

AGENDA
REGULAR CITY COUNCIL MEETING
JUNE 5, 2017

1. Agenda Only

Documents:

[AGENDA ONLY 06-05-17.PDF](#)

2. Agenda And Packet

Documents:

[REGULAR CITY COUNCIL MEETING JUNE 5 2017.PDF](#)

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

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

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REGULAR CITY COUNCIL MEETING
JUNE 5, 2017

The Portland City Council will hold a regular City Council Meeting at 5:30 p.m. in City Council Chambers, City Hall. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

“Arts in the Chamber”, The Maine Squeeze Ensemble

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) May 15, 2017 City Council Meeting Minutes

PROCLAMATIONS:

**Proc 31-16/17 Proclamation Honoring Bobbi Jo Weeks, Fire Department, as
(Tab 2) Employee of the Month for April 2017 – Sponsored by Mayor Ethan K. Strimling.**

**Proc 32-16/17 Proclamation Honoring Christine Grimando, Planning and Urban
(Tab 3) Development Department, as Employee of the Month for May 2017 – Sponsored by Mayor Ethan K. Strimling.**

APPOINTMENTS:

**Order 253-16/17 Order Appointing Constables for 2017 Re: Department of Parks
(Tab 4) Recreation & Facilities – Sponsored by Jon P. Jennings, City Manager.**

This order appoints Park Ranger Jason Monteiro as a constable for the Department of Parks, Recreation & Facilities.

This order shall be effective from the effective date of this order and until midnight on December 31, 2017.

This appointment is made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or

unconcealed, in the performance of their duties, or make arrests or issue parking tickets.

In order for Mr. Monteiro to begin as soon as possible, staff is requesting emergency passage of this order.

Seven affirmative votes are required for emergency passage after public comment.

CONSENT ITEMS:

**Order 254–16/17
(Tab 5)**

Order Re: Residential Parking Permit Extension – Sponsored by Jon P. Jennings, City Manager.

In June of 2008, the City Council approved a new residential parking zone, IR (Island Resident). A total of twenty-nine (29), two-hour parking spaces on both sides of Thames St. easterly of Hancock Street were signed accordingly. Vehicles displaying an IR (island resident) permit are exempt from the time limit parking regulation and can be left there all day.

Since the development of the proposed condominiums at the corner of Thames and Hancock Streets was on hold, 10 on-street spaces on the westerly side of Hancock St between Fore & Thames and the 16 on-street parking spaces on the north side of Thames St. between India and Hancock St. were signed 2-hour parking (rather than metered), so that islanders with an IR permit could use them on a temporary year-to-year basis until the condominium development is started or another project in its place.

This gave the islanders an additional 26 on-street parking spaces convenient to Casco Bay Lines that would cause minimal interference with area businesses and residents.

There is now a hotel being built on that lot, and so the situation will be reassessed next spring prior to requesting another extension. The current one-year extension expires on June 30, 2017, and this order would extend this use to June 30, 2018.

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This order declares Tuesday, July 4, 2017, as the July 4th Stars and Stripes Spectacular. Rain date will be Wednesday, July 5, 2017.

This year's festival, which is being funded by private donations and fundraising activities by July 4th Portland, will include 25 minutes of fireworks display, a Portland Symphony Orchestra concert, and food and entertainment vendors.

The festival runs from 10:00 a.m. to 10:00 p.m. Street closures are included in the agenda backup.

Five affirmative votes are required for passage of the consent calendar after public comment.

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Order 256-16/17 (Tab 7) Order Granting Municipal Officers' Approval of The Four Forty Three Club, LLC dba Evo Kitchen & Bar. Application for Outdoor Dining on Private Property at 443 Fore Street– Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/24/2017. Applicant currently holds a Class I FSE License.

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COMMUNICATIONS:

RESOLUTIONS:

**Resolve 8-16/17
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Resolution Amending Council Rules for 2016-2017 – Sponsored by Danielle West-Chuhta, Corporation Counsel.

At the April 24th meeting of the City Council, an amendment to City Council Rule 8 was requested.

This rule specifies when a roll call vote (i.e. the “yeas and nays”) must be taken on an item pending before the City Council. The proposed amendment would remove the requirement in the rule for a roll call vote on motions to adjourn.

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Community Television Network on Channels 2 and 5, as well as the live-stream broadcast via Town Hall Streams, has for many years provided the public with live broadcasts of Portland City Council meetings on local-access cable television and the internet. These videos are easily accessible via the City of Portland’s website while the meetings are taking place and archived for viewing once they have concluded. Given the increase in additional live broadcast options on social media channels, the Council is interested in seeing City staff take advantage of video streaming through Facebook Live and YouTube. This would increase the number of people who can watch meetings on their phones, tablets, and laptops and increase access to local government proceedings.

The Resolution directs the City Manager to ask staff to develop a plan to begin live streaming City Council meetings through these additional methods by the July 17, 2017 meeting and to begin live streaming Council Committee hearings by 2018.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

**Order 215-16/17
(Tab 17)**

Order Adopting the City of Portland Comprehensive Plan – Sponsored by the Planning Board, Elizabeth Boepple, Chair.

The Planning Board met on April 13, 2017, and voted 6-0 (Mazer absent) to forward this item to the City Council with a recommendation for approval.

A comprehensive plan is a long-range planning document required under Maine’s Growth Management Act, and serves to guide decision making in Portland for the next 12 years. It continues the City’s long history of comprehensive and long range planning, and serves as a guide and resource in multiple ways: it provides valuable information about the state of the City today; it establishes a policy roadmap for implementation; it identifies how other planning efforts, past and future, relate to each other; it forms a reference point for decision making, and it articulates a vision for Portland’s values today and for the future. It is also a requirement under Maine’s

Growth Management Act, and qualifies the City for certain state funding programs.

From the launch, in 2015, of the creation of this new plan the Planning Board and City staff sought diverse public input, and strove to ultimately create a succinct and accessible document out of that process, for the entire community.

This item must be read on two separate days. It was given a first reading on April 24, 2017 and postponed to this meeting. Five affirmative votes are required for passage after public comment.

**Order 252-16/17
(Tab 18)**

Amendment to Portland City Code Chapter 14 Re: Emergency Shelters as a Conditional Use – Sponsored by the Planning Board, Elizabeth Boepple, Chair.

The Planning Board met on April 25, 2017 and voted 6-1 to forward this item to the City Council for a recommendation for passage.

The Health and Human Services Committee drafted and the Planning Board voted (6-1) to recommend to City Council the adoption of text amendments to add emergency shelters as a conditional use in the B-4, B-5, IL, ILb, IM and IH zones. Currently, emergency shelters are a conditional use in the B-3 zone and this would be retained. The proposed text amendments also include updated conditional use standards specific to emergency shelters to guide the development of new facilities.

This item must be read on two separate days. It was given a first reading on May 15, 2017. Five affirmative votes are required for passage after public comment.

ORDERS:

**Order 264-16/17
(Tab 19)**

Order Approving the Renewal of the Cumberland County Home Consortium – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.

The Housing Committee met on May 10, 2017 and voted 3-0 to recommend renewal of the HOME Consortium to the City Council.

Consortium members are Portland, Brunswick and the 25 Cumberland County communities that participate in the County's Community Development Block Grant (CDBG) Program.

The Consortium has been a successful collaboration in support of affordable housing throughout Cumberland County. From July 2009 through May 2017, 607 units were assisted by or created with HOME funds. The City of Portland has been a recipient of HOME funds since 1992. However, the

county communities did not receive HOME funds until the creation of the Consortium in 2009.

Through a formula calculation agreed upon by the members of the Consortium, Portland continues to receive our typical expected allocation, retains independent operation of its HOME program and serves as Lead Entity for the Consortium, retaining 100% of the allowable administration funds as compensation for this responsibility. (The “Hold Harmless” statement is included in the agenda backup). If the City were not a part of the consortium, the City’s HOME allocation is estimated to be \$429,000 (A copy of the Housing and Urban Development funding estimate calculator is included in the agenda backup).

Five affirmative votes are required for passage after public comment.

**Order 265-16/17
(Tab 20)**

Order Approving Agreement Between Portland and Maine Department of Transportation Re: Woodford’s Corner Stormwater Improvements – Sponsored by Jon P. Jennings, City Manager.

City Council action is necessary to enter into a two-party agreement with Maine Department of Transportation for the stormwater improvements construction phase of the Woodford’s Corner Intersection Improvement project. This is standard practice once a project evolves into the construction phase and follows a three-party agreement adopted via City Council Order 25-13/14. The agreement details the responsibilities and financial obligations of both parties and includes perpetual maintenance requirements for storm drain, underground stormwater infrastructure and a contribution to the reconstruction of the roadway.

Five affirmative votes are required for passage after public comment.

**Order 266-16/17
(Tab 21)**

Order Approving an Extension of the Report Deadline for the Dr. Martin Luther King Recognition Task Force – Sponsored by The Martin Luther King Recognition Task Force, Councilor Pious Ali, Chair.

On March 27, 2017 the City Council created the Dr. Martin Luther King Recognition Task Force (Order 173-16/17) to consider how the life and legacy of Dr. Martin Luther King may be best acknowledged and recognized in the form of renaming a street, park or similarly situated public space. The order required the Task Force to report back to the Sustainability and Transportation Committee by June 1, 2017 and to present to the City Council by August 31, 2017. The Task Force requires additional time to complete their work and requests an extension to report to Sustainability and Transportation by August 31, 2017 and report to the City Council by the final meeting in October, 2017.

Five affirmative votes are required for passage after public comment.

**Order 267-16-17
(Tab 22)**

Order Referring the Wild and Exotic Animal Ordinance to the Health and Human Services Committee – Sponsored by Councilor Brian Batson

Circuses and other popular entertainments have included wild and exotic animals in their performances for centuries. Today, acceptance of this practice is shifting, and those performances are now often viewed as acts of cruelty to the captive animals involved. The recent final performance of the Ringling Bros. and Barnum and Bailey Circus came after the circus had dropped acts featuring trained elephants, following protests and criticism from animal rights groups, which the business believed led to a drop in ticket sales.

In fact, in 2011 the business entity that owns the Ringling Bros. Circus paid a \$270,000 federal fine for violations of the Animal Welfare Act.

An ordinance prohibiting the performance and display of wild and exotic animals for entertainment should be reviewed and a recommendation provided by the Health & Human Services Committee prior to consideration by the City Council, in order to help prevent animal cruelty within the city limits.

Five affirmative votes are required for passage after public comment.

**Order 268-16/17
(Tab 23)**

Order Adopting Development Program for Portland Downtown for Fiscal Year 2017-2018 – Sponsored by Jon P. Jennings, City Manager.

City Council authorization of documents is needed for the continued operation of Portland Downtown (PD). These documents include (1) Adopting Development Program for the PD for FY2018; (2) Assessing Maintenance and Implementation Assessments in the PD District for FY2018; (3) authorizing the Master Agreement for work to be done by PD; and (4) authorizing the Supplemental Services Agreement for work to be done by the City.

This year's assessment of \$764,922 will come from special assessments on all real estate in the District to fund the PD development program expenses for FY2018. The mill rate to raise this assessment is .92 cents per \$1,000 of property value, which has been the same rate for the past eight years.

Included in the City Council meeting packet is PD's 2017/2018 work plan, along with the Supplemental Services Agreement between PD and the City to contract with the City to provide specified Police public safety services and Public Works services to support downtown cleanliness such as sidewalk snow plowing and Summer clean-up.

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

**Order 269-16/17
(Tab 24)**

Order Assessing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2017-2018 – Sponsored by Jon P. Jennings, City Manager.

This order is a companion order to Order 268 above.

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

**Order 270-16/17
(Tab 25)**

Order Approving and Authorizing the City Manager to Enter into Master Agreement and Supplemental Services Agreement with Portland Downtown – Sponsored by Jon P. Jennings, City Manager.

This order is a companion to Order 268 and Order 269 above.

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

AMENDMENTS:

**Order 271-16/17
(Tab 26)**

Amendment to Portland City Code Re: Golf Cart Ordinance – Sponsored by the Health and Human Services Committee, Councilor Belinda Ray, Chair.

On May 9, 2017, this amendment was forwarded to the City Council by a vote of 3-0 by the Health & Human Services Committee.

Amendments are proposed to the golf cart ordinance to address safety risks connected to the use of golf carts on Portland islands. Peaks Island has been the site of an increased use of golf carts, and complaints and concerns have been received by the Portland Police Department and the City Councilors and Staff who work with the island communities. The proposed revisions to the City Code require a driver's license and safety equipment like headlights and rear red reflectors, among other things. They prohibit a passenger from riding on another person's lap on a moving golf cart. The golf cart speed limit is increased to 20 miles per hour from 10, but a speed limit of 15 mph must be observed near schools during recess or at the beginning and end of the school day as students arrive. Two hundred and fifty-five golf carts are registered in Portland. With these changes, the Portland Police Department intends to improve the safety of their operation, especially during the crowded summer season.

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

**Order 272-16-17
(Tab 27)**

Amendment to the Zoning Map Re: Camelot Farm -Sponsored by the Portland Planning Board, Elizabeth Boepple, Chair.

The Planning Board unanimously recommends to City Council the adoption of the R-3 and ROS rezoning for the Camelot Farms site, including four single family house lots in separate ownership along Westbrook Street. The wetlands along the Stroudwater River would remain in the Resource

Protection Zone (RPZ) and the Board recommends rezoning approximately the high water mark of the river to the Recreation Open Space zone (ROS). The land within the ROS would be held within an easement that provides public access for passive recreational purposes. Additional portions of the site, such as several lots along Westbrook Street and land between the ROS zone and potential single family house lots, would also be included within the open space easement. The proposed easements have been reviewed by the City and would be held in escrow until such time the applicant closes on the property. The proposal includes removing the flexible housing overlay zone that is shown along a portion of Westbrook Street.

The project proposes to redevelop the existing site into a traditional single-family development within the Stroudwater neighborhood. The proposed zoning map amendment would enable the applicant to construct approximately a one hundred (100) lot subdivision of which ninety-five (95) lots will be for single-family homes and four will be open space lots. The intent and purpose of the rezoning is for the proposed development to have smaller-scaled residential lots, while providing more publicly accessible green space directly along Westbrook Street and along the Stroudwater River. The applicant is proposing to develop the project in four phases; each phase will have 20 to 25 lots with accompanying infrastructure.

There have been three workshops, as well as a fourth public comments session with the Planning Board, for this project. The meetings were held on January 17, February 28, April 6, and April 13, 2017. There has been extensive public comment on the proposal, which is included in the Planning Board report to the City Council. At the public hearing, twenty-six residents spoke with the majority in opposition to the zone change; however, some spoke in favor of the rezone and there are comments on the record supporting the project. The Planning Board members found the proposed zone change to be consistent with the existing comprehensive plan and the pending Comprehensive Plan and to benefit the city as a whole by supporting new housing opportunities and linking open space along the Stroudwater River.

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

**Order 273- 16-17
(Tab 28)**

**Amendment to the Zoning Map Re: 159 Canco Woods from IL to ROS
- Sponsored by the Portland Planning Board, Elizabeth Boepple, Chair.**

This proposed amendment, as recommended by the Planning Board, changes the zoning for property at 159 Canco Woods from IL to ROS. It represents an effort align the zoning for the property at 159 Canco Road with the present and future use.

Though it is currently zoned IL, or Low-Impact Industrial, neighborhood residents have historically used the property at 159 Canco Road as a passive recreational open space. The site includes woodlands, wetlands, streams, a pond, and a number of hiking, biking, and cross-country skiing trails. As a

result of a partnership with neighborhood residents, the Trust for Public Land, and Portland Trails, the city now owns the 12.9-acre property. The City Council has placed it under a conservation easement to Portland Trails, with the intent that it remain protected open space in perpetuity. Upon conveying the conservation easement, the Council referred the issue of rezoning the property to the Planning Board, and recommended that the zoning be changed to Recreation and Open Space (ROS) in order to align more closely with existing and potential uses on site.

On March 19, 2013, the Planning Board voted unanimously (5-0, Soley and Dundon absent) to recommend a proposed zoning map amendment for the property at 159 Canco Road to change the zoning designation from Low-Impact Industrial (IL) to Recreation Open Space (ROS).

Final action on the zoning was postponed, due to an unrelated Land & Water Conservation Fund (L&WCF) grant issue related to Hadlock Field. In 1986, the City received an L&WCF grant for various improvements to the Park Avenue “sports complex” which encompassed Quinn Field in Deering Oaks, Fitzpatrick stadium and Hadlock field. L&WCF funds stipulate that the property remain available to the public for outdoor recreation in perpetuity. In order to bring the City into compliance, a replacement property of equal value to the land value of Hadlock Field needed to be made available for outdoor recreation. Canco Woods was seen as one possibility for meeting the necessary value. Since that time, the City has acquired property on Warren Avenue which more than offsets the Hadlock Field value, allowing us to move forward with the rezoning.

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EXECUTIVE SESSION:

Executive Session Re: Bargaining Guidance for Police Superior Officers Contract Pursuant to 1 M.R.S. §405(6)(D) – Sponsored by Jon P. Jennings, City Manager.

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

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**Order 215-16/17
(Tab 17)**

Order Adopting the City of Portland Comprehensive Plan – Sponsored by the Planning Board, Elizabeth Boepple, Chair.

The Planning Board met on April 13, 2017, and voted 6-0 (Mazer absent) to forward this item to the City Council with a recommendation for approval.

A comprehensive plan is a long-range planning document required under Maine’s Growth Management Act, and serves to guide decision making in Portland for the next 12 years. It continues the City’s long history of comprehensive and long range planning, and serves as a guide and resource in multiple ways: it provides valuable information about the state of the City today; it establishes a policy roadmap for implementation; it identifies how other planning efforts, past and future, relate to each other; it forms a reference point for decision making, and it articulates a vision for Portland’s values today and for the future. It is also a requirement under Maine’s

Growth Management Act, and qualifies the City for certain state funding programs.

From the launch, in 2015, of the creation of this new plan the Planning Board and City staff sought diverse public input, and strove to ultimately create a succinct and accessible document out of that process, for the entire community.

This item must be read on two separate days. It was given a first reading on April 24, 2017 and postponed to this meeting. Five affirmative votes are required for passage after public comment.

**Order 252-16/17
(Tab 18)**

Amendment to Portland City Code Chapter 14 Re: Emergency Shelters as a Conditional Use – Sponsored by the Planning Board, Elizabeth Boepple, Chair.

The Planning Board met on April 25, 2017 and voted 6-1 to forward this item to the City Council for a recommendation for passage.

The Health and Human Services Committee drafted and the Planning Board voted (6-1) to recommend to City Council the adoption of text amendments to add emergency shelters as a conditional use in the B-4, B-5, IL, ILb, IM and IH zones. Currently, emergency shelters are a conditional use in the B-3 zone and this would be retained. The proposed text amendments also include updated conditional use standards specific to emergency shelters to guide the development of new facilities.

This item must be read on two separate days. It was given a first reading on May 15, 2017. Five affirmative votes are required for passage after public comment.

ORDERS:

**Order 264-16/17
(Tab 19)**

Order Approving the Renewal of the Cumberland County Home Consortium – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.

The Housing Committee met on May 10, 2017 and voted 3-0 to recommend renewal of the HOME Consortium to the City Council.

Consortium members are Portland, Brunswick and the 25 Cumberland County communities that participate in the County's Community Development Block Grant (CDBG) Program.

The Consortium has been a successful collaboration in support of affordable housing throughout Cumberland County. From July 2009 through May 2017, 607 units were assisted by or created with HOME funds. The City of Portland has been a recipient of HOME funds since 1992. However, the

county communities did not receive HOME funds until the creation of the Consortium in 2009.

Through a formula calculation agreed upon by the members of the Consortium, Portland continues to receive our typical expected allocation, retains independent operation of its HOME program and serves as Lead Entity for the Consortium, retaining 100% of the allowable administration funds as compensation for this responsibility. (The “Hold Harmless” statement is included in the agenda backup). If the City were not a part of the consortium, the City’s HOME allocation is estimated to be \$429,000 (A copy of the Housing and Urban Development funding estimate calculator is included in the agenda backup).

Five affirmative votes are required for passage after public comment.

**Order 265-16/17
(Tab 20)**

Order Approving Agreement Between Portland and Maine Department of Transportation Re: Woodford’s Corner Stormwater Improvements – Sponsored by Jon P. Jennings, City Manager.

City Council action is necessary to enter into a two-party agreement with Maine Department of Transportation for the stormwater improvements construction phase of the Woodford’s Corner Intersection Improvement project. This is standard practice once a project evolves into the construction phase and follows a three-party agreement adopted via City Council Order 25-13/14. The agreement details the responsibilities and financial obligations of both parties and includes perpetual maintenance requirements for storm drain, underground stormwater infrastructure and a contribution to the reconstruction of the roadway.

Five affirmative votes are required for passage after public comment.

**Order 266-16/17
(Tab 21)**

Order Approving an Extension of the Report Deadline for the Dr. Martin Luther King Recognition Task Force – Sponsored by The Martin Luther King Recognition Task Force, Councilor Pious Ali, Chair.

On March 27, 2017 the City Council created the Dr. Martin Luther King Recognition Task Force (Order 173-16/17) to consider how the life and legacy of Dr. Martin Luther King may be best acknowledged and recognized in the form of renaming a street, park or similarly situated public space. The order required the Task Force to report back to the Sustainability and Transportation Committee by June 1, 2017 and to present to the City Council by August 31, 2017. The Task Force requires additional time to complete their work and requests an extension to report to Sustainability and Transportation by August 31, 2017 and report to the City Council by the final meeting in October, 2017.

Five affirmative votes are required for passage after public comment.

**Order 267-16-17
(Tab 22)**

Order Referring the Wild and Exotic Animal Ordinance to the Health and Human Services Committee – Sponsored by Councilor Brian Batson

Circuses and other popular entertainments have included wild and exotic animals in their performances for centuries. Today, acceptance of this practice is shifting, and those performances are now often viewed as acts of cruelty to the captive animals involved. The recent final performance of the Ringling Bros. and Barnum and Bailey Circus came after the circus had dropped acts featuring trained elephants, following protests and criticism from animal rights groups, which the business believed led to a drop in ticket sales.

In fact, in 2011 the business entity that owns the Ringling Bros. Circus paid a \$270,000 federal fine for violations of the Animal Welfare Act.

An ordinance prohibiting the performance and display of wild and exotic animals for entertainment should be reviewed and a recommendation provided by the Health & Human Services Committee prior to consideration by the City Council, in order to help prevent animal cruelty within the city limits.

Five affirmative votes are required for passage after public comment.

**Order 268-16/17
(Tab 23)**

Order Adopting Development Program for Portland Downtown for Fiscal Year 2017-2018 – Sponsored by Jon P. Jennings, City Manager.

City Council authorization of documents is needed for the continued operation of Portland Downtown (PD). These documents include (1) Adopting Development Program for the PD for FY2018; (2) Assessing Maintenance and Implementation Assessments in the PD District for FY2018; (3) authorizing the Master Agreement for work to be done by PD; and (4) authorizing the Supplemental Services Agreement for work to be done by the City.

This year's assessment of \$764,922 will come from special assessments on all real estate in the District to fund the PD development program expenses for FY2018. The mill rate to raise this assessment is .92 cents per \$1,000 of property value, which has been the same rate for the past eight years.

Included in the City Council meeting packet is PD's 2017/2018 work plan, along with the Supplemental Services Agreement between PD and the City to contract with the City to provide specified Police public safety services and Public Works services to support downtown cleanliness such as sidewalk snow plowing and Summer clean-up.

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

**Order 269-16/17
(Tab 24)**

Order Assessing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2017-2018 – Sponsored by Jon P. Jennings, City Manager.

This order is a companion order to Order 268 above.

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

**Order 270-16/17
(Tab 25)**

Order Approving and Authorizing the City Manager to Enter into Master Agreement and Supplemental Services Agreement with Portland Downtown – Sponsored by Jon P. Jennings, City Manager.

This order is a companion to Order 268 and Order 269 above.

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

AMENDMENTS:

**Order 271-16/17
(Tab 26)**

Amendment to Portland City Code Re: Golf Cart Ordinance – Sponsored by the Health and Human Services Committee, Councilor Belinda Ray, Chair.

On May 9, 2017, this amendment was forwarded to the City Council by a vote of 3-0 by the Health & Human Services Committee.

Amendments are proposed to the golf cart ordinance to address safety risks connected to the use of golf carts on Portland islands. Peaks Island has been the site of an increased use of golf carts, and complaints and concerns have been received by the Portland Police Department and the City Councilors and Staff who work with the island communities. The proposed revisions to the City Code require a driver's license and safety equipment like headlights and rear red reflectors, among other things. They prohibit a passenger from riding on another person's lap on a moving golf cart. The golf cart speed limit is increased to 20 miles per hour from 10, but a speed limit of 15 mph must be observed near schools during recess or at the beginning and end of the school day as students arrive. Two hundred and fifty-five golf carts are registered in Portland. With these changes, the Portland Police Department intends to improve the safety of their operation, especially during the crowded summer season.

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

**Order 272-16-17
(Tab 27)**

Amendment to the Zoning Map Re: Camelot Farm -Sponsored by the Portland Planning Board, Elizabeth Boepple, Chair.

The Planning Board unanimously recommends to City Council the adoption of the R-3 and ROS rezoning for the Camelot Farms site, including four single family house lots in separate ownership along Westbrook Street. The wetlands along the Stroudwater River would remain in the Resource

Protection Zone (RPZ) and the Board recommends rezoning approximately the high water mark of the river to the Recreation Open Space zone (ROS). The land within the ROS would be held within an easement that provides public access for passive recreational purposes. Additional portions of the site, such as several lots along Westbrook Street and land between the ROS zone and potential single family house lots, would also be included within the open space easement. The proposed easements have been reviewed by the City and would be held in escrow until such time the applicant closes on the property. The proposal includes removing the flexible housing overlay zone that is shown along a portion of Westbrook Street.

The project proposes to redevelop the existing site into a traditional single-family development within the Stroudwater neighborhood. The proposed zoning map amendment would enable the applicant to construct approximately a one hundred (100) lot subdivision of which ninety-five (95) lots will be for single-family homes and four will be open space lots. The intent and purpose of the rezoning is for the proposed development to have smaller-scaled residential lots, while providing more publicly accessible green space directly along Westbrook Street and along the Stroudwater River. The applicant is proposing to develop the project in four phases; each phase will have 20 to 25 lots with accompanying infrastructure.

There have been three workshops, as well as a fourth public comments session with the Planning Board, for this project. The meetings were held on January 17, February 28, April 6, and April 13, 2017. There has been extensive public comment on the proposal, which is included in the Planning Board report to the City Council. At the public hearing, twenty-six residents spoke with the majority in opposition to the zone change; however, some spoke in favor of the rezone and there are comments on the record supporting the project. The Planning Board members found the proposed zone change to be consistent with the existing comprehensive plan and the pending Comprehensive Plan and to benefit the city as a whole by supporting new housing opportunities and linking open space along the Stroudwater River.

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

**Order 273- 16-17
(Tab 28)**

**Amendment to the Zoning Map Re: 159 Canco Woods from IL to ROS
- Sponsored by the Portland Planning Board, Elizabeth Boepple, Chair.**

This proposed amendment, as recommended by the Planning Board, changes the zoning for property at 159 Canco Woods from IL to ROS. It represents an effort align the zoning for the property at 159 Canco Road with the present and future use.

Though it is currently zoned IL, or Low-Impact Industrial, neighborhood residents have historically used the property at 159 Canco Road as a passive recreational open space. The site includes woodlands, wetlands, streams, a pond, and a number of hiking, biking, and cross-country skiing trails. As a

result of a partnership with neighborhood residents, the Trust for Public Land, and Portland Trails, the city now owns the 12.9-acre property. The City Council has placed it under a conservation easement to Portland Trails, with the intent that it remain protected open space in perpetuity. Upon conveying the conservation easement, the Council referred the issue of rezoning the property to the Planning Board, and recommended that the zoning be changed to Recreation and Open Space (ROS) in order to align more closely with existing and potential uses on site.

On March 19, 2013, the Planning Board voted unanimously (5-0, Soley and Dundon absent) to recommend a proposed zoning map amendment for the property at 159 Canco Road to change the zoning designation from Low-Impact Industrial (IL) to Recreation Open Space (ROS).

Final action on the zoning was postponed, due to an unrelated Land & Water Conservation Fund (L&WCF) grant issue related to Hadlock Field. In 1986, the City received an L&WCF grant for various improvements to the Park Avenue “sports complex” which encompassed Quinn Field in Deering Oaks, Fitzpatrick stadium and Hadlock field. L&WCF funds stipulate that the property remain available to the public for outdoor recreation in perpetuity. In order to bring the City into compliance, a replacement property of equal value to the land value of Hadlock Field needed to be made available for outdoor recreation. Canco Woods was seen as one possibility for meeting the necessary value. Since that time, the City has acquired property on Warren Avenue which more than offsets the Hadlock Field value, allowing us to move forward with the rezoning.

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

EXECUTIVE SESSION:

Executive Session Re: Bargaining Guidance for Police Superior Officers Contract Pursuant to 1 M.R.S. §405(6)(D) – Sponsored by Jon P. Jennings, City Manager.

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

ROLL CALL: Mayor Strimling called the meeting to order at 5:30 P.M.(Councilor Mavodones arrived during Order 251).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Thibodeau and seconded by Councilor Duson.

Motion was made by Councilor Brenerman and seconded by Councilor Thibodeau to amend the minutes with the revised minutes. Passage 8-0.

Motion was made by Councilor Thibodeau and seconded by Councilor Duson to approve the revised minutes. Passage as amended 8-0.

PROCLAMATIONS:

Proc 30-16/17 Proclamation Recognizing Revive Civility Month 2017 – Sponsored by Councilors Pious Ali, Belinda S. Ray, Spencer Thibodeau, Brian E. Batson, Justin Costa, David Brenerman, Jill C. Duson, Nicholas M. Mavodones, Jr., and Mayor Ethan K. Strimling.

APPOINTMENTS:

Order 247-16/17 Order Appointing Constables for 2017 RE: Department of Public Safety and Department of Parks, Recreation and Facilities – Sponsored by Jon P. Jennings, City Manager.

This order appoints Police Cadets Trenton Coleman-Bishop, Matthew O’Leary, Dakota Ferris, Orlando Simmonds, and Morgan Copp as constables for the Police Department and Park Rangers Cory Plante, Braeden T. Cummings, Michael E. Morris, Patrick J. Bernier as constables for the Department of Parks, Recreation and Facilities.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage as an emergency. Passage 8-0.

CONSENT ITEMS:

Order 248-16/17 Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Amy Santiago – Sponsored by Jon P. Jennings, City Manager.

Order 249-16/17 Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Kyle Braga – Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage of the Consent items. Passage 8-0.

LICENSES:

Order 250-16/17 Order Approving and Adopting the Record and Written Decision Re: Bonfire LLC Application for an Entertainment with Dancing and After Hours Entertainment License – Sponsored by Danielle West-Chuhta, Corporation Counsel.

Motion was made by Councilor Brenerman and seconded by Councilor Ray.

Motion was made by Councilor Ray and seconded by Councilor Duson to add to section 9, at the end of the second paragraph and the end of the sentence that reads: “Staff considers that the location is grandfathered,; the words, “for a period of one year from the abandonment of the previous license.” Passage 8-0.

Motion was made by Councilor Thibodeau and seconded by Councilor Ray for passage as amended. Passage 8-0.

COMMUNICATIONS:

RESOLUTIONS:

Resolve 8-16/17 Resolution Amending Council Rules for 2016-2017 – Sponsored by Danielle West-Chuhta, Corporation Counsel.

This is its first reading.

UNFINISHED BUSINESS:

BUDGET ITEMS:

Order 229-16/17 Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Schools for FY2018 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

This item was given a first reading on May 1, 2017.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 8-0.

IN COUNCIL SPECIAL MEETING MAY 15, 2017 VOL. 133 PAGE 103

Order 230-16/17 Order Approving Non-State Funded School Construction Debt Service for Portland Schools for FY2018 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This item was given a first reading on May 1st.

Motion was made by Councilor Thibodeau and seconded by Councilor Ray for passage. Passage 8-0.

Order 231-16/17 Order Raising and Appropriating Additional Local Funds for Portland Schools for FY2018– Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This item was given a first reading on May 1st.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 8-0.

Order 232-16/17 Order Approving Total School Operating Budget for Portland Schools for FY2018– Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This item was given a first reading on May 1st.

Motion was made by Councilor Thibodeau and seconded by Councilor Ray for passage. Passage 8-0 .

Order 233-16/17 Order Appropriating and Raising Funds for Adult Education for FY 2018 as Required by the Maine Revised Statutes, Title 20-A M.R.S.A. §8603-A(1) – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This item was given a first reading on May 1st.

Motion was made by Councilor Batson and seconded by Councilor Thibodeau for passage. Passage 8-0.

Order 234-16/17 Order to Raise Local Funds for Food Service in the Portland Public Schools for FY 2018 – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This item was given a first reading on May 1st.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 8-0 .

IN COUNCIL SPECIAL MEETING MAY 15, 2017 VOL. 133 PAGE 104

Order 234A-16/17 Order Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2018 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This item was given a first reading on May 1st.

Motion was made by Councilor Baston and seconded by Councilor Costa to postpone Order 234-A indefinitely. Passage 8-0.

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

Mayor Strimling took Order 251 out of order.

ORDERS:

Order 251-16/17 Order Approving Purchase and sale Agreement with Developers Collaborative Predevelopment LLC for the Sale of Reed School at 19 Libby Street - Sponsored by Jon P. Jennings, City Manager.

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

Order 235-16/17 Order Approving Fiscal Year 2018 Administrative Fees in the Department of Public Works Re: Street Openings – Sponsored by Jon P. Jennings, City Manager.

This item was postponed to this meeting.

Motion was made by Councilor Duson and seconded by Councilor Costa for passage. Passage 8-1, (Thibodeau).

Order 236-16/17 Order Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2018 Human Resources and Certain Fringe Benefits Budgets – Sponsored by Jon P. Jennings, City Manager.

This item was given a first reading on May 1st.

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

IN COUNCIL SPECIAL MEETING MAY 15, 2017 VOL. 133 PAGE 105

**Order 237-16/17 Order Re: Fiscal Year 2018 Self-Insured Liability Program -
Sponsored by Jon P. Jennings, City Manager.**

This item was postponed to this meeting.

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

**Order 238-16/17 Order Authorizing the Director of Parks, Recreation and Facilities
to Set Fees and Enter Rental Agreements for City Facilities –
Sponsored by Jon P. Jennings, City Manager.**

This item was postponed to this meeting.

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

**Order 239-16/17 Order Authorizing City Manager to Enter into Certain Agreements to
Implement Fiscal Year 2018 Health and Human Services Budget
- Sponsored by Jon P. Jennings, City Manager.**

This item was given a first reading on May 1st.

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

**Order 240-16/17 Order Authorizing City Manager to Accept Scholarship Trust
Donations and Enter into Trust Agreements - Sponsored by Jon P.
Jennings, City Manager.**

This item was postponed to this meeting.

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

**Order 241-16/17 Order Authorizing Corporation Counsel to Undertake Civil Actions to
Collect Delinquent Personal Property Taxes – Sponsored by Jon P.
Jennings, City Manager.**

This item was postponed to this meeting.

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

IN COUNCIL SPECIAL MEETING MAY 15, 2017 VOL. 133 PAGE 106

Order 242-16/17 Order Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

It was given a first reading on May 1st.

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

Order 243-16/17 Order Designating Fiscal Year 2018 Funds for Specific Island Services - Sponsored by Jon P. Jennings, City Manager.

This item was given first reading on May 1st.

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

Order 244-16/17 Order for Fiscal Year 2018 Appropriating \$185,000 from Excess Fund - Sponsored Jon P. Jennings, City Manager.

This item was given a first reading on May 1st.

Councilor Mavodones disclosed that he works for Casco Bay Lines. This order is a lease agreement between the City and Casco Bay Island Transit District.

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

RELATED ORDINANCE AMENDMENT:

Order 245-16/17 Amendment to Portland City Code Re: Various Fee Increases for Fiscal Year 2018 - Sponsored by Jon P. Jennings, City Manager.

This item was given a first reading on May 1st.

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

IN COUNCIL SPECIAL MEETING MAY 15, 2017 VOL. 133 PAGE 107

APPROPRIATION RESOLVE:

Order 246-16/17 Fiscal Year 2017-2018 Appropriation Resolve - Sponsored by Jon P. Jennings City Manager.

This item was given a first reading on May 1st.

Motion was made by Councilor Ray and seconded by Councilor Costa.

Motion was made by Councilor Ray and seconded by Councilor Duson to amend Order 246 by subtracting \$69,676 for the Mayor's Assistant Position Salary, which includes \$660 cell phone reimbursement. Passage 6-3 (Ali, Batson, Strimling)

Motion was made by Councilor Mavodones and seconded by Councilor Duson to amend Order 246 by subtracting \$8,800 for the Councilor cell phone and constituent outreach expenditures. Passage 9-0.

Motion was made by Councilor Costa and seconded by Councilor Duson to amend Order 246 by adding \$4,667 for the Mayor's Coalition Funding. Passage 8-1 (Strimling).

Motion was made by Councilor Ray and seconded by Councilor Costa for passage as amended. Passage 8-1 (Strimling).

AMENDMENTS:

Order 252-16/17 Amendment to Portland City Code Chapter 14 Re: Emergency Shelters as a Conditional Use – Sponsored by the Planning Board, Elizabeth Boepple, Chair.

This is its first reading.

Motion was made by Councilor Costa and seconded by Councilor Duson to adjourn. Passage 9-0, 9:15 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

Proc 31-16/17
Tab 2 6-5-17

PROCLAMATION

Honoring

Bobbi Jo Weeks

Employee of the Month

April 2017

WHEREAS: **Bobbi Jo Weeks** of the Fire 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 over 1,300; and

WHEREAS: This award is presented in recognition of **Bobbi Jo's** work as a Firefighter/Paramedic with over five years of City service. **Bobbi Jo** is recognized by her coworkers for her dedication, her proficiency at her work, her eagerness to learn, her desire to continuously better herself, and her compassion for her patients and this City; and

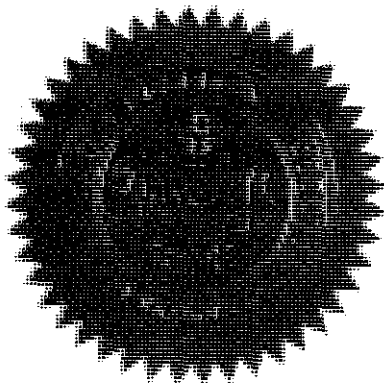
WHEREAS: **Bobbi Jo** pours her heart into her work and looks on the bright side of everything. **Bobbi Jo** also strives to better her work environment and improve the overall health and mental wellbeing of her coworkers by sharing her passion of yoga and offering Yoga for First Responders; and

WHEREAS: On a routine basis, including **Bobbi Jo's** scheduled days off, she travels from home to offer classes. **Bobbi Jo** has even expanded her yoga offerings to Police and Fire First Responders not only in Portland but in surrounding towns as well. **Bobbi Jo** has done this all at no cost to employees; donating her own time and equipment. **Bobbi Jo** truly is an asset to the Fire Department and to the City.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Bobbi Jo Weeks** as **City Employee of the Month, April 2017**.

Signed and Sealed this 5th day of June, 2017

Ethan K. Strimling, Mayor
City of Portland, Maine



Proc 32-16/17
Tab 3 6-5-17

PROCLAMATION

Honoring

Christine Grimando

Employee of the Month

May 2017

WHEREAS: **Christine Grimando** of the Planning & Urban Development 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 over 1,300; and

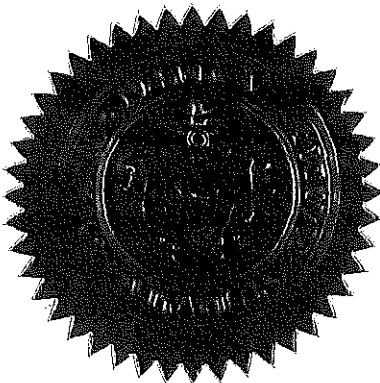
WHEREAS: This award is presented in recognition of **Christine's** work as a Senior Planner over the past few years. **Christine** is recognized for her tireless work on the creation of a new Comprehensive Plan for the City for the first time in over a decade; and

WHEREAS: **Christine** has lead the complete re-envisioning of this sprawling, multi-volume document into a readable one that provides a clear and community-owned vision for our city for the next decade. Over the past year, **Christine** has organized and facilitated over 45 stakeholder events and coordinated staff of five department in crafting this document. **Christine's** ability to manage this process internally has saved the City hundreds of thousands of dollars and produced a better product and process; and

WHEREAS: In addition to **Christine's** remarkable work on the Comprehensive Plan, **Christine** has been managing two of the largest land transformations in Maine, at Thompson's Point and the Portland Company Complex. Both presented a number of extremely complex and controversial issues. **Christine's** skill in navigating the technical, policy and communication challenges presented in Portland as the city undergoes one of the most intense and exciting growth periods in its history is outstanding. **Christine** truly is an asset to the Planning & Urban Development Department and to the City.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Christine Grimando** as **City Employee of the Month, May 2017**.

Signed and Sealed this 5th day of June, 2017



Ethan K. Strimling, Mayor
City of Portland, Maine

Order 253-16/17
Tab 4 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER APPOINTING JASON MONTEIRO AS CONSTABLE FOR 2017
RE: DEPARTMENT OF PARKS, RECREATION & FACILITIES

ORDERED, that Jason Monteiro, Park Ranger, is hereby appointed as constable for the remaining calendar year 2017; and

BE IT FURTHER ORDERED, that this appointment shall be effective from the effective date of this order until 12:00 midnight, December 31, 2017; and

BE IT FURTHER ORDERED, that this appointment is made pursuant to Sections 20-19 and 20-19.5, Portland City Code, and Jason Monteiro is not allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets; and

BE IT FURTHER ORDERED, that this appointment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately and allow the constable to begin work.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Joe Dumais

DATE: May 16, 2017

SUBJECT: Appointment of Constable

SPONSOR: Jon P. Jennings, City Manager

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action April 24, 2017

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

Constables need to be appointed for the beginning of the summer season.

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

I. ONE SENTENCE SUMMARY

Appointment of Constable for Department of Parks, Recreation & Facilities

II. AGENDA DESCRIPTION

The Department of Parks, Recreation, and Facilities is requesting that Jason Monteiro, Park Rangers, be appointed as constable for the remaining calendar year 2017.

This appointment shall be effective from the effective date of this order until 12:00 midnight, December 31, 2017.

This appointment is made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets.

III. BACKGROUND

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

**VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE
AGENDA DESCRIPTION**

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

Prepared by:

Date:

*Order 254-16/17
Tab 5 6-5-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

ORDER RE: RESIDENTIAL PARKING PERMIT EXTENSION

ORDERED, that Schedule XXVIII, Residential Parking Permit Area, District IR established pursuant to Order 306-07/08 passed on June 16, 2008 and amended by Order 278-08/09 on June 1, 2009, Order 246-09/10 on June 7, 2010, Order 270-10/11 on June 20, 2011, Order 217-11/12 on June 18, 2012, Order 235-12/13 on June 3, 2013, Order 265-13/14 on June 16, 2014, Order 289-14/15 on June 15, 2015 and Order 262-16/17 on May 16, 2016, is hereby amended, as follows:

By extending the one-year period that will expire on June 30, 2017 to June 30, 2018.

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: John Peverada, Parking Manager

DATE: May 9, 2017

DISTRIBUTION: Jon Jennings, City Manager
Ethan Strimling, Mayor
Danielle West Chuhta, Corporation Counsel
Michael Murray, Assistant to the City Manager
Sonia Bean, Senior Administrative Assistant
Judy Rosen, Senior Administrative Assistant
Nancy English, Executive Legal Assistant

SUBJECT: Residential Parking Permit Extension

SPONSOR: Councilor Belinda Ray

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action June 5, 2017

I. SUMMARY OF ISSUE

II.

June of 2008, the City Council approved a new residential parking zone, IR (Island Resident). A total of twenty nine (29) two hour parking spaces on both sides of Thames St. easterly of Hancock Street were signed accordingly. Vehicles displaying a IR (island resident) permit are exempt from the time limit parking regulation and can be left there all day; however the vehicles must be moved in accordance with the standard posted street maintenance signs, snow bans and posted emergency no parking.

Additionally since the development of the proposed condominiums at the corner of Thames and Hancock Streets was on hold, 10 on street spaces on the westerly side of Hancock St between Fore & Thames and the 16 on street parking spaces on the north side of Thames St. between India and Hancock St. were signed 2 hour parking (rather than metered), so that people with a IR permit could use them on a temporary year to year basis until the condominium development is started or another project in it's place. This gave the islanders an additional 26 on street parking spaces convenient to Casco Bay Lines, that would cause minimal interference

with area businesses and residents. As you know there is now a hotel being built on a portion of that lot. The planners have told me that the developer of the hotel does not have any preference for time limited parking versus meters on this block at this time. Obviously the ultimate regulation of the on street parking is decided by the City Council.

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

The current one year approval to allow the 26 spaces surrounding the development at the corner of Thames & Hancock Streets to be included in the Island Residential Zone expires on June 30, 2017.

III. INTENDED RESULT

Extend the approval to maintain the 26 spaces, at the corner of Thames & Hancock Streets, signed 2 hour parking, for another year, until June 30, 2018.

IV. COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

None

VI. STAFF ANALYSIS

Staff has determined that the additional on street parking will benefit Island residents, and will be a good use of the on street parking in this area until new development occurs.

VII. RECOMMENDATION

The Parking Division and Island and Neighborhood Administrator recommend passage.

VIII. LIST ATTACHMENTS

Order 255 - 16/17
Tab 6 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING TUESDAY, JULY 4, 2017, AS JULY 4TH
STARS AND STRIPES SPECTACULAR FESTIVAL**

ORDERED, that the July 4th Stars and Stripes Spectacular Festival be and hereby is declared for Tuesday, July 4, 2017 from 10:00 a.m. to 10:00 p.m., with a rain date of Wednesday, July 5, 2017, in the City of Portland, sponsored by July 4th Portland; and

BE IT FURTHER ORDERED, that the July 4th Stars and Stripes Spectacular Festival area shall include:

Fore Street at Mountfort Street to Eastern Promenade, Eastern Promenade to Washington Avenue, Washington Avenue to Congress Street, and Congress Street at Mountfort Street to Fore Street and the Fort Allen Park area; the Eastern Promenade (including sidewalk areas on both sides of the street) from Morning Street to Loring Memorial near East End Community School, and all of Eastern Prom Park, as well as Payson Park area and Baxter Boulevard, in the City of Portland; and

BE IT FURTHER ORDERED, that the following streets will be closed to vehicular traffic from approximately 10:00 a.m. to 10:00 p.m. on Tuesday, July 4th (or if necessary on the July 5th rain date):

Eastern Promenade at Morning Street, Wilson Street, Moody Street, and Congress Street, Morning Street at Eastern Promenade, Wilson Street, Moody Street, and Congress Street; and

BE IT FURTHER ORDERED, that the following streets will be closed to vehicular traffic from approximately 3:00 p.m. to 10:00 p.m. on Tuesday, July 4th (or if necessary on the July 5th rain date):

Eastern Promenade at Turner Street and Walnut Street; Morning Street at Turner Street; Emerson Street at Quebec Street and Melbourne Street; Willis Street at Montreal Street; and Walnut Street; and

BE IT FURTHER ORDERED, that all of Munjoy Hill and the Eastern Prom will be closed to traffic (from Washington Avenue up) starting at 4:00 p.m. on Tuesday, July 4, 2017 (or if necessary on the July 5th Rain date):

Mountfort Street at Fore Street and Congress Street; Washington Avenue at Marion Street, Cumberland Avenue, Walnut Street and Eastern Promenade. Streets will open again after the fireworks display (at approximately 10:00 p.m.); and

BE IT FURTHER ORDERED, that Cutter Street will be closed to public traffic, including boat launching, on July 4th (or if necessary on the July 5th rain date) beginning at 10 p.m. on the previous day; and

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

BE IT FURTHER ORDERED, that the July 4th Stars and Stripes Spectacular Festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to July 4th Portland under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the City Manager or the Acting City Manager and to the following specific conditions:

1. July 4th Portland 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. July 4th Portland 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 Festival area, except in an enclosed Beer and Wine Garden for people 21-years-old and older close to the stage, to be run and staffed by July 4th Portland;
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 Assembly Facilities Office shall be adhered to;
4. July 4th Portland shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the July 4th Stars and Stripes Spectacular Festival; and

5. In addition, the City Clerk's Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to those vendors the July 4th Portland has agreed shall participate; and

BE IT FURTHER ORDERED, that the City Manager is authorized to 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.



Sally L. DeLuca
Director

Department of Parks, Recreation & Facilities Management

Andrew J. Downs
Director

Public Assembly Facilities Division

TO: Jon Jennings, City Manager
FROM: Andrew Downs, Director of Public Assembly Facilities Division
DATE: May 22, 2017
RE: July 4th "Stars and Stripes Spectacular"

I am requesting that the following order be placed on the June 5th City Council agenda:

**Order declaring Tuesday July 4, 2017, as July 4th "Stars and Stripes Spectacular."
(Rain Date: Wednesday, July 5, 2017)**

The City has sponsored the July 4th Fireworks and activities on the Eastern Promenade for a number of years, attracting 40,000+ individuals, a large percentage of which are families. *July 4th Portland* is the organizer and fundraiser.

This year's Festival, which is being funded by private donations and fundraising activities by *July 4th Portland*, will include:

- 25 Minute Fireworks Display
- Portland Symphony Orchestra Concert
- Food & Entertainment Vendors
- Reserved Seating in area closest to the stage

The Festival runs from 10:00am – 10:00pm (including Portland Symphony Orchestra concert at 7:00pm) Tuesday July 4, 2017. **(Rain date is Wednesday July 5th 2017).**

Famous Dave's BBQ will be providing food and beverages (alcohol included) in a designated area near stage. *July 4th Portland* will be responsible for ensuring that all vendors at the festival have complied with appropriate license requirements, including food service, sale of alcohol and concert licenses. All Security for the event will be provided by the City of Portland's Parks, Recreation & Facilities Management Department.

Fireworks will be launched from the East End Trail. Trail will need to be closed from Cutter Street to the Water Treatment Plant from 6am until deemed safe by City Staff (approximately 11pm.) In the event of rain, these Trail closings would be in effect until Wednesday, July 5th (same times would apply).

In order for the Festival to be held, a portion of the Eastern Promenade needs to be barricaded and closed to traffic.

The Festival area will include:

Fore Street at Mountfort Street to Eastern Promenade, Eastern Promenade to Washington Avenue, Washington Avenue to Congress Street, and Congress Street at Mountfort Street to Fore Street. Festival Area will include the Fort Allen Park area, the Eastern Promenade (including sidewalk areas on both sides of the street) from Morning Street to Loring Memorial near East End Community School, the Payson Park area, as well as Baxter Boulevard area, as many families take in the fireworks display from those areas.



Sally L. DeLuca
Director

Department of Parks, Recreation & Facilities Management

Andrew J. Downs
Director

Public Assembly Facilities Division

The following streets will be closed to vehicular traffic from approximately 10:00am to 10:00pm, on Tuesday, July 4th (July 5th Rain date): Eastern Promenade at Morning Street, Wilson Street, Moody Street, and Congress Street. Also, Morning Street at Eastern Promenade, Wilson Street, Moody Street, and Congress Street. In the event of rain, these street closings would be in effect for Wednesday, July 5th.

The following streets will be closed to vehicular traffic from approximately 3:00pm to 10:00pm, on Tuesday, July 4th (July 5th Rain date): Eastern Promenade at Turner Street and Walnut Street; Morning Street at Turner Street; Emerson Street at Quebec Street and Melbourne Street; and Willis Street at Montreal Street and Walnut Street. In the event of rain, these street closings would be in effect for Wednesday, July 5th.

All of Munjoy Hill and the Eastern Prom will be closed to traffic (from Washington Ave. up), starting at 4pm on Tuesday July 4th (July 5th Rain date). Street closures include Mountfort Street at Fore Street and Congress Street; Washington Avenue at Marion Street, Cumberland Avenue, Walnut Street, and Eastern Promenade. Streets will be opened up again after the fireworks display (at approximately 10pm). In the event of rain, these street closings would be in effect for Wednesday, July 5th.

On-street parking will be restricted from 7am until 11pm on July 4th at Eastern Promenade (both sides) from Morning Street to Washington Avenue, Fort Allen Park (both sides), Walnut Street from Eastern Promenade to Washington Avenue, and Mountfort Street from Congress Street to Fore Street (both sides). These streets will be posted in advance, any cars parked illegally will be towed at the owner's expense. In the event of rain, these restrictions would be in effect for Wednesday, July 5th.

With the addition of the PSO concert, **Cutter Street will be closed to vehicular traffic (except for designated handicapped parking), including boat launching from 10 p.m. on Monday, July 3rd** and will be opened again after the fireworks display (at approximately 10pm on July 4th or when deemed safe by City Staff). In the event of rain, these street closings would be in effect at 10pm on Tuesday July 4th and ending at approximately 10pm on Wednesday, July 5th.

The Festival area will also be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of the Festival organizers and July 4th Portland Foundation for the purpose of administering the Festival. Festival organizers will charge a fee to the vendors to participate in the festival.

The City Manager is also authorized to issue such other temporary licenses and temporary permits, including licenses for food service establishments and permits for sales of non-food related items, as may be required by the Portland City Code, provided that all applicable requirements of said code have been met regarding the operation of said event.

*Order 256-16/17
Tab 7 6-5-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

The Four Forty Three Club, LLC dba Evo Kitchen & Bar. Application for Outdoor Dining on Private Property at 443 Fore Street.



254 Commercial Street, Suite 118
Portland, Maine 04101
Phone: +1 207 517 1100
E-Mail: info@prenticeorg.com
Web: www.prenticeorg.com

April 21, 2017

City of Portland

RE: Outdoor Dining Application for Evo Kitchen + Bar

To Whom It May Concern:

Evo Kitchen + Bar is located on the corner of Fore and Union Street in the retail space of the Hyatt Place Hotel and will have been in operation for 2 years as of this coming June. Evo is a Mediterranean restaurant that utilizes the fresh local ingredients sourced from more than 10 small, Maine farms, fish mongers, and butchers. Since our opening we have received high praise from the local and national restaurant scene for excellence in both our food and our culinary trend-setting in publications and on news segments, including an invitation to cook at the renown James Beard House in New York City this past March. With an average rating between 4.7 – 4.9 out of 5 across the review sites of Yelp, Facebook, Google, TripAdvisor and OpenTable we take great pride in serving the Portland community delicious, unique and reasonably-priced food and beverage.

It is our hope to add an outdoor seating option on Fore Street to accommodate our patrons and to further enhance the atmosphere on Fore Street during the warmer months. We believe outdoor seating helps add vibrancy to the city and adds another dimension to enhance the city's walkability.

We look forward to appearing before the City Council to discuss this application and answer any questions the city may have.

Sincerely,

Casey Prentice
President



Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	EVO Kitchen + Bar Phone: 207-358-7830
Location Address:	443 Forest St. Portland Zip: 04101
If new, what was formerly at this location:	
Mailing Address:	254 Commercial St., Suite 118 Portland Zip: 04101
Contact Person:	Casey Prentice Phone: 207-577-1100
Contact Person Email:	cwp@prenticehospitality.com
Manager of Establishment:	Sarah Smith Date of Birth: 06.01.76 Phone: 207-286-5352
Owner of Premises (Landlord):	Cow Plaza Hotel LLC
Address of Premises Owner:	100 Commercial St. Portland 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	
The Four Fortythree Club, LLC		254 Commercial St. Portland 04101	
Contact Person:	Casey Prentice	Phone:	207-577-1100
Principal Officers	Title	Date of Birth	Residence Address
Casey Prentice	Officer	01.11.86	Portland, ME
Carlynn Prentice	Officer	06.03.83	Cumtucket, ME
Richard Prentice	Officer	12.25.54	Yarmouth ME

About Your Establishment

Class of Liquor License:	Restaurant	
Type of food served:	Mediterranean	
Please circle all that will be served:	Beer	Wine
	Liquor	
Projected percentage of sales:	Generated from Food: \$436,400	Generated from Alcohol: \$262,700
Hours & days of operation:	7	

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:	
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?	
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):	
Food Service, Liquor	
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 Gerri Prentice 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 Gerri Prentice Title Officer Date 4.24.17

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.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

Outdoor Dining Permit Application

Please circle all that apply:

New Application? ☒ Yes ☐ No

Renewal? ☐ Yes ☒ No

Private Property? ☐ Yes ☒ No

Historic District? ☐ Yes ☒ No

Liquor License Required? ☐ Yes ☒ No

Permitting and Inspections Director Signature _____

OR Pending City Council Date _____ (D/M/Y)

Location Name: Evo Kitchen + Bar
Address: 443 Fore Street, Portland, ME 041

Chart

Block

Lot#

Owner Name: East Brown Cow LLC
Phone #: 207.775.1000
Email: tsoley@eastbrowncow.com

Total Square Footage of Outdoor Dining Area:¹

*Please see attached images with measurements

Length: (____) x Width (____) = 767sf

Applicant must be owner or lessee.

Name: Casey W. Prentice
Address: 254 Commercial Street, Set 111
City: Portland
State & Zip: Maine 04101
E-Mail: cwp@prenticehospitality.com

Please pay before the permit can be issued.

\$125 (One-time Private Property fee) or

\$80 (Annual Public Fee) + Total Sq. Ft.: _____ x
(\$2) or (\$6 in public parks) =

Total Fee of \$ _____

Current use: Restaurant + Bar

Business name: Evo Kitchen + Bar

How many chairs? 8

How many tables? 4

Please circle one of the following: Alcohol is served = ☒ Yes ☐ No.

Who should we contact?

Name: Sarah Smith, manager

Phone: 207.358.7830

Address: 443 Fore Street, Portland, ME 04101

E Mail: sls@evoportland.com

I hereby certify that I am the owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit. For further information, please visit www.portlandmaine.gov, email permits@portlandmaine.gov, call 874-8703 or stop by Room 315, City Hall. Applications and renewals are reviewed annually and must be submitted by June 1.

Signature of Applicant: _____

Date: 04.20.17

¹ The total dining area square footage shall equal no more than 10% of park space without Parks, Recreation and Facilities waiver. Contact Sally DeLuca, Director, @ 207-808-5400 for waiver.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Adjacent on-street parking requires Parking Office review and Building Authority approval.

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

Signed and acknowledged: _____

04.20.17

Date: _____

Casey Prentice

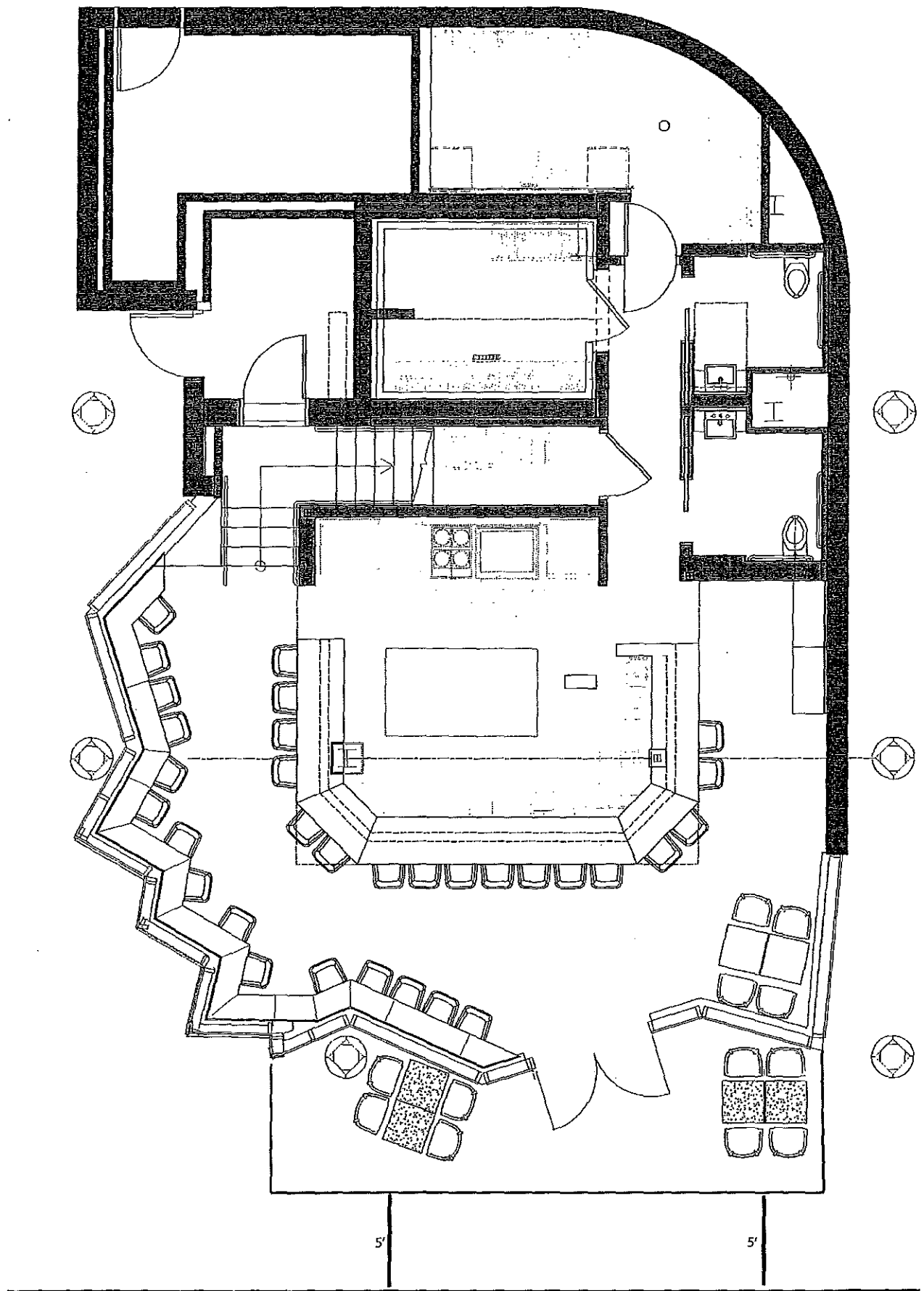
Printed name: _____

Evo Kitchen + Bar

Establishment: _____

443 Fore Street, Portland, ME 04101

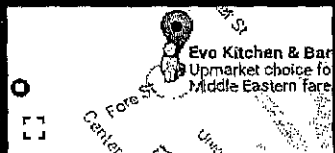
Location: _____



Fore Street

443 Fore St
Portland, Maine

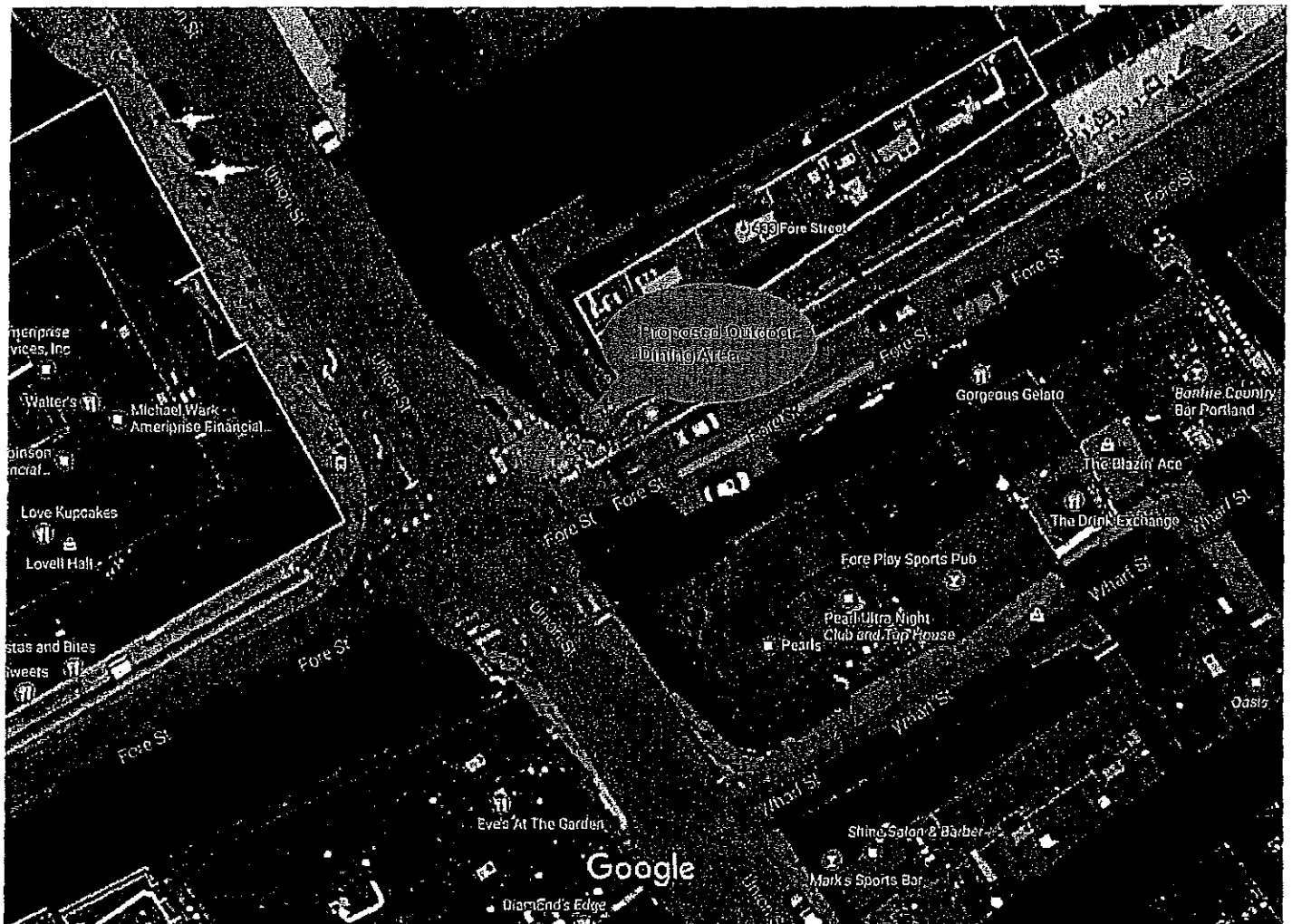
Street View - Oct 2016



Google

Image capture: Oct 2016 © 2017 Google Terms Report a problem

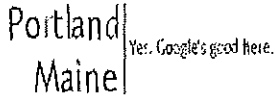
Google Maps 433 Fore St



Imagery ©2017 Maine GeoLibrary, U.S. Geological Survey, Map data ©2017 Google 20 ft



433 Fore St
Portland, ME 04101



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Evo**Kevin Cashman** <kevindc@portlandmaine.gov>

Tue, Apr 25, 2017 at 3:00 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petruccelli <petruccellid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Gary Rogers <garyr@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Melissa Calazzo <mcalazzo@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>

PD has no objection.

Kevin C.

On Tue, Apr 25, 2017 at 10:41 AM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Evo, 443 Fore Street. They are applying for outdoor dining and will be going to council on June 5, 2017.

Contact is Casey Prentice
cwp@prenticehospitality.com
207-577-1100

Please respond via email for approvals. Thanks Jessica

Jessica B. Hanscombe
Business License Specialist
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--

Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

April 25, 2017

The Four Forty Three Club LLC
254 Commercial Street Suite 118
Portland, Maine 04101

**Re: The Four Forty Three Club, LLC dba Evo Kitchen & Bar. Application for
Outdoor Dining on Private Property at 443 Fore Street.**

Dear Ms Prentice,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday June 5, 2017 at 5:30 p.m.**, for the review of application for Outdoor Dining on private property at 443 Fore Street. 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, jhanscombe@portlandmaine.gov

Sincerely,

Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 5th at 5:30 P.M., in City Council Chambers, 389 Congress St., The Four Forty Three Club, LLC dba Evo Kitchen & Bar. Application for Outdoor Dining on Private Property at 443 Fore Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

Order 257-16/17
Tab 8 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**The King's Head LLC dba Jager. Application for Outdoor Dining on Public Property at
41 Wharf Street.**

Letter of Intent - Jager, 41 Wharf Street

Mr. Mayor, Members of City Council,

This letter serves to inform you of my request to add outdoor seating to Jager, a Bavarian pub at 41 Wharf street. The goal of Jager is to provide and upscale pub atmosphere reminiscent of pubs found in the mountain towns of Bavaria. We serve food authentic in style to that region accompanied by wine and beers from, and true to the style of that region. Other portland based beers are available, as well as a craft cocktail list. My Chef-Partner Paul Kirschbaum is first generation American, coming from a family with a long tradition of owning restaurants in that region. He holds a culinary degree from the Culinary Institute of America, as well as degrees in restaurant management from Le Cordon Bleu in Australia. While my formal background is in Law, I have owned and operated The King's Head in the Pierce Atwood law firm building on Commercial street for two and a half years. The King's Head provides upscale casual pub dining combined with a draught list that in one short year achieved a rating of 98 on Beer Advocate, making the pub a tourist attraction, as well as a popular meeting place for Portland's business professionals. Since opening in February Jager has continued to build our reputation for outstanding from-scratch pub fare accompanied by world class beers in a casual yet upscale environment. Outside dining will further assist us in bringing our unique experience to customers - and will also serve to bring the standard of food, drink, and frankly conduct on that end of wharf street up a notch.

Yours Truly,

A handwritten signature in black ink, appearing to be 'John C. R.', with a long horizontal flourish extending to the right.

Owner

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	The King's Head LLC DBA Jager Phone: 518-637-8784
Location Address:	432 Fore ST (41 wharf) Zip: 04101
If new, what was formerly at this location:	Olo Hair Salon
Mailing Address:	PMB 762, 110 Marginal way Zip: 04101
Contact Person:	Justin O'Connor Phone: 518-637-8784
Contact Person Email:	ocojustin@gmail.com
Manager of Establishment:	Justin O'Connor Date of Birth: Phone: 518-637-8784
Owner of Premises (Landlord):	Terrapin Properties LLC
Address of Premises Owner:	4 Milk ST 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	
The King's Head LLC DBA Jager		PMB 762, 110 Marginal way Zip: 04101	
Contact Person:	Justin O'Connor	Phone:	518-637-8784
Principal Officers	Title	Date of Birth	Residence Address
Justin O'Connor	CEO	2-16-1979	154 High ST South Portland ME 04106

About Your Establishment

Class of Liquor License:	<u>XI</u>	
Type of food served:	<u>from scratch full Entrees</u>	
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>	
Projected percentage of sales:	Generated from Food: <u>50</u>	Generated from Alcohol: <u>50</u>
Hours & days of operation:	<u>11:30 Am - 12:00 Am</u>	

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?	<u>Y</u>
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	<u>Y</u>
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	<u>Y</u>
Will you permit dancing on the premises?	<u>Y</u>
Will you permit dancing after 1:00 a.m.?	<u>Y</u>
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	<u>Y</u>
If yes, will the outside dining be on <u>PUBLIC</u> or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	<u>Y</u>
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	<u>Y</u>
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	<u>Y</u>
If Yes, please list business name(s) and location(s):	
<u>The King's Head LLC - 254 Commercial Street</u>	
Is any principal officer under the age of 21?	<u>Y</u>
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	<u>Y</u>
If Yes, please explain:	

I, John C. [Signature] 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 7-28-17

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.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

Outdoor Dining Permit Application

Please circle all that apply:			
New Application?	☒ Yes ☐ No		
Renewal?	☐ Yes ☐ No	→ If yes, are there any changes? (Yes/No)	
Private Property?	☐ Yes ☐ No		
Historic District?	☐ Yes ☐ No		
Liquor License Required?	☐ Yes ☐ No	Permitting and Inspections Director Signature _____	
OR Pending City Council Date _____		(D/M/Y)	
Location Name: <u>Jäger</u>		Chart	Block
Address: <u>432 Fore ST. (41 wharf)</u>		<u>32</u>	<u>R</u>
		Lot#	<u>3</u>
Owner Name: <u>Justin O'Connor</u>		Total Square Footage of Outdoor Dining Area: ¹	
Phone #: <u>518-637-8784</u>		Length: <u>(17 feet)</u> x Width <u>(8 feet)</u> = _____	
Email: <u>OCOJustin@gmail.com</u>			
Applicant must be owner or lessee.		Please pay before the permit can be issued.	
Name: <u>Jäger</u>		\$125 (One-time Private Property fee) or	
Address: <u>432 Fore (41 wharf) ST</u>		☒ \$80 (Annual Public Fee) + Total Sq. Ft.: <u>136</u> x	
City: <u>Portland</u>		(\$2) or (\$6 in public parks) =	
State & Zip: <u>ME 04101</u>		Total Fee of \$ <u>272.00</u>	
E-Mail: <u>OCOJustin@gmail.com</u>			
Current use: <u>Pub</u>		Business name: <u>Jäger</u>	
How many chairs? <u>12</u>		How many tables? <u>4</u>	
Please circle one of the following: Alcohol is served = ☒ Yes ☐ No.			
Who should we contact?			
Name: <u>Justin O'Connor</u>			
Phone: <u>518-637-8784</u>			
Address: <u>PAR 764 110 Magazine 04101</u> E Mail: <u>OCOJustin@gmail.com</u>			

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. For further information, please visit www.portlandmaine.gov, email permits@portlandmaine.gov, call 874-8703 or stop by Room 315, City Hall. Applications and renewals are reviewed annually and must be submitted by June 1.

Signature of Applicant: [Signature]

Date: 4-10-17

¹ The total dining area square footage shall equal no more than 10% of park space without Parks, Recreation and Facilities waiver. Contact Sally DeLuca, Director, @ 207-808-5400 for waiver.

389 Congress Street, Room 315/Portland Maine 04101/www.portlandmaine.gov/tel: 207-874-8703/fax: 207-874-8716

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Adjacent on-street parking requires Parking Office review and Building Authority approval.

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

Signed and acknowledged:

Date:

4-10-17

Printed name:

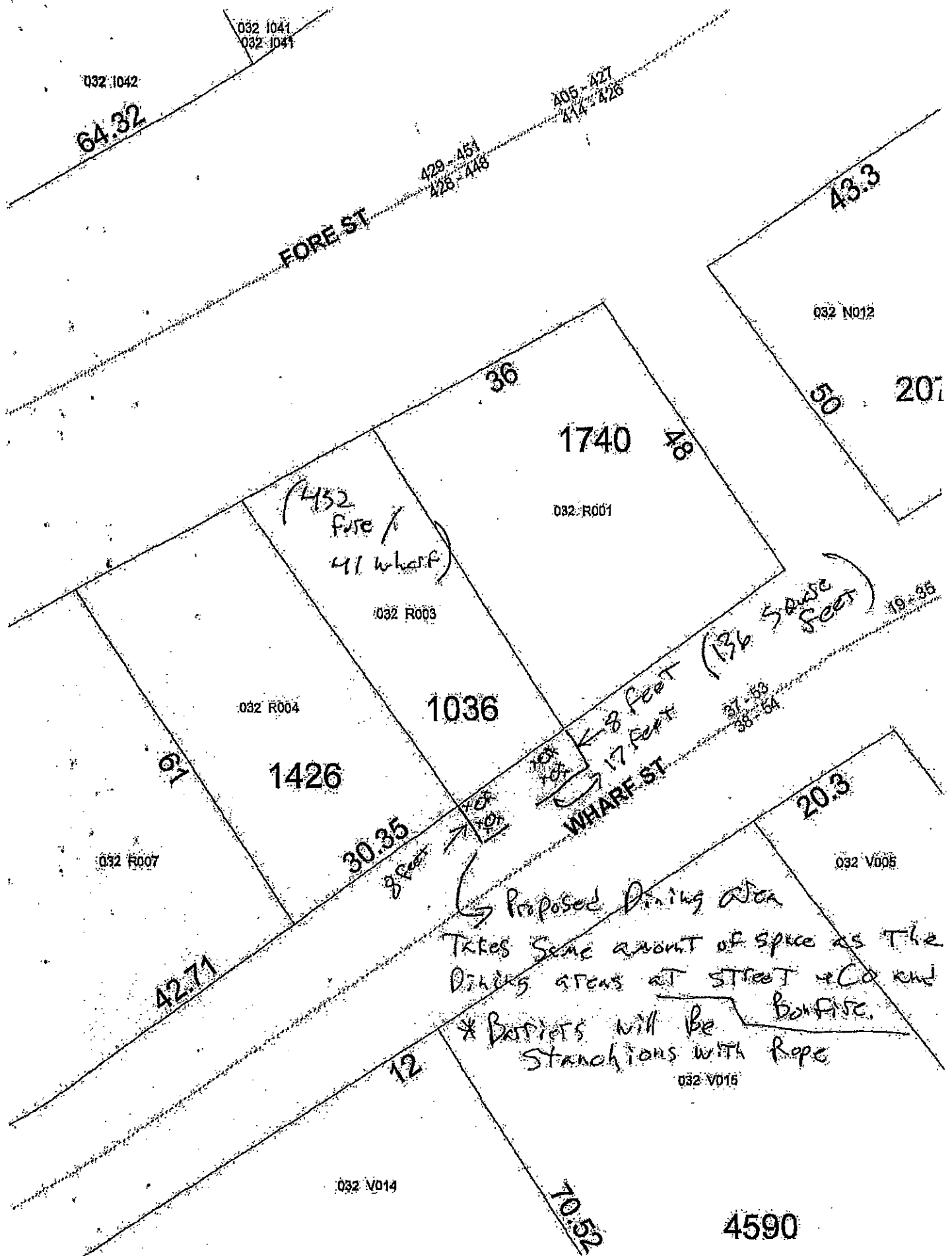
Justin C. O'Connor

Establishment:

Jäger (The King's Head D. B.A. Jäger)

Location:

432 Fore - 41 Wharf ST



Portland
Maine

Yes, Google's good here.

Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Jager-Outdoor Dining

Kevin Cashman <kevindc@portlandmaine.gov>

Mon, May 1, 2017 at 7:41 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petruccelli <petruccellid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Melissa Caiazzo <mcaiazzo@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>

PD has no objections.

Kevin C.

On Mon, May 1, 2017 at 10:48 AM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Jager, 41 Wharf Street. They will be going before council on 6/5 for Outdoor Dining

Contact is

Justin

518-637-8784

Please email approvals. Thanks Jess

Jessica B. Hanscombe

Business License Specialist

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov

--

Lt. Kevin Cashman

Portland Police Department

Patrol Division

109 Middle St

Portland, Maine 04101

(O) 207-756-8294

kevindc@portlandmaine.gov.

Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 1, 2017

The King's Head
PMB 762
110 Marginal Way
Portland, Maine 04101

Re: The King's Head LLC dba Jager. Application for Outdoor Dining on Public Property at 41 Wharf Street.

Dear Mr. O'Connor,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday June 5, 2017 at 5:30 p.m.**, for the review of an application for Outdoor Dining on public property at 41 Wharf Street. 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, jhanscombe@portlandmaine.gov

Sincerely,


Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 5th at 5:30 P.M., in City Council Chambers, 389 Congress St., The King's Head LLC dba Jager. Application for Outdoor Dining on Public Property at 41 Wharf Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

*Order 258-16/17
Feb 9 6-5-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:**

Little Giant LLC dba Little Giant. Application for a Class I FSE at 211 Danforth Street.

Andrew Volk
Little Giant, LLC
211 Danforth St
Portland, ME 04102

May 1, 2017

Dear Mayor and Members of City Council,

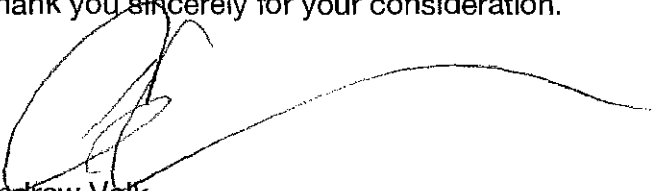
I am writing you today to apply for a liquor license in the city of Portland for the restaurant Little Giant, to be located at 211 Danforth St in Portland's West End.

Little Giant is currently a small neighborhood corner store, taking over from the neighborhood store Vespucci's, which closed a few years back. We offer staple items for our neighbors and make a limited sandwich menu daily. In the adjoining space to the store, we plan on opening a 60-seat restaurant with a full kitchen and bar, serving dinner 7 nights a week and breakfast and brunch on weekends.

Myself and all the owners of Little Giant are local Portland residents of many years. Additionally, I currently own and operate the Portland Hunt + Alpine Club with my wife, Briana. Our aim for the restaurant portion of Little Giant is to be a neighborhood restaurant, where anyone feels welcome.

We are very excited to continue to do business in our city and be a part of the thriving restaurant scene.

Thank you sincerely for your consideration.



Andrew Volk
Co-Managing Member
Little Giant, LLC

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	Little Giant Phone: 747.5045
Location Address:	211 Danforth St Zip: 04102
If new, what was formerly at this location:	Vespucci's
Mailing Address:	75 Market St Box 5 Zip: 04101
Contact Person:	Andrew Volk Phone: 503-869-9619
Contact Person Email:	andrewmvolk@gmail.com
Manager of Establishment:	Andrew Volk Date of Birth: 12/2/83 Phone: 747.5045
Owner of Premises (Landlord):	BIKA LLC
Address of Premises Owner:	75 Market St Box 5 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	
Little Giant LLC		75 Market St Box 5 Zip: 04101	
Contact Person:	Andrew Volk	Phone:	503-869-9619.
Principal Officers	Title	Date of Birth	Residence Address
Ian Main	Co-Manager	6.23.76	1 Carroll St. 04102
Andrew Volk	Co-Manager	12.2.83	4 Kennard St. 04102

About Your Establishment

Class of Liquor License:	Restaurant (Maine State Class I)	
Type of food served:	Full Meals	
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:	7 Days 3p-11p / 10a-11p Sa+Su.	

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:	
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).	☒ Y ☐ N
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?	☒ Y ☐ N
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:	

I, Anders Volk 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. 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: Co-Manager Date: 4/21/17

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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

900
+ 10
910

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Little Giant, LLC</u>		Business Name (D/B/A) <u>Little Giant</u>	
APPLICANT(S) - (Sole Proprietor)		DOB:	
DOB:		Physical Location: <u>211 Danforth St</u>	
Address		City/Town	State Zip Code
		<u>Portland</u>	<u>ME 04102</u>
Mailing Address		City/Town State Zip Code	
<u>75 Market St Box 5</u>		<u>Portland ME 04101</u>	
City/Town	State	Zip Code	
Telephone Number	Fax Number	Business Telephone Number	Fax Number
<u>81-3882394</u>		<u>207-747-5045</u>	
Federal I.D. #	Seller Certificate #: or Sales Tax #: <u>1182453</u>		
Email Address: Please Print	Website:		
<u>info@littlegiantmaine.com</u>	<u>littlegiantmaine.com</u>		

If business is NEW or under new ownership, indicate starting date: 5/29/17

Requested inspection date: 5/26/17 Business hours: 3pm - 11pm

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
 2. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ New license
 3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

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

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
 5. If manager is to be employed, give name: Andrew Volk
 6. Business records are located at: 211 Danforth St. Portland, ME 04102
 7. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
 8. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

9. 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
Andrew Volk	12/2/83	New York, NY
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
4 Kenwood St, Portland, ME		

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued? . .

Yes ☐ No ☒ If Yes, give name: _____

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

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

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) Restaurant + Bar space located within walls of 211 Danforth St, and exterior patio space

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

YES ☐ NO ☒ Applied for: May 2017

16. 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

17. 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: Key Bank/SBA loan.

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

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

Dated at: Portland, ME on 21 April, 20 17
Town/City, State Date

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

Please sign in blue ink

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

Print Name

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)..... \$ 10.00

Class I Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt -- Class A Lounge \$2,200.00
CLASS X: Class A Lounge

Class XI Spirituous, Vinous and Malt -- Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

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

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008.
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

STATE OF MAINE

Dated at: _____, Maine _____
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. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises 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-premises license or transfer of the location of an existing on-premises 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-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an

amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).] [2003, c. 213, §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 violations 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; [2009, c. 81, §1 (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; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]

[2009, c. 81, §§1-3 (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 licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD).]

[1995, c. 140, §6 (AMD).]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP).]

5. 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.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207) 624-7220.

DIVISION USE ONLY
☐ Approved
☐ Not Approved
BY:

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





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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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

Please clearly complete this form in its entirety.

- Exact legal name: Little Giant, LLC
- Doing Business As, if any: Little Giant
- Date of filing with Secretary of State: Nov '16 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: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Andrew Volk	4 Kennwood St Portland, ME	12/2/83	Co-Mgr	25
Briana Volk	SAME	5/5/82		25
Ian Malin	1 Carroll St Portland, ME	6/23/76	Co-Mgr	31
Kate Malin	SAME	7/20/78		19

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

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

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

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. 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 ☒

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

Name: _____

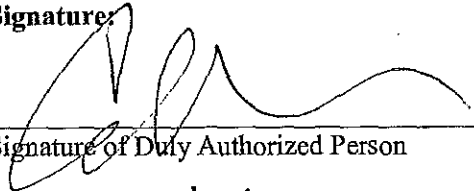
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

Date

4/21/17

Andrew Volk

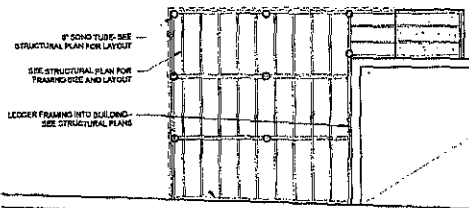
Print Name of Duly Authorized Person

Submit Completed Forms to:

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

RESTAURANT APPLIANCE SCHEDULE:

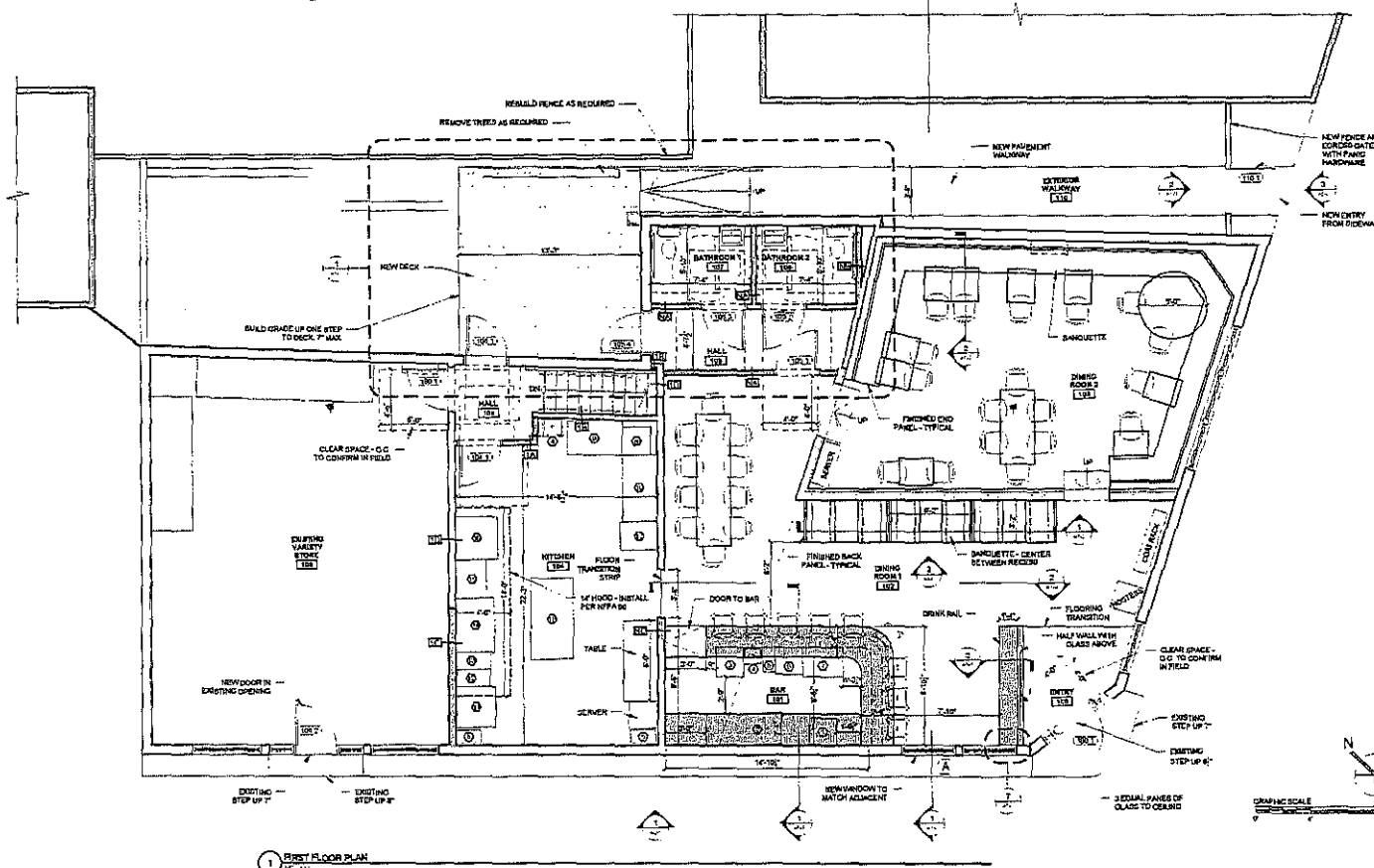
#11	24" x 24"	GLASS PROOFER
#12	84" x 24"	BACK DRY COOLER
#13	24" x 24"	UNDERCOUNTER DISHWASHER
#14	17" x 19"	HANDWASH SINK
#15	22" x 11"	TRASH BIN
#16	24" x 24"	UNDERCOUNTER CABINET
#17	36" x 24"	ICE BIN WITH SPEED RAIL
#18	27" x 27"	DISHWASHER
#19	48" x 24"	GRILL TABLE
#20	84" x 24"	GRILL TABLE
#21	36" x 24"	CHARGE MACHINE STATION
#22	18" x 24"	PRINTER #1
#23	18" x 24"	PRINTER #2
#24	48" x 24"	3 BURNER RANGE
#25	24" x 27"	FLAT TOP GRILL
#26	36" x 24"	CONVECTION OVEN
#27	27" x 24"	ALTO-SHAM WRITING CABINET
#28	72" x 24"	WORK TABLE



2 DECK FRAMING PLAN

NOTE:
ALL EXTERIOR FINISHES TO MEET CLASE AND
RAINFALL REQUIRED BY APPLICABLE CODES

WALL LEGEND	
FINISH WALL	
CONCRETE	
GLASS	



1 FIRST FLOOR PLAN

LITTLE GIANT RESTAURANT
211 DANFORTH STREET
PORTLAND, MAINE

RSA
RYAN SENATORE
ARCHITECTURE
100 CONCORD STREET
PORTLAND, MAINE 04101
207.854.1111
rsadecor.com

CONSULTANT
PROJECT PRINT ONLY
BY: R. SENATORE
FEBRUARY 10, 2017

REVISIONS

DATE: DECEMBER 14, 2016
PROJECT NO.: 1040
DRAWN BY: RNT, RJS
CHECKED BY: RJS
SCALE: AS NOTED
SHEET TITLE:
FIRST FLOOR
PLAN

A1-1

snacks

little biscuits, maple whipped lardo + hot pepper jelly

fried whole belly clam taco, pickled ramp tartar + cabbage slaw

smoked wings, mole bbq sauce, pickled chiles, tequila-lime crema + peanuts

starters

wild mushroom tartine, house ricotta, chili honey + herbs

beet salad (roasted, pickled and raw, whipped goat cheese, tarragon, spiced pistachios)

moxie braised pork belly, pickled cherries + hazelnuts

grilled asparagus, spring onions, chimichurri, fresno chilis + chorizo bread crumbs

maine lobster tostada, jalapeno-corn puree, mango salsa, bib lettuce + avocado crema

entrees

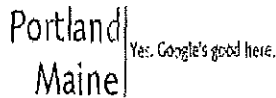
little giant burger- american cheese, pickled grilled red onions, bbq mayo + iceburg

potato pierogis, smoked marrow butter, crispy shallots + horseradish

lamb belly pastrami, sauerkraut puree, 1000 island, dill pickle slaw + pumpernickel crumbs

giants (serves 2+)

prime rib, au jus, scalloped potatoes, house salad



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Little Giant

Kevin Cashman <kevindc@portlandmaine.gov>

Tue, May 2, 2017 at 6:35 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petruccelli <petruccellid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Rachel Smith <rms@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Tue, May 2, 2017 at 1:52 PM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached application for Little Giant, 211 Danforth Street. This is for a Class I FSE which will go before council on 6/5. Was formerly Vespuccis.

Owner is
Little Giant LLC
Ian Malin 6/23/1976
Andrew Volk 12/2/1983

Contact is
Andrew Volk
andrewmvolk@gmail.com
503-869-9619

The information has been added to UI for approvals. Thanks Jessica

Jessica B. Hanscombe
Business License Specialist
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

—

Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 2, 2017

Little Giant LLC
75 Market Street Box 5
Portland, Maine 04101

Re: Little Giant LLC dba Little Giant. Application for a Class I FSE at 211 Danforth Street.

Dear Mr. Volk,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday June 5, 2017 at 5:30 p.m.**, for the review of application for a Class I FES 211 Danforth Street. 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, jhanscombe@portlandmaine.gov

Sincerely,

Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 5th at 5:30 P.M., in City Council Chambers, 389 Congress St., Little Giant LLC dba Little Giant. Application for a Class I FSE at 211 Danforth Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

*Order 259-16/17
Tab 10 6-5-17*

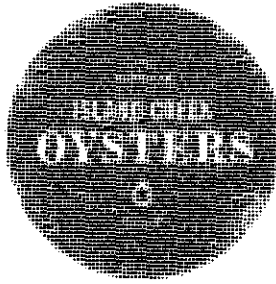
ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Portland Shuck Shack LLC dba The Shop. Application for a Class III & IV FSE with
Entertainment without Dance and Outdoor Dining on Private Property at 123 Washington
Avenue.**



May 4, 2017

Permitting & Inspections Dept.
389 Congress St. Room 307
Portland, ME 04101

Dear Mr. Russell-

Thank you for considering our application for a food service establishment and alcoholic beverage license.

Our company, Island Creek Oysters, was founded in 1992 in Duxbury, Massachusetts. We are a shellfish farm and distributor with an ownership stake in a small group of restaurants in the greater Boston area. We proudly employ about 35 people at our farm/ headquarters. We also operate a small distribution facility in Brooklyn, NY servicing about 100 of that city's best kitchens.

We've long been admirers of Portland's abundant food scene and the rapidly growing farmed shellfish industry all along the Maine coast--each of us has spent time working here on the water or in restaurants. It is out of the profound respect we have for these burgeoning industries that we began looking for space in Portland nearly two years ago. Our goal is to create a venue to showcase Maine oysters and create even better access to this product in a casual, approachable setting in this great food city.

We hope you'll look favorably on our request to operate a shellfish market that will sell primarily Maine-grown oysters and clams to retail customers and will also shuck that product for on-premise consumption alongside a cold beer or glass of wine. We have a long history of responsibly operating in high oversight environments such as shellfish distribution, catering, and retail/ foodservice. We would bring this same professional, compliance conscious approach to our activities in Portland.

Thanks again for your time and attention. Please don't hesitate to contact us with any questions or for references.

Sincerely,

Skip Bennett, Founder/ Owner

Chris Sherman, President

Kit Paschal, General Manager

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	The Shop Phone:
Location Address:	123 Washington Ave Portland, ME 04101 Zip:
If new, what was formerly at this location:	Flower Shop
Mailing Address:	Zip:
Contact Person:	Christopher Paschal Phone: (508)364-8271
Contact Person Email:	Kit@Islandcreek oysters. com
Manager of Establishment:	Christopher Paschal Date of Birth: 11/10/78 Phone: (508)364-8271
Owner of Premises (Landlord):	CSH 123 LLC
Address of Premises Owner:	75 Washington Ave, 2H 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	
Portland Shuck Shack LLC		PO Box 348 Duxbury, MA 02331 Zip:	
Contact Person:	Christopher Sherman	Phone:	(781)934-2028
Principal Officers	Title	Date of Birth	Residence Address
William Bennett	Owner	7/8/65	11 White Street Duxbury, MA
Christopher Sherman	President	9/9/84	942 Tremont St Duxbury, MA
Christopher Paschal	General Manager	11/10/78	519 Cumberland Ave #3 Portland, ME

About Your Establishment

Class of Liquor License:	<u>Class III/IV</u>	
Type of food served:	Shellfish, smoked and cured seafood	
Please circle all that will be served:	☒ Beer ☒ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food: 70%	Generated from Alcohol: 30%
Hours & days of operation:	Sun-Sat 11am-10pm	

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:	
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 <u>PRIVATE</u> 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?	7/15/17
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:	

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

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

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

Signature [Signature] Title Manager Date 5/12/17

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.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department

Michael A. Russell, MS, Director

389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557

www.portlandmaine.gov

Supplemental Application for Dancing and Entertainment License

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Alcohol license.

☒ Entertainment without Dancing: \$281 ☐ Entertainment with Dancing: \$504 ☐ After-Hours (1 a.m. to 3 a.m.): \$567

Business Information	
Business Name (d/b/a):	The Shop
Phone:	(781)934-2028
Location Address:	123 Washington Ave Portland, ME 04101

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:	
Will music be electric, acoustical, or both? (Circle)	
Will amplification be used?	(Y/N)
If yes, where and at what level?	
Background / Very low	
Will music be played (Circle all that apply): Inside Outside	
Will you permit dancing on the premises?	(Y/N)
Will you permit dancing after 1:00 a.m.?	(Y/N)
What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? <u>50 yards</u>	
What is your targeted opening date?	7/15/17
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):	

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 Manager Date 8/12/17

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov

Portland, Maine



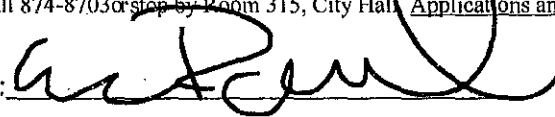
Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

Outdoor Dining Permit Application

Please circle all that apply:		
New Application?	Yes (Yes/No)	
Renewal?	NO (Yes/No) → If yes, are there any changes? (Yes/No)	
Private Property?	YES (Yes/No)	
Historic District?	NO (Yes/No)	
Liquor License Required?	(Yes/No)	Permitting and Inspections Director Signature _____ YES
OR Pending City Council Date <u>6/5/17</u> (D/M/Y)		
Location Name: <u>Island Creek Oysters</u>	Chart	Block
Address: <u>123 Washington Ave</u>		Lot#
Owner Name: <u>Portland Shuck Shack</u>	Total Square Footage of Outdoor Dining Area:¹	
Phone #: <u>781. 934. 2028</u>	Length: (<u>32</u>) x Width (<u>12</u>) = <u>384</u>	
Email: <u>kit@islandcreekoysters.com</u>		
Applicant must be owner or lessee.	Please pay before the permit can be issued.	
Name: <u>Portland Shuck Shack LLC</u>	\$125 (One-time Private Property fee) or	
Address: <u>296 Park st</u>	\$80 (Annual Public Fee) + Total Sq. Ft.: _____ x	
City: <u>Duxbury</u>	(\$2) or (\$6 in public parks) =	
State & Zip: <u>Mass.</u>	Total Fee of \$ _____	
E-Mail: <u>Kit@islandcreekoysters.com</u>		
Current use: <u>N/a</u>	Business name: <u>Island Creek Oysters</u>	
How many chairs? <u>18</u>	How many tables? <u>5</u>	
Please circle one of the following: Alcohol is served = (Yes/No). YES		
Who should we contact?		
Name: <u>Kit Paschal</u>		
Phone: <u>508. 364. 8371</u>		
Address: <u>123 Washington Ave Portland Me.</u> E Mail: <u>Kit@islandcreekoysters.com</u>		

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. For further information, please visit www.portlandmaine.gov, email permits@portlandmaine.gov, call 874-8703 or stop by Room 315, City Hall. Applications and renewals are reviewed annually and must be submitted by June 1.

Signature of Applicant: 

Date: 5/2/17

¹ The total dining area square footage shall equal no more than 10% of park space without Parks, Recreation and Facilities waiver. Contact Sally DeLuca, Director, @ 207-808-5400 for waiver.

389 Congress Street, Room 315/Portland Maine 04101/www.portlandmaine.gov/tel: 207-874-8703/fax: 207-874-8716

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Adjacent on-street parking requires Parking Office review and Building Authority approval.

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

Signed and acknowledged

A handwritten signature in black ink, appearing to read "Chris Paschal", written over a horizontal line.

Date: 5/2/17

Christopher Paschal

Printed name:

Island Creek Oyster Shop

Establishment:

123 Washington Ave Portland Me.

Location:

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

Electronic Signature and Fee Payment Confirmation

This is a legal document and your electronic signature is considered a legal signature per Maine state law. You will receive an e-mailed invoice from our office which signifies that your electronic permit application has been received and is ready for payment. Please pay by one of the following:

- Electronic check or credit card: portlandmaine.gov/payyourpermit
- Over the phone at (207) 874-8703.
- Drop off to Room 315, City Hall.
- Mail to:

**City of Portland
Permitting and Inspections Department
389 Congress Street, Room 315
Portland, Maine 04101**

By signing below, I understand the review process starts once my payment has been received. After all approvals have been completed, my permit will be issued via e-mail. Outdoor dining may not commence until permit is received.

Applicant Signature: _____

5/2/17

Date: _____

I have provided electronic copies and sent them on: _____

5/2/17

Date: _____

NOTE: All electronic paperwork must be delivered to permitting@portlandmaine.gov or on a thumb drive.

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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☐ SPIRITUOUS

INDICATE TYPE OF LICENSE:

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

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Portland Shuck Shack LLC		Business Name (D/B/A) The Shop	
APPLICANT(S) --(Sole Proprietor) William Bennett		Physical Location: 123 Washington Ave Portland, ME 04101	
DOB: 7/8/65		City/Town State Zip Code	
DOB: 9/9/84		City/Town State Zip Code	
Address 296 Parks St		Mailing Address	
City/Town State Zip Code DUXBURY MA 02332		City/Town State Zip Code	
Telephone Number Fax Number (781) 934-2028		Business Telephone Number Fax Number	
Federal I.D. #		Seller Certificate #: or Sales Tax #:	
Email Address: Please Print kit@islandcreekoysters.com		Website:	

If business is NEW or under new ownership, indicate starting date: 7/15/17

Requested inspection date: _____ Business hours: 11am-10pm

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
- Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

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

- Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
- If manager is to be employed, give name: Christopher Paschal
- Business records are located at: 123 Washington Ave Portland, ME
- Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
- Is/are applicant(s) residents of the State of Maine? YES ☐ NO ☒

9. 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
William Bennett	7/8/65	MA
Christopher Sherman	9/9/84	MA
Christopher Paschal	11/10/78	CT
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Duxbury, MA		
Duxbury, MA		
Portland, ME		

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

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

13. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: CSH 123 LLC

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) see attached

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

YES ☐ NO ☒ Applied for: yes

16. 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? 1/2 mile

Which of the above is nearest? Church

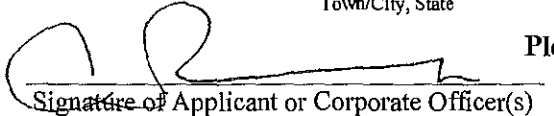
17. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

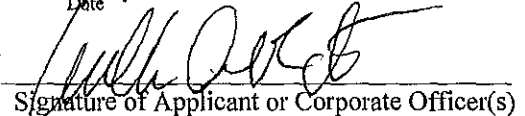
The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

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

Dated at: DUXBURY, MA on 10 MAY, 2017
Town/City, State Date


Signature of Applicant or Corporate Officer(s)
CHRISTOPHER G. SHERMAN
Print Name

Please sign in blue ink


Signature of Applicant or Corporate Officer(s)
William Bennett
Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)..... \$ 10.00

Class I Spirituous, Vinous and Malt \$ 900.00

CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00

CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only \$ 550.00

CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only \$ 220.00

CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only \$ 220.00

CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00

CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt – Class A Lounge \$2,200.00

CLASS X: Class A Lounge

Class XI Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00

CLASS XI: Restaurant/Lounge; and OTB.

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

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008.
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

STATE OF MAINE

Dated at: _____, Maine _____
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. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises 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-premises license or transfer of the location of an existing on-premises 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-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an

amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).] [2003, c. 213, §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 violations 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; [2009, c. 81, §1 (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; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]

[2009, c. 81, §§1-3 (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 licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD).]

[1995, c. 140, §6 (AMD).]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP).]

5. 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.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207) 624-7220.



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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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

Please clearly complete this form in its entirety.

1. Exact legal name: Portland Shuck Shack, LLC
2. Doing Business As, if any: The Shop
3. Date of filing with Secretary of State: 1/10/17 State in which you are formed: MA
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
1/20/17
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
William Bennett Island Creek Oysters, Inc.	Duxbury, MA	7/8/65	Owner	100
Christopher Sherman	Duxbury, MA	9/9/84	President	

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

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

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

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. 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 ☒

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

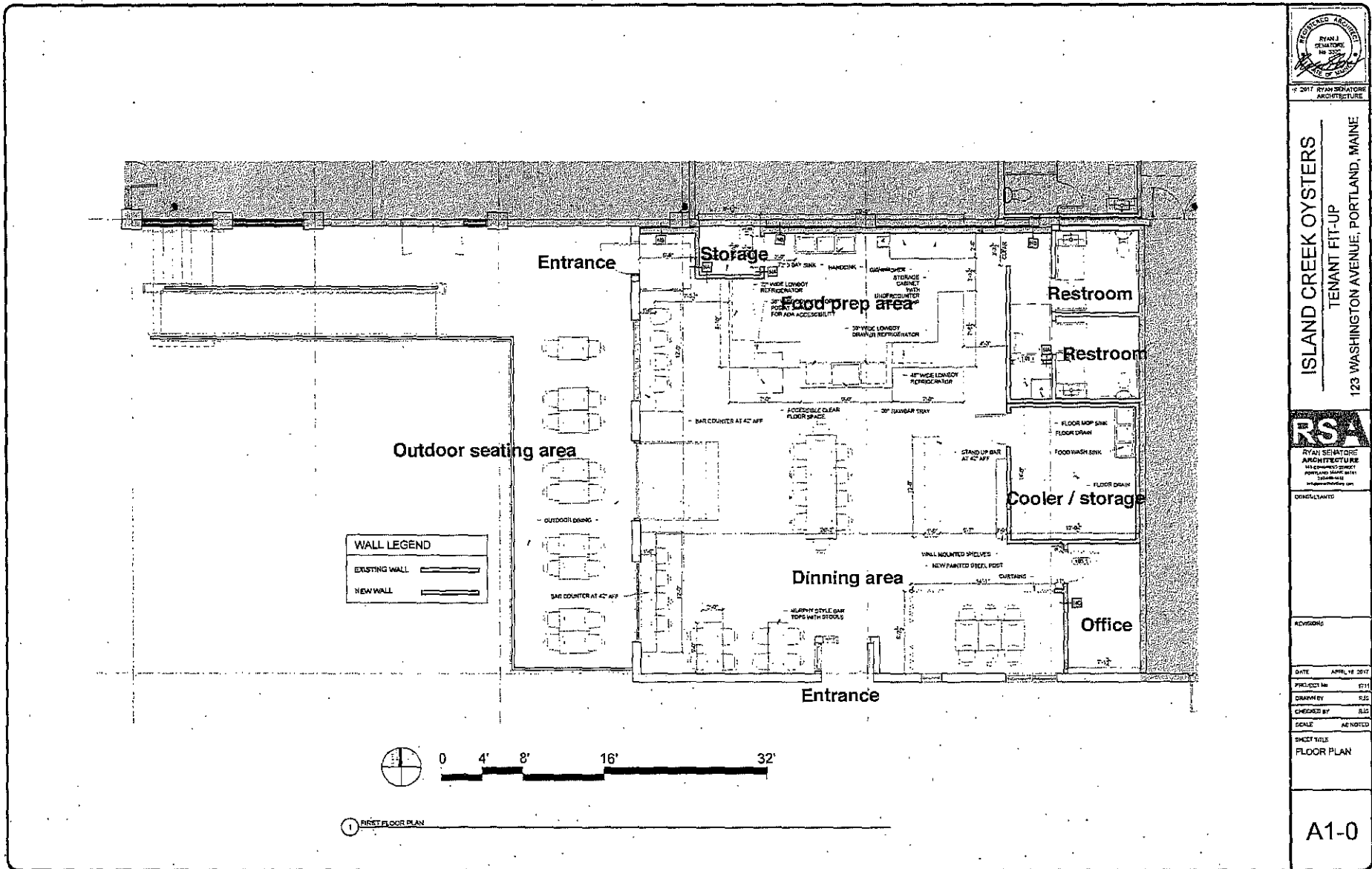
Signature:

 5/10/17 
Signature of Duly Authorized Person Date

CHRISTOPHER G. SHERMAN
Print Name of Duly Authorized Person

Submit Completed Forms to:

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



ISLAND CREEK OYSTERS SAMPLE MENU

OYSTERS

MAINE

Mookie Blues (Damariscotta River) \$**

Johns River (Johns River) \$**

Pemaquid (Damariscotta River) \$**

Norumbega (Damariscotta River) \$**

Little Islands (Bagaduce River) \$**

OTHER

Island Creek (Duxbury Ma.) \$**

Row 34 (Duxbury Ma.) \$**

Malabar (Barnstable Ma.) \$**

CLAMS

Little necks (Duxbury Ma.) \$**

TINNED SEAFOOD

Mussels \$**

Whelks \$**

Octopus \$**

Tuna \$**

SMOKED / CURED

Salmon \$**

Bluefish \$**



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

MELISSA CAIAZZO
389 CONGRESS STREET
PORTLAND, ME 04101

Transaction Response #: MIQ99D231863

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2017-05-12) :

Inquiries Name(s) WILLIAM BENNETT (1965-07-08)

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)

MELISSA CAIAZZO
389 CONGRESS STREET
PORTLAND, ME 04101

Transaction Response #: MIQ99D231864

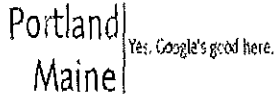
Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2017-05-12) :

Inquiries Name(s) CHRISTOPHER SHERMAN (1984-09-09)

NO MATCH WAS FOUND FOR YOUR REQUEST.



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: The Shop

Kevin Cashman <kevindc@portlandmaine.gov>

Mon, May 15, 2017 at 5:27 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petruccelli <petruccellid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Rachel Smith <rms@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>

PD has no objections.

Kevin C.

On Mon, May 15, 2017 at 8:29 AM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for The Shop, 123 Washington Avenue. This is for a Class III & IV license with Entertainment with no dance and Outdoor Dining. This will be going before council on 6/5/2017.

Owner is
Portland Shuck Shack LLC
William Bennett 7/8/1965
Christopher Sherman 9/9/1984
Christopher Paschal 11/10/1978Contact is
Christopher Pascahl
508-364-8271
kit@islandcreekcoysters.com

The information has been added to UI for approvals. Thanks Jessica

Jessica Blais Hanscombe
Business License Specialist
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--
Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov
Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 15, 2017

Portland Shuck Shack LLC
PO Box 348
Duxbury MA 02331

Re: Portland Shuck Shack LLC dba The Shop. Application for a Class III & IV FSE with Entertainment without Dance and Outdoor Dining on Private Property at 123 Washington Avenue.

Dear Mr. Bennett,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday June 5, 2017 at 5:30 p.m.**, for the review of application for a Class III & IV FSE with Entertainment without Dance and Outdoor Dining on Private Property at 123 Washington Avenue. 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, jhanscombe@portlandmaine.gov

Sincerely,

Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 5th at 5:30 P.M., in City Council Chambers, 389 Congress St., Portland Shuck Shack LLC dba The Shop. Application for a Class III & IV FSE with Entertainment without Dance and Outdoor Dining on Private Property at 123 Washington Avenue. Sponsored by Michael Russell, Director of Permitting and Inspections.

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 5th at 5:30 P.M., in City Council Chambers, 389 Congress St., Portland for Shuck Shack LLC dba The Shop. Application for a Class III & IV FSE with Entertainment without Dance and Outdoor Dining on Private Property at 123 Washington Avenue. Sponsored by Michael Russell, Director of Permitting and Inspections.

Order 260-16/j7
Tab 11 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

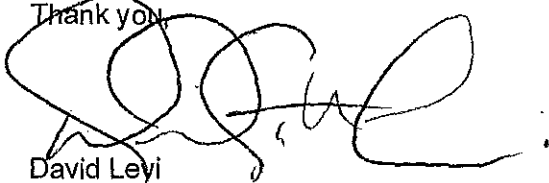
Vinbar LLC dba Trattoria Fanny. Application for a Class I FSE at 3 Deering Avenue.

May 15, 2017

Dear Mayor and Members of the City Council,

It is my intent to operate my corporate entity Vinbar LLC, properly registered in Maine, under the assumed name of "Trattoria Fanny" at our existing location of 3-5 Deering Avenue, Portland, ME, 04101. Trattoria Fanny is, like its predecessor "Rossobianco" (also Vinbar LLC), a rustic, casual Italian restaurant, focused on local and organic meats and vegetables, along with housemade pasta and other Italian specialties. Trattoria Fanny hits the lower price point I had originally targeted for Rossobianco. We serve dinner and hope to expand our hours to include lunch and weekend brunch.

Thank you,

A handwritten signature in black ink, appearing to read 'David Levi', with a large, stylized initial 'D'.

David Levi
917-803-3172
dlevi@vinland.me

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	Trattoria Fanny (Vinbar LLC)		Phone: 207-233-6662 917-803-3172
Location Address:	3-5 Deering Ave.		Zip: 04101
If new, what was formerly at this location:	Rossobianco (Vinbar LLC)		
Mailing Address:	593 Congress St.		Zip:
Contact Person:	David Levi	Phone:	917-803-3172
Contact Person Email:	david@trattoriafanny.com		
Manager of Establishment:	David Levi	Date of Birth: 8/15/78	Phone: 917-803-3172
Owner of Premises (Landlord):	Jane Levi		
Address of Premises Owner:	247 Silver Mtn. Rd. Milford, NY		Zip: 12546

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	
Vinbar LLC		593 Congress St. Zip: 04101	
Contact Person:	David Levi	Phone:	917-803-3172
Principal Officers	Title	Date of Birth	Residence Address
David Levi	President	8/15/78	593 Congress St.

About Your Establishment

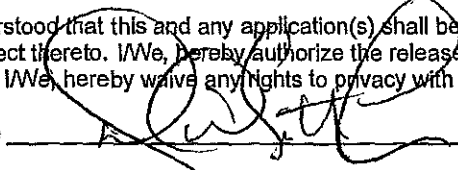
Class of Liquor License:	Class A FSE	
Type of food served:	Italian	
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: 80	Generated from Alcohol: 20
Hours & days of operation:	11 AM - 11 PM Mon - Sun	

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:	
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?	
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): Rossobianco and Vinland	
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, David Levi 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  Title President Date 5/15/17

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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt, Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

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

Corporation Name: <u>Vinbar LLC</u>		Business Name (D/B/A) <u>Trattoria Fanny</u>	
APPLICANT(S) - (Sole Proprietor) <u>David Levi</u>		Physical Location: <u>3-5 Deering Ave</u>	
DOB: <u>8/15/78</u>		City/Town <u>Portland</u> State <u>ME</u> Zip Code <u>04101</u>	
Address <u>593 Congress St.</u>		Mailing Address <u>593 Congress St.</u>	
City/Town <u>Portland</u> State <u>ME</u> Zip Code <u>04101</u>		City/Town <u>Portland</u> State <u>ME</u> Zip Code <u>04101</u>	
Telephone Number <u>917-803-3772</u> Fax Number _____		Business Telephone Number <u>207-233-6662</u> Fax Number _____	
Federal ID. # <u>47-5672582</u>		Seller Certificate #: or Sales Tax #: <u>1179042</u>	
Email Address: Please Print <u>david@trattoriafanny.com</u>		Website: <u>trattoriafanny.com</u>	

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

Requested inspection date: _____ Business hours: _____

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

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 22K LIQUOR \$ 22K

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: _____

9. Business records are located at: 593 Congress 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
David Levi	8/15/78	NYC, NY

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

247 Silver Hill Rd, Milford, NY 12546

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

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? 700 ft. 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: City of Portland loan, Graham Savings bank loan

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

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

Dated at: Portland, ME on 5/15/17, 2017
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

David Levi
Print Name

Signature of Applicant or Corporate Officer(s)

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

FILING FEE:	(must be included on all applications)	\$ 10.00
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.	

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, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.



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

Corporate Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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

1. Exact legal name: Vinbar LLC
2. Doing Business As, if any: Trattoria Fanny
3. Date of filing with Secretary of State: March 2016 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
David Levi	Portland, ME	8/15/78	President	82
Bob Swain	Biddford, ME Chicago, IL	8/8/85	N/A	18

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

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

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

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. 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 ☒

9. If Yes to Question 8, 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

5/15/17

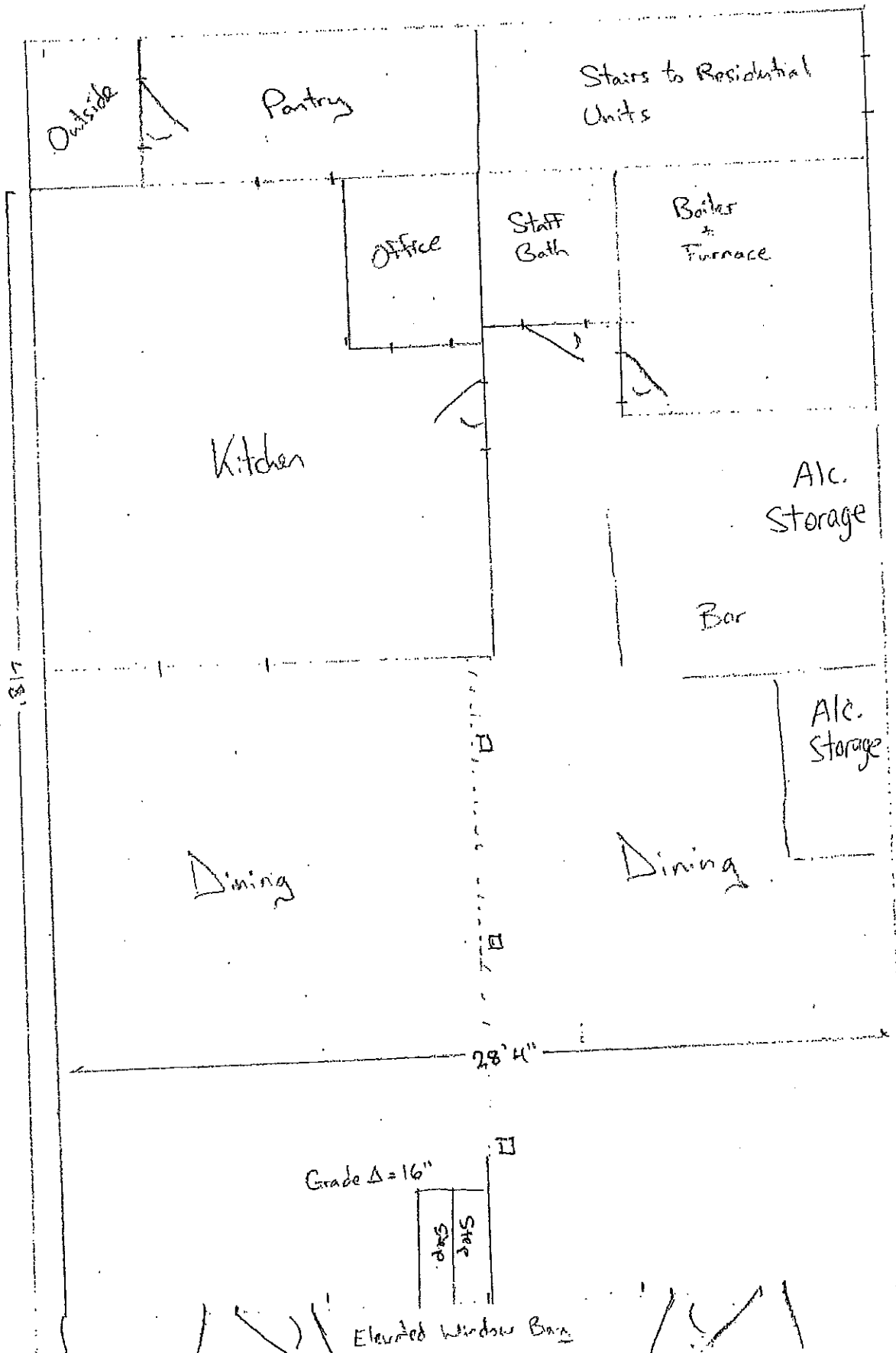
David Levi

Print Name of Duly Authorized Person

Submit Completed Forms To:

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

PREMISE DIAGRAM



3 Deering Avenue
Portland, ME
trattoriafanny.com

Trattoria Fanny

(fah-nee)

per la nonna,
Fanny Levi née Leoni

Antipasti

Polenta in padella con baccalà
mantecato 7
paté of salt cured cod on seared polenta

Cozze al vino bianco 10
mussels in white wine

Crudo del giorno m p
Crudo of the day

Riso Nero Venere 8
Black venus rice salad of the day

Sott'aceti 4
house pickled vegetables

Formaggi e salumi 3.50 all'onzia
*cheese and cured meats, 3.50 per ounce**

Primi

Tagliatelle al ragù 14
pasta with meat sauce

Spaghetti alla carbonara 13
*duck egg, guanciale, cheese **

Rigatoni al sugo di Coda 13
Rigatoni with oxtail red sauce

Gnocchi al gorgonzola e radicchio 14
(Thursday only)

Ravioli al burro e salvia 14
ravioli with brown butter, sage

Spaghetti vongole e pesto al sedano 15
Spaghetti with clams and celery pesto

Secondi

Coda di Rospo 19
monkfish with lemon buerre blanc

Polpo scottato con patate 18
Seared octopus with celery and potato

Pollo alla cacciatora 18
Braised chicken leg with olives and tomatoes

Tagliata al balsamico 19
sliced sirloin steak with balsamic vinegar

Arista al Forno 18
roast pork with sage

Cotoletta di pollo al limone 18
Fried chicken breast with lemon and greens

Contorni

Insalata del contadino 7
Farmer's salad

Patate Arrosto 5
roasted herbed potatoes

Barbabietole rosse marinate 5
marinated boiled beets

Fagioli 4
red kidney beans, braised with thyme

Sedani Saltati 5
celeriac roasted with thyme

Funghi trifolati al vino 6
*Mushrooms of the day sautéed in wine **

Rapini 5
broccoli rabe, sautéed in wine, bread crumb

Focaccia 2
extra bread

Dolci

Torta della Nonna 6
pastry cream, lemon, pine nut cake

Bonet 6
chocolate pudding cake with amaretti cookies

Tiramisù 7
served with espresso

Executive Chef Siddharta Rumma | Owner David Levi

* We have to warn you that raw and lightly cooked meats, poultry, seafood, shellfish, dairy, and eggs can increase your risk of contracting a food-borne illness, especially if you have a medical condition. We're also supposed to say that there is risk in eating wild mushrooms. We think eating live foods and mushrooms with medicinal properties can also be very good for you.

Portland
Maine

Yes, Google's good here.

Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Trattoria Fanny

Kevin Cashman <kevindc@portlandmaine.gov>

Mon, May 15, 2017 at 5:24 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petruccelli <petruccellid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Rachel Smith <rms@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Mon, May 15, 2017 at 10:38 AM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Trattoria Fanny, 3 Deering Avenue. This is for a Class I FSE. This was formerly Rossobianco.

They will be going before council on 6/5 for approvals.

Owner is
Vinbar LLC
David Levi
Bob Swain

Contact is
David Levi
917-803-3172
david@trattoriafanny.com

The information has been added to UI for approvals. Thanks Jessica

Jessica Blais Hanscombe
Business License Specialist
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--

Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 15, 2017

Vinbar LLC
593 Congress Street
Portland ME 04101

Re: Vinbar LLC dba Trattoria Fanny. Application for a Class I FSE at 3 Deering Avenue.

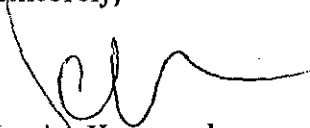
Dear Mr. Levi

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday June 5, 2017 at 5:30 p.m.**, for the review of application for a Class I FSE at 3 Deering Avenue. 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, jhanscombe@portlandmaine.gov

Sincerely,


Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

Legal Advertisement

Notice of Public Hearing City of Portland

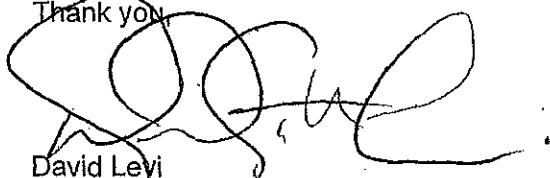
A Public Hearing will be held on June 5th at 5:30 P.M., in City Council Chambers, 389 Congress St., Portland for Vinbar LLC dba Trattoria Fanny. Application for a Class I FSE at 3 Deering Avenue. Sponsored by Michael Russell, Director of Permitting and Inspections.

May 15, 2017

Dear Mayor and Members of the City Council,

It is my intent to operate my corporate entity Vinbar LLC, properly registered in Maine, under the assumed name of "Trattoria Fanny" at our existing location of 3-5 Deering Avenue, Portland, ME, 04101. Trattoria Fanny is, like its predecessor "Rossobianco" (also Vinbar LLC), a rustic, casual Italian restaurant, focused on local and organic meats and vegetables, along with housemade pasta and other Italian specialties. Trattoria Fanny hits the lower price point I had originally targeted for Rossobianco. We serve dinner and hope to expand our hours to include lunch and weekend brunch.

Thank you,

A handwritten signature in black ink, appearing to read 'David Levi', with a large, stylized flourish extending to the right.

David Levi
917-803-3172
dlevi@vinland.me

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	Trattoria Fanny (Vinbar LLC)		Phone: 207-233-6662 917-803-3172
Location Address:	3-5 Deering Ave.		Zip: 04101
If new, what was formerly at this location:	Rossbimco (Vinbar LLC)		
Mailing Address:	593 Congress St.		Zip:
Contact Person:	David Levi	Phone:	917-803-3172
Contact Person Email:	david@trattoriafanny.com		
Manager of Establishment:	David Levi	Date of Birth: 8/15/78	Phone: 917-803-3172
Owner of Premises (Landlord):	Jane Levi		
Address of Premises Owner:	247 Silver Mtn. Rd. Milbarn, NY		Zip: 12546

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	
Vinbar LLC		593 Congress St.	Zip: 04101
Contact Person:	David Levi	Phone:	917-803-3172
Principal Officers	Title	Date of Birth	Residence Address
David Levi	President	8/15/78	593 Congress St.

About Your Establishment

Class of Liquor License:	Class <u>A F S E</u>	
Type of food served:	<u>Italian</u>	
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>	
Projected percentage of sales:	Generated from Food: <u>80</u>	Generated from Alcohol: <u>20</u>
Hours & days of operation:	<u>11 AM - 11 PM Mon - Sun</u>	

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?	<u>Y</u>
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	<u>Y</u>
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	<u>Y</u>
Will you permit dancing on the premises?	<u>Y</u>
Will you permit dancing after 1:00 a.m.?	<u>Y</u>
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	<u>Y</u>
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)?	<u>Y</u>
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	<u>Y</u>
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	<u>Y</u>
If Yes, please list business name(s) and location(s): <u>Rossobianco and Vinland</u>	
Is any principal officer under the age of 21?	<u>Y</u>
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	<u>Y</u>
If Yes, please explain:	

I, David Levi 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 Date 5/15/17

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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

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

Corporation Name: <u>Vinbar LLC</u>		Business Name (D/B/A) <u>Trattoria Fanny</u>	
APPLICANT(S) --(Sole Proprietor) <u>David Levi</u>		Physical Location: <u>3-5 Deering Ave</u>	
DOB: <u>8/15/78</u>		City/Town <u>Portland</u>	
DOB: <u>8/15/78</u>		State <u>ME</u>	
Address <u>593 Congress St.</u>		Mailing Address <u>593 Congress St.</u>	
City/Town <u>Portland</u>		City/Town <u>Portland</u>	
State <u>ME</u>		State <u>ME</u>	
Zip Code <u>04101</u>		Zip Code <u>04101</u>	
Telephone Number <u>917-803-3172</u>		Business Telephone Number <u>207-233-6662</u>	
Fax Number <u></u>		Fax Number <u></u>	
Federal ID. # <u>47-5672582</u>		Seller Certificate #: or Sales Tax #: <u>1179042</u>	
Email Address: Please Print <u>david@trattoriafanny.com</u>		Website: <u>trattoriafanny.com</u>	

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

Requested inspection date: _____ Business hours: _____

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

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ ~~200K~~ LIQUOR \$ ~~200K~~

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: _____

9. Business records are located at: 593 Congress 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
David Levi	8/15/78	NYC, NY

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

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: _____ 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: Jane Levi
247 Silver Mt Rd Milford, NY 12546

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

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? 700 ft. 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: City of Portland loan, Graham Savings bank loan

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

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

Dated at: _____

Town/City, State

on _____

Date

, 20 17

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

David Levi

Print Name

Signature of Applicant or Corporate Officer(s)

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

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

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, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.



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

Corporate Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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

1. Exact legal name: Vinbar LLC
2. Doing Business As, if any: Trattoria Fanny
3. Date of filing with Secretary of State: March 2016 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
David Levi	Portland, ME	8/15/78	President	82
Bob Swain	Biddeford, ME Chicago, IL	8/8/85	N/A	18

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

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

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

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. 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 ☒

9. If Yes to Question 8, 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

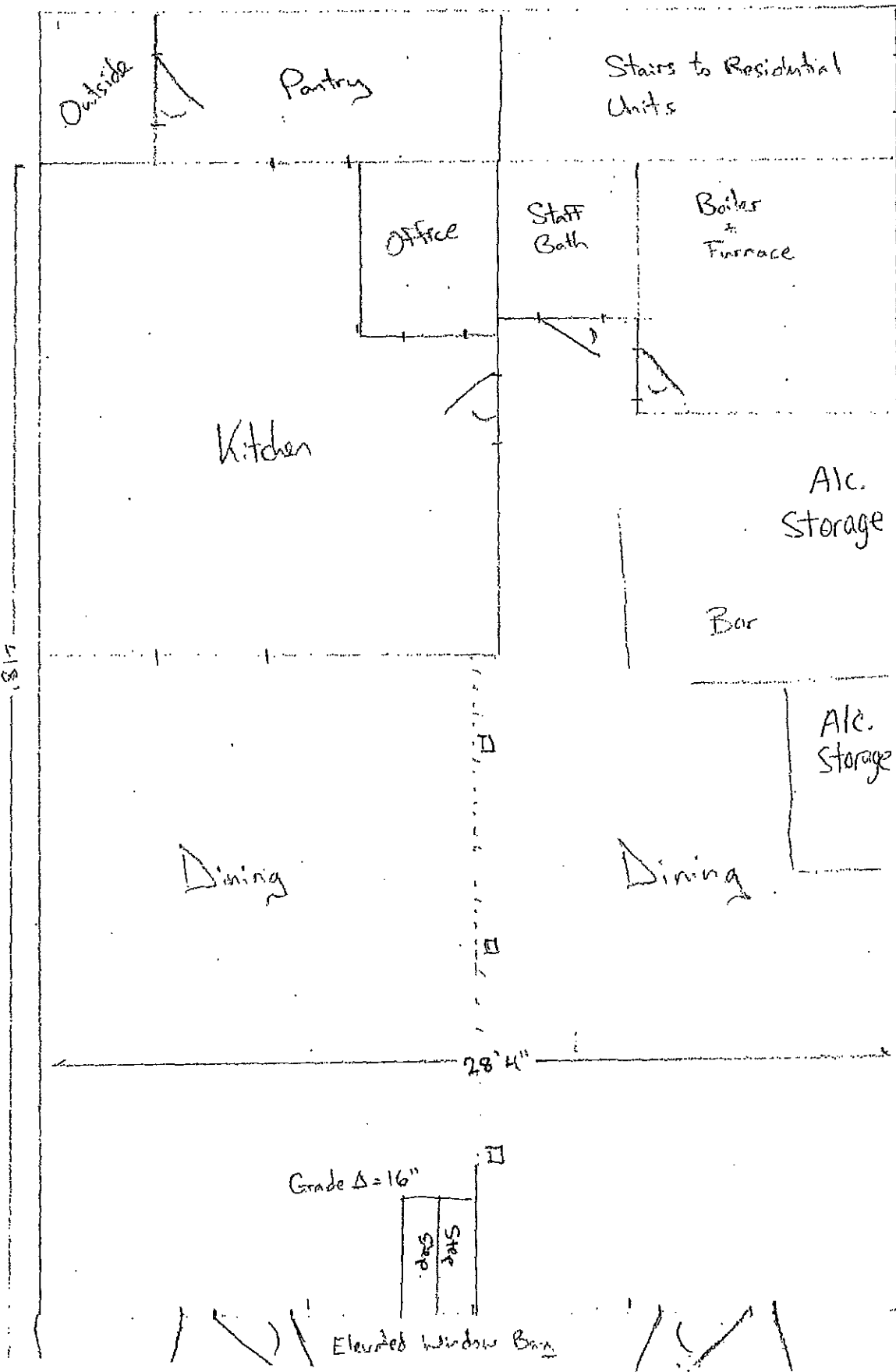
David Levi

Print Name of Duly Authorized Person

Submit Completed Forms To:

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

PREMISE DIAGRAM



3 Deering Avenue
Portland, ME
trattoriafanny.com

Trattoria Fanny

(fah-nee)

per la nonna,
Fanny Levi née Leoni

Antipasti

Polenta in padella con baccalà
mantecato 7
pate of salt cured cod on seared polenta

Cozze al vino bianco 10
mussels in white wine

Crudo del giorno m p
Crudo of the day

Riso Nero Venere 8
Black venus rice salad of the day

Sott'aceti 4
house pickled vegetables

Formaggi e salumi 3.50 all'onzia
*cheese and cured meats, 3.50 per ounce**

Primi

Tagliatelle al ragù 14
pasta with meat sauce

Spaghetti alla carbonara 13
*duck egg, guanciale, cheese **

Rigatoni al sugo di Coda 13
Rigatoni with oxtail red sauce

Gnocchi al gorgonzola e radicchio 14
(Thursday only)

Ravioli al burro e salvia 14
ravioli with brown butter, sage

Spaghetti vongole e pesto al sedano 15
Spaghetti with clams and celery pesto

Secondi

Coda di Rospo 19
monkfish with lemon buerre blanc

Polpo scottato con patate 18
Seared octopus with celery and potato

Pollo alla cacciatora 18
Braised chicken leg with olives and tomatoes

Tagliata al balsamico 19
sliced sirloin steak with balsamic vinegar

Arista al Forno 18
roast pork with sage

Cotoletta di pollo al limone 18
Fried chicken breast with lemon and greens

Contorni

zInsalata del contadino 7
Farmer's salad

Patate Arrosto 5
roasted herbed potatoes

Barbabietole rosse marinate 5
marinated boiled beets

Fagioli 4
red kidney beans, braised with thyme

Sedani Saltati 5
celeriac roasted with thyme

Funghi trifolati al vino 6
*Mushrooms of the day sautéed in wine **

Rapini 5
broccoli rabe, sautéed in wine, bread crumb

Focaccia 2
extra bread

Dolci

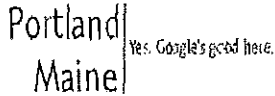
Torta della Nonna 6
pastry cream, lemon, pine nut cake

Bonet 6
chocolate pudding cake with amaretti cookies

Tiramisù 7
served with espresso

Executive Chef Siddharta Rumma | Owner David Levi

* We have to warn you that raw and lightly cooked meats, poultry, seafood, shellfish, dairy, and eggs can increase your risk of contracting a food-borne illness, especially if you have a medical condition. We're also supposed to say that there is risk in eating wild mushrooms. We think eating live foods and mushrooms with medicinal properties can also be very good for you.



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Trattoria Fanny

Kevin Cashman <kevindc@portlandmaine.gov>

Mon, May 15, 2017 at 5:24 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petruccelli <petruccellid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Rachel Smith <rms@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Mon, May 15, 2017 at 10:38 AM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Trattoria Fanny, 3 Deering Avenue. This is for a Class I FSE. This was formerly Rossobianco.

They will be going before council on 6/5 for approvals.

Owner Is
Vinbar LLC
David Levi
Bob SwainContact Is
David Levi
917-803-3172
david@trattoriafanny.com

The information has been added to UI for approvals. Thanks Jessica

Jessica Blais Hanscombe
Business License Specialist
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--

Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov
Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 15, 2017

Vinbar LLC
593 Congress Street
Portland ME 04101

Re: Vinbar LLC dba Trattoria Fanny. Application for a Class I FSE at 3 Deering Avenue.

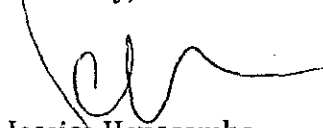
Dear Mr. Levi

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday June 5, 2017 at 5:30 p.m.**, for the review of application for a Class I FSE at 3 Deering Avenue. 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, jhanscombe@portlandmaine.gov

Sincerely,


Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 5th at 5:30 P.M., in City Council Chambers, 389 Congress St., Portland for Vinbar LLC dba Trattoria Fanny. Application for a Class I FSE at 3 Deering Avenue. Sponsored by Michael Russell, Director of Permitting and Inspections.

Order 261-16/17
Tab 12 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Allagash Brewing Company dba Allagash Brewing Company. Application for Expansion
of Outdoor Dining on Private Property at 50 Industrial Way.**

Jill Perry
Allagash Brewing Company
50 Industrial Way
Portland, ME 04103

May 5, 2017

Permitting and Inspections Department
389 Congress St
Portland, ME 04101

Mayor Stripling and City Council members,

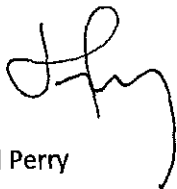
Allagash Brewing Company is a 130 person brewing company that has been in business in Portland for 20 years. We produce Belgian-inspired beers that are distributed in 17 states of the US. Allagash produced 90,000 barrels of beer in 2016, placing us in the top 50 largest craft brewers in the country.

Here at the brewery we offer free tours and free tastings 7 days per week. We sell beer for off-premise consumption, as well as merchandise. We do not sell beer to be consumed on premise. We also offer a small selection of pre-packaged snacks. A few times per month we host events of varying sizes: beer releases parties, fund-raisers, movies, and on occasion a festival.

We currently have one large tasting room and retail store with an attached patio. Guests are allowed one tasting per visit. We monitor this by way of a system using tokens, lanyards, and hand stamps. We would like to expand our tasting room area to make use of a small area of land on the opposite side of the front walkway from our existing patio. It is fenced in, as can be seen on the attached diagrams.

Please let me know what other information I can provide.

Thank you,

A handwritten signature in black ink, appearing to read 'Jill Perry', with a stylized, flowing script.

Jill Perry

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	Allagash Brewing Company
Location Address:	50 industrial way
If new, what was formerly at this location:	n/a
Mailing Address:	50 industrial way
Contact Person:	Jill Perry
Contact Person Email:	jperry@allagash.com
Manager of Establishment:	Jill Perry
Owner of Premises (Landlord):	G. Robert Tod
Address of Premises Owner:	156 woodville rd, Falmouth me

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

Name of Owner(s)	Date of Birth	Residence Address
G. Robert Tod	07/08/68	156 woodville road, Falmouth, me 04105

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

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

About Your Establishment

Class of Liquor License:	Brewers - Brewery	
Type of food served:	packaged snacks - pretzels, nuts, jerky	
Please circle all that will be served:	☒ Beer ☐ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food: < 1%	Generated from Alcohol: 65% (off-premise consumption)
Hours & days of operation:	M - Sun: 11 - 6	

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: we are a tasting room, and do not sell beer to consume here. we give 12oz to each guest, so no kitchen	
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 <u>PRIVATE</u> 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? already open	
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): Allagash brewing co.	
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, Jill Peary, 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 head of retail operations Date 5 May 2017

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.

Portland, Maine



Yes. Life's good here.

 Permitting and Inspections Department
 Michael A. Russell, MS, Director

Outdoor Dining Permit Application

Please circle all that apply:

New Application?

(Yes) (No)

Renewal?

(Yes) (No)

→ If yes, are there any changes? (Yes) (No)

Private Property?

(Yes) (No)

Historic District?

(Yes) (No)

Liquor License Required?

(Yes) (No)

Permitting and Inspections Director Signature _____

OR Pending City Council Date _____

(D/M/Y)

Location Name: Allagash Brewing CompanyAddress: 50 Industrial WayPortland, ME 04102Owner Name: G. Robert TodPhone #: 207.878.5385Email: jperay@allagash.com

Chart

Block

Lot#

N4NE, 326, B008, B009, B010Total Square Footage of Outdoor Dining Area:¹

new area = 1290 sq feet, old area = 2859, total new area =

Length: () x Width () = 4144 sq ft.

Applicant must be owner or lessee.

Please pay before the permit can be issued.

Name: G. Robert Tod

\$125 (One-time Private Property fee) or

Address: 50 Industrial Way

\$80 (Annual Public Fee) + Total Sq. Ft.: _____ x

City: Portland

(\$2) or (\$6 in public parks) =

State & Zip: ME 04102E-Mail: jperay@allagash.com

Total Fee of \$ _____

Current use: _____

Business name: Allagash Brewing CompanyHow many chairs? 4 benches, 4 chairsHow many tables? 18

Please circle one of the following: Alcohol is served = (Yes) (No).

Who should we contact?

Name: Jill PerryPhone: 207.878.5385Address: 50 Industrial WayE Mail: jperay@allagash.com

I hereby certify that I am the owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit. For further information, please visit www.portlandmaine.gov, email permitting@portlandmaine.gov, call 874-8703 or stop by Room 315, City Hall. Applications and renewals are reviewed annually and must be submitted by June 1.

Signature of Applicant: _____

Date: 5 May 2017

¹ The total dining area square footage shall equal no more than 10% of park space without Parks, Recreation and Facilities waiver. Contact Sally DeLuca, Director, @ 207-808-5400 for waiver.



Permitting and Inspections Department
Michael A. Russell, MS, Director

All outdoor dining permits are subject to the following:

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?	
< 8'0"	No	
≥ 8'0"	Yes – up to 60% of sidewalk width.	
Sidewalk Type	Sidewalk Passage Required	
	Width (minimum)	Height (minimum)
Standard sidewalk	4'0"	6'8"
Street corner	5'0"	6'8"

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

Barriers

- Free-standing barriers are preferred. Physical attachments to a building are subject to administrative review, especially in historic districts.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- If alcohol is to be served, then the permit holder must be approved for outdoor dining by the City Council. To initiate the process, notify the Business Licensing Office at 874-8557.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Adjacent on-street parking requires Parking Office review and Building Authority approval.

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

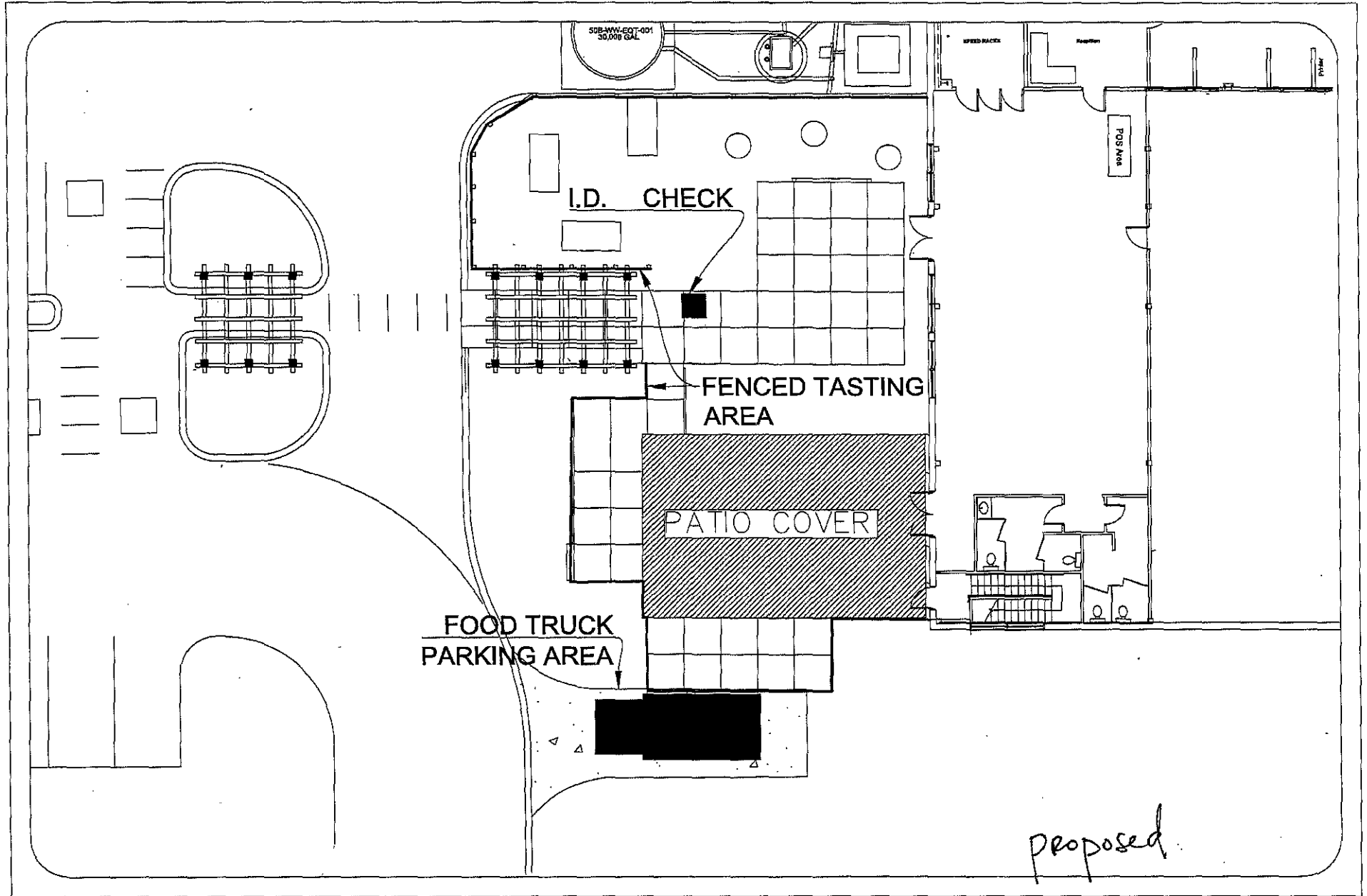
Signed and acknowledged: _____

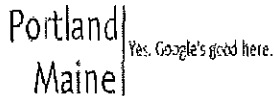
Date: _____

Printed name: _____

Establishment: _____

Location: _____





Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Allagash Brewing Company

Kevin Cashman <kevindc@portlandmaine.gov>

Mon, May 15, 2017 at 5:35 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petruccelli <petruccellid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Mon, May 15, 2017 at 1:09 PM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached application for Allagash Brewing Company, 50 Industrial Way. They are applying to expand their Outdoor Dining on Private Property. The application will go before City Council on 6/5.

Owner is
Allagash Brewing Company

Contact is
Jill Perry
jperry@allagash.com
207-878-5385

Please email me approvals. Thanks Jessica

Jessica Blais Hanscombe
Business License Specialist
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--
Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov
Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 15, 2017

Allagash Brewing Company
50 Industrial Way
Portland, Maine 04102

Re: Allagash Brewing Company dba Allagash Brewing Company. Application for Expansion of Outdoor Dining on Private Property at 50 Industrial Way.

Dear Ms Perry

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday June 5, 2017 at 5:30 p.m.**, for the review of application for Expansion of Outdoor Dining on Private Property at 50 Industrial Way. 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, jhanscombe@portlandmaine.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Hanscombe", is written over a large, stylized flourish.

Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 5th at 5:30 P.M., in City Council Chambers, 389 Congress St., Allagash Brewing Company dba Allagash Brewing Company. Application for Expansion of Outdoor Dining on Private Property at 50 Industrial Way. Sponsored by Michael Russell, Director of Permitting and Inspections.

*Order 262 - 16/17
Tab 13 6-5-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:**

**The Local Press, LLC dba The Local Press. Application for a Class III & IV FSE at 276
Woodford Street.**

THE LOCAL PRESS

May 15, 2017
Casey Sheehan
owner
The Local Press
276 Woodford Street
Portland, ME. 04103

Dear Mayor Strimling and Members of the Portland City Council

My name is Casey Sheehan and I am the owner of The Local Press restaurant located at 276 Woodford Street. We have been in business since 2012 and we have seen steady growth and customer satisfaction year after year.

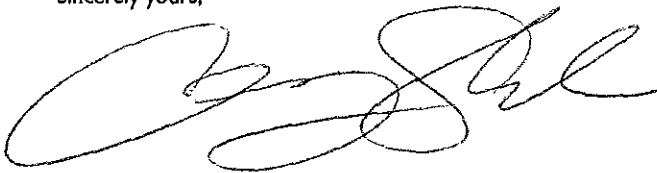
This letter has been prepared for the intention of applying for a Beer and Wine license here in the city of Portland. With there being a wide array of new/existing local breweries and wineries and the general demand for our local libations we feel that offering a small selection of craft beer and wine would greatly help our small business grow.

Our current hours of operation are Tuesday-Saturday 11am-8pm and we plan on maintaining these hours with no plans to operate any earlier or later in the future.

If there are any questions or concern with our intentions please feel free to reach out at any time.

Thank you very much for your time and consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Casey Sheehan', with a large, stylized initial 'C'.

Casey Sheehan

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	THE LOCAL PRESS Phone: 207 773-0039
Location Address:	276 WOODFORD STREET, Portland Zip: 04103
If new, what was formerly at this location:	
Mailing Address:	276 WOODFORD STREET Zip: 04103
Contact Person:	CASEY SHEEHAN Phone: 409-7651
Contact Person Email:	CASEY.SHEEHAN-CASEYS@YAHOO.COM
Manager of Establishment:	CASEY SHEEHAN Date of Birth: 2/8/1980 Phone:
Owner of Premises (Landlord):	276 WOODFORD LLC
Address of Premises Owner:	Zip:

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	
THE LOCAL PRESS LLC		276 WOODFORD ST. Zip: 04103	
Contact Person:	CASEY SHEEHAN	Date of Birth:	2/8/1980 Phone: 409-7651
Principal Officers	Title	Date of Birth	Residence Address

About Your Establishment

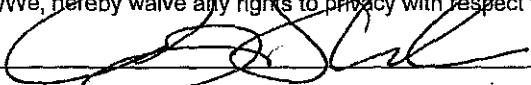
Class of Liquor License:	<u>Class III & IV</u>	
Type of food served:		
Please circle all that will be served:	☒ Beer ☒ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food:	Generated from Alcohol:
Hours & days of operation:		

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: <u>SANDWICHES, SOUP and SALAD</u>	
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? <u>CONFIDENTLY OPEN</u>	
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):	
<u>CURRENT LOCATION @ 276 DUBA THERMAL PASS LLC</u>	
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, Cassidy Sheehan 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  Title Owner Date 5/1/17

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.

8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☐ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>THE LOCAL PRESS LLC</u>		Business Name (D/B/A) <u>The Local Press</u>	
APPLICANT(S) - (Sole Proprietor) <u>Cassey Sheehan</u>		DOB: <u>2-8-1980</u>	
Physical Location: <u>276 Woodward Street</u>		City/Town <u>Portland</u>	
State <u>ME</u>		Zip Code <u>04103</u>	
Address <u>12 Branchi rd.</u>		Mailing Address	
City/Town <u>Windham</u>		State <u>ME</u>	
Zip Code <u>04072</u>		City/Town <u>Portland</u>	
Telephone Number <u>207 409-7051</u>		Fax Number <u>207 409-7051</u>	
Business Telephone Number <u>207 409-7051</u>		Fax Number <u>207 409-7051</u>	
Federal I.D. # <u>461244131</u>		Seller Certificate #: or Sales Tax #: <u>1163037</u>	
Email Address: Please Print <u>Cassey Sheehan - CASSENS@HALLOWELL.ME</u>		Website: <u>Local Press ME .COM</u>	

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

Requested inspection date: 6-15-17 Business hours: TUES - SAT 11am - 8pm

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

2. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 200K LIQUOR \$ _____

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

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

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

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

6. Business records are located at: 276 Woodward Street Portland

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

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

On Premise Rev. 1-2017

9. 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
CASEY SHEEHAN	2-8-1980	NORWOOD, MA.
Daniel Merrill	8-25-1990	Portland, ME.
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
CASEY SHEEHAN	Portland, ME / WINDHAM, ME	
Daniel Merrill	Waterboro, ME.	

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

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

13. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner:
216 WOODBURY LLC. 50 SEWALL STREET, 2nd floor Portland, ME 04102

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) 1st floor Sandwich Shop/
RESTAURANT APPROX 1200 Sq. ft.

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

16. 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? 2 mi

Which of the above is nearest? Church

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

If YES, give details: _____

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

On Premise Rev. 1-2017

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 5/1/17, 20 17
Town/City, State Date

STATE OF MAINE

Dated at: _____, Maine _____
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. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises 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-premises license or transfer of the location of an existing on-premises 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-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][2003, c. 213, §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:



Division of Alcoholic Beverages
Operations
Division of Liquor Licensing and
Corporate Information Req

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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

Please clearly complete this form in its entirety.

