

City of Portland
Development Review Application
Planning Division Transmittal Form

Application Number: 2014-112 **Application Date:** 06/23/2014
CBL: 010 H005001 **Application Type:** Level II Site Plan
Applicant: ANDERSON STREET REALTY LLC /Douglas Cardente
Project Name: Intermodal Transportation
Address: 122 ANDERSON ST
Project Description: Change of use to intermodal transportation
Zoning: ILB

Other Required Reviews:

<input type="checkbox"/> Traffic Movement	<input type="checkbox"/> 14-403 Streets	<input type="checkbox"/> Housing Replacement
<input type="checkbox"/> Storm Water	# Units _____	<input type="checkbox"/> Historic Preservation
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Other:
# Lots _____	<input type="checkbox"/> Shoreland	
<input type="checkbox"/> Site Location	<input type="checkbox"/> Design Review	
# Unit _____		

Distribution List:

Planner	Barbara Barhydt	Parking	John Peverada
Zoning	Marge Schmuckal	Design Review	Alex Jaegerman
Traffic Engineer	Tom Errico	Corporation Counsel	Nennifer Thompson
Civil Engineer	David Senus	Sanitary Sewer	John Emerson
Fire Department	Chris Pirone	Inspections	Tammy Munson
City Arborist	Jeff Tarling	Historic Preservation	Deb Andrews
Engineering	David Margolis-Pineo	DRC Coordinator	Phil DiPierro
		Outside Agency	

Comments needed by 7/1/2014

Infrastructure Financial Contribution Form
Planning and Urban Development Department - Planning Division

Amount \$ 1500

City Account Number: 710-0000-236-98-00

Project Code: _____

(This number can be obtained by calling Cathy Ricker, x8665)

Project Name: Intermodal Transportation Facility

Application ID #: 2014-112

Project Location: 122 Anderson Street

Project Description: Use for truck staging for Nova Star Ferry

Funds intended for: Funding monitoring study as per conditions iv and viii of approval letter - max. of \$1500.

Applicant's Name: Doug Cardente

Applicant's Address: Anderson Street Realty, LLC
322 Fore Street, 3rd floor
Portland, ME 04101

Expiration:

If funds are not expended or encumbered for the intended purpose by Aug 15, 2015, funds, or any balance of remaining funds, shall be returned to contributor within six months of said date.

Funds shall be permanently retained by the City.

Other (describe in detail) _____

Form of Contribution:

Escrow Account

Cash Contribution

Check 1544 Gorham Savings Bank
Anderson Street Realty, LLC.

Interest Disbursement: Interest on funds to be paid to contributor only if project is not commenced.

Terms of Draw Down of Funds: The City shall periodically draw down the funds via a payment requisition from ~~Public Works~~, which form shall specify use of City Account # shown above.

Planning Division

Date of Form: 9.18.2014

Planner: Jean Fraser

- Attach the approval letter, condition of approval or other documentation of the required contribution.
- One copy sent to the Applicant. ← not yet done

Electronic Distribution to:

Peggy Axelsen, Finance Department
Catherine Baier, Public Services Department
Barbara Barhydt, Planning Division
Jeremiah Bartlett, Public Services Department
Michael Bobinsky, Public Services Department
Diane Butts, Finance Department
Philip DiPierro, Planning Division
Katherine Earley, Public Services Department
Michael Farmer, Public Services Department
Alex Jaegerman, Planning Division
David Margolis Pineo, Public Services Department
Matt Rancourt, Public Services Department
Jeff Tarling, Public Services Department
Planner for Project

FOR MORE INFORMATION VISIT US ONLINE AT WWW.GORHAMSBANK.COM

1544



ANDERSON STREET REALTY, LLC
322 FORE STREET, 3RD FLOOR
PORTLAND, MAINE 04101
(207) 775-5677



52-7457/2112

9/17/2014

PAY TO THE ORDER OF Portland, City of

\$ **1,500.00

One Thousand Five Hundred and 00/100 ***** DOLLARS

Portland, City of
Finance Department
4th Floor 389 Congress St.
Portland, ME 04101

[Signature]

MEMO



TRUE WATERMARK PAPER - HOLD TO LIGHT TO VIEW PAPER CONTAINS TONE / ADHESION PROPERTIES HEAT SENSITIVE RED IMAGE DISAPPEARS WITH HEAT

⑈001544⑈ ⑆211274573⑆ 611 0008080⑈

1544

ANDERSON STREET REALTY, LLC

Portland, City of

Date	Type	Reference	Original Amt.	Balance Due	9/17/2014 Discount	Payment
9/17/2014	Bill		1,500.00	1,500.00	Check Amount	1,500.00

Original Amt.
1,500.00

Balance Due
1,500.00

Check Amount

Payment
1,500.00
1,500.00

For Study 122 Anderson St

1,500.00

Cash - Gorham (Chec

Details on back. Security Features Included.

Jean Fraser - 122 Anderson Street - submissions to address conditions of approval

From: Jean Fraser
To: doug@cardente.com
Date: 9/4/2014 10:43 AM
Subject: 122 Anderson Street - submissions to address conditions of approval
CC: Errico, Thomas; mike@cardente.com
Attachments: Paving Plan 122 Anderson re cond. ix as received 9.3.14.pdf

Doug

Thank you for the paving plan (as attached) which I received yesterday. I have circulated it for review and will get back to you asap.

In answer to the questions you noted on the post-it note:

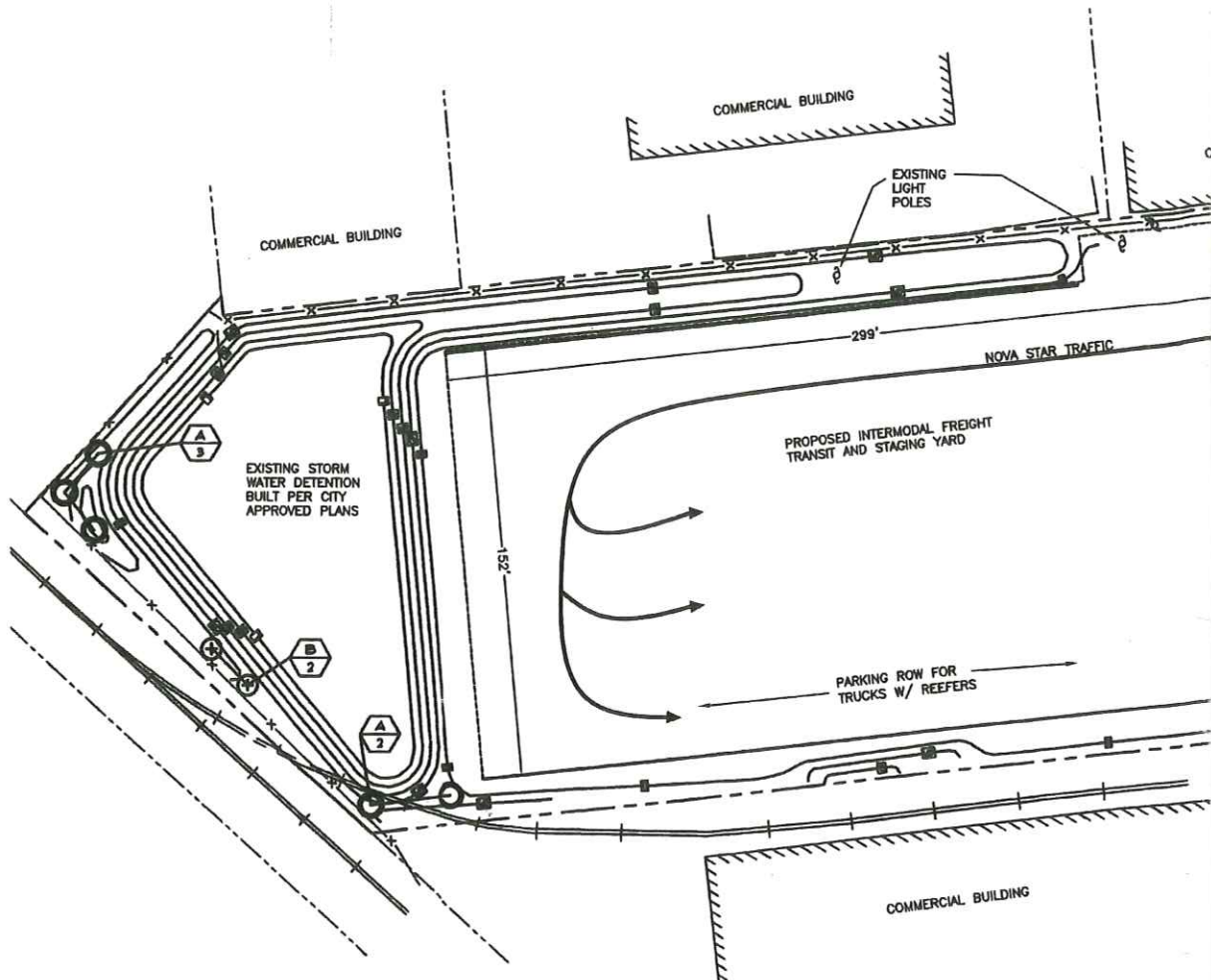
1. Signs: I have asked Tom Errico to specify the signs that he has in mind and will forward that information as soon as I receive it. Tom will show you or a contractor where to place the signs on site.
2. Striping: Please contact Tom Errico (he is cc'd on this e-mail) to arrange to meet at the site and he will provide guidance on the striping (it is described in some detail in the decision letter too).

It would help us to complete any necessary reviews faster if you e-mail me any future submissions as a pdf, as all our reviews are now done on the computer and many of the reviewers are not in City Hall.

thank you
Jean

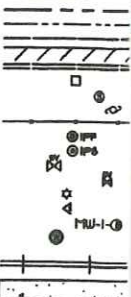
*Jean Fraser, Planner
City of Portland
874 8728*

Rec'd 9.3.2014
in Pl. Dio.



ENTIRE SITE CONTAINS: 117,523.6 S.F.
STORM WATER DETENTION: 22,500 S.F.
STORM WATER DETENTION: 19.15%

LEGEND
EXISTING



Jean Fraser - Re: Wed 11am for meeting? Re: Concerns re 122 Anderson St. Intermodal Trans facility

From: "Cynthia L. Cochran" <ccochran@maine.rr.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 9/10/2014 8:38 AM
Subject: Re: Wed 11am for meeting? Re: Concerns re 122 Anderson St. Intermodal Trans facility
CC: Tom Errico <thomas.errico@tylin.com>, Mike Cardente <mike@cardente.com>,...

Good morning, Jean!

Given that you indicated that Tom's time with us might be short, I have listed here (and cc'd Tom), the questions I wish to discuss at this meeting.

1. What exactly will be monitored under Section B, iv of the conditional approval?
2. How will that be accomplished within the time frames constraints, given the gas line upgrades, the Anderson Street improvements, and now the shortened Nova Star 2014 season, ending Oct 13?
3. How are the performance standards of the ILb zone monitored? Is there are periodic monitoring, or ? Does Tom do this monitoring as well?
4. If the monitoring, as outlined in the conditional approval, cannot be accomplished within the time frames specified, is that a violation of the conditions for approval? Does this result in the end of this land use, at least until such monitoring can be accomplished? Or what?
5. Can this conditional agreement be amended to enable an appropriate time frame for carrying out the monitoring outlined in the conditional approval?
6. Given the extraordinary set of circumstances coming together, at this point, is there any way to amend this conditional approval to delay implementation of this land use until the 2015 season?

I am sure more questions will arise at the meeting, but am hoping that laying these out now, will be helpful.

See you soon!
 - Cynthia

On 9/9/2014 4:31 PM, Jean Fraser wrote:

Cynthia,

Yes, the meeting is confirmed for 11 AM Wed Sept 10th, 2014, room 209 City hall.

Tom Errico, Barbara Barhydt and myself will be there (maybe others).

See you tomorrow. (I have to leave the office now so if there is anything else I will look at it at 9am tomorrow)

thank you
 Jean

*Jean Fraser, Planner
 City of Portland
 874 8728*

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/9/2014 4:24 PM >>>
 Jean,

Yes, I can meet tomorrow at 11 AM. Now, I am also wondering how the shortened season for Nova Star (now ending on Oct 13) will impact everything. Please add that change in circumstances to my previous list.

Please send me a final confirmation about this meeting.

Thanks,
- Cynthia

On 9/9/2014 4:10 PM, Jean Fraser wrote:

Cynthia

I have just heard back from Tom Errico and he would be able to meet with you at 11am tomorrow (Wed) It would take place in room 209 City hall (second floor- same room that the Planning Board usually meets in). Would that be convenient for you?

Tom Errico will be here at another meeting before that and will join us in room 209. He is only available for a short time but I think it will be long enough to answer your questions re the monitoring.

If that is not convenient for you, I will see if there is another time that he is available- as you know he is a consultant reviewer and does not work in City Hall.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> "Cynthia L. Cochran" <c Cochran@maine.rr.com> 9/9/2014 1:16 PM >>>

Jean,

Thank you for your efforts with coordinating this meeting. I hope to hear from you soon.

Thanks,
- Cynthia

On 9/9/2014 12:08 PM, Jean Fraser wrote:

Cynthia

I have contacted Tom Errico and others and will try to get something organized along the lines you suggest.

As you have mentioned you are considering requesting an appeal of the staff decision, I would like to clarify regarding the deadline for submitting a request for an appeal review.

Corporation Counsel has confirmed that we would accept the appeal request letters up to the end of the business day on Monday, September 15, 2014 in order to give you the full 30 day appeal period as mentioned in the ordinance.

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> "Cynthia L. Cochran" <c Cochran@maine.rr.com> 9/9/2014 9:59 AM >>>

Jean,

Yes, I would like to meet with you to hear a more detailed response to:

1. My concerns about the monitoring outlined in Section B, iv and viii, as elaborated many times in previous emails attached below (most especially the 9/5 email); and
2. To receive an answer to this question from my 9/2 email to you: "If appropriate monitoring cannot be accomplished within the time frames specified in the conditional approval letter, is that a violation of the conditions for approval that would result in the end of this land use, at least until such monitoring can be accomplished?" Or what?

As it is my understanding that Tom Errico designed the proposed monitoring for the conditional approval of this land use proposal, it would be most helpful if he could be present to speak directly to my concerns in #1 above. Hopefully, you can provide the answer to #2. It would be very helpful if Mike Cardente could be present as well.

I know how difficult it is to coordinate multiple schedules, so I am willing to adjust my schedule to attend a meeting on Wednesday, Thursday, or Friday, anytime this week (except Wednesday, after 5PM). I am very hopeful that flexibility will allow for the appropriate people to be present at this meeting. Please let me know as soon as possible so that I can arrange to accommodate this meeting, as well as, manage on-going appointment requests from my clients.

Many thanks!
- Cynthia

On 9/5/2014 6:15 PM, Jean Fraser wrote:

Cynthia

I believe that the following, taken with my previous replies, answers the questions that you have posed in recent e-mails:

Appeal process once an appeal has been lodged:

The Planning Board review is conducted in the same way that a review of a site plan, zoning or other application is reviewed ie it would be public meeting; would be noticed as required regarding the public meeting; and staff would prepare a report that includes a review of the entire project (including all previous and new public comments and staff review comments) and with a focus on the issues that are the basis of the appeal. The appellant would have an opportunity to explain their concerns to the Board and the Board would ultimately vote to approve or deny the project. The Board would be able to remove or amend conditions of approval if it decided to approve the proposal.

Process for ensuring that the impacts of this and future developments are considered in terms of increased traffic volumes and parking pressures: In this particular approval, there are traffic monitoring provisions, which may result in some additional mitigation measures after the facility is in operation.

In general, Corporation Counsel has confirmed what I included in my previous e-mail regarding any potential reconsideration of the decision on the intermodal transportation facility at 122 York Street. She clarifies:

"The Planning Authority/Planning Board may only review a project at the time of the application and approval. Once the application is approved, the applicant is entitled to rely on that approval without concern that a future unilateral review by the City may change its ability to use its property in accordance with the approval. So, barring some violation of the approval or of the conditions, there is no mechanism for "subsequent review of this land use."

Zoning Amendments: In the case of any zoning amendments, these would be formally considered by the Planning Board and ultimately the City Council (all of the meetings are public and public comment can be submitted at the meeting or in writing). In general, when the City is proposing a change, the staff seeks public comment from the neighborhood, in addition to the required noticing for public meetings. The review of any zoning amendments would include consideration of the traffic and parking issues.

Monitoring: We consider that the monitoring outlined in the conditions is independent of the variables that you mention (except that it should take place 2 weeks after the start of truck staging operations) and could be undertaken appropriately, accurately and comprehensively. The condition refers to traffic and pedestrian monitoring and is primarily related to ensuring safety for pedestrians. The monitoring referred to in conditions iv and viii does not relate to the Performance Standards of the Ilb zone.

It is difficult to clarify every detail in e-mails and I would be happy to meet with you (you are welcome to record the meeting) to provide some more detailed information on the above topics and any others that you are concerned about.

Thank you

Jean

Jean Fraser, Planner
City of Portland
 874 8728

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/5/2014 12:14 PM >>>
 Jean and Alex,

Jean, thank you for this information. I will draft an appeal letter in the next few days. To be clear, I will file an appeal only if my concerns cannot be addressed in any other fashion before next Thursday, September 12. In this regard, I understand that an appeal will not stop the intermodal operations from beginning. As this is not my intent, this does not matter to me. Please provide further information regarding what the appeal process entails, subsequent to an appeal being filed. Is the Planning Board review conducted as a public meeting, or how does it proceed? Please provide the details of how this will work.

As I have continually stated, I do not want to file an appeal. I continue to hope for another solution that ensures that the conditions outlined in Section B, iv and the related Section B, viii, regarding a two week traffic and pedestrian monitoring study, etc., etc.; the resulting mitigation measures; and the second monitoring study, "at a later date in the 2014 season," will be able to be conducted appropriately, accurately, and in a comprehensive manner. The time frames indicated in these sections for this monitoring to occur are highly unlikely to be met, given:

1. The property owner has site and traffic improvements to achieve and inspections to pass before operations can begin;
2. Gas-line upgrades on Anderson Street. This work is currently being done on Hammond Street. I was informed today by the crew leader that they expect to complete Hammond Street by the middle of next week, and then begin work on Anderson Street (approx Sept 10-13). This schedule appears to coincide with the anticipated start of the intermodal operations.
3. Anderson Street Neighborhood Byway Project improvements are scheduled subsequent to the gas line upgrades on Anderson Street.
4. The last sail of the Nova Star, for the 2014 season, is scheduled for Nov 2.

Also, I expect that monitoring, referred to in the sections cited above, will include all the "Performance standards" outlined in Chapt 14, Div 13, Sec 14-236 of the City's Code of Ordinances. I note the following under subsection (a) 4. of this code:

"Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (a)3 of this section"

How can an accurate and reliable monitoring of permissible sound levels be conducted, given the facts listed above?

I have spoken with Mike Cardente about my concerns, a number of times. I believe that he understands and respects them, and considers them reasonable. My understanding of his concerns are: He is frustrated about the circumstances, beyond his control, that are contributing factors at issue here, and has expressed a concern that lengthening the time frame for monitoring would add to his cost. I sincerely appreciate his concerns.

It seems to me that addressing these concerns now, in a serious and responsible manner, might reduce, but at least not increase, the potential for future contentiousness.

I request, again, that the Planning Authority provide a solution to these concerns so that no appeal will be filed. I believe that this would be in everyone's best interest.

Thanks,
 - Cynthia

----- Forwarded Message -----

Subject: Re: Appeal Process 122 Anderson St. Intermodal Trans facility

Date: Thu, 04 Sep 2014 17:26:56 -0400

From: Jean Fraser <JF@portlandmaine.gov>

To: Cynthia L. Cochran <ccochran@maine.rr.com>

Cynthia

I am writing to clarify regarding the appeal process as you have requested.

Corporation Counsel has confirmed that there is no appeal form. Rather, a party wanting to file an appeal to the Planning Board must simply submit a timely letter notifying the City of their desire to appeal and identifying what they believe the Planning Authority's error(s) to be. The level of additional detail or argument is up to the appellant, but the more thorough the Planning Board's understanding of the issues and concerns, the better able it will be to consider them during its review. When identifying "errors", these would usually be errors in terms of the assessment of the proposals against the Site Plan Standards (Ordinance section 14-526) which I mentioned in the e-mail I sent yesterday.

The letter should be received before the end of the appeal period and addressed to Alexander Jaegerman, Director of Planning Division, at this address:

Planning Division
Fourth Floor
Portland City Hall
389 Congress Street
Portland, ME 04101

I appreciate there are a couple of other questions that you raised and I am waiting for some further information to pass along to you re those.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/3/2014 6:08 PM >>>
Thank you, Jean. I look forward to hearing from you tomorrow.

On 9/3/2014 6:06 PM, Jean Fraser wrote:

Cynthia

There are no particular documents for filing an appeal- you just need to send a letter.

I have just received confirmation from the Legal Department regarding this and will send a longer e-mail tomorrow.

Thank you
Jean

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/3/2014 5:36 PM >>>
Jean,

Yes, I would like you to assist me by sending me the appropriate documents for filing an appeal.

Thank you.

- Cynthia

On 9/3/2014 3:55 PM, Jean Fraser wrote:

Cynthia

Thank you for your e-mail.

Regarding monitoring, the condition of approval requires the first monitoring to take place within 2 weeks after the truck staging operation begins (the 2 weeks is not from the date of the decision letter). The timing of that monitoring will only be dependent on the timing of the start of the intermodal facility operations and still is anticipated to take place as set out in the condition of approval.

Regarding your other two questions, these are outside my area of responsibility and I have sought advice from senior colleagues. I will get back to you as soon as possible.

I understand that you may wish to appeal the planning decision and please let me know if there is any other information that you would like me to send to assist you with an appeal. For example, the decision is based on the Land Use Site Plan ordinance section 14-526 (which sets out the standards that were used in evaluating the proposed intermodal transportation facility and were addressed in the "Findings" note attached to the decision letter; these standards would also be the basis for the Planning Boards review if it is appealed). Perhaps you are familiar with this already, but if not it is available on the City's website at the link below, or I would be happy to send this as a pdf (although I think its quite large).

<http://www.portlandmaine.gov/DocumentCenter/Home/View/1080>
(page 749 for 14-526 Site Plan standards)

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/2/2014 5:01 PM >>>
Jean,

I am glad to hear from you. Thank you.

If appropriate monitoring cannot be accomplished within the time frames specified in the conditional approval letter, is that a violation of the conditions for approval that would result in the end of this land use, at least until such monitoring can be accomplished? I would expect that this is the case. I would prefer that an alternate arrangement be agreed upon by the Planning Authority, Mike Cardente, and concerned residents. Perhaps an amendment to the conditional approval could address this concern.

Please clarify what this section of your response means: "any future projects would need to take account of this use, not the other way around". Does "future projects" mean future projects for using this particular piece of property (i.e. 122 Anderson St.)? Or does "future projects" mean any future proposals for land use (including rezoning requests and housing developments) within the general area impacted by this already approved use? How are the already approved land uses evaluated and weighed against future land use requests?

Also, it is my understanding that we have till September 15 to file an appeal (30 days from the date of the approval letter). Since that date is rapidly approaching, and since these concerns and questions have not yet been clearly answered, I request that you email me the required paperwork for submitting an appeal on the conditional approval, issued on August 15, 2014, of the use of 122 Anderson Street for an Intermodal Transportation Facility. I would like to have these documents ready to file, if these questions and concerns are not answered in a timely fashion, and/or if the answers, finally received, do not provide an adequate means to appropriately address the concerns of residents in the neighborhood.

Thank you for your efforts in this matter.

- Cynthia

On 9/2/2014 2:57 PM, Jean Fraser wrote:

Cynthia

Firstly I apologize for not being able to reply to your August 22 e-mail as quickly as you wished, as I was out of the office on vacation part of that time, had a Planning Board meeting with associated report and preparation, and needed to research the answers.

I am not yet able to clarify how the monitoring would integrate with all the factors you have mentioned; we would work with all parties to ensure that a reasonable evaluation of the proposed operation takes place as early as possible while it is in operation. I hope to be able to get back to you with some additional detail on this- the person who will be undertaking the monitoring is involved in the construction work so I believe that will ensure coordination.

The approval letter with all the conditions of approval was sent to all those who had written to me and to those at the meeting for whom I had addresses (I don't believe I was given a list of names and addresses to keep informed).

Once a site plan approval is issued it would not be reconsidered by us except to ensure that the conditions of approval are met. It would be difficult to review every decision if and when circumstances changed in the future, so in answer to your question, any future projects would need to take account of this use, not the other way around. So when site plan applications are submitted in the future, the review of those applications would take traffic circumstances at that time (from all uses) into account.

The Planning Authority is the staff equivalent of the Planning Board and Alex Jaegerman represents the Planning Authority. (Alex Jaegerman 874 8724 aqj@portlandmaine.gov). In the case of follow up as the project gets started, Phil DiPierro (874 8632 pd@portlandmain.gov) and I coordinate regarding the conditions.

Again I apologize for the delay and thank you for following up. I hope this answers most of your questions and I will let you know further details in the near future.

thank you

Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com>
9/2/2014 1:55 PM >>>
Hi Jean.

I have not yet heard back from you regarding my message of August 22. At our meeting with you on July 21, we were told that you would be keeping us informed about what the conditions would be on this request. However, no follow up communications were made to any of the five East Bayside residents who attended this meeting, or to others who wrote to you regarding their concerns, until some of us received a copy of the final approval. Please remember that I recorded this meeting.

I have already spoken with Mike Cardente to tell him that I did not intend to appeal this decision, and would not support others who may wish to. However, if that is what it will take to receive a response to these valid concerns, I may reconsider. Please be in touch very, very soon.

Thanks.

- Cynthia

----- Forwarded Message -----

Subject:Re: Fwd: Re: Update and decision letter re the site plan review of 122 Anderson St. Intermodal Trans facility

Date:Fri, 22 Aug 2014 12:14:28 -0400

From:Cynthia L. Cochran <ccochran@maine.rr.com>

To:Jean Fraser <JF@portlandmaine.gov>

CC:Mike Cardente <mike@cardente.com>, Kevin Donoghue <kjdonoghue@portlandmaine.gov>

Hi Jean.

Thank you for forwarding this information. I appreciate the consideration of a number of residential concerns within the various conditions attached to this approval. I hope that these do not create too much of a burden for Cardente Realty.

However, I am concerned about the time frames specified for the monitoring as outlined in this approval letter. At this late date, can the two week monitoring be accurately achieved, when:

1. The property owner has site and traffic improvements to achieve and inspections to pass before operations can begin;
2. Gas-line installations and Anderson Street Neighborhood Byway Project improvements are scheduled for Sept/Oct; and
3. The Nova Star season is over in Oct?

Is there a back-up plan for conducting a proper monitoring

should all of these events cause conflicts and interruptions in the operations and/or interfere with accurate monitoring? I wouldn't want the monitoring to delay the Byway Project work. I also don't think it is reasonable for the property owner to have to delay operations from beginning, or continuing, if an accurate, two week monitoring cannot be achieved due to previously scheduled construction that is not within his control. The timing, and interfacing of all of these efforts seems extremely challenging.

Nonetheless, as the inter-modal operations begin, I will remain attentive to the impacts of the additional, heavy vehicle traffic on Fox Street. As you know: There are a number of currently proposed, and/or "in-construction" residential housing developments in the area; a healthy, and growing, patronage of Fox/Anderson Street businesses; and a welcomed increase of Fox Field utilization by school teams; clubs, and organizations - all of which bring increasing traffic volumes and parking pressures to these streets. In that regard, please explain, in detail, the process for requesting a subsequent review of this land use, due to the future impact of these unfolding, dynamic conditions, and the diversity of land uses already in place in this complex area of East Bayside.

Also, please identify and provide contact information for the individuals who comprise the "Planning Authority" cited in this approval letter.

I look forward to hearing from you soon.

- Cynthia L. Cochran

of this outline the procedures involved in bringing am concerned about the feasibility of the time frames outlined in the approval

On 8/21/2014 5:53 PM, Jean Fraser wrote:

Hello Cynthia,

I believe Michelle has already forwarded this to you, but am sending it for information in case that has not happened.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Jean Fraser 8/18/2014 4:55 PM >>>
Hello

This note is to follow up on my update of July 25, 2014.

After careful consideration of the concerns that have been raised by neighbors, and other information including the City's site plan standards and zoning requirements, the Planning Authority issued a conditional approval to the proposed Intermodal Transportation Facility at 122 Anderson Street on August 15, 2014.

I attach:

1. The decision letter
2. Staff Report of Findings (attachment 1 to the letter)
3. Submissions (attachment 2 to the letter)
4. Traffic Engineer Review Comments (attachment 3 to the letter)

At the end of this e-mail I have listed the key contacts (in addition to me) regarding any issues once the applicant has met all of the conditions and the facility is operational. The decision letter (condition x) includes a requirement that those already using this site should be advised in advance of the start date and should be provided with a contact person for the operator.

Please note that the applicant may commence the proposed operations even if an appeal is lodged, provided that they have met and continue to meet the conditions of approval.

Thank you for your thoughtful comments which helped inform the conditions of approval and also have contributed to the final planning and management of the Anderson Street Neighborhood Byway Project, and to a pending review of the ILb zone uses and performance standards.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Contacts:

Applicant: Mike Cardente, 775 7363
mike@cardente.com
Parking on streets: John Peverada (Parking) 874 8444 JBP@portlandmaine.gov
Implementation of site and off site improvements specific to this proposal: Phil DiPierro, (Planning) 874 8632 PD@portlandmaine.gov
Info re Zoning Performance Standards eg noise: Marge Schmuckal, (Zoning Administrator) 874 8695 MES@portlandmaine.gov
Compliance/enforcement: Inspections Division: Website with directory and contact numbers and e-mails:
<http://www.portlandmaine.gov/550/Inspections>;
- Director is Tammy Munson on 874 8703 or tmm@portlandmaine.gov;
- Deputy Director is Jonathan Rioux on 874 8701 or jrioux@portlandmaine.gov.
Any contractor activity or work in the streets or sidewalks, not necessarily related to this site plan application: Department of Public Services, 874 8846

Notice: Under Maine law, documents - including

e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--
Cynthia L. Cochran, CPA
17 Hammond Street
Portland, ME 04101
(207) 773-0522
ccochran@maine.rr.com

--
Cynthia L. Cochran, CPA
17 Hammond Street
Portland, ME 04101
(207) 773-0522
ccochran@maine.rr.com

--
Cynthia L. Cochran, CPA
17 Hammond Street
Portland, ME 04101
(207) 773-0522
ccochran@maine.rr.com

Meeting with Cynthia Cochran
9.10.14

↳ Shes on Hammond

Jean/Barbara/Tom ← explained Tom's connection + lead designer Byway Project.

1) what is being monitored:

Tom ans. - recent mult. visits
- will be out there mult times
- over a few days.

drive way conds
Fox / Pond conds

Cynthia -^{re} Fox/Anderson - alot of diff acts + diff times of day

Tom - randomly arriving but assuming noon - 3 (will find out from Nora Stan. will watch this + other things going on + then when trucks

Cynthia - different days maybe more activity eg use of field.

Tom - its important if other things going on so get info from Rec/Schools + choose days when these happening.

Cynthia - Peds? Cars?

Tom - yes + look at # trucks not doing sound.

2) Disruption from other projects/unitil

Cynthia - appear to a bit slow.

Tom - coord. needed + usual.

Tom. Neigh Byway Project - explained current schedule - adv. Sept 22

contractors then bid

CWM selects + then into contract start early Nov.

So won't impact Nora Stan ←

2/ Tom - Byway project will proceed during winter - mostly sub-surface then spring for bumpouts etc.

Tom - this project will put in temp crosswalks / stop bars / signs. should happen within the next week across Fox - blocked both sides

Anderson - south side

Diamond - nothing new but Byway project to upgrade sidewalks along field + crosswalk at Diamond. (sidewalk along Coffee by Design)

Cynthia - 2 weeks?

ff - clarified its within 2 weeks

Tom - wants to get out there as soon as possible.

Cynthia - what's intent of condition.

BB - intent was to have 2 mentoring periods -

Tom - so next spring new + Tom then doing Phase II Anderson.

Tom - mon

- local/drive
- traffic/parking
- on site #s trucks etc.

3/

Cynthia - how future traffic gen.
uses will be integrated

BB explained future projects would
do traffic studies that take account
of this + new.

Tom - SA Anderson has non-retail uses +
less conflicts.

as of 9-3-14 *still needs follow up*

Jean Fraser - Re: 122 Anderson St. Intermodal Trans facility

reply (drafted)

From: "Cynthia L. Cochran" <ccochran@maine.rr.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 9/3/2014 6:13 PM
Subject: Re: 122 Anderson St. Intermodal Trans facility
CC: Mike Cardente <mike@cardente.com>

Thank you, Jean. I look forward to hearing from you tomorrow.

On 9/3/2014 6:06 PM, Jean Fraser wrote:

Cynthia

There are no particular documents for filing an appeal- you just need to send a letter.

I have just received confirmation from the Legal Department regarding this and will send a longer e-mail tomorrow.

Thank you
 Jean

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/3/2014 5:36 PM >>>
 Jean,

Yes, I would like you to assist me by sending me the appropriate documents for filing an appeal.

Thank you.

- Cynthia

On 9/3/2014 3:55 PM, Jean Fraser wrote:

Cynthia

Thank you for your e-mail.

Regarding monitoring, the condition of approval requires the first monitoring to take place within 2 weeks after the truck staging operation begins (the 2 weeks is not from the date of the decision letter). The timing of that monitoring will only be dependent on the

timing of the start of the intermodal facility operations and still is anticipated to take place as set out in the condition of approval.

Regarding your other two questions, these are outside my area of responsibility and I have sought advice from senior colleagues. I will get back to you as soon as possible.

I understand that you may wish to appeal the planning decision and please let me know if there is any other information that you would like me to send to assist you with an appeal. For example, the decision is based on the Land Use Site Plan ordinance section 14-526 (which sets out the standards that were used in evaluating the proposed intermodal transportation facility and were addressed in the "Findings" note attached to the decision letter; these standards would also be the basis for the Planning Boards review if it is appealed). Perhaps you are familiar with this already, but if not it is available on the City's website at the link below, or I would be happy to send this as a pdf (although I think its quite large).

<http://www.portlandmaine.gov/DocumentCenter/Home/View/1080>
(page 749 for 14-526 Site Plan standards)

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/2/2014 5:01 PM >>>

Jean,

I am glad to hear from you. Thank you.

If appropriate monitoring cannot be accomplished within the time frames specified in the conditional approval letter, is that a violation of the conditions for approval that would result in the end of this land use, at least until such monitoring can be accomplished? I would expect that this is the case. I would prefer that an alternate arrangement be agreed upon by the Planning Authority, Mike Cardente, and concerned residents. Perhaps an amendment to the conditional approval could address this concern.

Please clarify what this section of your response means: "any future projects would need to take account of this use, not the other way around". Does "future projects" mean future projects for using this particular piece of property (i.e. 122 Anderson St.)? Or does "future projects" mean any future proposals for land use (including rezoning requests and housing developments) within the general area impacted by this already approved use? How are the already approved land uses evaluated and weighed against future land use requests?

Also, it is my understanding that we have till September 15 to file an appeal (30 days from the date of the approval letter). Since that date is rapidly approaching, and since these concerns and questions have not yet been clearly answered, I request that you email me the required paperwork for submitting an appeal on the conditional approval, issued on August 15, 2014, of the use of 122 Anderson Street for an Intermodal Transportation Facility. I would like to have these documents ready to file, if these questions and concerns are not answered in a timely fashion, and/or if the answers, finally received, do not provide an adequate means to appropriately address the concerns of residents in the neighborhood.

Thank you for your efforts in this matter.

- Cynthia

On 9/2/2014 2:57 PM, Jean Fraser wrote:

Cynthia

Firstly I apologize for not being able to reply to your August 22 e-mail as quickly as you wished, as I was out of the office on vacation part of that time, had a Planning Board meeting with associated report and preparation, and needed to research the answers.

I am not yet able to clarify how the monitoring would integrate with all the factors you have mentioned; we would work with all parties to ensure that a reasonable evaluation of the proposed operation takes place as early as possible while it is in operation. I hope to be able to get back to you with some additional detail on this- the person who will be undertaking the monitoring is involved in the

construction work so I believe that will ensure coordination.

The approval letter with all the conditions of approval was sent to all those who had written to me and to those at the meeting for whom I had addresses (I don't believe I was given a list of names and addresses to keep informed).

Once a site plan approval is issued it would not be reconsidered by us except to ensure that the conditions of approval are met. It would be difficult to review every decision if and when circumstances changed in the future, so in answer to your question, any future projects would need to take account of this use, not the other way around. So when site plan applications are submitted in the future, the review of those applications would take traffic circumstances at that time (from all uses) into account.

The Planning Authority is the staff equivalent of the Planning Board and Alex Jaegerman represents the Planning Authority. (Alex Jaegerman 874 8724 aqj@portlandmaine.gov). In the case of follow up as the project gets started, Phil DiPierro (874 8632 pd@portlandmain.gov) and I coordinate regarding the conditions.

Again I apologize for the delay and thank you for following up. I hope this answers most of your questions and I will let you know further details in the near future.

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> "Cynthia L. Cochran" <c Cochran@maine.rr.com>
9/2/2014 1:55 PM >>>
Hi Jean.

I have not yet heard back from you regarding my message of August 22. At our meeting with you on July 21, we were

told that you would be keeping us informed about what the conditions would be on this request. However, no follow up communications were made to any of the five East Bayside residents who attended this meeting, or to others who wrote to you regarding their concerns, until some of us received a copy of the final approval. Please remember that I recorded this meeting.

I have already spoken with Mike Cardente to tell him that I did not intend to appeal this decision, and would not support others who may wish to. However, if that is what it will take to receive a response to these valid concerns, I may reconsider. Please be in touch very, very soon.

Thanks.

- Cynthia

----- Forwarded Message -----

Subject:Re: Fwd: Re: Update and decision letter re the site plan review of 122 Anderson St. Intermodal Trans facility

Date:Fri, 22 Aug 2014 12:14:28 -0400

From:Cynthia L. Cochran <c Cochran@maine.rr.com>

To:Jean Fraser <JF@portlandmaine.gov>

CC:Mike Cardente <mike@cardente.com>, Kevin Donoghue <kjdonoghue@portlandmaine.gov>

Hi Jean.

Thank you for forwarding this information. I appreciate the consideration of a number of residential concerns within the various conditions attached to this approval. I hope that these do not create too much of a burden for Cardente Realty.

However, I am concerned about the time frames specified for the monitoring as outlined in this approval letter. At this late date, can the two week monitoring be accurately achieved, when:

1. The property owner has site and traffic improvements to achieve and inspections to pass before operations

- can begin;
- 2. Gas-line installations and Anderson Street Neighborhood Byway Project improvements are scheduled for Sept/Oct; and
- 3. The Nova Star season is over in Oct?

Is there a back-up plan for conducting a proper monitoring should all of these events cause conflicts and interruptions in the operations and/or interfere with accurate monitoring? I wouldn't want the monitoring to delay the Byway Project work. I also don't think it is reasonable for the property owner to have to delay operations from beginning, or continuing, if an accurate, two week monitoring cannot be achieved due to previously scheduled construction that is not within his control. The timing, and interfacing of all of these efforts seems extremely challenging.

Nonetheless, as the inter-modal operations begin, I will remain attentive to the impacts of the additional, heavy vehicle traffic on Fox Street. As you know: There are a number of currently proposed, and/or "in-construction" residential housing developments in the area; a healthy, and growing, patronage of Fox/Anderson Street businesses; and a welcomed increase of Fox Field utilization by school teams; clubs, and organizations - all of which bring increasing traffic volumes and parking pressures to these streets. In that regard, please explain, in detail, the process for requesting a subsequent review of this land use, due to the future impact of these unfolding, dynamic conditions, and the diversity of land uses already in place in this complex area of East Bayside.

Also, please identify and provide contact information for the individuals who comprise the "Planning Authority" cited in this approval letter.

I look forward to hearing from you soon.

- Cynthia L. Cochran

of this outline the procedures involved in bringing am concerned about the feasibility of the time frames outlined in the approval

On 8/21/2014 5:53 PM, Jean Fraser wrote:

Hello Cynthia,

I believe Michelle has already forwarded this to you, but am sending it for information in case that has not happened.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Jean Fraser 8/18/2014 4:55 PM >>>
Hello

This note is to follow up on my update of July 25, 2014.

After careful consideration of the concerns that have been raised by neighbors, and other information including the City's site plan standards and zoning requirements, the Planning Authority issued a conditional approval to the proposed Intermodal Transportation Facility at 122 Anderson Street on August 15, 2014.

I attach:

1. The decision letter
2. Staff Report of Findings (attachment 1 to the letter)
3. Submissions (attachment 2 to the letter)
4. Traffic Engineer Review Comments (attachment 3 to the letter)

At the end of this e-mail I have listed the key contacts (in addition to me) regarding any issues once the applicant has met all of the conditions and the facility is operational. The decision letter (condition x) includes a requirement that those already using this site should be advised in advance of the start date and should be provided

with a contact person for the operator.

Please note that the applicant may commence the proposed operations even if an appeal is lodged, provided that they have met and continue to meet the conditions of approval.

Thank you for your thoughtful comments which helped inform the conditions of approval and also have contributed to the final planning and management of the Anderson Street Neighborhood Byway Project, and to a pending review of the ILb zone uses and performance standards.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Contacts:

Applicant: Mike Cardente, 775 7363

mike@cardente.com

Parking on streets: John Peverada (Parking) 874 8444 JBP@portlandmaine.gov

Implementation of site and off site improvements specific to this proposal: Phil DiPierro, (Planning) 874 8632 PD@portlandmaine.gov

Info re Zoning Performance Standards eg noise: Marge Schmuckal, (Zoning Administrator) 874 8695 MES@portlandmaine.gov

Compliance/enforcement: Inspections Division: Website with directory and contact numbers and e-mails:

<http://www.portlandmaine.gov/550/Inspections;>

- Director is Tammy Munson on 874 8703 or tmm@portlandmaine.gov;

- Deputy Director is Jonathan Rioux on 874 8701 or jrioux@portlandmaine.gov.

Any contractor activity or work in the streets or sidewalks, not necessarily related to this site plan application: Department of Public Services, 874

8846

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

122 Anderson St.

Note for file

Informing neighbors
of Approval letter

- Dec. letter mailed to appl.
8-15-14

- emailed all those who had given
comments on Mon. Aug 18th and NMCC

- mailed Tandem coffee / Bunker Brewing as
above Aug 22

also sent to Cynthia Cochran 8-21-14

also to Chr Donoghue, Bill Needelman.

Bunker Brewing Co.
attn Jay Villani
122 Anders
101

Tandem Coffee
attn Will Pratt
122 Anderson St
04101



Alex Jaegerman, FAICP
Division Director, Planning Division

August 15th, 2014

Douglas Cardente
Anderson Street Realty, LLC
322 Fore Street, 3rd floor
Portland, ME 04101

Michael Cardente
322 Fore Street, 3rd floor
Portland, ME 04101

Project Name: **Change of use to Intermodal Transportation Facility for up to 30 vehicles**
Project ID: #2014-112 CBL: 10 H005001
Address: 122 Anderson Street, Portland
Applicant: Douglas Cardente, Anderson Street Realty LLC
Planner: Jean Fraser

Dear Messrs Cardente:

On August 15th, 2014, the Planning Authority approved, with waivers and conditions as listed below, a Level II site plan for the use of the site for Intermodal Transportation for up to 30 vehicles at 122 Anderson Street. The approval includes the use of the northernmost drive for trucks accessing the intermodal part of the site. The decision is based upon the application, documents and plans submitted by Anderson Street Realty LLC and shown on the attached plan submitted July 18, 2014. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance, particularly the Transportation Standards (see the Traffic Review Comments of August 4th, 2014 attached).

A. WAIVERS

1. *Sidewalks*

The Site Plan standards require a sidewalk along all frontages of the site. The Planning Authority has waived this requirement as the proposal meets two of the waiver criteria set out in section 14-506 (b):

3. A safe alternative-walking route is reasonably and safely available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.
4. The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program or has been funded through an earlier CIP or through other sources.

The City's Anderson Street Neighborhood Byway Project is anticipated to commence in September 2014 and will include construction work to create sidewalks, permanent pedestrian crossings and utility upgrades at the Anderson Street/Fox Street intersection, including a sidewalk along the frontage of the proposal site and along Anderson Street.

2. *Location and Spacing of Driveways*

Section 1.7.1.7 of the City's Technical Manual establishes spacing requirements for driveways. These are not fully met by the proposals as they are utilizing the existing driveways and curb cuts that currently serve other users as well as the proposed use. The Planning Authority supports a waiver from these standards in view of the existing conditions and the constraint on any substantial modification, and subject to the conditions of approval for the site plan.

B. SITE PLAN REVIEW

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

- i. That this approval is for the use of the site for an intermodal transportation facility as presented in application #2014-112, ie for trucks waiting to load onto the Nova Star Ferry at Ocean Gateway (known as a staging area). Any other use of the site shall be subject to any city required reviews and approvals, licenses, and permits, as applicable; and
- ii. The trucks departing the site to go to the Ocean Gateway facility shall use the route from the site to Anderson Street to Fox Street to Franklin Street to Commercial Street; and
- iii. That the intermodal transportation facility trucks shall access the site only via the northernmost drive access, and that trucks entering or exiting the site over a delivery day time period (trucks arriving in advance of ship departure during the day and leaving the site to get to the ship) shall be limited to 15 trucks during 2014 operations. The applicant/operator shall be required to submit to the Planning Authority, on a monthly basis, a written record of the number of trucks using the site each day. Following the results of the monitoring study outlined in Condition iv., the number of trucks may be increased to a maximum number of 30 trucks either entering or exiting the site over a 24-hour period. Otherwise the maximum will remain 15 trucks at any one time; and
- iv. That the applicant shall fund a traffic and pedestrian monitoring study (maximum cost \$1500) to be conducted by the Planning Authority. The monitoring study shall be conducted within two weeks after operations begin and at a later date in the 2014 season. The monitoring study will ensure the conditions of this approval are being met and identify any issues that may need resolution. It should be noted that the monitoring study shall include all roadways / intersections between 122 Anderson Street and the Ocean Gateway site. If the monitoring study identifies safety concerns, the applicant shall be fully responsible for implementation of mitigation measures. It is anticipated that possible mitigation measures may include, but are not limited to, additional warning signs and pavement marking, traffic signal modifications at intersections along Franklin Street, truck arrival/departure management by personnel at the site, and route adjustments; and
- v. The applicant or operator shall implement, from the commencement of truck staging operations, a departure management plan that limits the truck departure rate to a maximum frequency of one truck per minute, to take place between the hours of 7:00pm and 9:30pm. The westbound Fox Street signal phase at Franklin Street will not likely be able to process more than one truck and therefore is currently a limiting factor. The departure management plan may be adjusted in agreement with the Planning Authority based on the monitoring study, which will review this departure rate and recommend adjustments, as necessary; and
- vi. That between the hours of 10pm and 7am no trucks shall access or leave the site, and any new lighting shall be turned off during these hours. Refrigerator trucks shall only utilize the site between 7am and 10pm, shall be parked as far as possible from Anderson Street and meet the sound standards of the ILb zone. All other trucks shall turn off their engines when on the site to minimize fumes; and

- vii. The applicant shall implement temporary pedestrian enhancements to the Anderson Street/Fox Street intersection to be implemented in advance of the commencement of the truck staging operation. These improvements shall include the following and be carried out in accordance with City standards:
- o A crosswalk shall be painted on the westerly Fox Street approach. The crosswalk shall be aligned with the apex on the southwest corner of the intersection and the Coffee By Design Driveway on the northwest corner (half of the crosswalk would be in the driveway).
 - o A crosswalk shall be painted on the easterly Fox Street approach. The crosswalk shall be aligned with each corner apex.
 - o STOP bars shall be re-painted on the eastbound Fox Street approach and the southbound Anderson Street approach.

