

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

Please Read
Application And
Notes, if Any,
Attached

BUILDING DEPARTMENT

PERMIT

Permit Number: 100912

This is to certify that ANDERSON STREET REALTY LLC

has permission to Change of use from vacant junk yard lot to 24 hour Repair yard for heavy Fleet & overnight parking

AT 122 ANDERSON ST CB# 010 H005001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is lathed or otherwise finished-in. 24 HOURS NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. _____

Health Dept. _____

Appeal Board _____

Other _____

Department Name

WITHDRAW

Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD



CITY OF PORTLAND, MAINE
 Department of Building Inspections

Original Receipt

7.29 2010

Received from Andersen St Realty

Location of Work 122 Andersen

Cost of Construction \$ _____ Building Fee: 30

Permit Fee \$ _____ Site Fee: _____

Certificate of Occupancy Fee: 75

Total: 105

Building (1L) _____ Plumbing (1S) _____ Electrical (12) _____ Site Plan (12) _____

Other _____

Call: 10-H-5

Check #: 1274 / Total Collected \$ 105

**No work is to be started until permit issued.
 Please keep original receipt for your records.**

Taken by: f.p.

WHITE - Applicant's Copy
 YELLOW - Office Copy
 PINK - Permit Copy

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 10-0912	Date Applied For: 07/29/2010	CBL: 010 H005001
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Location of Construction: 122 ANDERSON ST	Owner Name: ANDERSON STREET REALTY L	Owner Address: 299 FOREST AVE	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

Proposed Use: Commercial /Parking Lot & 24 Hr Repair - Change of use from vacant junk yard lot to 24 hour Repair yard for Dairy Fleet & overnight parking	Proposed Project Description: Change of use from vacant junk yard lot to 24 hour Repair yard for Dairy Fleet & overnight parking
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Dept: Zoning	Status:	Reviewer: Ann Machado	Approval Date:	Ok to Issue: <input type="checkbox"/>
Note:				
Dept: Building	Status: Pending	Reviewer:	Approval Date:	Ok to Issue: <input type="checkbox"/>
Note:				

WITHDRAW

Comments: 7/30/2010-amachado: Sent email to Penny. Need to talk to her about a few issues. 8/2/2010-amachado: Received voicemail from Mike Cardente. Oakhurst has decided to not use the property because of the complaints that have been received. Mike would like to pull the permit. I left him a voicemail telling him that we need the request to withdraw in writing and the original receipt to get his money back. 8/6/2010-amachado: Left Mike Cardente another voicemail telling him that if he would like a refund that he needs to put his request in writing and submit the original receipt.

From: Penny Littell
To: Gary Wood, Ann Machado, Debra Marquis
Date: 8/2/2010 3:56 PM
Subject: Cardent property

Apparently Mike Cardente is withdrawing his change of use application for Anderson Street.

Deb. I have authorized a full refund of the application fee.

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 10-0912	Issue Date:	CBL: 010 H005001
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Location of Construction: 122 ANDERSON ST	Owner Name: ANDERSON STREET REALTY L	Owner Address: 299 FOREST AVE	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	Zone: IL6

Past Use: Commercial Junk Yard Storage	Proposed Use: Commercial /Parking Lot & 24 Hr Repair - Change of use from vacant junk yard lot to 24 hour Repair yard for Dairy Fleet & overnight parking	Permit Fee: \$105.00	Cost of Work: \$105.00	CEO District: I
		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: Type:	

Proposed Project Description: Change of use from vacant junk yard lot to 24 hour Repair yard for Dairy Fleet & overnight parking	Signature: _____ Signature: _____
WITHDRAWN	
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	
Signature: _____	Date: _____

Permit Taken By: Idobson	Date Applied For: 07/29/2010	Zoning Approval
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<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</p>	<p>Special Zone or Reviews</p> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: _____	<p>Zoning Appeal</p> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	<p>Historic Preservation</p> <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>HEU</i>
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CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT _____ ADDRESS _____ DATE _____ PHONE _____

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE _____ DATE _____ PHONE _____



General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

0 Cove of
122
Anderson

Location/Address of Construction: 122 Anderson St. 0 Cove Street		
Total Square Footage of Proposed Structure/Area		Square Footage of Lot 2,582 Acres
Tax Assessor's Chart, Block & Lot	Applicant *must be owner, Lessee or Buyer*	
Chart# 10	Block# H	Lot# 8
Name Anderson St. Realty LLC	Telephone: 775-5677	
Address 322 Fore St. 3rd Floor	City, State & Zip Portland, ME 04101	
Lessee/DBA (If Applicable) Oakhurst Dairy	Owner (if different from Applicant) Name Address City, State & Zip	Cost Of Work: \$ 30 C of O Fee: \$ 75
Current legal use (i.e. single family) If vacant, what was the previous use? Proposed Specific use: Is property part of a subdivision? Project description:	<p>N/A</p> <p>Junk Yard & Truck Storage</p> <p>Servicing / Repairing and Transferring Equipment</p> <p>NO If yes, please name _____</p> <p>Use description: All uses directly and normally incidental to Dairy to the operation, Servicing, Repairing & transferring of Dairy Equipment for dairy fleet. Dairy / Intermodal & Airports</p>	
Contractor's name:	N/A	
Address:	Change of use from Vacant Junk yard lot to Repair yard for Dairy Fleet	
City, State & Zip:	Telephone: _____	
Who should we contact when the permit is ready:	Telephone: _____	
Mailing address:	_____	

WITHDRAW

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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

Signature: *[Signature]* Date: **7/28/10**

This is not a permit; you may not commence ANY work until the permit is issued

RECEIVED

Dept. of Building Inspections
City of Portland Maine

233-7225
Mike

24hr Service

ME

Ann Machado - Change of Use Permit for 122 Anderson Street

From: Ann Machado
To: Penny Littell
Date: 7/30/2010 11:00 AM
Subject: Change of Use Permit for 122 Anderson Street
CC: Marge Schmuckal

Penny -

Mike Cardente submitted a change of use permit for 122 Anderson Street yesterday.

I would like to talk to you about it.

One of the proposed uses is intermodal transportation. The only transportation mode is trucking. There are not two different modes of transportation here.

The other proposed use is repair which is permitted in the I-Lb zone. Under other requirements, it says "all uses shall be operated within a fully enclosed structure except for those customarily operated in the open air". They need to show how they are meeting this.

Their description does not discuss the parking of the Oakhurst trailers on the site, which is not a permitted use in the zone.

There are noise requirements in the I-Lb zone under the performance standards section. As you know there have already been complaints of noise from the neighbors. How does this get addressed.

Since the use is changing and the site is 107,404 sf, shouldn't there be site plan review?

Right now I have the permit on hold until I talk to you.

Thanks.

Ann



Commercial Interior & Change of Use Permit Application Checklist

All of the following information is required and must be submitted. Checking off each item as you prepare your application package will ensure your package is complete and will help to expedite the permitting process.

