toward the Portland harbor from Fore Street:
 - bold red line is the grade of Fore Street.
 - the colors represent the maximum building heights –not to exceed 35' above Fore Street.
 - the openings are View Corridors as described in the 2004 Height Proposal.
 - the dark bold lines below the Fore Street red line indicate the median or average grade of the 35' grid for the calculations of the building heights.
 - the blue line is the Flood Plain elevation height of the Portland Company site. The current WSU zoning of the site measures all heights from the Flood Plain.

Presentation of 3D Images to the Portland Planning Board
02/24/2015 (cont.)

How does the proposed B-6 zoning change affect Portland as seen from Fore Street?

4. The fourth image is a street level, pedestrian point of view where Waterville Street meets Fore Street. It shows the maximum possible build out height with 100% lot coverage of the proposed B-6 zone as measured from the proposed average, median grade on a 35' x 35' grid.
5. The fifth image shows the same location, where Waterville meets Fore Street, with B-6 zoning as measured from the Flood Plain.
6. The sixth image shows possible building forms using the 35' x 35' grid, the B-6 zoning, measuring from average, median grade.

How does the proposed B-6 zoning change affect Portland as seen from the waterfront?

7. The seventh image shows the beginning of the Portland Company from Thames Street from a pedestrian point of view looking towards the Eastern Prom Trail. You are seeing the maximum height and 100% lot coverage of the proposed B-6 zoning.
8. The eighth image is processing down the Eastern Prom Trail showing the maximum height and 100% lot coverage of the proposed B-6 zoning. Please note that there is no appreciable difference if you measure from average, median grade of the Flood Plain.
9. The ninth image shows further along the Eastern Prom Trail with the proposed B-6 zoning height of 45' with the allowed additional 10' height extension.

The additional images in the second packet show aerial views of the Portland Company from the north, east, and south as well as street-scapes from other pedestrian level points of view.

Thank you for your time and your consideration.



SOUL OF PORTLAND : 02/24/2015
 SOULOFPORTLAND.ORG

AERIAL PLAN OF PORTLAND COMPANY SITE
 LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
 BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



SOUL OF PORTLAND : 02/24/2015
SOULOFPORTLAND.ORG

VIEW OF PORTLAND COMPANY SITE FROM WEST
LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



