



June 15, 2015

Ms. Barbara Barhydt  
Development Review Manager  
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  
Preliminary Site Plan and Conditional Use Application  
Applicant: Canal Landing, LLC**

Dear Barbara:

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 Preliminary Submission Requirements as outlined in the Level III Application and Conditional Use Application procedures.

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 has recently acquired 12.74 acres of additional land from the Portland Terminal Company located west of the original Canal Landing site. This current application is for the next phase of development activity that is expected to extend across this additional acreage. As outlined in the accompanying 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. The Phase III development activity 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 rail yard. The Canal Landing New Yard Phase III activities include uses that are identified as Conditional uses under the WPDZ zone and therefore the appropriate supporting information is contained within this submission. These uses include:

1. Marine Products, Wholesaling and Retailing (per Section 14-320.1.a).

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 unless it so determined that:

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- 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 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 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 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. The yard improvements and waterfront activities for Phase III will 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. As outlined further in this submission, the applicant continues to cooperate with the MaineDOT as they complete expansion of the IMT facility.

Accompanying this cover letter are the following materials:

- Ø Site Plan Application and Conditional Use Application
- Ø Section 1: Written Description of Project
- Ø Section 2: Evidence of Right, Title and Interest, Technical Capacity and Financial Capacity

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- Ø Section 3: Written Assessment of Proposed Project's Compliance with Applicable Zoning and Land Use Requirements
- Ø Section 4: Contact with State and Federal Agencies
- Ø Reduced Sized Plans

You will find in the accompanying materials, information including the Preliminary 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. Building elevations for the Phase III buildings are currently being prepared and will be provided to the Planning Board once completed. Preliminary information pertaining to the project's utilities needs and statements regarding compliance with the City's Standards are contained within this submission.

In accordance with Section 14-532 (e) 2 & 3, the applicant requests after the fact authorization for several site improvement activities in advance of the Amended Site Improvement and Conditional Use Permit approvals. Specifically, New Yard LLC has completed clearing and ground stabilization of approximately 6 acres of the recently acquired site area. These preliminary activities involve 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 is seeking advance 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. Having now constructed Buildings A & B, the applicant has incurred the short-term disadvantage of reduced yard area for their business operations, so they desperately need additional physical area in which to conduct their business. Their ability to use this new area is imperative to their business. In addition, the applicant has also been advised that their current access conditions from the Beach Street intersection through the IMT yard expansion is tentatively set to cease in mid-July per the MaineDOT. For this reason, the applicant is also seeking pre-approval to relocate their access to the two proposed locations identified as the Central and Easterly entrances on the accompanying plans. By mid-July, the MaineDOT is scheduled to complete the new 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 newly acquired parcels. This would also relieve New Yard traffic from having to use the Beach Street Intersection location.

We look forward to the Planning Authority's consideration of this request and if necessary, any establishment of Performance Guarantee funds to cover this activity, prior to Site Plan approval.

On behalf of New Yard, FST will also contact the MaineDEP regarding the project and for a determination regarding the applicability of the City of Portland Delegated Authority to grant Site Law approval. This correspondence will be handled under separate cover.

On behalf of the Canal Landing Team, we look forward to your continued assistance on the project and we look forward to a July 2015 workshop meeting with the Planning Board. Please find one (1) hard copy of the application materials including one set each of 11 x 17 and full size plans along with a CD containing PDF files for all submitted materials.

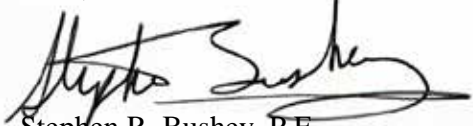
**FAY, SPOFFORD & THORNDIKE**

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If you have any questions regarding these materials please contact this office.

Sincerely,

FAY, SPOFFORD & THORNDIKE

A handwritten signature in black ink, appearing to read "Stephen R. Bushey". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen R. Bushey, P.E.  
Associate

SRB/cmd

Attachments – As listed above

c: Phineas Sprague, Jr. – New Yard LLC  
Peter Plumb – Murray, Plumb, and Murray

*R:\3091.04-Canal Landing-Phase 2\Admin\Permitting\Level III - Preliminary Site Plan Application\Level III Preliminary Site Plan Application Resubmission\3091.04 2015.06.15 Barhydt-Cover Letter.docx*



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.~~ with my application.

Applicant Signature: \_\_\_\_\_

\_\_\_\_\_  
June 15, 2015

Date:

\_\_\_\_\_  
June 15, 2015

Date:

I have provided digital copies and sent them on:

NOTE: All electronic paperwork must be delivered to [buildinginspections@portlandmaine.gov](mailto:buildinginspections@portlandmaine.gov) or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3<sup>rd</sup> Floor, Room 315.

**PROJECT NAME:** Canal Landing, LLC

**PROPOSED DEVELOPMENT ADDRESS:**

400 West Commercial Street, Portland, Maine 04101

**PROJECT DESCRIPTION:**

Phase III development of Canal Landing, a boat maintenance facility, along with an ancillary marine related development.

**CHART/BLOCK/LOT:** 59-A-3, 4  
60-F-1, 2, 3, 4  
71-F-2, 4, 5, 6

**PRELIMINARY PLAN** June 2015 (date)  
**FINAL PLAN** \_\_\_\_\_ (date)

**CONTACT INFORMATION:**

<b>Applicant – must be owner, Lessee or Buyer</b> Name: Canal Landing, LLC - Attn: Phin Sprague Business Name, if applicable: Address: 400 West Commercial Street City/State : Portland, ME Zip Code: 04101	<b>Applicant Contact Information</b> Work # 207-774-1067 Home# Cell # 207-653-1414 Fax# 207-774-7035 e-mail: phin@portlandyacht.com
<b>Owner – (if different from Applicant)</b> Name: Address: SAME AS ABOVE City/State : Zip Code:	<b>Owner Contact Information</b> Work # Home# Cell # Fax# e-mail:
<b>Agent/ Representative</b> Stephen R. Bushey, P.E. Name: Fay, Spofford & Thorndike Address: 778 Main Street, Suite 8 City/State : So. Portland, ME Zip Code: 04106	<b>Agent/Representative Contact information</b> Work # 207-775-1121 Cell # 207-756-9359 e-mail: sbushey@fstinc.com
<b>Billing Information</b> Name: c/o Portland Yacht Services Address: 400 West Commercial Street City/State : Portland, ME Zip Code: 04101	<b>Billing Information</b> Work # 207-774-1067 Cell # Fax# 207-774-7035 e-mail:

<b>Engineer</b> Stephen R. Bushey, P.E. Name: Fay, Spofford & Thorndike  Address: 778 Main Street, Suite 8  City/State : So. Portland, ME Zip Code: 04106	<b>Engineer Contact Information</b> Work # 207-775-1121  Cell # 207-756-9359 Fax# 207-879-0896  e-mail: sbushey@fstinc.com
<b>Surveyor</b> Name: Owen Haskell Inc. - Attn: John Swan  Address: 390 US Route 1, Unit 10  City/State : Falmouth, ME Zip Code: 04105	<b>Surveyor Contact Information</b> Work # 207-774-0424  Cell # Fax# 207-774-0511  e-mail: jswan@owenhaskell.com
<b>Architect</b> Name: Address: NOT APPLICABLE  City/State : Zip Code:	<b>Architect Contact Information</b> Work #  Cell # Fax#  e-mail:
<b>Attorney</b> Murray, Plumb and Murray Name: Peter Plumb, Esq.  Address: 75 Pearl Street, Suite 300  City/State : Portland, ME Zip Code: 04101	<b>Attorney Contact Information</b> Work # 207-773-5651  Cell # Fax# 207-773-8023  e-mail: pplumb@mpmlaw.com

**APPLICATION FEES:**

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

<b>Level III Development (check applicable reviews)</b> <input checked="" type="checkbox"/> Less than 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000) <input type="checkbox"/> 100,000 – 200,000 sq. ft. (\$2,000) <input type="checkbox"/> 200,000 – 300,000 sq. ft. (\$3,000) <input type="checkbox"/> over \$300,00 sq. ft. (\$5,000) <input checked="" type="checkbox"/> Parking lots over 11 spaces (\$1,000) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)  <b>Plan Amendments (check applicable reviews)</b> <input type="checkbox"/> Planning Staff Review (\$250) <input type="checkbox"/> Planning Board Review (\$500)  The City invoices separately for the following: <ul style="list-style-type: none"> <li>• Notices (\$.75 each)</li> <li>• Legal Ad (% of total Ad)</li> <li>• Planning Review (\$40.00 hour)</li> <li>• Legal Review (\$75.00 hour)</li> </ul> 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.	<b>Other Reviews (check applicable reviews)</b> <input type="checkbox"/> Traffic Movement (\$1,000) <input checked="" type="checkbox"/> Stormwater Quality (\$250) <input type="checkbox"/> Subdivisions (\$500 + \$25/lot) # of Lots ___ x \$25/lot = _____ <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 checked="" type="checkbox"/> Shoreland <input type="checkbox"/> Design Review <input type="checkbox"/> Housing Replacement <input type="checkbox"/> Historic Preservation
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**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:

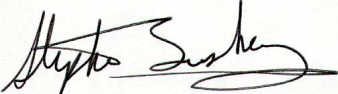
1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
  - a. Application form that is completed and signed.
  - b. Cover letter stating the nature of the project.
  - c. All Written Submittals (Sec. 14-525 2. (c), including 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:  June 15, 2015
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## PROJECT DATA

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

<b>Total Area of Site</b>	17.22 ac. <del>sq.-ft.</del>
<b>Proposed Total Disturbed Area of the Site</b>	12.70+/- ac. <del>sq.-ft.</del>
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.	
<b>Impervious Surface Area</b>	
Impervious Area (Total Existing)	<40,000 sq. ft.*
Impervious Area (Total Proposed)	sq. ft.
<b>Building Ground Floor Area and Total Floor Area</b>	
Building Footprint (Total Existing)	48,000 sq. ft. **
Building Footprint (Total Proposed)	74,050 sq. ft.
Building Floor Area (Total Existing)	48,000 sq. ft. ***
Building Floor Area (Total Proposed)	80,000+/- sq. ft. ***
<b>Zoning</b>	
Existing	WPDZ
Proposed, if applicable	WPDZ
<b>Land Use</b>	
Existing	Undeveloped - Rail Yard
Proposed	Boat Maintenance/Marine Retail
<b>Residential, If applicable</b>	
# of Residential Units (Total Existing)	N/A
# of Residential Units (Total Proposed)	
# of Lots (Total Proposed)	
# of Affordable Housing Units (Total Proposed)	
<b>Proposed Bedroom Mix</b>	
# of Efficiency Units (Total Proposed)	N/A
# of One-Bedroom Units (Total Proposed)	
# of Two-Bedroom Units (Total Proposed)	
# of Three-Bedroom Units (Total Proposed)	
<b>Parking Spaces</b>	
# of Parking Spaces (Total Existing)	0
# of Parking Spaces (Total Proposed)	Undefined >100 spaces
# of Handicapped Spaces (Total Proposed)	4 spaces
<b>Bicycle Parking Spaces</b>	
# of Bicycle Spaces (Total Existing)	TBD
# of Bicycle Spaces (Total Proposed)	TBD
<b>Estimated Cost of Project</b>	Phase III - \$2.5 to \$6 million

\*Does not include rail tracks and other yard areas, but does include gravel roads and related surfaces. Historically, the site was a former rail yard with tracks essentially across nearly the entire areas.

\*\*Existing Building A - 19,200 SF; Existing Building B - 28,800 SF

\*\*\*Subject to mezzanine design which is currently under review by owner. Building C - 19,250 SF plus mezzanine;  
Building D - 4,800 SF x 2.5 floors

Updated: April 23, 2014

<b>PRELIMINARY PLAN (Optional) - Level III Site Plan</b>			
<b>Applicant Checklist</b>	<b>Planner Checklist</b>	<b># of Copies</b>	<b>GENERAL WRITTEN SUBMISSIONS CHECKLIST</b>
X		1	Completed Application form
X		1	Application fees
X		1	Written description of project
X		1	Evidence of right, title and interest
Pending		1	Evidence of state and/or federal approvals, if applicable
X		1	Written assessment of proposed project's compliance with applicable zoning requirements
X		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
X		1	Written requests for waivers from site plan or technical standards, if applicable.
X		1	Evidence of financial and technical capacity
Pending		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
<b>Applicant Checklist</b>	<b>Planner Checklist</b>	<b># of Copies</b>	<b>SITE PLAN SUBMISSIONS CHECKLIST</b>
X		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	<b>Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)</b>
X			Proposed grading and contours;
X			Existing structures with distances from property line;
X			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
X			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
X			Preliminary infrastructure improvements;
X			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;
N/A			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);
N/A			Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);
X			Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;
X			Exterior building elevations.

<b>FINAL PLAN - Level III Site Plan</b>			
<b>Applicant Checklist</b>	<b>Planner Checklist</b>	<b># of Copies</b>	<b>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)</b>
		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
		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	<b>SITE PLAN SUBMISSIONS CHECKLIST</b> <b>(* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)</b>
		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	<b>Final Site Plans including the following:</b>
			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;

- Continued on next page -

		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;
		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.



Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for Phase III of the Canal Landing Marine Maintenance Facility project which is a redevelopment of a former industrial site into a boat and ship repair and maintenance facility, and related marine mixed-use activities located at 400 West Commercial Street in Portland, Maine.

**Meeting Location: TO BE DETERMINED – WILL BE SCHEDULED WITHIN THE NEXT MONTH**

**Meeting Date:** \_\_\_\_\_

**Meeting Time:** \_\_\_\_\_

The City Code requires that property owners within 500 feet (except notices must be sent to property owners within 1,000 feet for industrial zoning map amendments and industrial subdivisions) of the proposed development and residents on an “interested parties list”, be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please feel free to contact me at 207-775-1121.

Sincerely,

FAY, SPOFFORD & THORNDIKE

Stephen R. Bushey, P.E.  
Associate

SRB/cmd

R:\3091.04-Canal Landing-Phase 2\Admin\Permitting\Level III - Preliminary Site Plan Application\3091.04 Neighborhood Meeting Notice.docx

*Note: Under Section 14-32(C) and 14-525 of the City Code of Ordinances, an applicant for a Level III development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within three weeks of submitting a preliminary application or two weeks of submitting a final site plan application, if a preliminary plan was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Planning and Urban Development Department, Planning Division 4<sup>th</sup> Floor, 389 Congress Street, Portland, ME 04101 or by email to: [bab@portlandmaine.gov](mailto:bab@portlandmaine.gov)*



# Conditional Use for Planning Board Review 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 Conditional Use where the Planning Board is listed as the reviewing authority rather than the Zoning Board of Appeals. 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.

## **A. Conditional Use: Standards and Criteria – Section 14-474 and Zone Related Criteria**

Conditional uses are listed in the Zoning Ordinance for each zone and these proposed uses must address the criteria contained in Section 14-474 in the written application. In addition to the criteria in Section 14-474, each application must address any applicable conditional use standards contained in the applicable zone and the proposed specific use. The Zoning Ordinance specifies when the Planning Board is designated as the reviewing authority rather than the Zoning Board of Appeals. This application is for Planning Board reviews only.

Upon showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board 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.

## **B. Site Plan Application: Please submit the Conditional Use Application in addition to the applicable Site Plan Application.**

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:** Canal Landing LLC

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**PROPOSED DEVELOPMENT ADDRESS:**

Phase III development of Canal Landing, a boat maintenance facility, along with an ancillary marine related development.

