

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

Philip Saucier-chair  
Sara Moppin  
Matthew Morgan  
Gordan Smith-secretary  
Mark Bower  
William Getz  
Elyse Wilkinson

October 24, 2011

David A. Lourie  
Law Offices of David A. Lourie  
189 Spurwink Avenue  
Cape Elizabeth, ME 04107

RE: 512 Island Avenue, Peaks Island  
CBL: 090 AA001, 002 &005  
ZONE: I-B

Dear Mr. Lourie:

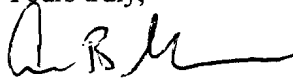
At the October 20, 2011 meeting, the Zoning Board of Appeals voted 5-0 to accept the Findings of Fact and deny your Interpretation Appeal. I am enclosing a copy of the Board's decision.

You will also find an invoice for \$134.97 for the fees that are still owed on the appeal for the cost of the legal ad, and the cost of the noticing. Please submit your payment on receipt of the invoice.

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions, please feel free to contact me at 207-874-8709.

Yours truly,



Ann B. Machado  
Zoning Specialist

Cc. file

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

Philip Saucier-chair  
Sara Moppin  
Matthew Morgan  
Gordan Smith-secretary  
Mark Bower  
William Getz  
Elyse Wilkinson

October 24, 2011

Ted Small  
Bernstein Shur Sawyer & Nelson  
100 Middle Street  
Portland, ME 04101

RE: 512 Island Avenue, Peaks Island  
CBL: 090 AA001, 002 &005  
ZONE: I-B

Dear Mr. Small:

At the October 20, 2011 meeting, the Zoning Board of Appeals voted 5-0 to accept the Findings of Fact and deny the Interpretation Appeal. I am enclosing a copy of the Board's decision.

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions, please feel free to contact me at 207-874-8709.

Yours truly,



Ann B. Machado  
Zoning Specialist

Cc. file

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### ZONING BOARD APPEAL DECISION

**To:** City Clerk  
**From:** Marge Schmuckal, Zoning Administrator  
**Date:** October 21, 2011  
**RE:** Action taken by the Zoning Board of Appeals on October 20, 2011.

**Members Present:** William Getz, Elyse Wilkinson, Gordon Smith (secretary), Phil Saucier (chair), Mark Bower and Sara Moppin

**Members Absent:** Matthew Morgan

#### 1. Old Business

##### A. Interpretation Appeal:

512 Island Avenue, Peaks Island, Keith Ivers, prospective buyer, Tax Map 090, Block AA, Lots 001, 002 & 005, I-B Island Business Zone: The applicants are challenging the Zoning Administrator's determination that the proposed parking of fuel trucks and other trucks is permitted in the I-B Zone as "off-street parking" [sections 14-233(f) & 14-331]. Representing the appeal is David A. Lourie, esquire. The Zoning Board of Appeals heard the appeal on October 13, 2011. The Board will vote on the final findings of fact and take the final vote at the October 20, 2011 meeting. **The Zoning Board of Appeals voted 5-0 to approve the findings of fact and voted 5-0 to deny the appeal (Phil Saucier recused himself).**

#### 2. New Business

##### A. Practical Difficulty Variance Appeal:

96-100 Dorset Street, Sally B. Trice, owner, Tax Map 275, Block I, Lot 031, R-3 Residential Zone: The applicant is proposing to replace an existing side entry porch with a larger entry porch. The appellant is requesting a variance for the front setback from the required twenty-five feet to twenty-four feet, four inches [section 14-90(d)(1)]. Representing the appeal is the owner. **The Board voted 6-0 to deny the variance to reduce the required front setback in order to expand the side porch.**

##### B. Conditional Use Appeal:

491-501 Allen Avenue, Richard Libby, owner, Tax Map 400, Block D, Lot 012, R-3 Residential Zone: The applicant was granted a Conditional Use Appeal on October 7, 2010 to add an accessory dwelling unit to his single family dwelling [section 14-88(a)(2)]. The Conditional Use approval expired. The appellant is again seeking a

Conditional Use appeal to add an accessory dwelling unit to his single family dwelling. Representing the appeal is the owner. **The Board voted 6-0 to grant the conditional use appeal to add an accessory dwelling unit to the single family home.**

**3. Other Business:**

Election of Chair and Secretary for the Zoning Board of Appeals. **Gordon Smith was elected chair and Sara Moppin was elected secretary.**

**Enclosure:**

Decisions for Agenda from October 20, 2011

One dvd

CC: Mark Rees, City Manager

Penny St. Louis, Director, Planning & Urban Development

Alex Jaegerman, Planning Division

Mary Davis, Housing and Neighborhood Services Division



# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

**Interpretation Appeal** to the Portland Zoning Board of Appeals (“Board”) from the Zoning Administrator’s August 18, 2011 determination that proposed parking of seven vehicles at 512 Island Avenue, Peaks Island, is a permitted “off-street parking” use in the I-B Zone

### DECISION

Date of public hearing: October 13, 2011

Name and address of appellants: Ted Haykal, et al. (named in appeal narrative)  
c/o David A. Lourie, Esq.  
189 Spurwink Ave.  
Cape Elizabeth, ME 04107

Location of property under appeal: 512 Island Avenue, Peaks Island  
Tax Map 090, Block AA, Lots 001, 002 &  
005

### For the Record:

#### **Names and addresses of witnesses (proponents, opponents and others):**

David A. Lourie, Esq. for Appellants

Danielle West-Chuta, Assoc. Corp. Counsel for City of Portland Zoning Administrator Marge Schmuckal; City of Portland Zoning Administrator Marge Schmuckal; City Traffic Consultant Tom Errico;

Ted Small, Esq. for Keith Ivers/Peaks Island Fuel.

#### Proponents:

1. Ted Haykal, 522 Island Avenue
2. Mr. Steven Riccuchi
3. Arthur Fink
4. Jeanne Meuse, 11 Trefethen Ave.
5. Joanne MacIsaac, 499 Island Ave.
6. Jean Gulliver, Trefethen Evergreen Improvement Association

7. Liz Williams
8. Ron DeLucia, 499 Island Ave.
9. Nancy Hoffman, Brackett Ave.

Opponents:

1. Stephen Mohr, 18 Pleasant Street
2. Nancy Cuthbertson, 341 Island Avenue
3. Ed Ranney, Island Ave.
4. Eric Conrad, 152 Brackett Ave.
5. Eric Eaton, Peaks Island Council
6. Mike Grady, Island Ave.
7. Dan Doane, 364 Island Ave.
8. Kyle Green, 188 Central Ave.
9. Paul Rico, 58 Elizabeth St.
10. Keith Ivers, Peaks Island Fuel Owner
11. Lisa Lynch
12. Sidney Gerard, Island Ave.
13. Rob Tiffany, 38 Centennial St.
14. Paul 341 Island Ave.
15. Rand Gee
16. Hutch Brown, Island Ave.
17. Chris Vail, Island Ave.
18. Robert Haines, Holm Ave.

**Exhibits admitted (e.g. renderings, reports, etc.):**

1. Interpretation Appeal Application, dated Sept. 16, 2011 by David A. Lourie, Esq., incl.:

**Exhibit A**, Aug. 18, 2011 determination by Zoning Administrator Marge Schmuckal;  
**Exhibit B-1**, Aug. 8, 2011 letter from Terradyn Consultants LLC to Portland Planning Dept., Keith Ivers' letters to Planner Erick Giles, notice of the July 28, 2011 Peaks Island Council meeting, Grading and Erosion Control, Site and Landscaping Plans, Stormwater Management Plan;

**Exhibit B-2**, Site Plan, Landscaping Plan and Details & Notes;

**Exhibit C**, photographs of vehicles;

**Exhibit D**, City of Portland Technical Manual, Section 1 (Transportation Systems and Street Design);

**Exhibit E**, March 20, 1989 City Council Order amending City Code §§ 14-331 and 341.

2. Letters.
  - a. Letters from Frederick W. O'Keefe and Phyllis A. MacIsaac to Board of Appeals on Sept. 29, 2011;

- b. Email from Susan Hanley to Marge Schmuckal, Oct. 4, 2011;
- c. Letter from Jonathan and Beth Brown to Board of Appeals, Oct. 1, 2011;
- d. Letter from Michael Beebe to Board of Appeals, Sept. 29, 2011;
- e. Letter from Alison and Shergul Arshad to Board of Appeals, Sept. 29, 2011.
- f. Email from John S. and Anne E. Whitman dated Oct. 13, 2011.
- g. Email from Tom Morse dated Oct. 13, 2011.
- h. Letter from Bruce and Lori Hochman dated Oct. 13, 2011.

3. Cover Memo from Zoning Administrator Marge Schmuckal to Zoning Board of Appeals, Oct. 5, 2011, transmitting prior comments from public regarding 512 Island Ave., Peaks Island (139 pages of correspondence).

4. Memorandum from Zoning Administrator Marge Schmuckal to Zoning Board of Appeals, Oct. 13, 2011.

**Findings of Fact and Conclusions of Law:**

**Findings of Fact:**

The Board's authority to review an interpretation of the building authority (Zoning Administrator) is pursuant to Section 14-472 of the City of Portland Code of Ordinances, Chapter 14 ("Land Use Code").

Keith Ivers is the owner of Peaks Island Fuel. He proposes to park seven vehicles -- four 2,800 gallon fuel trucks used in Mr. Ivers' propane and oil delivery business and three passenger vehicle-sized service vehicles used in Mr. Ivers' heating repair business -- on a "parcel" located at 512 Island Avenue, Peaks Island consisting of several lots, which is improved by a single-family dwelling. Mr. Ivers stated that Peaks Island Fuel's offices are at 66 Island Avenue, and that the Peaks Island fuel trucks and other vehicles currently are parked on rented space on Welch Street, above the ferry landing. He and other members of the public observed that the present parking location is in the midst of much pedestrian traffic and is subject to vandalism and litter. Mr. Ivers also stated that there would be no filling or fueling, major maintenance or washing of the vehicles in the proposed off-street parking area; that the vehicles may contain some amounts of fuel when parked overnight after deliveries in case evening emergency fuel deliveries are needed, but the trucks would not be filled with fuel; and that fueling of the vehicles occurs at the barge site for oil and kerosene and on the mainland for propane filling. In addition, Mr. Ivers stated that the Peaks Island Fuel vehicles to be parked in the proposed "off-street parking" site are registered and are used in rotation.

This parcel is located in the Island-Business (I-B) District, in which "Off-Street Parking" is a permitted use as stated in Section 14-233 (f) of the Land Use Code. Section 14-331 of the Land Use Code defines "Off Street Parking" as follows:

**Sec. 14-331. Defined.**

Off-street parking, either by means of open-air spaces or by garage spaces which meet the standards set forth in the City of Portland Technical Manual, as hereafter amended, in addition to being a permitted use in certain zones, shall be considered as an accessory use when required or provided to serve conforming uses in any zone.

By letter dated Aug. 18, 2011, the City's Zoning Administrator determined that Mr. Ivers' proposed use is a permitted "off-street parking" use in the I-B Zone. In that letter, the Zoning Administrator determined that Sec. 14-223(f) and 14-331 of the Land Use Code "do not limit the allowable 'off-street parking' to any particular type of use or only allow parking as an accessory use," that the spaces can be either open air or garage spaces, that "The proposed parking area is meeting the standards in the City's Technical Manual," and that the "proposed parking lot is not a truck terminal" because the trucks are not warehoused or stored on the site, the trucks are not filled or fueled and no product is dispensed on site. As a permitted use, the proposed fuel truck/other vehicle parking use would be reviewed by the City's Planning Department under the site plan provisions of the Land Use Code.

The appellants, represented by David A. Lourie, Esq., filed an appeal on Sept. 19, 2011. Appellants assert that the definition of "off-street parking" in Sec. 14-331 means parking for automobiles and compact cars as defined by the City of Portland Technical Manual, Section 1. Appellants argue that the Technical Manual provides for parking spaces 19' in length and 8½' to 9' in width, while the proposed parking lot plans depict parking spaces as long as 22' and as wide as 12', and that the Land Use Code's reference to the Technical Manual limits the off-street parking use to passenger cars and motorcycles. Appellants also argue that the City Council's intent in amending § 14-331 in 1989 to incorporate the Technical Manual by reference was to allow off-street compact car parking. In addition, they argue that the proposed use actually is a "Truck Terminal" use which is prohibited in the I-B -- the storage of trucks, "for use in delivering fuel and services elsewhere on the island." Finally, Appellants argue that the determination was made without adequate consideration for the purposes of the Land Use Code as expressed in Sec. 14-46.

Section 14-47 of the Land Use Code defines "Truck Terminal" as follows:

*Truck terminal:* A building and premises devoted to handling and temporary warehousing of goods, which may include facilities for the maintenance and repair (except body repairs, frame straightening and painting), fueling and storage of trucks or tractor-trailer combinations.

The defined use “Truck Terminal” is not listed as a permitted or conditional use in the I-B Zone. Under Sec. 14-225 of the Land Use Code, “Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.”

**Conclusions of Law:**

For reasons that follow, the Board concludes that Appellants have not met their burden of demonstrating that the Zoning Administrator’s interpretation of the Land Use Code was incorrect or improper.

First, the Board concludes that the proposed use does constitute “off-street parking,” which is a permitted use in the I-B Zone (Sec. 14-223(f)). The Board looks to the plain meaning of Secs. 14.223 (f) and 14-331, which establish “off-street parking” as a permitted use without limitation in the I-B zone in which the parcel is located.

The Board is aware that Sec. 14-331 of the Land Use Code provides that “Off-street parking, either by means of open-air spaces or by garage spaces which meet the standards set forth in the City of Portland Technical Manual, as hereafter amended, in addition to being a permitted use in certain zones, ... .” However, the Board does not interpret Sec. 14-331 and the Technical Manual incorporated thereby by reference as limiting the “off-street parking” use to passenger vehicles only, or as limiting the dimensions of parking spaces allowed in off-street parking spaces in the City of Portland to 9’ by 19’ passenger vehicle spaces or to 8½’ by 19’ compact car spaces. This is because construing the Land Use Code as a whole, other sections of the Land Use Code that refer to off-street parking imply that the off-street parking use also includes commercial motor vehicles. For example, Sec. 14-335 sets forth what off-street parking does **not** include, such as: more than one commercial motor vehicle in any residence, R-P or B-1 Zone (Sec. 14-335(a)); more than six commercial motor vehicles in any B-2 Zone (Sec. 14-335 (b)); and “any truck body, commercial trailer or similar commercial vehicles in residence zone or the R-P Zone” (Sec. 14-335(e)). In addition, Sec. 14-344 permits the Board or the Planning Board to permit off-street parking accessory to business uses but located in residential zones, with the limitation that the off-street parking be “for passenger cars only.” These provisions demonstrate that the “off-street parking” use is available for **both** passenger vehicles and commercial vehicles, and that the passenger car and compact car stall dimensions in the Technical Manual must be minimum dimensions -- not fixed standards. Further, construing the Land Use Code as Appellants suggest would mean that larger commercial vehicles and trucks cannot be parked in off-street parking sites in Portland, a result that is not consistent with the Land Use Code as interpreted by the Board above or with observed practice in the City of Portland.

Second, the Board concludes that the proposed parking of seven Peaks Island Fuel vehicles is not a prohibited “Truck Terminal” use. In so concluding, the Board

notes that the definition of “truck terminal” in Section 14-47 of the Land Use Code begins: “A building and premises devoted to handling and temporary warehousing of goods, ... .” The plans for the proposed parking area do not include a building, and the definition does not state “A building **or** premises”; therefore, the proposed use fails to meet this definition. Also, while Appellants argues that there is a distinction between “parking” and “storage” and argue that under the definition of “truck terminal,” storage of trucks constitutes a truck terminal, a closer reading of the definition does not support that argument. The full definition reads:

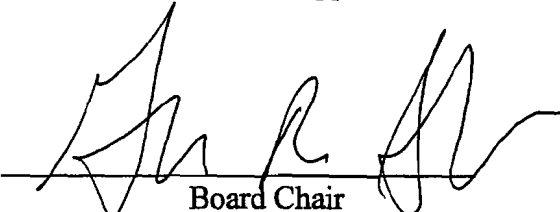
*Truck terminal:* A building and premises devoted to handling and temporary warehousing of goods, which may include facilities for the maintenance and repair (except body repairs, frame straightening and painting), fueling and storage of trucks or tractor-trailer combinations.

Thus, while the “storage of trucks” “may be included” in the definition of “truck terminal,” the storage of trucks does not by itself constitute a “truck terminal” use. Moreover, Mr. Ivers stated that his proposed off-street parking use for the Peaks Island Fuel vehicles does not include major maintenance, which would be conducted off site and does not include fueling, which he said occurs at the barge site for oil and kerosene and on the mainland for propane filling. Moreover, to the extent any distinction between “storage” and “parking” is relevant to this appeal, the Land Use Code prohibits “storage” outside of more than one unregistered motor vehicle “for a period in excess of thirty (30) days in any residence zone, the R-P Zone or any business zone.” Sec. 14-335(d). Mr. Ivers stated that the Peaks Island Fuel vehicles to be parked in the proposed “off-street parking” site are registered and are used in rotation, so that this section does not apply.

**Decision:**

The Board finds that the Appellants have NOT satisfactorily met their burden of demonstrating that the August 18, 2011 determination of the City’s Zoning Administrator was incorrect or improper, and therefore DENIES the appeal.

Dated: Oct. 20, 2011

  
Board Chair

Stark

Phil Sawyer, Gordon Smith, Sara Mapp  
Bill Gatz, Elyse Wilsen, Mark Bower

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### APPEAL AGENDA

Start. 6:32

The Board of Appeals will hold a public hearing on Thursday, October 20, 2011 at 6:30 p.m. on the second floor in room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

#### 1. Old Business:

##### A. Interpretation Appeal:

512 Island Avenue, Peaks Island, Keith Ivers, prospective buyer, Tax Map 090, Block AA, Lots 001, 002 & 005, I-B Island Business Zone: The applicants are challenging the Zoning Administrator's determination that the proposed parking of fuel trucks and other trucks is permitted in the I-B Zone as "off-street parking" [sections 14-233(f) & 14-331]. Representing the appeal is David A. Lourie, esquire. The Zoning Board of Appeals heard the appeal on October 13, 2011. The Board will vote on the final findings of fact and take the final vote at the October 20, 2011 meeting.

5-0  
Accept findings

#### 2. New Business

##### A. Practical Difficulty Variance Appeal:

96-100 Dorset Street, Sally B. Trice, owner, Tax Map 275, Block I, Lot 031, R-3 Residential Zone: The applicant is proposing to replace an existing side entry porch with a larger entry porch. The appellant is requesting a variance for the front setback from the required twenty-five feet to twenty-four feet, three inches [section 14-90(d)(1)]. Representing the appeal is the owner.

6-0  
denied

Guri

##### B. Conditional Use Appeal:

491-501 Allen Avenue, Richard Libby, owner, Tax Map 400, Block D, Lot 012, R-3 Residential Zone: The applicant was granted a Conditional Use Appeal on October 7, 2010 to add an accessory dwelling unit to his single family dwelling [section 14-88(a)(2)]. The Conditional Use approval expired. The appellant is again seeking a Conditional Use appeal to add an accessory dwelling unit to his single family dwelling. Representing the appeal is the owner.

#### 3. Other Business:

Election of Chair and Secretary for the Zoning Board of Appeals.

#### 4. Adjournment:

Gordon chair

End. 7:57

Sara secretary

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# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### ZONING BOARD APPEAL DECISION

**To: City Clerk**

**From: Marge Schmuckal, Zoning Administrator**

**Date: October 14, 2011**

**RE: Action taken by the Zoning Board of Appeals on October 13, 2011.**

**Members Present:** William Getz, Elyse Wilkinson, Matthew Morgan, Gordon Smith (acting chair), Mark Bower and Sara Moppin (acting secretary)

**Members Absent:** Phil Saucier

#### **1. New Business**

##### **A. Interpretation Appeal:**

512 Island Avenue, Peaks Island, Keith Ivers, prospective buyer, Tax Map 090, Block AA, Lots 001, 002 & 005, I-B Island Business Zone: The applicants are challenging the Zoning Administrator's determination that the proposed parking of fuel trucks and other trucks is permitted in the I-B Zone as "off-street parking" [sections 14-233(f) & 14-331]. Representing the appeal is David A. Lourie, esquire. **A final decision has not been reached at this point. The final findings of fact will be presented at the October 20, 2011 Zoning Board of Appeals meeting, and the final vote will be taken at this time. The Board of Appeals did take a straw poll and denied the applicants' request to overturn the Zoning Administrator's determination that the proposed parking of fuel trucks and other trucks is permitted in the I-B Zone as "off-street parking".**

##### **Enclosure:**

Decision for Agenda from October 13, 2011

One dvd

CC: Mark Rees, City Manager

Penny St. Louis, Director, Planning & Urban Development

Alex Jaegerman, Planning Division

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Members Present: Gordon Smith<sup>(Chair)</sup> - William Getz - Mark Bower - Sara Mappin<sup>(sec.)</sup>  
Elyse Wilkinson - Matthew Morgan -

**CITY OF PORTLAND, MAINE**

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**ZONING BOARD OF APPEALS**

Members Absent: Philip Sancier -

**APPEAL AGENDA**

called to order to at 6:30pm

The Board of Appeals will hold a public hearing on Thursday, October 13, 2011 at 6:30 p.m. in the City Council Chambers on the second floor at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeal:

APPEAL  
Denied  
6-0

**1. New Business**

**A. Interpretation Appeal:**

512 Island Avenue, Peaks Island, Keith Ivers, prospective buyer, Tax Map 090, Block AA, Lots 001, 002 & 005, I-B Island Business Zone: The applicants are challenging the Zoning Administrator's determination that the proposed parking of fuel trucks and other trucks is permitted in the I-B Zone as "off-street parking" [sections 14-233(f) & 14-331]. Representing the appeal is David A. Lourie, esquire.

**2. Adjournment:**

9:30pm

WE: get the copies that Ted Small submitted -> 2 pieces of paper

2-5 up on the market

9:05 -> started deliberations

Jean Gulliver  
stay within the four corners of the Ordinance  
interpretive or conjunctive  
Rule of Construction



**City of Portland, Maine  
 Department of Planning and Urban Development  
 Zoning Board of Appeals  
 Interpretation Appeal Application**

**Applicant Information:**

Ted Haykal and others listed in attached narrative  
 Name  
 opposed to Ivers' Truck Storage Project (See Attached)  
 Business Name  
 c/o Law Offices of David A. Lourie  
 Address  
 189 Spurwink Ave. Cape Eliz. ME 04107  
 Telephone 207-799-4922 Fax 207-221-1688

**Subject Property Information:**

512 Island Avenue, Peaks Island  
 Property Address  
 90-AA-1, 2, 5 ~~or 112-114~~  
 Assessor's Reference (Chart-Block-Lot)  
 Property Owner (if different):  
 KEITH IVERS  
 Name  
 BOX 6 PEAKS ISLAND ME 04108  
 Address  
 Telephone Fax

**Applicant's Right, Title or Interest in Subject Property  
 Owners of Abutting and Nearby Properties**  
 (e.g. owner, purchaser, etc.):

**Current Zoning Designation:** IR-2/I-B Zone

**Existing Use of Property:**  
 Residential

**Disputed Provisions from Section 14 - 14-223(f)/331**

**Order, decision, determination, or interpretation under  
 dispute:**

AUGUST 18, 2011 DETERMINATION THAT

PROPOSED STORAGE OF FUEL TRUCKS AND OTHER TRUCKS

IS PERMITTED IN I-B ZONE, AS "OFF-STREET PARKING"

**Type of Relief Requested:**

REVERSAL OF DECISION

**RECEIVED**

SEP 19 2011

**Dept. of Building Inspections  
 City of Portland Maine**

**NOTE: If site plan approval is required, attach preliminary or final site plan.**

The undersigned hereby makes application for the relief above described, and certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

*David A. Puce, Agent*  
 Signature of Applicant

9/16/11  
 Date

LAW OFFICES OF DAVID A. LOURIE  
189 Spurwink Avenue  
Cape Elizabeth ME 04107  
*and*  
97 India Street, Portland ME 04101  
(207) 799-4922 \* fax 221-1688  
[david@lourielaw.com](mailto:david@lourielaw.com)

September 15, 2011

Board of Appeals  
City of Portland  
Portland City Hall  
389 Congress Street  
Portland, ME 04101

Re: Appeal of Ted Haykal, Abutters, and Neighbors of August 18, 2011 Determination of Zoning Administrator that Storage of 2,800 Gallon Fuel trucks and other commercial Vehicles is Permitted as "off street parking."

To the Chair and members of the Board:

This narrative supplements the Appeal form to which it is attached. The persons taking this appeal are as follows:

1. Ted Haykal, 522 Island Avenue
2. Chuck Muse, 11 Trefethen Ave
3. Jeanne Muse, 11 Trefethen Ave
4. The Trefethen Evergreen Improvement Association ("TEIA") 10 Trefethen Ave;
5. Beth Brown, 517 Island Ave
6. Jonathan Brown, 517 Island Ave
7. Joanne MacIsaac, 499 Island Ave
8. Ron DeLucia, 499 Island Ave
9. Wesley Gustafson, 525 Island Avenue
10. Shiela Gustafson, 525 Island Avenue
11. Frederick O'Keefe, 268 Pleasant Ave
12. Phyllis MacIsaac, 268 Pleasant Ave
13. Mildred MacIsaac, 49 Trefethen Ave
14. Linda Pryblo, 49 Trefethen Ave
15. Nancy Beebe, 582 Island Ave
16. Michael Beebe, 582 Island Ave
17. Charles Hitt, Oak lawn Road
18. Karen Hitt, Oak lawn Road
19. Elizabeth Stout, 439 Island Avenue
20. Monica Stevenson, 548 Island Ave

21. John Freeman 548 Island Ave
22. Christie MacLeod, 531 Island Ave
23. John MacLeod, 539 Island Ave
24. Sarah MacLeod, 539 Island Ave
25. Elizabeth Stout, 549 Island Ave
26. John Gulliver, 8 Diamond Path
27. Jean Gulliver, 8 Diamond Path

## I. INTRODUCTION:

Keith Ivers, doing business as Peaks Island Fuel, filed a site plan application for change of use to allow the storage of fuel and other trucks used for the delivery of fuel and services (off of the premises on which they are to be parked or stored.) When the lawfulness of the proposed use at the proposed site was questioned by neighbors, the Zoning Administrator issued a written determination on August 18, 2011 that the proposed use was a permitted use in the Island Business (“I-B”) Zoning District, as “off-street parking.” This Appeal seeks to reverse the decision of the Zoning Administrator. The Decision appealed from is attached as Exhibit “A.”

## II. Statement of Fact

The Ivers site plan application proposes consolidating Peaks Island Fuel operations at this location, and depicts parking on the site by seven (7) trucks. A copy of the Ivers site plan application is attached as Exhibit “B-1” and “B-2.” This shows “parking spaces” as long as 22’, and as wide as 12’, where typical parking spaces shown in the Technical Manual are only 19’ in length and only 8½’ or 9’ in width. Photographs of the vehicles proposed for storage on the premises at their present location are attached as Exhibit “C.”

While the proposed activities will be significantly different from the passenger required or permitted as *off-street parking*, and although the use was within the definition of “truck terminal” in §14-47 of the Ordinance (and NOT listed as a permitted use in the I-B district), the

Zoning Administrator concluded that the proposed use was permitted due to the listing of “off-street parking” as a permitted use in the I-B island business zone, and the “definition” of “off-street parking” in §14-331 (which incorporates the Technical Manual by reference.<sup>1</sup>)

### III. ARGUMENT

#### A. SUMMARY OF ARGUMENT:

The Decision was in error for several reasons, and at several levels:

- The Technical Manual relied upon in the Decision describes only parking spaces for passenger cars and motorcycles! Nowhere in the Technical Manual are the trucks to be parked on *these* premises referenced. The spaces shown on the Ivers site plan are as long as 22', and as wide as 12', where the parking spaces depicted in the Technical Manual are only 19' in length and only 8½ or 9' in width.
- The supporting materials filed with the 1989 Amendment to §14-331 show that the intent of the City Council (in incorporating the Technical Manual by reference) was simply to allow compact car parking, and not to include large trucks to be parked wherever off-street parking was permitted by the zoning ordinance.
- The trucks parked on the premises are to be stored there, for use in delivering fuel and services elsewhere on the island. The *storage of trucks* is within the definition of “truck terminals” in §14-47.<sup>2</sup> A truck terminal is not listed as a permitted or conditional use in

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<sup>1</sup> “Section 14-223(f) indicates that “off-street parking” is a permitted use in the I-B island business zone. Section 14-331 defines “off-street parking” as parking “either by use of open-air spaces or by garage spaces which meet the standards set forth in the City of Portland Technical Manual, as hereafter amended....” The above sections do not limit the allowable “off-street parking” to any particular type of vehicle or only allow parking as an accessory use. Instead, the I-B zone allows off-street parking as a specific permitted use and the definition makes clear that the parking spaces can either be open-air or garage spaces that meet the standards in the City’s Technical Manual. The proposed parking area is meeting the standards in the City’s Technical Manual. As a result, I have determined that the parking lot described in Mr. Iver’s application is permitted under the City Code. “

<sup>2</sup> “*Truck terminal*: A building and premises devoted to handling and temporary warehousing of goods, which may include facilities for the maintenance and repair (except body repairs, frame straightening and painting), fueling and storage of trucks or tractor-trailer combinations.”

the I-B district, and is therefore a prohibited use.

- The Decision was made without sufficient regard to the direction of §14-46, that the Portland Zoning Ordinance is intended to promote “the health, safety, convenience and general welfare of the citizens of the city”, and “made with reasonable consideration . . . to the character of each zone and its peculiar suitability for particular uses.”<sup>3</sup> The proposed use will be detrimental to those purposes.

**B. THE PROPOSED VEHICLE STORAGE IS NOT WITHIN THE DEFINITION OF OFF-STREET PARKING.**

§14-331 defines “off-street parking” as “either by use of open-air spaces or by garage spaces which meet the standards set forth in the City of Portland Technical Manual, as hereafter amended . . .”<sup>4</sup>

The present version of §14-331 replaced a provision defining parking spaces. The prior ordinance required them to always be 9' x 18'. The amendment was adopted as an “emergency” to validate the practice of the planning board in allowing smaller spaces for compact cars, particularly in private parking garages. *See*, Memorandum of Joseph Gray, Planning Director, dated March 8, 1989, and Order #389 (both attached as Exhibit D.) The only reason given for

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<sup>3</sup> §14-46. Purpose. This article, made in accordance with a comprehensive plan, is enacted for the purpose of decreasing congestion in streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the over-crowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, sewerage, schools, parks and other community facilities and utilities; thus promoting the health, safety, convenience and general welfare of the citizens of the city. This article is made with reasonable consideration, among other things, to the character of each zone and its peculiar suitability for particular uses and with a view to conserving and stabilizing the value of property and encouraging the most appropriate use of land throughout the community.

<sup>4</sup> “DIVISION 20. OFF-STREET PARKING. **Sec. 14-331. Defined.** Off-street parking, either by means of open-air spaces or by garage spaces which meet the standards set forth in the City of Portland Technical Manual, as hereafter amended, in addition to being a permitted use in certain zones, shall be considered as an accessory use when required or provided to serve conforming uses in any zone.”

the change was to provide more flexible standards for the sizing of parking spaces for the parking for passenger vehicles for persons residing at, or visiting various premises. There is no reason to conclude that the City Council intended to include the storage of the large trucks proposed by Ivers when it incorporated the Technical Manual into §14-331.

Most important, and fatal to the decision of the Zoning Administrator (who relied upon the incorporation of the Technical Manual into §14-331), is the fact that *nowhere* in the Technical Manual is there is any reference to, or description of, large truck parking, whether by “open air spaces” or “garage spaces!”<sup>5</sup> In fact, Technical Manual §1.14 describes only parking spaces for passenger vehicles and motorcycles, while the only other depictions in the Technical Manual are Figures I-27 thru I-31. These show only parking configurations for standard passenger vehicles (minimum space 9'x19'); for compact cars (8'x15'); for motorcycles, BUT NOT CONFIGURATIONS FOR TRUCKS! Finally, the “parking spaces” shown on the Ivers site plan are not those depicted in the Manual. The Ivers spaces are all much longer and much wider. A full copy of the Manual is attached as Exhibit “E.”

Any comparison of the “parking spaces” depicted in the Ivers site plan and those depicted

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<sup>5</sup> Technical Manual §1.14. *PARKING LOT AND PARKING SPACE DESIGN* states: Refer to Division 20 of the City Land Use Code (Sections 14-331 to 14-350) for zoning ordinance requirements concerning the number of parking spaces required for off-street parking. Parking spaces shall meet the following dimensional requirements:

- Standard parking space: 9 feet wide by 18 feet long.
  - Compact parking space: 8 feet wide by 15 feet long.
  - Motorcycle/motorized scooter parking space: 4 feet wide by 8 feet long.
- Any parking lot with 10 or fewer spaces shall contain standard sized parking spaces. Parking lots with greater than 10 spaces may be comprised of up to 20% compact parking spaces.

Parking lot layout shall conform to Figures I-28 thru I-32.

Vehicular access shall be provided by one or more aisles. Minimum widths of aisles are illustrated in Figures I-28 thru I-31.”

in the Technical Manual demonstrates that the reliance of the Zoning Administrator (upon the incorporation of the Technical Manual into §14-331) to support her Decision was wholly misplaced, and must be reversed.

Finally, §14-223(f) (allowing off-street parking as a principal use in the I-B zone) must be read in harmony with other provisions of the I-B zoning district.

Compounding the errors in interpreting the Zoning Ordinance identified above, was the failure to recognize the difference between the *parking* of a motor vehicle associated with the premises, and the *storage* of an unrelated truck intended for use elsewhere. That difference is recognized by the Portland Zoning Ordinance in the inclusion of the *storage* of trucks within the definition of “truck terminal” in §14-47. Since *storage of trucks* for use elsewhere on the island is what is proposed, the use is only allowed where truck terminals are allowed as either a permitted or conditional use. (*See, infra.*)

C. The Proposed Use Is Within the Definition of “Truck Terminal”, and is therefore a Prohibited Use in the I-B Zoning District.

§14-225 states that “Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited [in the I-B district.]” As noted above, Ivers’ proposed truck storage is within a use defined by §14-47, as a *truck terminal* (“A building and premises which **may include ... storage of trucks** or tractor-trailer combinations.”) Since a truck terminal is NOT listed as either a permitted use or a conditional use in §§14-223 or 224, it is prohibited by §14-225.

Reinforcing the conclusion that truck storage is a use prohibited by §14-225 are the differing use characteristics (and resultant danger) inherent in truck storage compared to the



parking of passenger vehicles. These dangers are exacerbated by the risks inherent in the fragile environment of island zoning. Wells and septic systems are far less forgiving than the waterlines and sewer lines in mainland districts. One would expect more restrictive zoning for the I-B zone, but the Decision does not consider this either. Moreover, the unattended storage of fuel trucks, as opposed to *parking* of ordinary cars and trucks presents additional risks of vandalism or leakage of the large amounts of volatile fuel contained in these vehicles.

The entire scheme of the Ordinance militates against allowing a defined and undesirable use (*truck terminal*) allowable as of right as *off-street parking*. See, Singal v. City of Bangor, 440 A.2d 1048 (Me. 1982)

“When a term of a zoning ordinance is ambiguous or uncertain, the court should construe that term reasonably “with regard both to the objects sought to be obtained and to the general structure of the ordinance as a whole. ... It is through consideration of the whole ordinance that the legislative intent can be ascertained. ... Our examination of the Bangor zoning ordinance convinces us that the sale of gasoline was not intended as a permitted use in a C-1 zone. The ordinance is highly restrictive in its treatment of gasoline service stations, permitting them only as special exceptions in the heavier C-2, C-3 and C-4 commercial zones, when the applicant can demonstrate, among other things, that the health, safety, welfare and property values of the neighborhood will not be affected. Since many of the same dangers necessitating restrictions on gasoline service stations are inherent in the self-service sale of gasoline, it would be unreasonable to conclude that the sale of gasoline was intended either as the primary business of, or as a use accessory to, a grocery/superette. **Otherwise, a use considered undesirable for many reasons even in heavy commercial zones would be permitted without restriction in a neighborhood commercial zone.**” See, Singal v. City of Bangor, 440 A.2d 1048 (Me. 1982)

As in *Singal*, the effect of the Decision is to make an undesirable land use considered otherwise restricted to industrial zones a permitted without restriction this neighborhood

commercial zone.<sup>6</sup> Had the City Council intended to allow truck storage as *off-street parking*, it would have at least made truck storage a conditional use, as was done with the open-ended permission for *municipal uses* in the I-B Zone. (This provision allows comparable public works trucks to be stored at this location “provided outside storage and parking area uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood.” See, §224(f).) The fact that *off-street parking* by DPW trucks is allowed only with safeguards, tends to negate the conclusion that Ivers trucks could be permitted without those safeguards. It also, reinforces the conclusion that §14-223(f) was intended to allow only the off-street parking of passenger vehicles.

#### CONCLUSION

The Decision of the Zoning Administrator interpreting the term “off-street parking” to include a fuel truck terminal in an I-B zone is contrary to the letter and to the spirit of the Portland Zoning Ordinance.

The Decision is detrimental to the public health, safety and welfare, which the Ordinance is supposed to protect. The decision of the Zoning Administrator must be reversed.

Respectfully submitted,



David A. Lourie

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<sup>6</sup> *Singal* was overruled only on grounds of standing in Norris Family Associates, LLC v. Town of Phippsburg, 2005 ME 102, 879 A.2d 1007. The holdings quoted above are still valid.



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

*Penny St. Louis - Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

512 Island Avenue, Peaks Island  
90-AA-1, 2, 5 – IR-2/I-B Zone

August 18, 2011

The applicant, Mr. Ivers, is showing a vehicle parking lot for seven (7) vehicles located at 512 Island Avenue, Peaks Island. Currently a single family house is located on one portion of the lot. The proposed parking area will be located on another portion of the lot and has sufficient space to park four 2,800 gallon fuel trucks and three passenger-vehicle sized service vehicles. The vehicles are all to be actively used by Mr. Ivers in his heating and fuel oil business. The proposed parking area is shown entirely within the I-B zone.

Section 14-223(f) indicates that “off-street parking” is a permitted use in the I-B island business zone.

Section 14-331 defines “off-street parking” as parking “either by use of open-air spaces or by garage spaces which meet the standards set forth in the City of Portland Technical Manual, as hereafter amended....”

The above sections do not limit the allowable “off-street parking” to any particular type of vehicle or only allow parking as an accessory use. Instead, the I-B zone allows off-street parking as a specific permitted use and the definition makes clear that the parking spaces can either be open-air or garage spaces that meet the standards in the City’s Technical Manual. The proposed parking area is meeting the standards in the City’s Technical Manual. As a result, I have determined that the parking lot described in Mr. Iver’s application is permitted under the City Code.

It is important to note that I have reviewed the definition for a truck terminal. A “truck terminal” is defined in the City’s Land Use Zoning Ordinance as:

“a building and premises devoted to handling and temporary warehousing of goods, which may include facilities for the maintenance and repair (except body repairs, frame straightening and painting), fueling and storage of trucks or tractor-trailer combinations”.

Mr. Iver’s proposed parking lot is not a truck terminal. This is because his trucks are not warehoused or stored on the site. The trucks are also not filled, fueled and no product will be dispensed on the site. Instead, the trucks are just parked on this site for active use as needed in Mr. Ivers’ propane and oil delivery business. The other vehicles that will be parked on the site are also for active use with Mr. Ivers’ heating repair business. Mr. Ivers’ business has been active through four generations and has garnered many clients on Peaks Island.

**PEAKS ISLAND FUEL**  
**D.O. BOX 104 PEAKS ISLAND, ME 04108**  
**207-766-5700**



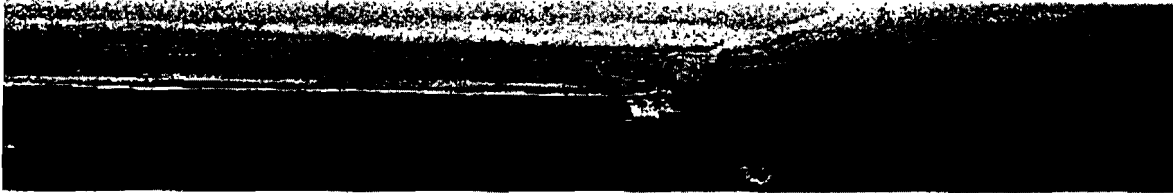
Dear Mr. Giles,

This letter is in request for a waiver of the two (2) bicycle spaces required for every zero (0) to ten (10) parking spaces found under 14-526 (a) 4 (b) ii. The seven (7) spaces I have requested are strictly for private use as is the whole lot and in no way will allow for public bicycle access. Thank you for your consideration.

Best Regards,

  
Keith Ivers

**PEAKS ISLAND FUEL**  
**P.O. BOX 104 PEAKS ISLAND, ME 04108**  
**207-766-5700**



Dear Marge,

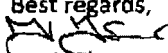
I have read and reviewed sections 14-339, 14-340 and 14-341 in order to supply you with further information on the use of the proposed parking area at 512 Island Ave.

In regards to section 14-339, since the proposed lot is for (7) spaces but does not allow for any of the vehicles to be parked within ten (10) feet of any street line in any direction. The parking lot itself will not abut a residential zone or a lot in residential use but the I-B zone that the proposed lot will be on does on the South side of the lot where it abuts my residence and on the East side where it abuts Mr. Haykals lot. As shown on the plans a sapling fence will extend between the proposed parking area and the abutting lots. The sapling fence will be no less than forty-eight inches in height and well maintained by Peaks Island Fuel. I have a very reputable and local landscape architect who has prepared the landscape plans for me.

In regards to section 14-340, since the proposed parking area is for seven (7) spaces I have taken into consideration for the following: there are no public sidewalks that will need to be crossed. The plans show the appropriate area that the lot will allow for maneuvering the vehicles on the proposed lot and where the driveway from the lot to the street will be. No artificial lighting will be installed on the lot. And the surface of the lot and its construction are all detailed on the refined engineering plans which also show the landscaping additions.

In regards to section 14-341, since the proposed parking area is for seven (7) spaces the aisle area for access to these spaces will be from one side and in excess of the total vehicle length to be parked there. These dimensions can be seen on the engineering plan as well.

I hope this answers your questions so you can make a determination on zoning compliance for the proposed lot. This lot is strictly for private use by my business and I hope that if you have any further questions you will let me know. I have provided you with answers that were carefully thought out and researched as my families home is on the line for this project. Thank you again for all your help and understanding on this project.

Best regards,  
  
Keith Ivers

From: Peggie Peretti <peggleperetti@hotmail.com>  
To: joyce doane <jed364pi@aol.com>  
Subject: FW: Peaks Island Council meeting, Thursday, 6:30 pm  
Date: Wed, Jul 27, 2011 8:25 pm

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Subject: Fwd: Peaks Island Council meeting, Thursday, 6:30 pm  
From: choppin@aol.com  
Date: Wed, 27 Jul 2011 16:42:51 -0400

—Original Message—

From: Rusty Foster <rusty@kuroshin.org>  
To: Carol I. Eisenberg <CEisenberg@rwl.com>; Chris Hoppin <CHOPPIN@aol.com>  
Sent: Wed, Jul 27, 2011 12:24 pm  
Subject: PI Lists: Peaks Island Council meeting, Thursday, 6:30 pm

**Tomorrow night (Thursday, not Wednesday),  
July 28th, 6:30 pm  
The Community Center**

**The Peaks Island Council  
will meet**

**To be discussed:**

**~ The application by Peaks Island Fuel to build a parking lot on commercially zoned property near the TEIA club, and the subsequent harassment of Keith Ivers and his family by a small group of opponents to this plan**

**~ Progress on the sewer inspection, repair, and extension plans**

**~ Report on Island Transportation Fund expenditures, including the monthly and annual pass discounts, which are now officially in effect**

**~ A report on what we currently know about public beach**

**access laws**

**~ And a mention, at least, of what the deal is with the airport approach routing, or at least when we will have more clarity on that.**

**Do join us. It'll be a hootenanny.**

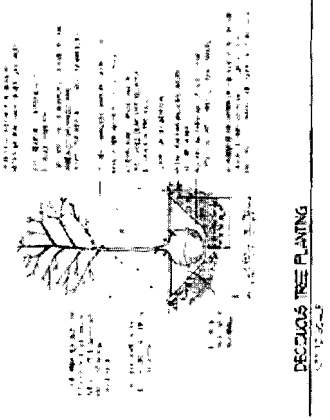
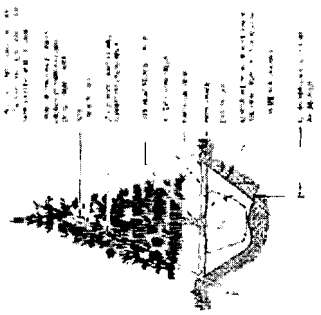
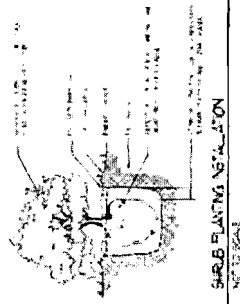
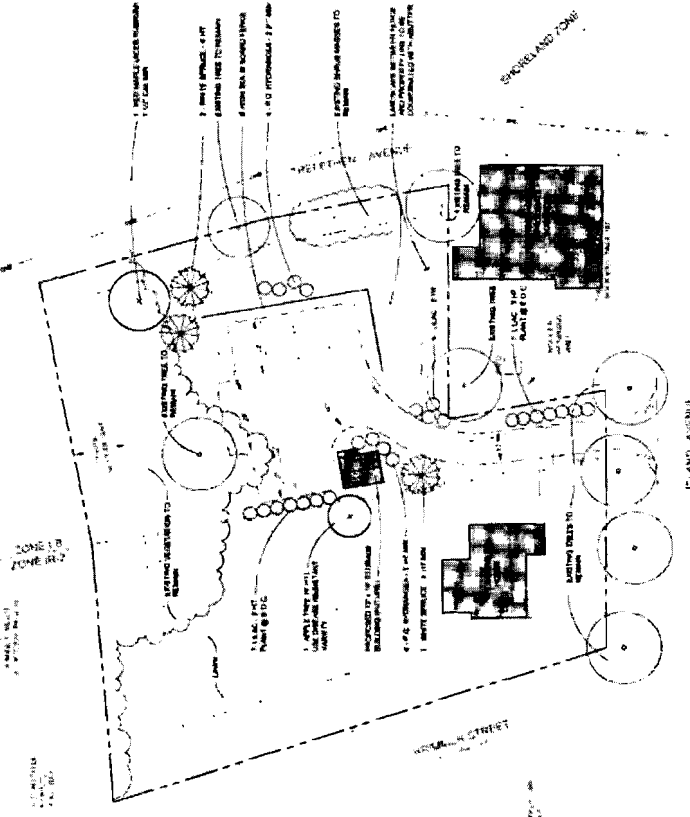
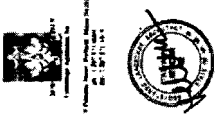






PEAKS ISLAND FUEL  
LANDSCAPE PLAN

**TERRADYN**  
CONSULTANTS, LLC  
112 Commonwealth Lane  
Westborough, MA 01581  
Phone: (508) 852-1117  
www.terradyn.com



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<p><b>EROSION AND SEDIMENT CONTROL PLAN</b></p> <p>The purpose of this plan is to provide a detailed description of the erosion and sediment control measures to be implemented on the site during construction. The plan is based on the site plan and the geotechnical report. The measures are designed to prevent erosion and sediment from leaving the site and to protect the surrounding environment. The measures include: 1. Erosion control: The site will be divided into erosion control areas. Each area will be protected by a concrete curb and gravel. The curb will be 18 inches high and 12 inches wide. The gravel will be No. 2 gravel. 2. Sediment control: The site will be divided into sediment control areas. Each area will be protected by a concrete curb and gravel. The curb will be 18 inches high and 12 inches wide. The gravel will be No. 2 gravel. 3. Stabilized construction entrance: The entrance to the site will be stabilized with concrete curb and gravel. The curb will be 18 inches high and 12 inches wide. The gravel will be No. 2 gravel. 4. Stockade fence: A stockade fence will be installed around the site. The fence will be 6 feet high and 4 feet wide. 5. Vertical granite curb: A vertical granite curb will be installed around the site. The curb will be 18 inches high and 12 inches wide. 6. Silt fence: A silt fence will be installed around the site. The fence will be 6 feet high and 4 feet wide.</p>																																																



Civil Engineering - Land Planning - Stormwater Design - Environmental Permitting

## STORMWATER MANAGEMENT PLAN

### Peak's Island Fuel Peak's Island, Maine

The following Stormwater Management Plan has been prepared for Peak's Island Fuel to evaluate stormwater runoff and erosion control for the proposed parking lot and future storage building to be located off Island Avenue in Peak's Island, Maine.