SOUL OF PORTLAND : 02/24/2015
SOULOFPORTLAND.ORG

PARTIAL SECTION THROUGH FORE STREET LOOKING EAST
LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



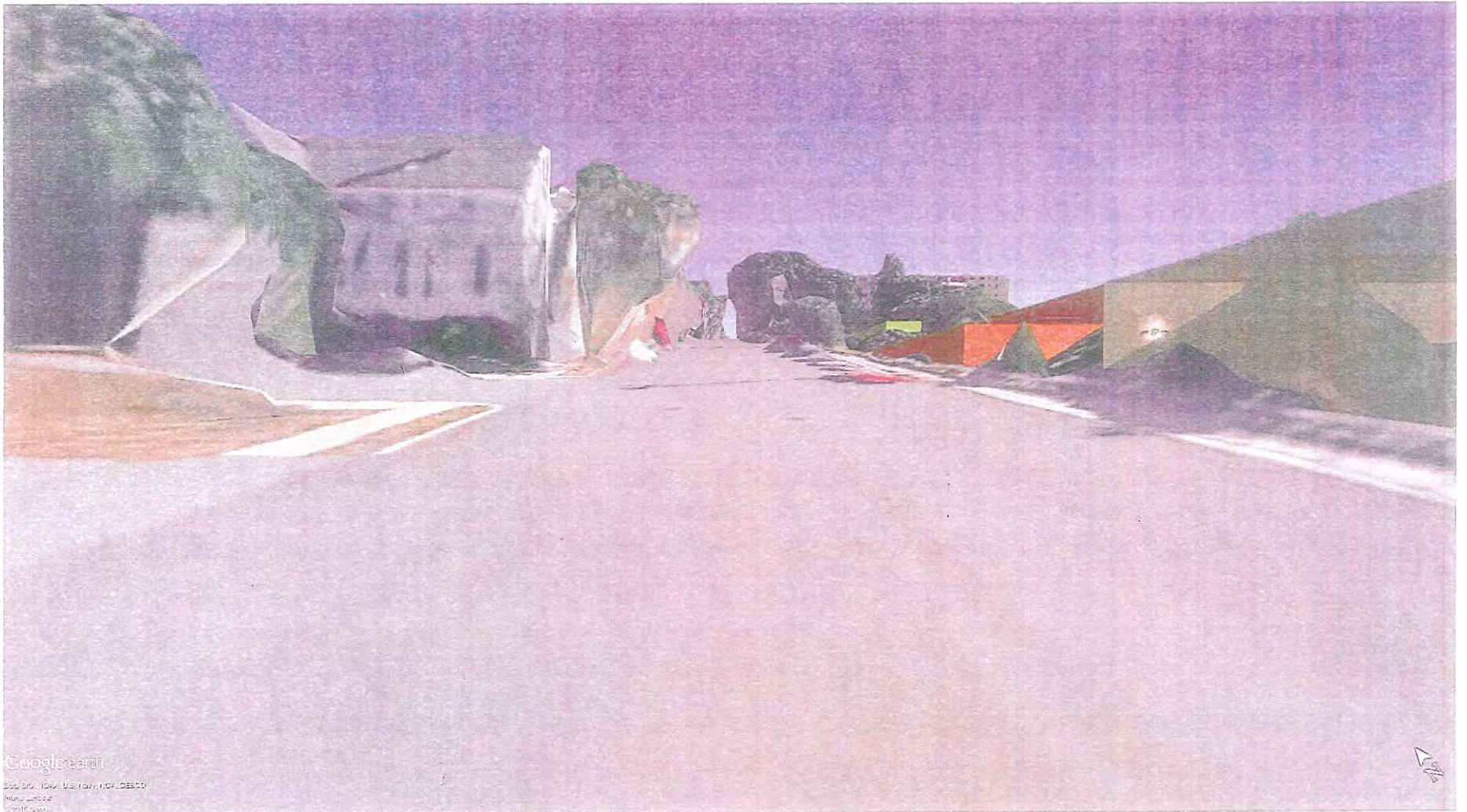
Google Earth

Image captured
Sat. Dec. 10, 2011 10:17 AM PST
© 2011 Google



SOUL OF PORTLAND : 02/24/2015
SOULOFPORTLAND.ORG

FORE STREET & WATERVILLE STREET
LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