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**ASSESSOR'S CHART/BLOCK/LOT (s):** 59-A-3, 4; 60-F-1, 2, 3, 4;  
71-F-2, 4, 5, 6

**Applicable Zone:** WPDZ  
Waterfront Port Development Zone

**CONTACT INFORMATION:**

<b>Applicant – must be owner, Lessee or Buyer</b> Name: Phin Sprague Business Name, if applicable: Canal Landing, LLC Address: 400 Commercial Street City/State : Portland, ME      Zip Code: 04101	<b>Applicant Contact Information</b> Work # 207-774-1067 Home# Cell # 207-653-1414      Fax# 207-774-7035 e-mail: phin@portlandyacht.com
<b>Owner – (if different from Applicant)</b> Name: SAME AS APPLICANT Address: City/State :      Zip Code:	<b>Owner Contact Information</b> Work # Home# Cell #      Fax# e-mail:
<b>Billing Information</b> Name: c/o Portland Yacht Services Address: 400 West Commercial Street City/State : Portland, ME      Zip Code: 04101	<b>Billing Information</b> Work # 207-774-1067 Cell #      Fax# 207-774-7035 e-mail:

**RIGHT, TITLE OR INTEREST:**

Please see attached Release Deed included with this submission.

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(Please identify the status provide documentary evidence, attached to this application, of the applicant's right, title, or interest in the subject property (ex: deed, option or contract to purchase or lease the property.)

**VICINITY MAP:** (Please attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use.)

**EXISTING USE:** Describe the existing use of the subject property.

Former industrial site which has fallen into non-use except for low frequency rail yard activities.

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**PROPOSED USE:** Describe the proposed use of the subject property

Expansion of Canal Landing Boat Yard which includes a boat maintenance and repair yard. This includes multiple buildings, a second boat ramp, revetment improvements, docks, new or reconstructed piers and improved boatyard area.

**TYPE OF CONDITIONAL USE PROPOSED (Refer To Specific Provisions Of Land Use Code Authorizing The Proposed Conditional Use).**

Marine products, wholesaling and retailing

**SITE PLAN:** Submit a separate site plan application for the proposal that provides a site plan for the property, showing existing and proposed improvements, which meets the submission requirements of the applicable level of site plan review.

**CONDITIONAL USE STANDARDS AND CONDITIONS – 14-474**

Address the following criteria in your written application and any applicable conditional use standards contained in the zoning code for the specific use. Upon showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board 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.

**CONDITIONAL USE AUTHORIZED BY: SECTION 14- 320**

Address any specific conditional use standards for the specific use contained in the zoning code in the written submission. Please See Submission Cover Letter

**APPLICATION FEES:**

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

<p><input checked="" type="checkbox"/> Conditional Use Review (\$100.00)</p> <p>(Please submit a separate application for the applicable site plan review. Fees and charges are listed within the application)</p>	<p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> <li>• Notices (\$.75 each)</li> <li>• Legal Ad (% of total Ad)</li> <li>• Planning Review (\$40.00 hour)</li> <li>• Legal Review (\$75.00 hour)</li> </ul> <p>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.</p>
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**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.
3. 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:

Applicant Checklist	Planner Checklist	# of Copies	
X		1	Application form that is completed and signed.
X		1	Cover letter stating the nature of the project.
X		1	Evidence of right, title and interest.
X		1	Written Submittals that address the conditional use standards of Sec. 14-474.
X		1	Written submittals that address any applicable standards of review contained in the zoning code for the specific use.
X		1	A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet and containing the information required for the applicable level of site plan review.
X		1	An accompanying site plan application, as applicable.

**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 Conditional Use 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.**

<p><b>Signature of Applicant:</b></p> 	<p><b>Date:</b></p> <p>June 15, 2015</p>
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## **LIST OF ATTACHMENTS**

Section 1: Attachment A – Figures 1-12

Attachment B – Ability to Serve Letters to Portland Water District and the City of Portland Public Services (Pending)

Section 2: Attachment A – Release Deed

Section 4: Attachment A – Portland Fire Department Site Review Checklist & NFPA 1 Review

## **LIST OF PLANS**

<b>SHEET #</b>	<b>TITLE</b>
C-1.0	COVER SHEET
C-1.1	GENERAL NOTES AND LEGEND
C-1.2	BOUNDARY SURVEY
C-1.2A	BOUNDARY AND TOPOGRAPHIC SURVEY 1 OF 2 (MDOT PLANS)
C-1.2B	BOUNDARY AND TOPOGRAPHIC SURVEY 2 OF 2 (MDOT PLANS)
C-1.3	EXISTING CONDITIONS PLAN
C-1.4*	PHASE III DEMOLITION AND REMOVALS PLAN
C-2.1	PHASE III SITE LAYOUT PLAN
C-2.2	AMENDED PHASE III OVERALL PROJECT PLAN
C-2.3	FUTURE PHASE CONCEPT PLAN
C-3.1	PHASE III GRADING AND DRAINAGE PLAN
C-4.1	PHASE III UTILITY PLAN
C-4.2*	UTILITY PROFILES
C-6.1	PHASE III EROSION AND SEDIMENT CONTROL PLAN
C-6.1A	2015 SPRING/SUMMER SURFACE RESTORATION AND EROSION CONTROL PLAN
C-6.2	EROSION AND SEDIMENT CONTROL DETAILS
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C-11.0*	FIRE PROTECTION PLAN PHASE III

\*Not Included in this Submission Set

# 1. DEVELOPMENT DESCRIPTION

## 1.1 PROJECT OVERVIEW

Canal Landing, LLC proposes to construct an expansion to their boat maintenance and repair yard within approximately 17.77 acres of land located prominently along the West Commercial Street waterfront. This land area includes 5.03 acres of remainder land that the Applicant retained after the MaineDOT acquired nearly 18 acres of land from New Yard, LLC for the IMT Expansion project. The Applicant has recently completed the acquisition of 12.74 acres from Portland Terminal Company to fulfill their goals for a full-scale boat maintenance and marine related activities facility. The project represents an ideal reuse of a former highly industrialized property that over the years has fallen into non-use except for low frequency rail yard activities. The property maintained a prominent role in the City's Waterfront District for well over a century and a half as the Maine Central Railroad operated active business interests up until at least the 1970's. In more recent times, the site has been undeveloped except for the limited ongoing rail operations.

The proposed project includes multiple buildings to be constructed over multiple phases along with expanded shorefront uses including a second boat ramp, docks, new or reconstructed piers and a travel lift basin. The Applicant's plans include up to three buildings constructed to support the boat maintenance and repair operations. Additional future buildings are also contemplated to support marine related operations including retail/warehouse space, yacht brokerage/sales, marine product processing, and the potential of large vessel berthing. The current Site Plan approval request is only for Phase III activities which are listed in Section 1.9.1 of this section.

The project includes site development activities involving earthwork, grading, shorefront stabilization, pier rehabilitation, boat ramps, building construction, utilities, and overall site stabilization.

The following sections provide greater detail regarding the site's existing conditions and the proposed development program.

## 1.2 SITE OWNERSHIP

According to the ALTA/ACSM Survey completed by Owen Haskell, Inc. in April 2015, the development site contains multiple parcels as identified in the City of Portland Tax Assessor's maps. These parcels are more fully described as follows:

TABLE 1 – Land Ownership		
Chart-Block-Lot	Owner	Description
59-A-3 & 4	New Yard, LLC CCRD Book 30887; Page 2	Consists of 5.03 acres.
60-F-1, 3 & 4 71-F-2	Canal Landing, LLC CCRD Book 32239; Page 148	Consists of a 6.75-acre area between the IMT rail track and the street; also consists of 5.99 acres of area along the waterfront.

Figures 1-12 included in Attachment A of this section depict the project location on various available resource maps. As shown, the site location is on West Commercial Street just west of the Casco Bay Bridge and between Commercial Street and the waterfront. The combined parcels have approximately 2,159.55 LF of frontage along Commercial Street. The development site is identified on the U.S.G.S Portland West 7.5 Minute Quadrangle Map.

### 1.3 PROJECT PURPOSE AND NEED

The proposed project is considered a unique opportunity to transform an underutilized, yet prominent property, into water dependent maritime use as significantly contemplated within the City's zoning and comprehensive plans. The project's community benefits include:

- Enhanced commercial/marine related opportunity and rehabilitation of a deteriorated, older industrial property.
- Rehabilitated waterfront including new/renovated pier(s), boat ramp(s) and shoreline stabilization.
- Various remedial activities related to recognized environmental conditions on the properties will be performed, thus addressing several long-standing environmental issues.
- Revitalization of an important waterfront property that has excellent access to deep water, various utilities, City services, and related shorefront amenities.
- Furtherance of the purposes of the Waterfront Port Development zone as articulated in the Land Use Ordinance to “*ensure the continued viability of the Port of Portland*” by limiting use to “*those uses which are dependent upon deep water and which contribute to port activity*”.
- Creation of new buildings and site use consistent with waterfront activities in a gateway location along the busy West Commercial Street corridor. The cleanup of dilapidated piers and remnant industrial infrastructure associated with the former Portland Gas Works is especially worthwhile.

### 1.4 EXISTING CONDITIONS

The site consists of approximately 17.77 acres of land that is composed of three primary areas described as follows:

1. **Retained Parcel (Map 59A, Lots 3 & 4)**: Consists of the retained 5.03-acre area owned by New Yard, LLC and it represents the retained land originally permitted by the Applicant during late 2012 – 2013. Within this land area New Yard, LLC has constructed Building A and Building B amounting to approximately 48,000 SF of building space. This parcel contains a new boat ramp and boat yard area currently in use by Portland Yacht Services.
2. **Shorefront Parcel (Map 60F, Lots 3 & 4)**: This area is irregularly shaped and contains approximately 1,581 LF of waterfront. The site area is approximately 5.99 acres. This area is currently undeveloped except for the granite revetment wall that historically supported the former waterfront pier.

3. **Street Front Parcel (Map 60F, Lot 1):** This 6.75-acre area contains approximately 2,160 LF of street front. The property is generally unoccupied although there is an existing rail tracks that provides access to the remaining NGL Distribution facility within what will be IMT expansion area in the future.

Existing development in the area includes the following:

- The City of Portland Marine Terminal and expansion area is located to the east of the site.
- Commercial activity including Nova Seafood and Graybar Electric operate out of buildings on the north side of Commercial Street.
- The Portland Star Match Co. building lines up opposite the site.
- The Pan Am Railway operates rail tracks into the propane storage yard. These rail tracks are expected to continue in operation temporarily until mid-summer 2015 and then the new tracks will be installed as part of the IMT Expansion project will come online.

## 1.5 ACCESS CONDITIONS

The site currently has two uncontrolled access points off Commercial Street. The most westerly access is a simple gravel turn out allowing vehicular access into the former rail yard. The easterly access is a poorly defined gravel lot opposite the west end of the Star Match Building Complex. For much of the property frontage there is ongoing use by area businesses, particularly fisherman and other related marine activity for parking vehicles, equipment, etc. Much, if not all, of this activity is unauthorized, even though quite common.

Future site access will consist of the following:

- A driveway is proposed at the westerly access point. This driveway will allow access to both the street side parcel and the shorefront parcel.
- A driveway is proposed at the easterly end of the site near the IMT expansion.
- A future driveway is proposed at the westerly side of the site.

## 1.6 SITE UTILITIES

The site contains numerous active and non-active utility lines. The primary utilities are identified as follows:

- The Portland Water District maintains a 48" sanitary sewer interceptor sewer along the site's entire Commercial Street frontage. A portion of this sewer is located within the site within a utility easement. The District/City also maintain two CSO lines that discharge out to the Fore River. There are no sanitary sewer service lines serving the site to the best of our understanding. The previously completed Buildings A and B discharge to an onsite private pump station that ultimately discharges to the 48" interceptor sewer. The proposed Phase III building's sanitary sewer will also connect to the existing 48" sewer interceptor.

- The Portland Water District maintains a water main in Commercial Street that varies from 12" to 16". The Applicant has previously installed a fire line and fire line meters to supply water to allow for both fire and domestic water supply service into the site. This system will be used for the remaining future shorefront buildings. New fire and domestic water supply lines will be installed from the Commercial Street main to serve the Phase III buildings.
- Unutil maintains a high-pressure natural gas line along Commercial Street. The Applicant continues to investigate service connections for natural gas supply to the property. Currently, Buildings A and B are served by onsite LP fuel storage tanks.
- Power to the site is supplied by Central Maine Power. Currently, there is an overhead service crossing Commercial Street to a pole from which underground facilities extend to Buildings A and B. CMP also maintains an underground transmission cable along most of the site's Commercial Street frontage. It is the Applicant's intent to extend new overhead primary power service from Commercial Street into the site and then underground to pad-mounted transformer(s). New underground secondary service runs will extend to various locations on the property including the boat ramps and storefront area.

Letters have been sent to the following companies requesting ability to serve for the project:

- Portland Water District (water supply)
- City of Portland Public Services (sanitary sewer)

Copies of these letters are included as Attachment B. These letters provide anticipated consumption and anticipated flow data for the site.

Plan C-4.1 shows the proposed utilities for Phase III.

## **1.7 TOPOGRAPHY AND DRAINAGE**

Owen Haskell, Inc. has completed a topographic survey of the property. The site is relatively flat with the highest points along the Commercial Street frontage, sloping to the waterfront. Site elevations along Commercial Street trend down from east to west from Elevation 18' (NGVD 1929) to Elevation 16'. The site's low areas are near elevation 9'-10' while most of the waterfront top of revetment is near elevation 9' or 10'. The High Annual Tide Line (HAT) for the Fore River is elevation 7.4' and mean low water is approximately Elevation -4.0'. The Federal Channel is also represented on the project drawings and it is generally located 60' to 120' off the shorefront. No activities are proposed beyond the Federal Channel line.

Generally speaking, the site's runoff drains directly to the Fore River via overland flow. There are very few drainage measures on site except for several old catch basins, although there is a closed storm drainage system within Commercial Street. The Commercial Street drainage system ultimately ties into several existing CSO outfalls. The CSO outfalls will remain and be used as outfalls for site generated runoff. It is noted that these CSO outfalls are also used for discharge of runoff associated with the IMT expansion and new rail corridors.

Due to the site's historic industrial condition much of the surface consists of sand and gravel fill, asphalt or otherwise sparsely vegetated ground surface. Future ground activities include improved surfaces to support boatyard activities, however it is contemplated that much of the yard area will be improved by the placement of the "Boatyard Surface" consisting of new gravel



and crushed stone surfacing thereby aiding stormwater control and treatment. This “Boatyard Surface” treatment has been widely placed throughout the 5 acre remainder land and it has been found effective in handling the site’s runoff conditions.

## **1.8 SOILS CONDITIONS**

- 10 to 15 feet of sand and gravel fill – there is little to no organic surface layer throughout the site.
- 5 to 10 feet of silt and sand.
- 10 to 40 feet of gray clay identified as the Presumpscot formation.
- 30 to 40 feet of dense silty marine sands.
- An undetermined thickness of dense silty sand and gravel identified as glacial till overlaying bedrock.

Observed soils conditions at the ground surface include fill material containing coal with scarified sand and gravel. Eroded soils conditions have been observed along the shoreline in and behind the existing granite revetment wall and remnant pier areas. The project’s Phase I/II site development activities included restoration and rehabilitation of these areas. Additional restoration along the recently acquired westerly land will continue.

According to various investigation data, depth to groundwater varies from 3 to 7 feet and this likely varies with tidal conditions in the Fore River. Generally speaking, the groundwater flows from the northwest to the southeast across the site.

## **1.9 PROPOSED DEVELOPMENT**

The Applicant proposes to redevelop the property in a manner consistent with the WPDZ Standards. The development program includes the following components:

### **1.9.1 ONSITE**

The development program includes continued phased development of boat maintenance facilities and future ancillary marine related uses. Phase III and future Concept Plan development activities are summarized as follows:

#### **Phase III – Will Include (For Which Approval Is Requested):**

- Site clearing, stabilization and general clean-up.
- Construction of a 19,250 SF individual metal building for marine retail and boat maintenance operations. (This requires a Conditional Use Approval).
- Construction of a second concrete boat ramp along the shorefront.
- Establishment of yard areas and surfaces for heavy equipment travel lift trucks, and boat storage repair. (Repair and maintenance often takes place outside, particularly if the vessel is large and does not fit into a building. Boats that are out of the water for the winter season all need to have work done on them to prepare them for re-launching.)