One (1) complete set of construction drawings must include:

WITHDRAW

Note: Construction documents for costs in excess of \$50,000.00 must be prepared by a Design Professional and bear their seal.

- Cross sections w/framing details **N/A**
- Detail of any new walls or permanent partitions **N/A**
- Floor plans and elevations
- Window and door schedules **N/A**
- Complete electrical and plumbing layout. **N/A**
- Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment or other types of work that may require special review **N/A**
- Insulation R-factors of walls, ceilings, floors & U-factors of windows as per the IECC 2003 **N/A**
- Proof of ownership is required if it is inconsistent with the assessors records. **N/A**
- Reduced plans or electronic files in PDF format are required if originals are larger than 11" x 17".
- Per State Fire Marshall, all new bathrooms must be ADA compliant. **N/A**

Separate permits are required for internal and external plumbing, HVAC & electrical installations.

For additions less than 500 sq. ft. or that does not affect parking or traffic, a site plan exemption should be filed including:

- The shape and dimension of the lot, footprint of the existing and proposed structure and the distance from the actual property lines.
- Location and dimensions of parking areas and driveways, street spaces and building frontage.
- Dimensional floor plan of existing space and dimensional floor plan of proposed space.

A Minor Site Plan Review is required for any change of use between 5,000 and 10,000 sq. ft. (cumulatively within a 3-year period)

WITHDRAW

Fire Department requirements.

The following shall be submitted on a separate sheet:

- Name, address and phone number of applicant **and** the project architect.
- Proposed use of structure (NFPA and IBC classification)
- Square footage of proposed structure (total and per story)
- Existing and proposed fire protection of structure.
- Separate plans shall be submitted for
 - a) Suppression system
 - b) Detection System (separate permit is required) **N/A**
- A separate Life Safety Plan must include:
 - a) Fire resistance ratings of all means of egress
 - b) Travel distance from most remote point to exit discharge
 - c) Location of any required fire extinguishers
 - d) Location of emergency lighting
 - e) Location of exit signs
 - f) NFPA 101 code summary
- Elevators shall be sized to fit an 80" x 24" stretcher.

For questions on Fire Department requirements call the Fire Prevention Officer at (207) 874-8405.

Please submit all of the information outlined in this application checklist. If the application is incomplete, the application may be refused.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

Permit Fee: \$30.00 for the first \$1000.00 construction cost, \$10.00 per additional \$1000.00 cost

This is not a Permit; you may not commence any work until the Permit is issued.



Accessibility Building Code Certificate

N/A

Designer: _____

Address of Project: _____

Nature of Project: _____

The technical submissions covering the proposed construction work as described above have been designed in compliance with applicable referenced standards found in the Maine Human Rights Law and Federal Americans with Disability Act. Residential Buildings with 4 units or more must conform to the Federal Fair Housing Accessibility Standards. Please provide proof of compliance if applicable.

(SEAL)

Signature: _____

Title: _____

Firm: _____

Address: _____

Phone: _____

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov



Certificate of Design

N/A

Date: _____

From: _____

These plans and / or specifications covering construction work on:

Have been designed and drawn up by the undersigned, a Maine registered Architect / Engineer according to the *2003 International Building Code* and local amendments.

Signature: _____

Title: _____

(SEAL)

Firm: _____

Address: _____

Phone: _____

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov



Certificate of Design Application

From Designer: _____
 Date: _____
 Job Name: _____
 Address of Construction: _____

2003 International Building Code

Construction project was designed to the building code criteria listed below:

Building Code & Year _____ Use Group Classification (s) _____

Type of Construction _____

Will the Structure have a Fire suppression system in Accordance with Section 903.3.1 of the 2003 IRC _____

Is the Structure mixed use? _____ If yes, separated or non separated or non separated (section 302.3) _____

Supervisory alarm System? _____ Geotechnical/Soils report required? (Sec Section 1802.2) _____

Structural Design Calculations

_____ Submitted for all structural members (106.1 - 106.11)

Design Loads on Construction Documents (1603)

Uniformly distributed floor live loads (7603.1.1, 1807)

Floor Area Use	Loads Shown
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Wind loads (1603.1.4, 1609)

_____ Design option utilized (1609.1.1, 1609.6)
 _____ Basic wind speed (1809.3)
 _____ Building category and wind importance Factor, I_w
table 1604.5, 1609.5)
 _____ Wind exposure category (1609.4)
 _____ Internal pressure coefficient (ASCE 7)
 _____ Component and cladding pressures (1609.1.1, 1609.6.2.2)
 _____ Main force wind pressures (7603.1.1, 1609.6.2.1)

Earth design data (1603.1.5, 1614-1623)

_____ Design option utilized (1614.1)
 _____ Seismic use group ("Category")
 _____ Spectral response coefficients, S_D & S_I (1615.1)
 _____ Site class (1615.1.5)

_____ Live load reduction
 _____ Roof lw loads (1603.1.2, 1607.11)
 _____ Roof snow loads (1603.7.3, 1608)
 _____ Ground snow load, P_g (1608.2)
 _____ If $P_g > 10$ psf, flat-roof snow load P_f
 _____ If $P_g > 10$ psf, snow exposure factor, C_e
 _____ If $P_g > 10$ psf, snow load importance factor, I_s
 _____ Roof thermal factor, C_t (1608.4)
 _____ Sloped roof snowload, P_s (1608.4)
 _____ Seismic design category (1616.3)
 _____ Basic seismic force resisting system (1617.6.2)
 _____ Response modification coefficient, R , and
 _____ deflection amplification factor, C_d (1617.6.2)
 _____ Analysis procedure (1616.6, 1617.5)
 _____ Design base shear (1617.4, 1617.5.1)

Flood loads (1803.1.6, 1612)

_____ Flood Hazard area (1612.3)
 _____ Elevation of structure

Other loads

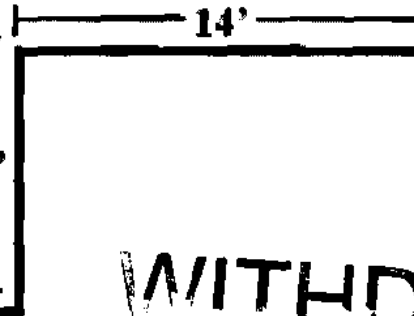
_____ Concentrated loads (1607.4)
 _____ Partition loads (1607.5)
 _____ Misc. loads (Table 1607.8, 1607.6.1, 1607.7,
 1607.12, 1607.13, 1610, 1611, 2404)



