

Listed below are key characters (in bold) for searching within this file.

Hold down the control key and select the “f” key. Enter either a key character from the list below or document name and select enter for a list of documents containing the search word you entered.

APL – all documents behind this target sheet pertain to the original application submitted by the Applicant.

REVIEW – all documents behind this target sheet pertain to those documents submitted to and from staff as part of the project review.

PBM1 – all documents behind this target sheet are any Planning Board memos with attachments that went to the Board.

PBR1 - all documents behind this target sheet are any Planning Board reports with attachments that went to the Board.

CC1 - all documents behind this target sheet are any City Council memos/reports that went to the City Council.

DRC1 - all documents behind this target sheet are those pertaining to the post review of the project by the Development Review Coordinator.

MISC1 - all documents behind this target sheet are those that may not be included in any of the categories above.

REVIEW

Provisionally Adopted 1/10/00

Department of Transportation
Traffic Engineering Division
16 State House Station
Augusta, Maine 04333
Telephone: 207-287-3775

FOR MDOT USE 1/2000
ID #
Total Fees:
Date: Received

**PERMIT APPLICATION – TRAFFIC
TRAFFIC MOVEMENT PERMIT, 23 M.R.S.A. § 704 – A**

Please type or print:

This application is for: Traffic 100-200 PCE's X
Traffic 200 + PC-E's _____

Name of Applicant: Transport Leasing Corporation

Address: 35 Bradley Drive, Westbrook, Maine 04092 Telephone: 207-650-9506

Name of local contact or agent: Steve Bushey, P.E., DeLuca-Hoffman Associate, Inc.

Address: 778 Main Street, Suite 8, South Portland, Maine 04106 Telephone: 775-1121

Name and type of development: East Point Christian Church

Location of development including road, street, or nearest route number: 52 Cityline Drive

City/Town/Plantation: Portland, County: Cumberland, Tax Map #214A Lot # A002

Do you want a consolidated review with DEP pursuant to 23 M.R.S.A. § 704-A (7)? Yes _____ No X

Was this development started prior to obtaining a traffic permit? No

Is the project located in an area designated as a growth area (as defined in M.R.S.A. title 30 – A, chapter 187)? Yes _____ No X

Is this project located within a compact area of an urban compact municipality? Yes X No _____

Is this development or any portion of the site currently subject to state or municipal enforcement action?
No

Existing DEP or MDOT permit number (if applicable): _____

Name(s) of DOT staff person(s) contacted concerning this application: _____

Name(s) of DOT staff person(s) present at the scoping meeting for 200+ applications: _____

NOTICE OF INTENT TO FILE

Please take notice that

**Transport Leasing Corporation
35 Bradley Drive
Westbrook, Maine 04092**

Is intending to file a Traffic Movement Permit application with the Maine Department of Transportation pursuant to the provisions of 23 M.R.S.A. § 704 – A on or about

May 15, 2010

The application is for:

Proposed East Point Christian Church and a small 4,800 square foot warehouse unit that, combined, will generate approximately 189 peak hour trips on a typical Sunday.

at the following location:

52 Cityline Drive near the Portland/South Portland City Line

A request for a public hearing must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Transportation Division office, **Scarborough** during normal working hours. A copy of the application may also be seen at the municipal offices in

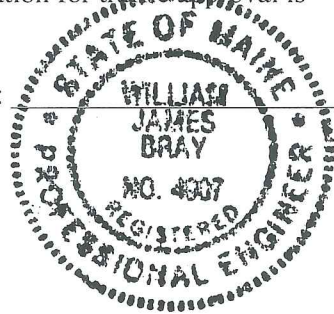
City of Portland Planning Department, Portland, Maine

Written public comments may be sent to the Department of Transportation, Traffic Engineering Division, 16 State House Station, Augusta, Maine 04333.

The traffic engineer responsible for preparing this application and/or attaching pertinent site and traffic information hereto, by signing below, certifies that the application for traffic approval is complete and accurate to the best of his/her knowledge.

Signature: *William James Bray*

Re/Cert/Lic No.:



Name (print): William Bray

Date: May 6, 2010

If the signature below is not the applicant's signature, attach letter of agent authorization signed by applicant.

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

[Signature]

Signature of Applicant

5/12/10

Date



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

To whom it May concern

Transport Leasing Corp, hereby authorizes DeLuca-Hoffman Associates, Inc. to act as their agent in the submission of permit applications related to the proposed change of use at 52 City Line Drive in Portland, Maine, including, but not limited to, the Traffic Movement Permit application and City of Portland Site Plan Review Application.

Signed

COO

Title

5/11/2010

Date

**ABUTTERS LIST
CITY LINE DRIVE – EAST COAST CHRISTIAN CHURCH
PORTLAND, MAINE**

<u>Map</u>	<u>Lot</u>	<u>Owner</u>	<u>Property Address</u>
211	A-1	BROOKLAWN MEMORIAL PARK 2002 CONGRESS STREET PORTLAND, ME 04102	2002 CONGRESS ST

SECTION 1

A. SITE PLAN

The proposed East Point Christian Church site is located at 52 Cityline Drive in an existing 20,720 square foot building that previously was occupied by DHL Express Delivery services. The existing building is adjacent to Time Warner Cable Company's Portland headquarters site near the Portland/South Portland city line. The site is 1.98 acres in total area. The East Point Christian Church will occupy 15,920 square feet of the existing building and the property owner will retain the remaining 4,800 square feet of building area as warehouse space. Access is proposed through two full-service driveways intersecting Cityline Drive, a private way that connects directly to Johnson Road and Jetport Boulevard.

SECTION 1

B. EXISTING AND PROPOSED SITE USES

The existing 20,720 square foot building was previously the local headquarters of DHL Express Delivery services. Approximately 15,920 square feet of the building area will be retrofitted to accommodate the East Point Christian Church and the remaining 4,800 square feet of building space will be retained as warehouse space. The church use space allocations are generally highlighted as follows:

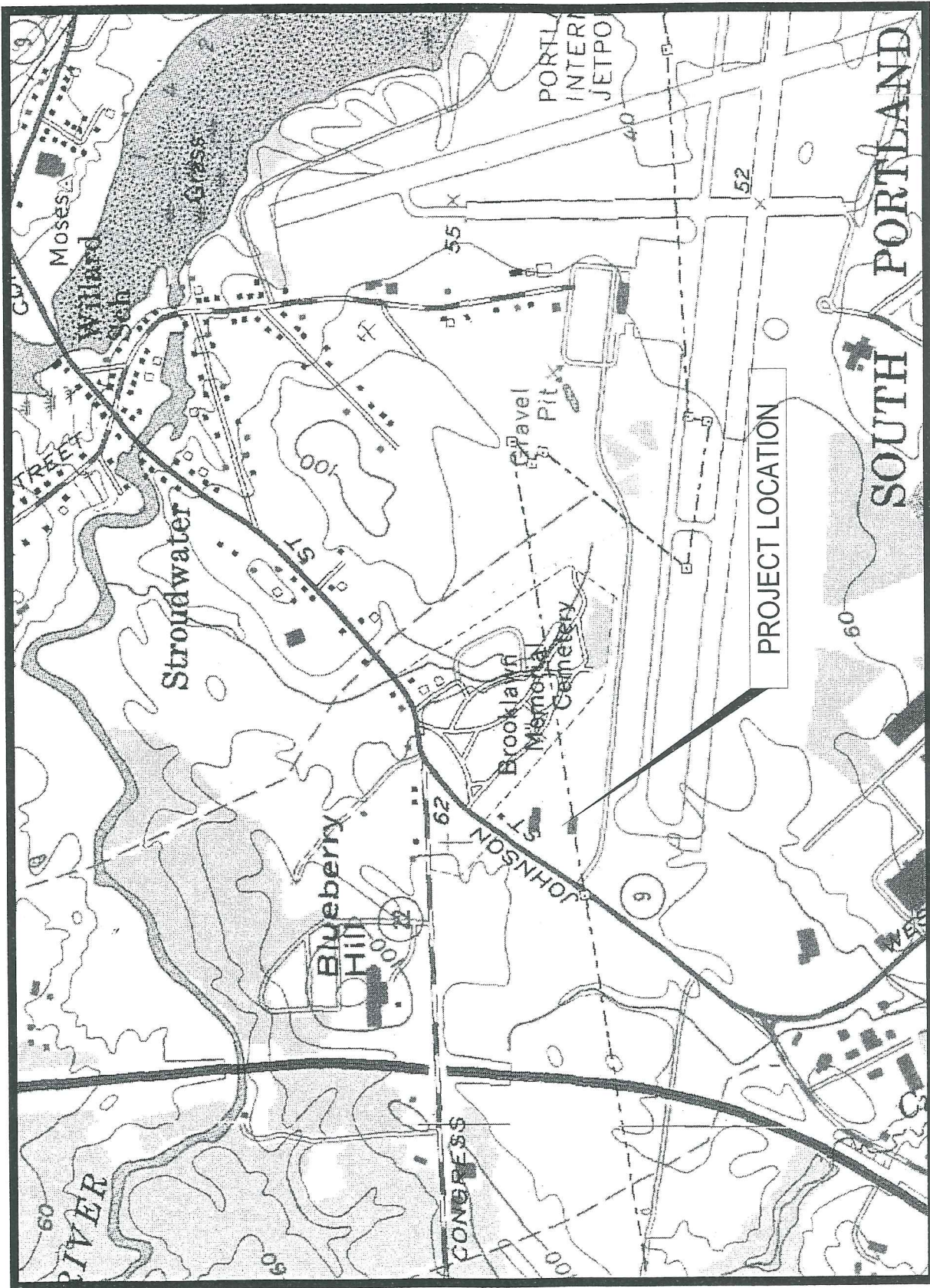
- 6,000 square feet of sanctuary area
- 1,120 square feet of conference room area
- 2,536 square feet entrance foyer
- 6,264 square feet of area dedicated to storage, restroom, etc.

The Church assembly area will accommodate approximately 350 members. The proposed site layout provides 90 parking spaces, which is in excess of the City's zoning ordinance requirements. The Church hours include two services on Sunday; one at 9:00AM and one at 11:00AM.

SECTION 1

C. SITE AND VICINITY BOUNDARIES

The attached regional map depicts the proposed East Point Christian Church site.



LOCATION MAP - NTS

SECTION 1

**D. PROPOSED USES IN THE GENERAL VICINITY
OF THE PROPOSED DEVELOPMENT**

The City of Portland's Planning Department will be contacted, if required, to determine the location of recently approved development projects that potentially could impact through traffic in the vicinity of the proposed site.

SECTION 1

E. TRIP GENERATION

SITE TRAFFIC

Site Trip Generation: Trip generation for the proposed 15,920 square foot East Point Christian Church project and the remaining 4,800 square foot warehouse space were determined based upon trip tables presented in the seventh edition of the Institute of Transportation Engineers (ITE) “**TRIP GENERATION**” handbook. A trip credit for the previous site tenant, DHL Express Delivery Service, is not included in this Application although during time periods other than a Sunday peak hour time period trip generation was most likely somewhat significant. The ITE publication doesn’t specifically provide trip rate data for an express delivery land-use; therefore, an acceptable and valid method for estimating previous site generation isn’t available. This Application has assumed that very few trips were generated by the previous site use on a typical Sunday. The following trip rates were used in determining trip generation of the proposed 15,920 square foot church and 4,800 square foot warehouse space:

Land-Use Code 150– Warehousing

Weekday Street Peak Hour – AM Peak	= 0.45 trips/1,000sf building area
Weekday Peak Hour Generator – AM peak	= 0.57 trips/1,000sf building area
Weekday Street Peak Hour – PM Peak	= 0.47 trips/1,000sf building area
Weekday Peak Hour Generator – PM Peak	= 0.61 trips/1,000sf building area
Sunday Peak Hour Generator	= 0.07 trips/1,000sf building area

Accordingly, the proposed 4,800 square foot warehouse unit can be expected to generate the following peak hour trips:

Weekday Street Peak Hour – AM Peak	= 1 trip
Weekday Peak Hour Generator – AM peak	= 1 trip
Weekday Street Peak Hour – PM Peak	= 1 trip
Weekday Peak Hour Generator – PM Peak	= 2 trips
Sunday Peak Hour Generator	= 1 trip

Land-Use Code 560– Church

Weekday Street Peak Hour – AM Peak	= 0.72 trips/1,000sf building area
Weekday Peak Hour Generator – AM peak	= 1.28 trips/1,000sf building area
Weekday Street Peak Hour – PM Peak	= 0.66 trips/1,000sf building area
Weekday Peak Hour Generator – PM Peak	= 1.41 trips/1,000sf building area
Sunday Peak Hour Generator	= 11.76 trips/1,000sf building area

Accordingly, the proposed 15,920 square foot East Point Christian Church can be expected to generate the following peak hour trips:

Weekday Street Peak Hour – AM Peak	= 11 trips
Weekday Peak Hour Generator – AM peak	= 20 trips
Weekday Street Peak Hour – PM Peak	= 11 trips
Weekday Peak Hour Generator – PM Peak	= 22 trips
Sunday peak hour Generator	= 187 trips

TOTAL TRIPS GENERATED BY PROPOSED SITE USES

<u>Time Period</u>	<u>Warehouse Building</u>	<u>East Coast Christian Church</u>	<u>Total Trips</u>
AM Street Peak	1	11	12
AM Peak Generator	1	20	21
PM Street Peak	1	11	12
PM Peak Generator	2	22	24
Sunday Peak Generator	1	187	189

SECTION 1

F. TRIP COMPOSITION

Trips generated by both proposed site uses are generally considered primary or “new” trips to the roadway system.

SECTION 1

G. TRIP DISTRIBUTION

Trip distribution patterns for the proposed East Coast Christian Church and minor warehouse space were based upon information presented in the latest edition of the Institute of Transportation Engineers (ITE) “**TRIP GENERATION**” publication. Those rates are presented as follows:

Land-Use Code - 150 Warehousing

Weekday Street Peak Hour – AM Peak	= 82% enter/18% exit
Weekday Peak Hour Generator – AM peak	= 59% enter/41% exit
Weekday Street Peak Hour – PM Peak	= 25% enter/75% exit
Weekday Peak Hour Generator – PM Peak	= 8% enter/92% exit
Sunday Peak Hour Generator	= 52% enter/48% exit

Land-Use Code - 560 Church

Weekday Street Peak Hour – AM Peak	= 54% enter/46% exit
Weekday Peak Hour Generator – AM peak	= 50% enter/50% exit
Weekday Street Peak Hour – PM Peak	= 52% enter/48% exit
Weekday Peak Hour Generator – PM Peak	= 59% enter/41% exit
Sunday Peak Hour Generator ⁽¹⁾	= 50% enter/50% exit

⁽¹⁾ *East Point Christian Church presently holds two Sunday morning service times (9:00 AM and 11:00 AM) and will continue this practice with occupancy of the proposed site. A manual traffic count was conducted at the existing East Point Christian Church site on Sunday, May 9 between the hours of 10:00 AM and 12:30 PM to determine the effect of the dual service times on trip distribution patterns (A copy of the data is attached). From a summary of the data, it was determined that approximately 60% of the trips are exiting the site and 40% of the total trips enter the site during the measured “peak”. The local trip splits were used in calculating the distribution of site trips to/from the proposed project site.*

Accordingly, seventy-five (75) of the trips generated by the proposed East Point Christian Church site will enter the site and the remaining 114 trips will exit the site during the Sunday peak hour.

VEHICLE VOLUME COUNT GRAPHIC SUMMARY SHEET

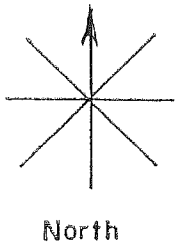
Intersection of EAST POINT CHRISTIAN CHURCH

Date 5-9-2010

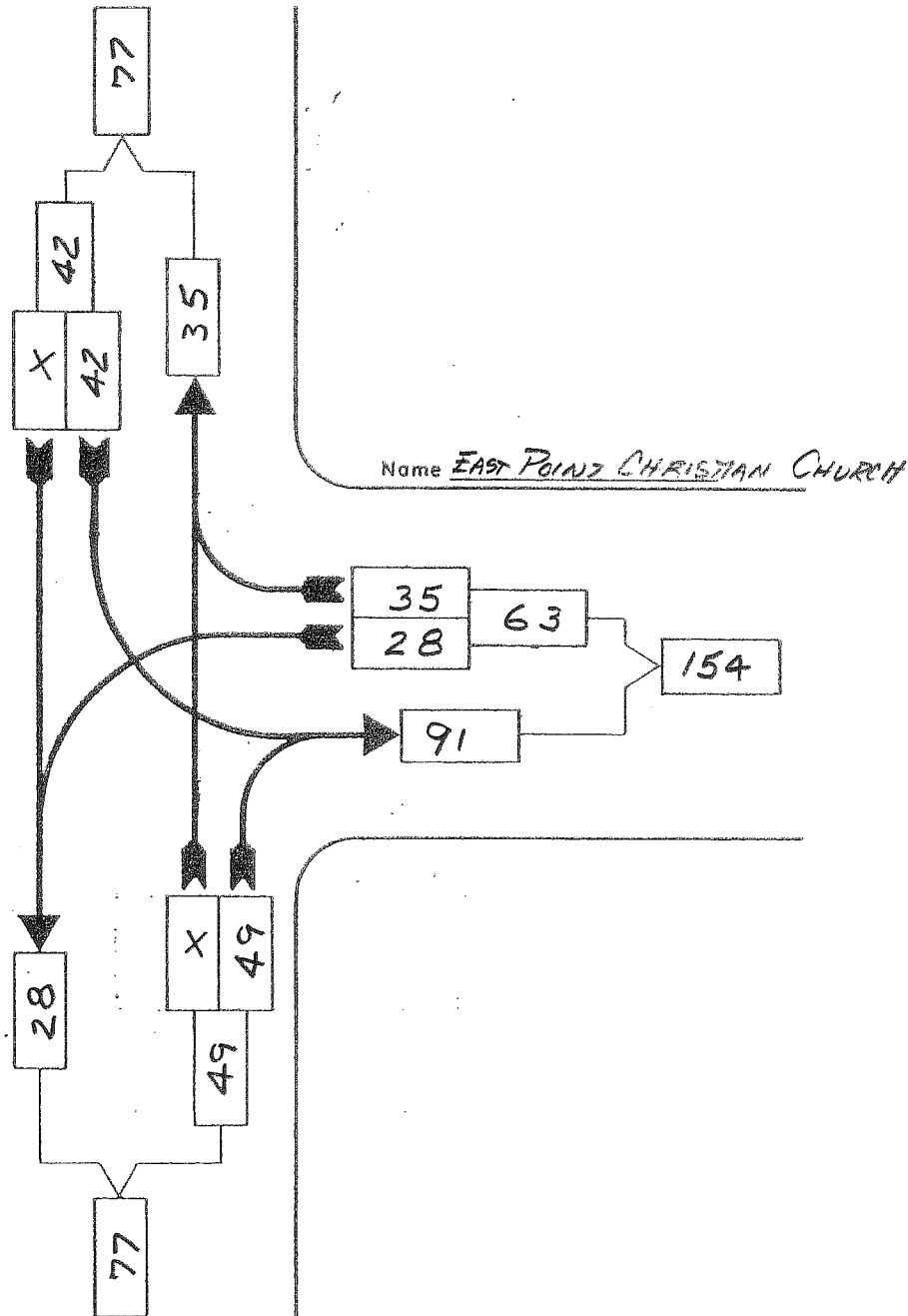
Weather SUNNY

Road Surface Condition DRY

Time 10:00 AM to 11:00 AM



Name ROUTE 1



Existing Sunday Peak Traffic Data – East Point Christian Church

SECTION 1

H. TRIP ASSIGNMENT

Site trips generated by the proposed East Point Christian Church during the Sunday peak hour were assigned to the existing street network based upon the following community distribution patterns (residency location of congregation members provided by church pastor; refer to attached e-mail correspondence) of existing congregation members:

50 % Scarborough and Communities south

25% Gorham and Communities west

25% South Portland, Cape Elizabeth and Communities west

Figure 1 attached presents the assignment of the Sunday site generated traffic based upon the above origin and/or destination of church members.

Bill Bray

From: "Steve Bushey" <SBushey@DeLucaHoffman.com>
Date: Monday, May 10, 2010 8:02 AM
To: "Bill Bray" <trafficsolutions@maine.rr.com>
Subject: distribution of church members
Bill,

According to the pastor the following approximate distribution applies:

- From Scarborough or points south – 50%
- From Gorham or points west – 25%
- From South Portland, Cape or points north – 25%

Trust this helps.

Stephen Bushey PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.
778 Main Street, Suite 8
South Portland, Maine 04106
207- 775-1121
Fax 207-879-0896
sbushey@delucahoffman.com
www.delucahoffman.com

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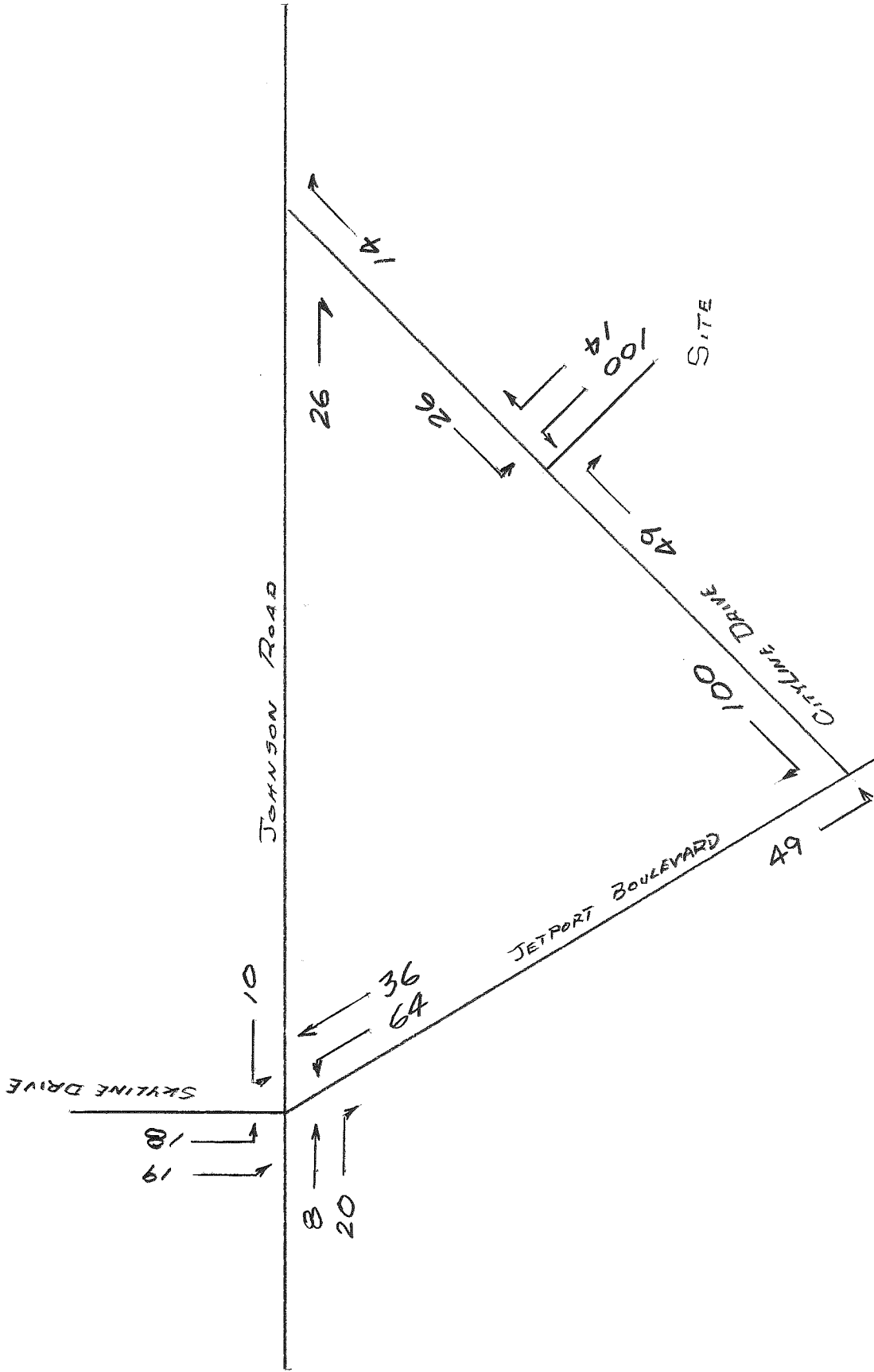


Figure 1: Site Traffic Assignment – Sunday Peak Hour

SECTION 2

TRAFFIC ACCIDENTS

The Maine Department of Transportation's (MDOT) Accident Records Section provided three-year (2006 through 2008) safety records for the study intersections and roadway segments in the general vicinity of the proposed East Point Christian Church. MDOT's report is presented as follows:

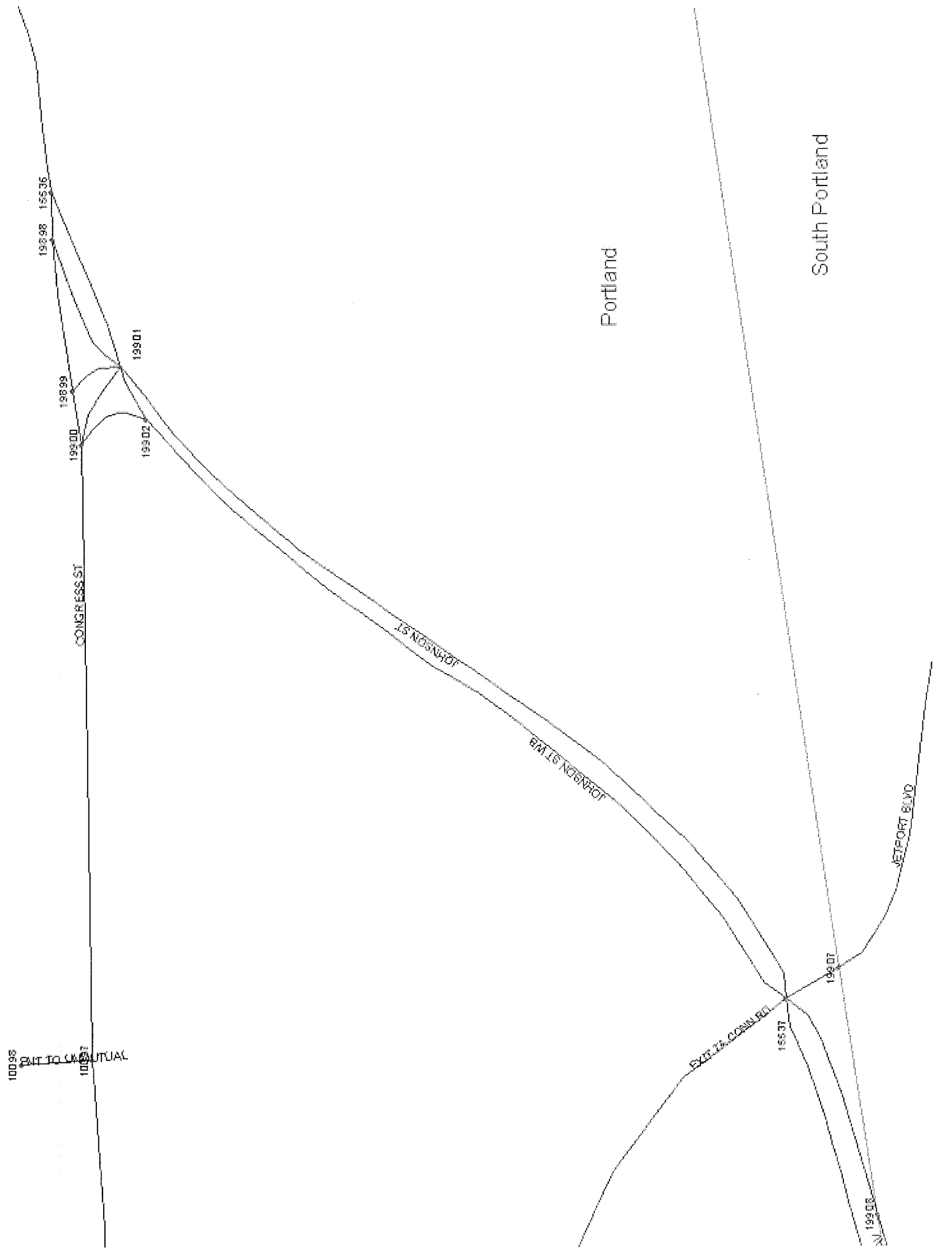
2006 -2008 Accident Summary Johnson Road – Congress Street to Skyway Drive (MTA Connector Road)

<u>Location</u>	<u>Number of Accidents</u>	<u>Critical Rate Factor</u>
1. Johnson Road @ Skyway Drive	18	0.55
2. Johnson Road @ Congress Street (Encompasses 5 MDOT Links)	12	N/A
3. Johnson Road EB, btw. Skyway Drive and Congress Street	1	0.12
4. Johnson Road WB btw. Congress Street and Skyway Drive	5	0.66

The MaineDOT considers any roadway segment or intersection a high crash location if both of the following criteria are met:

- *8 or more accidents*
- *A Critical Rate Factor greater than 1.00*

Based upon MaineDOT's most recent crash data, the frequency of traffic crashes is below the threshold values for identification of a high crash location.



Portland

South Portland

CONGRESS ST

JOHNSON ST

EMILE ROBERT

EXIT 14, COASH RD

DETROIT BLVD

EXIT TO UNIV. MUTUAL

1998 155.35

1999

1990

1991

1992

100.98

100.97

1993

1997

1998

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

Crash Summary I Section Detail Crash Summary II 1320 Included 1320 & Driver Report Included

REPORT DESCRIPTION

(No description).

REPORT PARAMETERS

Year 2006, Start Month 1 through Year 2008 End Month: 12

Route: 0009X

Start Node: 15537
End Node: 15536

Start Offset: 0
End Offset: 0

Exclude First Node
 Exclude Last Node

Route: 0009W

Start Node: 19898
End Node: 19901

Start Offset: 0
End Offset: 0

Exclude First Node
 Exclude Last Node

Route: 0009W

Start Node: 19901
End Node: 15537

Start Offset: 0
End Offset: 0

Exclude First Node
 Exclude Last Node

Route: 0022S

Start Node: 19900
End Node: 19901

Start Offset: 0
End Offset: 0

Exclude First Node
 Exclude Last Node

Route: 05U0018

Start Node: 19901
End Node: 19899

Start Offset: 0
End Offset: 0

Exclude First Node
 Exclude Last Node

Route: 05U0019

Start Node: 19900
End Node: 19902

Start Offset: 0
End Offset: 0

Exclude First Node
 Exclude Last Node

Crash Summary I

Nodes																	
Node	Route - MP	Node Description	U/R	Total Crashes	K	Injury Crashes			A	B	C	PD	Injury	Percent Annual M Ent-Veh	Crash Rate	Critical Rate	CRF
15537	0009X - 59.45	Int of EXIT 7A CONN RD, JETPORT BLVD 1, JOHNSON ST.,	9	18	0	0	0	3	5	10	44.4	10,730	0.56	Statewide Crash Rate: 0.66	1.01	0.00	
19901	0009X - 59.73	Int of CUT 9X TO 22X, JOHNSON ST, JOHNSON ST WB, RO 2	2	0	0	0	0	0	0	0	0.0	5,816	0.00	Statewide Crash Rate: 0.15	0.36	0.00	
15536	0009X - 59.78	0505953 POR,RTE 9,RTE 22,RTE 9W	9	7	0	0	0	2	5	28.6	6,718	0.35	Statewide Crash Rate: 0.66	1.10	0.00		
19898	0009W - 1.07	0510418 POR,RTE 22,RTE 9W	2	2	0	0	0	0	2	0.0	3,272	0.20	Statewide Crash Rate: 0.15	0.42	0.00		
19902	0009W - 1.13	0510422 POR,RTE 9W,CUT 22 TO 9W	2	1	0	0	1	0	0	100.0	2,012	0.17	Statewide Crash Rate: 0.15	0.47	0.00		
19900	0022S - 0	0510420 POR,RTE 22,22NB,22S,CUT TO 9W	2	1	0	0	0	0	1	0.0	3,693	0.09	Statewide Crash Rate: 0.15	0.40	0.00		
19899	05U0018 - 0.01	0510419 POR,RTE 22NB,CUT 9EB TO 22NB	2	1	0	0	0	0	1	0	100.0	1,853	0.18	Statewide Crash Rate: 0.15	0.48	0.00	
Study Years: 3.00				30	0	0	0	4	8	18	40.0	34,094	0.29	0.57	0.52		

Crash Summary I

Sections

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	Injury Crashes A B C	PD	Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
15537	19901	191071 Int of EXIT 7A CONN RD, JETPORT BLVD 1, JOHNSON ST., JOHNSON ST WB	0 - 0.28	0009X - 59.45 ST RTE 9	0.28	1	0 0 0	0 1	0.0 Statewide Crash Rate:	0.00712	46.79 188.33	406.76	0.00
15536	19901	191068 0505953 POR, RTE 9, RTE 22, RTE 9W	0 - 0.05	0009X - 59.68 ST RTE 9	0.05	1	0 0 0	0 1	0.0 Statewide Crash Rate:	0.00169	196.76 188.33	585.82	0.00
19898	19901	195451 0510418 POR, RTE 22, RTE 9W	0 - 0.04	0009W - 1.07 ST RTE 9W	0.04	0	0 0 0	0 0	0.0 Statewide Crash Rate:	0.00069	0.00 188.33	724.59	0.00
15537	19902	191072 Int of EXIT 7A CONN RD, JETPORT BLVD 1, JOHNSON ST., JOHNSON ST WB	0 - 0.26	0009W - 0.87 ST RTE 9W	0.26	5	0 0 1	1 3	40.0 Statewide Crash Rate:	0.00593	281.00 188.33	425.25	0.00
19901	19902	195456 Int of CUT 9X TO 22X, JOHNSON ST, JOHNSON ST WB, ROUTE 22 SB	0 - 0.02	0009W - 1.11 ST RTE 9W	0.02	0	0 0 0	0 0	0.0 Statewide Crash Rate:	0.00034	0.00 188.33	804.44	0.00
19900	19901	195454 0510420 POR, RTE 22, 22NB, 22S, CUT TO 9W	0 - 0.03	0022S - 0 ST RTE 22S	0.03	0	0 0 0	0 0	0.0 Statewide Crash Rate:	0.00047	0.00 180.88	749.61	0.00
19899	19901	195453 0510419 POR, RTE 22NB, CUT 9EB TO 22NB	0 - 0.01	05U0018 - 0 RD INV 05 U0018	0.01	0	0 0 0	0 0	0.0 Statewide Crash Rate:	0.00003	0.00 188.33	-1686.04	0.00
19900	19902	195455 0510420 POR, RTE 22, 22NB, 22S, CUT TO 9W	0 - 0.02	05U0019 - 0 RD INV 05 U0019	0.02	0	0 0 0	0 0	0.0 Statewide Crash Rate:	0.00006	0.00 188.33	27.60	0.00
Section Totals:					0.71	7	0 0 0	1 1 5	28.6	0.01633	142.85	337.52	0.42
Grand Totals:					0.71	37	0 0 0	5 9 23	37.8	0.01633	755.08	514.11	1.47
Study Years:					3.00								

Crash Summary

Section Details

Start Node	End Node	Element	Offset Begin - End	Route - MP	Total Crashes	Injury Crashes			Crash Report	Crash Date	Crash Mile Point	Injury Degree			
						K	A	B					C	PD	
15537	19901	191071	0 - 0.28	0009X - 59.45	1	0	0	0	0	1	2008-25682	10/16/2008	59.46	PD	
15536	19901	191068	0 - 0.05	0009X - 59.73	1	0	0	0	0	1	2008-30236	12/03/2008	59.74	PD	
19898	19901	195451	0 - 0.04	0009W - 1.07	0	0	0	0	0	0					
19901	19902	195456	0 - 0.02	0009W - 1.11	0	0	0	0	0	0					
15537	19902	191072	0 - 0.26	0009W - 1.13	5	0	0	1	1	3	2007-26912	10/12/2007	1.14	PD	
											2007-18729	06/29/2007	1.27	B	
											2007-14915	05/18/2007	1.29	C	
											2006-24773	07/21/2006	1.29	PD	
											2008-6622	01/31/2008	1.38	PD	
19900	19901	195454	0 - 0.03	0022S - 0	0	0	0	0	0	0					
19899	19901	195453	0 - 0.01	05U0018 - 0	0	0	0	0	0	0					
19900	19902	195455	0 - 0.02	05U0019 - 0	0	0	0	0	0	0					
Totals:					7	0	0	1	1	1	5				

Crash Summary II - Characteristics

Crashes by Day and Hour

Day Of Week	Hour of Day												Tot													
	AM						PM																			
	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	Un	Tot
SUNDAY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
MONDAY	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	3	2	0	0	0	0	0	0	0	6
TUESDAY	0	0	0	0	0	1	0	0	0	1	1	1	0	0	1	0	0	1	0	0	1	0	0	0	0	7
WEDNESDAY	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	3
THURSDAY	0	0	0	1	0	0	0	0	1	0	0	2	1	1	1	0	1	0	0	0	0	0	0	0	0	7
FRIDAY	0	0	0	0	0	0	0	1	1	1	1	1	0	3	1	3	0	0	0	0	0	1	0	0	0	13
SATURDAY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	0	0	0	1	0	0	1	0	1	3	2	3	5	1	6	1	7	3	0	0	1	2	0	0	0	37

Crashes by Year and Month

Month	2006			2007			2008			Total
	12	14	11	12	14	11	12	14	11	
JANUARY	3	2	1	0	0	0	0	0	0	6
FEBRUARY	0	0	3	0	0	0	0	0	0	3
MARCH	1	2	0	0	0	0	0	0	0	3
APRIL	0	1	1	0	0	0	0	0	0	2
MAY	2	1	0	0	0	0	0	0	0	3
JUNE	0	1	0	0	0	0	0	0	0	1
JULY	4	1	1	0	0	0	0	0	0	6
AUGUST	1	1	0	0	0	0	0	0	0	2
SEPTEMBER	0	3	2	0	0	0	0	0	0	5
OCTOBER	0	1	1	0	0	0	0	0	0	2
NOVEMBER	1	0	0	0	0	0	0	0	0	1
DECEMBER	0	1	2	0	0	0	0	0	0	3
Total	12	14	11	12	14	11	12	14	11	37

Vehicle Counts by Type

Unit Type	Total	Unit Type	Total
1-2 Door	5	32-3 Axle Tractor with Tandem Axle Semi	0
2-4 Door	38	33-3 Axle Tractor with Tridem Axle Semi	0
3-Convertible	0	35-3 Axle Tractor with Single Axle Semi & 2 Axle Trailer	1
4-Station Wagon	3	36-3 Axle Tractor with Tandem Axle Semi & 2 Axle Trailer	0
5-Van	11	37-5 Axle Semi; Split Trailer Tandem	0
6-Pickup Truck	9	38-6 Axle Semi; Split Trailer Tandem with Center Axle	0
7-SUV	6	39-6 Axle; Standard Trailer Tandem with Center Axle	0
10-Truck Tractor Only (Bobtail)	0	40-4 Axle Single Unit	0
12-School Bus	0	42-4 Axle Tractor with Tandem Axle Semi	0
13-Motor Home	0	50-Any Other Axle Configuration	0
14-Motorcycle	0	60-Other Unit	0
15-Moped	0	70-ATV	0
16-Motor Bike	0	81-2 Axle Bus	0
17-Bicycle	0	82-3 Axle Bus	0
18-Snowmobile	0	98-Farm Vehicles / Tractors	0
20-2 Axle Single Unit with Dual Tires	1	99-Unknown	0
21-2 Axle Tractor with Single Axle Semi	0	Total	74
22-2 Axle Tractor with Tandem Axle Semi	0		
25-2 Axle Tractor with Single Axle Semi & 2 Axle Trailer	0		
30-3 Axle Single Unit	0		
31-3 Axle Tractor with Single Axle Semi	0		

Crash Summary II - Characteristics

Crashes by Apparent Contributing Factor And Driver

Apparent Contributing Factor	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
No Improper Action	22	12	1	0	0	0	35
Failure to Yield Right of Way	1	2	0	0	0	0	3
Illegal Unsafe Speed	0	0	0	0	0	0	0
Following Too Close	1	2	0	0	0	0	3
Disregard Traffic Control Device	2	2	0	0	0	0	4
Driving Left of Center Not Passing	1	0	0	0	0	0	1
Improper Passing, Overtaking	0	0	0	0	0	0	0
Improper Unsafe Lane Change	2	2	0	0	0	0	4
Improper Parking Start, Stop	0	0	0	0	0	0	0
Improper Turn	0	2	0	0	0	0	2
Unsafe Backing	0	0	0	0	0	0	0
No Signal or Improper Signal	0	0	0	0	0	0	0
Impeding Traffic	0	0	0	0	0	0	0
Driver Inattention, Distraction	5	8	0	0	0	0	13
Driver Inexperience	1	0	0	0	0	0	1
Pedestrian Violation Error	0	0	0	0	0	0	0
Physical Impairment	0	0	0	0	0	0	0
Vision Obscured, Windshield Glass	0	1	0	0	0	0	1
Vision Obscured, Sun, Headlights	0	1	0	0	0	0	1
Other Vision Obscurement	0	2	0	0	0	0	2
Other Human Violation Factor	2	2	0	0	0	0	4
Hit and Run	0	0	0	0	0	0	0
Defective Brakes	0	0	0	0	0	0	0
Defective Tire, Tire Failure	0	0	0	0	0	0	0
Defective Lights	0	0	0	0	0	0	0
Defective Suspension	0	0	0	0	0	0	0
Defective Steering	0	0	0	0	0	0	0
Other Vehicle Defect or Factor	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0
Total	37	36	1	0	0	0	74

Crashes by Apparent Physical Condition And Driver

Apparent Physical Condition	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
Normal	36	34	1	0	0	0	71
Under the Influence	0	1	0	0	0	0	1
Had Been Drinking	0	0	0	0	0	0	0
Had Been Using Drugs	0	0	0	0	0	0	0
Asleep	1	0	0	0	0	0	1
Fatigued	0	0	0	0	0	0	0
ill	0	0	0	0	0	0	0
Handicapped	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
Total	37	35	1	0	0	0	73

Driver Age by Unit Type

Age	Driver	Bicycle	Snow/Mobile	Pedestrian	ATV	Total
09-Under	0	0	0	0	0	0
10-14	0	0	0	0	0	0
15-19	3	0	0	0	0	3
20-24	5	0	0	0	0	5
25-29	5	0	0	0	0	5
30-39	20	0	0	0	0	20
40-49	11	0	0	0	0	11
50-59	17	0	0	0	0	17
60-69	8	0	0	0	0	8
70-79	2	0	0	0	0	2
80-Over	2	0	0	0	0	2
Unknown	1	0	0	0	0	1
Total	74	0	0	0	0	74

Crash Summary II - Characteristics

Fixed Object Struck		Total
1-Construction, Barricades Equipment, etc.	0	0
2-Traffic Signal	0	0
3-R.R. Crossing Device	0	0
4-Light Pole	0	0
5-Utality Pole (Tel. Electrical)	0	0
6-Sign Structure Post	1	1
7-Mail Boxes or Posts	0	0
8-Other Poles, posts or supports	0	0
9-Fire Hydrant/Parking Meter	0	0
10-Tree or Shrubbery	0	0
11-Crash Cushion	0	0
12-Median Safety Barrier	0	0
13-Bridge Piers (including protective guard rails)	0	0
14-Other Guardrails	0	0
15-Fencing (not median barrier)	0	0
16-Culvert Headwall	0	0
17-Embankment, Ditch, Curb	1	1
18-Building, Wall	0	0
19-Rock Outcrops or Ledge	0	0
20-Other	0	0
21-Gate or Cable	0	0
22-Pressure Ridge	0	0
Total	2	2

Traffic Control Devices		Total
1-Traffic Signals (Stop & Go)	29	29
2-Traffic Flashing	0	0
3-Overhead Flashers	0	0
4-Stop Signs - All Approaches	0	0
5-Stop Signs - Other	0	0
6-Yield Sign	1	1
7-Curve Warning Sign	0	0
8-Officer, Flagman, School Patrol	0	0
9-School Bus Stop Arm	0	0
10-School Zone Sign	0	0
11-R.R. Crossing Device	0	0
12-No Passing Zone	0	0
13-None	6	6
14-Other	1	1
Total	37	37

Road Character		Total
1-Level Straight	33	33
2-Level Curved	4	4
3-On Grade Straight	0	0
4-On Grade Curved	0	0
5-Top of Hill Straight	0	0
6-Top of Hill Curved	0	0
7-Bottom of Hill Straight	0	0
8-Bottom of Hill Curved	0	0
9-Other	0	0
Total	37	37

Injury Data		Total
Severity Code	Injury Crashes	Number Of Injuries
K	0	0
A	0	0
B	5	6
C	9	10
PD	23	0
Total	37	16

Light		Total
1-Dawn (Morning)	0	0
2-Daylight	33	33
3-Dusk (Evening)	1	1
4-Dark (Street Lights On)	3	3
5-Dark (No Street Lights)	0	0
6-Dark (Street Lights Off)	0	0
7-Other	0	0
Total	37	37

Crash Summary II - Characteristics

Crashes by Crash Type and Type of Location

Crash Type	Straight Road	Curved Road	Three Leg Intersection	Four Leg Intersection	Five Leg Intersection	Driveways	Bridges	Interchanges	Other	Total
Object in Road	0	0	0	0	0	0	0	0	0	0
Rear End / Sideswipe	2	0	7	7	5	0	1	0	3	25
Head-on / Sideswipe	0	0	0	0	0	0	0	0	0	0
Intersection Movement	0	0	4	3	1	1	0	0	0	9
Pedestrians	0	0	0	0	0	0	0	0	0	0
Train	0	0	0	0	0	0	0	0	0	0
Ran Off Road	1	1	0	0	0	0	0	0	0	2
All Other Animal	0	0	0	0	0	0	0	0	0	0
Bike	0	0	0	0	0	0	0	0	0	0
Other	1	0	0	0	0	0	0	0	0	1
Jackknife	0	0	0	0	0	0	0	0	0	0
Rollover	0	0	0	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0	0	0	0
Submersion	0	0	0	0	0	0	0	0	0	0
Rock Thrown	0	0	0	0	0	0	0	0	0	0
Bear	0	0	0	0	0	0	0	0	0	0
Deer	0	0	0	0	0	0	0	0	0	0
Moose	0	0	0	0	0	0	0	0	0	0
Total	4	1	11	10	6	1	1	0	3	37

Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather Light	Debris	Dry	Ice, Packed Snow, Not Sanded	Ice, Packed Snow, Sanded	Muddy	Oily	Other	Snow Slush, Not Sanded	Snow, Slush, Sanded	Wet	Total
Blowing Sand or Dust											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Clear											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	1	0	0	0	0	0	0	0	0	1
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	20	0	1	0	0	0	0	0	0	21
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Cloudy											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	3	0	0	0	0	0	0	0	0	3
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Fog, Smog, Smoke											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0

Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather Light	Debris	Dry	Ice, Packed Snow, Not Sanded	Ice, Packed Snow, Sanded	Muddy	Oily	Other	Snow Slush, Not Sanded	Snow, Slush, Sanded	Wet	Total
Other											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Rain											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	1	1
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	5	5
Dusk (Evening)	0	0	0	0	0	0	0	0	0	1	1
Other	0	0	0	0	0	0	0	0	0	0	0
Severe Cross Winds											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Sleet, Hail, Freezing Rain											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather Light	Debris	Dry	Ice, Packed Snow, Not Sanded	Ice, Packed Snow, Sanded	Muddy	Oily	Other	Snow Slush, Not Sanded	Snow, Slush, Sanded	Wet	Total
Snow											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	1	0	0	1
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	1	0	0	0	3	0	0	4
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	24	0	2	0	0	0	4	0	7	37

SECTION 3

A. ENTRANCE/EXIT LOCATION

The proposed East Point Christian Church site will be accessed through two full-service driveways connecting directly to Cityline Drive, a private roadway. The more northerly drive is an exclusive drive servicing the proposed site. The second drive is a common driveway with the adjoining business lot at 70 Cityline Drive. A distance of approximately 100-feet separates the two driveways.

SECTION 3

B. ENTRANCE AND EXIT PLAN VIEW

Sightlines in excess of 300 feet are attainable looking in both directions from the existing site access drives. Cityline Drive, a private roadway is unofficially posted at 20mph, which in accordance with MaineDOT standards, which are presented in the table below, requires a unobstructed sight distance of 200 feet or less.

The Maine Department of Transportation's Highway Entrance and Driveway Rules require the following sight distances for a non-mobility roadway:

Sight Distance Standards

Speed Limit	Sight Distance
25 mph	200 feet
30	250
35	305
40	360
45	425
50	495
55	570

SECTION 3

C. ENTRANCE/EXIT DESIGN

The proposed driveways will be designed in accordance with City of Portland design standards for private roadways.

SECTION 4

TITLE, RIGHT OR INTEREST

The attached March 25, 1986 property deed demonstrates that Transport Leasing Corporation is the owner of record for the property proposed for this application.

BOOK 711 PAGE 250

KNOW ALL MEN BY THESE PRESENTS,

11991

550
v THAT TRANSPORT SALES, INC., a corporation organized and existing under the laws of the State of Maine of Portland and located at ~~440~~³³⁰ Forest Avenue in the County of Cumberland and State of Maine in consideration of One Dollar (\$1.00) and other valuable considerations paid by TRANSPORT LEASING CORP., a Maine corporation with a place of business in Portland, County of Cumberland and State of Maine and whose mailing address is 550 Forest Avenue, Portland, Maine 04101, the receipt whereof it does hereby acknowledge, does hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said TRANSPORT LEASING CORP., its successors and assigns forever:

A certain lot or parcel of land situated in Portland, together with any buildings thereon, in the County of Cumberland and State of Maine, lying easterly of the Johnson Road, so-called, and being Lot 4 as shown on Plan captioned "Plan of Land in Portland & South Portland, Maine, for Transport Leasing Corp." dated April 22, 1979, as revised and as recorded in Cumberland County Registry of Deeds in Plan Book 139, Page 69, containing 32,753 square feet, more or less.

Being a portion of the premises described in a deed from Sanborn's Motor Express, Inc., to Transport Leasing Corp. dated June 6, 1966, recorded in said Registry of Deeds in Book 2960, Page 848.

Also conveying a right of way and easement for ingress and egress by foot and vehicle, and for all utilities, in and over a Private Right of Way shown on said Plan by and between said Lot 4 and said Johnson Road, so-called.

By the acceptance of this deed, the Grantee herein covenants and agrees to pay its proportionate share of all maintenance and snow removal costs for the road located in and on said Private Right of Way.

Being the same premises described in a deed from Transport Leasing Corp. to Transport Sales, Inc., dated December 5, 1983, and recorded in said Registry of Deeds in Book 6348, Page 191.

TO HAVE AND TO HOLD the same together with all the

Transport Leasing Corp., its successors and assigns, to its own use and behoof forever.

AND the said Grantor Corporation does covenant with the said Transport Leasing Corp., its successors and assigns, that it will warrant and forever defend the premises to Transport Leasing Corp., the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

IN WITNESS WHEREOF, the said Transport Sales, Inc., has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Chester F. Adams, its President thereunto duly authorized, this 25th day of MARCH in the year one thousand nine hundred and eighty-six.

SIGNED, SEALED AND DELIVERED
In Presence Of

Sharon A. Dulas

TRANSPORT SALES, INC.

By: Chester F. Adams

Print: Chester F. Adams

Its: President

STATE OF MAINE
CUMBERLAND, SS.

March 25, 1986

Then personally appeared before me the above-named Chester F. Adams Pres. of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of the said Corporation.

Before me,

Alli Lee
Notary Public

Print: ALLI LEE

My Commission expires: 7.17.89

SEAL

SECTION 5

PUBLIC OR PRIVATE RIGHTS-OF-WAY

There are no known private or public rights-of-way encumbering the proposed East Point Christian Church site.

SECTION 6

SCHEDULE

East Point Christian Church will start site construction immediately upon receiving permit approvals with late 2010, early 2011 site occupancy anticipated.

PBM1

EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

October 17, 1986

Mr. Jack Humeniuk, Chair, and
Members of the
Portland Planning Board
City Hall
Portland, Maine 04101

Dear Mr. Humeniuk and Members of the Board:

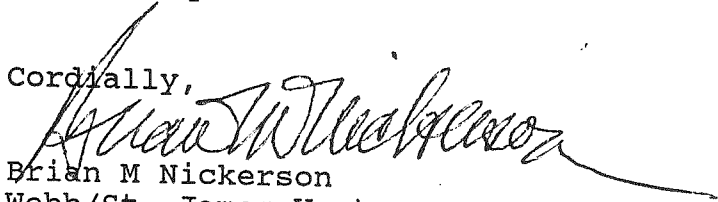
Attached, please find a status report regarding Eastern Point. We thank the Planning Board for scheduling a workshop session to discuss the project on October 21.

There are still some areas of the project which are not as yet ready for Planning Board consideration, particularly as they relate to ongoing discussions underway with an abutting property. However, we look forward to discussing specific proposals with the Board regarding:

1. Alternative zoning for the site
2. Conditional zoning potential pertaining to height
3. Affordable housing component
4. Job creation
5. Berthing proposal
6. Neighborhood parking
7. Integration with the existing neighborhoods

We understand that the Board has allocated up to 45 minutes for this discussion. We will limit our remarks to 15 minutes so that there can be an opportunity for Planning Board questions.

Cordially,


Brian M Nickerson
Webb/St. James Ventures

EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

March 23, 1987

Mayor Ronald Dorler, and
Members of the Portland City Council
City of Portland
Portland, Maine 04101

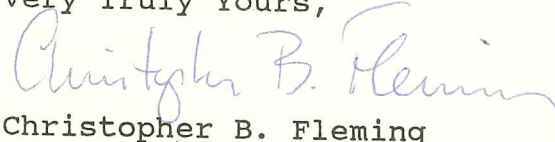
Dear Mayor Dorler and Council Members:

Eastern Point Associates is pleased to provide the Portland City Council with the accompanying binder. We believe that it will provide the City Council with the information it needs to make a reasoned decision regarding the proposed zone change.

We have attempted to include a complete package of material regarding the project.

Should there be additional questions beyond the material included, we stand ready to answer any of your questions at the March 30, 1987 City Council workshop meeting.

Very Truly Yours,



Christopher B. Fleming
Managing General Partner

cc: Robert Ganley, City Manager
Joseph Gray, Director of Planning & Urban Development



Bath Iron Works Corporation

700 WASHINGTON STREET, BATH, MAINE 04530 • (207) 443-3311

WILLIAM E. HAGGETT
Chairman and
Chief Executive Officer

March 24, 1987

The Honorable Ronald Dorler
Mayor, City of Portland
Portland City Hall
389 Congress Street
Portland, ME 04101

Dear Mayor Dorler:

In September of last year when I learned of the proposed Eastern Point Project, I wrote to the Chairman of the Planning Board and expressed my views on various issues related to waterfront development in the City. I enclose a copy of my letter to Chairman Humeniuk for your information.

Following my letter to Chairman Humeniuk, I met with the principals of Eastern Point Associates. We discussed at length the relationship of the proposed development to BIW's Portland Facility. As a result of the discussions, the developers of the Project have proposed to include in the deeds and other condominium documents language which satisfies my concerns and assures that future tenants will be fully informed of the nature of our ship repair and overhaul operations.

BIW had an opportunity to acquire the site of the proposed development, but chose not to do so on the basis that our present Facility is adequate for our present and long-term operations on the Portland waterfront.

The developers of the Project have satisfied BIW's concerns in a cooperative and straightforward manner, and I am confident that, with the stipulations that have been made, we can live as good neighbors on the Portland waterfront.

While I believe the proposed development to be a use compatible with our ship repair and overhaul activities, I wish

HARRY E. CUMMINGS

44 Providence Street

Portland, Maine 04103

March 26, 1987

To the Honorable Mayor and Members of the Portland City Council

Ladies and Gentlemen:

Soon you will be holding a workshop and later a meeting at which you will vote to approve or deny a request of Eastern Point Associates (herein after referred to as the developers) to change the zoning of what was formerly the Portland Engineering Co. property on Fore Street from I-3b to a combination of zones R-6, B-2 and I-2b.

Straightout - This request if approved would at once and for all time put an end to the City's policy (written or unwritten) of a working waterfront.

The developer's intention, if granted this request, is to create 330 units of condominium housing, 22,000 square feet of commercial uses, 33,000 square feet of R and D and manufacturing, a marina consisting of an unknown type of breakwater enclosing 300 berths for pleasure crafts and 20 berths for commercial use.

Mixed use disguised by dividing the tract into zones to accommodate the various uses as desired by the developer. A clever way to circumvent W-1 zoning, possibly legal, but very disrespectful and disruptive to the City's desire to control mixed use along the waterfront.

In mid 1986 this same developer requested a change of zone from I-3b to W-1 for this same property, for substantially the same uses. After workshop, advertising and a public hearing before the Planning Board, all of which I attended as a member of the Planning Board, the developer withdrew the request.

From what I saw and heard then and from what I have read and heard since then, I would have voted then and I would vote now to deny the request, on this issue alone (mixed use along the waterfront).

There are other issues which are equal reasons for denial.

Approximately two thirds of the proposed development, that portion west of Waterville Street, is directly behind the B.I.W. facility, separated only by the width of the CNRR tracks.

The entire development impacts the B.I.W. facility (possibly vice versa). The dangers of the closeness of the two has already been recognized in an attempt by the developer to get some sort of a liability sign-off from the B.I.W.

Furthermore, the City of Portland and the State of Maine have a direct financial interest in the B.I.W. facility, the general public and the region has an interest, jobs and the economy. It behooves the City to protect these interests. Certainly residential use within these environs is jepordizing.

March 26, 1987

Page 2

Regardless of contrary opinions, I believe and you should believe that this property should and must be industrially (not necessarily I-3b) and commercially zoned to support port development.

Furthermore the City needs industrial acreage. That along Riverside Street and outer Congress Street, which is fast being used up and is not comparable to that along the waterfront. Of course, it is more expensive to develop but that is what the City needs.

Next, the CNRR is in the process of withdrawing its service from India Street to East Deering.

It is my understanding that permission has already been granted to remove the tracks along Commercial Street from India Street to Union Street and that that will be done.

It is also my understanding CNRR has stated that it will not restore the burned trestle across the Back Cove Estuary and that the City has been offered and refused the CNRR right of way between the yard off India Street and East Deering for \$1.00 if the City will take ownership of the trestle as is.

Throughout past years, the City has envisioned extending Commercial Street, not as a wide street but as a service road through the Old Portland Co. property, thence forward as a scenic drive around the Eastern Promenade to connect with the treatment plant and to Marginal Way.

The CNRR has been the obstacle. Now is the opportunity to grasp and plan the scenic way, the possible use of each end of the trestle for berthing, there is a channel all the way to and through the trestle, a very nice place for a marina.

Think ahead, don't allow the lures of the present day developers to overshadow greater possibilities in the years ahead.

Further, Eastern Point should be owned by the City and be a part of the Eastern Promenade. It can so become by acquiring the CNRR right of way. Said right of way extends to the submerged lands which have been leased to the developer, the land between the lease and the CNRR could become City of Portland property with access via the railroad right of way to India Street.

A visionary from Munjoy Hill recently talked with me about Eastern Point as a public area with a pier extending out to deep water, the pier being a place to stroll, to fish, a public landing and ultimately dockage for cruise boats.

Again, think ahead, should the City allow this development which would take away such options in the future?

March 26, 1987
Page 3

Referring to the submerged land lease to the Portland Engineering Co. and or its successors:

It is my recollection that the lease was given by the State for commercial marine use to support the industrial activities of the Portland Engineering Co., which was then seeking work from anticipated off shore oil drilling. If use as a pleasure boat marina is very questionable, the allocation of 20 berths for commercial use is a subterfuge. Also the lease not having been developed much in its time frame and for the purpose intended may invalidate it. Certainly this should be looked into.

There are several other points I could make against rezoning this property at this time, but if what I have already written is not enough to convince, a few more paragraphs wouldn't make much difference.

Summarily, deny the zone change, make no committments to the developer, take a good long look at the entire area, Portland Engineering Co. property, the about to be abandoned CNRR yard in India Street, the CNRR Right of Way, Eastern Point, the former Thomas Laughlin property on the opposite side of Fore Street, the Jordan Meat Co. property, and any other included or contiguous property. In other words a comprehensive plan of this and of the waterfront.

Most respectfully,

Harry E. Cummings

cc: Robert Ganley, City Manager
Joseph E. Gray, Jr., Director, Planning and Urban Development
Chairman and Members of the Planning Board.
Clark M. Neily, Director, Economic Development

/ksc

EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

STATUS REPORT
FOR
THE PORTLAND PLANNING BOARD
FOR ITS WORKSHOP MEETING OF
OCTOBER 21, 1986

SUBMITTED BY:
EASTERN POINT ASSOCIATES
WEBB/St. James Ventures
Menario Russ O'Sullivan

EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

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PORTLAND, MAINE

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SUMMARY OF PROJECT

PROJECT FACTS

- * 12 acres of land area
- * 13 acres of water area
- * 330 residential units
- * 22,000 sq. ft. of retail/office/service use
- * 33,000 sq. ft. of biotech industrial space
- * Berthing for 300 - 500 vessels; 9000+/- linear feet
- * Jobs
 - 75 permanent AgriTech jobs in 1 - 3 years
 - 60 to 100 permanent jobs estimated in commercial space
 - 150-160 construction jobs per year for 5 years
 - Year 3 payroll est. at \$7.5 Million - from direct project jobs.
 - Assuming a 3 times multiplier for indirect and induced employment - estimated year 3 payroll for direct, indirect and induced employment = \$30 Million.
- * Current Taxes - \$48,860
- * Estimated taxes @ 1986 \$ and rate - \$1 to 1.5 Million
- * Displacement of residents, boats or jobs - NONE
- * Public Access
 - Vehicular All Roadways
 - Pedestrian
 - All Roadways
 - Two protected pedestrian ways from Fore Street
 - Three landscaped pedestrian squares and areas
 - Pedestrian access to the end of the main pier
 - Public Observation Tower in existing structure
- * Public Views
 - No new buildings higher than the level of Fore Street
 - All new roofs 5-6' below the view of the typical adult observer
 - Viewing panoramas protected
 - Marina activity enhancing public views
 - New views from pedestrian areas, Observation Tower and end of Main Pier

FACTORS WHICH ENHANCE EASTERN POINT

- * Placement of uses so that residence abuts residential neighborhood, industrial use abuts traditional industrial area, and commercial uses are located between the two. Makes for logical transition of compatible uses with the marina joining the three use types.
- * Use of numerous structures versus one or two "megastructures" so as to be more compatible with building types in the city and to foster phasing of the project which will reduce the impact of change.
- * Unlimited public access to an area never before open to the public. Two exclusive pedestrian connectors from Fore Street leading to landscaped plazas and the main marina pier to bring the public out and beyond the water's edge.
- * Construction of all new buildings below the level of Fore Street so as to preserve existing panoramic views. Placement of buildings so that views over the embankment from Fore Street intersections with neighborhood streets will be into landscaped plazas rather than rooftops.
- * Inclusion of a public view observation deck within an existing tower facing on Fore Street subject to structural stability. Inclusion of a marina in this location will enhance the diversity of public views.
- * Commitment to the production of a meaningful amount of affordable housing in some form within the project. We have met with state and local housing officials and are convinced that we can participate in some constructive manner.
- * Provision of berthing in this area should take pressure off the central portion of the waterfront where recreational berthing is displacing commercial vessels. The western portion of the marina adjacent to the industrial component at Eastern Point is being considered for commercial berthing, assuming a demand exists for this location.
- * The site has been predominantly vacant for many years. The only significant user on site is AgriTech which will be allowed to remain and expand. AgriTech had been looking at suburban sites for a new location prior to the opportunity raised by Eastern Point.
- * Industry is moving out: Portland Company, Crosby-Laughlin, National Distributors, Jordan Meats, Canadian National, etc. The area no longer relates to the needs of modern industry.

- * A commitment to the Munjoy Hill Neighborhood Organization Board of Directors was made to allow excess winter parking (approx. 75 spaces) to be used by neighborhood residents during snow emergencies.
- * Eastern Point will make a contribution to improvements proposed for the Eastern Promenade.
- * A vacant and dilapidated facility will be put into productive use.

It is our philosophy that every portion of a community must contribute to the well-being of the whole. We perceive the above contributions as things which will make the whole better and, therefore, benefit us as well as everyone else. We are willing to contribute where we can and respond to every reasonable request.

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NARRATIVE DESCRIPTION

Eastern Point Associates proposes to develop the former Portland Company property and the adjacent former Crosby-Laughlin warehouse as a multiple purpose real estate project. The land area is approximately 12 acres and has substantial frontage on Fore Street on the eastern portion of the Portland peninsula. The site also has a long-term lease arrangement of approximately 13 acres of harbor area owned by the Maine Department of Transportation.

The Portland Company site has been predominantly vacant for a number of years. At its peak, the Portland Company manufactured locomotives for the railroad industry, munitions including cannons, cast iron store fronts and numerous other heavy manufacturing products. The Crosby-Laughlin warehouse served the parent facility on the other side of Fore Street which was a heavy steel & iron forge plant; it ceased operation within the past two years.

The only active use of the site is by a young biotechnology company which manufactures animal testing devices - AgriTech Systems Inc. The development plan involves relocating AgriTech from its current quarters to modern and expanded facilities at the former Crosby-Laughlin warehouse. This project component has already received City of Portland approval and construction is underway. AgriTech will occupy 33,000 sq.ft. of floor area at its new facility.

In addition to the AgriTech component, the Eastern Point development plan includes the construction of 330 residential housing units, 30 of which will participate in existing subsidized housing programs (pending approvals by state and local housing entities). The majority of the residential units will be condominium units for sale to people wishing to reside at Eastern Point. There will be some private market rental units but the actual number has not as yet been identified by on-going market research.

Eastern Point will have a commercial component of mixed office, service and supportive retail uses, including a restaurant. Much of this space (estimated at 22,000 sq.ft.) will be housed in ground floor areas adjacent to principal public areas.

Eastern Point also proposes a boat basin for the berthing of over 300 vessels and including over 9000 linear feet of berthing space. In order to construct such a facility, a fixed breakwater easterly of the basin will be necessary. It is proposed to accommodate up to 1000 linear feet of berthing for commercial fishing and lobster boats as part of the boat basin plans.

The design plan incorporates a collection of brick buildings, utilizing the more significant of existing buildings on site. Structures close to Fore Street will parallel the street similar to the existing placement of buildings on site. Closer to the water and away from the slope of the site, new buildings will be perpendicular to the shore and Fore Street; this design maximizes views not only from the new buildings but also from Fore Street. All new buildings east of those to be retained will be constructed so that the roof lines will be below the level of Fore Street. This technique will minimize obstructions to view panoramas.

Public access to the site will be enhanced and encouraged by numerous vehicular and pedestrian entryways to the site and the presence of attractive public squares, spaces and gathering places. The boat basin will incorporate a central main wharf which will be a public activity area; the public will use this for access to the water as well as for a public landing and short-term berthing.

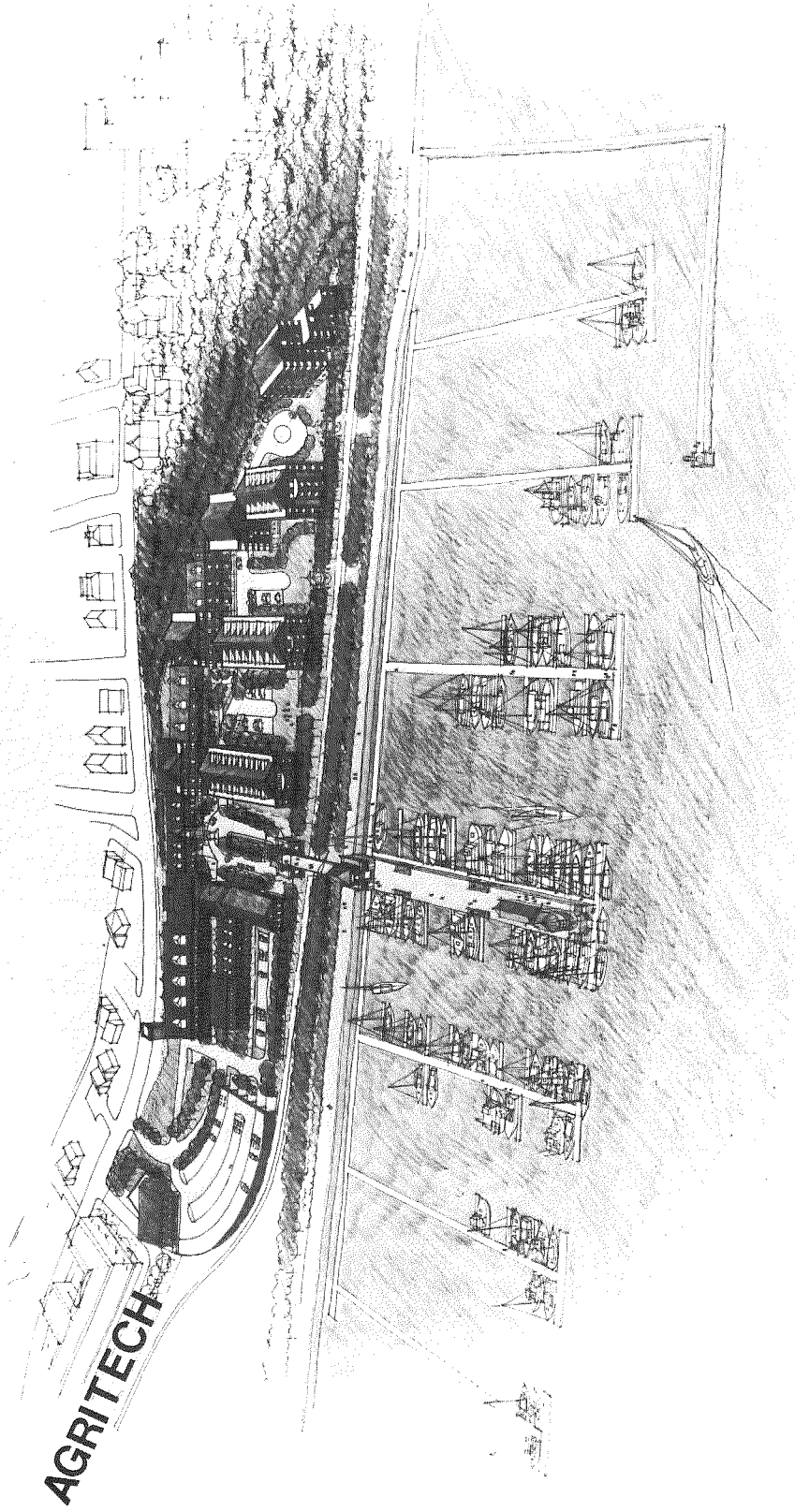
An existing tower on Fore Street will be developed as an observation deck. A small museum regarding the history of Munjoy Hill and the Portland Company will be incorporated into the observation area or at another appropriate location on site.

The site is currently zoned I-3B Industrial, the heaviest and least restrictive industrial zone in the city. With a few exceptions, nearly any kind of industrial use could be operated in the zone. Regardless, industry is quickly disappearing from this area and moving to suburban sites or out of the country.

In order to accommodate the multiple-purpose nature of Eastern Point, rezoning is necessary. Rezoning to W-1 Waterfront was requested by Eastern Point Associates; however, after consultation with the Planning Board, a suggested alternative to W-1 zoning is contained in the body of this report.

In addition to zoning action by the City Planning Board and City Council, other approvals are necessary. A rigorous site plan review process will be undertaken by the Planning Board following positive zoning action. In addition, state and federal approvals and licenses will be necessary due to the project's size as well as its location on the waterfront.

Eastern Point Associates has made a substantial effort to involve neighborhood and community groups in its planning. It has asked for and received appointments with numerous organizations and continues to maintain a healthy information dialogue with these groups, regardless of their position on the project. Eastern Point Associates has strived to incorporate every reasonable request made of it in revising components of the project. And while the fundamental plan has not changed substantially, the proposal now before the Board incorporates numerous refinements recommended by community and neighborhood groups. We believe these refinements have improved the project greatly and will continue to respond to constructive suggestions throughout the development process.



Menario · Russ · O'Sullivan

Commercial and Investment Real Estate

Joel B. Russ

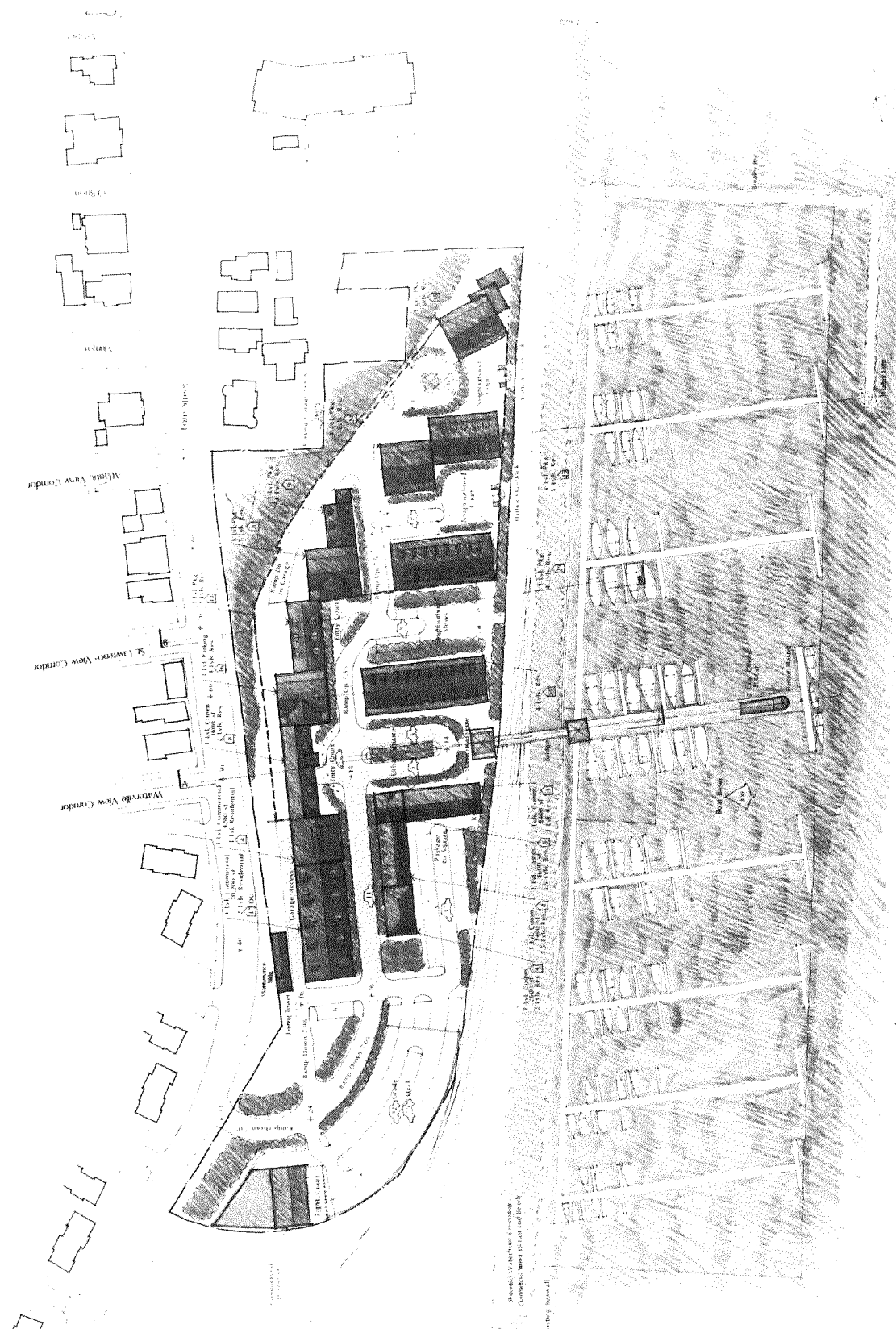
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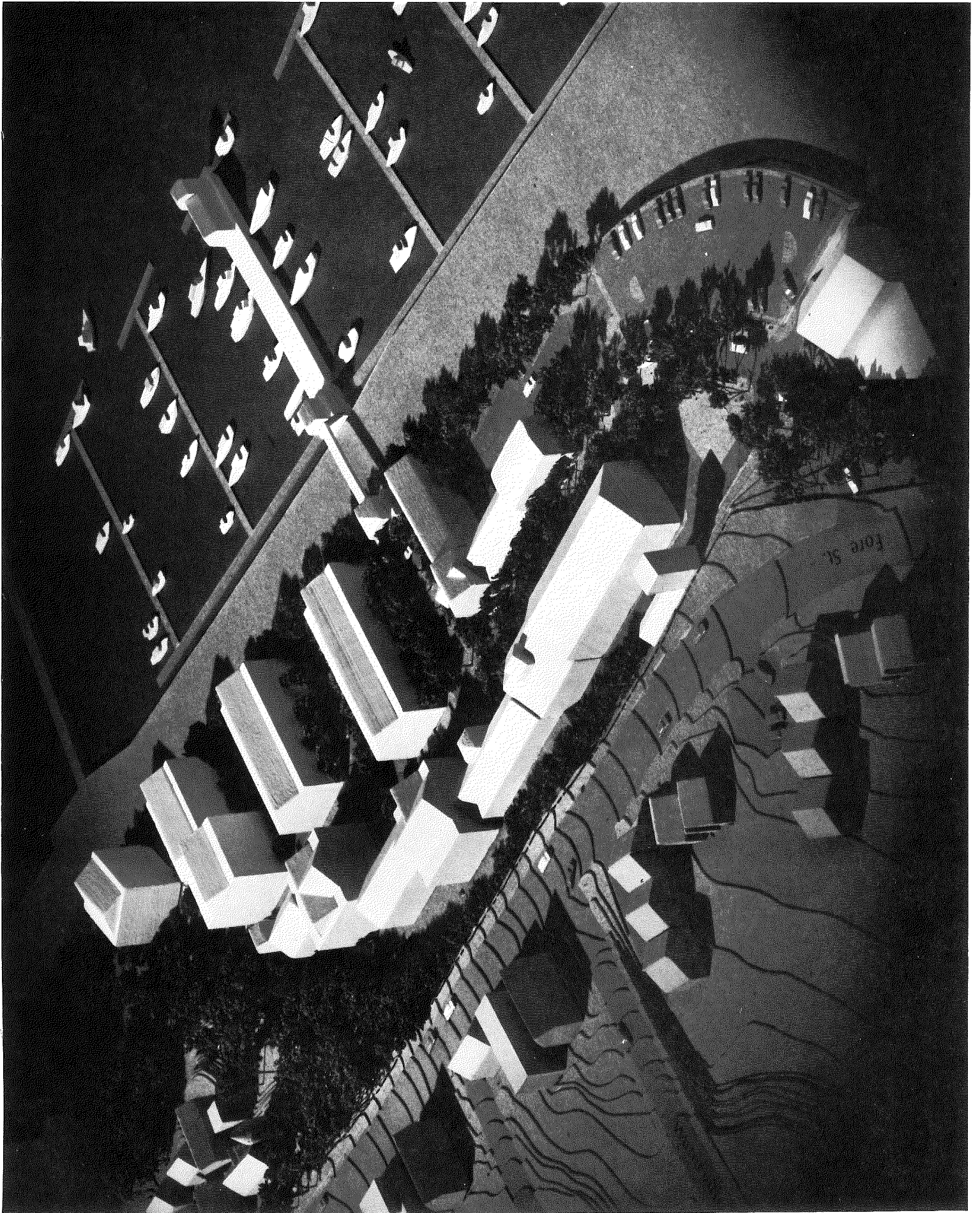
**EASTERN POINT
PORTLAND, MAINE**



AGRITECH

**EASTERN POINT
PORTLAND, MAINE**

Prepared by the Architect
Contracted under the name of the
Architectural Firm



EASTERN POINT

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LAND USE - HISTORICAL TRENDS

There have been some historical land use trends - general to the United States and specific to Portland - which should be considered regarding zoning at Eastern Point. Essentially, industry has been moving out - out of the city and, in cases, out of the country. Land costs, transportation technology, environmental concerns and the cities themselves have encouraged the move. The function of the city has changed and is changing; as a result, what was a good industrial site 50 years ago may be inappropriate today. In older industrial areas, such as Portland's waterfront, substantial land areas are zoned for industry (90% in this case). It is the Planning Board's role to ensure that reuse of excess industrial land by growing sectors of our economy is accomplished harmoniously.

Industry and Manufacturing Less Predominant

Nationally, the service sector is replacing manufacturing as the predominant economic activity. Not only is manufacturing of consumer goods moving to foreign shores, but also there is a greater use of machines, computers and robots to replace human labor. In Portland while manufacturing continues as an important activity, the greatest growth has been in office and service-related jobs.

Industry Following Transportation Lead

Industry, once central to the downtown areas of our country, has been steadily moving to the suburbs for the past thirty years. We probably can blame the car and the interstate system for this trend which has oriented industry toward the truck and away from the railroad. In addition, the relative cost of land in an urban setting has contributed to the trend; employee parking, something unthought of years ago, demands larger land areas. And the interest in environmental quality of life has encouraged certain potentially hazardous industrial practises to locate in areas where population is less dense than the urban core.