Google Earth
Data Source: Google Maps
Map Data: © 2015 Google



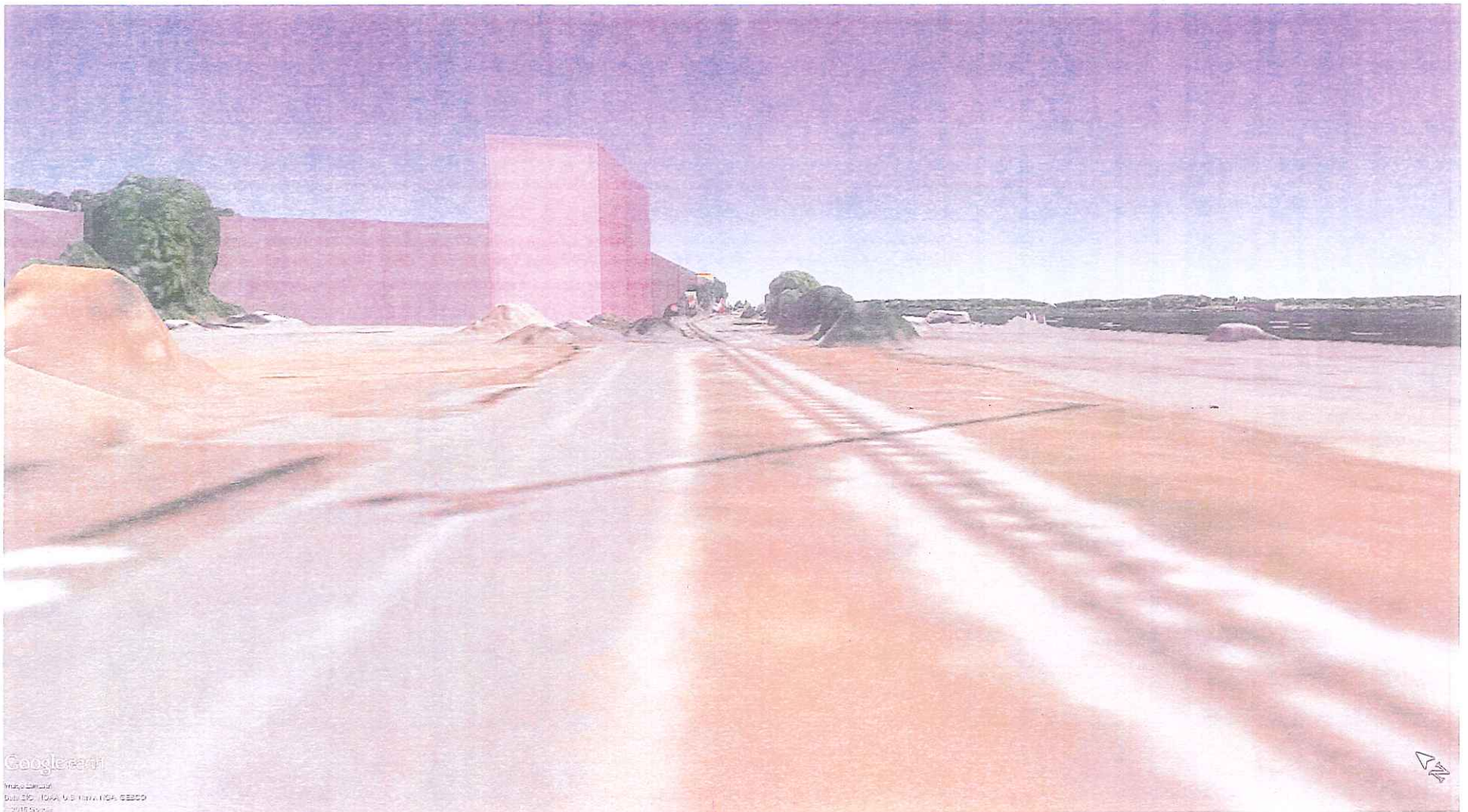
SOUL OF PORTLAND : 02/24/2015
SOULOFPORTLAND.ORG

FORE STREET & WATERVILLE STREET
LIMITS OF PROPOSED B6 RE-ZONING FROM FLOOD PLAIN
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



SOUL OF PORTLAND : 02/24/2015
SOULOFPORTLAND.ORG

FORE STREET & WATERVILLE STREET
POSSIBLE BUILDOUT UNDER PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



SOUL OF PORTLAND : 02/24/2015
SOULOFPORTLAND.ORG

THAMES STREET & EASTERN PROMENADE TRAIL
LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



Google Earth

Image taken on
Sat 02/02/2015 10:00:00 AM PST
© 2015 Google



SOUL OF PORTLAND : 02/24/2015
SOULOFPORTLAND.ORG

EASTERN PROMENADE TRAIL #1
LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



SOUL OF PORTLAND : 02/24/2015
SOULOFPORTLAND.ORG

EASTERN PROMENADE TRAIL #4
LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



Google earth

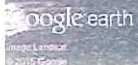
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© 2015 Google