- Exact legal name: The Local Press LLC
- Doing Business As, if any: _____
- Date of filing with Secretary of State: 10-1-12 State in which you are formed: ME
- 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: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Casey Sheehan	101 BEADY St Portland, ME 04103 12 BEUSCH Rd WINDHAM, ME 04072	2-8-1980	Owner	100

--	--	--	--	--

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

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

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

Yes ☒ No ☐ If Yes, Name: _____ Agency: _____

8. 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 ☒

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

Name: _____

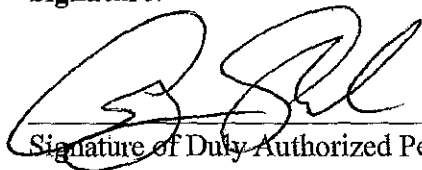
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

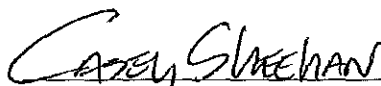
Disposition: _____

Signature:



Signature of Duly Authorized Person

5/1/17
Date



Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing & Enforcement

8 State House Station, Augusta, ME 04333-0008

10 Water Street, Hallowell, ME 04347

Tel: (207) 624-7220 Fax: (207) 287-3434

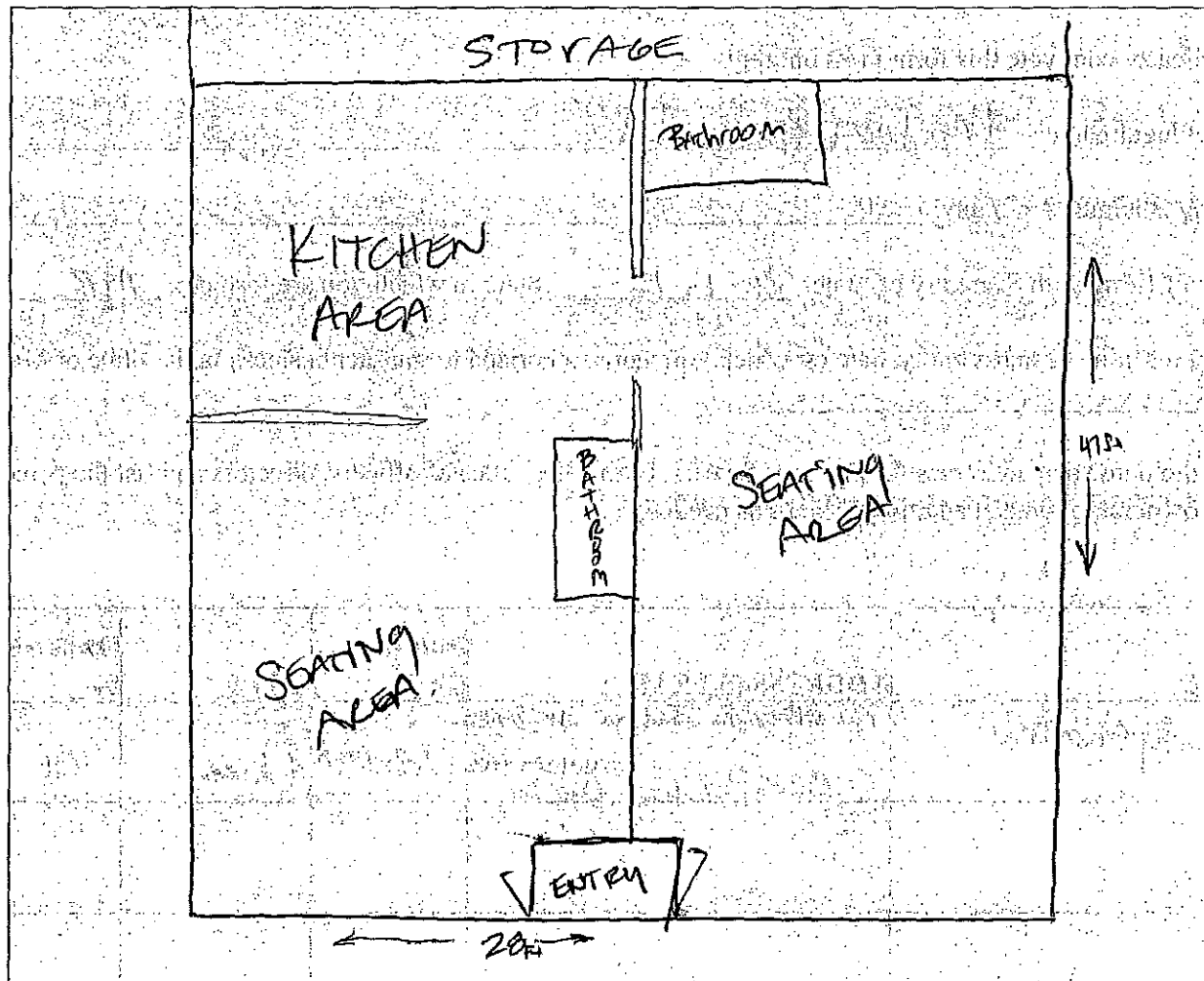
Email Inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY	
☐	Approved
☐	Not Approved
BY:	

ON PREMISE DIAGRAM

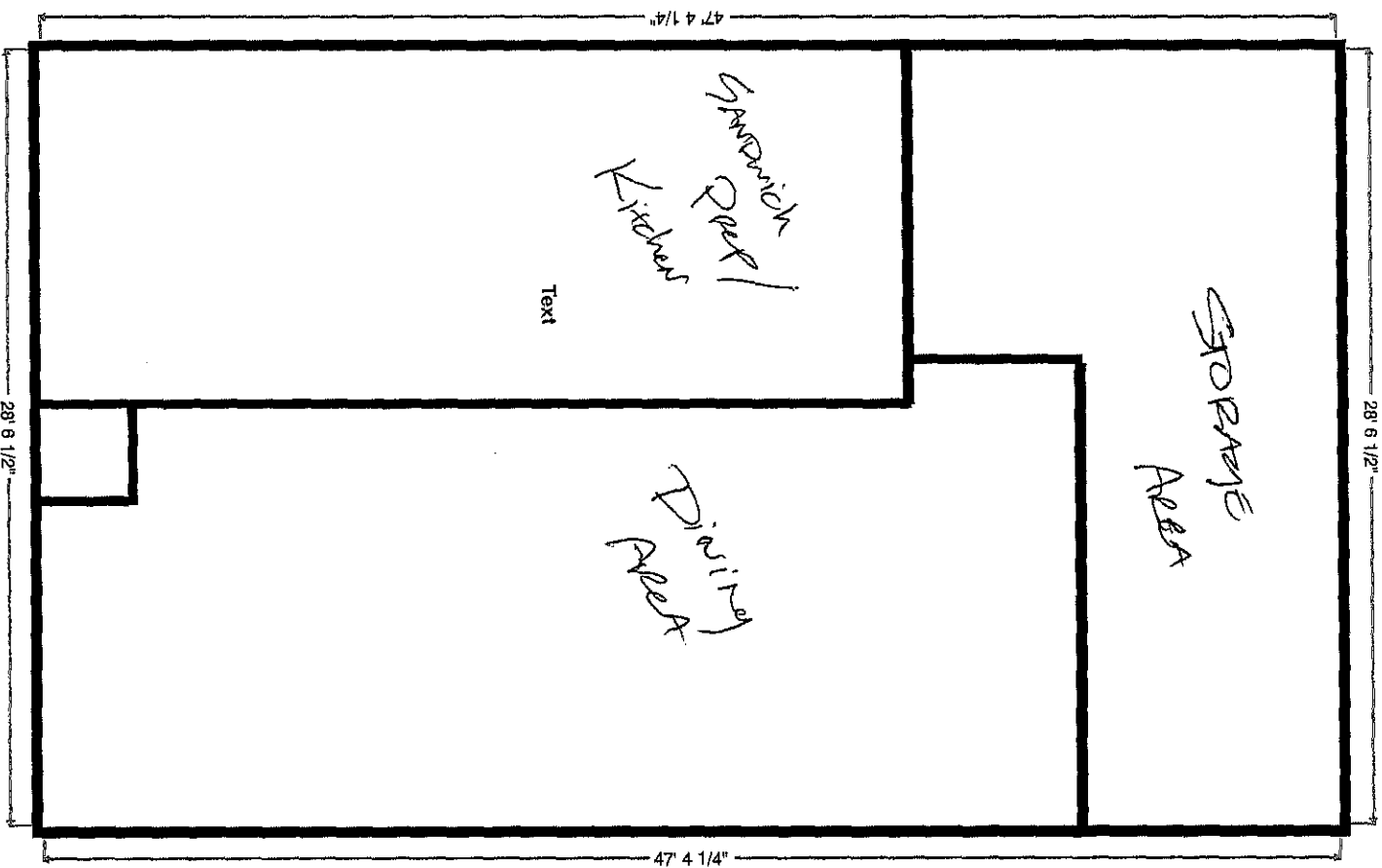
In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



Other

Width: 28' 6 1/2"
Length: 47' 4 1/4"
Area: 1351.60 sq ft
Perimeter: 151' 9 1/2"



THIS FLOORPLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSOPIA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.

Plan 5

2017-03-24

FUN N' KID FRIENDLY

PB&J 5.00

All natural peanut butter with
strawberry preserves

THE KING 6.00

All natural peanut butter, bacon, fresh
banana!

NUTTY NANA 6.50

All natural peanut butter, banana, nutella
and Bacon!

GRILLED CHEESE 5.00

add meat 1.50

add veggie .75

HAM & CHEESE 5.50

Black forest ham with your choice of
cheese

SOUP

RUNDOWN 4.95

A spicy caribbean chowder with coconut
milk, curry and root veggies

SOUP OF THE DAY 4.95

SWEET TREATS

MALTED MILKSHAKES 5

MADE WITH ANNABELLE'S ICE CREAM

FRENCH VANILLA

DUTCH CHOCOLATE

Add nutella, all natural peanut butter,
banana, strawberry preserves, bacon or
honey .50

add whipped cream .50

THE KING SHAKE 7.25

Vanilla ice cream, peanut butter, banana
and bacon, garnished with bacon crumbles!

PB&J SHAKE 6

Vanilla ice cream with peanut butter and
preserves

MAINE ROOT FLOATS 3.75

Root Beer float Sarsaparilla float

Orange cream float

Blueberry float

SEASONAL SALADS 6

Served on a bed of organic mixed
greens with a homemade balsamic
vinaigrette.

Please call or 'like' us on facebook for updates
on specials and seasonal offerings!

facebook.com/thelocalpressportland



276 WOODFORD STREET

PORTLAND, MAINE

207-773-0039

TUESDAY-SATURDAY

11-6

EAT IN OR TAKE OUT

PANINI

THE BIG O 7.95

Roast Beef, organic caramelized onions, organic baby spinach, swiss cheese and horseradish mayo

ORCHARD TURKEY 7.95

Oven gold turkey with bacon, gala apples, sharp cheddar and chipotle mayo

BUENA VISTA 7.95

Black Forest ham, Oven gold turkey, swiss cheese, pickles and mustard

GOOD LIFE 7.95

Black Forest ham, prosciutto, fig jam, blue cheese, provolone and balsamic reduction

CAPRESE 6.95

Homemade basil pesto with local tomato, fresh mozzarella and provolone

extra meat 2.00 extra cheese 1.50 extra veggie 1.00

PANINI

BACK SHORE 7.95

Black Forest ham with red grapes, brie, blue cheese, organic baby spinach and balsamic reduction

BEACON STREET 7.95

Oven gold turkey with fresh avocado, local tomato, organic red onion, hot pepper relish, provolone and mayo

ISLANDER 7.25

Organic button and portobello mushrooms with goat cheese from sunset acres farm, kalamata olive tapenade, organic baby spinach, organic red onion and provolone

OLD FASHIONED 7.95

Prosciutto, Black forest ham, local tomato, romaine lettuce, pickles and hot pepper relish

sea salt, fresh ground black pepper and olive oil available upon request

COLD SANDWICHES

ENDLESS SUMMER 7.25

Homemade basil pesto, roasted red pepper, organic baby spinach, organic red onion, local goat cheese and provolone

THE DUDE 7.95

Oven gold turkey with bacon, fresh avocado, romaine lettuce, sharp cheddar and chipotle mayo

PICNIC 7.95

Black forest ham, swiss cheese, pickles, local tomato, romaine lettuce and dijon mustard

RYAN 7.95

Roast beef, swiss cheese, local tomatoes, pickles, romaine lettuce and horseradish mayo

GOOD FELLA 7.95

Prosciutto, ham, roasted red pepper, tomato, lettuce, fresh mozz and hot pepper relish

gluten free bread available!

+ 2.00

-Beer & Wine-

DRAUGHT

BISSELL BROTHERS

7

SUBSTANCE ALE

FOUNDATION BREWING

7

EPIPHANY

ALLAGASH WHITE

6

BELGIAN WHITE ALE

BOTTLES/CANS

PABST BLUE RIBBON, MILLER LIGHT

JACKS ABBY LAGER,

STELLA ARTOIS

4

WINE

RED

LE CHAT, PINOT NOIR

LANGUEDOC, FRANCE

8

FIRESTONE, CAB MERLOT

SANTA YNEZ VALLEY, CALIFORNIA

7

WHITE

OYSTER BAY, SAUVIGNON BLANC

MARLBOROUGH, NEW ZEALAND

8

CONO SUR, CHARDONNAY

MAULE, CHILE
ORGANIC

9



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

MELISSA CAIAZZO
389 CONGRESS STREET
PORTLAND, ME 04101

Transaction Response #: MIQ99D233176

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2017-05-15) :

Inquiries Name(s) CASEY SHEEHAN (1980-02-08)

NO MATCH WAS FOUND FOR YOUR REQUEST.



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: The Local Press

Kevin Cashman <kevindc@portlandmaine.gov>

Mon, May 15, 2017 at 5:28 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petruccelli <petruccellid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Rachel Smith <rms@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Mon, May 15, 2017 at 2:53 PM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached application for The Local Press, 276 Woodford Street. They currently have a FSE with Prep license with us and are upgrading to a Class III & Class IV License. This will go before council on 6/5.

Owner is
The Local Press LLC
Casey SheehanContact is
Casey Sheehan
207-409-7651
caseysheehan-caseys@yahoo.com

Please email approvals on this one. Thanks Jess

Jessica Blais Hanscombe
Business License Specialist
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 15, 2017

The Local Press
276 Woodford Street
Portland ME 04103

Re: The Local Press, LLC dba The Local Press. Application for a Class III & IV FSE at 276 Woodford Street.

Dear Mr. Sheehan,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday June 5, 2017 at 5:30 p.m.**, for the review of application for a Class III & IV FSE at 276 Woodford Street. 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, jhanscombe@portlandmaine.gov

Sincerely,

Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 5th at 5:30 P.M., in City Council Chambers, 389 Congress St., The Local Press, LLC dba The Local Press. Application for a Class III & IV FSE at 276 Woodford Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

Order 263 16/17
Tab 14 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Bo Tree Corp dba Kon Asian Bistro. Application for a Class XI Restaurant/Lounge with
Entertainment with Dance at 1140 Brighton Avenue.**

BO TREE CORP
1140 BRIGHTON AVENUE
PORTLAND, ME 04102

April 23, 2017

Dear Mayor and Members of the City Council,

We are planning to purchase the restaurant Kon Asian LLC for \$180,000.00. It is located at 1140 Brighton Avenue, Portland, ME 04102. The projected monthly sales will be \$220,000.00 and the projected monthly payroll will be \$40,000.00. We will employ about 30 employees.

Please do not hesitate to contact us at 917-592-6175 if you have any questions.

Sincerely,
Bo Tree Corp

Wei Li - President

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):	Kan Asian Bistro Phone: 207 874 0000
Location Address:	1410 Brighton Ave Portland ME Zip: 04102
If new, what was formerly at this location:	
Mailing Address:	1410 Brighton Ave Portland ME Zip: 04102
Contact Person:	Wei Li Phone: 917 592 6175
Contact Person Email:	weili19890627@yahoo.com
Manager of Establishment:	Wei Li Phone: 917 592 6175
Owner of Premises (Landlord):	John Zhang
Address of Premises Owner:	738 Park Street Wrentham MA Zip: 02777

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	
Bo Tree Corp		1410 Brighton Ave Portland ME Zip: 04102	
Contact Person:	Wei Li	Phone:	917 592 6175
Principal Officers	Title	Date of Birth	Residence Address
Wei Li	President	06/27/1989	100 Bridge Street Wrentham ME 02777

About Your Establishment

Class of Liquor License:	Class X1		
Type of food served:	Asian Food		
Please circle all that will be served:	Beer	Wine	Liquor
Projected percentage of sales:	Generated from Food: 75%	Generated from Alcohol: 25%	
Hours & days of operation:	SUN - THUR 11:30 - 10:00 FRI - SAT 11:30 - 11:00		

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:	
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?	
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:	

I, Wei Li 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 Wei Li Title President Date 3/24/2017

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

Portland, Maine



Yes. Life's good here.

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

Supplemental Application for Dancing and Entertainment License

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Alcohol license.

☐ Entertainment without Dancing: \$270 ☒ Entertainment with Dancing: \$485 ☐ After-Hours (1 a.m. to 3 a.m.): \$545

Business Information	
Business Name (d/b/a):	Kon Asian Bistro
Location Address:	1140 Brighton Ave Portland ME 04102
Phone:	207 874 0000
Zip:	04102

About Your Establishment.

Describe in detail the type and nature of the business and proposed entertainment:	
Live Music, DJ	
Will music be electric, acoustical, or both? (Circle)	
Will amplification be used?	Y/N
If yes, where and at what level?	
DINING ROOM Floor Level	
Will music be played (Circle all that apply): (Inside) Outside	
Will you permit dancing on the premises?	Y/N
Will you permit dancing after 1:00 a.m.?	Y/N
What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place?	
What is your targeted opening date?	
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):	

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

Wei Li

Title

President

Date

3/29/2017

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov

**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-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.) Bo Tree Corp DOB: _____			2. Business Name (D/B/A) Kan Asian Bistro		
DOB: _____					
DOB: _____			Location (Street Address) 1140 Brighton Ave		
Address 1140 Brighton Ave			City/Town Portland	State ME	Zip Code 04102
			Mailing Address SAME		
City/Town Portland	State ME	Zip Code 04102	City/Town	State	Zip Code
Telephone Number 917 592 6175	Fax Number		Business Telephone Number 617 844 0000	Fax Number 617 844 0088	
Federal ID. # 81-4264352			Seller Certificate #		

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

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

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

complete Supplementary Questionnaire, If YES

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

7. If manager is to be employed, give name: **Wei Li**

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

Requested inspection date: _____

Business hours: **SUN-Mon 11:30-10:00 FR-SAT 11:30-11:00**

9. Business records are located at: **1140 Brighton Ave Portland**

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
Wei Li	06/27/1989	China

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

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

Name: _____ 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: _____

John Zhang 78 Bank Street Sharon MA 02777

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) 850 sq

FULL SERVICE RESTAURANT WITH FULL BAR AND ENTERTAINMENT

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? 6mi Which of the above is nearest? School

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

If YES, give details: _____

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

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

Dated at: _____

Portland ME
Town/City, State

on _____

3/24
Date

20

17

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Wei Li

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:

Bo Tree Corp

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

Kon Asian Bistro

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

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 %
Wei Li	100 Bridge Street	06/27/1989	
	Westbrook Maine 07092		100

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

Yes

☐

No

☒

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

Name: _____ Agency: _____

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

Yes ☐

No ☒

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

Wei Li

Signature of Duly Authorized Person

3/29/2017

Date

Wei Li

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

	"K" SERIES FIRE EXTINGUISHER FOR KITCHENS
	CO2 FIRE EXTINGUISHER
	EXIT SIGN
	EMERGENCY LIGHT PACK
	ADA STROBE
	APPROVED EXIST SPRINKLER HEADS
	APPROVED FIRE SUPPRESSION SYSTEM

NOTE:
EXISTING LIFE SAFETY DEVICES AND HARDWARE TO REMAIN AS
APPROVED BY EXISTING CERTIFICATE OF OCCUPANCY CBL 215 3004001 NO. 08-0527

DRAFTSMEN:
Stephen S. Andrews
23 Parter Pond Pines Rd.
Raymond, Maine 04071
207-455-5065

Con Asian Bistro
1140 Bingham Ave. Portland, ME 04102

PROJECT NAME:

DATE	2-15-10
------	---------

BY	65A
----	-----

NAME	ADDRESS	CITY	STATE	ZIP
Mr. J. H. Smith	123 Main St.	Springfield	Ill.	62760
Mr. W. R. Jones	456 Oak Ave.	Chicago	Ill.	60601
Mr. T. L. Brown	789 Elm St.	Peoria	Ill.	61601
Mr. S. K. White	101 Maple Dr.	Rockford	Ill.	61101
Mr. M. D. Green	202 Pine Ln.	Decatur	Ill.	62521
Mr. L. P. Black	303 Cedar St.	Normal	Ill.	62450
Mr. R. G. Gray	404 Birch Ave.	Urbana	Ill.	61501
Mr. H. J. Hall	505 Spruce St.	Champaign	Ill.	61821
Mr. K. L. Young	606 Ash Dr.	Carbondale	Ill.	62901
Mr. N. M. King	707 Hickory Ln.	Macomb	Ill.	61455
Mr. O. P. Wright	808 Walnut St.	Edwardsville	Ill.	62025
Mr. Q. R. Scott	909 Chestnut Ave.	St. Louis	Mo.	63101
Mr. U. V. Adams	1010 Elm St.	St. Paul	Mn.	55101
Mr. X. Y. Baker	1111 Oak Ave.	Minneapolis	Mn.	55401
Mr. Z. A. Clark	1212 Maple Dr.	Portland	Me.	04101
Mr. B. C. Evans	1313 Pine Ln.	Boston	Ma.	02101
Mr. D. E. Fisher	1414 Cedar St.	New York	Ny.	10001
Mr. F. G. Hill	1515 Birch Ave.	Los Angeles	Ca.	90001
Mr. I. J. King	1616 Spruce St.	San Francisco	Ca.	94101
Mr. K. L. Lee	1717 Ash Dr.	San Diego	Ca.	92101
Mr. M. N. Miller	1818 Hickory Ln.	Phoenix	Az.	85001
Mr. O. P. Nelson	1919 Walnut St.	Albuquerque	Nm.	87101
Mr. Q. R. Owen	2020 Chestnut Ave.	Las Vegas	Nv.	89101
Mr. S. T. Parker	2121 Elm St.	San Jose	Ca.	95101
Mr. U. V. Quinn	2222 Oak Ave.	Seattle	Wa.	98101
Mr. W. X. Reed	2323 Maple Dr.	Portland	Or.	97201
Mr. Y. Z. Scott	2424 Pine Ln.	San Francisco	Ca.	94101
Mr. A. B. Taylor	2525 Cedar St.	San Francisco	Ca.	94101
Mr. C. D. White	2626 Birch Ave.	San Francisco	Ca.	94101
Mr. E. F. Green	2727 Spruce St.	San Francisco	Ca.	94101
Mr. G. H. Hall	2828 Ash Dr.	San Francisco	Ca.	94101
Mr. I. J. King	2929 Hickory Ln.	San Francisco	Ca.	94101
Mr. K. L. Lee	3030 Walnut St.	San Francisco	Ca.	94101
Mr. M. N. Miller	3131 Chestnut Ave.	San Francisco	Ca.	94101
Mr. O. P. Nelson	3232 Elm St.	San Francisco	Ca.	94101
Mr. Q. R. Owen	3333 Oak Ave.	San Francisco	Ca.	94101
Mr. S. T. Parker	3434 Maple Dr.	San Francisco	Ca.	94101
Mr. U. V. Quinn	3535 Pine Ln.	San Francisco	Ca.	94101
Mr. W. X. Reed	3636 Cedar St.	San Francisco	Ca.	94101
Mr. Y. Z. Scott	3737 Birch Ave.	San Francisco	Ca.	94101
Mr. A. B. Taylor	3838 Spruce St.	San Francisco	Ca.	94101
Mr. C. D. White	3939 Ash Dr.	San Francisco	Ca.	94101
Mr. E. F. Green	4040 Hickory Ln.	San Francisco	Ca.	94101
Mr. G. H. Hall	4141 Walnut St.	San Francisco	Ca.	94101
Mr. I. J. King	4242 Chestnut Ave.	San Francisco	Ca.	94101
Mr. K. L. Lee	4343 Elm St.	San Francisco	Ca.	94101
Mr. M. N. Miller	4444 Oak Ave.	San Francisco	Ca.	94101
Mr. O. P. Nelson	4545 Maple Dr.	San Francisco	Ca.	94101
Mr. Q. R. Owen	4646 Pine Ln.	San Francisco	Ca.	94101
Mr. S. T. Parker	4747 Cedar St.	San Francisco	Ca.	94101
Mr. U. V. Quinn	4848 Birch Ave.	San Francisco	Ca.	94101
Mr. W. X. Reed	4949 Spruce St.	San Francisco	Ca.	94101
Mr. Y. Z. Scott	5050 Ash Dr.	San Francisco	Ca.	94101
Mr. A. B. Taylor	5151 Hickory Ln.	San Francisco	Ca.	94101
Mr. C. D. White	5252 Walnut St.	San Francisco	Ca.	94101
Mr. E. F. Green	5353 Chestnut Ave.	San Francisco	Ca.	94101
Mr. G. H. Hall	5454 Elm St.	San Francisco	Ca.	94101
Mr. I. J. King	5555 Oak Ave.	San Francisco	Ca.	94101
Mr. K. L. Lee	5656 Maple Dr.	San Francisco	Ca.	94101
Mr. M. N. Miller	5757 Pine Ln.	San Francisco	Ca.	94101
Mr. O. P. Nelson	5858 Cedar St.	San Francisco	Ca.	94101
Mr. Q. R. Owen	5959 Birch Ave.	San Francisco	Ca.	94101
Mr. S. T. Parker	6060 Spruce St.	San Francisco	Ca.	94101
Mr. U. V. Quinn	6161 Ash Dr.	San Francisco	Ca.	94101
Mr. W. X. Reed	6262 Hickory Ln.	San Francisco	Ca.	94101
Mr. Y. Z. Scott	6363 Walnut St.	San Francisco	Ca.	94101
Mr. A. B. Taylor	6464 Chestnut Ave.	San Francisco	Ca.	94101
Mr. C. D. White	6565 Elm St.	San Francisco	Ca.	94101
Mr. E. F. Green	6666 Oak Ave.	San Francisco	Ca.	94101
Mr. G. H. Hall	6767 Maple Dr.	San Francisco		

Case 3:03-cv-00001-UNA Document 1-1 Filed 07/22/03 Page 1 of 1

REV.	
------	--

TOWN: Portland, Me.

SCALE:

DRAWN:	SSA
TITLE:	

**Life Story Drawing:
Eggs and Fly**

FILE:
SHEET:

11 44

LUNCH SPECIAL

Monday to Friday 11:30am - 4:00pm, Except Holiday

FROM SUSHI BAR

Served w. salad and soup

- * **Sushi Lunch** 11.99
7 pcs of sushi w. a California roll.
- * **Sashimi Lunch** 15.99
15 pcs sashimi w. a side of sushi rice.

CLASSIC ROLLS

(2 Rolls \$7.99 / 3 Rolls \$10.99)

- * Tuna * Spicy Tuna * Tuna Avocado or Cucumber
- * Salmon * Spicy Salmon * Salmon Avocado or Cucumber
- * Yellowtail * Spicy Yellowtail * Yellowtail Avocado or Cucumber
- Avocado Avocado Cucumber Eel Avocado or Cucumber
- California Boston * Philadelphia
- Cucumber * Portland Spicy Crabmeat

WOK & GRILL PLATTERS \$7.99

Served w. Soup, Salad, Spring Roll and White Rice

1. General Tso's Chicken 88
2. Broccoli with Chicken or Beef
3. Red Curry Chicken or Shrimp 88
4. Mango Chicken or Shrimp
5. Szechuan Crispy Dried Shredded Beef 88
6. Pad Thai Vegetable or Chicken or Shrimp
7. Salmon Teriyaki
8. Beef Negimaki
9. Shrimp Vegetable Tempura
10. Chicken Teriyaki

HIBACHI LUNCH

Served w. Salad, Hibachi Soup and Fried Rice

Vegetable	8.99	Scallop	11.99
Chicken	9.99	Salmon	10.99
Steak	10.99	Filet Mignon	11.99
Shrimp	10.99		

Lunch

(Mon.-Sun.) 11:30am - 4:00pm

Dinner

(Mon.-Thur.) 4:00pm - 10:00pm



Facebook:



1140 BRIGHTON AVENUE, PORTLAND, ME 04102

Asian Bistro • Hibachi • Cocktail
Sushi • Late Night Lounge

Portland, ME 04102 212.732.5888

\$5 OFF
W/ ORDER OF \$20 OR MORE
Not to be combined w. any other offer
Expires February 17th 2017

SUSHI BAR ENTREE

Served with Soup and Salad

- | | |
|--|--|
| * Classic Roll Combo 13.99
California roll, eel avocado roll, salmon roll. | * Spicy Sushi Combo 19.99
9 pcs sushi with spicy sauce, eel sauce with spicy tuna roll. |
| * Trio Spicy Combo 14.99
Spicy tuna roll, spicy crabmeat roll, spicy salmon roll. | * Sashimi Entree 21.99
18 pcs assorted sashimi. |
| * Sashimi Don or Chirashi 17.99
Choice of tuna, salmon, yellowtail, broiled eel or mixed sashimi over seasoned sushi rice. | * Sushi & Sashimi for One 21.99
5 pcs sushi, 8 pcs sashimi and a spicy crunchy spicy salmon roll. |
| * Sushi Entree 18.99
9 pcs sushi w. a tuna or California roll. | * Sushi & Sashimi for Two 47.99
10 pcs sushi, 18 pcs sashimi and a spicy crab roll, eel avocado roll, crunchy spicy tuna roll. |
| * Sushi Trio 19.99
3 pcs of each: tuna, salmon, yellowtail. | |

CLASSIC ROLL

- | | |
|----------------------------------|--|
| California 4.59 | Avocado 3.99 |
| * Tuna 4.99 | Asparagus 3.99 |
| * Spicy Tuna 5.59 | Cucumber 3.59 |
| * Tuna Avocado / Cucumber 5.59 | Vegetable 3.99 |
| * Salmon 4.59 | Boston 5.59 |
| * Spicy Salmon 4.99 | Cucumber, avocado, shrimp, lettuce with tobiko outside. |
| * Salmon Avocado / Cucumber 5.59 | * Philadelphia 5.59 |
| * Salmon Jalapeno 4.99 | Salmon, cream cheese, avocado, cucumber and tempura flake |
| * Yellowtail Scallion 4.99 | * Portland 6.59 |
| * Spicy Yellowtail 5.59 | Shrimp, salmon, cucumber, avocado, Tempura flakes w. flying fish egg on top. |
| * Yellowtail Jalapeno 5.59 | Crazy Tuna 6.59 |
| Eel Avocado / Cucumber 5.59 | Deep fried spicy tuna with spicy mayo sauce. |
| Shrimp Avocado / Cucumber 4.99 | * Yummy Roll 6.99 |
| King Crab Avocado 9.99 | Crab meat, avocado, Topped with creamy spicy octopus. |
| Spicy Scallop 9.59 | Lobster Roll 9.99 |
| Shrimp Tempura 6.59 | Lobster tempura, avocado, cucumber, lettuce, flying fish egg. |
| Sweet Potato Tempura 4.99 | |
| Roasted Peanut Avocado 4.99 | |

NOODLES & RICE

- Pad Thai**
Thai fettuccine rice noodle
- Stir-Fried Udon**
Japanese wheat noodle
- Asian Fried Rice**
- Pineapple Fried Rice**

- | | |
|--------------------------------------|------------|
| Choice of Vegetable | 8.99 |
| Chicken or Beef | 9.99/10.99 |
| Shrimp | 11.99 |
| Seafood (Shrimp, scallop & calamari) | 12.99 |

🌶️ Mildly Spicy

🌶️🌶️ Spicy

🌶️🌶️🌶️ Very Spicy

* This food is or may be served raw or undercooked or contain raw or undercooked foods. Consumption of this food may increase the risk of

WOK & GRILL

With A Bowl of Thai Jasmine Rice
(Substitute for Fried Rice or Brown Rice add \$1.99)

- Tropical Mango Chicken or Shrimp** 12.99/13.99
Sliced mango, red & green pepper, baby corn, sweet peas, asparagus, zucchini with Thai sweet chilly sauce.
- Pineapple Chicken or Shrimp** 12.99/13.99
Fresh pineapple, red & green pepper, baby corn, sweet peas, asparagus, zucchini and lemongrass and coconut milk.

- General Tso's Chicken** 🌶️🌶️ 11.99
- Broccoli with Chicken or Beef** 10.99/11.99
- Szechuan Crispy Dried Shredded Beef** 🌶️🌶️ 12.99
Fried beef, sweet brown sauce, celery, carrots.
- Basil Beef / Shrimp** 🌶️ 12.99/13.99
Sliced beef or shrimp, red onion, red & green pepper with Thai basil sauce.

- Grilled Garlic Miso Shrimp** 16.99
- Orange Ginger Duck** 19.99
Sliced boneless duck, bok choy with orange ginger sauce

- Lemongrass Chicken/Shrimp** 12.99/13.99
Sauced lemongrass marinated, red peppers, asparagus, zucchini, baby corn and sweet peas.

- Thai Red Curry** 🌶️ 10.99/12.99/13.99
Veggie or Chicken or Shrimp.

- Grilled Salmon w. Ginger Scallian Sauce** 17.99
- Pan Roasted Chilean Sea Bass** 20.99
Sea bass with spicy tuna and spicy crab meat on top, fresh bean, carrot, zucchini with yuzu teriyaki sauce.

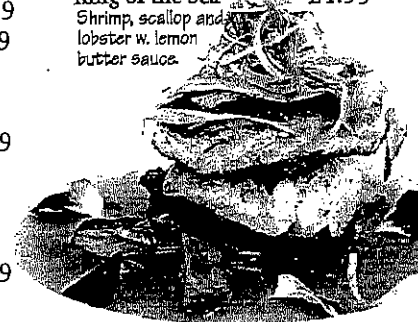
- Vegetarian Delight** 9.99
Sautéed baby corn, mushrooms, snow peas, asparagus, string beans, carrots, broccoli in white sauce.

- Thai Red Snapper** 🌶️ 17.99
Deep fried snapper, basil, zucchini, fresh bean, carrot, Thai sweet and chili sauce.

- Volcano Chicken** 🌶️🌶️ 16.99
Leek shallots chicken w. hot pepper sauce in hot pot.

- Filet Mignon** 22.99
Grilled filet mignon w. XO sauce, served on a bed of carrot, sweet potatoes, fresh bean, zucchini.

- King of the Sea** 24.99
Shrimp, scallop and lobster w. lemon butter sauce.



JAPANESE TERIYAKI

Served with Green Salad, Miso Soup and Thai Jasmine Rice
(Substitute for Fried Rice or Brown Rice add \$1.99)

SINGLE ITEM

- | | | | |
|---------|-------|--------------|-------|
| Chicken | 13.99 | Salmon | 14.99 |
| Shrimp | 14.99 | Beef | 14.99 |
| Scallop | 18.99 | Filet Mignon | 21.99 |

TERIYAKI COMBINATION

- | | | | |
|-------------------|-------|------------------------|-------|
| Chicken & Shrimp | 16.99 | Salmon & Steak | 17.99 |
| Chicken & Steak | 16.99 | Salmon & Scallop | 19.99 |
| Chicken & Scallop | 18.99 | Salmon & Chicken | 16.99 |
| Steak & Shrimp | 17.99 | Filet Mignon & Chicken | 21.99 |
| Steak & Scallop | 19.99 | Filet Mignon & Shrimp | 22.99 |

Miso Soup 2.99
Hibachi Clear Soup 2.99
Shrimp Wonton Soup 3.59
Szechuan Pork

Tom Yam Soup 4.99
Scallap, shrimp, zucchini, baby corn,
mushroom, tomato, sweet pea
Lemongrass Clam Soup 4.99

SALAD

Green Salad w.
Ginger Dressing 3.99
Spring mix seaweed salad, cucumber,
tomatoes.
Avocado Salad 4.99
Japanese Seaweed Salad 4.99

Crab Meat Salad 4.99
* Beef Tataki 8.59
Seared sliced thin beef w. scallion
in ponzu ginger sauce.
* Mango Tuna Salad 8.99
Wasabi yuzu dressing.

SUSHI BAR STARTERS

* Sushi Appetizer 7.99
4 pcs chef's choice sushi
Fire Island 8.99
Deep fried spicy tuna, jalapeno,
cream cheese w. chef special sauce
* Miso Sesame Tuna 9.99
Seared sesame tuna w. Japanese
miso dressing
* Sashimi Appetizer 9.99
8 pcs chef's choice sashimi
* Seafood Ceviche 9.99
Mix shrimp, octopus, salmon, crab
meat, asparagus, celery, cherry
tomatoes, cucumber w. miso citrus
sauce.

* Blacken Tuna with
Cucumber Wrap 9.99
Blacken tuna, crabmeat, avocado,
kalamare and red pickle, wrapped in
cucumber with zesty sauce.
* Blacken Tuna 9.99
Seared peppered tuna w. wasabi
mayo sauce.
* Yellowtail Jalapeno 9.99
* Fuji Mountain 9.99
Tuna, salmon, white fish, cucumber,
avocado, seaweed salad, tempura
crunch mixed accented with honey
sauce, wasabi mayo and eel sauce

KITCHEN STARTERS

Vegetable Spring Roll 3.99
Edamame 4.59
Soy bean w. sea salt
Shrimp Shumai 4.59
Steamed w. homemade dumpling
sauce.
Indian Pancake 4.59
Served with curry potato chicken
dipping sauce.
Gyoza 4.99
Japanese pan fried pork dumpling.
Vietnamese Summer Roll 4.99
Shrimp, lettuce, vermicelli, crushed
peanut wrapped with rice paper,
garnished w. spicy chili sauce and
peanut sauce.
Crab Rangoon 5.99
Satay Chicken or Beef 6.59
Grilled & served w. lemongrass
with peanut sauce
Thai Crispy Chicken Wings 6.99
Thai Spicy Calamari 7.59

Shrimp & Veg. Tempura 7.99
Japanese Calamari 7.59
Fried calamari w. sweet and chili sauce.
Kon Lettuce Wrap 7.99
Choice of beef, chicken, Marinated
& sautéed w. fresh basil, scallion,
celery, carrot, water chestnut and
chili paste served w. fresh lettuce.
Beef Negimaki 7.99
Thinly sliced beef rolled with
scallions in teriyaki sauce.
Rock Shrimp 7.99
Tempura shrimp w. homemade
creamy sauce.
Mini Bei Jing Duck 8.99
1/4 served w. 3 mini bun.
Pork Short Ribs 8.99
Four short ribs slow roasted and
served with yuzu teriyaki sauce
Garlic Chilean Sea Bass 10.99
Grilled & served w. garlic sauce
and soba noodle.

Sushi 2pcs Per Order / Sashimi 3pcs Per Order

* Mackerel 3.99	* Spicy Tuna 5.59
Shrimp 4.59	* Yellowtail 5.59
Crab Stick 4.59	Eel 5.59
* Octopus 4.59	* Surf Red Clam (1pc) 1.99
* Fluke 4.59	* Flying Fish Roe (1pc) 2.59
* Striped Bass 4.59	* Salmon Roe (1pc) 2.99
* White Tuna 4.99	* Sea Scallop (1pc) 3.59
* Super White Tuna 4.99	* Jumbo Sweet Shrimp (1pc) 3.59
* Salmon 4.99	* Sea Urchin (1pc) 3.99
* Smoked Salmon 4.99	Alaskan King Crab (1pc) 4.99
* Tuna 5.59	

KON SPECIAL ROLL

COOKED

* Spider 9.59 Tempura soft shell crab, cucumber, avocado inside, flying fish egg on top.	* Pink Lady 11.99 Shrimp, crab stick, flying fish egg and tempura flakes w. pink soybean paper
* Supreme Veggie Roll 9.99 1- Lettuce, cucumber, avocado, asparagus, red pickle, tempura flake, O- Avocado.	* American Dream 12.99 Avocado, shrimp tempura top w. spicy lobster and kani w. creamy sauce.
* Sweet Heart Roll 11.99 1-Shrimp tempura, avocado. O-Spicy crab, tempura flakes.	* Godzilla Roll 13.99 1-Spicy crab, avocado, tempura flakes. O-Eel, eel sauce.
* Dragon 11.99 1-Shrimp tempura. O-Eel, avocado.	* Fantasy Roll 11.99 (Tempura style) White fish, salmon, asparagus, served with chef's special sauce

RAW

* Kon's Prayer Roll 10.99 1-Spicy crab, avocado, cucumber. O-Four different caviar.	* Paradise Roll 12.99 1-Spicy crab, shrimp tempura, avocado, wrapped in sesame nori O: Spicy crunch salmon, wasabi olive sauce and citrus garlic sauce.
* Dynamite Roll 10.99 1-Spicy tuna, tempura flakes O-Spicy crab.	* Pinetree Roll 13.99 1-Spicy white tuna, cucumber, jalapeno. O-White fish tempura, eel sauce, scallion, flying fish egg, spicy mayo and tempura flake.
* Rainbow 10.99 1-Crab stick, avocado, cucumber O-Tuna, salmon, yellowtail, fluke.	* All Star 13.99 Inside: 2 pcs shrimp tempura, seaweed salad, cucumber and crab meat. Outside: Sesame soybean sheet, spicy crunchy tuna
* 1140 11.99 Soft shell crab tempura, topped with tuna, avocado and mango salsa sauce.	* Angel Roll 13.99 1-Blacken tuna, asparagus, and cucumber. O-Tuna, salmon, Yellowtail, eel.
* Lollipop Roll 11.99 Super white tuna, yellowtail, tuna, crab meat, avocado, salmon, flying fish roe in cucumber wrap w. yuzu chili sauce	* Atlantic Roll 14.99 Inside: Spicy white tuna, cilantro, cucumber, jalapeno, Outside: Avocado, mango, cucumber and flying fish roe
* Black & Orange Roll 12.99 Blacken tuna, avocado, soy paper, Topped with salmon, black caviar and spicy mayo sauce.	
* Cowboy Roll 12.99 Sliced beef, tuna, avocado, soy paper, chef's special sauce	
* Tuna Amazing 13.99 Spicy tuna, white tuna tempura, avocado top w. pepper tuna w. chef special sauce.	





Served w. Green Salad, Clear Soup, Hibachi Fried Rice, Vegetable
& 2 Pcs. Hibachi Shrimp Appetizer

SINGLE ITEM

Vegetable - without shrimp appetizer.	13.99	Sword Fish	19.99
Chicken	14.99	Steak	19.99
Calamari	17.99	Scallop	23.99
Shrimp	18.99	Filet Mignon	25.99
Salmon	18.99	Twin Lobster Tail	27.99

COMBINATION

Chicken & Shrimp	21.99	Steak & Scallop	25.99
Chicken & Steak	21.99	Filet Mignon & Chicken	25.99
Chicken & Salmon	21.99	Filet Mignon & Salmon	26.99
Chicken & Scallop	23.99	Filet Mignon & Shrimp	27.99
Shrimp & Calamari	22.99	Filet Mignon & Scallop	27.99
Shrimp & Steak	23.99	Filet Mignon & Lobster	30.99
Shrimp & Salmon	23.99	Lobster & Chicken	25.99
Shrimp & Scallop	25.99	Lobster & Shrimp	27.99
Salmon & Calamari	21.99	Lobster & Salmon	27.99
Salmon & Steak	23.99	Lobster & Steak	27.99
Salmon & Scallop	25.99	Lobster & Scallop	28.99

KID'S HIBACHI

Under 12 Years Old, 1 pc Hibachi Shrimp Appetizer

Vegetable - without shrimp appetizer.	8.99	Scallop	11.59
Chicken	9.99	Steak	10.99
Shrimp	10.99	Salmon	10.99
		Filet Mignon	12.99

SIDE ORDER

Vegetable	4.59	Shrimp	7.99
Noodles	4.59	Steak	7.99
Thai Jasmine Rice	1.99	Filet Mignon	10.99
Fried Rice	4.59	Lobster Tail	12.99
Chicken	6.99	Scallop	8.99
Salmon	7.99	Tofu	4.59

20% gratuity for party of 6 or more; hibachi available for private party

* This food is or may be served raw or undercooked or contain raw
unseasoned foods. Consumption of this food may increase the risk of

SATURDAY & SUNDAY LUNCH MENU

Saturday, Sunday & Holiday: 11:30am - 4:00pm

SUSHI BAR 10.95

Served with Miso Soup or Clear Soup, House Green Salad
Sushi Rice, Served Salad and Daily Fruit

#1 California Roll

* Blacken Tuna Sashimi (2), * Tuna Sushi (1),
* Salmon Sushi (1)

#2 Philadelphia Roll

* White Tuna Sashimi (2), * Tuna Sushi (1), * Salmon Sushi (1)

#3 Shrimp Tempura Roll

* Tuna Sushi (1), * Salmon Sushi (1), Crabmeat Salad

#4 Roast Peanut Avocado Roll

* Salmon Sashimi (2), * Tuna Sushi (1), * Salmon Sushi (1)

ASIAN KITCHEN LUNCH BOX 10.95

Served with Miso Soup or Clear Soup, House Green Salad
Sushi Rice, Served Salad and Daily Fruit

#1 Basil Beef ㊦

Roast Peanut Avocado Roll / Gyoza (3)

#2 General Tso's Chicken ㊦㊦

Roast Peanut Avocado Roll / Crab Rangoon (3)

#3 Teriyaki Chicken or Beef or Shrimp

Roast Peanut Avocado Roll / Rock Shrimp

#4 Pad Thai Noodle Veg. or Chicken or Shrimp

Roast Peanut Avocado Roll / Sweet Potato Tempura

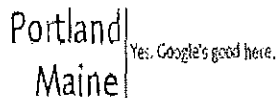
#5 Shrimp Vegetable Tempura

Roast Peanut Avocado Roll / Beef Negimaki (4)

#6 Szechuan Crispy Dried Shredded Beef ㊦㊦

Roast Peanut Avocado Roll / Chicken Satay (2)





Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Kon Asian Bistro

Kevin Cashman <kevindc@portlandmaine.gov>

Mon, May 15, 2017 at 5:24 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petruccelli <petruccellid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Rachel Smith <rms@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Mon, May 15, 2017 at 3:28 PM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached application for Kon Asian Bistro, 1140 Brighton Avenue. She is applying for a Class XI License with Entertainment with Dance. This is a change of ownership of an existing business.

Owner is
Bo Tree Corp
Wei LiContact is
Wei Li
917-592-6175
weili19890627@yahoo.com

The information has been added to Ui for approvals. Thanks Jessica

Jessica Blais Hanscombe
Business License Specialist
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--

Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)



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

MELISSA CAIAZZO
389 CONGRESS STREET
PORTLAND, ME 04101

Transaction Response #: MIQ99D233178

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2017-05-15) :

Inquiries Name(s)

WEI LI (1989-06-07)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 15, 2017

Kon Asian Bistro
1140 Brighton Ave
Portland ME 04102

**Re: Bo Tree Corp dba Kon Asian Bistro. Application for a Class XI
Restaurant/Lounge with Entertainment with Dance at 1140 Brighton Avenue.**

Dear Ms Li,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday June 5, 2017 at 5:30 p.m.**, for the review of application for a Class XI Restaurant/Lounge with Entertainment with Dance at 1140 Brighton Avenue. 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, jhanscombe@portlandmaine.gov

Sincerely,

A handwritten signature in black ink, appearing to read "JHanscombe", is written over the typed name.

Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 5th at 5:30 P.M., in City Council Chambers, 389 Congress St., Bo Tree Corp dba Kon Asian Bistro. Application for a Class XI Restaurant/Lounge with Entertainment with Dance at 1140 Brighton Avenue. Sponsored by Michael Russell, Director of Permitting and Inspections.

*Resolve 8-16/17
Tab 15 - 6-5-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

RESOLUTION AMENDING COUNCIL RULES FOR 2016-2017

BE IT RESOLVED, that the City Council of the City of Portland, Maine, in the City Council assembled, does hereby adopt the Rules and Orders of the City Council, as amended and attached hereto, as the Rules of Procedure of the City Council.

RULES OF PROCEDURE OF THE CITY COUNCIL

As Amended December 5, 2016

Rule 1. Regular Meetings and Council Workshop Sessions

- A. The regular meetings of the Council shall be held in the room known as the City Council Chamber or such other room as deemed appropriate in City Hall in one session at 5:30 p.m. on the first and third Mondays of each calendar month. When said Monday is a holiday, an election day, or the first Monday in December, the regular meeting shall be held on the following Wednesday, at the same time and place. The date or the time of any regular meeting may be changed by an order passed at a previous meeting of the Council or by warrant for a special meeting called in lieu of a regular meeting; provided however, that said change in date will still provide for two regular meetings in one month. Unless otherwise changed by an order passed at a preceding meeting or by the calling of a special meeting at a different time or place, for like purposes, the Council shall also regularly meet at 12:00 noon on the first Monday of December of each year for the purpose of the inauguration of Portland City Council, the swearing in of Councilors-elect, filling Council committees, adopting rules and orders, and transacting such other business as it may deem appropriate. The public hearing of any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration. The Council deliberation and action on any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration.
- B. With proper notice, workshop sessions of the City Council may be called by five (5) members of the City Council, the Mayor or the City Manager, as the case may be, for

obtaining legal, administrative or policy guidance or for the presentation of information by the City Manager, the City Clerk or Corporation Counsel or their staff. The City Council shall not take votes in workshop sessions; however, the Council may be polled at the workshop to obtain an unofficial sense of the position of the Council on an issue being discussed at the workshop. To the maximum extent possible, materials for such sessions shall be provided to the City Council at least two (2) days prior to the scheduled workshop. All such workshop sessions shall be open to the public, in accordance with 1 M.R.S. §400 et seq. ("FOAA").

Rule 2. Quorum; Adjourned Meetings

A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken.

Rule 3. Enactments

The Council shall act only by ordinance, order, or resolve. Final passage of any item shall require five (5) affirmative votes except where a greater number is required by Charter or Ordinance. All ordinances, orders, and resolves, except orders and resolves making an appropriation of money, shall be confined to one subject, which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only.

Rule 4. Ordinance; Style

All ordinances passed by the Council shall be termed "amendments to the Portland City Code" and the enacting style shall be: "Be it ordained by the City Council of the City of Portland, Maine, in City Council assembled."

Rule 5. Order and Resolve; Style

In all votes of command, the form of expression shall be "ordered"; and of opinions, principles, facts or purposes, the form shall be "resolved".

Rule 6. Readings

The reading of any ordinance, order, or resolve shall be by title of the ordinance, order or resolve only, if no member objects.

Rule 7. Reading on Two Separate Days; Waiver

No ordinance, no appropriation resolve, and no order authorizing the expenditure of \$5,000.00 or more shall be passed until it has been read on two separate days, except when the requirement of reading on two separate days has been dispensed with by a vote of seven (7) of the members.

Rule 8. Yeas and Nays Taken; When

The yeas and nays shall be taken upon the passage of all ordinances and orders authorizing the expenditure of money in the amount of \$5,000.00 or more ~~and upon any motion to adjourn~~ and entered upon the record of the proceedings of the Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member.

Rule 9. Ordinances; Effective When

No ordinance shall take effect until thirty (30) days after its passage by the Council, except in the case of emergency ordinances.

Rule 10. Order, Resolve; Effective When

No order or resolve shall take effect until ten (10) days after its passage, except in the case of emergency orders and resolves.

Rule 11. Emergency Ordinances, Orders and Resolves

The Council may, by vote of seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the

time indicated therein, but such emergency ordinances, orders or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the Council shall be conclusive.

Rule 12. Item for Meetings; Filed When

No ordinance, order, resolve, or other document shall be in order for action at any regular meeting of the Council unless such ordinance, order, resolve, or other document shall appear on the Council Agenda. Items for the Agenda shall be received in the office of the City Manager on or before close of the work day ten (10) days prior to the scheduled Council meeting.

Rule 13. Presiding Officer to Chair Meetings

The Presiding Officer shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

Rule 14. Preserve Order Decide All Questions of Order

The Presiding Officer shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

Rule 15. Declare Votes; Cause Return of Votes

The Presiding Officer shall declare all votes, but if any member doubts a vote, the Presiding Officer shall cause a return of the members voting in the affirmative and in the negative; without debate.

Rule 16. Debate; Rules of

When a question is under debate, the Presiding Officer shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a day

certain or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

Rule 17. Motion to Adjourn; Lay on Table

The Presiding Officer shall consider a motion to adjourn as always in order except on immediate repetition; and that motion and the motion to lay on the table, or to take from the table, shall be decided without debate.

Rule 18. Reconsideration

When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote to move a reconsideration thereof, at the time, or the next stated meeting, but not afterwards, and when a motion of reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next stated meeting unless an item to that effect is contained in the agenda for such next stated meeting or unless seven of the members consent to such reconsideration. A citizen petition, or zone change petition, once presented to and finally acted upon by the Council shall not again be received by the Council in the same or substantially the same form for a period of one year next succeeding the Council's final action on the original petition. A member voting with the majority on the original petition, shall be privileged to reintroduce such a petition.

A liquor license or special entertainment permit, or an amendment proposed by the licensee to an existing license or permit that has been denied by the Council shall not be received by the Council in the same or substantially the same form for one year from the date of such action unless a shorter period is required by state law.

Rule 19. Failure to Pass for Lack of Required Votes

When an item fails to finally pass for lack of the required five (5), or seven (7) affirmative votes, as applicable, and is not otherwise disposed of, the item shall appear on the Agenda as unfinished business at the next succeeding meeting.

Rule 20. Motion for Previous Question

Upon the motion for the previous question being made and seconded, the Presiding Officer shall put the question in the following form: "Shall the main question be now put?". And all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the Council shall be forthwith taken upon all pending amendments and then upon the main question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Presiding Officer or not.

Rule 21. Manner of Speaking

When a member is about to speak, he or she shall rise in his or her place and respectfully address the Presiding Officer, confine himself or herself to the question under debate, and avoid personalities.

Rule 22. Length of Statements by Members

During the deliberation on any item, each member shall limit his or her remarks and/or questions, to a total of ten (10) minutes.

Rule 23. Not to Interrupt

No member speaking shall be interrupted by another, but by a call to order or to correct a mistake.

Rule 24. Breach of Rules and Orders

When any member shall be guilty of a breach of any of the rules or orders of the Council, that member may, on motion, be required to make satisfaction therefor, and shall not be allowed

to vote, or speak, except by way of excuse, until he or she has done so.

Rule 25. Member Excused From Voting; When

Every member present when a question is put shall vote unless the member is precluded from participation therein because of interest or the appearance of interest or unless she or he is otherwise prohibited by law from participation.

(a) Any member abstaining on grounds of interest or the appearance of interest must do so at the commencement of deliberations on the item under discussion and shall not participate in said deliberations or vote on such item.

(b) Any member abstaining as permitted hereunder shall clearly state such intent, the reason for such abstention and the legal or factual basis therefor prior to the commencement of deliberation on such item.

Rule 26. Motion to be Reduced to Writing; When

Any motion shall be reduced to writing if the Presiding Officer shall so direct.

Rule 27. Division of Question

Any member may require the division of a question when the sense will admit it.

Rule 28. Motion for Referral

A motion for referral to a Committee or administrative official, until it is decided, shall preclude all amendments of the main question.

Rule 29. Priority of Business

All questions relating to priority of business to be acted upon shall be decided without debate.

Rule 30. Suspension of Rules; Amendment or Repeal

The rules shall not be dispensed with or suspended unless twothirds as of those present and voting consent thereto; provided, however, that when these rules expressly require a vote larger than said twothirds such rules shall not be suspended except by an equal or greater vote. No rule of procedure shall be amended or repealed without notice, in writing, being given at the preceding meeting.

Rule 31. Procedure for Addressing Council

Any person wishing to address the Council will be given an opportunity to do so in accordance with the following procedure:

1. No public comment shall be permitted on the following agenda items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior action of the Council where that prior action had permitted public comment.

2. On items other than those set forth in 1. above, public comment shall be permitted only once prior to final Council action. Except as specifically decided by the Council, such public comment shall occur at the advertised public hearing or at the second reading of such item by the Council, where the item requires a second reading on a separate date.

3. Persons wishing to address the Council on an item which appears on the agenda, and upon which public comment is permitted under 1. and 2. above, shall wait until the Clerk announces the consideration of such item, at which time they may address the Council on that particular item. However, once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

4. Persons wishing to address the Council on an item not appearing on the agenda shall only do so at the 6:00 p.m. public comment period reserved on the City Council agenda for non-agenda items.

5. Any person wishing to address the Council shall signify such desire and, when recognized by the Presiding Officer, such person shall give his or her name and address and designate the subject matter on which he or she desires to address the Council.

6. When any person or entity is being honored or recognized by the Council, applause shall be permitted. In all other matters, persons present at Council meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

7. Any and all signs shall not be permitted in the City Council Chambers.

8. Persons addressing the Council on an item prior to start of deliberation on such item by the Council shall be permitted to speak only once on an item, and shall limit their remarks on each item to three (3) minutes. Such persons shall confine their remarks to the merits of the pending item. No members of the public shall comment on more than three (3) items at any Council meeting unless the Rules of the Council are suspended to allow for comment on each such additional item.

9. The Presiding Officer may limit or cut off any commentary that is not germane or that is scurrilous, abusive, or not in accord with good order and decorum.

10. Any person who shall continue to violate these rules, after warning by the Presiding Officer, may be ejected for the remainder of the meeting then in progress.

Rule 32. Parliamentary Proceedings

In all cases where the parliamentary proceedings are not determined by the foregoing rules, "Robert's Rules" shall be taken as authority to decide the course of the proceedings.

Rule 33. Council Committees

At the commencement of the municipal year, or as soon thereafter as possible, members shall be appointed to the following standing Committees, each Committee to consist of three (3) members of the Council:

1. Economic Development Committee;
2. Finance Committee;
3. Health and Human Services Committee;
4. Housing Committee;
5. Legislative/Nominating Committee; and
6. Sustainability and Transportation Committee.

A majority of the members of the above standing Committees shall constitute a quorum for the transaction of business.

Rule 34. Council Committees; How Chosen

The members of the Council to serve on the above Committees shall be appointed by the Mayor. The Council may override one or more of such appointments by a vote of at least six (6) members.

Rule 35. Council Committees; Public Comment

The public will be given an opportunity to comment on any item under consideration by the below-named standing Council Committees prior to a final Committee action on that item. Any person addressing the Committee on an item shall be permitted to speak only once on an item, shall give his or her name and address, and shall limit their remarks on each item to three (3) minutes. This requirement for public comment shall apply to the following Committees:

1. Economic Development Committee;
2. Finance Committee;
3. Health and Human Services Committee;

4. Housing Committee;
5. Legislative/Nominating Committee; and
6. Sustainability and Transportation Committee.

Nothing herein shall prevent or prohibit any other Committee from accepting public comment if said Committee determines that it wishes to do so.

Notwithstanding the foregoing, no public comment shall be required on the following items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior Committee action where that prior action had permitted public comment.

Rule 36. Smoking at Meetings

No person shall smoke in the Council Chamber or at any public meeting in the Portland City Hall. Any person continuing to smoke after warning by the Presiding Officer shall be ejected for the remainder of the meeting then in progress.

Rule 37. Confidentiality

No Councilor shall intentionally disclose or discuss information known to be confidential to or with any person not otherwise authorized or privileged to receive that information, including representatives of the media. For the purpose of this rule, "information known to be confidential" includes information in any form that has been designated, to the knowledge of the Councilor, as confidential by an employee or agent of the City of Portland, and that is within one or more of the exceptions to the definition of "public record" in the State's Freedom of Access law.

Confidential information includes statements made by individuals participating in executive sessions and includes any documents prepared specifically for an executive session, unless otherwise designated by the City Council in cases where the Council has the exclusive right to waive confidentiality.

Any Councilor who, following a due process hearing, is found to have violated this rule may be disciplined by reprimand.

RULES OF PROCEDURE OF THE CITY COUNCIL

As Amended December 5, 2016

Rule 1. Regular Meetings and Council Workshop Sessions

- A. The regular meetings of the Council shall be held in the room known as the City Council Chamber or such other room as deemed appropriate in City Hall in one session at 5:30 p.m. on the first and third Mondays of each calendar month. When said Monday is a holiday, an election day, or the first Monday in December, the regular meeting shall be held on the following Wednesday, at the same time and place. The date or the time of any regular meeting may be changed by an order passed at a previous meeting of the Council or by warrant for a special meeting called in lieu of a regular meeting; provided however, that said change in date will still provide for two regular meetings in one month. Unless otherwise changed by an order passed at a preceding meeting or by the calling of a special meeting at a different time or place, for like purposes, the Council shall also regularly meet at 12:00 noon on the first Monday of December of each year for the purpose of the inauguration of Portland City Council, the swearing in of Councilors-elect, filling Council committees, adopting rules and orders, and transacting such other business as it may deem appropriate. The public hearing of any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration. The Council deliberation and action on any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration.
- B. With proper notice, workshop sessions of the City Council may be called by five (5) members of the City Council, the Mayor or the City Manager, as the case may be, for

obtaining legal, administrative or policy guidance or for the presentation of information by the City Manager, the City Clerk or Corporation Counsel or their staff. The City Council shall not take votes in workshop sessions; however, the Council may be polled at the workshop to obtain an unofficial sense of the position of the Council on an issue being discussed at the workshop. To the maximum extent possible, materials for such sessions shall be provided to the City Council at least two (2) days prior to the scheduled workshop. All such workshop sessions shall be open to the public, in accordance with 1 M.R.S. §400 et seq. ("FOAA").

Rule 2. Quorum; Adjourned Meetings

A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken.

Rule 3. Enactments

The Council shall act only by ordinance, order, or resolve. Final passage of any item shall require five (5) affirmative votes except where a greater number is required by Charter or Ordinance. All ordinances, orders, and resolves, except orders and resolves making an appropriation of money, shall be confined to one subject, which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only.

Rule 4. Ordinance; Style

All ordinances passed by the Council shall be termed "amendments to the Portland City Code" and the enacting style shall be: "Be it ordained by the City Council of the City of Portland, Maine, in City Council assembled."

Rule 5. Order and Resolve; Style

In all votes of command, the form of expression shall be "ordered"; and of opinions, principles, facts or purposes, the form shall be "resolved".

Rule 6. Readings

The reading of any ordinance, order, or resolve shall be by title of the ordinance, order or resolve only, if no member objects.

Rule 7. Reading on Two Separate Days; Waiver

No ordinance, no appropriation resolve, and no order authorizing the expenditure of \$5,000.00 or more shall be passed until it has been read on two separate days, except when the requirement of reading on two separate days has been dispensed with by a vote of seven (7) of the members.

Rule 8. Yeas and Nays Taken; When

The yeas and nays shall be taken upon the passage of all ordinances and orders authorizing the expenditure of money in the amount of \$5,000.00 or more ~~and upon any motion to adjourn~~ and entered upon the record of the proceedings of the Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member.

Rule 9. Ordinances; Effective When

No ordinance shall take effect until thirty (30) days after its passage by the Council, except in the case of emergency ordinances.

Rule 10. Order, Resolve; Effective When

No order or resolve shall take effect until ten (10) days after its passage, except in the case of emergency orders and resolves.

Rule 11. Emergency Ordinances, Orders and Resolves

The Council may, by vote of seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the

time indicated therein, but such emergency ordinances, orders or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the Council shall be conclusive.

Rule 12. Item for Meetings; Filed When

No ordinance, order, resolve, or other document shall be in order for action at any regular meeting of the Council unless such ordinance, order, resolve, or other document shall appear on the Council Agenda. Items for the Agenda shall be received in the office of the City Manager on or before close of the work day ten (10) days prior to the scheduled Council meeting.

Rule 13. Presiding Officer to Chair Meetings

The Presiding Officer shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

Rule 14. Preserve Order Decide All Questions of Order

The Presiding Officer shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

Rule 15. Declare Votes; Cause Return of Votes

The Presiding Officer shall declare all votes, but if any member doubts a vote, the Presiding Officer shall cause a return of the members voting in the affirmative and in the negative; without debate.

Rule 16. Debate; Rules of

When a question is under debate, the Presiding Officer shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a day

certain or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

Rule 17. Motion to Adjourn; Lay on Table

The Presiding Officer shall consider a motion to adjourn as always in order except on immediate repetition; and that motion and the motion to lay on the table, or to take from the table, shall be decided without debate.

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7. Any and all signs shall not be permitted in the City Council Chambers.

8. Persons addressing the Council on an item prior to start of deliberation on such item by the Council shall be permitted to speak only once on an item, and shall limit their remarks on each item to three (3) minutes. Such persons shall confine their remarks to the merits of the pending item. No members of the public shall comment on more than three (3) items at any Council meeting unless the Rules of the Council are suspended to allow for comment on each such additional item.

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At the commencement of the municipal year, or as soon thereafter as possible, members shall be appointed to the following standing Committees, each Committee to consist of three (3) members of the Council:

1. Economic Development Committee;
2. Finance Committee;
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4. Housing Committee;
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6. Sustainability and Transportation Committee.

A majority of the members of the above standing Committees shall constitute a quorum for the transaction of business.

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The members of the Council to serve on the above Committees shall be appointed by the Mayor. The Council may override one or more of such appointments by a vote of at least six (6) members.

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The public will be given an opportunity to comment on any item under consideration by the below-named standing Council Committees prior to a final Committee action on that item. Any person addressing the Committee on an item shall be permitted to speak only once on an item, shall give his or her name and address, and shall limit their remarks on each item to three (3) minutes. This requirement for public comment shall apply to the following Committees:

1. Economic Development Committee;
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Nothing herein shall prevent or prohibit any other Committee from accepting public comment if said Committee determines that it wishes to do so.

Notwithstanding the foregoing, no public comment shall be required on the following items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior Committee action where that prior action had permitted public comment.

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No person shall smoke in the Council Chamber or at any public meeting in the Portland City Hall. Any person continuing to smoke after warning by the Presiding Officer shall be ejected for the remainder of the meeting then in progress.

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No Councilor shall intentionally disclose or discuss information known to be confidential to or with any person not otherwise authorized or privileged to receive that information, including representatives of the media. For the purpose of this rule, "information known to be confidential" includes information in any form that has been designated, to the knowledge of the Councilor, as confidential by an employee or agent of the City of Portland, and that is within one or more of the exceptions to the definition of "public record" in the State's Freedom of Access law.

Confidential information includes statements made by individuals participating in executive sessions and includes any documents prepared specifically for an executive session, unless otherwise designated by the City Council in cases where the Council has the exclusive right to waive confidentiality.

Any Councilor who, following a due process hearing, is found to have violated this rule may be disciplined by reprimand.

Resolve 9-16/17
Tab 16 6/5/17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**RESOLUTION APPROVING THE LIVE VIDEO STREAMING OF CITY COUNCIL
MEETINGS AND COMMITTEE HEARINGS ON SOCIAL MEDIA**

WHEREAS, the Community Television Network, Channels 2 and 5, has for many years provided the public with live broadcasts of Portland City Council meetings on cable television, video that is also easily accessed on the Portland web site while meetings take place and once they are done; and

WHEREAS, in recent years, the social media companies have offered their users live video streaming, and millions have shared events this way on the Internet by using both smart phones and laptops; and

WHEREAS, the Portland City Council and the Mayor as well as Portland city government staff share a long-standing commitment to open access to government deliberations and decisions; and

WHEREAS, it is in the public interest to increase the number of viewers easily able to see what happens at city council meetings and committee hearings by adding more video streaming; and

WHEREAS, Facebook Live, among other platforms, has become a popular way for users to view public events and would be a good addition to television broadcasts as a way for the public to access city council meetings and committee hearings;

NOW THEREFORE, BE IT RESOLVED, that the Portland City Council and Mayor hereby approve of the live streaming of city council meetings on social media, beginning with the City Council meeting held on June 19, 2017; and

BE IT FURTHER RESOLVED, that the Portland City Council and Mayor appreciate the efforts of the City Manager and City Staff, especially the efforts of Director of Communications Jessica Grondin, in their commitment to the open access of government deliberations and decisions; and

BE IT FURTHER RESOLVED, that the Portland City Council and Mayor direct the City Manager to create a plan by December 31, 2017 that will allow City Council committee hearings to be streamed live on social media, including but not limited to the streaming of Committee Hearings in Room 209 of City Hall.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Jessica Grondin, Communications Director

DATE: May 26, 2017

SUBJECT: Resolution Approving the Live Video Streaming of City Council Meetings and Committee Hearings on Social Media

SPONSOR: Councilor Spencer Thibodeau

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading June 5, 2017 Final Action June 5, 2017

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)

I. ONE SENTENCE SUMMARY

This Resolve supports the broadcast of City Council meetings via YouTube and Facebook Live in addition to the existing live-stream method via Town Hall Streams and Community Television Network.

II. AGENDA DESCRIPTION

Community Television Network on Channels 2 and 5, as well as the live-stream broadcast via Town Hall Streams, has for many years provided the public with live broadcasts of Portland City Council meetings on local-access cable television and the internet. These videos are easily accessible via the City of Portland's website while the meetings are taking place and archived for viewing once they have concluded. Given the increase in additional live broadcast options on social media channels, the Council is interested in seeing City staff take advantage of video streaming through Facebook Live and YouTube. This would increase the number of people who can watch meetings on their phones, tablets, and laptops and increase access to local government proceedings.

The Resolution directs the City Manager to ask staff to develop a plan to begin live streaming

City Council meetings through these additional methods by the July 17, 2017 meeting and to begin live streaming Council Committee hearings by 2018.

III. BACKGROUND

see above.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

The Portland City Council and the Mayor as well as Portland City government staff share a long-standing commitment to open access to government deliberations and decisions and by adding more video streaming options we will increase the number of viewers easily able to see what happens at City Council meetings and Committee hearings.

V. FINANCIAL IMPACT

None.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

The City's Communications Director is working with CTN5, Town Hall Streams, and the IT Department to achieve these new live video streaming options.

VII. RECOMMENDATION

Staff is in agreement with this plan and is working diligently to achieve it.

VIII. LIST ATTACHMENTS

Resolve

Prepared by: Jessica Grondin

Date: May 26, 2017

Bean/agendarequestmemo/rev 11/2015

Order 215-16/17
~~Tab 21 4-24-17~~
Tab 17 6-5-17

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NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ADOPTING THE CITY OF PORTLAND
COMPREHENSIVE PLAN**

ORDERED, that the City of Portland's Plan 2030, as described in the document attached hereto as Exhibit A, and as available on the City of Portland web site at the following web page, <http://www.portlandmaine.gov/1861/Draft-Comprehensive-Plan-Documents>, is hereby adopted as the City of Portland's Comprehensive Plan.

EXHIBIT A

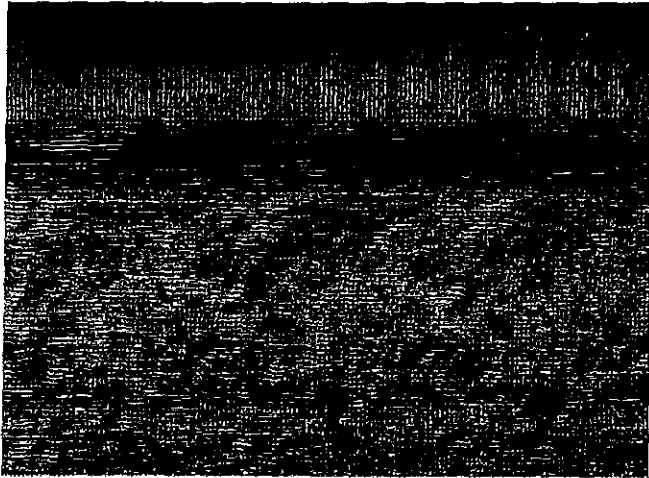
PORTLAND'S PLAN

v.2 (4-6-2017)

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Executive Summary



THIS IS PORTLAND'S PLAN, a comprehensive plan to guide decision making in our community for the next 10 years. Portland's Plan continues the City's long history of comprehensive and long-range planning. The last plan was implemented in 2002, updated in 2005, and regularly appended over the last decade. Much of that prior long range planning work is still valuable today, and this new plan stresses continuity with that work while identifying new trends and challenges for growth and change in the 21st century. This plan serves as a guide and resource in multiple ways: fundamentally, it articulates a vision of Portland's values today and for the future; it provides valuable information about the state of the City today; it establishes a to-do list for implementation; it identifies how other planning efforts, past and future, relate to each other; and it forms a framework for assist decision making. From the launch of the creation of this new plan, City staff sought diverse public input, and strove to ultimately create a succinct and accessible document for the entire community. People normally experience our City at the ground

level: walking down the street, outside a favorite restaurant, in a park, or at each intersection, sidewalk, or bus stop. The goal of Portland's Plan is to elevate the conversation to look at our entire City as an integrated whole from a bird's eye view, from the West End to Riverton and from Cliff Island to Stroudwater. The plan is a statement of community values and a framework to advance those values. The Plan is not intended to describe the planning initiatives of the coming years in granular detail – its role is not to create parks, specify sidewalk width, or dictate the design of new buildings, but to look at the community in its entirety and define a set of values, goals, and strategies for the next decade. More specific initiatives, whether studies, zoning, plans, or guidelines, will be the work of implementation of this plan.

The **Vision Statement** guides all the subsequent elements of the Plan. It defines the key concepts of who we are as a community and sets the standards by which future planning and policy efforts will be measured. The vision recognizes that the solutions to almost every issue we face today, from housing to infrastructure resiliency to economic development, must be examined through the vision's interconnected concepts. The vision statement should be viewed as a unified whole and its interlocking circles are intended to reinforce this notion that sustainability is not possible absent equality and authenticity requires connection, etc. Each of the elements of the vision require the other elements and together they define what Portland is today and what will shape our future. Accordingly, the values are mutually dependent and should be advanced in balance.

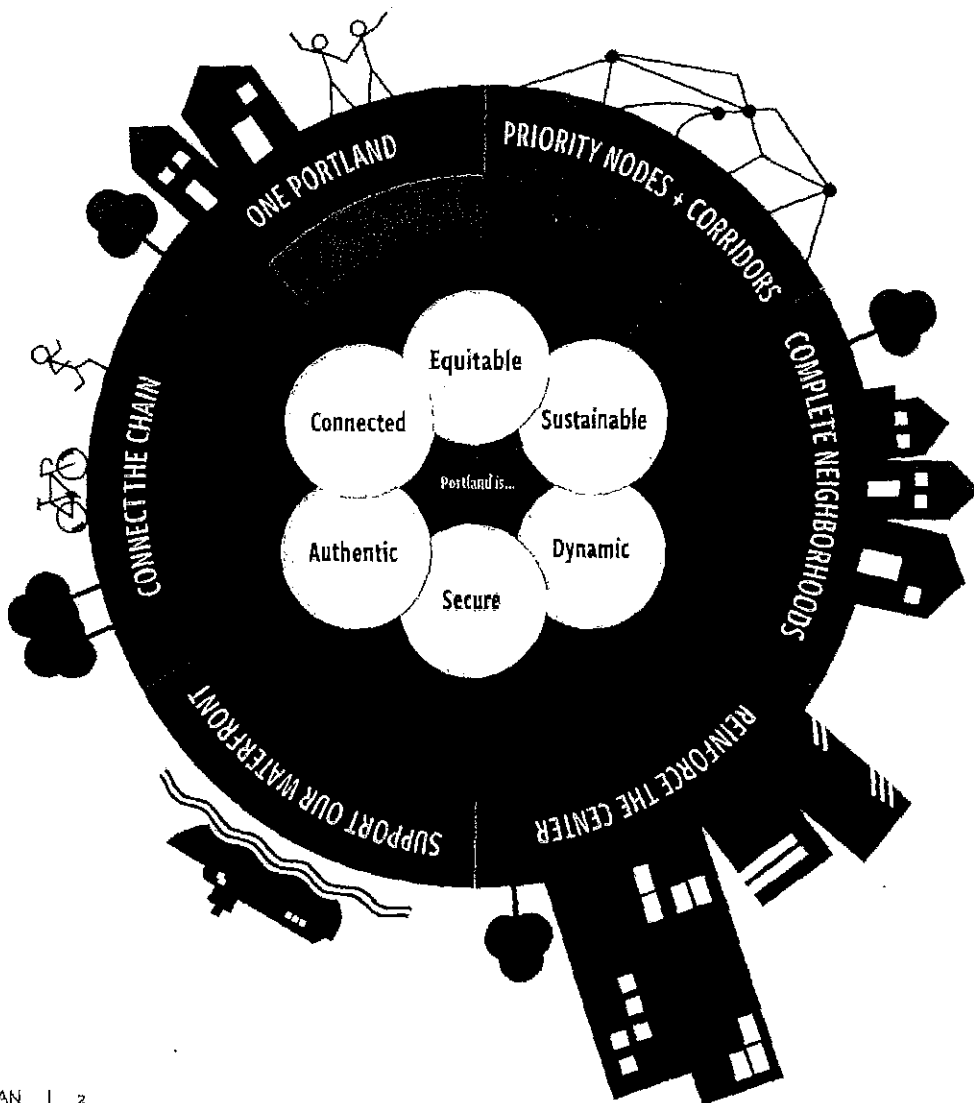
v.2 (4-6-2017)

The vision recognizes that solutions to almost every issue we face today, from housing to resilient infrastructure to economic development must be examined through the interconnected core values of the vision statement. It represents the input of over 3,000 different Portland residents and business owners distilled into the most fundamental

themes for the future of our community. The vision statement represents what Portland values most today and for its future.

Portland's Plan looks at Portland as one community and establishes the vision as a starting point for future planning and policy work. In that way,

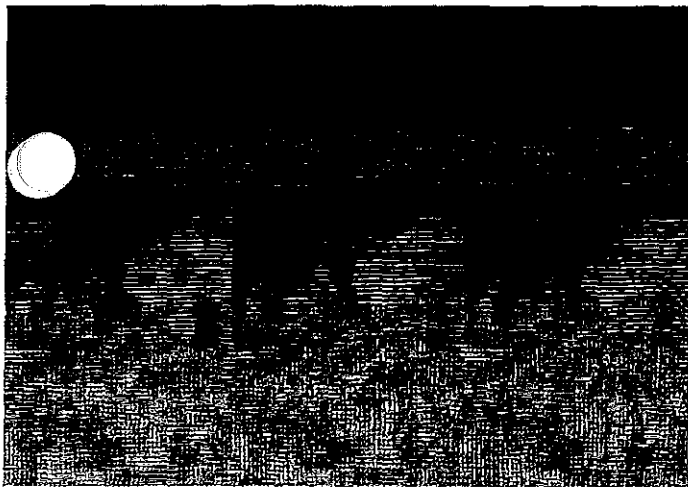
Plan Structure



v.2 (4-6-2017)

EXECUTIVE SUMMARY

this document is a beginning, and seeks to reframe a community conversation about where we collectively want to go as we move into the 21st century. As further described in **Relationship to Other City Plans**, however, Portland's Plan also builds off decades of previous efforts to shape and plan our community. This plan is unabashedly informed by those efforts, and incorporates many of their key elements.



The **Policy Guides** translate the vision into concrete policy objectives relating to core subject areas such as housing, transportation, historic resources, waterfront, and the economy. The focus on interconnection at the core of the vision statement is present in the policy guides as well. The reader will find concepts restated and reinforced across subject areas. Our economy, housing, historic resources, transportation system, open space, environment, waterfront, and municipal facilities and services are all dependent on each other and inextricably linked. This interconnection is a foundational concept which shaped the

structure of this document. The goals and strategies articulated in these chapters will guide additional work over the next decade and should assist the City Council and City Manager in shaping annual work plans.

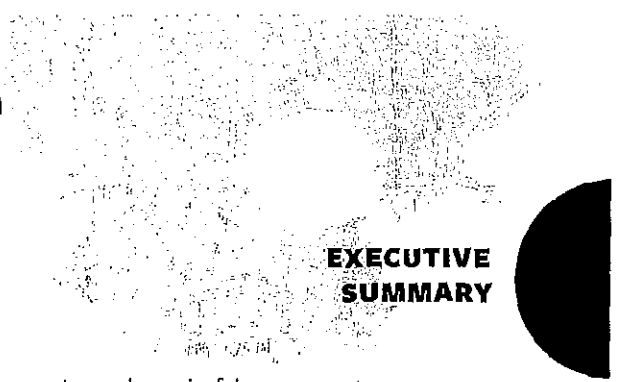
Future Land Use adopts a focused approach to growth in targeted areas across the City. The Future Land Use section is organized around five key principles:

- **One Portland**, spreading the benefits and challenges of sustainable growth fairly across the community;
- **Complete Neighborhoods**, improving livability while retaining the key characteristics that make neighborhoods unique
- **Reinforce the Center**, recognizing that downtown Portland remains a predominant locus of arts and culture, economic, and civic health;
- **Connect the Chain**, connecting and strengthening our open space and transportation networks;
- **Support our Waterfront**, identifying the waterfront as a resource central to the identity, economy, ecology, and recreational life of Portland.

Land use planning will guide new growth to downtown, key nodes and corridors. Areas outside of these identified nodes and corridors aren't immune from change now or in the future, but it's expected that they will largely maintain their predominant land use patterns. A successful Portland is a key component to the vibrancy of southern Maine and the entire state.

Regional Coordination discusses how we will strengthen regional collaboration and engage in

v.2 (4-6-2017)



EXECUTIVE SUMMARY

joint problem-solving to address shared issues, such as housing, water quality and transportation, and maximize our key strengths of quality of life, quality of place, and innovation.

Implementation establishes a framework for advancing the vision and goals of Portland's Plan over the course of the next decade. This document is intended to serve as a guide for the Council as it develops annual work plans, for the Planning Board as it updates the land use code, and for other City departments as they plan and prioritize their respective work. Throughout the plan there is a focus on data collection and analysis in decision making and more consistent use of SMART (specific, measurable, achievable, realistic and timely) principles in City government. Successful implementation of Portland's Plan will require a

commitment to ongoing and meaningful engagement by City staff, elected leaders, community groups, and residents. We hope to achieve a successful feedback loop where decisions are made and then measured for success in achieving the plan's vision. We will create a framework based on measurable objectives where our community will be able to adjust approaches and respond to changing concerns.

The Plan's **Appendices** contain a compendium of data support the Policy Guides. This information serves as a foundation for the Plan's goals and strategies and a resource on Portland

Finally, Portland's Plan conforms to the requirements of the State of Maine's Growth Management Act for comprehensive plans. As required by the Growth Management Act, Portland's Plan will serve as the basis for the City's zoning and land use regulations.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Jeff Levine, Director, Planning and Urban Development

DATE: April 18, 2017

SUBJECT: Adoption of New Comprehensive Plan

SPONSOR: Elizabeth Boepple, Chair, Planning Board

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading April 24, 2017 **Final Action** June 5, 2017

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

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

Elizabeth Boepple, Chair - 2 minute introduction

Stuart O'Brien, Planning Director - 3 minute overview of plan contents and process

I. ONE SENTENCE SUMMARY

The Planning Board is forwarding a recommendation to the City Council to adopt Portland's new comprehensive plan.

II. AGENDA DESCRIPTION

On April 13, 2017, the Planning Board voted unanimously to recommend adoption of Portland's new comprehensive plan to the City Council.

III. BACKGROUND

A comprehensive plan is a long-range planning document required under Maine's Growth Management Act, and serves to guide decision making in Portland for the next 12 years. It continues the City's long history of comprehensive and long range planning, and serves as a guide and resource in multiple ways: it provides valuable information about the state of the City today; it establishes a policy roadmap for implementation; it identifies how other planning efforts, past and future, relate to each other; it forms a reference point for decision making, and it articulates a vision for Portland's values today and for the future. It is also a requirement under Maine's Growth Management Act, and qualifies the City for certain state funding programs.

From the launch, in 2015, of the creation of this new plan the Planning Board and City staff sought diverse public input, and strove to ultimately create a succinct and accessible document out of that process, for the entire community.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

This new plan will form the basis of implementation of many goals that further the Council's Common goals in Economic Development, Housing, Finance, Sustainability & Transportation, and Health & Human Services.

V. FINANCIAL IMPACT

A comprehensive plan found to be consistent with the state's requirements by the Dept. of Agriculture, Conservation & Forestry (Municipal Planning Assistance Program) qualifies the City for certain state funding programs. It sets forward recommendations on a range of topics, such as natural resources, preservation, the working waterfront, economic development, housing, open space, public facilities, and transportation, which have implications for Portland's economy, as well as for public and private investment. The Plan also outlines the City's values and overall desired outcomes in ways that provide helpful information to those wishing to build, start a business, or otherwise invest in Portland.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

A letter, from Planning Board Chair Elizabeth Boepple, providing a summary of the process and the Planning Board's recommendation, is attached.

VII. RECOMMENDATION

On April 13, 2017, the Planning Board voted 6-0 (Mazer absent) to recommend adoption of the new comprehensive plan.

VIII. LIST ATTACHMENTS

1. Letter from Planning Board Chair Boepple to Council
2. A link to the current draft of the new comprehensive plan:
<http://www.portlandmaine.gov/1861/Draft-Comprehensive-Plan-Documents>

Prepared by: Christine Grimando, Senior Planner
Date: April 18, 2017

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

April 18, 2017

Mayor Strimling and Portland City Council:

It is my pleasure to transmit Portland's new comprehensive plan to the City Council. This Plan is the result of nearly two years of outreach, research, and drafting by City staff, with the assistance of many members of the public who gave generously of their time to provide input and feedback.

I would particularly like to thank Planning Board members Lisa Whited and Sean Dundon, who have taken the lead in working directly with staff in preparing, facilitating, and attending many public events. Their creativity and energy has provided a direct link between staff effort and the Planning Board every step of the way.

In developing this Plan, staff and Planning Board members:

- Reached over 2500 people;
- Held 6 community forums;
- Worked with students from 3 Portland public schools;
- Held over 25 stakeholder meetings;
- Conducted 7 Planning Board workshops; and
- Attended many community events such as Farmers' Markets, and First Friday to solicit input.

At each step of the way, input has been thoughtfully documented and the Plan has been updated to try to reflect the consensus of the community. While it would be impossible to get complete agreement on all issues, this Plan highlights places of common value in Portland and provides a roadmap for the City through the 2020's. The Planning Board held a public hearing on the Plan in March, extended the hearing to a final meeting in April, and voted unanimously to recommend its adoption by the City Council. I hope you agree.

Sincerely,

Elizabeth Boepple
Chair, Portland Planning Board

**AMENDMENT TO ORDER 215-16/17
COMPREHENSIVE PLAN
FOR COUNCILOR THIBODEAU AND MAYOR STRIMLING
RE: SUSTAINABILITY AND CLEAN ENERGY**

**ORDER ADOPTING THE CITY OF PORTLAND
COMPREHENSIVE PLAN**

ORDERED, that the City of Portland's Plan 2030, as described in the document attached hereto as Exhibit A, as amended in the pages attached hereto and as available on the City of Portland web site at the following web page,
<http://www.portlandmaine.gov/1861/Draft-Comprehensive-Plan-Documents>, is hereby adopted as the City of Portland's Comprehensive Plan.



VISION



Equitable

- We will remain an open and inclusive City, celebrating diversity and providing a welcoming and safe place for residents and visitors alike.
- We will be a state and national leader in achieving a more equitable city.
- The benefits and costs of our City will be born fairly across the entire City.
- Our government will continue to be transparent and its policies fair and uniformly enforced.
- We will incorporate the needs of all our residents in planning for our future.

Sustainable

- Portland has been built and rebuilt to endure; we will balance our historic fabric, sound infrastructure, and the best of new technology and design for the future.
- We will use sound fiscal decision making as an essential element of our City's future health.
- We recognize that climate change will have significant impacts on our City and endeavor to mitigate and adapt.
- Recognizing our responsibility as a global citizen, and concerned that climate change will have significant impacts on our City, we will prioritize a transition to a low-carbon economy, and adapt to those climate changes we can no longer mitigate.
- Portland will grow in order to sustain our community, infrastructure, and economy.
- Growth should respect and seek to preserve our spectacular natural resources.

Dynamic

- Vibrant arts and cultural life will be central to our identity.
- We will embrace innovation in order for our community to thrive.
- We will welcome new residents into our community because they enrich and sustain our City.
- We will support healthy schools as essential to maintaining a dynamic community.
- We will encourage an active and informed citizenry and facilitate civil discourse.
- Portland will plan for a built environment that encourages an active citizenry.

Secure

- We will use compassion in our decision making and in our approach to public safety.
- We will be committed to accessible housing and healthy food for all our residents.
- We will prepare for emergencies and ready for a changing climate.
- We will strive to create a resilient economy through innovation, investment, and commitment to diversity.
- We believe a key component of security is a transparent and accessible government.

Authentic

- We will celebrate our City's incredible history.
- The uniqueness and integrity of our neighborhoods will be maintained and enhanced.
- We will support our working waterfront as a commitment to maintaining a vibrant maritime economy in the 21st Century.
- We will invest in and support our local economy.
- We will maintain our character through preservation, innovation, and excellence in design for the built environment.

Connected

- Our success will be tied to our connections to each other, our state, and our region.
- A 21st century Portland will continue to rely on integrated transportation infrastructure.
- Diverse forums for community engagement will remain essential to a strong civil society.
- We will foster accessible linkages between where we live, work, shop, and play.
- We will enable meaningful access to the natural world and recreational opportunities as a central component of community health.

**AMENDMENT TO ORDER 215-16/17
COMPREHENSIVE PLAN
FOR MAYOR STRIMLING
RE: SUSTAINABILITY AND CLEAN ENERGY**

**ORDER ADOPTING THE CITY OF PORTLAND
COMPREHENSIVE PLAN**

ORDERED, that the City of Portland's Plan 2030, as described in the document attached hereto as Exhibit A, as amended in the pages attached hereto and as available on the City of Portland web site at the following web page, <http://www.portlandmaine.gov/1861/Draft-Comprehensive-Plan-Documents>, is hereby adopted as the City of Portland's Comprehensive Plan.

5. DEVELOP CLIMATE RESILIENCE

- Collaborate with surrounding municipalities to strengthen comprehensive climate change adaptation and mitigation planning.
- Evaluate the capacity of municipal infrastructure to meet or exceed needs associated with increased flooding impacts.
- Continue to participate in the FEMA Community Rating System, which qualifies the City for discounts on flood insurance and certain emergency financial assistance.
- Pursue strategic study, investment, code changes, and education where storm surge and sea level rise impacts are anticipated to be most severe, including the waterfront and Bayside, as well as others identified in the 2013 *Sea Level Rise Vulnerability Assessment*.

6. SUPPORT SUSTAINABLE ENERGY PRODUCTION AND CONSUMPTION

- Reduce City-wide non-renewable energy consumption through policies that support public and private investments in alternative energy sources.
- Explore adoption of an energy disclosure ordinance for larger commercial and multi-family buildings to reduce Portland's greenhouse gas emissions and improve the energy performance of the City's building stock.
- Pursue strategic opportunities to site solar arrays on City property, including rooftops, landfills, and suitable open spaces.
- Implement policies to support distributed energy generation technologies, such as combined heat and power systems, community solar farms, storage, and other emerging technologies that can increase resilience and reduce consumption of fossil fuels.



LOW IMPACT DEVELOPMENT AND GREEN INFRASTRUCTURE

For years, stormwater in Portland, as in communities all over the country, has collected in the City's combined sewer system and from there traveled to the City's sewage treatment plant. In periods of heavy rain, the capacity of the system can be exceeded, resulting in combined sewer overflows (CSOs), where untreated wastewater flows directly into our streams, rivers, and ocean, often carrying pollutants with it. In the past several decades, the City has made efforts to separate municipal stormwater and sewer systems as a means of better managing periods of high runoff and avoiding CSOs, and the quantity of untreated discharge events has decreased dramatically. More recently, the City has also aggressively pursued Low Impact Development and green infrastructure strategies, which are designed to manage stormwater through natural (green) systems as opposed to engineered (and gray) ones. Through LID and green infrastructure, public and private property owners in Portland are collecting and treating more stormwater in ways that mimic the natural environment - through rain gardens, bioswales, wetland restoration, and green roofs that use the inherent properties of plants and soils to filter pollutants and reduce flooding. Even more, these green infrastructure solutions provide clear and dramatic side benefits by creating habitat, enhancing air quality, improving the landscape, and supporting climate resiliency.



SNAPSHOT: ENVIRONMENT

- Advocate for state adoption of up-to-date building codes, and consider adoption of supplemental provisions to ensure high-performance buildings.
- Strive to be a state-wide leader in creating high performance buildings in order to decrease carbon emissions in the building sector.
- Eliminate, by 2040, net CO₂ emissions from City operations through means such as improved efficiency of lighting and heating, installation of solar arrays, purchase of renewable electric power and conversation of vehicles to electric propulsion.
- Encourage City residents to invest in renewable energy for heating and transport.
- Encourage commercial entities to reduce fossil fuel use through expanded benchmarking, incentives for improved lighting and heating efficiencies and purchase of electric vehicles.
- Encourage fossil fuel-free transport through support for electric vehicles, electric public transit, dedicated bicycle lanes and vehicle exclusion zones.
- Ensure that all municipal decisions take into account the necessity of essentially eliminating carbon dioxide emissions within 30 years.

7. SUPPORT SUSTAINABLE LAND USE & TRANSPORTATION POLICIES

- Plan for the mitigation and redevelopment of brownfields to support productive uses and a healthier environment for residents.
- Coordinate future land use policy changes with long-range regional transportation planning, including planning for transit, pedestrian, and bicycle improvements, to reduce local and regional vehicle miles traveled.

- Continue to develop land use policies which support complete neighborhoods.
- Encourage landowners and developers to incorporate sustainable design, materials, and practices in rehabilitation of historic resources and in new construction.

8. MINIMIZE SOLID WASTE IMPACTS

- Modernize and improve the existing solid waste program through incorporation of a cart-based collection system and through implementation of a City-wide program for collection of composting and organics.
- Increase efforts to promote waste reduction in City operations and in the community.

9. MINIMIZE LIGHT & NOISE POLLUTION

- Promote the use of energy-efficient lighting that minimizes glare and light pollution while providing adequate lighting for safety.
- Maintain and enforce applicable standards that mitigate noise impacts.

10. INCREASE EDUCATION OPPORTUNITIES

- Foster education and provide easily accessible information for residents and visitors on climate change impacts, waste management, environmental resources, and steps for local action.

Order 252-16/17
~~Tab 28 5-15-17~~
Tab 18 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14
Re: EMERGENCY SHELTERS AS A CONDITIONAL USE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*That Chapter 14, Sections 14-218, 14,229.11.1, 14-230.2,
14-232.1, 14-248.1, 14-262.1, AND 14-474 of the Portland
City Code are hereby amended as follows:*

Sec. 14-218. Conditional uses.

(a) The following use is permitted as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474(a) or any other provision of this Code, the planning authority shall be substituted for the board of appeals as the reviewing authority:

...

(b) The following uses are permitted as provided in section 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. Utility substations, such as water and sewage pumping stations and standpipes, electric power substation transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably located, screened and landscaped so as to ensure compatibility with the surrounding neighborhood.

...

4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474: and the use specific standards of Section 14-

474 (c) 3.+

- a. ~~The facility shall be in compliance with the city's current Comprehensive Housing Assistance Plan, a copy of which is on file in the department of planning and urban development, or, if there is no current edition of the Comprehensive Housing Assistance Plan, with a determination of need by the director of the department of health and human services.~~
- b. ~~The facility shall be registered with the City of Portland Department of Health and Human Services.~~

...

Sec. 14-229.11.1. Conditional uses.

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:

- (a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

...

- (c) Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

...

Sec. 14-230.2. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the B-5 and B-5b urban commercial mixed use zones, 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 further provided that, in addition to the provisions of section 14-474(c)(2), they shall also meet the requirements set forth below:

1. Commercial:

...

5. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

...

Sec. 14-232.1. Conditional uses.

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:

(a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

...

(b) Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

...

Sec. 14-248.1. Conditional uses.

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:

(a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

...

(b) Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

Sec. 14-262.1. Conditional uses.

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:

- (a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

...

- (c) Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474
(c) 3.

...

Sec. 14-474. Conditional uses.

(a) *Authority.* The board of appeals may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.

...

- (c) *Conditions for conditional uses:*

- 1. *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.

...

- 3. Use Specific Standards. The following additional standards of review apply to the specific uses.

- a. Emergency shelters are subject to the following conditions, in addition to the provisions of section 14-474 (c) 2. 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 for any shelter also subject to Level III site plan review:

1. The facility shall provide adequate space for conducting security searches and other assessments;
2. The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas;
3. A Management Plan adequately outlining the following areas shall be provided: Management responsibilities; Process for resolving neighborhood concerns; Staffing; Access restrictions; On-site surveillance; Safety measures; Controls for resident behavior and noise levels; and Monitoring Reports.
 - i. Adequate access to and from METRO service shall be provided. The facility shall be within a ¼ mile of a METRO line, or shall be within ½ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit;
 - ii. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs;
4. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site; and
5. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Jeff Levine, Director, Planning and Urban Development
Dawn Stiles, Director, Health and Human Services

DATE: May 1, 2017

SUBJECT: Emergency Shelter Zoning Text Amendments for Section 14-474 and the B-3, B-4, B-5, IL, ILb, IM and IH Zones

SPONSOR: Elizabeth Boepple, Chair, Portland Planning Board, Public Hearing held on April 25, 2017. Vote: 6-1, Morrisette opposed

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading May 15 Final Action June 5

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

PRESENTATION: Elizabeth Boepple, Chair Planning Board and Jeff Levine, Director, Planning and Urban Development – Combined 5 to 10 minutes

I. ONE SENTENCE SUMMARY

The Planning Board recommends the proposed zoning text amendments developed by the Health and Human Services Committee to add emergency shelters as a conditional use in the B-4, B-5, IL, ILb, IM and IH zones and to provide new conditional use standards for emergency shelters in the B-3 zone and the proposed zones.

II. AGENDA DESCRIPTION

The Health and Human Services Committee drafted and the Planning Board voted (6-1) to recommend to City Council the adoption of text amendments to add emergency shelters as a conditional use in the B-4, B-5, IL, ILb, IM and IH zones. Currently, emergency shelters are a conditional use in the B-3 zone and this would be retained. The proposed text amendments also include updated conditional use standards specific to emergency shelters to guide the development of new facilities.

III. BACKGROUND

Portland's emergency shelters are generally older facilities, under-sized for current demands, and unable to provide a broad range of services for homeless individuals. The Health and Human Services Committee is interested in developing a new state-of-the-art shelter to best serve the clientele as well as surrounding neighborhoods. At present, the needs of such a facility are being determined but there is no site identified. Best practices call for providing permanent housing for homeless individuals, such as Portland's successful Housing First projects, and then allow homeless shelters to offer temporary shelter accompanied with needed counseling and services to return clients to stable housing.

The proposed amendments retain emergency shelters as a conditional use in the Downtown Business (B-3) Zone with proposed updated conditional use standards. The proposed text amendments add Emergency Shelters as a conditional use to six zoning districts: Commercial Corridor B-4; Urban Commercial B5, excluding B-5b; Low Impact Industrial II; Low Impact Industrial IIb; Moderate Impact Industrial IM; and High Impact Industrial IH. While this use would be allowed within more zones, a facility would need to meet the siting criteria of the conditional use standards that requires the use to be within ¼ mile of a METRO Line or within ½ mile of METRO line, if adequate indoor space for day time shelter use as well as strategies to help residents utilize transit.

The updated conditional use standards for emergency shelters are proposed to provide a safe sleeping environment for homeless individuals and to offer a broader range of services and facilities to serve the daily needs of clients. The standards address the following:

4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474. 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 for any shelter also subject to Level III site plan review:

- a. The facility shall provide adequate space for conducting security searches and other assessments;
- b. The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas;
- c. A Management Plan adequately outlining the following areas shall be provided: Management responsibilities; Process for resolving neighborhood concerns; Staffing; Access restrictions; On-site surveillance; Safety measures; Controls for resident behavior and noise levels; and Monitoring Reports.
 1. Adequate access to and from METRO service shall be provided. The facility shall be within a ¼ mile of a METRO line, or shall be within ½ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit;
 2. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, or other programs.
- d. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site;
- e. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests;

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Pursue shelter improvements: expand zoning; improvement and new shelter.

V. FINANCIAL IMPACT

No anticipated financial impact for the zoning amendments.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

The Health and Human Services Committee's toured and evaluated current best practices for emergency shelters. They found that modern shelters provide a range of services in a centralized location, which necessitates larger buildings to accommodate multiple functions. The Planning Board recommends, and the Health and Human Services Committee supports, allowing emergency shelters in the proposed business and industrial zones based on a changing model and need for emergency shelters. First, modern, state-of-the-art shelters have land area requirements that can be hard to meet in a densely-developed city. Practically speaking, it is important to keep the industrial zones open as options because they tend to have larger lots that can be used for modern facilities, provided a shelter allows for transit accessibility. Second, the model for provision of shelter has changed away from providing a long-term place to stay to providing a truly emergency shelter for a relatively short period of time. This model change has been enabled by better success in locating permanent housing with support services for the longest-term residents of shelters and freeing up beds for short-term stayers. Under the new model, the focus is on providing a safe space with facilities on-site for residents while they get back on their feet, rather than a more permanent residence. Third, while the industrial zones are permitted locations, the conditional use language also requires that shelters be located near METRO service. In effect, that limits the permitted areas to major corridors and not to the industrial zones in general. Fourth, the conditional use standards are proposed to guide the establishment of shelters that are well managed and offer the counseling and services needed to eliminate homelessness in Portland.

The policies in the pending Comprehensive Plan vision statement call for a commitment to accessible housing for all residents. Specifically, the plan includes the following strategies:

- Explore efficient ways of delivering services to the homeless by investigating a wide variety of services models, evaluating the local potential of these models, and developing plans for implementation.
- Align the City's land use code with City Council policy direction on shelter placement, shelter models, and facility requirements.
- Continue to embrace innovation and best practices towards eliminating homelessness.

The current comprehensive plan states a goal of ensuring housing for all with the specific objective of creating enough beds to ensure that no one is forced to sleep outside due to a lack of beds in emergency shelters.

VII. RECOMMENDATION

The Planning Board voted 6-1 (Morrisette opposed) to find the proposed zoning text amendments are consistent with Portland's Comprehensive Plan and recommend to the City Council adoption of the proposed zoning text amendments. Carol Morrisette voted against the motion; however, she supports the updated provisions for emergency shelters and to improve shelters, but she opposes siting emergency shelters in industrial zones.

VIII. LIST ATTACHMENTS

Cc: Planning Board to City Council on Zoning Text Amendments for Emergency Shelters

Prepared by: Barbara Barhydt, Development Review Services Manager

Date: April 27, 2017



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

Emergency Shelter Amendments

Zoning Text Amendments for Emergency Shelters as conditional uses in B-3, B-4, B5, IL, ILb, IM and IH zones and Conditional Use Standards in Division 28
Health and Human Services Committee, City of Portland, Applicant

Submitted to: Portland City Council From: Planning Board	Prepared by: Barbara Barhydt, Development Review Services Manager Date: May 1, 2017
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I. INTRODUCTION

The Health and Human Services Committee drafted and the Planning Board voted (6-1) to recommend to City Council the adoption of text amendments to add emergency shelters as a conditional use in the B-4, B-5, IL, ILb, IM and IH zones and update the conditional use standards. The Planning Board recommended a formatting amendment to consolidate the standards within the general conditional use standards, rather than listing them in each applicable zone. The draft before the City Council reflects this amendment. Currently, emergency shelters are a conditional use in the B-3 zone and this would be retained. The proposed text amendments also include updated conditional use standards specific to emergency shelters to guide the development of new facilities.

II. REVIEW PROCESS AND PUBLIC COMMENT

The Planning Board held a workshop on the preliminary draft on April 6, 2017 and a public hearing on April 25, 2017. Notices for this item appeared in the legal ad, which was published in the Portland Press Herald on April 17 and 18. It was also posted to the web site and distributed through “notify me.” At the public hearing, there were five members of the public who spoke. Sarah Michniewicz supported the text amendments and offered suggestions for revisions to address management plans. Joe McNally, Milestone, Norman Maze, and Brian Townsend (written public comment, [Att 5](#)), supported the proposal. CHOM also presented testimony in support of the proposed amendments. George Rheault spoke in opposition to the proposed amendments.

III. BACKGROUND ON EMERGENCY SHELTERS

Portland’s emergency shelters are generally older facilities, under-sized for current demands, and unable to provide a broad range of services for homeless individuals. The Health and Human Services Committee is interested in developing a new state-of-the-art shelter to best serve the clientele as well as surrounding neighborhoods. At present, the needs of such a facility are being determined but there is no site identified. Best practices call for providing permanent housing for homeless individuals, such as Portland’s successful Housing First projects, and then allow homeless shelters to offer temporary shelter accompanied with needed counseling and services to

return clients to stable housing. As part of planning for shelters, the Health and Human Services Committee began by evaluating current regulations and proposing updates to the zoning code. In particular, members identified the current limitation to the B-3 zone as both an obstacle to siting a modern shelter, and also based on outdated assumptions about the needs of shelter clients. The Committee has drafted new conditional use standards for emergency shelters and is proposing to add emergency shelters as a conditional use in two business zones and the industrial zones.

The City Council visited shelters in the Boston area and learned about best practices. Following that, the Health and Human Services Committee asked staff to develop proposed amendments, and held three meetings to develop the proposed amendments. The Committee sought guidance from shelter providers from the City and non-profits, as well as from the public. On April 13, 2017, following a public hearing on the matter, the Committee endorsed the amendments as drafted and forwarded them to the Planning Board for their consideration and recommendation to the City Council.

The Health and Human Services Committee reviewed the shelters and best practices that have been developed in other communities. The list of resources considered by the Committee is included as Attachment A and a copy of the Comparative Analysis of Homeless Facilities is included as Attachment B. In addition, the Committee considered the Final Resolution from the Salt Lake County Collective Impact on Homelessness (Attachment C) and the Public Safety & Security Benchmarking Study (summary as Attachment D). A floor plan concept is included as Attachment E. In this floor plan, there is a multi-purpose/dining room with adjoining kitchen facilities to accommodate 136 people. There are lockers, a laundry facility, bathrooms, offices and a central office area adjoining separated sleeping areas. The concept plan also shows an outdoor park/seating area. The larger facility is intended to offer services and counseling support within the shelter in order provide accessible and effective services.

In speaking with shelter operators, staff noted that the needs of emergency shelters have changed as the strategies for ending homelessness have changed. The priority used to be in rapidly rehousing recent arrivals to the shelter. That strategy was based on the idea that those clients are the easiest to find housing for, as they have often ended up in a shelter due to a short-term challenge. However, that left long-term shelter stayers in facilities for extended periods of time. As the shelter became a de-facto home for those stayers, and as they were not permitted to stay in most shelters due to space limitations, there was a need to provide a shelter near other services, such as downtown.

The newer model focusses on providing housing for those long-term stayers. While those housing units are more difficult to locate, because the challenges of housing this population is greater, the benefits are also much higher. Freeing up one bed from a long-term stayer allows many more transient users to use that same bed. As a shelter becomes a shorter-term solution for emergencies, there is a lessened need to provide nearby services, and instead the focus should be on providing a modern, clean, safe facility. Finally, modern shelters allow occupants to remain during the day and the shelters provide on-site space for medical care, substance abuse treatment, counseling, job readiness, housing assistance, and other services.

For all these reasons, the previous rationale for locating shelters downtown is no longer valid. The goal now is to provide zoning that allows a modern facility to be developed, for shorter-term stayers, near transit for those who need transportation. The Planning Board recommends and HHS Committee supports the proposed zoning amendments in order meet these goals and allow flexibility for shelter siting, while putting in place new conditional use standards to ensure that a shelter meets current best practices.

IV. CURRENT LAND USE CODE REGULATIONS FOR EMERGENCY SHELTERS

Definition:

Portland's zoning code defines emergency shelter as follows:

Emergency shelter: A facility providing temporary overnight shelter to homeless individuals in a dormitory-style or per-bed arrangement.

Conditional Use Standards specific to Emergency Shelters

Emergency Shelters are listed as a conditional use only in the Downtown Business B-3 zone and the Planning Board is substituted for the Zoning Board of Appeals for the review. The specific conditional use standards in the B-3 district are as follows:

4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474:
 - a. The facility shall be in compliance with the city's current Comprehensive Housing Assistance Plan, a copy of which is on file in the department of planning and urban development, or, if there is no current edition of the Comprehensive Housing Assistance Plan, with a determination of need by the director of the department of health and human services.
 - b. The facility shall be registered with the City of Portland Department of Health and Human Services.

Conditional Use Standards for all Conditional Uses

The general standards in Section 14-474, which are applied to all conditional uses, which would also apply and these standards address typical site plan concerns such as traffic, hours of operation, parking needs, landscaping, noise, signs, and other factors.

Parking Requirements

Division 20, Off-Street Parking, sets a parking requirement of 1 space per every 2 employees.

Site Plan Ordinance

As noted above, the Planning Board is substituted for the ZBA to conduct the conditional use reviews of Emergency Shelters. The site plan ordinance lists emergency shelters as subject to at a minimum a Level II site plan review, unless the size of the facility triggers a Level III review with the Planning Board.

V. PROPOSED TEXT AMENDMENTS

A. Text Amendments to list Emergency Shelters in Specific Zones

In preparing the draft amendments, staff considered whether it made sense to simply permit emergency shelters as conditional uses City-wide. However, in looking at the urban design and fabric of the other zones in the City, and the likely design of any new emergency shelter, it did not seem appropriate to site emergency shelters in other residential zones. However, group homes and other smaller-scale facilities similar in character to shelters continue to be permitted in those zones.

The proposed text amendments add Emergency Shelters as a conditional use to six zoning districts:

- Commercial Corridor B-4;
- Urban Commercial B5, excluding B-5b;
- Low Impact Industrial IL;
- Low Impact Industrial ILb;
- Moderate Impact Industrial IM; and
- High Impact Industrial IH.

The proposal retains emergency shelters as a conditional use in the Downtown Business Zone and cross-references the updated conditional use standards that are proposed within Section 14-474. The use is proposed for the B-5 zone, which has locations both on and off-peninsula, but the B-5b zone is excluded as it is a small area along the Waterfront. Please note that while emergency shelters are proposed in the various commercial and industrial zones, the entire zones are not open to this use based upon meeting the criteria of the conditional use standards, which requires the use to be within ¼ mile of a METRO Line or within ½ mile of METRO line if adequate indoor space for day time shelter use as well as strategies to help residents utilize transit. Attachment 1 is the zoning map showing the zones where shelters are proposed to be permitted as a conditional use. Following that map are two maps that show the ¼ mile buffer along METRO transit routes (Attachment 2) and the same map with the ½ mile buffers (Attachment 3).

B. Text Amendments for the Conditional Use Standards

At the Public Hearing, the Planning Board amended the draft to change the formatting for the proposed conditional use standards. Rather than inserting the same use specific standards in each applicable zone, the Board supported consolidating the standards under Section 14-474. The reformatted amendments before the Council are proposed to be included as use specific conditional uses as Section 14-474 3. The proposed conditional use standards allow emergency shelters to be reviewed by the Zoning Board of Appeals (ZBA) unless the proposal triggers a Level III site plan review and then the Planning Board would be substituted for the ZBA. Attachment 4 contains the proposed text amendments for each zone and the conditional use standards under Sec. 14-474. The standards are proposed to provide a safe sleeping environment for homeless individuals and to offer a broader range of services and facilities to serve the daily needs of clients. The standards address the following:

(c) Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474. 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 for any shelter also subject to Level III site plan review:

1. The facility shall provide adequate space for conducting security searches and other assessments;
2. The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas;
3. A Management Plan adequately outlining the following areas shall be provided: Management responsibilities; Process for resolving neighborhood concerns; Staffing; Access restrictions; On-site surveillance; Safety measures; Controls for resident behavior and noise levels; and Monitoring Reports.

- i. Adequate access to and from METRO service shall be provided. The facility shall be within a ¼ mile of a METRO line, or shall be within ½ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit;
 - ii. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, or other programs.
4. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site;
5. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests;

VI. POLICY DISCUSSION

A. Pending Comprehensive Plan

The pending Comprehensive Plan before the City Council has a vision statement that calls for the City to be equitable, sustainable, dynamic, secure, authentic and connected. The vision statements under equitable call for the following:

- We will remain an open and inclusive City, celebrating diversity and providing a welcoming and safe place for residents and visitors alike.
- We will be a state and national leader in achieving a more equitable city.
- The benefits and costs of our City will be born fairly across the entire City.
- Our government will continue to be transparent and its policies fair and uniformly enforced.
- We will incorporate the needs of all of our residents in planning for our future.

The secure vision also states:

- We will use compassion in our decision making and in our approach to public safety.
- We will be committed to accessible housing and healthy food for all our residents.

Relevant local goals found under the Housing Policy Guide call the City to “Increase, preserve, and modify the overall supply of housing City-wide to meet the needs, preferences and financial capability of all households.”

The Facilities and Services policy guide call for the City to “Provide public safety, emergency response, and emergency management facilities and services that can effectively meet the needs of all residents.” Pertinent strategies within that section include:

- Explore efficient ways of delivering services to the homeless by investigating a wide variety of services models, evaluating the local potential of these models, and developing plans for implementation.
- Align the City’s land use code with City Council policy direction on shelter placement, shelter models, and facility requirements.
- Continue to embrace innovation and best practices towards eliminating homelessness.

In the existing comprehensive plan, the Housing Goal is to ensure an adequate and diverse supply of housing for all with the following related Policy Objectives:

- Create enough beds to ensure that no one is forced to sleep outside due to a lack of beds in emergency shelters.
- Transition to Permanent Housing: Encourage proposals to transition homeless families and individuals out of emergency shelters and transitional facilities into permanent housing, including single room occupancy units.

B. Discussion

The Planning Board recommends as amended for formatting, and the Health and Human Services Committee supports, allowing the use in those zones based on a changing model and need for emergency shelters. First, modern, state-of-the-art shelters have land area requirements that can be hard to meet in a densely-developed city. Practically speaking, it is important to keep the industrial zones open as options because they tend to have larger lots that can be used for modern facilities, provided a shelter allows for transit accessibility. Second, the model for provision of shelter has changed away from providing a long-term place to stay to providing a truly emergency shelter for a relatively short period of time. This model change has been enabled by better success in locating permanent housing with support services for the longest-term residents of shelters and freeing up beds for short-term stayers. Under the new model, the focus is on providing a safe space with facilities on-site for residents while they get back on their feet rather than a more permanent residence. Third, while the industrial zones are permitted locations, the conditional use language also requires that shelters be located near METRO service. In effect, that limits the permitted areas to major corridors and not to the industrial zones in general (see attached maps for reference.) Fourth, the conditional use standards are proposed to guide the establishment of shelters that are well managed and offer the counseling and services needed to eliminate homelessness in Portland.

VII. PLANNING BOARD RECOMMENDATION

The Planning Board voted 6-1 (Morrisette opposed) to find the proposed zoning text amendments, as amended for formatting, are consistent with Portland's Comprehensive Plan and recommend to the City Council adoption of the proposed zoning text amendments. Carol Morrisette voted against the motion; however, she supports the updated provisions for emergency shelters and looks forward to a fresh approach to housing the homeless, but she opposes siting emergency shelters in industrial zones.

Attachments to the Report:

1. Map of Proposed Zones to Permit Shelters
2. Transit Line Buffer Map- Quarter Mile Buffer
3. Transit Line Buffer Map- Half Mile Buffer
4. Proposed Text Amendments for the Land Use Code
5. Public Comment, Brian Townsend, Amistad

Applicant's Submission

Att A Shelter Best Practices

Att B Homeless Shelters Comparison Report

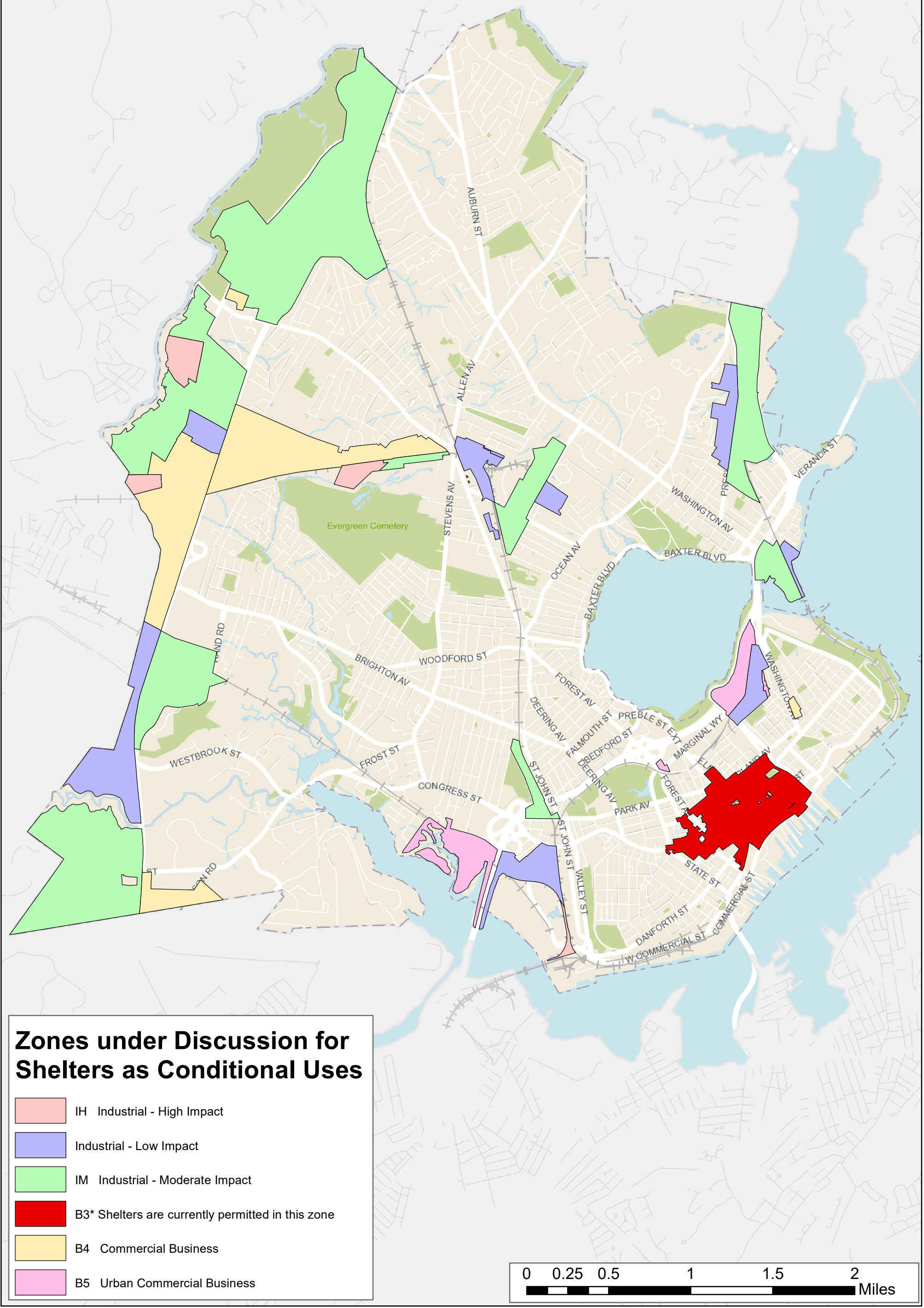
Att C Resolution – Collective Impact on Homelessness Shelters

Att D Safety and Security Benchmarking Study

Att E Shelter Diagram 1117

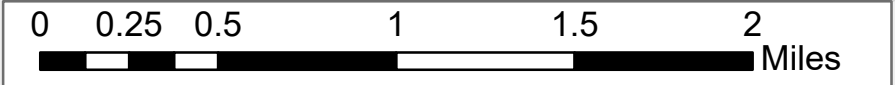
Shelter Zoning Discussion Map: Shelters Currently Only Permitted in the Red (B-3) Zone

DRAFT



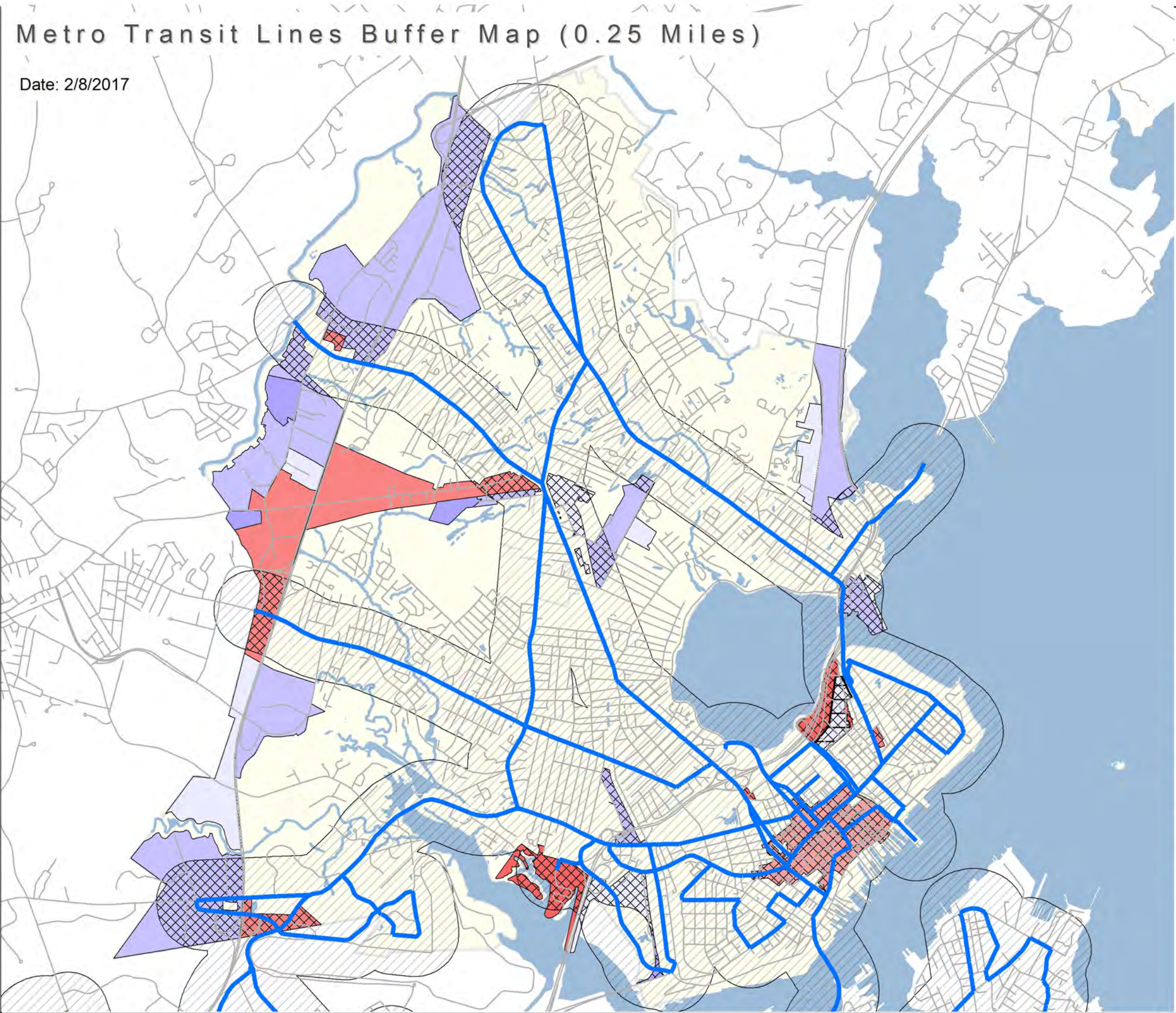
Zones under Discussion for Shelters as Conditional Uses

- IH Industrial - High Impact
- IL Industrial - Low Impact
- IM Industrial - Moderate Impact
- B3* Shelters are currently permitted in this zone
- B4 Commercial Business
- B5 Urban Commercial Business



Metro Transit Lines Buffer Map (0.25 Miles)

Date: 2/8/2017

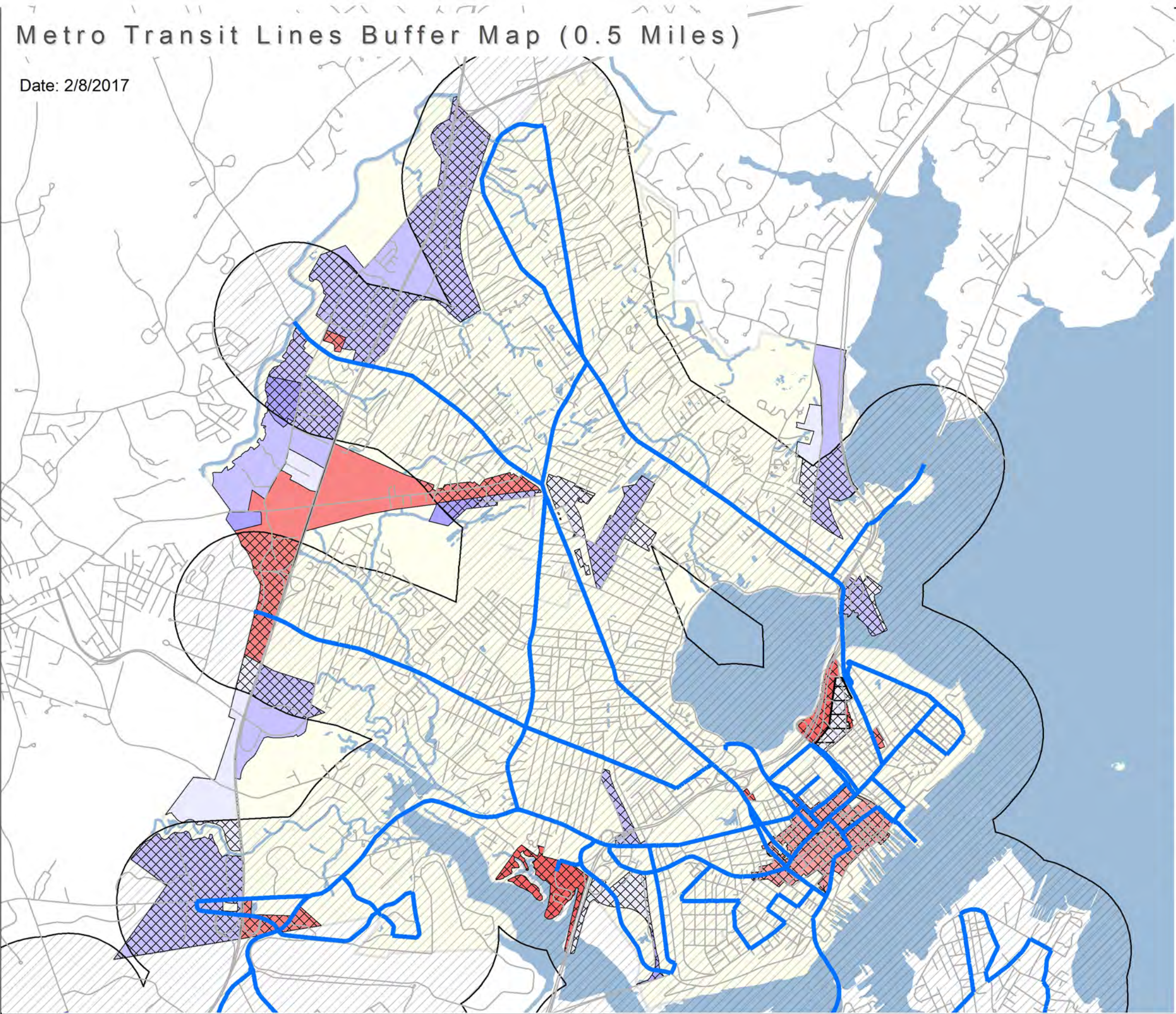


- Metro Transit Lines
- ▨ 1/4 Mile Applicable Buffer
- ▨ 1/4 Mile Buffer
- B3* Downtown Business
- B4 Commercial Business
- B5 Urban Commercial Business
- IL Industrial - Low Impact
- ILb Industrial - Low Impact
- IM Industrial - Moderate Impact
- IH Industrial - High Impact

1:40,000

Metro Transit Lines Buffer Map (0.5 Miles)

Date: 2/8/2017



- Metro Transit Lines
- ▨ Applicable 1/2 Mile Buffer
- ▨ 1/2 Mile Buffer
- B3* Downtown Business
- B4 Commercial Business
- B5 Urban Commercial Business
- IL Industrial - Low Impact
- ILb Industrial - Low Impact
- IM Industrial - Moderate Impact
- IH Industrial - High Impact

1:40,000

PROPOSED TEXT AMENDMENTS FOR EMERGENCY SHELTERS**DIVISION 12. B-3, B-3b AND B-3c DOWNTOWN BUSINESS ZONES*****Sec. 14-218. Conditional uses.**

(b) The following uses are permitted as provided in section 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:

4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

~~a. The facility shall be in compliance with the city's current Comprehensive Housing Assistance Plan, a copy of which is on file in the department of planning and urban development, or, if there is no current edition of the Comprehensive Housing Assistance Plan, with a determination of need by the director of the department of health and human services.~~

~~a. The facility shall be registered with the City of Portland Department of Health and Human Services.~~

DIVISION 12.5. B-4 COMMERCIAL CORRIDOR ZONE**Sec. 14-229.11.1. Conditional uses.**

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:

- (b) 4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

DIVISION 12.6. B-5 URBAN COMMERCIAL MIXED USE ZONE**Sec. 14-230.2. Conditional uses.**

(a) The following uses shall be permitted as conditional uses in the B-5 and B-5b urban commercial mixed use zones,

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 further provided that, in addition to the provisions of section 14-474(c) (2), they shall also meet the requirements set forth below:

5. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

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

Sec. 14-232.1. Conditional uses.

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:

(b) 4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

DIVISION 14. I-M, I-Ma AND I-Mb INDUSTRIAL ZONES*

Sec. 14-248.1. Conditional uses.

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:

(b) 4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

DIVISION 15. I-H AND I-Hb INDUSTRIAL ZONES*

Sec. 14-262.1. Conditional uses.

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:

(b) 4. Emergency shelters, subject to the following conditions, in addition to the provisions of section

14-474 and the use specific standards of Section 14-474
(c) 3.

Sec. 14-474. Conditional uses.

(a) *Authority.* The board of appeals may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.

(b) *Procedure:*

1. *Application.* Applications for conditional use permits shall be submitted to the building authority. A nonrefundable application fee, as established from time to time by the city council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the building authority but shall in all instances contain at least the following information and documentation:
 - a. The applicant's name and address and his or her interest in the subject property;
 - b. The owner's name and address if different than the applicant;
 - c. The address, or chart, block and lot number as shown in the records of the office of the assessor of the subject property;
 - d. The zoning classification and present use of the subject property;
 - e. The particular provision of this article authorizing the proposed conditional use;
 - f. A general description of the proposed conditional use;
 - g. Where site plan approval is required by article V of this chapter, a preliminary or final site plan as defined by article V of this chapter.

2. *Public hearing.* A public hearing shall be set, advertised and conducted by the board of appeals in accordance with article VI of this chapter.
3. *Action by the board of appeals.* Within thirty (30) days following the close of the public hearing, the board of appeals shall render its decision, in a manner and form specified by article VI of this chapter, granting the application for a conditional use permit, granting it subject to conditions as specified in subsection (d), or denying it. The failure of the board to act within thirty (30) days shall be deemed an approval of the conditional use permit, unless such time period is mutually extended in writing by the applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant and, if a permit is authorized, shall issue such permit, listing therein any and all conditions imposed by the board of appeals.

(c) *Conditions for conditional uses:*

1. *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.
2. *Standards.* The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:
 - a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
 - b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust,

sewage disposal, emissions to the air, odor, lighting, or litter; and

- c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

3. Use Specific Standards. The following additional standards of review apply to the specific uses.

- a. Emergency shelters are subject to the following conditions, in addition to the provisions of section 14-474 (c) 2. 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 for any shelter also subject to Level III site plan review:

- 1. The facility shall provide adequate space for conducting security searches and other assessments;

- 2. The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas;

- 3. A Management Plan adequately outlining the following areas shall be provided: Management responsibilities; Process for resolving neighborhood concerns; Staffing; Access restrictions; On-site surveillance; Safety measures; Controls for resident behavior and noise levels; and Monitoring Reports.

- i. Adequate access to and from METRO service shall be provided. The facility shall be within a ¼ mile of a METRO line, or shall be within ½ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit;

ii. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs;

4. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site; and

5. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests.

(d) *Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

(e) *Effect of issuance of a conditional use permit.* The issuance of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the city, including but not limited to a building permit, a certificate of occupancy, subdivision approval and site plan approval.

(f) *Limitations on conditional use permits.* No conditional use permit shall be valid for a period longer than six (6) months from the date of issue, or such other time as may be fixed at the time granted not to exceed two (2) years, unless the conditional use has been commenced or is issued and construction is actually begun within that period and is thereafter diligently pursued to completion; provided, however, that one (1) or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year period is not exceeded thereby. A conditional use permit shall be deemed to authorize only the particular use for which it was issued and such permit shall automatically expire and cease to be of any

force or effect if such use shall for any reason be discontinued for a period of twelve (12) consecutive months or more.

(g) *Appeals from board decisions.* Appeals from any decision of the board of appeals or, where applicable, the Planning Board respecting a conditional use permit shall be to superior court.

(Code 1968, § 602.24.D; Ord. No. 437-74, 7-1-74; Ord. No. 407-83, 2-2-83; Ord. No. 467-83, § 2, 4-20-83; Ord. No. 237-83, 10-17-83; Ord. No. 222-13/14, 5-5-2014)

Sec. 14-475. Reserved.

***Editor's note**—Section 7 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed § 14-475, relative to nonconforming uses, which derived from Code 1968, § 602.24.E, and Ord. No. 437-74, adopted July 1, 1974.



To the chair, vice chair, and members of Portland's Planning Board:

Amistad has hundreds of active members who live in and around Portland. "Members" is the term we use to describe the adults who access services at our Peer Support and Recovery Center. Our members all have struggled with mental illness, and most have struggled with a co-occurring substance use disorder. We have members who have been with us for three decades, and also 19-year-old opiate-addicted members who just showed up this month. About 40% of our current members are homeless, while just under 80% have been homeless at one time in their life. So Amistad and its members have a huge stake in the outcome of this discussion.

We strongly support the city's efforts to create a new shelter, in a new location, with a new concept of what an emergency shelter should be. Our city government has demonstrated a commitment to solving the problem of homelessness for years. The agencies in this room, and others, have been fully on board. All of our efforts have made a difference. But homelessness is incredibly complicated. Mental illness is very often one of the causes of a person's homelessness, along with being one of the barriers to a solution.

When Amistad members see the public face of homelessness—around Bayside in the evening, or on the medians or elsewhere, they generally don't think for a second about how this reflects on Portland, or about the discomfort it causes them to confront that image. They see people whose struggle they recognize. Their empathy is pretty total.

Everyone in this room thinks that homelessness is unacceptable, and at Amistad we love that the city is looking at bold strokes to take it on. What I feel, in representing the collective voice of Amistad, is that the current physical layout of services for the homeless in this city very inadvertently traps those we aim to help in a maze with unmarked exits. A person who wakes up in the homeless shelter on Oxford Street looks out at the same limited horizon each day. The demands of survival narrow their field of options to what is available within sight of the shelter.

While a move outside the city would create logistical challenges, it would also create new horizons, and generate an optimal level of urgency in everyone involved, from the people who find themselves in a state of homelessness, to those of us who want to help them find a way out. The design we've heard discussed sounds more humane, more solutions-focused, and more, frankly, like the city we live in.

We are thankful that the city is putting this idea forward, and look forward to being a partner in solving any of the issues that arise in moving it from the idea stage to reality. On behalf of the members of Amistad, thank you for caring about this issue so strongly.

Brian Townsend, Executive Director

SHELTER Best Practice – findings

Shelter/Multi-service Center

1. Year-Round Emergency Shelter and Multi-service center Cost Model Report (Orange County, CA) 2013- National review of options for cities in the county: recommends multiservice center/shelters in each.
2. Comparative Analysis of Homeless Facilities and programs in selected Cities and Counties (Virginia Beach, VA) 2011- Reviews practices and models in a number of cities including some as best practices: Recommends consolidation of shelter and services into one site: speeds of access and connections and saves many calls to providers and city-
3. Examples – Columbus OH, Hennipin mN.
4. Recent smaller city models: Tallahassee –Kearny Center (others looking to duplicate)
San Luis Obispo (mult-service and populations in one site with architectural awards)
Santa Cruz CA.

Single Point of Entry/ Assessment Center/ coordination at entry

USICH-HUD

Denver Shelter Assessment by NAEH in 2011- (led by norm Suchar current HUD Homeless)
Recommends consolidation and single site for each population (Adults, families, youth) in this city to coordinate and refer.

Virginia Beach recommendation

Harm Reduction/low barrier

HUD/USICH- accessible

Current work in San Francisco and Seattle on new model – Navigation centers- Open sites to get off the street-can bring pets and partners- (more extreme based on need) -

24 hours for working individuals and those ill:

Many include a respite area or program that is not always medically staffed for individuals who are ill or need some attention. Other include accommodation/level for those working that need flexibility in hours.

Storage

Huge issue nationally and viewed as an impediment to housing and especially employment for many: examples of options at shelter or in community: Portland Oregon: large containers;

San Diego: 300 bins -Transitional Storage Center

L.A two Storage Centers

Outside Space

Campus Models: Dallas, San Antonio, others

Navigation Centers and others: interior courtyard

Louisville Shelter has on site recovery program: (but higher barrier)



Comparative Analysis of Homeless Facilities and Programs in Selected U.S. Cities and Counties

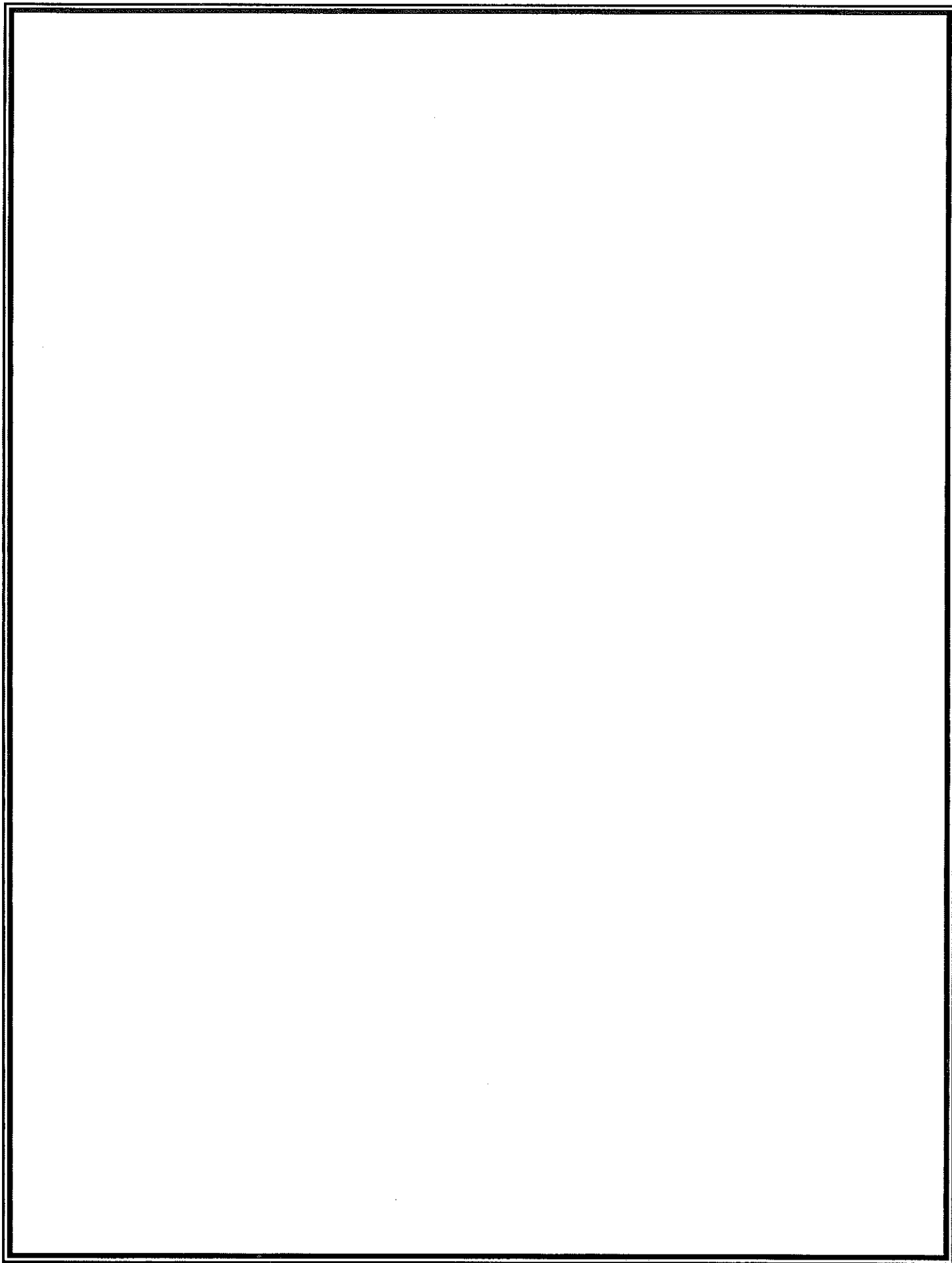
Prepared by:
City of Virginia Beach
Department of Housing and Neighborhood Preservation

Andrew Friedman – Director, Housing and Neighborhood Preservation
Sharon Prescott – Housing Development Administrator
Natalie Anderson – Principal Author

September 19, 2011

Disclaimer:

This report contains descriptions of a variety of strategies and approaches to addressing the issue of homelessness. These strategies are presented for the purpose of sharing information. The City of Virginia Beach and the Department of Housing and Neighborhood Preservation neither endorse nor oppose any of the homeless assistance models described in the report.



Conclusions

In terms of number of facilities, the level of assistance offered to the homeless population is similar among East Coast resort cities, including Virginia Beach. The majority of profiled oceanfront cities offer essentially one shelter for each type of demographic group: one shelter for single adults, one shelter for families (or women with children), and one shelter for youth. An exception is Ocean City, MD where there is only one shelter serving the tri-county homeless population. However, the Ocean City shelter serves each of these homeless demographic groups within the same shelter. In terms of the number of homeless individuals who can find overnight accommodation within the shelter system, the capacity of each city varies.

On the high end, Broward County Partnership in Florida and Union Mission in Norfolk each can accommodate 200 or more persons per night. On the lower end of the spectrum, Diakonia shelter in Ocean City, MD can accommodate between 35 – 45 persons per night. In Virginia Beach, JCOC provides 50 beds for overnight emergency shelter that are available year-round. From October through April, a minimum of 62 additional beds are available through a consortium of faith-based community facilities within Virginia Beach.

Services that were common to the majority of shelters profiled in this report are basic necessities: bathrooms, showers, laundry, meals, limited to full-time case management, limited-term medical care through an outside agency, and substance abuse counseling. A common constraint among most of the shelters was the reality of operating with small budgets and limited staff. As such, most shelters offer ancillary services on an ad hoc basis, services which expand or contract in relation to current staff and funding resources. The most common ancillary services were employment assistance, life-skills training and transportation assistance (bus passes and bicycles).

Sources

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U.S. Department of Housing and Urban Development Homeless Reports. Accessed July, 2011 from: www.hudhre.info/index.cfm?do=viewHomelessRpts

Norfolk Homeless Consortium website. Accessed August, 2011 from: www.norfolkhomelessconsortium.org

Individual shelter websites (listed in shelter profiles)

Maps

City of Daytona Beach zoning map. Accessed July, 2011 from: <http://gis.codb.us/Freeance/Client/PublicAccess1/index.html?appconfig=CityMap>

City of Fort Lauderdale zoning map. Accessed July, 2011 from: <http://ci.ftlaud.fl.us/gis/files/maps/Zoning%20Map.pdf>

City of Key West zoning map. Accessed July, 2011 from: www.keywestcity.com/egov/docs/1161957236_949066.pdf

City of Myrtle Beach zoning map. Accessed July, 2011 from: www.cityofmyrtlebeach.com/PDF%20Forms/Zoning%20Map.pdf

City of Norfolk zoning map. Accessed August, 2011 from: http://gisapp2.norfolk.gov/zoning_mapper/viewer.htm

City of San Diego zoning map (grid 15). Accessed July, 2011 from: www.sandiego.gov/development-services/zoning/pdf/maps/grid15.pdf

City of Virginia Beach zoning map (grids L06 and L07). Accessed August, 2011 from:
www.vbgov.com/file_source/dept/planning/ZoningGridReferenceMap.pdf

Worcester County, MD land use map. Accessed July, 2011 from:
www.co.worcester.md.us/cp/images/Adopted_LUP_11x17_3-14-06.jpg



Comparative Analysis of Homeless Facilities and Programs in Selected U.S. Cities and Counties

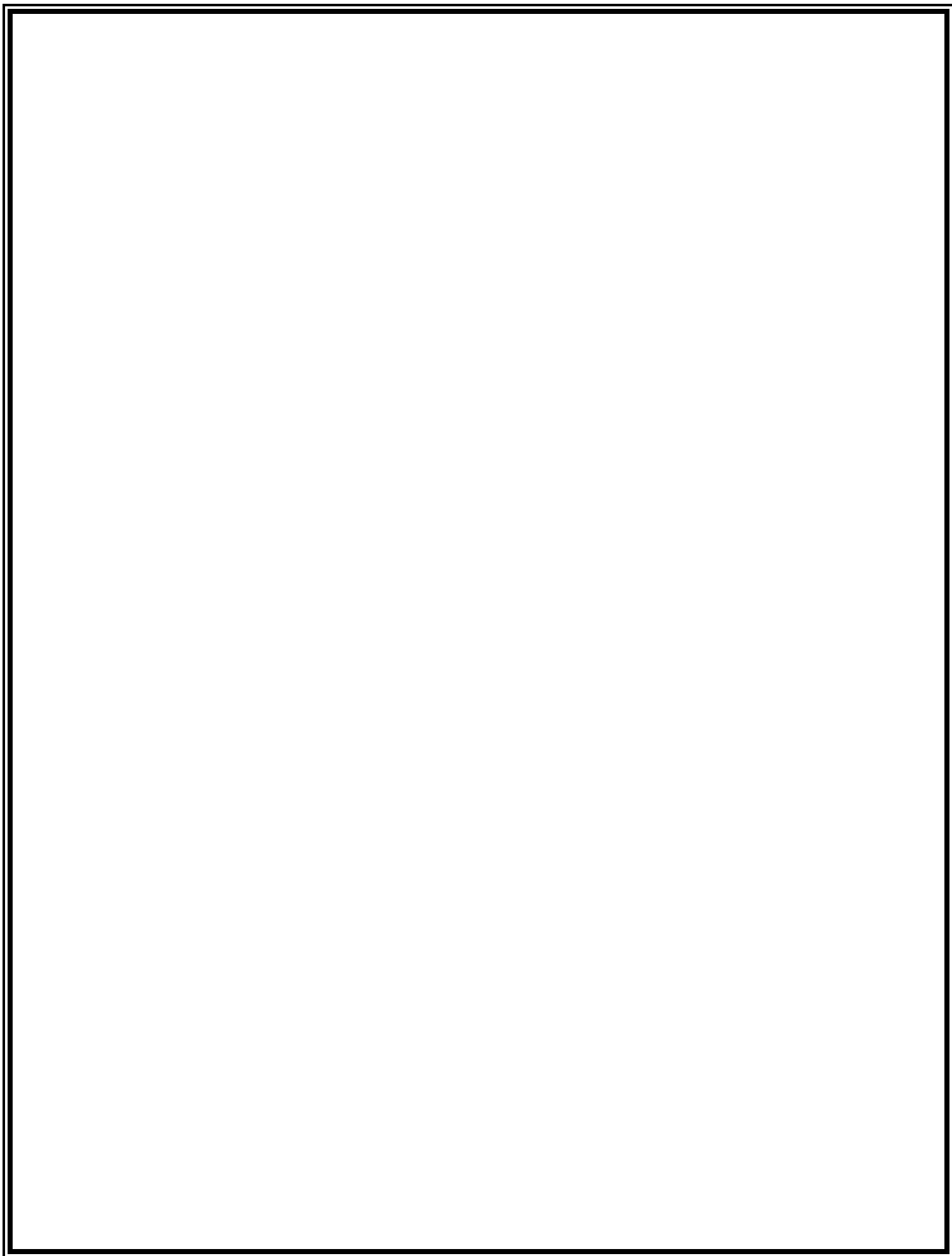
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Introduction – the Cost of Homelessness

Homelessness is an issue that all cities face. Even when one doesn't see a conspicuous contingent of people sleeping on park benches or wandering the downtown streets, there is often an invisible homeless population moving from shelter to shelter or couch to couch, trying to steer themselves back into a permanent housing situation.

For a large portion of the homeless population, being homeless is not a lifestyle choice. It is a situation into which any of us could fall. The disparity between wages and housing costs requires that many families spend the majority of their household income on rent, leaving little to no disposable income for emergency savings. The sudden loss of a job or a medical emergency can push a family over the brink into homelessness.

Homelessness is not something that goes away by ignoring it. To the contrary, taking a do-nothing stance can be a costly alternative. Police enforcement and arrests, court hearings, overnight stays in detention or detox centers, ambulance rides and emergency medical care for the homeless often cost local governments and other organizations millions of dollars annually.

In 2007, Hennepin County, MN examined homeless shelter rolls, emergency facility logs, and court and jail registers to identify cross-over clients. The analysis revealed that there was a group of 266 people who, over a five year period, cost the city \$4.2 million through repeated use of services.¹ The city of Reno, NV provided over \$1 million in services to a man called Murray, during the decade he spent in a state of homelessness.² Comprehensive homeless prevention and rehabilitation programs can provide the best value to the city as a whole, over the long-run.

¹ Ten Broeke, Cathy (August 1, 2011). Fighting homelessness: The cost of homelessness, The Downtown Journal.

² Gladwell, Malcolm (February 13, 2006). Million-Dollar Murray, The New Yorker.

Executive Summary

This report profiles homeless shelters in a selection of coastal cities, including Virginia Beach. The shelter profiles include information gathered from discussions with shelter directors and from online resources. Each profile includes a brief snapshot of each city – demographic information, the characteristics of the homeless population, and the approach being taken at the city-wide level to address homelessness.

The report also includes profiles of two Midwest counties and the approach that these counties are taking to address homelessness. Franklin County (including Columbus, OH) and Hennepin County (including Minneapolis, MN) were chosen to be featured in the report based on recognition that both counties have received, at a national level, for the innovative models they have developed.

Scope: This report focuses primarily on emergency shelter and “day service” facilities in coastal United States cities. The report does not attempt to catalogue the full spectrum of services, nor those temporary or permanent supportive housing facilities, available to the homeless population within any of the cities that were selected for inclusion in the report. Specifically in the case of Virginia Beach, the report describes a limited subset of the services and shelter opportunities that are currently available to the single-adult homeless population.

Purpose: The purpose of this report is to provide city and community leaders in Virginia Beach with examples of the practices that selected cities and counties across the country are currently using to address the issue of homelessness. The information contained in this report is intended to support the decision-making process related to relocation of the Lighthouse homeless services day center in Virginia Beach.

Audience: This report is intended primarily for review by members of the Lighthouse Site Options Committee, and by participants in the public meeting series: Community Dialogue on Homelessness in Virginia Beach. City staff will be presenting portions of this report to these two groups as the basis for discussion. In addition, the report will be made available in its entirety to any interested person or organization via the Virginia Beach Department of Housing and Neighborhood Preservation website.

Summary of Findings

1) There is a trend toward consolidating a full spectrum of services (meals, case management, counseling, healthcare, training, etc.) and overnight shelter for the homeless into one location. This improves opportunities for the homeless to make connections to critical services and to make more effective use of their time to improve their situation. In addition, consolidating

services geographically reduces the call volumes that participating agencies must field from persons seeking assistance.

2) Homeless-serving facilities located in coastal cities can successfully be located away from the beach/resort area; but this may require transportation services as well as an overnight shelter component to insure that the facility is utilized. Of the East Coast resort cities profiled in this report, the average distance from a shelter to the nearest point on the oceanfront is 1.43 miles.³

3) Operational standards and requirements placed on those receiving services can be key components of a successful shelter facility or homeless assistance system. Both shelter-level and “system-wide” standards are important in governing accountability among city administration, providers, and homeless clients.

4) Homeless-serving facilities are located in a wide variety of land-use settings. The acceptance of the facility by neighboring residents and businesses is related to both who came first and to the operational policies and standards that are employed at the facility.

5) The number of homeless people as a percentage of the total population is very low in the City of Virginia Beach, as compared to all other Continuum-of-Care areas featured in this report. We have used HUD-required Point in Time count data so as to make a valid comparison. See **Table 1** below.

6) It was beyond the scope of this report to include specific figures for shelter operating costs and funding streams, as these figures can be prohibitively time consuming to uncover. However, the research revealed that the current budget for Lighthouse Center operations is far lower than either the originally proposed new Lighthouse Center or many of the other more comprehensive programs in other cities.

³ Average among all profiled shelters in selected East Coast resort cities (Daytona Beach, Fort Lauderdale, Myrtle Beach, Virginia Beach, Ocean City). Key West shelters were excluded in the average since Key West is an island city and all points within the city have relative proximity to the oceanfront.

Table 1

Continuum of Care	Homeless Persons Per 1,000 Population
FL-604 – Monroe County (includes Key West, FL)	14.05
FL-504 Daytona Beach /Flagler Counties	3.72
CA-601 San Diego, CA	3.49
SC-503 Myrtle Beach /Sumter City & County	3.04
VA-501 Norfolk, VA	2.36
FL-601 Ft Lauderdale /Broward County	1.83
MD-513 Wicomico/Somerset/Worcester (includes Ocean City, MD)	1.43
VA-503 Virginia Beach, VA	1.19

*The smallest geographic area for which HUD provides homeless population data (via the annual January Point-in-Time count) is the Continuum of Care administrative boundary. In the case of Norfolk, San Diego and Virginia Beach, the Continuum of Care boundary aligns with the city boundary. In all other cases listed in the table above, the Continuum of Care geography covers one or more counties. The proportion of homeless individuals to the general population has been arrived at using the population within the entire Continuum of Care boundary as the denominator.

Summary of Best Practices

Below is a compilation of best practices related to homeless shelter operations as well as area-wide approaches to planning for homeless services. The list is based on strategies that have been implemented by the various shelters profiled in the report, as well as ancillary research that was conducted for the report.

- 1) Implementation of a centralized, city-wide or cooperative region-wide homeless intake and assessment process in an accessible location that is served by public transit. The intake process serves both individuals and families.
- 2) Development of a sophisticated, region-wide homeless services organizing agency that fulfills the following functions:
 - Builds relationships and coordinates communications among existing and potential main-stream service providers, non-profits, faith-based communities, private business partners, homeless clients and the public.
 - Is a repository for information regarding system-wide homeless services.
 - Maintains an easily navigable public website where comprehensive descriptions of existing services, data on local homeless demographics, service evaluation reports, and evolving best practices are available for the public at large.
 - Conducts periodic assessments to identify gaps or duplications in system-wide service provision and evaluates program effectiveness.
 - Facilitates ongoing community participation and input into the long-range planning process for programs related to homelessness.
- 3) Collecting long-term program outcomes as part of a standard data management process. In this way future resources can be dedicated to programs and service methods that have proven to be effective. Providing robust data on outcomes also improves competitiveness in applications for private-sector grants.
- 4) Provision of a shelter dedicated to full-time, comprehensive substance abuse rehabilitation (available to those who are currently homeless and may have little to no income).
- 5) Intensive programming support for individuals transitioning from the mental health, corrections, and foster care systems, as well as the military, into main-stream society and conventional housing.

- 6) For those exiting the corrections system, immediate training opportunities to build job skills and develop healthy relationships.
- 7) A shelter model where clients are not allowed to walk up to the shelter. Outreach teams pick up homeless clients and drop them off at the shelter during designated hours. This eliminates loitering around the facility.
- 8) Expand and increase support for affordable housing opportunities (rent/mortgage payments no higher than 30% of household income).
- 9) Ongoing advocacy at the state and national level in order to support opportunities at the local level.
- 10) Flexible public funding streams with renewed funding based on performance / outcomes rather than service methods.

It was beyond the scope of this report to complete an exhaustive investigation into the most current policy literature, related to best practices for homeless assistance system models. The Hennepin County, Minnesota 10-year plan to end homelessness includes a well-researched compendium of “proven strategies” to reduce the incidence of homelessness. The best practices from an appendix to the Hennepin County 10-year plan to end homelessness are summarized below.

- **One-time cash assistance** for rent or utilities, to keep a household from falling into homelessness in the first place.
- **“One-stop shop” prevention services.** Consolidating a comprehensive set of services into one location/facility so that clients do not have to waste time or meager resources traveling from place to place, simply to fulfill their daily needs.
- **Adequate transition planning** for individuals re-entering society from the corrections system or mental health institutions, as well as for those exiting the foster care system.
- Ensuring a **viable spectrum of affordable housing options** are available to the public at large.

- Providing a **permanent supportive housing** option for those who experience multiple barriers to housing stability, such as those with permanent mental and/or physical disabilities.
- **Rapid-exit from shelter and rapid re-housing.** Well-trained case managers use a standardized assessment tool to accurately identify the barriers that keep a family from permanent housing. Case managers link the family with the appropriate set of social services that will help the family overcome their housing barriers.
- Taking a **Housing first** approach. This approach assumes that finding stable housing for a household should be the first priority in the series of social services that will set a family back on the path toward self-sufficiency.
- **“Every door is the right door” approach**, meaning that no matter which service facility a person approaches, s/he will experience the same intake process and can be referred to the same set of appropriate system-wide services.
- **Promoting family preservation and reunification.** The priority should be to keep families together. As a practice, children should not be placed in foster care solely based on the fact that their family is homeless.
- **Wrap-around case management teams** for individuals or families who experience multiple barriers to housing.
- **Develop a household’s capacity to increase income and assets, including education, financial literacy, and job training and placement services.**
- Creating **innovative partnerships**, which entails both recruiting new partners and improving coordination and communication among existing partners.
- Identifying at-risk groups and **developing programs specific to the unique needs of those at-risk groups.**
- **Effective data management** allows localities to accurately diagnose system design or implementation problems and also to measure progress against the goals of the long-range plan for homeless prevention.

- **Advocacy and leadership.** A successful homeless prevention and rehabilitation system requires the consistent support of champions in city government, and in the local residential and business communities.
- **Ongoing community planning and response.** In order to make a positive impact on the incidence of homelessness in the city, community members must:
 - Be in open communication with service providers and the homeless,
 - Capitalize on existing community resources and spend time volunteering in order to increase service capacity, and
 - Be willing to engage in fund-raising efforts to fill programming gaps.

Background

The City of Virginia Beach continues to make progress toward the goals set forth in the 2008 Resort Area Strategic Action Plan (RASAP). One of the priorities listed in the RASAP plan is the development of a Convention Center Hotel. The Lighthouse homeless day center is currently situated on the proposed site of the Convention Center Hotel.