Property Floor Plan

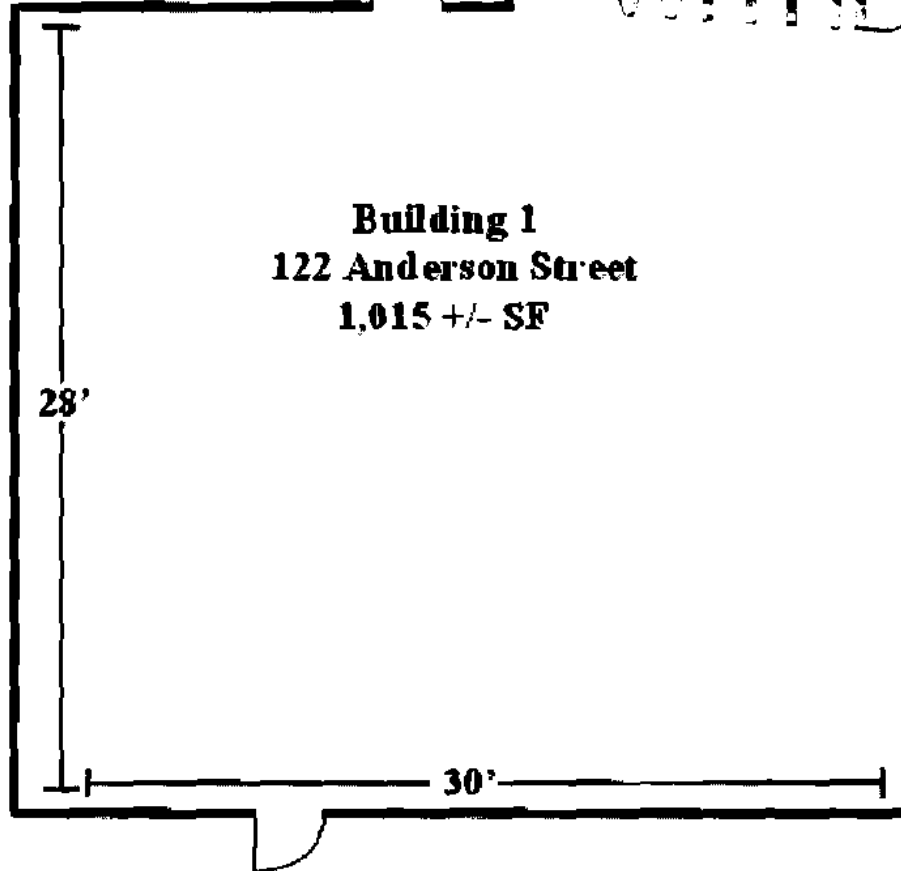
122

Storage Building
with no
Improvements



WITHDRAW

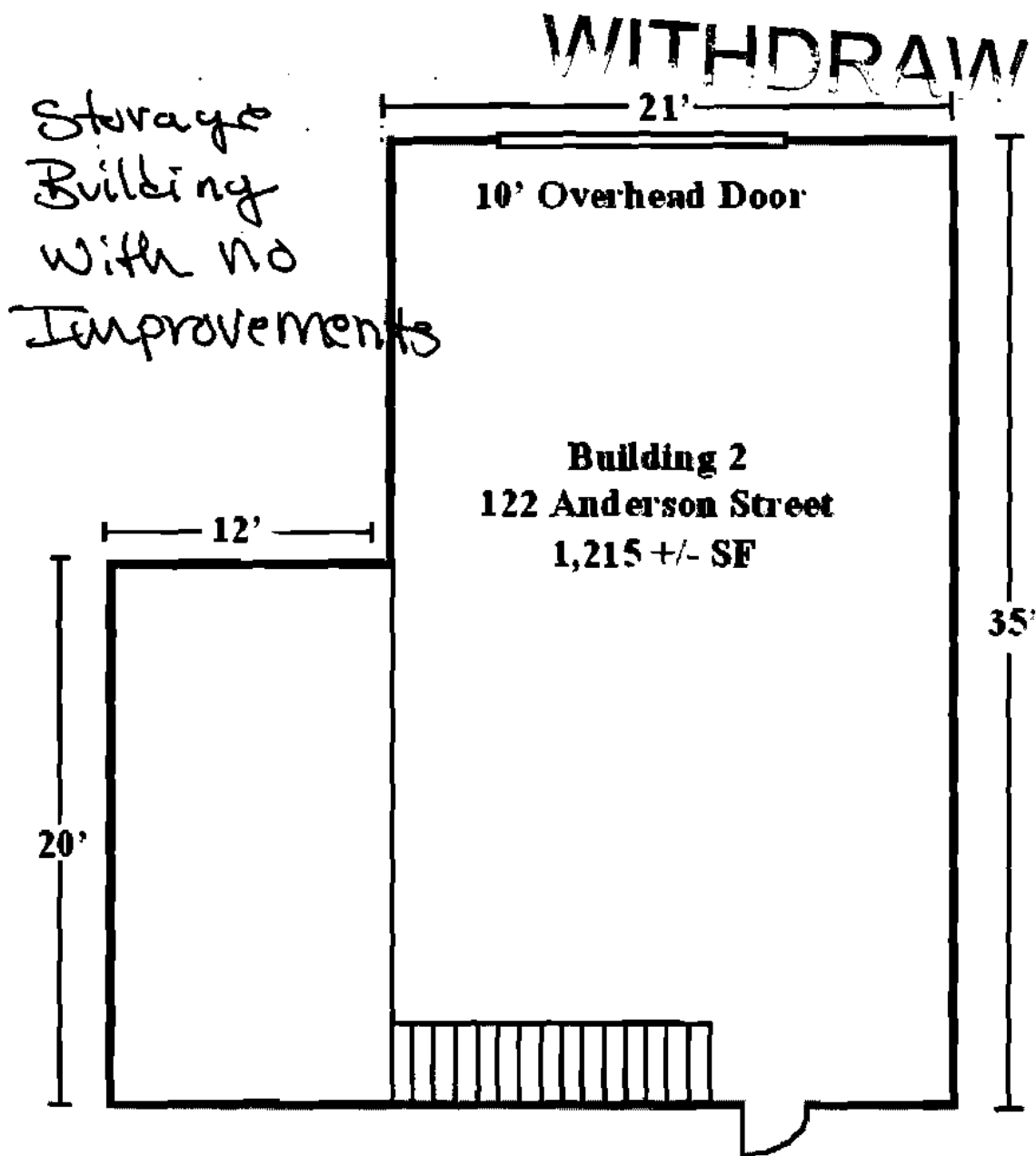
Building 1
122 Anderson Street
1,015 +/- SF





