8-A-5 **#2015-090**

425 Marginal Way
Map and Text Amendment
U-Haul

Rick Knowland - Re: Fwd: 425 Marginal Way

From: Barbara Barhydt
To: Donaldson, Helen; Knowland, Rick; Levine, Jeff
Date: 6/9/2015 11:54 AM
Subject: Re: Fwd: 425 Marginal Way

Hi Jeff:

I assigned the U-Haul request to Rick, but he has been out sick. I received a call from Councilor Donoghue, who said he is protective of the I-Lb zone and that he would prefer to have the self storage as a permitted use in the B-5. He said that the B-5 is the remaining piece in Bayside. Since that phone call, I see that Thompson's point is zoned B-5. The neighborhood did not support a similar request to rezone some ILb land to B-5 a few years ago . It was not the site but near it. Once Rick is back, we need to look at this more closely.

Barbara

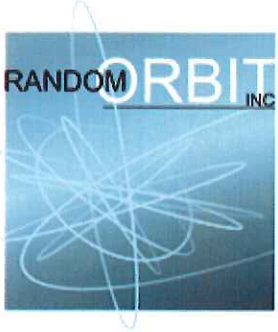
>>> Jeff Levine Tuesday, June 09, 2015 11:09 AM >>>
thoughts?

>>> Peter Bass <pbass@maine.rr.com> 6/9/2015 10:05 AM >>>
Jeff,
I got notice of U-Haul's request to change zoning for 425 Marginal Way from B5 to I-LB. I certainly have no problem with this change and the proposed uses. I know how protective the City is of this in town I-LB zone. Just thinking out loud- I wonder if you would consider at the same time, a zone change for a property from I-LB to B5 that would result in no net change to the I-LB. 50 Cove St. is nearly adjacent to the B5 across Anderson and is in a location that would actually be me more appropriate as B5 than the U-Haul property. Let me know if there is a chance to pursue this. Thanks.

Peter
--
Peter Bass
Random Orbit, Inc.

17 Chestnut St.
Portland, Maine 04101

207-772-6005 office
207-712-0954 cell



http://www.randomorbitinc.com

ATT. A-1

WALSH
ENGINEERING ASSOCIATES, INC.

July 31, 2015

Barbara Barhydt
Development Review Manager
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

RE: Application for Zoning Text Change
425 Marginal Way
Portland, Maine

Dear Barbara,

On May 19, 2015 Walsh Engineering Associates, Inc. (WEA) submitted an application for Zoning Map Amendment and Text Change on behalf of the U-Haul Moving and Storage Co. of New Hampshire and Maine (Applicant). Based on our recent meetings and conversations, Walsh Engineering Associates, Inc. (WEA) is providing this revised application to request a text change to the City of Portland Zoning ordinance. The purpose of the proposed text change is to allow for the Applicant to operate a self-storage facility within the existing building at the property located at 425 Marginal Way (Tax Map 8, Block A, Lot 5) and make the existing facility at 411 Marginal Way a conforming use.

The Applicant proposes that Section 14-230.1 - Permitted Uses within the B-5 Urban Commercial and Mixed Use Zone be modified to include the following permitted uses "on-peninsula" within the B-5 zone only:

- Self Storage facilities (on peninsula)
- Moving equipment rental and outdoor storage (on peninsula)

The proposed text change is indicated on the enclosed excerpt from Section 14-230.1.

With this submission, we respectfully request to be placed on the next available Planning Board workshop agenda to discuss the project with the Planning Board. Please contact me if you have any questions or require any additional information.

Respectfully,

William R. Walsh, III, PE
Walsh Engineering Associates, Inc.

enc. Proposed Zoning Ordinance Text Change

cc. Jon Hynes, President, U-Haul Moving and Storage Co. of New Hampshire and Maine
John Loranger, U-Haul Moving and Storage Co. of New Hampshire and Maine

A-2

Zoning Map/Text Amendment/Contract or Conditional Rezoning Application
Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the review of requests for zoning map amendments, zoning text amendments and contract or conditional re-zoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Zone Change.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: http://me-portland.civicplus.com/DocumentCenter/Home/View/1080
Design Manual: http://me-portland.civicplus.com/DocumentCenter/View/2355
Technical Manual: http://me-portland.civicplus.com/DocumentCenter/View/2356

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT NAME: Uhaul Facility

PROPOSED DEVELOPMENT ADDRESS:

425 Marginal Way, Portland, Maine

PROJECT DESCRIPTION:

The Applicant is proposing a Text Change such that self-storage is an allowed use on the subject property.

CHART/BLOCK/LOT: 8/A/5

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Jon Hynes, President U-Haul International, Inc. Business Name, if applicable: U-Haul Co. of N.H. & ME Address: 515 South Willow St City/State : Manchester, NH Zip Code: 03103	**Applicant Contact Information** Work # 603-627-9182 Home# Cell # 413-237-3048 Fax# e-mail: 790_EA@uhaul.com
Owner – (if different from Applicant) Name: Same as Applicant Address: City/State : Zip Code:	**Owner Contact Information** Work # Same as Applicant Home# Cell # Fax# e-mail:
Agent/ Representative Name: William Walsh, III, PE Walsh Engineering Associates, Inc. Address: 1 Karen Drive, Suite 2A City/State : Westbrook, ME Zip Code: 04092	**Agent/Representative Contact information** Work # 207-553-9898 Cell # 207-650-8855 e-mail: bill@walsh-eng.com
Billing Information Name: Jon Hynes, President U-Haul Co. of N.H. & ME Address: 515 South Willow St City/State : Manchester, NH Zip Code:	**Billing Information** Work # 603-627-9182 Cell # 413-237-3048 Fax# e-mail: 790_EA@uhaul.com

Engineer Name: William Walsh, III, PE Walsh Engineering Associates, Inc. Address: 1 Karen Drive, Suite 2A City/State : Westbrook, ME Zip Code:	**Engineer Contact Information** Work # 207-553-9898 Cell # 207-650-8855 Fax# e-mail: bill@walsh-eng.com
Surveyor Name: Bruce Martinson, PLS Sitelines, PA Address: 8 Cumberland Street City/State : Brunswick, ME Zip Code:	**Surveyor Contact Information** Work # 207-725-1200 Cell # Fax# 207-725-1114 e-mail: bmartinson@sitelinespa.com
Architect Name: Address: City/State : Zip Code:	**Architect Contact Information** Work # Cell # Fax# e-mail:
Attorney Name: Address: City/State : Zip Code:	**Attorney Contact Information** Work # Cell # Fax# e-mail:

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

The property is currently owned by the Applicant. The deed is attached.

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

Existing Use: Describe the existing use of the subject property:

The property and existing building is currently being used by the Applicant for warehousing and equipment storage. A site plan application (Project ID #2014-184) was approved by the City on October 24, 2015 for exterior site improvements not related to the proposed text change.

Current Zoning Designation(s): B-5 Urban Commercial 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 Applicant is proposing to use the site as a self-storage facility, warehousing, and outdoor storage of moving equipment rentals. The applicant proposes a text change to Section 14-230.1 to include "Self Storage Facilities" and "Moving equipment rental and outdoor storage" as allowed uses within the B-5 zone, on-peninsula only. No additional exterior site improvements are proposed other than what was approved per Project ID #2014-184.

Site Plan: On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1' = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

APPLICATION FEES:
Check all reviews that apply. (Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

Zoning Map Amendment ___ $2,000.00 (from _____ zone to _____ zone) **Zoning Text Amendment** X $2,000.00 (to Section 14-230.1) (Fee paid with previous submission) **Combination Zoning Text Amendment and Zoning Map Amendment** ___ $3,000.00 **Conditional or Contract Zone** ___ $3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	The City invoices separately for the following: • Notices ($.75 each) • Legal Ad (% of total Ad) • Planning Review ($40.00 hour) • Legal Review ($75.00 hour) • Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.

APPLICATION SUBMISSION:

1. All plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file names which can be found on the **Electronic Plan and Document Submittal** page of the City's website at http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal

2. **The submission shall include the following materials:**
   a. One (1) paper set of the zoning amendment application, concept plan and written narrative.
   b. Contract and conditional rezoning applications must include site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations and compatible with the surrounding neighborhood.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of Appli	**Date:**
William J. Kelsch III (Agent)	7/31/15

Date:

To Whom It May Concern,

By this letter, the undersigned authorizes Walsh Engineering Associates, Inc. to act as the agent for the undersigned in the preparation and submission of all Federal, State, and Local City permit applications and relevant documents and correspondence for all necessary permits for the site improvements at 425 Marginal Way, Portland, Maine; to attend meetings and site visits; to appear before all boards, commissions, and committees, and to provide such other services as are necessary and appropriate in furtherance of the aforementioned project.

Sincerely,

Client

John Loranger
U-Haul Company of NH + Maine
515 South Willow Street
Manchester N.H. 03103

A-8

Doc#: 60235 Bk:31051 Pg: 28

MAINE REAL ESTATE TAX PAID

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that **AAA Northern New England**, a Maine nonprofit mutual benefit corporation, Grantor, whose mailing address is 68 Marginal Way, Portland, Maine 04101, for consideration paid, hereby **GRANTS** to Five SAC Self-Storage Corporation, a Nevada corporation, Grantee, whose mailing address is 1250 E. Missouri, Phoenix, Arizona 85014, with **WARRANTY COVENANTS**, the land with buildings thereon situated at 425 Marginal Way, City of Portland, County of Cumberland, State of Maine, described as follows:

See attached Exhibit A

This conveyance is made subject to easements, covenants, conditions and restrictions of record, if any.

IN WITNESS WHEREOF, said Grantor has caused this instrument to be signed in its company name by Eric J. Cyr, its President pursuant to due authority, this 24th day of September, 2013.

AAA Northern New England,
a Maine nonprofit mutual benefit corporation

X _____
Eric J. Cyr, President

STATE OF MAINE
COUNTY OF CUMBERLAND

Then personally appeared the above named Eric J. Cyr, President of AAA Northern New England and acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of said corporation.

Before me:

_____
Notary Public
Printed Name: Patrick Moody

PATRICK MOODY
Notary Public, Maine
My Commission Expires June 04, 2018

SEAL

Doc#: 60235 Bk:31051 Pg: 29

Exhibit A
Legal Description

Real property in the City/Town of Portland, County of Cumberland, State of Maine, described as follows:

Parcel One:

A certain lot or parcel of land, situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the easterly side line of Marginal Way at the point of curve of the first curve in Marginal Way northerly of Plowman Street; thence southerly along the easterly side line of Marginal Way, a distance of seventy-six and seven tenths (76.7) feet to another point of curve, being the junction of the easterly side line of Marginal Way with the northerly side line of Plowman Street; thence southerly and easterly, along a curve in the northerly side line of Plowman Street, a distance of seventy-six and ninety-seven one-hundredths (76.97) feet, measured on the arc, to the point of tangent of the aforementioned curve; thence easterly along the northerly side line of Plowman Street, a distance of one hundred thirty (130) feet, more or less, to the westerly side line of land of the Portland Terminal Company, hereinafter called "Railroad Location;" thence northerly along the westerly side line of said Railroad Location, a distance of seventy-three (73) feet, more or less, to a point of curve in the westerly side line of said Railroad Location; thence northerly along the westerly side line of said Railroad Location, following a curve thereon, a distance of one hundred fifty-seven and eight one-hundredths (157.08) feet, more or less, to the point of tangent of the aforementioned curve; thence northerly along the westerly side line of said Railroad Location, a distance of two hundred nineteen and ninety-three one-hundredths (219.93) feet, more or less, to the easterly side line of land of the State of Maine; thence southwesterly, making an included angle of 25° 30' through the South with the southerly direction of the last described course and on the line of land of the State of Maine, a distance of seventy and four tenths (70.4) feet to a granite monument; thence southwesterly, making a deflection angle of 23° 06' to the right and along the line of land of the State of Maine, a distance of forty-six and nine tenths (46.9) feet to a point; thence westerly, making a deflection angle of 23° 51' to the right, a distance of sixty-one and thirty-eight one- hundredths (61.38) feet to the easterly side line of Marginal Way; thence southerly along the easterly side line of Marginal Way, a distance of one hundred sixty-two and eleven one- hundredths (162.11) feet to the point of beginning.

Parcel Two:

Also another parcel of land, bounded and described as follows:

Beginning at a point in a curve on the northerly side line of Plowman Street, distant twenty-eight and seventy-five one-hundredths (28.75) feet, more or less, from the point of curve of said curve in the northerly side lien of Plowman Street nearest its junction with the westerly side line of Anderson Street; thence easterly along the curve in said northerly side line of Plowman Street to the westerly side line of Anderson Street; thence along the westerly side line of Anderson Street to land of the State of Maine; thence westerly by land of the State of Maine to a granite monument; thence westerly from said monument and on the same course to the easterly side line of land of the Portland Terminal Company; thence southerly by land of the Portland Terminal Company to the northerly side line of Plowman Street at the point of beginning.

Excepting from the above described premises such portion thereof as was conveyed by the Maine Automobile Association to the State of Maine by deed dated November 28, 1973, and recorded in said registry in Book 3488, Page 279.

Received
Recorded Register of Deeds
Sep 27,2013 08:55:56A
Cumberland County
Pamela E. Lovley

B-1

2. Low impact industrial uses with total floor area of less than ten thousand (10,000) square feet and which meet the performance standards of the I-L zone;

3. Breweries, including associated bottling activities.

(c) *Marine:*

INSERT: 4. Self Storage Facilities (on-peninsula)
5. Moving equipment rental and outdoor storage (on-peninsual)

3. Harbor and marine supplies and services and ship supply;

4. Reserved;

5. Shipbuilding and facilities for construction, maintenance and repair of vessels;

6. Marine museums and aquariums;

7. Reserved;

8. Boat repair yards;

9. Boat storage facilities;

10. Seafood processing for human consumption;

11. Seafood packing and packaging;

12. Seafood distribution;

(d) *Residential:*

1. Attached single-family, two-family and multifamily dwellings;

2. Handicapped family units;

3. Lodging houses;

4. Combined living/working spaces, including but not limited to artist residences with studio space.

Barbara Barhydt - Re: B-5 zone text amendment for self-storage use in existing buildings

From: Rick Knowland
To: Barbara Barhydt; Caitlin Cameron
Date: Thursday, September 03, 2015 9:32 AM
Subject: Re: B-5 zone text amendment for self-storage use in existing buildings

Caitlin, Thanks. You work fast.

>>> Caitlin Cameron Thursday, September 03, 2015 >>>
I recommend adding to the B-5 design standards the following which is from B-1 e. Facade Character:

Facade Character: In the B-5 and B-5b zones, active and public portions of buildings (e.g. doors, windows, entries, retail displays) shall be oriented to and, where possible, be located adjacent to the public sidewalk to create an active presence along the sidewalk. Where building facades situated along a public way have no interactive use or function, such facades shall be designed to provide sufficient architectural and graphic amenities to provide visual interest along the street and relate the building, and its use, to passersby.

Caitlin Cameron, LEED AP, Associate AIA
Urban Designer | Planning & Urban Development Department
City of Portland, Maine
389 Congress Street, 4th Floor Portland, ME 04101
(207) 874-8901 | ccameron@portlandmaine.gov
>>> Rick Knowland 9/3/2015 9:00 AM >>>
Hi Barbara,

As directed by the planning board, I am drafting standards for the U-haul self-storage facility B-5 zoning amendment. The proposed amendment will allow such uses as a conditional use for **existing buildings only**. In reviewing the meeting notes, the Board apparently wanted some type of standard to deal with blank facades and or encourage a pedestrian friendly facade.

I've identified 3 possible options

1. The easiest option would be to reference the B-1 and B-2 (including little b's) design standards in the Technical and Design Standards. Not sure this is the best fit for even one of the standards.

2. Reference the B-7 Design Standards, in particular Standard E-4 (Articulation). Probably over done for the purpose.

3. Draft a conditional use standard that stays in the zoning text and not in the Technical Design as part of the conditional use review. To have a separate standard in the Technical Design Standards for this use seems overblown unless we believe there will be a lot of these uses in the future. The standard below is a hybrid from the B-7 Design Standard (E-4)

The exterior treatment of the building visible from a public way is composed of an articulated

Rick Knowland - Re: B-5 zone text amendment for self-storage use in existing buildings

From: Caitlin Cameron
To: Barhydt, Barbara; Knowland, Rick
Date: 9/3/2015 9:29 AM
Subject: Re: B-5 zone text amendment for self-storage use in existing buildings

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Caitlin Cameron, LEED AP, Associate AIA
Urban Designer | Planning & Urban Development Department
City of Portland, Maine
389 Congress Street, 4th Floor Portland, ME 04101
(207) 874-8901 | ccameron@portlandmaine.gov
>>> Rick Knowland 9/3/2015 9:00 AM >>>
Hi Barbara,

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2. Reference the B-7 Design Standards, in particular Standard E-4 (Articulation). Probably over done for the purpose.