The day center helps the homeless endure and survive the challenges of homelessness as well as progress out of it. The key goals of the program are to support survival, to connect people to services, and to help people obtain and maintain employment. This is done by allowing them the opportunity to conduct activities that non-homeless people take for granted but which are critical – including showers, laundry, phones, completing paperwork, receiving mail, etc. As a key element of the City's Ten Year Plan to End Homelessness, it is necessary to relocate the Lighthouse Center so that it can continue to fulfill its functions.

In the first half of 2011, DHNP facilitated a public dialogue process to collect input about where the new Lighthouse day center should be located. During the course of the public dialogue process, it became apparent that there existed a need for 1) detailed data about the demographics of the homeless population in Virginia Beach, 2) additional site options aside from those previously proposed, and 3) information about models that other cities across the country are using to best address the issue of homelessness.

Purpose

The current study was developed in response to part three of this need for information. The city and shelter profiles in this report are intended to:

- 1) **Provide a baseline** which will allow readers to draw conclusions about where the City of Virginia Beach falls within the spectrum of existing approaches to alleviate homelessness,
- 2) **Share effective models and techniques** which can **inform future decisions** that city staff and leadership will make in planning for the needs of the homeless population and affected residents of Virginia Beach.

Methods

The scope of the report has been limited to an analysis of shelter facilities, as well as services offered within those shelters. The report does not attempt to catalogue the full spectrum of independent services available to the homeless population within any of the cities that were selected for inclusion in the report.

The initial approach to the research was to compare service models among homeless day service centers. Because shelters that offer exclusively day services are far more rare than shelters which offer overnight accommodations, the scope of the report was expanded to include emergency overnight shelters for the adult population, including families (adults with children).

It should be noted that the jurisdictions featured in this report do have additional shelter facilities, including those facilities dedicated exclusively to the youth population. The reader should also note that the featured cities in the report offer many additional temporary and permanent supportive housing opportunities, even though the report did not feature these facilities.

The city profiles in this report were developed using data from the Housing and Urban Development Point-in-Time homeless census counts as well as data from the Census Bureau. Complete data from the 2010 United States census was not available at the time this report was written. Alternately, data was collected from the most recent five-year American Communities Survey.

The shelter profiles in this report include anecdotal information, which was collected through telephone interviews with managers/directors from the profiled shelters and related non-profits. The profiles also draw upon information from shelter websites (in cases where a shelter website existed). For cities that can be classified as resort or oceanfront cities, the profile includes details about the most well-established shelter or shelters within the city.

In order to provide some examples of well-respected, national-level best practices, two Midwestern counties were selected for inclusion in the report. Both Franklin County (includes Columbus, OH) and Hennepin County (includes Minneapolis, MN) have developed a reputation for having implemented a highly effective region-wide model for addressing homelessness. County profiles include a summary of the region-wide homeless prevention and rehabilitation strategy, rather than including details about a specific shelter or shelters.

Virginia Beach Virginia Profile

Virginia Beach, VA

City Profile

Population	434,922
Median Household Income	\$63,370
Per Capita Income*	\$30,415
Median Gross Rent	\$1,101
Median Gross Rent as % of HH Income	29.8%

Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): VA-503 Virginia Beach

	2010			
	Emergency	Transitional	Unsheltered	Total
Individual homeless persons	129	40	82	251
Persons in households with adults and children	102	164	0	266
Total homeless persons	231	204	82	517
Total General Population of Geography Included in CoC			434,922 (same as city population)	
		Sheltered	Unsheltered	Total
Chronically homeless		39	36	75
Severely mentally ill		24	18	42
Chronic substance abuse		44	23	67
Veterans		*	*	*
Persons with HIV / AIDS		3	0	3
Victims of domestic abuse		40	20	60
Unaccompanied youth (under 18 years)		10	0	10

*not documented in 2010 Point-in-Time (PIT) count

Source: HUD Homeless Resource Exchange Online Report

Virginia Beach, VA

Citywide centralized homeless intake: no

The City of Virginia Beach employs a number of methods to facilitate the initial connection between existing resources and those who are at-risk or homeless.

Connection Point is a hotline that families may call when they are experiencing a housing crisis to determine if they qualify for emergency assistance. The hotline – (757) 227-5932 – is available Monday through Friday, from 7 a.m. to 11 p.m.

Program for Assistance in Transition from Homelessness (PATH) provides street outreach services to individuals who are homeless and experience mental illness and/or substance abuse issues. Case manager(s) from the Department of Human Services, Mental Health/Substance Abuse Division attempt to engage this hard-to-serve population and connect them to housing and services.

The City of Virginia Beach produces the Pocket Pal. This wallet-sized directory lists phone numbers for a variety of shelters, meal programs, social services, employment and other resources. The Pocket Pal is distributed through PATH Outreach, police personnel, and the faith community.

In addition to the shelters included in this profile that serve the single adult population, shelter for families is also available in the city. Samaritan House offers shelter and services for victims of domestic violence and their children. Samaritan House manages eleven, 2 to 3 bedroom townhomes at various locations in Virginia Beach, which serve as emergency housing. The Virginia Beach Community Development Corporation manages one townhome which can house one large or two smaller families in need of emergency shelter.

Virginia Beach, VA

Lighthouse Center

825 18th Street: Virginia Beach, Virginia 23451

www.voaches.org/Services/Homeless-Services/Lighthouse-Center

Profile

- Shelter type: day center
- Population served: anyone in need, primarily single adults
- Tenure at current location: more than 10 years
- Allow sex offenders in shelter: anyone is allowed to spend time in the facility. The center does not screen all clients for sex/violent offenses. If a client engages in disruptive behavior at the shelter, staff may run a background check and potentially ban the client from the premises.
- Utilize HUD mandated HMIS database system: yes

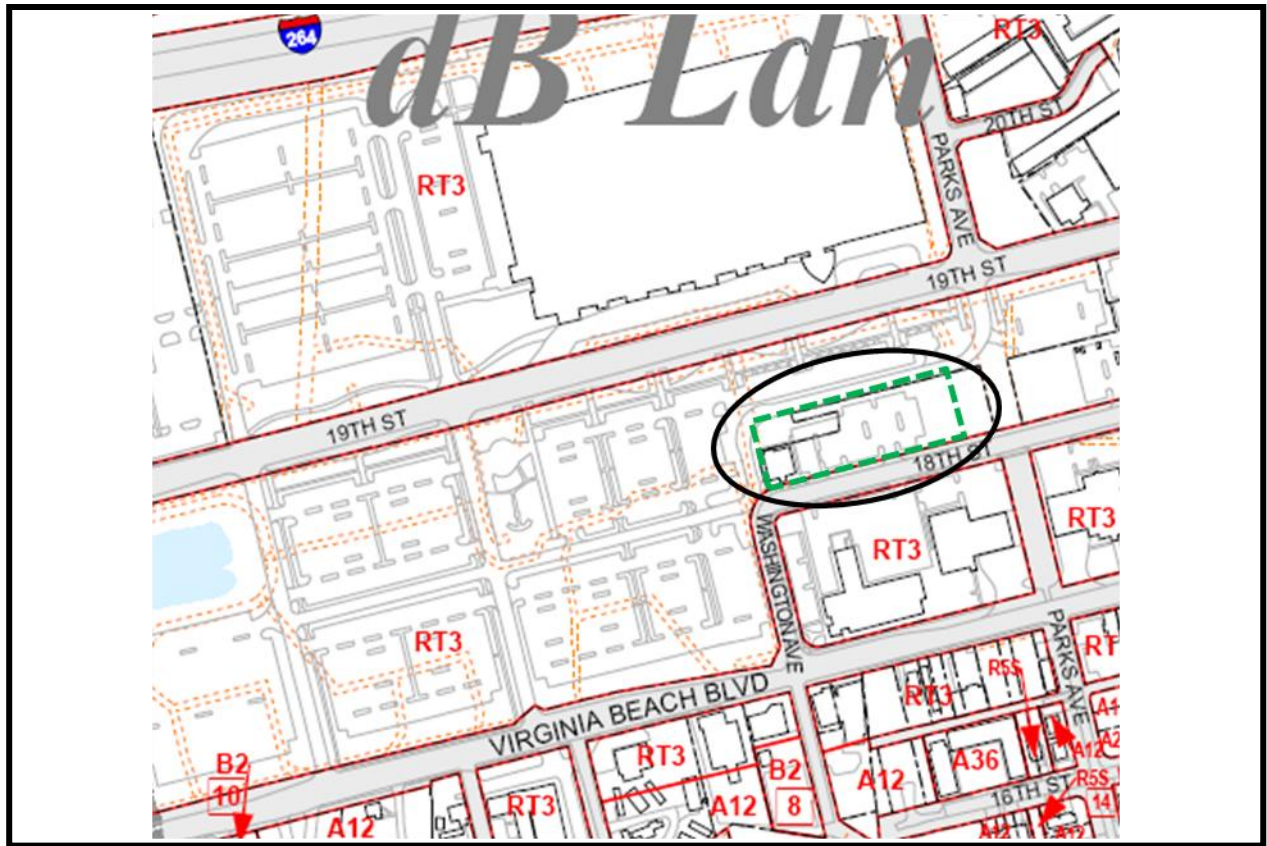
Available Services

- Bathroom/shower
- Laundry
- Mail/messages
- Case management for a sub-set of clients
- Coordination of winter shelter program
- Referrals to a variety of social services and assistance programs
- Art therapy program

Virginia Beach, VA

Zoning

The site and surrounding land uses are zoned RT3.



Source: Adapted from City of Virginia Beach Zoning Map

Zoning Legend

A12	Apartment District - Multi Family
A18	Apartment District - Multi Family
A24	Apartment District - Multi Family (24 units/acre)
A36	Apartment District - Multi Family (36 units/acre)
B2	Community Business District
RT3	Resort Tourist District - Mixed Use

Virginia Beach, VA

Surrounding Land Use Examples

- Virginia Beach Convention Center and parking lots
- Virginia Beach Police Department 2nd Precinct
- Virginia Beach Library - Oceanfront Branch
- Fitness Center



Source: Adapted from Google - Map Data 2011

Virginia Beach, VA

Judeo Christian Outreach Center (JCOC)

1053 Virginia Beach Boulevard, Virginia Beach, VA 23451

www.jcoc.org

Profile

- Shelter type: emergency overnight
- Population served: single adults (men and women)
- Total overnight capacity: 50
- Tenure at current location: 25 years
- Maximum stay: 6 months
- Allow sex offenders to reside in shelter: no
- Utilize HUD mandated HMIS database system: yes

Available Services

- | | |
|-----------------------|--|
| • Bathroom/shower | • Meals (for residents and non-residents) |
| • Sleeping facilities | • Food pantry for non-residents |
| • Laundry | • Work readiness classes |
| • Mail/messages | • Day labor opportunities |
| • Case management | • Referrals for social services and full-time substance abuse treatment programs |
| • Computer lab | • Referrals to educational resources |
| • AA meetings | |

Virginia Beach, VA

Summary

Although JCOC is an emergency shelter, it is typically filled to capacity. Homeless individuals must sign up for a waiting list and make a phone call to JCOC daily before they are allowed to stay at the shelter. Shelter staff run a criminal background check on applicants before accepting them as residents.

Once an individual becomes a resident, s/he is assigned a case manager. With the assistance of the case manager, the resident completes an initial assessment to identify job skills and interests. The case manager helps the resident develop an independent living plan, and refers the resident to appropriate social services that will support him/her in achieving the goals set forth in the independent living plan.

Each resident must assist with the operations of the JCOC facility and is assigned daily chores. Once a resident is stabilized and in a substance abuse program, he or she must fulfill certain obligations. Residents are required to obtain either full or part-time employment, maintain a personal savings account, and begin repaying debts, fines, or other obligations he or she may have. The center imposes a curfew for those who are not at work.

Virginia Beach, VA

Zoning

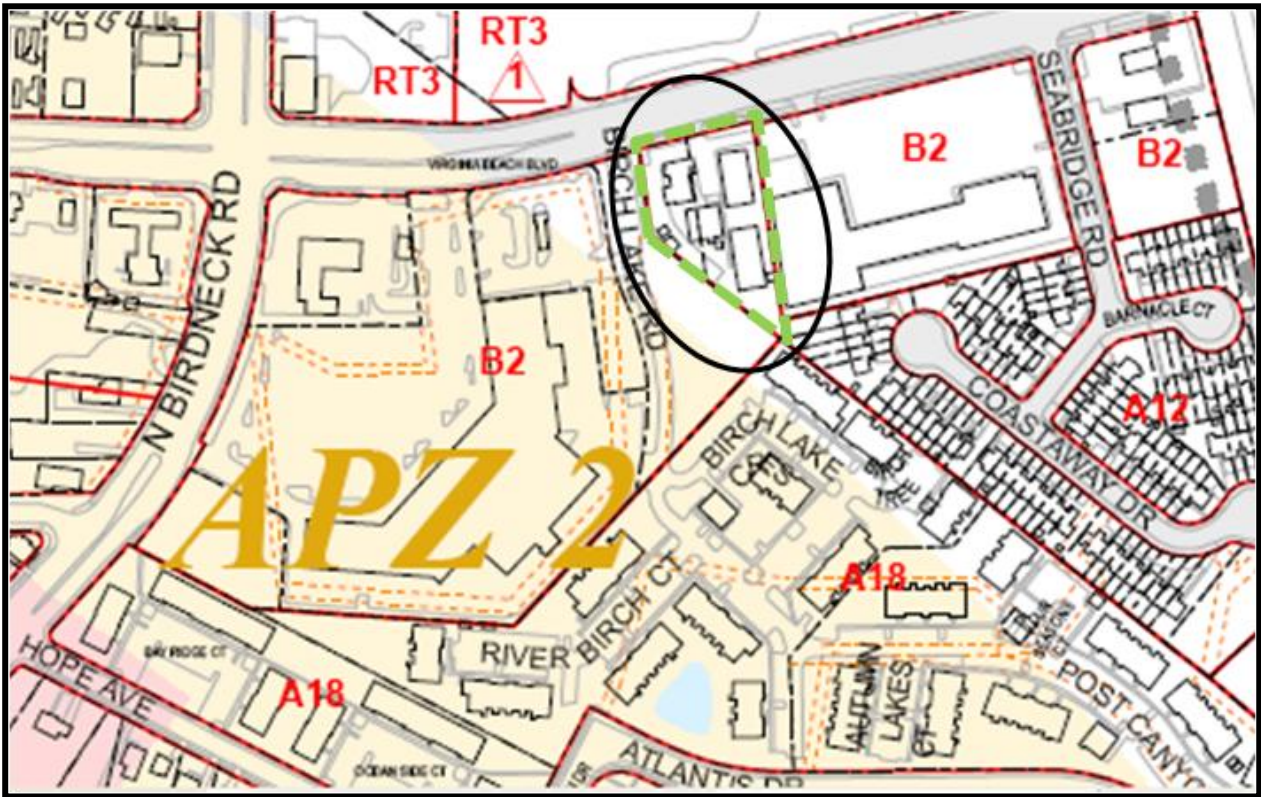
Site: A12

To the north: RT3

To the east: B2 and A12

To the south: A18

To the west: B2



Source: Adapted from City of Virginia Beach Zoning Map

Zoning Legend

A12	Apartment District - Multi Family
A18	Apartment District - Multi Family
B2	Community Business District
RT3	Resort Tourist District - Mixed Use

Virginia Beach, VA

Surrounding Land Use Examples

- Open space, vacant lot
- Strip commercial – grocery store, Dollar General
- Gas station
- Multi-family residential

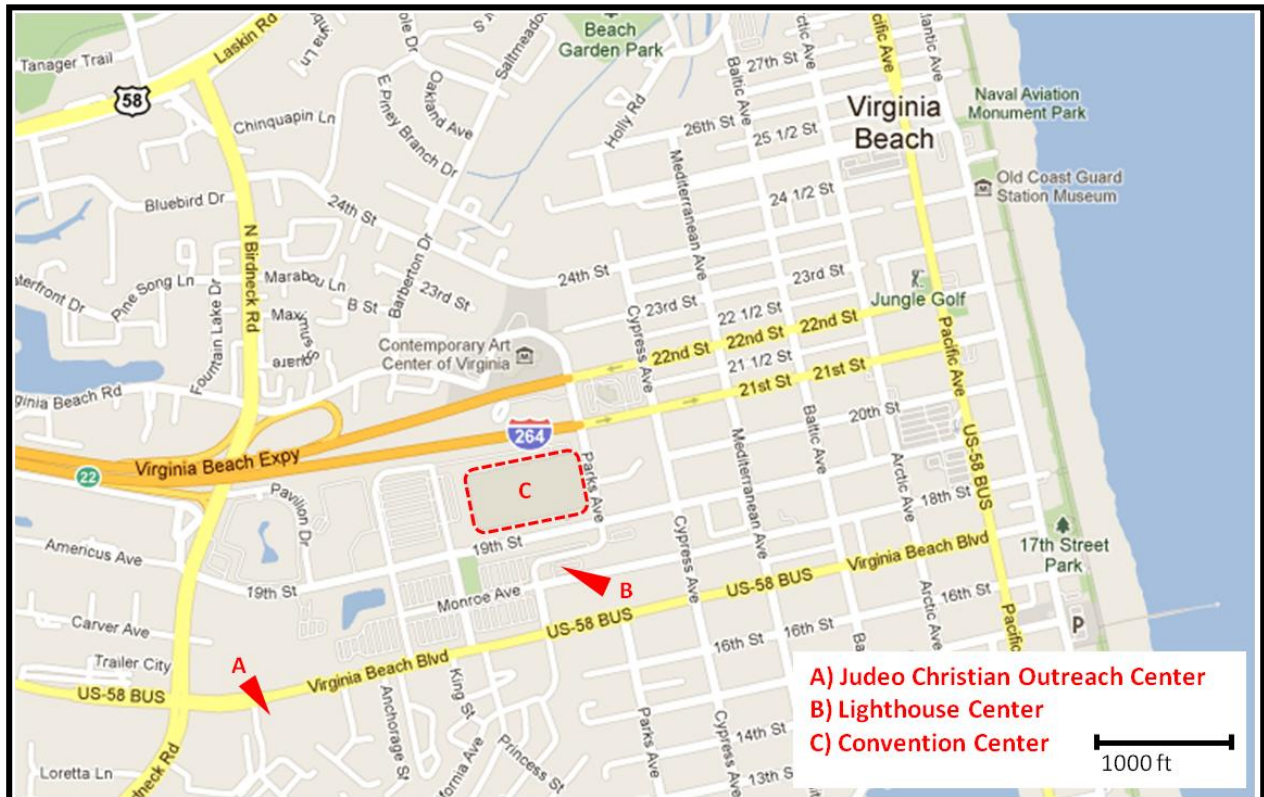


Source: Adapted from Google - Map Data 2011

Virginia Beach, VA

Location

The Lighthouse Day Center is a 0.7 mile walk from the oceanfront and is adjacent to the Convention Center. The Judeo Christian Outreach Center is a 1.2 mile walk from the oceanfront and is a 0.4 mile walk from the Convention Center.



Source: Adapted from Google - Map Data 2011

Norfolk Virginia

Profile

Norfolk, VA

City Profile

Population	236,071
Median Household Income	\$41,739
Per Capita Income*	\$23,294
Median Gross Rent	\$811
Median Gross Rent as % of HH Income	31.2%

Continuum of Care (CoC): VA-501 Norfolk

	2010			
	Emergency Shelter	Transitional Shelter	Unsheltered	Total
Individual homeless persons	285	59	56	400
Persons in households with adults and children	96	60	0	156
Total homeless persons	381	119	56	556
Total General Population of Geography Included in CoC			236,071 (same as city population)	
		Sheltered	Unsheltered	Total
Chronically homeless		70	19	89
Severely mentally ill		54	0	54
Chronic substance abuse		111	0	111
Veterans		*	*	*
Persons with HIV / AIDS		26	0	26
Victims of domestic abuse		39	0	39
Unaccompanied youth (under 18 years)		0	0	0

*not documented in 2010 Point-in-Time (PIT) count

Source: HUD Homeless Resource Exchange Online Report

Norfolk, VA

Citywide centralized homeless intake: yes for families

The City of Norfolk offers a help line to connect homeless families to a variety of assistance services. The hotline, (757) 664-6083, is available 24 hours per day, seven days per week. Families at risk of homelessness may apply for the shelter waiting list at the Department of Human Services, Child and Family Services office at 741 Monticello Avenue.

There is no city-wide centralized intake for single adults. The intake process is completed on-site at each shelter. Single adults can find shelter at the Union Mission and the Salvation Army. Victims of domestic violence can find shelter opportunities through the YWCA of South Hampton Roads.

Since 2007, the Homeless Action and Response Team (HART) has acted as the central intake for families experiencing a housing crisis. The HART team (comprised of social workers and case workers) uses a formalized Structured Decision Making tool to assess the extent of the barriers preventing the family from accessing housing. Using the results of the assessment, the HART team is able to direct the family to the appropriate service/assistance track. Some families will only require short-term or one-time assistance. The HART team may place families with greater barriers into shelter. The HART team may direct Families with a very high level of housing barriers directly into permanent supportive housing. The key components of this system are an accurate assessment from well trained case workers and a personalized package of services, rather than a one-size-fits-all solution. In 2007, the HART team served 888 families. Of those families, only 26 requested shelter assistance a second time, within a 17 month period.

The City of Norfolk takes a housing-first approach, which assumes that the best way to reduce homelessness is to find housing for homeless individuals and provide the services that are necessary to keep those individuals in housing. In line with this approach, the Norfolk Homeless Consortium coordinated development of a program called My Own Place. There are no applications for the program. Instead, the Projects for Assistance in Transition from Homelessness (PATH) team recruits chronically homeless individuals who experience severe mental illness to participate in the program. These individuals are moved into subsidized apartments. Then the Assertive Community Treatment (ACT) team (including a psychiatrist, nurse, case manager and peer mentor) provide intensive services at the client's apartment.

Norfolk, VA

City-Wide Homeless Services Organization

Since 1993, the Norfolk Homeless Consortium has managed the VA-501 Norfolk continuum of care, which is eligible to receive various forms of federal funding including Community Development Block Grants and annual HUD allocations. Over twenty agencies participate as part of the Consortium – including shelters, service providers, healthcare organizations, city departments and other organizations. Consortium members attend regular meetings and are active on a number of taskforces and committees aimed at developing and maintaining a comprehensive continuum of care.

The Consortium goals for 2011 -2012 are to end homelessness by:

- Increasing system wide utilization of HMIS for programs, activities, events and organizations.
- Increasing community awareness and education on strategies to end homelessness.
- Increasing opportunities for homeless persons to exit homeless assistance programs by increasing their income.
- Aligning expectations for performance, standards and outcomes across all programs within the Continuum of Care.
- Increasing the focus on ex-offenders and veterans through targeted efforts in all the Consortium committees.

In 2004, the Norfolk City Council appointed a Commission to End Homelessness and assigned the Commission with the task of finding a way to end homelessness in the city. Through the work of five sub committees – support services, mental health/substance abuse, resources and awareness, prevention and elimination, and housing – and community input, the Commission generated a 10-Year Plan to End Homelessness.

Once the 10-year Plan was complete, the City of Norfolk established the Office to End Homelessness to oversee implementation of the Plan. The Office serves several key functions. One is to facilitate public involvement in both the planning and implementation of strategies to end homelessness. Secondly, the Office develops policies for the city, related to ending homelessness. A third function of the Office is to assess existing programs and identify gaps or areas for improvement. The Office also participates as an active member of the Norfolk Homeless Consortium.

Norfolk, VA

Union Mission

5100 E. Virginia Beach Blvd, Norfolk, VA 23502

www.unionmissionministries.org

Profile

- Shelter type: emergency and transitional
- Populations served: Single males, women, children, seniors
- Overnight capacity:
 - Men
 - Guest program: 102 beds
 - Single room occupancy (SRO): 30 beds
 - Discipleship & training program: 25 beds
 - Women: 33 beds (includes beds for mothers)
 - Children: 16 beds
- Years in current location: since 2009. At previous location for over 100 years.
- Shelter size:
 - Men's shelter: 29,000 sq. ft.
 - Women and family shelter: 10,000 sq. ft.
- Screen for sex/violent offences at intake: yes
- Allow sex offenders to reside in shelter: no
- Allow previous violent offenders to reside in shelter: yes, only in cases where an appropriate plan for placement has been completed prior to arrival.
- Utilize HUD mandated HMIS database system: no. Instead, utilize Human Services Evaluation and Reporting Tools (H.E.A.R.T.) and do cooperate with the Office to End Homelessness in sharing data.

Available Services

- | | |
|-----------------------|---|
| • Bathroom/shower | • Substance abuse counseling |
| • Sleeping facilities | • Job skills training |
| • Meals | • Assistance with ID and birth certificate applications |
| • Laundry | • Assistance securing permanent housing |
| • Mail/messages | • Donations of furniture and household goods for use in permanent housing |
| • Computer lab | • Referrals to veterans services, Legal Aid and other community services |
| • Case management | |

Norfolk, VA

Summary

The Union Mission became established in downtown Norfolk over a century ago. In 2009, the Mission purchased a property formerly owned by Virginia Natural Gas, near Military Circle shopping center and began transitioning operations out of the downtown. The Mission renovated two buildings on the new site to serve as shelter facilities. They also constructed two new buildings to house a thrift store and homeless day services center. Moving the shelter operations out of the downtown area did have the effect of reducing the overall downtown homeless population.

Union Mission also manages the Hope Haven – a 54 acre rural campus in Virginia Beach. At Hope Haven there is a children's shelter as well as a senior assisted living facility. The configuration of the campus facilitates a relationship of mutual care between the seniors and the children. The seniors are able to share their knowledge and life experience with the children, while benefitting from the children's energy and joy.

The children live in cottages (8 – 10 children per cottage) with a set of houseparents who give the children the same love and guidance that a parent would give. Some children stay at Hope Haven for a short time; most stay until they have completed high school. Since 1965, over 350 children have grown up at Hope Haven.

The assisted living facility is for seniors who have not saved for retirement or have no family to take them in. Union Mission coordinates grant funding so that many of the seniors are able to stay at the facility for a deeply reduced rate.

Community Relationships

Before occupying the property near Military Circle, Union Mission staff met with various neighborhood associations to address any concerns that residents might have about the project. After the new facility was in operation, Union Mission staff invited the neighborhood associations to attend various luncheons and tours of the facility. The Norfolk police force's PACE program, which reports to surrounding neighborhoods, is located on the Union Mission property. Police presence on the property has provided a sense of security for both Union Mission residents and the surrounding community.

Norfolk, VA

Union Mission Wellness Program

The shelter has set aside a limited number of rooms to house those who have just been released from the hospital or who may have contagious illnesses such as influenza. Union Mission staff have developed partnerships with a number of local healthcare related organizations. The shelter has become a destination for various community medical fairs. Access Partnership periodically brings two Navy dental care vans on-site⁴. The Lions Club brings equipment on-site to perform vision and hearing tests. The Lions Club also provides glasses and hearing aid prescriptions. The Bon Secours Caravan locates on-site one day per month to offer medical care to residents as well as to the general public. First Baptist Church of Norfolk periodically holds a medical fair on-site as well.

Union Mission staff will also refer residents to medical services when appropriate. Through a grant from the Sentara Health Foundation, the Union Mission Wellness Program is able to provide transportation for residents to and from doctors' offices and medical facilities.

Transportation Assistance

Union Mission has access to a passenger van that is used to transport primarily women's shelter clients, but also men's shelter clients who may need assistance. Staff provide a limited number of local bus passes as well as occasional bus fare for people who need to travel out of state to visit their families.

Future Plans

Once adequate funding can be secured, Union Mission plans to build an additional building on their main campus near Military Circle, to expand overnight shelter capacity.

⁴ The dentists and dental technicians are not from the Navy

Norfolk, VA

Zoning

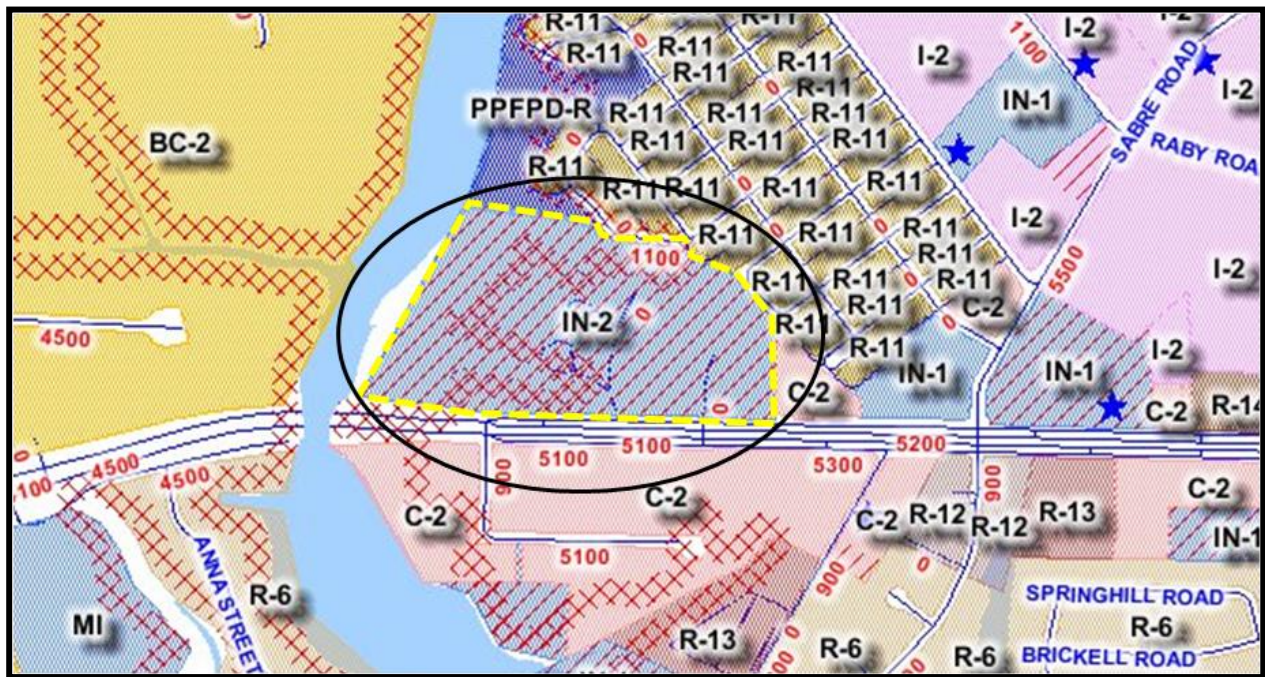
Site: IN-2

To the north: R-11

To the east: R-11 and C-2

To the south: C-2

To the west: Elizabeth River inlet and BC-2



Source: Adapted from City of Norfolk Zoning Map

Zoning Legend

BC-2	Business and Commerce Park
C-2	Corridor Commercial
I-2	Light Industrial
IN-1	Institutional (special purpose district)
IN-2	Institutional Campus (special purpose district)
PPFPD-R	(definition not available)
R-6	Low Density Single-Family (5.81 du/acre)
R-11	Moderate Density Multiple-Family (15.02 du/acre)
R-13	Moderately High Density Multiple-Family (24.2 du/acre)

Norfolk, VA

Surrounding Land Use Examples

- Moderate density residential
- Commercial corridor
- Auto maintenance shop
- Virginia employment commission
- Appliance repair
- Commercial Printing
- Open space and river inlet

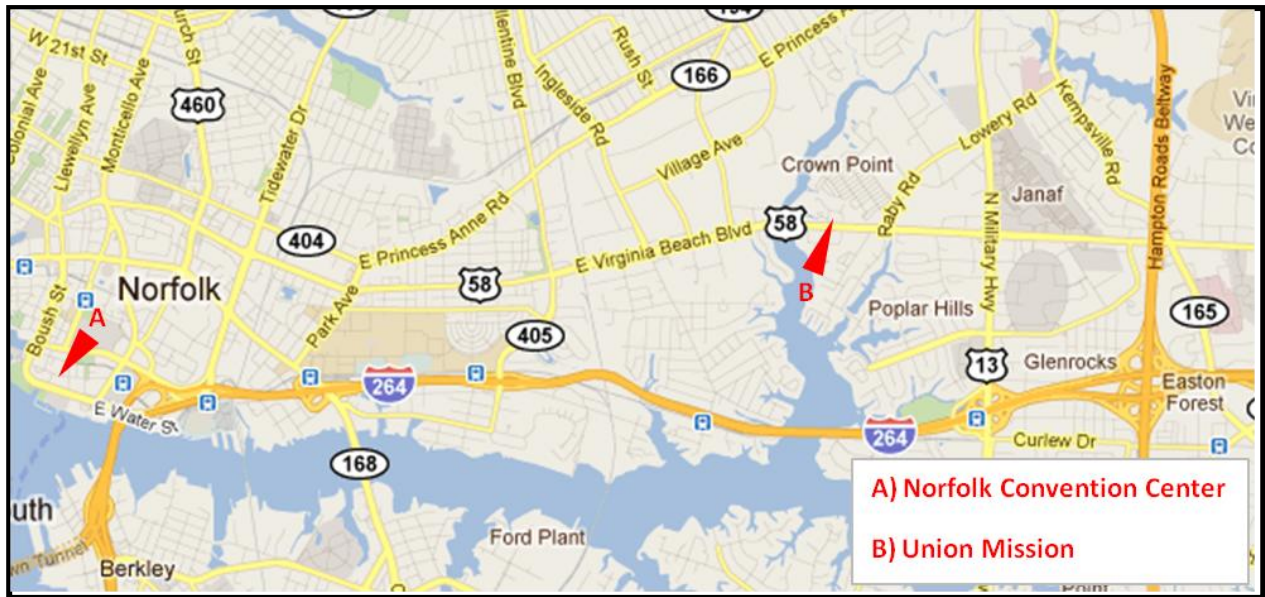


Source: Adapted from Google - Map Data 2011

Norfolk, VA

Location

Union Mission is located east of the Norfolk downtown. It is a 4.3 mile walk from the main Union Mission campus to the Norfolk Convention Center and Visitor's Bureau.



Source: Adapted from Google - Map Data 2011

Norfolk, VA

F.O.R.kids, Inc.

4200 Colley Avenue Suite A, Norfolk, VA 23508

www.homesforkids.org

Profile

- Housing type: emergency shelter, transitional shelter, and permanent supportive housing
- Populations served: families with children
- Overnight capacity:
 - Emergency: 20 families with up to 40 children
 - Transitional: 12 families with up to 24 children
 - Supportive housing: 10 families with up to 20 children
- Maximum length of stay: 120 days
- Years in current location: the oldest of ForKids' multiple shelter locations came into operation in 1991
- Screen for sex/violent offenses: yes
- Utilize HUD mandated HMIS database system: yes

Available Services

- Sleeping facilities
- Showers
- Laundry
- Kitchen
- Case management
- Life-skills training
- Transportation assistance
- Assistance searching for employment
- In-home housing stabilization case management for families at-risk of homelessness
- Referrals to appropriate mental and physical health care resources for adults and children
- Youth enrichment programs including homework assistance

Norfolk, VA

Summary

ForKids operates a collection of small-scale emergency, transitional and permanent supportive housing facilities throughout the City of Norfolk. These shelter facilities are summarized below.

Emergency Shelter

- Haven House (131 D View Ave.): capacity for 10 families.

At the emergency shelter, residents share kitchen, laundry and shower facilities. Each family does have a small fridge in their room.

Transitional Housing

- Morgan Place (7th Bay Street): two apartment buildings which house 7 families.
- Elizabeth Place (West 38th Street): 5 units of housing, as well as program space.

Permanent Supportive Housing

- Dillon Place (819 38th Street): capacity for 6 families. For families in which a family member experiences a chronic physical disability.
- An additional four units of permanent supportive housing have been located in the city.

Program Facilities

- ForKids Family Resource Center (4000 Colley Avenue): houses a library and classrooms.

Norfolk, VA

As the name implies, ForKids offers a rich assortment of programs for children of all ages, from pre-school to high school. Enrichment programs are available on-site at most shelter locations, as well as off-site in other areas of the city. Children have access to homework assistance/tutoring, art and music programs, sports activities, summer camps, and periodic field trips. ForKids provides referrals for parents to access daycare subsidies or other types of child care support. ForKids also offers referrals to comprehensive mental and physical healthcare services for children who need them.

ForKids provides clients with passenger van transportation to important appointments such as those for healthcare, job interviews or social services. Access to van transportation is granted at the discretion of the case manager. Case managers may at times also distribute a limited number of bus passes to clients.

ForKids offers an aftercare program. Everyone who has been housed in a ForKids housing facility has the option to continue case management for six months after transitioning out of ForKids shelter. Case managers provide assistance with household budgeting, crisis management, and other life-skills in order to support the family's transition into permanent housing. During the transitional period, children also have access to the same set of enrichment and tutoring programs.

ForKids continues to expand services and shelter capacity. The organization plans to implement a program to offer one-time grants for rent or utilities assistance to clients. There are also plans to develop 11 new units of permanent supportive housing in the near future. There will be nine units of housing in Norfolk and two units in Chesapeake.

Zoning and Surrounding Land Uses

Because ForKids shelters are located in multiple facilities around the City of Norfolk, zoning and surrounding land use information has not been included in the report.

Ocean City Maryland Profile

Ocean City, MD

City Profile

Population	49,081
Median Household Income	\$52,600
Per Capita Income	\$31,626
Median Gross Rent	\$816
Median Gross Rent as % of HH Income	29.7%

Above data is presented for Worcester County, MD, in which Ocean City, MD lies
 Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): MD-513 Wicomico/Somerset/Worcester

(The tri-county CoC includes the unincorporated area of West Ocean City as well as Ocean City, MD)

	2010			
	Emergency	Transitional	Unsheltered	Total
Individual homeless persons	125	7	43	175
Persons in households with adults and children	27	28	0	65
Total homeless persons	162	35	43	240
Total General Population of Geography Included in CoC				167,857
		Sheltered	Unsheltered	Total
Chronically homeless		32	18	50
Severely mentally ill		16	27	43
Chronic substance abuse		20	24	44
Veterans		*	*	*
Persons with HIV / AIDS		0	0	0
Victims of domestic abuse		19	2	21
Unaccompanied youth (under 18 years)		0	0	0

*not documented in 2010 Point-in-Time (PIT) count

Source: HUD Homeless Resource Exchange Online Report

Ocean City, MD

Citywide centralized homeless intake: no

The tri-county area (Wicomico/Somerset/Worcester) is primarily rural. According to the shelter director interviewed for this report, cases of homelessness in Ocean City are those that are characteristic for a rural area. There are fewer cases of chronic, urban homelessness than one might expect to find in a resort city. In the majority of cases, individuals became homeless as a result of low-income status or substance abuse.

Ocean City, MD

Diakonia Emergency Shelter and Food Pantry

12747 Old Bridge Road, West Ocean City, MD

<http://diakoniaoc.org>

Profile

- Shelter type: emergency overnight (EOS) and temporary housing.
- Population served: single adults as well as families with children
- Total overnight capacity (EOS + temporary housing): 35 - 45 persons
- Tenure at current location: since 1972
- Allow sex offenders in shelter: no
- Utilize HUD mandated HMIS database system: yes

Available Services

- Bathroom/shower
- Sleeping facilities
- Meals (57,000 annually)
- Laundry
- Mail/messages
- Case management
- Substance abuse counseling
- Counseling for those at-risk of becoming homeless
- Food pantry
- Thrift store

Ocean City, MD

Summary

Diakonia is the only homeless shelter serving the Ocean City community. The shelter's current location on the mainland is a desirable one for a number of reasons. The shelter serves the tri-county area and is more accessible on the mainland. Having a location on the island / within the resort district would not generate any greater advantages for the shelter. At the same time, overhead costs for space would be much higher in the resort district in the event that the shelter planned to expand.

Diakonia owns the property on which the two shelter buildings are located. The shelter came to occupy an existing structure in 1972. Even as recently as the early 2000's, the building was surrounded by open space and sparse development. Since then, the shelter has come to be surrounded by a very eclectic neighborhood that includes a family resort and multi-million dollar homes. The shelter works vigilantly to maintain the good relationship it has with neighborhood residents and the larger community. Even major businesses in the resort area were not aware, in the past, of the shelter or the services Diakonia provides. The shelter continues to conduct outreach to advertise itself and build relationships with these entities.

Although there is a tri-county continuum of care, the counties do not have a strong relationship. Often, homeless clients are unable to access public services because agencies are slow to respond. As such, Diakonia conducts its own client intake. Case managers assist clients in assessing needs and developing a service plan. If clients choose not to adhere to the plan and meet goals that have been agreed upon, the client must leave the shelter.

There is a bus stop 0.5 miles from the shelter. In addition, Diakonia owns and operates one passenger van. Shelter staff use the van to transport residents to appointments, at the discretion of the case manager.

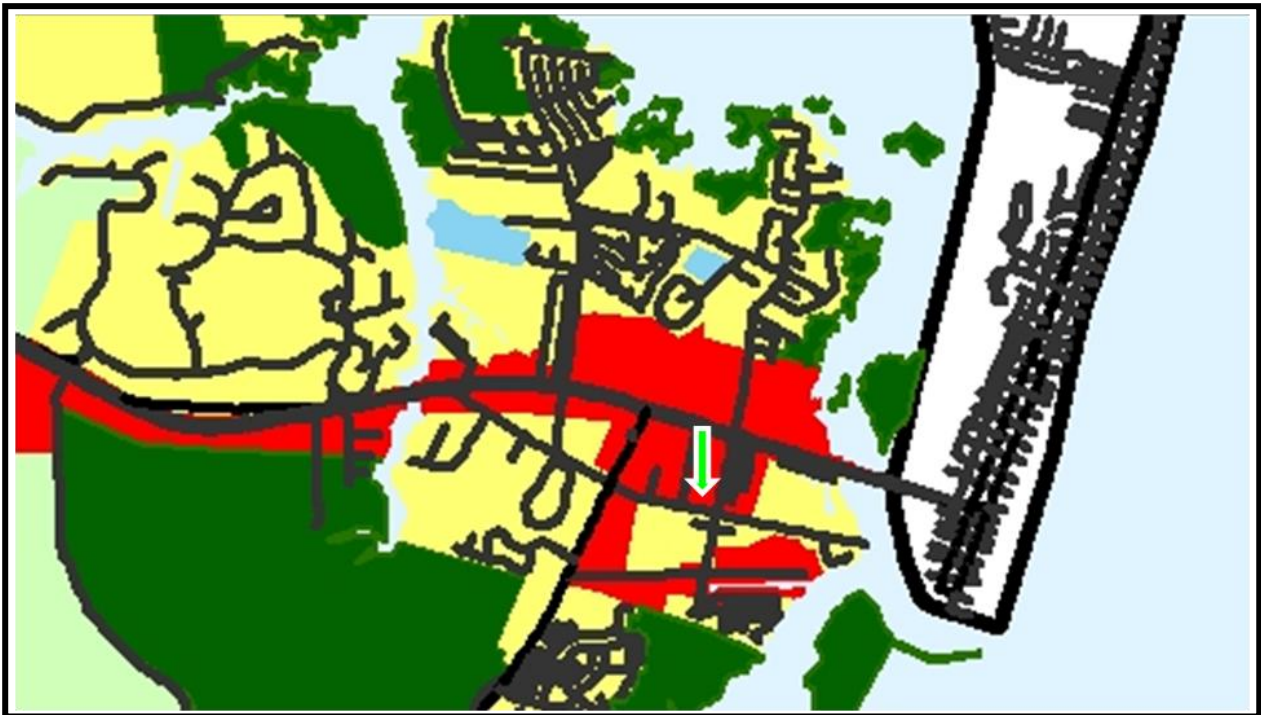
Ocean City, MD

Zoning

Site: Commercial center

To the north, east, and west: commercial center

To the south: existing developed area



Source: Adapted from Worcester County Land Use Map

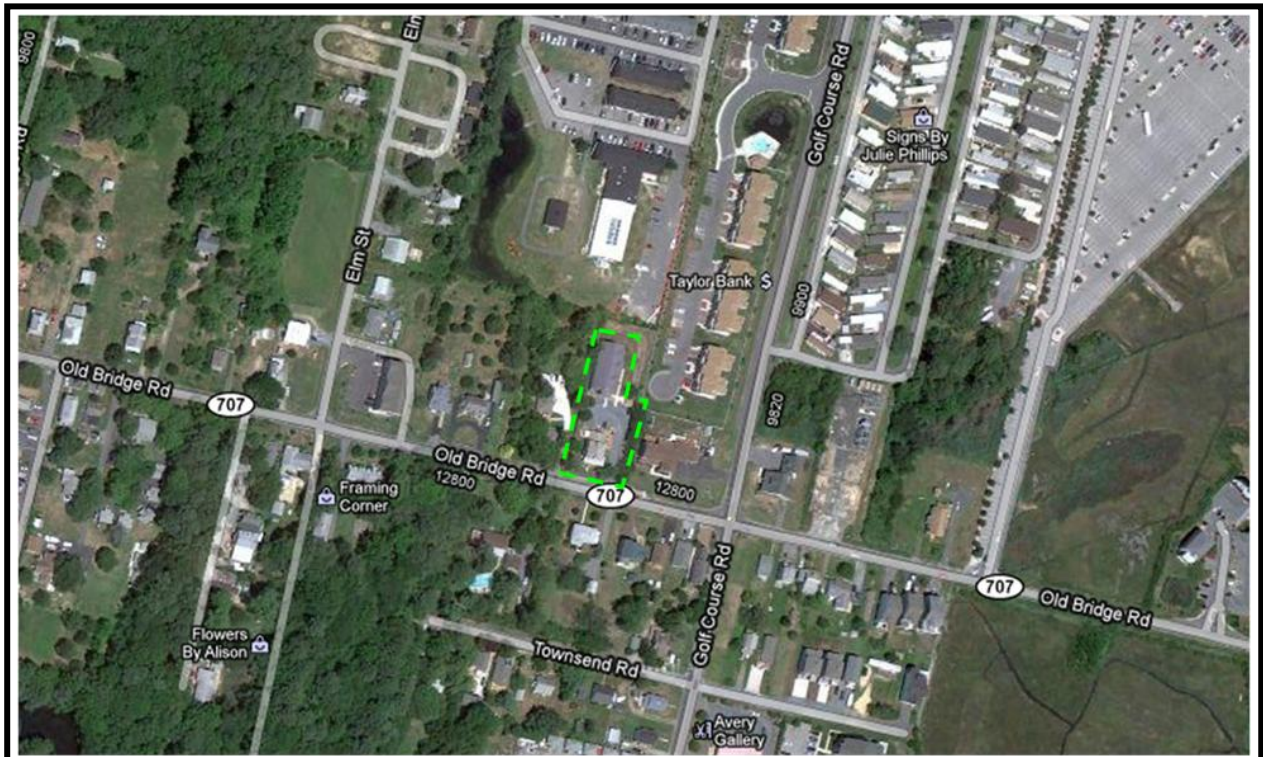
Zoning Legend

-  agriculture
-  commercial center
-  existing developed areas
-  green infrastructure
-  industry
-  institutional

Ocean City, MD

Surrounding Land Use Examples

- Neighborhood surrounding the shelter is mixed use and very eclectic
- Single family residential, including multi-million dollar homes
- Art framing shop
- Open space
- Marina (to the east)
- West Ocean City Park-n-Ride
- Francis Scott Key Family Resort
(picnic pavilion and indoor pool are adjacent to the north side of the shelter)
- Just north of the Francis Scott Key Family Resort is an outlet mall

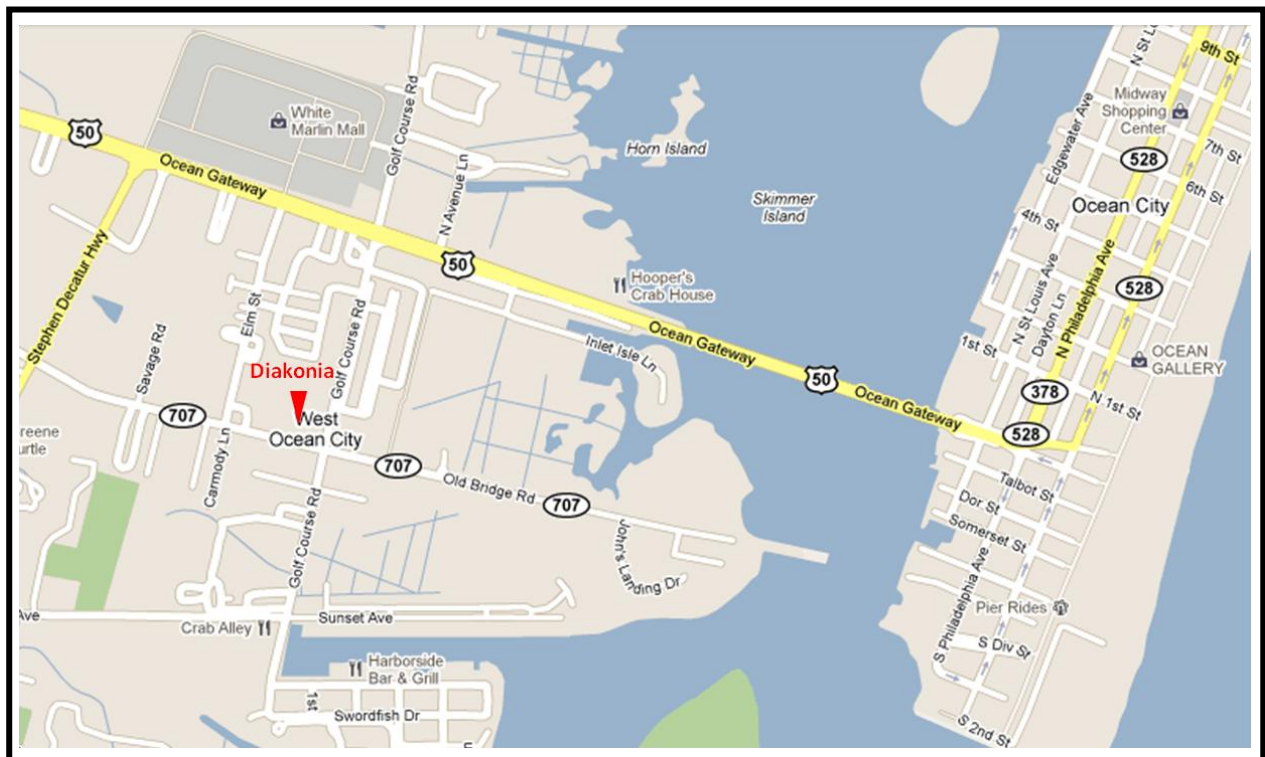


Source: Adapted from Google - Map Data 2011

Ocean City, MD

Location

Lies on the mainland, 1.5 miles from the beach front. The shelter is segregated from the resort / beach barrier island by Isle of Wight Bay inlet. The shelter lies within the unincorporated territory of West Ocean City, MD in Worcester County. The shelter is located approximately 0.5 miles from a public transit stop (West Ocean City Park-n-Ride lot).



Source: Adapted from Google - Map Data 2011

Myrtle Beach South Carolina Profile

Myrtle Beach, SC

City Profile

Population	29,945
Median Household Income	\$36,839
Per Capita Income	\$28,916
Median Gross Rent	\$747
Median Gross Rent as % of HH Income	30.8%

Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): SC-503 Myrtle Beach/Sumter City & County

	2010			
	Emergency Shelter	Transitional Shelter	Unsheltered	Total
Individual homeless persons	205	260	646	1,111
Persons in households with adults and children	157	130	127	414
Total homeless persons	362	390	773	1,525
Total General Population of Geography Included in CoC			501,134	
		Sheltered	Unsheltered	Total
Chronically homeless		95	134	229
Severely mentally ill		116	95	211
Chronic substance abuse		102	108	210
Veterans		*	*	*
Persons with HIV / AIDS		3	8	11
Victims of domestic abuse		80	116	196
Unaccompanied youth (under 18 years)		15	14	29

*not documented in 2010 Point-in-Time (PIT) count

Source: HUD Homeless Resource Exchange Online Report

Citywide centralized homeless intake: no

The homeless in Myrtle Beach have access to a homeless assistance hotline (CASA): (843) 448-6206.

Myrtle Beach, SC

Street Reach Ministries Shelter

1005 Osceola Street Myrtle Beach, SC 29577

www.helpstreetreach.com

Profile

- Shelter type: emergency overnight and recovery center
- Population served: single adults only
- Tenure at current location: 3 years
- Previous location: 9th Avenue and Kings Highway (four blocks from beach front)
- Building size: 20,000 sq. ft.
- Number of beds: 90 for full-time recovery program, 55 for emergency shelter
- Screen for sex offenders: no
- Allow sex offenders to reside in shelter: yes
Police make periodic visits to check on residents who happen to be registered sex offenders
- Utilize HUD mandated HMIS database system: yes
(also utilize a separate system that is shared by other non-profits in the area)

Available Services

- | | |
|-----------------------|--|
| • Bathroom/shower | • Medical care (Little River Medical Center) |
| • Sleeping facilities | • Work readiness assistance |
| • Meals | • Disability application assistance |
| • Laundry | • Assistance finding permanent housing |
| • Mail/messages | • Life-skills classes |
| • Case management | • 12-step / substance abuse program |
| • Bible study | |

Myrtle Beach, SC

Summary

Clients who enter the Street Reach recovery program begin by setting long-term goals with the help of an assigned case manager. Participants work through a structured series of classes as well as weekly meetings with their case manager. Participants also break out into small groups under the direction of a community mentor.

Residents pay \$40 per week for enrollment in the program. All participants must adhere to program rules and expectations. Shelter management maintains a log of the classes and activities that each participant has fulfilled. If a resident fails to complete a program requirement on time, the management keeps a record. Each participant is allowed three strikes for failure to adhere to expectations. After the third strike that person will be removed from the program.

After successfully completing the 15 week program, clients are eligible to graduate. After graduation clients work with the case manager to set short-term goals and next steps for personal and career development.

Shelter staff stated that moving the shelter inland from the beach front did not affect the demand for services. The current location is close to a variety of social services. In addition, having been located closer to the “party” atmosphere of the beach was not advantageous for homeless persons trying to recover from substance abuse.

The shelter maintains strong relationships with complementary service providers and the Housing Authority, in order to connect clients with the appropriate services as well as opportunities for permanent housing. The shelter does not have much interaction with surrounding neighbors or neighborhood associations, although the shelter does receive a healthy level of support from local businesses in the form of in-kind donations. Local employers approach shelter residents, periodically, for day-labor opportunities.

The City of Myrtle Beach has recently committed \$20,000 to Street Reach Ministries. With these funds the shelter will renovate the second story of its facility, which will add approximately 100 additional beds of shelter capacity.

Myrtle Beach, SC

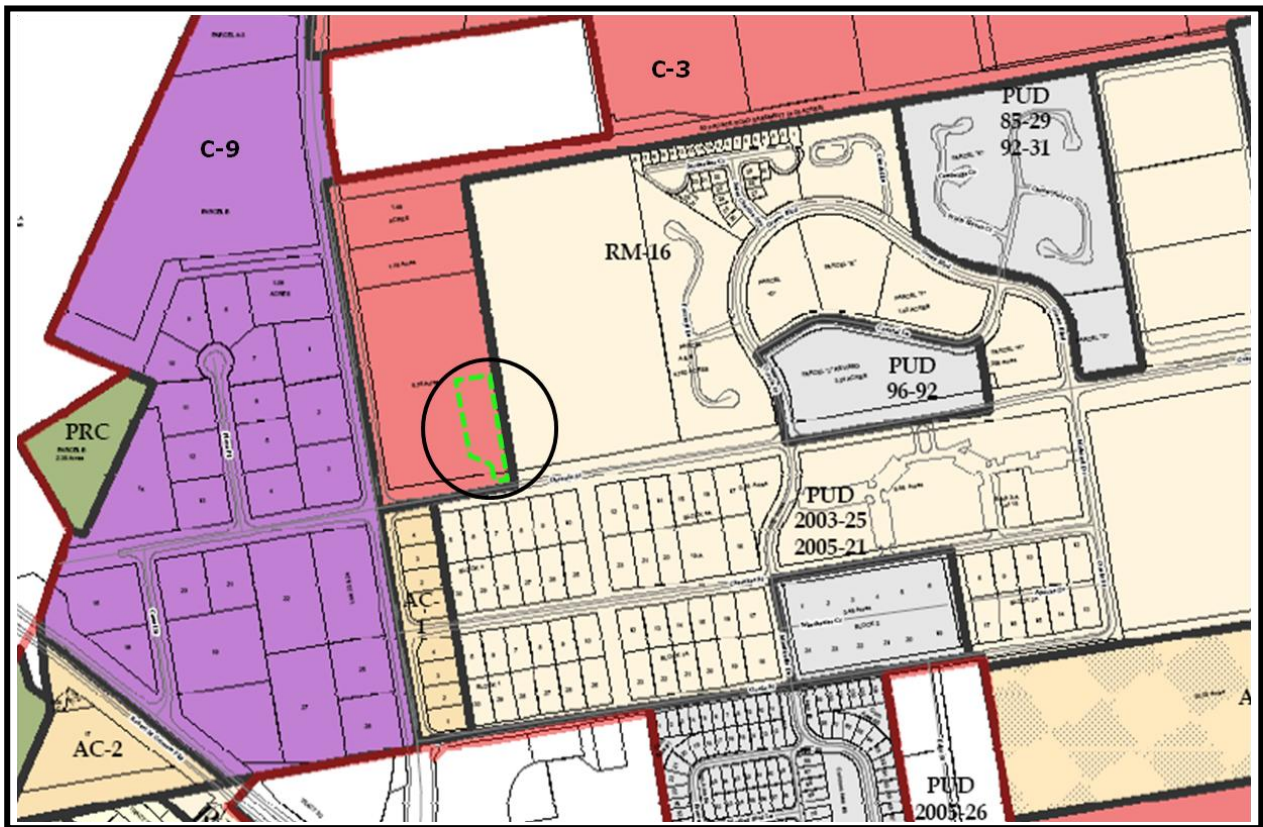
Zoning

Site: C-3 (general commercial)

To the east: RM-16 (medium density/multi-family residential) and PUDs

To the south: PUD and AC-1 (accommodations commercial: transitional residential, office and retail)

To the north and west: C-3



Source: Adapted from City of Myrtle Beach Zoning Map

Zoning Legend

AC-1: accommodations commercial (transitional residential, office and retail)

AC-2: accommodations commercial (transitional residential, office and retail)

C-3: general commercial

C-9: commercial trade(manufacturing)

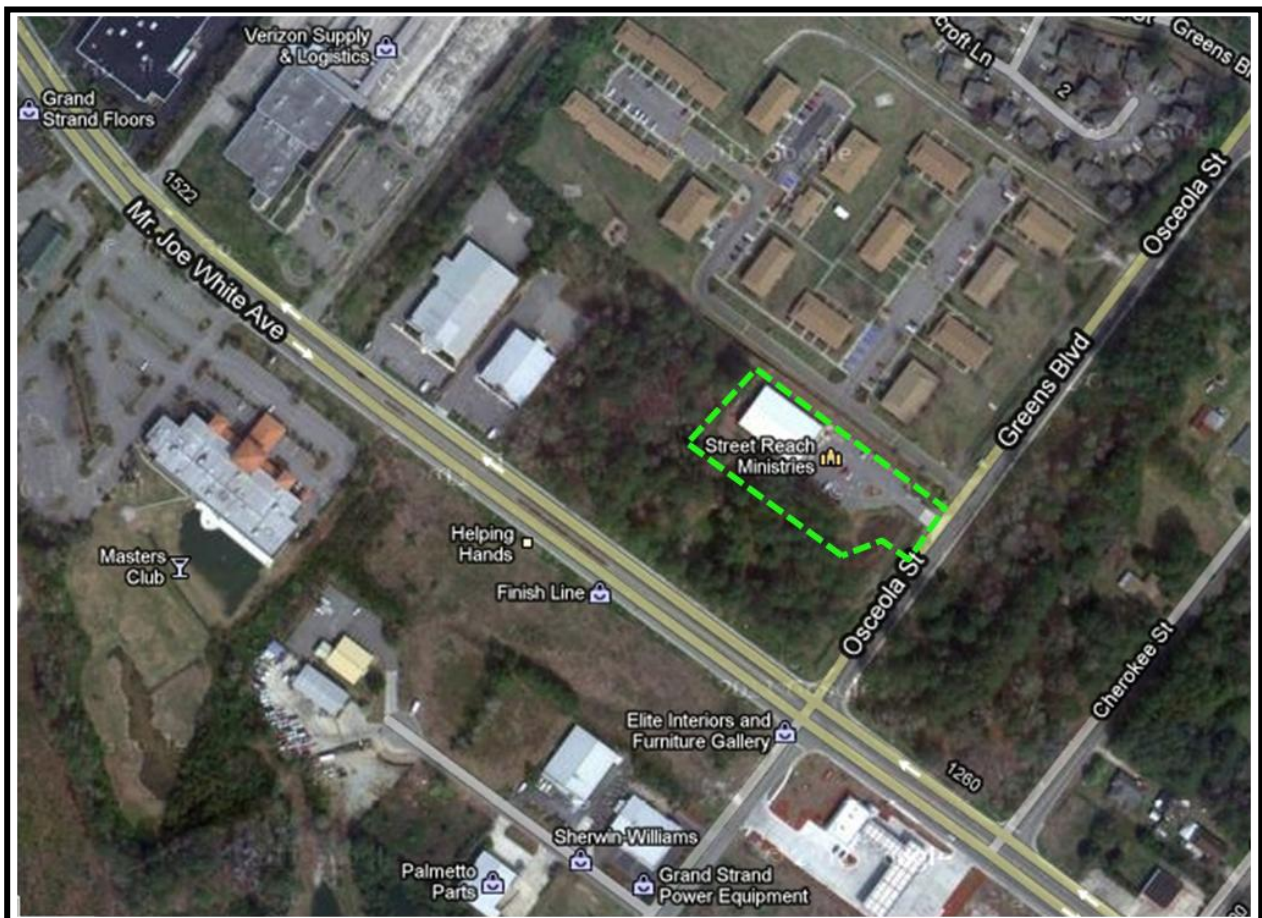
PRC: parks, recreation and conservation

RM-16: medium density/multi-family residential

Myrtle Beach, SC

Surrounding Land Use Examples

- Neighborhood was described as “rough” by interviewee
- Night club
- Forest /open space (utilized by the homeless for camps)
- Furniture gallery
- Verizon warehouse
- Apartment complex and subsidized housing, managed by Grand Strand Housing Authority – Sandy Gate, Monticello and Quail Marsh
- Radio station / tower
- Social services are nearby



Source: Adapted from Google - Map Data 2011

Myrtle Beach, SC

Haven House

975 Campbell Street, Myrtle Beach, SC 29577

www.myrtlebeachhaven.com

Profile

- Shelter type: emergency overnight
- Population served: families with children
- Tenure at current site: 25 years

Overnight capacity:

- Single mothers with children: 20 beds
- Men-only dorm: 6 beds
- Cribs for small children: 4
- Total sleeping capacity in family rooms: 12 persons

(at the time this report was published, shelter staff could not be reached for an interview)

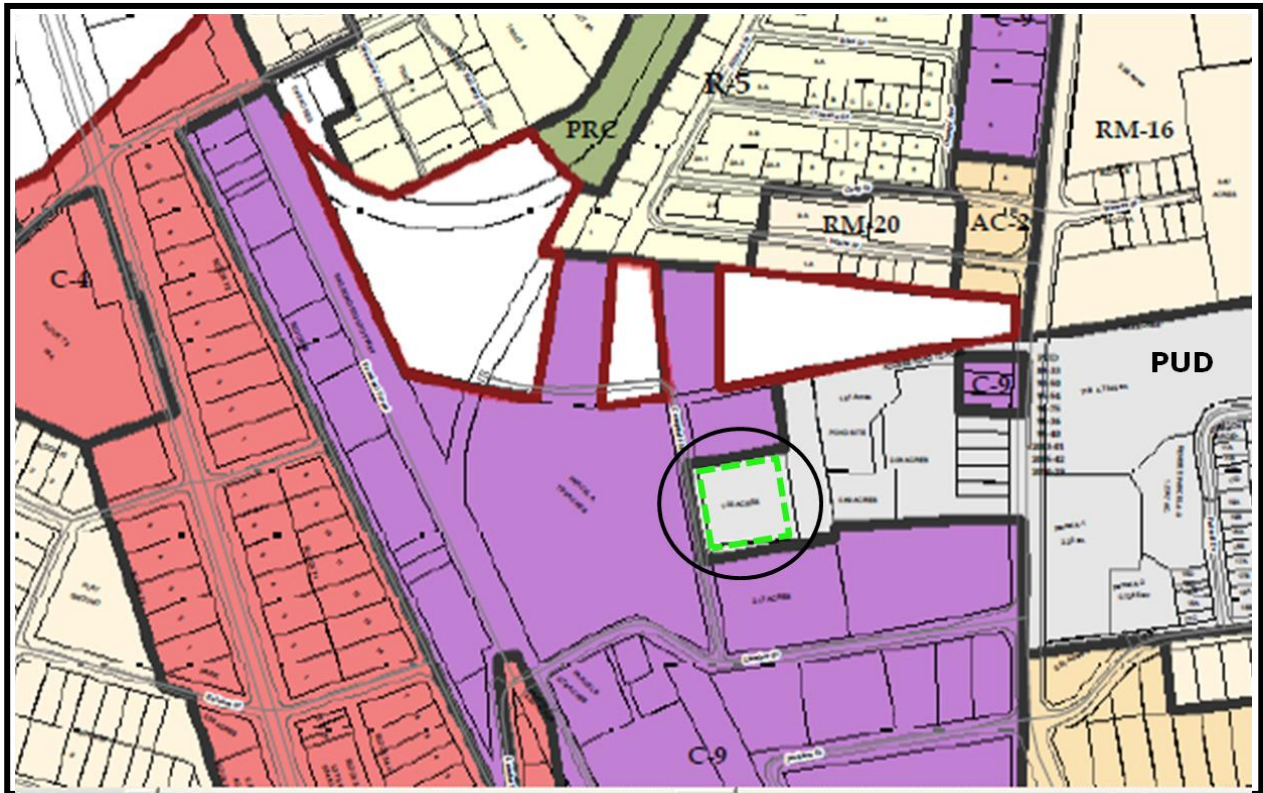
Myrtle Beach, SC

Zoning

Site: PUD

To the north, south, and west: C-9 (commercial trade: manufacturing)
and Horry County land, zoned industrial

To the east: PUD



Source: Adapted from City of Myrtle Beach Zoning Map

Zoning Legend

AC-2: accommodations commercial (transitional residential, office and retail)

C-4: neighborhood commercial

C-9: commercial trade(manufacturing)

PRC: parks, recreation and conservation

R-5: single-family residential

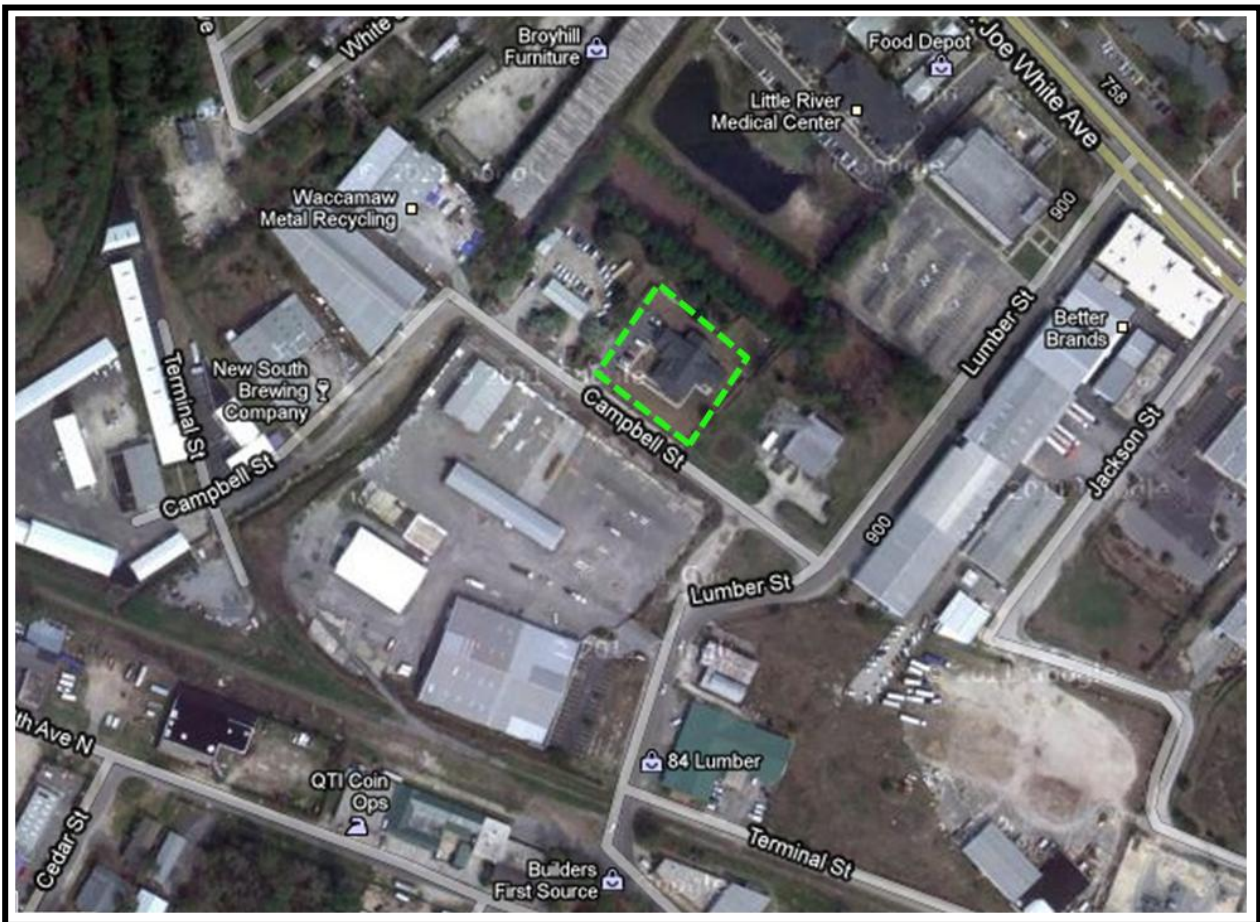
RM-16: medium density/multi-family residential

RM-20: high-density multifamily residential

Myrtle Beach, SC

Surrounding Land Use Examples

- Lumber yards
- Recycling center
- Laundromat
- Grocery store
- Manufacturing



Source: Adapted from Google - Map Data 2011

Myrtle Beach, SC

Location

The Street Reach Ministries shelter is located 1.3 miles from the beach front and 1.5 miles from the Myrtle Beach Convention Center. Haven House is located 0.7 miles from beach front.



Source: Adapted from Google - Map Data 2011

Daytona Beach Florida Profile

Daytona Beach, FL

City Profile

Population	63,946
Median Household Income	\$30,658
Per Capita Income	\$19,054
Median Gross Rent	\$756
Median Gross Rent as % of HH Income	37.1%

Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): FL-504 Daytona Beach/Flagler Counties

	2010			
	Emergency	Transitional	Unsheltered	Total
Individual homeless persons	61	164	1,452	1,677
Persons in households with adults and children	39	439	0	478
Total homeless persons	100	603	1,452	2,155
Total General Population of Geography Included in CoC			580,076	
		Sheltered	Unsheltered	Total
Chronically homeless		0	173	173
Severely mentally ill		49	121	170
Chronic substance abuse		117	330	447
Veterans		*	*	*
Persons with HIV / AIDS		15	61	76
Victims of domestic abuse		154	0	154
Unaccompanied youth (under 18 years)		0	0	0

*not documented in 2010 Point-in-Time (PIT) count

Source: HUD Homeless Resource Exchange Online Report

Daytona Beach, FL

Citywide centralized homeless intake: no

There is a city-wide 211 hotline for emergency assistance. Intake assessments are completed on a shelter-by-shelter basis.

According to the shelter directors who were interviewed for this report, the homeless population tends to spend time in the downtown area where a cluster of supportive services is available. The Daytona Beach police force actively pursues the homeless to remove them from the oceanfront, leaving few homeless people in the resort area.

Daytona Beach, FL

Salvation Army Shelter

560 Ballough Rd Daytona Beach, FL 32114

Profile

- Shelter type:
 - Emergency (EOS)
 - Temporary
 - Full-time drug treatment program
 - Day center
- Population served: single adults
- Tenure at current location: Salvation Army has provided general homeless services on the site since the 1930's. The overnight shelter opened in the late 1940's.
- Total overnight capacity: 75 beds
 - EOS: 28 beds (20 men, 8 women)
 - Temporary shelter: 4 beds for women
 - Homeless Veterans: 7 beds
 - HUD Transitional Supportive Housing: 7 beds
 - Full-time drug treatment program: 29 beds
 - When emergency weather conditions arise, the shelter makes an additional four beds available to anyone in the community who needs them.
- Maximum stay:
 - EOS: 2 weeks
 - Streets Team: 6 months
 - Temporary shelter: 2 years
 - Drug treatment: 2 – 6 months
- Sex offender / violent offender screening:
 - For emergency shelter: no
 - For transitional housing: yes
(sex offenders are not allowed to reside in transitional housing)
- Utilize HUD mandated HMIS database system: yes

Available Services

- | | |
|-----------------------|--|
| • Bathroom/shower | • Laundry |
| • Sleeping facilities | • Mail/messages |
| • Meals | • Full-time, court-ordered drug rehabilitation program |

Daytona Beach, FL

Summary

The approach taken by the Salvation Army is to develop a presence in urban areas based upon demonstrated need for charity services in the area. Likewise, the Salvation Army established a presence in the downtown Daytona area because of a demonstrated need. If there had been a greater demonstrated need for homeless services in the beach-front area, the Salvation Army would have prioritized locating in that area, at the time the shelter was becoming established.

The Salvation Army owns the property on which the shelter operates. They also own an open lot across the street, west of the shelter, which serves as a recreation yard for residents.

A portion of the clients who are housed on an emergency basis become part of the Streets Team program. The Streets Team is comprised of 10 residents who clean up the streets in the downtown area on a full-time basis.

The shelter does not have a transportation services program. Shelter management has access to a limited number of bus passes, which it distributes among residents who are enrolled in the long-term recovery / transitional program.

Daytona Beach, FL

Zoning

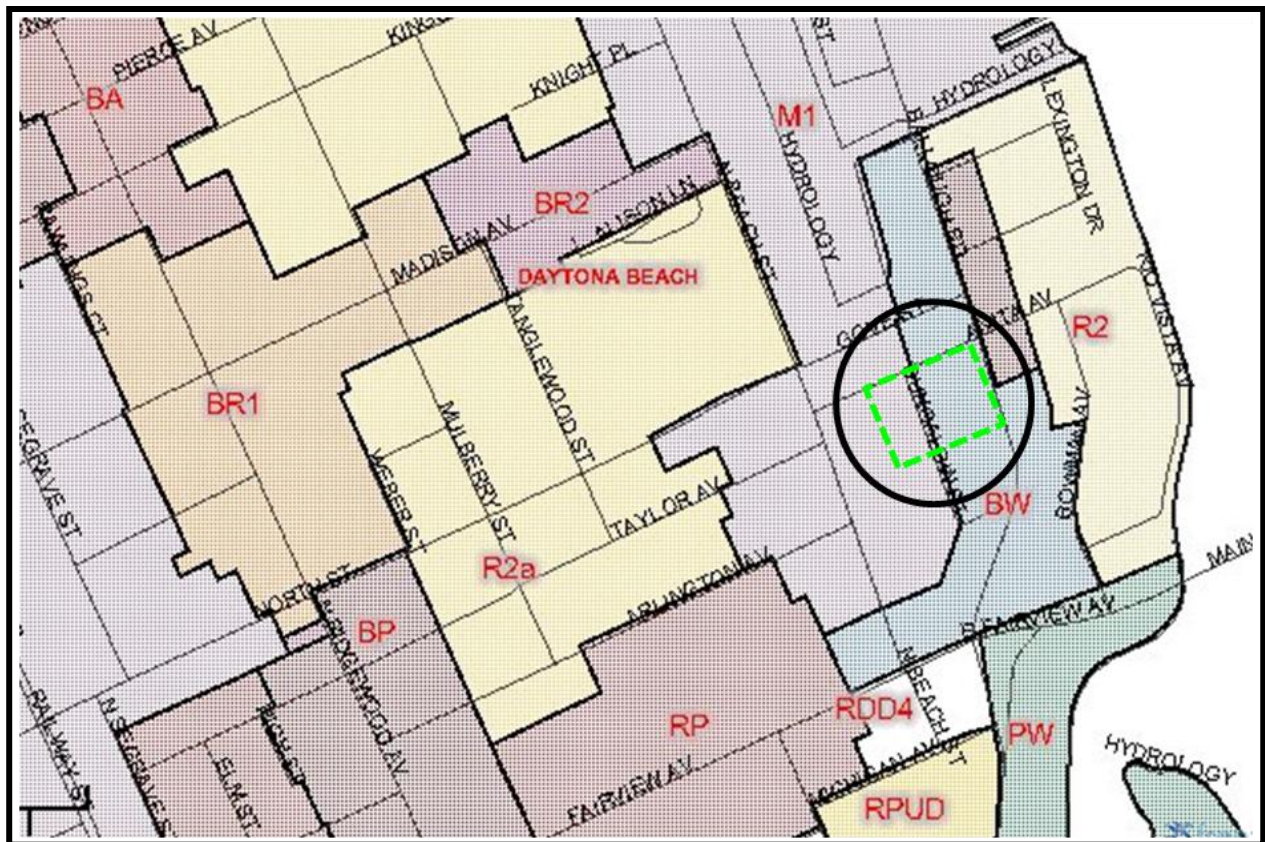
Site: BW (for the shelter), M1 (for the shelter's recreational lot). Site also lies within the Ballough Road Redevelopment Zone.

To the north: M1

To the east: R2, then the Halifax River Lagoon (west of the Daytona Beach barrier island)

To the south: BW and PW

To the west: M1, R2A



Zoning Legend

Source: Adapted from City of Daytona Beach Zoning map

BA	Business Automotive
BP	Business Professional
BR-1	Retail
BR-2	Shopping Center
BW	Business Warehouse
M-1	Local Service Industry

PW	Public waterfront (city owned)
R-2a	Multi-Family Residential
RDD-4	Redevelopment (Business, Motor Vehicle, Mixed-Use)
RP	Residential Professional
RPUD	Residential Planned Unit Development

Daytona Beach, FL

Surrounding Land Use Examples

- Auto services
- Ice cream shop
- Residential
- There is a small neighborhood park to the north west



Source: Adapted from Google - Map Data 2011

Daytona Beach, FL

Star Family Center

340 North Street Daytona Beach FL 32114

www.thestarfamilycenter.org

Profile

- Shelter type: emergency overnight and day center (day services end at 4pm)
- Population served: families with children
- Overnight capacity: 94 beds, including 10 for patients just released from the hospital
- Maximum stay: 6 months
- Year opened: October 2006
- Allow sex offenders and/or those with violent offenses: no
The shelter performs a complete criminal background check during the intake process
- Utilize HUD mandated HMIS database system: yes

Available Services

- | | |
|-------------------------|---|
| • Bathroom/shower | • Medical clinic |
| • Sleeping facilities | • Case management |
| • Nap area | • Life-skills classes |
| • Meals | • Assistance with various social service applications |
| • Laundry | • Refurbished bicycle distribution |
| • Clothing distribution | • Work boots distribution |
| • Mail/messages | • Assistance finding permanent housing and employment |
| • Haircuts | |
| • Computer lab | |

Daytona Beach, FL

Summary

The Star Family Center property served as an administrative office for homeless outreach prior to becoming a shelter. The Star Family Center operates as a division of Halifax Urban Ministries and serves both Volusia and Flagler counties.

There are expectations for residents. Each resident must stay on track with his/her case management plan. Each resident is responsible for performing chores, which support the day-to-day operations of the facility. The shelter has a close working relationship with the local police force as well as two major substance abuse treatment centers in the area.

The shelter provides bus passes, gas cards, and bus tickets out of town (to return a client to his/her home city) when funds are available. The shelter has spent \$4,000 so far this year on such transportation aids. The shelter benefitted from the recent donation of a 15-passenger van, which is driven by shelter staff members on an as-needed basis.

The Star Family Center is located in a commercial corridor in a fairly “rough” area of the city. Residential neighborhoods lie to the east and west of the commercial corridor. Some Daytona Beach residents have advocated for the shelter to be moved inland near the Volusia County jail. The jail is located 11 miles from the oceanfront and does not have access to public transit.

Daytona Beach, FL

Zoning

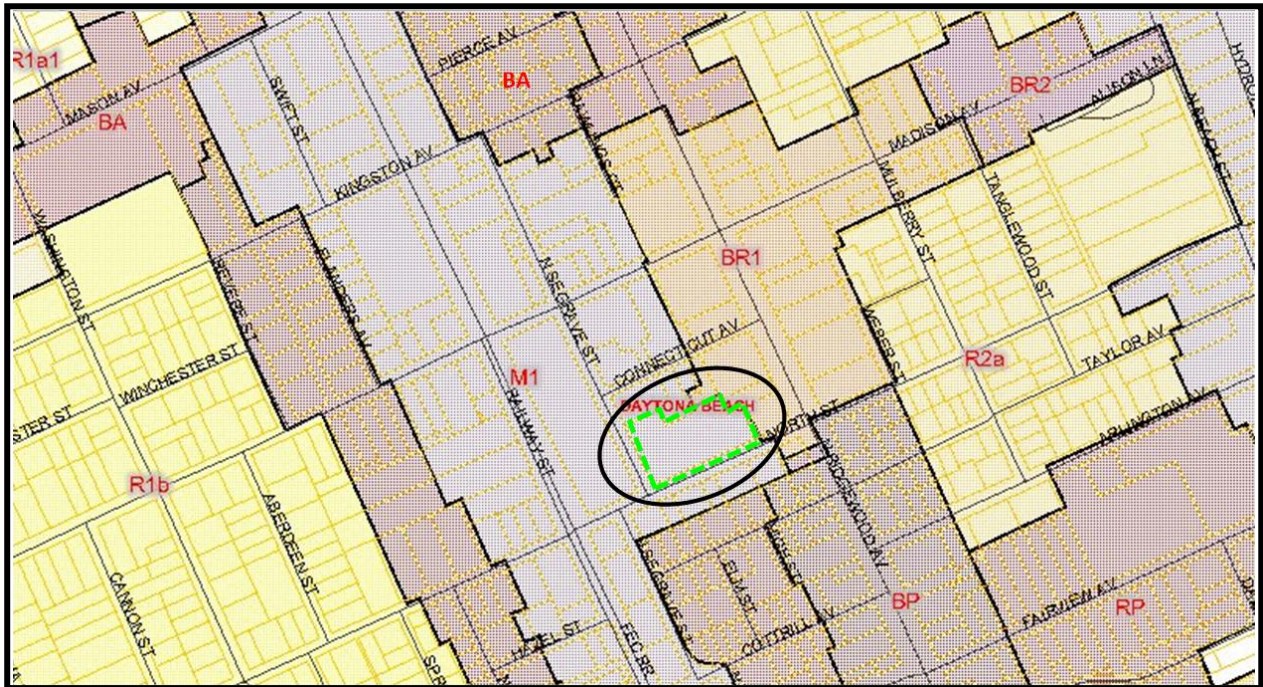
Site: M1

To the north: M1

To the east: BR1

To the south: BP

To the west: M1



Source: Adapted from City of Daytona Beach Zoning Map

Zoning Legend

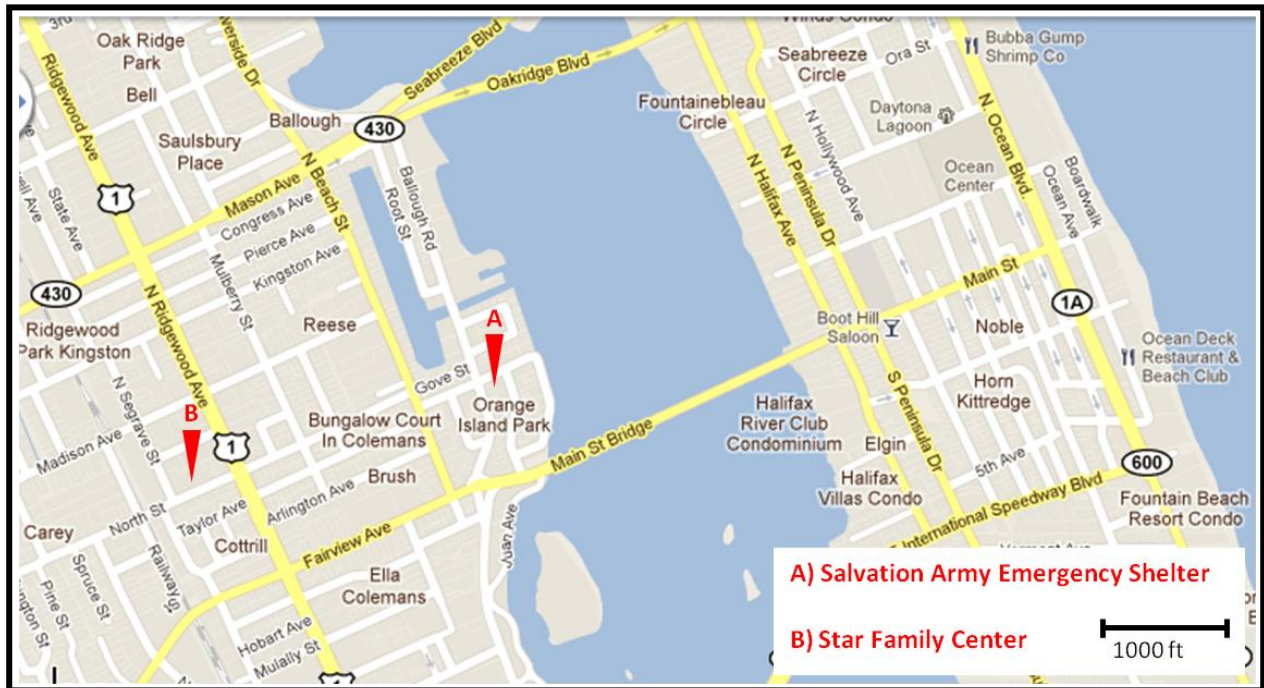
BA	Business Automotive
BP	Business Professional
BR-1	Retail
BR-2	Shopping Center

M-1	Local Service Industry
R-1 a-1	Single-Family Residential
R-2a	Multi-Family Residential
RP	Residential Professional

Daytona Beach, FL

Location

Both shelter sites lie in the downtown area. The Star Family Center is a 1.6 mile walk from the oceanfront and one block from a public transit stop. The Salvation Army shelter is a 1.2 mile walk from the oceanfront.



Source: Adapted from Google - Map Data 2011

Fort Lauderdale Florida Profile

Fort Lauderdale, FL

City Profile

Population	183,374
Median Household Income	\$50,886
Per Capita Income	\$35,867
Median Gross Rent	\$972
Median Gross Rent as % of HH Income	33.6%

Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): FL-601 Ft Lauderdale/Broward County

	2009			
	Emergency	Transitional	Unsheltered	Total
Individual homeless persons	658	1,181	736	2,575
Persons in households with adults and children	226	360	64	650
Total homeless persons	884	1,541	800	3,225
Total General Population of Geography Included in CoC			1,759,132	
		Sheltered	Unsheltered	Total
Chronically homeless		171	206	377
Severely mentally ill		848	0	848
Chronic substance abuse		1,067	0	1,067
Veterans		194	0	194
Persons with HIV / AIDS		97	0	97
Victims of domestic abuse		146	0	146
Unaccompanied youth (under 18 years)		25	0	25

Source: HUD Homeless Resource Exchange Online Report (2010 data not available)

Fort Lauderdale, FL

Citywide centralized homeless intake: no

There is a homeless helpline for all of Broward County: (954) 563-4357

There are three major shelters that serve Broward County. The shelters are located in Pompano Beach, Fort Lauderdale and Hollywood, FL. This profile will focus on the shelter in Fort Lauderdale, serving the central county. Homeless pick-up points are listed on the Broward county website. Homeless are allowed to congregate at these points until the mobile outreach unit arrives to escort them to a shelter. For the central county, the pick-up point is at the Salvation Army lodge.

According to an interviewee, the homeless in Fort Lauderdale follow the feeding schedule of local faith-based organizations and charities. There will tend to be a gathering of homeless individuals around the location where a meal is scheduled to be provided that day/night. The beach area is very hot and not necessarily a desirable place for the homeless to populate during the day. As in other cities encampments still exist throughout Fort Lauderdale where the homeless can be found on any given day.

Fort Lauderdale, FL

Broward Partnership for the Homeless, Homeless Assistance Center

920 Northwest 7th Ave, Fort Lauderdale, FL 33311

www.bphi.org/index.shtml

Profile

- Shelter type: emergency overnight and day center
- Year opened: 1999
- Building size: 57,000 sq. ft.
- Total overnight capacity: 200
 - Two men's dormitories (120 men)
 - Women's dormitory (40 women)
 - Modular family wing (ten families or 40 family members)
- Average length of stay: 60 days
- Allow sex offenders to reside on premises: no
- Utilize HUD mandated HMIS database system: yes
- In 2010, 53% of the unduplicated persons who went through the intake process achieved the outcome of obtaining transitional or permanent housing.

Available Services

- Bathroom/shower
- Sleeping facilities
- Meals
- Laundry
- Mail/messages
- Library
- Gym
- Hair salon
- Clothing donation center
- Computer classes
- Case management
- Child care
- Parenting education
- Children's learning center classrooms
- Primary medical and dental care
- Mental health diagnosis and treatment
- Support groups and family therapy
- Substance abuse education, prevention, intervention and treatment
- 12-Step programs
- Educational services, including GED attainment
- Vocational assessment
- Job training and placement services
- Life-skills classes

Fort Lauderdale, FL

Summary

Up until the late 1990's there were no homeless shelters in Fort Lauderdale. There were a significant number of homeless encampments in the downtown area. The public was exasperated and wanted something to be done about the encampments. The response from the city and county was to develop an overnight homeless shelter. The county was willing to fund the program. And the city was willing for the shelter to be located within the city as long as the city could place specific restrictions on the use of the site.

The city sends an auditor to the Broward Partnership complex on an annual basis to assess and enforce the shelter's compliance with the city ordinance that guides use on the site. The design of the building has been a key factor in helping the center to blend into the surrounding urban environment. The two-story building is U-shaped. The building exterior, facing the street, is inconspicuous and has no building number or signage. The building entrance is located on the rear side of the building, facing away from the street. The entrance lets out into a court yard, which includes a smoking pavilion and picnic tables.

The homeless are not allowed to walk up to the building, loiter or form queues on the street-facing side of the building. Instead, an outreach team drives to pick-up points within the city to collect homeless individuals and drop them off at the shelter at 5pm daily. The outreach team consists of a police officer, a social worker and a formerly homeless liaison. As of 2003, coordination of the outreach team has been handled by a separate non-profit organization: The Taskforce For Ending Homelessness.

Strategy

Although the Broward County Partnership is an emergency shelter, the goal of its programs is to help residents work through the issues that contributed to the incidence of homelessness in the first place, to rehabilitate residents, to provide ongoing support, and ultimately to prevent the client / family from relapsing into homelessness.

The service program design passes through four phases:

- 1) assessment, orientation and stabilization
- 2) development of an individualized case plan
- 3) implementing various interventions of the case plan
- 4) preparing for discharge and the provision of ongoing support

The shelter aims to provide a comprehensive set of services so that residents will be able to fulfill a majority, if not all, of their daily needs within the shelter site. This frees up residents'

Fort Lauderdale, FL

time so they can focus on becoming rehabilitated, improving their level of education, and/or finding stable employment.

The organizational development process to arrive at this extensive level of service did not happen overnight. The shelter began by offering a basic set of services: showers, laundry, sleeping facilities. With the addition of full-time development staff, the shelter has gained the capacity to apply for program grants and solicit major donations from the private sector. With increasing levels of income the shelter has been able to expand the number and scope of programs it can offer.

Relationship with Local Residents

When the Broward Partnership first came into operation, the shelter staff would hold monthly meetings with a coalition of five adjacent neighborhood associations to gather input and work through issues. The shelter came to run smoothly and without disruption to the surrounding neighborhoods. The neighborhood advisory coalition disbanded over time because there was no longer a need for it. Now that the shelter is considering an expansion, it will reconvene meetings with these neighborhood associations, the city, and other stakeholders, to work through the process collectively.

Employment Program

The shelter has a robust employment program. There is a staff member who continues to develop relationships with local businesses in order to establish paths to channel shelter residents into employment with those businesses.

Early in the intake process, the shelter conducts an assessment of residents' level of job related skills and job-readiness. For those residents who are considered job-ready upon intake, there are opportunities to go on field trips where residents will engage in simulated job interviews or learn how to navigate through other work-related situations.

The shelter tracks clients' employment progress while the client is residing at the shelter, and even for a time after the client leaves the shelter. If a client successfully retains the same job for one year, the shelter provides the client with a free laptop. In 2010, the shelter gave away ten laptops through this incentive program. Former clients often come back to guide and mentor new Broward Partnership clients.

Fort Lauderdale, FL

Transportation

It is not usual for the shelter to provide van transport to current residents. However, at the discretion of the case manager, shelter staff may drive residents to appointments. Typically this transportation option is offered to the mentally or physically disabled, or in cases where a client has a job interview.

The Broward County police force donates all unclaimed bicycles that it collects to the three county shelters. These bicycles are passed on to residents. The Broward Partnership is able to obtain discounted and free bus passes from the local transit authority. Shelter staff offer the passes as incentives or rewards to residents. Employed residents are able to buy the passes outright at a deep discount.

Medical and Dental Care

Residents are able to access basic medical care on-site. The shelter is responsible for purchasing the necessary medical equipment. Registered nurses from an outside agency visit the clinic on a regular basis to provide care.

Relying on funding from private contributions, the shelter has been able to offer the Smile Works program. The Smile Works program provides residents in need of major dental reconstruction with a smile that will allow him or her to be confident during job interviews.

Fort Lauderdale, FL

Zoning

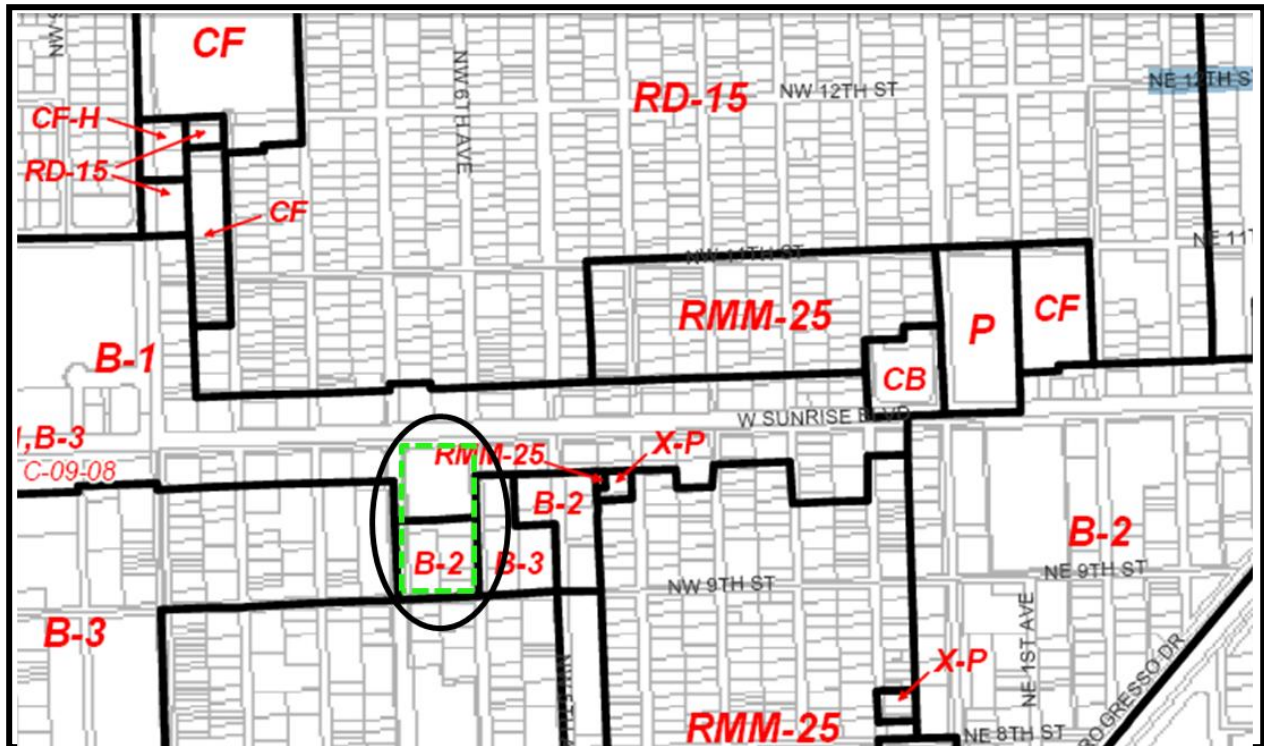
Site: B-1 and B-2

To the north: RD-15

To the east: B-1, B-2, B-3

To the south: I

To the west: B-1, B-3



Zoning Legend

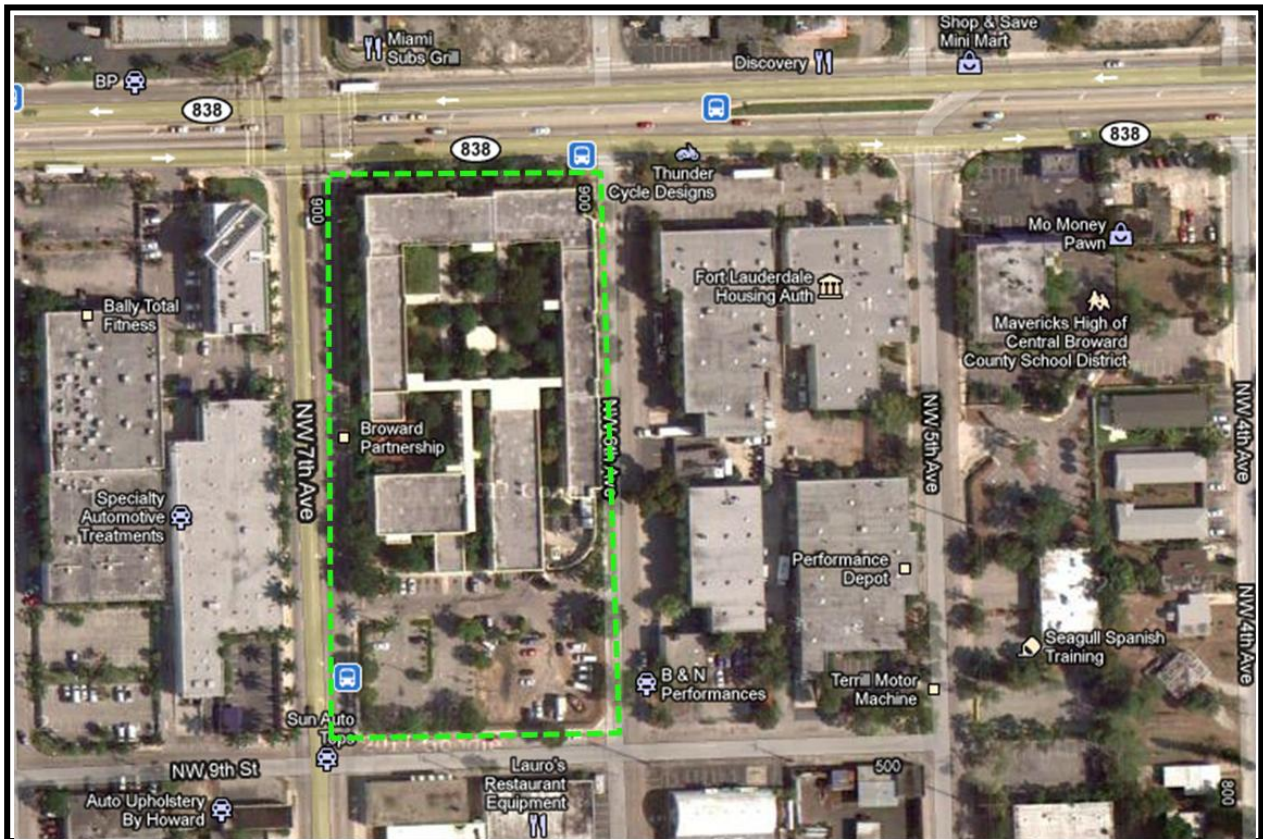
Source: Adapted from City of Fort Lauderdale Zoning Map

B-1:	Boulevard Business
B-2:	General Business
B-3:	Heavy Commercial / Light Industrial Business
CB:	Community Business
CF:	Community Facility
CF-H:	Community Facility / House of Worship
I:	General Industrial
P:	Parks, Recreation and Open Space
RD-15:	Residential Multi-family / Low Rise / Medium Density
RMM-25:	Residential Multi-family / High Rise / Medium Density
X-P:	Exclusive Use / Parking

Fort Lauderdale, FL

Surrounding Land Use Examples

- The BCPC lies in a transitional district between residential and industrial uses.
- Fort Lauderdale housing authority
- A charter high school (new as of 2010-2011 school year)

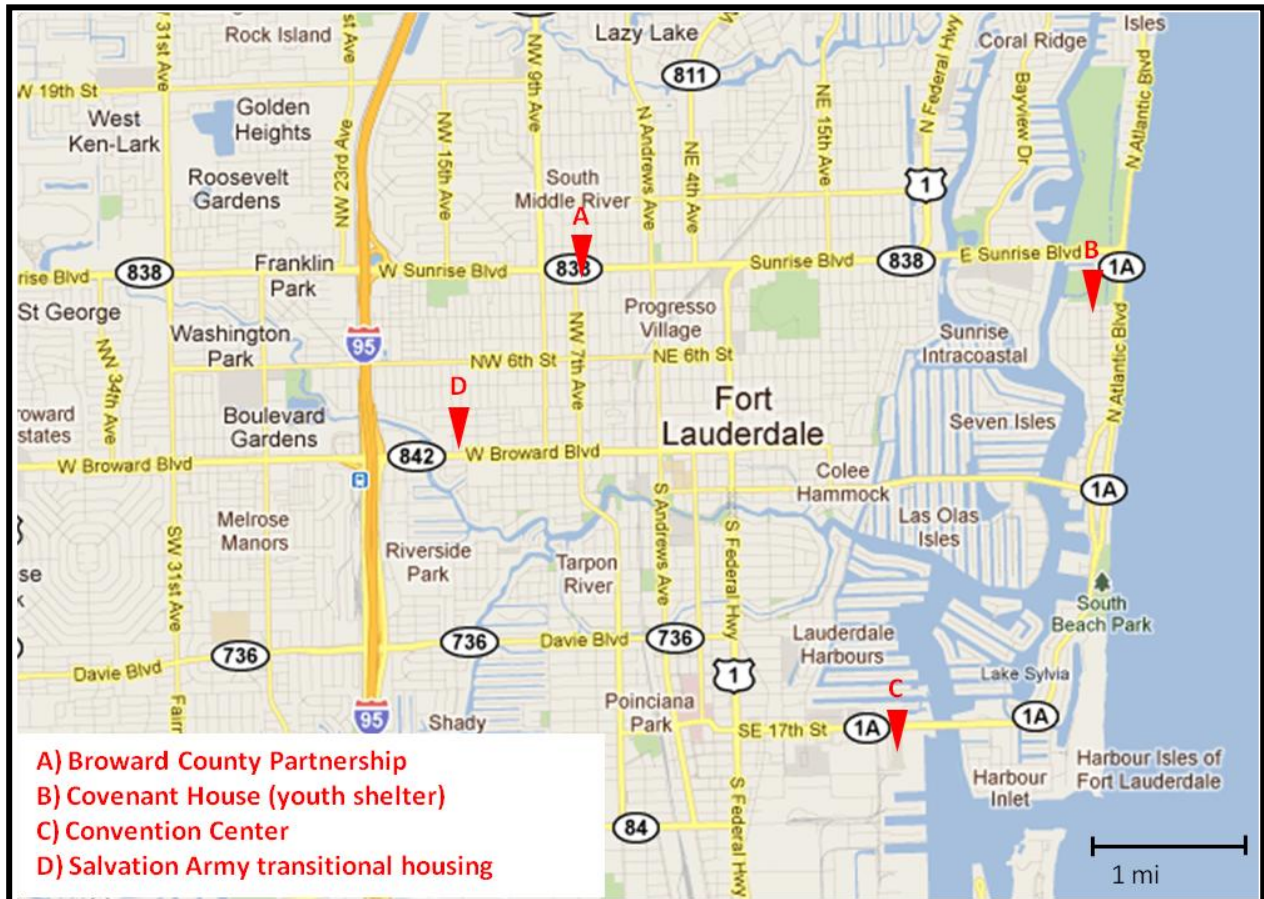


Source: Adapted from Google - Map Data 2011

Fort Lauderdale, FL

Location

The Broward County Partnership Center (BCPC) is located 3 miles directly inland from the oceanfront. A bus line runs directly in front of the BCPC. It is a four mile walk from the BCPC to the convention center. Additional shelter locations are shown below.



Source: Adapted from Google - Map Data 2011

Key West Florida Profile

Key West, FL

City Profile

Population	22,914
Median Household Income	\$52,004
Per Capita Income*	\$30,800
Median Gross Rent	\$1,279
Median Gross Rent as % of HH Income	35.1%

Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): FL-604 – Monroe County

(the county CoC includes the city of Key West, FL)

	2009*			
	Emergency	Transitional	Unsheltered	Total
Individual homeless persons	136	90	612	838
Persons in households with adults and children	50	48	104	202
Total homeless persons	186	138	716	1,040
Total General Population of Geography Included in CoC				74,024
		Sheltered	Unsheltered	Total
Chronically homeless		164	125	289
Severely mentally ill		203	0	203
Chronic substance abuse		176	0	176
Veterans		66	0	66
Persons with HIV / AIDS		164	0	164
Victims of domestic abuse		44	0	44
Unaccompanied youth (under 18 years)		16	0	16

*HUD 2010 Point-in-Time (PIT) count data was not available at the time this report was written

Source: HUD Homeless Resource Exchange Online Report

Key West, FL

Citywide centralized homeless intake: no

The City of Key West has identified the need for a homeless day center. A progress report, coordinated by the Southernmost Homeless Assistance League (SHAL), identified that the local government spends \$3.3 million per year to house homeless individuals at the Detention Center, \$500,000 per year for ambulance service, and \$1 million per month on medical care at the Lower Keys Medical Center (during the winter months) for homeless individuals. Public funds will be better spent through a program that assesses the needs of homeless individuals during intake at a day center and directs homeless individuals to the appropriate services, with an emphasis on prevention and rehabilitation.

SHAL is currently conducting door-to-door outreach surveys with local residents to collect recommendations on where to site a homeless day center. The mayor and the police force are both supportive of the day center project. As part of the day center project, SHAL has recommended dedicating funds for a mobile outreach unit. The unit would consist of a driver and case manager, who would pick up homeless individuals off the street throughout the city and bring them to the day center for an intake assessment.

Key West, FL

Keys Overnight Temporary Shelter (KOTS)

5501 College Rd, Key West, FL 33040

www.fkoc.org/emergency_shelter.html

Profile

- Shelter type: emergency⁵
- Population served: single adults

Available Services

- Bathroom/shower
- Sleeping facilities
- Medical care
- HIV testing

The City of Key West contracts with the Florida Keys Outreach Coalition to manage the emergency shelter.

⁵ Despite the word “temporary” in the name, this shelter is an emergency shelter, not a transitional or temporary shelter.

Key West, FL

Zoning

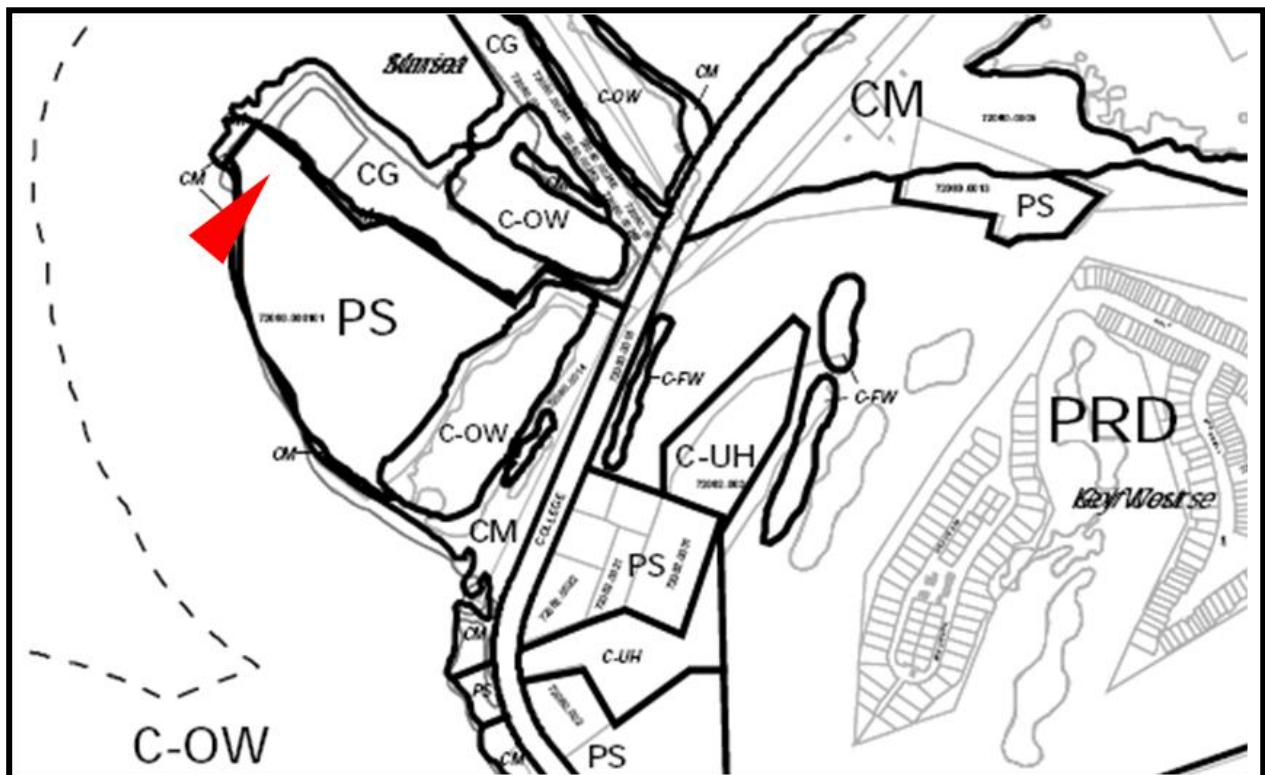
Site: Public services

To the north: General commercial, conservation (ocean)

To the east: Public services, conservation (water inlet)

To the south: Public services, conservation (ocean)

To the west: Conservation (ocean)



Source: Adapted From City of Key West Zoning Map

Zoning Legend

- CG:** General Commercial
- PRD:** Planned Redevelopment and Development District
- PS:** Public Services
- C-FW:** Conservation- Freshwater Wetlands
- CM:** Conservation- Mangrove
- C-OW :** Conservation- Outstanding Waters of the State
- C-UH:** Conservation- Upland Hammock

Key West, FL

Surrounding Land Use Examples

- Monroe County detention center
- Florida Keys Society for the Prevention of Cruelty to Animals
- Key West Country Club and golf course
- Sunset Marina and Waterfront Residences
- (building now vacant) Monroe County early childhood development center
- Monroe County mosquito control center



Source: Adapted From Google - Map Data 2011

Key West, FL

Florida Keys Outreach Center (FKOC)

2221 Patterson Avenue, Key West, FL 33040 (The William M. Neece Building)

www.fkoc.org/transitional_housing.html

Profile

- Shelter type: transitional housing and recovery center
- Population served: single men, single women, and women with children
- Years in current location: 8 for men's structure, 12 for women's structure
- Overnight capacity: 70 beds for men, 52 beds for women & children, located in separate buildings
- Maximum stay: two years
- Allow sex offenders to reside on the premises: no
- Utilize HUD mandated HMIS database system: yes

Available Services

- Bathroom/shower
- Sleeping facilities
- Meals for residents
- Laundry
- Mail/messages
- Case management
- Full-time substance abuse program (required daily AA meetings)
- Food pantry for non-residents

Key West, FL

Summary

The FKOC rehabilitation program consists of three phases. During the initial phase there is a high degree of oversight by the shelter staff. Rules are enforced to regulate conduct, such as signing in and out in a log when the residents enter or leave the premises. Residents initially room in the Neece building in bunk-style housing with up to 9 roommates. In the second and third phases of the program, restrictions are removed. Residents progressively gain more privileges and freedom. As residents advance through the program, they are allowed to live in accommodations with fewer roommates. By the third phase of the program, each resident will have only one roommate. All clients are responsible for carrying out daily chores during the course of the program.

Residents are required to seek employment or SSI income and/or to volunteer their time. The fee for residency at the shelter is \$85 per week. This creates an incentive for residents to secure employment. The shelter director stated that a key factor affecting residents' ability to obtain employment is most often self-esteem, even more so than the resident's work history.

The KOTS emergency shelter is typically filled to capacity, while the FKOC transitional housing program is rarely filled to capacity. One reason for this is that some clients can't handle the structured atmosphere of the substance abuse rehabilitation program. Some clients also have difficulty living inside in closed quarters after having lived for many years on the streets.

The FKOC structure used to be a shelter for homeless youth. It was then converted into its current use as an adult transitional shelter. Housing for the second and third phases of the rehabilitation program are located about 1 mile away from the Neece building. These additional housing structures were formerly used for military housing and for social services. Homeless individuals are not allowed to congregate outside or in front of the FKOC building. Residents surrounding the Outreach Center are encouraged to contact the shelter with any concerns that may arise from the homeless population that the shelter serves.

The FKOC offers ancillary services as staff resources and budgets permit. The center does not have a transportation program. However, the Salvation Army does periodically provide used bicycles for program participants.

Key West, FL

Zoning

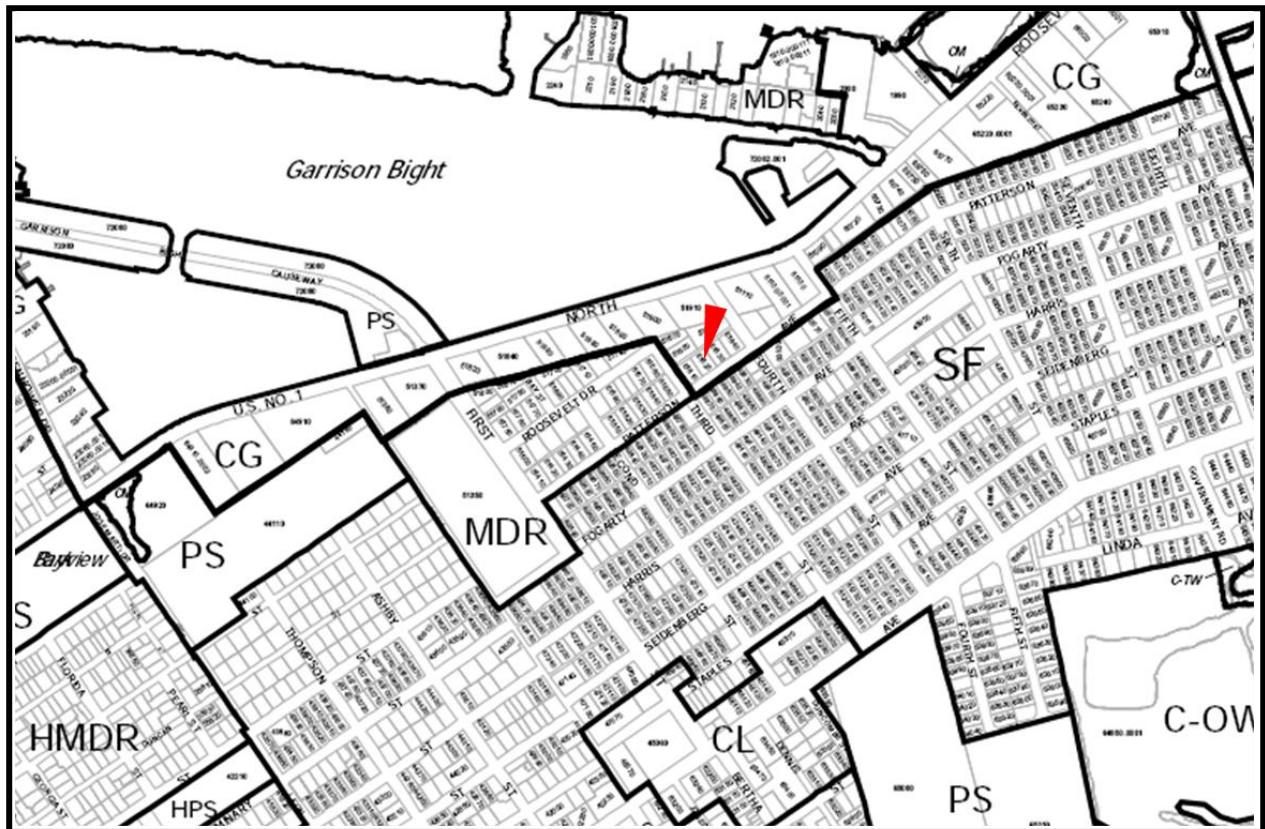
Site: General commercial

To the north: (ocean inlet)

To the east: Single family residential

To the south: Single family residential

To the west: Medium density residential, general commercial



Source: Adapted From City of Key West Zoning Map

Zoning Legend

- C-OW:** Conservation - Outstanding Waters of the State
- CG:** General Commercial
- CL:** Limited Commercial
- MDR-1:** Medium Density Residential 1
- HMDR:** Historic Medium Density Residential
- PS:** Public Services
- SF:** Single Family

Key West, FL

Surrounding Land Use Examples

- Mental health care clinic (directly adjacent to shelter)
- Book store
- Bike repair / sales
- Liquor store
- Single family residential
- Church



Source: Adapted From Google - Map Data 2011

Key West, FL

Location

Both the outreach center / transitional shelter (A) and the emergency shelter (B) are located in close proximity to the oceanfront. Homeless persons tend to congregate in Bay View and Harvey Parks as well as Smathers Beach. The KOTS emergency shelter is 3.2 miles from Smathers beach, 3.4 miles from Bay View Park and 3.7 miles from Harvey Park.



Source: Adapted From Google – Map Data 2011

San Diego California

Profile

San Diego, CA

City Profile

Population	1,297,618
Median Household Income	\$61,962
Per Capita Income*	\$32,348
Median Gross Rent	\$1,226
Median Gross Rent as % of HH Income	32.1%

Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): CA-601 San Diego (City)

	2010			
	Emergency	Transitional	Unsheltered	Total
Individual homeless persons	500	1,472	2,044	4,016
Persons in households with adults and children	95	410	5	510
Total homeless persons	595	1,882	2,049	4,526
Total General Population of Geography Included in CoC			1,297,618 (same as city population)	
		Sheltered	Unsheltered	Total
Chronically homeless		300	585	885
Severely mentally ill		703	536	1,239
Chronic substance abuse		885	902	1,787
Veterans		*	*	*
Persons with HIV / AIDS		66	123	189
Victims of domestic abuse		452	133	585
Unaccompanied youth (under 18 years)		40	0	40

*not documented in 2010 Point-in-Time (PIT) count

Source: HUD Homeless Resource Exchange Online Report

San Diego, CA

Citywide centralized homeless intake: no

San Diego currently has a year-round family shelter, which was converted from a motel. Given the current economic climate, the San Diego Housing Commission (SDHC) is looking to develop alternative models, which will lessen reliance upon HUD funding. In working toward this goal, the SDHC has been building a partnership with the local YWCA to explore the development of a new, joint homeless assistance model.

The San Diego Housing Commission is currently negotiating plans to renovate a 9-story historic building in the downtown area, to serve as a year-round shelter for homeless adults. The center would be a “one stop shop” for medical care and other necessary services for the homeless, consolidated into one location. The shelter would have 150 emergency beds and 73 units of permanent supportive housing.

The city of San Diego was included in this report based on its classification as a coastal city, but also because it is one of the few coastal cities with a homeless center that operates exclusively during daytime hours (i.e. no overnight shelter). The report will focus on the day center, but the reader should note that there are other major shelters in San Diego that are not featured in this report. The San Diego Rescue Mission, for example, manages a number of shelter facilities for men, women and children and offers clients an extensive set of services including meals, a substance abuse recovery program, life skills classes, and anger management classes and other services. There is a San Diego chapter of the Salvation Army, which offers emergency shelter among other services.

San Diego, CA

Neil Good Day Center (NGDC)

299 17th Street, San Diego, CA 92101

<http://alphaproject.org> (parent organization for the NGDC)

Profile

- Shelter type: day center
Hours: Monday – Friday, 8am – 4pm
- Population served: anyone in need
- Years in current location: since early 1990's
- Screen for sex offenders: no
- Utilize HUD mandated HMIS database system: yes

Available Services

- Showers
- Laundry
- Computer room
- Mail/messages
- Veterans outreach
- Referrals to 12-step recovery programs
- Case management (for a small subset of clients)
- Medical care
(once per month from outside provider)
- Transportation program (via outside agency)

San Diego, CA

Summary

The Neil Good Day Center is situated on land that is currently owned by CalTrans (the state department of transportation) and leased to the city of San Diego. The city in turn contracts out to a service provider to manage the shelter. The city issues a competitive RFP (request for proposal) to service providers on an annual basis. The NGDC has been managed not only by Alpha Project, but also by the St Vincent De Paul Society during various years. A news report⁶ listed the annual budget of the center as \$488,841, with a service population of approximately 250 persons per day. Each year, when the city allocates funding for the shelter in the city budget, some city residents typically protest.

The focus of the NGDC is to offer the homeless a safe place to spend time during the day, away from the stresses of the urban environment, including interaction with city police or security staff on private property. The center employs security staff to ensure clients and other staff members feel safe. Although the NGDC does not conduct any type of background check on incoming clients, the center does enforce a three-strikes policy. Clients who engage in violent or disruptive behavior are given three chances before being escorted from the center and prohibited from entering the facility ever again.

The NGDC offers additional services through partner organizations. There is a partner organization that visits the Day Center periodically to offer van transportation to clients.

The NGDC manager stated that there is a clear need for day services in the city. However, having a full-time facility with overnight accommodations as well as day services would be preferable to having a facility that offers only day services.

⁶ Hall, Matthew T. (May 18, 2011). Neil Good Day Center Gets Funding, Reprieve; San Diego Union-Tribune.

San Diego, CA

Zoning

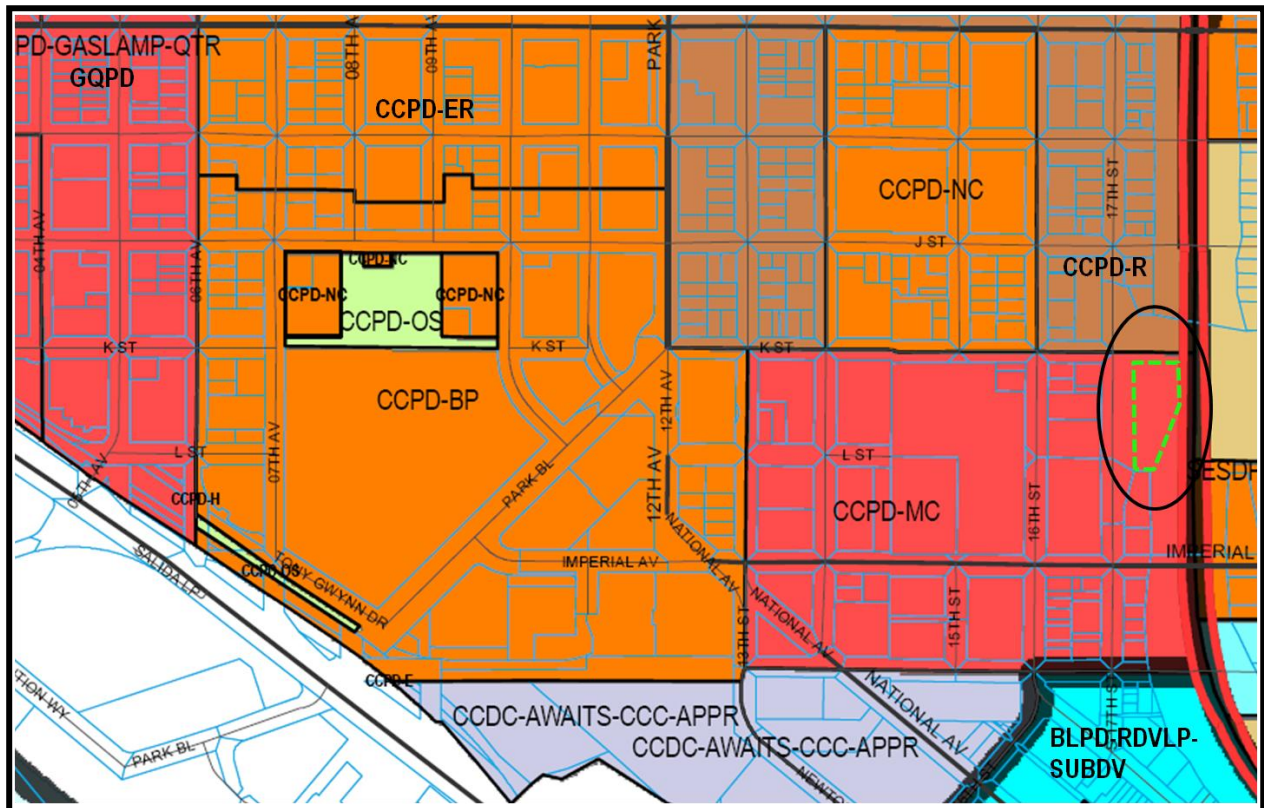
Site: CCPD-MC

To the north: CCPD-R

To the east: Interstate highway right of way and SESDPD-MF-3000 on the other side of highway

To the south: CCPD-MC and redevelopment zone

To the west: CCPD-MC



Source: Adapted From City of San Diego Zoning Map

(All classifications beginning with “CC” are commercial zones.

Precise zoning classification definitions were not available at the time this report was written.)

San Diego, CA

Surrounding Land Use Examples

- Multi-family residential (Ballpark Place Apartments) across the street
- Interstate highway 5
- Auto services
- Custom furniture manufacturer
- Tattoo shop
- Liquor store and corner market
- San Diego Metro Transit Facility

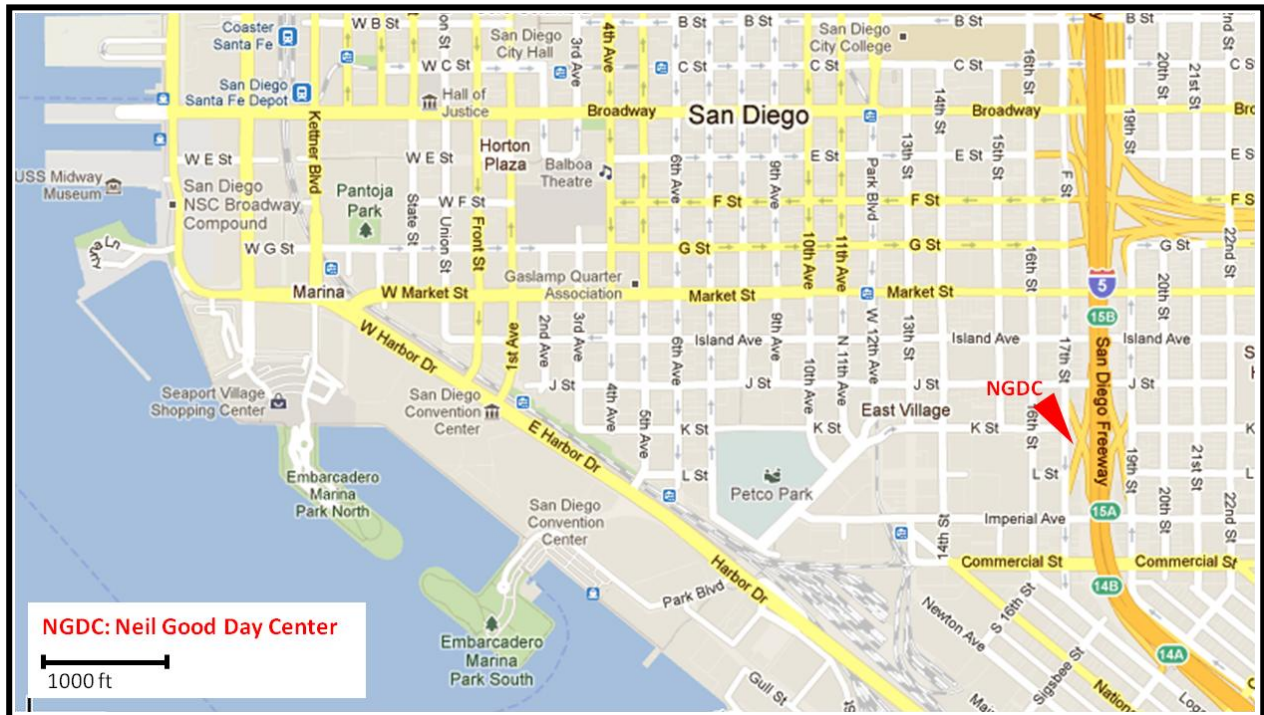


Source: Adapted From Google - Map Data 2011

San Diego, CA

Location

The Day Center is situated in the downtown area. It is a 1.2 mile walk from the Day Center to the Convention Center, which is located on the water front.



Source: Adapted From Google - Map Data 2011

National Models

Since 1996, the US Department of Housing and Urban Development (HUD) has used a competitive application process to distribute homeless assistance funds, in an effort to promote the development of the Continuum of Care (CoC) model. According to HUD, every CoC should ideally include a complete spectrum of programs including:

- Homelessness prevention,
- Outreach and assessment,
- Emergency shelter,
- Transitional housing,
- Permanent supportive housing,
- Affordable housing,

as well as supportive services (such as substance abuse treatment, mental health services, independent living skills development, etc.).

In some localities, a continuum of care may exist in name only, with participating organizations engaging in the minimum level of service and mutual cooperation that is necessary in order to obtain continued federal funding.

The localities in the following section of this report have brought an exemplary level of service and an innovative approach to the CoC framework.

Franklin County Ohio Profile

Franklin County, OH

County-Wide Comprehensive Model

The homeless prevention and response model in Franklin County, Ohio is well regarded at the national level. For people at risk of homelessness, navigating through what may seem like a random assortment of social services and community resources can be time-consuming, confusing and even daunting. The Community Shelter Board (CSB) of Columbus, Ohio intervenes in this process by linking citizens with a comprehensive set of services that are specific to their needs. CSB acts as a coordinator among existing public and private community service providers throughout Franklin County in order to streamline service provision.⁷

The CSB has implemented a four part model: **Access, Crisis Response, Transition and Advocacy.**

Access

CSB seeks to:

- Coordinate between county-wide public and private community service providers
- Connect the homeless and persons at risk of homelessness with appropriate mainstream services quickly and efficiently
- Coordinate and expand client access to employment assistance programs

CSB recognizes that services which support strong families improve the likelihood that children will develop into self-sufficient adults. CSB is implementing a program called the Stable Family Pilot. Goals of this program include:

- Identifying families who are at risk of homelessness and providing them with case management, supportive services and cash assistance, if necessary, in order to keep each family in their existing permanent housing arrangement
- Facilitating homeless children remaining in a stable school situation
- Increasing the capacity of families to appropriately utilize existing community resources

⁷ Some information in this section has been extracted directly from published Community Shelter Board resources. The excerpts are used here by permission of the Community Shelter Board.

Franklin County, OH

Crisis Response

CSB has designated the YWCA Family Center as the sole intake point for those in need of homeless crisis assistance. Identifying a single first point of contact produces a number of benefits, it:

- 1) streamlines the intake process,
- 2) allows for more comprehensive and consistent documentation of individual cases of homelessness,
- 3) eliminates the tendency for a homeless individual or family to spend precious time and resources filling out identical applications, one after the next, for separate service agencies, and
- 4) directs clients to the services that can best meet their needs, thus avoiding unnecessary or duplicative service provision.

The YWCA Family Center is a state-of-the-art facility with case management, childcare, child advocacy services, housing and employment resources, as well as an emergency shelter. The YWCA maintains a strong relationship with each of the existing service providers across the county, in order to direct those experiencing a homeless crisis toward the resources that can best help him/her.

One additional goal of the CSB is to create a collaborative system to better respond to homeless persons who are not seeking out or accessing shelter. Such a system should include a coordinated call and dispatch system, common documentation, and shared outcomes for outreach programs.

Transition

Households and individuals who are cut off from supportive services after a designated maximum service period are at greater risk of falling back into homelessness. Providing supportive services during the transitional period from temporary housing into permanent housing is a key component of a successful homeless rehabilitation program. CSB works with service providers in Franklin County to coordinate provision of short-term supportive services to set clients on a stable path toward self-sufficiency.

Supportive services can include short-term rental assistance, utility deposits, continued mental health counseling, and other interventions. In cases where the client is unable to live independently, due to mental or physical disability, the best service option is to transition the client into permanent supportive housing. CSB intends to work toward expanding the number of units of permanent supportive housing within Franklin County, to meet existing and projected need.

Franklin County, OH

Advocacy

CSB staff meet with local, state, and federal government representatives on an ongoing basis to influence public policy. CSB offers research findings and other information to assist elected officials in developing new programs and policies related to homelessness.

Measuring Outcomes

Data collection and analysis are critical in the process of improving the homeless continuum of care. To the extent possible, the Community Shelter Board of Columbus makes an effort to collect data on program outcomes, rather than simply focusing on the total cost or amount of services expended. In this way, future resources can be dedicated to programs and services that will produce the most significant results. Additionally, in order to access funding from private sources, being able to track and demonstrate progress is essential.

The CSB compiles quarterly reports on system-wide indicators, as well as program-level indicators. The CSB produced a series of specialized reports to evaluate the effectiveness of their recently implemented Stable Families program.

As a result of the Columbus model family homelessness declined 40%; from 1,168 families in 1995 to 696 families in 2004.⁸

⁸ Report from Freddie Mac (May, 2006): Promising Strategies to End Family Homelessness.

Hennepin County Minnesota

Profile

Hennepin County, MN

Hennepin County, MN has implemented a system-wide model that is well regarded at the national level. Some of the key features of the Hennepin County model are: a focus on youth and families; emphasis on rapid-exit from the shelter system / rapid re-housing; and a flexible, results-based, competitive funding mechanism.

The homeless assistance model for Hennepin County begins at the state level. The Minnesota Housing Finance Agency makes homeless program assistance grants⁹ through the Minnesota Family Homelessness Prevention and Assistance Program (FHPAP). Local jurisdictions apply for funding on a bi-annual basis through a competitive application process. Funding allocations are based on the applicant's track record of generating results, leaving service innovation in the hands of the grantee.

The FHPAP has allowed Hennepin County the financial and administrative flexibility to issue RFPs (Requests for Proposal) to local non-profit service providers, stipulating obligations for performance, rather than precise designs for service provision. Non-profit service providers are tasked with moving families quickly out of the shelter system and into permanent housing.

Hennepin County continues to follow a "shelter all" policy, whereby no family with children will be denied shelter. All families experiencing a housing crisis go through a standardized, comprehensive initial assessment to determine the extent of the family's housing barriers. The roughly 80% of families who experience moderate to moderately serious housing barriers are moved into the Rapid-Exit program. Typically, non-profit contractors are able to find housing for these families in the private market. The non-profit contractors coordinate supportive services for both the family and the landlord for six months, to ensure the family has attained a stable living situation. Families who experience multiple barriers to housing are referred to a separate, more intensive service track.

A number of factors have contributed to the success of the Rapid-Exit program, but two in particular are notable. One factor has been the availability of culturally attuned and well-trained case managers. Many of the case managers who help homeless families may have been single parents, lived in poverty, or even experienced homelessness themselves. The case manager must be able to act as a role model and inspire the client. A second factor has been the non-profit agencies' ability to develop relationships of trust with private-sector landlords.

Over a four year period when the Rapid-Exit program was first being implemented, the total number of "bed nights" that the County purchased, declined by 70%. Between 2007-2008, Hennepin County's Rapid-Exit program helped move more than 1,276 out of the shelter system and into permanent housing. For at least six months or more after their cases were closed, 95

⁹ Approximately \$14.6 million in state-wide funds are expected to be available for the 2011 – 2013 grant making cycle.

Hennepin County, MN

percent of families did not experience a recurrence of homelessness. The cost of the program was an average of approximately \$1,100 per family.

The County also provides an array of homeless services specifically for homeless youth. There are four shelters for homeless youth in the County. Just like adults, youth have access to a comprehensive set of social services that are specific to their needs. In addition to other programs, there is a Transition to Independence program, which assists youth who have aged out of the foster care system to find transitional housing, market-rate housing, college dorms, or other appropriate housing situations.

Homeless single adults in the County may apply for shelter at a centralized location in the downtown area or call the shelter coordination team for assistance securing shelter. The three private shelters for single adults hold a coordinated weekly lottery for shelter spaces. There are an additional two major shelters that operate under contract with the city.

Building Relationships with Law Enforcement

The Minneapolis downtown zone has benefited from an innovative street outreach model. St. Stephens Human Services, a local non-profit, employs an outreach team to find homeless individuals on the street and provide those individuals with shelter and services. Street outreach itself is not a new idea. What is different about the St. Stephens outreach model is the unique partnership the outreach team has developed with the Minneapolis Police Department and the City Attorney's Office.

St. Stephens staff has access to the downtown security community's radio communication system. The outreach team can be dispatched in lieu of the police force, in appropriate instances where homeless individuals are involved. This approach has served to shift the response to homelessness from a criminal justice response to a more appropriate social service response. According to police records, between 2008 and 2009, there was a 14 percent reduction in arrests, in the downtown zone, of people with no permanent address.

10-Year Plan to End Homelessness

In 2006, Hennepin County developed Heading Home Hennepin, its 10-year plan to end homelessness. At the same time, the County established the Office to End Homelessness (OEH), a cross-departmental team of Hennepin County and City of Minneapolis employees, in order to coordinate implementation of the plan. The plan, which was developed through an intensive community input process, identifies six major goals and prescribes detailed action steps that must be taken to achieve those goals.

Hennepin County, MN

The six goals of the 10-year plan are:

1) Prevent Homelessness

Keep people in their housing whenever possible and ensure that no one becomes homeless when they leave public institutions such as prisons, hospitals or foster care.

2) Provide Coordinated Outreach

Develop a comprehensive street outreach program to provide housing and resources to people sleeping outside.

3) Develop Housing Opportunities

Create housing opportunities for all individuals and families in need.

4) Improve Service Delivery

Increase access to services so people can obtain and remain in housing.

5) Build Capacity for Self-Support

Assist individuals and families in building their personal income through employment, education, and benefits.

6) Implement System Improvements

Enhance the efficiency and effectiveness of service systems already in place.

Conclusions

In terms of number of facilities, the level of assistance offered to the homeless population is similar among East Coast resort cities, including Virginia Beach. The majority of profiled oceanfront cities offer essentially one shelter for each type of demographic group: one shelter for single adults, one shelter for families (or women with children), and one shelter for youth. An exception is Ocean City, MD where there is only one shelter serving the tri-county homeless population. However, the Ocean City shelter serves each of these homeless demographic groups within the same shelter. In terms of the number of homeless individuals who can find overnight accommodation within the shelter system, the capacity of each city varies.

On the high end, Broward County Partnership in Florida and Union Mission in Norfolk each can accommodate 200 or more persons per night. On the lower end of the spectrum, Diakonia shelter in Ocean City, MD can accommodate between 35 – 45 persons per night. In Virginia Beach, JCOC provides 50 beds for overnight emergency shelter that are available year-round. From October through April, a minimum of 62 additional beds are available through a consortium of faith-based community facilities within Virginia Beach.

Services that were common to the majority of shelters profiled in this report are basic necessities: bathrooms, showers, laundry, meals, **limited to full-time case management, limited-term medical care through an outside agency, and substance abuse counseling.** A common constraint among most of the shelters was the reality of operating with small budgets and limited staff. As such, most shelters offer ancillary services on an ad hoc basis, services which expand or contract in relation to current staff and funding resources. The most common ancillary services were employment assistance, life-skills training and transportation assistance (bus passes and bicycles).

Sources

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Department of Housing and Urban Development, Office of Policy Development and Research (May, 2002). Evaluation of Continuums of Care For Homeless People: Final Report.

National Alliance to End Homelessness, Solutions Brief (September 28, 2010). Beyond Planning: Minneapolis and Hennepin County.

U.S. Department of Housing and Urban Development Homeless Reports. Accessed July, 2011 from: www.hudhre.info/index.cfm?do=viewHomelessRpts

Norfolk Homeless Consortium website. Accessed August, 2011 from: www.norfolkhomelessconsortium.org

Individual shelter websites (listed in shelter profiles)

Maps

City of Daytona Beach zoning map. Accessed July, 2011 from: <http://gis.codb.us/Freeance/Client/PublicAccess1/index.html?appconfig=CityMap>

City of Fort Lauderdale zoning map. Accessed July, 2011 from: <http://ci.ftlaud.fl.us/gis/files/maps/Zoning%20Map.pdf>

City of Key West zoning map. Accessed July, 2011 from: www.keywestcity.com/egov/docs/1161957236_949066.pdf

City of Myrtle Beach zoning map. Accessed July, 2011 from: www.cityofmyrtlebeach.com/PDF%20Forms/Zoning%20Map.pdf

City of Norfolk zoning map. Accessed August, 2011 from: http://gisapp2.norfolk.gov/zoning_mapper/viewer.htm

City of San Diego zoning map (grid 15). Accessed July, 2011 from: www.sandiego.gov/development-services/zoning/pdf/maps/grid15.pdf

City of Virginia Beach zoning map (grids L06 and L07). Accessed August, 2011 from:
www.vbgov.com/file_source/dept/planning/ZoningGridReferenceMap.pdf

Worcester County, MD land use map. Accessed July, 2011 from:
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Salt Lake County Collective Impact on Homelessness Endorsement of Shared Vision and Outcomes



RESOLUTION of the COLLECTIVE IMPACT ON HOMELESSNESS STEERING COMMITTEE

WHEREAS, we have a common vision to provide housing and services as quickly as possible to those who are at risk for homelessness or homeless;

WHEREAS, we want everyone in our community to have a safe place to live;

WHEREAS, we want our homeless housing and services solutions to be system-oriented rather than agency oriented, and to promote engagement rather than enablement;

WHEREAS, we use our collective expertise, resources and data to continuously improve our homeless housing and services systems so that they are safe, integrated, efficient, and focused on self-sufficiency,

We agree as follows:

AGREEMENT 1: PURPOSE OF SHARED OUTCOMES

1.1. The Shared Outcomes represent the consensus of the Salt Lake County Collective Impact Steering Committee and serve as a reference and tool for current and future decision makers at the private, local, state, and federal level.

1.2. The intent of the Shared Outcomes is to guide the alignment of efforts and resources to ensure that the services we provide and the solutions we propose to solve the complex issue of homelessness best address our collective community needs.

1.3. The Shared Outcomes signify support for a redesign of the homeless housing and service system that can only be carried out in partnership with the State of Utah, local governments, service providers, businesses, community leaders, private funders and representatives of individuals who are homeless.

1.4. We agree to work diligently and in good faith to realize the Shared Outcomes – collectively and within our respective organizations and jurisdictions.

1.5. We recognize that reaching the Shared Outcomes will require further rigorous analysis and public review of community needs by other state, local, or private decision-making processes.

AGREEMENT 2: ACTIONS TO SUPPORT THE SHARED OUTCOMES

2.1. To achieve the Shared Outcomes, and in recognition of the inherent challenges in doing so across a large number of entities, perspectives, voices and jurisdictions, we agree:

2.1.1. To consider options for continued multi-jurisdictional coordination, collaboration, and communication, including a publically accountable governance structure, to facilitate achieving the Shared Outcomes and adapting them as informed by changing circumstances and data.

2.1.2. To work together to encourage other community members and leaders to align their efforts and resources with the Shared Outcomes, including but not limited to funding and authority necessary to prepare studies and perform work.

2.1.3. To build upon public engagement efforts and to maintain public transparency.

2.1.4. That decisions founded on the Shared Outcomes will be consensus-based and will not supersede the authority of any existing federal, state, and local jurisdictions.

AGREEMENT 3: SHARED OUTCOMES

We recommend these 14 strategically linked outcomes in four key areas of focus as the current priorities for our community:

Outcomes for County Residents Experiencing or At Risk for Homelessness:

1. We recognize and meet the distinct needs of these at risk and homeless populations:
 - Families with children
 - Transitional-aged youth
 - Single men and women
 - Veterans
 - Domestic violence victims
 - Individuals with behavioral health disorders (including mental health and substance use disorders)
 - Individuals who are medically frail/terminally ill
 - Individuals exiting prison or jail
 - Unsheltered homeless
2. We successfully divert individuals and families from emergency shelter whenever possible.
3. We meet the basic needs of those in crisis.
4. We provide individuals and families with stabilization services when they need them.

Outcomes for the County's Homeless Service and Housing Systems:

5. Salt Lake County's homelessness rates decrease over time.
6. Coordinated entry and a common, consistent assessment tool provide appropriate, timely access to services across the system. There is no 'wrong door.'
7. Individuals who are homeless have a relationship with a caseworker or similar individualized support.
8. Individuals who exit homelessness will be employed and/or have increased income/financial stability.

Outcomes to Prevent Homelessness:

9. Salt Lake County's housing supply meets the demand and needs of all residents.
10. People have access to the specific services and supports they need to avoid homelessness.
11. Children, adolescents and adolescents transitioning to adulthood do not experience homelessness.
12. If individuals and families become homeless, we prevent it from happening again.

Outcomes for Communities and Public Spaces:

13. Neighborhoods that host homeless service facilities are welcoming and safe for all who live, visit, work, recreate, receive services, or do business there.
14. Neighborhoods offering services also offer access to employment, job training, and positive activities during the day.



cutting through complexity

Public Safety & Security Benchmarking Study

An Analysis of Leading Practices and Challenges Nationwide

November 2015

kpmg.com

Background and Methodology

In July 2015, the Downtown Denver Partnership (DDP) and Downtown Denver Business Improvement District (BID) began working with downtown stakeholders and a team from KPMG to develop a Security Action Plan, with the ultimate goal of helping to improve the perception and reality of safety in the downtown Denver area.

KPMG assisted the DDP by gathering feedback from the many downtown stakeholders, reviewing policy, observing behaviors, researching leading practices, and drawing upon the team's law enforcement and security backgrounds to develop the Security Action Plan, comprised of 60 projects and 240 actionable tasks to be carried out over the next 24 months.

To understand the leading practices in place across the country, the team worked with the International Downtown Association (IDA) to solicit input from other cities. Eight cities provided valuable input, which are summarized in this document.

Responding Entities

Eight cities contributed data to this effort as summarized in the table below. Responding cities varied across geographic size, overall budget, security personnel, and population.

City	Organization Type	Budget	Security Personnel	Population (2013)
Houston	DMD	Over \$2.5M	0	2,196,000
Phoenix	BID	Over \$2.5M	0	1,513,000
San Antonio	PID	Over \$2.5M	4	1,409,000
San Diego	Property-Based BID	Over \$2.5M	24*	1,356,000
Denver	BID	Over \$2.5M	1	649,000
Oklahoma City	BID	Over \$2.5M	2	610,000
New Orleans	BID	Over \$2.5M	21	379,000
Salt Lake City	BID	Over \$2.5M	0	191,000

* Note: security personnel also provide hospitality services.

Safety and Security Concerns

Respondents indicated that their stakeholders voice concerns around a number of issues that impact real and perceived safety. Concerns that were expressed by multiple cities include the following:

- Addressing the issues surrounding **panhandling and homelessness**, specifically as they relate to **mental health issues** were common in each of the eight cities surveyed.
- **Drug dealing and consumption** to include synthetic marijuana and alcohol was reported as a problem particularly related to the homeless population.
- **Lack of foot patrols and/or a security presence** were commonly recognized as a concern held by visitors, stakeholders, and tenants.
- **Lack of enforcement of laws and ordinance** was a prevalent issue, particularly as it relates to sitting and lying on public ways, panhandling and other grey areas such as synthetic marijuana use.

Safety and Security Leading Practices

The practices indicated below have yielded positive results for the cities reporting such information and may be opportunities for other cities to consider implementing. If implemented, these standards should be field tested and researched to help ensure that they align with each entity's needs, considering unique qualities of each community and the commonalities that may be present across organizations.

One leading practice that is transferable across the spectrum of all associations is local partnerships. Businesses, first responders, governments, and local communities can all benefit from the sharing of information and the joint promotion of safety and security. Other leading practices are shown below by city:

Denver: Off-duty police officer patrol program, community re-visioning effort, security action plan development.

New Orleans: Non-commissioned force of safety professionals and off-duty police presence, crime statistics monitored monthly, quarterly, and annually. Escorted walks with safety professionals, crime reporting app in evaluation stage.

Oklahoma City: Use of off-duty officers, private security company patrol efforts in underground tunnel system, inclusion of police department in monthly board meetings.

Phoenix: Work with local non-profits to provide services to homeless.

San Antonio: Previously worked with an urban revitalization and economic consultant to conduct a safety and security assessment. Outreach Ambassador Program to identify chronic panhandlers and in-need and at-risk homeless, partnering with off duty police officers in FY'16.

Salt Lake City: Work actively with city and police department to address safety and drug issues with a focus on homeless services; lobbied for increased funding and staffing for police personnel and private security for homeless services, currently conducting a study to evaluate moving or reconfiguring the current homeless shelter.

San Diego: Safety patrols, partnership with police department, integration of local outreach workers, and escorted walking services.

Trends and Takeaways

Community safety challenges can be presented in both real and perceived safety and security concerns, ranging from property and violent crime to the presence of unruly individuals or poorly maintained city infrastructure or building façades. These multifaceted challenges demand multidimensional preventative measures, as communities seek to prioritize crime deterrence strategies, establish methodologies to predict future patterns of crime, navigate local agency and organizational politics, and estimate the costs and benefits of such strategies.

Respondents indicated multiple strategies for addressing safety and security challenges, but the majority did not identify having a cohesive, up-to-date security plan. Many promising practices are in place across the nation, but the next stage in helping to shift the mindset on safety and security involves a collective effort between downtown groups—residents, business owners, property managers, tourists, public safety officers, and many others. Experimentation with apps and other tracking opportunities have shown to be user friendly, modern alternatives to a community watch and while still in field testing status, have provided promising results.

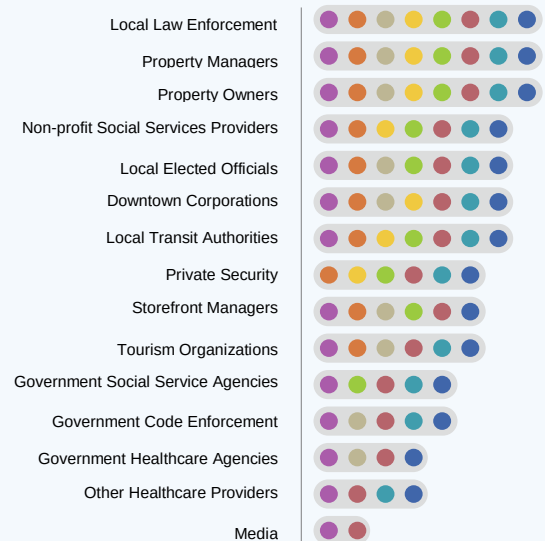
Service Offerings

Core service offerings center around the “clean and safe” mission of many of the responding participants. Hospitality, safety and security information, and social service outreach were the most consistently provided services.



Partnerships

Community, business, and local first responder partnerships and communication efforts act as a force multiplier for safety and security efforts, although respondents indicated varying levels of sophistication and scope. Responding cities identified the following formal or informal partnerships in delivering their services.



Measures of Success

Six of the eight responding cities reported a formalized methodology in measuring the success of their programs and to assist in the justification of continued or expanded funding. Other methods of measurement are listed below by city.

- **San Diego:** San Diego uses the Eponic Network data tracking system to monitor and optimize the performance of Clean & Safe Teams, Hospitality Ambassadors, Maintenance, and Homeless Outreach teams and share these statistics with the community.
- **Salt Lake City:** Salt Lake City conducts regular board and committee meetings.
- **Oklahoma City, Houston & Denver:** Each city has conducted surveys with the local community and their partners in order to understand their opportunities for growth.
- **New Orleans:** New Orleans evaluates annual crime statistics.

KPMG's Justice and Security Advisory Team

Our Justice & Security (J&S) Advisory team understands the balance organizations must strike between protecting people, places, property, and products from security threats and vulnerabilities while enabling optimal customer service and operating performance. We offer a suite of safety and security advisory capabilities that assist our clients in improving and coordinating organizational performance to achieve a more efficient and effective state of operation.

Our experience spans a diverse base of industry sectors and risk mitigation scenarios, allowing us to leverage our equally diverse skillsets to help your organization identify and mitigate its risks while helping drive corporate performance and shareholder value. Additionally, we draw upon KPMG's worldwide reach, allowing our clients to gain the benefits of global industry best practices implemented by local teams of experienced, passionate professionals.

For more information on KPMG's Justice & Security team, please contact the team members listed below.

This study was conducted in partnership with the Downtown Denver Partnership, Downtown Denver Business Improvement District and the International Downtown Association.

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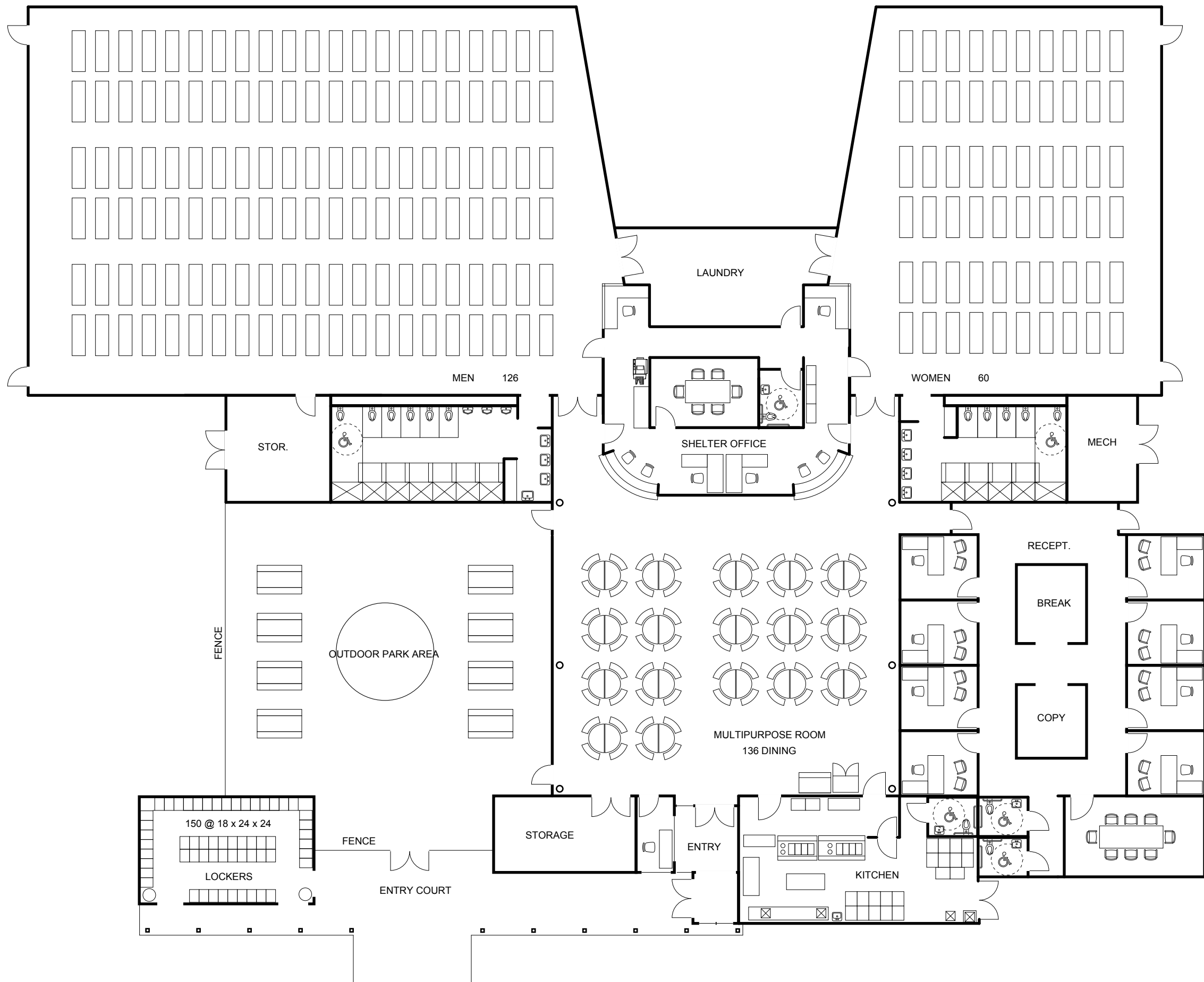
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0 8 16 32 48 64

Emergency Shelter

Portland, Maine

First Floor Concept Plan

WINTON SCOTT ARCHITECTS
5 Milk Street
Portland, Maine 04104
Scale: 1" = 16'-0"
When Printed On 11 x 17

A 1

January 18, 2017

*Order 264-16/17
Tab 19 6-5-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
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JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING THE RENEWAL OF
THE CUMBERLAND COUNTY HOME CONSORTIUM**

ORDERED, that the City of Portland's participation in the Cumberland County HOME Consortium is renewed for the period of July 1, 2018 through June 30, 2021.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Planning & Urban Development Department

DATE: May 15, 2017

SUBJECT: Renewal of participation in the Cumberland County HOME Consortium (July 2018-June 2021)

SPONSOR: Councilor Jill Duson, Chair, Housing Committee
(May 10, 2017, 3-0 in support)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action June 5th

Can action be taken at a later date: X Yes
(response must be sent to HUD by June 30)

PRESENTATION: Mary Davis will be available for questions

I. ONE SENTENCE SUMMARY

The Cumberland County HOME Consortium will soon be entering the last year of its third three-year Consortium contract period. The current Consortium agreement is due to expire on June 30, 2018. Each member of the Consortium must confirm their participation in the next three-year term and notify HUD by June 30.