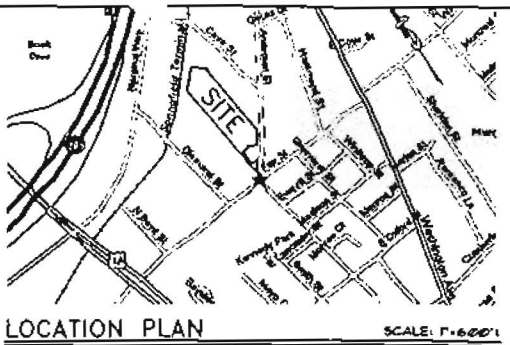
Property Floor Plan

128



LEGEND

EXISTING	PROPOSED
--- PROPERTY LINE	--- EDGE OF GRAVEL/ PROPOSED PAVEMENT
--- ABUTTERS PROPERTY	--- VERTICAL GRANITE CURB
--- CONTOURS	--- CONTOURS
--- BUILDING	--- LIGHT POLE
--- CURB	--- SIGN
--- GAS LINE	--- SURFACE DRAINAGE
--- SANITARY SEWER	--- SILT FENCE
--- OVERHEAD UTILITY	--- PLANTS
--- WATER LINE	
--- CATCH BASIN	
--- SEWER MANHOLE	
--- UTILITY POLE	
--- BARBED WIRE FENCE	
--- IRON PIPE SET	
--- GATE VALVE	
--- LIGHT POLE	
--- WALL MOUNTED LIGHT	
--- MONITORING WELL	
--- WELL	
--- CONCRETE PAVEMENT	
--- RAILROAD TRACKS	



NOTE: OWNER (U) RESERVES THE RIGHT TO ESTABLISH BY APPROPRIATE LEGAL PROCEEDINGS WHETHER AND TO WHAT EXTENT ADJUTING PROPERTY OWNERS HAVE THE RIGHT TO FLOW WATER ONTO THE SUBJECT PREMISES, BUT (U) ACKNOWLEDGES THAT MODIFICATION OF SITE CONTOURS ALONG THE BOUNDARY OF THE PREMISES BLAZED ON THE OUTCOME OF SUCH PROCEEDINGS WILL REQUIRE APPROVAL BY THE PLANNING AUTHORITY AS A SITE PLAN MODIFICATION.

NOTE: FINAL LAYOUT OF LANDSCAPE SCREENING TO BE COORDINATED WITH PORTLAND FORESTRY DEPARTMENT PRIOR TO COMPLETION OF CONSTRUCTION.

PLANT LIST

SYMBOL	COMMON NAME/BOTANICAL NAME	SIZE	QUANTITY	ROOT
A	ARBOREVIATAE / thuja occidentalis 'Nigra'	6" tall	5	5-1B
B	WEIGELA / weigela florida 'Red Prince'	4-5" tall	2	5-1B

ZONING REQUIREMENTS

ZONE 1-LB, INDUSTRIAL ZONE	
MINIMUM LOT SIZE:	NONE
MAXIMUM PERVIOUS SURFACE RATIO:	100%
MAXIMUM BUILDING HEIGHT:	45 FEET
MINIMUM YARD DIMENSIONS:	
SIDE	NONE (75 FT IF ADJUTING RESIDENTIAL)
REAR	NONE (75 FT IF ADJUTING RESIDENTIAL)
FRONT	NONE
MINIMUM LOT WIDTH (STREET FRONTAGE):	60 FEET

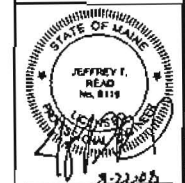
CITY OF PORTLAND SITE PLAN

- LANDSCAPING SHALL MEET THE "ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SITE LOCATION AND SURFACES OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.
- ALL POWERLINE UTILITIES SHALL BE OVERHEAD.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE DESIGNED IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES PUBLISHED BY THE CUMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT AND MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 1998 OR LATEST EDITION. (NOTE: THE SITE PLAN SHOULD SPECIFY THE EROSION CONTROL DEVICE TO BE EMPLOYED, SILT FENCE, MAT SALE, ETC. AS WELL AS THEIR LOCATION.)
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
- ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE).
- PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORKS REPRESENTATIVE AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE SITE/BUILDING CONTRACTOR SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE TO THE ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
- EXISTING VEGETATION SHALL BE CONSERVED IN AREAS SHOWN ON THIS SITE. FENCING OR OTHER PROTECTIVE BARRIERS SHALL BE ERRECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPINGS OF TREES DESIGNATED FOR PRESERVATION PRIOR TO THE ONSET OF CONSTRUCTION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OR CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.

GENERAL NOTES

- OWNER, ANDERSON STREET REALTY, LLC, 299 FOREST AVENUE, PORTLAND MAINE, CUMBERLAND COUNTY REGISTRY OF DEEDS EX. 746-89, PG. 11, DATE DEC. 22 2006.
- ENGINEER, PINKHAM & GREER CONSULTING ENGINEERS, FALMOUTH, MAINE.
- TOPOGRAPHIC AND BOUNDARY INFORMATION, "BOUNDARY SURVEY/TOPOGRAPHIC SITE PLAN AT 122 ANDERSON STREET, PORTLAND, MAINE" FOR CARDENTE REAL ESTATE BY BACK BAY BOUNDARY, INC. LAND SURVEYING, 643 FOREST AVENUE, PORTLAND, MAINE, PLAN DATED JUNE 19, 2001, DATE OF SURVEY 09/30/01.
- UNDERLYING SOILS ARE CLASSIFIED AS AU (AU GRES), A LOAMY SAND, BY SOIL CONSERVATION STUDY OF CUMBERLAND COUNTY.
- ZONE, INDUSTRIAL 1-LB, PROPOSED USE, INTERMODAL CONTAINER STORAGE, REPAIR SERVICE, DISTRIBUTION CENTER, BACK OFFICE USE.
- TAX MAP REFERENCE: MAP 10, BLOCK X, LOTS 5 & 6 AND MAP 12, BLOCK N, LOT 1.
- NO REMOVAL OF ON-SITE MATERIAL IS PERMITTED.
- DRAWINGS INCLUDED IN THIS SUBMITTAL:
 - C11 SITE PLAN
 - C12 DETAILS
 - C13 STORAGE/PARKING LAYOUT
 - D10 DRAINAGE ANALYSIS EXISTING CONDITION PRIOR TO 2005
 - D11 DRAINAGE ANALYSIS DEVELOPED CONDITION
 - BOUNDARY SURVEY/TOPOGRAPHIC SITE PLAN
- ALL CONTAINERS STORED ON SITE SHALL BE PROPERLY LABELED FOR HAZARDOUS MATERIALS. CONTAINER PLACEMENT ON SITE IS TO ALLOW FOR FIRE DEPARTMENT ACCESS.

