



July 2, 2014

Mr. Rick Knowland
Senior Planner
Planning and Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

Subject: Canal Landing New Yard – Phase 1
100 West Commercial Street
Applicants: New Yard, LLC/Canal Landing LLC
Amended Site Plan Application Pursuant to MDOT Land Taking

Dear Rick:

On behalf of New Yard, LLC and Canal Landing, LLC (collectively New Yard), we are pleased to provide the accompanying Amended Site Plan Application for their activities at the Canal Landing site. As we have discussed, New Yard is supplying this Amended Site Plan Application as it relates to the proposed International Marine Terminal (IMT) Expansion project and the land exchanges that have occurred between the State of Maine and various landowners. As a result of the land taking by the Maine Department of Transportation (see Notice of Condemnation CCRD Book 31470 Page 191) New Yard's site area has been reduced to 5.03 acres of land. In addition, their operations for access and utilities services will be impacted by the IMT expansion activities, thus modifications to these infrastructure elements will occur. Fay, Spofford & Thorndike (FST) have updated the New Yard Plans to depict the various site plan modifications that will be required to their site. We have worked closely with IMT representatives and their design team to plan and design the modifications that are necessary. These changes are reflected in the abbreviated plan set accompanying this submission. For ease of review, we have limited the current submission materials to simply amendments of the previously approved plan view drawings as we will continue to rely on the approved details and related supporting documents currently on record with the City. As you are aware, the MDOT and New Yard have been negotiating terms and conditions related to the Property Acquisition and Settlement Agreement including one or more Supplemental Agreements. Within these agreements the MDOT and New Yard have come to terms on the following infrastructure needs:

- Temporary and Permanent Site access to the New Yard site;
- Utilities services; and

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- Access, utilities and drainage provisions for land area west of the New Yard, now currently owned by Portland Terminal Company (Pan Am Railway), but currently earmarked for acquisition by New Yard or its subsidiary, Canal Landing LLC in the near future.

The accompanying Amended Site Plans reflect information set forth in the IMT drawings prepared by HNTB and their design team. We have updated the plans to include the 5.03 acre New Yard parcel as well as to show land further west of the New Yard site. The plan window now shown on the New Yard drawings has shifted westerly. The MDOT has acquired approximately 9.77 acres from New Yard (former Portland Terminal Co) as well as 8.13 acres of land formerly owned by Unutil but controlled by New Yard as part of their original site plan. The proposed IMT activities within these acquired areas are more completely shown on the IMT drawings by HNTB.

The following modifications are identified on each of the following New Yard Plan sheets:

Sheet C-2.1 Amended Site Layout Plan

- The site area is now 5.03 acres.
- Temporary access is from an easement from MDOT to New Yard and will extend from the Beach Street intersection through the NGL yard area into the southeast corner of the New Yard site. In the short term, emergency vehicle access to New Yard will be through this temporary access route. Coordination related to gate access and security measures will be required between all parties and the Emergency Services Department.
- Provisions for future permanent access from points west of the New Yard site are provided and include two grade crossings of the proposed MDOT rail tracks and heavy haul road. These locations align with future New Yard driveway entrances off Commercial Street.
- The plan depicts portions of the IMT work for clarity, including, but not limited to, the IMT concrete loading slab, rail alignment, fencing and related site development. Not all details of the IMT work are shown, thus reference to the IMT plans is required for further detail of that project.
- The footprint of the proposed second building on the New Yard site is shown. The previously approved Site Plan for New Yard indicated a future building measuring approximately 120' x 180' (or 21,600 SF). The current Amended Site Plan includes a proposed building measuring approximately 27,600 SF, to be located just to the west of the recently completed 19,200 SF tension fabric building. This second building will be positioned generally over the footprint area of a former building area. All that remains of the former building are the concrete slab, some foundation walls and steel sheet piling. A new foundation system is proposed for the proposed building.

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- The proposed building will consist of a prefabricated metal style building that will contain various boatyard support services. This includes office space, operations areas for vessel repairs, materials and ancillaries. The building will have numerous overhead access doors for vessel entry. The building will contain heated space, a full sprinkler system and related utilities. It is expected that there will be internal access between the existing tension fabric building and the proposed building. New Yard is currently working with Irishspan Industries as the building supplier. It is New Yard's intentions to construct this building this year for occupancy by December 31, 2014. This is important as Portland Yacht Services must vacate their current location at 58 Fore Street by that deadline.
- New Yard has installed a temporary construction trailer on the site since last year. The current plan includes relocating the construction trailer to a location at the southeast corner of the site, near the temporary entrance location. The construction trailer will have a potable water source and sanitary connection provided.