Municipal Industrial Parks Encourage Decentralization

The cities have encouraged this trend of industry moving out. Noting the movement of industry to the suburbs, the cities tried to compete by creating their own publicly-supported industrial parks, attracting interstate interchanges and subsidizing new suburban-type industrial plants with low land costs, tax incentives, industrial bonding and various public facilities and services. Since most industrial growth comes from within a community, these new industrial parks typically attract local companies from older more centralized

plants that are no longer efficient. Then the cities notice that their central areas have become vacant and dilapidated; from the late 50's on to the mid-70's, the response was urban renewal to battle this new problem. This phenomenon has been almost always accompanied by a drastic change in land use. Numerous examples exist in Portland where this fundamental change took place.

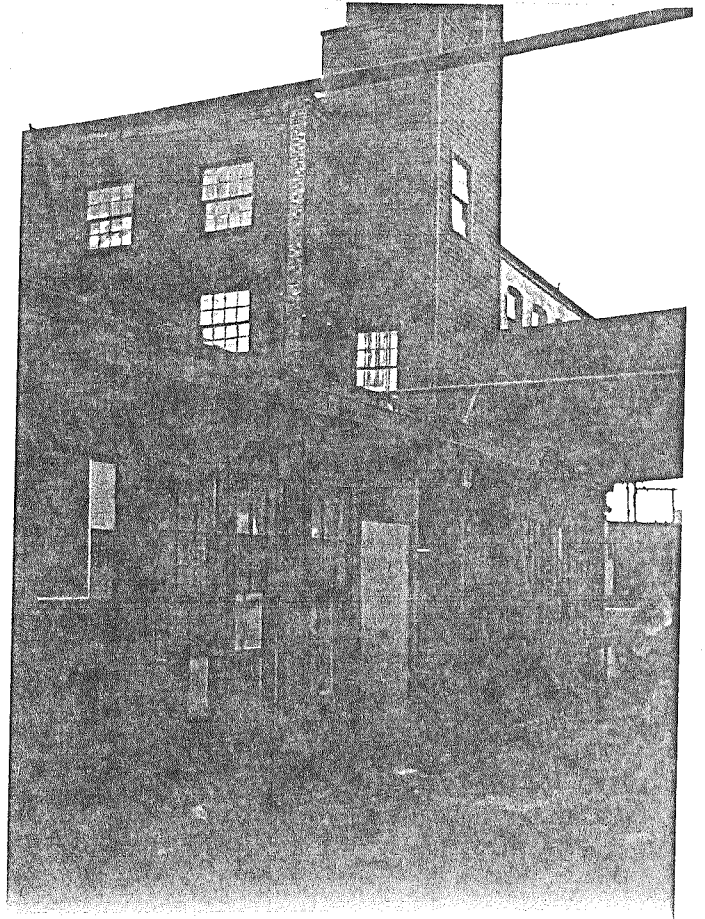
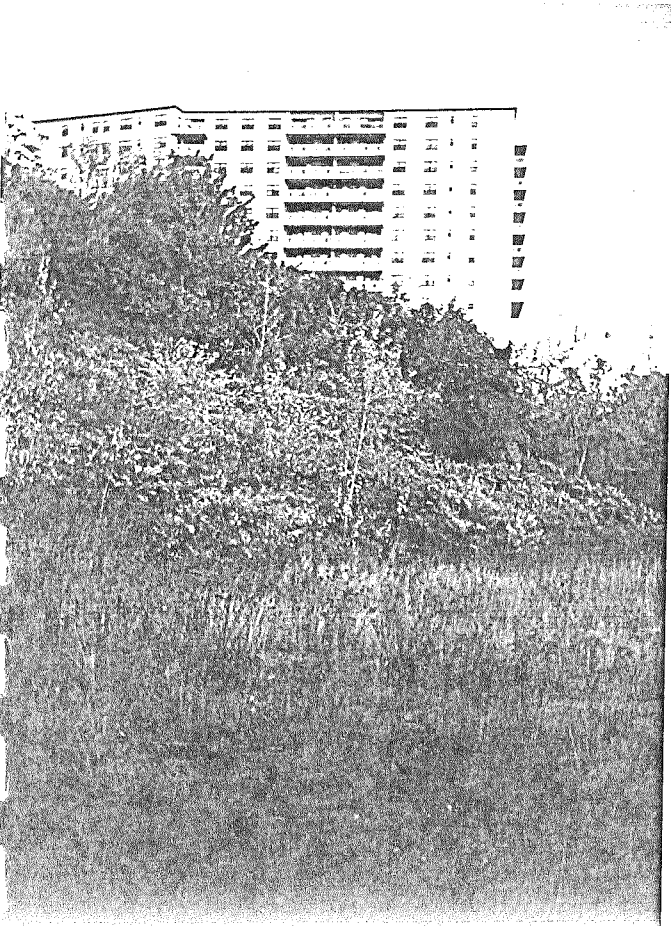
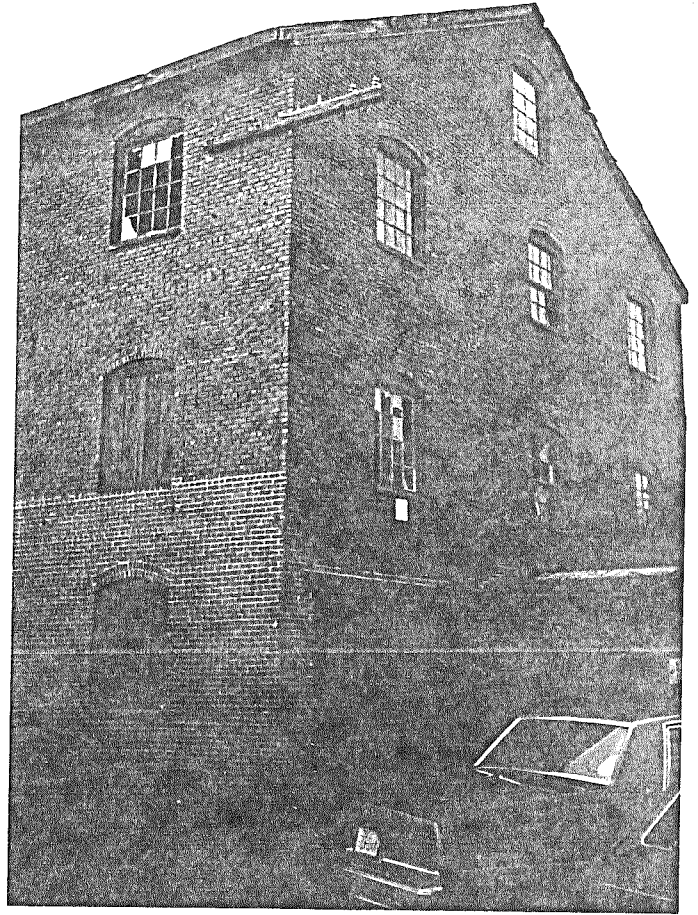
New Function of Cities in Relation to Economy

Essentially, each one of these changes represent an evolving new function of our society, our economy and our cities. This trend is continuing and will continue - with the central core becoming more service oriented and industry/manufacturing located outside the congested areas and near highway routes. The events occurring east of the downtown are consistent: Portland Company, American Hoist, National Distributors, Jordans Meats either closing the doors or relocating to the suburbs. Far from this area providing a desirable urban location for industry to flourish, we are seeing the flight of industry from this very location to the suburbs and, in the case of American Hoist, to more efficient plants overseas. AgriTech was planning such a move until the Eastern Point opportunity became available.

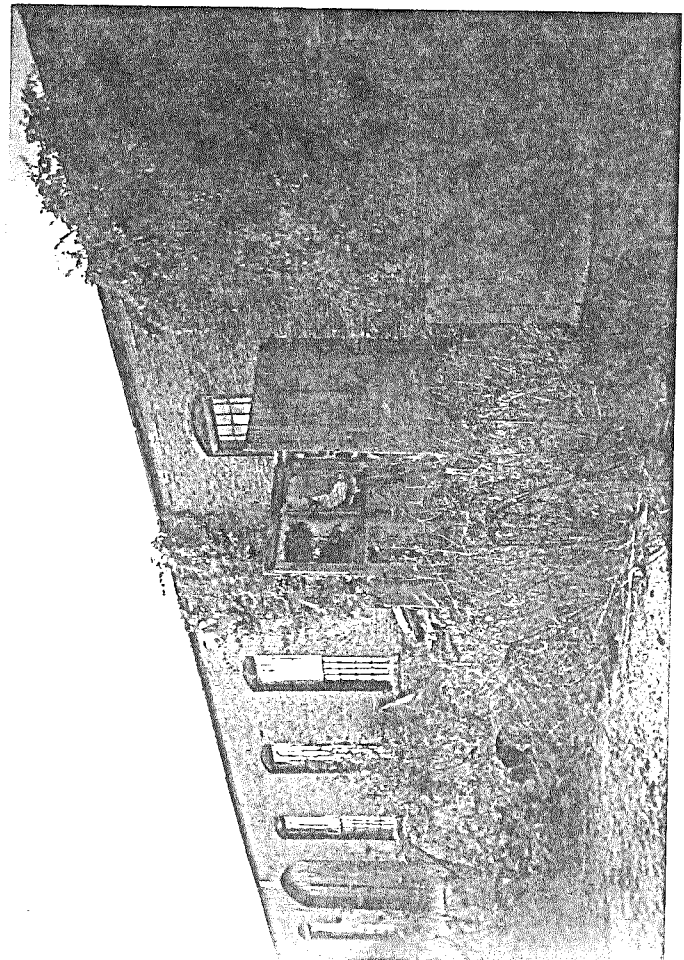
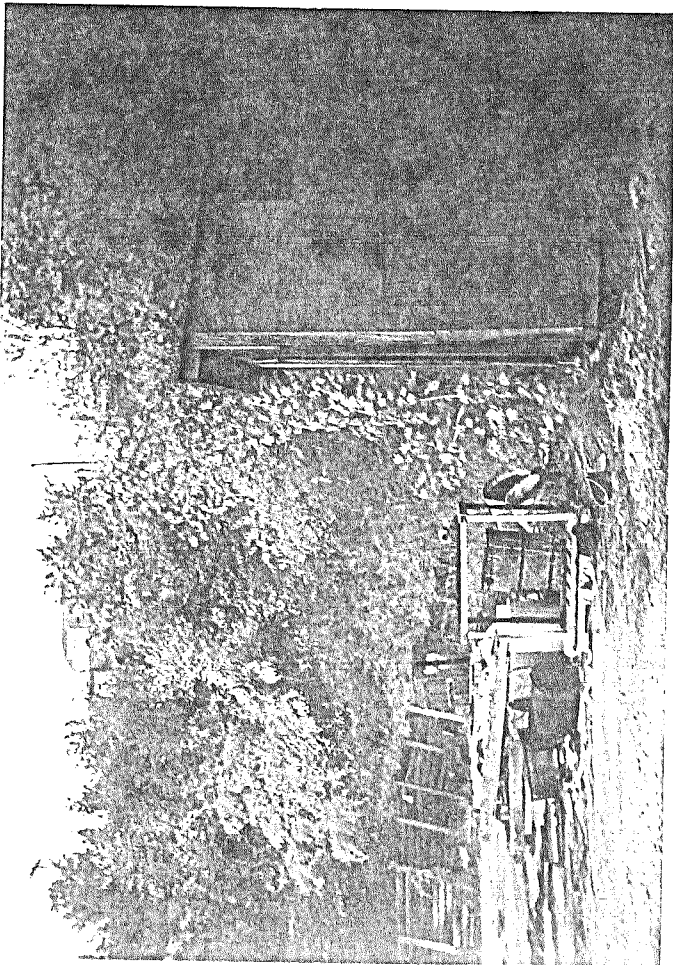
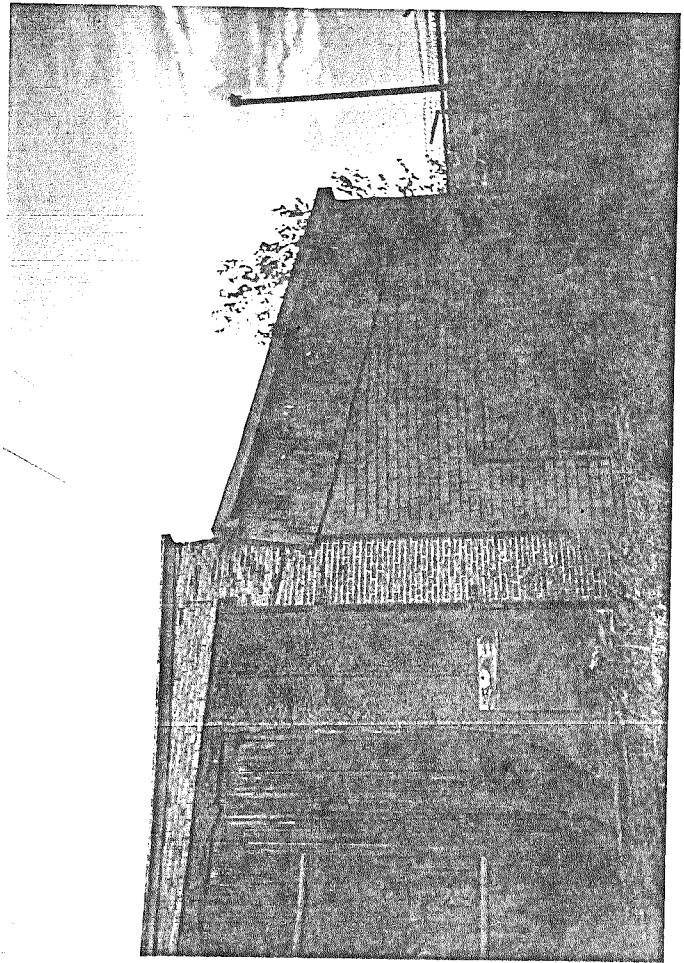
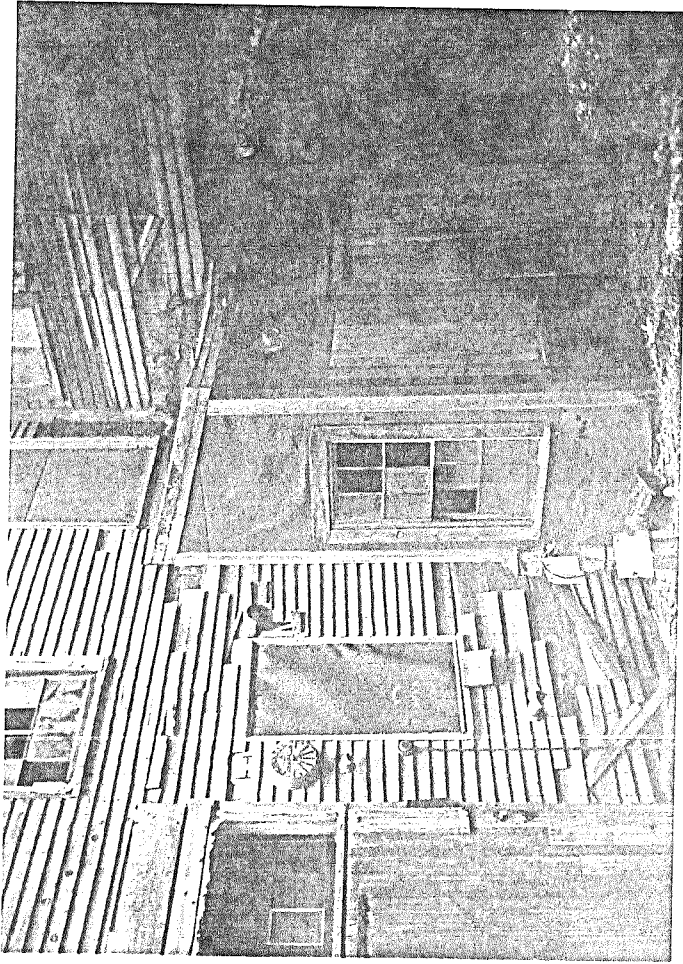
Land Values Accelerate Trend

The overall trend in this sector of the city is further accelerated by land value issues. The free and competitive land market has dictated prices for land in the eastern portion of the waterfront which is many times higher than for more appropriate industrial land at well-serviced suburban sites. A matter of economics and preference for the suburban site dictates that the land east of the downtown and near the waterfront will not be used solely by industry for the foreseeable future. Over the past few years, the City has found it necessary to provide public support to certain activities in order for them to compete in the private market: both Ferry terminals, the fish pier and BIW. Certain types of industry and commerce can survive without public support in this area only within the context of a multiple purpose environment where the high market values of one type of use can support certain types of other uses. Thus, housing can provide the support for upbeat high-tech industry, marina/breakwater uses, and fishing boat berthing because the proximity of these makes the housing more exciting.

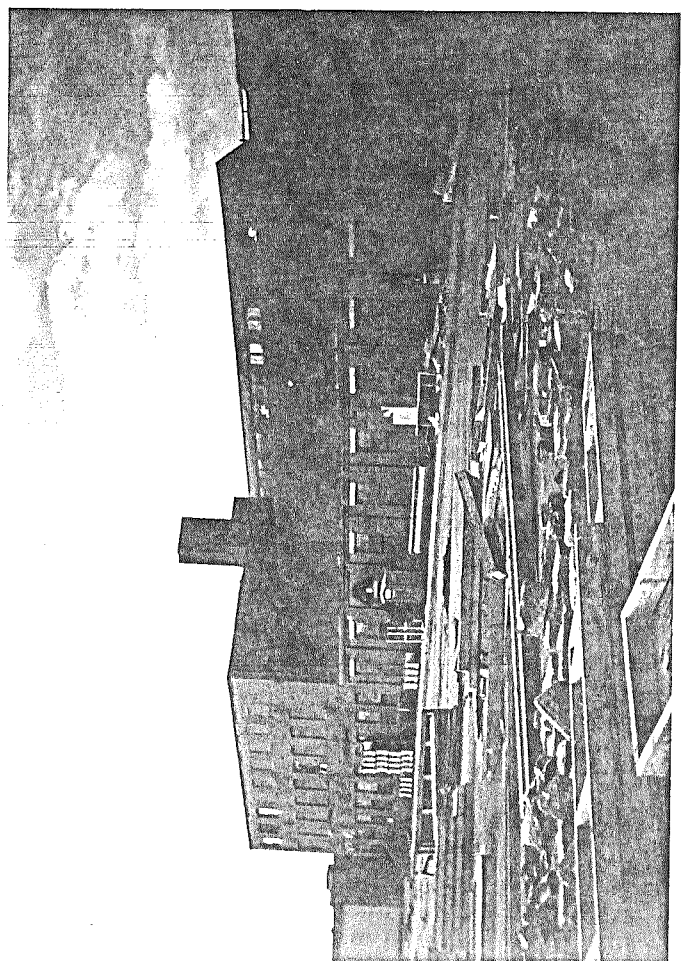
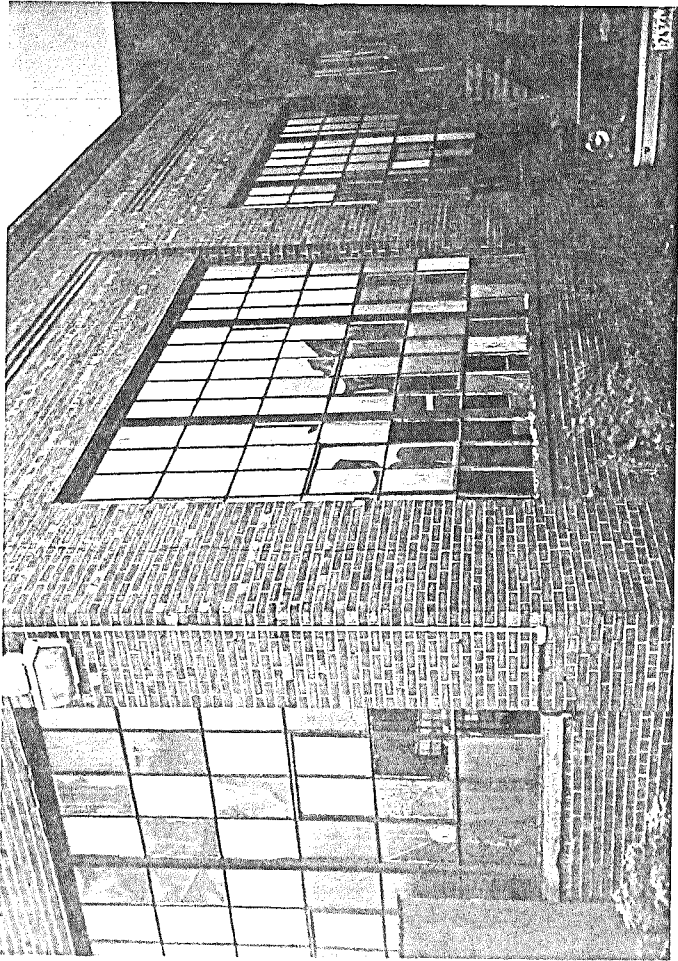
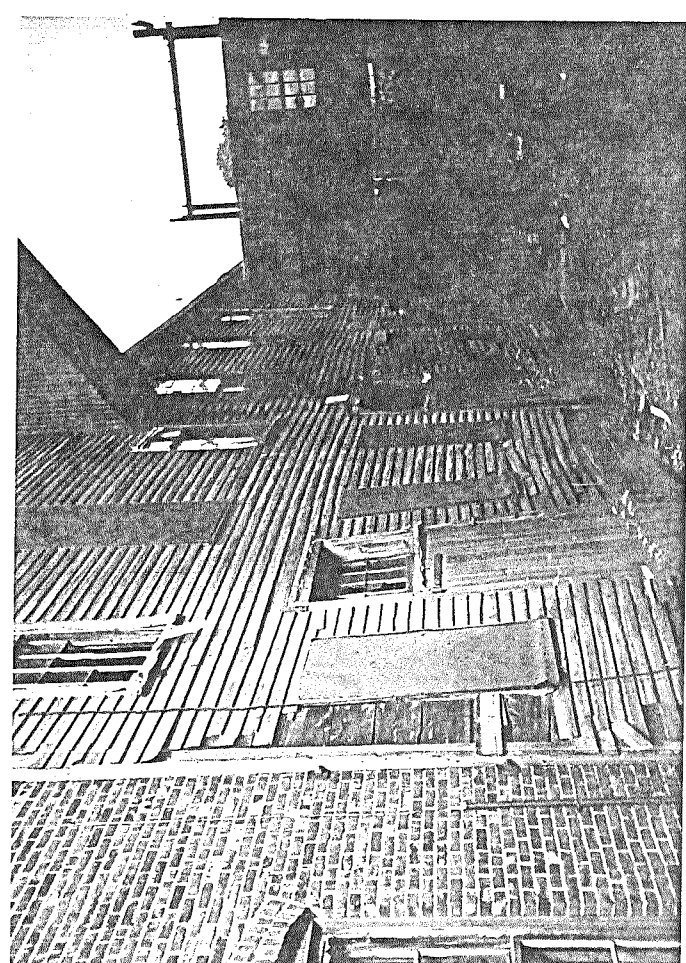
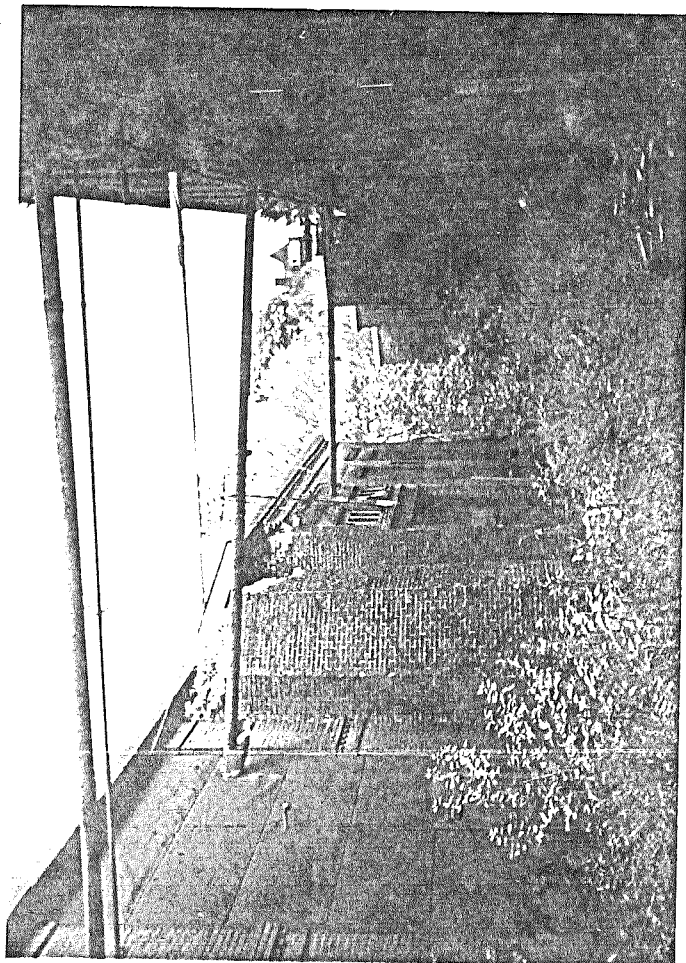
EASTERN POINT - EXISTING BUILDING CONDITIONS



EASTERN POINT - EXISTING BUILDING CONDITIONS



EASTERN POINT - EXISTING BUILDING CONDITIONS



Drawbacks of Site for Modern Industry

Except for specialized industrial groups, the area in the eastern portion of the waterfront is no longer attractive to general industry. One of the attractions of the area to AgriTech and firms like it is the intrinsic attractiveness of the area. Most of its personnel are highly trained, many with multiple university degrees and certificates and many with Phd's in their specialized field. AgriTech's locational needs are as much to please its employees as it is to operate its business.

General industry typically does not have this need and functional operation is the critical factor. The area and site have the following drawbacks in factors for which industry is looking:

- * Narrow residential streets.
- * Numerous intersections for trucks to maneuver.
- * Steep slopes entering the site from Fore Street.
- * Lack of expansive areas for employee parking, truck loading and maneuvering.
- * High land costs.
- * High development costs.
- * Old multi-story buildings which would have to be demolished to create one-story modern facilities.
- * Much better industrial sites near outlying interstate areas at lower land and development costs.

Waterfront Land Available for Industry

In his July 10, 1986 report to the Planning Board, Philip Meyer analyzed uses within the Waterfront study area of the Board. In the report, his summary identified the following:

- * 88.3% of the land area and 93% of the shoreline permits industrial use.
- * 11.7% of the land area and 7% of the shoreline is zoned residence - and all of this is in the Eastern Promenade/Sewage Treatment Plant area.
- * 82.1% of the land area and 81% of the shoreline prohibits residential use.
- * If the Eastern Promenade Parkland and Sewage Treatment Plant are deleted from consideration, 100% of the land area and shoreline permit industry and none of the land area or shoreline permit residence outright. (residence in the W-1 zone needs Planning Board approval).

The importance of the preceding is to clarify public misconceptions that waterfront industrial land is extinct, that the city has lost control of development and that a moratorium on waterfront housing is needed. The facts clearly state that there are extensive waterfront industrial areas (100%) and that the Planning Board has substantial control over growth in the waterfront area. On the contrary, it is an increase in other sorts of waterfront zoning which is needed to permit balanced growth and use of the Portland waterfront by all segments of the community and its growing economy.

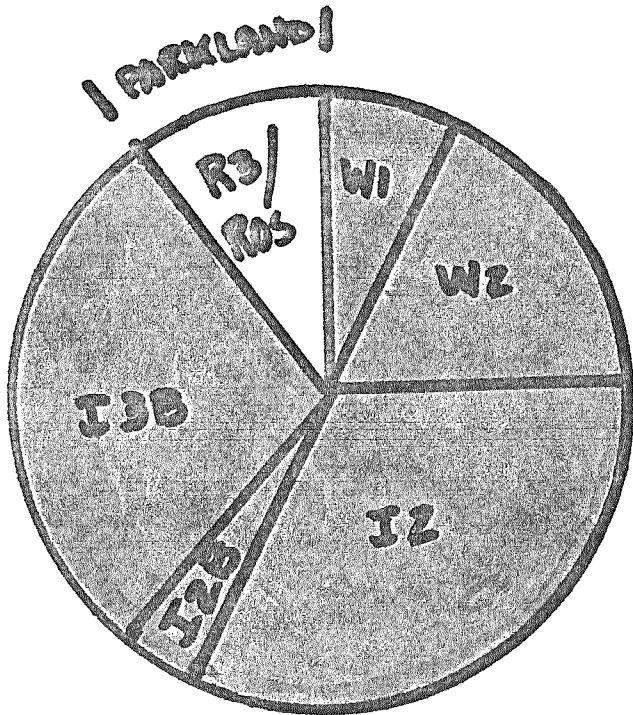
Mr. Meyer's chart is reproduced in an attachement which graphically depicts the proportions in "pie-chart" form.

In summary, it is suggested that industry, as we may have known it, is undergoing a transformation which has been underway for many years. It is unlikely that the waterfront areas of Portland will recapture the industries of the past. The fact that this industrial site has been sitting essentially vacant for a number of years and that new vacant industrial sites are being created adjacent to it (Jordan Meats & American Hoist) - WHILE AT THE SAME TIME NEW INDUSTRIAL PARKS ARE BEING DEVELOPED NEAR THE TURNPIKE - is an indication of the unsuitability and lack of demand for industrial uses at this location in the Portland area. New, just as vibrant and productive, uses will take the place of the old guard industries and the job at hand is to bring these forward in the best way possible.

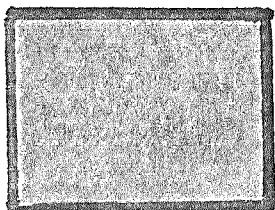
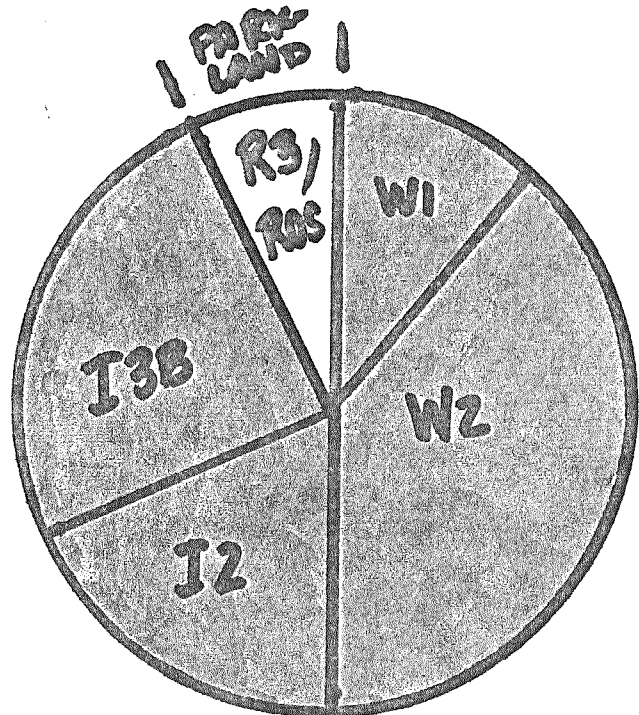
Zoning in Waterfront Area (P. Meyer memo of 7/10/86)

Area by Zones	Approx. Area		Length of Waterfront	
	SF	Ac.		
W-1	1,082,324	24.85	6.2%	5,200 ft. 12.0%
W-2	3,275,929	75.20	18.7%	16,790 38.0%
I-2	5,589,517	128.31	31.8%	8,360 19.0%
I-2b	534,092	12.26	3.0%	0 0
I-3b	5,008,531	114.98	28.6%	10,344 24.0%
R-3/ROS	2,053,453	47.10	11.7%	2,940 7.0%
		402.70	100.0%	43,634 ft. 100.0%

ZONES BY AREA



ZONES BY SHORELINE



INDICATES ZONES
WHERE INDUSTRIAL
USES ARE
PERMITTED

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LAND USE - RELATIONSHIP TO SURROUNDING AREA

Given historical and trends, Eastern Point seeks to react to these changes in the most sensitive manner possible within the arena of market necessities. In doing so, we saw a growing commercial waterfront to our west and a residential neighborhood to our east and north, now undergoing its own form of change which strengthens it as a residential area.

Eastern Point also sees a growing demand for waterfront-related services as well as a growing and intense desire by Portland residents to reclaim their access to the water. With the exception of Bath Iron Works, there is a drastically reduced industrial area, with most of what remains vacant and deteriorating. Attached is a map which sketches out rough boundaries of these general uses.

Extension of Strong Adjacent Uses

Using the map, you will see that Eastern Point essentially extends a strengthening residential neighborhood at the project's north and eastern boundary. Adjacent to and west of the residential uses, the project incorporates a small compatible collection of retail, service and office uses. Then further west, Eastern Point contains the industrial component, AgriTech, which is adjacent to commercial and industrial areas of the neighborhood. The retail and office portion of Eastern Point act as a buffer between residential and industrial components since retail/office uses are mutually compatible.

Berthing Relates to Uses

The berthing area follows the same philosophy with recreational berthing compatible with residential uses to the east and commercial berthing adjacent to the industrial component. The principal open space area is between the commercial and residential area, acting as a further buffer and this open space leads to the main marina pier which will function as a pedestrian promenade and public landing.

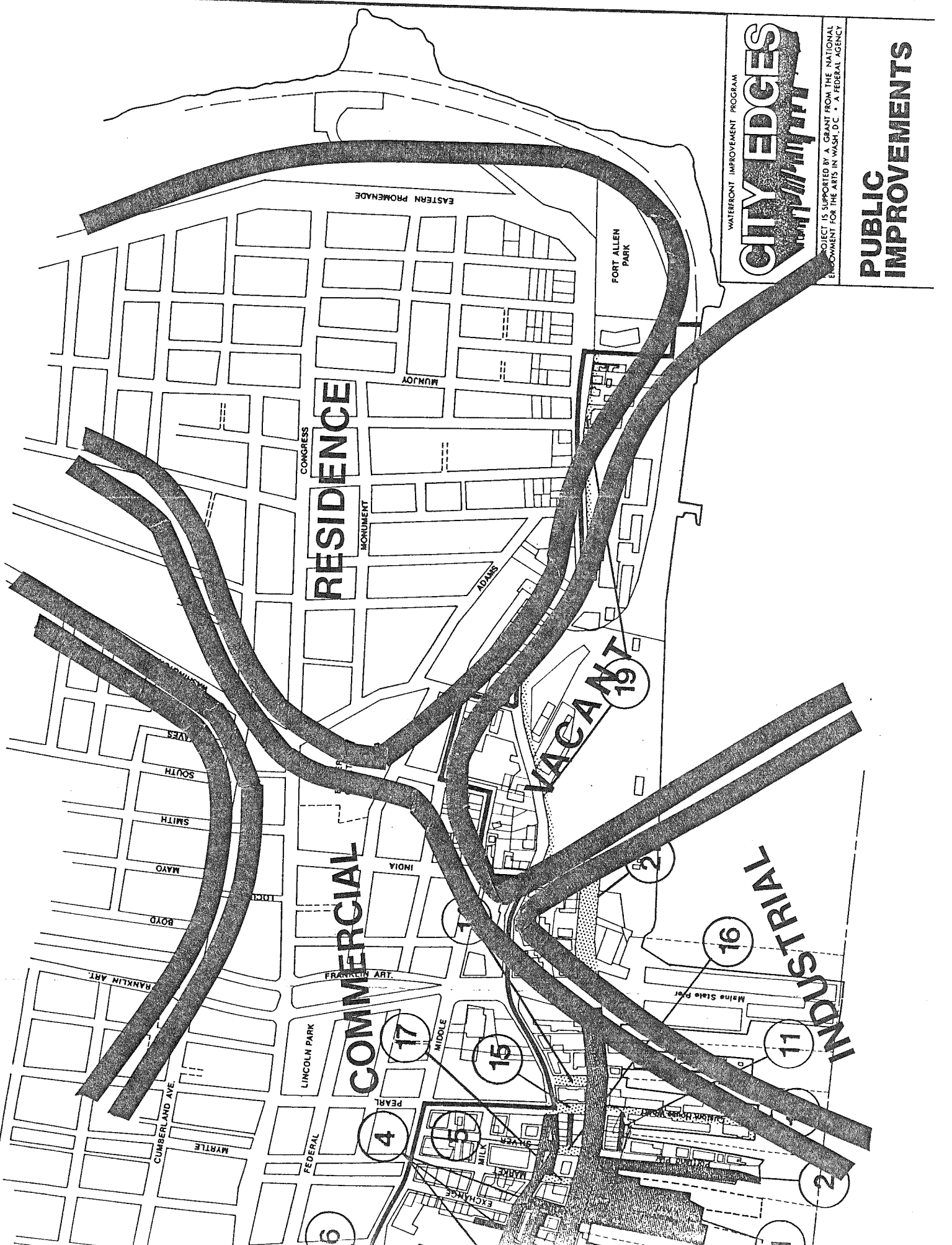
Land Use Compatibility

In summary, Eastern Point has worked hard to adapt its plan to the various adjacent land uses so that each is compatible to its neighbor - both internally to the project and externally with the existing neighborhood. We believe it to be a very sound land use and water use plan. It further responds to the trend of land use shift being experienced in Portland and other central cities.



PROJECT IS SUPPORTED BY A GRANT FROM THE NATIONAL ENDOWMENT FOR THE ARTS IN WASH. D.C. • A FEDERAL AGENCY

PUBLIC IMPROVEMENTS



RESIDENCE

COMMERCIAL

INDUSTRIAL

EASTERN PROMENADE

FORT ALLEN PARK

MUMJOY

CONGRESS

MONUMENT

ADAMS

VACA 19

AVES

SOUTH

SMITH

MAYO

BOYD

FRANKLIN ART.

CUMBERLAND AVE

MYRTLE

LINCOLN PARK

FEDERAL

PEARL

MIDDLE

FRANKLIN ART.

MILK

MARKET

EXCHANGE

Maine State Pier

6

4

17

15

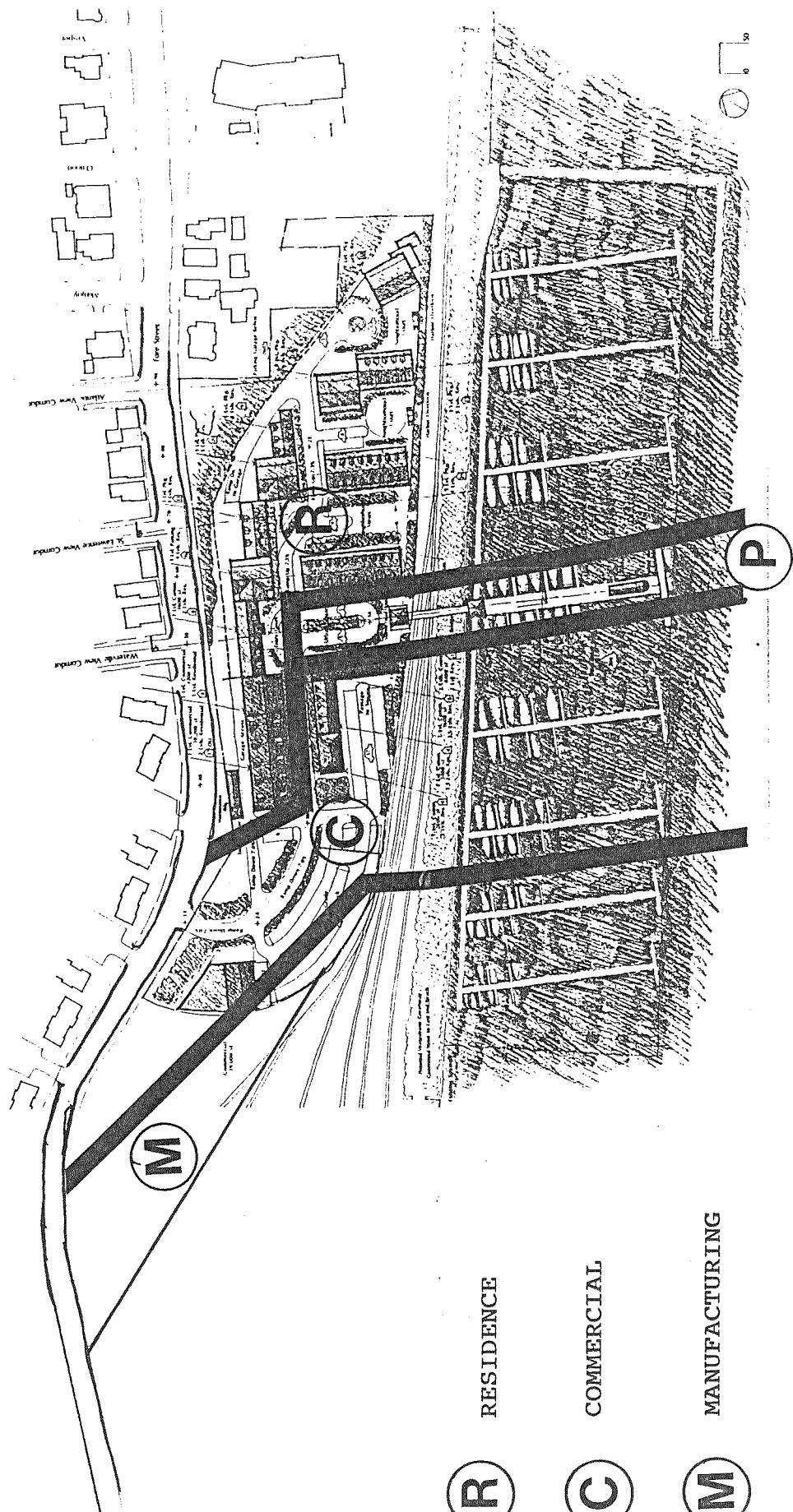
12

16

11

2

1



R

RESIDENCE

C

COMMERCIAL

M

MANUFACTURING

P

PRINCIPAL PUBLIC ACCESS

EASTERN POINT

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ZONING ANALYSIS

Approach

Eastern Point Associates applied for a zone change which would zone the site W-1 waterfront. This zone remains the most adaptable to the multiple-purpose nature of the Eastern Point Project.

However, numerous concerns have been raised regarding the use of W-1 zoning east of Franklin Street and the Planning Board has suggested the use of R-6, B2 and industrial zoning to accomplish objectives.

Suggested Alternative

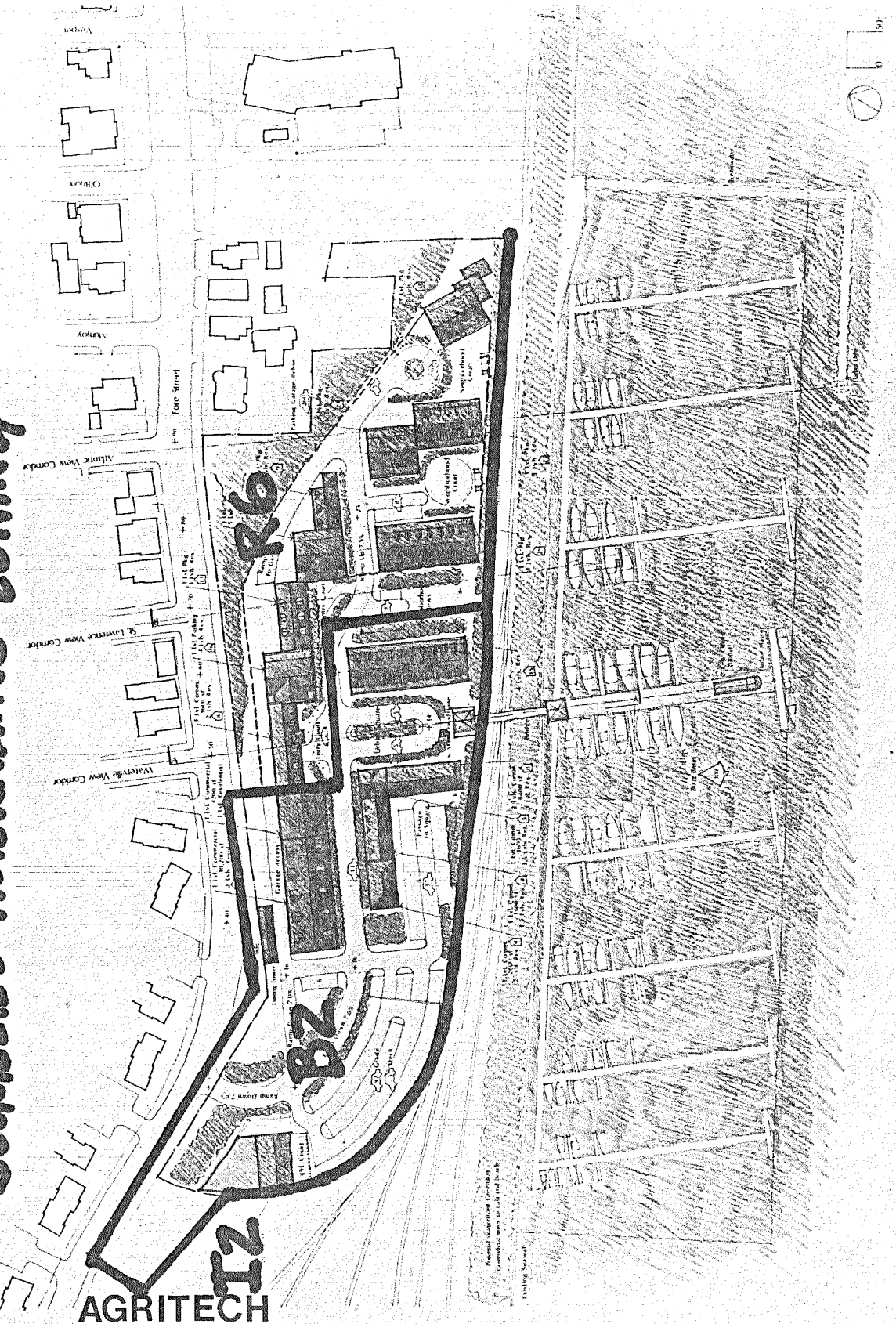
As a result, Eastern Point is suggesting an alternative which would zone the wholly residential portion of the site R-6 Residence and the multiple use portion of the site B-2 Business. The AgriTech facility and the boat basin would be permitted in the I-3B Industrial zone.

The heavy industrial I-3B zone, however, does not appear to relate to the current land use trends in the area or to the spirit of development plans expressed by the Planning Board for the land between Franklin Street and the Eastern Point project. While we do not mean to speak for adjacent landowners, Planning Board rezoning of the adjacent area may impact the zoning for AgriTech. Our opinion is that, should the area between our site and Franklin Street be developed, the likely re-uses will be commercial and some limited and specialized, high-value industrial or R & D activity, similar to AgriTech. We would see the I-2 Industrial Zone to be the most compatible for this mixed grouping of uses; I-1 zoning would prohibit many commercial uses which would be desirable for this area.

A suggested zoning map using the R6/B2/I2 concept is attached. While only limited commercial uses are anticipated at Eastern Point, ground floor commercial facing onto the principal public area leading to the main pier creates an exciting environment in this area which we wish to achieve. Furthermore, ground floor commerce reinforces it as a public area and provides a "welcoming" force to neighborhood residents and the general public. We believe that the ability to provide such an environment will help us to integrate the project with the neighborhood, a goal suggested to us by the Munjoy Hill Neighborhood Organization. Accordingly, the B-2 Business Zone has been drawn to allow for commerce on the first floor and residence above; neither the R-6 or I-2 zone would permit this.

SUGGESTED ALTERNATIVE ZONING

AGRITECH



EASTERN POINT
PORTLAND, MAINE

Density Analysis

Total Acreage:	511,222 sq.ft. or 11.74 acres
330 residential units x 1000 sq.ft. per d.u. = (R-6 Zoning Standard)	330,000 sq. ft.
Leaving for commercial use	181,222 sq. ft.
Proposed commercial floor area	55,000 sq. ft.
Floor Area Ratio of	0.30 : 1.00
Or	13,220 sq.ft. floor area per acre

In summary, the project is not overly dense. When the acreage needed to meet R-6 standards for residence is subtracted, a very low density formula for the commercial uses results.

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ROOF HEIGHTS & SCALE

As noted in other sections of this report, significant care was taken in the design of Eastern Point to be sensitive to adjacent neighborhoods, their views and the integrity of the neighborhood. Accordingly, the current design places buildings in such a way as to minimize any obstruction and, where possible, to enhance principal view corridors. (See section 13 for discussion of this item)

There is also a critical need to maintain a project of an economically viable size and scale in order to meet the many objectives demanded of the project by its partners, its neighbors and its community. Many of these objectives - such as affordable housing, commercial berthing, public access initiatives, breakwater improvements, etc. - make limited or negative financial contributions to the project and must be offset by a "critical mass" of portions which make positive contributions. Combined, the components of Eastern Point make up a truly desirable multi-purpose project which will serve many economic and socially desirable objectives.

In order to balance the fundamental objective of good and sensitive design with an economically feasible scale of the project, it is absolutely necessary to have some structures exceed 45 feet in height. Fortunately, the site characteristics permit buildings of such a height to be constructed with the roof peaks below the level of Fore Street. As a result, the visual impact on adjacent properties is minimized.

Relationship of Zoning

Under the original proposal to rezone the site to W-1, the Planning Board has the discretion to allow a project to exceed 45 feet if certain standards have been met. The Planning Board does not have the same kind of discretion with regard to the R-6 Residence zone.

Conditional/Contract Zoning

Enabling legislation exists within state law and a precedent exists at the City level to provide means of Planning Board discretion via conditional/contract zoning policies. Essentially, the Planning Board can work with a development project to achieve mutually acceptable goals and then lock the developer in to the plan by contract.

OT conditional

Eastern Point Associates believes that the alternative R-6/B-2 zoning formula combined with a contract permitting certain buildings to exceed R-6 heights is worthy of further investigation. It will be important to develop these details with Corporation Counsel and Planning Department staff; these discussions have not as yet occurred and we will be scheduling them shortly.

Comments by the Planning Board on this approach are welcomed.

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AFFORDABLE HOUSING

Eastern Point recognizes the need for additional housing in the Portland area for all incomes. Unfortunately, there are significantly less programs to provide housing for lower income groups than have existed in the past two decades.

After consultation with state and local housing officials, Eastern Point proposes a method, which by using its limited resources, affordable housing can be enhanced.

1. Affordable Housing at Eastern Point

As proposed, Eastern Point plans include 300 private market residential units. Eastern Point proposes an additional 30 units to be provided as either rental or owner housing under existing State Housing Authority programs.

Recognizing the existing financial constraints of both State Housing Authority programs, Eastern Point need to provide "write-down" subsidies to these 30 units in order to make them workable within state of Maine requirements.

2. Financial Contribution to City of Portland Housing and Job Funds

The City of Portland maintains two specific funds used to seed the provision of (1) affordable housing and (2) job-producing business/industry.

Eastern Point proposes to contribute \$300,000 to either or both of these funds. Upon the sale or rental of each private market residential unit, \$1,000 will be contributed to either of the funds. Eastern Point suggests an equal amount to either and in proportion to sales. However, the City may prefer one fund to receive preference.

Eastern Point believes that the above two-part program to assist housing and jobs opens a new era to the ways in which private development can assist in achieving public goals. We believe that this precedent can be a positive and productive beginning to a new level of public-private partnership in the City of Portland.

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JOB CREATION

With industry moving out of the eastern portion of the City's waterfront, an objective of job creation is a goal beneficial to all involved. Eastern Point will contribute to this objective in a number of ways.

AgriTech Systems Inc.

AgriTech is a relatively young, locally-owned and controlled biotechnology company. It produces and markets animal disease testing products to the agricultural and veterinary industry world-wide. It is located in Portland due only to the desire of its owner and principal staff to live in the area; it could operate anywhere.

AgriTech started its operation on site a few years ago only as a matter of convenience at the time. And while there was an intrinsic desire to remain in the neighborhood by top management, rapid company growth and land economics was urging AgriTech to look outside the City for new quarters until the Eastern Point opportunity occurred.

AgriTech makes sense for Eastern Point in that it is the type of up-and-coming industry with which the project wants to be associated. Due to the highly technical nature of the company, wages are high and there may be market opportunities for residential units within the company. Lastly, the company is growing and future growth may result in mutual development opportunities. Standing alone, the relocation of AgriTech to its new quarters does not result in any meaningful economic benefit as a real estate project. General economic benefits to the community and latent future benefits to the project are excellent.

Currently, the company has in excess of 40 employees on site. During initial discussions with management, estimates of 75 employees in three years were projected. However, rapid growth has revised these projections and the 75 employee level may be reached within a year's time. Obviously, the company may well exceed this level at the three year mark, but company officials are hesitant to project figures at this time.

New Commercial Space

Office and retail space in 22,000 sq. ft. and the boat basin component can be expected to generate somewhere between 60 and 100 full-time jobs. This is considered conservative. Using a formula of 3 jobs per 1000 sq.ft., 66 jobs can be projected. At 4 jobs per 1000 sq.ft., 88 jobs result. Insurance companies typically use a factor of 6 jobs per 1000 sq.ft., but most office/retail range within the 3-4 formula.

This calculation, however, does not consider part-time jobs which will be created. It also does not consider jobs related to the boat basin; although most of those jobs will be seasonal.

Construction Jobs

It is estimated that the project will be phased over 4 to 6 years and that there will be an annualized job creation of between 150 to 160 jobs throughout the project. This does not take into account jobs created or maintained at material suppliers or vendors. The actual number of workers on site will vary with the peak construction seasons, the size of each phase and with the nature of construction underway.

Boat Basin Created Jobs

The following section will estimate indirect and induced job creation based on employment on site. However, these figures will not take into account:

1. Induced employment resulting from the residential units, such as new furniture, appliances, individual modifications, income infusion by people moving into the area, etc.
2. Induced employment resulting from income infusion by boat owners living elsewhere but berthing their boat in Portland.
3. Working waterfront employment resulting directly from the increase of berthing capacity of Portland Harbor (see section 11 for the types of businesses and a listing of benefiting companies).

Payroll

Using Year Three when construction will be halfway complete and all commercial uses should be in place, the following estimate of payroll can be made

AgriTech	75 jobs
New Commercial	80 jobs
Construction	<u>150 jobs</u> — over a 5 yr period
	305 jobs

At an average of \$25,000 per job (1990): $305 \times \$25,000 = \$ 7.6 \text{ Million}$

Experience suggests that a dollar moves through the job market an average of at least three additional times before it goes elsewhere. In other words, there is a three-fold multiplier to estimate indirect and induced employment. Therefore:

Direct Jobs		\$ 7.6 Million
Indirect & Induced Employment:		
3 X \$ 7.6 Million	=	<u>\$ 22.8 Million</u>
Total Direct & Indirect Payroll:		\$ 30.4 Million

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PUBLIC ACCESS TO THE WATER

Public access does not currently exist on site. It is a private industrial site with controlled access. Gates and chain fences are symbols of its inaccessibility.

As a means to enhance the vitality of the project, integrate it with the neighborhood and city, and to increase public access to the ocean, Eastern Point will be open to the public. Specifically, all roads and walkways will be unrestricted. Two pedestrian entrances to the site are proposed leading from Fore Street - one leading from Waterville Street and passing through the building to access the main public square of commercial businesses and the main pier; the other leading from Atlantic Street and traversing the sloped area on a winding path with scenic overlooks and sitting areas.

The commercial and industrial uses reinforce the public nature of Eastern Point. It cannot take on the character of an exclusive enclave since people will be entering the site regularly during the day to work and shop. The concept is to encourage supportive retail/commercial uses on the ground floor facing the main public square; this not only reinforces the square as public domain but also creates a vibrant environment to the square so that it will be an exciting place to be.

In addition to public access from the land side, the end of the main pier will contain a public landing for pick-up/drop-off as well as short-term berthing. Furthermore, Eastern Point Associates will continue to work with the City, the Canadian National Railroad and other interested parties to develop enhanced public access along the shoreline in a way which is consistent with City and Railroad development plans.

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BOAT BERTHING - IMPACT OF PROJECT BOAT BASIN

The demand for berthing in the Portland area is outstripping supply. This condition is visible in the conflict between recreational and commercial boating interests. The issue is further clouded by misconceptions that recreational berthing hurts the "working waterfront"; in fact, recreational boating provides business to the seafaring portion of the Portland waterfront. The Eastern Point boat basin has a positive impact in providing newly created berthing areas, a breakwater for boat protection, a place for recreational boats to lessen demand in central waterfront areas, and a commercial berthing component.

C.O.G. Berthing Study

In 1983, the Greater Portland Council of Governments published the Greater Portland Berthing Study. Key findings included:

- * Berthing space is currently a problem.
- * Both recreational and commercial fleets will grow.
- * Fishing and commercial vessels will continue to focus their berthing needs in central areas of the waterfront where facilities are located.
- * The greatest growth in berthing demand will be recreational.
- * Deficit in berthing will grow fast without action.
- * Recreational berthing should be encouraged in areas where access and adequate parking are provided.
- * Present market rates cannot economically support new berthing space construction or long-term maintenance.
- * A demand for 3,000 to 8,000 linear feet of berthing space is necessary.

Demand and Conflict Grow

Recent articles in the press and testimony to public bodies suggest that the demand for berthing in the Portland waterfront is growing. Furthermore, since 1983, an increasing conflict between commercial and recreational boating has occurred in the central portion of the waterfront as a result of other construction projects underway.

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BOAT BERTHING - COMMERCIAL BOAT PROPOSAL

Recognizing the facts set forth in the Greater Portland Berthing Study, commercial vessels desire to be located in the central portion of the waterfront. Furthermore, land-side constraints at Eastern Point would allow for only berthing services to be provided to commercial boats. Storage of equipment and transferring of cargo or seafood could not be accommodated.

However, Eastern Point proposes to provide berthing for 20 commercial fishing or lobstering vessels up to maximum of 1,000 linear feet. Details of how this can be accomplished are being developed. Discussions with commercial fishing representatives reveal that the size of a vessel is a critical determinant on how it is to be berthed. On the average, boats larger than 50 feet must be berthed against a more secure bulkhead than can be provided in the Eastern Point boat basin. Sasaki Associates will be developing more detailed boat basin plans, identifying ways in which various sized commercial vessels can be accommodated.

As noted previously, however, the Eastern Point Breakwater also opens up other areas of the waterfront for berthing. Eastern Point proposes to work jointly with the State of Maine, Canadian National Railway, Bath Iron Works and commercial boat owners to expand commercial berthing in the area between BIW and the Eastern Point Boat Basin. Such an effort will further expand berthing opportunities for commercial vessels.

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PUBLIC VIEWS

No new buildings will be constructed to exceed the street level of Fore Street. In other words, the roofs of all proposed new buildings will be below the street level of Fore Street. To the average adult viewer on Fore Street, the roof of the building opposite his or her view will be at least 5-6 feet below the viewing angle. Views from porches and windows of buildings along Fore Street and intersecting streets which rise from Fore Street will have even higher viewing angles.

Some existing buildings currently obscuring public views will be removed. Some existing buildings proposed to remain have roofs above the level of Fore Street.

Sasaki Associates has taken great pains to locate structures in a way which will not only preserve views, but also enhance particular views. For example, placing rooflines so that they are not in line with streets entering Fore Street accomplishes two objectives:

1. It removes the structures away from these intersections where the bulk of public views occur.
2. Since these streets pitch downward to Fore Street, travellers and residents of these streets will have an overlooking view of the attractively landscaped public green spaces and squares which separate the buildings. This should enhance the viewing environment.

Other project components which preserve and enhance public viewing include:

1. Public access to the site (see section 10) which will provide views from vantage points previously inaccessible.
2. Access out to the end of the boat basin, providing not only new views of the harbor, but also attractive views back to the neighborhood skyline.
3. Inclusion of an observation deck in the existing tower structure on Fore Street, possibly in conjunction with a museum of Munjoy Hill and the Portland Company.
4. Plans for a restaurant which will offer the opportunity to enjoy the view of the harbor in a relaxed environment.

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NEIGHBORHOOD PARKING

Downtown Problem

The parking demand in Downtown and Old Port Exchange areas has outstripped supply. As a result, many downtown office works use nearby residential streets during the workday for parking. Furthermore, tourists and island summer residents seek out neighborhood areas to park their cars during the summer months. Eastern Point plans to incorporate adequate parking for all uses in all seasons and will not contribute to the parking problems.

Winter Emergency Periods

The other parking problem for the neighborhoods occurs during winter snowstorms when parking is banned on peninsula neighborhood streets so that snow removal can be efficiently accommodated. This has been an on-going problem but one which has been exacerbated by the increased demand for downtown parking. In fact, the City Council has been discussing neighborhood parking regularly in past months.

Eastern Point Neighborhood Winter Parking

The peak demand for boat berthing is, obviously, the summer months. It is estimated that about half of the slips will be used by Eastern Point residents or commercial tenants. Conservatively, it is estimated that 75 parking spaces of those used for boat berthing would not be used during winter months.

Eastern Point has committed to provide parking assistance during snow emergencies to the Munjoy Hill Neighborhood Organization. It has been proposed that Eastern Point commit 75 spaces for three years for neighborhood parking. Permits would be issued annually on a first-come first-served basis. The permit would allow a holder to park in a specified area from December 15th to March 31st from the hours of 7PM to 7AM. The three year commitment relates to the need to reassess parking needs based upon the growth of AgriTech and other commercial tenants on site. Should excess parking be projected at that time, Eastern Point would commit to continue the permit process for future periods.

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INTEGRATION WITH THE EXISTING NEIGHBORHOOD

Eastern Point sits among a number of "neighborhoods". Obviously, it is adjacent to the Munjoy Hill/Eastern Promenade residential neighborhoods. But it also is adjacent to a changing industrial neighborhood and a growing commercial neighborhood. And on the water side, Eastern Point shares a shoreline with a dynamic and growing ocean neighborhood.

A previous section addressed the relationship of land uses, the ways in which the project was designed to fit with those uses, and the ways in which zoning might be adapted. This section attempts to take items that have been mentioned previously and to put them within a context identifying how they help integrate the parts.

Affordable Housing

The residential neighborhoods contain a mixture of population and housing types. There are the wealthy, the not-so-wealthy, those trying to move from one to the other, the old, the young and the in-between. Eastern Point proposes to have a diversity of housing. There will be "walk-ups" and "flats"; some will be larger than others and some will have better views. Housing types will tend to direct the age group or place in life. There will be a diversity of incomes within the private market, but there is a desire to further diversify income groups with some subsidized units. Therefore, it is proposed that the project contain 30 units receiving subsidies from existing state programs; this will diversify Eastern Point and bring it closer to the mix found in the Munjoy Hill/Eastern Promenade neighborhoods.

Public Access

Due to natural geographic factors and historical use of the site, the land is not physically integrated with the surrounding area. It is important for the City, the neighborhood and for the project to encourage a vibrant public activity center at Eastern Point. In doing so, every potential area for public access has been incorporated. Furthermore, it is hoped that efforts to coordinate an extension of public access along the shoreline will link Eastern Promenade parkland with other parts of the city so as to better integrate the peninsula.

Job Creation

The Portland peninsula is a living, working and playing place. People will have jobs at Eastern Point - good jobs. It is the goal of Eastern Point to extend this mix to the site so that it will be an extension of this environment, not merely an attachment.

Boat Berthing

This portion of the waterfront has been fallow since before the fires which destroyed the Grand Trunk piers. It has not contributed to the vital waterfront which is evolving. The construction of the breakwater and the boat basin will link Eastern Point with its waterfront neighborhood to the west and add a needed function so that its vitality can increase.

Public Views

Inseparable from public access, the preservation and enhancement of public views further integrates the project with its neighbor. Rather than creating a wall and turning its back on Munjoy Hill, Eastern Point buildings are nestled below the street so as to be unobtrusive. But, landscaped public spaces and pedestrian corridors are placed so that people and neighbors will feel that Eastern Point is a pleasant extension of the neighborhood down to the water.

Neighborhood Parking

This component is an opportunity to share space which is not needed during the winter season by the boat basin but which is needed by our neighbors.

As a multiple-purpose project ranging from residential to industrial, Eastern Point functions more like a typical part of a city neighborhood than most single-purpose projects. It gives and it receives. It is job and it is home; it is also play. Inherently, Eastern Point can integrate better; but extra care has been taken to not only incorporate additional features, but to also ask others how we might do it better. We believe that Eastern Point is a better project as a result of this effort and the participation of others.

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SUMMARY OF MEETINGS WITH COMMUNITY ORGANIZATIONS

Eastern Point Associates has a commitment to be a responsible and responsive neighbor and citizen in the community. The development team has made every effort to open communications with every conceivable organization having interest in the project - both supportive and negative.

The results of these meeting have been productive. While the development team strived to design the most sensitive project possible, we have learned numerous things at meetings which have made the project better. We will continue to maintain open communications with all groups throughout the project. A listing of organizations with which we have met to date are as follows:

Organization

Munjoy Hill Neighborhood Organization (2)

"Don't Kill the Hill" Committee

Keep Port in Portland (numerous efforts by Eastern Point Associates to schedule a meeting have been unsuccessful)

Board of Directors, Portland

Chamber of Commerce

Portland Fish Exchange, Board of Directors

Community Development Committee, Portland City Council

Maine State Housing Authority (3)

Greater Portland Landmarks Public Policies Committee

Portland Planning Staff

Portland Planning Board

Canadian National Railroad

Bath Iron Works

Greater Portland Council of Governments

Various individuals and press expressing interest in the project

Meetings currently scheduled: Port Development Committee of
the Chamber of Commerce;
Maine Department of Transportation



EXPRESS EDITORIALS

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HOUSING

Low-income shortage

The very fact that Portland's Munjoy Hill residents are mounting an assault on proposed residential developments that would actually improve the neighborhood underscores the lack of affordable low- and moderate-income housing in the Greater Portland area.

Munjoy residents fear that if a run-down industrially zoned waterfront area adjacent to the Bath Iron Works is rezoned to permit condominium development the result will be an upgrading of the Hill that in turn will spark higher rents and property values that will be unaffordable to current residents.

That's a legitimate concern. Nevertheless, the fact is that, over the long-term, Munjoy Hill is certain to be upgraded and redeveloped; the Eastern Promenade area neighborhood is simply too valuable to remain as it is and escape unchanged.

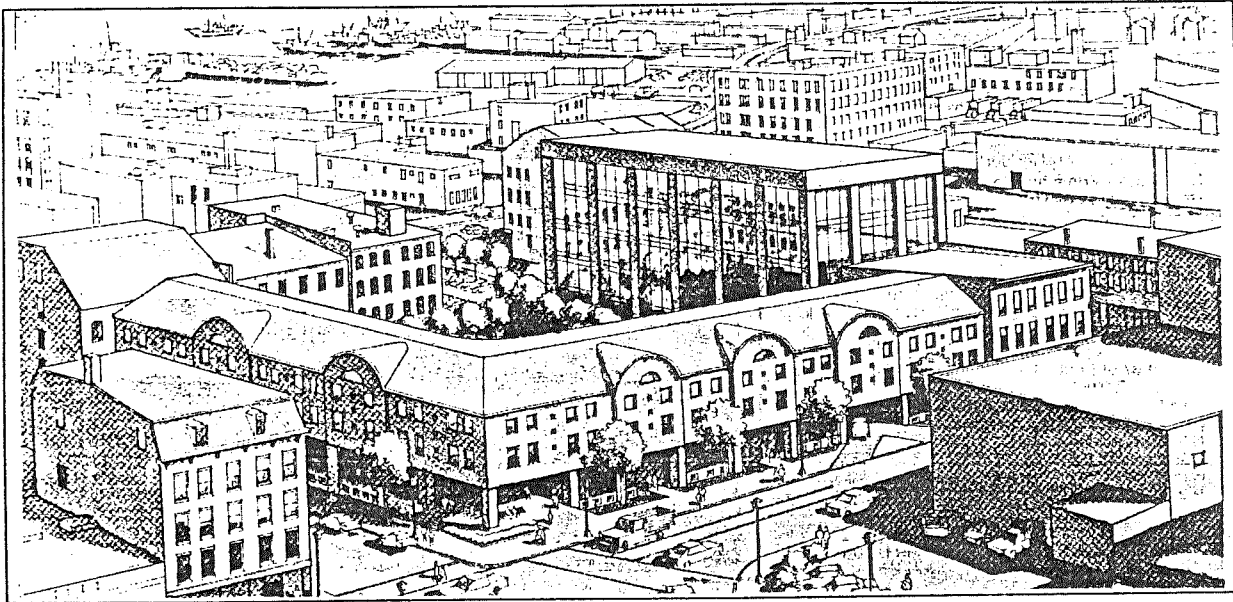
Rather than opposing pro-

posals to revitalize the Hill, the goal ought to be to find a mechanism which would make it possible for renters to acquire home mortgages and share in the benefits. One proposal, advanced this week by the Cumberland County Housing Implementation Committee, calls for a \$250,000 county trust fund to be used as down payments on homes purchased by qualified buyers.

The study found that many county renters earn enough to meet monthly mortgage payments but aren't able to save enough to make the down payment. A revolving fund, using both public and private money, would provide a mechanism to make it possible for them to become owners.

The idea deserves exploration. To do nothing will only exacerbate the chronic shortage of affordable housing, not only in Portland but throughout the county.

Rapidly expanding Portland firm becomes Menario/Russ/O'Sullivan



PORTLAND, ME. — John Menario, (left), Joel Russ, (center), and Michael O'Sullivan, (right), partners in an expanding Portland based professional real estate company providing marketing, brokerage and consulting services for commercial and investment property, recently announced a change in the name of their firm. Menario/Russ has become Menario/Russ/O'Sullivan.

According to Joel Russ, a partner with Menario/Russ/O'Sullivan, the name change publicly reflects the longtime partnership status of Michael O'Sullivan at a time when the firm is experiencing rapid growth. O'Sullivan joined Menario/Russ in 1983.

For over three years the firm has provided a broad range of services to developers, investors, owners, tenants, lenders, institutions and individuals. The highly trained and diversified partnership team combines expertise in marketing with specific skills in financial structuring, feasibility analysis and negotiating techniques.

John Menario is former city manager of Portland and former president of the Greater Portland Chamber of Commerce. He is a licensed real estate broker and holds a bachelor's degree from the University of Maine and a Master of Governmental Administration from the University of Pennsylvania.

Joel Russ is on the board of advisors to the National Trust for Historic Preservation and was formerly executive director of Greater Portland Landmarks, Inc. He is a lawyer and a licensed real estate broker, with a bachelor's degree from Wesleyan University and a J.D. degree from the University of Maine School of Law.

Michael O'Sullivan was formerly a senior associate with Gladstone Associates, a national

economic and real estate consulting firm, directing that firm's Boston office. He is a licensed real estate salesman and holds a bachelor's degree from Holy Cross College and an MBA from the Amos Tuck School at Dartmouth College.

Together the partners and new associates offer unique creativity and capabilities to selective real estate development and brokerage.

Menario/Russ/O'Sullivan has recently played a role in several successful property developments in Greater Portland, Maine.

As development consultants and exclusive brokers for Top of the Park Menario/Russ/O'Sullivan assisted Barton Forbes in the rehabilitation of several deteriorated historic structures on Park st. in Portland. Eight commercial/residential condominium units were created in this development and were successfully marketed by the firm. Because of the historical nature of the properties, owner/investors were able to take advantage of the 25% rehabilitation tax credit.

The firm successfully coordinated and administered the bid process which led to the sale of the Safford House, a historically significant building, to a local developer. The Portland School of Art hired Menario/Russ/O'Sullivan to sell this property because of their expansion and move to the former Baxter Library Building on Congress st.

Menario/Russ/O'Sullivan was engaged by General Properties, Inc. to serve as development consultants and exclusive brokers in a development which saw the Staples School, a vacant and deteriorated school house, transformed into nine commercial condominium units. All units were successfully marketed by Menario/Russ/O'Sullivan to both



owner/occupants and owner/investors. The property's age qualified investors for the 20% rehabilitation tax credits.

The firm was retained by Dictar Associates to serve as exclusive leasing agents for Harbor plaza, (shown) the conversion of a vacant warehouse into 64,000 sq. ft. of class "A" office space. The entire 54,000 sq. ft. main tower has been leased to E. C. Jordan Co.

Menario/Russ/O'Sullivan served as development consultants and exclusive brokers in assisting The Harvard Group of Manchester, New Hampshire in the development of the historic Richardson Wharf Building, into 24 residential and 2 commercial condominium units renamed Harbor Landing. This was the first such condominium development along Portland's waterfront. Because of the 25% rehabilitation tax credits, this development was targeted toward owner/investors. Within six months Menario/Russ/O'Sullivan had signed purchase and sale agreements for all 26 units.

The firm worked with the creditors and trustees of Nason College in an attempt to secure a purchaser for the college and all its assets. Menario/Russ/O'Sullivan teamed with Meredith and Grew of Boston, Massachusetts in conducting a national marketing

campaign to locate a suitable purchaser before liquidation of the campus (parcel by parcel) was ordered by the bankruptcy court.

Menario / Russ / O'Sullivan worked with DeVille Associates of Scarborough, Maine in the sale of a 44 unit apartment complex. This apartment complex consisted of four separate structures containing 8 one bedroom units and 36 two bedroom units. Menario/Russ/O'Sullivan successfully closed on the sale of this property within six months of undertaking the listing.

The firm worked with General Properties, Inc. to structure the conversion of this certified historic structure into a commercial condominium. This property has been described by the Maine Historic Preservation Commission as "the most handsome and elaborately designed Victorian commercial structure in the state... the grandest Second Empire style building in Maine." Owners of the building, F. O. Bailey Antiques, retained ownership of one condominium unit. Menario/Russ/O'Sullivan brokered the sale of the remaining condominium units to Murray, Plumb, Murray, a Portland law firm.

Menario / Russ / O'Sullivan worked with Barton Forbes again in the conversion of the Carroll Mansion, a deteriorated structure,

into five residential condominium units, the carriage house behind the mansion is now four condominium units. Two new townhouses resembling the style and character of the existing buildings have been constructed on the site. Menario/Russ/O'Sullivan has secured purchase and sale agreements for all eleven units.

Currently the firm has been retained as consultant and exclusive representative by St. John Street Realty Trust, to assist in the development of the former Maine Central Railroad Building into a general office center. The historically significant building, now called the West End Business Center, is a 100,000 sq. ft. landmark with exceptional architectural detailing. Development of West End Business Center will retain the best original features while completely updating the systems and allowing for custom finishing.

Today Menario/Russ/O'Sullivan is the exclusive leasing agent for several properties including 8,000 sq. ft. of prime retail space on Exchange st., 7,000-14,000 sq. ft. of retail space to be built on the corner of Western ave. and Westbrook st., and a 14,000 sq. ft. office building, Southport Office Center, on Main st. in South Portland.

CC1

CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: Robert B. Ganley, City Manager

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

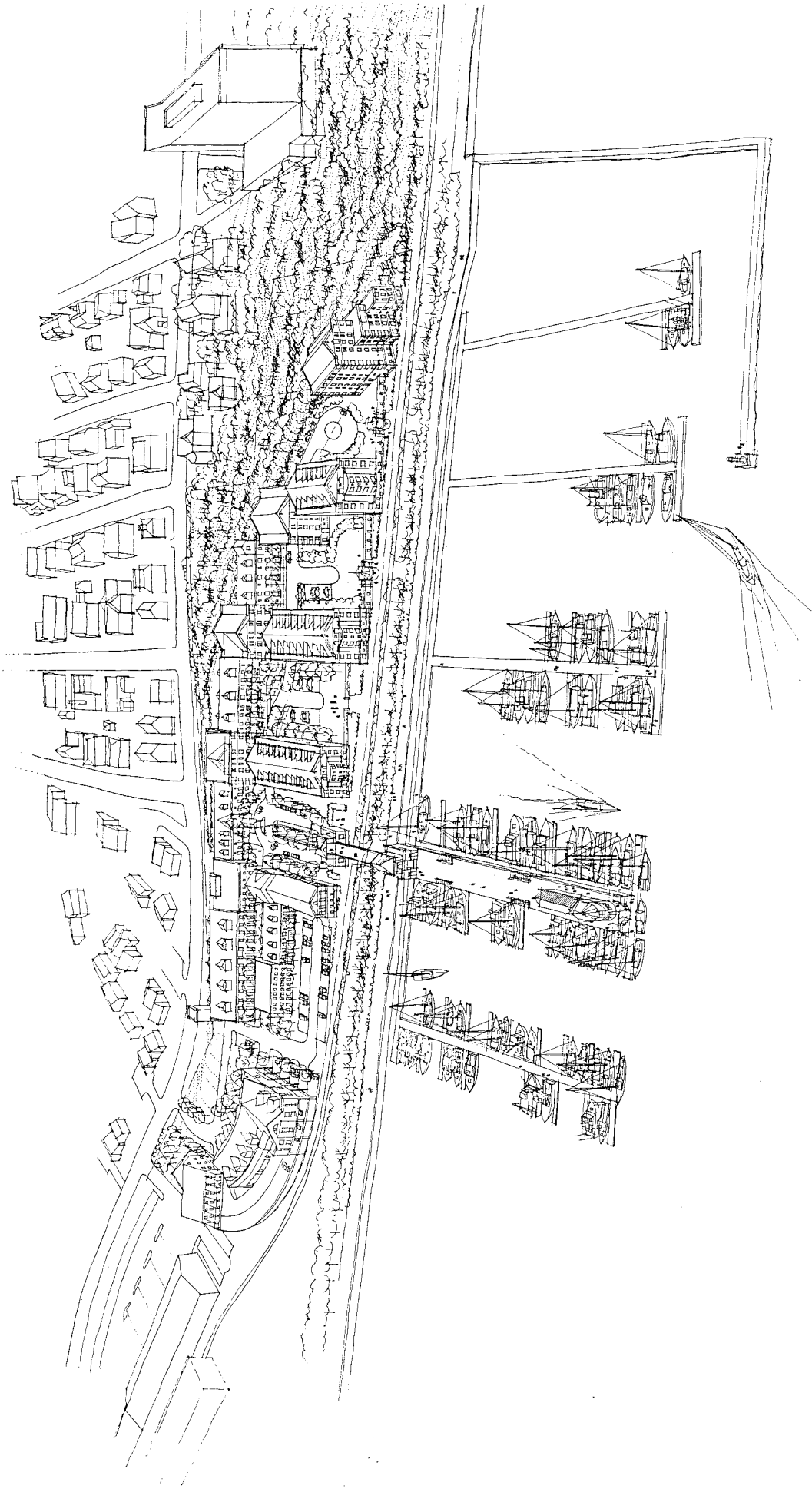
DATE: March 23, 1987

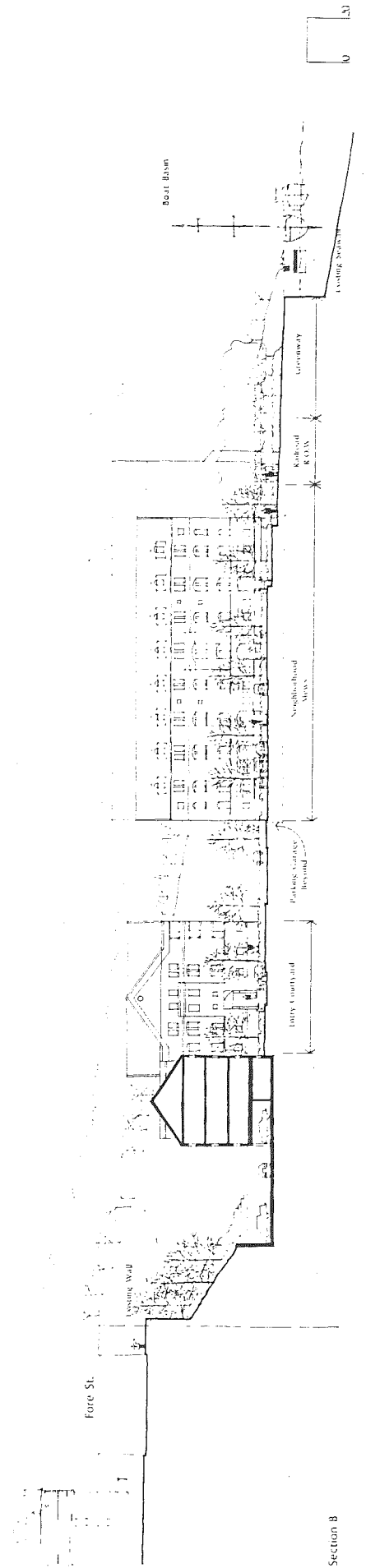
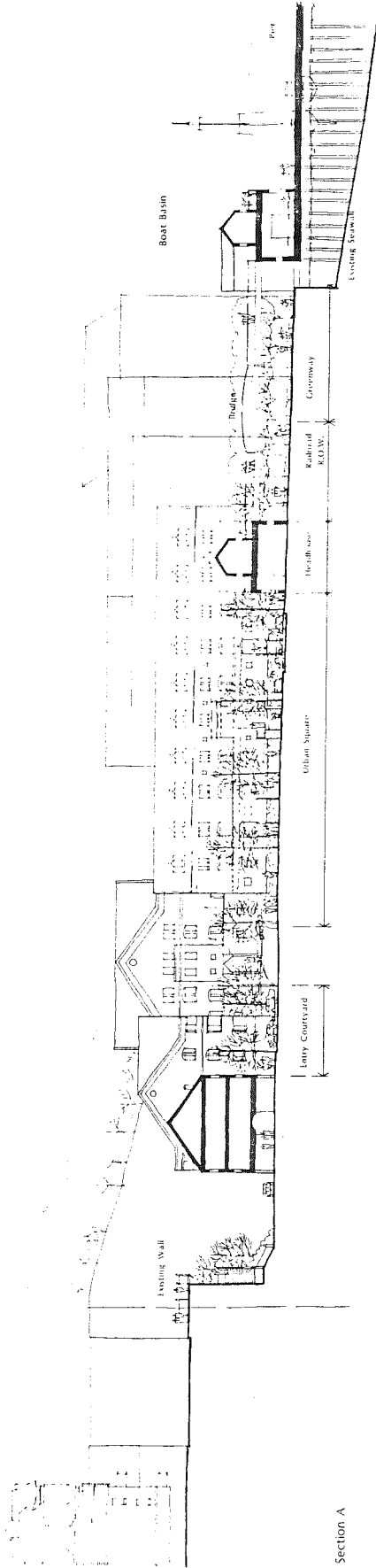
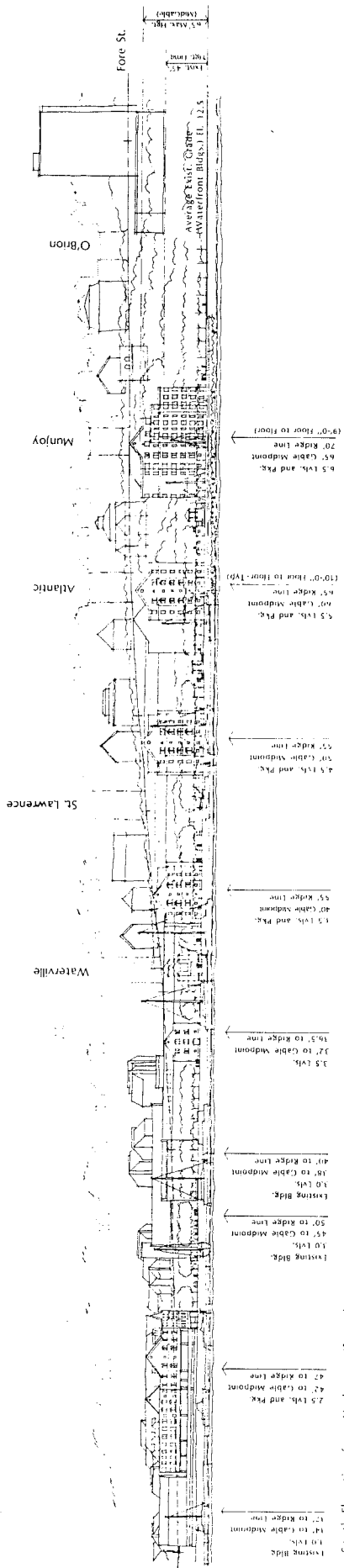
RE: City Council Workshop Agenda Item Regarding Eastern Point Associates
Zone Change Request

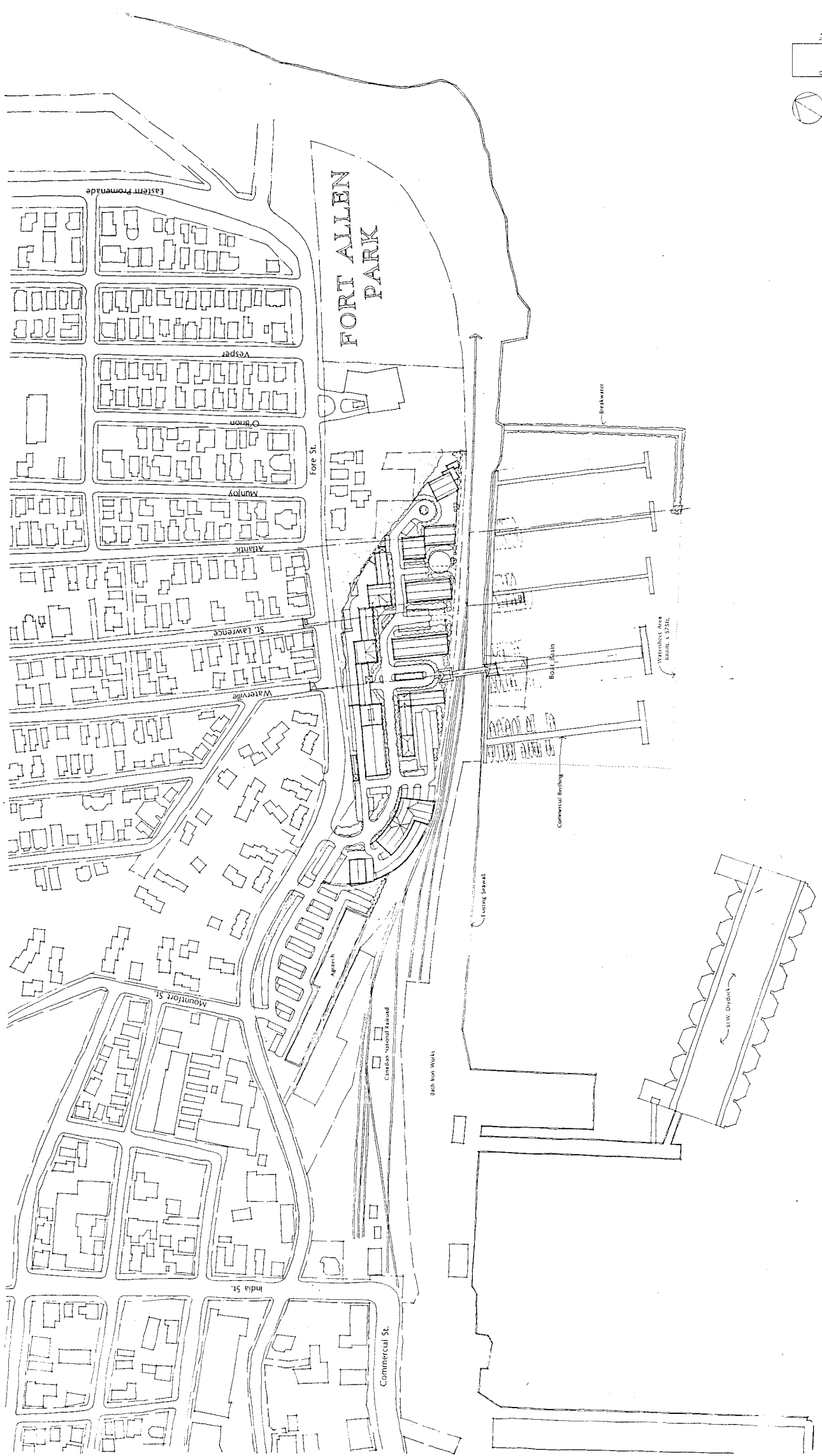
Please include the following informational material in the packet to City Council for their workshop scheduled for March 30, 1987 regarding the Eastern Point zone change and height amendment request. This material has been prepared in response to requests by Councilors at the Council workshop on January 26, 1987.