- Installation of utilities for building use as well as future phase activities.
- Rehabilitation of former pier pilings for use as part of a new dock system along the waterfront. Custom Floating docks are proposed to tie into the existing system of pilings and dolphins located along the waterfront.
- A 20' x 120' storage building along the waterfront is proposed for storage of racing shells.
- Temporary facilities including one or more portable trailers and storage buildings for sailboat masts and related boat equipment.
- A 60' x 80' wood framed multi story structure is proposed as an office space for Portland Yacht Services.

**Future Development – May Include (Require Future Approvals):**

- The location of a 1,500 ton dry dock.
- A travel lift basin to be constructed of sheet piling within the westerly shoreline. The travel lift basin will allow larger vessels to be removed from the water for repairs and maintenance.
- Construction of a 10,800 to 11,200 SF tension fabric building for boat repair operations including painting and fiberglass work.
- Construction of up to 40,800 SF metal framed structure that will include more boat repair space, operations areas and administrative support area.
- Continued expansion of the yard area and surface for boat storage and repair.
- Construction of ancillary systems including boat wash areas with water recycling systems, peripheral stormwater systems, landscaping and overall site stabilization.
- Marine retail and warehouse space within up to 36,000 to 41,625 SF in one or two buildings located in the westerly Commercial Street frontage. This space may consist of a combination of permitted and conditional uses.
- Construction of a parking area containing 80-90 parking spaces along the Commercial Street frontage just west of the proposed entrance off Commercial Street.
- Marine related uses, including, but not limited to, seafood processing and storage within one or more structures to be located on the site's far westerly side.
- Commercial street improvements for parallel or angled parking. These improvements are subject to compatibility with existing utilities including underground gas and electric. These improvements are also subject to coordination with the City's West Commercial Street planning.
- Large vessel berthing alongside and within the rehabilitated pier area.

It is the Applicant's intent to show these future activities on the Future Phase Concept Plan; however, current Site Plan and Conditional Use approvals are only being sought for the Phase III activities.

**1.9.2 OFFSITE**

Site access is proposed via Commercial Street as well as from the Fore River. The Phase III primary site entrance is proposed at the existing gravel drive located approximately 1,500 LF west of the Beach Street intersection.

A second driveway is also proposed approximately 700 feet west of the Beach Street intersection generally opposite the Star Match Co. building complex. Again, placement of this driveway requires coordination with the City's and MaineDOT's plans for the Beach Street signal. Finally, the Applicant is interested in a third entrance further west off Commercial Street. This entrance would be primarily used for the future marine retail/warehouse in a manner to provide separation of these patrons from the operations of the boat yard, and off hour security. Approval of the driveway is subject to future activity site plan review and approval.

## 1.10 LAND ORDINANCE REVIEW

### 1.10.1 OVERVIEW

The property currently lies within the City of Portland Waterfront Port Development Zone (WPDZ). Within the WPDZ district the following uses are permitted or conditioned:

#### Permitted Uses

- Marine repair services and machine shops
- Tug boat, fire boat, pilot boat and similar services
- Boat repair yard

#### Conditional Uses

- Marine products, wholesaling and retailing
- Boat storage facilities excluding rack storage
- Seafood processing
- Seafood packing and packaging
- Off-street parking lots, excluding parking structures

The following dimensional requirements apply in the WPDZ District:

Dimensional Standard	Requirement
Minimum Lot Size	None
Minimum Frontage	None
Front Yard Setback	None
Side Yard Setback	None
Rear Yard Setback	None
Setback from Pier Line	5 feet for structures
Maximum Lot Coverage	100%
Maximum Building Height	45 feet/65 feet above mean sea level

With regard to building height compliance, the proposed finished floor elevation of the Phase III buildings is 14.50 feet. While the specific building vendor has not been selected yet, it is understood that the total height of the buildings will not exceed the Code Standards. This is similar to the previously constructed Buildings A & B, each of which comply with the WPDZ height requirements.

In accordance with Section 14-318.5 (no adverse impact on marine uses) the following statements support the project intentions:

- Ø *Criteria 1 – The proposed non-water dependent use will not displace an existing water-dependent use.*

Supporting Evidence: In fact the proposed project is a water dependent use and it is not displacing any existing water related use.

- Ø *Criteria 2 – The proposed use will not reduce existing commercial vessel berthing spaces.*

Supporting Evidence: In fact the project includes measures to improve and increase commercial vessel berthing space as the project activities contemplate pier rehabilitation and the installation of berthing spaces for vessels including tug boats or similar sized vessels.

- Ø *Criteria 3 – The proposed non-water dependent use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses.*

Supporting Evidence: The proposed uses are water-dependent and do not interfere with any existing water dependent uses or activities on the site.

- Ø *Criteria 4 – The siting of a proposed non-water dependent use will substantially reduce or inhibit existing public access to marine or tidal waters.*

Supporting Evidence: The project is not non-water dependent and it will not reduce or inhibit existing public access to marine or tidal waters. It is expected that waterfront access will be improved as a result of the installation of a proposed boat ramp(s) and floating dock facilities.

### **Performance Standard Compliance**

The Applicant will comply with all items listed and described in the performance standards for the WPDZ in the development of the proposed Phase III project as well as through the day to day operational activity at the site once construction of Phase III is complete.

The off street parking and loading requirements will not be applicable to this project until future phases of the project are developed. Generally speaking, the project involves employee parking which will vary within the yard area to allow flexibility for boat storage.

See Section 1.14 of the report for information on noise and vibration generated by the regular operations of the site. See Section 1.15 of this report for a discussion on proposed lighting for Phase III of the project. Section 1.17 provides an overview of solid waste for the project is discussed below.

### **1.11 BRIGHTWORK MANUAL OVERVIEW**

In 2005, the Maine Department of Environmental Protection released “*Brightwork -- A Best Management Practices Manual for Maine's Boatyards and Marinas*”. The goal of the manual is

to help site owners and operators of marinas and boatyards to reduce pollution from their facilities by providing environmental compliance benchmarks, common sense practices that enable the benchmarks to be met, a list of regulatory references that form the basis of the benchmarks, and a series of tools to enable easier benchmark progress measuring.

The manual describes in detail, the types of toxic pollutants generated by boatyard and marina sites and the resulting environmental and economic impacts.

The manual provides guidance on how to carry out typical jobs and practices associated with boatyards and marinas and the associated benchmarks, best management practices, clean up and waste disposal, customer relations, legal requirements, etc.

The practices described include:

- Hull Preparation
- Sandblasting
- Painting
- Boat Washing
- Engine Repair and Maintenance
- Stormwater Planning
- Fueling and Fuel Storage
- Waste Management

The manual provides best management practices for each practice including containment, indoor vs. outdoor recommendations, dust emissions, managing spills, storage, labeling and disposal of various waste products.

The Applicant currently complies with the Brightwork practices within their new facilities at the Canal Landing Yard. They will continue to utilize the Brightwork Manual as a reference and adhere to the requirements set forth for all activities at the proposed site.

## **1.12 TRAFFIC**

The proposed project will not result in significant impacts to the surrounding street system. The project's Phase III conditions will result in fewer than 100 new peak hour trips. Given the upcoming signalization of the Beach Street intersection, the development team has not pursued further traffic analysis at this time. At this time, a full Traffic Impact Study or Traffic Movement Permit for Phase III activities is not contemplated. The Phase III proposal includes two driveways into Commercial Street each of which has sufficient sight distances and separation from adjacent driveways to meet the City's Technical Standards.

## **1.13 NATURAL FEATURES**

The development site does not contain any significant natural features including wetlands, vernal pools or other protected resources except for the shorefront edge adjacent the Fore River. The site has been developed for a period greater than 150 years and there is generally no land area that has not been disturbed or otherwise developed. FST has contacted various resource agencies regarding the site's potential to contain significant wildlife habitat, historic or archaeological resources. Findings from each of the agencies will be provided to the City upon receipt.

## 1.14 NOISE/VIBRATION

The WPDZ has the following standards for noise and vibration:

*“Noise:*

- 1. The level of sound, measured by a sound level meter with frequency weighting network, inherently and recurrently generated within the WPDZ between the hours of 7.00 p.m. and 7.00 a.m. from industrial facilities or operation commenced on or after July 1, 1988, shall not exceed 55 dB on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning devices.*
- 2. In measuring sound levels under this section, sounds with a continuous duration of less than 60 seconds shall be measured by the maximum reading on a sound level meter set to the weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of 60 seconds or more shall be measured on the basis of the energy average sound level over a period of 60 seconds (LEQ<sub>1</sub>).*
- 3. In addition to the sound level standards otherwise established, facilities or operations established or built in the waterfront port development zone on or after July 1, 1988, 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. Tonal sound is defined as a sound wave usually perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one second.”*

*“Vibration:*

*Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.”*

It is the Applicant's intention to comply with the noise and vibration standards above. Night time activity will be minimal. Typical sources of noise from routine boat yard jobs and practices include hull preparation, sandblasting, painting, boat washing, engine repairs and maintenance and transportation of vessels throughout the site. All these practices will be performed in accordance with the MeDEP Brightwork Manual. Temporary noise sources during construction will include pile driving, pavement grind, dump trucks delivering gravel/fill to the site.

The site is well separated from noise sensitive sites with no direct abutting impacts to abutting residential neighborhoods. The nearest residential building is approximately 800' away from the edge of the proposed buildings and is located along the Beach Street ramp connection to the Casco Bay Bridge.

The site is surrounded by commercial/industrial uses including the International Marine Terminal to the east, Commercial activity including Nova Seafood and Graybar Electric operate out of buildings on the north side of Commercial Street. Other adjacent noise generating sources including the Casco Bay Bridge and the flight path of the Portland International Jetport.

## 1.15 LIGHTING

The primary purpose for site lighting for Canal Landing is for security in the vicinity of the buildings and to provide lighting at key operational access points to the Fore River. Nighttime operations for the boatyard are atypical, particularly at this early phase of development. Security at the site will be supplemented by infrared cameras mounted on the buildings. With future development, and potentially increased nighttime activities, additional pole and wall-mounted full cutoff fixtures with LED lamps will be proposed.

It is important to note that light sources from abutting properties cast direct and indirect illumination onto the currently undeveloped property. The adjacent light sources include cobra head sodium lights on utility poles along Commercial Street.

Additional lighting information for the proposed Phase III buildings will be provided to the City once completed by the building designer.

Based upon the existing ambient light levels and the proposed lighting, the Applicant is comfortable that adequate lighting will be present at the property for the proposed uses. Comments from the residential neighbors during the previous review periods indicate that additional lighting to raise the overall level of light at the property is not desired.

The Applicant is requesting that the Planning Staff support a waiver by the Planning Board of the lighting standards of Section XV 4.A. Uniformity and 4.B. Illumination Levels, based upon the following:

1. Existing ambient light levels at the property are between 0 and 0.3 foot-candles at the interior and 0.8 to 1.5 fc at the edges of the lot;
2. Proposed lighting will raise the light levels needed for safe access and egress in and out of the property onto Commercial Street to reasonable average levels of 1.25; and
3. Proposed lighting will provide for security, safety, and nighttime use of the new buildings and work yards;
4. Illumination of the property to the levels required by the City Ordinance will impact the residences located uphill from the proposed project.

## 1.16 SOLID WASTE

The proposed boatyard use will generate two types of solid waste: regular waste and hazardous waste.

Regular non-hazardous waste will be stored on site in a dumpster(s) and collected by a local solid waste company who the Applicant will form an annual contract.

Hazardous waste will be stored in accordance with the requirements of the Brightwork Boatyard Manual and collected, transported and disposed of by ENPRO Services, Inc. or another similar company. We have previously provided a letter from ENPRO identifying the most common drummed wastes generated by the Applicant's former facility on Fore Street in Portland, how they are tracked, where they are transported to and how they are disposed of. No further information related to solid waste will be provided unless requested by City Staff.

## **1.17 STORMWATER MANAGEMENT**

The development will rely on the placement of boatyard surface materials consisting of crushed stone aggregate and subbase gravels similar to what has been placed on the 5.03 acre remainder parcel. A series of catch basins will be installed to tie into the drainage system installed as part of the IMT rail construction. These systems tie into the existing CSO outfalls that discharge into the river. Additional information relating to the developments overall stormwater strategies will be provided in subsequent submissions. Generally speaking, the Applicant will be requesting a waiver from the City's Flooding Standards due to the site's proximity to Tidal Conditions in the Fore River. We propose the placement of the "Boatyard Surface" as the primary means of water quality treatment for the site.

## **1.18 EROSION AND SEDIMENT CONTROL**

A temporary Erosion and Sediment Control Plan is included as part of the plan documents.

## **1.19 FLOODING**

The project site has been depicted graphically on a portion of the FEMA Flood Insurance Rate Map and is attached as Figure 7 and provided at the end of this section. The Phase III buildings will be constructed with a finish floor elevation of 14.5 feet, which is 4.5 feet higher than the 100-year flood elevation of 10.0 feet.

## **1.20 BLASTING**

Based on previous soil investigation at the site, blasting is not anticipated for construction of the project. If blasting or rock removal is required, the contractor will be required to prepare a Blasting Plan and preblast survey prior to any rock removal.

## **1.21 AIR EMISSIONS/ODORS/VAPORS**

Air emissions expected to occur as a result of, or within the project area, are as follows:

- Temporary emissions associated with construction vehicles and construction of project.
- Temporary emissions associated with vehicular travel of employees, delivery vehicles, travel lift, etc.
- Emissions associated with the heating systems for the brokerage building and tension fabric building.
- Emissions related to boat repair activity.

Odors will be generated during the construction phase of the development and during day to day operation of the proposed boatyard facility.

Short term odors or odors generated during construction include the following:

- Organic odors from earth moving during construction.
- Petroleum odors from construction equipment and vehicles used during construction for the project.



- These odors will emanate from the site and may be detectable in the immediate vicinity of the development but will dissipate through the air into the atmosphere in negligible amounts.

Long term odors or odors generated during day to day operation of the facility such as that proposed include:

- Petroleum odors from vehicles/travel lift.
- Solid Waste odors.
- Odors from boatyard activities such as painting, etc.

These odors are not likely to be offensive, as they are of low intensity and the site is not in a densely developed area. Therefore no provisions for odor control are planned. However appropriate ventilation procedures will be utilized on site for health and safety of staff during certain boat repair activities.

Large Scale water vapor emissions are not anticipated as part of this project.

## **1.22 SUNLIGHT**

The proposed buildings at the site will not cast significant shadows onto neighboring properties, or block access to direct sunlight for structures utilizing solar energy. The Site Layout Plan and Grading and Drainage Plan show the proposed site improvements and their relationships to property lines. The grading plan shows the relative elevations of the buildings with respect to elevations along the property lines.