3. Draft a conditional use standard that stays in the zoning text and not in the Technical Design as part of the conditional use review. To have a separate standard in the Technical Design Standards for this use seems overblown unless we believe there will be a lot of these uses in the future. The standard below is a hybrid from the B-7 Design Standard (E-4)

The exterior treatment of the building visible from a public way is composed of an articulated facade with such features as windows, doors, cornices, reveals, trim, facade modulation, changes in color and texture and other architectural details that

provide visual interest and variation along the facade. The facility shall feature a visually prominent pedestrian entrance that is oriented to a public right of way.

System of the U.S. Environmental Protection Agency.

(f) *Materials or wastes:* No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All material which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in enclosed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 297-88, 5-23-88)

DIVISION 13. I-L AND I-Lb INDUSTRIAL ZONES*

***Editor's note**—Ord. No. 164-97, § 6, passed Jan. 6, 1997, repealed div. 13, §§ 14-231—14-236 of this article and enacted new provisions as herein set out. Formerly, such division pertained to the I-1 industrial zone and derived from §§ 602.11.A—602.11.F of the 1968 Code as amended by the following legislation:

Ord. No.	Sec.	Date	Ord. No.	Sec.	Date
570-71	--	11-16-71	330-90	1	5-7-90
327-71	--	7- 7-71	17-90	--	6-18-90
499-74	5	8-19-74	112-90	--	10- 1-90
334-76	6	7- 7-76	15-92	17	6-15-92
430-85	--	3- 4-85	193A-93	1	2-17-93
633-86	1	6- 2-86	89A-94	--	9-19-94
578-87	1	6-15-87	154-96	14	12-16-96

Sec. 14-231. Purpose.

The low impact industrial zone is intended to provide areas in which low impact industrial uses and limited other uses serving employees and residents of the surrounding neighborhood will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and the I-M or I-H industrial

zones, or will stand alone as a smaller scale industrial district.

The I-L zone is located adjacent to residential neighborhoods, business uses and other industrial uses where the low intensity nature of the uses, as well as their strict performance standards, will ensure the compatibility of the uses with other adjacent industrial and nonindustrial uses.

Performance standards for uses in the I-L zone are designed to maintain compatibility between low impact industrial uses and neighboring nonindustrial and industrial uses. Performance standards include full enclosure of uses and requirements for buffers and screening from adjacent properties.
(Ord. No. 164-97, § 6, 1-6-97; Ord. No. 149-10/11, 3-7-11)

Sec. 14-232. Permitted uses.

The following uses are permitted whether provided by private or public entities in the low impact industrial zone and the I-Lb zone:

(a) Low impact industrial uses, including, but not limited to, bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, musical instruments, precision instruments, watchmakers, toys and sporting goods, wood products, jewelry, assembly of electrical components, tool and die shops and the packaging of food.

(b) Research and development.

(c) Indoor amusement and recreation centers.

(d) Plant and tree nurseries, including associated recycling activities.

(e) Lumber yards.

(f) Commercial kitchens or other food preparation, provided that the food is not prepared for service on the premises.

(g) Building contractors and outside storage of related construction equipment, provided that there shall be no outside storage of materials and supplies.

(h) Repair services, including all types of automotive

repair.

(i) Day care facilities, provided that:

1. Proof of licensing with the Maine Department of Human Services is submitted to the city prior to issuance of a certificate of occupancy;

2. *Off-street parking:* off-street parking is required as provided in division 20 of this article;

3. Off-street loading shall be located in a safe location;

4. There shall be an on-site outdoor play area with seventy-five (75) feet of land area per child; and

5. The outdoor play area shall be fenced and screened with a landscaped buffer.

(j) Dairies.

(k) Dog training services, including but not limited to obedience, guide, and service training, but not including boarding or kennel services.

(l) Intermodal transportation facilities.

(m) Utility substations.

(n) Marinas.

(o) Distribution centers, warehouses and wholesale businesses under ten thousand (10,000) square feet in total building area, with no outside storage permitted.

(p) Back office uses.

(q) Accessory uses.

1. Incidental accessory uses.

2. In the Ilb zone, the following additional accessory uses shall also be permitted:

a. Makers' markets, including periodic, seasonal, or temporary sales of handcrafted and limited

production products for final consumption, which may include prepared or raw foods, provided that:

i. Such slaes are located within a lawfully conforming principal permitted use;

ii. Such sales occupy an area no larger than 45% of the floor area devoted to the principal use;

iii. Such sales by any single vendor or group of vendors shall occur for no more than a total of 28 hours a week collectively;

iv. Such products are produced or permitted to be produced in the IL zone; and

v. Such products are sold by the producer of the product or their designee.

Such sales shall be subject to any other applicable city ordinances. Food trucks are exempt from the limitations contained in this provision, but are subject to Chapter 19 of the City Code and any regulations promulgated pursuant thereto.

b. Temporary events associated with a principal use, such as concerts, lectures, exhibitions of the local production of handcrafted and limited production products, fundraisers, and other similar gatherings, provided that they occur no more than a total of 16 hours a week, subject to the performance standards of this zone and any other applicable city ordinances.

(r) Registered medical marijuana cultivation facilities.

(s) Neighborhood centers.

(t) Places of religious assembly, limited to facilities of 10,000 square feet or less.

(u) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(v) Street vendors licensed pursuant to Chapter 19.

(w) Studios for artists, photographers, and craftspeople, including but not limited to painters, sculptors, dancers, graphic artists, and musicians.

(Ord. No. 164-97, § 6, 1-6-97; Ord. No. 22-97, § 1, 7-7-97; Ord. No. 137-97, § 1, 11-3-97; Ord. No. 106-04/05,12-8-04 enacted as an emergency; Ord. No. 240-09/10, 6-21-10; Ord. No. 283-09/10, 7-19-10 emergency passage; Ord. No. 149-10/11, 3-7-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 10-12/13, 7-16-12; Ord. No. 265-12/13, 7-15-13)

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:

1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and

3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and

4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and

7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and

8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

(Ord. No. 29-09/10, 8-3-09, emergency passage)

Sec. 14-233. Prohibited uses.

Uses that are not expressly enumerated herein as permitted uses are prohibited. Those uses that are prohibited shall include, but are not limited to, the following:

(a) Residential uses.

(b) Retail trade and restaurants that are not accessory to a permitted use.

(c) Junk yards and scrap metal reprocessing and recycling.

(d) Amusement parks.

(e) Crematoriums.

(f) Mining and drilling operations.

(g) Refining of petroleum or its products, including tar distillation.

(h) Commercial petroleum storage yards.

(i) Commercial excavation of building or construction materials other than in the normal course of building or construction or site preparation.

(j) Distillation of bones; fat rendering; glue, soap, or fertilizer manufacture.

(k) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse.

(l) Stockyard or slaughtering of animals.

(m) Smelting of iron, copper, tin, zinc, or any other ore.

(n) Manufacture of primary chemicals.

(o) Manufacture of cement, lime, gypsum, or plaster of paris.

(p) Manufacture of bleaching powder, matches, paper, or rubber.

(q) Manufacture and storage of explosives or fireworks.

(r) Tanning, curing or storage of raw hides or skins.

(s) Coal distillation or coke ovens.

(t) Foundries.

(u) Creosote treatment.

(v) Drop forging.

(w) Steel mills or furnaces.

(x) Coal- or coke-fired kilns.

(y) Used tire storage.

(z) Outdoor sales or outdoor display.

(aa) Extraction of raw materials.

(bb) Concert halls or dance halls.

(cc) Banquet facilities.

(dd) Office uses other than back offices or offices that are accessory to a permitted use.

(Ord. No. 164-97, § 6, 1-6-97; Ord. No. 137-97, § 2, 11-3-97)

Sec. 14-234. Dimensional requirements.

(a) *Minimum lot size:* None.

(b) *Maximum impervious surface ratio:* I-L zone: Sixty-five (65) percent. I-Lb zone: One hundred (100) percent.

(c) *Maximum building height:* Forty-five (45) feet.

(d) *Minimum side yards:* Principal and accessory structures in the I-L zone: Twenty-five (25) feet, except that the minimum side yard shall be forty (40) feet when the side property line abuts a residential zone. Principal and accessory structures in the I-Lb zone: None, except that the minimum side yard shall be twenty-five (25) feet when the side property line abuts a residential zone.

(e) *Minimum rear yards:* Principal and accessory structures in the I-L zone: Twenty-five (25) feet, except that the minimum rear yard shall be forty (40) feet when the rear property line abuts a residential zone. Principal and accessory structures in the I-Lb zone: None, except that the minimum rear yard shall be twenty-five (25) feet when the rear property line abuts a residential zone.

(f) *Minimum front yard:* Principal and accessory structures in the I-L zone: Twenty-five (25) feet. Principal and accessory structures in the I-Lb zone: None.

(g) *Minimum street frontage:* Sixty (60) feet.

(h) *Pavement setback from lot boundary:* Driveways, parking lots and other paved circulation areas: Fifteen (15) feet.

(Ord. No. 164-97, § 6, 1-6-97)

Sec. 14-235. Other requirements.

(a) Off-street parking shall meet the requirements of division 20 of this article.

(b) Off-street loading shall meet the requirements of division 21 of this article.

(c) Signs shall be subject to the provisions of division 22 of this article.

(d) *Shoreland and floodplain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5 of this article.

(e) All uses shall be operated within a fully enclosed structure, except for those customarily operated in open air.

(f) Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least five (5) feet in height, or by a solid evergreen planting strip.

(g) All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container.

(h) All food processing waste shall be stored within a completely enclosed structure and if not refrigerated shall be removed from the site in an enclosed container within forty-eight (48) hours of its generation. All enclosed and exterior food processing waste storage areas shall be cleaned and sanitized on a regular basis.

(i) Outdoor storage of refuse, debris, or material awaiting reuse shall be in an appropriate container or located within a designated, screened area.

(j) Any permitted outdoor storage of materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. No outdoor storage shall be permitted in the required yard between the

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***Editor's Note:** The text changes adopted in Ord. No. 215-04/05 Section 14-230.1 (a)8 and 13 and (g) 3 shall remain in effect for six (6) months from the effective date (6-2-05) of the changes. By Council Order No. 94-05/06 passed on 11/7/05 the effective date of the amendments were extended through and including March 2, 2006. By Council Order No. 170-05/06 passed as an emergency on 2/22/06 the effective date of the amendments were extended through and including September 30, 2006 and thereafter shall cease to exist unless the Portland City Council takes action to extend the applicability of such changes.

Sec. 14-230.1. Permitted uses.

The following uses are permitted in the B-5 and B-5b urban commercial mixed use zones:

(a) *Commercial:*

1. Professional, business and general offices;
2. Restaurants and other eating and drinking establishments;
3. Meeting and convention halls;
4. Hotels and motels;
5. Craft and specialty shops, including the on-premises production of handcrafted goods;
6. Retail and service establishments except convenience stores with gas pumps;
7. Theaters and places of public assembly;
8. Banking services, except that any drive-up banking service shall be a conditional use;
9. Laundry and dry cleaning services;
10. Cabinet and carpentry shops;
11. Indoor recreation and family amusement establishments;
12. Intermodal transportation facilities;
13. Off-street parking lots and garages except in the

B-5 zoning district between Forest Avenue and Franklin Street surface parking lots shall be considered a conditional use;

14. Cold storage facilities;

15. Lumber and building materials dealers (in existence on date of passage);

16. Major and minor gasoline service stations, as defined in section 14-47. Major and minor gasoline service stations shall be located at least two thousand (2,000) feet from each other;

17. Personal services;

18. Business services;

19. Billiard parlors;

20. Offices of business tradespeople;

21. Miscellaneous repair services;

22. Communication studios, broadcast and receiving facilities;

23. Theaters;

24. Exhibition halls;

25. Indoor amusement and recreation centers.

26. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:

    a. All applicable provisions of Article V of this chapter shall be met.

    b. Parking shall be provided in compliance with Division 20 of this Article.

    c. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.

d. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.

e. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

(b) *Industrial:*

1. Warehousing and wholesaling;

2. Low impact industrial uses with total floor area of less than ten thousand (10,000) square feet and which meet the performance standards of the I-L zone;

3. Breweries, including associated bottling activities.

(c) *Marine:*

1. Marine products wholesaling and retailing;

2. Marine repair services and machine shops;

3. Harbor and marine supplies and services and ship supply;

4. Reserved;

5. Shipbuilding and facilities for construction, maintenance and repair of vessels;

6. Marine museums and aquariums;

7. Reserved;

8. Boat repair yards;

9. Boat storage facilities;

10. Seafood processing for human consumption;

11. Seafood packing and packaging;

12. Seafood distribution;

(d) *Residential:*

1. Attached single-family, two-family and multifamily dwellings;

2. Handicapped family units;

3. Lodging houses;

4. Combined living/working spaces, including but not limited to artist residences with studio space.

(e) *Public:*

1. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures;

2. Museums and art galleries;

3. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces.

(f) *Institutional:*

1. Public or private schools of any type;

2. Clinics;

3. Places of assembly;

4. Colleges, universities or trade schools;

5. Governmental buildings and uses;

6. Nursery schools, kindergartens, and day care facilities or home babysitting services.

(g) *Other:*

1. Studios for artists and craftspeople including but not limited to, carpenters, cabinetmakers, and silk

screeners;

2. Printing and publishing establishments;

3. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses, excluding in the B-5b all drive-up services for retail, banking, or automotive repair uses. In the B-5 zoning district between Forest Avenue and Franklin Street, all drive-up services for all retail or drive-up automotive repair uses are prohibited. In the B-5 zone between Forest Avenue and Franklin Street, surface parking lots shall be considered a conditional use subject to the conditional use section of the B-5 zone.

4. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 168-93, § 3, 1-4-93; Ord. No. 39-96, § 4, 10-7-96; Substitute Ord. No. 164-97, § 2, 5-19-97; Ord. No. 164-97, § 5, 12-1-97; Ord. No. 80, 12-8-04; Ord. No. 215-04/05, 5-2-05; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 113-11/12, 2-22-12)

***Editor's Note:** The text changes adopted in Ord. No. 215-04/05 Section 14-230.1 (a)8 and 13 and (g) 3 shall remain in effect for six (6) months from the effective date (6-2-05) of the changes. By Council Order No. 94-05/06 passed on 11/7/05 the effective date of the amendments were extended through and including March 2, 2006. By Council Order No. 170-05/06 passed as an emergency on 2/22/06 the effective date of the amendments were extended through and including September 30, 2006 and thereafter shall cease to exist unless the Portland City Council takes action to extend the applicability of such changes.

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:*

a. Reserved.

2. *Industrial:*

a. Low impact industrial uses over ten thousand (10,000) square feet provided that they meet the following requirements:

i. Truck loading and access and vehicle parking shall be located in the rear or side yard of the site where possible.

ii. Street frontage shall be designed for pedestrian scale or interest.

iii. Shared infrastructure to the extent practicable, including, but not limited to, service alleys, parking areas, stormwater treatment, public transportation facilities and driveways, shall be utilized.

3. *Surface Parking:*

a. In the B-5 zoning district located between Forest Avenue and Franklin Street, surface parking lot provided the following requirements are met.

i. No new surface parking lot shall be developed within thirty-five (35) feet of any street except in the case of a property in which eighty percent (80%) of the property frontage has a building within ten (10) feet of the street.

ii. No surface parking lot shall be encumbered by lease or other use commitment to an off-site use exceeding a twenty-four month term.

iii. For surface parking lots of 20,000 sq. ft or greater in area, lease or other use agreements for surface parking shall not preclude the relocation of such parking for more than a twenty-four (24) month term.

iv. Any such parking shall in its lease stipulate that developer/owner reserves the right to relocate said parking or convert surface parking to structured parking as long as the relocated parking is located within a reasonable distance from the use.

v. Surface parking shall be laid out in a manner conducive to development of future buildings and/or structured parking.