1. Report prepared by Eastern Point Associates (notebook)..... separate
2. Most current plans of the Eastern Point project.....page 2
3. Letter to MDOT requesting information, re: water leases.....13
4. Letter of response from MDOT, re: water leases.....15
5. Memorandum from Corporation Counsel, re: legal questions.....34
6. Memorandum from Thomas Valleau, Director of Transportation and Waterfront Facilities, re: Aircraft noise.....38
7. Letter from Brian Nickerson, St. James Properties (Eastern Point Assoc.), re: capacity to complete project, willingness to live up to commitments to the community.....41
8. Memorandum from George Flaherty, Director of Parks and Public Works, re: City's experience regarding provision of services to developments approved with a commitment to provide private services.....45
9. Letter from Joel B. Russ, Menario-Russ-O'Sullivan (Eastern Point Assoc.), dated January 26, 1987 re: affordable housing.....46
10. Staff memorandum re: permitted uses in the various industrial zones..47
11. Staff memorandum re:
 - a. Waterfront public access;.....50
 - b. Clarification of deep-water calculations;.....52
 - c. Why wasn't this area included in original W-2 zone?.....52
 - d. Full planning department text from Planning Department Report #128-86, re: Land Use Policy Considerations.....52
 - e. Status of traffic study.....53
 - f. Complaints regarding Bath Iron Works.....53

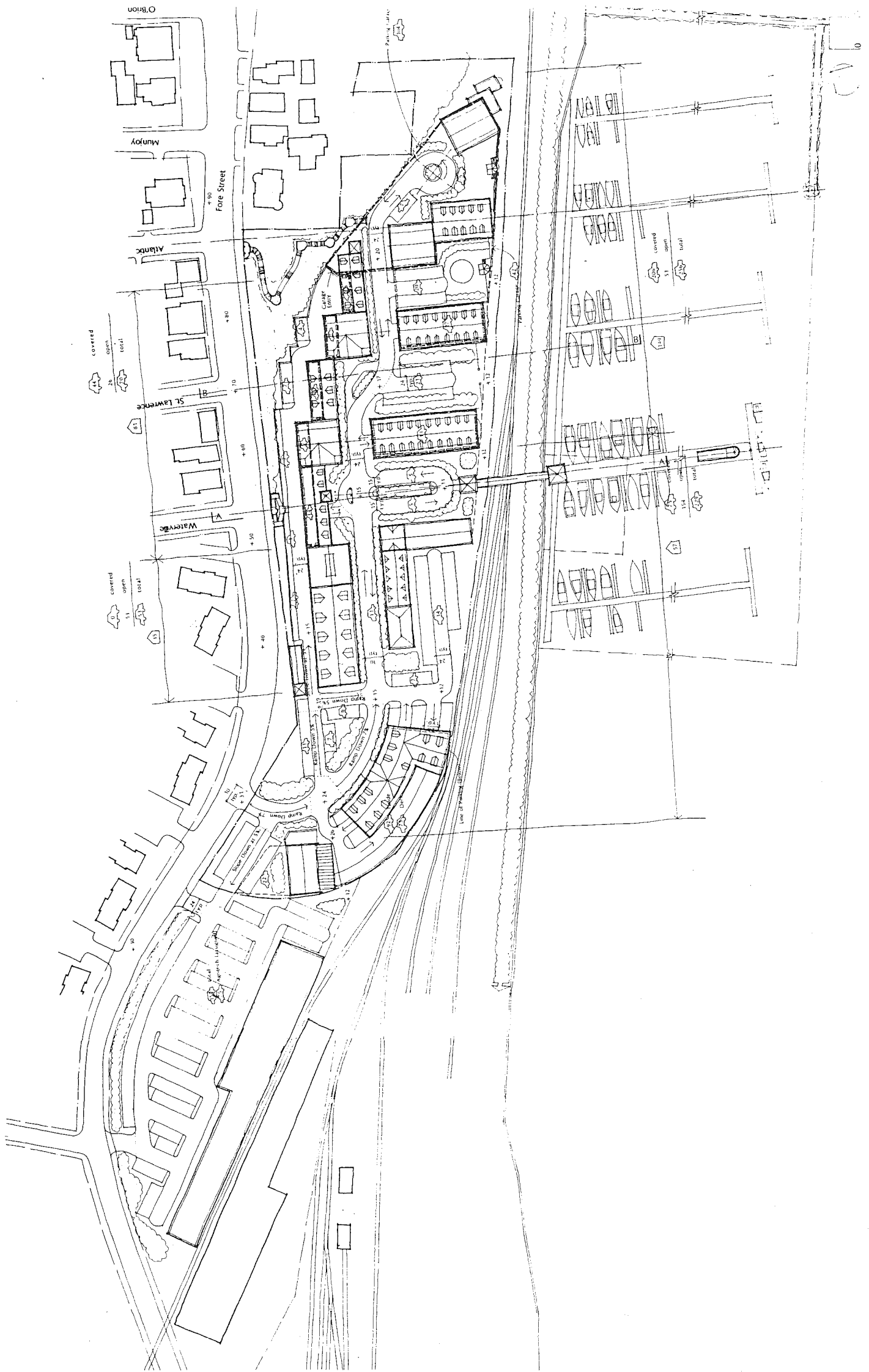
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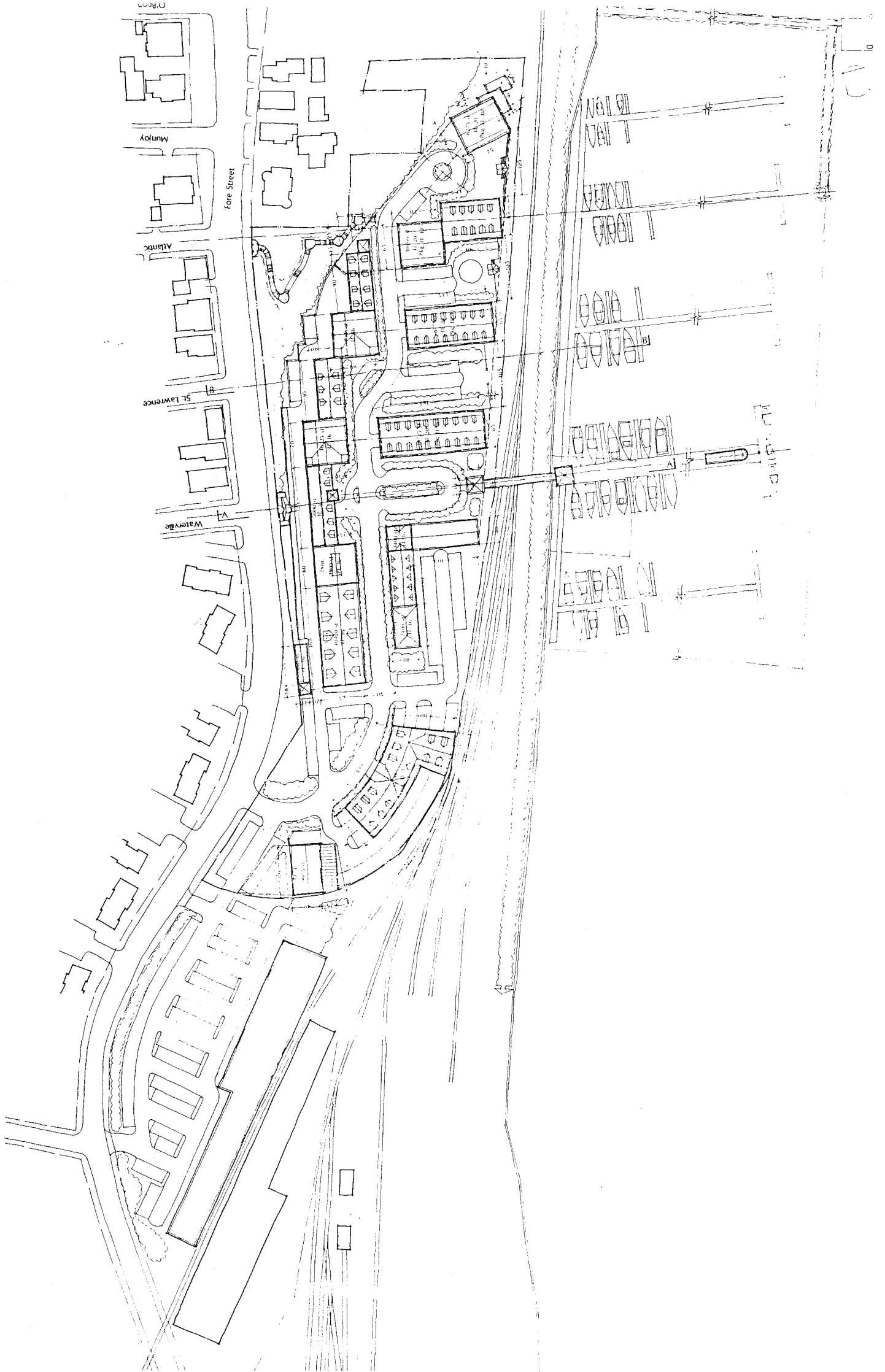


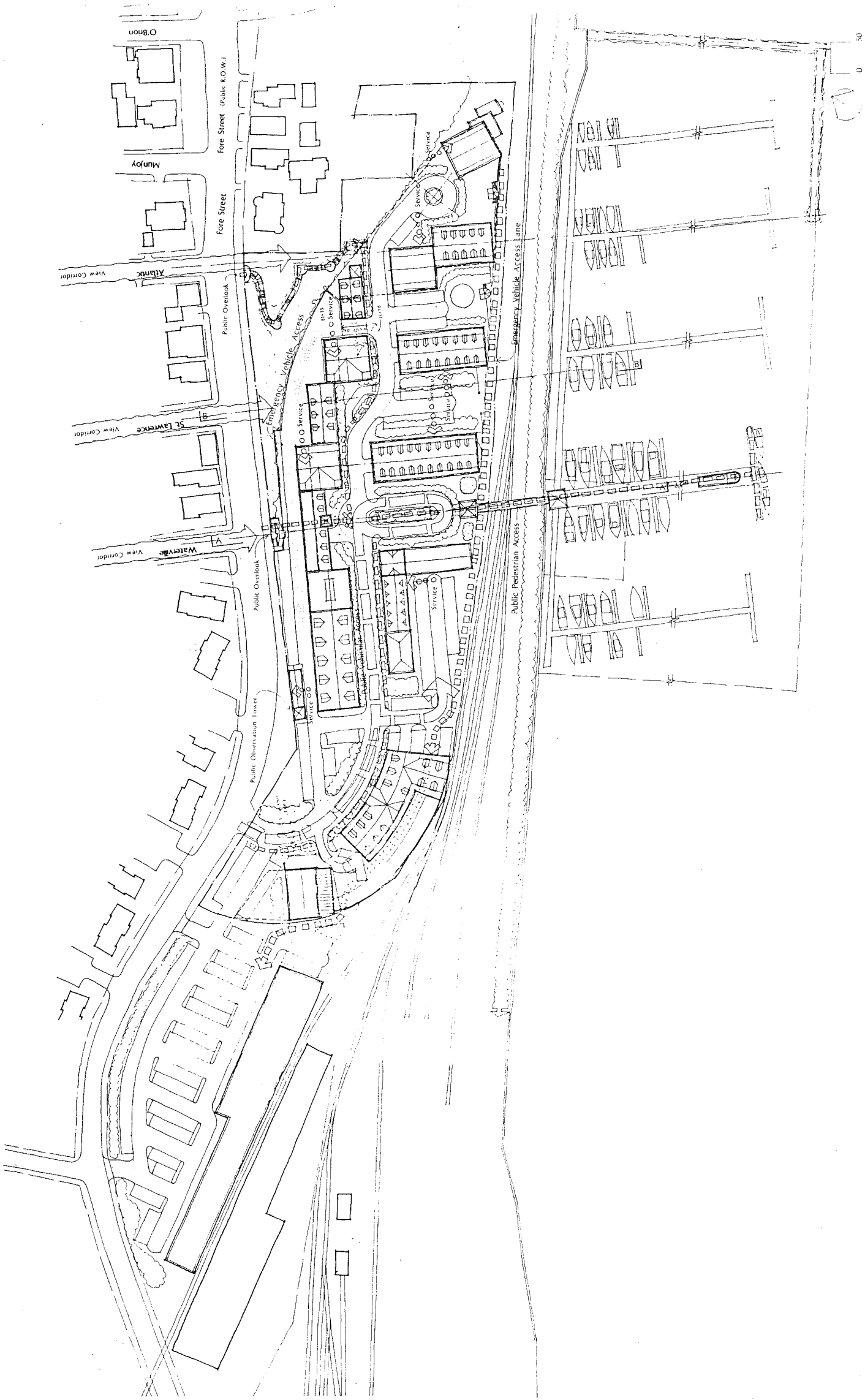


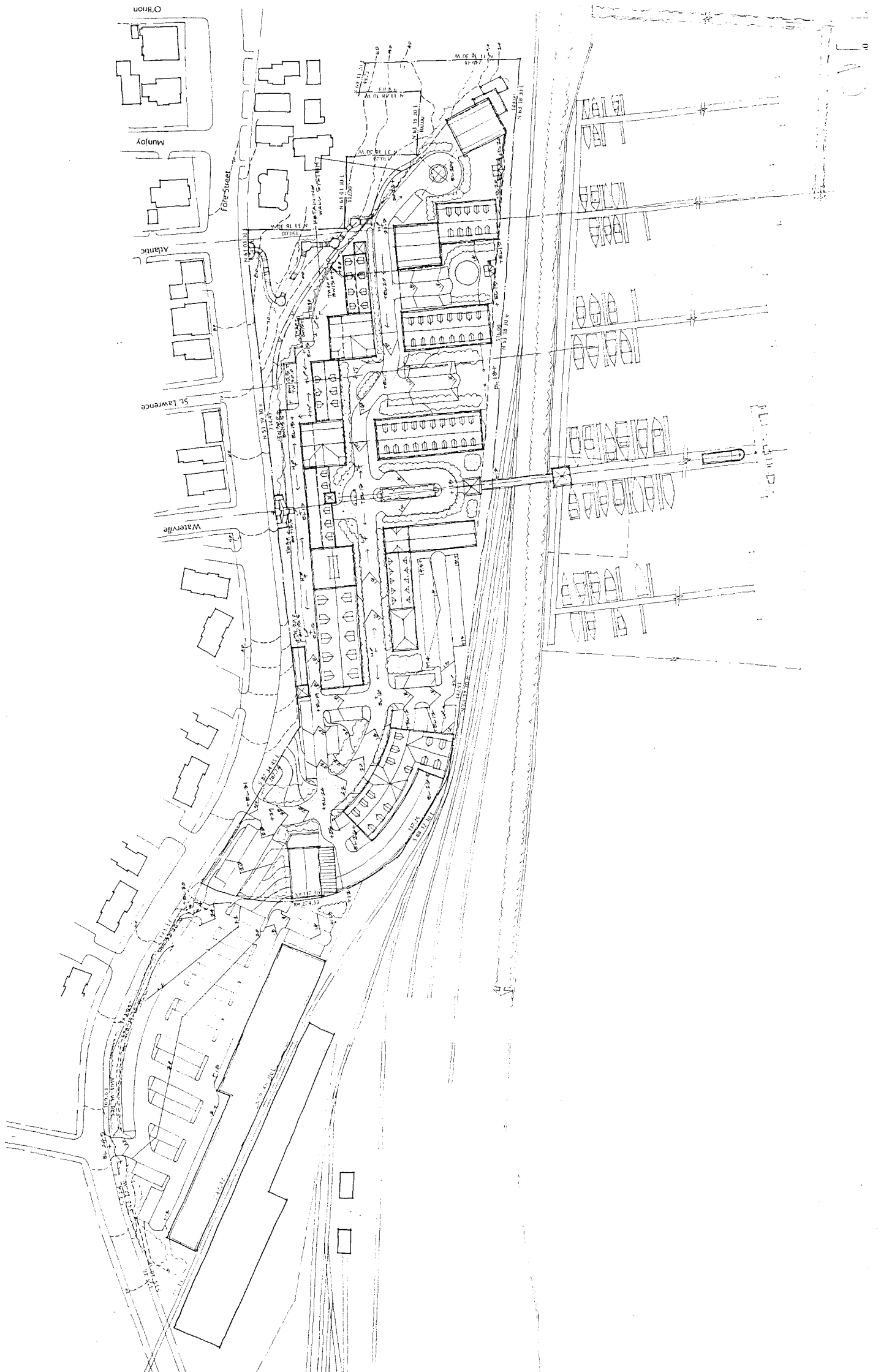


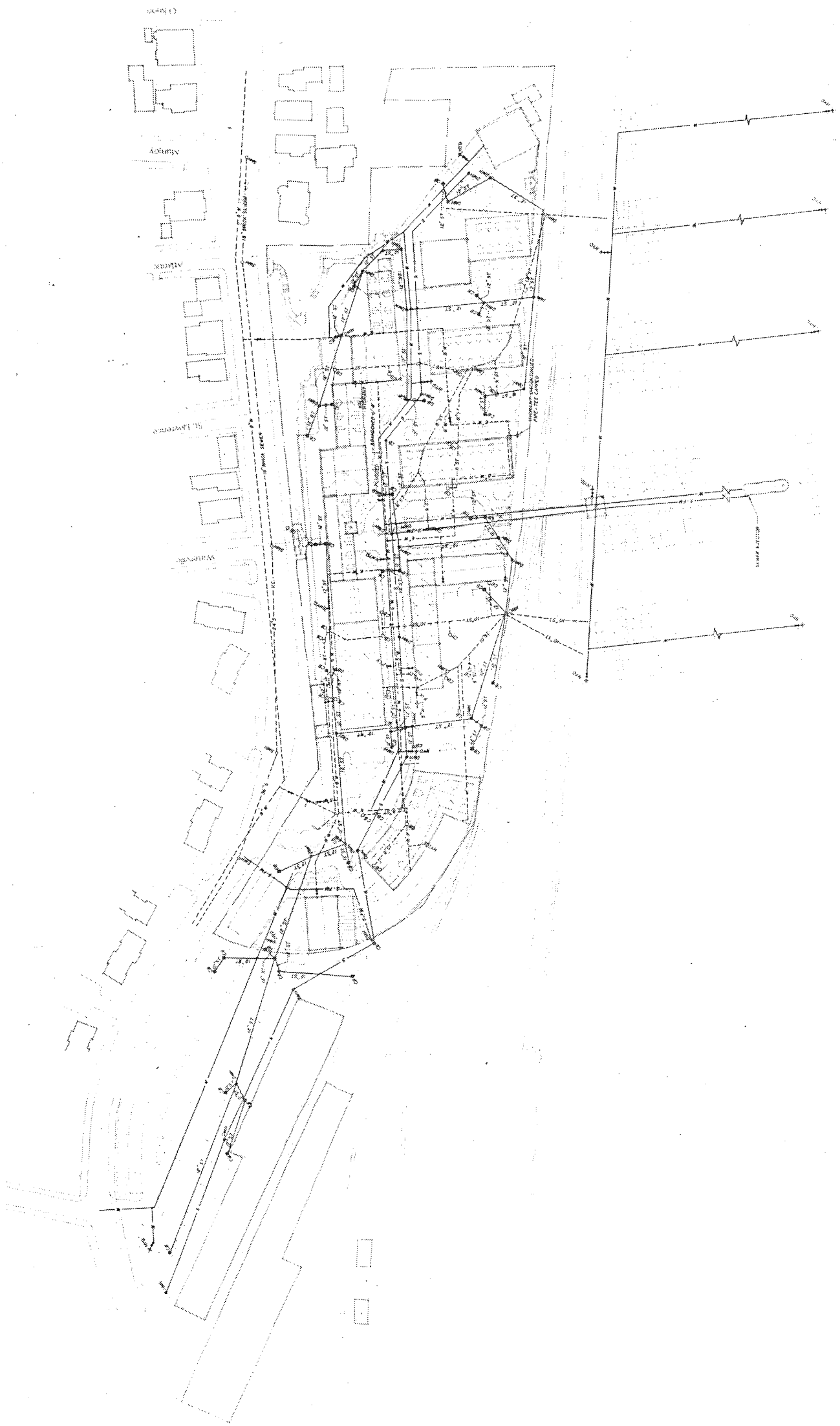


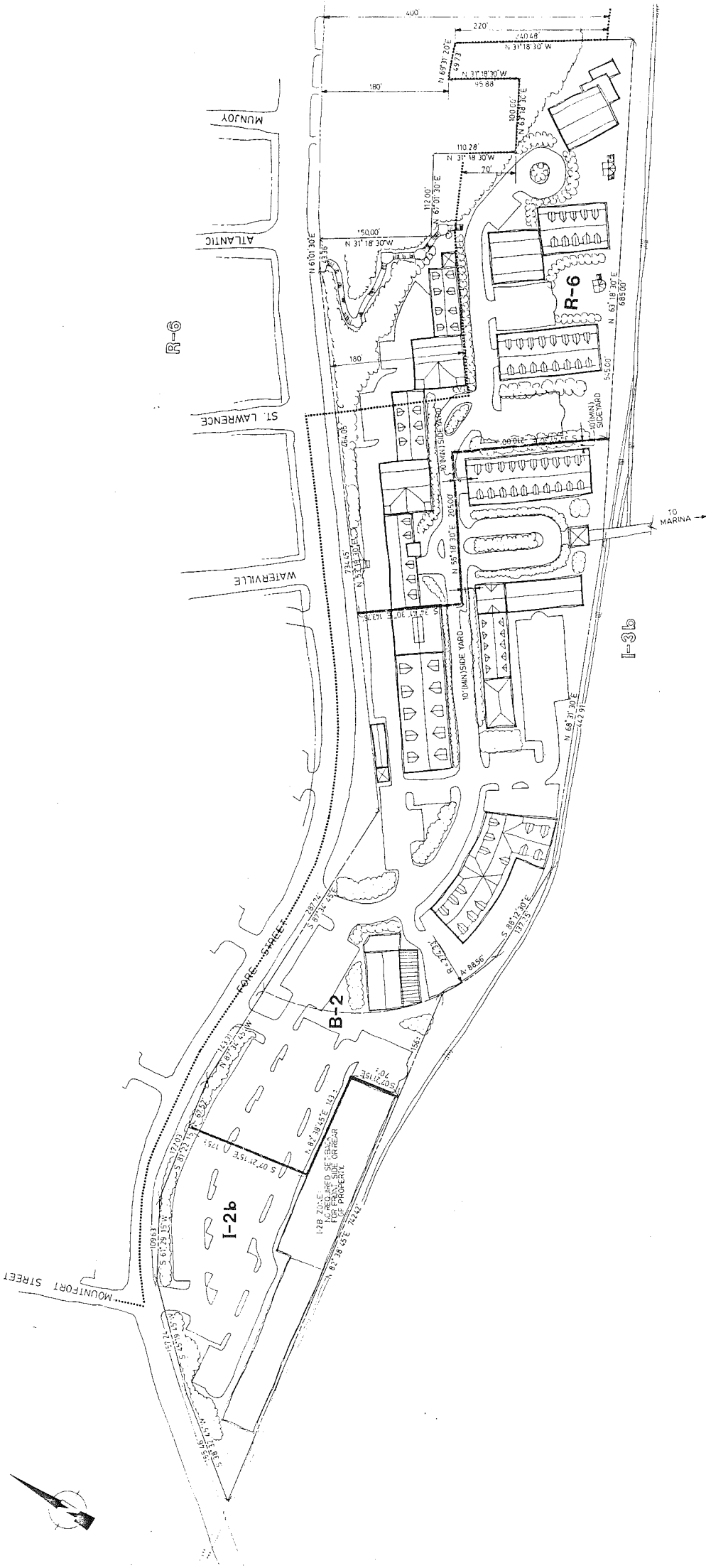












FORMER PORTLAND ENGINEERING LOT SIZE = 38,203 SQ. FT.
 FORMER CROSBY LAURHIN LOT SIZE = 12,653 SQ. FT.
 TOTAL = 50,856 SQ. FT.

R-6 ZONE AREA = 19,064 SQ. FT.
 B-2 ZONE AREA = 23,239 SQ. FT.
 I-2b ZONE AREA = 83,888 SQ. FT.
 TOTAL = 126,191 SQ. FT.

LEGEND:
 - - - - - PROPOSED ZONING LINE
 _____ EXISTING ZONING LINE
 R-6 EXISTING ZONE DESIGNATION
 B-2 PROPOSED ZONE DESIGNATION

NOTES:
 1. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
 2. THE ZONING DESIGNATION IS SUBJECT TO THE CITY OF PORTLAND ZONING ORDINANCE.
 3. THE PROPOSED ZONING DESIGNATION IS SUBJECT TO THE CITY OF PORTLAND ZONING ORDINANCE.
 4. THE PROPOSED ZONING DESIGNATION IS SUBJECT TO THE CITY OF PORTLAND ZONING ORDINANCE.
 5. THE PROPOSED ZONING DESIGNATION IS SUBJECT TO THE CITY OF PORTLAND ZONING ORDINANCE.



CITY OF PORTLAND

JOSEPH E. GRAY, JR.
DIRECTOR OF PLANNING
AND URBAN DEVELOPMENT

February 18, 1987

Mr. Robert Elder
Director
Division of Ports and Marine Transportation
Maine Department of Transportation
State House Station #16
Augusta, ME 04333

Dear Mr. Elder:

As I believe you are aware, the City of Portland is in the process of reviewing a major zone change request by Eastern Point Associates for the Portland Company property along Fore Street near Bath Iron Works. Specifically, the City Council has requested that your office be contacted with the hope of gaining the following information:

1. What control does MDOT exercise over the land and/or water portions of the area proposed for redevelopment?
2. What current lease arrangements exist for that area? A copy of the current lease would be useful for our review, if possible.
3. What is the status of your discussion with Eastern Point Associates regarding their proposed development? What State review and/or revisions to current leases are required to accommodate the proposed development? Do you foresee at this time any problems arising through the development of a breakwater, of commercial and recreational boat berthing, or of any other factor associated with this project?
4. Are there any absolute limitations to expansion of the proposed berthing area westward to include additional water area/submerged land which might be located adjacent to the proposed marina but between the BIW floating drydock and land? Are there existing lease arrangements or agreements with BIW or any other tenant which might preclude the provision of additional berthing in this area?

I have attached a plan for your reference which illustrates the area of concern. We would very much appreciate any information you are able to provide us regarding the questions posed above.

We anticipate this item going back to the City Council in late February, therefore your attention to this matter is greatly appreciated. Please call me if you have any questions concerning this request for information at 775-5451, extension 264. Thank you in advance for your time and assistance.

Sincerely,

Philip L. Meyer

Philip L. Meyer
Urban Designer

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner

CPM/sc

ATTACHMENT 4

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION BUILDING
STATE HOUSE STATION 16 AUGUSTA, MAINE 04333



DANA F. CONNORS
Commissioner

March 3, 1987

Philip L. Meyer
City of Portland
Planning & Urban Development
389 Congress Street
Portland, Maine 04101

Re: Eastern Point Associates

Dear Mr. Meyer:

In response to your letter of February 18, 1987 concerning a zoning change request by Eastern Point Associates for Portland Company land adjacent to Fore Street near BIW, please be advised of the following:

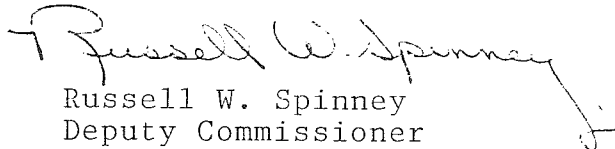
- 1 & 2. MDOT controls the land frontage and water area through its lease with Fish Point Associates. A copy of that lease together with amendments is attached for your reference. As you can see, the uses under the lease are restricted to marine related activities including berthing for commercial vessels. See page 4, Article V of the lease. At the moment, the lease is being treated as valid, although Fish Point Associates has not developed the site in accordance with the lease terms.
3. At this time, the Department maintains a fairly neutral viewpoint of the proposed development. Our concerns focus around provision of at least 1,000 linear feet for the berthing of commercial fishing boats together with adequate public access, as well as a submerged lands lease. We have discussed these matters with Eastern Point Associates. We have no objections to the proposed breakwater. In fact, it would provide the protection needed for commercial fishing vessels.

Letter to Philip L. Meyer
Re: Eastern Point Associates
3/3/87
Page 2

4. With reference to the expansion of the berthing area to the west, we do have concerns. Any future expansion would be reviewed carefully before approval and would have to have the concurrence of BIW. As you know, their lease rights extend until December 31, 2021. Regardless of whomever the State chooses to lease that area to thereafter, we do not want to restrict the potential uses of that area by allowing encroaching development to the east. In fact, adequate frontage was a significant enough issue when the BIW deal was put together that DOT and Fish Point Associates changed the location of Fish Point's 1,000 foot frontage 425 feet further to the east to allow BIW room for the dry dock project.

If you have any questions about the enclosed information, please contact me as Robert Elder will be out of town on business until March 23.

Very truly yours,


Russell W. Spinney
Deputy Commissioner

RWS:nsf
Enc.

cc: Hope Hilton, Legal Division

11/20
Rec'd 11/6/78

L E A S E

AGREEMENT made this 20th day of October, 1978 by and between the MAINE DEPARTMENT OF TRANSPORTATION, hereafter called the Department and FISH POINT ASSOCIATES, a Maine partnership having a place of business in Portland, Maine, hereafter called Lessee.

WHEREAS, the Department is interested in encouraging the development of Marine-related activities in Portland Harbor and the Lessee has indicated a similar interest and intent, and the Department is willing to enter this lease with the Lessee of the premises described below for the purpose of furthering and encouraging the Lessee in this development and providing some protection for the investment which the Lessee will make in its investigation and development of the premises;

NOW, THEREFORE, the parties in consideration of agreement of the other do hereby agree as follows:

ARTICLE I

Leased Premises

The Department leases to the Lessee a certain lot or parcel of land and area of Tidal Waters located in the City of Portland, Cumberland County, Maine on the northwesterly shore of Fore River, so-called, more particularly described in Exhibit A annexed hereto and made part of this lease and hereafter called the "premises".

ARTICLE II

Term And Renewals

This lease shall be for an initial term of 10 years, beginning on November 1, 1978 and ending on October 31, 1988. The Lessee shall have the right to renew the term of this lease for three successive renewal terms of

*Copy to Legal Sec.
10-23-78*

10 years each, subject to the termination conditions. The first renewal term shall commence on the termination of the initial term and each succeeding renewal term shall commence on the expiration of the preceding term, provided that each right of renewal may be exercised and effected only if this lease is in full force and effect immediately prior to the commencement of the applicable renewal term. Lessee shall separately exercise its options to renew by notifying the Department in writing of such election at least 3 months in advance of the commencement date of the applicable renewal term. All terms and conditions applicable during the initial term shall be applicable during each renewal term except that after the third renewal term there shall be no further renewals of this lease.

ARTICLE III

Rent

The Lessee shall pay to Lessor the following amounts of rent, to wit:

- (a) \$1,000 per year for the first two years of the initial term of this lease.
- (b) \$3,000 for the third year of the initial term of this lease.
- (c) An amount for each year thereafter during the initial term and any renewal term, equal to \$3,000 multiplied by the fraction, the denominator of which shall be the U. S. Bureau of Labor Statistics Consumer Price Index for Boston, Mass., revised wage earners and clerical (or successor) in effect for October 1, 1980 and the numerator of which shall be said Index as of the lease year in question. In the event that said Index is not published for a month specified above, the Index for the closest preceding month shall be used instead. The annual rent shall in no case be reduced below the sum of \$3,000.

Rental payments shall be payable annually, in advance on the first day of November for each lease year. A twelve percent (12%)

annual interest charge shall be assessed on rent more than one (1) month in arrears.

ARTICLE IV

Development Of Premises

The Lessee shall from time to time present to the Department proposals as to portions and stages of its development of a berthing facility and/or other Marine-related facilities to be constructed on the premises, for review and approval by the Department, such approval shall not be unreasonably withheld. On or before November 1, 1980 the Lessee shall submit to the Department the final plan of the Lessee for such development, incorporating the portions previously approved by the Department and including a schedule for construction, to receive final approval by the Department. The final approval of the Department shall be concerned only with the general overall scope of the proposed development and the construction schedule, not any of the design details and such approval shall not be unreasonably withheld provided the intent of Article V, Use Of Premises is satisfied. No construction shall take place on the leased premises until the Lessee has secured approval for such construction from the Department. The Department agrees that it will take action to review and approve all plans as soon as possible after the plan is submitted and in no event, later than thirty (30) days after its submission.

If the Lessee has not substantially completed by November 1, 1981 that portion of the development scheduled for completion by that date, this lease may be terminated at the option of the Department provided that this day may be extended by the Department if the Lessee was unable to meet the schedule deadline due to delays caused by any reason or force beyond the control of the Lessee.

ARTICLE V

Use Of Premises

The premises shall be developed and operated for Marine-related activities and/or facilities available for commercial use including but not limited to, berthing for commercial vessels. The Lessee shall restrict its use to the above described purposes and shall not use or permit the use of the premises for any other purpose unless the express written consent of the Department is first obtained, such consent shall not be unreasonably withheld.

ARTICLE VI

Insurance And Indemnity

The Lessee shall obtain and keep in force at all times during the continuance of this lease, general public liability insurance reasonably satisfactory to the Department against claims for personal injury, death or property damage arising out of or in any way related to, the use and occupancy of the leased premises by Lessee, its agents or invitees. This insurance shall provide a combined limit of at least \$1,000,000.00 for personal injury, death and property damage. Evidence of such insurance shall be forwarded to the Department.

The Lessee further agrees to indemnify the Department against all expenses, liabilities and claims of every kind, including reasonable counsel fees, by or on behalf of any person or entity arising out of either (1) failure by Lessee to perform any of the terms or conditions of this Lease, (2) any injury or damage happening on or about the premises due to the negligence of Lessee or (3) any mechanic's lien or security interest filed against the premises.

ARTICLE VII

Assignment And Subletting

The Lessee may assign this lease for security or mortgage its leasehold interest provided that, although approval is not needed for assignments for security or for mortgages of the leasehold interest, the Lessee must give the Department prompt notice of any such assignment or mortgage. The Lessee will not transfer or assign this lease in whole or in part for other than security, nor sub-let any of the leased premises for any purpose without the prior written consent of the Department, such consent shall not be unreasonably withheld. This provision shall not apply to the short-term leasing by the Lessee of individual berths and/or other space in connection with its Marine-related activities.

Whenever an assignment for other than security is approved, the Lessee shall remain primarily liable to the Department for the due performance of all covenants, undertakings and agreements on its part to be performed. A mortgagee or assignee for security will not assume the obligations or liabilities of the Lessee under this lease, provided however, that continued payment of rent shall be a condition precedent to such mortgagee or assignee for security exercising any of the Lessee's rights hereunder. In the event of a default under this lease by the Lessee, the Department agrees that it will at the time of giving the Lessee any notice of default also give any of record mortgagee or assignee for security a copy of the notice of default and said mortgagee or assignee shall have the right to cure such default within the time permitted the Lessee herein.

ARTICLE VIII

Default Of Lessee

In the event of any default by the Lessee in the payment of any rental due hereunder or in the performance of any other term, condition or covenant of this lease to be observed or performed by Lessee for more than thirty (30)

days after written notice of such default shall have been given to Lessee, or if Lessee shall become bankrupt or insolvent, or file any debtor proceeding or have taken against Lessee in any court pursuant to any statute, either of the United States or any state, a petition in bankruptcy or insolvency or for the reorganization or for the appointment of a receiver or trustee of all or a portion of Lessee's property or if Lessee makes an assignment for the benefit of creditors, or petitions for or enters into such an arrangement or if Lessee shall abandon the premises or suffer this lease to be taken under any writ or execution, then the lease shall terminate and the Department in addition to any other rights or remedies it may have, shall have the immediate right of re-entry and may remove all persons and property from the leased premises, and such property may be removed and stored at the cost of and for the account of Lessee, all without service, notice or resort to legal process and without being deemed guilty of trespass or becoming liable for any loss or damage which may be occasioned thereby.

ARTICLE IX

Parties Bound

It is agreed and understood that as part of the consideration for this lease, the Lessee will purchase the real estate near the leased premises presently owned by United Industrial Syndicate, Inc. and being that land as more particularly described in a deed recorded in the Cumberland County Registry of Deeds in Book 2359, Page 233. As further consideration, the Lessee agrees that it will not convey or in any way divest itself of ownership of the above described land during the development stages of this lease or during the first five year period, without the prior written approval of the Department.

All rights and liabilities herein given to, or imposed upon, the respective parties hereto shall extend to and bind the several respective heirs, executors, administrators, successors, and assigns of the respective

*Amended
above 1/187*

parties. No rights, however, shall inure to the benefit of any assignee or Lessee unless the assignment to such assignee has been approved by the Department in writing as provided in Article VII.

ARTICLE X

Taxes

The Lessee agrees to pay all taxes, assessments, or charges which during the term hereof may become a lien or be levied by the State, municipality or other tax-levying body on all personal property of the Lessee, upon all improvements made to the premises by the Lessee in connection with its use and occupancy thereof, and upon the possessory interest of the Lessee in the premises.

ARTICLE XI

Ownership Of Improvements

The personal property and other improvements placed or installed by the Lessee in or on the leased premises shall remain the property of the Lessee and must be removed on or before the expiration of the lease term or its renewals. In the event of expiration or other termination, Lessee shall have ten (10) days, exclusive of Sundays, Saturdays, or Holidays, after such termination, in which to remove its property. All property and other improvements remaining on the premises after the 10 days shall become the property of the Department. If any building or other such improvement which remains on the premises after the ten days extends onto other property owned by the Lessee, Lessee will make an option available to the Department for the purchase of all property covered by such building or improvement for the fair market value of such property at the time of the termination.

This provision will not apply to any cancellation or termination of the lease which is arranged by agreement between the parties.

ARTICLE XII

Waste, Restriction And Nuisance

During the term of this lease, Lessee shall comply with all applicable laws and ordinances affecting the premises and shall not commit or suffer to be committed, any waste or nuisance on the leased premises.

ARTICLE XIII

Quiet Enjoyment

Upon payment by Lessee of the rent herein provided and observance and performance of all covenants, terms and conditions to be observed and performed by Lessee, Lessee shall peaceably and quietly hold and enjoy the leased premises for the term hereof without hindrance or interruption by the Department or any person or persons lawfully or equitably claiming by, through, or under the Department.

ARTICLE XIV

Waiver

The waiver by either party of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition herein contained. The subsequent acceptance of rent hereunder by the Department shall not be deemed to be a waiver of any preceding breach by Lessee of any term, covenant or condition of this lease, other than the failure of Lessee to pay the particular rental so accepted.

ARTICLE XV

Notices

Any notice, demand, request or other instrument given under this lease shall be delivered in person or sent by Certified Mail, postage prepaid, (a) if to the Department, at the Maine Department of Transportation, Transportation Building, Augusta, Maine 04333, or at such other address as Lessor may designate by written notice, and (b) if to the Lessee, at 58 Fore Street, Portland, Maine 04101, or at such other address as Lessee shall

designate by written notice.

ARTICLE XVI
Miscellaneous

This lease is subject to any and all rights and easements of record and to all terms, conditions, reservations and interests acquired as set forth and described in a Quit-Claim Deed dated November 30, 1973 from Canadian National Railway Company to the State of Maine and recorded in the Cumberland County Registry of Deeds in Book 3490, Page 318. The Lessee agrees to maintain the fencing on the northwesterly boundary of the leased premises as it now exists, or as it by mutual agreement may be relocated.

IN WITNESS WHEREOF, the Department and Lessee have signed this lease as of the day and year first above written.

Witnessed by:

Clair M. Fitzgerald

MAINE DEPARTMENT OF TRANSPORTATION

By

Robert J. Mall
Its Commissioner

LESSEE:

FISH POINT ASSOCIATES

By

Thomas Sprague, Jr.
A Partner

EXHIBIT A
Leased Premises

Beginning at a point bearing S 46° 46' 11" W four hundred and fifty (450) feet from the most northerly corner of land conveyed to the State of Maine by Canadian National Railway Company by Quit-Claim Deed dated November 30, 1973 and recorded in the Cumberland County Registry of Deeds, Book 3490, Page 318;

Thence N 46° 46' 11" E along land of the Canadian National Railway Company and said line extended a distance of one thousand (1000) feet to a point;

Thence southeasterly at right angles to the hereinbefore described line about five hundred and seventy-five (575) feet to the Harbor Commissioners line in Fore River;

Thence southwesterly along the Harbor Commissioners line one thousand (1000) feet to a point;

Thence northwesterly along a line one thousand (1000) feet southwesterly from and parallel to the second line described herein five hundred and seventy-five (575) feet to the point of beginning.

Reference is hereby made to a Plan of the State of Maine entitled "Department of Transportation, Bureau of Waterways, Portland, Cumberland County" dated July 1974, on file in the office of the Department of Transportation, Bureau of Highways at Augusta (D.O.T. File No. 3-238A).

11046

LEASE AMENDMENT

LEASE AMENDMENT made as of this 22nd day of November, 1983, by and between the MAINE DEPARTMENT OF TRANSPORTATION, acting by and through its Commissioner, and PHINEAS SPRAGUE, of Scarborough, Maine.

WITNESSETH

WHEREAS, by Lease dated October 20, 1978 the MAINE DEPARTMENT OF TRANSPORTATION leased a certain lot or parcel or land and area of tidal waters located in Portland, Cumberland County, Maine to FISH POINT ASSOCIATES; and

WHEREAS, a copy said Lease is attached to a Conditional Assignment of Lease by and between FISH POINT ASSOCIATES and RHODE ISLAND HOSPITAL TRUST NATIONAL BANK dated January 11, 1979 and recorded at the Cumberland County Registry of Deeds in Book 4368, Page 119; and

WHEREAS, by Assignment of Lease dated October 29, 1981, a copy of which is attached hereto as Exhibit A, FISH POINT ASSOCIATES assigned its interest in said Lease to PHINEAS SPRAGUE; and

WHEREAS, a portion of the leased premises was conveyed by the State of Maine to the City of Portland by deed dated February 1, 1982 and recorded at said Registry of Deeds in Book 4916, Page 26; and

WHEREAS, the MAINE DEPARTMENT OF TRANSPORTATION and PHINEAS SPRAGUE have agreed to amend the description of the leased Premises as provided herein;

NOW, THEREFORE, IN CONSIDERATION OF ONE DOLLAR (\$1.00) and other valuable consideration each to the other given, the receipt of

which is hereby acknowledged, the MAINE DEPARTMENT OF TRANSPORTATION and PHINEAS SPRAGUE hereby agree that the description of the leased premises is amended so that the parcel described on Exhibit B attached hereto is released from the leased premises and the parcel described on Exhibit C attached hereto is included in the leased premises. Except as amended hereby, said Lease remains in full force and effect.

Dated: November 22, 1983

WITNESSETH:

MAINE DEPARTMENT OF TRANSPORTATION

Java E. Foy

By: George N. Campbell
Commissioner of George N. Campbell

Laura Leigh Sprague

Phineas Sprague
Phineas Sprague

STATE OF MAINE
GUMBERLAND, SS.
Kennebec

November 22 1983

PERSONALLY APPEARED the above named George N. Campbell, Commissioner of the MAINE DEPARTMENT OF TRANSPORTATION as aforesaid and acknowledged the foregoing to be his free act and deed in said capacity and the free act and deed of the MAINE DEPARTMENT OF TRANSPORTATION.

Before me,

Java E. Foy
Notary Public

MY COMMISSION EXPIRES
JULY 30, 1988

SEAL

STATE OF MAINE
CUMBERLAND, SS.

December 12
November, 1983

PERSONALLY APPEARED the above-named Phineas Sprague and
acknowledged the foregoing instrument to be his free act and deed.

Before me,

Seth Sprague
Notary Public

Seth Sprague MY COMMISSION EXPIRES
MARCH 30, 1986

XX

XX

SEAL

XX

XXXXXX
XXXX

2051.012

EXHIBIT A

800A6428 PAGE 227

ASSIGNMENT OF LEASE

For valuable consideration FISH POINT ASSOCIATES, a Maine partnership ("FPA"), hereby transfers and conveys to PHINEAS SPRAGUE of Scarborough, Maine, effective October 29, 1981, all its right, title and interest in and to the lease between Fish Point Associates and the Maine Department of Transportation ("DOT") dated October 20, 1978, providing for the leasing to FPA by DOT of certain tidal waters located in the City of Portland, Maine.

FISH POINT ASSOCIATES

By *Phineas Sprague*
A Partner

October 29, 1981

EXHIBIT B

A certain lot or parcel of land located in Portland, Cumberland County, Maine, bounded and described as follows:

Beginning at a point bearing south 46°46'11" west 450 feet from the most northerly corner of land conveyed to the State of Maine by Canadian National Railway Company by Deed dated November 30, 1973 and recorded in Cumberland County Registry of Deeds, Book 3490, page 318; thence southeasterly at right angles to the hereinbefore described line about 575 feet to the Harbor Commissioner's line in the Fore River; thence northeasterly along the Harbor Commissioner's line 450 feet to a point; thence northwesterly along a line parallel to the second line described herein 575 feet to a point at the most northerly corner of land conveyed in the aforementioned deed to the State of Maine by Canadian National Railway Company dated November 30, 1973; thence south 46°46'11" west along land of the Canadian National Railway Company 450 feet to the point of beginning.

Meaning and intending to release and hereby releasing all of that portion of the premises described in a certain Lease from the Maine Department of Transportation to Fish Point Associates dated October 20, 1978, a true copy of said Lease being attached to a certain Conditional Assignment of Lease by and between Fish Point Associates and Rhode Island Hospital Trust National Bank dated January 11, 1979 and recorded at the Cumberland County Registry of Deeds in Book 4368, page 119, which is within the boundaries of that parcel of land which was conveyed by the State of Maine to the City of Portland by Deed dated February 1, 1982 and recorded at the Cumberland County Registry of Deeds in Book 4916, page 26.

EXHIBIT C

A certain lot or parcel of land located in Portland, Cumberland County, Maine, bounded and described as follows:

Beginning at a point on the sea wall located 550 feet Northeasterly from the most Northerly corner of land conveyed to the State of Maine by Canadian National Railway Company by deed dated November 30, 1973 and recorded at the Cumberland County Registry of Deeds in Book 3490, Page 318, which point is also the most Northerly corner of land leased to Fish Point Associates by the Maine Department of Transportation by lease dated October 20, 1978, a copy of which is recorded along with a certain conditional assignment of lease by and between Fish Point Associates and Rhode Island Hospital Trust National Bank dated January 11, 1979 and recorded at said Registry of Deeds in Book 4368, Page 119; thence continuing in a Northeasterly direction along said sea wall a distance of 450 feet to a point. Thence Southeasterly at right angles to the hereinbefore described line about 575 feet to the Harbor Commissioner's line in the Fore River; thence Southwesterly along the Harbor Commissioner's line 450 feet to a point which is the most Southeasterly corner of the aforementioned premises leased to Fish Point Associates by the Maine Department of Transportation; thence Northwesterly along said leased premises and parallel to the second line described herein 575 feet to the point of beginning.

RECEIVED

1984 APR 18 AM 9:52

RECORDED REGISTRY OF DEEDS
CUMBERLAND COUNTY*James J. Walsh*

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Philip L. Meyer, Urban Development Designer
FROM: David A. Lourie, Corporation Counsel
DATE: February 26, 1987
SUBJECT: Legal Questions Regarding
Eastern Point Associates Rezoning

This memorandum is in response to your memorandum of February 18, 1987. The questions you raised and answers are as follows:

- 1-Q. If the application of conditional or contract zoning is expanded beyond the IR-3 zone, can the application be limited to projects in excess of a certain size threshold (i.e. minimum acres, square footage of development, etc.)?
- 1-A The City cannot zone on a case-by-case basis, in the same way as it administers Site Plans on a case-by-case basis. The mechanism for triggering conditional or contract zoning must be consistent with the Comprehensive Plan. A triggering mechanism of the type that you identified, would probably be inconsistent with the Comprehensive Plan if applied City-wide. That is not to say that a triggering provision could not be structured which took into consideration the Comprehensive Plan (as reflected in the different zones presently existing in the City) by providing standards which were consistent with those zones,
- 2-Q What are the time constraints on procedural steps required to introduce conditional/contract zoning to this project?
- 2-A There would have to be a request for a text change to allow the mechanism of conditional or contract zoning to be used outside of the IR-3 zone. That text change should be considered by the Planning Board and then approved by the Council. Public hearings are required upon that kind of change in the Zoning Ordinance and two (2) readings, on separate dates, are required at the Council level as a zoning amendment. There would also have to be a specific contractual or conditional zone change of the type negotiated with the developers of Ft. McKinley which could come forward either at the same time or subsequent to the change in the zoning ordinance text. The Planning Board would be required to consider and recommend this change to the City Council.

3:Q Define "conditional" vs. "contract" zoning.

3-A The terms tend to be used interchangeably. In general, a contract zone contemplates promises from the developer, while a conditional rezoning would be a unilateral act on the part of the City of Portland. As a practical matter there is little difference between the two if the City's remedies are going to be limited to enforcing a reversion of the property to its prior zoning. The major difference is that a "contract rezoning" can impose more affirmative obligations on the owner and additional remedies than would a "conditional rezoning."

4-Q Is it possible to introduce a reverter clause into either technique?

4-A Yes. As stated above both techniques contemplate a reversion to prior zoning.

5-Q What are the legal implications of conditional or contract zoning versus letters of commitments from the developer in terms of assuring provision of certain features of the development?

5-A I do not know what is meant by "letters of commitment" in the question. The developer is bound by the terms of its Subdivision or Site Plan approval and is required to provide security. A contractual obligation made as a letter of commitment outside of those processes, and not made as part of a conditional or contract zone change would probably be unenforceable. (As a contract to which there was no consideration, or because the contract is contrary to public policy.)

6-Q Is this spot zoning?

6-A It is possible, but not likely that the Courts would treat this request as one for a spot zone. A spot zone is created when a particular piece of property is lifted out of the Comprehensive Plan of the City for special treatment, and is inconsistent with that Plan. A persuasive argument appears to have been made that the requested zone changes would provide a transitional or buffer zone between the remaining industrial properties of Bath Iron Works and the residential property on Munjoy Hill. I believe this is an issue on which the Courts would defer to the legislative body and probably not find the proposal to constitute spot zoning on the facts as I have them at the present time.

In addition, you referred to your earlier memorandum of January 29, 1987 which included the following questions:

7-Q Procedural requirements for incorporating conditional or contract zoning;

- 7-A As stated above, a general (enabling) ordinance provision is probably required to implement contract or conditional rezoning outside the IR-3 zone. In addition, the Planning Board is required to conduct a public hearing upon the property to be conditionally rezoned. Notice of that hearing must be posted in City Hall at least fourteen (14) days prior to the public hearing, and published in the newspaper at least twice, with the first publication at least seven (7) days prior to the hearing. Notice is also required to be sent to the owners of all owners of all property abutting the property to be rezoned, at their last known address. A notice must contain a copy of the proposed conditions and restrictions, with a map indicating the area to be rezoned. After the Planning Board conducts this statutorily required public hearing, the Council would have to pass an Ordinance Amendment rezoning the property.
- 8-Q Guarantees regarding phasing of development related to conditional or contract zoning.
- 8-A Neither the statute nor the ordinance prescribe particular guarantees to be given by the developer over and above those required under the Subdivision or Site Plan Ordinances. It would be possible to amend the zoning ordinance to require a bond in the case of contract zoning pursuant to 30 M.R.S.A. §4962(1)(G) which provides for the posting of a performance bond equal to at least 25% of the estimated cost of development prior to a rezoning of an area in accordance with an architects plan. (This provision was mandatory in zoning ordinances until 1983 and was ignored by the City of Portland and all other municipalities, at which point the State made it permissive.) The Portland Ordinance does not presently require the posting of this bond. So far as I know, a bond of this type has never been required, nor it is likely to be available on terms which would be financially feasible. Without using §4962(1)(G), the only guarantee of development in a conditional rezoning would be the reversion to the prior zoning if the development did not proceed in accordance with the conditions. Whether a phased development could be undertaken under those circumstances is highly questionable as purchasers in phase one would be buying into the risk that they could lose their ability to use the property as proposed through a default in a later phase. Therefore, owners and lenders would probably remain at risk during the entire development. I question whether many lenders take on that kind of risk. With respect to contract zoning, the City could require additional guarantees in the contract. Without knowing more about the project, and its phasing, I cannot suggest, at the moment, what these guarantees should be and how they should be triggered.
- 9-Q Appropriateness of contributions to the Portland Development Fund.

9-A The suggested contribution to the City of Portland is more in the nature of a "linkage fee" than an "impact fee". That is to say that it appears to be unrelated to any impact or problem being caused by this project. (The project is not displacing any existing low income housing but proposes to contribute to the provision of such housing.) As such it is either a tax, which the municipality has no ability to impose or a charge for the change of zoning. Such a contingent payment for the change in zoning, which is an exercise of the City's governmental function is probably contrary to public policy. (The City's Zoning Ordinance is suppose to reflect a comprehensive plan for development of the City. If the development is consistent with that Comprehensive Plan, the property should receive its approval without any payment. If the rezoning is not consistent with the Plan it should not receive approval, regardless of the amount of money paid to the City or the purpose for which money is to be put.) Nothing precludes this developer, or any other developer, from making a contribution of money to the City of Portland for any purpose, for which the Council chooses to accept. However, the contribution cannot be tied to an approval which, as a matter of law as required to be made without respect to the promise of payment.

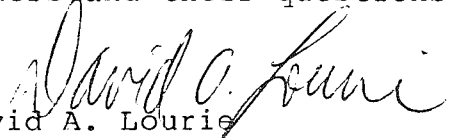
10-Q Possible requirement of bonding as a condition of rezoning.

10-A See paragraph 8 above.

11-Q Are there restrictions on noise for existing industrial properties or are they grandfathered?

11-A As to the generation of noise, those industrial properties generating noise, must be either acting consistent with the existing standards or be grandfathered. (The Crosby-Laughlin noise has apparently lost its grandfathering through abandonment.) At the Workshop, there were assertions made by persons in the audience that there were restrictions in deeds to some properties on Munjoy Hill to the effect that they would never object to the noise [from Crosby-Laughlin or other industrial users.] I have not been able to locate any such deeds or do I believe there is a reasonable liklihood that they could be located, assuming they exist, without searching the titles of the allegedly benefited properties on Munjoy Hill.

Please advise if you want to meet and discuss these matters further or if you have any further questions. With regard to additional questions from City Councilors, it would be better if you were to refer them directly to me so that I can make sure that I understand their questions.


David A. Lourie
Corporation Counsel

/dm pc: Alexander Jaegerman, Chief Planner

CITY OF PORTLAND, MAINE

MEMORANDUM

DATE: 2/10/87

TO: Philip L. Meyer, Urban Designer, Planning Dept.

FROM: Thomas F. Valleau, Dir. Trans. & Waterfront Fac. *TFV*

Here is some information on aircraft noise as it would affect the Eastern Point Project.

In November of 1985 Reynolds Smith & Hills completed an environmental assessment of a flight track which would require arriving Jetport traffic to transit Portland Harbor. In December, 1986, the Federal Aviation Administration designated this route, called the Harbor Visual Approach, as the preferred approach to be used by scheduled air carriers during clear weather.

The environmental assessment contains a large volume of information relative to aircraft noise and nearby land uses. Your office has a copy of this report.

For purposes of evaluating the affects of aircraft noise, all of the noise events over a twenty four hour period are taken together and averaged. Noises occurring at night are given an increased importance in the average by a factor of ten. The result is a measurement called LDN, meaning "level day night."

Enclosed is a map showing the various LDN contours created by air traffic using the Jetport on those days when the wind is from the west, resulting in a pattern of arrivals over Portland Harbor and departures over Westbrook. You will observe that the 60 LDN contour extends like a finger up the Portland Harbor alongside and close to the Eastern Point Project site.

Exactly what this means for persons residing in such an environment will surely be a subject of debate as this project comes forward. My observations would be the following:

1. Persons living in the proposed Eastern Point Project will frequently hear large jet aircraft flying close to their homes. Complaints can be anticipated.
2. Residents will clearly see these aircraft, and this causes anxiety in some individuals.
3. The prospect of relocating the Harbor Visual flight track is nil.

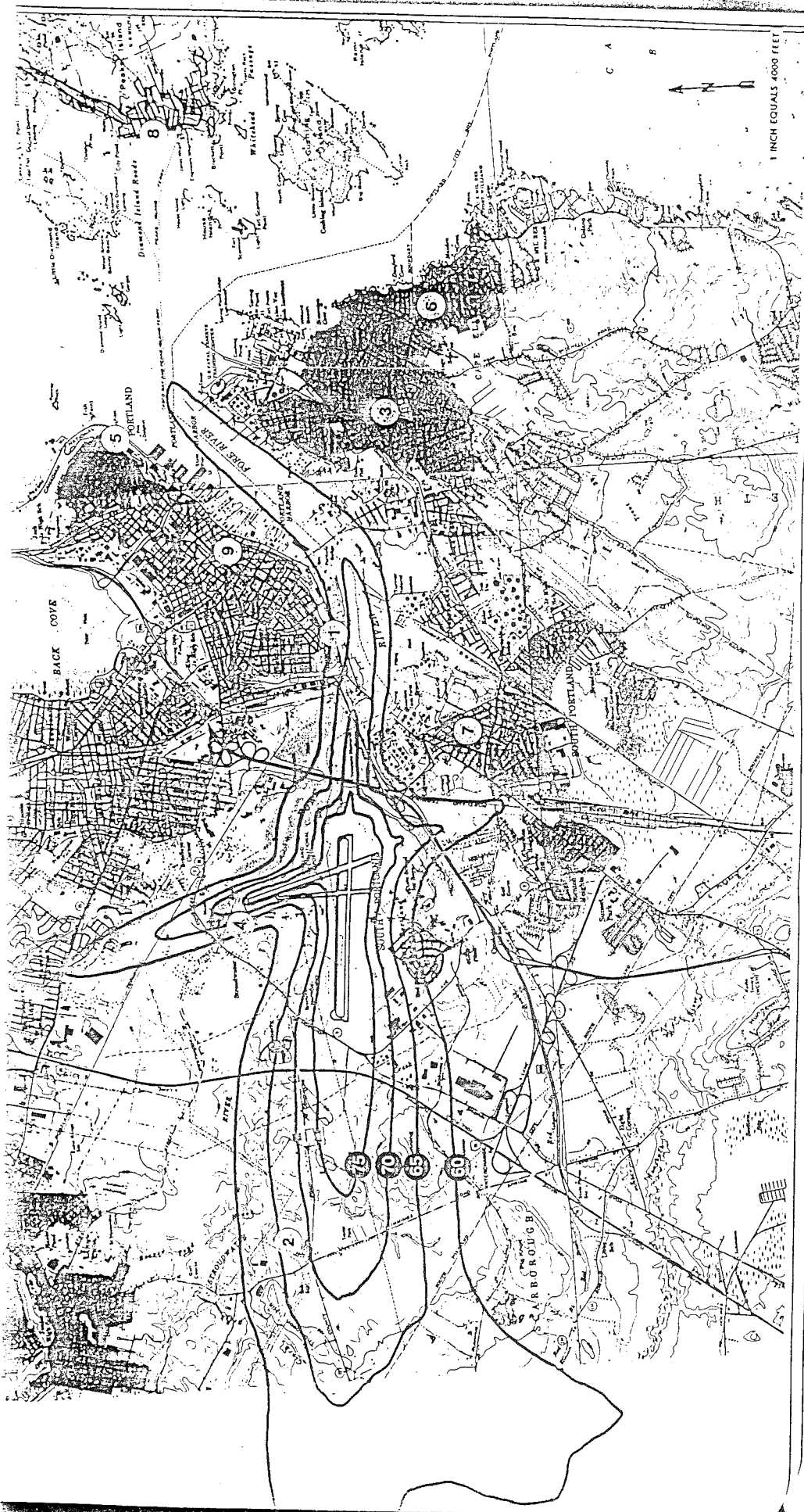
4. If this project goes forward, the developers and condominium purchasers should sign disclosure statements acknowledging that this an area impacted by aircraft noise.

5. The method of building construction should be particularly tight and well insulated.

6. Bedrooms should be located so as to be protected from direct exposure to the aircraft noise source.

TFV/md

cc: Aircraft Noise City File



PORTLAND INTERNATIONAL JETPORT
 PORTLAND, MAINE

LEGEND

- LDN NOISE CONTOUR LEVELS
- NOISE MONITORING SITES

NOISE MONITORING SITES

February 10, 1987

Mr. Robert Ganley
City Manager
City of Portland
City Hall
Portland, ME 04101

Re: Eastern Point Project

Dear Bob:

Occasionally, we have been asked about our capacity to complete a project and our capacity and willingness to live up to our commitments to the community.

To add some further information to these issues, it is important to note that in 1986, The Webb Companies of Lexington, Kentucky moved from fourth largest real estate developer nationally to third place. As you know, Webb/St. James Ventures is the entity through which The Webb Companies undertake projects in the New England area. This size represents an enormous capacity to support projects and complete them. Webb has moved from ninth place to third place between 1984 and 1986.

Regarding the capacity and willingness to live up to community commitments, I need not state the record of Menario/Russ/O'Sullivan. Regarding The Webb Companies, I would suggest you contact the City of Lexington, Kentucky. The Webb Companies and St. James Properties are also involved in a similar project to Eastern Point in North Conway, New Hampshire. The project is called Settlers' Green. We have become very much involved in the community as result of our efforts at Settlers' Green. While the issue has no direct relationship to Settlers' Green, we were at the forefront of efforts to establish an entity to solve the affordable housing issue in the area. I am attaching recent articles which note our involvement.

The result of this initiative has been the formation of the Northern New Hampshire Housing Cooperative. I serve on its Board of Directors.

Mr. Robert Ganley
February 10, 1987
Page 2

Should you wish, you might contact Curtis Lunt, Town Manager for Conway and ask him about us. I am also attaching a brochure of our Conway project. I hope this is helpful.

Sincerely

Brian Nickerson

Brian Nickerson

/tw

Enc.

cc: Mayor Ronald Dorler
Clark Neily, Director of Economic Development
Joseph Gray, Director of Planning, Urban Development

The REPORTER

NORTH CONWAY • NEW HAMPSHIRE • CONWAY

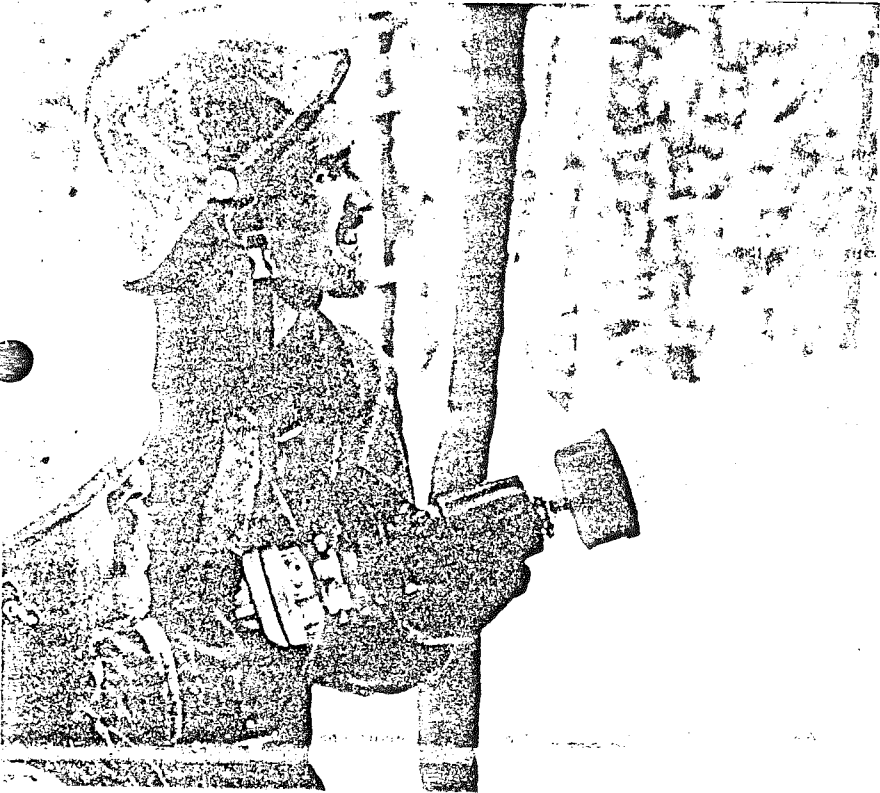
THE REPORTER, VOL. 80, NO. 2

WEDNESDAY, JANUARY 14, 1987

32 PAGES 2 SECTIONS

30 cents

Put out the fire



It, Jackson and Glen Fire Department were called to put out a structure fire on Rolling Ridge Road last night. Lloyd Jones photo

Housing addressed

By Bart Bachman

Area Realtors, builders and business people got together last week and took a first step toward trying to solve the affordable housing crisis in Mount Washington Valley.

The meeting was organized by Brian Nickerson, of Settlers' Green Associates, and involved a roundtable discussion of the causes behind the housing problem, and some possible cures.

"There is a wide-ranging and broad interest in providing housing for the many people who live and work in the valley," Nickerson said. "This group can be a vehicle through which affordable housing is encouraged and developed. We realize there's a problem, and we need to find solutions to the problem."

A second meeting has been scheduled for Jan. 22 at 8 a.m. at Fox Ridge Resort, at which time an "action committee" will be formed to study the problem and come up with some concrete recommendations. The second meeting was decided on in hopes of attracting representatives from the outlying communities of Conway.

"This is a valley problem, not a Conway problem," Nickerson said. "If we proceed with a committee of just Conway people, it's not going to work."

Among the guest speakers at last week's meeting was Diana Huot, executive director of York-

Cumberland Housing Development Corp. of Gorham, Maine.

York-Cumberland assists communities interested in forming non-profit housing groups. Huot said such groups have been successful elsewhere in creating affordable housing. Funding sources have included foundation grants, state and federal grants, donations of land and buildings and fund raising events.

"The picture for financing has changed some," Huot said. "But there are still financing mechanisms available. It's not hopeless."

Also addressing the group was Bill Altenburg, a land planner based in Portland, Maine. Altenburg cited two "multi-use" projects he's been involved with — one which combined low-priced and expensive housing, the other which provided housing as part of a commercial complex. Both received financial backing through a Housing and Urban Development (HUD) program.

The key to making these types of projects work, Altenburg said, is flexibility within the zoning structure.

"If you want more out of developers, give them density," Altenburg said. "Then you can get anything."

But Bill Jones, chairman of the Conway Planning Board, countered that there are extenuating factors in the Conway

Housing on page 4

Housing

cont'd from page 1

area which are unfavorable to increased density.

"We're having a lot of problems with our septic and sewerage," Jones said. "Increasing the density in the village areas that are having the problems could be disastrous."

Builder A.J. "Buzz" Coleman agreed with Altenburg that "making more land available is where it begins."

But others suggested that builders need to be willing to sacrifice some profits before any progress can be made in the area of affordable housing.

"The problem is not supply, it's demand," said George Epstein of Northern Community Investment Corp. "There is a whole lot of demand (for expensive housing) by people with a whole lot of money."

Among others offering suggestions and input at last week's meeting, Paul McQuade, of the New Hampshire Housing Finance Authority, said his agency has the financial resources to assist builders who want to undertake low and moderate priced housing projects.

"There are solutions out there," McQuade said, "and we are the solutions."

One thing everybody agreed on is that the time has come to address the housing problem in earnest.

"We have to do something quickly," said Bill Zelf, owner of the Christmas Farm Inn. "We're on a dangerous plateau."

"He who rebukes the world is rebuked by the world."
Kipling



and her friend Danielle Comire, both third-graders, field's town green, which is flooded every winter and (Photo by David Brooks)

Homeless After Fires Harbor and Ashland

Homeless when fire broke out destroyed a five-unit apartment building in Holderness town line. The Defosses managed to escape their home after the father, firefighter broke window frozen shut is way to the ground grabbed a ladder to it of his family flee. The fire was just about (and) with the fire it really took off," said, who was on the other firefighters after 6 a.m. yesterday. Unable to stop it, the fire winds... you see our trucks 50-60 at the end of the street was so much fire blowing around," Fields said.

Working in temperatures of around four degrees, Fields said, firefighters from Ashland, Holderness, New Hampton, Plymouth and Meredith responded.

He said the family was forced to flee their home wearing only their nightclothes.

Motel 3 owner Richard O'Malley said he had been working out in the back of the trailer park when he noticed what he thought was snow blowing around the back of the building which borders Rte. 25.

"I started to smell it (smoke) and I ran like hell and started pouring buckets of water on it," O'Malley said.

He said when he chopped a small hole through the partition "the fire just took off and I began throwing buckets of snow on it."

Firefighters from Center Harbor, Meredith and Holderness responded to the scene to assist with getting the fire under control.

Patricia Sargent, holding one of her two children and looking at thick heavy smoke billowing from her home, said, "I went up with Scott to get his check. I guess it's a good thing I did."

O'Malley said the building was in the process of being renovated and that all of the old electrical wiring, thought to have been installed shortly after the building was built in 1928, had recently been torn out and replaced.

He said crewmen from the New Hampshire Electric Cooperative Co. working in the area called the fire into officials.

Fields said an initial investigation into the Defosses residence indicated that the fire was not the result of a woodstove but may have been caused by an electrical problem.

That fire, he said, is still under investigation by the Ashland Fire Department and the state Fire Marshal's Office.

Center Harbor fire officials were not available for comment last night at press time.

Sets Fees Hookups

For those hooking up a new line, the new proposals, they will pay \$1,500 and for existing lines they will pay a maximum of \$500.

apartment company \$1,200 per bed-room in while other tenants will pay on a usage basis.

rents also face a charge for having a line run from the house to the

Program Tonight

by of LaValley, who will be held in the Mount Pleasant Lake Winery from Lake Champlain.

is free and the will be held in the Mount Pleasant Lake Winery from Lake Champlain.

Cooperative Housing Is Formed

By DEBORAH A. BELL, Union Leader Correspondent
CONWAY — In less than a month an informal "affordable housing" discussion group has become the Northern New Hampshire Housing Cooperative, boasting a board of directors, state of officers, and a bank account totaling \$25,000. It is the first such organization in the state.

The incorporation was announced to more than 50 local business people at a breakfast meeting yesterday morning in North Conway. It was also announced that another \$25,000 has been pledged to the Cooperative and is expected to be in hand by the end of the week.

"That kind of initiative is unique in the state," according to New Hampshire Housing Finance Authority spokesman Jack Donovan, who attended an earlier meeting of the then-unnamed Cooperative.

"We see ourselves as the facilitators and coordinators of projects rather than developers," said attorney Randall Cooper, secretary of the Cooperative. "We also see ourselves as a cooperative effort of all local businesses, municipal entities, and employees."

A portion of the \$50,000 is expected to be used in the near future to set up an office and employ an executive director, and possibly a part-time secretary.

Nonprofit community-funded organizations are not new in the Conway area. In 1982, Arts Jubilee, the successful cultural series, was formed in a similar manner and by many of the same people who are involved with the Cooperative. Both the current president and the immediate past president of Arts Jubilee are among the incorporators of the new venture.

The Cooperative officially took shape Monday morning when 10 incorporators came forward with \$2,500 each and registered the Cooperative with the state and the Internal Revenue Service as a nonprofit, non-taxable corporation.

Also Monday, the incorporators set up an 11-member board of directors, drew up bylaws, proposed a slate of officers, and established six committees. "As with any organization, a warm body is a warm body," said Cooperative President Robert Murphy. "We just grabbed everybody who hung around after the last meeting and gave them something to do."

Though the bylaws set up three types of membership — individual, corporate, and municipal — no fees or dues have been levied. "Right now all we require for membership is that you are somebody who wants to be involved," Murphy said.

The goal of the Cooperative is to promote "safe and sanitary dwelling accommodations" for rent or sale to persons of low to moderate incomes, to promote a regional plan for future housing needs in the area, to promote general housing and economic planning, and to do it all with the cooperation of both public and private enterprises.

The geographic area to be covered by the Cooperative is essentially the Mount Washington Valley, from Pinkham and Crawford notches south to the Ossipee area. Border towns in Maine may also be examined by the Cooperative, though the primary focus will be New Hampshire.

The board of directors will meet to hear committee reports on Feb. 26, and the general membership will meet again March 5. New members are welcome, and donations of any size may be made to the Northern New Hampshire Housing Cooperative, Box 450, North Conway 03860.

Housing for the local work force has been a growing problem for the last several years. Skyrocketing land and construction prices have pushed homes out of reach for many area workers, even after they qualify for governmental aid.

Area construction companies have been running help-wanted ads steadily for the last year, and despite \$5-to-\$10-an-hour starting wages, they can't fill the positions.

The Cooperative was initially sparked by Brian Nickerson, a Massachusetts-based spokes-

man for the Settlers' Green retail-condominium development on Route 16.

"Everybody was bemoaning the problem, but nobody was talking about solutions," Nickerson said.

Forty people showed up for the first meeting Jan. 8. Nearly 60 people turned out for the second meeting Jan. 22, at which time it was announced that the group would like to raise \$50,000 by the end of February.

Conway Considers Sprinkler Proposal

By DEBORAH A. BELL, Union Leader Correspondent
CONWAY — Sprinkler systems will be mandatory in all new buildings in town with the exception of single-family homes if a proposed planning board amendment to the zoning ordinance is passed at the March town meeting.

Critics say the plan offers no incentives and will raise housing costs, while being difficult to implement in areas not served by town water and also hurting small businessmen planning new facilities.

Selectman Robert Bumstead presented the amendment last night at a planning board hearing, citing the recent fires at the Dupont Plaza Hotel in Puerto Rico and the MGM Hotel in Las Vegas as emphasis for the change.

"We can't have any kind of fire without putting someone in danger, least of all the firemen," said Bumstead.

"More and more units are being built away from public water supply," said Bumstead. "It's getting more and more difficult to do anything but, as the firefighters say, cut it off at the ground."

Anticipating criticism from the developers at the hearing, Bumstead also said that man-

datory sprinkler systems would not adversely affect attempts to provide affordable housing, because having the sprinklers would mean developers would cut costs on firewalls and doors as well as save money on insurance premiums.

"We'd be doing those people a favor," said Bumstead. "They won't be burned in their affordable housing. And the people who are sick in bed will get drenched, but they won't get burned to death."

But local real estate broker Girard Hamel argued that the sprinkler amendment should be put off for further discussion.

"We have conflicting opinions here tonight as to the cost of a system and any increase in cost is going to get passed on to the consumer," Hamel said.

The owner of a local wood shop also spoke against the amendment. "It would cost me \$25,000 for a sprinkler system in my 6,000-square-foot building," Richard Chech told the planning board.