## **1.23 APPROVAL REQUIREMENTS**

The following permits are anticipated:

- City of Portland Planning Board Level III Amended Site Plan Approval, Conditional Use Approval and Shoreland Zoning Approval
- City of Portland Building Permit(s)
- MeDEP Natural Resource Protection Act (NRPA) – Amended
- City of Portland Delegated Review of the Site Location of Development Act (SLDA)
- U.S. ACOE Water Quality Certification/Federal Channel Review
- State of Maine Submerged Lands Lease
- Harbor Commissioner's Review

## **1.24 ATTACHMENTS**

Attachment A – Figures 1-12

Attachment B – Ability to Serve Letters to Portland Water District and the City of Portland Public Services (PENDING)

**ATTACHMENT A**

**Figures 1 – 12**



**LOCATION MAP**  
**CANAL LANDING - NEW YARD EXPANSION**  
**PORTLAND, MAINE**

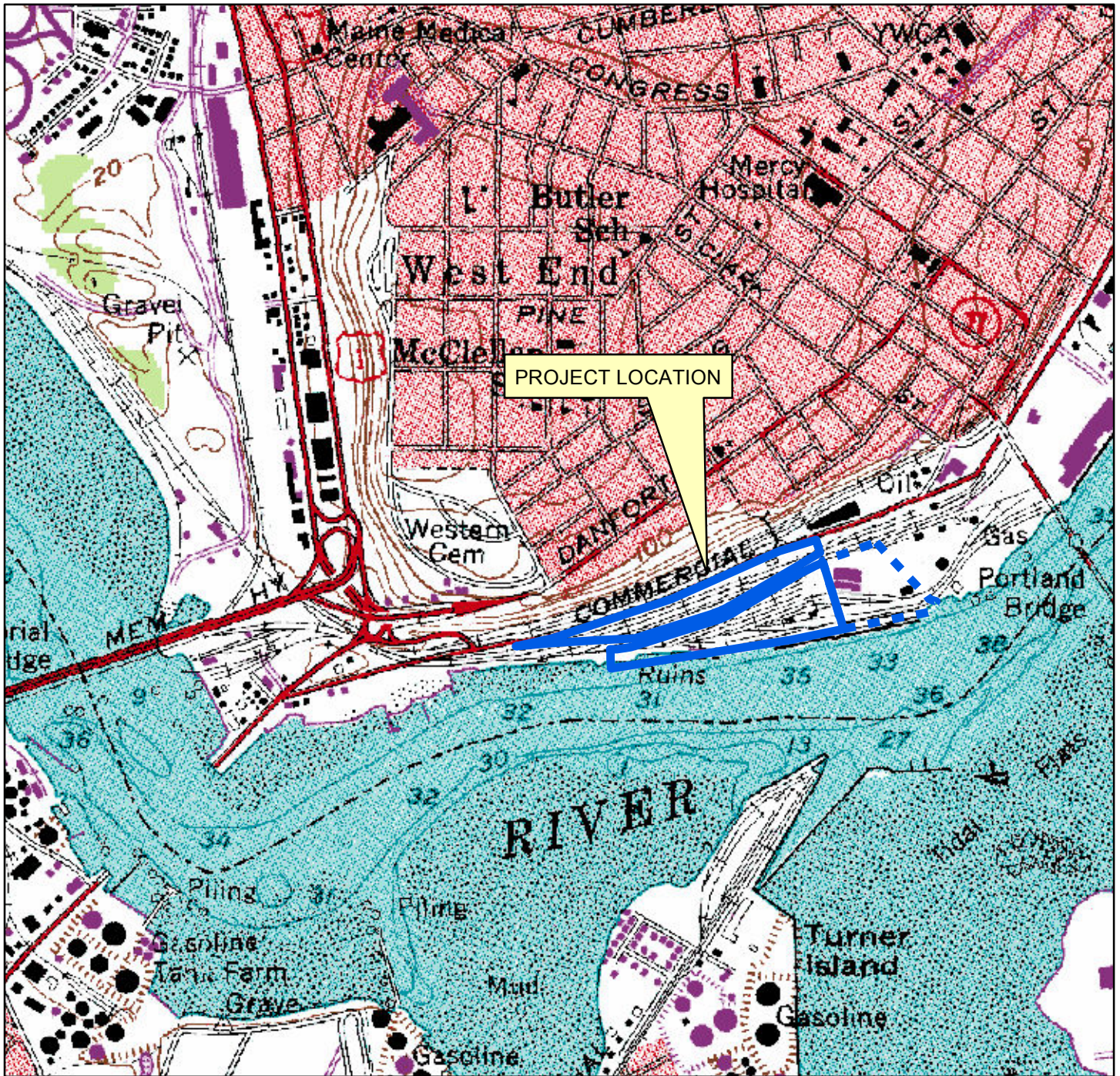
SOURCE: DELORME STREET ATLAS USA 5.0



**FAY, SPOFFORD & THORNDIKE**  
**ENGINEERS · PLANNERS · SCIENTISTS**  
 778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: DED  
 CHECKED: SRB  
 DATE: FEB 2015  
 FILENAME: 3091.04 LOCMAP  
 SCALE: 1" = 1000'

**FIGURE**  
**1**



USGS LOCATION MAP  
 CANAL LANDING - NEW YARD EXPANSION  
 WESTBROOK, MAINE

SOURCE: MAINE OFFICE OF GIS

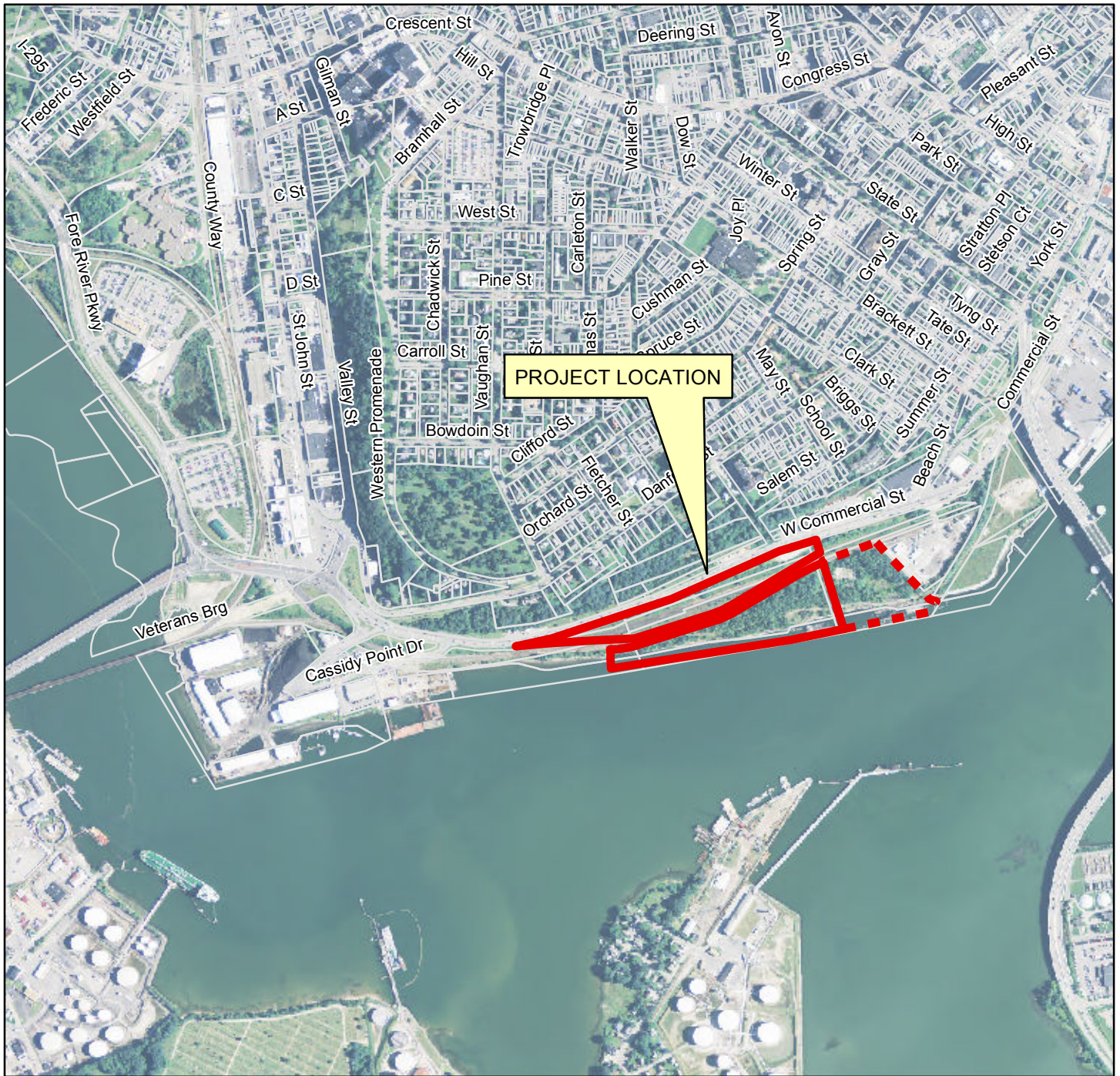


FAY, SPOFFORD & THORNDIKE  
 ENGINEERS • PLANNERS • SCIENTISTS  
 778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

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 CHECKED: SRB  
 DATE: MAY 2015  
 FILENAME: 3091.04-USGS  
 SCALE: 1 inch = 1,000 feet

FIGURE

2



**TAX MAP**  
**CANAL LANDING - NEW YARD EXPANSION**  
**WESTBROOK, MAINE**

SOURCE: MAINE OFFICE OF GIS

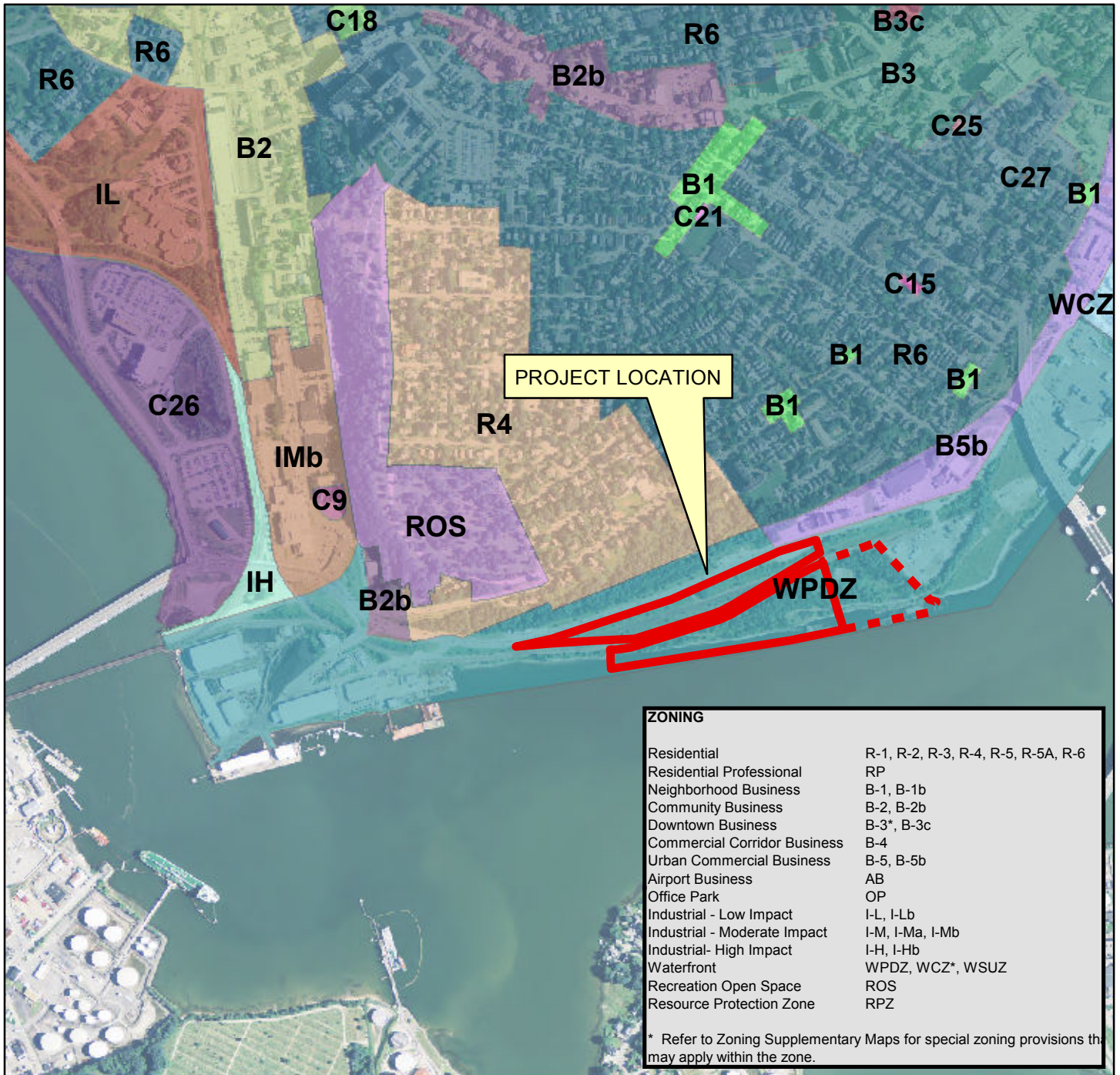


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 778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: DED  
 CHECKED: SRB  
 DATE: MAY 2015  
 FILENAME: 3091.04-TAX MAP  
 SCALE: 1 inch = 1,000 feet

FIGURE

**3**



## ZONING MAP

### CANAL LANDING - NEW YARD EXPANSION WESTBROOK, MAINE

SOURCE: MAINE OFFICE OF GIS

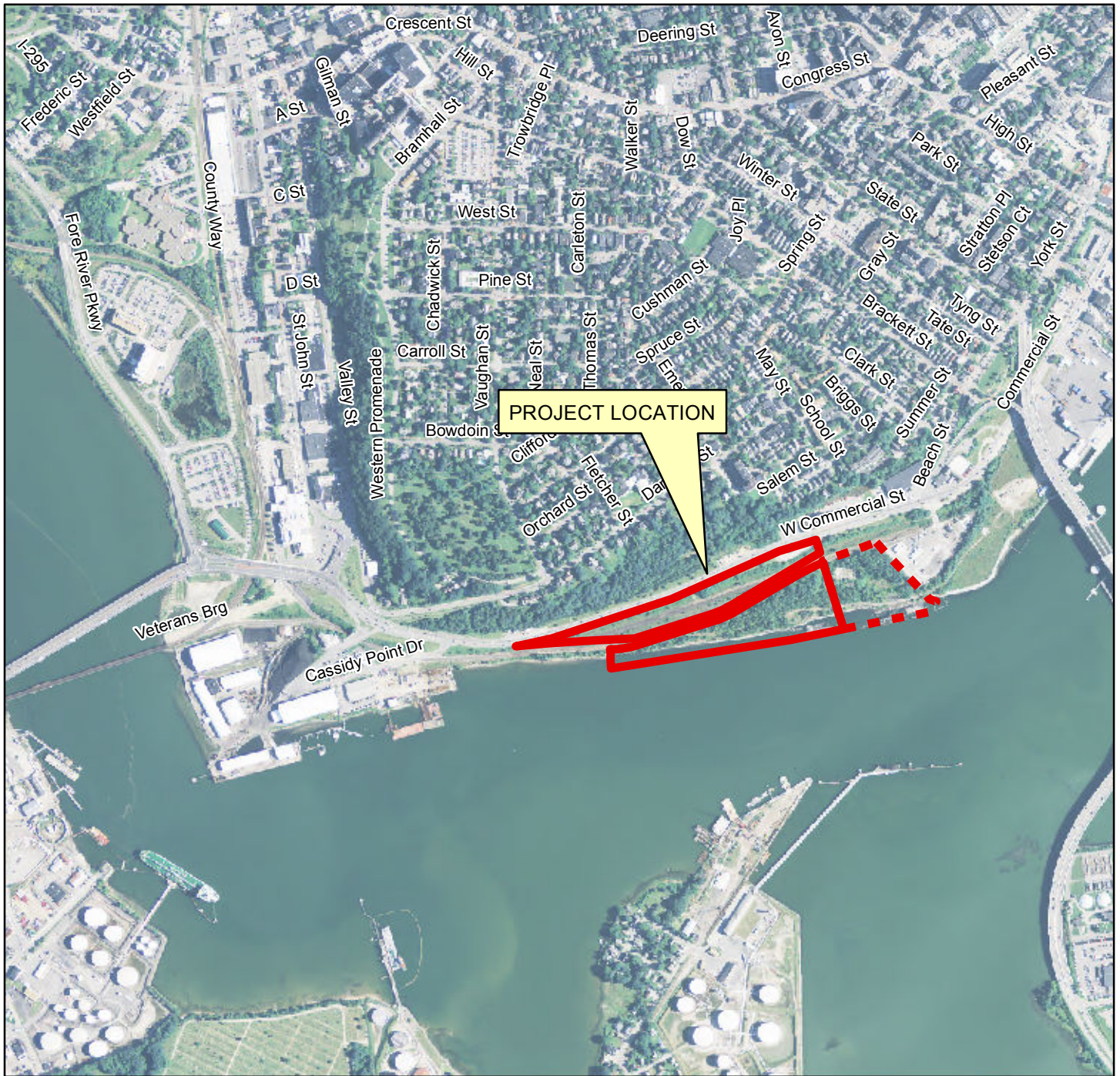


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CHECKED: SRB  
DATE: MAY 2015  
FILENAME: 3091.04-ZONING  
SCALE: 1 inch = 1,000 feet