II. AGENDA DESCRIPTION

The Housing Committee met on May 10, 2017 and voted 3-0 to recommend renewal of the HOME Consortium to the City Council.

Consortium members are Portland, Brunswick and the 25 Cumberland County communities that participate in the County's CDBG Program. The Consortium has been a successful collaboration in support of affordable housing throughout Cumberland County. From July 2009 through May 2017, 607 units were assisted by or created with HOME funds. The City of Portland has been a recipient of HOME funds since 1992. However, the county communities did not receive HOME funds until the creation of the Consortium in 2009. Through a formula calculation agreed upon by the members of the Consortium, Portland continues to receive our typical expected allocation, retains independent operation of its HOME program and serves as "Lead Entity" for the Consortium, retaining 100% of the allowable administration funds as compensation for this

responsibility. (See attached “Hold Harmless” statement). If the City were not a part of the consortia, the City’s HOME allocation is estimated to be \$429,000 (see copy of HUD funding estimate calculator)

III. BACKGROUND

The concept of forming a City of Portland/Cumberland County HUD HOME Consortium was first discussed in April 2007. The Consortium was designed to expand financial resources for eligible affordable housing activities throughout Cumberland County. Prior to 2009, Portland received an annual allocation of HUD HOME funds but the communities of Cumberland County did not. The creation of the Consortium brought additional funding for affordable housing activities. The Consortium agreement includes a “hold harmless” clause that ensures that Portland receives funding in an amount equivalent to the amount the City would have received if the Consortium did not exist. Portland retains independent operation of its HUD HOME program. As the “Lead Entity” of the Consortium, Portland receives 100% of the administrative funds allowed under the HOME Program.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Confirm Portland’s participation in the Cumberland County HOME Consortium for the period beginning July 1, 2018 through June 30, 2021. The Consortium makes available more funds for affordable housing activities throughout the region and provides the opportunity to address housing issues on a regional level.

Increase access to safe, location-efficient rental and ownership housing that is affordable for working and low-income families.

V. FINANCIAL IMPACT

In FY 2016-2017, the Cumberland County HOME Consortium received \$832,642 in HOME program funds from the U.S. Department of Housing and Urban Development. Based on the funding formula established in the Mutual Cooperation Agreement between the City of Portland and the other Consortium Members, the City receives 10% of the grant (\$83,264) for administrative costs and \$427,145 for project programming. The remaining funds (\$322,233) are allocated to the other Cumberland County communities.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

The Consortium has been a successful collaboration in support of affordable housing throughout Cumberland County. From July 2009 through May 2017, 607 units were assisted by or created with HOME funds. The City of Portland has been a recipient of HOME funds since 1992. However, the county communities did not receive HOME funds until the creation of the Consortium in 2009. Through a formula calculation agreed upon by the members of the Consortium, Portland continues to receive our typical expected allocation, retains independent operation of its HOME program and serves as “Lead Entity” for the Consortium, retaining 100%

of the allowable administration funds as compensation for this responsibility. If the City were not a part of the Consortium, the City's HOME allocation is estimated to be \$429,000 (see copy of HUD funding estimate calculator)

VII. RECOMMENDATION

Staff recommends continue participation in the Cumberland County HOME Consortium.

VIII. LIST ATTACHMENTS

Consortium Agreement with auto-renewal clause

Portland only HOME funding estimate

Prepared by: Mary Davis, Housing & Community Development Division Director

Date: May 15, 2017

CUMBERLAND COUNTY HOME CONSORTIUM

**MUTUAL COOPERATION AGREEMENT
TO FORM A CONSORTIUM UNDER THE
HOME INVESTMENT PARTNERSHIPS PROGRAM**

THIS MUTUAL COOPERATION AGREEMENT made this 27th day of May, 2011, by and between Cumberland County (COUNTY), the City of PORTLAND (PORTLAND) and the Town of BRUNSWICK (BRUNSWICK). Cumberland COUNTY is acting as an Urban COUNTY representing the 25 member municipalities of the existing Community Development Entitlement Jurisdiction. The Consortium will be known as the **CUMBERLAND COUNTY HOME CONSORTIUM (CCHC)**.

WHEREAS, the Congress of the United States of America has enacted the Cranston-Gonzalez National Affordable Housing Act, HOME Investment Partnerships Program; and

WHEREAS, the U.S. Department of Housing and Urban Development (hereinafter, "HUD") has promulgated regulations, notices, and requirements as now or hereafter in effect, allowing units of general local government to enter into mutual cooperation agreements to form a consortium or continue an existing consortium for the purpose of obtaining funding as a participating jurisdiction under the HOME Investment Partnerships Program (hereinafter, "HOME Program"), and

WHEREAS, the signatory units of general local government intend hereby to establish a consortium to cooperate in undertaking or assisting in pursuing housing assistance activities through the HOME Investment Partnerships Program, as it may be amended, and

WHEREAS, COUNTY, PORTLAND, and BRUNSWICK agree that it is desirable and in the interests of their citizens to secure approval from U.S. Department of Housing and Urban Development (HUD) as a consortium under the federal HOME Program authorized under the HOME Investment Partnership Act, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended;

WHEREAS, the signatories to this agreement agree to comply with all requirements of HUD regulations and requirements as now or hereafter in effect for eligibility to participate to the maximum extent possible in the HOME Program to create or improve affordable housing for their low and moderate income residents.

NOW THEREFORE, in consideration of the mutual promises contained herein, the COUNTY, PORTLAND, and BRUNSWICK agree as follows:

SECTION 1 - DEFINITIONS

The definitions contained in 24 CFR Part 92, Subpart A, paragraph 92.2 are incorporated herein by reference and made a part hereof, and the terms defined in this section have the following meanings given them:

1. **"Act"** means Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C. 12701 et. seq.).
2. **"Consolidated Plan"** means the Consolidated Plan for Housing and Community Development Programs prepared and adopted by the COUNTY, PORTLAND, and BRUNSWICK, as amended from time to time. The Plan describes the needs, resources, priorities and proposed activities to be undertaken with respect to HUD Programs, including the HOME Program.
3. **"Federal HOME Program"** means a procedure established for the use of funds made available from HUD through the Act to carry out multi-year housing strategies through assistance to first-time homebuyers and existing homeowners, property acquisition, rehabilitation and new construction of housing, site improvements, tenant-based rental assistance, demolition, relocation expenses and other reasonable and necessary expenses related to the development of affordable housing.
4. **"Regulations"** means 24 CFR Part 92 HOME Investment Partnerships Program Implementing Regulations as issued by HUD.
5. **"Federal HUD Consortium"** means a consortium of units of general local governments bound by the terms of a HOME Investment Partnership Act Consortium Agreement participating in the Federal HOME Program and receiving funds as authorized in the Federal Program Regulations.
6. **"Federal Program Requirements"** means documents issued by the U.S. Department of Housing and Urban Development describing the regulations and requirements of the HOME Program
7. **"Member"** means a unit of local government that is a signatory to this Agreement and therefore a member of the Consortium for the purpose of carrying out eligible activities under HUD regulations and requirements as now or hereafter in effect.
8. **"Lead Entity"** means a unit of local government designated hereafter as the one member to act in a representative capacity for all members for the purposes of this Agreement, as defined in HUD regulations and requirements as now or hereafter in effect.
9. **"Subrecipient"** is a public agency or non-profit selected by the member to administer all or a portion of the member's HOME Program.

10. **"Consolidated Strategy and Plan"** means a Consolidated Plan, as defined in HOME Program Regulation 92.2 and required by HUD regulations and requirements as now or hereafter in effect.
11. **"CHDO"** means a Community Housing Development Organization, as defined in HUD regulations and requirements as now or hereafter in effect.
12. **"HUD Regulations and Requirements"** means those HUD regulations and requirements which are applicable to the HOME Investment Partnerships Program.
13. **"Commitment"** means the member has executed a legally binding agreement with a recipient or a subrecipient to use a specific amount of HOME funds to produce affordable housing or provide tenant-based rental assistance; or has executed a written agreement reserving a specific amount of funds to a community housing development organization; or has met the requirements in the regulations to commit to a specific local project.
14. **"Program Income"** means gross income received by the member or subrecipient directly generated from the use of HOME funds or matching contributions. When program income is generated by housing that is only partially assisted with HOME funds or matching funds, the income shall be prorated to reflect the percentage of HOME funds used.
15. **"Hold Harmless"** means the total amount of annual HOME funds PORTLAND would be expected to receive if the CCHC were not in place. In FFY '08 that amount was \$654,808. For calculation of that amount refer to Appendix A.
16. **"Set-aside"** means the portion of the annual CCHC allocation that will be allocated to PORTLAND in addition to the hold harmless amount, and in exchange for PORTLAND's consent to participate and assume the responsibilities of the Lead Entity in the CCHC. For calculation of that amount refer to Section 5 B.

SECTION 2 - AGREEMENT

- A. The term of this Agreement begins with the effective date of July 1, 2012 and ends June 30, 2015. The COUNTY, PORTLAND, and BRUNSWICK agree that the terms of this Agreement cover the period necessary to carry out all activities that will be funded from funds awarded during three federal fiscal years (2012, 2013, 2014) and that all members of CCHC will remain in the CCHC for the entire period. This Agreement remains in effect until the HOME funds from each of the Federal fiscal years of the qualification period are closed out pursuant to 24 CFR 92.507.
- B. The City of PORTLAND, as a long established HOME Program Jurisdiction, will continue to independently operate its own HOME program. Decisions concerning

the allocation of funds, program design and project selection will not be altered by PORTLAND'S participation in the CCHC.

- C. The Cumberland County Community Development Municipal Oversight Committee (MOC) will provide policy oversight for planning, operations, project selection and evaluation for the CCHC excepting activities conducted by the City of PORTLAND.
- D. The MOC will include members of the Cumberland County Entitlement Jurisdiction expanded to include BRUNSWICK for HOME Program activities. The MOC will review the proposed HOME program design each year and the CCHC program application to HUD. Each year's program design shall be subject to the approval of the Cumberland County Commissioners, and the elected boards of PORTLAND and BRUNSWICK. The proposed HOME program design will define a strategy in sufficient detail to accommodate the collective and individual needs and priorities of the COUNTY and BRUNSWICK.

The MOC will review the Consolidated Plan Update each year and approve any amendments needed. Proposed changes and amendments will be presented to consortium member's elected boards for approval and submission to HUD.

All consortium members must approve the HOME program design and any Consolidated Plan amendments prior to their submission to HUD.

- F. The COUNTY, PORTLAND, and BRUNSWICK mutually agree that the City of PORTLAND shall act as the Lead Entity in a representative capacity for all members of CCHC for the purposes of the Act and as further defined in the Federal Program Requirements. The City of PORTLAND, in its capacity as lead entity, is authorized to enter into an agreement with HUD. The City Manager of the City of PORTLAND, acting on behalf of CCHC, is authorized to submit an application for funding under the federal HOME Program, consistent with the approved HOME program design for each year.
- G. The COUNTY, PORTLAND, and BRUNSWICK agree that the City of PORTLAND as Lead Entity shall assume overall responsibility for ensuring that the CCHC HOME program meets the requirements concerning the Consolidated Plan is accordance with HUD regulations in 24 CFR Parts 92 and 91 and the requirements of 24 CFR 92.350(a)(5); and further, ensuring that the CCHC HOME program is carried out in compliance with the requirements of the Act, the Regulations and Federal Program Requirements. The COUNTY and BRUNSWICK agree to assist PORTLAND in maintaining compliance with the Act, the Regulations and Federal Program Requirements for the full compliance period, extending to and continuing beyond the expiration of this Agreement.
- H. If any new entities join CCHC, PORTLAND as Lead Entity agrees to notify HUD in writing and to provide a copy of the authorizing resolution from the new members' governing body and an amendment to this Agreement signed by the chief executive officer of the new member. PORTLAND, as Lead Entity, is authorized

to amend this Agreement on behalf of the entire consortium to add new members to the CCHC.

- I. The CCHC HOME program will provide fair and ample opportunity for all members to access program funds, and members will be provided opportunity to comment on and approve the distribution of all funding made available through the MOC consistent with the adopted Consolidated Plan.
- J. PORTLAND as Lead Entity will be provided additional administrative funds to cover the costs of administering the HOME Program for CCHC. PORTLAND shall establish the HOME Investment Trust Fund as specified in 24 CFR Part 92.500, and will participate in the Integrated Disbursement and Information System (IDIS) and other accounting and compliance procedures as required by HUD. The COUNTY and BRUNSWICK agree to provide all required IDIS data to PORTLAND in a timely manner.
- K. Matching funds are required by HUD. CCHC members agree that the matching funds shall be provided as follows:
 - PORTLAND will provide matching funds for projects and activities within PORTLAND
 - COUNTY and BRUNSWICK will provide match collectively for region-wide activities
 - BRUNSWICK or individual COUNTY communities will provide match for projects within their individual communities
 - The match credit balance held by the City of PORTLAND is available to match all CCHC activities on a "last resort" basis.
- L. HOME funds invested in affordable housing shall be repaid in compliance with Section 8. of this Agreement if the housing does not meet the affordability requirements of Section 92.252 and Section 92.254 of the Regulations or if the housing ceases to qualify as affordable housing before the period of affordability expires.
- M. This Agreement shall be executed by the Cumberland County Commissioners and officials of PORTLAND and BRUNSWICK pursuant to authority granted them by their governing bodies.
- N. The COUNTY, PORTLAND, and BRUNSWICK certify that they will adhere to all federal regulations pertaining to the disposition of real property, if any real property is acquired with funds authorized under the Federal HOME Program Requirements.
- O. This Agreement shall be construed in accordance with and governed by federal law and by the laws of the State of Maine.

- P. This Agreement shall be amended only by mutual agreement of all parties in writing.
- Q. The CCHC is bound by the terms of this Agreement for the purpose of participating in the Federal HOME Program and agree to cooperate to undertake or to assist in undertaking housing assistance activities for the Federal HOME Program, and agree to receive funds as authorized in the Federal Program Regulations.
- R. The COUNTY, PORTLAND, and BRUNSWICK agree to cooperate in the implementation of the HOME Program and to cooperate in the preparation of the Consolidated Plan in accordance with HUD regulations in 24 CFR Parts 92 and 91, respectively, and the requirements of 24 CFR 92.350 (a)(5). The COUNTY and BRUNSWICK shall execute and submit the required certifications, and shall prepare and submit its plan for monitoring compliance with the Consolidated Plan.
- S. In accordance with the Act and the Regulations, each member of the CCHC certifies that it will direct its activities to the alleviation of housing problems within Cumberland County, that it will affirmatively market HOME-assisted housing as defined in Section 92.351 of the Regulations and will affirmatively further fair housing in accordance with applicable federal and State laws.

SECTION 3 - DESIGNATION OF LEAD ENTITY; POWERS AND DUTIES OF LEAD ENTITY

- A. The City of PORTLAND, acting through its Director of the Planning and Urban Development Department, or his/her designee, hereinafter Consortium Administrator, will be designated as and agrees to assume overall responsibility as the Lead Entity for this consortium for the purposes of the HOME Program, in compliance with HUD HOME Program statutes, regulations, and instructions, now or hereafter in effect, for the duration of this Agreement.
- B. The Lead Entity shall have access to all Member records related to the use of HOME program funds for the purpose of ensuring compliance with HUD regulations.
- C. The Lead Entity shall establish and maintain the local HOME Investment Trust Fund required by HUD regulations and requirements as now or hereafter in effect.
- D. The Lead Entity shall establish, with the prior consent of the Member units, such administrative procedures as may be necessary to facilitate the application for and distribution of HOME program funds.
- E. The Lead Entity will provide technical assistance to the Members upon request. Said assistance shall not relieve each Member from compliance with all relevant HOME regulations, nor unduly burden the Lead Entity.

SECTION 4 - DUTIES OF MEMBER UNITS OF LOCAL GOVERNMENT

- A. Each Member agrees to cooperate in undertaking or assisting in the pursuit of housing assistance activities for the HOME Investment Partnerships Program.
- B. The Consortium collectively acting through its Lead Entity and each of its Members, acting through an individual designated by each Member's chief executive officer, agrees to carry out eligible activities in accordance with the requirements of HUD regulations and requirements as now or hereafter in effect.
- C. Each Member shall be responsible for obtaining the necessary local approvals for acceptance and allocation of HOME program funds.
- D. Each Member shall be responsible for submitting to the Lead Entity all information necessary for participation in the consortium as defined in HUD regulations, requirements, and schedules as now or hereafter in effect. This includes, but is not limited to, information necessary for the Consolidated Strategy and Plan, Annual Action Plan, description of the use of HOME funds, the HOME Program Description including tasks to be performed, a schedule for completing the tasks, budget, and certifications, written agreements executed with subrecipients, and performance reports.

E. Project Management

- (1) Each Member, in conjunction with CCHC Program staff, shall be responsible for project management and shall perform all procedures and tasks necessary to develop, design, implement and monitor each specific project and shall fully comply with uniform administrative requirements as stated in HOME Program regulation 92.505. The Member, with assistance from CCHC Program staff, shall describe how each proposed project and site satisfy all applicable HOME Program regulations and the requirements of this Agreement and shall record these determinations in each project/site file together with an official approval memorandum signed by Member's responsible HOME Program staff.
- (2) Prior to implementation of projects, each Member shall enter into a HOME Project Funding Agreement with the Consortium for one or more projects. Existing HOME Project Funding Agreements predating this Mutual Cooperation Agreements may be extended as needed subject to mutual agreement of the Member and Consortium. A Member may also designate another duly qualified entity acceptable to the Consortium to enter into funding agreements with the Consortium and execute projects on behalf of said Member.

SECTION 5 – FUNDING

- A. The Lead Entity shall be entitled to 100% of the cap allowance (10%) of HOME Program funds available for administration of the Consortium. Specific administrative duties and procedures will be more fully defined in a "CCHC Program Administration Guidelines" document approved by all Members.
- B. After the administrative fee as defined in Section 5. A., and the Lead Entity's hold harmless amount, the Lead Entity shall receive an annual allocation set-aside of Consortium funds in the amount of 10% of the balance of the annual allocation for eligible housing activities. COUNTY and BRUNSWICK will then share in the final balance of HOME Program funds allocated to the Consortium each year. At the election of the members, PORTLAND may receive funds for eligible and approved activities above its standard hold harmless and set-aside allocations. A Member may voluntarily relinquish a portion or all of its approved HOME allocation, in writing, to another Member of the Consortium. See Appendix A for calculation of Portland's hold harmless funds.
- C. HOME funds will be deposited into and disbursed from the Consortium HOME Investment Trust account established by the Lead Entity consistent with HOME Program regulation 92.500 the HOME Investment Trust Fund and 92.502 Program disbursement and information system. All loan repayments, interest, or other returns on investments shall be deposited into this account each month.
- D. Reservation of HOME Funds
 - (1) Project Set-Up in IDIS. Each Member may request that the Lead Entity "set up" in the federal Integrated Disbursement and Information System (IDIS) or any successor system, i.e. establish an activity and reserve funds for each particular site or eligible activity, after meeting all the requirements of the Mutual Cooperation Agreement, the applicable HOME Project Funding Agreement, and all other related preliminary agreements.
 - (2) Each Member, with assistance from CCHC Program staff shall forward a Set-Up Request in writing to the Lead Entity, enclosing a HUD Project Set-Up Report together with the CCHC Project Compliance Checklist, completed through the project initiation stage. This shall include the applicable information indicating whether acquisition/relocation procedures are triggered, whether any acquisition/relocation procedures have been initiated, and if so which procedures. If not previously submitted, the Member shall also transmit the CCHC Environmental Clearance Form. However, the Lead Entity will not establish a site or activity in the IDIS

System if one or more of the following conditions occur: HUD Set-Up Report is incomplete; the data on the HUD Set-Up Report or other site data are inconsistent with HOME Program requirements; environmental clearance is not complete per Section 10, paragraph b. Environmental Review, or if the required acquisition/relocation procedures are incomplete or inadequate.

- (3) Each Member, in conjunction with CCHC Program staff shall request site Set-up consistent with the following:
 - (a) For a closing involving a cash transaction, submit request at least seven days prior to closing and scheduled to coordinate with the Lead Entity's cash drawdown cycle.
 - (b) For a closing that does not involve a cash transaction, submit request at least three business days prior to the closing.

E. Written Agreements

- (1) Prior to disbursing HOME Program funds each Member shall enter into a written agreement with the recipient including all provisions described in HOME Program regulation 92.504, or its successor.
- (2) The Member shall include in each such written agreement additional provisions as may be required by HUD and such reasonable requirements as may be requested by the Lead Entity consistent with HOME Program regulations and this Agreement.

F. Review of Project Funding Instruments Members shall transmit any proposed funding instruments and agreements to the Lead Entity for review consistent with the applicable Consortium administrative guidelines, as they may be amended from time to time. Once guidelines and funding instruments have been approved by the Lead Entity, the Member may execute such funding instruments without further review by the Lead Entity. Each Member must keep originals or certified copies of all case-specific funding instruments and related documents in project files.

G. Expenditures The Member shall meet the principles and standards of cost allowability stated in the current OMB Circular A-87, "Cost Principles for State and Local Governments."

H. Reversion of Assets Upon expiration of this Agreement, each Member shall transfer to the Consortium HOME Investment Trust any HOME funds on hand at the time of expiration and accounts receivable attributable to the use of HOME funds per HOME Program regulations 92.503 and 92.504(c) and HUD Notice CPD 97-09. In the event the Consortium is dissolved, HOME funds and receivables shall remain in the custody of the Member, unless otherwise provided by HUD.

SECTION 6 - SETASIDE FOR COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS

The CCHC as a whole is responsible for reserving not less than 15 percent of its HOME funds for investment only in housing to be developed, sponsored, or owned by community housing development organizations (CHDOs), in accordance with the Consortium's Program Administration Guidelines and HOME Program regulations 92.300 - 92.303, as they may be amended from time to time.

SECTION 7 - TERM OF AGREEMENT AND RENEWAL

- A. This Agreement shall commence on July 1, 2012 and remain in effect during the period necessary to complete all activities funded by Federal Fiscal Year (FFY) 2012, 2013, and 2014 HOME Program grants or until the Consortium's status as a participating jurisdiction in the HOME Program is revoked by HUD, whichever occurs first. Members of the Consortium agree to a program year of July 1 to June 30 for the purposes of HOME.
- B. Nothing in this Agreement obligates a Member to become a signatory to a future agreement to continue the Consortium for HOME Program grants subsequent to FFY2014. Each Member shall notify the Lead Entity at least 60 days before the effective date of such future agreement if it intends not to become a signatory. Notwithstanding the foregoing, if the following FFY grant information is not available 60 days before the effective date, a Member shall use best efforts to notify the Lead Entity as soon as possible after it receives the grant information.
- C. This Agreement shall automatically renew for the Consortium's participation in successive qualification periods of three Federal fiscal years each. No later than the date specified by HUD's consortia designation notice or HOME Consortia web page, PORTLAND shall notify each Consortium Member in writing of its right to decide not to participate in the Consortium for the next qualification period and PORTLAND shall send a copy of each notification to the HUD Field Office. If a Consortium Member decides not to participate in the Consortium for the next qualification period, the Consortium Member shall notify PORTLAND, and PORTLAND shall notify the HUD Field Office, before the beginning of the new qualification period. Before the beginning of each new qualification period, PORTLAND shall submit to the HUD Field Office a statement of whether or not any amendments have been made to this Agreement, a copy of each amendment to this Agreement, and, if the Consortium's membership has changed, the state certification required under 24 C.F.R. § 92.101(a)(2)(i). The Consortium shall adopt any amendments to this Agreement that are necessary to meet HUD requirements for consortium agreements in successive qualification periods. The automatic renewal of the agreement will be void if:

PORTLAND fails to notify a Consortium member or the HUD field office as required under this automatic renewal provision; a new Consortium member is added for the first year of a new qualification period; or PORTLAND fails to submit a copy of each amendment to this agreement as required under this automatic renewal provision.

SECTION 8 - REPAYMENT OF FUNDS AND PENALTIES

A. Repayment of HOME Funds to HUD

- (1) In the event that HUD requires the Lead Entity to repay HOME funds disbursed to the Consortium for failure to meet affordability requirements as set forth in applicable HUD regulations, or for any other reason, each Member shall reimburse the Lead Entity for the amount of funds required to be repaid on account of that Member's use of HOME funds. Consistent with the foregoing, the Lead Entity, when acting as a Member shall remain solely liable to HUD for repayment of HOME funds originally awarded to the Lead Entity, if required on account of the Lead Entity's use of such HOME funds.
- (2) In the event that HUD requires repayment of HOME funds by the Lead Entity which cannot be attributed to a single Member's use of such funds, each Member shall be liable to repay to the Lead Entity, a proportional percentage of such repayment amount equal to the Member's portion of the total Consortium HOME Program funding allocation, or such other sum as the Consortium Members agree to in writing.

B. Cancellation Each Member agrees to repay the Consortium HOME Investment Trust all HOME funds released to the Member attributable to a project in the event such project is cancelled for any reason. Such repayment shall be made within the time period specified by HUD or other reasonable time period agreed to by the Lead Entity.

C. Violations Each Member who continues to violate any HOME Program regulation, provision of this Agreement, or provision of a HOME Project Funding Agreement, after having an opportunity to cure, shall repay to the Consortium HOME Investment Trust Account any HOME funds disbursed directly to recipients or subrecipients, with respect to the site or sites where the violation has occurred, or such amount as HUD determines.

D. Penalties

- (1) Member. Each Member shall reimburse the Lead Entity the full amount of any penalties assessed against the Lead Entity by HUD as a result of that Member's use of HOME funds pursuant to this Agreement. Each Member shall reimburse the Lead Entity the Member's proportionate share of any penalties assessed by

HUD against the Lead Entity which penalties cannot be attributed to specific Members' use of HOME funds.

- (2) Lead Entity The Lead Entity shall reimburse the Consortium the full amount of any penalties assessed against the Consortium by HUD as a result of the Lead Entity's failure to comply with HUD regulations.

E. Restriction on Future Funds The Lead Entity may withhold and restrict a Member's access to HOME funds if the Member fails to cure a violation, fails to repay HOME funds or fails to pay the penalties provided for above. Funds withheld in the amounts necessary to repay HOME funds or penalties should be charged against the Member's HOME funds in the following order:

- (1) First against the funds for the project or projects in which the violation occurred or which are the subject of dispute between the Lead Entity and Member;
- (2) Second against any other HOME funds allocated to the Member in the same fiscal year;
- (3) Finally against HOME funds allocated to such Member in future fiscal years.

If HUD subsequently determines that no violation has occurred, the Lead Entity shall make the withheld funds available to the Member for HOME projects. Otherwise such funds are retained for the benefit of the Consortium or in the case of penalties to reimburse the Lead Entity or Consortium as the case may be.

SECTION 9 - OPPORTUNITY TO CURE OR DISPUTE VIOLATIONS, LEGAL RECOURSE AND INDEMNIFICATION

- A. Opportunity to Cure The Lead Entity shall provide a written notice to a Member of the violation of any provisions of this Agreement, a HOME Project Funding Agreement, or applicable HUD regulations. The notice shall set forth a description of the violation, the steps which must be taken to cure the violation and a reasonable time period established by mutual consent of the parties within which to effect the cure. However, if the parties are unable to agree to a deadline for full compliance, the Lead Entity shall establish said deadline. The Lead Entity may extend the time for cure if the Member proves its failure to cure was for circumstances beyond its control.
- B. Disputing a Violation If the Member and Lead Entity disagree as to whether a violation has occurred, either may request HUD's determination of whether a violation exists. The Member disputing the Lead Entity's finding of a violation may expend the subject funds, subject to repayment, unless the Lead Entity chooses to withhold the funds.

- C. Legal Recourse In the event that any Member, including the Lead Entity acting in its representative capacity, fails to comply with this Agreement, a HOME Project Funding Agreement, or a HOME Program or other HUD regulation or finding or fails to cooperate with any other Member, the Lead Entity or the Consortium in complying with a HUD finding, the Lead Entity or any other Member may take any steps necessary to fulfill its obligations to HUD and under this Agreement, including but not limited to legal action.
- D. Indemnification for Violations Each Member shall hold harmless and defend the Lead Entity, the Consortium and the other Members from and against all claims for repayment of HOME project funds attributable to such Member's failure to comply with applicable HUD regulations, this Agreement, or any HOME Project Funding Agreement, and from penalties, costs and attorneys' fees related to such failure.

SECTION 10 - FAIR HOUSING

- A. Each Member agrees to affirmatively further fair housing in accordance with applicable Federal Law, Consolidated Strategy and Plan and with 24 CFR 570.904(c).
- B. Affirmative Marketing Each Member shall adopt and implement an Affirmative Marketing Plan including affirmative marketing procedures for HOME assisted housing containing 5 or more housing units consistent with the requirements of HOME Program regulations 92.351. Each Member shall summarize these procedures in an affirmative marketing plan for each project. Documentation of action taken to carry out said site-specific plans shall also be placed in said files.

SECTION 11 – HOME/GENERAL PROVISIONS

- A. Federal Regulations The provisions of 24 CFR Part 92, HOME Investment Partnerships Program, Final Rule, 24 CFR Part 92 dated September 16, 2003 (hereinafter "HOME Program regulations") and all future amendments and revisions to the same are hereby incorporated into and made a part of this Agreement. The Lead Entity and Members shall at all times comply with said HOME Program regulations, and shall comply with other related Federal and state statutes and regulations, Executive Orders, OMB Circulars, and all future revisions and amendments to the same. The Members shall become thoroughly familiar with all of the foregoing requirements as applicable and shall ensure that all projects comply in all respects.
- B. Environmental Review The release of funds for all HOME assisted projects and activities is subject to environmental review as set forth in HOME Program regulation 92.352 and 24 CFR 58. Each Member shall prepare and provide to the Lead Entity all information necessary to obtain Release of Funds from HUD and documentation to establish specific site clearance consistent with Consortium procedures.

- C. Equal Opportunity Each Member shall comply with all applicable Federal and State laws governing discrimination and equal opportunity. In particular, each Member shall ensure compliance with HOME Program regulations 92.350 and the following statutes and executive orders pertaining to Equal Opportunity: Fair Housing Act; Executive Order 11063 (Equal Opportunity In Housing); Civil Rights Act of 1964, Title VI (Nondiscrimination in Federally Assisted Programs); Age Discrimination Act of 1975; Rehabilitation Act of 1973, Section 504; Executive Order 11246 (Equal Employment Opportunity); Housing and Urban Development Act of 1968, Section 3; Executive Orders 11625 and 121432 (Minority Business Enterprise); Executive Order 12138 (Women's Business Enterprise).
- D. Labor Standards Each Member shall comply with and/or ensure compliance with all applicable state and federal labor laws, including but not limited to the Davis/Bacon Act, 40 U.S.C. 276a-5 et. seq., as applicable pursuant to HOME Program regulations 92.354. In particular, each Member shall comply with and/or ensure compliance with all applicable federal laws and regulations pertaining to labor standards and HUD Handbook 1344.1 (Federal Labor Standards Compliance in Housing and Community Development Programs), and all future amendments and revisions thereto. Each Member shall require certification as to compliance with the provisions of this paragraph as required by HOME Program regulation 92.354.
- E. Records Each Member shall maintain all applicable records for its project(s) consistent with HOME Program regulations 92.508 Record-keeping. In addition each Member shall make available copies of all such records as may be requested by the Lead Entity for administration of the Consortium.
- F. Reports The Lead Entity shall, on behalf of the Consortium submit such reports (with full and complete copies to the Member) as may be required pursuant to HOME Program regulations 92.509 Performance Reports. Each Member shall cooperate with the Lead Entity in providing all data and information specific to each community and projects in such formats and time frame as required by HUD and the Lead Entity. In addition, each Member shall prepare and submit to the Lead Entity the project completion reports required by HOME Program regulation 92.502(d) Submission of project completion reports. This report shall be submitted to the Lead Entity within 45 days of the final requisition for HOME funds together with a fully completed AL Consortium Project Compliance Checklist. Following review of the above for completeness, the Lead Entity shall transmit the Project Completion Report on behalf of the Consortium to HUD as required by 92.502(d).
- G. Religious Organizations Each Member shall ensure that HOME funds are not disbursed to a primarily religious organization as prohibited by HOME Program regulations 92.257. In addition, each Member shall comply with the provisions of the above regulation with respect to assisting wholly secular organizations established by religious organizations which may be eligible to participate in HOME funded projects.

H. Conflict of Interest

- (1) In accordance with HOME Program regulation 92.356, the procurement of property and services by the Consortium, its Members and subrecipients is governed by the conflict of interest provisions stated in 24 CFR 85.36 and 24 CFR 84.42. Each Member shall comply with all applicable federal and state conflict of interest rules and shall endeavor to ensure the compliance with the same by all subrecipients as defined in HOME Program regulations 92.2 or other persons designated to receive HOME funds pursuant to this Agreement. At a minimum, each Member shall make a copy of all applicable conflict of interest provisions available to all recipients of HOME Program funds.
- (2) The conflict of interest provisions of part (i) of this section shall apply to the following persons: any person who is an employee, agent, consultant, officer, elected or appointed official of the Lead Entity, or of the Members designated herein, or any state recipient, or subrecipient of HOME funds. None of the foregoing who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a financial interest or benefits from a HOME assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Any exceptions to the conflict of interest provisions stated or cited herein must be approved by HUD in accordance with HOME Program regulation 92.356(d). Each Member shall advise the Lead Entity in writing as to any such exceptions granted by HUD.

- I. HOME Project Requirements Each Member shall perform and carry out the projects as described in the HOME Program Descriptions approved by HUD during the period covered by this Agreement and funded pursuant to Consortium-Member HOME Project Funding Agreements (Master Agreements and/or single project agreements), consistent with specific Project Descriptions and in compliance with the requirements of HOME Program regulations Subpart F, Project Requirements, as applicable, depending upon the type of project assisted. Each Member shall comply with requirements contained in Subparts E and F specifically in HOME Program regulations 92.205 to 92.215 concerning eligible and prohibited activities, income targeting requirements in regulations 92.216 and 92.217, unit subsidy limits, and all other applicable requirements stated in regulations 92.250 through 92.258. Written agreements executed with a subrecipient or other entity shall contain provisions requiring compliance with the regulations cited herein.

- J. Ownership, Use, and Disposition of Property Each Member shall comply with the affordability provisions referenced in HOME Program regulations 92.252 - 92.256, as applicable, which include income targeting, use requirements, initial and subsequent sale restrictions. For rental projects assisted with HOME funds, each Member shall require that the affordability requirements of HOME Program regulation section 92.252 be enforced by deed restriction or by restrictive covenants running with the land in accordance with HOME Program regulation 92.252(e). If a Member fails to comply with any of the requirements of this provision, the Member shall be required to repay HOME funds disbursed pursuant to this Agreement, consistent with HOME Program regulation 92.503(b). Each Member shall describe in the Project Descriptions the specific restrictions to be utilized for each project.
- K. Post-Completion Requirements Upon completion of a project, each Member shall enforce all applicable short and long-term special requirements. Such requirements include, but are not limited to: compliance with housing affordability requirements (see HOME Program regulations 92.252 – 92.255 and 92.504(c)), and compliance with the Housing Quality Standards (see regulation 92.251 and 92.504(c) & (d)). Each Member shall require owners of HOME assisted housing to comply with the requirements stated above and all applicable requirements for the duration of the applicable period of affordability and shall incorporate such time period into the duration of agreements executed with recipients of HOME funds. Prior to the anticipated completion date for each site, each Member shall prepare a plan for each post-completion enforcement responsibility by site and shall include such plans in each site file. Each Member shall notify the Lead Entity of compliance with this requirement by completing the Post-completion Plan item on the Consortium Project Compliance Checklist for each site.
- L. Other Federal Regulations and Provisions Each Member shall comply with Federal regulations incorporated in HOME Program regulation Subpart G, sections 92.300 through 92.303, Subpart H, sections 92.350 through 92.357, and all other applicable HOME regulations as well as all project requirements per this Agreement, provided that a Member's responsibilities with respect to environmental review contained in Subpart H shall be as stated in SECTION 10 – HOME GENERAL PROVISIONS, paragraph b., Environmental Review above.
- M. Lead-Based Paint Each Member shall remain solely responsible for ensuring that all projects at all times comply with applicable requirements of the Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4821, et, seq.; Lead-Based Paint Regulations 24 CFR Part 35 and all future revisions and amendments to the same. Each Member shall also ensure that all projects comply with such Lead-Based Paint regulations as may be adopted pursuant to HOME Program regulation 92.355, and with the applicable requirements of the Maine Lead Paint Statute, and all future revisions and amendments to the same.

N. Audit and Monitoring

- (1) General. Consortium and Member records shall be audited consistent with 24 CFR 44 (OMB A-128; Government entities) and non-profit subrecipient records shall be audited consistent with OMB A-133. Each Member shall be responsible for the cost of all audits performed on its records and operations pursuant to this section and may use designated HOME administrative funds. Other entities shall be responsible for the cost of their audits, respectively, and shall not use HOME funds for any portion of the cost of such audits unless expressly approved by a Member and included as an authorized cost in the Project Budget. Each Member and/or its subrecipient shall make available all such records and documents as requested by the Lead Entity, HUD, and/or the Comptroller General of the United States. Such parties may examine and make copies, excerpts or transcripts from such records and may audit all contracts, procurement records, invoices, materials, payrolls, personnel records, conditions of employment, and all documents relating to all matters covered by this Agreement.
- (2) HUD Performance Reviews and Monitoring. HUD may conduct performance reviews and monitoring of the Consortium and of the Members as provided in HOME Program regulations 92.550 - 92.552. Each Member agrees to cooperate with HUD and the Lead Entity to undertake such remedial action as may be required pursuant to HOME Program regulation 92.551, Corrective and remedial actions.
- (3) Monitoring by the Lead Entity. The Lead Entity shall perform periodic monitoring of projects on behalf of the Consortium. Such monitoring will include, but shall not be limited to, an annual review of the activities of owners of housing assisted with HOME funds, as applicable in accordance with HOME Program regulation 92.504(d), and an annual review of the performance of each contractor and recipient of HOME Program funds. Each Member shall cooperate with the Lead Entity throughout these monitoring procedures and shall implement such corrective action as requested by the Lead Entity consistent with HOME Program regulations.
- (4) Monitoring by Member. Each Member, in conjunction with CCHC Program staff shall monitor its recipients at least annually to ensure full compliance with all applicable requirements. All monitoring shall be performed in accordance with applicable HUD monitoring guidelines and on forms agreed to by the Lead Entity and Members. Each Member shall be responsible to follow through to resolve and clear any monitoring findings with respect to their own projects.

O. Indemnification

- (1) Disclaimer. Each Member shall hold harmless and defend the Lead Entity, the Consortium, and the other Members from and against all claims arising from any

latent, or patent defects in any work performed or services provided with respect to each Member's projects pursuant to this Agreement and any duly executed Consortium-Member HOME Project Funding Agreement.

- (2) Indemnification Each Member shall indemnify, hold harmless and defend the Lead Entity, the Consortium, and its agents, from and against all claims, damages, losses, and expenses including, but not limited to, attorneys' fees arising out of or resulting from the use of HOME funds disbursed pursuant to this Agreement with respect to each Member's projects, provided that any such claim, damage, loss or expense is (1) attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, and (2) is caused in whole or in part by any negligent act or omission of a Member, anyone directly or indirectly employed by a Member, or anyone for whose acts the a Member may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder.

This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act, 14 M.R.S.A. § 8101 et seq., or any other immunities or defenses under the Act or other applicable law.

- P. Insurance Each Member shall require that all owners, contractors and subrecipients of HOME assisted projects shall at all times maintain certain types of insurance coverage consistent with the character of the project and shall ensure compliance with the following as applicable.

- (1) Certificate of Insurance At time of closing of a grant or loan providing assistance, each Member shall obtain a certificate of insurance covering the assisted premises. Said certificate shall provide coverage of the types and amounts stated in subparagraphs (A) and (B) herein. The insurance provided shall be maintained for the duration of the note, mortgage or the affordability period, whichever is longer.

- (a) The certificate of insurance shall provide, at a minimum, comprehensive general liability insurance and property insurance with an arrangement of coverage specifying the premises. The certificate shall name the Member as loss payee. Any changes from the standard required coverage and amounts as stated below must be mutually agreed to in advance and in writing by the Member and Lead Entity.

- (b) Minimum Requirements Typically, the following coverage will be required at the minimum amounts indicated:

Property Insurance: *Minimum Amount* = 80% of market replacement value or amount of HOME funds invested and all senior indebtedness, whichever is greater.

Liability Insurance: Minimum Amount = HOME funds and all senior indebtedness

- (2) Flood Insurance All HOME - assisted projects are subject to the Federal Flood Disaster Protection Act and associated regulations. Each Member shall ensure compliance with the applicable requirements, including ensuring the provision of flood insurance protection coverage. At time of closing for providing assistance, each Member shall obtain a certificate of insurance covering the assisted premises. Said certificate shall provide the following minimum coverage:
Minimum Amount = HOME funds and all senior indebtedness.

- (3) Construction Insurance Prior to the commencement of work on any HOME-assisted site, each Member shall obtain a certificate of insurance covering the work to be performed. Said certificate shall provide coverage for premises, operations, contractual liability, completed operations, automobile liability, employers liability, workers' compensation and professional liability (where applicable) and shall name the Member as additional insured. Minimum amounts are stated in subparagraphs (A) and (B) below. The insurance shall be maintained for the duration of the work to be performed.

- (a) Minimum Requirements Typically, the following coverages will be required at the minimum amounts indicated:

Workmens' Compensation:	Statutory coverage.
Employer's Liability:	\$100,000 Coverage B
Comprehensive General Liability:	\$300,000 each occurrence
Bodily Injury:	\$500,000 each occurrence
Property Damage	\$100,000 each occurrence \$300,000 aggregate

- (b) Automobile Liability (case by case basis, subject to determination by Member and Lead Entity) for owned and non-owned vehicles:

Property Damage:	\$100,000 each occurrence \$100,000 aggregate
Bodily injury	\$250,000 each occurrence \$500,000 aggregate

Q. Displacement and Relocation

- (1) General Each Member shall take all reasonable steps to minimize displacement of persons consistent with the requirements of HOME Program regulation 92.353. In the event that displacement cannot be avoided, each Member shall ensure

compliance with HOME Program regulation 92.353, including the provision of relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, hereinafter "URA", as amended. In addition, the Member shall ensure compliance with the most current edition of HUD Handbook 1378 "Tenant Assistance, Relocation and Real Property Acquisition".

- (2) Use of Community Development Block Grant funds (CDBG) If CDBG funds are utilized in a HOME assisted project for optional relocation costs (not administrative or planning costs) and/or for any project based costs, including staff project delivery costs, each Member shall ensure compliance with all applicable provisions of the Housing and Community Development Act of 1974, and applicable implementing regulations set forth in 24 CFR 570.
- (3) Responsibility of Member Each Member shall prepare and maintain all necessary displacement and relocation plans and documentation, including, but not limited to site-by-site relocation plans, determinations of comparable housing, amounts and types of relocation assistance proposed, etc. as required by the URA. Each Member shall record compliance with all applicable relocation requirements on the Consortium Project Compliance Checklist.
- R. Acquisition The acquisition of real property for a HOME project is subject to HOME Program regulation 92.353, the URA and the requirements of 49 CFR 24, Subpart B. Each Member shall ensure compliance with all of the foregoing, and shall prepare and maintain all necessary acquisition documentation, including, but not limited to: appraisals, offer letters, required notices, checklists, and any related materials.
- S. Procurement Each Member agrees to fully comply with applicable requirements as referenced in 24 CFR 85.36 and related HUD Notices and will ensure compliance with 24 CFR 84.40 to 84.48 for nonprofit subrecipient organizations. Procurement steps must satisfy all applicable advertisement, competitive pricing, minority outreach, award, documentation and related requirements. Note that 24 CFR 24 prohibits the use of debarred firms and requires certain certifications for transactions consistent with 24 CFR 24, Appendix B.
- T. Loan Servicing In the event a loan or loans are issued with HOME funds, the Lead Entity and each Member shall work out appropriate arrangements for the financial servicing of said loan(s) satisfactory to the parties. Each Member shall establish and maintain accounting records and procedures consistent with 24 CFR 85.20, HOME Program regulations 92.505 and 92.508(a)(6), including but not limited to individual loan case files, loan account histories, posting of payments and/or deferrals, account maintenance and updates, recording of loan discharge documents, preparation of IRS reports as applicable, loan portfolio reports, loan receivables control, loan repayment and interest reports, and related loan management documents. Loan payments, repayments and recaptures shall be handled in accordance with 92.503.

U. Assignability Neither any Member nor the Lead Entity shall assign any interest in this Agreement and shall not transfer any interest in the same whether by assignment or novation.

V. Liens

(1) General Each Member shall ensure that any property benefiting through a HOME-assisted activity is free from any attachments, tax liens, mechanics' liens or any other encumbrances except as provided in paragraph (ii) below.

(2) A property assisted with HOME funds may have multiple mortgages subject to the discretion of each Member, and subject to loan underwriting analysis confirming sufficient equity is available to secure such HOME loan as may be secured by said property.

SECTION 12 - CHANGES

In the event that changes in this Agreement become necessary, a Member initiating such changes shall notify the Lead Entity in writing describing the subject changes. Upon mutual consent regarding the requested changes, the Lead Entity shall prepare an amendment to this Agreement incorporating said changes which shall become effective following execution of the respective authorized signatories of the Members.

SECTION 13 - APPLICABLE LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Maine and all applicable HUD regulations. HUD HOME Program regulations (primarily at 24 CFR Part 92) and requirements, as now or hereafter in effect, are incorporated by reference and shall take precedence for determining any issues that may arise concerning the Consortium.

SECTION 14 - SEVERABILITY

- A. The provisions of this Agreement are severable. In the event that any provision herein is declared void or unenforceable, all other provisions shall remain in full force and effect.
- B. This Agreement is executed in two (2) counterparts, each of which shall be deemed to be an original and constituting together one and the same instrument, this being one of the said counterparts.

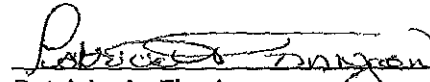
SIGNATORIES

IN WITNESS WHEREOF the parties hereto have executed this Agreement in two counterparts, as of the date first written above.

Lead Entity; City of Portland



Witness



Patricia A. Finnigan
Acting City Manager

Member; Cumberland County

Witness

James F. Cloutier
Chairman

Member; Town of Brunswick

Witness

Gary L. Brown
Town Manager

SIGNATORIES

IN WITNESS WHEREOF the parties hereto have executed this Agreement in two counterparts, as of the date first written above.

Lead Entity; City of Portland

Witness

Patricia A. Finnigan
Acting City Manager

Member; Cumberland County

Barbara M. Buckley

Witness

[Signature]

James F. Cloutier
Chairman

Member; Town of Brunswick

Witness

Gary L. Brown
Town Manager

SIGNATORIES

IN WITNESS WHEREOF the parties hereto have executed this Agreement in two counterparts, as of the date first written above.

Lead Entity; City of Portland

Witness

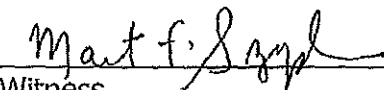
Patricia A. Finnigan
Acting City Manager

Member; Cumberland County

Witness

James F. Cloutier
Chairman

Member; Town of Brunswick



Witness



Gary L. Brown
Town Manager

APPENDIX "A"

City of Portland, "Hold Harmless" Calculation

Introduction

A central premise in the creation of the Cumberland County HOME Consortium is that the City of Portland, as an existing HOME Program Participating Jurisdiction, will continue to receive funding equal to its allocation prior to the formation of the Consortium. Portland will be "held harmless". Its base funding, prior to any added allocation owing to participation in the Consortium, as outlined in other sections of the Agreement, will remain neutral.

The Standard

Portland's base, "hold-harmless" allocation under the Cumberland County HOME Consortium for 2012-2014 will be 118% of the HOME allocation for the Lewiston/Auburn HOME Consortium.

It is possible, though highly unlikely, the funding allocation for Lewiston/Auburn may vary from its historic established patterns. This could be due to penalties imposed by HUD, demographic shifts or other events unrelated to the federal HOME budget or HUD's general distribution of funds to participating jurisdictions. If this occurs, Consortium members will examine all available data to establish a hold harmless allocation for Portland in the fairest manner possible.

GROUP	STUSAB	PLACENAME	COUNTYNAME	FAMPOV	PSORHP	TRHCA	VACRENT	RENTOCC	ALLRENTALS	TRHPOV	POP	PCI
A-Places	ME	Portland city	Cumberland County	1,583	2,600	7,948	957	16,112	17,308	4,410	63,153	\$27,351

Estimated value of the FAMILIES IN POVERTY factor:	\$41,000
Estimated value of the PRE-1950 RENTAL HOUSING OCCUPIED BY THE POOR factor:	\$162,000
Estimated value of the RENTAL HOUSING WITH 1 OF 4 PROBLEMS factor:	\$74,000
Estimated value of the COST INDEXED RENTAL HOUSING WITH 1 OF 4 PROBLEMS factor:	\$0
Estimated value of the VACANCY ADJUSTED RENTAL HOUSING WITH PROBLEMS factor:	\$127,000
Estimated value of the POPULATION INDEXED BY PER CAPITA INCOME factor:	\$5,000
Estimated TOTAL:	\$429,000

DISCLAIMER

Deviations from these estimates WILL occur for any number of reasons including, but not limited to, the final appropriated amounts and final HOME Consortia participation rosters. CPD has no obligation or liability, legal or otherwise, if there is a discrepancy between these estimates and any final calculated formula grant amounts.

Order 265 16/1
Tab 20 6-5-1

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING AGREEMENT BETWEEN PORTLAND AND MAINE
DEPARTMENT OF TRANSPORTATION
RE: WOODFORD'S CORNER STORMWATER IMPROVEMENTS**

ORDERED, that the two-party agreement between the Maine Department of Transportation (MDOT) and the City of Portland, for Construction Phase stormwater improvements on Forest Avenue and in Woodford's Corner, with the MDOT identification number of 20543, is hereby approved in substantially the form attached hereto; and

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

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Chris Branch, PE, Director of Public Works,
Nancy Gallinaro, Water Resources Manager
Brad Roland, PE, Senior Project Engineer

DATE: May 12, 2017

SUBJECT: Woodford's Corner – Stormwater Improvements – Authorize Two-Party Agreement with MDOT

SPONSOR: Jon Jennings, City Manager

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ **Final Action** _____

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

This agreement is vital to MaineDOT's ability to proceed with the final design so construction will occur in 2017.

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

I. ONE SENTENCE SUMMARY

City must enter into a two-party agreement with MaineDOT to cover the stormwater improvements construction phase of the "Woodford's Corner Intersection Improvement" project expected to be built in 2017.

II. AGENDA DESCRIPTION

City Council action is necessary to enter into a two-party agreement with MaineDOT for the stormwater improvements construction phase of the Woodford's Corner Intersection Improvement project. This is standard practice once a project evolves into the construction phase, and follows a three-party agreement adopted via City Council Order #25-13/14. The agreement details the responsibilities and financial obligations of both parties and includes perpetual maintenance requirements for storm drain, underground stormwater infrastructure and a contribution to the reconstruction of the roadway.

III. BACKGROUND

The stormwater improvements to the Woodford's Corner intersection evolved as a result of comments received during the public process of the MaineDOT intersection

improvements project. The City/ MaineDOT intersection project is a result from the City's Transforming Forest Avenue Study that was initially funded by the 2014/2015 PACTS TIP Program.

Specific objectives include the installation of a separate storm drain and associated infrastructure within the intersection which ultimately discharges to Back Cove thereby providing relief to the combined sewer within the area.

Several meetings with specific stakeholders have taken place and a number of public meetings have occurred. The City's web site has established a link specific to this project at: <http://www.portlandmaine.gov/1705/Woodfords-Corner>

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

This project advances recommendations from the City's Combined Sewer Overflow Long Term Control Plan authorized by Council in 2013.

V. FINANCIAL IMPACT

The stormwater improvements are estimated at \$575,000. The City will be contributing this amount to the larger MDOT intersection improvements project. The stormwater improvements are eligible under Clean Water State Revolving Loan funding under account C17504.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

The City's design consultant is preparing a final package for stormwater improvements that will be given to the MaineDOT for incorporation into the larger project for bidding in May.

It is noted that this project must commence and conclude in 2017 as we then expect the "USM Roundabouts" project to proceed in 2018.

VII. RECOMMENDATION

The Department of Public Works strongly recommends authorizing this agreement. The larger intersection improvement MaineDOT agreements are addressed in a separate memo.

VIII. LIST ATTACHMENTS

- MaineDOT Municipal/State agreement

Prepared by: Brad Roland, PE, Senior Project Engineer
Date: May 12, 2017

<i>MaineDOT Use Only</i>	
TEDOCS #:	_____
CT#:	_____
CSN#:	_____
Program:	_____

**MAINE DEPARTMENT OF TRANSPORTATION
UTILITY RECEIVABLE AGREEMENT
For Non-Compensable Installation**

<i>(MaineDOT Use Only)</i>	
Project Location: <u>Woodfords Corner</u>	Total Contract Value: \$571,909.40
State WIN #: 20543.00	Vendors Customer #: 17A12144
Federal Aid Project #: STP-2054(300)	Contract Begin Date: May 8, 2017
	Contract End Date: December 30, 2018

This Agreement is entered into this 8th day of May, 2017, between the **Maine Department of Transportation** (hereafter the "Department") and **City of Portland**, duly authorized and existing under the Laws of the State of Maine and having an office in the City of Portland, County of Cumberland (the "Utility") (the Department and the Utility are collectively referred to as the "Parties").

1. The Department is implementing a transportation project identified as "Federal Aid Project Number STP-2054(300)WIN: 20543.00 (the "Project") for highway improvements in the City of Portland, Cumberland County;
2. In connection with the Project, the Department has prepared plans and specification for the Project that resulted in the following determination:

The Utility has expressed an interest in installing new utility facilities within the limits of the public highway right-of-way and the impact limits of the Project (the "Affected Facilities").
3. The Affected Facilities consist of new sewer main installation;
4. The Utility has prepared and provided to the Department the scope of work necessary for relocating or installing the Affected Utilities (the "Utility Work") and the estimated costs associated therewith, which are outlined in **Appendix A**, attached hereto and made a part hereof. The costs associated with the Utility Work are the sole responsibility of the Utility.

11. the Department or the Utility pursuant to the Maine Tort Claims Act (14 M.R.S. § 8101 *et seq.*) or any other privileges or immunities provided by law. The terms outlined in this section shall survive any termination or expiration of this Agreement.
12. **Buy America Requirements:** This agreement is subject to the requirements of Buy America in accordance with Federal Regulation 23 CFR 635.410 Section 1518. Specific requirements are presented in MaineDOT Standard Specification Section 100, Appendix A, Section 3.A., Buy America.
13. **Subsequent Excavations and/or Installations:** Except in the case of an emergency, the Utility acknowledges and agrees to refrain from applying for a permit for the excavation of the highway within the limits of the Project for a period of at least 3 years following the completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. The Utility further acknowledges and agrees that all subsequent excavations and/or installations within the right-of-way of the Project limits shall be regulated and controlled in the manner specified by the most recent version of the Department's "*Utility Accommodation Rules*", which are incorporated and made a part hereof by reference. The terms outlined in this section shall survive any termination or expiration of this Agreement.
14. **Termination:** The Department may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Utility 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 Utility to perform any of the requirements of this Agreement to the satisfaction of the Department.
15. **Non-Appropriation:** Anything herein to the contrary notwithstanding, the Utility acknowledges and agrees that, although the execution of this Agreement by the Department manifests the Department's 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 the Department in excess of such appropriations.

16. **Payment:** If the Utility Work is included in the Project contract pursuant to Section 6.e. above, an invoice for the full cost of the Utility Work will be created, or periodic invoices will be created for portions of the Utility Work as they are completed. The Department will bill the Utility as appropriate for any charges related to adjusted quantities associated with the Utility Work, which shall be determined by the contract prices and the completed quantities of the Utility Work items. The Department will issue a final invoice after all the Utility Work is complete, all quantities are verified and any required adjustments have been made. The final invoice will include any remaining costs or credits. The Utility shall submit payment to the Department within 30 days from the invoice date.

Contact Information:

For the Department:

Name: Rick Paraschak

Address: Augusta Me

E-mail: rick.paraschak@maine.gov

Telephone: 207-593-3132

For the City:

Name: Bradley Roland

Address: Portland, Me

E-mail: <brad@portlandmaine.gov>

Telephone: 207-874-8840

17. **No Relief of Responsibilities:** Nothing in this agreement is intended, nor shall be interpreted, to relieve the Utility of any responsibilities or duties imposed upon it by law.

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

IN THE PRESENCE OF:

CITY OF PORTLAND

Witness

By: _____

Print Name: Jon P. Jennings
Portland City Manager
Duly Authorized

STATE OF MAINE

DEPARTMENT OF TRANSPORTATION

Witness

By: _____

Print Name: Jeff Tweedie
Program Manager
Duly Authorized

APPENDIX A

PROJECT SCOPE

MAINE DEPARTMENT OF TRANSPORTATION UTILITY RECEIVABLE AGREEMENT

**Portland, City of
Portland, Maine**

**FEDERAL AID PROJECT NO. STP-2054(300)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 20543.00**

Project Scope: Excavation, backfill, testing and materials for the installation of new sewer main and services.

ESTIMATE OF UTILITY WORK:

202.11	Remove Portland Cement Concrete Pavement	SY	\$ 23.16	1140	\$ 26,402.40
202.20	Remove Bituminous Concrete Pavement	SY	\$ 5.50	1470	\$ 8,085.00
202.60	Remove Storm Drain or Sewer Pipe, All Depths and Sizes	LF	\$ 50.00	140	\$ 7,000.00
203.25	Granular Borrow	CY	\$ 20.00	240	\$ 4,800.00
203.28	Test Pits	VF	\$ 75.00	50	\$ 3,750.00
203.35	Crushed Stone (Overdepth)	CY	\$ 35.00	100	\$ 3,500.00
206.061	Structural Earth Excavation (Overdepth)	CY	\$ 25.00	90	\$ 2,250.00
206.07	Structural Rock Excavation	CY	\$ 180.00	360	\$ 64,800.00
304.10	Agg Subbase Course Type D	CY	\$ 25.00	540	\$ 13,500.00
304.14	Agg Base Course Type A	CY	\$ 30.00	290	\$ 8,700.00
403.207	Hot Mix Asphalt 19.0 MM	T	\$ 100.00	270	\$ 27,000.00
403.208	Hot Mix Asphalt 12.5 MM	T	\$ 105.00	390	\$ 40,950.00
603.149	10-inch Diameter PVC or HDPE Storm Drain Pipe	LF	\$ 75.00	100	\$ 7,500.00
603.159	12-inch Diameter PVC or HDPE Storm Drain Pipe	LF	\$ 85.00	280	\$ 23,800.00
603.169	15-inch Diameter PVC or HDPE Storm Drain Pipe	LF	\$ 95.00	200	\$ 19,000.00
603.179	18-inch Diameter PVC or HDPE Storm Drain Pipe	LF	\$ 135.00	350	\$ 47,250.00
603.199	24-inch Diameter PVC or HDPE Storm Drain Pipe	LF	\$ 150.00	400	\$ 60,000.00
604.131	4-foot Diameter Catch Basin	EA	\$ 3,500.00	13	\$ 45,500.00
604.150	4-foot Diameter Manhole	EA	\$ 4,200.00	4	\$ 16,800.00
604.153	5-foot Diameter Manhole	EA	\$ 4,800.00	6	\$ 28,800.00
604.161	Modify Structure	EA	\$ 1,500.00	1	\$ 1,500.00
604.18	Adjusting Manhole or Catch Basin to Grade	EA	\$ 400.00	18	\$ 7,200.00
629.05	Hand Labor, Straight Time	HR	\$ 35.00	20	\$ 700.00

629.06	Mason, Straight Time	HR	\$ 45.00	20	\$ 900.00
631.105	Air Tool and Compressor (inc operator)	HR	\$ 65.00	20	\$ 1,300.00
631.12	All Purpose Excavator (inc operator)	HR	\$ 125.00	20	\$ 2,500.00
631.121	Heavy Duty Excavator (inc operator)	HR	\$ 155.00	20	\$ 3,100.00
631.13	Bulldozer (inc operator)	HR	\$ 95.00	20	\$ 1,900.00
631.172	Truck - Large or Small (inc operator)	HR	\$ 70.00	20	\$ 1,400.00
631.22	Front End Loader (inc operator)	HR	\$ 95.00	20	\$ 1,900.00
631.36	Foreman, Straight Time	HR	\$ 55.00	20	\$ 1,100.00
633.07	4"/6" Service Leads	LF	\$ 110.00	315	\$ 34,650.00
654.08	Trench Density Test	EA	\$ 85.00	28	\$ 2,380.00
	Item Totals				\$ 519,917.40
	Mobilization 10%	LS	10% of Total		\$ 51,992.00
	Total Agreement				\$ 571,909.40

ESTIMATED PAYMENT SCHEDULE:

Utility	Payment Amount	Estimated Invoice Date
City of Portland	\$100,000.00	Contract Award
City of Portland	\$300,000.00	October, 2017
City of Portland	\$171,909.40	December, 2018

Order 266 -16/17
(Tab 21) 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING AN EXTENSION OF THE REPORT DEADLINE FOR
THE DR. MARTIN LUTHER KING RECOGNITION TASK FORCE**

ORDERED, that an extension of the deadline for presenting a report by the Dr. Martin Luther King Recognition Task Force established by Order 173-16/17 is hereby approved; and

BE IT FURTHER ORDERED, that the Dr. Martin Luther King Recognition Task Force shall report back to City Council's Energy and Sustainability Committee on or before August 31, 2017 and formally present its recommendation to the City Council on or before October 16, 2017.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Troy Moon, Sustainability Coordinator

DATE: 5/22/2016

DISTRIBUTION: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan

SUBJECT: Order ...

SPONSOR: Councilor Pious Ali, Chair, Martin Luther King Recognition Task Force

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action X

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

The deadline for the task force to report to the Sustainability and Transportation Committee is June 1.

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

I. SUMMARY OF ISSUE (Agenda Description)

On March 27, 2017 the City Council created the Dr. Martin Luther King Recognition Task Force (Order 173-16/17) to consider how the life and legacy of Dr. Martin Luther King may be best acknowledged and recognized in the form of renaming a street, park or similarly situated public space. The order required the Task Force to report back to the Sustainability and Transportation Committee by June 1, 2017 and to present to the City Council by August 31, 2017. The Task Force requires additional time to complete their work and requests an extension to report to Sustainability and Transportation by August 31, 2017 and report to the City Council by the final meeting in October, 2017

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

The order establishing the Dr. Martin Luther King Recognition Task Force allows the Chair of the task force to request an extension of their report dates which shall not be reasonably denied.

III. INTENDED RESULT

Adopting the order will permit Martin Luther King Recognition Task Force to continue their work in order reach a recommendation to recognize Dr. King.

IV. COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS

VII. RECOMMENDATION

Staff recommends approval of the extension.

VIII. LIST ATTACHMENTS

Prepared by: Troy Moon

Date: 5/22/2017

Order 267-16/17
(Tab 22) 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER REFERRING
THE WILD AND EXOTIC ANIMAL ORDINANCE
TO THE HEALTH & HUMAN SERVICES COMMITTEE**

ORDERED, that the City Council hereby refers the Wild and Exotic Animal Ordinance as attached hereto to the Health & Human Services Committee; and

BE IT FURTHER ORDERED, that the Health & Human Services Committee review the Wild and Exotic Animal Ordinance and provide its final recommendation on this issue to the City Council.

DRAFT

Chapter 5 ANIMALS AND FOWL*

...

Article V. Prohibition on Display of Wild and Exotic Animals

Sec. 5-506. Definitions.

The following words and phrases have the following meanings:

Department means the City department responsible for enforcement of this Article.

Director means the Director of the City department responsible for enforcement of this Article.

Display means any exhibition, fair, act, circus, ride, or similar undertaking in which animals are required to perform tricks, give rides, or participate as accompaniments for the entertainment, amusement, or benefit of a live audience, whether or not a fee is charged.

Mobile or traveling housing facility means a transporting vehicle such as a truck, trailer or railway car, used to transport or house animals while traveling for exhibition or other performance of wild and exotic animals.

Traveling animal act means any display of wild and exotic animals where such animals are transported to, from, or between

locations for the purpose of such display, in a mobile or traveling housing facility.

Wild or exotic animal means any live animal from any of the following scientific classifications:

- a) Artiodactyla (including hippopotamuses, giraffes, camels, and llamas, but excepting cattle, swine, sheep, and goats);
- b) Crocodylia (including alligators and crocodiles);
- c) Elephantidae (elephants);
- d) Felidae (including tigers, lions, jaguars, leopards, cheetahs, and cougars, or any hybrid thereof, but excluding domestic cats);
- e) Marsupialia (including kangaroos);
- f) Non-human primates (including apes, monkeys, and lemurs);
- g) Perissodactyla (including rhinoceroses, tapirs, and zebras);
- h) Pinnipedia (including seals, sea lions, and walruses);
- i) Ursidae (bears); or
- j) Elasmobranchii (including nurse sharks and lemon sharks)

Sec. 5-507. Prohibited Acts.

(a) It shall be a violation of this Article for any person to allow for the participation of a wild or exotic animal in a traveling animal act; and

(b) The maximum penalty for violations of this Article shall be \$500.00. Each day a violation continues to exist shall constitute a separate offense, as shall each wild or exotic animal exhibited.

Sec. 5-508. Administration and Enforcement.

The Director is hereby charged with the responsibility for the administration and enforcement of the provisions of this Article.

*Order 268-16/17
Tab 23 6-5-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER ADOPTING DEVELOPMENT PROGRAM FOR
PORTLAND DOWNTOWN
FOR FISCAL YEAR 2017-2018**

ORDERED, pursuant to 30-A M.R.S. Section 5224, after public hearing, the City Council of the City of Portland hereby adopts the Development Program submitted by the City Manager, a copy of which is attached hereto, for the Downtown Improvement District, Inc. doing business as Portland Downtown for fiscal year 2017-2018.



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Greg Mitchell, Economic Development Director

DATE: May 22, 2017

SUBJECT: Portland Downtown/Annual Assessment Documents

1. Order Adopting Development Program for PD;
2. Order Establishing Yearly Assessments; and,
3. Order Authorizing Master Agreement and Supplemental Services Agreement

SPONSOR: Jon P. Jennings, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

June 5, 2017, for a first reading; June 19, 2017 for a second reading, public hearing, and vote.

Can action be taken at a later date? No

If no, why not? This item needs to be acted upon prior to the start of the City's FY2018.

PRESENTATION: Casey Gilbert, Portland Downtown Executive Director/5 Minutes

I. ONE SENTENCE SUMMARY

Annually each June, the City Council authorizes the City Manager to execute documents necessary for the continued operation of Portland Downtown (formerly known as Portland's Downtown District).

II. AGENDA DESCRIPTION

City Council authorization of documents are needed for the continued operation of Portland Downtown (PD). These documents include (1) Adopting Development Program for the PD for FY2018; (2) Assessing Maintenance and Implementation Assessments in the PD District for FY2018; (3) authorizing the Master Agreement for work to be done by PD; and (4) authorizing the Supplemental Services Agreement for work to be done by the City.

III. BACKGROUND

The PD District was originally established by the City Council on March 16, 1992. Since then, each year in June, for the following fiscal year starting July 1, City Council authorization of these documents is needed.

IV. INTENDED RESULT OR COUNCIL GOAL ADDRESSED

The intended result is for the PD to have a yearly development program adopted by the City Council, have assessment fees levied to property owners in the District in order for the PD to continue its program of services to support downtown cleanliness, safety, and events, and to formalize agreements between the PD and the City for services. The City departments, which are involved in the provision of services to the PD, have reviewed and approved this year's Master Agreement and Supplemental Services Agreement.

V. FINANCIAL IMPACT

This year's assessment of \$764,922 will come from special assessments on all real estate in the PD to fund PD Development Program expenses for the period July 1, 2017 to June 30, 2018. *The mill rate to raise this assessment is .92 cents per \$1,000 of property value, which has been the same rate for the past eight years.*

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

City staff have reviewed the documents and recommend City Council approval.

VII. RECOMMENDATION

City Staff recommends the City Council approve the three Orders as presented.

VIII. LIST OF ATTACHMENTS

1. PD Development Program for FY18;
2. Listing of Property Owners and Assessment in the PD District;
3. Master Agreement; and,
4. Supplemental Services Agreement



May 2017

To the Portland City Manager, City Councilors, and Mayor Strimling:

Portland Downtown, a 501c4 nonprofit business improvement district (BID), is in the business of maintaining a clean, safe, and vibrant downtown. We are able to achieve this through a supplemental tax levied on the property owners in the downtown district. Established in 1992, we have 25 years of success upon which we build each year through our programs, services, and events. Another hallmark of our success is the outstanding relationship that we have with the City of Portland and the continued collaboration between members of Portland Downtown and City of Portland staff. As well, we look to the City Council each year to renew its faith in our organization and the good work that we do for the community.

Fiscal year 2017 was one of achievements and accolades. In September, our Executive Director traveled to Atlanta, Georgia for the International Downtown Association (IDA) conference, which is the professional association for BIDs. At the conference, Ms. Gilbert accepted two awards on behalf of Portland Downtown: an IDA Excellence Award for the Downtown Cadet Program and a Downtown Achievement Award for "*Portland Downtown: Revamped & Revitalized*", which encapsulated our rebranding, new website, and beautiful banners. The board and staff were honored and humbled to be recognized for our efforts as change-makers and exemplars of best practices among our colleagues.

Another proud moment was raising sufficient sponsorships and ticket sales to cover the expenses of our events, which include: *Light Up Your Holidays* (Tree Lighting in Monument Square, Horse & Wagon Rides, Elfternoon Lunchtime Shopping, Shop For A Cause, Window Display Contest, and Merry Madness), *Police Awards Breakfast*, *Downtown Worker Appreciation Day*, and *Summer Kick-Off Weekend* (Square Hop, Summer Shop For A Cause, and Old Port Festival). The board did not have to rely on income from the tax assessment to offer these beloved community events, which is a testament to our successful rebranding and continued outreach to our property owners, downtown businesses, and beyond.

With expanded visibility and engagement comes ever-increasing communication and feedback. As a result, we heard from many constituents about their frustrations with issues such as noise, parking, and panhandling. Portland Downtown recognized an opportunity to have a thoughtful conversation with our stakeholders and to conduct research, which would enable us to bring a list of viable solutions to the City Council and City Manager. For all intents and purposes, we view our advocacy work as a great success, and feel honored to work alongside the City to tackle these multi-faceted issues through conversation and compromise. We hope that the City sees us as a valuable asset and that we are able to continue to address difficult issues together.

Portland Downtown understands the complexities that we face in our urban core. As such, we contribute thousands of dollars each year, above and beyond our Supplemental Services Agreement to keep downtown clean, safe, and vibrant. Our financial support of the Downtown Cadet Program, in partnership with the City of Portland's Police Department enables the department to have more presence during the busy summer months and to groom new talent

for a career in law enforcement. Our support of the Milestone Foundation's Home Team Program ensures that there is increased outreach to our most vulnerable populations, and our financial partnership with the City of Portland and LearningWorks allows us to clean up graffiti vandalism, while providing restorative justice opportunities to youth. Yes, we not only 'talk the talk', but we 'walk the walk' – and it is reflected in our annual budget.

Always seeking to improve, we entered into a strategic partnership for FY18 with Visit Portland (formerly the Greater Portland Convention and Visitors Bureau), to co-manage our Visitor Information Booth in Tommy's Park, which welcomes thousands of visitors each year. In July, at the start of our fiscal year, we will officially 'cut the ribbon' on this exciting new project and anticipate that it will provide visitors to Portland with a more rich and engaging experience and that Visit Portland will also benefit from another location to showcase their talented volunteers and staff.

Another partnership that has returned tremendous ROI for our organization has been our partnership with the University of Southern Maine. Portland Downtown worked with graduate students in the Planning & Public Policy Program on a cost-benefit analysis of growing our footprint. The result of their study has sparked a conversation that will take shape in a new ad-hoc committee that will explore how Portland Downtown might grow its revenue streams and/or its geographic footprint. Bachelor's students at USM, in the Tourism & Hospitality Program, designed custom walking tours, for which Portland Downtown received a PEDPIP (Portland's Economic Development Plan Implementation Program) grant, which will enable us to enlist the skills of a professional graphic designer. The brochures will be rolled out in time for the summer tourism season and digital versions will be available for free download from portlandmaine.com.

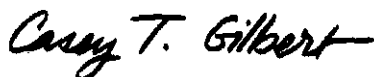
Connecting partnerships, parking, and PEDPIP grants, Portland Downtown was delighted to receive a matching PEDPIP grant for the parking study of Portland's downtown and waterfront. Working closely with City staff and Fort Hill Associates, a list of strategies should be forthcoming from the consultant before the end of FY17. Portland Downtown is committed to working alongside the City to help implement those strategies to ensure healthy parking and transportation management and infrastructure for the future.

Suffice to say, we feel incredibly fortunate to have had such a stellar FY17. We use every dollar in our budget thoughtfully and amplify its impact as far and wide as we can, knowing that our mission remains focused on the heart of Portland, our downtown. With a new fiscal year a little more than a month away, our board eagerly anticipates another year of opportunities and possibilities to make downtown even more vibrant – through continued partnerships, collaborations, and conversations.

We look forward to working with the City of Portland and wish you success in your endeavors.



Kim Volk, Chair
Portland Downtown Board of Directors



Casey T. Gilbert
Executive Director

PARCEL ID	ST. NO.	STREET	OWNER	OWNER CONT.	TAXABLE VALUE	ASSESSMENT
037 I002103	15	BROWN ST	THE DOROTHEA &	LEO RABKIN FOUNDATION	\$131,900	\$121
037 I002206	15	BROWN ST	MCILVAIN JOHN &	ELIZABETH S MCILVAIN TRUSTEES	\$153,600	\$141
037 I002207	15	BROWN ST	CONWAY NANCY ANN TRUSTEE		\$160,400	\$148
037 F012001	41	BROWN ST	MHS INC		\$171,290	\$158
037 I002204	15	BROWN ST	SINGER ROBERT B TRUSTEE		\$185,100	\$170
037 I002301	15	BROWN ST	BARBERA SUSAN		\$189,800	\$175
037 I002202	15	BROWN ST	MACEACHERN ALLISON SCOTT		\$199,100	\$183
037 I002201	15	BROWN ST	HUNTER BEVERLY C &	HAROLD G HUNTER	\$201,800	\$186
037 I002305	15	BROWN ST	COFFIN KATHLEEN M		\$205,900	\$189
037 I002302	15	BROWN ST	ANDREOLI HELEN L		\$209,300	\$193
037 I002105	15	BROWN ST	ADLER JANICE B		\$216,400	\$199
037 I002304	15	BROWN ST	MOORE BRIAN D		\$224,100	\$206
037 I002205	15	BROWN ST	207 INVESTS I LLC		\$229,300	\$211
037 I002104	15	BROWN ST	O'SULLIVAN MICHAEL &	ALAN J LEWIS JTS	\$242,400	\$223
037 I002306	15	BROWN ST	HUNT RYAN ETAL		\$246,400	\$227
037 I00702A	11	BROWN ST	HARRISON SYDNEY		\$262,300	\$241
037 I002203	15	BROWN ST	HAVEY BENJAMIN M		\$267,000	\$246
037 I002303	15	BROWN ST	BAUMAN PATRICIA J TRUSTEE		\$270,300	\$249
037 I002307	15	BROWN ST	DOCTOROFF MARK G		\$283,100	\$260
037 I00702B	11	BROWN ST	MOOIMAN ALAN &	CHRISTINE MOOIMAN JTS	\$303,300	\$279
037 I002208	15	BROWN ST	DOCTOROFF MARK G		\$311,800	\$287
037 I002402	15	BROWN ST	TIEMAN JAMES S		\$347,900	\$320
037 I002404	15	BROWN ST	HADIARIS JENNIFER J		\$351,500	\$323
037 I002401	15	BROWN ST	KIM PAUL ETAL JTS		\$351,900	\$324
037 I002405	15	BROWN ST	GREENEWALT CHARLOTTE		\$384,500	\$354
037 I002403	15	BROWN ST	AVERBACH GRETA H &	JAMES M POPKIN JTS	\$396,300	\$365
037 I00701A	11	BROWN ST	PHELPS CRAIG REAL	ESTATE HOLDINGS LLC	\$444,800	\$409
037 I002406	15	BROWN ST	MCGORRILL DONNA T		\$454,300	\$418
037 I00703A	11	BROWN ST	ZELENER YAN &	ADINA LOVE BERCOVICZ JTS	\$463,100	\$426
037 I00704A	11	BROWN ST	OUBLECK LLC		\$554,100	\$510
037 D004001	48	BROWN ST	OCEAN GATE LLC		\$874,090	\$804
037 F002001	45	BROWN ST	477-481 CONGRESS STREET	HOLDINGS LLC	\$2,547,200	\$2,343
032 I007001	0	CANAL PLAZA	COW PLAZA 1 LLC		\$70,700	\$65
032 I033001	2	CANAL PLAZA	COW PLAZA 2 LLC		\$4,650,300	\$4,278
032 I023001	3	CANAL PLAZA	COW PLAZA 3 LLC		\$7,027,400	\$6,465
032 I036001	1	CANAL PLAZA	COW PLAZA 1 LLC		\$15,976,800	\$14,699
037 D001001	45	CASCO ST	FORTY FIVE CASCO STREET LLC		\$730,100	\$672
037 C010001	16	CASCO ST	SOMALUZO LLC		\$740,700	\$681
037 D023001	15	CASCO ST	15 CASCO STREET LLC		\$973,000	\$895
037 C006001	18	CASCO ST	SHEPLEY LLC		\$2,629,600	\$2,419
037 D007001	37	CASCO ST	AMBASSADOR LLC		\$3,203,200	\$2,947
038 E009106	70	CENTER ST	APPLE REAL ESTATE	HOLDING LLC	\$179,300	\$165
038 E009G08	70	CENTER ST	MAINE BUSINESS SERVICES INC		\$181,700	\$167
038 E009G07	70	CENTER ST	70 CENTER STREET BASEMENT LLC		\$184,900	\$170
038 E009204	70	CENTER ST	F & H REALTY PARTNERSHIP		\$194,600	\$179
038 E009105	70	CENTER ST	MITCHELL JOHN D	THE STAPLES SCHOOL	\$196,000	\$180
038 E009205	70	CENTER ST	F & H REALTY PARTNERSHIP		\$202,300	\$186
038 E009305	70	CENTER ST	MCKERSIE FAMILY LLC		\$202,900	\$187
038 E009304	70	CENTER ST	EAST COAST CONSTRUCTION AND	CONSULTING LLC	\$203,900	\$188
038 C030001	59	CENTER ST	B & B REAL ESTATE LLC		\$333,600	\$307
038 E009401	70	CENTER ST	ALDER RUN DEVELOPMENT	COMPANY LLC	\$352,300	\$324
037 I012001	104	CENTER ST	CENTER CONGRESS LLC		\$372,360	\$343
038 E012001	52	CENTER ST	PICTURE ISLAND INC		\$413,000	\$380
038 E030001	58	CENTER ST	STEELE DANIEL L		\$500,630	\$461
027 F009001	121	CENTER ST	TEDLUM ASSOCIATES LLC		\$3,445,900	\$3,170
027 C01002E	21	CHESTNUT ST	JORDAN CARA A		\$142,300	\$131
027 C01003S	21	CHESTNUT ST	OGDEN JOANNE &	BONNIE B MACINNIS JTS	\$145,600	\$134
027 C01025E	21	CHESTNUT ST	COSTELLO JAMES J		\$156,800	\$144
027 C01003W	21	CHESTNUT ST	VANHOEWYK JOHN VN VET &	DEBORAH VANHOEWYK JTS	\$161,060	\$148
027 C01002S	21	CHESTNUT ST	MORREL VICTOR &	MARY ELIZABETH MORREL JTS	\$161,100	\$148
027 C010001	21	CHESTNUT ST	HAIR ETC LLC		\$163,800	\$151
027 C0102NW	21	CHESTNUT ST	DUNDAR ERGUN		\$164,300	\$151
027 C01003E	21	CHESTNUT ST	CASTANEA PRIME LLC		\$164,400	\$151
027 C0103SE	21	CHESTNUT ST	CASTANEA PRIME LLC		\$164,500	\$151
027 C01003N	21	CHESTNUT ST	TILTON GARRETT K &	VICTORIA POWERS JTS	\$166,700	\$153
027 C0104SE	21	CHESTNUT ST	PATEL TANAY M		\$169,300	\$156
027 C01002N	21	CHESTNUT ST	FLETCHER JEFFREY A &	MELANIE C FLETCHER JTS	\$169,500	\$156
027 C01002W	21	CHESTNUT ST	TISZENKEL KEITH		\$169,500	\$156
027 C01004E	21	CHESTNUT ST	SMITH MICHAEL SARGENT		\$180,500	\$166
027 C01004S	21	CHESTNUT ST	KAUFMANN CHARLES L		\$180,500	\$166
027 C0103NW	21	CHESTNUT ST	MCCALLY MICHAEL &	CHRISTINE CASSEL TRUSTEES	\$181,400	\$167
027 C0105SE	21	CHESTNUT ST	SPERRY STEVEN L &	DAVID W LU	\$181,800	\$167

PARCEL ID	ST. NO.	STREET	OWNER	OWNER CONT.	TAXABLE VALUE	ASSESSMENT
027 C01004N	21	CHESTNUT ST	MCDEVITT MARION JEAN		\$182,800	\$168
027 C01004W	21	CHESTNUT ST	NYGAARD DANTON D &	LESLIE J ANDERSON JTS	\$182,800	\$168
027 C01006S	21	CHESTNUT ST	SCHWELLENBACH JAMES C &	LORRAINE D SCHWELLENBACH JTS	\$187,500	\$173
027 C01065E	21	CHESTNUT ST	EISENBERG AVNER &	JULIE GOELL JTS	\$189,600	\$174
027 C01005E	21	CHESTNUT ST	WHALEN JOHN &	JENNIFER GRAF JTS	\$193,400	\$178
027 C01005S	21	CHESTNUT ST	NAQUI MUNIRA Z		\$193,400	\$178
027 C0104NW	21	CHESTNUT ST	FRAZER LORINDA JANE TRUSTEE		\$196,800	\$181
027 C01006N	21	CHESTNUT ST	KRUG ROBERT E WWII VET BLIND &	AURELIA C SCOTT JTS	\$198,400	\$183
027 C010002	21	CHESTNUT ST	CHESTNUT STREET LOFTS LLC		\$199,000	\$183
027 C0106NW	21	CHESTNUT ST	MCCULLEY CLYDE &	SUSAN MCCULLEY JTS	\$203,600	\$187
027 C01005N	21	CHESTNUT ST	YINDRA SARA R		\$204,200	\$188
027 C01006E	21	CHESTNUT ST	HAMM LARRY F &	DOROTHY J HAMM JTS	\$206,300	\$190
027 C01007N	21	CHESTNUT ST	GREENLEAF NANCY P		\$207,700	\$191
027 C01006W	21	CHESTNUT ST	BARRY PRUDENCE B		\$207,800	\$191
027 C0105NW	21	CHESTNUT ST	FULLAM CHARLOTTE		\$219,000	\$201
027 C01005W	21	CHESTNUT ST	CURTIN TERESA ANN &	CHARLES JOHN SHAW JTS	\$223,000	\$205
027 C002001	17	CHESTNUT ST	17 CHESTNUT STREET LLC		\$226,400	\$208
027 C01007S	21	CHESTNUT ST	MCFAUL RICHARD C &	SUZANNE K VERMILYA JTS	\$246,300	\$227
027 C01007E	21	CHESTNUT ST	HARDING ALICIA &	MARTIN MARGULIS JTS	\$251,400	\$231
027 C01007W	21	CHESTNUT ST	MOORE TERRANCE O &	RUTH C MOORE JTS	\$266,600	\$245
027 C01008W	21	CHESTNUT ST	BUSQUE PETER J		\$312,900	\$288
027 C01008N	21	CHESTNUT ST	COTSIRILOS STEPHANIE G		\$316,300	\$291
027 C01008S	21	CHESTNUT ST	WILLIAMS JAN &	SALLY WILLIAMS JTS	\$325,000	\$299
027 C011001	15	CHESTNUT ST	BOODILLY LLC		\$1,809,800	\$1,665
027 F024001	28	CITY CTR	BROWN J B & SONS		\$323,600	\$298
027 F023001	30	CITY CTR	RODWAY PETER E &	MAURA H RODWAY JTS	\$329,900	\$304
032 P004002	6	CITY CTR	H & A PROPERTY GROUP LLC		\$368,000	\$339
027 F026001	26	CITY CTR	BROWN J B & SONS		\$627,700	\$577
027 F027001	24	CITY CTR	BROWN J B & SONS		\$906,800	\$834
032 P017001	10	CITY CTR	MINA BUILDING LLC		\$977,400	\$899
032 P003001	4	CITY CTR	FOUR CITY CENTER	PROPERTIES LLC	\$1,010,400	\$930
032 P004001	6	CITY CTR	SIX CITY CENTER LLC		\$1,934,600	\$1,780
032 P001001	2	CITY CTR	MDA LLC		\$3,327,900	\$3,062
032 L002001	1	CITY CTR	ONE CITY CENTER ASSOCIATES LLC		\$29,070,000	\$26,744
031 L038001	230	COMMERCIAL ST	PROPRIETORS OF UNION WHARF		\$45,130	\$42
038 G00204A	269	COMMERCIAL ST	SERNOFFSKY SUSAN		\$105,200	\$97
038 G00202E	269	COMMERCIAL ST	DEVILLIER JACQUES K		\$121,100	\$111
038 G00204D	269	COMMERCIAL ST	KIMBLE ELLEN SUE		\$127,200	\$117
038 G00203B	269	COMMERCIAL ST	RICE LEE P		\$133,900	\$123
038 G00202A	269	COMMERCIAL ST	GOSSELIN EUGENE D &	DIANE H GOSSELIN JTS	\$135,200	\$124
038 G00202B	269	COMMERCIAL ST	JMARR ENTERPRISES LLC		\$137,600	\$127
038 G00203D	269	COMMERCIAL ST	HUDON WILFRED R		\$140,400	\$129
038 G00203A	269	COMMERCIAL ST	ALBEE PETER J		\$140,900	\$130
038 G00204E	269	COMMERCIAL ST	LOWRY KATE		\$141,900	\$131
038 G00203F	269	COMMERCIAL ST	TUCKER HAROLD W III		\$143,900	\$132
038 G00202F	269	COMMERCIAL ST	SERAICHICK SUSAN ETAL		\$147,600	\$136
038 G00204F	269	COMMERCIAL ST	WONG ROCKET &	LILLIANA M ACUNA JTS	\$149,000	\$137
038 G00204B	269	COMMERCIAL ST	KIRKHAM JOHN C &	JENNIFER L MROWKA JTS	\$150,000	\$138
038 G00202C	269	COMMERCIAL ST	GREEN DESIGN LLC		\$150,500	\$138
038 G00205F	269	COMMERCIAL ST	FOSTER ANTHONY W		\$150,500	\$138
038 G00203C	269	COMMERCIAL ST	NORCHI CHARLES H		\$151,400	\$139
038 G00205C	269	COMMERCIAL ST	CALDWELL ROBERT A		\$155,000	\$143
038 G00205A	269	COMMERCIAL ST	BERG ERIC O JR TRUSTEE	OF ERIC O BERG REVOCABLE TRUST	\$160,100	\$147
038 G00204C	269	COMMERCIAL ST	MCDEVITT JOHN J IV		\$168,100	\$155
038 G00203E	269	COMMERCIAL ST	CONKLIN HENRY C		\$170,000	\$156
038 G00205E	269	COMMERCIAL ST	FLAHERTY CHRISTOPHER F		\$173,800	\$160
038 G00205B	269	COMMERCIAL ST	TARBOX JEFFERY H		\$174,500	\$161
038 G00205D	269	COMMERCIAL ST	MINKIN BARRY &	CHRISTINA VERRASTRO JTS	\$198,800	\$183
038 G00202D	269	COMMERCIAL ST	CUMMING JEAN S &	VIRGIL CUMMING JTS	\$199,900	\$184
032 U003001	185	COMMERCIAL ST	COMPARK LLC		\$217,280	\$200
031 K103001	218	COMMERCIAL ST	PROPRIETORS OF UNION WHARF		\$239,080	\$220
038 G002271	269	COMMERCIAL ST	JKC LLC		\$257,100	\$237
030 A101001	90	COMMERCIAL ST	PROPRIETORS OF CUSTOM HOUSE	WHARF	\$269,400	\$248
040 E003007	311	COMMERCIAL ST	KRUTHOFF CATHERINE H &	WAYNE A KRUTHOFF TRUSTEE	\$274,600	\$253
038 G002267	269	COMMERCIAL ST	MCNULTY BEVIN A		\$280,300	\$258
040 E003003	311	COMMERCIAL ST	WOODS MARY A &	STEPHEN R WOODS TRUSTEES	\$283,600	\$261
040 E003002	311	COMMERCIAL ST	BANKS MICHAEL D		\$286,800	\$264
040 E003008	311	COMMERCIAL ST	JR SEELY COMPANY LLC		\$343,100	\$316
040 E003013	311	COMMERCIAL ST	DERMER HARRY &	MARY P DERMER JTS	\$350,100	\$322
040 E003011	311	COMMERCIAL ST	CLANCY PAUL		\$358,500	\$330
040 E003009	311	COMMERCIAL ST	KROON THOMAS J &	MARIANNE M KROON TRUSTEES	\$377,500	\$347
040 E003012	311	COMMERCIAL ST	PIPER JOHN M &	REBECCA A WEI JTS	\$395,000	\$363

PARCEL ID	ST. NO.	STREET	OWNER	OWNER CONT.	TAXABLE VALUE	ASSESSMENT
040 E003014	311	COMMERCIAL ST	SIMARK ACQUISITIONS LLC		\$397,900	\$366
029 D002001	121	COMMERCIAL ST	MAD COW LLC		\$401,200	\$369
040 E003004	311	COMMERCIAL ST	LEVIN-MARTIN MINDY F &	ROGER L MARTIN JTS	\$412,900	\$380
040 E003006	311	COMMERCIAL ST	JR SEELY COMPANY LLC		\$420,100	\$386
040 E003001	311	COMMERCIAL ST	JR SEELY COMPANY LLC		\$428,500	\$394
040 E003005	311	COMMERCIAL ST	TAYLOR-CHIARELLO ROBIN		\$495,600	\$456
040 E003010	311	COMMERCIAL ST	NSD 10-7 MAPLE LLC		\$526,800	\$485
030 D005001	84	COMMERCIAL ST	84 COMMERCIAL STREET LLC		\$537,500	\$495
032 V002001	205	COMMERCIAL ST	LANDFALL LLC		\$695,800	\$640
029 D001001	129	COMMERCIAL ST	RSB LIMITED LIABILITY COMPANY		\$781,200	\$719
030 A005001	94	COMMERCIAL ST	BMC INC		\$1,127,400	\$1,037
041 A015001	260	COMMERCIAL ST	WATERFRONT MAINE BT LLC		\$1,194,800	\$1,099
032 S004001	161	COMMERCIAL ST	ROB DOG REALTY LLC		\$1,265,900	\$1,165
040 E00300R	311	COMMERCIAL ST	TIOA LEGACY LLC		\$1,314,100	\$1,209
038 F004001	241	COMMERCIAL ST	SLM PROPERTIES INC		\$1,586,800	\$1,460
029 D003001	111	COMMERCIAL ST	BLANCHARD BLOCK LLC		\$1,773,500	\$1,632
032 V008001	225	COMMERCIAL ST	225 COMMERCIAL ST ASSOC INC		\$2,043,400	\$1,880
031 L034001	250	COMMERCIAL ST	CM WATERFRONT PROPERTIES LLC		\$2,111,800	\$1,943
032 V004001	211	COMMERCIAL ST	GRANITE FACE LLC		\$2,205,900	\$2,029
030 H004001	136	COMMERCIAL ST	CARROLL BLOCK LLC		\$2,345,100	\$2,157
032 V005001	217	COMMERCIAL ST	217 COMMERCIAL STREET	ASSOCIATES INC	\$2,637,500	\$2,427
038 F006001	245	COMMERCIAL ST	CASCO VIEW HOLDINGS LLC		\$4,007,900	\$3,687
030 H001001	144	COMMERCIAL ST	DIMILLO ARLENE ETALS TRUSTEES		\$4,339,000	\$3,992
030 C001001	100	COMMERCIAL ST	SOLEY WHARF LLC		\$5,557,100	\$5,113
040 F009001	305	COMMERCIAL ST	BAXTER PLACE LLC		\$6,327,600	\$5,821
029 S001001	145	COMMERCIAL ST	FLEMING CREEK LLC ETALS		\$6,509,400	\$5,989
029 K003001	57	COMMERCIAL ST	OLYMPIA EQUITY INVESTORS V LLC		\$10,717,000	\$9,860
040 E00300H	311	COMMERCIAL ST	JBB HOSPITALITY I LLC		\$12,301,600	\$11,317
037 E003001	10	CONGRESS SQ	PLAZA ASSOCIATES AT CONGRESS	SQUARE LP	\$10,029,900	\$9,228
037 E002001	585	CONGRESS ST	HAMMOND HEIRS LLC		\$60,900	\$56
037 F018001	481	CONGRESS ST	477-481 CONGRESS STREET	HOLDINGS LLC	\$77,500	\$71
037 C01702B	547	CONGRESS ST	SCULLY JOHN M		\$123,900	\$114
037 C01702E	547	CONGRESS ST	MONTMINY SHANE A		\$124,700	\$115
037 C01702A	547	CONGRESS ST	MARTIN ROGER		\$132,100	\$122
037 E002002	585	CONGRESS ST	HAMMOND HEIRS LLC		\$132,100	\$122
037 G012001	584	CONGRESS ST	CORNER FREAK LLC		\$137,000	\$126
046 C012001	673	CONGRESS ST	DOUKAS ANDREW J		\$138,900	\$128
037 C01701A	547	CONGRESS ST	R & J 545 PARTNERS LLC		\$142,800	\$131
037 H002003	540	CONGRESS ST	540 CONGRESS STREET LLC		\$142,900	\$131
037 H002005	540	CONGRESS ST	540 CONGRESS STREET LLC		\$142,900	\$131
037 H002004	540	CONGRESS ST	540 CONGRESS STREET LLC		\$145,400	\$134
037 C01701B	547	CONGRESS ST	R & J 545 PARTNERS LLC		\$150,900	\$139
037 C01702C	547	CONGRESS ST	SARASON JULIE		\$155,500	\$143
037 C01704B	547	CONGRESS ST	GRANO ROBERT C TRUSTEE		\$160,200	\$147
046 D027001	629	CONGRESS ST	BURNHAM ARMS ANNEX LLC		\$160,400	\$148
037 H002006	540	CONGRESS ST	540 CONGRESS STREET LLC		\$160,700	\$148
037 C01701C	547	CONGRESS ST	R & J 545 PARTNERS LLC		\$161,700	\$149
046 C013001	671	CONGRESS ST	DOUKAS ANDREW J &	WILLIAM B DOUKAS JTS	\$169,900	\$156
037 H011001	500	CONGRESS ST	MATERIAL OBJECTS		\$177,800	\$164
037 G007001	576	CONGRESS ST	574 ASSOCIATES LLC		\$185,800	\$171
037 H011002	500	CONGRESS ST	BARBA NANCY L &	CYNTHIA A WHELOCK JTS	\$188,600	\$174
037 C01704A	547	CONGRESS ST	FITZPATRICK SUSAN E		\$189,100	\$174
037 G008001	574	CONGRESS ST	574 ASSOCIATES LLC		\$191,800	\$176
037 C01703B	547	CONGRESS ST	FOREMAN BROCK &	LESLIE E FOREMAN JTS	\$194,400	\$179
037 C01703A	547	CONGRESS ST	BOURKE PATRICK J IV		\$201,700	\$186
037 C01702D	547	CONGRESS ST	WHEELER-BERTA FRANCES H TRUSTEE		\$204,700	\$188
037 G006001	578	CONGRESS ST	578 CONGRESS LLC		\$219,400	\$202
046 D028001	625	CONGRESS ST	BURNHAM ARMS ANNEX LLC		\$227,500	\$209
037 I002101	490	CONGRESS ST	GRACE LLC		\$232,600	\$214
046 D018001	653	CONGRESS ST	RICE GEOFFREY TRUSTEE		\$235,600	\$217
037 C01703C	547	CONGRESS ST	PACKARD JEFFREY G &	RICHARD H PACKARD JTS	\$248,000	\$228
039 A010001	606	CONGRESS ST	602 CONGRESS LLC		\$248,200	\$228
037 C01705B	547	CONGRESS ST	BLISSFUL BOUND LLC		\$254,100	\$234
037 I002102	492	CONGRESS ST	ZILKHA MICHAEL S		\$260,600	\$240
037 C01704C	547	CONGRESS ST	TYSON BRUCE &	ANDREA TYSON JTS	\$270,800	\$249
037 A042001	559	CONGRESS ST	HER LLC		\$287,700	\$265
039 A009001	608	CONGRESS ST	19 SOUTH STREET LLC		\$289,700	\$267
037 G004001	582	CONGRESS ST	CORNER FREAK LLC		\$298,500	\$275
039 A038001	612	CONGRESS ST	BLUE BAY LLC		\$302,700	\$278
037 C014509	531	CONGRESS ST	HEGA REALTY LLC		\$310,900	\$286
037 I005001	486	CONGRESS ST	BARTHE DONNA		\$316,000	\$291
037 A044001	553	CONGRESS ST	ROCCO HOLDINGS LLC		\$325,100	\$299

PARCEL ID	ST. NO.	STREET	OWNER	OWNER CONT.	TAXABLE VALUE	ASSESSMENT
039 A008001	610	CONGRESS ST	19 SOUTH STREET LLC		\$328,800	\$302
037 C014502	531	CONGRESS ST	HEGA REALTY LLC		\$336,500	\$310
037 A043001	555	CONGRESS ST	CORRYMORE ZELLERTON LLC		\$355,600	\$327
046 C011001	675	CONGRESS ST	DOUKAS WILLIAM B		\$367,700	\$338
037 C014506	531	CONGRESS ST	HEGA REALTY LLC		\$396,800	\$365
037 C014507	531	CONGRESS ST	HEGA REALTY LLC		\$397,600	\$366
037 A045001	575	CONGRESS ST	571 ENTERPRISES LLC		\$402,200	\$370
037 H005003	536	CONGRESS ST	SPACE GALLERY		\$422,600	\$389
037 C014501	531	CONGRESS ST	WILLIAMS DEBORAH J &	IGOR PROKOPIW JTS	\$433,300	\$399
037 C014510	531	CONGRESS ST	SEASIDE PARTNERS LLC		\$439,600	\$404
045 A001001	660	CONGRESS ST	A K LONGFELLOW LLC		\$458,500	\$422
037 D024001	519	CONGRESS ST	MAINE CHARITABLE MECHANIC	ASSOC	\$459,000	\$422
045 A034001	664	CONGRESS ST	RANS LLC		\$464,900	\$428
037 H001001	550	CONGRESS ST	NEVERMORE LLC		\$480,400	\$442
037 C014503	531	CONGRESS ST	SHOREY LINDA J &	JOHN DECKER JTS	\$491,400	\$452
037 G005001	580	CONGRESS ST	BBB INC		\$536,300	\$493
037 C014508	531	CONGRESS ST	HEGA REALTY LLC		\$539,500	\$496
037 G009001	570	CONGRESS ST	PRIDE RALPH H TRUSTEE		\$542,700	\$499
037 E002003	585	CONGRESS ST	PAUL'S BOUTIQUE LLC		\$589,300	\$542
037 C01705A	547	CONGRESS ST	HENRY MICHAEL T &	JAIME COHEN JTS	\$592,400	\$545
037 C014505	531	CONGRESS ST	WALBRIDGE HOYT &	STEPHANIE BACON JTS	\$601,500	\$553
045 A035001	670	CONGRESS ST	LONGFELLOW SQUARE	PARTNERS LLC	\$611,700	\$563
037 C017006	547	CONGRESS ST	MOULTON THOMAS W		\$638,000	\$587
037 I001001	498	CONGRESS ST	BEAVER BLOCK LLC		\$648,500	\$597
037 E002004	585	CONGRESS ST	HAMMOND HEIRS LLC		\$768,100	\$707
037 G001001	594	CONGRESS ST	FITZGIBBONS VIRGINIA S &	LEE F STREET TRUSTEE	\$802,600	\$738
037 C014504	531	CONGRESS ST	HEGA REALTY LLC		\$806,600	\$742
039 A001001	626	CONGRESS ST	PARK WONBAE &	JP BOON PARK JTS	\$810,700	\$746
037 H009001	516	CONGRESS ST	PACHIOS BROTHERS II LLC		\$834,200	\$767
045 A002001	656	CONGRESS ST	RICE GEOFFREY I		\$843,000	\$776
037 C016001	551	CONGRESS ST	551 CONGRESS STREET LLC		\$849,700	\$782
037 F018002	481	CONGRESS ST	477-481 CONGRESS STREET	HOLDINGS LLC	\$850,300	\$782
039 A013001	600	CONGRESS ST	602 CONGRESS LLC		\$878,100	\$808
039 A002001	622	CONGRESS ST	WAYNE ENTERPRISES LLC		\$913,300	\$840
037 I004001	480	CONGRESS ST	THE BUZZ LLC		\$983,700	\$905
039 A005001	616	CONGRESS ST	614 CONGRESS STREET LLC		\$1,029,200	\$947
037 H013001	504	CONGRESS ST	KAPLAN 504 LLC		\$1,176,200	\$1,082
037 F017001	489	CONGRESS ST	MHS INC		\$1,226,800	\$1,129
037 C014100	531	CONGRESS ST	HEGA REALTY LLC		\$1,388,800	\$1,278
037 C014300	531	CONGRESS ST	HEGA REALTY LLC		\$1,639,100	\$1,508
037 C014400	531	CONGRESS ST	HEGA REALTY LLC		\$1,753,700	\$1,613
027 B007001	415	CONGRESS ST	ASHBY TEAM LLC		\$1,769,100	\$1,628
037 A038001	565	CONGRESS ST	PACHIOS BROTHERS I LLC &	LACONIA LLC	\$1,821,300	\$1,676
037 C014200	531	CONGRESS ST	HEGA REALTY LLC		\$2,068,100	\$1,903
037 H002002	540	CONGRESS ST	540 CONGRESS STREET LLC		\$2,152,700	\$1,980
046 D026001	633	CONGRESS ST	BURNHAM ARMS LLC		\$2,218,100	\$2,041
027 D001001	385	CONGRESS ST	METRO MEDIA PROPERTIES LLC		\$2,349,540	\$2,162
046 D029001	619	CONGRESS ST	BAXTER BUILDING LLC		\$2,502,600	\$2,302
027 B002001	443	CONGRESS ST	JJR 443 CONGRESS LLC		\$2,973,400	\$2,736
037 I003001	482	CONGRESS ST	CENTER CONGRESS LLC		\$3,125,600	\$2,876
027 B004001	439	CONGRESS ST	METROPOLITAN APARTMENTS LLC		\$3,734,300	\$3,436
037 H010001	510	CONGRESS ST	CENTER CITY PLAZA ASSOC		\$3,762,600	\$3,462
046 D022001	645	CONGRESS ST	BAYSIDE MAINE LLC		\$3,783,700	\$3,481
027 A015001	465	CONGRESS ST	5 MONUMENT SQUARE LLC		\$4,928,900	\$4,535
037 G014001	562	CONGRESS ST	TERBAX REALTY INC		\$5,095,800	\$4,688
045 A003001	638	CONGRESS ST	638 CONGRESS STREET	PARTNERS LLC	\$5,101,800	\$4,694
046 D021001	655	CONGRESS ST	TRELAWNY 657 LLC		\$5,222,500	\$4,805
037 F022001	477	CONGRESS ST	477-481 CONGRESS STREET	HOLDINGS LLC	\$5,280,500	\$4,858
032 G001001	396	CONGRESS ST	A & M PARTNERS INC		\$9,329,900	\$8,584
037 D002001	511	CONGRESS ST	OCEAN GATE LLC		\$9,511,500	\$8,751
032 C001001	390	CONGRESS ST	PRESS HOTEL LLC		\$10,929,700	\$10,055
046 C019001	667	CONGRESS ST	REDFERN LONGFELLOW LLC		\$11,855,100	\$10,907
038 C009001	24	COTTON ST	CASCO VIEW HOLDINGS III LLC		\$729,500	\$671
038 C012001	8	COTTON ST	CASCO VIEW HOLDINGS III LLC		\$1,862,500	\$1,714
038 F019001	19	CROSS ST	CASCO VIEW HOLDINGS II LLC		\$7,127,700	\$6,557
037 D003001	360	CUMBERLAND AVE	CLIFF'S EDGE LLC &	RIVERSIDE ASSOCIATES LLC	\$465,800	\$429
037 B001001	380	CUMBERLAND AVE	THREE EIGHTY CUMBERLAND	ASSOCIATES LLC	\$1,807,000	\$1,662
037 F009001	338	CUMBERLAND AVE	THREE FORTY ASSOCIATES LLC		\$1,811,700	\$1,667
027 A001001	320	CUMBERLAND AVE	25 PREBLE STREET LLC		\$6,259,500	\$5,759
029 K001001	7	CUSTOM HOUSE ST	OLYMPIA EQUITY	INVESTORS IV LLC	\$5,902,300	\$5,430
032 U005001	7	DANA ST	TRANSMINE		\$665,700	\$612
032 U004001	1	DANA ST	ONE DANA LLC		\$902,700	\$830

PARCEL ID	ST. NO.	STREET	OWNER	OWNER CONT.	TAXABLE VALUE	ASSESSMENT
032 V001001	10	DANA ST	10 DANA STREET LLC		\$1,254,500	\$1,154
040 B028001	1	DANFORTH ST	GIOBBI ARCHIE S &	MATILDA M JTS	\$394,000	\$362
040 D002001	10	DANFORTH ST	WRIGHT-RYAN REAL ESTATE LLC		\$1,003,100	\$923
040 D001001	20	DANFORTH ST	BROWN J B & SONS		\$2,818,400	\$2,593
032 I040001	44	EXCHANGE ST	COW PLAZA 1 LLC		\$247,500	\$228
032 F014001	1	EXCHANGE ST	ELEVEN EXCHANGE LLC		\$517,600	\$476
032 E004001	49	EXCHANGE ST	PALACCI JOSEPH A TRUSTEE		\$567,400	\$522
032 H006001	92	EXCHANGE ST	MAINESCAPE PROPERTIES LLC		\$568,300	\$523
032 I006001	50	EXCHANGE ST	FITZGIBBONS VIRGINIA S &	LEE F STREET TRUSTEES	\$593,000	\$546
032 F012001	5	EXCHANGE ST	ELEVEN EXCHANGE LLC		\$619,500	\$570
032 I011001	30	EXCHANGE ST	MAINELAND REAL ESTATE	CONSULTANTS LLC	\$683,100	\$628
032 H007001	88	EXCHANGE ST	RIVENDELL REAL ESTATE LLC		\$718,200	\$661
032 H002001	106	EXCHANGE ST	RICH BUILDING LLC		\$721,500	\$664
032 H003001	102	EXCHANGE ST	PALACCI JOSEPH		\$889,000	\$818
032 I012200	10	EXCHANGE ST	10 EXCHANGE PROPERTIES LLC		\$903,500	\$831
032 D001001	107	EXCHANGE ST	TOP OF EXCHANGE LLC		\$918,700	\$845
032 I010001	34	EXCHANGE ST	PALACCI SION &	JOSEPH PALACCI	\$932,000	\$857
032 E008001	39	EXCHANGE ST	PALACCI JOSEPH A TRUSTEE		\$949,600	\$874
032 E009001	31	EXCHANGE ST	B & C LIMITED		\$1,027,000	\$945
032 E002001	53	EXCHANGE ST	PALACCI JOSEPH A TRUSTEE		\$1,176,800	\$1,083
032 H001001	110	EXCHANGE ST	ONETEN EXCHANGE LLC		\$1,216,300	\$1,119
032 I012001	10	EXCHANGE ST	10 EXCHANGE STREET LLC		\$1,233,700	\$1,135
032 I012100	10	EXCHANGE ST	10 EXCHANGE PROPERTIES LLC		\$1,276,000	\$1,174
032 F010001	9	EXCHANGE ST	ELEVEN EXCHANGE LLC		\$1,421,700	\$1,308
032 D003001	93	EXCHANGE ST	TOP OF EXCHANGE LLC		\$1,430,600	\$1,316
032 I002001	52	EXCHANGE ST	OLD PORT ARMS		\$1,557,200	\$1,433
032 I008001	44	EXCHANGE ST	44 EXCHANGE STREET LLC		\$1,679,900	\$1,546
032 H008001	80	EXCHANGE ST	MURAL ASSOCIATES		\$1,795,300	\$1,652
032 D002001	97	EXCHANGE ST	TOP OF EXCHANGE LLC		\$1,959,500	\$1,803
032 E005001	45	EXCHANGE ST	45 EXCHANGE STREET LLC		\$2,130,900	\$1,960
032 D004001	85	EXCHANGE ST	TOP OF EXCHANGE LLC		\$2,548,400	\$2,345
032 E001001	57	EXCHANGE ST	57 EXCHANGE STREET LLC		\$2,906,700	\$2,674
029 C001005	340	FORE ST	ADB REALTY LLC		\$65,900	\$61
029 K0060B3	300	FORE ST	OLYMPIA EQUITY	INVESTORS IV LLC	\$70,000	\$64
032 I041002	401	FORE ST	BANGOR SAVINGS BANK		\$85,000	\$78
029 K0060B2	300	FORE ST	OLYMPIA EQUITY	INVESTORS IV LLC	\$98,000	\$90
029 B004011	341	FORE ST	BOOTHBY SQUARE PROPERTIES LLC		\$118,100	\$109
029 C001001	340	FORE ST	ADB REALTY LLC		\$120,000	\$110
029 B004007	341	FORE ST	ALAGIC SUAD		\$121,900	\$112
029 C006005	320	FORE ST	FORE STREET INVESTMENTS LLC		\$122,100	\$112
029 B004002	341	FORE ST	O'CONNOR DENNIS R III &	BARBARA M O'CONNOR JTS	\$127,400	\$117
029 C001002	340	FORE ST	HAYEK LEE-ANN COLLINS TRUSTEE		\$128,000	\$118
029 B004005	341	FORE ST	PENDERS JOHN F IV		\$128,600	\$118
029 B004008	341	FORE ST	DALTON JENNIFER L		\$129,900	\$120
029 B004006	341	FORE ST	KELLER BENJAMIN R		\$130,300	\$120
029 C006006	320	FORE ST	FORE STREET INVESTMENTS LLC		\$138,200	\$127
029 B004001	341	FORE ST	JACKSON MICHAEL		\$140,700	\$129
029 B004004	341	FORE ST	CHILDS DONNA W		\$140,700	\$129
029 C001004	340	FORE ST	ABD REALTY LLC		\$141,500	\$130
029 B004003	341	FORE ST	ROSE JOHN &	HEATHER ROSE JTS	\$146,800	\$135
032 J00400B	396	FORE ST	BEER GUYS LLC		\$151,600	\$139
029 C006003	320	FORE ST	FORE STREET INVESTMENTS LLC		\$162,100	\$149
032 J004001	396	FORE ST	BEER GUYS LLC		\$166,400	\$153
029 C006004	320	FORE ST	FORE STREET INVESTMENTS LLC		\$167,700	\$154
029 B004010	341	FORE ST	BOOTHBY SQUARE PROPERTIES LLC		\$180,000	\$166
032 J004002	396	FORE ST	BEER GUYS LLC		\$180,300	\$166
029 C001003	340	FORE ST	207 INVESTS LLC		\$220,000	\$202
032 J004003	396	FORE ST	BEER GUYS LLC		\$228,300	\$210
032 J005003	398	FORE ST	INGALLS ROGER E		\$271,600	\$250
032 J005004	398	FORE ST	INGALLS ROGER E		\$271,600	\$250
032 J005002	398	FORE ST	FORE STREET PROPERTIES	LIMITED PARTNERSHIP	\$300,000	\$276
029 E012001	277	FORE ST	287 FORE STREET LLC		\$321,580	\$296
029 C002001	336	FORE ST	DOCK FORE INC		\$348,000	\$320
032 J005001	398	FORE ST	FORE STREET PARTNERSHIP	LIMITED PARTNERSHIP	\$375,100	\$345
029 C006007	320	FORE ST	FORE STREET INVESTMENTS LLC		\$392,100	\$361
029 B004009	341	FORE ST	HAAPALA BRIAN R &	KRISTA A HAAPALA JTS	\$397,500	\$366
029 C003001	334	FORE ST	PORT CITY APARTMENTS		\$401,100	\$369
032 R003001	432	FORE ST	TERRAPIN PROPERTIES LLC		\$430,000	\$396
029 C005001	330	FORE ST	J & R VENTURES LLC		\$445,700	\$410
032 N011001	422	FORE ST	HARDING RICHARD B ETAL		\$450,100	\$414
032 F008001	375	FORE ST	ELEVEN EXCHANGE LLC		\$451,000	\$415
032 F007001	375	FORE ST	ELEVEN EXCHANGE LLC		\$467,200	\$430

PARCEL ID	ST. NO.	STREET	OWNER	OWNER CONT.	TAXABLE VALUE	ASSESSMENT
032 R004001	434	FORE ST	TERRAPIN PROPERTIES LLC		\$493,300	\$454
029 K006001	300	FORE ST	OLYMPIA EQUITY	INVESTORS IV LLC	\$497,800	\$458
032 N009001	414	FORE ST	GOULD COMPANY LLC		\$601,300	\$553
032 F013001	379	FORE ST	ELEVEN EXCHANGE LLC		\$648,800	\$597
038 G007001	508	FORE ST	NORTH RIVER IV LLC		\$701,800	\$646
032 R001001	428	FORE ST	428 FORE STREET LLC		\$756,200	\$696
029 E007001	291	FORE ST	291 FORE STREET LLC		\$812,000	\$747
032 N012001	424	FORE ST	SOLETSKY LIMITED LIABILITY CO		\$828,700	\$762
032 N010001	416	FORE ST	416 FORE STREET LLC		\$845,300	\$778
032 J002001	392	FORE ST	BEER GUYS LLC		\$864,600	\$795
032 F005001	363	FORE ST	ELEVEN EXCHANGE LLC		\$883,400	\$813
032 I018001	395	FORE ST	395 FORE STREET LLC		\$912,300	\$839
032 R008001	446	FORE ST	FORE STREET PARTNERS LLC		\$1,000,500	\$920
029 K002001	288	FORE ST	EAST BROWN COW LIMITED	LIABILITY COMPANY	\$1,103,000	\$1,015
032 J001001	386	FORE ST	386 FORE STREET LLC		\$1,197,900	\$1,102
032 R007001	436	FORE ST	FORE STREET PARTNERS LLC		\$1,275,000	\$1,173
038 F008001	470	FORE ST	DICTAR ASSOCIATES II		\$2,148,000	\$1,976
032 S001001	366	FORE ST	MCGEE CHARLES T &	RICHARD P HERRERA TR	\$2,321,400	\$2,136
038 F009002	468	FORE ST	DICTAR ASSOCIATES II		\$2,360,900	\$2,172
038 G001001	486	FORE ST	NORTH RIVER IV LLC		\$3,257,600	\$2,997
038 B003001	481	FORE ST	NORTH RIVER IV LLC		\$3,634,900	\$3,344
032 I041001	425	FORE ST	COW PLAZA GARAGE LLC		\$6,164,200	\$5,671
038 F009001	468	FORE ST	HARBOR PLAZA ASSOCIATES II		\$7,658,200	\$7,046
032 I042001	433	FORE ST	COW PLAZA HOTEL LLC		\$11,786,100	\$10,843
029 K005001	280	FORE ST	OLYMPIA EQUITY	INVESTORS V-P LLC	\$12,880,800	\$11,850
037 E005001	32	FOREST AVE	RB PORTLAND LLC		\$162,900	\$150
037 E005002	32	FOREST AVE	PLAZA ASSOCIATES AT CONGRESS	SQUARE LP	\$175,560	\$162
037 E004001	28	FOREST AVE	PLAZA ASSOCIATES AT CONGRESS	SQUARE LP	\$197,750	\$182
037 A046001	7	FOREST AVE	D & D PARTNERS LLC		\$372,500	\$343
037 A033001	11	FOREST AVE	PACHIOS BROTHERS I LLC &	LACONIA LLC	\$499,480	\$460
037 A022001	25	FOREST AVE	PORTLAND STAGE COMPANY		\$822,900	\$757
037 A012001	39	FOREST AVE	39 LLC		\$2,957,100	\$2,721
037 A001001	45	FOREST AVE	NORTHERN NEW ENGLAND	TELEPHONE OPERATIONS LLC	\$10,420,800	\$9,587
039 C0010GB	110	FREE ST	MAINEHEALTH		\$43,300	\$40
027 F028001	41	FREE ST	TEDLUM ASSOCIATES LLC		\$117,920	\$108
039 C001302	110	FREE ST	MAINEHEALTH		\$239,500	\$220
039 B007001	128	FREE ST	ARCAND PROPERTIES LLC		\$305,000	\$281
037 I009001	59	FREE ST	JBG & H ASSOCIATES		\$448,260	\$412
037 G010001	133	FREE ST	HUBBARD'S APTS INC		\$532,700	\$490
039 B008001	120	FREE ST	MAINEHEALTH		\$586,840	\$540
039 B004001	130	FREE ST	MAINEHEALTH		\$723,380	\$666
039 C00101B	110	FREE ST	MAINEHEALTH		\$730,800	\$672
038 A001002	10	FREE ST	JB BROWN & SONS		\$833,100	\$766
039 C00101C	110	FREE ST	MAINEHEALTH		\$1,032,900	\$950
038 I018001	46	FREE ST	JB BORWN & SONS		\$2,359,200	\$2,170
038 A005001	22	FREE ST	JB BROWN & SONS		\$2,614,600	\$2,405
038 A001001	10	FREE ST	JBG&H ASSOCIATES		\$2,933,800	\$2,699
027 F029001	23	FREE ST	ONE CITY CENTER ASSOCIATES LLC		\$6,584,700	\$6,058
029 C006002	1	GOLD ST	ADNERB PROPERTIES LLC		\$154,800	\$142
029 C006001	3	GOLD ST	MAINE BODYWORKS LLC		\$157,000	\$144
039 A016001	122	HIGH ST	PACIFIC & SOUTHERN COMPANY INC		\$79,500	\$73
039 A035001	110	HIGH ST	ONE HUNDRED AND TEN HIGH ST	LIMITED LIABILITY COMPANY	\$382,800	\$352
039 A037001	106	HIGH ST	THIDWICK LLC		\$416,200	\$383
039 E008001	93	HIGH ST	GREATER PORTLAND	LANDMARKS INC	\$730,600	\$672
039 A016002	122	HIGH ST	PACIFIC AND SOUTHERN LLC		\$813,050	\$748
039 A027001	116	HIGH ST	CUMBERLAND CLUB		\$1,317,200	\$1,212
039 A017001	128	HIGH ST	PACIFIC & SOUTHERN COMPANY INC		\$2,817,500	\$2,592
046 D031001	142	HIGH ST	CROSTONE PORTLAND LLC		\$4,127,000	\$3,797
037 E006009	173	HIGH ST	181 HIGH STREET LLC		\$8,309,400	\$7,645
037 E007001	157	HIGH ST	RB PORTLAND LLC		\$30,607,400	\$28,159
029 C003001	43	MARKET ST	PORTLAND REGENCY INC		\$285,520	\$263
032 F003001	30	MARKET ST	E L C INC		\$511,600	\$471
032 F002001	36	MARKET ST	36 MARKET ST		\$661,600	\$609
032 F001001	42	MARKET ST	OCEAN BLOCK ASSOCIATES		\$809,900	\$745
032 E010001	46	MARKET ST	MARKET MILK PARTNERS LLC		\$888,400	\$817
028 K001001	77	MARKET ST	85 MARKET STREET LLC		\$1,647,500	\$1,516
028 K003001	75	MARKET ST	WHOLLY COW LLC		\$3,643,900	\$3,352
029 A001P02	150	MIDDLE ST	GIUSTRA BETSY M TRUSTEE		\$5,100	\$5
029 A001P01	150	MIDDLE ST	DUNKERLY MARY V		\$10,100	\$9
029 A001P04	150	MIDDLE ST	MIRS PROPERTIES LLC		\$10,100	\$9
029 A001P05	150	MIDDLE ST	MIRS PROPERTIES LLC		\$10,100	\$9
029 A001P06	150	MIDDLE ST	IN FIRM GROUP THE		\$10,100	\$9

PARCEL ID	ST. NO.	STREET	OWNER	OWNER CONT.	TAXABLE VALUE	ASSESSMENT
029 A001P07	150	MIDDLE ST	IN FIRM GROUP THE		\$10,100	\$9
029 A001P08	150	MIDDLE ST	GIARRAPUTO CYNTHIA R &	JOHN P FARRELL JTS	\$10,100	\$9
029 A001P09	150	MIDDLE ST	MCGOLDRICK RICHARD J		\$10,100	\$9
029 A001P10	150	MIDDLE ST	FRANK PATRICK J JR		\$10,100	\$9
029 A001P11	150	MIDDLE ST	FRANK PATRICK J JR		\$10,100	\$9
029 A001P12	150	MIDDLE ST	INFIRM GROUP		\$10,100	\$9
029 A001P13	150	MIDDLE ST	MILLS S PETER		\$10,100	\$9
029 A001P14	150	MIDDLE ST	ERNEST PAUL W &	CARMELIA G ERNEST JTS	\$10,100	\$9
029 A001P15	150	MIDDLE ST	BIXBY DOUGLAS B &	KATHLEEN F WHITE JTS	\$10,100	\$9
029 A001P16	150	MIDDLE ST	MACBRIDE JENNIFER L		\$10,100	\$9
029 A001P17	150	MIDDLE ST	CAMP PETER S		\$10,100	\$9
029 A001P18	150	MIDDLE ST	RELM REALTY LLC		\$10,100	\$9
029 A001P19	150	MIDDLE ST	RELM REALTY LLC		\$10,100	\$9
029 A001P20	150	MIDDLE ST	THORNTON JAMES M		\$10,100	\$9
029 A001P21	150	MIDDLE ST	DUNKERLY ALLAN S &	MARY V DUNKERLY JTS	\$10,100	\$9
029 A001P22	150	MIDDLE ST	MIRS PROPERTIES LLC		\$10,100	\$9
029 A001P23	150	MIDDLE ST	MIRS PROPERTIES LLC		\$10,100	\$9
029 A001P24	150	MIDDLE ST	MIRS PROPERTIES LLC		\$10,100	\$9
029 A001P25	150	MIDDLE ST	MIRS PROPERTIES LLC		\$10,100	\$9
029 A001P26	150	MIDDLE ST	MIRS PROPERTIES LLC		\$10,100	\$9
029 A001P27	150	MIDDLE ST	HARDING WILLIAM TRUSTEE		\$10,100	\$9
029 A001P28	150	MIDDLE ST	SHIPYARD INC		\$10,100	\$9
029 A001P29	150	MIDDLE ST	SHIPYARD INC		\$10,100	\$9
029 A001P03	150	MIDDLE ST	LINDQUIST PETER R &	SARAH RUEF-LINDQUIST JTS	\$10,400	\$10
032 I038001	182	MIDDLE ST	MIDDLE STREET HOLDINGS LLC		\$53,700	\$49
029 A00104D	150	MIDDLE ST	GUTWIN JOHN D &	LENORA GUTWIN JTS	\$134,600	\$124
029 A00103H	150	MIDDLE ST	HENDERSON HAROLD L &	RACHEL C HENDERSON JTS	\$137,000	\$126
029 A00102J	150	MIDDLE ST	MILLS S PETER		\$137,100	\$126
029 A00103J	150	MIDDLE ST	WALTER MARIA L TRUSTEE		\$137,100	\$126
029 A00104J	150	MIDDLE ST	GREENZWEIG NEIL TRUSTEE		\$137,100	\$126
029 A00102G	150	MIDDLE ST	KIRK CHARLES M		\$143,300	\$132
029 A00103G	150	MIDDLE ST	M & B 101 INC		\$143,300	\$132
029 A00104G	150	MIDDLE ST	GIARRAPUTO CYNTHIA R &	JOHN P FARRELL JTS	\$143,300	\$132
029 A00102I	150	MIDDLE ST	MAVROUDIS DEBORAH A		\$149,600	\$138
029 A00103I	150	MIDDLE ST	HARDING WILLIAM TRUSTEE		\$149,600	\$138
029 A00104I	150	MIDDLE ST	KOSTA KATHERINE C		\$149,600	\$138
029 A00102B	150	MIDDLE ST	SAVATTERI SALVATORE JR &	MIRIAM SAVATTERI JTS	\$150,800	\$139
029 A00103B	150	MIDDLE ST	LINDQUIST PETER R &	SARAH RUEF-LINDQUIST JTS	\$150,800	\$139
029 A00104B	150	MIDDLE ST	TURNER SCOTT H &	KATHY V TURNER TRUSTEES	\$150,800	\$139
029 A00102D	150	MIDDLE ST	WILK BRIAN &	LINDA WILK JTS	\$153,400	\$141
029 A00103D	150	MIDDLE ST	THORNTON JAMES M		\$153,400	\$141
029 A00104H	150	MIDDLE ST	ASM PROPERTIES LLC		\$155,800	\$143
029 A00102F	150	MIDDLE ST	BOEPPLE ELIZABETH ANN		\$156,400	\$144
029 A00102C	150	MIDDLE ST	MEIL JOAN F &	HENRY MEIL JTS	\$158,900	\$146
029 A00103C	150	MIDDLE ST	BELL KEVIN P &	SUSAN F BELL JTS	\$158,900	\$146
029 A00104C	150	MIDDLE ST	CAMP PETER S		\$158,900	\$146
029 A00102A	150	MIDDLE ST	FRANK PATRICK J JR		\$159,600	\$147
029 A00102H	150	MIDDLE ST	JOHNS F ARTHUR T		\$159,600	\$147
029 A00102K	150	MIDDLE ST	MILLS S PETER		\$160,900	\$148
029 A00103K	150	MIDDLE ST	MACBRIDE JENNIFER L		\$160,900	\$148
029 A00104K	150	MIDDLE ST	ZANARDI MARIAGRAZIA		\$160,900	\$148
029 A00103F	150	MIDDLE ST	M & B 101 INC		\$166,800	\$153
029 A00104F	150	MIDDLE ST	GUILLAUME RAYMOND		\$166,800	\$153
029 A00102E	150	MIDDLE ST	ERNEST PAUL W &	CARMELIA G ERNEST JTS	\$167,400	\$154
029 A00103E	150	MIDDLE ST	ROBERTS MATTHEW		\$167,400	\$154
029 A00104E	150	MIDDLE ST	GIUSTRA BETSY M TRUSTEE		\$167,400	\$154
029 A00103A	150	MIDDLE ST	MOUMENE MISSOUM &	ELIZABETH MOUMENE JTS	\$178,400	\$164
029 A00104A	150	MIDDLE ST	BIXBY DOUGLAS B &	KATHLEEN F WHITE JTS	\$178,400	\$164
029 A0010BA	150	MIDDLE ST	242 NEWRY PARTNERS	LIMITED PARTNERSHIP	\$188,500	\$173
029 A0010BB	150	MIDDLE ST	242 NEWRY PARTNERS	LIMITED PARTNERSHIP	\$188,500	\$173
028 N010001	111	MIDDLE ST	VENTURE III HOLDINGS LLC		\$200,100	\$184
032 H016004	183	MIDDLE ST	SLEEPY HOLLOW DEVELOPMENT INC		\$258,360	\$238
029 A00101C	150	MIDDLE ST	IN FIRM GROUP THE		\$290,700	\$267
029 A00101D	150	MIDDLE ST	IN FIRM GROUP THE		\$290,700	\$267
032 H01604B	183	MIDDLE ST	ITM REALTY II LLC		\$291,340	\$268
029 A00101A	150	MIDDLE ST	RELM REALTY LLC		\$328,300	\$302
029 A00101B	150	MIDDLE ST	PEG REALTY LLC		\$329,700	\$303
029 A00105B	150	MIDDLE ST	DUNKERLY ALLAN S TRUSTEE		\$402,900	\$371
032 H016002	183	MIDDLE ST	Q STREET REAL ESTATE	HOLDINGS LLC	\$549,700	\$506
032 H016003	183	MIDDLE ST	MORRISWITZER-BUILDING	FOR HEALTH LLC	\$549,700	\$506
028 N009001	115	MIDDLE ST	BROTHERS THREE LLC		\$648,300	\$596
032 H016001	183	MIDDLE ST	Q STREET REAL ESTATE	FIRST HOLDINGS LLC	\$683,900	\$629

PARCEL ID	ST. NO.	STREET	OWNER	OWNER CONT.	TAXABLE VALUE	ASSESSMENT
029 A00105A	150	MIDDLE ST	MIRS PROPERTIES LLC		\$799,300	\$735
029 O002001	164	MIDDLE ST	NDA 164 MIDDLE STREET LLC		\$1,232,900	\$1,134
032 I001001	178	MIDDLE ST	MIDDLE STREET HOLDINGS LLC		\$1,963,200	\$1,806
028 L007001	131	MIDDLE ST	RACKLEFF BLOCK LLC		\$2,168,800	\$1,995
032 H022001	193	MIDDLE ST	SAVI REALTY LLC		\$2,294,300	\$2,111
028 M005001	121	MIDDLE ST	123 LLC		\$2,738,300	\$2,519
032 I021001	182	MIDDLE ST	MIDDLE STREET HOLDINGS LLC		\$3,508,600	\$3,228
029 E001001	130	MIDDLE ST	ELC LIMITED LIABILITY COMPANY		\$5,763,200	\$5,302
029 E026001	100	MIDDLE ST	ALBANY ROAD-PORTLAND LLC		\$16,469,500	\$15,152
029 E006001	100	MIDDLE ST	ALBANY ROAD-PORTLAND LLC		\$17,438,600	\$16,044
029 O004001	11	MILK ST	PORTLAND REGENCY INC		\$112,080	\$103
032 F009001	30	MILK ST	OCEAN BLOCK ASSOCIATES		\$1,313,700	\$1,209
029 B002001	4	MILK ST	4 MILK MHR LLC		\$1,502,300	\$1,382
029 A003001	5	MILK ST	MILK STREET ASSOCIATES LLC		\$2,561,900	\$2,357
029 R001001	20	MILK ST	PORTLAND REGENCY INC		\$7,901,900	\$7,270
027 F014001	0	MONUMENT SQ	TWO MONUMENT WAY ASSOCIATES		\$31,700	\$29
027 F002005	28	MONUMENT SQ	28 MSQ LLC		\$116,300	\$107
027 F004001	6	MONUMENT SQ	PARCHEGGIO LLC		\$187,000	\$172
027 F002003	28	MONUMENT SQ	28 MSQ LLC		\$232,300	\$214
027 F002004	28	MONUMENT SQ	28 MSQ LLC		\$246,300	\$227
027 F002002	28	MONUMENT SQ	STODDARD ROBERT B &	ELIZABETH W STODDARD JTS	\$547,800	\$504
027 F005001	18	MONUMENT SQ	18 MONUMENT SQUARE LLC		\$574,700	\$529
027 F006001	16	MONUMENT SQ	MCCURTAIN BRADLEY C		\$706,700	\$650
027 F002001	28	MONUMENT SQ	BUDDE SCOTT &	CHARLOTTE F COLE JTS	\$752,100	\$692
027 F003001	22	MONUMENT SQ	22 MONUMENT SQUARE LLC		\$1,679,700	\$1,545
027 F001001	50	MONUMENT SQ	50 MONUMENT LLC		\$3,166,400	\$2,913
032 K012001	1	MONUMENT SQ	FINARD MURRAY W TR		\$13,058,800	\$12,014
032 K001001	2	MONUMENT SQ	800 NORTHERN CORP		\$15,107,800	\$13,899
027 F011001	1	MONUMENT WAY	EAST END CORP		\$3,465,500	\$3,188
032 S003001	7	MOULTON ST	7-9 MOULTON LLC		\$283,300	\$261
032 S005001	5	MOULTON ST	MOULTON STREET REALTY LLC		\$1,924,200	\$1,770
032 T004001	4	MOULTON ST	ADRIENNE-JANE INCORPORATED		\$3,521,700	\$3,240
037 H025001	57	OAK ST	NEKOIE BAHMAN &	CATHERINE E JTS	\$77,300	\$71
037 H014005	51	OAK ST	MAINE COLLEGE OF ART		\$116,560	\$107
037 H014001	51	OAK ST	MAINE COLLEGE OF ART		\$155,430	\$143
037 H014003	51	OAK ST	MAINE COLLEGE OF ART		\$159,130	\$146
039 B011002	44	OAK ST	EVERYTHING LLC		\$191,100	\$176
039 B011003	44	OAK ST	44 OAK STREET LLC		\$195,500	\$180
037 B013001	95	OAK ST	NORTHERN NEW ENGLAND	TELEPHONE OPERATIONS LLC	\$209,880	\$193
037 C008001	81	OAK ST	HEGA REALTY LLC		\$338,940	\$312
037 A023001	84	OAK ST	NORTHEAST REALTY INC		\$341,500	\$314
039 B011001	44	OAK ST	EVERYTHING LLC		\$484,900	\$446
039 B011004	44	OAK ST	KEON MICHAEL P		\$702,900	\$647
037 A035001	72	OAK ST	AVESTA OAK STREET LP		\$2,196,400	\$2,021
028 L00503A	75	PEARL ST	WOODMAN BUILDING	ASSOCIATES LLC	\$352,000	\$324
028 L00504A	75	PEARL ST	WOODMAN BUILDING	ASSOCIATES LLC	\$352,000	\$324
028 L00502B	75	PEARL ST	WOODMAN BUILDING	ASSOCIATES LLC	\$449,000	\$413
028 L00503B	75	PEARL ST	WOODMAN BUILDING	ASSOCIATES LLC	\$461,900	\$425
028 L00502A	75	PEARL ST	WOODMAN BUILDING	ASSOCIATES LLC	\$571,300	\$526
028 L00504B	75	PEARL ST	WOODMAN BUILDING	ASSOCIATES LLC	\$571,300	\$526
028 L005001	75	PEARL ST	WBFM LLC		\$1,020,700	\$939
028 K002001	66	PEARL ST	LEADER PROPERTIES LLC		\$4,244,800	\$3,905
021 A001001	119	PEARL ST	PEARL CUMBERLAND LLC		\$4,265,900	\$3,925
029 E016001	31	PEARL ST	130 LIMITED LIABILITY COMPANY		\$4,790,700	\$4,407
029 E009001	25	PEARL ST	25 PEARL MHR LLC		\$14,588,600	\$13,422
038 X001001	9	PLEASANT ST	7-19 PLEASANT STREET LLC		\$11,760	\$11
040 B015001	10	PLEASANT ST	GIOBBI CARLO A JR &	STOJA PETROVIC	\$15,100	\$14
040 B017001	4	PLEASANT ST	GIOBBI ARCHIE S &	MATILDA M JTS	\$46,020	\$42
038 E021001	9	PLEASANT ST	7-19 PLEASANT STREET LLC		\$79,990	\$74
040 B013001	14	PLEASANT ST	GIOBBI CARLO A JR &	STOJA PETROVIC	\$274,700	\$253
038 E020001	7	PLEASANT ST	7-19 PLEASANT STREET LLC		\$392,200	\$361
038 E019001	1	PLEASANT ST	MH & RB LLC		\$696,700	\$641
038 E023001	15	PLEASANT ST	7-19 PLEASANT STREET LLC		\$811,000	\$746
038 B001007	1	PORTLAND SQ	PS ONE REALTY LLC		\$13,309,300	\$12,245
038 B001001	1	PORTLAND SQ	NORTH RIVER IV LLC		\$15,876,300	\$14,606
038 B002001	2	PORTLAND SQ	NORTH RIVER IV LLC		\$26,677,900	\$24,544
027 A014001	7	PREBLE ST	5 MONUMENT SQUARE LLC		\$57,050	\$52
037 F007001	24	PREBLE ST	24 PREBLE STREET PROPERTIES LLC		\$1,325,500	\$1,219
037 F023001	22	PREBLE ST	477-481 CONGRESS STREET	HOLDINGS LLC	\$2,153,900	\$1,982
037 F005001	28	PREBLE ST	EARL APARTMENTS LLC		\$2,442,400	\$2,247
037 C004001	0	SHEPLEY ST	OCEAN GATE LLC		\$204,630	\$188
037 C001001	0	SHEPLEY ST	OCEAN GATE LLC		\$322,700	\$297

PARCEL ID	ST. NO.	STREET	OWNER	OWNER CONT.	TAXABLE VALUE	ASSESSMENT
037 B015001	11	SHEPLEY ST	11 SHEPLEY STREET	ASSOCIATES LLC	\$1,669,800	\$1,536
029 0001037	99	SILVER ST	KINSMAN JESSICA A		\$91,100	\$84
029 0001047	99	SILVER ST	MANCHESTER CATHLEEN A &	KATIE J MANCHESTER JTS	\$91,900	\$85
029 0001212	99	SILVER ST	SILVER VICTORIA J		\$96,100	\$88
029 0001049	99	SILVER ST	DEVINE DEREK		\$97,500	\$90
029 0001036	99	SILVER ST	HAAG DARYA I		\$99,100	\$91
029 0001B01	99	SILVER ST	CHANDLER BENJAMIN P		\$100,000	\$92
029 0001B02	99	SILVER ST	JOHNSON BEN A		\$100,000	\$92
029 0001038	99	SILVER ST	ZURKAN WILLIAM K		\$100,300	\$92
029 0001211	99	SILVER ST	GINTER DAVID R		\$101,600	\$93
029 0001048	99	SILVER ST	PEEL BRUCE H		\$102,700	\$94
029 0001210	99	SILVER ST	LINCOLN STREET PROPERTIES LLC		\$105,500	\$97
029 0001213	99	SILVER ST	PROSSER JAMES G		\$105,600	\$97
029 0001025	99	SILVER ST	LINCOLN STREET PROPERTIES LLC		\$106,800	\$98
029 0001021	99	SILVER ST	THOMS DEBORAH L		\$109,300	\$101
029 0001026	99	SILVER ST	FISCHER CHRISTOPHER E		\$110,000	\$101
029 0001012	99	SILVER ST	TOZESKI DAVID P		\$111,800	\$103
029 0001039	99	SILVER ST	LEDUC SANDRA J & SOREL &	KENNETH J JTS	\$112,600	\$104
029 0001024	99	SILVER ST	ARNDT CHANNING P		\$114,700	\$106
029 0001310	99	SILVER ST	HEALY ROBERT E &	CATHERINE B HEALY JTS	\$115,100	\$106
029 0001011	99	SILVER ST	ARENSBERG LEE C TRUSTEE		\$120,400	\$111
029 0001013	99	SILVER ST	HOLSTEIN ERIC B &	CLAIRE S WASSERMAN JTS	\$121,100	\$111
029 0001031	99	SILVER ST	CAB HOLDINGS LLC		\$123,800	\$114
029 0001410	99	SILVER ST	SMITH GARY R		\$124,000	\$114
029 0001032	99	SILVER ST	BOROWSKI ROBERT B		\$125,500	\$115
029 0001033	99	SILVER ST	MURPHY KAREN &	JOHN MAKEY JTS	\$125,500	\$115
029 0001034	99	SILVER ST	BERG HENRY T TRUSTEE		\$125,500	\$115
029 0001035	99	SILVER ST	DODERER WILLIAM K		\$125,500	\$115
029 0001045	99	SILVER ST	DG CONDO 4 LLC		\$125,500	\$115
029 0001046	99	SILVER ST	VAN PEURSEM CORINNE M		\$125,500	\$115
029 0001044	99	SILVER ST	LITTLEJOHN CLIFTON T		\$126,900	\$117
029 0001029	99	SILVER ST	COUSINS DAVID A		\$127,900	\$118
029 0001041	99	SILVER ST	LINCOLN STREET PROPERTIES LLC		\$129,100	\$119
029 0001042	99	SILVER ST	KINGRA MICHAEL R &	KATHERINE D SZUM JTS	\$129,100	\$119
029 0001028	99	SILVER ST	GOODMAN ISAAC D &	VALERIE G DOYLE JTS	\$130,500	\$120
029 0001043	99	SILVER ST	BHANDARI AMEESH M &	PHYLIS BHANDARI JTS	\$138,400	\$127
029 0001023	99	SILVER ST	JENKINS COLBY LAWRENCE		\$140,200	\$129
029 0001501	99	SILVER ST	KATZ JAMES &	CHARLOTTE KASSAB JTS	\$389,600	\$358
029 0001502	99	SILVER ST	PEAK 5 EQUITIES LLC		\$406,200	\$374
029 B001001	37	SILVER ST	WITT-T LLC		\$520,400	\$479
029 B003001	25	SILVER ST	PORTLAND REGENCY INC		\$600,550	\$553
039 E010001	88	SPRING ST	LAFAYETTE PORTLAND LLC		\$17,438,200	\$16,043
055 E037001	190	STATE ST	HUCKSTER'S ROW PROPERTIES LLC		\$676,800	\$623
055 E039001	188	STATE ST	LONGFELLOW SQUARE	PARTNERS LLC	\$1,165,700	\$1,072
032 H005002	1	TEMPLE ST	11 TEMPLE MHR LLC		\$2,590,200	\$2,383
032 I039001	40	UNION ST	CENTRAL MAINE POWER CO		\$1,289,200	\$1,186
032 V012001	1	UNION ST	237 COMMERCIAL STREET LLC		\$1,717,000	\$1,580
031 L135001	1	UNION WHARF	PROPRIETORS OF UNION WHARF		\$1,351,100	\$1,243
032 V016001	34	WHARF ST	GVF PROPERTIES LLC		\$369,600	\$340
032 V015001	42	WHARF ST	DEERING AVE ASSOCIATES INC &	WHARF PROPERTY LLC	\$381,200	\$351
032 V014001	50	WHARF ST	DEERING AVE ASSOCIATES INC &	WHARF PROPERTY LLC	\$802,600	\$738
040 E001001	40	YORK ST	BROWN J B & SONS		\$667,900	\$614
040 F011001	14	YORK ST	BROWN J B & SONS		\$2,264,000	\$2,083
					\$340	\$0
TOTAL:					\$831,437,660	\$764,923

MASTER AGREEMENT
BETWEEN THE CITY OF
PORTLAND AND
DOWNTOWN IMPROVEMENT DISTRICT,
INC.
D/b/a PORTLAND DOWNTOWN

AGREEMENT made by and between the **CITY OF PORTLAND**,
a municipal corporation of the State of Maine,
hereinafter referred to as the "**CITY**" and **DOWNTOWN**
IMPROVEMENT DISTRICT, INC., d/b/a **PORTLAND DOWNTOWN**, a
Maine non-profit corporation, having its office and place
of business at Portland, Maine, hereinafter referred to
as the "**CORPORATION**".

WHEREAS, the **CITY** has established a Downtown Improvement
District; and

WHEREAS, the **CITY** desires to have certain services
performed by the **CORPORATION**, as described in this
Agreement, within the **CITY's** Downtown Improvement District
(hereinafter referred to as the "**District**"; and

WHEREAS, the **CITY** desires to contract with the
CORPORATION for the provision of certain services to be
provided in the District;

NOW, THEREFORE, in consideration of the covenants herein
contained, the parties hereto mutually agree as follows:

ARTICLE I. FINANCIAL CONSIDERATIONS

1. The **CITY** will levy development district assessments on property in the District, as authorized by the City Council and permitted by law. **CITY**-owned property, as well as property which is tax exempt under Maine law, shall not be assessed by the **CITY**.
2. For the period commencing July 1, 2017 and ending June 30, 2018 the City will pay the **CORPORATION** in monthly installments, to reflect the assessments collected by the City, less the **CITY**'s direct and indirect costs, such as, but not limited to, postage, publication, lien costs and costs of delinquent collection. Installment payments will be made on the 1st of each month beginning July 2017 through and including June 1, 2018.
3. The **CITY** may adjust such payments, after an advisory consultation with representatives of the **CORPORATION** either: (i) in order to equal the net assessments collected; or (ii) in the event of any challenge to the assessments which includes a request for a refund, to withhold such amounts as the Director of Finance may deem necessary to protect the City from any order or judgment requiring it to make a refund.

In addition to the foregoing, the **CITY** will pay in a lump sum, within thirty (30) days from the close of the fiscal year, any amount assessed in a prior year, but collected in a subsequent year. Said payment by **CITY** shall be in the amount of the net assessment collected as provided herein, less any amounts remaining to be reimbursed under a prior year Master Agreement or Supplemental Services Agreement with the **CITY**. **CITY** will provide the **CORPORATION** with written detail as to any deductions taken from payments under this paragraph.

4. Advancements made hereunder shall be reimbursed to the **CITY** from receipts from development district assessments, net of any of the costs referred to in Paragraph 2.
5. Notwithstanding the foregoing, **CORPORATION** agrees that it will neither encumber funds which it anticipates receiving from development district assessments nor incur

expenditures in anticipation of receipt of such funds except in accord with the line items in the budget attached hereto as Exhibit A, or any subsequent amendments thereto approved by the **CITY**.

6. The **CITY** and the **CORPORATION** have accepted the **CORPORATION's** budget in Exhibit A, covering the period beginning on July 1, 2017, and ending on June 30, 2018, with estimated District revenues from the assessments in the amount of \$764,922.
7. The parties agree that the acceptance of the budget by the **CITY** is for planning purposes only and does not obligate the **CITY** to pay the **CORPORATION** said amounts. **CORPORATION** specifically acknowledges the **CITY's** right to either terminate or reduce its payments as provided in Paragraph 2.
8. The **CORPORATION** will provide the Director of Finance with an annual certified financial statement in a form acceptable to him, including, but not limited to, a statement of its cash position. At a minimum, the statement shall list all income and expenses, and shall be provided to the Finance Director within six (6) months after the fiscal year ends.
9. The Director of Finance of the City of Portland will advise the **CORPORATION**, from month to month, of the amounts the **CITY** has collected from the assessments referred to herein, so that the **CORPORATION** can amend its budget to conform with the amount of money which may be available to it from the net proceeds of the development district assessments.
10. The **CITY** will maintain the level of "Basic Services" described in the memorandum which is attached hereto as Exhibit B.
11. The **CORPORATION** shall have reasonable access to the **CITY's** assessment collection records, and the **CITY** shall have reasonable access to the **CORPORATION's** books and records.

12. The Director of Finance shall determine the net amount collected by the City from development district assessments. In determining such amount, he shall deduct from the amounts so collected all costs (whether direct or indirect) incurred by the **CITY** both in establishing and also in administering the development district; all costs of assessments and collections; and, if the **CITY** should collect interest on delinquent assessments, such interest shall not be included in the "net amount collected".
13. The Director of Finance shall determine the "net amount collected from development district assessments" as well as the amount to be withheld by the **CITY** in the event of a challenge which includes a request for a refund. The **CORPORATION** may appeal his determination within fourteen (14) days to the **CITY** Manager whose decision will be final.

ARTICLE II. SERVICES

A. ORGANIZATION OF CORPORATION.

The **CORPORATION** will:

1. Provide staff and administrative services for supervision of the daily activities and public space management of the District.
2. Establish positions for administration and management of the program; recruit, hire, and pay and otherwise supervise the work force necessary to implement this charge.
3. Establish a corporate Board of Directors whose members fairly represent a cross section of taxpayers in the District.
4. Establish a mechanism for resolving any dispute to the kind and level of services which may arise between the **CORPORATION** and persons subject to development district assessments regarding the

kind and level of services provided by the **CORPORATION**.

5. Provide liaison between the **CITY**, the District, property owners, civic groups, interested persons, and other groups and individuals, as directed by the **CITY** Manager and necessary to insure the successful implementation of District services.

6. Maintain all minutes and records of proceedings as may be required.

B. SERVICES AUTHORIZED TO BE PROVIDED BY CORPORATION.

The **CORPORATION** is authorized to provide the following services to supplement the **CITY's** "Basic Services" as described in Exhibit B.

1. Decorate and beautify public places in the District.

2. Sponsor and promote public events to take place on or in public places in the District.

3. Advertise and promote non-profit, cultural, educational and commercial business activities in the District.

4. Maintain information and directional signing for the District in accordance with applicable City codes and ordinances.

5. Improve public relations, generating favorable publicity for, and enhancing economic growth in, the District.

6. Manage vending activities, kiosks and information booths.

7. Sweep and clean sidewalks in the District.

8. Clean and erase graffiti.

9. Maintain vegetation and greenery in the public areas.

10. Remove trash and litter.
11. Wash, maintain and relocate street furniture, trash cans, drinking fountains, street lanterns, telephones and undertake minor repairs to street furniture.
12. Remove snow.
13. Provide for security of public areas.
14. Carry out the downtown improvement program authorized and approved by the **CITY** Council as set forth in this Agreement.

C. AUTHORITY OF CORPORATION.

Nothing in this Agreement shall be construed to limit the **CORPORATION's** general powers, as set forth in the Maine Nonprofit Corporation Act, Title 13-B of the Maine Revised Statutes Annotated.

ARTICLE III. TERM OF AGREEMENT

This Agreement shall commence on July 1, 2017, and continue through, June 30, 2018.

ARTICLE IV. TERMINATION

This Agreement may be terminated by either party for good cause. Good cause shall be deemed to be found by the **CITY** at such time as the **CORPORATION's** performance under this Agreement has been determined in the exclusive judgment of the **CITY** Manager to be unsatisfactory which determination shall not be unreasonable.

If the **CORPORATION** should fail to perform any material covenant, obligation or agreement hereunder for a period of thirty (30) days after written notice from the **CITY** Manager specifying such failure, then, upon expiration of the thirty (30) day period, the **CITY** Manager may provide the **CORPORATION** with notice of his intention to terminate the Agreement as provided herein.

The **CORPORATION** shall have a ninety (90) day period, computed from the date of receipt of the notice of intent to terminate, within which to provide satisfactory service. In the event the **CITY** Manager should determine, at the expiration of the ninety (90) day period, that the **CORPORATION's** performance is still unsatisfactory and declare that the Agreement is terminated, the **CORPORATION** shall have the right to appeal his decision to the City Council.

The appeal to the **CITY** Council shall be filed with the **CITY** Manager within seven (7) business days from the date the **CORPORATION** receives the notice of termination.

The terms and conditions of this Agreement shall remain in full force and effect and binding on both parties until the **CITY** Council has acted on the appeal.

The **CORPORATION** shall be deemed to have good cause to terminate this Agreement if (i) the **CITY**, pursuant to the provisions of Article I, should reduce its anticipated payments by more than 20% of the amount it would otherwise have paid during the periods from July 1, 2017 to December 31, 2017, and January 1, 2018 to June 30, 2018; (ii) if the **CITY** should be more than 30 days in arrears in any payment due hereunder; or (iii) the **CITY** should fail to maintain "Basic Services", as that phrase is defined herein, in a material and substantial way.

In the event the **CORPORATION** should have "good cause" to terminate this Agreement, its relief shall be limited solely to termination of this Agreement, and it shall not be entitled to damages of any kind nor to equitable relief.

Nothing herein shall be construed as giving the **CORPORATION** the right to perform the work contemplated under this Agreement beyond the time when the **CORPORATION's** services become unsatisfactory as determined by the **CITY** Manager, following the ninety (90) day notice period, or, in the event of an appeal, beyond the time the **CITY** Council has affirmed the **CITY** Manager's decision. In case the **CORPORATION** should be discharged before all the services contemplated hereunder have been completed, or the services for any reason should be stopped, either because of the expiration of the term hereof or because of the inability of the **CORPORATION** to fulfill its obligations under this Agreement,

the **CORPORATION** shall be reimbursed for all services satisfactorily performed to the date of termination in accordance with Article II hereof. After notice of termination and completion of the appeal process, the **CORPORATION** shall:

- A. With respect to existing activities, take only such actions as the **CITY** Manager shall direct;
- B. Assign to the **CITY** in the manner, at the times and only to the extent the **CITY**, acting by and through its **CITY** Manager, may direct it to do so, all the rights, title and interest of the **CORPORATION** in and to all existing orders and agreements.
- C. To the extent rights, title and interests of the **CORPORATION** in and to existing orders and agreements may be assigned to the **CITY** and accepted by it; obligations incurred on or after such assignment will be assumed by the **CITY**. Otherwise, the **CORPORATION** shall settle all outstanding liabilities and all claims arising out of any terminated orders or agreements.
- D. Deliver to the **CITY**, in the manner, at the times and to the extent directed by the **CITY** Manager, all documents and data produced by the **CORPORATION** as part of or in connection with the work.

ARTICLE V. ASSIGNMENT

The **CORPORATION** covenants and agrees that it will neither assign nor transfer any rights hereunder, either in whole or in part, without first obtaining the prior written consent of the **CITY**.

ARTICLE VI. AREA COVERED

The services will be provided by the **CORPORATION** in the area designated by the **CITY** Council as the Downtown Improvement District of the **CITY** (hereinafter the "District"). A description and map thereof are attached as Exhibits C and D respectively and incorporated herein.

ARTICLE VII. STANDARD OF PERFORMANCE

All services performed under this Agreement either by or on behalf of the **CORPORATION** shall be performed in a good, workmanlike fashion to the reasonable satisfaction of the **CITY** Manager. All Basic Services performed by or on behalf of the City pursuant to Exhibit B shall be performed in a good, workmanlike fashion to the reasonable satisfaction of the Portland Downtown Board of Directors.

ARTICLE VIII. MANAGEMENT OF PERFORMANCE

The **CITY's** Director of Public Works and/or designee and the **CORPORATION'S** Executive Director and/or designee agree to meet and communicate on a monthly basis using a standard meeting agenda format to address regular topic reviews, including but not limited to quality control in service delivery, updated information on service activities, programs and projects. These services are detailed in this Agreement, its Exhibits, and also in the Supplemental Services Agreement executed contemporaneously with this Master Agreement - and its Exhibit(s).

ARTICLE IX. COMPLIANCE WITH LAW

The **CORPORATION** will comply with all applicable provisions of Federal, State, and local law, including, but not limited to, the Civil Rights Act of 1964, in its performance under this Agreement. The **CORPORATION** shall include a similar provision in each of its subcontracts.