#### Site Calculations

Total Property Area	0.78 Ac (+/-) (34,171 SF)
Total New Impervious Area	0.11 Ac (4,907 SF)
Total Disturbed Area	0.28 Ac (12,500 SF)

#### Existing Conditions

The development property is approximately 0.78 AC and contains a single family home, a lawn and is wooded in the rear of the property. The lower end of the site is between 150'-200' away from Casco Bay and has frontage on the north side of Island Avenue, the west side of Trefethen Avenue and the east side of the unimproved Brimmer Street right-of-way. The property surrounds a small single family house lot that is located on the northwest corner of the Island Avenue/Trefethen Avenue intersection.

The property generally drains from a high point at the Island Avenue/Trefethen Avenue intersection to the lowpoint in the northwest corner of the lot. The top half of the lot contains slopes that are generally between 8%-10%. The lower half is generally between 3%-5%. The property drains to a ditch that runs down the Brimmer Street right-of-way and flows into Casco Bay. A copy of the U.S.G.S. Quadrangle Map (Portland East) is attached to this submittal.

#### Proposed Development

Peak's Island Fuel is proposing to add a parking lot, gravel access drive, future storage building and landscaping to the property. The new parking lot will be able to fit 4 – 2,800 gallon fuel trucks as well as 3 passenger-car-sized service vehicles. The drive aisle has been sized to allow for easy maneuverability. The fuel trucks will be parked on a curbed concrete pad. The curbing joints will be grouted to provide a watertight seal and the pad will serve as secondary containment dike for any potential fuel leaks. The containment area will be drained via a threaded 2" pvc pipe. The containment dike offers enough storage to fully contain all small storm events. The gravel parking area and access drive will drain to a new ditch turnout level spreader/buffer area. The runoff from the neighboring residence as well as portions of Island Avenue will be intercepted

by a 12" pipe in order to limit the size of the watershed that will drain to the level spreader/buffer system.

**Flooding**

The development area is not located within an area of flood hazard according to the Federal Insurance Rate Map 230051 0015 B. See attached map.

**Water Quantity**

We are requesting a waiver of the flooding standards. We believe this waiver to be appropriate due to the close proximity of Casco Bay (approximately 150' downstream of the site) as well as the design of the proposed stormwater management system.

Although we propose to provide no formal peak flow rate calculations, we believe that the proposed stormwater management system is not likely to cause an increase in the peak flow rate when compared to the existing condition. Nearly all of the new parking area will be collected and directed to a ditch turnout buffer. The buffer contains the gentlest slopes on the entire property and is located on the only wooded portion of the site. The time of concentration for the existing property would be over 150' of lawn area with an average slope of approximately 10%. This would equate to a Tc=7.4 minutes. The developed area will be routed through a 150' wooded buffer with an average slope of approximately 5%. This would equate to a Tc=37 minutes. The increase in the Tc would result in smaller peak flows. Furthermore, the concrete slab contains a water-tight curb along the down gradient side that will store a significant amount of runoff – thereby further reducing the post development flow rate.

**Onsite Soils**

The soils were delineated from the Cumberland County Medium Intensity Soil Survey, as shown (See attached map). The soil survey reports the onsite soils are as summarized below:

A copy of the Medium Intensity Soil Survey has been included with this submittal.

<b>Soil Type Summary Table</b>		
Soil Symbol	Soil Name	HSG
BuB	Buxton	D
HIC	Hinkley	A
HrC	Hollis	C/D
W	Water	

**Water Quality (BMP Standard)**

Best Management Practices (BMPs) will be implemented to reduce the impacts of the proposed site development on downstream water quality. A ditch turnout level spreader/buffer has been designed to provide the necessary water quality treatment. The impervious and disturbed treatment percentages are detailed below:

New Impervious Area: Approximately 4,907 SF of new impervious area will be created. According to our calculations, 4,767 SF of new impervious area and 268 SF of existing impervious area will flow to the ditch turnout buffer. Taking 50% credit for the treatment of the existing impervious area leaves us with:

$$[4,767 + (268/2)] / 4,907 = 4,901 / 4,907 = 0.9987$$

<b>% of Treatment of the New Impervious Area = 99.9% (95% required)</b>
---

Project Developed Area: The existing project area is currently developed as lawn. For the purpose of these calculations the developed area is assumed to be the area required to build the access drive, parking area and future storage building plus the lawn area required to match into existing ground at a 3:1 slope. (Note: the total disturbed area encircled all of the potential landscaped areas located along Trefethen Avenue.) Approximately 8,863 SF of developed area will be created including 4,907 SF of new impervious area and 3,956 SF of grassed area. According to our calculations, 8,226 SF of disturbed area will flow the ditch turnout level spreader/buffer.  $8,226 / 8,863 = 0.928$

<b>% of Treatment of the Disturbed Area = 92.8% (80% required)</b>
--

Housekeeping and Maintenance & Inspection guidelines are attached to this report.

**Level Spreader/Buffer Sizing**

Ditch Turnout Buffer:

Development Type	
Impervious	5,035 SF
Pervious	3,191 SF

Required Berm length for a forested buffer (from Table 5-4 of BMP Manual) for Soil Group D non wetland:

Per acre of impervious area: 150'

Per acre of lawn: 45'

$$L = (5,035 / 43,560) \times 150' + (3,191 / 43,560) \times 45'$$

$$L = (0.116)(150) + (0.073)(45) = 17.4' + 3.3' = 20.7'$$

Required Length=20.7'

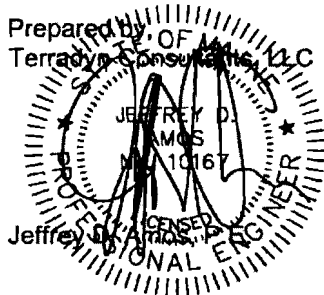
Proposed Length=21'

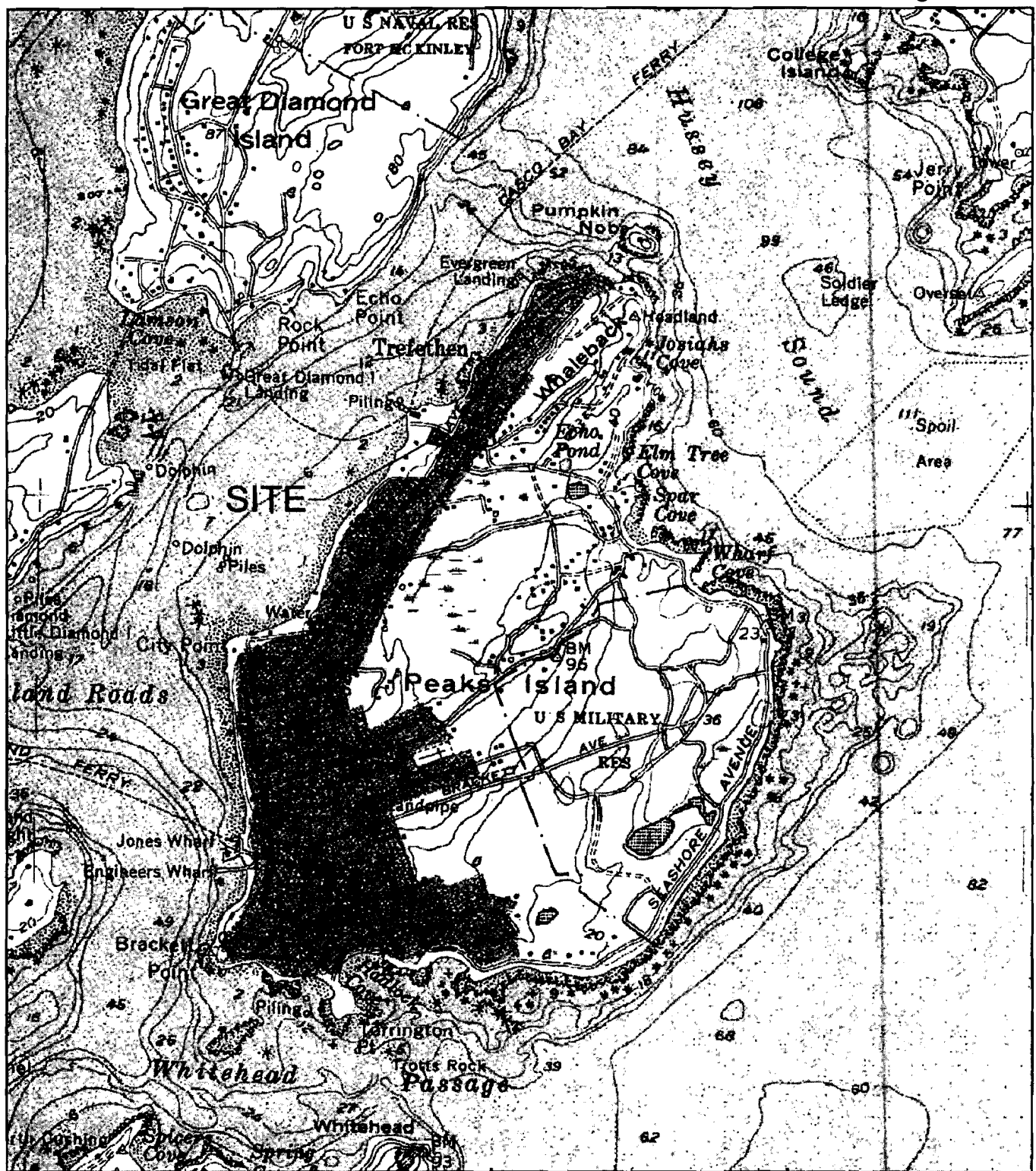
Required Length of Flow Path through Buffer = 150' (from Table 5-4 of BMP Manual)

Flow Path Provided = 180'

**Summary**


Based on the results of this evaluation, the proposed stormwater design is not expected to cause flooding, erosion or other significant adverse effects downstream of the site.





SHEET DESCRIPTION  
 U.S.G.S. QUADRANGLE MAP  
 PORTLAND EAST

PREPARED FOR  
 PEAK'S ISLAND FUEL  
 P.O. BOX 6  
 PEAK'S ISLAND, MAINE 04108



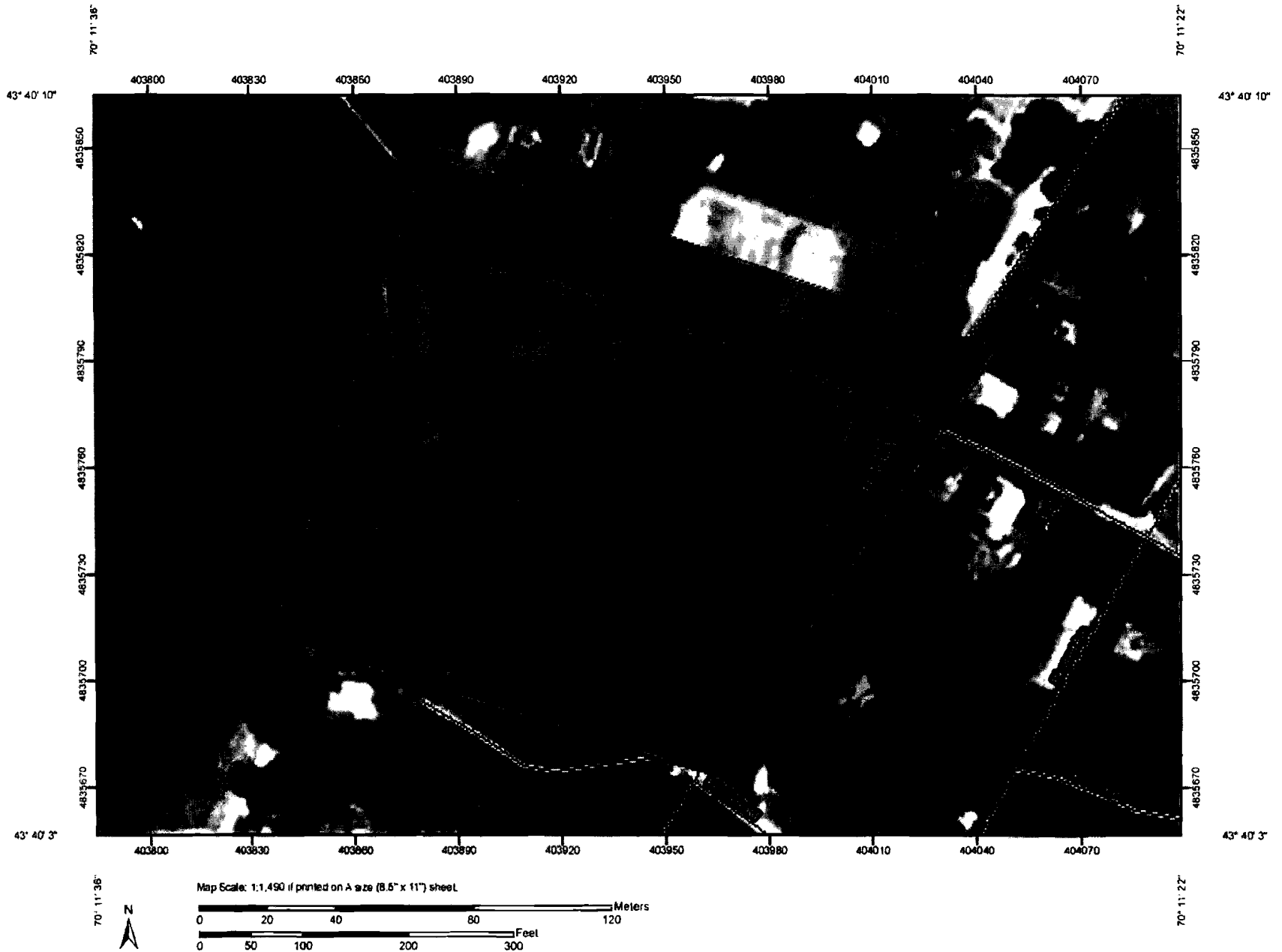
**TERRADYN**  
 CONSULTANTS, LLC

P.O. Box 339  
 111 Elderberry Lane  
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JOB NO.	1128	SHEET	1
DATE	7/28/11	OF	1
SCALE	1"=2,000'		















Hydrologic Soil Group—Cumberland County and Part of Oxford County, Maine  
(Peak's Island Fuel)



Hydrologic Soil Group—Cumberland County and Part of Oxford County, Maine  
(Peak's Island Fuel)

**MAP LEGEND**

- Area of Interest (AOI)**  
Area of Interest (AOI)
- Soils**  
Soil Map Units
- Soil Ratings**
  -  A
  -  A/D
  -  B
  -  B/D
  -  C
  -  C/D
  -  D
  - Not rated or not available
- Political Features**  
Cities
- Water Features**  
Streams and Canals
- Transportation**
  -  Rails
  -  Interstate Highways
  -  US Routes
  -  Major Roads
  -  Local Roads

**MAP INFORMATION**

Map Scale: 1:1,490 if printed on A size (8.5" × 11") sheet.  
The soil surveys that comprise your AOI were mapped at 1:24,000.

**Warning:** Soil Map may not be valid at this scale.  
Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: UTM Zone 19N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine  
Survey Area Data: Version 7, Jan 8, 2009

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydrologic Soil Group

Hydrologic Soil Group— Summary by Map Unit — Cumberland County and Part of Oxford County, Maine (ME005)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
BuB	Buxton silt loam, 3 to 8 percent slopes	D	3.1	57.7%
HIC	Hinckley gravelly sandy loam, 8 to 15 percent slopes	A	0.7	12.6%
HrC	Hollis fine sandy loam, 8 to 15 percent slopes	C/D	1.4	26.5%
W	Water		0.2	3.2%
<b>Totals for Area of Interest</b>			<b>5.4</b>	<b>100.0%</b>

### Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

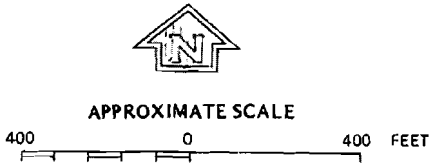
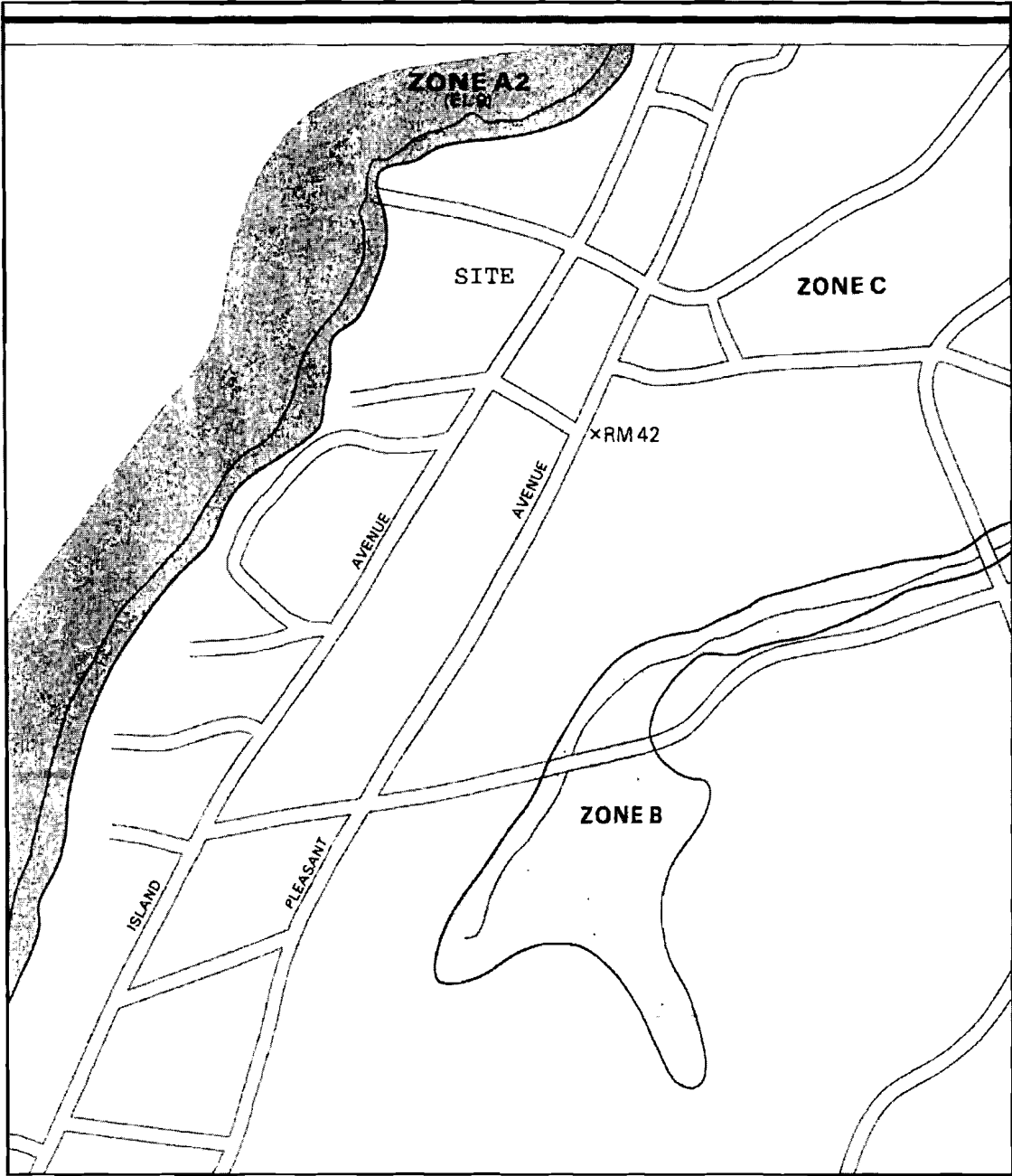
If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher



NATIONAL FLOOD INSURANCE PROGRAM


**FIRM**  
FLOOD INSURANCE RATE MAP

CITY OF  
**PORTLAND, MAINE**  
CUMBERLAND COUNTY

PANEL 15 OF 17  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER  
230051 0015 B

EFFECTIVE DATE:  
JULY 17, 1986



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

**MAINTENANCE PLAN OF STORMWATER MANAGEMENT FACILITIES**

**FOR:**

**Peak's Island Fuel  
Peak's Island Fuel, Maine**

**Land Owner:** Mr. Keith Ivers

**Project Developer:** Mr. Keith Ivers / Peak's Island Fuel  
P.O. Box 6  
Peak's Island Fuel, ME 04108

**Responsible Party:** Peak's Island Fuel

**List of Stormwater Measures:**

Vegetated Areas

Conveyance & Distribution System (Stormwater Channels & Culverts)

Level Spreaders

Buffers

**Inspection & Maintenance Tasks:**

Although not required by the MDEP Chapter 500 or the City of Portland stormwater regulations, we recommend that the project developer follow the following inspection and maintenance guidelines.

**Conveyance & Distribution Systems: (Stormwater Channels & Culverts, etc.)**

**1. Mowing:** Grass should not be trimmed extremely short, as this will reduce the filtering effect of the swale (MPCA, 1989). The cut vegetation should be removed to prevent the decaying organic litter from adding pollutants to the discharge from the swale. The mowed height of the grass should be 2-4 inches taller than the maximum flow depth of the design water quality storm. A minimum mow height of 6 inches is generally recommended (Galli, 1993).

**2. Routine Maintenance and Inspection:** The area should be inspected for failures following heavy rainfall and repaired as necessary for newly formed channels or gullies, reseeding/sodding of bare spots, removal of trash, leaves and/or accumulated sediments, the control of woody or other undesirable vegetation and to check the condition and integrity of the check dams.

**3. Aeration:** The buffer strip may require periodic mechanical aeration to restore infiltration capacity. This aeration must be done during a time when the area can be reseeded and mulched prior to any significant rainfall.

**4. Erosion:** It is important to install erosion and sediment control measures to stabilize this area as soon as possible and to retain any organic matter in the bottom of the trench.

**5. Fertilization:** Routine fertilization and/or use of pesticides is strongly discouraged. If complete re-seeding is necessary, half the original recommended rate of fertilizer should be applied with a full rate of seed.

**6. Sediment Removal:** The level of sediment deposition in the channel should be monitored regularly, and removed from grassed channels before permanent damage is done to the

grassed vegetation, or if infiltration times are longer than 12 hours. Sediment should be removed from riprap channels when it reduces the capacity of the channel.

**Level Spreaders:**

Long term maintenance of the level spreader is essential to ensure its continued effectiveness. The following provisions should be followed. In the first year the level spreader should be inspected semi annually and following major storm events for any signs of channelization and should be immediately repaired. After the first year, annual inspection should be sufficient. Vegetated level spreaders may require periodic mowing. Spreaders constructed of wood, asphalt, stone or concrete curbing also require periodic inspection to check for damage and to be repaired as needed.

**1. Inspections:** At least once a year, the level spreader pool should be inspected for sand accumulation and debris that may reduce its capacity.

**2. Maintenance Access:** Level spreaders should be sited to provide easy access for removal of accumulated sediment and rehabilitation of the berm.

**3. Sediment Removal:** Sediment build-up within the swale should be removed when it has accumulated to approximately 25% of design volume or channel capacity. Dispose of the sediments appropriately.

**4. Debris:** As needed remove debris such as leaf litter, branches and tree growth from the spreader.

**5. Mowing:** Vegetated spreaders may require mowing.

**6. Snow Storage:** Do not store snow removed from the street and parking lot within the area of the level spreader.

**7. Level Spreader Replacement:** The reconstruction of the level spreader may be necessary when sheet flow from the spreader becomes channeled into the buffer.

**Buffers:**

**1.** Inspect resource and treatment buffers at least once a year for evidence of erosion, concentrating flow, and encroachment by development.

**2.** Management of a buffer's vegetation must be consistent with the requirements in any deed restrictions for the buffers.

**3.** Wooded buffers must remain fully wooded and have no disturbance to the duff layer.

**4.** Vegetation in non-wooded buffers must be cut no more than three times per year and no shorter than six inches.

**5.** Erosion within a buffer must be repaired as soon as practicable. If flows are concentrating within the buffer, site grading, level spreaders, or ditch turn-outs must be used to ensure a more even distribution of flow into the buffer.

**6.** Check downslope of all spreaders and turn-outs for erosion. If erosion is present, adjust or modify the spreader's or turnout's lip to ensure a better distribution of flow into the buffer.

**7.** Clean-out any accumulation of sediment within the spreader bays or turn-out pools.

**Task Frequency:**

<b>Table 11-1 Long-Term Inspection &amp; Maintenance Plan</b>				
	Spring	Fall or Yearly	After a Major Storm	Every 2-5 Years
<b>Vegetated Areas</b>				
Inspect all slopes and embankments	X		X	
Replant bare areas or areas with sparse growth	X		X	
Armor areas with rill erosion with an appropriate lining or divert the ero-sive flows to on-site areas able to withstand concentrated flows. See Appendix A(5) of Rule.	X		X	
<b>Stormwater Channels</b>				
Inspect ditches, swales and other open stormwater channels	X	X	X	
Remove any obstructions and accumulated sediments or debris	X	X		
Control vegetated growth and woody vegetation		X		
Repair any erosion of the ditch lining		X		
Mow vegetated ditches		X		
Remove woody vegetation growing through riprap		X		
Repair any slumping side slopes		X		
Replace riprap where underlying filter fabric or underdrain gravel is showing or where stones have dislodge		X		
<b>Culverts</b>				
Remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit	X	X	X	
Repair any erosion damage at the culvert's inlet and outlet	X	X	X	
<b>Roadways and Parking Surfaces</b>				
Clear accumulated winter sand in parking lots and along roadways	X			
Sweep pavement to remove sediment	X			
Grade road shoulders and remove excess sand either manually or by a front-end loader	X			
Grade gravel roads and gravel shoulders	X			
Clean-out the sediment within water bars or open-top culverts	X			
Ensure that stormwater is not impeded by accumulations of material or false ditches in the shoulder	X			



Table 11-1 Long-Term Inspection & Maintenance Plan					
	Spring	Fall or Yearly	After a Major Storm	Every 2-5 Years	
<b>Buffers</b>					
Inspect treatment buffers for evidence of erosion, concentrated flow, or encroachment by development		X			
Manage the buffer's vegetation with the requirements in any deed restrictions		X			
Mow vegetation in non-wooded buffers no shorter than six inches and less than three times per year		X			
Repair any sign of erosion within a buffer		X			
Inspect and repair down-slope of all spreaders and turn-outs for erosion		X			
Install more level spreaders, or ditch turn-outs if needed for a better distribution of flow		X			
Clean-out any accumulation of sediment within the spreader bays or turnout pools		X			
<b>Stormwater Detention and Retention Facilities</b>					
Inspect the embankments for settlement, slope erosion, internal piping, and downstream swamping. A professional engineer must review these immediately.		X	X		
Mow the embankment to control woody vegetation		X			
Inspect the outlet control structure for broken seals, obstructed orifices, and plugged trash racks		X	X		
Remove and dispose of sediments and debris within the control structure		X			
Repair any damage to trash racks or debris guards		X			
Mow vegetated spillways to control woody vegetation and replace any dislodged stone in riprap spillways		X			
Remove and dispose of accumulated sediments within the impoundment and forebay					X
<b>Runoff Infiltration Facilities</b>					
Inspect and clean-out any pre-treatment measures that collect sediment and hydrocarbons entering an infiltration measure	X	X			
Provide for the removal and disposal of accumulated sediments within the infiltration area					X
Renew the infiltration measure if it fails to drain within 72 hours after a rainfall of one-half inch or more					X
Till and replant the soil of vegetated infiltration basins					X
Reconstruct rock-lined basins or stone-filled trenches by removing the stones, replacing new underlying filter fabric, and tilling or removing the underlying soil					X
<b>Other Practices and Measures</b>					
Contact the department for appropriate inspection and maintenance requirements for other drainage control and runoff treatment measures.					

**HOUSEKEEPING PERFORMANCE STANDARDS**

FOR:  
Peak's Island Fuel  
Peak's Island Fuel, Maine

**Land Owner:** Mr. Keith Ivers  
**Project Developer:** Mr. Keith Ivers  
Peak's Island Fuel  
P.O. Box 6  
Peak's Island Fuel, ME 04108  
**Responsible Party:** Peak's Island Fuel

**Introduction:**  
The contractor shall be responsible for maintaining proper housekeeping standards throughout the construction phase of the project. After the construction phase has been completed, the owner or operator of the project and the homeowners association will be responsible.

**Standards:**  
In accordance with the housekeeping performance standards required by MDEP chapter 500 stormwater regulations, the following standards shall be met:

- Spill prevention.** Controls must be used to prevent pollutants from being discharged from materials on site, including storage practices to minimize exposure of the materials to stormwater, and appropriate spill prevention, containment, and response planning and implementation.
- Groundwater protection.** During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials.
- Fugitive sediment and dust.** Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control.

Operations during wet months that experience tracking of mud off the site onto public roads should provide for sweeping of road areas at least once a week and prior to significant storm events. Where chronic mud tracking occurs, a stabilized construction entrance should be provided. Operations during dry months, that experience fugitive dust problems, should wet down the access roads once a week or more frequently as needed.

- Debris and other materials.** Litter, construction debris, and chemicals exposed to stormwater must be prevented from becoming a pollutant source.

To prevent these materials from becoming a source of pollutants, construction and post-construction activities related to a project may be required to comply with

applicable provision of rules related to solid, universal, and hazardous waste, including, but not limited to, the Maine solid waste and hazardous waste management rules; Maine hazardous waste management rules; Maine oil conveyance and storage rules; and Maine pesticide requirements.

5. **Trench or foundation de-watering.** Trench de-watering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water must be removed from the ponded area, either through gravity or pumping, and must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved by the department.
6. **Non-stormwater discharges.** Identify and prevent contamination by non-stormwater discharges.

**LEGEND**

---	EXISTING PROPERTY LINE
- - - -	PROPOSED PROPERTY LINE
---	EXISTING RETRACK LINE
- - - -	EXISTING EASEMENT
---	PROPOSED EASEMENT
---	EXISTING EDGE OF PAVEMENT
---	EXISTING EDGE OF GRAVEL
---	PROPOSED EDGE OF GRAVEL
---	EDGE OF WATER
---	EXISTING TREE LINE
---	PROPOSED TREE LINE
---	PROPOSED FENCE
---	ZONE LINE
---	EXISTING BUILDING
---	PROPOSED BUILDING
---	PROPOSED GRAVEL
---	PROPOSED CONCRETE PAD
---	MEADOW BUFFER
---	WOODED BUFFER

**BUFFER RESTRICTIONS:**

1. **Restrictions on Fenced Buffer Area.** The Restricted Buffer Area must remain undeveloped to perpetuity. To maintain the ability of the Restricted Buffer Area to filter and absorb stormwater, and to maintain consistency with the Stormwater Management Plan, the use of the Restricted Buffer Area is restricted to the following:

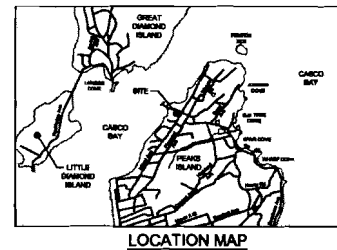
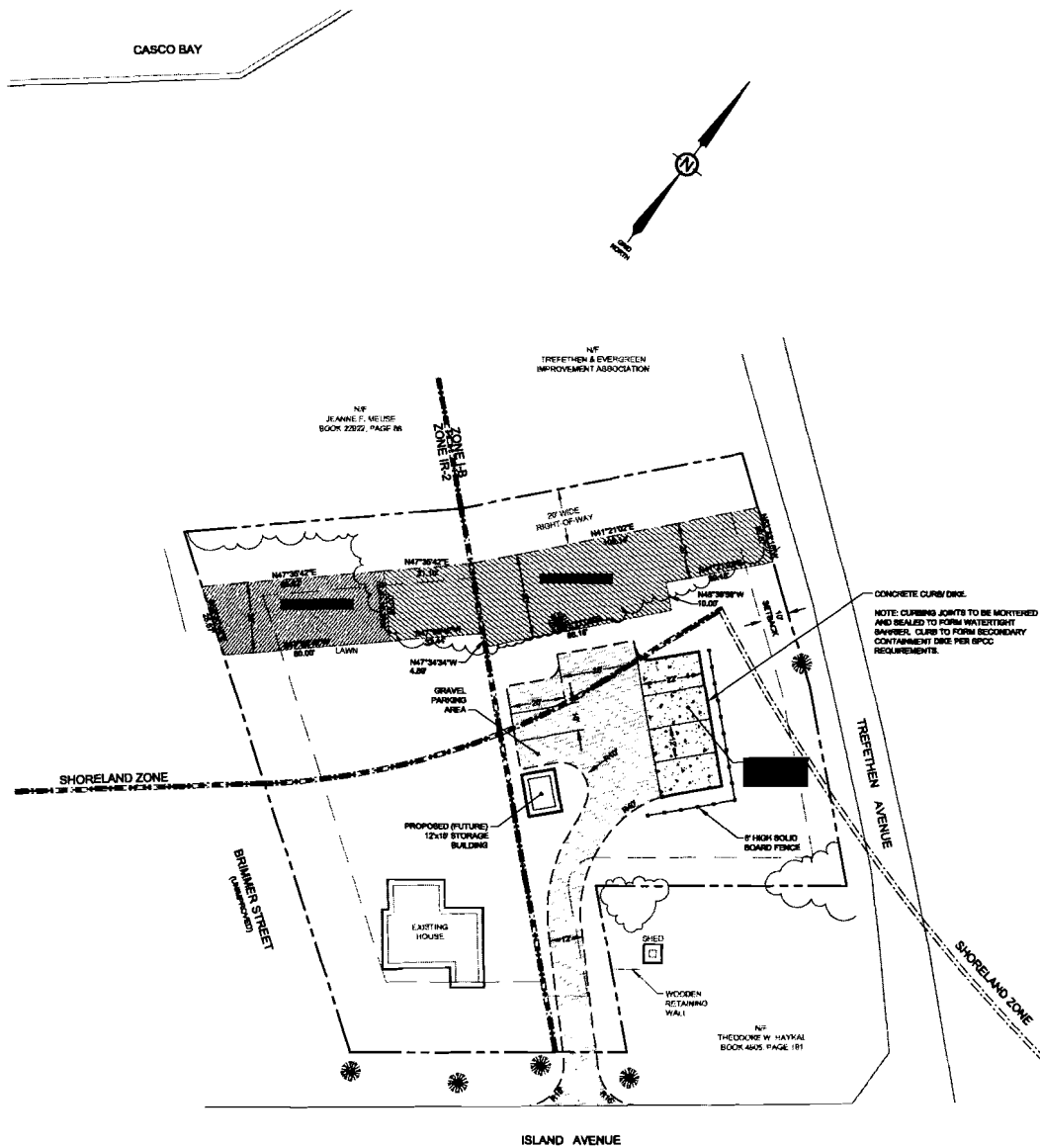
- No wet, loose, sand, gravel, concrete, rock or other material, sediment, refuse, trash, vehicle fuel tank or parts, rubbish, debris, junk items, petroleum or other flammable or volatile liquids or gases, or other materials or substances shall be placed, stored or disposed of in the Restricted Buffer Area, nor may the topography of the area be altered or manipulated in any way.
- Any removal of trees or other vegetation within the Restricted Buffer Area must be limited to the following:
  - (i) No proposed cleared openings may be created and an evenly distributed stand of trees and other vegetation must be maintained. Any "evenly distributed stand of trees" is defined as maintaining a minimum canopy cover of 24 inches in any 20 feet by 20 foot square (2000 square foot) area, as determined by the following table below:

Diameter of base of tree (measured at breast height)	Points
1 - 4 inches	1
5 - 10 inches	2
11 - 12 inches	3
13 - 24 inches	4

- Where existing trees and other vegetation stand in a single row less than 24 inches, no trees may be cut or removed with the exception of the normal maintenance of dead, unhealthy or diseased trees and the pruning of trees to remove a height of 10 feet proximal to the trunk of the tree's canopy to maintain.
- No underground, ground cover vegetation, fuel flow, concrete duct layer or material may be disturbed except that one existing path, that is no wider than six feet and that does not provide a driveway (defined as listed, or allowed) through the area.
- No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer Area, except for a sign, utility pole or fence.
- No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other vehicles or mechanical equipment may be permitted on the Restricted Buffer Area.

2. **Restrictions on Meadow Buffer Area.** The use of the Restricted Buffer Area is restricted to the following:

- No wet, loose, sand, gravel, concrete, rock or other material, sediment, refuse, trash, vehicle fuel tank or parts, rubbish, debris, junk items, petroleum or other flammable or volatile liquids or gases, or other materials or substances shall be placed, stored or disposed of in the Restricted Buffer Area, nor may the topography of the area be altered or manipulated in any way.
  - A corner corner of grassy vegetation must be maintained over the Restricted Buffer Area, except that shrubs, trees and other existing vegetation may also be planted or allowed to grow in the area. The Restricted Buffer Area may not be maintained as a lawn or used as a pasture, if vegetation in the Restricted Buffer Area is removed, it may be no more than two times per year.
  - No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer Area, except for a sign, utility pole or fence.
  - No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other vehicles or mechanical equipment may be permitted on the Restricted Buffer Area, except for vehicles used in working.
  - Any level by perimeter existing flow in the Restricted Buffer Area must be regularly inspected and adequately maintained to preserve the function of the land operator.
3. Any activity on or near of the Restricted Buffer Area inconsistent with the purpose of these restrictions is prohibited. Any future alterations or changes to use of the Restricted Buffer Area must receive prior approval in writing from the City of Portland. The City may approve such alterations and changes to use of the Restricted Buffer Area, but only if the applicant can demonstrate and implement feasibility of the Restricted Buffer Area or if extensive and appropriate alternative means of stormwater control and treatment are provided.



**GENERAL NOTES:**

- BOUNDARY & TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY BY ALSTIN LAND SURVEYING ENTITLED "PLAN SHOWING A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY MADE FOR KEITH HENRY, DATED APRIL 26, 2011."
- SEE THE PLAN REFERENCED IN NOTE #1 FOR THE RECORD OWNER INFORMATION.
- THE PROPERTY IS SHOWN AS LOTS 1, 2 & 4 (BLOCK AA) ON THE CITY OF PORTLAND TAX MAP #0 AND IS LOCATED IN THE ISLAND RESIDENTIAL 2 & ISLAND BUSINESS DISTRICTS.
- BOUNDARY & TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY BY ALSTIN LAND SURVEYING ENTITLED "PLAN SHOWING A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY MADE FOR KEITH HENRY, DATED APRIL 26, 2011."