Sheet C-3.1 Amended Grading and Drainage Plan

- The majority of the New Yard site area is completed including grading and placement of boat yard surface materials. Generally speaking the boat yard surface area consists of stone and granular material that is highly absorbent and yet provides a stable working surface for the marine operations.
- Drainage improvements associated with the IMT expansion and proposed MDOT rail corridor are depicted on the plans. The drawing includes multiple drainage crossing pipes that are to be installed within the MDOT rail corridor west of the existing New Yard site. These measures are to benefit New Yard in the future if/when additional development occurs within the lands west of their site. Generally, we understand that the MDOT's IMT plans include provisions to install a closed drainage system that will tie into the existing CSO outfalls. In the future, New Yard activities on these westerly lands will also seek to discharge stormwater runoff into these systems.
- There are several existing areas that do not currently contain boat yard surface material around the proposed New Yard building. These areas will be improved with the boat yard surface as New Yard equipment will operate and vessel storage will occur around the perimeter of the proposed building.
- No other grading and drainage activities are proposed on the current New Yard site.

Sheet C-4.1 Amended Utility Plan

- The Amended Utility Plan depicts modifications to the site for utilities services. This includes provisions for proposed utilities to extend from Commercial Street to New Yard. As a result of the IMT expansion, New Yard's existing water and overhead power utilities will need to be discontinued. The current proposal includes a new 8" water supply main to

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extend from the PWD 12" main in Commercial Street to the New Yard site. This extension, along with extensions for underground power, sewer and natural gas will require a utility easement from Portland Terminal Co. to cross over their land, located just west of the IMT/New Yard sites. Evidence of the agreement with PanAm Railway accompanies this application. Crossing of the MDOT rail corridor is part of the supplemental agreements between New Yard and the MDOT.

- The Amended Utility Plan includes an 8" sanitary sewer connection to the existing 48" sanitary interceptor located along the southerly side of Commercial Street. We understand that as part of the IMT expansion there will be improvements made to the Interceptor sewer, thus a coordinated effort will be required for the proposed service connection and the IMT improvements.
- The Utility Plan also includes the extension of a natural gas service line to connect to the 10" gas main in Commercial Street. We currently anticipate at least a 4" gas service line will be extended into the New Yard site.
- The plan includes the placement of various casing pipes across the proposed IMT rail/heavy haul road corridor. These casing pipes will be used as part of the utility crossings. We anticipate that these casing pipes will be installed later this summer. Coordination with MDOT and Pan Am Railway will be required to assure installation compliance with each organization's standards.
- The Utility Plan depicts various internal utilities that have been or will be installed to serve boat yard activities. These include, but are not limited to, underground power to various panel and yard plug-ins; domestic water supply piping for yard spigots and related use; sanitary sewer piping for wastewater pumping from vessels and from the temporary onsite construction trailer.
- The proposed water main from Commercial Street will connect with the existing onsite fire supply main that also supply water to an existing yard fire hydrant near the shorefront. This yard hydrant will remain in service.

The accompanying Site Plans illustrate the scope of work now currently contemplated as well as coordinated with the IMT expansion plans. New Yard has a building scheduled for delivery in August so they are hopeful that Planning Authority approval can be granted expediently in order to allow a Building Permit to be applied for and approved to allow immediate construction commencement.

We appreciate the Planning Authority's consideration on these matters and look forward to meeting with the Planning staff as necessary.

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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", written over a light yellow rectangular background.

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

SRB/smk

Enclosures: Amended Level II Site Plan Application
Draft PanAM Easement
Amended Site Plans

c: Phin Sprague, New Yard LLC
Bob Flight, New Yard LLC
Peter Plumb, Murray, Plumb and Murray

AMENDED LEVEL II SITE PLAN APPLICATION



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.~~
Phin Sprague will drop a check off at the City
- 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.

Phin Sprague agent
Applicant Signature:

7/2/14
Date:

I have provided digital copies and sent them on:

7/2/14
Date:

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3rd Floor, Room 315.