ARTICLE X. INDEMNIFICATION

The **CORPORATION** shall, at its own cost and expense, defend, indemnify, and hold harmless the **CITY**, its officers, agents, and employees, from and against the following:

- (a) to the fullest extent permitted by law, the **CORPORATION** shall indemnify and hold harmless the **CITY**, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including but not limited to costs of defense, including attorney's fees, arising out of or resulting from the performance of this Agreement,

provided that any such claims, damage, loss or expense is: (1) attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss or use thereof; and (2) is caused in whole or in part by any negligent act or omission of the **CORPORATION**, anyone directly or indirectly employed by it, or anyone for whose act it may be liable;

(b) all claims and liens of the **CORPORATION's** consultants, subcontractors, and their laborers, mechanics, materialmen, and/or suppliers. Such obligation shall not be construed either to negate or abridge any other obligation of indemnification, and shall not be limited by any provision for insurance contained in this Agreement.

ARTICLE XI. INSURANCE

Neither the **CORPORATION** nor any of its subcontractors shall commence work under this Agreement until they have provided the insurance coverage required by this Agreement and such coverage has been approved by the **CITY**.

Prior to the execution of this Agreement, the **CORPORATION** will procure and maintain occurrence-based Automobile Liability Insurance and Commercial General Liability Insurance coverage in amounts of not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage, naming the **CITY** as an additional insured thereon, and also Workers' Compensation Insurance coverage to the extent required by law. With respect to the Automobile and Commercial General Liability Insurance, the **CONTRACTOR** shall name the **CITY** as an additional insured for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the **CITY** under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the **CITY**. Prior to execution of this Agreement, the **CORPORATION** shall furnish the **CITY** and thereafter maintain certificates evidencing all such coverages, which certificates shall guarantee thirty (30) days' notice to the **CITY** of termination

of insurance from the insurance provider or agent. CORPORATION shall also provide a copy of any endorsement naming the CITY as additional insured. A certificate that merely has a box checked under "Addl Insr," or the like, or that merely states the City of Portland is named as an Additional Insured, will not be acceptable. The Workers' Compensation insurance shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. Upon CITY'S request, CONTRACTOR shall provide CITY with a complete copy of any of the above-referenced policies. CONTRACTOR shall be responsible for any and all deductibles and/or self-insured retentions.

ARTICLE XII. INDEPENDENT CONTRACTOR

The CORPORATION either has or will secure, at its own expense, all personnel, materials, and equipment required to perform its obligation under this Agreement. Its personnel shall neither include any employee of the CITY nor shall such personnel be deemed to have any contractual relationship with the CITY by virtue of this Agreement. This Agreement does not prohibit either the CORPORATION or the CITY from entering into any contractual relationship. The CORPORATION, agreeing expressly that its status is that of an independent contractor, further, agrees that no such personnel shall represent or hold himself or herself out to be an officer or employee of the CITY either by reason of this Agreement or by reason of his/her employment by the CORPORATION or its subcontractors.

ARTICLE XIII. SUBCONTRACTS

The CORPORATION may, after thirty (30) days' notice in advance to the CITY Manager of its intention to do so, and with his approval, which shall not be unreasonably withheld, subcontract with third parties for the provision of part or all of the public services, including, but not limited to, security services, trash and litter removal, and snow removal, under this Agreement. The CORPORATION shall provide the CITY with copies of any third party contracts and with any insurance certificates required under this Agreement.

(Signature page follows.)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of this _____ day of June, 2017.

WITNESS

CITY OF PORTLAND

_____ By: _____
Jon P. Jennings
Its City Manager

WITNESS

DOWNTOWN IMPROVEMENT DISTRICT, INC.
d/b/a PORTLAND DOWNTOWN

_____ By: _____
Kim Volk
Its Board Chairman

Approved as to Form: _____ (Corporation Counsel)

Approved as to Funds: _____ (Finance Department)

PORTLAND DOWNTOWN DRAFT BUDGET FY17-18

Income

ASSESSMENT INCOME	\$	764,922
EVENT INCOME		
LIGHT UP YOUR HOLIDAYS		
TREE LIGHTING SPONSORSHIPS	\$	10,000
WINDOW DISPLAY CONTEST	\$	1,000
HORSE + WAGON RIDE SPONSORSHIPS	\$	8,000
MERRY MADNESS TICKET SALES	\$	15,000
MERRY MADNESS SPONSORSHIP	\$	7,500
Total LIGHT UP YOUR HOLIDAYS	\$	41,500
POLICE AWARDS BANQUET	\$	5,000
DOWNTOWN WORKER APPRECIATION DAY	\$	2,000
SUMMER KICK OFF WEEKEND		
SQUARE HOP SPONSORSHIP	\$	2,000
OPF SPONSORSHIPS	\$	5,000
OPF INCOME	\$	60,000
Total SUMMER KICK OFF WEEKEND	\$	65,000
Total EVENT INCOME	\$	113,500
MARKETING/ADVERTISING INCOME (PPH Contract)	\$	5,000
GRANT INCOME	\$	5,000
CONTRIBUTIONS INCOME	\$	1,000
P&W INCOME	\$	1,000
Total Income	\$	889,422

Expense

SUPPLEMENTAL SERVICES CONTRACT	\$	358,760
EMPLOYEE COSTS		
SALARIES AND WAGES	\$	202,660
BONUS & INCENTIVES	\$	8,000
HEALTH & DENTAL	\$	25,000
LIFE & DISABILITY INSURANCE	\$	3,300
PAYROLL PROCESSING FEE	\$	1,000
PAYROLL TAX EXPENSE	\$	16,000
EMPLOYEE PARKING & BUS	\$	4,800
SIMPLE PLAN	\$	3,500
Total EMPLOYEE COSTS	\$	264,260
PROGRAMS & PARTNERSHIPS		
WINTER LIGHTS/PANDORA LACASSE	\$	41,500
TOURISM INFORMATION/VIB	\$	10,000
POLICE CADET PROGRAM EXPENSE	\$	20,000
LEARNING WORKS	\$	12,000
HOMETEAM	\$	5,000
Total PROGRAMS & PARTNERSHIPS	\$	88,500
RENT & UTILITIES		
RENT	\$	19,500
CAM CHARGES	\$	9,900
TAXES- PERSONAL PROPERTY	\$	900
ELECTRIC	\$	1,600
GAS	\$	1,500
TELEPHONE & INTERNET	\$	3,500
Total RENT & UTILITIES	\$	36,900

OPERATIONS

BANK SERVICE CHARGES	\$	100
CLEANING	\$	3,500
COPIER	\$	2,500
IT SUPPORT	\$	800
DUES AND SUBS	\$	3,500
EQUIPMENT EXPENSE	\$	500
POSTAGE	\$	4,000
SUPPLIES	\$	3,500
WEBSITE HOSTING + DEVELOPMENT	\$	1,600

Total OPERATIONS	\$	20,000
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MARKETING

GENERAL MARKETING	\$	15,000
SPONSORSHIPS/PARTNERSHIPS	\$	4,000

Total MARKETING	\$	19,000
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INSURANCE

DIRECTORS & OFFICERS	\$	600
GENERAL/EVENTS/LIQUOR	\$	7,900
WORKERS COMPENSATION	\$	1,100

Total INSURANCE	\$	9,600
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PROFESSIONAL FEES

ACCOUNTING	\$	5,000
COMPUTERS	-	
LEGAL	\$	1,000

Total PROFESSIONAL FEES	\$	6,000
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ORGANIZATIONAL ACTIVITIES

ANNUAL STAKEHOLDER + VOLUNTEER APPRECIATION	\$	1,750
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BOARD/COMMITTEE MEETINGS	\$	1,500
CONFERENCES/PROF DEV	\$	6,000
Total ORGANIZATIONAL ACTIVITIES	\$	<u>9,250</u>
EVENTS		
LIGHT UP YOUR HOLIDAYS		
LUYH GENERAL MARKETING	\$	1,200
TREE LIGHTING: MARKETING	\$	5,000
TREE LIGHTING: PERFORMERS	\$	4,000
TREE LIGHTING: SECURITY	\$	1,200
TREE LIGHTING: STAGE	\$	2,000
TREE LIGHTING EVENT MANAGEMENT	\$	1,000
RETAIL EVENTS	\$	1,000
WAGON RIDES	\$	7,200
MERRY MADNESS		
MARKETING	\$	2,500
EVENT	\$	13,000
EVENT MANAGEMENT	\$	750
TOY FUND DONATION	\$	1,250
Total LIGHT UP YOUR HOLIDAYS	\$	<u>36,900</u>
POLICE AWARDS BREAKFAST	\$	4,500
DOWNTOWN WORKER APPRECIATION DAY	\$	1,800
SUMMER KICK OFF WEEKEND		
SQUARE HOP ENTERTAINMENT	\$	2,000
SQUARE HOP MARKETING	\$	1,000
OPF MARKETING	\$	5,000
OPF PERMITS	\$	10,000
OPF SECURITY	\$	3,000

OPF ELECTRICIAN	\$	7,000
OPF EVENTS MANAGER	\$	5,000
OPF MISC (golf carts, etc)	\$	2,000
Total SUMMER KICK OFF WEEKEND	\$	32,000
TOTAL EVENTS	\$	75,200
PARK AND WORK	\$	1,000
TOTAL EXPENSE	\$	888,470
NET INCOME (LOSS)	\$	952

EXHIBIT B TO MASTER AGREEMENT
(BASELINE SERVICES)

**MEMORANDUM RELATED TO THE
PROVISION OF CERTAIN SERVICES
BY THE CITY OF PORTLAND**

(July 1, 2017 - June 30, 2018)

This Memorandum relating to the provision of certain services attempts to define the baseline of City services agreed to be provided by the City to the area defined and designated as the Downtown Improvement District as passed by the City Council on March 16, 1992 (Council Order #306, as amended on February 22, 1995, by Council Order #185). This Memorandum is not binding upon the current City Council or any future City Council, but rather is a definition of the City's intent and good faith to provide services to the Downtown Improvement District zone.

It is generally understood that the City shall not reduce any of these usual and normal baseline services, thus requiring the same services to be provided by the Downtown Improvement District, Inc. (d/b/a Portland Downtown (PD) or its successors, unless these reductions are part of an overall reduction of City services provided by various departments to the City as a whole.

MAINTENANCE SERVICES.

Whereas it is the intention of any downtown improvement district maintenance program to complement existing City services currently provided with a supplementary program of cleaning and/or maintenance, the following information shall comprise the baseline of City services to be provided at City expense. Unless otherwise noted, services to be provided by the City shall apply only to the area(s) considered part of the public way.

1) **Horticultural Program.**

In all public areas within the downtown improvement district zone, the City's Parks and Recreation Department will maintain and improve the condition of all flower urns and other flowerbeds, trees, tree wells, bushes, plantings and other like horticultural amenities. Such activity shall include the initial planting, timely and appropriate maintenance,

preventative and otherwise, and expeditious replacement of any damaged, destroyed or diseased horticultural products, including grass, flowers, and trees. Specific areas of attention will include Longfellow Square, Congress Square, Monument Square, Tommy's Park, Post Office Park, Boothby Square, and any other public park, square or space which may be developed in the future.

2) Green Space Maintenance.

The City shall execute a green space maintenance program including mowing of all public grassed areas within the District.

3) Downtown Blitz.

Each year the City shall undertake a dedicated effort to repair, repaint, replace and correct any defects, deficiencies or problems in the district. Items of focus shall include light and utility poles, sidewalks, curbstones, trashcans, benches, signs, crosswalk markings, traffic signals, tree wells, planters, benches, trees, kiosks, shelters, bollards, and any other amenity that is now or at some point in the future may be installed. This program will be undertaken as early as possible each spring and conclude as rapidly as possible. Performance of some activities, i.e. painting, will take place annually as conditions permit. Major capital activity or the reconstruction and/or repair of significant infrastructure (street paving, sewer work, etc.) would not be considered part of this blitz program.

4) Sidewalk Repair.

To the extent it is funded, the City will undertake an on-going sidewalk repair program to re-grout existing sidewalks and replace bituminous sidewalk repairs with permanent repairs.

5) Street Sweeping.

All streets or parts thereof included in the downtown improvement district zone will be swept from curb line to curb line once per week.

6) Trash Removal.

Daily and when necessary emptying of all public trash receptacles in the downtown improvement district zone and disposal of resulting waste.

7) Holiday Decorations.

Installation and removal of downtown Holiday decorations throughout the District to include Christmas trees at Monument Square and City Hall Plaza, string lights on light poles and common area trees such as Tommy's Park, and banners as agreed by the City and PDD, and provide for electrical energy related costs.

8) Snow Plowing.

The City will plow and remove snow as necessary from all streets and parts thereof in the downtown improvement district zone.

9) Streetscape Amenity Maintenance.

The City will repair and correct any defects, deficiencies or problems in the district as necessary. Items of focus include light and utility poles, sidewalks, curbstones, trashcans, signs, crosswalk markings, traffic signals, tree wells, planters, benches, trees, kiosks, shelters, bollards, and any other amenity that are now or at some point in the future may be installed. All repairs, etc. will take place within a reasonable time after notice of need.

10) Lighting.

Maintenance and replacement of all street lights and traffic signals and payment for necessary electrical energy.

11) Graffiti removal on public property.

12) Prioritization

PD shall have the opportunity to participate with City staff from the Department of Public Works in the prioritization of all proposed capital improvement projects within the District including, but not limited to, tree well reconstruction and sidewalk repairs. PD officials recognize that City staff also work closely with the City Manager's office and the City Council for project priorities.

POLICE SERVICES.

- 1) A minimum of four uniformed patrol officers will intersect all or part of the downtown improvement district area. The actual number of officers will vary depending upon time of day and day of week. During periods when calls for service are typically at their peak, the number of officers assigned will increase significantly, for example during weekend evenings and the summer months. This increase will include foot and bicycle patrols. Officers will be supported with additional personnel (supervisors, detectives, evidence technicians) as necessary.
- 2) As long as the Senior Lead Officer Program is in effect, at least one Senior Lead Officer will be assigned to the Downtown Improvement District area.
- 3) From the Friday following Thanksgiving to New Year's Day, patrol efforts will be supplemented by use of a foot patrol. The number of officers and hours of the assignment is dependent upon staffing levels. Every effort will be made to assign two officers during those hours that retail shops are open.

OTHER MUNICIPAL SERVICES.

Whereas it is the intention of any downtown improvement district program to complement existing City services currently provided by departments or divisions, other than those described above, with supplemental services, the following information shall comprise the baseline of other City services to be provided at City expense.

- 1) Coordination of the use of downtown's public spaces within the District.
- 2) Coordination and staffing City services required for events occurring in downtown Portland.
- 3) As previously existing events, the City will provide necessary services to support the annual Tree Lighting Ceremony and the annual one-day Old Port Festival within the boundaries established by City Council order #168-21/13; to wit: the area bordered by Congress, Pearl, Commercial, Center, Union and Temple Streets and including both sidewalks of Commercial Street with no costs charged to the PDD for these events.

Description of Portland's Downtown District

Beginning at Longfellow Square, at the southwesterly corner of Congress Street and State Street, easterly along Congress Street to High Street;

Thence northwesterly along High Street to Deering Street;

Thence along the easterly side of High Street to Cumberland Avenue;

Thence along the southerly side of Cumberland Avenue, beginning at High Street, to the Franklin Street Arterial;

Thence along the westerly side of the Franklin Street Arterial to Congress Street; and

Thence along the westerly side of Congress Street to Myrtle Street;

Thence along the westerly side of Market Street to the southerly side of Newbury Street;

Thence easterly along Newbury Street to the westerly side of the Franklin Street Arterial;

Thence along the westerly side of the Franklin Street Arterial to the southerly side of Commercial Street; thence along Commercial Street to the easterly side of Cross Street;

Thence along the northerly side of Commercial Street to Maple Street;

Thence along the easterly side of Maple Street from Commercial Street to the southerly side of Danforth Street;

Thence along the southerly side of Danforth Street in an easterly direction to York Street;

Thence northeasterly to the intersection of Center Street, York Street, and Pleasant Street;

Thence westerly along Pleasant Street from its intersection with Center Street to a passage way, situated at number 15 Pleasant Street according to the street numbering plan as shown on Chart 38, Block E, Lot 23 of the Assessor's Maps on file at Portland City Hall; and

Thence along the easterly side of South Street from number 13 South Street according to the street numbering plan as shown on Chart 38, Block E, Lot 10 of the Assessor's Maps on file at Portland City Hall, to the northerly side of Spring Street;

Thence along the northerly side of Spring Street in a westerly direction to Oak Street;

Thence along the westerly side of Oak Street to its intersection with Pleasant Street;

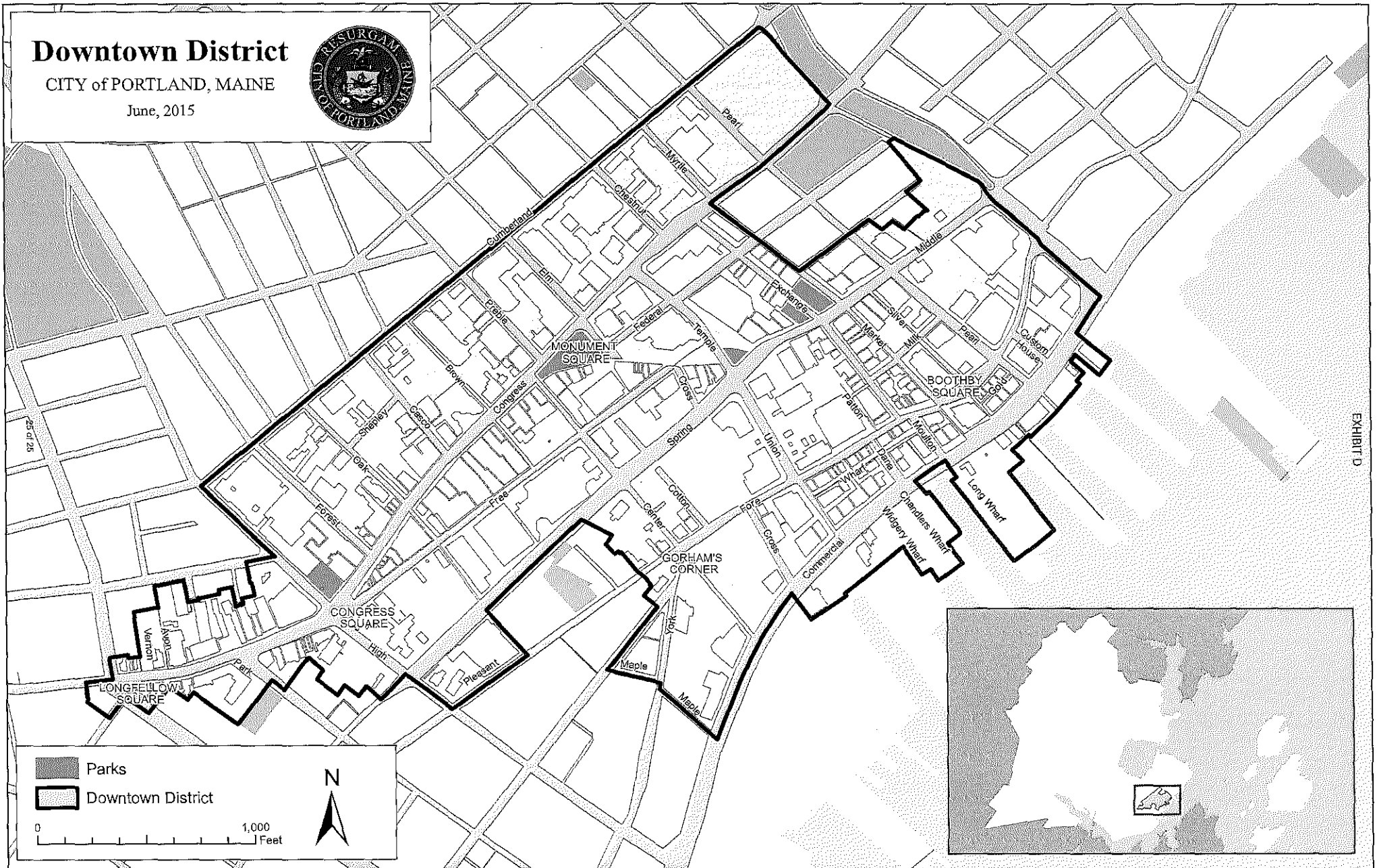
Thence along Pleasant Street in a westerly direction to the easterly side of High Street; and

Thence along the northerly side of High Street to its intersection with Congress Street.

Downtown District

CITY of PORTLAND, MAINE

June, 2015



SUPPLEMENTAL SERVICES AGREEMENT BETWEEN
DOWNTOWN IMPROVEMENT DISTRICT, INC. d/b/a
PORTLAND DOWNTOWN

AND

CITY OF PORTLAND

AGREEMENT made this ____ day of June, 2017, by and between the City of Portland, a municipal corporation duly organized under the laws of the State of Maine, with an address of 389 Congress Street, Portland, Maine 04101 (hereinafter the "**City**") and Downtown Improvement District, Inc., d/b/a Portland Downtown, a Maine non-profit corporation, having its office and place of business at 549 Congress Street, Portland, Maine 04101 (hereinafter the "**PD**").

W.I.T.N.E.S.S.E.T.H.

WHEREAS, the **City** and **PD** entered into a Master Agreement of even date establishing mutual rights and responsibilities for the provision of services in the Downtown Improvement District (hereinafter the "**District**"); and

WHEREAS, said Master Agreement established the Baseline Services to be provided by **City** in the District; and

WHEREAS, **PD** wishes to contract with the **City** to have the **City** provide, on a flexible basis depending upon funds available, Supplemental Maintenance Services in addition to those in the Master Agreement;

NOW THEREFORE, the parties do hereby agree as follows:

1. Supplemental Services: The **City** shall provide the following Personnel and Services (hereinafter the "Supplemental Services") in the District in addition to the Baseline Services provided in the Master Agreement:

1.1. Personnel:

One PD Steward		
One Public Services Supervisor	Days	52 Weeks
Three Maintenance Worker	Days	52 Weeks
Two Laborers	Days	Seasonal

- 1.2. Persons providing Supplemental Services hereunder shall be assigned by the **City** after providing reasonable opportunity to **PD** for requests for service. Such persons are not required to be employees of the **City**. Such persons shall not, however, be considered to be employees of **PD** and **PD** is not intended, nor shall it be deemed to be, a joint employer with **City**. As between the **City** and **PD**, **City** shall be responsible for all aspects of employment for all persons supplied by **City** pursuant to this Agreement, including compensation, liability and workers compensation coverage, employment taxes and any applicable fees.

1.3 Services to be provided are:

- *Transportation and set-up of materials and equipment for planned special events activities of **PD** (with proper notification to coordinator) for a minimum of five events per fiscal year.
- *Litter patrol, collection and disposal on streets, sidewalks, tree wells and public areas within the District.
- *Graffiti removal from City property within 5 days of notification.
- *Removal of posters (at a minimum of monthly).

- *Check Condition, catalogue, and if necessary, paint or clean all public furniture and fixtures twice a year, at minimum. Furniture and fixtures shall include (but not be limited to) the following items: benches, trash/recycling receptacles, light pole bases, planters.
- *Sidewalks will be swept on a daily basis, weather and season permitting.
- *Cleaning, weeding, and maintenance of tree wells at a minimum of once per month.
- *Weed control in support of other city departments performing 'basic services'
- *Snow clearance at crosswalks and from sidewalks during curb to curb snow removal
- *Installation of Holiday decoration in the District as agreed with PD, in addition to those described in the Baseline Services provided in the Master Agreement, including electrical energy costs
- *Maintenance and cleaning of Visitor's Booth and (In) Tommy's Park at least once per month during season (May-October)
- *Clean and maintain the bathrooms, located in the Fore Street Garage and Spring Street Garage buildings, when the bathrooms are open to the public, cleaning to occur no later than 10am on days the bathrooms are open to the public.

1.3.1. PD Sidewalk Snow Plowing Program. All property owners in the District assessment area are responsible for maintaining their sidewalks in the winter pursuant to Portland City Code §§25-173(C) and 25-174(C), including snow removal from their property line to the street gutter and ice control.

1.3.2. Following a snow storm, the **City** will provide a clear walkway no less than the width of a Holder's capability. To the extent reasonable, the **City** will clear the sidewalk area but it is not the intent of the parties that the **City** will clear the snow from the full width of the sidewalk area. The City will provide ice control to the extent possible. If weather conditions

are so severe that the area cannot be plowed due to equipment capability, the **City**, in its discretion, may choose to delay, clearing of the sidewalks, but must complete the work within 24 hours of the storm being complete.

1.3.3. Management of Supplemental Services. The City's Public Works Director and/or Designee and PD's Executive Director and/or Designee (Downtown Experience Liaison) agree to meet and communicate on a monthly basis with meeting agendas to ensure quality control in service delivery is meeting expectations; providing updated information on service activities, programs and projects. The Public Works Department will provide a staff contact to PD for direct communications, which is identified as the Districting Supervisor and PD Supervisor. A point of contact for PD officials is the PD Supervisor and District Coordinator. Conversely, Department of Public Works looks to the PD Executive Director or designee as the City's point of contact on all issues involving PD matters. A complete work plan and list of Services provided under this FY2018 agreement is provided in Exhibit A hereto.

2. Term: The term of this Agreement is from July 1, 2017 through June 30, 2018.

3. Budget and Payment: In consideration for these Supplemental Services, **PD** agrees to pay the **City**, in equal monthly installments, for all Supplemental Services provided hereunder the total sum of \$3358,761 for FY2018. The **City** shall bill and **PD** shall pay the **City** beginning July 1, 2017, a monthly payment of \$29,897.

3.1. In the event **PD** requests services from **City** in addition to those included herein, **City** shall have the option, in its sole discretion to provide such services, with payment to be made by **PD** for any such services on a Time and Materials basis, or such other basis as the parties may

agree in writing. "Time" as used herein shall mean all of the **City's** employee costs, i.e. hourly wages or salary. "Materials" as used herein shall mean the actual cost to the **City** of equipment, materials and/or supplies provided or used, with no additional markup.

4. Modifications: It is understood and agreed by the parties that **City** has adopted an expenditure budget which includes the cost of these Supplemental Services and has adopted a revenue budget which provides for the reimbursement of such costs by **PD** as provided hereunder. In the event that either **PD** or the **City** anticipates that there will be insufficient revenues to pay for such Supplemental Services, said party will notify the other party of the anticipated shortfall, and the parties agree to meet promptly and confer to modify the level of Supplemental Services which the **City** is able to provide. It shall be the responsibility of **PD** to notify **City** as soon as reasonably possible if such Supplemental Services need to be modified or adjusted for anticipated revenue shortfalls or modifications. In the event of a revenue shortfall, the **City** will have no obligation to provide Services in excess of **PD** funds available to reimburse **City**; however, **City** will have the right, but not the obligation, to continue to provide Supplemental Services to the extent provided in the **City** budget even in the event of a revenue shortfall. The parties agree to memorialize in writing any changes in the monthly payments due under Section 3 above.

- 4.1. Either party may terminate or modify this Agreement in the event of a budget shortfall upon no less than Sixty (60) days prior written notice to the other party.
- 4.2. In the event Supplemental Services are terminated for any reason by either party, it shall be in **City's** discretion as to whether it will continue or resume providing such Supplemental Services.
- 4.3. **PD** agrees to give the City Manager or the Manager's designee advance written notice of any formal meeting of its Directors or Officers at which modification of the current year

Supplemental Services budget is to be discussed or considered, and to permit the attendance of **City** representative at such meeting. **City** and **PD** agree to provide copies of draft budgets for the upcoming fiscal year reasonably in advance of any final decision by **PD** or the **City** as to said budget, and the parties agree to meet and confer in regard to such budgets.

5. **City's** representative in regard to provision of Supplemental Services hereunder is the City Manager or the Manager's designee.

IN WITNESS WHEREOF, the **City** and **PD** have signed this Agreement through their authorized representatives as of the day and date above written.

Witness:

City of Portland

By: _____
Jon P. Jennings
Its City Manager

Witness:

**Downtown Improvement District
d/b/a Portland Downtown**

By: _____
Kim Volk
Its Board Chair

Approved as to Form: _____
(Corporation Counsel)

Approved as to Funds: _____
(Finance Department)

EXHIBIT A
to Supplemental Services Agreement
(Supplemental Services Work Plan and Event
Support for FY2018)

MEMORANDUM RELATED TO THE
SUPPLEMENTAL SERVICES AGREEMENT (SSA) BETWEEN
THE DOWNTOWN IMPROVEMENT DISTRICT dba
PORTLAND'S DOWNTOWN DISTRICT (PD)
AND
THE CITY OF PORTLAND (City)

(July 1, 2017 - June 30, 2018)

This memorandum is a good faith attempt to define certain services, programs and events, and to achieve an improved level of satisfaction for both the **City** and **PD**. It is generally understood that the City's Baseline Services, as articulated in Exhibit B of the Master Agreement, do not overlap or replace the services and programs incorporated in the SSA.

Also, listed are the specific special events produced by **PD** for the benefit of the **City** and its property owners, residents, businesses and visitors, during the contract period.

The ongoing relationship between **PD** and the **City** has evolved, along with the needs and expectations of both parties. The goal of this document is to improve coordination, establish priorities, clarify services and responsibilities, and list events covered under the terms and conditions of the SSA. The result will be to produce a more proactive, performance-based approach to the maintenance, cleanliness and overall attractiveness of downtown Portland.

1. FY 2018 City Personnel Work Plan

The City personnel assigned to perform services under the Supplemental Services Agreement are expressed in the FY2018 Portland Public Works Budget detail. For the current period of July 1, 2017 through June 30, 2018 these personnel are:

1. (1) Public Works Supervisor
2. (1) PD Steward
3. (3) Three Maintenance Workers
4. (2) Seasonal Laborers

Staffing levels may change on an occasion to account for employee leave coverage, emergencies or other unforeseen circumstances. However the City of Portland, Department of Public Works commits to continue to provide the general list of services provided by these personnel under the SSA.

- 1.1 The general list of services provided by these personnel is identified within the SSA under item 1.3. These shall not overlap services provided within Baseline Services (Exhibit B to Master Agreement).
- 1.2 The Public Works Supervisor shall inspect the entirety of **PD at least once** every two weeks. During this inspection particular attention shall be focused on, but not limited to, the overall cleanliness and maintenance of the sidewalks, streets, trash containers, graffiti removal, open spaces, furniture and fixtures, lights, signage, the visitor kiosk and public restrooms. The status of projects or work orders in process should be continually updated. The results of each inspection shall be logged and documented; a monthly report will be presented every month.

- 1.3 The Public Works Supervisor shall direct the maintenance personnel on their daily responsibilities by producing a weekly schedule highlighting project activities and goals. The Supervisor will participate and assist the team in achieving project activities, as needed.
- 1.4 Horticultural and landscaping duties shall be in support of city personnel and departments assigned to these tasks. PD dedicated personnel should assist (for instance with weed control and seeding) on an as needed basis, as time and normally assigned duties allow.
- 1.5 Sidewalk plowing and snow removal at intersections should be accomplished as soon as is reasonably possible during and following a snow event. If a yellow ban is called, sidewalk snow removal, as indicated in sections 1.3.1 and 1.3.2 of the SSA, should be completed within the same timeframe as city personnel and contracted partners remove snow from the District's streets and parking areas. The Department of Public Works will organize an annual winter briefing with downtown contract partners that remove snow on sidewalks and plazas to review best practices regarding coordinating work activity. This meeting will typically occur in late fall/early winter.
- 1.6 "Quick response" repairs, such as missing bricks, landscaping damage or graffiti removal shall be performed by **PD** personnel, as soon as possible. **PD** and **City** will jointly approve each quick response, as needed.
- 1.7 **PD** and **City** will prioritize larger projects within the District generally

included in baseline services or CIP, and managed by other **City** teams or departments. These include, but are not limited to, major sidewalk repairs, tree well rehabilitation, landscape installations and other reconstruction projects. These District projects will be prioritized with input from **PD**, and may include **PD** personnel in their execution. Progress and status shall be monitored by the **PD** supervisor, and updated as part of the monthly reporting.

- 1.8 **PD** will monitor performance of City teams through specific **PD** access to "See, Click and Fix" software.
- 1.9 **PD** dedicated personnel will wear approved uniforms and work clothes at all times when on duty. **City** and **PD** agree to work jointly on uniform decisions, including recommendations on an alternative uniform for **PD** personnel.

2. FY2018 PD Event Support Plan

PD and the **City** recognize the value that well executed events bring to the vitality and economic development of the downtown. To that end, **PD** agrees to follow the **City's** established permitting process and with the exception of the events as outlined in Exhibit B, Baseline Services, agrees to reimburse the City for actual expenses, as agreed to by both parties, required to support these events.

In FY2018, **PD** is planning major events that require a level of support by **City** personnel.

PD plans to incorporate recycling at all produced events, with support of the **City** staff, volunteers and supplied receptacles.

- 2.1 The Old Port Festival (OPF) - The OPF will operate June 10, 2018.

Events will require closure of streets generally in the Old Port area.

- 2.2 Light Up Your Holiday Celebration (LUYH) - This annual roster of events around the Christmas holidays include a LUYH, the Christmas tree lighting ceremony on the Friday after Thanksgiving, which requires set up and some street closures, along with minor transit re-routing around Monument Square. Horse-drawn carriage rides in the downtown and the merchant event called Merry Madness generally requires no specific city personnel support.
- 2.3 Downtown Workers Appreciation Day - Generally held in early May to recognize the employees of businesses and government offices located within the downtown. **City** and **PD** provide set up and management of 3 stations located at the Portland Museum of Art, Monument Square and Tommy's Park.
- 2.5 Seasonal lights by Pandora - Lights are installed around the time that Day Light Savings Time ends in the late fall, and de-installed around the time that Day Light Savings Time begins again in the early spring. **PD** personnel provide some installation support.

Order 269 16/11/17
Tab 24 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER ASSESSING MAINTENANCE AND IMPLEMENTATION
ASSESSMENTS FOR PORTLAND DOWNTOWN
FOR FISCAL YEAR 2017-2018**

ORDERED, pursuant to 30-A M.R.S. § 5228, after public hearing thereon, that the sum of \$764,922 be raised and appropriated from the special assessments on all real estate situated within the boundaries of the Downtown Improvement District, Inc. doing business as Portland Downtown to fund maintenance and implementation costs for such district for the period beginning July 1, 2017 and ending on June 30, 2018; and

BE IT FURTHER ORDERED, that the said sum be assessed on all real estate within the Downtown Improvement District in the amounts set forth on the "List of Maintenance and Implementation assessments" which is attached hereto; and

BE IT FURTHER ORDERED, that the said assessments shall be due July 1, 2017 and payable to the City of Portland at the same time that taxes on other real estate are due; and

BE IT FURTHER ORDERED, that the interest on unpaid assessments shall be at the same rate as interest on other unpaid real estate taxes; and

BE IT FURTHER ORDERED, that the said assessments are hereby committed to the tax collector of the City of Portland for collection, pursuant to 30-A M.R.S.A. § 5228(5); and

BE IT FURTHER ORDERED, that the tax collector is hereby authorized and directed to take all necessary action for the collection of said assessment.

Order 270 16/17
Tab 25 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING AND AUTHORIZING
THE CITY MANAGER TO ENTER INTO
MASTER AGREEMENT AND SUPPLEMENTAL
SERVICES AGREEMENT WITH PORTLAND DOWNTOWN**

ORDERED, that the City Manager is hereby authorized to enter into a Master Agreement, with the Baseline Services provided in Exhibit B, with the Downtown Improvement District, Inc., doing business as Portland Downtown, to carry out the Development Plan for the Downtown Improvement District, Inc. for the period from and after July 1, 2017 and ending June 30, 2018, said agreement to be substantially in the form attached;

BE IT FURTHER ORDERED, that the City Manager is authorized to enter into a Supplemental Services Agreement, substantially in the form attached, with the Downtown Improvement District, Inc. doing business as Portland Downtown to implement Supplemental Public Works Services as approved in the Fiscal Year 2018 Appropriation Resolve.

Order 271 16/17
Tab 26 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 28. TRAFFIC AND MOTOR VEHICLES
RE: GOLF CART REQUIREMENTS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. That Chapter 28, Section 28-1 28-185 are hereby amended to read:

Sec. 28-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them below. When a term is used in this chapter but not defined below, the definitions in 29-A M.R.S.A. § 101 and any amendments thereto shall be used.

Authorized emergency vehicle shall mean vehicles of the fire and police departments and such ambulances and emergency vehicles as are designated by state law or authorized by the city traffic engineer.

...

Personal assistive mobility device shall mean a mobility aid, such as a motorized wheelchair or scooter, that is used to enhance an individual's mobility.

Motor vehicle shall mean any self-propelled vehicle, including a golf cart registered by the city for island use, not operated exclusively on tracks but does not include:

- (a) A snowmobile as defined herein;
- (b) An all-terrain vehicle as defined in article V; or
- (c) A motorized wheelchair.

...

Sec. 28-185. Golf carts on ~~certain~~ Portland islands streets by ~~certain persons~~.

The operation of golf carts shall be permitted on the streets of Portland's islands ~~Cliff Island, Great Diamond Island and Peaks Island~~ if in compliance with the following requirements:

(a) The operator must ~~be over the age of twenty-one (21)~~ or possess a valid license to operate a motor vehicle;

(b) Such golf carts shall be operated only in daylight, not earlier than one-half hour before sunrise and not later than one-half hour after sundown; unless equipped with and utilizing suitable headlights and taillights as determined by the police department; shall keep to the extreme right of the roadway; shall not exceed a speed of ~~ten-twenty (1020)~~ miles per hour; and shall obey all traffic laws applicable to motor vehicles including but not limited to, the fifteen (15) miles per hour speed limit in effect when passing a school during recess or while children are going to or leaving school during opening or closing hours;

(c) Each golf cart shall be equipped with an auditory warning device, a visual safety flag on a whip antenna of at least six (6) feet in height; slow vehicle markings; and display a sticker on the cart showing annual registration with the city treasury division as an island vehicle.

(d) When in use at nighttime or at other times when motor vehicles are required to display headlights, a personal assistive mobility device or golf cart must have:

1. A lit front light that emits a white light visible from a distance of at least 200 feet to the front;
2. A red reflector to the rear that is visible at least 200 feet to the rear; and
3. A 12-inch reflector strip or visibility tape prominently displayed on both the driver's and passenger's side of the cart.

(e) While the golf cart is in motion, the driver and every passenger in a golf cart must be seated in a seat designed to

| hold passengers. No person may stand up or ride in the lap of
the driver and/or other passenger of a golf cart while it is
moving.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Health and Human Services Committee

DATE: May 17, 2017

SUBJECT: Amendment to Portland City Code Chapter 28 Traffic Re: Golf Cart Requirements

SPONSOR: Health & Human Services Committee- Councilor Belinda Ray, Chair
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading June 5, 2017 Final Action June 19, 2017

Can action be taken at a later date: ____ Yes ____ x No (If no why not?) Police Chief Michael Sauschuck would like to present this code amendment to City Council before the upcoming summer season, if possible, to have the changes in place during tourist season.

PRESENTATION: (List the presenter(s), type and length of presentation) Police Chief Michael Sauschuck will be available for a short presentation and to answer any questions at the June 19, 2017 City Council Meeting.

I. ONE SENTENCE SUMMARY-

These changes to the current golf cart ordinance address safety risks connected to the under-regulated use of golf carts on Portland islands and require a driver's license and safety equipment like headlights, among other things, for operation of a golf cart.

II. AGENDA DESCRIPTION –

Amendments are proposed to the golf cart ordinance to address safety risks connected to the use of golf carts on Portland islands. Peaks Island has been the site of an increased use of golf carts, and complaints and concerns have been received by the Portland Police Department and the City Councilors and Staff who work with the island communities.

The proposed revisions to the City Code require a driver's license and safety equipment like headlights and rear red reflectors, among other things. They prohibit a passenger from riding on another person's lap on a moving golf cart. The golf cart speed limit is increased to 20 miles per hour from 10, but a speed limit of 15 mph must be observed near schools during recess

or at the beginning and end of the school day as students arrive. Two hundred and fifty-five golf carts are registered in Portland. With these changes, the Portland Police Department intends to improve the safety of their operation, especially during the crowded summer season.

III. BACKGROUND

Golf carts have been a favorite mode of transportation on the islands for decades. Peaks Island now has two golf cart rental companies, the first of which was started in 2013 by a 13-year-old (at the time) entrepreneur named Natasha. Summer visitors love to rent them; others own their own. But as reports of children at the wheel of golf carts began to circulate, islanders became worried, especially as more automobiles and trucks are on the islands in the summer than ever before. Michael Sauschuck, Police Chief, proposed the amendments to the Health and Human Services subcommittee and public comment was solicited from the Portland islands. On May 9, 2017, the Health & Human Services Committee voted unanimously (3-0) to forward this item to the City Council with recommendation for approval.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED-

While these ordinances do not address a specific 2017 Council Goal, improved safety for both golf cart users and pedestrians on Portland islands is a result the community supports.

V. FINANCIAL IMPACT-none

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION- None.

VII. RECOMMENDATION-The amendments are recommended for approval by the Health and Human Services Committee, and approved as to form by Corporation Counsel.

VIII. LIST ATTACHMENTS

Amendment to Portland City Code Chapter 28 Traffic Re: Golf Cart Requirements

Prepared by: Amy Legere

Date: May 18, 2017

Proposed Amendments to the Golf Cart Ordinance

May 2017

Sec. 28-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them below. When a term is used in this chapter but not defined below, the definitions in 29-A M.R.S. §101 and any amendments thereto shall be used.

Motor vehicle shall mean any self-propelled vehicle, including a golf cart registered by the city for island use, not operated exclusively on tracks but does not include: (a) A snowmobile as defined herein; (b) An all-terrain vehicle as defined in article V; or (c) A motorized wheelchair.

Operate shall mean to operate, drive, or use a vehicle in any manner, whether or not the vehicle is moving.

Sec. 28-185. Golf carts on certain island streets by certain persons. The operation of golf carts shall be permitted on the streets of Portland's islands, if in compliance with the following requirements:

- (a) The operator must possess a valid license to operate a motor vehicle;
- (b) Such golf carts shall be operated only in daylight, not earlier than one-half hour before sunrise and not later than one-half hour after sundown; unless equipped with and utilizing suitable headlights and taillights as determined by the police department; shall keep to the extreme right of the roadway; shall not exceed a speed of twenty (20) miles per hour; and shall obey all traffic laws applicable to motor vehicles;
- (c) When in use at nighttime or at other times when motor vehicles are required to display headlights, an electric personal assistive mobility device or golf cart must have:
 - 1. A lit front light that emits a white light visible from a distance of at least 200 feet to the front;
 - 2. A red reflector to the rear that is visible at least 200 feet to the rear; and
 - 3. A 12-inch reflector strip or visibility tape prominently displayed on both the driver's and passenger's side of the cart.
- (d) Each golf cart shall be equipped with an auditory warning device, a visual safety flag on a whip antenna of at least six (6) feet in height or visibility tape; slow vehicle markings; and display a sticker on the cart showing annual registration with the city treasury division as an island vehicle.
- (e) While the golf cart is in motion, the driver and every passenger in a golf cart must be seated in a seat designed to hold passengers. No person may stand up or ride in the lap of the driver and/or other passenger of a golf cart while it is moving.

Proposed Amendments to the Golf Cart Ordinance

May 2017

Sec. 28-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them below. When a term is used in this chapter but not defined below, the definitions in 29-A M.R.S. §101 and any amendments thereto shall be used.

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Operate shall mean to operate, drive, or use a vehicle in any manner, whether or not the vehicle is moving.

Sec. 28-185. Golf carts on certain island streets by certain persons. The operation of golf carts shall be permitted on the streets of Portland's islands Cliff Island, Great Diamond Island and Peaks Island if in compliance with the following requirements:

(a) The operator must ~~be over the age of twenty-one (21) or~~ possess a valid license to operate a motor vehicle;

(b) Such golf carts shall be operated only in daylight, not earlier than one-half hour before sunrise and not later than one-half hour after sundown; unless equipped with and utilizing suitable headlights and taillights as determined by the police department; shall keep to the extreme right of the roadway; shall not exceed a speed of twenty ten (20) miles per hour; and shall obey all traffic laws applicable to motor vehicles;

(c) When in use at nighttime or at other times when motor vehicles are required to display headlights, an electric personal assistive mobility device or golf cart must have:

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Order 272-16/17
Tab 27 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

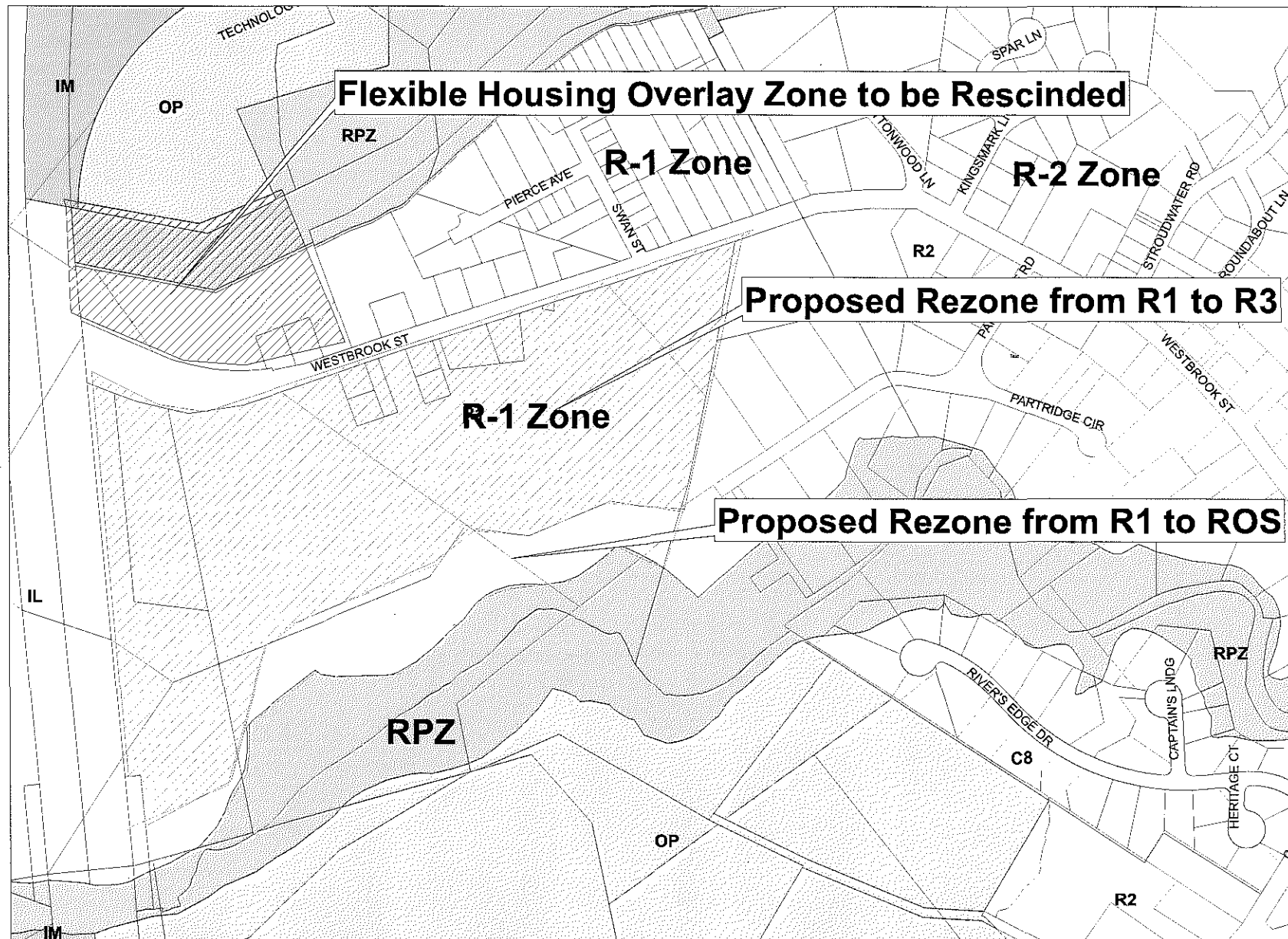
**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO ZONING MAP
RE: CAMELOT FARM**

**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 property known as Camelot Farm and four single family adjacent lots from R1 to R3 and rezoning land bordering Stroudwater River from R1 to ROS, as shown on Exhibit A, attached hereto.



Proposed Zoning Map Amendment
Residential R1 to Residential R3 and Recreational Open Space (ROS)
May 2017

Map produced by the City of Portland Planning Division using GIS Work Group data





PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

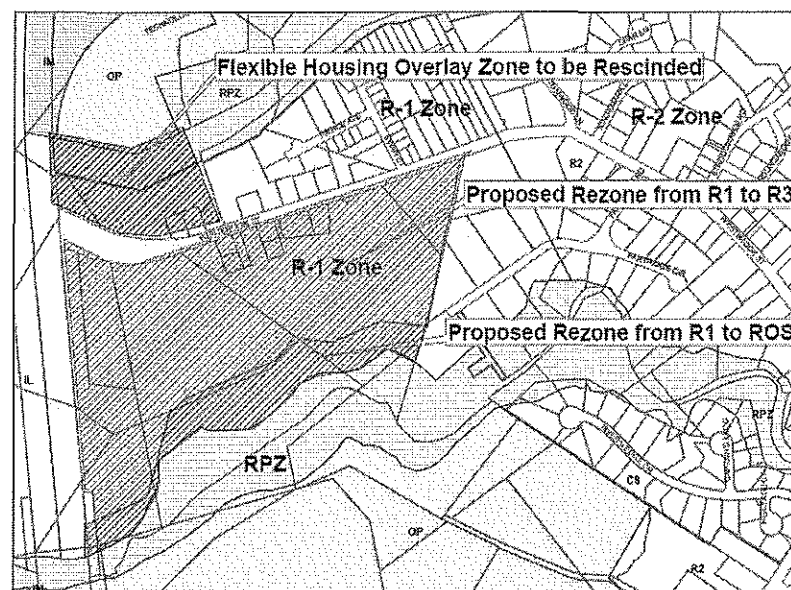
Camelot Farms Rezone
1700 Westbrook Street
Rezone from Residential R1 to Residential R3 and Recreational Open Space ROS
2016-282
Camelot Holdings, LLC, Applicant

Submitted to: Portland City Council
From: Portland Planning Board
Second City Council Reading: June 19, 2017

Prepared by: Shukria Wiar, Planner
Date: May 25, 2017

I. Planning Board Recommendation and Discussion

On May 9, 2017, the Planning Board unanimously (7-0) voted to recommend a zone change from R-1 to R-3 and Recreation and Open Space (ROS) for the area along oter Westbrook Street, as shown below, and to rescind the flexible housing zone (cross hatched area on map below). The proposed zone change was requested by Camelot Holding LLC to accommodate a single-family development at 1700 and 1714 Westbrook Street, commonly referred to as Camelot Farms. The Resource Protection zone (RPZ) portion of the property along the Stroudwater River will not be rezoned. The proposed zoning map amendment would enable the applicant to construct approximately a one hundred (100) lot subdivision of which ninety-five (95) lots will be for single-family homes and four will be open space lots. The intent and purpose of the rezoning is for the proposed development to have smaller-scaled residential lots, while providing more green space directly along Westbrook Street and the Stroudwater River.

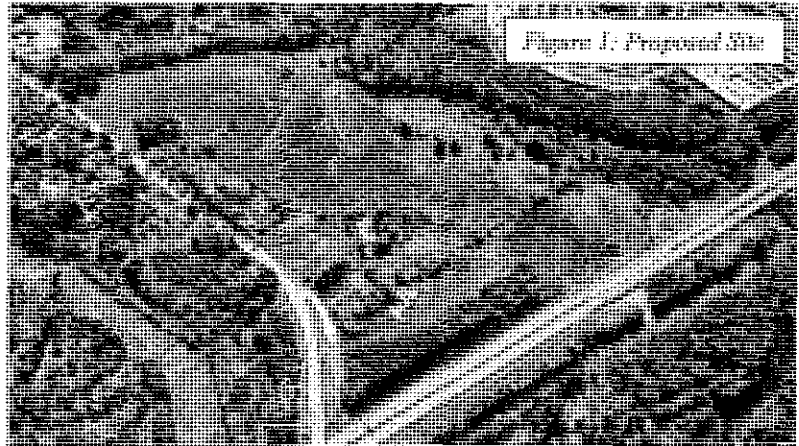


Proposed Zoning Map Amendment
Residential R1 to Residential R3 and Recreational Open Space (ROS)
May 2017

Map produced by the City of Portland Planning Division using GIS Work Group data



The Planning Board held three workshops, as well as a fourth public comments session. These were held on January 17, February 28, April 6, and April 13, 2017. On May 9, 2017, the Planning Board unanimously voted to recommend the map amendment (R-3 and ROS) and rescinding of the Flexible Housing Overlay to the City Council with a vote of 7-0.



In considering the proposal the Board members considered the consistency of the proposal with the existing Comprehensive Plan and with the pending Portland Plan 2030. The Board found the proposed zone change to be consistent with both plans and offered a benefit for the city as a whole. The development will serve a greater variety of family housing types and income levels, including providing affordable home ownership opportunities under the city's inclusionary zoning requirements. The revised zoning proposal permanently protects open space for public access along the Stroudwater River, hence preserves the riverfront, and furthers the City's network of trails, which is an important goal and a great benefit for the community. The members noted that housing of all types, including smaller houses, and throughout the city are needed for the city to grow. The Board also noted that the proposed subdivision would undergo a rigorous development review. The review of the zone change extended over an extended period, but the members agreed that the project evolved into a better proposal and recommend the map amendments to the City Council for adoption.

II. PUBLIC COMMENT

Notices were sent to ninety-five (95) residents, the interested citizen list, posted on the city's web page and posted in the Portland Press Herald on April 24th and May 1st, 2017. E-mail notices were sent at the same time as the mailed notices. The compilation of the public comments from the previous workshops is included as Attachment PC1 to PC42.

The applicant held two introductory neighborhood meetings in September and December, 2016, and meetings with the Stroudwater Village Association Board in January and February, 2017. As part of this application, a required neighborhood meeting was held on January 24, 2017. The neighborhood meeting packet and minutes are included in the Applicant's Submittals G. Additionally, the applicant has made multiple public outreach efforts with the neighborhood and the Stroudwater Village Association Board, as well as Portland Trails, Land Bank Commission, other constituents. Please see the meetings below:

Date of Meeting	Constituents
July '16	City Planning Staff Meeting - Initial plans discussed with Jeff Levine
August '16	Outreach Began - Portland Trails, Stroudwater Village Association, Stroudwater Neighbors, and other constituents were alerted to our acquisition of the property and what the goals of the project were looking like.
September 15, 2016	Informal Neighborhood Meeting - Stroudwater Village Church. Approximately 20 residents came to here about the land acquisition and provide feedback. The attached aerial plan was reviewed. - o http://us8.campaign-archive2.com/?u=f5801912b6db760858312643c&id=1b6be18ebc - o This link is the SVA minutes published internally with some misinformation (lot size, target price). There is also some commentary within that is opinion based.
October '16	Plan Refinement - Feedback received from the meeting: preservation of green space, green buffer along Westbrook St, lot size comparable to surroundings on Westbrook St, access

	points to the site not being across from existing homes, etc was integrated into a concept plan dated 10/27 included on the attached showing 101-106 lots.
October '16	Additional Outreach Initiated.
November '16	Plan Refinement - Environmental, survey, and traffic studies were commissioned and information gathered.
November 23 '16	Preapplication Meeting - Minutes and attendees attached.
December '16	Plan refinement - Comments from the preapplication meeting were integrated into the plan as well as information compiled from the environmental survey. The result is the plan that is currently within the Zone Change Packet.
December 10, 2016 - 10 AM	Informal Informational Meeting #2 - Met with residents at the Stroudwater Church to review the updated plan. The minutes from that meeting were emailed to you today.
January 9, 2017 - 9 AM	Met with Godfrey Wood to review the project upon his request
January 9, 2017 - 730 PM	Follow up meeting with the Stroudwater Village Association Board
January 13, 2017 - 9 AM	Met with Jamie Parker from Portland Trails to review plan development
January 17, 2017- 7 PM	PB Workshop I
January 18, 2017 - 330 PM	Phone conversation with president of Stroudwater Village Association to review plan development and neighborhood meeting goals
January 23, 2017 - 10 AM	Met with Christian Milneil regarding project concepts. Reviewed land use designation as trigger for further refinement.
January 24, 2017 - 6 PM	Formal Neighborhood Meeting at Stroudwater Village Church. Minutes in packet
February 1, 2017 - 11 AM	City staff review of project
February 9, 2017 - 9 AM	Met with Charles Hartfelder regarding mid-century neighborhood and housing styles to gauge appropriateness for project
February 15, 2017 - 11 AM	Portland Trails, Planning Staff, Counsel meeting to discuss more formalization of open space
February 22, 2017	Reminder email to SVA regarding second workshop. Submission material and summary email sent.
February 27, 2017 - Noon	Met with Wendy & Michael Taylor and Genie O'Brien to review plan revisions, sensitivity to nature, phasing, etc.
February 28, 2017	PB Workshop II
March 1, 2017 - 9 AM	Met with Ian Jacob to discuss project approach, alternative land use considerations (R5A)
March 9, 2017 - 5 PM	Informational presentation regarding the project to the Land Bank Commission. Minutes. http://www.portlandprf.com/AgendaCenter/ViewFile/Item/4875?fileID=23922
March 10, 2017 - 2 PM	Met with Mark Senglemann to review R3 & R5A concepts
March 13, 2017 - 130 PM	Portland Trails, Planning Staff, Counsel meeting to refine formalization of open space and public access.
March 30, 2017 - 3 PM	IZ policy review with city staff for homeownership track
April 3, 2017 - 10 AM	Phone conversation with president of Stroudwater Village Association to review plan development, public access, and open space. Email information forwarded to area residents
April 6, 2017 - 5 PM	PB Workshop III
April 13, 2017 - 5 PM	PB Workshop III Extended Comment Period
April 19, 2017 - 8 AM	Informational meeting with PSA Advocacy Committee to discuss the project and land use and the "Growing Portland" document they generated

III. PROJECT DATA

Existing Zoning	Residential R-1, Resource Protection Zone and Shoreland Overlay Zone
Proposed Zoning	Residential R-3 for the front of parcel and ROS for the rear portion
Existing Use	One Single-family
Proposed Use	95 single-family lots and four open spaces lots
Parcel Size	~27.6 acres for original parcel and roughly 45 acres with the new parcel.
Impervious Surface Area	
-Existing	20,884 SF

IV. EXISTING CONDITIONS

The Camelot Farm parcel is approximately 45 acres on five different parcels. The property has frontage along Westbrook Street and extends to the Maine Turnpike and Stroudwater River. Presently the parcel has a single-story ranch house and a small barn on it, built in 1961. Most of the site consists of cleared fields used historically as pastures. The property has a total of 1,500 feet of frontage along the Stroudwater River. A portion of the site is zoned Resource Protection along the river and the Shoreland Overlay Zone extends 250 feet from the high-water line, which is subject to Shoreland Zone site development standards. The site has two existing utility easements for the Portland Water District and Portland Pipeline Company, which bisect the property. There are single family homes along both sides of Westbrook Street in the vicinity of the site. The advertised map for the rezoning, as shown below on page 17, includes the other parcels along Westbrook Street for the Board's consideration.

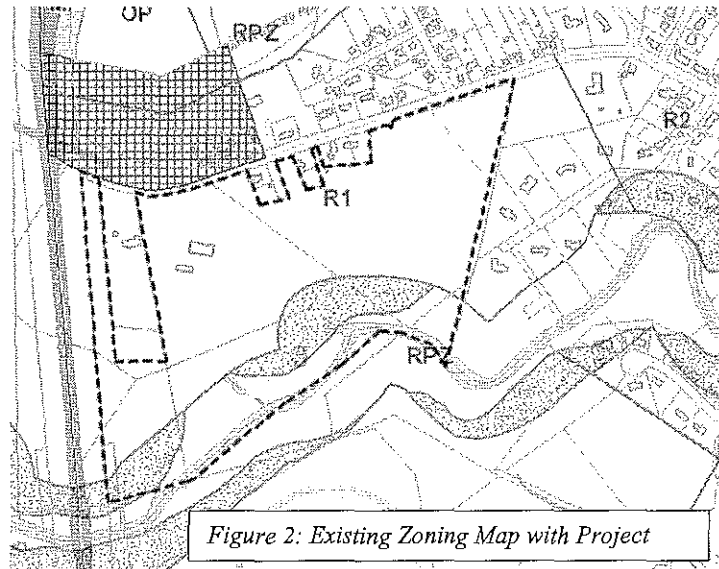


Figure 2: Existing Zoning Map with Project

V. PROPOSED DEVELOPMENT

The project proposes to redevelop the existing site into a traditional single-family development within the Stroudwater neighborhood. Approximately 95 house lots are proposed ranging in size between 6,500 sf to 20,000 sf. The proposed roads are to be built to City standards. The applicant is proposing to phase the development into four phases; each phase will have 20 to 25 lots and accompanying infrastructure. The newly acquired land will be used as a buffer between the Stroudwater Neighborhood and the turnpike with the potential for some more residential development. The applicant is proposing adding additional landscape buffer to help with the noise coming from the highway.

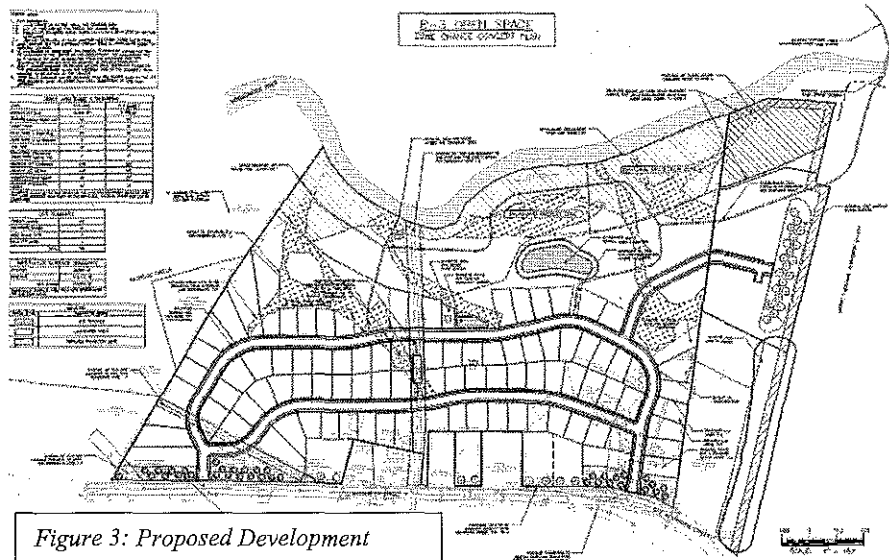


Figure 3: Proposed Development

Development may occur under the Shoreland Overlay Zone. The overlay zone requires that any development be 75 feet from high watermark and additional development standards apply within 250 feet from the river. The Resource Protection Zone, is more of a conservation zone and does not permit residential structures. The finished building footprints of any proposed homes will also have to comply with floodplain regulations, where applicable. The site does have steep slopes around the bank of the Stroudwater River; it is the intent of the applicant to keep most of the development away from these slopes develop on the more level portion of the site. With smaller lot size under the R-3 zone, the development can be designed to stay farther away from the Stroudwater River; thus, providing for more green space and less impervious surface area.

The proposal is to rezone the front portion of the property to R-3 zone and the rear portion to ROS zone, excluding the RPZ areas. In order to rezone to ROS, there needs to be easements on the that portion of the site to be conveyed to the City, or a third-party nonprofit, as public access and preserved open space. The applicant has provided a zoning map of the exact locations proposed of the rezoning on the site, see Attachment Plan 9. The applicant is proposing to place easements on the site to convey public access and preserve open space, primarily along the Stroudwater River. The public access and open space easements provide the basis for meeting the purpose statement of the ROS zone and thus eligible to be included in an ROS map amendment. The intent is for the property to be used for passive recreation with connection into the neighborhood trail system connections and to offer other shared amenities. The open space area would provide direct waterfront access to the river. The proposed open space easement will extend from the Stroudwater River high water line to the single-family subdivision, which is the proposed R-3 zone. The proposed open, shared-use green space includes more than 55% of the total site. Corporation Counsel supports the draft easements and the applicant will finalize the easements prior to the City Council hearing. The draft agreement is included as Attachment K.

Since the applicant owns the property along the Maine Turnpike, a 30-foot wide public easement is currently proposed along the common boundary line with the turnpike. In the applicant's cover letter dated 03.30.2017, they state the following as to how the open space easements will be handled:

The open space and public access to the site is to be assured by the Applicant via an easement completed in two steps. The initial Open Space and Public Access Easement will be signed and issued to the public for the parcel directly abutting the Turnpike immediately following a successful rezone of the parcel to R- 3 and ROS. Because the larger parcel is subject to a Purchase and Sale Agreement, the Open Space and Public Access Easement will be held in escrow until the exchange of ownership of the parcel is complete at the conclusion on the PS&A. At a minimum, all land within 250 feet. of the Stroudwater River will be rezoned ROS, however the final Open Space and Public Access Easement will be continued and expanded beyond the 250-foot buffer to the proposed property lines and/or public right-of-way.

The proposed project will also be subject to the Inclusionary Zoning Ordinance, which requires a minimum of 10% of the project to be restricted for workforce households and that the number of bedrooms required under Section 14-487(e)3 be at least 10% of the total number of bedrooms made available as part of the project. According to the applicant's cover letter, dated 03.30.2017, which states the following in regard to Inclusionary Zoning Ordinance:

Under the R-3 rezone, the smaller lot sizes would drive the house price point closer to the affordability requirements set by the Inclusionary Zoning Ordinance. Because it is proposed that the IZ units be provided within the development, the lesser home costs of the R-3 zone would create a more cohesive neighborhood with less distinction between the R-3 and IZ homes. This idea is described in further detail within the attached Housing Attainability Summary (Attachment I).

R-3 Proposed Development and Traffic Impacts

The applicant has provided calculations of the proposed development buildout of the site under the R-3 rezone with the 100 lots of which approximately 95 will be single-family house lots and four would be open space lots on a 45-acre parcel. Access to the proposed subdivision will be provided with construction of two proposed roadways that will be offered for public street acceptance.

The applicant has provided Tom Errico, Consulting Traffic Engineer, with the estimated trips that would be generated under all proposed development scenario. Tom Errico's comments are as follows:

I have reviewed the application materials and offer the following traffic comments as it specifically relates to the rezoning proposal. My comments focus on the traffic implication of the rezoning request and items that would be reviewed during the site plan permitting process.

The key traffic issue related to the rezoning of the subject property is the increase in trip generation expected with the change. According to application materials, under current zoning (R1), 83 residential units can be construction. With full build-out of the property under the proposed zone

(R3), 166 residential units could be construction. The applicant has provided plans that note construction of 100 residential units. Accordingly, the zone change would be expected to add traffic levels above current zoning requirements by 17 residential units. (Although a maximum increase could be 83 residential units, this level of development may not be possible given site constraints). During the worst-case peak hour trip generating scenario, the increase in 17 residential units would correlate to an additional 17 vehicles entering and exiting the project site during the PM peak hour (under the current application proposal). In my professional opinion, this level of traffic increase would not have a significant impact on traffic operations and therefore the zone change would not be expected to have a significant impact on traffic conditions.

Whether under current zoning and the construction of 83 residential units or under the rezoned scenario with 100 residential units, the following traffic issues/requirements would be considered during site plan permitting.

- o The applicant has provided a traffic study and the general content of the study is appropriate and would be used during the site plan review process.
- o Traffic conditions would be reviewed at the Congress Street/Westbrook Street intersection. Current traffic congestion would likely require mitigation improvements.
- o A traffic speed study along Westbrook Street would likely be required with recommendations on addressing specific vehicle speed issues and recommendations.
- o Intersection/Driveway design conditions including sight distance, driveway separation, and geometric features would be reviewed.
- o A pedestrian and bicycle facility analysis would be expected within the vicinity of the project.
- o Crash data would be reviewed in the vicinity of the project and for locations that are determined to have deficiencies, the applicant would be expected to mitigate problems.

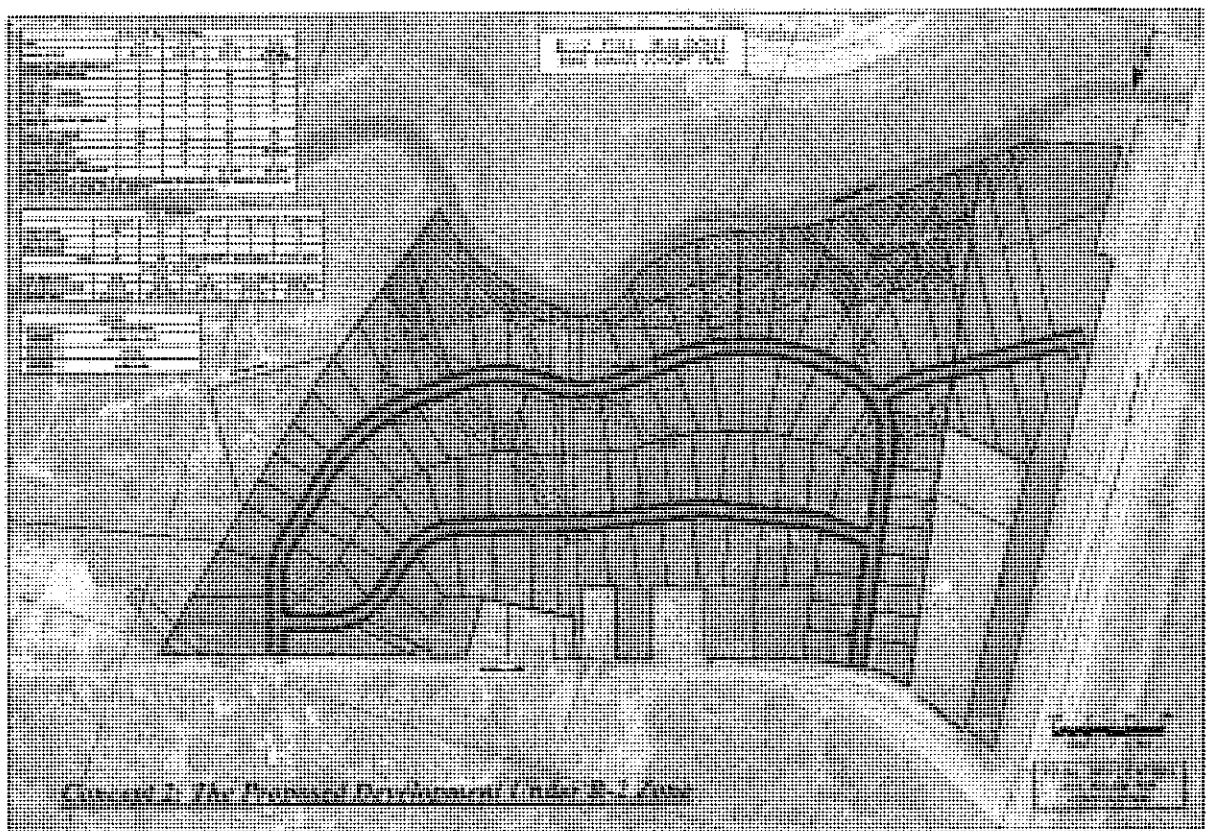
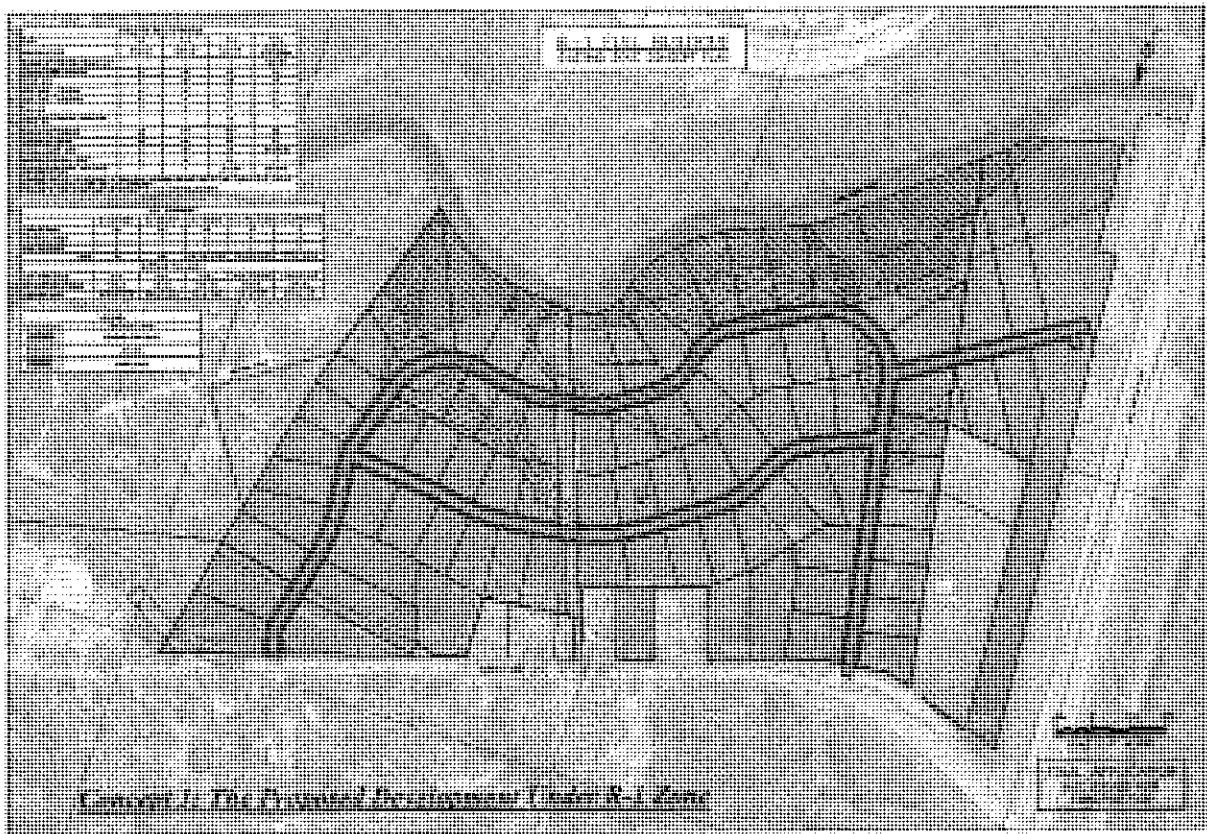
VI. POLICY CONSIDERATIONS

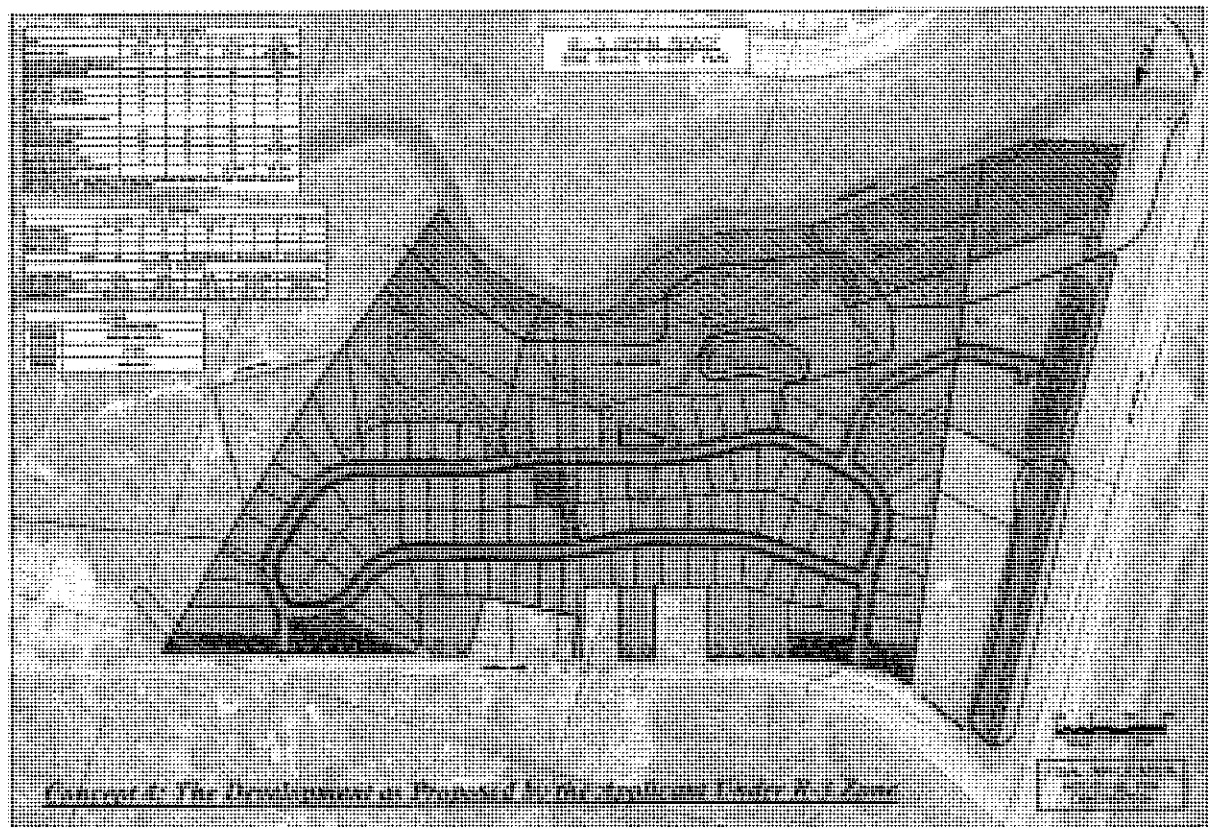
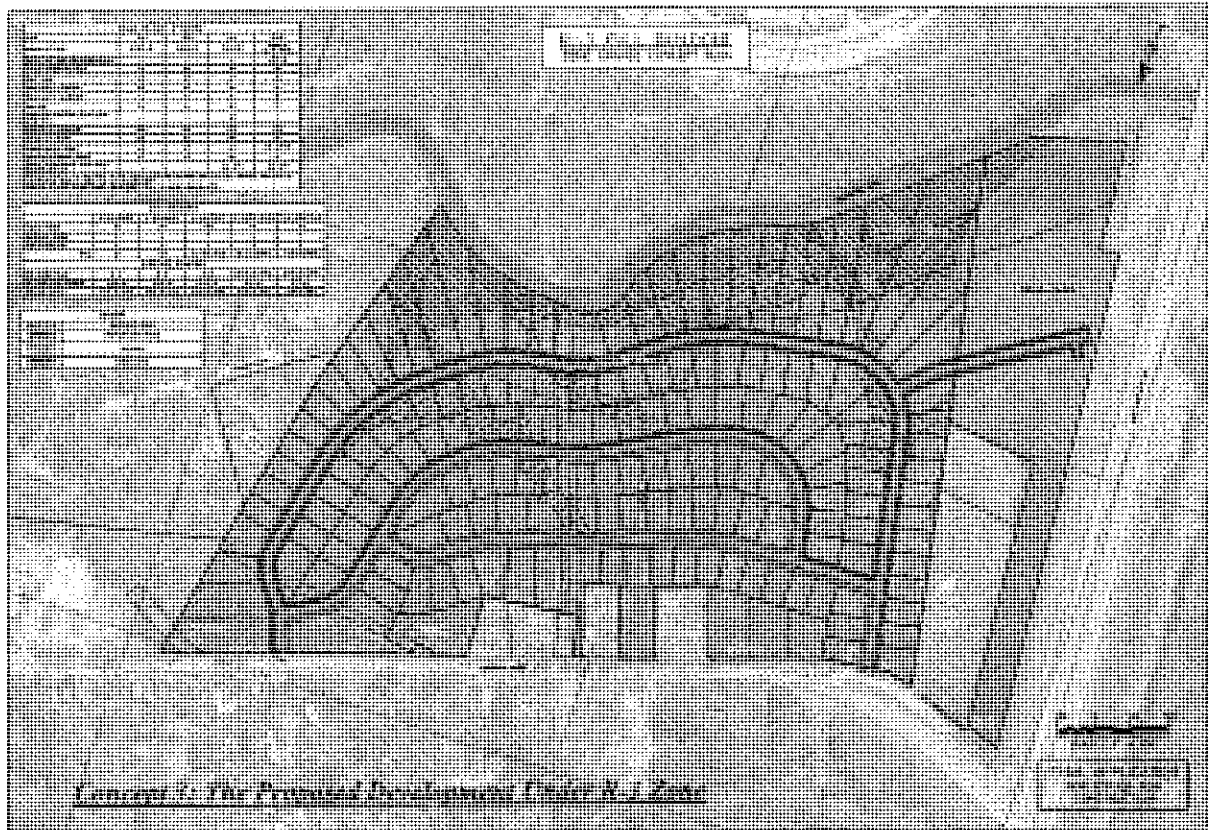
A. Development Concepts Under the Various Zones:

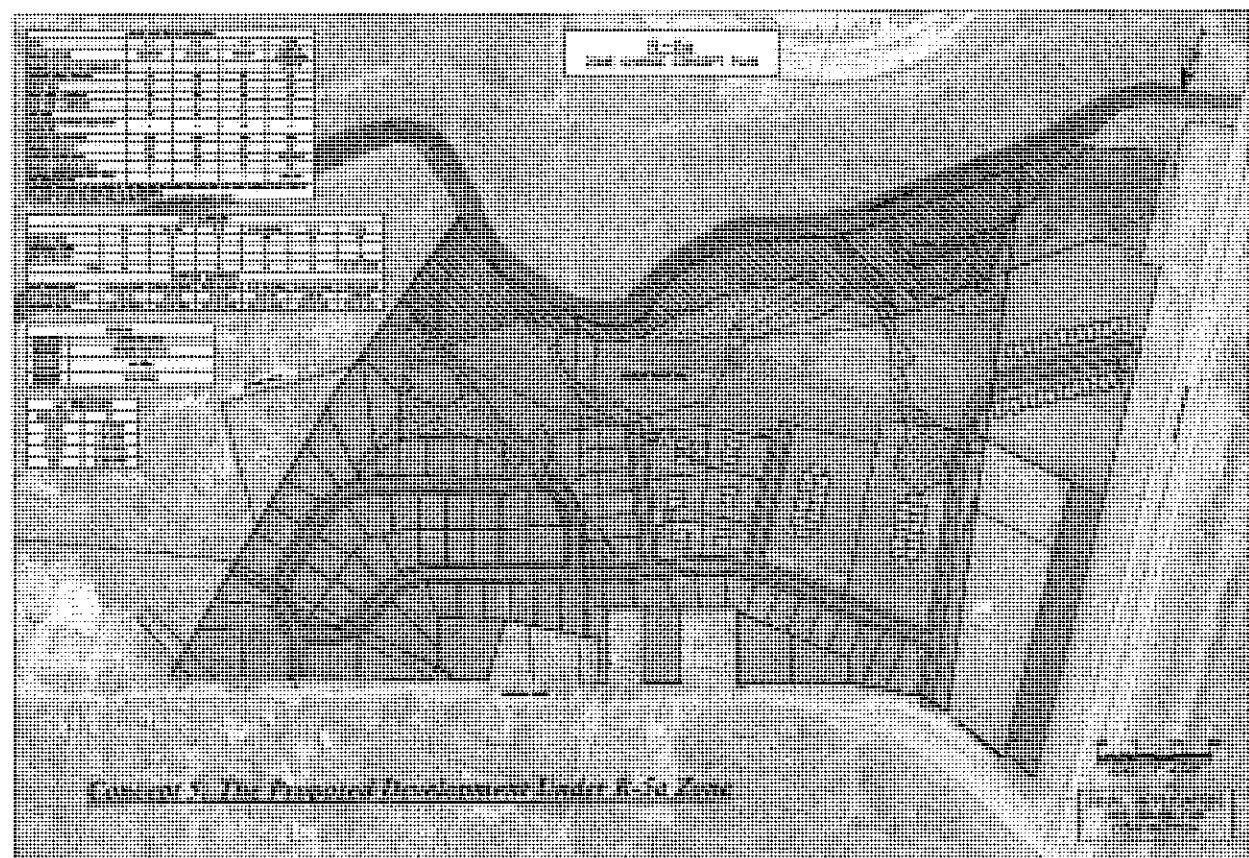
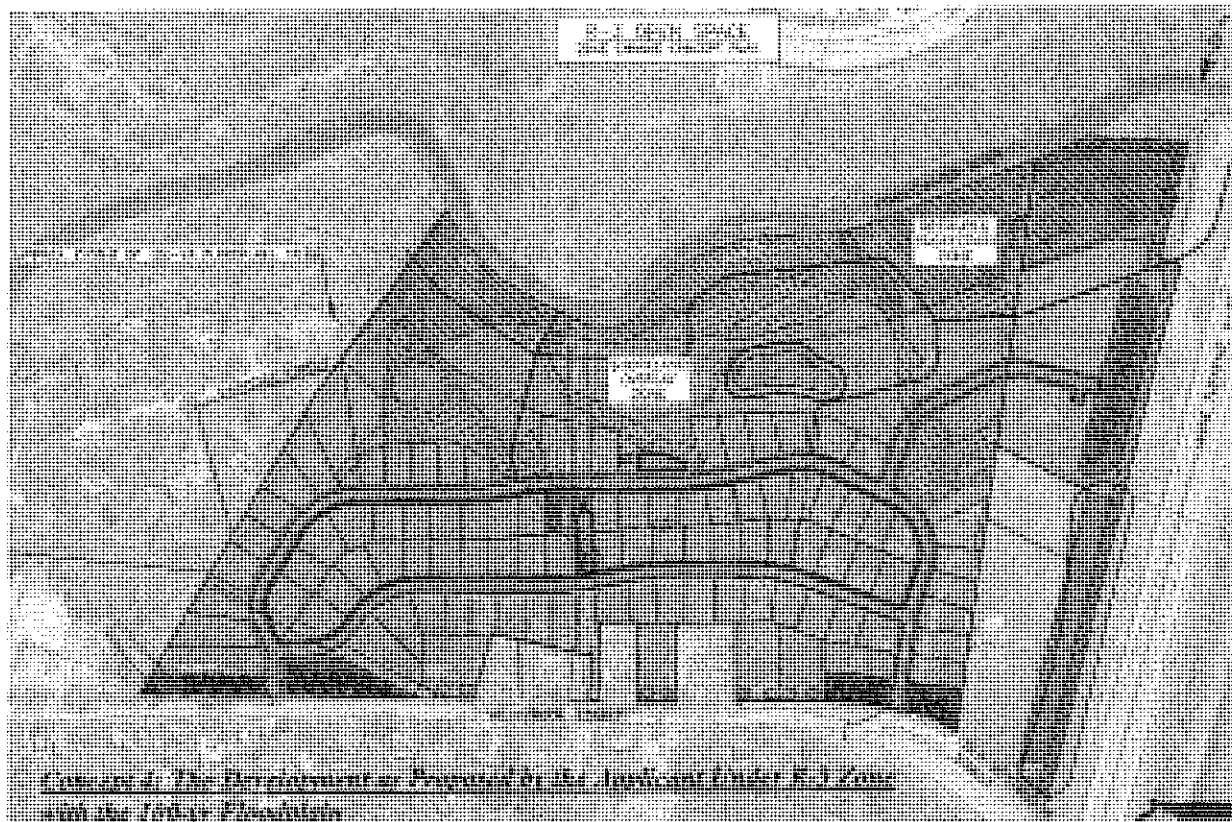
The applicant submitted plans of the proposed subdivision development under the R-1 zone with the new acquired lot and R-5a zone. Rezoning from R1 to the R3 zone will permit the developer to build a smaller buildable footprint that would result in less impervious area and less wetland impact, while providing a significantly larger buffer to the Stroudwater River and greater open space. The proposed development will provide more housing and is intended to blend with the surrounding neighborhood. The green spaces along Westbrook Street and Stroudwater River will be a buffer between this development and the existing neighborhood. The R-3 zones are found along several of the city's collectors and arterials, such as Washington Avenue, Allen Avenue, outer Brighton Avenue, and on the Forest Avenue corridor, which may offer opportunities for a moderate density infill project.

Below are the concepts that the Planning Board considered at the three workshops. The concepts are under the current zoning, the R-1 zone, R-2, R-3, the full buildout under the R-3 with the 100-year floodplain shown, and R-5a; the light green is the proposed residential lots and the darker green is the proposed open space on the concept maps on the following pages. The chart below illustrates the lot and surface summaries for the five concepts:

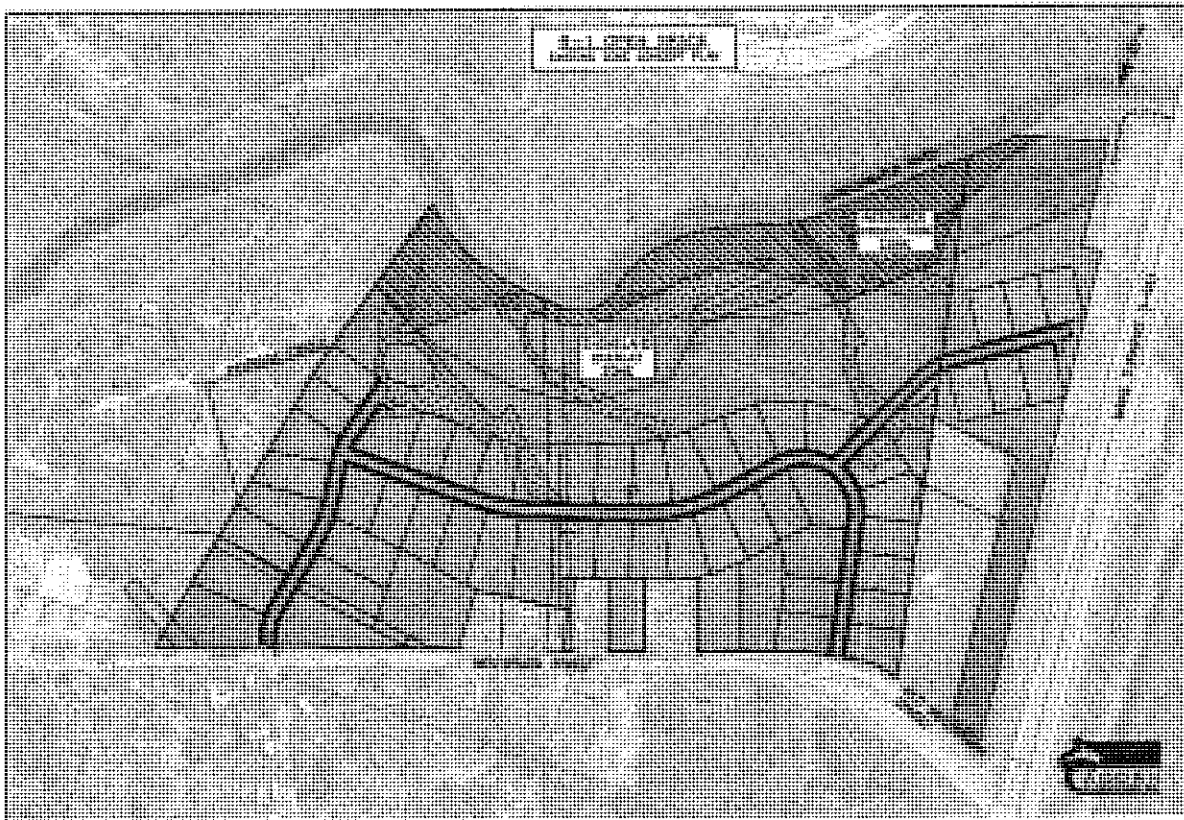
Lot Summary					
	R-1 Zone	R-2 Zone	R-3 Buildout	R-3 Zone	R-5a Zone
Camelot Farms	80	94	160	91	70
Westbrook Street	4	4	5	4	7
Open Space Lots	0	1	1	4	0
Total	84	99	166	99	77 (137 Units)
Surface Summary					
Open Green Space	0 AC	0 AC	0 AC	24.67 AC (44%)	21.62 AC (39%)
Net Impervious Increase	7.58 AC	9.09 AC	12.75 AC	8.10 AC	9.73 AC
Wetland Impact	3.79 AC (27%)	3.85 AC (27%)	3.67 AC (26%)	0.25 AC (2%)	0.80 AC (6%)





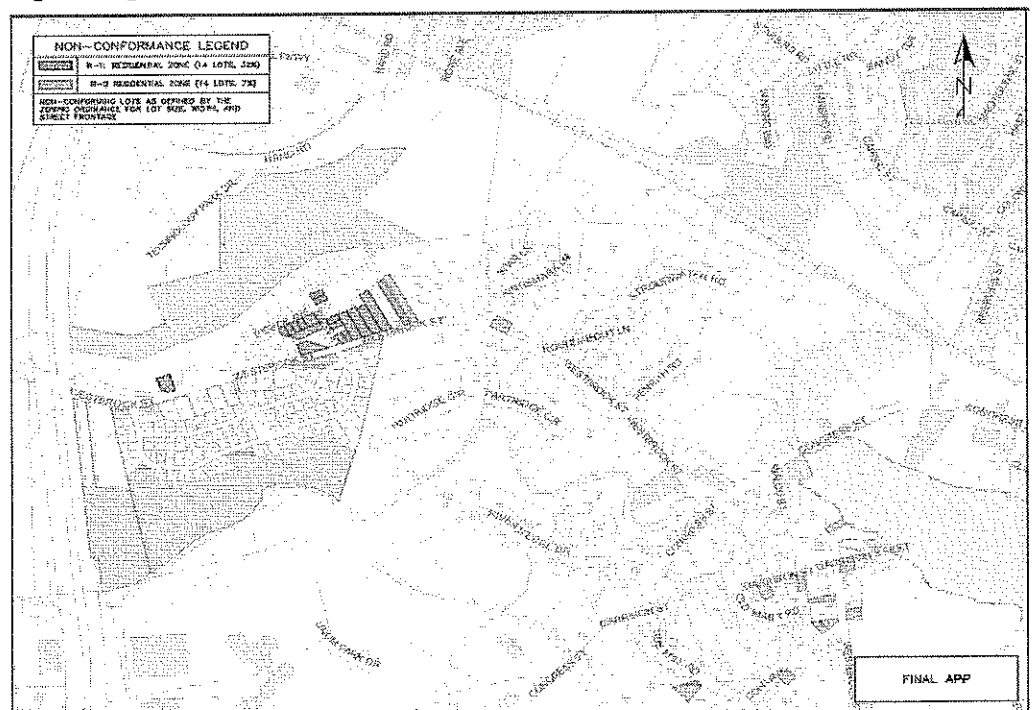


At the request of the surrounding neighborhood, the applicant has submitted a concept plan of the proposed subdivision development under the R-1 zone with open space.



In addition to providing the conceptual plans under the different zones, the applicant has also provided an analysis of the nonconforming existing lots in the Stroudwater neighborhood. The abutting and surrounding lots to Camelot Farms zoned as R-1 or R-2 were evaluated for conformance with the City zoning standards. There were fourteen (14) existing lots within the R-1 zone and fourteen (14) within the R-2 zone that were identified as nonconforming.

According to the applicant, "Non-conforming lots were defined as not meeting the minimum lot size, lot width, or street frontage; building setback requirements were omitted from the list". Please refer to Attachment E and Plan 7 for the applicant's complete analysis and map inserted here.



At the last workshop, members of the public stated that the full buildout of the R-1 concept provided by the applicant was not feasible. The applicant responded to the concern in their cover letter:

The Applicant has completed additional environmental due diligence normally associated with a Site Plan/Subdivision Application in response to site impact concerns addressed by the neighbors. In addition to Wetland Delineation and outreach to State and Federal Agencies (Army Corps, US Fish & Wildlife Service, Maine Natural Areas Program, Maine Inland Fisheries & Wildlife, and Maine Historic Preservation Commission) completed in the Fall, an Ecological Habitat Assessment Report has been developed and included in this submission package.

There has also been a concern from select neighbors that a full buildout R-1 concept as submitted is not feasible. After reviewing the information received to date from our Environmental Consultants and Regulatory Agencies, and standards and regulations set by the City of Portland's Chapter 14 Land Use Code, it is our professional opinion that the full buildout of the R-1 concept is feasible.

At the April 6th meeting, the applicant submitted additional information regarding home construction data, neighborhood density, comparison of housing attainability summary between R-1 and R-3 concepts, and architectural designs of the proposed homes. The power point presentation is included as Attachment J. The documents presented shows the demographics of Stroutwater Neighborhoods through the years and how will be under the proposed development. It also outlines the affordability of homes if built under the R-1 zone versus the R-3 zone. The applicant also shows existing and proposed architectural design examples for the site.

B. Proposed Development Under Residential R-1, R-2, R-3 and R-5a Zone:

The applicant provided conceptual development plans under various residential zones. The following chart illustrates the comparison between the current R-1 zone, R-2 zone, R-3 zone, and R-5a zone; the chart shows the purpose statements, permitted uses, and dimensional requirements of each zone. The minimum lot size varies in R-1, R-2, R-3 and R-5a zones with R-1 having the largest minimum lot size of 15,000 square feet. Generally, the R-3 and R-5a has more flexible dimensional requirements than R-1 and R-2. The intent of the rezone is to provide the proposed project a medium density residential development, which can be accomplished with the R-3 zone and R-5a.

	R-1 Zone	R-2 Zone	R-3 Zone	R-5a
Purpose Statements	To provide for lower density residential development characterized by single-family homes on individual lots in outlying areas of the city and along traffic corridors with limited additional traffic capacity.	To provide for low-density residential development characterized by single-family homes on individual lots in outlying areas of the city and along traffic corridors with limited additional traffic capacity.	To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.	To provide for moderate-density residential development in off-peninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.
Permitted Uses	Residential: Single family; Handicapped family unit; Single-family, multiple-	Residential: Single family; Handicapped family unit; Single-family,	Residential: Single family; PRUD; Handicapped family unit; Single-family,	Residential: Single family; PRUD; Handicapped family unit; Single-family, multiple-

	component manufactured housing; Single-family single-component manufactured housing; Other: Agriculture and Agriculture parking; Parks; Accessory uses; Home occupation; Municipal uses; Wind energy systems	multiple-component manufactured housing; Single-family single-component manufactured housing; Other: Parks; Agriculture; Accessory uses; Home occupation; Municipal uses; Wind energy systems	multiple-component manufactured housing; Single-family single-component manufactured housing; Other: Parks; Accessory uses; Home occupation; Municipal uses; Wind energy systems	component manufactured housing; Single-family single-component manufactured housing; Multifamily dwellings; Congregate care Other: Parks; Accessory uses; Home occupation; Municipal uses; Intermediate, extended and long-term care facilities; Wind energy systems
Conditional Uses	Residential: Sheltered Care group homes; adding one accessory dwelling unit; Institutional: Schools; Long term and extended care facilities; intermediate care facilities; places of assembly; hospital; Other: Utility substations; Cemeteries; Raising of domestic animals for noncommercial; day care or home babysitting services; temporary wind anemometer towers; wind energy systems.	Residential: Sheltered Care group homes; adding one accessory dwelling unit; Institutional: Schools; Long term and extended care facilities; places of assembly; College, university, trade school Other: Utility substations; Cemeteries; Raising of domestic animals for noncommercial; day care or home babysitting services; temporary wind anemometer towers; wind energy systems.	Residential: Sheltered Care group homes; adding one accessory dwelling unit; Institutional: Schools; Long term and extended care facilities; intermediate care facilities; places of assembly; hospital; Other: Off-street parking; utility substations; day care or home babysitting services; temporary wind anemometer towers; wind energy systems.	Residential: Sheltered Care group homes; Institutional: Schools; Long term and extended care facilities; intermediate care facilities; places of assembly; hospital; Other: Utility substations; Nursery school and kindergartens; day care or home babysitting services; temporary wind anemometer towers; wind energy systems.
Dimensional Standards				
Minimum lot size	15,000 SF	10,000 SF	6,500 SF	Residential: 6,000 SF
Street Frontage	75 feet	50 feet	50 feet	50 feet
Front Yard (Min)	25 feet	25 feet	25 feet	25 feet
Rear Yard	25 Feet	25 feet	25 feet	25 feet
Side Yard	14 feet for 2-story building	14 feet for 2-story building	14 feet for 2-story building	14 feet for 2-story building
Structure Height	35 feet	35 feet	35 feet	35 feet; Multifamily development of 4 or more dwelling units – 55feet
Lot Coverage (max)	20%	20%	35%	30%
Parking	Two parking spaces for each dwelling unit.	Two parking spaces for each dwelling unit.	Two parking spaces for each dwelling unit.	Two parking spaces for each dwelling unit.

C. Recreation Open Space, Resource Protection and Shoreland Overlay Zones:

The following chart illustrates the comparison between the Recreation and Open Space R-OS (proposed for a portion of the site) and the Resource Protection zone (existing along the river); the chart shows the purpose statements, permitted uses, and dimensional requirements of each zone when stated in the ordinance.

	Recreation Open Space (ROS)	Resource Protection Zone (RPZ)
Purpose	(a) The purpose of this division is: 1. To preserve and protect open space as a limited and valuable resource; 2. To permit the reasonable use of open space, while simultaneously preserving and protecting its inherent open space characteristics to assure its continued availability for public use as scenic, recreation, and conservation or natural resource area, and for the containment and structuring of urban development;	

	3. To coordinate with and carry out federal, state, regional, and city recreation and open space plans; 4. To provide a suitable location for large-scale regional sports and athletic facilities; and 5. To develop an open space system throughout the downtown, which provides the highest quality parks, plazas, and pedestrian environment. (b) The recreation open space zone may include parcels of public property, and private property legally restricted from intensive use or development through deed, covenant, or otherwise.	
Permitted Uses	Municipal parks, public open spaces, picnic areas, playgrounds and play lots; Cemeteries; Arboretums; Golf courses; Boat landings, beaches, and marinas for public uses; Outdoor ballfields and public athletic fields; Swimming pools and tennis courts; Picnic groves and areas; Natural parks and scenic overlooks; Hiking, walking, bicycling or cross-country ski trails; Community gardens for cultivation by and for city residents; Sewage pumping stations and sewage treatment facilities; Sports complexes; Accessory uses; Wind energy systems; Street vendors licensed pursuant to Chapter 19; Events, activities, and uses licensed by the city, including but not limited to markets, festivals, café seating, concerts, and other gatherings.	No building shall be erected, altered, enlarged, rebuilt or used, and no premises shall be used, in a R-P resource protection zone except for the following uses: Non-intensive recreational uses not requiring structures; Motorized and nonmotorized vehicular traffic on existing roads, trails and rails, as appropriate; Bikeways, pedestrian trails and walkways; Fire prevention activities; Wildlife management activities; Soil and water conservation activities; Surveying and natural resource analysis; Emergency operations as defined in section 14-47; Harvesting of wild crops; Nonresidential structures for educational, scientific or nature interpretation purposes; Public and private parks and recreational areas; Permanent and temporary piers, docks, wharves, bridges and uses projecting into water bodies; Storehouses for fishermen's gear; Signs, as allowed in division 22 of this article; Road construction; Parking facilities for uses permitted under this section; Landfill and other earth-moving activity.
Conditional Uses	Accessory uses of two thousand five hundred (2,500) SF or more of floor area; Other recreational facilities and uses that are open to the public; Water pumping stations; Temporary wind anemometer towers; Wind energy systems.	The following uses are permitted in the R-P zone only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below. 1. Temporary wind anemometer towers, 2. Wind energy systems.
Dimensional Standards		
Minimum lot size	n/a	20,000 SF
Minimum width of lot	n/a	100 feet
Street Frontage	n/a	100 feet (Street Frontage or Shoreline)
Front Yard (Min)	25 feet	25 feet
Rear Yard	25 feet	75 feet
Side Yard	12 feet	15 feet
Structure Height	35 feet; buildings located more than 1,000 feet from a shoreland zone - 45 feet.	25 feet for a 2-story structure
Minimum Shoreline Setback	n/a	75 feet

It is important to note that the Shoreland Overlay Zone extends over the current R-1 zone and in general extends 250 from the high-water line of the Stroudwater River (excluding the RPZ zone). As noted above, development may occur within the Shoreland Overlay Zone with additional applicable development standards. The overlay zone limits clearing, site improvements and maintains a 75-foot setback from the high-water mark for most structures. Below is a chart that illustrates the Shoreland Overlay Zone purpose statement and applicability:

Purpose	The purposes of this division are to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect fish spawning grounds, aquatic life, bird and other wildlife habitat; protect buildings and lands from flooding and accelerated erosion; protect archaeological and historic resources; protect commercial fishing and maritime industries; protect freshwater and coastal wetlands; control building sites, placement of structures and land uses; conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty, as appropriate in an urbanized environment; and to anticipate and respond to the impact of development in shoreland areas.
Applicability	This division applies to all land areas, uses, structures and land use activities within two hundred fifty (250) feet, horizontal distance, of the normal high water line of any river; within two hundred fifty (250) feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal actions within two hundred fifty (250) feet, horizontal distances, of the upland edge of a freshwater wetland; and within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. This division also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high water line of a water body or within a wetland.
Zoning districts and shoreland regulations	The regulations and controls of this division apply to all land areas, uses, structures and land use activities cited in section 14-447, in all zones of the city.
Principal and accessory structures	75 feet Setback from Normal High Water Mark

D. Similar Rezones from R-1 to R-3

The two areas in Portland that are zoned R-1 are shown on the map to the right. The light-yellow areas are R-1 and encompass land along outer Westbrook Street and an area along outer Congress Street.

In response to public inquiries, the staff researched whether other R-1 zones had been rezoned to R-3. In 1992, the City Council approved the project, River's Edge, as a Conditional Rezone to R-3. Greater Portland Development Group requested a conditional rezone from R-1 and R-2 to R-3 for a parcel of land located on outer Congress Street, along the Stroudwater River. The parcel has a total of 27.41 acres. The conditional rezoning allowed the applicant to have a privately owned and maintained road serving 29 single-family lots.

Figure 4: The R-1 Zones

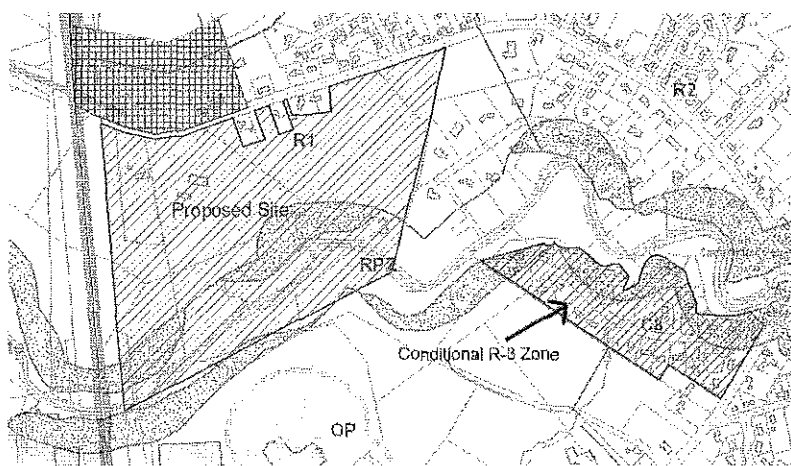
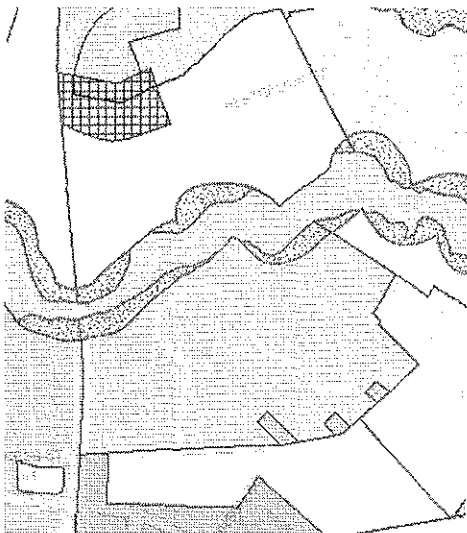


Figure 5: Conditional R-3 Zone (C8)

The conditional zone change was requested to the R-3 zone because R-3 allowed a Planned Residential Unit Development (PRUD) for single family homes at that time. The applicant kept the density of the proposed subdivision at 29 lots which was the same density as permitted under the R-1 and R-2 zones. The applicant built a 24-foot private road which is allowed only in PRUD; an association was formed to maintain the road, land held in common, and any utilities. As part of the proposal, the applicant deeded a 10-acre parcel located along the Stroudwater River for use as public pedestrian trail to Portland Trails; the easement also provided access to the trail from Congress Street is also part of the proposal. It should be noted that the City Council amended the

R-3 zone, so that single family PRUD's are no longer a permitted use and only attached housing may be built as a PRUD.

VII. Comprehensive Plans Analysis

The applicant has submitted their analysis of the projects conformance with the Comprehensive Plan (refer to Attachment C). The staff has identified the additional goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the adapted Comprehensive Plan and as well as the pending Comprehensive Plan. As stated the purpose of the R-3 Residential Zone is:

To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.

A. Adopted Comprehensive Plan:

Housing: Sustaining Portland's Future contains several goals which are applicable to this proposed map amendment. The relevant goals and policies as identified by staff are as follows:

Housing Sustaining Portland's Future

Housing Policy #1

Ensure an Adequate and Diverse Supply of Housing for All

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels for both renter and owner-occupied;
- A variety of housing choices should be available such that no one should have to spend more than 30% of their income for housing.
 - Encourage and support Portland Housing Authority to become active in development of more housing.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.

Housing Policy #3

Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
 - Evaluate and update, as needed, the current zoning and subdivision codes to encourage new residential development that:
 - Offers diverse and quality living options;
 - Provides traditional neighborhood elements;
 - Promotes a walkable city; and
 - Is compatible with Portland's existing neighborhoods.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods
- Encourage neighborhood populations that are economically, socially, culturally and ethnically diverse.
 - Encourage a mix of housing types for all ages, household sizes, and incomes throughout the city.
 - Increase density where appropriate in order to achieve neighborhood diversity.
- Locate and design housing to reduce impacts on environmentally sensitive areas.

Green Spaces, Blue Edges: An Open Space and Recreation Plan

Conservation of natural resources should include a complete array of natural features and habitats, so that the public may learn about and experience the full realm of Portland's natural environment.

- Develop high point parks, open spaces located on the higher elevations of the city, in neighborhoods throughout the city such as the Ocean Avenue landfill, hilltop on Ocean Avenue by rock shop, Rocky Hill and hills in Stroudwater.

B. Pending Comprehensive Plan

Housing: A Livable City

State Goals: To encourage and promote affordable decent, housing opportunities for all Maine citizens

Local Goals:

- Increase, preserve, and modify the overall supply of housing City-wide to meet the needs, preferences and financial capabilities of all Portland households.
- Encourage additional contextually-appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Encourage quality, sustainable design in new housing development.

Goals from Future Strategies:

3. Remove Housing Barriers

- Evaluate whether current zoning allows for new development consistent with historic patterns of form, density and/or use, as well as whether it allows for priority growth areas.
- Identify priority growth areas.
- Allow for a range of housing models in City codes, whether small units, co-housing, or others that may suit changing needs and demographics.

6. Explore New Tools

- Explore tools that support innovative frameworks for housing creation, stability, and affordability, such as but not limited to community land trusts and a Transfer of Development Rights program to encourage preservation of highly valued open spaces, natural resources, or historic resources while allowing development potential to be transferred to areas considered appropriate for more intensive growth.

9. Adopt Affordable Housing

- Pursue new opportunities for increased energy efficiency, increased densities, mixed incomes, and greater connectivity to surrounding neighborhoods.

Recreation and Open Space: An Active City

State Goal: To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters.

Local Goal: Portland commits to sustain and build our system of parks, trails, and open spaces to enhance our quality of life, protect our environment, and promote the economic well-being of our remarkable city by the sea.

- Provide high quality, well-designed, well-maintained, safe and integrated parks, trails, public open spaces, and recreational opportunities accessible to all residents.
- Strengthen connections between open spaces.
- Preserve the intrinsic values of the park and open space system, including historic resources, vistas, healthy ecosystem functions, and biological diversity.

Goals of Future Strategies:

10. Connect to the Waterfront

- Encourage physical and visual access to Portland's waterfront - Casco Bay, Back Cove, and the Stroudwater, Presumpscot, and Fore Rivers - as a "blueway" network and an extension of public space for local and regional recreation and transportation needs.

12. Connect the Chain

- Prioritize open space acquisition and programming toward creating linkages where there are gaps in the network, particularly between Stroudwater and the Fore River, Evergreen Cemetery and the Presumpscot River, Portland Transportation Center and Bayside, Martin's Point and the Back Cove, and the western waterfront and the Fore River.

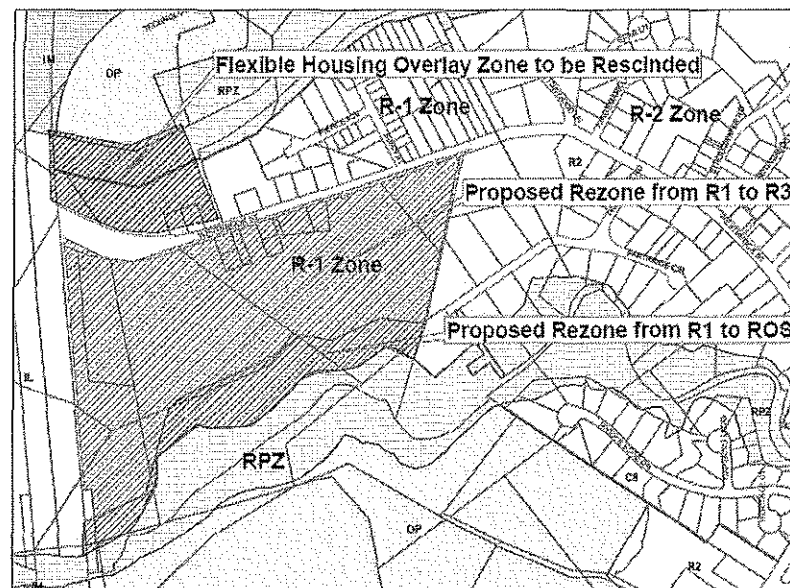
VIII. Planning Board Motion

On the basis of plans and materials submitted by the applicant, the City of Portland Zoning Code, Portland's Comprehensive Plan, public comment, the information provided in public hearing on May 9, 2017 for the project #2016-282 (1700 Westbrook Street), and/or other findings as follows:

1. *The Planning Board finds that the proposed rezoning to the Residence R-3 and Recreational Open Spaces (ROS) zone for the property located at 1700 Westbrook Street is consistent with the Comprehensive Plan for the City of Portland; and*

Therefore, the Planning Board recommends to the City Council adoption of the zoning map amendment for 1700 Westbrook Street from Residential R1 to the Residence R-3 and Recreational Open Spaces (ROS) Zones for the area shown on the map below.

2. *The Planning Board finds that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Urban Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect the rescinding of the Flexible Housing Overlay Zone along Westbrook Street as shown on the map below.*



**Proposed Zoning Map Amendment
Residential R1 to Residential R3 and Recreational Open Space (ROS)
May 2017**

Map produced by the City of Portland Planning Division using GIS Work Group data

ATTACHMENTS

PUBLIC COMMENTS

PC1 Art McEvoy Dated 01.11.2017

PC2 Mark Sengleermann

PC3 Stroudwater Village Assoc. 1-16-17

PC4 Angela Wheaton 1-16-17

PC5 Sandy Beal 1-16-17

PC6 Michael Scannell 1-16-17

PC7 Colleen Griffin 1-16-17

PC8 Bruce Harrington 1-14-17

PC9 Ryan Scipione 1-16-17

PC10 Tom Minervino 1-16-17

PC11 Jen Borland 1-17-17
 PC12 David Silk 1-17-17
 PC13 Martha McEvoy 1-17-17
 PC14 Christian MilNeil 1-17-17
 PC15 Mary Davis 1-17-17
 PC16 Mark Sengelmann 1-17-17
 PC17 Lisa McLaughlin 1-17-17
 PC18 Eugenia O'Brien 1-17-17
 PC19 Meagan Smith 1-13-17
 PC20 Marc Hodroff 1-20-17
 PC21 Raelene Gardner 2-7-17
 PC22 David Walter 1-21-17
 PC23 Mihku PaulAnderson 2-8-17
 PC24 Jackie Day 2-20-17
 PC25 Kevin Regan 2-21-17
 PC26 Bruce Harrington 2-20-17
 PC27 Holly Hoffman 2-22-17

PC28 Shaun Donlin and Silvia Vasquez 2-23-17
 PC29 Linda Dambrie 2-23-17
 PC30 Richard Michel 2.24.2017
 PC31 Art McEvoy 2.14.207
 PC32 Angela Wheaton 02.27.2017
 PC33 James Mooney 2-26-17
 PC34 Janet Page 02.26.2017
 PC35 Colleen Griffin 2-27-17
 PC36 Eugenia O'Brien 2-27-17
 PC37 Xiao Jun Huang 02.28.2017
 PC38 Linda Dambrie 02.28.2017
 PC39 Michael Archibald 2-28-17
 PC40 Dan Koloski 2-28-17
 PC41 Carolyn Claiborn 2-28-17
 PC42 Lisa McLaughlin 2-28-17
 PC43 Public Comments Submitted 05.05.2017

PLANNING BOARD REPORT ATTACHMENTS

1. Traffic Review (Tom Errico) 02.23.2017

APPLICANT'S SUBMITTALS

- A. Cover Letter (from Will Savage of Acorn Engineering, Inc., 03.30.2017)
- B. Zoning Map Amendment Application
- C. Project Narrative
- D. Purchase and Sale Agreement
- E. Non-Conforming Lot Summary
- F. Architectural Design Examples
- G. Neighborhood Meeting
 1. Camelot - Neighborhood Meeting Certification_2-1-17
 2. Camelot - Neighborhood Meeting Letter_1-6-17
 3. Camelot - Neighborhood Meeting Minutes_1-31-17
 4. Camelot - Neighborhood Meeting Sign-In Sheet_1-24-17
- H. Ecological Habitat Assessment Report, by Verdanterra
- I. Housing Attainability Summary, by Camelot Holdings, LLC
- J. Camelot Farms Presentation, dated 4.6.17
- K. Draft Easements Language
 - K1. Draft Public Access Easement -- 1700 Westbrook -- 30' wide along river
 - K2. Draft Public Access Easement
 - K3. Draft Open Space Easement -- 1700 Westbrook -- 250 Feet of River
 - K4. Draft Open Space Easement -- 1714 Westbrook -- 250 feet of river
- L. Traffic Report

PLANS

- Plan 1 Existing Conditions
- Plan 2 R-3 Open Space Concept Aerial Site Plan, C-11
- Plan 3 R-3 Full Buildout Concept Aerial Site Plan, C-12
- Plan 4 R-2 Full Buildout Concept Aerial Site Plan, C-21
- Plan 5 R-1 Full Buildout Concept Aerial Site Plan, C-31
- Plan 6 R-5a Open Space Concept Aerial Site Plan, C-41
- Plan 7 Ex-2 Parcel Exhibit, Dated 2.14.17
- Plan 8 Zoning Exhibit
- Plan 9 Zoning Change Map

Arthur F. McEvoy
89 Partridge Circle
Portland ME 04102-1632
(207) 773-4738

January 11, 2017

Shukria Wiar, Planner
Planning Division
City Hall, 4th Floor
389 Congress St.
Portland, Maine 04101

re: Application ID#2016-282

I am commenting on the application to rezone property at 1700 Westbrook Street, Portland from Residential R1 to Residential R3.

I would like to be on record as in opposition to this application.

This 45 +/- acre parcel is, I understand, the largest undeveloped tract of land remaining in Portland. The Residential R-1 designation was originally assigned to these properties to establish and maintain the pastoral/residential character of this neighborhood. It seems that any time a developer(s) comes forward with a proposal to change, not add to and enhance, the established character of an area or neighborhood, the amendment is approved without recourse. This zoning amendment application, if approved, will allow the developers to proceed with the construction of 97 (their estimate) single family homes, increasing the density of Stroudwater Village from 270 homes to 367 and adding an additional approximately 150 vehicles to the traffic flow, using 1.5 vehicles per household. If this application by Camelot Holdings is approved Stroudwater Village will never be able to be described as pastoral/residential again. The strong history of this neighborhood having served as the founding village of Portland and the source of His Majesty's masts will be forever lost.

In the two Stroudwater Village Association meetings that I have attended regarding this application I have inquired of the "representative of the developers", Michael Barton, about the developers identification and about their credentials as they relate to their history of construction of similar projects. He has steadfastly refused to respond. I, and others, have serious concerns about the experience and financial

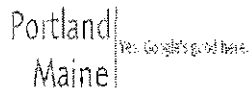
capacity of this development group, whomever they are. Neither the city nor the residents of Stroudwater Village wants a partially completed and abandoned project for lack of resources.

A higher and preferred use of this property is to place it into use as a public recreational area for cross country skiing, track and as an extension of the existing Portland Trail, the trailhead for which is directly across the street. A citizen group is currently exploring financing options for securing this land parcel.

I strongly recommend that the Planning Board not pass their approval of this application along to the City Council.

Sincerely,

Arthur F. McEvoy



Shukria Wiar <shukriaw@portlandmaine.gov>

1700 Westbrook St

Mark Sengelmann <mark@alphaarchitects.com>

Wed, Jan 11, 2017 at 10:58 AM

To: shukriaw@portlandmaine.gov

Hi Shukria,

Can you send me a link to the documents for 1700 Westbrook St.?

I live on Stroudwater Rd in Portland.

In early December I attended a presentation of the subdivision plan for the Roger's property on Westbrook St in Portland.

I've been thinking of this proposal a lot and I wanted to give you some feedback.

I was disappointed with the 'squeezed out of a tube' design. Rezoning to smaller lots is a bad idea in my opinion.

I brought up the idea of Cohousing at the meeting with the developer.

<http://www.mainecohousing.org/available/available.html>

Note how the buildings are staggered so that no one is looking directly into another residence.

- Parking is merged for efficiency.
- A very wide number of unit types and price ranges.
- Common open Space and a Community Center for large gatherings.
- I believe that this thoughtful use of the Roger's property will be supported by the neighborhood.

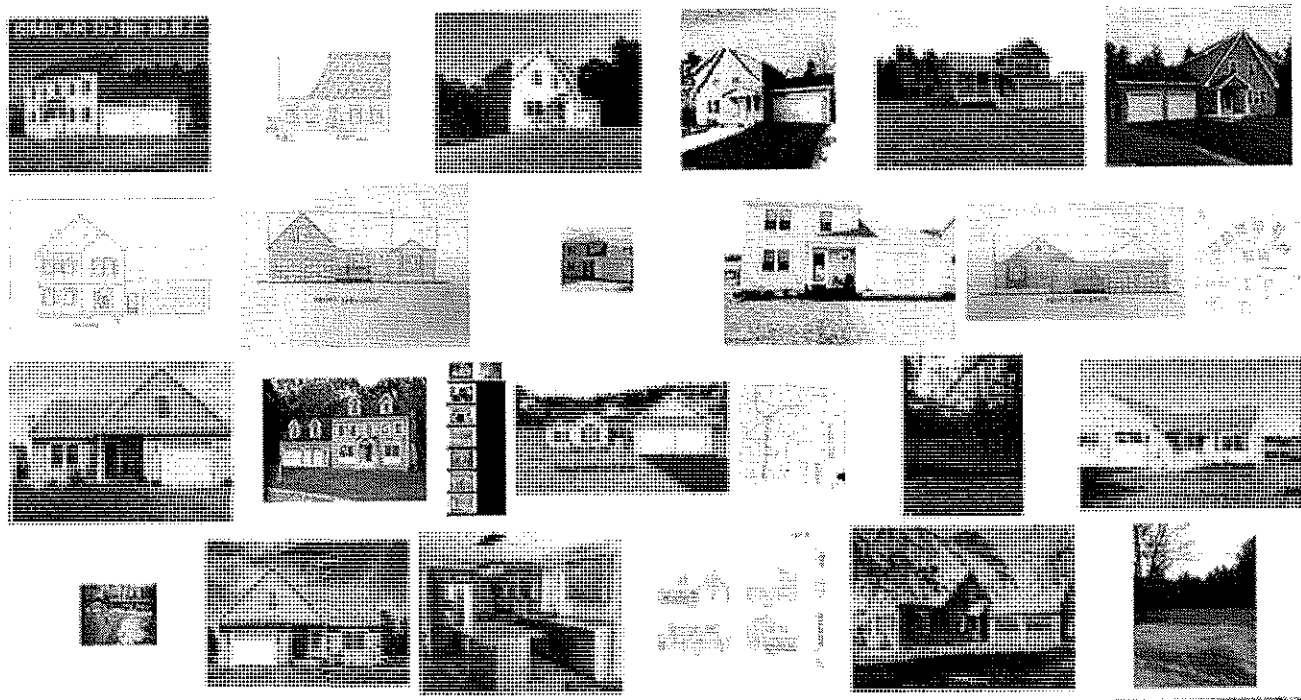
<http://www.peterboroughcohousing.org/content/site-plan>

I am opposed to the banal uniformity of traditional subdivisions that have filled in the farmland in Gorham in the past and present.

I hope this tacky-tacky design does not come to the Stroudwater Village.



Current Gorham Housing



Mark

Mark Sengelmann
 NCARB Principal
 ALPHAarchitects

1/13/2017

City of Portland Mail - 1700 Westbrook St

17 Chestnut Street
Portland, ME 04101-2211
(207) 761-9500
fax 207.761.9595
cell 207.671.4110
mark@ALPHAarchitects.com

Maine, New Hampshire and Massachusetts Licensed Architect

ALPHAarchitects.com

Google Groups

Statement from Stroudwater Village Association regarding proposed zone change at 1700 Westbrook Street (Camelot Farms property), January 2017

Stroudwater Village Association Board of Trustees <stroudwatervillageassociation@gmail.com> Jan 16, 2017 10:40 AM
 Posted in group: **Planning Board**

Hello Planning Board, please find below a statement from the Stroudwater Village Association regarding the proposed rezoning of the Camelot Farms property. Please submit it to the record. Thank you.

-Dan Koloski, SVA President

Statement from Stroudwater Village Association regarding proposed zone change at 1700 Westbrook Street (Camelot Farms property), January 2017

Based on what the SVA and area residents have learned so far about potential development plans for the 45-acre 1700 Westbrook Street property, the Stroudwater Village Association does NOT believe a zone change from R-1 to R-3 is appropriate at this time, and request that the Planning Board deny the request to allow for more discussion about the highest and best use of the property.

It's important to note that we have appreciated the willingness of the proposed buyer/developer to work with area residents, and hope to come back to the Planning Board with a combined proposal that reflects continued discussions. A revised proposal may have different zoning implications, which is partially why we recommend against this change.

Mostly we are recommending against this change at this time because the current plan of record on which the zone change is based is not the right approach, and we believe a different starting point is needed. Specific resident concerns about the plan and zone change at this point include:

- * Too much development volume. The proposal for ~96 single family homes would effectively double the number of homes on the stretch of Westbrook Street from Congress St. NW to the Westbrook line (currently there are ~110 homes in primarily R-1 and R-2 zones along Westbrook Street). There are meaningful questions about the downstream effects of a doubling of development in the area on traffic conditions on already-overcrowded Westbrook Street, the environmental status of the already-urban-impaired Stroudwater River and the existing abutting and nearby residents.

- Action: The SVA has already requested alternatives from the developer that would involve numerically far less homes (more like in the 30-40 range, similar to the scale of the very successful River's Edge and Tide Mill developments). In addition, there are potentially higher-density cohousing options that could be explored to reduce land footprint. We would like time to work with the developer on alternative options.

- * Unclear project viability. The project as proposed does not feel thoroughly vetted at this point and there is concern that the result will be a "half-done" project. For example, currently, the proposal includes a substantial number of homes (30-40) that are situated quite close to the Maine Turnpike and its attendant noise, which existing residents believe will be non-viable for prospective buyers. Similarly, a substantial portion of the lot is unbuildable due to riverfront protection zone (RPZ) and floodplain concerns, and resident experience shows that some of the areas proposed for development may be at-risk. Third, we have received only a limited amount of information as to the previous experience of the development team.

- Action: The SVA would like to understand how any development would address noise concerns from the Maine Turnpike.

- Action: The SVA would like to see a plan that includes an overlay with an accurate assessment of both existing RPZ zoning and floodplain analysis.

- Action: The SVA and area residents have also requested the development backgrounds/bios of the (silent) limited partners in the project, as the (visible) partners appear to lack the experience for a project of this scale and complexity.

- * Missed opportunity to do something better. Camelot Farms is the largest remaining parcel of open space in Portland, and sits on the Stroudwater River, which remains one of the few areas of Portland with meaningful wild natural amenities, flora and fauna. Existing access to the Stroudwater River and Fore River Sanctuary via Portland Trails and small watercraft is a wonderful, non-intrusive experience. The developer is proposing public access to some of the land via a partnership with Portland Trails (and the SVA very much applaud this idea!), but the proposal has limited the undeveloped land to the largely unbuildable wetlands in the RPZ. We would like the developer to think about doing something even bigger in the area of conservation and access. There are numerous opportunities for partnership with

organizations in farming, outdoor recreation, land trusts and conservation/environmental organizations to create something very special in this location that would be a gem in Portland's crown. Those conversations are ongoing, but early, and require time to unfold.

-- Action: The SVA has asked the developer to provide partial buyout options for additional portions of the parcel that might be better suited to conservation and similar efforts.

As stated above, we have appreciated the opportunity to work with the developer so far on early exploration of possible uses for the parcel. And we would like to continue to do so. However, a preemptive decision to rezone the entire 45 acres to R-3 would render many of the conversations impossible, and we believe the proposal on which the rezone request is based is the wrong starting point for this conversation.

As such, the Stroudwater Village Association does NOT believe a zone change from R-1 to R-3 is appropriate at this time, and request that the Planning Board deny the request to allow for more discussion about the highest and best use of the property.

The Stroudwater Village Association is a Maine Non-Profit corporation. All residents of Stroudwater are members and invited to participate in all of our activities.

Find us on the web at <http://www.stroudwatervillage.org> and <http://www.livinginportland.org/stroudwater.htm>
Find us on Facebook at <https://www.facebook.com/StroudwaterVillageAssociation>

Google Groups

Deny Camelot Farms Rezone

Angela J. Wheaton <angelajwheaton@yahoo.com>

Jan 16, 2017 1:46 PM

Posted in group: **Planning Board**

Dear Portland Planning Board,

As a resident of the Stroudwater neighborhood, I ask that you deny the zoning conversion request re: the Camelot Farms property. As you know, the property is the last open farmland in the city, and is currently zoned in keeping with that use. Rezoning from R-1 to R-3 is a significant change, is not consistent with neighboring properties, and will result in widespread impacts to this part of our city. Changes such as this should be carefully studied from all perspectives, work that I do not believe has yet been done.

I greatly appreciate your thoughtful review and consideration of this proposal as well as your inclusion of neighboring residents in the process. I strongly urge you to deny this request in favor of a more comprehensive plan that would take the entire area and all options into consideration.

Thanks for your time and consideration. Sincerely, AJW

Angela J. Wheaton 30 Partridge Rd. Portland, ME 04102

Google Groups

Camelot Farms proposal to change zoning from R-1 to R-3

Sandy Beal <luckymainer@gmail.com>

Jan 16, 2017 2:18 PM

Posted in group: **Planning Board**

Hi all,

My wife and I understand that the current zoning is R-1 and we are of the opinion that the developer should comply with the current zoning. We understand that the green space near the river is not developable by nature of the topography, et al., and we see no reason why the PB should support a zoning change to R-3 just so that the developer can have an opportunity to make (more) money with a higher density project. If the project can't be profitably developed within R-1 zoning from the developer's standpoint, we see that as the developer's problem. This area of Stroudwater is single-family residential, and those who have settled nearby may have relied on the zoning to be R-1, and it should be kept that way.

Alexander (Sandy) and Joan Beal
37 Old Mast Rd.
Portland, ME 04102

Google Groups

Concerned Neighbor

Michael Scannell <sohoinn@msn.com>

Jan 16, 2017 8:32 PM

Posted in group: **Planning Board**

To whom it may concern,

I am writing on behalf of myself and family of 5 from 121 Partridge Circle. We live in one of the 8 homes in the Stroudwater Woods Association, and our home is abutting the Camelot site. We have been anxious to vocalize our disappointment of the development of the Camelot property. We have been blessed with the views of rolling hills and cows for over 12 years.

We understand the development of the property, but want it to be known there is **no way** the land should be changed from a R1 to a R3 zone. We purchased our homes (myself and my neighbors), with the comfort of privacy and buffers between them. R3 would put homes in our close proximity, a buffer of R1 is one of the main reasons we purchased at this location, and we feel that should be respected. As one of the largest neighboring abutting homes, our loss of privacy and views should be taken into consideration. Camelot Holdings, LLC is trying to take this away from us, and our hopes is that you will not let it happen.

I am disappointed that I am not able to attend the meeting and express my concerns in person. This change in our backyard can not be allowed. Development yes, but under our existing zoning ONLY.

Other concerns are: length of time, earth moving (dust), etc.

Sincerely,

Michael Scannell

Google Groups

Zoning Change for 1700 Westbrook St

Colleen Griffin <colleen_griffin@msn.com>

Jan 16, 2017 9:19 PM

Posted in group: **Planning Board**

Dear Members of the Portland Planning Board,

My name is Colleen E. Griffin. I reside at 42 Penrith Road in the Stroudwater neighborhood. I write to you today to express my concern with the development of Camelot Farm located at 1700 Westbrook Street. I have several concerns with the purposed development of this beautiful lot of land.

1. **Traffic Concerns:** 96 homes condensed onto this property seems **outrageous**. What does 96 new homes mean for traffic flow up and down Westbrook St.? At this time, **without** the proposed 96 homes, it is a challenge to pull out of my street and on to Westbrook St. anywhere from 7:25 to 8:45am and again from 4:30 to 6:00pm. Penrith Road like most side streets in the area are dead-end streets. There is only one way out. If I happen to be traveling west from Westbrook toward Congress St. and need to make a left-hand turn onto Penrith Road, I stop traffic completely in the east bound lane as I look for a safe time to make that turn. I have on multiple occasions cringed when I hear breaks squeal as the cars behind me attempt to stop. 96 new homes could easily equal 200 more cars on this narrow stretch of road. What is the plan to keep our neighborhood safe? Widen the street? Add additional lanes and traffic lights to allow residents to safely pull out of their street? Would the very narrow sidewalks be widened from the city line to Congress St. for foot traffic?

1. **Pesticide and herbicide pollutants flowing into the Stroudwater River:**

This is a major concern. I currently hold a Private Applicator Pesticide License with the State of Maine. I have spent the last two years studying the issue of ground water contamination from residential use of pesticide and herbicides, causing algae blooms and destruction of the surrounding ecosystem. This property is covered with a considerable percentage of wetland. There is also a considerable downward slope towards the river. Once contaminated, the groundwater will be pulled by gravity into the slow moving Stroudwater River. With 96 new lawns to be installed and chemicals used to make every one green and beautiful, not to mention the pesticides that will be applied to keep the mosquitos at bay, a major algae bloom will be unavoidable. Destruction of the incredible ecosystem that so many of us enjoy will be imminent. This issue will not be contained to the Stroudwater River but will continue on to the Fore River and into Casco Bay.

1. **Green space in the city of Portland is disappearing at an alarming rate.** I frequently walk from my home to the entrance of Portland Trails. Walking past the wide-open space of Camelot Farm fills one with a sense of joy and peacefulness. I am grateful to live within walking distance of such a beautiful landscape. It is restorative in an increasingly chaotic world. Now, instead of being filled with peacefulness I will soon be witness to one of the last open green spaces in the city being ripped to shreds in the name of progress. What a shame.

I strongly urge the Portland Planning Board to keep the property at 1700 Westbrook St. a R-1 zone.

Thank you for your time.

Colleen E. Griffin

42 Penrith Road

Portland, ME

Sent from Mail for Windows 10

14 January 2017

To: City of Portland Planning Division
City Hall, 4th Floor
389 Congress St., Portland, ME 04101

From: Bruce L. Harrington
1618 Westbrook Street
Portland, ME 04102

RE: ID#2016-282 or CBL #229 A002001
Camelot Holdings, 1700 Westbrook Street

Subject: Opposition to rezoning from R-1 to R-3

Dear Shukria Wiar,

Article in Portland Press Herald dated 12.24.2016

Mr. Barton stated that the 45-acre parcel under current R-1 zoning with a minimum lot size of 15,000 sq. ft. could support approximately 100 homes. AS you know he has requested a zoning change to R-3 with a minimum lot size of just 6,500 sq. ft.

If the parcel will support 100 lots at 15,000 sq., Why would you rezone for 95 lots at 6,500 sq.

These small lots will create cluster housing as he said with all the homes built on the top 2/3 of the parcel along Westbrook and that 17 acres or 43% of the land along the river would remain preservation land or green space (undeveloped).

Isn't it more the point that these 17 acres are located in Flood Zone -C or Wetlands and placing it in Preservation status eliminates paying property taxes on that portion of the parcel that they can't build on but was purchased as a whole.

When viewing Camelot's site plan, I could not help but notice that house lots appear to be located in the direct path of deeded Right of Ways that run from Westbrook Street to the Stroudwater River and further. When will we be able to see an accurate plan for this parcel,

City of Westbrook has placed a six month moratorium on building to reevaluate the impact of cluster housing off Spring Street. I viewed that development recently and saw the impact that this development has on the landscape and would not want to look at that from my backyard.

I believe that if the City of Portland allows a change in zoning, that our property's will be devalued and I am opposed to radically changing the continuity of this safe and beautiful neighborhood.

R-1 zoning has made Stroudwater a place that people want to live and raise a family and it has worked out well.

I would like to make a request that the city do a traffic impact study on Westbrook Street. Almost every weekday during morning commute, the inbound traffic is backed up past my house at 1618 Westbrook St. to Congress St.

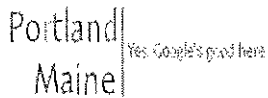
This development will add a minimum of 100-200 vehicles onto Westbrook St. Most probably working in the City of Portland.

Today we received a letter from Camelot Holdings for a meeting at the Baptist Church on the 24th. This raises flags as to their true intentions for this parcel and that they want desperately for us to support the rezoning to R-3.

In closing, I oppose the zoning change from R-1 to R-3.

Thank You for your attention in advance,

Bruce L. Harrington



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Camelot Farm Development

1 message

Shukria Wiar <shukriaw@portlandmaine.gov>
 To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Jan 17, 2017 at 10:24 AM

----- Forwarded message -----

From: **Ryan Scipione** <ryan@mjmcaluso.com>
 Date: Mon, Jan 16, 2017 at 1:23 PM
 Subject: Camelot Farm Development
 To: "shukriaw@portlandmaine.gov" <shukriaw@portlandmaine.gov>

Dear Ms. Wiar,

My name is Ryan Scipione, and I am resident of City Council District 3, as I live and own the home at 45 Machigonne Street, within the Rosemont Neighborhood. I am writing to you to express my support for the proposed Camelot Farm Residential Development, and urge you and the members of the Planning Board to move forward with the necessary zoning adjustments to make possible the development that has been thoughtfully proposed for the Camelot Farm land.

From the information that has been currently available to date, the Proposed Camelot Development is a welcome enhancement to the property and our district as a whole. When I first was made aware of what is being proposed, it very quickly reminded me of the composition of my own neighborhood, where neighbors are close in relationship, encouraged by closeness in physical distance. Such neighborhoods where families or individuals own homes with modest land plots, inherently take pride in their own properties, and are outside maintaining and enjoying them. This produces not only uniquely beautiful properties, but neighbor-to-neighbor conversations (whether over a flower planting, ball playing, snow shoveling, or lemonade drinking). This yields what makes a great neighborhood; beauty, closeness, and uniqueness. I know when I look around my neighborhood, the home ownership varies across the spectrum, we have residents who have lived there for 25+ years and their children who grew up there now have children of their own who visit. There are young families with children just starting out in the Portland School system, and there are even younger professionals who have recently moved in and are looking to stay for quite a long time, and that reason is very likely because of the type of the neighborhood that we live in. -- The kind of neighborhood we need more of! A neighborhood where properties are respected, neighbors are close, and residents look out for one another.

On that note, it is no secret that we need more housing in Portland. To use my neighborhood again as an example, specifically my very street; three houses on my street were sold and purchased within the past year or so, and none of them even had to post a sign on the lawn. I know two of the three did not even make it to the public market and were sold within a week of the previous owners reaching out to real estate agents. --That is unbelievable! And is a clear sign of the need and desirability for neighborhood housing like is being proposed for Camelot Farm.

The Camelot Development is exciting in that it embodies so many goals of the City's Comprehensive Plan. From the development of clear orderly growth, via organized lots naturally derived from existing nearby infrastructure and amenities, to respecting green space and waterfront areas. Certainly the development of this neighborhood would be an economic promotion to the City of Portland. Beyond the additional taxable real estate, the neighborhoods planned location is incredibly attractive as it is within easy striking distance to Downtown via congress street, is right around the corner from the Jetport, and is within close proximity to small and large businesses alike, from yoga studios and child care facilities, to insurance and grocery/retail giants.

With Camelot Development's proposed diverse housing, it suggests that varied decent housing will be provided, creating opportunities for diverse residents, in the historic spirit of Portland. Additionally, the proposed maintenance, respect, and enhancement of greenspace and the Stroudwater River waterfront, with the possible addition/ connection to the Portland Trail system, certainly embodies many of the goals laid out in the Comprehensive Plan. For me, this is an appealing prospect, as the proposed development is between two of my favorite city trail areas; Fore River Sanctuary and

Stroudwater Trail.

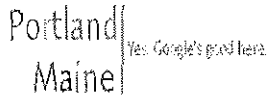
I want to thank you for your time, and I know that you and members of the Planning Board understand the many positive aspects that a Development like that which is being proposed for Camelot Farm will bring to the City of Portland. It is more of this "good" that we need and want, and I support development that will bring this, and trust you will as well.

Respectfully,

Ryan Scipione, AIA, ARA
Partner, Architect
MJM+A architects
Email: Ryan@mjmcaluso.com
ME, NY, VT Licensed Architect

Portland
46 Romasco Lane
Portland, ME 04101
Phone: 207.619.7466
www.mjmaarchitects.com

—
Shukria Wiar, Planner
Planning Division
City of Portland 389 Congress Street
Portland, ME 04101
Ph: 207.756.8083
Fax: 207.756.8258



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Camelot Farm development

1 message

Shukria Wiar <shukriaw@portlandmaine.gov>
 To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Jan 17, 2017 at 10:24 AM

----- Forwarded message -----

From: **Tom Minervino** <tom.minervino@gmail.com>
 Date: Mon, Jan 16, 2017 at 4:15 PM
 Subject: Camelot Farm development
 To: shukriaw@portlandmaine.gov

Dear Ms. Wiar:

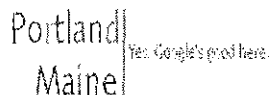
I am writing to support the proposed Camelot Farm residential development project on Westbrook Street in the Stroudwater neighborhood. I live at 60 Starbird Road in Portland with my wife and three young sons. It's a great neighborhood with a mix of young couples, families with kids, and retirees. Kids can ride bikes and residents help elderly neighbors shovel their walkways and driveways. It's very similar to the neighborhood I grew up in in Libbytown and is exactly what my wife and I were looking for when we bought a home several years ago.

The Camelot Farm plan calls for this type of traditional neighborhood, which Portland, with its growing demand for housing, desperately needs. So much of the recent residential development in Portland has been geared toward high-end, urban condominiums that aren't affordable or practical for most. Camelot Farm is different, proposing modest lots, green space and a walkable, environmentally responsible neighborhood that adds nearly 100 units of much-needed housing, as called for in the city's Comprehensive Plan.

Both my grandfathers built homes in Portland for their young families decades ago -- one in Back Cove and the other in Deering Center. They lived in those homes for over 30 years and their neighbors became their lifelong friends. I am still close with friends I made at Longfellow Elementary School and Lincoln Middle School. I think the sense of camaraderie that's built in traditional neighborhoods, where kids can gather for wiffle ball games and adults get together for barbecues, leads people to take pride in their homes, community, schools and city. Camelot Farm is one of the last spaces within the city bounds where a neighborhood like this can be created, so I hope Portland doesn't miss out on this opportunity.

Sincerely,
 Tom Minervino
 (207) 831-3634

—
Shukria Wiar, Planner
Planning Division
City of Portland 389 Congress Street
Portland, ME 04101
Ph: 207.756.8083
Fax: 207.756.8258



Jennifer Munson <jmy@portlandmaine.gov>

Camelot Farms

1 message

Jen Borland <jen.robinson.borland@gmail.com>
 To: shukriaw@portlandmaine.gov, planningboard@portlandmaine.gov
 Cc: stroudwatervillageassociation@gmail.com

Tue, Jan 17, 2017 at 11:35 AM

Planning Division
 City Hall, 4th Floor
 389 Congress Street
 Portland, Maine 04101

I hope you will take the time to read and consider the following:

As a Portland native, I have witnessed the transformation of our beautiful city by the sea over the last few decades. The redevelopment of downtown as a thriving business and arts district, renovation of older and addition of new housing for people of all income levels throughout the city, investment in the colleges and universities, and land conservation efforts have greatly improved Portland. The development of Camelot Farms on Westbrook Street could be an opportunity to continue in the right direction. As a Stroudwater resident I have questions and concerns about the possible re-zoning of the property. It is my understanding that the proposal to change from R-1 zoning to R-3 zoning is to allow for 96 homes to be built on the 45 acres of land abutting the Stroudwater River and the Maine Turnpike.

I believe this is one of the largest remaining undeveloped tracts of land in the city. Land conservation has been tremendously popular and positive in recent years. I have witnessed the transformation of many of our city's greenspaces; most recently the reclamation of Capisic Pond Park. To see so many families and their pets enjoying the outdoor recreation spaces year round is wonderful. It seems to me that there is an opportunity to do more with this space than build housing, a chance to conserve nature and provide outdoor public space. Public access to more greenspace and the river for recreation purposes would be appreciated by so many. I would love to have more places in Portland to take my Girl Scout troop skating, cross-country skiing, kayaking, and spending time enjoying and observing nature.

The addition of this many single-family homes in one of the most desirable areas of the city would surely add a great number of children to our public schools. Plans for a new school to replace Hall School have been approved and construction will begin soon, will the new school be large enough to absorb the additional students from a development this size? And King Middle School and the public high schools? Besides the school buildings, will the busses have capacity or will additional busses be needed?

The increased traffic is of great concern. Adding nearly 100 homes to the neighborhood would approximately double the number of homes between Congress Street and the Westbrook-Portland line. The traffic volume would undoubtedly increase. Morning traffic on Westbrook Street is heavy currently; pulling out of driveways or side streets often requires a very long wait. Adding 100 - 200 drivers to morning traffic would inevitably congest traffic further. How would this be mitigated? What additional costs will be incurred (paving, plowing, signage, etc.)? How will this be funded?

I also wonder about the viability of the development. Will homes so close to the noise of the Turnpike be desirable enough to sell? Could this end up being an unfinished development or a street with vacant homes? Vacant homes can be an "attractive nuisance." Most residents in our area are aware that there are people living in the Fore River Sanctuary, on land

adjacent to the Turnpike, under Veterans' Bridge, and in other places nearby. Would vacant or unfinished homes attract squatters and the costs and issues that can follow?

At this time, I hope the Planuing Board will not change the zoning at this time so there can be more time for discussion about the best use of the property. There are many questions to be answered and ideas to be considered before a final plan should be set in place.

Thank you.

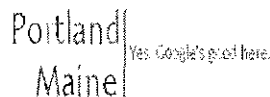
Jennifer Borland
1473 Westbrook Street
Portland, Maine 04102
207-671-0037
jen.robinson.borland@gmail.com

Director of Investor Consulting Services

Education & Training Development

SPECTRUM Enterprises

(207) 805-0025 direct
(207) 767-8000 ext 206
(207) 767-1620 fax



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Camelot Farms PB Workshop 1/17

1 message

Shukria Wiar <shukriaw@portlandmaine.gov>
 To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Jan 17, 2017 at 12:12 PM

----- Forwarded message -----

From: **David Silk** <DSilk@curtisthaxter.com>
 Date: Tue, Jan 17, 2017 at 8:37 AM
 Subject: Camelot Farms PB Workshop 1/17
 To: "shukriaw@portlandmaine.gov" <shukriaw@portlandmaine.gov>

Hi Shukria: I may have missed this but when I looked at the material in the PB packet regarding the Camelot Farm rezone request, I did not see a map showing the location on the site of both the RPZ and Shoreland Overlay Zone. It would be helpful to see on the applicant's R-3 build out sketch the depiction on the sketch of both of these zones and to confirm that the applicant is not seeking to modify the location on the parcels of these two zones.

Also I have several questions that perhaps can be asked tonight at the workshop.

First, when the applicant compares the number of possible lots under R-1 to R-3, is the applicant taking into account the existing RPZ and Shoreland Overlay Zone? If not what would the count be when taking into consideration these two overlay zones?

Second, is new residential development permitted in either the RPZ or the Shoreland Overlay Zone?

Third, in looking at the zoning map, I notice the R-2 zone almost extends to the easterly side of the combined parcels. When was the R-2 put in place? What would be the number of lots permitted if Camelot Farms was rezoned from R-1 (min. lot size 15,000SF) to R-2 (min. lot size 10,000SF)? Looking at the purpose sections of R-1 and R-2 they appear to be the same.

To provide for low-density residential development characterized by single-family homes on individual lots in outlying areas

of the city and along traffic corridors with limited additional traffic capacity.

Camelot Farms is in an outlying area and along a traffic corridor. Has Tom Errico been asked to weigh in on the amount of additional traffic capacity for the relevant traffic corridors?

The R-3 purpose is bit different. It says:

To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide

for planned residential unit development on substantially sized parcels. Such development shall respond to the physical qualities

of a site and complement the scale, character and style of the surrounding neighborhood.

Given Camelot Farms is a substantially sized parcel, if rezoned to R-3, is it the developer's intent to proceed with a PRUD? What is the scale, character and style of the surrounding neighborhood? An overview may be helpful to get a sense of that.

Thanks for taking my questions. Please feel free to share with the PB and the applicant.

David Silk

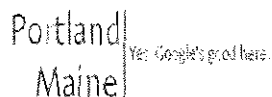
1.187 Westbrook St

—
Shukria Wiar, Planner
Planning Division
City of Portland 389 Congress Street
Portland, ME 04101
Ph: 207.756.8083
Fax: 207.756.8258



Camelot Present Zoning.pdf

70K



Jennifer Munson <jmy@portlandmaine.gov>

Camelot Farm proposal to rezone

1 message

Martham3 <martham3@maine.rr.com>

Tue, Jan 17, 2017 at 12:12 PM

To: shukriaw@portlandmaine.gov, planningboard@portlandmaine.gov

Cc: stroudwatervillageassociation@gmail.com

One of the reasons I live in Portland is because of the vibrancy and diversity of the city. It is arguably the most diverse city in the state. It is a city composed of different types of neighborhoods and areas including but not limited to- our charming downtown Old Port, the apartment and multi story buildings in the evolving hip Eastern Prom area, the stately homes along the Western Prom, our more densely packed Northgate and Brighton Ave areas and our more rural and historic Stroudwater.

This diversity in neighborhoods and housing attracts all kinds of people to Portland.

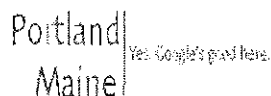
There is an opportunity to do something with this land. It could be providing a different type of housing than we have in the area. It could be leaving the land as is. It could be combination of housing and recreational area (other than just the unbuildable part along the river that the current development proposes). It could even include a small area off of Westbrook St for neighborhood amenities (coffee? Small fitness center?). This opportunity should not be squandered for duplication of the type of housing that we already have plenty of in Portland and that fundamentally changes a neighborhood.

As an abutting owner and a Stroudwater resident, I oppose the rezoning from R-1 to R-3.

Thank you.

Martha McEvoy

89 Partridge Circle



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: 1700 Westbrook Street comments

1 message

Shukria Wiar <shukriaw@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Jan 17, 2017 at 12:23 PM

----- Forwarded message -----

From: **Christian MilNeil** <c.neal.milneil@gmail.com>

Date: Tue, Jan 17, 2017 at 12:21 PM

Subject: 1700 Westbrook Street comments

To: "Shukria Wiar (shukriaw@portlandmaine.gov)" <shukriaw@portlandmaine.gov>

Cc: Stuart O'Brien <sgo@portlandmaine.gov>, William Savage <wsavage@acorn-engineering.com>, mark@alphaarchitects.com

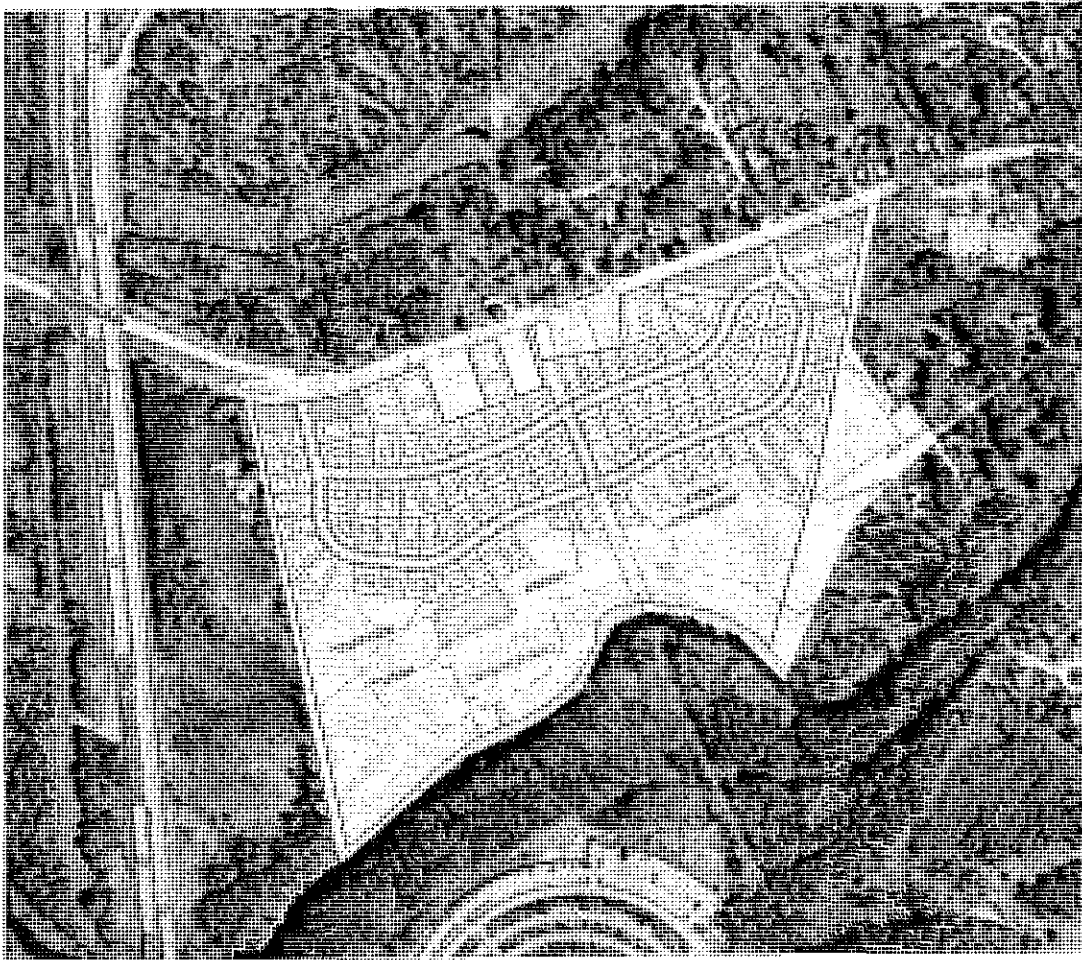
Hi Shukria, Stuart and William,

Please accept this as a formal public comment re: 1700 Westbrook Street in advance of tonight's workshop.

While I welcome any addition of new housing in our city, I'm concerned that the auto-dependent tract housing model in this proposal (the only kind of housing allowed in the R-3 zone) is classic sprawl, and a huge missed opportunity for the site.