**5. SPACE AND BULK INFORMATION:**

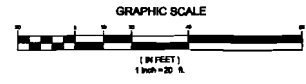
(ISLAND RESIDENTIAL-2)	
MIN. LOT SIZE	NA (LOT OF RECORD)
MIN. STREET FRONTAGE	NA (LOT OF RECORD)
MIN. FRONT SETBACK	25 FT
MIN. SIDE SETBACK	20 FT
MIN. SIDE SETBACK ON SIDE STREETS	25 FT
MIN. REAR SETBACK	25 FT
MAX. LOT COVERAGE	30%
MAX. BUILDING HEIGHT (ACCESSORY DETACHED)	14 FT

(ISLAND BUSINESS (B-2))	
MIN. LOT SIZE	NA (LOT OF RECORD)
MIN. STREET FRONTAGE	NA (LOT OF RECORD)
MIN. FRONT SETBACK	20 FT
MIN. SIDE SETBACK	10 FT
MIN. SIDE SETBACK ON SIDE STREETS	10 FT
MIN. REAR SETBACK	10 FT
MAX. LOT COVERAGE	60%
MAX. BUILDING HEIGHT (ACCESSORY DETACHED)	15 FT

**6. PARKING CALCULATION:**  
 REQUIRED PARKING SPACES (400 SF) = 0.45 SPACES  
 PROPOSED PARKING SPACES = 7 SPACES

STATE OF MAINE  
 COUNTY OF RECORD OF DEEDS  
 RECEIVED AT \_\_\_\_\_ ON \_\_\_\_\_  
 AT \_\_\_\_\_ M. AND RECORDED IN  
 PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 ATTEST \_\_\_\_\_ REGISTRAR



	SHEET DESCRIPTION <b>PEAKS ISLAND FUEL SITE PLAN</b>	SHEET NO. 1128
	PREPARED FOR <b>PEAKS ISLAND FUEL</b>	SHEET OF 1
	P.O. BOX 1 PEAKS ISLAND, MAINE 04158	DATE 7/20/11
	SCALE 1"=20'	DATE 7/20/11

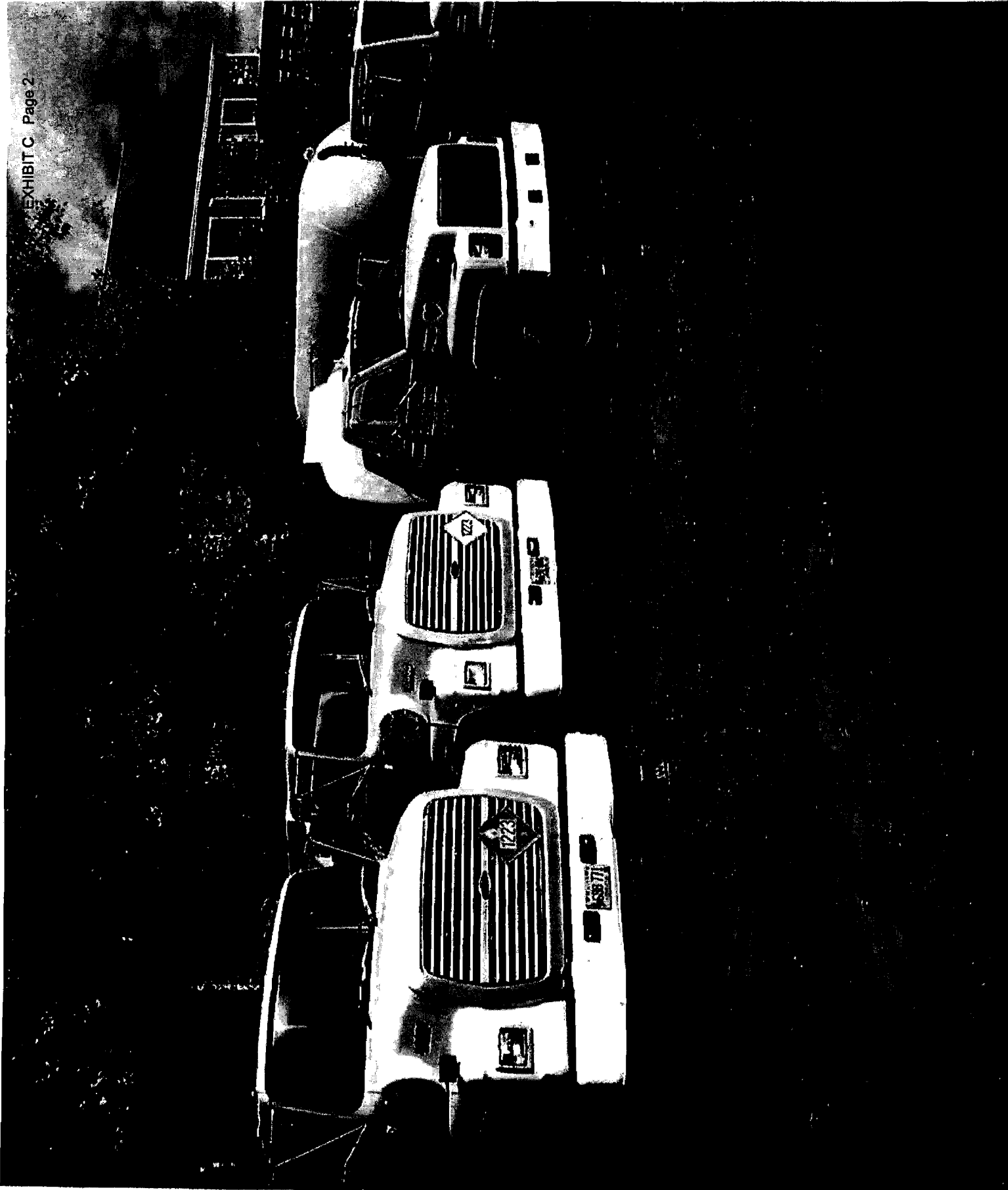
  

P.O. Box 339 111 Broadway, 1st Floor Newburyport, MA 01891 Phone: (978) 336-1111 www.larrydym.com	DATE 7/20/11
	NO. 4

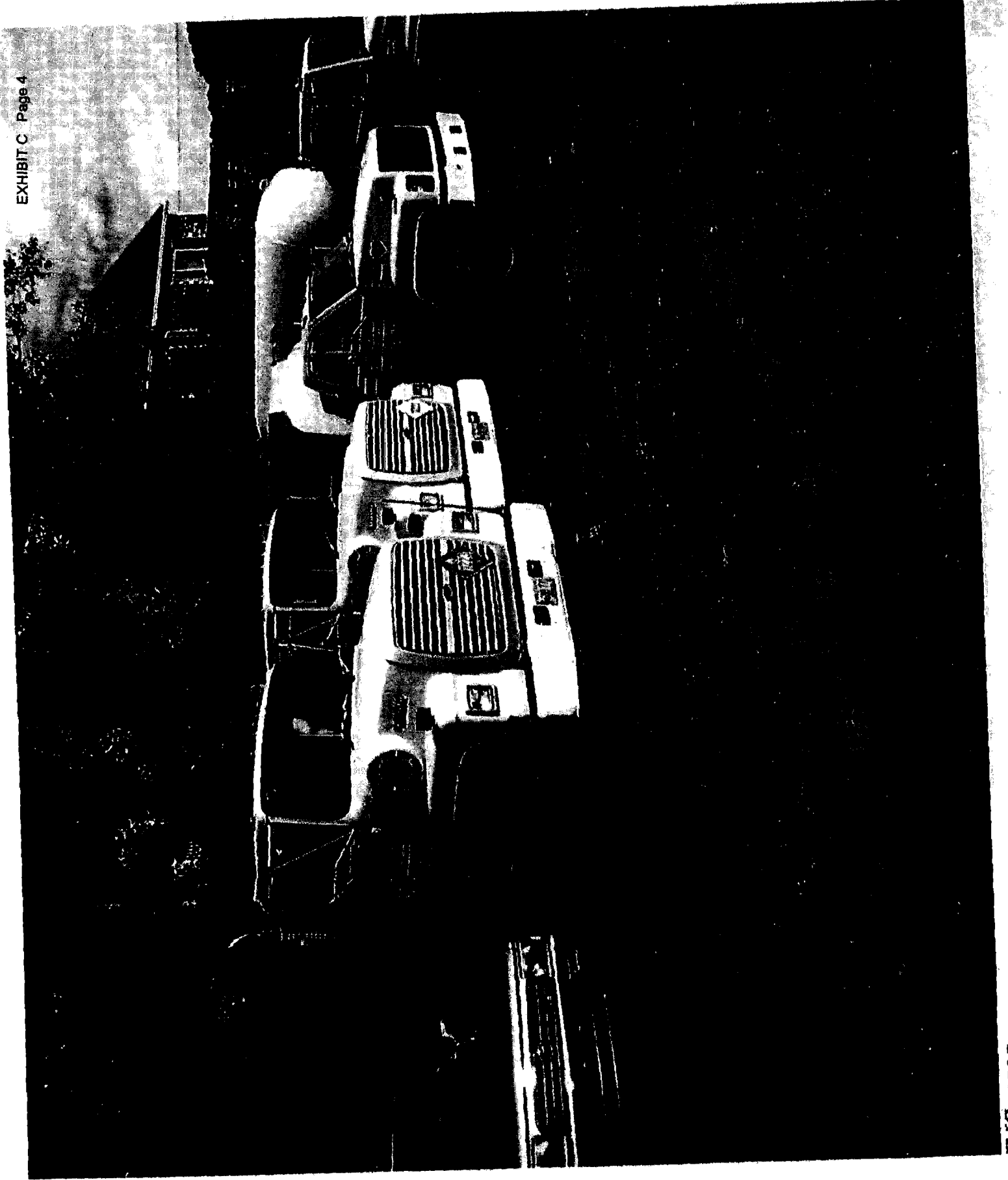




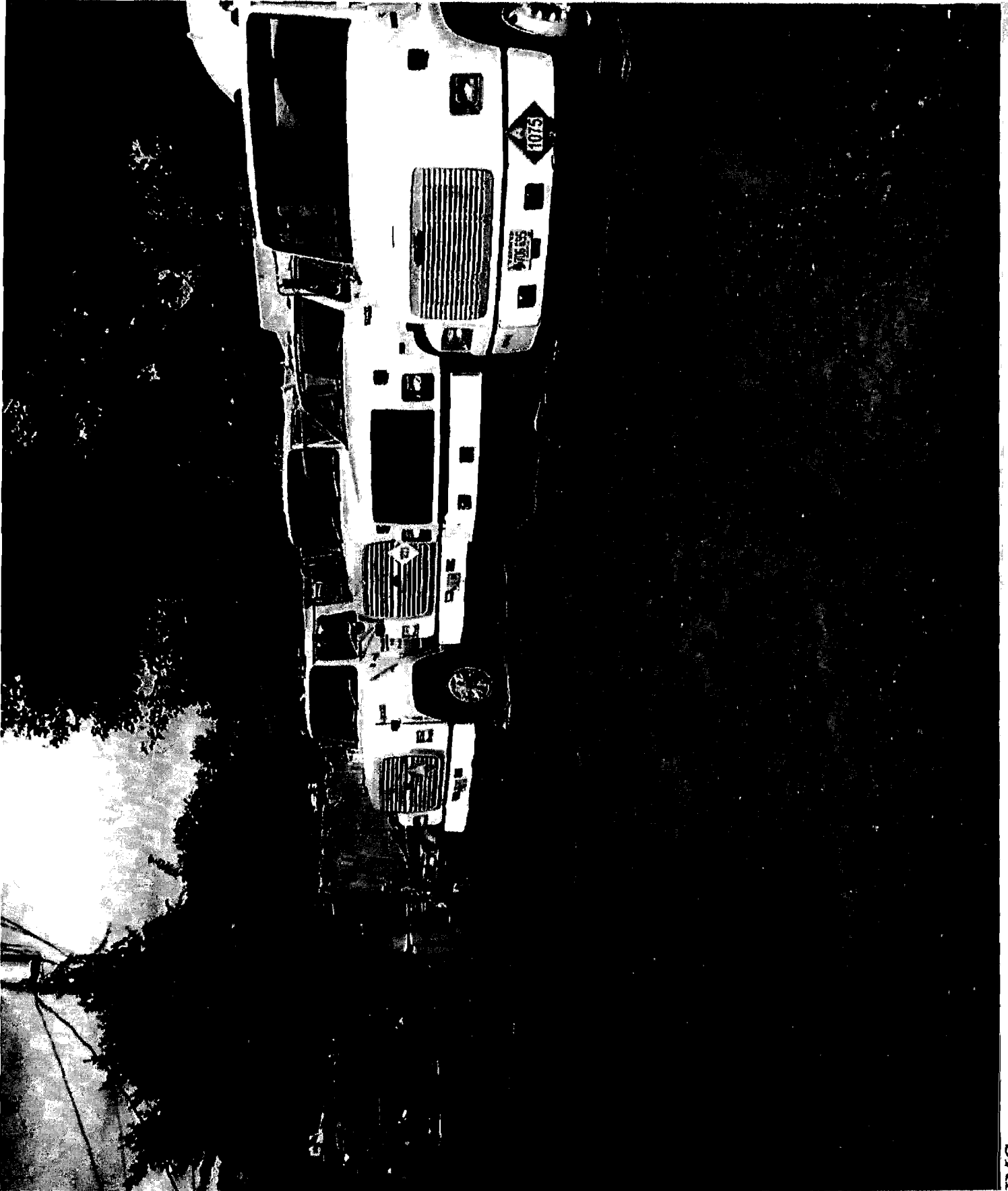
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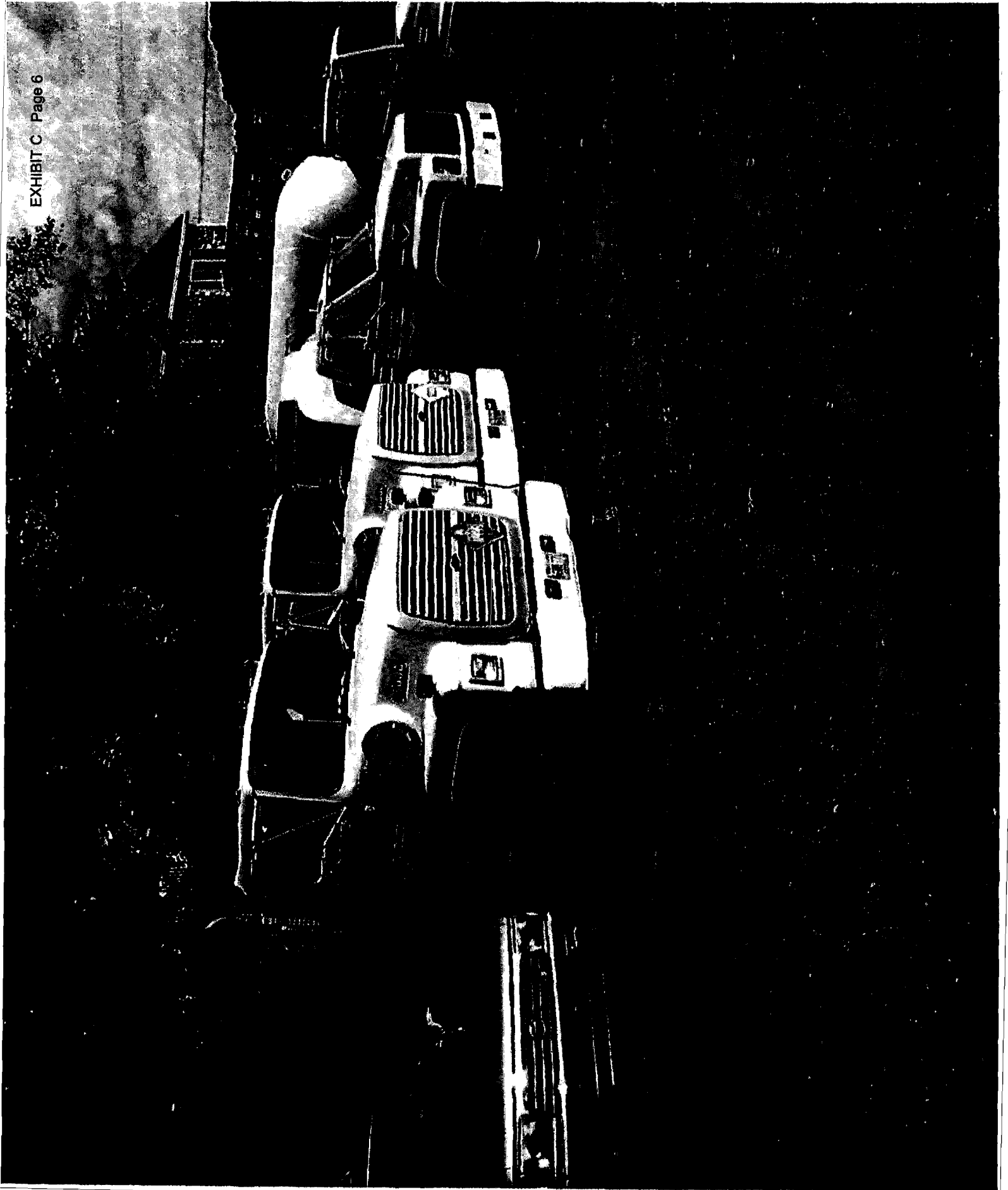












## 1. TRANSPORTATION SYSTEMS AND STREET DESIGN STANDARDS

### 1.1. TRAFFIC STUDIES

For the purposes of this section, **passenger car equivalents (PCE)** shall be defined as the number of passenger cars or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger vehicles. One tractor trailer combination is the equivalent of two passenger cars.

Developments that generate 100 PCE or more, thus requiring a Traffic Movement Permit (TMP), shall meet the requirements of TMP regulations of State Law, in addition to all applicable transportation site plan standards of the City Code. For more information concerning state TMP requirements, please refer to <http://www.maine.gov/mdot/traffic-counts/traffic-mvmnt-app.php> or contact the Maine Department of Transportation (MDOT). The City of Portland is the delegated reviewing authority for TMP applications.

Developments that generate less than 100 passenger car equivalents (PCE) but require a scoping meeting because they generate 25 PCE or more and are located

*(1) on an arterial; and/or*

*(2) within ½ mile of a high crash location; and/or*

*(3) within ¼ mile of an intersection that has been identified in a previous traffic study as a failing intersection, with an overall level of service below level of service D,*

shall meet the following standards, if a traffic study is required:

1.1.1.1. Traffic studies shall be prepared, stamped and signed by a Professional Engineer licensed in the State of Maine.

1.1.1.2. Scope of Study:

The City Transportation Engineer, in consultation with the applicant's engineer, shall determine the need for and scope of the traffic study. The requirements for the study shall be based on standard transportation engineering practices.

**A typical traffic study includes the following major sections:**

- A description of the development proposal.
- A description of existing conditions.
- Estimated trip generation by the development and design hour volume for affected driveway(s) and study intersections.
- Trip generation will be based upon the latest edition of the ITE *Trip Generation* publication unless suitable documented local data that meets ITE methodology is available.
- Trip distribution.
- Capacity analysis for adjacent roadways and for any existing or proposed driveways.
- Traffic crash analysis for adjacent roadways.
- Key findings concerning traffic impacts, problems, and deficiencies.
- Proposed traffic improvements.
- Summary of findings and recommendations for transportation improvements and other impact mitigation measures.

**1.2. Reserved****1.3. HORIZONTAL ALIGNMENT OF STREETS**

The horizontal alignment of all proposed streets shall conform to the following standards:

- Horizontal curves shall have centerline radii of not less than 110 feet.
- The alignment centerline shall be straight for at least 100 feet between reverse curves whenever either curve has a centerline radius of less than 200 feet.
- When two streets intersect and one street is an arterial or collector street, or both streets are arterial or collector streets, the angle of intersection shall be 90 degrees. When two streets intersect and neither street is an arterial or collector street, the angle of intersection shall be at least 75 degrees and no greater than 105 degrees.
- When two streets intersect, adjoining right-of-way lines shall be connected by a circular arc with radius of at least ten (10) feet. The connecting arc shall be tangent to the right-of-way lines on both streets. When the angle of intersection is other than 90 degrees, a radius greater than ten (10) feet may be required.
- All dead-end streets shall provide for a turnaround at the end of the street, subject to approval by the reviewing authority. Turnarounds shall be designed to facilitate future street connectivity and shall always be designed to the right (refer to Figure I-5).
- Street intersections with more than four (4) legs shall be prohibited.

- The minimum distance between intersections on any street shall be as follows unless the City Engineer determines that unique conditions of the site necessitate a lesser length. The distance between intersections shall be measured from the intersection of street centerlines at one intersection to the intersection of street centerlines at the other intersection. Streets shall be classified in accordance with the Federal Highway Administration Functional Classification Guidelines.

<b>Local Street and Local Street Intersection</b>	300 feet
<b>Local Street and Collector Street Intersection</b>	300 feet
<b>Local Street and Arterial Street Intersection</b>	500 feet
<b>Collector Street and Collector Street Intersection</b>	500 feet
<b>Collector Street and Arterial Street Intersection</b>	500 feet
<b>Arterial Street and Arterial Street Intersection</b>	500 feet

**1.4. STREET GRADES**

1.4.1. Street grades shall conform to the following standards:

- The maximum grade for the centerline of all streets shall not exceed eight (8) percent.
- The minimum grade for the centerline of all streets shall not be less than one-half (0.5) percent.
- The cross slope for local streets shall be 0.03. The cross slope for other street classifications shall be 0.02.
- Cross slopes for sidewalks shall be 0.02, sloping down and away from the street line to the top of the curb at the gutter line.
- Street grades at intersections shall not be more than three (3) percent for a distance of one hundred (100) feet from the center of the intersection.

**1.5. VERTICAL ALIGNMENT**

Where two adjacent street segments are proposed to have different straight line centerline finish grades, vertical curves shall be used to connect the adjacent street segments. Vertical curves shall be parabolic and tangent to each of the adjacent

grades. The minimum vertical curve length, "L", shall be calculated based on the following formula

$$L = K \times A$$

where "A" is the absolute value of the algebraic difference between the beginning grade and the ending grade of the vertical curve, with both grades expressed in percent, and "K" is a factor whose value depends on street design speed, which is related to street classification. The design speeds, in miles per hour, for this section's street classifications are as follows:

<b>Local Street</b>	25 mph
<b>Collector Street</b>	30 mph
<b>Arterial Street</b>	35 mph

The K values corresponding to the minimum vertical curve lengths for the above street classifications and vertical curve types (sag curve or crest curve) are as follows:

Local Streets

Crest Vertical Curves: K = 20

Sag Vertical Curves: K = 30

Collector Streets

Crest Vertical Curves: K = 30

Sag Vertical Curves: K = 40

Arterial Streets

Crest Vertical Curves: K = 50

Sag Vertical Curves: K = 50

**1.6. SIGHT DISTANCE**

Where driveways or new streets enter an existing street, vehicular sight-distance shall conform to standards established by the Maine DOT as contained in their publication, Chapter 299, Highway Driveway and Entrances Rules and noted below for entrances with standard vehicles. For driveways frequently accessed by large vehicles, greater sight distance will be required according to Maine DOT guidelines.

Speed Limit (mph)	Measured Distance (feet)
25	200
30	250
35	305
40	360
45	425
50	495
55	570
60	645

**1.7. DRIVEWAY DESIGN**

**1.7.1. Residential development with nine (9) parking spaces or less:**

Minimum/maximum driveway width: Any site shall have a minimum driveway width of ten (10) feet and a maximum width of twenty (20) feet measured at the property line.

Location of driveway: A driveway shall be located on the lot in a manner to provide a minimum distance of twenty (20) ft spacing between it and adjacent driveways. This spacing shall be measured between edge of driveways at the property line. If the development is a Level III site plan with frontage on an arterial roadway, the standards listed in the table under section 1.6.1.7 shall apply.

No more than one (1) driveway shall be permitted.

**1.7.2. Multi-Family Residential with 10 (ten) parking spaces or more, Commercial and Industrial shall meet the following standards:**

1.7.2.1. All driveways shall be designed to connect perpendicular to the street, where feasible. In no case shall the angle of intersection be less than 75 degrees or greater than 105 degrees.

1.7.2.2. Minimum driveway width (one-way): Any site with driveway access to a street shall have a minimum 12 foot wide driveway (at the property line) for one-way ingress or egress. Driveways shall permit traffic to enter and leave the site simultaneously without conflict in aisles, parking or maneuvering areas. If parking is adjacent to the property line, then the appropriate aisle width shall apply. Both the entrance and exit drives shall be identified with appropriate signage.

1.7.2.3. Minimum driveway width (two-way): Any site with driveway access to a street shall have a minimum width of 20 feet for two-way ingress and egress, with a preferred width of 24 feet.

1.7.2.4. Maximum driveway width (two-way): The maximum width of a driveway will be based upon site conditions or vehicle characteristics that warrant a wider access (e.g., dedicated turn lanes at exits) and will require approval of the reviewing authority. Maximum widths shall not exceed the following, although confirmation of exact capacity requirements will be necessary:

- Commercial -24 feet
- Industrial – 30 feet

1.7.2.5. Curbing of driveways: Where driveways enter on an existing street, the full radius of the driveway shall be designed and constructed of granite curb. The radius size shall be based upon information in the following tables. The radii listed below are recommended standards. A vehicle template analysis may be submitted for review as an alternative to the use of the following table:

<b>Passenger Car</b>	<b>12 foot or less departure lane</b>	<b>12 to 14 foot departure lane</b>	<b>14 to 16 foot departure lane</b>	<b>16 to 18 foot departure lane</b>
12 foot or less receiving lane	15ft	15ft	15ft	15ft
12 to 14 foot receiving lane	15ft	15ft	15ft	15ft
14 to 16 foot receiving lane	15ft	15ft	15ft	15ft
<b>SU-30 Truck</b>	<b>12 foot or less departure lane</b>	<b>12 to 14 foot departure lane</b>	<b>14 to 16 foot departure lane</b>	<b>16 to 18 foot departure lane</b>
12 foot or less receiving lane	35ft	30ft	30ft	30ft
12 to 14 foot receiving lane	30ft	30ft	30ft	30ft
14 to 16 foot receiving lane	30ft	30ft	30ft	30ft
<b>WB-50 Truck</b>	<b>12 foot or less departure lane</b>	<b>12 to 14 foot departure lane</b>	<b>14 to 16 foot departure lane</b>	<b>16 to 18 foot departure lane</b>
12 foot or less receiving lane	45ft	45ft	45ft	45ft
12 to 14 foot receiving lane	35ft	35ft	35ft	35ft
14 to 16 foot receiving lane	25ft	25ft	25ft	25ft
<b>WB-62 Truck</b>	<b>12 foot or less departure lane</b>	<b>12 to 14 foot departure lane</b>	<b>14 to 16 foot departure lane</b>	<b>16 to 18 foot departure lane</b>
12 foot or less receiving lane	85ft	85ft	85ft	85ft
12 to 14 foot receiving lane	85ft	85ft	85ft	85ft
14 to 16 foot receiving lane	65ft	65ft	65ft	65ft



1.7.2.6. **Maneuvering:** The area within the site to which a driveway provides access shall be of sufficient size to allow all necessary functions for loading, unloading and parking maneuvers to be carried out on the site and completely off the street right-of-way. Backing out of vehicles from the driveway is prohibited. The design vehicle used in the analysis shall be the predominant vehicle type and shall be approved by the reviewing authority.

1.7.2.7. **Location and spacing of driveways:** The location and spacing of driveways shall be determined as follows:

- The angle of intersection between an access driveway and the right of way shall be 90 degrees where feasible and shall in no case be less than 75 degrees or greater than 105 degrees.
- Along local streets, access driveways to corner lots shall be located a minimum of thirty-five (35) feet from the intersection of the projection of right-of-way lines to the center line of the driveway, except as provided hereinafter.
- Along arterial and collector streets, access driveways to corner lots shall be located a minimum of one hundred fifty (150) feet from the intersection of the projection of right-of-way lines to the center line of the driveway except as provided for hereinafter.
- Along arterial, collector and local streets, minimum acceptable spacing between double or multiple driveways for driveways on adjacent lots or on the same parcel shall meet the criteria below:

Speed Limit (mph)	Minimum Separation* (feet)
25 or less	100
30	125
35	150
40	185
45	230

*\*Spacing of driveways shall be measured from center of driveway to center of driveway and shall include driveways on both sides of the street.*

1.7.2.8. **Number of driveways:**

No more than two (2) driveways shall be permitted for ingress and egress purposes to any commercial, industrial or residential (with 10 or more parking spaces) site.

A joint access driveway shall be considered as adequate access for any adjacent sites and shall be encouraged. An easement for joint access shall be required.

**1.7.2.9. Off-street vehicular circulation:**

An off-street facility shall have full internal vehicular circulation and storage.

Vehicle circulation shall be completely contained within the facility, and vehicles located within one portion of the facility shall have access to all other portions without using the adjacent street system.

**1.7.3. Auxiliary Lanes:**

Ingress left-turn lanes requirements: A left-turn lane with appropriate storage and transition shall be provided where a submitted engineering analysis indicates a need.

Ingress right-turn lanes: For any site, a right-turn lane with appropriate storage and transition shall be provided where a submitted engineering analysis indicates a need.

**1.8. SIDEWALKS AND DRIVEWAY APRONS****1.8.1. Driveway Aprons**

Any driveway, or section thereof, located within any public street right-of-way shall be designed and built with a permanent, erosion resistant, surface, such as hot mix asphalt pavement or brick, as illustrated in Figures I-10 through I-12.

**1.8.2. Sidewalk Construction and Materials.**

Sidewalks shall be brick, concrete or hot mix asphalt. The City Sidewalk Materials Policy (Appendix-1 of this manual) shall be consulted to determine the appropriate type of sidewalk and driveway construction to use on various streets and in different areas of the City. Sidewalk and driveway construction details are illustrated in Figures I-10 through I-15.

All new concrete sidewalks which abut existing concrete sidewalks must be doweled in prior to pouring.

**1.8.3. Sidewalk Design for Accessibility.**

The minimum sidewalk width shall be five (5) feet. Where obstructions, such as utility poles, are located in sidewalks, a minimum clear path width of five (5) feet shall be required between the obstruction and one edge of the sidewalk.

The maximum allowed vertical level change at any point is ¼-inch. A level change of ¼-inch to ½-inch shall be formed with a beveled slope no steeper than 26.6 degrees (2:1). Level changes greater than ½-inch shall be designed as ramps.

Sidewalks shall be designed with a running slope no greater than the adjacent street slope.

Sidewalks shall be designed with a cross slope of 2%.

Accessible sidewalk ramps shall be required on all projects involving construction of new streets or new sidewalks and all projects involving major alteration, including repaving, of existing streets and sidewalks.

#### 1.1.1. Sidewalk Ramp Design:

Ramps, flares, landings and approaches shall be designed as follows:

- (1) Maximum ramp running slope shall be 8.33% for new construction. In retrofit situations, ramp slope may be between 8.33% to 10% for a rise of up to six (6) inches and 10% to 12.5% for a rise of up to three (3) inches. Ramp cross slope shall be 2% or less.
- (2) Minimum ramp width shall be four (4) feet in new construction and three (3) feet for retrofits.
- (3) Sidewalk ramps adjacent to all public streets shall be constructed with truncated dome detectable warning surface panels. The detectable warning panel shall be located so that the edge nearest the curb line is 6 inches minimum or 8 inches maximum from the curb line. The panel shall be oriented to the direction of travel as identified by the point of egress. The panel shall extend 24 inches minimum up the ramp in the direction of travel. The panel shall extend the full width of the ramp.
- (4) Detectible warning panels shall be composite wet set (replaceable) as manufactured by ADA Solutions, Inc ([www. Adatile.com](http://www.Adatile.com)), or equivalent.
- (5) Distinct standards for curb ramp construction apply for locations (1) within and immediately adjacent to Historic Districts and/or Historic Landscapes (Figure I-7A) and (2) all other locations within the City (Figure I-7).
  - For locations within Historic Districts and Historic Landscapes and the areas immediately adjacent where detectible warning panels are required, "Dark Gray" (#36118) panels shall be used (Figure I-7A).
  - For all other areas, "Federal Yellow" (#33538) panels shall be used (Figure I-7).
- (6) Flares shall be designed with a maximum slope of 10% provided that a landing area at least 48 inches x 48 inches is provided at the top of the ramp. If the landing area is less than 48 inches x 48 inches, the maximum slope of the flares shall be 8.33%.

- (7) Landings shall be at least 48 inches by 48 inches for new construction and at least 36 inches x 36 inches for retrofits. Landings shall be designed with slopes in both directions that are no greater than 2%.
- (8) Approaches shall be designed with a cross slope no greater than 2% and a running slope that does not exceed the slope requirements for sidewalk ramps.

**1.8.5. Sidewalk Ramp Location and Orientation:**

Sidewalk ramps shall be designed as perpendicular ramps with the direction of travel on the ramp perpendicular to the curb line and parallel to the crosswalk. Where existing conditions (such as narrow right of way width) preclude such layouts, parallel ramps or diagonal ramps may be approved.

Diagonal ramps are located in the middle of a section of circular curb at a corner, where the ramp is at an angle of about 45 degrees to one or two marked crosswalks. In such cases, the crosswalks shall be laid out to encompass a 48 inch by 48 inch landing and wheelchair maneuvering area at the base of the ramp in the street.

**1.9. Reserved**

**1.10. SURFACE AND AGGREGATES**

1.10.1. Aggregates used in concrete mixes and in the construction of streets, sidewalks and aprons shall meet the requirements in SECTION 703 - AGGREGATES of the *State of Maine Department of Transportation Standard Specifications Revision of December 2002* with the following additions and modifications:

703.02 Coarse Aggregate for Concrete:

Designated Aggregate Size

Sieve Size	Percent Passing Sieve				
	2 in.	1 1/2 in.	1 in.	3/4 in.	3/8 in.
2 in.	95-100	100	-	-	-
1-1/2 in.	-	95-100	100	-	-
1 in.	50-70	-	90-100	100	-
3/4 in.	-	50-70	-	90-100	100
1/2 in.	15-30	-	25-60	-	90-100
3/8 in.	-	10-30	-	20-55	-
No. 4	0-5	0-5	0-10	0-10	0-15
F.M. (+0.20)	7.45	7.20	6.95	6.70	6.10

1.10.2. Aggregate used in concrete shall not exceed the following maximum designated sizes:

- 2 inches for mass concrete
- 1-1/2 inch for piles, pile caps, footings, foundation mats, and walls 8 inches or more thick
- 3/4 inch for slabs, beams, and girders.
- 1/2 inch for fireproofing on steel columns and beams
- 1 inch for all other concrete

1.10.3. 703.06 (a) Aggregate Base:

Aggregate base - crushed, type "B" shall not contain particles of rock which will not pass a two inch (2") square mesh sieve, and shall conform to the type "B" aggregate, as listed in the subsection of the Standard Specifications.

"Crushed" shall be defined as consisting of rock particles with at least 50 per cent of the portion retained on a 1/4 inch square mesh sieve, having a minimum of 2 fracture faces.

1.10.4. 703.06 (b) Aggregate Subbase:

Sand subbase shall not contain particles of rock which will not pass a one inch (1") square mesh sieve, and shall conform to the type "F" Aggregate, as listed in this subsection of the Standard Specifications.

Gravel subbase shall not contain particles of rock which will not pass a three inch (3") square mesh sieve, and shall conform to type "D" Aggregate, as listed in this subsection of the Standard Specifications.

1.10.5. 703.18 Common Borrow:

Common borrow shall not contain any particle of bituminous material.

1.10.6. 703.19 Granular Borrow:

Granular borrow shall contain no particles which will not pass a three inch (3") square mesh sieve.

1.10.7. 703.20 Gravel Borrow:

Gravel borrow shall not contain particles of rock which will not pass a three inch ("3") square mesh sieve.

1.10.8. 703.31 Crushed Stone for Pipe Bedding and Underdrain:

"Crushed Stone" shall be defined as rock of uniform quality and shall consist of clean, angular fragments of quarried rock, free from soft disintegrated pieces, vegetable matter, lumps or balls of clay, and other unsuitable substances.

Crushed stone used as a bedding material for pipe and underdrain shall be uniformly graded and shall meet the gradations listed in the tables below. The stone shall be free from vegetable matter, lumps or balls of clay, and other unsuitable substances.

Sieve Designation	Percentage by Weight Passing
3/4 - inch	100
3/8 - inch	20 - 55
No. 4	0 - 10

For pipe sizes 42 inches and larger	
Sieve Designation (square mesh sieve)	Percentage by Weight Passing
1-1/4 - inch	100
3/8 - inch	20-55
No. 4	0-10

**Minimum thicknesses for pavement structure materials:**

Street Classification	Minimum Materials Thicknesses (Inches)			
	Wearing Course Pavement	Base Course Pavement	Agg. Base Course	Agg. Subbase Course
Minor Residential	1 ½	2	3	15
Residential	1 ½	2	3	15
Collector	1 ½	2 ½	3	18
Commercial/Industrial	2	3	3	18

**Minimum placement temperatures for hot mix asphalt pavement:**

Base Temp. °F	Mat Thickness, Inches					
	½	¾	1	1 ¼	2	3*
40 - 50*	--	--	--	--	285	275
50 - 60	--	310	300	295	280	270
60 - 70	310	300	290	285	275	265
70 - 80	300	290	285	280	270	265
80 - 90	290	280	275	270	265	260
90+	280	275	270	265	260	255

\* Surface course pavement shall not be placed when the air or road base temperature is less than 50 degrees F.

**1.11. STREETS ON ISLANDS IN CASCO BAY**

Reserved.

**1.12. PARKING STUDY**

Parking studies shall be produced by a licensed transportation professional engineer.

Where a parking study is required, data shall be determined by values contained in the most up to date version of the Institute of Transportation Engineers (ITE) publication titled Parking Generation, or through local, regional or other pertinent national data. If local or regional data is to be used, the scope and methodology of the parking study shall be coordinated with the City Transportation Engineer.

Where a parking study is required, the applicant's engineer shall have a scoping meeting with the City Transportation Engineer or their designee to determine the need for and required scope of the study. The requirements for the study shall be based on standard transportation engineering practices.

**1.13. TRANSPORTATION DEMAND MANAGEMENT (TDM)**

All TDM Plans shall include specific provisions for the following:

**1.13.1. Transportation Narrative:**

Every TDM plan shall describe how the project fits within the multimodal transportation system serving the district in which the development is located. The narrative should address the specifics of the use, occupants, visitors, and location of the development and how it is anticipated to relate to its transportation context.

**1.13.2. Identify a TDM Coordinator to administer the TDM plan:**

Every TDM Plan needs to identify the plan administrator and establish the roles and responsibilities of the administrator.

**1.13.3. Employee and Customer Survey:**

The TDM plan shall develop and use an employee and/or customer survey format that:

- Is specifically designed to reflect the use mix within the development.
- Is electronically tabulated.

- Produces comparable data from year to year
- Allows for compilation of data from multiple employers by third party.
- Allows for data use by employees to foster car pooling and ride sharing.
- Identifies barriers to or best practices in public transit, bicycle, and pedestrian transportation.
- Can be conducted periodically (typically annually) and can be used to monitor program effectiveness and provide the basis for periodic plan adjustment (see monitoring section below).

#### 1.13.4. Set Parking and Trip Reduction Target:

The TDM plan shall use ITE trip generation and parking demand projections as the basis to establish a projected transportation demand and/or impact of the development. Alternatively, project-specific parking and trip generation projections may be used in place of ITE standards, if estimated by a licensed professional engineer and approved by the City. A project specific demand analysis may be advantageous to projects that can demonstrate reduced parking demand and trip generation based on approved assumptions in their TDM and Site Plan.

The TDM plan must use the specific use, location, local alternative transportation opportunities, and initial survey results to establish an achievable percentage reduction in transportation demand for the project. The TDM plan will utilize the stated parking and trip reduction targets as the basis for reduced infrastructure and contribution requirements for the Planning Board's evaluation.

#### 1.13.5. Customize Parking and Trip Reduction Strategies:

Every TDM plan must be customized to reflect the specific mix of use proposed for the development. For example, A residential development will utilize a very different approach to reducing project generated parking and trips than an office building. Likewise, the administration of the TDM plan and the role of the TDM Coordinator must adequately respond to the scale of the development, the uses in the development, as well as the ownership framework and management of the facility.

#### 1.13.6. Education:

The TDM plan shall, at a minimum include provisions for the following. All educational information and programs shall be readily accessible to all project occupants.

- Transit maps and schedules. These shall be posted and updated by the TDM Coordinator, as necessary.



- Access to Information concerning transportation providers and guaranteed ride home services such as car pooling list serves and/or van pool providers.
- Internal information sharing such as posting a “Ride Board” or employee email list-serve to facilitate car pooling and to share the results of employee and customer surveys.
- Educational and promotional materials that describe and identify the advantages and cost saving opportunities of using alternative transportation, including specific incentives offered by the employer.
- Recognition of employees who reduce the traffic impact of the development through newsletter, email, bulletin board, or other announcements.
- Information on bicycling routes, parking infrastructure and locations and other amenities or incentives that may be available.

#### 1.13.7. Monitoring:

All TDM plans must include provisions for monitoring program effectiveness over time to establish whether trip reduction targets are being met.

**Responsibility:** TDM Coordinators and/or plan administrators are responsible for monitoring the efficacy of the TDM plan periodically over time and making adjustments to the plan needed to achieve trip reduction targets.

**Methods:** The methods and scheduling of monitoring shall be outlined in the TDM plan and shall follow accepted transportation engineering. Monitoring methods will typically involve use of the periodic survey combined with direct observation.

**Reporting:** TDM plan monitoring shall be compiled into a report that compares the results to trip reduction targets and parking demand projections. The monitoring results shall be provided to the Reviewing Authority according to the monitoring schedule established in the TDM plan.

#### 1.13.8. Project Specific Standards:

Individual TDM Plans shall assess the following topics on a site-specific basis tailored to the transportation needs of the development.

##### 1.13.8.1. Infrastructure:

On-site and off-site infrastructure improvements may be incorporated to achieve trip reduction targets and may include the following:

- **Public Transit Access:** The TDM plan shall identify how occupants and/or visitors will access public transit. Pedestrian links to bus routes and other transit links shall be identified and their usability assessed for

sidewalk condition, ADA accessibility, street lighting, cross walk facilities, wayfinding, and general safety and attractiveness. The nearest sheltered public transit facility shall be identified. Deficiencies in the links to public transit that constitute barriers to its use shall be addressed in the TDM plan and in the site plan.

- **Bicycle Parking:** Minimum bicycle parking is a site plan requirement according to Section 14-526 of the Land Use Code. The TDM plan may incorporate additional bicycle parking, bicycle wayfinding, and/or covered parking to further encourage bicycle use.
- **On-site Shower and Locker Facilities:** Access to showers and locker facilities may be incorporated into the TDM Plan in order to encourage human powered transportation alternatives.
- **TDM Bulletin Board or Kiosk:** TDM plans shall identify to occupants where information and educational material will be provided within the development a visible and convenient facility such as a transportation bulletin board and/or kiosk. In multi-tenanted facilities, transportation information shall be provided in the lobby of the structure or other such location that is accessible and frequented by a significant majority of occupants and visitors to the facility. The TDM coordinator shall be responsible for keeping all material current and available, as needed.

1.13.8.2. **Incentives:** Incentives available to users and/or occupants of the development may be incorporated to achieve trip reduction targets and may include the following:

- **Parking “Cash Out”:** TDM plans may include “parking cash out” incentives where employees have the choice of receiving monetary payments in lieu of provided parking. The efficacy of these programs will need to be carefully assessed and the method of monitoring must be described in the TDM plan.
- **Public Transit Passes/Van Pool vouchers:** Free or reduced price bus passes or van pool vouchers may be used as an incentive in the TDM plan. The use of transit options should be incorporated into the employee/customer survey and incorporated into the plan monitoring program. Transit payment options may be combined with parking cash out incentives, where appropriate.
- **Preferred parking for car pool:** Car pooling employees may be provided with more convenient and attractive parking, if available. If this option is incorporated into the TDM plan, the location of preferred parking shall be identified on the site plan and signed accordingly.
- **Car sharing:** Residential developments may incorporate shared car services or jointly owned vehicles into the TDM plan. Commercial development TDM plans may identify use of a shared vehicle for use by employees for either commercial or personal trips through the work day as a means to encourage

alternative commuting to work.

- Telecommuting, flex time, and other flexible work scheduling mechanisms that promote fewer employee trips to work or promote alternative transportation travel.

\*Other incentives infrastructure improvements and/or methods as may also be appropriate to the development.

#### **1.14. PARKING LOT AND PARKING SPACE DESIGN**

Refer to Division 20 of the City Land Use Code (Sections 14-331 to 14-350) for zoning ordinance requirements concerning the number of parking spaces required for off-street parking.

Parking spaces shall meet the following dimensional requirements:

- Standard parking space: 9 feet wide by 18 feet long.
- Compact parking space: 8 feet wide by 15 feet long.
- Motorcycle/motorized scooter parking space: 4 feet wide by 8 feet long.

Any parking lot with 10 or fewer spaces shall contain standard sized parking spaces. Parking lots with greater than 10 spaces may be comprised of up to 20% compact parking spaces.

Parking lot layout shall conform to Figures I-28 thru I-32.

Vehicular access shall be provided by one or more aisles. Minimum widths of aisles are illustrated in Figures I-28 thru I-31.

#### **1.15. BICYCLE PARKING**

Refer to Division 20 of the City Land Use Code (Sections 14-332.1) for zoning ordinance requirements concerning the number of bicycle parking spaces required.

Bicycle parking shall:

- Provide secure, durable racks that maintain bicycles in an upright position and to which bicycles can be affixed with customary lock and cable mechanisms. Fence-type (“wheel bender”) racks designed to secure the front wheel only are prohibited.
- Be installed on a hard surface.
- Be separated from car parking by a physical barrier such as curbing, wheel stops, parking bollards or similar features.

- Be adequately illuminated where nighttime use is anticipated.

1.15.1. Bicycle parking intended for long-term use (residential or full-time employee parking) shall be provided under covered areas and/or in secure storage lockers.

1.15.2. Placement of off-street bicycle parking racks shall conform to the Bicycle Parking Rack Placement Criteria (*drawn from the Bicycle Facility Design Guide of the District Department of Transportation, 2006*) as illustrated in Figure I-33.

1.15.3. Commercial, Industrial (requiring more than ten (10) bicycle parking spaces):

- A minimum of ten percent (10%) of required bicycle parking shall be provided within fifty (50) feet of the main egress point of the structure, or shall be no further from such entry than the nearest five (5) non-handicapped parking spaces.
- Where there is more than one structure on a site, or where a structure has more than one main entrance, the parking shall be distributed to adequately serve all structures or main entrances.

1.15.4. Directional Signage: If bicycle parking is not directly visible from the public right of way, directional signage shall be provided indicating the availability and location of bicycle parking facilities.

1.15.5. Approved Bicycle Racks:

**Private property:** A variety of commercially available racks are acceptable for installation on private property, including but not limited to those catalogue listings identified herein (Figures I-34 and I-35).

**In the Public Right-of-Way:** Where site conditions cannot reasonably accommodate bicycle parking on private property, it may be located within a public sidewalk area either adjacent to or within reasonable walking distance of the site, if such areas are available that meet the Bicycle Parking Rack Placement Criteria of this chapter (*drawn from the Bicycle Facility Design Guide of the District Department of Transportation, 2006*) – see Figure I-33. If no such location is available, a financial contribution commensurate with the cost for purchase and installation of the required number of bicycle racks shall be made to a City infrastructure account.

The following approved brands, installed according to company specifications, shall be permitted in the public right of way. Equivalent bicycle racks by other manufacturers are acceptable upon approval by the reviewing authority.

- DERO 'Downtown Rack' Inverted U-Rack (Figure I-35)
- DERO 'Bike Hitch' (Figure I-34)
- Old Port District, including Commercial Street: DERO Bike Hitch only (Figure I-34)

Bicycle racks in the public right of way shall become the property of the City of Portland.

Bicycle racks in the public right of way shall match the designated street furniture color for that location as described in the Municipal Street Lighting Standards in this manual. Where there is no designated street furniture color, bicycle racks in the public right of way shall be black (manufacturer's specification).

#### **1.16. BICYCLE ROUTES AND LANES**

The City has developed a Bike Route Network Map (Figure I-35) to show present and proposed bike routes on City streets. These routes are typically accomplished by providing either dedicated lanes or "Share the Road" methodology. Positive identification of the lanes shall be provided by pavement markings, bike lane symbols, and signage. The following standards shall be applied to the installation of bike lanes on City streets:

- Vehicular travel lanes and bicycle lanes shall be separated by a six (6) inch solid white painted edge line. At intersections the white edge line shall be a dotted line (two (2) foot painted length by four (4) foot opening) across the intersection.
- Bike lanes shall have a minimum width of five (5) feet. Where sufficient shoulder width is provided, a second edge line shall be painted off the face of the curb at one (1) or two (2) feet. This edge line shall not extend across intersections. See Figure I-36
- When bike lanes are provided on streets with on-street parking, the bike lane shall be a minimum of six (6) feet wide delineated by edge lines on either side of the bike lane. See Figure I-37
- Bicycle lanes shall be marked with appropriate stenciled symbols; see Figure I-38 for two examples.
- Bike routes shall be identified by appropriate signage as found in the FHWA 'Manual of Uniform Traffic Control Devices'. See Figure I-38 for examples.

#### **1.17. Reserved.**

#### **1.18. MOTORCYCLE / MOPED PARKING (ON-STREET):**

To distinguish motorcycle/moped parking spaces from standard parking spaces the spaces shall be painted and delineated with signage. These painted spaces shall be angled and shall be four (4) feet wide by eight (8) feet long. The dimensions for on-street motorcycle/moped parking are outlined in Figure I-31.

On-street motorcycle and moped parking may also be located where standard vehicle parking would be prohibited because of sight restrictions, such as, adjacent to a crosswalk or an approach to a traffic control device. Motorcycles/mopeds do not have the same sight impediment as a standard vehicle.

## 1.19. TRAFFIC SIGNALS

New or modified traffic signals require the submission of a traffic signal plan including location of all equipment, underground utilities, a phasing and timing plan and a specific list of all traffic signal hardware. For new or modified traffic signal installations, a new plan shall be submitted to the reviewing authority for review and approval before installation can proceed.

Listed below are the traffic signal items required for traffic signal installations. These items or an approved equivalent shall be provided.

### 1.19.1. Controller Equipment:

- Controllers shall be compatible with existing Naztec Street Wise ATMS Software
- Traffic control cabinets shall be Naztec Model M34 or P44 TS2 Type 1 Series only
- Secondary traffic controllers shall be Naztec Model 980 TS2 Type 1 Series only
- Master controllers shall be Naztec Model 981 Series only
- Malfunction management units shall be Naztec Model MMU-516E only

### 1.19.2. Video Detection Equipment:

- Video detection units shall be Traficon Model VIP3.1 & VIP3.2 Series only
- Video detection cameras shall be Traficon approved models only

### 1.19.3. Signal Equipment:

- Signal housings shall be McCain Model MTSTA or MTSTP Series only
- LED modules for vehicle indications shall be GELcore Model DR6 Series only
- LED modules for pedestrian indications shall be GELcore Model PS7 Series only
- Accessible Pedestrian Signals shall be Campbell Advisor Series only

### 1.19.4. Traffic Structures:

- Mast arms shall be Valmont SM16 or CB16 Series only
- Strain poles shall be Valmont SW56 Series only.