4. *Drive Up Banking Services:*

a. In the B-5 zoning district located between Forest Avenue and Franklin Street, drive up banking services provided the following requirements are met:

i. The drive up banking services are attached to a building which houses banking services other than, or in addition to, automated banking machines; and

ii. The drive up banking services are attached to a building with a minimum floor area of 20,000 square feet; and

iii. Any service window or automated teller machine shall not extend nearer than twenty-five (25) feet to the street; and the site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicles or pedestrians on adjoining streets; and

iv. There shall be no more than a total of two (2) vehicle lanes for both the service window and automated teller machine.

(b) The following use shall be permitted only upon the issuance of a conditional use permit by the Board of Appeals, subject to the provisions of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:

1. Temporary wind anemometer towers, as defined n sec. 14-47, are permitted provided the following standards are met in addition to sec. 14-430:

a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of

the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and

c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and

d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and

g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and

h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow

account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

2. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 168-93, § 3, 1-4-93; Ord. No. 39-96, § 5, 10-7-96; Substitute Ord. No. 164-97, § 3, 5-19-97; Ord. No. 215-04/05, 5-2-05; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. 33-11/12, 1-18-12)

***Editor's Note:** The text changes adopted in Ord. 215-04/05 Section 14-230.2 (c) and (d) shall remain in effect for six (6) months from the effective date (6-2-05) of the changes. By Council Order No. 94-05/06 passed on 11/7/05 the effective date of the amendments were extended through and including March 2, 2006. By Council Order No. 170-05/06 passed as an emergency on 2/22/06 the effective date of the amendments were extended through and including September 30, 2006 and thereafter shall cease to exist unless the Portland City Council takes action to extend the applicability of such changes.

Sec. 14-230.3. Prohibited uses.

Uses which are not enumerated in either section 14-230.1 as permitted uses or in section 14-230.2 as conditional uses are prohibited.

(Ord. No. 168-93, § 3, 1-4-93)

***Editor's Note:** The text changes adopted in Ord. 215-04/05 Section 14-230.2 (c) and (d) shall remain in effect for six (6) months from the effective date (6-2-05) of the changes. By Council Order No. 94-05/06 passed on 11/7/05 the effective date of the amendments were extended through and including March 2, 2006. By Council Order No. 170-05/06 passed as an emergency on 2/22/06 the effective date of the amendments were extended through and including September 30, 2006 and thereafter shall cease to exist unless the Portland City Council takes action to extend the applicability of such changes.

Sec. 14-230.4. Dimensional requirements.

In addition to the provisions of article III, division 25 of this Code, lots in the B-5 and B-5b urban commercial mixed use zones shall meet the following requirements:

(a) *Minimum lot size:* None.

(b) *Minimum frontage:* None.

(c) *Yard dimensions:*

1. Minimum yards in the B-5 and B-5b zones:

   Front setback: None required.

   Side setback: None required.

   Rear setback: None required.

2. Maximum front yard setback in the B-5b zone: Ten (10) feet.

3. Maximum street setback: In the B-5 zoning district located between Forest Avenue and Franklin Street the following street setbacks shall apply:

   a. Ten (10) feet except for parking structures, public transportation facilities and secondary building components such as truck loading docks, mechanical equipment enclosures and refrigeration units. The setback can be increased more than ten (10) feet if all of the conditions are met below:

      i. Seventy-five (75) percent of the total building wall length facing the abutting streets shall be setback no greater than ten (10) feet.

      ii. The increased setback area includes a functional public pedestrian entrance into the building that faces the street.

      iii. The increased setback is not used for surface parking.

   b. For any new construction on a lot abutting three (3)or more streets, the maximum setback shall apply only to two (2) streets.

   c. Lots having frontage on streets in which the curve of the street frontage precludes a rectangular shaped building along the street line, for purposes of calculating the setback, the average setback of the building from the street line may be used, but in no event shall

the average setback along the length of the building edge exceed an average setback of fifteen (15) feet nor shall the maximum setback exceed twenty (20) feet. The increased setback shall not be used for surface parking, vehicular loading or vehicular circulation.

d. Additions to and relocations of designated historic structures or structures determined to be eligible by the Historic Preservation Committee shall be exempt from this provision.

(d) *Maximum lot coverage:* One hundred (100) percent.

(e) *Maximum building height:* Sixty-five (65) feet; except as follows:

1. For parcels of land in the B-5b located along West Commercial Street south of Danforth Street, maximum building heights shall be as follows:

West of the projection of the centerline of the Fletcher Street right-of-way, the maximum building height shall be forty-five (45) feet; and, east of the projection of the centerline of the Fletcher Street right-of-way and west of the projection of the centerline of the Emery Street right-of-way, the maximum building height shall be fifty-five (55) feet.

For purposes of this section, a projection of the centerline of a street is defined by extending the centerline of the referenced street right of way along its most southerly block to the centerline of West Commercial Street.

Furthermore, notwithstanding the exception of roof top structures from building height regulations in Section 14-430(a), no rooftop structure located between the projections of the centerlines of Emery Street and Fletcher Street, as described above, shall exceed a height of sixty-two (62) feet as measured from the average grade of the building at its foundation.

2. For parcels of land located on Thompson's Point and

also subject to an approved Master Plan Development: one hundred twenty (120) feet. Thompson's Point is defined as the contiguous parcels of upland occupying the peninsula bounded on the east by Route 295, on the north by the

Mountain Division Rail Right of way, and on the south and west by the Fore River and its associated wetlands. Nearby lands that are accessed from Hobart and Osgood Streets are, for the purposes of this provision, not considered part of Thompson's Point.

(f) *Minimum building height:*

1. In the B-5 zoning district between Forest Avenue and Franklin Street, within thirty-five (35) feet of any public street, no new construction of any building shall have less than three (3) floors of occupiable or habitable space above the average adjacent grade. This provision shall not apply to:

   a. Accessory building components such as truck loading docks, mechanical equipment enclosures, refrigeration units;

   b. Information kiosks and ticketing booths;

   c. Parking garages;

   d. Public transportation facilities;

   e. Additions to buildings existing as of March 9, 2005 provided that the cumulative additions since March 9, 2005 does not exceed 25% of the building footprint on March 9, 2005 except that such restriction shall not apply to those portions of the building addition that are constructed closer to the street line than the building footprint existing as of March 9, 2005;

   f. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic enclosures and other similar structures; and

g. Additions to and relocations of designated historic structures or structures determined

by the Historic Preservation Committee to be eligible for such designation.

(Ord. No. 168-93, § 3, 1-4-93; Substitute Ord. No. 164-97, § 4, 5-19-97; Ord. No. 215-04/05, 5-2-05; Ord. No.112-11/12, 2-22-12; Ord. No. 119-13/14, §230.4, 1-15-14)

***Editor's Note:** The text changes adopted in Order 215-04/05 Section 14-230.4 I3 and (g) shall remain in effect for six (6) months from the effective date (6-2-05) of the changes. By Council Order No. 94-05/06 passed on 11/7/05 the effective date of the amendments were extended through and including March 2, 2006. By Council Order No. 170-05/06 passed as an emergency on 2/22/06 the effective date of the amendments were extended through and including September 30, 2006 and thereafter shall cease to exist unless the Portland City Council takes action to extend the applicability of such changes.

Sec. 14-230.5. Performance standards.

All uses shall comply with the following standards:

(a) *Storage:* Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least five (5) feet in height, or by a solid evergreen planting strip. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container. All food processing waste shall be stored within a completely enclosed structure and if not refrigerated shall be removed from the site in an enclosed container within forty-eight (48) hours of its generation. All enclosed and exterior areas shall be cleaned and sanitized on a regular basis. Outdoor storage of refuse or debris shall be in an appropriate container or located within a designated, screened area.

(b) *Noise:*

1. *Definitions:*

a. Tonal sounds are defined as sound waves usually perceived as a hum or whine because

their instantaneous sound pressure varies essentially as a simple sinusoidal function of time.

b. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.

2. *Measurement:* Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. Measurements shall be made at all major lot lines of the site, at a height of at least four (4) feet above the ground surface. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ_1).

3. *Maximum permissible sound levels:* The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows:

a. Sixty (60) dBA between the hours of 7:00 a.m. and 10:00 p.m.

b. Fifty (50) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

In addition to the sound level standards established above, all uses located within this zone shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones.

WALSH
ENGINEERING ASSOCIATES, INC.

July 31, 2015

Barbara Barhydt
Development Review Manager
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

RE: Application for Zoning Text Change
425 Marginal Way
Portland, Maine

Dear Barbara,

On May 19, 2015 Walsh Engineering Associates, Inc. (WEA) submitted an application for Zoning Map Amendment and Text Change on behalf of the U-Haul Moving and Storage Co. of New Hampshire and Maine (Applicant). Based on our recent meetings and conversations, Walsh Engineering Associates, Inc. (WEA) is providing this revised application to request a text change to the City of Portland Zoning ordinance. The purpose of the proposed text change is to allow for the Applicant to operate a self-storage facility within the existing building at the property located at 425 Marginal Way (Tax Map 8, Block A, Lot 5) and make the existing facility at 411 Marginal Way a conforming use.

The Applicant proposes that Section 14-230.1 - Permitted Uses within the B-5 Urban Commercial and Mixed Use Zone be modified to include the following permitted uses "on-peninsula" within the B-5 zone only:

- Self Storage facilities (on peninsula)
- Moving equipment rental and outdoor storage (on peninsula)

The proposed text change is indicated on the enclosed excerpt from Section 14-230.1.

With this submission, we respectfully request to be placed on the next available Planning Board workshop agenda to discuss the project with the Planning Board. Please contact me if you have any questions or require any additional information.

Respectfully,

William R. Walsh, III, PE
Walsh Engineering Associates, Inc.

enc. Proposed Zoning Ordinance Text Change

cc. Jon Hynes, President, U-Haul Moving and Storage Co. of New Hampshire and Maine
John Loranger, U-Haul Moving and Storage Co. of New Hampshire and Maine

Zoning Map/Text Amendment/Contract or Conditional Rezoning Application
Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the review of requests for zoning map amendments, zoning text amendments and contract or conditional re-zoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Zone Change.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: http://me-portland.civicplus.com/DocumentCenter/Home/View/1080
Design Manual: http://me-portland.civicplus.com/DocumentCenter/View/2355
Technical Manual: http://me-portland.civicplus.com/DocumentCenter/View/2356

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT NAME: Uhaul Facility

PROPOSED DEVELOPMENT ADDRESS:

425 Marginal Way, Portland, Maine

PROJECT DESCRIPTION:

The Applicant is proposing a Text Change such that self-storage is an allowed use on the subject property.

CHART/BLOCK/LOT: 8/A/5

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Jon Hynes, President U-Haul International, Inc. Business Name, if applicable: U-Haul Co. of N.H. & ME Address: 515 South Willow St City/State : Manchester, NH Zip Code: 03103	**Applicant Contact Information** Work # 603-627-9182 Home# Cell # 413-237-3048 Fax# e-mail: 790_EA@uhaul.com
Owner – (if different from Applicant) Name: Same as Applicant Address: City/State : Zip Code:	**Owner Contact Information** Work # Same as Applicant Home# Cell # Fax# e-mail:
Agent/ Representative Name: William Walsh, III, PE Walsh Engineering Associates, Inc. Address: 1 Karen Drive, Suite 2A City/State : Westbrook, ME Zip Code: 04092	**Agent/Representative Contact information** Work # 207-553-9898 Cell # 207-650-8855 e-mail: bill@walsh-eng.com
Billing Information Name: Jon Hynes, President U-Haul Co. of N.H. & ME Address: 515 South Willow St City/State : Manchester, NH Zip Code:	**Billing Information** Work # 603-627-9182 Cell # 413-237-3048 Fax# e-mail: 790_EA@uhaul.com

Engineer	Engineer Contact Information
Name: William Walsh, III, PE Walsh Engineering Associates, Inc. Address: 1 Karen Drive, Suite 2A City/State : Westbrook, ME Zip Code:	Work # 207-553-9898 Cell # 207-650-8855 Fax# e-mail: bill@walsh-eng.com
Surveyor	**Surveyor Contact Information**
Name: Bruce Martinson, PLS Sitelines, PA Address: 8 Cumberland Street City/State : Brunswick, ME Zip Code:	Work # 207-725-1200 Cell # Fax# 207-725-1114 e-mail: bmartinson@sitelinespa.com
Architect	**Architect Contact Information**
Name: Address: City/State : Zip Code:	Work # Cell # Fax# e-mail:
Attorney	**Attorney Contact Information**
Name: Address: City/State : Zip Code:	Work # Cell # Fax# e-mail:

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

The property is currently owned by the Applicant. The deed is attached.

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

Existing Use: Describe the existing use of the subject property:

The property and existing building is currently being used by the Applicant for warehousing and equipment storage. A site plan application (Project ID #2014-184) was approved by the City on October 24, 2015 for exterior site improvements not related to the proposed text change.

Current Zoning Designation(s): B-5 Urban Commercial 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 Applicant is proposing to use the site as a self-storage facility, warehousing, and outdoor storage of moving equipment rentals. The applicant proposes a text change to Section 14-230.1 to include "Self Storage Facilities" and "Moving equipment rental and outdoor storage" as allowed uses within the B-5 zone, on-peninsula only. No additional exterior site improvements are proposed other than what was approved per Project ID #2014-184.

Site Plan: On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1' = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

Zoning Map Amendment ___ $2,000.00 (from _____ zone to _____ zone) **Zoning Text Amendment** X $2,000.00 (to Section 14-230.1) (Fee paid with previous submission) **Combination Zoning Text Amendment and Zoning Map Amendment** ___ $3,000.00 **Conditional or Contract Zone** ___ $3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	The City invoices separately for the following: • Notices ($.75 each) • Legal Ad (% of total Ad) • Planning Review ($40.00 hour) • Legal Review ($75.00 hour) • Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.

APPLICATION SUBMISSION:

1. All plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file names which can be found on the **Electronic Plan and Document Submittal** page of the City's website at http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal

2. **The submission shall include the following materials:**
   a. One (1) paper set of the zoning amendment application, concept plan and written narrative.
   b. Contract and conditional rezoning applications must include site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations and compatible with the surrounding neighborhood.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of Appli	**Date:**
William J. Kelsch III (Agent)	7/31/15

Date:

To Whom It May Concern,

By this letter, the undersigned authorizes Walsh Engineering Associates, Inc. to act as the agent for the undersigned in the preparation and submission of all Federal, State, and Local City permit applications and relevant documents and correspondence for all necessary permits for the site improvements at 425 Marginal Way, Portland, Maine; to attend meetings and site visits; to appear before all boards, commissions, and committees, and to provide such other services as are necessary and appropriate in furtherance of the aforementioned project.

Sincerely,

Client

JOHN LORANGER
U-HAUL COMPANY OF NH & MAINE
515 South Willow Street
MANCHESTER N.H. 03103

MAINE REAL ESTATE TAX PAID

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that **AAA Northern New England**, a Maine nonprofit mutual benefit corporation, Grantor, whose mailing address is 68 Marginal Way, Portland, Maine 04101, for consideration paid, hereby **GRANTS** to Five SAC Self-Storage Corporation, a Nevada corporation, Grantee, whose mailing address is 1250 E. Missouri, Phoenix, Arizona 85014, with **WARRANTY COVENANTS**, the land with buildings thereon situated at 425 Marginal Way, City of Portland, County of Cumberland, State of Maine, described as follows:

See attached Exhibit A

This conveyance is made subject to easements, covenants, conditions and restrictions of record, if any.

IN WITNESS WHEREOF, said Grantor has caused this instrument to be signed in its company name by Eric J. Cyr, its President pursuant to due authority, this 24th day of September, 2013.

AAA Northern New England,
a Maine nonprofit mutual benefit corporation

X _____
Eric J. Cyr, President

STATE OF MAINE
COUNTY OF CUMBERLAND

Then personally appeared the above named Eric J. Cyr, President of AAA Northern New England and acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of said corporation.