It should be noted that the permanent improvements at this intersection are expected to be under construction beginning later this summer; if the temporary pedestrian enhancements are impacted by the construction activity, they will be reinstated per city requirements by the utility or city contractors until the permanent pedestrian measures are installed; and

- viii. That the monitoring study identified in Condition iv. shall include the driveway access/egress conditions for both site driveways. Currently, Tandem Coffee and Bunker Brewery use both driveways and this will continue in the future. If deemed necessary from the monitoring study, on-site circulation and access provisions will need to be formally regulated and controlled. An outcome of the monitoring study could be that the northerly driveway (with the truck scale) be used for trucks and employees only and the southerly driveway be used for Tandem Coffee and Bunker Brewery customers and the Community Center. Changes may require both regulatory and wayfinding signage and the applicant would be required to propose how to physically separate the two driveways, internally, so that vehicles are controlled; and
- ix. The applicant shall be responsible for providing a fully paved driveway of a minimum width of 22 feet wide from the right-of-way boundary extending into the site for 50 feet, prior to the commencement of the truck staging operation. A plan of the construction details for this improvement shall be provided for review and approval by the Planning Authority prior to installation. The remainder of the site shall be maintained with a surface that does not allow the creation of dust. In addition, the applicant shall install truck entering warning signs at the site driveway that are compliant with the Manual on Uniform Traffic Control Devices, Federal Highway Administration. Final details of signs shall be reviewed and approved by the Planning Authority; and
- x. That the applicant shall advise the lessees on the site and the Muslim Community Center in advance of the start date for the proposed truck staging operation, and provide details of the likely truck activity and a contact person if there are any problems on the site; and
- xi. That this approval is for an intermodal transportation facility based on the specific Nova Star operations as described in the submissions in July 2014 as part of #2014-112. Any proposed changes in the operator, timing of the truck departures or other operational characteristics shall be advised to the Planning Authority prior to commencement and may be subject to further review; and

- xii. That separate permits from the Inspections Division shall be required for any new or revised signage (except those meeting MUTCD as installed for traffic and pedestrian safety). Other required permits include a Street Opening Permit from the Department of Public Services for any work in the right of way (eg curb cuts); a Change of Use Permit from the Inspections Division; and a Building Permit for Site Work only from the Inspections Division.

The approval is based on the submitted site plan for application #2014-112. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval. The standard conditions of approval are listed below.

NOTE

The applicant and operator should note that the Anderson Neighborhood Byway Project is anticipated to commence in September 2014 and will include construction work to create sidewalks, permanent pedestrian crossings and utility upgrades at the Anderson Street/Fox Street intersection and along the frontage of the proposal site and Anderson Street. The construction will necessitate limitations on vehicle and pedestrian access to the site during the construction activities, such as single lane alternative flow scenarios. It is anticipated this would be less of an issue at the time of the trucks departure from the site in the evening, but would impact trucks arriving at the Intermodal Transportation facility as well as other users of the property.

STANDARD CONDITIONS OF APPROVAL

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

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** A separate building permit for Site Work only is required from the Inspections Division, and permits for work in the right of way are required from the Department of Public Services. This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount or a minimum of \$300. and four (4) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

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

The proposals have been reviewed as a Level II Staff level review in accordance with the current ordinance requirements, as summarized in the attached "*Report of Findings*".

The site plan ordinance includes a provision regarding appeals of an administrative decision, as follows:

Sec. 14-529. Appeals.

- (a) When the planning authority has approved, approved with conditions, or denied a site plan, or has approved a request to extend the expiration date of a Master Development Plan, any person aggrieved may appeal the decision to the planning board within thirty (30) calendar days of the date of the written decision of the planning authority. Upon the taking of such an appeal, the application or request for an extension shall be reviewed as a new application or request.

If there are any questions, please contact Jean Fraser at (207) 874- 8728.

Sincerely,



Alexander Jaegerman, FAICP
Planning Division Director

Attachments:

1. Staff Report of Findings
2. Site Plan and narratives submitted July 2014
3. Traffic Review comments from Tom Errico dated August 4, 2014, as amended 8.11.2014

cc list below

CC:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/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
Captain Chris Pirone, 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

**122 Anderson Street
Proposed Intermodal Facility for truck staging to load Nova Star Ferry
Level II Site Plan Review
#2014-112**

REPORT OF FINDINGS

August 15, 2014

I. INTRODUCTION

Douglas Cardente of Anderson Street Realty LLC has requested a Level II Site Plan review for the proposed change of use of this 2.7 acre open site to an intermodal facility for the staging of up to 30 trucks (tractor trailers) prior to loading onto the Nova Star Ferry at Ocean Gateway. The submitted proposal does not include any site improvements, as environmental improvements, including stormwater management, had already been carried out in association with another use that did not go forward. The site is zoned ILb where the proposed use is a permitted use. The proposed use would utilize an enclosed area of about 52,000 sq ft at the rear of the site, on the area that was subject to VRAP remediation in 2008 because the previous use was a scrap yard.

The proposed use is being reviewed under the Site Plan Standards of the Portland Land Use Code (Chapter 14), as a Level II Site Plan (Administrative Review by the Planning Authority). The applicant has not requested any waivers, but the Traffic Engineering reviewer has identified the need for waivers in respect of the sidewalk provision and spacing of the driveways on the site (an existing condition) and supports the granting of the waivers subject to the conditions of site plan approval.

II. EXISTING CONDITIONS

The site has three buildings along the frontage with Anderson Street (two on the applicant's property and one on abutting land) and the site was previously used for metal recycling (scrap yard). There are two existing curb cuts, both of which accommodate two way vehicle movements. The northernmost curb cut is angled to Anderson Street to facilitate large truck movements, and the site layout remains as it has been for many years.

Of the existing buildings, one is owned by the Muslim Community Center; the surrounding land and other two (tenanted) buildings are owned by the applicant who manages the entire site. They generally operate as follows (information from the applicant):

- A. Tandem Coffee (manufacturing and retail tenant) is open from early morning to mid-afternoon. Their customers use the smaller two-way drive shared with the community center or walk in via a segregated path direct from Anderson Street.
- B. The Muslim Community Center (corner of Fox) has varying operating times which mostly start in the mid-afternoon. It is located the furthest from the truck drive access and uses a different driveway; it is also separated by a "jersey barrier" to provide vehicle movement safety.
- C. Bunker Brewery (manufacturing and public tours, tenant) is in the building set back on the site and brews beer during the day. It holds occasional late afternoon/early evening "tastings" which are accessed by a "bus" which uses the truck access. Daytime parking is in the shared area between it and Tandem Coffee.

III. APPLICANTS PROPOSAL

The proposals are illustrated in the Site Plan, Document Submissions, and Truck Route to Ocean Gateway (see Applicant's submittals July, 2014). The proposed change of use is to allow up to 30 tractor trailers (including refrigerator trucks) to enter the site during the late afternoon to wait for loading onto the Nova Star ferry docked at the Ocean Gateway facility on Commercial Street. All of the trucks would leave the site between about 8:15pm and 9:00pm to go to Commercial Street Ocean Gateway and load onto the Ferry. The "season" is between April and October. The proposal specifies that trucks arrive throughout the day, and then would depart one vehicle every two minutes, with no trucks arriving during that "loading" period and none would enter or leave during the night.

The trucks would enter via the northernmost drive and wait in an area that is surrounded by a security chain link fence and is lit by 5 existing large CMP pole lights which face away from the residential area toward the back of other commercial

buildings. All vehicles with refrigeration equipment will line up at the furthest point from any residential zone (approximately 300'+ as shown on the submitted Site Plan). The access gate would be open at all times as currently is the case, so fire and security access would be available at all times.

IV. PUBLIC NOTICING AND COMMENTS

A total of 136 notices were sent to property owners within 500 feet of the site and to those on the "Interested parties" list. The Planning Division has received letters of concern from eight (8) neighbors (including the Muslim Community Center on the site) and one letter of support. These findings and Section VII below address comments received.

V. CITY INITIATIVES AFFECTING THIS NEIGHBORHOOD

- **Relationship to Anderson Street Neighborhood Byway Project**

The project review has been coordinated with the City's Anderson Street Neighborhood Byway Project. The Project includes sidewalks, other permanent pedestrian improvements and utility upgrades along the frontage of this site and in the vicinity (including the intersection of Fox Street and Anderson Street), and is anticipated to commence in September 2014. The staff reviewers are familiar with the detail of this project and have reviewed the proposals with it in mind. Since it is likely that the project would not be completed prior to the commencement of the proposed truck staging operation, staff have suggested conditions to maximize safety during the interim period.

The applicant would need to advise the operator of the anticipated construction activity so that drivers and dispatch managers make appropriate arrangements.

- **The ILb Zone**

It is recognized that this proposal has raised concerns about the impacts and suitability of the intermodal use in the ILb zone, which is defined for industrial uses that are compatible with adjacent residential uses. A review of the ILb zone uses and performance standards by the City is pending. The City will seek to evaluate economically viable uses for the zone, and for brownfield sites such as 122 Anderson Street, that reflect the changing nature of the area.

VI. SITE PLAN REVIEW (Ordinance text is in *bold italics*)

(a) *Transportation Standards*

1. Impact on Surrounding Street Systems:

The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways; and the incremental volume of traffic will not create or aggravate any significant hazard to safety at or to and including intersections in any direction where traffic could be expected to be impacted; and will not cause traffic congestion on any street which reduces the level of service below Level "D" as described in the 1985 Highway Capacity Manual published by the Transportation Research Board of the National Research Council, a copy of which manual is on file with the public works authority, or substantially increase congestion on any street which is already at a level of service below Level "D";

Staff Findings:

Both staff and neighbors have raised concerns regarding the proposed truck route and its associated impacts because it passes through the intersection of Fox and Anderson Streets, which is currently a four way stop intersection with no pedestrian accommodations. This intersection is scheduled to be upgraded by the City, to include pedestrian accommodations, starting this fall (see V above).

A number of issues were investigated by staff with additional information from the applicant and based on many visits to the Anderson Street area over the past 6 months by the Traffic Engineering Reviewer Tom Errico. The visits were initially related to the need for observation as input into design work on the Anderson Street Neighborhood Byway Project that will include pedestrian improvements along these streets. More recently Mr Errico has visited the site multiple times, and met with the applicant once on site, to review the proposed truck staging use in the context of the surrounding street system and the existing users of the site. The following is a summary of the key issues investigated by staff regarding this standard:

- **Scope for an alternative route:**

Two potential alternative routes were explored, but both are not considered to be workable at this time. One is for trucks to travel from Franklin along Marginal Way to Cove to Anderson and turn right into the site (and left out). The movements required for this route are problematic given the geometry of the drive with Anderson Street- ie the original access was designed to be angled to Anderson to facilitate access and egress by large vehicles, and the left turn is almost impossible and would block both lanes of the street in the vicinity of a residential development. An option raised by residents is to arrange a license or easement with owners of abutting property facing Cove Street so that a direct drive link could be made from the rear of the site. The applicant has indicated that he has no rights nor prospect of rights to cross the abutter property.

Both of these options would need to overcome the fact that at Franklin the left turn from Marginal Way onto Franklin does not have a protected signal phase and any change to the signals would need to be negotiated with MDOT who would be concerned about impacts to the I295 ramps.

Staff consider the proposed routing is reasonable given the constraints on other options, but recommend associated conditions of approval (based on the attached e-mail from Tom Errico dated 8.4.2014, amended 8.11.2014):

- ▶ The trucks departing the site to go to the Ocean Gateway facility shall use the route from the site to Anderson Street to Fox Street to Franklin Street to Commercial Street;
- ▶ That the intermodal transportation facility trucks shall access the site only via the northernmost drive access, and that trucks entering or exiting the site over a delivery day time period (trucks arriving in advance of ship departure during the day and leaving the site to get to the ship) shall be limited to 15 trucks during 2014 operations. The applicant/operator shall be required to submit to the Planning Authority, on a monthly basis, a written record of the number of trucks using the site each day. Following the results of the monitoring study outlined in Condition iv., the number of trucks may be increased to a maximum number of 30 trucks either entering or exiting the site over a 24-hour period. Otherwise the maximum will remain 15 trucks at any one time;
- ▶ That the applicant shall fund a traffic and pedestrian monitoring study (maximum cost \$1500) to be conducted by the Planning Authority. The monitoring study shall be conducted within two weeks after operations begin and at a later date in the 2014 season. The monitoring study will ensure the conditions of this approval are being met and identify any issues that may need resolution. It should be noted that the monitoring study shall include all roadways / intersections between 122 Anderson Street and the Ocean Gateway site. If the monitoring study identifies safety concerns, the applicant shall be fully responsible for implementation of mitigation measures. It is anticipated that possible mitigation measures may include, but are not limited to, additional warning signs and pavement marking, traffic signal modifications at intersections along Franklin Street, truck arrival/departure management by personnel at the site, and route adjustments;

- **Nature of the impact on the intersection, particularly pedestrian safety, and scope for mitigation:**

Staff share the concern of local residents that pedestrians crossing at the Anderson Street/Fox Street intersection currently face a challenge and this is one of the reasons for the proposed improvement project that will result in additional sidewalks and permanent crossings (see section V above). The City's project includes significant utility improvements and is scheduled to start in 2014, with completion dependent upon weather and utility work; final completion may be in 2015. The proposed Intermodal Facility presents additional potential safety concerns, and the Traffic Engineering reviewer has recommended that temporary crosswalks and stop bars be added to the intersection before the truck use commences. Staff have included the following conditions of approval as based on the attached comments from Tom Errico:

- ▶ The applicant shall implement temporary pedestrian enhancements to the Anderson Street/Fox Street intersection to be implemented in advance of the commencement of the truck staging operation. These improvements shall include the following and be carried out in accordance with City standards:
 - A crosswalk shall be painted on the westerly Fox Street approach. The crosswalk shall be aligned with the apex on the southwest corner of the intersection and the Coffee By Design Driveway on the northwest corner (half of the crosswalk would be in the driveway).
 - A crosswalk shall be painted on the easterly Fox Street approach. The crosswalk shall be aligned with each corner apex.
 - STOP bars shall be re-painted on the eastbound Fox Street approach and the southbound Anderson Street approach.

It should be noted that the permanent improvements at this intersection are expected to be under construction beginning later this summer; if the temporary pedestrian enhancements are impacted by the construction activity, they will be reinstated per city requirements by the utility or city contractors until the permanent pedestrian measures are installed;

- **Control of the number and time of vehicles passing through the intersection:**

Staff note that the proposed 30 tractor trailer vehicles translate into the equivalent of 60 passenger-cars for the purpose of traffic assessment. The Traffic Engineering Reviewer did not consider that a traffic study was necessary as the impact of exiting traffic occurs during off-peak traffic hours and entering traffic is spread over several hours.

There is also a constraint on the capacity of these streets for the exiting trucks because of the timing of the left turn signal at Fox/Franklin, where it is anticipated that only one truck would be able to leave Fox Street per cycle. The timing at this signal is linked to the Marginal Way signal and is subject to MDOT control because of the potential impact on the I295 ramps and associated queuing.

In view of these factors, the Traffic Engineering Reviewer has recommended that the number of trucks be limited to 15 initially, with a possible increase to 30 depending on the outcome of a recommended monitoring study. An associated requirement is that the trucks departure rate be controlled so that no more than one truck per minute leaves the site within the identified times of the day, and that this would also be reviewed for next year in the context of the monitoring study findings; conditions of approval have been included as based on the recommendations in the attached e-mail from Tom Errico dated 8.4.2014:

- ▶ The applicant or operator shall implement, from the commencement of truck staging operations, a departure management plan that limits the truck departure rate to a maximum frequency of one truck per minute, to take place between the hours of 7:00pm and 9:30pm. The westbound Fox Street signal phase at Franklin Street will not likely be able to process more than one truck and therefore is currently a limiting factor. The departure management plan may be adjusted in agreement with the Planning Authority based on the monitoring study, which will review this departure rate and recommend adjustments, as necessary;
- ▶ That between the hours of 10pm and 7am no trucks shall access or leave the site, and any new lighting shall be turned off during these hours. Refrigerator trucks shall only utilize the site between 7am and 10pm, shall be parked as far as possible from Anderson Street and meet the sound standards of the ILb zone. All other trucks shall turn off their engines when on the site to minimize fumes;

- **Condition of Anderson Street:**

There will be substantial utility and roadway work in Anderson Street associated with sewer, gas, and sidewalk improvements. The roadway will be repaired following these projects.

2. Access and Circulation:

a. Site Access and Circulation.

- (i) *The development shall provide safe and reasonable access and internal circulation for the entire site for all users of the site and shall comply with the standards set forth in Sections 1 of the Technical Manual.*
- (ii) *Points of access and egress shall be located to avoid conflicts with existing turning movements and traffic flows.*
- (ii) *Where drive up features such as gasoline pumps, vacuum cleaners and menu/order boards are permitted, they shall not extend nearer than twenty five (25) feet to the street line. The site must have stacking capacity for vehicles waiting to use these service features without impeding on-site vehicular circulation or creating hazards to vehicular circulation on adjoining streets.*

Staff Findings: The trucks accessing the site to wait to load onto the Nova Star Ferry are proposed to use an identified access and egress point (the northerly drive), which staff consider is adequate subject to improvements in the surface, with added signage as outlined by Mr Errico (attached). Staff have also considered the spacing of existing access drives and support a waiver for the existing spacing, subject to the site plan conditions of approval.

Both the neighbors and staff have raised a concern about the internal circulation of the site as the drive proposed for the Nova Star trucks is also used by some of the vehicles serving Tandem Coffee and Bunker Brewing. A number of issues were investigated by staff :

- **Scale of existing internal traffic flows and pedestrian activity in the vicinity of the Nova Star Truck access/egress drive:**
Staff note that the bulk of the existing vehicle movements within the site are during the day when the proposed use would involve intermittent arrival of the trucks. Staff observed a relatively small number of vehicles and pedestrians associated with the existing uses in the vicinity of the drive access proposed to be used by the Nova Star trucks, noting that the Muslim Community Center activities are not immediately abutting the drive access and the nearer buildings generally have the same users each day. At the time of the proposed truck departure the existing uses are generally not in operation. It is understood that some evening events/ "tastings" are likely to take place near the truck staging site, but in the evening there will be a queue of trucks waiting to leave at one minute intervals, and this would be evident to other users.
- **Management of vehicle/pedestrian circulation necessitated by Nova Star truck use of the site:**
Staff consider that the proposed truck use is anticipated to be compatible with the other vehicle and pedestrian access facilities (the other drive and path to Tandem Coffee), although it is recognized that existing users may be affected. Given the condition restricting the number of trucks to 15 in this season, staff recommend that this issue be part of the monitoring study so that any need for internal vehicle/pedestrian control measures would be determined by the outcome of the study; this approach is reflected in the following conditions of approval:
 - ▶ That the monitoring study identified in Condition iv. shall include the driveway access/egress conditions for both site driveways. Currently, Tandem Coffee and Bunker Brewery use both driveways and this will continue in the future. If deemed necessary from the monitoring study, on-site circulation and access provisions will need to be formally regulated and controlled. An outcome of the monitoring study could be that the northerly driveway (with the truck scale) be used for trucks and employees only and the southerly driveway be used for Tandem Coffee and Bunker Brewery customers and the Community Center. Changes may require both regulatory and wayfinding signage and the applicant would be required to propose how to physically separate the two driveways, internally, so that vehicles are controlled;
 - ▶ That the applicant shall advise the lessees on the site and the Maine Muslim Community Center in advance of the start date for the proposed truck staging operation, and provide details of the likely truck activity and a contact person if there are any problems on the site;

b. Loading and Servicing.

- (i) *All developments served by delivery or other service vehicles shall provide a clear route and travel way geometric design that permits safe turning and backing for the maximum vehicle length that would service the development and does not impede site access, vehicle circulation, pedestrian movements or parking.*

Staff Findings: The proposed access route is angled from Anderson Street and this allows safe tractor trailer access into the drive. At present the drive does not meet the City standards and a condition of site plan approval has been included (based on the Traffic Engineers recommendations) to require upgrading:

- ▶ The applicant shall be responsible for providing a fully paved driveway of a minimum width of 22 feet wide from the right-of-way boundary extending into the site for 50 feet, prior to the commencement of the truck staging operation. A plan of this improvement shall be provided for review and approval prior to installation. The remainder of the site shall be maintained with a surface that does not allow the creation of dust. In addition, the applicant shall install truck entering warning signs at the site driveway that are compliant with the Manual on Uniform Traffic Control Devices, Federal Highway Administration. Final details of signs shall be reviewed and approved by the Planning Authority;

Once vehicles reach the rear part of the site there is over an acre of land available for the maneuvering of truck vehicles within the area identified for truck staging, which allows sufficient area for internal circulation and queuing movements.

c. Sidewalks.

- (i) *All proposed developments shall provide sidewalks along all frontages in accordance with Sections 14-498 and 14-499 of the City Code, installed to City specifications as described in Section 1 of the Technical Manual. An applicant may request a waiver from curb and sidewalk installation requirements if they meet applicable waiver criteria listed in Section 14-506 (b) of the City Code.*
- (ii) *Where sidewalks already exist but are in substandard condition, they shall be repaired or replaced in conformance with Chapter 25 of the City Code and Section 1 of the Technical Manual.*
- (ii) *Continuous internal walkways shall be provided between existing or planned public sidewalks adjacent to the site, transit stops and street crossings and primary building entrances on the site.*

Staff Findings: A sidewalk along this frontage is part of the already designed and funded Anderson Street Neighborhood Byway Project and there have been detailed discussions with the applicant regarding the coordination of any drive improvements with the proposed sidewalk area. There is an existing sidewalk on the other side of the road and the ordinance criteria have been met.

The three other users of this site have pedestrian and vehicle access via the southernmost drive and there is a segregated pedestrian walkway to Tandem Coffee direct from Anderson Street. Staff consider that the proposed truck use does not impact the other pedestrian access facilities and that the pedestrian patterns be included in the monitoring study that would cover the off-site issues discussed above.

3. Public Transit Access:

Staff Findings: A public transit facility is not required under the Site Plan Ordinance.

4. Parking:

Staff Findings: The proposed Intermodal Facility is not a parking lot and there is no building or use associated with the proposals that requires vehicle or bicycle parking.

5. Transportation Demand Management (TDM):

Staff Findings: The proposed Intermodal Facility does not include any floor area and is not subject to TDM requirements.

(b) Environmental Quality Standards

Staff Findings: These standards relate to landscaping and stormwater management. Stormwater management measures were installed when the VRAP site was the subject of a site plan for mitigation of the stormwater impacts. The frontage of the site has existing trees, which will be enhanced (street trees) as part of the Anderson Neighborhood Byway project.

(c) Public Infrastructure and Community Safety Standards

Staff Findings: The proposals have addressed these standards as follows:

- **Consistency with City Master Plans**
The proposed access makes use of an existing driveway, and the widening of this driveway for the truck use does not impact the design and installation of the proposed Anderson Street Byway Project along this frontage.
- **Public Safety (Crime Prevention through Environmental Design) and Fire Prevention**
The proposed area for the trucks to wait is enclosed with chain link fencing at the rear of the site so access is limited and there is lighting for the autumn and spring seasons when the truck departure will be after dark. The site is not gated to maintain emergency access, and the fire hydrant is less than 500 feet from the main part of the site.
- **Availability and Adequate Capacity of Public Utilities**
The proposals do not include or require any new utilities, and the current utilities are sufficient.

(d) Site Design Standards

Staff Findings: These standards generally relate to proposals that involve buildings except for the following:

- **Exterior Lighting**
The applicant does not propose to modify the existing lighting, which is industrial in nature and directed away from the street towards the open area and other industrial users. Adequate lighting is accepted as necessary as the trucks will be maneuvering on site until 9:00pm in October. A condition of approval requires that any new lighting be turned off after 10:00pm.
- **Noise and Vibration**
The trucks that will be waiting at the site would include refrigerator trucks (“reefers”) and the applicant has indicated that these would be parked on the interior of the site away from Anderson Street (see Site Plan) and would be required to meet the sound standards of the ILb zone which limit the dBA levels at the property line to 60dBA during the day until 10pm. A condition of approval explicitly specifies that refrigerator trucks shall only utilize the site between 7am and 10pm.

Normally all of the trucks waiting to load onto the Nova Star ferry would be off the site before the zoning requirements of a maximum of 50 dBA apply (10pm). The potential for noise impacts is further reduced by the condition that requires that trucks do not enter or leave the site between the hours of 10pm and 7am, and that all trucks except reefers turn off their engines when on the site to minimize noise and fumes in the area.
- **Signage and Wayfinding**
No new signage or wayfinding is proposed except for pedestrian and vehicle safety.
- **Zoning-Related Design Standards**
There are no design standards for development in the ILB zone. However, the ILb Zone ordinance includes a set of Performance Standards that would apply to this site and be enforced by the Zoning Administrator.

VII. COMMENTS REGARDING POINTS RAISED IN PUBLIC COMMENTS NOT COVERED BY THE FINDINGS ABOVE IN RELATION TO SITE PLAN STANDARDS:

Sound from loading and unloading of trucks and from travel over the scale

There are noise restrictions in the ILb zone that must be adhered to, as described in the following extract:

14-236 (a) 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.

Notices

The Portland Land Use ordinances require notification to property owners, which in this case includes the Maine Muslim Community Center who have sent comments on the proposal. The Planning Division also notifies an extensive interested parties listing, including most neighborhood organizations. Tandem Coffee and Bunker Brewery have been contacted by Planning staff, and Jonathan Culley of Redfern is aware of the project. Copies of the approval letter will be sent to all those who have contacted us and to the tenants of the site.

Review process

An administrative review is coordinated by the Planning Division staff with specialist reviews undertaken by representatives of the different City departments as they relate to the Site Plan standards. This particular project has also been discussed with Directors of Planning and Urban Development, Director of Public Services, the Waterfront Coordinator and the City Manager to ensure that all interests have been taken into account. The ordinance includes a provision regarding appeals of an administrative decision, and this has been included in the Approval letter for information.

Relationship to Comprehensive Plan

Other than a review of the consistency with the zoning, the Site Plan review standards do not include a requirement for an individual assessment of projects for consistency with the comprehensive plan. It should be noted that the ILb zone, and this proposal, are consistent with the comprehensive plan, which specifically refers to intermodal facilities as appropriate in low impact industrial areas that are located near residential uses.

Enforcement

A number of neighbors have expressed a concern about the scale of the “intermodal transportation facility” becoming much larger, with more than the allowed number of trucks or different hours/patterns of arrival and departure. The approval includes conditions that this operator, or any subsequent user, would have to comply with unless an amended plan is submitted, reviewed, and approved in the future.

The applicant/operator must advise the Planning Authority of the numbers of trucks using the site and this will be monitored in relation to the allowed number. The Planning Division would be responsible for ensuring the physical site works and required off-site work has been completed to our satisfaction and that the monitoring arrangements are pursued. Other issues that potentially could arise once the truck staging begins operation, such as trucks parking on the street or excessive noise, would be addressed by the City’s Parking and Inspections Divisions in the same way as other sites and streets in the City. A list of contact names and their contact details will be circulated with the approval letter to those who have contacted the Planning Division and the users of the site.

Applicants submittals including site plan & truck route - July 2014

INTERMODAL STAGING YARD
122 ANDERSON ST.
PORTLAND, ME 04101

This site is located in an I-lb industrial zone which specifically enumerates "Intermodal use" as allowed.

Transportation Standards:

The proposed use will not create or aggravate any significant hazard to safety nor lower the level of service to any street.

1. The traffic pattern required for this operation is straightforward and with ample stop signs, lighting and traffic signals. Attached is a route map that shows the routing. The exit driveway of the site has signage and a design that does not allow left turn exits. This prevents vehicles from passing residential areas. All the trucks in this area move at a slow pace. This is not a highway but rather a delivery area driven at delivery speed. The hazard should be no greater than it is now, which is low.
2. Site lines in and out of the facility are very good, in excess of 250' in either direction.
3. "Way finding" will be done by use of Nova Stars web site, GPS, and a direction map as attached. Signage at the entrance will state that it is the Nova Star intermodal staging yard and an entrance sign is in place.
4. The vehicles will start being released at 8:15 in a metered time frame to prevent a surge of vehicles. All vehicles will have departed by 9:00 P.M., a full hour before the implementation of the stricter 50 decimal requirement.

Access and Circulation:

This is a large site which allows for comfortable maneuvering of vehicles. As seen on the attached plan, the vehicles will drive into the gated area and circle to get into one of two types of cueing lanes.

1. The property has two curb cuts, both of which accommodate two way vehicle movements. This particular intermodal use will rarely have two way truck movements, but it can handle them in any event. The vehicles will be showing up during the afternoon hours. When the ferry is ready for them, (usually around 8:15 in the evening) the crew will release a vehicle every two minutes. They will be going out with no trucks coming in at that time.
2. The operating hours of the businesses and the community center on this site are conducive to their operation.
 - A. Tandem Coffee is open from early morning to mid-afternoon. Their customers mostly use the smaller two-way drive shared with the community center.
 - B. The community center has varying operating times which mostly start in the mid-afternoon. The Community Center operates on the other side of the property using a different driveway and is separated by a "jersey barrier" to provide vehicle movement safety.
 - C. Bunker brewery brews beer all day but not in the evening with the exception of occasional "tastings" which occur in the late afternoon and early evening. The parking lot shared with Tandem Coffee accommodates their parking needs.
3. With regard to the vehicle circulation and noise levels, all vehicles with refrigeration equipment for cooling will line up in a row at the furthest point from any residential zone, (Approximately 300'+) as shown on this plan. The next row will be for regular freight vehicles. Not only will these not have refrigeration compressors but their trailers and box van shapes will deflect any noise away from the residential zone.
4. The truck movements on the site will be slow and smooth. Rarely would they be backing up. It seems highly unlikely that any vibrations will be caused and certainly not felt over 200 to 300 feet away across one and two city streets.

5. The Intermodal yard is surrounded by a security chain link fence and is lit by lights which face away from the residential area toward the back of other commercial buildings.
6. Fire safety and security, if any, will be easy to address as the access gate will be open at all times.

From: Mike Cardente <mike@cardente.com>
To: Jean Fraser <JF@portlandmaine.gov>, Barbara Barhydt <bab@portlandmaine.gov>
Date: 7/21/2014 7:14 AM
Subject: 122 Anderson Street Traffic

----- Forwarded message -----

From: *Doug Cardente* <doug@cardente.com>
Date: Friday, July 18, 2014
Subject: Alternate routing
To: Mike Cardente <Mike@cardente.com>

The safest and quietest route: The entrance and exit driveway into this property is and always has been at a 45 degree angle to Anderson Street. This was done for the purpose of allowing vehicles to enter and exit without hindering traffic flow. Further, by exiting the property at the 45 degree angle, the vehicles do not have to cross over into the opposite lane which is much safer.

Once on Anderson street, each side of the road is fronted by commercial buildings. Noise and residential activities are of less concern. Then a right turn onto Fox street (a right turn always being the safest) and it is a straight shot to Franklin Arterial. Fox has historically accommodated warehouse trucks, tractor trailers and buses, and it still does.

The Fox street and Franklin street arterial intersection has an existing left lane turn signal. This allows vehicles to turn left to go to commercial street and makes the intersection safe for all traffic and for pedestrians.

This is really the safest route.

The only alternative is to allow exiting vehicles to turn left onto Anderson street. This would require a new drive way, it would force vehicles to cross both lanes, it would divert the traffic right into the residential area that fronts the street at that point and it would increase noise levels as the trucks up shifted to gain speed. This would also increase the safety risk to the children in that residential area.

Then the vehicles would need to go down one of the side streets to get to Marginal Way which would require every vehicle to cross over the new bayside trail both coming and going.

Upon reaching the intersection of Marginal Way and the Franklin street arterial a left turn would be required. There is no left turn arrow there and the intersection is near capacity at the present time.

These routes are not as safe and are not practical.

--

Michael Cardente | Broker/Partner
Cardente Real Estate | Commercial & Investment Brokerage
322 Fore St. 3rd Floor | Portland, ME 04101
T 207.775.7363 | F 207.773.0066 | C 207.233.7229

View My Listings

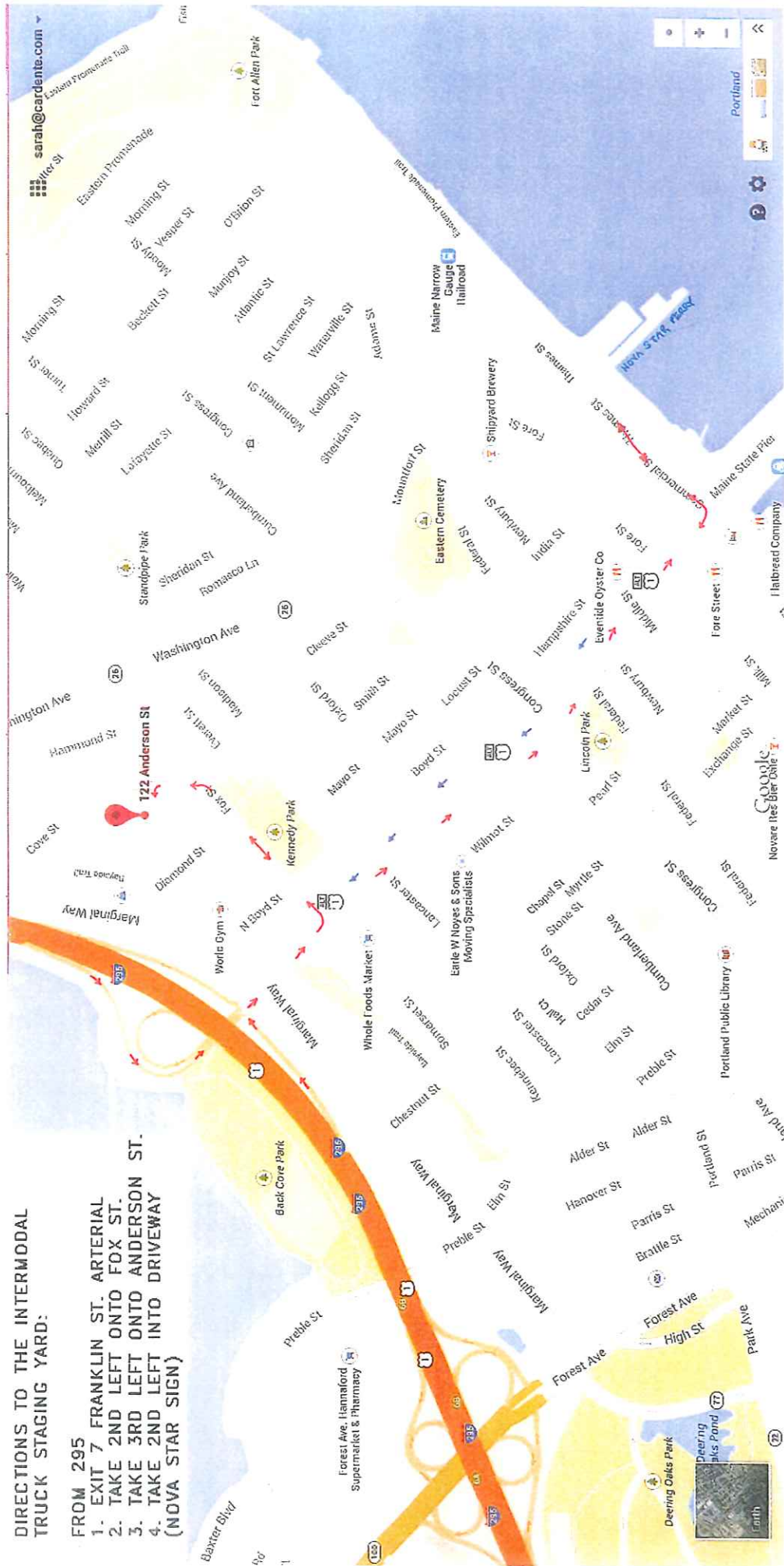
<http://www.newenglandcommercialproperty.com/jsp/agents/agent_listings.jsp?agentID=9638176&search=true>

| www.Cardente.com <<http://www.cardente.com/>> | Personal Profile
<<http://www.cardente.com/brokers>>

DIRECTIONS TO THE INTERMODAL TRUCK STAGING YARD:

FROM 295

1. EXIT 7 FRANKLIN ST. ARTERIAL
2. TAKE 2ND LEFT ONTO FOX ST.
3. TAKE 3RD LEFT ONTO ANDERSON ST.
4. TAKE 2ND LEFT INTO DRIVEWAY (NOVA STAR SIGN)



From: Mike Cardente <mike@cardente.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 7/23/2014 8:01 PM
Subject: Re: 122 Anderson Street

Jean,

We have talked with the three abutting land owners on Cove Street as well as the property owner on Marginal Way and there is no economical way for us to get an easement. In addition, per the City's request, we instituted a storm water management plan and the resulting system runs along part of the Cove Street side of the property. This is shown on the plans that we have provided.

Best,

Mike

--

Michael Cardente | Broker/Partner

Cardente Real Estate | Commercial & Investment Brokerage

322 Fore St. 3rd Floor | Portland, ME 04101

T 207.775.7363 | F 207.773.0066 | C 207.233.7229

View My Listings

<http://www.newenglandcommercialproperty.com/jsp/agents/agent_listings.jsp?agentID=9638176&search=true>

| www.Cardente.com <<http://www.cardente.com/>> | Personal Profile

<<http://www.cardente.com/brokers>>

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 8/4/2014 3:28 PM
Subject: 122 Anderson Street

Jean - I reviewed the application materials for the project and offer the following final comments and conditions of approval for the project.

- * The applicant has suggested a routing plan from 122 Anderson Street to Fox Street and Franklin Street. I find this routing to be reasonable given the driveway geometric alignment (left-turn exit movements and right-turn entry movements would be problematic). Accordingly, the following recommendations are based upon this routing.
- * Based upon the limited number of trucks being generated by the project during the typical commuter peak time period and that trucks will be metered into the streets system, as recommended below, a traffic impact study is not recommended.
- * Based upon my intimate knowledge of the Anderson Street/Fox Street intersection, temporary enhancements to the intersection should be implemented by the applicant in advance of the permanent improvements expected to be constructed later this year. These improvements shall include the following and a plan shall be provided for review and approval before installation occurs. It should be noted that this intersection will be under construction beginning later this summer and thus some of these temporary measures may be impacted. The applicant shall be responsible for maintaining these items throughout the Nova Star trucking season.
 - o A crosswalk shall be painted on the westerly Fox Street approach. The crosswalk shall be aligned with the apex on the southwest corner of the intersection and the Coffee By Design Driveway on the northwest corner (half of the crosswalk would be in the driveway).
 - o A crosswalk shall be painted on the easterly Fox Street approach. The crosswalk shall be aligned with each corner apex.
 - o STOP bars shall be re-painted on the eastbound Fox Street approach and the southbound Anderson Street approach.
- * The number of trucks entering or exiting the site over a delivery day time period (trucks arriving in advance of ship departure during the day and leaving the site to get to the ship) shall be limited to 15 trucks during 2014 operations. Following the results of the monitoring study, the number of trucks may be increased to a maximum number of 30 trucks either entering or exiting the site over a 24-hour period. It should be noted that the monitoring study shall include all roadways/intersections between 122 Anderson Street and the Ocean Gateway site.
- * The applicant shall fund a traffic monitoring study to be conducted by the Planning Authority. The monitoring study shall be conducted within two weeks after operations begin and at a later date in the 2014 season. The monitoring study will ensure the conditions noted are being met and to identify any issues that may need resolution. If the monitoring study identifies safety concerns, the applicant shall be fully responsible for implementation. It is anticipated that possible mitigation actions may include additional warning signs and pavement marking, traffic signal modifications at intersections along Franklin Street, truck arrival/departure management, and route adjustments.

- * The applicant shall implement a departure management plan that limits the truck departure rate to a one truck per minute or more. The westbound Fox Street signal phase at Franklin Street will not likely be able to process more than one truck and therefore is currently a limiting factor. The monitoring study will review this departure rate and recommend adjustments, as necessary.
- * The applicant shall install truck entering warning signs at the site driveway that are compliant with the Manual on Uniform Traffic Control Devices, Federal Highway Administration. Final details of signs shall be reviewed and approved by the Planning Authority.
- * Driveway access/egress conditions for both site driveways shall be monitored at the initiation of operations. Currently, Tandem Coffee and Bunker Brewery use both driveways and this will continue in the future. If deemed necessary, from the monitoring study, on-site circulation and access provisions will need to be formally regulated and controlled. An outcome of the monitoring study could be that the northerly driveway (with the truck scale) be used for trucks and employees only and the southerly driveway be used for Tandem Coffee and Bunker Brewery customers and the Community Center. Changes may require both regulatory and wayfinding signage and the applicant would be required to propose how to physically separate the two driveways, internally, so that vehicles are controlled.
- * The applicant shall be responsible for providing a fully paved driveway of a minimum width of 22 feet wide from the right-of-way boundary extending into the site for 50 feet. A plan of this improvement shall be provided for review and approval.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International]T.Y. Lin International
12 Northbrook Drive
Falmouth, ME 04105

AMENDMENT TO THIRD BULLET POINT ABOVE:

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 8/11/2014 1:12 PM
Subject: RE: Question re your comments Re: 122 Anderson Street

Agreed – they do not need to prepare a plan. I need to discuss this with Kathi tomorrow. She has been on vacation

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International]T.Y. Lin International

Jean Fraser - Re: Fwd: Re: Update and decision letter re the site plan review of 122 Anderson St. Intermodal Trans facility

From: "Cynthia L. Cochran" <c Cochran@maine.rr.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 8/22/2014 12:18 PM
Subject: Re: Fwd: Re: Update and decision letter re the site plan review of 122 Anderson St. Intermodal Trans facility
CC: Mike Cardente <mike@cardente.com>, Kevin Donoghue <kjdonoghue@portlandma...>

Hi Jean.

Thank you for forwarding this information. I appreciate the consideration of a number of residential concerns within the various conditions attached to this approval. I hope that these do not create too much of a burden for Cardente Realty.

However, I am concerned about the time frames specified for the monitoring as outlined in this approval letter. At this late date, can the two week monitoring be accurately achieved, when:

1. The property owner has site and traffic improvements to achieve and inspections to pass before operations can begin;
2. Gas-line installations and Anderson Street Neighborhood Byway Project improvements are scheduled for Sept/Oct; and
3. The Nova Star season is over in Oct?

Is there a back-up plan for conducting a proper monitoring should all of these events cause conflicts and interruptions in the operations and/or interfere with accurate monitoring? I wouldn't want the monitoring to delay the Byway Project work. I also don't think it is reasonable for the property owner to have to delay operations from beginning, or continuing, if an accurate, two week monitoring cannot be achieved due to previously scheduled construction that is not within his control. The timing, and interfacing of all of these efforts seems extremely challenging.

Nonetheless, as the inter-modal operations begin, I will remain attentive to the impacts of the additional, heavy vehicle traffic on Fox Street. As you know: There are a number of currently proposed, and/or "in-construction" residential housing developments in the area; a healthy, and growing, patronage of Fox/Anderson Street businesses; and a welcomed increase of Fox Field utilization by school teams; clubs, and organizations - all of which bring increasing traffic volumes and parking pressures to these streets. In that regard, please explain, in detail, the process for requesting a subsequent review of this

land use, due to the future impact of these unfolding, dynamic conditions, and the diversity of land uses already in place in this complex area of East Bayside.

Also, please identify and provide contact information for the individuals who comprise the "Planning Authority" cited in this approval letter.

I look forward to hearing from you soon.

- Cynthia L. Cochran

of this outline the procedures involved in bringing am concerned about the feasibility of the time frames outlined in the approval

On 8/21/2014 5:53 PM, Jean Fraser wrote:

Hello Cynthia,

I believe Michelle has already forwarded this to you, but am sending it for information in case that has not happened.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Jean Fraser 8/18/2014 4:55 PM >>>

Hello

This note is to follow up on my update of July 25, 2014.

After careful consideration of the concerns that have been raised by neighbors, and other information including the City's site plan standards and zoning requirements, the Planning Authority issued a conditional approval to the proposed Intermodal Transportation Facility at 122 Anderson Street on August 15, 2014.

I attach:

1. The decision letter
2. Staff Report of Findings (attachment 1 to the letter)
3. Submissions (attachment 2 to the letter)

4. Traffic Engineer Review Comments (attachment 3 to the letter)

At the end of this e-mail I have listed the key contacts (in addition to me) regarding any issues once the applicant has met all of the conditions and the facility is operational. The decision letter (condition x) includes a requirement that those already using this site should be advised in advance of the start date and should be provided with a contact person for the operator.

Please note that the applicant may commence the proposed operations even if an appeal is lodged, provided that they have met and continue to meet the conditions of approval.

Thank you for your thoughtful comments which helped inform the conditions of approval and also have contributed to the final planning and management of the Anderson Street Neighborhood Byway Project, and to a pending review of the ILb zone uses and performance standards.

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

Contacts:

Applicant: Mike Cardente, 775 7363 mike@cardente.com

Parking on streets: John Peverada (Parking) 874 8444

JBP@portlandmaine.gov

Implementation of site and off site improvements specific to this proposal:

Phil DiPierro, (Planning) 874 8632 PD@portlandmaine.gov

Info re Zoning Performance Standards eg noise: Marge Schmuckal, (Zoning Administrator) 874 8695 MES@portlandmaine.gov

Compliance/enforcement: Inspections Division: Website with directory and contact numbers and e-mails: <http://www.portlandmaine.gov/550/Inspections>;

- Director is Tammy Munson on 874 8703 or tmm@portlandmaine.gov;

- Deputy Director is Jonathan Rioux on 874 8701 or

jrioux@portlandmaine.gov.

Any contractor activity or work in the streets or sidewalks, not necessarily related to this site plan application: Department of Public Services, 874 8846

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified

as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Jean Fraser - Fwd: Re: Update and decision letter re the site plan review of 122 Anderson St. Intermodal Trans facility

From: Jean Fraser
To: Cochran, Cynthia L.
Date: 8/21/2014 5:53 PM
Subject: Fwd: Re: Update and decision letter re the site plan review of 122 Anderson St. Intermodal Trans facility
Attachments: APP LTR 8.15.2014 122 anderso St 2014-112.pdf; Att 1 Report of Findings 8.15.2014 122 Anderson St.pdf; Att 2 applicant submittals from source July 2014.pdf; Att 3 Final Traffic comments Aug 2014 - 122 Anderson Street.pdf

Hello Cynthia,

I believe Michelle has already forwarded this to you, but am sending it for information in case that has not happened.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Jean Fraser 8/18/2014 4:55 PM >>>
Hello

This note is to follow up on my update of July 25, 2014.

After careful consideration of the concerns that have been raised by neighbors, and other information including the City's site plan standards and zoning requirements, the Planning Authority issued a conditional approval to the proposed Intermodal Transportation Facility at 122 Anderson Street on August 15, 2014.

I attach:

1. The decision letter
2. Staff Report of Findings (attachment 1 to the letter)
3. Submissions (attachment 2 to the letter)
4. Traffic Engineer Review Comments (attachment 3 to the letter)

At the end of this e-mail I have listed the key contacts (in addition to me) regarding any issues once the applicant has met all of the conditions and the facility is operational. The decision letter (condition x) includes a requirement that those already using this site should be advised in advance of the start date and should be provided with a contact person for the operator.

Please note that the applicant may commence the proposed operations even if an appeal is lodged, provided

that they have met and continue to meet the conditions of approval.

Thank you for your thoughtful comments which helped inform the conditions of approval and also have contributed to the final planning and management of the Anderson Street Neighborhood Byway Project, and to a pending review of the ILb zone uses and performance standards.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Contacts:

Applicant: Mike Cardente, 775 7363 mike@cardente.com

Parking on streets: John Peverada (Parking) 874 8444 JBP@portlandmaine.gov

Implementation of site and off site improvements specific to this proposal: Phil DiPierro, (Planning) 874 8632
PD@portlandmaine.gov

Info re Zoning Performance Standards eg noise: Marge Schmuckal, (Zoning Administrator) 874 8695
MES@portlandmaine.gov

Compliance/enforcement: Inspections Division: Website with directory and contact numbers and e-mails:
<http://www.portlandmaine.gov/550/Inspections>;

- Director is Tammy Munson on 874 8703 or tmm@portlandmaine.gov;
- Deputy Director is Jonathan Rioux on 874 8701 or jrioux@portlandmaine.gov.

Any contractor activity or work in the streets or sidewalks, not necessarily related to this site plan application:
Department of Public Services, 874 8846

Jean Fraser - Re: Wed 11am for meeting? Re: Concerns re 122 Anderson St. Intermodal Trans facility

From: "Cynthia L. Cochran" <ccochran@maine.rr.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 9/10/2014 8:38 AM
Subject: Re: Wed 11am for meeting? Re: Concerns re 122 Anderson St. Intermodal Trans facility
CC: Tom Errico <thomas.errico@tylin.com>, Mike Cardente <mike@cardente.com>,...

Good morning, Jean!

Given that you indicated that Tom's time with us might be short, I have listed here (and cc'd Tom), the questions I wish to discuss at this meeting.

1. What exactly will be monitored under Section B, iv of the conditional approval?
2. How will that be accomplished within the time frames constraints, given the gas line upgrades, the Anderson Street improvements, and now the shortened Nova Star 2014 season, ending Oct 13?
3. How are the performance standards of the ILb zone monitored? Is there are periodic monitoring, or ? Does Tom do this monitoring as well?
4. If the monitoring, as outlined in the conditional approval, cannot be accomplished within the time frames specified, is that a violation of the conditions for approval? Does this result in the end of this land use, at least until such monitoring can be accomplished? Or what?
5. Can this conditional agreement be amended to enable an appropriate time frame for carrying out the monitoring outlined in the conditional approval?
6. Given the extraordinary set of circumstances coming together, at this point, is there any way to amend this conditional approval to delay implementation of this land use until the 2015 season?