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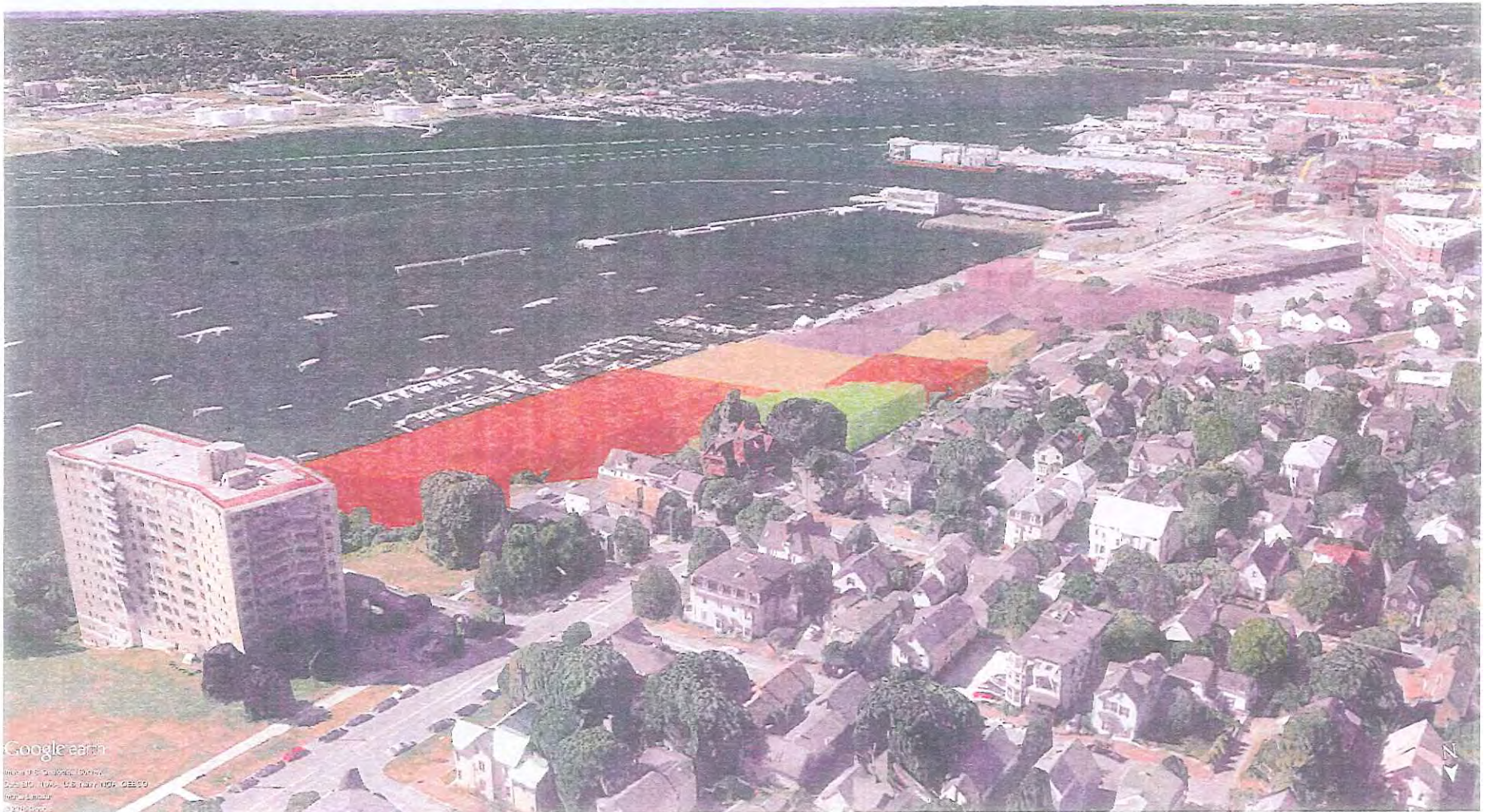
SOUL OF PORTLAND : 02/24/2015
SOULOFPORTLAND.ORG

VIEW OF PORTLAND COMPANY SITE FROM SOUTH
LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



CONTENTS

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Google earth

Image of 8/24/2015 10:00 AM
 45.511, -122.671, 1000, 0.000, 0.000
 0.000, 0.000, 0.000



SOUL OF PORTLAND : 02/24/2015
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VIEW OF PORTLAND COMPANY SITE FROM NORTH
 LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
 BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



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FORE STREET & MUNJOY SOUTH
LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



Google earth

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FORE STREET & MUNJOY SOUTH
LIMITS OF PROPOSED B6 RE-ZONING FROM FLOOD PLAIN
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