FIGURE

4



**AERIAL PHOTOGRAPH  
CANAL LANDING - NEW YARD EXPANSION  
WESTBROOK, MAINE**

SOURCE: MAINE OFFICE OF GIS

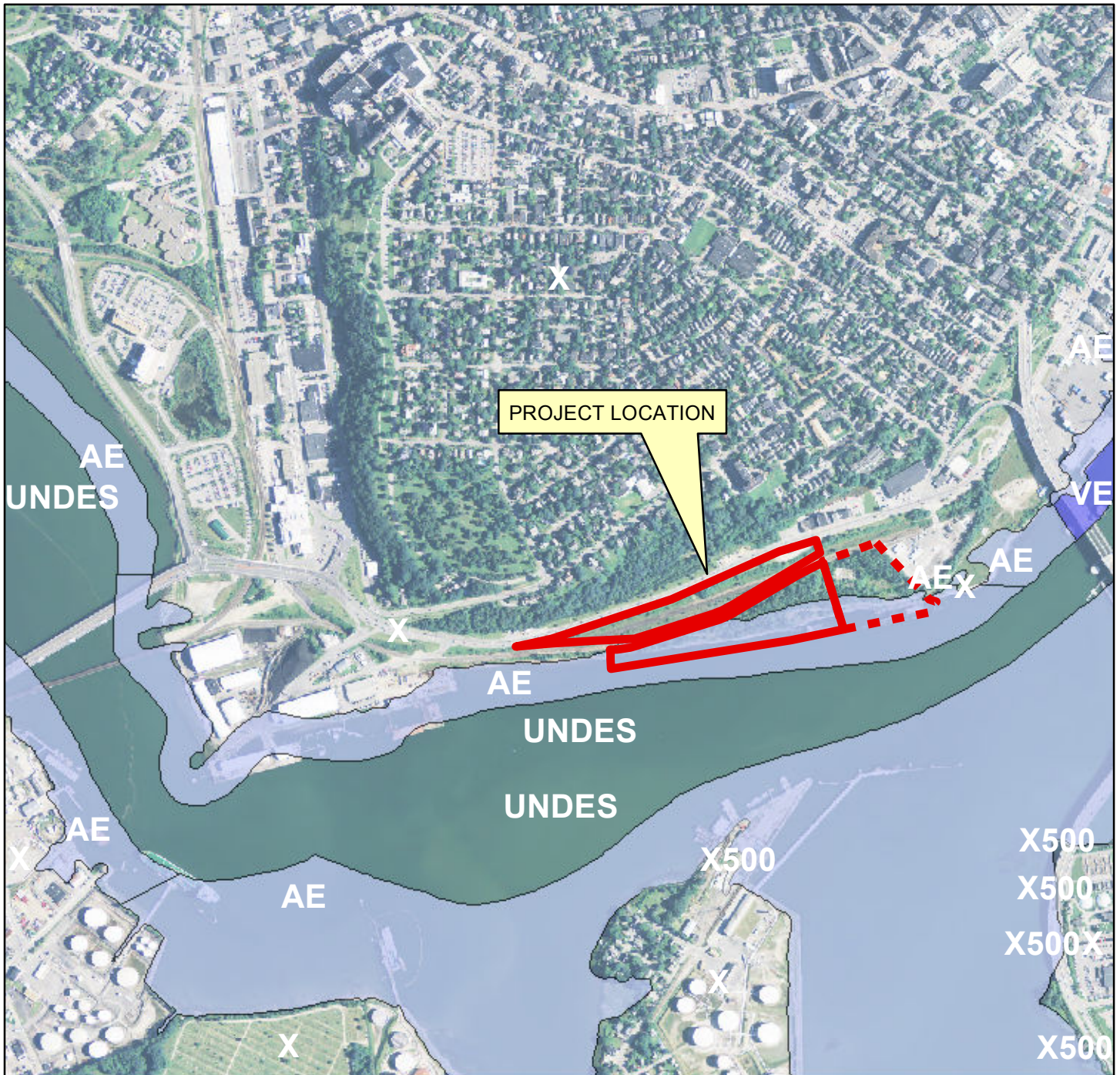



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778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: DED  
CHECKED: SRB  
DATE: MAY 2015  
FILENAME: 3091.04-AERIAL  
SCALE: 1 inch = 1,000 feet

FIGURE

**5**




**FLOOD MAP**  
**CANAL LANDING - NEW YARD EXPANSION**  
**WESTBROOK, MAINE**  
 SOURCE: MAINE OFFICE OF GIS

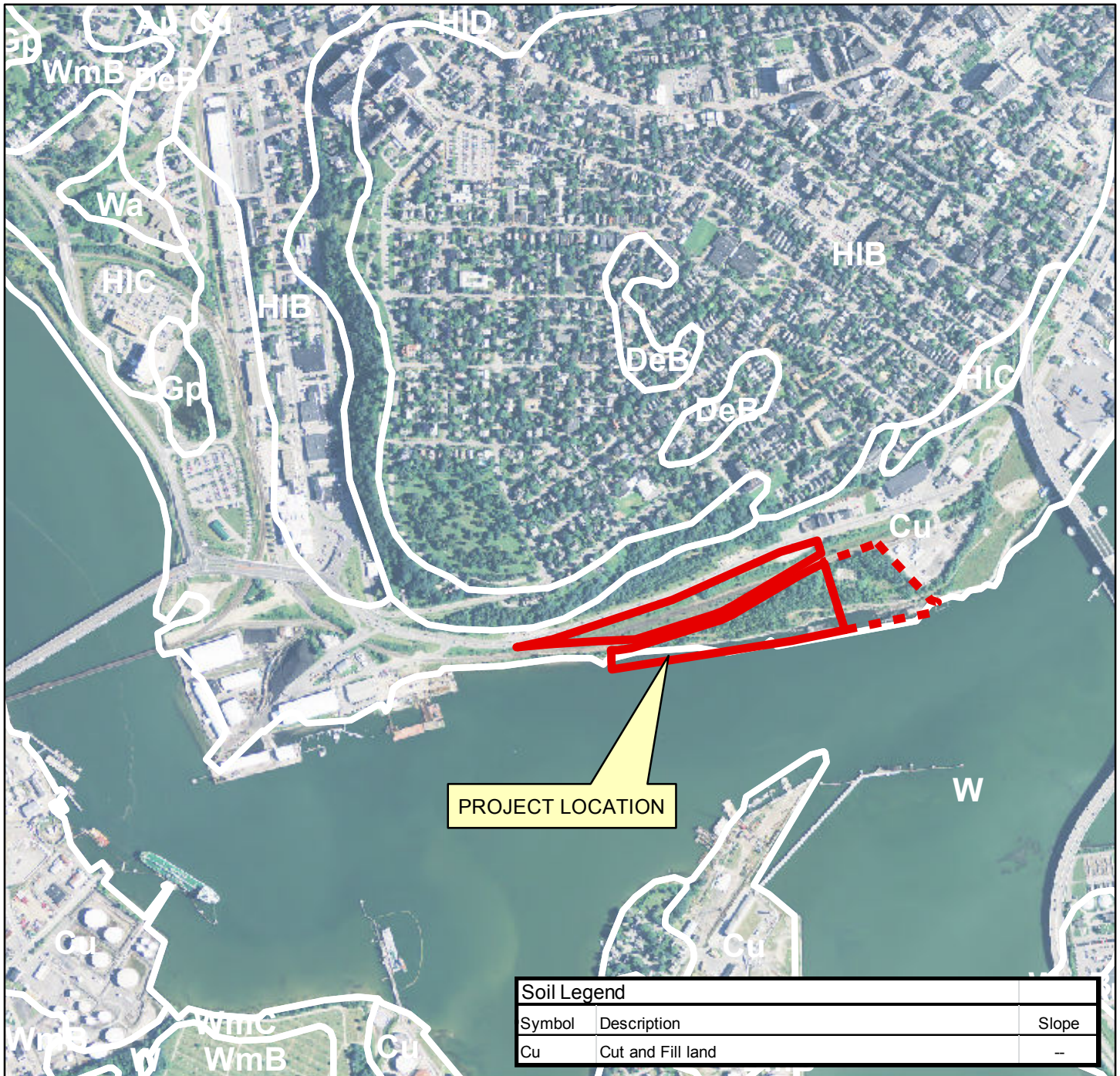


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 778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: DED  
 CHECKED: SRB  
 DATE: MAY 2015  
 FILENAME: 3091.04-FLOOD  
 SCALE: 1 inch = 1,000 feet

**FIGURE**  
**7**





Soil Legend		
Symbol	Description	Slope
Cu	Cut and Fill land	--



**SOILS MAP**  
**CANAL LANDING - NEW YARD EXPANSION**  
**WESTBROOK, MAINE**

SOURCE: MAINE OFFICE OF GIS

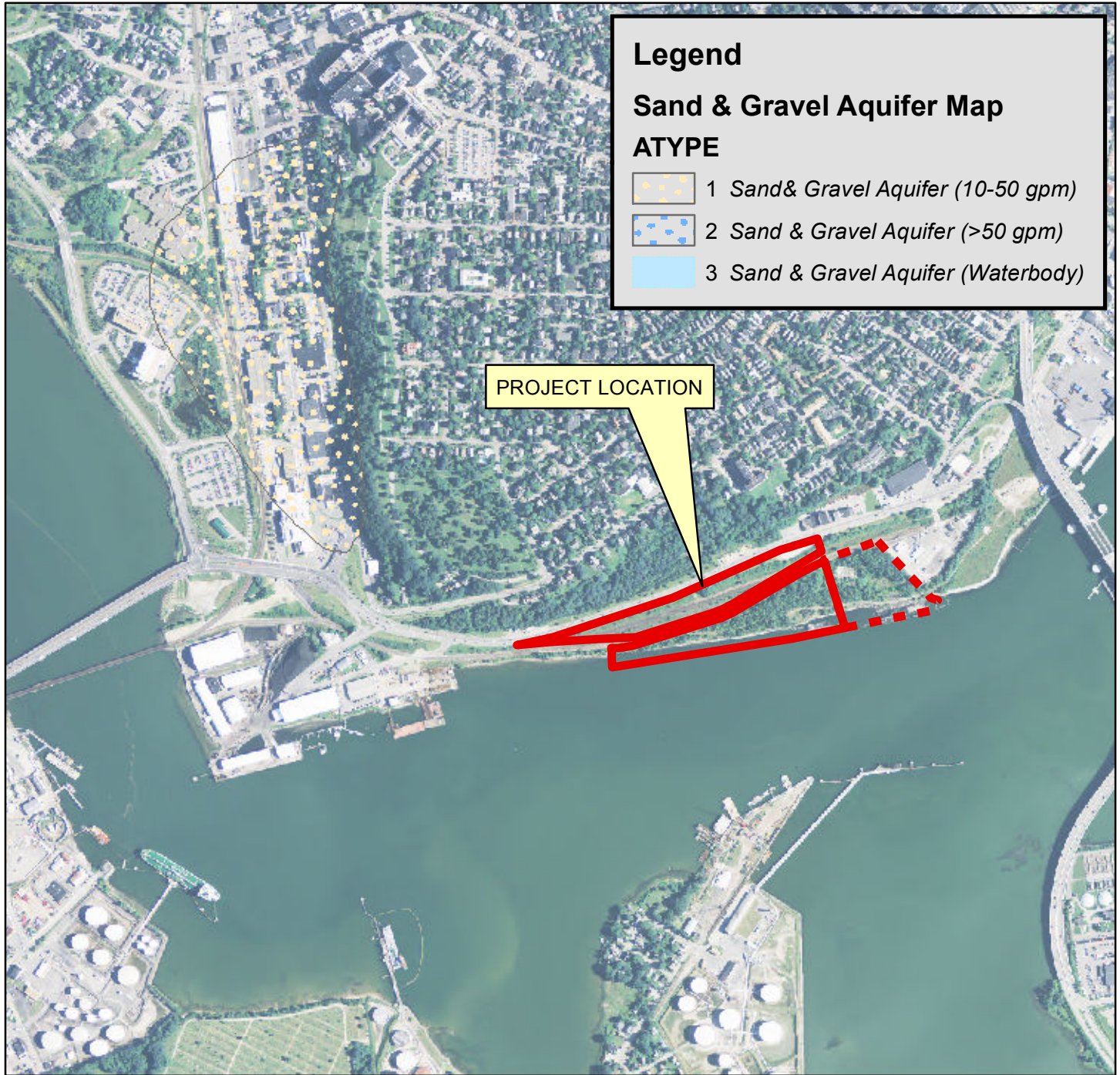


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DRAWN: DED  
 CHECKED: SRB  
 DATE: MAY 2015  
 FILENAME: 3091.04-SOILS  
 SCALE: 1 inch = 1,000 feet

FIGURE




**8**



**Legend**

**Sand & Gravel Aquifer Map**

**ATYPE**

-  1 Sand & Gravel Aquifer (10-50 gpm)
-  2 Sand & Gravel Aquifer (>50 gpm)
-  3 Sand & Gravel Aquifer (Waterbody)

PROJECT LOCATION



**SAND GRAVEL AQUIFER MAP**  
**CANAL LANDING - NEW YARD EXPANSION**  
**WESTBROOK, MAINE**

SOURCE: MAINE OFFICE OF GIS



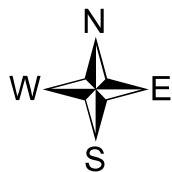
**FAY, SPOFFORD & THORNDIKE**  
 ENGINEERS • PLANNERS • SCIENTISTS  
 778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: DED  
 CHECKED: SRB  
 DATE: MAY 2015  
 FILENAME: 3091.04-AQUIFER  
 SCALE: 1 inch = 1,000 feet

FIGURE  
**9**



7 - Glaciomarine deposits (fine-grained facies)