I am sure more questions will arise at the meeting, but am hoping that laying these out now, will be helpful.

See you soon!
 - Cynthia

On 9/9/2014 4:31 PM, Jean Fraser wrote:

Cynthia,

Yes, the meeting is confirmed for 11 AM Wed Sept 10th, 2014, room 209 City hall.

Tom Errico, Barbara Barhydt and myself will be there (maybe others).

See you tomorrow. (I have to leave the office now so if there is anything else I will look at it at 9am tomorrow)

thank you
 Jean

*Jean Fraser, Planner
 City of Portland
 874 8728*

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/9/2014 4:24 PM >>>
 Jean,

Yes, I can meet tomorrow at 11 AM. Now, I am also wondering how the shortened season for Nova Star (now ending on Oct 13) will impact everything. Please add that change in circumstances to my previous list.

Please send me a final confirmation about this meeting.

Thanks,
- Cynthia

On 9/9/2014 4:10 PM, Jean Fraser wrote:

Cynthia

I have just heard back from Tom Errico and he would be able to meet with you at 11am tomorrow (Wed) It would take place in room 209 City hall (second floor- same room that the Planning Board usually meets in). Would that be convenient for you?

Tom Errico will be here at another meeting before that and will join us in room 209. He is only available for a short time but I think it will be long enough to answer your questions re the monitoring.

If that is not convenient for you, I will see if there is another time that he is available- as you know he is a consultant reviewer and does not work in City Hall.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/9/2014 1:16 PM >>>

Jean,

Thank you for your efforts with coordinating this meeting. I hope to hear from you soon.

Thanks,
- Cynthia

On 9/9/2014 12:08 PM, Jean Fraser wrote:

Cynthia

I have contacted Tom Errico and others and will try to get something organized along the lines you suggest.

As you have mentioned you are considering requesting an appeal of the staff decision, I would like to clarify regarding the deadline for submitting a request for an appeal review.

Corporation Counsel has confirmed that we would accept the appeal request letters up to the end of the business day on Monday, September 15, 2014 in order to give you the full 30 day appeal period as mentioned in the ordinance.

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/9/2014 9:59 AM >>>

Jean,

Yes, I would like to meet with you to hear a more detailed response to:

1. My concerns about the monitoring outlined in Section B, iv and viii, as elaborated many times in previous emails attached below (most especially the 9/5 email); and
2. To receive an answer to this question from my 9/2 email to you: "If appropriate monitoring cannot be accomplished within the time frames specified in the conditional approval letter, is that a violation of the conditions for approval that would result in the end of this land use, at least until such monitoring can be accomplished?" Or what?

As it is my understanding that Tom Errico designed the proposed monitoring for the conditional approval of this land use proposal, it would be most helpful if he could be present to speak directly to my concerns in #1 above. Hopefully, you can provide the answer to #2. It would be very helpful if Mike Cardente could be present as well.

I know how difficult it is to coordinate multiple schedules, so I am willing to adjust my schedule to attend a meeting on Wednesday, Thursday, or Friday, anytime this week (except Wednesday, after 5PM). I am very hopeful that flexibility will allow for the appropriate people to be present at this meeting. Please let me know as soon as possible so that I can arrange to accommodate this meeting, as well as, manage on-going appointment requests from my clients.

Many thanks!
- Cynthia

On 9/5/2014 6:15 PM, Jean Fraser wrote:

Cynthia

I believe that the following, taken with my previous replies, answers the questions that you have posed in recent e-mails:

Appeal process once an appeal has been lodged:

The Planning Board review is conducted in the same way that a review of a site plan, zoning or other application is reviewed ie it would be public meeting; would be noticed as required regarding the public meeting; and staff would prepare a report that includes a review of the entire project (including all previous and new public comments and staff review comments) and with a focus on the issues that are the basis of the appeal. The appellant would have an opportunity to explain their concerns to the Board and the Board would ultimately vote to approve or deny the project. The Board would be able to remove or amend conditions of approval if it decided to approve the proposal.

Process for ensuring that the impacts of this and future developments are considered in terms of increased traffic volumes and parking pressures: In this particular approval, there are traffic monitoring provisions, which may result in some additional mitigation measures after the facility is in operation.

In general, Corporation Counsel has confirmed what I included in my previous e-mail regarding any potential reconsideration of the decision on the intermodal transportation facility at 122 York Street. She clarifies:

"The Planning Authority/Planning Board may only review a project at the time of the application and approval. Once the application is approved, the applicant is entitled to rely on that approval without concern that a future unilateral review by the City may change its ability to use its property in accordance with the approval. So, barring some violation of the approval or of the conditions, there is no mechanism for "subsequent review of this land use."

Zoning Amendments: In the case of any zoning amendments, these would be formally considered by the Planning Board and ultimately the City Council (all of the meetings are public and public comment can be submitted at the meeting or in writing). In general, when the City is proposing a change, the staff seeks public comment from the neighborhood, in addition to the required noticing for public meetings. The review of any zoning amendments would include consideration of the traffic and parking issues.

Monitoring: We consider that the monitoring outlined in the conditions is independent of the variables that you mention (except that it should take place 2 weeks after the start of truck staging operations) and could be undertaken appropriately, accurately and comprehensively. The condition refers to traffic and pedestrian monitoring and is primarily related to ensuring safety for pedestrians. The monitoring referred to in conditions iv and viii does not relate to the Performance Standards of the Ilb zone.

It is difficult to clarify every detail in e-mails and I would be happy to meet with you (you are welcome to record the meeting) to provide some more detailed information on the above topics and any others that you are concerned about.

Thank you

Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/5/2014 12:14 PM >>>

Jean and Alex,

Jean, thank you for this information. I will draft an appeal letter in the next few days. To be clear, I will file an appeal only if my concerns cannot be addressed in any other fashion before next Thursday, September 12. In this regard, I understand that an appeal will not stop the intermodal operations from beginning. As this is not my intent, this does not matter to me. Please provide further information regarding what the appeal process entails, subsequent to an appeal being filed. Is the Planning Board review conducted as a public meeting, or how does it proceed? Please provide the details of how this will work.

As I have continually stated, I do not want to file an appeal. I continue to hope for another solution that ensures that the conditions outlined in Section B, iv and the related Section B, viii, regarding a two week traffic and pedestrian monitoring study, etc., etc.; the resulting mitigation measures; and the second monitoring study, "at a later date in the 2014 season," will be able to be conducted appropriately, accurately, and in a comprehensive manner. The time frames indicated in these sections for this monitoring to occur are highly unlikely to be met, given:

1. The property owner has site and traffic improvements to achieve and inspections to pass before operations can begin;
2. Gas-line upgrades on Anderson Street. This work is currently being done on Hammond Street. I was informed today by the crew leader that they expect to complete Hammond Street by the middle of next week, and then begin work on Anderson Street (approx Sept 10-13). This schedule appears to coincide with the anticipated start of the intermodal operations.
3. Anderson Street Neighborhood Byway Project improvements are scheduled subsequent to the gas line upgrades on Anderson Street.
4. The last sail of the Nova Star, for the 2014 season, is scheduled for Nov 2.

Also, I expect that monitoring, referred to in the sections cited above, will include all the "Performance standards" outlined in Chapt 14, Div 13, Sec 14-236 of the City's Code of Ordinances. I note the following under subsection (a) 4. of this code:

"Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (a)3 of this section"

How can an accurate and reliable monitoring of permissible sound levels be conducted, given the facts listed above?

I have spoken with Mike Cardente about my concerns, a number of times. I believe that he understands and respects them, and considers them reasonable. My understanding of his concerns are: He is frustrated about the circumstances, beyond his control, that are contributing factors at issue here, and has expressed a concern that lengthening the time frame for monitoring would add to his cost. I sincerely appreciate his concerns.

It seems to me that addressing these concerns now, in a serious and responsible manner, might reduce, but at least not increase, the potential for future contentiousness.

I request, again, that the Planning Authority provide a solution to these concerns so that no appeal will be filed. I believe that this would be in everyone's best interest.

Thanks,
- Cynthia

----- Forwarded Message -----

Subject:Re: Appeal Process 122 Anderson St. Intermodal Trans facility

Date:Thu, 04 Sep 2014 17:26:56 -0400

From:Jean Fraser <JF@portlandmaine.gov>

To:Cynthia L. Cochran <ccochran@maine.rr.com>

Cynthia

I am writing to clarify regarding the appeal process as you have requested.

Corporation Counsel has confirmed that there is no appeal form. Rather, a party wanting to file an appeal to the Planning Board must simply submit a timely letter notifying the City of their desire to appeal and identifying what they believe the Planning Authority's error(s) to be. The level of additional detail or argument is up to the appellant, but the more thorough the Planning Board's understanding of the issues and concerns, the better able it will be to consider them during its review. When identifying "errors", these would usually be errors in terms of the assessment of the proposals against the Site Plan Standards (Ordinance section 14-526) which I mentioned in the e-mail I sent yesterday.

The letter should be received before the end of the appeal period and addressed to Alexander Jaegerman, Director of Planning Division, at this address:

Planning Division
Fourth Floor
Portland City Hall
389 Congress Street
Portland, ME 04101

I appreciate there are a couple of other questions that you raised and I am waiting for some further information to pass along to you re those.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/3/2014 6:08 PM >>>
Thank you, Jean. I look forward to hearing from you tomorrow.

On 9/3/2014 6:06 PM, Jean Fraser wrote:

Cynthia

There are no particular documents for filing an appeal- you just need to send a letter.

I have just received confirmation from the Legal Department regarding this and will send a longer e-mail tomorrow.

Thank you
Jean

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/3/2014 5:36 PM >>>
Jean,

Yes, I would like you to assist me by sending me the appropriate documents for filing an appeal.

Thank you.

- Cynthia

On 9/3/2014 3:55 PM, Jean Fraser wrote:

Cynthia

Thank you for your e-mail.

Regarding monitoring, the condition of approval requires the first monitoring to take place within 2 weeks after the truck staging operation begins (the 2 weeks is not from the date of the decision letter). The timing of that monitoring will only be dependent on the timing of the start of the intermodal facility operations and still is anticipated to take place as set out in the condition of approval.

Regarding your other two questions, these are outside my area of responsibility and I have sought advice from senior colleagues. I will get back to you as soon as possible.

I understand that you may wish to appeal the planning decision and please let me know if there is any other information that you would like me to send to assist you with an appeal. For example, the decision is based on the Land Use Site Plan ordinance section 14-526 (which sets out the standards that were used in evaluating the proposed intermodal transportation facility and were addressed in the "Findings" note attached to the decision letter; these standards would also be the basis for the Planning Boards review if it is appealed). Perhaps you are familiar with this already, but if not it is available on the City's website at the link below, or I would be happy to send this as a pdf (although I think its quite large).

<http://www.portlandmaine.gov/DocumentCenter/Home/View/1080>
(page 749 for 14-526 Site Plan standards)

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com> 9/2/2014 5:01 PM >>>

Jean,

I am glad to hear from you. Thank you.

If appropriate monitoring cannot be accomplished within the time frames specified in the conditional approval letter, is that a violation of the conditions for approval that would result in the end of this land use, at least until such monitoring can be accomplished? I would expect that this is the case. I would prefer that an alternate arrangement be agreed upon by the Planning Authority, Mike Cardente, and concerned residents. Perhaps an amendment to the conditional approval could address this concern.

Please clarify what this section of your response means: "any future projects would need to take account of this use, not the other way around". Does "future projects" mean future projects for using this particular piece of property (i.e. 122 Anderson St.)? Or does "future projects" mean any future proposals for land use (including rezoning requests and housing developments) within the general area impacted by this already approved use? How are the already approved land uses evaluated and weighed against future land use requests?

Also, it is my understanding that we have till September 15 to file an appeal (30 days from the date of the approval letter). Since that date is rapidly approaching, and since these concerns and questions have not yet been clearly answered, I request that you email me the required paperwork for submitting an appeal on the conditional approval, issued on August 15, 2014, of the use of 122 Anderson Street for an Intermodal Transportation Facility. I would like to have these documents ready to file, if these questions and concerns are not answered in a timely fashion, and/or if the answers, finally received, do not provide an adequate means to appropriately address the concerns of residents in the neighborhood.

Thank you for your efforts in this matter.

- Cynthia

On 9/2/2014 2:57 PM, Jean Fraser wrote:

Cynthia

Firstly I apologize for not being able to reply to your August 22 e-mail as quickly as you wished, as I was out of the office on vacation part of that time, had a Planning Board meeting with associated report and preparation, and needed to research the answers.

I am not yet able to clarify how the monitoring would integrate with all the factors you have mentioned; we would work with all parties to ensure that a reasonable evaluation of the proposed operation takes place as early as possible while it is in operation. I hope to be able to get back to you with some additional detail on this- the person who will be undertaking the monitoring is involved in the construction work so I believe that will ensure coordination.

The approval letter with all the conditions of approval was sent to all those who had written to me and to those at the meeting for whom I had addresses (I don't believe I was given a list of names and addresses to keep informed).

Once a site plan approval is issued it would not be reconsidered by us except to ensure that the conditions of approval are met. It would be difficult to review every decision if and when circumstances changed in the future, so in answer to your question, any future projects would need to take account of this use, not the other way around. So when site plan applications are submitted in the future, the review of those applications would take traffic circumstances at that time (from all uses) into account.

The Planning Authority is the staff equivalent of the Planning Board and Alex Jaegerman represents the Planning Authority. (Alex Jaegerman 874 8724 aqj@portlandmaine.gov). In the case of follow up as the project gets started, Phil DiPierro (874 8632 pd@portlandmain.gov) and I coordinate regarding the conditions.

Again I apologize for the delay and thank you for following up. I hope this answers most of your questions and I will let you know further details in the near future.

thank you

Jean

Jean Fraser, Planner

City of Portland

874 8728

>>> "Cynthia L. Cochran" <ccochran@maine.rr.com>

9/2/2014 1:55 PM >>>

Hi Jean.

I have not yet heard back from you regarding my message of August 22. At our meeting with you on July 21, we were told that you would be keeping us informed about what the conditions would be on this request. However, no follow up communications were made to any of the five East Bayside residents who attended this meeting, or to others who wrote to you regarding their concerns, until some of us received a copy of the final approval. Please remember that I recorded this meeting.

I have already spoken with Mike Cardente to tell him that I did not intend to appeal this decision, and would not support others who may wish to. However, if that is what it will take to receive a response to these valid concerns, I may reconsider. Please be in touch very, very soon.

Thanks.

- Cynthia

----- Forwarded Message -----

Subject:Re: Fwd: Re: Update and decision letter re the site plan review of 122 Anderson St. Intermodal Trans facility

Date:Fri, 22 Aug 2014 12:14:28 -0400

From:Cynthia L. Cochran <ccochran@maine.rr.com>

To:Jean Fraser <JF@portlandmaine.gov>

CC:Mike Cardente <mike@cardente.com>, Kevin Donoghue <kjdonoghue@portlandmaine.gov>

Hi Jean.

Thank you for forwarding this information. I appreciate the consideration of a number of residential concerns within the various conditions attached to this approval. I hope that these do not create too much of a burden for Cardente Realty.

However, I am concerned about the time frames specified for the monitoring as outlined in this approval letter. At this late date, can the two week monitoring be accurately achieved, when:

1. The property owner has site and traffic improvements to achieve and inspections to pass before operations can begin;
2. Gas-line installations and Anderson Street Neighborhood Byway Project improvements are scheduled for Sept/Oct; and
3. The Nova Star season is over in Oct?

Is there a back-up plan for conducting a proper monitoring

should all of these events cause conflicts and interruptions in the operations and/or interfere with accurate monitoring? I wouldn't want the monitoring to delay the Byway Project work. I also don't think it is reasonable for the property owner to have to delay operations from beginning, or continuing, if an accurate, two week monitoring cannot be achieved due to previously scheduled construction that is not within his control. The timing, and interfacing of all of these efforts seems extremely challenging.

Nonetheless, as the inter-modal operations begin, I will remain attentive to the impacts of the additional, heavy vehicle traffic on Fox Street. As you know: There are a number of currently proposed, and/or "in-construction" residential housing developments in the area; a healthy, and growing, patronage of Fox/Anderson Street businesses; and a welcomed increase of Fox Field utilization by school teams; clubs, and organizations - all of which bring increasing traffic volumes and parking pressures to these streets. In that regard, please explain, in detail, the process for requesting a subsequent review of this land use, due to the future impact of these unfolding, dynamic conditions, and the diversity of land uses already in place in this complex area of East Bayside.

Also, please identify and provide contact information for the individuals who comprise the "Planning Authority" cited in this approval letter.

I look forward to hearing from you soon.

- Cynthia L. Cochran

of this outline the procedures involved in bringing am concerned about the feasibility of the time frames outlined in the approval

On 8/21/2014 5:53 PM, Jean Fraser wrote:

Hello Cynthia,

I believe Michelle has already forwarded this to you, but am sending it for information in case that has not happened.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Jean Fraser 8/18/2014 4:55 PM >>>
Hello

This note is to follow up on my update of July 25, 2014.

After careful consideration of the concerns that have been raised by neighbors, and other information including the City's site plan standards and zoning requirements, the Planning Authority issued a conditional approval to the proposed Intermodal Transportation Facility at 122 Anderson Street on August 15, 2014.

I attach:

1. The decision letter
2. Staff Report of Findings (attachment 1 to the letter)
3. Submissions (attachment 2 to the letter)
4. Traffic Engineer Review Comments (attachment 3 to the letter)

At the end of this e-mail I have listed the key contacts (in addition to me) regarding any issues once the applicant has met all of the conditions and the facility is operational. The decision letter (condition x) includes a requirement that those already using this site should be advised in advance of the start date and should be provided with a contact person for the operator.

Please note that the applicant may commence the proposed operations even if an appeal is lodged, provided that they have met and continue to meet the conditions of approval.

Thank you for your thoughtful comments which helped inform the conditions of approval and also have contributed to the final planning and management of the Anderson Street Neighborhood Byway Project, and to a pending review of the ILb zone uses and performance standards.

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

Contacts:

Applicant: Mike Cardente, 775 7363
mike@cardente.com
Parking on streets: John Peverada (Parking) 874 8444 JBP@portlandmaine.gov
Implementation of site and off site improvements specific to this proposal: Phil DiPierro, (Planning) 874 8632 PD@portlandmaine.gov
Info re Zoning Performance Standards eg noise: Marge Schmuckal, (Zoning Administrator) 874 8695 MES@portlandmaine.gov
Compliance/enforcement: Inspections Division: Website with directory and contact numbers and e-mails:
<http://www.portlandmaine.gov/550/Inspections>;
- Director is Tammy Munson on 874 8703 or tmm@portlandmaine.gov;
- Deputy Director is Jonathan Rioux on 874 8701 or jrioux@portlandmaine.gov.
Any contractor activity or work in the streets or sidewalks, not necessarily related to this site plan application: Department of Public Services, 874 8846

Notice: Under Maine law, documents - including

e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

Cynthia L. Cochran, CPA
17 Hammond Street
Portland, ME 04101
(207) 773-0522
ccochran@maine.rr.com

--

Cynthia L. Cochran, CPA
17 Hammond Street
Portland, ME 04101
(207) 773-0522
ccochran@maine.rr.com

--

Cynthia L. Cochran, CPA
17 Hammond Street
Portland, ME 04101
(207) 773-0522
ccochran@maine.rr.com

INTERMODAL STAGING YARD
122 ANDERSON ST.
PORTLAND, ME 04101

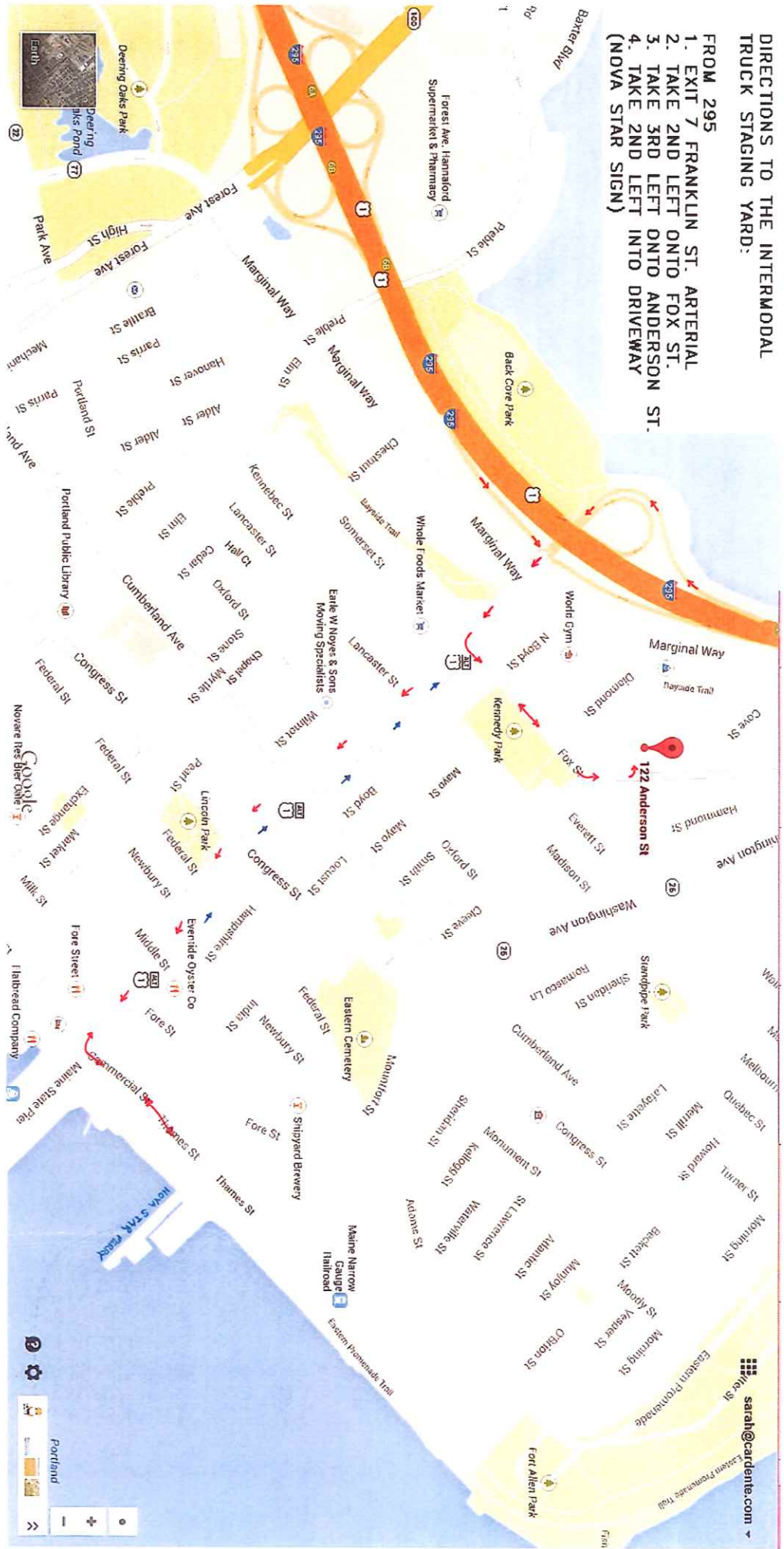
1. This site is located in an I-lb industrial zone which specifically enumerates "Intermodal use" as allowed.
2. The prior use of the property, metal recycling, generated two way truck traffic throughout the day. They used the same road ways, curb cuts and passage ways as still exist today.
3. The property has two curb cuts, both of which accommodate two way vehicle movements. This particular intermodal use will rarely have two way truck movements, but it can handle them in any event. The vehicles will be showing up throughout the day. When the ferry is ready for them, the crew will release a vehicle every two minutes. They will be going out with no trucks coming in at that time.
4. The traffic pattern required for this operation is straight forward and with ample stop signs, lighting and traffic signals. All the trucks in this area move at a slow pace. This is not a highway but rather a delivery area driven at delivery speed. The hazard should be no greater then it is now, which is low.
5. Site lines in and out of the facility are very good, as they are at all surrounding intersections.
6. Public street lighting is above normal in this area as it is assisted by privately funded CMP flood lights.
7. The Intermodal yard is surrounded by a security chain link fence and is lit by 5 large CMP pole lights.
8. The Community center operates on the other side of the property using a different driveway which is also separated by a "jersey barrier".

This is a great use for this site. The improvements are in place and the Nova Star's success will be enhanced by its' use.

Michael Cardente 233-7229 Mike@cardente.com

DIRECTIONS TO THE INTERMODAL TRUCK STAGING YARD:

1. EXIT 7 FRANKLIN ST. ARTERIAL
2. TAKE 2ND LEFT ONTO FOX ST.
3. TAKE 3RD LEFT ONTO ANDERSON ST.
4. TAKE 2ND LEFT INTO DRIVEWAY (NOVA STAR SIGN)



Map navigation controls including a search bar with the text "sarah@cardente.com", a zoom in (+) and zoom out (-) button, and a compass icon.

Jean Fraser - 2nd Revision draft conditions 122 Anderson

From: Jean Fraser
To: Errico, Thomas
Date: 7/25/2014 12:25 PM
Subject: 2nd Revision draft conditions 122 Anderson
CC: Barhydt, Barbara; Donaldson, Helen; Hyman, Bruce; Jaegerman, Alex; L...
Attachments: rev draft 7.25. re 122 Anderson - trackch.doc; 122 Anderson St -D-SIZE rec'd 7.18.jpg

Tom

Please see attached a second version (trackchanged) of the draft approval letter which rewords the condition vi that prohibits any trucks from being on the site between 10pm and 7am and clarifies a few other points- there are no substantive changes.

Before this letter can be finalized/issued (especially re the monitoring provisions) we would like to receive your formal final comments. As Barbara suggested at Dev Rev, it would be helpful if these are written more like findings, with explicit references to the ordinance (and technical manual) standards to support the comments/recommendations/conditions that you make. I am out of the office until Wednesday, so you may want to discuss the format with Barbara. We would attach your final comments to the approval letter.

I have included Marge Schmuckal on this circulation as we strengthened the reference to permits needed, including a reference to the change of use permit.

If it appears this letter can be finalized before I return on Wednesday, Nell will keep things organized in my absence. (Nell- I attach a separate version of the plan to be attached and a pdf version is in O drive if needed)

Many thanks

Jean

PS Both the neighbors and Mike Cardente have been sent short notes today that confirm we intend to issue a letter of approval with conditions next week and are awaiting the detailed traffic comments in order to finalize the conditions.



Alex Jaegerman, FAICP
Division Director, Planning Division

7.25.14 REVISED DRAFT reflecting comments from Jeff Levine and Barbara Barhydt

July Xth, 2014

Douglas Cardente
Anderson Street Realty, LLC
322 Fore Street, 3rd floor
Portland, ME 04101

Michael Cardente
322 Fore Street, 3rd floor
Portland, ME 04101

Project Name: **Change of use to Intermodal Transportation Facility for up to 30 vehicles**
Project ID: #2014-112 CBL: 10 H005001
Address: 122 Anderson Street, Portland
Applicant: Douglas Cardente, Anderson Street Realty LLC
Planner: Jean Fraser

Dear Messrs Cardente:

On July Xth, 2014, the Planning Authority approved, with waivers and conditions as listed below, a Level II site plan for the use ~~of approximately 52,000 sq ft~~ of the site for Intermodal Transportation for up to 30 vehicles at 122 Anderson Street. The approval includes the use of the northernmost drive for trucks accessing the intermodal part of the site. The decision is based upon the application, documents and plans submitted by Anderson Street Realty LLC and shown on the attached plan submitted July 18, 2014. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance, particularly the Transportation Standards (see the Traffic Review Comments of _____ attached).

A. WAIVERS

1. *Sidewalks*
(to be written if needed)
2. *Driveway Entrance*
(to be written if needed)

B. SITE PLAN REVIEW

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

- i. That truck route between the site and the Ocean Gatewaygate facility shall be from Anderson Street to Fox Street to Franklin Street to Commercial Street. The applicant shall conduct a monitoring study of the impacts of the trucks on pedestrian and traffic safety for the whole of the route between the site driveway and the Oceangate loading area for the first month after commencement of the use of the Intermodal Transportation facility at 122 Anderson Street, and provide a report documenting the impacts and operation to the Planning Authority at the end of this period. The Planning Authority may request changes in the travel routes, traffic control, queuing areas or timings as deemed necessary to ensure pedestrian and traffic safety; and

- ii. That the site shall be limited to a maximum of 15 trucks on site at any time until May 2015; if the applicant wishes to increase the number of trucks up to a maximum of 30 thereafter, they shall submit the results of the monitoring study outlined in condition iii for review and approval. Otherwise the maximum will remain 15 trucks at any one time; and
- iii. That the applicant shall monitor the site entrance, the area of the Fox/Anderson intersection, and the on-site access/servicing for Tandem Coffee, Bunker Brewery and the Community Hall from the commencement of the use until May 2015 and submit a report to the Planning Authority in June 2015 that:
 - a) identifies impacts of the intermodal transportation use on pedestrian and vehicle safety;
 - b) evaluates the effectiveness of the mitigation measures in place during that period;
 - c) makes recommendations for any additional measures as necessary to secure pedestrian and traffic safety; and
 - d) recommends whether additional trucks could be accommodated without any adverse impacts.

The methodology for undertaking the monitoring shall be agreed with the Planning Authority in writing within 2 weeks of commencement of the proposed use. The applicant may be required to install additional mitigation measures, such as signage or temporary fencing, in June, 2015 if the Planning Authority considers they are warranted; and

- iv. That the City of Portland anticipates the City's Anderson Neighborhood Byway Improvement project to include the construction of sidewalks and pedestrian crossings along the site frontage and in the vicinity of the site, and to be completed within the next year. Prior to the completion of the pedestrian accommodations at the intersection of Fox and Anderson Streets, the City of Portland will provide cones, barriers (and other physical features) and signage to discourage vehicle speeding and raise awareness of pedestrians in the area. The applicant shall report any loss or damage to these temporary mitigation measures to the DPS _____ as soon as possible; and
- v. That the departure of trucks from the site (for boarding at the Ocean ~~gate~~-Gateway facility) shall initially be limited to one truck per minute and take place between about 7:30 to 8:30 pm most nights between April and October. This may be adjusted in agreement with the Planning Authority based on the results of the first months monitoring study as outlined in condition i; and
- vi. That between the hours of 10pm and 7am there shall be no trucks on the site, nor any trucks accessing or no trucks shall access or leaving the site, ~~nor be on the site, between the hours of 10pm and 7am, and that~~ Any refrigerator trucks shall be parked as far as possible from Anderson Street and meet the sound standards of the ILb zone; and
- vii. That the applicant shall install, at the applicant's expense, warning signs noting trucks entering/exiting the driveway which should be located at the site entrance; and
- viii. That the applicant shall submit ~~engineered~~ plans for design improvements to the entrance drive (to include paving from the street into the site, widening of the drive, and integration with the new sidewalk to be constructed by the City) prepared by a licensed engineer, for review and approval by the Planning Authority prior to the end of August, 2014. The applicant shall implement the improvements (as shown on the approved plans) at the applicant's expense and at the same time and in coordination with the City's Anderson Neighborhood Byway Improvement project along the frontage of the site; and

- ix. That this approval is based on the specific Nova Star operations as described in the submissions in July 2014. Any proposed changes in the operator, timing of the truck departures or other operational characteristics shall be advised to the Planning Authority prior to commencement and may be subject to further review; and
- x. That separate permits from the Inspections Division shall be required for any new or revised signage (except those installed for traffic and pedestrian safety). Other required permits include a Street Opening Permit from the Department of Public Services for any work in the right of way (eg curb cuts); a Change of Use Permit from the Inspections Division; and a Building Permit for Site Work only from the Inspections Division.

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

The applicant and operator should note that the Anderson Neighborhood Byway Improvement project is anticipated to commence in September 2014 and will include construction work along the frontage of the proposal site and in Anderson Street. The construction will necessitate limitations on vehicle and pedestrian access to the site during the construction activities, such as single lane alternative flow scenarios. It is anticipated this would be less of an issue at the time of the trucks departure from the site in the evening, but would impact trucks arriving at the Intermodal Transportation facility as well as other users of the property.

STANDARD CONDITIONS OF APPROVAL

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

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** A separate building permit for Site Work only is required from the Inspections Division, and permits for work in the right of way are required from the Department of Public Services. This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount 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 Jean Fraser at (207) 874- 8728.

Sincerely,

Alexander Jaegerman, FAICP
 Planning Division Director

Attachments:

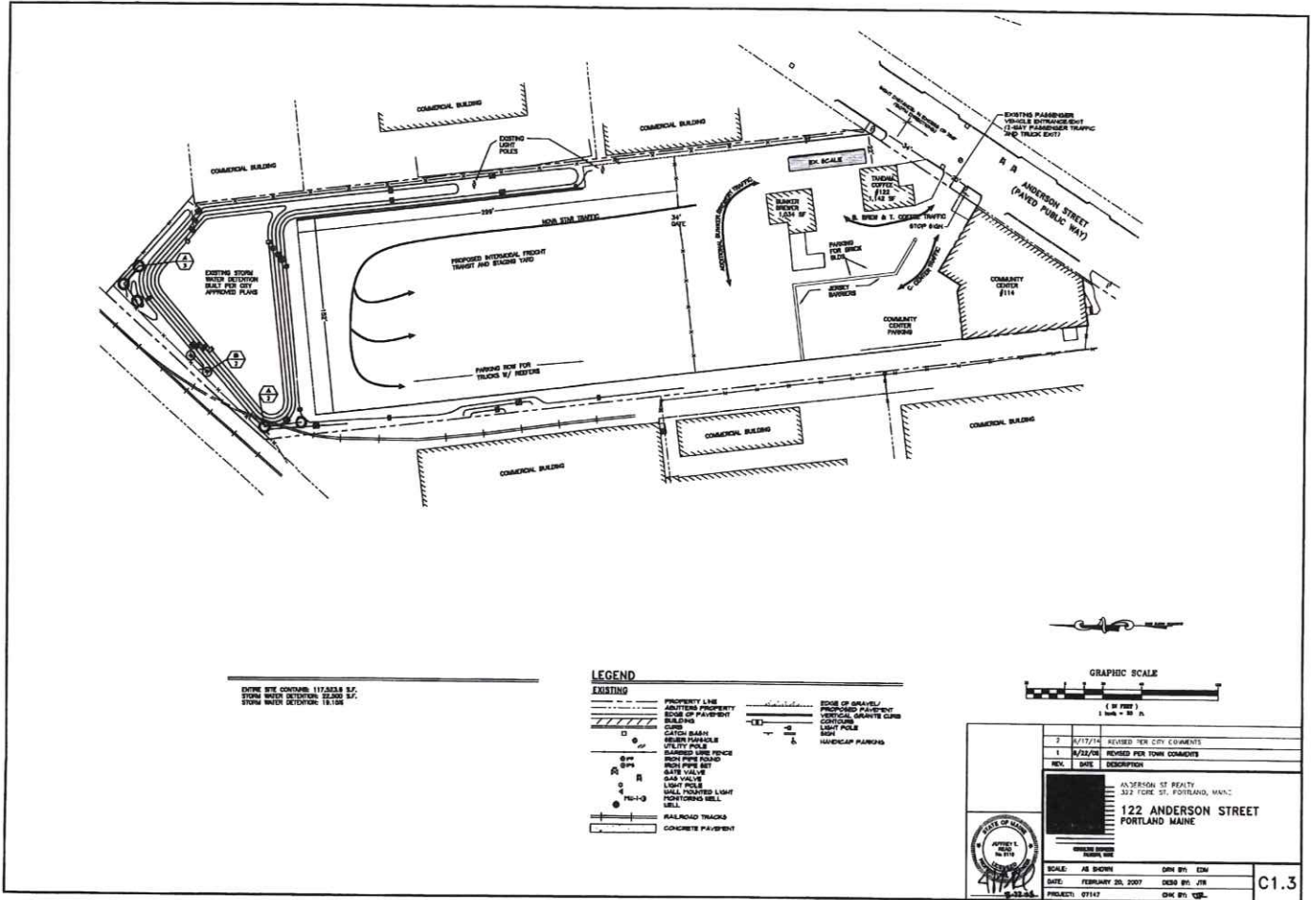
1. Plan submitted 7.18.2014
2. Traffic Review comments from Tom Errico dated

cc:

Jeff Levine, AICP, Director of Planning and Urban Development
 Alexander Jaegerman, FAICP, Planning Division Director
 Barbara Barhydt, Development Review Services Manager
 Jean Fraser, Planner
 Philip DiPierro, Development Review Coordinator, Planning
 Marge Schmuckal, Zoning Administrator, Inspections Division
 Tammy Munson, Inspections Division Director
 Jonathan Rioux, Inspections Division Deputy Director
 Jeanie Bourke, Plan Reviewer/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
 Captain Chris Pirone, 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

(will be 11X17 in letter)





Alex Jaegerman, FAICP
Division Director, Planning Division

DRAFT July Xth, 2014

Douglas Cardente
Anderson Street Realty, LLC
322 Fore Street, 3rd floor
Portland, ME 04101

Michael Cardente
322 Fore Street, 3rd floor
Portland, ME 04101

Project Name: **Change of use to Intermodal Transportation**
Project ID: #2014-112 CBL: 10 H005001
Address: 122 Anderson Street, Portland
Applicant: Douglas Cardente, Anderson Street Realty LLC
Planner: Jean Fraser

Facility for up to 30 vehicles.

Dear Messrs Cardente:

On July Xth, 2014, the Planning Authority approved, with waivers and conditions as listed below, a Level II site plan for the use of approximately 52,000 sq ft of the site for Intermodal Transportation at 122 Anderson Street. The approval includes the use of the northernmost drive for trucks accessing the intermodal part of the site. The decision is based upon the application, documents and plans submitted by Anderson Street Realty LLC and shown on the attached plan submitted July 18, 2014. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

up to 30 vehicles

A. WAIVERS

1. *Sidewalks*
(to be written if needed)
2. *Driveway Entrance*
(to be written if needed)

B. SITE PLAN REVIEW

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

- i. That truck route between the site and the Oceangate facility shall be from Anderson Street to Fox Street to Franklin Street to Commercial Street. The applicant shall conduct a monitoring study of the impacts of the trucks on pedestrian and traffic safety for the whole of the route between the site driveway and the Oceangate loading area for the first month after commencement of the use of the Intermodal Transportation facility at 122 Anderson Street, and provide a report documenting the impacts and operation to the Planning Authority at the end of this period. The Planning Authority may request changes in the travel routes, traffic control, queuing areas or timings as deemed necessary to ensure pedestrian and traffic safety; and

up to max 307

ii. That the site shall be limited to a maximum of 15 trucks on site at any time until May 2015; if the applicant wishes to increase the number of trucks, thereafter they shall submit the results of the monitoring study outlined in condition iii for review and approval. Otherwise the maximum will remain 15 trucks at any one time; and

2) iii. That the applicant shall monitor the site entrance, the area of the Fox/Anderson intersection, and the on-site access/servicing for Tandem Coffee, Bunker Brewery and the Community Hall from the commencement of the use until May 2015 and submit a report to the Planning Authority in June 2015 that:

- a) identifies impacts of the intermodal transportation use on pedestrian and vehicle safety;
- b) evaluates the effectiveness of the mitigation measures in place during that period;
- c) makes recommendations for any additional measures as necessary to secure pedestrian and traffic safety; and
- d) recommends whether additional trucks could be accommodated without any adverse impacts.

The methodology for undertaking the monitoring shall be agreed with the Planning Authority in writing within 2 weeks of commencement of the proposed use. The applicant may be required to install additional mitigation measures, such as signage or temporary fencing, in June, 2015 if the Planning Authority considers they are warranted; and

iv. That the City of Portland anticipates the City's Anderson Neighborhood Byway Improvement project to include the construction of sidewalks and pedestrian crossings along the site frontage and in the vicinity of the site, and to be completed within the next year. Prior to the completion of the pedestrian accommodations at the intersection of Fox and Anderson Streets, the City of Portland will provide cones, barriers (and other physical features) and signage to discourage vehicle speeding and raise awareness of pedestrians in the area. The applicant shall report any loss or damage to these temporary mitigation measures to the DPS _____ as soon as possible; and

v. That the departure of trucks from the site (for boarding at the Oceangate facility) shall initially be limited to one truck per minute and take place between about 7:30 to 8:30 pm most nights between April and October. This may be adjusted in agreement with the Planning Authority based on the results of the first months monitoring study as outlined in condition i; and

vi. That no trucks shall access or leave the site, nor be on the site, between the hours of 10pm and 7am, and that any refrigerator trucks shall be parked as far as possible from Anderson Street and meet the sound standards of the ILb zone; and

vii. That the applicant shall install, at the applicant's expense, warning signs noting trucks entering/exiting the driveway which should be located at the site entrance; and

viii. That the applicant shall submit ^{prepared by a licensed engineer} engineered plans for design improvements to the entrance drive (to include paving from the street into the site, widening of the drive, and integration with the new sidewalk to be constructed by the City) for review and approval by the Planning Authority prior to the end of August, 2014. The applicant shall implement the improvements (as shown on the approved plans) at the applicant's expense and at the same time and in coordination with the City's Anderson Neighborhood Byway Improvement project along the frontage of the site; and

- ix. That this approval is based on the specific Nova Star operations as described in the submissions in July 2014. Any proposed changes in the operator, timing of the truck departures or other operational characteristics shall be advised to the Planning Authority prior to commencement and may be subject to further review; and

Building Permit for site work only - check of the permit for zoning
That separate permits from the Inspections Division shall be required for any new or revised signage (except those installed for traffic and pedestrian safety) *and separate permits for work in the right on the curbs cuts in the ROW*
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. *one req from DPS*

The applicant and operator should note that the Anderson Neighborhood Byway Improvement project is anticipated to commence in September 2014 and will include construction work along the frontage of the proposal site and in Anderson Street. The construction will necessitate limitations on vehicle and pedestrian access to the site during the construction activities, such as single lane alternative flow scenarios. It is anticipated this would be less of an issue at the time of the trucks departure from the site in the evening, but would impact trucks arriving at the Intermodal Transportation facility as well as other users of the property.

STANDARD CONDITIONS OF APPROVAL

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

- 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.
- Separate Building Permits Are Required** *A separate building permit for site work only is req.* This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division. *Permits for work in the ROW are req. for DPS.*
- 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.
- 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.
- Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
- 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 Jean Fraser at (207) 874- 8728.

Sincerely,

Alexander Jaegerman, FAICP
Planning Division Director

Attachment: Plan submitted 7.18.2014

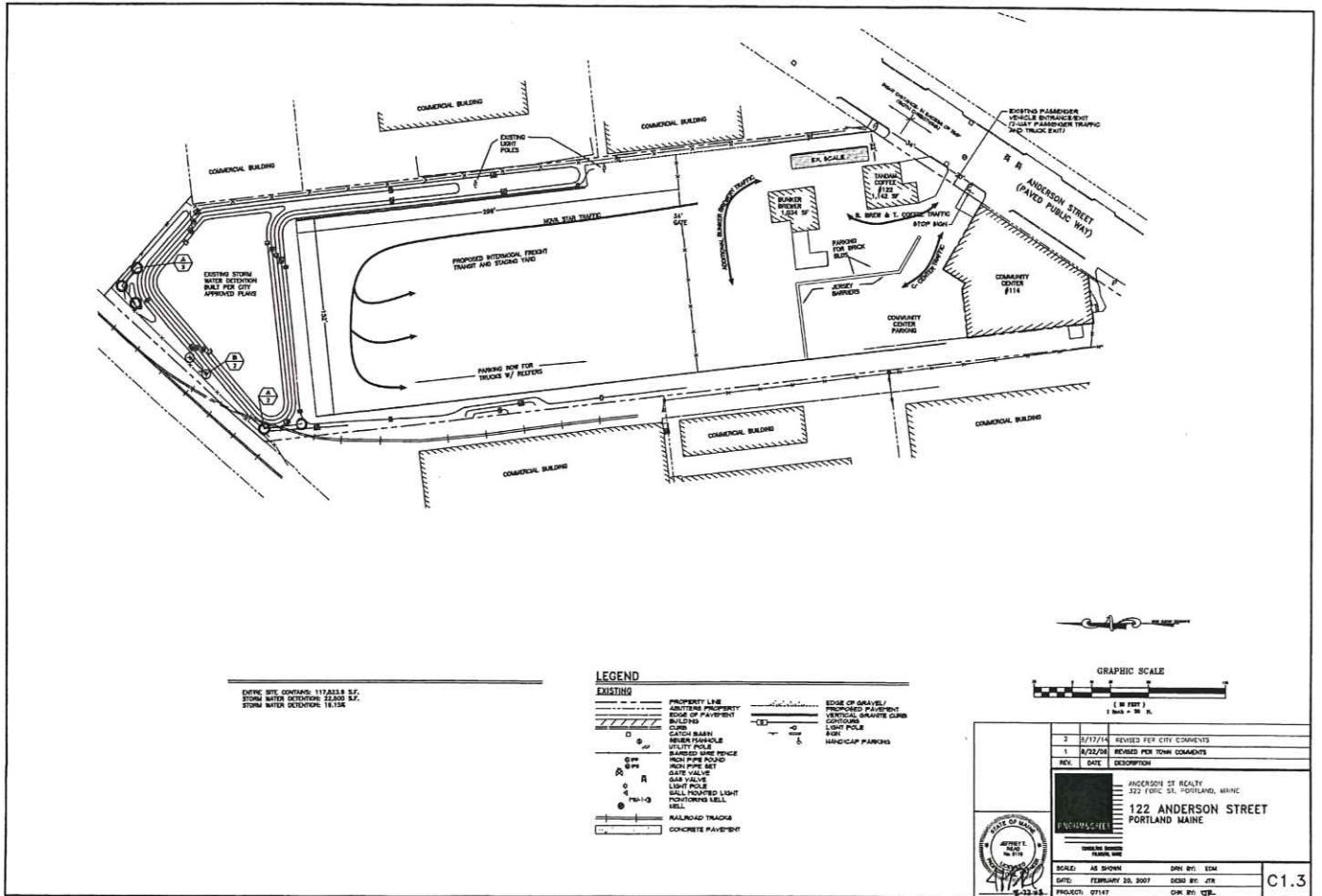
cc Tom's review comment

cc:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review ServiceManager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jenie Bouke, 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
Captain Chris Pirone, Fire Department
Danielle WestChuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

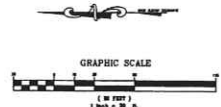
(will be 11X17 in letter)



EXISTING SITE CONTAINS 117222.8 S.F.
STORM WATER DETENTION 22200 S.F.
STORM WATER DETENTION 18.156

LEGEND

EXISTING		PROPOSED	
---	PROPERTY LINE	---	EDGE OF GRAVELLY
---	ADJUTING PROPERTY	---	PROPOSED PAVEMENT
---	EDGE OF PAVEMENT	---	VERTICAL CURVE CLUM
---	BUILDING	---	CONTIGUOUS
---	CURB	---	LIGHT POLE
---	CEILING	---	BASE
---	BEARER RAKE	---	HANDICAP PARKING
---	UTILITY POLE	---	
---	BARBED WIRE FENCE	---	
---	IRON PIPE ROAD	---	
---	IRON PIPE SET	---	
---	GATE VALVE	---	
---	SEA VALVE	---	
---	LIGHT POLE	---	
---	SEA FOUNTAIN LIGHT	---	
---	POSITIONING LABEL	---	
---	WELL	---	
---	RAILROAD TRACKS	---	
---	CONCRETE PAVEMENT	---	



2	3/17/14	REVISED PER CITY COMMENTS
1	8/22/08	REVISED PER TOWN COMMENTS
REV.	DATE	DESCRIPTION
ANDERSON ST REALTY 222 FERIC ST., PORTLAND, MAINE 122 ANDERSON STREET PORTLAND MAINE 7-1219-2-111		
SCALE: AS SHOWN DATE: FEBRUARY 26, 2007 PROJECT: 07147		
DWN BY: TOM DESG BY: JTR DRN BY: JTR		C1.3

Jean Fraser - RE: Re: 122 Anderson Street

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>, Alex Jaegerman
 <AQJ@portlandmaine.gov>
Date: 7/23/2014 9:29 PM
Subject: RE: Re: 122 Anderson Street
CC: Helen Donaldson <HCD@portlandmaine.gov>

Jean – here are my thoughts on your suggested conditions:

- Require painted crosswalks on Fox west of Anderson Street; (This is somewhat problematic as the landing of the crosswalk on the northwest corner (Coffee By Design Building corner) will not lead to a sidewalk. It could land at the CBD driveway and at the apex of the southwest corner. Still an odd situation, even as a temporary condition.
- Limit of 15 trucks on site at any time unless a future formal monitoring and review (earliest to be May or June 2015) concludes that more can be there without adverse impacts; (this should be a condition for the first year)
- Monitor until May/June 2015 and review in June 2015 re mitigation measures; (yes this should be a condition – how and who does the monitoring should be identified).
- Limit on number and timing of trucks leaving at one time; (Yes this should be a requirement. I would suggest 1 truck per minute with adjustments identified during the monitoring study. I based this on the fact that the traffic signal phase will probably only permit one truck through on the green at Franklin)
- Something to clarify the expected truck route between the site and Nova Star; (the route should be specified)
- Enforcement/signage/lights/monitoring truck speeds Anderson/Fox; (warning signs noting trucks entering/exiting the driveway should be added at the entrance. I don't expect speed issues on Anderson Street – not enough distance from the STOP sign intersection to the driveway. Speeding is possible on Fox between Anderson and Franklin. The All-Way STOP will control vehicle-pedestrian conflicts, so no additional signs are necessary. With that said the geometry could lead to vehicles rolling past the STOP bar. I need to think more about this)
- No trucks accessing or leaving site after 10pm or before 7am; (a time constraint makes sense)
- No overnight truck parking; (Yes)
- Reefers to be located away from Anderson Street and meet sound standards of ILb zone; (yes)
- Signage at access drives to direct cars to the access between the Community Hall and Tandem Coffee; (both driveways are used by Tandem Coffee and Bunker Brew.. This needs to be formalized in some fashion. Maybe all customers use the southerly driveway and all trucks use the other driveway. Watching it today I still believe Coffee and beer customers will use both and that may work fine given offset hours. That could be one of the monitoring tasks.
- Drive access improvements (something needs to be done at the apron and driveway entering the site. Outside the width of the truck scale, it is gravel – looked like they tried to improve it. I don't recall the City ever permitting this type of driveway condition. It needs to be paved a certain distance into the site, and it needs to be paved to a certain width. The truck scale complicates things. I would noted that

the Anderson Neighborhood Byway Improvement project will be installing a sidewalk and esplanade along the property frontage so to have then build something now doesn't make sense. The grade of the driveway at Anderson Street will complicate the sidewalk cross-slope and how that gets resolved is unclear.