"It's a complicated system that takes up a lot of space and money. And I checked with my insurance company and found that the payback is not as quick as Mr. Bumstead would have us believe," he said.

Basic Education Is More Than 3 Rs

Back to the basics and the three Rs is the rallying cry heard nationwide for educating America's children.

But if reading, writing and arithmetic were the only courses offered, New Hampshire public school children wouldn't receive a "basic education."

In New Hampshire, the state Department of Education has set minimum curriculum requirements for kindergartners through high school seniors. A basic education for New Hampshire public school children means instruction in English (language arts), math, science, social studies, art, music and physical education. Reading, writing and arithmetic would be covered in only two of those courses.

"The three Rs is probably the narrowest interpretation of the basics," said Alan Rich, New Hampshire Department of Education consultant for secondary education. "In New Hampshire, I don't think we ever did get away from the basics. That doesn't mean we shouldn't take another look at it."

Under state standards for curriculum, students must be educated in those eight subject areas. There is no specific amount of time required, however, for subjects taught in the grade schools.

For kindergarten (which is voluntary), children must be in class 2½ hours each school day. First to eighth graders are required to be in school 5½ hours each day, according to John Economopoulos, state consultant for elementary education.

For elementary grade students (kindergarten to grade eight), English courses are part of language arts which is divided into reading, writing, listening and speaking.

"Different people define basic education in different ways," said Heien Shofanus, state consultant for primary education/reading.

Shofanus, whose background is in language arts, defined basic education in English as "every child deserving to learn to use our language to the best of his ability and also deserving of

teachers who are convinced every child can learn."

Basic education, Economopoulos said, traditionally has been perceived as reading, writing and arithmetic.

"We (state education department) perceive basic education as one that includes reading, writing and arithmetic and supports a balanced program also including art, music, physical education, guidance and library services for an equal educational opportunity," Economopoulos said.

Rich believes people calling for back-to-the-basics are referring to the three Rs as well as math, science and social studies.

A basic education for New Hampshire seventh and eighth graders includes 108 hours each year in the eight mandated subjects.

Junior high students must also take another 54 hours each in art, music, industrial arts and home economics. Sixty hours is required for physical and health education each year.

For high school students, the state requires teens to earn 19½ credits to graduate. One credit is earned after successfully completing 150 hours of course instruction.

Of the 19½ credits, 12½ credits are mandated in specific courses or subject areas.

If a teen expects to be graduated in four years, he must successfully earn ½ credit in art; ½ credit in computer education; four credits in English; two credits in math; two credits in science; 2½ credits in social studies; one credit in physical education; ½ credit in health education.

Of the seven credits remaining, students must earn three credits in art, foreign language and practical arts (business education, industrial arts, home economics and vocational education).

The remaining four credits can be earned by taking elective courses offered at the schools.

"The specifically required 12½ credits is my interpretation of basic education," said Rich.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Philip Meyer, Urban Designer

FROM: George A. Flaherty, Director of Parks/Public Works

SUBJECT: Additional Information Requested
Eastern Point Development Project

DATE: 2-9-87

This is to acknowledge receipt of your memorandum dated January 30, 1987, which was distributed to a number of City staff members. In this memo you asked for a report on Item 12, concerning the City's experience regarding the provisions of trash collection, snow plowing, and other municipal services to developments, which were approved with a commitment to provide private services.

Overall we have had a number of requests for sanding/salting, refuse collection, and other municipal services and they generally come from private citizens who live in these particular areas.

One of the mechanisms that we use is a colored map updated annually and supplied to our operation division. This map indicates to us which developments are private services.

It is extremely difficult to control such requests since our staff have been trained to respond.

GAF/pap

pc: Robert B. Ganley, City Manager
Joseph E. Gray, Director of Planning/Urban Development
Alex Jaegerman, Planner
Marc Guimont, City Engineer
William Bray, Traffic Engineer
Robert Roy, Planning Engineer
Bruce Bell, Superintendent of Streets/Sanitation

Menario · Russ · O'Sullivan

January 26, 1987

Mr. Joseph Gray
Director of Planning & Urban Development
City of Portland
City Hall
Portland, ME 04101

RE: Eastern Point Affordable Housing


Dear Joe:

In order to keep you abreast of what our thinking is with regard to affordable housing at Eastern Point, please consider the following:

1. We are working toward the concept of affordable homeownership options. We have discussed this with a variety of people and most suggest that homeownership offers something more to Portland residents than creating more rentals units. Homeownership to first-time owners gives something to the user greater than merely a place to live. It provides them with equity while giving them a stake in where they live.
2. The Maine State Housing Authority offers a homeowners program; we will be modelling the program at Eastern Point on the state program. In fact, we may be working with MSHA to participate in the program.
3. An other option we are considering is to remove the program at Eastern Point from public funding sources and to finance it solely with private resources. There are some advantages to this and we will be comparing public vs. private options.
4. If legally possible, we would like to have the program give preference to Munjoy Hill and City of Portland residents. Fair housing laws may place restraints on doing so.

We will be updating you on our plans as they proceed.

Sincerely,


Joel B. Russ
Partner

JBR/jm

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Alexander Jaegerman, Chief Planner

FROM: Philip L. Meyer, Urban Designer *PLM*

DATE: March 17, 1987

RE: Council Inquiry regarding Eastern Point Associates and Industrial Zoning

In response to Councilor Leeman's request for information regarding permitted uses in the I-3B Zone, the following comparison table shows what is permitted in each of the industrial zones. Note that uses for an I-2 and I-2B Zone are the same and uses permitted within I-3 and I-3B Zones are the same. Because of the pyramidal structure of the industrial sections of the ordinance, and because of a text which often states "uses are prohibited except for, except where, provided that", this list is for general reference. Generally uses are permitted except where noted below. Specific inquiries are referred to the Zoning Enforcement Inspector for further determination.

	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>I-P</u>
1. Metal Casting (specified types)	P(e)	P	P	P	M
2. Metal Plating and Finishing (incidental use)	P(e)	P	P	NP	M
3. Manufacture of rubber products (except tire recapping)	P(e)	NP(odor)	NP(odor)	NP	NP
4. Manufacture Alcoholic Beverages	P	P	P	NP	P
5. Manufacture of Paint (compounding only)	P(e)	P	P	NP	NP
6. Manufacture/assembly of precision fluid power devices	P	P	P	NP	NP
7. Machine shops/manufacture of finished metal, cement, wood products	P	P	P	NP	M
8. Municipal/regional solid waste disposal facilities where fully enclosed	P	P	P	P	P
9. Junk yards	NP	NP	NP	P	NP
10. Disposal of garbage, etc. except as noted in #8 above	NP	P	P	NP	NP
11. Storage of equipment or material in open air	NP(e)	P	P	NP	P(e)
12. Removal of loam, sand, gravel, stone	NP	P	P	NP	NP
13. Greenhouses, nurseries, tree farms animal raising, etc.	NP	P	P	NP	NP(e)
14. Cemeteries, funeral homes, etc.	NP	P	P	NP	NP(e)
15. Airport	NP	P	P	NP	P

	I-1	I-2	I-3	I-4	I-P
16. Off-street parking	NP(e)	P	P	NP(e)	P(cu)
17. Retail business or service establishment	NP(e)	P	P	NP	NP
18. Lodge or fraternal organizations	NP	P	P	NP	NP
19. Trailer camps	NP	NP(e)	NP(e)	NP	NP
20. Youth/adult education or recreation camps	NP	P	P	NP	NP
21. Temporary stands for business purposes	NP	P	P	NP	NP
22. Dwelling uses	NP(e)	NP(e)	NP(e)	NP	NP
23. Lodging houses or tourist homes	NP	NP(e)	NP(e)	NP	NP
24. Private schools, educational enterprises, hospitals, clinics, churches, chapels, assembly halls	NP	P	P	NP	NP
25. Sanitariums, nursing, convalescent, etc.	NP	NP(e)	NP(e)	NP	NP
26. Private nursery schools, day care	NP	P	P	NP	NP
27. Billboards	NP	P	P	NP	NP
28. Commercial entertainment, recreational enterprises	NP(e)	P	P	NP	P(cu)
29. Storage, utilization, etc. materials which decompose by detonation	NP(e)	NP(e)	P	NP	NP
30. Fabrication, processing, manufacture of:					
a. metal products	NP(e)	NP(e)	P	NP	P(cu)
b. nonmetallic mineral products	NP(e)	NP(e)	P	NP	M
c. wood products	NP(e)	NP(e)	P	NP	M
d. food products, as specified	NP(e)	NP(e)	P	NP	M
e. felt and products composed of fibers, furs, hides	NP(e)	NP(e)	P	NP	M
f. vegetable and animal products	NP(e)	NP(e)	P	NP	NP
g. plastic or chemical products	NP(e)	NP(e)	P	NP	M
h. testing of internal combustion engines on open test stands	NP	NP	P	NP	NP
31. Commercial scrap processing and recycling					
a. (fully enclosed)	P	P	P	P	NP
b. on site	NP	NP	NP	NP	NP
32. Ammonia, bleaching powder, chlorine manufacturing	NP	NP	NP	NP	NP
33. Asphalt manufacture/refining	NP	NP	NP	NP	NP
34. Blast furnace	NP	NP	NP	NP	NP
35. Cement, gypsum, lime, plaster manufacture	NP	NP	NP	NP	NP
36. Coke manufacture	NP	NP	NP	NP	NP
37. Creosote manufacture	NP	NP	NP	NP	NP
38. Dextrine, glucose, starch manufacture	NP	NP	NP	NP	NP
39. Distillation of bones, coal, wood	NP	NP	NP	NP	NP
40. Dye manufacture	NP	NP	NP	NP	NP

	I-1	I-2	I-3	I-4	I-P
41. Explosives or fireworks manufactures	NP	NP	NP	NP	NP
42. Fat, grease, lard manufacture	NP	NP	NP	P	NP
43. Fertilizer manufacture	NP	NP	NP	NP	NP
44. Gas manufacture in excess 1000 cu.ft./day	NP	NP	NP(e)	NP	NP
45. Gelatin, glue or size manufacture	NP	NP	NP	NP	NP
46. Hair processing	NP	NP	NP	NP	NP
47. Hot rolling mill	NP	NP	NP	NP	NP
48. Hydrochloric, nitric, etc. acid manufacture	NP	NP	NP	NP	NP
49. Incineration, cremation, reduction of dead animals, garbage, refuse etc.	NP	NP	NP	NP	NP
50. Lamp black manufacture	NP	NP	NP	NP	NP
51. Lineoleum or oilcloth manufacture	NP	NP	NP	NP	NP
52. Match manufacture	NP	NP	NP	NP	NP
53. Metal/ore reduction or melting	NP	NP	NP	NP	NP
54. Petroleum, inflammable liquids production	NP	NP	NP	NP	NP
55. Pyroxylin manufacture	NP(e)	NP(e)	NP(e)	NP	NP
56. Slaughtering	NP(e)	NP(e)	NP(e)	NP	NP
57. Stockyards	NP	NP	NP	NP	NP
58. Tanning, curing, storage of hides	NP	NP	NP	NP	NP
59. Tar distillation, manufacture	NP	NP	NP	NP	NP
60. Turpentine, varnish manufacture	NP	NP	NP	NP	NP
61. Any other trade, industry or use that is injurious, noxious, offensive	NP	NP	NP	NP	NP
62. Automobile graveyard, etc.	NP	NP	NP	NP	NP
63. Automobile tires, outside garage	NP	NP	NP	NP	NP

P = Permitted use

M = May be permitted, depending upon specific characteristics

NP = Not permitted use

(e) = Exceptions

(cu)= Conditional use

cc: Warren Turner, Zoning Administrator
Planning Staff

/ksc

CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: Alexander Jaegerman, Chief Planner
FROM: Philip Meyer, Urban Designer PLM
DATE: March 20, 1987
RE: Council inquiries regarding Eastern Point Associates Zone Change request

The following comments have been prepared in response to requests for information raised by the City Council at their January 26, 1987 workshop on the Eastern Point zone change request.

A. Waterfront Public Access:

A number of studies have been, or are being, prepared which identify guidelines and objectives for providing pedestrian access along the City's waterfront. These studies are outlined below with their specific references to the Eastern Point vicinity.

1. Waterfront public access design guidelines: The 1983 report prepared by Terrien Architects and Mitchell-DeWan Associates provides a master plan for public access and for the protection of visual corridors for the City's waterfront from Tukey's Bridge to Congress Street at the Fore River in Stroudwater. Significant view corridors, panoramas, and existing open space are mapped along with recommendations for pedestrian linkages, improved sidewalks and major access points. Recommendations for the Eastern Point site were as follows:
 - a. "CNRR right-of-way represents a possible major linkage between Commercial Street and the East End Beach. City should explore long-term acquisition of this land and/or its potential for shared facilities." (page 10-g.)
Comment: The applicant is pursuing this shared use.
 - b. "Construct a wide, well-landscaped brick sidewalk on the water side of Fore Street (Eastern Promenade) between Franklin Street and Fort All Park." (page 12-n.)
Comment: The applicant is aware of the City requirement for sidewalks along the project frontage. Further improvements may be required along Fore Street during the site plan review process depending upon an evaluation by the City of a comprehensive traffic study.

- c. "Recognize the potential of a mid-level pedestrian linkage below Fore Street and above the CNRR right-of-way. Any future development/redevelopment plans for this area should provide for pedestrian systems, paralleling the waterfront." (page 12-o.)
Comment: The applicant has proposed that the site in general will be available for public access. The plan provides a street with pedestrian and vehicular circulation which parallels the waterfront at a "mid-level".
- d. "The City should consider zoning the land below Fore Street, between Fort Allen Park and India Street, to allow high density water-oriented residential uses, if the CNRR right-of-way were to become available. A residential complex within this area could supply the population base required for security of the greenbelt discussed in (a) above." (page 12-p.)

2. Management Plan for the Eastern Promenade and Fort Gorges: Prepared by Applied Economic Research and Land Plan Associates, this 1986 Report recommended a wide variety of improvements to enhance public access to and use of the Eastern Promenade Park. A specific recommendation which relates to the Eastern Point project and to pedestrian use in general at this part of the waterfront was:

"Negotiate with the Railroad to establish a jogging and bicycling path within the Railroad right-of-way, making the Lower Prom's ocean frontage more accessible." (page 39.)

A wide variety of other recommendations included enhanced access down to this potential pedestrian and bicycle route.

3. Shoreway Access Study: City Council recently approved an application and accepted a grant from the State Planning Office for a Shoreway Access Study. This study will undertake an analysis of existing and potential open space and pedestrian access opportunities on Portland's islands and along Portland's Rivers. This study will include an open space and walkway plan and recommendations for specific actions and strategies to implement the plan. This study will draw on previous studies while being more specific in its implementation recommendations. The Eastern Point area will be one of many areas covered in this study.

B. Clarification of deep-water calculations:

The following maps, excerpted from the 1983 COG Greater Portland Berthing Study, illustrate depth of water along the Portland waterfront from the Million Dollar Bridge to Bath Iron Works. Depths range from less than four feet to in excess of eighteen feet. Also attached is the first section of a staff memorandum prepared in July of 1986 which provides approximate land area, lengths of waterfront (roughly including pier edges) and depth of water for the Portland waterfront from Burnham and Morrill to west of the I-295 bridge. This was prepared for the Planning Board's reference as they considered waterfront industrial zones. Note that these areas are only approximate, do not include an exhaustive list of property owners, and do not include land area tied up in public roadways.

C. Why wasn't this area include in the original W-2 zone?

The 1974 Land Development Plan identified the Canadian National property and Portland Engineering site as a "transformation area" characterized for waterfront industrial uses. The creation of the W-1 waterfront zone in 1977 left waterfront property east of Custom House Wharf as industrially zoned. In 1983, the City considered and adopted a strategic plan to revitalize the central waterfront. The area of focus was from the Million Dollar Bridge to Bath Iron Works, where great depth and detail of examination occurred. The thrust of this review was waterfront policy rather than industrial policy, and the area of study focused on the then existing W-1 zone, as could be amended to include the newly constructed Bath Iron Works facility. No activity was occurring east of BIW, and the W-1/W-2 rezoning did not look beyond the scope of the central study area.

D. Full Planning Department text from Planning Department Report #128-86, re: Land Use Policy Considerations:

See attached

E. Status of Traffic Study:

William Bray, City Traffic Engineer, has requested a basic traffic impact study which should evaluate existing traffic conditions and future traffic impacts relative to the development of the Eastern Point project. This study should recommend any improvements or modifications to roadways and intersections which are needed in support of this project. To date, Mr. Bray has not seen a draft of this study.

F. Complaints Regarding Bath Iron Works:

Samuel Hoffses, Chief of Building Inspections, has indicated that only one complaint has ever been received from someone on Munjoy Hill shortly after BIW opened. The problem (noise) was dealt with very responsibly by BIW prior to a City inspector reaching the site. No complaints have been received since that time.

/sc

DEEP-WATER MAPS
FROM COG BERTHING STUDY

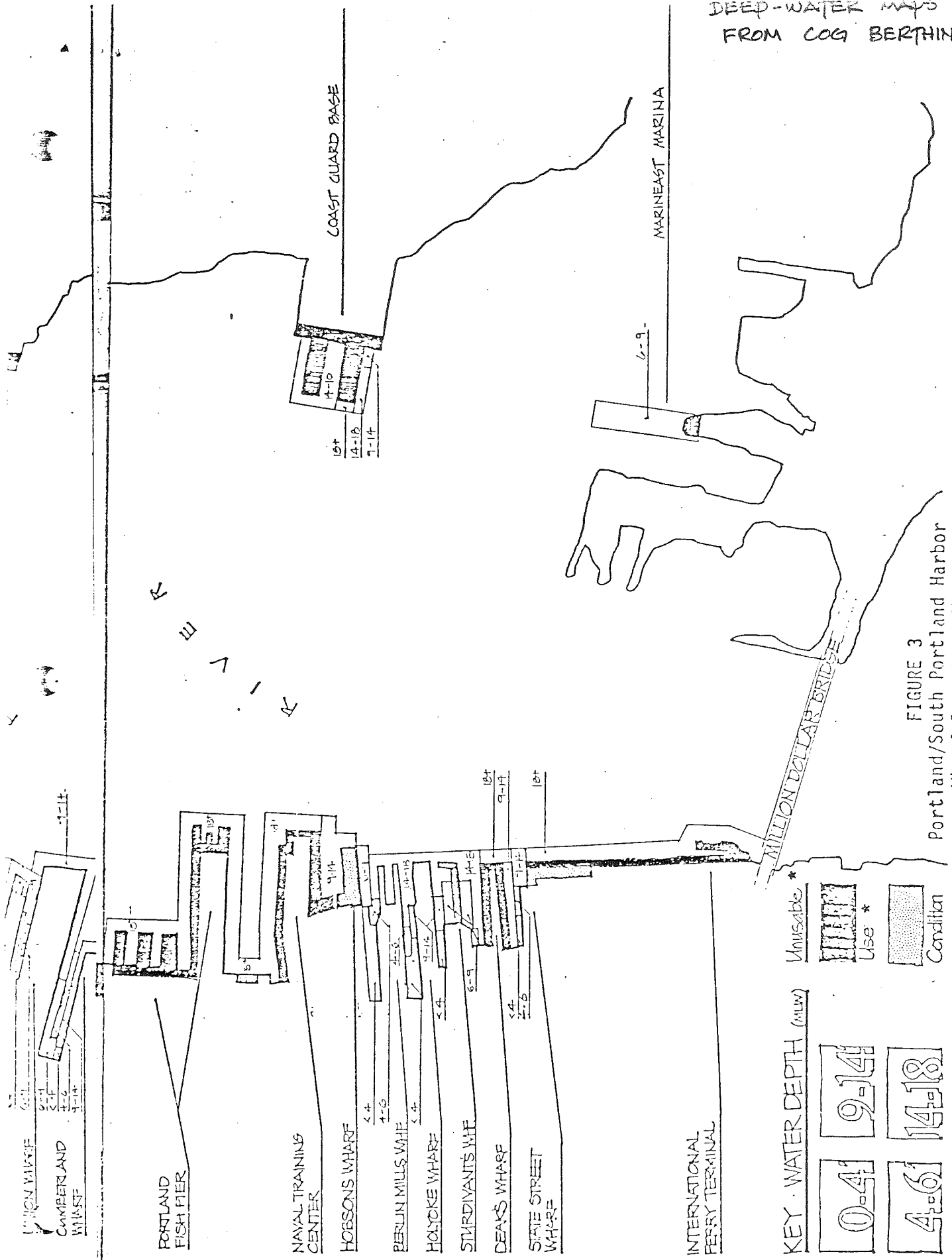
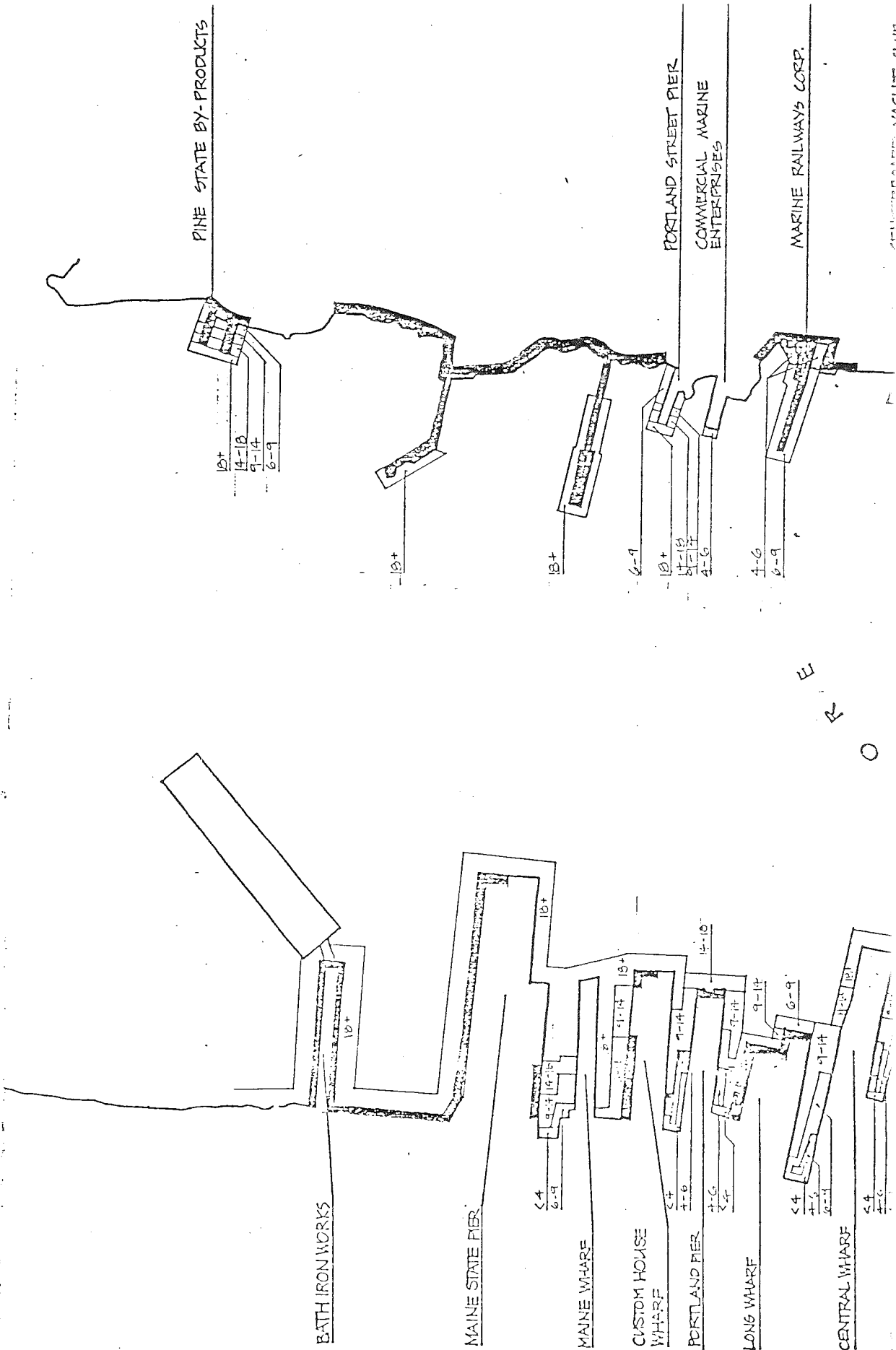


FIGURE 3
Portland/South Portland Harbor
Wharf Inventory Chart
Depth vs Use* and Condition

KEY - WATER DEPTH (MFW)	Unusable *	Use *	Condition
0-4'	[Pattern]	[Pattern]	[Pattern]
4-6'	[Pattern]	[Pattern]	[Pattern]
6-9'	[Pattern]	[Pattern]	[Pattern]
9-14'	[Pattern]	[Pattern]	[Pattern]
14-18'	[Pattern]	[Pattern]	[Pattern]
18-4'	[Pattern]	[Pattern]	[Pattern]

* Use for general berthing - see text



PINE STATE BY-PRODUCTS

PORTLAND STREET PIER
COMMERCIAL MARINE
ENTERPRISES

MARINE RAILWAYS CORP.

BATH IRON WORKS

MAINE STATE PIER

MAINE WHARF

CUSTOM HOUSE
WHARF

PORTLAND PIER

LONG WHARF

CENTRAL WHARF

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chairman and Members of the Portland Planning Board

FROM: Philip L. Meyer, Urban Designer *PLM*

SUBJECT: Waterfront Zoning Review

DATE:
July 10, 1986

The following background materials have been prepared to assist the Board in reviewing the existing, proposed and potential uses of the City's waterfront industrial and general use property. This summary covers the waterfront from Burnham and Morrill (I-2) to the Fore River I-295 bridge.

For ease of description, the waterfront and industrial land has been divided into fourteen areas which are defined primarily by existing or former uses, zoning boundary lines, and physical characteristics. The following information presents:

1. A summary of land ownership, land area and general use characteristics of each of the fourteen areas.
2. A categorization of waterfront properties based upon use and condition.
3. A brief discussion of waterfront issues and uses, including:
 - a. Rehabilitation or Replacement of the Million Dollar Bridge
 - b. Cargo Pier
 - c. Aquarium
 - d. International Ferry Terminal

1. SUMMARY OF FOURTEEN STUDY AREAS

AREA I:

The area zoned I-2 which lies north of the entrance to the Back Cove between I-295 and the residential Berwick Street area.

Owner	Approx. Site Area SF	Ac.	Length of Waterfront	Depth of Water (MLW)
Burnham & Morrill	592,416	13.60	1000 ft.	0- 7
Webber Petroleum	109,938	2.52	400 ft.	0-14
Total Area:	702,354	16.12	1400 ft.	

Existing uses:

Currently Burnham and Morrill operates a canning facility (between I-295 and Canadian National Bridge) and the Webber Petroleum Company maintains storage facilities (east of the Canadian National Bridge). An application has been filed to dismantle these storage tanks.

ALL FIGURES ARE APPROXIMATE

AREA 2:

From I-295 at the Back Cove around the Eastern Prom to Fort Allen Park. Current zoning: R-3 and ROS.

Owner	Approx. Site Area SF	Ac.	Length of Waterfront	Depth of Water (MLW)
CNRR	141,771	3.25		0
Grand Trunk RR	412,495	9.47		18 +
City	1,302,685	29.90		0-7
Farley	16,502	.38	0	NA
Portland Water District	180,000	4.13	0	NA
Total Area:	2,053,453	47.14	2,940 ft.	

Existing Uses:

The predominant uses in this area include the Eastern Promenade Park, a City sewage treatment facility, and the presently unused Canadian National rail lines (unused due to fire damage to the bridge crossing the entrance to the Back Cove).

AREA 3:

The portion of the R-6 residential zone on the water side of Fore Street/Eastern Promenade.

Owner	Approx. Site Area SF	Ac.	Length of Waterfront	Depth of Water (MLW)
Portland House				
Condos	111,944	2.57	0	NA
Haley	33,183	.76	0	NA
Mac Gowen	16,300	.37	0	NA
Phinneas Sprague	40,000	.92	0	NA
Total Area	201,427	4.62		

Existing Uses:

Residential uses include the Portland House condominiums and several single-family dwellings. Non-residential uses include a portion of one industrial building within the Portland Engineering complex cut by the zoning district line, and undeveloped hillside areas on the same property.

ALL FIGURES ARE APPROXIMATE

AREA 4:

The area zoned I-3b extending from St. Lawrence Street to India Street, south of Fore Street.

Owner	Approx. Site Area SF	Ac.	Length of Waterfront	Depth of Water (MLW)
Canadian Nat'l.	402,976	9.25	1100 ft.	18 +
Phinneas Sprague	381,942	8.77	0	NA
Farley Investm't	129,280	2.97	0	NA
Hurturbise	68,718	1.58	0	NA
Pump Station	13,072	.30	0	NA
Total Area	995,988	22.86	1100 ft.	

Existing Uses:

This area contains the largely vacant Portland Engineering property (Agritech is an active tenant seeking to relocate elsewhere in this zone to a vacant metal industrial building), the Maine Shipping Room Company, an office building and the remaining railyard of the Grand Trunk Railway Line, and a City pumping station.

AREA 5:

The area zoned I-3b between Mountfort, Hancock, Middle, India, and Fore Streets.

Owner	Approx. Site Area SF	Ac.	Length of Waterfront	Depth of Water (MLW)
American Hoist	177,903	4.08	0	NA
Misc.	13,756	.32	0	NA
Total Area	191,659	4.40	0	

Existing Uses:

This area contains the now vacant Crosby-Laughlin Plant, Bruno's restaurant and a small neighborhood grocery store.

AREA 6:

Area between approximately Waterville and Custom House Street below Commercial Street presently zoned W-2. Verriers (Maine) Wharf to approx. Sprague Property.

Owner	Approx. Site Area SF	Ac.	Length of Waterfront	Depth of Water (MLW)
Schmader Realty	88,100	2.02	1270 ft. (pier)	9-18 ft.
City (Maine State Pier/BIW)	1,002,428	23.01	3900 ft. (pier)	18 ft.
Total Area:	1,090,528	25.03	5170 ft.	

Existing Uses:

This area is dominated by Bath Iron Works, the Maine State Pier (accommodating the new Casco Bay Ferry Terminal), and Verriers Wharf or Maine Pier housing Gowan Inc., Central Wharf Tow Boat Co. and the Brown Ship Chandlery.

AREA 7:

The area zoned I-2b bounded by Middle, India, Commercial and Custom House Streets.

Owner	Approx. Site Area SF	Ac.	Length of Waterfront	Depth of Water (MLW)
Blake	77,579	1.78	0	NA
Cumberland Oil	19,173	.44	0	NA
Brown	48,877	1.12	0	NA
Jordan's Meat	75,723	1.73	0	NA
Misc	58,619	1.35	0	NA
Total Area:	279,971	6.43	0	

Existing Uses:

This area contains the Jordan's Meat property, Bruno's parking lot, the Allied Construction Co. offices, the W. L. Blake Plumbing and electrical supply company, The Galt Block, and several small buildings housing offices, a cafe, and vacant space.

ALL FIGURES X DE X DD

AREA 8:

The area zoned W-1 below Commercial Street between Dana Street and Custom House Street. Central (Chandler's) Wharf to Custom House Wharf.

Owner	Approx. Site Area SF	Ac.	Length of Waterfront	Depth of Water (MLW)
Custom House Wharf	61,890	1.42	1370 (pier)	6-18 +
General Properties	25,954	.59	250 (pier)	9-18 +
Krieger	24,523	.56	200 (pier)	4- 6
Brooks	22,588	.52	280 (pier)	6-14
Bartheleman	18,194	.42	230 (pier)	6- 9
DiMillo	116,426	2.67	1400 (pier)	4-14
Harris Realty Central Wharf	79,792	1.83	270 (pier)	
Assoc.	86,862	1.99	1200 (pier)	4-18 +
Misc.	22,674	.52	0	NA
Total Area:	458,903	10.53	5200 ft.	

Existing Uses:

This area encompasses the following uses:

Custom House Wharf - Boones Restaurnat, the present Casco Bay Lines Ferry Terminal and the Harbor Fish Market.

Portland Pier - The site of General Properties Portland Pier office and residential condominium development. Also, J's Oyster bar.

Long Wharf - Site of DiMillo's restaurant and marina and of the Liberty Groups proposed office and condominium development.

Central Wharf - Also known as Chandler's Wharf, this site is presently accommodating the construction of condominiums by the Liberty Group. Other existing uses include a ship chandlery.

X 11 E 1/2 1/2 P 2 L X 11

AREA 9:

The area zoned W-2 below Commercial Street between Dana Street and the Portland Bridge (Million Dollar Bridge).
Widgery's Wharf to International Ferry Terminal.

Owner	Approx. Site Area SF	Ac.	Length of Waterfront	Depth of Water (MLW)
Widgery Wharf Inc Prop. of Union Wharf	42,510	.98	1200 (pier)	4- 9 ft.
Carr Realty	173,725	3.99	1720 (pier)	6-14
Mades, Inc.	24,986	.57	0	NA
Lavine	14,948	.34	70 (pier)	0- 9
Arekay Realty	58,006	1.33	0	NA
Cozy Harbor	12,983	.29	0	NA
Biotherm	30,002	.69	0	NA
Misc.	17,149	.39	0	NA
Misc.	36,725	.84	0	NA
General Properties				
/H.W. Corp.	79,841	1.83	900 (pier)	6-14
Berlin Mills Wharf Inc.	115,698	2.66	910 (pier)	0-18
Bar Mar Realty	98,881	2.27	1130 (pier)	0-18
Industrial Welding & Machine	109,294	2.51	540 (pier)	6-18
General Machine Construction	104,726	2.40	970 (pier)	0-18
City-Interntional				
Ferry Term	600,952	13.80	1300 (pier)	18 +
Fish Pier	414,396	9.51	1600 (pier)	14-18 +
General Services				
Admin.	250,579	5.75	1280 (pier)	9-18 +
Total Area:	2,185,401	50.17	11,620 ft.	

Attachment 2 contains a listing of businesses withint the W-2 zone.
These includes:

Widgery's Wharf - fish boat berthing

Union Wharf - a wide variety of water-dependent uses.

Cumberland Wharf - fish processor, vacant Cumberland Cold Storage building

Fish Pier - Fish auction house and marine trade center.

Wrights Wharf - Naval Reserve Center and Coast Guard

Hobson's Wharf - fish boat berthing and marine services

Berlin Mills Wharf - Gowen Inc. boat repair (recent Planning Board approval of ship repair facility along Commercial Street).

Holyoke Wharf - Fathoms East seafood along Commercial Street frontage.

Sturdivant Wharf - shipping, welding and machinery businesses.

Deakes Wharf - auto repair along Commercial Street; fuel transport, marine construction and fuel supply, and boat repair.

ALL INFORMATION IS UNCLASSIFIED

AREA 10:

The area zoned W-1 lying north of Commercial Street between York, Union and Clark Streets.

Owner	Approx. Site Area SF	Ac.	Length of Waterfront	Depth of Water (MLW)
Dictar	33,603	.77	0	NA
Portland Square	104,074	2.39	0	NA
Finch Group	75,186	1.73	0	NA
J.B. Brown	68,220	1.57	0	NA
Rufus Deering	108,893	2.50	0	NA
Portland Term. Co.	86,446	1.98	0	NA
Harbor Fish Market	21,219	.49	0	NA
State	15,100	.35	0	NA
Misc.	83,680	1.92	0	NA
Total Area:	596,421	13.69	0	

Present Uses:

Generally office, retail and residential uses from Union Street to Foundary Lane (Harbor Landing and Baxter Place Condos, Harbor Plaza-E.C. Jordan offices, renovated offices) and vacant buildings with approved parking lots (Finch Group and Northland lots).

West of Foundary Lane, uses include Rufus Deering, Wright Express Gas Service, Harbor Fish Market and Montebello Seafood. Also, Bay Street Sheet Metal, Popeye's Restaurant and Holden's Seafood are in this area.

AREA 11:

The area zoned I-2^b and bounded by Pleasant, York, Danforth and Maple Streets.

Owner	Approx. Site Area SF	Ac.	Length of Waterfront	Depth of Water (MLW)
J. B. Brown	102,565	2.35	0	NA
Roberts	20,973	.48	0	NA
Misc.	130,583	3.0	0	NA
Total Area:	254,121	5.83	0	

Existing Uses:

Very much a transitional area, this area includes the following mix of uses: H.H. Rigging, Giobbi's, and offices for contractor and architects.

ALL FIGURES ARE APPROXIMATE

AREA 12:

The area zoned I-3b located below Danforth Street and bounded by the Portland Bridge and the Veteran's Memorial Bridge.

Owner	Approx. Site Area SF	Ac.	Length of Waterfront	Depth of Water (MLW)
Portland Terminal Co.	2,157,686*	49.53	4,420	13-29
J.B. Brown	133,858	3.07	0	NA
Portland Gas/Northern Util.	313,010	7.19	800	20
Cianbro	123,895	2.84	350	3-22
Merrill	797,356	18.30	3,294	
Misc.	295,079	6.77	380	20
Total Area:	3,820,884	87.72	9,244	

*includes 447,495 SF of dock

Existing Uses:

This area includes the Merrill Industries terminal and storage facilities, the Leen Company, the Cianbro Corporation workyard, vacant land and underutilized land owned by the railroad and used for storage of rail cars, and land utilized by Northern Utilities including tanks.

On the north side of west Commercial Street, a variety of uses includes: the Portland Welding Company, F. W. Cunningham offices, Gray Bar Electric, Main Bakery Supply, and the Portland Rubber Company.

AREA 13:

The area zoned I-2 lying below St. John and Valley Streets and bounded by the Veteran's Memorial Bridge and I-295.

Owner	Approx. Site Area FC	Ac.	Length of Waterfront	Depth of Water (MLW)
Portland Terminal Co.	2,831,400	65	4,300	0
Total Area:	2,831,400	65	4,300	

Existing Uses:

This area is presently vacant. The Board has just reviewed in Workshop session the preliminary plans of Merrill Industries for a 65-acre industrial subdivision which encompasses this entire zone.

X.111 FIGURES ARE APPROXIMATE

AREA 14:

The area lying to the west of the I-295 bridge zoned as I-2

Owner	Approx. Site Area		Length of Waterfront	Depth of Water (MLW)
	SF	Ac.		
Michaud Portland Terminal Co.	36,737	.84		
Thompson's Pt. Assoc.	207,000	4.75		
Mecaw Suburban Propane Gas	917,500	21.1		
Misc.	731,145	16.8		
	136,430	3.13		
	26,951	.62		
Total Area:	2,055,763	47.2	3,060 ft.	(mud flats)

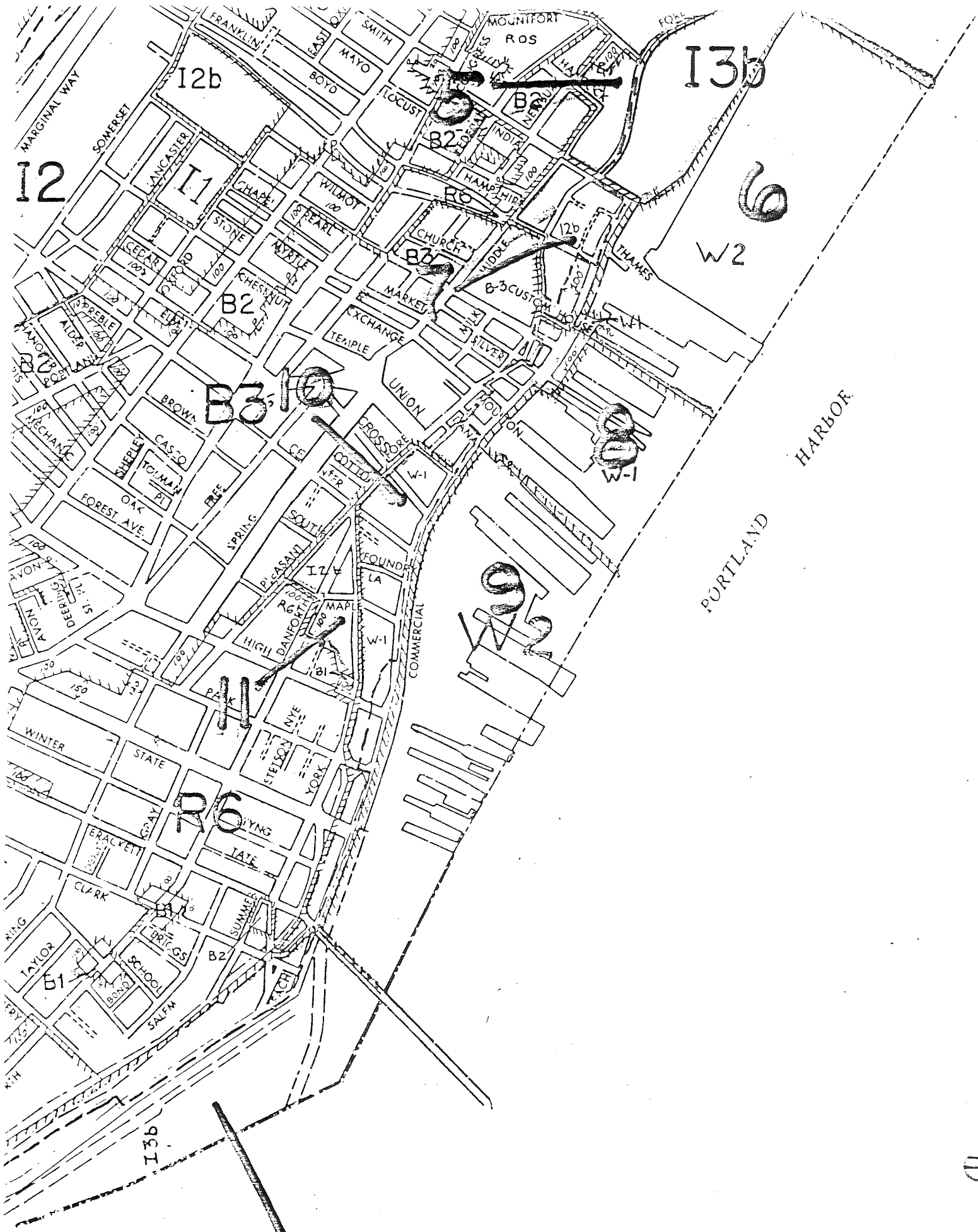
Summary Tables

Waterfront Area

	Zoning	Approx. Area		Length of Waterfront ft.
		SF	Ac.	
Area 1	I-2	702,354	13.60	1,000
2	R-3, ROS	2,053,453	47.1	2,940
3	R-6	201,427	4.62	0
4	I-3b	995,988	22.86	1,100
5	I-3b	191,659	4.40	0
6	W-2	1,090,528	25.03	5,170
7	I-2b	279,971	6.43	0
8	W-1	458,903	10.53	5,200
9	W-2	2,185,401	50.17	11,620
10	W-1	596,421	13.69	0
11	I-2b	254,121	5.83	0
12	I-3b	3,820,884	87.72	9,244
13	I-2	2,831,400	65.00	4,300
14	I-2	2,055,763	47.2	3,060

Area by Zones	Approx. Area		Length of Waterfront
	SF	Ac.	
W-1	1,082,324	24.85	5,200 ft.
W-2	3,275,929	75.20	16,790
I-2	5,589,517	128.31	8,360
I-2b	534,092	12.26	0
I-3b	5,008,531	114.98	10,344
R-3/ROS	2,053,453	47.10	2,940

ALL FIGURES ARE APPROXIMATE



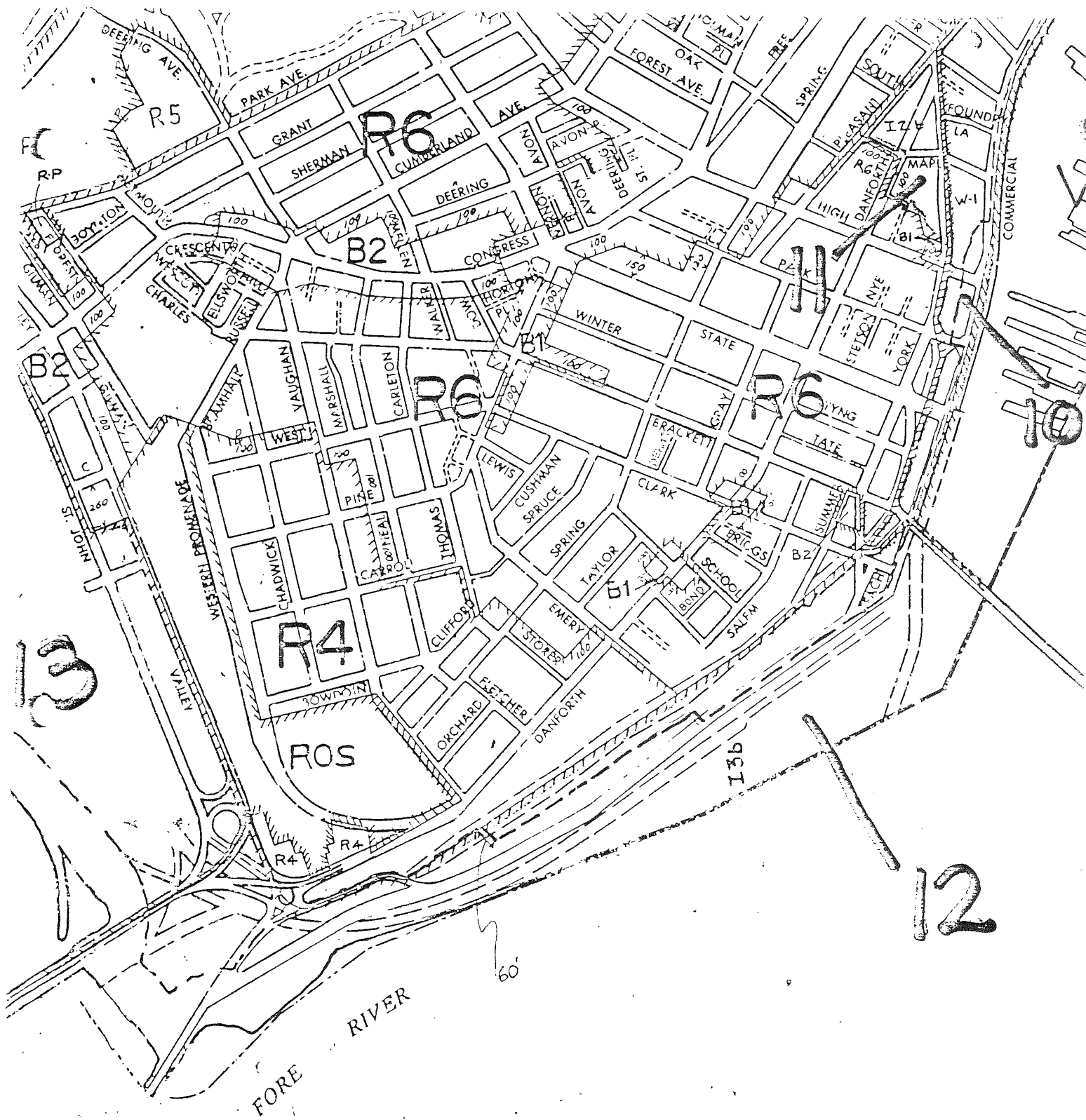
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I3b

B3 10

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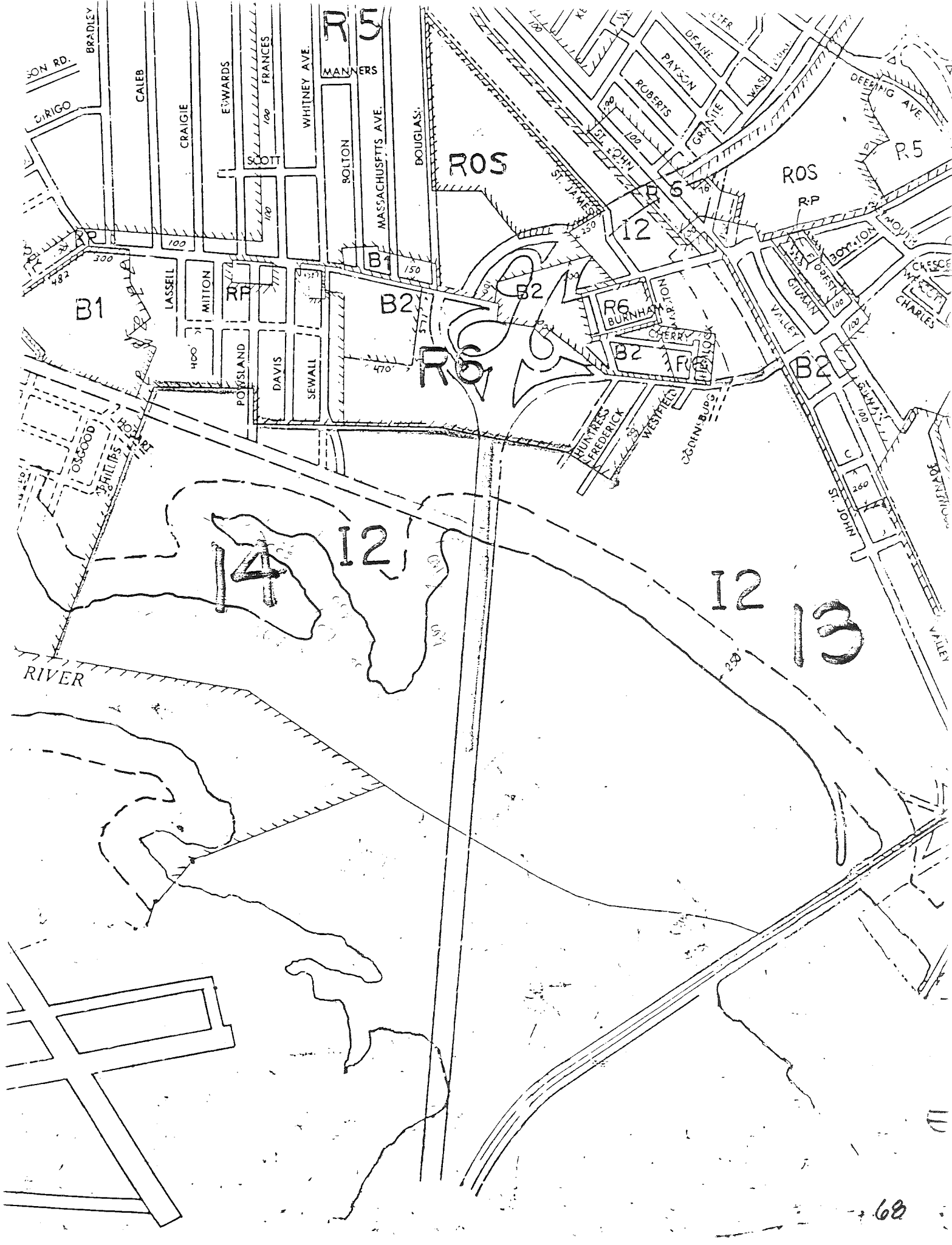
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12

13

10



SON RD.

BRADLEY

DIRIGO

CALEB

CRAIGIE

EDWARDS

FRANCES

WHITNEY AVE.

SOLTON

MASSACHUSETTS AVE.

DOUGLAS

R05

R05

RP

P.5

B1

LASSELL

MITTON

POWSLAND

DAVIS

SEWALL

B2

R06

B2

R6

BURNHAM

B2

F4

B2

C

ST. JOHN

260

14

12

12

13

RIVER

V. LAND USE POLICY CONSIDERATIONS

In formulating a zoning policy for land use in this area, the fundamental question regarding this change of zone request is whether industrial use is appropriate, desirable and practical. Heavy industrial uses of the type that are permitted in the current I-3b zone (which excludes only the most offensive uses such as blast furnaces, fertilizer manufacture, petroleum refining and stockyards) are encumbered by a variety of issues such as noise, dust and dirt, and truck traffic which raise compatibility concerns relative to the nearby residential neighborhood. Public access has become an important concern as well, particularly on waterfront properties. Such heavy industrial users traditionally have not permitted or encouraged public access for reasons of security, personal safety and control. In any event, such areas typically are not particularly desirable for public use.

Recent history suggests there is a decreasing demand for such heavy industrial uses within the City and particularly within this area of the peninsula as witnessed by the closing of the Portland Company and American Hoist/Crosby Laughlin, and even the anticipated relocation of Jordan's meats. Over the past two years, there have been no proposals for industrial development of a nature which would require an I-3b zone. This Portland Engineering property has been without any such heavy industrial use for between 5 and 10 years. As an aside, the I-3b zone does not prohibit general office development although space and bulk standards do not particularly address such uses and do not set effective standards to regulate such use. If such use were to be a preferred alternative for this site, some alternative business zoning designation would be more appropriate.

Following Planning Board discussion, it appears Board consensus and clearly staff recommendation is that this heavy industrial I-3b recommendation is not appropriate nor practical for the applicant's site.

Lighter industrial zoning such as I-1, I-2, or I-2b raises broader questions. Research of subdivisions and site plans indicates that over the last two years there has been considerable activity in both I-1 and I-2 zones throughout many industrial areas off-peninsula. Industrial subdivisions have ranged from approximately 14 to 56 acres and individual building sites have averaged two to four acres while accommodating typically a one or two story, 22,000 square foot building. Uses for these sites vary from warehousing and distribution to printing and light manufacturing with related office space. Typically, these uses are not occurring on the peninsula but are occurring in industrial areas around the City's perimeter where land costs, access to major roadways (as opposed to rail access), and vacant land are available.

Could these uses occur on the Portland Engineering site? Historically, developers seeking sites for warehouse/distribution facilities have sought vacant sites where modern, large-span structures designed with several truck service bays could be constructed. The Portland

Engineering site, with its many existing buildings and irregular open spaces between buildings, is not particularly conducive or attractive to the typical warehouse/distribution center tenant. Clearly as well, these existing buildings represent a very significant part of the City's history and, through sensitive rehabilitation, can continue to be productive and important structures in the City's future. Demolition of these structures is not desirable to accommodate uses that have found and continue to have the opportunity of finding sites elsewhere in the City.

There are in fact properties directly to the west of this site, including the now vacant Crosby/Laughlin facility and a substantial area of property owned largely by Canadian National railroad which might offer significant opportunities for such warehouse/distribution facilities and for light industrial or fledgling industries. The industrial buildings into which Agritech has relocated and, next door, where Maine Shipping and several other small distributors have located, already represent such a use. This area could serve, as well, as a transitional use between the more intensive industry of Bath Iron Works and the predominantly residential and small commercial uses of the B-2 and R-6 zones east of the Franklin Arterial and on Munjoy Hill. These kinds of uses would offer as well the availability to jobs which are being encouraged by neighborhood residents.

The Crosby/Laughlin facility in particular, if zoned I-1 or I-2, contains an existing building stock which might provide the kind of affordable, rough space needed by start-ups or incubator businesses which cannot afford significant overhead costs. Although the property could well be cleared and redeveloped in the future, in the near term it could provide opportunities for this important source of jobs and economic growth.

The Board has considered the potential reuse of the Portland Engineering site as well for incubator industries, much in the manner which Agritech utilized one of the Portland Engineering buildings prior to expansion and relocation to the adjoining parcel. Such incubator uses for research and development types of businesses appear to offer some potential for this site from a land use and building utilization perspective, however the City has not witnessed a great demand to date for this kind of development space nor has any aggressive marketing effort been made in this regard. Certainly, this site in particular has been available for such use for the past five to ten years with only Agritech taking advantage of the opportunity. Attachment 7 contains two articles from the September 1985 and August 1983 issue of Urban Land (Urban Land Institute) which generally set out some of the parameters which must be met for the typical high-tech, research and development, or incubator users. At this time, it would be questionable whether this site could meet the criteria of low cost space (due to rapidly appreciating value of land and significant building rehabilitation costs) for incubator space, and whether the Crosby/Laughlin site provides a better opportunity for such use. It should be noted that many references to incubator sites refer to property developed, improved, managed and marketed specifically and

exclusively for fledgling enterprises. In the absence of a formal incubator development any reasonable affordable space could be used in a manner similar to an incubator complex, although not formally organized. The Portland Engineering site offers a location and "quality of life" benefit through its proximity to the harbor, downtown, and a strong neighborhood which could attract the well-educated professional employees which predominate in the high-tech/research and development field. This may well not address the concern for jobs creation at training/skill levels that at least some factions of the neighborhood residents are seeking and might contribute to further displacement of lower/moderate income residents from the area.

Another land use policy issues concerns the waterfront uses in this area. Recognizing the finite resource which is deep-water frontage adjacent to a large developable site with existing rail access (pending repair of a bridge), it remains unclear as to what alternatives the future might hold for this portion of the waterfront. At present, discussions of a cargo pier focus elsewhere (International Ferry Terminal and land west of the Million dollar Bridge). No indication of expansion needs for Bath Iron Works have arisen, nor have any other waterfront-dependent industries shown interest in this area. Any future for smaller, start-up marine industries has not been demonstrated for this location nor at a scale which would require such land area, building facilities, or length of waterfront.

This project's 1,000 feet of deep water frontage must be considered along with the unused 4,420 feet of the Portland Terminal Company deep water frontage west of the bridge and other underutilized areas of the W-2 waterfront.

The applicant has, on the other hand, indicated during preliminary planning the intention of providing both pleasure boat and commercial fish boat berthing along the waterfront. This would be provided at significant cost to the development but also of significant benefit to both the development and to the Portland waterfront community where there is substantial need for both kinds of berthing. Further, should some future alternative waterfront-dependent use become more desirable, a breakwater would be in place and it might be possible to modify or remove the berthing to accommodate such use.

Discussions with Clark Neily, Economic Development Director have indicated he believes future industrial development can be accommodated on other existing industrially-zoned land and in industrial parks. Mr. Neily supports the proposed rezoning of the Portland Engineering site and is supportive of the proposed development. He does, however, believe the Canadian National property or the Crosby Laughlin property should remain zoned for light industry.

In summary, land use analysis leads to the conclusion that: heavy industrial uses are not appropriate uses for the site; that such lighter industrial uses as light manufacturing, warehousing and distribution have reasonable alternatives elsewhere off-site (adjacent property and elsewhere in the City); that start-up industries are not

likely to occur without some very concentrated marketing and perhaps significant financial commitment by the City and the property owner; and that waterfront uses as proposed respond to an existing demand.

Having reached this conclusion, the proposed B-2, R-6 and I-2b zoning requested for the site allows for land uses and development which are appropriate in serving as a transition between residential and intensive industrial uses, in providing a mix of land uses which is compatible with surrounding uses, and which will allow a mix of uses which will enhance the viability and attractiveness of this site's redevelopment. Keeping in mind that this developer or any future developer of the property might revise the preliminary plan upon rezoning approval, the delineation of zoning boundary lines are somewhat awkward but do represent what appears to be a very reasonable delineation based upon existing building location and the proposed development plan.

The positive attributes of the proposed preliminary plan go beyond the proposed uses. The plan has been refined with sensitivity toward the preservation of significant historic buildings, with attention to concerns about public access and preservation of views, with recognition of the neighborhood's concern for affordable housing and winter parking, and the general concern for boat berthing.

The proposed text amendment recognizes the very special topographic and view conditions which exist along this particular part of the waterfront. These conditions are somewhat unique in this area because of the layout of Fore Street at the ridge of a steep slope adjacent to this area, and because of the large property under single ownership which would be most directly affected. The text amendment would allow the usual R-6 height of 65 feet on the site which would preserve views perpendicular to Fore Street and as viewed along each of the side streets which intersect with Fore Street from the Munjoy Hill neighborhood. The one view which would be somewhat reduced is the panorama to the east where views as one rises on the Fore Street hill would be blocked or reduced by buildings of greater height located perpendicular to higher elevation of Fore Street. Keep in mind, however, that this view is already reduced at the eastern end of the site by existing trees. Staff concludes that in order to preserve existing buildings, maintain the most significant views, and allow the developer to maintain the number of residential units necessary to support affordable housing and the variety of project amenities, that such text amendment language would be appropriate and within the spirit of the R-6 heights and peninsula-perimeter height reductions.

EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

STATUS REPORT

FOR

MAYOR RONALD DORLER, AND
THE PORTLAND CITY COUNCIL

NOVEMBER 17, 1986

SUBMITTED BY:

EASTERN POINT ASSOCIATES

WEBB/St. James Ventures
Menario Russ O'Sullivan
General Partners

EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

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EASTERN POINT

EASTERN POINT
PORTLAND, MAINE

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

SUMMARY OF PROJECT

PROJECT FACTS

- * 12 acres of land area
- * 13 acres of water area
- * 330 residential units
- * 22,000 sq. ft. of retail/office/service use
- * 33,000 sq. ft. of biotech industrial space
- * Berthing for 300 - 500 vessels; 9000+/- linear feet
- * Jobs
 - 75 permanent AgriTech jobs in 1 - 3 years
 - 60 to 100 permanent jobs estimated in commercial space
 - 150-160 construction jobs per year for 5 years
 - Year 3 payroll est. at \$7.5 Million - from direct project jobs.
 - Assuming a 3 times multiplier for indirect and induced employment - estimated year 3 payroll for direct, indirect and induced employment = \$30 Million.
- * Current Taxes - \$48,860
- * Estimated taxes @ 1986 \$ and rate - \$1 to 1.5 Million
- * Displacement of residents, boats or jobs - NONE
- * Public Access
 - Vehicular All Roadways
 - Pedestrian
 - All Roadways
 - Two protected pedestrian ways from Fore Street
 - Three landscaped pedestrian squares and areas
 - Pedestrian access to the end of the main pier
 - Public Observation Tower in existing structure
- * Public Views
 - No new buildings higher than the level of Fore Street
 - All new roofs 5-6' below the view of the typical adult observer
 - Viewing panoramas protected
 - Marina activity enhancing public views
 - New views from pedestrian areas, Observation Tower and end of Main Pier

FACTORS WHICH ENHANCE EASTERN POINT

- * Placement of uses so that residence abuts residential neighborhood, industrial use abuts traditional industrial area, and commercial uses are located between the two. Makes for logical transition of compatible uses with the marina joining the three use types.
- * Use of numerous structures versus one or two "megastructures" so as to be more compatible with building types in the city and to foster phasing of the project which will reduce the impact of change.
- * Unlimited public access to an area never before open to the public. Two exclusive pedestrian connectors from Fore Street leading to landscaped plazas and the main marina pier to bring the public out and beyond the water's edge.
- * Construction of all new buildings below the level of Fore Street so as to preserve existing panoramic views. Placement of buildings so that views over the embankment from Fore Street intersections with neighborhood streets will be into landscaped plazas rather than rooftops.
- * Inclusion of a public view observation deck within an existing tower facing on Fore Street subject to structural stability. Inclusion of a marina in this location will enhance the diversity of public views.
- * Commitment to the production of a meaningful amount of affordable housing in some form within the project. We have met with state and local housing officials and are convinced that we can participate in some constructive manner.
- * Provision of berthing in this area should take pressure off the central portion of the waterfront where recreational berthing is displacing commercial vessels. The western portion of the marina adjacent to the industrial component at Eastern Point is being considered for commercial berthing, assuming a demand exists for this location.
- * The site has been predominantly vacant for many years. The only significant user on site is AgriTech which will be allowed to remain and expand. AgriTech had been looking at suburban sites for a new location prior to the opportunity raised by Eastern Point.
- * Industry is moving out: Portland Company, Crosby-Laughlin, National Distributors, Jordan Meats, Canadian National, etc. The area no longer relates to the needs of modern industry.

- * A commitment to the Munjoy Hill Neighborhood Organization Board of Directors was made to allow excess winter parking (approx. 75 spaces) to be used by neighborhood residents during snow emergencies.
- * Eastern Point will make a contribution to improvements proposed for the Eastern Promenade.
- * A vacant and dilapidated facility will be put into productive use.

It is our philosophy that every portion of a community must contribute to the well-being of the whole. We perceive the above contributions as things which will make the whole better and, therefore, benefit us as well as everyone else. We are willing to contribute where we can and respond to every reasonable request.

EASTERN POINT

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NARRATIVE DESCRIPTION

Eastern Point Associates proposes to develop the former Portland Company property and the adjacent former Crosby-Laughlin warehouse as a multiple purpose real estate project. The land area is approximately 12 acres and has substantial frontage on Fore Street on the eastern portion of the Portland peninsula. The site also has a long-term lease arrangement of approximately 13 acres of harbor area owned by the Maine Department of Transportation.

The Portland Company site has been predominantly vacant for a number of years. At its peak, the Portland Company manufactured locomotives for the railroad industry, munitions including cannons, cast iron store fronts and numerous other heavy manufacturing products. The Crosby-Laughlin warehouse served the parent facility on the other side of Fore Street which was a heavy steel & iron forge plant; it ceased operation within the past two years.

The only active use of the site is by a young biotechnology company which manufactures animal testing devices - AgriTech Systems Inc. The development plan involves relocating AgriTech from its current quarters to modern and expanded facilities at the former Crosby-Laughlin warehouse. This project component has already received City of Portland approval and construction is underway. AgriTech will occupy 33,000 sq.ft. of floor area at its new facility.

In addition to the AgriTech component, the Eastern Point development plan includes the construction of 330 residential housing units, 30 of which will participate in existing subsidized housing programs (pending approvals by state and local housing entities). The majority of the residential units will be condominium units for sale to people wishing to reside at Eastern Point. There will be some private market rental units but the actual number has not as yet been identified by on-going market research.

Eastern Point will have a commercial component of mixed office, service and supportive retail uses, including a restaurant. Much of this space (estimated at 22,000 sq.ft.) will be housed in ground floor areas adjacent to principal public areas.

Eastern Point also proposes a boat basin for the berthing of over 300 vessels and including over 9000 linear feet of berthing space. In order to construct such a facility, a fixed breakwater easterly of the basin will be necessary. It is proposed to accommodate up to 1000 linear feet of berthing for commercial fishing and lobster boats as part of the boat basin plans.

The design plan incorporates a collection of brick buildings, utilizing the more significant of existing buildings on site. Structures close to Fore Street will parallel the street similar to the existing placement of buildings on site. Closer to the water and away from the slope of the site, new buildings will be perpendicular to the shore and Fore Street; this design maximizes views not only from the new buildings but also from Fore Street. All new buildings east of those to be retained will be constructed so that the roof lines will be below the level of Fore Street. This technique will minimize obstructions to view panoramas.

Public access to the site will be enhanced and encouraged by numerous vehicular and pedestrian entryways to the site and the presence of attractive public squares, spaces and gathering places. The boat basin will incorporate a central main wharf which will be a public activity area; the public will use this for access to the water as well as for a public landing and short-term berthing.

An existing tower on Fore Street will be developed as an observation deck. A small museum regarding the history of Munjoy Hill and the Portland Company will be incorporated into the observation area or at another appropriate location on site.

The site is currently zoned I-3B Industrial, the heaviest and least restrictive industrial zone in the city. With a few exceptions, nearly any kind of industrial use could be operated in the zone. Regardless, industry is quickly disappearing from this area and moving to suburban sites or out of the country.

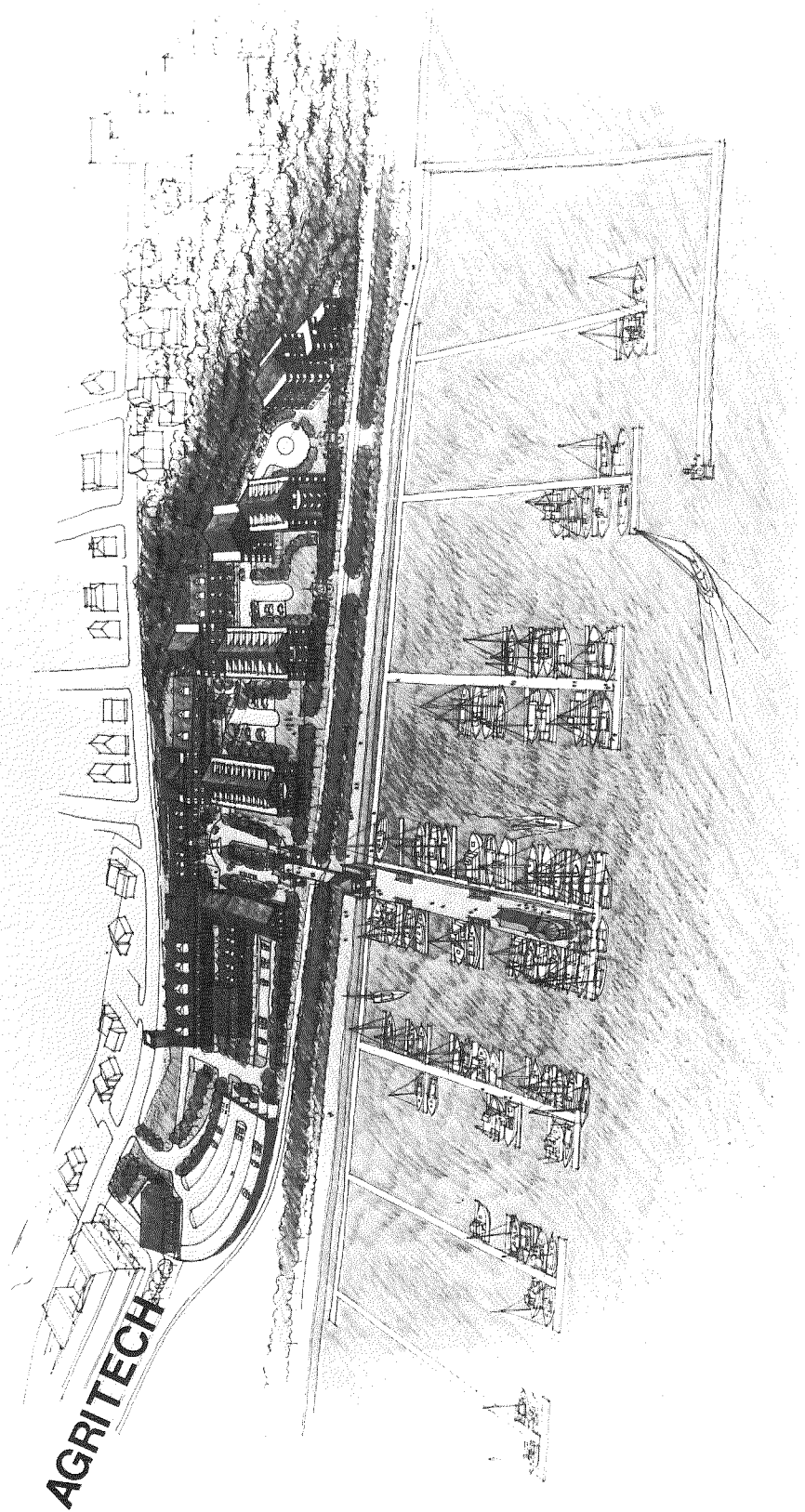
In order to accommodate the multiple-purpose nature of Eastern Point, rezoning is necessary. Rezoning to W-1 Waterfront was requested by Eastern Point Associates; however, after consultation with the Planning Board, a suggested alternative to W-1 zoning is contained in the body of this report.

In addition to zoning action by the City Planning Board and City Council, other approvals are necessary. A rigorous site plan review process will be undertaken by the Planning Board following positive zoning action. In addition, state and federal approvals and licenses will be necessary due to the project's size as well as its location on the waterfront.

Eastern Point Associates has made a substantial effort to involve neighborhood and community groups in its planning. It has asked for and received appointments with numerous organizations and continues to maintain a healthy information dialogue with these groups, regardless of their position on the project. Eastern Point Associates has strived to incorporate every reasonable request made of it in revising components of the project. And while the fundamental plan has not changed substantially, the proposal now before the Board incorporates numerous refinements recommended by community and neighborhood groups. We believe these refinements have improved the project greatly and will continue to respond to constructive suggestions throughout the development process.

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St. James Properties

Brian M. Nickerson
Vice President
Development

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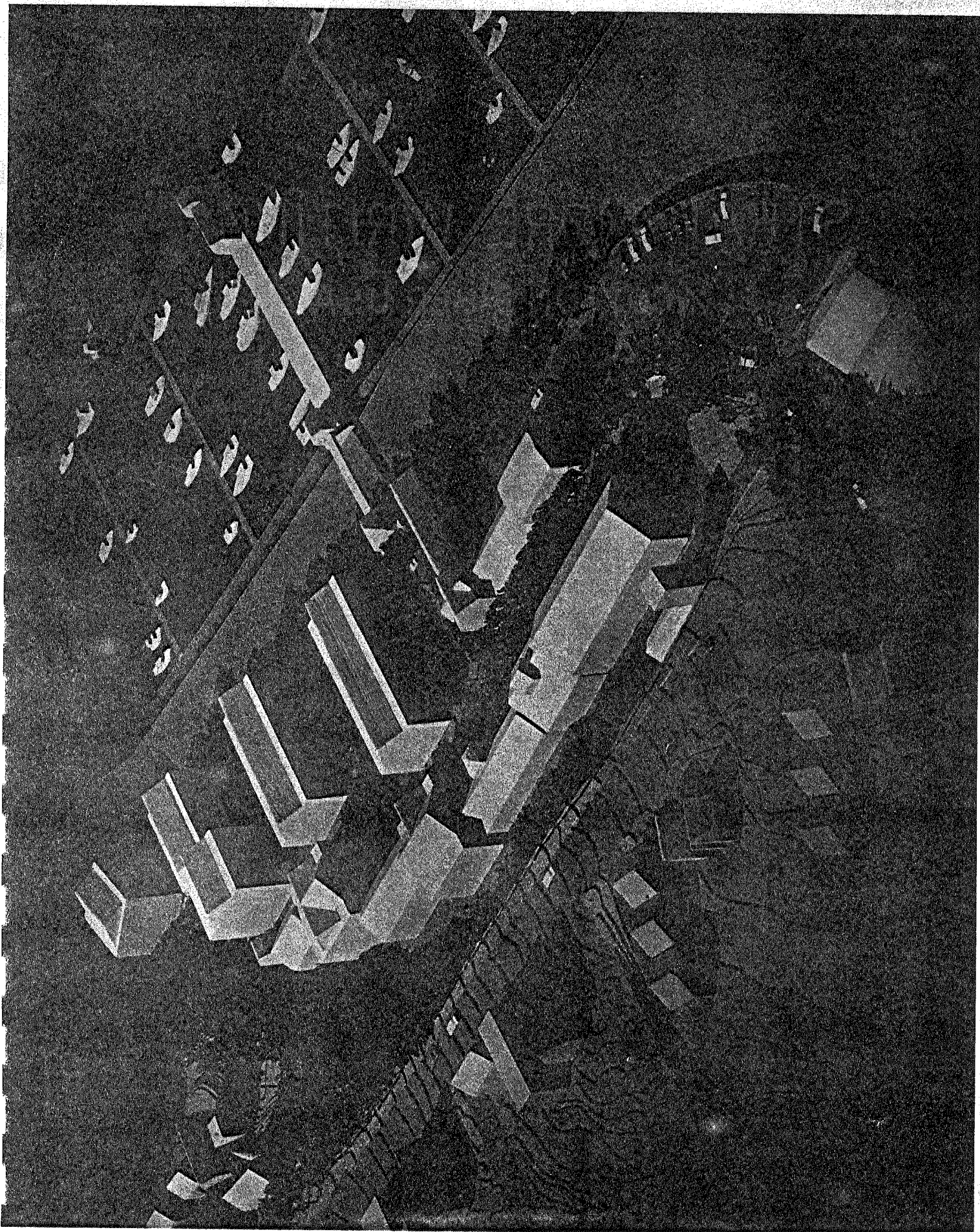
**EASTERN POINT
PORTLAND, MAINE**

Menario-Russ-O'Sullivan

Commercial and Investment Real Estate

Joel B. Russ

482 Congress Street, Suite 501
Portland, Maine 04101 207-775-0466



EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

The Developer

The development entity is Portland Development Associates, a Massachusetts Limited Partnership comprised of the following:

Managing General Partner - Webb/St. James Ventures
General Partner - Menario/Russ/O'Sullivan
Limited Partner - Farley Investment

WEBB/ST. JAMES VENTURES

Webb/St. James Ventures located in Boston, Massachusetts, is comprised of the Webb Companies of Lexington, Kentucky and St. James Properties, Inc. of Boston, Massachusetts.

A. The Webb Companies. The Webb Companies is a national, full-service, real estate development company headquartered in Lexington, Kentucky. With projects in 58 cities across the country, the Webb Companies is ranked as the fourth largest diversified developer in the United States by Building Design and Construction magazine. Its current projects total over one billion dollars. Webb has divisions specializing in office, residential, retail, hotel and warehouse and distribution development. Webb operates throughout the country through a national partner system, in which different regional partners are responsible on a day-to-day basis for development projects within their regions. A brochure is enclosed.

B. St. James Properties, Inc. St. James Properties headquartered in Boston, Massachusetts is the Webb Companies' development partners in the Northeast region of the United States. St. James is presently developing a varied portfolio of over \$125 million worth of real estate projects including residential, office, hotel and retail (involving both new construction and historic renovation). In addition to development, St. James maintains professional staffs for construction management and property management. Among Webb/St. James' current projects are:

Settlers' Green, North Conway, NH. A proposed \$60,000,000 mixed-use development on a 100-acre site in North Conway, New Hampshire. It's composed of a 200-room hotel, 140 units of housing and 90,000 square feet of retail space.

72nd Street, New York, NY. A 22-story, 39-unit luxury residential condominium tower currently under construction on the Upper East Side of New York City with a projected sell-out value of \$25,000,000.

The Fuller Block, Springfield, MA. The historic restoration of a 65,000 square foot office building at the corner of Main and Bridge Streets in the central business district of Springfield, Massachusetts.

950 Massachusetts Avenue, Cambridge, MA. A total of 140,000 square foot, proposed mixed-use project composed of 100 residential condominium units and 20,000 square feet of office and retail space in Cambridge, Massachusetts near Harvard Square.

MENARIO/RUSS/O'SULLIVAN

Menario/Russ/O'Sullivan of Portland, Maine is one of the most respected commercial real estate firms in the State of Maine. The three principals of the firm bring an unmatched combination of experience, expertise and knowledge of Portland to this venture.

John Menario is former City Manager of the City of Portland and former President of the Greater Portland Chamber of Commerce.

Joel Russ, an attorney, is the former Executive Director of Greater Portland Landmarks, Inc. and is a member of the Board of Advisors to the National Trust for Historic Preservation.

Michael O'Sullivan, is a former head of the New England office of Gladstone Associates, a national economic and real estate consulting firm.

Menario/Russ/O'Sullivan has been involved in numerous developments in the Portland area including Harbor Plaza, a 64,000 square foot office renovation project, Harbor Landing, a 24-unit condominium rehab project on the Portland waterfront, and the renovation of the 100,000 square foot Maine Central Railroad Building into office space, among others.

FARLEY INVESTMENT

Farley Investment is a wholly-owned entity of Mr. William Farley of Chicago. Mr. Farley is Chairman of the Board and Chief Executive Officer of Farley Industries, a diversified industrial-based company with 1985 revenues exceeding \$2 billion, assets exceeding \$1.25 billion, and shareholder equity exceeding \$260 million.

Development Consultants

GENERAL DEVELOPMENT CONSULTANT AND BROKER

Menario/Russ/O'Sullivan of Portland

GENERAL COUNSEL:

Pierce Atwood Scribner Allen of Portland; Hale & Dorr of Boston

ARCHITECT:

Sasaki Associates of Watertown, Massachusetts

ENGINEER:

Neill & Gunter of Portland

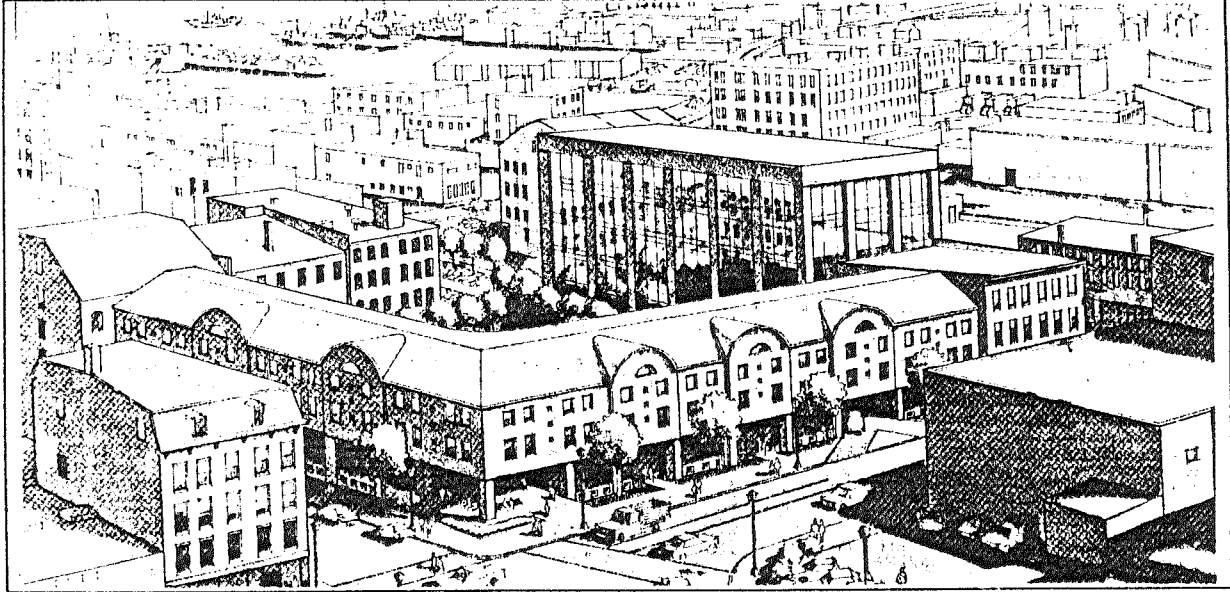
GENERAL CONTRACTOR:

Allied Construction Co., Inc. of Portland

ACCOUNTANT:

Laventhol & Horwath of Boston

Rapidly expanding Portland firm becomes Menario/Russ/O'Sullivan



PORTLAND, ME. -- John Menario, (left), Joel Russ (center), and Michael O'Sullivan, (right), partners in an expanding Portland based professional real estate company providing marketing, brokerage and consulting services for commercial and investment property, recently announced a change in the name of their firm. Menario/Russ has become Menario/Russ/O'Sullivan.