**1.20. PUBLIC CROSSWALKS**

Public crosswalks shall meet the requirements of The Manual on Uniform Traffic Control Devices (MUTCD), unless City standards specify a stricter measure. Public improvements may include but shall not be limited to any one or combination of the following:

- Crosswalks;
- Curb Bump Outs or Curb Extensions;
- Pedestrian Crossing Signs (curbside, overhead or in the street);
- Pedestrian Activated Yellow Flashing Warning Lights;
- Pedestrian Activated Traffic Control Signal (Red, yellow, green);
- Medians

**1.20.1. Critical Physical Factors:**

Walking Speed:

- This factor is applicable at signalized intersections and affects the length of the pedestrian clearance (flashing “don’t walk”) interval.
- Average walking speed is generally measured as three and a half (3.5) feet per second. In areas with elderly or young children pedestrians, a rate of three (3) feet per second is appropriate.

Vehicular Sight Distance:

- Sight distance shall be based on the posted speed plus 5 miles per hour or the 85<sup>th</sup> percentile travel speed as tabulated below.

<b>Table 1 Stopping Sight Distances (1)</b>	
<b>Speed (mph)</b>	<b>Stopping Sight Distance (feet) *</b>
25	155
30	200
35	250
40	305
45	360
50	425

\*Assumes level grade

Source: AASHTO Policy reference 1, Exhibit 3-1 of that publication.

- Sight distance shall be based on a driver eye height of 3.5 feet and a pedestrian height of 2.0 feet.
- Parking shall be prohibited within twenty (20) feet from the centerline of a crosswalk and within thirty (30) feet at signalized and STOP sign locations.

### 1.20.2. General Standards for Crosswalk Installation:

1.20.2.1. The Manual on Uniform Traffic Control Devices (MUTCD) provides guidance for placement of crosswalks. In addition, crosswalks should:

- Occur where substantial pedestrian/vehicle conflicts exist. (See The Federal Highway Administration notebook titled "Traffic Conflict Techniques for Safety and Operations" which provides methods for conflict evaluation.)
- Occur at points of pedestrian concentration that can meet applicable standards or where pedestrians may not recognize the appropriate place to cross (e.g., loading islands, mid-block pedestrian crossings).
- Maintain suitable separation (approximately 300 feet) between non-intersection or mid-block crosswalks.
- Be installed based on an engineering study if located other than at a STOP sign or traffic signal. For mid-block locations, a study shall evaluate factors of need including but not limited to school crossings, age of pedestrians, and nearest alternative crosswalk location as well as safety issues such as traffic speed, volume, and sight lines.
- Consider advance warning signage if installed at uncontrolled locations and allow for restriction of parking for adequate visibility of the advance signage.
- No crosswalk spacing requirements are to be imposed at intersection locations. Other engineering factors are to be reviewed in the determination of suitability of the location.

1.20.2.2. The Crosswalk Installation Guidelines (Figure I-24) provide criteria for guiding evaluations of when crosswalks may be desirable at uncontrolled locations based on pedestrian and vehicular volumes. Crosswalks at uncontrolled locations shall be placed where these criteria are met; or where special requirements and/or plans exist that support the installation of a crosswalk.

1.20.2.3. Crosswalks proposed at signalized intersections shall include pedestrian signal indications for substantial pedestrian crossings.<sup>1</sup> Each proposed location shall be evaluated based on through traffic volumes, turning vehicle volumes and signal phasing to determine which legs of the intersection are most appropriate for pedestrian crossings. The default assumption is that crosswalks shall be provided on all intersection approaches and supplemental analysis must be provided that identifies specific engineering conclusions on why this cannot be accomplished.

1.20.2.4. Marked crosswalks across stop controlled intersection approaches shall

<sup>1</sup> Design and Safety of Pedestrian Facilities, 1998, ITE Technical Committee 5A-5



be considered where vehicular traffic may block pedestrian traffic<sup>2</sup>. This will be assessed based on a visual observation of vehicular and pedestrian traffic flow at the intersection to determine if there is sufficient vehicular traffic to block the pedestrian crossing path for a significant period of time.

1.20.3. Design Criteria:

Street Markings: Crosswalks on public streets shall use a minimum of eight (8) inch wide solid white lines, which should be spaced to provide a minimum overall width of eight (8) feet. Wider line width is required for locations with higher posted speeds as shown in Table 2. Paint, wherever used, shall meet Maine Department of Transportation (Maine DOT) specifications. Additional designs may consist of longitudinal lines. Figure I-21 illustrates these typical crosswalk markings and Table 2 provides dimensions utilized in the City of Portland for various applications.

Table 2 Crosswalk Dimensions			
Type	Overall Width	Line Width	Spacing
<b>Standard Crosswalk Marking (two lines)</b> Posted Speed ≤ 35 mph Posted Speed > 35 mph	8'	8"	N.A.
	8'	12"	
<b>Crosswalk With Longitudinal Lines (block style)</b> (See Table 4)	8'	24"	Spacing 4' o.c.

The longitudinal or block style striping of crosswalks should be reserved for use at the following locations (see Table 4):

- Uncontrolled locations of special significance, such as school walking routes, trail/shared-use paths and mid-block crossings;
- High volume pedestrian locations with at least 25 pedestrian crossings for each 4 hours or 40 crossings during the peak hour; and
- High vehicle speed (> 35 mph posted speed) crossings.

1.20.3.1. Street Lighting: Crosswalk locations shall be adequately illuminated for night-time use.

1.20.3.2. Signage: Select crosswalk locations may need to be accentuated through the use of signage mounted curbside, overhead, or on the road centerline, as described below:

<sup>2</sup> Pedestrian Facilities Users Guide, March 2002, USDOT - FHWA

1.20.3.3. **Curbside Signs:** There are three standard curbside signs consisting of a crosswalk warning sign, a school crossing warning sign, and an advance warning pedestrian crossing sign. The City of Portland also installs “yield for pedestrians” signs at crosswalks, as shown in Figures I-22 and I-23. Crosswalk signs shall be placed directly adjacent to crosswalks and advance warning signs shall be placed in accordance with the MUTCD guidelines as shown on Table 3.

Table 3 Advance Warning Sign Placement (2)	
85 <sup>th</sup> Percentile Speed* (mph)	Advance Placement (feet)
25	125**
30	125**
35	125**
40	125
45	175

\*or the posted speed when a speed study is not available.

\*\*recommended minimum for the City of Portland

Source: Table 2C-4 of the MUTCD.

1.20.4. Standard signs shall be black legend on a yellow background. The MUTCD also allows the use of a yellow-green fluorescent high grade reflective background for increased visibility. These higher grade signs shall be used where locations meet at least one of the following criteria:

- Vehicle 85<sup>th</sup> percentile speeds or the posted speed is greater than or equal to 35 mph;
- Pedestrian crossing volume of at least 25 per hour for four hours or 40 during the peak hour; or
- School crossing.

1.20.4.1. **Overhead Signs and Flashing Warning Lights:** Overhead signs supplemented with pedestrian activated flashers may be placed at high volume pedestrian crossing locations or where specific pedestrian safety issues have been identified.

1.20.4.2. **Centerline Signs:** Centerline signs shall be able to withstand vehicle impact without damage to the vehicle and with minimal damage to the device and shall be anchored in place. Note that these devices must be removed without damaging the pavement prior to the start of winter season. The City recommends a device with a base anchored to the pavement with epoxy and a flexible upright paddle that is replaceable. The following criteria should be considered for these devices to be utilized:

- Presence of a high crash location (HCL) as defined by Maine DOT: Both of the following criteria must be met in order to be classified as an HCL:
  - A critical rate factor of 1.00 or more for a three year period. (A Critical Rate Factor (CRF) compares the actual accident

rate to the rate for similar intersections in the State; and

- A minimum of eight (8) accidents over a three (3) year period.
- Principal or minor arterial, as identified in Figure -24.
- At least 25 pedestrian crossings per hour for four (4) hours or 40 pedestrian crossings for the peak hour.

1.20.5. Traffic Control Signals: The following provides general guidance concerning installation of a pedestrian activated red-yellow-green traffic control signal. The MUTCD should be consulted for specific details:

- The location is a school crossing and a traffic engineering study reveals that there are not adequate gaps in the traffic stream; or
- There are 107 pedestrian crossings for each of four (4) hours or 133 crossings during any one hour and under both conditions for high volume roadways. Higher rates of pedestrian crossings are necessary for lower volume streets. The number of pedestrians may be reduced by 50% where they are predominantly elderly or young children to include crossing locations along school walking routes for elementary and middle school students.

1.20.6. Specific Guidelines for Crosswalk Use: The City of Portland has established the following guidelines for pedestrian street crossing devices (Table 4):

<b>Table 4: Pedestrian Crossing Devices</b>	
<b>Device</b>	<b>Use *</b>
<b>Crosswalk</b>	
a. 8" lines, 8' total width	Where volume criteria of Figure I-25 are met and speeds are less than 35 mph and at signalized intersections.
b. 12" lines, 8' total width	At all unsignalized locations where volume criteria of Figure I-25 are met and speeds are between 35 and 45 mph.
c. 24" block style lines, 8' width	At mid-block locations where volume criteria of Figure I-25 are met and speeds are between 35 and 45 mph, at all school and trail/shared-use path crossings and as noted in (Design Criteria) above, subsection 1.17 or at uncontrolled locations as determined by the Traffic Engineer.
<b>Curbside signs</b>	
a. Advance Crossing Signs	For all mid-block crosswalks and other uncontrolled locations as determined by Traffic Engineer.
b. Crossing Signs	
1. Standard Grade	At all locations where crosswalk lines alone are not sufficient to define the crossing location to motorists at the discretion of the Crosswalk Committee.
2. High Grade	Speed greater than or equal to 35 mph; or 25 pedestrians crossing per hour for four hours or 40 pedestrians crossing for the peak hour
3. School	In accordance with MUTCD

Device	Use*
Overhead Signs/Flashers	On arterial roadways or roadways with at least two lanes of traffic in at least one direction
Centerline Signs	As noted in 1.17.4.2, above.
Traffic Control Signal	Consider at locations meeting MUTCD warrants for school crossings or pedestrian volume crossings.

\*All speeds are 85<sup>th</sup> percentile speeds for off-peak daytime periods or the posted speed.

## 1.21. PUBLIC TRANSIT FACILITIES

Where required, public transit facilities shall meet the following standards:

### 1.21.1. Transit Pullout Bays:

- 1.21.1.1. Transit pullout bays shall be located in the City right of way along the property frontage; or
- 1.21.1.2. Where space constraints prevent locating a transit pullout bay along the property frontage, within reasonable walking distance of the site.
- 1.21.1.3. The design of the pullout bay shall provide adequate space for vehicles to maneuver through facilities without causing damage to either the vehicles or facilities, as detailed in Section I of the Technical Manual.

### 1.21.2. Transit Shelters:

- 1.21.2.1. Transit shelters shall be located within the site, directly adjacent to the right-of-way on which the public transportation route is established; or
- 1.21.2.2. Where site constraints prevent locating a transit shelter on the site, it shall be located within a public sidewalk area along the property frontage. If a transit shelter is to be located within a public sidewalk area, City sidewalk clearance requirements.
- 1.21.2.3. Where space constraints prevent locating a transit shelter within a public sidewalk area along the property frontage, it may be located within reasonable walking distance of the site.
- 1.21.2.4. Installation and ongoing maintenance of transit shelters on private property shall be the responsibility of the property owner. Ongoing maintenance of transit shelters located in the City right of way shall be the responsibility of the City or of the local or regional transit authority serving the facility.

- 1.21.3. Where necessary, developments shall provide easements to the City, sufficient in size to accommodate public transit infrastructure.

## **1.22. CONSTRUCTION PERMITTING AND TRAFFIC CONTROL PLANS**

1.22.1. Construction activity in the public right-of-way is controlled by Chapter 25 Article VII of the City Code of Ordinances. Required licenses and permits, restrictions on activity, and fees & charges are all outlined in that Chapter. Rules and Regulations for Excavation Activity are available through the Street Opening Clerk at the Department of Public Services.

1.22.2. Sewer and stormwater system connections are controlled by Chapters 24 and 32 of the City Code of Ordinance. Required permits for new connections and/or abandonment of existing connections are available through the Street Opening Clerk at the Department of Public Services. Rules and Regulations for these utility systems are available through the City Engineer's office of the Department of Public Services. See also Section II of the Technical Manual for lateral abandonment requirements associated with demolition permits.

1.22.3. Traffic Control Plans: Construction activity that impacts the existing public street system must be controlled to protect the safety of the construction workers and all modes of the traveling public. Projects that will occur along arterial and/or collector streets are required to submit a satisfactory 'maintenance of traffic' (MOT) plan prior to any site plan, subdivision, or street opening permit approval.

Maintenance of Traffic (MOT) plans shall provide for the safe passage of the public through or along the construction work zone. On a case-by-case basis applicants may be allowed to close a street and/or detour a mode of traffic when absolutely necessary for safety. MOT plans shall employ the appropriate techniques and devices as called for in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). In addition:

- Construction speed signing may be used as needed to slow traffic
- Traffic Control signs shall not be placed where they are an obstruction to bicycles or pedestrians.
- In extreme situations, flaggers may be required to allow for safe pedestrian and bicycle movement

1.22.4. All existing modes of travel in the work zone area shall be accommodated if impacted by the activity. The safe passage of pedestrians, bicyclists, transit providers, and motorists are of equal importance when planning out the work zone; no pre-existing travel mode may be eliminated without the express approval of the Department of Public Services.

- Traffic control for bicycle and pedestrian facilities or routes through work zones shall be maintained until the bicycle and pedestrian facilities or routes are ready for safe operation. Traffic control will not be removed to allow auto travel at the expense of bicycles and pedestrians.
- Barrier systems utilized to separate the construction activity from the public

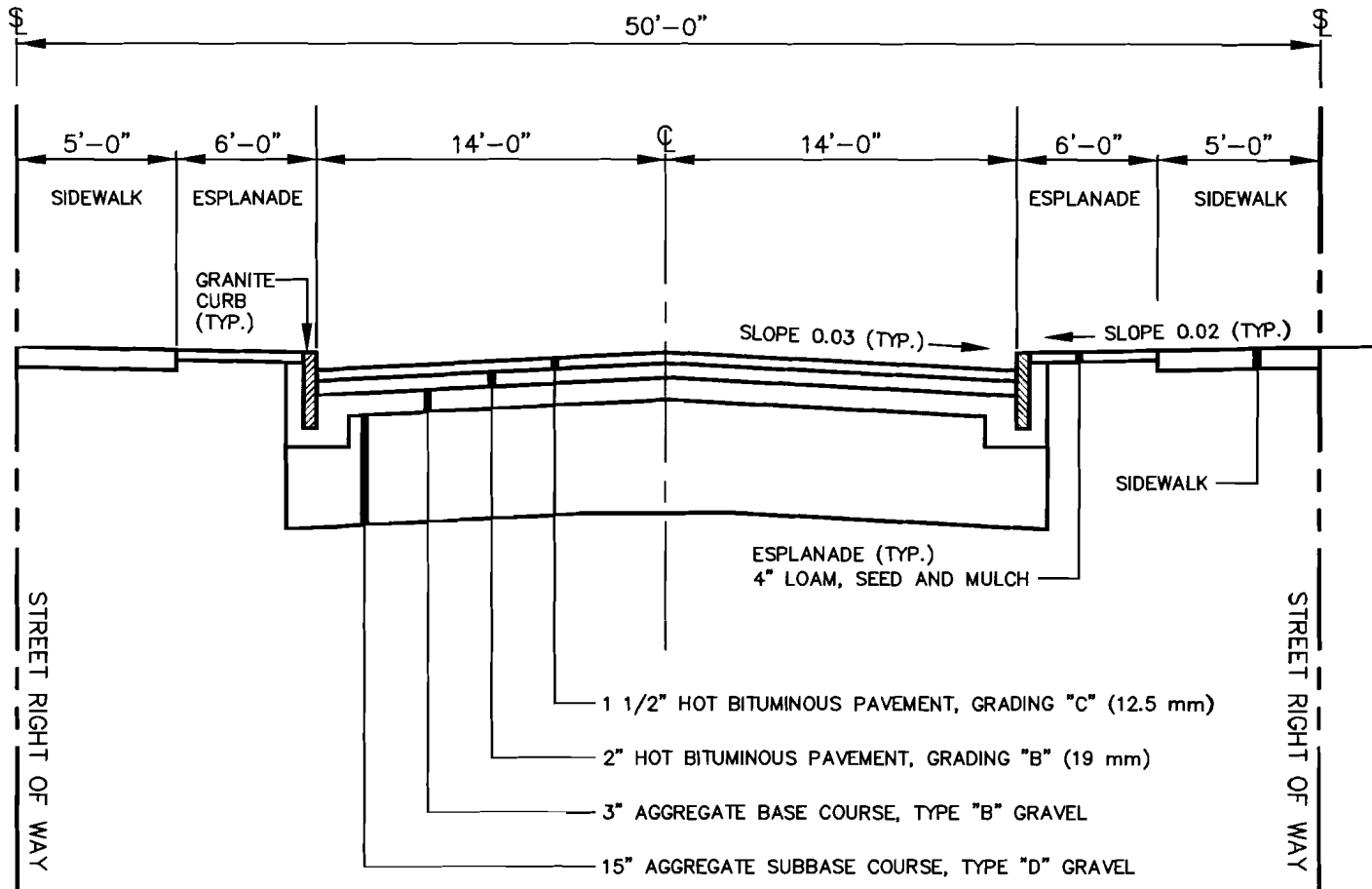
street and/or sidewalk shall not inhibit sight distances, particularly for visibility of pedestrians and bicyclists.

- 1.22.5. Use of public parking spaces or the blockage of any portion of sidewalk for the purpose of construction activity shall require an occupancy permit and appropriate fee as assessed by the Department of Public Services.

### 1.23. INFRASTRUCTURE CONTRIBUTIONS

Projects that generate traffic, which impacts roadways and intersections already operating at substandard levels of service E or F or adds traffic to improvement districts within the City (**as identified on the attached map - Figure I-39**) shall contribute towards future improvements. A contribution is not required when the applicant implements improvements to fully mitigate a project's impact.

The contribution amount shall be based upon the percentage impact of the project during the Weekday PM peak hour. Specifically, a percentage calculation of the trip generation increase as compared to No-Build traffic levels multiplied by the capital cost of implementing an improvement plan. If an improvement plan has not been identified for complex locations, the applicant shall fund a study that identifies required improvements.



**LOCAL STREET CROSS SECTION**  
 NOT TO SCALE

DATE:  
 AUGUST 2009  
 REVISED:

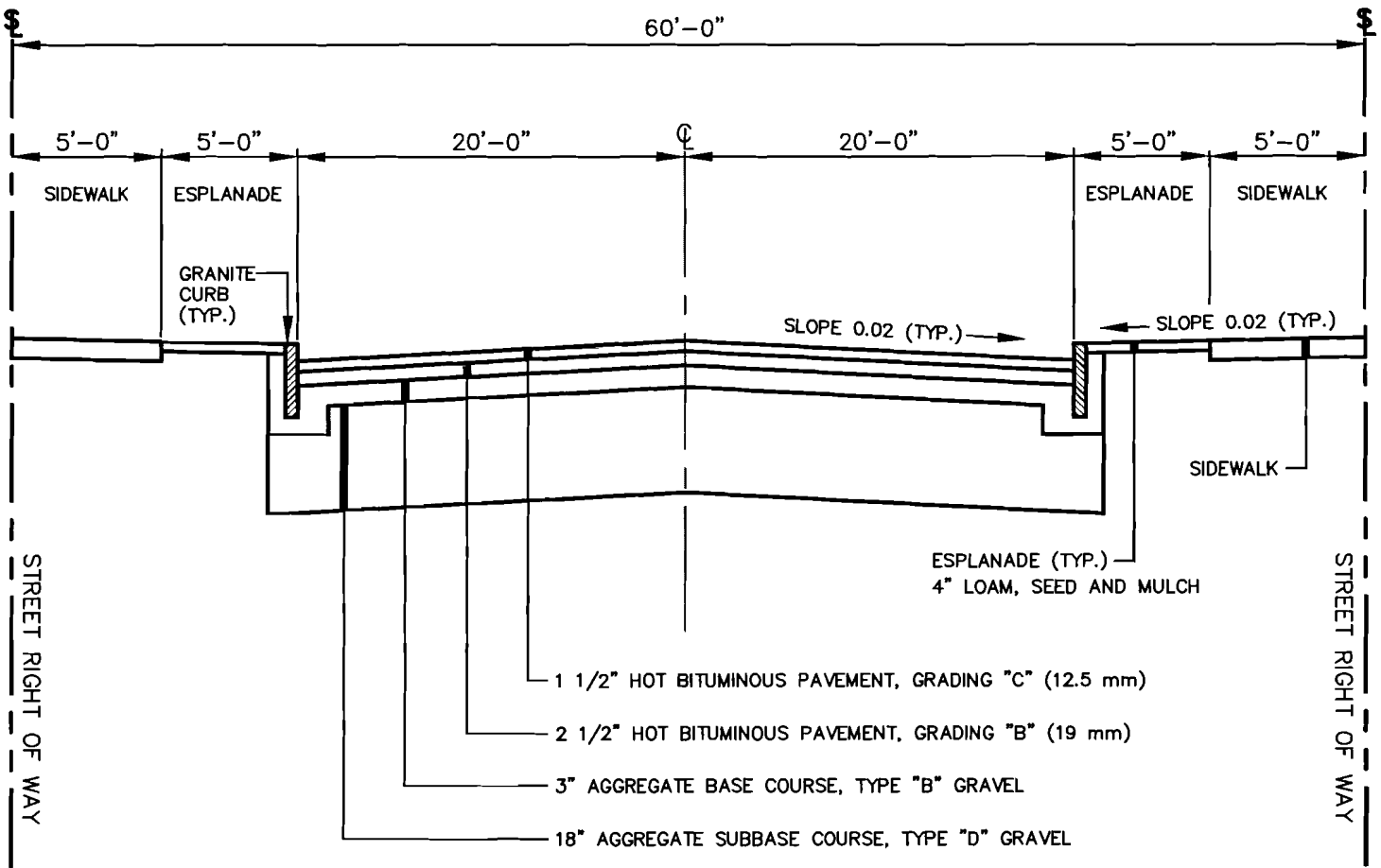
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 TECHNICAL STANDARDS MANUAL

TRANSPORTATION SYSTEMS  
 AND STREET DESIGN  
 SECTION I

FIGURE:

**LOCAL STREET CROSS SECTION**

**I-1**



**COLLECTOR STREET CROSS SECTION**

NOT TO SCALE

DATE:  
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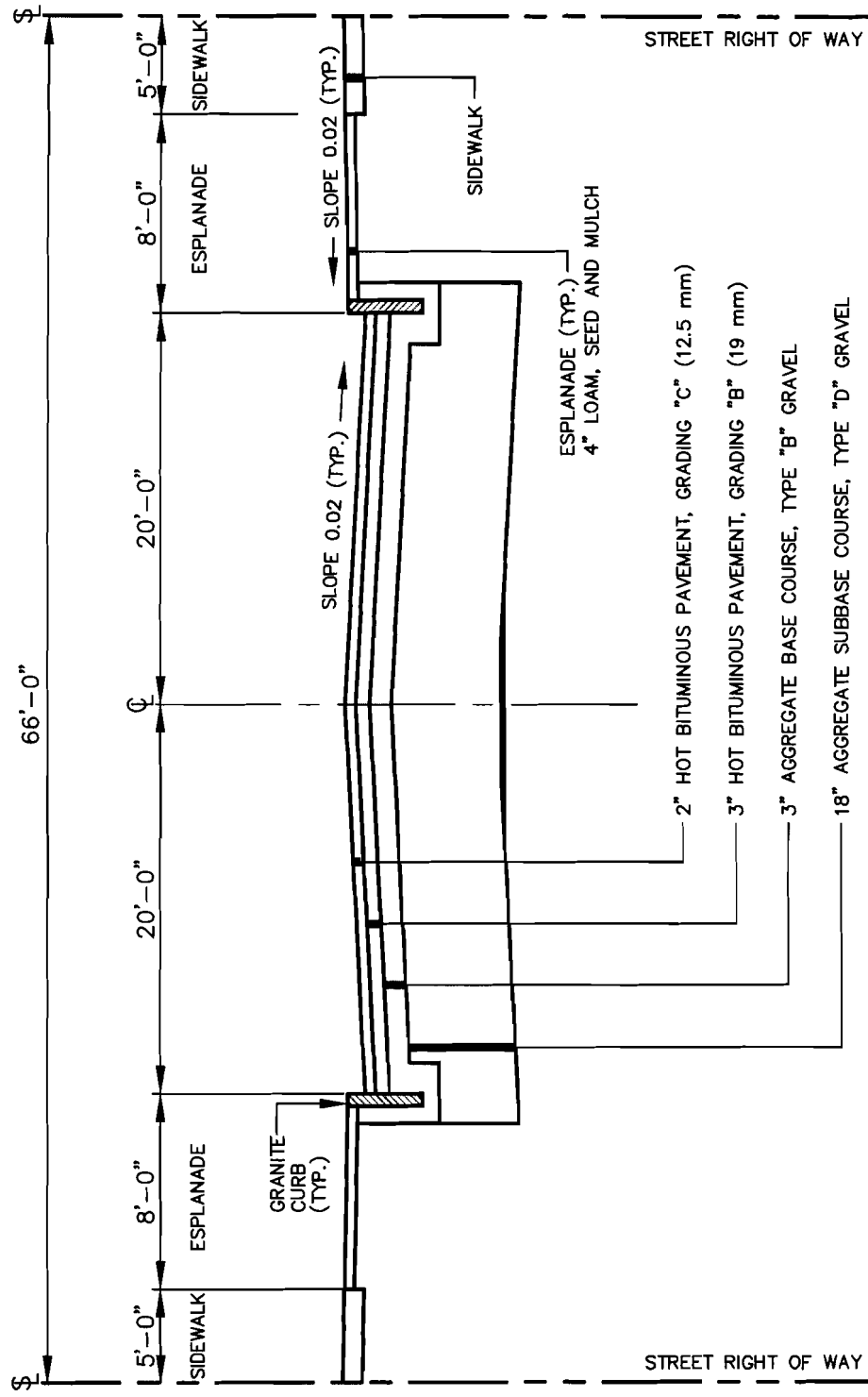
TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION 1

FIGURE:

**COLLECTOR STREET CROSS SECTION**

**I-2**





**ARTERIAL STREET CROSS SECTION**

NOT TO SCALE

DATE:  
AUGUST 2009  
 REVISED:

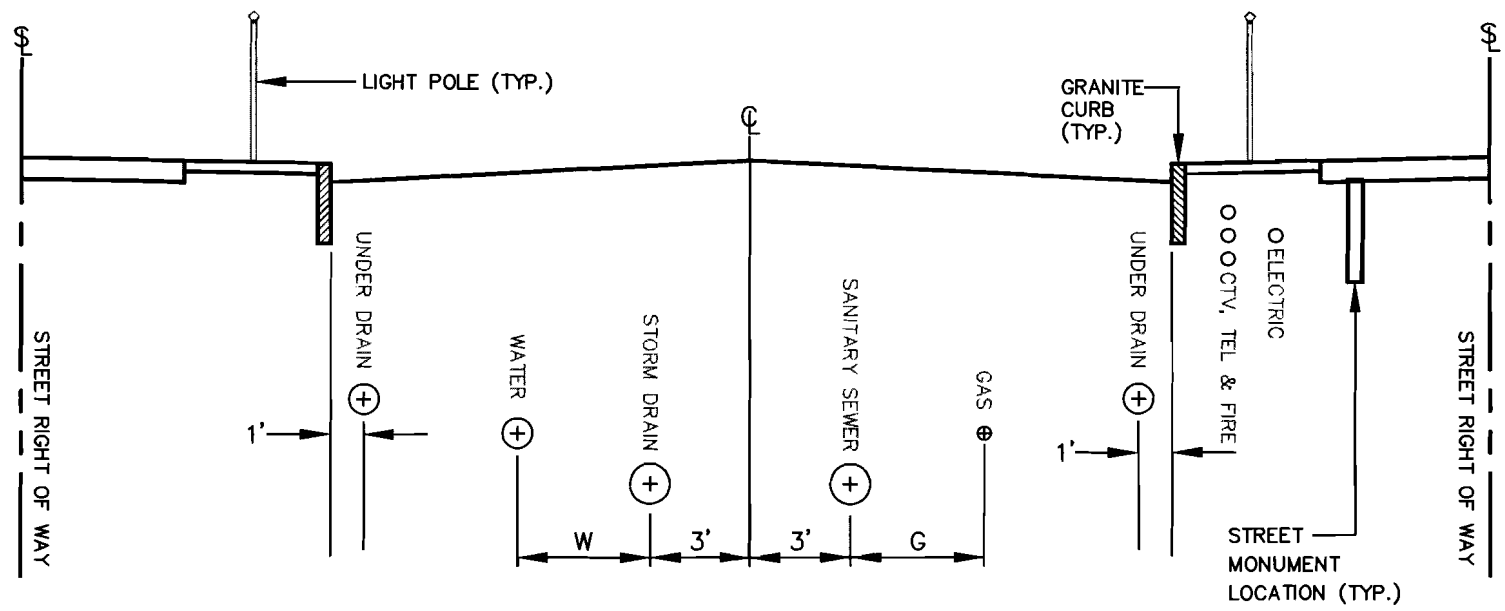
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 AND STREET DESIGN  
 SECTION I

FIGURE:

**I-3**

**ARTERIAL STREET CROSS SECTION**



- NOTES:
1. DEPTH OF SANITARY SEWER AND STORM DRAIN PER CITY ENGINEER.
  2. DEPTH OF UNDER DRAIN SHALL BE 3'-6" FROM GUTTER LINE TO PIPE INVERT.
  3. DEPTHS OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND FIRE TO BE AT LEAST 36 INCHES BELOW FINISH GRADE. DEPTHS OF OTHER UTILITIES PER REQUIREMENTS OF APPLICABLE UTILITY COMPANY. WHEN TREES ARE PROPOSED FOR THE ESPLANADE, THE UTILITIES DESIGNATED FOR THAT LOCATION SHALL MAKE NECESSARY PROVISIONS.
  4. APPLICABLE WARNING TAPE SHALL BE PLACED OVER EACH UTILITY. RIGID PVC CONDUIT IS REQUIRED FOR STREET AND DRIVEWAY CROSSINGS AND OTHER PAVEMENT CROSSINGS MORE THAN 12 FEET IN LENGTH. CONDUITS CROSSING STREETS SHALL BE ENCASED IN CONCRETE.

STREET CLASSIFICATION	R.O.W. WIDTH (ft.)	UTILITY LOCATION DIMENSIONS	
		W (ft.)	G (ft.)
LOCAL	50	5	5
COLLECTOR	60	7	7
ARTERIAL	66	8	8

**UTILITY LOCATIONS IN STREETS**

NOT TO SCALE

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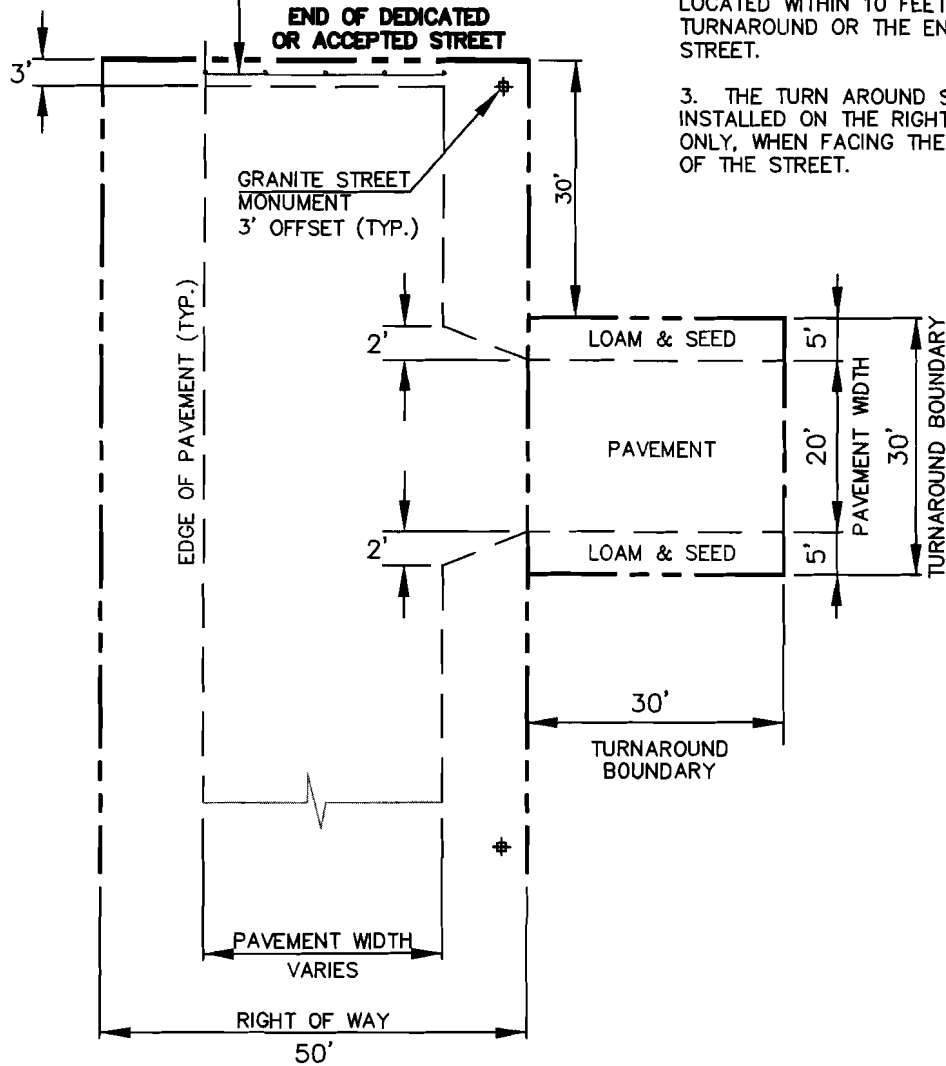
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AND STREET DESIGN  
SECTION I

FIGURE:

**I-4**

UTILITY LOCATIONS IN STREETS

GALVANIZED STEEL OR PRESSURE TREATED WOOD GUARDRAIL WITH OM4-2 END OF ROADWAY MARKER SIGN OR APPROVED EQUAL



**NOTES**

1. A TURNAROUND EASEMENT SHALL BE CONVEYED TO THE CITY.
2. NO DRIVEWAYS SHALL BE LOCATED WITHIN 10 FEET OF THE TURNAROUND OR THE END OF THE STREET.
3. THE TURN AROUND SHALL BE INSTALLED ON THE RIGHT SIDE ONLY, WHEN FACING THE DEAD END OF THE STREET.

**TURNAROUND ON DEAD END STREET**

NOT TO SCALE

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**TRANSPORTATION SYSTEMS  
 AND STREET DESIGN**  
 SECTION I

FIGURE:

**TURNAROUND ON DEAD END STREET**

**I-5**

DATE:  
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TECHNICAL STANDARDS MANUAL

TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION I

FIGURE:

PERPENDICULAR RAMP FOR  
WIDE SIDEWALK WITH NO ESPLANADE

I-6A

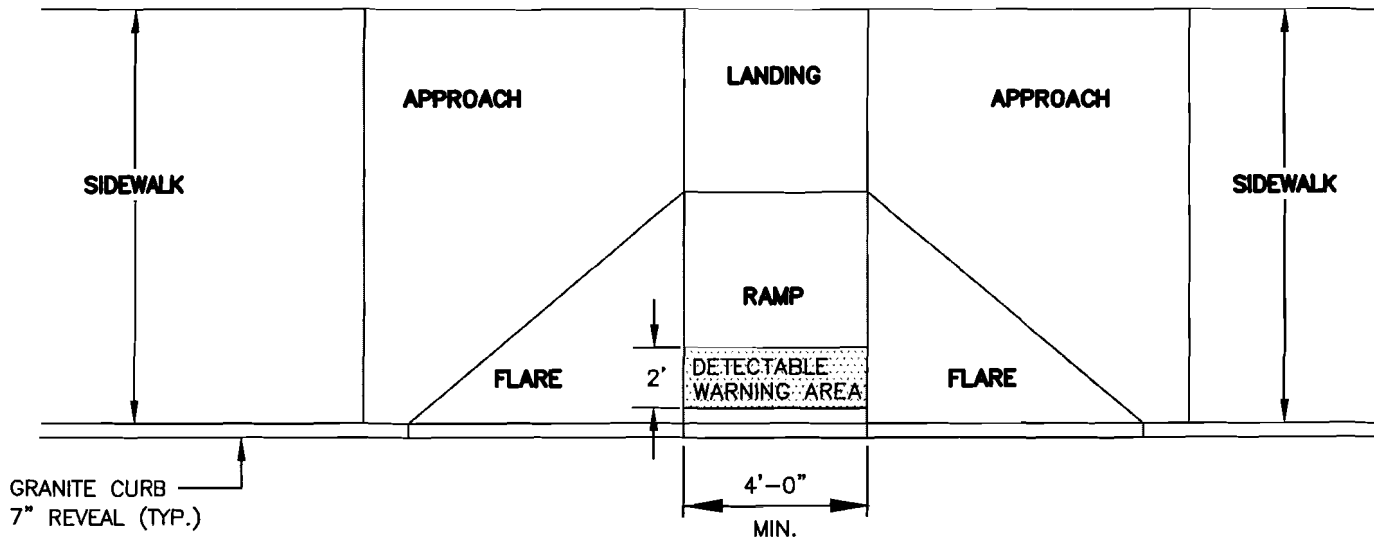
34

**NOTES:**

ALL RAMP SHALL COMPLY WITH ADA STANDARDS.

GRANITE CURB ADJACENT TO RAMP SHALL BE FLUSH WITH STREET.

DESIGN ELEMENT	SLOPE IN DIRECTION OF TRAVEL	CROSS SLOPE
APPROACH	8.33% MAXIMUM	2%
LANDING	2%	2%
RAMP	8.33% MAXIMUM	MATCH STREET GRADE
FLARE	10% MAX. AT CURB FACE	—
SIDEWALK	MATCH STREET GRADE	2%



PLAN VIEW

**PERPENDICULAR ADA RAMP LAYOUT FOR  
WIDE SIDEWALK WITH NO ESPLANADE**

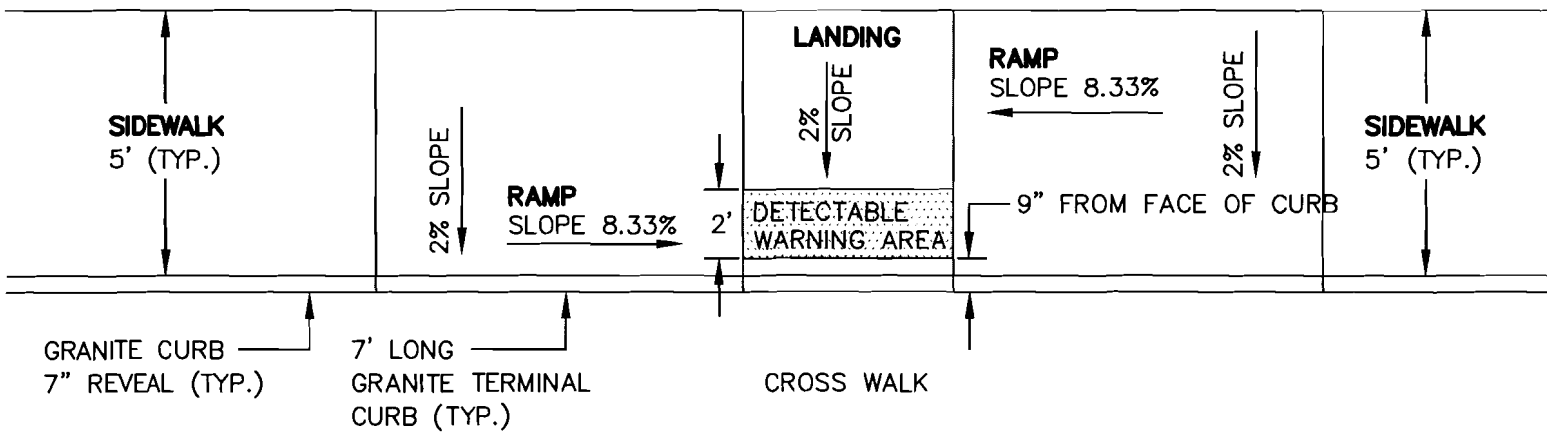
NOT TO SCALE

**NOTES:**

ALL RAMPS SHALL COMPLY WITH ADA STANDARDS.

GRANITE CURB ADJACENT TO LANDING SHALL BE FLUSH WITH STREET.

SIDEWALK MATERIAL PER CITY SIDEWALK MATERIAL POLICY.



PLAN VIEW

**PARALLEL SIDEWALK RAMP LAYOUT FOR NARROW SIDEWALK WITH NO ESPLANADE**

NOT TO SCALE

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AND STREET DESIGN  
SECTION I

FIGURE:

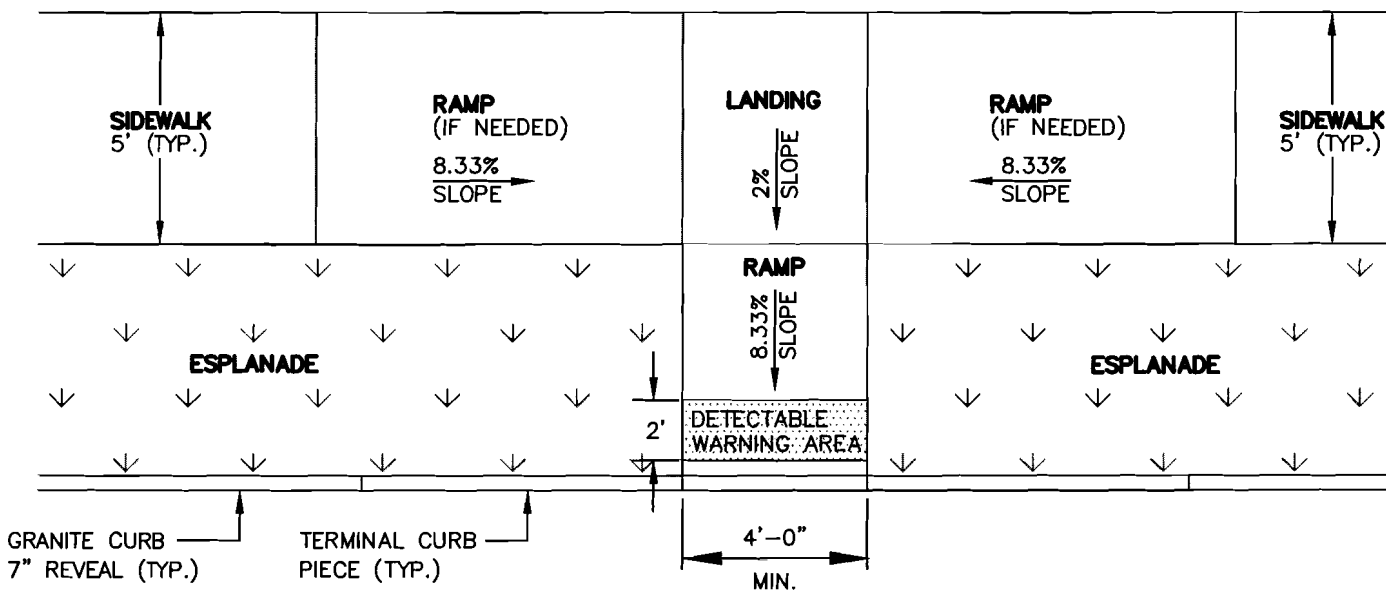
I-6B

**NOTES:**

ALL RAMPS SHALL COMPLY WITH ADA STANDARDS.

GRANITE CURB ADJACENT TO LANDING SHALL BE FLUSH WITH STREET.

SIDEWALK MATERIAL PER CITY SIDEWALK MATERIAL POLICY.



PLAN VIEW

**PERPENDICULAR ADA RAMP LAYOUT FOR  
 NARROW SIDEWALK WITH ESPLANADE**

NOT TO SCALE

DATE:  
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TRANSPORTATION SYSTEMS  
 AND STREET DESIGN  
 SECTION I

FIGURE:

I-6C

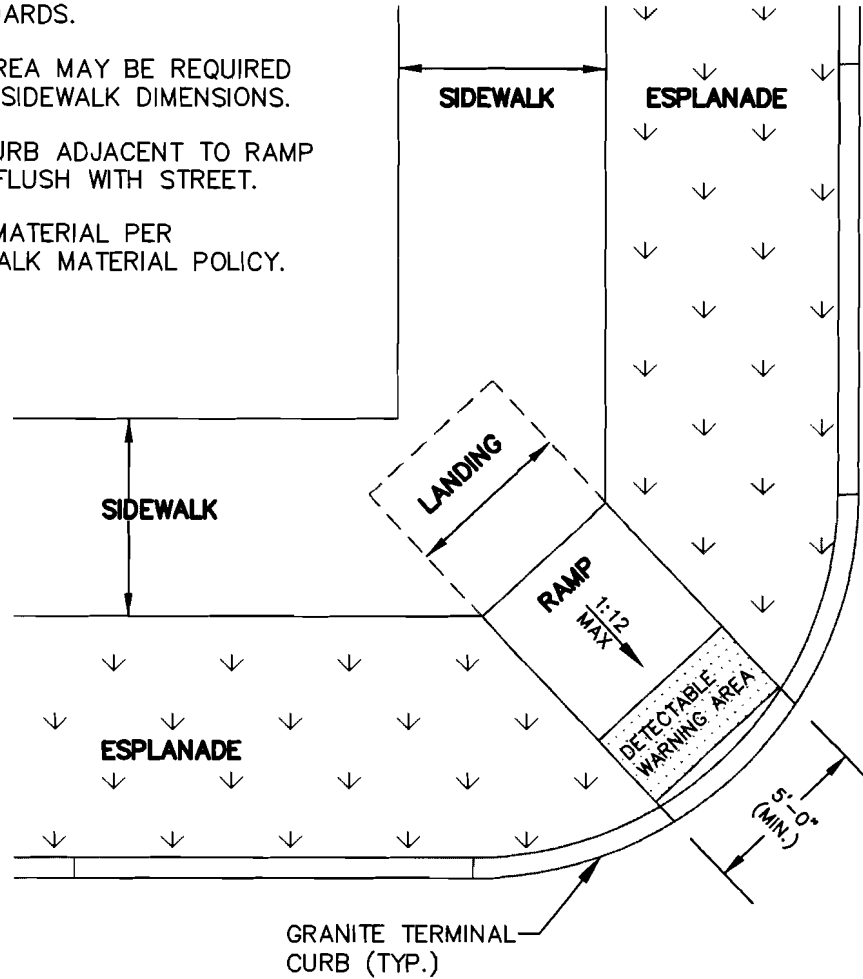
**NOTES:**

ALL RAMPS SHALL COMPLY WITH ADA STANDARDS.