The applicant also needs to understand the limitations and issues during construction activities. There will likely be single lane alternative flow scenarios. This would impact them mostly during the day, or when trucks are entering the site. There shouldn't be any construction issues at 8pm.

I'm out of the office tomorrow, but will be checking emails. I can finalize draft conditions on Friday.

Thanks

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLIN INTERNATIONAL
12 Northbrook Drive
Falmouth, ME 04105
207.781.4721 (main)
207.347.4354 (direct)
207.400.0719 (mobile)
207.781.4753 (fax)
thomas.errico@tylin.com
Visit us online at www.tylin.com
Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, July 23, 2014 4:08 PM
To: Alex Jaegerman; Barbara Barhydt; Tom Errico
Cc: Helen Donaldson
Subject: Fwd: Re: 122 Anderson Street

Alex, Barbara and Tom

Below is what I have sent to Mike Cardente today. At this point Mike is expecting some conditions but is unaware of the DPS construction plans. Mike has offered to meet Tom on site and have a tractor trailer do the maneuvers if that would be helpful; he is also sending a reply regarding the possibility of access from the site direct onto Cove Street.

Mike has also indicated that the income from the proposed use is not great and that's why they are resistant to any additional infrastructure costs.

So far I have not mentioned the DPS construction plans to Bill Needelman, mainly because I do not fully understand the implications for the project and Nova Star. It might be a courtesy for someone to update Bill at the appropriate time.

My sense is that Jeff Levine would like an approval letter to go out this week and include whatever conditions we feel are technically appropriate - so Tom, I am hoping you can get the draft comments to us asap.

Below is my "menu" of possible conditions as so far discussed (prior to issue of DPS project), for information/consideration:

- Require painted crosswalks on Fox west of Anderson Street;
- Limit of 15 trucks on site at any time unless a future formal monitoring and review (earliest to be May or June 2015) concludes that more can be there without adverse impacts;
- Monitor until May/June 2015 and review in June 2015 re mitigation measures;
- Limit on number and timing of trucks leaving at one time;
- Something to clarify the expected truck route between the site and Nova Star;
- Enforcement/signage/lights/monitoring truck speeds Anderson/Fox;
- No trucks accessing or leaving site after 10pm or before 7am;
- No overnight truck parking;
- Reefers to be located away from Anderson Street and meet sound standards of ILb zone;
- Signage at access drives to direct cars to the access between the Community Hall and Tandem Coffee;
- Drive access improvements.

(Note: Dust is a concern and applicant has confirmed that site already has reclaimed material laid on it to prevent(? minimize) dust- but possible condition may be warranted?)

thanks
Jean

PS I am keeping Nell in the picture so that when I am out of the office Mon and Tues next week, she can keep things moving as necessary.

>>> Jean Fraser 7/23/2014 3:04 PM >>>
Mike

I am writing to update you on the status of this review.

My understanding is that the consultants consider that the proposal, as submitted, may not meet the Land Use ordinance transportation standards and that there may be safety concerns regarding the proposed truck route. I am awaiting further review comments on these issues.

I have been requested to ask you whether the possibility of creating an access at the rear of the site that would exit directly onto to Cove Street has been investigated. I appreciate it may involve an easement from a neighbor, but we believe it should be more fully investigated before ruling it out.

Please note that the period for public consultation is a minimum length of time to allow for public comments; the length of time for the staff review will depend on the receipt of additional information, the nature of neighbor concerns, and the scope for mitigation of any safety issues.

We are aware of the time sensitivity and will move this forward as quickly as possible.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Mike Cardente <mike@cardente.com> 7/21/2014 5:53 PM >>>
Thank you! Remember the fewer conditions the better!!!

Best,

Mike

Michael Cardente | Broker/Partner
Cardente Real Estate | Commercial & Investment Brokerage
322 Fore St. 3rd Floor | Portland, ME 04101
T 207.775.7363 | F 207.773.0066 | C 207.233.7229
[View My Listings](#) | www.Cardente.com | [Personal Profile](#)

On Mon, Jul 21, 2014 at 5:34 PM, Jean Fraser <JF@portlandmaine.gov> wrote:

Mike

The additional information that you sent on Friday and today is currently under review and we will be discussing this in detail on Wednesday morning with reviewers. My sense is that we will be suggesting a number of conditions of approval (to ensure the proposals address the site plan standards) that may need some further discussion with you/the proposed operator.

I will contact you on Wednesday afternoon with a "status update".

thank you

Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Mike Cardente <mike@cardente.com> 7/21/2014 9:23 AM >>>

Jean & Barbara,

Also, wanted to make the point that the basketball courts and field have a fence along fox street to prevent pedestrian traffic and balls from going into the road.

Trying to understand the process and what we do next. With the period for public comment passing are we waiting for comments from reviewers? Please let me know what if anything we should be doing.

Best,

Mike

Michael Cardente | Broker/Partner
Cardente Real Estate | Commercial & Investment Brokerage
322 Fore St. 3rd Floor | Portland, ME 04101
T [207.775.7363](tel:207.775.7363) | F [207.773.0066](tel:207.773.0066) | C [207.233.7229](tel:207.233.7229)
[View My Listings](#) | www.Cardente.com | [Personal Profile](#)

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Jean Fraser - draft approval letter- 122 Anderson

From: Jean Fraser
To: Errico, Thomas
Date: 7/24/2014 4:25 PM
Subject: draft approval letter- 122 Anderson
CC: Barhydt, Barbara; Donaldson, Helen; Hyman, Bruce; Jaegerman, Alex; L...
Attachments: draft for revision by TE & others 7.24.2014 re 122 Anderson.doc

Tom

Please find a "for starters" draft of an approval letter which tries to address the issues and make some attempts at wording as based on your comments earlier today. I suggest you need to firstly revise the conditions from a "technical" and DPS viewpoint and re-circulate.

I have cc'd Jeff, Alex, Barbara, Bruce and Nell who may want to offer their thoughts at this stage.

I spoke with Bruce Hyman earlier today (he is now on vacation for a week) and he particularly wanted to add the 1 month monitoring of the entire route between the site and Oceangate. He feels there could be issues at Franklin and Fox in addition to Fox and Anderson, and feels a month gives us a chance to troubleshoot any issues- so he hopes this can be left in.

Not sure we want to leave this entirely to the applicant though.....

I am out of the office tomorrow (Fri) afternoon and all day Mon and Tues, so I have copied Nell into this and she has the contact list for all the neighbors and for the applicant in the event something needs to go out to them before I get back.

We sort of promised the neighbors a copy of your formal comments - so I think you need to send something formal that can be forwarded to the neighbors and applicant that foreshadows/supports the approval letter. Barbara had suggested something that might be termed "findings" which would probably be separate and more detailed (?).

I also promised the neighbors I would let them know when we were getting close to issuing an approval letter- so if you feel this draft is along the right lines, something needs to go out to them re the timescale and I could do that Friday AM.

Thanks

Jean

(it will open if you say "no" to read only)



Alex Jaegerman, FAICP
Division Director, Planning Division

DRAFT July Xth, 2014

Douglas Cardente
Anderson Street Realty, LLC
322 Fore Street, 3rd floor
Portland, ME 04101

Michael Cardente
322 Fore Street, 3rd floor
Portland, ME 04101

Project Name: **Change of use to Intermodal Transportation**
Project ID: #2014-112 CBL: 10 H005001
Address: 122 Anderson Street, Portland
Applicant: Douglas Cardente, Anderson Street Realty LLC
Planner: Jean Fraser

Dear Messrs Cardente:

On July Xth, 2014, the Planning Authority approved, with waivers and conditions as listed below, a Level II site plan for the use of approximately 52,000 sq ft of the site for Intermodal Transportation at 122 Anderson Street. The approval includes the use of the northernmost drive for trucks accessing the intermodal part of the site. The decision is based upon the application, documents and plans submitted by Anderson Street Realty LLC and shown on the attached plan submitted July 18, 2014. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

A. WAIVERS

1. *Sidewalks*
(to be written if needed)
2. *Driveway Entrance*
(to be written if needed)

B. SITE PLAN REVIEW

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

- i. That truck route between the site and the Oceangate facility shall be from Anderson Street to Fox Street to Franklin Street to Commercial Street. The applicant shall conduct a monitoring study of the impacts of the trucks on pedestrian and traffic safety for the whole of the route between the site driveway and the Oceangate loading area for the first month after commencement of the use of the Intermodal Transportation facility at 122 Anderson Street, and provide a report documenting the impacts and operation to the Planning Authority at the end of this period. The Planning Authority may request changes in the travel routes, traffic control, queuing areas or timings as deemed necessary to ensure pedestrian and traffic safety; and

- ii. That the site shall be limited to a maximum of 15 trucks on site at any time until May 2015; if the applicant wishes to increase the number of trucks thereafter they shall submit the results of the monitoring study outlined in condition iii for review and approval. Otherwise the maximum will remain 15 trucks at any one time; and
- iii. That the applicant shall monitor the site entrance, the area of the Fox/Anderson intersection, and the on-site access/servicing for Tandem Coffee, Bunker Brewery and the Community Hall from the commencement of the use until May 2015 and submit a report to the Planning Authority in June 2015 that:
 - a) identifies impacts of the intermodal transportation use on pedestrian and vehicle safety;
 - b) evaluates the effectiveness of the mitigation measures in place during that period;
 - c) makes recommendations for any additional measures as necessary to secure pedestrian and traffic safety; and
 - d) recommends whether additional trucks could be accommodated without any adverse impacts.

The methodology for undertaking the monitoring shall be agreed with the Planning Authority in writing within 2 weeks of commencement of the proposed use. The applicant may be required to install additional mitigation measures, such as signage or temporary fencing, in June, 2015 if the Planning Authority considers they are warranted; and

- iv. That the City of Portland anticipates the City's Anderson Neighborhood Byway Improvement project to include the construction of sidewalks and pedestrian crossings along the site frontage and in the vicinity of the site, and to be completed within the next year. Prior to the completion of the pedestrian accommodations at the intersection of Fox and Anderson Streets, the City of Portland will provide cones, barriers (and other physical features) and signage to discourage vehicle speeding and raise awareness of pedestrians in the area. The applicant shall report any loss or damage to these temporary mitigation measures to the DPS _____ as soon as possible; and
- v. That the departure of trucks from the site (for boarding at the Oceangate facility) shall initially be limited to one truck per minute and take place between about 7:30 to 8:30 pm most nights between April and October. This may be adjusted in agreement with the Planning Authority based on the results of the first months monitoring study as outlined in condition i; and
- vi. That no trucks shall access or leave the site, nor be on the site, between the hours of 10pm and 7am, and that any refrigerator trucks shall be parked as far as possible from Anderson Street and meet the sound standards of the ILb zone; and
- vii. That the applicant shall install, at the applicant's expense, warning signs noting trucks entering/exiting the driveway which should be located at the site entrance; and
- viii. That the applicant shall submit engineered plans for design improvements to the entrance drive (to include paving from the street into the site, widening of the drive, and integration with the new sidewalk to be constructed by the City) for review and approval by the Planning Authority prior to the end of August, 2014. The applicant shall implement the improvements (as shown on the approved plans) at the applicant's expense and at the same time and in coordination with the City's Anderson Neighborhood Byway Improvement project along the frontage of the site; and

- ix. That this approval is based on the specific Nova Star operations as described in the submissions in July 2014. Any proposed changes in the operator, timing of the truck departures or other operational characteristics shall be advised to the Planning Authority prior to commencement and may be subject to further review; and
- x. That separate permits from the Inspections Division shall be required for any new or revised signage (except those installed for traffic and pedestrian safety).

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.

The applicant and operator should note that the Anderson Neighborhood Byway Improvement project is anticipated to commence in September 2014 and will include construction work along the frontage of the proposal site and in Anderson Street. The construction will necessitate limitations on vehicle and pedestrian access to the site during the construction activities, such as single lane alternative flow scenarios. It is anticipated this would be less of an issue at the time of the trucks departure from the site in the evening, but would impact trucks arriving at the Intermodal Transportation facility as well as other users of the property.

STANDARD CONDITIONS OF APPROVAL

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

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** 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 Jean Fraser at (207) 874- 8728.

Sincerely,

Alexander Jaegerman, FAICP
Planning Division Director

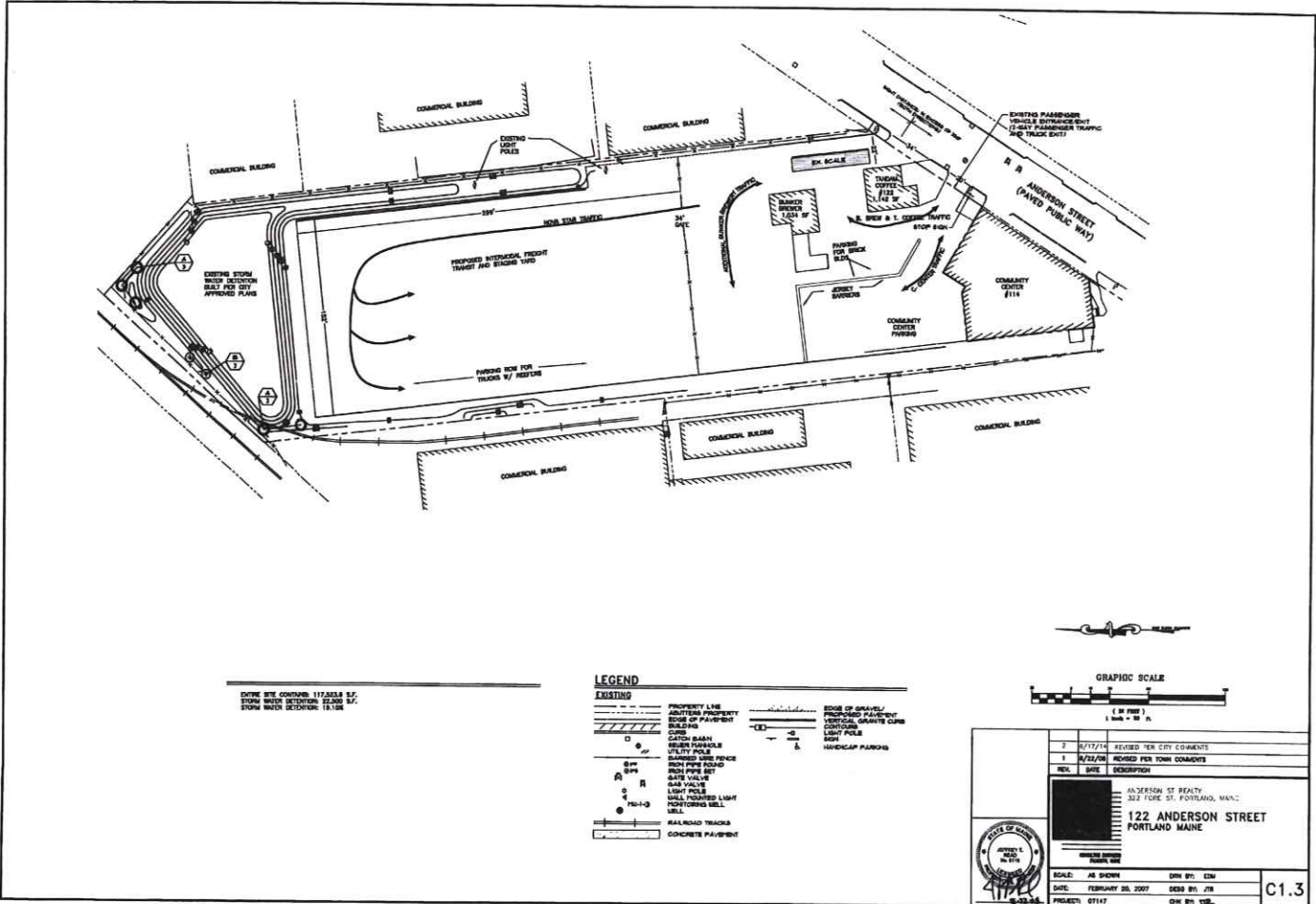
Attachment: Plan submitted 7.18.2014

cc:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/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
Captain Chris Pirone, 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

(will be 11X17 in letter)



Jean Fraser - Mtg with EBNO re 122 Anderson Street- issues for the review

From: Jean Fraser
To: Errico, Thomas; Hyman, Bruce
Date: 7/22/2014 11:17 AM
Subject: Mtg with EBNO re 122 Anderson Street- issues for the review
CC: Barhydt, Barbara; Jaegerman, Alex

1. Tom - no pol. issue
 2. Conds - disc. JL
 add on #
 # exiting.

Tom and Bruce

The East Bayside Neighborhood Association requested a meeting with staff with Jeff Levine, Alex, Barbara, myself and 4 reps of the EBNO. The EBNO did not indicate in advance the issues they wanted to discuss. In addition to traffic and pedestrian safety issues, I wanted to bring up other issues that address these concerns. (the meeting did cover some of the issues for the site plan review)

7/23
 Various
 email exchanges
 to be printed
 for file

Below I have summarized the key points (both re policy and pedestrian improvements at the Anderson/Fox intersection and availability of funding) and the EBNO consider that if including intersection such improvements, at least in part, should be considered for reasons, including evening use and activity in the vicinity of that facility), the confused layout of the intersection and the need for a crosswalk to the bus stop which is used by many

As part of this issue they asked whether we had assessed the need for a crosswalk to the bus stop which is used by many (based on the ferry's capacity)- on this intersection and the need for a crosswalk to the bus stop which is used by many; they suggested there needs to be control of the trucks in some way (human presence?)

The EBNO reps suggested an access from the rear of the site direct to Cove would be better, in order to avoid impacts on that intersection. They don't think there is any problem with trucks crossing Bayside Trail.

At Dev Rev tomorrow we need to consider these issues and clarify how to address them within the review of this project. Note that at the meeting a number of potential conditions of approval were suggested/discussed and these are listed below.

The summary below covers the key points of discussion, most of which have been raised and discussed (by staff) already because they are based on Greg Tansley's 7.11.2014 e-mail to us which I circulated previously:

Policy Level:

- How is this integrated with City's Anderson/Fox improvement project;
- Vision for area based on 2010 AIP Study and recommendations and EBNO pursuing
- Change in nature of the area- mixed arts/industrial/food/drink
- Cultural norm is for people to be in/play in street (different from other parts of Portland)
- Accept that streets need to serve industry, but if intensity of truck traffic increasing, requires ped safety

improvements first

- The highest intensity for this "intermodal" use is at the time of year when most people are out and about in the area/on streets and sidewalks

Detail level:

- Conflicts relating to the brew tastings that are 1-2 per week and usually on Sat; the Muslim Comm Hall has evening events;
- Children play at rear of Comm Center on regular basis
- Concern trucks have difficulty entering/exiting and create congestion
- Would trucks cause backs ups since street already heavily trafficked
- Truck route goes by bus stop used by 60 children
- Noise from reefers- also noise from trucks along the street
- Redfern's project will add traffic and peds
- Concern re dust

Possible conditions suggested/discussed (no commitment made by staff to any of these, but staff indicated we would consider them and discuss with other reviewers)

- Require painted crosswalks at minimum- safety issue
- Limit on number of trucks using site *15 just 10 mos then review?*
- Limit on number of trucks leaving at one time
- Enforcement/monitoring truck speeds and impacts *cont to speed warning light? JL*
- Limit use to one year
- What if the proposal is allowed and future modifications are needed to address problems?
- Limits on times when trucks can access the site (so no trucks in middle of night)
- What if truck misses the ferry and stays overnight?

Thanks
Jean

*fence segregation
width driveway*

Jean Fraser - 122 Anderson Street Traffic

From: Mike Cardente <mike@cardente.com>
To: Jean Fraser <JF@portlandmaine.gov>, Barbara Barhydt
<bab@portlandmaine.gov>
Date: 7/21/2014 7:14 AM
Subject: 122 Anderson Street Traffic

----- Forwarded message -----

From: Doug Cardente <doug@cardente.com>
Date: Friday, July 18, 2014
Subject: Alternate routing
To: Mike Cardente <Mike@cardente.com>

The safest and quietest route: The entrance and exit driveway into this property is and always has been at a 45 degree angle to Anderson Street. This was done for the purpose of allowing vehicles to enter and exit without hindering traffic flow. Further, by exiting the property at the 45 degree angle, the vehicles do not have to cross over into the opposite lane which is much safer.

Once on Anderson street, each side of the road is fronted by commercial buildings. Noise and residential activities are of less concern. Then a right turn onto Fox street (a right turn always being the safest) and it is a straight shot to Franklin Arterial. Fox has historically accommodated warehouse trucks, tractor trailers and buses, and it still does.

The Fox street and Franklin street arterial intersection has an existing left lane turn signal. This allows vehicles to turn left to go to commercial street and makes the intersection safe for all traffic and for pedestrians.

This is really the safest route.

The only alternative is to allow exiting vehicles to turn left onto Anderson street. This would require a new drive way, it would force vehicles to cross both lanes, it would divert the traffic right into the residential area that fronts the street at that point and it would increase noise levels as he trucks up shifted to gain speed. This would also increase the safety risk to the children in that residential area.

Then the vehicles would need to go down one of the side streets to get to Marginal Way which would require every vehicle to cross over the new bayside trail both coming and

going.

Upon reaching the intersection of Marginal Way and the Franklin street arterial a left turn would be required. There is no left turn arrow there and the intersection is near capacity at the present time.

These routes are not as safe and are not practical.

--

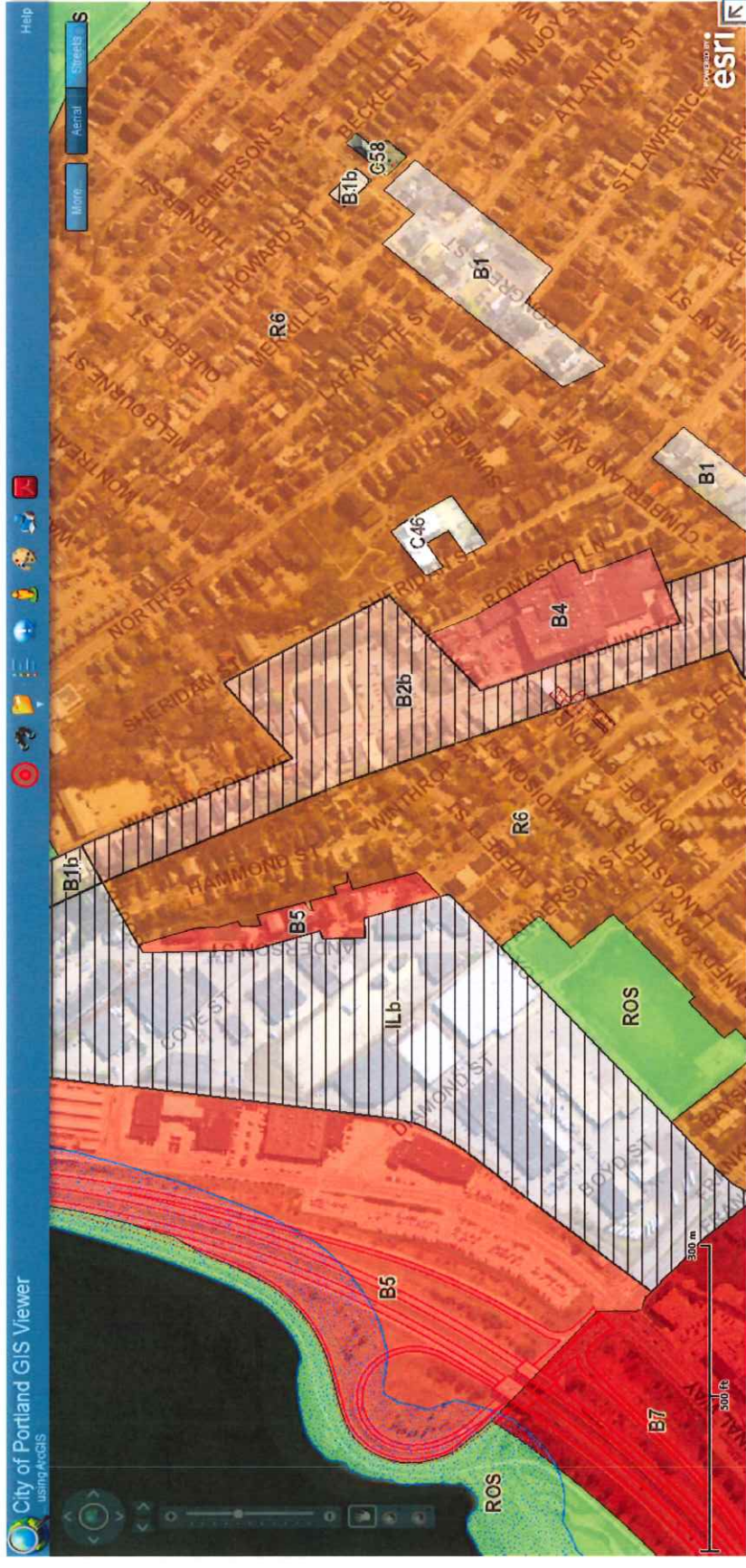
Michael Cardente | Broker/Partner

Cardente Real Estate | Commercial & Investment Brokerage

322 Fore St. 3rd Floor | Portland, ME 04101

T 207.775.7363 | F 207.773.0066 | C 207.233.7229

[View My Listings](#) | www.Cardente.com | [Personal Profile](#)



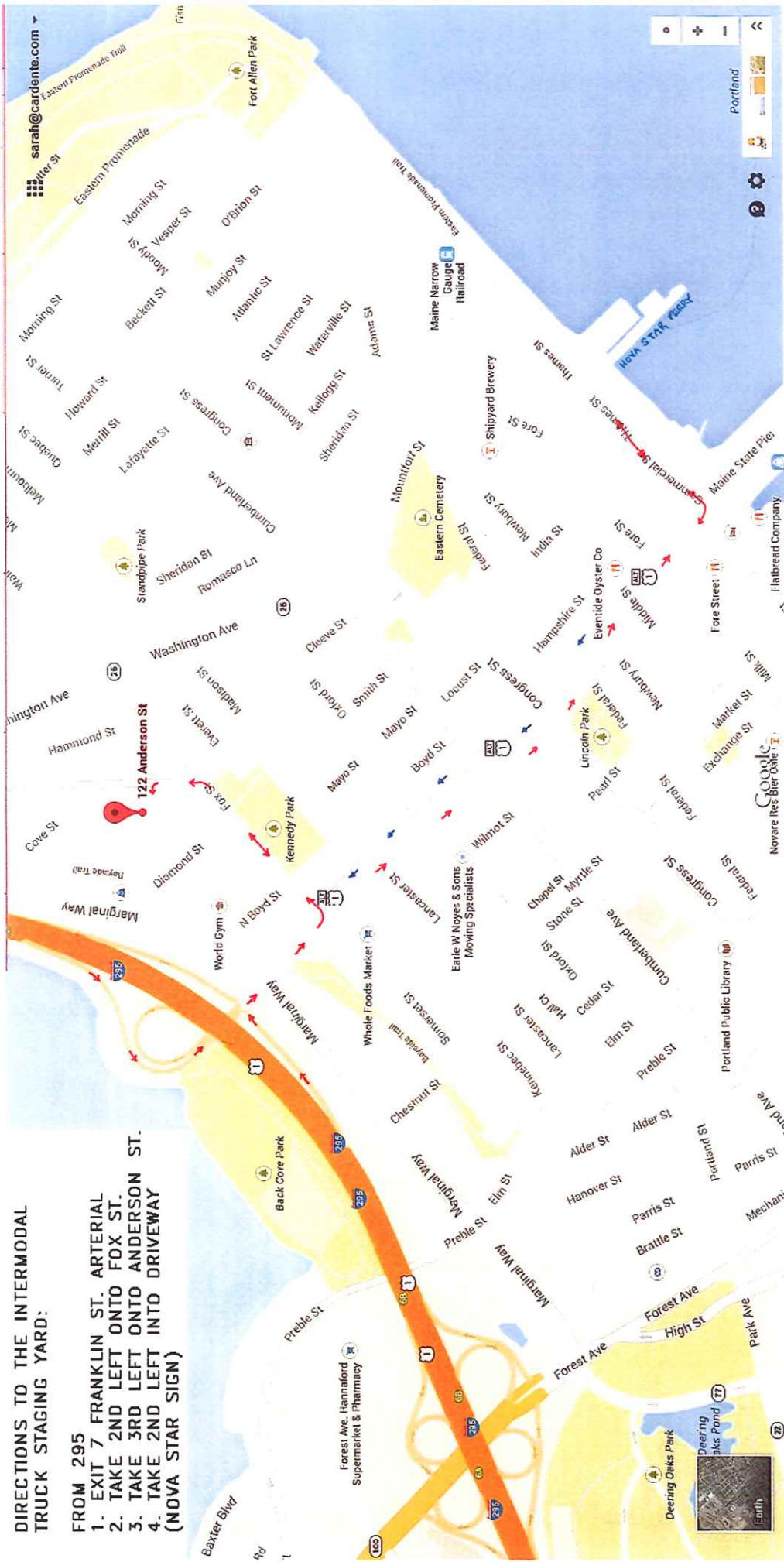
Submitted 7-11-14 & discussed at mtg 7-16-14

INTERMODAL STAGING YARD
122 ANDERSON ST.
PORTLAND, ME 04101

1. This site is located in an I-Ib industrial zone which specifically enumerates "Intermodal use" as allowed.
2. The prior use of the property, metal recycling, generated two way truck traffic throughout the day. They used the same road ways, curb cuts and passage ways as still exist today.
3. The property has two curb cuts, both of which accommodate two way vehicle movements. This particular intermodal use will rarely have two way truck movements, but it can handle them in any event. The vehicles will be showing up throughout the day. When the ferry is ready for them, the crew will release a vehicle every two minutes. They will be going out with no trucks coming in at that time.
4. The traffic pattern required for this operation is straight forward and with ample stop signs, lighting and traffic signals. All the trucks in this area move at a slow pace. This is not a highway but rather a delivery area driven at delivery speed. The hazard should be no greater then it is now, which is low.
5. Site lines in and out of the facility are very good, as they are at all surrounding intersections.
6. Public street lighting is above normal in this area as it is assisted by privately funded CMP flood lights.
7. The Intermodal yard is surrounded by a security chain link fence and is lit by 5 large CMP pole lights.
8. The Community center operates on the other side of the property using a different driveway which is also separated by a "jersey barrier".

This is a great use for this site. The improvements are in place and the Nova Star's success will be enhanced by its' use.

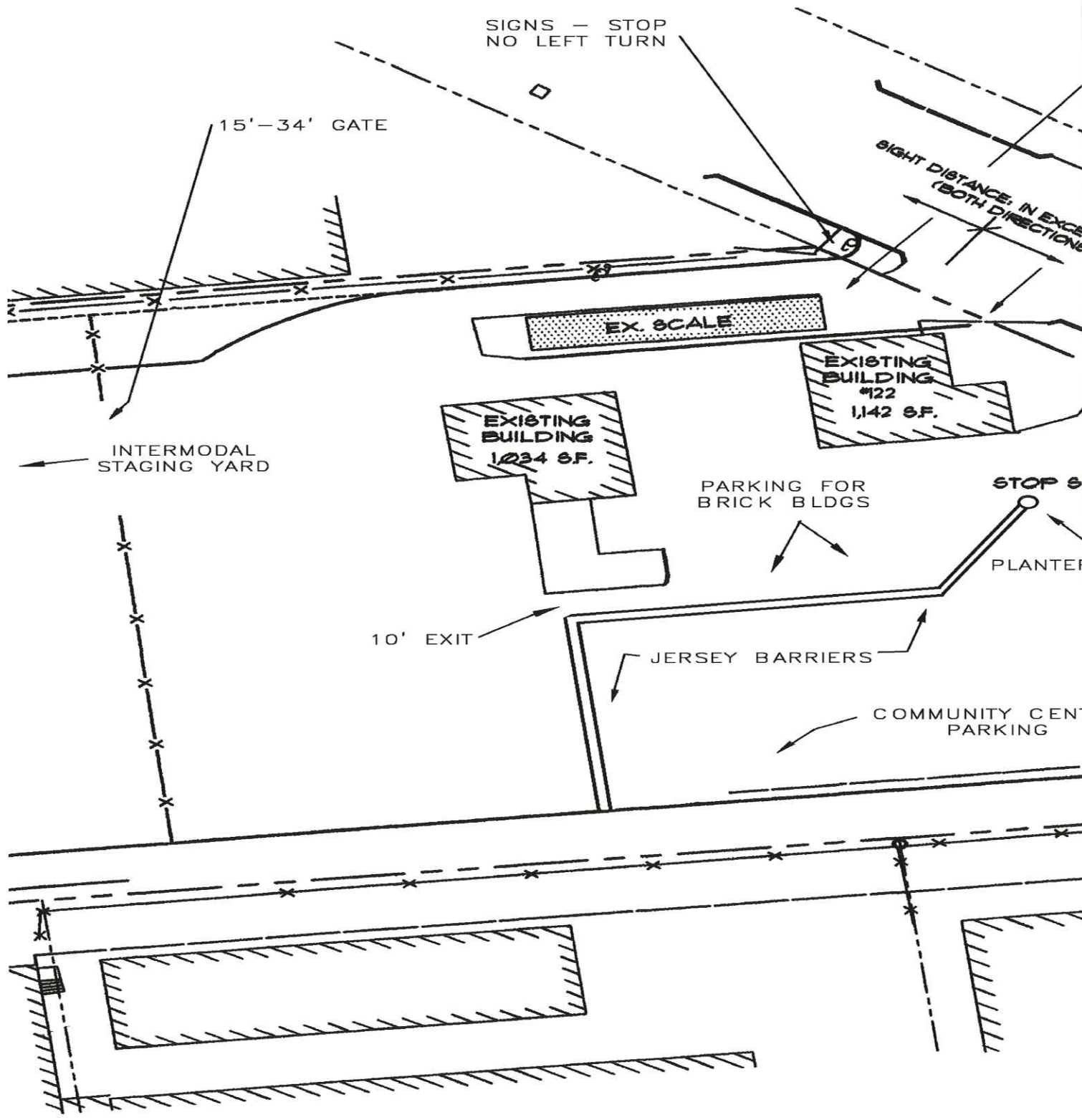
Michael Cardente 233-7229 Mike@cardente.com



DIRECTIONS TO THE INTERMODAL TRUCK STAGING YARD:

- FROM 295
- 1. EXIT 7 FRANKLIN ST. ARTERIAL
- 2. TAKE 2ND LEFT ONTO FOX ST.
- 3. TAKE 3RD LEFT ONTO ANDERSON ST.
- 4. TAKE 2ND LEFT INTO DRIVEWAY (NOVA STAR SIGN)





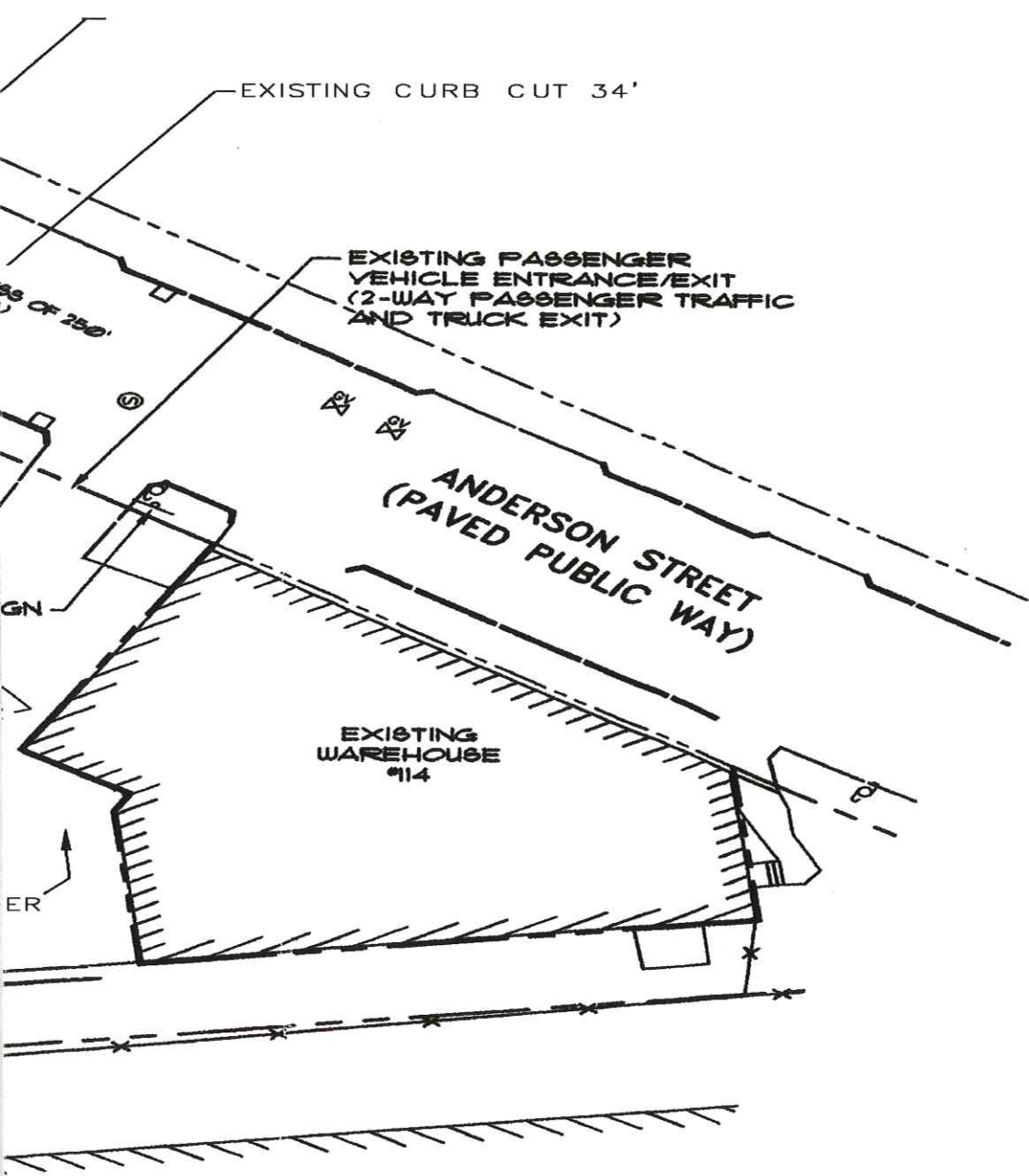
DRIVEWAY 22'

EXISTING CURB CUT 34'

EXISTING PASSENGER
VEHICLE ENTRANCE/EXIT
(2-WAY PASSENGER TRAFFIC
AND TRUCK EXIT)

ANDERSON STREET
(PAVED PUBLIC WAY)

EXISTING
WAREHOUSE
#14



Jean Fraser - 122 Anderson- submissions received today

From: Jean Fraser
To: Cardente, Mike
Date: 7/18/2014 4:57 PM
Subject: 122 Anderson- submissions received today
CC: Barhydt, Barbara
Attachments: 122 Anderson St -D-SIZE rec'd 7.18.14.pdf; INTERMODAL STAGING YARD.docx

Mike

I believe you going to include an explanation of why you consider the truck route needs to be Anderson to Fox to Franklin- we have a number of neighbors who are raising strong concerns over the proposed route and we need understand why another route is not workable. Please send this asap as I am meeting with some neighbors on monday afternoon.

The submissions received earlier today are under review and I will get back to you asap.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Mike Cardente <mike@cardente.com> 7/18/2014 11:29 AM >>>
Jean & Barbara,

I have attached further explanation of the site per our conversation. If we are missing anything please let me know!

Best,

Mike

Michael Cardente | Broker/Partner
Cardente Real Estate | **Commercial & Investment Brokerage**
322 Fore St. 3rd Floor | Portland, ME 04101
T 207.775.7363 | F 207.773.0066 | C 207.233.7229
[View My Listings](#) | www.Cardente.com | [Personal Profile](#)

Jean Fraser - 122 Anderson- additional submissions- site plan standards

From: Jean Fraser
To: mike@cardente.com
Date: 7/17/2014 11:46 AM
Subject: 122 Anderson- additional submissions- site plan standards
CC: Barhydt, Barbara
Attachments: Section 1 - Transportation_8.4.11.pdf; Section 3 - Public Safety_8.4.11.pdf; Section 12 - Site Lighting_8.4.11.pdf; EXTRACT FROM ZONING ORDINANCE RE ILb Perf Stds.pdf

Mike

As promised at the meeting yesterday, I have outlined below the relevant Site Plan standard "headings" that apply and attached associated technical standards, most of which Tom Errico is responsible for assessing and he is requesting the facts (existing and proposed) so he can assess whether the standards have been met.

I have also referenced and attached the "performance standards" for the zone (14-236), of which noise, and vibration are the key issues. These are usually reviewed by Marge Schmuckal, Zoning Administrator. Lighting is reviewed by the Planning Division.

This is intended as a summary "checklist" so that your additional submissions can include additional information that addresses the standards more fully (as discussed at yesterday's meeting); the entire Land Use Ordinance (Chapter 14) can be found on the City's website at:

<http://www.portlandmaine.gov/DocumentCenter/Home/View/1080>

(I apologize in advance for the likelihood that this will probably not stay formatted as I intended)

A. City Ordinance (Land Use Code) Section 14-526 Site Plan Standards:

(Requirements for approval)

(A) TRANSPORTATION STANDARDS:

1. Impact on Surrounding Street Systems
 - a. Safety and Congestion (KEY SECTION QUOTED BELOW)
2. Access and Circulation
 - a. Site Access and Circulation (see attached technical standards)
 - b. Loading and Servicing (safe turnings, impact on peds - see attached Technical Standards)
 - c. Sidewalks
- 4d. Snow Storage

C) PUBLIC INFRASTRUCTURE AND COMMUNITY SAFETY STANDARDS:

1. Consistency with Related Master Plans
 - b. Continuance of off-premises infrastructure
2. Public Safety and Fire Prevention (see attached Technical Standards)
 - a. Public Safety

- b. Fire Prevention (including access and hydrants)
- 3. Availability and Adequate Capacity of Public Utilities
 - c. Trash and Recycling
- (D) Site Design Standards
 - 3.a Site Lighting (must be cut off- see attached technical standards; floodlights usually are not cut- off))
 - 4. Noise and Vibration (also meet zoning requirements)- a number of neighbors have mentioned vibration from trucks
 - a. Zoning- Based Requirements re sound (see attached Extract re sound limits and how to measure in this zone; also see last Perf Std for zone re lighting)
 - b. HVAC and Mechanical Equipment
 - 5. Signage and Wayfinding
 - a. Must meet zoning requirements (Div 22 of Land Use Code in Chapter 14)
 - b. Commercial Signage and Directional Traffic Signage may be required
 - d. Waiver Criteria

Please do not hesitate to contact me if you have any questions; I will be out of the office this afternoon but in all day tomorrow.

thank you

Jean

KEY SECTION OF SITE PLAN ORDINANCE:

14-526 (a) *Transportation Standards*

1. *Impact on Surrounding Street Systems:*

The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways; and the incremental volume of traffic will not create or aggravate any significant hazard to safety at or to and including intersections in any direction where traffic could be expected to be impacted; and will not cause traffic congestion on any street which reduces the level of service below Level "D" as described in the 1985 Highway Capacity Manual published by the Transportation Research Board of the National Research Council, a copy of which manual is on file with the public works authority, or substantially increase congestion on any street which is already at a level of service below Level "D";

2. *Access and Circulation:*

a. *Site Access and Circulation.*

(i) The development shall provide safe and reasonable access and internal circulation for the entire site for all users of the site and shall comply with the standards set forth in Sections 1 of the Technical Manual.

(ii) Points of access and egress shall be located to avoid conflicts with existing turning movements and traffic flows.

(iii) Where drive up features such as gasoline pumps, vacuum cleaners and menu/order boards are permitted, they

shall not extend nearer than twenty five (25) feet to the street line. The site must have stacking capacity for vehicles waiting to use these service features without impeding on-site vehicular circulation or creating hazards to vehicular circulation on adjoining streets.

b. Loading and Servicing.

(i) All developments served by delivery or other service vehicles shall provide a clear route and travel way geometric design that permits safe turning and backing for the maximum vehicle length that would service the development and does not impede site access, vehicle circulation, pedestrian movements or parking.

c. Sidewalks.

(i) All proposed developments shall provide sidewalks along all frontages in accordance with Sections 14-498 and 14-499 of the City Code, installed to City specifications as described in Section 1 of the Technical Manual. An applicant may request a waiver from curb and sidewalk installation requirements if they meet applicable waiver criteria listed in Section 14-506 (b) of the City Code.

(ii) Where sidewalks already exist but are in substandard condition, they shall be repaired or replaced in conformance with Chapter 25 of the City Code and Section 1 of the Technical Manual.

(iii) Continuous internal walkways shall be provided between existing or planned public sidewalks adjacent to the site, transit stops and street crossings and Primary building entrances on the site.

122 Anderson

Intermodal

Eric N/S

Operation

at 9 trucks

5-6 refrigeration

arrive 4pm - 6pm (could be earlier)

Doug + Mike (Ardenle)
Ctm - Bill, Barbara,
David, Tom,
Jean.

market 15-20

(boat can hold 40)

everything has to have a driver

? inspection? - yes.

currently various places - Comm St.
Some empty/loaded.

into Anderson/Fox/Franklin. dispatch 2-3 time

DMP - Franklin/Fox signal show - 2 max (Tom)
Run right in - not in queue.

Tom could look into adjustment in evening

loading 8:15 - 8:30 pm. - traffic light.

Tom - favors monitoring

DM-P
7:45 - 8:30
ck into

Barb -

refrid trucks / sourd.

route impacts

Tom - site changes / access changes.

MC - no proposed improvements

DG - timing good re other users

one closed
one no empty
tho' fastings
brewery

monitoring exit cars!
peds
light

Tom -

driveway width - need dimensions
- meet stds?

other users use access brewbns.

DM-P - dust? \$22~~00~~ to pave
reclaim.

MC - sound on Anderson already
exceeds sound stds.

could restrict location of
refid. trucks away from hsg.

DM-P - Fox - Plowman

Sep. sewer & water

reused curb line - more green

Neighborhood byway - connect
hsg to
bayside
trail.

Sidewalk on site side

MC met w/ Bruce & plan
accommodated

TE can
only chg.
2 curbs cuts
because
bus needs.

tracking mud onto street
need tree cleaning

Doug - re zoning MS interpretation dairy/intermodal/

Comm center

they own bldg but cardente
lease them parking + restrict
access to Loose driveway nearest

Barbara - documentation.

Tom. - 4 things going on - 2 driveways
who using what access/area.

? comfortable w/ mix

tandem dock

Bunkers winding down

they will submit - Encl. of description

- plans w/ existing info + routes.
- better survey

Season May 15 - end Oct.

DMP would like to allow them before 4
but ~~Eric~~ OK with 4.

Tom will ask for monitoring cond.

Other route via Cove/Marginal

TE - crosses bayside trail

- Marginal way / Franklin inter-
section does not allow left turn.