- TOTAL PARCEL = 2.30 acres
- WARNERS: NONE REQUESTED AT THIS TIME.
- CALL DIG-SAFE PRIOR TO COMMENCING WORK, 1-800-DIG-SAFE.
- POWER TELEPHONE AND CABLE ARE EXISTING, NO CHANGES ARE PLANNED TO THE SERVICES.
- ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP'S" PUBLISHED BY THE BUREAU OF LAND AND WATER QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.
- THIS APPROVAL IS DEPENDENT UPON, AND LIMITED TO, THE PROPOSALS AND PLANS CONTAINED IN THE APPLICATION AND SUPPORTING DOCUMENTS SUBMITTED AND AFFIRMED BY THE APPLICANT AND ANY VARIATION FROM THE PLANS, PROPOSALS AND SUPPORTING DOCUMENTS IS SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING BOARD, EXCEPT FOR DE MINIMIS CHANGES WHICH THE DIRECTOR OF PLANNING AND ZONING MAY APPROVE.
- REMOVAL OF ON-SITE MATERIAL IS PERMITTED ONLY IF CONDUCTED CONSISTENT WITH THE STORMWATER MANAGEMENT CONSTRUCTION PLAN (ATTACHMENT B TO THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION COMMISSIONER'S CERTIFICATE OF COMPLETION OF REMEDIAL ACTIONS UNDER A VOLUNTARY RESPONSE ACTION PLAN, DATED JUNE 25, 2000).



CARDENTE REAL ESTATE
299 FOREST AVENUE, PORTLAND MAINE

122 ANDERSON STREET
PORTLAND MAINE

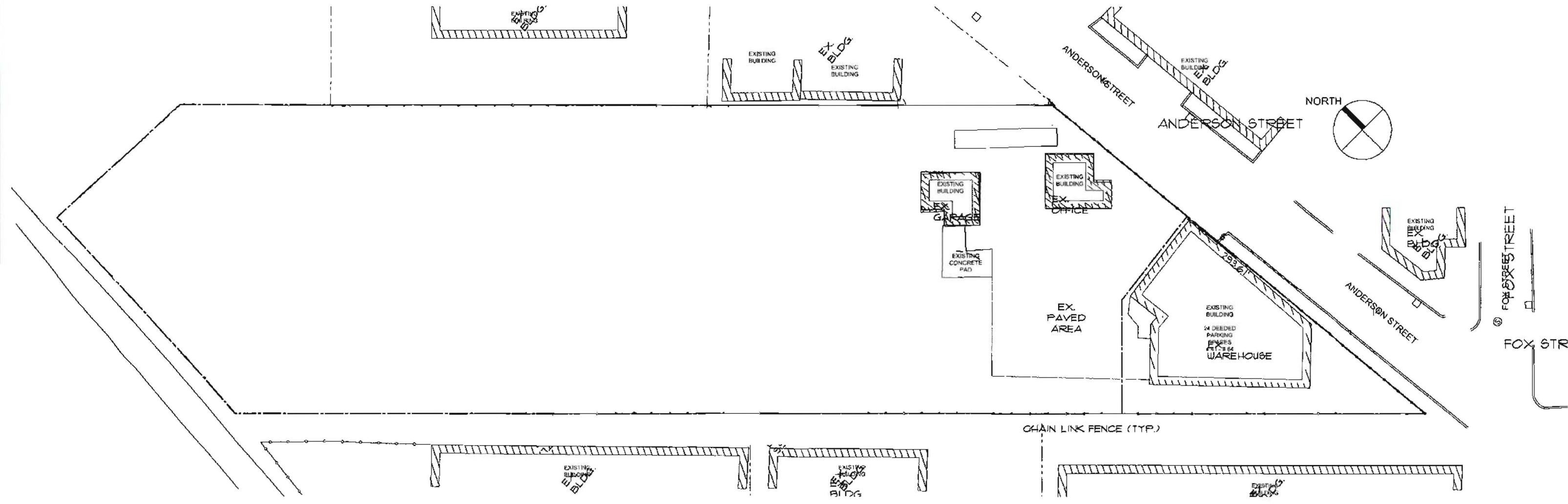
PINKHAM & GREER
CONSULTING ENGINEERS
DURHAM, MAINE

SITE PLAN

SCALE: AS SHOWN DRN BY: JDC
DATE: SEPTEMBER 25, 2007 DESG BY: JTR
PROJECT: 07147 CHK BY: [Signature]

WITHDRAWN
(DISCONTINUED COVE STREET AUG 7, 1995)

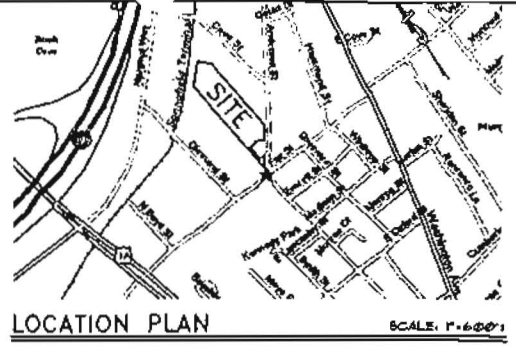
WITHDRAW



- USE Boundary
 Equipment Transfer Area

LEGEND

EXISTING	PROPOSED
PROPERTY LINE	EDGE OF GRAVEL/ PROPOSED PAVEMENT
ADJUTERS PROPERTY	VERTICAL GRANITE CURB
CONTOURS	CONTOURS
BUILDING	LIGHT POLE
CURB	SIGN
GAS LINE	SURFACE DRAINAGE
SANITARY SEWER	SILT FENCE
OVERHEAD UTILITY	PLANTS
WATER LINE	
CATCH BASIN	
SEWER MANHOLE	
UTILITY POLE	
BARBED WIRE FENCE	
IRON PIPE FOUND	
IRON PIPE DET	
GATE VALVE	
GAS VALVE	
LIGHT POLE	
WALL MOUNTED LIGHT	
MONITORING WELL	
WELL	
	CONCRETE PAVEMENT
	RAILROAD TRACKS



NOTE: OWNER (I) RESERVES THE RIGHT TO ESTABLISH BY APPROPRIATE LEGAL PROCEEDINGS WHETHER AND TO WHAT EXTENT ADJUTING PROPERTY OWNERS HAVE THE RIGHT TO FLOW WATER ONTO THE SUBJECT PREMISES, BUT (II) ACKNOWLEDGES THAT MODIFICATION OF SITE CONTOURS ALONG THE BOUNDARY OF THE PREMISES BASED ON THE OUTCOME OF SUCH PROCEEDINGS WILL REQUIRE APPROVAL BY THE PLANNING AUTHORITY AS A SITE PLAN MODIFICATION.

NOTE: FINAL LAYOUT OF LANDSCAPE SCREENING TO BE COORDINATED WITH PORTLAND FORESTRY DEPARTMENT PRIOR TO COMPLETION OF CONSTRUCTION.