LANDING AREA MAY BE REQUIRED BASED ON SIDEWALK DIMENSIONS.

GRANITE CURB ADJACENT TO RAMP SHALL BE FLUSH WITH STREET.

SIDEWALK MATERIAL PER CITY SIDEWALK MATERIAL POLICY.



**DIAGONAL SIDEWALK RAMP LAYOUT AT INTERSECTION  
 FOR SIDEWALK WITH ESPLANADE**

NOT TO SCALE

(REQUIRES WAIVER)

DATE:  
 FEBRUARY 2010  
 REVISED:

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TRANSPORTATION SYSTEMS  
 AND STREET DESIGN  
 SECTION I

FIGURE:

**DIAGONAL SIDEWALK RAMP LAYOUT AT  
 INTERSECTION FOR SIDEWALK WITH ESPLANADE**

**I-6D**

City of Portland Technical Manual

**NOTES:**

ALL RAMPS SHALL COMPLY WITH ADA STANDARDS.

LANDING AREA MAY BE REQUIRED BASED ON SIDEWALK DIMENSIONS.

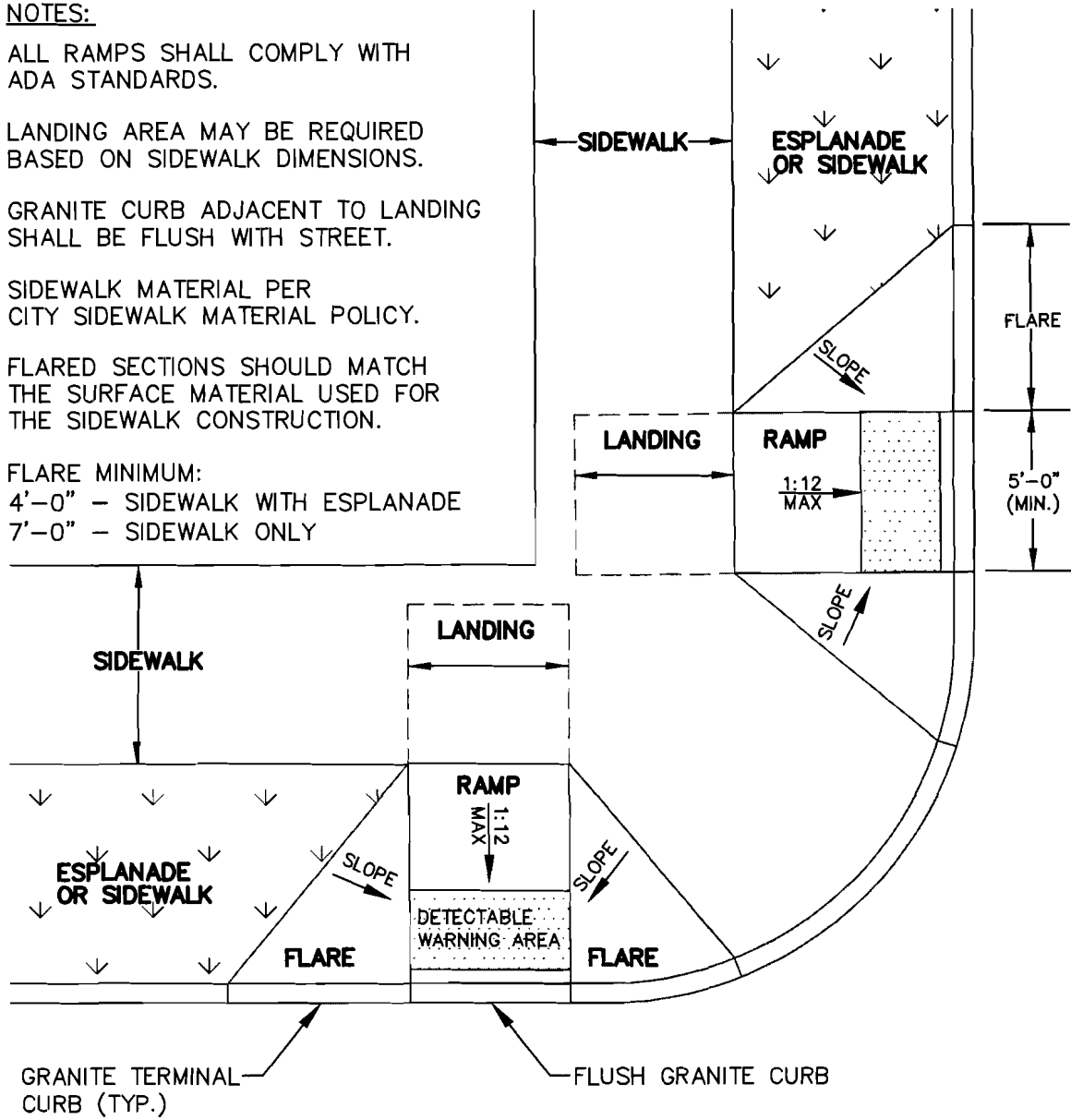
GRANITE CURB ADJACENT TO LANDING SHALL BE FLUSH WITH STREET.

SIDEWALK MATERIAL PER CITY SIDEWALK MATERIAL POLICY.

FLARED SECTIONS SHOULD MATCH THE SURFACE MATERIAL USED FOR THE SIDEWALK CONSTRUCTION.

**FLARE MINIMUM:**

- 4'-0" - SIDEWALK WITH ESPLANADE
- 7'-0" - SIDEWALK ONLY



**PREFERRED SIDEWALK RAMP AT INTERSECTION**

NOT TO SCALE

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 AND STREET DESIGN  
 SECTION I**

FIGURE:

**PREFERRED SIDEWALK RAMP LOCATION  
 AT INTERSECTION**

**I-6E**



DATE: JUNE 3, 2010  
 REVISED: MARCH 2, 2011  
 JUNE 23, 2011

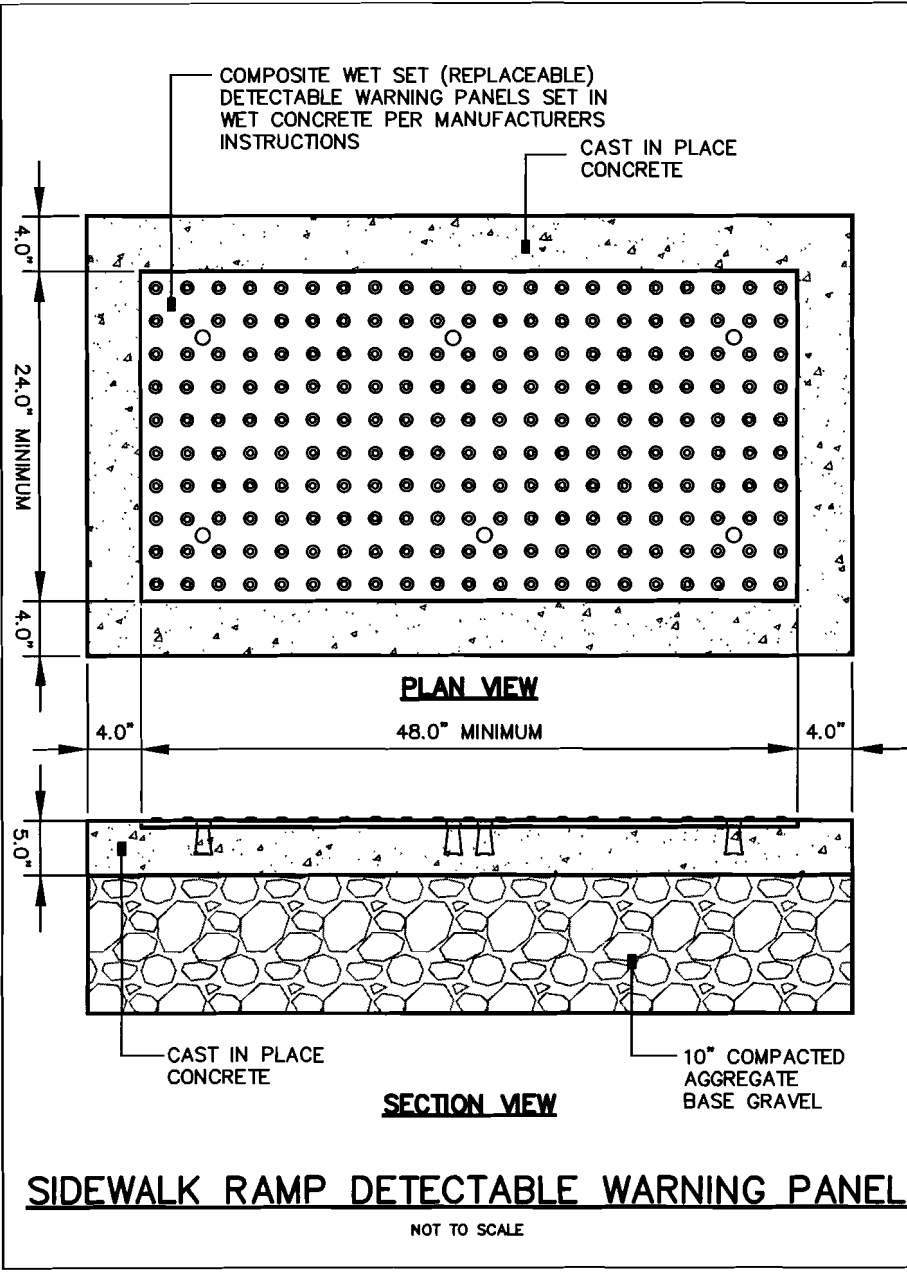
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 AND STREET DESIGN  
 SECTION 1

**SIDEWALK RAMP DETECTABLE WARNING PANEL**

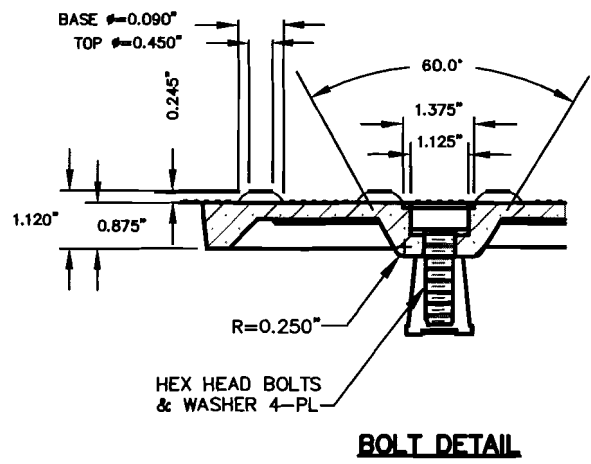
FIGURE:

**I-7**



**NOTES:**

1. COMPOSITE WET SET (REPLACEABLE) DETECTABLE WARNING PANELS SHALL BE AS MANUFACTURED BY ADA SOLUTIONS, INC. (WWW.ADATILE.COM), OR APPROVED EQUAL.
2. CAST IN PLACE CONCRETE SHALL MEET SPECIFICATIONS FOR MAINE D.O.T. CLASS A STRUCTURAL CONCRETE, MINIMUM COMPRESSIVE STRENGTH 4,000 PSI. THE CONCRETE SHALL BE SEALED PRIOR TO SETTING PANELS. THE EXPOSED CONCRETE BORDER SHALL RECEIVE A GROOVED EDGE BETWEEN THE PANEL AND CONCRETE, ALONG WITH A UNIFORM BROOM FINISH PERPENDICULAR TO THE FLOW OF PEDESTRIAN TRAFFIC.
3. TRUNCATED DOMES SHALL BE ALIGNED IN ROWS, PARALLEL AND PERPENDICULAR TO THE PREDOMINANT DIRECTION OF TRAVEL. TRUNCATED DOME BRICKS AND GRANITE PAVERS ARE NOT ALLOWED.
4. FOR ALL DETECTABLE WARNING PANELS (EXCEPT AS SPECIFIED IN FIGURE I-7A AND TECHNICAL MANUAL SECTION 1.8.4.), FEDERAL YELLOW COLORED (#33538) PANELS SHALL BE USED. FOLLOW MANUFACTURER'S INSTRUCTIONS FOR INSTALLATION.
5. SIZE: THE DETECTABLE WARNING PANEL(S) SHALL EXTEND 24 INCHES MINIMUM IN THE DIRECTION OF TRAVEL AND THE FULL WIDTH OF THE CURB RAMP, LANDING, OR BLENDED TRANSITION TO THE STREET.
6. ORIENTATION: THE DETECTABLE WARNING PANEL SHALL BE LOCATED SO THAT THE EDGE NEAREST THE CURB LINE IS 6 INCHES MINIMUM AND 8 INCHES MAXIMUM FROM THE CURB LINE. THE PANEL SHALL BE ORIENTED TO THE DIRECTION OF TRAVEL AS IDENTIFIED BY THE POINT OF EGRESS.



**SIDEWALK RAMP DETECTABLE WARNING PANEL**  
 NOT TO SCALE

DATE:  
JUNE 23, 2011  
REVISED:

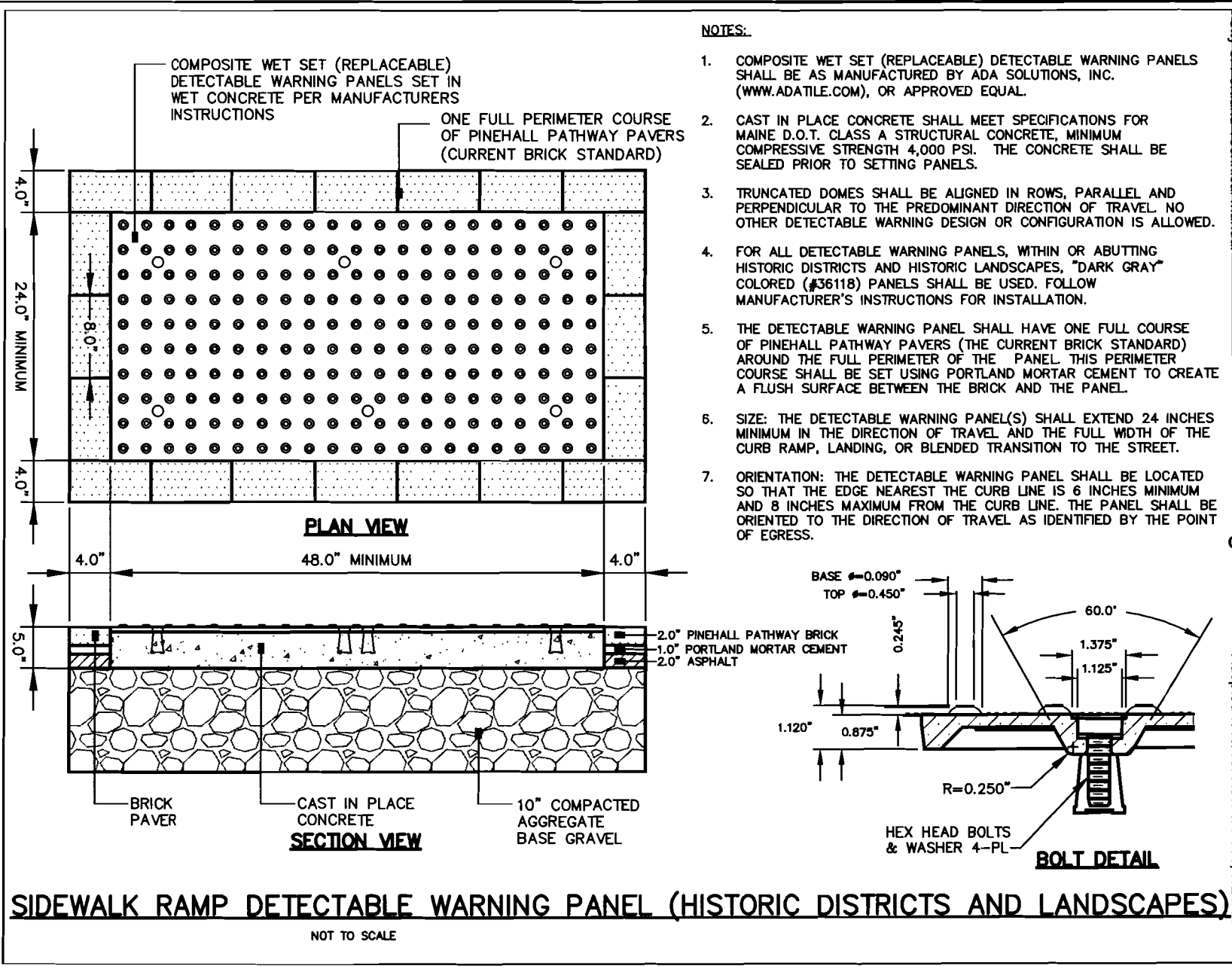
CITY OF PORTLAND, MAINE  
TECHNICAL STANDARDS MANUAL

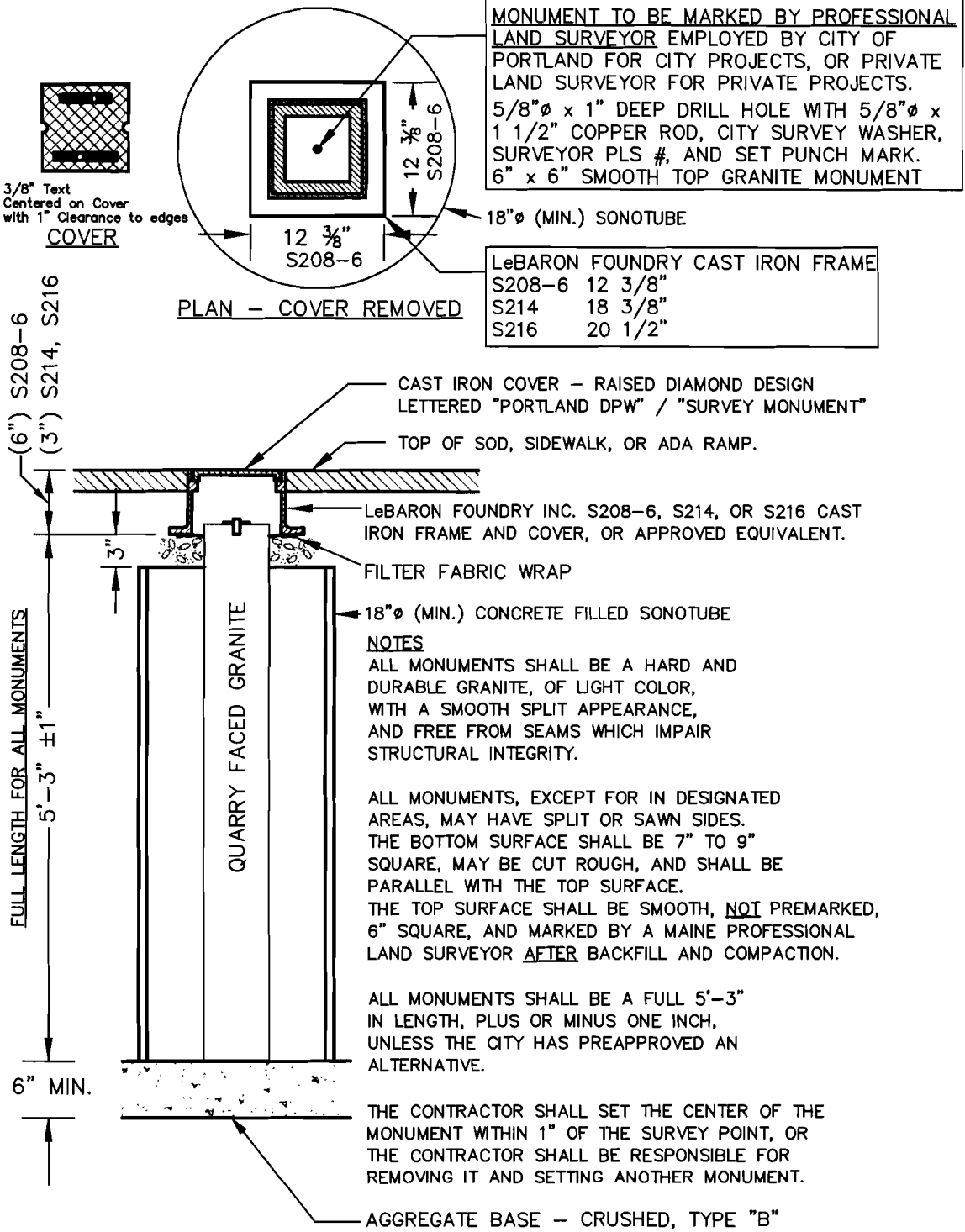
TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION 1

FIGURE:

**SIDEWALK RAMP DETECTABLE WARNING PANEL  
(HISTORIC DISTRICTS AND LANDSCAPES)**

**I-7A**





**GRANITE STREET MONUMENT**

NOT TO SCALE

DATE:  
AUGUST 2009

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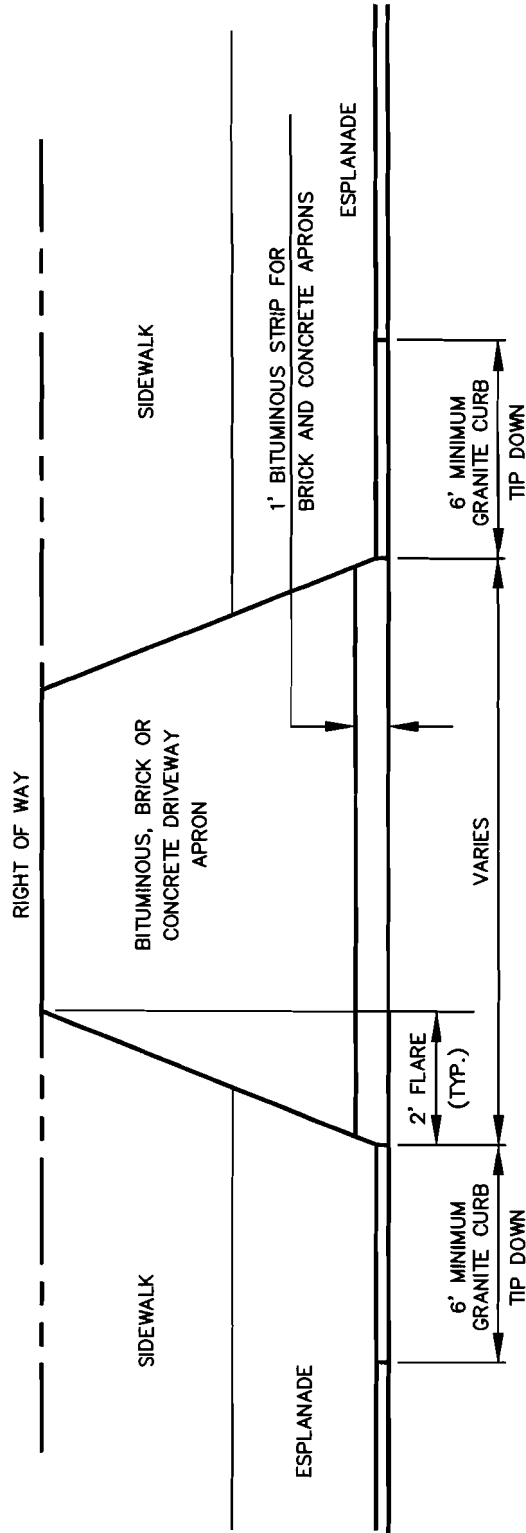
TRANSPORTATION SYSTEMS  
 AND STREET DESIGN  
 SECTION I

FIGURE:

**GRANITE STREET MONUMENT**

**I-8**

NOTE:  
 MATCH GRADE OF EXISTING DRIVEWAY  
 AT R. O. W. LINE, EXCEPT WHEN  
 DIRECTED OTHERWISE BY CITY ENGINEER.



**DRIVEWAY APRON LAYOUT**

NOT TO SCALE

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**TRANSPORTATION SYSTEMS  
 AND STREET DESIGN**  
 SECTION I

FIGURE:

**I-9**

**DRIVEWAY APRON LAYOUT**

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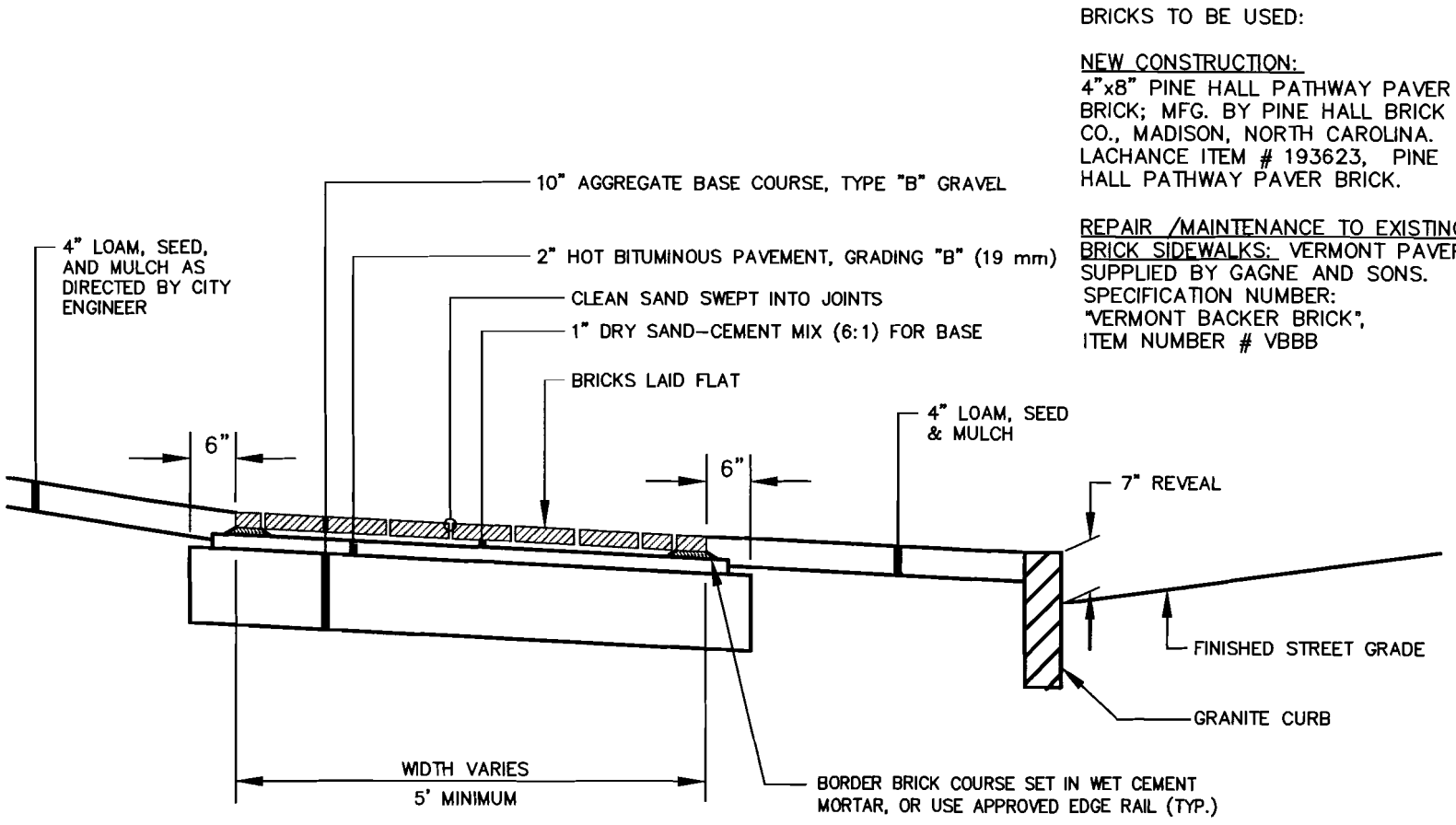
CITY OF PORTLAND, MAINE  
TECHNICAL STANDARDS MANUAL

TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION 1

FIGURE:

**BRICK SIDEWALK WITH BITUMINOUS BASE**

**I-10**



**BRICKS TO BE USED:**  
  
**NEW CONSTRUCTION:**  
 4"x8" PINE HALL PATHWAY PAVER BRICK; MFG. BY PINE HALL BRICK CO., MADISON, NORTH CAROLINA. LACHANCE ITEM # 193623, PINE HALL PATHWAY PAVER BRICK.  
  
**REPAIR /MAINTENANCE TO EXISTING BRICK SIDEWALKS:** VERMONT PAVER; SUPPLIED BY GAGNE AND SONS. SPECIFICATION NUMBER: "VERMONT BACKER BRICK", ITEM NUMBER # VB88

**BRICK SIDEWALK WITH BITUMINOUS BASE**

NOT TO SCALE

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TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION 1

FIGURE:

**BRICK DRIVEWAY APRON  
WITH BITUMINOUS BASE**

**I-11**

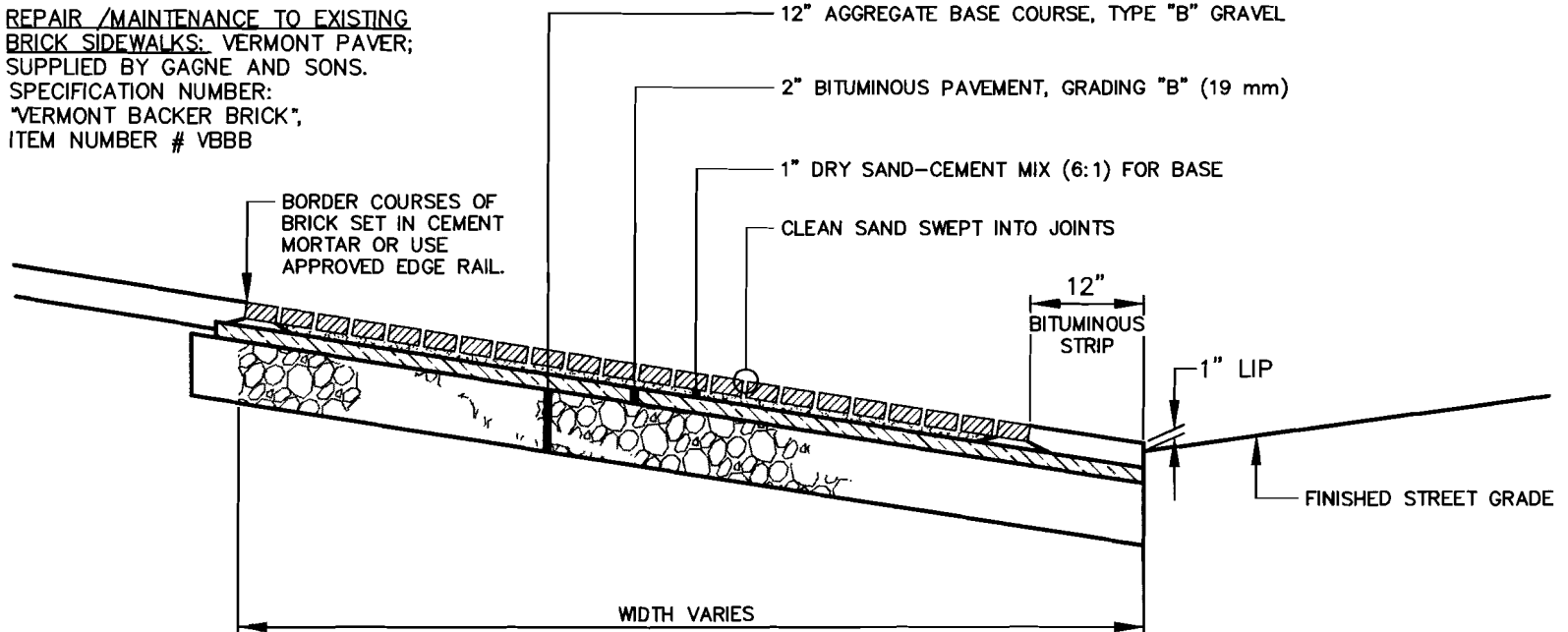
BRICKS TO BE USED:

NEW CONSTRUCTION:

4"x8" PINE HALL PATHWAY PAVER  
BRICK; MFG. BY PINE HALL BRICK  
CO., MADISON, NORTH CAROLINA.  
LACHANCE ITEM # 193623, PINE  
HALL PATHWAY PAVER BRICK.

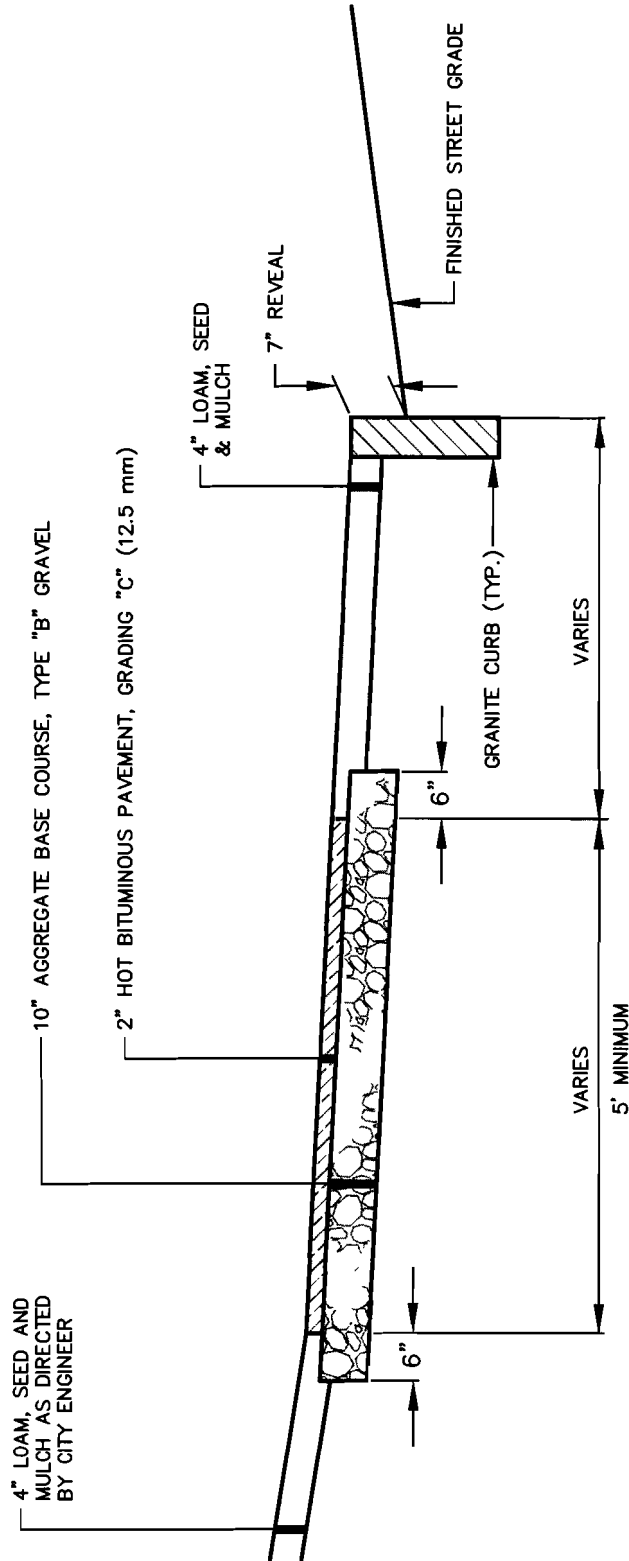
REPAIR /MAINTENANCE TO EXISTING  
BRICK SIDEWALKS: VERMONT PAVER;  
SUPPLIED BY GAGNE AND SONS.

SPECIFICATION NUMBER:  
"VERMONT BACKER BRICK";  
ITEM NUMBER # VBBB



**BRICK DRIVEWAY APRON WITH BITUMINOUS BASE**

NOT TO SCALE



**BITUMINOUS SIDEWALK**  
 NOT TO SCALE

DATE:  
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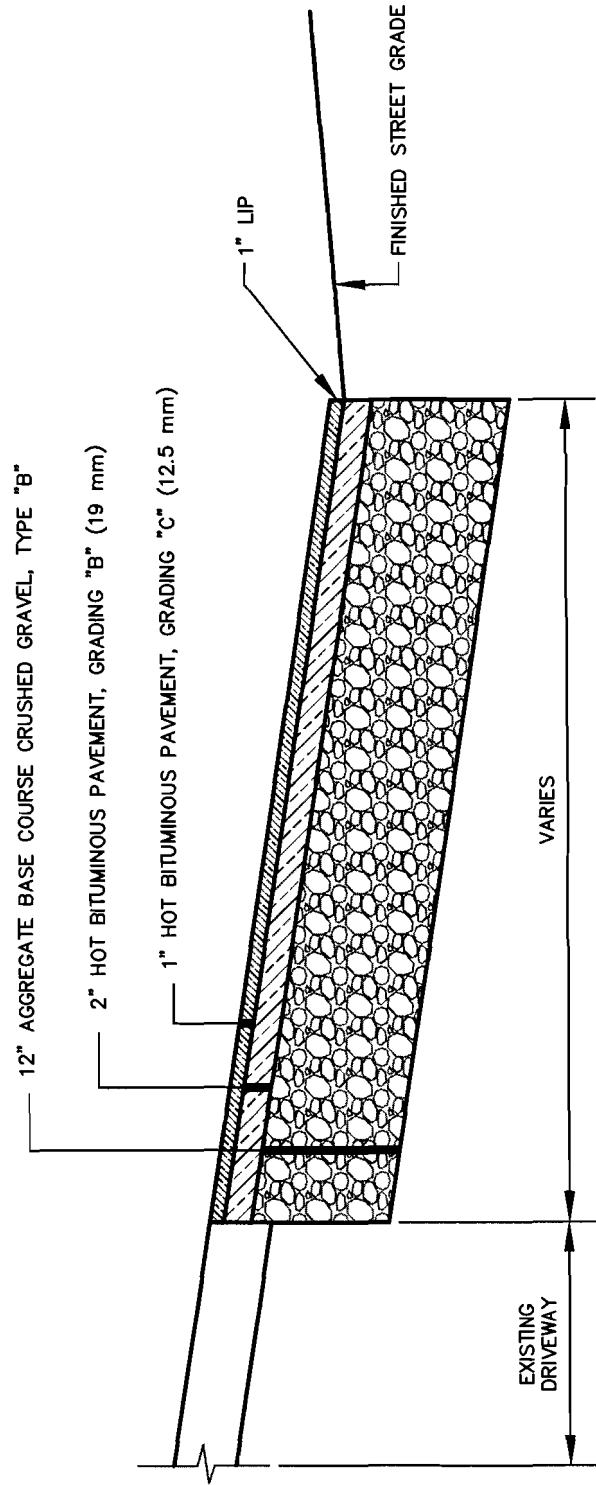
CITY OF PORTLAND, MAINE  
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**TRANSPORTATION SYSTEMS  
 AND STREET DESIGN**  
 SECTION I

FIGURE:

**BITUMINOUS SIDEWALK**

**I-12**



**BITUMINOUS DRIVEWAY APRON**  
NOT TO SCALE

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TECHNICAL STANDARDS MANUAL

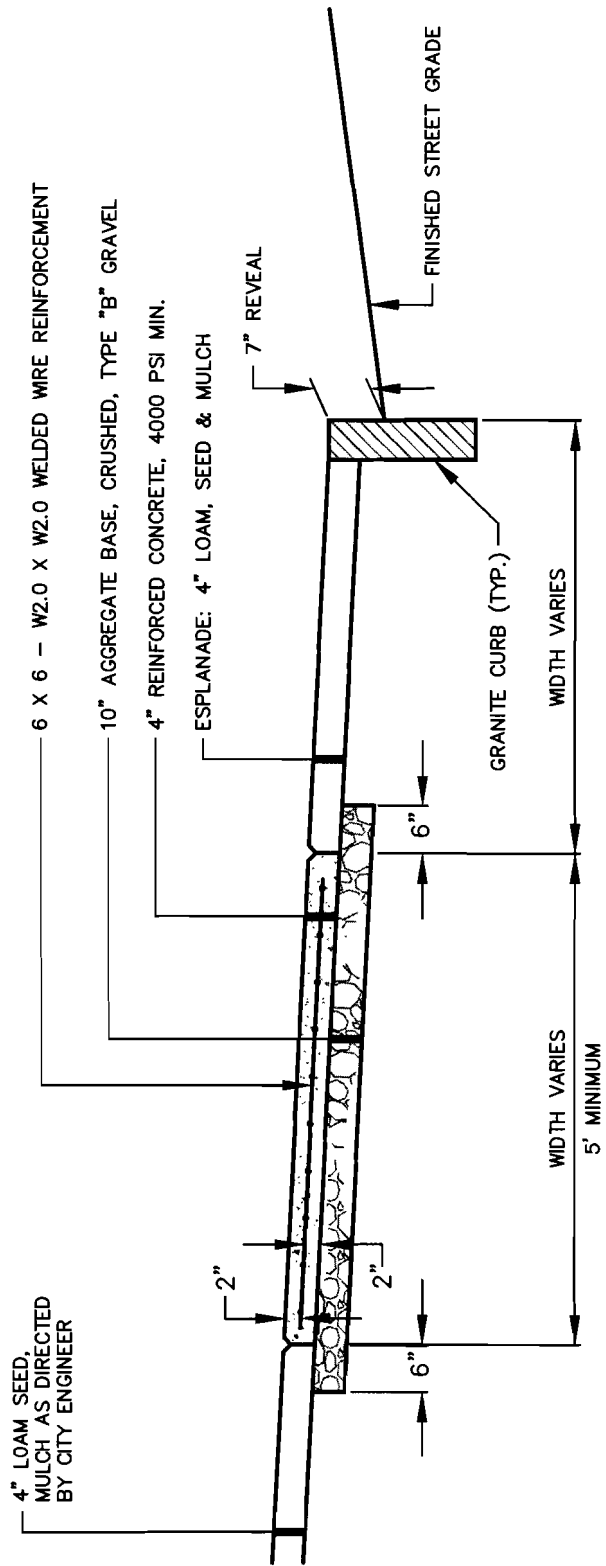
TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION I

FIGURE:

**BITUMINOUS DRIVEWAY APRON**

**I-13**





**REINFORCED CONCRETE SIDEWALK**  
 NOT TO SCALE

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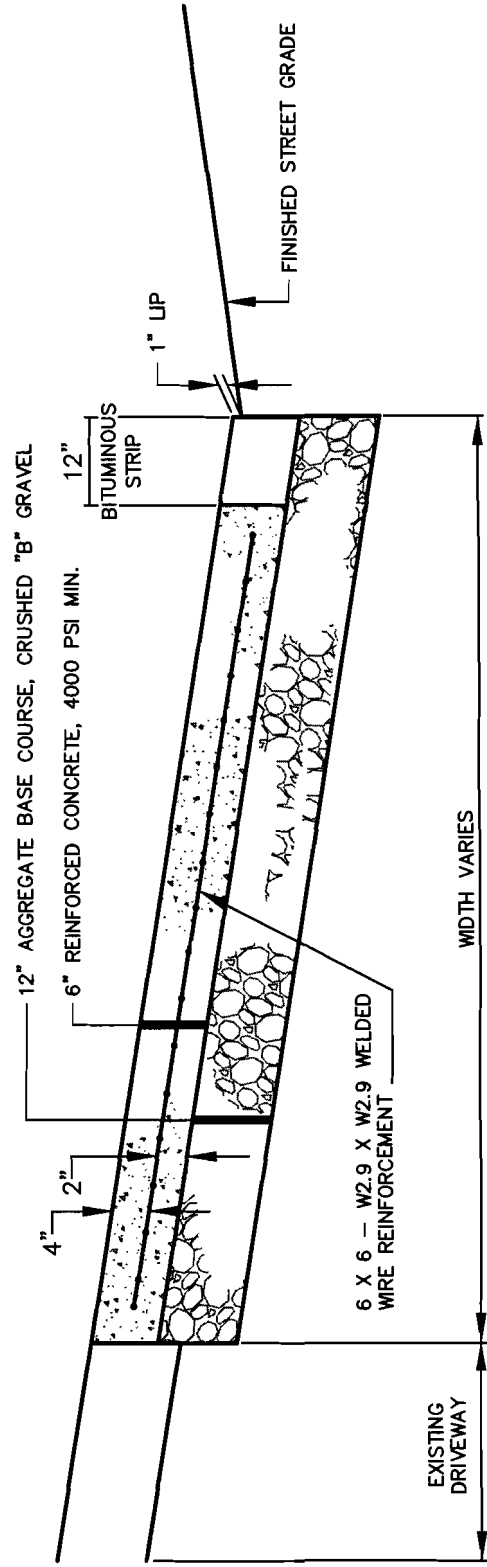
CITY OF PORTLAND, MAINE  
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 AND STREET DESIGN  
 SECTION I

FIGURE:

**REINFORCED CONCRETE SIDEWALK**

**I-14**



**REINFORCED CONCRETE DRIVEWAY APRON**

NOT TO SCALE

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AUGUST 2009  
REVISED:

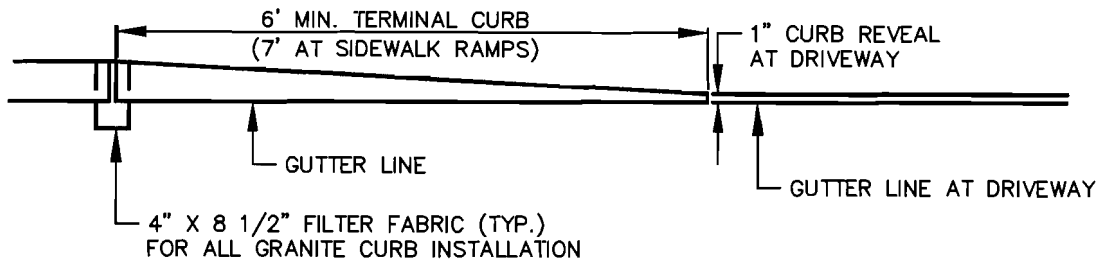
CITY OF PORTLAND, MAINE  
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AND STREET DESIGN  
SECTION I**