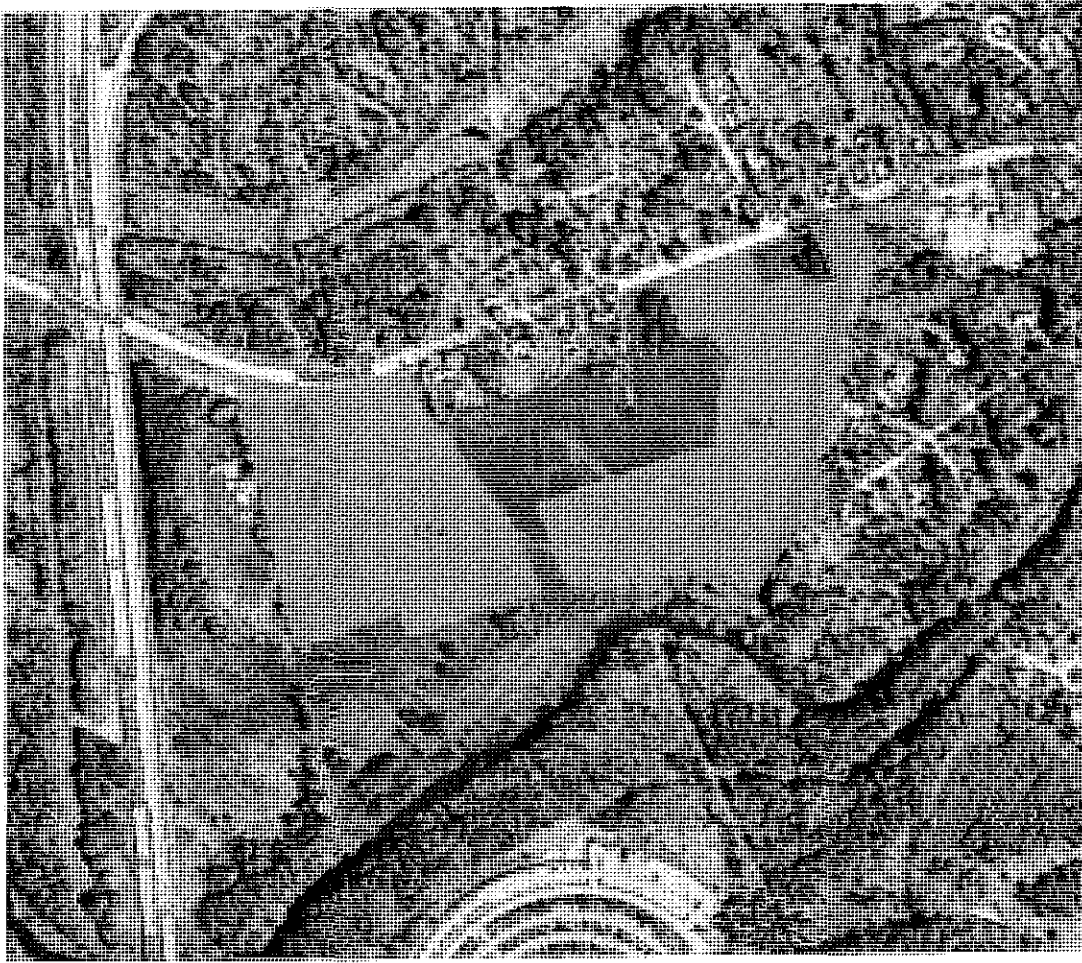
I'd appreciate it if neighbors, the developer and the planning board considered an alternative model – currently being employed with considerable success in Scarborough's Eastern Village and Dunstan Crossing subdivisions – to allow smaller lot sizes and a greater variety of housing types to create a more compact, walkable neighborhood with more open space preservation than would be possible in the current plan.

Here's a view of the current proposal, with 96 large lots dictated by the rules of the R-3 zone.



And here's a view of what might be possible with a mix of R-5a and B-1b zoning, to allow (for instance) 75 single-family homes on smaller, clustered lots, 24 units in slightly duplex buildings, and 10-12 townhouse units in mixed-use buildings near the intersection of Swan Street, where 2-3 small retail units could accommodate neighborhood-oriented businesses and reduce the number of automotive trips made for daily errands. The rest could be preserved as public open space or community gardens/farmland with the ROS zoning designation:





Clustered R-5a and B-1b zoning would allow the developer to build more units in a considerably smaller footprint, thus preserving more open space and reducing infrastructure cost. Besides reducing costs and increasing the number of potential home sales, more compact and walkable neighborhoods also reliably command a premium for each house on the market – not only for the residents of the development, but also for existing homeowners along Stroudwater Street. Lower costs and higher revenues, in turn, could make it possible for the developer to subsidize a greater number of affordable workforce units here.

The R-3 zoning under the planning board's consideration makes a walkable, mixed-use neighborhood illegal to build, and instead mandates a car-dependent suburb. The R-3 zone meets a pressing city need for more housing, but at the expense of other city goals, like reducing greenhouse gas pollution, reducing traffic, and preserving open space.

Now, maybe business-as-usual sprawl is what Stroudwater residents want, in which case, R-3 makes sense. But if the neighborhood is open to a more creative development, and the developer is open to selling more homes at a lower cost of development, then the city as a whole would benefit considerably from a clustered R-5a and B-1b zone instead.

More images of new urbanist mixed-use housing below. Speaking as one citizen, I'd much rather you legalize this kind of neighborhood instead of legalizing expensive tract housing. I have a hunch that the developer and neighbors might also prefer this.

Yours,
Christian MilNeil
45 Smith Street

double u double u double u dot christianmilneil dot com

Eastern Village in Scarborough:



Seaside, near Atlanta, GA.





—
Shukria Wiar, Planner
Planning Division
City of Portland 389 Congress Street
Portland, ME 04101
Ph: 207.756.8083
Fax: 207.756.8258

Mary Davis
1666 Westbrook Street
Portland, ME 04102

January 17, 2017

Shukria Wiar, Planner
Planning Division
City Hall, 4th Floor
389 Congress St.
Portland, Maine 04101

re: Application ID#2016-282

I am writing to convey my strong objection to allowing the high density development proposed for 1700 Westbrook Street. This developer is not proposing to follow the rules that have been set and are currently in place to protect the character of the neighborhood. Instead, the developer asks that the rules be changed to allow him to jump zones from Residential R1 to Residential R3. The purpose of the change request is to make greater profits for the developer.

I would be surrounded on three sides by five new houses. I have 30,000 square feet in my lot and understand the R3 requirement is only 6,500 square feet. That drastic a change does not mesh with the surrounding area and would totally ruin its rural character.

I hope the planning board rejects this application and gives the land a reprieve in the hopes that it can be saved from development. Remember, please, that this developer is not planning to follow the rules. Had the developer proposed housing in compliance with R-1 zoning, we would not have the same opportunity to gain time. Once gone, this natural land is gone forever.

The beautiful open field goes down to the tree line and the river. It provides a habitat for native plants which are necessary for native insects and caterpillars which are necessary for birds and reptiles. Now, there are owls and hawks and many varieties of song birds. There is also a habitat for mammals. I see coyotes and fox. If the high density development goes through, instead of land that benefits the whole environment, we will have dirty air from approximately 200 additional cars and the congestion they would cause. We will have fertilizer, pesticides and herbicides along with other pollution in the water. Casco Bay is already in trouble. Grass, instead of native vegetation, is sterile and cannot support the native

diversity of life. This development would be bad for the earth as a whole as well as the neighborhood.

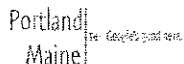
Neighboring towns have seen the importance of land trusts saving both wild and farmland from development. The city of Augusta just announced the preservation of a piece of land. We are just beginning to discover the benefits to human beings from having natural, undeveloped land around them.

The zone change would be bad for all the residents of Portland. First, Portland is made of diverse neighborhoods which adds to the quality and charm of the city for all of us. The character of Stroudwater is rural. Second, all Portland residents can enjoy open space even outside our own small neighborhood. Canco Woods, Baxter Park, the Boulevard for example are good for all Portlanders. Third, residents of all neighborhoods should be able to count on public officials to protect them by enforcing zoning. I feel the responsibility of the board is to protect residents who rely on zoning rather than developers who want special treatment by changing the rules to help them make profits. Fourth, everybody loves the cows. They are a special feature of Portland.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Mary Davis', written in dark ink.

Mary Davis



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: 1700 Westbrook Street comments.2

1 message

Shukria Wiar <shukriaw@portlandmaine.gov>
 To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Jan 17, 2017 a

----- Forwarded message -----

From: Mark Sengelmann <mark@alphaarchitects.com>
 Date: Tue, Jan 17, 2017 at 1:10 PM
 Subject: RE: 1700 Westbrook Street comments.2
 To: Christian MilNeil <c.neal.milneil@gmail.com>, Shukria Wiar <shukriaw@portlandmaine.gov>
 Cc: Stuart O'Brien <sgo@portlandmaine.gov>, William Savage <wsavage@acom-engineering.com>

Shukria,

As a Portland architect and Stroudwater resident, I support Christian MilNeil's approach to creating a more desirable neighborhood in Stroudwater.

Turk and members of the Planning Board, I urge you to take a careful look at this property.

Mark

Mark Sengelmann
 NCARB Principal
 ALPHAarchitects
 17 Chestnut Street
 Portland, ME 04101-2211
 (207) 761-9500
 fax 207.761.9595
 cell 207.671.4110
 mark@ALPHAarchitects.com

Maine, New Hampshire and Massachusetts Licensed Architect

ALPHAarchitects.com

From: Christian MilNeil [mailto:c.neal.milneil@gmail.com]
 Sent: Tuesday, January 17, 2017 12:21 PM
 To: Shukria Wiar (shukriaw@portlandmaine.gov) <shukriaw@portlandmaine.gov>
 Cc: Stuart O'Brien <sgo@portlandmaine.gov>; William Savage <wsavage@acom-engineering.com>; mark@alphaarchitects.com
 Subject: 1700 Westbrook Street comments

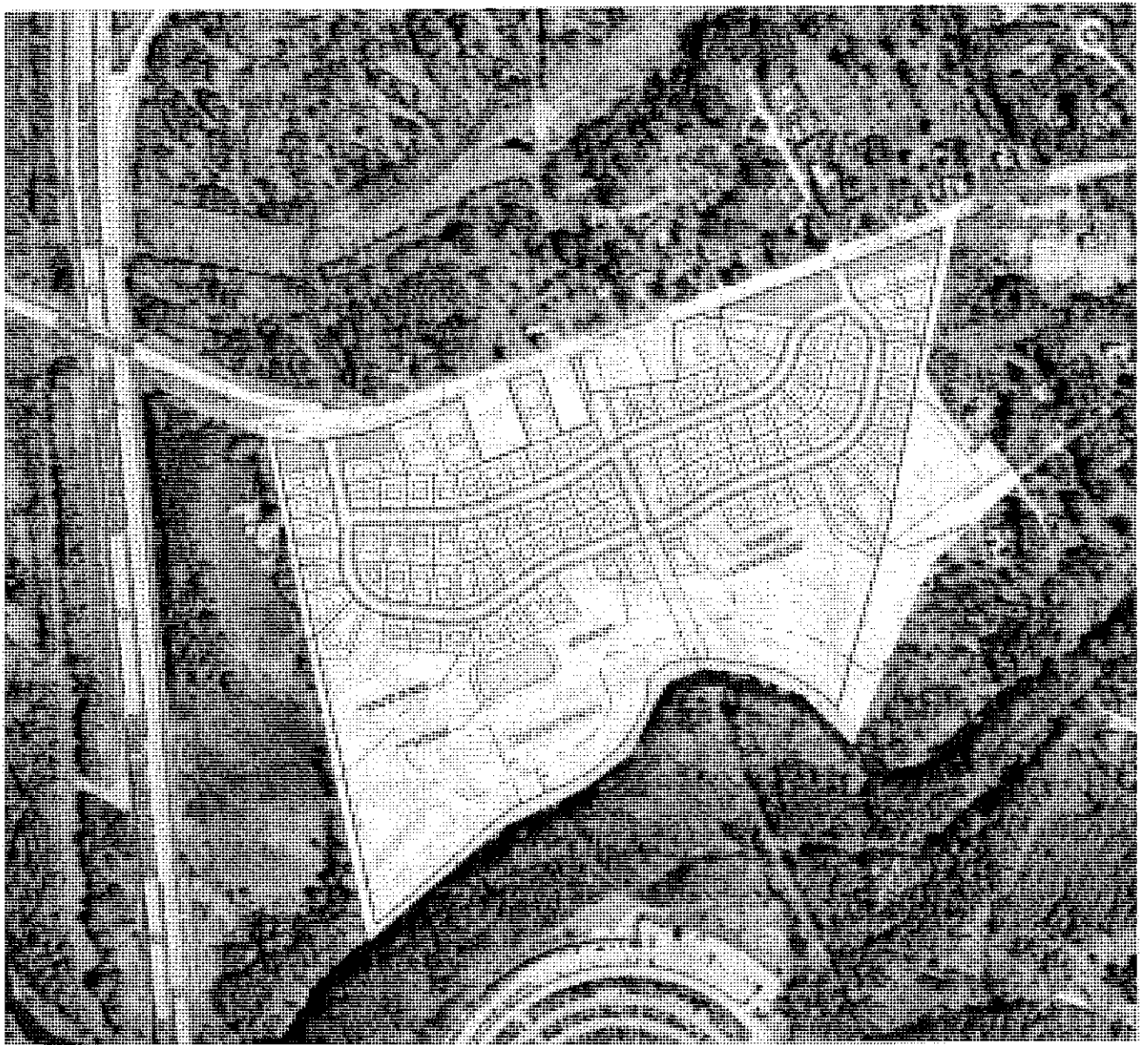
Hi Shukria, Stuart and William,

Please accept this as a formal public comment re: 1700 Westbrook Street in advance of tonight's workshop.

While I welcome any addition of new housing in our city, I'm concerned that the auto-dependent tract housing model in this proposal (the only kind of housing allowed in the R-3 zone) is classic sprawl, and a huge missed opportunity for the site.

I'd appreciate it if neighbors, the developer and the planning board considered an alternative model – currently being employed with considerable success in Scarborough's Eastern Avenue and Dunstan Crossing subdivisions – to allow smaller lot sizes and a greater variety of housing types to create a more compact, walkable neighborhood with more open space present than would be possible in the current plan.

Here's a view of the current proposal, with 96 large lots dictated by the rules of the R-3 zone.



And here's a view of what might be possible with a mix of R-5a and B-1b zoning, to allow (for instance) 75 single-family homes on smaller, clustered lots, 24 units in slightly duplex buildings, and 10-12 townhouse units in mixed-use buildings near the intersection of Swan Street, where 2-3 small retail units could accommodate neighborhood-oriented businesses reduce the number of automotive trips made for daily errands. The rest could be preserved as public open space or community gardens/farmland with the ROS zoning designation:



Clustered R-5a and B-1b zoning would allow the developer to build more units in a considerably smaller footprint, thus preserving more open space and reducing infrastructure cost. Besides reducing costs and increasing the number of potential home sales, more compact and walkable neighborhoods also reliably command a premium for each house on the market not only for the residents of the development, but also for existing homeowners along Stroudwater Street. Lower costs and higher revenues, in turn, could make it possible for the developer to subsidize a greater number of affordable workforce units here.

The R-3 zoning under the planning board's consideration makes a walkable, mixed-use neighborhood illegal to build, and instead mandates a car-dependent suburb. The R-3 zone meets a pressing city need for more housing, but at the expense of other city goals, like reducing greenhouse gas pollution, reducing traffic, and preserving open space.

Now, maybe business-as-usual sprawl is what Stroudwater residents want, in which case, R-3 makes sense. But if the neighborhood is open to a more creative development, and if the developer is open to selling more homes at a lower cost of development, then the city as a whole would benefit considerably from a clustered R-5a and B-1b zone instead.

More images of new urbanist mixed-use housing below. Speaking as one citizen, I'd much rather you legalize this kind of neighborhood instead of legalizing expensive tract housing. I have a hunch that the developer and neighbors might also prefer this.

Yours,

Christian MilNeil

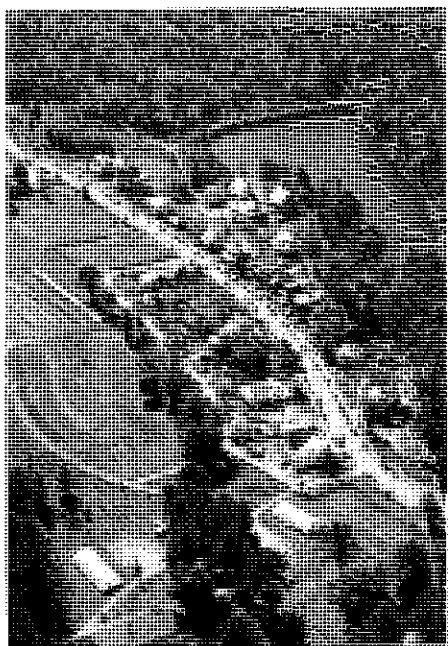
45 Smith Street

double u double u double u dot christianmlineil dot com

Eastern Village in Scarborough:



Serenbe, near Atlanta, GA:

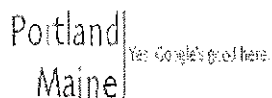


Hicksville:



No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7996 / Virus Database: 4749/13769 - Release Date: 01/14/17

-
*Shukria Wiar, Planner
Planning Division
City of Portland 389 Congress Street
Portland, ME 04101
Ph: 207.756.8083
Fax: 207.756.8258*



Jennifer Munson <jmy@portlandmaine.gov>

Deny Rezoning of Camelot Farms/Stroudwater Village

1 message

Lisa McLaughlin <torrey@maine.rr.com>
To: planningboard <planningboard@portlandmaine.gov>

Tue, Jan 17, 2017 at 1:42 PM

Dear Portland Planning Board members,

I strongly and respectfully ask that you deny the rezoning request for the Camelot Farms property.

I am a resident of Partridge Road in the Stroudwater Village neighborhood, and am very concerned about the potential impact to our area of Portland. As you know, the property is the last open farmland in the city, and is currently zoned in keeping with that use. Rezoning from R-1 to R-3 is a significant change, inconsistent with neighboring properties.

Please consider supporting a plan that better supports open space and ecological/environmental needs.

Thank you for your thoughtful review and inclusion of neighboring residents in the process.

Again, I strongly urge you to deny this request in favor of a more comprehensive plan that takes the entire area and all options into consideration.

Sincerely,

Lisa McLaughlin
30 Partridge Rd.
Portland, ME 04102

1700 Westbrook Street parcel for zone change

1 message

Eugenia O'Brien <genieme@maine.rr.com>

Tue, Jan 17, 2017 at 3:34 PM

To: shukriaw@portlandmaine.gov, planningboard@portlandmaine.gov, Stroudwater Village
<stroudwatervillageassociation@gmail.com>

Alas, a prior commitment keeps from attending this meeting tonight - Please delay a zone change for 1700 Westbrook Street.

See below or attached:

January 17, 2017

Re: 1700 Westbrook Street

Dear Members of the Portland Planning Board,

Please do not re-zone the property at 1700 Westbrook Street from R-1 to R-3. This effort reveals a lack of understanding for the texture of the neighborhood and the wants of the people living here. Please keep this conversation open to further discussion by delaying this vote tonight.

You are choosing to increase our total residences by 33% in one neighborhood at a single location. Taking the last pastureland STILL USED for cows within the city of Portland appears rash and inexplicable during a time when our farmlands are disappearing and needing to be saved, not paved.

Stroudwater is a large neighborhood with low density housing and this is a missed opportunity for what could be at this 1700 Westbrook Street site. Changing the zoning this early in discussions would close doors to more ideas that could be embraced. We are not against development or more neighbors, we are, however, not going to endorse proposals that are so far astray from the reality of the texture and tenor of what is already here. It is the gateway to historic Stroudwater, and farmland is part of the charm and allure. Even the Jetport remains unique nationally for its green welcome to the city. It is okay to not pave everything within city limits.

Oh, and yes, the wildlife uses that field to cross over to the larger old Audubon-now-Portland Trails and the Fore River Sanctuary and estuary - it will totally hamper the foxes, deer herds and the songbirds who are finding diminishing territory. Even bears have had to be removed from this area in the past.

The deliberate dismissal of pre-existing zoning by the city's Planning Board is occurring at an alarming rate. This development's impact on the roads and infrastructure, along with the volume of increased transportation (potentially an additional 250 cars?) and the influx of students at our public schools are all a jolt. Stroudwater residents have selected a rural setting with many homes possessing acreage, views and wildlife. You are destroying why we are here and I am terribly upset by your actions and lack of understanding for them.

Please delay this vote and allow a better plan to come forward.

Thank you.

Eugenia O'Brien
1376 Westbrook Street, Portland, ME 04102

(207) 773-5610



Meagan J Smith, Associate Broker
330 Forest Avenue
Portland, ME 04101
207.423.2208
SOLDbyMeg@gmail.com

January 13, 2017

Shukria Wiar, Planner
Planning Division
City Hall, 4th Floor
389 Congress St.
Portland, ME 04101

Re: Application ID #2016-282

I am writing to comment on the application to rezone the property located at 1700 Westbrook St, Portland from Res R1 to Res R3.

As a resident of Portland and real estate professional in Greater Portland, I'm writing in favor of the development of 1700 Westbrook Street.

This undeveloped parcel has the potential to bring many residents to Portland, while preserving land for recreation and connection to Portland Trails. The vision represent an old fashioned neighborhood nestled in a natural environment.

If the parcel was left solely for recreational use, concerns arise around where the funding would come to create appropriate parking. Without a proper road that leads to a parking lot, traffic problems and congestion could become problematic for the local residents.

This project is an opportunity to allow more families to purchase homes in Portland. Many buyers prefer a new construction, desire to be in Portland and seek a walkable neighborhood- something we are currently lacking in the market.

I fully support this project based on the need and desire in the Portland marketplace, as well true excitement for the plans of this development itself.

Sincerely,

A handwritten signature in black ink, appearing to read "Meagan J Smith". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Meagan J Smith

Zoning change Camelot Farms Proposal

1 message

'Marc Hodroff' via Planning Board <planningboard@portlandmaine.gov>

Fri, Jan 20, 2017 at 9:06 AM

Reply-To: Marc Hodroff <marchodroff@yahoo.com>

To: "shukriaw@portlandmaine.gov" <shukriaw@portlandmaine.gov>, "planningboard@portlandmaine.gov"

<planningboard@portlandmaine.gov>

Cc: "stroudwatervillageassociation@gmail.com" <stroudwatervillageassociation@gmail.com>

1/20/17

Regarding: zoning conversion request of the Camelot Farms property.

Dear Portland Planning Board,

I am a resident of the Stroudwater neighborhood. I was present at the meeting at City Hall on 1/17/17.

There were a few questions raised and comments I feel require additional thought as you considering potentially rezoning.

1. A board member inquired why the builder didn't request R2 rather than R3 zoning. The answer, to paraphrase, "because this would reduce the green space." The math was a bit fuzzy to me. That statement is absolutely true if one is still trying to maximize building numbers and profit, but not true if one really focused on green space as well as reduce the number of units and not encroaching on designated green space.
- I would like to further point out that the builder purchased this with the full knowledge it is currently designated as an R1. I imagine they are very knowledgeable and know that the request for change to R3 was only a request. They still proceeded to purchase and I imagine looked at cost/profit even at R1 designation and still proceeded knowing they would still profit, albeit less.
- In any zoning request I would think the burden to justify a change falls on the builder/owner of the new property. As noted by several board members, there seems to be a lack of justification for this significant change where no property or sites along this area, nor immediately adjacent areas reflect that building style or code or plan.

2. A board member felt this R3 designation would be great to help new, "first time home owners," as well as the comment its so nice to get to know your neighbors in closer spaces.

- the proposed lots are extremely small on the order of ~ .11 acres. Moreover these homes will reflect a smaller size and these would have a majority of "starter homes." Two problems with this—The average so so building costs will be at least 150-200\$ per square foot. (I don't know what the builder feels they can build this for nor the average square foot). However with this and the cost of building materials as compared to older housing, this has doubled in the last 10 years for most supplies. Thus I would pose the question: the homes are starter home-like with small lots and likely smaller sq ft. Yet the pricing will likely be 300,000K plus to purchase (again part in due to cost to build and part due to supply and demand). I would like to caution that I am not aware of too many first time home owners (generally in their mid to late 20s to early 30s) that can afford 300-350k esp with interest rates guaranteed to go up by the Fed.
- Second problem with the model is that it becomes a turn over community. While one member noted how nice it was to be close to her neighbors to know them...she moved after a few years to go to a bigger home with more space. Me too. In fact so did all but two homes in my prior neighborhood on the short end of Bradley Street. I mean all turned over, truly all but two. The average first time home buyer stays in their home less than 10 years.
 - If one looked at the board room that night, all the persons opposed (in fact everyone in the room) were not 20-30 year old persons but persons of maturity. 40+ years old. Persons who raised their family in homes that were NOT first time home designations—those with small lots and smaller sq ft—ie what is currently not in the Stroudwater region. These are families that have been here for years, raised their children here, sent their kids to school here, pay taxes here and want to stay here. Not a community that has < 10 year turn over rate and moves to areas that are more affordable with more room. This is the type of area Portland needs more of, not less. All my prior neighbors had a hard time looking for that in Portland. These are the people that stay, invest and love to be here despite the expenses.

- Even with 100 homes, this will have no impact on supply and demand costs. Portland is a very desirable area and to have an impact on cost, which is more than solely a supply issue, that would require thousands of individual homes, not hundreds.

We all realize this can be developed but there is a huge difference in R1 than R3. Huge. There should also be close and careful consideration as to the issues above. I know this is important to you all as you live here and care about the area and our children and sustainability in keeping people here beyond just their "first home."

I appreciate your consideration and pause as we all know that with an R3 designation, there is no going back and Pandora's Box is open as to what can be done there.

Sincerely,

Marc Hodroff, 48 Partridge Circle, Portland.

Google Groups

Fwd: Camelot Farms

raeleneg <raeleneg@maine.rr.com>

Feb 7, 2017 7:20 AM

Posted in group: **Planning Board**

Sent from my U.S. Cellular® Smartphone

----- Original message -----

From: raeleneg <raeleneg@maine.rr.com>

Date: 2/7/17 7:10 AM (GMT-05:00)

To: sld@portlandmaine.gov

Subject: Camelot Farms

Dear Land Bank

Pls protect Camelot Farms from rezoning and development. This is a Stroudwater landmark and should be preserved. Like a park would be.

Thank you.

Raelene Gardner
22 Heritage Court
Portland ME 04102

Sent from my U.S. Cellular® Smartphone

Google Groups

Camelot Farms

David Walter <dwalter@maine.rr.com>

Jan 21, 2017 7:22 PM

Posted in group: **Planning Board**

Hello. We live off Kingsmark and have a question about the proposed development. Currently, all high schoolers take the Metro which drops off the kids down near Stroudwater Church. The city has not been clearing the sidewalks all the way to Kingsmark, and while they're usually clear up the Stroudwater Road, so the kids need to walk along the shoulder of Westbrook Street. This would not be an of itself would not be as much of issue except with any significant snowfall the shoulder is also covered, forcing kids along the very edge of the street. If you're familiar with Westbrook street, drivers tend to follow the speed limit.

With this new development, would there be consideration of a Metro route being extended down Westbrook Street. I'd be worried about high schoolers having to walk even further along Westbrook with sidewalks that may or may not be clear.

Thanks you,
David Walter

Sent from my iPhone

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David

Sent from my iPhone

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David

Sent from my iPhone

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Fwd: Camelot Farms

Shukria Wiar <shukriaw@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, Feb 8, 2017 at 1:42 PM

----- Forwarded message -----

From: **Mihku Paul-Anderson** <mihkupaul@gmail.com>
Date: Wed, Feb 8, 2017 at 1:38 PM
Subject: Camelot Farms
To: shukriaw@portlandmaine.gov

Dear Shukria,

I am writing to oppose the zoning request for Camelot Holdings, LLC, for the parcel located on Westbrook St. in Portland. I am already aware that the city is in favor of granting this request. As disappointing as that is, I am still going to voice my opinion on this. I have lived in Stroudwater for 4 years as a homeowner. We have an active neighborhood association of which I am a member. Like many neighborhoods in Portland, we love where we live and would like to maintain the quality of our neighborhood.

I realize that Portland needs housing. It is growing rapidly. However, I don't see this sub-division solving some of the real housing issues we have, except for *those who can afford it*. I don't believe that "single-family" homes costing more than 300k are affordable. And some will no doubt cost even more. Even if a measly 10% of these is sold at so-called affordable prices, those guidelines do little to nothing to assist those in Portland who truly need help with housing; the working poor, our young people just starting out and the homeless.

Development has been going on at an accelerated pace in Portland for more than 5 years. I don't see any meaningful changes or reductions in our taxes. What I see is more, taller buildings on the peninsula and businesses playing musical chairs downtown or just folding due to the higher and higher cost of overhead. Yes, we live in a city. But that is no good reason to race toward an uncertain future with run-away development when we have such a special place in Portland.

I oppose the zoning change for the Camelot Farms parcel for numerous reasons:

1. The impact on the Stroudwater River has not been evaluated properly. The city green-lighted the Elks project and now there are going to be even more parking spaces (impervious surface) than typically allowed. And within 75 feet of a compromised waterway. The impact of 3.5 +/- acres of asphalt on our side of the river will damage it even further.
2. This plan is not in keeping with the home lots already here. It doesn't fit and will permanently alter the feel of the area. That is not good urban planning.
3. Natural eco-systems will be permanently removed or damaged. The wildlife corridor will be ruined. Wetlands and wildlife will die out.
4. Removal of all the buffer trees will greatly increase noise, and decrease air quality.
5. The increased traffic will have a deleterious and unsafe impact on the neighborhood. We have been given NO GUARANTEE from the developers that they will push to keep the speed limit at 35 or lower. Having hundreds of cars flying past homes at highway speeds does not "create a neighborhood" as Mr. Barton states. It destroys a neighborhood.
6. It remains to be seen whether this project will even be completed past Phase 1. The development team is not tested on this size project. We could end up with damaged land that just sits there.

7. A change from R-1 to R-3 will open up the possibility of commercial development. To most of the people I have spoken with, this is unacceptable.

Most Respectfully Yours,

Mihku Paul
Stroudwater Homeowner

—
Shukria Wiar, Planner
Planning Division
City of Portland 389 Congress Street
Portland, ME 04101
Ph: 207.756.8083
Fax: 207.756.8258

Google Groups

Zoning Change

JACKIE DAY <feetup100@yahoo.com>

Feb 20, 2017 3:32 PM

Posted in group: **Planning Board**

20 February 2017

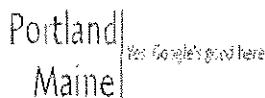
Dear Members of the Planning Board,

I am a resident of Stroudwater and live at 1630 Westbrook Street. I am writing to state my strong opposition to the zoning change proposed for 1700 Westbrook Street, a property known as Camelot Farm. A group of developers are requesting that the Planning Board change Camelot Farm's zoning from R-1 to R-3. Under the property's current zoning, the developers would be permitted to build 61 homes. This is consistent with the density and character of the Stroudwater neighborhood. As you are undoubtedly aware, Stroudwater is the oldest residential community in Portland and is currently home to 250 families.

A change in the zoning to R-3 would allow 96 homes to be built on Camelot Farm. This level of density is completely out of character with the neighborhood and should not be allowed in an area that has been R-1 for decades. In addition, the infrastructure on the area cannot accommodate this extreme deviation from the existing designation. For example, Westbrook Street cannot accommodate an additional 144 vehicles during morning and evening commutes, assuming conservatively that each family has 1.5 vehicles. And the Stroudwater River cannot handle the runoff from 96 new homes.

I would like to make it clear that this is not a well-considered and planned development. There are many examples of this in the Greater Portland area. A development with an R-3 density in Stroudwater, however, would totally change the character of the neighborhood.

Sincerely,
Jackie Day



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Proposed Camelot Farms Development

Shukria Wiar <shukriaw@portlandmaine.gov>
 To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Feb 21, 2017 at 9:15 AM

Public Comment...

----- Forwarded message -----

From: **Kevin Regan** <regan.kevin1@gmail.com>
 Date: Sun, Feb 19, 2017 at 10:55 AM
 Subject: Proposed Camelot Farms Development
 To: shukriaw@portlandmaine.gov

Dear Planning Board Members

I reside in the Stroudwater area at 1646 Westbrook Street that abuts the proposed development as known as Camelot Farms. This letter is written to advise that I am strongly against any zoning change to assist the Developers in creating their plans for this area. Under current property zonings (established with rationale) they would be permitted to build 61 homes. When the zoning rules were established it was with reason and intent to maintain the character and density of the Stroudwater neighborhood. This area is the oldest residential community in Portland growing to 250 families.

Changing zoning regulations to R-3 would allow 96 homes to be built. This is not consistent with the character of the neighborhood and should NOT be allowed in an area that for decades had been regulated zone R-1. Over the years traffic has increased through our neighborhood with commuters from surrounding area. With the zoning change this would rapidly allow heavy increases to this flow. Given the assumption that 98 homes have 1.5 cars would add another 144 cars in the morning and evening commute. In a small matter of time traffic lights would have to be constructed to safely allow cars turning and out of this development. I live along Westbrook Street close to the Westbrook line. I can attest first hand that it can be dangerous pulling out and entering my property at busy times. With this proposed development I can assure you, in the not so distant future, safety problems will occur with the added home owners. Rest assured traffic lights will be needed or Westbrook Street will have to be widened in areas to mitigate these safety or congestion issues.

I DO NOT think this is a well-considered or planned development. These zoning change, if allowed will change the neighborhood's character and create more traffic problems for the City in the future.

Thank you for your time and consideration,

Kevin Regan

1646 Westbrook Street, Portland

*Shukria Wiar, Planner
Planning Division
City of Portland 389 Congress Street
Portland, ME 04101
Ph: 207.756.8083
Fax: 207.756.8258*

20 February 2017

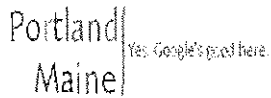
Dear Members of the Planning Board

I am a resident of Stroudwater and live at 1618 Westbrook Street. I am writing to state my strong opposition to the zoning change proposed for 1700 Westbrook Street, a property known as Camelot Farm. A group of developers are requesting that the Planning Board change Camelot Farm's zoning from R-1 to R-3. Under the property's current zoning, the developers would be permitted to build 61 homes. This is consistent with the density and character of the Stroudwater neighborhood. As you are undoubtedly aware, Stroudwater is the oldest residential community in Portland and is currently home to 250 families.

A change in the zoning to R-3 would allow 96 homes to be built on Camelot Farm. This level of density is completely out of character with the neighborhood and should not be allowed in an area that has been R-1 for decades. In addition, the infrastructure on the area cannot accommodate this extreme deviation from the existing designation. For example, Westbrook Street cannot accommodate an additional 144 vehicles during morning and evening commutes, assuming conservatively that each family has 1.5 vehicles. And the Stroudwater River cannot handle the runoff from 96 new homes.

I would like to make it clear that this is not a well-considered and planned development. There are many examples of this in the Greater Portland area. A development with an R-3 density in Stroudwater, however, would totally change the character of the neighborhood

Bruce Harrington



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Camelot Farm Development Concerns

1 message

Shukria Wiar <shukriaw@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, Feb 22, 2017 at 6:38 PM

----- Forwarded message -----

From: **Holly Hoffman** <HHOFFMAN4@maine.rr.com>
Date: Tue, Feb 21, 2017 at 2:10 PM
Subject: Camelot Farm Development Concerns
To: shukriaw@portlandmaine.gov

February 21, 2017

City of Portland

389 Congress St

Portland, ME 04101

Dear Members of the Planning Board,

I am a resident of Stroudwater Village and live at 1619 Westbrook Street. I am writing to voice opposition to the proposed zoning change for a new development located at 1700 Westbrook Street formerly known as Camelot Farms. The developers are requesting a zoning change from R1 to R3. Under current zoning laws approximately 61 houses would be permitted to be built keeping the density in line with current R1 zoning. An R3 zoning change would allow 96 houses to be built at the site. There is concern about the added number of cars (estimated 144 per day) and infrastructure issues concerning flooding and runoff into the Stroudwater River.

As Stroudwater is the oldest residential neighborhood in Portland a lower number of houses would better blend into the area helping to preserve the historical character.

I ask the Planning Board to consider the zoning change carefully before making a final decision.

Respectfully,

Holly S. Hoffman

Holly S. Hoffman

1619 Westbrook Street

Portland, ME 04102

—
Shukria Wiar, Planner
Planning Division
City of Portland 389 Congress Street
Portland, ME 04101
Ph: 207.756.8083
Fax: 207.756.8258

2/23/17

City of Portland Planning Board -

My name is Shaun Donlin and my family and I live at 1557 Westbrook Street. I wanted to voice my opinion on the potential development of the property formerly known as Camelot Farms, located at 1700 Westbrook Street, which is directly across the road from my family's home. The group of developers that purchased the farm are requesting that the Planning Board change the zoning from R-1 to R-3, which would allow the developers to increase the number of homes they would be permitted to build, from 61 to 96. That is a 57% escalation in new homes that would be added to our historic residential community.

We bought our home here 7 years ago with the hopes of raising our 3 children in a peaceful place, set away from the hustle and bustle of in-town Portland. Now, instead of my daughter looking at the towering pine trees, wild turkeys, cows and all the other beautiful things mother nature has blessed this area with as she waits for the school bus in the morning, she will see only cookie cutter homes and the mass departure of cars leaving this new development as the hundreds of new residents head to work on a daily basis.

The commuter traffic between Westbrook and Portland is already heavy on this road and with the addition of 100+ new vehicles that would now be forced to use this road daily, it can only lead to bigger problems. Congestion, which will inevitably slow down commute times for our neighborhood residents, school buses and those who commute between Portland and Westbrook. The inclusion of more cars to our neighborhood will absolutely raise the potential for more traffic accidents and MOST importantly, it will increase the risk of a child being harmed as they play, walk to a friends or to and from the school bus stop, ride bicycles or any other activity that they've been accustomed to their whole lives. Now the neighborhood kids will have to constantly look over their shoulder due to the massive influx of new vehicles in our neighborhood.

Last year there was a similar development built on farm land at Spring Street in Westbrook and it's a tremendous eye sore that destroys any continuity that once rural area had. If the proposed development at 1700 Westbrook Street in Portland is going to look anything like that, it surely will detract from our neighborhood's natural beauty and appeal. So, naturally I am fearful that this will also lower the property values in our community.

In conclusion, my family and many of our neighbors are strongly against not just the rezoning of the Camelot Farms property, but this development at a whole. It will damage a significant portion of the natural beauty and the eco-system of our neighborhood by leveling most, if not all, of the woodlands on that piece of land. Stradwater Village has literally existed for centuries and with an unnecessary rise in traffic flow due to this development, it can only add an increased level of danger for our children, commuters, pedestrians, cyclists and our pets.

This is a very close community and the residents enjoy its serenity. I truly hope the Planning Board will take into consideration the historic value that this neighborhood has possessed for generations. If this development were to move forward, that value will surely be lost forever.

Respectfully,

Shaun Donlin and Silvia Vasquez

Fwd:

1 message

Shukria Wiar <shukriaw@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Thu, Feb 23, 2017 at 12:24 PM

A public Comment for Camelot Farms. Thanks.

----- Forwarded message -----

From: **SysterSynergy** <systersynergy@gmail.com>
Date: Thu, Feb 23, 2017 at 12:15 PM
Subject: Fwd:
To: shukriaw@portlandmaine.gov

Sent from my Verizon Wireless 4G LTE DROID

----- Original Message -----

Subject:
From: SysterSynergy <systersynergy@gmail.com>
To: estrimling@portlandmaine.gov
CC:

Dear:
Elizabeth Boepple
Sean Funding
Carol Morrissey's
David Eaton
Kristien Nichols
Lisa Whited
Maggie Stanley

I am a resident of Stroudwater and have lived at 1465 Westbrook Street since it was built in 1956.

I am writing to state my very strong opposition to the proposed zoning change for 1700 Westbrook Street a property known as Camelot Farms.

The area cannot support the extreme deviation from the existing zoning designation.

Its impact on the neighborhood and the environment are detrimental.

Thank you for your consideration

Linda Dambrie

Sent from my Verizon Wireless 4G LTE DROID

—
Shukria Wiar, Planner
Planning Division
City of Portland 389 Congress Street
Portland, ME 04101
Ph: 207.756.8083

Fax: 207.756.8258

Fwd: Stroudwater re zoning

1 message

Shukria Wiar <shukriaw@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Feb 24, 2017 at 9:16 AM

Please this to the public comments. Thanks.

----- Forwarded message -----

From: **richard michel** <richard.michel88@yahoo.com>
Date: Thu, Feb 23, 2017 at 6:42 PM
Subject: Stroudwater re zoning
To: shukriaw@portlandmaine.gov

Dear Planning Board Members,

I am writing in concern of the re zoning of the Camelot Farm property at 1700 Westbrook street in Portland. I/we live at 1683 Westbrook Street directly across the street of the Roger's home. The new zoning would affect us quite a bit and is not welcomed. The changes in the already horrible traffic would only increase, have a negative effect on the trail system, and be devastating to the natural wildlife and water system. I think the change of zoning from R-1 to R-3 would a terrible mistake for the area, neighborhood, and certainly the local environment.

I also think the change is driven by the cash boxes of the city and not really for helping in the housing issues of the city. The majority of those needing housing cannot afford a house with starting cost of 250,000 or more. Therefore my question is to whose benefit is the re zoning for ? ,the Stroudwater community or the cash boxes of the city ?

I submit this request to all of you in the hope you will hear my/ our concerns.
Thank you for your attention.
Richard Michel
1683 Westbrook Street
Portland

Sent from my iPad

--
Shukria Wiar, Planner
Planning Division
City of Portland 389 Congress Street
Portland, ME 04101
Ph: 207.756.8083
Fax: 207.756.8258

Arthur F. McEvoy
89 Partridge Circle
Portland ME 04102-1632
(207) 773-4738

February 14, 2017

David Eaton
City of Portland Planning Board

Dear Dave,

This is not a Public Comment.

I'm disappointed that the Angler's Club dinner was cancelled but I understand the reasoning. This would have been the first one attended since early last season. L.L.Bean has had the uncanny ability to schedule me to work on every dinner occasion. I had to do some sharp horse trading to get tomorrow off.

Not only was I interested in Nick Mills, the scheduled speaker, but I also wanted to corner you for a couple minutes discussion of the Camelot Farm application. I live on Partridge Circle so I have a special interest in the Village. I have less concern about a well thought out residential development than I have about a change in the existing Residential R-1 zoning. One hundred, (yes, there are 100 lots defined) Disney World style small cottages on postage stamp-sized lots that will introduce twice annual applications of lawn fertilizer and weed control products ultimately finding their way to the fragile Stroudwater River is not what I want in my neighborhood or my city. You know what always flows downhill.

At the first Planning Board Workshop you seemed willing to give the zone change application more consideration. The two ladies to your left were, in my opinion, completely out of touch, one citing irrelevant anecdotes about living on Frances Street. I lived close by on Orland Street for 13 years. It's an entirely different environment. The Chair clearly had already reached a decision and Sean was secure in her shadow. One of my concerns, as well as that of many other concerned neighbors, is the financial viability of the two developers, Mike Barton and his sidekick who always appears in his parking lot striping outfit.

At \$350,000 to \$450,000 per house this would require a +/- \$20,000 deposit, a monthly mortgage payment out of reach of the typical first time home buyer that this targets and real estate taxes estimated by Mike Barton to be \$5,000 to \$6,000 per year. Those who can afford to buy don't want tiny shoulder to shoulder lots, uncomfortably close proximity to existing homes or to the turnpike, all of which exist within this plan.

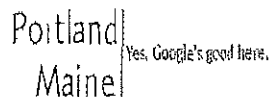
If the marketing plan for Camelot Farm fails this part of the city will bear the scar. A new developer will reset the clock and we'll enter the unknown zone again..

I am certainly not opposed to well considered and planned development. There are many examples in the greater Portland area. It's this particular zoning change application that has my feathers ruffled.

Tight lines.

Sincerely,

Art McEvoy
element89@maine.rr.com



Shukria Wiar <shukriaw@portlandmaine.gov>

Stroudwater Neighborhood

1 message

Angela J. Wheaton <angelajwheaton@yahoo.com>

Mon, Feb 27, 2017 at 3:25 PM

Reply-To: "Angela J. Wheaton" <angelajwheaton@yahoo.com>

To: "shukriaw@portlandmaine.gov" <shukriaw@portlandmaine.gov>

Dear Portland Planning Board,

I live at 30 Partridge Road in the Stroudwater neighborhood. Stroudwater is the oldest residential community in Portland and is currently home to roughly 250 families living in single family dwellings on property that is largely zoned Residential-1 (R-1). When I moved to Portland four years ago, Stroudwater was exactly the type of neighborhood I sought, in large part because of the existing zoning. I had confidence that the city would honor the existing zoning and that my quality of life and property value would not be impacted by other land uses.

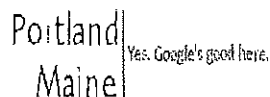
I am writing to state my strong opposition to the zoning change proposed for a portion of the Stroudwater neighborhood, 1700 Westbrook Street, also known as Camelot Farm. A group of developers is requesting that Camelot Farm's zoning be changed from R-1 to R-3. Under the property's current zoning, the developers would be permitted to build 61 homes. This number is consistent with the density and character of our Stroudwater neighborhood. A change in the zoning to R-3 would allow 96 homes to be built on Camelot Farm. This level of density is inconsistent with the design and character of the neighborhood and should not be permitted in an area that has been zoned R-1 for decades.

I also have serious concerns that the infrastructure of the area cannot support this deviation from the existing zoning designation. It has been estimated that during morning and evening commutes, the proposed development would add about 144 cars to the already congested Westbrook Street/Congress Street intersection, and significant traffic to Westbrook Street in general. Also, the Camelot Farms property borders the Stroudwater River, an important ecosystem which likely cannot handle the runoff from 96 new homes.

I am not opposed to well-considered and carefully planned development. There are many examples of this in the greater Portland area. A development with an R-3 density in Stroudwater, however, does not reflect the current flavor and design of our neighborhood.

Thanks for reading and considering my thoughts. I would be more than happy to discuss our neighborhood at any time.

Angela J. Wheaton 30 Partridge Rd. Portland, ME 04102



Shukria Wiar <shukriaw@portlandmaine.gov>

Camelot Farm Development-1700 Westbrook Street

1 message

James Mooney <jtmooney3232@yahoo.com>

Sun, Feb 26, 2017 at 12:47 PM

To: planningboard@portlandmaine.gov

Cc: shukriaw@portlandmaine.gov

I am in total opposition to the zoning from R-1 to R-3. It is the right of the past owners to be able to sell that property for its designated zoning of R-1. I have lived at 54 Stroudwater Road since 1998 and have enjoyed the area tremendously. It's always been the countryside portion of Portland. Until now.

Stroudwater Village is an area of deep historical roots where many parents currently living here have families with young children. Also, we have couples who are retired and enjoy the area as well. Many of us already know how challenging it can be to walk, push a stroller, run and bicycle on Westbrook Street. It's a major artery for going to work in the morning and returning home after work. It's a major route of getting ambulances to Maine Medical Center. The city has tried desperately to control speeding traffic to no avail. There is a speed sign that clocks vehicle pace and it's always flashing indicating a high speed of travel. Every day!

As an employee of Maine Medical Center one of my major responsibilities is to protect the safety and health of patients, employees and visitors to the hospital. I find this expansion from R-1 to R-3 a benefit to the investors but not to the citizens of Stroudwater Village. The increase in vehicles created by this expansion will draw more cars, delivery trucks and service trucks let alone all the heavy truck traffic during the construction phase of this project. The Safety of all those currently living here should be paramount now and after the R-1 work begins.

I am opposed to the R-3 density plan. I am for the R-1 plan. Let's promote growth but not at the price of making a great neighborhood less desirable for those of us who have been living and recreating here for many years.

Sent from the iPad of:

James T. Mooney

Maine Medical Center

Department of Safety-Emergency Management

207.712.4672

2/27/2017

City of Portland Mail - 1700 Westbrook Street

PC34



Shukria Wiar <shukriaw@portlandmaine.gov>

1700 Westbrook Street

1 message

javaj@maine.rr.com <javaj@maine.rr.com>

Sun, Feb 26, 2017 at 1:26 PM

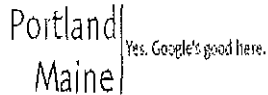
To: shukriaw@portlandmaine.gov

Cc: bbatson@portlandmaine.gov

Dear city legislators and fellow concerned citizens,

My name is Janet Page and I am the homeowner and resident of 1487 Westbrook Street. I am writing to express my opposition to the proposed zoning change for the "Carnelot Farm" development at 1700 Westbrook Street. If the change is allowed the development would totally overwhelm our neighborhood and an already busy city street. Thank you for your careful consideration.

Sincerely, Janet Page



James Dealaman <jdealaman@portlandmaine.gov>

PLEASE READ MY LETTER

Colleen Griffin <colleen_griffin@msn.com>

Mon, Feb 27, 2017 at 3:28 PM

To: "shukriaw@portlandmaine.gov" <shukriaw@portlandmaine.gov>, "planningboard@portlandmaine.gov" <planningboard@portlandmaine.gov>

Dear Planning Board,

I am writing once again to voice my **strong opposition** to the zoning change, R-1 to R-3, proposed for 1700 Westbrook St. As a resident of Stroudwater (42 Penrith Road), I fear that my neighborhood will be forever changed and not for the better.

The addition of 96 new homes on the Camelot Farms property will forever change and truly destroy the character of Portland's oldest neighborhood. Development of this property is of course unavoidable, but 96 homes is clearly **over-development**. The property is currently zoned as R-1 which will allow for 61 homes to be built. This is a much more sane and safe plan.

My fear is that the property will not be able to ecologically support 96 homes. With the current use of lawn chemicals, specifically nitrogen and phosphorus, an algae bloom in the Stroudwater River is imminent and will be devastating. The Fore River and Casco Bay will also suffer the effects of over development of this property.

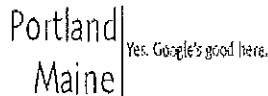
Traffic is another very big concern. Will the city be installing traffic lights, widening Westbrook St., installing sidewalks to accommodate the influx of traffic from 96 new homes? Without these infrastructure improvements, Westbrook St will become a major highway. It is a challenge to pull out safely into traffic on Westbrook St now. If I had the option to travel another way I certainly would. Since Penrith Rd (like most all others in the area) are dead end, I have no other option.

Shouldn't the current residents of the Stroudwater neighborhood have as much of a voice as the developer in this matter? Please consider carefully the full extent of the zone change for 1700 Westbrook St. **Your decision** to change the zone from R-1 to R-3 will forever change the character of **my neighborhood**.

Thank You,

Colleen Griffin

Sent from Mail for Windows 10



James Dealaman <jdealaman@portlandmaine.gov>

1700 Westbrook Street (Camelot Farm)1 message

Eugenia O'Brien <genleme@maine.rr.com>

Mon, Feb 27, 2017 at 3:55 PM

To: planningboard@portlandmaine.gov, shukriaw@portlandmaine.gov

February 25, 2017

Portland Planning Board

re: no zone change for 1700 Westbrook Street (Camelot Farm)

Dear Elizabeth Boepple (Chair), Sean Dundon, Carol Morrisette, David Eaton, Kristien Nichols, Lisa Whited, and Maggie Stanley:

I strongly question the proposed zone change for Camelot Farm from R-1 to R-3 to permit a 'grow-smart' hyper-density housing development of 96 homes on 30 acres.

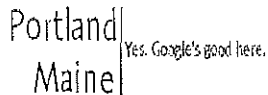
A change to allow a density which is so completely out of character with the oldest residential community in Portland is counter-intuitive in an area that has been zoned R-1 for decades. It was only when such a dense plan was put forward that the alarm was sounded regarding this sale, as no signage announced there would be a zone change that went with the acquisition of this large open property. Intent was unknown. Until now.

In addition, the infrastructure of the area cannot accommodate this extreme deviation from the existing zoning designation. For example, Westbrook Street cannot accommodate an additional 144 cars during morning and evening commutes, assuming conservatively that each family has 1.5 cars. And the Stroudwater River cannot handle the runoff from 96 new homes. And are schools really ready to cope with the influx of close to 100 new homes and the school children associated with this new development marketed to be family-friendly?

By denying this zone change, you would allow for a public-private purchase of this private property prior to a finalized sale. Portland has an amazing history of reverence for green space and it deserves equal consideration in Portland's future. Vacant space does not always cry out for housing and tar.

There are many examples of well-considered and carefully planned developments in the greater Portland area. As presented, this development would not be well-considered or well-planned and forever alters the rural ambiance and natural allure that is the heart of Stroudwater. This 45+ acre site deserves a larger conversation in the context of Portland's Strategic Plan.

Eugenia O'Brien
1376 Westbrook Street, Portland, Maine
(207) 773-5610 / (207) 232-0717



James Dealaman <jdealaman@portlandmaine.gov>

Fwd: Opposition to zoning change in Stroudwater

1 message

Shukria Wiar <shukriaw@portlandmaine.gov>
To: James Dealaman <jdealaman@portlandmaine.gov>

Tue, Feb 28, 2017 at 8:56 AM

Please save and print.

----- Forwarded message -----

From: **huang june** <junehuang71@hotmail.com>
Date: Mon, Feb 27, 2017 at 4:17 PM
Subject: Opposition to zoning change in Stroudwater
To: "shukriaw@portlandmaine.gov" <shukriaw@portlandmaine.gov>

Dear Members of the Portland Planning Board,

I am a resident of Stroudwater who resides at 18 Spar Lane. I am writing this email to state my strong opposition to the zoning change proposed for 1700 Westbrook Street (Camelot Farm). As you are aware, a group of developers is requesting that the Planning Board change the zoning from R-1 to R-3 on Camelot Farm. Under the current R-1 zoning, the developers are permitted to build 56 houses. This number is consistent with the density and character of the Stroudwater neighborhood. Stroudwater is the oldest residential community in Portland, and is currently home to 210 families.

A change in zoning from R-1 to R-3 would allow developers to build 96 houses on the same plot of land. This level of density is completely out of character with the neighborhood and should not be allowed in an area that has been classified as R-1 for decades. Additionally, the the infrastructure of the area cannot accommodate this extreme deviation from the existing zoning designation. For example, Westbrook Street simply cannot accommodate an additional 144 cars during morning and evening commutes, assuming conservatively that each family has 1.5 cars.

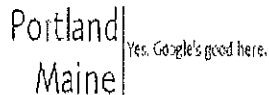
I would like to make it clear that I am not opposed to well-considered and planned development. There are many examples of this in the greater Portland area. However, a development with an R-3 density in Stroudwater would not be well-considered or well-planned.

Thank you for your time and consideration.

Sincerely,

Xiao Jun Huang

Shukria Wiar, Planner
Planning Division
City of Portland 389 Congress Street
Portland, ME 04101
Ph: 207.756.8083
Fax: 207.756.8258



James Dealaman <jdealaman@portlandmaine.gov>

Fwd: Camelot Farms

James Dealaman <jdealaman@portlandmaine.gov>
To: Syster Synergy <systersynergy@gmail.com>
Cc: Shukria Wiar <shukriaw@portlandmaine.gov>

Tue, Feb 28, 2017 at 12:00 PM

Thank you for your e-mail. Your public comment will be included in the review and will become part of the public record.

If you have any further questions, please contact me.

James Dealaman, Administrative Officer
Planning and Urban Development Department
City Hall, 389 Congress Street, 4th Floor
Portland, Maine 04101
(207) 874-8721 (T)
(207) 756-8258 (F)
planning@portlandmaine.gov
www.portlandmaine.gov
Office Hours are Monday - Friday 8:00 a.m. - 4:00 p.m.

----- Forwarded message -----

From: **SysterSynergy** <systersynergy@gmail.com>
Date: Tue, Feb 28, 2017 at 9:02 AM
Subject: Fwd: Camelot Farms
To: shukriaw@portlandmaine.gov

Sent from my Verizon Wireless 4G LTE DROID

----- Original Message -----

Subject: Camelot Farms
From: SysterSynergy <systersynergy@gmail.com>
To: shukriaw@portlandmaine.gov
CC:

Hello

My name is Linda Dambrie, I own 1465 Westbrook St, Portland Maine

I have been a resident here since 1956. I am writing to let you know that I am apposed to the rezoning of Camelot Farms from r1 to r3.

Please forward this to all members of the planning board.

Could you also keep me informed of all meetings or presentations which one or more of the applicants for the zoning change for 1700 Westbrook St application id #2016-282 or CBL #229 A002 have with any member of the planning board or member of its staff. I also request notification and transcript of any ex parte discussion via phone, text, or email that one or more of the applicants have with any member of the planning board or member of its staff. I can be contacted by the email and phone listed below.

Any transcripts can be mailed to 1465 Westbrook St.

Thank you for your time and consideration.

Linda Dambrie
1465 Westbrook St
Portland Maine 04102
Systersynergy@gmail.com
207-774-7353



James Dealaman <jdealaman@portlandmaine.gov>

Re-zoning of 1700 Westbrook St

1 message

Michael Archibald <marchie1962@gmail.com>

Tue, Feb 28, 2017 at 9:46 AM

To: planningboard@portlandmaine.gov, shukriaw@portlandmaine.gov

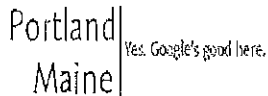
Dear Members of the Portland Planning Board,

I am a resident of Stroudwater and live at 126 Stroudwater Road. I am writing to state my strong opposition to the zoning change proposed for 1700 Westbrook Street, a property known as Camelot Farm. A group of developers are requesting that the Planning Board change Camelot Farm's zoning from R-1 to R-3. Under the property's current zoning, the developers would be permitted to build 56 homes. This number is consistent with the density and character of the Stroudwater neighborhood. As you are undoubtedly aware, Stroudwater is the oldest residential community in Portland and is currently home to 210 households.

A change in the zoning R-3 would allow 96 homes to be built on Camelot Farm. This level of density is completely out of character with the neighborhood and should not be allowed in an area that has been zoned R-1 for decades. Currently, there are 150 households situated between Congress Street and the Westbrook border (north of Stroudwater River) that use Westbrook Street as their main arterial route in and out of the neighborhood. That would be a huge increase of 65% of households. The infrastructure of the area cannot accommodate this extreme deviation from the existing zoning designation. For example, Westbrook Street cannot accommodate an additional 144 cars during morning and evening commutes, assuming conservatively that each family has 1.5 cars. Also, winter sidewalk snow removal has been sketchy at best along Westbrook Street where children, the elderly, and others try to walk. An increase in the number of children (probably 25-50) with such a re-zoning is dangerous and should also be addressed by the developer. And finally, Stroudwater River may be damaged by an increase in excessive runoff from inorganic yard and waste chemicals.

I would like to make it clear that I am not opposed to a well-considered and well-planned development at Camelot Farm, especially in light of the fact that Portland and Southern Maine are hoping to attract a younger generation to settle here. There are many examples of such developments in the Greater Portland area. I would encourage both the developer and the Planning Board to look to these developments for inspiration. A development with a R-3 density in Stroudwater Village, however, would NOT be well-considered or well-planned.

Sincerely,
Michael Archibald
126 Stroudwater Rd
Portland ME 04102
617-699-3017



James Dealaman <jdealaman@portlandmaine.gov>

Statement from Stroudwater Village Association regarding proposed zone change at 1700 Westbrook Street (Camelot Farms property), February 2017

1 message

Stroudwater Village Association Board of Trustees

<stroudwatervillageassociation@gmail.com>

To: shukriaw@portlandmaine.gov, planningboard@portlandmaine.gov

Cc: Brian Batson <bbatson@portlandmaine.gov>, Charlton Smith <charltonsmith@mac.com>

Tue, Feb 28, 2017 at 10:12

AM

Hello, please see the statement below (also attached for convenience) from the SVA, and please add it to the public comments for tonight's Planning Board Workshop. SVA VP Carl Smith (copied) will be at the meeting to represent the SVA. Thank you. -Dan Koloski, SVA President

Statement from Stroudwater Village Association regarding proposed zone change at 1700 Westbrook Street (Camelot Farms property), February 2017

Summary: The Stroudwater Village Association restates its January 2017 position that it does NOT believe a zone change from R-1 to R-3 is appropriate at this time, and requests that the Planning Board table or deny the request as presented to allow for more discussion about the highest and best use of the property.

1. Lack of notice impedes due process

To begin with, the SVA would like to register its disappointment that once again, no formal notice of this workshop was sent to the official SVA email address which receives all other city notices. We are unable to help the city provide due process to residents/taxpayers without timely notice, and we most certainly qualify as an "interested party." We also note that 4:30PM is a very difficult time for working residents to attend meetings, thereby increasing the importance of time to prepare written feedback.

Action: Please ensure electronic notifications regarding ANY properties in the Stroudwater area are sent to stroudwatervillageassociation@gmail.com with proper notice timing.

2. Parcel-by-parcel re-zoning is not "planning"

The SVA continues to have serious concerns with the reactive policy/process approach from the city regarding re-zoning proposals in our area. We point out that is the third major re-zoning application in the last 12 months in which the seller and buyer operated under a presumption that re-zoning would be simply "rubber-stamped" as part of a parcel sale (the prior two were the Northland/Elks Club and Verizon Wireless proposals). We believe that the current "anything goes" mentality among sellers in the neighborhood is the direct result of tacit encouragement and incentives from the city due to the lack of planning for the area, and this potential re-zoning will only encourage more of the same.

In several meetings surrounding the revised Comprehensive Plan, it was noted that the next step should be neighborhood-specific plans developed collaboratively by the city, neighborhood associations and residents. No such plan exists for Stroudwater, and we've been given no indication that one is forthcoming. The city produced the "Outer Congress Street Land use" white paper only at the very tail end of the Elks Club debate and after considerable pressure from residents, but even in that very brief paper it noted that "As development pressure continues on Outer Congress

Street, it is important that the city establish a policy direction for future land use decisions in this area." The same is true of the Westbrook Street corridor. We do not believe neighborhood transformation should happen by accident.

We also note with alarm the Planning Board's explicitly-stated desire (in the current materials, staff memo) to additionally rezone existing adjacent occupied parcels over the objections of the current (and in many cases, longstanding) residents. This feels like unnecessary overreach and raises many questions about the future of other residential properties in the area and adverse incentives for future sellers.

Action: The SVA requests that the city table parcel-by-parcel rezoning in our area until a vision process is complete.

3. This re-zoning is proposed in support of a project that may not be viable

In the last Planning Board Workshop, Board members noted the risk associated with re-zoning around a particular proposal is that there is no guarantee that the ultimate plan will bear any semblance to the existing proposal, especially if the property ownership changes hands post re-zoning.

The project has been described as a multi-year, multi-phase, build-on-presale business model even though initial infrastructure costs (new roads, sewer, etc.) will be substantial. Furthermore, the project is described as having "starter homes in the \$350-450K range." Many residents have questioned both the existence of financing required to sustain such a project over many years as well as the level of demand for "starter homes" above \$350K, and as such we have previously asked the developer for background on previous projects they have completed, as well as the full background on the team and its resources.

To date we have not received any additional information that would give us confidence that this team has the ability to execute what they are proposing...which leads directly back to the risk of re-zoning.

Action: Since this re-zoning is only being proposed to support a particular project, the SVA requests that any future zoning revert back to previous (R-1) zoning if there are substantial changes to the underlying project on which the re-zoning was approved.

4. There are meaningful concerns about the project even if financially viable

The developer has been willing to engage with residents on aspects of the proposal, and we are appreciative of these efforts. We also note some areas in which the developer has been responsive to resident suggestions such as Turnpike noise buffering. We think more time is needed for ongoing collaborative discussion to resolve major outstanding issues, including the ones noted below.

4A. Too much automobile volume: We reiterate our serious concerns about arbitrarily doubling the number of single-family (1.5/2-car-per-household) homes on this section of Westbrook Street. As anyone who lives or commutes on Westbrook Street knows, there is no easy way the existing thoroughfare can absorb that level of rush-hour increase, and there is no alternative ingress/egress possible. The traffic study cited incorrectly focused on the incremental effect from a hypothetical full R-1 buildout (83 homes) to the proposal under R-3 (96 homes). That is the wrong metric, as there is no existing housing in place, and so, regardless of underlying zoning, every single car is incremental in this circumstance.

Action: The SVA has previously requested alternatives from the developer that would involve numerically far less homes (more like in the 30-40 range, similar to the scale of the very successful River's Edge and Tide Mill developments) as well as phase-by-phase development plans and buyout options that would prevent incremental development. To date, we have not received any of this information.

Action: Regardless of whether we are talking about 30 homes or 90 homes, the SVA requests specific traffic demand management plans from the developer and MDOT including stoplights at parcel ingress/egress as well as ways to encourage alternative routing for non-resident commuters (such as additional Westbrook Street traffic calming to reduce non-peak-hour speeds and regional efforts such as removal of local turnpike tolls).

4B. Unknown environmental effects: There is also meaningful concern about environmental impacts of incremental development on the Stroudwater River and surrounding ecosystem, and changes to the river flow may also negatively impact the already-damaged historic Stroudwater Dam.

Action: The SVA requests a full inventory of environmental impact and mitigation plans for the project. Thus far we have seen some information about stormwater management, but no information about pesticides and impacts on existing conditions (wetlands, vernal pools, etc.).

Action: The SVA requests the city release its plans for Stroudwater Dam repair before any large-scale development that borders the river would be undertaken.

4C. Incompatible density/layout with existing development patterns. There is no existing precedent for the proposed combination of density and layout anywhere in Stroudwater. The applicant's materials and staff memo note approximately 28 existing nonconforming (to R-1 and R-2 zoning) lots in the Stroudwater area, as well as the River's Edge "Conditional R-3" rezoning from 1992, as precedent for this re-zoning. However, these precedents actually argue against the current plans.

- The majority of nonconforming lots with overall sizes close to the sq. ft range for this project (~9,070 sqft average) are not near the site but rather in the Stroudwater Historic District (cited lots are in the ~1100-1300 Westbrook Street range as well as Cobb Ave. and Garrison St., all to the southeast of the Westbrook/Congress St. intersection). The nonconforming lots that are closer to 1700 Westbrook Street (cited lots are in the ~1500-1600 Westbrook Street range, though notably on the opposite side of Westbrook Street, as well as on Swan St. and Pierce Avenue) are mostly cited based on lot width, but most are substantially larger than the average proposed size. The point being, this combination of thin-width lots AND densely packed lots doesn't really exist in the neighborhood today.
- Even the River's Edge example provides a precedent for less density/volume, not more, as the staff memo notes, "The reason for the conditional zone change request to the R-3 zone was because the R-3 zone allowed a Planned Residential Unit Development (PRUD) for single family homes at that time. The applicant kept the density of the proposed subdivision at 29 lots which was the same density as permitted under the R-1 and R-2 zones."

The bottom line on all of this is that more discussion is needed. We are all simply "not there yet."

The Stroudwater Village Association restates its January 2017 position that it does NOT believe a zone change from R-1 to R-3 is appropriate at this time, and requests that the Planning Board table or deny the request as presented to allow for more discussion about the highest and best use of the property.

The Stroudwater Village Association is a Maine Non-Profit corporation. All residents of Stroudwater are members and invited to participate in all of our activities.

Find us on the web at <http://www.stroudwatervillage.org> and <http://www.livinginportland.org/stroudwater.htm>

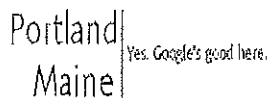
2/28/2017 City of Portland Mail - Statement from Stroudwater Village Association regarding proposed zone change at 1700 Westbrook Street (Camelot Farms prope...

Find us on Facebook at <https://www.facebook.com/StroudwaterVillageAssociation>



Statement from Stroudwater Village Association regarding proposed zone change at 1700 Westbrook Street-20170226.pdf.

128K



James Dealaman <jdealaman@portlandmaine.gov>

Camelot Farms rezoning proposal1 message

Carolyn Claiborn <c_claiborn@hotmail.com>

Tue, Feb 28, 2017 at 10:48 AM

To: "planningboard@portlandmaine.gov" <planningboard@portlandmaine.gov>, "Angela J. Wheaton" <angela.j.wheaton@yahoo.com>, "Strimling@portlandmaine.gov" <Strimling@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "dbrenaman@portlandmaine.gov" <dbrenaman@portlandmaine.gov>, jim claiborn <anxletyshrink@gmail.com>

Thank you for giving me the time to read my message. I have been a resident of the Stroudwater area for the past thirteen years. I want to register my opposition to the proposed zoning changes for the development of Camelot Farms from R1 to R3.

Maine is an old state. Residents of Maine are an average of 45 years old. Females in Portland average 50 years. In our neighborhood, the average is much higher. Most of the residents of Partridge Road and Circle are retired or nearing retirement. Most of the residents have owned their houses for more than twenty years. They have owned these houses with the promise that once they were unable to care for the houses or themselves, they would be able to sell their homes to finance the next steps in their retirement.

The Stroudwater neighborhood is attractive to new buyers because of the wooded back yards, views of the river and the historic sense that permeates the area. The proposed development of Camelot Farms will radically alter the ambiance of this neighborhood, making it less attractive to potential buyers. If residents of this area were younger, the threat to the value of their homes might have less impact given that they have more years to compensate for the loss.

In our small neighborhood, that's not the case. Loss of value of the residents' most important asset can negatively affect their remaining years. I think this is a critical factor to be considered by the planning board when weighing the benefits and risks of changing the zoning.

The residents of Partridge Road and Circle have earned your consideration. They are teachers and businessmen who have given back to Portland in many, many ways. We owe them the ability to maintain their retirement assets as was always promised them.

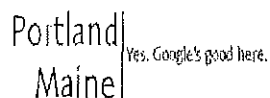
Thank you for your attention.

Sincerely,

Carolyn Claiborn

24 Partridge Circle

Portland, Maine 04102



James Dealaman <jdealaman@portlandmaine.gov>

Oppose Re-Zoning of Camelot Farms

1 message

Lisa McLaughlin <torrey@maine.rr.com>

Tue, Feb 28, 2017 at 11:34 AM

To: shukriaw@portlandmaine.gov, planningboard <planningboard@portlandmaine.gov>

Cc: stroudwatervillageassociation@gmail.com

Dear Portland Planning Board Members,

I am writing to express my strong opposition to the re-zoning of the Camelot Farms area of Stroudwater Village from R-1 to R-3. Although I will not be able to attend the planning board meeting this afternoon, I agree with my neighbors who will be there to present concerns. Please give this matter your careful consideration and work for us to preserve the character and environmental integrity of the village. Thank you,

Lisa McLaughlin
30 Partridge Road
Portland ME 04102

Dear Chairperson Boepple,

We are concerned that the Planning Board's process of reviewing Camelot Holdings LLC's ("Camelot Holdings") request to rezone 1700 Westbrook Street is not meaningful. To the contrary, the process appears to be arbitrary and capricious. Indeed, it appears to be inconsistent with the goals of encouraging orderly growth and development in appropriate areas of our community and of preventing sprawl and development in flood plains. Moreover, it does not appear to be mindful of protecting critical natural resources, agricultural resources, and outdoor recreation opportunities. The most recent example that illustrates our concern involves the Planning Board's failure to follow through on one of its requests to Camelot Holdings.

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Sincerely,

Name: *Eva Frank* *Eva Frank*
 Address: *100 Partridge Circle*
 Date: *5/5/17*

Cc: Shukria Wiar

Honorable Brian Batson

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Sincerely,

Michael Archibald


Name: *Michael Archibald*
Address: *JASON DIONNE*
Date: *126 Stroudwater Rd.*
Portland ME 04102

5/2/17

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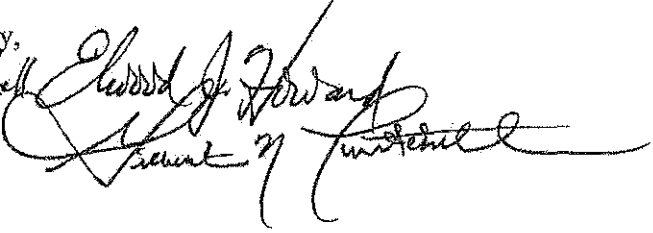
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Sincerely,

Name: Elwood J. Howard, Gilbert Twitchell

Address: 28 Roundabout Lane, Portland

Date: May 1, 2017



Cc: Shukria Wiar

Honorable Brian Batson

Dear Chairperson Boepple,

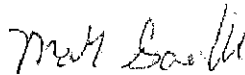
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Sincerely,



Name: Mark Scudler

Address: 120 Parkside Circle Portland

Date: 5/4/17

Cc: Shukria Wiar

Honorable Brian Batson

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Sincerely,

Name:

Address:

Date:

William R. Barton
132 PARTRIDGE CIRCLE
+ 6 PARTRIDGE ROAD
5/13/17

Cc: Shukria Wiar

Honorable Brian Batson

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Sincerely,

MARTHA H. JOHNSTON

Name: BRIAN W FARR

Address: 1457 Westbrook Street

Date: May 3, 2017

Martha H. Johnston
Brian W. Farr

Cc: Shukria Wiar

Honorable Brian Batson

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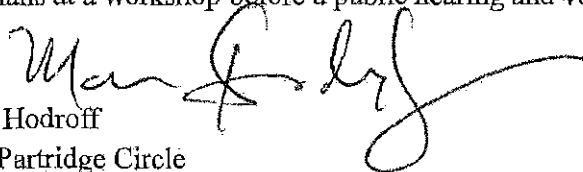
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Sincerely,

Name: Marc Hodroff

Address: 48 Partridge Circle

Date: 5/2/17



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Sincerely,

Name: *Mihlen Paul*
Address: *1603 Westbrook St.*
Date: *5.2.17*



Cc: Shukria Wiar
Honorable Brian Batson

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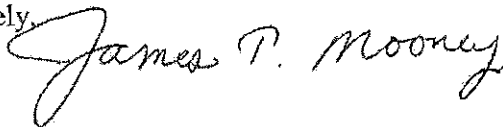
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Sincerely,



Name: James T. Mooney
Address: 54 Stroudwater Road
Date: 5.2.17

Cc: Shukria Wiar
Honorable Brian Batson

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Sincerely,

Name: MARY DAVIS
Address: 1666 Westbrook St
Date: 5/2/17 Portland



Cc: Shukria Wiar

Honorable Brian Batson

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Sincerely,

Name: *Jan Macleod*
Address: *2 Stroudwater Rd*
Date: *5/2/17*



Cc: Shukria Wiar

Honorable Brian Batson

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Sincerely,

Name: *Mark O'Brien*

Address: *207 Coyk St #4*

Date: *3/2/17*

Cc: Shukria Wiar

Honorable Brian Batson

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Name: Bree Simmons
Address: 207 Coyle St #4 Portland, ME 04103
Date: 5/2/17

Cc: Shukria Wiar

Honorable Brian Batson

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Sincerely,

Name: Andrea C. Hawkes
Address: 1181 Westbrook St.
Date: 1 May 2017

Andrea C. Hawkes

Cc: Shukria Wiar

Honorable Brian Batson

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Sincerely,

Name: *Dail E. Hannon*
Address: *47 Roundabout Ln*
Date: *May 2, 2017*

Cc: Shukria Wiar
Honorable Brian Batson

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Name: Linda Lambrich
Address: 1965 Westbrook St.
Date: 5/2/2017

Cc: Shukria Wiar
Honorable Brian Batson

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Sincerely,

Name: *KIMBERLY KENNEL*
Address: *21 ROUNDABOUT RD*
Date: *5/3/17*

Kimberly Keane

Cc: Shukria Wiar

Honorable Brian Batson

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Sincerely,

Martha B McEvoy

Name: Martha B McEvoy
Address: 89 Partridge Circle
Date: 5/1/17

Cc: Shukria Wiar
Honorable Brian Batson

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Name:

Address:

Date:

Arthur J. McEwen
89 Partridge Street, Portland
5/2/17

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H

Roger Hinchliffe
1221 Westbrook St.
Portland, ME 04102-1929

Date: May 2, 2017

Cc: Shukria Wiar
Honorable Brian Batson

Roger Hinchliffe
Karen Soderby Hinchliffe

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Sincerely,

Name: *Kim W Wilson*
Address: *1366 Westbrook St*
Date: *4/30/2017*

Cc: Shukria Wiar

Honorable Brian Batson

Dear Chairperson Boepple,

We are concerned that the Planning Board's process of reviewing Camelot Holdings LLC's ("Camelot Holdings") request to rezone 1700 Westbrook Street is not meaningful. To the contrary, the process appears to be arbitrary and capricious. Indeed, it appears to be inconsistent with the goals of encouraging orderly growth and development in appropriate areas of our community and of preventing sprawl and development in flood plains. Moreover, it does not appear to be mindful of protecting critical natural resources, agricultural resources, and outdoor recreation opportunities. The most recent example that illustrates our concern involves the Planning Board's failure to follow through on one of its requests to Camelot Holdings.

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Robert C. Chesebrough Sincerely,
Name: *Robert C. Chesebrough*
Address: *1353 Westbrook Street*
Date: *April 30, 2012*
rachese38@gmail.com

Cc: Shukria Wiar

Honorable Brian Batson

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Sincerely,

Name: Luis Millones
Address: 1375 Westbrook St
Date: 4/30/17



Cc: Shukria Wiar

Honorable Brian Batson

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Sincerely,

Name: XIAO JUN HUANG

Address: 18 SPAR LN. PORTLAND

Date: 05/3/2017

Cc: Shukria Wiar

Honorable Brian Batson

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Sincerely,

Name: *Engenia O'Brien*

Address: *1376 Westbrook*

Date: *4/30/17*

Cc: Shukria Wiar

Honorable Brian Batson

Engenia O'Brien

Dear Chairperson Boepple,

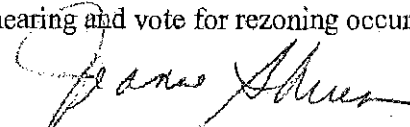
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Sincerely,



Name: JEANNE SHRUM
Address: 1405 WESTBROOK ST, PORTLAND ME 04102
Date: 4/30/2017

Cc: Shukria Wiar

Honorable Brian Batson

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Sincerely,

Name: Eva Frank Eva Frank
Address: 100 Portridge Circle
Date: 5/5/17

Cc: Shukria Wiar

Honorable Brian Batson

Google Groups

Camelot Farm

Brian Batson <bbatson@portlandmaine.gov>

May 9, 2017 9:26 AM

Posted in group: **Planning Board**

Ms. Boepple and members of the Planning Board,

I am writing in regard to the potential vote tonight on the rezoning of Camelot Farms. Unfortunately I do not believe I will be able to attend the meeting as I am obligated to my Health and Human Services meeting at a conflicting time. As an elected leader, I am obligated to represent my constituents to the very best of my abilities and be a vessel of communication for the concerns of the neighborhoods. I have been pleased to see the improvements made on the part of the developer by working with the neighborhood and incorporating ROS into the plan. I would feel comfortable saying the plan today is demonstrably better than it was day 1. With that being said, at this time I cannot support the plan as is presented. For myself, it greatly comes down to the risks not outweighing the benefits. Potential environmental impacts cannot be excluded, no matter how diligent a developer states they plan on being. I recently walked the farm land and was surprised at the consistently steep and uneven topography which is not depicted in any arial shot I have seen-inducing even further cause for concern regarding runoff into the Stroudwater River. In addition, the US Fish & Wildlife Services has this land listed as high value habitat for grassland as I observed many animals grazing the land as I walked it. These are concerns associated with development in general, which I understand may not be fair or realistic for some from a planning perspective. In an ideal world I would love to see this land preserved, that may not be the most feasible expectation with the family having the right to sell to whomever they please. However, early in the process I reached out to Maine Farmland Trust and the Land Bank regarding this parcel and both expressed interest in conservation if some supplemental funding could be facilitated. That is a conversation I would be interested in continuing if this plan does not go through. If the land is to be developed, I speak for myself and many I represent in saying there is serious concern with the volume of homes being proposed. The price range targeted for these homes, on the lot size they're on, is drastically higher than any young professional family I know would be able to afford. If the plan were unable to come to fruition anyone could come buy out the land and be able to build on R3 without the work and communication this current developer utilized. Unsustainable Traffic volume and the safety of commuters on an already overwhelmed road is a factor I hope will be carefully observed by any making decisions regarding this buildout. I commend the efforts on both sides of communication between the developer and residents. I thank you all on the Planning Board for your numerous workshops and your patient attentiveness in listening to the concerns of the neighborhood. At this time I believe land conservation or a more conservative development reflective upon the neighborhood would be the best avenue for the residents of Stroudwater. Thank you for your time.

Respectfully,

Brian Batson
Portland City Council District 3
bbatson@portlandmaine.gov
www.brianbatson.org
(207) 632-0247

RICHARD R. FARNSWORTH

55 OLD MAST ROAD

PORTLAND, MAINE 04102

Ms. Boepple, Chair

Portland City Planning Committee

Re: Camelot Farms

Dear Ms. Boepple:

I have assumed a relatively low profile in the course of the recent few months primarily because I not only have my hands full as a member of the Education and Cultural Affairs Committee of the legislature but because I was hoping that some acceptable resolution could be reached between the neighbors that are more directly affected and the developers. Unfortunately the latter does not seem to be in the offing.

As a resident of Stroudwater for nearly 25 years I have driven past Camelot Farms many thousands of times and admired the cattle that were pasturing there or the many turkeys that sometimes caused to come to a halt on Westbrook St. While I certainly understand the family's right to sell the property at a fair market value, I was disappointed that the developers that wish to purchase the land have proposed development that would, as I see it, not only have a negative impact on the environment but would create an enormous traffic burden on Westbrook St., a street that is already feeling the pressures of the large development on String St. in Westbrook. This issue alone seems to place a large CAUTIONARY FLAG on the project.

At this point in time I believe that changing the zoning to accommodate this type of development would not be wise for either the neighborhood or the environment. What we need is a more balanced type of development or the setting of this property aside for environmental and recreational purposes.

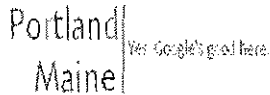
Thank you for considering this input into this increasingly complex situation.

Sincerely:

Richard R. Farnsworth

Representative

House District 37



Shukria Wiar <shukriaw@portlandmaine.gov>

1700 Westbrook Street - Camelot Farms - Initial Traffic Comments

Tom Errico <thomas.errico@tylin.com>

Thu, Feb 23, 2017 at 4:43 PM

To: Shukria Wiar <shukriaw@portlandmaine.gov>

Cc: Katherine Earley <kas@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Lauren Swett <lswett@woodardcurran.com>, Jeff Tarling <jst@portlandmaine.gov>

Hi Shukria – I have reviewed the application materials and offer the following traffic comments as it specifically relates to the rezoning proposal. My comments focus on the traffic implication of the rezoning request and items that would be reviewed during the site plan permitting process.

- The key traffic issue related to the rezoning of the subject property is the increase in trip generation expected with the change. According to application materials, under current zoning (R1), 83 residential units can be construction. With full build-out of the property under the proposed zone (R3), 166 residential units could be construction. The applicant has provided plans that note construction of 100 residential units. Accordingly, the zone change would be expected to add traffic levels above current zoning requirements by 17 residential units. (Although a maximum increase could be 83 residential units, this level of development may not be possible given site constraints). During the worst-case peak hour trip generating scenario, the increase in 17 residential units would correlate to an additional 17 vehicles entering and exiting the project site during the PM peak hour (under the current application proposal). In my professional opinion, this level of traffic increase would not have a significant impact on traffic operations and therefore the zone change would not be expected to have a significant impact on traffic conditions.
- Whether under current zoning and the construction of 83 residential units or under the rezoned scenario with 100 residential units, the following traffic issues/requirements would be considered during site plan permitting.
 - The applicant has provided a traffic study and the general content of the study is appropriate and would be used during the site plan review process.
 - Traffic conditions would be reviewed at the Congress Street/Westbrook Street intersection. Current traffic congestion would likely require mitigation improvements.
 - A traffic speed study along Westbrook Street would likely be required with recommendations on addressing specific vehicle speed issues an recommendations.
 - Intersection/Driveway design conditions including sight distance, driveway separation, and geometric features would be reviewed.
 - A pedestrian and bicycle facility analysis would be expected within the vicinity of the project.
 - Crash data would be reviewed in the vicinity of the project and for locations that are determined to have deficiencies, the applicant would be expected to mitigate problems.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate

2/24/2017

City of Portland Mail - 1700 Westbrook Street - Camelot Farms - Initial Traffic Comments

Traffic Engineering Director

TYLININTERNATIONAL

12 Northbrook Drive

Falmouth, ME 04105

207.781.4721 (main)

207.347.4354 (direct)

207.400.0719 (mobile)

207.781.4753 (fax)

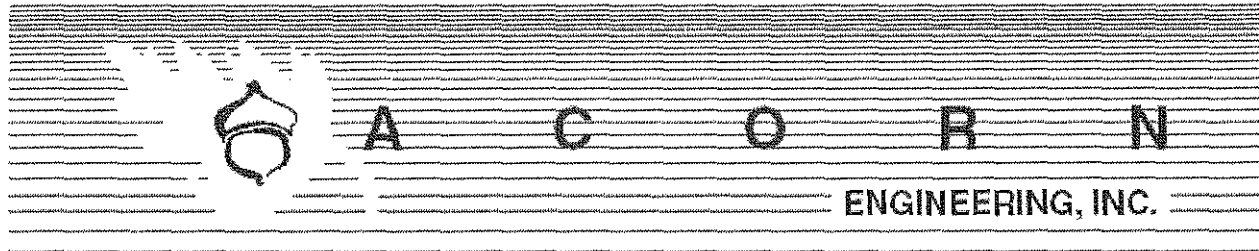
thomas.errico@tylin.com

Visit us online at www.tylin.com

Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.



Attn: Shukria Wiar
Planning and Urban Development Department
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

March 30, 2017

Subject: Zoning Map/Text Amendment Application – Final Submission
Camelot Farms Subdivision

Dear Shukria,

Camelot Holdings, LLC is pleased to submit the accompanying package of submission materials for the proposed Camelot Farms zone change. The new and updated materials were developed in response to the feedback from the second Planning Board Workshop meeting (2/28/17), in preparation for the third Workshop meeting to be held on April 6th, 2017.

During the February Workshop meeting, the Planning Board identified their need to see a R-5a zone change concept. The R-5a rezone layout is to propose a higher unit density layout. The resulting concept consist of 77 lots for the R-5a Zone that includes a mix of single-family, duplex, three-family, multi-unit and PRUD lots, 137 units total.

The concept includes developing the acquired parcel, adjacent to the Turnpike. As such, the previously submitted concepts were also updated to propose additional lots within the parcel. As a result, the overall open green space, net impervious surface, and wetland impacts has changed slightly since the last application submittal.

When comparing the potential number of lots and units, and corresponding surface and site impacts, the rezone to the R-3 Open Space Concept provides the basis for a sustainable, cohesive project design that implements smart growth principles. By allowing smaller lot areas, the extent of construction can remain closer to Westbrook Street, away from the Stroudwater River providing a vegetated buffer between the developed areas and the river. The proposed lot layout will reflect characteristics of a Conservation Subdivision by clustering the site development and designating a preserved natural area for shared public use. Within the developed areas, there is also the opportunity for incorporating decentralized LID stormwater techniques to mitigate and treat onsite runoff.

Under the R-3 rezone, the smaller lot sizes would drive the house price point closer to the affordability requirements set by the Inclusionary Zoning Ordinance. Because it is proposed that the IZ units be provided within the development, the lesser home costs of the R-3 zone would create a more cohesive neighborhood with less distinction between the R-3 and IZ homes. This idea is described in further detail within the attached Housing Attainability Summary (Attachment D).

A summary of the lots and surfaces for each concept are as follows (also noted on the Site Plans):

Concept Lot Summary					
	R-1 Buildout	R-2 Buildout	R-3 Buildout	R-3 Open Space	R-5a Open Space
<i>Camelot Farms</i>	80	104	160	91	70
<i>Westbrook Street</i>	4	4	5	4	7
<i>Open Space Lots</i>	0	1	1	4	0
TOTAL	84	109	166 (180 units)	99 (108 units)	77 (137 units)
Concept Surface Summary					
<i>Open Green Space</i>	0 ac	0 ac	0 ac	24.67 ac (44%)	21.62 ac (39%)
<i>Net Impervious Surface Increase</i>	7.58 ac	9.09 ac	12.75 ac	8.10 ac	9.73 ac
<i>Wetlands Impact</i>	3.79 ac (27%)	3.85 ac (27%)	3.67 ac (26%)	0.25 ac (2%)	0.80 ac (6%)

The open space and public access to the site is to be assured by the Applicant via an easement completed in two steps. The initial Open Space and Public Access Easement will be signed and issued to the public for the parcel directly abutting the Turnpike immediately following a successful rezone of the parcel to R-3 and ROS. Because the larger parcel is subject to a Purchase and Sale Agreement, the Open Space and Public Access Easement will be held in escrow until the exchange of ownership of the parcel is complete at the conclusion on the PS&A. At a minimum, all land within 250 feet. of the Stroudwater River will be rezoned ROS, however the final Open Space and Public Access Easement will be continued and expanded beyond the 250-foot buffer to the proposed property lines and/or public right-of-way.

The Applicant has completed additional environmental due diligence normally associated with a Site Plan/Subdivision Application in response to site impact concerns addressed by the neighbors. In addition to Wetland Delineation and outreach to State and Federal Agencies (Army Corps, US Fish & Wildlife Service, Maine Natural Areas Program, Maine Inland Fisheries & Wildlife, and Maine Historic Preservation Commission) completed in the Fall, an Ecological Habitat Assessment Report has been developed and included in this submission package.

There has also been a concern from select neighbors that a full buildout R-1 concept as submitted is not feasible. After reviewing the information received to date from our Environmental Consultants and Regulatory Agencies, and standards and regulations set by the City of Portland's Chapter 14 Land Use Code, it is our professional opinion that the full buildout of the R-1 concept is feasible.

This final submission package is intended to meet and expand upon the City's Submission Requirements as outlined in the Zoning Map/Text Amendment. The following documents and drawings are to be uploaded onto the City's electronic submission site in addition to the previously uploaded documents (please note that all new and updated documents are as highlighted):



Documents:

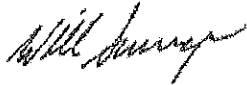
- A. Cover Letter – *Updated*
- B. Zoning Map Amendment Application – *Updated*
- H. Ecological Habitat Assessment Report, by Verdanterra Dated 3/15/17 – *New*
- I. Housing Attainability Summary, by Camelot Holdings, LLC Dated 3/30/17 - *New*

Drawings:

- R-3 Open Space Concept Site Plan, C-10 Dated 10/26/16 – *Updated 3/29/17*
- R-3 Open Space Concept Aerial Site Plan, C-11 Dated 12/9/16 – *Updated 3/29/17*
- R-3 Full Buildout Concept Aerial Site Plan, C-12 Dated 2/10/17 – *Updated 3/29/17*
- R-2 Full Buildout Concept Aerial Site Plan, C-21 Dated 2/10/17 – *Updated 3/29/17*
- R-1 Full Buildout Concept Aerial Site Plan, C-31 Dated 1/17/17 – *Updated 3/28/17*
- R-5a Open Space Concept Aerial Site Plan, C-41 Dated 3/28/17 – *New*
- Ex-2 Parcel Exhibit, Dated 2/14/17 - *Updated*

Camelot Holdings, LLC and the design team look forward to your review of these updated and new additions to the final project application to be presented at and spoken to at the next Planning Board Workshop meeting. If you have any questions regarding these materials or the completeness of the application materials, please contact us within the next five (5) days.

Sincerely,



William H. Savage, P.E.
Principal - Project Manager
Acorn Engineering, Inc.





Zoning Map/Text Amendment/Contract or Conditional Rezoning Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the review of requests for zoning map amendments, zoning text amendments and contract or conditional re-zoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Zone Change.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

Planning Division

Fourth Floor, City Hall

389 Congress Street

(207) 874-8719

planning@portlandmaine.gov

Office Hours

Monday thru Friday

8:00 a.m. – 4:30 p.m.

PROJECT NAME:CAMELOT FARMS

PROPOSED DEVELOPMENT ADDRESS:1700 WESTBROOK STREET

PROJECT DESCRIPTION:

Proposed redevelopment of existing farmland into a traditional single-family development within the Stroudwater neighborhood. A portion of the site is to be preserved as a recreational, green space using the Recreational Open Space Zone.

CHART/BLOCK/LOT: 229-A-2, 246-A-3, 247-A-3, 248-A-9, 256-A-3, 246-A-6, 247-A-2, 245-B-5**CONTACT INFORMATION:**

Applicant – must be owner, Lessee or Buyer Name: Michael Barton Business Name, if applicable: Camelot Holdings, LLC Address: 62 Portland Road, Suite 25 City/State: Kennebunk Zip Code: 04043	Applicant Contact Information Work #: Home #: Cell #: (207) 939-5432 Fax#: e-mail: michael.corbett.barton@gmail.com
Owner – (if different from Applicant) Name: Address: City/State: Zip Code:	Owner Contact Information Work #: Home #: Cell #: Fax#: e-mail:
Agent/ Representative Name: Address: City/State: Zip Code:	Agent/Representative Contact information Work #: Home #: Cell #: Fax#: e-mail:
Billing Information Name: [See Applicant Information] Address: City/State: Zip Code:	Billing Information Work #: Home #: Cell #: Fax#: e-mail:

Engineer Name: William H. Savage, P.E. Acorn Engineering, Inc. Address: PO Box 3372 City/State : Portland, ME Zip Code: 04104	Engineer Contact Information Work #: (207) 775-2655 Home #: Cell #: (207) 317-1884 Fax#: e-mail: wsavage@acorn-engineering.com
Surveyor Name: David Titcomb, PLS Titcomb Associates Address: 133 Gray Road City/State : Falmouth, ME Zip Code: 04105	Surveyor Contact Information Home #: Work #: (207) 797-9199 Cell #: Fax#: e-mail: DTitcomb@titcombsurvey.com
Architect Name: Address: City/State : Zip Code:	Architect Contact Information Work #: Home #: Cell #: Fax#: e-mail:
Attorney Name: Address: City/State : Zip Code:	Attorney Contact Information Work #: Home #: Cell #: Fax#: e-mail:
Designated person/person(s) for uploading to e-Plan: Name: Olivia Dawson e-mail: odawson@acorn-engineering.com Name: William Savage e-mail: wsavage@acorn-engineering.com Name: e-mail:	

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

The application submission includes the purchase and sale agreement for the lots 229-A-2, 246-A-3, 247-A-3, 248-A-9, 256-A-3 and the deed to the additional parcel (CBL, 246-A-6, 247-A-2, 245-B-5).

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property.
(For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use.
(Applicant may utilize the City Zoning Map or Parcel Map as a source.)

Existing Use: Describe the existing use of the subject property:

The existing property is comprised of a single family home with accessory barn and storage structures. The majority of the site is farmland and fronts the Stroudwater River.

Current Zoning Designation(s): R-1, RESIDENTIAL ZONE

Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The project proposes to redevelop the existing, small farm with a single-story home and accessory shed and barn structures into a traditional single-family development within the Stroudwater neighborhood; house lots will range in size between 6,500 sf to 20,000 sf. The portion of the site adjacent to Westbrook Street is proposed to be regraded to support a road network, subdivided lots, and ancillary infrastructure. The remaining space will remain a shared green space.

Site Plan: On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1" = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

APPLICATION FEES:

Zoning Map Amendment ___ \$3,000.00 (from <u>R-1</u> zone to <u>R-3 & ROS</u> zone) *fee provided in previous application submission Zoning Text Amendment ___ \$3,000.00 (to Section 14-___) Combination Zoning Text Amendment and Zoning Map Amendment ___ \$4,000.00 Conditional or Contract Zone ___ \$5,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	The City invoices separately for the following: • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$50.00 hour) • Legal Review (\$75.00 hour) Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.
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INSTRUCTIONS FOR ELECTRONIC SUBMISSION:

Please refer to the application checklist (attached) for a detailed list of submission requirements.

1. Fill out the application completely and e-mail the **application only** to planning@portlandmaine.gov.
(Please be sure to designate a person who will be responsible for uploading documents and drawings.)
This step will generate the project ID number for your project.
2. An invoice for the application fee will be e-mailed to you. Payments can be made on-line at [Pay Your Invoice](#), by mail or in person at City Hall, 4th Floor. Please reference the Application Number when submitting your payment which is located in the upper left hand corner of the invoice.
3. The designated person responsible for uploading documents and drawings will receive an email from eplan@portlandmaine.gov with an invitation into the project. At this time, you will upload all corresponding documents and plans into the project. For first time users you will receive a temporary password which you must change on entry. Make note of your username and password for any future projects.

Reminder: Before the project can move forward, the application fee shall be paid in full and all required documents and drawings shall be uploaded into e-plan correctly.

4. Follow the link below (Applying Online Instructions) for step by step instructions on how to do the following:
Tab 1 - Setting up the appropriate compatibility settings for your PC and getting started in e-plan.
Tab 2 - Preparing your drawings, documents and photos for uploading using the correct naming conventions
Tab 3 - Preparing and uploading revised drawings and documents

Applying Online Instructions

5. When ready, upload your files and documents into the following folders:
"Application Submittal – Drawings"
"Application Submittal – Documents"
6. Once a preliminary check has been made of the submittal documents and drawings, staff will move them to permanent folders labeled Drawings and Documents. As the process evolves you will be able to log in and see markups, comments and upload revisions as requested into these folders.

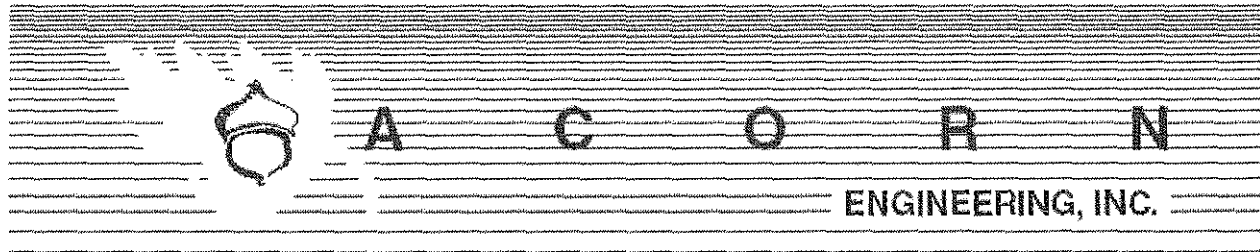
APPLICANT SIGNATURE:

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.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 3/30/17
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C. Project Narrative

Camelot Farm Residential Development

Revised February 2017

The Camelot Farm parcel is an approximately 54-acre piece of pastureland with frontage along Westbrook Street and the Stroudwater River. It offers a unique opportunity to provide something the City of Portland has not experienced in generations: a chance to create an innovative, environmentally thoughtful, and diverse mix of home ownership options unified by a comprehensive approach to its implementation. Neighborhood amenities will also include zone protected access to shoreland areas and preserve recreational space for diverse, shared-uses. The anticipated plans call for the creation of approximately 95 homeownership opportunities.

In alignment with the current and goals of the future comprehensive plan, the proposed development intends to take queues in consideration as a whole. The following goals have been highlighted from the plan and are not intended to be an exhaustive list:

As Highlighted from the Current Comprehensive Plan:

- **Maximize development where infrastructure exists**
 - Westbrook Street contains access to water, sewer, electricity, and natural gas and is within 200 feet of the proposed development
- **Balance the natural and built environment**
 - Concentration of infrastructure and proposed house lots towards the Westbrook Street frontage will maximize the use of the land that lends itself to responsible development and provides access to several acres of shared natural spaces currently in place on the parcel. Opportunities for recreational space on lower portions of the site are also being explored.
 - Providing green buffer spaces directly along Westbrook Street that flank the access points to the development intend to provide a natural transition that respects the history of the parcel
- **Link existing trail systems and provide access to shoreline areas**
 - Provide Green Spaces with Blue Edges that naturally transition from the residential development towards the Stroudwater River
 - Promote walkability and bike-ability within the neighborhood and onsite amenities

- With the addition of the 9-acre parcel, new opportunities are provided within the site to access the Stroudwater River and provide connectivity between the Fore River Sanctuary to the Stroudwater River trail systems.
- **Offer a diverse mix of housing options to help increase homeownership opportunities for all types of households**
 - The home offerings are intended to be without bias. The goal is to provide equal opportunities for first time home buyers, empty nesters, growing families, and working professionals alike.
- **Provide innovative new housing development near service centers and employers while maintaining proximity to neighborhood assets**
 - The Stroudwater area has a classic neighborhood feel to which this development intends to respect. It includes single family lot sizes within the range of those being proposed (both minimum and maximum). The area also lays claim to large employers such as Unum to which the convenience of new housing product might inspire employees to consider relocation to the city. Additionally, there is the Portland International Jetport a mere mile away and the Portland Transportation Center and Thompson's a manageable 2.5-mile travel via vehicle or trail making this location appealing to those who work remotely but choose Portland as their place to live and enjoy.
 - Innovation also shows through the intent to amend the current zone from R-1 to R-3. This is an attempt to reverse the trend of lower density in the outskirts of the city associated with sprawl, while respecting the existing housing stock in the area. The intended result is to provide as many new residents as is practical the opportunity to enjoy the unique amenities the Stroudwater area has to offer. An added benefit of the increase in density is the access to several acres of shared green space within the parcel.
- **Utilize new technologies and materials to provide quality, efficient, and sustainable homes**
 - New residences will be constructed using high quality materials that provide ease of maintenance and operation, and consider the total life cycle a home experiences. Interior finish materials will be sensitive to the end users well-being with indoor air quality taking high priority.
 - The site will utilize innovative management techniques to control and treat stormwater run-off as the site transitions from an historically agrarian impact to residential. Design will also respect natural topography and resources with intentions to preserve or improve those that could be pre-existing on the parcel.

As Highlighted from the Future Comprehensive Plan Goals and Strategies:

- **Incorporate multiple functions in recreation & open space**
 - The proposed project site is an underutilized piece of pastureland that has the capacity to be developed into a diverse space of both residential and recreational open space to create a complementary, shared-use of the land.
 - The property presents the opportunity to link the Stroudwater River Trail with the Fore River Sanctuary system under a partnership with Portland Trails to create a more integrated trail network.
 - The project proposes open space that can potentially be used as a Community Garden to be accessed and utilized by the entire neighborhood.
 - The open space within the site also offers the potential for a mixed-use pond functioning as a stormwater quality and quantity device as well as recreationally as a seasonal ice skating rink.
- **Create economic prosperity by growing Portland's tax and employment base**
 - The proposed project has the capacity to attract new professionals to the area by providing a less urban, greater green space appeal still within the City limits and a shorter commute to the greater Portland businesses
- **Improve water quality**
 - The proposed project will be designed to meet and potentially exceed the stormwater quality and quantity control measures as outlined by the Maine Department of Environmental Protection's (MDEP) Chapter 500 – Stormwater Management Law rules and regulations. The runoff is proposed to not enter the existing municipal combined sewer system within Westbrook Street and instead be treated and detained within the property before dispersing into the existing onsite buffer area to be preserved and maintained as such after construction.
 - Stormwater will be treated using best management practices (BMP) designed to the standards set by the MDEP BMP Manual
 - Construction and maintenance activities will incorporate erosion and sedimentation control practices to limit sediment transport, wetland and waterbody impact, and land disturbance. Erosion Control Inspection will be provided by a MDEP Approved Third-Party Inspector.

In closing, this development should be viewed to provide some relief to the pressures of low housing inventories that some believe are hampering growth within the city. It will provide chances for those who want to relocate to or within this city, downsize or upsize, and/or transition from rental to homeownership. It will give Portland a chance to create a modern neighborhood to take pride in and will do so on a scale that should make noticeable differences in a relatively short timeframe at a price point that is attainable.

ATTACHMENT D

Purchase and Sale Agreement for Lots: 229-A-2, 246-A-3, 247-A-3, 248-A-9, 256-A-3

PURCHASE AND SALE AGREEMENT
(Real Estate)

Agreement made and entered into this day by and between ONEA CO., a Maine corporation, a Maine business corporation, having a mailing address of 309 Old Brunswick Rd., Bath, ME ("Seller") and THYERSACORP, L.L.C., a Maine limited liability company having a mailing address of 3 Stone Pier Circle, Bath, ME, or its assigns ("Buyer"). In consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. PURCHASE AND SALE OF PREMISES Seller agrees to sell and Buyer agrees to buy, on the terms and conditions hereinafter set forth, the land and buildings commonly known and designated as "Canaan Farm," located generally at 1700 Westbrook Street, Portland, Maine, and consisting of roughly 44.8 acres of real property, together with all improvements and fixtures thereon and all rights appurtenant thereto, being more particularly described in a Warranty Deed recorded in the Cumberland County Registry of Deeds in Book 14398, Page 346 (the "Deed") ("Premises" or "Property"). A copy of the deed is attached hereto as EXHIBIT A and made a part hereof. The description of the Premises in the Deed is understood to be general in nature and the description in the deed of covenants contemplated herein shall be subject to approval by Buyer.

2. PURCHASE PRICE Subject to any adjustments and prorations hereinafter described, Buyer agrees to pay for the Premises the sum of [REDACTED] payable as follows:

a. The sum of [REDACTED] as Deposit payable upon the signing of this Agreement by both parties ("Deposit"). This Deposit shall be held by [REDACTED] ("Escrow Agent") in a non-interest bearing account. It shall be applied as credit to the purchase price at closing or disposed of as set forth herein. In the event of a dispute over the return or forfeiture of any deposit held by the Escrow Agent, the Escrow Agent shall continue to hold the deposit until it has received a written release from the parties consenting to its disposition, or until a final order. Regardless of its representation of any party in this Agreement, Escrow Agent shall not, as Escrow Agent, have any responsibility or liability to any party beyond the proper disposition of the escrow funds actually paid over to it. All parties agree to indemnify and hold the Escrow Agent harmless from any and all costs, actions, failure to act, or payment or refusal to pay so long as said actions are made in good faith and are not a result of willful misconduct, including any defense costs or attorney's fees. The Escrow Agent shall incur no liability in acting upon any telephone request, waiver, consent or other document believed by the Escrow Agent to be genuine.

b. The BALANCE of the purchase price, the sum of [REDACTED] by bank check, wire transfer or equivalent, at the time of closing subject to adjustment and as set forth in the Prorations.

Executed at [REDACTED]

Executed at [REDACTED]

10/15/16
ADL
8-18-16

3. VESTING OF DEPOSIT. The Deposit set forth in Section 3 above shall be refundable in full until the following occurrences, at which point, such portions of the deposit shall become non-refundable and shall vest in, and be released to, Seller: (a) [REDACTED] shall become non-refundable upon final approval of the subdivision plan by the City of Portland; (b) [REDACTED] shall become non-refundable upon satisfaction of the financing contingency set forth below.

4. CLOSING. The closing shall take place at the offices of Bergen & Parkinson, 62 Portland Road, Kennebunk, Maine within sixty (60) days after the later of: a) receipt of final subdivision approval from the City of Portland, or; b) satisfaction of any of the conditions precedent to buyer's obligation to purchase set forth below. Notwithstanding the intended deadline set forth in the preceding sentence, Buyer and Seller agree that Buyer may extend the closing date up to sixty (60) additional days.

5. TRANSFER OF TITLE. Seller shall convey the Premises to Buyer at the closing in fee simple with good and marketable title, free and clear of liens and encumbrances, subject to the following:

a. Buyer shall have until thirty (30) days after the Effective Date to determine if title to the Premises is acceptable and notify Seller of the same. In the event that Buyer determines that Seller would be unable to convey title to the Premises as aforesaid and Buyer properly notifies Seller, then Seller shall have thirty (30) days notice from Buyer in which either to: notify Buyer that Seller via its own counsel shall remedy such title defects, to the satisfaction of Buyer's Counsel, at Seller's expense, or, notify Buyer that Seller shall reimburse Buyer at closing all Buyer's legal and other costs associated with remedying such title defects. If Seller fails to provide notice to Buyer within 30 days as set forth in the preceding sentence, then Seller hereby agrees that Buyer's costs of curing such title issues, including legal and other fees and costs, shall be offset against the purchase price at closing. Any period of time ninety (90) days after Seller received notice of a title defect, and the final recording or filing of any curative documents shall toll all deadlines and periods for any contingencies set forth anywhere in this agreement. In the event that said defects cannot be corrected or remedied within said time period to the satisfaction of Buyer's counsel, Buyer may terminate this Agreement by written notice to the parties and any non-vested portion of the Deposit shall be returned to Buyer. Buyer may, however, at its sole discretion elect to close notwithstanding such defects as may exist. Seller and Buyer understand and agree that any mortgages and liens on the Premises shall not be considered title defects provided that the same shall be discharged at or prior to the closing at Seller's expense. Seller may use purchase money proceeds for this purpose.

b. Seller agrees that it will not further encumber or permit to be encumbered the Premises by any liens, mortgages, attachments, covenants, restrictions or easements after the date of this Agreement.

c. At the closing, Seller shall execute and deliver to Buyer, against payment of the purchase price, a Quitclaim Deed with Covenants to the Premises, in accordance

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[Handwritten signature]

with the Short Form Deeds Act, 33 M.R.S.A. § 761 et seq., (the "Deed") together with a Bill of Sale for personal or intangible property, and such other rights as may be associated with the Property, if any. If Seller fails to execute and deliver a separate Bill of Sale or Assignments, then this Agreement shall be deemed to convey the same and this Provision survives closing, and in such instance, Seller hereby grants and assigns to Buyer all such personal property as of the date of Closing.

d. Seller further agrees to execute and deliver to Buyer at the closing such Affidavits and Certificates as are reasonably necessary for Buyer's acquisition and financing of the Premises, including without limitation a Certificate of Non-Foreign Status (as required by Internal Revenue Service regulations), an affidavit regarding underground storage tanks (as required by Maine Laws), and a title insurance "Seller's Affidavit" regarding mechanics liens and persons in possession.

e. Seller is a corporation and Seller certifies that it is duly authorized and validly existing under the Laws of the State of Maine and agrees to provide evidence satisfactory to Buyer of due organization, authority, and good standing, including an opinion of counsel evidencing the same, which opinion may be required at Buyer's sole discretion.

6. **CONDITION OF IMPROVEMENTS.** Improvements at the Premises shall be delivered to Buyer at closing in "broom clean" condition. The improvements shall be sold and conveyed strictly on an "as is", "where is" and "with all defects" basis. Notwithstanding the foregoing, Seller covenants that it has no knowledge that the improvements violate any federal, state, municipal or local statutes, laws, rules, regulations or ordinances, including, without limitation, those pertaining to land use (or permits issued in connection therewith), zoning, lead paint, urea formaldehyde foam insulation, asbestos, hazardous or toxic wastes or substances, pollutants, contaminants or other environmental matters. The provisions of this paragraph shall survive the Closing and delivery of the Deed (as hereinafter defined) or any expiration or termination of this Agreement.

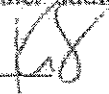
7. **RISK OF LOSS, DAMAGE AND INSURANCE.**

a. All risk of loss to the Premises prior to the closing shall be borne by Seller. Seller shall keep the Premises fully insured against fire and other extended coverage risks until the closing.

b. In the event that, prior to the closing, the improvements which are part of the Premises are destroyed or, in the opinion of Buyer, substantially damaged, Buyer may either (i) terminate this Agreement and receive back any non-vested earnest money deposit, or (ii) accept the insurance proceeds payable by reason of such damage, destruction or taking and close this transaction notwithstanding the same. Seller agrees and hereby assigns any proceeds payable pursuant hereto to Buyer, and shall name Buyer as an additional insured as Buyer's interest may appear.

8. **INSPECTION/DUE DILIGENCE.** So long as Buyer is accompanied by Seller's Broker or another authorized agent of the Broker and upon reasonable advance notice, Buyer

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may enter into any part of the Premises at all reasonable times prior to the closing in order to inspect the Premises, conduct surveys, soil tests and engineering studies and to do such things as are reasonably necessary with respect to its acquisition, improvement or development of the Premises. Nothing in this paragraph shall limit the inspections necessary to complete due diligence and to meet any contingencies precedent to Buyer's obligation to close as set forth below. Except as otherwise set forth elsewhere in this Agreement, Buyer shall have one hundred twenty (120) days within which to complete general due diligence.

9. POSSESSION OF THE PREMISES AND LEASES. The Premises shall be delivered to the Buyer at the time of the closing free and clear of all tenancies or occupancies by any person or entity.

10. REPRESENTATIONS AND WARRANTIES OF SELLER. Seller represents and warrants to Buyer that the following are true as of the date of this Agreement and will be true as of the closing:

a. Seller has no knowledge, after reasonable investigation, that the Premises violates any applicable laws, ordinances, or regulations.

b. Seller has no knowledge, after reasonable investigation, that the Premises contains any special wastes, underground storage tanks urea-formaldehyde foam insulation, radon, asbestos containing materials, lead-based paint, waste oil, petroleum and any other hazardous, biomedical, radioactive or toxic, substances, materials or wastes. The terms used in the foregoing sentence shall include, without limitation, all substances, materials, etc., designated by such terms under any laws, ordinances or regulations, whether federal, state or local. Notwithstanding the foregoing, Seller believes there is or may have been an underground oil storage tank located in the front yard of the Premises, being further described in the Disclosure Form Delivered to Buyer.

c. There are no outstanding pending or threatened liens, claims, rights of first refusal, or encumbrances against the Premises.

d. All outstanding bills and/or accounts payable concerning the Premises are either paid or will be paid prior to or at the time of closing.

e. There are no outstanding claims, losses or demands against Seller by any tenant or other person respecting Seller's ownership, use and/or occupancy of the Premises.

f. There are no leases on the Premises.

g. No portion of the Premises is currently classified as Farm land or Tree Growth under applicable provisions of Title 36 M.R.S.A.

h. The Premises, is classified as Open Space the City of Portland and shall be withdrawn from such classification prior to or at closing at Seller's expense. Seller may use purchase money proceeds for this purpose.

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i. To the best of Seller's knowledge, there are rights of ingress and egress in perpetuity from the Premises to public highways or roads for both vehicular and pedestrian traffic and utilities.

j. Seller has provided Buyer with a copy of a survey made by Nadeau & Lodge, Inc., dated Feb. 21, 2003 entitled "Plan Depicting the Results of a Standard Boundary Survey Made for Onex Company [sic], Southerly Sideline of Westbrook Street, Portland, Maine" (the "Onex Plan"). Other than encroachments listed on the Onex Plan, there are no known boundary disputes or other encroachments affecting the Premises. For the avoidance of doubt, Buyer's knowledge of encroachments on the Onex Plan is not a waiver of Buyer's right to require reasonable curative boundary work as a condition hereof.

k. Seller has transacted business under the name "Onex Co." as registered with the Maine Secretary of State, and also as "Onex Company," as identified in a certain deed by which it took title (CCRD Book 14598, Page 346), and Seller certifies that that "Onex Co." and "Onex Company" as listed on said deed are one and the same.

l. Seller shall obtain authorization from its shareholders to enter into this Agreement, and to take all actions required hereunder, and further, that any notices given in advance of such meeting for the approval of this agreement shall be timely and duly given in accordance with the Bylaws, and any other governing documents, of the Seller.

11. **DEFAULT AND REMEDIES.** Upon default by either party, the non-defaulting party shall have all rights and remedies available to it in equity or at law, including Buyer's right to specific performance under this Agreement.

12. **CONDITIONS PRECEDENT TO BUYER'S OBLIGATION TO CLOSE.** The obligation of Buyer to close is subject to the satisfaction at or before the closing of all of the following conditions:

a. All representations and warranties of Seller contained in this Agreement shall be true as of the closing.

b. Buyer may, at its sole option, order its own survey of the Property, and any boundary encroachments, whether on Buyer's survey, or the Onex Plan, or otherwise, shall have been cured.

c. Buyer shall have determined within the timeframe set forth in Section 5 above that Seller can convey title in form and substance satisfactory to Buyer and Buyer's counsel.

d. Within 240 days after the Effective Date, Buyer shall have satisfactorily completed all inspections, testing, permit applications, or other requirements necessary to receive subdivision approval ("Necessary Investigations"), it being understood that each such Necessary Investigation constitutes its own condition precedent.

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e. Within 300 days after the Effective Date, Buyer shall have received final subdivision approval, granted in full and without any remaining contingencies to be fulfilled. In the event this condition is not met at the end of 300 days, and provided further that Buyer has diligently pursued the same, then Buyer may extend this contingency deadline by 60 days by giving Seller or its agents notice thereof, and paying to Seller an additional \$5,000, which payment shall be in addition to the purchase price.

f. Within 60 days after final subdivision approval, Buyer shall have received financing for a mortgage loan in such amount and upon such terms and conditions as are satisfactory to Buyer.

g. Within the first 120 days after the Effective Date, Buyer shall have obtained an inspection of the Premises and determined them to be free of wetlands, endangered or threatened wildlife or plant habitats, coastal sand dunes, great ponds, rivers and streams and in compliance with all applicable laws, ordinances, and regulations. In the event the Premises or a portion thereof is determined to be in wetlands, etc. as described above, then so long as such condition does not materially or adversely impair the Buyer's development of the Premises then this condition shall be deemed satisfied.

h. Within 90 days after the Effective Date, Buyer shall have obtained a general building inspection of any structures on the Premises disclosing the Premises to be structurally sound (except for a leak in the roof, some rot in the exterior wood on the house, and some rotten wood in the stable, all as disclosed to the Buyer) and in good repair and all of the mechanical systems, including without limitation, plumbing, heating, electrical, drainage, water, sewer/septic to be in working order and repair and adequate to serve the premises, all to the satisfaction of the Buyer.

i. Within the first 90 days after the Effective Date, Buyer shall have obtained an environmental site assessment of the Premises disclosing the Premises to be free of urea-formaldehyde foam insulation, hazardous substances, underground storage tanks (other than as disclosed by the Buyer on Seller's Property Disclosure), asbestos containing materials, lead-based paint, radon and special wastes. The terms used in the foregoing sentence shall have those meanings ascribed to them under Federal, State and/or Local Law.

j. Within 60 days after final subdivision approval, Buyer shall have obtained an appraisal of the Premises with a valuation equal to or greater than the purchase price hereunder.

k. Prior to closing, any action by any officer, director, or shareholder of Seller, or any other party claiming via rights to, through, or associated with Seller challenging this Agreement or the proposed sale or subdivision development contemplated hereunder shall thereafter toll all deadlines set forth herein, which deadlines shall remain tolled until either final settlement, bonding off, or final adjudication of such matter, which, for the avoidance of doubt, includes the passage of any appeals period.

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1. Prior to closing, Seller shall have conducted necessary tests to locate the buried tank referenced in its disclosure, and shall have removed such tank at its sole expense in compliance with any applicable laws, evidence of which compliance is a condition precedent to closing.

13. **BROKERAGE**. Seller is responsible for the payment of all fees and commissions due any real estate brokers with respect to this transaction. Seller agrees to indemnify and hold Buyer harmless from any and all claims made by real estate brokers with respect to this transaction. This indemnity shall include all costs and expenses including attorney's fees incurred by Buyer in defense against any such claim, and shall include claims made post-closing.

14. **ADJUSTMENTS, PRORATIONS AND CLOSING COSTS**.

- a. Real estate taxes, assessments, rentals and utilities shall be prorated as of the closing.
- b. The Maine real estate transfer tax shall be paid by Seller and Buyer in accordance with 36 M.R.S.A. § 4641-A.
- c. The recording fee for the deed of conveyance will be paid by Buyer.
- d. A portion of the purchase price shall be withheld at the closing by Buyer if required by 36 M.R.S.A. § 5250-A.
- e. Utilities shall be prorated as of the closing date and Buyer shall reimburse Seller for any unused fuel oil or gas.
- f. Seller shall pay any penalties due to the City of Portland which relate to Seller's removal of the Premises from any Open Space, Tree Growth, Farmland, or other such tax program set forth under Title 36 of the Maine Revised Statutes.

15. **CONFIDENTIALITY**. Seller and Buyer covenant and agree to keep confidential the terms of the transaction contemplated hereby and not to disclose to any person either the fact that discussions or negotiations are taking place (other than Buyer's lender or attorney) concerning the acquisition of the Property or the substance or status thereof, except as is necessary to perform obligations pursuant hereto.

16. **MISCELLANEOUS**. The parties further agree as follows:

- a. **Binding Agreement / Assignment**. This Agreement shall inure to the benefit of and shall be binding upon the parties hereto and their respective heirs, legal representatives, successors, and assigns. Buyer reserves the right to assign this Agreement to an entity to be formed.
- b. **Joint & Several**. Seller shall refer to each selling party as their interests

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appear but each Seller shall be responsible for all warranties and representation on a joint and several basis.

c. Amendment. This Agreement shall not be changed in any respect except by written instrument signed by the parties hereto.

d. Governing Law / Jurisdiction. This Agreement and all rights and obligations hereunder, including matters of construction, validity, and performance, shall be governed by the laws of the State of Maine and parties recognize Maine as the courts of Cumberland County having sole forum having jurisdiction hereover.

e. Severability. If any term, condition, or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be held invalid or unenforceable according to the law, then the remaining terms, conditions, and provisions of his Agreement, or the application of any such invalid or unenforceable terms, condition or provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby, and each term, condition, and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

f. Headings. The descriptive headings of the sections of this Agreement have been inserted for the convenience and reference only and shall not control or affect the meaning or construction of any of the contents hereof.

g. Integration. This Agreement may be executed in multiple originals and embodies the entire understanding of the parties. All prior discussions and representations are merged herein.

h. Notice. Any demand or notice required or permitted hereunder, shall be effective if either: (i) hand-delivered to the addressee, or (ii) deposited in the mail, registered or certified, return receipt requested and postage prepaid, or delivered to a private express company addressed to the addressee: (A) at the address shown below, or (B) if such party has provided the other in writing with a change of address, at the last address so provided. Any notice or demand mailed as provided in this paragraph shall be deemed given and received on the earlier of: (i) the date received, or: (ii) the dated of delivery, refusal or non-delivery as indicated on the return receipt, if sent by mail or private express as provided above. All notices required to be given, or which may be given hereunder, shall be in writing and if mailed, shall be sent by mail to the party to be notified as follows:

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Seller:	Onex Co. Attn: Kerrin Dorne. 68 Old Farm Road Newton, MA 02459
With a copy to:	Alexandra E. Caulfield Drummond Woodsum 84 Marginal Way, Suite 600 Portland, Maine 04101-2480
Buyer:	Diversacorp, LLC Attn: Nate Libby 5 Stone Pony Cir. Saco, ME 04072
With Mandatory Copy To:	Jason G. Howe, Esq. Bergen & Parkinson, LLC 62 Portland Road, Suite 25 Kennebunk, ME 04043

or to such other addresses as one party may from time to time hereafter designate by like notice to the other.

i. Gender and Number. All words denoting gender or number shall be construed to include any other gender or number as the context and facts require.

j. Survival / Merger. All representations of Seller survive closing unless extinguished in writing by agreement of the parties signed at closing. For the avoidance of doubt, acceptance of the Deed by Buyer does not merge the provisions of this Agreement or satisfies all obligations and representations of Seller.

k. Time. Time is of the essence in this Agreement.

l. Survey. Survey means a map of a staked survey of the Real Property and Improvements constituting the Property prepared by a surveyor who prepared one or both of the Existing Surveys (as defined herein), such Survey to comply with the ALTA/ACSM Survey Requirements 1999 for ALTA/ACSM land title surveys jointly established and adopted in 1999, by the American Land Title Association, American Congress on Surveying and Mapping, and the National Society of Professional Engineers, including optional items 1, 2, 3, 4, 6, 7, 8, 9, 19 and 11 of Table "A" thereof, which meets the accuracy standards (as adopted by ALTA and ACSM and in effect on the date of the Survey), or a state standard which is comparable to the foregoing ALTA/ACSM standard.

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m. Professional Advice. Each party hereby acknowledges that they have read and understand this Agreement and have had an opportunity to obtain professional advice regarding the same.

n. Recording. Buyer reserves the right to record a memorandum of this agreement at the Cumberland County Registry of Deeds at its expense, and Seller agrees to sign a memorandum hereof.

o. Authority. Seller warrants and represents that it / they have full authority to execute this Agreement and perform all obligations contained herein. All such actions have been properly authorized by any required votes and the party signing on behalf of Seller is duly appointed to so act in said capacity to make this Agreement binding upon Seller.

p. Signatures/Counterparts. Facsimile or Electronic Signatures shall be deemed to be and treated as originals. This agreement may be signed in counterpart, the combination of which counterparts constitutes a binding final agreement.

q. Imprudent Transfers. Seller warrants and represents that they have fully complied with the Imprudent Transfer Act and that this Agreement is enforceable pursuant to the provisions thereof.

17. AGREEMENT OF ESCROW AGENT. In the event of any dispute regarding the disposition of the escrowed funds held by Escrow Agent, Escrow Agent shall have the right to deliver said funds to a court of competent jurisdiction and commence an interpleader action to determine the proper disposition of said funds. Seller and Buyer agree to reimburse Escrow Agent for all expenses incurred by Escrow Agent in the interpleader action, including, without limitation, attorney's fees. Seller and Buyer further agree to hold Escrow Agent harmless for any action taken in good faith pursuant to the terms of this Agreement.

(Signatures Below)

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IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement as of this day of August 2016 ("Effective Date").

ONEX CO.
("Seller")

Witness

By:

Print Name: Kerrin Dorne,
Its: Secretary
Thereunto Duly Authorized

DIVERSACORP, LLC
("Buyer")

Witness

By:

Nate Libby, its Manager
Thereunto Duly Authorized

(Exhibit A Below)

Onex Initials

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EXHIBIT A

0017200 01659860000

Bartholomew Deed

Enter J. Rogers and Mary E. Rogers
 of Portland, Cumberland County, Maine
 (hereinafter referred to as the grantors), for consideration paid
 over to Onex Company, A Maine Corporation with a principal place of business
 at 400 Forest Avenue
 of Portland, Cumberland County, Maine
 with Maudie M. Rogers,
 the wife of the first named grantor, as her part hereof.

See Exhibit A attached hereto and made a part hereof.

Witness my hand and seal this 14th day of March 1979

Bartholomew Deed
 Enter J. Rogers

Mary E. Rogers
 MARY E. ROGERS

State of Maine, County of Cumberland

This document was prepared by the above named Enter J. Rogers and Mary E. Rogers
 and acknowledged the foregoing statements to be their free and voluntary act.

Before me, *Rachel Davis*

☐ Justice of the Peace
☒ Attorney at Law
☐ Notary Public

RACHEL DAVIS
 ATTORNEY AT LAW
 1000 BROAD STREET, PORTLAND, ME 04101

Onex Initials

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W14598PC347

EXHIBIT A

A certain lot or parcel of land, together with the buildings thereon, situated in Portland, in the County of Cumberland and State of Maine, in that part of Portland which was formerly Deering, on the southerly side of the road leading from Stockholm Village, so-called, to Westbrook formerly called Sacoavillage, being all and the entire property which was conveyed to Adina S. Gossier by Julius T. Gossier and Frank P. Tibbets, et al., by deed made at Worcester dated March 31, 1889, as recorded in Cumberland County Registry of Deeds in Book 671, Page 424 and 425, said property being bounded and described in said deed as follows:

Northerly by said road, easterly by land now or formerly of M.H. Bole and land of the heirs of M. Gossier, southerly by the Broadwater River and westerly by land now or formerly of Royal Burdick, containing forty-eight (48) acres, more or less, reference being made to said deed and the record thereof for a more particular description of this premises.

Excepting from the above described premises those parcels of land conveyed by the grantor by the following conveyances: On June 7, 1888 to Correll E. Hackett, recorded in Cumberland County Registry of Deeds in Book 1545, Page 418; on April 26, 1848 to Granville F. Allen et al., recorded in said Registry of Deeds in Book 1352, Page 384; on May 28, 1854 to Portland Water District recorded in said Registry of Deeds in Book 2155, Page 386; on July 14, 1855 to Frederick A. Burtis et al., recorded in said Registry of Deeds in Book 2230, Page 608; on November 4, 1856 to Rosamond J. Allen, recorded in said Registry of Deeds in Book 2225, Page 359; on November 14, 1857 to Rosamond J. Allen, recorded in said Registry of Deeds in Book 2238, Page 205.

This conveyance is made subject to a right of way over the above described land taken by the Portland Pipe-Line Corporation by condemnation proceedings and recorded in Cumberland County Registry of Deeds in Book 1935, Page 294 to which reference is hereby made.

This conveyance is also subject to an easement granted to the Portland Water District recorded in the Cumberland County Registry of Deeds in Book 1323, Page 462 to which reference is hereby made.

This conveyance is also made subject to an easement for a sewer pipe granted to Frederick A. Burtis et al. in deed recorded in Cumberland County Registry of Deeds in Book 2235, Page 403.

Also excepting and reserving from the above described premises another certain lot or parcel of land adjoining and to the south of land of Julius E. Hackett, formerly of Correll E. Hackett mentioned above. Said lot or parcel of land being bounded and described as follows: Beginning at the southwest corner of said Hackett land; thence southerly projecting the line overlying the western boundary of the said Hackett land and which projection would form a 90 degree angle with said Westbrook Street, one hundred (100) feet to an iron stake; thence at an angle of 90 degrees 46' westerly ninety-seven and sixty-two hundredths (97.62) feet to an iron stake; thence northerly one hundred (100) feet to a stake at the southeasterly corner of said Hackett land; thence westerly ninety-seven and sixty-two hundredths (97.62) feet along another boundary of said Hackett land to the point of beginning.

Witnessing and intending to convey and hereby conveying the term premises conveyed to the Grantors by deed of Ruby H. Young dated October 27, 1869, recorded in the Cumberland County Registry of Deeds in Book 2574, Page 161.

RECEIVED
RECORDED REGISTRY OF DEEDS

1935 MAR - 9 PM 5:27

CUMBERLAND COUNTY

John B. O'Brien

M.H.B.
P.B.D.

Onex Initials

Diversacorp

Deed for Lots: 246-A-6, 247-A-2, 245-B-5

After recording return to:

Jason G. Howe, Esq.

Bergen & Parkinson, LLC

62 Portland Road, Suite 25

Kennebunk, ME 04043

Space Above This Line For Recording Data

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **JUDITH A. CAMINITI**, f/k/a Judith C. Green, having a mailing address of 67 Goose Cove Road, Trenton, ME 04605, FOR CONSIDERATION PAID, hereby grants to **DIVERSACORP, LLC**, a Maine limited liability company whose mailing address is 5 Stone Pony Circle, Saco, Maine, with Warranty Covenants, a certain lot or parcel of land, together with any improvements thereon and all rights appurtenant thereto, commonly know and designated as 1714 Westbrook Street, Portland, Maine; being more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE

IN WITNESS WHEREOF, Judith A. Caminiti, f/k/a Judith C. Green, has hereunder set her hand and seal as of this _____ day of February, 2017.

WITNESS

Judith A. Caminiti

STATE OF MAINE

County, ss.

Date: _____

Personally appeared the above-named Judith A. Caminiti, being formerly known as Judith C. Green, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Attorney at Law / Notary Public

Print: _____

[SEAL]

(Exhibit A Below)

EXHIBIT A
(1714 Westbrook St., Portland)

A certain lot or parcel of land, situated in Portland, Cumberland County, Maine and bounded and described as follows:

BEGINNING on the southeasterly side of Westbrook Street at a fir stump marked at the corner of land now or formerly of one Leavitt;

THENCE southeasterly by said Westbrook Street, ten (10) chains and sixty-three (63) links to land formerly of Solomon Conant, et als;

THENCE southerly by said Conant land twenty (20) chains eighty-seven (87) links to the Stroudwater River, across said river to land formerly of James Trickey, et als;

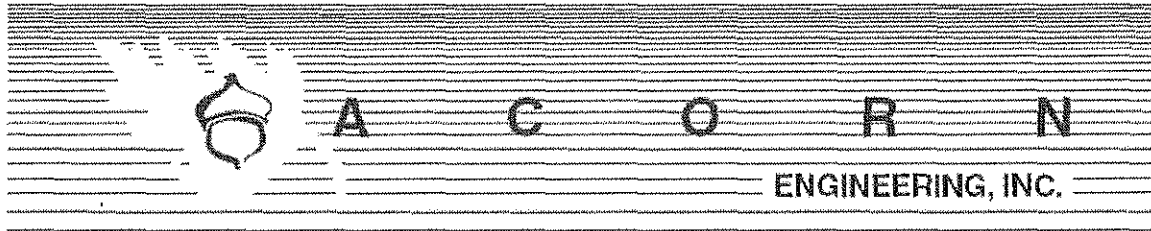
THENCE westerly by said River by said Trickey land and land formerly of George B. Leavitt to a stake;

THENCE by Leavitt land North 12° East (subject to variations since established) twenty-seven (27) chains and ninety-two (92) links to the first mentioned bounds, containing thirty (30) acres, more or less.

Excepting from the above-described premises those portions conveyed to Maine Turnpike Authority by Maurice S. Tomlinson, et al, by deed dated February 11, 1954, and recorded in the Cumberland County Registry of Deeds in Book 2166, Page 135; and by deed dated September 2, 1954, and recorded in said Registry of Deeds in Book 2166, Page 135.

Excepting from the above-described premises the parcel with a house thereon conveyed to Andrew D. Green and Judith C. Green by deed dated March 4, 1994, and recorded in the Cumberland County Registry of Deeds in Book 11319, Page 55.

Excepting from the above-described premises the 1 acre parcel conveyed to Andrew D. Green by deed dated December 20, 2004, and recorded in the Cumberland County Registry of Deeds in Book 22163, Page 81. Regarding this exception, further reference is made to a certain Agreement Concerning Marital Property recorded in said Registry in Book 22163, Page 80, and a certain Abstract of Divorce recorded in said Registry in Book 22735, Page 32.



E. Non-Conforming Lot Summary

Camelot Farm Zoning Map Amendment Application

Based on feedback from the Planning Board, the abutting and surrounding lots to Camelot Farms zoned as R-1 or R-2 were evaluated for conformance with the City zoning standards. The Camelot Farms property is currently zoned as R-1 Residential Zone abutting the Stroudwater neighborhood as zoned as R-2 Residential. Upon review of the City of Portland's Zoning Map Viewer, it is apparent that there are multiple properties within each zone that do not meet the zoning standards as set by Chapter 14 of the Code of Ordinances. Instead, these lots represent a more dense and narrower configuration that would comply with a R-3 zone as proposed within the Camelot Farms neighborhood. It was identified that there are fourteen (14) existing non-conforming lots within the R-1 zone and fourteen (14) within R-2. Non-conforming lots were defined as not meeting the minimum lot size, lot width, or street frontage; building setback requirements were omitted from the list.

A summary of the space and bulk standards per zone is as follows:

<i>Zone</i>	<i>Min Lot Size</i>	<i>Min Lot Width</i>	<i>Min Street Frontage</i>
R-1 Residential	15,000 sf	100 ft	75 ft
R-2 Residential	10,000 sf	80 ft	50 ft

A table of the identified parcels are as listed below:

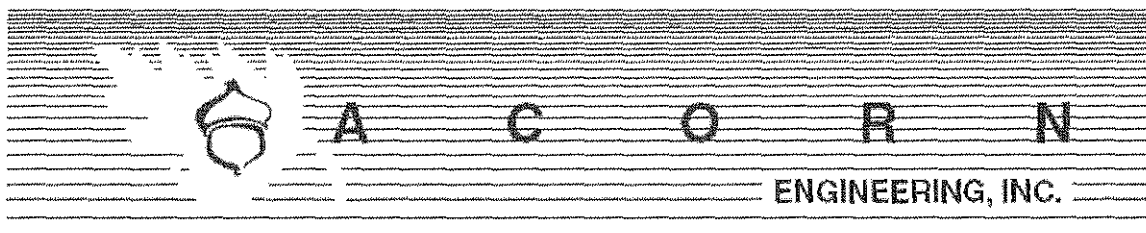
	<i>Address</i>	<i>Chart, Block, Lot</i>	<i>Non-Conforming Attribute</i>
R-1: Residential Zone			
1	1683 Westbrook St	249-A-1	Lot Size - 14,375 sf
2	1593 Westbrook St	248-B-9	Lot Size - 14,600 sf
3	16 Swan St	250-B-7	Lot Width - 65 ft
4	6 Pierce Ave	250-B-6	Lot Size - 9,025 sf
5	10 Pierce Ave	250-B-4	Lot Size - 9,500 sf
6	18 Pierce Ave	250-B-1	Lot Size - 10,671 sf
7	37 Swan St	250-C-5,6	Lot Size - 9,500 sf

8	13 Swan St	250-C-1,2 256-B-4	Lot Size – 14,250 sf
9	1567 Westbrook St	256-B-1,2,3	Lot Size – 14,139 sf
10	1563 Westbrook St	256-B-5	Lot Width – 76 ft
11	1557 Westbrook St	256-B-13	Lot Width – 76 ft
12	1549 Westbrook St	256-B-6	Lot Width – 76 ft
13	1543 Westbrook St	250-C-9	Lot Width – 76 ft
14	1533 Westbrook St	250-A-14	Lot Width – 51 ft
R-2: Residential Zone			
1	1527 Westbrook St	250-C-13	Lot Width – 61 ft
2	3 Stroudwater Rd	227-C-1	Lot Size – 9901 sf
3	1221 Westbrook St	213-E-7	Lot Size – 6,702 sf
4	1193 Westbrook St	213-F-6	Lot Size – 8,400 sf
5	1161 Westbrook St	213-F-3	Lot Size – 8,675 sf
6	1157 Westbrook St	207-B-6	Lot Size – 4,198 sf
7	50 Cobb Ave	210-B-33	Lot Size – 9,500 sf
8	111 Cobb Ave	210-A-10,11	Lot Size – 9,609 sf
9	9 Cobb Ave	213-A-4	Lot Size – 5,776 sf
10	1 Cobb Ave	213-A-5	Lot Size – 6,412 sf
11	1174 Westbrook St	213-A-8	Lot Size – 7,618 sf
12	24 Garrison St	213-A-13	Lot Size – 7,043 sf
13	36 Garrison St	212-A-33	Lot Size – 9,600 sf
14	67 Tide Mill Rd	212-A-51	Street Frontage – 42 ft



Omitting the lot with less than 50 feet of street frontage, all the existing lots listed above would conform to the standards set by the R-3 Residential Zone. Most of these lots also have the space and bulk characteristics of the proposed Camelot Farms conceptual layout. The current plan proposes 95 lots at an average area of 9,079 square feet with the smallest lot at 6,517 square feet and the largest at 24,357 square feet all with a minimum 50-foot street frontage and 65-foot width at center (assumed structure location). It is also assumed that homes are to be between 900 – 1800 square feet of building footprint. Under these specific characteristics, eighteen (18) existing lots within the R-1 and R-2 neighborhood would fit into Camelot Farms; specific lots are as italicized in the table above.

In all, the zone change from R-1 to R-3 for the residential section of Camelot Farms gives the flexibility for more narrow lots with lesser required street frontage that allows for efficient use of space and total road infrastructure. By studying the surrounding R-1 and R-2 neighborhoods, the proposed zone change is compatible with the existing neighborhood size and scale.



F. Architectural Design Examples

Camelot Farm Zoning Map Amendment Application

Camelot Farms is proposed to be comprised of homes that reflect classic New England facades and complement the existing styling and massing of the surrounding neighborhoods. The homes are to be modestly sized and orientated within the lot to encourage both interaction with the neighboring home as well as privacy in the form of open-air front porches also found in the existing lots within the Stroudwater Neighborhood. The homes are to be designed to be adaptable and expandable within the lot to allow for future renovation and additions for growing families or upsizing homeowners.

Provided below is a list of images with design elements and features that reflect the project goals:

Example Design and Massing to be Considered for Development:



Craftsman Home

2,250 Square Feet, 2-Floor, 4-Bedroom Floor Plan



Bungalow Craftsman Home

1,600 Square Feet, 2-Floor, 2-Bedroom Floor Plan



Craftsman Home

1,612 Square Feet, 2-Floor, 3 Bedroom Floor Plan



Traditional Home

2,533 Square Feet, 2-Floor, 3 Bedroom Floor Plan



Classic Cape Home

1,525 - 2,047 Square Feet, 2-Floor, 3 Bedroom Floor Plan

Eastern Village, Scarborough - As-Built Plans



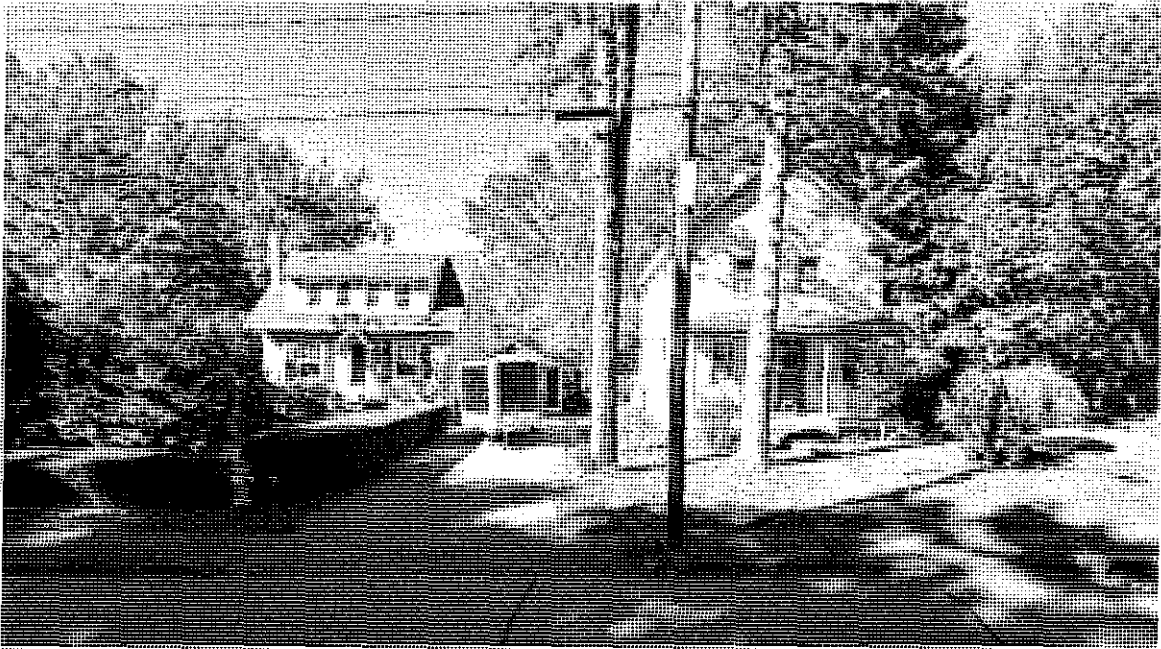
Edenville Home

1,800 Square Feet, 2-Floor, 3 Bedroom Floor Plan

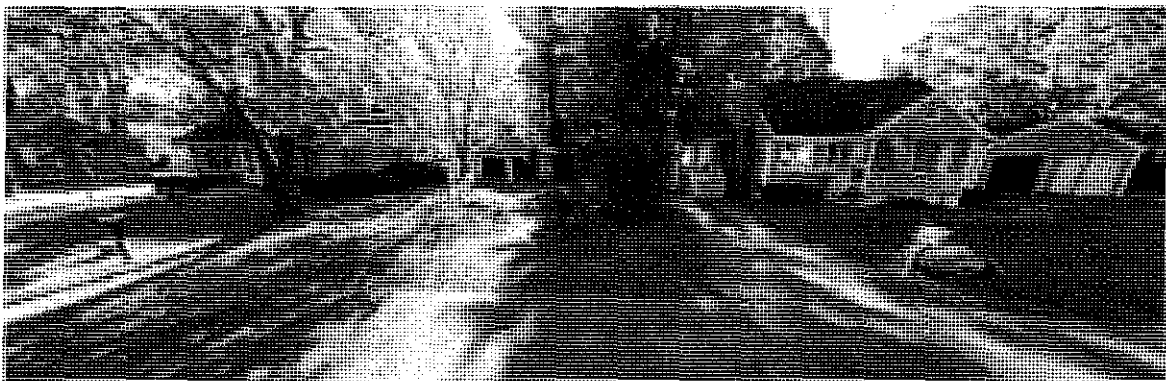
Eastern Village, Scarborough - As-Built Plans

This idea of more densely orientated homes with front porches and craftsman-like styling is reflected in the abutting areas as well. The below listed images are Google street views of existing properties that harmonize with the size, setbacks, and style proposed for the Camelot Farms homes.

Existing Homes Within the Surrounding Neighborhood:



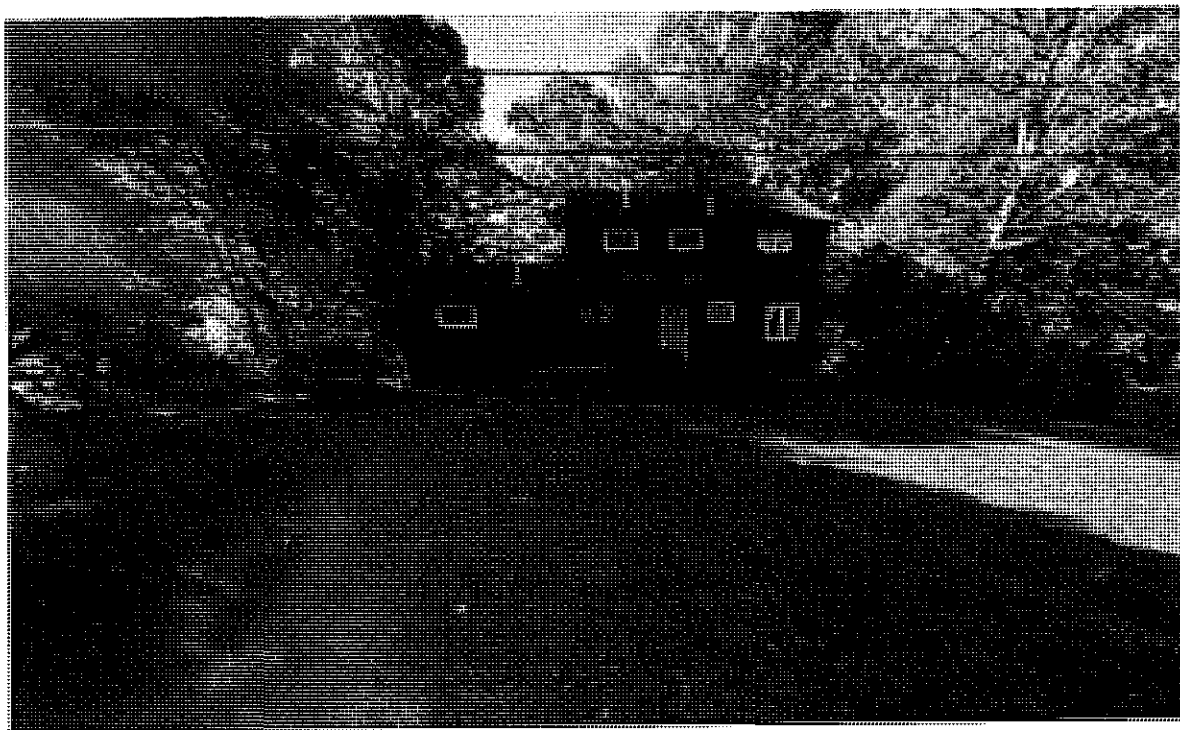
Address: 1533 & 1527 Westbrook Street



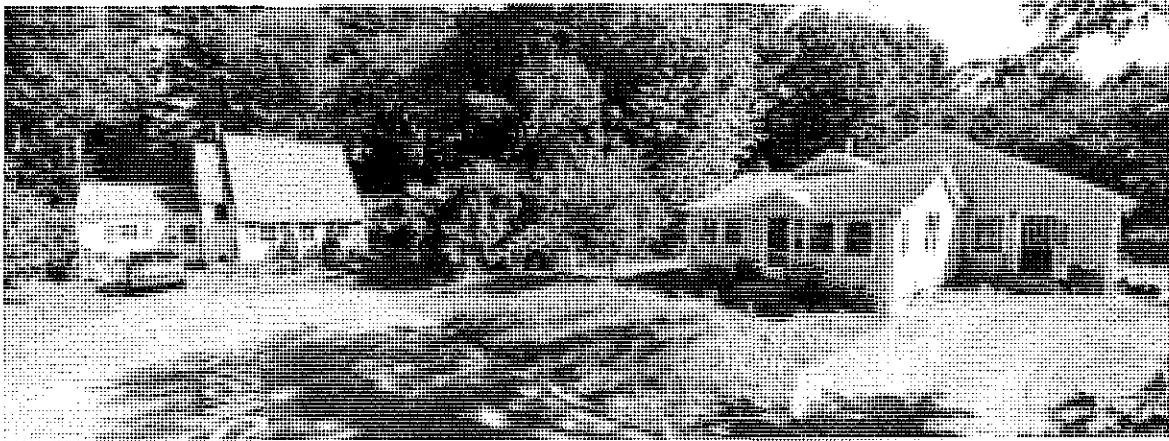
Address: 10 & 18 Pierce Ave



Address: 44 & 40 Spar Ln



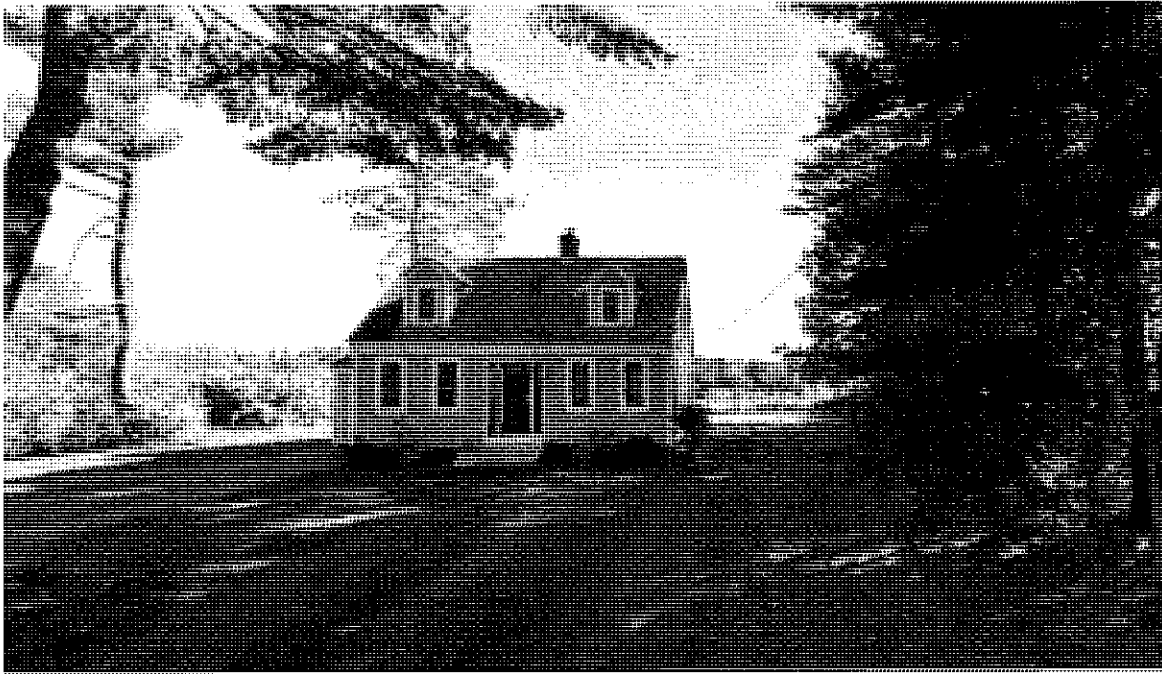
Address: 36 Partridge Cir



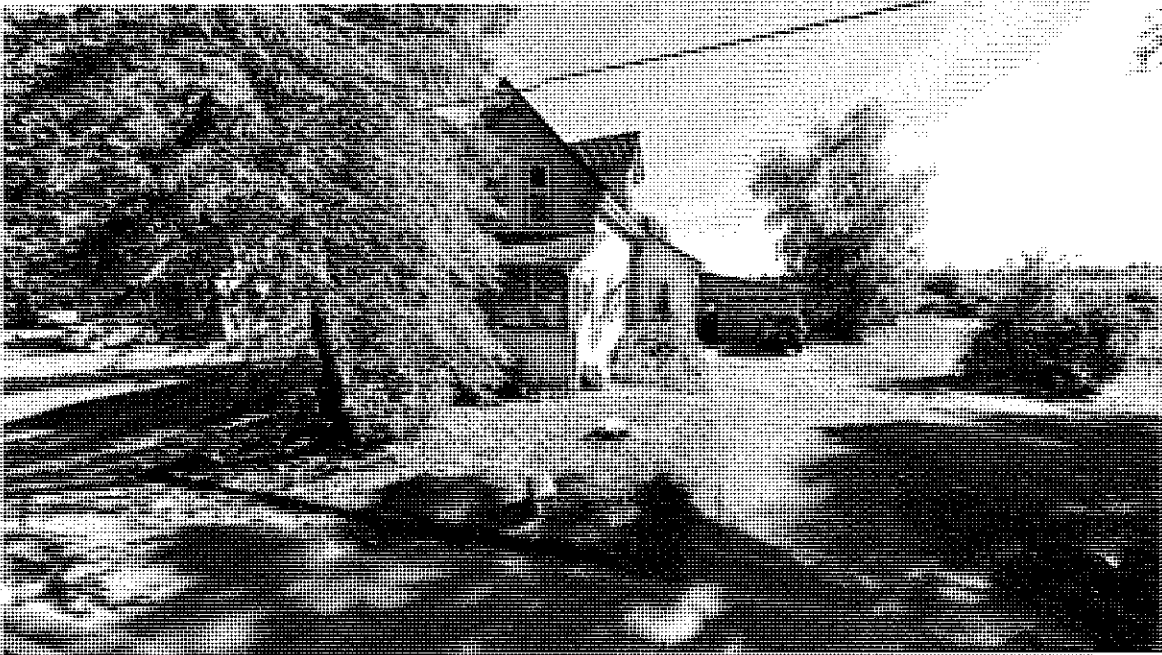
Address: 42 & 37 Swan Street



Address: 59 Kingsmark Ln



Address: 1646 Westbrook Street



Address: 1630 Westbrook Street

Camelot Farms (1700 Westbrook Street) Zoning Map Amendment Application

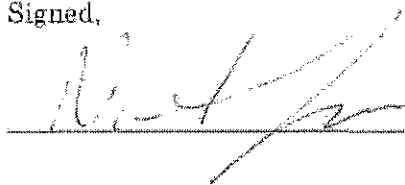
Neighborhood Meeting Certification

I, (Applicant/Consultant) hereby certify that a neighborhood meeting was held on **January 24th, 2017** at the **Stroudwater Baptist Church** at **6:00pm**.

I also certify that on **January 12th, 2017**, invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change.
2. Residents on the "interested parties" list.
3. A digital copy of the notice was also provided to the Planning Division (jmye@portlandmaine.gov and ldobson@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed,

 2-1-17 (date)

Attached to this certification are:

1. Copy of the invitation sent
2. Neighborhood Meeting Sign-In Sheet
3. Neighborhood Meeting Minutes

Camelot Holdings, LLC

62 Portland Rd, Suite 25
Kennebunk, ME 04043
(207) 939-5432
michael.corbett.barton@gmail.com

January 6, 2017

Dear Neighbor,

On behalf of Camelot Holdings, LLC we are pleased to invite you to a neighborhood meeting to discuss our concept plans for the proposed Camelot site. One goal of the proposed plan is to create a modern take on the traditional neighborhoods that have historically made Portland a city which affords its residents the opportunity to live, work, grow, and enjoy. A second goal is to utilize the land in such a fashion as to conserve and provide access to the natural resources it has to offer. A third goal is to respect the context of existing housing in place along the Westbrook Street corridor while providing flexibility further inbound on the property for a variety of different housing options. It is believed that these and other goals can be achieved by modifying the existing land use from an R1 to an R3 zone. The proposed plan anticipates a 4-5 phase implementation of 20-30 housing units each expected to span several years. The project site provides a unique opportunity for the surrounding neighborhood and the city and we are eager to discuss the benefits it is staged to present for the residents and stakeholders.

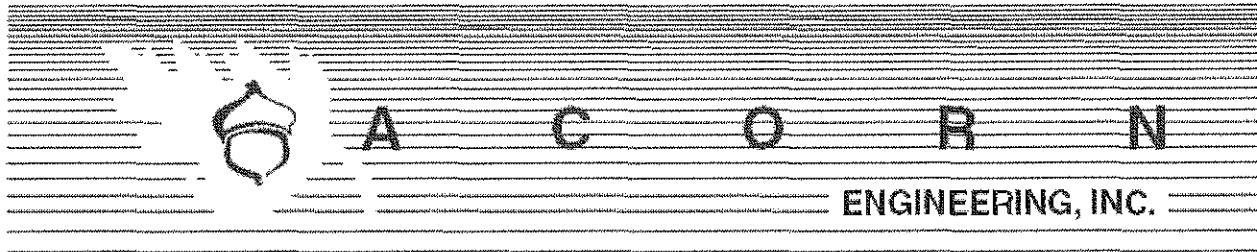
Meeting Location:	Stroudwater Baptist Church, 1737 Congress St.
Meeting Date:	Tuesday, January 24, 2017
Meeting Time:	6 p.m.