Level II – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level II: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

Level II: Site Plan Development includes:

- New construction of structures with a total floor area of less than 10,000 sq. ft. in all zones, except in Industrial Zones.
- New construction of structures with a total floor area of less than 20,000 sq. ft. in Industrial Zones.
- Any new temporary or permanent parking area, paving of an existing unpaved surface parking area in excess of 7,500 sq. ft. and serving less than 75 vehicles, or creation of other impervious surface area greater than 7,500 sq. ft.
- Building addition(s) with a total floor area of less than 10,000 sq. ft. (cumulatively within a 3 year period) in any zone, except in Industrial Zones.
- Building addition(s) with a total floor area of less than 20,000 sq. ft. in Industrial Zones.
- Park improvements: New structures or buildings with a total floor area of less than 10,000 sq. ft., facilities encompassing an area of greater than 7,500 sq. ft. and less than 20,000 sq. ft. (excludes rehabilitation or replacement of existing facilities).
- New construction of piers, docks, wharves, bridges, retaining walls, and other structures within the Shoreland Zone.
- Land disturbance between 1 and 3 acres that are stripped, graded, grubbed, filled or excavated.
- A change in the use of a total floor area between 10,000 and 20,000 sq. ft. in any existing building (cumulatively within a 3 year period).
- Lodging house, bed and breakfast facility, emergency shelter or special needs independent living unit.
- Signage subject to approval pursuant to Section 14-526 (d) 8.a. of the Land Use Code.
- Any new major or minor auto service station with less than 10,000 sq. ft. of building area in any permitted zone other than the B-2 or B-5 zones.
- The creation of day care or home babysitting facilities to serve more than 12 children in a residential zone (not permitted as a home occupation under section 14-410) in any principal structure that has not been used as a residence within the 5 years preceding the application.
- Any drive-through facility that is not otherwise reviewed as a conditional use under Article III.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

Planning Division

Fourth Floor, City Hall
389 Congress Street
(207) 874-8719

Office Hours

Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT NAME: Canal Landing / New Yard LLC / Canal Landing LLC

PROPOSED DEVELOPMENT ADDRESS:

100 West Commercial Street, Portland, Maine 04101

PROJECT DESCRIPTION:

Amended site plan to reflect a new property area of 5.03 acres resulting from MaineDOT
condemnation taking related to IMT

CHART/BLOCK/LOT: 59-A-3 & 4

PRELIMINARY PLAN July 2012 (date)
FINAL PLAN December 2012 (date)
Amended July 2014

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: New Yard, LLC / Canal Landing LLC Business Name, if applicable: Address: 58 Fore Street City/State : Portland, ME Zip Code: 04101	Applicant Contact Information E-mail: phin@portlandyacht.com Home #: Work #: 207-774-1067 Cell #: 207-653-1414 Fax#: 207-774-7035
Owner – (if different from Applicant) Name: Address: City/State : Zip Code:	Owner Contact Information E-mail: Home #: Work #: Cell #: Fax#:
Agent/ Representative Name: Stephen R. Bushey, P.E. Fay, Spofford & Thorndike Address: 778 Main Street, Suite 8 City/State : So. Portland, ME Zip Code: 04106	Agent/Representative Contact information E-mail: sbushey@fstinc.com Home #: Work #: 207-775-1121 Cell #: 207-756-9359 Fax#:
Billing Information Name: c/o Portland Yacht Services Address: 58 Fore Street City/State : Portland, ME Zip Code: 04101	Billing Information E-mail: Home #: Work #: 207-774-1067 Cell #: Fax#: 207-774-7035

<p>Engineer Stephen R. Bushey, P.E. Name: Fay, Spofford & Thorndike Address: 778 Main Street, Suite 8 City/State : So. Portland, ME Zip Code: 04106</p>	<p>Engineer Contact Information E-mail: sbushey@fstinc.com Home #: Work #: 207-775-1121 Cell #: 207-756-9359 Fax#: 207-879-0896</p>
<p>Surveyor Name: Owen Haskell, Inc. Address: 390 US Route 1, Unit 10 City/State : Falmouth, ME Zip Code: 04105</p>	<p>Surveyor Contact Information E-mail: jswan@owenhaskell.com Home #: Work #: 207-774-0424 Cell #: Fax#: 207-774-0511</p>
<p>Architect (Building B) Dave Fitzpatrick Name: Irishspan Industries, Inc. Address: 107 Kennebunk Road City/State : Alfred, ME Zip Code: 04002</p>	<p>Architect Contact Information E-mail: dfitzpatrick@irishspan.com Home #: Work #: 207-229-2092 Cell #: Fax#: 207-490-1880</p>
<p>Attorney Murray, Plumb and Murray Name: Peter Plumb, Esq. Address: 75 Pearl Street, Suite 300 City/State : Portland, ME Zip Code: 04101</p>	<p>Attorney Contact Information E-mail: pplumb@mpmlaw.com Home #: Work #: 207-773-5651 Cell #: Fax#: 207-773-8023</p>