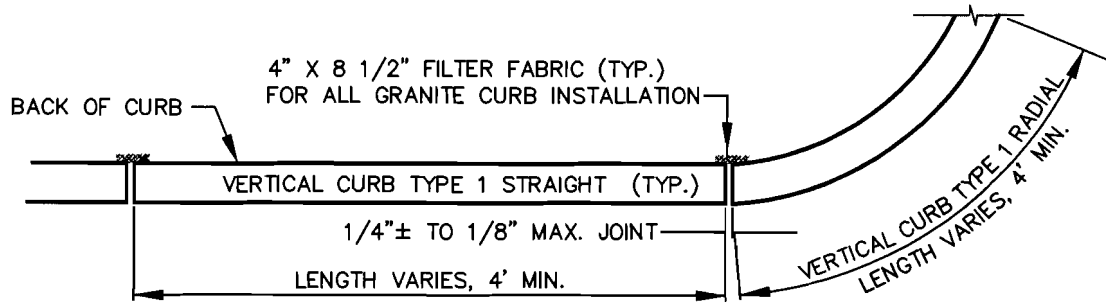
FIGURE:

**REINFORCED CONCRETE DRIVEWAY APRON**

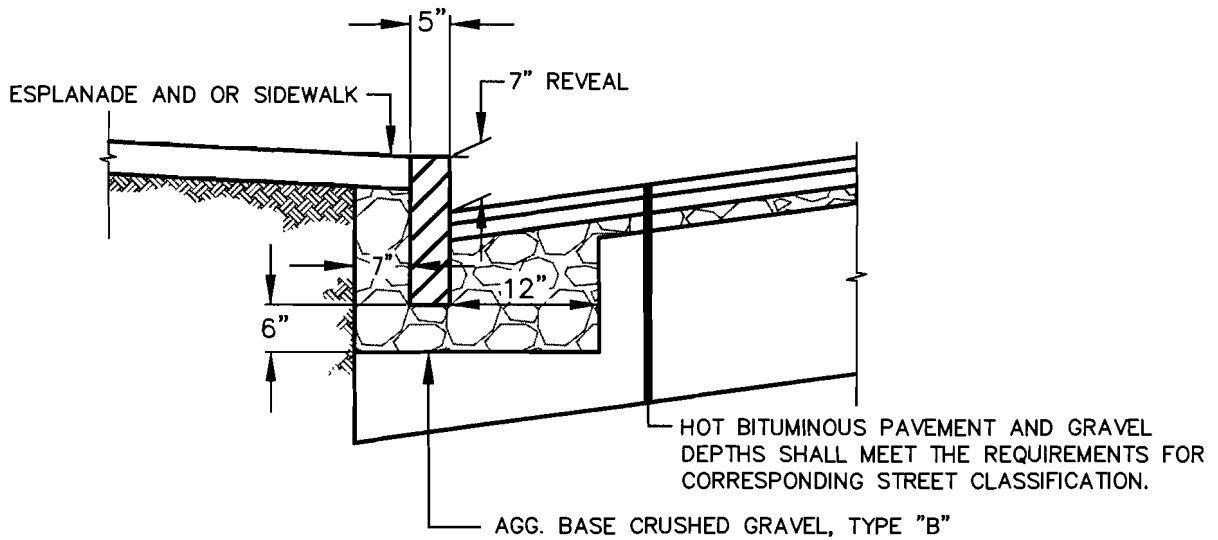
**I-15**



TERMINAL CURB PROFILE



VERTICAL GRANITE CURB PLAN VIEW



VERTICAL GRANITE CURB CROSS SECTION

**VERTICAL GRANITE CURB**  
**FULL DEPTH STREET CONSTRUCTION**

NOT TO SCALE

DATE:  
AUGUST 2009  
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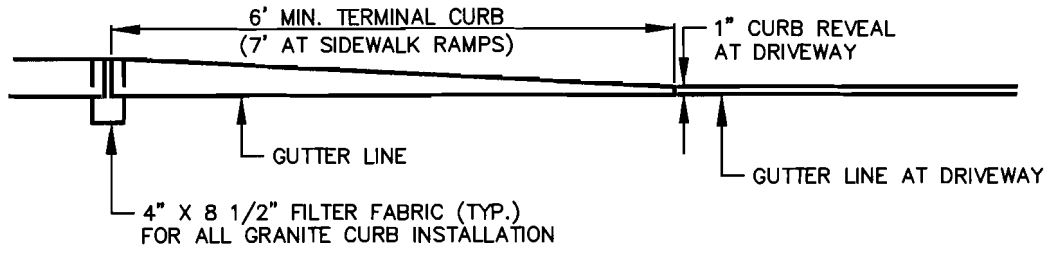
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**TRANSPORTATION SYSTEMS  
 AND STREET DESIGN**  
 SECTION I

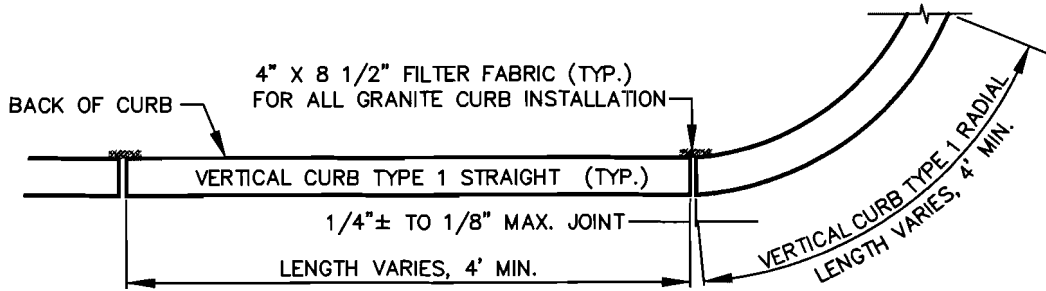
FIGURE:

**VERTICAL GRANITE CURB**  
**FULL DEPTH STREET CONSTRUCTION**

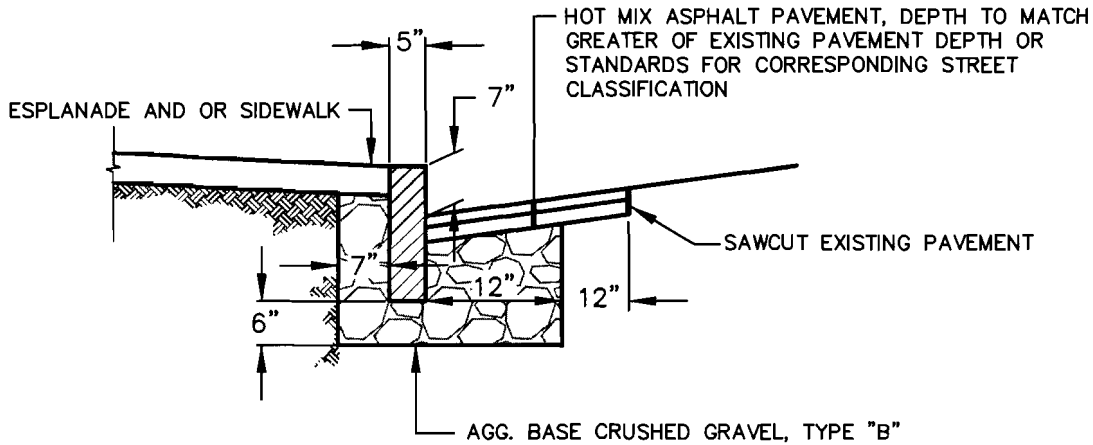
**I-16**  
49



TERMINAL CURB PROFILE



VERTICAL GRANITE CURB PLAN VIEW



VERTICAL GRANITE CURB CROSS SECTION

**VERTICAL GRANITE CURB  
 INSTALLATION IN EXISTING STREETS**

NOT TO SCALE

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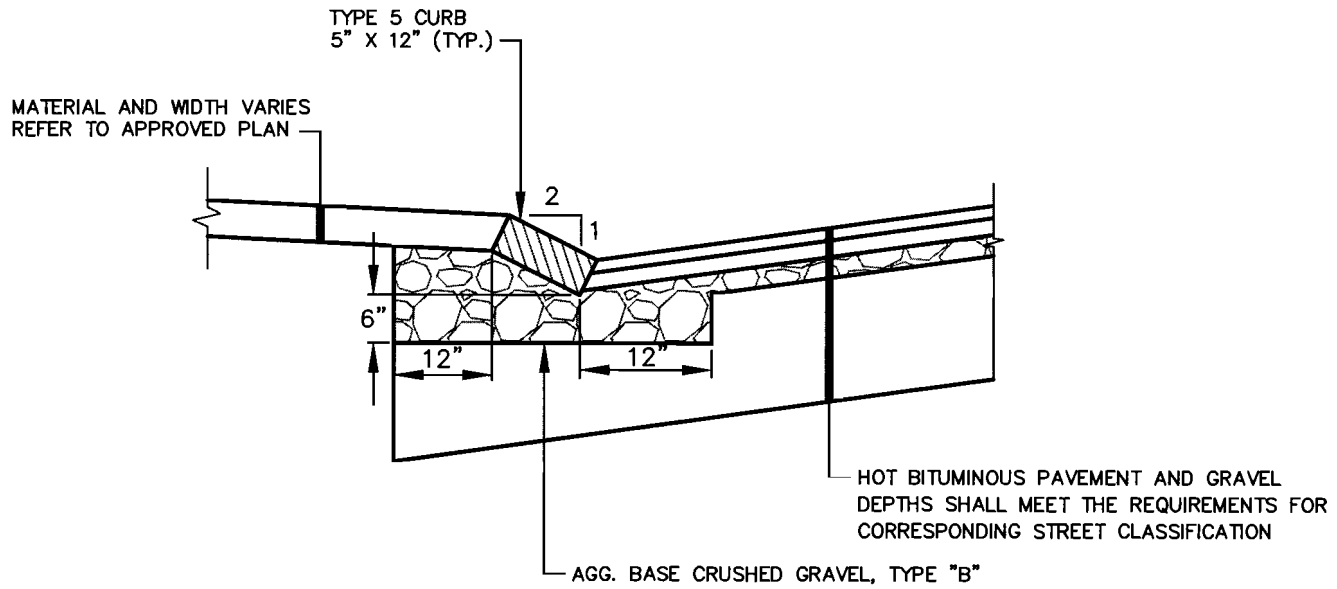
TRANSPORTATION SYSTEMS  
 AND STREET DESIGN  
 SECTION I

FIGURE:

**VERTICAL GRANITE CURB  
 INSTALLATION IN EXISTING STREETS**

**I-17**

NOTE:  
INDIVIDUAL PIECES OF CURB SHORTER THAN 4 L.F. ARE  
NOT ALLOWED, WITH THE EXCEPTION OF RADIAL CURB.



**SLOPED GRANITE CURB – FULL DEPTH STREET CONSTRUCTION**

NOT TO SCALE

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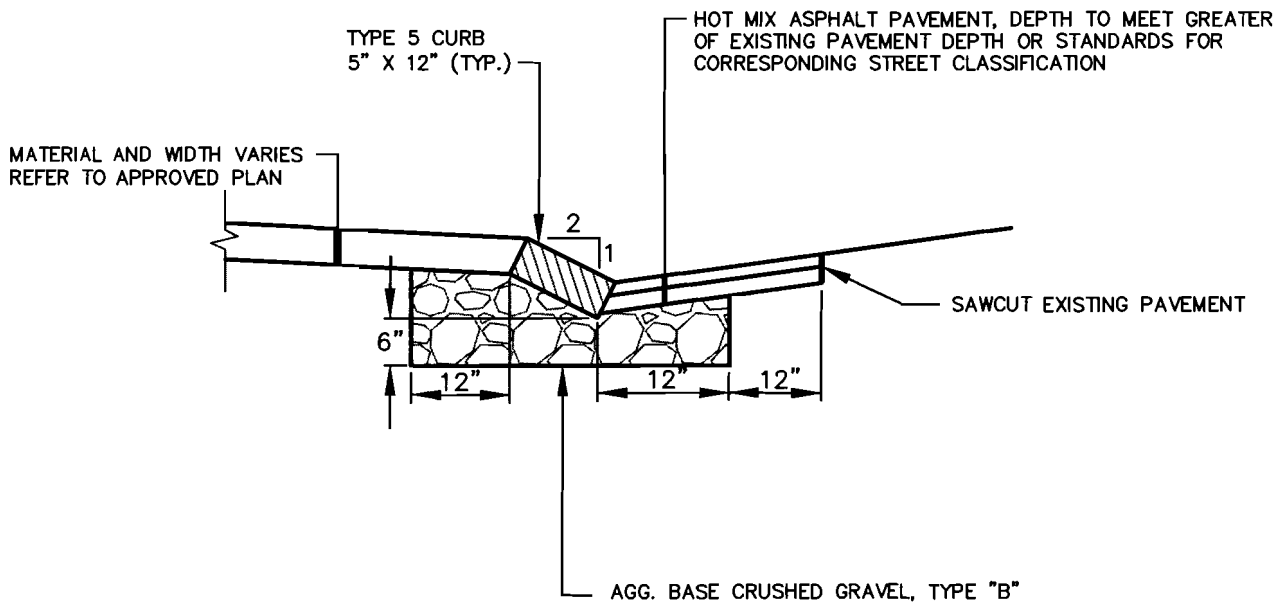
TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION I

FIGURE:

**SLOPED GRANITE CURB  
FULL DEPTH STREET CONSTRUCTION**

**I-18**

NOTE:  
INDIVIDUAL PIECES OF CURB SHORTER THAN 4 L.F. ARE  
NOT ALLOWED, WITH THE EXCEPTION OF RADIAL CURB.



**SLOPED GRANITE CURB – INSTALLATION IN EXISTING STREETS**

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TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION 1

SLOPED GRANITE CURB  
INSTALLATION IN EXISTING STREETS

FIGURE:

I-19

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AND STREET DESIGN  
SECTION 1

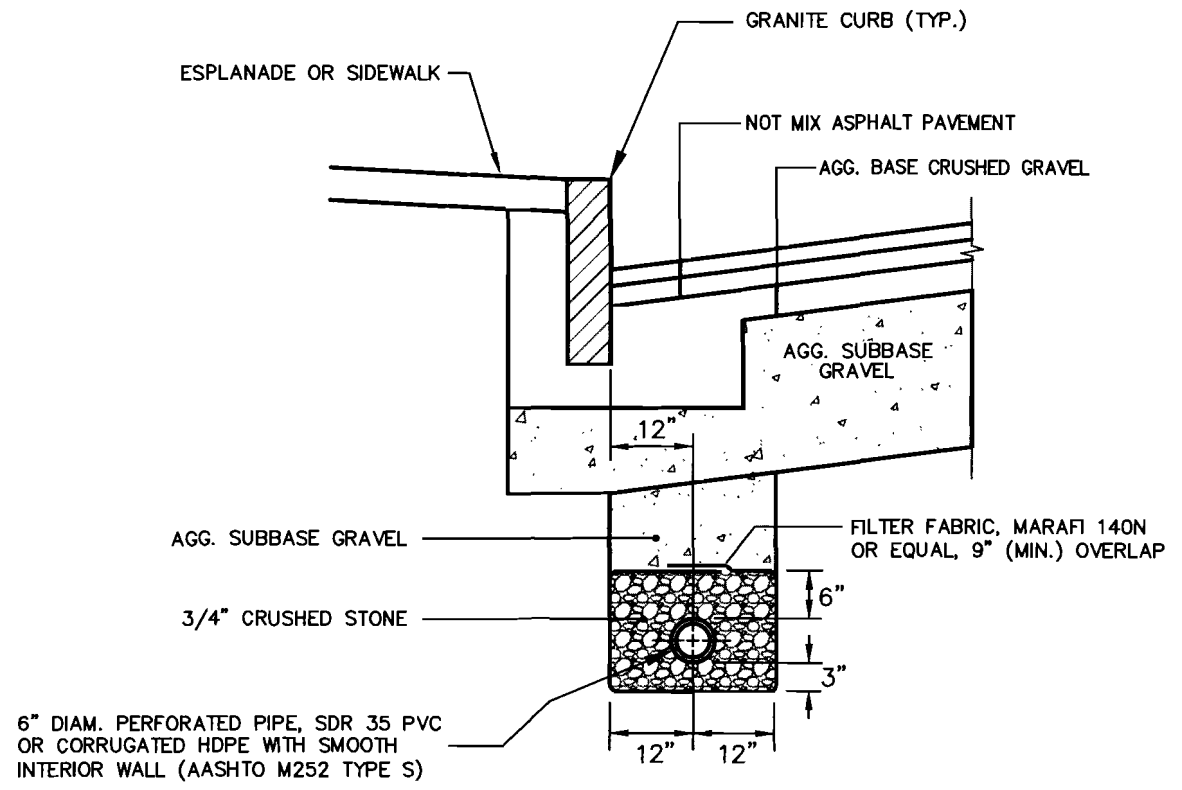
FIGURE:

**UNDERDRAIN INSTALLATION  
ALTERNATIVE A**

**I-20**

**NOTES**

1. UNDERDRAIN PIPE INVERT ELEVATIONS SHALL BE AT LEAST 42 INCHES BELOW GUTTER GRADES.
2. PERFORATIONS IN UNDERDRAIN PIPE SHALL BE ORIENTED DOWN.



**TYPE "B" UNDERDRAIN INSTALLATION DETAIL – ALTERNATIVE "A"**  
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SECTION 1

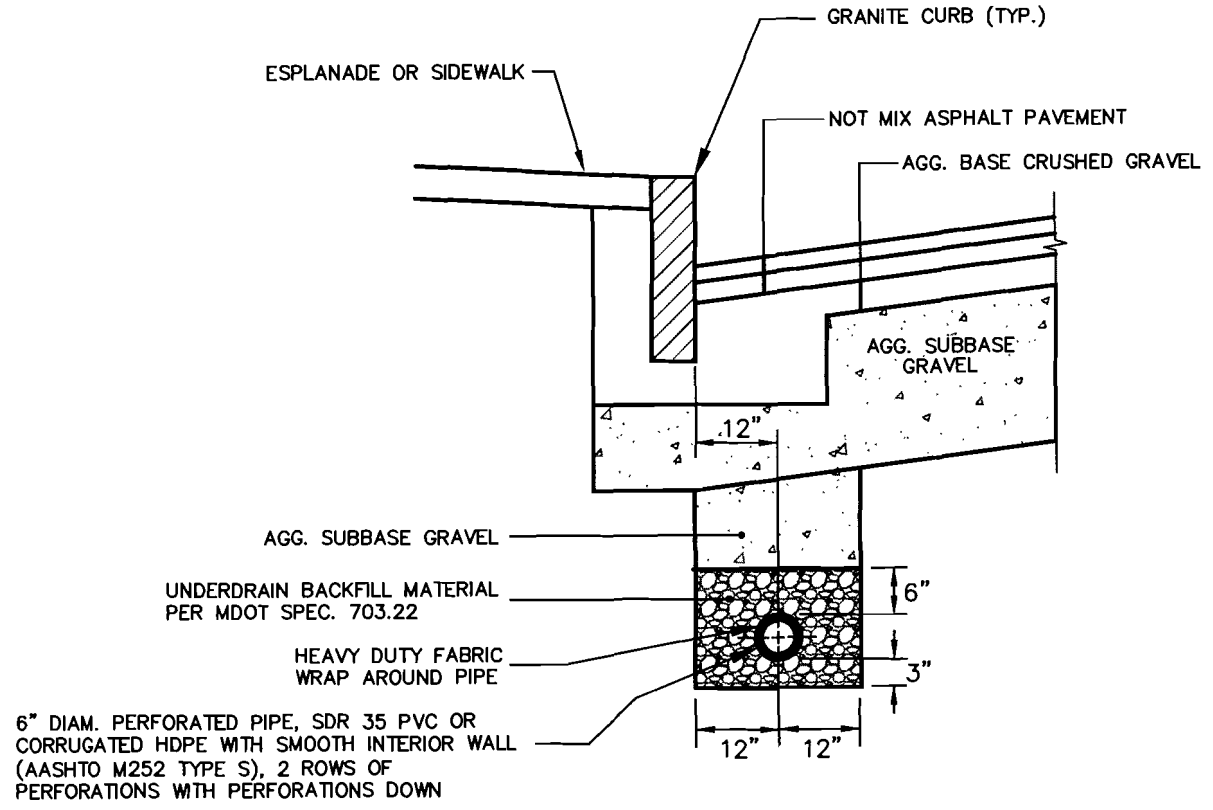
FIGURE:

**UNDERDRAIN INSTALLATION  
ALTERNATIVE B**

**I-21**

NOTES

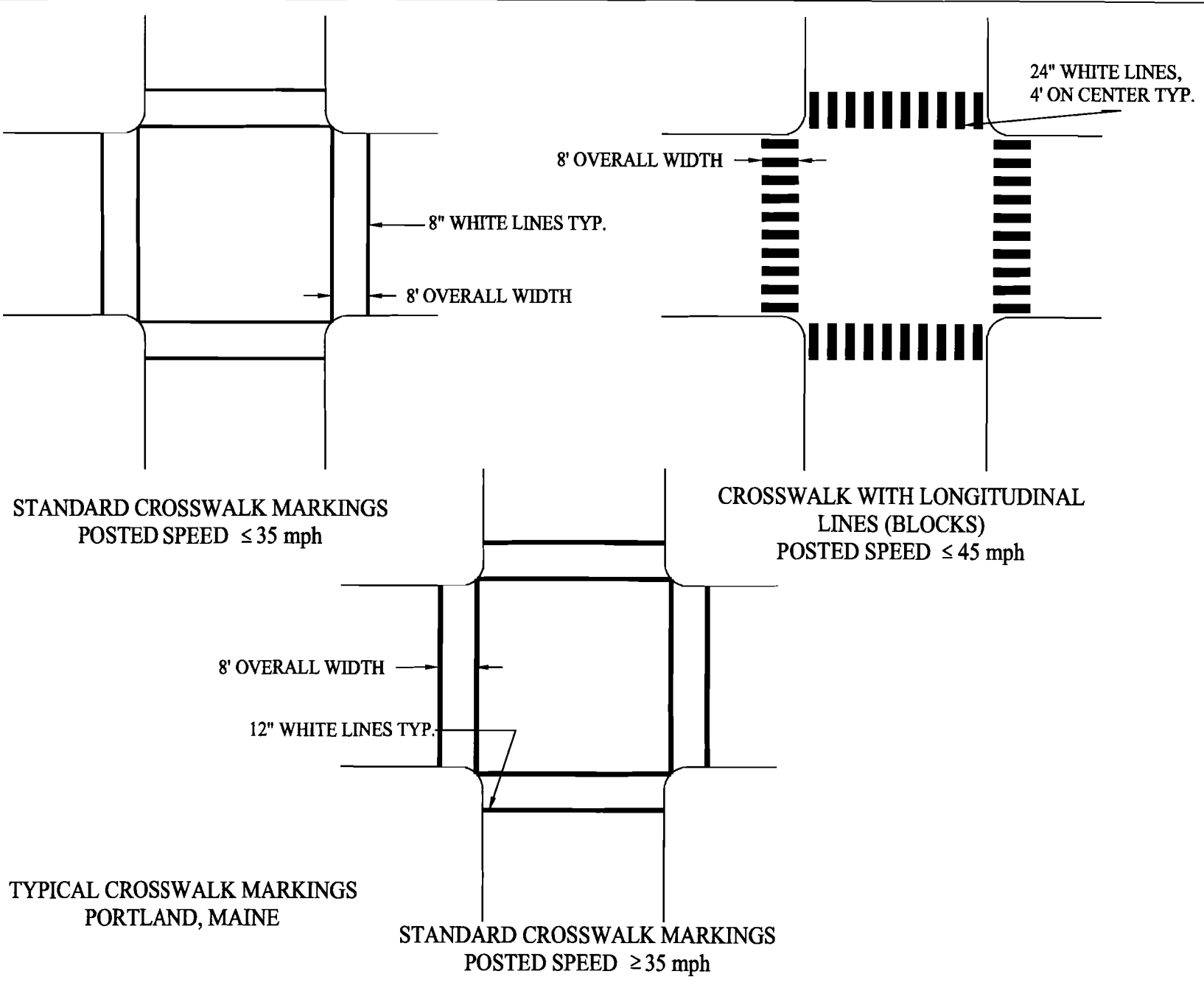
1. UNDERDRAIN PIPE INVERT ELEVATIONS SHALL BE AT LEAST 42 INCHES BELOW GUTTER GRADES.
2. PERFORATIONS IN UNDERDRAIN PIPE SHALL BE ORIENTED DOWN. THE PIPE SHALL BE FURNISHED WITH A HEAVY DUTY FABRIC WRAP, SUCH AS "FILTER SOCK" BY ADS.



**UNDERDRAIN INSTALLATION - ALTERNATIVE "B"**

NOT TO SCALE





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AND STREET DESIGN  
SECTION I

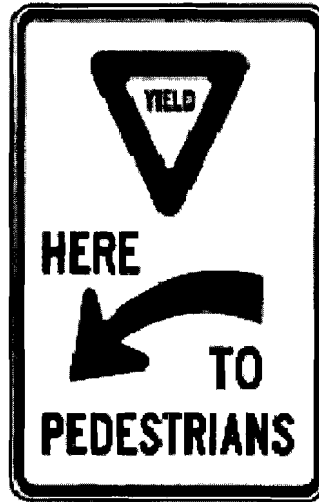
FIGURE:

TYPICAL CROSSWALK MARKINGS

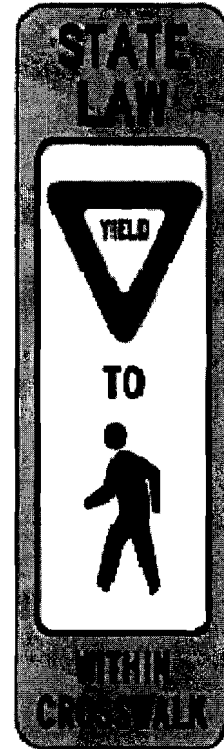
I-22  
55



R1-5



R1-5a



R1-6

## Unsignalized Pedestrian Crosswalk Signage

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TRANSPORTATION SYSTEMS  
 AND STREET DESIGN  
 SECTION I

FIGURE:

**UNSIGNALIZED PEDESTRIAN CROSSWALK SIGNAGE**

**I-23**

**School Advance  
Warning Assembly**



S1-1



W16-9p

OR



W16-2a

OR



W16-2

**School Crosswalk  
Warning Assembly**



S1-1



W16-7p



W11-2

PEDESTRIAN CROSSING  
SIGN

SCHOOL AREA CROSSING  
SIGNS

**Typical Crosswalk Signage**

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**TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION I**

FIGURE:

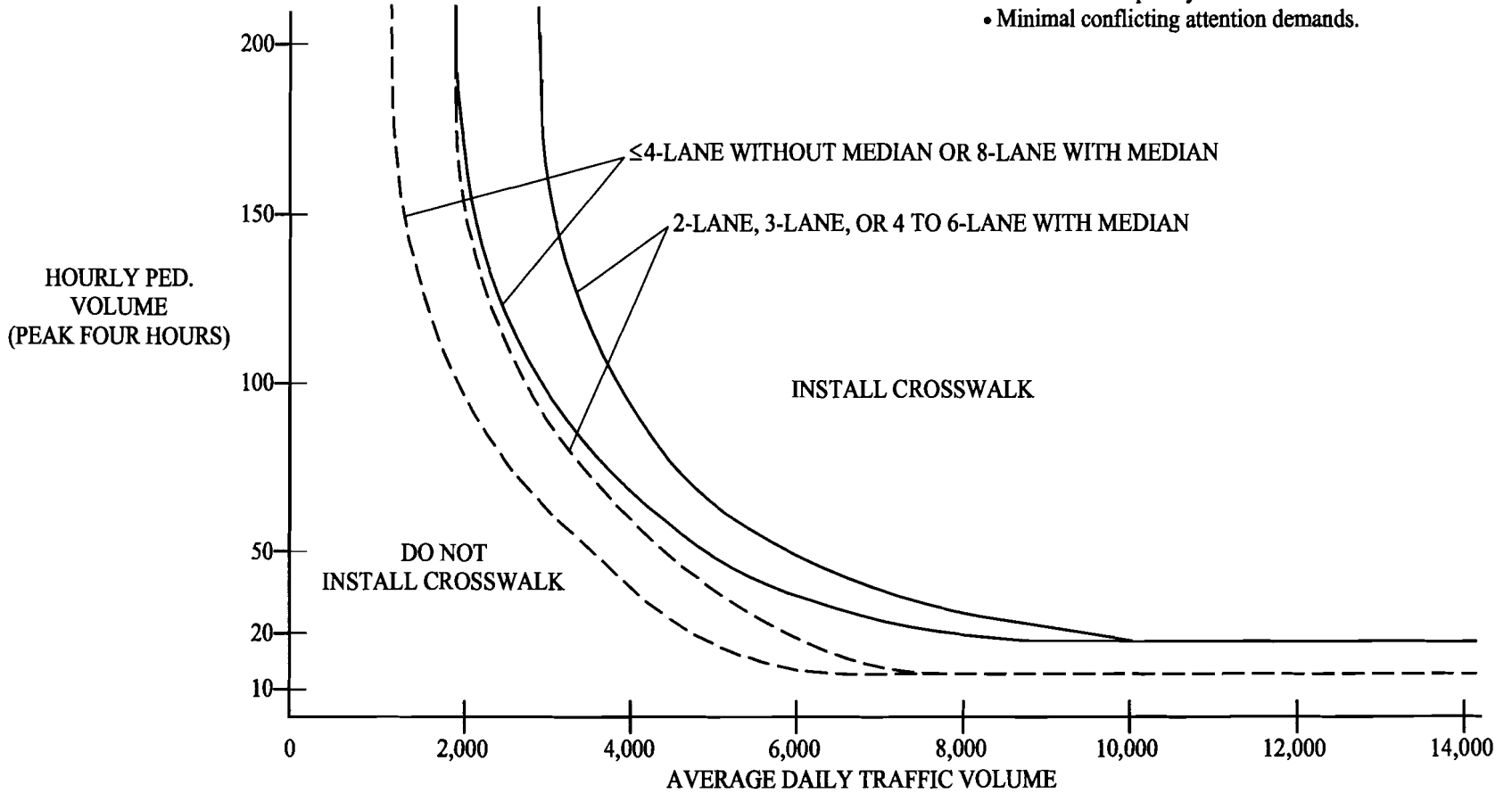
**TYPICAL CROSSWALK SIGNAGE**

**I-24**

**BASIC CRITERIA**

- Speed limit ≤45 mi/h.
- Adequate stopping sight distance.
- For midblock, preferred block length ≥600'.
- Crosswalk adequately illuminated.
- Minimal conflicting attention demands.

--- = Locations with predominately young, elderly or handicapped pedestrians.  
 — = Other locations



1. If using only the peak hour, threshold must be increased by 1.5.
2. For streets with median, use one-way (directional) ADT volume.

GUIDELINES FOR CROSSWALK INSTALLATION AT UNCONTROLLED INTERSECTIONS AND MID-BLOCK CROSSINGS.

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TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION 1

FIGURE:

GUIDELINES FOR CROSSWALK INSTALLATION AT  
UNCONTROLLED INTERSECTIONS AND  
MID-BLOCK CROSSINGS

I-25<sub>58</sub>

FEDERAL STREET CLASSIFICATION

XX Other Principal Arterial - Federal & Expressway

Principal Arterial - Interstate

Other Principal Arterial

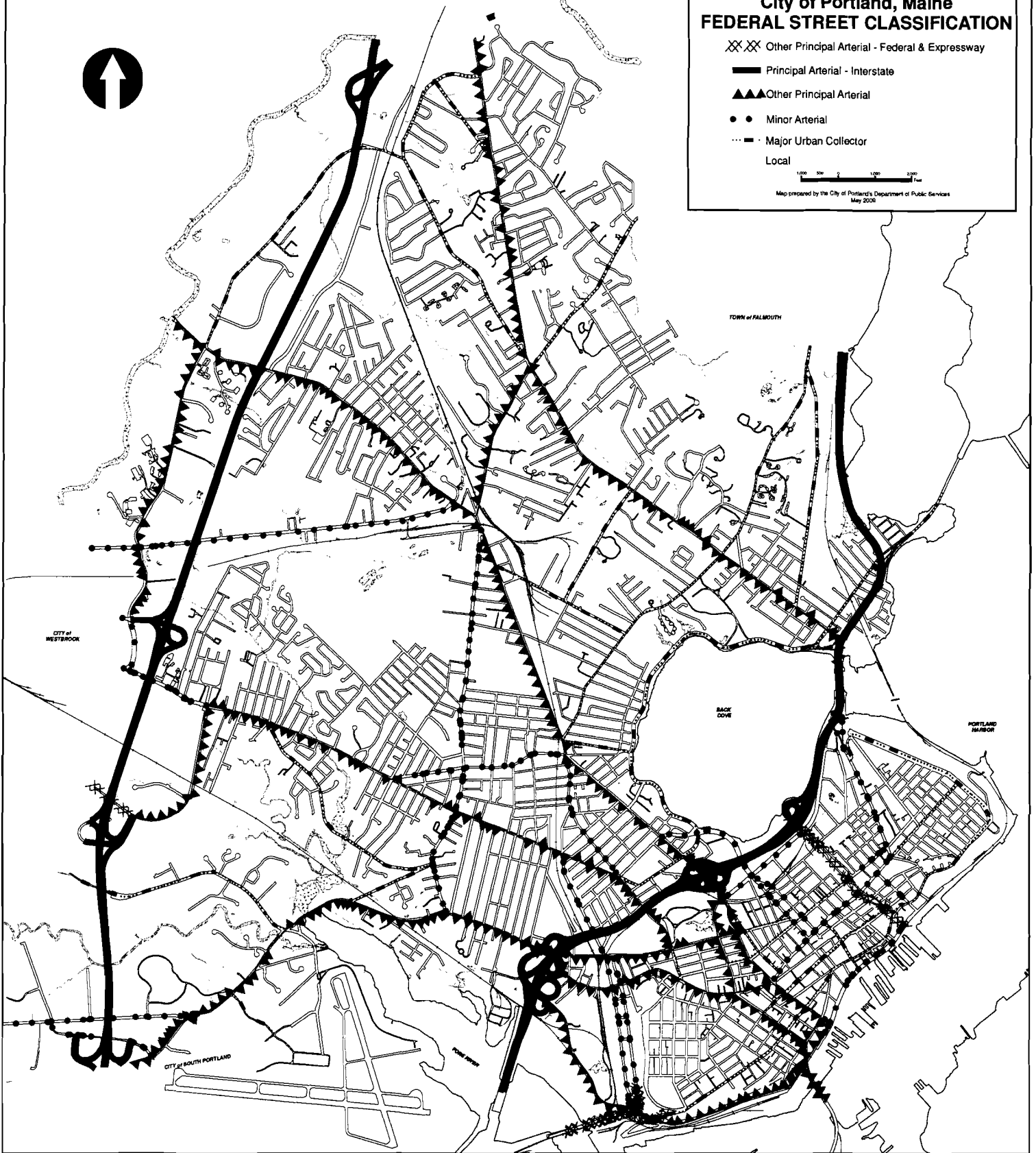
Minor Arterial

Major Urban Collector

Local



Map prepared by the City of Portland's Department of Public Services May 2008



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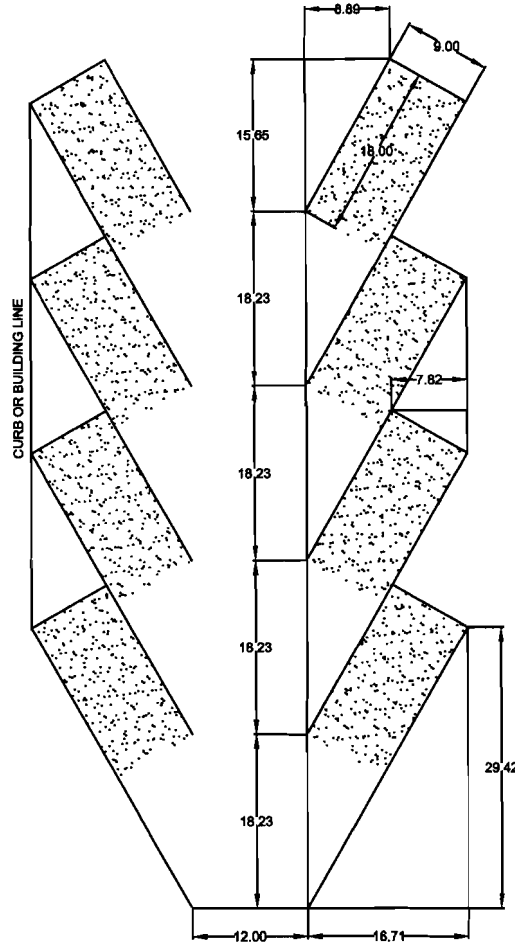
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AND STREET DESIGN  
SECTION I

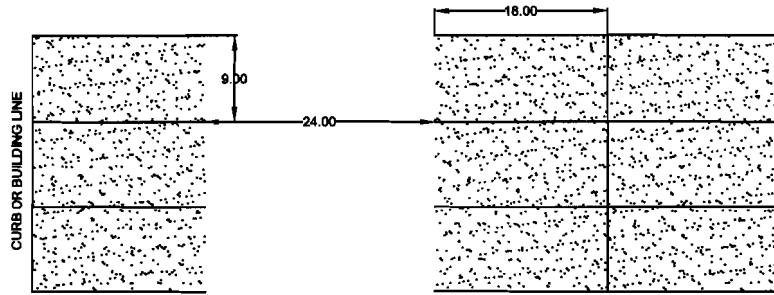
FIGURE:

FEDERAL STREET CLASSIFICATION

I-26



30° PARKING @ 9' x 18'



90° PARKING @ 9' x 18'

# STANDARD PARKING SPACES

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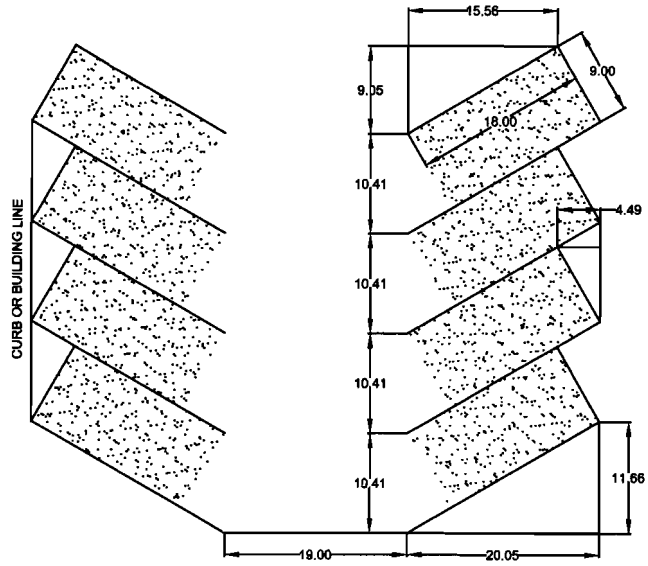
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 AND STREET DESIGN  
 SECTION I

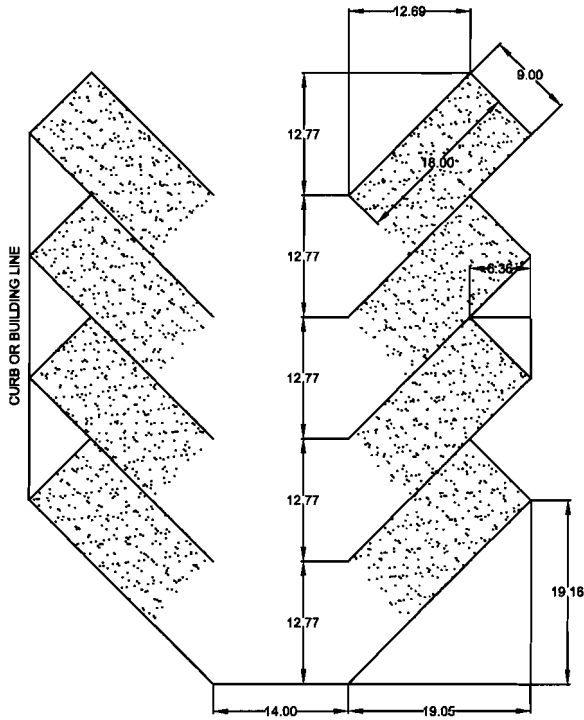
FIGURE:

**STANDARD PARKING SPACES**

**I-27**  
 60



60° PARKING @ 9' x 18'



45° PARKING @ 9' x 18'

# STANDARD PARKING SPACES

DATE:  
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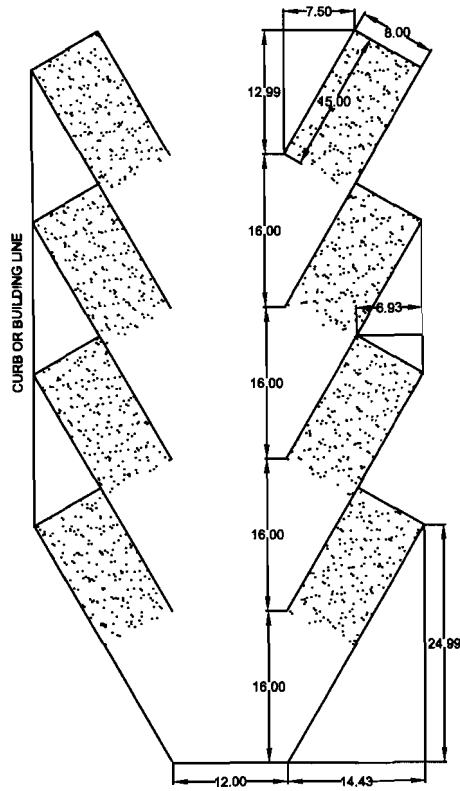
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TRANSPORTATION SYSTEMS  
 AND STREET DESIGN  
 SECTION I

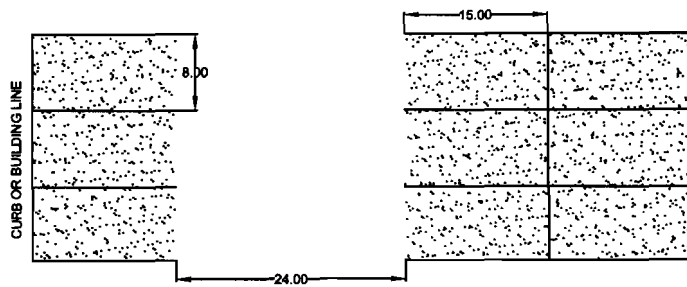
FIGURE:

**STANDARD PARKING SPACES**

**I-28**  
61



30° PARKING @ 8' x 15'



90° PARKING @ 8' x 15'

# COMPACT PARKING SPACES

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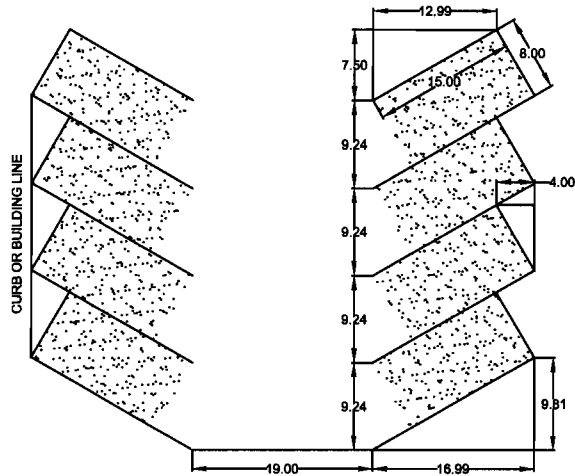
TRANSPORTATION SYSTEMS  
 AND STREET DESIGN  
 SECTION I

FIGURE:

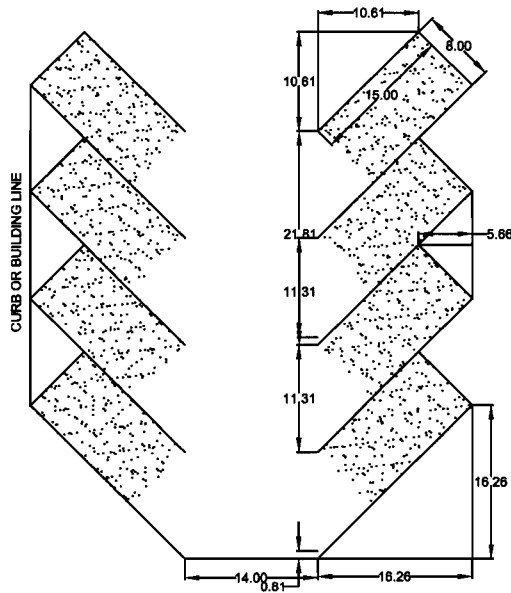
**COMPACT PARKING SPACES**

**I-29**  
 62





60° PARKING @ 8' x 15'



45° PARKING @ 8' x 15'

## COMPACT PARKING SPACES

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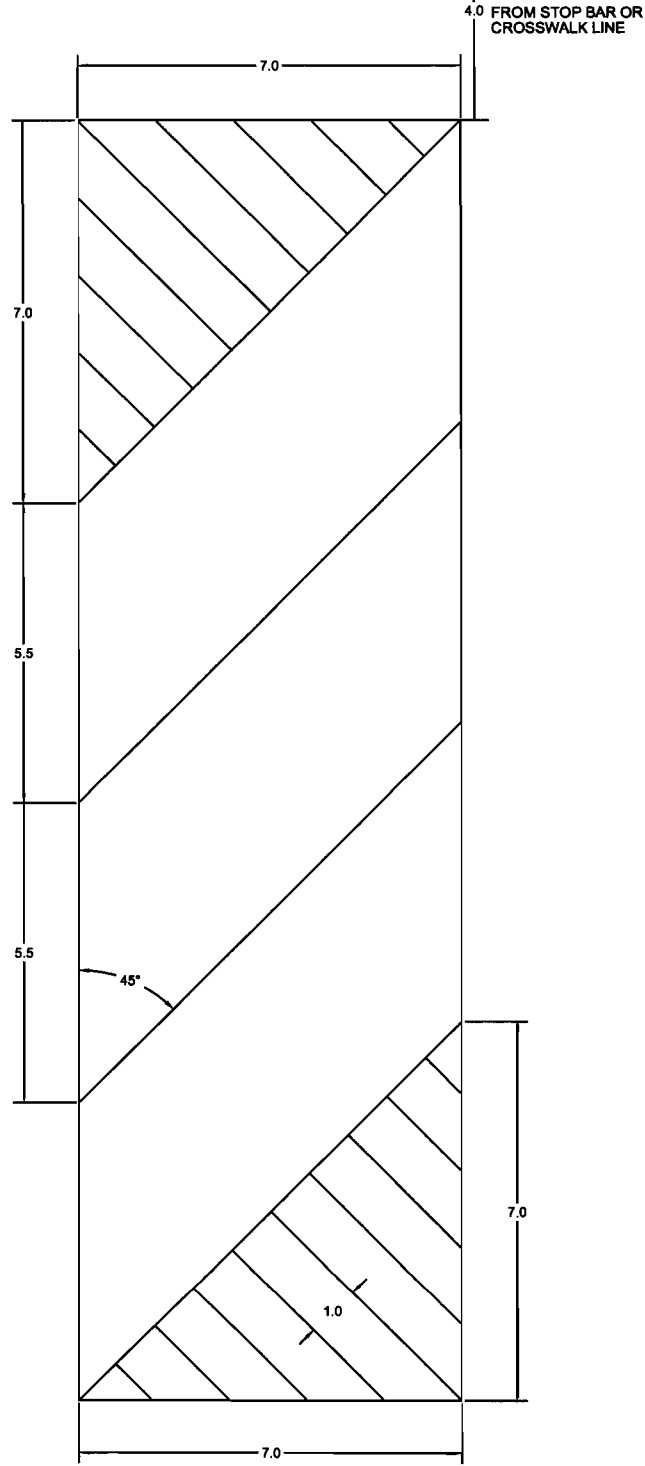
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TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION I

FIGURE:

**COMPACT PARKING SPACES**

**I-30**  
63



**MOTORCYCLE PARKING**

\*ALL PAVEMENT MARKINGS SHALL BE 4 INCH WIDE WHITE LINES.