Before me:

_____
Notary Public
Printed Name: Patrick Moody

PATRICK MOODY
Notary Public, Maine
My Commission Expires June 04, 2018

SEAL

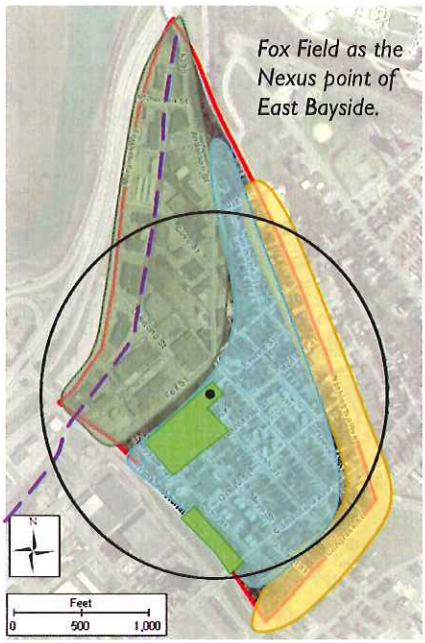
The Next Phase: Master Vision and Long-Term Planning

The Recommendations in this report address issues associated with current planning initiatives, and respond to key ideas that surfaced from the community. The redevelopment of Franklin Arterial and the construction of Bayside Trail both pose critical opportunities for design improvements in East Bayside if EBNO can attach a clear community vision to the impetus that is underway. The issues raised by East Bayside citizens and business owners (like streetscape, transit amenities and Fox Field improvements) are also important, and are perhaps more immediate, tangible goals to address.

These topics warrant further study and can become the next steps for securing the future of the neighborhood. EBNO should also devote efforts to go beyond these immediate planning initiatives to develop a long-term, cohesive vision for the future of the neighborhood. A long-range vision should include a master plan for physical improvements (public and private) as well as implementation strategies. Besides the issues already highlighted in this report, a comprehensive long-range vision should address some of the more intractable physical issues in the neighborhood including:

- Reconnecting key components of the historic street grid, including but not necessarily limited to Oxford Street (east-west across Franklin Arterial) and Lancaster Street to the north-south. Reconnecting streets would require imagining how the PHA dwellings in this vicinity could be modified, rebuilt or potentially replaced.
- In conjunction with the above listed recommendation, a long-range vision should consider how other PHA housing development might be modified or reconstructed to be more responsive the street and better integrated with the historic development pattern. This revisioning of the PHA housing stock also provides an opportunity to image new sustainable design solutions and architectural forms that promote safer neighborhoods with "defensible space." PHA parking lots should be considered as potential redevelopment sites for more valuable community needs including additional housing.
- The industrial district north of Fox Street offered the greatest potential for redevelopment. A long-range vision should explore the potential of strategically modifying allowed uses, and envision the potential of future public and private development in this area to meet community needs. A vision for this area should embrace the City's Environmental Sustainability Goals, and provide a model for new urban redevelopment for the 21st century.

In creating a long-term vision, EBNO should work cooperatively with the City of Portland and the Portland Public Housing Authority, and should maximize community involvement by engaging residents, businesses, and non-profits in the neighborhood. EBNO should leverage additional community resources for this planning effort by soliciting continued involvement from the Muskie School of Public Service as well as other community partners.



Issue: Fox Field

Though Fox Field is widely considered an asset to the community due to the amenities it provides, the field itself and its relationship to the surroundings need improvement. The lack of lighting, seating, connections to surroundings and limited recreational uses undermine the field's potential as a nexus point and gateway to the neighborhood.

Physical Improvements:

- Construct a broader diversity of attractive recreational amenities, both active and passive. Install custom benches, water fountains, lighting, and attractive fencing where appropriate. Upgrade the basket-ball court to full-size and consider new uses for other underutilized areas around the field.
- The mural on the Park's Department building has not been "tagged" since its completion in 2004 which speaks to the success of a community-based approach to public art. Provide more opportunities for such community-based art projects at Fox Field and vicinity. Consider:
    - Public mural projects on buildings adjacent to Fox Field. Engage community-based artists to design site-specific benches, fences, and other site amenities.
    - Artist-designed signage for Fox Field and landscaping that will create a gateway identifier for the neighborhood.
    - Devise alternative, attractive and functional fencing devices for field perimeter that enhance connections to the neighborhood and Bayside Trail.

For Further Study:

- Initiate contact with building owners and the City's Public Art Committee (which provides grants) to explore opportunities for community-based art projects.
    - EBNO, PHA and Kennedy Park residents, the City of Portland (Public Services, Planning, Public Health) and non-profit organizations using Fox Field (e.g., Portland United Soccer League, etc.) should cooperate to develop a cohesive plan for Fox Field improvements.
    - Fox Field is bordered to the north by the Lower East Bayside district which is currently zoned for low-impact industrial uses (I-Lb). Surveys of business owners in the area revealed two strains of thought regarding the re-zoning of I-Lb to B-5, which would allow housing. Some business owners thought that housing would improve the area aesthetically and functionally. Others worried that housing would cause gentrification, squeezing out the existing industrial uses in Lower East Bayside. The debate on I-Lb versus B-5 zoning warrants further study with consideration of strategic locations that may be appropriate for a B-5 zoning. For instance, with mixed-use development, North Boyd Street could become a prime pedestrian link from Fox Field, the residential area, and the Bayside Trail.

2. Low impact industrial uses with total floor area of less than ten thousand (10,000) square feet and which meet the performance standards of the I-L zone;

3. Breweries, including associated bottling activities.

(c) *Marine:*

INSERT: 4. Self Storage Facilities (on-peninsula)
5. Moving equipment rental and outdoor storage (on-peninsual)

3. Harbor and marine supplies and services and ship supply;

4. Reserved;

5. Shipbuilding and facilities for construction, maintenance and repair of vessels;

6. Marine museums and aquariums;

7. Reserved;

8. Boat repair yards;

9. Boat storage facilities;

10. Seafood processing for human consumption;

11. Seafood packing and packaging;

12. Seafood distribution;

(d) *Residential:*

1. Attached single-family, two-family and multifamily dwellings;

2. Handicapped family units;

3. Lodging houses;

4. Combined living/working spaces, including but not limited to artist residences with studio space.

Exhibit A
Legal Description

Real property in the City/Town of Portland, County of Cumberland, State of Maine, described as follows:

Parcel One:

A certain lot or parcel of land, situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the easterly side line of Marginal Way at the point of curve of the first curve in Marginal Way northerly of Plowman Street; thence southerly along the easterly side line of Marginal Way, a distance of seventy-six and seven tenths (76.7) feet to another point of curve, being the junction of the easterly side line of Marginal Way with the northerly side line of Plowman Street; thence southerly and easterly, along a curve in the northerly side line of Plowman Street, a distance of seventy-six and ninety-seven one-hundredths (76.97) feet, measured on the arc, to the point of tangent of the aforementioned curve; thence easterly along the northerly side line of Plowman Street, a distance of one hundred thirty (130) feet, more or less, to the westerly side line of land of the Portland Terminal Company, hereinafter called "Railroad Location;" thence northerly along the westerly side line of said Railroad Location, a distance of seventy-three (73) feet, more or less, to a point of curve in the westerly side line of said Railroad Location; thence northerly along the westerly side line of said Railroad Location, following a curve thereon, a distance of one hundred fifty-seven and eight one-hundredths (157.08) feet, more or less, to the point of tangent of the aforementioned curve; thence northerly along the westerly side line of said Railroad Location, a distance of two hundred nineteen and ninety-three one-hundredths (219.93) feet, more or less, to the easterly side line of land of the State of Maine; thence southwesterly, making an included angle of 25° 30' through the South with the southerly direction of the last described course and on the line of land of the State of Maine, a distance of seventy and four tenths (70.4) feet to a granite monument; thence southwesterly, making a deflection angle of 23° 06' to the right and along the line of land of the State of Maine, a distance of forty-six and nine tenths (46.9) feet to a point; thence westerly, making a deflection angle of 23° 51' to the right, a distance of sixty-one and thirty-eight one- hundredths (61.38) feet to the easterly side line of Marginal Way; thence southerly along the easterly side line of Marginal Way, a distance of one hundred sixty-two and eleven one- hundredths (162.11) feet to the point of beginning.

Parcel Two:

Also another parcel of land, bounded and described as follows:

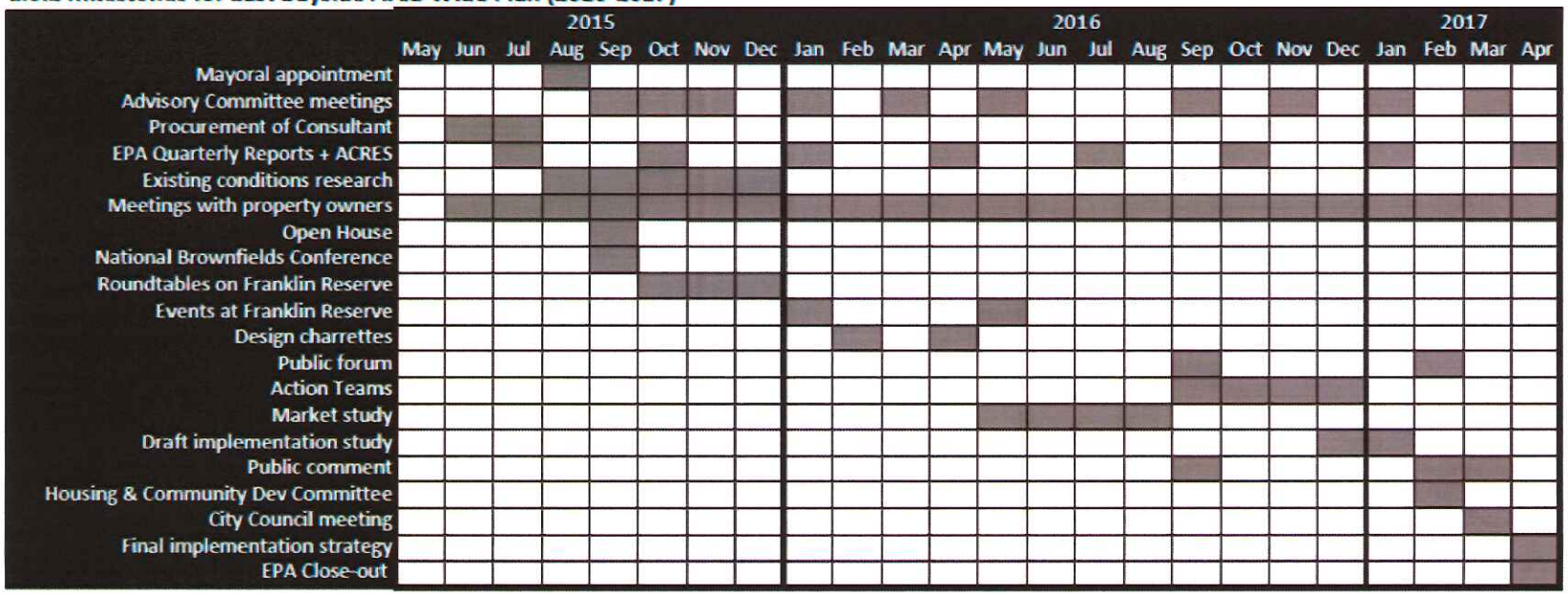
Beginning at a point in a curve on the northerly side line of Plowman Street, distant twenty-eight and seventy-five one-hundredths (28.75) feet, more or less, from the point of curve of said curve in the northerly side lien of Plowman Street nearest its junction with the westerly side line of Anderson Street; thence easterly along the curve in said northerly side line of Plowman Street to the westerly side line of Anderson Street; thence along the westerly side line of Anderson Street to land of the State of Maine; thence westerly by land of the State of Maine to a granite monument; thence westerly from said monument and on the same course to the easterly side line of land of the Portland Terminal Company; thence southerly by land of the Portland Terminal Company to the northerly side line of Plowman Street at the point of beginning.

Excepting from the above described premises such portion thereof as was conveyed by the Maine Automobile Association to the State of Maine by deed dated November 28, 1973, and recorded in said registry in Book 3488, Page 279.

Received
Recorded Register of Deeds
Sep 27,2013 08:55:56A
Cumberland County
Pamela E. Lovley

#	2.3.3.1 Anticipated Project Outputs	#	Measures of progress
1	Formation of East Bayside Neighborhood Advisory Committee	1	Mayoral appointment
2	East Bayside Neighborhood Advisory Committee meetings to organize and advance area-wide planning activities	10	Agendas, notes, sign-in sheets
3	Report with research and analysis of existing conditions in East Bayside, e.g., infrastructure, public health, economic, etc.	1	Report
4	Community-wide Open House to review existing conditions and identify neighborhood assets and liabilities	1	Video with highlights, sign-in sheet
5	Roundtables with groups of stakeholders on preferred uses at Franklin Reserve	3	Notes
6	Design charrettes for Brownfields sites: 1 catalyst site (2 meetings) and 2 neighborhood hotspots (1 meeing each)	3	Sketches & designs
7	Market study to test the feasibiity of food-related reuse options, e.g., local food hub	1	Report
8	Viable reuse options for Brownfields sites, such as affordable housing, green space and job creation	3	Reuse plans
9	Bimonthly action team meetings around three specific issues, such as action steps to achieve economic and housing outcomes	9	Minutes, sign-in sheet
10	Community-wide Public Forums to review results of charrettes and action team recommendations	2	Powerpoint, sign-in sheet
11	Increased level of partnership among neighborhood stakeholders to redevelop three priority Brownfields sites		Volunteers for specific roles
12	Brownfields Area-Wide Plan, including site priorities, preferred uses, action steps, and resources for implementation	1	Final product adopted by Council
13	EPA Quarterly Reports + ACRES updates	8	Reports & updates

2.3.2 Milestones for East Bayside Area-Wide Plan (2015-2017)



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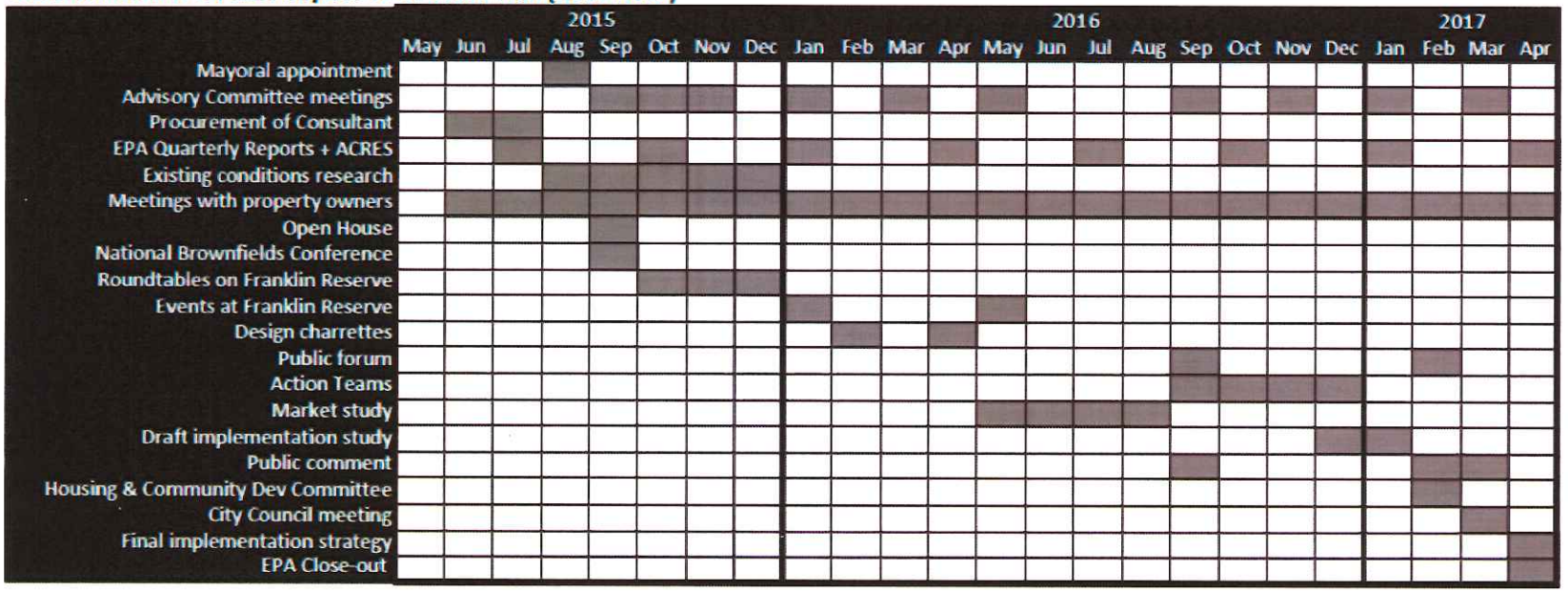

Zoning Map/Text Amendment/Contract or Conditional Rezoning Application
Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the review of requests for zoning map amendments, zoning text amendments and contract or conditional re-zoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Zone Change.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: http://me-portland.civicplus.com/DocumentCenter/Home/View/1080
Design Manual: http://me-portland.civicplus.com/DocumentCenter/View/2355
Technical Manual: http://me-portland.civicplus.com/DocumentCenter/View/2356

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT NAME: Uhaul Facility

PROPOSED DEVELOPMENT ADDRESS:

425 Marginal Way, Portland, Maine

PROJECT DESCRIPTION:

The Applicant is proposing and Zone Change and Text Change such that self-storage is an allowed use on the subject property.