**SURFICIAL GEOLOGY MAP  
CANAL LANDING - NEW YARD EXPANSION  
WESTBROOK, MAINE**

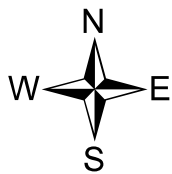
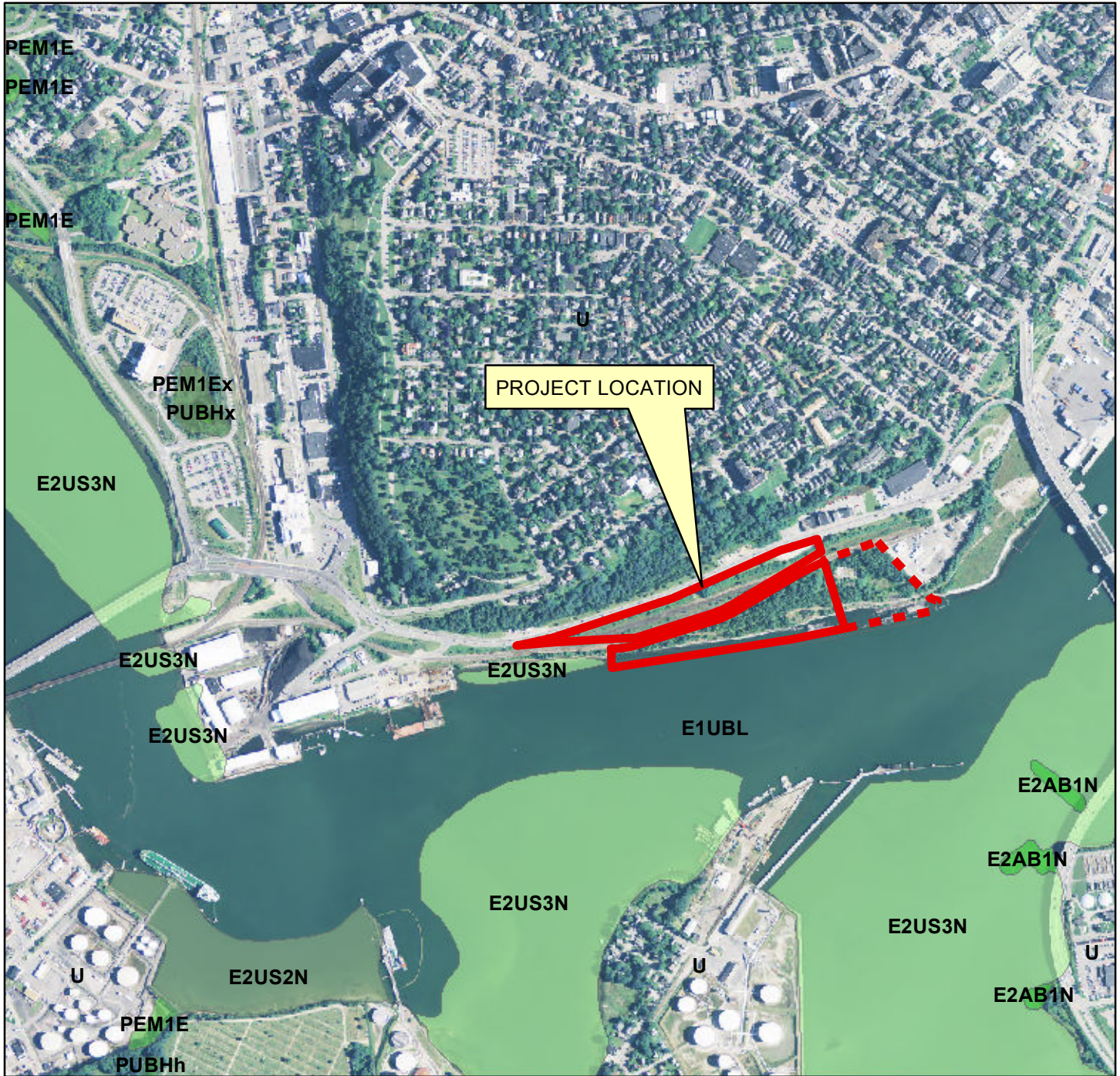
SOURCE: MAINE OFFICE OF GIS



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778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: DED  
CHECKED: SRB  
DATE: MAY 2015  
FILENAME: 3091.04-GEOLOGY  
SCALE: 1 inch = 1,000 feet

**FIGURE  
10**



NWI MAP  
 CANAL LANDING - NEW YARD EXPANSION  
 WESTBROOK, MAINE

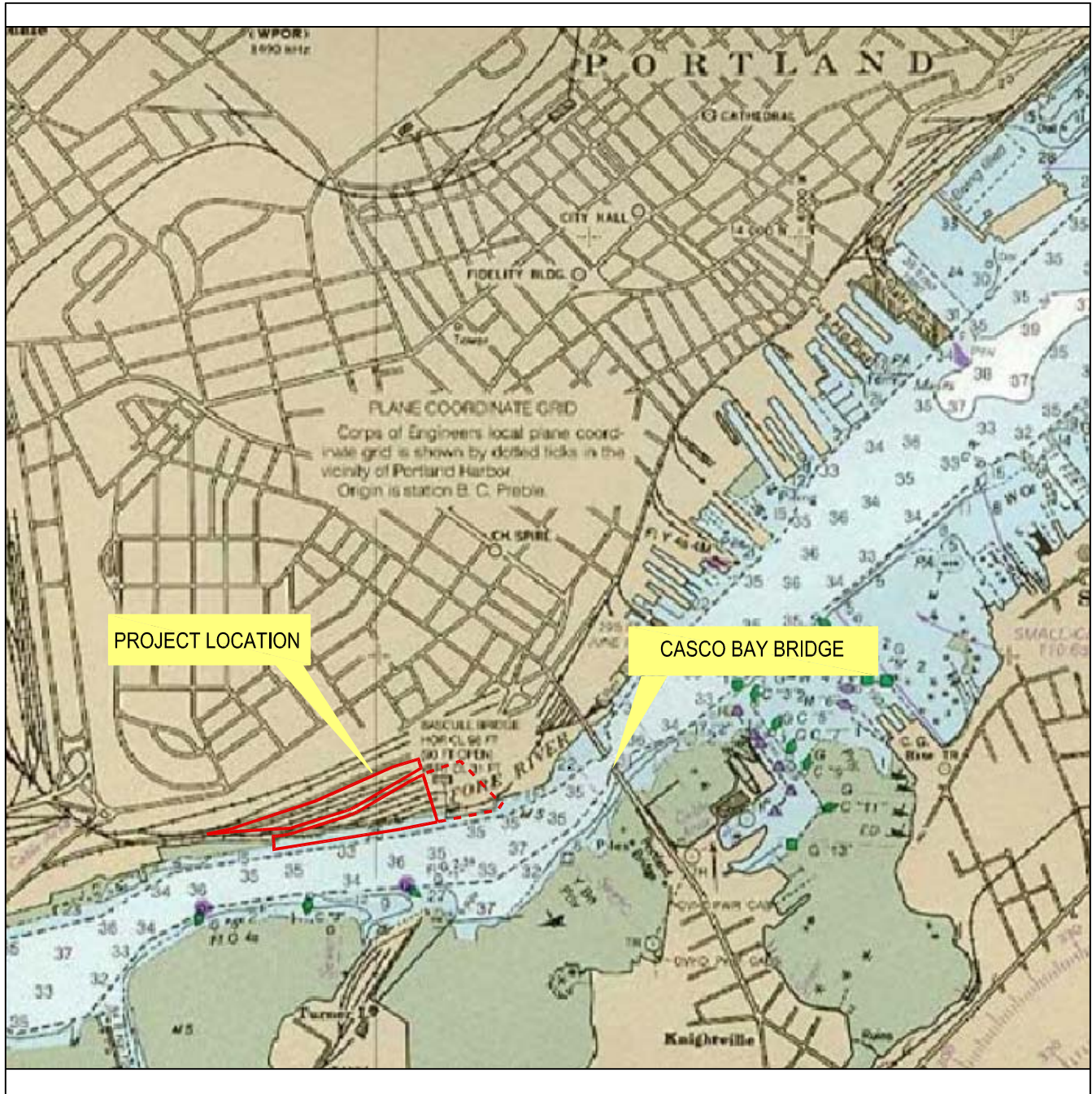
SOURCE: MAINE OFFICE OF GIS



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 778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: DED  
 CHECKED: SRB  
 DATE: MAY 2015  
 FILENAME: 3091.04-NWI  
 SCALE: 1 inch = 1,000 feet

FIGURE  
 11



PORT OF PORTLAND - HARBOR CHART  
 CANAL LANDING - NEW YARD EXPANSION  
 PORTLAND, MAINE

SOURCE: PORT OF PORTLAND HARBOR CHART



**FAY, SPOFFORD & THORNDIKE**  
 ENGINEERS · PLANNERS · SCIENTISTS  
 778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: DED  
 CHECKED: WGH  
 DATE: FEB 2015  
 FILENAME: 3091.04 HARBOR  
 SCALE: 1" = 1000'

FIGURE  
**12**

**ATTACHMENT B**

**Ability to Serve Letters to Portland Water District and  
The City of Portland Public Services**



May 21, 2015

MEANS Group  
Portland Water District  
225 Douglass Street  
P.O. Box 3553  
Portland, Maine 04104-3553

**Subject: Canal Landing New Yard – Phase III  
400 West Commercial Street  
Ability to Serve Project with Water Supply & Wastewater Collection/Treatment**

Dear Coordinator:

On behalf of Canal Landing, LLC we would like to verify the Portland Water District’s ability to provide domestic and fire supply water and wastewater capacity for their project at 400 West Commercial Street in Portland. The project site is located on all or a portion of Map 59, Block A Lots 3 & 4; Map 60, Block F, Lots 1, 2, 3 & 4; Map 71, Block F, Lots 2, 4, 5 & 6.

The project will consist of two buildings with size and use summarized as follows:

Building	Use	Size (SF)
C	Marine Retail	19,250
D	Marine Office	11,000 to 12,000
<b>Total</b>		30,250 to 31,250

FST has developed a projected flow based on the existing Portland Yacht Services water and wastewater consumption records at the former Fore Street Complex, for the period August 2011 to August 2012. These flows are summarized as follows:

Description	Per PWD Records	Conversion to GPD
Average Monthly Water Consumption	121 HCF	3,106 gpd
Average Monthly Wastewater Flow	105 HCF	2,618 gpd

Water demand for domestic consumption is expected to be similar to wastewater demands or as observed at the PYS center on Fore Street, water consumption will be slightly more than wastewater flow. We do not anticipate the use of irrigation at this time. The fire demand is unknown at this time.

We are in the process of completing the Site Plan Application for a submission to the City of Portland Planning Staff and would appreciate your response to the Planning Department.

FAY, SPOFFORD & THORNDIKE

MEANS Group  
May 21, 2015  
Page 2

Specifically, our office is interested in a letter from you indicating the following:

- The ability of the Portland Water District's pump stations and Treatment Facilities to serve the project.
- Any other factors which may affect the water and sewer service to this site.
- The ability of the collection system to accept this flow.
- Any connection service or impact fees.
- The ability of the Portland Water District to provide domestic and fire water supply to the development.

If you have any questions regarding this letter, please contact our office.

Sincerely,

Fay, Spofford & Thorndike,



Stephen R. Bushey, P.E.  
Associate

SRB/cmd

c: Phin Sprague, Portland Yacht Services

Attachment





May 22, 2015

Mr. Frank Brancely  
City of Portland  
Department of Public Services  
55 Portland Street  
Portland, Maine 04101-2991

**Subject: Canal Landing New Yard – Phase III  
400 West Commercial Street  
Applicant: Canal Landing LLC  
Wastewater Capacity Application**

Dear Mr. Brancely:

Our office is working as a consultant to Canal Landing, LLC on the site planning and permitting associated with the proposed Phase III of the Canal Landing New Yard Development. The project site is located on all or a portion of Map 59, Block A Lots 3 & 4; Map 60, Block F, Lots 1, 2, 3 & 4; Map 71, Block F, Lots 2, 4, 5 & 6.

The project will consist of two buildings with size and use summarized as follows:

Building	Use	Size (SF)
C	Marine Retail	19,250
D	Marine Office	11,000 to 12,000
<b>Total</b>		30,250 to 31,250

FST has developed a projected flow based on the existing Portland Yacht Services water and wastewater consumption records at the former Fore Street Complex, for the period August 2011 to August 2012. These flows are summarized as follows:

Description	Per PWD Records	Conversion to GPD
Average Monthly Water Consumption	121 HCF	3,106 gpd
Average Monthly Wastewater Flow	105 HCF	2,618 gpd

Water demand for domestic consumption is expected to be similar to wastewater demands or as observed at the former PYS center on Fore Street, water consumption will be slightly more than wastewater flow. We do not anticipate the use of irrigation at this time. The fire demand is unknown at this time.

Based on this modest amount of domestic flow, we trust that the City's wastewater collection and treatment system has adequate capacity to serve this project. We are in the process of completing the Amended Site Plan Application for Canal Landing Phase III for a submission to the City Planning Staff and would appreciate your response to the Planning Department.

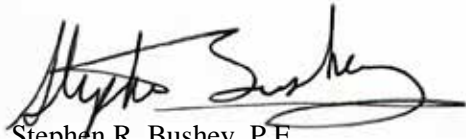
FAY, SPOFFORD & THORNDIKE

Mr. Frank Brancely  
May 22, 2015  
Page 2

If you have any questions concerning this request, please contact me.

Sincerely,

FAY, SPOFFORD & THORNDIKE

A handwritten signature in black ink, appearing to read "Stephen R. Bushey". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen R. Bushey, P.E.  
Associate

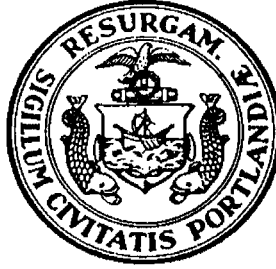
SRB/cmd

Enclosure

*R:\3091.04-Canal Landing-Phase 2\Admin\Correspondence Out\Ability to Serve\3091.04 2015.05.22 Brancely-WW.doc*

# CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,  
55 Portland Street,  
Portland, Maine 04101-2991



Mr. Frank J. Brancelly,  
Senior Engineering Technician,  
Phone #: (207) 874-8832,  
Fax #: (207) 874-8852,  
E-mail: fjb@portlandmaine.gov

Date: May 22, 2015

**1. Please, Submit Utility, Site, and Locus Plans.**

Site Address: 400 West Commercial Street 59-A-3, 4  
Chart Block Lot Number: 60-F-1, 2, 3, 4  
71-F-2, 4, 5, 6

Proposed Use: Boat Maintenance/Marine  
 Previous Use: Rail Yard

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)	x
	Industrial (complete part 5 below)	
	Governmental	
	Residential	
	Other (specify)	

*(Clearly, indicate the proposed connections, on the submitted plans)*

**2. Please, Submit Contact Information.**

City Planner's Name: Rick Knowland Phone: 207-874-8725  
 Owner/Developer Name: Canal Landing LLC  
 Owner/Developer Address: 400 West Commercial Street  
 Phone: 207-774-1067 Fax: \_\_\_\_\_ E-mail: phin@portlandyacht.com  
 Engineering Consultant Name: Stephen Bushey, P.E.  
 Engineering Consultant Address: FST - 778 Main Street Suite 8, So. Portland, ME 04106  
 Phone: 207-775-1121 Fax: 207-879-0896 E-mail: sbushey@fstinc.com

***(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: 2,600 to 3,000 GPD  
 Peaking Factor/ Peak Times: Not Applicable  
 Specify the source of design guidelines: (i.e.    "Handbook of Subsurface Wastewater Disposal in Maine,"  
   "Plumbers and Pipe Fitters Calculation Manual," x 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.**

Total Drainage Fixture Unit (DFU) Values: Not Applicable  
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**

Estimated Industrial Process Wastewater Flows Generated: Not Applicable 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

## **2. RIGHT, TITLE AND INTEREST**

### **2.1 OVERVIEW**

The Applicant has completed the acquisition of the property with Portland Terminal Company as evidenced by the Release Deed contained in Attachment A to this section.

### **2.2 ATTACHMENTS**

Attachment A – Release Deed

**ATTACHMENT A**

**Release Deed**

**RELEASE DEED**

**MAINE CENTRAL RAILROAD COMPANY**, a corporation duly organized and existing under the laws of the State of Maine, with offices at 1700 Iron Horse Park, North Billerica, Middlesex County, Massachusetts 01862 (the "Grantor") in consideration of [REDACTED] Dollars paid to it by **CANAL LANDING, LLC**, with a mailing address of 400 West Commercial Street, Portland, Maine 04101 (the "Grantee") hereby grants to the Grantee all the Grantor's right, title and interest, without any warranties or covenants of title whatsoever, in a certain parcel of land, and the buildings, bridges, structures, crossings, fixtures and improvements thereon, if any, situated in Portland, County of Cumberland, State of Maine (the "Premises") described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND  
MADE A PART HEREOF BY THIS REFERENCE.