Google Earth

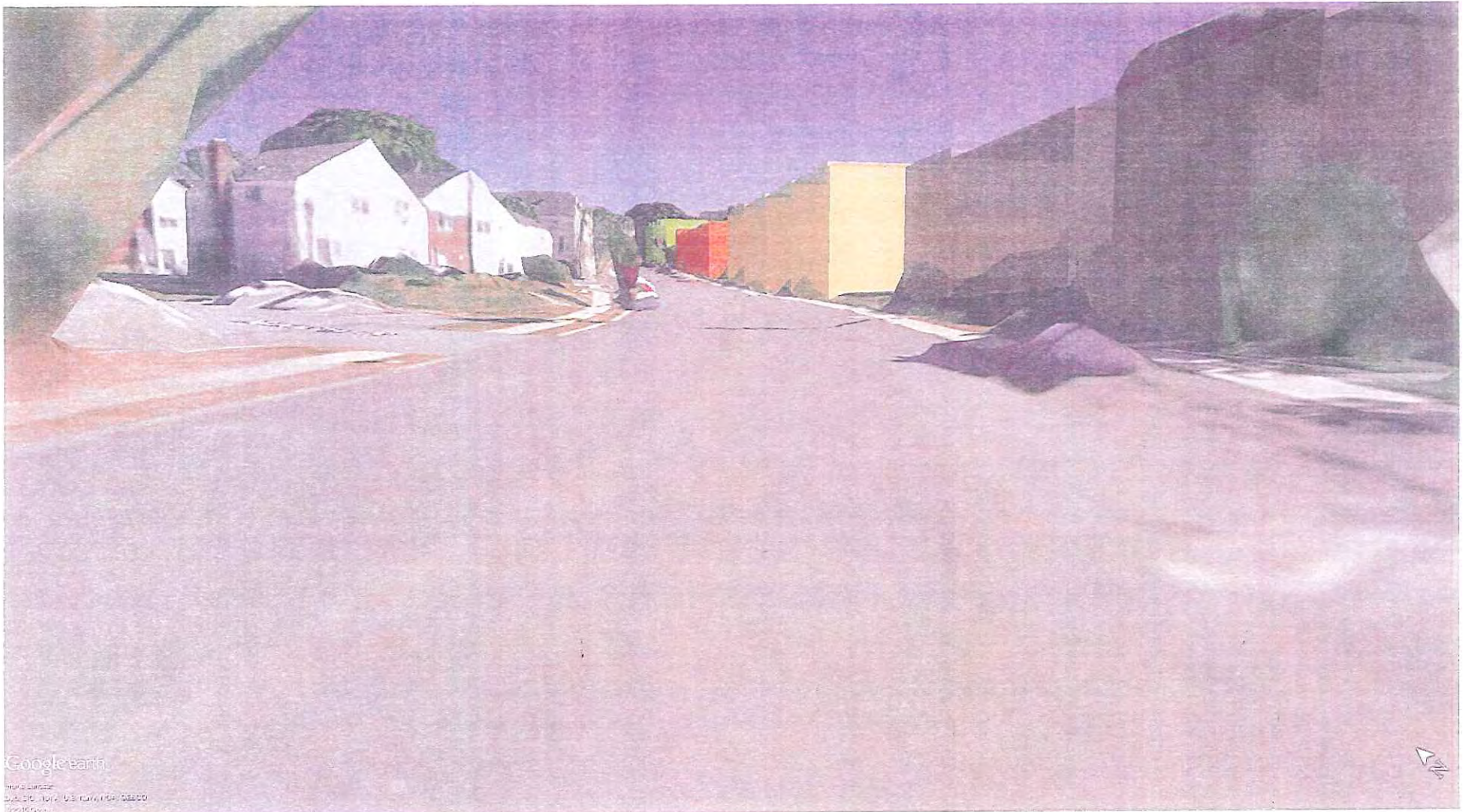
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FORE STREET & MUNJOY SOUTH

POSSIBLE BUILDOUT UNDER PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



Google Earth

Portland, Oregon
34.310, -122.675, 45.000, 45.000
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58 FORE STREET

LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



Google Earth
Satellite Imagery
Map data © 2015 Google



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58 FORE STREET
LIMITS OF PROPOSED B6 RE-ZONING FROM FLOOD PLAIN
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



