



Stantec Consulting Services Inc.
482 Payne Road Scarborough Court, Scarborough ME 04074-8929

December 14, 2017

Mr. Matthew Grooms
Planning and Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

**Subject: Canal Landing New Yard – Phase III
400 West Commercial Street
Final Site Plan and Conditional Use Application
Applicant: Canal Landing, LLC**

Dear Matthew:

On behalf of Canal Landing, LLC, we are pleased to provide the accompanying package of submission materials related to the proposed Phase III Canal Landing New Yard development off West Commercial Street. This submission package is intended to meet the City's Final Submission Requirements as outlined in the Level III Application and Conditional Use Application procedures. This submission is also made as a request to re-permit the Phase III site plan that was previously approved by the Planning Board at their January 11, 2016 Public hearing. As you know, the Phase III building work did not commence within the 1 year permit expiration period and no formal extension request was made, thus we are seeking a simple review and permit renewal of the project to allow the applicant to now possibly move ahead with construction in 2018. We understand that the previously approved Traffic Movement Permit remains valid, thus no further permitting material is required for that approval.

The applicant has completed the initial phases of development consisting of two buildings constructed since late 2013 on their 5.03-acre remainder property positioned just to the southeast corner of the IMT Expansion project. The Portland Planning Authority previously approved these activities beginning in the fall of 2013. The applicant acquired 12.74 acres of additional land from the Portland Terminal Company (dba Maine Central Railroad) located west of the original Canal Landing site in 2015. This resubmitted application is for the next phase of development activity that is expected to extend across this additional acreage. As outlined in previously submitted Master Plans, the Canal Landing development will include multiple new buildings to be constructed along the Commercial Street frontage as well as shorefront areas. It is expected that all uses will be marine related and thus compliant with the WPDZ zoning either as permitted or conditional uses. An impact mitigation narrative is contained in Section 3 of this submission package. The **Phase III** development activity for which this application is made includes the construction of approximately 30,250 SF of new building space and restoration/stabilization of boat yard areas across approximately 8 acres of the former



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rail yard. In addition, the applicant is seeking approval to prepare a 2-3 acre secured area at the west end of the property within which marine related uses for vehicle parking, temporary equipment or marine cargo storage, or related activities may occur. The Canal Landing New Yard **Phase III** activities include uses that are identified as Permitted or Conditional uses under the WPDZ Zone and therefore the appropriate supporting information is contained within this submission. These uses include the following in accordance with Code Section 14-319:

1. Marine Cargos Handling Facilities
2. Marine Retail and Wholesale Sales, Including Yacht Brokerage – Conditional Use

The following additional information is provided in accordance with Section 14-474 of the Ordinance. Specifically, the Planning Authority may issue a Conditional Use Permit if it so determines that:

- a. *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and*
- b. *The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and*
- c. *The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.*

In support of the project, we offer the following statements addressing each of the aforementioned criteria:

- a. The proposed marine retail use will involve activities that are consistent with the surrounding area including uses within the Star Match Building as well as other retail sales uses along Commercial Street. The Phase III trip generation is expected to be less than 50 trip ends during the peak hour and the hours of operations will be during normal daytime hours of 7:00 am to 6:00 pm. The marine retail use will require limited parking based on the tenant's operations at their existing facility located at another site in the City.
- b. The proposed conditional land uses will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or



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litter as they involve non-intrusive activities that are common within a waterfront and/or industrial setting. The marine retail activity includes a traditional building style, similar to those existing in the vicinity.

- c. The proposed conditional use will not result in substantially different changes to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage than what may be expected normally from permitted uses in the zone. In general, the Portland waterfront contains various marine related sales services as well as the storage of industrial and marine related, cargo and materials. The proposed marine retail use will involve primarily inside display and sale of marine/boat related products. These activities are considered complementary to many of the existing uses along Commercial Street and have been specifically considered as the desired uses for the WPDZ zone. The yard improvements and waterfront activities for **Phase III** will continue to support the New Yard Boat Maintenance Facility.

Further, part of the Phase III building will be ancillary to the operations of the Canal Landing Boat Maintenance Facility. The applicant intends to use some of the proposed space for their own management and office functions directly related to the operations of their boat repair and maintenance business.

Accompanying this cover letter are the following materials:

- Site Plan Application and Conditional Use Application
- Section 1: Written Description of Project
- Section 2: Evidence of Right, Title and Interest, Technical Capacity and Financial Capacity
- Section 3: Written Assessment of Proposed Project's Compliance with Applicable Zoning and Land Use Requirements
- Section 4: Traffic Information
- Section 5: Stormwater Management Information and Erosion & Sedimentation Control Report
- Section 6: Fire Safety Analysis
- Reduced Sized Plans

You will find in the accompanying materials, information including the Final Phase III Site Layout Plans. Also included in the plans is a Future Phase Concept Plan that depicts the layout of several additional buildings and site development as may occur in subsequent phases for which subsequent permit applications will be submitted to the planning



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Authority. Building elevations for the Phase III buildings accompany this submission. Information pertaining to the project's utilities needs and statements regarding compliance with the City's Standards are contained within this submission.

During the January 2016 review process, we had noted the applicant requested and received After the Fact Authorization for several site improvement activities in advance of the Amended Site Improvement and Conditional Use Permit approvals at the time. Specifically, New Yard LLC completed clearing and ground stabilization of approximately 6 acres of the additional acquired site area. These preliminary activities involved some vegetation and stump removal, leveling of existing ground and placement of a thin layer (<2") of stone over the ground surface as a short-term stabilization measure. In addition, the applicant sought and was granted advanced approval to park boats, boat trailers and employee vehicles in this area. As City Staff is aware, the IMT expansion project and MaineDOT land taking effectively left New Yard with about 5 acres of development area. Once they constructed Buildings A & B, the applicant incurred the short-term disadvantage of reduced yard area for their business operations, so they desperately needed additional physical area in which to conduct their business. Their ability to use the additional land they acquired from the Railroad has been imperative to their business. The applicant appreciates the City's willingness to pre-approve the relocation of the New Yard access driveways to the two proposed locations identified as the Central and Easterly entrances on the accompanying plans. As outlined previously, the MaineDOT completed at grade crossings of the new rail tracks, thus allowing New Yard the opportunity to construct the new driveways for access into the 5-acre remainder land and the additional acquired parcels.

On behalf of New Yard, Stantec previously contacted the MaineDEP regarding the project and for a determination regarding the applicability of the City of Portland Delegated Authority to grant Site Law approval. It is our opinion that the historical site use as a rail yard leaves little need for further MaineDEP involvement on the land side of activity. The applicant will continue to pursue MaineDEP permitting for any waterfront activities including new floats, ramps, or travel lift basin in the future.

On behalf of the Canal Landing Team, we look forward to your continued assistance on the project and we look forward to the next available Public Hearing meeting with the Planning Board. In advance of the Public Hearing, the applicant will be conducting a Public Informational Meeting at the New Yard site Building B. We anticipate this meeting will be conducted the first or second week of January 2018, prior to the Public Hearing.



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If you have any questions regarding the materials being submitted, please contact this office.

Sincerely,

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Attachments – As listed above

c: Phineas Sprague, Jr. – New Yard LLC
Clint Marshall

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