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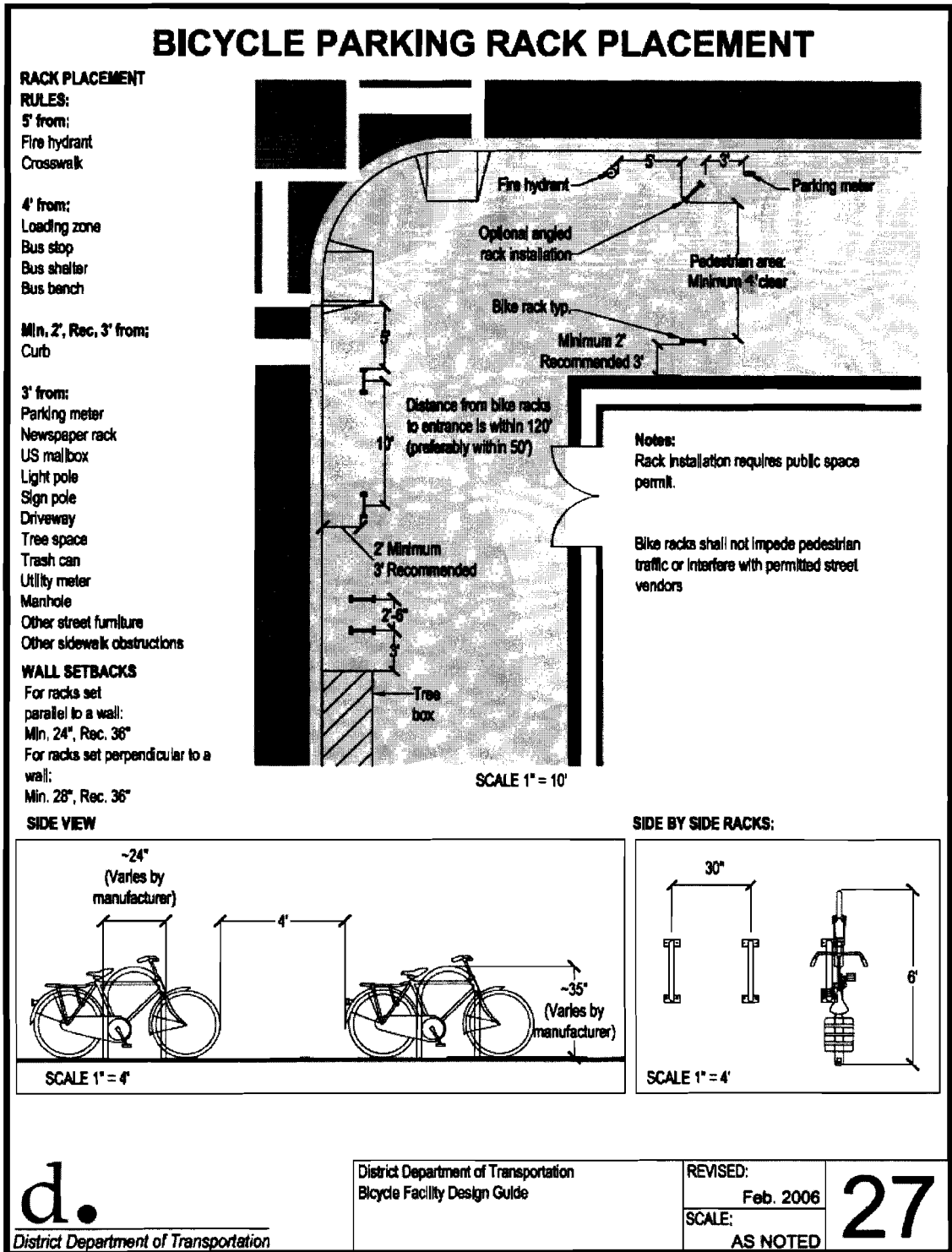
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**TRANSPORTATION SYSTEMS  
AND STREET DESIGN**  
SECTION I

FIGURE:

**MOTORCYCLE PARKING**

**I-31**



DATE:  
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TRANSPORTATION SYSTEMS  
 AND STREET DESIGN  
 SECTION I

FIGURE:

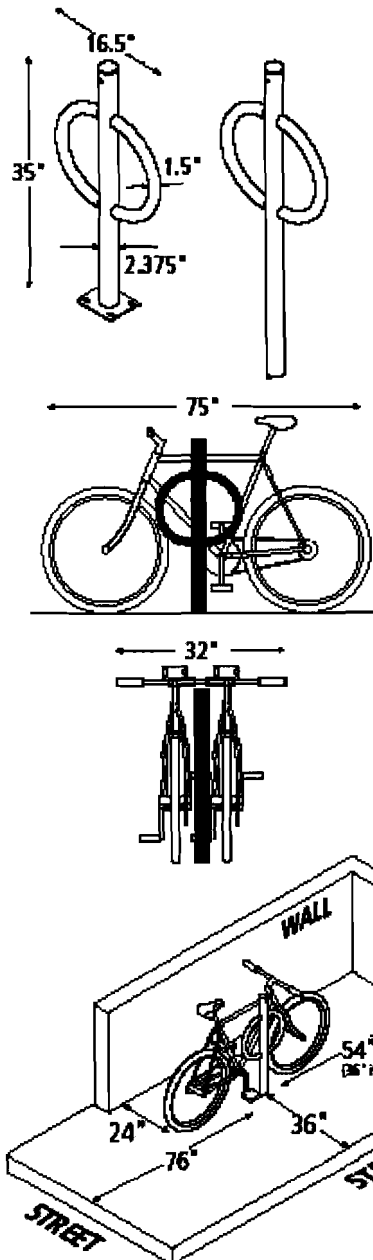
**BICYCLE PARKING RACK PLACEMENT GUIDELINES**

I-32

65

**BIKE HITCH**

**Specifications and Space Use**



**Product**  
 Dero Bike Hitch  
 As manufactured by Dero Bike Racks

**Capacity**  
 2 Bikes

**Materials**  
 Centerbeam: 2" schedule 40 pipe (2.375" OD)  
 Ring: 1.5" OD 11 gauge tube

**Finishes**  
 An after fabrication hot dipped galvanized finish is standard. 250TGIC powder coat colors, a thermoplastic coating and a stainless steel option are also available.

Our powder coat finish assures a high level of adhesion and durability by following these steps:

1. Sandblast
2. Iron phosphate pretreatment
3. Epoxy primer electrostatically applied
4. Final thick TGIC polyester powder coat

**Stainless Steel:** 304 grade stainless steel material finished in either a high polished shine or a satin finish.

A rubbery PVC Dip is also available

**Installation Methods**  
 In-ground mount is embedded into concrete base. Surface mount has one 5" x 6" foot which is anchored to the ground with four anchors (included with rack).

**Space Use and Setbacks**  
**Wall Setbacks:**  
 For racks set parallel to a wall:  
 Minimum: 12"  
 Recommended: 24"

For racks set perpendicular to a wall:  
 Minimum: 35" (centerline measurement)  
 Recommended: 38" (54" if aisle is needed between bike and wall)

**Distance Between Racks:**  
 Minimum: 24"  
 Recommended: 38"

**Street Setbacks:**  
 Minimum: 35"



[www.dero.com](http://www.dero.com) 1-800-290-4916

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 AND STREET DESIGN  
 SECTION I

FIGURE:

**BICYCLE RACK SPECIFICATION - BIKE HITCH**

**I-33a**

 **BIKE HITCH**

**Installation Instructions - Surface Mount**

**Tools Needed for Installation**

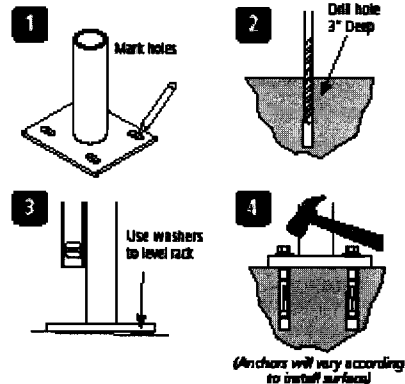
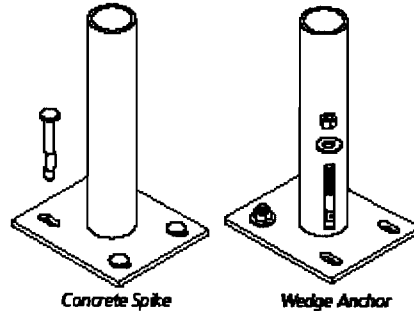
- Tape Measure
- Marker or Pencil
- Masonry Drill Bit
- Drill (Hammer drill recommended)
- Hammer
- Wrench 9"16"
- Level
- Washers (for leveling if necessary)

**Recommended Base Materials:**

Solid concrete is the best base material for installation. Ask your Dero Rack representative which anchor is appropriate for your application to ensure the proper anchors are shipped with your rack. Be sure nothing is underneath the base material that could be damaged by drilling.

**Installation:**

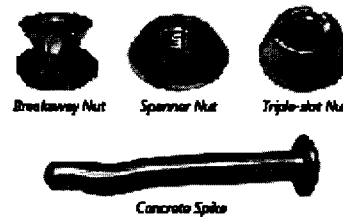
3/8" anchors are shipped with the rack. Place the rack in the desired location. Use a marker or pencil to outline the holes of the flange onto the base material. Drill the holes in accordance with the specifications shipped with the anchors. Make sure the holes are at least 6" away from any cracks in the base material.




**Tamper Resistant Fasteners**



The concrete spike is a permanent anchor. The top of the wedge anchor can also be pounded sideways after installation so that it cannot be removed. Other tamper resistant fasteners are also available for purchase.

When using the special tamper resistant nuts, always set and first tighten the anchors. Once the rack is installed, replace two nuts from the bracket (opposite sides from each other) with the tamper resistant fastener. DO NOT OVERTIGHTEN the tamper resistant nut.



 If you have any questions about installation or other features of the Bike Rack, please call us toll free at 1-800-298-4915



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 TECHNICAL STANDARDS MANUAL

TRANSPORTATION SYSTEMS  
 AND STREET DESIGN  
 SECTION I

FIGURE:

**BICYCLE RACK SPECIFICATION - BIKE HITCH**

**I-33b**  
 67

**BIKE HITCH**

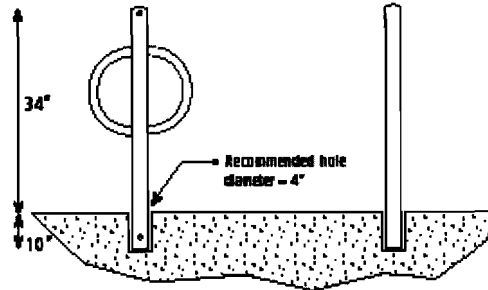
**In-ground Installation Instructions**

**Tools needed for installation**

- |                   |  |
|-------------------|--|
| Level             | Hole coring machine with 4" bit                                |
| Cement mixing tub | Access to water hose   |
| Shovel            | Materials to build brace (see "Install Tip" at bottom of page) |
| Trowel            |  |

**Installing into Existing Sidewalk**

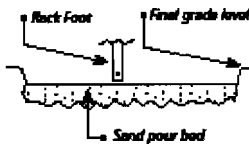
Core holes no less than 3" diameter (4" recommended) and no less than 6" deep into sidewalk. Place Bike Hitch into hole making sure the rack is level. Fill hole with Por-Rok or epoxy grout. 34-36" of the Bike Hitch should remain above the surface. Make sure Hitch is level and held in place until the grout has completely set.



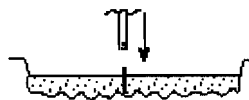
**Installing into a New Sidewalk**

**Stake Method:**

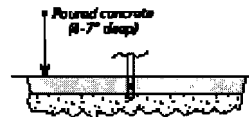
**1** Use rack to measure exact location in pour bed.



**2** Pound stake into pour bed where end of rack will sit. Slide rack end onto stake. You may need to dig the end of the rack into the sand to make sure the rack sits at least 35" above final grade level. The stake keeps the rack straight while the concrete is being poured.

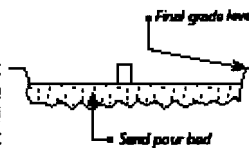


**3** Make sure the rack is level and true. Pour concrete around the rack. Make sure the rack is not touched until the concrete has completely set.

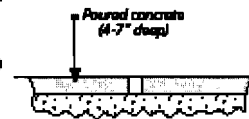


**Sleeve Method:**

**1** Place corrosion resistant sleeve (min. 3" inside diameter) in sand pour bed in exact location where rack will be installed. Make sure top of sleeve is at same level as desired finished concrete surface. Fill sleeve with sand to keep it in place and prevent it from filling with concrete.



**2** Pour concrete and allow to cure.

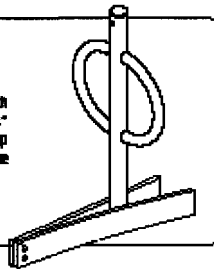


**3** After appropriate cure time, dig out sand from sleeves and insert racks, making sure they are level and at the appropriate height. Pour in Por-Rok or epoxy grout and allow to set.

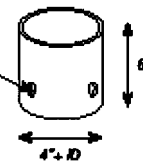


**INSTALL TIP**

An easy way to brace the Bike Hitch while the grout sets is to bolt two 1x4" boards together at one end and clamp them onto the legs of the Bike Hitch like a clothes pin.



Note: Sleeve should have profile to keep it from coming loose from hardened concrete.



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CITY OF PORTLAND, MAINE  
TECHNICAL STANDARDS MANUAL

TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION I

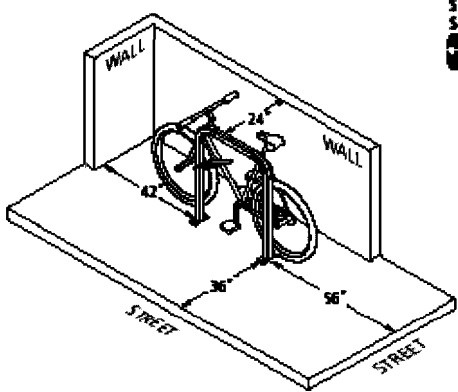
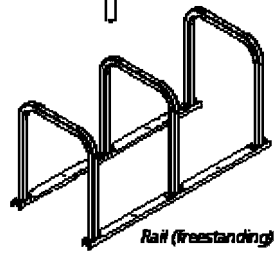
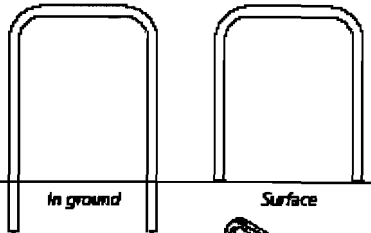
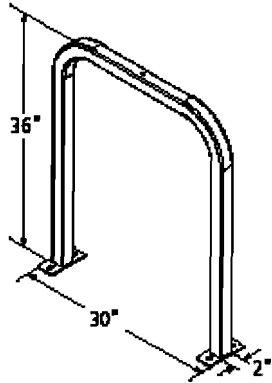
FIGURE:

**BICYCLE RACK SPECIFICATION - BIKE HITCH**

**I-33C**  
68

**DOWNTOWN RACK**

**Specifications and Space Use**



**Product** Dero Downtown Rack  
 As manufactured by Dero Bike Racks

**Capacity** 2 Bikes

**Materials** 2" x 2" x 3/16" tube



**Finishes** An after fabrication hot dipped galvanized finish is standard. 250 TGIC powder coat colors, a thermoplastic coating and a stainless steel option are also available.



Our powder coat finish assures a high level of adhesion and durability by following these steps:  
 1. Sandblast  
 2. Iron phosphate pretreatment  
 3. Epoxy primer electrostatically applied  
 4. Final thick TGIC polyester powder coat

Stainless Steel: 304 grade stainless steel material finished in either a high polished shine or a satin finish.

A rubbery PVC Dip is also available

**Installation Methods**



**In ground mount** is embedded into concrete base. Specify in ground mount for this option.  
**Foot Mount** has two 2.5"x6"x.25" feet with two anchors per foot. Specify foot mount for this option.  
**Rail Mounted Downtown Racks** are bolted to two parallel rails which can be left freestanding or anchored to the ground. Rails are heavy duty 3"x1.4"x3/16" thick galvanized mounting rails. Specify rail mount for this option.

**Space Use and Setbacks**



**Wall Setbacks:**  
 For racks set parallel to a wall:  
 Minimum: 24"  
 Recommended: 36"  
**For racks set perpendicular to a wall:**  
 Minimum: 28"  
 Recommended: 42"  
**Distance Between Racks:**  
 Minimum: 24"  
 Recommended: 36"  
**Street Setbacks:**  
 Minimum: 24"  
 Recommended: 36"



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 TECHNICAL STANDARDS MANUAL

TRANSPORTATION SYSTEMS  
 AND STREET DESIGN  
 SECTION I

FIGURE:

**BICYCLE RACK SPECIFICATION - DOWNTOWN RACK**

**I-34a**  
 69

**DOWNTOWN RACK**

**Installation Instructions - Surface Mount**

**Tools Needed for Installation**

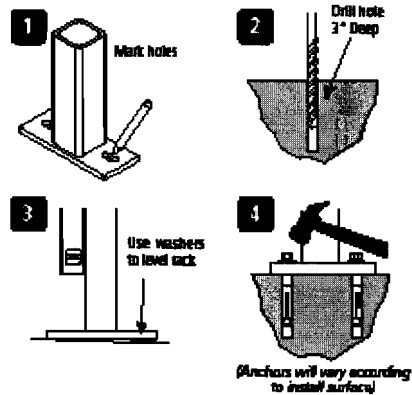
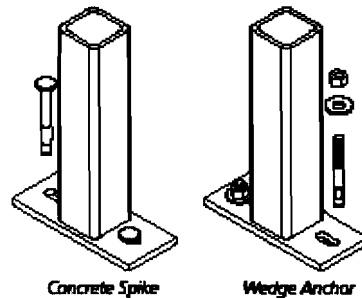
- Tape Measure
- Marker or Pencil
- Masonry Drill Bit
- Drill (Hammer drill recommended)
- Hammer
- Wrench 9/16"
- Level

**Recommended Base Materials:**

Solid concrete is the best base material for installation. To ensure the proper anchors are shipped with your rack, ask your Dero Rack representative which anchor is appropriate for your application. Be sure nothing is underneath the base material that could be damaged by drilling.

**Installation:**

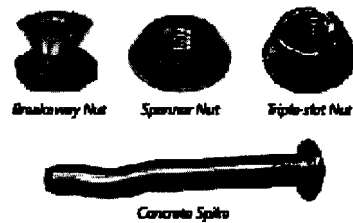
3/8" anchors are shipped with the rack. Place the rack in the desired location. Use a marker or pencil to outline the holes of the flange onto the base material. Drill the holes in accordance with the specifications shipped with the anchors. Make sure the holes are at least 3" away from any cracks in the base material. Use washers to level rack if necessary. Tap in anchors and follow your specific anchor instructions provided with the rack.




**Tamper Resistant Fasteners**



The concrete spike is a permanent anchor. The top of the wedge anchor can also be pounded sideways after installation so that it cannot be removed. Other tamper resistant fasteners are also available for purchase.

When using the special tamper resistant nuts, always set and first tighten the anchors. Once the rack is installed, replace two nuts from the bracket (opposite sides from each other) with the tamper resistant fastener. **DO NOT OVERTIGHTEN** the tamper resistant nut.



 If you have any questions about installation or other features of the Downtown Rack, please call us toll free at 1-800-298-4915



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CITY OF PORTLAND, MAINE  
TECHNICAL STANDARDS MANUAL

TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION I

FIGURE:

**BICYCLE RACK SPECIFICATION - DOWNTOWN RACK**

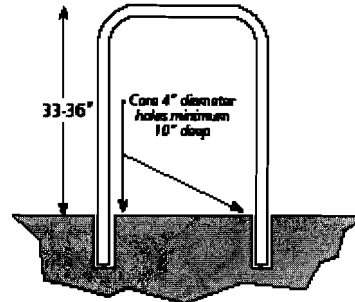
**I-34b**  
70



**DOWNTOWN RACK** Installation Instructions - In Ground Mount

**Tools Needed for Installation**

- |                   |  |
|-------------------|--|
| Level             | Hole coring machine with 4" bit                                |
| Cement mixing tub | Access to water hose   |
| Shovel            | Materials to build brace (see "Install Tip" at bottom of page) |
| Trowel            |  |



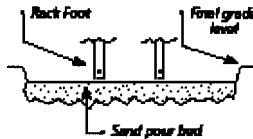
**Installing into Existing Sidewalk**

Core holes no less than 3" diameter (4" recommended) and no less than 6" deep into sidewalk. Fill holes with Por-Rok or epoxy grout. Place Downtown Rack into holes, making sure the rack is level. 33"-36" of the Downtown Rack should remain above the surface. If the Downtown Rack is less than 33" high, it will not support the bike adequately. Make sure the rack is level and held in place until the grout has set.

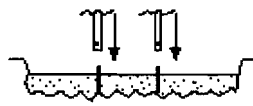
**Installing into a New Sidewalk:**

**Stake Method:**

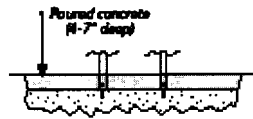
**1** Use rack to measure exact location in pour bed.



**2** Pound stake into pour bed where end of rack will sit. Slide rack end onto stake. You may need to dig the end of the rack into the sand to make sure the rack sits at least 35" above final grade level. The stake keeps the rack straight while the concrete is being poured.

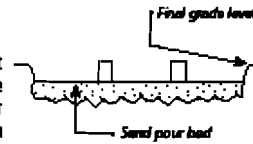


**3** Make sure the rack is level and true. Pour concrete around the rack. Make sure the rack is not touched until the concrete has completely set.

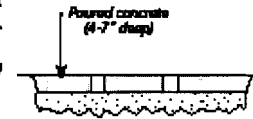


**Sleeve Method:**

**1** Place corrosion resistant sleeve (min. 4" inside diameter) in sand pour bed in exact location where rack will be installed. Make sure top of sleeve is at same level as desired finished concrete surface. Fill sleeve with sand to keep it in place and prevent it from filling with concrete.



**2** Pour concrete and allow to cure.

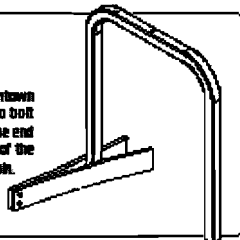


**3** After appropriate cure time, dig out sand from sleeves and insert racks, making sure they are level and at the appropriate height. Pour in Por-Rok or epoxy grout and allow to set.

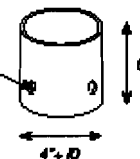


**INSTALL TIP**

An easy way to brace the Downtown Rack while the grout sets is to bolt two 1 in" boards together at one end and clamp them onto the legs of the Downtown Rack like a clothes pin.



Note: Sleeve should have profile to keep it from coming loose from hardened concrete.



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TECHNICAL STANDARDS MANUAL

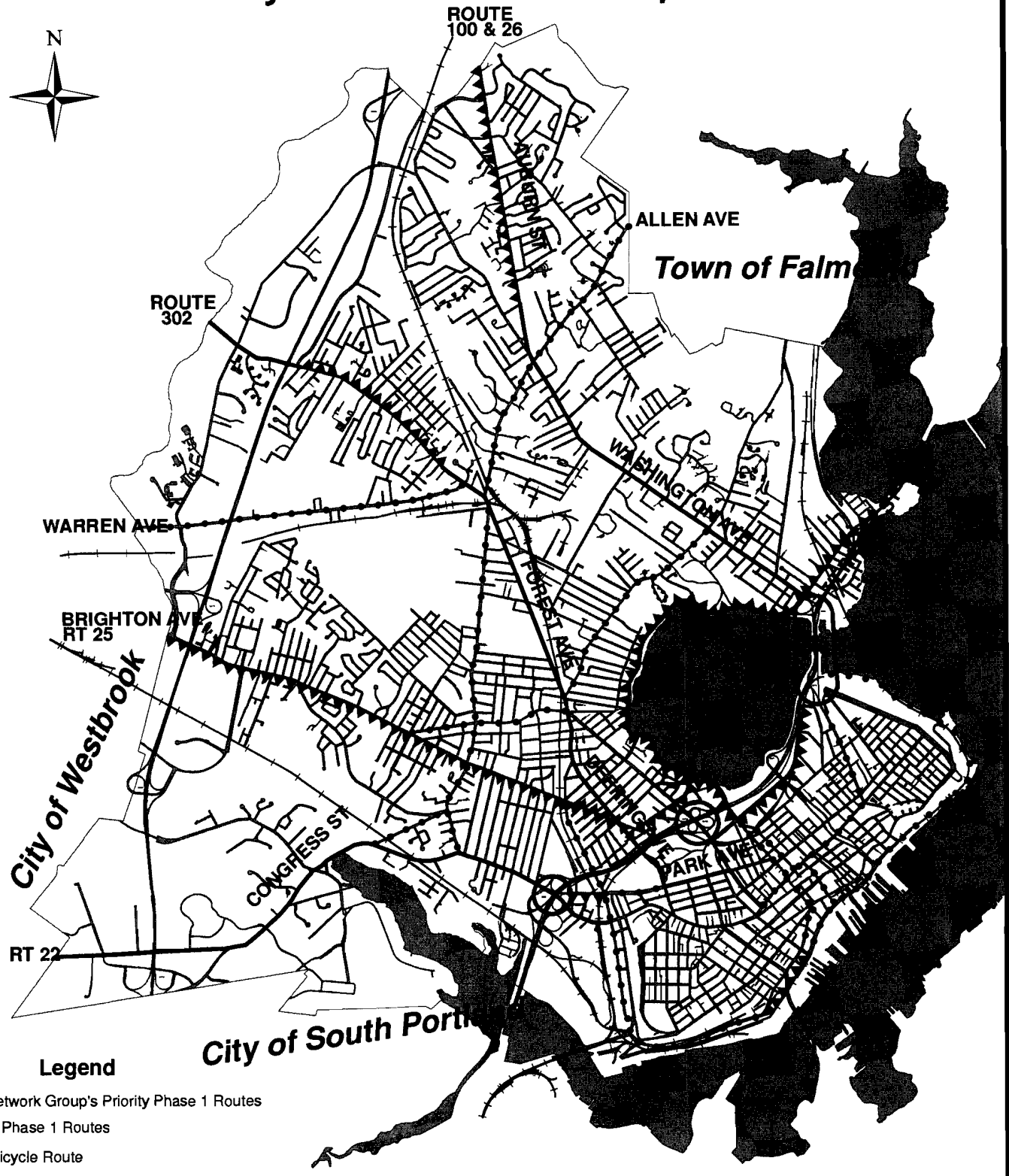
TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION I

FIGURE:

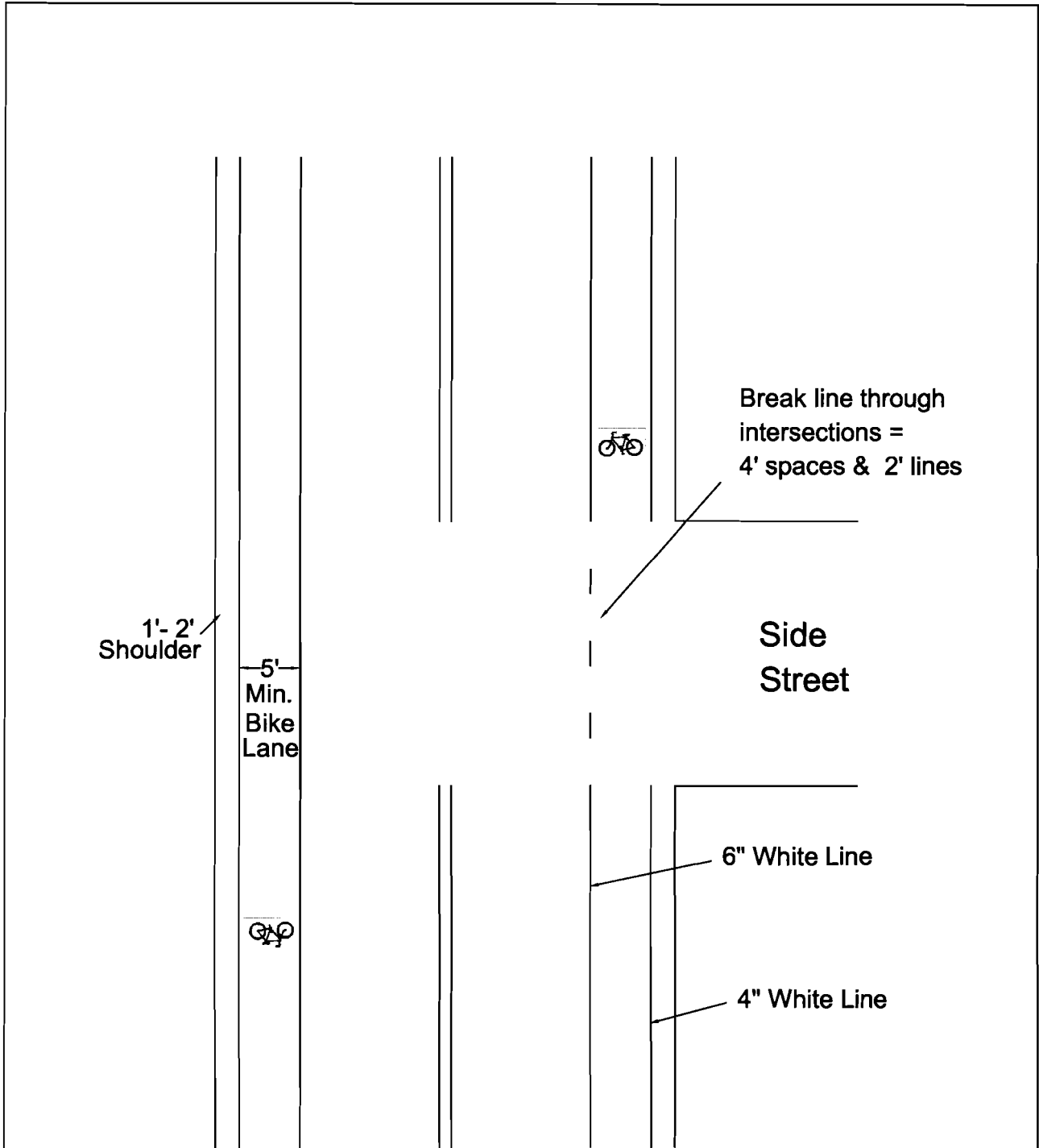
**BICYCLE RACK SPECIFICATION - DOWNTOWN RACK**

**I-34c**  
71

# City of Portland, Maine Bicycle Network Map

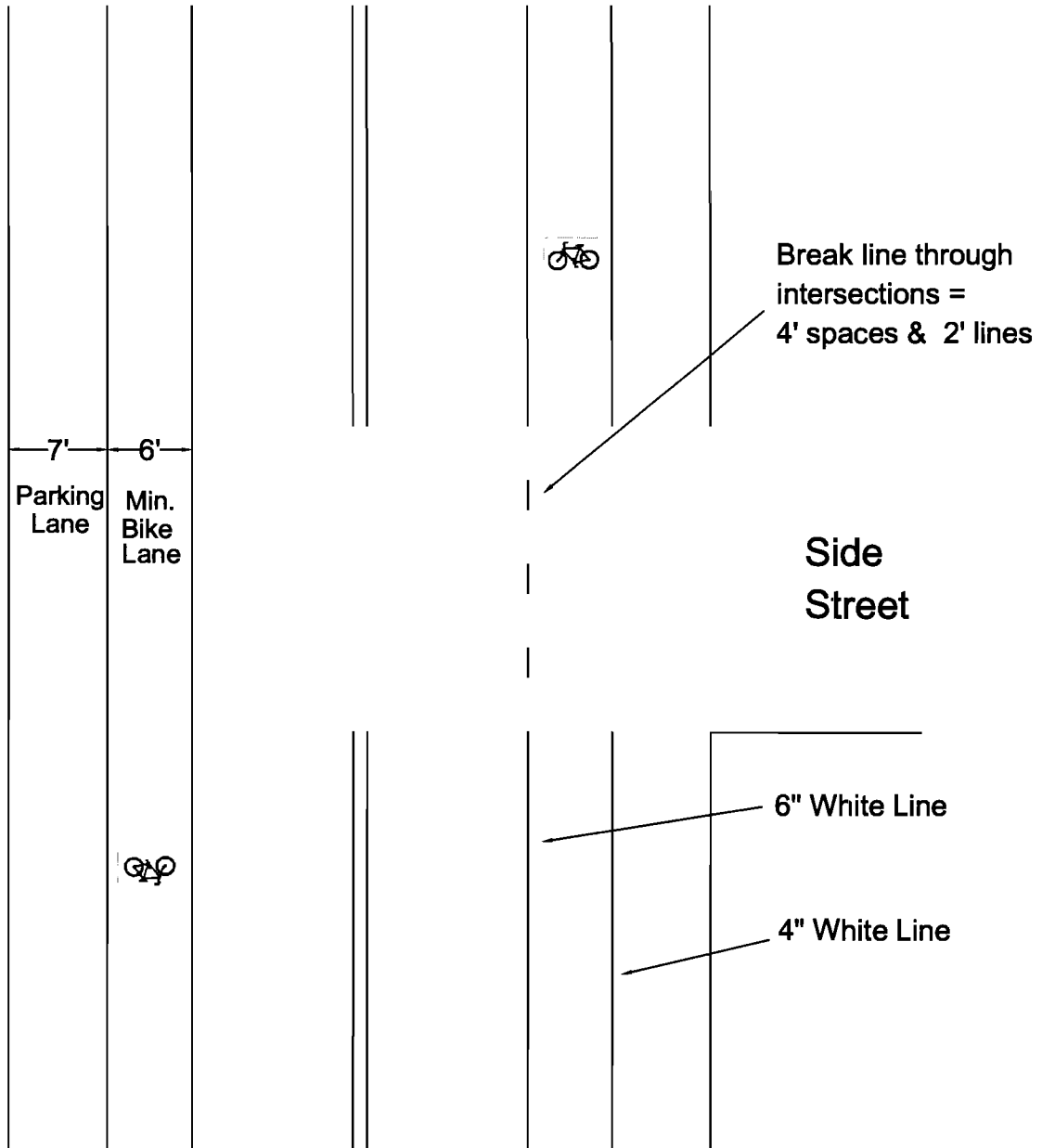


DATE: AUGUST 2009 REVISID:	CITY OF PORTLAND, MAINE TECHNICAL STANDARDS MANUAL	TRANSPORTATION SYSTEMS AND STREET DESIGN SECTION I	FIGURE:
<b>BICYCLE NETWORK MAP</b>			<b>I-35</b>



### City Street w/ Bike Lanes

DATE: AUGUST 2009	CITY OF PORTLAND, MAINE TECHNICAL STANDARDS MANUAL	TRANSPORTATION SYSTEMS AND STREET DESIGN SECTION I	FIGURE:
REVISED:			I-36 73
CITY STREET W/BIKE LANES			



**City Street w/ Parking & Bike Lanes**

DATE:  
AUGUST 2009  
REVISED:

CITY OF PORTLAND, MAINE  
TECHNICAL STANDARDS MANUAL

**TRANSPORTATION SYSTEMS  
AND STREET DESIGN**  
SECTION I

FIGURE:

**CITY STREET W/ PARKING & BIKE LANES**

**I-37**  
74

## TYPICAL BICYCLE LANE PAVEMENT MARKINGS



SHARED USE LANE  
SYMBOL



BICYCLE LANE  
SYMBOL

## TYPICAL BICYCLE ROUTE SIGNAGE



R3-17  
30" x 24"



R3-17  
30" x 24"



R3-17B  
30" x 12"



DATE:  
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REVISED:

CITY OF PORTLAND, MAINE  
TECHNICAL STANDARDS MANUAL

TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION I

FIGURE:

TYPICAL BICYCLE LANE PAVEMENT MARKINGS  
AND BICYCLE ROUTE SIGNAGE

I-38  
75

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CITY OF PORTLAND, MAINE  
TECHNICAL STANDARDS MANUAL

TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION 1

FIGURE:


BUS STOP BOARDING AREA LAYOUT FOR  
SIDEWALK WITH OR WITHOUT ESPLANADE

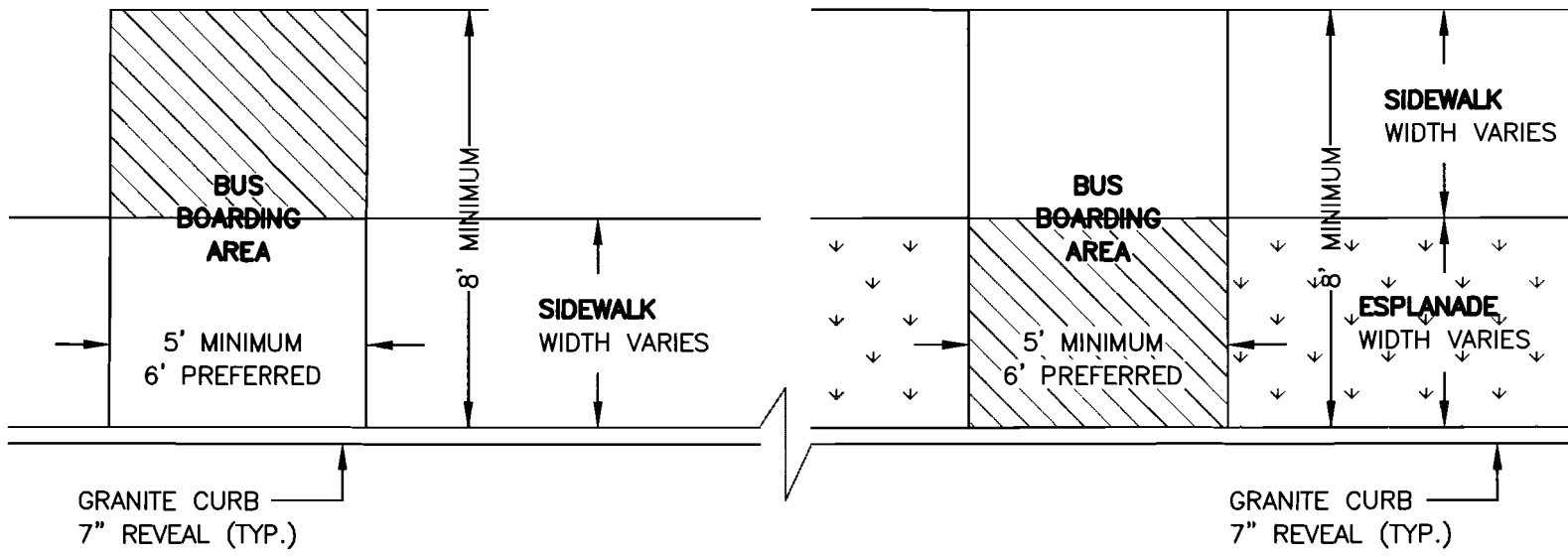
I-39

76

NOTES:

1. SURFACE. BUS STOP BOARDING AREAS SHALL HAVE A FIRM, STABLE SURFACE.
2. DIMENSIONS. BUS STOP BOARDING AREAS SHALL PROVIDE A CLEAR LENGTH OF 8' MINIMUM, MEASURED PERPENDICULAR TO THE CURB OR VEHICLE ROADWAY EDGE, AND A CLEAR WIDTH OF 5' MINIMUM, MEASURED PARALLEL TO THE VEHICLE ROADWAY. THIS AREA SHALL BE CLEAR OF ANY OBSTRUCTIONS, INCLUDING BUT NOT LIMITED TO: BICYCLE RACKS, LIGHT POLES, UTILITY POLES, FIRE HYDRANTS, STREET SIGNS, STREET FURNITURE, NEWSPAPER BOXES OR SIMILAR OBSTACLES.
3. CONNECTION. BUS STOP BOARDING AREAS SHALL BE CONNECTED TO STREETS, SIDEWALKS OR PEDESTRIAN PATHS BY AN ADA ACCESSIBLE ROUTE.
4. SLOPE. PARALLEL TO THE ROADWAY, THE SLOPE OF THE BUS STOP BOARDING AREA SHALL BE THE SAME AS THE ROADWAY, TO THE MAXIMUM EXTENT PRACTICABLE. PERPENDICULAR TO THE ROADWAY, THE SLOPE OF THE BUS STOP BOARDING AREA SHALL NOT EXCEED 2%.

 ADDITIONAL WIDENING, AS NEEDED.



BUS BOARDING AREA WITHOUT ESPLANADE  
NOT TO SCALE


BUS BOARDING AREA WITH ESPLANADE  
NOT TO SCALE

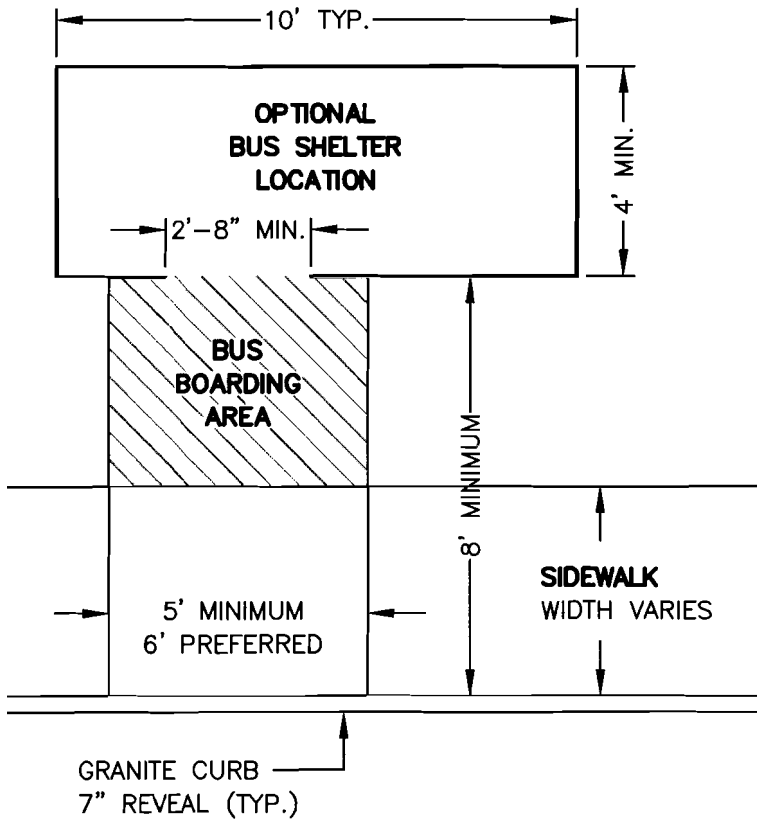
NOTES:

1. DIMENSIONS. MINIMUM CLEAR FLOOR INTERIOR AREA ENTIRELY WITHIN THE PERIMETER OF THE SHELTER IS 2'-6" WIDE BY 4' DEEP TO PERMIT WHEELCHAIR OR MOBILITY AID USER ACCESS. THE MINIMUM SHELTER OPENING FOR WHEELCHAIR ACCESS IS 2'-8".

2. CONNECTION. BUS SHELTER OPENINGS WILL BE CONNECTED TO THE BUS BOARDING AREA BY AN ADA ACCESSIBLE ROUTE.

3. SLOPE. PARALLEL TO THE ROADWAY, THE SLOPE OF THE BUS BOARDING AREA SHALL BE THE SAME AS THE ROADWAY, TO THE MAXIMUM EXTENT PRACTICABLE. PERPENDICULAR TO THE ROADWAY, THE SLOPE OF THE BUS BOARDING AREA SHALL NOT EXCEED 2%.

 ADDITIONAL WIDENING, AS NEEDED.



BUS SHELTER AND SHELTER SITING  
WITHOUT ESPLANADE

NOT TO SCALE

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MARCH 2011  
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CITY OF PORTLAND, MAINE  
TECHNICAL STANDARDS MANUAL

TRANSPORTATION SYSTEMS  
AND STREET DESIGN  
SECTION I

FIGURE:

BUS SHELTER AND SHELTER SITING LAYOUT  
FOR SIDEWALK WITHOUT ESPLANADE

I-40

77

0389

AMENDMENT TO PORTLAND CITY  
CODE, SECTIONS 14-331, 14-341  
(ZONING ORDINANCE) RE: TECHNICAL  
STANDARDS FOR OFF-STREET PARKING

(Robert B. Ganley, City Manager)

**IN THE CITY COUNCIL**

March 20, 19 89

Given first reading.  
April 3, 1989 -Removed from the table.  
Given second reading and passed, 7 Yeas.

Attest: Jane Reagan  
City Clerk.



**City of Portland, Maine**  
IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE  
§§14-331, 14-341 (ZONING ORDINANCE)  
RE: TECHNICAL STANDARDS FOR OFF-STREET PARKING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE, IN CITY COUNCIL ASSEMBLED, AS FOLLOWS:

1. Section 14-331 is hereby amended to read as follows:

**Sec. 14-331. Defined.**

Off-street parking, either by means of open-air spaces ~~each having an area no less than nine (9) feet wide and nineteen (19) feet long~~ or by garage spaces, which meet the standards set forth in the City of Portland Technical and Design Standards and Guidelines, as hereafter amended, in addition to being a permitted use in certain zones, shall be considered as an accessory use when required or provided to serve conforming uses in any zone.