According to Joel Russ, a partner with Menario/Russ/O'Sullivan, the name change publicly reflects the longtime partnership status of Michael O'Sullivan at a time when the firm is experiencing rapid growth. O'Sullivan joined Menario/Russ in 1983.

For over three years the firm has provided a broad range of services to developers, investors, owners, tenants, lenders, institutions and individuals. The highly trained and diversified partnership team combines expertise in marketing with specific skills in financial structuring, feasibility analysis and negotiating techniques.

John Menario is former city manager of Portland and former president of the Greater Portland Chamber of Commerce. He is a licensed real estate broker and holds a bachelor's degree from the University of Maine and a Master of Governmental Administration from the University of Pennsylvania.

Joel Russ is on the board of advisors to the National Trust for Historic Preservation and was formerly executive director of Greater Portland Landmarks, Inc. He is a lawyer and a licensed real estate broker, with a bachelor's degree from Wesleyan University and a J.D. degree from the University of Maine School of Law.

Michael O'Sullivan was formerly a senior associate with Gladstone Associates, a national

economic and real estate consulting firm, directing that firm's Boston office. He is a licensed real estate salesman and holds a bachelor's degree from Holy Cross College and an MBA from the Amos Tuck School at Dartmouth College.

Together the partners and new associates offer unique creativity and capabilities to selective real estate development and brokerage.

Menario/Russ/O'Sullivan has recently played a role in several successful property developments in Greater Portland, Maine.

As development consultants and exclusive brokers for Top of the Park Menario/Russ/O'Sullivan assisted Barton Forbes in the rehabilitation of several deteriorated historic structures on Park St. in Portland. Eight commercial/residential condominium units were created in this development and were successfully marketed by the firm. Because of the historical nature of the properties, owner/investors were able to take advantage of the 25% rehabilitation tax credit.

The firm successfully coordinated and administered the bid process which led to the sale of the Safford House, a historically significant building, to a local developer. The Portland School of Art hired Menario/Russ/O'Sullivan to sell this property because of their expansion and move to the former Baxter Library Building on Congress St.

Menario/Russ/O'Sullivan was engaged by General Properties, Inc. to serve as development consultants and exclusive brokers in a development which saw the Staples School, a vacant and deteriorated school house, transformed into nine commercial condominium units. All units were successfully marketed by Menario/Russ/O'Sullivan to both



owner/occupants and owner/investors. The property's age qualified investors for the 20% rehabilitation tax credits.

The firm was retained by Dictar Associates to serve as exclusive leasing agents for Harbor Plaza, (shown) the conversion of a vacant warehouse into 64,000 sq. ft. of class "A" office space. The entire 54,000 sq. ft. main tower has been leased to E. C. Jordan Co.

Menario/Russ/O'Sullivan served as development consultants and exclusive brokers in assisting The Harvard Group of Manchester, New Hampshire in the development of the historic Richardson Wharf Building, into 24 residential and 2 commercial condominium units renamed Harbor Landing. This was the first such condominium development along Portland's waterfront. Because of the 25% rehabilitation tax credits, this development was targeted toward owner/investors. Within six months Menario/Russ/O'Sullivan had signed purchase and sale agreements for all 26 units.

The firm worked with the creditors and trustees of Nasson College in an attempt to secure a purchaser for the college and all its assets. Menario/Russ/O'Sullivan teamed with Meredith and Grew of Boston, Massachusetts in conducting a national marketing



campaign to locate a suitable purchaser before liquidation of the campus (parcel by parcel) was ordered by the bankruptcy court.

Menario / Russ / O'Sullivan worked with DeVile Associates of Scarborough, Maine in the sale of a 44 unit apartment complex. This apartment complex consisted of four separate structures containing 8 one bedroom units and 36 two bedroom units.

Menario/Russ/O'Sullivan successfully closed on the sale of this property within six months of undertaking the listing. The firm worked with General Properties, Inc. to structure the conversion of this certified historic structure into a commercial condominium. This property has been described by the Maine Historic Preservation Commission as "the most handsome and elaborately designed Victorian commercial structure in the state... the grandest Second Empire style building in Maine." Owners of the building, F. O. Railey Antiques, retained ownership of one condominium unit. Menario/Russ/O'Sullivan brokered the sale of the remaining condominium units to Murray, Plumb, Murray, a Portland law firm.

Menario / Russ / O'Sullivan worked with Barton Forbes again in the conversion of the Carroll Mansion, a deteriorated structure,



into five residential condominium units, the carriage house behind the mansion is now four condominium units. Two new townhouses resembling the style and character of the existing buildings have been constructed on the site. Menario/Russ/O'Sullivan has secured purchase and sale agreements for all eleven units.

Currently the firm has been retained as consultant and exclusive representative by St. John Street Realty Trust, to assist in the development of the former Maine Central Railroad Building into a general office center. The historically significant building, now called the West End Business Center, is a 100,000 sq. ft. landmark with exceptional architectural detailing. Development of West End Business Center will retain the best original features while completely updating the systems and allowing for custom finishing.

Today Menario/Russ/O'Sullivan is the exclusive leasing agent for several properties including 8,000 sq. ft. of prime retail space on Exchange St., 7,000-14,000 sq. ft. of retail space to be built on the corner of Western Ave. and Westbrook St., and a 14,000 sq. ft. office building, Southport Office Center, on Main St. in South Portland.

ST. JAMES



ST. JAMES PROPERTIES, INC. is a

development, construction and property management company which has an established record of accomplishment.

St. James Properties is a dynamic, aggressive firm whose principals offer valuable expertise in the areas of:

- * **Development**
- * **Renovation**
- * **New construction**
- * **Computerized property management**
- * **Construction and development scheduling**
- * **Income analysis**
- * **Investment structuring**
- * **Real estate investment management**
- * **Financial evaluation**
- * **Legal aspects of real estate**

The company has consistently proven its ability to remain in the forefront of the real estate market and develop innovative strategies for ensuring a project's success.



DEVELOPMENT



THE DEVELOPMENT DIVISION of

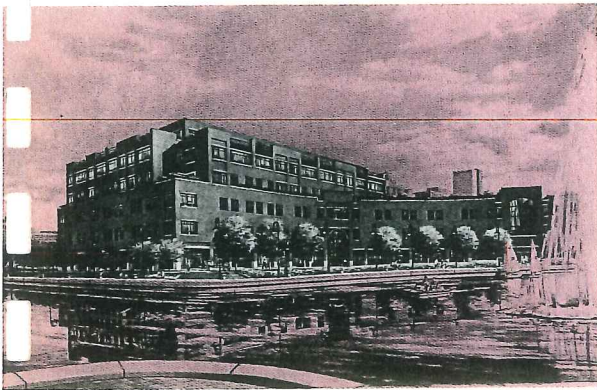
St. James Properties has a breadth of experience in both new construction and adaptive re-use of older buildings. In addition to its own projects, the firm has successfully developed a number of projects for syndication, and has formed joint venture partnerships in the \$100 million range.

St. James takes a team approach to development. The firm integrates the legal and management backgrounds of its principals with the support of outside architects, accountants and consultants as required.

The company's new construction projects range in size and scope from a 65-unit luxury condominium community to a 110,000 sq. ft. first class office building. St. James oversees all aspects of development, including assembling the parcel, planning the site, acquiring the necessary permits and approvals and coordinating the design, construction and marketing efforts of the development team.

Along with new construction, St. James believes that the adaptive re-use of older buildings offers significant development opportunities. Through careful planning and preservation, St. James has recycled once-vacant and deteriorating buildings into a variety of uses: a 19th century church now houses a gourmet restaurant and offices and a former manufacturing building now offers first-class office space.

EDGEWATER PLACE



- * \$15 MILLION BUILDING
- * 110,000 SQ. FT.
OFFICE/RETAIL BUILDING
- * CANAL PARK, CAMBRIDGE,
MASSACHUSETTS

EDGEWATER PLACE, a \$15 million building on Canal Park in East Cambridge, Massachusetts with 103,000 sq. ft. of office and 8,400 sq. ft. of retail space, is a co-development of St. James Properties, Inc., of Boston, Unihab Inc. of Cambridge and The Cambridge Group of Newton. Unihab, an architectural firm known for its conversions of historic buildings into condominium residences, purchased the Edgewater Place site with the intent of designing their first commercial building. The firm, which required a joint venture partner with financial strength as well as the ability to organize a large-scale project, selected St. James Properties to provide development expertise.

The resulting co-development is one of the few buildings in the Boston area designed specifically to meet the demands of high-technology companies. Two months before ground was broken, St. James Properties and Unihab completed leasing negotiations with a computer software firm to occupy the entire 103,000 sq. ft. office section of Edgewater Place as its corporate headquarters.

Edgewater Place was the first commercial development proposed for Canal Park, a 16-acre area of the East Cambridge riverfront revitalized with a \$36 million investment of

public funds. Since the announcement of the Edgewater Place project, several other office developments have begun in Canal Park.

When completed, Canal Park will feature newly planted trees, flowers and manicured lawns, granite and brick walkways lined with decorative lamp posts, custom-made mahogany benches and original sculpture. At the center of Canal Park is a waterway featuring a 60-foot geyser. Edgewater Place, situated on the edge of the waterway, overlooks the geyser and offers panoramic views of the Park, the Charles River and the Boston skyline.

The exterior of Edgewater Place is designed to be architecturally compatible with its surroundings. Its facade of red and grey brick with accents of light grey granite reflects the natural tones of Canal Park. Upper level terraces create a striking, serrated design. The ground-level retail space features bright awnings and storefronts with full height glass windows, with ample outdoor space for sidewalk cafes in warm weather.

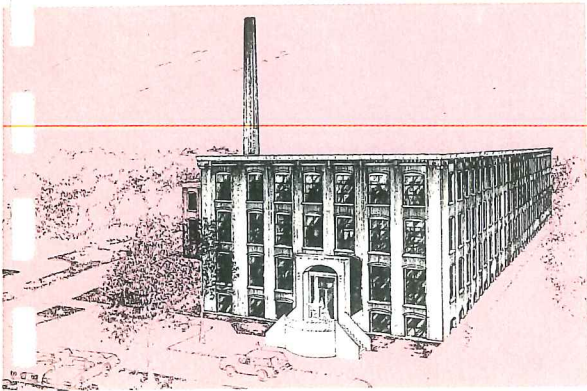
To accommodate the requirements of state-of-the-art computer facilities in the Boston market, Edgewater Place was designed with 300 tons of cooling capacity and there is ample space on the roof for additional mainframe computer cooling equipment.

In addition, the electrical system substantially exceeds the required standards.

Each office level contains 14,000 to 25,500 sq. ft. of open plan, build to suit space. Office finishes are of the finest quality, and include solid core oak doors, polished chrome hardware and carpeting. Operable windows include built-in screens and Levolor horizontal mini-blinds; 24 offices feature sliding glass doors leading to terraces. Other amenities include an electric security system, security during working hours, 24-hour individually metered and controlled heating and air-conditioning, high quality lighting and ceilings with superior sound absorption, and wet columns for showers or kitchens. Parking is available for 160 cars.

In addition to St. James Properties, Unihab and The Cambridge Group, the Edgewater Place development team includes the landscape architectural firm of Moriece & Gary, Cambridge and the Boston architectural and planning firm of R.E. Dinneen.

SMOKESTACK PLACE



- * \$4.25 MILLION TOTAL PROJECT COST
- * 110,000 SQ. FT. OFFICE BUILDING
- * WORCESTER, MASSACHUSETTS

SMOKESTACK PLACE, a 110,000 sq. ft. building in the Webster Square section of Worcester, Massachusetts, was originally constructed in 1895 to house the textile manufacturing firm which remained there for nearly 90 years. In 1983, a joint venture partnership formed and led by St. James Properties began a \$4.25 million renovation program to transform the former mill building into office space.

St. James had been closely observing the Worcester market, and believed the time was right to develop a project there. Smokestack Place, located on Cambridge Street, which connects the busy Webster Square commercial district with Routes 9, 12 and I-290, enjoyed exceptional visibility. The four-story building, with 25,000 sq. ft. of open plan space per floor and on-site parking for 250 cars, also presented an opportunity to tap the market for small to large firms looking for high quality renovated space, ample parking and affordable rental rates. Because the purchase price of Smokestack Place was relatively low, St. James was able to offer newly renovated space at substantially below market rates.

Among the tenants which have leased space at Smokestack Place are an office furniture distributor,

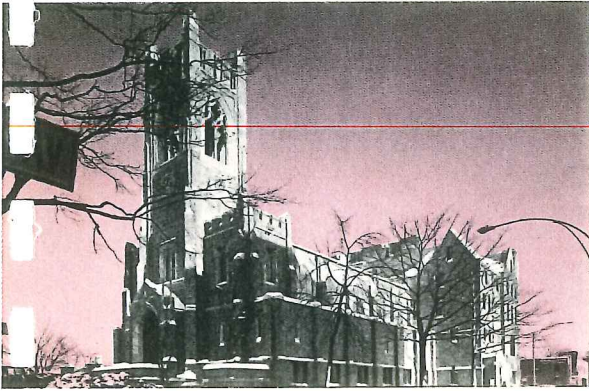
a home repair firm, a distributor of health care equipment, a commercial photographer, an accounting firm, a multi-level marketing company, a computer education company, and the business office of a local non-profit organization.

Because of its expertise in adaptive re-use of older buildings, the construction division of St. James Properties was chosen as the general contractor for Smokestack Place. The architectural firms chosen for the project were Herron & Carlson of Worcester and Gauchat Architects of Cambridge, both with a wealth of experience in commercial restoration.

The renovation of the four-story red brick building included cleaning the red brick facade, replacing the original windows with energy efficient, operable windows and re-landscaping the grounds with decorative lighting, plantings, a new lawn and walkways. Distinctive lobbies were created in the building's interior, and the original brick walls, floor-to-ceiling windows and chestnut beams and columns were restored throughout. The open plan office space was renovated to tenant specifications. High quality finishes include carpeting, oak entry doors, recessed lighting and full height partitions.

Financing for Smokestack Place was provided by Fleet National Bank of Providence, Rhode Island.

WALNUT PLACE



- * \$3.0 MILLION TOTAL PROJECT COST
- * 32,000 SQ. FT. OFFICE AND RESTAURANT
- * NEWTON, MASSACHUSETTS

THE UNITED METHODIST

Church in Newton, Massachusetts, a majestic 19th century gothic structure overlooking the Massachusetts Turnpike, had been vacant for several years when St. James Properties of Boston discovered it in 1983. Struck by the building's impressive facade, dramatic interior architecture and exceptional visibility from the Massachusetts Turnpike, St. James believed it offered great potential for adaptive re-use.

Confident of the need for first class office space and a desire for high quality restaurants in Newton, St. James immediately formed a limited partnership and began a \$2.8 million renovation program to recycle the church into Walnut Place—20,000 sq. ft. of office space and a 12,000 sq. ft. restaurant. Before construction was completed, Walnut Place was entirely leased.

Walnut Place was originally constructed in two phases, creating a natural division of office and restaurant space. The granite facade is characterized by a 90-foot bell tower with the original bell and lighted clock, intricate stone detailing, arched stained glass and leaded windows and vaulted oak doors.

St. James Properties chose the Boston architectural firm of Ahearn Schopfer to design Walnut Place because of their experience in restaurant

and hotel design. P.G. Perella Construction Company of Boston, whose projects include the Back Bay Hilton and The Copley Plaza Hotel, was selected as the general contractor. The Boston landscape architectural firm William Pressley and Associates, best known for their landscaping of Boston's Faneuil Hall Marketplace, was chosen to landscape Walnut Place.

A separate entrance created for the office section is characterized by oak doors with glass panels and a brass sign, a canvas awning and gothic style copper lighting fixtures. The office entrance lobby is designed with coffered ceilings and recessed lights, a Botticino marble tile floor with bordered carpet inserts, and a brass office directory. The 4,000 sq. ft. of open plan office space on each floor features the finest quality finishes, including coffered ceilings, energy efficient operable windows with hung louver drapes, recessed lighting and operable skylights. In addition, each floor was custom designed to tenant specifications.

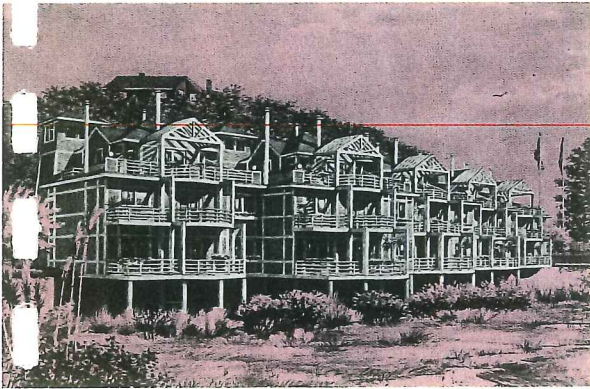
A wrought iron gate connecting two granite pillars and a brass menu board mark the entrance to the restaurant, located in the former church sanctuary. The restaurant features original stained glass windows, exposed ornamental wood and glass chandeliers—all impeccably restored.

A 3,000 sq. ft. mezzanine was created for additional dining space, and is bordered by brass and lacquered wood planters. The two dining levels are connected by an ornamental wood staircase with brass handles, and the focal point of the first floor dining room is a 16' x 16' brass and glass salad bar.

The grounds surrounding Walnut Place, which feature newly planted white pine trees, shrubs and grass, are enclosed by a wrought iron fence.

Permanent financing was provided by Newworld Bank of Boston and Guaranty First Trust Company of Waltham, Massachusetts.

THE VILLAGE AT RED INN



- * 65 UNIT LUXURY RESORT
CONDOMINIUM COMMUNITY
- * \$10 MILLION TOTAL
PROJECT COST
- * PROVINCETOWN,
MASSACHUSETTS

THE VILLAGE AT RED

Inn, a \$10 million resort community of 65 luxury condominium homes across from the well-known Red Inn in Provincetown, is a joint venture development of St. James Properties, Boston and Rinn Enterprises, Inc., Provincetown. Principals of Rinn Enterprises, Inc. are Richard and Paul Abare, owners and managers of the Red Inn.

The Abares, who had been interested in constructing condominiums on a two acre site adjacent to the Red Inn, approached St. James Properties to assist them in all aspects of development—from putting their ideas in focus to structuring a deal, gaining site approvals and securing financing. St. James Properties had been recommended to the Abares as a development firm with the experience and capabilities to create a highly successful condominium project.

After evaluating the site and the market potential of Provincetown as a resort community, St. James expanded the site to eight acres and developed a plan for The Village at Red Inn—a vacation resort of luxury condominiums with rental opportunities. Before ground was broken on the first of four clusters, 'cluster one' was 75% sold out and reservation agreements were being taken on 'cluster two'. A development team with proven experience in

resort and condominium projects was chosen. St. James then worked closely with a number of environmental consultants and engineering firms to assess the impact of the condominiums on the surrounding natural wetlands. In addition, the firm employed an environmental consultant for the town of Provincetown to provide an independent evaluation. Through a rigorous series of site reviews, St. James won approvals from the Conservation Commission, Planning Board, Board of Health, Fire Department and Zoning Board.

The Village at Red Inn offers a self-contained, luxury resort environment, with a swimming pool, clay tennis courts and private beach at the Red Inn. Homes, which range from 636 to 1,354 sq. ft., are contemporary in design and feature private decks, courtyards and patios. Luxury amenities include daily linen service, maid service and firewood delivery.

The architectural firm selected for the Village at Red Inn was Ahearn Schopfer and Associates of Boston, a firm experienced in the design of hotel and luxury resort condominiums. The noted Boston landscape architectural firm William Pressley and Associates, best known for their landscape design of Faneuil Hall Marketplace, was chosen to landscape the

Village grounds. To maintain control over the high quality construction of the project, particularly the fine finish work, St. James selected the construction division of its own firm as general contractor.

Construction financing for the Village at Red Inn was provided by Guaranty First Trust Company of Waltham, Massachusetts.

The New York Times

Sunday, September 14, 1986

POSTINGS



Rendering of Le Chambord, 350 East 72d Street

New Condos

Neo-Classic On 72d St.

Over the years, the movie theater at 350 East 72d Street, once a Trans-Lux, aged into what the new owner of the site called a "dilapidated form with an unappealing neon marquee," although it had a following in the neighborhood.

The site, between First and Second Avenues, is now changing dramatically, gaining a 23-story condominium with arched and ocular windows in a neo-classical facade designed by Costas Kondylis of Birnbaum Associates who has done several other East Side buildings, among them Trump Plaza and the Savoy.

The project, called Le Chambord, will primarily have two apartments a floor for a total of 39 units, most of them two-bedroom apartments of 1,400 square feet.

According to one of the developers, Jack Heller, president of Foreston Development Corporation of Manhattan, the prices will be about \$450 a square foot, with apartments starting at about \$500,000.

Four three-bedroom penthouse duplexes of 2,210 square feet will sell for "significantly more than \$1 million," Mr. Heller said.

In addition to the theater, the developers — who also include R. Dudley Webb of the Webb Companies of Lexington, Ky., and St. James Properties of Boston — bought the air rights of an adjacent four-story building and the right to alter its facade. It will be changed to conform with the tower, Mr. Heller said.

The project is scheduled to be finished by next March.

THANKS A BILLION!

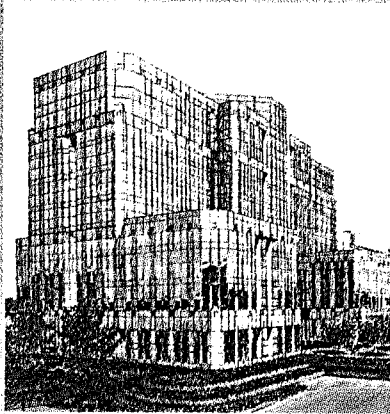
R. Dudley Webb
National Partner

Donald W. Webb
Partner

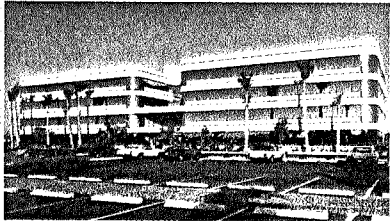


The Webb Companies

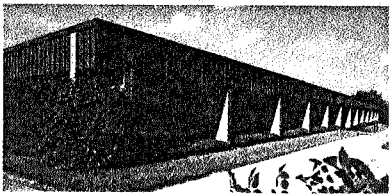
DEVELOPING



Dulles Corner



Collier Bank Building

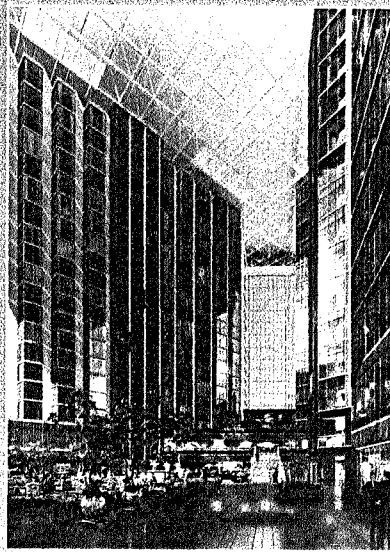


Nandino Distribution Center

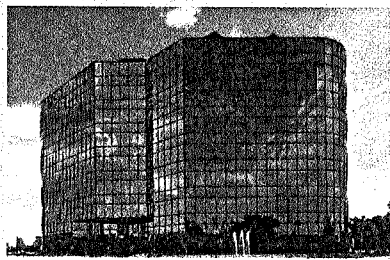
Dulles Corner—A Webb/Sequoia mixed-use project situated in Fairfax, Virginia at the Dulles Airport. This \$210 million office and Hyatt Hotel complex is under way and will total over 1.5 million square feet.

Collier Bank Building—An \$11 million Webb/Brown office project in Naples, Florida.

Nandino Distribution Center—This 500,000 square foot warehouse/distribution complex developed by The Webb Companies has become the central distribution area for Lexington's industrial north side.



Austin Centre



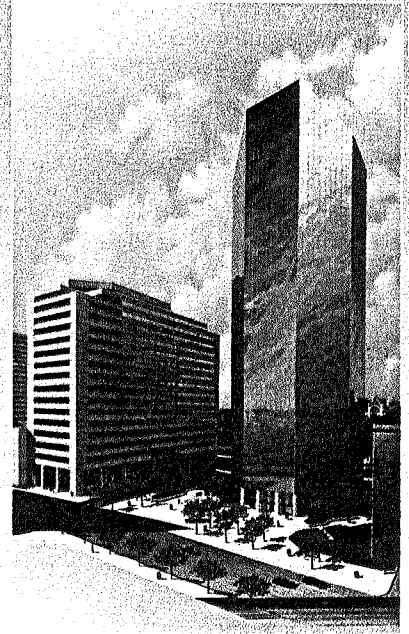
The Spectrum

Austin Centre—This \$110 million Webb/Knighton mixed-use project in Austin, Texas has over 735,000 square feet of office/Radisson Hotel/condominium space, as well as a 700-space parking garage underneath.

The Spectrum—Our first project in Cincinnati located on Chester Road at I-75 is a \$12.5 million, 110,000 square foot Webb/Henne office building.



Victorian Square



Lexington Financial Center

Victorian Square—Connected via pedway to the Lexington Festival Market, this \$20 million restoration contains 210,000 square feet of upscale retail and restaurant space and features a stunning three-story courtyard.

Lexington Financial Center—This \$60 million mixed-use development in downtown Lexington is the city's tallest building at 30 stories, including over 392,000 square feet of office space, a 600-car garage, and a 28,000 square foot health club.

Woodmont—This Webb/Nashville \$26 million residential project includes 192,000 plus square feet in 105 condominium units at the corner of Woodmont Boulevard and Hillsboro Road in Nashville, Tennessee.

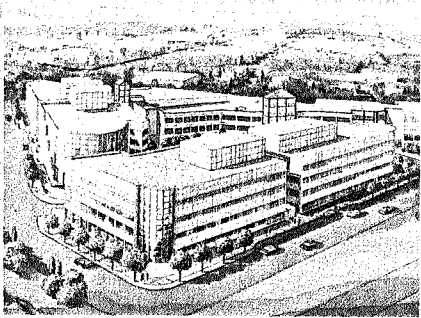
MIXED-USE
COMPLEXES

The Webb
Companies

TOMORROW'S



One Countryside Place



Sequoia Plaza

One Countryside Place—A \$23 million Webb/Knighton office project in San Antonio, Texas.

Sequoia Plaza—Webb/Sequoia's beautiful \$70 million, 421,000 square foot office project near The Pentagon in Arlington, Virginia.

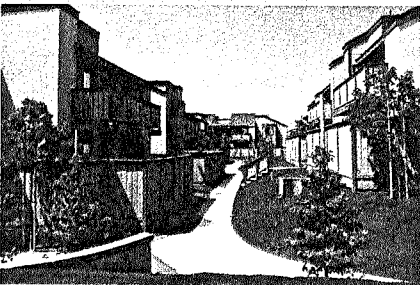
Triangle Executive Park—A \$180 million Webb/Brown mixed use office/hotel/retail project in Raleigh, North Carolina located on I-40 at the entrance to the RDU Airport.

Pine Oak Plaza—A \$2.3 million, 16,500 square foot retail strip center developed in Ft. Lauderdale, Florida by Webb/Brown.

Lexington Business Center—A \$22 million, 315,000 square foot research and development facility in suburban Lexington, Kentucky.



Laidley Tower



Crest Apartments

Laidley Tower—West Virginia's tallest, this \$35 million Webb office tower in downtown Charleston, West Virginia, contains over 233,000 square feet of luxurious office space and a 456-car garage.

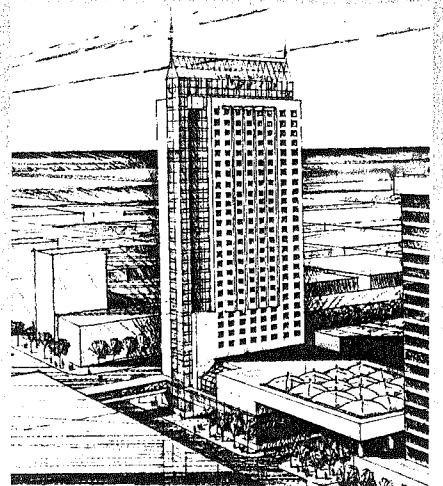
Crest Apartments—This \$12.4 million, 220-unit apartment complex development is located in Riverside, California, and is a project of Webb/I.S.

Lexington Green—This Webb/Lexington Venture, a \$60 million retail/office/Hilton Suite Hotel project is strategically located on Lexington, Kentucky's retail artery, Nicholasville Road.

Metro Executive Park—a \$30 million Webb/Brown project in Ft. Myers, Florida containing 250,000 square feet of luxurious office space.



One Belle Meade Place

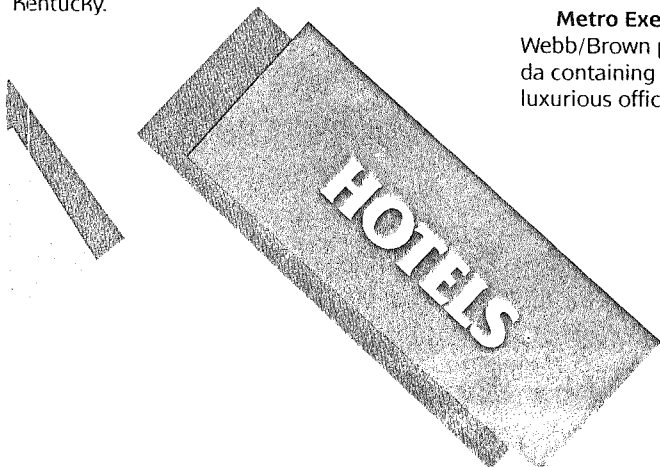


Toledo Radisson

One Belle Meade Place—A \$21.8 million office/retail project located at Harding Road at White Bridge Road in Nashville's prestigious Belle Meade area.

Toledo Radisson—Webb/Knighton and Seagate Development are developers on this 400-room, \$45 million hotel in downtown Toledo, Ohio.

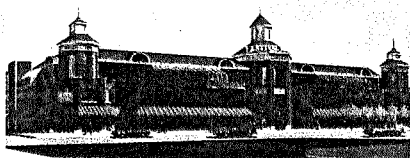
Westpark Centre—Webb/Stanton-Rahn's \$23 million office park in suburban Denver, Colorado features both mid-rise and garden office buildings, as well as 90,000 square feet of warehouse space.



LANDMARKS™



One Triad Park



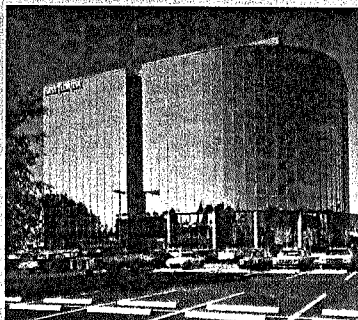
Lexington Festival Market

■ **One Triad Park**—A part of the seven acre, \$100 million urban complex in Winston-Salem, North Carolina, this 445,000 square foot mixed-use development will also include a 602-car garage.

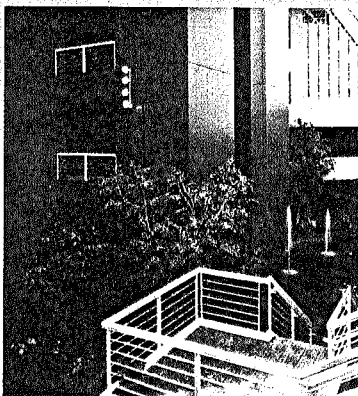
■ **Lexington Festival Market**—A \$16 million, 100,000 square foot specialty retail development in Lexington's revitalized downtown shopping district. Reminiscent of Faneuil Hall, Harbor Place, and other Festival Markets across the country.

■ **Rockside Business Pointe**—A Webb/Henne 113,000 square foot office/warehouse project in suburban Cleveland, Ohio.

■ **Forum Building**—This \$8.2 million Webb/St. James office rehab project in Springfield, Massachusetts contains 65,000 square feet.



One Pensacola Plaza



Xerox Plaza

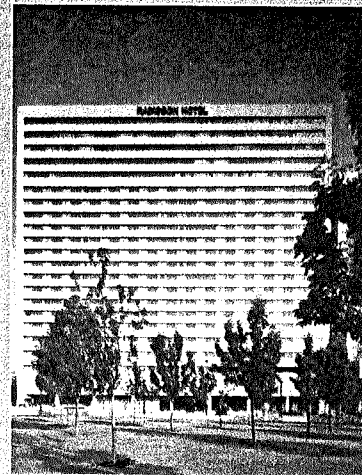
■ **One Pensacola Plaza**—Ideally situated in Pensacola, Florida, this \$15 million office project was developed by Webb/Brown.

■ **Xerox Plaza**—A 34-acre, \$40 million Webb garden office park in Lexington, Kentucky includes 16 buildings and is strategically located near the airport.

■ **Settler's Green**—A Webb/St. James venture for North Conway, New Hampshire. Settler's Green is a \$75 million, mixed-use project and will include a 250,000 square foot hotel, 90,000 square feet of retail space, and 140 residential condominiums on an 87-acre wooded site.

■ **Winston-Salem Industrial Park**—An \$80 million, 170-acre R&D project developed in Winston-Salem, North Carolina by Webb/Winston-Salem. Phased construction will stay ahead of the market demand.

■ **72nd Street Condominiums**—A Webb/St. James \$25 million project containing 66,000 square feet in 39 condominiums in Manhattan.



Radisson Plaza Hotel Lexington



The Woodlands

■ **Vine Center**—A \$65 million office/condominium/hotel development in Lexington, Kentucky. Vine Center contains a 377-room Radisson Plaza Hotel; 40 elegant condominiums; a 500-car parking garage; and a 260,000 square foot office tower.

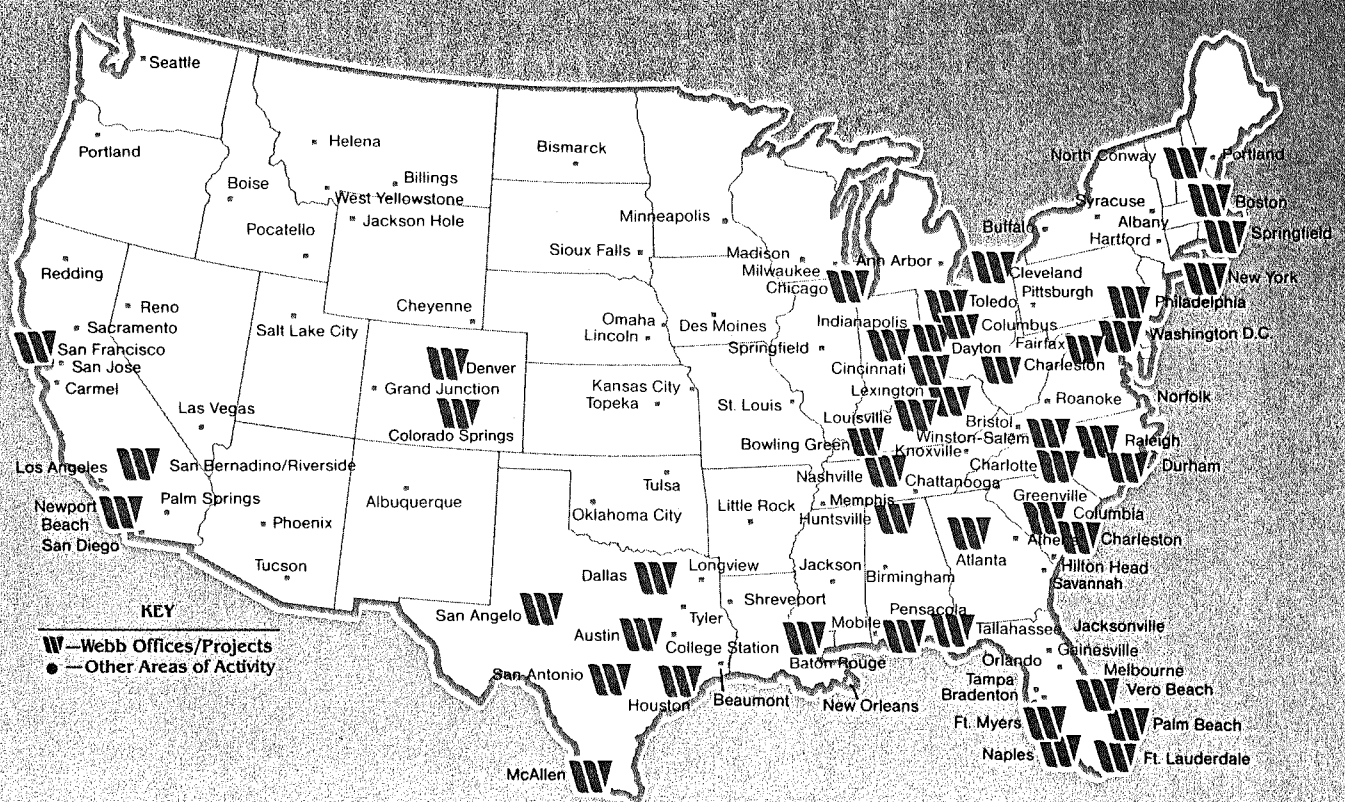
■ **The Woodlands**—This elegant Webb/Lexington project is a \$20 million luxury condominium community with 226,000 square feet in 82 units.

■ **Ashby Square**—This \$5.6 million, 43,000 square foot retail project in Louisville, KY is a Webb/Silliman project.

■ **GTE and People's Security Towers**—These Dudley Webb & Companies' projects in Durham, North Carolina are valued in excess of \$50 million and have a combined total of over 400,000 square feet of office space.

INDUSTRIAL

RESIDENTIAL



LET'S TALK NUMBERS

In ten short years, hard work and dynamic partnership synergism have propelled The Webb Companies into the forefront of the national development arena.

Now ranked 4th in America by *Building Design & Construction* magazine, we have well over a billion dollars of diversified projects underway—office towers and garden office clusters, mixed-use complexes, luxurious hotels, successfully performing retail centers, warehouse and functional distribution facilities, and elegant residential developments.

The Webb Companies innovative local partnership network, supported by a top-flite national headquarters staff are developing tomorrow's landmarks in over 40 states—with even more

exciting plans for '86 and beyond.

With a picture being worth a thousand words, these of our projects are likewise worth over a billion dollars. We invite you to peruse this project update and synopsis of our exciting endeavors. Whether you're a potential venture partner, investor, lender, tenant, or simply an individual who has an appreciation for excellence, we invite you to evolve with America's fastest-growing development team—The Webb Companies.

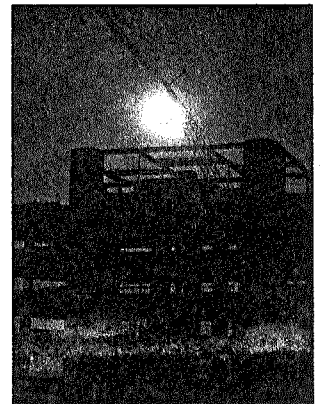
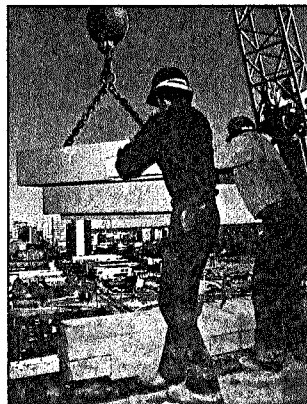
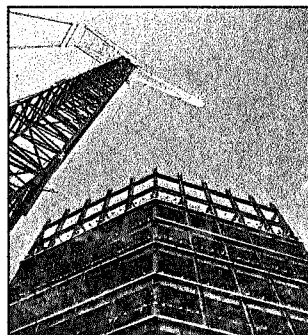
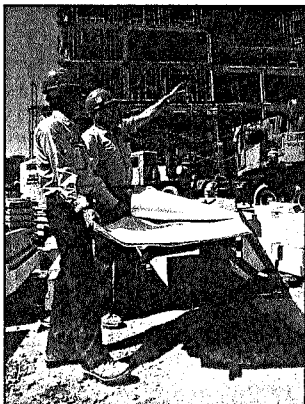
HERE'S OUR SECRET

The Webb organization pivots around an especially flexible arrangement whereby Local Operating Partners have complete operational responsibility for development in their respective markets with most participating in ownership of these projects with an equity position.

As evidenced by the map above, this organization is

active in every geographic quadrant of the country. Our professionals support our local teams and their projects with all services—from project feasibility evaluation and site acquisition, through finance, design, and construction, to marketing, leasing and management of the finished product. Additionally, the partners have available to them certain pre-existing banking relationships with debt and equity sources, as well as sophisticated accounting and cost control systems to assist them in running their respective day-to-day operations.

Yes, a new force in American real estate development has emerged—The Webb Companies—and we're Developing Tomorrow's Landmarks™

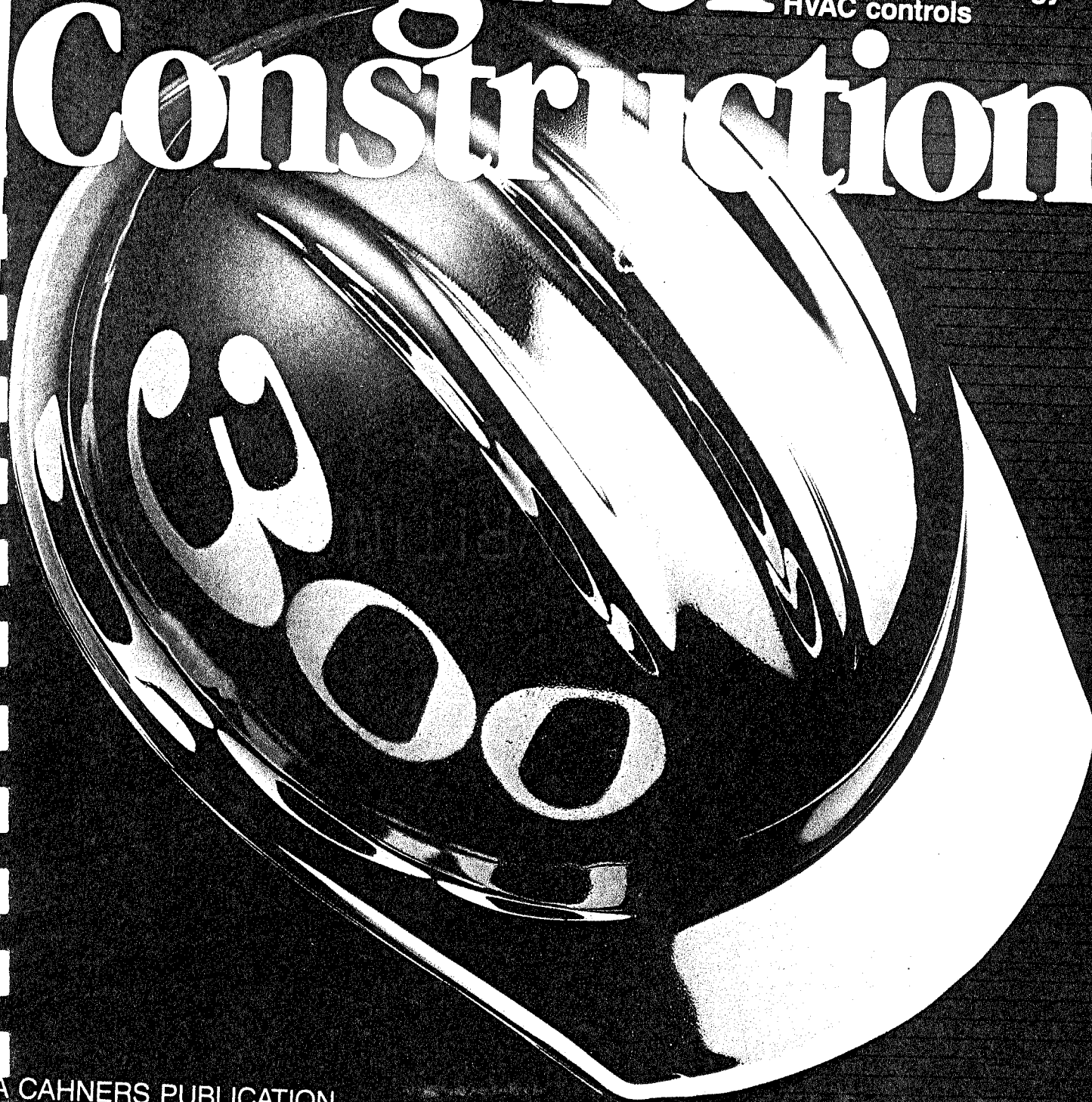


Building Design & Construction

DECEMBER 1985

*BD&C's exclusive Owner
300: Seventh annual report
on construction and
reconstruction activity by
the leaders*

*Emerging technology:
HVAC controls*

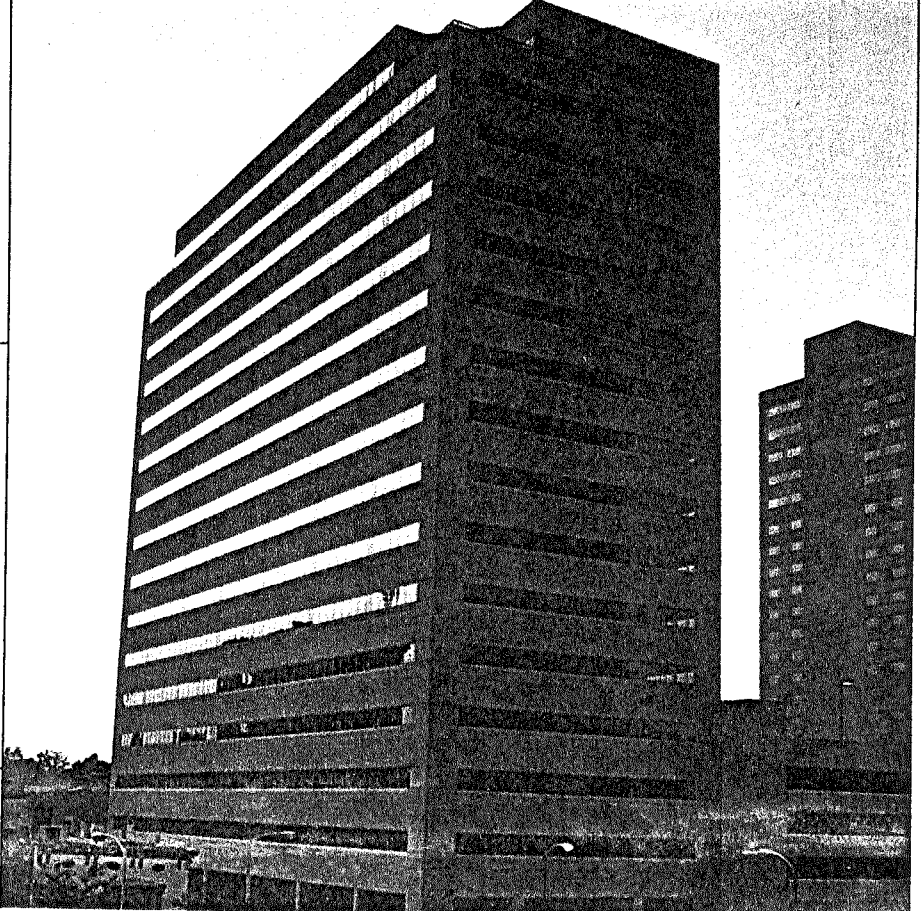


A CAHNERS PUBLICATION

DIVERSIFIED DEVELOPERS

PUT IN PLACE CONSTRUCTION RISES 16%

Led by a boom in office construction, total volume reached \$17.8 billion, up from \$15.3 billion in 1983

<p>1 (1) \$2,205,000</p> <p>Trammell Crow Co. 3500 LTV Center 2001 Ross Ave. Dallas, Texas 75201-2997 J. McDonald Williams Managing Partner</p> <p>The private firm put in place 14 million square feet from June 1984 to June 1985. Construction was 22% offices, 25% R&D facilities, 20% warehouses, 15% mixed-use projects, 5% hotel/motel, 3% multifamily housing, 8% shopping centers and 2% single-family housing (not included in total). No design and no construction is done in house. Projects include 22 specialty shopping centers in 14 cities.</p>	<p>4 (9) \$746,780</p> <p>Webb Companies 1700 Vine Center Lexington, Ky. 40507 Dudley Webb, Chmn.</p> <p>Includes \$26 million of reconstruction. Private firm grew by 103% compared to previous year and now has projects or offices in 58 cities, up from 26 the year before. Firm expects construction to reach \$1 billion in 1986. Little design and construction is done in house. Prefers negotiated contract. Volume was 61% offices, 21% mixed-use projects, 10% retail and 2% warehouses.</p>	<p>5 (6) \$743,200</p> <p>Prudential Insurance Co. 20 Prudential Plaza Newark, N.J. 07101 Arch Jacobson, Pres. Robert Fulford, VP — dev. Ronald Rayevich, VP — finance</p> <p>Includes \$93.5 million of reconstruction. Firm reorganized its real estate operations in 1984 and formed The Prudential Realty Group, which has six units: Prudential Development; Prudential Mortgage Capital; Acquisitions and Sales; Portfolio Management; Leasing and Management; and Prudential Agriculture. No design and construction is done in house.</p>
<p>2 (2) \$2,000,000</p> <p>Olympia & York 237 Park Ave. New York, N.Y. 10017 John Norris, Exec. VP Nathaniel Stein, Sr. VP</p> <p>Estimated by <i>BD&C</i>. Canadian-based Giant does no design but most construction in house. In-house construction division is O & Y Construction Corp. Nearly complete is the 8 million-sq.-ft. World Financial Center, New York City. Under development is a 4 million-sq.-ft. mixed-use project in San Francisco. Under construction is a 550,000-sq.-ft. office project at 425 Lexington Ave., New York City.</p>	<p>Vine Center - A \$66 million mixed-use complex developed by The Webb Companies in their national headquarters city, Lexington, KY.</p>	
<p>3 (3) \$1,365,770</p> <p>Lincoln Property Co. 3300 Lincoln Plaza 500 N. Akard Dallas, Texas 75201-3394 A. Mack Pogue, Chmn. Preston Butcher Rgnl. Ptrn. William Duvall, Rgnl. Ptrn.</p> <p>Private firm completed more than 17.5 million square feet in 1984. Construction is expected to total \$1.74 billion in 1985 and \$1.325 billion in 1986. Firm has expanded retail operations into southeast and southern California and established a subsidiary, LinCon, to provide telecommunications services.</p>		

EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

LAND USE - HISTORICAL TRENDS

There have been some historical land use trends - general to the United States and specific to Portland - which should be considered regarding zoning at Eastern Point. Essentially, industry has been moving out - out of the city and, in cases, out of the country. Land costs, transportation technology, environmental concerns and the cities themselves have encouraged the move. The function of the city has changed and is changing; as a result, what was a good industrial site 50 years ago may be inappropriate today. In older industrial areas, such as Portland's waterfront, substantial land areas are zoned for industry (90% in this case). It is the Planning Board's role to ensure that reuse of excess industrial land by growing sectors of our economy is accomplished harmoniously.

Industry and Manufacturing Less Predominant

Nationally, the service sector is replacing manufacturing as the predominant economic activity. Not only is manufacturing of consumer goods moving to foreign shores, but also there is a greater use of machines, computers and robots to replace human labor. In Portland while manufacturing continues as an important activity, the greatest growth has been in office and service-related jobs.

Industry Following Transportation Lead

Industry, once central to the downtown areas of our country, has been steadily moving to the suburbs for the past thirty years. We probably can blame the car and the interstate system for this trend which has oriented industry toward the truck and away from the railroad. In addition, the relative cost of land in an urban setting has contributed to the trend; employee parking, something unthought of years ago, demands larger land areas. And the interest in environmental quality of life has encouraged certain potentially hazardous industrial practises to locate in areas where population is less dense than the urban core.

Municipal Industrial Parks Encourage Decentralization

The cities have encouraged this trend of industry moving out. Noting the movement of industry to the suburbs, the cities tried to compete by creating their own publicly-supported industrial parks, attracting interstate interchanges and subsidizing new suburban-type industrial plants with low land costs, tax incentives, industrial bonding and various public facilities and services. Since most industrial growth comes from within a community, these new industrial parks typically attract local companies from older more centralized

plants that are no longer efficient. Then the cities notice that their central areas have become vacant and dilapidated; from the late 50's on to the mid-70's, the response was urban renewal to battle this new problem. This phenomenon has been almost always accompanied by a drastic change in land use. Numerous examples exist in Portland where this fundamental change took place.

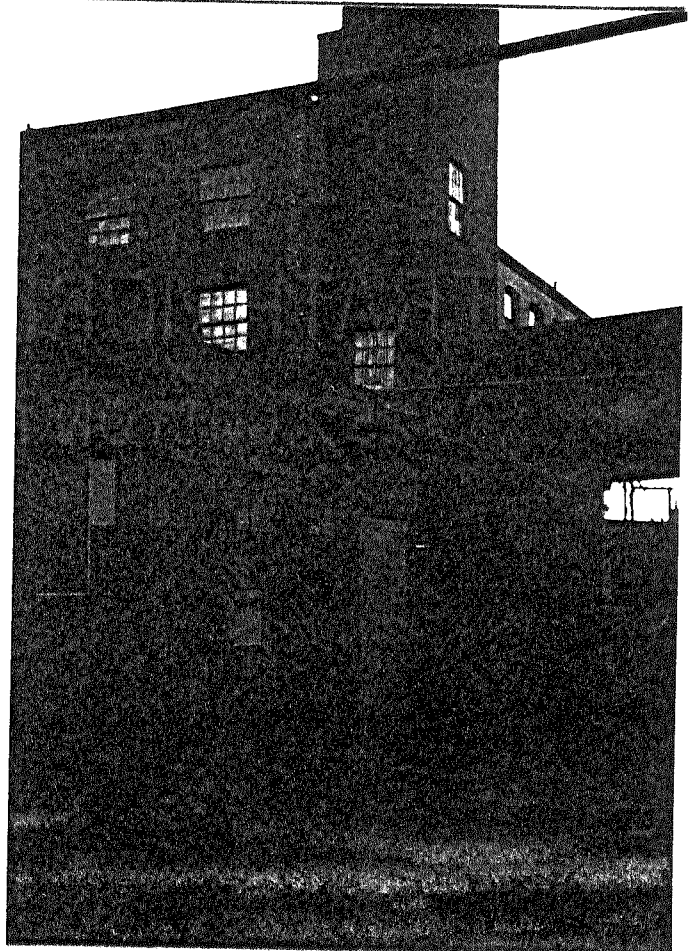
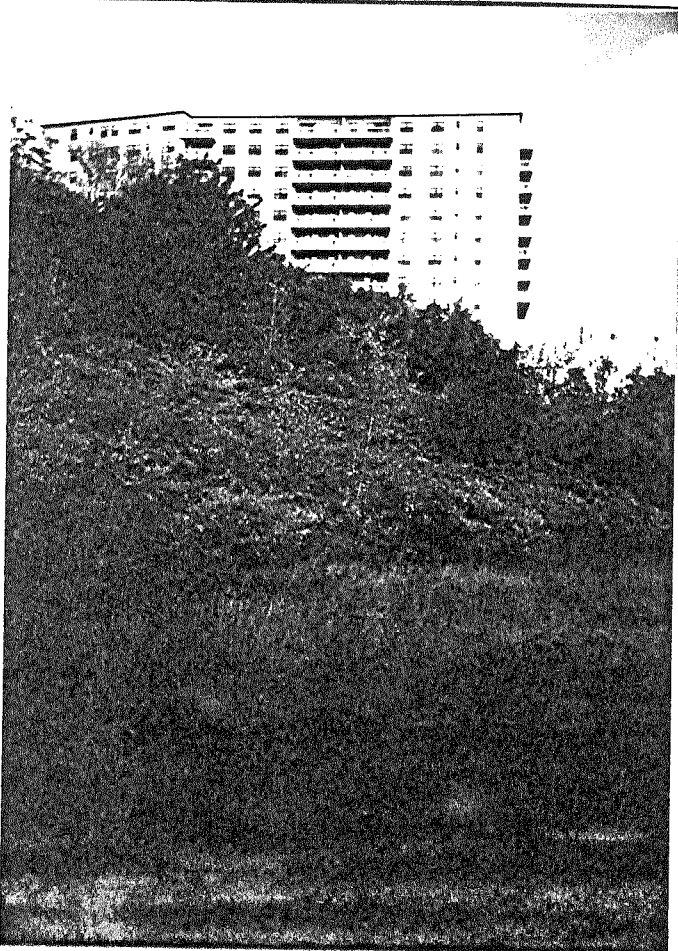
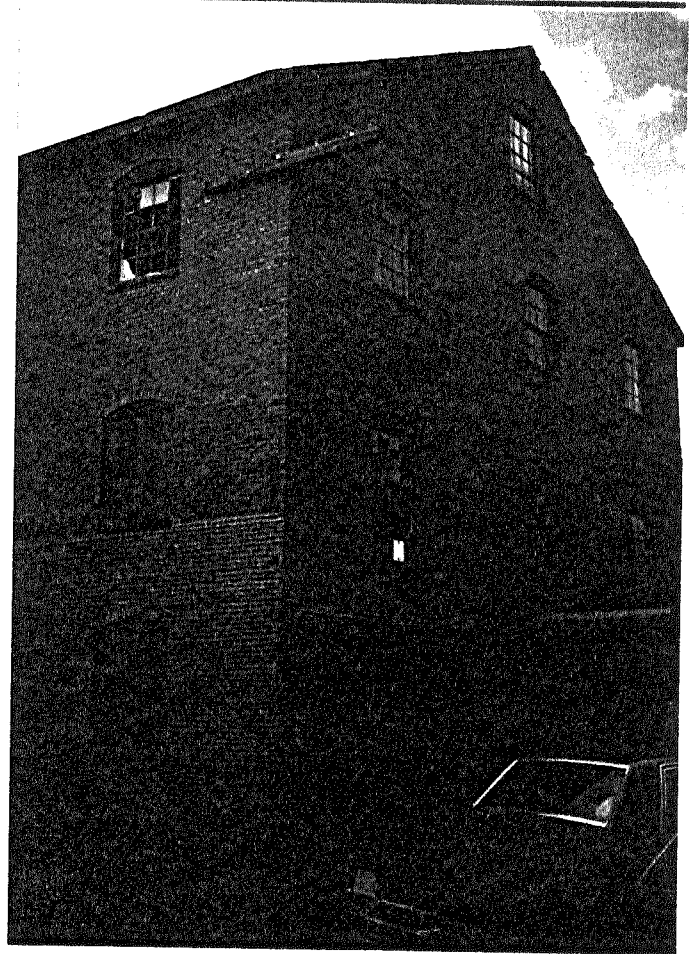
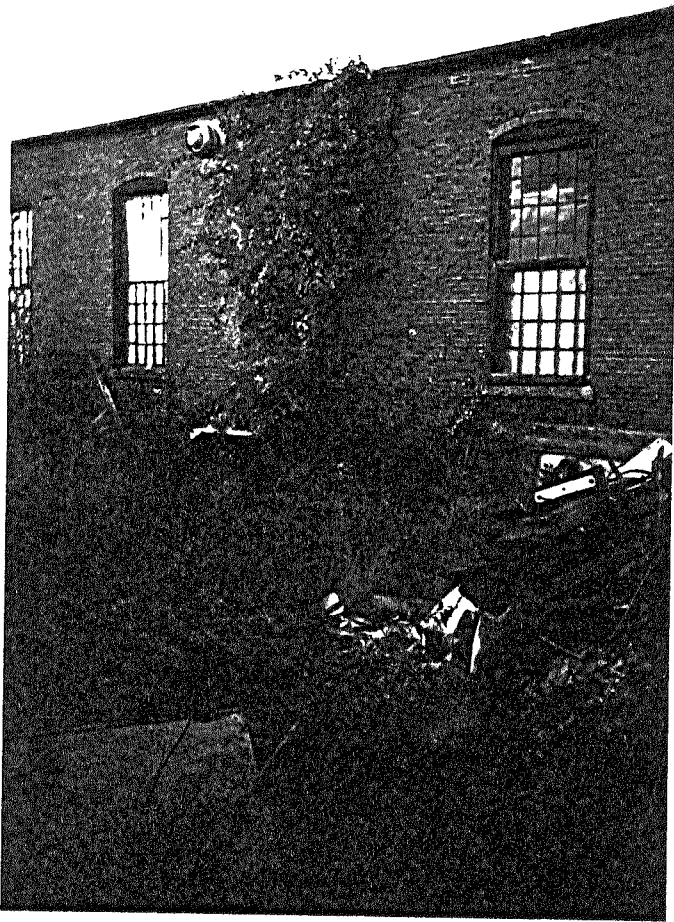
New Function of Cities in Relation to Economy

Essentially, each one of these changes represent an evolving new function of our society, our economy and our cities. This trend is continuing and will continue - with the central core becoming more service oriented and industry/manufacturing located outside the congested areas and near highway routes. The events occurring east of the downtown are consistent: Portland Company, American Hoist, National Distributors, Jordans Meats either closing the doors or relocating to the suburbs. Far from this area providing a desirable urban location for industry to flourish, we are seeing the flight of industry from this very location to the suburbs and, in the case of American Hoist, to more efficient plants overseas. AgriTech was planning such a move until the Eastern Point opportunity became available.

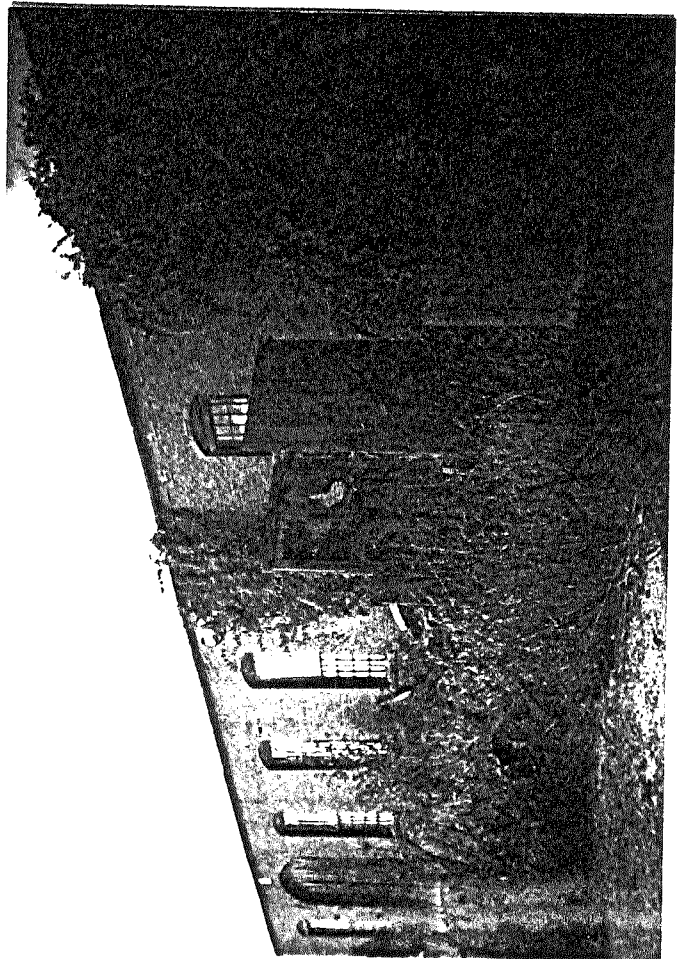
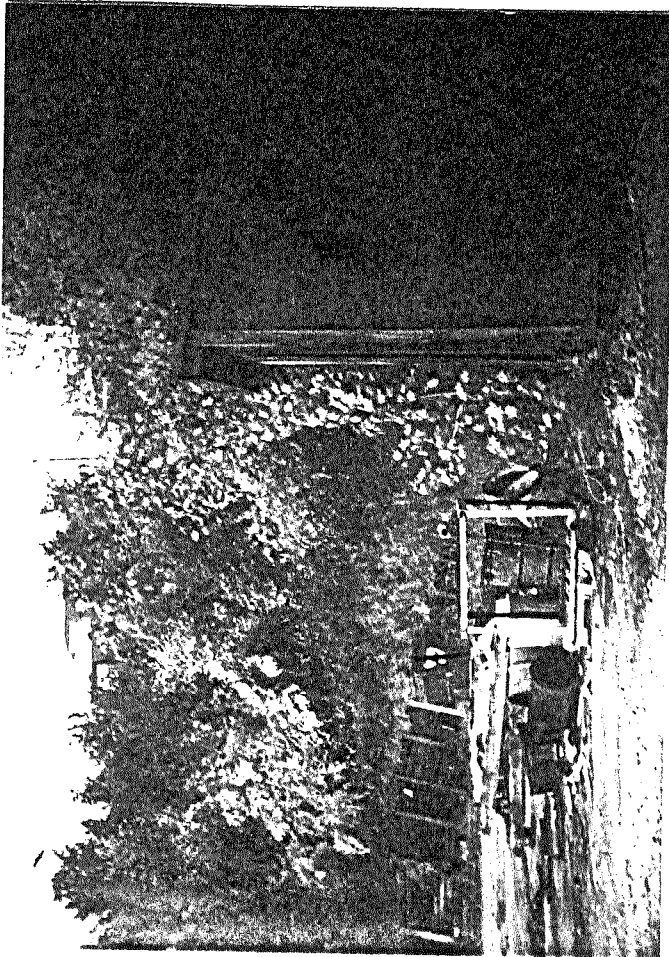
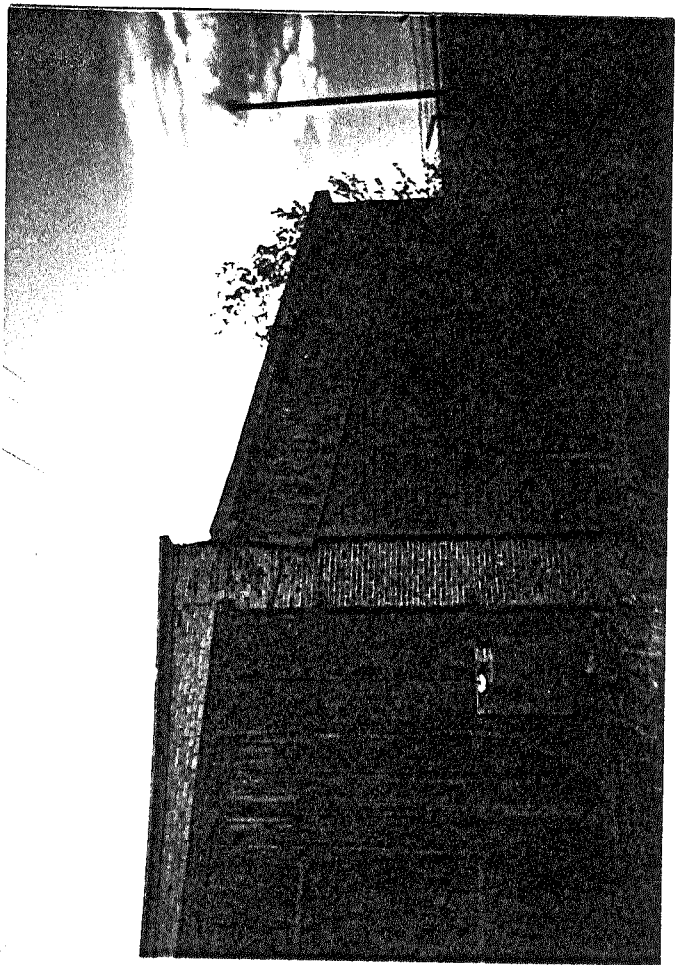
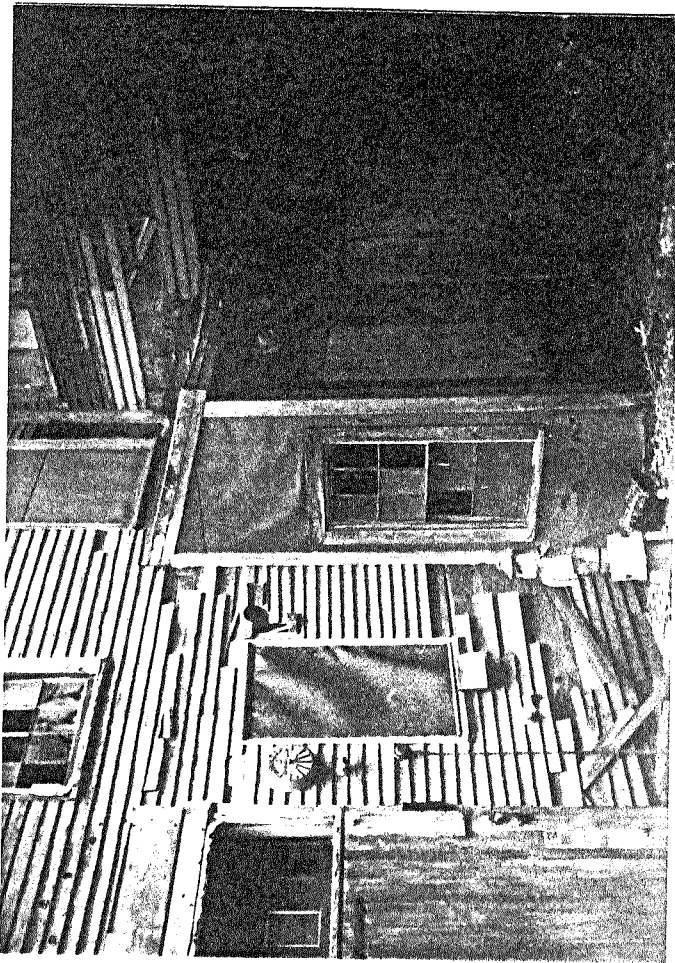
Land Values Accelerate Trend

The overall trend in this sector of the city is further accelerated by land value issues. The free and competitive land market has dictated prices for land in the eastern portion of the waterfront which is many times higher than for more appropriate industrial land at well-serviced suburban sites. A matter of economics and preference for the suburban site dictates that the land east of the downtown and near the waterfront will not be used solely by industry for the foreseeable future. Over the past few years, the City has found it necessary to provide public support to certain activities in order for them to compete in the private market: both Ferry terminals, the fish pier and BIW. Certain types of industry and commerce can survive without public support in this area only within the context of a multiple purpose environment where the high market values of one type of use can support certain types of other uses. Thus, housing can provide the support for upbeat high-tech industry, marina/breakwater uses, and fishing boat berthing because the proximity of these makes the housing more exciting.

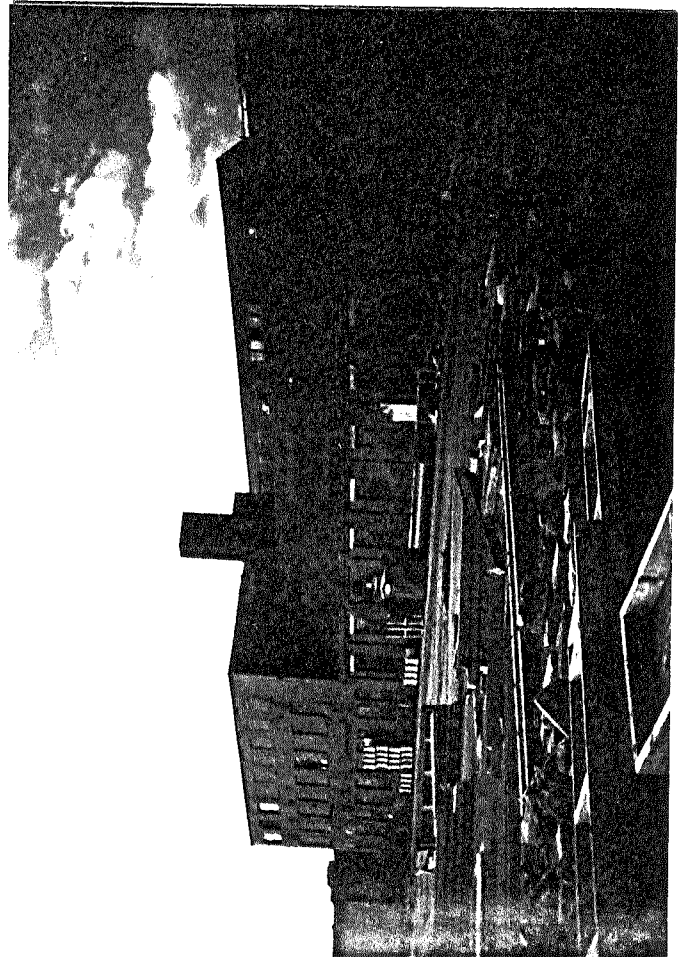
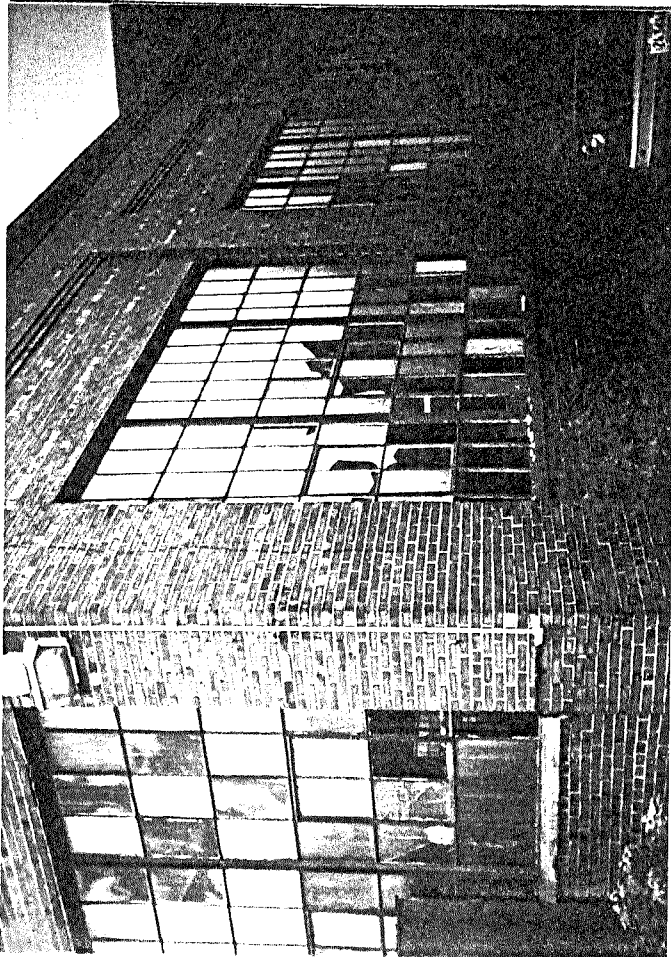
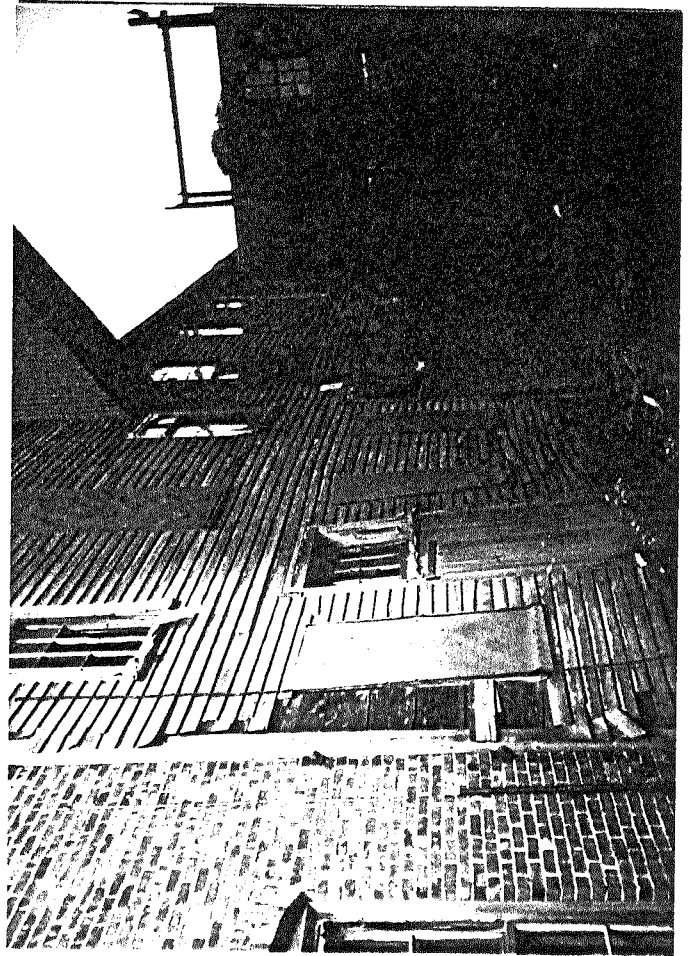
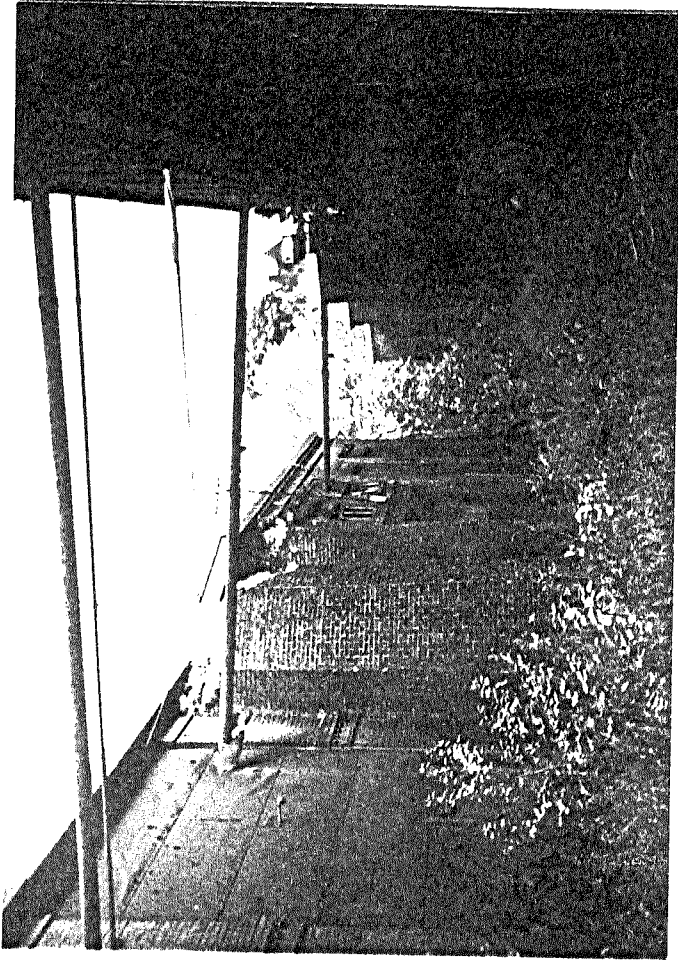
EASTERN POINT - EXISTING BUILDING CONDITIONS



EASTERN POINT - EXISTING BUILDING CONDITIONS



EASTERN POINT - EXISTING BUILDING CONDITIONS



Drawbacks of Site for Modern Industry

Except for specialized industrial groups, the area in the eastern portion of the waterfront is no longer attractive to general industry. One of the attractions of the area to AgriTech and firms like it is the intrinsic attractiveness of the area. Most of its personnel are highly trained, many with multiple university degrees and certificates and many with Phd's in their specialized field. AgriTech's locational needs are as much to please its employees as it is to operate its business.

General industry typically does not have this need and functional operation is the critical factor. The area and site have the following drawbacks in factors for which industry is looking:

- * Narrow residential streets.
- * Numerous intersections for trucks to maneuver.
- * Steep slopes entering the site from Fore Street.
- * Lack of expansive areas for employee parking, truck loading and maneuvering.
- * High land costs.
- * High development costs.
- * Old multi-story buildings which would have to be demolished to create one-story modern facilities.
- * Much better industrial sites near outlying interstate areas at lower land and development costs.

Waterfront Land Available for Industry

In his July 10, 1986 report to the Planning Board, Philip Meyer analyzed uses within the Waterfront study area of the Board. In the report, his summary identified the following:

- * 88.3% of the land area and 93% of the shoreline permits industrial use.
- * 11.7% of the land area and 7% of the shoreline is zoned residence - and all of this is in the Eastern Promenade/Sewage Treatment Plant area.
- * 82.1% of the land area and 81% of the shoreline prohibits residential use.
- * If the Eastern Promenade Parkland and Sewage Treatment Plant are deleted from consideration, 100% of the land area and shoreline permit industry and none of the land area or shoreline permit residence outright. (residence in the W-1 zone needs Planning Board approval).

The importance of the preceding is to clarify public misconceptions that waterfront industrial land is extinct, that the city has lost control of development and that a moratorium on waterfront housing is needed. The facts clearly state that there are extensive waterfront industrial areas (100%) and that the Planning Board has substantial control over growth in the waterfront area. On the contrary, it is an increase in other sorts of waterfront zoning which is needed to permit balanced growth and use of the Portland waterfront by all segments of the community and its growing economy.