PLANT LIST

SYMBOL	COMMON NAME/BOTANICAL NAME	SIZE	QUANTITY	ROOT
A	ARBORVITAE / Thuja occidentalis 'Nigra'	6' tall	5	B4B
B	WEIGELA / weigela florida 'Red Prince'	4-5' tall	2	B4B

CITY OF PORTLAND SITE PLAN

- LANDSCAPING SHALL MEET THE "ARBOICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.
- ALL POWERLINE UTILITIES SHALL BE OVERHEAD.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE DESIGNED IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES PUBLISHED BY THE CUMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT AND MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 1991 OR LATEST EDITION. NOTE: THE SITE PLAN SHOULD SPECIFY THE EROSION CONTROL DEVICE TO BE EMPLOYED, SILT FENCE, HAY DALE, ETC. AS WELL AS THEIR LOCATION.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.

ZONING REQUIREMENTS

ZONE I-Lb, INDUSTRIAL ZONE	
MINIMUM LOT SIZE:	NONE
MAXIMUM IMPERVIOUS SURFACE RATIO:	100%
MAXIMUM BUILDING HEIGHT:	45 FEET
MINIMUM YARD DIMENSIONS:	
SIDE:	NONE (25 FT IF ADJUTING RESIDENTIAL)
REAR:	NONE (25 FT IF ADJUTING RESIDENTIAL)
FRONT:	NONE
MINIMUM LOT WIDTH (STREET FRONTAGE):	60 FEET

- ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE).
- PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORKS REPRESENTATIVE AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE SITEBUILDING CONTRACTOR SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE TO THE ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
- EXISTING VEGETATION SHALL BE CONSERVED IN AREAS SHOWN ON THIS SITE. FENCING OR OTHER PROTECTIVE BARRIERS SHALL BE ERECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPINGS OF TREES DESIGNATED FOR PRESERVATION PRIOR TO THE ONSET OF CONSTRUCTION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OR CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.

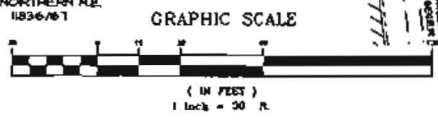
GENERAL NOTES

- OWNER, ANDERSON STREET REALTY, LLC, 225 FOREST AVENUE, PORTLAND MAINE, CUMBERLAND COUNTY REGISTRY OF DEEDS EX. 24689, PG. II, DATE DEC. 22 2006.
- ENGINEER: PINKHAM & GREER CONSULTING ENGINEERS, FALMOUTH, MAINE.
- TOPOGRAPHIC AND BOUNDARY INFORMATION: "BOUNDARY SURVEY/TOPOGRAPHIC SITE PLAN AT 122 ANDERSON STREET, PORTLAND, MAINE" FOR CARDENTE REAL ESTATE BY BACK BAY BOUNDARY, INC. LAND SURVEYING, 643 FOREST AVENUE PORTLAND, MAINE. PLAN DATED JUNE 15, 2007, DATE OF SURVEY 05/31/07.
- UNDERLYING SOILS ARE CLASSIFIED AS AU (AU GREY), A LOAMY SAND, BY SOIL CONSERVATION STUDY OF CUMBERLAND COUNTY.
- ZONE: INDUSTRIAL I-Lb, PROPOSED USE: INTERMODAL CONTAINER STORAGE, REPAIR SERVICE, DISTRIBUTION CENTER, BACK OFFICE USE.
- TAX MAP REFERENCE: MAP 10, BLOCK K, LOTS 5 & 8 AND MAP 12, BLOCK N, LOT 1.
- TOTAL PARCEL: 2.70 acres
- WAIVERS: NONE REQUESTED AT THIS TIME.
- CALL DIG-SAFE PRIOR TO COMMENCING WORK 1-800-DIG-SAFE.
- POWER, TELEPHONE AND CABLE ARE EXISTING, NO CHANGES ARE PLANNED TO THE SERVICES.
- ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP'S" PUBLISHED BY THE BUREAU OF LAND AND WATER QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.
- THIS APPROVAL IS DEPENDENT UPON AND LIMITED TO, THE PROPOSALS AND PLANS CONTAINED IN THE APPLICATION AND SUPPORTING DOCUMENTS SUBMITTED AND AFFIRMED BY THE APPLICANT AND ANY VARIATION FROM THE PLANS, PROPOSALS AND SUPPORTING DOCUMENTS IS SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING BOARD, EXCEPT FOR DE MINIMIS CHANGES WHICH THE DIRECTOR OF PLANNING AND ZONING MAY APPROVE.
- REMOVAL OF ON-SITE MATERIAL IS PERMITTED ONLY IF CONDUCTED CONSISTENT WITH THE STORMWATER MANAGEMENT CONSTRUCTION PLAN ATTACHMENT B TO THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION COMMISSIONER'S CERTIFICATE OF COMPLETION OF REMEDIAL ACTIONS UNDER A VOLUNTARY RESPONSE ACTION PLAN, DATED JUNE 25, 2006.
- NO REMOVAL OF ON-SITE MATERIAL IS PERMITTED.
- DRAWINGS INCLUDED IN THIS SUBMITTAL:
 - C1 SITE PLAN
 - C2 DETAILS
 - C3 STORAGE/PARKING LAYOUT
 - C10 DRAINAGE ANALYSIS EXISTING CONDITION PRIOR TO 2005
 - C11 DRAINAGE ANALYSIS DEVELOPED CONDITION
 - BOUNDARY SURVEY/TOPOGRAPHIC SITE PLAN
- ALL CONTAINERS STORED ON SITE SHALL BE PROPERLY LABELED FOR HAZARDOUS MATERIALS. CONTAINER PLACEMENT ON SITE IS TO ALLOW FOR FIRE DEPARTMENT ACCESS.

4	8/22/08	REVISED PER TOWN COMMENTS
3	7/14/08	REVISED PER COMMENT DATED JUNE 18, 2008
2	2/21/08	REV'D PER REVIEW COMMENTS
1	2/21/07	REV'D PER REVIEW COMMENTS
REV.	DATE	DESCRIPTION

CARDENTE REAL ESTATE
 299 FOREST AVENUE, PORTLAND MAINE
 122 ANDERSON STREET
 PORTLAND MAINE
 PINKHAM & GREER
 CONSULTING ENGINEERS
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF MAINE
 JEFFREY T. READ
 No. 9118
 8-22-08
 SCALE: AS SHOWN
 DATE: SEPTEMBER 25, 2007
 PROJECT: 07147
 DRN BY: JDC
 DESO BY: JTR
 CHK BY: JTR

WITHDRAW
 (DISCONTINUED COVE STREET AUG 7, 1995)



Marge Schmuckal - 122 Anderson - truck parking

From: Marge Schmuckal
To: Barbara Barhydt ; Penny Littell
Date: 7/7/2010 3:21 PM
Subject: 122 Anderson - truck parking

Penny,

I recently received a letter from a residential household at 145 Anderson Street. They are complaining that a new truck terminal went in at 122 Anderson Street (Mike Cardente). Indeed, an inspection showed many Oakhurst trucks and truck bodies on site. The complainant is especially peeved that there is a great deal of noise from these trucks late at night, including from the continual running refrigeration units and the back-up beepers and the general moving around of trucks.