CHART/BLOCK/LOT: 8/A/5

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Jon Hynes, President U-Haul International, Inc. Business Name, if applicable: U-Haul Co. of N.H. & ME Address: 515 South Willow St City/State : Manchester, NH Zip Code: 03103	**Applicant Contact Information** Work # 603-627-9182 Home# Cell # 413-237-3048 Fax# e-mail: 790_EA@uhaul.com
Owner – (if different from Applicant) Name: Same as Applicant Address: City/State : Zip Code:	**Owner Contact Information** Work # Same as Applicant Home# Cell # Fax# e-mail:
Agent/ Representative Name: William Walsh, III, PE Walsh Engineering Associates, Inc. Address: 1 Karen Drive, Suite 2A City/State : Westbrook, ME Zip Code: 04092	**Agent/Representative Contact information** Work # 207-553-9898 Cell # 207-650-8855 e-mail: bill@walsh-eng.com
Billing Information Name: Jon Hynes, President U-Haul Co. of N.H. & ME Address: 515 South Willow St City/State : Manchester, NH Zip Code:	**Billing Information** Work # 603-627-9182 Cell # 413-237-3048 Fax# e-mail: 790_EA@uhaul.com

Engineer	Engineer Contact Information
Name: William Walsh, III, PE Walsh Engineering Associates, Inc. Address: 1 Karen Drive, Suite 2A City/State : Westbrook, ME Zip Code:	Work # 207-553-9898 Cell # 207-650-8855 Fax# e-mail: bill@walsh-eng.com
Surveyor	**Surveyor Contact Information**
Name: Bruce Martinson, PLS Sitelines, PA Address: 8 Cumberland Street City/State : Brunswick, ME Zip Code:	Work # 207-725-1200 Cell # Fax# 207-725-1114 e-mail: bmartinson@sitelinespa.com
Architect	**Architect Contact Information**
Name: Address: City/State : Zip Code:	Work # Cell # Fax# e-mail:
Attorney	**Attorney Contact Information**
Name: Address: City/State : Zip Code:	Work # Cell # Fax# e-mail:

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The property is currently owned by the Applicant. The deed is attached.

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Current Zoning Designation(s): B-5 Urban Commercial 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 Applicant is proposing to use the site as a self-storage facility, warehousing, and outdoor storage of moving equipment rentals. The applicant proposes that the site be rezoned as IL-b. The Applicant further proposes a text change to Section 14-232 to include "Self Storage Facilities" and "Moving equipment rental and outdoor storage" as allowed uses within the IB-b zone. No additional exterior site improvements are proposed other than what was approved per Project ID #2014-184.

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Check all reviews that apply. (Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

Zoning Map Amendment ___ $2,000.00 (from B-5 zone to IL-b zone) **Zoning Text Amendment** ___ $2,000.00 (to Section 14-232) **Combination Zoning Text Amendment and Zoning Map Amendment** X $3,000.00 **Conditional or Contract Zone** ___ $3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	The City invoices separately for the following: • Notices ($.75 each) • Legal Ad (% of total Ad) • Planning Review ($40.00 hour) • Legal Review ($75.00 hour) • Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.

Date:

To Whom It May Concern,

By this letter, the undersigned authorizes Walsh Engineering Associates, Inc. to act as the agent for the undersigned in the preparation and submission of all Federal, State, and Local City permit applications and relevant documents and correspondence for all necessary permits for the site improvements at 425 Marginal Way, Portland, Maine; to attend meetings and site visits; to appear before all boards, commissions, and committees, and to provide such other services as are necessary and appropriate in furtherance of the aforementioned project.

Sincerely,

Client

JOHN LORANGER
U-HAUL COMPANY OF NH + MAINE
515 South Willow Street
MANCHESTER N.H. 03103

MAINE REAL ESTATE TAX PAID

WARRANTY DEED
(Maine Statutory Short Form)

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IN WITNESS WHEREOF, said Grantor has caused this instrument to be signed in its company name by Eric J. Cyr, its President pursuant to due authority, this 24th day of September, 2013.

AAA Northern New England,
a Maine nonprofit mutual benefit corporation

X _____
Eric J. Cyr, President

STATE OF MAINE
COUNTY OF CUMBERLAND

Then personally appeared the above named Eric J. Cyr, President of AAA Northern New England and acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of said corporation.

Before me:

_____
Notary Public
Printed Name: Patrick Moody

PATRICK MOODY
Notary Public, Maine
My Commission Expires June 04, 2018

SEAL

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Parcel One:

A certain lot or parcel of land, situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the easterly side line of Marginal Way at the point of curve of the first curve in Marginal Way northerly of Plowman Street; thence southerly along the easterly side line of Marginal Way, a distance of seventy-six and seven tenths (76.7) feet to another point of curve, being the junction of the easterly side line of Marginal Way with the northerly side line of Plowman Street; thence southerly and easterly, along a curve in the northerly side line of Plowman Street, a distance of seventy-six and ninety-seven one-hundredths (76.97) feet, measured on the arc, to the point of tangent of the aforementioned curve; thence easterly along the northerly side line of Plowman Street, a distance of one hundred thirty (130) feet, more or less, to the westerly side line of land of the Portland Terminal Company, hereinafter called "Railroad Location;" thence northerly along the westerly side line of said Railroad Location, a distance of seventy-three (73) feet, more or less, to a point of curve in the westerly side line of said Railroad Location; thence northerly along the westerly side line of said Railroad Location, following a curve thereon, a distance of one hundred fifty-seven and eight one-hundredths (157.08) feet, more or less, to the point of tangent of the aforementioned curve; thence northerly along the westerly side line of said Railroad Location, a distance of two hundred nineteen and ninety-three one-hundredths (219.93) feet, more or less, to the easterly side line of land of the State of Maine; thence southwesterly, making an included angle of 25° 30' through the South with the southerly direction of the last described course and on the line of land of the State of Maine, a distance of seventy and four tenths (70.4) feet to a granite monument; thence southwesterly, making a deflection angle of 23° 06' to the right and along the line of land of the State of Maine, a distance of forty-six and nine tenths (46.9) feet to a point; thence westerly, making a deflection angle of 23° 51' to the right, a distance of sixty-one and thirty-eight one- hundredths (61.38) feet to the easterly side line of Marginal Way; thence southerly along the easterly side line of Marginal Way, a distance of one hundred sixty-two and eleven one- hundredths (162.11) feet to the point of beginning.

Parcel Two:

Also another parcel of land, bounded and described as follows:

Beginning at a point in a curve on the northerly side line of Plowman Street, distant twenty-eight and seventy-five one-hundredths (28.75) feet, more or less, from the point of curve of said curve in the northerly side lien of Plowman Street nearest its junction with the westerly side line of Anderson Street; thence easterly along the curve in said northerly side line of Plowman Street to the westerly side line of Anderson Street; thence along the westerly side line of Anderson Street to land of the State of Maine; thence westerly by land of the State of Maine to a granite monument; thence westerly from said monument and on the same course to the easterly side line of land of the Portland Terminal Company; thence southerly by land of the Portland Terminal Company to the northerly side line of Plowman Street at the point of beginning.

Excepting from the above described premises such portion thereof as was conveyed by the Maine Automobile Association to the State of Maine by deed dated November 28, 1973, and recorded in said registry in Book 3488, Page 279.

Received
Recorded Register of Deeds
Sep 27,2013 08:55:56A
Cumberland County
Pamela E. Lovley

WALSH
ENGINEERING ASSOCIATES, INC.

May 19, 2015

Barbara Barhydt
Development Review Manager
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

RE: Application for Zoning Map Amendment and Text Change
492 Marginal Way
Portland, Maine

Dear Barbara,

On behalf of the U-Haul Moving and Storage Co. of New Hampshire and Maine (Applicant) and per our recent meetings and conversations, Walsh Engineering Associates, Inc. (WEA) is providing the enclosed information to request an amendment to the City of Portland Zoning Map and a text change to the City of Portland Zoning ordinance. The purpose of the proposed map change and text change is to allow for the Applicant to operate a self-storage facility within the existing building at the property located at 492 Marginal Way (Tax Map 8, Block A, Lot 5).

The Applicant proposes that the Zoning Map be revised such that the boundary of the IL-b Industrial Zone is modified to include the subject property, which currently lies within the B5 Urban Commercial Mixed Use Zone. The proposed change is illustrated on the enclosed Proposed Zoning Map Change plan.

The Applicant further proposes that Section 14-232 - Permitted Uses within the IL-b Industrial Zone be modified to include the following permitted uses:

- Self Storage facilities
- Moving equipment rental and outdoor storage

The proposed text change is indicated on the enclosed excerpt from Section 14-232.

With this submission, we respectfully request to be placed on the next available Planning Board workshop agenda to discuss the project with the Planning Board members. Please contact me if you have any questions or require any additional information.

Respectfully,

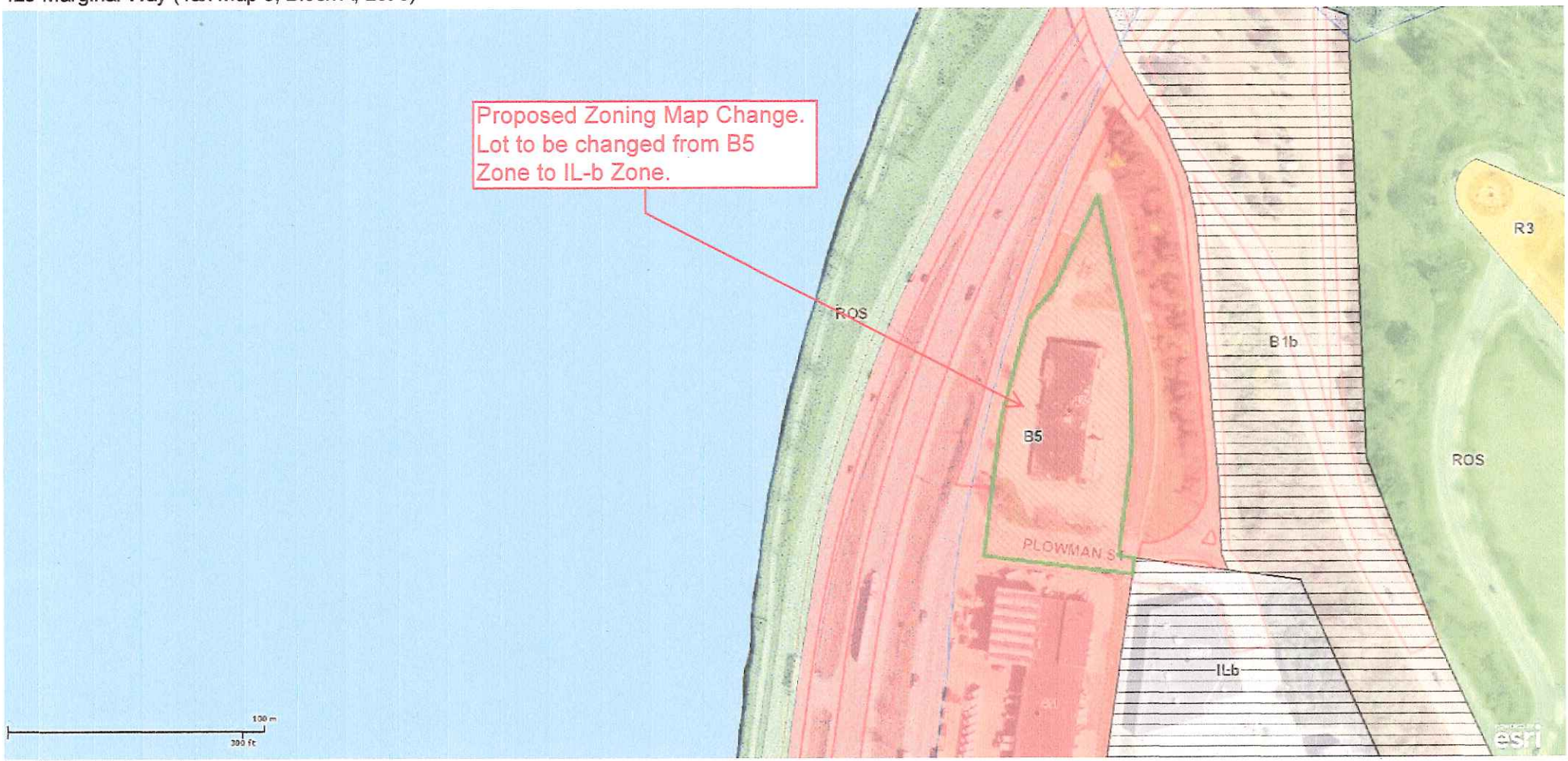
William R. Walsh, III, PE
Walsh Engineering Associates, Inc.

enc. Proposed Zoning Map Change Plan
Proposed Zoning Ordinance Text Change

cc. Jon Hynes, President, U-Haul Moving and Storage Co. of New Hampshire and Maine
John Loranger, U-Haul Moving and Storage Co. of New Hampshire and Maine

Proposed Zoning Map Change

425 Marginal Way (Tax Map 8, Block A, Lot 5)



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WALSH
ENGINEERING ASSOCIATES, INC.

One Karen Dr., Suite 2A | Westbrook, Maine 04092
ph: 207.553.9898 | www.walsh-eng.com

HEALY
BUILDING ARCHITECTS, INC.

(v) Street vendors licensed pursuant to Chapter 19.

(w) Studios for artists, photographers, and craftspeople, including but not limited to painters, sculptors, dancers, graphic artists, and musicians.

(Ord. No. 164-97, § 6, 1-6-97; Ord. No. 22-97, § 1, 7-7-97; Ord. No. 137-97, § 1, 11-3-97; Ord. No. 106-04/05,12-8-04 enacted as an emergency; Ord. No. 240-09/10, 6-21-10; Ord. No. 283-09/10, 7-19-10 emergency passage; Ord. No. 149-10/11, 3-7-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 10-12/13, 7-16-12; Ord. No. 265-12/13, 7-15-13)

INSERT: (x) Self Storage Facilities
(y) Outdoor storage and rental of moving equipement.

Sec. 14-232.1.

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:

1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and

3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and

4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

Rick Knowland - uhaul rezone

From: Jaime Parker <jaime@trails.org>
To: Rick Knowland <RWK@portlandmaine.gov>
Date: 6/8/2015 4:46 PM
Subject: uhaul rezone

Hi Rick,

I saw the notice about the uhaul rezoning, and wonder if this is a chance to codify an easement along the rail siding behind their building on Cove St. (perpendicular to the Bayside Trail). As you know, we recently received an easement from Sherwood Hamill for the south portion of the siding. It appears UHaul owns the entire 'trail corridor' beyond their fence. Not sure if this particular building is up for a rezone, but either way they will be 'at the table', and so far all I have is a verbal 'OK' from the local Manager.

Off the record (for now; we'll announce soon) we recently received a grant that will help build that trail, so this would be very good timing.

Happy to chat about this if you want to call.