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list" be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board. If you have any questions regarding the neighborhood meeting, please don't hesitate to call me at (207) 939-5432. We look forward to seeing you at the meeting.

Sincerely,



Michael Barton



Camelot Farms (1700 Westbrook Street) Zoning Map Amendment Application

Neighborhood Meeting Minutes January 24th, 2017 6:00pm Stroudwater Baptist Church

Design Team Attendees:

Mike Barton	Developer/Presenter
Nate Libby	Developer
Will Savage	Civil Engineer/Presenter
Olivia Dawson	Civil Engineer

Presentation:

Mike Barton:

- Introduced the design team in attendance and elaborated how each of the members and companies are based in Portland
- Reviewed the timeline of the development:
 - o Summer 2016 – Informal meetings and discussions with City Planning and initial outreach to Portland Trails and Stroudwater Village Association
 - o September 2016 – Informal meeting with neighbors that addressed their initial concerns such as preserving land within the site, maintaining a landscaped buffer between Westbrook Street and the development, and proposing larger lots abutting the existing lots on Partridge Circle
 - o September – December 2016 – Concept plan refinement and development
 - o December 2016 – Preliminary zoning map amendment application submitted
 - o January 17th, 2017 – First Workshop Meeting with the Planning Board
 - Planning Board requested a second workshop meeting
- Reviewed the development concept plans and how the proposed R-3 zoning map amendment meets the goals set by the Comprehensive Plan
 - o Described the goal to provide single-family lots for first time home buyers and downsizing retirees
 - o Reviewed the benefits of developing pocket neighborhoods to preserve shared-use green space
 - Emphasized continued conversations with Portland Trails in an effort to

- create connectivity with the existing Fore River trail system across Westbrook Street and provide designated public use trails within the development
 - Discussed the potential for developing a Planned Residential Unit Development as allowed in the R-3 zone but emphasized that the decision to include the PRUD units is up for discussion with the abutting and surrounding neighbors
 - Mentioned the possibility of including an additional zone change later in the design process to allow for commercial amenities within the neighborhood such as a small convenience store if this was supported by the Stroudwater Neighborhood
 - Goal is to reduce traffic into Westbrook Street from the neighborhood by providing some goods and/or services within the site
- Reviewed examples of general massing and housing styles that the neighborhood could embody
 - Emphasized street presence with a porch and garage set back into the lot
 - Introduced the possibility of shared front yards or walking alleyways instead of traditional subdivision design with the house frontage to the road

Will Savage:

- Discussed the idea to design the neighborhood around conservation subdivision standards used and defined by municipalities other than Portland
 - Conservation subdivisions emphasize the grouping and arrangement of lots as to create green space pockets within the neighborhoods as well as a larger open, shared-use space
 - Benefits include a lesser construction footprint and a reduction in total roadway impervious surfaces
- Described that before any concept plan was developed, we conducted an existing conditions analysis including the following:
 - Approximately 45 acres of land that is relatively flat along Westbrook Street and has steep slopes down to the Stroudwater River within the rear of the site
 - Completed a wetlands inventory; identified that there are wetlands within the site
 - Land cover is primarily open grassland with limited forested areas and pockets within the center and at the river's edge
 - Identified the extent of the riparian areas into the site from the river edge as well as the general area of the Resource Protection Zone as defined by the City of Portland
- Discussed the concept design process from the current R-1 zoning to R-2 and R-3 while speaking to the concept drawings for the R-1 and R-3 zones
 - R-1 Zone: Developed a concept plan that included about 80 lots with little open space and significant impacts to slopes, forested area, wildlife corridors, and wetlands.
 - Would require extensive roadway, sewer, and stormwater infrastructure
 - Lots would be at least 150 ft deep/100 ft wide pushing the development 200 ft closer to the river
 - R-2 Zone: Estimated that the lot would support about 86 lots with slightly more open space but still significant impacts to slopes, forests, wetlands, etc.
 - Lots would be at least 125 ft deep/80 ft wide still pushing the development 100 ft towards the river
 - R-3 Zone: 96-lot concept plan is a modern take on a traditional neighborhood



- Density allows for a conservation subdivision layout, flexibility with lot size (6,500-20,000 sf/lot), 43% open space with public access to the river, wetland avoidance, and less impacts to natural resources
 - Lots at least 100' deep/65' wide allow for a greater buffer (> 250 ft) between the development and the river
 - Overall reduction in development and public infrastructure footprint
- Further emphasized that the development will be designed to meet and/or exceed the Maine DEP's Chapter 500 Stormwater Rules

Questions & Answers:

Please note that the following questions and answers were not recorded verbatim and aim to represent and summarize the actual questions, answers, and discussion that took place at the meeting.

Q: What kind of community amenities could be provided as part of the R-3 zone change and potential business zone change? Would that increase traffic into the site? Would there be parking provided for these amenities?

A (Mike): The idea behind the added business amenities, such as a local or small community convenience store, is to deter the residents from traveling outside the neighborhood and increasing the congestion within Westbrook Street. It is anticipated that additional parking would be provided for the business. However, it is possible that outside residents could utilize the store and enter the neighborhood. If we were to move forward with adding a small business element to the site, we would need to apply for an additional zone change for a portion of the parcel from R-3.

Q: Could you please elaborate on the application procedure and steps to achieve the proposed zone change.

A (Mike): There will need to be another Workshop Meeting, not yet scheduled, and then a Final Application Meeting with the Planning Board to approve the zone change. The application is then reviewed by the City Council for final approval. Then we will submit a plan for Site Plan approval that would include another Workshop meeting or series of Workshop meetings before final approval by the Planning Board.

Q: Could you elaborate on the proposed traffic speeds for Westbrook Street? It was addressed in the Workshop meeting that the street could support a faster limit.

A (Mike): We do not intend to change the speed limit on Westbrook Street.

Q: Are there any limitations on agricultural activity within the R-3 zone more specifically regarding the potential for a community garden?

A (Mike): We are not positive on the limitations stated within the R-3 zone description but we will review the description and get back to the community.

Q: Has the existing topography of the site been reviewed?



A (Will): The existing topography has been initially reviewed using public data and the concept plan takes the existing grades into consideration.

Q: How long will construction last?

A (Mike): Ideally, the project will be split in four different phases to be completed in five years. Each phase will include only a buildout of that section; therefore, the road will only be built to serve the lots of that phase and not built in entirety until project completion.

Q: Will the surrounding elementary/public schools have the capacity to serve a neighborhood of this size?

A (Mike): I believe that the nearby Hall School has the capacity for 400 students and the newly approved school has the capacity for 560 students. However, we are continuing the conversation with the City and related officials to ensure that this development will not be a burden on the surrounding school system.

Q: What affect will the proposed development have on the existing utilities within Westbrook Street?

A (Mike & Will): There are existing sewer and water mains within Westbrook Street; there is also a large water main that traverses across the site as part of an existing easement. Due to the downward slope towards the river, it is anticipated that we will need a pump station to bring the site-generated sewer waste back into Westbrook Street. The stormwater runoff generated by the site will be collected, treated, detained, and outletted into the 250 ft river buffer area. As part of the site plan application and design process the respective utilities will be contacted for an ability to serve letter verifying the proposed services to the site. If need be, we will improve the existing utilities in Westbrook Street to better serve the site and limit impacts to the surrounding neighborhood. It is our intent to design the homes in an energy efficient way with the use of heat pumps and potentially solar energy (the site and current orientation of the lots have valuable southern sun exposure).

Q: Is there any possibility of having less homes than 90-100 like currently proposed in the R-1 or R-2 zones while still being profitable?

A (Mike): This range must be maintained for the development to be profitable. If the R-3 zone was not achieved the project would not be moving forward.

Q: Will the project require blasting as part of construction?

A (Mike): Not that we know of.

Q: What are you proposing for treatment of the stormwater generated from the site development? Stroudwater River is already an urban-impaired waterbody; how will this development not pollute the river further?

A (Will): The stormwater runoff will be designed to meet and/or exceed the stormwater management requirements as set by the Maine DEP. It is proposed that the stormwater be first



treated for quality purposed in decentralized locations directly abutting the inner roadway such as tree boxes. The stormwater is to then be directed into a detention basin, that could double as a skating pond in the winter, to fulfill the flooding requirement set by the state department.

Q: Who owns the abutting parcel between the site and the Turnpike? Is it part of the Turnpike right of way?

A (Mike): We are exploring the ownership of the abutting parcel and will get back to you on the existing parcel and use.

Q: Is there any manufactured housing planned as part of the project?

A (Mike): None at this time.

Q: Would it be possible to provide a thickly landscaped buffer between the development and Westbrook Street to screen the homes from street view such as planting tall evergreens?

A (Mike): That is definitely an option and during the site plan process we would be open to discuss what the intent of the proposed buffer will be and if it can act as a natural screen for the development. I should note that the site does slope downwards away from the street view so it is likely that the new rooftops of the homes will not be as prevent as a view from Westbrook Street.

Q: Christian MilNeil's proposed alternative zoning plan was handed out during this meeting proposing a mix of R-5a and B-1b zone changes in addition to preserving a large section of green space. Was this option of using R-5a to create denser residential planning considered?

A (Mike): It was the design team's understanding that increasing the density of the residential units beyond what we are currently proposing would not be favorable for the abutting landowners. We do support the idea of implementing a small zone change to allow for a business to operate within the neighborhood (potentially a B-1b zone) in order to reduce car traffic and travel.

Q: Do you think that it is feasible to build and sell 96 homes within this neighborhood?

A (Mike): Based on initial assessments of the existing housing market for single family lots within Portland and the lack thereof, we feel that building and selling this many homes is a viable investment.

Q: What is the anticipated cost of the homes and is this affordable the target buyers? Do you believe that there are enough jobs within the area to support this anticipated cost? How does this apply to the new Inclusionary Zoning requirement?

A (Mike): It is anticipated that the homes will range in the \$300K – 450K range depending on the lot location and size which typical for the greater Portland area for new homes. The site is in a great location in terms of proximity to the airport, UNUM, the Maine Mall, downtown Portland, and other employers in the area. The development will be subject to the standards and requirements set by the City's Inclusionary Zoning process and application. This includes setting aside at least 10% of all units to be deed restricted to the affordability standards as set by the City.



Q: Has the traffic sight of the proposed entrances been evaluated and reviewed? Will there be a traffic survey performed?

A (Mike): We have completed a Traffic Study and anticipate continued review on the traffic impacts during the site plan process.

Q: Will you be bringing in additional designers for the subdivision layout to the design team? Also, the City is selling other pieces of property potentially more valuable from a development standpoint; would you and your partner be open to a land swap?

A (Mike): It is not anticipated at this time to bring in additional design help. And we have not actively considered the land swap but will explore that possibility with the City.

Q: Will you be using local labor for the construction of the project?

A (Mike): Yes, most definitely.

Q: What is the accountability of this project and the developer if the zone change is approved?

A (Mike): We feel that this a positive zone change that will enhance the value and use of the existing parcel. By keeping the community and neighbors involved we are hoping to gain support and momentum for the project throughout the site plan process after the zone change application.

Q: There has been a big development boom in Portland and the surrounding areas. What makes this development compete with the anticipated flooding of units into the housing market?

A (Mike): These lots are single-family homes that differ from the majority of the products that are currently being developed or are entering the housing market. The units in which you mention are mostly, if not completely, attached residential 1-2 bedroom apartment or condo units. There is also a draw to live within the City of Portland city limits.

Q: What about the higher taxes in Portland versus the surrounding towns?

A (Mike): Based on recent reports and studies on the benefits of living close to where you work, the commute savings from a year of travelling to work could equate to what is paid more in taxes for living within the city.

Q: Would you support and encourage the neighbors to meet and review the proposed project amongst ourselves?

A (Mike): Most definitely. We would be open to even facilitate these meetings by setting up a location for the discussion to take place. The more feedback we receive from the abutting neighbors the better.

Q: Could you provide us with an example of an existing neighborhood within the R-3 zone in Portland? Will these new homes have the classic cookie-cutter design as past subdivisions? Will the home designs be reviewed before construction?



A (Mike & Olivia): The neighborhood by Ludlow Street and the Deering High School is within the R-3 zone. The homes will be constructed to a set design book outlining colors and features cohesive with the other homes including the porch element as mentioned earlier. These design features and example home facades will be reviewed as part of the Planning Board's decision during the site plan application process.

Q: Will there be public access to the river? Is it proposed to build a bridge to connect the neighborhood trails to the Stroudwater River Trail directly across from the river?

A (Mike): The proposed neighborhood trail will provide public access to the Stroudwater River but it is not anticipated that the project would include building a bridge; we will continue to collaborate with Portland Trails on how the trails are to be built and maintained.

Meeting concluded at approximately 8:00pm.

The abovementioned material was as interpreted and recorded from handwritten notes. Please note and relay any discrepancies or disputed information in the recorded minutes to the below address so that they can be reviewed, revised, and resubmitted as necessary.

Recorded by,



Olivia Dawson, E.I.
Design Engineer
Acorn Engineering, Inc.

odawson@acorn-engineering.com



Camelot FarmsNeighborhood Meeting Sign-In Sheet - January 24th, 2017

Please Print your Name and Address

1. Art McEvoy 89 Partridge Cir.
2. Gloria Hadclon 1629 Westbrook St
3. Diane Diconce 54 Pennith Rd
4. Holly Hoffman 1619 Westbrook St
5. Bruce Harrington 1618 Westbrook St.
6. Jackie Doh 1630 Westbrook St.
7. Derek Carpine 130 Westbrook St
8. Dede Farnsworth 55 Old Mast Rd.
9. Andrew + Linda Green 1714 Westhrode St.
10. Bill Dobrowski - 132 Partridge Circle & 6 Partridge Road
11. Peter Dascanio 18 Partridge Rd
12. Jeff Smith 85 Pine Edge Dr
13. Joey Bonelle 61 Kellogg St. #2
14. Tom Minnino 60 Starbird Rd.
15. Anita B Jones 33 Old Mast Rd.
16. John Paul Bielew 1535 Westbrook St.
17. Joe + Carla McDonnell 1413 Westbrook St
18. Mike Paul 1603 Westbrook St.
19. Jennifer Barland 1413 Westbrook St.
20. Carolyn Hensley 1832 Congress St
21. Joe Hensley 1832 Congress
22. Joan + Sandy Reed 37 Old Mast Rd.

23. Angela Wheaton 30 Partridge Rd.
24. Lisa Melandini 30 Partridge Road
25. Marc Hodroff 48 Partridge Circle
26. John Haslam Pastor of St. Michael's Kitey Church (formerly St. Michael's Bay St.)
27. John Kilbride 1543 Westbrook St
28. Julie Kilbride 1543 Westbrook St Portland, Me.
29. JAMES EVERHART 1647 WESTBROOK ST, Portland
30. Martha McEay 89 Partridge Circle
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Ecological Habitat Assessment Report

1700 Westbrook Street, Portland Maine

Camelot Holdings, LLC

**5 Stone Pony Circle
Saco, ME 04072**

Prepared by:

Verdanterra, LLC
47 Richards Lane
Freeport, Maine 04032
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March 15, 2017



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Figures

Figure 1. Camelot Farms - Project Location Map

Figure 2. Project Limits of Disturbance – Aerial Background

Figure 3. Project Limits of Disturbance – Topographic Background

Appendices

Appendix A. Verdanterra Resume

Appendix B. Site Visit Photodocumentation

Appendix C. Agency Correspondence



1. Introduction

On March 13, 2017, Verdanterra, LLC (Verdanterra) conducted an ecological assessment for the proposed Camelot Holdings, LLC (Camelot) residential development project at 1700 Westbrook Street, Portland, Maine (Project). On November 10, 2016, Maine Natural Areas Program (MNAP) provided a list of rare plants and natural communities that occur within the vicinity of the project area. MNAP has not documented rare plants or natural communities on the Project parcel. Wetland delineations were completed by Mark Hampton Associates, Inc. on November 21, 2016. Maine Department of Inland Fisheries and Wildlife (MDIFW) indicated that there are no Endangered, Threatened, or Special Concern species that occur on the property on December 2, 2016. This ecological assessment was prepared to evaluate Rare and Exemplary Botanical Features habitat and potential New England cottontail (*Sylvilagus transitionalis*) habitat in the Project Area.

This report describes the objectives, methodology, and results of the ecological assessment. The survey and subsequent report were completed by Gino Giumarro, a Wildlife Biologist Certified by the Wildlife Society. Gino has a Bachelor of Science degree in Wildlife Biology from the University of Massachusetts at Amherst and a Master of Science degree in Natural Resources Planning from the University of Vermont. Mr. Giumarro has been conducting wildlife habitat assessments professionally since 1996. A resume is included in Appendix A.

1.1. Regulatory Context

Endangered and threatened inland fish and wildlife species in Maine are listed either under Maine's Endangered Species Act (MESA; Title 12 M.R.S.A. Sections 7751 to 7759), the U.S. Endangered Species Act (ESA; Title 16 U.S. Code Sections 1531 to 1544), or both. Species listed under MESA receive state protection; species listed under ESA receive federal protection; and species listed under both receive state and federal protection. The presence of endangered or threatened species can have implications on defining other resources status protected under different legislation (e.g. Significant Wildlife Habitat or Wetlands of Special Significance).

The MDIFW holds management responsibility for inland fish and wildlife listed under MESA, and shares responsibility with the U.S. Fish and Wildlife Service (USFWS) for inland fish and wildlife listed under ESA. MDIFW indicated in their December 2, 2016 correspondence (Appendix C) that there are no known locations of Endangered, Threatened, or Special Concern species within the Project area that would be directly affected by your project. Additionally, MDIFW has not mapped any Essential or Significant Wildlife Habitats that would be affected directly by the Project. MDIFW further suggested maintaining buffers along sensitive fisheries. As planned (shown on the Site Plan Drawing Number C-10 – Acorn Engineering – 2/14/2017; Attachment C), the project maintains more than the suggested 100-foot vegetative buffer along the Stoudwater River.

On March 20, 2017, Verdanterra conducted an unofficial Information for Planning and Conservation (IPaC; part of the Environmental Conservation Online System¹) analysis for the Project to obtain a draft list of potentially occurring federally protected threatened or endangered species and critical habitats managed by the USFWS. The USFWS also implements the regulations of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. A formal request can be made to the USFWS should further endangered species coordination be required. For instance, Section 7 of the ESA requires Federal agencies (such as the U.S. Army Corps of Engineers for wetland permitting) request from the USFWS information on whether any species which is listed or proposed to be listed may be present

¹ The Environmental Conservation Online System (ECOS) is a gateway web site that provides access to data systems in the U.S. Fish and Wildlife Service (Service) and other government data sources. This central point of access assists Service personnel in managing data and information, and it provides public access to information from numerous Service databases. Available <https://ecos.fws.gov/ipac/>. Accessed March 20, 2017.



in the area of such proposed action (e.g. filing an application for a Section 404 of the Clean Water Act wetland fill permit).

The report indicated that northern long-eared bat (*Myotis septentrionalis*; threatened) has the potential to occur in the Project Area. There are no critical habitats for protected species in the Project Area, however there are a number of migratory birds of conservation concern protected under the Migratory Bird Treaty Act with the potential to occur in the Project Area. USFWS stresses the importance to avoid and minimize impacts to birds of conservation concern.

A wetland or waterbody permit is considered a federal action by the U.S. Army Corps of Engineers. As a threatened species, impacts to the northern long-eared bat would require a Section 7 Consultation between the U.S. Army Corps of Engineers and the USFWS. Under the Section 4(d) of the Endangered Species Act, the USFWS can issue regulations deemed "necessary and advisable to provide for the conservation of threatened species." It allows the USFWS to promulgate special rules for species listed as threatened (not endangered) that provide flexibility in implementing the Endangered Species Act. Federal actions that cause incidental take that is **not** prohibited under the 4(d) rule may still affect individual northern long-eared bats. Under Section 7 of the Endangered Species Act, a federal agency must consult with the Service if their action may affect a listed species, which includes effects to individuals. However, for the northern long-eared bat 4(d) rule, the USFWS has provided a framework to streamline Section 7 consultations when federal actions may affect the northern long-eared bat, but not cause prohibited take. The incidental take prohibition for known occupied maternity roost trees applies only during the pup season (June 1 through July 31). Including the streamlined 4(d) rule compliance form with any necessary federal permitting is helpful to the permitting agency. This compliance includes the following determinations (among others).

- Does the Project occur within the White-Nosed Syndrome (WNS) zone?
- Is the USFWS aware of hibernacula or maternity roost trees within 0.25 miles of the Project?
- Would the Project cut trees within 150 feet of a known maternity roost tree?

Federal agencies may fulfill their project-specific Section 7 responsibilities by using the USFWS's framework. The notification would include a determination that the action would not cause prohibited incidental take. USFWS concurrence is not required, but the USFWS may advise the agency whether additional information indicates that project-level consultation is required. If the USFWS does not respond within 30 days, the action agency may consider its Section 7 responsibilities fulfilled with respect to the northern long-eared bat.

MNAP searched the Biological and Conservation Data System files and provided a response on November 10, 2016 for information on the presence of rare or unique botanical features documented from the vicinity of the Project. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. According to the information currently in MNAP's Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. There are, however, several of species of plants that are known to occur within 4 miles of the Project. Many of the plant species on this list are known to occur in very particular ecological communities.

1.2. New England Cottontail Habitat Requirements

The New England cottontail was listed as state endangered species in Maine in 2007. In 2010, Maine's New England cottontail population was estimated to be less than 200 rabbits. MDIFW determined the number of New England cottontail in Maine by conducting intensive winter surveys to locate occupied patches of habitat and estimating the number of rabbits per acre based on the size of the habitat patch.



The region-wide decline of New England cottontail has been attributed to habitat loss, and in particular, the loss of old field and shrubby habitat. New England cottontails need dense shrubby habitat to protect them from avian and terrestrial predators. Ideally, this dense cover should be interspersed with some grassy areas when the rabbits can find adequate food. Habitat blocks of at least 25 acres in size (ideally much larger) and close to additional patches of habitat are necessary for the species to survive².

New England cottontail depend more upon the structure of the vegetation (its form, height, and density) rather than specific species. In old fields, New England cottontails are commonly associated with juniper (*Juniperus spp.*), blackberry (*Rubus spp.*), spirea (*Spiraea spp.*), dogwoods (*Cornus spp.*), and a variety of young deciduous tree species (red maple [*Acer rubrum*], birch [*Betula spp.*], and aspen [*Populus spp.*])². Old fields are also where New England cottontails are sometimes associated with exotics such as honeysuckle (*Lonicera spp.*), autumn olive (*Elaeagnus umbellata*), multiflora rose (*Rosa multiflora*), and Japanese barberry (*Berberis thunbergii*)². On wetter sites, alder (*Alnus spp.*), and willow (*Salix spp.*) are frequent dominants. Barbour and Litvaitis (1993) investigated selection of microhabitats in winter among New England cottontails preferred to use sites with >50,000 stem-cover units/ha (20,234 stem-cover units/acre)³.

2. Methods

A Certified Wildlife Biologist⁴ conducted a flora and fauna ecological assessment at the Project site. Prior to conducting the field survey, Verdanterra ecologists conducted a remote landscape analysis to better understand the ecological and regional context of the Project area. This landscape analysis approach to habitat evaluation considered a wide range of published literature, multi-year aerial photography, and wildlife biologist experience. Ecologists remotely characterized the ecological communities present on and adjacent to the Project area to guide a determination of landscape connectivity, with particular focus on identifying large habitat blocks or connecting corridors of habitat suitable for New England cottontail. The ecological community characterization was conducted in a GIS and considered landforms and land use as determined from aerial photographs, topography, wetlands and waterbodies, soil types, rare natural communities, and proximity of other habitats.

Verdanterra developed a list of habitats required for the rare and unique botanical features reported by MNAP to occur within 4 miles of the Project as well as for the New England cottontail. Remote sensing was used to preliminarily characterize the ecological habitat present in the Project Area. A field survey was conducted to verify these communities and to determine if the microhabitat requirements for individual plants occurs. This information was used to determine the likelihood of occurrence for these species at the Project. While many of the species could not be identified at this time of the year, it was feasible to identify potential habitat for these species. Should suitable habitat be identified for any of the species that were provided by MNAP, targeted species surveys would be recommended for the appropriate growing season phase (flowering or fruiting). Growing season surveys were not conducted. If identified in the field, the location of groups of rare plants identified will be recorded using a GPS (i.e. a GPS location of each individual plant will not be collected) with sub-meter accuracy and a MNAP rare species form will be completed.

Verdanterra ecologists conducted a field survey to support the remote landscape analysis. The on-site habitat assessment was based on a pre-determined list of habitat features developed for the site that are required for the

² Litvaitis, J.A., and W.J. Jakubas. 2004. New England Cottontail (*Sylvilagus transitionalis*) Assessment 2004. Unpublished report. 59pp.

³ Barbour, M.S., and J.A. Litvaitis. 1993. Niche dimensions of New England cottontails in relation to habitat patch size. *Oecologia* 95:321-327.

⁴ As certified by the Wildlife Society, Bethesda Maryland



species to occur. Ecologists also searched the area for signs of cottontail tracks, browse, or pellets. This list of habitat requirements is based on biologist knowledge, published papers and reports, and comparisons to reference habitats familiar to the ecologist. The quality of habitats was evaluated based on strength of species associations with particular natural communities, landscape position and connectivity, and other ecological metrics (e.g. canopy cover, ground cover, water depth, soils, plant species composition, distance from potential feeding and/or breeding locations, etc.). Natural community delineation and habitat assessment is not intended to determine presence/absence, but rather allow informed decisions to be made during the permitting process.

The wildlife biologist evaluated the overall habitat quality and position in the landscape to develop suggested conservation management strategies that could be implemented to avoid or minimize impacts to listed species. Photographs were taken to aid in the discussion of various habitat attributes or conditions that illustrate the findings of this assessment (Appendix B).

3. Results

A landscape analysis finds that the parcel is predominantly an active cattle pasture bordered to the west by Interstate 95, the south by the Stroudwater River, and mixed residential / forested land use to the north and east. The limits of disturbance of the Project are predominantly active cattle pasture with a south facing aspect that slopes down to the Stroudwater River. An east-west running electric transmission corridor occurs north of the site and an oil pipeline bisects the parcel north to south. Neither of these transmission corridors are significant wildlife pathways considering the barriers provided by Interstate 95, Stroudwater River, and the dense mixed residential / commercial development of Deering, Deer Hill, and Nasons Corners neighborhoods.

The field survey was conducted on March 13, 2017 and confirmed that land use was consistent with current aerial photography. The weather during the survey was sunny, 15° F and a light dusting of snow covered the ground early in the morning. There are several small groves of white pine (*Pinus strobus*) and various maple and oak trees that are part of the landscaping of the existing residential structure, however the majority of the area within the limits of disturbance is herbaceous in nature. There is a forested fence line on the western part of the parcel and several palustrine emergent wetland drainages. The wooded fence line is composed of several white pine, northern red oak (*Quercus rubra*), and black cherry (*Prunus serotina*). The pasture has been maintained through cattle grazing and occasional mowing. Cropped grasses observed include Kentucky bluegrass (*Poa pratensis*), timothy (*Phleum pratense*), and smooth brome grass (*Bromus inermis*); intermixed with hawksweed (*Hieracium* spp.), Queen Anne's lace (*Daucus carota*), milkweed (*Asclepias syriaca*), Canada thistle (*Cirsium arvense*), bull thistle (*Cirsium vulgare*), and goldendrod (*Solidago* spp). Shrub sprouts in the meadow include raspberry, quaking aspen, and multiflora rose (*Rosa multiflora*). Wetland areas are comprised of cattail (*Typha* spp.), rushes, sedges, common reed (*Phragmites australis*), steeplebush (*Spirea tomentosa*), speckled alder (*Alnus incana*), and American pussy willow (*Salix discolor*). There was evidence of past earth disturbance on site including the pipeline right of way, access roads, and old structure foundations throughout much of the site.

A steep slope occurs at the southern limit of disturbance that has several white pine and black cherry interspersed with shrubs such as multiflora rose, red maple, and hawthorn (*Crataegus* spp.). The shrubs remain in small clusters with little to no vegetation underneath due to cattle grazing. Much of this sideslope will not be within the limits of disturbance.



3.1. Rare or Unique Botanical Features Evaluation

MNAP indicated that there are 22 rare or unique botanical features that occur within 4 miles of the Project. Most of the species on this list (Table 1) are only found in ecological communities not present in the Project Area (e.g. rocky summits, tidal wetlands, dry barrens, forested wetlands, etc.). Habitat requirements for two of these species generally includes open wetland communities. Creeping spike-moss (*Selaginella apoda*; state endangered) and hollow Joe-pye weed (*Eutrochium fistulosum*; state special concern) generally occur in open herbaceous wetlands, roadside ditches, and old fields.

State endangered species creeping spike-moss is at the northern extent of its range and has been historically identified (1924) within 4 miles of the Project and in 10 other southern Maine towns. This plant is unlikely to occur in the Project Area due to the disturbances associated with cattle grazing and occasional vegetation management. State special concern species hollow Joe-pye weed can tolerate occasional disturbances caused by mowing, but generally is not found in highly grazed pastures. The vegetative cover was thin throughout the site and plants from the last growing season can often be found standing or laying over during the winter. No dead stalks were identified that resembled hollow Joe-pye weed.

Areas within the Project Area that are unmaintained (e.g. steep slopes, around trees, fence lines) are dominated by small dense patches of invasive shrubs. While this assessment was conducted outside of the growing season, it is unlikely that rare or unique botanical features occur within the Project Area.

Table 1. Rare and Exemplary Botanical Features within 4 Miles of 1700 Westbrook Street

Common Name	State Status	State Rank	Global Rank	Last Observed	Occurrence Number	Habitat Requirement	Habitat in Project Area?
Allegheny vine	E	S1	G4	10/1860	9	Rocky summits and outcrops (non-forested, upland), Dry barrens (partly forested, upland)	No
American sea-blite	T	S2	G5	9/12/1932	5	Tidal wetland (non-forested, wetland)	No
	T	S2	G5	8/15/2011	17		
beach plum	E	S1	G4	5/19/1933	10	Rocky coastal (non-forested, upland)	No
broad beech fern	SC	S2	G5	8/1872	15	Hardwood to mixed forest (forest, upland)	No
creeping spike-moss	E	S2	G5	8/20/1924	3	Open wetland, not coastal nor rivershore (non-forested, wetland), Old field/roadside (non-forested, wetland or upland)	Potential
	E	S2	G5	8/21/1924	8		
dioecious sedge	SC	S3	G4	7/14/1936	7	Non-tidal rivershore (non-forested, seasonally wet), open wetland, not coastal nor rivershore (non-forested, wetland)	No
ebony spleenwort	SC	S2	G5	6/6/1910	10	Rocky summits and outcrops (non-forested, upland), Hardwood to mixed forest (forest, upland)	No
Engelmann's spikerush	PE	SH	G4G5 Q	8/31/1916	2	Open wetland, not coastal nor rivershore (non-forested, wetland); wet sand, peat, mud	No
fern-leaved false foxglove	SC	S3	G5	9/2/1902	13	Dry barrens (partly forested, upland), Hardwood to mixed forest (forest, upland)	No
great blue lobelia	PE	SX	G5	9/1/1905	3	Forested wetland, Non-tidal rivershore (non-forested, seasonally wet)	No
hollow joe-pye weed	SC	S2	G5?	6/18/2014	24	Open wetland, not coastal nor rivershore (non-forested, wetland), old field/roadside (non-forested, wetland or upland)	Potential
	SC	S2	G5?	10/22/2007	18		
horned pondweed	SC	S2	G5	9/13/1913	9	Tidal wetland (non-forested, wetland)	No
	SC	S2	G5	6/13/1972	3		
marsh milkwort	PE	SH	G5T4	8/18/1903	1	Dry barrens (partly forested, upland), Open wetland, not coastal nor rivershore (non-forested, wetland)	No
Missouri rockcress	T	S1	G5?Q	6/11/1905	5	Rocky summits and outcrops (non-forested, upland), Hardwood to mixed forest (forest, upland)	No
	E	S2	G5	7/16/2015	16		
mountain honeysuckle	E	S2	G5	7/7/2015	17	Dry barrens (partly forested, upland), Hardwood to mixed forest (forest, upland)	No
	E	S2	G5	7/7/2015	17		
Parker's pipewort	SC	S3	G3	8/20/1924	8	Tidal wetland (non-forested, wetland)	No
pitch pine bog	<null>	S2	G3G5	7/31/2012	16	Forested wetland, coastal non-tidal wetland (non-forested, wetland)	No
tidal marsh estuary ecosystem	<null>	S3	GNR	8/25/2011	8	Tidal wetland (non-forested, wetland)	No
variable sedge	E	S1	G3	3/25/1905	8	Dry barrens (partly forested, upland), Hardwood to mixed forest (forest, upland)	No
	E	S1	G3	6/29/1911	9		
Vasey's pondweed	SC	S2	G4	8/4/1901	7	Open water (non-forested, wetland)	No
water-plantain spearwort	PE	SH	G4	8/1862	3	Open water (non-forested, wetland)	No
wild leek	SC	S3	G5	5/10/2006	19	Hardwood to mixed forest (forest, upland), Forested wetland	No

Table 1 Notes

STATE RARITY RANKS	
S1	Critically imperiled in Maine because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.
S2	Imperiled in Maine because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
S3	Rare in Maine (20-100 occurrences).
S4	Apparently secure in Maine.
S5	Demonstrably secure in Maine.
SU	Under consideration for assigning rarity status; more information needed on threats or distribution.
SNR	Not yet ranked.
SNA	Rank not applicable.
S#?	Current occurrence data suggests assigned rank, but lack of survey effort along with amount of potential habitat create uncertainty (e.g. S3?).
NOTE:	State Rarity Ranks are determined by the Maine Natural Areas Program for rare plants and rare and exemplary natural communities and ecosystems. The Maine Department of Inland Fisheries and Wildlife determines State Rarity Ranks for animals.
GLOBAL RARITY RANKS	
G1	Critically imperiled globally because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extinction.
G2	Globally imperiled because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
G3	Globally rare (20-100 occurrences).
G4	Apparently secure globally.
G5	Demonstrably secure globally.
GNR	Not yet ranked.
NOTE:	Global Ranks are determined by NatureServe.
STATE LEGAL STATUS	
NOTE:	State legal status is according to 5 M.R.S.A. § 13076-13079, which mandates the Department of Conservation to produce and biennially update the official list of Maine's Endangered and Threatened plants. The list is derived by a technical advisory committee of botanists who use data in the Natural Areas Program's database to recommend status changes to the Department of Conservation.
E	ENDANGERED; Rare and in danger of being lost from the state in the foreseeable future; or federally listed as Endangered.
T	THREATENED; Rare and, with further decline, could become endangered; or federally listed as Threatened.
NON-LEGAL STATUS	
SC	SPECIAL CONCERN; Rare in Maine, based on available information, but not sufficiently rare to be considered Threatened or Endangered.
PE	Potentially Extirpated; Species has not been documented in Maine in past 20 years or loss of last known occurrence has been documented.



3.2. Wildlife Habitat Evaluation

A number of wildlife were observed during the field visit (Table 2) typical for the season in this habitat. The light snow provided some opportunity to track on the otherwise frozen ground, but it was not so deep that scat, burrows, trails, or other wildlife signs were not visible. Several regular paths used by coyote (*Canis latrans*), red fox (*Vulpes vulpes*), and striped skunk (*Mephitis mephitis*) were observed. Scat, tracks, and venting frost from a red fox den were observed on the site. A variety of winter resident and early spring migrant birds were observed in the Project Area.

Table 2. Wildlife Observed at 1700 Westbrook Street (3/13/2017)

Common Name	Scientific name
Birds	
downy woodpecker	<i>Picoides pubescens</i>
northern cardinal	<i>Cardinalis cardinalis</i>
pileated woodpecker	<i>Dryocopus pileatus</i>
black-capped chickadee	<i>Poecile atricapillus</i>
red-winged blackbird	<i>Agelaius phoeniceus</i>
American crow	<i>Corvus brachyrhynchos</i>
blue jay	<i>Cyanocitta cristata</i>
herring gull	<i>Larus argentatus</i>
red-tailed hawk	<i>Buteo jamaicensis</i>
American crow	<i>Corvus brachyrhynchos</i>
Mammals	
red fox	<i>Vulpes vulpes</i>
Eastern coyote	<i>Canis latrans</i>
striped skunk	<i>Mephitis mephitis</i>

A thorough evaluation of the sideslope dominated by invasive shrubs did not show signs of cottontail use such as scat, tracks, or sign of browse. The multiflora rose, hawthorn, and other shrubs are separated by cattle paths, thereby separating most of the shrubs from each other. The areas under shrubs were free of vegetation due to heavy browse and foot traffic by cattle. The cattle use the area as shelter from the sun, making this area unsuitable for New England cottontail. The patch of shrubby habitat is too small, lacks the proper vegetative structure, lacks the preferred stem density, and is largely unconnected to other areas of suitable New England cottontail habitat.

It is unlikely that the USFWS has hibernacula or maternity roost records for northern long-eared bat (*Myotis septentrionalis*) in the vicinity of the Project based on other work conducted by Verdanterra in the area. There was nothing observed in the field visit to suggest otherwise. Therefore, we believe the 4(d) rule for the northern long-eared bat could be applied.

If there is a federal nexus for the project (e.g., federal permits required to construct), no tree clearing should occur on any portion of the Project Area until consultation under Section 7 of the Endangered Species Act, between the USFWS and the federal action agency, is completed. The applicant can prepare the 4(d) notification form and submit it with their wetland permit for use by the U.S. Army Corps during the Section 7 consultation.



4. Conclusions and Recommendations

The results of the landscape analysis and subsequent field assessment found that rare or unique botanical features previously documented in the area by MNAP are unlikely to occur within the limits of disturbance of the Project. Many of the habitats required do not occur on the Project site. The herbaceous wetlands present on site are impacted by decades (at least since 1984) of cattle grazing and occasional vegetation management, making them unsuitable for any of these rare or unique botanical features. No further evaluation of plant or protected natural communities are recommended at the Project.

Several species of wildlife or their signs were observed within the Project area. While several areas of dense shrubs exist on the edges of the limits of disturbance, none of these areas are suitable to support populations of New England cottontail. The islands of invasive shrubs lack the density, aerial coverage, or connectivity to support a population of New England cottontail.

There are trees of size and quality to act as potential northern long-eared bat at the Project, however, any tree cutting required would qualify under the 4(d) rules as incidental take. While there are no specific cutting restrictions for northern long-eared bats, providing this information along with any required federal permits will hopefully speed up the consultation between the U.S. Army Corps of Engineers and the USFWS. Additionally, there are not likely to be significant adverse impacts to birds of conservation concern listed as occurring within Cumberland County, Maine.

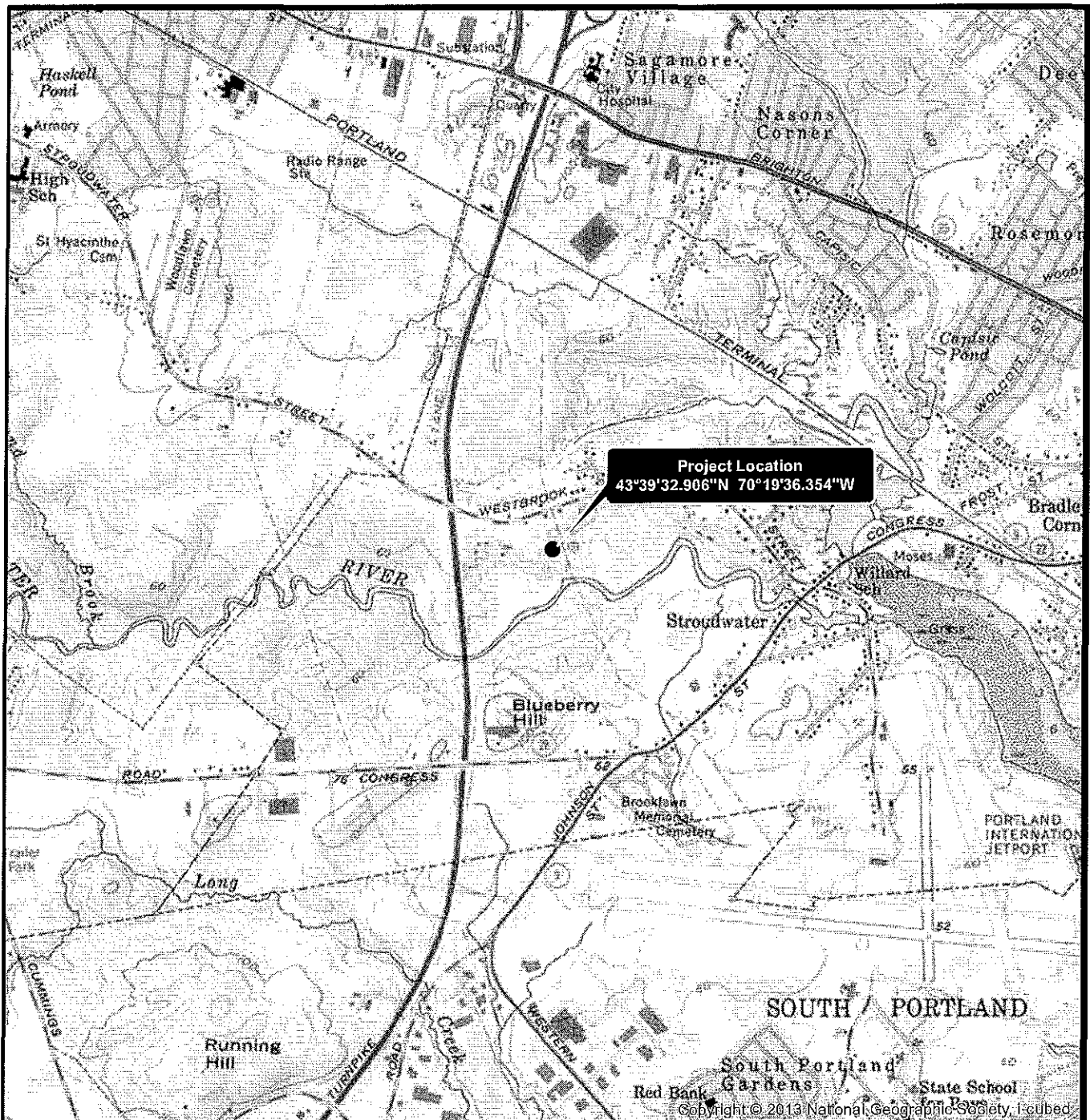


Figures

Figure 1. Camelot Farms - Project Location Map

Figure 2. Project Limits of Disturbance – Aerial Background

Figure 3. Project Limits of Disturbance – Topographic Background



Map Details

Location

Cumberland County,
Maine

Last Modified: March 17, 2017

REVISION

00

CREATOR

AS 03/16/2017

REVIEWED

GG 03/16/2017

Page 01 of 01

Legend

- Project Location

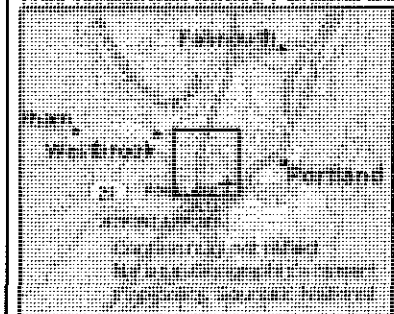
Data Sources include: USGS, VT
 Orthophotography: USGS Topographic Quad



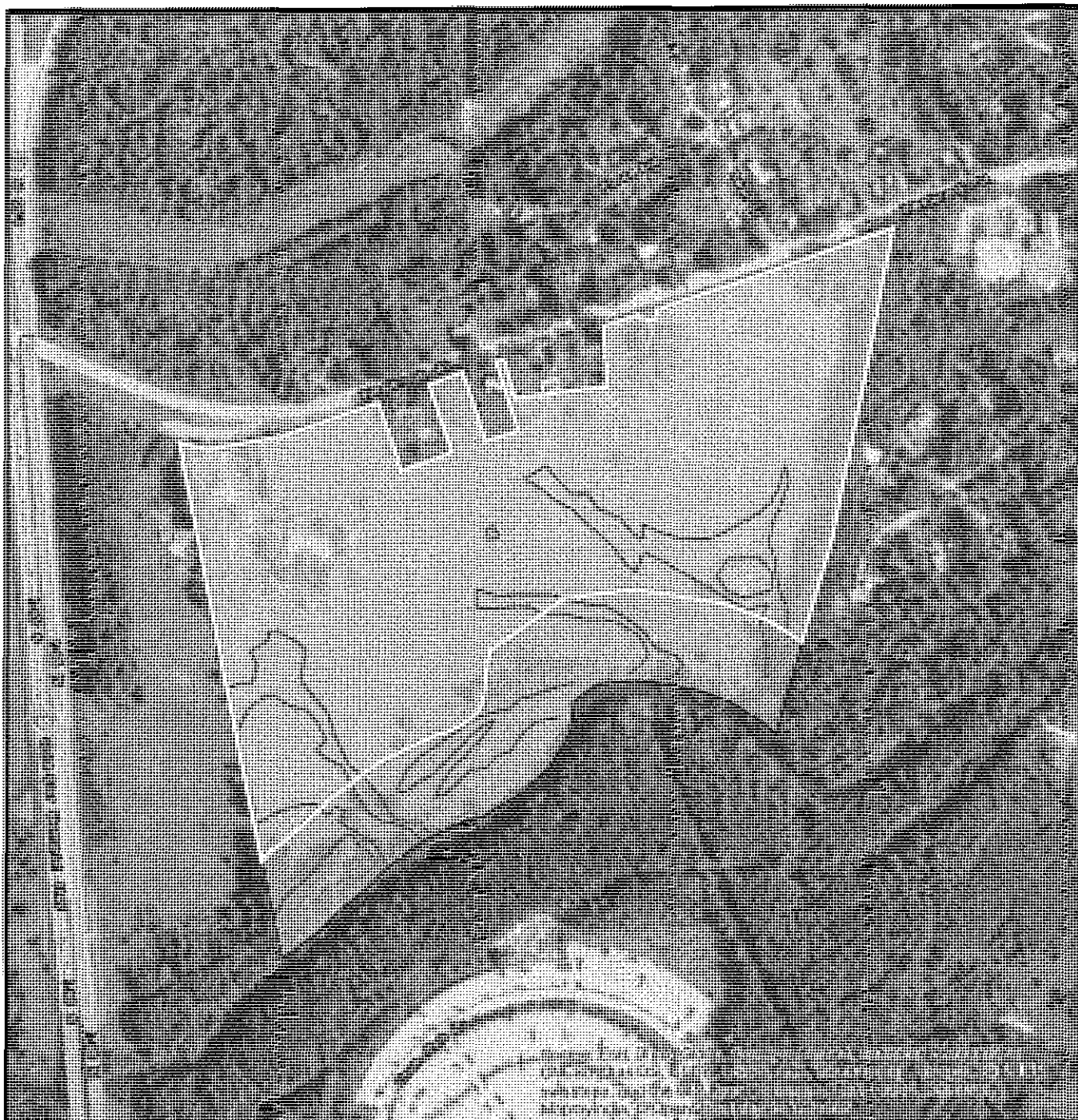
Figure 1.

**Project Location
 Camelot Farms**

17th Westbrook Street, Portland, ME



Map Location in Red



PERDANTERRA

Map Details

Location

Concordant County,
Maine

Scale: 1:10,000 (Horizontal Scale)

REVISION

NO

OPERATION

AS SHOWN

REVISION

AS SHOWN

Page 01 of 01

Legend



Limit of Disturbance



Shoreland Protection Zone



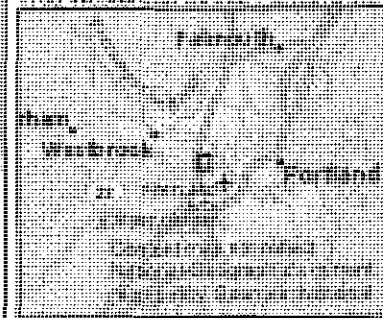
Wetland Areas



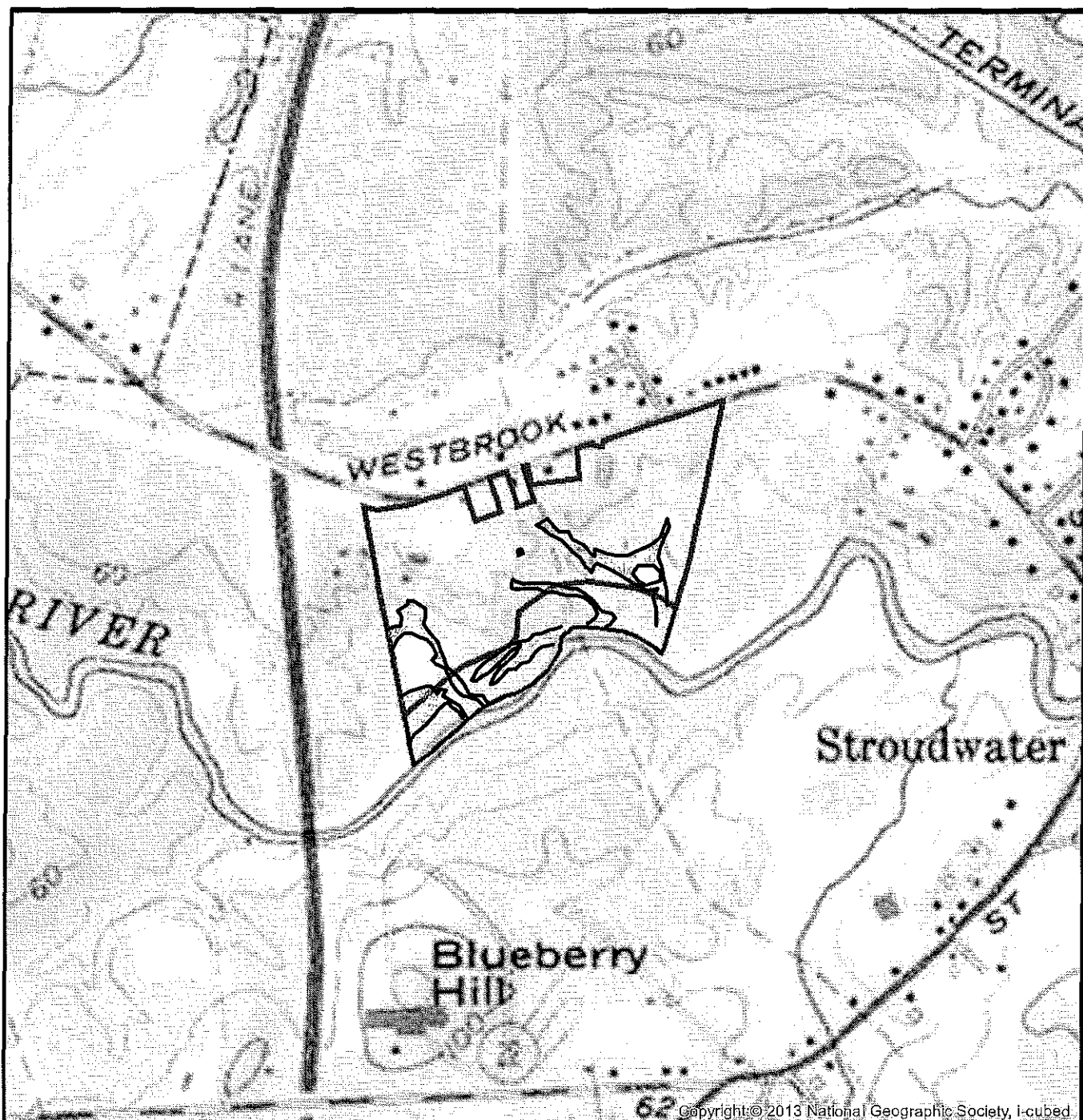
Scale: 1:10,000 (Horizontal Scale)

Figure 2.

Project Limits of Disturbance (Aerial)
Concordant County
1700 Westbrook Street, Portland ME



State Location Map



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VERDANTERRA

Map Details

Location

Cumberland County,
Maine

Last Modified: March 27, 2017

REVISION

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CREATOR

AS 03/17/2017

REVIEWED

GG 03/17/2017

Page 01 of 01

Legend



Limit of Disturbance



Shoreland Protection Zone



Wetland Areas



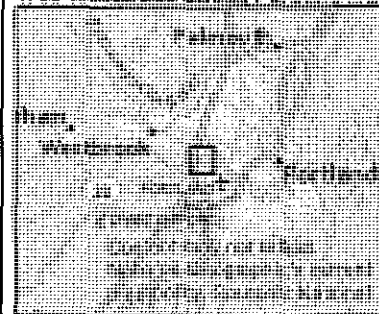
0 300 600 Feet

Data Sources include: USGS, VT
Orthophotography, USGS Topographic Quad

Figure 3.

Project Limits of Disturbance (Topo)
Camelot Farms

1700 Westbrook Street, Westbrook, ME



Map Location in Red



Appendix A. Verdanterra Resume

Verdanterra, LLC

608.467.0750 | 47 Richards Lane | Freeport, ME 04032
verdanterra.com



Gino Giumarro

Director of Ecological Services

Gino is a Certified Wildlife Biologist and Director of Ecological Services that leads our team of biologists who complete natural resources assessment and permitting, pipeline/transmission line assessment and permitting, wind power assessments, regional natural resources planning, wildlife management planning, and permitting. He has specialty expertise with bird and bat surveys, with a focus on rare species surveys and consultations under the Endangered Species Act.

Gino oversees FERC license applications, RTE surveys, ecological community characterizations, biological assessments, Section 7 consultations, Clean Water Act permitting, and document preparation in accordance with the NEPA.

Gino's client experience includes a wide array of federal, state, local, and private clients. He is certified by the US Army Center for Health Promotion and Preventative Medicine in the Evaluation of Environmental Noise and is a Qualified Airport Biologist as recognized by the FAA.

REPRESENTATIVE PROJECT EXPERIENCE

RANGER SOLAR INDUSTRIAL SCALE SOLAR FACILITIES **Project Manager and Lead Ecologist**

Gino is the Project Manager and Lead Ecologist for Ranger Solar's development of five utility scale solar facilities throughout New England. Each of the sites were surveyed for vernal pools, wetlands and waterbodies, and rare vernal pool dependent species. Resources were characterized according to applicable state and federal standards and definitions.

NORWOTTUCK RAILTRAIL REHABILITATION PROJECT, MA **Senior Ecologist**

Provided oversight natural community, general wildlife, and rare species habitat assessments within the 11-mile rail trail corridor. Evaluated habitat conditions for 19 state-listed rare wildlife and plant species documented by the NHESP and provided impact minimization recommendations to the engineer to comply with MESA. Evaluated current beaver damage to the rail trail corridor and reviewed beaver management planning in accordance with MWPA and MESA performance standards.

EDUCATION

MS, Natural Resources Planning,
University of Vermont,
Burlington, Vermont

BS, Wildlife Biology, University of
Massachusetts, Amherst,
Massachusetts

TRAINING

Airport Wildlife Hazard
Management Workshop (meets
requirements of 14 CFR 139 and
FAA Circ 150/5200-36), Embry-
Riddle Aeronautical University,
Daytona Beach, Florida, 2010

Qualified Airport Wildlife
Biologist, Federal Aviation
Administration

Certified Wildlife Biologist,
The Wildlife Society



VERDANTERRA

Gino Giumarro

Director of Ecological Services

SPOTTED TURTLE HABITAT ASSESSMENT AND SURVEYS, MA

Senior Ecologist

Conducted an assessment of suitable habitat conditions and visual surveys for spotted turtles at the site of a proposed major commercial and residential development. Assisted with the development of wildlife crossing structure and exclusion barrier design and placement. Coordinated project planning and mitigation design with local and state agencies in compliance with MESA.

REGIONAL BLANDING'S TURTLE RAPID HABITAT ASSESSMENT, NH

Senior Ecologist

Conducted and managed landscape analysis, habitat assessment, and field survey of Blanding's turtle habitat modeling results in southern and central New Hampshire. Developed regional study plan in coordination with the New Hampshire Fish and Game Department to assess modeling results of 15 sites (> 1500 acres). Results evaluated suitable habitat conditions, new observations of Blanding's turtles, and conservation planning and management recommendations.

KINDER MORGAN PARKWAY PIPELINE PROJECT

Principal Scientist

The Parkway Pipeline Project (PWP) proposes to construct a new 136-mile, 16-inch diameter liquid products pipeline originating at Valero Energy Corporation's St. Charles Refinery in Norco, Louisiana and terminating at Kinder Morgan's pipeline terminal in Collins, Mississippi. The purpose of the project is to transport refined petroleum products from Norco to Collins, where these products can be further distributed to the southeastern United States. Mr. Giumarro assisted with permitting and routing studies for this project.

NEXUS GAS TRANSMISSION PROJECT

Project Manager

Gino managed wetland and waterbody surveys and delineations on an approximate 250 mile proposed pipeline corridor crossing portions of Ohio and Michigan. Daily data collection and reporting included USACE wetland data forms, Ohio Rapid Assessment Method (ORAM), stream assessments (HHEI/QHEI), and GPS survey within the proposed pipeline right-of-way.

NATURAL RESOURCE SERVICES

Senior Ecologist and Project Manager

Conducted assessment and surveys of numerous project sites throughout New England to identify suitable habitat conditions for a variety of rare, threatened, and endangered species; or rare communities; wetlands; and vernal pools. Determinations were provided to assist with project planning and permit applications in compliance with applicable local, state, and federal natural resource regulations.

OTHER REPRESENTATIVE PROJECTS

Sandpiper Pipeline Project
(Minnesota)

Downeast LNG Export Terminal
(Maine)

TransCanada Pipeline
Groundbed Anode Replacement
(Michigan)

Blue Racer Midstream Natrium
Residue Pipeline (Ohio/West
Virginia)

Blue Racer Midstream Carlisle
Dos Looping Project (Ohio)

Access Midstream Rare Bat
Surveys (Ohio)

National Park Service Cape Cod
NS-Hunting EIS (Massachusetts)

Wind Farm Development Surveys
and Risk Assessments (New York,
New Hampshire, Vermont,
Maine, Virginia, West Virginia,
and Pennsylvania)

Mount Rushmore National
Memorial Air Tour Management
Plan Environmental Assessment
(South Dakota)

NASA Wallops Island Flight
Facility Bat Evaluation, Wallops
Island (Virginia)



Appendix B. Site Visit Photodocumentation

Verdanterra, LLC

608.467.0750 | 47 Richards Lane | Freeport, ME 04032
verdanterra.com



Photo 1 – Property access off 1700 Westbrook Street, Portland, Maine

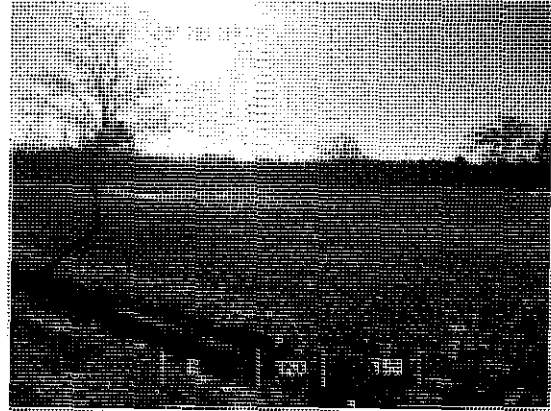


Photo 2 – Wet ditch paralleling Westbrook Street



Photo 3 – Shrub and treeline at the western edge of the limits of disturbance; north to south



Photo 4 – Narrow treeline surrounded by pasture does not connect other dense shrub habitat



Photo 5 – Narrow treeline on the western edge of the limits of disturbance



Photo 6 – The meadow has thin grass, herb, and raspberry cover; many signs of grazing



Photo 7 – Forested edge near Stroudwater River is free of dense shrub cover



Photo 8 – Open floodplain forest adjacent to Stroudwater River

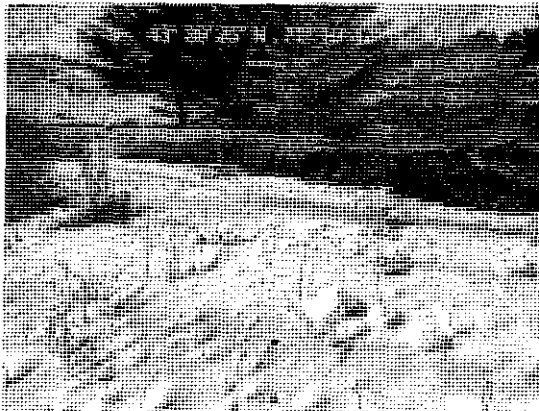


Photo 9 – Numerous fox tracks were observed



Photo 10 – Small patches of multiflora rose occur in areas that cannot be mowed



Photo 11 – Black cherry, multiflora rose and speckled alder occur along wetland / toe of slope



Photo 12 – Shrubby areas are kept open by cattle grazing



Photo 13 – Cattle paths occur under the canopy and within shrub areas



Photo 14 – Cattle path on sideslope south of Stroudwater River



Photo 15 – Numerous signs of past land uses such as this access road and an oil pipeline



Photo 16 – Fox den

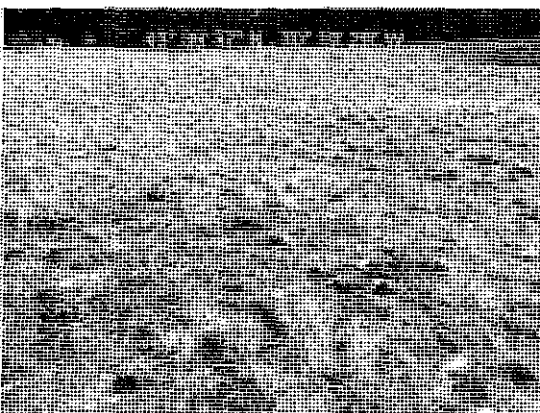


Photo 17 – Thin cover of goldenrod, grasses, thistle, hawksweed; raspberry

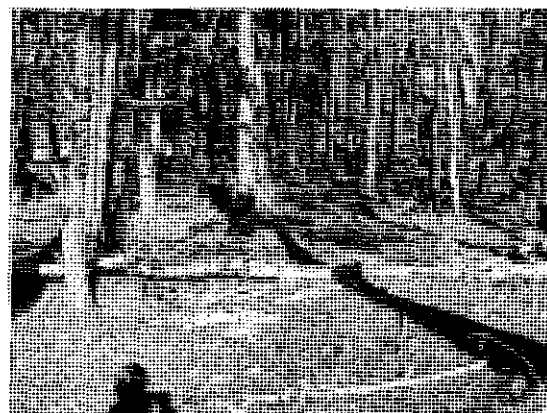


Photo 18 – No understory in the small grove of white pine adjacent to Westbrook Street



Photo 19 – Vegetative cover is typical of cattle pastures in southern Maine



Photo 20 – Emergent wetland seep adjacent to a slope has allowed multiflora rose to grow in isolated places in the pasture



Appendix C. Agency Correspondence

1. Site Plan Drawing Number C-10 – Acorn Engineering – 2/14/2017
2. Maine Natural Areas Program Letter – 11/10/2016
3. Maine Division of Inland Fisheries and Wildlife Letter – 12/2/2016
4. United States Fish and Wildlife Service IPaC Analysis – 3/20/2017
5. Maine Historic Preservation Commission Letter – 12/9/2016



PAUL R. LE PAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
93 STATE HOUSE STATION
AUGUSTA, MAINE 04333

WALTER E. WHITCOMB
COMMISSIONER

November 10, 2016

Olivia Dawson
Acorn Engineering
PO Box 3372
Portland, ME 04104

Via email: odawson@acorn-engineering.com

Re: Rare and exemplary botanical features in proximity to: Camelot Farms Subdivision, Portland, Maine

Dear Ms. Dawson:

I have searched the Natural Areas Program's Biological and Conservation Data System files in response to your request received November 10, 2016 for information on the presence of rare or unique botanical features documented from the vicinity of the project in Portland, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

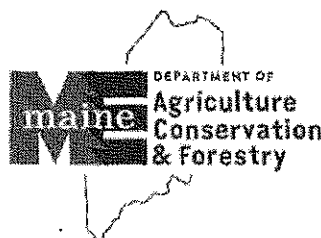
Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

MOLLY DOCHERTY, DIRECTOR
MAINE NATURAL AREAS PROGRAM



PHONE: (207) 287-8044
FAX: (207) 287-8040
WWW.MAINE.GOV/DACF/MNAP

Letter to Olivia Dawson
Comments RE: Camelot Farms, Portland
November 10, 2016
Page 2 of 2

The Natural Areas Program is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. The Natural Areas Program welcomes coordination with individuals or organizations proposing environmental alteration, or conducting environmental assessments. If, however, data provided by the Natural Areas Program are to be published in any form, the Program should be informed at the outset and credited as the source.

The Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$150.00 for two hours of our services.

Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Don Cameron', with a long, sweeping horizontal line extending to the right.

Don Cameron | Ecologist | Maine Natural Areas Program
207-287-8041 | don.s.cameron@maine.gov

Rare and Exemplary Botanical Features within 4 miles of Project: Camelot Farms Subdivision, Portland, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Allegheny Vine	E	S1	G4	1860-10	9	Rocky summits and outcrops (non-forested, upland), Dry barrens (partly forested, upland)
American Sea-blite	T	S2	G5	1932-09-12	5	Tidal wetland (non-forested, wetland)
	T	S2	G5	2011-08-15	17	Tidal wetland (non-forested, wetland)
Beach Plum	E	S1	G4	1933-05-19	10	Rocky coastal (non-forested, upland)
Broad Beech Fern	SC	S2	G5	1872-08	15	Hardwood to mixed forest (forest, upland)
Creeping Spike-moss	E	S2	G5	1924-08-20	3	Open wetland, not coastal nor rivershore (non-forested, wetland), Old field/roadside (non-forested, wetland or upland)
	E	S2	G5	1924-08-21	8	Open wetland, not coastal nor rivershore (non-forested, wetland), Old field/roadside (non-forested, wetland or upland)
Dioecious Sedge	SC	S3	G4	1936-07-14	7	Non-tidal rivershore (non-forested, seasonally wet), Open wetland, not coastal nor rivershore (non-forested, wetland)
Ebony Spleenwort	SC	S2	G5	1910-06-06	10	Rocky summits and outcrops (non-forested, upland), Hardwood to mixed forest (forest, upland)
Engelmann's Spikerush	PE	SH	G4G5Q	1916-08-31	2	Open wetland, not coastal nor rivershore (non-forested, wetland)
Fern-leaved False Foxglove	SC	S3	G5	1902-09-02	13	Dry barrens (partly forested, upland), Hardwood to mixed forest (forest, upland)
Great Blue Lobelia						

Rare and Exemplary Botanical Features within 4 miles of Project: Camelot Farms Subdivision, Portland, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Hollow Joe-pye Weed	PE	SX	G5	1905-09	3	Forested wetland, Non-tidal rivershore (non-forested, seasonally wet)
	SC	S2	G5?	2014-06-18	24	Open wetland, not coastal nor rivershore (non-forested, wetland), Old field/roadside (non-forested, wetland or upland)
	SC	S2	G5?	2007-10-22	18	Open wetland, not coastal nor rivershore (non-forested, wetland), Old field/roadside (non-forested, wetland or upland)
Horned Pondweed						
	SC	S2	G5	1913-09-18	9	Tidal wetland (non-forested, wetland)
	SC	S2	G5	1972-06-13	3	Tidal wetland (non-forested, wetland)
Marsh Milkwort						
	PE	SH	G5T4	1903-08-18	1	Dry barrens (partly forested, upland), Open wetland, not coastal nor rivershore (non-forested, wetland)
Missouri Rockcress						
	T	S1	G5?Q	1905-06-11	5	Rocky summits and outcrops (non-forested, upland), Hardwood to mixed forest (forest, upland)
Mountain Honeysuckle						
	E	S2	G5	2015-07-16	16	Dry barrens (partly forested, upland), Hardwood to mixed forest (forest, upland)
	E	S2	G5	2015-07-07	17	Dry barrens (partly forested, upland), Hardwood to mixed forest (forest, upland)
Parker's Pipewort						
	SC	S3	G3	1924-08-20	8	Tidal wetland (non-forested, wetland)
Pitch Pine Bog						
	<null>	S2	G3G5	2012-07-31	16	Forested wetland, Coastal non-tidal wetland (non-forested, wetland)
Tidal Marsh Estuary Ecosystem						
	<null>	S3	GNR	2011-08-25	8	Tidal wetland (non-forested, wetland)
Variable Sedge						

Rare and Exemplary Botanical Features within 4 miles of Project: Camelot Farms Subdivision, Portland, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
	E	S1	G3	1911	8	Dry barrens (partly forested, upland), Hardwood to mixed forest (forest, upland)
	E	S1	G3	1911-06-29	9	Dry barrens (partly forested, upland), Hardwood to mixed forest (forest, upland)
Vasey's Pondweed						
	SC	S2	G4	1901-08-04	7	Open water (non-forested, wetland)
Water-plantain Spearwort						
	PE	SH	G4	1862-08	3	Open water (non-forested, wetland)
Wild Leek						
	SC	S3	G5	2006-05-10	19	Hardwood to mixed forest (forest, upland), Forested wetland

STATE RARITY RANKS

- S1** Critically imperiled in Maine because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.
- S2** Imperiled in Maine because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- S3** Rare in Maine (20-100 occurrences).
- S4** Apparently secure in Maine.
- S5** Demonstrably secure in Maine.
- SU** Under consideration for assigning rarity status; more information needed on threats or distribution.
- SNR** Not yet ranked.
- SNA** Rank not applicable.
- S#?** Current occurrence data suggests assigned rank, but lack of survey effort along with amount of potential habitat create uncertainty (e.g. S3?).

Note: **State Rarity Ranks** are determined by the Maine Natural Areas Program for rare plants and rare and exemplary natural communities and ecosystems. The Maine Department of Inland Fisheries and Wildlife determines State Rarity Ranks for animals.

GLOBAL RARITY RANKS

- G1** Critically imperiled globally because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extinction.
- G2** Globally imperiled because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- G3** Globally rare (20-100 occurrences).
- G4** Apparently secure globally.
- G5** Demonstrably secure globally.
- GNR** Not yet ranked.

Note: **Global Ranks** are determined by NatureServe.

STATE LEGAL STATUS

Note: State legal status is according to 5 M.R.S.A. § 13076-13079, which mandates the Department of Conservation to produce and biennially update the official list of Maine's **Endangered** and **Threatened** plants. The list is derived by a technical advisory committee of botanists who use data in the Natural Areas Program's database to recommend status changes to the Department of Conservation.

- E** ENDANGERED; Rare and in danger of being lost from the state in the foreseeable future; or federally listed as Endangered.
- T** THREATENED; Rare and, with further decline, could become endangered; or federally listed as Threatened.

NON-LEGAL STATUS

- SC** SPECIAL CONCERN; Rare in Maine, based on available information, but not sufficiently rare to be considered Threatened or Endangered.
- PE** Potentially Extirpated; Species has not been documented in Maine in past 20 years or loss of last known occurrence has been documented.

ELEMENT OCCURRENCE RANKS - EO RANKS

Element Occurrence ranks are used to describe the quality of a rare plant population or natural community based on three factors:

- **Size**: Size of community or population relative to other known examples in Maine. Community or population's viability, capability to maintain itself.
- **Condition**: For communities, condition includes presence of representative species, maturity of species, and evidence of human-caused disturbance. For plants, factors include species vigor and evidence of human-caused disturbance.
- **Landscape context**: Land uses and/or condition of natural communities surrounding the observed area. Ability of the observed community or population to be protected from effects of adjacent land uses.

These three factors are combined into an overall ranking of the feature of **A**, **B**, **C**, or **D**, where **A** indicates an **excellent** example of the community or population and **D** indicates a **poor** example of the community or population. A rank of **E** indicates that the community or population is **extant** but there is not enough data to assign a quality rank. The Maine Natural Areas Program tracks all occurrences of rare (S1-S3) plants and natural communities as well as A and B ranked common (S4-S5) natural communities.

Note: **Element Occurrence Ranks** are determined by the Maine Natural Areas Program for rare plants and rare and exemplary natural communities and ecosystems. The Maine Department of Inland Fisheries and Wildlife determines Element Occurrence ranks for animals.

Visit our website for more information on rare, threatened, and endangered species!
<http://www.maine.gov/dacf/mnap>



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
INLAND FISHERIES & WILDLIFE
284 STATE STREET
41 STATE HOUSE STATION
AUGUSTA ME 04333-0041

CHANDLER E. WOODCOCK
COMMISSIONER

December 2, 2016

Olivia Dawson
Acorn Engineering, Inc.
158 Danforth Street
Portland, ME 04102

RE: Information Request - Camelot Farms subdivision, Portland

Dear Olivia:

Per your request received November 10, 2016, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and fisheries habitat concerns within the vicinity of the *Camelot Farms subdivision project* in Portland. For purposes of this review, we are assuming that the development will occur primarily within maintained fields and tree clearing will not be necessary. If tree clearing is ultimately proposed, please contact our Department for further guidance

Our information indicates no locations of Endangered, Threatened, or Special Concern species within the project area that would be directly affected by your project. Additionally, our Department has not mapped any Essential or Significant Wildlife Habitats that would be directly affected by your project.

Fisheries Habitat

Without details, it is difficult to know what impacts your project may have on the Stroudwater River. That being said, MDIFW makes the following general recommendations as they pertain to work around rivers and streams.

Maintaining buffers along coldwater fisheries is critical to the protection of water temperatures, water quality, and inputs of coarse woody debris necessary to support conditions required by brook trout. We generally recommend that a 100-foot undisturbed vegetated buffer be maintained along streams. Buffers should be measured from the edge of stream or associated fringe and floodplain wetlands. Construction Best Management Practices should be closely followed to avoid erosion, sedimentation, alteration of stream flow, and other impacts as eroding soils from construction activities can travel significant distances as well as transport other pollutants resulting in direct impacts to fish and fisheries habitat. In addition, we recommend that any necessary instream work or work within 100 feet of streams occur between July 15 and October 1.

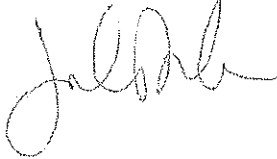
This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas Program and

Letter to Olivia Dawson
Comments RE: Camelot Farms subdivision, Portland
December 2, 2016

Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

A handwritten signature in cursive script, appearing to read "John MacLaine".

John MacLaine
Biologist

IPaC

IPaC resource list

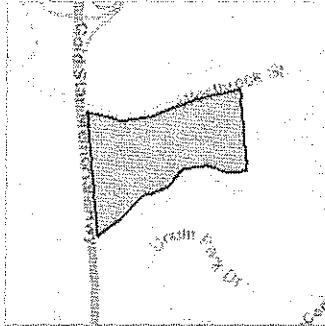
Project information

NAME

Camelot Farms

LOCATION

Cumberland County, Maine



DESCRIPTION

Residential development

Local office

Maine Ecological Services Field Office

☎ (207) 469-7300

📠 (207) 902-1588

MAILING ADDRESS

P. O. Box A

East Orland, ME 04431

PHYSICAL ADDRESS

306 Hatchery Road

East Orland, ME 04431

<http://www.fws.gov/mainefieldoffice/index.html>

Endangered species

This resource list is for Informational purposes only and should not be used for planning or analyzing project level impacts.

Section 7 of the Endangered Species Act requires Federal agencies to “request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action” for any project that is conducted, permitted, funded, or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list either from the Regulatory Review section in IPaC or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by creating a project and making a request from the Regulatory Review section.

Listed species¹ are managed by the Endangered Species Program of the U.S. Fish and Wildlife Service.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. http://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any activity that results in the take (to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service³. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Conservation measures for birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Year-round bird occurrence data <http://www.birdscanada.org/birdmon/default/datasummaries.jsp>

The migratory birds species listed below are species of particular conservation concern (e.g. [Birds of Conservation Concern](#)) that may be potentially affected by activities in this location, not a list of every bird species you may find in this location. Although it is important to try to avoid and minimize impacts to all birds, special attention should be made to avoid and minimize impacts to birds of priority concern. To view available data on other bird species that may occur in your project area, please visit the [AKN Histogram Tools](#) and [Other Bird Data Resources](#).

NAME	SEASON(S)
American Bittern <i>Botaurus lentiginosus</i> http://ecos.fws.gov/ecp/species/6582	On Land: Breeding
American Oystercatcher <i>Haematopus palliatus</i> http://ecos.fws.gov/ecp/species/8935	On Land: Breeding
Bald Eagle <i>Haliaeetus leucocephalus</i> http://ecos.fws.gov/ecp/species/1626	On Land: Year-round
Bay-breasted Warbler <i>Dendroica castanea</i>	On Land: Breeding
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> http://ecos.fws.gov/ecp/species/9399	On Land: Breeding

Blue-winged Warbler <i>Vermivora pinus</i>	On Land: Breeding
Canada Warbler <i>Wilsonia canadensis</i>	On Land: Breeding
Great Cormorant <i>Phalacrocorax carbo</i>	On Land: Wintering
Hudsonian Godwit <i>Limosa haemastica</i>	At Sea: Migrating
Least Bittern <i>Ixobrychus exilis</i> http://ecos.fws.gov/ecp/species/6175	On Land: Breeding
Nelson's Sparrow <i>Ammodramus nelsoni</i>	On Land: Breeding
Olive-sided Flycatcher <i>Contopus cooperi</i> http://ecos.fws.gov/ecp/species/3914	On Land: Breeding
Peregrine Falcon <i>Falco peregrinus</i> http://ecos.fws.gov/ecp/species/8831	On Land: Breeding
Pied-billed Grebe <i>Podilymbus podiceps</i>	On Land: Breeding
Prairie Warbler <i>Dendroica discolor</i>	On Land: Breeding
Purple Sandpiper <i>Calidris maritima</i>	On Land: Wintering
Saltmarsh Sparrow <i>Ammodramus caudacutus</i>	On Land: Breeding
Short-eared Owl <i>Asio flammeus</i> http://ecos.fws.gov/ecp/species/9295	On Land: Wintering
Snowy Egret <i>Egretta thula</i>	On Land: Breeding
Upland Sandpiper <i>Bartramia longicauda</i> http://ecos.fws.gov/ecp/species/9294	On Land: Breeding
Willow Flycatcher <i>Empidonax traillii</i> http://ecos.fws.gov/ecp/species/3482	On Land: Breeding
Wood Thrush <i>Hylocichla mustelina</i>	On Land: Breeding

What does IPaC use to generate the list of migratory bird species potentially occurring in my specified location?

Landbirds:

Migratory birds that are displayed on the IPaC species list are based on ranges in the latest edition of the National Geographic Guide, Birds of North America (6th Edition, 2011 by Jon L. Dunn, and Jonathan Alderfer). Although these ranges are coarse in nature, a number of U.S. Fish and Wildlife Service migratory bird biologists agree that these maps are some of the best range maps to date. These ranges were clipped to a specific Bird Conservation Region (BCR) or USFWS Region/Regions, if it was indicated in the 2008 list of Birds of Conservation Concern (BCC) that a species was a BCC species only in a particular Region/Regions. Additional modifications have been made to some ranges based on more local or refined range information and/or information provided by U.S. Fish and Wildlife Service biologists with species expertise. All migratory birds that show in areas on land in IPaC are those that appear in the 2008 Birds of Conservation Concern report.

Atlantic Seabirds:

Ranges in IPaC for birds off the Atlantic coast are derived from species distribution models developed by the National Oceanic and Atmospheric Association (NOAA) National Centers for Coastal Ocean Science (NCCOS) using the best available seabird survey data for the offshore Atlantic Coastal region to date. NOAA/NCCOS assisted USFWS in developing seasonal species ranges from their models for specific use in IPaC. Some of these birds are not BCC species but were of interest for inclusion because they may occur in high abundance off the coast at different times throughout the year, which potentially makes them more susceptible to certain types of development and activities taking place in that area. For more refined details

about the abundance and richness of bird species within your project area off the Atlantic Coast, see the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other types of taxa that may be helpful in your project review.

About the NOAA NCCOS models: the models were developed as part of the NOAA NCCOS project: [Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#). The models resulting from this project are being used in a number of decision-support/mapping products in order to help guide decision-making on activities off the Atlantic Coast with the goal of reducing impacts to migratory birds. One such product is the [Northeast Ocean Data Portal](#), which can be used to explore details about the relative occurrence and abundance of bird species in a particular area off the Atlantic Coast.

All migratory bird range maps within IPaC are continuously being updated as new and better information becomes available.

Can I get additional information about the levels of occurrence in my project area of specific birds or groups of birds listed in IPaC?

Landbirds:

The [Avian Knowledge Network \(AKN\)](#) provides a tool currently called the "Histogram Tool", which draws from the data within the AKN (latest survey, point count, citizen science datasets) to create a view of relative abundance of species within a particular location over the course of the year. The results of the tool depict the frequency of detection of a species in survey events, averaged between multiple datasets within AKN in a particular week of the year. You may access the histogram tools through the [Migratory Bird Programs AKN Histogram Tools](#) webpage.

The tool is currently available for 4 regions (California, Northeast U.S., Southeast U.S. and Midwest), which encompasses the following 32 states: Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

In the near future, there are plans to expand this tool nationwide within the AKN, and allow the graphs produced to appear with the list of trust resources generated by IPaC, providing you with an additional level of detail about the level of occurrence of the species of particular concern potentially occurring in your project area throughout the course of the year.

Atlantic Seabirds:

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS [Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project](#) webpage.

Facilities

Wildlife refuges

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual refuges to discuss any questions or concerns.

THERE ARE NO REFUGES AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercled worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.



PAUL R. LEPAGE
GOVERNOR

MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

KIRK F. MOHNEY
DIRECTOR

December 9, 2016

Olivia Dawson, E.I.
Acorn Engineering, Inc.
P.O. Box 3372
Portland, ME 04104

Project: MHPC# 1678-16 - Camelot Holdings, Inc., 1700 Westbrook Street; redevelop
existing farm with single family homes
Town: Portland, ME

Dear Ms. Dawson:

In response to your recent request, I have reviewed the information received November 16, 2016 to initiate consultation on the above referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

In order to complete our review, we are requesting the following information:

1. Submit photos (keyed to a topographic map) of any buildings that are fifty years or older that are on or adjacent to the project site. If no such buildings exist, please indicate this in writing.
2. An archeological Phase I survey for prehistoric archaeological sites is necessary for all land on this project area below the 40 foot contour or within 100 yards of the Stroudwater River. A list of approved archaeologists is enclosed. Please note that we must review the proposal/scope of work for this survey that you choose. Please contact Dr. Arthur Spiess, Senior Archaeologist arthur.spiess@maine.gov with any questions.

Once this information is received, we will forward a response regarding the results of our evaluation.

Sincerely,

Kirk F. Mohny
State Historic Preservation Officer

Enc.


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Maine Historic Preservation Commission

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AGENCY INFORMATION

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- Certified Local Government (CLG) Program
- Preservation Planning
- Laws & Regulations
- Historic Preservation Easements
- Office of the State Historian
- Biographical Dictionary of Architects in Maine

[Home](#) > [Project Review](#) > [Architectural & Archaeological Consultants](#) > [Prehistoric Archaeologists](#)

Prehistoric Archaeologists

Prehistoric Archeologists Approved List: Review and Compliance Consulting/Contracting (Active)

LEVEL I

Mr. Michael Brigham
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RGA Cultural Resource Consultants
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Mr. Brian Vallmont
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Dr. Richard Will

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Camelot Holdings, LLC

March 30, 2017

Planning and Urban Development Department
Attn: Shukria Weir
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

Subject: Housing Attainability Summary – R1 vs. R3 – Camelot Farm Neighborhood

Dear Shukria,

The following is a summary of the differences in development approach when looking at the current land use designation of R1 as compared to the proposed land use designation of R3 with Open Space.

R1 Concept – 45 Acre Parcel

- 84 Home Lots – 1.8 dwelling units per acre
- 100% Privately Held without open space
- Lots along the river would have private direct access to the resource.
- 25% more road/infrastructure to access home lots
- More intense earthwork activities across the site
- Maximum lot coverage permits larger house footprints (3,000 sft +/- minimum)
- It is estimated that the housing sizes/types will be within 150%-200% of the Workforce Housing Unit price point.

R3 Concept – 45 Acre Parcel

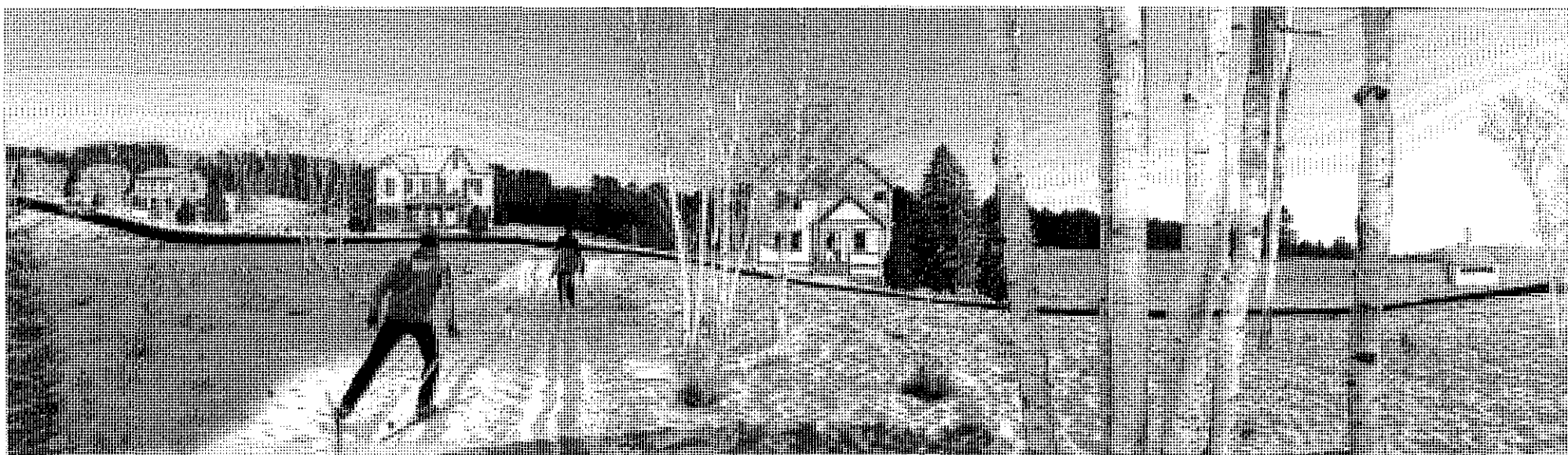
- 95 Home Lots – 3.8 dwelling units per acre
- Approximately 55% Privately Held, 45 % Open Space with Public Access and buffer spaces
- River Access would be open to the public
- More efficient road/infrastructure access to house lots
- Less disturbed earthwork activity across the site resulting in better preservation of the existing conditions near the resource
- Maximum lot coverage permits more compact/efficient house footprints (2,000 sft +/- minimum)
- It is estimated that the housing sizes/types will be within 90%-120% of the Workforce Housing Unit price point.

In addition to items identified within other application materials regarding compliance with the City comprehensive plan, the lack of this housing product offer, and providing public access to a currently privately held parcel, we feel that the combination of R3 or R5A with open space would provide the best opportunity to collectively create a traditional neighborhood with a modern feel from which the pride derived would be mutually beneficial.

Sincerely,



Michael Barton



CAMELOT FARMS

April 6th, 2017

Camelot Holdings, LLC

[illegible]

1. 凡在本行開辦之各項業務，均應遵守本行所訂之各項規章，並應隨時注意本行所訂之各項規章，如有違反者，本行將依法究辦。

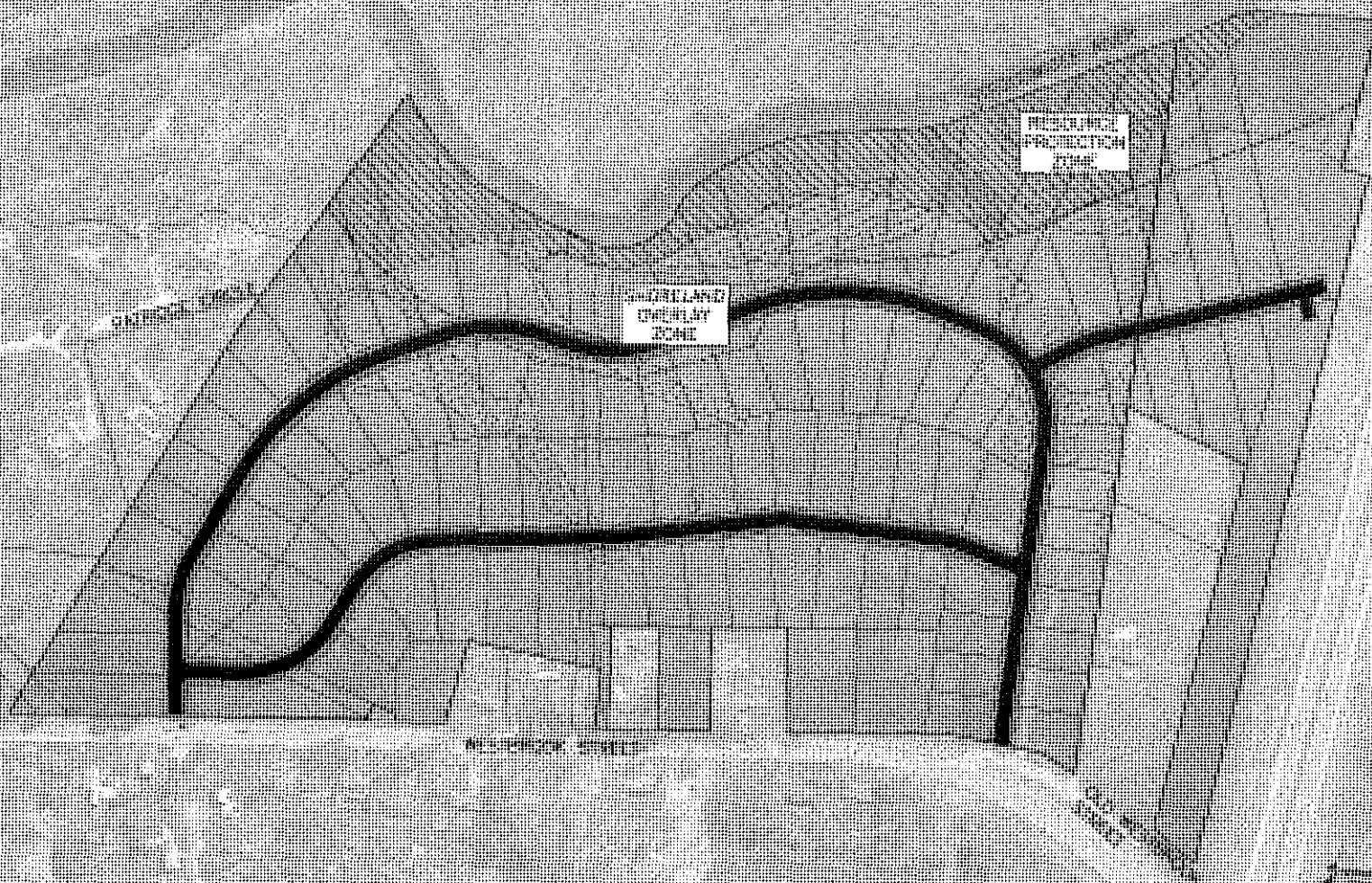
1. 凡在本市行政区域内，从事生产、经营活动的个体工商户，均应当依法向税务机关申报纳税。
 2. 个体工商户应当按照国家有关规定，依法设置账簿，并按照规定的期限和要求报送有关会计资料。
 3. 个体工商户应当依法缴纳各项税费，不得偷税、欠税、抗税、骗税。
 4. 个体工商户应当依法接受税务机关的监督检查，如实提供有关情况和资料。
 5. 个体工商户应当依法履行纳税义务，不得违反国家税收法律法规的规定。
 6. 个体工商户应当依法维护国家税收秩序，不得从事任何违反国家法律法规的活动。
 7. 个体工商户应当依法承担社会责任，不得从事任何损害社会公共利益的活动。
 8. 个体工商户应当依法遵守社会公德，不得从事任何违反社会公德的活动。
 9. 个体工商户应当依法遵守法律法规，不得从事任何违反法律法规的活动。
 10. 个体工商户应当依法维护自身合法权益，不得从事任何损害自身合法权益的活动。

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Discussion

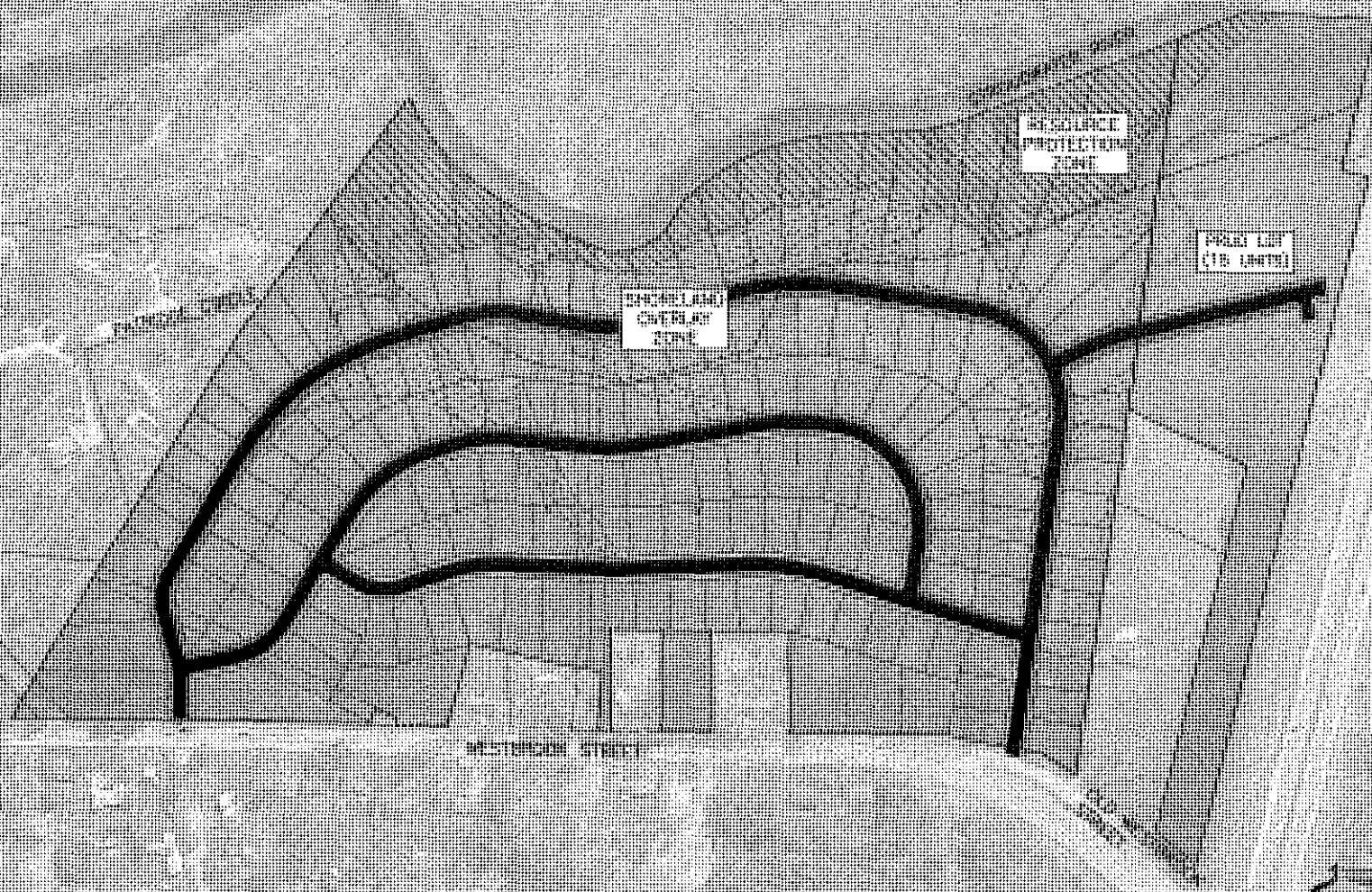
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**R-2 Full Buildout
Zone Change Concept Map**



USE PLAN - R-2 FULL BUILDOUT CONCEPT	
DATE: 01/11/2011	DRAWN BY: J. J. JONES
CADD: J. J. JONES	
PROJECT: R-2 FULL BUILDOUT CONCEPT	
SHEET: 1 OF 1	

**R-1 FULL BUILDOUT
ZONING MAP CONCEPT PLAN**



HOLLYWOOD AVENUE (1-20)



DATE: 10/1/2010	PROJECT: R-1 FULL BUILDOUT
DRAWN BY: J. SMITH	CHECKED BY: J. SMITH
APPROVED BY: J. SMITH	DATE: 10/1/2010
THE CITY OF BOWLING GREEN, OHIO PLANNING DEPARTMENT 100 WEST FIFTH STREET, SUITE 200 BOWLING GREEN, OHIO 43401 TEL: 419-398-2000 FAX: 419-398-2001 WWW.BOWLINGGREENOHIO.GOV	

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項目	單位	數量	單位	數量	單位	數量	單位	數量
一、基本建設投資	萬元	1000	萬元	1000	萬元	1000	萬元	1000
二、更新改造投資	萬元	500	萬元	500	萬元	500	萬元	500
三、其他投資	萬元	200	萬元	200	萬元	200	萬元	200
四、總計	萬元	1700	萬元	1700	萬元	1700	萬元	1700

姓名	性别	年龄	职业	住址	电话
张三	男	35	教师	北京市海淀区中关村大街100号	13910123456
李四	女	28	医生	北京市朝阳区建国路123号	13801098765
王五	男	42	工程师	上海市浦东新区世纪大道456号	13621012345
赵六	女	31	会计	广州市天河区珠江新城789号	13530123456
孙七	男	25	学生	北京市昌平区回龙观镇101号	13420123456
周八	女	38	公务员	深圳市福田区华强北路234号	13701012345
吴九	男	45	商人	浙江省杭州市西湖区文三路567号	13950123456
郑十	女	22	自由职业者	江苏省南京市鼓楼区清凉门大街890号	13680123456
陈十一	男	33	程序员	广东省深圳市南山区科技园123号	13890123456
林十二	女	27	设计师	四川省成都市高新区天府大道456号	13540123456
周十三	男	36	销售经理	辽宁省沈阳市和平区南京路789号	13960123456
吴十四	女	29	翻译	湖北省武汉市武昌区中南路101号	13710123456
郑十五	男	41	律师	河南省郑州市金水区经三路234号	13630123456
孙十六	女	24	记者	安徽省合肥市蜀山区翡翠大道567号	13570123456
周十七	男	37	项目经理	福建省福州市鼓楼区五四路890号	13980123456
吴十八	女	26	产品经理	江西省南昌市西湖区红谷滩大道123号	13840123456
郑十九	男	43	财务总监	山东省济南市经二路456号	13660123456
孙二十	女	23	市场专员	河南省郑州市金水区经三路789号	13590123456
周二十一	男	34	数据分析师	广东省深圳市南山区科技园101号	13920123456
吴二十二	女	28	运营专员	四川省成都市高新区天府大道234号	13750123456
郑二十三	男	40	人力资源	辽宁省沈阳市和平区南京路567号	13610123456
孙二十四	女	25	行政助理	湖北省武汉市武昌区中南路890号	13870123456
周二十五	男	39	销售主管	河南省郑州市金水区经三路123号	13520123456
吴二十六	女	27	市场经理	安徽省合肥市蜀山区翡翠大道456号	13970123456
郑二十七	男	44	财务总监	福建省福州市鼓楼区五四路789号	13730123456
孙二十八	女	22	市场专员	江西省南昌市西湖区红谷滩大道101号	13640123456
周二十九	男	35	数据分析师	山东省济南市经二路234号	13560123456
吴三十	女	29	运营专员	河南省郑州市金水区经三路567号	13940123456
郑三十一	男	42	人力资源	广东省深圳市南山区科技园123号	13801234567
孙三十二	女	26	行政助理	四川省成都市高新区天府大道567号	13650123456
周三十三	男	38	销售主管	辽宁省沈阳市和平区南京路890号	13510123456
吴三十四	女	24	市场经理	湖北省武汉市武昌区中南路123号	13990123456
郑三十五	男	46	财务总监	河南省郑州市金水区经三路456号	13760123456
孙三十六	女	21	市场专员	安徽省合肥市蜀山区翡翠大道789号	13620123456
周三十七	男	32	数据分析师	福建省福州市鼓楼区五四路101号	13580123456
吴三十八	女	28	运营专员	江西省南昌市西湖区红谷滩大道234号	13930123456
郑三十九	男	41	人力资源	山东省济南市经二路567号	13740123456
孙四十	女	23	行政助理	河南省郑州市金水区经三路890号	13670123456
周四十一	男	36	销售主管	广东省深圳市南山区科技园101号	13530123456
吴四十二	女	27	市场经理	四川省成都市高新区天府大道123号	13950123456
郑四十三	男	43	财务总监	辽宁省沈阳市和平区南京路101号	13780123456
孙四十四	女	25	市场专员	湖北省武汉市武昌区中南路456号	13690123456
周四十五	男	39	数据分析师	河南省郑州市金水区经三路789号	13540123456
吴四十六	女	29	运营专员	安徽省合肥市蜀山区翡翠大道101号	13960123456
郑四十七	男	45	人力资源	福建省福州市鼓楼区五四路234号	13710123456
孙四十八	女	22	行政助理	江西省南昌市西湖区红谷滩大道567号	13630123456
周四十九	男	34	销售主管	山东省济南市经二路890号	13570123456
吴五十	女	28	市场经理	河南省郑州市金水区经三路123号	13980123456
郑五十一	男	47	财务总监	广东省深圳市南山区科技园123号	13790123456
孙五十二	女	24	市场专员	四川省成都市高新区天府大道456号	13680123456
周五十三	男	37	数据分析师	辽宁省沈阳市和平区南京路789号	13520123456
吴五十四	女	26	运营专员	湖北省武汉市武昌区中南路101号	13910123456
郑五十五	男	48	人力资源	河南省郑州市金水区经三路234号	13750123456
孙五十六	女	21	行政助理	安徽省合肥市蜀山区翡翠大道567号	13640123456
周五十七	男	31	销售主管	福建省福州市鼓楼区五四路890号	13560123456
吴五十八	女	29	市场经理	江西省南昌市西湖区红谷滩大道123号	13930123456
郑五十九	男	44	财务总监	山东省济南市经二路456号	13740123456
孙六十	女	23	市场专员		

[illegible]

1997

姓名	性别	年龄	职业	住址	联系电话	电子邮箱	身份证号	银行卡号	支付宝账号	微信账号	QQ账号	其他联系方式
张三	男	35	教师	北京市海淀区中关村大街100号	13800138000	zhangsan@163.com	110101198801010001	62284801010101010101	15888888888	zhangsan123	3123456789	无
李四	女	28	程序员	北京市朝阳区望京SOHO	15001010101	lisi@126.com	110105199005050002	62284801010101010101	15888888888	lisi456	9876543210	无
王五	男	42	医生	上海市浦东新区世纪大道100号	13900139000	wangwu@126.com	310101197801010001	62284801010101010101	15888888888	wangwu789	1234567890	无
赵六	女	30	设计师	广东省深圳市福田区华强北路100号	13700137000	zhaoliu@126.com	440101198801010001	62284801010101010101	15888888888	zhaoliu123	0987654321	无
孙七	男	38	工程师	浙江省杭州市西湖区文三路100号	13600136000	sunqi@126.com	330101197801010001	62284801010101010101	15888888888	sunqi456	2109876543	无
周八	女	25	销售	江苏省南京市鼓楼区中山路100号	13500135000	zhouba@126.com	320101199001010001	62284801010101010101	15888888888	zhouba789	3210987654	无
吴九	男	40	律师	北京市西城区金融大街100号	13900139000	wujiu@126.com	110101197801010001	62284801010101010101	15888888888	wujiu123	4321098765	无
郑十	女	32	会计	山东省济南市经二路100号	13800138000	zhengshi@126.com	370101198801010001	62284801010101010101	15888888888	zhengshi456	5432109876	无
冯十一	男	36	经理	河南省郑州市郑东新区CBD	13700137000	fengshi1@126.com	410101197801010001	62284801010101010101	15888888888	fengshi1789	6543210987	无
陈十二	女	29	教师	四川省成都市高新区天府大道100号	13600136000	chenshi2@126.com	510101199001010001	62284801010101010101	15888888888	chenshi2123	7654321098	无
林十三	男	41	工程师	福建省福州市鼓楼区东街100号	13900139000	linshi3@126.com	350101197801010001	62284801010101010101	15888888888	linshi3456	8765432109	无
周十四	女	27	销售	广东省广州市天河区珠江新城100号	13800138000	zhoushi4@126.com	440101199001010001	62284801010101010101	15888888888	zhoushi4789	9876543210	无
吴十五	男	39	医生	浙江省宁波市海曙区天一广场100号	13700137000	wushi5@126.com	330101197801010001	62284801010101010101	15888888888	wushi5123	0987654321	无
郑十六	女	31	设计师	北京市昌平区回龙观100号	13600136000	zhengshi6@126.com	110101198801010001	62284801010101010101	15888888888	zhengshi6456	1098765432	无
孙十七	男	43	经理	江苏省苏州市工业园区金鸡湖100号	13900139000	sunshi7@126.com	320101197801010001	62284801010101010101	15888888888	sunshi7789	2109876543	无
周十八	女	26	教师	河南省郑州市郑东新区CBD	13800138000	zhoushi8@126.com	410101199001010001	62284801010101010101	15888888888	zhoushi8123	3210987654	无
吴十九	男	44	工程师	四川省成都市高新区天府大道100号	13700137000	wushi9@126.com	510101197801010001	62284801010101010101	15888888888	wushi9456	4321098765	无
郑二十	女	33	销售	福建省福州市鼓楼区东街100号	13900139000	zhengshi9@126.com	350101198801010001	62284801010101010101	15888888888	zhengshi9789	5432109876	无

[illegible][illegible]

R-3 OPEN SPACE
R-3 OPEN SPACE CONCEPT PLAN

WATERWAY PROTECTION ZONE

SHORELAND CATCHMENT ZONE

POND LENS (1.3 LAKES)

WATERWAY

POND LENS

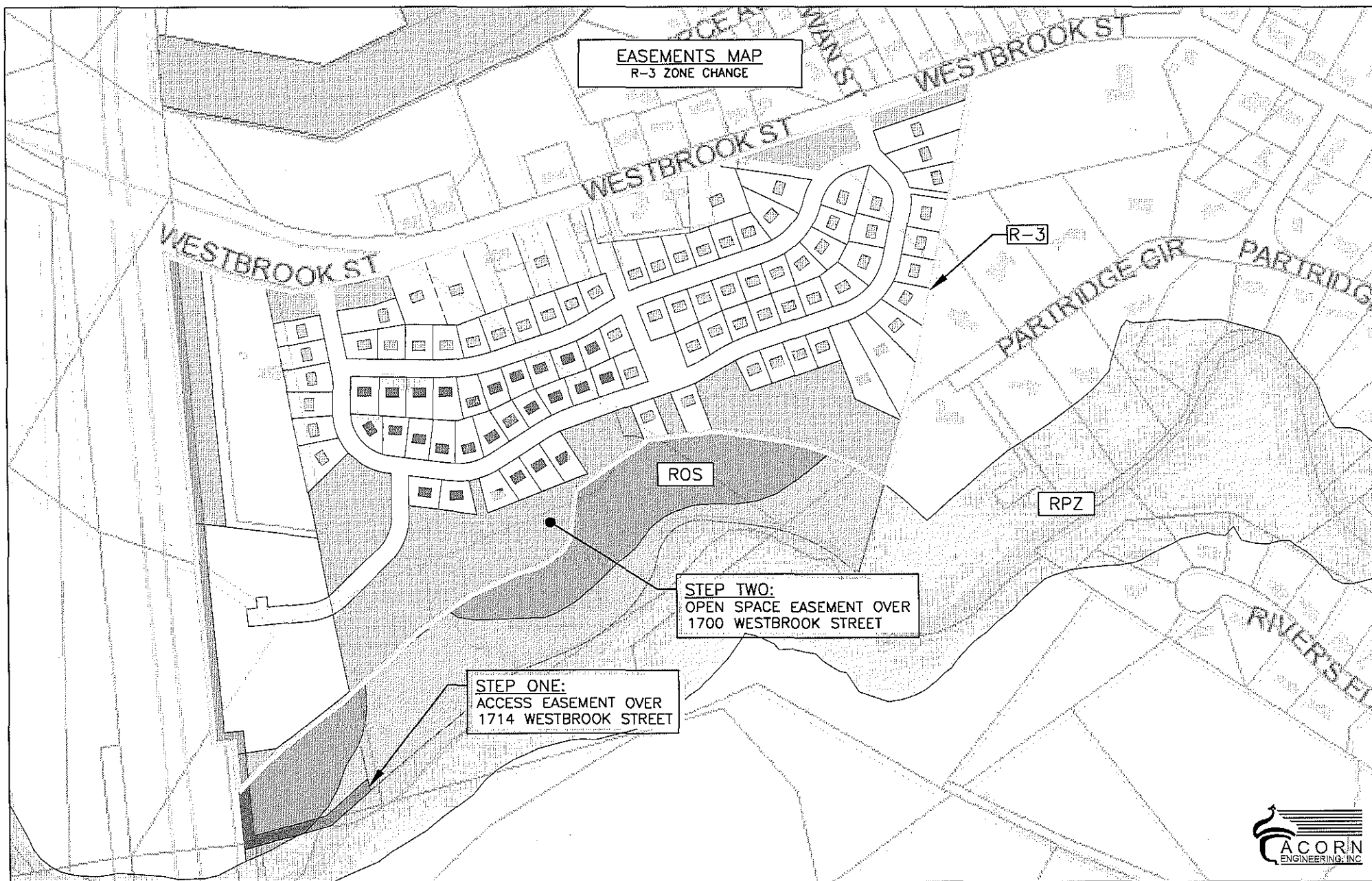
0 100 FEET

NORTH

[illegible]

姓名	性别	年龄	职业	住址	电话	备注
王德胜	男	45	教师	XX路XX号	XXXXXX	
李小明	男	32	医生	XX街XX号	XXXXXX	
张小红	女	28	护士	XX巷XX号	XXXXXX	
赵大刚	男	50	工人	XX村XX组	XXXXXX	
孙小丽	女	35	会计	XX厂XX楼	XXXXXX	
周国强	男	40	干部	XX局XX室	XXXXXX	
吴小芳	女	25	学生	XX校XX班	XXXXXX	
郑大伟	男	38	经理	XX公司XX部	XXXXXX	
冯小娟	女	30	工程师	XX院XX所	XXXXXX	
陈大平	男	42	教授	XX大XX系	XXXXXX	
周小梅	女	27	研究员	XX所XX室	XXXXXX	
吴国强	男	33	科长	XX处XX科	XXXXXX	
孙小华	女	29	主任	XX室XX组	XXXXXX	
赵大刚	男	48	处长	XX局XX处	XXXXXX	
冯小娟	女	31	科长	XX处XX科	XXXXXX	
陈大平	男	43	处长	XX局XX处	XXXXXX	
周小梅	女	28	科长	XX处XX科	XXXXXX	
吴国强	男	34	科长	XX处XX科	XXXXXX	
孙小华	女	30	科长	XX处XX科	XXXXXX	
赵大刚	男	49	处长	XX局XX处	XXXXXX	
冯小娟	女	32	科长	XX处XX科	XXXXXX	
陈大平	男	44	处长	XX局XX处	XXXXXX	
周小梅	女	29	科长	XX处XX科	XXXXXX	
吴国强	男	35	科长	XX处XX科	XXXXXX	
孙小华	女	31	科长	XX处XX科	XXXXXX	
赵大刚	男	50	处长	XX局XX处	XXXXXX	
冯小娟	女	33	科长	XX处XX科	XXXXXX	
陈大平	男	45	处长	XX局XX处	XXXXXX	
周小梅	女	30	科长	XX处XX科	XXXXXX	
吴国强	男	36	科长	XX处XX科	XXXXXX	
孙小华	女	32	科长	XX处XX科	XXXXXX	
赵大刚	男	51	处长	XX局XX处	XXXXXX	
冯小娟	女	34	科长	XX处XX科	XXXXXX	
陈大平	男	46	处长	XX局XX处	XXXXXX	
周小梅	女	31	科长	XX处XX科	XXXXXX	
吴国强	男	37	科长	XX处XX科	XXXXXX	
孙小华	女	33	科长	XX处XX科	XXXXXX	
赵大刚	男	52	处长	XX局XX处	XXXXXX	
冯小娟	女	35	科长	XX处XX科	XXXXXX	
陈大平	男	47	处长	XX局XX处	XXXXXX	
周小梅	女	32	科长	XX处XX科	XXXXXX	
吴国强	男	38	科长	XX处XX科	XXXXXX	
孙小华	女	34	科长	XX处XX科	XXXXXX	
赵大刚	男	53	处长	XX局XX处	XXXXXX	
冯小娟	女	36	科长	XX处XX科	XXXXXX	
陈大平	男	48	处长	XX局XX处	XXXXXX	
周小梅	女	33	科长	XX处XX科	XXXXXX	
吴国强	男	39	科长	XX处XX科	XXXXXX	
孙小华	女	35	科长	XX处XX科	XXXXXX	
赵大刚	男	54	处长	XX局XX处	XXXXXX	
冯小娟	女	37	科长	XX处XX科	XXXXXX	
陈大平	男	49	处长	XX局XX处	XXXXXX	
周小梅	女	34	科长	XX处XX科	XXXXXX	
吴国强	男	40	科长	XX处XX科	XXXXXX	
孙小华	女	36	科长	XX处XX科	XXXXXX	
赵大刚	男	55	处长	XX局XX处	XXXXXX	
冯小娟	女	38	科长	XX处XX科	XXXXXX	
陈大平	男	50	处长	XX局XX处	XXXXXX	
周小梅	女	35	科长	XX处XX科	XXXXXX	
吴国强	男	41	科长	XX处XX科	XXXXXX	
孙小华	女	37	科长	XX处XX科	XXXXXX	
赵大刚	男	56	处长	XX局XX处	XXXXXX	
冯小娟	女	39	科长	XX处XX科	XXXXXX	
陈大平	男	51	处长	XX局XX处	XXXXXX	
周小梅	女	36	科长	XX处XX科	XXXXXX	
吴国强	男	42	科长	XX处XX科	XXXXXX	
孙小华						

[illegible][illegible][illegible][illegible]



PARCEL MAP
R-3 CONCEPT LOT DIVISION



ZONING MAP
R-3 ZONE CHANGE



Home Construction Data

Stroudwater Neighborhood
1940-2022 (Anticipated Completion Date)

Pre-1940: Approx 60 Homes	Baseline for percentage increase calculations
1940 – 1980: Approx 120 Homes	100% increase (doubling) over 40-year time span
1980 – 2005: Approx 240 Homes	100% increase (doubling) over 25-year time span
2005* – 2022: Approx 335 Homes	40% increase over 18-year time span
<i>*Between 2005-2013 (last year of available data), 0 new homes were built within the neighborhood</i>	

Census Source Data: <http://www.city-data.com>

Representative Neighborhood Density

Stroudwater vs. Camelot Farm

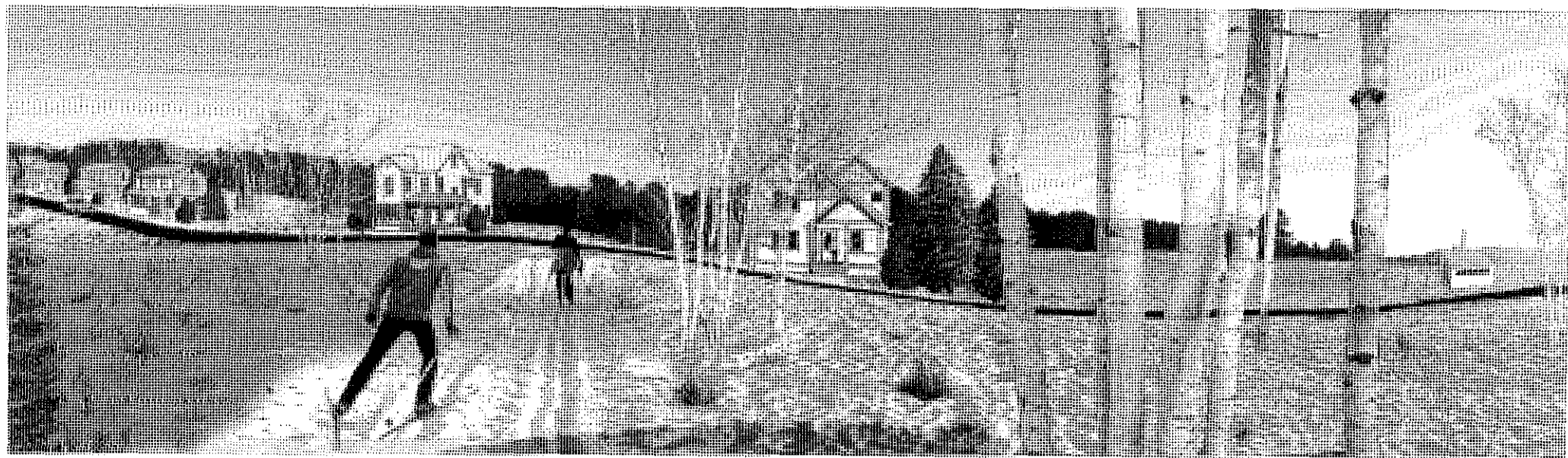
	Kingsmark, River's Edge, Tide Mill, Old Mast Neighborhoods	Camelot Farms
Zone	R-2/R-3	R-3/ROS
House Lots	83 Lots	95 Lots
Total Neighborhood Area	52 Acres*	54 Acres**
Acres per House Lot	0.62	0.57
<i>* Includes approximately 6 acres of open space at River's Edge Development only. Other neighborhoods are 100% privately held.</i>		
<i>** Includes approximately 12 acres of R.O.S. zoned area and additional 14 acres of Open Space.</i>		

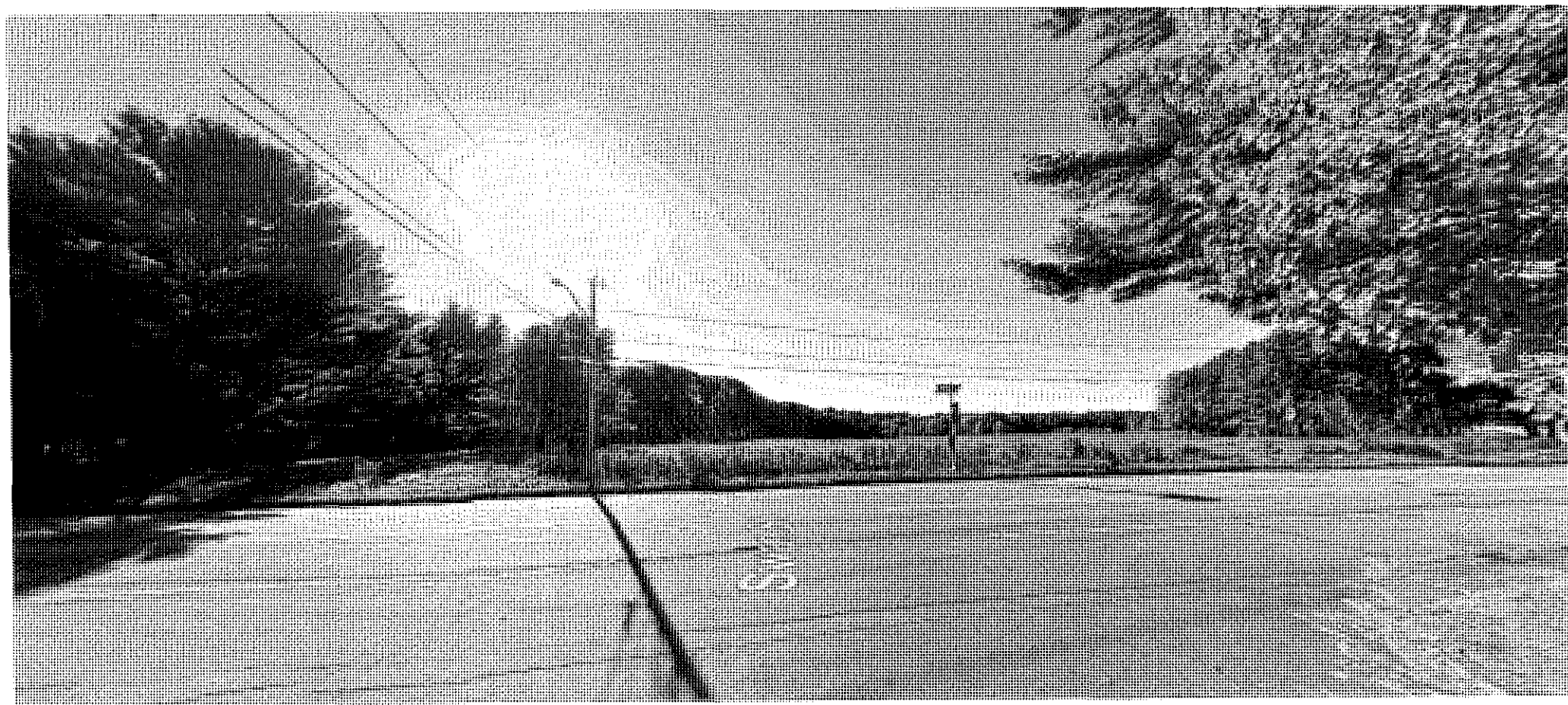
Housing Attainability Summary

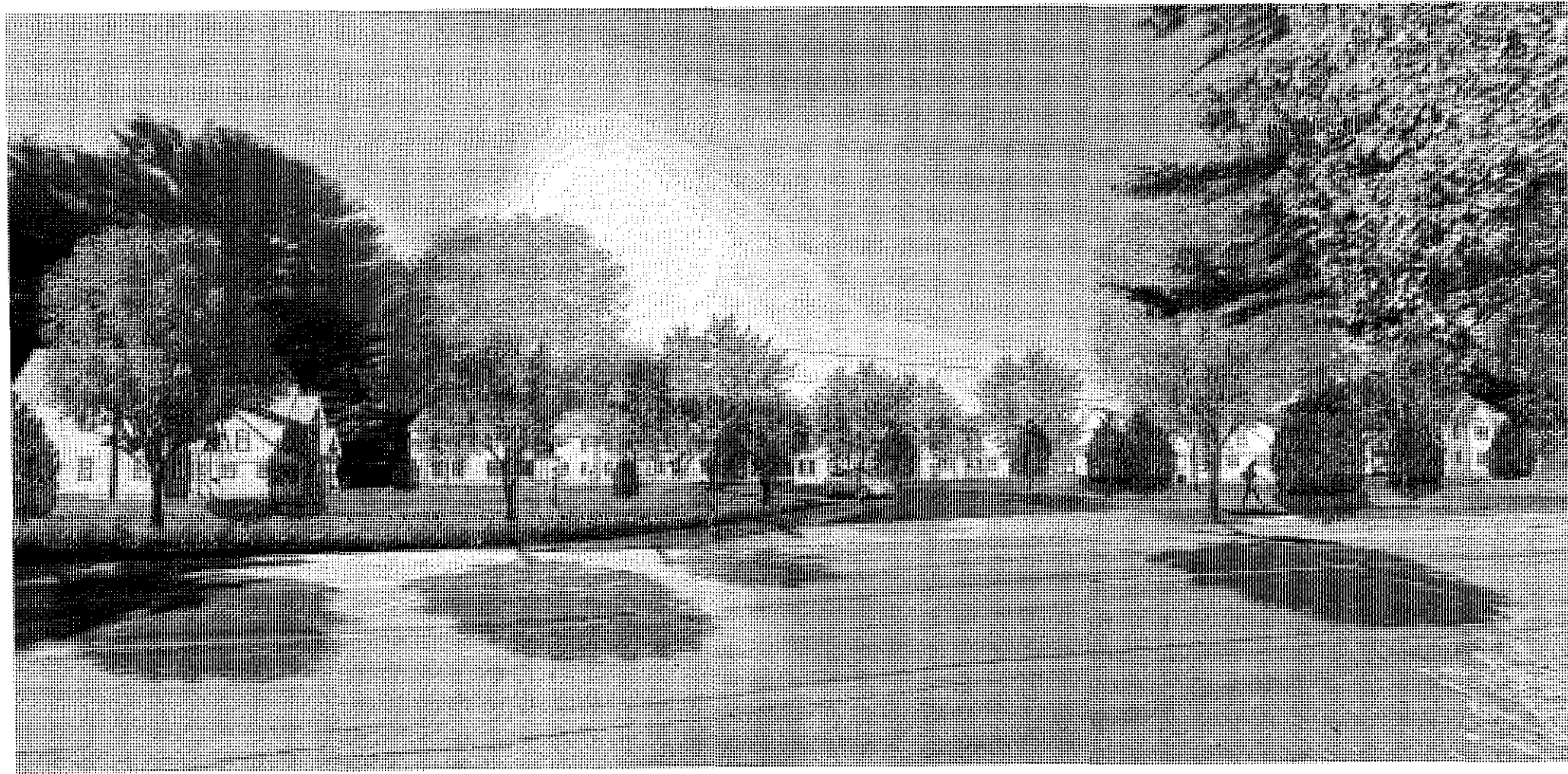
<u>R-1 Concept - 45-Acre Parcel</u>	<u>R-3 Concept - 45 Acre Parcel</u>
84 House Lots (1.8 Dwelling Units per Acre)	95 Home Lots (3.8 Dwelling Units per Acre)
100% Privately Held without Open Space	Approx 55% Privately Held, 45% Open Space with Public Access and Buffer Space
Private Access to Stroudwater River	Public Access to Stroudwater River
Approx 25% More Infrastructure & Roadways to Access Lots	More Efficient Use of Infrastructure & Roadways
More Intense Earthwork Activities Across the Site	Less Disruptive Earthwork Activities (Better Preservation of Existing Natural Resources)
Maximum Lot Coverage Permits Larger House Footprints ($\pm$ 3,000 sf)	Maximum Lot Coverage Permits More Compact/Efficient House Footprints ($\pm$ 2,000 sf)
Estimated Housing Size/Types will be within 150-200% of Workforce Housing Unit price point	Estimated Housing Size/Types will be within 90-120% of Workforce Housing Unit price point











Architectural Design Examples



Craftsman Home

2,250 Square Feet, 2-Floor, 4-Bedroom Floor Plan



Bungalow Craftsman Home

1,600 Square Feet, 2-Floor, 2-Bedroom Floor Plan



Traditional Home

2,533 Square Feet, 2-Floor, 3 Bedroom Floor Plan



Craftsman Home

1,612 Square Feet, 2-Floor, 3 Bedroom Floor Plan

Local Design Examples



Classic Cape Home

1,525 - 2,047 Square Feet, 2-Floor, 3 Bedroom Floor Plan

Village Green, Cumberland - As-Built Plans



Edenville Home

1,800 Square Feet, 2-Floor, 3 Bedroom Floor Plan

Eastern Village, Scarborough - As-Built Plans

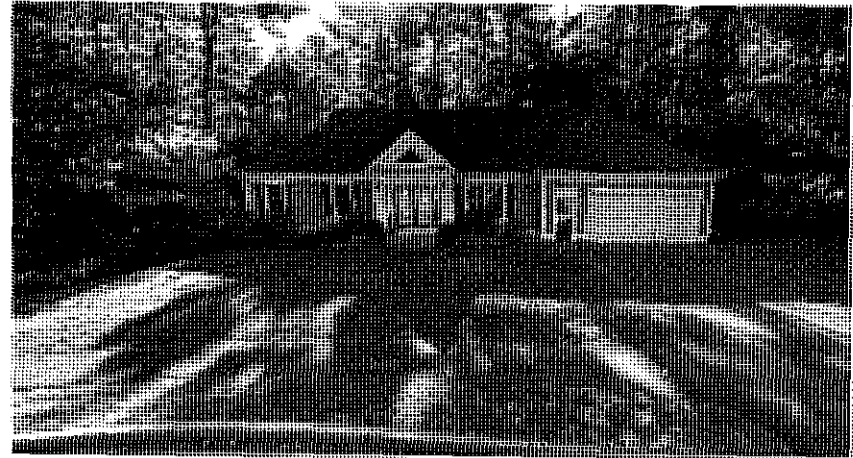
Abutting Neighborhood Design Examples



1533 & 1527 Westbrook Street

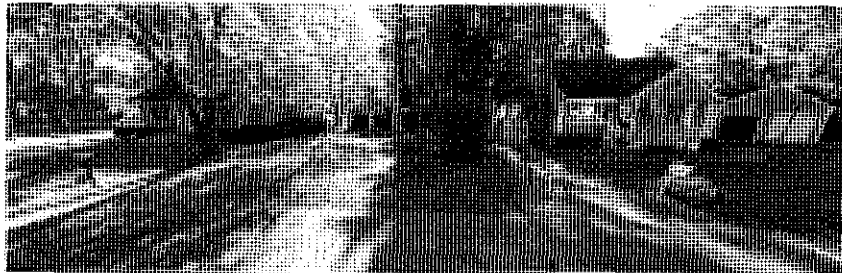
1,668 Square Feet, 1.5-Floor, 3-Bedroom Floor Plan

1,584 Square Feet, 2-Floor, 3-Bedroom Floor Plan



59 Kingsmark Lane

2,228 Square Feet, 1-Floor, 3-Bedroom Floor Plan



10 & 18 Pierce Ave

1,104 Square Feet, 1-Floor, 3 Bedroom Floor Plan

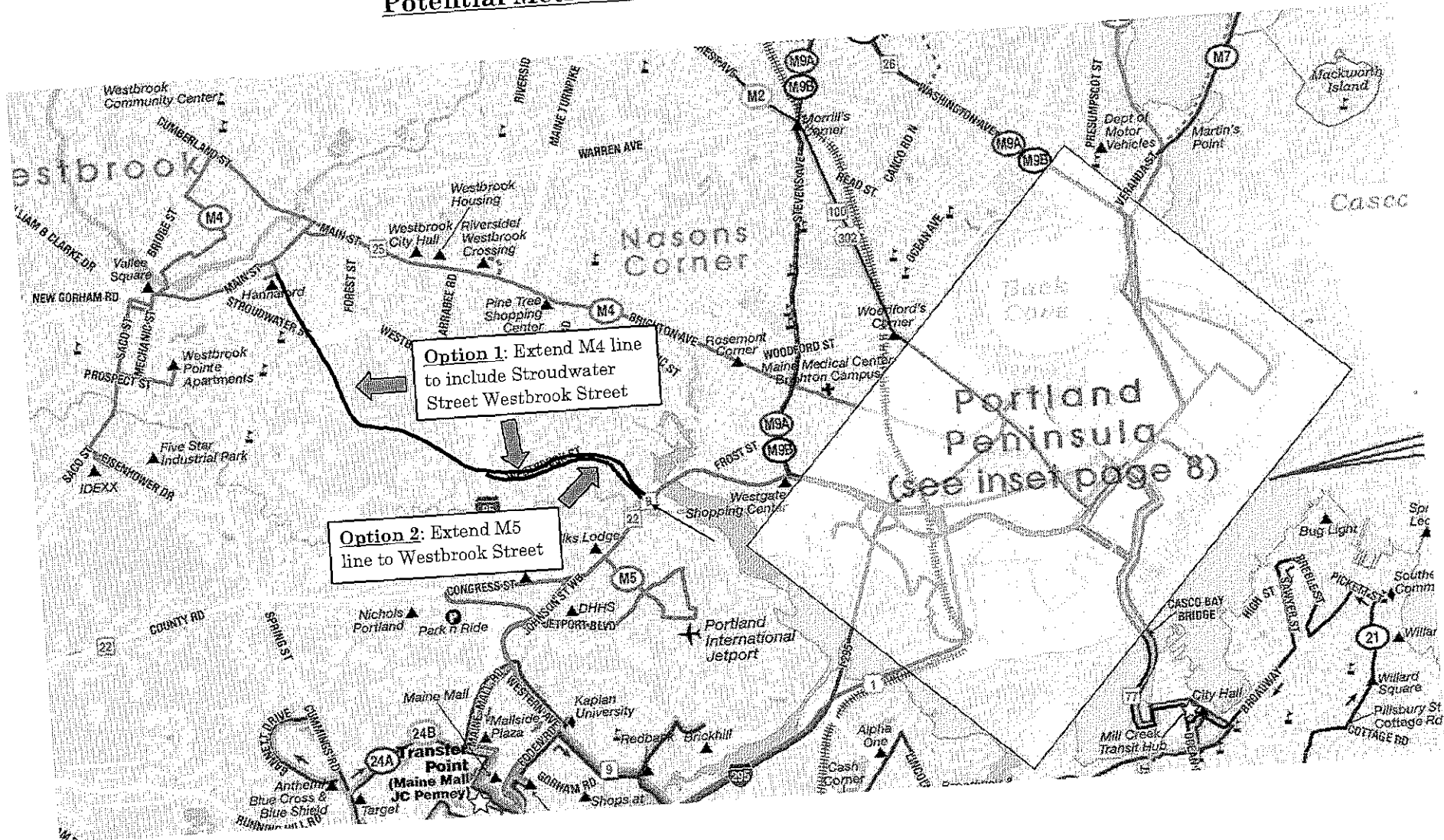
1,200 Square Feet, 1-Floor, 3 Bedroom Floor Plan



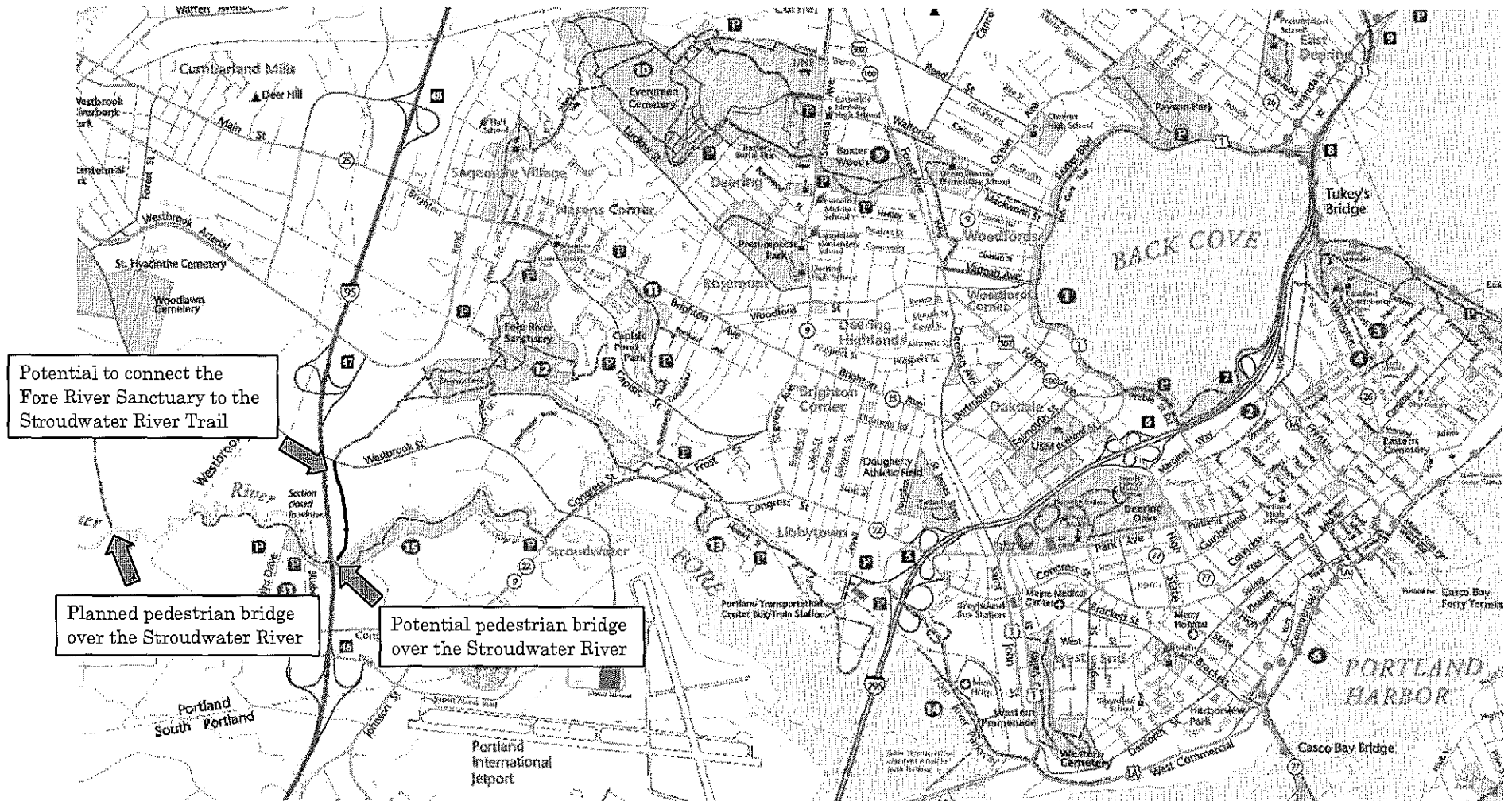
1646 Westbrook Street

1,365 Square Feet, 1.5-Floor, 3 Bedroom Floor Plan

Potential Metro Bus Transit System Expansion



Potential Portland Trails System Expansion



(Public Access Easement – 1700 Westbrook)

KNOW ALL PERSONS BY THESE PRESENTS, that **DIVERSACORP, LLC**, a Maine limited liability company with a place of business in Portland, Maine and mailing address of 5 Stone Pony Circle, Saco, Maine (the “Grantor”), FOR CONSIDERATION PAID, hereby GRANTS to the **PORTLAND TRAILS**, a Maine non-profit corporation having a mailing address of 305 Commercial Street, Portland, Maine, its successors and assigns, (the “Grantee” or the “PT”), a non-exclusive public access easement for the purpose described below, over portions of Grantor’s property at 1700 Westbrook Street, in Portland, Maine, more particularly described as “Proposed 30’ Public Access Easement” in Exhibit A attached hereto (“Easement Area”), said actual traveled paths or surfaces to be as depicted in the drawing attached hereto as Exhibit B and made a part hereof (“Pathway”).

The purpose of the public access easement granted herein is to provide physical public access via the Pathway to the shore of the Stroudwater River for pedestrians within the Easement Area, which Pathway may be improved by Grantee at Grantee’s sole and exclusive expense, including, without limitation, Grantee or its assigns installing an ADA compliant access way for pedestrians, provided that impermeable surfaces shall be only when absolutely necessary. Maintenance, repair and snow removal responsibilities within the Easement Area and Pathway shall belong solely to the Grantee, its successors and assigns. Land within the Easement or Pathway area may be disturbed, graded, regarded, seeded, or otherwise managed by Grantor for all purposes necessary for development of the Camelot Farm lot located generally at 1700 Westbrook Street, Portland, Maine, or in any fashion otherwise permitted by land-use and zoning laws, but in all cases, the disturbance shall be in form and scope which is the least intrusive as commercially reasonable, and shall be repaired, restored, or replanted, as applicable by Grantor. It is the intent of this easement to tie into a similar easement situated at 1714 Westbrook Road, recorded of near or even date herewith.

This easement is given for recreational use and the Grantor and Grantee claim the rights and protections against liability in accordance with Title 14 MRS §159-A to the maximum extent permitted by law.

TO HAVE AND TO HOLD the aforegranted and bargained public access easement, with all privileges and appurtenances thereof, to the Grantee, its successors and assigns, to its and their use and behoof, forever.

IN WITNESS WHEREOF, _____, the Grantor has caused this instrument to be executed by _____, its _____ thereunto duly authorized, this ____ day of _____, 2017.

(Exhibit A Appears Below)

- 9987

[illegible]

(Public Access Easement – 1714 Westbrook)

KNOW ALL PERSONS BY THESE PRESENTS, that **DIVERSACORP, LLC**, a Maine limited liability company with a place of business in Portland, Maine and mailing address of 5 Stone Pony Circle, Saco, Maine (the "Grantor"), FOR CONSIDERATION PAID, hereby GRANTS to the **PORTLAND TRAILS**, a Maine non-profit corporation having a mailing address of 305 Commercial Street, Portland, Maine, its successors and assigns, (the "Grantee" or the "PT"), a non-exclusive public access easement for the purpose described below, over portions of Grantor's property at 1714 Westbrook Street, in Portland, Maine, more particularly described as "Proposed 30' Public Access Easement" in Exhibit A attached hereto ("Easement Area"), said actual traveled paths or surfaces to be as depicted in the drawing attached hereto as Exhibit B and made a part hereof ("Pathway").

The purpose of the public access easement granted herein is to provide physical public access via the Pathway to the shore of the Stroudwater River for pedestrians within the Easement Area, which Pathway may be improved by Grantee at Grantee's sole and exclusive expense, including, without limitation, Grantee or its assigns installing an ADA compliant access way for pedestrians, provided that impermeable surfaces shall be only when absolutely necessary. Maintenance, repair and snow removal responsibilities within the Easement Area and Pathway shall belong solely to the Grantee, its successors and assigns. Land within the Easement or Pathway area may be disturbed, graded, regarded, seeded, or otherwise managed by Grantor for all purposes necessary for development of the Camelot Farm lot located generally at 1700 Westbrook Street, Portland, Maine, or in any fashion otherwise permitted by land-use and zoning laws, but in all cases, the disturbance shall be in form and scope which is the least intrusive as commercially reasonable, and shall be repaired, restored, or replanted, as applicable by Grantor. It is the intent of this easement to tie into a similar easement situated at 1700 Westbrook Road, recorded of near or even date herewith.

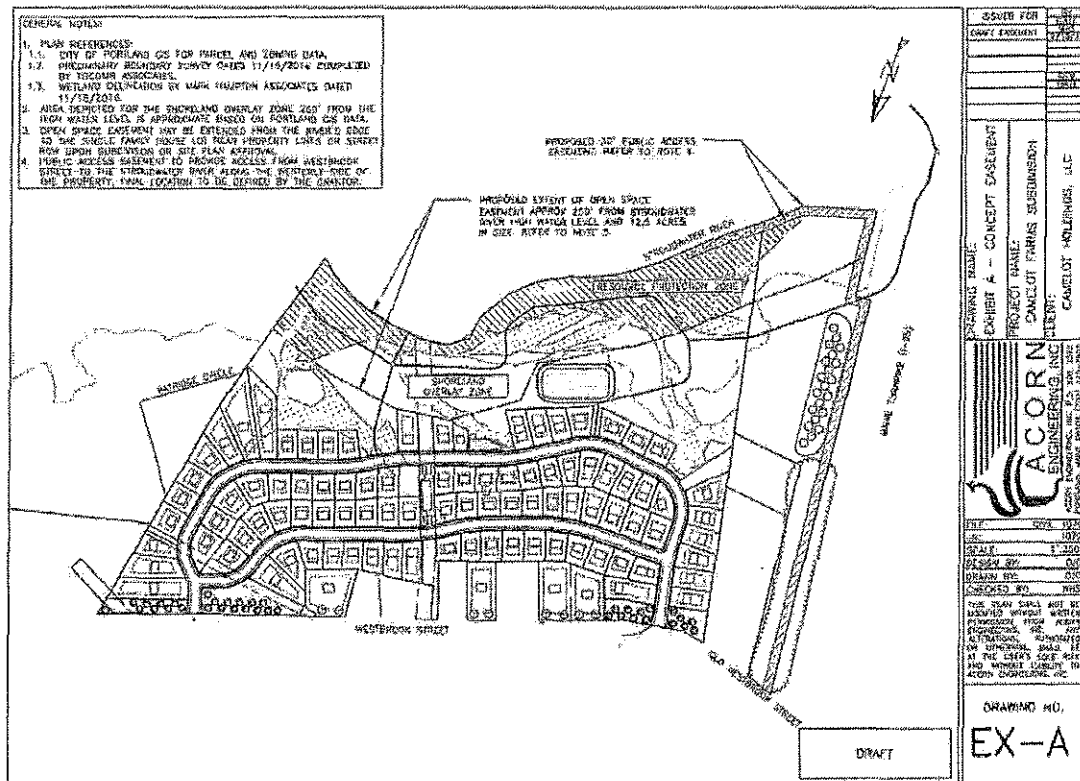
This easement is given for recreational use and the Grantor and Grantee claim the rights and protections against liability in accordance with Title 14 MRS §159-A to the maximum extent permitted by law.

TO HAVE AND TO HOLD the aforegranted and bargained public access easement, with all privileges and appurtenances thereof, to the Grantee, its successors and assigns, to its and their use and behoof, forever.

IN WITNESS WHEREOF, _____, the Grantor has caused this instrument to be executed by _____, its _____ thereunto duly authorized, this ____ day of _____, 2017.

(Exhibit A Appears Below)

****NOTE THAT THIS EXHIBIT WILL BE REDRAWN BY ACORN****



(Draft Open Space Easement – One for Each Parcel – 1700)

KNOW ALL PERSONS BY THESE PRESENTS, that **DIVERSACORP, LLC**, a Maine limited liability company with a place of business in Portland, Maine and mailing address of 5 Stone Pony Circle, Saco, Maine (the "Grantor"), FOR CONSIDERATION PAID, hereby GRANTS to the **CITY OF PORTLAND**, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine (the "Grantee" or the "City"), a non-exclusive open space easement for the purpose described below, over portions of Grantor's property at or about 1700 Westbrook Street, in Portland, Maine, said easement area being the greater of: (a) the area shown falling within the bounds of the ROS zone as depicted on Exhibit A, or; (b) the Open Space as so defined on any subdivision plan recorded by Grantor or any affiliate or subsidiary thereof, or any successor in title thereto, for development of 1700 Westbrook Street (in the case of (a) or (b) the "Easement Area". For the avoidance of doubt, the Easement shall initially encumber the ROS zone in Exhibit A, and shall automatically extend to encumber the subdivision "Open Space" contemplated in (b) above immediately upon filing said subdivision plan. Grantee shall not be obligated to take any further action in order for this Easement to extend beyond the ROS zone.

The purpose of the open space easement granted herein is to provide a meaningful areas of undeveloped open space along the Stroudwater River corridor. Land within the Easement area may be disturbed, graded, regarded, seeded, or otherwise managed by Grantor for all purposes necessary for development of the Camelot Farm lot located generally at 1700 Westbrook Street, Portland, Maine, or in any fashion otherwise permitted by land-use and zoning laws, but in all cases, the disturbance shall be in form and scope which is the least intrusive as commercially reasonable. This easement is not a conservation easement. Neither Grantor nor Grantee has any obligation to maintain the Easement Area, except as Grantor may be required to repair or replant areas disturbed during development. The parties agree that this Easement shall in no way impair any restrictions or requirements imposed by local ordinance, state statute, or federal law, as the same relate to activities within the Easement Area. Nothing in this easement shall prevent the pipeline company having prior rights through the Easement Area from exercising its rights to the pipeline. Nothing in this open space easement shall inhibit the public access easement granted prior hereto to Portland Trails for access to and from said Stroudwater River.

TO HAVE AND TO HOLD the aforegranted and bargained public access easement, with all privileges and appurtenances thereof, to the Grantee, its successors and assigns, to its and their use and behoof, forever.

IN WITNESS WHEREOF, _____, the Grantor has caused this instrument to be executed by _____, its _____ thereunto duly authorized, this ____ day of _____, 2017.

(Exhibit A Appears Below)

Exhibit A

**** THIS WILL BE A REVISED DRAWING SHOWING THE AREA WITHIN THE NEW ROS ZONE ****



(Draft Open Space Easement – One for Each Parcel – 1700 / 1714)

KNOW ALL PERSONS BY THESE PRESENTS, that **DIVERSACORP, LLC**, a Maine limited liability company with a place of business in Portland, Maine and mailing address of 5 Stone Pony Circle, Saco, Maine (the "Grantor"), FOR CONSIDERATION PAID, hereby GRANTS to the **CITY OF PORTLAND**, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine (the "Grantee" or the "City"), a non-exclusive open space easement for the purpose described below, over portions of Grantor's property at or about 1714 Westbrook Street, in Portland, Maine, said easement area being the greater of either: (a) the area shown falling within the bounds of the ROS zone as depicted on Exhibit A, or; (b) the Open Space as so defined on any subdivision plan recorded by Grantor or any affiliate or subsidiary thereof, or any successor in title thereto, for development of 1700 Westbrook Street (in the case of (a) or (b) the "Easement Area". For the avoidance of doubt, the Easement shall initially encumber the ROS zone in Exhibit A, and shall automatically extend to encumber the subdivision "Open Space" contemplated in (b) above immediately upon filing said subdivision plan. Grantee shall not be obligated to take any further action in order for this Easement to extend beyond the ROS zone.

The purpose of the open space easement granted herein is to provide a meaningful areas of undeveloped open space along the Stroudwater River corridor. Land within the Easement area may be disturbed, graded, regarded, seeded, or otherwise managed by Grantor for all purposes necessary for development of the Camelot Farm lot located generally at 1700 Westbrook Street, Portland, Maine, or in any fashion otherwise permitted by land-use and zoning laws, but in all cases, the disturbance shall be in form and scope which is the least intrusive as commercially reasonable. This easement is not a conservation easement. Neither Grantor nor Grantee has any obligation to maintain the Easement Area, except as Grantor may be required to repair or replant areas disturbed during development. The parties agree that this Easement shall in no way impair any restrictions or requirements imposed by local ordinance, state statute, or federal law, as the same relate to activities within the Easement Area. Nothing in this easement shall prevent the pipeline company having prior rights through the Easement Area from exercising its rights to the pipeline. Nothing in this open space easement shall inhibit the public access easement granted prior hereto to Portland Trails for access to and from said Stroudwater River.

TO HAVE AND TO HOLD the aforegranted and bargained public access easement, with all privileges and appurtenances thereof, to the Grantee, its successors and assigns, to its and their use and behoof, forever.

IN WITNESS WHEREOF, _____, the Grantor has caused this instrument to be executed by _____, its _____ thereunto duly authorized, this ____ day of _____, 2017.

(Exhibit A Appears Below)

Exhibit A

**** THIS WILL BE A REVISED DRAWING SHOWING THE AREA WITHIN THE NEW ROS ZONE ****



Att. L

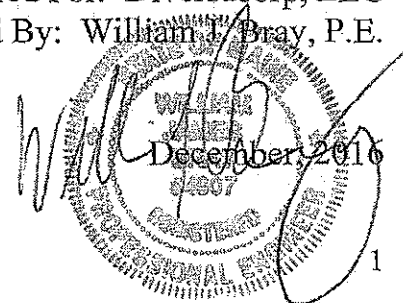
TRAFFIC IMPACT STUDY

FOR

PROPOSED

CAMELOT VILLAGE Residential Subdivision

Prepared For: Diversacorp, LLC
Prepared By: William T. Bray, P.E.



INTRODUCTION

Diversacorp, LLC is proposing a residential subdivision on the existing Camelot Farms property located on outer Westbrook Street in the City of Portland. The present development plan proposes 96 single-family house lots on the 45-acre parcel of land. Access to the proposed subdivision will be provided with construction of two proposed roadways that will be offered for public street acceptance. The most easterly street connection will intersect Westbrook Street directly opposite existing Swan Street and the second street access intersects Westbrook Street approximately 1,600 feet westerly.

The purpose of this study is to examine existing traffic conditions in the general vicinity of the proposed project, estimate the total number of site trips generated by the project, and make a determination as to whether the existing transportation system can safely accommodate the added traffic demand generated by the project.

EXISTING CONDITIONS

Existing Traffic: Manual turning movement counts were conducted at the following intersections on the dates noted in 2016:

1. Swan Street @ Westbrook Street - Thursday, October 20, 2016
2. Congress Street @ Westbrook Street - Thursday, October 27, 2016

All entering traffic at both intersections was recorded in 15-minute intervals between the hours of 7:00 and 9:00 AM and between 3:00 and 6:00 PM (Copies of the field data summary sheets are attached).

Traffic data collected during the month of October requires an adjustment to reflect “peak” travel conditions during the summer months of July and August. MaineDOT provides factors for adjusting traffic data collected during other periods of time. MaineDOT utilizes highway classifications of I, II, or III for all State and Local roadways. Group I roadways are defined as urban roadways or those roads that typically see commuter traffic and experience little fluctuation from week to week throughout the year. Group II roadways or arterial roads are those that see a combination of commuter and recreational traffic and; therefore, experience moderate fluctuations during the year. Group III roads or recreational roadways are typically used for recreational purposes and experience significant seasonal fluctuations. MaineDOT has designated both Westbrook and Congress Streets Group I roadways, which require the collected traffic data to be adjusted by a factor of approximately 1.08. Figure 1 illustratively depicts the estimated 2016 AM and PM design hour traffic conditions at both study intersections.

TRAFFIC ACCIDENTS

Existing Safety Trends: The Maine Department of Transportation’s (MaineDOT) Accident Records Section provided the latest three-year (2013 through 2015) crash data for the section of Westbrook Street (Congress Street to Westbrook City Line), a distance of 1.27 miles. Their report is summarized in Table 1, as follows, and attached as an appendix to the report:

Table 1
2013 -2015 Traffic Accident Summary
(Westbrook Street)

<u>Location</u>	<u>Total Crashes</u>	<u>Critical Rate Factor</u>
1. Westbrook Street @ Stroudwater Road	1	0.29
2. Westbrook Street @ Penrith Road	1	0.28
3. Westbrook Street @ Congress Street	30	0.92
4. Westbrook Street btw. Swan Street and Westbrook City Line	5	0.33
5. Westbrook Street btw. Swan Street and Buttonwood Ln.	2	0.31
6. Westbrook Street btw. Penrith Rd. and Congress Street	7	1.06

The MaineDOT considers any roadway intersection or segment a high crash location if both of the following criteria are met:

- *8 or more accidents*
- *A Critical Rate Factor greater than 1.00*

As the data in the table presents, the incidence of traffic crashes occurring on the reviewed section of Westbrook Street does not meet MaineDOT's threshold criteria for identification of a high crash location.

SITE TRAFFIC

Site Trip Generation: Trip generation for the residential subdivision was determined based upon trip tables presented in the ninth edition of the Institute of Transportation Engineers "TRIP GENERATION" handbook. The ITE publication provides numerous land-use categories and the average volume of trips that are generated by each category. The following trip rates were used to calculate the trip generation of the proposed project:

Land Use #210 – Single-Unit Detached Housing

AM Peak Hour = 0.75 trips per dwelling unit
PM Peak Hour = 1.00 trips per dwelling unit

Accordingly, the proposed 96-lot residential subdivision can be expected to generate approximately 72 vehicle trips during the "morning" peak hour and an additional 96 trips in the "evening" peak hour.

Site Trip Distribution: The Institute of Transportation Engineers "TRIP GENERATION" handbook provides the following directional distribution rates for a single-family home during both noted peak hour time periods:

Land Use #210 – Single-Unit Detached Housing

AM Peak = 25% enter/75% exit
PM Peak = 63% enter/37% exit

Eighteen (18) trips in the AM peak hour and sixty (60) trips in the PM peak hour will enter the subdivision and the remaining trips (54 trips AM peak hour and 36 trips PM peak hour) will exit the subdivision.

Site Trip Composition: Trips generated by the proposed residential subdivision are assumed to be "new" or "primary" trips.

Site Trip Assignment: A travel model that replicates existing traffic patterns recorded for Swan Street were used in assigning vehicle trips generated by the proposed residential subdivision to the Westbrook Street corridor. The directional assignment percentages applied are presented as follows:

AM Peak Hour = 80% east/20% west
PM Peak Hour = 85% east/15% west

Figure 2 is a line diagram that depicts the assignment of the site generated traffic for both “peak” time periods.

FUTURE TRAFFIC

Annual Growth: The Traffic Impact Study has been prepared based upon a projected build-out year of 2022. MaineDOT’s historical traffic data for the sections of both Westbrook and Congress Streets in the Stroudwater neighborhood would suggest the appropriateness of zero growth in annual traffic for the corridor. However, to ensure a conservative assessment of traffic impact, the 2016 design hour traffic volumes were increased by an annual growth rate of 1% per year to approximate future 2022 design hour traffic conditions. Figure 3 presents the estimated 2022 design hour traffic forecasts for the study intersections.