Mike Cardente never received a use permit from this office. I remember that we met with Mike Cardente and his lawyer Eric Stauffer concerning uses back in '08. There was a site plan review that revolved around the regrading and V-wrap. The ILb zone does not allow parking lots for trucking.

I would like to contact Mike and get after him for his illegal use. Let me know what you think.
 Marge

7/6/10 - talked to Jim Kelly - 2-3 months
 out lot - noise -
 24-7^A nonstop operation - 50 on site -
 scale -

Mike ^{left voice mail 7/6/10}
 Cardente - 775-5677 X21
 7/9/10 → Mike C. was in at 9:00 AM & will apply
 for a change of use permit
 7/23/10 → Noting applied for yet - Reminded
 Mike C about the application - He SAID STAN
 Bennett was working on the description



Date: June 28, 2010

To: City Planning for East End / East Bayside

From: Jim Kelly and Karen Bushold, 145 Anderson Street, Portland, ME 04101

12-A-5

Mike
Coady

RE: Oakhurst Dairy Truck Terminal on Anderson Street

We are at 145 Anderson Street in a building built in 2003 with 8 residential units and there are also 4 apartment buildings on either side of us with at least 13 more residential units on this block. Oakhurst Dairy has recently moved one of their truck parking and staging lots to a large piece of vacant land across the street from us - between Anderson and Diamond Streets.

Everyday, all day and all night - there are 20-30 semi trailer trucks generating noise and sending up clouds of dust into this neighborhood. Most of these trucks leave around 3 AM - 5 AM and return and jockey around the lot throughout the day. There is constant engine noise and noise from refrigeration units - all night long. In addition there is the noise of back up warning "beepers" and worse, a loud clanging noise every time a truck enters or exits the lot by crossing over an old metal scale embedded in the driveway. This lot is unpaved and every truck move sends up clouds of dirt and dust.

We are aware that we live in housing that was permitted in an industrial zone, but does that mean that we have no protection from 24 hour industrial uses that generate excessive noise and dirt? Another former Oakhurst terminal on Somerset Street was NOT next to housing - yet the company was allowed to move into this area right next to residential units - and is allowed to operate all night long. How can the city say that they plan to develop and improve the East End and also permit heavy industrial uses 24 hours/day?

We hope you can send someone to visit this lot to inspect the situation and experience the noise and pollution. We hope that the operating hours, engine noise and refrigeration noise from this truck depot could be limited to daylight hours, and that the buried metal scale will be removed from the driveway...or better still that this trucking operation be asked to relocate to a non-residential area where no one will be kept up all night!

cc: City Council, Inspection Services Rm 315, OAKhurst Dairy Customer Service

7/7/10

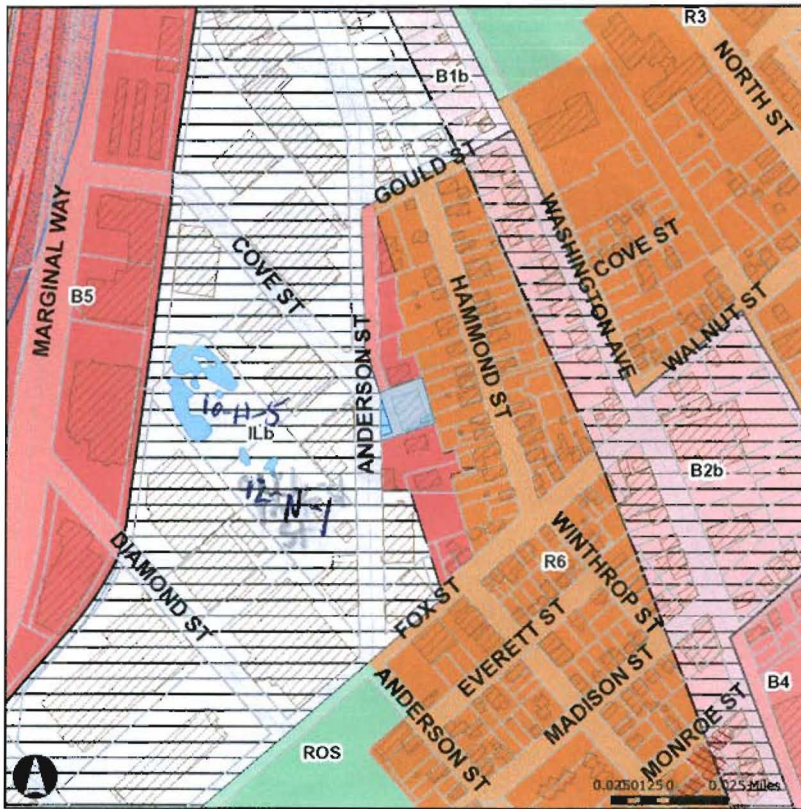
127959 oneway

127960

122 Anderson

10-11-5

Map



<ul style="list-style-type: none"> Parcels Interstate Streets Buildings Out Building Parcels Traveled Ways Stream Wetland Lake/Pond Jetport Coastal Bluff Overlay Zones Helistop Overls R-7 USM Shoreland Overlay Zone 	<ul style="list-style-type: none"> Stream Overlay Zone Island Zoning Zoning Stream_protection C43 I-B I-1S I-R1 I-R2 I-R3 ROS RPZ A6 Airport Business EWpz O44 O45 B7 B1 Neighborhood Business B1b Neighborhood Business B2 Business Community B2b Business Community B3* Downtown Business B3c Downtown Business B4 Commercial Business B5 Urban Commercial B5b Urban Commercial IH Industrial High Impact IL Industrial - Low Impact ILb Industrial Low 	<ul style="list-style-type: none"> Zoning (continued) Zoning (continued) R2 Residential R3 Residential R4 Residential R5 Residential R6 Residential ROS Recreation Open Space RP Residential Professional RPZ Resource Protection WCZ* Waterfront WPDZ Waterfront WSUZ Waterfront C1 C2 C3 C5 C7 C8 C9 C10 C11 C13 C14 C15 C16 C17 C18 C19 C20 C21 C22 	<ul style="list-style-type: none"> Zoning (continued) C25 C26 C27 C28 C29 C30 C31 none B7e C32 C33 C34 C35 C36 B6 C37 C38 C39 C40 C41 C42 County Streets A15 A21 A31 ME Towns Land Water Body Ocean
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Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator

Meeting Information

DATE: 9/23/08

LOCATION: 122 Anderson St

PEOPLE PRESENT: Mike Gudentz - Preti Flaherty - Rick ^{Eric Stauffer}
Penny - BARBARA - MARGE - Alex

ZONE: ILb #2007-0177

DISCUSSION: use Question - referring to a letter prepared by Rick 9/2/08

Proposing many conceptual uses -
 Conditional rezoning for this lot might be possible
 I-Lb → The "b" refers to I-L zones on the peninsula
 The proposals reflect their ability to market the lot.
 conditional / contract zoning explained by Penny -
 Address Brownfields & bring back into productive use.
 Penny suggested that staff review "The List" and
 consider it.