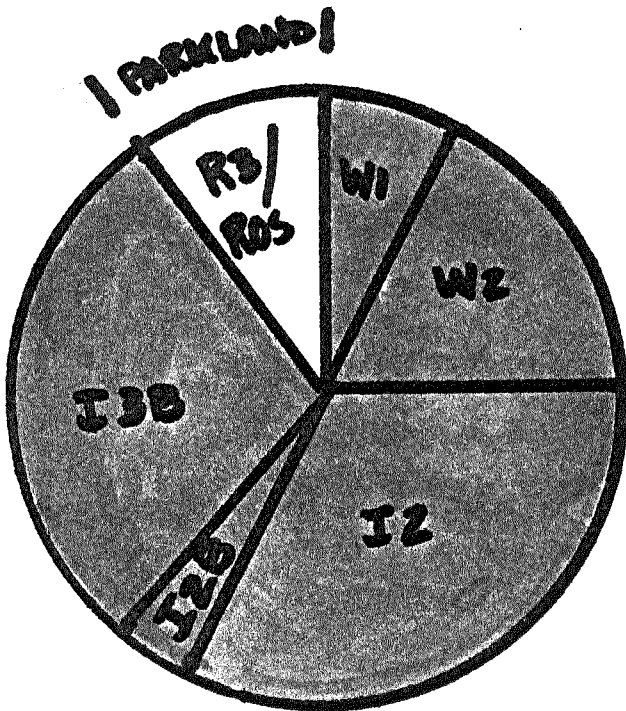
Mr. Meyer's chart is reproduced in an attachment which graphically depicts the proportions in "pie-chart" form.

In summary, it is suggested that industry, as we may have known it, is undergoing a transformation which has been underway for many years. It is unlikely that the waterfront areas of Portland will recapture the industries of the past. The fact that this industrial site has been sitting essentially vacant for a number of years and that new vacant industrial sites are being created adjacent to it (Jordan Meats & American Hoist) - WHILE AT THE SAME TIME NEW INDUSTRIAL PARKS ARE BEING DEVELOPED NEAR THE TURNPIKE - is an indication of the unsuitability and lack of demand for industrial uses at this location in the Portland area. New, just as vibrant and productive, uses will take the place of the old guard industries and the job at hand is to bring these forward in the best way possible.

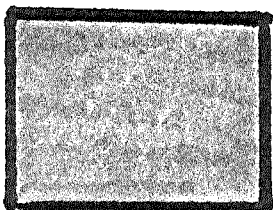
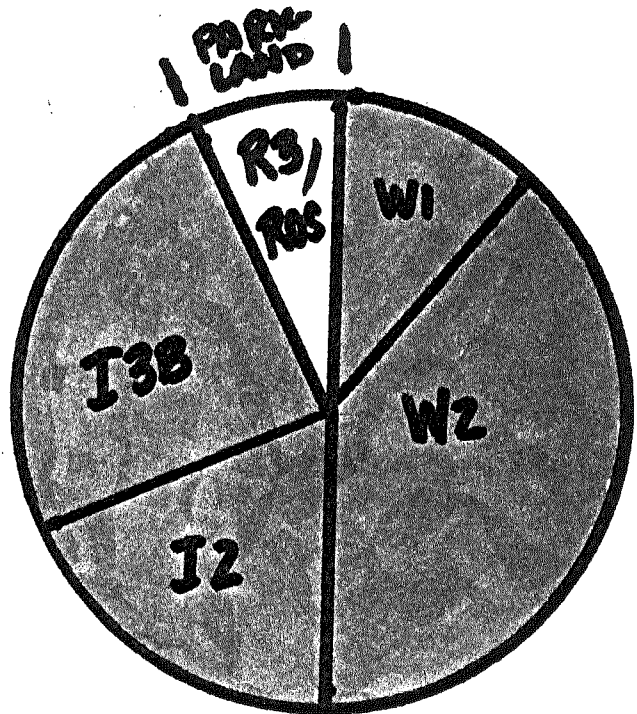
Zoning in Waterfront Area (P. Meyer memo of 7/10/86)

Area by Zones	Approx. Area		Length of Waterfront	
	SF	Ac.		
W-1	1,082,324	24.85	6.2%	5,200 ft. 12.0%
W-2	3,275,929	75.20	18.7%	16,790 38.0%
I-2	5,589,517	128.31	31.8%	8,360 19.0%
I-2b	534,092	12.26	3.0%	0 0
I-3b	5,008,531	114.98	28.6%	10,344 24.0%
R-3/ROS	2,053,453	47.10	11.7%	2,940 7.0%
		402.70	100.0%	43,634 ft. 100.0%

ZONES BY AREA



ZONES BY SHORELINE



INDICATES ZONES
WHERE INDUSTRIAL
USES ARE
PERMITTED

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LAND USE - RELATIONSHIP TO SURROUNDING AREA

Given historical and trends, Eastern Point seeks to react to these changes in the most sensitive manner possible within the arena of market necessities. In doing so, we saw a growing commercial waterfront to our west and a residential neighborhood to our east and north, now undergoing its own form of change which strengthens it as a residential area.

Eastern Point also sees a growing demand for waterfront-related services as well as a growing and intense desire by Portland residents to reclaim their access to the water. With the exception of Bath Iron Works, there is a drastically reduced industrial area, with most of what remains vacant and deteriorating. Attached is a map which sketches out rough boundaries of these general uses.

Extension of Strong Adjacent Uses

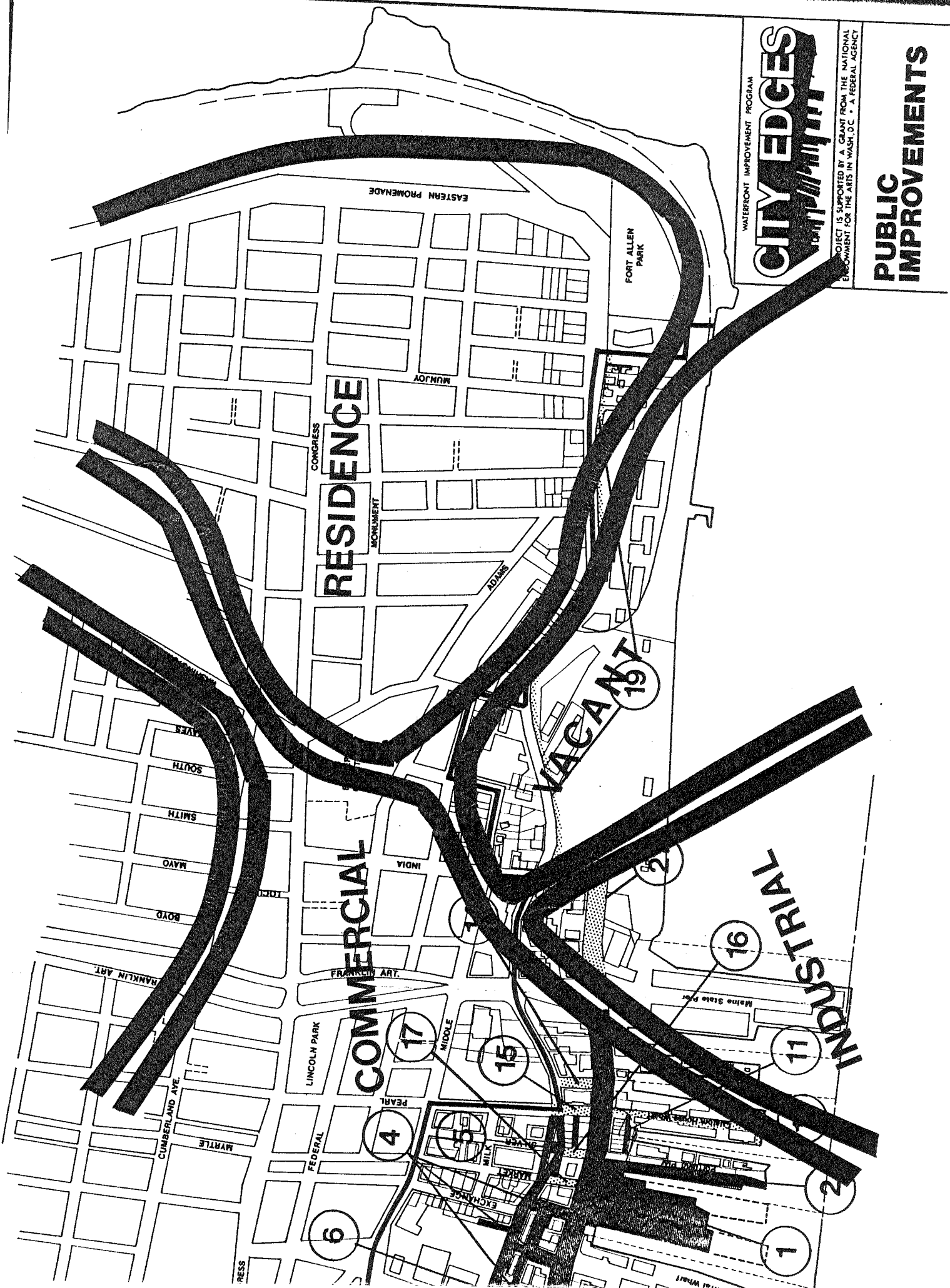
Using the map, you will see that Eastern Point essentially extends a strengthening residential neighborhood at the project's north and eastern boundary. Adjacent to and west of the residential uses, the project incorporates a small compatible collection of retail, service and office uses. Then further west, Eastern Point contains the industrial component, AgriTech, which is adjacent to commercial and industrial areas of the neighborhood. The retail and office portion of Eastern Point act as a buffer between residential and industrial components since retail/office uses are mutually compatible.

Berthing Relates to Uses

The berthing area follows the same philosophy with recreational berthing compatible with residential uses to the east and commercial berthing adjacent to the industrial component. The principal open space area is between the commercial and residential area, acting as a further buffer and this open space leads to the main marina pier which will function as a pedestrian promenade and public landing.

Land Use Compatibility

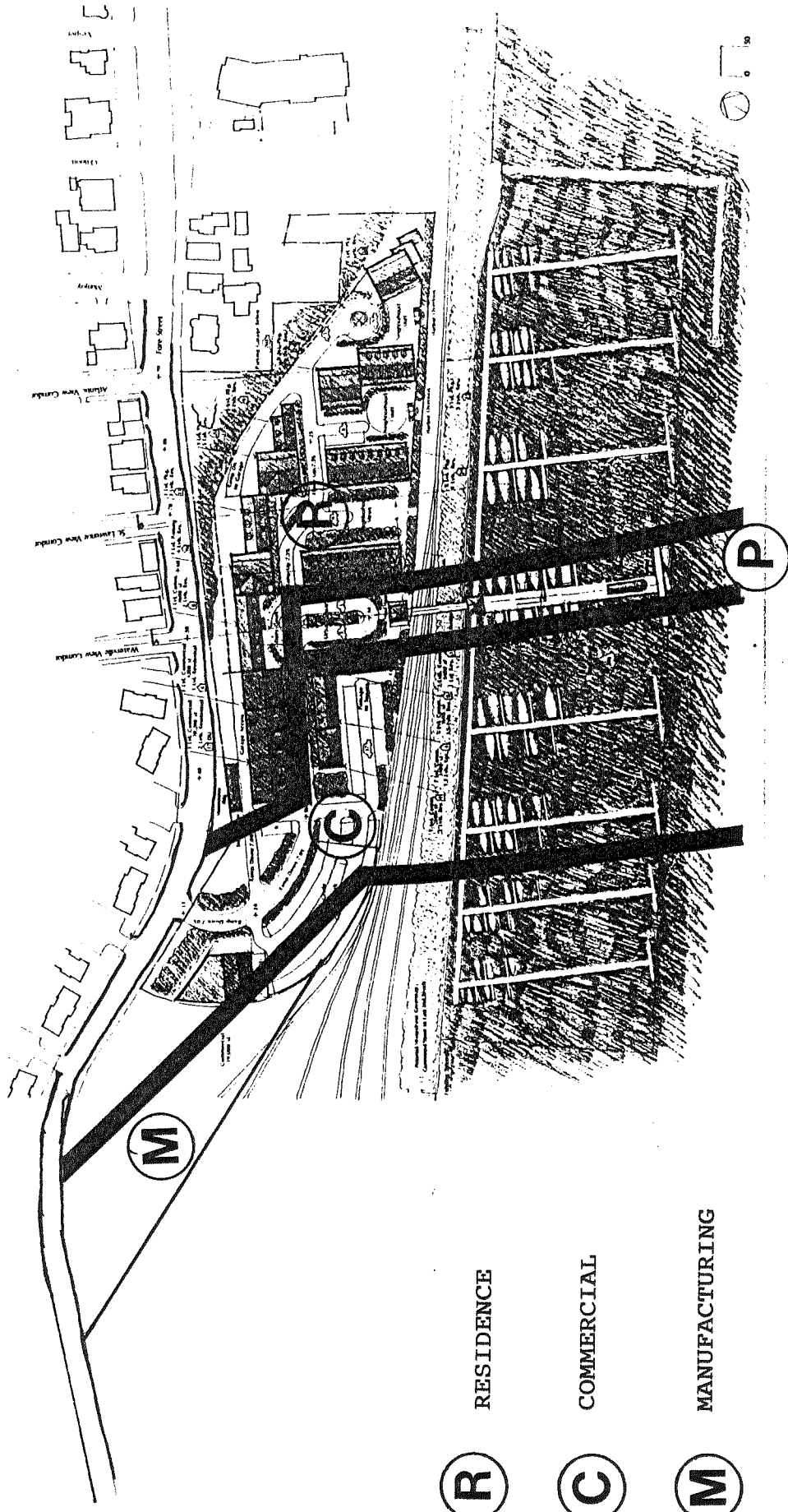
In summary, Eastern Point has worked hard to adapt its plan to the various adjacent land uses so that each is compatible to its neighbor - both internally to the project and externally with the existing neighborhood. We believe it to be a very sound land use and water use plan. It further responds to the trend of land use shift being experienced in Portland and other central cities.



WATERFRONT IMPROVEMENT PROGRAM
CITY EDGES
 CITY OF BALTIMORE

PROJECT IS SUPPORTED BY A GRANT FROM THE NATIONAL
 ENDOWMENT FOR THE ARTS IN WASH., D.C. - A FEDERAL AGENCY

**PUBLIC
 IMPROVEMENTS**



(R)
RESIDENCE

(C)
COMMERCIAL

(M)
MANUFACTURING

(P)
PRINCIPAL PUBLIC ACCESS

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ZONING ANALYSIS

Approach

Eastern Point Associates applied for a zone change which would zone the site W-1 waterfront. This zone remains the most adaptable to the multiple-purpose nature of the Eastern Point Project.

However, numerous concerns have been raised regarding the use of W-1 zoning east of Franklin Street and the Planning Board has suggested the use of R-6, B2 and industrial zoning to accomplish objectives.

Suggested Alternative

As a result, Eastern Point is suggesting an alternative which would zone the wholly residential portion of the site R-6 Residence and the multiple use portion of the site B-2 Business. The AgriTech facility and the boat basin would be permitted in the I-3B Industrial zone.

The heavy industrial I-3B zone, however, does not appear to relate to the current land use trends in the area or to the spirit of development plans expressed by the Planning Board for the land between Franklin Street and the Eastern Point project. While we do not mean to speak for adjacent landowners, Planning Board rezoning of the adjacent area may impact the zoning for AgriTech. Our opinion is that, should the area between our site and Franklin Street be developed, the likely re-uses will be commercial and some limited and specialized, high-value industrial or R & D activity, similar to AgriTech. We would see the I-2 Industrial Zone to be the most compatible for this mixed grouping of uses; I-1 zoning would prohibit many commercial uses which would be desirable for this area.

A suggested zoning map using the R6/B2/I2 concept is attached. While only limited commercial uses are anticipated at Eastern Point, ground floor commercial facing onto the principal public area leading to the main pier creates an exciting environment in this area which we wish to achieve. Furthermore, ground floor commerce reinforces it as a public area and provides a "welcoming" force to neighborhood residents and the general public. We believe that the ability to provide such an environment will help us to integrate the project with the neighborhood, a goal suggested to us by the Munjoy Hill Neighborhood Organization. Accordingly, the B-2 Business Zone has been drawn to allow for commerce on the first floor and residence above; neither the R-6 or I-2 zone would permit this.

Density Analysis

Total Acreage:	511,222 sq.ft. or 11.74 acres
330 residential units x 1000 sq.ft. per d.u. = (R-6 Zoning Standard)	330,000 sq. ft.
Leaving for commercial use	181,222 sq. ft.
Proposed commercial floor area	55,000 sq. ft.
Floor Area Ratio of	0.30 : 1.00
Or	13,220 sq.ft. floor area per acre

In summary, the project is not overly dense. When the acreage needed to meet R-6 standards for residence is subtracted, a very low density formula for the commercial uses results.

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ROOF HEIGHTS & SCALE

As noted in other sections of this report, significant care was taken in the design of Eastern Point to be sensitive to adjacent neighborhoods, their views and the integrity of the neighborhood. Accordingly, the current design places buildings in such a way as to minimize any obstruction and, where possible, to enhance principal view corridors. (See Section 14 for discussion of this item)

There is also a critical need to maintain a project of an economically viable size and scale in order to meet the many objectives demanded of the project by its partners, its neighbors and its community. Many of these objectives - such as affordable housing, commercial berthing, public access initiatives, breakwater improvements, etc. - make limited or negative financial contributions to the project and must be offset by a "critical mass" of portions which make positive contributions. Combined, the components of Eastern Point make up a truly desirable multi-purpose project which will serve many economic and socially desirable objectives.

In order to balance the fundamental objective of good and sensitive design with an economically feasible scale of the project, it is absolutely necessary to have some structures exceed 45 feet in height. Fortunately, the site characteristics permit buildings of such a height to be constructed with the roof peaks below the level of Fore Street. As a result, the visual impact on adjacent properties is minimized.

Relationship of Zoning

Under the original proposal to rezone the site to W-1, the Planning Board has the discretion to allow a project to exceed 45 feet if certain standards have been met. The Planning Board does not have the same kind of discretion with regard to the R-6 Residence zone. Therefore, Eastern Point Associates has recommended language for the rezoning which would allow buildings higher than 45 feet, provided that the top of the roofs do not exceed the elevation of Fore Street. Such language would preserve views by keeping buildings below the street.

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AFFORDABLE HOUSING

Eastern Point recognizes the need for additional housing in the Portland area for all incomes. Unfortunately, there are significantly less programs to provide housing for lower income groups than have existed in the past two decades.

After consultation with state and local housing officials, Eastern Point proposes a method, which by using its limited resources, affordable housing can be enhanced.

1. Affordable Housing at Eastern Point

As proposed, Eastern Point plans include 300 private market residential units. Eastern Point proposes an additional 30 units to be provided as either rental or owner housing under existing State Housing Authority programs.

Recognizing the existing financial constraints of both State Housing Authority programs, Eastern Point need to provide "write-down" subsidies to these 30 units in order to make them workable within state of Maine requirements.

2. Financial Contribution to City of Portland Housing and Job Funds

The City of Portland maintains two specific funds used to seed the provision of (1) affordable housing and (2) job-producing business/industry.

Eastern Point proposes to contribute \$300,000 to either or both of these funds. Upon the sale or rental of each private market residential unit, \$1,000 will be contributed to either of the funds. Eastern Point suggests an equal amount to either and in proportion to sales. However, the City may prefer one fund to receive preference.

Eastern Point believes that the above two-part program to assist housing and jobs opens a new era to the ways in which private development can assist in achieving public goals. We believe that this precedent can be a positive and productive beginning to a new level of public-private partnership in the City of Portland.



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HOUSING

Low-income shortage

The very fact that Portland's Munjoy Hill residents are mounting an assault on proposed residential developments that would actually improve the neighborhood underscores the lack of affordable low- and moderate-income housing in the Greater Portland area.

Munjoy residents fear that if a run-down industrially zoned waterfront area adjacent to the Bath Iron Works is rezoned to permit condominium development the result will be an upgrading of the Hill that in turn will spark higher rents and property values that will be unaffordable to current residents.

That's a legitimate concern. Nevertheless, the fact is that, over the long-term, Munjoy Hill is certain to be upgraded and redeveloped; the Eastern Promenade area neighborhood is simply too valuable to remain as it is and escape unchanged.

Rather than opposing pro-

posals to revitalize the Hill, the goal ought to be to find a mechanism which would make it possible for renters to acquire home mortgages and share in the benefits. One proposal, advanced this week by the Cumberland County Housing Implementation Committee, calls for a \$250,000 county trust fund to be used as down payments on homes purchased by qualified buyers.

The study found that many county renters earn enough to meet monthly mortgage payments but aren't able to save enough to make the down payment. A revolving fund, using both public and private money, would provide a mechanism to make it possible for them to become owners.

The idea deserves exploration. To do nothing will only exacerbate the chronic shortage of affordable housing, not only in Portland but throughout the county.

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JOB CREATION

With industry moving out of the eastern portion of the City's waterfront, an objective of job creation is a goal beneficial to all involved. Eastern Point will contribute to this objective in a number of ways.

AgriTech Systems Inc.

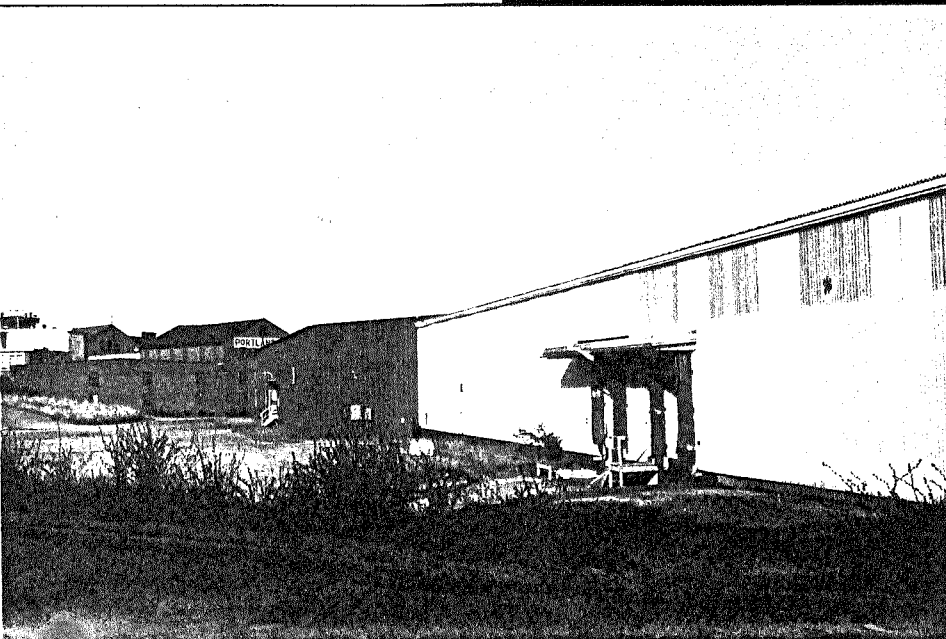
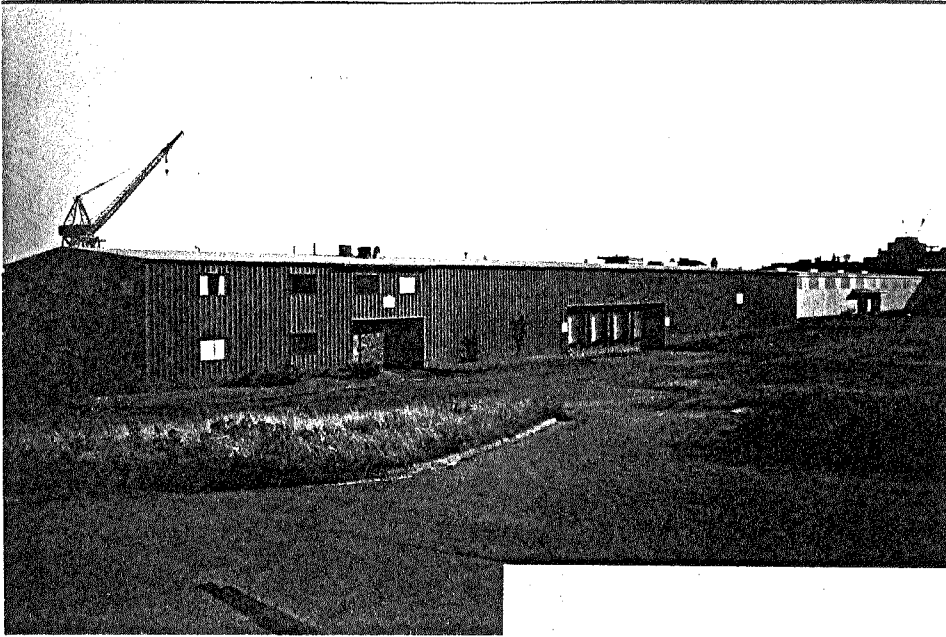
AgriTech is a relatively young, locally-owned and controlled biotechnology company. It produces and markets animal disease testing products to the agricultural and veterinary industry world-wide. It is located in Portland due only to the desire of its owner and principal staff to live in the area; it could operate anywhere.

AgriTech started its operation on site a few years ago only as a matter of convenience at the time. And while there was an intrinsic desire to remain in the neighborhood by top management, rapid company growth and land economics was urging AgriTech to look outside the City for new quarters until the Eastern Point opportunity occurred.

AgriTech makes sense for Eastern Point in that it is the type of up-and-coming industry with which the project wants to be associated. Due to the highly technical nature of the company, wages are high and there may be market opportunities for residential units within the company. Lastly, the company is growing and future growth may result in mutual development opportunities. Standing alone, the relocation of AgriTech to its new quarters does not result in any meaningful economic benefit as a real estate project. General economic benefits to the community and latent future benefits to the project are excellent.

Currently, the company has in excess of 40 employees on site. During initial discussions with management, estimates of 75 employees in three years were projected. However, rapid growth has revised these projections and the 75 employee level may be reached within a year's time. Obviously, the company may well exceed this level at the three year mark, but company officials are hesitant to project figures at this time.

AGRITECH SYSTEMS BUILDING NOW BEING
CONVERTED TO BIOTECH FACILITY AT EASTERN POINT



AgriTech Systems, Inc. is a leader in developing advanced biotechnology products for health care and quality control testing applications in:

- Veterinary Medicine
- Food and Feed Industries
- Animal and Plant Agriculture

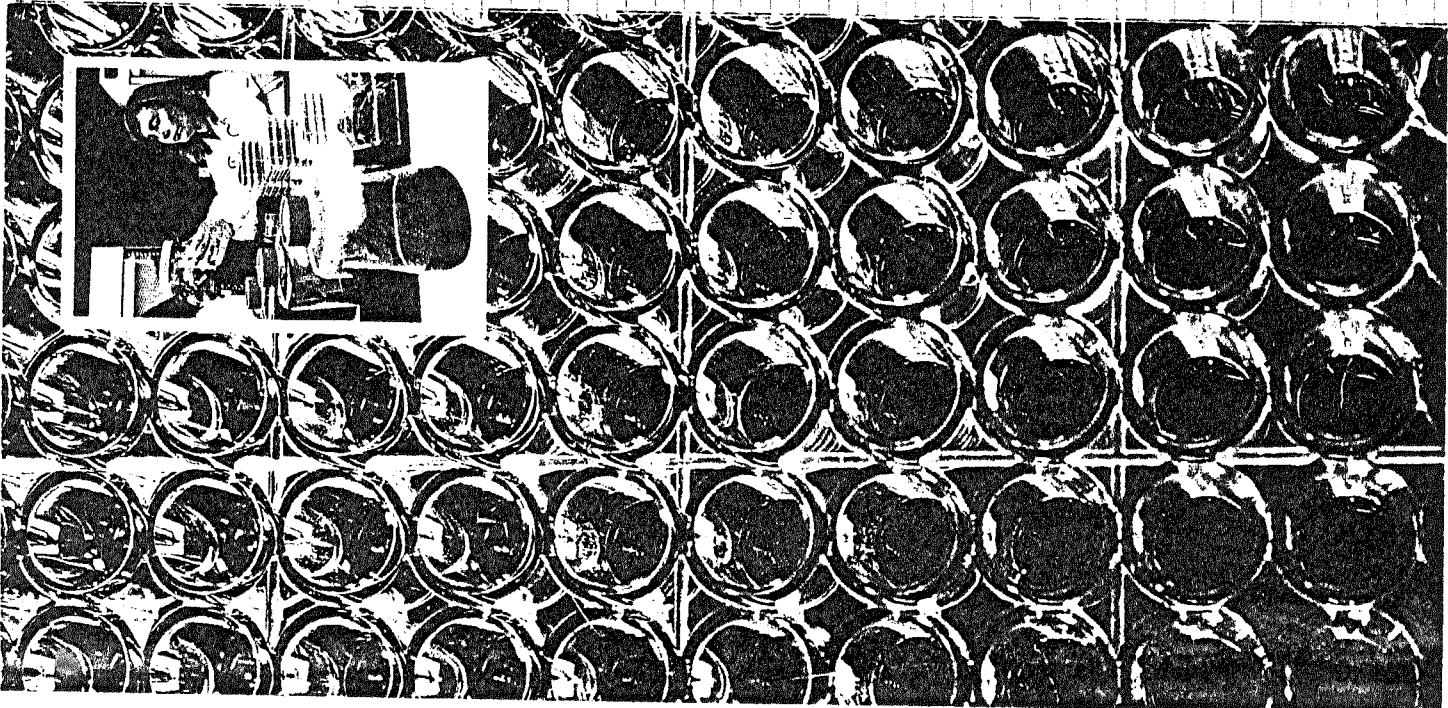
Incorporated in 1983, AgriTech was formed in response to a growing need for more effective and efficient diagnostic systems and for improved quality control and health management. AgriTech combines the resources of a leading professional staff with sophisticated new technologies to solve problems for its customers.

AgriTech Systems, Inc. putting biotechnology to work.....

58 Fore Street
Portland, Maine
04101
USA
Phone:
(207)774-4334
Telex:
9103807069
(AgriTechPOR)

AgriTech

SYSTEMS INC.



■ AgriTech's state-of-the-art technologies such as monoclonal antibody chemistry provide customers with a new generation of rapid, accurate, convenient and cost-effective diagnostic products.

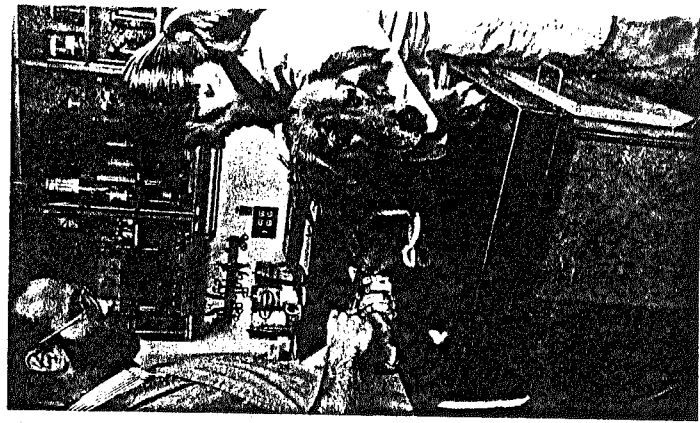
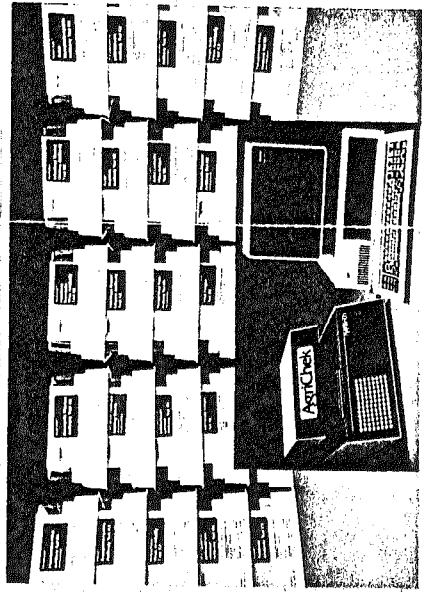
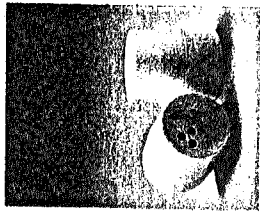
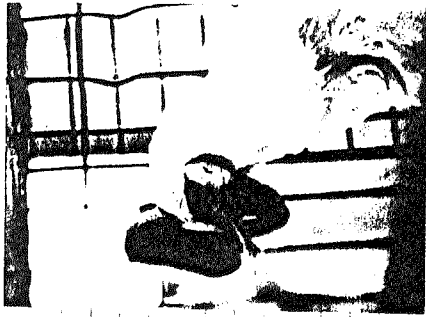
□ AgriTech's computer-assisted health monitoring systems for poultry and swine applications are used by industry and government customers around the world to improve health care management and production efficiency.

■ AgriTech's advanced fluorescent-based diagnostic system makes it possible to test up to 1000 samples per hour in a totally automated "sample-in, answer-out" format.

■ AgriTech's new disposable diagnostic devices offer revolutionary advances in field and veterinary clinic testing, with accurate on-the-spot results available in just minutes without the use of instrumentation.

■ AgriTech's staff includes leading health care and agricultural specialists with more than 100 years of combined professional experience.

■ AgriTech's headquarters, including research, development, manufacturing, marketing and support facilities, are located in Portland, Maine.



New Commercial Space

Office and retail space in 22,000 sq. ft. and the boat basin component can be expected to generate somewhere between 60 and 100 full-time jobs. This is considered conservative. Using a formula of 3 jobs per 1000 sq.ft., 66 jobs can be projected. At 4 jobs per 1000 sq.ft., 88 jobs result. Insurance companies typically use a factor of 6 jobs per 1000 sq.ft., but most office/retail range within the 3-4 formula.

This calculation, however, does not consider part-time jobs which will be created. It also does not consider jobs related to the boat basin; although most of those jobs will be seasonal.

Construction Jobs

It is estimated that the project will be phased over 4 to 6 years and that there will be an annualized job creation of between 150 to 160 jobs throughout the project. This does not take into account jobs created or maintained at material suppliers or vendors. The actual number of workers on site will vary with the peak construction seasons, the size of each phase and with the nature of construction underway.

Boat Basin Created Jobs

The following section will estimate indirect and induced job creation based on employment on site. However, these figures will not take into account:

1. Induced employment resulting from the residential units, such as new furniture, appliances, individual modifications, income infusion by people moving into the area, etc.
2. Induced employment resulting from income infusion by boat owners living elsewhere but berthing their boat in Portland.
3. Working waterfront employment resulting directly from the increase of berthing capacity of Portland Harbor (see section 11 for the types of businesses and a listing of benefiting companies).

Payroll

Using Year Three when construction will be halfway complete and all commercial uses should be in place, the following estimate of payroll can be made

AgriTech	75 jobs
New Commercial	80 jobs
Construction	<u>150 jobs</u>
	305 jobs

At an average of \$25,000 per job (1990): $305 \times \$25,000 = \$ 7.6 \text{ Million}$

Experience suggests that a dollar moves through the job market an average of at least three additional times before it goes elsewhere. In other words, there is a three-fold multiplier to estimate indirect and induced employment. Therefore:

Direct Jobs		\$ 7.6 Million
Indirect & Induced Employment:		
3 X \$ 7.6 Million	=	<u>\$ 22.8 Million</u>
Total Direct & Indirect Payroll:		\$ 30.4 Million

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PUBLIC ACCESS TO THE WATER

Public access does not currently exist on site. It is a private industrial site with controlled access. Gates and chain fences are symbols of its inaccessibility.

As a means to enhance the vitality of the project, integrate it with the neighborhood and city, and to increase public access to the ocean, Eastern Point will be open to the public. Specifically, all roads and walkways will be unrestricted. Two pedestrian entrances to the site are proposed leading from Fore Street - one leading from Waterville Street and passing through the building to access the main public square of commercial businesses and the main pier; the other leading from Atlantic Street and traversing the sloped area on a winding path with scenic overlooks and sitting areas.

The commercial and industrial uses reinforce the public nature of Eastern Point. It cannot take on the character of an exclusive enclave since people will be entering the site regularly during the day to work and shop. The concept is to encourage supportive retail/commercial uses on the ground floor facing the main public square; this not only reinforces the square as public domain but also creates a vibrant environment to the square so that it will be an exciting place to be.

In addition to public access from the land side, the end of the main pier will contain a public landing for pick-up/drop-off as well as short-term berthing. Furthermore, Eastern Point Associates will continue to work with the City, the Canadian National Railroad and other interested parties to develop enhanced public access along the shoreline in a way which is consistent with City and Railroad development plans.

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BOAT BERTHING - IMPACT OF PROJECT BOAT BASIN

The demand for berthing in the Portland area is outstripping supply. This condition is visible in the conflict between recreational and commercial boating interests. The issue is further clouded by misconceptions that recreational berthing hurts the "working waterfront"; in fact, recreational boating provides business to the seafaring portion of the Portland waterfront. The Eastern Point boat basin has a positive impact in providing newly created berthing areas, a breakwater for boat protection, a place for recreational boats to lessen demand in central waterfront areas, and a commercial berthing component.

C.O.G. Berthing Study

In 1983, the Greater Portland Council of Governments published the Greater Portland Berthing Study. Key findings included:

- * Berthing space is currently a problem.
- * Both recreational and commercial fleets will grow.
- * Fishing and commercial vessels will continue to focus their berthing needs in central areas of the waterfront where facilities are located.
- * The greatest growth in berthing demand will be recreational.
- * Deficit in berthing will grow fast without action.
- * Recreational berthing should be encouraged in areas where access and adequate parking are provided.
- * Present market rates cannot economically support new berthing space construction or long-term maintenance.
- * A demand for 3,000 to 8,000 linear feet of berthing space is necessary.

Demand and Conflict Grow

Recent articles in the press and testimony to public bodies suggest that the demand for berthing in the Portland waterfront is growing. Furthermore, since 1983, an increasing conflict between commercial and recreational boating has occurred in the central portion of the waterfront as a result of other construction projects underway.

Breakwater a Key

The breakwater proposed by Eastern Point will open up a portion of the waterfront to berthing which has been not available due to wind and wave action. The breakwater is necessary in order for the Eastern Point boat basin plans to go forward. The breakwater is an expensive item, one which resulted in the area being rejected for the fish pier. The economies of the boat basin cannot financially support the breakwater; it can only be supported through the values of private market waterfront housing. In addition to the Eastern Point Boat Basin, the Breakwater will lend protection to the other water areas between Eastern Point and Bath Iron Works where increased berthing could then be accommodated.

Eastern Point Increases Berthing

Eastern Point will expand berthing in the Portland Waterfront by 9,000 linear feet or more. This figure is based on the minimum number of slips (300) and an average boat length of 30 feet. This represents nearly two miles of additional berthing space. As a result, the Eastern Point boat basin will provide an alternative to the recreational boater and lessen potential conflicts in the congested, more central portion of the waterfront where commercial vessels wish to be.

Relationship to Working Waterfront

Eastern Point intends to reserve a location in its boat basin for commercial vessels (see following section). However, if the boat basin was solely recreational, its impact on the economy of the working waterfront would be great.

Other than supportive marine retail services, no land-side boat repair and services are proposed at Eastern Point. The working waterfront is not only oriented to commercial fishing; there are many

working waterfront services provided to the recreational boating industry. In addition there are the following:

- * Boat sales
- * Marine engine repair & service
- * Boat storage
- * Boat provisions and suppliers
- * Boat servicing and painting
- * Electronic equipment sales & service
- * Sail makers and repair services
- * Boat cleaning services
- * Boat cover and canvas manufacturers
- * Boat transporting services
- * Boat yards and railways
- * Boat renting & leasing companies
- * Marine surveyors
- * Ship chandlers
- * Vessel fueling services

All of the above will benefit from increased recreational boat berthing at Eastern Point. A listing of Portland and Portland harbor companies involved in the above activities is provided as an attachment.

ATTACHMENT

Portland and Portland Harbor Businesses involved in serving the boating industry.

Adams Marine Center
A.L. Griffen Co.
Bay Marine Engineering
Boston Fuel Transport
Brown Ship Chandlery, Inc.
Casco Sails, Inc.
Channel Crossing Marina
The Chart Room, Inc.
Chase Leavitt & Co.
Communications, Inc.
Connell Diesel & Electric
Custom Canvas of Portland
Dayton Industrial Marine
Devils Den Charters
DiMillo's Marine Store
Dorler Communications Co.
Fishermen Supply Co.
The Gear Loft
General Marine Construction Corp.
Gignoux Henri Boatwright
Goodall Boat Sales
Gowen Shipyard
Hard Sails
Harbor Supply
The Harris Co.
Hildreth Yacht Sales

Holland Marine Services
IMP Fishing Gear Ltd.
Industrial Welding & Machine, Inc.
Leen Company
Maine Compass Service
Maine Liferaft & Inflatable Service
Maine Marine Diesel Co.
Maine Mobile Wash
Maine Ocean Marine Services
Marine Safety Consultants, Inc.
Marineast Marina
Moran Towing of Maine
Neptune, Inc.
Port Harbor Marine
Port Sports
Portland Brass Hardware
Power Products, Inc.
Ross Marine Electronics
Sailboats Northeast of Portland
Sails USA
Seacoast Engine & Pump Co.
Shore Sails
Tommy's Marine Center
Union Wharf Chandlerly and Market
Williams Brothers

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BOAT BERTHING - COMMERCIAL BOAT PROPOSAL

Recognizing the facts set forth in the Greater Portland Berthing Study, commercial vessels desire to be located in the central portion of the waterfront. Furthermore, land-side constraints at Eastern Point would allow for only berthing services to be provided to commercial boats. Storage of equipment and transferring of cargo or seafood could not be accommodated.

However, Eastern Point proposes to provide berthing for 20 commercial fishing or lobstering vessels up to maximum of 1,000 linear feet. Details of how this can be accomplished are being developed. Discussions with commercial fishing representatives reveal that the size of a vessel is a critical determinant on how it is to be berthed. On the average, boats larger than 50 feet must be berthed against a more secure bulkhead than can be provided in the Eastern Point boat basin. Sasaki Associates will be developing more detailed boat basin plans, identifying ways in which various sized commercial vessels can be accommodated.

As noted previously, however, the Eastern Point Breakwater also opens up other areas of the waterfront for berthing. Eastern Point proposes to work jointly with the State of Maine, Canadian National Railway, Bath Iron Works and commercial boat owners to expand commercial berthing in the area between BIW and the Eastern Point Boat Basin. Such an effort will further expand berthing opportunities for commercial vessels.

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PUBLIC VIEWS

No new buildings will be constructed to exceed the street level of Fore Street. In other words, the roofs of all proposed new buildings will be below the street level of Fore Street. To the average adult viewer on Fore Street, the roof of the building opposite his or her view will be at least 5-6 feet below the viewing angle. Views from porches and windows of buildings along Fore Street and intersecting streets which rise from Fore Street will have even higher viewing angles.

Some existing buildings currently obscuring public views will be removed. Some existing buildings proposed to remain have roofs above the level of Fore Street.

Sasaki Associates has taken great pains to locate structures in a way which will not only preserve views, but also enhance particular views. For example, placing rooflines so that they are not in line with streets entering Fore Street accomplishes two objectives:

1. It removes the structures away from these intersections where the bulk of public views occur.
2. Since these streets pitch downward to Fore Street, travellers and residents of these streets will have an overlooking view of the attractively landscaped public green spaces and squares which separate the buildings. This should enhance the viewing environment.

Other project components which preserve and enhance public viewing include:

1. Public access to the site (see section 11) which will provide views from vantage points previously inaccessible.
2. Access out to the end of the boat basin, providing not only new views of the harbor, but also attractive views back to the neighborhood skyline.
3. Inclusion of an observation deck in the existing tower structure on Fore Street, possibly in conjunction with a museum of Munjoy Hill and the Portland Company.
4. Plans for a restaurant which will offer the opportunity to enjoy the view of the harbor in a relaxed environment.

The following is an analysis of how Eastern Point complies with recent waterfront visual and physical access standards adopted by the City Council into the Portland Land Development Plan.

EASTERN POINT VIEWS/PUBLIC ACCESS

The following compares the plans for Eastern Point with the Visual and Physical Access guidelines of the Portland Land Development Plan, as amended by the Portland City Council on January 14, 1985. (L.D.P. language in capital letters)

VISUAL AND PHYSICAL ACCESS

INTENT

TO PROTECT EXISTING VIEW CORRIDORS AND VANTAGE POINTS, TO GUIDE DEVELOPMENT TO ENHANCE THE PUBLIC'S OPPORTUNITIES FOR VISUAL AND PHYSICAL ACCESS CONSISTENT WITH THE CITY'S PLANNING GOALS AND WATERFRONT DEVELOPMENT STRATEGIES; SPECIFICALLY:

- * VIEWS TO THE WATER ALONG STREETS CONNECTING CONGRESS STREET TO COMMERCIAL STREET AND THE HARBOR.
- * VIEWS FROM HEAD OF SLIPS, BETWEEN PIERS TO THE WATER.
- * VIEWS FROM COMMERCIAL STREET TO WATER.
- * PHYSICAL ACCESS ALONG WATER WALK PARALLEL TO COMMERCIAL STREET; TO NODES AT THE END, HEAD AND EDGES OF PIERS.
- * VIEWS DOWN THE CENTER OF PIERS TO THE WATER.
- * VIEWS FROM END OF PIERS UP AND DOWN THE HARBOR.

PUBLIC ACCESS GUIDELINES PRESERVE AND ENHANCE PUBLIC ACCESS TO THE WATER UTILIZING:

Eastern Point plans to respond to these guidelines in the ways that they:

Preserve

*VIEW CORRIDORS: VIEWS ALONG ALONG STREETS CONNECTING CONGRESS STREET TO COMMERCIAL STREET AND THE HARBOR.

All new buildings over 45 feet will have roof lines below the level of Fore Street. They will also be sited not in line with intersecting streets to Fore Street.

and Enhance

By siting buildings to either side of View corridors from intersecting streets. These vantage points will look down into landscaped yard and pedestrian areas as well as the boat basin area.

Preserve

*VIEWS FROM COMMERCIAL STREET: VIEWS OF THE WATER FOR PEDESTRIANS AND AND VEHICULAR TRAFFIC.

By keeping buildings below level of Fore Street and away from principal view corridors, the preservation of water views will be maximized.

*VIEWS FROM THE HEAD OF SLIPS: VIEWS TO WATER AND ADJACENT PIERS AND BOATS.

There are currently no piers, slips or boats in this area. The project includes creation of all three.

*VIEWS FROM END OF PIERS: VIEWS UP AND DOWN THE HARBOR, BACK TO PORTLAND, AND HER LANDMARKS.

There is no such view to preserve - there are no piers and no access.

*CONNECTIONS AND NODES: PEDESTRIAN WALKWAY NETWORK AND OPEN SPACES UTILIZING PUBLIC AND PRIVATE PROPERTIES CONNECTING MAJOR AND MINOR OPEN SPACES, POINTS OF ARRIVAL AND DESTINATION, VANTAGE POINTS OF INTEREST TYPICALLY FOUND ALONG COMMERCIAL STREET, ALONG CENTER OF PIERS, EDGES OF PIERS, AND AT THE HEAD OF SLIPS.

The only existing pedestrian walkway is the sidewalk on Fore Street. New buildings over 45 feet will be below the level of Fore Street. Plans include tasteful upgrading of the Fore Street sidewalk adjacent to the site.

and Enhance

Removing a vacant dilapidated factory complex and installing new boating activity will enhance views along Fore Street.

Currently the site is inaccessible. By bringing the public into the site, down to the water and onto the pier, new and better viewing at the water's edge will be created, enhancing the quality of life in Portland.

The public will be invited onto the site and will have access along the main pier out to its end - about 500 feet from the shoreline, opening up new public view panoramas never before available to the pedestrian.

New connectors and nodes will be created. Two pedestrian walkways from Waterville and Atlantic Streets will be created to maximize pedestrian access. New open spaces, plazas and sitting areas will be installed. Access to the end of the pier will be provided. The current "tower" on Fore Street will be converted to an observation deck.

Preserve

and Enhance

*GROUND FLOOR USE:
COMPATIBLE USES ENHANCING
PEDESTRIAN ACTIVITY SUCH
AS: RETAIL, RESTAURANT AND
PUBLIC FACILITIES.

No pedestrian uses
exist; no access exists.

The main "square", in
line with the Waterville
Street corridor, will
contain ground floor
retail and commercial
uses to strengthen its
function as a public
pedestrian area leading
to the main boat basin
pier. A restaurant is
proposed.

*SECOND LEVEL WALKWAYS:
VIEW DECKS OR PLATFORMS
AT UPPER FLOORS WHERE
GROUND FLOOR USE CONFLICTS
PROHIBIT PHYSICAL ACCESS.

None exist to be
preserved.

In addition to the obser-
vation deck, the pedes-
trian walkway from
Atlantic Street will
traverse the steep sloped
area of the site with
sitting and vantage
points overlooking
Eastern Point waterfront
activities, Portland
harbor, and the water-
front.

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NEIGHBORHOOD PARKING

Downtown Problem

The parking demand in Downtown and Old Port Exchange areas has outstripped supply. As a result, many downtown office works use nearby residential streets during the workday for parking. Furthermore, tourists and island summer residents seek out neighborhood areas to park their cars during the summer months. Eastern Point plans to incorporate adequate parking for all uses in all seasons and will not contribute to the parking problems.

Winter Emergency Periods

The other parking problem for the neighborhoods occurs during winter snowstorms when parking is banned on peninsula neighborhood streets so that snow removal can be efficiently accommodated. This has been an on-going problem but one which has been exacerbated by the increased demand for downtown parking. In fact, the City Council has been discussing neighborhood parking regularly in past months.

Eastern Point Neighborhood Winter Parking

The peak demand for boat berthing is, obviously, the summer months. It is estimated that about half of the slips will be used by Eastern Point residents or commercial tenants. Conservatively, it is estimated that 75 parking spaces of those used for boat berthing would not be used during winter months.

Eastern Point has committed to provide parking assistance during snow emergencies to the Munjoy Hill Neighborhood Organization. It has been proposed that Eastern Point commit 75 spaces for three years for neighborhood parking. Permits would be issued annually on a first-come first-served basis. The permit would allow a holder to park in a specified area from December 15th to March 31st from the hours of 7PM to 7AM. The three year commitment relates to the need to reassess parking needs based upon the growth of AgriTech and other commercial tenants on site. Should excess parking be projected at that time, Eastern Point would commit to continue the permit process for future periods.

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INTEGRATION WITH THE EXISTING NEIGHBORHOOD

Eastern Point sits among a number of "neighborhoods". Obviously, it is adjacent to the Munjoy Hill/Eastern Promenade residential neighborhoods. But it also is adjacent to a changing industrial neighborhood and a growing commercial neighborhood. And on the water side, Eastern Point shares a shoreline with a dynamic and growing ocean neighborhood.

A previous section addressed the relationship of land uses, the ways in which the project was designed to fit with those uses, and the ways in which zoning might be adapted. This section attempts to take items that have been mentioned previously and to put them within a context identifying how they help integrate the parts.

Affordable Housing

The residential neighborhoods contain a mixture of population and housing types. There are the wealthy, the not-so-wealthy, those trying to move from one to the other, the old, the young and the in-between. Eastern Point proposes to have a diversity of housing. There will be "walk-ups" and "flats"; some will be larger than others and some will have better views. Housing types will tend to direct the age group or place in life. There will be a diversity of incomes within the private market, but there is a desire to further diversify income groups with some subsidized units. Therefore, it is proposed that the project contain 30 units receiving subsidies from existing state programs; this will diversify Eastern Point and bring it closer to the mix found in the Munjoy Hill/Eastern Promenade neighborhoods.

Public Access

Due to natural geographic factors and historical use of the site, the land is not physically integrated with the surrounding area. It is important for the City, the neighborhood and for the project to encourage a vibrant public activity center at Eastern Point. In doing so, every potential area for public access has been incorporated. Furthermore, it is hoped that efforts to coordinate an extension of public access along the shoreline will link Eastern Promenade parkland with other parts of the city so as to better integrate the peninsula.

Job Creation

The Portland peninsula is a living, working and playing place. People will have jobs at Eastern Point - good jobs. It is the goal of Eastern Point to extend this mix to the site so that it will be an extension of this environment, not merely an attachment.

Boat Berthing

This portion of the waterfront has been fallow since before the fires which destroyed the Grand Trunk piers. It has not contributed to the vital waterfront which is evolving. The construction of the breakwater and the boat basin will link Eastern Point with its waterfront neighborhood to the west and add a needed function so that its vitality can increase.

Public Views

Inseparable from public access, the preservation and enhancement of public views further integrates the project with its neighbor. Rather than creating a wall and turning its back on Munjoy Hill, Eastern Point buildings are nestled below the street so as to be unobtrusive. But, landscaped public spaces and pedestrian corridors are placed so that people and neighbors will feel that Eastern Point is a pleasant extension of the neighborhood down to the water.

Neighborhood Parking

This component is an opportunity to share space which is not needed during the winter season by the boat basin but which is needed by our neighbors.

As a multiple-purpose project ranging from residential to industrial, Eastern Point functions more like a typical part of a city neighborhood than most single-purpose projects. It gives and it receives. It is job and it is home; it is also play. Inherently, Eastern Point can integrate better; but extra care has been taken to not only incorporate additional features, but to also ask others how we might do it better. We believe that Eastern Point is a better project as a result of this effort and the participation of others.

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SUMMARY OF MEETINGS WITH COMMUNITY ORGANIZATIONS

Eastern Point Associates has a commitment to be a responsible and responsive neighbor and citizen in the community. The development team has made every effort to open communications with every conceivable organization having interest in the project - both supportive and negative.

The results of these meeting have been productive. While the development team strived to design the most sensitive project possible, we have learned numerous things at meetings which have made the project better. We will continue to maintain open communications with all groups throughout the project. A listing of organizations with which we have met to date are as follows:

Munjoy Hill Neighborhood Organization (2)

"Don't Kill the Hill" Committee

Keep Port in Portland (numerous efforts by Eastern Point Associates to schedule a meeting have been unsuccessful)

Board of Directors, Portland

Chamber of Commerce

Portland Fish Exchange, Board of Directors

Community Development Committee, Portland City Council

Maine State Housing Authority (3)

Greater Portland Landmarks Public Policies Committee

Portland Planning Staff

Portland Planning Board

Canadian National Railroad

Bath Iron Works

Greater Portland Council of Governments

Port Development Committee of the Chamber of Commerce

Maine Department of Transportation

Propellor Club of Portland

Various individuals and press who have expressed interest

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REPORT TO
THE
PORTLAND CITY COUNCIL
CITY OF PORTLAND, MAINE

MARCH 23, 1987

REGARDING THE
EASTERN POINT PROJECT

SUBMITTED BY:
EASTERN POINT ASSOCIATES
482 CONGRESS STREET
PORTLAND, MAINE 04101

EASTERN POINT
REPORT TO THE PORTLAND CITY COUNCIL
MARCH 23, 1987

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INTRODUCTION

EASTERN POINT ASSOCIATES REPORT TO MAYOR RONALD DORLER AND THE PORTLAND CITY COUNCIL

This report is organized into three separate compartments. The first is organized by function, addressing each issue in the order identified by a Planning staff memorandum provided to us which listed the concerns expressed by the City Council. This section is printed on amber paper.

The second is organized from our notes of each City Councilor's questions and comments with an answer to each. We apologize for any redundancy which may occur as a result; however, we wanted to make certain that each point we could identify was addressed and addressed fully. The section regarding specific answers to Mayor Dorler and City Councilors is printed on blue paper.

The third section includes supportive data such as maps, tables, reports and listings which may be used by the City Council as background and reference material. We have included this material in a binder which permits the Mayor and each City Councilor to add documents and reorganize material in the manner most suitable to each Councilor's desires. We are prepared to provide any additional information to the Councilors and staff which may be required.

EASTERN POINT

EASTERN POINT
PORTLAND, MAINE

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SUMMARY OF PROJECT

PROJECT FACTS

- * 12 acres of land area
- * 13 acres of water area
- * 330 residential units
- * 22,000 sq. ft. of retail/office/service use
- * 33,000 sq. ft. of biotech industrial space
- * Berthing for 300 - 500 vessels; 9000+/- linear feet
- * Jobs
 - 75 permanent AgriTech jobs in 1 - 3 years
 - 60 to 100 permanent jobs estimated in commercial space
 - 150-160 construction jobs per year for 5 years
 - Year 3 payroll est. at \$7.5 Million - from direct project jobs.
 - Assuming a 3 times multiplier for indirect and induced employment - estimated year 3 payroll for direct, indirect and induced employment = \$30 Million.
- * Current Taxes - \$48,860
- * Estimated taxes @ 1986 \$ and rate - \$1 to 1.5 Million
- * Displacement of residents, boats or jobs - NONE
- * Public Access
 - Vehicular All Roadways
 - Pedestrian
 - All Roadways
 - Two protected pedestrian ways from Fore Street
 - Three landscaped pedestrian squares and areas
 - Pedestrian access to the end of the main pier
 - Public Observation Tower in existing structure
- * Public Views
 - No new buildings higher than the level of Fore Street
 - All new roofs 5-6' below the view of the typical adult observer
 - Viewing panoramas protected
 - Marina activity enhancing public views
 - New views from pedestrian areas, Observation Tower and end of Main Pier

FACTORS WHICH ENHANCE EASTERN POINT

- * Placement of uses so that residence abuts residential neighborhood, industrial use abuts traditional industrial area, and commercial uses are located between the two. Makes for logical transition of compatible uses with the marina joining the three use types.
- * Use of numerous structures versus one or two "megastructures" so as to be more compatible with building types in the city and to foster phasing of the project which will reduce the impact of change.
- * Unlimited public access to an area never before open to the public. Two exclusive pedestrian connectors from Fore Street leading to landscaped plazas and the main marina pier to bring the public out and beyond the water's edge.
- * Construction of all new buildings below the level of Fore Street so as to preserve existing panoramic views. Placement of buildings so that views over the embankment from Fore Street intersections with neighborhood streets will be into landscaped plazas rather than rooftops.
- * Inclusion of a public view observation deck within an existing tower facing on Fore Street subject to structural stability. Inclusion of a marina in this location will enhance the diversity of public views.
- * Commitment to the production of a meaningful amount of affordable housing in some form within the project. We have met with state and local housing officials and are convinced that we can participate in some constructive manner.
- * Provision of berthing in this area should take pressure off the central portion of the waterfront where recreational berthing is displacing commercial vessels. The western portion of the marina adjacent to the industrial component at Eastern Point is being considered for commercial berthing, assuming a demand exists for this location.
- * The site has been predominantly vacant for many years. The only significant user on site is AgriTech which will be allowed to remain and expand. AgriTech had been looking at suburban sites for a new location prior to the opportunity raised by Eastern Point.
- * Industry is moving out: Portland Company, Crosby-Laughlin, National Distributors, Jordan Meats, Canadian National, etc. The area no longer relates to the needs of modern industry.

- * A commitment to the Munjoy Hill Neighborhood Organization Board of Directors was made to allow excess winter parking (approx. 75 spaces) to be used by neighborhood residents during snow emergencies.
- * Eastern Point will make a contribution to improvements proposed for the Eastern Promenade.
- * A vacant and dilapidated facility will be put into productive use.

It is our philosophy that every portion of a community must contribute to the well-being of the whole. We perceive the above contributions as things which will make the whole better and, therefore, benefit us as well as everyone else. We are willing to contribute where we can and respond to every reasonable request.

CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: Distribution List Below
FROM: Philip L. Meyer, Urban Designer *PLM*
DATE: January 30, 1987
SUBJECT: Additional Information Requested for Eastern Point Project

During the January 26, 1987 City Council workshop regarding the Eastern Point development project, a variety of information was requested by Council and by the City Manager. The list below summarizes those requests and identifies the party responsible for providing this material. All material should be submitted to the Planning Staff for coordination and assembly of materials for submission to Council prior to a second workshop on this project. At this point it appears the second workshop will occur in late February.

REQUEST	PROVIDER
1. Full traffic and parking study	Applicant
2. Current (1986) and projected (1991 +/-) volumes	Staff--City Traffic Engineer
3. Information regarding access rights across Canadian National property	Applicant
4. Copy of water rights lease from Maine Department of Transportation	Applicant
5. Clarification of concerns of Bath Iron Works and possible mitigation measures	Applicant/ Staff--Planning
6. Information regarding aircraft noise- vis-a-vis residential development on this portion of the waterfront	Staff--Tom Valieau
7. Information regarding waterfront public access around peninsula perimeter	Staff--Planning

REQUEST	PROVIDER
8. Legal clarification of the following:	Staff--Corporation Counsel/Planning
a. Procedural requirements for incorporating conditional/contract zoning	
b. Guarantees regarding phasing of development	
c. Appropriateness of contributions to the Portland Development Fund	
d. Possible requirement of bonding as condition of rezoning	
e. Restrictions on noise: are industrial properties grandfathered?	
f. Spot zoning issue	
9. Clarification of deep-water calculations	Staff--Planning
10. Information regarding why this area was not included in the original W-2 rezoning	Staff--Planning
11. Clarification of the proposal for inclusion/financing/contributions relative to low-moderate income housing	Applicant
12. Report: The City's experience regarding requests for provision of trash collection, snow plowing, and any other services to development which was approved with a commitment to providing private services	Staff--Public Works
13. Report on types of uses permitted in the I-3b industrial zone	Staff--Planning
14. Comparative impact analysis of a fully-developed I-3b zone as compared to the Eastern Point proposal, including parking, traffic impact, density, square footage of development, height requirements, etc.	Applicant

REQUEST	PROVIDER
15. Report on why height text amendment rather than variance request	Staff-Planning
16. Report on proposed limitations or restrictions to be placed on commercial berthing (i.e., size of boats, hours of operation, etc.)	Applicant
17. What does project look like with 45-foot maximum height?	Applicant
18. Discussions/response of DEP, Army Corp, Harbor Commission	Applicant

DISTRIBUTION LIST:

Robert B. Ganley, City Manager
Joseph E. Gray, Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Clark Neily, Director of Economic Development
George Flaherty, Director of Parks and Public Works
William Bray, City Traffic Engineer
Robert Roy, Planning Engineer
David Lourie, Corporation Counsel
Thomas Valleau, Director of Transportation and Waterfront Facilities

Joel Russ, Menario-Russ-O'Sullivan, 482 Congress St.,
Portland ME 04102
C Brian Nickerson, St. James Properties, 67 Batterymarch Street,
Boston MA 02110

1 and 2. TRAFFIC AND PARKING STUDY/PROJECTED VOLUMES

The traffic study is underway under the auspices of Hunter-Ballew Associates. Eastern Point Associates and the engineer have met with Mr. Bray, the City's Traffic Engineer, on three occasions in order for Mr. Bray to outline and review the information he needs to make a recommendation to the City Council. Existing and projected traffic will be part of the study to be provided to Mr. Bray. Due to the time needed to collect the information identified by Mr. Bray, the study will be provided to Mr. Bray in time for him to make a recommendation at the City Council's Public Hearing on the proposed zone change.

Due to existing volumes and conditions, Mr. Bray sees the possibility of recommending:

- (1) pavement and curbing improvements to Fore Street, and
- (2) a traffic signal at the intersections of Fore and India Streets.

Should these be Mr. Bray's recommendations, Eastern Point Associates would be prepared to pay for the improvements to Fore Street and to work with the City to mutually establish an equitable formula for financing the traffic signal at Fore and India Streets. Mr. Bray identified existing problems on the Franklin Arterial, but the most serious problems are on the other side of the peninsula at Marginal Way. Eastern Point Associates sees negligible impact by its project on Franklin Arterial problems; however, the traffic study should identify the extent of any impact.

With regard to parking, the Planning staff has reviewed the proposed parking plan for Eastern Point and has determined that there is adequate parking proposed to meet City standards. Our architects and engineers have assessed City codes as well as the "shared parking" environment which will be created. Shared parking means that, although the project meets the codes, there is excess parking since the multiple use nature of Eastern Point creates different peak parking demands for each use. For example, the peak residential demand will be in the evening and overnight - when office and commercial parking demands are at their lowest. The same holds true for the marina, where its demand will be highest during non-business hours. Furthermore, the marina's demand for parking during the winter will be small or nonexistent, thus permitting Eastern Point to contribute 75 parking spaces to the neighborhood during snow emergency periods.

o to: Brian Nickerson, St. James Properties
 m from: William C. Eaton *WCE*
 e date: December 9, 1986
 m re: Preliminary Assessment of Traffic Generation From Proposed Eastern
 o copy: Point Development/Evaluation of Alternative Use Development

Based upon proposed development information provided to T. Y. Lin International/Hunter-Ballew Associates (TYLI/HBA) by the developer, a preliminary assessment of the daily and peak hourly trip generation of the proposed project has been developed. The table below presents this data for the 5 year staged project period anticipated at this time.

Eastern Point Preliminary Daily and Peak Hour Trip Generation Estimate

Phase (Year)	1	2	3	4	5	Cumulative Total
Daily Trips	2,088	943	482	286	130	3,929
Peak Hourly Trips	178	81	39	28	13	339

Of the two trip figures reported in the table above, the peak hour figure is of more importance in assessing any traffic impacts associated with the proposed development. It is during this period that traffic flow on the surrounding street network will be at its maximum, and traffic generated by the proposed development will have its major impact.

In response to a request from Portland Planning Department staff, an assessment of the trip generation characteristics of other types of land use on the proposed site was conducted. Planning staff indicated that current zoning deliberations associated with the site might consider a zoning classification which would allow light industrial, manufacturing, or warehousing activities and would allow general office and retail/service type land use. In response to questions regarding allowable densities, likely development size, etc., planning staff indicated that limitations were associated with lot line clearances and possibly a height restrictio of 45 feet.

Evaluation of existing development on-site indicates that current building "footprints" utilize 135-140,000 square feet of land. Most of these buildings are multi-storied, and it is assumed that this type of building (2+ stories) would continue to be utilized, even if new buildings were constructed, to ensure adequate area for parking and vehicular movement. Using an assumed 3:1 land to building ratio with 2+ story buildings (attainable under the 45 foot height restriction), net estimated floor area is 350,000± square feet. Trip generation estimates for potential land uses previously discussed are set forth in the following table:

Land Use	Daily Trips	Peak Hour Trips
Light Industry	2,443	308
Manufacturing	1,350	263
Warehousing	1,708	570
Office	3,615	473
Retail*	10,000-17,500	1,050-1,838
Average	8,823- 5,323	532-690

*Range of 200,000 to 350,000 square feet considered.

As can be seen, the average daily traffic generated by the above potential land uses ranges from substantially lower to substantially higher than those associated with build-out of the Eastern point proposed development. However, these land uses have very pronounced peaking characteristics and the impact on peak hour traffic, on average, is anticipated to be nearly equal or greater than that associated with the mixed-use development included in the Eastern Point proposal.

An additional factor to consider with regard to the "industrial" type land uses of those evaluated above, is that truck trip generation rates will be significantly higher for those uses as compared to the uses proposed as part of the Eastern Point development. On average, the industrial type uses would be expected to generate 200+ truck trips daily. The impact of trucks and other heavy vehicles in traffic is significantly greater than passenger vehicles, thus any comparison of trip generation between Eastern Point and other potential land uses should recognize this factor.

WCE/dlk
JN: 50927.19

3. ACCESS RIGHTS OVER THE CANADIAN NATIONAL RAILROAD PROPERTY

The Portland Company and its successors in title, which include Eastern Point Associates have had easement rights to the water over the CN/Grand Trunk rails since 1850 and continue to have those rights today. In addition, in the 1970's the State of Maine became an owner of the water rights, and subsequently also obtained easement rights over the CN property for access to the water. Because of the age of the documents and numerous transfers of title and rights over the years, the exact nature and extent of the access rights is not as clear as one would hope. Consequently, Eastern Point Associates has approached both Canadian National and the Maine Department of Transportation to clarify these rights for the benefit of all parties.

A letter is enclosed from the Canadian National Railroad which clearly states their interest in insuring satisfactory access and its cooperation with our efforts. This letter is consistent with the helpful and responsive attitude we have experienced throughout the process of discussions with Canadian National Railroad.

Similar cooperation has been experienced with the Maine Department of Transportation (MDOT). We have had several meetings with Mr. Robert Elder, Director of MDOT's Marine Transportation Services, the department which grants the lease to the water area which we currently hold. MDOT stated that it would respond to any inquiry from the City of Portland. Eastern Point Associates has provided MDOT with plans and information providing a comprehensive summary of what is proposed. MDOT has advised us that it is supportive of expansion of marina and berthing facilities in Portland Harbor, particularly if such expansion includes berthing for commercial fishing vessels. Accordingly, we have been told by Mr. Elder that if the State approves of the waterfront component of the project, the natural conclusion would also involve approval of the use of any access rights MDOT might have over the CNRR property. Therefore, the issue is not access rights, but rather MDOT's approval of the proposed use. Appropriate access rights will automatically follow.

JENSEN BAIRD GARDNER & HENRY

ATTORNEYS AT LAW
477 CONGRESS STREET
PORTLAND, MAINE 04101
(207) 775-7271

RAYMOND E. JENSEN
KENNETH BAIRD
OF COUNSEL

M. DONALD GARDNER	RONALD A. EPSTEIN
MERTON G. HENRY	WILLIAM H. DALE
WALTER E. WEBBER	F. BRUCE SLEEPER
DONALD A. KOPP	BRIAN C. SHAW
KENNETH M. COLE III	DEBORAH M. MANN
NICHOLAS S. NADZO	LESLIE E. LOWRY III
FRANK H. FRYE	KEITH R. JACQUES
DAVID J. JONES	JOHN R. MICHAUD
EILEEN M. L. EPSTEIN	LISA R. GORMAN
JOHN H. MONTGOMERY	MICHAEL J. QUINLAN
MICHAEL A. NELSON	ELIZABETH T. HIGH
RALPH W. AUSTIN	

KENNEBUNK OFFICE
302 LAFAYETTE CENTER
KENNEBUNK, MAINE 04043
(207) 985-3352

March 20, 1987

Honorable Ronald Dorler
City of Portland
City Hall
389 Congress Street
Portland, ME 04101

Dear Mayor Dorler:

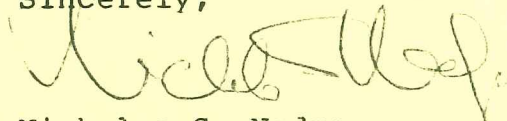
We represent Canadian National Railway Company (CN) with regard to the request of Eastern Point Associates for a change in zoning of two parcels on the Eastern Promenade.

CN has had numerous occasions to review the proposed Eastern Point project and believes that the plans for the project are compatible with CN's operations on its property abutting the proposed project.

In addition to review of the plans for the project, CN has met with the developers in efforts to reach an agreement to permit access across CN's right-of-way. CN is currently in the process of reviewing specific proposals by Eastern Point for access across CN property for marina and commercial boat berthing functions and will be responding to the Eastern Point proposals.

In light of these considerations, CN is of the view that the proposed project does not constitute an obstacle to CN's future plans for use of its property, and, therefore, CN supports Eastern Point's requested change in zoning.

Sincerely,



Nicholas S. Nadzo

NSN/tjk

cc: Mr. Guy Beauchamp

4. COPY OF WATER RIGHTS LEASE FROM THE MAINE DEPARTMENT OF TRANSPORTATION

A copy of the lease with the Maine Department of Transportation (MDOT) is enclosed for the City Council's information. In summary, the lease is specific with regard to the use of the property. Should a new use be proposed, MDOT and the State of Maine have specific approval rights over any new use. Therefore, MDOT has the right, by contract, to approve the breakwater, marina, public pier and commercial berthing pier. MDOT also has rights to establish standards and/or conditions on its approval.

Regardless of contract rights, MDOT and the State of Maine would always have the right to approve any new project pursuant to the State of Maine Submerged Lands Act. This Act gives the State the authority to approve new uses in coastal shoreline areas. This Act supercedes any lease rights between the State of Maine and a party or any two unrelated parties. Furthermore, the Eastern Point proposal also requires numerous State approvals from agencies other than MDOT, such as the DEP and others. It is expected that all State approvals will be coordinated for consistency and comprehensiveness; the City professional staffs will undoubtedly be involved in this process.

10 / 20 / 78

P. 2

LEASE

AGREEMENT made this 20th day of October, 1978 by and between the MAINE DEPARTMENT OF TRANSPORTATION, hereafter called the Department and FISH POINT ASSOCIATES, a Maine partnership having a place of business in Portland, Maine, hereafter called Lessee.

WHEREAS, the Department is interested in encouraging the development of Marine-related activities in Portland Harbor and the Lessee has indicated a similar interest and intent, and the Department is willing to enter this lease with the Lessee of the premises described below for the purpose of furthering and encouraging the Lessee in this development and providing some protection for the investment which the Lessee will make in its investigation and development of the premises;

NOW, THEREFORE, the parties in consideration of agreement of the other do hereby agree as follows:

ARTICLE I

Leased Premises

The Department leases to the Lessee a certain lot or parcel of land and area of Tidal Waters located in the City of Portland, Cumberland County, Maine on the northwesterly shore of Fore River, so-called, more particularly described in Exhibit A annexed hereto and made part of this lease and hereafter called the "premises".

ARTICLE II

Term And Renewals

This lease shall be for an initial term of 10 years, beginning on November 1, 1978 and ending on October 31, 1988. The Lessee shall have the right to renew the term of this lease for three successive renewal terms of

10 years each, subject to the termination conditions. The first renewal term shall commence on the termination of the initial term and each succeeding renewal term shall commence on the expiration of the preceding term, provided that each right of renewal may be exercised and effected only if this lease is in full force and effect immediately prior to the commencement of the applicable renewal term. Lessee shall separately exercise its options to renew by notifying the Department in writing of such election at least 3 months in advance of the commencement date of the applicable renewal term. All terms and conditions applicable during the initial term shall be applicable during each renewal term except that after the third renewal term there shall be no further renewals of this lease.

ARTICLE III

Rent

The Lessee shall pay to Lessor the following amounts of rent, to wit:

- (a) \$1,000 per year for the first two years of the initial term of this lease.
- (b) \$3,000 for the third year of the initial term of this lease.
- (c) An amount for each year thereafter during the initial term and any renewal term, equal to \$3,000 multiplied by the fraction, the denominator of which shall be the U. S. Bureau of Labor Statistics Consumer Price Index for Boston, Mass., revised wage earners and clerical (or successor) in effect for October 1, 1980 and the numerator of which shall be said Index as of the lease year in question. In the event that said Index is not published for a month specified above, the Index for the closest preceding month shall be used instead. The annual rent shall in no case be reduced below the sum of \$3,000.

Rental payments shall be payable annually, in advance on the first day of November for each lease year. A twelve percent (12%)

annual interest charge shall be assessed on the whole amount due
month in arrears.

ARTICLE IV

Development Of Premises

The Lessee shall from time to time present to the Department proposals as to portions and stages of its development of a berthing facility and/or other Marine-related facilities to be constructed on the premises, for review and approval by the Department, such approval shall not be unreasonably withheld. On or before November 1, 1980 the Lessee shall submit to the Department the final plan of the Lessee for such development, incorporating the portions previously approved by the Department and including a schedule for construction, to receive final approval by the Department. The final approval of the Department shall be concerned only with the general overall scope of the proposed development and the construction schedule, not any of the design details and such approval shall not be unreasonably withheld provided the intent of Article V, Use Of Premises is satisfied. No construction shall take place on the leased premises until the Lessee has secured approval for such construction from the Department. The Department agrees that it will take action to review and approve all plans as soon as possible after the plan is submitted and in no event, later than thirty (30) days after its submission.

If the Lessee has not substantially completed by November 1, 1981 that portion of the development scheduled for completion by that date, this lease may be terminated at the option of the Department provided that this day may be extended by the Department if the Lessee was unable to meet the schedule deadline due to delays caused by any reason or force beyond the control of the Lessee.

ARTICLE V

Use Of Premises

The premises shall be developed and operated for Marine-related activities and/or facilities available for commercial use including but not limited to, berthing for commercial vessels. The Lessee shall restrict its use to the above described purposes and shall not use or permit the use of the premises for any other purpose unless the express written consent of the Department is first obtained, such consent shall not be unreasonably withheld.

ARTICLE VI

Insurance And Indemnity

The Lessee shall obtain and keep in force at all times during the continuance of this lease, general public liability insurance reasonably satisfactory to the Department against claims for personal injury, death or property damage arising out of or in any way related to, the use and occupancy of the leased premises by Lessee, its agents or invitees. This insurance shall provide a combined limit of at least \$1,000,000.00 for personal injury, death and property damage. Evidence of such insurance shall be forwarded to the Department.

The Lessee further agrees to indemnify the Department against all expenses, liabilities and claims of every kind, including reasonable counsel fees, by or on behalf of any person or entity arising out of either (1) failure by Lessee to perform any of the terms or conditions of this Lease, (2) any injury or damage happening on or about the premises due to the negligence of Lessee or (3) any mechanic's lien or security interest filed against the premises.

ARTICLE VII

Assignment And Subletting

The Lessee may assign this lease for security or mortgage its leasehold interest provided that, although approval is not needed for assignments for security or for mortgages of the leasehold interest, the Lessee must give the Department prompt notice of any such assignment or mortgage. The Lessee will not transfer or assign this lease in whole or in part for other than security, nor sub-let any of the leased premises for any purpose without the prior written consent of the Department, such consent shall not be unreasonably withheld. This provision shall not apply to the short-term leasing by the Lessee of individual berths and/or other space in connection with its Marine-related activities.

Whenever an assignment for other than security is approved, the Lessee shall remain primarily liable to the Department for the due performance of all covenants, undertakings and agreements on its part to be performed. A mortgagee or assignee for security will not assume the obligations or liabilities of the Lessee under this lease, provided however, that continued payment of rent shall be a condition precedent to such mortgagee or assignee for security exercising any of the Lessee's rights hereunder. In the event of a default under this lease by the Lessee, the Department agrees that it will at the time of giving the Lessee any notice of default also give any of record mortgagee or assignee for security a copy of the notice of default and said mortgagee or assignee shall have the right to cure such default within the time permitted the Lessee herein.

ARTICLE VIII

Default Of Lessee

In the event of any default by the Lessee in the payment of any rental due hereunder or in the performance of any other term, condition or covenant of this lease to be observed or performed by Lessee for more than thirty (30)

days after written notice of such default shall have been given to Lessee, or if Lessee shall become bankrupt or insolvent, or file any debtor proceeding or have taken against Lessee in any court pursuant to any statute, either of the United States or any state, a petition in bankruptcy or insolvency or for the reorganization or for the appointment of a receiver or trustee of all or a portion of Lessee's property or if Lessee makes an assignment for the benefit of creditors, or petitions for or enters into such an arrangement or if Lessee shall abandon the premises or suffer this lease to be taken under any writ or execution, then the lease shall terminate and the Department in addition to any other rights or remedies it may have, shall have the immediate right of re-entry and may remove all persons and property from the leased premises, and such property may be removed and stored at the cost of and for the account of Lessee, all without service, notice or resort to legal process and without being deemed guilty of trespass or becoming liable for any loss or damage which may be occasioned thereby.

ARTICLE IX
Parties Bound

It is agreed and understood that as part of the consideration for this lease, the Lessee will purchase the real estate near the leased premises presently owned by United Industrial Syndicate, Inc. and being that land as more particularly described in a deed recorded in the Cumberland County Registry of Deeds in Book 2359, Page 233. As further consideration, the Lessee agrees that it will not convey or in any way divest itself of ownership of the above described land during the development stages of this lease or during the first five year period, without the prior written approval of the Department.

All rights and liabilities herein given to, or imposed upon, the respective parties hereto shall extend to and bind the several respective heirs, executors, administrators, successors, and assigns of the respective

parties. No rights, however, shall inure to the benefit of any assignee or Lessee unless the assignment to such assignee has been approved by the Department in writing as provided in Article VII.

ARTICLE X

Taxes

The Lessee agrees to pay all taxes, assessments, or charges which during the term hereof may become a lien or be levied by the State, municipality or other tax-levying body on all personal property of the Lessee, upon all improvements made to the premises by the Lessee in connection with its use and occupancy thereof, and upon the possessory interest of the Lessee in the premises.

ARTICLE XI

Ownership Of Improvements

The personal property and other improvements placed or installed by the Lessee in or on the leased premises shall remain the property of the Lessee and must be removed on or before the expiration of the lease term or its renewals. In the event of expiration or other termination, Lessee shall have ten (10) days, exclusive of Sundays, Saturdays, or Holidays, after such termination, in which to remove its property. All property and other improvements remaining on the premises after the 10 days shall become the property of the Department. If any building or other such improvement which remains on the premises after the ten days extends onto other property owned by the Lessee, Lessee will make an option available to the Department for the purchase of all property covered by such building or improvement for the fair market value of such property at the time of the termination.

This provision will not apply to any cancellation or termination of the lease which is arranged by agreement between the parties.

ARTICLE XII

Waste, Restriction And Nuisance

During the term of this lease, Lessee shall comply with all applicable laws and ordinances affecting the premises and shall not commit or suffer to be committed, any waste or nuisance on the leased premises.

ARTICLE XIII

Quiet Enjoyment

Upon payment by Lessee of the rent herein provided and observance and performance of all covenants, terms and conditions to be observed and performed by Lessee, Lessee shall peaceably and quietly hold and enjoy the leased premises for the term hereof without hindrance or interruption by the Department or any person or persons lawfully or equitably claiming by, through, or under the Department.