Dec. level data? - sound

Sean to send summary of S.P. stds
as relevant (incl. tech stds)

Jean Fraser - Status of Site Plan Review - 122 Anderson (Intermodal Transportation Facility for Nova Star)

From: Jean Fraser
To: Levine, Jeff
Date: 7/15/2014 1:14 PM
Subject: Status of Site Plan Review - 122 Anderson (Intermodal Transportation Facility for Nova Star)
CC: Barhydt, Barbara; Jaegerman, Alex
Attachments: Tom Errico Traffic comments 7.8.14 - 122 Anderson Street - Preliminary Traffic Comments.pdf; Gartland 7.2.14 - PC - 122 Anderson Street.pdf; Musk 7.8.14 - PC - Comments for 122 Anderson St.pdf; Castner 7.8.14 -PC - 122 Anderson Street.pdf; Katz 7.10.14 - PC - Cardente Truck Staging Area.pdf; Smalley 7.10.14 - PC - Cardente Truck Staging Area Proposal - 122 Anderson St.pdf; Tansley 7.8.14 - PC - Cardente Truck Staging Area Proposal.pdf; Tansley later 7.10.14 - PC - Re_ Cardente Truck Staging Area Proposal.pdf; Tansley 7.11.14 - PC - 122 Anderson Street Proposal - Summary.pdf; 122 Anderson Map_1.pdf; Close up 122 Anderson_2.pdf; INTERMODAL STAGING YARD_2.docx

Jeff

Given the renewed Press interest, Barbara asked me to send you this so you are up to date on the site plan review.

[Update re Site Plan Review of Nova Star Intermodal Transportation Development \(Truck Staging Area\) \(#2014-112\)](#)

Key points:

- Application logged 6.23.2014; noticed 6.30.2014 and as previously discussed;
- Site Plan Ordinance specifies 10 days between mailing of notice and taking of decision;
- Tom Errico has provided preliminary comments which were sent to applicant 7.8.2014 (first attachment)
- On 7.9.14 Planner and applicant agreed meeting needed with Tom Errico to clarify proposals and answer traffic concerns
- Meeting arranged for **Wed 7.16.14 1:30pm** to include Tom Errico, applicant, Nova Star, Bill Needelman and planners;
- Six neighbors have sent public comments (all attached; Musk supports; Tansley is Biddeford Planner), plus Steven Sharf has called us;
- Applicant sent additional information on 7.11.14 (traffic route, more detailed plan; Memo)- all attached after public comments;
- Bruce Hyman was sent copy of the last Tansley comments for information and advised that a meeting will take place - Bruce usually inputs via Tom Errico.

Jean

Jean Fraser - Re: Consultation with Public Safety re pkg lot design of 709 Congress (new Rite Aid)

From: Jean Fraser
To: Connor, Robert
Date: 7/9/2014 11:34 AM
Subject: Re: Consultation with Public Safety re pkg lot design of 709 Congress (new Rite Aid)
CC: Sengelmann, Mark; Tarling, Jeff

Bob

I have yet to speak to Jeff Tarling (City Arborist) about plantings, but I think the Planning Board will be expecting you to address the public safety issues and to try and take on board the Public Safety recommendations. Regarding the thorns, I believe there are other types of plants that would be uncomfortable to walk through or sit near, and I suggest that Mark speak to Jeff Tarling (Jeff is on vacation this week).

In light of the fact the police have confirmed that people trespass from the Rite Aid site onto neighbors properties, I think it would be wise to incorporate some additional fencing. I recall that the site plan already has a cedar fence all along the west boundary (?6 ft high) so the question is the north boundary. I would suggest that Mark see if there is some attractive and unclimbable sturdy fencing that could be considered (maybe not 8 ft high)- or you could suggest options. Even before hearing from the Police, staff were not thrilled with high chain link - but some additional barrier seems warranted as lighting will not solve the issue since its a daytime issue.

I would be happy to set up a meeting with Jeff Tarling and maybe Deb Andrews so that you had some HP input as well- and so we all can hear the various arguments.

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Robert Connor <jrconnor1@verizon.net> 7/8/2014 9:48 PM >>>
Jean:

I have two comments regarding the Public Safety suggestions, as follows:

- 1) Although thorns sound like a great idea, the problem is that the thorns collect trash and are very difficult to maintain neatly.
- 2) Although a chain link fence can certainly be cut, a hole can equally easily be broken in wood fence with a hammer. I think that good lighting is the best solution.

Bob

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, July 08, 2014 4:55 PM
To: mark@alphaarchitects.com
Cc: Barbara Barhydt; Deb Andrews; Jeff Tarling
Subject: Consultation with Public Safety re pkg lot design of 709 Congress (new Rite Aid)

Mark,

I am writing to respond to the Planning Board's request to have us consult Public Safety about design aspects of the parking lot area. I contacted Public Safety in early June and they called me back a few days ago and this is a summary of the conversation. He doesn't really have time to write an e-mail.

Public Safety comments (JF interpretation of long discussion with Senior Lead Officer David Argitis - Community Policing officer for Parkside/West End neighborhoods):

Context: the main issue in the parking lot is that there are places where people can hide and drink, out of sight of the busy areas; when the police arrive they do not try and get away. This is day time mostly. They do use the back yards of some nearby properties as a shortcut.

Recommendations:

- Include fencing (Not chain link- too easy to break down) along west and north boundaries
- Fencing would not be particularly helpful along Deering Lane
- Use vegetation with thorns to discourage access and avoid any hiding areas
- Introduce good lighting and surveillance/activity

Although I had asked about CTV in my e-mail to Public Safety, he did not suggest it. I wonder if the drive-through opening could have a two way video or camera so it could serve 2 purposes. Regarding fencing along the north boundary, that is a challenge because if its 8 feet high the top portion needs allow sunlight through but the whole thing needs to be sturdy and unclimbable. Re vegetation along the rear, I guess it needs to be screening trees (re headlights and lights) with understory planting with thorns.

Hope that is helpful.

Jean

Jean Fraser, Planner
City of Portland
 874 8728

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2014.0.4716 / Virus Database: 3986/7818 - Release Date: 07/08/14

- The applicant should provide dimensions for the project driveway and entrance roadway into the site.
- Current signage at the proposed driveway indicates left-turns from the driveway are prohibited and that it functions as an entrance only. The applicant should provide details on the use of the driveway and how it serves Tandem Coffee and Bunker Brewing Company (And how does the driveway to the south serve these uses).
- The applicant shall provide details on a specific truck routing plan between the proposed site and the Nova Star and between I-295 and the site. Given the geometry of the driveway, trucks would be best served for left-turn only entry movements and right-turn only exit movements. My general sense is that movements from Franklin Street along Fox Street to Anderson Street is the most appropriate routing.
- To minimize the impact of trucks departing the site, I would suggest that a vehicle metering program be initiated. I worry that 15 trucks leaving the site at the same time could impact area traffic conditions.
- The frontage of the site does not include a sidewalk. The City is in the process of designing a sidewalk along the property frontage and how this project participates in that effort should be discussed.
- The angle of the driveway should be reviewed as it relates to City standards and determined if a waiver is required.
- The project driveway does not meet City driveway separation standards. The applicant will need to formally request a waiver from the technical standards with supporting documentation.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLIN INTERNATIONAL T.Y. Lin International

12 Northbrook Drive

Falmouth, ME 04105

[207.781.4721](tel:207.781.4721) (main)

[207.347.4354](tel:207.347.4354) (direct)

[207.400.0719](tel:207.400.0719) (mobile)

[207.781.4753](tel:207.781.4753) (fax)

thomas.errico@tylin.com

Jean Fraser - Re: 122 Anderson Street - meeting

From: Jean Fraser
To: Cardente, Mike
Date: 7/11/2014 10:47 AM
Subject: Re: 122 Anderson Street - meeting
CC: Barhydt, Barbara

Mike

Any progress on this?

I have received a few more letters of objection and we feel a meeting is urgent so we can understand how the proposal will operate and ascertain if there are any particular adverse impacts that need to be addressed.

Please copy your reply to both me and Barbara Barhydt (who is cc'd on this), as I may not be in the office all of this afternoon.

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Mike Cardente <mike@cardente.com> 7/10/2014 9:48 AM >>>
Thank Jean! Waiting to hear back from Eric.

Mike

Michael Cardente | Broker/Partner
Cardente Real Estate | Commercial & Investment Brokerage
322 Fore St. 3rd Floor | Portland, ME 04101
T 207.775.7363 | F 207.773.0066 | C 207.233.7229
[View My Listings](#) | www.Cardente.com | [Personal Profile](#)

On Thu, Jul 10, 2014 at 9:42 AM, Jean Fraser <JF@portlandmaine.gov> wrote:

Mike

I am writing to confirm that I will finalize a meeting with you, Nova Star, Bill Needelman and Tom Errico

Jean Fraser - Re: 122 Anderson Street - public comments

From: Jean Fraser
To: Cardente, Mike
Date: 7/11/2014 11:18 AM
Subject: Re: 122 Anderson Street - public comments
CC: Barhydt, Barbara
Attachments: Gartland 7.2.14 - PC - 122 Anderson Street.pdf; Castner 7.8.14 -PC - 122 Anderson Street.pdf; Katz 7.10.14 - PC - Cardente Truck Staging Area.pdf; Musk 7.8.14 - PC - Comments for 122 Anderson St.pdf; Smalley 7.10.14 - PC - Cardente Truck Staging Area Proposal - 122 Anderson St.pdf; Tansley 7.8.14 - PC - Cardente Truck Staging Area Proposal.pdf; Tansley 7.10.14 - PC - Re_ Cardente Truck Staging Area Proposal.pdf; Tansley 7.11.14 - PC - 122 Anderson Street Proposal - Summary.pdf

Mike

I attach all of the public comments I have received to date- the last one from Greg Tansley sort of sums them up and reinforces my recent telephone conversation with you, and the comments from Tom Errico, about the need for additional information and more detailed plans (which would be helpful to receive prior to the meeting).

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Jean Fraser - Re: 122 Anderson Street - meeting

From: Mike Cardente <mike@cardente.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 7/10/2014 9:49 AM
Subject: Re: 122 Anderson Street - meeting

Thank Jean! Waiting to hear back from Eric.

Mike

Michael Cardente | Broker/Partner
Cardente Real Estate | Commercial & Investment Brokerage
322 Fore St. 3rd Floor | Portland, ME 04101
T 207.775.7363 | F 207.773.0066 | C 207.233.7229
[View My Listings](#) | www.Cardente.com | [Personal Profile](#)

On Thu, Jul 10, 2014 at 9:42 AM, Jean Fraser <JF@portlandmaine.gov> wrote:

Mike

I am writing to confirm that I will finalize a meeting with you, Nova Star, Bill Needelman and Tom Errico (Traffic Reviewer) as soon as you send me some suggested dates and times that are convenient for you and Nova Star.

I am out of the office this afternoon so hope to hear from you this morning so I can get the meeting into my colleagues calendars.

thank you

Jean

Jean Fraser, Planner

City of Portland

874 8728

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Decree July 9th
Set up mtg - pol. sensitivity

Jean Fraser - Fwd: 122 Anderson Street - Preliminary Traffic Comments

From: Jean Fraser
To: mike@cardente.com
Date: 7/8/2014 2:58 PM
Subject: Fwd: 122 Anderson Street - Preliminary Traffic Comments

7/9/14
Spoke Mike
Cardente -
he is sending

Mike

The Traffic Engineering reviewer has provided the following comments- we will be discussing them further tomorrow (as they are preliminary) but I wanted to give you the flavor of his concerns.

times/dates for mtg

I have received 3 further public comments- one is just asking for the plans so I won't forward that one; I will forward the other two: one is "objecting"; and one is in support.

2) will

thank you
Jean

hire engineer + get
info on plan - written assertions.

Jean Fraser, Planner
City of Portland
874 8728

>>> Tom Errico <thomas.errico@tylin.com> 7/8/2014 9:26 AM >>>

Jean - The following represents my preliminary traffic comments for the project.

- The applicant should provide dimensions for the project driveway and entrance roadway into the site.
- Current signage at the proposed driveway indicates left-turns from the driveway are prohibited and that it functions as an entrance only. The applicant should provide details on the use of the driveway and how it serves Tandem Coffee and Bunker Brewing Company (And how does the driveway to the south serve these uses).
- The applicant shall provide details on a specific truck routing plan between the proposed site and the Nova Star and between I-295 and the site. Given the geometry of the driveway, trucks would be best served for left-turn only entry movements and right-turn only exit movements. My general sense is that movements from Franklin Street along Fox Street to Anderson Street is the most appropriate routing.
- To minimize the impact of trucks departing the site, I would suggest that a vehicle metering program be initiated. I worry that 15 trucks leaving the site at the same time could impact area traffic conditions.
- The frontage of the site does not include a sidewalk. The City is in the process of designing a sidewalk along the property frontage and how this project participates in that effort should be discussed.
- The angle of the driveway should be reviewed as it relates to City standards and determined if a waiver is required.
- The project driveway does not meet City driveway separation standards. The applicant will need to formally request a waiver from the technical standards with supporting documentation.

If you have any questions, please contact me.

+ David M-P + Barbara + Tom Errico

operator + Ben + Mike
mtg

Jean Fraser - Re: 122 Anderson Street - Preliminary Traffic Comments

From: Mike Cardente <mike@cardente.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 7/8/2014 3:34 PM
Subject: Re: 122 Anderson Street - Preliminary Traffic Comments

Jean,

Thank you for the update and comments. I will look over Toms questions and provide additional information. It may be easier to meet him at the site. That being said the first entrance, which is used by the Muslim Community Center and is the primary entrance for Bunker and Tandem. The second entrance and exit would be used by Nova Star. They would only take left turns out of the property and a right turn into the property. Hope that helps a little.

Best,

Mike

Michael Cardente | Broker/Partner
Cardente Real Estate | **Commercial & Investment Brokerage**
 322 Fore St. 3rd Floor | Portland, ME 04101
 T 207.775.7363 | F 207.773.0066 | C 207.233.7229
[View My Listings](#) | www.Cardente.com | [Personal Profile](#)

On Tue, Jul 8, 2014 at 2:58 PM, Jean Fraser <JF@portlandmaine.gov> wrote:

Mike

The Traffic Engineering reviewer has provided the following comments- we will be discussing them further tomorrow (as they are preliminary) but I wanted to give you the flavor of his concerns.

I have received 3 further public comments- one is just asking for the plans so I won't forward that one; I will forward the other two: one is "objecting"; and one is in support.

thank you

Jean

Jean Fraser, Planner

City of Portland

874 8728

>>> Tom Errico <thomas.errico@tylin.com> 7/8/2014 9:26 AM >>>

Jean – The following represents my preliminary traffic comments for the project.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLININTERNATIONAL

12 Northbrook Drive

Falmouth, ME 04105

207.781.4721 (main)

207.347.4354 (direct)

207.400.0719 (mobile)

207.781.4753 (fax)

thomas.errico@tylin.com

Visit us online at www.tylin.com

Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

Visit us online at www.tylin.com

Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Mike Cardente (best #)
233-7229

122 Anderson

Update as of 7.3.2014 (spoke to Mike today)

↓ Steven S
+ Press Herald

1) 2 public comments - will f/w email.

2) July 11th period of public comment

Questions raised:

3) ped safety / crossings
other access

lighting

- is existing cut off;

when will it be on.

reprod. trucks engines running
surface of the lot.

4) 30 per day -

concentrated?
routing?

Woods -
noise screening
sep. from Building
routing

sell asphalt
cheap? dust.

re Public Comments

415-4662
scsmedia@aol.com.

Steven Sharf - Barbara spoke to him 7-2-14; I followed up by sending submitted plans today (7.3.14)

Jean Fraser - Re: Fwd: 122 Anderson Street

From: Jean Fraser
To: Errico, Thomas
Date: 7/3/2014 3:02 PM
Subject: Re: Fwd: 122 Anderson Street

Tom

This is one of several public comments; Steven Sharf has also contacted us and considers that this application should go to the Planning Board; the Press Herald are also doing a story.

So could you please document your questions and concerns so I can send them to the applicant as soon as possible and also let Bill Needelman know (and if Nova Star need something urgently, they may need to find something else until this review is completed).

thanks
Jean

>>> Barbara Barhydt 7/3/2014 9:43 AM >>>

You will need to share these comments with Tom and we need to make sure that the crossings are ok. I told Michael yesterday that we expected concerns from the neighborhood and that he might want to further articulate the management of the operation.

>>> Jean Fraser Thursday, July 03, 2014 9:40 AM >>>
for info

>>> "Gartland, Jonathan" <Jonathan.Gartland@wexinc.com> 7/2/2014 3:24 PM >>>

Hello,

I am a resident taxpayer living on Fox St.

I just received notice of this proposal yesterday.

I am very concerned with the nature of this project given what seems to be ample space available on the waterfront for these activities, and the changed nature of Anderson St.

Over the past few years, the pedestrian and bicycle traffic has increased a great deal. I am concerned that introducing this freight service to the neighborhood would not fit. Even if the freight was somehow trucked via Marginal way to Franklin St & down to the ferry, the impact would still be too negative to the quality of life that the neighborhood is striving to achieve today.

Thank You,
Jonathan Gartland
18 Fox St.

} PC

Jean Fraser - Fwd: 122 Anderson Street

From: Jean Fraser
To: mike@cardente.com
Date: 7/3/2014 5:07 PM
Subject: Fwd: 122 Anderson Street
Attachments: APP LTR Ocean Gateway Level II 2014-020.pdf

Mike

Further to our telephone conversation this afternoon, I am forwarding the "public comment" that we have received.

I also attach the Site Plan approval letter for the Oceangate Nova Star operations, and you will see that condition 4 links to what is happening on the Anderson Street site.

I will contact you when I receive anything further on the application.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> "Gartland, Jonathan" <Jonathan.Gartland@wexinc.com> 7/2/2014 3:24 PM >>>

Hello,

I am a resident taxpayer living on Fox St.

I just received notice of this proposal yesterday.

I am very concerned with the nature of this project given what seems to be ample space available on the waterfront for these activities, and the changed nature of Anderson St.

Over the past few years, the pedestrian and bicycle traffic has increased a great deal. I am concerned that introducing this freight service to the neighborhood would not fit. Even if the freight was somehow trucked via Marginal way to Franklin St & down to the ferry, the impact would still be too negative to the quality of life that the neighborhood is striving to achieve today.

Thank You,
Jonathan Gartland
18 Fox St.

Jean Fraser - (more) 122 Anderson and Oceangate

From: Jean Fraser
To: Errico, Thomas
Date: 7/3/2014 3:43 PM
Subject: (more) 122 Anderson and Oceangate
CC: Barhydt, Barbara

Tom

I just spoke with Mike Cardente, the applicant, and updated him on the public comments and our concerns in general.

I also mentioned to him that there was the following condition of approval on the Oceangate Nova Star site plan approval, so that the 122 Anderson Street application is also tied in with compliance on this:

That a traffic monitoring effort shall be performed as it relates to the loading of trucks to the site. The proposal indicated that trucks will be routed from South Portland in platoons via I-295 and Franklin Street. Changes to travel routes, traffic control, queuing areas, etc. may be required. The applicant shall provide a report documenting truck loading activities following the first few weeks of operations; and

Mike Cardente is prepared to send routing info, timing of the truck traffic, etc as soon as we send a list with all the info we want. He mentioned (several times) that it was a scrap yard previously and therefore this use would be better. (But when it was a scrap yard I don't think there was so much ped/bike activity in this area). I said "maybe so" but we need to see the facts and if it seems acceptable, document the basis for that.

thanks
Jean

Jean Fraser - New Applications

From: Jennifer Yeaton
To: Jennifer Yeaton
Date: 6/30/2014 10:18 AM
Subject: New Applications
CC: Jean Fraser

89 Anderson Street

To residents and property owners: An application for a zoning map amendment was submitted by Redfern Properties. The applicant is proposing to rezone 89 Anderson Street (the site has frontage along Anderson, Fox, and Everett Streets) from the Residential R-6 zone to the Community Business B-2b zone. The site is currently developed with a tire and auto service facility. The map amendment is proposed in order to enable a mixed use building at the site with ground floor commercial uses, including a restaurant, and with market-rate apartments on floors 2 through 4.

In accordance with the Portland Land Use Ordinance, notices of receipt of a [map amendment or conditional/contract rezoning] application must be sent to property owners within 500 ft. of the map amendment (or 1,000 feet if the map amendment is located in an Industrial Zone).

You will be notified of future Planning Board meetings by receiving notices from the Planning Division prior to any workshops or public hearings. Plans are available for viewing in the Portland Planning Division, 4th Floor, City Hall. If you have questions or would like to submit comments, please call Barbara Barhydt, Development Review Services Manager, at 874-8699 or bab@portlandmaine.gov

122 Anderson Street

To residents and property owners: A Level 2: Site Plan application was submitted to the City of Portland Planning Division by Michael Cardente of Anderson St. Realty, LLC. for a change of use to an intermodal transportation facility at 122 Anderson Street. The total area of the site is 117,523 sq. ft. and the existing gravel area is 95,024 sq. ft. The proposal is to allow Nova Star Ferry to stage the trucks and freight at this site that will be shipped or received from the Ocean Gateway Terminal.

In accordance with the Portland Land Use Ordinance, notices of receipt of a Level 2: Site Plan application must be sent to property owners located within 500 ft. of the subject property. This application will be reviewed administratively by City Staff. This is the only notice you will receive unless it is determined the application needs to be reviewed by the Planning Board. Notices of upcoming meetings will then be sent to you.

Plans are available for viewing in the Portland Planning Division, 4th Floor, City Hall. If you have questions or would like to submit comments, please call Jean Fraser, Planner at (207) 874-8728 or at jf@portlandmaine.gov

Jennifer Yeaton, Office Manager
Planning and Urban Development
City of Portland
389 Congress St., 4th Floor

Portland ME 04101
jmy@portlandmaine.gov
(207)874-8719
(207)756-8258 (fax)

Subscribe to our quarterly newsletter, Under the Clock Tower:
<http://www.portlandmaine.gov/planning/undertheclocktower.asp>



CARDENTE

REAL ESTATE
Commercial / Investment Brokerage

June 19, 2014

To Whom It May Concern,

Enclosed with this letter is a Change of Use application and related plans regarding the property that we own at 122 Anderson Street & 0 Cove Street. The property was used since the early 1900's as a scrap yard. To my knowledge the operation ended in the late 1970's and the property was deserted until we purchased it in 2006. Because of the former use the site was contaminated and had storm water issues. We worked with the DEP and completed the VRAP process, which included a test well, limited remediation and encapsulating the site with gravel. In addition, we worked with the City on dealing with the storm water by building a city approved detention pond.

Since the subject part of the property has not been used for a number of years, no use has been established and we are applying for a change of use to intermodal transportation. The operators of the Nova Star would like to use the subject area for freight and cargo operations. This location would hold cargo waiting to be loaded onto the ferry as well as an area for cargo that has arrived to be picked up for further transportation. The area that they will be using is already fully fenced in with lights. No additional improvements will be needed for this use.

If you have any questions or need further information, please let me know.

Best,

Michael Cardente
Manager, Anderson Street Realty, LLC





Jeff Levine, AICP, Director
Planning & Urban Development Department

Tammy Munson, Director
Inspections Division

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:

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 (NO Construction)**
- Detail of any new walls or permanent partitions **N/A (No new walls)**
- Floor plans and elevations
- Window and door schedules **N/A (NO Building)**
- Complete electrical and plumbing layout. **(NO Building) 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 (None)**
- Insulation R-factors of walls, ceilings, floors & U-factors of windows as per the IEEC 2009 **N/A (None)**
- Proof of ownership is required if it is inconsistent with the assessors records. **Information is Correct.**
- 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 (None)**

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)



Jeff Levine, AICP, Director
Planning & Urban Development Department

Tammy Munson, Director
Inspections Division

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)
- 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.

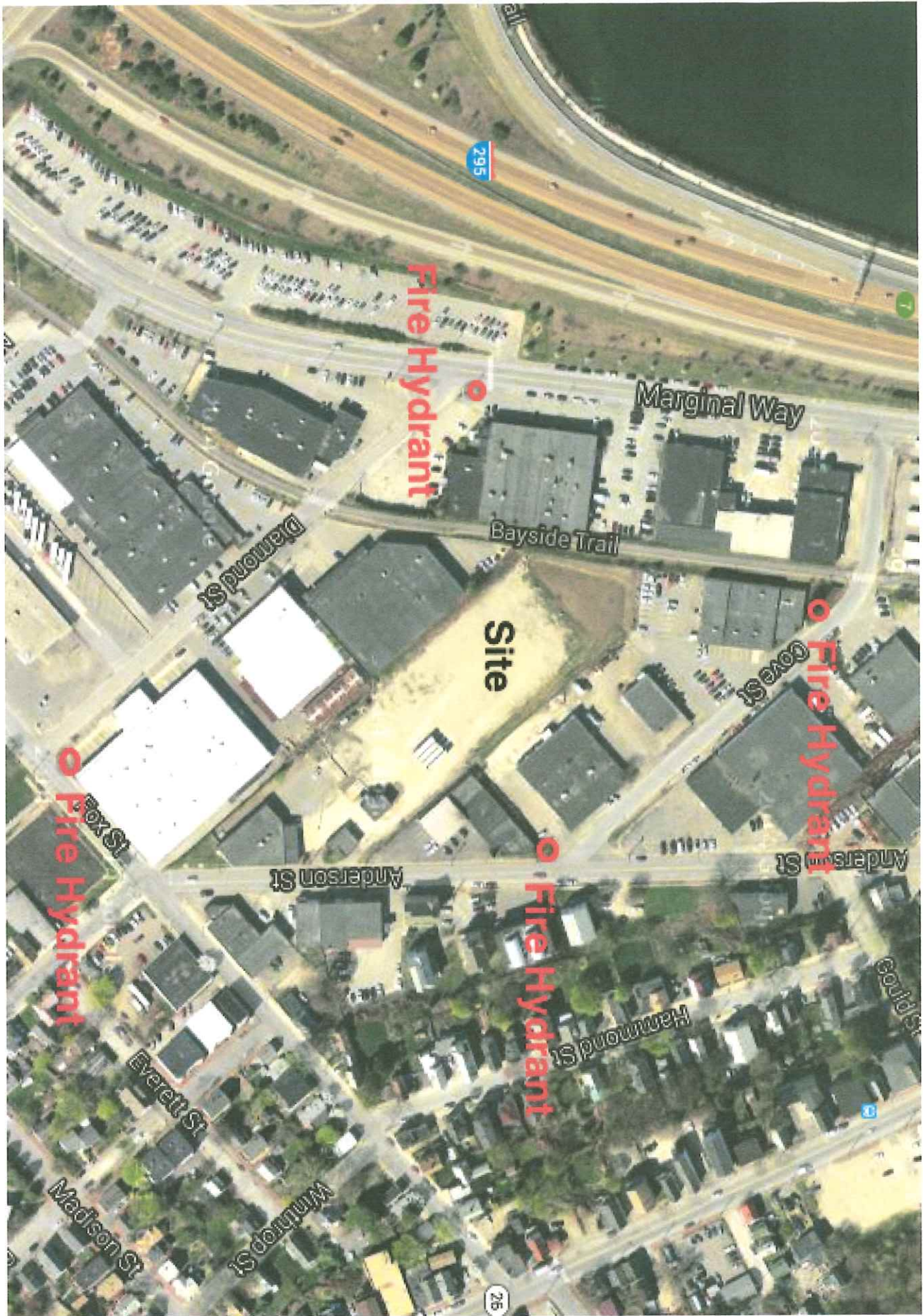
For questions on Fire Department requirements call the Fire Prevention Officer at (207) 874-8405.

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.





Jeff Levine, AICP, Director
Planning & Urban Development Department

Tammy Munson, Director
Inspections Division

Electronic Signature and Fee Payment Confirmation

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

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

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

- Within 24-48 hours, once my complete permit application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- Within 24-48 hours, once my permit application and corresponding paperwork has been electronically delivered, I intend to **hand deliver** a payment method to the Inspections Office, Room 315, Portland City Hall.
- I intend to deliver a payment method through the U.S. Postal Service mail once my permit paperwork has been electronically delivered.

Applicant Signature:

Date:

6/19/14

I have provided digital copies and sent them on:

Date:

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



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.

Address/Location of Construction: <u>122 Anderson Street & O Cove Street</u>		
Total Square Footage of Proposed Structure: <u>N/A - Vacant lot</u>		
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# <u>10 H 5</u> <u>12 N 1</u> <u>10 H 8</u>	Applicant Name: <u>Doug & Mike Cardente</u> Address: <u>322 Fore Street, 3rd Floor</u> City, State & Zip: <u>Portland, ME 04101</u>	Telephone: <u>(207) 775-7363</u> Email: <u>Doug@Cardente.com</u> <u>Mike@Cardente.com</u>
Lessee/Owner Name: <u>Anderson Street Realty, LLC</u> (if different than applicant) Address: <u>Doug Cardente</u> City, State & Zip: Telephone & E-mail:	Contractor Name: (if different from Applicant) Address: <u>N/A No</u> City, State & Zip: <u>Construction</u> Telephone & E-mail:	Cost Of Work: \$ <u>0</u> C of O Fee: \$ _____ Historic Rev \$ _____ Total Fees : \$ _____
Current use (i.e. single family) <u>Not established</u> If vacant, what was the previous use? <u>Scrap yard</u> Proposed Specific use: <u>Intermodal Transportation</u> Is property part of a subdivision? <u>No</u> If yes, please name _____ Project description: <u>Change of use / Nova Star Cargo operation</u>		
Who should we contact when the permit is ready: <u>Mike Cardente</u>		
Address: <u>322 Fore Street, 3rd Floor</u>		
City, State & Zip: <u>Portland, ME 04101</u>		
E-mail Address: <u>Mike@Cardente.com</u>		
Telephone: <u>775-7363 - 233-7229</u>		

Please submit all of the information outlined on the applicable checklist. Failure to do so causes an automatic permit denial.

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: 6/19/14

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



Certificate of Design Application

From Designer: _____

N/A

Date: _____

Job Name: _____

Address of Construction: _____

2009 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 2009 IBC _____

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

Supervisory alarm System? _____ Geotechnical/Soils report required? (See 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 (7603.11, 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, SDs & SD1 (1615.1)
- _____ Site class (1615.1.5)

- _____ Live load reduction
- _____ Roof *live* 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)



Accessibility Building Code Certificate

Designer: _____ N/A _____

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

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 **2009 International Building Code** and local amendments.

Signature: _____

Title: _____

Firm: _____

Address: _____

Phone: _____

(SEAL)

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

Fire Department Information

Property Address: 122 Anderson Street & 0 Cove Street

Applicant Information

Douglas Cardente
322 Fore Street
Portland, Maine 04101
233-1229

Michael Cardente
322 Fore Street
Portland, Maine 04101
233-7229

Architect Information: N/A No building or construction

Proposed Use: Vacant lot that will be used by the Nova Star to store and stage cargo going on and off the ferry. Intermodal Transportation

Square Footage of Building: N/A There is no building.

Existing & Proposed Fire Protection of Structure: N/A

Project & Description of Use

The proposed change of use would be from not being currently established to intermodal transportation. The operators of the Nova Star would like to use the property to execute their cargo operation. Specifically, cargo and freight would arrive at the property waiting to be loaded onto the Nova Star. In addition, cargo from the Nova Star would be brought to the property awaiting further transportation. The daily number of tractor trailers and other transportation vehicles entering and leaving the site is anticipated to be less than 30 per day. One of the attractive aspects of the site, is that it is open and can handle various types and amounts of cargo/ freight. The property already has perimeter security fencing and lighting. No additional improvements will be needed for this use.

**QUITCLAIM DEED WITH COVENANT
KNOW ALL MEN BY THESE PRESENTS**

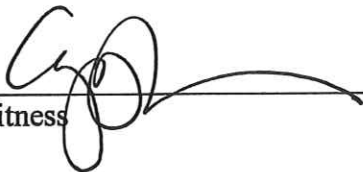
THAT, **CHADBALLS, INC.**, a Maine corporation with a place of business in Freeport, Maine, in consideration of one dollar and other valuable consideration paid, grant to **ANDERSON STREET REALTY, LLC**, a Maine limited liability company, whose mailing address is 299 Forest Avenue, Portland, Maine 04101, with quitclaim covenant the land in the City of Portland, County of Cumberland and State of Maine and more specifically described as:

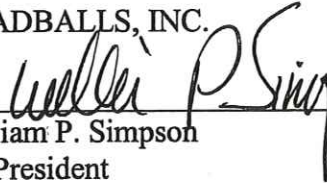
SEE EXHIBIT A ATTACHED HERETO

Together with all rights of the Grantor, insofar as the Grantor has any rights to convey, to any land between the land described above and of Sleepy Hollow Development, Inc., which land is identified as "SEE NOTE #1" on Plan for Tewksbury Industries, Inc., dated August, 1994 by Anderson-Livingston Engineers, Inc.

Being the same premises conveyed to the Grantor herein by deed from Bayside Beautification Project, LLC dated August 24, 2005 and recorded in the Cumberland County Registry of Deeds in Book 23077, Page 200. Also a second deed being the same premises conveyed to the Grantor herein by Sleepy Hollow Development, Inc. dated August 25, 2005 and recorded in said Registry of Deeds in Book 23077, Page 198.

IN WITNESS WHEREOF, the said William P. Simpson, President of Chadballs, Inc. has hereunto set his hand this 22 day of December, 2006.

Witness 

CHADBALLS, INC.
BY: 
William P. Simpson
Its: President

STATE OF MAINE
COUNTY OF CUMBERLAND

December 22, 2006

Then personally appeared the above-named William P. Simpson, President of Chadballs, Inc. and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said corporation.


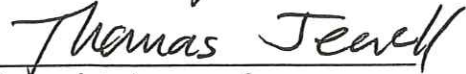
Before me, 
Notary Public/Attorney-at-Law

Typed or printed name of person taking acknowledgment

EXHIBIT A

PARCEL ONE

A certain lot or parcel of land together with any buildings or improvements thereon, located in Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the westerly side line of Anderson Street in said Portland where a prolongation southeasterly of a line nine (9) feet northeasterly from and running parallel with the center line of a certain railroad track known as Track No. 33, formerly owned by Casco Company, would intersect said westerly side line of said Anderson Street; thence, from said point northerly by the westerly side line of said Anderson Street two hundred forty-eight and thirteen-hundredths (248.13) feet to a point where a straight line at right angles to said center line of said railroad Track No. 33 and one hundred sixty-seven feet (167) feet long would intersect said westerly side line of Anderson Street; thence, northwesterly on a line parallel with and one hundred sixty-seven (167) feet northeasterly from said center line of said railroad Track No. 33, five hundred thirty-seven and twenty-five hundredths (537.25) feet to a point; thence, southwesterly with an included angle of ninety (90) degrees, one hundred fifty-eight (158) feet to a point nine (9) feet northeasterly from the center line of said railroad Track No. 33; thence, southeasterly on a line parallel with and nine (9) feet northeasterly from said center line of said railroad Track No. 33, seven hundred twenty-eight and fifty-seven hundredths (728.57) feet to the point of beginning on the westerly side of said Anderson Street; containing one hundred thousand (100,000) square feet, more or less.

EXCEPTING a small triangle parcel of land in the northwesterly corner of the premises conveyed to Frank B. Gordon by Casco Company in the first paragraph of deed dated March 27, 1940, and recorded in the Cumberland County Registry of Deeds in Book 1601, Page 237, the premises hereby excepted being so much of said premises conveyed to Frank B. Gordon, as aforesaid, as extends northwesterly of the southeasterly line of land conveyed by Industries, Inc., to Portland Terminal Company by deed dated December 4, 1945, and recorded in said Registry of Deeds in Book 1802, Page 432. Reference is made to the deed from Frank B. Gordon to Industries, Inc., dated December 4, 1945, and recorded in said Registry of Deeds in Book 1794, Page 455.

SUBJECT to rights granted to Industries, Inc., its successors and assigns, to construct and maintain an additional spur railroad track across the northwesterly corner of said land of Frank B. Gordon, northwesterly of railroad Track No. 33 as relocated.

PARCEL TWO

A certain lot or parcel of land, situated in said City of Portland, County of Cumberland and State of Maine, bounded and described as follows: Beginning at a point on the westerly side line of Anderson Street where a prolongation southeasterly of a line nine (9) feet northeasterly from and running parallel with center line of a railroad track known as Track No. 33 would intersect said side of Anderson Street, said point of beginning being the southerly corner of land conveyed by Casco Company to Frank B. Gordon by deed dated March 27, 1940, and recorded in the Cumberland County Registry of Deeds, Book 1601, Page 237; thence, southerly by said westerly side of Anderson Street thirty-two and twenty-six hundredths (32.26) feet; thence northwesterly with an included angle of 39° 34" degrees, a distance of seven hundred, twenty-five (725) feet, more or less, to the easterly line of land conveyed by Industries, Inc. to Portland Terminal Company by deed dated December 4, 1945, and recorded in the Cumberland County Registry of Deeds in Book 1802, Page 432; thence, northerly by said land of Portland Terminal Company to the southwesterly line of land conveyed by Casco Company to Frank B. Gordon, as hereinbefore stated; thence, southeasterly by said Gordon land about seven hundred and ten (710) feet to said Anderson Street at the point of beginning.

Together with and including herein the railroad side track located on said lot.

EXCEPTING AND RESERVING, however, the right to locate a spur railroad track across the northwesterly corner of the lot herein conveyed, northwesterly of side track No. 33 as relocated.

Also a certain lot or parcel of land situated in said Portland, bounded and described as follows:

Beginning on said westerly side of Anderson Street at the northeasterly corner of said land conveyed by Casco Company to Frank B. Gordon, as aforesaid; thence, northerly by Anderson Street thirteen and twenty-two hundredths (13.22) feet; thence, northwesterly with an included angle of 39° 34" degrees, five hundred thirty (530) feet, more or less to a point in line with the northwesterly line of the land conveyed by Casco Company to said Gordon, as aforesaid, thence, southwesterly to the most northerly corner of said Gordon land; thence, southeasterly by said Gordon land five hundred thirty-seven and twenty-five hundredths (537.25) feet to said Anderson Street to the point of beginning.

Together with and also conveying the right to maintain said Track No. 33 across a portion of the remaining land of Industries, Inc. situated northwesterly of said Frank B. Gordon's land and connecting with the line of the Portland Terminal Company, to the extent now in force and applicable.

ALSO CONVEYING the right to construct, maintain and operate an additional side track from land of the Portland Terminal Company to land of said Frank B. Gordon across the remaining land of Industries, Inc. situated northwesterly of land of Frank B. Gordon, to the extent now in

force and applicable.

Also conveying a right to maintain a gasoline tank near the northeasterly line of the premises conveyed in the second parcel hereinbefore described, to the extent now in force and applicable.

Parcels One and Two described above are conveyed SUBJECT to the following:

1. Rights and easements granted to Central Maine Power Company and New England Telephone and Telegraph Company by Harcon Iron & Steel Co. by deed dated June 2, 1977, and recorded in said Registry of Deeds in Book 4079, Page 47.
2. Installation of groundwater extraction wells and excavation of soils greater than one (1) foot below the surface is prohibited except with the consent of the State of Maine Department of Environmental Protection, or any successor agency. Nothing herein shall obligate the Grantee herein, or its successors and assigns to obtain the consent of any party other than the Maine Department of Environmental Protection or its successor agency, including without limitation the Grantor herein or its successors or assigns, in order to undertake any of the activities specified in this paragraph.

This conveyance is made together with all the Grantor's right, title and interest in any appurtenant rights which may continue to benefit the above-described premises.

Reference may be had to a deed from Harcon Iron & Steel Co., dated August 27, 2001, and recorded in the Cumberland County Registry of Deeds in Book 16782, Page 251.

This conveyance is also made subject to the following:

1. Rights granted to AK110 LLC by Bayside Beautification Project LLC as set forth in a deed dated May 10, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17622, Page 135, including but not limited to rights for parking, access, rights in an "outdoor circulation easement area", installation of utilities, encroachments and location of a dumpster.
2. Matters shown on the Site Plan and provisions of a Development Agreement, both as referred to in the deed from Bayside Beautification Project LLC to AK110 LLC as set forth in said deed in Book 17622, Page 135.

EXCEPTING from the above-described premises a certain lot or parcel of land together with all buildings and improvements thereon, located on the westerly side of Anderson Street in Portland, County of Cumberland and State of Maine, and being the existing "Warehouse" building at 110 Anderson Street, together with all land between it and the westerly side of Anderson Street, and all other land within 0.5 feet of the face of said Warehouse walls, all as depicted on that plan entitled "Site Plan made for Bayside Beautification Project, LLC by Titcomb Associates dated April 8, 2002 ("Site Plan") to be recorded in the Cumberland County

Registry of Deeds. The real estate herein conveyed being more particularly bounded and described as follows:

Beginning at an iron pin on the westerly side of Anderson Street located 87.37 feet northerly from the most southerly corner of the land described in the deed to Bayside Beautification Project, LLC from Harcon Iron & Steel Co. dated August 27, 2001 and recorded in said Registry of Deeds in Book 16782, Page 251; thence S 48° 54' 37" W 36.73 feet to a point; then N 40° 56' 44" W 99.35 feet to a point; thence N 49° 15' 46" E 37.66 feet to a point; thence N 86° 41' 29" E 5.27 feet to a point; N 03° 18' 31" W 20.60 feet to a point; thence N 86° 41' 29" E 57.67 feet to an iron pin on the westerly side of Anderson Street; thence southerly by the westerly side of Anderson Street 99.72 feet to the point of beginning.

The above described parcel contains 7,335 square feet and is designated on the Site Plan as "Buyer's Property."

Bayside Beautification Project, LLC herein retains the remaining land and appurtenant rights thereto which it acquired from Harcon Iron & Steel Co. by said deed recorded in the Cumberland County Registry of Deeds in Book 16782, Page 251, which it intends to further develop. Bayside Beautification Project, LLC's intent is that the above-described premises conveyed to AK110 LLC will be developed and used by said AK110 LLC in a manner consistent and compatible with Bayside Beautification Project, LLC's development. Accordingly, the above-described premises are conveyed subject to the following easements, covenants and restrictions, all of which shall be considered covenants running with the land for the benefit of the land retained by Bayside Beautification Project, LLC and binding upon Bayside Beautification Project, LLC and AK110 LLC and their respective heirs, successors and assigns.

Reference is hereby made to the Site Plan which depicts the land which Bayside Beautification Project, LLC acquired from Harcon Iron & Steel Co. ("Development Parcel"). The Site Plan shows portions of the Development Parcel as "Buyer's Property" and Seller's Retained Property". Seller's Retained Property is the Development Parcel, less "Buyer's Property," but including "Proximate Parking Area" and "Outdoor Circulation Easement Area." References to other discreet areas listed herein are as depicted on the Site Plan which is incorporated herein.

The respective rights and obligations of Bayside Beautification Project, LLC and AK110 LLC are further specified in that "Development Agreement" of even or near date herewith, as it may be amended from time to time, provided that nothing in said Development Agreement shall in any way materially change the basic rights and responsibilities set forth in this Deed.

1. Parking. Buyer's Property shall have the non-exclusive right to park up to twenty-four (24) passenger vehicles or light trucks on Seller's Retained Property in locations to be determined from time-to-time by Bayside Beautification Project, LLC. Six (6) of those parking spaces shall be within the Proximate Parking Area. All parking shall be subject to such reasonable rules and regulations as Bayside Beautification Project, LLC shall impose.

When any parking areas are constructed or further improved, AK110 LLC shall pay Bayside Beautification Project, LLC its pro rata portion of Bayside Beautification Project, LLC's Parking Space Development Cost, as defined in the Development Agreement. AK110 LLC shall also be responsible for its pro rata share of on-going maintenance expenses of the parking areas as set forth in the Development Agreement.

Nothing herein or in the Development Agreement shall obligate Bayside Beautification Project, LLC to further develop the Development Parcel or require AK110 LLC to elect to utilize its parking rights. Any permanent reduction in the number of spaces dedicated to AK110 LLC on the Development Parcel shall be reflected in an amendment hereto recorded in said Registry of Deeds.

2. Access. AK110 LLC's primary access to Buyer's Property shall be from its frontage on Anderson Street. AK110 LLC shall also have access to its designated parking spaces through reasonable direct routes laid out from time to time by Bayside Beautification Project, LLC. AK110 LLC's access to exterior loading docks as shown on the Site Plan or otherwise shall be solely at Bayside Beautification Project, LLC's discretion and pursuant to specific written approval of Bayside Beautification Project, LLC, subject to the terms of the Development Agreement and any conditions contained in Bayside Beautification Project, LLC's approval.

AK110 LLC may utilize one of the areas designated on the Site Plan as "possible location of exterior stairs" for purposes of providing pedestrian access to Buyer's Property. All steps, ramps, or other improvements constructed within these areas shall be of good quality and maintained in a safe and clean condition by AK110 LLC for the benefit of Bayside Beautification Project, LLC. If AK110 LLC shall elect to so utilize a designated area, Bayside Beautification Project, LLC shall designate pedestrian access to that area.

3. Circulation Area. AK110 LLC shall have a non-exclusive easement in the "Outdoor Circulation Easement Area" shown on the Site Plan to construct pedestrian walkways and customary landscaping attendant to the pedestrian entrance to Buyer's Property, and installation of customary utilities serving Buyer's Property. All of AK110 LLC's improvements shall be of good quality and maintained in a safe and clean condition by AK 110 LLC for the benefit of Bayside Beautification Project, LLC. Bayside Beautification Project, LLC specifically reserves to itself all rights which do not materially interfere with AK110 LLC's rights hereunder, including the installation of overhead and underground utilities in and through this area, provided Bayside Beautification Project, LLC shall restore the surface of the land to its former condition following the exercise of such reserved rights.

4. Building Restoration and Maintenance. AK110 LLC is hereby conveyed a perpetual, non-exclusive easement for encroachments for customary building structures

which currently extend beyond the boundary lines of Buyer's Property, including minor variations in exterior wall plants, roof overhangs, gutters, window details, entrance details and canopies.

AK110 LLC may install dumpsters or trash collection devices on Seller's Retained Property or Proximate Parking Area as provided in the Development Agreement in locations as may be directed from time to time by Bayside Beautification Project, LLC. The cost of installing the dumpster pad and equipment, and of maintaining same, shall be born solely by the AK110 LLC.

Following six (6) months advance written notice to AK110 LLC by Bayside Beautification Project, LLC, AK110 LLC shall complete certain exterior improvements to Buyer's Property as specified in the Development Agreement. At the request of Bayside Beautification Project, LLC, AK110 LLC shall also join a lot owners association which shall include the other owner(s) of the Development Parcel provided that in so doing, AK110 LLC will not incur obligations or costs beyond those provided in the Development Agreement.

Any notices to be provided hereunder shall be in writing and delivered to the respective addresses as set forth herein, or as otherwise agreed in the Development Agreement. Any disputes arising hereunder or under the Development Agreement shall be submitted to the dispute resolution process set forth in the Development Agreement.

Reference to the above-excepted parcel may be had to a deed from Bayside Beautification Project, LLC to AK110 LLC dated May 10, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17622, Page 135.

PARCEL THREE

A certain parcel of land situated southerly of, but not adjacent to, Cove Street in the City of Portland, County of Cumberland, State of Maine being bounded and described as follows:

Beginning on the easterly sideline of land formerly of the Portland Terminal Company, now or formerly of the State of Maine, reference Book 16707 Page 206 and land now or formerly of Bayside Beautification Project, Inc., reference Book 16782 Page 251 as shown on a plan entitled "Standard Boundary Survey for Tewksbury Industries, Inc. Anderson Street Portland, Maine" dated august 1994 by Anderson-Livingston;

Thence N 7° 31' 00" E along said land of the State of Maine a distance of 115.91 feet;

Thence S 82° 29' 00" E a distance of 102.30 feet to land of said Bayside Beautification Project, Inc.;

Thence S 48° 56' 55" W along said land a distance of 154.59 feet to the point of

beginning, containing, 5,298 square feet, more or less.

This description was prepared without the benefit of a current survey and is based on the above referenced plan.

Also being a portion of the premises conveyed to Sleepy Hollow Development, Inc. by deed of Investment Associates, Inc. dated September 1, 1995 and recorded in the Cumberland County Registry of Deeds in Book 12102, Page 108.

Received
Recorded Register of Deeds
Dec 22, 2006 11:31:35A
Cumberland County
John B OBrien

**QUITCLAIM DEED WITH COVENANT
KNOW ALL MEN BY THESE PRESENTS**

THAT, **CHADBALLS, INC.**, a Maine corporation with a place of business in Freeport, Maine, in consideration of one dollar and other valuable consideration paid, grant to **ANDERSON STREET REALTY, LLC**, a Maine limited liability company, whose mailing address is 299 Forest Avenue, Portland, Maine 04101, with quitclaim covenant the land in the City of Portland, County of Cumberland and State of Maine and more specifically described as:

SEE EXHIBIT A ATTACHED HERETO

Together with all rights of the Grantor, insofar as the Grantor has any rights to convey, to any land between the land described above and of Sleepy Hollow Development, Inc., which land is identified as "SEE NOTE #1" on Plan for Tewksbury Industries, Inc., dated August, 1994 by Anderson-Livingston Engineers, Inc.