APPLICATION FEES:

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

<p>Level II Development (check applicable reviews)</p> <p><input checked="" type="checkbox"/> Less than 10,000 sq. ft. (\$400) <input type="checkbox"/> After-the-fact Review (\$1,000 plus applicable application fee)</p> <hr/> <p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) <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>	<p>Other Reviews (check applicable reviews)</p> <p><input type="checkbox"/> Traffic Movement (\$1,000) <input type="checkbox"/> Stormwater Quality (\$250) <input type="checkbox"/> Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots ___ x \$200/lot = _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Change of Use <input type="checkbox"/> Flood Plain <input type="checkbox"/> Shoreland <input type="checkbox"/> Design Review <input type="checkbox"/> Housing Replacement <input type="checkbox"/> Historic Preservation</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.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:


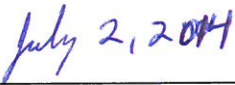
1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-527 (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Please refer to the application checklist (attached) for a detailed list of submission requirements.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement’s authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level II Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 
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PROJECT DATA

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

Total Area of Site	5.03 acre sq.-ft.
Proposed Total Disturbed Area of the Site	---- sq. ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland	
Impervious Surface Area	
Impervious Area (Total Existing)	50,000 sq. ft. +/-
Impervious Area (Total Proposed)	unchanged sq. ft.
Building Ground Floor Area and Total Floor Area	
Building Footprint (Total Existing)	19,200 sq. ft.
Building Footprint (Total Proposed)	46,800 sq. ft.
Building Floor Area (Total Existing)	19,200 sq. ft.
Building Floor Area (Total Proposed)	50,000 sq. ft. +/-
Zoning	
Existing	WPD2
Proposed, if applicable	Same
Land Use	
Existing	Boat Maintenance Facility
Proposed	Boat Maintenance Facility
Residential, If applicable	
	N/A
# of Residential Units (Total Existing)	
# of Residential Units (Total Proposed)	
# of Lots (Total Proposed)	
# of Affordable Housing Units (Total Proposed)	
Proposed Bedroom Mix	
	N/A
# of Efficiency Units (Total Proposed)	
# of One-Bedroom Units (Total Proposed)	
# of Two-Bedroom Units (Total Proposed)	
# of Three-Bedroom Units (Total Proposed)	
Parking Spaces	
	Unspecified parking for up to 50
# of Parking Spaces (Total Existing)	----
# of Parking Spaces (Total Proposed)	----
# of Handicapped Spaces (Total Proposed)	----
Bicycle Parking Spaces	
# of Bicycle Spaces (Total Existing)	0
# of Bicycle Spaces (Total Proposed)	Waiver Requested
Estimated Cost of Project	
	N/A

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

FINAL PLAN - Level II Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
X		1	* Completed Application form
X		1	* Application fees
X		1	* Written description of project
X		1	* Evidence of right, title and interest
N/A		1	* Evidence of state and/or federal permits
X		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
X		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
N/A		1	* Evidence of financial and technical capacity
N/A		1	Construction Management Plan
N/A		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
On File		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
On File		1	Stormwater management plan and stormwater calculations, including description of project, hydrology and impervious area.
On File		1	Written summary of project's consistency with related city master plans
*		1	Evidence of utility capacity to serve
On File		1	Written summary of solid waste generation and proposed management of solid waste
On File		1	A code summary referencing NFPA 1 and all Fire Department technical standards
On File		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
On File		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