This conveyance is subject to the following reservations, conditions, covenants and agreements:

1. This conveyance is made without granting any right of way, either by necessity or otherwise, over any remaining land or location of the Grantor.
2. ~~The Grantor hereby reserves a permanent, exclusive right of way and easement in, on, over, under, across and through the Premises for the purpose of accessing, constructing, installing, operating, maintaining, modifying, repairing, replacing, relocating and removing a telecommunications system or other system for transmission of intelligence or information by any means, whether now existing or hereafter devised, including such poles, pipes, wires, fibers, fiber optic cables, repeater stations, attachments, appurtenances, structures or other equipment and property of any description necessary or useful for the same (the "Telecommunications Easement"). The Grantor further reserves the right to freely lease, license, mortgage, assign, pledge and otherwise alienate the Telecommunications Easement. The Grantee hereby covenants with the Grantor to recognize the Telecommunications Easement and, without the payment of any further consideration, to execute, acknowledge and deliver such instruments suitable for recording with the registry of deeds as the Grantor may reasonably require to acknowledge title to the Telecommunications Easement in the Grantor. The Grantor covenants to reasonably repair and restore the surface of the easement area after any work.~~

MAINE REAL ESTATE TAX PAID

3. The Grantor excepts from this conveyance any and all railroad tracks, railroad track materials (including, but not limited to, ties, connections, switches and ballast) and/or related equipment of any description located in whole or in part within the Premises.
4. ~~The Grantor excepts from this conveyance any and all advertising signs and/or billboards located upon the Premises which are not owned by the Grantor. Furthermore, this conveyance is subject to the right of the owners of said signs and/or billboards to go upon the Premises and remove them within ninety (90) days from the date of delivery of this deed.~~
5. By the acceptance of this deed and as part consideration therefor, the Grantee hereby assumes any and all agreements, covenants, obligations and liabilities of the Grantor in respect to any underground facilities, drainage culverts, walls, crossings and/or other structures of any nature and description located in whole or in part within the Premises.
6. By the acceptance of this deed and as part consideration therefore, the Grantee agrees to indemnify, defend and hold harmless the Grantor (including its officers, employees, agents, directors, shareholders and affiliates) from and against any and all loss, liability, damage, cost and expense (including reasonable attorneys' fees) occasioned by or associated with any claims, suits and/or enforcement actions (including any administrative or judicial proceedings and any remedial, removal or response actions) ever asserted, threatened, instituted or requested by any person and/or governmental agency on account of: (a) any release of oil or hazardous materials or substances of any description on, upon or into the Premises in contravention of any ordinance, law or statute (including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. Section 9601, *et seq.*, as amended); and (b) any and all damage to real or personal property, natural resources and/or harm or injury to persons alleged to have resulted from such release of oil or hazardous materials or substances.
7. ~~By the acceptance of this deed and as part consideration therefor, the Grantee hereby agrees to build and forever maintain fences (together with any necessary gates), suitable to the Principal Engineering Officer of the Grantor, along the boundaries of the Premises which are common to remaining land or location of the Grantor (the "Fences"), if Fences are ever required in the sole and reasonable opinion of said Principal Engineering Officer.~~
8. This conveyance is subject to the following restriction for the benefit of other land or location of the Grantor, to wit: that from the date of delivery of this deed, the Grantor shall not be liable to the Grantee or any lessee or user of the Premises (or any part thereof) for any damage to any buildings or property upon them caused by fire, whether communicated directly or indirectly by or from locomotive engines of any description upon the railroad operated by the Grantor, or otherwise.

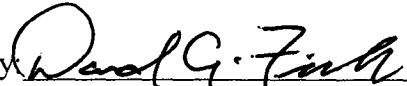


9. ~~By the acceptance of this deed and as part consideration therefor, the Grantee hereby agrees to make no use of the Premises which, in the sole and reasonable opinion of the Principal Engineering Officer of the Grantor, adversely affects, increases or decreases drainage to, from, upon or in any remaining land or location of the Grantor. The Grantee agrees to indemnify and save the Grantor harmless from and against any and all loss, cost, damage or expense including, but not limited to, the cost of defending all claims and/or suits for property damage, personal injury or death arising out of or in any way attributable to any breach of the foregoing covenant.~~
10. ~~The Grantor excepts from this conveyance any and all overhead, surface or underground signal and communication line facilities of the Grantor located within the limits of the Premises and this conveyance is subject to the Grantor's use of any such facilities in their present locations and entry upon the Premises from time to time to maintain, repair, replace, renew, relay or remove such facilities.~~
11. Whenever used in this deed, the term "Grantor" shall not only refer to the **MAINE CENTRAL RAILROAD COMPANY**, but also its successors, assigns and affiliates and the term "Grantee" shall not only refer to the above-named Grantee, but also the Grantee's successors, assigns and grantees, as the case may be.
12. The several exceptions, reservations, conditions, covenants and agreements contained this deed shall be deemed to run with the land and be binding upon the Grantee forever. In addition to the acceptance and recording of this deed, the Grantee hereby signifies assent to the said several exceptions, reservations, conditions, covenants and agreements, by joining in its execution.

**WITNESS WHEREOF**, the said **MAINE CENTRAL RAILROAD COMPANY** has caused this release deed to be executed in its name and its corporate seal to be hereto affixed by David A. Fink, its President, thereunto duly authorized this 27<sup>th</sup> day of April, 2015.

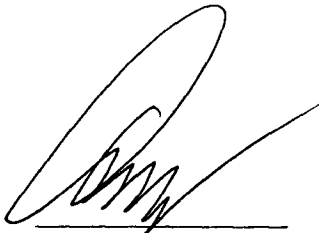
**GRANTOR:**  
**MAINE CENTRAL RAILROAD COMPANY**


  
\_\_\_\_\_  
Witness

By:   
\_\_\_\_\_  
David A. Fink, President

**GRANTEE:**  
**CANAL LANDING, LLC**

**SEAL**

  
\_\_\_\_\_  
Witness

By:   
\_\_\_\_\_  
Phineas Sprague, Jr., Manager

COMMONWEALTH OF MASSACHUSETTS

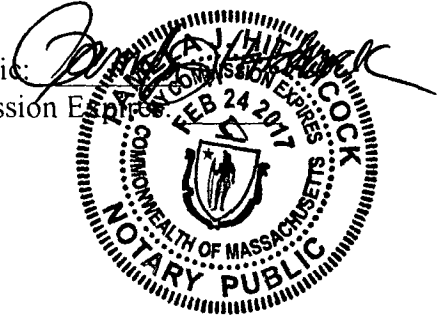
Middlesex, ss.

April 27, 2015

On this 27<sup>th</sup> day of April, 2015, before me, the undersigned notary public, personally appeared the above-named David A. Fink, the President of the MAINE CENTRAL RAILROAD COMPANY as aforesaid, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:

My Commission Expires:



STATE OF MAINE

Cumberland, ss.

May 1, 2015

On this 1<sup>st</sup> day of May, 2015, before me, the undersigned notary public, personally appeared the above-named Phineas Sprague, Jr., Manager of Canal Landing, LLC, as aforesaid, proved to me through satisfactory evidence of identification, which was personal recognition, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:

My Commission Expires:

*attorney at law*  
*Attorney at Law*  
Drew A. Ande  
*NA*

**EXHIBIT "A"**

**MAINE CENTRAL RAILROAD COMPANY  
TO  
CANAL LANDING, LLC  
RAILROAD LAND  
IN  
PORTLAND, MAINE**

A certain lot or parcel of land situated on the southerly side of West Commercial Street in the City of Portland, County of Cumberland and State of Maine as shown on a plan entitled "Land on West Commercial Street, Portland, Maine, Maine Central Railroad Company to Canal Landing, LLC, dated April 30, 2015 to be recorded in the Cumberland County Registry of Deeds in Plan Book 215, Page 157 (the "Plan"), bounded and described as follows:

Beginning at a point on the southerly sideline of West Commercial Street at the northwesterly corner of land now or formerly of New Yard, LLC recorded in the Cumberland County Registry of Deeds in Book 30887, Page 247;

Thence, S 16°58'37" E along the westerly line of land of said New Yard, LLC 90.30 feet to the northerly line of land now or formerly of the State of Maine Department of Transportation recorded in said Registry of Deeds in Book 31408, Page 301;

Thence, the following courses and distances along the northerly line of land of said State of Maine:

S 59°26'10" W            693.10 feet;

Thence, along a curve to the right with a radius of 673.74' feet, having an arc length of 153.57 feet, having a chord bearing of S 65°57'58" W and chord length of 153.24 feet;

S 72°29'45" W            542.24 feet;

S 87°07'38" W            273.21 feet;

S 86°01'33" W            312.82 feet;

S 84°41'57" W            219.48 feet to the southerly sideline of said West Commercial Street;

Thence the following courses and distances along the southerly sideline of West Commercial Street:

N 77°41'31" E 248.67 feet;

N 71°39'48" E 854.33 feet;

N 66°06'18" E 793.06 feet;

N 73°01'23" E 263.49 feet to the point of beginning. Containing 294,083 S.F. or 6.75 acres, more or less.

Also another certain lot or parcel of land situated on the southerly side but not adjacent to West Commercial Street in the City of Portland, County of Cumberland and State of Maine as shown on the Plan, bounded and described as follows:

Commencing at a point on the southerly sideline of West Commercial Street at the northwesterly corner of land now or formerly of New Yard, LLC recorded in said Registry of Deeds in Book 30887, Page 247;

Thence, S 16°58'37" E along the westerly line of land of said New Yard, LLC 158.20 feet to the point of beginning at the southerly line of land now or formerly of the State of Maine Department of Transportation recorded in said Registry of Deeds in Book 31408, Page 301;

Thence, S 16°58'37" E continuing along the westerly line of New Yard, LLC 503 feet, more or less, to the spring high tide line of the Fore River;

Thence, westerly along the spring high tide line of the Fore River 1659 feet, more or less, to land of the State of Maine;

Thence, the following courses and distances along the southerly line of land of said State of Maine:

N 02°52'22" W 26 feet, more or less;

N 87°07'38" E 21.45 feet;

Thence, along a curve to the left with a radius of 725.78 feet, having an arc length of 185.34 feet, having a chord bearing of N 79°48'41" E and chord length of 184.84 feet;

N 72°29'45" E 519.07 feet;

Thence, along a curve to the left with a radius of 725.74 feet, having an arc length of 165.42 feet, having a chord bearing of N 65°57'58" E and chord length of 165.07 feet;

N 59°26'10" E 495.19 feet;

N 62°41'27" E 125.13 feet;

N 66°19'39" E 57.45 feet to the point of beginning. Containing 260,844 S.F. or 5.99 acres, more or less.

Together with all right, title and interest that this grantor may have in the intertidal and submerged lands abutting the above described parcel.

The property is subject to a Deed of Easement from Maine Central Railroad Company to Canal Landing, LLC, dated August 7, 2014 and recorded in said Registry of Deeds in Book 31723, Page 95.

MAINE CENTRAL RAILROAD COMPANY was f/k/a Maine Central Road Company, Portland and Ogdensburg Railroad Company and Boston and Maine Railroad.

Meaning and intending to convey and hereby conveying a portion of the premises conveyed to Maine Central Railroad Company, a/k/a Maine Central Road Company by deed of Portland Terminal Company, dated December 30, 1985 and recorded in said Registry of Deeds in Book 7026, Page 187.

Received  
Recorded Register of Deeds  
May 01, 2015 11:27:57A  
Cumberland County  
Nancy A. Lane

### 3. TECHNICAL AND FINANCIAL CAPACITY

#### 3.1 TECHNICAL CAPACITY

The Applicant has assembled a highly qualified team of professionals to plan, permit, and develop construction documents for the project. The Team is working under the direction of Mr. Phineas Sprague, Jr. as Project Developer.

The Team services will be provided by the following companies and their respective team leaders.

#### 3.2 CONSULTANT TEAM

<i>Civil Engineer</i>	Stephen R. Bushey, P.E. Fay, Spofford & Thorndike 778 Main Street, Suite 8 South Portland, ME 04106 (207) 775-1121 – Work (207) 879-0896 – Fax (207) 756-9359 – Cell <a href="mailto:sbushey@fstinc.com">sbushey@fstinc.com</a>
<i>Surveyor</i>	John Swan, P.L.S. Owen Haskell, Inc. 390 US Route 1, Unit 10 Falmouth, ME 04105 (207) 774-0424 – Work (207) 774-0511 – Fax <a href="mailto:jswan@owenhaskell.com">jswan@owenhaskell.com</a>
<i>Attorney</i>	Peter Plumb, Esq. Murray Plumb & Murray 75 Pearl Street Portland, ME 04104 (207) 773-5651 – Work (207) 773-8023 – Fax <a href="mailto:pplumb@mpmlaw.com">pplumb@mpmlaw.com</a>
<i>Geotechnical</i>	Tim Boyce, P.E. S. W. Cole Engineering 286 Portland Road Gray, ME 04039 (207) 657-2866 – Work (207)657-2840 <a href="mailto:TBoyce@SWCole.com">TBoyce@SWCole.com</a>
<i>Environmental</i>	Rip Patten, P.E. Credere Associates, LLC 776 Main Street Westbrook, ME 04092 (207) 828-1272 – Work (207) 887-1051 – Fax <a href="mailto:rpatten@credereinc.com">rpatten@credereinc.com</a>
<i>Structural Engineering</i>	Roger Gagnon Gagnon Engineering 10 Solomon Drive Gorham, ME 04038 (207) 839-8085 – Work <a href="mailto:roger@gagnonengineering.com">roger@gagnonengineering.com</a>

<i>Traffic Engineering</i>	Thomas Gorrill Gorrill-Palmer Consulting Engineers, Inc. 15 Shaker Road Gray, ME 04039 (207) 657-6910 – Work      (207) 657-6912 – Fax <a href="mailto:tgorrill@gorrillpalmer.com">tgorrill@gorrillpalmer.com</a>
<i>Electrical Design</i>	Larry Bartlett Bartlett Design 942 Washington Street Bath, ME 04530 (207) 443-5447 – Work <a href="mailto:bartlettdesigninc@comcast.net">bartlettdesigninc@comcast.net</a>

### 3.3 EXPERIENCE OF PROJECT TEAM

The team of consultants retained by developer has expertise and experience in the design of similar commercial projects. Resumes of key personnel for development team can be provided upon request.

The Applicant also has significant experience in the development and management of large commercial projects having managed Portland Yacht Services at 58 Fore Street for many years.

### 3.4 FINANCIAL CAPACITY

The Applicant has the means at its disposal for financing the proposed Canal Landing project. A letter from Norway Savings Bank was supplied previously indicating their support of the project. They remain actively involved and supportive of the Phase III and future phase activities. An updated letter from Norway Savings can be supplied upon request.

### 3.5 CONSTRUCTION COST ESTIMATE

A breakdown of the preliminary project cost for Phase 1 includes the following:

- Ø Phase III Site work \$300,000 to \$500,000
- Ø Structures \$1 million - \$3 million

These values are considered preliminary and approximate and are subject to change as building design and project layout is refined.



## **4. FIRE SAFETY**

### **4.1 OVERVIEW**

FST has completed the Fire Department checklist and will continue to perform ongoing coordination with Fire Department representatives and City Planning officials. The accompanying memorandum outlines our findings with respect to compliance with the City's Public Safety Standards as set forth in the City's Technical Manual, Section 3 – Public Safety Standards.

Generally, the site provides access from Commercial Street and will allow access to two or more sides of each building. Numerous hydrants will be placed around the site. All buildings will be fully sprinkled and code compliant to current applicable standards.

Additional fire safety review and evidence of building related fire code compliance will be provided as part of the Building Permit process.