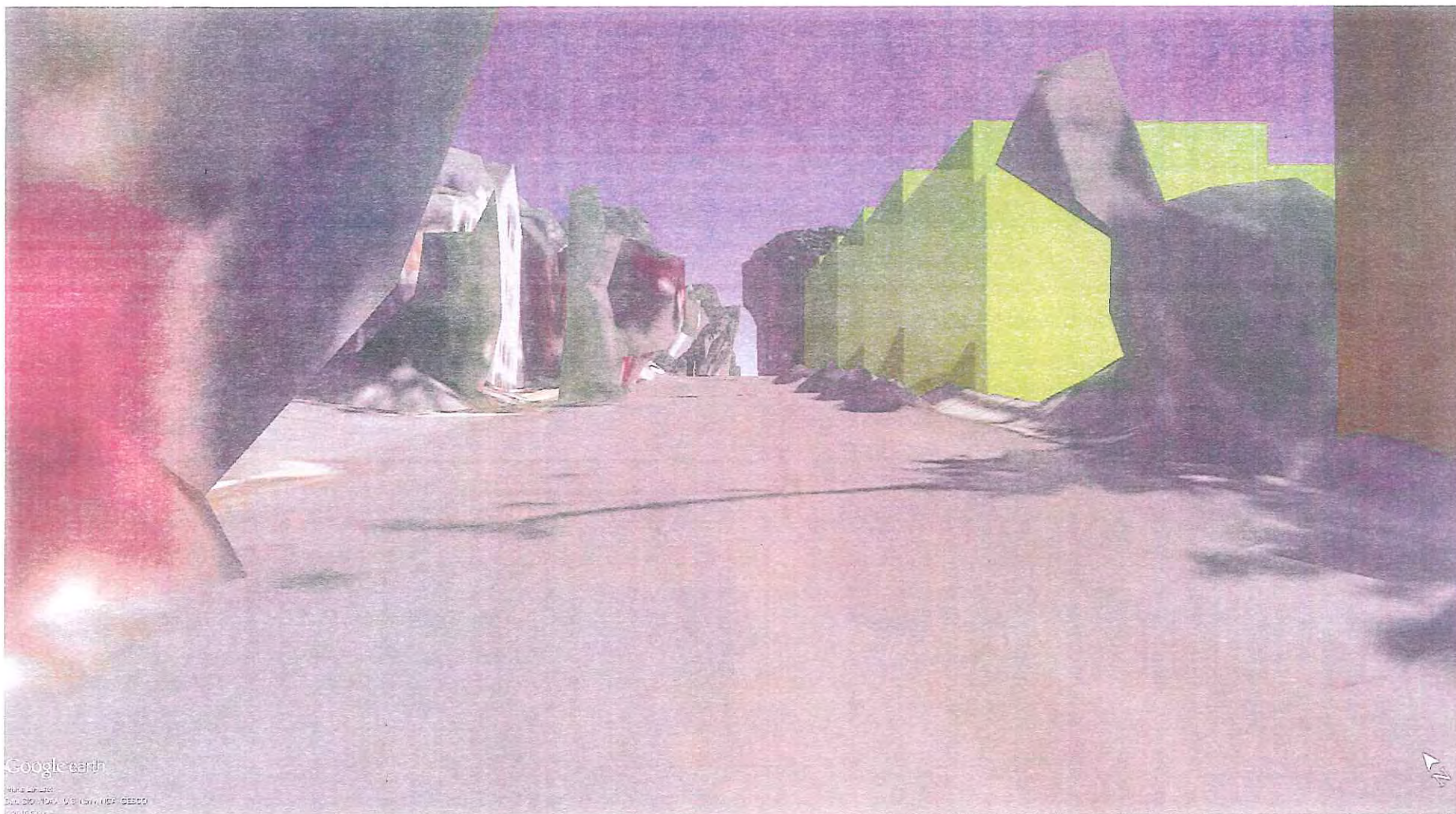
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58 FORE STREET
POSSIBLE BUILDOUT UNDER PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



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FORE STREET & ST. LAWRENCE STREET
LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



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FORE STREET & ST. LAWRENCE STREET
LIMITS OF PROPOSED B6 RE-ZONING FROM FLOOD PLAIN
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FORE STREET & ST. LAWRENCE STREET
POSSIBLE BUILDOUT UNDER PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



Imagery provided by
Data: D.C. 1999, U.S. Navy, NOAA, GEBCO
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EASTERN PROMENADE TRAIL #2
LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013



EASTERN PROMENADE TRAIL #3
LIMITS OF PROPOSED B6 RE-ZONING FROM AVERAGE GRADE (35'X35' GRID)
BASED ON ALTA/ACSM LAND TITLE SURVEY DATED MAY 22, 2013

