

## **ATTACHMENT 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 further upriver from their original 22-acre development site, previously permitted under MeDEP Order #L-25823-4E-A-N. The Applicant has 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 relatively inactive except for the limited ongoing rail operations. Most recently, the Applicant has reactivated the site by developing several buildings and completing shorefront activities including a new boat ramp and new floats. In addition, the IMT Expansion has occurred.

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 future plans include additional buildings constructed to support the boat maintenance and repair operations and to support marine related operations including retail/warehouse space, yacht brokerage/sales, marine product processing, and the potential of large vessel berthing.

Activities associated with the storage and launching of rowing team boats for Waynflete School were previously approved by the City in January 2016, and by the MeDEP under Permit Order L-27017-4P-A-N/L-27017-2F-B-N. This pier system and storage building are located on a 0.19 acres area at the west end of the property. The area is leased to Waynflete by the Applicant.

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. Land retained following the MaineDOT land taking.
60-F-1 & 3 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 as Attachment 3 of this submission 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 Applicant’s acquisition of additional shoreline west of the Casco Bay Bridge also serves as an opportunity to continue further clean up and restoration of waterfront beset by remnant burned out piers, dilapidated pilings and declining revetment. We believe the previous City submissions made by the Applicant have consistently spelled out the project goals and objectives including the development of waterfront related infrastructure. 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 waterfront 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 is especially worthwhile.

- Creation of secure storage area for marine related cargo and support. Several uses including, but not limited to, the IMT, Bath Iron Works, and others have expressed a need for secure (fenced) area for the placement of marine cargo, vehicle holding areas, etc. on the Portland Waterfront and Canal Landing is seeking to fill this need.

#### 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 Canal Landing, LLC/ New Yard, LLC has constructed Building A and Building B amounting to approximately 48,000 SF of building space. This parcel also contains a new boat ramp and boat yard area currently in use by Portland Yacht Services. Waterfront activities within this area were permitted under the original order.
2. **Shorefront Parcel (Map 60F, Lot 3)**: 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. The shorefront along this parcel will contain the proposed travel lift basin, a second boat ramp, and the new floats for vessel berthing, all generally within the Historic Pier zone associated with the former railroad yard.
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. This site is now used for access to the boat yard facilities as well as for parking of vessels.

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 State of Maine now operates rail tracks into the IMT expansion area. These tracks were completed several years ago. A proposed cold storage facility is now also contemplated by others, just east of the site.

#### 1.5 **Access Conditions**

The Applicant has installed two new driveways (east & central as shown on plans) to allow access to Canal Landing's business operations. The central driveway will be the primary site entrance as it aligns with a 50' wide rail track crossing. The easterly driveway will provide access to commercial/administrative space to be located at the east end of the building.

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. This driveway is also contemplated to provide access to a secured area that is proposed to offer marine cargo related land area for parking of vehicles, equipment or other marine related cargo.
- The site may also be accessed from the water via a proposed travel lift basin and a new (second) concrete boat ramp to be located along the waterfront. Boating access and one or more gangways will connect a new float system to the shore.

## 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 active 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. All future building's sanitary sewer services 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 future buildings located within the street front parcel.
- Unitil 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 street front area. The Applicant is proposing the placement of up to five (5) 12' x 24" precast concrete power sheds throughout the site. These small portable structures offer convenience to some site utilities including power and yard water services.

## 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, nor any closer than the 50' Harbor Commission setback from the Federal Channel. Bathymetric information on the plans is based on the U.S. ACOE data collected after the Fore River dredging project several years ago.

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 rainfall by absorption and ultimately conveyance towards the river.

## 1.8 Soils Conditions

- 10 to 15 feet of sand and gravel fill – there is little to no organic surface layer throughout the site which is reflective of the site's rail yard history.
- 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 site development activities included restoration and rehabilitation of these areas. Additional restoration along the westerly land will continue. S. W. Cole

Engineering completed a geotechnical investigation related to the foundation design for the travel lift basin and they found the soils to be suitable for the proposed activity. A copy of this report can be provided upon request.