Other Development Traffic: Traffic generated by projects that have been approved by the Local Planning Board and/or the Maine Department of Transportation, yet are not opened, must be included in the estimate of pre-development traffic. Peak hour trips generated by the following projects were appropriately considered in developing an estimate of Other Development trips:

1. *The Dirigo Plaza Project*
2. *Northland Enterprises, LLC Office Development*
3. *Portland International Jetport Future Expansion*
4. *JCA Community Center*

Figure 4 provides an assignment of the trips generated by the noted projects through the study intersections.

2022 Pre-Development Traffic: 2022 Pre-Development traffic forecasts were prepared for the study intersections by combining the estimated 2022 design hour traffic forecasts depicted on Figure 3 with the Other Development trips presented on Figure 4. Figure 5 presents the 2022 pre-development traffic forecasts for the study intersections.

2022 Post-Development Traffic: 2022 Post-Development traffic forecasts were prepared for the study intersections by combining the 2022 Pre-Development travel forecasts illustrated on Figure 5 with the estimated site generated trips highlighted on Figure 2. Figure 6 presents the estimated 2022 Post-Development Traffic forecasts for the study intersections.

MOBILITY ANALYSIS

Capacity analyses of both 2022 Pre- and Post-Development traffic conditions were performed utilizing the Synchro and SimTraffic computer models. Levels of Service rankings are similar to the academic grading system, where an “A” is very good with little delay and “F” represents very poor conditions.

The following table summarizes the relationship between delay and Level of Service for a signalized intersection:

Level of Service Criteria for Signalized Intersections

<u>Level of Service</u>	<u>Total Control Delay (sec/veh)</u>
A	Up to 10.0
B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	Greater than 80.0

Existing intersection geometry, traffic signal phasing, and timing improvements most recently completed by the City, were used in conducting the level of service assessment for the forecast 2022 Pre-Development travel condition. 2022 Post-Development conditions were assessed, again, based upon existing intersection geometry and recent traffic signal phasing improvements and optimization of signal timings currently operating at the intersection. The results of the separate capacity analyses are presented in the following table 2:

Table 2
Signalized Intersection Level of Service Summary
Congress Street @ Westbrook Street
(2022 Pre- and Post-Development Travel Conditions)

	2022 Pre-Development				2022 Post-Development			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
<u>Intersection/Approach</u>	<u>Delay (sec.)</u>	<u>LOS</u>	<u>Delay (sec.)</u>	<u>LOS</u>	<u>Delay (sec.)</u>	<u>LOS</u>	<u>Delay (sec.)</u>	<u>LOS</u>
Congress Street @ Westbrook Street								
- Congress Street NB								
Left-Turn	36 sec.	D	45 sec.	D	41 sec.	D	52 sec.	D
Through Movement	26 sec.	C	46 sec.	D	30 sec.	C	43 sec.	D
Right-Turn	19 sec.	B	28 sec.	C	44 sec.	D	28 sec.	C
- Congress Street SB								
Through Movement	78 sec.	E	58 sec.	E	50 sec.	D	36 sec.	D
Right-Turn	75 sec.	E	66 sec.	E	42 sec.	D	41 sec.	D
- Westbrook Street EB								
Left-Turn	105 sec.	F	78 sec.	E	107 sec.	F	93 sec.	F
Through Movement	92 sec.	F	53 sec.	D	131 sec.	F	56 sec.	E
Right-Turn	86 sec.	F	21 sec.	C	89 sec.	F	16 sec.	B
- Westbrook Street WB								
Left-Turn	63 sec.	E	66 sec.	E	99 sec.	F	76 sec.	E
Through Movement	71 sec.	E	90 sec.	F	71 sec.	E	75 sec.	E
Right-Turn	n/a		47 sec.	D	22 sec.	C	49 sec.	D
Overall Intersection	71 sec.	E	80 sec.	E	57 sec.	E	56 sec.	E

The Congress Street/Westbrook Street intersection is projected to operate overall at Level of Service E travel conditions under both 2022 Pre-and Post-development travel conditions. Overall intersection delay values in excess of 70 seconds are expected under the forecast 2022 Pre-development travel condition. Traffic signal timing optimization improvements applied in completing the 2022 Post-Development level of service assessment demonstrate the overall benefits of future timing adjustments at the intersection.

The following table summarizes the relationship between delay and Level of Service for an unsignalized intersection:

Level of Service Criteria for Unsignalized Intersections

<u>Level of Service</u>	<u>Total Control Delay (sec/veh)</u>
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

The following table 3 summarizes the relationship between delay and Level of Service for an unsignalized intersection:

Table 3
Level of Service Summary
2022 Pre and Post-Development Conditions

<u>Intersection/Approach</u>	<u>2022 Pre-Development</u>				<u>2022 Post-Development</u>			
	<u>AM Peak Hour</u>		<u>PM Peak Hour</u>		<u>AM Peak Hour</u>		<u>PM Peak Hour</u>	
	<u>Delay (sec.)</u>	<u>LOS</u>	<u>Delay (sec.)</u>	<u>LOS</u>	<u>Delay (sec.)</u>	<u>LOS</u>	<u>Delay (sec.)</u>	<u>LOS</u>
1. Westbrook Street/Swan Street (3-way intersection)								
- Westbrook Street EB	1 sec.	A	1 sec.	A	n/a	n/a	n/a	n/a
- Westbrook Street WB	1 sec.	A	1 sec.	A	n/a	n/a	n/a	n/a
- Swan Street	7 sec.	A	8 sec.	A	n/a	n/a	n/a	n/a
- Overall Intersection.	1 sec.	A	1 sec.	A	n/a	n/a	n/a	n/a
2. Westbrook Street/Subdivision East Access/Swan Street								
- Westbrook Street EB	n/a	n/a	n/a	n/a	3 sec.	A	1 sec.	A
- Westbrook Street WB	n/a	n/a	n/a	n/a	1 sec.	A	1 sec.	A
- Swan Street SB	n/a	n/a	n/a	n/a	8 sec.	A	13 sec.	B
- Subdivision East Access	n/a	n/a	n/a	n/a	7 sec.	A	5 sec.	A
- Overall Intersection	n/a	n/a	n/a	n/a	2 sec.	A	1 sec.	A
3. Westbrook Street/Subdivision West Access								
- Westbrook Street EB	n/a	n/a	n/a	n/a	1 sec.	A	1 sec.	A
- Westbrook Street WB	n/a	n/a	n/a	n/a	1 sec.	A	3 sec.	A
- Subdivision West Access	n/a	n/a	n/a	n/a	8 sec.	A	4 sec.	A
- Overall Intersection	n/a	n/a	n/a	n/a	1 sec.	A	2 sec.	A

Each of the three unsignalized study intersections highlighted in the preceding table are expected to operate at the “best” level of service (Level of Service A) experiencing very minimal overall intersection delay.

VEHICLE SIGHT DISTANCE

The Maine Department of Transportation’s Highway Entrance and Driveway Rules, require the following sight distances for a non-mobility roadway:

Sight Distance Standards

Speed Limit	Sight Distance
25 mph	200 feet
30	250
35	305
40	360
45	425
50	495
55	570

Sightline measurements were conducted at both proposed subdivision road intersections with Westbrook Street and compared with required sight distance standards promulgated by the Maine Department of Transportation. Westbrook Street is posted at 35mph across the full frontage of the proposed residential subdivision, requiring a minimum unobstructed sightline of 305 feet. Sightline measurements in excess of 400 feet were measured from the proposed centerline of both subdivision street connections with Westbrook Street.

AUXILIARY LANE WARRANT ANALYSIS

The Maine Department of Transportation has published a warrant for auxiliary left-turn lanes in their December 2004 Highway Design Manual. The warrants are predicated upon the volume of two-way traffic traveling on the designated highway and the volume of left-turning vehicles. Figure 8-19 (Posted Speed Limit of 40 mph) from MaineDOT's referenced design manual was used in conducting the analysis (A copy of the chart with the superimposed traffic values is attached as an appendix to the report). An analysis was completed to determine if predicted "build" left-turn entry volumes to both proposed subdivision streets from the westbound approach of Westbrook Street meet MaineDOT's design guidelines for a dedicated left-turn lane. The traffic values applied in conducting the analyses and the results are presented in the following table 4:

Table 4
Left-Turn Warrant Assessment
Westbrook Street at Subdivision Entrance(s)

Lane Warrant Values	Easterly Subdivision Entrance		Westerly Subdivision Entrance	
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
Va (Advancing Volume)	241	738	238	703
Vo (Opposing Volume)	728	283	711	272
Left-Turn Percentage	3%	4%	3%	3%
Warrant Status	Warrant Not Met	Warrant Not Met	Warrant Not Met	Warrant Not Met

The analysis suggests that a left-turn treatment at either proposed subdivision entrance isn't required based upon projected 2022 Post-Development travel conditions.

SUMMARY

1. The proposed 96-lot residential subdivision can be expected to generate a total of 72 vehicle trips during the AM peak hour and 96 trips in the afternoon peak hour. Eighteen (18) trips in the AM peak hour and sixty (60) trips in the PM peak hour will enter the subdivision and the remaining trips (54 trips AM peak hour and 36 trips PM peak hour) will exit the subdivision.

2. The three-year (2013 through 2015) roadway safety audit completed for the 1.27-mile section of Westbrook Street (Westbrook City Line to Congress Street) shows the frequency of reported traffic crashes at each reviewed street intersection and road section is below MaineDOT's criteria for identification of a High Crash Location.
3. The Congress Street/Westbrook Street signalized intersection is projected to operate overall at Level of Service E under forecast 2022 Pre- and Post-development traffic conditions. Expected vehicle delay values in excess of 70 seconds will occur in both peak hour time periods under Pre-development traffic loadings. The projected 2022 Post-development travel condition was tested incorporating optimized traffic signal timing changes to the intersection operation. The analysis demonstrates that an improvement in overall intersection delay can be achieved with minor adjustments in traffic signal timing. Overall vehicle delay is reduced to less than 60 seconds in both peak hour time periods, and the intersection can be expected to operate near Level of Service D travel conditions.
4. Traffic operations at both proposed street intersections with Westbrook Street will operate at the "best" level of service (Level of Service A) under forecast 2022 Post-development travel conditions.
5. The Maine Department of Transportation has published a warrant for auxiliary left-turn lanes in their December 2004 Highway Design Manual. The warrants are predicated upon the volume of two-way traffic traveling on the designated highway and the volume of left-turning vehicles. 2022 Post-development traffic projections at both proposed street entrance intersections with Westbrook Street were evaluated based upon MaineDOT standards and it was found that projected left-turn volumes at both street entrance intersections do not satisfy MaineDOT warrants for left-turn treatment.
6. Sightline measurements recorded at the centerline of both proposed subdivision street intersections at Westbrook Street exceed MaineDOT's non-mobility highway standard of 305 feet for a posted speed limit of 35mph.

Portland: Westbrook & Swan
 Thursday October 20, 2016
 Sunny with some clouds
 Count By: Dawn-Marie Fahey

File Name : Portland Westbrook & Swan AM 102016
 Site Code : 00102016
 Start Date : 10/20/2016
 Page No : 5

Start Time	Swan From North			Westbrook Street From East			Westbrook Street From West			Int. Total
	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 07:15 AM										
07:15 AM	1	2	3	1	49	50	162	1	163	216
07:30 AM	1	2	3	1	44	45	123	0	123	171
07:45 AM	1	2	3	1	40	41	161	0	161	205
08:00 AM	0	1	1	1	42	43	137	0	137	181
Total Volume	3	7	10	4	175	179	583	1	584	773
% App. Total	30	70		2.2	97.8		99.8	0.2		
PHF	.750	.875	.833	1.00	.893	.895	.900	.250	.896	.895

X 1.08

3 7

4 189
 30% 70%

630 1

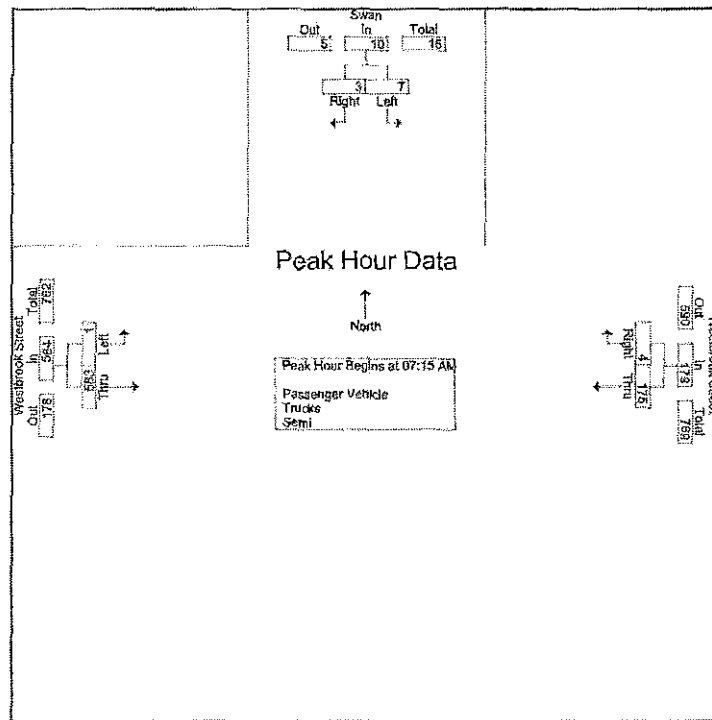


20% 1

101
 101
 101
 1000
 101
 10001

Portland; Westbrook & Swan
Thursday October 20, 2016
Sunny with some clouds
Count By: Dawn-Marie Fahey

File Name : Portland Westbrook & Swan AM 102016
Site Code : 00102016
Start Date : 10/20/2016
Page No : 6

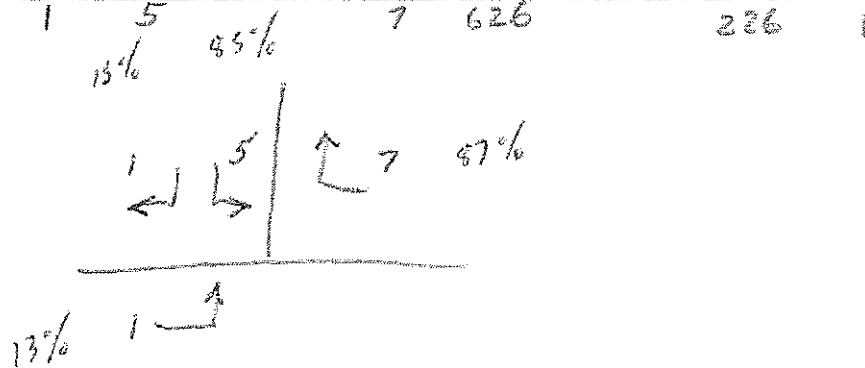


Portland: Westbrook & Swan
 Thursday October 20, 2016
 Cloudy
 Count By: Dawn-Marie Fahey

File Name : Portland Westbrook & Swan PM 102016
 Site Code : 01102016
 Start Date : 10/20/2016
 Page No : 5

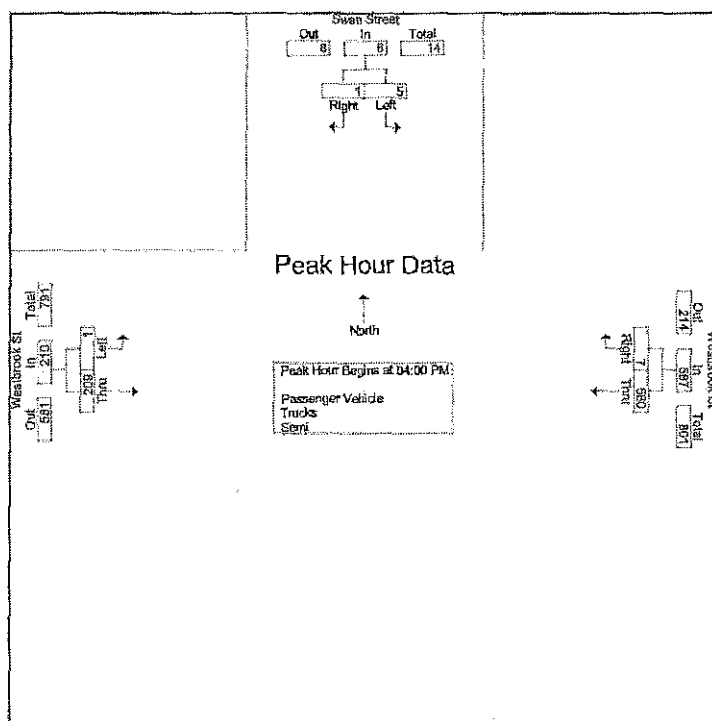
Start Time	Swan Street From North			Westbrook St From East			Westbrook St From West			Int. Total
	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	
Peak Hour Analysis From 03:00 PM to 05:45 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 04:00 PM										
04:00 PM	0	3	3	3	138	141	56	0	56	200
04:15 PM	0	1	1	3	150	153	57	0	57	211
04:30 PM	0	1	1	1	151	152	52	0	52	205
04:45 PM	1	0	1	0	141	141	44	1	45	187
Total Volume	1	5	6	7	580	587	209	1	210	803
% App. Total	16.7	83.3		1.2	98.8		99.5	0.5		
PHF	.250	.417	.500	.583	.960	.959	.917	.250	.921	.951

x1.08



Portland: Westbrook & Swan
 Thursday October 20, 2016
 Cloudy
 Count By: Dawn-Marie Fahey

File Name : Portland Westbrook & Swan PM 102016
 Site Code : 01102016
 Start Date : 10/20/2016
 Page No : 6



Portland Westbrook & Congress
 Thursday October 27, 2016
 Cloudy
 Count By: Dawn-Marie & Patrick

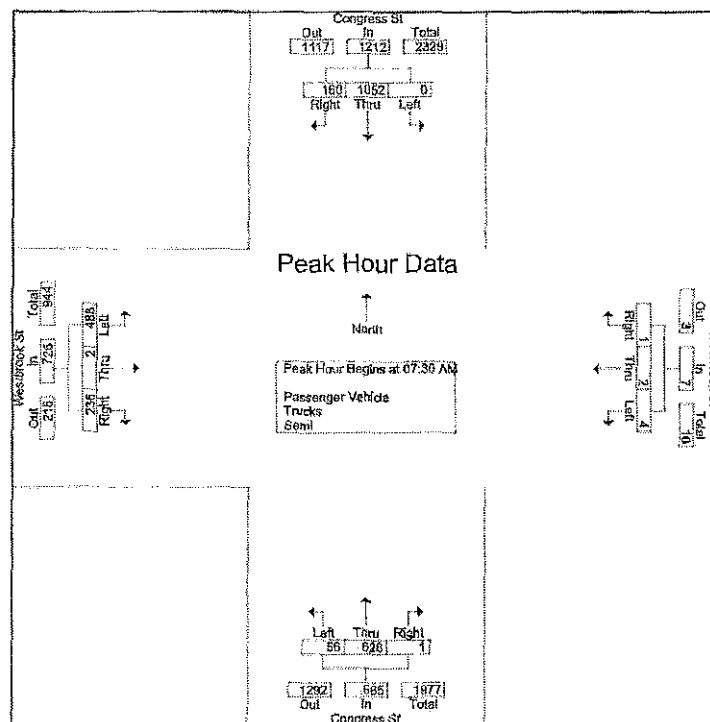
File Name : Portland Westbrook & Congress Merge 7-9 102716
 Site Code : 00192716
 Start Date : 10/27/2016
 Page No : 5

Start Time	Congress St From North				Westbrook St From East				Congress St From South				Westbrook St From West				Int. Total
	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 07:30 AM																	
07:30 AM	53	270	0	323	0	0	1	1	0	166	15	181	54	0	111	165	670
07:45 AM	32	297	0	329	0	2	2	4	0	136	11	147	62	2	120	184	664
08:00 AM	34	249	0	283	0	0	0	0	0	142	12	154	74	0	125	199	636
08:15 AM	41	236	0	277	1	0	1	2	1	184	18	203	46	0	132	178	650
Total Volume	160	1052	0	1212	1	2	4	7	1	628	56	685	236	2	486	726	2630
% App. Total	13.2	86.8	0		14.3	28.6	57.1		0.1	91.7	8.2		32.6	0.3	67.2		
PHF	.755	.886	.000	.921	.250	.250	.500	.438	.250	.853	.778	.844	.797	.250	.924	.912	.981

X 1.00 173 1136 0 1 2 4 1 678 60 255 2 527

Portland Westbrook & Congress
 Thursday October 27, 2016
 Cloudy
 Count By: Dawn-Marie & Patrick

File Name : Portland Westbrook & Congress Merge 7-9 102716
 Site Code : 00192716
 Start Date : 10/27/2016
 Page No : 6



Portland Westbrook & Congress PM
 Thursday October 27, 2016
 Rain
 Count By: Dawn-Marie & Patrick

File Name : Portland Westbrook & Congress Merge PM 102716
 Site Code : 01102716
 Start Date : 10/27/2016
 Page No : 5

Start Time	Congress St From North				Westbrook St From East				Congress St From South				Westbrook St From West				Int. Total
	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	
Peak Hour Analysis From 03:00 PM to 05:45 PM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 04:30 PM																	
04:30 PM	118	313	0	431	0	0	3	3	0	295	63	358	22	1	53	76	868
04:45 PM	117	252	0	369	1	0	1	2	0	303	54	357	16	0	40	60	784
05:00 PM	131	283	0	394	0	0	0	0	1	278	60	329	10	0	51	69	792
05:15 PM	125	244	0	369	1	1	2	4	1	265	44	310	22	0	42	64	747
Total Volume	491	1072	0	1563	2	1	6	9	2	1141	211	1354	78	1	186	265	3191
% App. Total	31.4	68.6	0		22.2	11.1	66.7		0.1	84.3	15.6		29.4	0.4	70.2		
PHF	.937	.856	.000	.807	.500	.250	.500	.583	.500	.941	.837	.946	.886	.250	.877	.872	.919

530 1158

2 1 6

2 1232 228

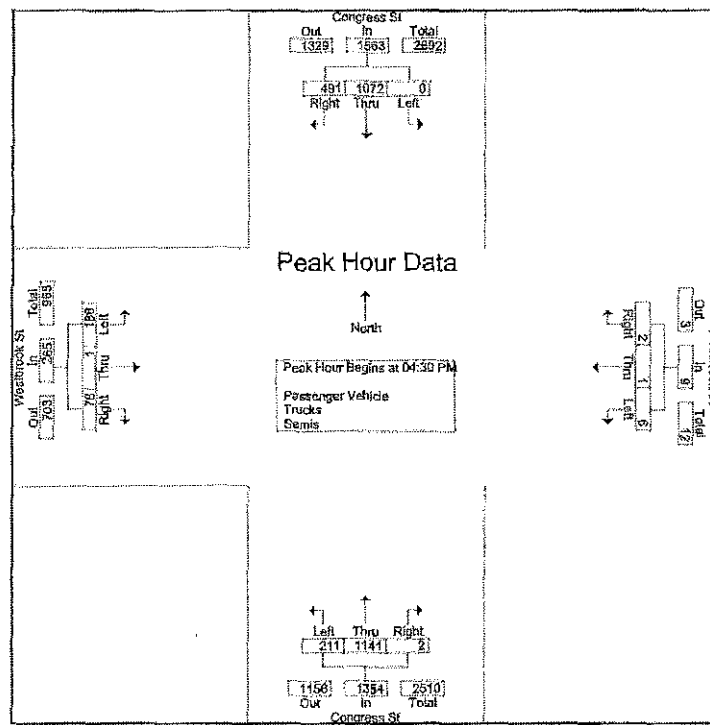
84 1 201

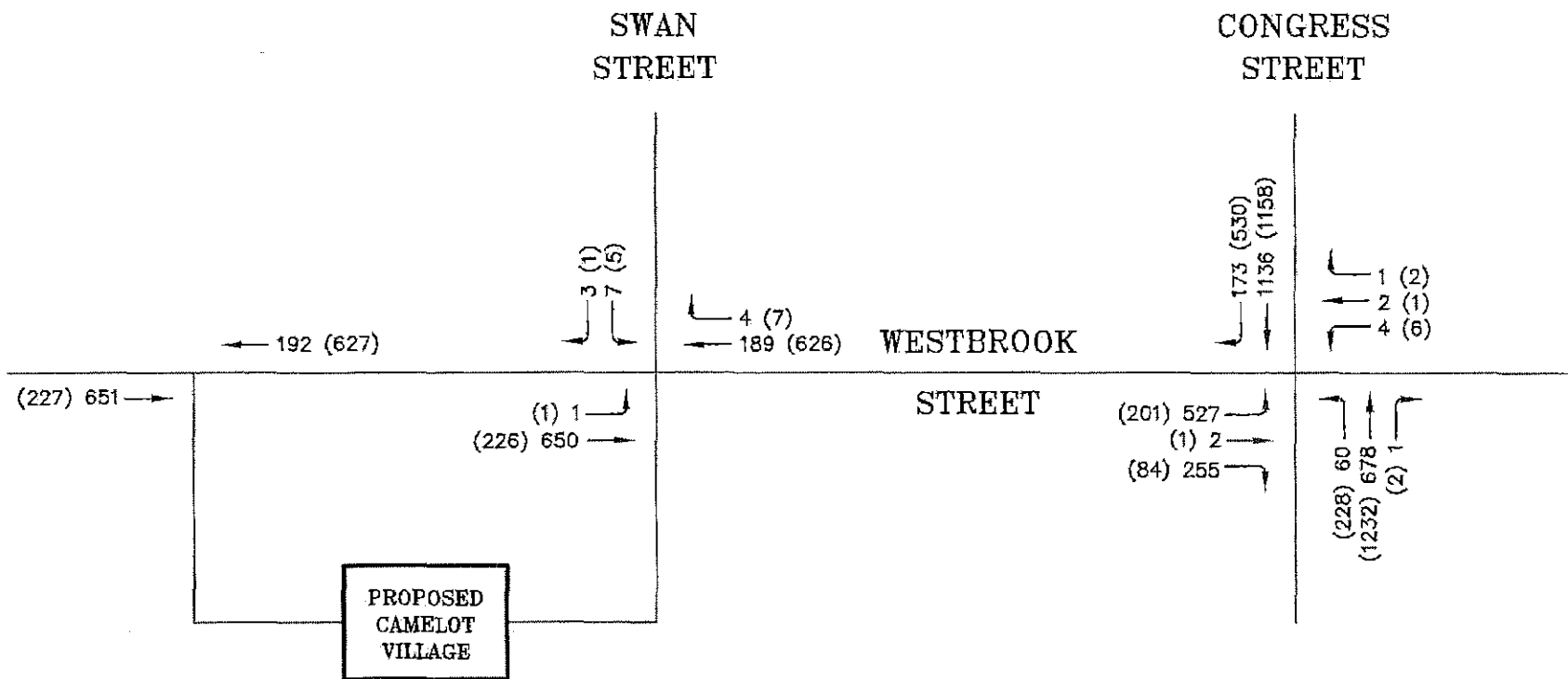
Seasonal

Adjustment = 1.08

Portland Westbrook & Congress PM
 Thursday October 27, 2016
 Rain
 Count By: Dawn-Marie & Patrick

File Name : Portland Westbrook & Congress Merge PM 102716
 Site Code : 01102716
 Start Date : 10/27/2016
 Page No : 6

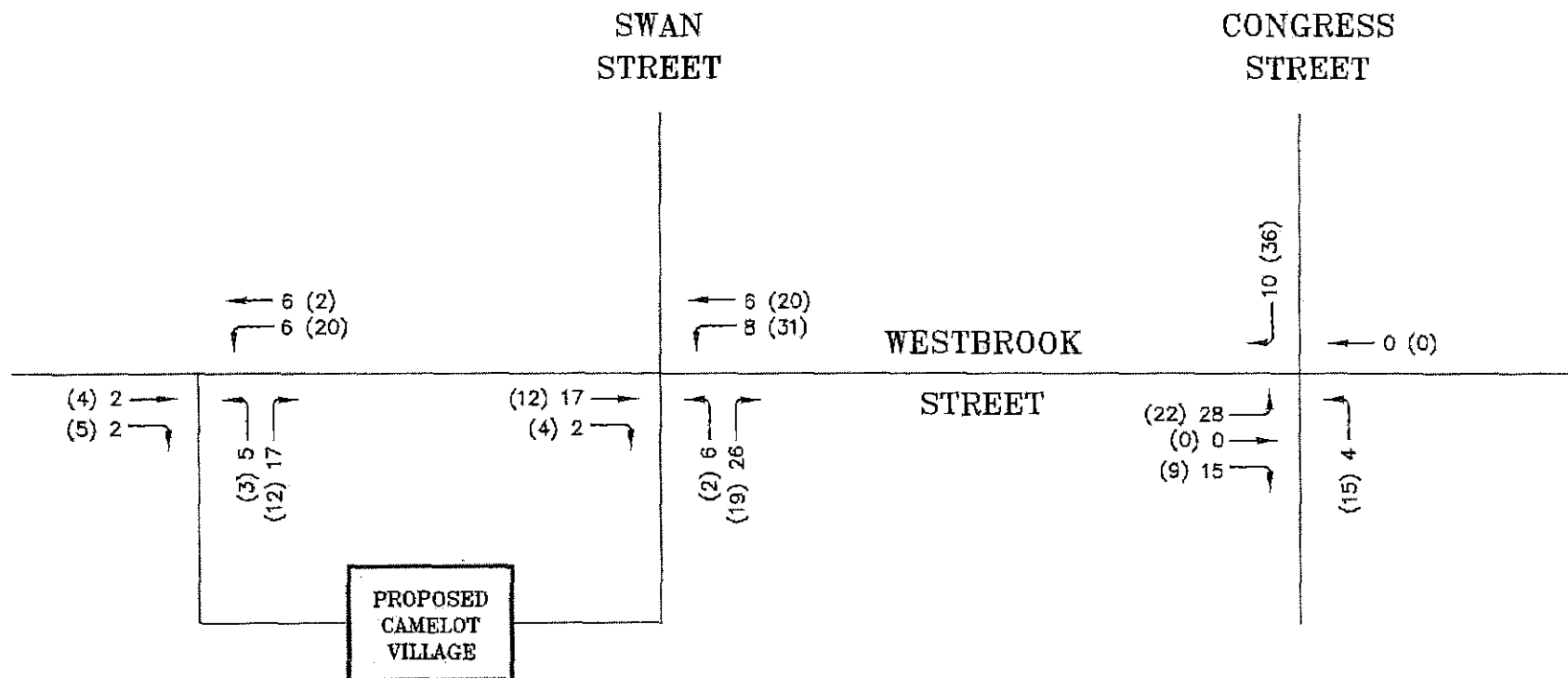




Project Name and Location:
CAMELOT VILLAGE
 PORTLAND, MAINE
 DATE: DECEMBER, 2015

FIGURE: 1

TRAFFIC SOLUTIONS
 235 BARKHART STREET, PORTLAND, MAINE 04107-1750



LEGEND

XX = AM PEAK HOUR
(XX) = PM PEAK HOUR

SITE TRIP ASSIGNMENT

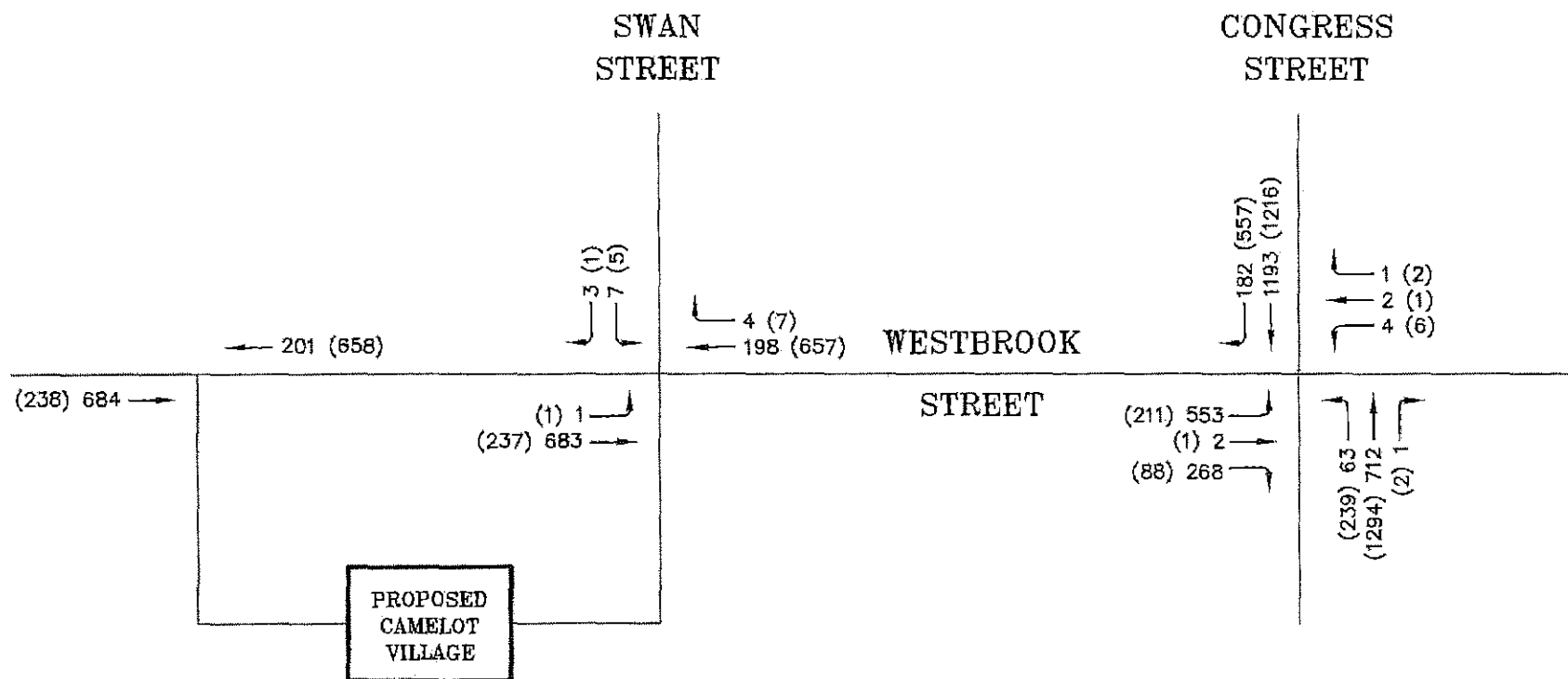
FIGURE 2

Project Name and Location
CAMELOT VILLAGE
PORTLAND, MAINE
DATE: DECEMBER, 2018

Page: 2

EXHIBIT PROJECTS/SAGGIO/SAGGIO TRAFFIC SOLUTIONS/CAMELOT VILLAGE/PLANSET/CAMELOT VILLAGE.DWG

TRAFFIC SOLUTIONS
333 BANCROFT STREET, PORTLAND, MAINE 04102-1730



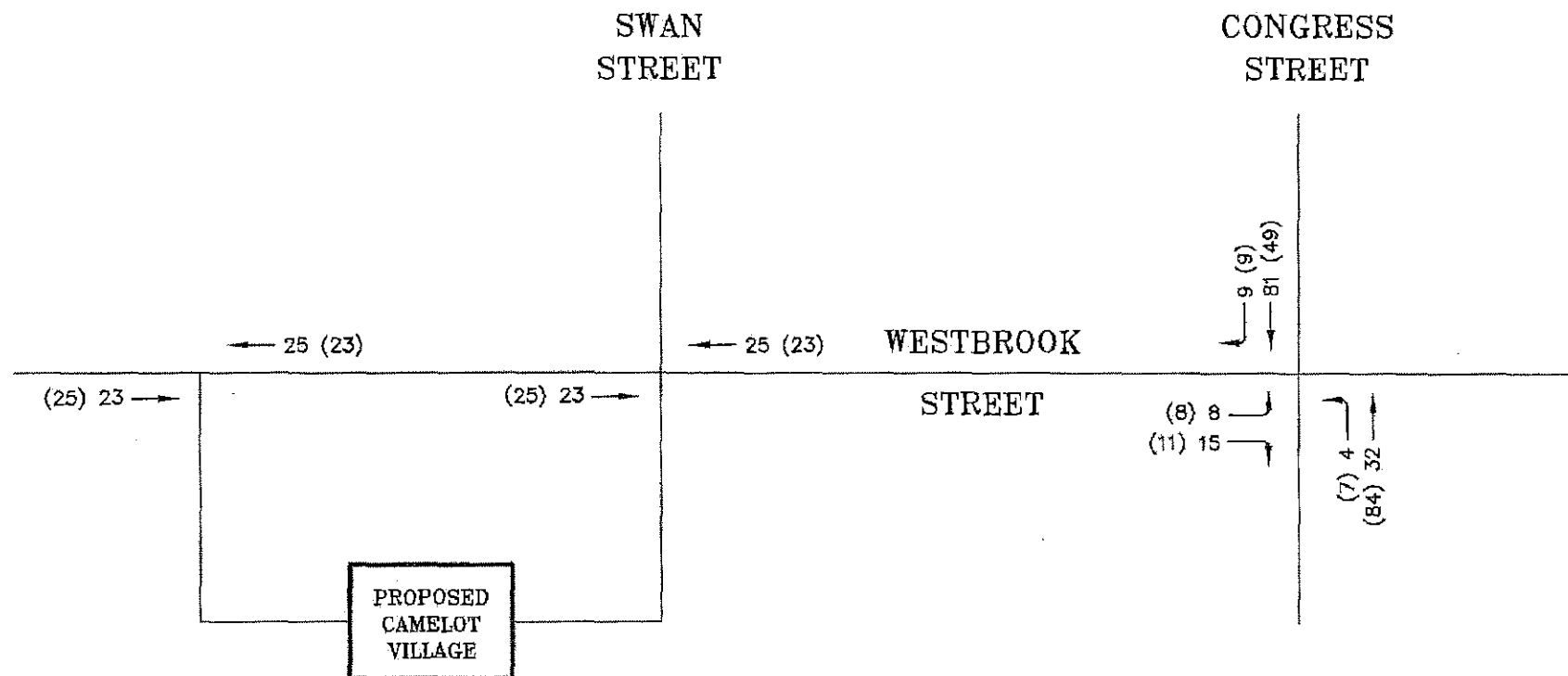
LEGEND

XX = AM PEAK HOUR
(XX) = PM PEAK HOUR

2022 DESIGN HOUR TRAFFIC

FIGURE 3

Project Name and Location: CAMELOT VILLAGE PORTLAND, MAINE DATE: DECEMBER, 2016	FILED PROJECTS\3486\3489 TRAFFIC SOLUTIONS\CAMELOT VILLAGE\PLANSET\CAMELOT VILLAGE.DWG TRAFFIC SOLUTIONS 235 BAKER STREET, PORTLAND, MAINE 04102-1730
FIGURE: 3	

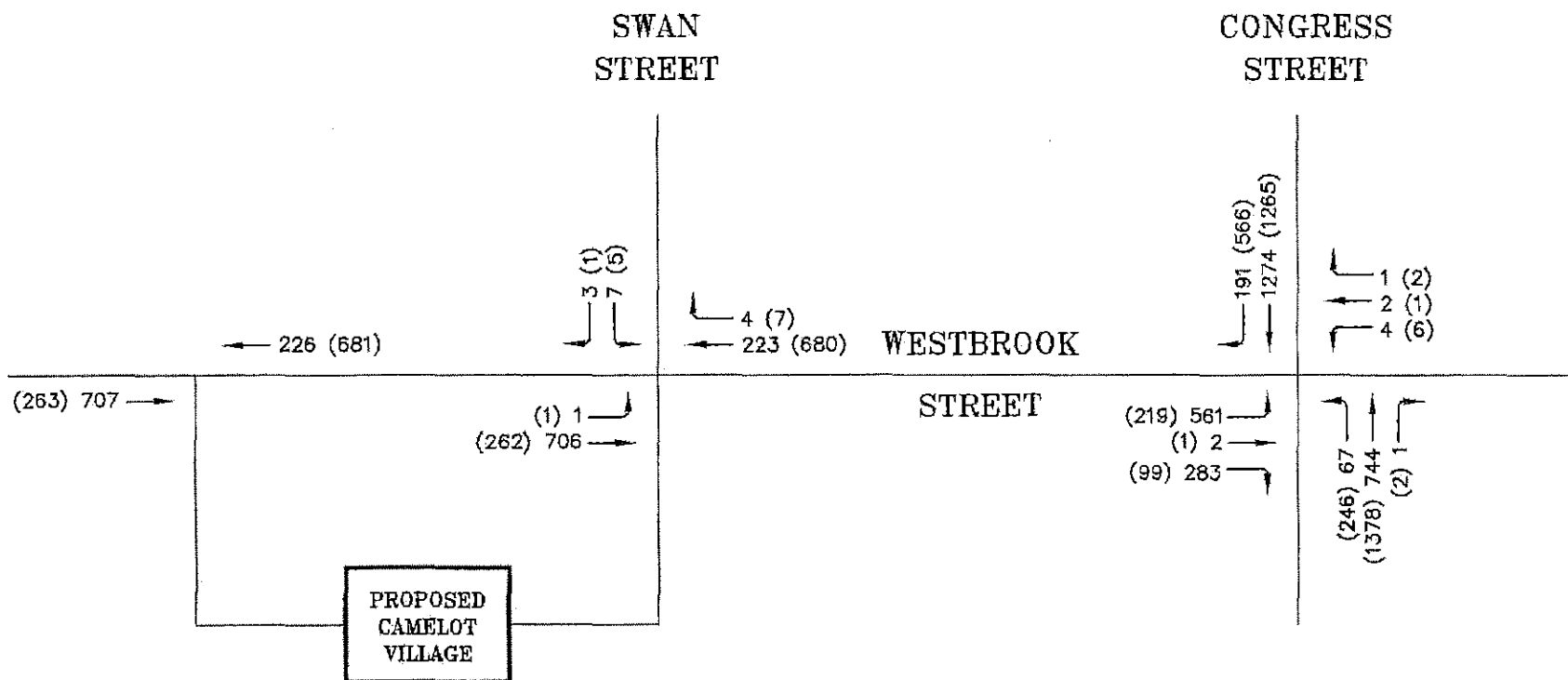


LEGEND

XX = AM PEAK HOUR
(XX) = PM PEAK HOUR

OTHER DEVELOPMENT TRAFFIC

FIGURE 4



LEGEND

XX = AM PEAK HOUR
(XX) = PM PEAK HOUR

2022 PRE-DEVELOPMENT TRAFFIC

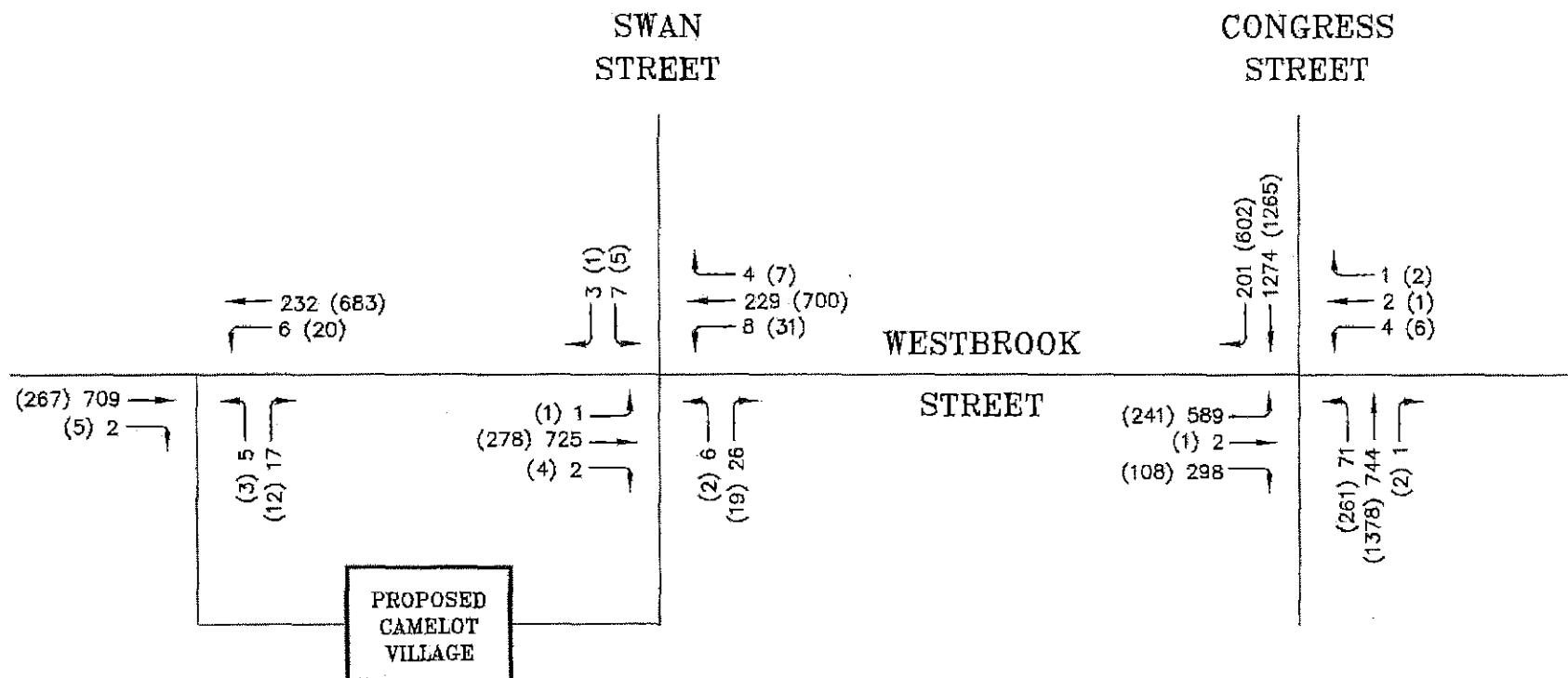
FIGURE 5

Project Name and Location:
CAMELOT VILLAGE
PORTLAND, MAINE
DATE: DECEMBER, 2016

PAGE: 5

TRAFFIC SOLUTIONS
235 BANCROFT STREET, PORTLAND, MAINE 04102-1739

PROJECTS\2000\2000 TRAFFIC SOLUTIONS\CAMELOT VILLAGE\PLANSET\CAMELOT VILLAGE.DWG



2022 POST-DEVELOPMENT TRAFFIC

FIGURE 6

Project Name and Location CAMELOT VILLAGE PORTLAND, MAINE	
DATE: DECEMBER, 2016	FIGURE: 6

CUA\2022 PROJECT\34000\34000\34000 TRAFFIC SOLUTIONS\CAMELOT VILLAGE\PLANSET\CAMELOT VILLAGE.DWG

TRAFFIC SOLUTIONS
 285 BANCROFT STREET, PORTLAND, MAINE 04102-1750

SimTraffic Simulation Summary
Baseline

2022 AM POSTDEVELOPMENT
12/22/2016

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:55	6:55	6:55	6:55	6:55	6:55
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	3038	2966	2983	3062	2973	3005
Vehs Exited	3010	2955	2989	3006	2959	2985
Starting Vehs	63	69	72	41	68	62
Ending Vehs	91	80	66	97	82	85
Travel Distance (mi)	843	827	833	846	827	835
Travel Time (hr)	126.2	153.9	130.1	96.7	106.7	122.7
Total Delay (hr)	97.4	125.6	101.7	67.8	78.4	94.2
Total Stops	2762	2762	2620	2680	2548	2675
Fuel Used (gal)	55.0	61.0	55.6	48.2	49.8	53.9

Interval #0 Information Seeding

Start Time	6:55
End Time	7:00
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	3038	2966	2983	3062	2973	3005
Vehs Exited	3010	2955	2989	3006	2959	2985
Starting Vehs	63	69	72	41	68	62
Ending Vehs	91	80	66	97	82	85
Travel Distance (mi)	843	827	833	846	827	835
Travel Time (hr)	126.2	153.9	130.1	96.7	106.7	122.7
Total Delay (hr)	97.4	125.6	101.7	67.8	78.4	94.2
Total Stops	2762	2762	2620	2680	2548	2675
Fuel Used (gal)	55.0	61.0	55.6	48.2	49.8	53.9

3: Congress & Westbrook/Westbrook Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBT	SBR	All
Denied Del/Veh (s)	183.2	251.3	177.3	0.1	0.1	0.1	0.3	0.6	0.4	0.7	0.8	50.4
Total Del/Veh (s)	107.2	130.7	89.0	98.6	71.3	22.7	40.7	29.6	44.2	50.4	42.0	57.4

Total Network Performance

Denied Del/Veh (s)	50.4
Total Del/Veh (s)	59.5

Queuing and Blocking Report
Baseline

2022 AM POSTDEVELOPMENT
12/22/2016

Intersection: 3: Congress & Westbrook/Westbrook

Movement	EB	EB	WB	NB	NB	SB	SB
Directions Served	LT	R	LTR	L	TR	T	TR
Maximum Queue (ft)	742	175	40	304	656	715	713
Average Queue (ft)	692	145	7	53	373	500	466
95th Queue (ft)	807	230	29	170	587	730	692
Link Distance (ft)	695		635	699	699	717	717
Upstream Blk Time (%)	55			0	0	2	2
Queuing Penalty (veh)	0			0	0	0	0
Storage Bay Dist (ft)		150					
Storage Blk Time (%)	58	3					
Queuing Penalty (veh)	164	14					

Network Summary

Network wide Queuing Penalty: 178

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:55	6:55	6:55	6:55	6:55	6:55
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1028	993	971	1040	984	1004
Vehs Exited	1027	1002	969	1046	986	1006
Starting Vehs	12	16	13	25	16	15
Ending Vehs	13	7	15	19	14	12
Travel Distance (mi)	436	423	413	439	416	425
Travel Time (hr)	16.0	15.4	15.1	16.2	15.2	15.6
Total Delay (hr)	1.2	1.1	1.1	1.2	1.1	1.1
Total Stops	70	80	72	81	67	76
Fuel Used (gal)	12.9	12.5	12.3	13.2	12.2	12.6

Interval #0 Information Seeding

Start Time	6:55
End Time	7:00
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1028	993	971	1040	984	1004
Vehs Exited	1027	1002	969	1046	986	1006
Starting Vehs	12	16	13	25	16	15
Ending Vehs	13	7	15	19	14	12
Travel Distance (mi)	436	423	413	439	416	425
Travel Time (hr)	16.0	15.4	15.1	16.2	15.2	15.6
Total Delay (hr)	1.2	1.1	1.1	1.2	1.1	1.1
Total Stops	70	80	72	81	67	76
Fuel Used (gal)	12.9	12.5	12.3	13.2	12.2	12.6

3: Site Drive 2 & Westbrook St Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.2	0.1	0.1	0.1
Total Del/Veh (s)	2.6	0.4	6.6	8.4	2.3

7: Site Drive 1 & Westbrook St Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.6	0.0	0.1	0.4
Total Del/Veh (s)	0.5	1.0	7.5	0.8

Total Network Performance

Denied Del/Veh (s)	0.5
Total Del/Veh (s)	3.5

Queuing and Blocking Report
Baseline

2022 AM POST Dev
12/21/2016

Intersection: 3: Site Drive 2 & Westbrook St

Movement	WB	NB	SB
Directions Served	LTR	LTR	LTR
Maximum Queue (ft)	51	59	36
Average Queue (ft)	4	23	9
95th Queue (ft)	25	52	32
Link Distance (ft)	252	172	171
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 7: Site Drive 1 & Westbrook St

Movement	WB	NB
Directions Served	LT	LR
Maximum Queue (ft)	42	49
Average Queue (ft)	5	15
95th Queue (ft)	26	42
Link Distance (ft)	1609	187
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network-wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	3	4	5	7	Avg
Start Time	6:55	6:55	6:55	6:55	6:55	6:55
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	3022	2960	3004	2971	3086	3008
Vehs Exited	2978	2943	2939	2961	3055	2975
Starting Vehs	65	56	48	68	67	60
Ending Vehs	109	73	113	78	98	93
Travel Distance (mi)	835	822	825	827	855	833
Travel Time (hr)	151.4	143.3	137.0	105.6	138.6	135.2
Total Delay (hr)	122.9	115.2	108.8	77.3	109.3	106.7
Total Stops	3316	2909	3243	2823	3020	3062
Fuel Used (gal)	61.2	58.4	57.2	49.6	58.2	56.9

Interval #0 Information Seeding

Start Time	6:55
End Time	7:00
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	3	4	5	7	Avg
Vehs Entered	3022	2960	3004	2971	3086	3008
Vehs Exited	2978	2943	2939	2961	3055	2975
Starting Vehs	65	56	48	68	67	60
Ending Vehs	109	73	113	78	98	93
Travel Distance (mi)	835	822	825	827	855	833
Travel Time (hr)	151.4	143.3	137.0	105.6	138.6	135.2
Total Delay (hr)	122.9	115.2	108.8	77.3	109.3	106.7
Total Stops	3316	2909	3243	2823	3020	3062
Fuel Used (gal)	61.2	58.4	57.2	49.6	58.2	56.9

SimTraffic Performance Report
Baseline

2022 AM PREDEVELOPMENT

12/20/2016

3: Congress & Westbrook/Westbrook Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBT	SBR	All
Denied Del/Veh (s)	160.4	143.0	158.5	0.1	0.1		0.3	0.7	1.2	20.9	21.0	53.4
Total Del/Veh (s)	104.8	92.3	85.9	62.6	70.9		35.8	25.6	19.4	78.3	74.9	69.1

Total Network Performance

Denied Del/Veh (s)	53.4
Total Del/Veh (s)	71.2

Queuing and Blocking Report
Baseline

2022 AM PREDEVELOPMENT
12/20/2016

Intersection: 3: Congress & Westbrook/Westbrook

Movement	EB	EB	WB	NB	NB	SB	SB
Directions Served	LT	R	LTR	L	TR	T	TR
Maximum Queue (ft)	734	175	36	110	629	741	724
Average Queue (ft)	677	154	7	42	325	594	576
95th Queue (ft)	839	226	28	86	524	859	856
Link Distance (ft)	695		635	699	699	717	717
Upstream Blk Time (%)	53				0	24	27
Queuing Penalty (veh)	0				0	0	0
Storage Bay Dist (ft)		150					
Storage Blk Time (%)	56	3					
Queuing Penalty (veh)	158	20					

Network Summary

Network wide Queuing Penalty: 178

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:55	6:55	6:55	6:55	6:55	6:55
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1005	1004	936	906	902	950
Vehs Exited	1002	1006	936	904	904	950
Starting Vehs	5	8	9	3	8	6
Ending Vehs	8	6	9	5	6	6
Travel Distance (mi)	210	211	197	189	189	199
Travel Time (hr)	7.5	7.6	7.0	6.7	6.8	7.1
Total Delay (hr)	0.5	0.5	0.4	0.3	0.4	0.4
Total Stops	12	8	6	12	6	9
Fuel Used (gal)	6.4	6.4	5.9	5.7	5.8	6.0

Interval #0 Information Seeding

Start Time	6:55
End Time	7:00
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1005	1004	936	906	902	950
Vehs Exited	1002	1006	936	904	904	950
Starting Vehs	5	8	9	3	8	6
Ending Vehs	8	6	9	5	6	6
Travel Distance (mi)	210	211	197	189	189	199
Travel Time (hr)	7.5	7.6	7.0	6.7	6.8	7.1
Total Delay (hr)	0.5	0.5	0.4	0.3	0.4	0.4
Total Stops	12	8	6	12	6	9
Fuel Used (gal)	6.4	6.4	5.9	5.7	5.8	6.0

3: Westbrook St & Swan Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.6	0.2	0.1	0.5
Total Del/Veh (s)	0.9	0.1	7.3	0.7

Total Network Performance

Denied Del/Veh (s)	0.5
Total Del/Veh (s)	1.1

Queuing and Blocking Report Baseline

2022 AM PRE Dev
12/21/2016

Intersection: 3: Westbrook St & Swan

Movement	SB
Directions Served	LR
Maximum Queue (ft)	30
Average Queue (ft)	8
95th Queue (ft)	30
Link Distance (ft)	170
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 0

SimTraffic Simulation Summary
Baseline

2022 PM PREDEVELOPMENT

12/20/2016

Summary of All Intervals

Run Number	1	2	3	4	6	Avg
Start Time	4:25	4:25	4:25	4:25	4:25	4:25
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	3605	3578	3602	3521	3629	3588
Vehs Exited	3579	3554	3595	3499	3625	3570
Starting Vehs	61	65	85	65	81	72
Ending Vehs	87	89	92	87	85	88
Travel Distance (mi)	1002	995	1005	980	1012	999
Travel Time (hr)	182.0	192.7	148.5	171.6	183.1	175.6
Total Delay (hr)	147.5	158.5	114.0	137.9	148.4	141.2
Total Stops	3762	3714	3440	3537	3797	3649
Fuel Used (gal)	73.7	76.0	65.6	70.3	74.7	72.1

Interval #0 Information Seeding

Start Time	4:25
End Time	4:30
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	6	Avg
Vehs Entered	3605	3578	3602	3521	3629	3588
Vehs Exited	3579	3554	3595	3499	3625	3570
Starting Vehs	61	65	85	65	81	72
Ending Vehs	87	89	92	87	85	88
Travel Distance (mi)	1002	995	1005	980	1012	999
Travel Time (hr)	182.0	192.7	148.5	171.6	183.1	175.6
Total Delay (hr)	147.5	158.5	114.0	137.9	148.4	141.2
Total Stops	3762	3714	3440	3537	3797	3649
Fuel Used (gal)	73.7	76.0	65.6	70.3	74.7	72.1

3: Congress & Westbrook/Westbrook Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SEB	SEB	All
Denied Del/Veh (s)	0.6	0.3	3.6	0.1	0.1	0.1	169.8	167.2	102.7	14.2	15.0	79.5
Total Del/Veh (s)	77.5	53.0	20.5	66.2	89.7	46.6	45.1	46.2	28.0	58.4	65.6	54.6

Total Network Performance

Denied Del/Veh (s)	79.5
Total Del/Veh (s)	57.0

Queuing and Blocking Report
Baseline

2022 PM PREDEVELOPMENT
12/20/2016

Intersection: 3: Congress & Westbrook/Westbrook

Movement	EB	EB	WB	NB	NB	SB	SB
Directions Served	LT	R	LTR	L	TR	T	TR
Maximum Queue (ft)	432	175	40	725	743	757	767
Average Queue (ft)	231	91	12	701	714	656	677
95th Queue (ft)	383	204	37	824	760	857	857
Link Distance (ft)	695		635	699	699	717	717
Upstream Blk Time (%)				22	52	14	29
Queuing Penalty (veh)				0	0	0	0
Storage Bay Dist (ft)		150					
Storage Blk Time (%)	31	0					
Queuing Penalty (veh)	31	0					

Network Summary

Network-wide Queuing Penalty: 31

SimTraffic Simulation Summary
Baseline

2022 PM PRE Dev
12/21/2016

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:25	4:25	4:25	4:25	4:25	4:25
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	927	991	981	947	893	947
Vehs Exited	929	991	980	950	890	947
Starting Vehs	7	3	4	9	5	5
Ending Vehs	5	3	5	6	8	5
Travel Distance (mi)	195	207	205	198	186	198
Travel Time (hr)	7.0	7.4	7.4	7.1	6.6	7.1
Total Delay (hr)	0.4	0.4	0.5	0.4	0.3	0.4
Total Stops	10	3	5	5	9	6
Fuel Used (gal)	5.9	6.3	6.3	6.0	5.6	6.0

Interval #0 Information Seeding

Start Time	4:25
End Time	4:30
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	927	991	981	947	893	947
Vehs Exited	929	991	980	950	890	947
Starting Vehs	7	3	4	9	5	5
Ending Vehs	5	3	5	6	8	5
Travel Distance (mi)	195	207	205	198	186	198
Travel Time (hr)	7.0	7.4	7.4	7.1	6.6	7.1
Total Delay (hr)	0.4	0.4	0.5	0.4	0.3	0.4
Total Stops	10	3	5	5	9	6
Fuel Used (gal)	5.9	6.3	6.3	6.0	5.6	6.0

3: Westbrook St & Swan Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.2	0.5	0.1	0.5
Total Del/Veh (s)	0.3	0.4	8.3	0.4

Total Network Performance

Denied Del/Veh (s)	0.5
Total Del/Veh (s)	1.1

Queuing and Blocking Report
Baseline

2022 PM PRE Dev
12/21/2016

Intersection: 3: Westbrook St & Swan

Movement	WB	SB
Directions Served	TR	LR
Maximum Queue (ft)	16	30
Average Queue (ft)	1	5
95th Queue (ft)	12	24
Link Distance (ft)	247	170
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection: S Westbrook St & Swan

Movement	WB	SB
Directions Served	TR	LR
Maximum Queue (ft)	16	30
Average Queue (ft)	1	5
95th Queue (ft)	12	24
Link Distance (ft)	247	170
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:25	4:25	4:25	4:25	4:25	4:25
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	3618	3668	3632	3542	3651	3624
Vehs Exited	3567	3625	3628	3522	3633	3595
Starting Vehs	53	62	78	70	79	70
Ending Vehs	104	105	82	90	97	96
Travel Distance (mi)	999	1015	1014	986	1016	1006
Travel Time (hr)	144.9	160.9	151.8	145.4	94.8	139.6
Total Delay (hr)	110.5	126.0	117.0	111.5	59.7	105.0
Total Stops	3152	3215	3094	3016	3184	3132
Fuel Used (gal)	64.2	68.3	66.3	63.9	53.2	63.2

Interval #0 Information Seeding

Start Time	4:25
End Time	4:30
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	3618	3668	3632	3542	3651	3624
Vehs Exited	3567	3625	3628	3522	3633	3595
Starting Vehs	53	62	78	70	79	70
Ending Vehs	104	105	82	90	97	96
Travel Distance (mi)	999	1015	1014	986	1016	1006
Travel Time (hr)	144.9	160.9	151.8	145.4	94.8	139.6
Total Delay (hr)	110.5	126.0	117.0	111.5	59.7	105.0
Total Stops	3152	3215	3094	3016	3184	3132
Fuel Used (gal)	64.2	68.3	66.3	63.9	53.2	63.2

SimTraffic Performance Report
Baseline

2022 PM POSTDEVELOPMENT
12/22/2016

3: Congress & Westbrook/Westbrook Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SEB	SBR	All
Denied Del/Veh (s)	0.5	0.4	3.7	0.1	0.1	0.1	131.9	126.7	61.4	1.6	1.9	55.9
Total Del/Veh (s)	93.4	56.1	16.1	76.3	75.2	49.3	52.1	43.2	27.9	36.4	41.2	43.5

Total Network Performance

Denied Del/Veh (s)	55.9
Total Del/Veh (s)	45.9

Queuing and Blocking Report
Baseline

2022 PM POSTDEVELOPMENT
12/22/2016

Intersection: 3: Congress & Westbrook/Westbrook

Movement	EB	EB	WB	NB	NB	SB	SB
Directions Served	LT	R	LTR	L	TR	T	TR
Maximum Queue (ft)	458	250	44	721	747	740	748
Average Queue (ft)	243	91	13	663	703	479	532
95th Queue (ft)	399	242	39	920	810	729	785
Link Distance (ft)	695		635	699	699	717	717
Upstream Blk Time (%)				21	47	2	6
Queuing Penalty (veh)				0	0	0	0
Storage Bay Dist (ft)		150					
Storage Blk Time (%)	41						
Queuing Penalty (veh)	40						

Network Summary

Network wide Queuing Penalty: 40

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:25	4:25	4:25	4:25	4:25	4:25
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1092	1077	1073	998	975	1043
Vehs Exited	1098	1067	1066	999	976	1043
Starting Vehs	21	16	12	19	16	15
Ending Vehs	15	26	19	18	15	18
Travel Distance (mi)	457	450	448	421	411	437
Travel Time (hr)	16.9	16.6	16.4	15.3	15.0	16.0
Total Delay (hr)	1.3	1.2	1.2	1.0	0.9	1.1
Total Stops	56	76	66	54	41	58
Fuel Used (gal)	13.8	13.6	13.5	12.7	12.3	13.2

Interval #0 Information Seeding

Start Time	4:25
End Time	4:30
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1092	1077	1073	998	975	1043
Vehs Exited	1098	1067	1066	999	976	1043
Starting Vehs	21	16	12	19	16	15
Ending Vehs	15	26	19	18	15	18
Travel Distance (mi)	457	450	448	421	411	437
Travel Time (hr)	16.9	16.6	16.4	15.3	15.0	16.0
Total Delay (hr)	1.3	1.2	1.2	1.0	0.9	1.1
Total Stops	56	76	66	54	41	58
Fuel Used (gal)	13.8	13.6	13.5	12.7	12.3	13.2

3: Site Drive 2 & Westbrook St Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.6	0.1	0.1	0.5
Total Del/Veh (s)	1.1	0.8	4.7	12.7	1.0

7: Site Drive 1 & Westbrook St Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.2	0.0	0.1	0.1
Total Del/Veh (s)	0.2	2.6	3.6	1.9

Total Network Performance

Denied Del/Veh (s)	0.5
Total Del/Veh (s)	3.4

Queuing and Blocking Report
Baseline

2022 PM POST Dev
12/21/2016

Intersection: 3: Site Drive 2 & Westbrook St

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	17	65	50	31
Average Queue (ft)	1	9	15	6
95th Queue (ft)	9	41	42	26
Link Distance (ft)	1609	252	172	171
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 7: Site Drive 1 & Westbrook St

Movement	WB	NB
Directions Served	LT	LR
Maximum Queue (ft)	62	40
Average Queue (ft)	7	11
95th Queue (ft)	34	36
Link Distance (ft)	1609	187
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☒ Crash Summary I ☒ Section Detail ☒ Crash Summary II ☐ 1320 Public ☐ 1320 Private ☐ 1320 Summary

REPORT DESCRIPTION

Westbrook St in Portland

REPORT PARAMETERS

Year 2013, Start Month 1 through Year 2015 End Month: 12

Route: 0560784

Start Node: 15060

Start Offset: 0

☐ Exclude First Node

End Node: 13048

End Offset: 0

☐ Exclude Last Node

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

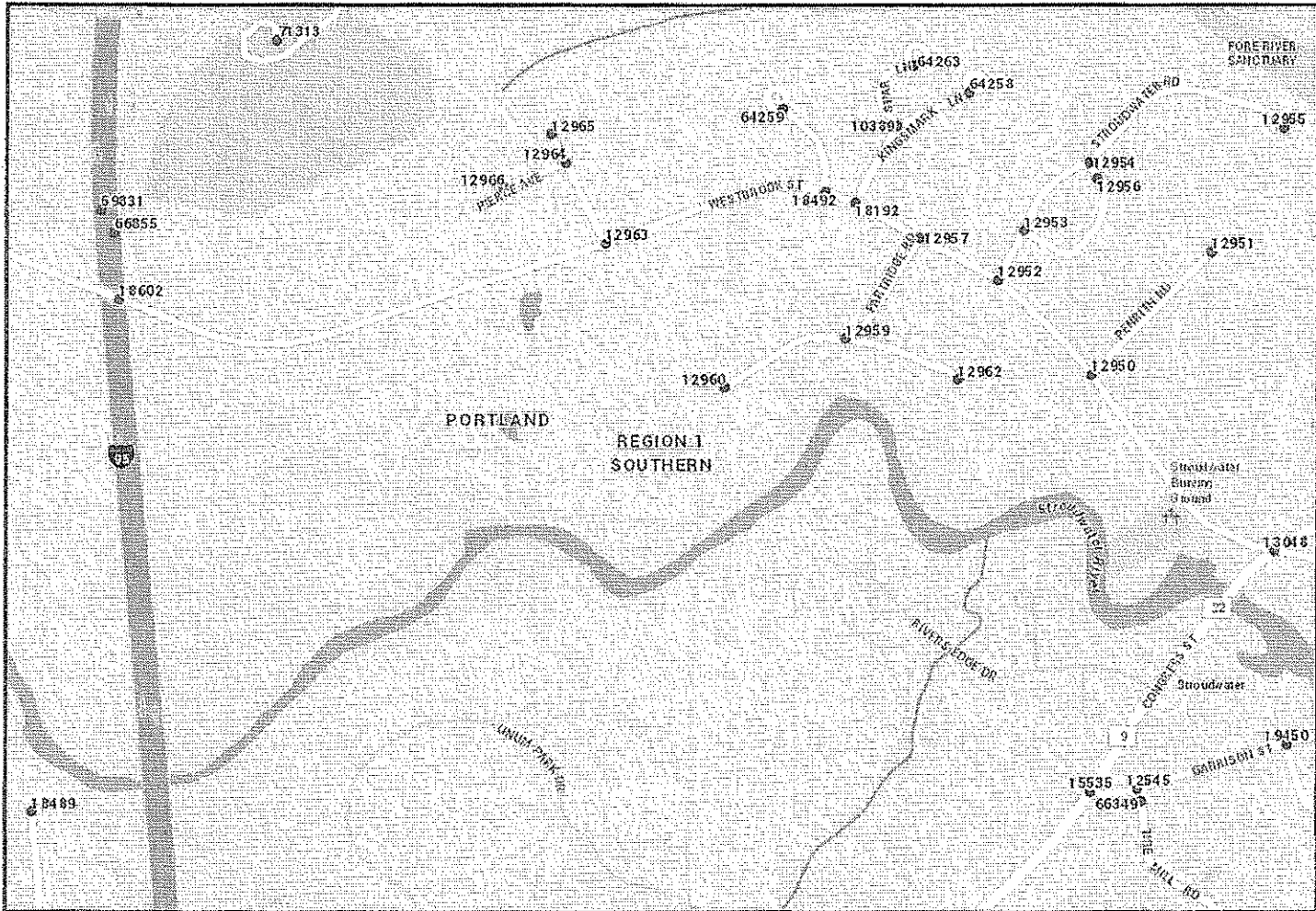
Nodes																
Node	Route - MP	Node Description	U/R	Total Crashes	K	Injury A	Crashes B	C	PD	Percent Annual M Injury Ent-Veh	Crash Rate	Critical Rate	CRF			
15060	0560784 - 0	TL Portland Westbrook	2	0	0	0	0	0	0	0.0	2.953	0.00	0.39	0.00		
											Statewide Crash Rate:	0.13				
12963	0560784 - 0.60	Int of SWAN ST, WESTBROOK ST	2	0	0	0	0	0	0	0.0	2.960	0.00	0.39	0.00		
											Statewide Crash Rate:	0.13				
18492	0560784 - 0.79	Int of BUTTONWOOD LN WESTBROOK ST	2	0	0	0	0	0	0	0.0	2.997	0.00	0.38	0.00		
											Statewide Crash Rate:	0.13				
18192	0560784 - 0.82	Int of KINGSMARK LN WESTBROOK ST	2	0	0	0	0	0	0	0.0	3.021	0.00	0.38	0.00		
											Statewide Crash Rate:	0.13				
12957	0560784 - 0.88	Int of PARTRIDGE RD WESTBROOK ST	2	0	0	0	0	0	0	0.0	3.034	0.00	0.30	0.00		
											Statewide Crash Rate:	0.13				
12952	0560784 - 0.95	Int of STROUDWATER RD WESTBROOK ST	2	1	0	0	0	0	1	0.0	3.103	0.11	0.38	0.00		
											Statewide Crash Rate:	0.13				
12950	0560784 - 1.06	Int of PENRITH RD, WESTBROOK ST	2	1	0	0	0	0	1	0.0	2.962	0.11	0.39	0.00		
											Statewide Crash Rate:	0.13				
13048	0560784 - 1.27	Int of CONGRESS ST WESTBROOK ST	9	30	0	0	0	6	24	20.0	10.521	0.95	1.03	0.00		
											Statewide Crash Rate:	0.07				
Study Years: 3.00			NODE TOTALS:		32	0	0	0	6	26	18.8	31.551	0.34	0.45	0.75	

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

Sections																		
Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	K	Injury Crashes			Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF			
12963	15060	3119195	0 - 0.60	0560784 - 0 RD INV 05 60784	0.60	2	5	0	0	2	0	3	40.0	0.01744	95.56	292.03	0.00	
														Statewide Crash Rate: 159.40				
12963	18492	3119198	0 - 0.19	0560784 - 0.60 RD INV 05 60784	0.19	2	2	0	0	0	0	2	0.0	0.00566	117.79	379.55	0.00	
														Statewide Crash Rate: 159.40				
18192	18492	3120115	0 - 0.03	0560784 - 0.79 RD INV 05 60784	0.03	2	0	0	0	0	0	0	0.0	0.00090	0.00	600.29	0.00	
														Statewide Crash Rate: 159.40				
12957	18192	187566	0 - 0.06	0560784 - 0.82 RD INV 05 60784	0.06	2	0	0	0	0	0	0	0.0	0.00179	0.00	509.82	0.00	
														Statewide Crash Rate: 159.40				
12952	12957	3099870	0 - 0.07	0560784 - 0.88 RD INV 05 60784	0.07	2	0	0	0	0	0	0	0.0	0.00211	0.00	489.45	0.00	
														Statewide Crash Rate: 159.40				
12950	12952	3106230	0 - 0.11	0560784 - 0.95 RD INV 05 60784	0.11	2	0	0	0	0	0	0	0.0	0.00340	0.00	432.42	0.00	
														Statewide Crash Rate: 159.40				
12950	13048	3106231	0 - 0.21	0560784 - 1.08 RD INV 05 60784	0.21	2	7	0	0	0	2	5	28.6	0.00586	398.45	378.31	1.08	
														Statewide Crash Rate: 159.40				
Study Years: 3.00				Section Totals:		1.27	14	0	0	2	2	10	28.6	0.03715	125.60	252.33	0.50	
					Grand Totals:		1.27	46	0	0	2	8	36	21.7	0.03715	412.69	381.19	1.08

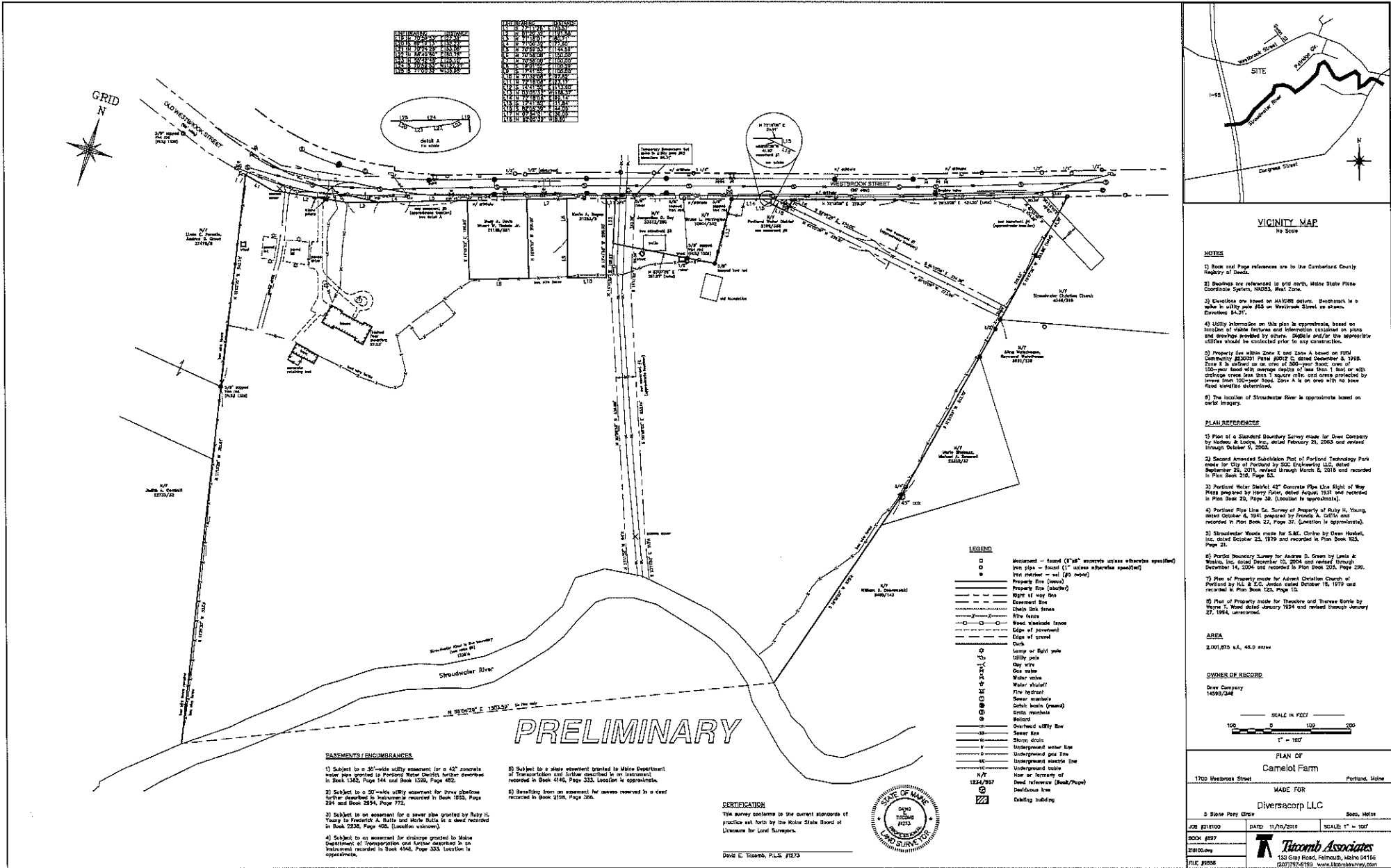
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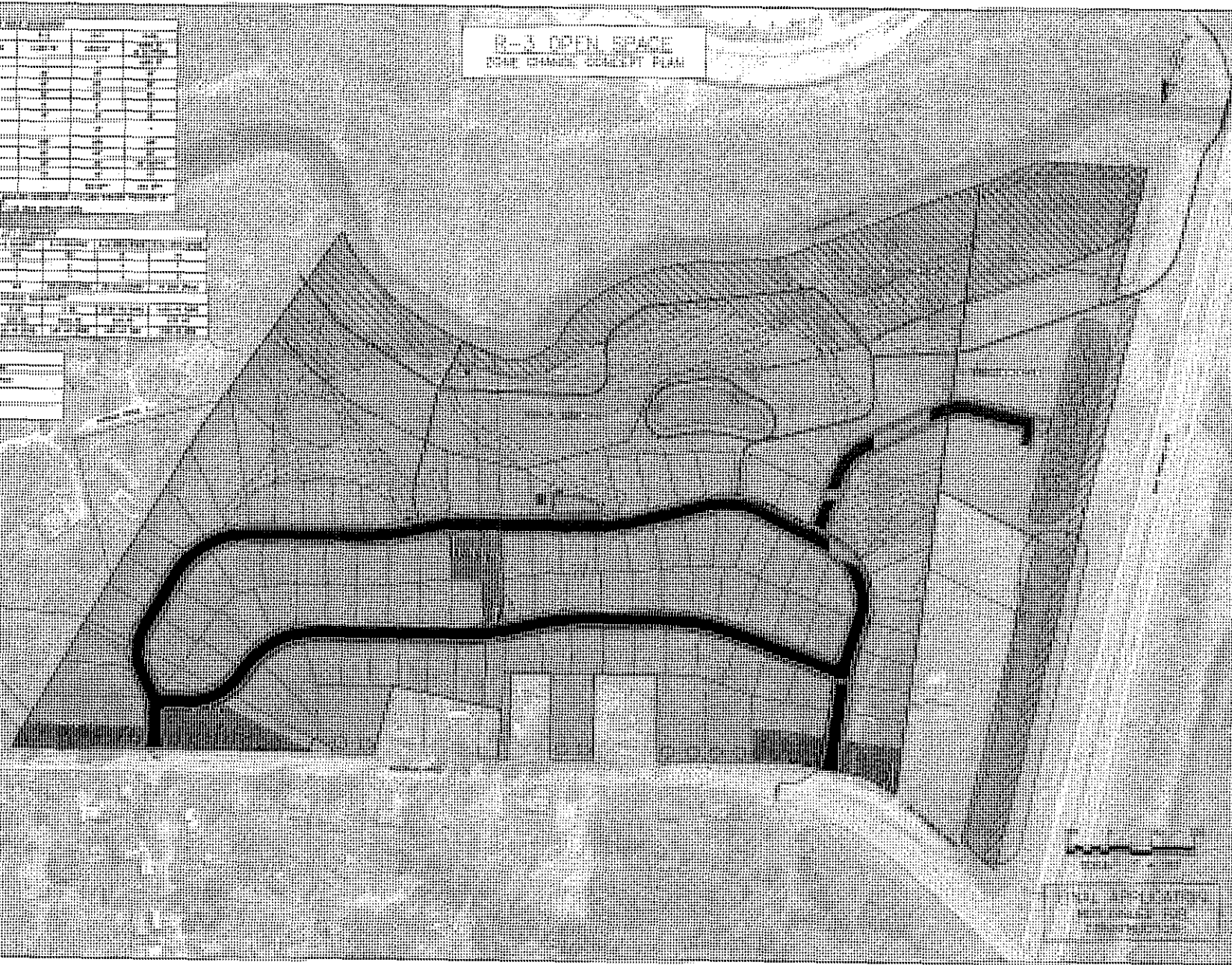


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0.2 Miles
1 inch = 0.14 miles

Date: 10/18/2016
Time: 7:06:12 AM

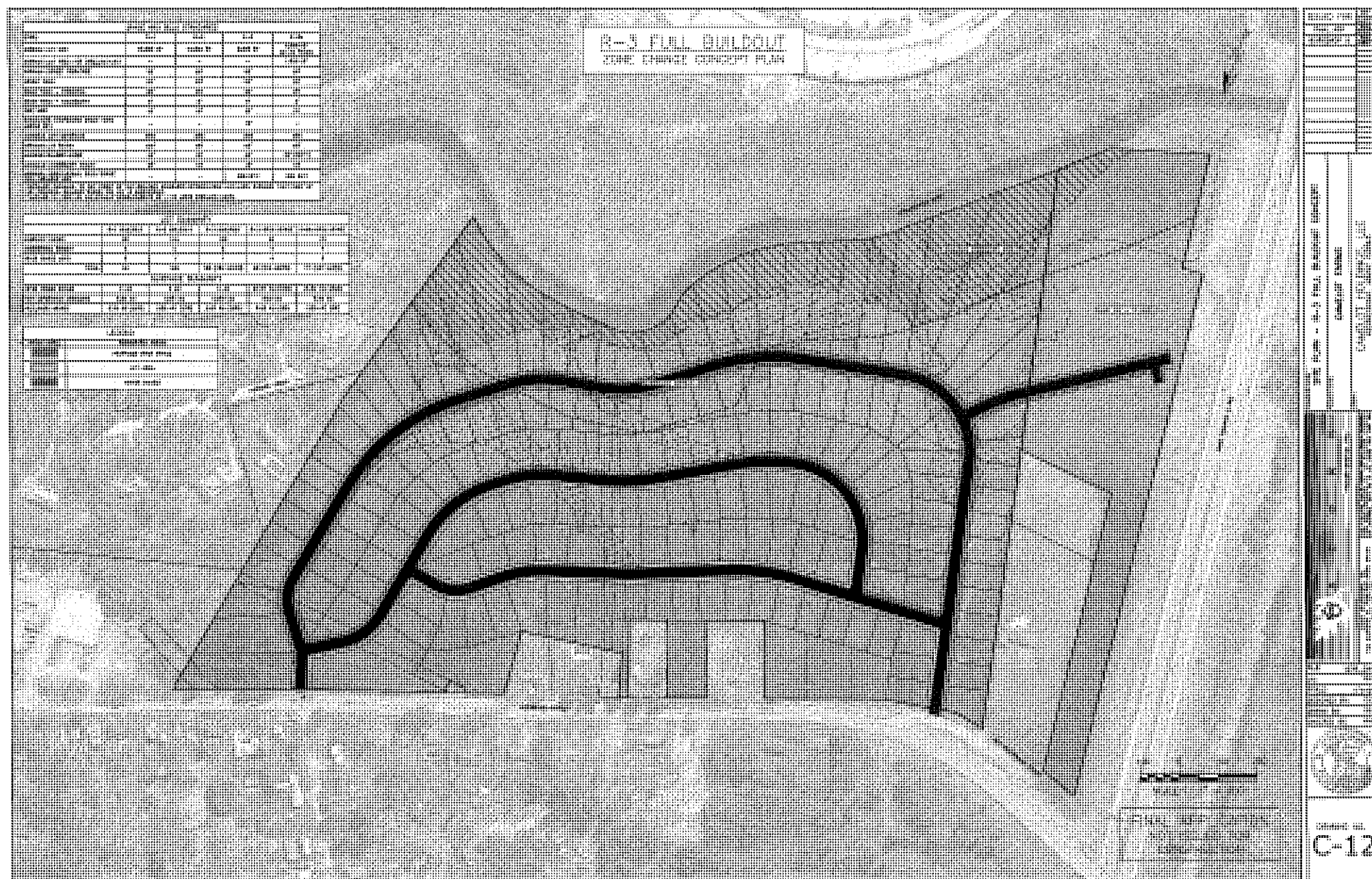


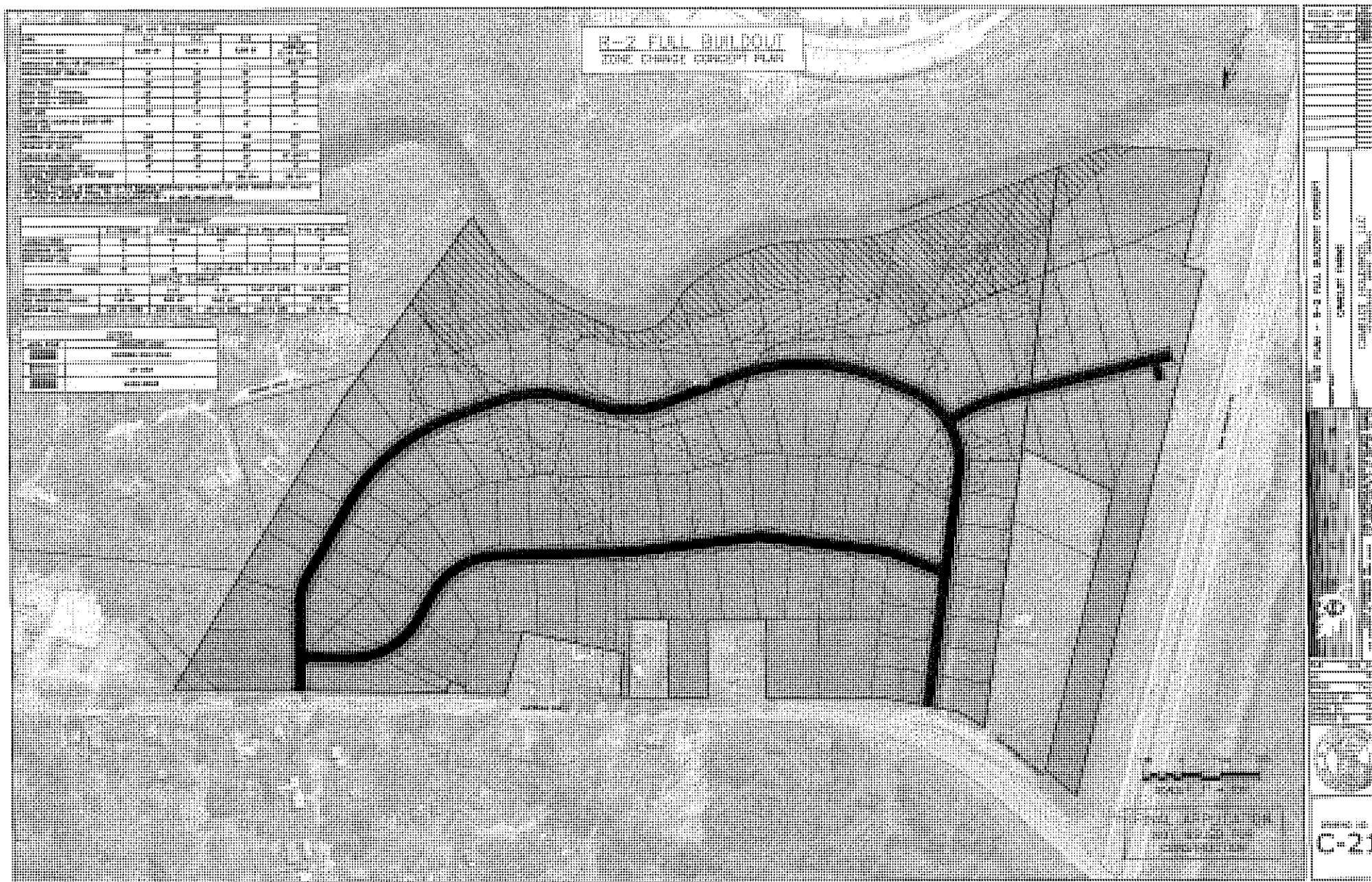
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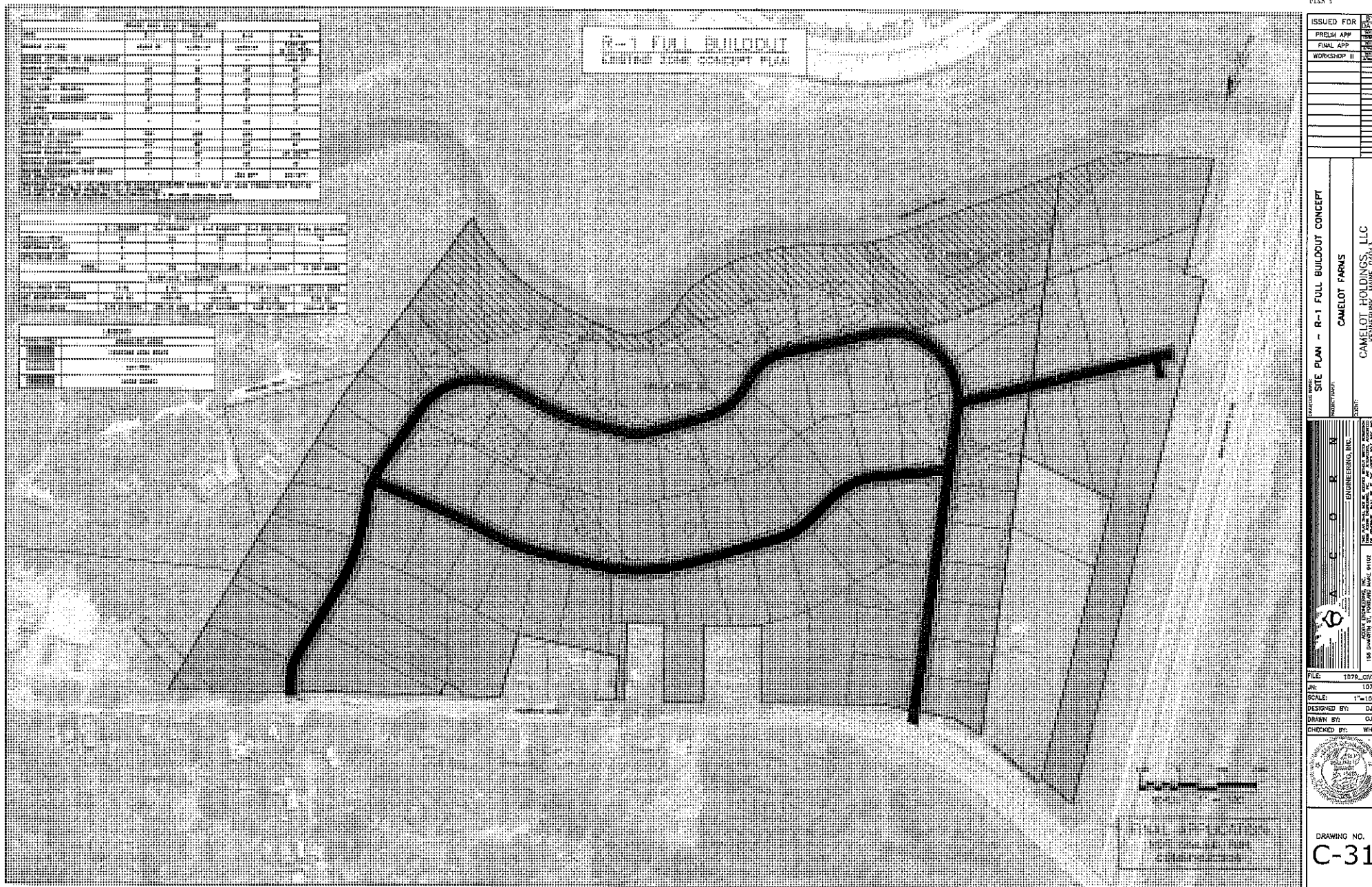
SECRET

THE
FACULTY
OF
THE
LIBRARY
OF
THE
UNIVERSITY
OF
TORONTO

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2-5a
SOIL CHANGE CONCEPT PLAN

NO.	DATE	REVISION	BY	CHKD.
1	10/1/80	1	J. L. HARRIS	J. L. HARRIS
2	10/1/80	2	J. L. HARRIS	J. L. HARRIS
3	10/1/80	3	J. L. HARRIS	J. L. HARRIS
4	10/1/80	4	J. L. HARRIS	J. L. HARRIS
5	10/1/80	5	J. L. HARRIS	J. L. HARRIS
6	10/1/80	6	J. L. HARRIS	J. L. HARRIS
7	10/1/80	7	J. L. HARRIS	J. L. HARRIS
8	10/1/80	8	J. L. HARRIS	J. L. HARRIS
9	10/1/80	9	J. L. HARRIS	J. L. HARRIS
10	10/1/80	10	J. L. HARRIS	J. L. HARRIS

NO.	DATE	REVISION	BY	CHKD.
1	10/1/80	1	J. L. HARRIS	J. L. HARRIS
2	10/1/80	2	J. L. HARRIS	J. L. HARRIS
3	10/1/80	3	J. L. HARRIS	J. L. HARRIS
4	10/1/80	4	J. L. HARRIS	J. L. HARRIS
5	10/1/80	5	J. L. HARRIS	J. L. HARRIS
6	10/1/80	6	J. L. HARRIS	J. L. HARRIS
7	10/1/80	7	J. L. HARRIS	J. L. HARRIS
8	10/1/80	8	J. L. HARRIS	J. L. HARRIS
9	10/1/80	9	J. L. HARRIS	J. L. HARRIS
10	10/1/80	10	J. L. HARRIS	J. L. HARRIS

NO.	DATE	REVISION	BY	CHKD.
1	10/1/80	1	J. L. HARRIS	J. L. HARRIS
2	10/1/80	2	J. L. HARRIS	J. L. HARRIS
3	10/1/80	3	J. L. HARRIS	J. L. HARRIS
4	10/1/80	4	J. L. HARRIS	J. L. HARRIS
5	10/1/80	5	J. L. HARRIS	J. L. HARRIS
6	10/1/80	6	J. L. HARRIS	J. L. HARRIS
7	10/1/80	7	J. L. HARRIS	J. L. HARRIS
8	10/1/80	8	J. L. HARRIS	J. L. HARRIS
9	10/1/80	9	J. L. HARRIS	J. L. HARRIS
10	10/1/80	10	J. L. HARRIS	J. L. HARRIS

NO.	DATE	REVISION	BY	CHKD.
1	10/1/80	1	J. L. HARRIS	J. L. HARRIS
2	10/1/80	2	J. L. HARRIS	J. L. HARRIS
3	10/1/80	3	J. L. HARRIS	J. L. HARRIS
4	10/1/80	4	J. L. HARRIS	J. L. HARRIS
5	10/1/80	5	J. L. HARRIS	J. L. HARRIS
6	10/1/80	6	J. L. HARRIS	J. L. HARRIS
7	10/1/80	7	J. L. HARRIS	J. L. HARRIS
8	10/1/80	8	J. L. HARRIS	J. L. HARRIS
9	10/1/80	9	J. L. HARRIS	J. L. HARRIS
10	10/1/80	10	J. L. HARRIS	J. L. HARRIS



DATE: 10/1/80
DRAWN BY: J. L. HARRIS
CHECKED BY: J. L. HARRIS
APPROVED BY: J. L. HARRIS

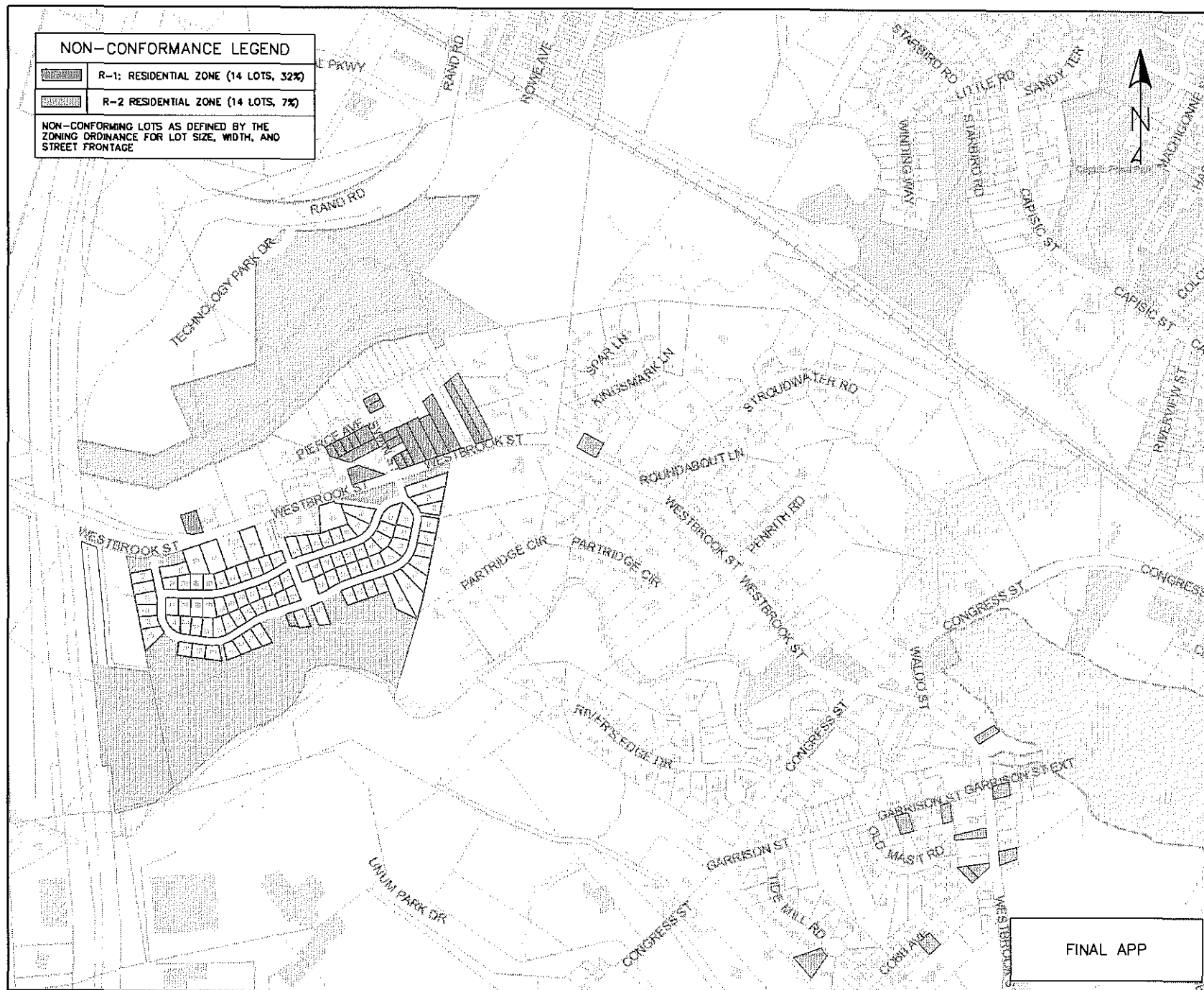


C-41

NON-CONFORMANCE LEGEND

	R-1: RESIDENTIAL ZONE (14 LOTS, 32%)
	R-2: RESIDENTIAL ZONE (14 LOTS, 7%)

NON-CONFORMING LOTS AS DEFINED BY THE ZONING ORDINANCE FOR LOT SIZE, WIDTH, AND STREET FRONTAGE



ISSUED FOR	BY DATE
FINAL APP	WHS 2/14/17
WORKSHOP III	WHS 3/28/17

	REV DATE

DRAWING NAME: PARCEL EXHIBIT
 PROJECT NAME: CAMELOT FARMS SUBDIVISION
 CLIENT: CAMELOT HOLDINGS, LLC



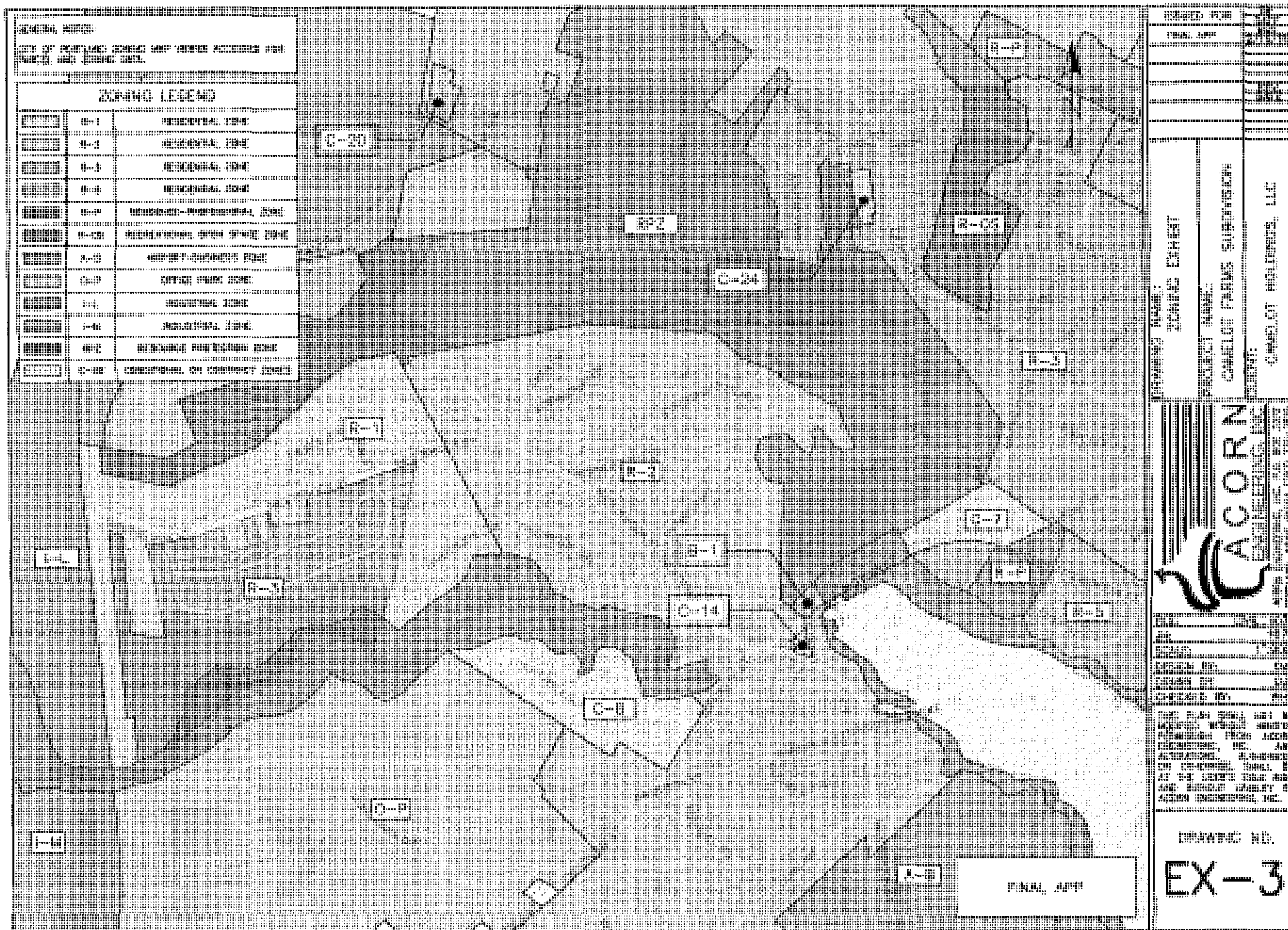
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SCALE:	1"=800'
DESIGN BY:	OJD
DRAWN BY:	OJD
CHECKED BY:	WHS

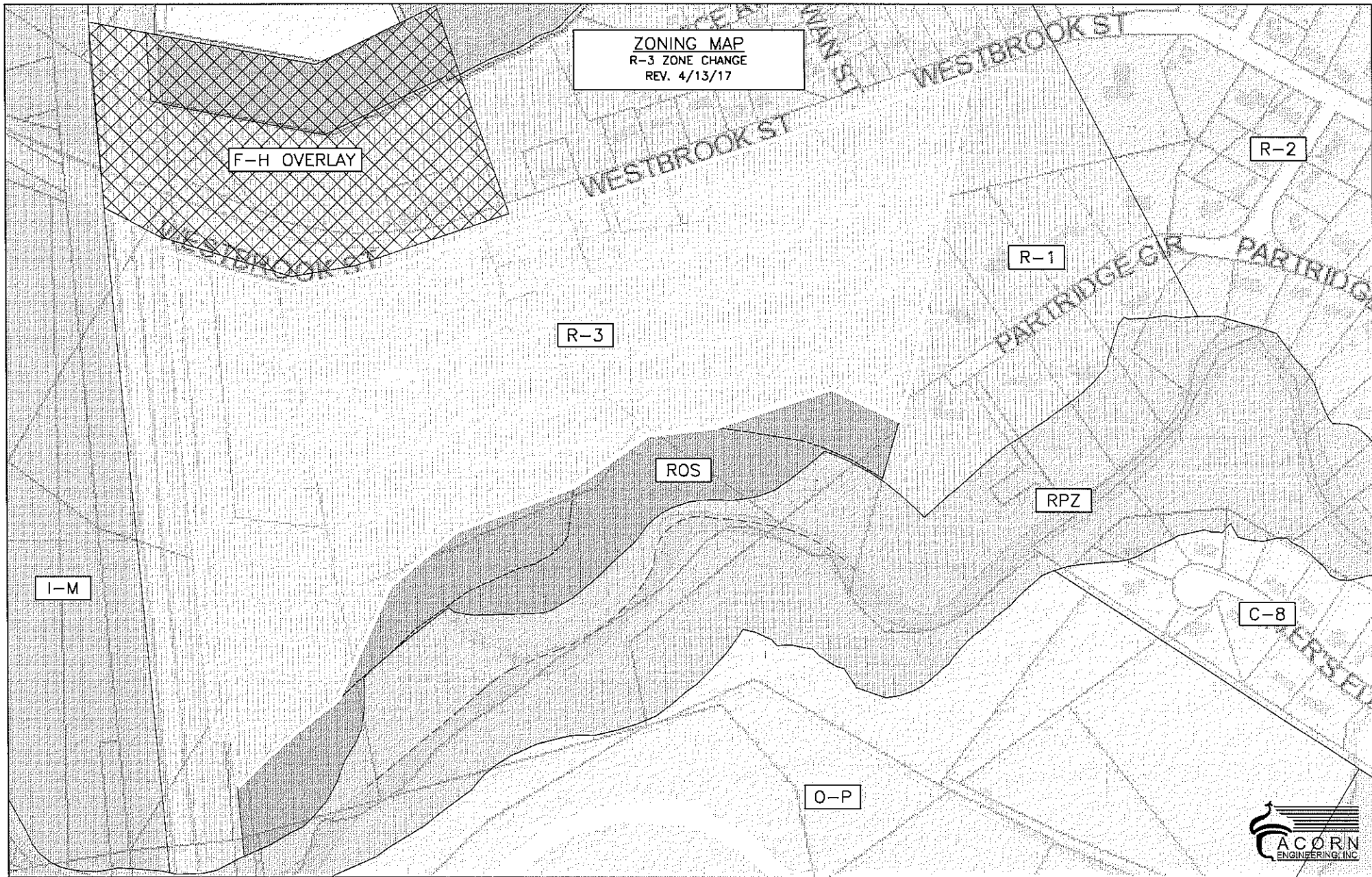
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

DRAWING NO.

EX-2

FINAL APP





Order 293 - 16/17
Tab 28 6-5-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

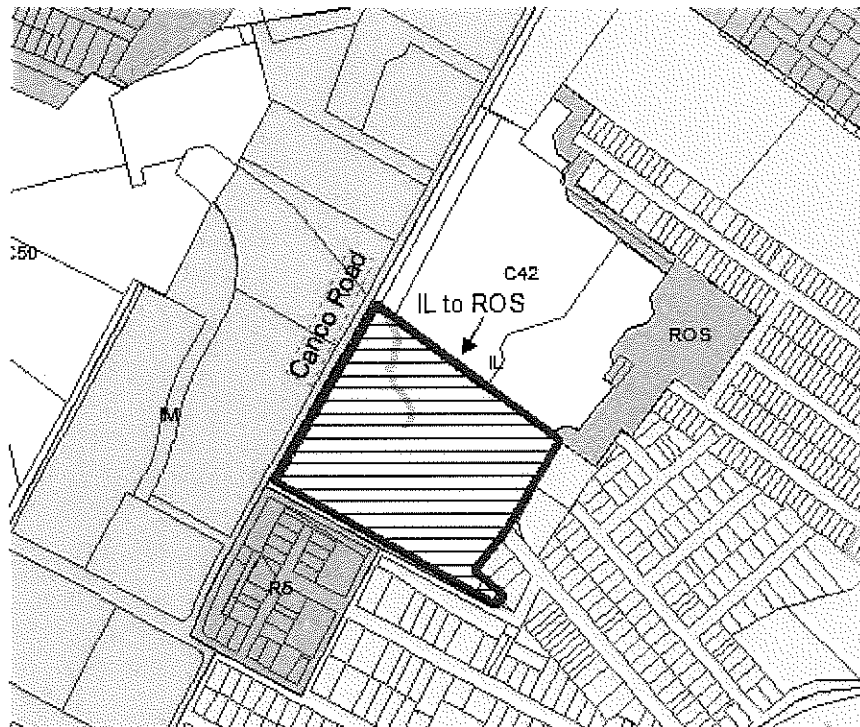
**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO ZONING MAP
RE: 159 CANCO ROAD**

**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 property at 159 Canco Road from IL to ROS, as shown below.



MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Jeff Levine, Director, Planning and Urban Development Department

DATE: May 22, 2017

SUBJECT: Rezone from Residential R1 to Residential R3 and ROS zones and rescinding of Flexible Housing Zone

SPONSOR: Elizabeth Boepple, Chair, Portland Planning Board, Public Hearing held on May 9, 2017. Vote: Unanimously (7-0)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading June 5th, 2017 Final Action June 19th, 2017

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)

I. ONE SENTENCE SUMMARY

Planning Board unanimously recommends the proposed rezoning from Residential R-1 to Residential R-3 and Recreational Open Space ROS for the properties at 1700 and 1714 Westbrook Street, commonly referred to as Camelot Farms, and rescind the Flexible Housing Overlay Zone along Westbrook Street. The Board extended the zone change to include the four single-family home lots abutting the site on Westbrook Street

II. AGENDA DESCRIPTION

The Planning Board unanimously recommends to City Council the adoption of the R-3 and ROS rezoning for the Camelot Farms site, including four single family house lots in separate ownership along Westbrook Street. The wetlands along the Stroudwater River would remain in the Resource Protection Zone (RPZ) and the Board recommends rezone approximately 300 feet from the highwater mark of the river to the Recreation Open Space zone (ROS). The land within the ROS would be held within an easement that provides public access for passive recreational purposes. Additional portions of the site, such as several lots along Westbrook Street and land between the ROS zone and potential single family house lots, would also be included within the open space easement. The proposed easements have been reviewed by the City and would be held in escrow until such time the applicant closes on the property. The proposal includes removing the flexible housing overlay zone that is shown along a portion of Westbrook Street.

The project proposes to redevelop the existing site into a traditional single-family development within the Stroudwater neighborhood. The proposed zoning map amendment would enable the applicant to construct

approximately a one hundred (100) lot subdivision of which ninety-five (95) lots will be for single-family homes and four will be open space lots. The intent and purpose of the rezoning is for the proposed development to have smaller-scaled residential lots, while providing more publicly accessible green space directly along Westbrook Street and along the Stroudwater River. The applicant is proposing to phase the development into four phases; each phase will have 20 to 25 lots with accompanying infrastructure.

There have been three workshops, as well as a fourth public comments session with the Planning Board for this project. The meetings were held on January 17, February 28, April 6, and April 13, 2017. There has been extensive public comment on the proposal, which is included in the Planning Board report to the City Council. At the public hearing, twenty-six residents spoke with the majority in opposition to the zone change; however, some spoke in favor of the rezone and there are comments on the record supporting the project. The Planning Board members found the proposed zone change to be consistent with the existing comprehensive plan and the pending Comprehensive Plan and to benefit the city as a whole by supporting new housing opportunities and linking open space along the Stroudwater River.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Rezoning from R1 to the R3 zone will permit the developer to build a smaller buildable footprint that would result in less impervious area and less wetland impact, while providing a significantly larger buffer to the Stroudwater River and greater publicly accessible open space. The proposed development will provide more housing and is intended to blend with the surrounding neighborhood. The green spaces along Westbrook Street and Stroudwater River will be a buffer between this development and the existing neighborhood. The R-3 zones offer opportunities for a moderate density single family infill projects and are found throughout the City and along several of the city's collectors and arterials, such as Washington Avenue, Allen Avenue, outer Brighton Avenue, and on the Forest Avenue corridor.

The proposal supports housing goals of encouraging housing growth throughout the city, as well as providing new opportunities for smaller homes that serve family housing. A portion of the units would be under Inclusionary Zoning. In addition, the preservation of open space for public access meets open space and recreation goals of both plans, which is a benefit to the city as a whole.

V. FINANCIAL IMPACT

There will be no negative anticipated financial impact to the City through this rezone request.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

The Camelot Farm parcel is approximately 45 acres on five different parcels. The property has frontage along Westbrook Street and extends to the Maine Turnpike and Stroudwater River. Presently the parcel has a single-story ranch house and a small barn on it, built in 1961. The project proposes to redevelop the existing site into a traditional single-family development within the Stroudwater neighborhood. Approximately 95 house lots are proposed ranging in size between 6,500 sf to 20,000 sf. The proposed roads are to be built to City standards. The applicant is proposing to phase the development into four phases; each phase will have 20 to 25 lots and accompanying infrastructure.

The Resource Protection Zone does not permit residential structures and in general, is a conservation zone. An proposed development must conform with the Shoreland Zone Overlay zone and the finished building elevations of proposed homes will also have to comply with floodplain regulations, where applicable. It is the intent of the applicant to keep most of the development away from the steep slopes along the Stroudwater River and develop on the more level portion of the site. With smaller lot size under the R-3 zone, the development can be designed to stay farther away from the Stroudwater River; thus, providing for more green space and less impervious area.

The applicant's request is to rezone the front portion of the property to R-3 zone and the rear portion to ROS zone, excluding the RPZ areas. In order to rezone to ROS, there needs to be public access easements on the that portion of the site to be conveyed to the City, or a third-party nonprofit, and preserved open space. The applicant is proposing to place easements on the site to convey public access and preserve open space, primarily along the Stroudwater River. The public access and open space easements provide the basis for meeting the purpose statement of the ROS zone and thus eligible to be included in an ROS map amendment. The intent is for the property to be used for passive recreation with connection into the neighborhood trail system connections and to offer other shared amenities. The open space area would provide direct waterfront access to the river. The proposed open space easement will extend from the Stroudwater River high water line to the single-family subdivision, which is the proposed R-3 zone. The proposed open, shared-use green space includes more than 55% of the total site. Corporation Counsel supports the draft easement and the applicant is working on finalizing the easements prior to the City Council hearing.

VII. RECOMMENDATION

The Planning Board voted unanimously (7-0) to find the proposed rezoning to the Residence R-3 and Recreational Open Spaces (ROS) zone for the property located at 1700 Westbrook Street is consistent with the Comprehensive Plan for the City of Portland and recommends to the City Council adoption of the zoning map amendment for 1700 Westbrook Street from Residential R1 to the Residence R-3 and Recreational Open Spaces (ROS) Zones.

The Planning Board voted unanimously (7-0) to find that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Urban Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect the rescinding of the Flexible Housing Overlay Zone along Westbrook Street.

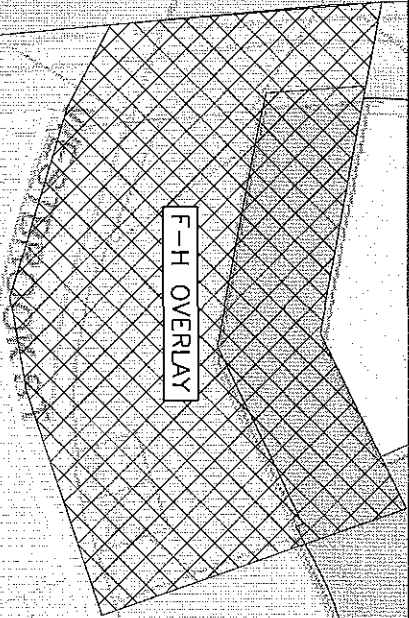
VIII. LIST ATTACHMENTS

1. Planning Board Report to City Council

Prepared by: Shukria Wiar, Planner

Date: May 22, 2017

ZONING MAP
R-3 ZONE CHANGE
REV. 4/13/17



F-H OVERLAY

R-3

ROS

RPZ

I-M

O-P

C-B

R-1

R-2





CITY COUNCIL REPORT

From

PLANNING BOARD

PORTLAND, MAINE

159 Canco Road
Rezone from IL to ROS
City of Portland, Applicant

Submitted to: Portland City Council
First Reading: April 22, 2013
Second Reading: May 6, 2013

Prepared by: Portland Planning Board
Date: April 10, 2013
City Council Report Number: 18-13



Figure 1: Canco Woods trail, courtesy of Friends of Canco Woods

I. INTRODUCTION

On March 19, 2013, the Planning Board voted unanimously (5-0, Soley and Dundon absent) to recommend to City Council a map amendment for the property at 159 Canco Road to change the zoning from Low-Impact Industrial (IL) to Recreation and Open Space (ROS). Legal notice for the May 6 City Council public hearing will be posted in the *Portland Press Herald* on April 22 and 29, 2013. Notices will be sent to the interested citizen list and posted on the city's web page.

II. BACKGROUND AND EXISTING CONDITIONS

Though it is currently zoned IL, or Low-Impact Industrial, neighborhood residents have historically used the property at 159 Canco Road as a passive recreational open space. The site includes woodlands, wetlands, streams, a pond, and a number of hiking, biking, and cross-country skiing trails (See *Figure 1*). The site also houses a sewer line, contained within a 50' city right-of-way dating from May 1960

(See *Attachment 1*). The land directly above this sewer right-of-way is cleared. Its southern half is contained within the vacated right-of-way of Torrey. A survey of the property is included as *Attachment 2*.

In early 2012, the property's then-current owner, the Union Water Power Company, a company associated with Central Maine Power, proposed the sale of the site. Neighbors, in an effort to preserve the site in its current form, formed the 'Friends of Canco Woods,' a non-profit

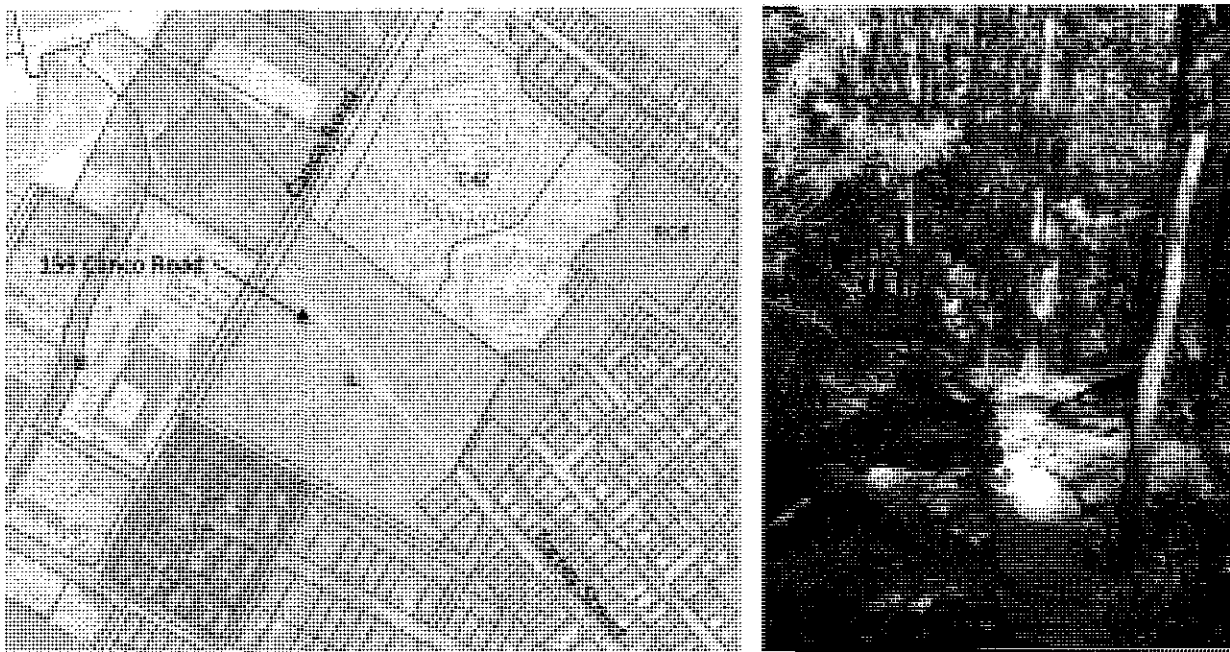
organization with the mission of protecting the property, and began raising funds toward that end (www.friendsofcancowoods.org/about). Through a partnership with the Trust for Public Land, additional funds were acquired, and in early December of 2012, the Trust for Public Land purchased the property. On the recommendation of the city's Land Bank Commission, the site was then conveyed to the City of Portland, which immediately placed the property under a conservation easement with rights granted to Portland Trails (See *Attachment 3*).

The purposes of the easement, as stated in the easement itself, include to:

- “protect the property...in perpetuity, in a predominantly undeveloped, open space, natural, scenic, and forested condition, for the scenic enjoyment of the general public;
- protect, conserve, and promote the conservation of forests, wetlands, and wildlife thereon, and perpetuate the plant and animal ecosystems....;
- allow the City of Portland...or Portland trails...to construct pedestrian trails...and otherwise generally provide for low-impact, non-commercial outdoor recreational use by the general public...; and
- prevent uses that would significantly impair or interfere with the conservation values of the...property; and confine, in perpetuity, the uses of the...property to activities which are compatible with these purposes and the protection of wildlife habitat and preservation of these scenic, open space and natural values.”

The easement provides Portland Trails the right to “maintain and operate unpaved pedestrian trails through the Protected Property for public access for daytime use for low-impact, non-motorized recreational activities, including walking, hiking, biking, nature observation, cross-country skiing, snowshoeing, and picnicking.” The easement does not identify any additional recreational activities.

As seen in *Figure 2*, zoning surrounding the property on the east side of Canco Road is largely residential in nature, with residential development adjacent to the property on three sides. The west



Figures 1 and 2 (From left): Canco Woods property, surrounding neighborhood, and current zoning; existing trail (image courtesy of Trust for Public Land)

side of Canco Road, in contrast, is predominantly zoned industrial (IM). Light industrial uses sit directly across Canco Road from the site. Several additional parcels zoned Recreation and Open Space (ROS), which were created as part of the rezoning for the Woods at Canco, a senior assisted-living facility, lie directly to the northeast. These properties exist as open spaces mainly for passive recreation.

III. FINDINGS & PROPOSED MAP AMENDMENT

Current Zoning:	IL (Low Impact Industrial)
Proposed Zoning:	ROS (Recreation and Open Space)
Current and Proposed Uses:	Vacant vegetated land with passive recreation facilities
Parcel Area:	12.9 acres

IV. ZONING ANALYSIS

The purpose of the proposed zone change is to align the property's zoning with existing and potential uses. As noted above, the property is largely a natural passive recreation area in its current form and, under the terms of the conservation easement, will remain this way in perpetuity.

The current designation for the property is Low Impact Industrial. The purpose of the IL zone is mainly to provide light industrial areas which serve as buffers between higher intensity industrial uses and residential neighborhoods. The IL zone allows uses such as lumber yards, building contractors, dairies, and distribution centers.

Per the city's ordinance, the Recreation and Open Space zone, or the proposed zoning designation, in contrast, is designed to protect open space; insure its continued use for scenic, recreation, or conservation purposes; and provide sites for large athletic facilities. By right, the ROS zone allows natural parks and trails, ballfields, golf courses, and swimming pools. Most of the city's parks, such as Deering Oaks, Payson Park, the Eastern Promenade, and the Riverside Golf Course are zoned ROS. The ROS designation also covers most of the city's cemeteries.

As noted above, there is land contiguous to Canco Woods which is currently zoned ROS. This area is natural in its existing state. Likewise, other natural areas in the city, including Baxter Woods and Capisic Pond, also exist under the ROS designation.

Tables 1 and 2 provide a comparison of dimensional requirements and permitted uses under the existing and proposed zoning.

Table 1: Dimensional Requirements, I-L and ROS Zones

	IL	ROS
Min. front yard	25 ft.	25 ft.
Min. rear yard	25 ft., or 40 ft. if abutting residential	25 ft.
Min. side yard	25 ft., or 40 ft. if abutting residential	12 ft.
Min. lot size	None	2 acres
Max. building height	45 ft.	35 ft., or 45 ft. if > 1,000 ft. from shoreland zone
Max. lot coverage	None noted	Sports complexes: 75% Other: 25%
Max. FAR	None noted	.5
Min. lot frontage on street	60 ft.	None noted

Table 2: Purpose and Uses, I-L and ROS Zones

	Purpose	Permitted Uses	Conditional Uses
IL	To provide areas in which low impact industrial uses and other uses serving employees and residents of the surrounding neighborhood will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and the I-M or I-H industrial zones, or will stand alone as a smaller scale industrial district	Low-impact industrial uses (e.g. bakeries, breweries) Research and development Indoor amusement and recreation centers Plant and tree nurseries Lumber yards Commercial kitchens or other food preparation Building contractors Repair services Day care facilities Dairies Dog training services Intermodal transportation facilities Utility substations Marinas Distribution centers Back office uses Incidental accessory uses Registered medical marijuana cultivation facilities Neighborhood centers Places of religious assembly Wind energy systems	Temporary wind anemometer towers
ROS	To preserve and protect open space as a limited and valuable resource; To permit the reasonable use of open space, while simultaneously preserving and protecting its inherent open space characteristics to assure its continued availability for public use...; To coordinate with and carry out federal, state, regional, and city recreation and open space plans; and To provide a suitable location for large-scale regional sports and athletic facilities	Municipal parks, public open spaces Cemeteries Arboretums Golf courses, excluding mini golf Boat landings, beaches, and marinas for public use Outdoor ballfields and public athletic fields Swimming pools and tennis courts Picnic groves and areas Natural parks and scenic overlooks Hiking, walking, bicycling or cross-country ski trails Community gardens Sewage pumping stations and sewage treatment facilities Sports complexes Accessory uses < 2,500 SF Wind energy systems	Accessory uses > 2,500 SF Other public recreational facilities Water pumping stations Temporary wind anemometer towers

V. PUBLIC COMMENT

The Planning Division received one public comment related to the proposal from a neighboring property owner. This was an offer to sell a nearby lot.

VI. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The proposed change in the zoning of the Canco Woods property from IL to ROS is consistent with the city's *Comprehensive Plan*. The zone change actualizes portions of the *Comprehensive Plan's* Vision for Portland by:

- "Protect[ing] the natural environment;" and
- "Preserv[ing] and enhanc[ing] the park system with its trails, active recreation facilities and natural areas" (20).



Figure 4: Canco Woods property, including trails and water resources (image courtesy of Trust for Public Land)

The zone change presented here also realizes aspects of the city's major open space planning efforts. One of the major goals of *Green Spaces, Blue Edges* (2006), the city's open space plan, is to "[i]dentify, conserve, protect, and enhance recreation and open space resources in the [c]ity" (6). Likewise, *Green Spaces, Blue Edges* lists "[e]xtend[ing] the public's range of open space opportunities and the ability to

pursue its choice of use without social or economic constraint, elaborate planning, or community intervention" as a major goal (6).

In addition to simply providing additional open space, the proposed zone change would allow the city to formalize existing natural resource benefits of the site which are consistent with goals of the city's master planning efforts. For instance, *Green Spaces, Blue Edges* identifies "develop[ing] an open space system that considers the natural forces of air, water, vegetation, and landform to minimize foul odors, eyesores, and noise, and to maximize clean soil, clean air, and clean water in Portland" as a major goal. The zone change at Canco Woods would allow the city to extend a linear open space element in the area of Canco Road which serves as a natural buffer, provide an area for wildlife habitat and woodland growth, and preserve land around one of the city's water resources.

Likewise, *Green Spaces, Blue Edges* includes a goal stating that the city should "provide a wide range of recreation and open space opportunities to address the athletic, recreation, leisure, ecological, and scenic needs of Portland's diverse population" (5). The proposed zone change will both ensure the preservation and allow the extension of the city's trail network, facilitating active, healthy lifestyles for residents. It will also allow neighbors to continue to use Canco Woods for other passive recreation activities.

VII. PLANNING BOARD RECOMMENDATION

On March 19, 2013, the Planning Board voted unanimously (5-0, Soley and Dundon absent) to recommend the following:

Based on the material provided in Planning Report #14-13, public testimony, a review of applicable policies, and other information, the Planning Board finds that the proposed map amendment for the property at 159 Canco Road to change the zoning from Low-Impact Industrial (IL) to Recreation Open Space (ROS) is

consistent with the Comprehensive Plan and does recommend adoption of the proposed amendment to the City Council.

ATTACHMENTS

1. Certificate of Taking of Property (City of Portland)
2. Standard Boundary Survey (Former Coyne Lot, Canco Road)
3. Conservation Easement (City of Portland to Portland Trails)

221.

CITY OF PORTLAND - CERTIFICATE OF TAKING OF PROPERTY

I, Arthur H. Duffett, being the duly elected and qualified City Clerk of the City of Portland, do hereby certify that the following Return of the Municipal Officers of the City of Portland, dated May 2, 1960 laying out certain property for Torrey Street Sewer Right-of-Way was duly accepted by final action of the City Council of the City of Portland on May 16, 1960.

I do hereby further certify that this Certificate is being filed in the Cumberland County Registry of Deeds in conformity with the provisions of Section 73A of Chapter 96 of the Revised Statutes of Maine, 1959.

ATTEST:

Arthur H. Duffett
City Clerk of the City of Portland, Maine.

Carney
&
to
Portland
City of
--
Cert

THE UNDERSIGNED, THE MUNICIPAL OFFICERS OF THE CITY OF PORTLAND, MAINE, gave due and legal notice to all parties interested therein of the time and place they would meet to hear all interested parties in the taking of a Right of Way for the purpose of providing a location within which the Torrey Street and Canco Road Sewer may be constructed and maintained, beginning at the northwesterly terminus of Torrey Street and extending northwesterly to Canco Road, by publishing said notice in two daily papers published in Portland to wit: the Portland Press Herald and the Portland Evening Express, and by posting four notices of their intention at least seven days previous to the date of said hearing; one on a telephone or light pole at the northwesterly terminus of Torrey Street; one on a telephone or light pole at the corner of Read Street and Canco Road; one on the bulletin board in the basement of City Hall and one on the bulletin board at the Cumberland County Court House, two being in the vicinity of the proposed Right of Way and two being public places in the City of Portland, and having met pursuant to said notice in the City Council Chamber Room 215 in the City Hall on the 2nd day of May at 7:00 o'clock P.M., A.D., 1960, and having heard all parties interested therein, said Municipal Officers did thereupon determine and adjudge that a Right of Way should be taken for the purpose of providing a location within which the Torrey Street and Canco Road sewer may be constructed and maintained and said Municipal Officers accordingly proceeded to take the strip of land as hereinafter described for the purpose of providing a location for said sewer, to wit:-

Beginning at a point in the center line of Torrey Street, said point being the northwesterly terminus of Torrey Street as accepted by the City Council October 7, 1957, said point also being distant 1107.55 feet northwesterly along the center line of Torrey Street from the northwesterly side line of Ocean Avenue; thence northwesterly on a prolongation in a straight line of the said center line of Torrey Street a distance of 919.54 feet to a point and an intersection with the southeasterly side line of Canco Road.

Said right of way to be fifty (50) feet wide and to lie equally on either side of the above described line.

Part of said Right of Way is a portion of a proposed extension of Torrey Street.

Said Right of Way will pass over land of the following persons, or corporations:

Robert Carney
City of Portland
Parties Unknown

The said Municipal Officers have considered and estimated the damages sustained in their property by the several owners aforesaid and all other persons, by the taking of said Right of Way and hereby award the same as follows, to wit:-

To the said Robert Carney the sum of Nothing
 To the said City of Portland the sum of Nothing
 To the said Parties Unknown the sum of Nothing

for the damages sustained by them respectively as aforesaid to be paid them by the City.

And said Municipal Officers have this day filed as a part of this report with said City Clerk of said City at his office, a plan showing the location of said Right of Way, the land taken for said Right of Way and the distances and admeasurements of said location.

GIVEN UNDER OUR HAND THIS 2nd DAY OF May A.D., 1960.

Mitchell Cope

Harold B. Frank

Forley J. Lussard

Ira E. Ball, Sr.

Ralph Amergian

S. T. Bernstein

Municipal Officers of the City of Portland, Maine.

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE JUN 21 1961
 Received at 9 H 40 M A M, and recorded in
 BOOK 2611 PAGE 221 Lewal R. Thayer Register

LOCATION MAP.

Copyright © 2003 by John Wiley & Sons, Inc.

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CONJUGATE

[illegible]

STANDARD BOUNDARY SURVEY
FOR
UNION WATER POWER COMPANY
OF
FORMER COYNE LOT
CANDO ROAD
HARRISBURG COUNTY PORTLAND

8150-03

NO	REMARKS	DATE	BY	CHK	P	E	C	LOC.
	inserted into waterbottle per R/L	2/2/1968	WJG					
	1000 cc. 1000 cc. 1000 cc.	2/2/68	WJG					

THE FOLLOWING ARE REMARKS
 FROM THE FIELD REPORT
 OF THE FOLLOWING
 NAME: WJG
 DATE: 2/2/68
 LOCATION: 1000 cc. 1000 cc. 1000 cc.

1000 cc. 1000 cc. 1000 cc.

REFERENCE QUANTITIES

LEGEND:

- [illegible]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-10-2001 BY 60322 UCBAW

Doc# 74623 Bk#30242 Pg 108

CONSERVATION EASEMENT

In consideration of the payment of one dollar, **CITY OF PORTLAND**, a Maine municipal corporation, with a mailing address of 389 Congress Street, Portland, Maine 04101 ("Grantor") hereby releases to **PORTLAND TRAILS**, a Maine nonprofit corporation with a place of business at 305 Commercial Street, Portland, Maine 04101 ("Grantee"), a conservation easement encumbering the land described in Schedule B hereto, on the terms and conditions and with the restrictions detailed and delineated in Schedule A hereto.

To have and to hold the said easement and all rights granted hereunder to the said Grantee and their successors and assigns forever.

IN WITNESS WHEREOF, Grantor has caused this easement to be executed by Ellen Sanborn, its duly authorized Finance Director, on this 17th day of December, 2012.

WITNESS:

CITY OF PORTLAND

By: [Signature]
Ellen Sanborn, its Finance Director

State of Maine
County of Cumberland, ss.

December 17, 2012

Personally appeared the above-named Ellen Sanborn, Finance Director of the City of Portland as aforesaid, who acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said City of Portland.

Before me,

Margaret M. Axelsen

Print Name:

Margaret M. Axelsen

Notary Public/Attorney-at-Law

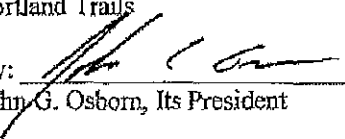
Margaret M. Axelsen
Notary Public, Maine
C. J. P. Notary, April 4, 2015

SEAL

GRANTEE ACCEPTANCE

The above and foregoing Conservation Easement was authorized to be accepted by Portland Trails, and Portland Trails does hereby accept the foregoing Conservation Easement, by and through John G. Osborn, its President, hereunto duly authorized as of this 10TH day of December, 2012.

Portland Trails

By: 
John G. Osborn, Its President

O:\OFFICE\LARRY\final owner woods easement.docx

SCHEDULE A

To Conservation Easement

(A) PURPOSES AND CONSERVATION ATTRIBUTES.

The purposes of this Conservation Easement are:

- (1) to protect the property described in Schedule A hereto (hereinafter called the "Protected Property"), in perpetuity, in a predominately undeveloped, open space, natural, scenic, and forested condition, for the scenic enjoyment of the general public;
- (2) to protect, conserve and promote the conservation of forests, wetlands, and wildlife thereon, and perpetuate the plant and animal eco-systems on the Protected Property;
- (3) to allow the City of Portland, its successors and assigns, ("Grantor") or Portland Trails, its successors or assigns ("Grantee" or "Easement Holder"), to construct trails through the Protected Property, and otherwise generally provide for low-impact, non-motorized and non-commercial outdoor recreational use by the general public of the Protected Property; and
- (4) to prevent uses that would significantly impair or interfere with the conservation values of the Protected Property; and confine, in perpetuity, the uses of the Protected Property to activities which are compatible with these purposes and the protection of wildlife habitat and preservation of these scenic, open space and natural values.

The conservation attributes (hereinafter the "conservation values" of the Protected Property are as follows:

(B) GRANTOR'S RESERVED RIGHTS.

- (1) The Grantor and the Grantee, shall both have the right and easement to establish and maintain unpaved trails through the Protected Property for public access for daytime use for low-impact, non-motorized recreational activities, including walking, hiking, biking, nature observation, cross-country skiing, snowshoeing, and picnicking, subject to all applicable laws and regulations concerning such activities and the limitations set forth herein. The trails shall be constructed and maintained in an environmentally sound manner, including the following: constructing water bars, bridges for stream crossings, bog bridges, stone steps, erosion control measures, and trail markings such as tree blazes or other like markings.

In addition, Grantor shall have the right to:

- (2) remove dead or diseased trees, vegetation and forest cover, and to clear and restore forest cover and vegetation that is materially damaged by the forces of nature and to implement appropriate measures with respect to such dead, diseased and damaged forest cover and vegetation;
- (3) prune and clear vegetation and forest cover to remove safety hazards to the uses permitted hereunder and prevent the spread of active fire; to improve wildlife habitat; to prevent or reduce the threat of fire, plant disease or exotic intrusion; provided that all such activities shall be designed, limited, located and conducted in a manner that reasonably minimizes the impact on the conservation values of this easement and consistent with the expressed purposes hereof. Said work shall be carried out in accordance with then-current, generally accepted good management practices for the sites, soils and

terrain of the Property. In order to protect riparian areas and water quality, there shall be no use of fertilizers, introduction of non-native plants or animals, spraying of biocides, or significant disturbance of soils within the Property. Notwithstanding the foregoing, the Grantor shall have the right to remove, and consent to the removal of, invasive and exotic species (including the spraying of biocides) within the Property if the removal and the use of removal techniques, including the spraying of biocides, is recommended in writing by a professional forester or other recognized forest conservation professional;

(4) erect signs identifying the public trail and informing the public of rules for proper use of the trails, as well as temporarily closing or rerouting such trails for public safety or maintenance; and

(5) within the existing sewer pipe line right of way only, place, use, maintain, repair and replace underground utilities including conduits, utility lines, pipes and related fixtures and underground equipment, and drainage ditches and culverts and other elements of surface drainage systems, and to utilize existing above ground utility lines. However, this right shall not be construed as an obligation. Without limited the generality of the foregoing, reference is made to the Right of Way or easement cited in the last paragraph of this Schedule A.

(6) place, use, maintain, repair and replace any and all wetland and drainage changes and improvements required by the Trust for Public Land or by any plans submitted prior to the execution of, or in connection with (even if subsequent to the execution of), this Conservation Easement, for such changes and improvements to regulatory agencies, including but not limited to the Maine Department of Environmental Protection.

(C) RESTRICTIONS ON THE PROTECTED PROPERTY.

The Protected Property will at all times be held, used, and conveyed subject to, and not used in violation of, the following restrictions, which shall run with the Protected Property in perpetuity, subject, however, to the rights reserved by Grantor:

(1) The Protected Property, including without limitation any body of water thereon, shall be continued predominantly in an undeveloped and natural condition, and shall not be used for residential, industrial or commercial use.

(2) No paved driveway, improved road associated with development, aircraft landing strip, billboard or other advertising display, mobile home, utility pole, tower, conduit or line (except for underground conduits and utilities lines), equipment, fixture, trailer, antenna or other temporary or permanent improvement shall be constructed, placed or permitted to remain on the Protected Property. Grantor and Grantee shall have the right to use, maintain, repair and replace from time to time any existing utility lines and facilities across said Protected Property, provided the foregoing rights are exercised in a manner to minimize the impact on the conservation values of the Protected Property and consistent with the expressed purposes of this easement.

(3) No structures, temporary or permanent, are permitted on the Protected Property; however, the trail improvements discussed in section (a) above are not restricted by this provision. For the purposes of this Conservation Easement, a "structure" is defined as any manmade combination of materials on, over, in and/or under the ground. A structure may be primarily two dimensional, such as a paved parking lot or a sign, or three dimensional, such as a building, wall or piping.

(4) No soil or like shall be moved on or removed from the Protected Property, unless such work is part of the wetlands restoration or remediation work needed to comply with the MNRCP grant related to the Protected Property expected to be awarded before January 1, 2013.

(5) [Intentionally omitted]

(6) No refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste, radioactive or hazardous waste, or other similar substance or material whatsoever shall be placed, stored, dumped or permitted to remain on the Protected Property.

(7) No use shall be made of the Protected Property, and no activity shall be permitted thereon which is or may be inconsistent with the intent hereof. No activity (including, but not limited to, drainage or flood control activities) shall be carried on which is detrimental to the conservation values of the Protected Property or detrimental to water quality, soil conservation, wildlife conservation, or woodland management practices.

(8) No hunting or trapping shall be permitted on the Protected Property.

(9) No division or subdivision of the Protected Property shall be permitted. The Grantor further covenants and agrees not to undertake any action that would have the effect of dividing or subdividing all or any part of the Property through the allocation of property rights among partners, shareholders or members of any successor entity, the creation of a condominium, leasing or any other means except as specifically allowed herein.

(10) The use of motorized vehicles, including recreational vehicles, all-terrain vehicles, motorcycles, dirt bikes and snowmobiles, of any sort shall not be permitted on the Protected Property except for equipment used for restoration, stewardship or maintenance in accordance with the Stewardship and Management plan. This prohibition against motorized vehicular use on the Protected Property by the general public shall not be construed to prevent use of wheel chairs or similar devices for the disabled by members of the public on the Protected Property or prevent authorized agents of Grantor or Grantee from using motorized vehicles on paths as necessary for maintenance purposes, life safety purposes, and emergency use.

(11) Conveyance of the Protected Property shall require prior written consent by the Easement Holder, which shall not be unreasonably withheld.

(D) GRANTEE'S RIGHTS.

The Grantee shall have these rights:

(1) to enter the Protected Property for inspection and monitoring purposes and for enforcement, at a reasonable time and in a reasonable manner that is consistent with the conservation purposes hereof.

(2) to place signs and/or tags on the Protected Property boundaries and at trail entrances for the purpose of marking boundaries and identifying it as conservation easement land protected by the Grantee.

(3) the rights set forth in Section B(1) above.

(E) LIMITATION ON LIABILITY.

This Conservation Easement is granted pursuant to the Maine Conservation Easement Act at Title 33, Maine Revised Statutes, Sections 476 through 479-C, and to Title 33 M.R.S.A. Sections 1581 et seq.,

as amended, and shall be construed in accordance with the laws of the State of Maine. Grantor and Grantee agree that this easement is being granted without charge for the purpose of recreational activities by the general public pursuant to and in accordance with Title 14 M.R.S.A. Section 159-A, and that Grantor and Grantee shall have the benefit of the terms and provisions thereof. Notwithstanding any public use of the Protected Property and any insurance coverage thereof, neither Grantor nor Grantee assume any liability to the general public for accidents, injuries, acts or omissions. This Conservation Easement does not create in the Grantor or Grantee, any duty, not otherwise existing, to keep the Protected Property safe for entry or for use by members of the general public for recreational purposes or to give warning of any hazardous condition, use, structure or activity on such premises to persons entering for recreational purposes, or to extend any assurance that the premises are safe for any such purposes, or to make any person entering upon the Protected Property an invitee or licensee to whom a duty of care is owed, or to assume responsibility for or incur liability for any injury to person or property caused by any act of any person or any other cause. Grantor and Grantee, for themselves and for their successors, assigns, leases and others claiming by or through any of them, claim all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. Section 159-A, et seq. as amended and any successor provision thereto and under any similar or other law, and under any other applicable provision of law and equity. Neither Grantor nor Grantee, for themselves and for their successors, assigns, leases and others claiming by or through any of them, assume any liability to the general public for accidents, injuries, acts or omissions. It is expressly intended that all activities of the Grantor, and the general public entering upon the Protected Property shall be subject to the limited liability provisions of Title 14, Maine Revised Statutes, as amended, Section 159-A, or its successor provisions.

(F) QUALIFICATION.

Grantee is qualified to hold conservation easements pursuant to Title 33, Maine Revised Statutes Annotated, 1988, Sections 476 (2)(B), as amended, , to wit: a governmental body empowered to hold an interest in real property under the laws of this State or the United States, and a publicly supported nonprofit 501(c)(3) preserving and protecting natural, scenic, educational, recreational or open-space values of real property, and with the commitment to preserve the conservation values of the Protected Property, respectively.

(G) ENFORCEMENT.

Grantee's rights shall include the right to enforce this Conservation Easement by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Protected Property to its condition prior to the time of the injury complained of (it being agreed that the Grantee may have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee, after providing Grantor with prior notice and reasonable opportunity to cure any breach, except where emergency circumstances require more immediate enforcement action. Grantee may not bring an enforcement action against Grantor for injury to or change in the Protected Property resulting from actions by others or natural causes or environmental catastrophe beyond their control or "acts of God" so called, such as, but not limited to, fire, flood, storm, industrial accident, and earth movement, or for the acts of vandals or trespassers, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Protected Property resulting from such causes. Grantor specifically acknowledges that events and circumstances of non-compliance constitute immediate and irreparable injury, loss and damage to the Protected Property. The Grantee's delay or omission in exercising any right or remedy upon any breach by Grantor shall not impair the Grantee's rights or remedies, or be construed as a waiver.

(H) MISCELLANEOUS.

Grantor and Grantee do not undertake any liability or obligation relating to the condition of the Protected Property, except as otherwise expressly provided in this Conservation Easement.

If any provisions of this Conservation Easement shall to any extent be held invalid, the remainder shall not be affected.

Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Easement or otherwise exercise its rights herein shall not be deemed or construed to be a waiver of such rights.

Grantor shall be obligated to notify the Grantee in writing thirty (30) days before taking any action, the exercise of which may impair any conservation values associated with the Protected Property. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to enable the Grantee to confirm that the proposed activity is permitted under the terms of this Conservation Easement.

The terms and provisions of this Conservation Easement shall run with the Protected Property in perpetuity, and shall be binding upon the Grantor and Grantee holding any interest in the Protected Property, and shall benefit the Grantee. The Grantee is authorized to record or file any notices or instruments appropriate to assure the perpetual enforceability of this Conservation Easement. Without limiting the foregoing, the Grantor agree to execute any such instrument upon the Holder's reasonable request. This Conservation Easement shall be assignable from time to time, subject to the following: (1) As a condition of any assignment, the Grantee shall require that the purposes of this Conservation Easement continue to be enforced, and (2) The assignee, at the time of assignment, must be a qualified conservation agency or conservation organization, and as a condition of transfer, the assignee shall agree to uphold the conservation purposes of this grant. Wherever the term "Grantor" appears in this Conservation Easement, including the foregoing Covenants, it shall also refer, as appropriate, to any transferee, assignee or successor in interest of the Grantor to this Conservation Easement.

Grantor and Grantee recognize that circumstances could arise which warrant modification of certain of the provisions of this Conservation Easement. To this end, subject to more restrictive laws and regulations, if any, Grantor and Grantee have the right to agree to amendments to this Conservation Easement without prior notice to any other party, provided that in the sole and exclusive judgment of Grantor and Grantee, such amendment enhances or is not detrimental to the conservation values intended for protection by this Conservation Easement. Amendments will become effective upon recording at the Cumberland County Registry of Deeds. Nothing in this paragraph shall require the Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment. Grantor and Grantee recognize that certain activities may warrant the prior discretionary approval of Grantee, and that Grantee has the right to issue such discretionary approvals without prior notice to any other party. Nothing in this paragraph shall require the Grantee to agree to any discretionary approval or to consult or negotiate regarding any discretionary approval.

Notwithstanding the foregoing, Grantor and Grantee have no right or power to approve any action or agree to any amendment that would;

(1) materially detract from the conservation values intended for protection, without the prior approval of a court of competent jurisdiction in an action in which the Attorney General has been made a party;

(2) limit the term or result in termination of this Conservation Easement without the prior approval of a court of competent jurisdiction in an action in which the Attorney General has been made a party; or

(3) adversely affect the qualification of this Conservation Easement or the status of the Grantor under applicable laws, including the Maine Conservation Easement Act at Title 33, M.R.S.A. §476 *et seq.*, successor provisions thereof and regulations issued pursuant thereto.

This Conservation Easement may only be extinguished or terminated by judicial order in a court of competent jurisdiction. It is the intention of the parties that an extinguishment or termination be approved by a court only if all of the Conservation Purposes of this Conservation Easement are impossible to accomplish, and if both Grantor and Grantee agree. Should this Conservation Easement be terminated or extinguished as provided in this paragraph, in whole or in part, Grantee shall be entitled to be paid no less than the increase in value of the Grantor's estate resulting from such extinguishment, as determined by the court, or in the absence of such court determination, by the agreement of the parties or, in the absence of such agreement, by an independent appraiser mutually selected by Grantor and Grantee. Grantor shall use its share of the proceeds or other moneys received under this paragraph in a manner consistent, as nearly as possible, with the stated, Conservation Purposes of this Conservation Easement. Grantor agrees and authorizes Grantee to record a notice of a claim to proceeds on the Protected Property, which claim will be effective as of the date of such extinguishment, to secure its rights under this Paragraph.

Only Grantee and Grantor may bring an action to enforce this grant, and nothing herein should be construed to grant any other individual or entity standing to bring an action hereunder, unless otherwise provided by law; nor to grant any rights in the Protected Property by adverse possession or otherwise, provided that nothing in this Easement shall affect any public rights in or to the Protected Property acquired by common law, adverse possession, prescription, or other law, independently of this grant.

In order to establish the present condition of the Protected Property and its conservation attributes protected by this Conservation Easement so as to be able to monitor properly future uses of the Protected Property and assure compliance with the terms hereof, Grantor and Grantee have prepared an inventory of the Protected Property's relevant features and conditions (the "Baseline Documentation") and have certified the same as an accurate representation, to the extent known, of the condition of the Protected Property as of the date of this grant.

The interpretation and performance of this Easement shall be governed by the laws of the State of Maine. Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the conservation purposes of this Easement and the policy and purpose of the Maine Conservation Easement Act at Title 33, Maine Revised Statutes, Sections 476 through 479-C, inclusive, as amended. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the conservation purposes of this Easement shall govern.

Grantor and Grantee acknowledge that the Protected Property has passing through it an existing sewer pipe line, and that it is the intent of the parties hereto that this Conservation Easement not affect or amend or supersede the rights delineated in the Certificate of Taking of Property for Torrey Street Sewer Right of Way by City of Portland, dated May 1960, and Recorded in Book 2611, Page 221; and to the extent that any provision of this conservation is to the contrary, this conservation easement is hereby subordinated to all the rights and interests established in said easement or right of way by said Taking; and the Grantor, City of Portland, hereby reserves to itself all the rights delineated in or established by the said Certificate of Taking.

SCHEDULE B

To Conservation Easement

A certain lot or parcel of land situated in Portland, Cumberland County, Maine. Said lot or parcel of land being more particularly located and described as follows:

Beginning at an iron pin set in the southeasterly sideline of Canco Road, so-called, marking a northeasterly corner of a certain parcel of land conveyed by the City of Portland to Central Maine Power Company by deed dated December 30, 1974 and recorded in the Cumberland County Registry of Deeds in Book 3636, Page 124;

thence S 23° 24' 46" E by land now or formerly of said City of Portland a distance of 36.95 feet to an iron pin;

thence S 38° 34' 46" E by said land of the City of Portland a distance of 17.77 feet to an iron pin marking a southeasterly corner of said land conveyed by the City of Portland;

thence S 38° 41' 08" E by land now or formerly of Black Bear Development Corp. a distance of 128.58 feet to an iron pin;

thence S 37° 12' 38" E by a stone wall and said land of Black Bear Development Corp. a distance of 253.25 feet to an iron pin;

thence S 38° 42' 57" E by said stone wall and said land of Black Bear Development Corp. a distance of 392.61 feet to an iron pin marking a northerly corner of land now or formerly of Patrick O'Donnell et al.;

thence S 44° 52' 39" W by said land of O'Donnell a distance of 420.79 feet to an iron pin marking a northeasterly corner of land now or formerly of Newell D. Tibbals, Jr. et al.;

thence S 64° 56' 26" W by said land of Tibbals a distance of 140.78 feet to an iron pin marking a northwesterly corner of said land of Tibbals;

thence S 25° 09' 44" E by said land of Tibbals a distance of 53.05 feet to an iron pin;

thence S 44° 08' 45" W a distance of 58.79 feet to an iron pin;

thence N 45° 35' 00" W a distance of 832.77 feet to a point in said southeasterly sideline of Canco Road;

thence N 45° 37' 14" E by said sideline of said road a distance of 745.46 feet to the point of beginning. Containing 12.85 acres more or less.

For further reference see plan entitled "Standard Boundary Survey for Union Water Power Company of former Coyne Lot, Canco Road, Cumberland County, Portland, Maine" by E-PRO Engineering & Environmental Consulting, dated July 25, 1997, and recorded in said Registry of Deeds at Plan Book 200, Page 199.

Received
Recorded Register of Deeds
Dec 21, 2012 12:00:56P
Cumberland County
Pamela E. Lovley

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

TO: Sonia Bean, Senior Administrative Assistant
FROM: Alexander Jaegerman, Planning Division Director
DATE: April 3, 2013

- 1) Council meeting at which action is requested:
1st reading: April 22, 2013
Final action: May 6, 2013
- 2) Can action be taken at a later date: X YES NO
If not, why not:
- 3) This item is sponsored by: Ms. Carol Morrisette, Chair, Portland Planning Board.
- cc:** Mayor Michael Brennan; Mark Rees, City Manager; Danielle West-Chuhta, Corporation Counsel; and Terry Bourgoin, Administrative Assistant

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

I. SUMMARY OF ISSUE

Though it is currently zoned IL, or Low-Impact Industrial, neighborhood residents have historically used the property at 159 Canco Road as a passive recreational open space. The site includes woodlands, wetlands, streams, a pond, and a number of hiking, biking, and cross-country skiing trails. As a result of a partnership with neighborhood residents, the Trust for Public Land, and Portland Trails, the city now owns the 12.9-acre property. The City Council has placed it under a conservation easement to Portland Trails, with the intent that it remain protected open space in perpetuity. Upon conveying the conservation easement, the Council referred the issue of rezoning the property to the Planning Board, and recommended that the zoning be changed to Recreation and Open Space (ROS) in order to align more closely with existing and potential uses on site.

On March 19, 2013, the Planning Board voted unanimously (5-0, Soley and Dundon absent) to recommend a proposed zoning map amendment for the property at 159 Canco Road to change the zoning designation from Low-Impact Industrial (IL) to Recreation Open Space (ROS).

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

The proposed amendment represents an effort align the zoning for the property at 159 Canco Road with the present and future use.

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

The proposed amendment, as recommended by the Planning Board, changes the zoning for the Canco Woods property from IL to ROS. This amendment will thus codify the use of the site as an existing open space.

IV. FINANCIAL IMPACT

There is no anticipated financial impact to the city.

V. STAFF ANALYSIS & RECOMMENDATION

On March 19, 2013, the Planning Board voted unanimously (5-0, Solely and Dundon absent) that the proposed map amendment for the property at 159 Canco Road to change the zoning from Low-Impact Industrial (IL) to Recreation Open Space (ROS) is consistent with the Comprehensive Plan. The Planning Board recommends adoption of the proposed amendment to the City Council.

Attachments:

1. Order
2. Planning Board Report to City Council (#18-13)