Thanks Rick,

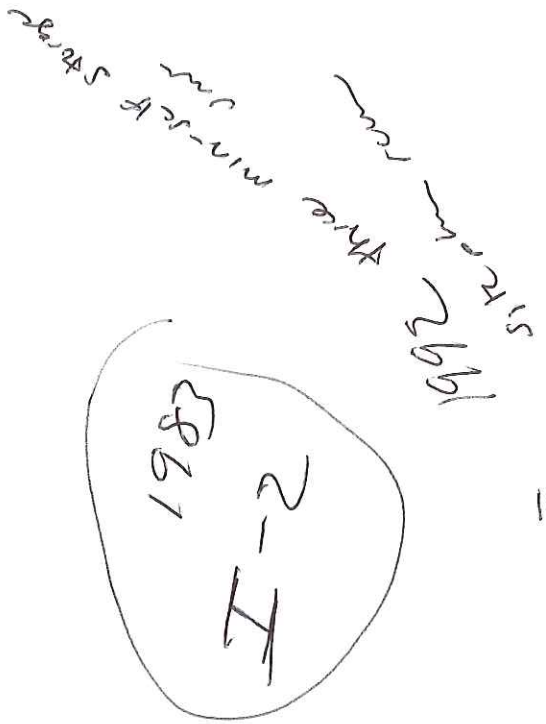
Jaime

--
Jaime Parker
Trails Manager
Portland Trails
jaime@trails.org
329.6180

Non Sibi, Sed Omnibus

I-2 FEB 1990

1941 I



1975 I-2

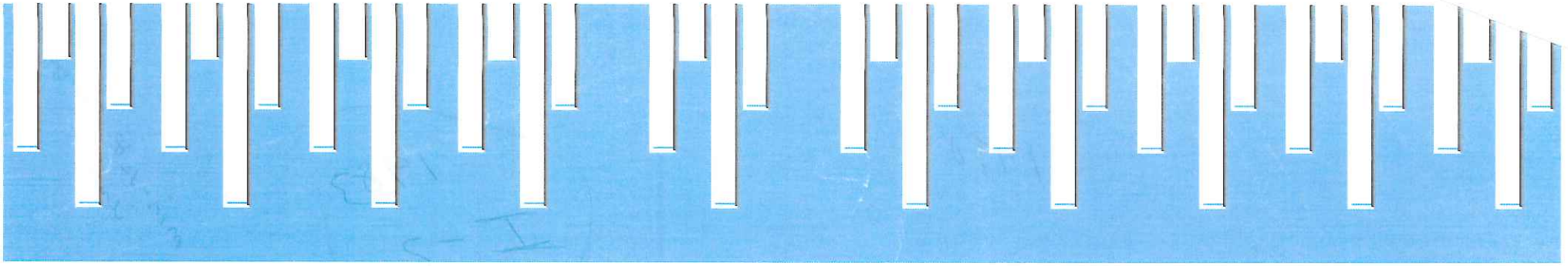
1995 Map shows B-5

B-4 "self-storage facility"

1993 B-5 test crater

purpose section of B-5

1990



Portland, Maine Yes. Life's good here.

Alex Jaegerman, FAICP
Division Director, Planning Division

October 24, 2014

Applicant: John Hynes
U-Haul Co. of N. H. and Maine
515 Willow Street
Manchester, N.H. 03103

Consultant: William Walsh, III
Walsh Engineering Associates, Inc.
1 Karen Drive, Suite 2A
Westbrook, Maine 04092

Project Name: U-Haul Facility
Address: 425 Marginal Way

Project ID: #2014-184
CBL: 8-A-5

Applicant: U-Haul International, Inc.
Planner: Richard Knowland

Dear Mr. Walsh:

On October 22, 2014, the Planning Authority approved with conditions a Level II site plan for the U-Haul Facility involving building renovations, vehicle circulation pavement markings, utility service upgrades, landscaping and pavement removal at 425 Marginal Way. The decision is based upon the application, documents and plans as submitted by U-Haul Co. of New Hampshire and Maine and prepared by Walsh Engineering Associates. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

WAIVER

SIDEWALK

THE APPLICANT GRANTED A WAIVER FROM THE SITE PLAN STANDARD REQUIRING SIDEWALKS ON ALL FRONTAGES (PLOWMAN STREET AND MARGINAL WAY). THE PLANNING AUTHORITY GRANTS THE WAIVER ON BOTH STREETS BASED ON THE FOLLOWING TWO OF THE SIX SIDEWALK WAIVER CRITERIA IN ACCORDANCE WITH SECTION 14-506(B):

(3) A SAFE ALTERNATIVE ROUTE IS REASONABLY AND SAFELY AVAILABLE (THE PLANNING AUTHORITY NOTES THE PRESENCE OF THE BAYSIDE TRAIL AND THE TWO CONNECTION WALKWAYS THE APPLICANT IS INSTALLING FROM THEIR PROPERTY TO THE TRAIL); AND

(6) STRICT ADHERENCE TO THE SIDEWALK REQUIREMENT WOULD RESULT IN THE LOSS OF

SIGNIFICANT SITE FEATURES RELATED TO LANDSCAPING OR TOPOGRAPHY THAT ARE DEEMED TO BE OF GREATER PUBLIC VALUE (THE PLANNING AUTHORITY NOTES THAT A SIDEWALK WOULD RESULT IN THE REMOVAL OF SIGNIFICANT MATURE TREES AND THE COMPLETE REMOVAL OF THE LANDSCAPED ISLAND BETWEEN MARGINAL WAY AND THE SITE PARKING LOT WHICH IS DEEMED IMPORTANT GIVEN THE NATURE OF THE USE).

SITE PLAN REVIEW

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval and the standard conditions of approval:

1. The approved site plan is for a U-Haul retail use and is not approved for a self-storage use. Self-storage is not a permitted use in the B-5 zone.

2. Applicant shall submit a check to the City (in an amount acceptable to the City) for the cost of improvements associated with the curb extension at the corner of Plowman Street and Marginal Way including installation of curb ramps and other related improvements shown on the plan. Said improvements are intended to be installed at a future date as part of the City's combined sewer overflow project in Marginal Way.

3. No vehicles or equipment shall be parked in lawn areas on the site.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three

(3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.

5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*,dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Richard Knowkland at (207) 874-8725

Sincerely,

Alexander Jaegerman, FAICP

Planning Division Director

Attachments:

1. (applicable staff memo's)
2. Chapter 32 – Storm Water [if applicable]
3. Sample Stormwater Maintenance Agreement [if applicable]
4. Performance Guarantee Packet

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland Senior Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Lannie Dobson, Administration, Inspections Division
Brad Saucier, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
David Petruccelli Fire Department
Craig Messinger, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

Portland, Maine — Yes. Life's good here.

Jeff Levine, AICP, Director
Planning & Urban Development Department

Electronic Signature and Fee Payment Confirmation

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

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

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

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

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

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

William J Welch III (agent) — Applicant Signature: — Date: 9/17/14

William J Welch III (agent) — I have provided digital copies and sent them on: — Date: 9/17/14

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3rd Floor, Room 315.

PROJECT NAME: Uhaul Facility

PROPOSED DEVELOPMENT ADDRESS:

425 Marginal Way, Portland, Maine

PROJECT DESCRIPTION:

Building renovation, vehicular circulation pavement markings, utility service upgrades, landscaping, and pavement removal.

#2014-184

CHART/BLOCK/LOT: 8/A/5

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Jon Hynes, President U-Haul International, Inc. Business Name, if applicable: U-Haul Co. of N.H. & ME Address: 515 South Willow St City/State : Manchester, NH Zip Code: 03103	**Applicant Contact Information** Work # 603-627-9182 Home# Cell # 413-237-3048 Fax# e-mail: 790_EA@uhaul.com
Owner – (if different from Applicant) Name: Same as Applicant Address: City/State : Zip Code:	**Owner Contact Information** Work # Same as Applicant Home# Cell # Fax# e-mail:
Agent/ Representative Name: William Walsh, III, PE Walsh Engineering Associates, Inc. Address: 1 Karen Drive, Suite 2A City/State : Westbrook, ME Zip Code: 04092	**Agent/Representative Contact information** Work # 207-553-9898 Cell # 207-650-8855 e-mail: bill@walsh-eng.com Dcc
Billing Information Name: Jon Hynes, President U-Haul Co. of N.H. & ME Address: 515 South Willow St City/State : Manchester, NH Zip Code: 03103	**Billing Information** Work # 603-627-9182 Cell # 413-237-3048 Fax# e-mail: 790_EA@uhaul.com

Engineer	Engineer Contact Information
Name: William Walsh, III, PE Walsh Engineering Associates, Inc. Address: 1 Karen Drive, Suite 2A City/State : Westbrook, ME Zip Code: 04092	Work # 207-553-9898 Cell # 207-650-8855 Fax# e-mail: bill@walsh-eng.com
Surveyor	**Surveyor Contact Information**
Name: Bruce Martinson, PLS Sitelines, PA Address: 8 Cumberland Street City/State : Brunswick, ME Zip Code: 04011	Work # 207-725-1200 Cell # Fax# 207-725-1114 e-mail: bmartinson@sitelinespa.com
Architect	**Architect Contact Information**
Name: Robert J. Foster, Architect Address: 36 Groveside Road City/State : Portland, ME Zip Code: 04102	Work # 207-761-3822 Cell # Fax# e-mail: rfosterme@earthlink.net
Attorney	**Attorney Contact Information**
Name: Address: City/State : Zip Code:	Work # Cell # Fax# e-mail:

APPLICATION FEES:
(Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

X Level 1 Site Alteration ($200.00)	The City invoices separately for the following: • Notices ($.75 each) • Legal Ad (% of total Ad) • Planning Review ($40.00 hour) • Legal Review ($75.00 hour) Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.

PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	52,664	sq. ft.
Proposed Total Disturbed Area of the Site	330	sq. ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland		
Impervious Surface Area		
Impervious Area (Total Existing)	39,873	sq. ft.
Impervious Area (Total Proposed)	40,238	sq. ft.
Parking Spaces		
# of Parking Spaces (Total Existing)	48	sq. ft.
# of Parking Spaces (Total Proposed)	13	sq. ft.
# of Handicapped Spaces (Total Proposed)	1	sq. ft.

Level 1 Site Alteration			
Applicant Checklist	Planner Checklist	# of Copies	**GENERAL WRITTEN SUBMISSIONS CHECKLIST**
X		1	Completed Application form
X		1	Application fees
X		1	Written description of project
X		1	Evidence of right, title and interest
X		1	Evidence of state and/or federal approvals, if applicable
X		1	Written assessment of proposed project's compliance with applicable zoning requirements
X		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
X		1	Written requests for waivers from site plan or technical standards, if applicable.
X		1	Evidence of financial and technical capacity
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
X		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
X		1	Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)
X			Proposed grading and contours;
X			Existing structures with distances from property line;
X			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
N/A			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
X			Preliminary infrastructure improvements;
X			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;

APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file which can be found on the Electronic Plan and Document Submittal page of the City's website at http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal.

2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
   a. Application form that is completed and signed.
   b. Cover letter stating the nature of the project.
   c. All Written Submittals (Sec. 14-527 (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Please refer to the application checklist (attached) for a detailed list of submission requirements.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level II 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:
Nathan T Welch III (agent)	9/17/14

WALSH
ENGINEERING ASSOCIATES, INC.

September 17, 2014

Ms. Barbara Barhydt
Planning Department
Portland City Hall
389 Congress Street
Portland, Maine 04101

RE: Level I Site Plan Development Review Application
Uhaul Facility
425 Marginal Way
Portland, Maine

Dear Ms. Barhydt:

On behalf of Uhaul Co. of New Hampshire & Maine, Inc. (Applicant), Walsh Engineering Associates, Inc. (WEA) is pleased to submit this Level I Site Alteration application for the site alterations to the subject property at 425 Marginal Way in Portland (Map 8, Block A, Lot 5). The applicant is proposing the site improvements as part of the conversion of the building into a Uhaul retail and self-storage facility.

Existing Conditions and Existing Zoning

The existing site consists of a 1.1± acre parcel of land located in the B-5 Urban Commercial Mixed Use Zone with an approximately 12,000 square foot single story masonry building, a paved parking lot, and landscaped areas. The site is bound to the south and west by Plowman Street and Marginal way, respectively, and to the east by the Portland Trail system.

Proposed Development

The applicant is presently to renovating the existing building. The work proposed herein includes upgrading the electrical service to the building and constructing limited site work to improve vehicular and pedestrian circulation throughout the site. The improved site will be used as the retail and self-storage facility for the Uhaul business currently located on the adjacent property to the south (411 Marginal Way). Portions of the existing parking lot will also be used for storage of Uhaul equipment such as rental trucks and rental trailers.

A portion of the existing paved parking lot was constructed beyond the property line at the northeast corner of the lot. The pavement beyond the property line will be removed as part of the site alternation. A guard rail will also be installed along the eastern property line to prevent parked vehicles and equipment from overhanging onto the adjacent property.

The existing electrical service to the building will be upgraded as part of the site alterations. Per the request of the Central Maine Power Company (CMP), a new utility pole will be installed on the north side of the intersection of Plowman Street and Marginal Way. An underground electrical service will be installed from the new pole to the building.

Pavement markings will be installed on the existing paved surface to delineate the new parking layout, and traffic circulation.

Currently, there are two entrances to the site parking lot. Both entrances will be maintained as part of the site alterations with two way traffic. The Marginal Way entrance will be the primary entrance for patrons and the Plowman Street entrance will be maintained for connectivity between the existing Uhaul facility at 411 Marginal Way. The connectivity between the two Uhaul parcels is important for the applicant for ease and safety of transferring equipment between the two lots. It is also our opinion that the use of the site warrants more than one means of access from the site to the City streets.

An existing sewer easement is located on the northwest corner of the property. No disturbance or site improvements are proposed in this portion of the site.

Fire Safety

The existing building is located approximately 180 feet from the closest city hydrant located on the southeasterly side of the intersection of Plowman Street and Marginal Way. Therefore, the requirement of section 3 of the Technical Services Manual of being located within 500' of a hydrant has been satisfied. The 28-foot± wide site entrances will provide access to the lot for emergency vehicles.

Level I Site Alteration Application and Requirements

Per the city ordinance for Site Plan Review, the project meets the level I Site Alteration requirements. Per Section 14-526, Site Plans are subject to transportation standards, environmental quality standards, public infrastructure and community safety standards, and site design standards. Each of these standards is discussed below:

Transportation Standards

The proposed development consists of the renovation of an existing building and limited site work to improve the vehicular and pedestrian movement through the site. The parking lot will be repainted with a new parking layout and vehicle directional signs. The two existing site entrances will remain for two way traffic entrance and egress. The Marginal Way entrance will be primarily used by business patrons, while the Plowman Street entrance will be used primarily by Uhaul staff for transferring equipment between the two Uhaul properties. The proposed site alterations are not anticipated to have an adverse effect on surrounding street systems.

Curbing exists along the edges of Plowman Street and Marginal Way and will be maintained following the proposed site alterations. Two curb ramps and a crosswalk will be installed at the intersection of Plowman Street and Marginal Way. The crosswalk will be located west of the west-bound Plowman Street stop sign in a location that minimizes horizontal crossing distance across Plowman Street. Approximately 38 feet of paved sidewalk will be installed from the northern end of the Plowman Street crosswalk to the site parking lot. A painted crosswalk will be installed on the parking lot from the proposed sidewalk to the building entrance. An ADA access ramp will be installed on the east side of the entrance vestibule with a maximum slope of 5%.

There is currently no sidewalk on the lot frontage. The applicant is hereby requesting a waiver from the requirement for sidewalks along the entire property frontage because there is a safe alternative walking route on the south side of Plowman Street, which connects directly to the Portland Trail system adjacent to the east side of the site.

Parking requirements

Approximately 2,500 square feet of the building will be used as retail space and the remaining 9,000 square feet will be used for storage. As such, the parking requirements are subject to sections 14-332(h) and (l) of the City ordinance.

(2,500 sf – 2,000 sf)(1 space/200 sf)	=	3 spaces
(9,000 sf)(1 space/1,000 sf)	=	9 spaces
Total Required		12 spaces

The proposed parking layout provides 13 parking spaces at the site, including one ADA van accessible space. The existing parking at the adjacent Uhaul facility at 411 Marginal Way will be maintained and used for any overnight parking needed by clients.

Environmental Quality Standards

No wetlands, watercourses, floodplains, significant wildlife habitats, fisheries, or other important natural features are located within the site.

Currently, there are five mature trees around the perimeter of the parking area and four trees at the edge of the building. All existing vegetation at the site will remain with the exception of approximately 15 feet of hedges adjacent to the south side of the building that will removed for the installation of a garage bay door. Three new trees will be planted along the edge of the property line parallel to the Portland Trail system on the northeastern portion of the site.

Stormwater drainage patterns at the site will remain the same between pre and post development conditions. Stormwater quantity increases will be negligible as a result of the site improvements.

Erosion control measures will be implemented before and during construction. Only limited ground disturbance is proposed as part of the site improvements.

Public Infrastructure and Community Safety Standards

The proposed development is a permitted use within the City of Portland Zoning Ordinance, and meets all other city requirements for the area. Existing sewer, water, gas, and communication services to the building will be maintained. An upgraded electrical service will be installed from a new utility pole (per CMP request) at the intersection of Plowman Street and Marginal Way.

Site Design Standards

Historic Resources: The proposed site alteration does not affect designated landmarks nor is it within designated historic districts or historic landscape districts.