Being the same premises conveyed to the Grantor herein by deed from Bayside Beautification Project, LLC dated August 24, 2005 and recorded in the Cumberland County Registry of Deeds in Book 23077, Page 200. Also a second deed being the same premises conveyed to the Grantor herein by Sleepy Hollow Development, Inc. dated August 25, 2005 and recorded in said Registry of Deeds in Book 23077, Page 198.

IN WITNESS WHEREOF, the said William P. Simpson, President of Chadballs, Inc. has hereunto set his hand this 22 day of December, 2006.

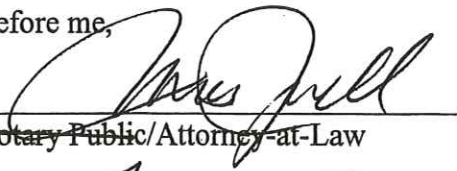
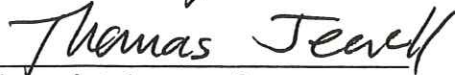
Witness 

CHADBALLS, INC.
BY: 
William P. Simpson
Its: President

STATE OF MAINE
COUNTY OF CUMBERLAND

December 22, 2006

Then personally appeared the above-named William P. Simpson, President of Chadballs, Inc. and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said corporation.

Before me, 
Notary Public/Attorney-at-Law

Typed or printed name of person
taking acknowledgment



380 U.S. Route One
 Falmouth, Maine 04105
 Tel: (207)781-5242
 Fax: (207)781-4245

Date: June 11, 2008
Job No: 07147
Attention: Nick Hodgkins
Re: 122 Anderson Street (VRAP) Portland, Maine

TO: Maine DEP-BRWM
 17 State House Station
 Augusta, ME 04333-0017

LETTER OF TRANSMITTAL

WE ARE SENDING YOU Attached:
 Under separate cover via the following items:

Copies	Date	Description	Action
2	6/11/08	Cover Letter Dated 6/11/08	For your use
2	6/11/08	Certificate of Completion with Attachments – 122 Anderson Street, Portland, Maine	For your use
2	6/11/08	Declaration of Environmental Covenant with Exhibits – Anderson Street Realty, LLC	For your use

IF TRANSMITTALS ARE NOT AS INDICATED, PLEASE NOTIFY US AT ONCE.

REMARKS:

COPIES TO: (1) Doug Cardente
 (1) Sharon Newman (Preti Flaherty)
 (1) File

Signed: 
 Jeffrey T. Read, P.E.

June 11, 2008

VIA FEDERAL EXPRESS

Nick Hodgkins
Maine Department of Environmental Protection
17 State House Station
Augusta, ME

Re: 122 Anderson Street, Portland, ME

Dear Nick:

Per our discussion of May 30, 2008, please find enclosed the following for your review:

1. Certificate of Completion
2. Declaration of Environmental Covenant
3. Stormwater Management Construction Workplan

There is a negative pledge agreement with Maine Bank & Trust Company regarding the property that will have to be subordinated. I am not expecting difficulties in that regard.

Please contact me or Jeff Read (207-781-5242) with any questions you may have.

Very truly yours,



Sharon G. Newman

SGN:nr
Enclosures
cc: Douglas Cardente (w/out encl.)

1349491.1

DECLARATION OF ENVIRONMENTAL COVENANT

This DECLARATION is made as of this ____ day of June 2008, by **ANDERSON STREET REALTY, LLC** a Maine corporation having a place of business at 299 Forest Avenue, Portland, Cumberland County, Maine ("Declarant" or "Anderson Street Realty"), to the Maine Department of Environmental Protection ("DEP") on property located in Portland, Maine, which is more fully described below.

WHEREAS, Declarant is the owner of a certain property approximately 3.0 acres in size located in the City of Portland, Cumberland County, Maine, a legally sufficient description of which property is set forth in **Exhibit A** attached hereto (said property to be referred to as "Protected Parcel");

WHEREAS, the DEP's Bureau of Remediation and Waste Management has issued to Declarant a Voluntary Response Action Program (the "VRAP") Certificate of Completion with regard to the Protected Parcel, which requires that Declarant prepare and record a Declaration of Environmental Covenant consistent with the VRAP Certificate of Completion and the Maine Uniform Environmental Covenants Act ("UECA"), 38 M.R.S.A. § 3001 et seq.;

WHEREAS, the DEP has determined in accordance with 38 M.R.S.A. § 1301 et seq. and the UECA that the environmental covenants in this Declaration are necessary to prevent, among other things, the installation of groundwater extraction wells and certain excavation activities, and to protect the public health and safety, and the environment, which covenants shall run with the land; and

WHEREAS, Declarant intends to create and grant an Environmental Covenant pursuant to the UECA:

NOW, THEREFORE, the Declarant for and in consideration of the facts above recited and the covenants herein contained, and intending to create and be legally bound by a perpetual covenant running with the land, subject to the terms hereof, hereby declares, covenants and agrees as follows:

1. Declaration of Covenant. This instrument is an Environmental Covenant executed pursuant to the UECA.
2. Groundwater. The installation of groundwater extraction wells on the Protected Parcel for use as a drinking water supply is prohibited.
3. Excavation. No excavation at the Protected Parcel below the layer of compacted, crushed concrete, as depicted on **Exhibit A**, is allowed without prior written permission of the DEP, except that Declarant may install a drainage basin and swale for the infiltration of stormwater at the Protected

Parcel, provided that such installation is performed in accordance with the Stormwater Management Construction Plan attached as **Exhibit B**.

4. Agency and Holder. DEP is the environmental agency with enforcement authority pursuant to UECA, and is also the only holder of the Environmental Covenant granted by Declarant in the Declaration.
5. Use Limitations. Unless otherwise authorized in writing by the DEP, the Protected Parcel shall not be used for residential purposes, schools, childcare facilities, or long-term care facilities, even if such uses are allowed under applicable municipal zoning.
6. Annual Report. Until such time as otherwise notified by DEP in writing, Declarant shall submit to the DEP on an annual basis a letter report documenting quarterly inspections of a certain passive recovery trench located at the Protected Parcel, which is depicted on **Exhibit B**, such report to include documentation concerning any necessary boom replacement.
7. Notice to Tenants and Others. The Declarant or future owners of the Protected Parcel shall provide notice of this Environmental Covenant to any tenants or lessees or to any person conducting any activities on the Protected Parcel that could result in disturbance of soil or groundwater, or any activity that would be otherwise prohibited by this Covenant.
8. Perpetuity of Covenant. This Environmental Covenant and each and every covenant herein shall be a covenant running with the land in perpetuity and shall bind the Protected Parcel, all persons having any right, title or interest in and to the Protected Parcel or any portion thereof, and their respective heirs, personal representatives, successors, and assigns, and all those acting by, through or under any of them forever. Any present or future owner of the Protected parcel or any interest therein, by the acceptance of a deed of conveyance of all or any part of the Protected Parcel or any interest therein, whether or not the deed shall so express, shall be deemed to have accepted the Protected Parcel subject to the restrictions contained herein and shall be deemed bound by, obligated to comply with, and otherwise subject to the restrictions herein and this Covenant.
9. Representation of Ownership and Encumbrances. By its execution hereof, Declarant warrants that it is the sole owner of the Protected Parcel, and that there are no mortgages, easements, or other encumbrances on the Protected Parcel that would materially adversely affect the effectiveness or enforceability of this Environmental Covenant.

10. Access. The Declarant, its successors and assigns, and all future owners and land users shall provide, without cost, access to the Protected Parcel to the DEP, including its authorized employees, agents, representatives, and independent contractors, upon presentation of credentials, for purposes of monitoring and enforcing this Declaration.
11. Notice of Noncompliance. The Declarant and all future landowners shall provide written notice to the DEP within ten working days of discovery of any noncompliance with the terms of this Environmental Covenant.
12. Enforcement. This Environmental Covenant shall be enforceable as authorized by the UECA. Any forbearance as to the enforcement of any of the terms hereof shall not be deemed a waiver of the right to seek and obtain enforcement at any time thereafter as to the same violation or as to any other violations.
13. Amendment or Termination by Consent. The terms and conditions herein may not be terminated, altered or modified except by a written instrument duly executed by the Declarant, the current owner of the Protected Parcel at the time of the amendment or termination, and DEP, or its successor in legal function, in writing, which instrument is duly recorded in the Cumberland County Registry of Deeds.
14. Notice Pursuant to Covenant. Any notice or other communication required pursuant to this Environmental Covenant shall be in writing and shall be sent by certified mail, return receipt requested and shall be sent to the following addresses, or such other addresses as the Declarant and the DEP may designate from time to time in a written notice to other entities: (a) if to Anderson Street Realty, 299 Forest Avenue, Portland, Maine 04101, to the attention of Douglas T. Cardente; if to DEP, 17 State House Station, Augusta, Maine 04333-0017, to the attention of Director, Bureau of Remediation & Waste Management (or successor in function).
15. Recording. Declarant shall cause this Declaration to be duly recorded in the Cumberland County Registry of Deeds within ten (10) days of the execution of this Declaration by the last signatory, and shall, within thirty (30) days of the recording of the Declaration, notify the DEP of the book and page at which it is recorded, and submit to DEP a copy of the signed Declaration date-stamped by the Registrar.
16. Administrative Record. The administrative record relating to the Protected Parcel is located at the main office of DEP, whose mailing address is 17 State House Station, Augusta, ME 04333-0017, with a street address of The Ray Building, 28 Tyson Drive, Augusta, Maine.

17. Governing Law. This Environmental Covenant shall be governed and interpreted in accordance with the laws of the State of Maine.
18. Liberal Construction. It is intended that this Environmental Covenant be construed liberally to protect the health and welfare of the public and the quality of the environment from the risk of adverse effects of exposure to hazardous substances.
19. Invalidity. If any part of this Environmental Covenant shall be decreed to be invalid by any court of competent jurisdiction, all of the Other provisions hereof shall not be affected thereby and shall remain in full force and effect.

[Signature Pages Follow]

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be signed and sealed in its corporate name by its duly authorized officer as of the day and year first above written.

Witness

ANDERSON STREET REALTY, LLC

By: _____
Name: Douglas T. Cardente
Title: Manager

STATE OF MAINE
CUMBERLAND, CC.

June ____, 2008

Personally appeared the above-named, _____, in his aforesaid capacity and acknowledged the foregoing instrument to be his free act and deed and in his capacity and the free act and deed of Anderson Street Realty, LLC.

Before me,

Notary Public/Attorney at Law

Printed Name

ACKNOWLEDGED AND AGREED TO:

MAINE DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: _____
Name: _____
Title: _____

STATE OF MAINE
KENNEBEC, SS.

June ____, 2008

The above-named, _____, personally appeared before me this ____ day of November, 2007 and made oath that the foregoing is true and correct and based on his/her personal knowledge.

Before me,

Notary Public/Attorney at Law

Printed Name

EXHIBIT APARCEL ONE

A certain lot or parcel of land, together with any buildings or improvements thereon, located in Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the westerly side line of Anderson Street in said Portland where a prolongation southeasterly of a line nine (9) feet northeasterly from and running parallel with the center line of a certain railroad track known as Track No. 33, formerly owned by Casco Company, would intersect said westerly side line of said Anderson Street; thence, from said point northerly by the westerly side line of said Anderson Street two hundred forty-eight and thirteen-hundredths (248.13) feet to a point where a straight line at right angles to said center line of said railroad Track No. 33 and one hundred sixty-seven feet (167) feet long would intersect said westerly side line of Anderson Street; thence, northwesterly on a line parallel with and one hundred sixty-seven (167) feet northeasterly from said center line of said railroad Track No. 33, five hundred thirty-seven and twenty-five hundredths (537.25) feet to a point; thence, southwesterly with an included angle of ninety (90) degrees, one hundred fifty-eight (158) feet to a point nine (9) feet northeasterly from the center line of said railroad Track No. 33; thence, southeasterly on a line parallel with and nine (9) feet northeasterly from said center line of said railroad Track No. 33, seven hundred twenty-eight and fifty-seven hundredths (728.57) feet to the point of beginning on the westerly side of said Anderson Street; containing one hundred thousand (100,000) square feet, more or less.

EXCEPTING a small triangular parcel of land in the northwesterly corner of the premises conveyed to Frank B. Gordon by Casco Company in the first paragraph of deed dated March 27, 1940, and recorded in the Cumberland County Registry of Deeds in Book 1601, Page 237, the premises hereby excepted being so much of said premises conveyed to Frank B. Gordon, as aforesaid, as extends northwesterly of the southeasterly line of land conveyed by Industries, Inc., to Portland Terminal Company by deed dated December 4, 1945, and recorded in said Registry of Deeds in Book 1802, Page 432. Reference is made to the deed from Frank B. Gordon to Industries, Inc., dated December 4, 1945, and recorded in said Registry of Deeds in Book 1794, Page 455.

SUBJECT to rights granted to Industries, Inc., its successors and assigns, to construct and maintain an additional spur railroad track across the northwesterly corner of said land of Frank B. Gordon, northwesterly of railroad Track No. 33 as relocated.

PARCEL TWO

A certain lot or parcel of land, situated in said City of Portland, County of Cumberland and State of Maine, bounded and described as follows: Beginning at a point on the westerly

side line of Anderson Street where a prolongation southeasterly of a line nine (9) feet northeasterly from and running parallel with center line of a railroad track known as Track No. 33 would intersect said side of Anderson Street, said point of beginning being the southerly corner of land conveyed by Casco Company to Frank B. Gordon by deed dated March 27, 1940, and recorded in the Cumberland County Registry of Deeds, Book 1601, Page 237; thence, southerly by said westerly side of Anderson Street thirty-two and twenty-six hundredths (32.26) feet; thence, northwesterly with an included angle of $39^{\circ} 34''$ degrees, a distance of seven hundred, twenty-five (725) feet, more or less, to the easterly line of land conveyed by Industries, Inc. to Portland Terminal Company by deed dated December 4, 1945, and recorded in the Cumberland County Registry of Deeds in Book 1802, Page 432; thence, northerly by said land of Portland Terminal Company to the southwesterly line of land conveyed by Casco Company to Frank B. Gordon, as hereinbefore stated; thence, southeasterly by said Gordon land about seven hundred and ten (710) feet to said Anderson Street at the point of beginning.

Together with and including herein the railroad side track located on said lot.

EXCEPTING AND RESERVING, however, the right to locate a spur railroad track across the northwesterly corner of the lot herein conveyed, northwesterly of side track No. 33 as relocated.

Also a certain lot or parcel of land situated in said Portland, bounded and described as follows:

Beginning on said westerly side of Anderson Street at the northeasterly corner of said land conveyed by Casco Company to Frank B. Gordon, as aforesaid; thence, northerly by Anderson Street thirteen and twenty-two hundredths (13.22) feet; thence, northwesterly with an included angle of $39^{\circ} 34''$ degrees, five hundred thirty (530) feet, more or less, to a point in line with the northwesterly line of the land conveyed by Casco Company to said Gordon, as aforesaid, thence, southwesterly to the most northerly corner of said Gordon land; thence, southeasterly by said Gordon land five hundred thirty-seven and twenty-five hundredths (537.25) feet to said Anderson Street to the point of beginning.

Together with and also conveying the right to maintain said Track No. 33 across a portion of the remaining land of Industries, Inc. situated northwesterly of said Frank B. Gordon's land and connecting with the line of the Portland Terminal Company, to the extent now in force and applicable.

ALSO CONVEYING the right to construct, maintain and operate an additional side track from land of the Portland Terminal Company to land of said Frank B. Gordon across the remaining land of Industries, Inc. situated northwesterly of land of Frank B. Gordon, to the extent now in force and applicable.

Also conveying a right to maintain a gasoline tank near the northeasterly line of the premises conveyed in the second parcel hereinbefore described, to the extent now in force and applicable.

Parcels One and Two described above are conveyed SUBJECT to the following:

1. Rights and easements granted to Central Maine Power Company and New England Telephone and Telegraph Company from Harcon Iron & Steel Co. by deed dated June 2, 1977, and recorded in said Registry of Deeds in Book 4079, Page 47.
2. Installation of groundwater extraction wells and excavation of soils greater than one (1) foot below the surface is prohibited except with the consent of the State of Maine Department of Environmental Protection or any successor agency. Nothing herein shall obligate the Grantee herein, or its successors and assigns to obtain the consent of any party other than the Maine Department of Environmental Protection or its successor agency, including without limitation the Grantor herein or its successors or assigns, in order to undertake any of the activities specified in this paragraph.

This conveyance is made together with all of Grantor's right, title and interest in any appurtenant rights which may continue to benefit the above-described premises.

Reference may be had to a deed from Harcon Iron & Steel Co., dated August 27, 2001, and recorded in the Cumberland County Registry of Deeds in Book 16782, Page 251.

This conveyance is also made subject to the following:

1. Rights granted to AK110 LLC by Bayside Beautification Project LLC as set forth in a deed dated May 10, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17622, Page 135, including but not limited to rights for parking, access, rights in an "outdoor circulation easement area", installation of utilities, encroachments and location of a dumpster.
2. Matters shown on the Site Plan and provisions of a Development Agreement, both as referred to in the deed from Bayside Beautification Project LLC to AK110 LLC as set forth in said deed in Book 17622, Page 135.

EXCEPTING from the above-described premises a certain lot or parcel of land together with all buildings and improvements thereon, located on the westerly side of Anderson Street in Portland, County of Cumberland and State of Maine, and being the existing "Warehouse" building at 110 Anderson Street, together with all land between it and the westerly side of Anderson Street, and all other land within 0.5 feet of the face of said

Warehouse walls, all as depicted on that plan entitled "Site Plan made for Bayside Beautification Project, LLC by Titcomb Associates dated April 8, 2002," ("Site Plan") to be recorded in the Cumberland County Registry of Deeds. The real estate herein conveyed being more particularly bounded and described as follows:

Beginning at an iron pin on the westerly side of Anderson Street located 87.37 feet northerly from the most southerly corner of the land described in the deed to Bayside Beautification Project, LLC from Harcon Iron & Steel Co. dated August 27, 2001 and recorded in said Registry of Deeds in Book 16782, Page 251; thence S 48° 54' 37" W 36.73 feet to a point; thence N 40° 56' 44" W 99.35 feet to a point; thence N 49° 18' 46" E 37.66 feet to a point; thence N 86° 41' 29" E 5.27 feet to a point; thence N 03° 18' 31" W 20.60 feet to a point; thence N 86° 41' 29" E 57.67 feet to an iron pin on the westerly side of Anderson Street; thence southerly by the westerly side of Anderson Street 99.72 feet to the point of beginning.

The above-described parcel contains 7,335 square feet and is designated on the Site Plan as "Buyer's Property."

Bayside Beautification Project, LLC herein retains the remaining land and appurtenant rights thereto which it acquired from Harcon Iron & Steel Co. by said deed recorded in the Cumberland County Registry of Deeds in Book 16782, Page 251, which it intends to further develop. Bayside Beautification Project, LLC's intent is that the above-described premises conveyed to AK110 LLC will be developed and used by said AK110 LLC in a manner consistent and compatible with Bayside Beautification Project, LLC's development. Accordingly, the above-described premises are conveyed subject to the following easements, covenants and restrictions, all of which shall be considered covenants running with the land for the benefit of the land retained by Bayside Beautification Project, LLC and binding upon Bayside Beautification Project, LLC and AK110 LLC, and their respective heirs, successors and assigns.

Reference is hereby made to the Site Plan which depicts the land which Bayside Beautification Project, LLC acquired from Harcon Iron & Steel Co. ("Development Parcel"). The Site Plan shows portions of the Development Parcel as "Buyer's Property" and "Seller's Retained Property." Seller's Retained Property is the Development Parcel, less "Buyer's Property," but including "Proximate Parking Area" and "Outdoor Circulation Easement Area." References to other discreet areas listed herein are as depicted on the Site Plan which is incorporated herein.

The respective rights and obligations of Bayside Beautification Project, LLC and AK110 LLC are further specified in that "Development Agreement" of even or near date herewith, as it may be amended from time to time, provided that nothing in said Development Agreement shall in any way materially change the basic rights and responsibilities set forth in this Deed.

1. Parking. Buyer's Property shall have the non-exclusive right to park up to twenty-four (24) passenger vehicles or light trucks on Seller's Retained Property in locations to be determined from time-to-time by Bayside Beautification Project, LLC. Six (6) of those parking spaces shall be within the Proximate Parking Area. All parking shall be subject to such reasonable rules and regulations as Bayside Beautification Project, LLC shall impose.

When any parking areas are constructed or further improved, AK110 LLC shall pay Bayside Beautification Project, LLC its pro rata portion of Bayside Beautification Project, LLC's Parking Space Development Cost, as defined in the Development Agreement. AK110 LLC shall also be responsible for its pro rata share of on-going maintenance expenses of the parking areas as set forth in the Development Agreement.

Nothing herein or in the Development Agreement shall obligate Bayside Beautification Project, LLC to further develop the Development Parcel or require AK110 LLC to elect to utilize its parking rights. Any permanent reduction in the number of spaces dedicated to AK110 LLC on the Development Parcel shall be reflected in an amendment hereto recorded in said Registry of Deeds.

2. Access. AK110 LLC's primary access to Buyer's Property shall be from its frontage on Anderson Street. AK110 LLC shall also have access to its designated parking spaces through reasonably direct routes laid out from time to time by Bayside Beautification Project, LLC. AK110 LLC's access to exterior loading docks as shown on the Site Plan or otherwise shall be solely at Bayside Beautification Project, LLC's discretion and pursuant to specific written approval of Bayside Beautification Project, LLC, subject to the terms of the Development Agreement and any conditions contained in Bayside Beautification Project, LLC's approval.

AK110 LLC may utilize one of the areas designated on the Site Plan as "possible location of exterior stairs" for purposes of providing pedestrian access to Buyer's Property. All steps, ramps or other improvements constructed within these areas shall be of good quality and maintained in a safe and clean condition by AK110 LLC for the benefit of Bayside Beautification Project, LLC. If AK110 LLC shall elect to so utilize a designated area, Bayside Beautification Project, LLC shall designate pedestrian access to that area.

3. Circulation Area. AK110 LLC shall have a non-exclusive easement in the

"Outdoor Circulation Easement Area" shown on the Site Plan to construct pedestrian walkways and customary landscaping attendant to the pedestrian entrance to Buyer's Property, and installation of customary utilities serving Buyer's Property. All of AK110 LLC's improvements shall be of good quality and maintained in a safe and clean condition by AK110 LLC for the benefit of Bayside Beautification Project, LLC. Bayside Beautification Project, LLC specifically reserves to itself all rights which do not materially interfere with AK110 LLC's rights hereunder, including the installation of overhead and

underground utilities in and through this area, provided Bayside Beautification Project, LLC shall restore the surface of the land to its former condition following the exercise of such reserved rights.

4. Building Restoration and Maintenance. AK110 LLC is hereby conveyed a perpetual, non-exclusive easement for encroachments for customary building structures which currently extend beyond the boundary lines of Buyer's Property, including minor variations in exterior wall planes, roof overhangs, gutters, window details, entrance details and canopies.

AK110 LLC may install dumpsters or trash collection devices on Seller's Retained Property or Proximate Parking Area as provided in the Development Agreement in locations as may be directed from time to time by Bayside Beautification Project, LLC. The cost of installing the dumpster pad and equipment, and of maintaining same, shall be born solely by the AK110 LLC.

Following six (6) months advance written notice to AK110 LLC by Bayside Beautification Project, LLC, AK110 LLC shall complete certain exterior improvements to Buyer's Property as specified in the Development Agreement. At the request of Bayside Beautification Project, LLC, AK110 LLC shall also join a lot owners association which shall include the other owner(s) of the Development Parcel provided that in so doing, AK110 LLC will not incur obligations or costs beyond those provided in the Development Agreement.

Any notices to be provided hereunder shall be in writing and delivered to the respective addresses as set forth herein, or as otherwise agreed in the Development Agreement. Any disputes arising hereunder or under the Development Agreement shall be submitted to the dispute resolution process set forth in the Development Agreement.

Reference to the above-excepted parcel may be had to a deed from Bayside Beautification Project, LLC to AK110 LLC dated May 10, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17622, Page 135.

Exhibit B

Stormwater Management Construction Plan
122 Anderson Street
June 10, 2008

The property at 122 Anderson Street in Portland, Maine (the property) was recently capped in association with a Voluntary Response Action Plan submitted by Anderson Street Realty LLC (the Owner) to the Maine Department of Environmental Protection Voluntary Response Action Program. This Stormwater Management Construction Plan described potential additional work at the property that may be conducted in the future as needed to improve management of stormwater runoff at the property.

Work associated with potential stormwater management improvements for the property is outlined on attached Site Plan C1.1. This potential work includes construction of a new stormwater collection swale and infiltration basin at the north end of the property and minor revisions to surface grade of the crushed concrete cap material. The cap surfaced would be graded to drain to the proposed stormwater management devices at the northern and eastern portions of the site.

At the present time, the Owner has not determined whether the spoils from the proposed excavation will be utilized on site or removed from the property and disposed of at an appropriate facility equipped to handle contaminated soils. In the event excavation spoils are utilized on the property, work will be conducted as follows:

1. Review the contractor's written site-specific health and safety plan. The plan will be prepared by a qualified environmental professional and address potential risks to human health and safety. A copy of the plan will be provided to the DEP.
2. Prepare the site for construction, including installation of erosion control and removal of any unnecessary stored materials or equipment.
3. Remove the existing cap material and stockpile on the mixed pavement surface at the southern end of the property. The contractor will remove as much of the cap as site constraints allow, from the north end of the property to the paved surface and the cap material stockpile at the south end. Work will progress from the northern end of the site to the south, and care will be taken to minimize disturbance of the underlying soils. Any subsurface soils disturbed during excavation activities will be evaluated and managed in accordance with applicable rules and regulations under the guidance of an environmental professional (i.e., Maine Licensed Professional Engineer or Certified Geologist)
4. Excavate the collection swale and infiltration basin. Excavation spoils will be distributed over the balance of the project site between the infiltration basin and cap material stockpile. The surface will be graded and compacted to provide a smooth, level surface prior to reinstallation of the crushed concrete cap.

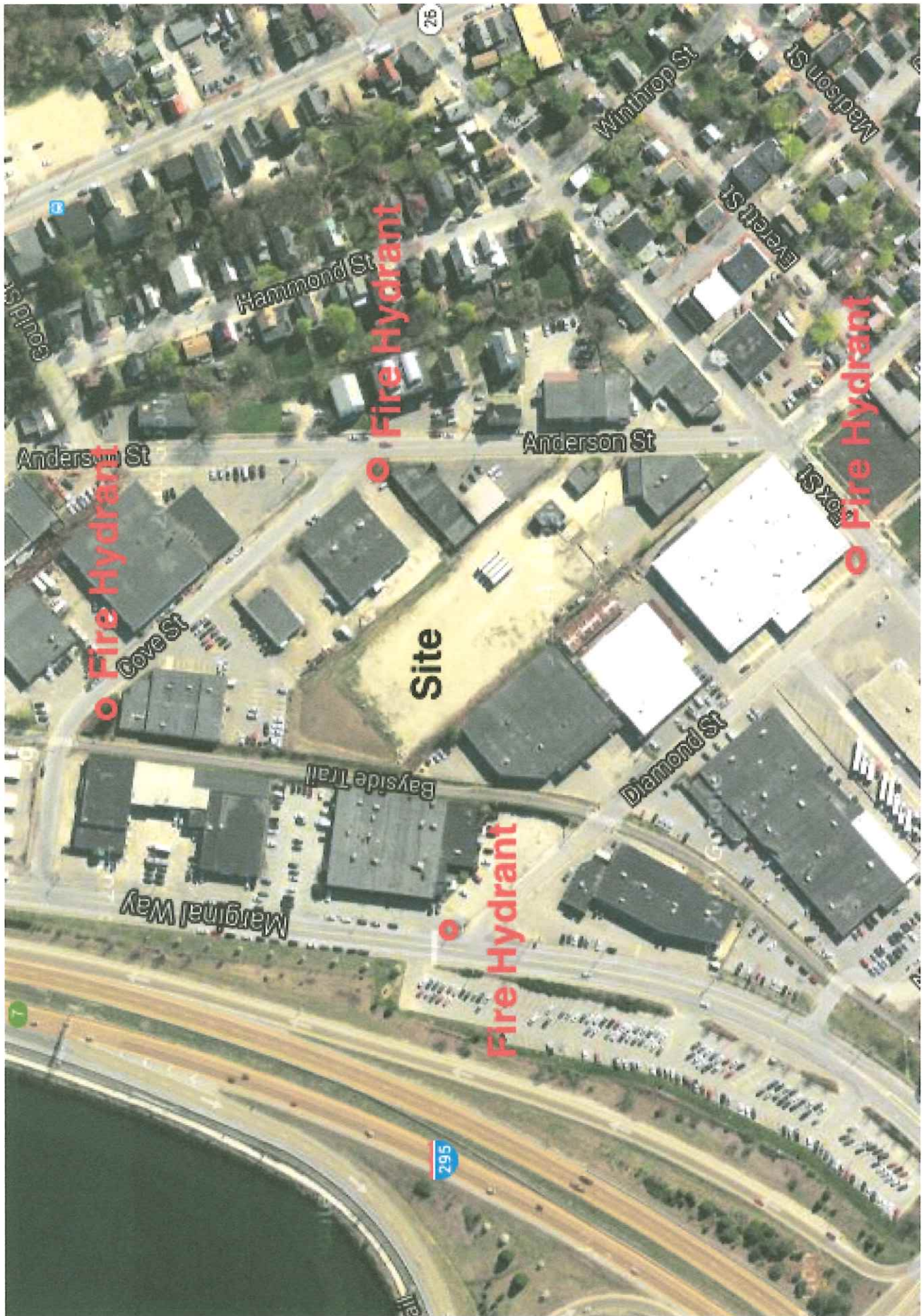
5. Re-install the cap material to the lines and grades outlined on the attached Site Plan.
6. Complete construction of the collection swale and infiltration basin, including installation of liner material, loam and seed. In areas scheduled for loam and seed beyond the limits of the liner material, a non-woven geotextile will be installed at the loam/subgrade interface as a marker layer. Install landscape plantings along the northern property line, as required by the City of Portland.

In the event excavation spoils are removed from the property for disposal at an approved treatment facility, work will be conducted as follows:

1. Review the contractor's written site-specific health and safety plan. The plan will be prepared by a qualified environmental professional and address potential risks to human health and safety. A copy of the plan will be provided to the DEP.
2. Prepare the site for construction, including installation of erosion control and removal of any unnecessary stored materials or equipment.
3. Remove existing cap material in the vicinity of the proposed collection swale and infiltration basin to the limits outlined on the attached site plan only. Excess cap material will remain on site and be used to adjust surface grades at the completion of construction.
4. Excavate the collection swale and infiltration basin. Excavation spoils will be evaluated and disposed of in accordance with applicable rules and regulations under the guidance of an environmental professional (i.e., Maine Licensed Professional Engineer or Certified Geologist). Disposal will occur at an approved off-site facility.
5. Complete construction of the collection swale and infiltration basin, including installation of liner material, loam and seed. In areas scheduled for loam and seed beyond the limits of the liner material, a non-woven geotextile will be installed at the loam/subgrade interface as a marker layer. Install landscape plantings along the northern property line, as required by the City of Portland.
6. Use stockpiled cap materials to establish positive drainage to the new collection swale and infiltration basin. Lines and grades should closely correspond to those outlined on the attached site plan.

Project & Description of Use

The proposed change of use would be from not being currently established to intermodal transportation. The operators of the Nova Star would like to use the property to execute their cargo operation. Specifically, cargo and freight would arrive at the property waiting to be loaded onto the Nova Star. In addition, cargo from the Nova Star would be brought to the property awaiting further transportation. The daily number of tractor trailers and other transportation vehicles entering and leaving the site is anticipated to be less than 30 per day. One of the attractive aspects of the site, is that it is open and can handle various types and amounts of cargo/ freight. The property already has perimeter security fencing and lighting. No additional improvements will be needed for this use.



City of Portland
Development Review Application
Planning Division Transmittal Form

Application Number: 2014-112 **Application Date:** 06/23/2014
CBL: 010 H005001 **Application Type:** Level II Site Plan
Applicant: ANDERSON STREET REALTY LLC /Douglas Cardente
Project Name: Intermodal Transportation
Address: 122 ANDERSON ST
Project Description: Change of use to intermodal transportation
Zoning: ILB

Other Required Reviews:		
<input type="checkbox"/> Traffic Movement	<input type="checkbox"/> 14-403 Streets	<input type="checkbox"/> Housing Replacement
<input type="checkbox"/> Storm Water	# Units _____	<input type="checkbox"/> Historic Preservation
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Other:
# Lots _____	<input type="checkbox"/> Shoreland	
<input type="checkbox"/> Site Location	<input type="checkbox"/> Design Review	
# Unit _____		

Distribution List:

Planner	Jean Fraser	Parking	John Peverada
Zoning	Marge Schmuckal	Design Review	Alex Jaegerman
Traffic Engineer	Tom Errico	Corporation Counsel	Nennifer Thompson
Civil Engineer	David Sensus	Sanitary Sewer	John Emerson
Fire Department	Chris Pirone	Inspections	Tammy Munson
City Arborist	Jeff Tarling	Historic Preservation	Deb Andrews
Engineering	David Margolis-Pineo	DRC Coordinator	Phil DiPierro
		Outside Agency	

Comments needed by 7/7/2014

Jean Fraser - Re: Update regarding the site plan review of 122 Anderson Street Intermodal Trans facility

From: Jean Fraser
To: Fraser, Jean
Date: 7/25/2014 12:38 PM
Subject: Re: Update regarding the site plan review of 122 Anderson Street Intermodal Trans facility
CC: Barhydt, Barbara; Donaldson, Helen

BC all neighbors
who had contacted me
(Nell has contact list)

Hello

I am writing to update on the timetable for this review.

We intend to issue a letter of approval with conditions next week, and are awaiting the detailed traffic comments in order to finalize the conditions.

I am out of the office until Wednesday, July 30th - so if you have any questions before I return please contact Nell Donaldson (874 8723) or Barbara Barhydt (874 8699)- both are cc'd on this e-mail.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Jean Fraser - Mtg with EBNO re 122 Anderson Street- issues for the review

From: Jean Fraser
To: Errico, Thomas; Hyman, Bruce
Date: 7/22/2014 11:17 AM
Subject: Mtg with EBNO re 122 Anderson Street- issues for the review
CC: Barhydt, Barbara; Jaegerman, Alex

Tom and Bruce

The East Bayside Neighborhood Association requested a meeting with staff and this was held yesterday with Jeff Levine, Alex, Barbara, myself and 4 reps of the EBNO. The meeting was recorded by one of the EBNO reps. The EBNO did not indicate in advance the issues they wanted to discuss. Since the conversation did cover a number of traffic and pedestrian safety issues, I wanted to bring these to your attention so to ensure that the review addresses these concerns. (the meeting did cover some other issues re vision for the area and process/timetable for the site plan review)

Below I have summarized the key points (both re policy and detail) but the main concern was that: ***** the pedestrian improvements at the Anderson/Fox intersection appear to be repeatedly delayed (despite the availability of funding) and the EBNO consider that if increased truck traffic is being introduced at that intersection such improvements, at least in part, should be carried out first. ***** They listed a number of reasons, including evening use and activity in the vicinity of the community hall (and the fact most people walk to that facility), the confused layout of the intersection and danger for people crossing it even now, and the need for a crosswalk to the bus stop which is used by many children.

As part of this issue they asked whether we had assessed the impact of (say) 30 trucks (since this appears to be max based on the ferry's capacity)- on this intersection and particularly on peds; they suggested there needs to be control of the trucks in some way (human presence?)

The EBNO reps suggested an access from the rear of the site direct to Cove would be better, in order to avoid impacts on that intersection. They don't think there is any problem with trucks crossing Bayside Trail.

At Dev Rev tomorrow we need to consider these issues and clarify how to address them within the review of this project. Note that at the meeting a number of potential conditions of approval were suggested/discussed and these are listed below.

The summary below covers the key points of discussion, most of which have been raised and discussed (by staff) already because they are based on Greg Tansley's 7.11.2014 e-mail to us which I circulated previously:

Policy Level:

- How is this integrated with City's Anderson/Fox improvement project;
- Vision for area based on 2010 AIP Study and recommendations and EBNO pursuing
- Change in nature of the area- mixed arts/industrial/food/drink
- Cultural norm is for people to be in/play in street (different from other parts of Portland)
- Accept that streets need to serve industry, but if intensity of truck traffic increasing, requires ped safety

improvements first

- The highest intensity for this "intermodal" use is at the time of year when most people are out and about in the area/on streets and sidewalks

Detail level:

- Conflicts relating to the brew tastings that are 1-2 per week and usually on Sat; the Muslim Comm Hall has evening events;
- Children play at rear of Comm Center on regular basis
- Concern trucks have difficulty entering/exiting and create congestion
- Would trucks cause backs ups since street already heavily trafficked
- Truck route goes by bus stop used by 60 children
- Noise from reefers- also noise from trucks along the street
- Redfern's project will add traffic and peds
- Concern re dust

Possible conditions suggested/discussed (no commitment made by staff to any of these, but staff indicated we would consider them and discuss with other reviewers)

- Require painted crosswalks at minimum- safety issue
- Limit on number of trucks using site
- Limit on number of trucks leaving at one time
- Enforcement/monitoring truck speeds and impacts
- Limit use to one year
- What if the proposal is allowed and future modifications are needed to address problems?
- Limits on times when trucks can access the site (so no trucks in middle of night)
- What if truck misses the ferry and stays overnight?

Thanks
Jean

Mon July 21.

w/ Jeff, Alex Barbara
Sean

Michele + 4
EBNO

Michele - clar proposals

Sean - summary

Jeff - ind site; permitted

Michele - diversity of peds.

- ATA 2010 study

placemaking

identified

ESD - Unw/neighborhood

Jeff - re report - buying

how to crew -

Alex confirmed alot of participation

when looking at zoning, protect

small bus + constrain retail

1L zone maintained (not new direction)

EBNO - writing Adolf back to review

? direction?

Nuts + bolts -

(based on 7/11 comments from

Greg Tansley

4:30 fastags/ muslim Comm having

1-2 wks.

def Sats

event too.

disc. TE reviewing Gregs concern re radius

Jeff - trucks may need to slow down

Fox/Anderson - ped safety.

Children routinely playing at
the comm. center at rear.

they
recorded
Cindy

Capped MOEP
dust -
confirm Doug's
comments re
using retain
limited re potential
uses.

"model"

Anderson/Fox

mixed
arts/ind. } vision
of
NO.

60-70% ppl attending @ mm. center
walk to it - various homes
children and families
already heavily trafficked
trucks causing backups, esp. ^{of} slow.

traffic route goes by a bus-stop.
8am - 3am

TE *
60 children
no ped safety
yet in place
there
needs to be
done

Redfern's project (54 units) would add ↑
That area drinks/coffee

Reefers - trucks - are loud as enter/leave

↑
cov w/
gas/sewer/lb.

Bunker
Tandem.
* Peak to
Flow Pub +
Comm. Center.

Discussion route

Concern that Ard/Fox has a lot of
peds + confusion & this a worse location
for trucks than crossing trail

50 Core to MB Mesh.

different access to site beyond
residents → Love (will be)
can ask them to consider
appears easier/wider

does
Cardente
own.
Alex doesn't
think so.

Integration "imp. project" with this
Alex suggested still serves industry

Alex - balancing act - use of

- Clar. how ref to PB during review - only applicant after letter issues - appeal 30 days
- Answers to Greg Tansley not necessarily direct resp but Tom + staff address

- Conditions

? one release ? limit to 1 year ?

BB - monitoring + a need for mods / mods req'd.

[Core st entrance makes so much sense]
(others discussed

trucks leaving at once

- max trucks.

- sound.)

Michele: Conds to limit compact

limit of 30 - how does that tie in ped safety etc. - we not just on what's needed

human presence to control trucks

East Bayside culturally different

children in street

* Poss cond

Min need crosswalks painted if

the bay project goes forward

enforcement re speeds Fox/Anderson
constr. concern safety/

AS
com. good
suggestion

Jean Fraser - 7.21.14 Submission re truck route: 122 Anderson Street

From: Jean Fraser
To: Fraser, Jean
Date: 7/22/2014 10:13 AM
Subject: 7.21.14 Submission re truck route: 122 Anderson Street
Attachments: Applicant info re truck routing rec'd 7.21.14 - 122 Anderson St.pdf

Hello

Further to my e-mail of 7.18.2014, I now attach an additional submission that was sent to address the question of why the truck route was chosen. I am not expecting any additional information from the applicant.

This, and the submissions received and circulated at the end of last week, are currently under review and I will send an update at the end of this week concerning the overall site plan review of this proposal.

As with the earlier submissions, you are welcome to send comments; it would be helpful if any comments could be sent to me this week.

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Jean Fraser - 122 Anderson Street Proposal - Summary Questions/Comments

From: Greg Tansley <gtansley13@gmail.com>
To: Jean Fraser <jf@portlandmaine.gov>
Date: 7/11/2014 7:30 AM
Subject: 122 Anderson Street Proposal - Summary Questions/Comments

Good Morning Jean,

This will likely be my last e-mail due to a busy schedule today so I will try to summarize past e-mails and add a few additional questions I thought about last night and this morning after walking by the site again.

First, let me say my intent has not, and is not, to review the City of Portland Code. I will trust in City Staff to review Performance Standards and review criteria established therein. With that said, I have the following technical and planning related questions, which can also translate into comments, I suppose:

1. Has truck turning radii (primarily exiting) regarding existing and proposed (byway) conditions been looked at, and will trucks cross the centerline of Anderson Street when exiting the site? Given the angle of egress, does this comply with City Standards?
2. Has the general egress/ingress from Anderson Street to the site been analyzed, especially related to grade (very steep) and the metal scale that exists in the driveway? According to one of my neighbors, this was a significant enough problem with Oakhurst as to have the owner stop that use. Has anything changed that would make the City and applicant feel this will not again be a problem?
3. Has an analysis been done by a PTOE of the Vehicular/Bicycle/Pedestrian Traffic Impacts on the intersection of Anderson and Fox?
4. Has an analysis been done by a PTOE of the Vehicular/Bicycle/Pedestrian Traffic Impacts on the intersection of Fox and Franklin (assuming this is the truck route)?
5. Has a Truck Route been identified and how will enforcement of said truck route be conducted?
6. How will truck arrival and departure occur (e.g., arrive throughout the day, all leave at once at night?)
7. Fox Street between Anderson Street and Franklin Street is arguably in terrible shape. What will additional heavy truck traffic due to its condition? Is it in the City's CIP for reconstruction? If so, if approved, should the applicant contribute to its cost? If not, should the applicant itself repair Fox Street or is it simply in such disrepair as to question the validity of the project in the first place?
8. Has noise been examined, including idling, reefers, revving, and motion, especially related to time of day noise restrictions and the need to accelerate to get up the driveway from Anderson Street?
9. As a property owner I received a card about this application. How has the rental community been engaged? Are both Bunker and Tandem Coffee aware of the proposal and have they provided comments or questions?

10. Has Redfern been engaged, especially related to their proposed residential and ground floor commercial project at 3G's? Many are excited about this redevelopment proposal which would take a run-down corner lot and transform it into a neighborhood with market-rate apartments and possibly a restaurant on the street-level. I can't imagine this proposal would make that project any more viable, and in fact, may have the opposite effect.

11. How does this proposal relate to the Comprehensive Plan?

12. How does this proposal relate to the East Bayside Vision?

13. How does this proposal relate to the Fox/Anderson Intersection Reconstruction Project? Have Bruce Hyman and Mike Bobinsky weighed in on the proposal?

14. How does this proposal relate to the Anderson Street Byway Project (traffic calming, pedestrian and bicycle enhancements, street amenities)? Have Bruce Hyman and Mike Bobinsky weighed in on the proposal?

15. What is the process and timing for Staff's consideration of this application? May I please be notified of Staff's decision related to this application.

16. If the application is approved, and the success of Nova Ferry isn't realized, what has the City considered as far as conditions of approval that would not allow a full scale "intermodal transportation facility" from taking over the space that could have truck traffic continuous throughout the day/night?

Thank-you for your consideration of my comments and questions, and I hope to hear back from you at your earliest convenience.

Respectfully,

Greg Tansley

145 Anderson St. #3

Portland, ME 04101

Jean Fraser - Re: Cardente Truck Staging Area Proposal

From: Greg Tansley <gtansley13@gmail.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 7/10/2014 11:24 AM
Subject: Re: Cardente Truck Staging Area Proposal
CC: Bruce Hyman <bhyman@portlandmaine.gov>

Thanks Jean,

A few quick comments/questions, since I am bogged down in my own work-world right now.

Did you confirm Mike Bobinski is in the loop? Also I would caution not to listen to everything the neighborhood association says, they do not speak for all of us. Our Condo Association has expressed significant concern to me and one other owner about the truck traffic in the context of bicycle/pedestrian improvements, traffic calming, and the byway project.

Has a truck Route been identified? Has the intersection of Franklin Street and Fox Street been analyzed? One thing, as you know, with a high rental resident/immigrant population I can guarantee many do not know anything about this. I would love to see the analysis first-hand, as well as Tom Errico's recommendation in the context of bicycle/pedestrian users, as well as any written comments Bruce has provided. I cc'ed him on this e-mail so he is also in the loop. I strikes me by holding two public meetings on all the good things to come to the neighborhood with Bruce and Mike, and then no public meeting on this is troubling, even if it does qualify as a "administrative review".

One other thing I question is how this fits in with the City's vision of Bayside/East Bayside. When I researched it before buying my condominium I don't recall seeing intermodal truck staging facilities as desirable for the area, nor additional heavy truck traffic in a burgeoning arts/residential district. With a Mosque now located on the street, check out a Friday afternoon if you haven't already.

I am a little concerned by what I read (don't believe all that your read) in that this has come about by the owner because he can't a better use for the property (paraphrased). That always rings bells in my head when I hear it.

Respectfully,

Greg Tansley
145 Anderson St. #3

Portland, ME 04101

On Tue, Jul 8, 2014 at 3:12 PM, Jean Fraser <JF@portlandmaine.gov> wrote:

Greg

Thank you for your comments.

The City of Portland does not normally post any applications on the web unless its going to the Planning Board or City Council (and then they are posted along with the staff cover report on the Friday before the meeting. This is a staff review, so I have attached the key documents (excluding deeds, drainage analysis, and fire hydrant locations).

The Traffic Engineering Reviewer is Tom Errico and he is involved with the proposed improvements and will be discussing this project with DPS staff which includes Bruce Hyman; I am meeting with Tom tomorrow morning and will double check that Mike Bobinsky is in the loop. We will be asking for more information regarding the traffic implications and pedestrian accommodations.

The period for public comment is until July 11th, so I suggest you send any comments asap and if/when we receive further information I will let you know how we anticipate the review will progress.

thank you

Jean

Jean Fraser, Planner

City of Portland

874 8728

>>> Greg Tansley <gtansley13@gmail.com> 7/8/2014 10:08 AM >>>

Hello Jean,

Although I am the City Planner in Biddeford, I am writing as a condo owner at 145 Anderson Street. Are the site plans and application materials available online for the proposal for 122 Anderson Street? I could not find anything online regarding the proposal, which I have been told is been reviewed (and possibly approved) administratively at the Staff level.

If you could direct me to more information it would be greatly appreciated. A few of the other condo owners in my building have expressed concerns about the proposal but admittedly I have only just learned about it. I am also curious if Bruce Hyman and Mike Bobinski have been involved with respect to the planned CDBG projects involving the redesign of the Anderson Street/Fox Street Intersection and traffic calming/byway/pedestrian and bike improvements on efforts on Anderson Street.

Respectfully,

Greg Tansley
145 Anderson Street #3

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if

requested.

Jean Fraser - Re: Additional Submissions: 122 Anderson Street

From: Jean Fraser
To: Castner, Michele
Date: 7/17/2014 11:01 AM
Subject: Re: Additional Submissions: 122 Anderson Street
CC: Donoghue, Kevin; EBNO

Michele

We met with the applicant yesterday and they are submitting more information tomorrow, which I will circulate to you and others when it arrives.

I am available to meet you on Monday afternoon but I would like to include one of my colleagues who has a better knowledge of all the different initiatives in this area. I will get back to you asap but I am aiming for 2:30pm on Monday - so pencil that in for now please.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Michele Castner <mcastner33@icloud.com> 7/16/2014 12:16 PM >>>
Hi Jean,

Thank you for the additional submissions attached in your earlier e-mail. We discussed this proposal at our monthly East Bayside Neighborhood Organization (EBNO) meeting last night; I was grateful to have additional information to share. There were a number of concerns and comments about this proposal and I would like the opportunity to discuss these with you. Are you available to meet Monday July 21st in the late afternoon (after 1:30)?

