

**Memorandum**

**Planning and Urban Development Department**

**Planning Division**

**To:** Carol Morrissette, Chair and Members of the Portland Planning Board

**From:** Bill Needelman, Senior Planner

**Date:**  September 7, 2012

**Re:** Canal Landing Boat Yard, New Yard, LLC, Applicants

**Project #:** 2012-575 **CBL:** 59-A-1,2,3,4,5,6,7,8,9,10,11,12

**Meeting Date:**  September 11, 2012

**I. Introduction**

At the request of New Yard, LLC, represented by Steve Bushey, Deluca Hoffman Associates, the Planning Board is requested to hold a workshop to review the proposed site plan for a boat and ship repair and maintenance facility in the vicinity of 40 West Commercial Street. A boat sales area is also proposed.

The proposal is for approximately 20,000 square feet of building space for the repair facility and re-grading of up to 5 acres of the site for boat storage and circulation.

The Planning Board is asked to hold an introductory workshop on the proposal based on a preliminary application understanding that more detailed civil engineering and design materials will be required prior to scheduling a Public Hearing. Given the conceptual material provided, City Staff will conduct more detailed reviews on later submissions. The workshop is an opportunity to orient the board to the site and the proposal, to ask questions, and to raise issues prior to further design. Staff presented a bullet list of questions and comments to the applicant prior to the writing of this memo on August 28, 2012 and this list is repeated below for the Board’s consideration.

This workshop was advertised in the September 4 and 5, 2012 editions of the Portland Press Herald and was noticed by mail to 132 neighboring property owners and interested parties.

**II. Required Reviews**

The project is considered a Level III Site Plan subject to review under the Waterfront Port Development Zone, Shoreland, Flood Plain, and Conditional Use (marine retail and boat storage in the WPDZ) standards of the land use code. The project is also reviewed under delegated local authority for a Site Location of Development permit. The subject review is limited to the first phase of development and additional reviews may be required for later phases.

**III. Site Description**

The subject site is an aggregate of waterfront parcels located adjacent to the Casco Bay Bridge along the dredged channel of the Fore River. Totaling over 22 acres, the site contains active rail lines and has a long history of industrial, marine, and rail development. Along with the lone remaining rail siding, the only remaining active use of the site is a propane distribution facility located on 3.96 acres in the interior of the site. The propane facility is proposed to remain on a somewhat reduced lot.

The subject site is the combination of a former coal gasification plant site with portions of an historic rail yard. With the exception of the propane facility, the land is vacant and the rail yard portions of the site have recently re-vegetated with volunteer birch, poplar, oak and pine. The extent to which Shore Land Zone Tree Clearance restrictions apply to marine development in the shoreland portions of the site is subject to an on-going conversation with Maine DEP.

The site is zoned Waterfront Port Development, which is the most restrictive of the City’s waterfront zones. Uses in the WPDZ are mostly restricted to marine industry with limited options for non-marine uses.

The gas plant use has left portions of the site contaminated with coal tars and the site is partially subject to a Maine DEP “VRAP” remediation agreement.

The Fore River shoreline is characterized by derelict piers and stone bulkheads. To the east, the former gas plant site has been stabilized by recent riprap installed as part of the VRAP. There are some areas of erosion located between the former gas and rail properties. This erosion is assumed to be problematic with potential coal tar contaminants entering the river. Redevelopment of the site provides an opportunity to stabilize this area of concern.

The site has +/-1500 feet of frontage along West Commercial Street. While the northerly side of West Commercial Street, along Nova Seafood, the Grayland building and the “Star Match” complex, have curb and sidewalk, none exist along the subject parcel. The applicants are requesting a waiver of curb and sidewalk, as was granted to the adjacent IMT complex by the Planning Board in 2011.

The Beach Street entrance/exit from the Casco Bay Bridge intersects West Commercial Street across from the center of the site at the location an existing driveway for the propane facility. The Beach Street ramp intersection is currently being evaluated for a traffic signal and the City is seeking funds for such a project.

The applicant’s submission includes a detailed description of the property in Attachment B of this memo.

**IV. Proposed Development**

The material provided is separated into long-term master plan and phase 1 plans for permitting.

Phase 1 is before the Board for approval, pending final application submission.

Phase 1 includes two boat ramps, a “travel lift” mobile crane with an excavated basin (for launching and hauling boats), a 19,000 square foot maintenance building, an office trailer, a small yacht brokerage shed, and extensive dockage along the Fore River.

Master Plan documents are shown on Plan 2 and described on Attachment C.2.

Phase 1 elements are shown on Plan 2 and described on Attachment C.1.