Exterior Lighting: No additional exterior lighting is proposed for the site improvements.

I trust you will find the information sufficient for review. We look forward to working with you as part of the review process.

Respectfully,

William R. Walsh, III, PE
Walsh Engineering Associates, Inc.

Enc. Application fee
Letter of Agent Authorization
Level I Site Alteration Application
Property Deed
Erosion and Sedimentation Control Plan
Standard Boundary Survey
Site Plans and Details
CD with electronic materials

cc. Mr. William Marcotte, Client

MAINE REAL ESTATE TAX PAID

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that **AAA Northern New England**, a Maine nonprofit mutual benefit corporation, Grantor, whose mailing address is 68 Marginal Way, Portland, Maine 04101, for consideration paid, hereby **GRANTS** to Five SAC Self-Storage Corporation, a Nevada corporation, Grantee, whose mailing address is 1250 E. Missouri, Phoenix, Arizona 85014, with **WARRANTY COVENANTS**, the land with buildings thereon situated at 425 Marginal Way, City of Portland, County of Cumberland, State of Maine, described as follows:

See attached Exhibit A

This conveyance is made subject to easements, covenants, conditions and restrictions of record, if any.

IN WITNESS WHEREOF, said Grantor has caused this instrument to be signed in its company name by Eric J. Cyr, its President pursuant to due authority, this 24th day of September, 2013.

AAA Northern New England,
a Maine nonprofit mutual benefit corporation

X _____
Eric J. Cyr, President

STATE OF MAINE
COUNTY OF CUMBERLAND

Then personally appeared the above named Eric J. Cyr, President of AAA Northern New England and acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of said corporation.

Before me:

_____
Notary Public
Printed Name: Patrick Moody

SEAL

PATRICK MOODY
Notary Public, Maine
My Commission Expires June 04, 2016

Exhibit A
Legal Description

Real property in the City/Town of Portland, County of Cumberland, State of Maine, described as follows:

Parcel One:

A certain lot or parcel of land, situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the easterly side line of Marginal Way at the point of curve of the first curve in Marginal Way northerly of Plowman Street; thence southerly along the easterly side line of Marginal Way, a distance of seventy-six and seven tenths (76.7) feet to another point of curve, being the junction of the easterly side line of Marginal Way with the northerly side line of Plowman Street; thence southerly and easterly, along a curve in the northerly side line of Plowman Street, a distance of seventy-six and ninety-seven one-hundredths (76.97) feet, measured on the arc, to the point of tangent of the aforementioned curve; thence easterly along the northerly side line of Plowman Street, a distance of one hundred thirty (130) feet, more or less, to the westerly side line of land of the Portland Terminal Company, hereinafter called "Railroad Location;" thence northerly along the westerly side line of said Railroad Location, a distance of seventy-three (73) feet, more or less, to a point of curve in the westerly side line of said Railroad Location; thence northerly along the westerly side line of said Railroad Location, following a curve thereon, a distance of one hundred fifty-seven and eight one-hundredths (157.08) feet, more or less, to the point of tangent of the aforementioned curve; thence northerly along the westerly side line of said Railroad Location, a distance of two hundred nineteen and ninety-three one-hundredths (219.93) feet, more or less, to the easterly side line of land of the State of Maine; thence southwesterly, making an included angle of 25° 30' through the South with the southerly direction of the last described course and on the line of land of the State of Maine, a distance of seventy and four tenths (70.4) feet to a granite monument; thence southwesterly, making a deflection angle of 23° 06' to the right and along the line of land of the State of Maine, a distance of forty-six and nine tenths (46.9) feet to a point; thence westerly, making a deflection angle of 23° 51' to the right, a distance of sixty-one and thirty-eight one- hundredths (61.38) feet to the easterly side line of Marginal Way; thence southerly along the easterly side line of Marginal Way, a distance of one hundred sixty-two and eleven one- hundredths (162.11) feet to the point of beginning.

Parcel Two:

Also another parcel of land, bounded and described as follows:

Beginning at a point in a curve on the northerly side line of Plowman Street, distant twenty-eight and seventy-five one-hundredths (28.75) feet, more or less, from the point of curve of said curve in the northerly side lien of Plowman Street nearest its junction with the westerly side line of Anderson Street; thence easterly along the curve in said northerly side line of Plowman Street to the westerly side line of Anderson Street; thence along the westerly side line of Anderson Street to land of the State of Maine; thence westerly by land of the State of Maine to a granite monument; thence westerly from said monument and on the same course to the easterly side line of land of the Portland Terminal Company; thence southerly by land of the Portland Terminal Company to the northerly side line of Plowman Street at the point of beginning.

Excepting from the above described premises such portion thereof as was conveyed by the Maine Automobile Association to the State of Maine by deed dated November 28, 1973, and recorded in said registry in Book 3488, Page 279.

Received
Recorded Register of Deeds
Sep 27,2013 08:55:56A
Cumberland County
Pamela E. Lovley

Date:

To Whom It May Concern,

By this letter, the undersigned authorizes Walsh Engineering Associates, Inc. to act as the agent for the undersigned in the preparation and submission of all Federal, State, and Local City permit applications and relevant documents and correspondence for all necessary permits for the site improvements at 425 Marginal Way, Portland, Maine; to attend meetings and site visits; to appear before all boards, commissions, and committees, and to provide such other services as are necessary and appropriate in furtherance of the aforementioned project.

Sincerely,

Client

JOHN LORANGER
U-HAUL COMPANY OF NH + MAINE
515 SOUTH WILLOW STREET
MANCHESTER N.H. 03103

EROSION AND SEDIMENTATION CONTROL PLAN

for
Uhaul Facility
425 Marginal Way
Portland, Maine

September 2014

The following plan for controlling sedimentation and erosions is based on conservation practices found in the latest edition of the Maine Erosion & Sediment Control BMP's Manual, Maine Department of Environmental Protection. The Contractor who implements this plan shall be familiar with this publication and adhere to it and the practices presented herein.

GENERAL EROSION AND SEDIMENTATION CONTROL PRACTICES

The following is a list of general erosion control practices that will be use to prevent erosion and sedimentation before, during, and after the construction of this project. In addition, special care shall be used at all times to:

1) Limit disturbance to only areas necessary for construction
2) Correct any erosion problems immediately
3) Regularly monitor the implemented practices, especially after every rainfall
4) Re-vegetate disturbed areas as soon as possible after construction
5) Conform to all requirements/standards of Natural Resources Protection Act (NRPA)

Silt Fence and/or Erosion Control Mix Sediment Barriers
As noted on the plans, silt fence and/or erosion control mix sediment barriers will be installed along the down gradient side of the proposed ground disturbance areas prior to any construction activities.

Emergency Provisions
Should a storm be predicted, the contractor shall cover any excavated areas with mulch or stone to prevent erosion.

MONITORING SCHEDULE

The contractor shall be responsible for installing, monitoring, maintaining, repairing, replacing, and removing all of the erosion and sedimentation controls or appointing a qualified subcontractor to do so. Maintenance measure will be applied as needed during the entire construction cycle. Immediately following any significant rainfall, and at least once a week, a visual inspection will be made of all erosion and sedimentation controls as follows. Erosion control mix sediment barriers and/or silt fence shall be inspected and repaired. Sediment trapped behind these barriers shall be excavated when it reaches a depth of six inches and redistributed to areas undergoing final grading.

EROSION CONTROL REMOVAL

An area is considered stable if it is paved or if 85% growth of planted seeds is established. Once an area is considered stable, the erosion control measures can be removed.

Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, Director

August 31, 2012

Rob Tod
50 Industrial Way, LLC
50 Industrial Way
Portland, ME 04103

Richard Meek
Sebago Technics
75 John Roberts Road, Suite 1A
South Portland, ME 04106

Project Name: Allagash Brewery Expansion
Address: 50 Industrial Way, Portland, ME
Project ID: 2012-539
CBLs: 326-B-8, 9, and10
Applicant: 50 Industrial Way, LLC
Planner: Nell Donaldson

Dear Mr. Tod:

On August 31, 2012, the Planning Authority approved with conditions a Level II site plan for the expansion of the Allagash Brewery at 50 Industrial Way. The decision is based upon the application as submitted by 50 Industrial Way, LLC and prepared by Sebago Technics, Inc. (dated August 10, 2012). The proposal was reviewed for conformance with the standards of the City of Portland's site plan ordinance (Section 14-526). The Level II site plan is approved with the following waivers and conditions:

A. WAIVERS

Sidewalk

The applicant requested a waiver from the site plan standard requiring sidewalks on all frontages. The waiver request cited two of the six sidewalk waiver criteria in accordance with Section 14-506(b):

1) There is no reasonable expectation of pedestrian usage coming from, going to, and traversing the site; and
6) Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of greater public value.

The Planning Authority recognizes, in particular, the importance of the existing drainage system in the right-of-way along Industrial Way. As such, the sidewalk requirement is waived.

A safe alternative walking route is reasonably and safely available...

Rick Knowland - U-Haul staff review comments

From: Rick Knowland
To: bill@walsh-eng.com
Date: 10/9/2014 10:32 AM
Subject: U-Haul staff review comments
CC: Alex Jaegerman; Barbara Barhydt; David Margolis-Pineo; Jeff Tarling; ...
Attachments: uhaul planting sketch.pdf

Hi Bill, As discussed on the phone yesterday, I am sending you a written list of review comments on the U-Haul project.

1. We have had a long internal debate on the sidewalk waiver issue. We are open to granting a waiver on both Marginal Way and Plowman St. at this time if the surrounding pedestrian circulation system is improved to mitigate the sidewalk waiver. There is a gap (a small stretch of grass) in the walkway system on both sides of Plowman Street directly adjacent to the Bayside Trail. The site plan should be revised extending the black top walkway from the trail to the U-Haul driveway on the north side of Plowman (new U-Haul facility site) as well as the south side of Plowman (existing U-Haul facility). A note should be placed on the plan indicating that no vehicles or equipment shall be parked between the street curb and the existing guard rail along the existing U-Haul Plowman street frontage since it functions as a sidewalk. As part of the sidewalk mitigation the radii at the corner of Plowman and Marginal (north side) should be tightened making it easier for pedestrians to cross the street.

2. See attached sheet on landscaping comments from Jeff Tarling. He is recommending three trees adjacent to the trail. One ornamental tree near the corner of plowman and Marginal Way.

3. Is the parking lot going to be re-striped? I'm assuming that will be needed.

4. Site plan needs to be clarified on what parking areas are intended for parking for the general public and what spaces are intended for rental vehicles and equipment. Rental vehicles/equipment parking areas will need to have a guard rail between the space and the adjacent street/trail. We say this because rental equipment seems to have a habit of overhanging the curb. A guard rail needs to be installed to address this. If you want to use a metal guard rail fine but on the public side (trail or street side) it should be wood. A spec of the guard rail should be submitted.

5. There should be a note on the plan indicating no rental equipment/vehicles shall be parked within the grass areas of the site and that such equipment/vehicles shall be parked in designated areas on the site.

6. Is U-Haul going to repair (or upright) the wood bollards along the Bayside Trail (existing site) that have pushed by U-Haul equipment/vehicles?

7. Any new lighting proposed? If yes, we will need lighting specs and photometrics.

Should you have any questions on these comments, please feel fee to contact me.

WALSH
ENGINEERING ASSOCIATES, INC.

October 13, 2014

Rick Knowland
Planning Department
Portland City Hall
389 Congress Street
Portland, Maine 04101

RE: Level I Site Plan Development Staff Review Response and Revised Plans
Uhaul Facility
425 Marginal Way
Portland, Maine

Dear Rick:

On behalf of Uhaul Co. of New Hampshire & Maine, Inc. (Applicant), Walsh Engineering Associates, Inc. (WEA) is pleased to submit this response and updated Site Plan to the staff review comments received on October 9, 2014 for the Level I Site Alteration application for the site alterations to the subject property at 425 Marginal Way in Portland (Map 8, Block A, Lot 5).

The following is a response to each of the staff review comments. Please refer to the enclosed revised sheet C2.0 Site Layout and Materials Plan, rev. date 10-13-14, for comments pertaining to revised plan.

1. The Site Layout and Materials Plan has been revised to show proposed pavement on either side of Plowman Street connecting the trail to the two U-Haul entrances. A note has been added to the stating that no vehicles or equipment shall park between the street curb and the existing guard rail along the existing U-Haul Plowman Street frontage. The radii at the corner of Plowman Street and Marginal Way has been tightened to reflect a radii of 30' from the existing catch basin to Marginal Way. The existing catch basin is to remain as is.

2. The plan has been revised to show three Maple trees adjacent to the trail, as suggested. The client has requested that in lieu of the ornamental tree on the southwest corner near plowman that they be allowed to install large boulders with a perennial garden. This will allow for a visual sightline of the building and its signage from the intersection of the Marginal Way and Plowman.

3. The parking area and storage areas will be delineated by striping as shown on the plan.

4. Specific areas for rental vehicles and equipment have been clarified on the plan. We have revised the plan to add guard rail at the curbed areas where there will storage to prevent overhanging of the vehicles. We have also revised the guard rail detail to be a wooden guard rail, rather than metal.

5. A note has been added to the plan indicating that rental equipment and vehicles shall park in designated areas only.

6. The plan has been revised to include the straightening of the wood bollards on the existing U-Haul site.

7. No new lighting is proposed.

Enclosed you will find one (1) copy of full-size sheet C2.0 Site Plan revised, one copy of 11 x 17 inch revised plan, one (1) copy of guardrail specification and electronic copies of all enclosed.

I trust you will find the information sufficient for approval. Please let us know if any additional information is required.

Respectfully,

William R. Walsh, III, PE
Walsh Engineering Associates, Inc.

Enc. Revised sheet C2.0 Site Plan
CD with electronic materials

cc. Mr. William Marcotte, Client

WALSH
ENGINEERING ASSOCIATES, INC.

TRANSMITTAL

Date: October 15, 2014 **Project Number:** 264

Project: U-Haul Moving & Storage at Rte 295

To: Rick Knowland, Planning Department
Portland City Hall, 389 Congress Street, Portland, Maine 04101

From: William R. Walsh, III, PE
Walsh Engineering Associates, Inc.

Enc: Level I Site Alteration Application: 1 copy Cover Letter (2 pages)
1 copy plans 11 x 17 (#s:C1.0, C2.0, C3.0)
1 copy plans 24 x 36 (#s: C1.0, C2.0, C3.0)

Rick,

Enclosed, please find the enclosed response and updated Site Plans to the staff review comments received on October 9, 2014 for the Level I Site Alteration application for the site alterations to the subject property at 425 Marginal Way in Portland (Map 8, Block A, Lot 5).

☐ Mailed ☐ Fax Number _____
☒ Delivered No. of Pages (including cover)_____

One Karen Drive, Suite 2A | Westbrook, Maine 04092
phone 207.553.9898 | www.walsh-eng.com

WALSH
ENGINEERING ASSOCIATES, INC.

October 21, 2014

Rick Knowland
Planning Department
Portland City Hall
389 Congress Street
Portland, Maine 04101

RE: Level I Site Plan Development Staff Review Response and Revised Plans
Uhaul Facility
425 Marginal Way
Portland, Maine

Dear Rick:

On behalf of Uhaul Co. of New Hampshire & Maine, Inc. (Applicant), Walsh Engineering Associates, Inc. (WEA) is pleased to submit this response and updated Site Plans to the staff review comments received on October 16, 2014 for the Level I Site Alteration application for the site alterations to the subject property at 425 Marginal Way in Portland (Map 8, Block A, Lot 5).

Response to Comments provided by Tom Errico:

1) The proposed crosswalk on Plowman Street should be shifted approximately 15 feet toward Marginal Way. The crosswalk marking shall be "block" design and meet City standards. The sidewalk ramps shall meet City standards and detectible warning panels shall be included.

   The location of the crosswalk has been shifted approximately 15 feet west towards Marginal Way from its originally proposed location.

   The crosswalk pavement markings have been revised to 24-inch wide painted lines spaced 4-feet on-center in accordance with the City of Portland Technical Manual.

   The sidewalk curb ramp details have been revised to meet the standards of the City of Portland Technical Manual. A detail for the detectable warnings has also been added to Sheet C3.0.

2) The curb radii at the Marginal Way and Plowman Street intersection are excessive and it would be my suggestion that the radius adjacent to the project site be reduced, which will provide for improved crosswalk conditions between the two U-Haul sites. Given that the City will be installing stormwater infrastructure in Marginal Way in the future, I would not suggest that the modifications be implemented as part of this project. One some projects, the City has requested that an applicant make a monetary contribution towards future improvements. I would suggest that this be considered for this project.