### **4.2 ATTACHMENTS**

Attachment A – Portland Fire Department Site Review Checklist & NFPA 1 Review

**ATTACHMENT A**

**Portland Fire Department Site Review Checklist & NFPA 1 Review**



May 22, 2015

Keith Gautreau, Assistant Chief  
City of Portland Fire Department  
380 Congress Street  
Portland, ME 04101

**Subject: Canal Landing New Yard – Phase III  
400 West Commercial Street  
Applicant: Canal Landing LLC  
NFPA 1 Review to Access and Other Fire Department Issues**

Dear Assistant Chief Gautreau:

In accordance with instructions in the City's Site Plan Review packet, please find enclosed the drawing necessary for your review of the Canal Landing site at 400 West Commercial Street project. We have listed each item in your checklist below, followed by our response:

Ø **Fire Department Checklist:**

1. Name, address, telephone number of applicant:

Canal Landing, LLC  
400 West Commercial Street  
Portland, Maine 04101  
Cell: 207-653-1414  
phin@portlandyacht.com

2. Name address, telephone number of architect:

David Lloyd  
Archetype PA  
48 Union Wharf  
Portland, ME 04101  
Phone: 207-772-6022  
Lloyd@archetypepa.com

3. Proposed uses of any structures [NFPA and IBC classification]:

The following IBC and NFPA classifications will apply to the Phase III development:

IBC	NFPA Classification
2B	II (000)
5B	V (000)

Assistant Chief Keith Gautreau  
May 22, 2015  
Page 2

4. Square footage of all structures [total and per story]:

<b>BUILDING PROGRAM</b>		
<b>Structure</b>	<b>Total (SF)</b>	<b>Per Story ±</b>
Marine Retail (Building C)	19,250	same
Operations	11,000-12,000	4,800± SF

5. Elevation of all structures:

Building elevations are currently being prepared and will be provided to the Fire Department upon completion.

6. Proposed fire protection of all structures:

All of the structures are proposed to have a sprinkler system. Fire protection is currently provided by an existing onsite hydrant and hydrants within Commercial Street in the vicinity of the site.

7. Hydrant locations:

Multiple new hydrants are identified on the preliminary Utility Plan. The Fire Department should review and provide any additional information necessary regarding placement and locations of fire hydrants on the site. All hydrants to be installed shall comply with the Portland Water District and Portland Fire Department standards pertaining to manufacturer, style, and installation specifications.

8. Water main[s] size and location:

The site will be served by an 8” water main that will extend off the 12” main in Commercial along the east end of the site. There is an existing fire line supply meter serving the property. Below the meter pit, the project water main size will be a minimum of 6” to serve the development site.

9. Access to all structures [min. 2 sides]:

The accompanying site plan depicts the site’s access conditions that include access to two or more sides of the buildings.

10. A Code Summary shall be included referencing NFPA 1 and all Fire Department Technical Standards.

Assistant Chief Keith Gautreau  
May 22, 2015  
Page 3

Ø **NFPA 1 – Chapter 18 Fire Department Access and Water Supply**

**18.2 Fire Department Access**

The project access conditions for east to west include an entrance at the eastern side of the site generally in the location of an existing graveled lot opposite the Star Match Building. A primary access will be available from the existing driveway in the middle of the property. A third, secondary driveway is proposed at the west end of the site off Commercial Street. The separation between all driveways will be at least 700 feet. The driveways will be greater than 24 feet in width which satisfies NFPA 1 18.2.3.4.1.1 that requires a minimum width of 20 ft.

Per NFPA 1 Chapter 18.2.3.2.1 the interior site access conditions will extend to within 50 ft. of at least one exterior door of all structures. This is satisfied on the site plan.

Per NFPA 1 Chapter 18.2.3.2.2 all first story floors shall be located not more than 150 ft. from the Fire Department access road. This is satisfied on the site plan.

NFPA 1 18.2.3.3 pertains to the number of access roads required and states that this determination is subject to the Authority Having Jurisdiction (AHJ).

**69. 3.3.4 Minimum Separation Distances**

Fay, Spofford & Thorndike reviewed NFPA 1 pertaining to separation distances between LP gas storage containers and buildings. In conducting this review, we contacted NGL Energy to determine the storage tank sizes currently on their property. NGL has two 30,000 gal. tanks, one 45,000 gal. tank and two 60,000 gal. tanks on the property. Per Section 69.3.3.1 and Table 69.3.3.1 of NFPA 1 the required building setback from these tanks is 75 feet, hence we see no issue with the placement of the proposed Phase III and future Canal Landing buildings with respect to setbacks from aboveground LP storage tanks on the NGL site. These findings are subject to review and concurrence from the Portland Fire Department.

Ø **City of Portland Technical Manual Section 3 – Public Safety**

**Part 3.4 Site Access Standards**

*3.4.1. Every dead-end roadway more than one hundred fifty (150') feet in length shall provide a turnaround at the closed end. Turnarounds shall be designed to facilitate future street connectivity and shall always be designed to the right (refer to Figure I-5).*

Supporting evidence: The development site is located along Commercial Street which is accessible from either direction. A minimum of three points of access will be provided into the site.

Assistant Chief Keith Gautreau

May 22, 2015

Page 4

*3.4.2. Where possible, developments shall provide access for Fire Department vehicles to at least two sides of all structures. Access may be from streets, access roads, emergency access lanes, or parking areas.*

Supporting evidence: As depicted on the site plans, the proposed building layout provides for a minimum two-sided access to all structures.

*3.4.3. Building setbacks, where required by zoning, shall be adequate to allow for emergency vehicle access and related emergency response activities and shall be evaluated based on the following factors:*

- *Building Height.*
- *Building Occupancy.*
- *Construction Type.*
- *Impediments to the Structures.*
- *Safety Features Provided.*

Supporting Evidence: The proposed development layout has contemplated emergency access conditions and provided for safe and efficient access for emergency vehicles.

*3.4.4. Fire Dept. access roads shall extend to within 50' of an exterior door providing access to the interior of the structure.*

Supporting Evidence: All buildings will be provided with an exterior entrance door that will be within 50' of a Fire Department access route.

*3.4.5. Site access shall provide a minimum of nine (9) feet clearance height to accommodate ambulance access.*

Supporting Evidence: A minimum 9 ft. vertical clearance will be provided below any overhead signage or utilities entering the site. Generally speaking, all utilities will be underground.

*3.4.6. Elevators shall be sized to accommodate an 80 x 24 inch stretcher.*

Supporting evidence: There are no elevators proposed for the project.

*3.4.7. All structures are required to display the assigned street number. Numbers shall be clearly visible from the public right of way.*

Supporting Evidence: The applicant will work with the City's Public Services Division to assign street addresses and numbering to meet City standards.

**FAY, SPOFFORD & THORNDIKE**

Assistant Chief Keith Gautreau

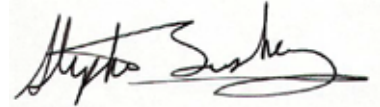
May 22, 2015

Page 5

If you have any questions with the information submitted, please contact our office.

Prepared By:

FAY, SPOFFORD & THORNDIKE

A handwritten signature in black ink, appearing to read "Stephen R. Bushey", is written over a light yellow rectangular background.

Stephen R. Bushey, P.E.

Associate

SRB/cmd

Attachments: Amended Fire Protection Plan

## 5. CONFORMITY WITH APPLICABLE DESIGN STANDARDS

The following statement is made in accordance with the City of Portland Code of Ordinances, Chapter 14 Land Use, Article V Section 14-526.

### 5.1 OVERVIEW

This project conforms with all the applicable design standards of Section 14-526 as demonstrated in the following narrative.

#### (a) Transportation Standards

##### 1. Impact on Surrounding Street Systems:

The development will fit in with the existing street system, as it will use improved access locations off Commercial Street. Based on the limited intensity of use, the project is expected to have an insignificant impact on traffic in the neighborhood, particularly if/when the traffic signal is installed at the Beach Street intersection by the City.

##### 2. Access and Circulation:

###### a. Site Access and Circulation.

- (i) The development provides access via Commercial Street. Ample turning movement is provided at each street entrance. Internal circulation has been reviewed and designed to accommodate the typical use of semi-trailers and boat trailers.
- (ii) Access and egress have been designed to avoid conflict with existing turning movements and traffic flows.
- (iii) The site does not feature drive up services as mentioned in this requirement.
- (iv) Site access has been designed so as not to impede potential future connection to adjacent streets.

###### b. Loading and Servicing.

- (i) The site layout has been configured to accommodate the typical movements of large boat delivery vehicles and access to the boat ramps.

###### c. Sidewalks.

- (i) The Applicant is requesting a waiver to provide a sidewalk along the full property frontage. Currently, the Site Plans contemplate a future curb and sidewalk in front of the proposed Phase III Buildings between the primary entrance at the middle of the site and the secondary entrance at the east end of the site.

In accordance with Sec 14-506 of the City Code, the Applicant is requesting a waiver of provisions pertaining to the construction of curb and sidewalk based on the following conditions which exist for the boatyard site.



Of the six waiver criteria pertaining to sidewalks, the following two exist:

1. There is no sidewalk in existence or expected within 1,000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure.
2. 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.

With respect to the five criteria pertaining to curbing, the following exist:

1. The cost to construct the curbing, including any applicable street opening fees and repairs, is expected to be in excess of 5% of the overall Phase III project costs.
2. Runoff from the development site or within the street does not require curbing for stormwater management.

3. Public Transit Access:

- a. The development contains no residential uses therefore Public Transit Access is not applicable.
- b. A new Transit stop is not proposed.
- c. A new Transit stop is not proposed.
- d. Waiver: The Applicant requests a waiver of the transit facility requirement.

4. Parking:

a. Location and Required Number of Vehicle Parking Spaces:

- (i) The Applicant is providing parking for their employees within the boat parking area around the site. The Applicant is seeking flexibility to move vehicular parking around the site to meet variable vessel parking demand therefore no specific vehicular spaces are identified on the initial phase plans.
- (ii) The Applicant has not prepared a TDM strategy, as it is not applicable to the intended uses.
- (iii) The Applicant proposes the amount of parking which is appropriate for the anticipated uses of this site.
- (iv) Parking spaces and aisles have been designed to meet the dimensional requirements of the Technical Manual.
- (v) Vehicle and vessel parking areas have been designed to withstand site conditions.

- b. Location and Required Number of Bicycle Parking Spaces:
    - (i) The Applicant is requesting a waiver of the bicycle parking requirements based on the site use.
  - c. Motorcycles and Scooter Parking:
    - (i) The Applicant is requesting a waiver of the motorcycle/scooter parking requirements based on the site use.
  - d. Snow Storage:
    - (i) Snow storage management will employ two strategies:
      - 1. On-site snow storage around the perimeter of the site.
      - 2. Snow removal and off-site storage. Generally speaking the nature of the proposed site use precludes the need for significant snow removal.
5. Transportation Demand Management (TDM):
- a. A TDM plan is not required for the project.

**(b) Environmental Quality Standards**

- 1. Preservation of Significant Natural Features:
  - a. The existing site retains no prominent significant natural features therefore no issue related to the preservation of these features applies.
  - b. The Applicant is not requesting a waiver from this standard.
- 2. Landscaping and Landscape Preservation:
  - a. Landscape Preservation.
    - (i) There site's existing tree population is limited and the City's Shoreland Zoning vegetation management provisions do not require tree protection in the Waterfront Post Development Zone.
    - (ii) Not applicable.
    - (iii) Not applicable.
    - (iv) The Applicant will request a waiver from this standard.
  - b. Site Landscaping.
    - (i) Landscaped Buffers:

- (a) There are no service or loading areas observable from nearby sidewalks or residential properties.
- (b) The development is not subject to zoning setbacks or buffering requirements.
- (c) Not applicable.
- (d) Not applicable.

(ii) Parking Lot Landscaping:

- a) thru d) The applicant is requesting a waiver of the landscape requirements based on the proposed booyard use and the need for flexibility with respect to boat parking and heavy vehicle maneuvering.

(iii) Street Trees:

- (a) The applicant would like to work with City Staff on the placement of street trees along Commercial Street.

3. Water Quality, Stormwater Management and Erosion Control:

a. Stormwater:

- (i) The site's runoff conditions are primarily self-contained and runoff sheets to the Fore River; therefore, issues related to offsite or downstream flooding are not applicable.
- (ii) All stormwater runoff is proposed to discharge to the Fore River. The project will not adversely impact adjacent lots or the City street system.
- (iii) All stormwater runoff is proposed to discharge to the Fore River. The project will not adversely impact adjacent lots or the City street system.
- (iv) All stormwater runoff is proposed to discharge to the Fore River. The project will not adversely impact adjacent lots or the City street system.

b. The Stormwater Management Plan will meet the requirements and goals stated in Section 5 of the Technical Manual.

c. The project is not located in a watershed of an urban impaired stream as listed by the MeDEP.

d. Not applicable.

e. The project is serviced by both a public wastewater and public water supply systems. The project will not pose a risk of groundwater contamination.

f. The project will be connected to the public sanitary sewer system which is adequately sized for the project flows.

**(c) Public Infrastructure and Community Safety Standards.**

1. Consistency with City Master Plans:
  - a. The project has been designed to be consistent with the City's Zoning Ordinance and off-site infrastructure plans.
  - b. The Applicant will coordinate with utility representatives for the continuation of easements related to utility infrastructure crossing the site.
2. Public Safety and Fire Prevention:
  - a. The site has been designed to promote a safe and inviting customer access. Controlled access into the interior parking spaces may ultimately be designed into the site plan through the use of emergency ready gates particularly at the land crossings. The MaineDOT is currently responsible for the construction of the two rail crossings as shown on the plans.
  - b. No changes to emergency access conditions within the surrounding streets is proposed.
  - c. Fire hydrants are located within the adjacent street system. Additional fire hydrants are proposed within the site.
3. Availability and Adequate Capacity of Public Utilities:
  - a. The Applicant will secure letters from all applicable utilities stating their ability to serve the site. The project will require new utility service infrastructure to serve the new buildings.
  - b. All on site electrical lines will be underground.
  - c. All new utility infrastructures will meet the provisions of the Technical Manual.
  - d. The project will require a new service connection to the sewer system that crosses the site.
  - e. The sanitary sewer collection system will be designed to meet all applicable sections of the Technical Manual.
  - f. Not applicable.

**(d) Site Design Standards.**

1. Massing, Ventilation and Wind Impact:
  - a. The bulk, location and height of the proposed building will have been designed to not result in adverse impacts to abutting properties.
  - b. The bulk location and height of the proposed building is consistent with the WPDZ requirements and there are no nearby developed lots that may be negatively impacted. The IMT expansion area is an industrial waterfront use. There is currently no development on the opposite side of Commercial Street. Land to the west includes more waterfront industrial land uses and buildings.

- c. HVAC venting, if necessary, will be directed through rooftop units and will not impact any adjacent public spaces.
- 2. Shadows:
  - a. The development is located in the WPDZ Zone and this standard is not applicable.
- 3. Snow and Ice Loading:
  - a. The proposed buildings will be designed and located such that accumulated snow and ice will not fall onto adjacent properties or public ways.
- 4. View Corridors:
  - a. The project site is located outside the Downtown Vision View Corridor Protection Plan.
- 5. Historic Resources:
  - a. The development is not located in a historic district, historic landscape district or City designated landmark.
  - b. The development is not located adjacent to or within 100 ft. of a designated landmark, historic district, or historic landscape district.
  - c. There are no known archaeological resources on the site except for the location of the former Cumberland and Oxford Canal and the former Portland Glassworks. There are no known aspects of the Canal visible at the site. The Applicant has been cooperating with officials from MHPO as they conducted an archaeological investigation of the Glass Works site. Their findings can be provided under separate cover, if necessary. The Applicant will seek guidance from Planning Staff as to any additional investigation that may be warranted for this element of the site.
- 6. Exterior Lighting:
  - a. Site Lighting
    - (i) Exterior lighting will be designed to meet the requirements of Section 12 of the Technical Manual.
  - b. Architectural and Specialty Lighting
    - (i) Not applicable to the project.
    - (ii) Not applicable to the project.
  - c. Street Lighting
    - (i) There are existing street lights along Commercial Street. No changes are currently contemplated to the existing street light conditions.

7. Noise and Vibration:

The project noise levels will be designed to meet the permitted levels as outlined in the WPDZ Zone. All HVAC and mechanical equipment is proposed to be mounted on the roof, or otherwise ground mounted and concealed from nearby properties.

8. Signage and Wayfinding:

a. All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

(i) The project is not located in a historic district or subject to Article IX.

(ii) Proposed commercial signage is still being designed and subject to a condition of approval.

(iii) All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

9. Zoning Related Design Standards:

a. The project is within the WPDZ and zoning related design standards are not applicable.