* To be provided upon receipt

Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Final Site Plans including the following:
C-2.1			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
C-2.1			Existing and proposed structures on parcels abutting site;
C-2.1			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
C-2.1			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
N/A			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
C-2.1			Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
N/A			Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
N/A			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
N/A			Location of all snow storage areas and/or a snow removal plan;
N/A			A traffic control plan as detailed in Section 1 of the Technical Manual;
N/A			Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
N/A			Location and proposed alteration to any watercourse;
N/A			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
N/A			Proposed buffers and preservation measures for wetlands;
N/A			Existing soil conditions and location of test pits and test borings;
N/A			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
On File			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
C-3.1			Grading plan;
N/A			Ground water protection measures;
C-4.1			Existing and proposed sewer mains and connections;
C-4.1 C-11.1			Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
C-4.1			Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;

- Continued on next page -

C-2.1		Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;
N/A		Location and size of all on site solid waste receptacles, including on site storage containers for recyclable materials for any commercial or industrial property;
Site Plans		Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;
N/A		A shadow analysis as described in Section 11 of the Technical Manual, if applicable;
N/A		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;
See Bldg Plans		Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
On File		An exterior lighting plan in accordance with Section 12 of the Technical Manual;
See IMT Plans		A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
C-2.1		Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.



PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST



A separate drawing[s] shall be provided as part of the site plan application for the Portland Fire Department's review.

1. Name, address, telephone number of applicant
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. Proposed fire protection of all structures
 - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
7. Hydrant locations
8. Water main[s] size and location
9. Access to all structures [min. 2 sides]
10. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.

Some structures may require Fire flows using annex H of NFPA 1



July 2, 2014

Captain Chris Pirone
City of Portland Fire Department
380 Congress Street
Portland, ME 04101

**Subject: Canal Landing Boat Repair and Maintenance Facility
100 West Commercial Street, New Yard LLC, c/o Portland Yacht Services
NFPA 1 Review to Access and Other Fire Department Issues**

Dear Captain Pirone:

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 100 West Commercial Street project. This current submission relates to the land transfers and development proposal for the IMT expansion. As you are aware the Canal Landing site has been impacted by the IMT expansion proposal. We have listed each item in your checklist below, followed by our updated response.

➤ **Fire Department Checklist:**

1. Name, address, telephone number of applicant:

New Yard, LLC/Canal Landing LLC
c/o Portland Yacht Services
58 Fore Street
Portland, Maine 04101
Cell: 912-399-5180
flight@portlandyacht.com

2. Name address, telephone number of architect:

Irishspan Industries, Inc.
107 Kennebunk Road
Alfred, Maine 04002
Phone: (207) 229-2092

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

The following IBC and NFPA classifications will apply to the Building B development:

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

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

BUILDING PROGRAM		
Structure	Total	Per Story ±
Tension Fabric Building (Building A)	19,200 SF	same
Temporary Portable Structure	1,904 SF	same – single story
Operations (Building B)	27,600 SF	same

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:

Each building has a sprinkler system except for the Temporary Portable Structure. Fire protection is currently provided by an existing onsite hydrant and hydrants within Commercial Street in the vicinity of the site. A new hydrant is proposed at the northwest corner of the site.

7. Hydrant locations:

The accompanying utility plan depicts the location of the existing hydrant assemblies located along Commercial Street opposite the site. An existing private hydrant is located within the gas distribution yard area. There is also a fire hydrant along the waterfront adjacent the boat ramp. 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 Street to the site. This new water service will replace the existing 6” water supply line that comes from the former Unutil site. The IMT activities will use this main, therefore precluding New Yard’s ability to continue use of the main.

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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 within the Building Permit submission for Building B.

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

18.2 Fire Department Access

The project access conditions include a temporary entrance at the eastern side of the site. The MDOT and New Yard have agreed to temporarily maintain boat yard access from the Beach Street intersection through the Unitil site. The driveway 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. Ultimately, access to the New Yard site will be from a new driveway(s) system to be constructed west of the property.

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 that are located per the accompanying figure. 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 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.

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➤ **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. Temporarily there will be a single access route into the New Yard site.

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.

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

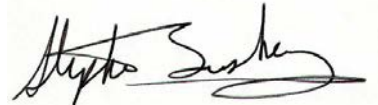
Supporting evidence: There are no elevators proposed for the project.

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. Currently, the site is addressed as 100 West Commercial Street, Building A. The second building will be Building B.

Prepared By:

FAY, SPOFFORD & THORNDIKE

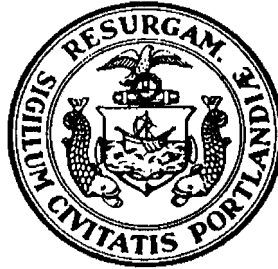
A handwritten signature in black ink, appearing to read "Stephen R. Bushey", is written over a light yellow rectangular background.