I look forward hearing from you.

Sincerely,

Michele Castner
EBNO Board Member
86 Anderson Street
332-3421

On Jul 15, 2014, at 1:32 PM, Jean Fraser <JF@portlandmaine.gov> wrote:

Hello

*Barbara Alex/ left
to attend -
if doing on this*

This e-mail has been sent to all neighbors who have sent comments/questions to the Planning Division regarding the proposed Intermodal Transportation Facility at the above address.

We have received the attached additional submissions; these are currently under review and you are welcome to send additional comments.

I will send further submissions if and when received, and I will also send further updates as the review progresses. A final decision is not imminent.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Mike Cardente <mike@cardente.com> 7/11/2014 12:06 PM >>>

Jean & Barbara,

Please see attached traffic route map, detailed drawing of entrance and informations sheet.

Hope this helps!

Best,

Mike

Michael Cardente | Broker/Partner
Cardente Real Estate | Commercial & Investment Brokerage
322 Fore St. 3rd Floor | Portland, ME 04101
T 207.775.7363 | F 207.773.0066 | C 207.233.7229
[View My Listings](#) | www.Cardente.com | [Personal Profile](#)

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

<122 Anderson Map.pdf> <Close up 122 Anderson.pdf> <INTERMODAL STAGING YARD.docx>

Jean Fraser - Additional Submissions: 122 Anderson Street

From: Jean Fraser
To: Fraser, Jean
Date: 7/15/2014 1:32 PM
Subject: Additional Submissions: 122 Anderson Street
Attachments: 122 Anderson Map.pdf; Close up 122 Anderson.pdf; INTERMODAL STAGING YARD.docx

Hello

This e-mail has been sent to all neighbors who have sent comments/questions to the Planning Division regarding the proposed Intermodal Transportation Facility at the above address.

We have received the attached additional submissions; these are currently under review and you are welcome to send additional comments.

I will send further submissions if and when received, and I will also send further updates as the review progresses. A final decision is not imminent.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Mike Cardente <mike@cardente.com> 7/11/2014 12:06 PM >>>
Jean & Barbara,

Please see attached traffic route map, detailed drawing of entrance and informations sheet.

Hope this helps!

Best,

Mike

Michael Cardente | Broker/Partner
Cardente Real Estate | Commercial & Investment Brokerage
322 Fore St. 3rd Floor | Portland, ME 04101
T 207.775.7363 | F 207.773.0066 | C 207.233.7229
[View My Listings](#) | www.Cardente.com | [Personal Profile](#)

Jean Fraser - Public comment Tansley: 122 Anderson Street Proposal - Summary Questions/Comments

From: Jean Fraser
To: Hyman, Bruce
Date: 7/11/2014 11:05 AM
Subject: Public comment Tansley: 122 Anderson Street Proposal - Summary Questions/Comments
CC: Errico, Thomas
Attachments: Tom Errico Traffic comments 7.8.14 - 122 Anderson Street - Preliminary Traffic Comments.pdf

Bruce

I understand that Greg Tansley has cc'd you on some of his comments and has asked several times whether you had been consulted. My understanding is that you would comment through the usual DPS mechanisms but given the political interest in this (the Mayor has asked for a meeting with staff I understand) and the time pressure vis a vis Nova Star, I am sending this so you are in the loop quicker.

There are several other objections from neighbors along the same lines.

Please liaise with Tom Errico - his prelim comments are attached.

A meeting with the applicant, the Nova Star operator, Bill Needelman and Tom Errico is in the process of being organized for early next week so we can better understand how the proposals would operate and more fully consider the issues raised by reviewers and neighbors.

Thanks

Jean

>>> Jean Fraser 7/11/2014 10:51 AM >>>

Tom

FYI (this is one of several from local residents with similar concerns).

The writer of this e-mail is the Planner for Biddeford- you may know him? He has copied similar comments to Bruce Hyman.

I will be responding to him saying all of his comments are being taken into consideration, that we have requested further information and that a decision is not imminent.

I have not got any suggested meeting dates from Mike Cardente, so the meeting is yet to be set up.

thanks

Jean

From: Tim Smalley <timmie@maine.rr.com>
To: <jf@portlandmaine.gov>
Date: 7/10/2014 8:54 PM
Subject: Cardente Truck Staging Area Proposal - 122 Anderson St

Jean,

I have some concerns with the proposal for a staging area for 122 Anderson Street. I live in a condominium located at 145 Anderson Street. More specifically, I live in a unit that is on the top 2 floors of the building and the proposed staging area is my current view. Currently I am looking out my window at a brown field try to envision the future of this project.

There are 5 apartment/condo buildings located across the street from 122 Anderson. My concerns are for myself and others as to the quality of life in our neighborhood if this proposed truck staging area happens.

Concerns:

- Does this fit in with the proposed changes to Anderson Street that we have been hearing so much about? It feels like going backwards to an industrial neighborhood rather than progressing to a pedestrian, traffic friendly neighborhood.
- Noise! I can't imagine this area will not have a huge noise impact. Trucks coming and going, running idle, equipment to load and unload cargo. This is all a complete change from the silent brown field of today.
- My home faces this area. Right now there is minimal no intrusive lighting. I would image with cargo sitting in this space there will be lighting added for safety of the items in the staging area. Will my home be lit up like a ball field at night?
- Resale of my property. I realize I don't own my view. However, I already know if this goes through I won't want to live in my current home that I love anymore. To go from a peaceful home to a transportation hub across the street is drastic. I can't imagine anyone would want to live in this condo and look at that during the day, hear the noise of the traffic within the area and deal with the additional lighting at night.
- Today we don't have many 18 wheelers going by our building. For some reason when they do go by our building shakes. Whether it is the way our building was built, something wrong with the actual ground or a combination of both who knows. Increased truck traffic is a concern.

I'm not someone that ever writes to the city about anything. I actually love to watch the progress of Portland. The thought of this project has put a pit in my stomach ever since I received the planning notice in the mail. It feels like the past of East Bayside and not the future.

Thank you for your time and hopefully sharing my concerns.

Tim Smalley
145 Anderson St#5
Cell: 318-9982

Jean Fraser - Cardente Truck Staging Area

From: Rachel Katz <rkatz@meca.edu>
To: <JF@portlandmaine.gov>
Date: 7/10/2014 8:54 PM
Subject: Cardente Truck Staging Area
CC: "Rachel Katz/Brian Cronin" <katzcronin@maine.rr.com>

Hello Jean,

Greg Tansley gave me your contact info so that I could share my concerns about the proposed intermodal transportation area at 122 Anderson Street. I live in the condo units at 145 Anderson Street, across the street from the space in question with my family. I had a few concerns and questions I hoped I could share with you in hopes those considering this proposal would consider them.

A few years ago this same space was used by Oakhurst Dairy to park their trucks and refrigerator trailers. I think it was fair to say that they moved less than 30 trucks in and out of that space daily. The noise of the trucks and in particular their movement over the truck scale installed in the driveway of that property was significant and disruptive. Our building would shake when each truck came in and out. Our Condo Association worked with Cardente and Oakhurst to get them to come and listen and feel the effect on our living space. They agreed that the noise was much higher than they had anticipated and that if measured by decibels it would be higher than what was reasonable. The Oakhurst trucks were removed. This proposal for Nova Star's use of the space concerns me for many of the same reasons the Oakhurst plan did not work and it seems that the number of trucks proposed is greatly increased. I anticipate the noise and shaking to be quite high at a time of the day when the neighborhood is quieting down for the evening.

In addition, has this plan been looked at in regards to the proposed plans for traffic and sidewalk development on Anderson Street and the Fox street intersection? My understanding of that plan, after attending two meetings about it, is that would call for the streets to be reduced in width and the sidewalks extended. Increasing and encouraging the likelihood of foot traffic. Anderson Street would become an extension of the by-way, for use by bicycles with an increased emphasis on walkable local small businesses and less on car traffic. Having this number of trucks moving in and out daily seems counter to this plan and potentially dangerous. Has the grant money awarded for these

developments been moved elsewhere?.

Has there been a traffic study? Can the current intersection and busy Community Center with many kids playing in the driveway on the corner support this kind of truck traffic? What about the intersection at Fox Street and Franklin? That traffic light is very short. Would local traffic be hindered waiting for trucks to make it through the light? Is there another traffic plan attached to this proposal?

While I do understand the recent increase in business on lower Anderson is a positive development for the neighborhood, our neighborhood association and developers seem to believe that this area is only for business. In reality there is quite a lot of residential housing here and has been for quite some time, long before the businesses began to grow. Parking is begin restricted, traffic is increasing and nothing is being done to consider the residents in these scenarios.

Thank you for receiving these concerns. If it is determined that there will be a public meeting of any kind about this proposal I will happily attend.

Thank you,
Rachel Katz
President, East Bayside Studios Condo Owners Association
Resident 145 Anderson Street, Unit 4

.....
Rachel Katz
Administrative Director,
MFA in Studio Art

Maine College of Art
522 Congress St.
Portland, ME
207-699-5030
rkatz@meca.edu

Jean Fraser - 122 Anderson Street- Intermodal Transportation use/Oceangate

From: Jean Fraser
To: scsmedia@aol.com
Date: 7/3/2014 5:02 PM
Subject: 122 Anderson Street- Intermodal Transportation use/Oceangate
Attachments: Site Plan II Cover Letter-2.pdf; site plan 2 application-06192014150521.pdf; Project & Discription.pdf; Site Plan-06192014151153.pdf; Traffic Plan-06192014151437.pdf; Use Plan-06192014151529.pdf; Plan with Fence and Gate-06192014151357.pdf

Steven

I have attached most of the submitted material- the ones I have not sent are the deeds, drainage analysis, and fire hydrant locations.

If you want any of the ones I omitted, please let me know.

I confirm that the period of public consultation will be at least until July 11th, 2014.

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Steven Sharf -
Reg. info
Spoke to Barbara
Is in touch also

Jean Fraser - 122 Anderson Street

From: Michele Castner <mcastner33@icloud.com>
To: <jf@portlandmaine.gov>
Date: 7/8/2014 2:36 PM
Subject: 122 Anderson Street

Dear Jean,

I'm writing in response to a written notice that I received about a Level 2 Site plan application to Portland Planning for the property located at 122 Anderson Street. I understand that the request is to allow Nova Star Ferry to stage trucks and freight at this site. I trust that you will be reviewing this application carefully to ensure public safety in light of the increasing development in the area.

I am very interested in learning more about this application/proposal and have the following thoughts that I would like you to consider with your review:

- There has been a considerable amount of vehicle and pedestrian traffic at the corner of Fox and Anderson Street. The likelihood of these further increasing is great in light of two current residential development proposals (Washington Ave/Fox St and Anderson/ Fox Street).
- There are many children who live in the neighborhood who ride bikes, sometimes play in the streets, and cross the intersection of Fox and Anderson Street. Due to the vicinity of the basketball courts and Fox Field there are a considerable amount of minors at play in the area which could be potential safety concerns, especially due to the height of trucks and limited lower visibility.
- For the last 2 to 3 years funding has been secured to have a pedestrian crosswalk at the corner of Fox and Anderson St. Proposed plans included narrowing this intersection to prioritize pedestrian crossing for safety purposes. In addition to this there were plans to put sidewalks in on Anderson St. and traffic calming measures. It will be vital to ensure that the appropriate City personnel (i.e., Bruce Hyman) are consulted with this proposal.
- The vehicle and pedestrian traffic has also increased in front of this property with the addition of the Muslim Community Center, Tadem Coffee, and Bunker Brewery. I hope that you will ensure that any plans or proposals for additional vehicle traffic, especially to large tractor trailer trucks, will prioritize public safety.

I would be grateful for opportunity to meet with you to discuss this further. I have also spoken to a few neighbors who shared similar thoughts to those above.

Thank you for your time.

Sincerely,

Michele Castner
86 Anderson Street
Portland, ME 04101
207 332-3421

Jean Fraser - Comments for 122 Anderson St.

From: Jeffrey Musk <jmusk82@gmail.com>
To: <jf@portlandmaine.gov>
Date: 7/8/2014 11:51 AM
Subject: Comments for 122 Anderson St.

Hi Jean,

As a citizen of the City of Portland Maine and resident of Munjoy Hill, I would like to comment on the proposed use of the vacant lot at 122 Anderson St. in East Bayside as an intermodal transportation facility.

I wholeheartedly support the staging of tractor trailer trucks in this lot prior to boarding on the M/V Nova Star. I believe that a sustainable, daily ferry service to Yarmouth Nova Scotia is a worthwhile endeavor that will benefit the city of Portland Maine through increased use of it's maritime assets while generating opportunities for existing businesses that support the ferry's operation.

I understand that Nova Star faces several logistical challenges and I hope that the Planning and Urban Development Department will continue to work with this ferry service to ensure the best chance of success for the venture.

While increased truck traffic will surely inconvenience residents and businesses of East Bayside, I believe that maintaining Portland's long history as an intermodal hub of maritime and land based commerce is vital to positioning this city for future growth and adaptability in our ever changing global economy.

Thanks for considering my comments,

Jeffrey Musk

Mobile - (207) 239 9494

Mailing - 65 Waterville St. # 1, Portland, ME 04101

Jean Fraser - Cardente Truck Staging Area Proposal

From: Greg Tansley <gtansley13@gmail.com>
To: <jf@portlandmaine.gov>
Date: 7/8/2014 10:09 AM
Subject: Cardente Truck Staging Area Proposal

Hello Jean,

Although I am the City Planner in Biddeford, I am writing as a condo owner at 145 Anderson Street. Are the site plans and application materials available online for the proposal for 122 Anderson Street? I could not find anything online regarding the proposal, which I have been told is been reviewed (and possibly approved) administratively at the Staff level.

If you could direct me to more information it would be greatly appreciated. A few of the other condo owners in my building have expressed concerns about the proposal but admittedly I have only just learned about it. I am also curious if Bruce Hyman and Mike Bobinski have been involved with respect to the planned CDBG projects involving the redesign of the Anderson Street/Fox Street Intersection and traffic calming/byway/pedestrian and bike improvements on efforts on Anderson Street.

Respectfully,

Greg Tansley
145 Anderson Street #3

From: "Gartland, Jonathan" <Jonathan.Gartland@wexinc.com>
To: "jf@portlandmaine.gov" <jf@portlandmaine.gov>
Date: 7/2/2014 3:25 PM
Subject: 122 Anderson Street

Hello,

I am a resident taxpayer living on Fox St.

I just received notice of this proposal yesterday.

I am very concerned with the nature of this project given what seems to be ample space available on the waterfront for these activities, and the changed nature of Anderson St.

Over the past few years, the pedestrian and bicycle traffic has increased a great deal. I am concerned that introducing this freight service to the neighborhood would not fit. Even if the freight was somehow trucked via Marginal way to Franklin St & down to the ferry, the impact would still be too negative to the quality of life that the neighborhood is striving to achieve today.

Thank You,
Jonathan Gartland
18 Fox St.

Jean Fraser - Further Submissions: 122 Anderson Street

From: Jean Fraser
To: Fraser, Jean
Date: 7/18/2014 5:06 PM
Subject: Further Submissions: 122 Anderson Street
Attachments: 122 Anderson St -D-SIZE rec'd 7.18.14.pdf; INTERMODAL STAGING YARD rec'd 7.18.14.pdf; Truck Routing Map rec'd 7.11.14.pdf

Hello

I am writing to let you know that we have received further submissions for the above project: the first 2 attachments were received today and the third attachment is the same as I circulated last week but attached again for reference.

These additional plans and information are currently under staff review.

You are welcome to send further comments and all comments will be taken into account of as we progress the review. I confirm that I will let you know when a decision appears to be imminent.

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Jean Fraser 7/15/2014 1:32 PM >>>
Hello

This e-mail has been sent to all neighbors who have sent comments/questions to the Planning Division regarding the proposed Intermodal Transportation Facility at the above address.

We have received the attached additional submissions; these are currently under review and you are welcome to send additional comments.

I will send further submissions if and when received, and I will also send further updates as the review progresses. A final decision is not imminent.

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

>>> Mike Cardente <mike@cardente.com> 7/11/2014 12:06 PM >>>
Jean & Barbara,

Please see attached traffic route map, detailed drawing of entrance and informations sheet.

Hope this helps!

Best,

Mike

Michael Cardente | Broker/Partner
Cardente Real Estate | Commercial & Investment Brokerage
322 Fore St. 3rd Floor | Portland, ME 04101
T 207.775.7363 | F 207.773.0066 | C 207.233.7229
[View My Listings](#) | www.Cardente.com | [Personal Profile](#)

Jean Fraser - 122 Anderson St.

From: Rebecca Leeman <rleeman@gmail.com>
To: <jf@portlandmaine.gov>
Date: 7/16/2014 3:58 PM
Subject: 122 Anderson St.

Please consider traffic when determining approval for using 122 Anderson Street as an intermodal transportation facility for the Nova Star Ferry. The Fox/Anderson intersection is heavily used by pedestrians and there will already be increased traffic from Munjoy Heights, the Avesta housing at Washington and Fox, and the Sheridan Street project, not to mention Redfern is planning to add 50+ apartments right at that corner in the near future. I could support truck staging if the trucks are required to drive north on Anderson to Marginal Way and then to Franklin rather than using any portion of Fox Street.

Thank you.

Rebecca Leeman
23 Fox St.

Jean Fraser - Thoughts re. Cardente Truck Staging Area Proposal

From: Jan Piribeck <janp@maine.edu>
To: <JF@portlandmaine.gov>
Date: 7/11/2014 6:26 PM
Subject: Thoughts re. Cardente Truck Staging Area Proposal
CC: Christopher Wright <christopher.byron.wright@gmail.com>, Greg Tansley <g...

Dear Jean,

My name is Jan Piribeck; I live at 145 Anderson Street in the condominium unit directly across the street from the lot where Cardente Real Estate is proposing an intermodal transportation site for the Nova Star.

Traffic implications and pedestrian accommodations are key points to consider. Less than 30 transportation vehicles per day is a vague estimate, and this potentially means a large increase in traffic in what is already a busy section of Anderson Street. Safety issues are of great concern along with the ambiance and ethos of the street, which is home to Muslim Community Center, Tandem Coffee, Bunker Brewery and further up all the innovative start ups that are making East Bayside a new cultural and environmental hub in Portland.

I thought the city was considering making provisions for less vehicles on Anderson and more foot and bicycling traffic?

Additionally, sound is potentially an issue in loading and unloading freight containers. Will there be clanging ... and at what hours of the day/night?

Michael Cardente has in the past been very sensitive and responsive to the residents on Anderson Street. Several years ago Cardente Real Estate was leasing the lot to Oakhurst Dairy, and their trucks with idling engines in the middle of the night created substantial noise. Michael met with me and other members of the East Bayside Condo Association to hear our concerns. He helped us measure sound levels from the trucks, and the decibels were above the acceptable range. In the end, Cardente and Oakhurst agreed that the use of the lot for the trucks was not appropriate. We were also concerned about traffic levels and safety with that situation.

There are a lot of changes going on in East Bayside. My sincere hope is that future planning and development will take into consideration a balance of needs between the light industrial, commercial, residential and cultural elements that are all part of the neighborhood dynamic and vitality.

Sincerely,

Jan

Jean Fraser - Re: 122 Anderson Street

From: Mike Cardente <mike@cardente.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 7/23/2014 8:01 PM
Subject: Re: 122 Anderson Street

Jean,

We have talked with the three abutting land owners on Cove Street as well as the property owner on Marginal Way and there is no economical way for us to get an easement. In addition, per the City's request, we instituted a storm water management plan and the resulting system runs along part of the Cove Street side of the property. This is shown on the plans that we have provided.

Best,

Mike

--

Michael Cardente | Broker/Partner
Cardente Real Estate | Commercial & Investment Brokerage
322 Fore St. 3rd Floor | Portland, ME 04101
T 207.775.7363 | F 207.773.0066 | C 207.233.7229
[View My Listings](#) | www.Cardente.com | [Personal Profile](#)

Jean Fraser - 122 Anderson Street Traffic

From: Mike Cardente <mike@cardente.com>
To: Jean Fraser <JF@portlandmaine.gov>, Barbara Barhydt
<bab@portlandmaine.gov>
Date: 7/21/2014 7:14 AM
Subject: 122 Anderson Street Traffic

----- Forwarded message -----

From: Doug Cardente <doug@cardente.com>
Date: Friday, July 18, 2014
Subject: Alternate routing
To: Mike Cardente <Mike@cardente.com>

The safest and quietest route: The entrance and exit driveway into this property is and always has been at a 45 degree angle to Anderson Street. This was done for the purpose of allowing vehicles to enter and exit without hindering traffic flow. Further, by exiting the property at the 45 degree angle, the vehicles do not have to cross over into the opposite lane which is much safer.

Once on Anderson street, each side of the road is fronted by commercial buildings. Noise and residential activities are of less concern. Then a right turn onto Fox street (a right turn always being the safest) and it is a straight shot to Franklin Arterial. Fox has historically accommodated warehouse trucks, tractor trailers and buses, and it still does.

The Fox street and Franklin street arterial intersection has an existing left lane turn signal. This allows vehicles to turn left to go to commercial street and makes the intersection safe for all traffic and for pedestrians.

This is really the safest route.

The only alternative is to allow exiting vehicles to turn left onto Anderson street. This would require a new drive way, it would force vehicles to cross both lanes, it would divert the traffic right into the residential area that fronts the street at that point and it would increase noise levels as he trucks up shifted to gain speed. This would also increase the safety risk to the children in that residential area.

Then the vehicles would need to go down one of the side streets to get to Marginal Way which would require every vehicle to cross over the new bayside trail both coming and

going.

Upon reaching the intersection of Marginal Way and the Franklin street arterial a left turn would be required. There is no left turn arrow there and the intersection is near capacity at the present time.

These routes are not as safe and are not practical.

--

Michael Cardente | Broker/Partner
Cardente Real Estate | Commercial & Investment Brokerage
322 Fore St. 3rd Floor | Portland, ME 04101
T 207.775.7363 | F 207.773.0066 | C 207.233.7229
[View My Listings](#) | www.Cardente.com | [Personal Profile](#)

rec'd 7.18.14

INTERMODAL STAGING YARD
122 ANDERSON ST.
PORTLAND, ME 04101

This site is located in an I-lb industrial zone which specifically enumerates "Intermodal use" as allowed.

Transportation Standards:

The proposed use will not create or aggravate any significant hazard to safety nor lower the level of service to any street.

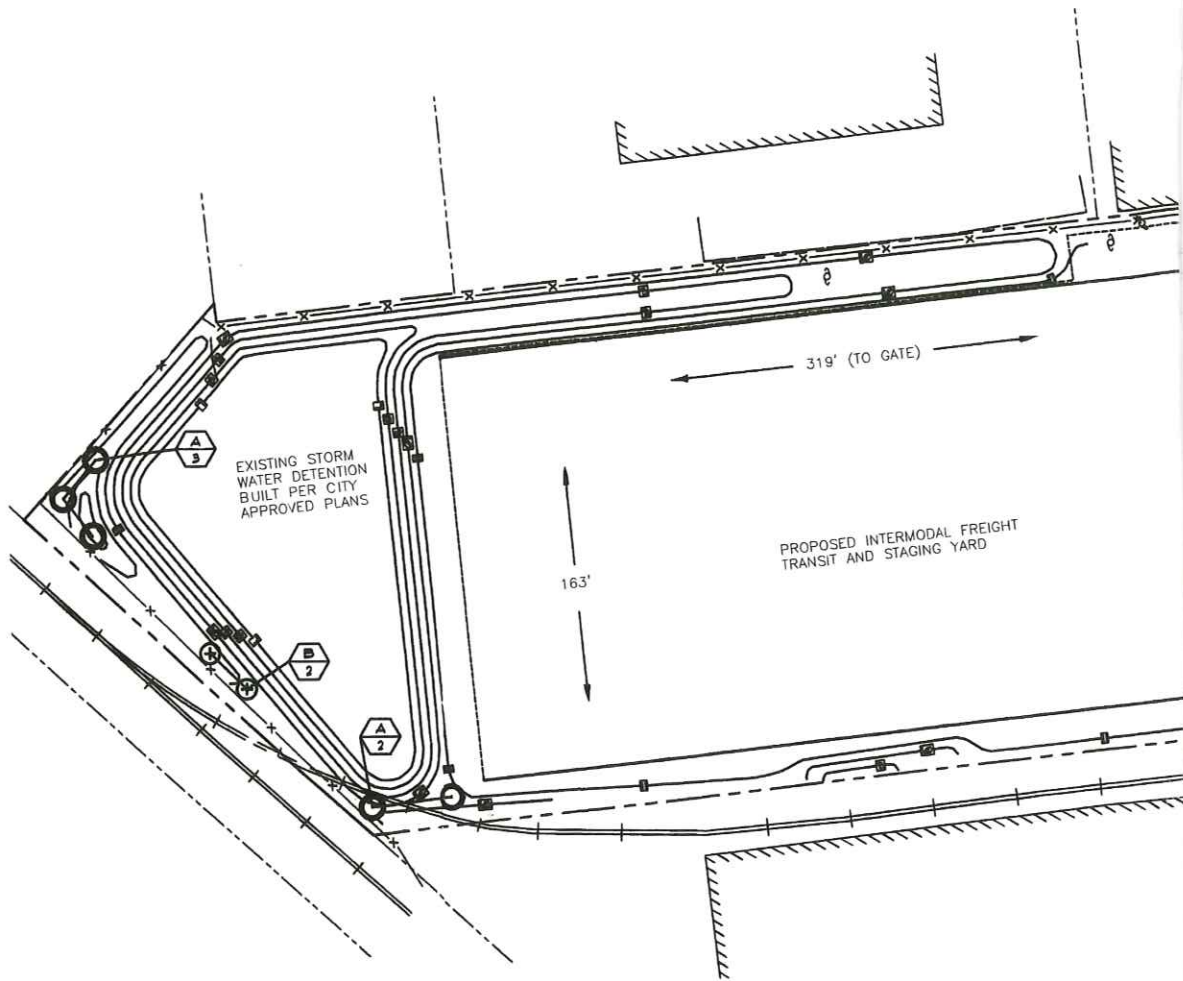
1. The traffic pattern required for this operation is straightforward and with ample stop signs, lighting and traffic signals. Attached is a route map that shows the routing. The exit driveway of the site has signage and a design that does not allow left turn exits. This prevents vehicles from passing residential areas. All the trucks in this area move at a slow pace. This is not a highway but rather a delivery area driven at delivery speed. The hazard should be no greater than it is now, which is low.
2. Site lines in and out of the facility are very good, in excess of 250' in either direction.
3. "Way finding" will be done by use of Nova Stars web site, GPS, and a direction map as attached. Signage at the entrance will state that it is the Nova Star intermodal staging yard and an entrance sign is in place.
4. The vehicles will start being released at 8:15 in a metered time frame to prevent a surge of vehicles. All vehicles will have departed by 9:00 P.M., a full hour before the implementation of the stricter 50 decimal requirement.

Access and Circulation:

This is a large site which allows for comfortable maneuvering of vehicles. As seen on the attached plan, the vehicles will drive into the gated area and circle to get into one of two types of cueing lanes.

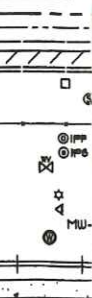
1. The property has two curb cuts, both of which accommodate two way vehicle movements. This particular intermodal use will rarely have two way truck movements, but it can handle them in any event. The vehicles will be showing up during the afternoon hours. When the ferry is ready for them, (usually around 8:15 in the evening) the crew will release a vehicle every two minutes. They will be going out with no trucks coming in at that time.
2. The operating hours of the businesses and the community center on this site are conducive to their operation.
 - A. Tandem Coffee is open from early morning to mid-afternoon. Their customers mostly use the smaller two-way drive shared with the community center.
 - B. The community center has varying operating times which mostly start in the mid-afternoon. The Community Center operates on the other side of the property using a different driveway and is separated by a "jersey barrier" to provide vehicle movement safety.
 - C. Bunker brewery brews beer all day but not in the evening with the exception of occasional "tastings" which occur in the late afternoon and early evening. The parking lot shared with Tandem Coffee accommodates their parking needs.
3. With regard to the vehicle circulation and noise levels, all vehicles with refrigeration equipment for cooling will line up in a row at the furthest point from any residential zone, (Approximately 300'+) as shown on this plan. The next row will be for regular freight vehicles. Not only will these not have refrigeration compressors but their trailers and box van shapes will deflect any noise away from the residential zone.
4. The truck movements on the site will be slow and smooth. Rarely would they be backing up. It seems highly unlikely that any vibrations will be caused and certainly not felt over 200 to 300 feet away across one and two city streets.

5. The Intermodal yard is surrounded by a security chain link fence and is lit by lights which face away from the residential area toward the back of other commercial buildings.
6. Fire safety and security, if any, will be easy to address as the access gate will be open at all times.



ENTIRE SITE CONTAINS: 117,523.6 S.F.
 STORM WATER DETENTION: 22,500 S.F.
 STORM WATER DETENTION: 19.15%

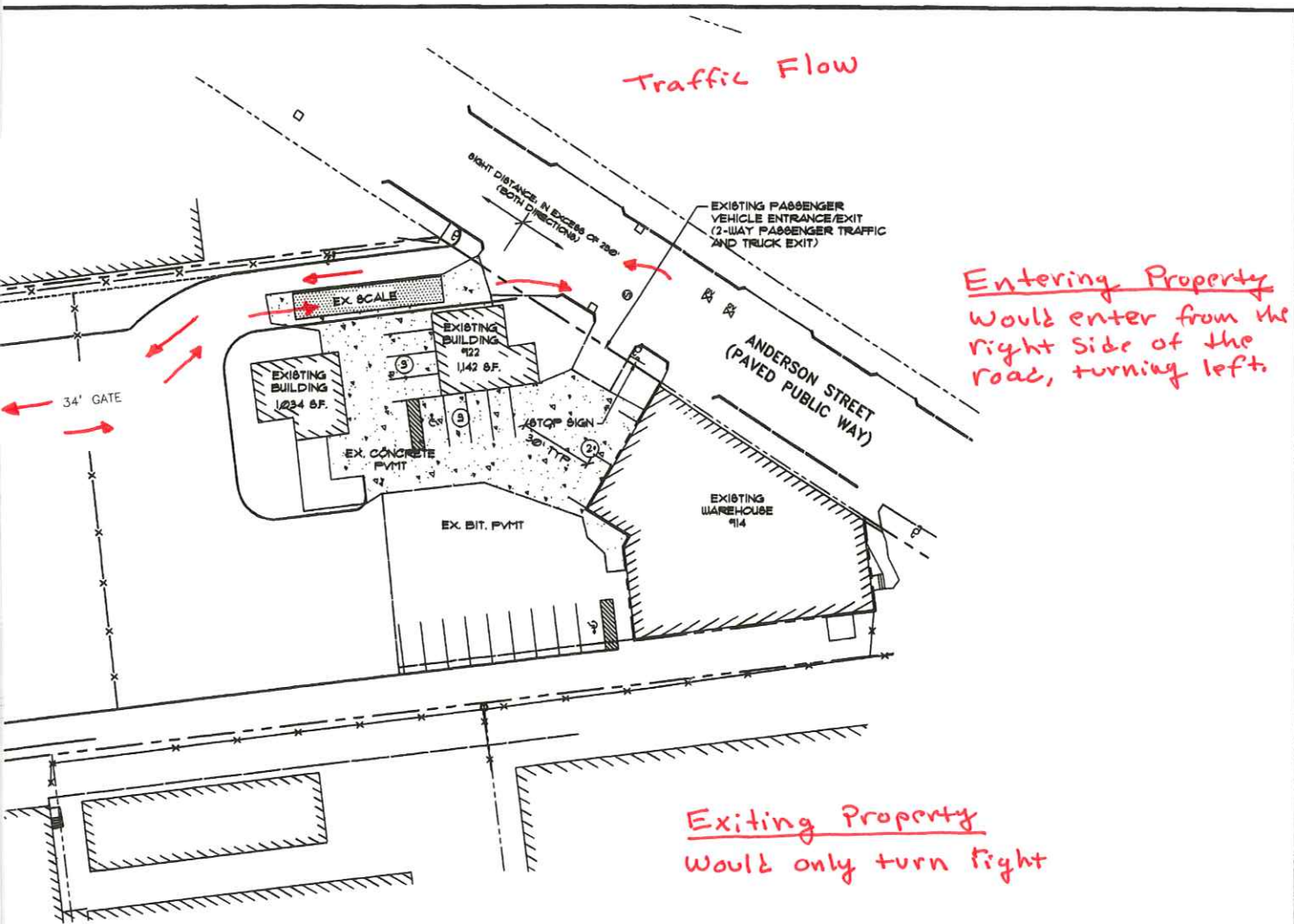
LEGEND
EXISTING



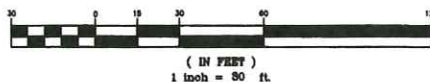
Traffic Flow

Entering Property
 Would enter from the
 right side of the
 road, turning left.

Exiting Property
 Would only turn right



GRAPHIC SCALE



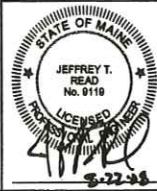
- PROPERTY LINE
- - - ADJUTERS PROPERTY
- EDGE OF PAVEMENT
- ▭ BUILDING
- CURB
- CATCH BASIN
- SEWER MANHOLE
- UTILITY POLE
- BARBED WIRE FENCE
- IRON PIPE FOUND
- IRON PIPE SET
- GATE VALVE
- GAS VALVE
- LIGHT POLE
- WALL MOUNTED LIGHT
- MONITORING WELL
- WELL
- RAILROAD TRACKS
- CONCRETE PAVEMENT
- EDGE OF GRAVEL / PROPOSED PAVEMENT
- VERTICAL GRANITE CURB
- CONTOURS
- LIGHT POLE SIGN
- HANDICAP PARKING

REV.	DATE	DESCRIPTION
2	6/17/14	REVISED PER CITY COMMENTS
1	6/22/08	REVISED PER TOWN COMMENTS

ANDERSON ST REALTY
 322 FORE ST. PORTLAND, MAINE

122 ANDERSON STREET
 PORTLAND MAINE

JEFFREY T. READ
 CONSULTING ENGINEER
 FALMOUTH, MAINE



SCALE: AS SHOWN	DRN BY: EDM	C1.3
DATE: FEBRUARY 20, 2007	DESG BY: JTR	
PROJECT: 07147	CHK BY: JTR	



380 U.S. Route One
 Falmouth, Maine 04105
 Tel: (207)781-5242
 Fax: (207)781-4245

Date: June 11, 2008
Job No: 07147
Attention: Nick Hodgkins
Re: 122 Anderson Street (VRAP) Portland, Maine

TO: Maine DEP-BRWM
 17 State House Station
 Augusta, ME 04333-0017

LETTER OF TRANSMITTAL

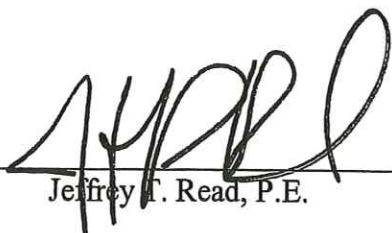
WE ARE SENDING YOU Attached:
 Under separate cover via the following items:

Copies	Date	Description	Action
2	6/11/08	Cover Letter Dated 6/11/08	For your use
2	6/11/08	Certificate of Completion with Attachments – 122 Anderson Street, Portland, Maine	For your use
2	6/11/08	Declaration of Environmental Covenant with Exhibits – Anderson Street Realty, LLC	For your use

IF TRANSMITTALS ARE NOT AS INDICATED, PLEASE NOTIFY US AT ONCE.

REMARKS:

COPIES TO: (1) Doug Cardente
 (1) Sharon Newman (Preti Flaherty)
 (1) File

Signed: 
 Jeffrey T. Read, P.E.

June 11, 2008

VIA FEDERAL EXPRESS

Nick Hodgkins
Maine Department of Environmental Protection
17 State House Station
Augusta, ME

Re: 122 Anderson Street, Portland, ME

Dear Nick:

Per our discussion of May 30, 2008, please find enclosed the following for your review:

1. Certificate of Completion
2. Declaration of Environmental Covenant
3. Stormwater Management Construction Workplan

There is a negative pledge agreement with Maine Bank & Trust Company regarding the property that will have to be subordinated. I am not expecting difficulties in that regard.

Please contact me or Jeff Read (207-781-5242) with any questions you may have.

Very truly yours,



Sharon G. Newman

SGN:nr
Enclosures
cc: Douglas Cardente (w/out encl.)

1349491.1

Preti Flaherty Beliveau & Pachios LLP Attorneys at Law

One City Center | Portland, ME 04101 | TEL 207.791.3000 | FAX 207.791.3111 | Mailing address: P.O. Box 9546 | Portland, ME 04112-9546

DECLARATION OF ENVIRONMENTAL COVENANT

This DECLARATION is made as of this ____ day of June 2008, by **ANDERSON STREET REALTY, LLC** a Maine corporation having a place of business at 299 Forest Avenue, Portland, Cumberland County, Maine (“Declarant” or “Anderson Street Realty”), to the Maine Department of Environmental Protection (“DEP”) on property located in Portland, Maine, which is more fully described below.

WHEREAS, Declarant is the owner of a certain property approximately 3.0 acres in size located in the City of Portland, Cumberland County, Maine, a legally sufficient description of which property is set forth in **Exhibit A** attached hereto (said property to be referred to as “Protected Parcel”);

WHEREAS, the DEP’s Bureau of Remediation and Waste Management has issued to Declarant a Voluntary Response Action Program (the “VRAP”) Certificate of Completion with regard to the Protected Parcel, which requires that Declarant prepare and record a Declaration of Environmental Covenant consistent with the VRAP Certificate of Completion and the Maine Uniform Environmental Covenants Act (“UECA”), 38 M.R.S.A. § 3001 et seq.;

WHEREAS, the DEP has determined in accordance with 38 M.R.S.A. § 1301 et seq. and the UECA that the environmental covenants in this Declaration are necessary to prevent, among other things, the installation of groundwater extraction wells and certain excavation activities, and to protect the public health and safety, and the environment, which covenants shall run with the land; and

WHEREAS, Declarant intends to create and grant an Environmental Covenant pursuant to the UECA:

NOW, THEREFORE, the Declarant for and in consideration of the facts above recited and the covenants herein contained, and intending to create and be legally bound by a perpetual covenant running with the land, subject to the terms hereof, hereby declares, covenants and agrees as follows:

1. Declaration of Covenant. This instrument is an Environmental Covenant executed pursuant to the UECA.
2. Groundwater. The installation of groundwater extraction wells on the Protected Parcel for use as a drinking water supply is prohibited.
3. Excavation. No excavation at the Protected Parcel below the layer of compacted, crushed concrete, as depicted on **Exhibit A**, is allowed without prior written permission of the DEP, except that Declarant may install a drainage basin and swale for the infiltration of stormwater at the Protected

Parcel, provided that such installation is performed in accordance with the Stormwater Management Construction Plan attached as **Exhibit B**.

4. Agency and Holder. DEP is the environmental agency with enforcement authority pursuant to UECA, and is also the only holder of the Environmental Covenant granted by Declarant in the Declaration.
5. Use Limitations. Unless otherwise authorized in writing by the DEP, the Protected Parcel shall not be used for residential purposes, schools, childcare facilities, or long-term care facilities, even if such uses are allowed under applicable municipal zoning.
6. Annual Report. Until such time as otherwise notified by DEP in writing, Declarant shall submit to the DEP on an annual basis a letter report documenting quarterly inspections of a certain passive recovery trench located at the Protected Parcel, which is depicted on **Exhibit B**, such report to include documentation concerning any necessary boom replacement.
7. Notice to Tenants and Others. The Declarant or future owners of the Protected Parcel shall provide notice of this Environmental Covenant to any tenants or lessees or to any person conducting any activities on the Protected Parcel that could result in disturbance of soil or groundwater, or any activity that would be otherwise prohibited by this Covenant.
8. Perpetuity of Covenant. This Environmental Covenant and each and every covenant herein shall be a covenant running with the land in perpetuity and shall bind the Protected Parcel, all persons having any right, title or interest in and to the Protected Parcel or any portion thereof, and their respective heirs, personal representatives, successors, and assigns, and all those acting by, through or under any of them forever. Any present or future owner of the Protected parcel or any interest therein, by the acceptance of a deed of conveyance of all or any part of the Protected Parcel or any interest therein, whether or not the deed shall so express, shall be deemed to have accepted the Protected Parcel subject to the restrictions contained herein and shall be deemed bound by, obligated to comply with, and otherwise subject to the restrictions herein and this Covenant.
9. Representation of Ownership and Encumbrances. By its execution hereof, Declarant warrants that it is the sole owner of the Protected Parcel, and that there are no mortgages, easements, or other encumbrances on the Protected Parcel that would materially adversely affect the effectiveness or enforceability of this Environmental Covenant.

10. Access. The Declarant, its successors and assigns, and all future owners and land users shall provide, without cost, access to the Protected Parcel to the DEP, including its authorized employees, agents, representatives, and independent contractors, upon presentation of credentials, for purposes of monitoring and enforcing this Declaration.
11. Notice of Noncompliance. The Declarant and all future landowners shall provide written notice to the DEP within ten working days of discovery of any noncompliance with the terms of this Environmental Covenant.
12. Enforcement. This Environmental Covenant shall be enforceable as authorized by the UECA. Any forbearance as to the enforcement of any of the terms hereof shall not be deemed a waiver of the right to seek and obtain enforcement at any time thereafter as to the same violation or as to any other violations.
13. Amendment or Termination by Consent. The terms and conditions herein may not be terminated, altered or modified except by a written instrument duly executed by the Declarant, the current owner of the Protected Parcel at the time of the amendment or termination, and DEP, or its successor in legal function, in writing, which instrument is duly recorded in the Cumberland County Registry of Deeds.
14. Notice Pursuant to Covenant. Any notice or other communication required pursuant to this Environmental Covenant shall be in writing and shall be sent by certified mail, return receipt requested and shall be sent to the following addresses, or such other addresses as the Declarant and the DEP may designate from time to time in a written notice to other entities: (a) if to Anderson Street Realty, 299 Forest Avenue, Portland, Maine 04101, to the attention of Douglas T. Cardente; if to DEP, 17 State House Station, Augusta, Maine 04333-0017, to the attention of Director, Bureau of Remediation & Waste Management (or successor in function).
15. Recording. Declarant shall cause this Declaration to be duly recorded in the Cumberland County Registry of Deeds within ten (10) days of the execution of this Declaration by the last signatory, and shall, within thirty (30) days of the recording of the Declaration, notify the DEP of the book and page at which it is recorded, and submit to DEP a copy of the signed Declaration date-stamped by the Registrar.
16. Administrative Record. The administrative record relating to the Protected Parcel is located at the main office of DEP, whose mailing address is 17 State House Station, Augusta, ME 04333-0017, with a street address of The Ray Building, 28 Tyson Drive, Augusta, Maine.

17. Governing Law. This Environmental Covenant shall be governed and interpreted in accordance with the laws of the State of Maine.
18. Liberal Construction. It is intended that this Environmental Covenant be construed liberally to protect the health and welfare of the public and the quality of the environment from the risk of adverse effects of exposure to hazardous substances.
19. Invalidity. If any part of this Environmental Covenant shall be decreed to be invalid by any court of competent jurisdiction, all of the Other provisions hereof shall not be affected thereby and shall remain in full force and effect.

[Signature Pages Follow]

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be signed and sealed in its corporate name by its duly authorized officer as of the day and year first above written.

Witness

ANDERSON STREET REALTY, LLC

By: _____
Name: Douglas T. Cardente
Title: Manager

STATE OF MAINE
CUMBERLAND, CC.

June ____, 2008

Personally appeared the above-named, _____, in his aforesaid capacity and acknowledged the foregoing instrument to be his free act and deed and in his capacity and the free act and deed of Anderson Street Realty, LLC.

Before me,

Notary Public/Attorney at Law

Printed Name

ACKNOWLEDGED AND AGREED TO:

MAINE DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: _____
Name: _____
Title: _____

STATE OF MAINE
KENNEBEC, SS.

June ____, 2008

The above-named, _____, personally appeared
before me this ____ day of November, 2007 and made oath that the foregoing is true and
correct and based on his/her personal knowledge.

Before me,

Notary Public/Attorney at Law

Printed Name

EXHIBIT A**PARCEL ONE**

A certain lot or parcel of land, together with any buildings or improvements thereon, located in Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the westerly side line of Anderson Street in said Portland where a prolongation southeasterly of a line nine (9) feet northeasterly from and running parallel with the center line of a certain railroad track known as Track No. 33, formerly owned by Casco Company, would intersect said westerly side line of said Anderson Street; thence, from said point northerly by the westerly side line of said Anderson Street two hundred forty-eight and thirteen-hundredths (248.13) feet to a point where a straight line at right angles to said center line of said railroad Track No. 33 and one hundred sixty-seven feet (167) feet long would intersect said westerly side line of Anderson Street; thence, northwesterly on a line parallel with and one hundred sixty-seven (167) feet northeasterly from said center line of said railroad Track No. 33, five hundred thirty-seven and twenty-five hundredths (537.25) feet to a point; thence, southwesterly with an included angle of ninety (90) degrees, one hundred fifty-eight (158) feet to a point nine (9) feet northeasterly from the center line of said railroad Track No. 33; thence, southeasterly on a line parallel with and nine (9) feet northeasterly from said center line of said railroad Track No. 33, seven hundred twenty-eight and fifty-seven hundredths (728.57) feet to the point of beginning on the westerly side of said Anderson Street; containing one hundred thousand (100,000) square feet, more or less.

EXCEPTING a small triangular parcel of land in the northwesterly corner of the premises conveyed to Frank B. Gordon by Casco Company in the first paragraph of deed dated March 27, 1940, and recorded in the Cumberland County Registry of Deeds in Book 1601, Page 237, the premises hereby excepted being so much of said premises conveyed to Frank B. Gordon, as aforesaid, as extends northwesterly of the southeasterly line of land conveyed by Industries, Inc., to Portland Terminal Company by deed dated December 4, 1945, and recorded in said Registry of Deeds in Book 1802, Page 432. Reference is made to the deed from Frank B. Gordon to Industries, Inc., dated December 4, 1945, and recorded in said Registry of Deeds in Book 1794, Page 455.

SUBJECT to rights granted to Industries, Inc., its successors and assigns, to construct and maintain an additional spur railroad track across the northwesterly corner of said land of Frank B. Gordon, northwesterly of railroad Track No. 33 as relocated.

PARCEL TWO

A certain lot or parcel of land, situated in said City of Portland, County of Cumberland and State of Maine, bounded and described as follows: Beginning at a point on the westerly

side line of Anderson Street where a prolongation southeasterly of a line nine (9) feet northeasterly from and running parallel with center line of a railroad track known as Track No. 33 would intersect said side of Anderson Street, said point of beginning being the southerly corner of land conveyed by Casco Company to Frank B. Gordon by deed dated March 27, 1940, and recorded in the Cumberland County Registry of Deeds, Book 1601, Page 237; thence, southerly by said westerly side of Anderson Street thirty-two and twenty-six hundredths (32.26) feet; thence, northwesterly with an included angle of $39^{\circ} 34''$ degrees, a distance of seven hundred, twenty-five (725) feet, more or less, to the easterly line of land conveyed by Industries, Inc. to Portland Terminal Company by deed dated December 4, 1945, and recorded in the Cumberland County Registry of Deeds in Book 1802, Page 432; thence, northerly by said land of Portland Terminal Company to the southwesterly line of land conveyed by Casco Company to Frank B. Gordon, as hereinbefore stated; thence, southeasterly by said Gordon land about seven hundred and ten (710) feet to said Anderson Street at the point of beginning.

Together with and including herein the railroad side track located on said lot.

EXCEPTING AND RESERVING, however, the right to locate a spur railroad track across the northwesterly corner of the lot herein conveyed, northwesterly of side track No. 33 as relocated.

Also a certain lot or parcel of land situated in said Portland, bounded and described as follows:

Beginning on said westerly side of Anderson Street at the northeasterly corner of said land conveyed by Casco Company to Frank B. Gordon, as aforesaid; thence, northerly by Anderson Street thirteen and twenty-two hundredths (13.22) feet; thence, northwesterly with an included angle of $39^{\circ} 34''$ degrees, five hundred thirty (530) feet, more or less, to a point in line with the northwesterly line of the land conveyed by Casco Company to said Gordon, as aforesaid, thence, southwesterly to the most northerly corner of said Gordon land; thence, southeasterly by said Gordon land five hundred thirty-seven and twenty-five hundredths (537.25) feet to said Anderson Street to the point of beginning.

Together with and also conveying the right to maintain said Track No. 33 across a portion of the remaining land of Industries, Inc. situated northwesterly of said Frank B. Gordon's land and connecting with the line of the Portland Terminal Company, to the extent now in force and applicable.