ARTICLE XIV

Waiver

The waiver by either party of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition herein contained. The subsequent acceptance of rent hereunder by the Department shall not be deemed to be a waiver of any preceding breach by Lessee of any term, covenant or condition of this lease, other than the failure of Lessee to pay the particular rental so accepted.

ARTICLE XV

Notices

Any notice, demand, request or other instrument given under this lease shall be delivered in person or sent by Certified Mail, postage prepaid, (a) if to the Department, at the Maine Department of Transportation, Transportation Building, Augusta, Maine 04333, or at such other address as Lessor may designate by written notice, and (b) if to the Lessee, at 55 Fore Street, Portland, Maine 04101, or at such other address as Lessee shall

designate by written notice.

ARTICLE XVI.

Miscellaneous

This lease is subject to any and all rights and easements of record and to all terms, conditions, reservations and interests acquired as set forth and described in a Quit-Claim Deed dated November 30, 1973 from Canadian National Railway Company to the State of Maine and recorded in the Cumberland County Registry of Deeds in Book 3490, Page 318. The Lessee agrees to maintain the fencing on the northwesterly boundary of the leased premises as it now exists, or as it by mutual agreement may be relocated.

IN WITNESS WHEREOF, the Department and Lessee have signed this lease as of the day and year first above written.

Witnessed by:

Clair M. Fitzgerald

MAINE DEPARTMENT OF TRANSPORTATION

By Kenneth J. Mall
Its Commissioner

LESSEE:

FISH POINT ASSOCIATES

By Shirley Sprague, Jr.
A Partner

State of Maine
Cumberland, ss.

October 20, 1978

Personally appeared the above named Roger L. Mallar,
Commissioner of the Department of Transportation of the State of
Maine, and acknowledged the foregoing instrument to be his free act and
deed and the free act and deed of the State of Maine.

Before me, Alden H. Small
Justice of the Peace
~~Notary Public~~

State of Maine
Cumberland, ss.

October 20, 1978

Personally appeared the above-named Phineas Sprague, Jr.
A Partner of Fish Point Associates, and acknowledged the
foregoing instrument to be his free act and deed and the free act and
deed of the partnership.

Before me, Alden H. Small
Justice of the Peace
~~Notary Public~~

EXHIBIT A
Leased Premises

Beginning at a point bearing S 46° 46' 11" W four hundred and fifty (450) feet from the most northerly corner of land conveyed to the State of Maine by Canadian National Railway Company by Quit-Claim Deed dated November 30, 1973 and recorded in the Cumberland County Registry of Deeds, Book 3490, Page 318;

Thence N 46° 46' 11" E along land of the Canadian National Railway Company and said line extended a distance of one thousand (1000) feet to a point;

Thence southeasterly at right angles to the hereithbefore described line about five hundred and seventy-five (575) feet to the Harbor Commissioners line in Fore River;

Thence southwesterly along the Harbor Commissioners line one thousand (1000) feet to a point;

Thence northwesterly along a line one thousand (1000) feet southwesterly from and parallel to the second line described herein five hundred and seventy-five (575) feet to the point of beginning.

Reference is hereby made to a Plan of the State of Maine entitled "Department of Transportation, Bureau of Waterways, Portland, Cumberland County" dated July 1974, on file in the office of the Department of Transportation, Bureau of Highways at Augusta (D.O.T. File No. 3-238A).

100. 1/16/79 to 12 93 p.m.
41162/119

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION BUILDING
STATE HOUSE STATION 16 AUGUSTA, MAINE 04333

mdot

DANA F. CONNORS
Commissioner

March 9, 1987

Mr. Brian M. Nickerson
Eastern Point
482 Congress Street
Suite 501
Portland, Maine 04101

Re: Coastal Management Policy Guidelines

Dear Brian:

It was a pleasure meeting you and Joel Russ last Friday and hearing more about the Eastern Point Project.

Enclosed per your request is a copy of the December 1986 Coastal Management Policy Guidelines. Once these guidelines are fully implemented, it should assist private planners and developers in dealing with State agencies since all should have the same focal point from which to review proposals.

Very truly yours,

MAINE DEPARTMENT OF TRANSPORTATION
Bureau of Transportation Services



Russell W. Spinney
Deputy Commissioner

RWS/el

Enc.

5. BATH IRON WORKS RELATIONSHIP

Following the City Council workshop meeting, Eastern Point Associates met with Mr. William Haggett, President of Bath Iron Works, and other BIW officials to discuss project issues of potential interest to BIW. Mr. Haggett expressed his general support of the project and continued waterfront development. Mr. Haggett indicated that BIW had an earlier opportunity to acquire the Portland Company site and decided not to do so. He stated that BIW had the physical capacity at its present Portland facility to more than double its workforce without the need to acquire additional land and that it had no current or future interest in acquiring the Portland Company site or any other adjacent properties.

Mr. Haggett and BIW's particular interest is in continuing to operate its business in the manner it has been able to up to the present. BIW has requested assurances from Eastern Point Associates that future property owners would be aware of the presence of BIW and understood the ramifications of such presence, including noise, light, 24 hour operation, etc. Eastern Point Associates has satisfied the concerns of BIW by agreeing to provide future owners of the property with notice of BIW's operations. A letter from Mr. Haggett expressing the cooperation which characterizes our continuing relationship is enclosed for the City Council's review.

A LETTER FROM MR WILLIAM HAGGETT, PRESIDENT
OF BATH IRON WORKS

IS BEING SENT TO THE CITY COUNCIL
IN A SEPARATE ENVELOPE

6. AIRCRAFT NOISE

Eastern Point Associates is aware that the flight path approach to the Portland International Jetport has recently been moved over the main channel. We have contacted the Portland Director of Transportation and have learned that since the flight path has been changed, there have been no recorded complaints of aircraft noise from the Munjoy Hill/Eastern Promenade area. This would lead Eastern Point Associates to believe that aircraft noise will not be a significant issue for future Eastern Point residents.

However, Eastern Point Associates is in the position to and will take precautionary measures in the construction of all buildings on the site to minimize the amount of exterior noise penetrating the buildings. This will be true both for aircraft noise and noise from Bath Iron Works.

The minimal amount of aircraft noise in this area will be more than accounted for by the modern construction techniques utilized in the project.

7. PUBLIC ACCESS AROUND THE PENINSULA

Eastern Point Associates is pleased to share the City Council's interest in the long-range plan to extend pedestrian and other public access around the peninsula near or at the water's edge. In fact, two of the principals of Eastern Point Associates (Brian Nickerson and Joel Russ) were involved in staff recommendations for this plan when the City Council adopted it in the early 1970's. As a result, there is a strong commitment by the development team to assist the City wherever it can in seeing this plan implemented. Eastern Point can provide a unique opportunity to bring the edge of the Portland waterfront, enhancing the quality of life for all Portland residents, and in particular for those who live on Munjoy Hill.

With the exception of the East End Beach and the Transfer Bridge at Portland Pier, there is virtually no place where Portland residents have legal and safe access to Portland's water. The East End Beach does not allow residents to enjoy the diversity of the waterfront and the Transfer Bridge does not provide true public access due to its commercial function. The new Casco Bay ferry terminal should help provide enhanced public access.

In addition to the public access already proposed by Eastern Point, including access to and over a 500± feet public pier, Eastern Point Associates has been working with Canadian National Railroad to increase public access adjacent to and along the immediate water's edge. The success of these efforts will add another link to this very important long-range objective of the City of Portland.

8. LEGAL ISSUES

Mr. Lourie has answered the City Council's legal questions in a memorandum dated February 26, 1987. Eastern Point Associates has nothing more to add to Mr. Lourie's comments.

In his answer to Question 8, Mr. Lourie identifies performance bonding directly related to contract zoning. Mr. Lourie notes that such a bond may make the project not financially feasible. We would confirm this opinion that such a bond would eliminate the likelihood of project financing.

9. DEEP WATER CALCULATIONS

The City staff has provided the City Council with calculations on water depths.

Eastern Point Associates' comments on this are that:

- (1) the Portland Company and its successor, the Portland Engineering Company, have, for over one hundred years, used this property primarily for non-waterfront activities,
- (2) use of this area for the waterfront-related activities has been severely limited due to the absence of of any protection from prevailing winds and waves,
- (3) the site has been dismissed by the City and State for various waterfront activities in lieu of other sites, and
- (4) areas along West Commercial Street have been identified as more appropriate for deep water port facilities, including a public cargo facility.

New development is not displacing the so-called traditional waterfront uses; these uses have already left. Those uses were no longer dependent on access to the water - coal, chemicals, metal forges, manufacturers, the G.E. at Wrights Wharf, meat and produce distributors, construction distributors, etc. These traditional "waterfront" uses were, in fact, located on the waterfront only because they required access to the rail lines. The activities currently being proposed by Eastern Point Associates are merely filling a void of disuse and depressed activity which has been present for many years since the rail line is not as important as it once was. The process of change has had nothing to do with the waterfront. This process related in large part to the passing of the railroad as an important means of commercial transportation. The concept that waterfront uses are being displaced and forced out is a misunderstanding of the history and traditional function of the waterfront.

10. W-2 ZONING

The staff is reporting on the City's zoning plans and the relationship of W-2 zoning.

It may be important to note that a portion of the water area being proposed by the Eastern Point development is governed by W-2 zoning. It is in this zone where the pier proposed for commercial vessels is located. Some people have questioned Eastern Point's commitment to provide expanded commercial berthing. The fact that we are not proposing a change to the W-2 zone is an indication of our commitment. Furthermore, the Maine Department of Transportation has advised that, although expanded berthing for all types of vessels in Portland Harbor is a desirable goal, MDOT is particularly interested in Eastern Point's ability to provide commercial berthing for fishing vessels. As a result, we expect there might be MDOT conditions that the commercial berthing pier be a required component of the project.

It should be emphasized, however, that the recreational vessels at the marina will financially support the commercial berthing pier. The commercial berthing rates are much more sensitive and vulnerable than those for recreational vessels. It will be very important to ensure that a sufficient number of recreational vessels are included in the project to ensure an economically viable multi-purpose boating waterfront function at Eastern Point.

11. AFFORDABLE HOUSING COMPONENT

Eastern Point Associates has proposed 30 units of affordable housing. This continues to be a commitment of Eastern Point Associates.

Simply, these units will use the Guidelines of the Maine State Housing Authority's H.O.M.E. Program, which is intended for first-time home buyers. The unit price to the buyer and mortgage costs will be no higher than that of the MSHA Program and the buyers will have to meet the income guidelines of the HOME Program. These units will either be financed directly through the MSHA program or financed privately.

Eastern Point Associates has met with the Maine State Housing Authority five times, and twice since the last City Council workshop, to better identify financing alternatives for these units and to identify MSHA participation. While MSHA is very interested in the plans for housing at Eastern Point, no determination on the specifics of any relationship has been determined at this time. MSHA prefers to wait until the City Council determines to permit housing in this location before it makes any commitment. However, the commitment by Eastern Point to provide the 30 units remains, regardless.

12. REDUCED DEMAND FOR MUNICIPAL SERVICES

Mr. Flaherty has provided the City Council with a report on the City's experience in multi-family developments.

As in the case of other similar developments in the community, snow plowing and trash collection will be provided privately and there will be no demand for these services from the City of Portland. The roads will be maintained privately also.

There is expected to be few children from Eastern Point attending public schools. Merely the design of the buildings tends to discourage large families with school-age children. Such families tend to locate in family-oriented settings which are found throughout the City of Portland. No more than 20 percent of the households would be expected to have school-age children, with many of these in the higher grades versus the lower grades. For example, a family with their youngest high school child remaining with them would be a candidate to purchase a unit at Eastern Point. With the exception of the 30 affordable units, it is unlikely that a family with growing children would select Eastern Point over other City or suburban neighborhoods.

In general, multi-family condominium development may be the best housing form with regard to municipal income and expenses. The City obtains a group of new homeowners paying taxes and caring for their property. However, unlike a traditional single-family development, many of the municipal services which would be provided are paid for by the developer or the condominium association (trash, snow-plowing, road maintenance, etc.). Furthermore, less children per unit are expected to use City schools in comparison to single-family developments. In general, condominium development is better for the City's "bottom line".

A concern over the loss of state school subsidy money has been noted by some. The figure of \$9 Million has been identified. It should be noted that the Eastern Point project is conservatively estimated to generate \$1 to \$1.5 Million annually in taxes. Eastern Point alone would make up for 11% to 17% of this loss. We are not saying that this is a reason by itself to approve Eastern Point; we merely want to make the point that the loss of State money certainly is no logical reason to disapprove the project.

PUBLIC UTILITIES

Storm Drainage: Based on available plans, the existing drainage system consists of a series of 8" and 10" pipes which drain buildings as well as the site. The entire eastern portion of the site is drained via two outfalls which discharge through the seawall. From the information available, it seems that much of the existing drainage would have to be upgraded. Use of this system of drainage will require detailed approvals of the DEP and City DPW.

Sanitary Sewer: According to preliminary site analysis, the India Street pump station and the treatment plant have adequate capacity to serve the additional demand required by Eastern Point. The existing 36" sewer main in Fore Street should have the capacity to serve the proposed site - which will contribute an additional 0.10 CFS (= 65,000

GPD) into the existing system. A pump station into the sewer main will be needed on site. A location for the pump station will likely be the southwest corner of the Portland Company site due to its low elevation and proximity to Fore Street.

To serve the sanitary needs of the berthing area, an ejector and force main will be required to take the effluent to a gravity feed line leading to the on-site pump station.

Water Service: Presently water service to the site consists of two 8" water lines which are being fed by an 8" main in Fore Street. These connections are looped by a 6" line through the site. It is expected that these systems will be upgraded and expanded on site to serve the needs of the project and extend water service to the berthing area. Water service to the site from Fore Street should be adequate to serve project needs.

13. USES PERMITTED IN THE I-3B ZONE

Eastern Point Associates notes that this zone is the most permissive industrial zone, allowing for the most intense uses normally considered incompatible with an abutting residential zone.

14. COMPARATIVE ANALYSIS OF FULLY DEVELOPED I-3B ZONE

Sasaki Associates, the Project Architect, was requested to develop a serious alternative plan using the I-3B zoning standards to fully develop the site. Sasaki considered the constraints of the site and the needs for access, parking, green area and other normal site plan issues. The plan was developed in order that it could be used for either a straight industrial use, completely for commercial or a mixture of both. The major factor impacting the options was the extent of parking since industry needs only one parking space per 1000 sq.ft. where commercial would need three spaces. A concept was devised whereby parking would be kept to the Fore Street side of the site and parking could be expanded through the means of decks which could be easily added with little impact on the site plan. No breakwater or berthing of any vessels would be economically feasible under such a plan without public investment.

The following provides pertinent data of this concept:

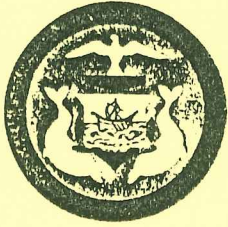
Building footprint -	120,000 sq.ft.
Floor Area-	360,000 sq.ft.
Parking Spaces -	360 to 1080 spaces
Building Maximum Height-	45 feet

Eastern Point sees this exercise as one which does not relate with market factors nor with infrastructure support. Such a complex would be about the size of Canal Plaza and Maine Savings Plaza together. With the commercial development occurring in the downtown currently, the market for commercial space in this location is not very strong, particularly when all the business services are found in the downtown.

Furthermore, the site just is no longer suitable for a project solely comprised of industry. Industry has moved out and is moving out. Mr. Neily has provided his opinion on this matter to the City Council and it is included in this section. Regardless of the desire for some to see industry reclaim this area, market factors and trends just do not support the dream.

Lastly, the idea that waterfront industry will move into this area is also an unlikely dream. The City is working to lease space at the Fish Pier. Other waterfront owners, having such a difficult time attracting waterfront uses have leased space to non-waterfront uses. Public initiatives to develop waterfront uses have rejected this site for various reasons over the years. And recent efforts to develop increased cargo facilities have focused on the area around and west of the International Ferry Terminal.

The only entity which has seriously proposed a "working waterfront" use for this area of the peninsula is Eastern Point: Berthing for Commercial Vessels and a marina which will create Marine Jobs.



CITY OF PORTLAND

CLARK M. NEILY
ECONOMIC DEVELOPMENT DIRECTOR

M E M O R A N D U M

TO: Robert B. Ganley, City Manager
FROM: Clark M. Neily, Economic Development Director
DATE: January 20, 1987
SUBJECT: Eastern Point Development

* * * * *

I have been asked a number of times in the past few months why I appear to favor the Eastern Point development, when people would ordinarily expect the Economic Development Director to oppose it. My specific reasons for favoring this development are as follows:

- (1) In my judgment, it is a beautifully designed development with a series of elevations that stay below the elevation of Fore Street, and, therefore, does not cut off the view of the harbor for the residents of Munjoy Hill.
- (2) It has an excellent marina, which I think is very badly needed on the waterfront. It should be recognized that a marina is just as much a business and employs and pays payrolls just as any other business. Certainly, nothing is more urgently needed than the additional berths to be provided by a large marina.
- (3) It also accommodates light industry such as Agritech which is a very valuable employer with about 80 employees.
- (4) The City of Portland has approximately 33 acres of waterfront land zoned for heavy industry similar to the Eastern Point land. This land lies just above the so-called Million Dollar Portland/South Portland Bridge. It is owned principally by Guilford Industries, which owns 27 acres, with 6 acres belonging to Northern Utilities. I have tried for 28 years to get some kind of a marine-oriented heavy industry to move into this site and have failed to find sufficient interest in it. In summary, we still have this excellent marine heavy industry site available to us, even though we have not found a user. It is exactly the same kind of land Eastern Point wants to develop with their type of development.
- (5) The City of Portland now has three industrial parks fully serviced by roads, utilities, etc., namely — Turnpike Industrial Park, the so-called Pine Tree Industrial Park, and Stroudwater Industrial Park with its new Hutchins Drive containing 135 acres. In addition, a fourth industrial park going through the Planning Board

Robert B. Ganley
January 20, 1987
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process is the Fore River Industrial Park being developed on land owned by Guilford Industries by P.D. Merrill. Therefore, there is still a great deal of room in the City of Portland for the type of industry that was formerly located in that land which Eastern Point wants to develop, specifically the Portland Company, and the Crosby Laughlin Division of American Hoist and Derrick. These were industries which did not need a marine orientation and yet they were the principal industries for many years on that site. They could have well been located inland, away from the water. Another industry at the same location was the beverage distribution building owned by Frank Gaziano of National Distributors. This business was re-located to an inland area (Wallace Avenue in South Portland).

In summary, there is no logical or practical reason why this land needs to be preserved for either heavy industry, light industry, or marine oriented industry.


Clark M. Neily
Economic Development Director

CMN/ljn

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

15. TEXT AMENDMENT FOR HEIGHT VERSUS VARIANCE

Eastern Point selected the text amendment approach since there was a specific section dealing with exceptions to the rules in order to preserve view corridors and panoramas. Since the effect of what was being proposed was to do just that - protect and preserve view corridors and panoramas - inclusion of language into this same section seemed logical and appropriate.

16. LIMITATIONS AND RESTRICTIONS ON COMMERCIAL BERTHING

NONE.

The pier will be for berthing and for normal access to the vessels. The pier will be 24 feet wide and will have a concrete surface suitable for access by light duty trucks. Some minor repairs and maintenance may be accomplished at the pier but there would be no facilities for major overhaul or repair. Since the pier is adjacent to the commercial and industrial portion of Eastern Point, no restrictions on hours would be necessary. Uses of the pier for other than berthing and associated activities would obviously be curtailed and controlled by the lease.

17. PROJECT DESIGN AND IMPACT IF ROOFS ARE KEPT TO 45 FEET HIGH

In order to address this issue, our architect, Sasaki Associates, assessed the impact of expanding the footprint of the various buildings. Currently, the buildings cover only 25% of the land area; therefore, a larger footprint is possible.

Initially, Sasaki Associates attempted to expand the footprint of buildings easterly on the site. Site constraints provided the following impediments:

1. Connections between the buildings aligned perpendicular to the shoreline eliminated substantial views from windows having an oblique view of the water as well as those from buildings to the rear of the site and parallel to the shoreline.
2. Expansion of the bay width of buildings perpendicular to the shoreline results in unusually inefficient buildings requiring large units at higher prices than projected. The ability to provide modest size units at modest prices is severely constrained. A secondary impact is to reduce the size of the green plazas between buildings.
3. An increased bay width of the buildings to the rear and parallel to the shoreline is impossible. These are proposed to have single-loaded corridors with units fronting only toward the shore. If they were to be double-loaded, half of the units would only have views of the retaining wall at Fore Street.

Regardless of the way the buildings were shifted around and expanded, an alternative plan for revising buildings to the east was unacceptable. Sasaki then turned toward revisions at the westerly end of the site.

In doing so, it found that there could be some expansion of building footprints without undue negative impact on the project. The plan, attached, shows two existing buildings to be demolished and replaced by a wider and taller new structure. Also, a new building can be added to an existing one and the building on the parking deck can be expanded to compensate for the lost floor area to the east. This plan, while acceptable, is less desirable for the following reasons:

1. Two of the historic structures proposed to be retained will be demolished.
2. A new building will mask one of the other historic structures.
3. These new structures will only be 45' high, but since there is less of a grade differential in this location at Fore Street, some views will be obscured.
4. The plan shifts more residential uses toward the west so as to be closer to the industrial portion of the site.

18. LETTERS ARE ATTACHED RELATING TO DISCUSSIONS WITH THE

DEPARTMENT OF ENVIRONMENTAL PROTECTION
US ARMY CORPS OF ENGINEERS
BOARD OF HARBOR COMMISSIONERS

ST JAMES PROPERTIES

March 18, 1987

Mr. John James
Bureau of Land Quality Control
Department of Environmental Protection
State House
Augusta, Maine 04333

Dear Mr. James:

The following outlines the notes I took at our meeting on March 6, regarding the Eastern Point project proposed in Portland.

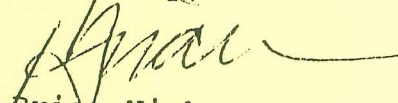
- I. Specific Issues to be Considered by DEP under Site Location Act:
 - A. Historic issues - comments by Maine Historic Preservation Commission will be requested by DEP.
 - B. Breakwater - any construction or fill in water areas is a concern and will be reviewed in detail.
 - C. Demolition Debris - DEP is concerned with any asbestos which might be present. Furthermore, the character of debris and method of disposal will have to be identified.
 - D. Estimates of solid waste and their character will be necessary.
 - E. Traffic Study - typically, DEP will look to the City of Portland for its recommendations; however, the DEP reserves the right to make additional recommendations. DEP is interested in entrances, sight distance, parking plans, as well as general traffic information.
 - F. Scenic Character - DEP is concerned with how the project will appear from the water as well as from the land. A scenic impact study may be requested.
 - G. Soils - A high intensity soil survey may be requested. In addition to general soil conditions, DEP will be interested in the presence of any hazardous waste in the soils.

March 18, 1987
Page 2

II. The Bureau of Land Quality Control will coordinate Wetlands Alterations and any Discharge Permits necessary as part of its Site Location Act review.

Please contact me if I have made any errors.

Sincerely,



Brian Nickerson

/tw

cc: Phillip Meyer, Portland Planning Department
Gary Anderson, Sasaki Associates

EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207 775 0466

March 20, 1987

Mr. John Adamson
U.S. Army Corps of Engineers
Room 209 Federal Building
40 Western Avenue
Augusta, ME 04330

Dear Mr. Adamson:

It was a pleasure discussing the Eastern Point project on Thursday. I am attaching some information about the project in order for you to start a file on Eastern Point.

With regard to the Corps of Engineers' review process, I understand the following:

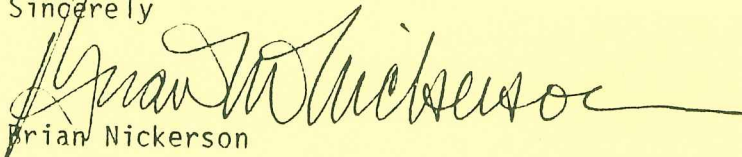
- A. The Corps' principal interest is navigation and that any proposal will be reviewed as to how it will impact navigation in Portland Harbor. Jurisdiction of the Corps is below the high tide line.
- B. In reviewing any proposal involving fill or structures in water areas, the Corps will consider the following:
 1. that there are no alternatives to that proposed;
 2. that the fill or structure are for water-related functions;
 3. that the proposal serves the public interest.
- C. If any wetland marshes are involved, the Corps would review fill proposals. There are no such wetlands at the Eastern Point project.
- D. Other proposals to stabilize a shoreline would be reviewed by the Corps.
- E. For a major project, the Corps of Engineers will review it independently from State approvals, and the process includes:
 1. 30 day public comment period;
 2. public notices in the newspaper;
 3. notice to State and Federal agencies;
 4. notice to abutters and municipal officials;
 5. a public hearing may be considered by the Corps, but it is not typically included;
 6. issuance of a permit should take place 60-90 days after receipt of a completed application package.

Mr. John Adamson
March 20, 1987
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F. Submission should include all existing structures in the water area, the location of any lobster buoys, the high tide line, the mean high water line, the mean low water line, locations of the navigation channel and fairways, and any photographs of the area.

We should be prepared to submit a completed application including the above items shortly after City Council action on the proposed zone change. I look forward to the material you will be sending me.

Sincerely



Brian Nickerson

BN/jm

cc: Phillip Meyer, Portland Planning Dept.
Gary Anderson, Sasaki Associates



**Board of Harbor Commissioners
for the Harbor of Portland**

P.O. Box 7613
Downtown Station
Portland, ME 04112

March 16, 1987

Mr. Joel Russ
Eastern Point Associates
482 Congress Street
Portland, Maine 04101

Dear Mr. Russ:

As per our telephone conversation this afternoon the Board of Harbor Commissioners will be holding a Workshop on Wednesday, April 1, 1987, at 5:00 p.m., at the South Portland City Hall, Council Chambers.

Should you have any questions regarding this workshop, or should there be any problems with the time or place, please feel free to contact me.

Sincerely,

Board of Harbor Commissioners

A handwritten signature in cursive script that reads 'Ethelee W. Jackson'.

Ethelee W. Jackson
Assistant Clerk

e

MAYOR RONALD DORLER

WILL NOISE BE A PROBLEM?

No.

Noise is a problem only to the extent that the architects had to consider noise in their design concept. The Portland waterfront and the peninsula as a whole are the most urban places in Maine. Noise is prevalent throughout and has been a problem in various parts of the peninsula. Where problems have existed, noise has affected already existing buildings, buildings which were built before many of today's urban noises existed.

The presence and proximity of Bath Iron Works suggested to the architects that noise abatement must be integral to the design concept. In addition to creating commercial buildings closer to BIW, the use of brick construction and insulated walls and windows became a given. Noise does not appear to be a significant problem on Munjoy Hill. BIW has had some complaints from the Hill; our discussions with Hill residents reveal few problems, if any. Most Hill residents live in buildings built more than 50 years ago and contain little noise abatement measures. The residents of Eastern Point will have an advantage of proper design to maximize noise abatement. Noise should be virtually nonexistent to the Eastern Point resident.

The Director of Transportation and the Waterfront has noted potential problems for the project from aircraft noise. We requested the list he maintains of people complaining about noise. The City Council Members are included on the list for information purposes. There are 181 entries on the list with only 71 from Portland residential addresses. The only address on Munjoy Hill is that of Councilor Casale, and we assume that it was included with the rest of the City Council. If our assumption is correct, no one from Munjoy Hill or the Eastern Promenade has complained about aircraft noise. Obviously, then, aircraft noise will not be a problem for Eastern Point residents.

WHY IS AGRITECH SYSTEMS CONSIDERED PART OF THE PROJECT?

AgriTech Systems is a part of Eastern Point and part of the land use planning for the project.

AgriTech had come to an internal decision to relocate off the waterfront since it was growing beyond the capacity of its previous facilities and it could not afford to stay in the waterfront area. The company was days away from signing an agreement with an industrial park in Westbrook to relocate its quarters there. At about the same time, Eastern Point plans were being formalized and the land use scheme suggested a light industrial use for the westerly portion of the site. AgriTech was approached with a proposal to relocate to the former Crosby building and a lease was negotiated and executed. Without the initiative of the Eastern Point development team, AgriTech would have followed the pattern of industrial uses

abandoning the area. AgriTech has doubled its employment since discussions by Eastern Point were opened with the company; without Eastern Point, the employment growth would have occurred in Westbrook.

HOW CAN THE CITY GUARANTEE THAT EASTERN POINT ASSOCIATES WILL LIVE UP TO ITS PROMISES?

The development partners' background and capacity to complete speaks for itself.

The partners of Eastern Point have excellent reputations in the communities in which they work. Obviously, Menario/Russ/O'Sullivan has an unquestionable reputation in the Portland area and has a track record which speaks for itself.

St. James Properties has worked in most of the medium sized cities as well as towns in New England. Mayor Neil of Springfield can be contacted about the development of the Fuller Block in his downtown; this was an excellent relationship of City and developer to bring back the glory of that important downtown building. Closer to Portland, the City Council may wish to contact town officials in Conway, New Hampshire about their experience with St. James Properties in the Settlers' Green project; we believe you will receive favorable comments about our willingness to fulfill our responsibilities and exceed them.

The Webb companies is now the third largest real estate developer in the U.S.; Webb tends to operate in medium size cities in the U.S. and its reputation in those communities is excellent. As a matter of philosophy, the development partners of Eastern Point share a strong commitment to the community which provides their livelihood. The partners believe that there is an important give and take relationship which not only strengthens the community itself but also increases the likelihood of project success since the community as a whole will have a favorable impression about the project and will patronize or recommend it highly.

The subject of contract zoning has arisen on a number of occasions. From the very beginning when the subject was introduced to us, we have expressed a willingness to work with the City to take the model initiated on the islands and bring it to the mainland. We continue to be willing to do so, should the City Council feel that greater assurance is needed to guarantee the various proposals we have made. We have every intention to fulfill every commitment made, so contract zoning is not a problem for us. The time it may take for the City to put contract zoning in place, however, is a great concern. We stand ready to cooperate in this endeavor, if the process can be accomplished quickly.

WHAT IS THE IMPACT OF THE WATERFRONT REFERENDUM?

Eastern Point commenced a process dictated by state and local regulations prior to the December 22 date in the referendum; we believe the referendum, therefore, does not apply.

The impact of the referendum on the waterfront generally can be disastrous. While its proponents are selling it on the prohibition of condominiums, the referendum also prohibits most commercial and industrial development from Tukeys Bridge to Veterans Bridge. We do not believe this to be in the best interest of the City's future.

With regard to its impact on Eastern Point, we believe that it has no impact because we commenced the process dictated by State and City codes for rezoning months before the December 22nd date specified in the referendum. Essentially, Eastern Point would be "grandfathered" and would proceed with a positive City Council vote regardless of the outcome of the referendum in May.

WHY IS AGRITECH LOCATED ON SITE IF IT IS UNSUITABLE FOR INDUSTRIAL DEVELOPMENT?

Industry can only work in this part of the waterfront as part of a mixed-use concept.

Eastern Point has never stated that industrial development cannot be accommodated in this area of City. However, it is our position that the area is not suitable solely for industrial development and that industrial uses can only work in this area as part of a multiple use concept. Furthermore, it is unlikely that residential uses will locate in the area between the Franklin Arterial and the Eastern Point project. If industrial uses are to be part of that area's future, it will only happen as part of a mixed commercial and industrial concept where both uses enhance the presence of the other. If one is to stand alone, it can only be the commercial uses; industrial uses in this area of the City are the most vulnerable and most unstable.

COUNCILOR LINDA ABROMSON

Councilor Abromson was out of the City on the day of the last City Council workshop. Councilor Abromson has asked questions of the staff and the developer directly. The record of these questions was not kept, unfortunately. Eastern Point Associates apologizes to Councilor Abromson for not being able to restate the questions and answers in this format.

COUNCILOR EDWARD I. BERNSTEIN

HOW WILL EASTERN POINT AFFECT THE LIVEABILITY OF MUNJOY HILL?

It will be an improvement to the quality of life on Munjoy Hill.

Eastern Point Associates have met with a variety of neighborhood organizations prior to meeting with the Planning Board in order to design the project in the best way possible. We believe we have achieved the best design possible. A number of the changes made to improve the project are the direct result of these meetings and suggestions of Munjoy Hill and Portland residents. Some of these are:

- Through discussions with the Munjoy Hill Neighborhood Organization, it was decided to include 30 units of affordable housing into the project.
- Initial plans had the tops of some of the new buildings slightly above the level of Fore Street. When we found that there was a neighborhood interest to preserve view panoramas, we reduced the heights of these buildings so that the top of the roofs would be below the level of the street, thus preserving the view panoramas.
- Initial plans had shown public access. We were asked to increase public access. As a result, we opened the entire project to access by the public and added more pedestrian connectors into the project. Furthermore, we intend to open the breakwater to public access where neighborhood residents could walk and fish. Long term public access will be assured; Eastern Point Associates has offered to grant to the City a perpetual public easement.
- Neighborhood residents asked if Eastern Point would invest in improvements to the Eastern Promenade. We have set aside \$75,000 for this purpose.
- Eastern Point was asked whether a contribution could be made to the Portland Development Fund. We have allocated \$300,000 from sales/rent proceeds for this purpose.
- Neighborhood residents asked if Eastern Point could help them during snow emergencies. Since the marina will have little use during the winter, we have set aside 75 parking spaces for use by neighborhood residents during snow emergencies. There will be no charge for this parking.
- Neighborhood residents asked if the current "tower" could be used as an observation deck and museum of the Hill and the Portland Company. We have set aside the tower for both uses; retention of the tower is desirable since it is an important landmark in the neighborhood.
- When commercial berthing became an issue in other waterfront projects, we were asked by the Portland Fish Exchange if we

could help to expand commercial berthing. As a result, we have designed one pier within the W-2 zone to accommodate 1000 linear feet of commercial berthing at a pier which meets with design criteria of the Portland Fish Exchange.

Unlike projects elsewhere, Eastern Point dislocates no residents, no jobs, no berthing. In fact, it creates all three! Thus it expands the community resources without taking any away. All it takes away is a vacant and dilapidated factory complex which the City's Economic Development Director has identified as no longer appropriate for modern industrial development. By developing the project, we have tried to save, preserve and improve all the historically important buildings. We cannot imagine how Eastern Point could hurt the liveability of Munjoy Hill; we can only imagine that liveability will be improved significantly.

THERE IS A CONCERN FOR PUBLIC SAFETY AND TRAFFIC.

We share the concern of Councilor Bernstein, the City Council and the community.

It is why we have committed 24 hour security for the project - not to keep anyone out but to prevent public safety and traffic concerns people have been experiencing in the neighborhood. We have met with the Fire Department and the Traffic Engineer on a number of occasions; they will make their reports directly to the City Council.

WHAT ARE LONG-TERM CARE PLANS FOR THE PROJECT?

The intentions of the developing partners are to have a long-term presence at Eastern Point and in the City of Portland.

Eastern Point Associates will be involved in the project in the operation of the industrial, commercial, marina and rental housing portions. The condominiums will, obviously, be sold to home-owners who will take an interest in the long-term care and management of the facilities. Eastern Point Associates is comprised of reputable and secure local, regional and national partners. Menario/Russ/O'Sullivan is well known by the City Council. St. James Properties is involved in a variety of projects throughout New England. The Webb Companies of Lexington, Kentucky was the third largest real estate development company in the U.S. in 1986. The background of the development partners should provide the confidence that their interest is long-term and that their financial capability to perform the project is sufficient.

HOW WILL THE PROJECT BLEND WITH THE WORKING WATERFRONT?

The project adds to the working waterfront and the land use plan provides for an excellent blend into the working waterfront.

Marina activity and the "working waterfront" are only in conflict when they compete for the same berthing. In the case of Eastern Point, there will be areas for recreational boats and a commercial pier for commercial vessels. Since there is no breakwater now, there is no berthing at all. The construction of a breakwater will not only open up the berthing proposed at Eastern Point but also

berthing and waterfront activity on water and land not owned by Eastern Point. The increase in berthing for recreational and commercial boating will increase the market for working waterfront companies which provide services to the boating public and commercial boating interests.

We have met with Bath Iron Works to address their concerns; the City Council will be receiving correspondence directly from BIW regarding their position on Eastern Point. We have also met with most of the waterfront property owners and the great majority approve of the Eastern point project.

CAN THE BELTWAY/WALKWAY AROUND THE PENINSULA BE INCLUDED IN THE PROJECT?

Yes.

It is one of the high priorities of Eastern Point and we have included as much public access to the waterfront for pedestrian uses as possible. With the cooperation of the City and other property owners, we hope to expand what we can do and extend the beltway around to East End Beach, if possible.

COUNCILOR JOSEPH CASALE

IDENTIFY PHASING FOR THE PROJECT.

The following phasing plan is subject to revision by detailed market planning, construction considerations, or market circumstances.

- PHASE I: AgriTech - Completed
- PHASE II: 1988 - 1989
Commercial - 22,000 sq. ft.
Rental Housing - 50-80 units
Sale Housing - 60-90 units (for total of 140 units)
Breakwater
Main Pier
Marina facilities for 150 vessels
Commercial Berthing Pier
- PHASE III: 1989-90
Sale Housing - 60 units
Marina Vessels - 75 slips
- PHASE IV: 1990-90
Sale Housing - 50 units
Marina Vessels - 75 slips
- PHASE V: 1991-92
Sale Housing - 55 units
Marina Vessels - as per market and space limitations
- PHASE VI: 1992-93
Sale Housing 25 units

A MORE DETAILED TRAFFIC PLAN IS NECESSARY.

Mr. Bray has identified the traffic plan necessary for him to make a recommendation to the City Council. The firm of Hunter-Ballew is currently preparing the information to Mr. Bray's specifications.

WHAT IS THE CONTROL OF THE PROPERTY.

Eastern Point Associates owns the land; MDOT owns the water and is leased to Fish Point Associates, controlled by Eastern Point.

The land area, formerly of Crosby-Laughlin and the Portland Company, is owned by the partners of Eastern Point Associates. The water area is leased under an agreement with the Maine Department of Transportation. This agreement gives MDOT approval over any change of use. Regardless, MDOT and the State would have approval over any proposed use under the Submerged Lands Act, regardless of any lease which might be in effect. The access to the water area is governed

by a 150-foot wide easement where Eastern Point, MDOT and Canadian National Railroad all have some rights. Frank and productive discussions have been held with both parties; it is expected that increased control and access will result from these discussions, but nothing specific can be identified at this time.

REPORT FROM MDOT IS NECESSARY.

Eastern Point Associates has met with MDOT on a number of occasions and has provided plans and specifications to MDOT for its information. We have been working closely with Mr. Robert Elder, MDOT's Director of Marine Transportation Services. Mr. Elder stated that he would be pleased to respond to a request for information from the City of Portland.

DESCRIBE THE PROPOSAL FOR BUILDING HEIGHTS.

Rooftops of new buildings above 45' will be below the Fore Street bluff.

No building will be higher than 65 feet, as customarily measured by the City of Portland standards. No buildings will exceed 45 feet in height unless the highest point of the roof is below the level of Fore Street in the vicinity of the building. The amendment to the ordinance is drafted to be in conformance with the spirit of what Councilor Casale and the City Council have been trying to achieve so that views of water areas are preserved.

WHAT IS THE RELATIONSHIP WITH BIW? WHAT ARE BIW LONG TERM PLANS?

BIW supports the Eastern Point plan.

Eastern Point Associates have met with the President of BIW. Mr. Haggett has asked Eastern Point to include language in transfer documents identifying the activities of the shipyard in order to reduce the potential for complaints in the future. BIW and Eastern Point attorneys are drafting the proper wording. Mr. Haggett will be communicating the results of this effort directly to the City Council. BIW has stated that it has no long-term interest in acquiring land or water area owned or controlled by Eastern Point Associates.

WHAT WILL BE THE FUNCTION AND OPERATION OF THE COMMERCIAL BERTHING PIER?

No limitations on its use as a berthing facility.

The commercial pier will be in the W-2 zone where such use is permitted. It will be designed with a concrete surface suitable to support vehicles and will be 24 feet wide. A "T" turn-around will permit vehicles to enter and exit the pier conveniently and a 6" lip will be provided along the pier edge for safety purposes. There will be electrical service (110V) to the pier and boat owners will be able to connect to power. The location of the Commercial berthing pier is

adjacent to the commercial and industrial portion of the Eastern Point project; accordingly, no conflict is predicted between commercial boat use and residents of Eastern Point. No operational constraints are proposed other than those traditionally existing between a wharf owner and vessel tenant.

COUNCILOR ESTHER CLENOTT

WHY THE USE OF I-2B VERSUS I-2?

I-2 would make AgriTech Non-conforming.

I-2B contains no setback requirements; otherwise, the zones are the same. The building into which AgriTech is moving was built under I-3B standards requiring no setbacks and the structure's rear wall sits on the rear property line. Use of I-2 zoning would create a non-conforming structure due to the rear wall line; no further expansion of the AgriTech use would be possible.

HOW DOES W-2 ZONING AFFECT THE PROJECT?

Proper uses are proposed for the W-2 portion of the project.

A portion of the water area within the project at its westerly end lies within the W-2 zone. It is in this area that the commercial berthing pier is located, thus complying with recent zoning changes sponsored by Councilor Clenot.

DEFINE THE NUMBER OF RESIDENTIAL UNITS IN EACH PROPOSED ZONE.

R-6 Residential:	193
B-2 Business:	137

WILL THE MARINA BE AVAILABLE TO PORTLAND RESIDENTS?

Yes.

Not all marina slips are intended to be used for residents of Eastern Point. Berthing at Eastern Point will be made available to the general public under normal business practices. It is estimated that a number of Eastern Point residents will also choose to lease berthing at the boat basin, but there will be no restrictions placed on who will have the use of berthing.

DESCRIBE THE HEIGHTS OF BUILDINGS

Rooftops of new buildings above 45' will be below the Fore Street bluff.

Several historically significant buildings existing on the site will be retained; the roofs of these exceed the level of Fore Street. The proposed amendment would allow any new buildings to exceed 45 feet up to a maximum of 65 feet only if the highest part of the roof was no higher than the level of Fore Street. The heights of buildings would be measured in the same way. All others are measured under the Portland code; however, the absolute highest part of the roof would still have to be below Fore Street.

COUNCILOR DANIEL LEE

COUNCILOR LEE CLARIFIED THE DISTINCTION BETWEEN THE MEASUREMENT OF HEIGHTS UNDER THE PORTLAND CODE AND THE ROOFLINE OF BUILDINGS

Eastern Point Associates wants to make it clear that it proposes to keep the upper most part of the rooflines of the new buildings below the level of Fore Street.

HOW DOES THE TEXT AMENDMENT RELATE TO OVERALL CITY POLICY?

It is designed to preserve view corridors & panoramas.

The height requirement in the R-6 Zone is 65 feet. In order to preserve views of the ocean and harbor in some selected areas of the City, a 45 foot height limit is imposed as an exception to the normal height requirement. The purpose is to keep buildings somewhat lower so that views of the water will not be substantially obscured. Under normal circumstances, even a 45 foot building will obscure the views of people at street level. The proposed text amendment is consistent with City policy in that it would allow buildings up to the normal height requirement of the R-6 zone only if the uppermost part of the roofline was below the level of the street. By doing so, the text amendment exceeds City policy by not allowing the view to be blocked from the street level.

IS THE TEXT AMENDMENT SPOT ZONING?

No.

The current height requirements for the R-6 zone list various parts of the City specifically for the 45 foot height limit versus the 65 foot limit. The amendment is proposed to be incorporated within the listing of exceptions to the 65 foot limit and is consistent with the existing exceptions.

DESCRIBE THE AMOUNT AND LOCATION OF COMMERCIAL BERTHING.

1000+ linear feet of dock space in the W-2 Zone at the western portion of site.

The commercial pier will be located at the far westerly portion of the water area under lease from the Maine Department of Transportation. This portion is within the W-2 Zone and is a permissible use. The pier will be 500 feet long, thus providing 1000 feet of berthing along either side. With rafting of boats, the amount of berthing can be increased to 2000 linear feet. A "T" section at the end will add to the berthing length and also serves as a "turnaround" for vehicles using the wharf.

COUNCILOR CHERYL LEEMAN

Councilor Leeman had to leave the previous workshop prior to her opportunity to orally ask questions. Councilor Leeman subsequently provided her questions to the Planning staff, but these were incorporated into a general memorandum of all City Council questions. Eastern Point Associates apologizes to Councilor Leeman for not being able to answer specific questions in this format.

COUNCILOR J. DONALD MAC WILLIAMS

DESCRIBE THE NUMBER OF UNITS TO BE FOR SALE AND THE NUMBER OF UNITS TO BE FOR RENT.

The 30 units of affordable housing will be similar to the State's first time buyer program and will meet the guidelines of the MSHA HOME program, as they may change from time to time. Of the market rate units, current projections show between 50 and 80 units to be in the private market rental pool with the remaining to be sold to homeowners.

WILL THERE BE GUARANTEED CONSTRUCTION JOBS TO PORTLAND RESIDENTS?

Eastern Point Associates has signed an agreement with Portland based construction trade unions.

Eastern Point Associates is not opposed to a program guaranteeing jobs to Portland residents should the City Council wish to enact an ordinance such as has been enacted in other cities in the United States. Where such an ordinance has been enacted, it has involved appropriate delegation and increased staffing to a city department in order to monitor and enforce the ordinance. Under such a city-wide program, Eastern Point Associates would be pleased to work with the City of Portland to ensure jobs to Portland residents, assuming enough construction workers live within the City limits. Typically such ordinances are enacted in communities where unemployment is high but construction activity is strong; the City council will want to assess if such conditions exist in Portland.

MORE DETAILED TRAFFIC ANALYSIS IS NECESSARY.

Eastern Point Associates and the project traffic engineer have met with the City traffic Engineer. Mr. Bray has identified the information necessary for him to make a recommendation to the City Council and work to provide that information is now underway.

THERE SHOULD BE A WRITTEN AGREEMENT BY THE DEVELOPERS TO UPGRADE FORE STREET AND TO INSTALL SIGNALS AT FORE AND INDIA STREETS.

Eastern Point Associates is willing to do so.

These areas of improvements were discussed with Mr. Bray. Mr. Bray thinks such improvements might be necessary but will not be certain until he has had the opportunity to review the traffic study. Should these improvements be warranted, Eastern Point Associates will gladly enter into a written agreement with the City to finance the improvements or install them at our expense.

WILL THE PARKING BE FREE?

Yes.

Parking will be free to residents and the general public using facilities at Eastern Point. Furthermore, free parking for 75 cars during snow emergencies will be provided to neighborhood residents under a first-come-first-served basis. Some charge may be provided to commercial tenants of the facility, depending on the scope of need, but this is not part of the current plans. Unlimited free

parking by people not using the facilities of Eastern Point would, of course, constitute an abuse of a privilege; unreasonable abuses will be avoided.

ARE UTILITIES ADEQUATE TO SERVE THE PROJECT? WHO PAYS FOR UPGRADING THEM IF THEY ARE NOT?

Yes.

Engineering analysis of the site and facilities to serve it have determined that the utilities are satisfactory to serve the project. Should the information we have received about utilities be incorrect, improvements are possible. Such improvements would normally be the responsibility of the developer unless they were of a more neighborhood-wide or community-wide nature. The developers of Eastern Point have expressed their interest in working with the community to solve such problems - both in how we have approached the Portland community and in how we have interrelated with other communities with regard to our projects. We have a strong belief in working with the community in which we are involved to improve and solve problems, since we become a beneficiary of the improvements. The City Council may wish to contact Town of Conway, New Hampshire officials regarding their experience with the developers of Settlers' Green.

COUNCILOR PAMELA PLUMB

WILL THE BREAKWATER BE FIXED?

Yes.

The specific design has not been completed as yet, but analysis has determined that a fixed breakwater will be necessary due to wave-energy measurements.

IF IT IS TOO EXPENSIVE, WILL IT BE DELETED FROM THE PLANS?

No.

The estimated price range of \$4 to \$7 million has taken into account the most significant breakwater that might be necessary. Obviously, if unexpected circumstances were discovered which increased the cost substantially above the range, it would be necessary to reassess the situation at that time. This is not anticipated, since our engineers have used a "worse-case" means of calculating cost estimates.

WILL THERE BE PUBLIC ACCESS TO THE BREAKWATER?

Yes.

CAN THERE BE MORE THAN 1,000 FEET OF COMMERCIAL BERTHING?

Yes.

The proposed commercial pier is at the far Westerly edge of the water area leased from the Maine Department of Transportation. It will be 500 feet long, bringing it to near the edge of the Harbor Commission Line; therefore, extending it more than 500 feet is unlikely. However, a customary form of berthing used at the Fish Pier is to raft the boats, sometimes 3 deep. Doing so on the western side of the pier would double the amount of berthing.

Should additional water area be available from MDOT, the breakwater will allow for additional commercial wharves to be constructed. Land access to additional wharves, however, will require the approval of BIW and the Canadian National Railroad.

WILL THERE BE PARKING FOR FISHERMEN?

Yes, parking facilities will be available.

WHAT IS THE USE OF THE PUBLIC PIER?

Center of activity, public promenade and berthing.

The public pier will be the main wharf of the boat basin. It will allow public access to the end of the pier. Short-term berthing will be located at the "T" end of the wharf.

WILL THERE BE AT-GRADE CROSSING OF THE RAIL LINES?

Yes.

We have concluded an agreement with Canadian National Railroad to provide for pedestrian and vehicular crossing of the rail lines at grade so that access to the marina and the commercial berthing pier can be efficient and convenient.

DESCRIBE EMPLOYMENT PROJECTIONS

In short, no jobs will be displaced by the Eastern Point Project. As many as 345 jobs will be created by the project in the following categories:

1. Construction Jobs - It is projected that the project will generate 150-160 construction jobs per year over the 5-7 year construction period. Some have dismissed construction jobs as not relevant since they will end after the project is complete. To put this into perspective, it is important to note that (1) construction labor is a significant component of the Portland area economy, (2) construction jobs are relatively high paying - in the \$7.00 - \$15.00 range, (3) people who work in construction consider their jobs permanent, not temporary, (4) the 5-7 year period should be considered permanent since most new non-construction companies fail or close within 5 years and lay off their work force. The Maine Bureau of Labor has identified construction labor as the most significant component at Southern Maine's economy.

Furthermore, the project, at times, has been criticized for its unwillingness to use Maine labor; the facts are that the first construction contract to renovate the new AgriTech facility for \$1 million was given to a Portland firm with offices in the East End of the City. The project has also been criticized for its unwillingness to use Union labor; the facts are that St. James has used Union labor many times in other projects and has just signed an agreement with the Southern Maine Building and Construction Trades Council committing Eastern Point to using Union labor. Obviously, the criticisms by the opposition have no relationship to the facts.

2. AgriTech System Jobs - A workforce at AgriTech of 75 people has been identified. Some have suggested that AgriTech does not relate to Eastern Point and should not be considered as part of

the employment. The City Council may choose to include or dismiss these jobs. The fact is that if Eastern Point had not approached AgriTech with a mutual opportunity, AgriTech would have moved forward with its plan to move out of the City. As a development project by itself, the AgriTech component does not make economic sense. It made sense for Eastern Point because (1) it fit in with the design concept whereby residential uses would give way to increasingly intensive commercial uses as one moves westward, (2) the use itself is compatible with the high quality of the project, (3) it allowed for the use of an existing building which would not have to be demolished, (4) it allowed for the use of excess parking to be used for the remainder of the project, (5) it retained existing Portland jobs, and (6) it provided for an initial project income stream. When discussions were opened, AgriTech employed 30. They now employ 65, so it is likely that they will exceed the 75 job projection. Yes, these jobs may have been created anyhow --- but they would have been created in the City of Westbrook without the intervention and opportunities at Eastern Point.

3. Commercial Employment. The 22,000 sq. ft. of commercial space should generate between 3 to 5 full-time jobs per 1,000 sq. ft. or a total of 66 to 110 jobs. With the majority of the 22,000 sq. ft. for office use, these should be relatively high paying since current secretarial wages are in the vicinity of \$20,000. Not calculated for employment are the security, maintenance and property management employment which will be generated; these would be created by any large project and the purpose of the calculations was to show employment to be created above and beyond project-related employment. Also, not calculated are the marina jobs. While these will create seasonal employment for youth and people needing summer jobs, they were not included due to their seasonality.

4. Indirect and Induced Employment. It is customary to calculate the turnover of wages in an economic market at about three times that of direct employment. The Maine Bureau of Labor states that a figure of 3.2 should be used for construction jobs. Estimated direct payroll of about \$7.5 million was calculated to generate an additional annual indirect and induced payroll of \$22.5 million. Customary economic practices support this analysis.

WHAT IS THE IMPACT IF THE PROJECT MUST CONFORM TO 45' HEIGHT LIMITS?

The project can proceed, but views from Fore Street will be more obscured at the westerly portion of the site.

Currently, Eastern Point has ground coverage of only 25% of the acreage, leaving substantial green space for public areas of the project. Obviously, the maintenance of the 45' height limit means an

increase in the ground coverage ratio. For this reason alone, we believe keeping the heights to 45 feet is undesirable.

In developing an alternative plan, we find that expansion of the footprint of buildings at the Easterly portion of the site will block important water views from proposed buildings. On the other hand, expansion of the footprints on the Westerly portion of the site can be accommodated to offset the lost floor area.

However, two undesirable effects result. Forty-five foot high buildings at the Westerly portion of the site will exceed the level of Fore Street in that vicinity and will block street views. Furthermore, two of the narrower existing buildings, currently planned for retention will have to be demolished in order to allow for wider buildings. These undesirable impacts represent conflicts with public policy expressed in the past by the City Council - that is, the preservation of water views and the preservation of older building stock of historical or architectural interest.

We believe the current plans which allow higher buildings under the bluff are totally consistent with City Council policies and are better for the project and the community as a whole. The alternative plan will be reviewed at the next City Council workshop.

ARE THE 30 UNITS OF AFFORDABLE HOUSING FEASIBLE?

Yes.

Thirty units of affordable housing are feasible within the Maine State Housing Authority guidelines. We have met with MSHA officials on a number of occasions to identify a suitable program for the affordable housing, should rezoning permit it to proceed.

CAN THE CITY COUNCIL MAKE THE ZONE CHANGE CONTINGENT ON ANYTHING?
CONTRACT ZONING?

Yes.

The City of Portland has a model for contract zoning which it has used on the islands. In previous discussions with the Planning Board, Eastern Point Associates has indicated its willingness to work within the context of contract zoning. It continues to commit its cooperation in working with the City to develop a program, provided it can be done in a timely manner.

ECONOMY WATCH

12A MAINE TIMES, FRIDAY, FEBRUARY 27, 1987

Construction is important

The construction industry is the leading sector in southern Maine's economic development, and it's easy to see why from last week's state Bureau of Labor report on the wage rates in the construction industry. In 1986, construction workers made \$8.70 an hour, on average — more than two dollars an hour more than the manufacturing sector as a whole. Some construction jobs were particularly lucrative — boilermakers earned \$17.40 an hour and electricians \$16.09 an hour. During a time that other well-paid blue-collar workers were accepting pay freezes and even reductions, construction workers as a group received an 8.6 percent increase in pay last year. Since the 1983 recession, when construction wages actually fell, construction wages have increased by 22 percent.

The construction industry employs 30,000 in Maine, more than twice as many as Maine's leading manufacturing industry, paper.

In economists' terms, construction work has the highest "multiplier effect" of any industry, 3.2. That means every dollar spent on a construction job will be "re-spent" 3.2 times over in the economy as the bank loans money to the developer, the developer pays the contractors, the contractors pay the employees and the employees buy consumer goods. No other industry comes close — paper is in second place with a multiplier of two.

EASTERN POINT

82 Congress Street, Suite 501, Portland, Maine 04101 207 775 0166

NARRATIVE DESCRIPTION

Eastern Point Associates proposes to develop the former Portland Company property and the adjacent former Crosby-Laughlin warehouse as a multiple purpose real estate project. The land area is approximately 12 acres and has substantial frontage on Fore Street on the eastern portion of the Portland peninsula. The site also has a long-term lease arrangement of approximately 13 acres of harbor area owned by the Maine Department of Transportation.

The Portland Company site has been predominantly vacant for a number of years. At its peak, the Portland Company manufactured locomotives for the railroad industry, munitions including cannons, cast iron store fronts and numerous other heavy manufacturing products. The Crosby-Laughlin warehouse served the parent facility on the other side of Fore Street which was a heavy steel & iron forge plant; it ceased operation within the past two years.

The only active use of the site is by a young biotechnology company which manufactures animal testing devices - AgriTech Systems Inc. The development plan involves relocating AgriTech from its current quarters to modern and expanded facilities at the former Crosby-Laughlin warehouse. This project component has already received City of Portland approval and construction is underway. AgriTech will occupy 33,000 sq.ft. of floor area at its new facility.

In addition to the AgriTech component, the Eastern Point development plan includes the construction of 330 residential housing units, 30 of which will participate in existing subsidized housing programs (pending approvals by state and local housing entities). The majority of the residential units will be condominium units for sale to people wishing to reside at Eastern Point. There will be some private market rental units but the actual number has not as yet been identified by on-going market research.

Eastern Point will have a commercial component of mixed office, service and supportive retail uses, including a restaurant. Much of this space (estimated at 22,000 sq.ft.) will be housed in ground floor areas adjacent to principal public areas.

Eastern Point also proposes a boat basin for the berthing of over 300 vessels and including over 9000 linear feet of berthing space. In order to construct such a facility, a fixed breakwater easterly of the basin will be necessary. It is proposed to accommodate up to 1000 linear feet of berthing for commercial fishing and lobster boats as part of the boat basin plans.

The design plan incorporates a collection of brick buildings, utilizing the more significant of existing buildings on site. Structures close to Fore Street will parallel the street similar to the existing placement of buildings on site. Closer to the water and away from the slope of the site, new buildings will be perpendicular to the shore and Fore Street; this design maximizes views not only from the new buildings but also from Fore Street. All new buildings east of those to be retained will be constructed so that the roof lines will be below the level of Fore Street. This technique will minimize obstructions to view panoramas.

Public access to the site will be enhanced and encouraged by numerous vehicular and pedestrian entryways to the site and the presence of attractive public squares, spaces and gathering places. The boat basin will incorporate a central main wharf which will be a public activity area; the public will use this for access to the water as well as for a public landing and short-term berthing.

An existing tower on Fore Street will be developed as an observation deck. A small museum regarding the history of Munjoy Hill and the Portland Company will be incorporated into the observation area or at another appropriate location on site.

The site is currently zoned I-3B Industrial, the heaviest and least restrictive industrial zone in the city. With a few exceptions, nearly any kind of industrial use could be operated in the zone. Regardless, industry is quickly disappearing from this area and moving to suburban sites or out of the country.

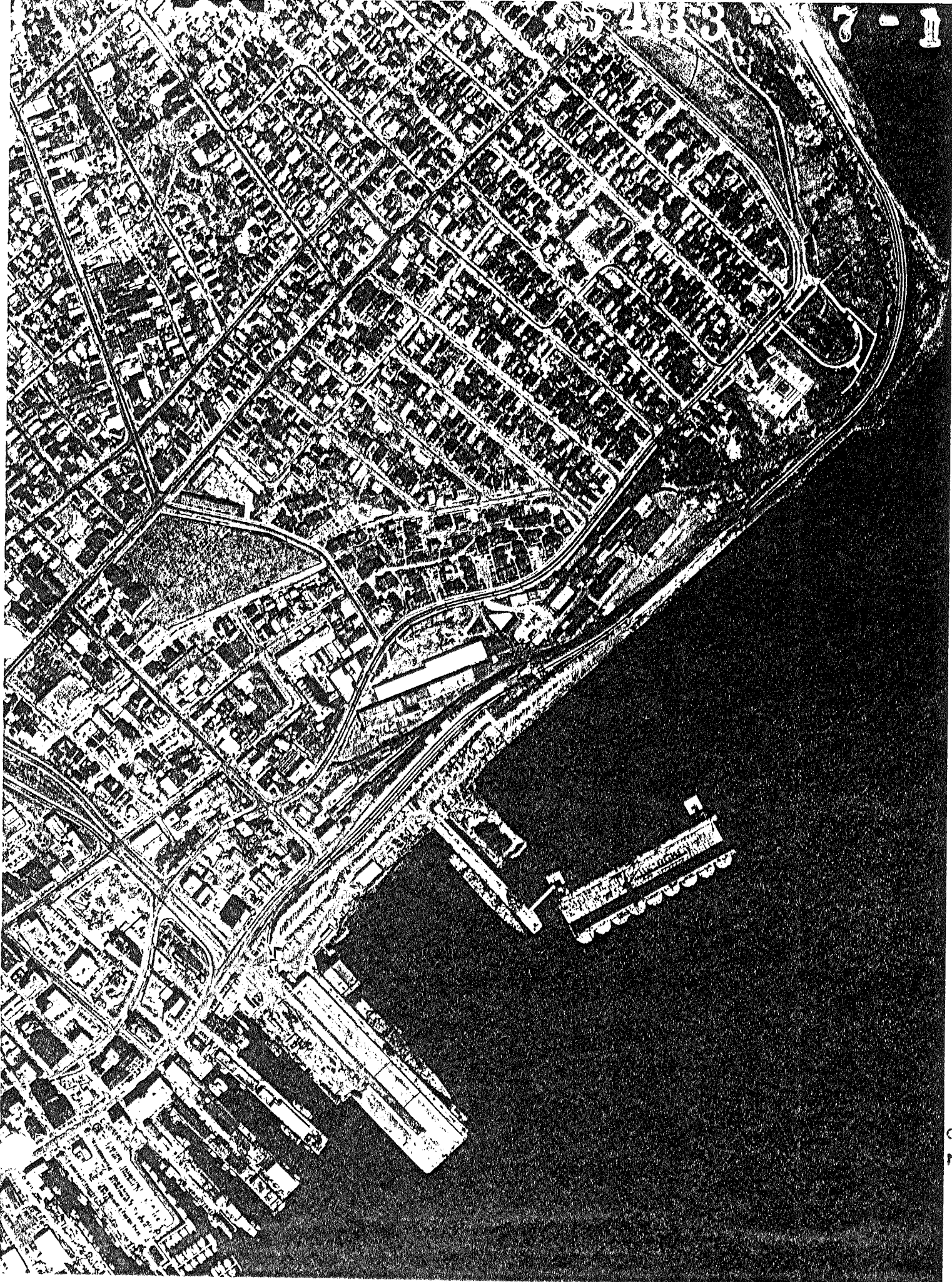
In order to accommodate the multiple-purpose nature of Eastern Point, rezoning is necessary. Rezoning to W-1 Waterfront was requested by Eastern Point Associates; however, after consultation with the Planning Board, a suggested alternative to W-1 zoning is contained in the body of this report.

In addition to zoning action by the City Planning Board and City Council, other approvals are necessary. A rigorous site plan review process will be undertaken by the Planning Board following positive zoning action. In addition, state and federal approvals and licenses will be necessary due to the project's size as well as its location on the waterfront.

Eastern Point Associates has made a substantial effort to involve neighborhood and community groups in its planning. It has asked for and received appointments with numerous organizations and continues to maintain a healthy information dialogue with these groups, regardless of their position on the project. Eastern Point Associates has strived to incorporate every reasonable request made of it in revising components of the project. And while the fundamental plan has not changed substantially, the proposal now before the Board incorporates numerous refinements recommended by community and neighborhood groups. We believe these refinements benefit the project greatly and will continue to respond to concerns throughout the development process.

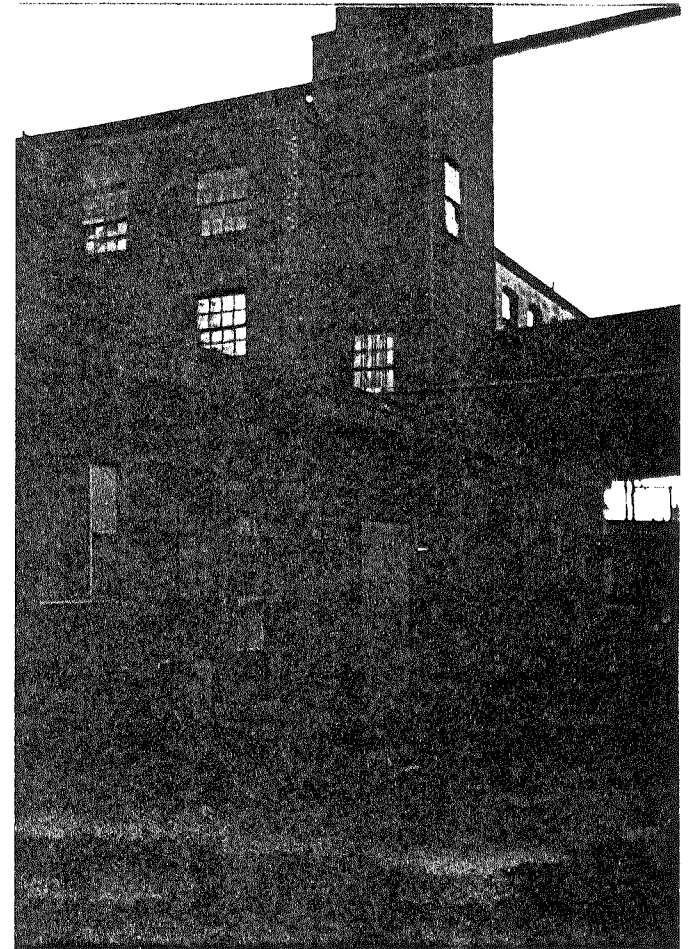
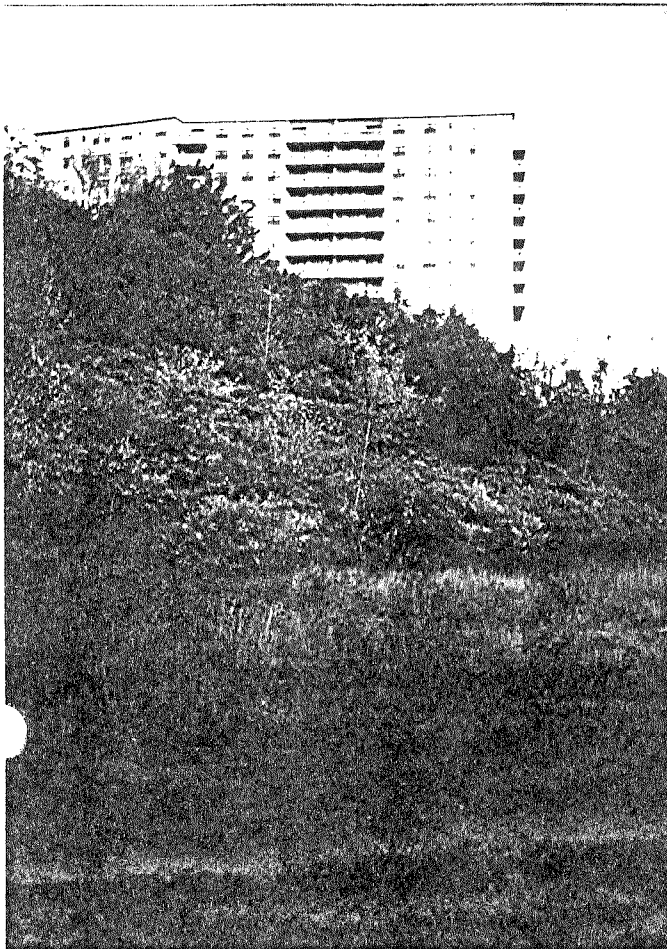
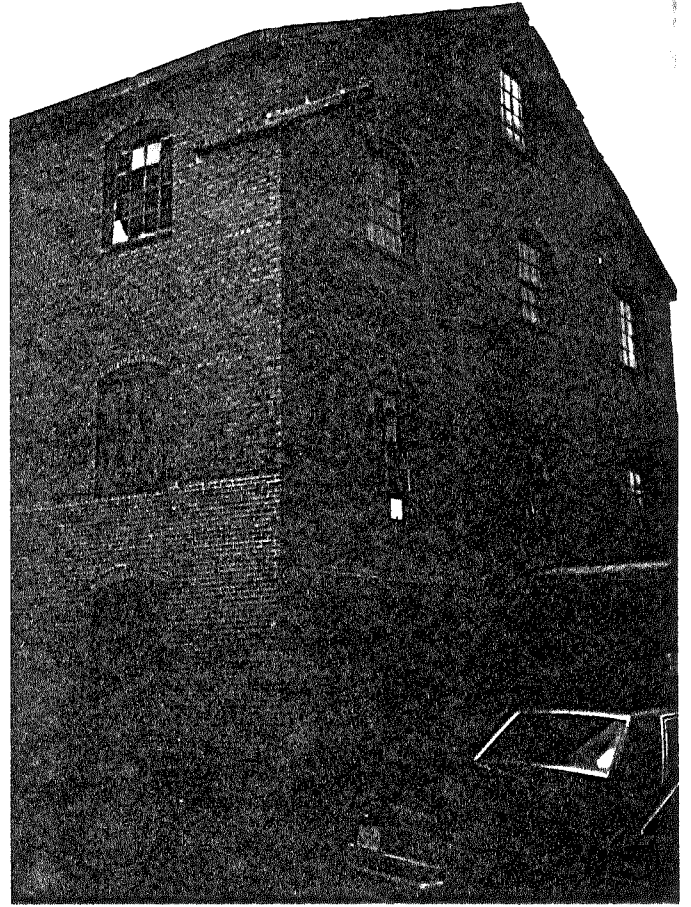
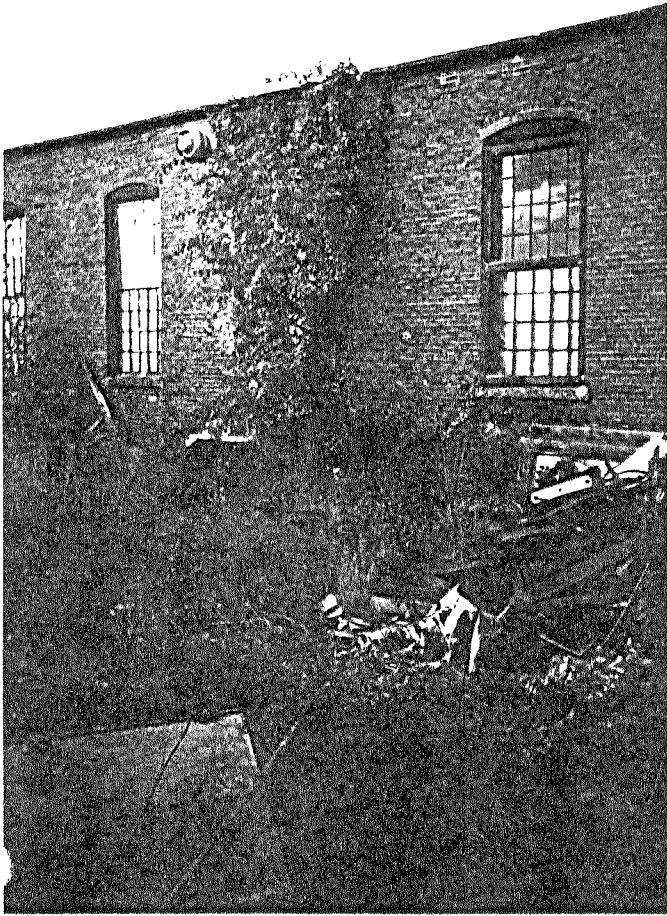
Bill -
I left this out by
accident. From the
Eastern Point binder.