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at www.portlandmaine.gov.

September 2, 2008

**BY EMAIL (PL@PORTLANDMAINE.GOV)
AND US POST**

Penny St. Louis Littell
Director, Planning and Urban Development Department
City of Portland
389 Congress St
Portland Maine 04101

**RE: Anderson Street Realty LLC; Rezoning for I-Lb Zone
Map 10, Lots H-5 and H-8;
Map 12, Lot N-1**

Dear Penny:

The Planning Department has received from Pinkham & Greer both a new Site Plan for Anderson Street and responses to the various comments that City review authorities had on the previous version of the Site Plan. We hope these are approvable and that the drainage improvements can proceed.

With this effort on its way toward implementation, it is important that we initiate the process of pursuing a zoning amendment that would broaden the market potential for productive reuse of this brownfield. In doing, so we wish to enable various possible uses that have been suggested by potential tenants including the City itself.

We need to meet with the appropriate folks in your department to discuss the planning and other implications of such a change. We believe that guidance from such a consultation would be important for success.

Perhaps the most efficient way to start that dialog would be to share our thinking so far.

Because this is a reclaimed brownfield, we considered contract zoning as a path and are willing to discuss it. However, because I understand that contract zoning may be in disfavor among some members of the City Council, we have concentrated our thinking on a change of permitted uses in the I-Lb zone. In this, I believe we are assisted by the fact this neighborhood is the only I-Lb zone in the City.

We believe the uses we propose below are consistent with existing uses and prospective development for the area:

- **Truck Terminals**

Already defined: "A building and premises devoted to handling and temporary warehousing of goods, which may include facilities for the maintenance and repair (except body repairs, frame straightening and painting), fueling and storage of trucks or tractor-trailer combinations."

- **Transportation depots, including dispatch, maintenance and repair (except body repairs, frame straightening and painting), fueling and storage of vehicles, including but not limited to taxis, commuter vans, buses, trucks, trailers and tractor-trailor combinations.**

- **Car and truck rental operations, including related motor vehicle storage**

To the extent of rental cars, this already is a use permitted in the airport zone.

- **New and used car storage for retailers or wholesalers of motor vehicles, whether or not currently registered**

- **Storage lots for towed or impounded vehicles,**

This now appears in the B-4 and I-M Zones where there is a proviso that such lots are located at least 300 feet from any residential zone or existing conforming residential use.

- **Self-storage facility**

Already defined: "Fully enclosed buildings with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials."

- **Fully enclosed, self-storage modules stored inside or outside of buildings.**

The existing definition for 'self-storage facility' needs to be augmented (at least in this zone) to include movable, fully-enclosed self storage modules that do not need to be stored indoors.

And the following uses that are now permitted in the adjacent B-5 Zone on the east side of Franklin Arterial:

- **Off-street parking lots and parking garages**

- **Warehousing and wholesaling including outside storage (without restrictions on size as is now the case in I-Lb)**

PRETI FLAHERTY
Penny Littell, Planning Director
September 2, 2008
Page 3

- **Lumber and building materials** (in addition to "lumber yards" that are now permitted in I-Lb)
- **Cabinet and carpentry shops**
- **Governmental buildings and uses**
- **Boat storage, marine repair services and machine shops.**

Would there a time in the next week or so when we might meet with the right folks in your Department to discuss how best to proceed?

Very truly yours,

Eric P. Stauffer

cc: Douglas Cardente
Michael Cardente



PORTLAND MAINE

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Director of Planning and Urban Development
Penny St. Louis Littell

Planning Division, Director
Alexander Jacgerman

November 3, 2008

Eric P. Stauffer, Esq.
Preti Flaherty Beliveau Pachios & Haley
One City Center
P.O. Box 9546
Portland, ME 04112-9546

122
Re: **Anderson Street Realty LLC; Rezoning for I-Lb Zone**

Dear Mr. Stauffer:

We have discussed your letter of September 2, 2008 regarding a potential request for a zoning amendment to the I-Lb zone to allow a variety of additional uses on the property located at 122 Anderson Street. While not spelled out in your letter of September 2, 2008, in our meeting on September 23 with Penny Littell, Marge Schmuckal, Barbara Barhydt, and Mike Cardente, it was indicated that the environmental conditions on this reclaimed brownfields site pose unique constraints to the development opportunities. The uses identified in your letter would be considered interim uses, until such time as the market would support a more permanent development type. The conversation centered around whether the City Planning Office would support such a zoning amendment, and what form might this take, either conditional zoning, zoning text amendment, or other mechanism.

Having given this some thought, I would suggest a text amendment to the IL/IL-b zone that would establish a class of conditional uses, of the type you list in your letter. The text would enable such interim uses on parcels that have unique constraints such as you describe on the remediated brownfields site. This amendment could be crafted to apply to the IL-b zone only, which is presently limited to the east Bayside neighborhood including 122 Anderson Street, or could apply to the IL zone generally, including the IL-b. While there might be similar situations for such uses elsewhere in the IL zone, the use of industrial land for such uses might reduce the land available for more productive industrial uses that create more jobs or economic value desired from our industrial sector. The Planning Board might advertise for the entire IL with the option for reducing the amendment to the IL-b, after considering the policy implications. I do not at this time have a recommendation for you as to which option is the better approach.

I would suggest that you propose an amendment with provisions that include conditional use limitations on the use duration or maximum length of lease terms, so that as the economic conditions change, the site could become available for the uses designated as permitted uses in this zone. An example of such limitations can be found in the B-7 zone, Section 14-296(c), pertaining to surface parking as a conditional use. Another factor to address in conditional use standards relate to site improvements, such that an extended use would require full site improvements for landscape and screening, paving, stormwater management, etc. We have had issues with tow lots, for example, in regard to installation of such site improvements. There are presently no conditional uses in the industrial zones. Some examples can be found in the O-P, B-3 and B-5, and B-7 zones, among others. I would be happy to consult further with you on the crafting of an amendment, or discuss other zoning options available.

This approach is just one suggestion. You and your clients will need to review the policies of the comprehensive plan and consider your options. If you apply for an amendment, as suggested or otherwise, we can schedule you for a workshop with the Planning Board, and they will give some feedback at workshop on the approach you have proposed.

We appreciate that the uses available in the IL-b zone provide limited options for use of the graded area for vehicle storage or other non-structural uses. I would expect that the Planning Board and City Council would be willing to consider some form of amendment in light of the property circumstances.

Sincerely,

Alex Jaegerman
Planning Division Director

CC: Penny St. Louis Littell, Director of Planning & Urban Development
Marge Schmuckal, Zoning Administrator
Barbara Barhydt, Development Review Services Manager