Noted. We are in agreement with the practicality of not constructing something this year that will be removed next year. The client is willing to obtain a price for the work and contribute that amount to the project.

3) All parking circulation aisles shall be 24-feet for two-way flow conditions.

   The vehicular circulation aisle widths have been increased to 24 feet around the building.

4) I would suggest that the parallel parking space nearest the Marginal Way driveway be eliminated (maneuvering in and out of the space may create safety problems).

   The parking space nearest the Marginal Way entrance driveway has been eliminated and 12 feet of clear space has been provided between the entrance and the first parallel parking space. As a result, the total number of proposed parking spaces has been reduced to 12, which is the minimum allowable per the City Ordinance.

5) I am concerned about entering and exiting vehicle movements at the Plowman Street driveway and how they may create safety issues with Bayside Trail users. The applicant should provide an assessment of this issue and whether any specific strategies should be considered for implementation.

   We have proposed the installation of "right turn only" and "no left turn" signs at the Plowman Street exit. This strategy will prevent vehicles exiting the facility from crossing the Bayside Trail, but will still allow for connection between the two Uhaul facilities, which is the primary reason for maintaining the Plowman Street access point.

Response to Comments provided by Rick Knowland:

1) Guard rail should indicate material of the rail.

   Detail 6 on Sheet C3.0 has been revised to indicate pressure treated wooden guard rail posts and rail materials.

2) The 50 foot long guard rail along Marginal Way looks good but I can envision more trailers creeping toward Marginal Way. I believe another increment of guard rail is needed (roughly 15 feet) or if you want to use another barrier such as boulders that would be fine.

   The guard rail along Marginal Way has been extended approximately 20 feet to the north.

3) In regard to the boulders on the corner of Plowman and Marginal Way, we'll likely have a condition that they be field located with review and approval by City Staff. There may be a need for additional boulders given the openness of the area and the prolific number of vehicles/trailers in grass areas.

Understood. Three additional boulders have been added to the plan on the east side of the proposed sidewalk. A note has been added to Sheet C2.0 indicating that the placement of boulders shall be field located with review and approval by City staff.

4) Tom Errico's last bullet references the Bayside Trail and safety issues at the U-Haul driveway. The new connection shown on the plan to the driveway is compromised by a utility pole and a trail sign. On the other side of the pole it's not much better. We'll need to discuss this further. This may require a field visit with city staff because the plan and google earth does not portray the constraint very well.

   WEA visited the site following receipt of this comment to determine an adequate location for a connection to the Bayside trail from the Uhaul facility on the north side of Plowman Street. It appears that there is adequate space on the north side of the utility pole to provide the connection between the pole and the associated guy wire. The site plan has been revised to show the connection at this location and a photograph of the area is included with this submission.

5) If there is any reference on the site plan regarding the self-storage use obviously that needs to be removed.

   All references to self-storage have been removed from the plans. Please note that the references to self-storage in paragraphs 1 and 3 of the original application cover letter dated September 17, 2014 should be disregarded.

We trust that these responses adequately address the City's comments. Please find the revised plan sheets attached. If you require any additional information, please contact us.

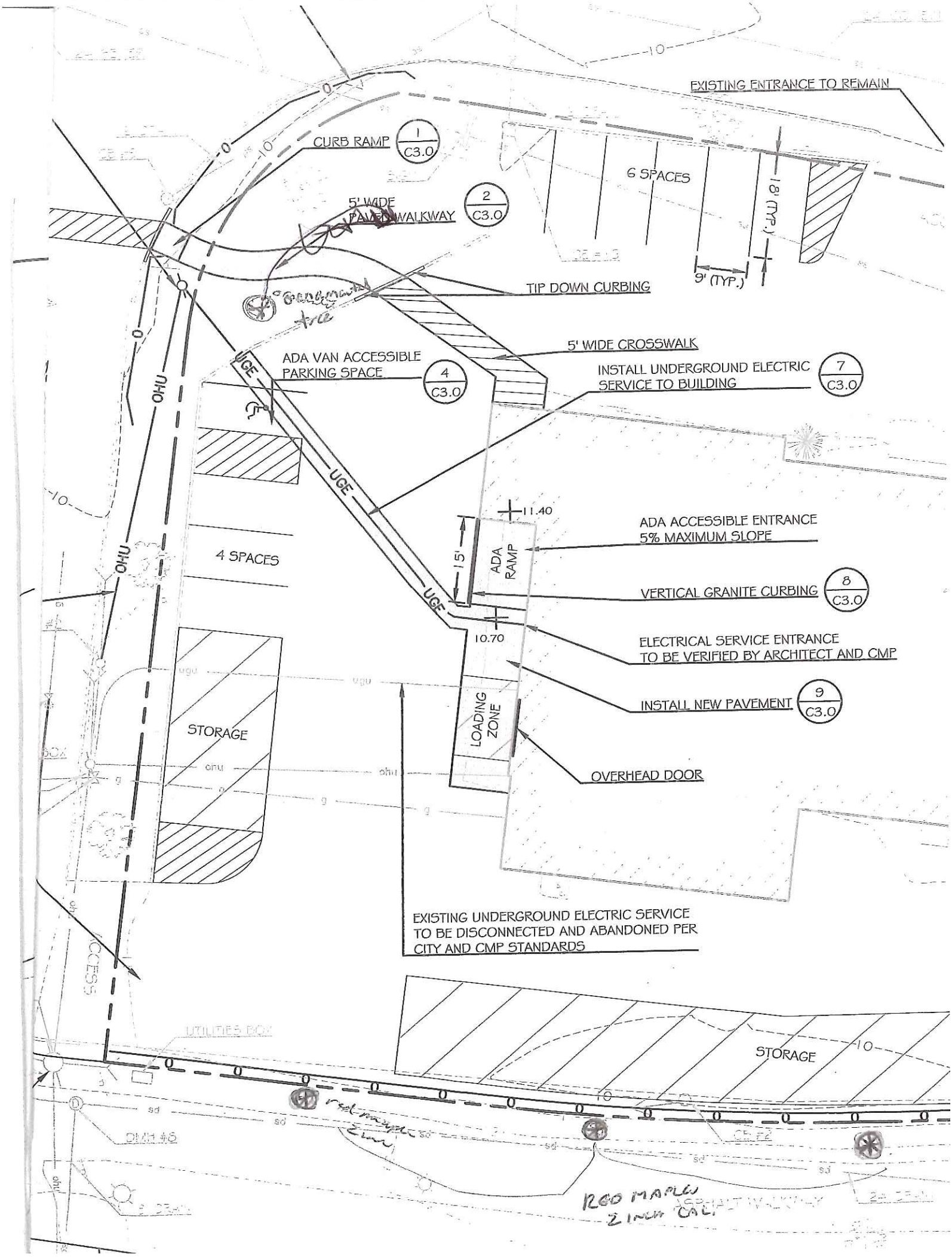
Respectfully,

William R. Walsh, III, PE
Walsh Engineering Associates, Inc.

enc. Revised plan sheets C1.0, C2.0, and C3.0 (1 full size, 1 reduced size)
Photograph of location Bayside Trail connection to Uhaul Facility
Electronic copies of materials

cc. Mr. Tom Errico, PE, T.Y. Lin
Mr. William Marcotte, Client

STOP
U-HAUL
MOVE YOURSELF
SAVE


EXISTING ENTRANCE TO REMAIN
CURB RAMP
1
C3.0
5' WIDE
PAVED WALKWAY
2
C3.0
6 SPACES
18' (TYP.)
9' (TYP.)
TIP DOWN CURBING
5' WIDE CROSSWALK
ADA VAN ACCESSIBLE
PARKING SPACE
4
C3.0
INSTALL UNDERGROUND ELECTRIC
SERVICE TO BUILDING
7
C3.0
UGE
OHU
11.40
ADA ACCESSIBLE ENTRANCE
5% MAXIMUM SLOPE
15'
ADA
RAMP
4 SPACES
VERTICAL GRANITE CURBING
8
C3.0
10.70
ELECTRICAL SERVICE ENTRANCE
TO BE VERIFIED BY ARCHITECT AND CMP
INSTALL NEW PAVEMENT
9
C3.0
STORAGE
LOADING
ZONE
OVERHEAD DOOR
EXISTING UNDERGROUND ELECTRIC SERVICE
TO BE DISCONNECTED AND ABANDONED PER
CITY AND CMP STANDARDS
ACCESS
UTILITIES BOX
STORAGE
DMH #6
RED MAPLE
2 INCH CAL.

U-HAUL SUBMISSION

Signage: The parking lot will be re-painted with directional arrows to indicate the direction of traffic flow.

Evidence of Financial and Technical Capability

The applicant has retained Walsh Engineering Associates, Inc. to provide technical design and permitting services through the site plan review process. WEA has permitted numerous sites through the City Site Plan Approval.

The application has retained Robert Foster, Architect, to provide building renovation design.

Construction cost for the proposed site alterations is estimated to be approximately $30,000.00±. The applicant hopes to commence construction immediately following approval of this permit application. The project will be internally funded by the Uhaul business.

Evidence of Right, Title or Interest

Please find the attached deed for the subject property.

Written Waiver Requests

We are respectfully requesting that the requirement to construct a sidewalk along all frontages, per section 14-526(a)2.c(i) of the City of Portland Code of Ordinances, be waived. The site meets waiver requirements per section 14-506(b) by the following:

1. 14-506(b)(Sidewalks)3: A safe alternative-walking route is reasonably and safely available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.

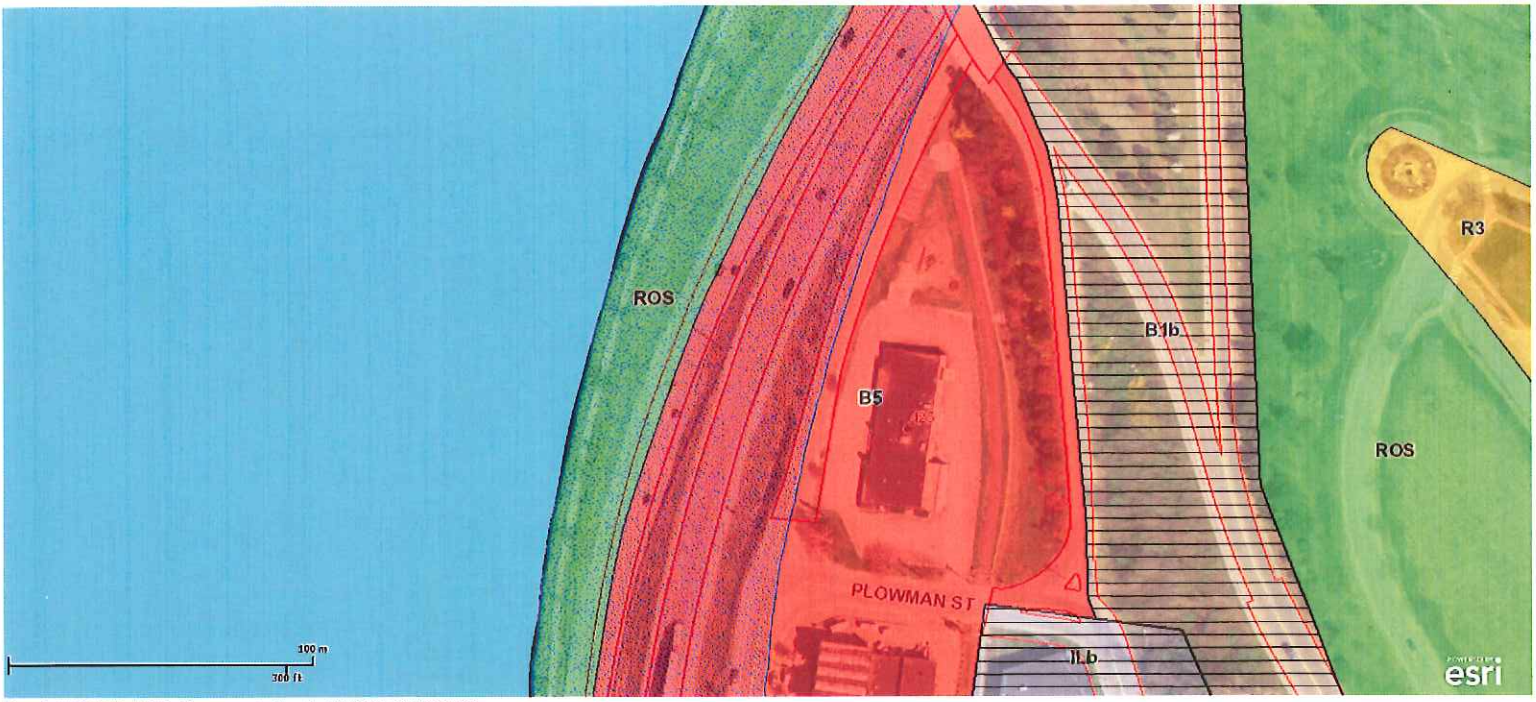
   There is a safe alternative walking route (sidewalk) on the south side of Plowman Street, which connects directly to the Portland Trail system adjacent to the east side of the site.

2. 14-506(b)(Sidewalks)6: Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping and topography that are deemed to be of greater public value.

   Installation of sidewalk along the site frontage would result in the removal of five significant mature trees and the complete removal of the landscaped island between Marginal Way and the site parking lot. These landscaping features are deemed of greater public value since there are nearby alternative walking routes as indicated above.

Enclosed you will find one (1) copy of the Level I Site Alteration application, one (1) copy of full-size Site Plans, one copy of 11 x 17 inch plans, electronic copies of all plans and application materials, and a check for $200.00.

My Map



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Portland, Maine | Yes. Life's good here.

Planning & Urban Development Department

August 31, 2015

Applicant: John Hynes
U-Haul Co. of N.H. and Maine
515 Willow Street
Manchester, N.H. 03103

Consultant: William Walsh, III
Walsh Engineering Associates, Inc.
1 Karen Drive, Suite 2A
Westbrook, Maine 04092

Project Name:	U-Haul Facility	Project ID:	#2014-184
Address:	425 Marginal Way	CBL:	8-A-5
Applicant:	U-Haul International, Inc.		
Planner:	Richard Knowland		

Dear Mr. Walsh:

Thank you for your letter dated July 31, 2015 requesting an extension of the approval for the U-Haul facility at 425 Marginal Way. I understand that your request is based on the fact that the applicant has applied for a zoning text amendment to allow for self-storage use at the site and is awaiting approval of the zoning amendment before they begin site work associated with the approved site plan.

In my capacity as Planning and Urban Development Director for the City of Portland and under the provision of Section 14-532 (c) Expiration of site plan approval, I am granting your request to extend your approval to October 24, 2017. If you have any questions, please contact Richard Knowland at 874-8725.

Sincerely,

Jeff Levine
Planning and Urban Development Director

Electronic Distribution:

CC: Jeff Levine, AICP, Director of Planning and Urban Development
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Acting Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division

Lannie Dobson, Administration, Inspections Division
Brad Saucier, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Keith Gautreau, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

WALSH
ENGINEERING ASSOCIATES, INC.

July 31, 2015

Ms. Barbara Barhydt
Planning Department
Portland City Hall
389 Congress Street
Portland, Maine 04101

RE: Request for Site Plan Approval Extension
U-Haul Facility
425 Marginal Way
Portland, Maine
(Project ID #2014-184)

Dear Ms. Barhydt:

The U-Haul Co. of New Hampshire & Maine, Inc. (Applicant) received approval of their Level II Site Plan application for the site alterations to the subject property at 425 Marginal Way in Portland (Map 8, Block A, Lot 5) on October 24, 2014 (Project ID #2014-184, see attached). As you are aware, the Applicant is in the process of applying for a zoning text change to allow for self-storage use at the site. The Applicant is waiting until they receive approval of the text change before they begin the site work associated with the subject Site Plan. As such, the Applicant is respectfully requesting a two-year extension of the Site Plan approval until October 24, 2017.

We trust that we have provided the information necessary for extension of the Site Plan approval expiration date. Please contact us if you require any additional information.

Respectfully,

William R. Walsh, III, PE
Walsh Engineering Associates, Inc.

Enc. Level II Site Plan Approval Letter (Project #2014-184)

cc. Jon Hynes, President, U-Haul Moving and Storage Co. of New Hampshire and Maine
John Loranger, U-Haul Moving and Storage Co. of New Hampshire and Maine