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 City of Portland WPDZ Zoning 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. Development activities are summarized as follows:

#### **(Activities for Which Approval is Requested in this Level II Submission are in Bold):**

- Site clearing, stabilization, and general clean-up.
- Construction of a 24,600 SF footprint individual metal building for marine retail and boat maintenance operations. (This requires a Conditional Use Approval). This is currently the subject of a Level III application currently before the Planning Authority and Planning Board.
- Establishment of yard areas and surfaces for heavy equipment, and boat display, storage or 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 yard activities.
- Temporary facilities including one or more portable trailers and storage buildings for sailboat masts and related boat equipment.
- A 2 to 3 acre area on the west end of the street front parcel is proposed for use as a marine cargo related stack/storage yard. The Applicant is seeking to construct a basic yard area with security fence/access for use by various marine operations on the waterfront. This may include use by the IMT, BIW, Sprague or other users for short term parking, storage or related operations. This is an unfilled need for this type of area on the waterfront which New Yard is seeking to address, based on interest by various third parties to the Applicant.
- **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. Dilapidated pier and piling remnants will be removed/replaced with salvaged wood piles or new**

**steel piles. All piling work is expected to be performed at low tide conditions as much as possible and within the preferred winter time period.**

- **A 45' x 100' 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. This activity was previously approved in the original NRPA Permit Order but not constructed in its original location due to the land taking by the State. The revised location will involve similar dredging and shorefront related activity.**
- **Construction of a second concrete boat ramp along the shorefront. Similarly, the boat ramp was a previously approved activity that was not constructed due to the land taking. The revised location places the second ramp toward the west end of the site. Similar filling activity as previously permitted will be performed for this new ramp, albeit slightly upstream of the original location.**
- Construction of a 43,200 SF tension fabric building for boat repair operations including painting and fiberglass work.
- Construction of up to 12,000 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. The site will continue to use a "boatyard surface" typical to what has been placed over most the original 5 acre development area. The City of Portland has previously accepted this surface, consisting of a section of in situ subgrade soils, geotextile fabric overlain by aggregate gravel and 4" to 8" of crushed stone. The existing boat yard surface has been found to be highly porous yet suitable for equipment movement.
- 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.
- 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.**

## **1.9.2 Offsite**

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

A second driveway is also located approximately 700 feet west of the Beach Street intersection generally opposite the Star Match Co. building complex. Finally, the Applicant is proposing a third entrance further west off Commercial Street. This entrance would be primarily used for the secured marine stockyard in a manner to provide separation of these patrons from the operations of the boat yard, and to provide off hour security.

**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
- Marine cargo handling facilities, including docking, loading, and related storage
- Warehousing and storage of goods which are awaiting shipment via cargo carriers

**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:

<b>Dimensional Standard</b>	<b>Requirement</b>
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	75' (Conditional Use approval required) or 50' within 100 feet of West Commercial Street



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

- *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.

- *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.

- *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.

- *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 project as well as through the day to day operational activity at the site once construction is complete. This is also true for compliance with applicable Department NRPA standards and ACOE Water Quality certification requirements.

The off-street parking and loading requirements will not be applicable to the Applicant's business operations until future phases of the project are developed.

## **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
- Fuelling 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 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. Stantec has contacted various resource agencies regarding the site's potential to contain significant wildlife habitat, historic or archaeological resources. Copies of letters received to date are contained at the end of this section. A functional assessment, Visual Evaluation (Appendix A) and MDEP Coastal Wetland Characterization (Appendix B) have been prepared and are included in Attachment 9 to this submission. We have sought to provide only a high-level view of the site's conditions on the basis that the site and shorefront has been in use (with various intensity) for a period well over 150 years, thus its conditions are less than pristine. The Site's historical use for railroad activities has left the shorefront as nearly all previously disturbed ground. Furthermore, the proximate location of at least two active combined sewer outfalls also exacerbates the site's habitat potential and environmental value. The shorefront is also subject to wave action due to passing vessels within the Federal Channel. Finally, the site's shoreline conditions are degraded due to erosion and poorly stabilized slope conditions within several areas, some of which are below the high

annual tide level (elevation 7.4'). It is the expectation that several of the project's beneficial outcomes will be the stabilization of these shorefront areas.

### **1.13 Erosion and Sediment Control**

A temporary Erosion and Sediment Control Plan is included as part of the plan documents in Attachment 8.

### **1.14 Flooding**

The project site has been depicted graphically on a portion of the FEMA Flood Insurance Rate Map which is provided in Attachment 3 of this submission. The proposed buildings will be constructed with a finish floor elevation of at least 12.0 feet, which is 2 feet higher than the 100-year flood elevation of 10.0 feet in accordance with the City of Portland requirements.

### **1.15 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.

### **1.16 Approval Requirements**

The following permits are anticipated now or in the future:

- City of Portland Planning Board Level III Amended Site Plan Approval for buildings, Conditional Use Approval and Shoreland Zoning Approval
- City of Portland Building Permit(s) for future buildings
- 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 (previously obtained)
- State of Maine Submerged Lands Lease (previously obtained for existing float system)
- Harbor Commissioner's Review (previously obtained)