Attachment G additionally shows images and renderings describing buildings and equipment proposed.

**V. Development Considerations**

Attachments D and H of the applicant’s submittal include a narratives describing the project’s relationship to the applicable development standards of the Land Use Ordinance.

As noted above, the Board is asked to review the application as a preliminary submission in advance of a more detailed and complete final submission in the future. The workshop is an opportunity to become familiar with the direction of the project, to identify significant issues, and to provide direction to the applicants in advance of their final submission.

**Preliminary Planning Staff Comments (provided to the applicant on August 28, 2012):**

* Right title and interest to use West Commercial Street right of way must be secured prior to approval of occupation of city land.
* Adherence with State Shoreland tree clearance standards will need to be confirmed by the Maine DEP prior to construction – either through demonstration of tree preservation or written confirmation from DEP that the yard construction is allowed as shown.
* Rail removal: Is there any formal abandonment procedure needed to remove the tracks east of the gas yard?
* Shore stabilization and VRAP: Will final submission for site grading incorporate remediation measures? Some degree of fill is assumed.
* Will filling and grading with structural material be needed in phase one for the entire yard to ensure adequate surface for the travel lift?
* Will all boat maintenance areas, including the washdown pads, be provided with contaminant containment and stormwater quality controls?
* The proposed office trailer is located over the CSO. Confirm approval with DPS.
* There is no parking or circulation control for employee and visitor vehicles and pedestrians. Please address with final submission.
* The use of Jersey barriers will require landscape buffering toward West Commercial Street. If a more decorative barrier treatment along West Commercial Street is proposed, fewer landscaping efforts will be required. As this is a yacht brokerage, visually permeable treatments would seem appropriate as visibility of the boats would appear to be beneficial.
* Coordinate with the City Traffic consulting engineer over location, design and signage for primary customer and employee vehicle entrance.
* Internal and external fencing location needs more clarity.
* Use of the Boat Ramps: Will day use launching of recreational vessels be offered as a service for stored boats in the yard?

In addition to the comments and questions above, material related to utilities, stormwater, landscaping, lighting and traffic will be needed for final review with the Planning Board.

**Attachments**

**1 Public Comment**

**Applicant’s Submission Packet**

A Cover Letter and Application

B Existing Conditions and Narratives

C Proposed Development Description

D Zoning Compliance Narrative

E Site Photos

F Vicinity and Context maps

G Building Drawings and Images

H Financial and Technical Capacity

I Right, Title and Interest (Omitted due to size, available upon request)

J Site Plan Standards Review Narrative

K State Agency Contact

**Plans**

Plan 1 Cover Page, Notes, Survey and Existing Conditions

Plan 2 Master Plan, Long-term Build Out

Plan 3 Site Plan, Phase 1 (current permitting)

Plan 4 Grading and Drainage, Phase 1

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bab@portlandmaine.gov>>> Lary Shaffer <shaffer@midmaine.com> Saturday, September 01, 2012 8:42 AM >>>

Dear Ms. Barhydt,

I am a resident of Scarborough and I have great interest in seeing Portland and Greater Portland developed in ways that protect the environment while providing opportunities for all residents. I was delighted to read in the Press Herald of the plans by Mr. Sprague to extend and increase his boat yard activities. If I understand the description of the land correctly, it is the former Portland Terminal Company rail yard area beyond the Casco Bay Bridge from the business center of Commercial Street. This seems to be a fine example of location-specific job creation and I hope that this development is able to proceed.

I am writing to ask if it is possible for at least one railroad right-of-way to remain across that land to the adjacent container terminal. I do not think that it would be a busy rail corridor. However, it seems to me to be very shortsighted to permanently block the railroad access to the container terminal. On a recent trip in southern states, I saw container trains that were probably a hundred cars long. As I understand it, containers on railroads offer great flexibility in shipping because the cars do not have to be cut out of trains and left. The containers can be picked off trains by cranes and various other means and, if necessary, delivered locally by trucks. This saves a considerable amount of railroad time and makes shipping by rail competitive. I do not know why Pan Am does not already work with the container terminal.

It is completely possible that a rail spur through the property would also benefit the boatyard operations by permitting large items to arrive there by rail. I would be very surprised if that had not already been considered by Mr Sprague.

The establishment of a permanent rail right-of way across that land my not be within the responsibilities of the planning board. I do hope, however, that in the interest of future prosperity and wise use of natural resources it will be considered by whomsoever is in charge of deciding these matters.

Yours sincerely,

Lary Shaffer

Lary Shaffer

Scarborough Marsh Fine Furniture

Scarborough Maine