ALSO CONVEYING the right to construct, maintain and operate an additional side track from land of the Portland Terminal Company to land of said Frank B. Gordon across the remaining land of Industries, Inc. situated northwesterly of land of Frank B. Gordon, to the extent now in force and applicable.

Also conveying a right to maintain a gasoline tank near the northeasterly line of the premises conveyed in the second parcel hereinbefore described, to the extent now in force and applicable.

Parcels One and Two described above are conveyed SUBJECT to the following:

1. Rights and easements granted to Central Maine Power Company and New England Telephone and Telegraph Company from Harcon Iron & Steel Co. by deed dated June 2, 1977, and recorded in said Registry of Deeds in Book 4079, Page 47.
2. Installation of groundwater extraction wells and excavation of soils greater than one (1) foot below the surface is prohibited except with the consent of the State of Maine Department of Environmental Protection or any successor agency. Nothing herein shall obligate the Grantee herein, or its successors and assigns to obtain the consent of any party other than the Maine Department of Environmental Protection or its successor agency, including without limitation the Grantor herein or its successors or assigns, in order to undertake any of the activities specified in this paragraph.

This conveyance is made together with all of Grantor's right, title and interest in any appurtenant rights which may continue to benefit the above-described premises.

Reference may be had to a deed from Harcon Iron & Steel Co., dated August 27, 2001, and recorded in the Cumberland County Registry of Deeds in Book 16782, Page 251.

This conveyance is also made subject to the following:

1. Rights granted to AK110 LLC by Bayside Beautification Project LLC as set forth in a deed dated May 10, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17622, Page 135, including but not limited to rights for parking, access, rights in an "outdoor circulation easement area", installation of utilities, encroachments and location of a dumpster.
2. Matters shown on the Site Plan and provisions of a Development Agreement, both as referred to in the deed from Bayside Beautification Project LLC to AK110 LLC as set forth in said deed in Book 17622, Page 135.

EXCEPTING from the above-described premises a certain lot or parcel of land together with all buildings and improvements thereon, located on the westerly side of Anderson Street in Portland, County of Cumberland and State of Maine, and being the existing "Warehouse" building at 110 Anderson Street, together with all land between it and the westerly side of Anderson Street, and all other land within 0.5 feet of the face of said

Warehouse walls, all as depicted on that plan entitled "Site Plan made for Bayside Beautification Project, LLC by Titcomb Associates dated April 8, 2002," ("Site Plan") to be recorded in the Cumberland County Registry of Deeds. The real estate herein conveyed being more particularly bounded and described as follows:

Beginning at an iron pin on the westerly side of Anderson Street located 87.37 feet northerly from the most southerly corner of the land described in the deed to Bayside Beautification Project, LLC from Harcon Iron & Steel Co. dated August 27, 2001 and recorded in said Registry of Deeds in Book 16782, Page 251; thence S 48° 54' 37" W 36.73 feet to a point; thence N 40° 56' 44" W 99.35 feet to a point; thence N 49° 18' 46" E 37.66 feet to a point; thence N 86° 41' 29" E 5.27 feet to a point; thence N 03° 18' 31" W 20.60 feet to a point; thence N 86° 41' 29" E 57.67 feet to an iron pin on the westerly side of Anderson Street; thence southerly by the westerly side of Anderson Street 99.72 feet to the point of beginning.

The above-described parcel contains 7,335 square feet and is designated on the Site Plan as "Buyer's Property."

Bayside Beautification Project, LLC herein retains the remaining land and appurtenant rights thereto which it acquired from Harcon Iron & Steel Co. by said deed recorded in the Cumberland County Registry of Deeds in Book 16782, Page 251, which it intends to further develop. Bayside Beautification Project, LLC's intent is that the above-described premises conveyed to AK110 LLC will be developed and used by said AK110 LLC in a manner consistent and compatible with Bayside Beautification Project, LLC's development. Accordingly, the above-described premises are conveyed subject to the following easements, covenants and restrictions, all of which shall be considered covenants running with the land for the benefit of the land retained by Bayside Beautification Project, LLC and binding upon Bayside Beautification Project, LLC and AK110 LLC, and their respective heirs, successors and assigns.

Reference is hereby made to the Site Plan which depicts the land which Bayside Beautification Project, LLC acquired from Harcon Iron & Steel Co. ("Development Parcel"). The Site Plan shows portions of the Development Parcel as "Buyer's Property" and "Seller's Retained Property." Seller's Retained Property is the Development Parcel, less "Buyer's Property," but including "Proximate Parking Area" and "Outdoor Circulation Easement Area." References to other discreet areas listed herein are as depicted on the Site Plan which is incorporated herein.

The respective rights and obligations of Bayside Beautification Project, LLC and AK110 LLC are further specified in that "Development Agreement" of even or near date herewith, as it may be amended from time to time, provided that nothing in said Development Agreement shall in any way materially change the basic rights and responsibilities set forth in this Deed.

1. Parking. Buyer's Property shall have the non-exclusive right to park up to twenty-four (24) passenger vehicles or light trucks on Seller's Retained Property in locations to be determined from time-to-time by Bayside Beautification Project, LLC. Six (6) of those parking spaces shall be within the Proximate Parking Area. All parking shall be subject to such reasonable rules and regulations as Bayside Beautification Project, LLC shall impose.

When any parking areas are constructed or further improved, AK110 LLC shall pay Bayside Beautification Project, LLC its pro rata portion of Bayside Beautification Project, LLC's Parking Space Development Cost, as defined in the Development Agreement. AK110 LLC shall also be responsible for its pro rata share of on-going maintenance expenses of the parking areas as set forth in the Development Agreement.

Nothing herein or in the Development Agreement shall obligate Bayside Beautification Project, LLC to further develop the Development Parcel or require AK110 LLC to elect to utilize its parking rights. Any permanent reduction in the number of spaces dedicated to AK110 LLC on the Development Parcel shall be reflected in an amendment hereto recorded in said Registry of Deeds.

2. Access. AK110 LLC's primary access to Buyer's Property shall be from its frontage on Anderson Street. AK110 LLC shall also have access to its designated parking spaces through reasonably direct routes laid out from time to time by Bayside Beautification Project, LLC. AK110 LLC's access to exterior loading docks as shown on the Site Plan or otherwise shall be solely at Bayside Beautification Project, LLC 's discretion and pursuant to specific written approval of Bayside Beautification Project, LLC, subject to the terms of the Development Agreement and any conditions contained in Bayside Beautification Project, LLC 's approval.

AK110 LLC may utilize one of the areas designated on the Site Plan as "possible location of exterior stairs" for purposes of providing pedestrian access to Buyer's Property. All steps, ramps or other improvements constructed within these areas shall be of good quality and maintained in a safe and clean condition by AK110 LLC for the benefit of Bayside Beautification Project, LLC. If AK110 LLC shall elect to so utilize a designated area, Bayside Beautification Project, LLC shall designate pedestrian access to that area.

3. Circulation Area. AK110 LLC shall have a non-exclusive easement in the "Outdoor Circulation Easement Area" shown on the Site Plan to construct pedestrian walkways and customary landscaping attendant to the pedestrian entrance to Buyer's Property, and installation of customary utilities serving Buyer's Property. All of AK110 LLC's improvements shall be of good quality and maintained in a safe and clean condition by AK110 LLC for the benefit of Bayside Beautification Project, LLC. Bayside Beautification Project, LLC specifically reserves to itself all rights which do not materially interfere with AK110 LLC's rights hereunder, including the installation of overhead and

underground utilities in and through this area, provided Bayside Beautification Project, LLC shall restore the surface of the land to its former condition following the exercise of such reserved rights.

4. Building Restoration and Maintenance. AK110 LLC is hereby conveyed a perpetual, non-exclusive easement for encroachments for customary building structures which currently extend beyond the boundary lines of Buyer's Property, including minor variations in exterior wall planes, roof overhangs, gutters, window details, entrance details and canopies.

AK110 LLC may install dumpsters or trash collection devices on Seller's Retained Property or Proximate Parking Area as provided in the Development Agreement in locations as may be directed from time to time by Bayside Beautification Project, LLC. The cost of installing the dumpster pad and equipment, and of maintaining same, shall be born solely by the AK110 LLC.

Following six (6) months advance written notice to AK110 LLC by Bayside Beautification Project, LLC, AK110 LLC shall complete certain exterior improvements to Buyer's Property as specified in the Development Agreement. At the request of Bayside Beautification Project, LLC, AK110 LLC shall also join a lot owners association which shall include the other owner(s) of the Development Parcel provided that in so doing, AK110 LLC will not incur obligations or costs beyond those provided in the Development Agreement.

Any notices to be provided hereunder shall be in writing and delivered to the respective addresses as set forth herein, or as otherwise agreed in the Development Agreement. Any disputes arising hereunder or under the Development Agreement shall be submitted to the dispute resolution process set forth in the Development Agreement.

Reference to the above-excepted parcel may be had to a deed from Bayside Beautification Project, LLC to AK110 LLC dated May 10, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17622, Page 135.

Exhibit B

Stormwater Management Construction Plan
122 Anderson Street
June 10, 2008

The property at 122 Anderson Street in Portland, Maine (the property) was recently capped in association with a Voluntary Response Action Plan submitted by Anderson Street Realty LLC (the Owner) to the Maine Department of Environmental Protection Voluntary Response Action Program. This Stormwater Management Construction Plan described potential additional work at the property that may be conducted in the future as needed to improve management of stormwater runoff at the property.

Work associated with potential stormwater management improvements for the property is outlined on attached Site Plan C1.1. This potential work includes construction of a new stormwater collection swale and infiltration basin at the north end of the property and minor revisions to surface grade of the crushed concrete cap material. The cap surfaced would be graded to drain to the proposed stormwater management devices at the northern and eastern portions of the site.

At the present time, the Owner has not determined whether the spoils from the proposed excavation will be utilized on site or removed from the property and disposed of at an appropriate facility equipped to handle contaminated soils. In the event excavation spoils are utilized on the property, work will be conducted as follows:

1. Review the contractor's written site-specific health and safety plan. The plan will be prepared by a qualified environmental professional and address potential risks to human health and safety. A copy of the plan will be provided to the DEP.
2. Prepare the site for construction, including installation of erosion control and removal of any unnecessary stored materials or equipment.
3. Remove the existing cap material and stockpile on the mixed pavement surface at the southern end of the property. The contractor will remove as much of the cap as site constraints allow, from the north end of the property to the paved surface and the cap material stockpile at the south end. Work will progress from the northern end of the site to the south, and care will be taken to minimize disturbance of the underlying soils. Any subsurface soils disturbed during excavation activities will be evaluated and managed in accordance with applicable rules and regulations under the guidance of an environmental professional (i.e., Maine Licensed Professional Engineer or Certified Geologist)
4. Excavate the collection swale and infiltration basin. Excavation spoils will be distributed over the balance of the project site between the infiltration basin and cap material stockpile. The surface will be graded and compacted to provide a smooth, level surface prior to reinstallation of the crushed concrete cap.

5. Re-install the cap material to the lines and grades outlined on the attached Site Plan.
6. Complete construction of the collection swale and infiltration basin, including installation of liner material, loam and seed. In areas scheduled for loam and seed beyond the limits of the liner material, a non-woven geotextile will be installed at the loam/subgrade interface as a marker layer. Install landscape plantings along the northern property line, as required by the City of Portland.

In the event excavation spoils are removed from the property for disposal at an approved treatment facility, work will be conducted as follows:

1. Review the contractor's written site-specific health and safety plan. The plan will be prepared by a qualified environmental professional and address potential risks to human health and safety. A copy of the plan will be provided to the DEP.
2. Prepare the site for construction, including installation of erosion control and removal of any unnecessary stored materials or equipment.
3. Remove existing cap material in the vicinity of the proposed collection swale and infiltration basin to the limits outlined on the attached site plan only. Excess cap material will remain on site and be used to adjust surface grades at the completion of construction.
4. Excavate the collection swale and infiltration basin. Excavation spoils will be will be evaluated and disposed of in accordance with applicable rules and regulations under the guidance of an environmental professional (i.e., Maine Licensed Professional Engineer or Certified Geologist). Disposal will occur at an approved off-site facility.
5. Complete construction of the collection swale and infiltration basin, including installation of liner material, loam and seed. In areas scheduled for loam and seed beyond the limits of the liner material, a non-woven geotextile will be installed at the loam/subgrade interface as a marker layer. Install landscape plantings along the northern property line, as required by the City of Portland.
6. Use stockpiled cap materials to establish positive drainage to the new collection swale and infiltration basin. Lines and grades should closely correspond to those outlined on the attached site plan.

**QUITCLAIM DEED WITH COVENANT
KNOW ALL MEN BY THESE PRESENTS**

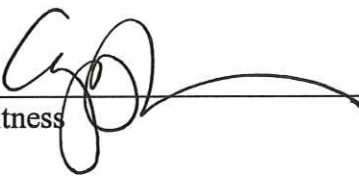
THAT, CHADBALLS, INC., a Maine corporation with a place of business in Freeport, Maine, in consideration of one dollar and other valuable consideration paid, grant to **ANDERSON STREET REALTY, LLC**, a Maine limited liability company, whose mailing address is 299 Forest Avenue, Portland, Maine 04101, with quitclaim covenant the land in the City of Portland, County of Cumberland and State of Maine and more specifically described as:

SEE EXHIBIT A ATTACHED HERETO

Together with all rights of the Grantor, insofar as the Grantor has any rights to convey, to any land between the land described above and of Sleepy Hollow Development, Inc., which land is identified as "SEE NOTE #1" on Plan for Tewksbury Industries, Inc., dated August, 1994 by Anderson-Livingston Engineers, Inc.

Being the same premises conveyed to the Grantor herein by deed from Bayside Beautification Project, LLC dated August 24, 2005 and recorded in the Cumberland County Registry of Deeds in Book 23077, Page 200. Also a second deed being the same premises conveyed to the Grantor herein by Sleepy Hollow Development, Inc. dated August 25, 2005 and recorded in said Registry of Deeds in Book 23077, Page 198.

IN WITNESS WHEREOF, the said William P. Simpson, President of Chadballs, Inc. has hereunto set his hand this 22 day of December, 2006.



Witness

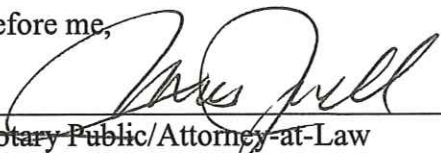
CHADBALLS, INC.
BY: 

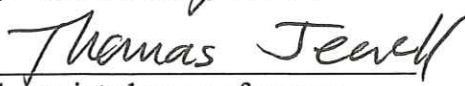
William P. Simpson
Its: President

STATE OF MAINE
COUNTY OF CUMBERLAND

December 22, 2006

Then personally appeared the above-named William P. Simpson, President of Chadballs, Inc. and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said corporation.

Before me,


Notary Public/Attorney-at-Law


Typed or printed name of person
taking acknowledgment

EXHIBIT A

PARCEL ONE

A certain lot or parcel of land together with any buildings or improvements thereon, located in Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the westerly side line of Anderson Street in said Portland where a prolongation southeasterly of a line nine (9) feet northeasterly from and running parallel with the center line of a certain railroad track known as Track No. 33, formerly owned by Casco Company, would intersect said westerly side line of said Anderson Street; thence, from said point northerly by the westerly side line of said Anderson Street two hundred forty-eight and thirteen-hundredths (248.13) feet to a point where a straight line at right angles to said center line of said railroad Track No. 33 and one hundred sixty-seven feet (167) feet long would intersect said westerly side line of Anderson Street; thence, northwesterly on a line parallel with and one hundred sixty-seven (167) feet northeasterly from said center line of said railroad Track No. 33, five hundred thirty-seven and twenty-five hundredths (537.25) feet to a point; thence, southwesterly with an included angle of ninety (90) degrees, one hundred fifty-eight (158) feet to a point nine (9) feet northeasterly from the center line of said railroad Track No. 33; thence, southeasterly on a line parallel with and nine (9) feet northeasterly from said center line of said railroad Track No. 33, seven hundred twenty-eight and fifty-seven hundredths (728.57) feet to the point of beginning on the westerly side of said Anderson Street; containing one hundred thousand (100,000) square feet, more or less.

EXCEPTING a small triangle parcel of land in the northwesterly corner of the premises conveyed to Frank B. Gordon by Casco Company in the first paragraph of deed dated March 27, 1940, and recorded in the Cumberland County Registry of Deeds in Book 1601, Page 237, the premises hereby excepted being so much of said premises conveyed to Frank B. Gordon, as aforesaid, as extends northwesterly of the southeasterly line of land conveyed by Industries, Inc., to Portland Terminal Company by deed dated December 4, 1945, and recorded in said Registry of Deeds in Book 1802, Page 432. Reference is made to the deed from Frank B. Gordon to Industries, Inc., dated December 4, 1945, and recorded in said Registry of Deeds in Book 1794, Page 455.

SUBJECT to rights granted to Industries, Inc., its successors and assigns, to construct and maintain an additional spur railroad track across the northwesterly corner of said land of Frank B. Gordon, northwesterly of railroad Track No. 33 as relocated.

PARCEL TWO

A certain lot or parcel of land, situated in said City of Portland, County of Cumberland and State of Maine, bounded and described as follows: Beginning at a point on the westerly side line of Anderson Street where a prolongation southeasterly of a line nine (9) feet northeasterly from and running parallel with center line of a railroad track known as Track No. 33 would intersect said side of Anderson Street, said point of beginning being the southerly corner of land conveyed by Casco Company to Frank B. Gordon by deed dated March 27, 1940, and recorded in the Cumberland County Registry of Deeds, Book 1601, Page 237; thence, southerly by said westerly side of Anderson Street thirty-two and twenty-six hundredths (32.26) feet; thence northwesterly with an included angle of 39° 34" degrees, a distance of seven hundred, twenty-five (725) feet, more or less, to the easterly line of land conveyed by Industries, Inc. to Portland Terminal Company by deed dated December 4, 1945, and recorded in the Cumberland County Registry of Deeds in Book 1802, Page 432; thence, northerly by said land of Portland Terminal Company to the southwesterly line of land conveyed by Casco Company to Frank B. Gordon, as hereinbefore stated; thence, southeasterly by said Gordon land about seven hundred and ten (710) feet to said Anderson Street at the point of beginning.

Together with and including herein the railroad side track located on said lot.

EXCEPTING AND RESERVING, however, the right to locate a spur railroad track across the northwesterly corner of the lot herein conveyed, northwesterly of side track No. 33 as relocated.

Also a certain lot or parcel of land situated in said Portland, bounded and described as follows:

Beginning on said westerly side of Anderson Street at the northeasterly corner of said land conveyed by Casco Company to Frank B. Gordon, as aforesaid; thence, northerly by Anderson Street thirteen and twenty-two hundredths (13.22) feet; thence, northwesterly with an included angle of 39° 34" degrees, five hundred thirty (530) feet, more or less to a point in line with the northwesterly line of the land conveyed by Casco Company to said Gordon, as aforesaid, thence, southwesterly to the most northerly corner of said Gordon land; thence, southeasterly by said Gordon land five hundred thirty-seven and twenty-five hundredths (537.25) feet to said Anderson Street to the point of beginning.

Together with and also conveying the right to maintain said Track No. 33 across a portion of the remaining land of Industries, Inc. situated northwesterly of said Frank B. Gordon's land and connecting with the line of the Portland Terminal Company, to the extent now in force and applicable.

ALSO CONVEYING the right to construct, maintain and operate an additional side track from land of the Portland Terminal Company to land of said Frank B. Gordon across the remaining land of Industries, Inc. situated northwesterly of land of Frank B. Gordon, to the extent now in

force and applicable.

Also conveying a right to maintain a gasoline tank near the northeasterly line of the premises conveyed in the second parcel hereinbefore described, to the extent now in force and applicable.

Parcels One and Two described above are conveyed SUBJECT to the following:

1. Rights and easements granted to Central Maine Power Company and New England Telephone and Telegraph Company by Harcon Iron & Steel Co. by deed dated June 2, 1977, and recorded in said Registry of Deeds in Book 4079, Page 47.
2. Installation of groundwater extraction wells and excavation of soils greater than one (1) foot below the surface is prohibited except with the consent of the State of Maine Department of Environmental Protection, or any successor agency. Nothing herein shall obligate the Grantee herein, or its successors and assigns to obtain the consent of any party other than the Maine Department of Environmental Protection or its successor agency, including without limitation the Grantor herein or its successors or assigns, in order to undertake any of the activities specified in this paragraph.

This conveyance is made together with all the Grantor's right, title and interest in any appurtenant rights which may continue to benefit the above-described premises.

Reference may be had to a deed from Harcon Iron & Steel Co., dated August 27, 2001, and recorded in the Cumberland County Registry of Deeds in Book 16782, Page 251.

This conveyance is also made subject to the following:

1. Rights granted to AK110 LLC by Bayside Beautification Project LLC as set forth in a deed dated May 10, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17622, Page 135, including but not limited to rights for parking, access, rights in an "outdoor circulation easement area", installation of utilities, encroachments and location of a dumpster.
2. Matters shown on the Site Plan and provisions of a Development Agreement, both as referred to in the deed from Bayside Beautification Project LLC to AK110 LLC as set forth in said deed in Book 17622, Page 135.

EXCEPTING from the above-described premises a certain lot or parcel of land together with all buildings and improvements thereon, located on the westerly side of Anderson Street in Portland, County of Cumberland and State of Maine, and being the existing "Warehouse" building at 110 Anderson Street, together with all land between it and the westerly side of Anderson Street, and all other land within 0.5 feet of the face of said Warehouse walls, all as depicted on that plan entitled "Site Plan made for Bayside Beautification Project, LLC by Titcomb Associates dated April 8, 2002 ("Site Plan") to be recorded in the Cumberland County

Registry of Deeds. The real estate herein conveyed being more particularly bounded and described as follows:

Beginning at an iron pin on the westerly side of Anderson Street located 87.37 feet northerly from the most southerly corner of the land described in the deed to Bayside Beautification Project, LLC from Harcon Iron & Steel Co. dated August 27, 2001 and recorded in said Registry of Deeds in Book 16782, Page 251; thence S 48° 54' 37" W 36.73 feet to a point; then N 40° 56' 44" W 99.35 feet to a point; thence N 49° 15' 46" E 37.66 feet to a point; thence N 86° 41' 29" E 5.27 feet to a point; N 03° 18' 31" W 20.60 feet to a point; thence N 86° 41' 29" E 57.67 feet to an iron pin on the westerly side of Anderson Street; thence southerly by the westerly side of Anderson Street 99.72 feet to the point of beginning.

The above described parcel contains 7,335 square feet and is designated on the Site Plan as "Buyer's Property."

Bayside Beautification Project, LLC herein retains the remaining land and appurtenant rights thereto which it acquired from Harcon Iron & Steel Co. by said deed recorded in the Cumberland County Registry of Deeds in Book 16782, Page 251, which it intends to further develop. Bayside Beautification Project, LLC's intent is that the above-described premises conveyed to AK110 LLC will be developed and used by said AK110 LLC in a manner consistent and compatible with Bayside Beautification Project, LLC's development. Accordingly, the above-described premises are conveyed subject to the following easements, covenants and restrictions, all of which shall be considered covenants running with the land for the benefit of the land retained by Bayside Beautification Project, LLC and binding upon Bayside Beautification Project, LLC and AK110 LLC and their respective heirs, successors and assigns.

Reference is hereby made to the Site Plan which depicts the land which Bayside Beautification Project, LLC acquired from Harcon Iron & Steel Co. ("Development Parcel"). The Site Plan shows portions of the Development Parcel as "Buyer's Property" and Seller's Retained Property". Seller's Retained Property is the Development Parcel, less "Buyer's Property," but including "Proximate Parking Area" and "Outdoor Circulation Easement Area." References to other discreet areas listed herein are as depicted on the Site Plan which is incorporated herein.

The respective rights and obligations of Bayside Beautification Project, LLC and AK110 LLC are further specified in that "Development Agreement" of even or near date herewith, as it may be amended from time to time, provided that nothing in said Development Agreement shall in any way materially change the basic rights and responsibilities set forth in this Deed.

1. Parking. Buyer's Property shall have the non-exclusive right to park up to twenty-four (24) passenger vehicles or light trucks on Seller's Retained Property in locations to be determined from time-to-time by Bayside Beautification Project, LLC. Six (6) of those parking spaces shall be within the Proximate Parking Area. All parking shall be subject to such reasonable rules and regulations as Bayside Beautification Project, LLC shall impose.

When any parking areas are constructed or further improved, AK110 LLC shall pay Bayside Beautification Project, LLC its pro rata portion of Bayside Beautification Project, LLC's Parking Space Development Cost, as defined in the Development Agreement. AK110 LLC shall also be responsible for its pro rata share of on-going maintenance expenses of the parking areas as set forth in the Development Agreement.

Nothing herein or in the Development Agreement shall obligate Bayside Beautification Project, LLC to further develop the Development Parcel or require AK110 LLC to elect to utilize its parking rights. Any permanent reduction in the number of spaces dedicated to AK110 LLC on the Development Parcel shall be reflected in an amendment hereto recorded in said Registry of Deeds.

2. Access. AK110 LLC's primary access to Buyer's Property shall be from its frontage on Anderson Street. AK110 LLC shall also have access to its designated parking spaces through reasonable direct routes laid out from time to time by Bayside Beautification Project, LLC. AK110 LLC's access to exterior loading docks as shown on the Site Plan or otherwise shall be solely at Bayside Beautification Project, LLC's discretion and pursuant to specific written approval of Bayside Beautification Project, LLC, subject to the terms of the Development Agreement and any conditions contained in Bayside Beautification Project, LLC's approval.

AK110 LLC may utilize one of the areas designated on the Site Plan as "possible location of exterior stairs" for purposes of providing pedestrian access to Buyer's Property. All steps, ramps, or other improvements constructed within these areas shall be of good quality and maintained in a safe and clean condition by AK110 LLC for the benefit of Bayside Beautification Project, LLC. If AK110 LLC shall elect to so utilize a designated area, Bayside Beautification Project, LLC shall designate pedestrian access to that area.

3. Circulation Area. AK110 LLC shall have a non-exclusive easement in the "Outdoor Circulation Easement Area" shown on the Site Plan to construct pedestrian walkways and customary landscaping attendant to the pedestrian entrance to Buyer's Property, and installation of customary utilities serving Buyer's Property. All of AK110 LLC's improvements shall be of good quality and maintained in a safe and clean condition by AK 110 LLC for the benefit of Bayside Beautification Project, LLC. Bayside Beautification Project, LLC specifically reserves to itself all rights which do not materially interfere with AK110 LLC's rights hereunder, including the installation of overhead and underground utilities in and through this area, provided Bayside Beautification Project, LLC shall restore the surface of the land to its former condition following the exercise of such reserved rights.

4. Building Restoration and Maintenance. AK110 LLC is hereby conveyed a perpetual, non-exclusive easement for encroachments for customary building structures

which currently extend beyond the boundary lines of Buyer's Property, including minor variations in exterior wall plants, roof overhangs, gutters, window details, entrance details and canopies.

AK110 LLC may install dumpsters or trash collection devices on Seller's Retained Property or Proximate Parking Area as provided in the Development Agreement in locations as may be directed from time to time by Bayside Beautification Project, LLC. The cost of installing the dumpster pad and equipment, and of maintaining same, shall be born solely by the AK110 LLC.

Following six (6) months advance written notice to AK110 LLC by Bayside Beautification Project, LLC, AK110 LLC shall complete certain exterior improvements to Buyer's Property as specified in the Development Agreement. At the request of Bayside Beautification Project, LLC, AK110 LLC shall also join a lot owners association which shall include the other owner(s) of the Development Parcel provided that in so doing, AK110 LLC will not incur obligations or costs beyond those provided in the Development Agreement.

Any notices to be provided hereunder shall be in writing and delivered to the respective addresses as set forth herein, or as otherwise agreed in the Development Agreement. Any disputes arising hereunder or under the Development Agreement shall be submitted to the dispute resolution process set forth in the Development Agreement.

Reference to the above-excepted parcel may be had to a deed from Bayside Beautification Project, LLC to AK110 LLC dated May 10, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17622, Page 135.

PARCEL THREE

A certain parcel of land situated southerly of, but not adjacent to, Cove Street in the City of Portland, County of Cumberland, State of Maine being bounded and described as follows:

Beginning on the easterly sideline of land formerly of the Portland Terminal Company, now or formerly of the State of Maine, reference Book 16707 Page 206 and land now or formerly of Bayside Beautification Project, Inc., reference Book 16782 Page 251 as shown on a plan entitled "Standard Boundary Survey for Tewksbury Industries, Inc. Anderson Street Portland, Maine" dated august 1994 by Anderson-Livingston;

Thence N 7° 31' 00" E along said land of the State of Maine a distance of 115.91 feet;

Thence S 82° 29' 00" E a distance of 102.30 feet to land of said Bayside Beautification Project, Inc.;

Thence S 48° 56' 55" W along said land a distance of 154.59 feet to the point of

beginning, containing, 5,298 square feet, more or less.

This description was prepared without the benefit of a current survey and is based on the above referenced plan.

Also being a portion of the premises conveyed to Sleepy Hollow Development, Inc. by deed of Investment Associates, Inc. dated September 1, 1995 and recorded in the Cumberland County Registry of Deeds in Book 12102, Page 108.

Received
Recorded Register of Deeds
Dec 22, 2006 11:31:35A
Cumberland County
John B O'Brien

**QUITCLAIM DEED WITH COVENANT
KNOW ALL MEN BY THESE PRESENTS**

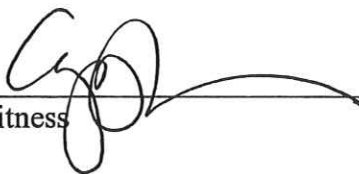
THAT, **CHADBALLS, INC.**, a Maine corporation with a place of business in Freeport, Maine, in consideration of one dollar and other valuable consideration paid, grant to **ANDERSON STREET REALTY, LLC**, a Maine limited liability company, whose mailing address is 299 Forest Avenue, Portland, Maine 04101, with quitclaim covenant the land in the City of Portland, County of Cumberland and State of Maine and more specifically described as:

SEE EXHIBIT A ATTACHED HERETO

Together with all rights of the Grantor, insofar as the Grantor has any rights to convey, to any land between the land described above and of Sleepy Hollow Development, Inc., which land is identified as "SEE NOTE #1" on Plan for Tewksbury Industries, Inc., dated August, 1994 by Anderson-Livingston Engineers, Inc.

Being the same premises conveyed to the Grantor herein by deed from Bayside Beautification Project, LLC dated August 24, 2005 and recorded in the Cumberland County Registry of Deeds in Book 23077, Page 200. Also a second deed being the same premises conveyed to the Grantor herein by Sleepy Hollow Development, Inc. dated August 25, 2005 and recorded in said Registry of Deeds in Book 23077, Page 198.

IN WITNESS WHEREOF, the said William P. Simpson, President of Chadballs, Inc. has hereunto set his hand this 22 day of December, 2006.



Witness


CHADBALLS, INC.
BY: 

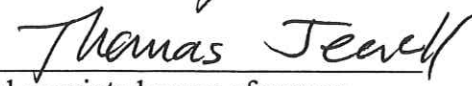
William P. Simpson
Its: President

STATE OF MAINE
COUNTY OF CUMBERLAND

December 22, 2006

Then personally appeared the above-named William P. Simpson, President of Chadballs, Inc. and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said corporation.

Before me,


Notary Public/Attorney-at-Law


Typed or printed name of person
taking acknowledgment



CARDENTE

REAL ESTATE
Commercial / Investment Brokerage

June 19, 2014

To Whom It May Concern,

Enclosed with this letter is a Site Plan II application and related plans regarding the property that we own at 122 Anderson Street & 0 Cove Street. The property was used since the early 1900's as a scrap yard. To my knowledge the operation ended in the late 1970's and the property was deserted until we purchased it in 2006. Because of the former use the site was contaminated and had storm water issues. We worked with the DEP and completed the VRAP process, which included a test well, limited remediation and encapsulating the site with gravel. In addition, we worked with the City on dealing with the storm water by building a city approved detention pond.

Since the subject part of the property has not been used for a number of years, no use has been established and we are applying for a change of use to intermodal transportation. The operators of the Nova Star would like to use the subject area for freight and cargo operations. This location would hold cargo waiting to be loaded onto the ferry as well as an area for cargo that has arrived to be picked up for further transportation. The area that they will be using is already fully fenced in with lights. No additional improvements will be needed for this use.

If you have any questions or need further information, please let me know.

Best,

Michael Cardente
Manager, Anderson Street Realty, LLC



1/6

recd 7.18.14

INTERMODAL STAGING YARD
122 ANDERSON ST.
PORTLAND, ME 04101

This site is located in an I-lb industrial zone which specifically enumerates "Intermodal use" as allowed.

Transportation Standards:

The proposed use will not create or aggravate any significant hazard to safety nor lower the level of service to any street.

1. The traffic pattern required for this operation is straightforward and with ample stop signs, lighting and traffic signals. Attached is a route map that shows the routing. The exit driveway of the site has signage and a design that does not allow left turn exits. This prevents vehicles from passing residential areas. All the trucks in this area move at a slow pace. This is not a highway but rather a delivery area driven at delivery speed. The hazard should be no greater than it is now, which is low.
2. Site lines in and out of the facility are very good, in excess of 250' in either direction.
3. "Way finding" will be done by use of Nova Stars web site, GPS, and a direction map as attached. Signage at the entrance will state that it is the Nova Star intermodal staging yard and an entrance sign is in place.
4. The vehicles will start being released at 8:15 in a metered time frame to prevent a surge of vehicles. All vehicles will have departed by 9:00 P.M., a full hour before the implementation of the stricter 50 decimal requirement.

Access and Circulation:

This is a large site which allows for comfortable maneuvering of vehicles. As seen on the attached plan, the vehicles will drive into the gated area and circle to get into one of two types of cueing lanes.

1. The property has two curb cuts, both of which accommodate two way vehicle movements. This particular intermodal use will rarely have two way truck movements, but it can handle them in any event. The vehicles will be showing up during the afternoon hours. When the ferry is ready for them, (usually around 8:15 in the evening) the crew will release a vehicle every two minutes. They will be going out with no trucks coming in at that time.
2. The operating hours of the businesses and the community center on this site are conducive to their operation.
 - A. Tandem Coffee is open from early morning to mid-afternoon. Their customers mostly use the smaller two-way drive shared with the community center.
 - B. The community center has varying operating times which mostly start in the mid-afternoon. The Community Center operates on the other side of the property using a different driveway and is separated by a "jersey barrier" to provide vehicle movement safety.
 - C. Bunker brewery brews beer all day but not in the evening with the exception of occasional "tastings" which occur in the late afternoon and early evening. The parking lot shared with Tandem Coffee accommodates their parking needs.
3. With regard to the vehicle circulation and noise levels, all vehicles with refrigeration equipment for cooling will line up in a row at the furthest point from any residential zone, (Approximately 300'+) as shown on this plan. The next row will be for regular freight vehicles. Not only will these not have refrigeration compressors but their trailers and box van shapes will deflect any noise away from the residential zone.
4. The truck movements on the site will be slow and smooth. Rarely would they be backing up. It seems highly unlikely that any vibrations will be caused and certainly not felt over 200 to 300 feet away across one and two city streets.

5. The Intermodal yard is surrounded by a security chain link fence and is lit by lights which face away from the residential area toward the back of other commercial buildings.
6. Fire safety and security, if any, will be easy to address as the access gate will be open at all times.



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.


Applicant Signature: _____

6/19/14
Date: _____

_____ I have provided digital copies and sent them on:

_____ Date:

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



Level II – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level II: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

Level II: Site Plan Development includes:

- New construction of structures with a total floor area of less than 10,000 sq. ft. in all zones, except in Industrial Zones.
- New construction of structures with a total floor area of less than 20,000 sq. ft. in Industrial Zones.
- Any new temporary or permanent parking area, paving of an existing unpaved surface parking area in excess of 7,500 sq. ft. and serving less than 75 vehicles, or creation of other impervious surface area greater than 7,500 sq. ft.
- Building addition(s) with a total floor area of less than 10,000 sq. ft. (cumulatively within a 3 year period) in any zone, except in Industrial Zones.
- Building addition(s) with a total floor area of less than 20,000 sq. ft. in Industrial Zones.
- Park improvements: New structures or buildings with a total floor area of less than 10,000 sq. ft., facilities encompassing an area of greater than 7,500 sq. ft. and less than 20,000 sq. ft. (excludes rehabilitation or replacement of existing facilities).
- New construction of piers, docks, wharves, bridges, retaining walls, and other structures within the Shoreland Zone.
- Land disturbance between 1 and 3 acres that are stripped, graded, grubbed, filled or excavated.
- A change in the use of a total floor area between 10,000 and 20,000 sq. ft. in any existing building (cumulatively within a 3 year period).
- Lodging house, bed and breakfast facility, emergency shelter or special needs independent living unit.
- Signage subject to approval pursuant to Section 14-526 (d) 8.a. of the Land Use Code.
- Any new major or minor auto service station with less than 10,000 sq. ft. of building area in any permitted zone other than the B-2 or B-5 zones.
- The creation of day care or home babysitting facilities to serve more than 12 children in a residential zone (not permitted as a home occupation under section 14-410) in any principal structure that has not been used as a residence within the 5 years preceding the application.
- Any drive-through facility that is not otherwise reviewed as a conditional use under Article III.

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: 122 Anderson Street / Change of Use

PROPOSED DEVELOPMENT ADDRESS:

122 Anderson Street & O Cove Street

PROJECT DESCRIPTION:

No use established. Change of use to intermodal transportation.

CHART/BLOCK/LOT: 122 Anderson 10/H/5 10/N/1 PRELIMINARY PLAN _____ (date)
O Cove 10/H/8 FINAL PLAN _____ (date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: <u>Douglas Cavdente</u> Business Name, if applicable: <u>Anderson Street Realty, LLC</u> Address: <u>322 Fore Street, 3rd Floor</u> City/State: <u>Portland, ME</u> Zip Code: <u>04101</u>	Applicant Contact Information E-mail: <u>Doug @ Cavdente.com</u> Home #: Work #: <u>(207) 775-5677</u> Cell #: <u>(207) 233-1229</u> Fax#: <u>(207) 773-0066</u>
Owner – (if different from Applicant) Name: Address: City/State: Zip Code:	Owner Contact Information E-mail: Home #: Work #: Cell #: Fax#:
Agent/ Representative Name: <u>Michael Cavdente</u> Address: <u>322 Fore Street, 3rd Floor</u> City/State: <u>Portland, ME</u> Zip Code: <u>04101</u>	Agent/Representative Contact information E-mail: <u>Mike @ Cavdente.com</u> Home #: Work #: <u>(207) 775-7353</u> Cell #: <u>(207) 233-7229</u> Fax#: <u>(207) 775-0066</u>
Billing Information Name: <u>Anderson Street Realty, LLC</u> Address: <u>322 Fore Street, 3rd Floor</u> City/State: <u>Portland, ME</u> Zip Code: <u>04101</u>	Billing Information E-mail: <u>Doug @ Cavdente.com</u> Home #: Work #: <u>(207) 775-5677</u> Cell #: <u>(207) 233-1229</u> Fax#: <u>(207) 773-0066</u>

Engineer Name: Address: N/A City/State : Zip Code:	Engineer Contact Information E-mail: Home #: N/A Work #: Cell #: Fax#:
Surveyor Bulk Buy Boundary, Inc. Name: Robert Greenlaw Address: 643 Forest Avenue City/State : Portland, ME Zip Code: 04101	Surveyor Contact Information E-mail: Home #: 774-2855 Work #: Cell #: Fax#: 347-4346
Architect Name: Address: N/A City/State : Zip Code:	Architect Contact Information E-mail: Home #: N/A Work #: Cell #: Fax#:
Attorney Name: Eric Stauffer/Preti Flaherty Address: one City Center P.O. Box 9546 City/State : Portland, ME Zip Code: 04112-9546	Attorney Contact Information E-mail: estauffer@Preti.com Home #: Work #: 791-3205 Cell #: Fax#: 791-3111

APPLICATION FEES:

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

Level II Development (check applicable reviews) <input type="checkbox"/> Less than 10,000 sq. ft. (\$400) <input type="checkbox"/> After-the-fact Review (\$1,000 plus applicable application fee) <hr/> The City invoices separately for the following: <ul style="list-style-type: none"> • 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.	Other Reviews (check applicable reviews) <input type="checkbox"/> Traffic Movement (\$1,000) <input type="checkbox"/> Stormwater Quality (\$250) <input type="checkbox"/> Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots ___ x \$200/lot = ___ <input type="checkbox"/> Other _____ <input type="checkbox"/> Change of Use <input type="checkbox"/> Flood Plain <input type="checkbox"/> Shoreland <input type="checkbox"/> Design Review <input type="checkbox"/> Housing Replacement <input type="checkbox"/> Historic Preservation
--	--

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:

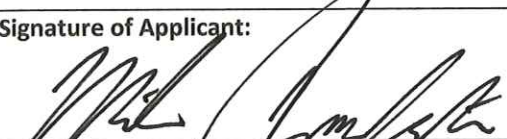
1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-527 (c), including evidence 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: 6/19/14
--	------------------

PROJECT DATA

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

Total Area of Site	Total Area 117,523 sq. ft. Applicable 51,997 sq. ft.
Proposed Total Disturbed Area of the Site	N/A No Construction
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 ←	Per Storm water plan approved by city Total Site
Impervious Area (Total Existing)	95,024 sq. ft.
Impervious Area (Total Proposed)	No Change sq. ft.
Building Ground Floor Area and Total Floor Area	
Building Footprint (Total Existing)	Vacant Lot 0 sq. ft.
Building Footprint (Total Proposed)	None sq. ft.
Building Floor Area (Total Existing)	None sq. ft.
Building Floor Area (Total Proposed)	None sq. ft.
Zoning	
Existing	ILB
Proposed, if applicable	ILB
Land Use	
Existing	Not Established
Proposed	Intermodal Transportation
Residential, If applicable	
# of Residential Units (Total Existing)	N/A
# of Residential Units (Total Proposed)	N/A
# of Lots (Total Proposed)	N/A
# of Affordable Housing Units (Total Proposed)	N/A
Proposed Bedroom Mix	
# of Efficiency Units (Total Proposed)	N/A
# of One-Bedroom Units (Total Proposed)	N/A
# of Two-Bedroom Units (Total Proposed)	N/A
# of Three-Bedroom Units (Total Proposed)	N/A
Parking Spaces	
# of Parking Spaces (Total Existing)	Open Lot
# of Parking Spaces (Total Proposed)	No Changes
# of Handicapped Spaces (Total Proposed)	N/A
Bicycle Parking Spaces	
# of Bicycle Spaces (Total Existing)	N/A
# of Bicycle Spaces (Total Proposed)	N/A
Estimated Cost of Project	\$ 0

PRELIMINARY PLAN (Optional) - Level II Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
✓		1	Completed Application form
✓		1	Application fees
		1	Written description of project
		1	Evidence of right, title and interest
		1	Evidence of state and/or federal approvals, if applicable
		1	Written assessment of proposed project's compliance with applicable zoning requirements
		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
		1	Written requests for waivers from site plan or technical standards, if applicable.
✓		1	Evidence of financial and technical capacity
✓		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)
			Proposed grading and contours;
			Existing structures with distances from property line;
			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;
			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
			Preliminary infrastructure improvements;
			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;
			Location of significant natural features (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features) located on the site as defined in Section 14-526 (b) (1);
			Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);
			Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;
			Exterior building elevations.

FINAL PLAN - Level II Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
		1	* Completed Application form
		1	* Application fees
		1	* Written description of project
		1	* Evidence of right, title and interest
		1	* Evidence of state and/or federal permits
		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
		1	* Evidence of financial and technical capacity
		1	Construction Management Plan
		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
		1	Stormwater management plan and stormwater calculations, including description of project, hydrology and impervious area.
		1	Written summary of project's consistency with related city master plans
		1	Evidence of utility capacity to serve
		1	Written summary of solid waste generation and proposed management of solid waste
		1	A code summary referencing NFPA 1 and all Fire Department technical standards
		1	Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526 and in City of Portland Design Manual
		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Final Site Plans including the following:
			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
			Existing and proposed structures on parcels abutting site;
			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
			Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
			Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
			Location of all snow storage areas and/or a snow removal plan;
			A traffic control plan as detailed in Section 1 of the Technical Manual;
			Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
			Location and proposed alteration to any watercourse;
			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
			Proposed buffers and preservation measures for wetlands;
			Existing soil conditions and location of test pits and test borings;
			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
			Grading plan;
			Ground water protection measures;
			Existing and proposed sewer mains and connections;
			Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
			Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;

- Continued on next page -

		Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;
		Location and size of all on site solid waste receptacles, including on site storage containers for recyclable materials for any commercial or industrial property;
		Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;
		A shadow analysis as described in Section 11 of the Technical Manual, if applicable;
		A note on the plan identifying the Historic Preservation designation and a copy of the Application for Certificate of Appropriateness, if applicable, as specified in Section Article IX, the Historic Preservation Ordinance;
		Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
		An exterior lighting plan in accordance with Section 12 of the Technical Manual;
		A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
		Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.



PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST



A separate drawing[s] shall be provided as part of the site plan application for the Portland Fire Department's review.

1. Name, address, telephone number of applicant
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. Proposed fire protection of all structures
 - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
7. Hydrant locations
8. Water main[s] size and location
9. Access to all structures [min. 2 sides]
10. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.

Some structures may require Fire flows using annex H of NFPA 1

Fire Department Information

Property Address: 122 Anderson Street & 0 Cove Street

Applicant Information

Douglas Cardente
322 Fore Street
Portland, Maine 04101
233-1229

Michael Cardente
322 Fore Street
Portland, Maine 04101
233-7229

Architect Information: N/A No building or construction

Proposed Use: Vacant lot that will be used by the Nova Star to store and stage cargo going on and off the ferry. Intermodal Transportation

Square Footage of Building: N/A There is no building.

Existing & Proposed Fire Protection of Structure: N/A

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991



Mr. Frank J. Brancely,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail: fjb@portlandmaine.gov

Date: 6/19/14

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 122 Anderson & O Cove Street

Chart Block Lot Number: 10/H/5 12/N/1

Proposed Use: Intermodal Transportation

Previous Use: Not established

Existing Sanitary Flows: 0 GPD

Existing Process Flows: 0 GPD

Description and location of City sewer that is to receive the proposed building sewer lateral.

Site Category

Commercial (see part 4 below)	<input type="checkbox"/>
Industrial (complete part 5 below)	<input checked="" type="checkbox"/>
Governmental	<input type="checkbox"/>
Residential	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>

N/A - Vacant Lot with NO Bathrooms

(Clearly, indicate the proposed connections, on the submitted plans)

2. Please, Submit Contact Information.

City Planner's Name: _____ Phone: 775-7677

Owner/Developer Name: Doug & Mike Cavente

Owner/Developer Address: 322 Fore Street, 3rd Floor Portland, ME

Phone: 775-7363 Fax: 773-0066 E-mail: Mike @ Cavente.com

Engineering Consultant Name: _____

Engineering Consultant Address: _____

Phone: _____ Fax: _____ E-mail: _____

(Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review)

3. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: _____ GPD

Peaking Factor/ Peak Times: _____

Specify the source of design guidelines: (i.e. "Handbook of Subsurface Wastewater Disposal in Maine,"
"Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify)

(Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet)

4. Please, Submit External Grease Interceptor Calculations.

N/A

Total Drainage Fixture Unit (DFU) Values: _____

Size of External Grease Interceptor: _____

Retention Time: _____

Peaking Factor/ Peak Times: _____

(Note: In determining your restaurant process water flows, and the size of your external grease interceptor, please use The Uniform Plumbing Code. Note: In determining the retention time, sixty (60) minutes is the minimum retention time. Note: Please submit detailed calculations showing the derivation of your restaurant process water design flows, and please submit detailed calculations showing the derivation of the size of your external grease interceptor, either in the space provided below, or attached, as a separate sheet)

5. Please, Submit Industrial Process Wastewater Flow Calculations

N/A

Estimated Industrial Process Wastewater Flows Generated: _____ GPD

Do you currently hold Federal or State discharge permits? Yes _____ No _____

Is the process wastewater termed categorical under CFR 40? Yes _____ No _____

OSHA Standard Industrial Code (SIC): _____

<http://www.osha.gov/oshstats/sicser.html>

Peaking Factor/Peak Process Times: _____

(Note: On the submitted plans, please show where the building's domestic sanitary sewer laterals, as well as the building's industrial-commercial process wastewater sewer laterals exits the facility. Also, show where these building sewer laterals enter the city's sewer. Finally, show the location of the wet wells, control manholes, or other access points; and, the locations of filters, strainers, or grease traps)

(Note: Please submit detailed calculations showing the derivation of your design flows, either in the space provided below, or attached, as a separate sheet)

Notes, Comments or Calculation