Stephen R. Bushey, P.E.
Senior Principal Engineer

Attachments: Amended Fire Protection Plan

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

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



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

Date: July 1, 2014

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

Site Address: 100 West Commercial Street Chart Block Lot Number: 59/A/3,4

Proposed Use: Boat Maintenance Facility

Previous Use: Undeveloped

Existing Sanitary Flows: ---- GPD

Existing Process Flows: N/A GPD

Description and location of City sewer that is to receive the proposed building sewer lateral.

Site Category	Commercial (see part 4 below)	<input checked="" type="checkbox"/>
	Industrial (complete part 5 below)	<input type="checkbox"/>
	Governmental	<input type="checkbox"/>
	Residential	<input type="checkbox"/>
	Other (specify)	<input type="checkbox"/>

(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: New Yard, LLC

Owner/Developer Address: 778 Main Street, South Portland, ME 04106

Phone: 207-774-1067 Fax: _____ E-mail: phin@portlandyacht.com

Engineering Consultant Name: Fay, Spofford & Thorndike

Engineering Consultant Address: 778 Main Street, Suite 8, South Portland, ME 04106

Phone: 207-775-1121 Fax: 207-879-0896 E-mail: sbushy@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: 750 GPD

Peaking Factor/ Peak Times: N/A

Specify the source of design guidelines: (i.e. "Handbook of Subsurface Wastewater Disposal in Maine,"
"Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify)

(Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet)

4. Please, Submit External Grease Interceptor Calculations.

Total Drainage Fixture Unit (DFU) Values: N/A
 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: N/A GPD
 Do you currently hold Federal or State discharge permits? Yes No X
 Is the process wastewater termed categorical under CFR 40? Yes No X
 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

Estimated domestic wastewater flow - 50 employees at 15 gpd = 750 gpd

DRAFT PANAM EASEMENT

DRAFT

DEED OF EASEMENT

The **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, Massachusetts 01862, (hereinafter referred to as "Grantor"), in consideration of One and 00/100 (\$1.00) Dollar paid to it by **CANAL LANDING, LLC**, with a mailing address of 58 Fore Street, Portland, Maine 04101 (hereinafter referred to as "Grantee"), hereby grants to the Grantee, so far as it lawfully may, but without any warranties or covenants of title whatsoever, a permanent right and non-exclusive easement for the purpose of locating, constructing, installing, maintaining, repairing, replacing and using (the "Appurtenance") as listed on Schedule "A" attached hereto, under, within, and through land of the Grantor, situated in the City of Portland, County of Cumberland, State of Maine as more particularly described on Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Easement Area").

The grant of this easement is subject to the following reservations, conditions, covenants and agreements:

1. Notwithstanding any other rights herein retained by the Grantor, and without limiting the same, the operations of the Grantor's railroad, and of the railroads operated by the Grantor's affiliates, shall have priority over the easements herein granted.
2. Full and complete plans, drawings and specifications of the Appurtenance ("Plans") concerning any construction, maintenance, repair, replacement and/or removal work of any description ever to be performed within the Easement Area ("Work") shall first be submitted, in writing, to the Principal Engineering Officer of the railroad operated by the Grantor, or his representative, (the "PEO") at least thirty (30) days prior to such Work except in the case of a bona fide emergency, and no Work shall be undertaken within the Easement Area by or on behalf of the Grantee until the Grantee shall have received written approval from the PEO of the Plans for such work.
3. The Grantee shall perform all Work in good, safe and workmanlike manner and in accordance with all federal, state or local laws, statutes, ordinances and regulations of any description which may apply. The Grantee shall furnish the PEO with copies of any building permits, excavation permits or other similar permits upon demand. The Grantee shall follow the provisions of any engineering codes applicable to the Work, to the extent the same shall not be inconsistent with any conditions specified by the PEO.