2. Section 14-341 is hereby amended to read as follows:

**Sec. 14-341. Aisles required for six or more spaces.**

In parking facilities containing six (6) or more parking spaces, there shall be provided vehicular access by one or more aisles. ~~Where parking spaces are arranged at angles of sixty (60) degrees or less, aisle widths shall be not less than eighteen (18) feet; where parking spaces are arranged at angles greater than sixty (60) degrees, but not more than seventy five (75) degrees, aisle widths shall be not less than twenty (20) feet; and aisle widths for all other parking space arrangements shall be not less than twenty four (24) feet.~~ Aisle widths shall be in conformance with the standards set forth in the City of Portland Technical and Design Standards and Guidelines, as hereafter amended.

BE IT FURTHER ORDAINED and determined by the City Council that the above amendments are necessary to correct current inconsistencies in parking requirements and shall apply to all pending proceedings, applications, and petitions and to all projects previously approved by the planning board or planning authority.

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Robert B. Ganley, City Manager

FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development *JEG*

DATE: March 8, 1989 *JEG*

SUBJECT: Parking Definition Zoning Amendment - Request for Council Item

Recent developments have uncovered a discrepancy between existing zoning requirements for parking stall dimensions and aisle widths compared with the standards for such dimensions contained in the adopted City of Portland Technical Design Standards and Guidelines. A careful reading of current zoning results in a prohibition of any open air compact car spaces; a result which is unworkable and inefficient given current practices in the design of parking lots. We are therefore requesting that the attached zoning amendment to the definition of parking be brought to the City Council as soon as possible to clarify this situation. The amendment would make the Technical Standards, which were recently revised to reflect state of the art parking layout design, the definitive reference for parking space and aisle width requirements. At present the more restrictive zoning requirements prevail, which is creating problems for site plan review.

This issue was brought to the Planning Board's attention during workshop review of several site plans. While no formal vote was taken by the Board, all members agreed at the workshop that an immediate correction is needed, and endorsed the direct action on this amendment by the City Council. The members do not believe that the Planning Board needs to further review the proposed amendment or hold a public hearing on this item. The amendment would, in effect, restore the practice of parking layout to the way it was understood before the restrictive nature of the present ordinance was clearly recognized.





**City of Portland, Maine**  
IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE  
§§14-331, 14-341 (ZONING ORDINANCE)  
RE: TECHNICAL STANDARDS FOR OFF-STREET PARKING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE, IN CITY COUNCIL ASSEMBLED, AS FOLLOWS:

1. Section 14-331 is hereby amended to read as follows:

Sec. 14-331. Defined.

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2. Section 14-341 is hereby amended to read as follows:

Sec. 14-341. Aisles required for six or more spaces.

In parking facilities containing six (6) or more parking spaces, there shall be provided vehicular access by one or more aisles. ~~Where parking spaces are arranged at angles of sixty--(60)--degrees or less, aisle widths shall be not less than eighteen--(18)--feet; where parking spaces are arranged at angles greater than sixty--(60)--degrees, but not more than seventy five--(75)--degrees, aisle widths shall be not less than twenty--(20)--feet; and aisle widths for all other parking space arrangements shall be not less than twenty four--(24)--feet.~~ Aisle widths shall be in conformance with the standards set forth in the City of Portland Technical and Design Standards and Guidelines, as hereafter amended.

BE IT FURTHER ORDAINED and determined by the City Council that the above amendments are necessary to correct current inconsistencies in parking requirements and shall apply to all pending proceedings, applications, and petitions and to all projects previously approved by the planning board or planning authority.

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Robert B. Ganley, City Manager

FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development

DATE: March 8, 1989

SUBJECT: Parking Definition Zoning Amendment - Request for Council Item

Recent developments have uncovered a discrepancy between existing zoning requirements for parking stall dimensions and aisle widths compared with the standards for such dimensions contained in the adopted City of Portland Technical Design Standards and Guidelines. A careful reading of current zoning results in a prohibition of any open air compact car spaces; a result which is unworkable and inefficient given current practices in the design of parking lots. We are therefore requesting that the attached zoning amendment to the definition of parking be brought to the City Council as soon as possible to clarify this situation. The amendment would make the Technical Standards, which were recently revised to reflect state of the art parking layout design, the definitive reference for parking space and aisle width requirements. At present the more restrictive zoning requirements prevail, which is creating problems for site plan review.

This issue was brought to the Planning Board's attention during workshop review of several site plans. While no formal vote was taken by the Board, all members agreed at the workshop that an immediate correction is needed, and endorsed the direct action on this amendment by the City Council. The members do not believe that the Planning Board needs to further review the proposed amendment or hold a public hearing on this item. The amendment would, in effect, restore the practice of parking layout to the way it was understood before the restrictive nature of the present ordinance was clearly recognized.

# Map



<b>Parcels</b>	<b>Stream Overlay Zone</b>	<b>Zoning (continued)</b>	<b>Zoning (continued)</b>
■	▨ Stream_protection	□ R2 Residential	□ C25
<b>Interstate</b>	<b>Island Zoning</b>	□ R3 Residential	□ C26
□	□ C43	■ R4 Residential	□ C27
<b>Streets</b>	□ I-B	■ R5 Residential	□ C28
<b>Buildings</b>	■ I-TS	■ R6 Residential	□ C29
▨ Building	□ I-R1	■ ROS Recreation Open	□ C30
▨ Out Building	□ I-R2	Space	□ C31

LAW OFFICES OF DAVID A. LOURIE  
189 Spurwink Avenue  
Cape Elizabeth ME 04107  
*and*  
97 India Street, Portland ME 04101  
(207) 799-4922 \* fax 221-1688  
[david@lourielaw.com](mailto:david@lourielaw.com)

September 18, 2011

Board of Appeals  
City of Portland  
389 Congress Street  
Portland, ME 04101

Re: Appeal of Trefethen Evergreen Improvement Association, and others of August 18, 2011  
Determination of Zoning Administrator


Enclosed please find the following for filing.

1. A signed appeal
2. My check for fees totaling \$150.00; and
3. 11 copies of the appeal packet.

Please schedule this item for as early in the Agenda as possible, as a large number of islanders expected to attend, and they will need to get boats back to Peaks.

Please let me know if there is anything filed by the Appellee or others prior to the meeting, so that I can review it, or if you have any questions concerning this matter.

Sincerely,

  
David A. Lourie

enclosures

RECEIVED

SEP 19 2011

Dept. of Building Inspections  
City of Portland Maine





**City of Portland, Maine  
 Department of Planning and Urban Development  
 Zoning Board of Appeals  
 Interpretation Appeal Application**

**Applicant Information:**

Ted Haykal and others listed in attached narrative  
 Name  
 opposed to Ivers' Truck Storage Project (See Attached)  
 Business Name  
 c/o Law Offices of David A. Lourie  
 Address  
 189 Spurwink Ave. Cape Eliz. ME 04107  
 Telephone 207-799-4922 Fax 207-221-1688

**Subject Property Information:**

512 Island Avenue, Peaks Island  
 Property Address  
 90-AA-1, 2, 5 or 112-H-1  
 Assessor's Reference (Chart-Block-Lot)  
 Property Owner (if different):  
 KEITH IVERS  
 Name  
 BOX 6 PEAKS ISLAND ME 04108  
 Address  
 Telephone Fax

**Applicant's Right, Title or Interest in Subject Property  
 Owners of Abutting and Nearby Properties**  
 (e.g. owner, purchaser, etc.):

**Current Zoning Designation:** IR-2/I-B Zone

**Existing Use of Property:**  
 Residential

**Disputed Provisions from Section 14 - 14-223(f)/331**

**Order, decision, determination, or interpretation under  
 dispute:**

AUGUST 18, 2011 DETERMINATION THAT  
 PROPOSED STORAGE OF FUEL TRUCKS AND OTHER TRUCKS  
 IS PERMITTED IN I-B ZONE, AS "OFF-STREET PARKING"

**Type of Relief Requested:**

REVERSAL OF DECISION

**RECEIVED**

SEP 19 2011

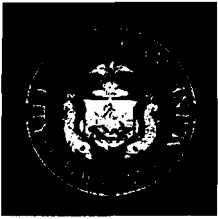
Dept. of Building Inspections  
 City of Portland Maine

**NOTE: If site plan approval is required, attach preliminary or final site plan.**

The undersigned hereby makes application for the relief above described, and certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

*David A. Lourie, Agent*  
 Signature of Applicant

9/16/11  
 Date



# PORTLAND MAINE

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*Penny St. Louis - Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

TO: CHAIR AND ZONING BOARD MEMBERS  
FROM: MARGE SCHMUCKAL, ZONING ADMINISTRATOR  
SUBJECT: 512 ISLAND AVE, PEAKS ISLAND – I-B ZONE  
DATE: OCTOBER 13, 2011

The focus of the Zoning Board concerns the existing I-B Island Business zone and its listed permitted uses, especially the listed permitted use of “off-street parking”. I understand that many islanders are focusing on the notion that the I-B zone should not be in the location of 512 Island Avenue. There is a process in the City to change a zone. It begins with the Planning Board and ends with the City Council. The Zoning Board’s purview is limited to what is currently on the City zoning maps and within the Land Use Zoning Ordinance text.

I will also affirm before the Zoning Board that the zoning ordinance is *not* ambiguous or uncertain. The ordinance is very simple and straight forward in regard to use and parking.

The I-B Island Business zone specifically lists as a principal use, as opposed to accessory, that of “off-street parking”. I interpret that to mean that off-street parking is allowed as a principal use. I then use Division 20 of the Land Use Ordinance for further guidance. Division 20 is the Parking section of the ordinance that regulates parking and its uses throughout the City – i.e. – how many parking spaces are required for specific uses – where those parking spaces maybe located on the lot – and other specific parking restrictions that may apply.

Section 14-332.2 *defines* off-street parking. It states:

**Sec. 14-331. Defined.**

Off-street parking, either by means of open-air spaces or by garage spaces which meet the standards set forth in the City of Portland Technical Manual, as hereafter amended, in addition to being a permitted use in certain zones, shall be considered as an accessory use when required or provided to serve conforming uses in any zone.

The project meets both the Zoning Ordinance and the City’s Technical Manual. The Technical Manual does not restrict parking spaces to passenger vehicles only. It is Division 20 that is relied upon to limit off-street parking spaces. Tom Errico, the City’s Traffic Engineer, is here to speak in more depth regarding the enforcement of the Technical Design Manual.

In response to comments by Attorney Lourie regarding types of vehicle parking spaces, what further shows me that I have made the correct interpretation is that other sections of the Land Use Code specially restrict parking in certain instances.

For example, section 14-332.2 concerning home occupations [14-410(a)10] restricts parking. It states that no motor vehicle exceeding a gross vehicle weight of six thousand (6,000) pounds shall be stored on the property in connection with the home occupation.

Further, section 14-335 specifically restricts off-street parking in several residential and business zones. But no restrictions in the I-B zone.

**Sec. 14-335. Off-street parking restricted.**

Off-street parking shall not include:

- (a) More than one (1) commercial motor vehicle in any residence zone, the R-P zone or any B-1 zone;
- (b) More than six (6) commercial motor vehicles in any B-2 zone;
- (c) Loading, sales, dead storage, repair, or servicing of any kind, except when customarily incidental or accessory to a conforming principal building or use when located in an I-2, I-2b, I-3 zone and I-3b zone;
- (d) Except in the case of a car dealer, more than one (1) unregistered motor vehicle stored outside for a period in excess of thirty (30) days in any residence zone, the R-P zone or any business zone;
- (e) Notwithstanding (1) above, any truck body, commercial trailer or similar commercial vehicles in any residence zone or the R-P zone.

Finally, section 14-344 allows either the Board of Appeals or the Planning Board to authorize parking in certain residence zones. It states "In R-3 through R-5 zones, the Board of Appeals may permit off-street parking *for passenger cars only* (emphasis added) accessory to a use located in and conforming with the provisions of a nearby business or industrial zone (except B-1 zones) if the lot on which the use is proposed is located wholly within three hundred (300) feet, measured along lines of public access, of the principal building of the use to which the proposed use would be accessory..."

Because of the listed restrictions, I know that all types of parking spaces are allowed elsewhere. As I stated before, the I-B zone does not have any of these restrictions. So clearly this use is permitted in this zone.



## City of Portland Zoning Board of Appeals

October 4, 2011

David A. Lourie  
Law Offices of David A. Lourie  
189 Spurwink Avenue  
Cape Elizabeth, ME 04107

Dear Mr. Lourie,

Your Interpretation Appeal has been scheduled to be heard before the Zoning Board of Appeals on **Thursday, October 13, 2011 at 6:30 p.m.** in the City Council Chambers, located on the second floor of City Hall.

Please remember to bring a copy of your application packet with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeal highlighted, as well as a handout outlining the meeting process for the Zoning Board of Appeals.

I have also included the bill for the processing fee, legal ad and the notices for the appeal. The check should be written as follows:

MAKE CHECK OUT TO: City of Portland  
MAILING ADDRESS: Room 315  
389 Congress Street  
Portland, ME 04101

Please feel free to contact me at 207-874-8709 if you have any questions.

Sincerely,

Ann B. Machado  
Zoning Specialist

Cc: File

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & DEVELOPMENT**

389 Congress Street  
 Portland, Maine 04101

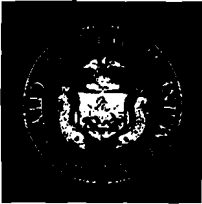
**INVOICE FOR FEES**

**Application No:** 2011-338      **Applicant:** Ted Haykal et all  
**CBL:** 090 A A001      **Application Type:** Interpretation Appeal  
**Location:** 512 Island Ave., Peaks Island      **Invoice Date:** 10/04/11 ; 2nd invoice 10/24/11  
*pd 11/1/11 #5017*

<u>Fee Description</u>	<u>QTY</u>	<u>Fee/Deposit Charge</u>
Legal Advertisements	1	\$101.22
Notices	45	\$33.75
Processing Fee	1	\$50.00
Zoning Practical Difficulty	1	\$100.00

Total Current Fees: \$284.97  
 Total Current Payments: -\$150.00  
**Amount Due Now: \$134.97**

**Bill to:**      **CBL:** 090 A A001      **Application No:** 2011-338  
 David A. Lourie      **Invoice Date:** 10/04/11      **Total Amount Due: \$134.97**  
 Law Offices of David A. Lourie      (due on receipt)  
 189 Spurwink Avenue  
 Cape Elizabeth, ME 04107



# PORTLAND MAINE

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Receipts Details:

**Tender Information:** Check , Check Number: 5196  
**Tender Amount:** 150.00

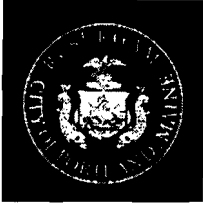
Receipt Header:

**Cashier Id:** amachado  
**Receipt Date:** 9/20/2011  
**Receipt Number:** 6660

Receipt Details:

Referance ID:	1185	Fee Type:	PZ-Z1
Receipt Number:	0	Payment Date:	
Transaction Amount:	100.00	Charge Amount:	100.00
Job ID: Project ID: 2011-338 - 512 Island Avenue , Peaks Island - Interpretation			
Additional Comments:			

Referance ID:	1186	Fee Type:	PZ-ZP
Receipt Number:	0	Payment Date:	
Transaction Amount:	50.00	Charge Amount:	50.00
Job ID: Project ID: 2011-338 - 512 Island Avenue , Peaks Island - Interpretation			



# PORTLAND MAINE

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Receipts Details:

**Tender Information:** Check , Check Number: 5217

**Tender Amount:** 134.97

Receipt Header:

**Cashier Id:** amachado

**Receipt Date:** 11/1/2011

**Receipt Number:** 11856

Receipt Details:

Referance ID:	1228	Fee Type:	PZ-N1
Receipt Number:	0	Payment Date:	
Transaction Amount:	33.75	Charge Amount:	33.75
Job ID: Project ID: 2011-338 - 512 Island Avenue , Peaks Island - Interpretation			
Additional Comments:			

Referance ID:	1229	Fee Type:	PZ-L2
Receipt Number:	0	Payment Date:	
Transaction Amount:	101.22	Charge Amount:	101.22
Job ID: Project ID: 2011-338 - 512 Island Avenue , Peaks Island - Interpretation			

**Ann Machado - Re: Zoning Board of Appeals Legal Ad**

---

**From:** Joan Jensen <jjensen@pressherald.com>  
**To:** Ann Machado <AMACHADO@portlandmaine.gov>  
**Date:** 10/4/2011 12:03 PM  
**Subject:** Re: Zoning Board of Appeals Legal Ad  
**Attachments:** Portland 10:7.pdf

Hi Ann,

All set to publish your ad on Friday, October 7.  
The cost is \$101.22 includes \$2.00 online charge. I included a proof.  
Thank you,  
Joan

--  
Joan Jensen  
Legal Advertising  
Portland Press Herald/Maine Sunday Telegram  
P.O. Box 1460  
Portland, ME 04104  
Tel. (207) 791-6157  
Fax (207) 791-6910  
Email [jjensen@pressherald.com](mailto:jjensen@pressherald.com)

On 10/4/11 10:49 AM, Ann Machado wrote:

Joan -

Attached is the Zoning Board of Appeals legal ad for Friday, October 7, 2011.

Thank you.

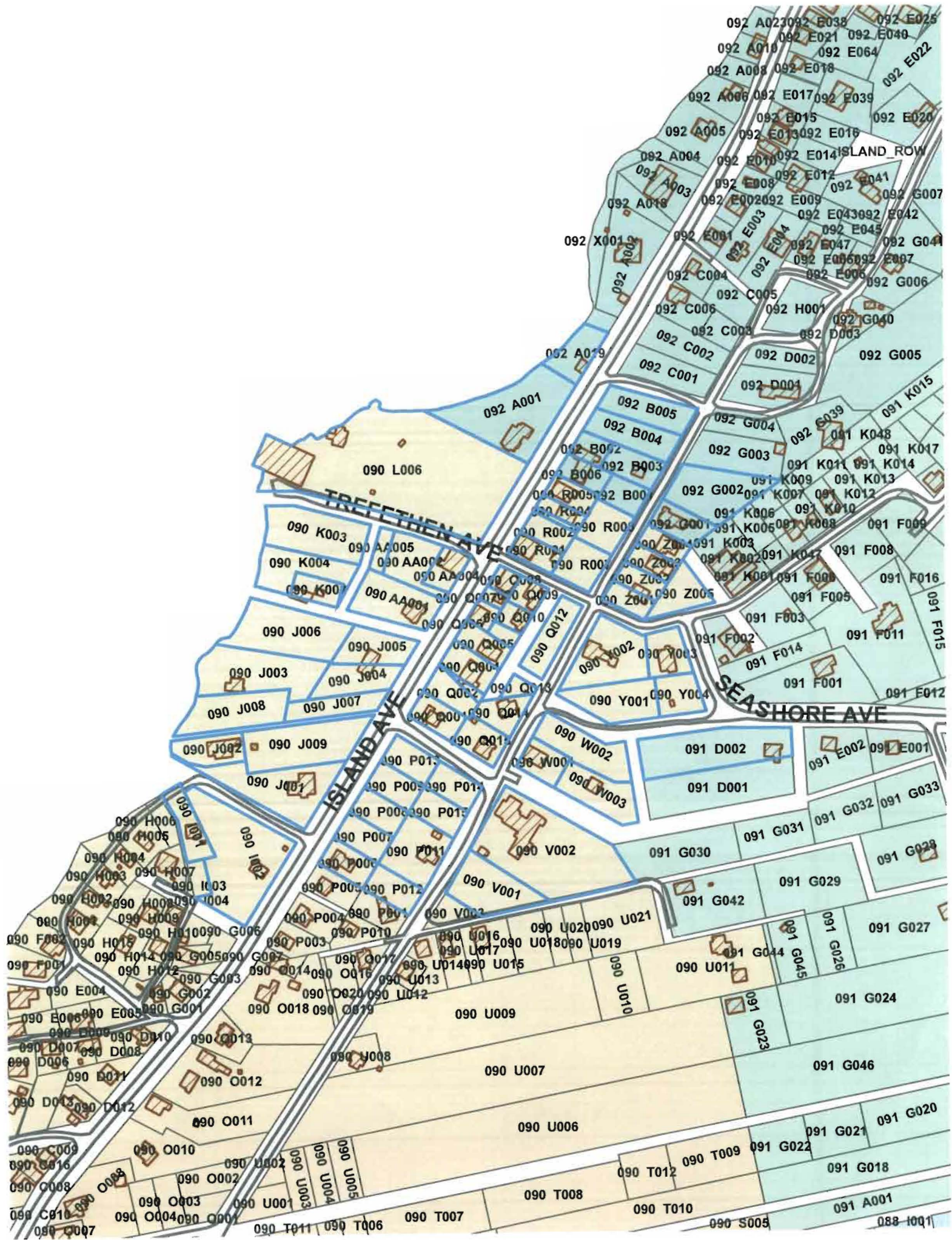
Ann Machado  
874-8709



CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	BLONDIN LAWRENCE G & MONICA A BLONDIN JTS	154 HIGH ST NEWBURYPORT, MA 01950	248 PLEASANT AVE PI	1
	BRAUN MARTIN J & JAMIE B HOGAN JTS	265 PLEASANT AVE PEAKS ISLAND, ME 04108	265 PLEASANT AVE PI	1
	BROOKS KAREN A & ANN C DI MELLA JTS	287 PLEASANT AVE PEAKS ISLAND, ME 04108	287 PLEASANT AVE PI	1
	BROWN JONATHAN J & BETH B JTS	88 WINDSOR WAY ELLSWORTH, ME 04605	517 ISLAND AVE	1
	BURKE CAROL K & DANIEL P JTS	38 BEAUVIEW TER WEST SPRINGFIELD, MA 01089	279 PLEASANT AVE PI	1
	CAREY ERIC R & PRISCILLA B JTS	4041 25TH ST N ARLINGTON, VA 22207	214 PLEASANT AVE PI	1
	CASEY JAY W & JUNE M WHALEN JTS	5 RUSSELL RD ACTON, MA 01720	71 TREFETHEN AVE	1
	CASSIDY ELIZABETH M WID WWII DANIEL C CASSIDY & ROGER R	260 PLEASANT AVE PEAKS ISLAND, ME 04108	260 PLEASANT AVE	1
	CLAYMAN STEPHEN F & PAULA S CHESSIN JTS	960 SEASHORE AVE PEAKS ISLAND, ME 04108	960 SEASHORE AVE	1
	CONLEY JO-ANN & JAMES M CONLEY &	175 RHODES AVE TORONTO, CN M4L 3A2	289 PLEASANT AVE PI	1
	CONLEY MARIA GRACE & PAUL V CONLEY III JTS	258 PLEASANT AVE PEAKS ISLAND, ME 04108	258 PLEASANT AVE PI	0
	CONLEY MARIA GRACE & PAUL V CONLEY III JTS	2679 SACRAMENTO ST SAN FRANCISCO, CA 94115	258 PLEASANT AVE PI	1
	DUNBAR SHEILA LOWRY	1819 PATRICK HENRY AVE ARLINGTON, VA 22205	541 ISLAND AVE	1
	DUNBAR SHEILA LOWRY	1819 N PATRICK HENRY AVE ARLINGTON, VA 22205	292 PLEASANT AVE PI	0
	FOX JAMES L & CANDACE A FOX JTS	471 ISLAND AVE PEAKS ISLAND, ME 04108	471 ISLAND AVE	1
	FRIEDMAN MARIAN T & ETALS	401 CUMBERLAND AVE # 1406 PORTLAND, ME 04101	549 ISLAND AVE	1
	GILDART DENNIS M & KEVIN P GILDART	59 PINEWOOD RD YARMOUTH, ME 04096	34 BELVEDERE RD	1
	GUSTAFSON WESLEY C & SHEILA M GUSTAFSON	66 OAK HILL RD WEYMOUTH, MA 02189	525 ISLAND AVE	1
	HART PAUL & STEPHANIE HART JTS	34 INDIAN HILL RD WINNETKA, IL 60093	291 PLEASANT AVE PI	1
	HAYKAL THEODORE W	522 ISLAND AVE PEAKS ISLAND, ME 04108	522 ISLAND AVE	1
	HITT CHARLES TWEEDIE & KAREN SMARJESSE HITT	1700 KENBROOK CT ACWORTH, GA 30101	55 OAKLAWN RD	1
	HOGAN JAMIE B & MARTIN J BRAUN JTS	265 PLEASANT AVE PEAKS ISLAND, ME 04108	266 PLEASANT AVE PI	0
	LAWRENCE CHARLOTTE F	PMB # 340 23110 STATE RD # 54 LUTZ, FL 33549	249 PLEASANT AVE PI	1
	MAC ISAAC JOANNE M & DELUCIA RONALD F JTS	22 COOLIDGE RD MEDFORD, MA 02155	499 ISLAND AVE	1
	MACISAAC MILDRED LIFE	52 CRESCENT ST SHREWSBURY, MA 01545	49 TREFETHEN AVE	1
	MACLEOD JOHN A II	55 OAKWOOD DR PORTSMOUTH, NH 03801	539 ISLAND AVE	1

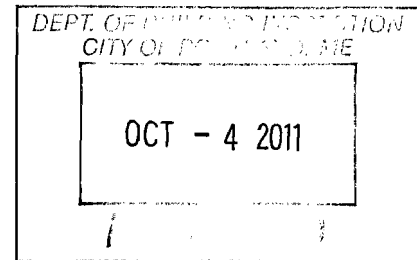
CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	✓ MACLEOD KRISTEN J	531 ISLAND AVE PEAKS ISLAND, ME 04108	531 ISLAND AVE	1
	✓ MAHONY LIVING TRUST	74 FALLS BASHAN RD MOODUS , CT 06469	553 ISLAND AVE	0
	MAHONY LIVING TRUST	74 FALLS BASHAN RD MOODUS , CT 06469	98 TREFETHEN AVE	1
	✓ MEUSE JEANNE F	23 FISH HATCHERY RD NEW GLOUCESTER , ME 04260	11 TREFETHEN AVE	1
	✓ MOXHAY PETER J & KATHRYN U JTS	254 PLEASANT AVE PEAKS ISLAND, ME 04108	254 PLEASANT AVE PI	1
	✓ MURPHY KAREN L & JOHN A MAKEY JTS	53 THOMAS PARK # 3 SOUTH BOSTON , MA 02127	562 ISLAND AVE	1
	✓ O'KEEFE FREDERICK W VN VET & PHYLLIS A MACISAAC JTS	268 PLEASANT ST PEAKS ISLAND, ME 04108	268 PLEASANT AVE	1
	✓ PEAKS ISLAND BAPTIST CHURCH	235 PLEASANT AVE PEAKS ISLAND , ME 04108	235 PLEASANT AVE PI	1
	✓ PORTA NEIL R	PO BOX 7904 PORTLAND, ME 04112	460 ISLAND AVE	1
	✓ STEVENSON MONICA L	548 ISLAND AVE PEAKS ISLAND , ME 04108	548 ISLAND AVE	1
	✓ TREFETHEN & EVERGREEN IMPROVEMENT ASSOC	PO BOX 87 PEAKS ISLAND, ME 04108	TREFETHEN AVE	0
	TREFETHEN & EVERGREEN IMPROVEMENT ASSOC	PO BOX 87 PEAKS ISLAND, ME 04108	12 TREFETHEN AVE	1
	✓ WHITNEY THOMAS E	73 SARGENT RD PEAKS ISLAND , ME 04108	225 PLEASANT AVE PI	0
	✓ WILLIAMS ELIZABETH F	200 S MAYA PALM DR BOCA RATON , FL 33432	238 PLEASANT AVE PI	0
	✓ WILLIAMS TIMOTHY & ELIZABETH JTS	200 S MAYA PALM DR BOCA RATON, FL 33432	60 OAKLAWN RD	1
	✓ WILLIAMS TIMOTHY & ELIZABETH	200 S MAYA PALM DR BOCA RATON, FL 33432	488 ISLAND AVE	0
	✓ WILLIAMS TIMOTHY A	200 S MAYA PALM DR BOCA RATON , FL 33432	224 PLEASANT AVE PI	1
	✓ WILLIAMS TIMOTHY A & ELIZABETH JTS	200 S MAYA PALM DR BOCA RATON, FL 33432	477 ISLAND AVE	0
	✓ WILLIAMS TIMOTHY A & ELIZABETH F JTS	200 S MAYA PALM DR BOCA RATON, FL 33432	478 ISLAND AVE	1
	✓ WRIGHT JOSEPH D & NANCY L	498 ISLAND AVE PEAKS ISLAND, ME 04108	494 ISLAND AVE	1
	✓ WRIGHT JOSEPH D & NANCY L	146 POND RD BRIDGTON , ME 04009	498 ISLAND AVE	1
	WRIGHT JOSEPH D & NANCY L	146 POND RD BRIDGTON , ME 04009	512 ISLAND AVE	1





September 29, 2011

Board of Appeals  
City of Portland  
389 Congress Street  
Portland, ME 04101



To: Chairperson and Board Members  
Subject Property: 512 Island Avenue, Peaks Island

Eighteen years ago I came to Peaks Island as a summer resident. There was something magical about the island that gave me an immediate and overwhelming sense of tranquility. My wife, who has been coming to Peaks since she was 11 years old, tried to convey this feeling to me over and over. She would especially tell me how her parents bought a home in the Trefethen neighborhood and what it was like growing up and spending time on the island. She would tell me that there is something special about Peaks Island that is a personal experience which continues to grow on you. I can only say that she is right.

Over the years, as we approached retirement, we started to make our plans. There was never a doubt that we wanted to retire to Peaks. As we started our planning we considered where on the island we wanted to live. Again, there was no doubt that we wanted to stay in the Trefethen neighborhood. We personally felt it was the most beautiful area of the island. We did not want to be down front surrounded by the stores, ferry landing or the traffic of the "business area". Nor did we want to live on the back shore which we felt was more isolated especially during winter. The Trefethen neighborhood was ideal since it was all residential with a significant number of year round families. It was a perfect combination of retired couples and young families raising their children. In the summertime the activities at the TEIA Clubhouse brought a new sense of life with all the activities centered on tennis, boating and a host of children's activities. It projected island life as it should be, beautiful and safe.

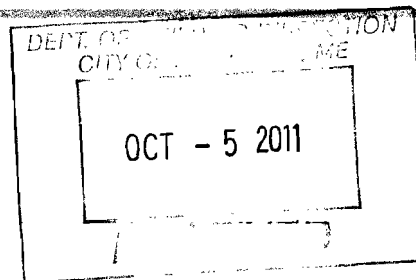
Two and a half years ago, we did retire to Peaks Island year round but not before remodeling our home and spending \$300,000 to do so. This was a huge investment for a couple whose life savings are committed to a home and location for the rest of their lives. We did this because we saw this as a stable residential neighborhood. We saw community and we felt secure in our decision to commit our resources to spending our lives within this community. We felt our decision was a sound one and one that gave us the best of both worlds; living on an island and having the nearby resources of the City of Portland.

Now we feel all of our plans are threatened with the insertion of a business taking advantage of a zoning ordinance that quite frankly has outlived its intent. For over 35 years there has been no business overtly operating in the Trefethen neighborhood. Where there were business locations years ago there are now only residential homes. Not one of the properties zoned IB2 in the Trefethen neighborhood, other than the 100 year old Trefethen Evergreen Improvement Association (a social and recreation club) have any structure other than a private residence. Time has changed the social impact and nature of the Trefethen neighborhood and should certainly be reflected in determining its modern day uses. The question simply put seems to be what determination best reflects the social needs based on how the neighborhood has evolved and therefore is the current zoning applicable to its intent?



**Marge Schmuckal - Zoning appeal on Peaks Island**

**From:** "susan hanley" <susan@lgscom.com>  
**To:** <mes@portlandmaine.gov>  
**Date:** 10/4/2011 5:42 PM  
**Subject:** Zoning appeal on Peaks Island



Hello Marge –

I am writing to express my concern about the appeal to reverse the decision to allow Keith Ivers to park fuel trucks and other trucks on Tax Map 909, Block AA, Lots 001, 002 & 005.

The lot is zoned I-B, which should allow the off-street parking of trucks used to conduct business. Despite the fact that neighbors in the area feel that parked trucks will impact their view, Keith provides a much needed service to the island and provides employment that supports several island families. He is fully within his rights to pursue his business and manage its costs, as allowed by law.

If Keith is not allowed to park his trucks on the property, he will be forced to raise fuel prices or go out of business. Either prospect will hurt year-round island residents. Many of the people complaining are summer people who don't use heating oil and it is frustrating for year-round residents to have their lives dictated by people who spend just three months a year on the island. Why should the zoning rules, which are clear and enforceable around the rest of the city, be debated and possibly suspended because of a few part-time residents who feel they are above the law?

I ask you to deny the appeal and allow the zoning rules to prevail.

Thank you,  
Susan Hanley  
207.332.2443  
[susan@lgscom.com](mailto:susan@lgscom.com)

To: Board of Appeals  
From: Jonathan and Beth Brown  
Re: Proposed Commercial Property

October 1, 2011

RECEIVED

OCT - 5 2011

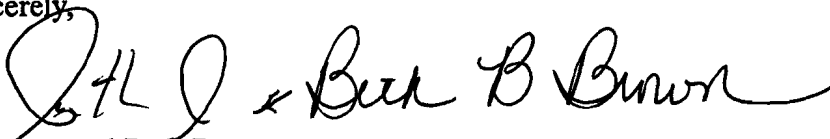
To Whom It May Concern,

Dept. of Building Inspections  
City of Portland Maine

My wife and I currently own property at 517 Island Ave., directly across from the proposed road that leads into the proposed fuel storage parking lot. We have been homeowners at this location for the past fifteen years, raising two daughters who have always thought of our cottage as their home. I previously lived the first twenty-three years of my life growing up on Peaks within the "Down-Front" area, with the rest of my life summering at this end of the island. We chose to buy property in this part of the island for obvious reasons. The quietness, the friendliness of all neighbors, and the easy-going lifestyle made it attractive to us as the perfect place to raise our daughters. And we were right, there couldn't have been a better place. It is a quiet area, but is forever bustling with a huge traffic flow of children who are either walking, biking, and skateboarding. It is a place where parents entrust their children to be on their own to go to the beach, go to the TEIA Clubhouse area, or to a friend's house, it's that safe. We now wonder what will come of our idyllic community if it were to be transformed into a commercial area. It will change, not only for us, but for future generations, who will wonder what was the attraction. There are/must be others areas on Peaks open for commercial properties; this end of the island is not that place.

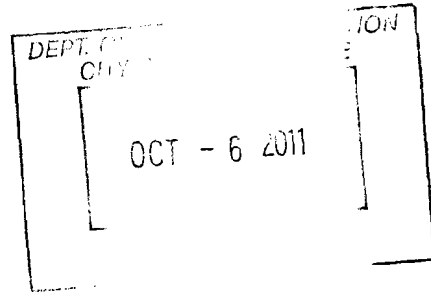
We worry about environmental issues, we worry about traffic issues, we worry about how foot-traffic will be affected by allowing this request to pass. Allowing this request to pass would be the end of all that attracted us to the Evergreen area of Peaks. We are passionately asking that you deny this application to allow a fuel storage area across from our cottage.

Sincerely,



Jonathan and Beth Brown

September 29, 2011



To Chair and Board Members:

We care about our neighborhood very much and specifically chose to buy a cottage there to raise our young family in the summers. It is beautiful, quiet, and safe; a place I feel comfortable allowing my children to roam on their own just as I did as a child.

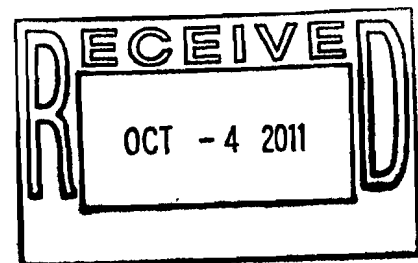
This would all change if Peaks Island Fuel is allowed to use the proposed area as a parking lot for its large fuel trucks. Not only would I worry about the safety of all of the children, including mine, who live in the neighborhood but I would also worry about the safety of the many island children who frequent the camps at TEIA. Additionally, approving the proposed plan would change the beautiful landscape of the neighborhood forever. As we know, once things are changed, it is very hard to change them back. I ask you to please think about the long-term consequences of this proposal and what it would mean for future generations.

Unfortunately, I will not be able to attend the meeting on October 13th, but hope you consider my letter during your deliberations. Please help keep our neighborhood a safe and beautiful residential neighborhood.

Thank you for your time and understanding,

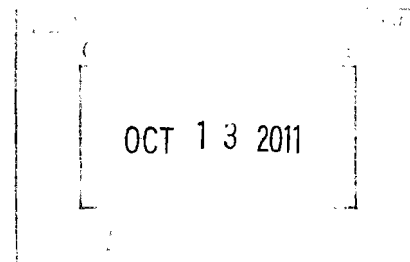
*Alison and Shergul Arshad*

Alison and Shergul Arshad  
592 Island Avenue



**Marge Schmuckal - Fwd: Application of Peaks Island Fuel (Keith Ivers)**

**From:** Danielle West-Chuhta (Danielle West-Chuhta)  
**To:** Schmuckal, Marge  
**Date:** 10/13/2011 2:21 PM  
**Subject:** Fwd: Application of Peaks Island Fuel (Keith Ivers)



>>> Barbara Barhydt 10/13/2011 2:21 PM >>>

>>> "John S. Whitman" <JWhitman@rwl.com> Thursday, October 13, 2011 2:11 PM >>>

I am writing on behalf of myself and my wife, Anne Whitman, in strong support of the application of Keith Ivers of Peaks Island Fuel for permission to park his oil trucks on his property at 512 Island Avenue on Peaks Island.

I have lived on Peaks Island since 1976, year round, and Anne has lived there since 1984. We heat our house at 162 Island Avenue primarily with oil. I have been a customer of Peaks Island Fuel since it was first established over 20 years ago. Like many others on the island, Anne and I regard it as very important that there be more than one fuel oil company on the island, because a healthy competition benefits all consumers and oil is expensive on an island.

The property on which Keith Ivers proposes to park his trucks has been zoned I-B as long as I've been on the island. Off-street parking is a specifically permitted use in the I-B zone. The trucks will not be taking on or discharging oil on the premises. There is no environmental issue, nor any legitimate zoning issue.

A small minority of disgruntled property owners has hired a lawyer to oppose the granting of this permit. Many of them are summer residents who are even not on the island during the nine months of the heating season. Their only opposition to the permit is apparently on aesthetic grounds (the trucks might be visible from the tennis courts of the Trefethen Club, of which many are members). In fact, the trucks will be well screened from view.

The vast majority of islanders---particularly those who, like us, live there year round and heat with oil--are in favor of this application.

John S. Whitman and Anne E. Whitman  
162 Island Avenue  
Peaks Island



**Marge Schmuckal - Fwd: In support of Peaks Island Fuel**

**From:** Danielle West-Chuhta (Danielle West-Chuhta)  
**To:** Schmuckal, Marge  
**Date:** 10/13/2011 2:21 PM  
**Subject:** Fwd: In support of Peaks Island Fuel

OCT 13 2011

>>> Barbara Barhydt 10/13/2011 2:21 PM >>>

>>> Tom Morse <tom@woodburymorse.com> Thursday, October 13, 2011 11:39 AM >>>

Barbara,

I am writing to ask that the appeal filed by some Peaks Island residents against Peaks Island Fuel be denied.

I have lived on Peaks Island for 28 years, and the idea that a few of my neighbors want to make it harder for my fuel company to keep me safe and warm in my home during the winter is outrageous and clearly one more example of the haves lordng it over the have-nots.

While Keith plans to make extreme and unrequired efforts at his own expense to minimize how visible his essential and lawfully registered delivery trucks would be to a few who somehow find their presence disturbing, this group's demand that the City force Keith to find another place to park his trucks suggests, quite disturbingly, that some other Peaks Island homeowners are somehow better suited to have these trucks parked in their immediate neighborhood than are the wealthy at the water's edge.

Because Keith Ivers's home is zoned for I-B (Island Business) which allows "off-street parking" as a specific permitted use, and because there is no environmental concern as no fuel will be transferred there, it is only right that this appeal be denied.

Thank you very much for considering this issue fairly.

Tom Morse  
154 New Island Ave  
Peaks Island, ME

Bruce and Lori Hochman  
61 Island Avenue  
Peaks Island, Maine 04108  
lmhochman@gmail.com

October 13, 2011

OCT 13 2011

Philip Saucier, Chair  
Board of Appeals (Zoning)  
Portland City Hall  
Portland, ME

**VIA HAND DELIVERY**

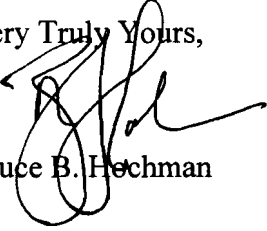
**Re: Interpretation Appeal/512 Island Ave**

Dear Mr. Saucier:

My wife and I are unable to attend the hearing tonight, October 13, 2011, in regard to the above referenced matter. In case the board is willing to provide public comment before or after the arguments on the appeal, I wanted to write and indicate that we support the Zoning Administrator's decision and Keith Ivers' plans as proposed. We would encourage the Board to adopt the Administrator's decision and allow this plan to proceed. We strongly believe that keeping Peaks Island Fuel competitive and operating is in the best interest of all island residents.

Thank you for your time and consideration.

Very Truly Yours,

  
Bruce B. Hochman

cc: Keith Ivers (via email)  
David Lourie, Esq. (via email)

RECEIVED

October 10, 2011

Board of Appeals  
City of Portland  
389 Congress Street  
Portland, ME 04101

OCT 18 2011

Dept. of Building Inspections  
City of Portland Maine

To: Chairperson and Board Members

I have been coming to Peaks Island for 45 years. My uncle was in the Navy during World War II and came to Casco Bay with the fleet. He met and married a woman from Portland whose family had a house on the Evergreen section of Peaks Island.

My father brought us to visit all those years ago, and the family has not stopped having Peaks Island, Portland and the rest of Maine as a part of our lives since. My mother bought a house on Peaks Island for summer use and has a home now in Yarmouth for the rest of the year. My sister married a man from Peaks Island, and she and her family live in Freeport. My wife came to Peaks Island with me 32 years ago; we rented every year and then bought a house on the Island in 2001. My son, now 28, has grown up with Peaks Island as a constant in his life and visits often. I grew up going to the Trefethen Club House, and running all over north end of the Island. There were kids and families everywhere then in the summer, as there is today, although in greater numbers. The north end of the island has more year round residents now, all people that have decided to make the island their home.

In the Trefethen area on the island, the issue of accepting antiquated zoning rules as license to put a commercial/industrial business on property in a recreational and residential area should demand scrutiny by our city leaders.

It seems that just asking the simple questions of "Does this make sense" or "Is this good for the taxpaying residents" should command an answer of "NO".

My family has much time and money invested in Peaks Island. I believe that allowing Peaks Island Fuel to establish its business in the middle of this residential area is going to diminish the value of that investment.

I also think that it is not a good place from which to operate a business. This particular enterprise deals in petroleum products and uses high gross vehicle weight vehicles as part of the fleet to operate the business. I am in the business of operating medium and heavy trucks in metropolitan areas around the country. A residential area is not a good environment to park and house such machinery.

There is an area of concern relative to any potential pollution due to spills etc. I am sure that threat exists regardless of where the business is domiciled. Putting it in close proximity to shore lands seems an added gamble to consider.

In total, I am afraid that allowing Peaks Island Fuel to go forward with plans will adversely affect the neighborhood.

There has to be a better solution. There has to be a way for this business to relocate from its current place and be in citizen and business friendly area. Can there be consideration of the current antiquated commercial zoning that is currently in place with a view towards a solution for this and other commercial/industrial ventures? I hope that leadership in Portland can assist in these efforts.

Sincerely,  
Charles Hitt

55 Oaklawn Road, Peaks Island



Michael Beebe  
4441 Blue Sage Court  
Bonita Springs, Florida 34134  
Tel: 239-682-3855

RECEIVED

OCT - 6 2011

Dept. of Building Inspections  
City of Portland Maine

Board of Appeals  
City of Portland  
389 Congress Street  
Portland, ME 04101

9/29/11

Reference Application: 512 Island Avenue, Peaks Island. Level 1: Site Alteration application submitted by Keith Ivers for a 4,200 sq. ft. gravel parking area to serve as the parking area for his fuel trucks.

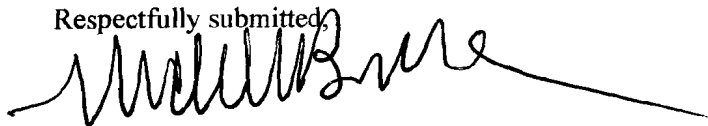
Dear Board of Appeals Members,

My wife and I have owned property on Peaks Island in the Trefethen area for over 33 years. My wife was raised on Peaks Island and attended the Peaks Island elementary school. She used to buy candy and ice cream at Webber's Store which has been converted by Ted Haykal to a private residence which is adjacent to 512 Island Avenue property. While visiting the island years ago, I also remember frequenting Webber's Store. During summers, we have raised our 2 daughters on Peaks Island and now we are walking our grandsons down to the Trefethen Evergreen Improvement Association Club (TEIA) for their tennis and day camp.

We strongly object to the above referenced application for the following reasons:

1. After the Hotels, boarding houses and Trefethen Ferry Landing ceased to exist decades ago on this part of Peaks Island, there has been no commercial traffic originating in this area, only service vehicles coming from the commercial district at the other end of the island near the current Ferry Landing, store, restaurant, gas and marina businesses. Most customers walked to and from Webber's Store. There was no parking area for the store for cars or other vehicles.
2. For generations the Trefethen area has been a well established residential use section of Peaks Island. In our collective memory, this part of Peaks Island has never been used as a base for commercial vehicles, only for residential.
3. During the summer months when the TEIA Club is operating, the roads in this area are full of children and adults walking and bicycling and introducing parking for heavy truck and equipment traffic to these roads defies logic and safety.
4. Zoning regulations are open to change over time and should be altered when an area for generations has evolved into an opposing usage. For several generations now this part of Peaks Island has been residential with no commercial establishment requiring parking of trucks or other heavy equipment.
5. Please let common sense, not antiquated zoning, guide your decision.

Respectfully submitted,



Michael Beebe