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September 23, 2013

Ms. Barbara Barhydt
Development Review Services Manager
Planning and Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

**Subject: Canal Landing New Yard – Phase 1
40 West Commercial Street
Applicant: New Yard, LLC
Amended Site Plan Application**

Dear Barbara:

On behalf of New Yard, LLC (New Yard), we are pleased to provide the accompanying Amended Site Plan Application for their proposed activities at the Canal Landing site. New Yard LLC is proposing an Amended Site Plan that will allow them to move forward with an amended building layout, which modifies the plans originally reviewed and approved by the Planning Board in December 2012. As we discussed with the staff and Planning Board during our most recent appearance before you, the West Commercial Street property is currently under consideration for expansion activities related to the International Marine Terminal (IMT). For this reason, New Yard must now consider a realignment of their initial development plans to shift one or more proposed buildings towards the westerly side of their property. As we presented, and were approved for several weeks ago, New Yard proposes to complete the following Phase 1A activities in the upcoming weeks:

- Grassing cutting and general site cleanup;
- Select brush and tree removal with observance of the tree save plan originally approved;
- Processing of salvaged concrete that will be crushed and reinforcement removed for general use as inert site fill. This quantity of material is generally less than 3,000 CY;
- Placement of a small portable temporary construction trailer with power service;
- Pile removal and/or cutting at the mud line within most of the remnant pier limits across the site waterfront. The piles will likely be stockpiled on the site for future reuse, or disposed of if unsuitable for reuse;

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- Ground stabilization and restoration to the existing shorefront granite revetment west of the Unitil frontage. Numerous granite blocks need to be reset along the top of the wall and ground area behind the wall that has been eroded due to ongoing water exposure will be repaired. The plan includes minor subgrade preparation behind the wall and the placement of geotextile material followed by the restoration of granular backfill to the top of wall grade; and
- Installation of the westerly boat ramp and floats for vessel staging and extraction. This will include CIP or precast planks and slope stabilization in the vicinity of the ramp and pile reuse or replacement.

In addition, the following will continue to occur:

- New Yard will continue to use the existing shared easterly entrance off Commercial Street for site access;
- Energy East/NGL will continue to operate the existing propane distribution facility and access drive opposite Beach Street;
- Pan Am will continue to use the tracks into the Energy East/NGL site; and
- Unitil will continue remediation activities on their lands, including box waste removal and granular fill placement.

As has widely been reported, New Yard is currently cooperating with State officials for the planning of the IMT expansion, specifically including future rail access into the IMT as well as future large scale building development supporting IMT operations. These activities are largely anticipated to occur within the most easterly 15 to 18 acres of the property now under control by New Yard. Consequently, the New Yard operations will ultimately move westerly along the waterfront. Specific planning and layout for the Boat yard has yet to be worked through; however, New Yard does have the opportunity to construct an initial building(s) within an approximately 3 to 4 acre area on the far westerly side of the property now controlled by New Yard. This area has been confirmed by DOT officials as beyond any IMT expansion area now contemplated. Portland Terminal Co. (Pan Am Railways) continues to own land further west. It is contemplated that New Yard, Pan Am and the Maine Department of Transportation will collectively reach an agreement for the transfer of additional property and realignment of New Yard operations towards the west, thus allowing the IMT expansion to be realized. When these property agreements are in place, New Yard expects to submit new plans and applications for a Master Plan and phased development reaching further west. However, for this current amendment submission New Yard is only seeking approval to realign building locations on their property in order avoid activities with the prospective IMT expansion area.

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Work not currently contemplated until more definitive direction on the IMT expansion is determined includes the following activities:

- No significant earthmoving activities except for surface grading and leveling on the westerly end of the site;
- No permanent underground utilities will be installed within the east side of the site; limited utilities including water and power will be delivered into the new building pad areas;
- No permanent buildings will be constructed on the easterly end of the site;
- The permanent boat yard surface will not be placed on the easterly side of the property;
- The travel lift basin will not be constructed; and
- The easterly boat ramp will not be constructed.

New Yard's current objective is to install a 120' x 160' tension fabric or prefabricated metal building just to the east side of the existing concrete pad, located at the west side of the site. The concrete pad was formerly a clay storage site, thus it is hoped that the pad can be beneficially reused for a second building in the future. The tension building will have a metal framework supported by a concrete foundation. The structure will have a clear height of nearly 47'-10". Building drawings accompany this submission. The proposed building will be unheated and contain a dry sprinkler system for fire protection. Multiple overhead doors and man doors will be provided around the building perimeter. The building is primarily for temporary vessel maintenance and storage. The interior floor area will consist of a gravel surface that will be pitched from west to east. The intent is to allow the proposed floor to transition at grade with the existing concrete slab, located adjacent the building location. Utilities to be extended into the building include only a 6" water main for the sprinkler system and power and communications lines to be extended off Commercial Street. The building will not have any domestic plumbing nor will it have bathroom facilities.

The accompanying site plans illustrate the scope of work now currently contemplated. For ease of review will have limited the submission materials to simply the plan view drawings as we will continue to rely on the approved details and related supporting documents. Items currently under construction include Phase 1A activities. New Yard is now seeking an Amended Site Plan for their building location, in order to allow new building construction to proceed expediently. New Yard has a building scheduled for delivery in October so they are hopeful that Planning Board approval can be granted in October in order to allow building construction to begin shortly thereafter.

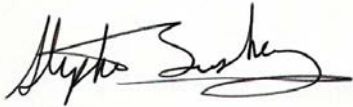
We appreciate the Planning Authority's consideration on these matters and look forward to meeting with the Planning Board once again. New Yard is anxious to move ahead but recognizes that it is essential to provide solutions for the IMT expansion and the rail extension into the IMT.

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If you have any questions or require any additional information, please contact our office.

Sincerely,

FAY, SPOFFORD & THORNDIKE, LLC

A handwritten signature in black ink, appearing to read "Stephen Bushey", with a horizontal line underneath.

Stephen Bushey, P.E., C.P.E.S.C.
Senior Engineer

SRB/smk

Enclosures: Amended Site Plans

c: Bill Needelman, City Planning
Phin Sprague, New Yard LLC
Bob Flight, New Yard LLC
Peter Plumb, Murray, Plumb and Murray