4. All Work shall be subject to the inspection and approval of the PEO, or his representative, and shall be in accordance with the approved Plans. The PEO's decisions as to the quality, quantity and conformance of the Work with the approved Plans shall be final and conclusive. If any Work is, in the sole and reasonable opinion of the PEO, determined by him to be substandard, defective or not in conformity with the approved Plans, such Work shall be forthwith removed and replaced with Work which meets with the written approval of the PEO.
5. The Grantee shall promptly cause any mechanic's or materialmen's liens of any description arising in any way out of the Grantee's Work or activities on or about the Premises to be released of record against the title to the Premises, without regard to the validity of such liens.
6. The Grantee agrees to reimburse the Grantor for any and all expenses incurred or in any way referable to the Appurtenance, Work or the easement herein granted, including, without limitation, those for engineering review, flagging protection, inspectional services, and legal fees.
7. The Grantee hereby covenants and agrees that the PEO shall have the right to designate the time or times and conditions by and under which any Work and improvements are to be performed within, under or through the Easement Area, the PEO's designation to be reasonable in all respects.
8. By the acceptance of this deed and as part consideration therefor, the Grantee covenants and agrees that prior to entry upon and prior to undertaking any Work and improvements within the Easement Area, the Grantee shall, at no cost or expense to the Grantor, obtain and keep in force during the entire term of the Work and while any Work is in progress, a policy of insurance naming the Grantor as insured: such policy shall be a "Railroad Protective Liability Policy" so-called, in forms and with coverage limits and insurers approved in writing by the Grantor. In no event shall the coverage limits under such policy be less than Five Million and 00/100 (\$5,000,000.00) Dollars/Ten Million and 00/100 (\$10,000,000.00) Dollars combined coverages for bodily injury and property damage. Such policies shall be submitted to the PEO at least seven (7) days prior to entry and undertaking any Work in the Easement Area.
9. By the acceptance of this deed and as part consideration therefor, the Grantee hereby covenants and agrees to make no use of the Easement Area which, in the sole and reasonable opinion of the PEO adversely affects drainage from or in remaining land or location of the Grantor, and the Grantee hereby further agrees not to permit or allow, either directly or indirectly, drainage to flow from the Easement Area onto other land or location of the Grantor which adversely affects the Grantor's land,

including, but not limited to: flowing drainage from said Easement Area into or to existing drainage ditches or culverts located either in part or entirely upon remaining land and location of the Grantor.

10. The Grantee hereby agrees to defend with counsel approved by the Grantor, release, indemnify, protect and hold harmless the Grantor, the lessees, licensees and any other lawful occupants of the Easement Area from and against any and all loss, cost, damage, or expense including, without limitation, all claims, or suits for loss or damage to property of any description, natural resources, personal injury, sickness or death, delay damages, consequential damages, all matters relating to the alteration of wetlands or other liability arising in any way out of the use, maintenance and existence of the Appurtenance, over and within the Easement Area, any Work without limitation, the Grantee's occupancy of the Easement Area, whether such loss, cost, damage, or expense is suffered by the Grantee, Grantor and/or the Grantor's lessees, licensees, and any other lawful occupants of the Easement Area. The Grantee further agrees to further maintain, at no cost to the Grantor, such policies Of Comprehensive Public Liability Insurance and Property Damage Insurance on the Appurtenance in such forms and with such coverage limits not less than Five Million Dollars (\$5,000,000.00/Ten Million (\$10,000,000.00) Dollars, and with companies as the Grantor deems acceptable and to furnish evidence of the same to the Grantor upon the Grantor's request.
12. Notwithstanding any other provision contained within this deed, the Grantor covenants and agrees to at all times reasonably cooperate with the Grantee to complete design, approval and construction of Improvements to the Easement Area as contemplated herein.
13. By the acceptance of this deed and as part consideration therefor, 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.

14. 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 its successors, assigns and grantees, as the case may be.

IN WITNESS WHEREOF, the said MAINE CENTRAL RAILROAD COMPANY has caused this Deed of Easement to be executed in its name and its corporate seal to be hereto affixed by David A. Fink, its President, thereunto duly authorized this _____ day of _____, 2014.

**GRANTOR:
MAINE CENTRAL RAILROAD
COMPANY**

Witness

By: _____
David A. Fink, President

GRANTEE:

Witness

By: _____

Print Name: _____

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

_____, 2014

On this ____ day of _____, 2014, before me, the undersigned notary public, personally appeared 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

, ss.

_____, 2014

On this ____ day of _____, 2014, before me, the undersigned notary public, personally appeared _____ the _____ of Canal Landing, LLC, as aforesaid, proved to me through satisfactory evidence of identification, which was _____, 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: _____