Order 185 - 14/15
Tab 17 3-16-15

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

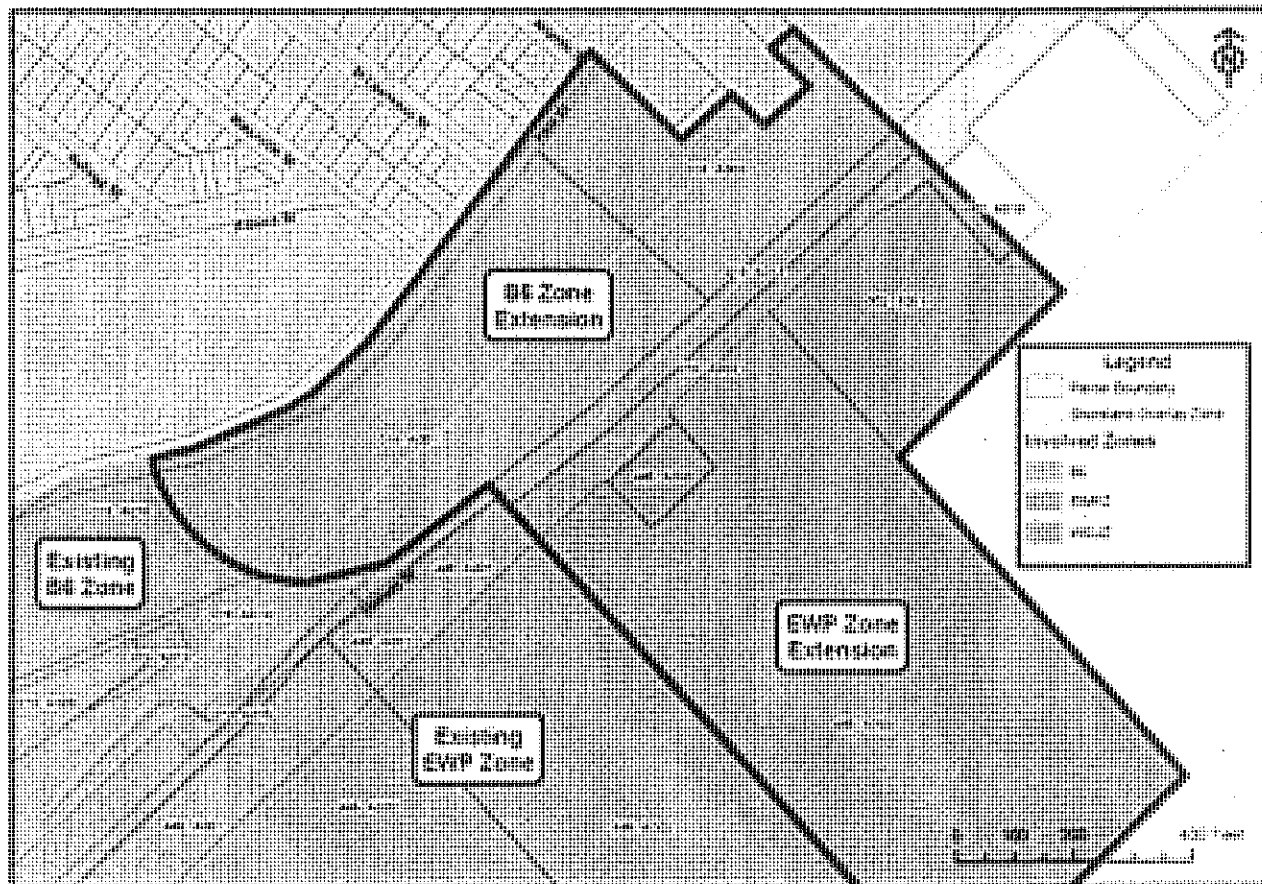
**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO ZONING MAP
RE: 58 FORE STREET**

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

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the following map change amendment and specifically rezoning the Waterfront Special Use Zone (WSUZ) which includes the property at 58 Fore Street (known as the Portland Company Complex) and adjoining parcels along the waterfront, to the B-6 Eastern Waterfront Mixed Zone and the Eastern Waterfront Port Zone (EWPZ) and eliminating the WSUZ zone as depicted in the following area map; and



[illegible]