Best,
Billian Schair
Stanton Company

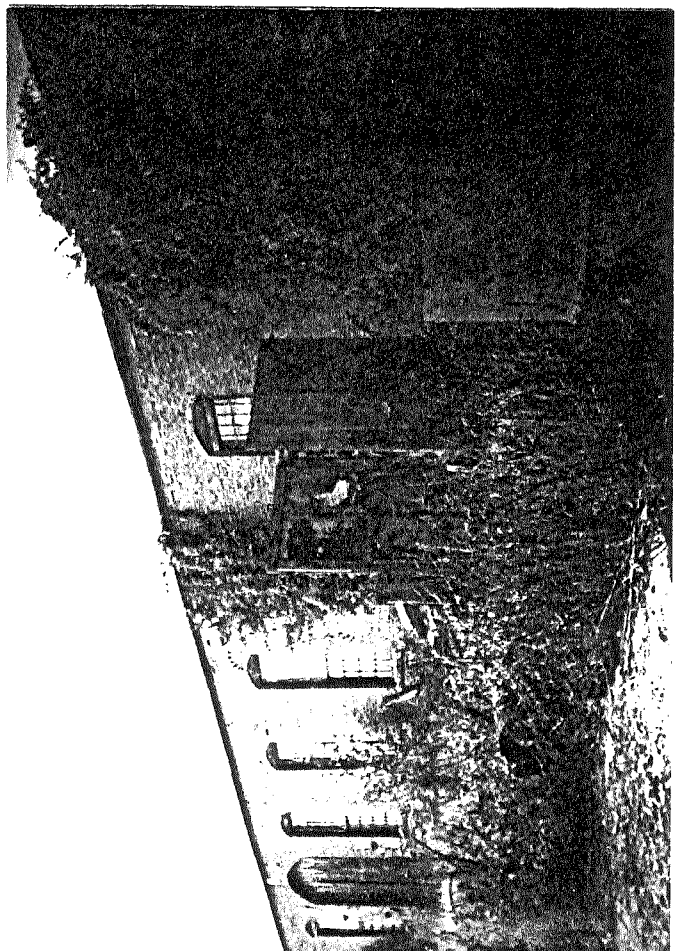
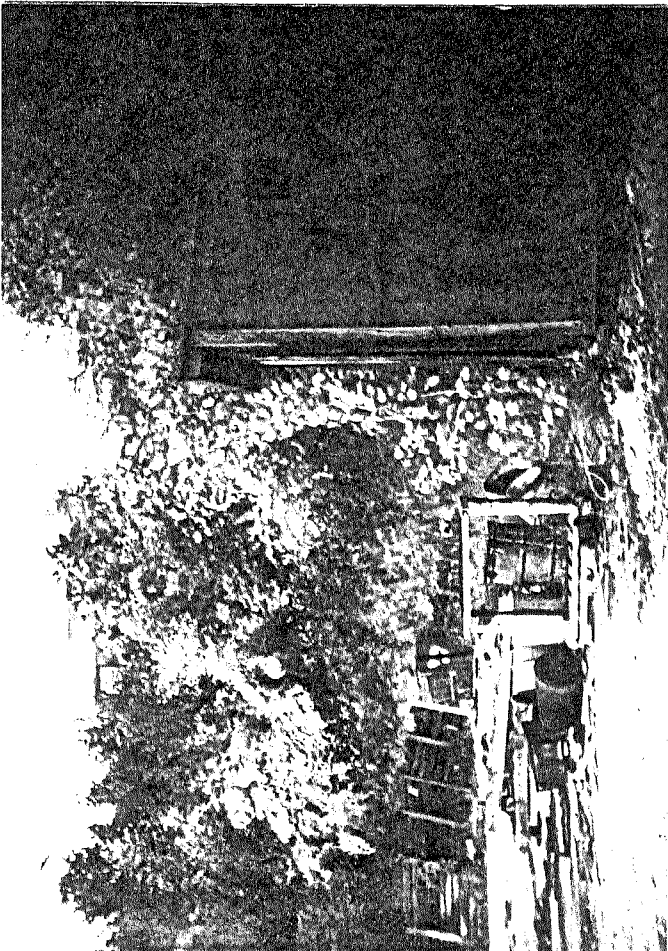
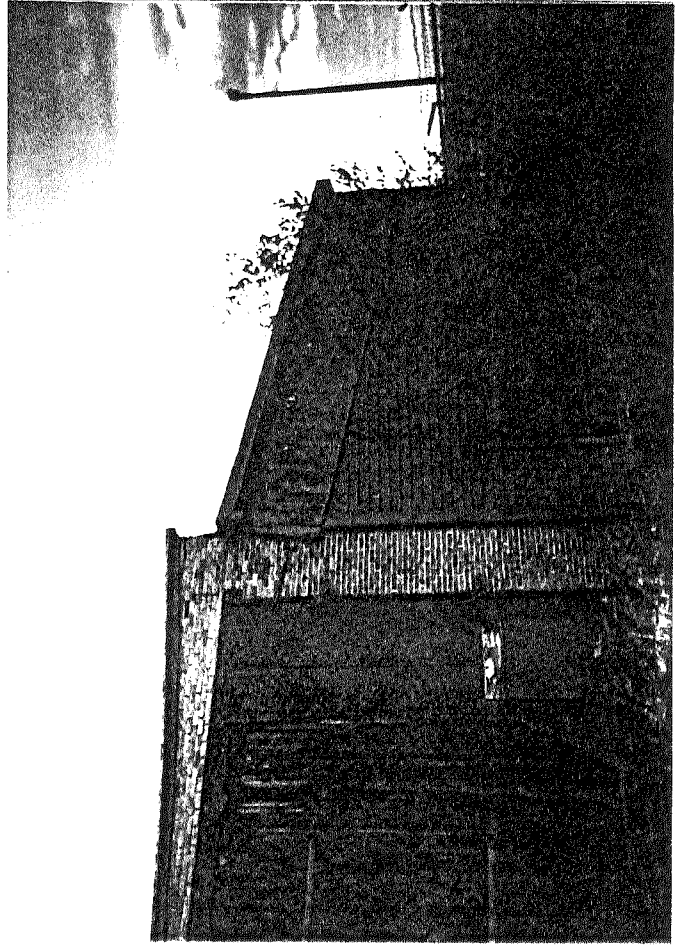
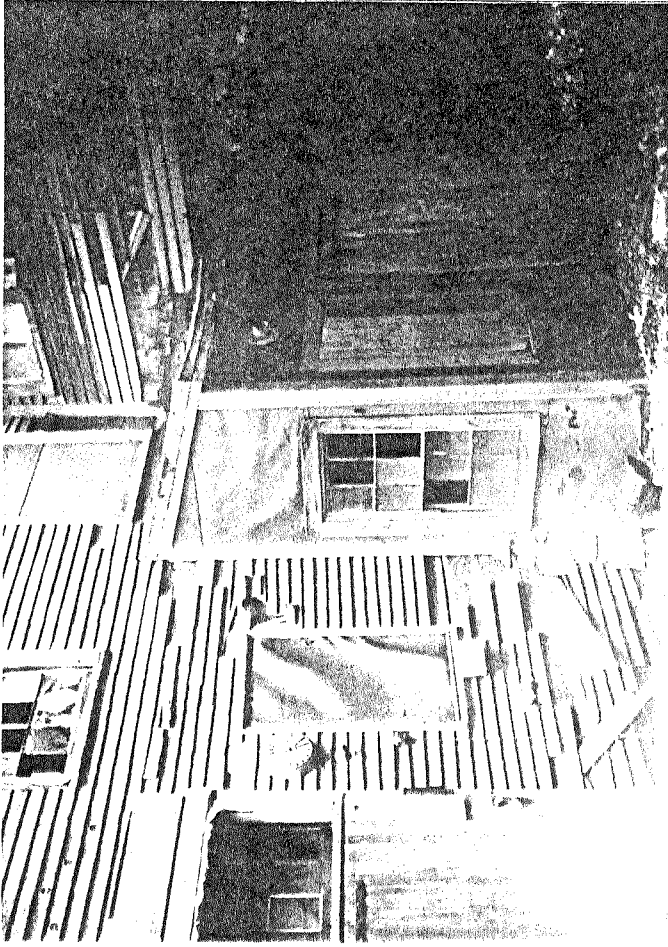


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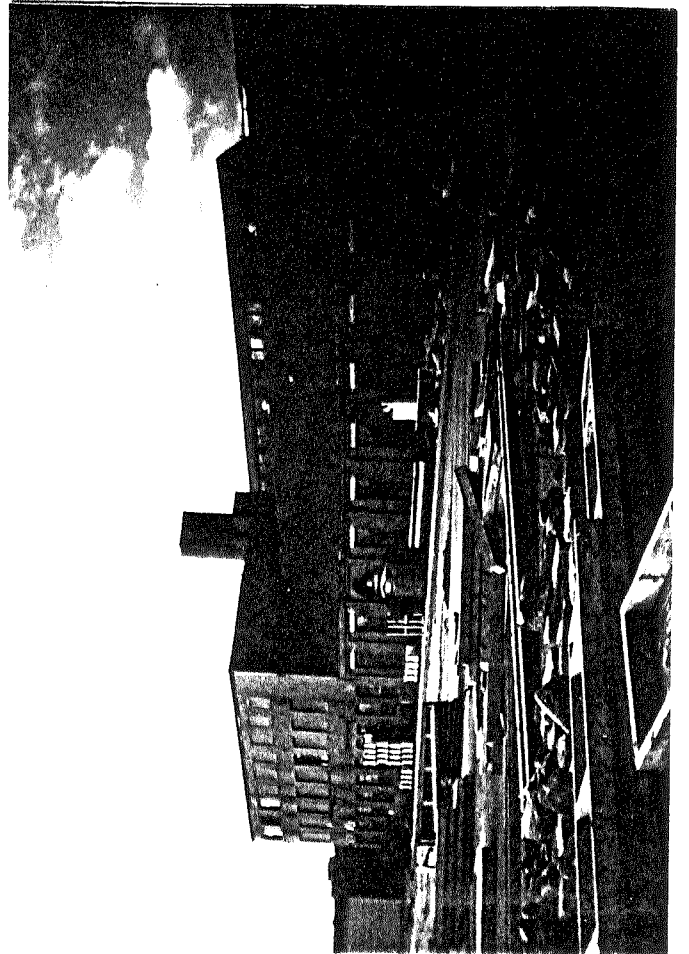
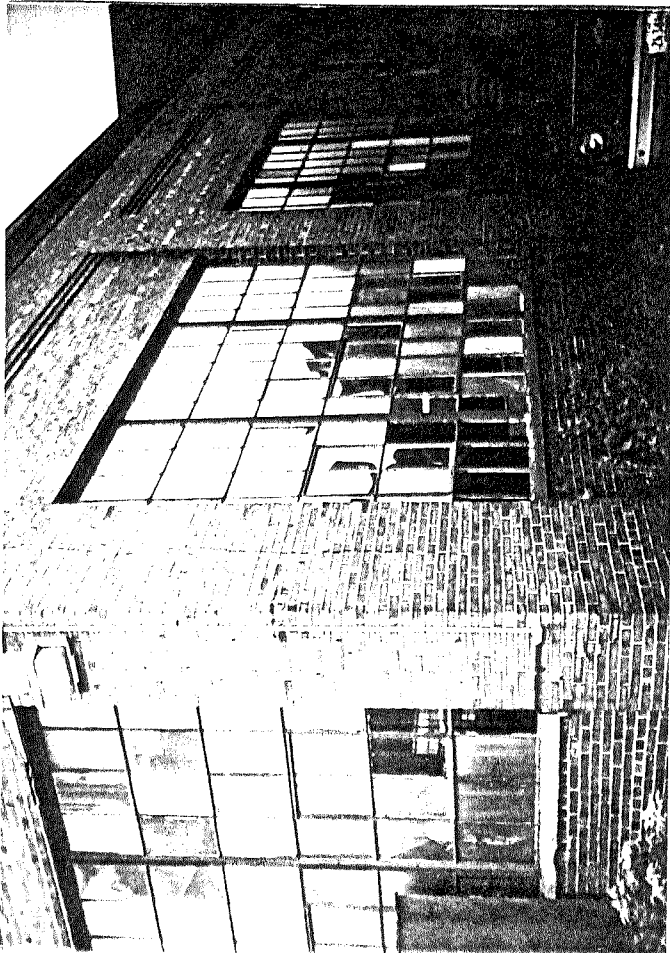
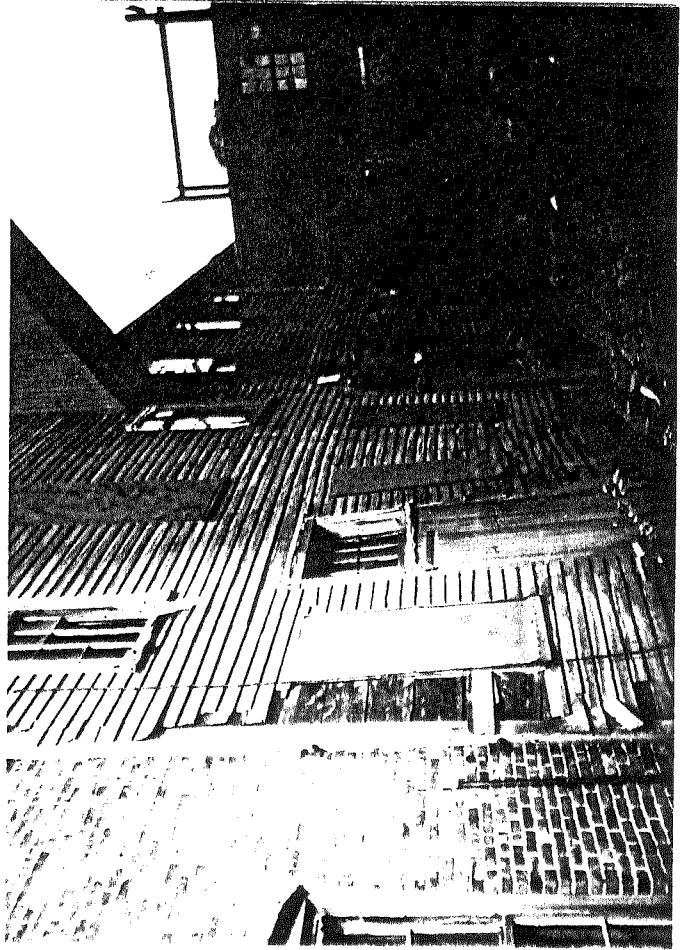
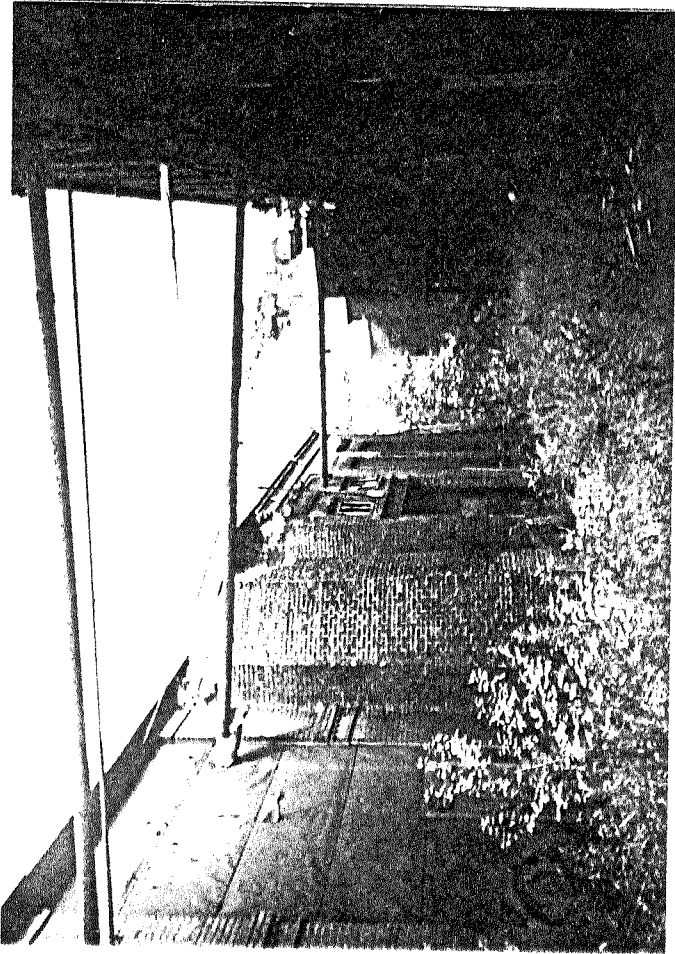
EASTERN POINT - EXISTING BUILDING CONDITIONS

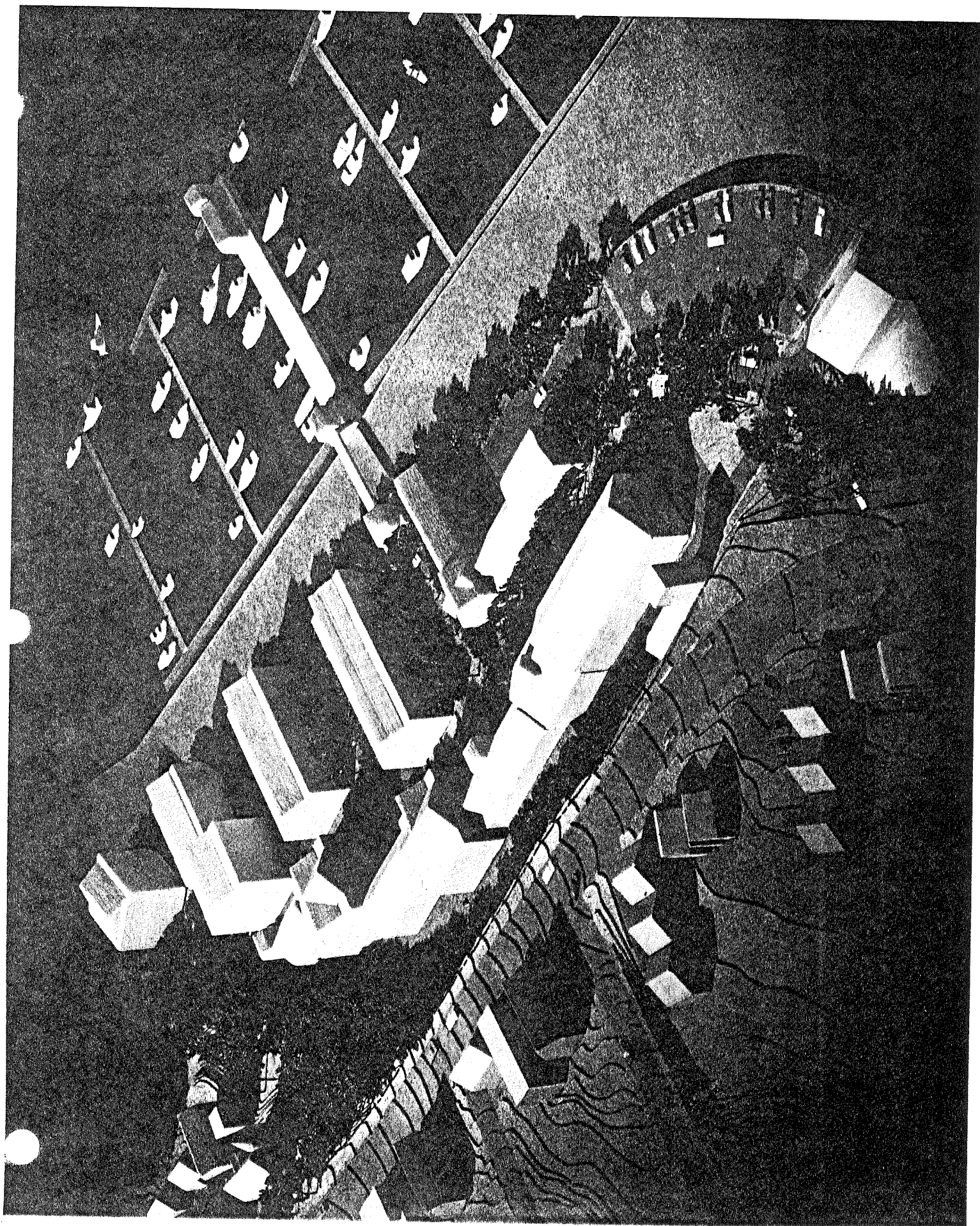


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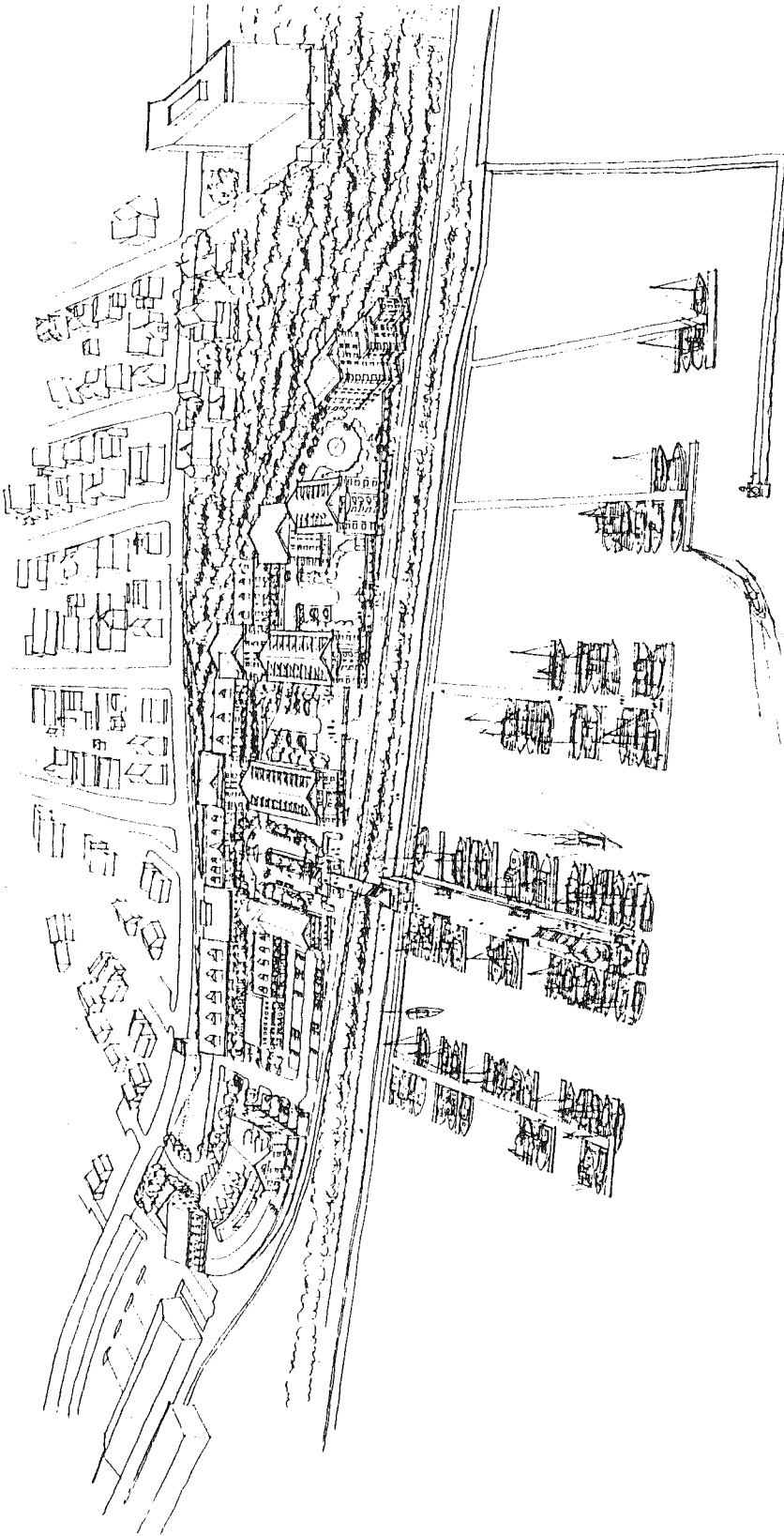


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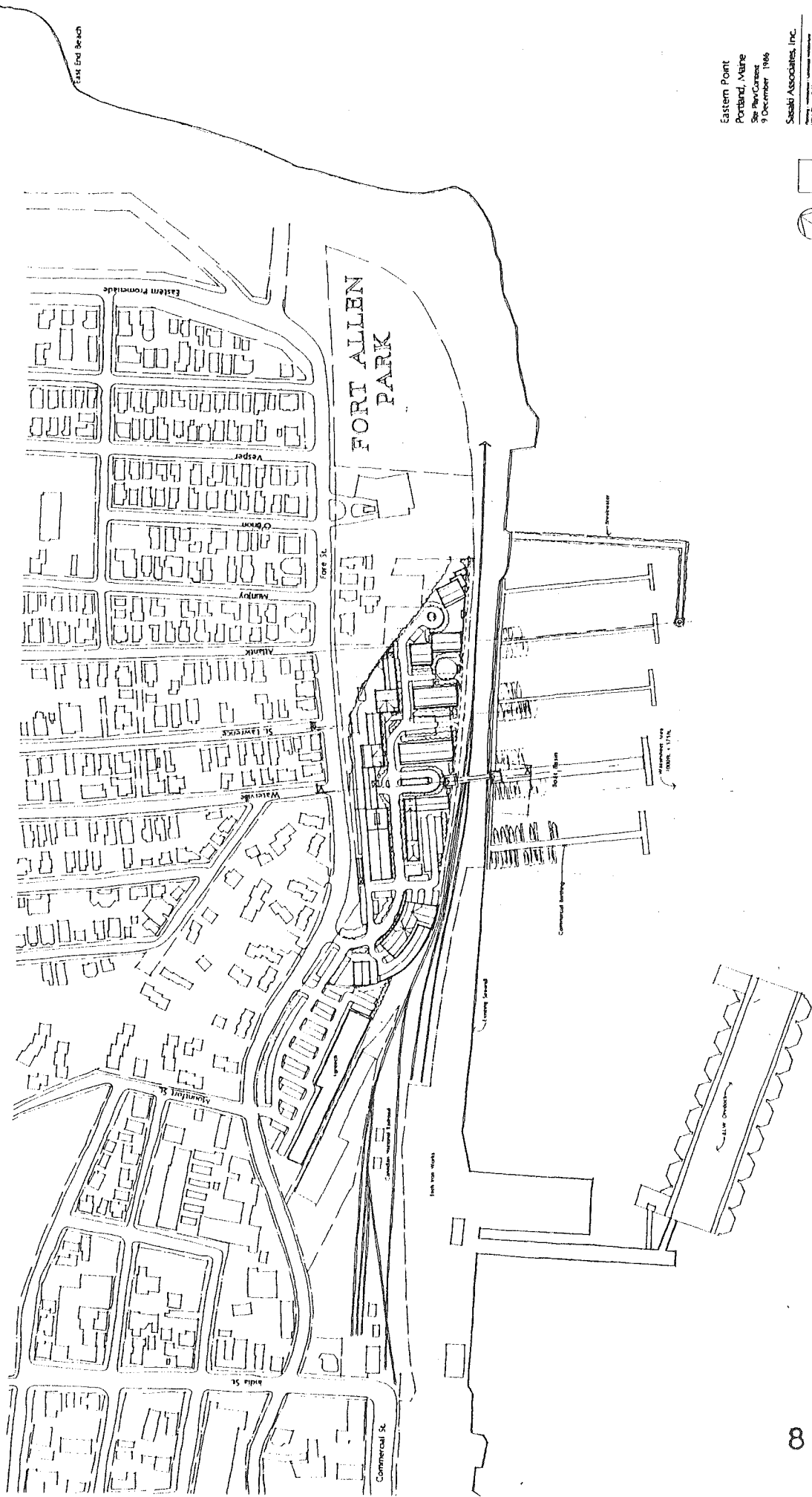




Eastern Point Associates
482 Congress St., Suite 501
Portland, Maine 04101
207 753 0469



Eastern Point
Portland, Maine
made from Harbor
9 December 1986
Sasaki Associates, Inc.
Sasaki Associates, Inc.
100 State Street, Suite 200
Boston, MA 02109
Tel: 617 552 2200



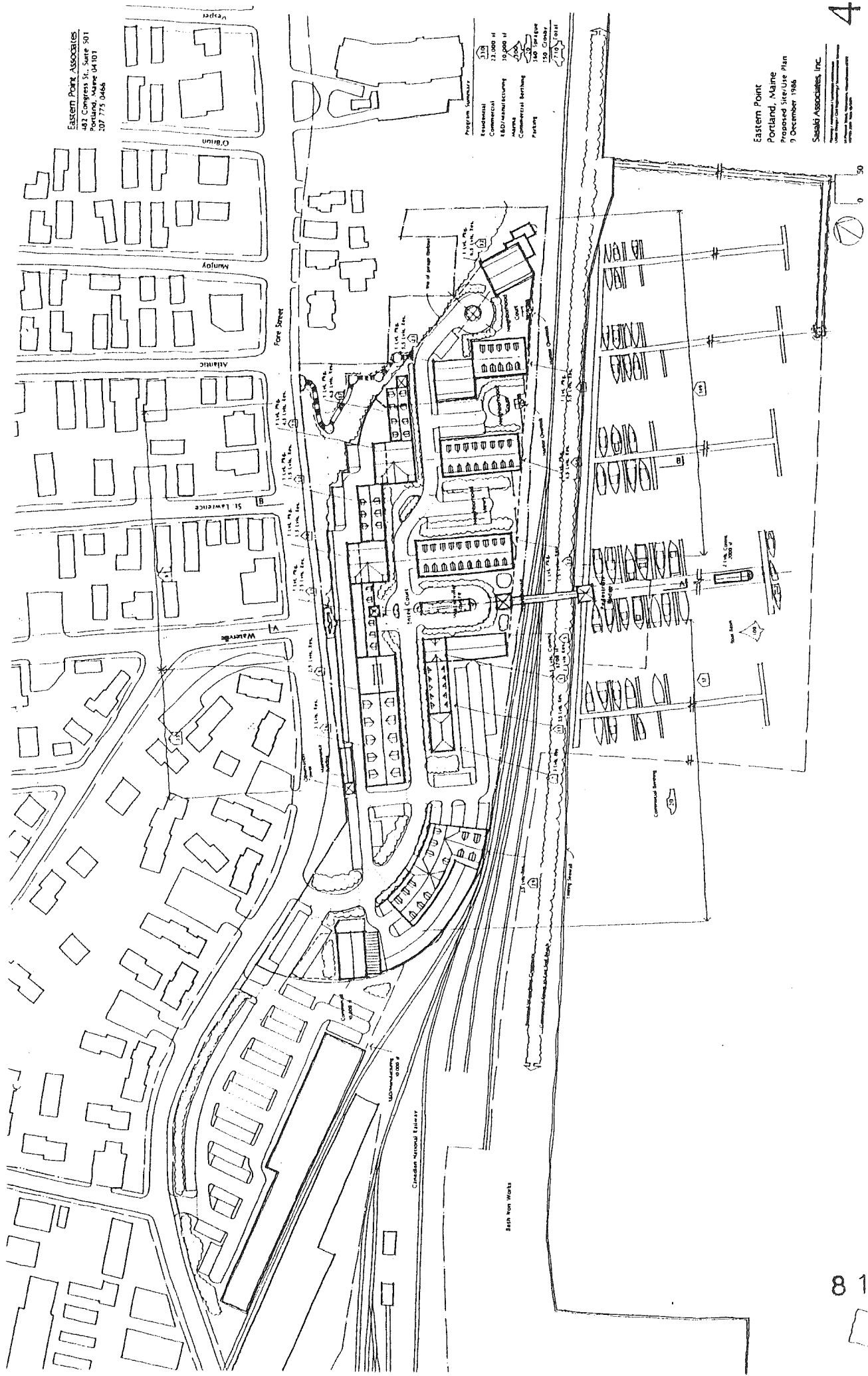
Eastern Point Associates
 482 Congress St., Suite 301
 Portland, Maine 04101
 207 775 0488

Program Summary

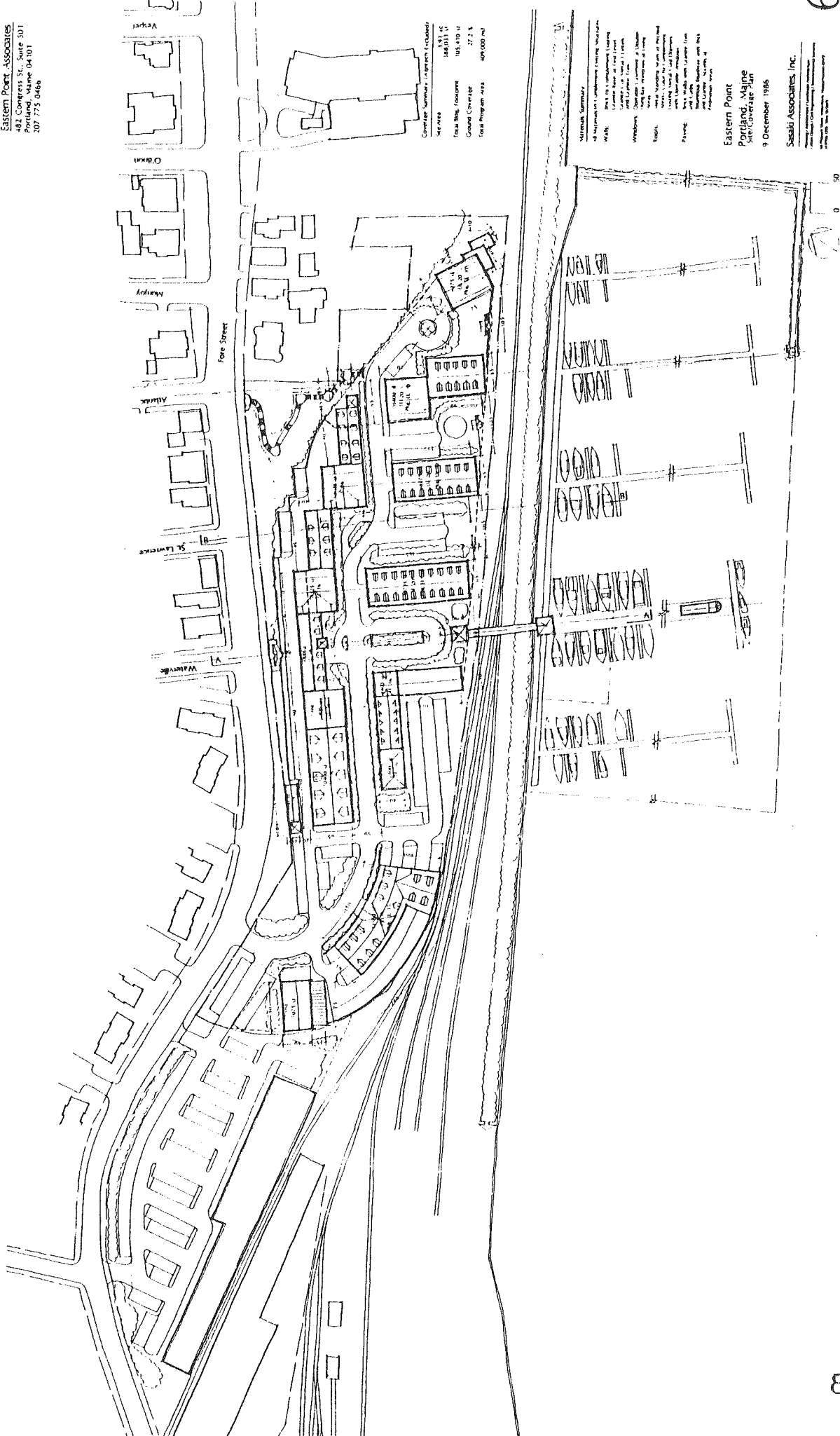
Residential	17,750 SF
Commercial	10,000 SF
Office	10,000 SF
Commercial Parking	150 Spaces
Parking	150 Spaces

Eastern Point
 Portland, Maine
 Proposed Site/Use Plan
 9 December 1988

Sasaki Associates, Inc.
 100 State Street
 Portland, Maine 04101
 207 875 2200



Eastern Point Associates
 482 Congress St., Suite 301
 Portland, Maine 04101
 207 775 0466



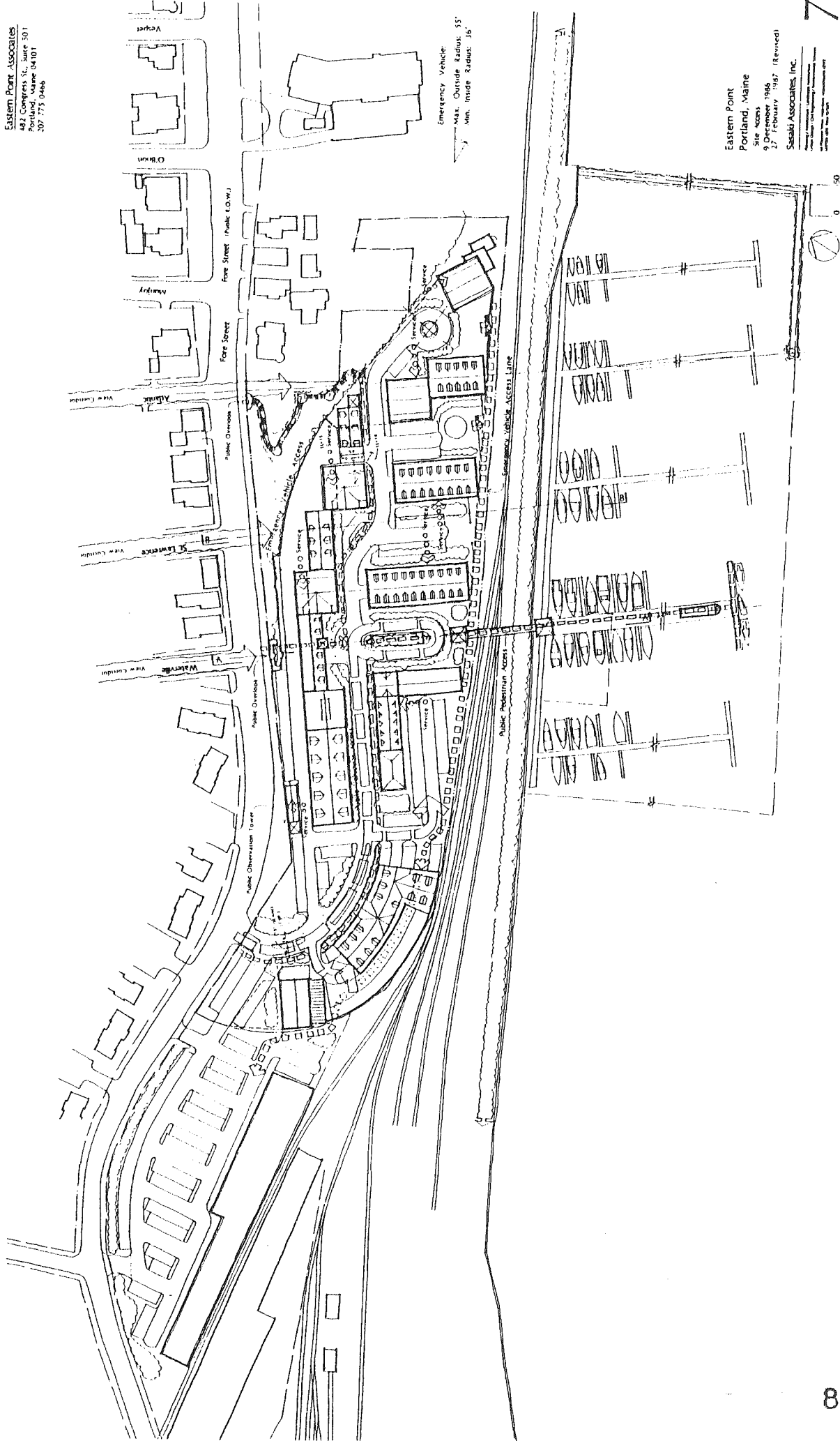
CONTRACT NUMBER: 10-85-00001
 SHEET NO. 1
 TOTAL SHEETS: 10
 GROUND COVERAGE: 27.2 %
 TOTAL PROGRAM AREA: 409,000 SQ. FT.

Materials Summary
 18' Maximum Unobstructed Ceiling Height
 Walls: Area 10, Unobstructed Ceiling Height 10' or Less
 Windows: Unobstructed Ceiling Height 10' or Less
 Roofs: Area 10, Unobstructed Ceiling Height 10' or Less
 Floors: Area 10, Unobstructed Ceiling Height 10' or Less
 Parking: Area 10, Unobstructed Ceiling Height 10' or Less
 Stairs: Area 10, Unobstructed Ceiling Height 10' or Less
 Elevation: Area 10, Unobstructed Ceiling Height 10' or Less
 Foundation: Area 10, Unobstructed Ceiling Height 10' or Less

Eastern Point
 Portland, Maine
 Site Coverage Plan
 9 December 1986

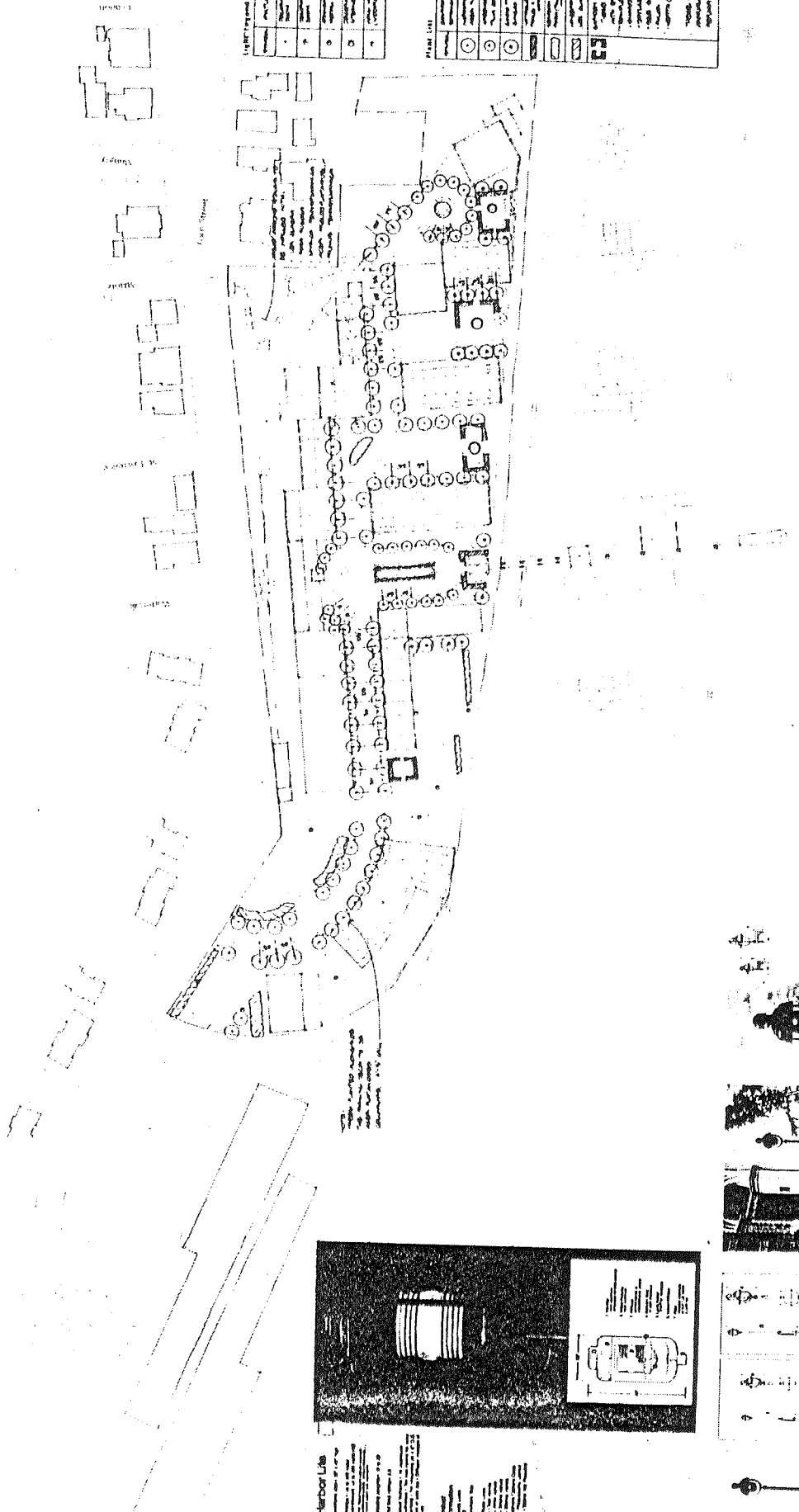
Sasaki Associates, Inc.
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 482 Congress St., Suite 301
 Portland, Maine 04101
 207-773-0466



Eastern Point
 Portland, Maine
 Site Access
 9/27/1988
 2/7/1989
 2/7/1987 (Revised)
 Social Associates, Inc.

7



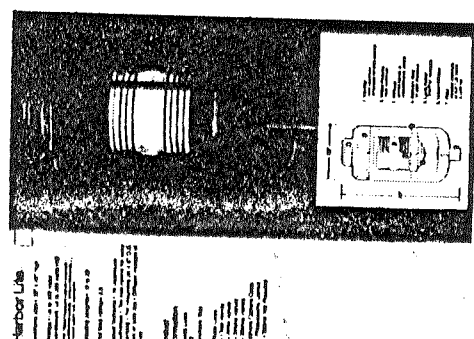
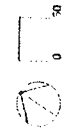
LEGEND

1	Asphalt Paved
2	Grass
3	Gravel
4	Concrete
5	Other

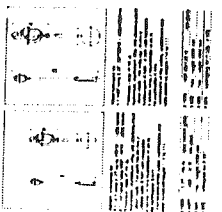
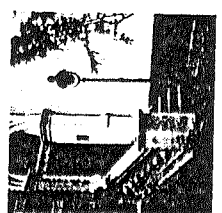
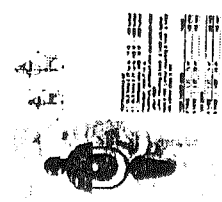
PLANT LIST

Symbol	Plant Name	Quantity	Notes
○	Plant A	10	Plant A
○	Plant B	15	Plant B
○	Plant C	20	Plant C
○	Plant D	25	Plant D
○	Plant E	30	Plant E
○	Plant F	35	Plant F
○	Plant G	40	Plant G
○	Plant H	45	Plant H
○	Plant I	50	Plant I
○	Plant J	55	Plant J
○	Plant K	60	Plant K
○	Plant L	65	Plant L
○	Plant M	70	Plant M
○	Plant N	75	Plant N
○	Plant O	80	Plant O
○	Plant P	85	Plant P
○	Plant Q	90	Plant Q
○	Plant R	95	Plant R
○	Plant S	100	Plant S

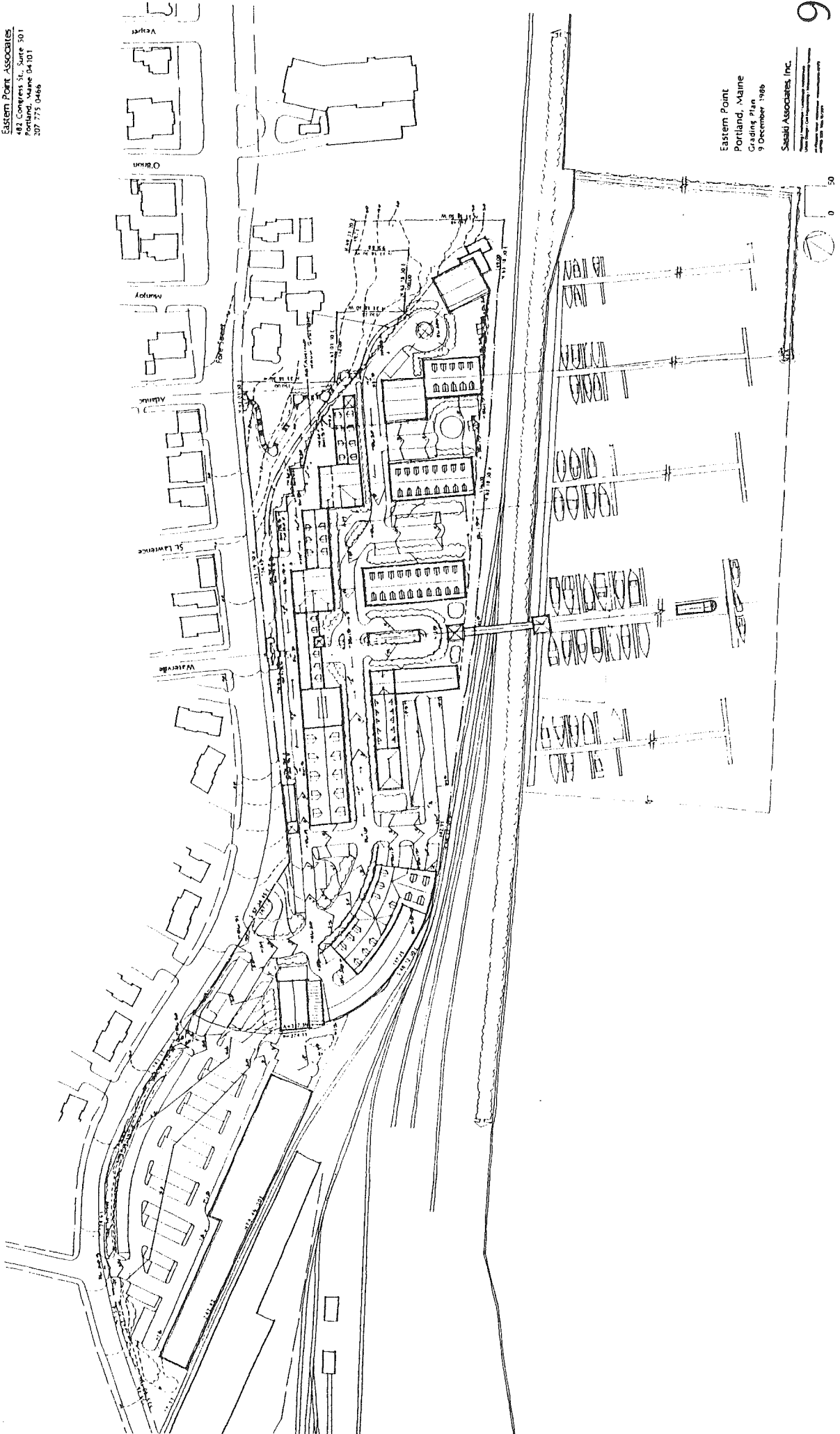
Eastern Point
 Portland, Maine
 Landscape Plan
 9 December 1988
 Social Associates, Inc.



Harbor Life



Eastern Point Associates
482 Congress St., Suite 301
Portland, Maine 04101
207 775 0466



Eastern Point
Portland, Maine
Grading Plan
9 December 1986

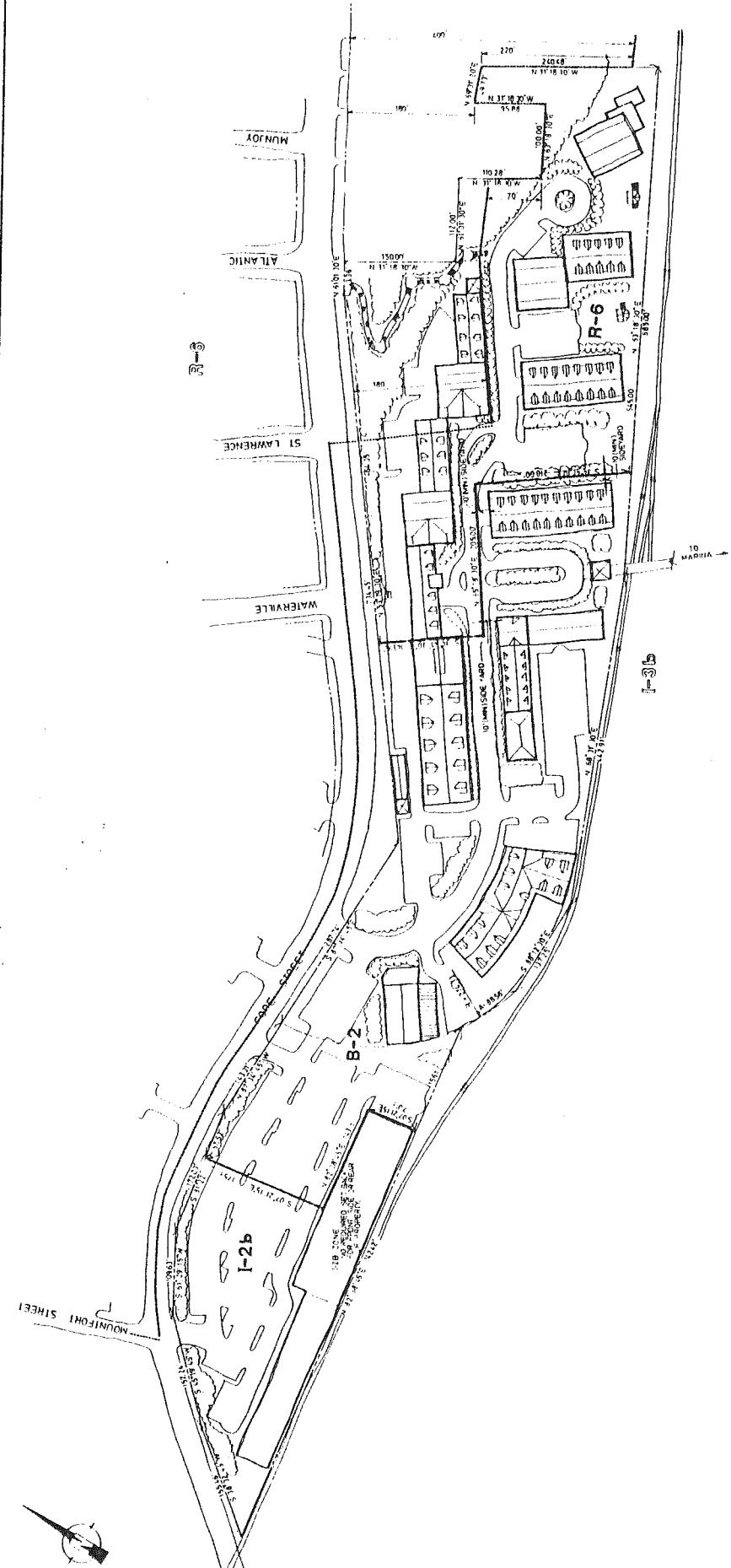
Sesold Associates, Inc.
1000 Bridge Street
Portland, Maine 04101
207 775 0466

9

EASTERN POINT
ZONING LINE PLAN
EASTERN POINT ASSOCIATES
PORTLAND, MAINE

DATE	11-15-01
BY	AS
CHKD	AS
APP'D	AS
REV	

SEA CONSULTANTS INC
ENGINEERS ARCHITECTS
PLANNERS
100 BROADWAY
PORTLAND, ME 04101
TEL: 603.761.1100
WWW.SEA-CONSULTANTS.COM



LEGEND:
 PROPOSED ZONING LINE
 EXISTING ZONING LINE
 EXISTING ZONE DESIGNATION
 PROPOSED ZONE DESIGNATION

I-2b ZONE AREA - 170,000 SQ. FT.
 B-2 ZONE AREA - 210,000 SQ. FT.
 I-3b ZONE AREA - 310,000 SQ. FT.
 TOTAL - 690,000 SQ. FT.

R-6 ZONE AREA - 170,000 SQ. FT.
 B-2 ZONE AREA - 210,000 SQ. FT.
 I-3b ZONE AREA - 310,000 SQ. FT.
 TOTAL - 690,000 SQ. FT.

SEA CONSULTANTS INC
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EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

LAND USE - HISTORICAL TRENDS

There have been some historical land use trends - general to the United States and specific to Portland - which should be considered regarding zoning at Eastern Point. Essentially, industry has been moving out - out of the city and, in cases, out of the country. Land costs, transportation technology, environmental concerns and the cities themselves have encouraged the move. The function of the city has changed and is changing; as a result, what was a good industrial site 50 years ago may be inappropriate today. In older industrial areas, such as Portland's waterfront, substantial land areas are zoned for industry (90% in this case). It is the Planning Board's role to ensure that reuse of excess industrial land by growing sectors of our economy is accomplished harmoniously.

Industry and Manufacturing Less Predominant

Nationally, the service sector is replacing manufacturing as the predominant economic activity. Not only is manufacturing of consumer goods moving to foreign shores, but also there is a greater use of machines, computers and robots to replace human labor. In Portland while manufacturing continues as an important activity, the greatest growth has been in office and service-related jobs.

Industry Following Transportation Lead

Industry, once central to the downtown areas of our country, has been steadily moving to the suburbs for the past thirty years. We probably can blame the car and the interstate system for this trend which has oriented industry toward the truck and away from the railroad. In addition, the relative cost of land in an urban setting has contributed to the trend; employee parking, something unthought of years ago, demands larger land areas. And the interest in environmental quality of life has encouraged certain potentially hazardous industrial practises to locate in areas where population is less dense than the urban core.

Municipal Industrial Parks Encourage Decentralization

The cities have encouraged this trend of industry moving out. Noting the movement of industry to the suburbs, the cities tried to compete by creating their own publicly-supported industrial parks, attracting interstate interchanges and subsidizing new suburban-type industrial plants with low land costs, tax incentives, industrial bonding and various public facilities and services. Since most industrial growth comes from within a community, these new industrial parks typically attract local companies from older more centralized

plants that are no longer efficient. Then the cities notice that their central areas have become vacant and dilapidated; from the late 50's on to the mid-70's, the response was urban renewal to battle this new problem. This phenomenon has been almost always accompanied by a drastic change in land use. Numerous examples exist in Portland where this fundamental change took place.

New Function of Cities in Relation to Economy

Essentially, each one of these changes represent an evolving new function of our society, our economy and our cities. This trend is continuing and will continue - with the central core becoming more service oriented and industry/manufacturing located outside the congested areas and near highway routes. The events occurring east of the downtown are consistent: Portland Company, American Hoist, National Distributors, Jordans Meats either closing the doors or relocating to the suburbs. Far from this area providing a desirable urban location for industry to flourish, we are seeing the flight of industry from this very location to the suburbs and, in the case of American Hoist, to more efficient plants overseas. AgriTech was planning such a move until the Eastern Point opportunity became available.

Land Values Accelerate Trend

The overall trend in this sector of the city is further accelerated by land value issues. The free and competitive land market has dictated prices for land in the eastern portion of the waterfront which is many times higher than for more appropriate industrial land at well-serviced suburban sites. A matter of economics and preference for the suburban site dictates that the land east of the downtown and near the waterfront will not be used solely by industry for the foreseeable future. Over the past few years, the City has found it necessary to provide public support to certain activities in order for them to compete in the private market: both Ferry terminals, the fish pier and BIW. Certain types of industry and commerce can survive without public support in this area only within the context of a multiple purpose environment where the high market values of one type of use can support certain types of other uses. Thus, housing can provide the support for upbeat high-tech industry, marina/breakwater uses, and fishing boat berthing because the proximity of these makes the housing more exciting.

Drawbacks of Site for Modern Industry

Except for specialized industrial groups, the area in the eastern portion of the waterfront is no longer attractive to general industry. One of the attractions of the area to AgriTech and firms like it is the intrinsic attractiveness of the area. Most of its personnel are highly trained, many with multiple university degrees and certificates and many with Phd's in their specialized field. AgriTech's locational needs are as much to please its employees as it is to operate its business.

General industry typically does not have this need and functional operation is the critical factor. The area and site have the following drawbacks in factors for which industry is looking:

- * Narrow residential streets.
- * Numerous intersections for trucks to maneuver.
- * Steep slopes entering the site from Fore Street.
- * Lack of expansive areas for employee parking, truck loading and maneuvering.
- * High land costs.
- * High development costs.
- * Old multi-story buildings which would have to be demolished to create one-story modern facilities.
- * Much better industrial sites near outlying interstate areas at lower land and development costs.

Waterfront Land Available for Industry

In his July 10, 1986 report to the Planning Board, Philip Meyer analyzed uses within the Waterfront study area of the Board. In the report, his summary identified the following:

- * 88.3% of the land area and 93% of the shoreline permits industrial use.
- * 11.7% of the land area and 7% of the shoreline is zoned residence - and all of this is in the Eastern Promenade/Sewage Treatment Plant area.
- * 82.1% of the land area and 81% of the shoreline prohibits residential use.
- * If the Eastern Promenade Parkland and Sewage Treatment Plant are deleted from consideration, 100% of the land area and shoreline permit industry and none of the land area or shoreline permit residence outright. (residence in the W-1 zone needs Planning Board approval).

The importance of the preceding is to clarify public misconceptions that waterfront industrial land is extinct, that the city has lost control of development and that a moratorium on waterfront housing is needed. The facts clearly state that there are extensive waterfront industrial areas (100%) and that the Planning Board has substantial control over growth in the waterfront area. On the contrary, it is an increase in other sorts of waterfront zoning which is needed to permit balanced growth and use of the Portland waterfront by all segments of the community and its growing economy.

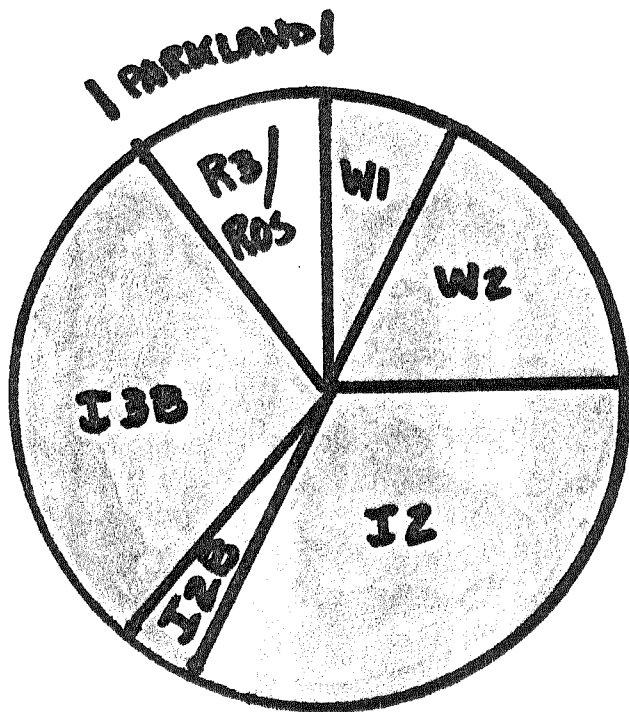
Mr. Meyer's chart is reproduced in an attachement which graphically depicts the proportions in "pie-chart" form.

In summary, it is suggested that industry, as we may have known it, is undergoing a transformation which has been underway for many years. It is unlikely that the waterfront areas of Portland will recapture the industries of the past. The fact that this industrial site has been sitting essentially vacant for a number of years and that new vacant industrial sites are being created adjacent to it (Jordan Meats & American Hoist) - WHILE AT THE SAME TIME NEW INDUSTRIAL PARKS ARE BEING DEVELOPED NEAR THE TURNPIKE - is an indication of the unsuitability and lack of demand for industrial uses at this location in the Portland area. New, just as vibrant and productive, uses will take the place of the old guard industries and the job at hand is to bring these forward in the best way possible.

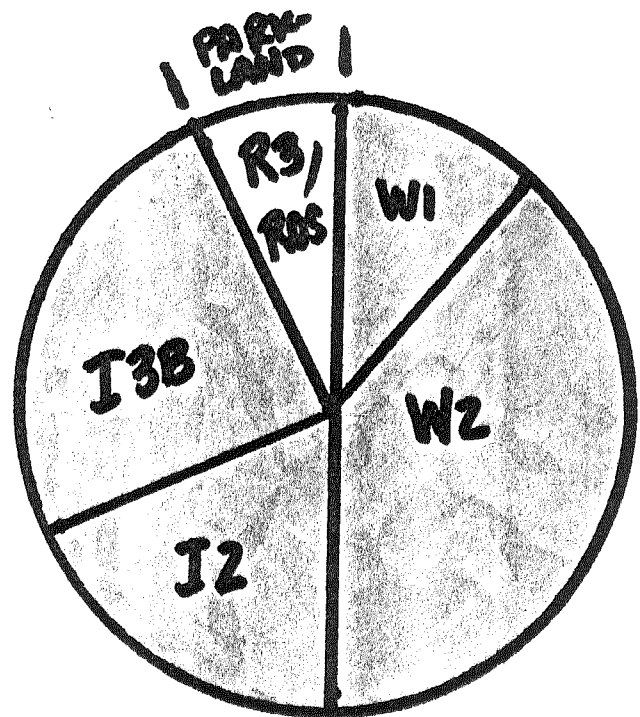
Zoning in Waterfront Area (P. Meyer memo of 7/10/86)

Area by Zones	Approx. Area		Length of Waterfront	
	SF	Ac.	ft.	%
W-1	1,082,324	24.85	5,200	12.0%
W-2	3,275,929	75.20	16,790	38.0%
I-2	5,589,517	128.31	8,360	19.0%
I-2b	534,092	12.26	0	0
I-3b	5,008,531	114.98	10,344	24.0%
R-3/ROS	2,053,453	47.10	2,940	7.0%
		402.70	43,634	100.0%

ZONES BY AREA



ZONES BY SHORELINE



INDICATES ZONES
WHERE INDUSTRIAL
USES ARE
PERMITTED

EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

LAND USE - RELATIONSHIP TO SURROUNDING AREA

Given historical and trends, Eastern Point seeks to react to these changes in the most sensitive manner possible within the arena of market necessities. In doing so, we saw a growing commercial waterfront to our west and a residential neighborhood to our east and north, now undergoing its own form of change which strengthens it as a residential area.

Eastern Point also sees a growing demand for waterfront-related services as well as a growing and intense desire by Portland residents to reclaim their access to the water. With the exception of Bath Iron Works, there is a drastically reduced industrial area, with most of what remains vacant and deteriorating. Attached is a map which sketches out rough boundaries of these general uses.

Extension of Strong Adjacent Uses

Using the map, you will see that Eastern Point essentially extends a strengthening residential neighborhood at the project's north and eastern boundary. Adjacent to and west of the residential uses, the project incorporates a small compatible collection of retail, service and office uses. Then further west, Eastern Point contains the industrial component, AgriTech, which is adjacent to commercial and industrial areas of the neighborhood. The retail and office portion of Eastern Point act as a buffer between residential and industrial components since retail/office uses are mutually compatible.

Berthing Relates to Uses

The berthing area follows the same philosophy with recreational berthing compatible with residential uses to the east and commercial berthing adjacent to the industrial component. The principal open space area is between the commercial and residential area, acting as a further buffer and this open space leads to the main marina pier which will function as a pedestrian promenade and public landing.

Land Use Compatibility

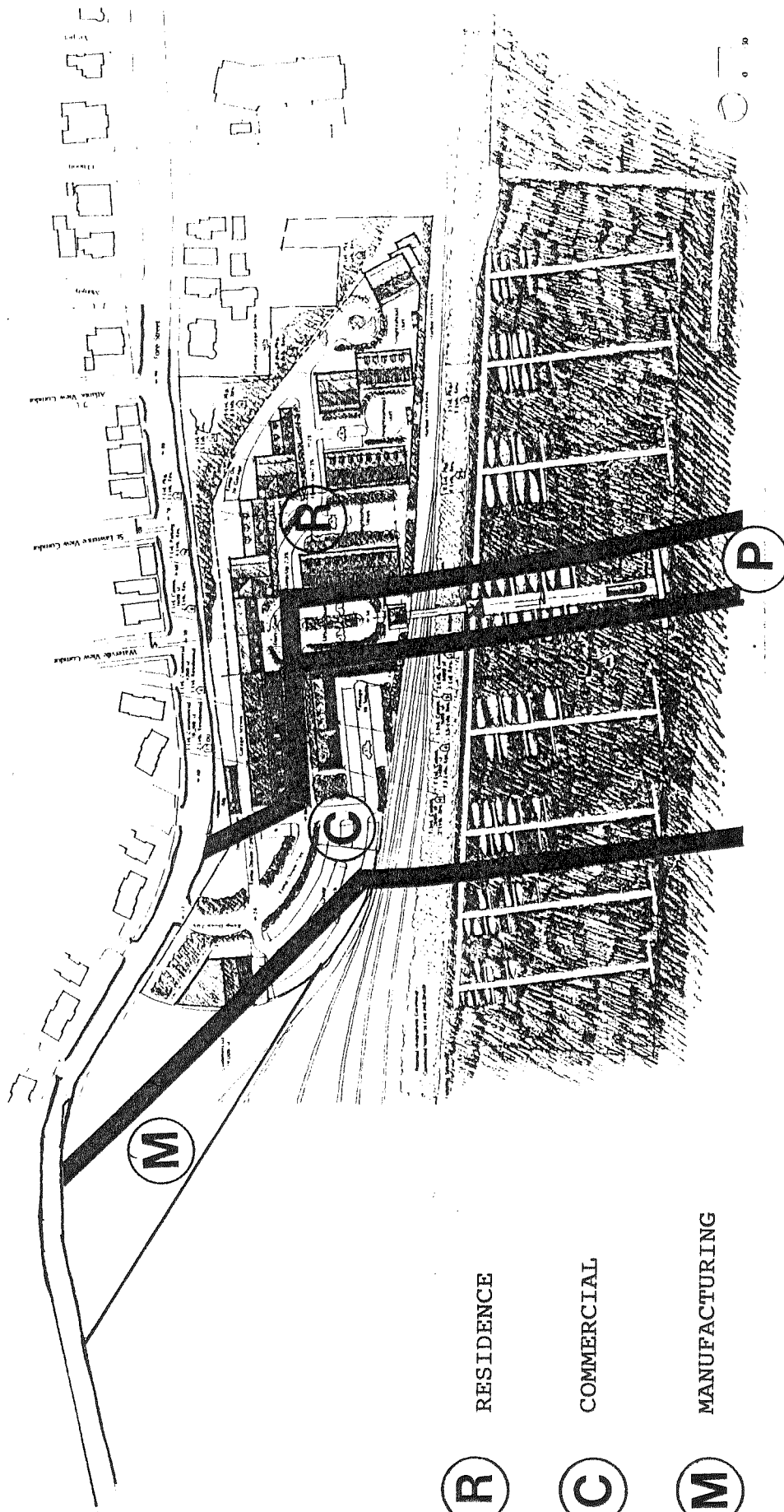
In summary, Eastern Point has worked hard to adapt its plan to the various adjacent land uses so that each is compatible to its neighbor - both internally to the project and externally with the existing neighborhood. We believe it to be a very sound land use and water use plan. It further responds to the trend of land use shift being experienced in Portland and other central cities.



WATERFRONT IMPROVEMENT PROGRAM
CITY EDGES
 1000 14th Street, N.W.
 WASHINGTON, D.C. 20005

PROJECT IS SUPPORTED BY A GRANT FROM THE NATIONAL ENDOWMENT FOR THE ARTS IN WASH. D.C. • A FEDERAL AGENCY

PUBLIC IMPROVEMENTS



R

RESIDENCE

C

COMMERCIAL

M

MANUFACTURING

P

PRINCIPAL PUBLIC ACCESS

EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

The Developer

The development entity is Portland Development Associates, a Massachusetts Limited Partnership comprised of the following:

Managing General Partner - Webb/St. James Ventures
General Partner - Menario/Russ/O'Sullivan
Limited Partner - Farley Investment

WEBB/ST. JAMES VENTURES

Webb/St. James Ventures located in Boston, Massachusetts, is comprised of the Webb Companies of Lexington, Kentucky and St. James Properties, Inc. of Boston, Massachusetts.

A. The Webb Companies. The Webb Companies is a national, full-service, real estate development company headquartered in Lexington, Kentucky. With projects in 58 cities across the country, the Webb Companies is ranked as the fourth largest diversified developer in the United States by Building Design and Construction magazine. Its current projects total over one billion dollars. Webb has divisions specializing in office, residential, retail, hotel and warehouse and distribution development. Webb operates throughout the country through a national partner system, in which different regional partners are responsible on a day-to-day basis for development projects within their regions. A brochure is enclosed.

B. St. James Properties, Inc. St. James Properties headquartered in Boston, Massachusetts is the Webb Companies' development partners in the Northeast region of the United States. St. James is presently developing a varied portfolio of over \$125 million worth of real estate projects including residential, office, hotel and retail (involving both new construction and historic renovation). In addition to development, St. James maintains professional staffs for construction management and property management. Among Webb/St. James' current projects are:

Settlers' Green, North Conway, NH. A proposed \$60,000,000 mixed-use development on a 100-acre site in North Conway, New Hampshire. It's composed of a 200-room hotel, 140 units of housing and 90,000 square feet of retail space.

72nd Street, New York, NY. A 22-story, 39-unit luxury residential condominium tower currently under construction on the Upper East Side of New York City with a projected sell-out value of \$25,000,000.

The Fuller Block, Springfield, MA. The historic restoration of a 65,000 square foot office building at the corner of Main and Bridge Streets in the central business district of Springfield, Massachusetts.

950 Massachusetts Avenue, Cambridge, MA. A total of 140,000 square foot, proposed mixed-use project composed of 100 residential condominium units and 20,000 square feet of office and retail space in Cambridge, Massachusetts near Harvard Square.

MENARIO/RUSS/O'SULLIVAN

Menario/Russ/O'Sullivan of Portland, Maine is one of the most respected commercial real estate firms in the State of Maine. The three principals of the firm bring an unmatched combination of experience, expertise and knowledge of Portland to this venture.

John Menario is former City Manager of the City of Portland and former President of the Greater Portland Chamber of Commerce.

Joel Russ, an attorney, is the former Executive Director of Greater Portland Landmarks, Inc. and is a member of the Board of Advisors to the National Trust for Historic Preservation.

Michael O'Sullivan, is a former head of the New England office of Gladstone Associates, a national economic and real estate consulting firm.

Menario/Russ/O'Sullivan has been involved in numerous developments in the Portland area including Harbor Plaza, a 64,000 square foot office renovation project, Harbor Landing, a 24-unit condominium rehab project on the Portland waterfront, and the renovation of the 100,000 square foot Maine Central Railroad Building into office space, among others.

FARLEY INVESTMENT

Farley Investment is a wholly-owned entity of Mr. William Farley of Chicago. Mr. Farley is Chairman of the Board and Chief Executive Officer of Farley Industries, a diversified industrial-based company with 1985 revenues exceeding \$2 billion, assets exceeding \$1.25 billion, and shareholder equity exceeding \$260 million.

AGREEMENT WITH UNIONS OF THE
SOUTHERN MAINE BUILDING AND CONSTRUCTION TRADES COUNCIL

The principals of Eastern Point Associates have entered into an agreement with more than a dozen construction trade Unions which comprise the Southern Maine Building and Construction Trades Council, headquartered in Portland. While the Union participants obtain certain benefits from such an agreement, the developer obtains, among others, the following benefits:

1. It guarantees a stream of labor in an environment where construction labor is sometimes hard to get.
2. For a large project, Union labor is the best quality, resulting in more efficient and more timely schedules.
3. This agreement establishes an environment of cooperation and partnership which should result in receiving some of the Unions' best quality people.
4. It gives the developer a variety of specific benefits such as "no-strike" clauses, conflict resolution, competitive pricing, etc.

Webb/St. James Ventures has signed similar agreements in other states and has experienced the benefits of a Union/Developer partnership. Projects completed under such a partnership have been among the company's best, with many being delivered ahead of schedule and below budget.

A copy of the agreement is attached for the City Council's information. The signatory Unions include:

1. Southern Maine Building and Construction Trades Council
2. Asbestos Workers #6
3. Bricklayers and Cement Finishers, Local 2
4. Sheetmetal Workers Local 545
5. Painters District Council #70
6. IBEW, Local 567
7. Laborers, Local 12
8. Ironworkers, # 496
9. Steamfitters & Plumbers, #217
10. Sprinklerfitters, #669
11. Boilermakers, #29
12. Carpenters, #517
13. Operating Engineers, Local 4

LABOR-MANAGEMENT PROJECT AGREEMENT
EASTERN POINT, PORTLAND, MAINE

This Agreement entered into effective this first day of February, 1987, by and between the Southern Maine Building and Construction Trades Council, the signatory Local Unions of the Southern Maine Building and Construction Trades Council (and any other signatory Local Unions which are not members of the Southern Maine Building and Construction Trades Council), (hereinafter collectively called the "Union"), and Portland Development Associates (hereinafter called the "Developer") through their duly authorized officers and representatives whose names are subscribed hereto.

ARTICLE I

Purpose

The purpose of this Agreement is to insure that all union work on the Eastern Point Project (the "Project") shall proceed cooperatively, continuously and without interruption, to establish and enforce the mutual objectives of efficiency, economy, to acknowledge and accept the commitment to the standard of an hour's work for an hour's pay, and to insure the maintenance of the terms and conditions of employment established by this Agreement, including timely completion of the Project.

ARTICLE II
Scope of Agreement

A. All union entities who perform on-site construction work ("Project Work") on the Project will become signatory to this Agreement, and all Project Work shall be performed by a party or person who is, or shall first become party to this Agreement. Any contractor or subcontractor may bid the work, be awarded work, or be selected as low bidder for work on the Project. In the event that any non-union contractor is chosen to perform work on the Project, they shall be encouraged but not be required to become a signatory to this Agreement.

B. The rates of pay, fringe benefits, and other terms and conditions of the local area collective bargaining agreements between the unions and employers performing work in the local area, shall be applied to all Project Work by signatories to this Agreement to the extent not contrary to this Agreement. Union entities performing Project Work shall first become signatory to applicable local area collective bargaining agreements, except that this Agreement, and such local area collective bargaining agreements shall not apply to non-manual employees including superintendents, supervisors, engineers, manager, inspectors, timekeepers, payroll clerks, office workers, messengers, guards and employees similarly classified. Grievances shall be processed and resolved under the grievance and arbitration procedures of these appropriate local area agreements. All Union employers performing work on the Project shall, if required, furnish assent or stipulation of participation agreements in pension funds and health and welfare funds provided by the local area agreements, for the respective trades which they intend to employ. Local area collective bargaining agreements means the existing or future agreements prevailing in the area between the

individual unions and employers for the type of work performed on the Project, and which agreements are applicable to work throughout a union's geographical jurisdiction, but not agreements that are limited to a specific identified project or that are designated as "project agreements".

C. A Pre-Job conference will be held prior to commencement of work by the General Contractor, subcontractors and the respective labor organizations involved in the work.

D. Wages and fringe benefits will be paid according to the local area Collective Bargaining Agreement of each craft. Each Union will determine whether the General contractor's wages and fringes are in order and paid on schedule under its Collective Bargaining Agreement. If they are not, the Union will inform the developer and a retainage will be held to be paid over to the Union (for wages or direct benefits) and/or fringe benefits funds (for fringe benefit contribution delinquencies) in the amount of the delinquency if not paid by the General Contractor within thirty (30) days of the notification. The General Contractor shall be liable for wages and benefit payments or contributions. Each Union will determine whether all sub-contractors' or other entities' wages and fringes are in order and on schedule under its Collective Bargaining Agreement. If they are not, the Union will inform the Developer and General Contractor and a retainage will be held to be paid over to the Union (for wages or direct benefits) and/or fringe benefit funds (for fringe benefit contribution delinquencies) in the amount of the delinquency if not paid by the subcontractor or other entity within thirty (30) days of the notification. When such notification is provided, the General Contractor shall also be liable, on a joint and several basis, for wages and benefit payments or contributions.

In the event of the expiration of a local Collective Bargaining Agreement, all Employers performing work under this Agreement on the Project shall agree to pay the new negotiated rates of pay and fringe benefits contained in the Collective Bargaining Agreement retroactive to date of expiration. These retroactive wages and fringe benefits shall be due and payable not later than five (5) working days upon receipt of written notification to the respective Employers.

ARTICLE III
Continuity of Work

A. During the existance of this Agreement, there will be no picketing, strikes, sympathy strikes, handbilling, work stoppages or other disruptive activity or threats to engage in such conduct for any reason by the Unions or their members. A high degree of work performance will be maintained at all times. There will be no lockouts or threats to engage in a lockout by the Employer and there will be an orderly and fair method of resolving all disputes while preserving the rights of the Unions. During the period in which disputes are being resolved, work shall proceed and shall continue until a final determination is made.

B. Where there is a cause of concern on job assignments, the Employer and the respective Unions will have pre-assignment conferences to resolve all differences by negotiations and discussion.

C. The Union agrees to attempt to settle all jurisdictional problems on the job within 24 hours. If not settled, the work will continue on schedule. All signatories of this Agreement agree to the following means of resolving jurisdictional disputes, set out below.

D. The parties shall follow the plan for the settlement of jurisdictional disputes establishing the Impartial Jurisdictional Disputes Board and the Appeals Board, including the provisions which require that the employer's assignment shall be followed and the work shall proceed until the parties resolve any jurisdictional disputes.

All signatories to this Agreement agree to be bound to Impartial Jurisdictional Disputes Board decisions.

In the event a jurisdictional dispute is not or cannot be resolved pursuant to the above sections B and C of this Article, the jurisdictional dispute will be submitted to arbitration. Such arbitration shall be an expedited arbitration. The arbitrator shall render a decision with 48 hours of notification of the appointment of the arbitrator. The arbitrators shall have the authority to resolve the dispute or any questions relating thereto, which resolution shall be binding upon the parties hereto. Any Union bound to this Collective Bargaining Agreement and which is interested in the jurisdictional dispute, may upon that Union's written request, participate in the arbitration proceeding. All signatories to this Agreement shall be bound by the decisions of arbitrators in jurisdictional dispute.

All signatories to this Agreement acknowledge and agree that the procedures set forth in this Section D for resolving jurisdictional disputes, as compared to any other means available to the Employer in law or equity. With respect to jurisdictional disputes, the employers signatory hereto acknowledge that their preference regards the assignment that is in accordance with the resolution of such dispute pursuant to the procedures of this Section D.

E. It is understood that certain of the Project Work may be bid by non-union subcontractors, but only in the case in which there are not at least three "qualified" Union subcontractors who bid the job. For the purposes of this Agreement, the word "qualified" shall mean a subcontractor who (i) is financially able to carry out the job and is bondable, and (ii) has a good reputation for performing work on time and of a good quality. In the event a non-union subcontractor is selected for the Project work, the signatories to this Agreement agree to work side by side and harmoniously during the Project.

ARTICLE IV

Equal Employment Opportunity

The Union and the Employer agree to take affirmative action in affording equal opportunity to all qualified persons without regard to race, creed, color, religion, national origin, sex or age. This shall apply to all personnel policies, including but not limited to, hiring, training, promotion, transfer or termination.

Furthermore, the parties agree to comply to the fullest extent with the applicable regulations of the Civil Rights Act of 1964 and Executive Order 11246 as amended by the Executive Order No.11375, and to support the OFCCP Affirmative Action Requirements for the employment of women in the construction trades.

ARTICLE V

Duration

This Agreement shall become effective upon its execution by the Union and the Developer, and shall continue in full force and effect until completion of the Project and final acceptance of the contractual obligations of the Employer, or December 31, 1994, whichever comes first.

SOUTHERN MAINE BUILDING AND
CONSTRUCTION TRADES COUNCIL

PORTLAND DEVELOPMENT ASSOCIATES, A
LIMITED PARTNERSHIP

By: Cliff Fleming Pres

By: Joel B. Ross

Edward G. Welch Sec. Treas.

By: Philip B. Fleming

Asst. Sec. James G. G.
Leo J. Santoro
Robert E. Lawrence

GENERAL CONTRACTOR:

Bank of America & Allied Construction Co.
Richard J. Thompson

By: _____

Shawmut Building Co. 455
James J. Gagnier President

By: _____
SUBCONTRACTORS:

District Council #702
Edward G. Welch
Local #367

James H. Gagnier Laborer Local #12

By: _____

Iron Workers Local #496
Donald G. Thack

By: _____

John D. Gagnier
U. of M. Local #107

By: _____

Conrad L. Gagnier
U. of M. Local #107
Richard J. Gagnier

By: _____

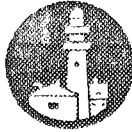
Richard J. Gagnier
Local #107
Local #517

By: _____

Charles W. Ross
President

By: _____

Opinion



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HARBOR

A 'working' waterfront

Promoters of a citywide referendum aimed at halting non-marine development of the Portland harbor say they want to preserve a working waterfront.

But the referendum campaign is not exactly shaping up as a clear-cut struggle between blue-collar laborers and well-heeled Yuppies. The issue is dividing working men and women as well as other Portlanders.

For example, when it comes to a "working waterfront," there's work and there's work, as members of local building trades unions are discovering. If the referendum is successful, it might scuttle the proposed \$50 million Eastern Point condominium project — and sink a possible 1,000 construction jobs along with it.

Ironically, a majority of members of the Portland Central Labor Council voted to support the Working Waterfront Coalition, drafters of the referendum proposal to shut down non-marine development on the waterfront.

A spokesman for the Electri-

cal Workers Union recently took public exception to the labor council's action. "It's a matter of a lack of communication," he said. "It should never have happened, the split here."

Others, too, are having second thoughts. A group calling itself the Munjoy Hill Improvement Committee this week announced its support for the Eastern Point project, disagreeing with other Hill organizations which have been vocal in their opposition to it.

The "working waterfront" referendum was born out of a sincere concern that galloping development along the harbor is rapidly squeezing out the fishing industry. The problem is that backers of the referendum have gone to the other extreme — ruling out any non-marine development at all.

The city will only suffer from such a heavy-handed and short-sighted approach. What is really needed is a balanced, rational program of harbor development which allows for a mixed use of this important municipal resource, including — emphasizing, really — "working waterfront" activities.

IMPACT ON PROPERTY VALUES AND RENTS

At times, it has been stated that Eastern Point will increase rents in the neighborhood and displace people. Economic theory suggests that the opposite will take place. We have stated this on a number of occasions, but we may be too close to the issue to be credible to the listener.

The editorial below was in the Worcester (Massachusetts) Sunday Telegram of March 15, 1987. It does two things:

1. It states the case for housing supply deficiencies to be the cause of the problem of increased rents and values.
2. It is obviously an impartial observer to the Portland scene, and it is commenting on a similar problem which is not just being experienced in Portland, but taking place almost everywhere else in New England.

Behind the Housing Bans

In many Central Massachusetts communities, the current development boom has been met with a variety of measures aimed at putting the brakes on housing. That has exacerbated an already tight market across the housing spectrum. Even more disturbing is the emerging pattern of discrimination against multiple-unit housing throughout the area.

Worcester's current one-year moratorium is the classic example. Originally a broad-brush construction ban, it finally was narrowed to the original target: condominium and rental apartments. But Fitchburg is considering a zoning plan that would effectively shut down apartment construction, despite the city's shortage of rental units. In Gardner and Leominster, resistance to recent proposals for multi-family housing suggests that the syndrome is spreading.

Elsewhere, Westboro's Planning Board is sharply divided on a moratorium plan scheduled for the next town meeting. Millbury, Grafton, Uxbridge, Douglas and Millville all have imposed freezes on multiple-unit housing. And the list goes on.

The reasons given for squelching multi-family housing vary. Worcester wanted time to complete a master plan. Charlton's moratorium gives officials until November to complete a zoning package. Other communities plead environmental concerns or say that their schools, roads or water and sewer systems cannot take the additional strain.

Sometimes the concerns are legitimate. But at other times they seem calculated to conceal factors

that may be more emotional than rational.

Some people unthinkingly oppose any change, even if it means denying the rights of others to make responsible use of their property. Others seem to object to the idea that an outsider might profit from supplying the community's housing demands, no matter how urgent the need.

Resistance to multiple-family housing is sometimes tainted by a certain class bias. The specter of luxury condominiums, with the accompanying influx of well-off newcomers, seems to grate on some old-timers. Rental units on the other end of the income scale may raise fears that the community will be opened up to people who are "not our kind" — with all that phrase's class, race and ethnic implications.

The bias against multi-family housing is particularly puzzling in this area, where affordable apartments have enabled succeeding generations to save to buy their pieces of the American dream. Worcester's three-deckers — which account for a quarter of the housing stock — would have been barred under the provisions of the current moratorium. So would much of the venerable factory-built apartments that are an important part of the area's housing stock.

The critical demand for housing has driven up rents throughout Central Massachusetts. Only building more housing — including affordable apartments — will ease the crunch. Ill-considered interference with housing supply and demand hurts most the people who can afford it the least.

Support from the Hill

Group backs waterfront plan

By GEORGE WEIR
Staff Writer

Munjoy Hill supporters of the proposed Eastern Point Associates waterfront condominium and commercial development say Hill residents don't understand what the project is about.

"Damn it, there are people up here who think 20-story towers are planned down there (on Fore Street) and it just isn't true," Peter O'Donnell III said this morning.

"We don't want to fight, but it's important to give the public both sides of this argument."

O'Donnell, a 25-year-old Morning Street resident, emerged yesterday as spokesman for an informal organization calling itself The Munjoy Hill Improvement Committee.

Unlike such other groups as Keep the Port in Portland and the Working Waterfront Coalition,

- The Planning Board rejects a 471-dwelling development on Thompson's Point. Page 34.
- A realtor says restricting growth on the waterfront will increase housing costs. Page 34.

O'Donnell's group supports the proposed \$50 million condominium, marina and shopping complex that would be located between the Bath Iron Works repair yard off Commercial Street and Portland House on the Eastern Promenade.

One reason O'Donnell believes it is "important to explain the benefits of this project to the community," is that he is himself a convert to the cause.

"Initially I opposed it. I just changed my mind after I found out more about it," he says.

See Waterfront
Back Page This Section



Staff photo by Jack Milton

Peter O'Donnell III at yesterday's press conference.

Waterfront

The group itself is not new, O'Donnell points out. It is really "a nucleus of about a dozen people who have been involved in other issues up here on the Hill and talk regularly to each other and to the people of the Hill."

Most of the other members of the group, he reports, "were undecided about the project — they didn't have enough information to make up their minds."

But when the group got in touch with the developers, he said, "they made themselves completely accessible to us, and just about every Saturday we go and hear a presentation. We're convinced it has very important benefits to this community that a lot of people don't know about."

The new group also differs from

project opponents in other ways, O'Donnell says.

"We don't have any formal organization at all. In fact, we gave ourselves a name mostly for the benefit of the press..."

Moreover, he emphasizes, "We don't want to fight anybody. Basically, we're going to try to give our neighbors the information they need to make up their minds. And where these other groups are concentrating on Portland as a whole, our biggest concern is with Munjoy Hill."

"They're more macro, in other words. We're more micro," he says.

Eastern Point Associates spokesman Joel Russ said this morning that "we were delighted to see... that a group had been organized to support the project."

"We've met with close to 800 Portland people in a variety of settings," he said, "and we've had some very positive response to the project. But this is one of the first public expressions of support for it."

"And it's also fair to say that as a result of the meetings we've had with Hill residents, they've helped us shape it and make it what it is today," Russ added.

Karen Sanford, spokesman for the Keep the Port in Portland group, agrees it is "important for citizens to form groups to express their positions in cases like this. Obviously I don't agree with their position, but they have both the right and the responsibility to make their views known."

"But they're concentrating on

Continued From Page One

Eastern Point," she said, "and I think it's more important for the voters to be aware of how much of the whole, limited waterfront already is gone — some of it forever."

At a press conference yesterday, O'Donnell said members of his group have met with about 200 residents of the Hill and that most of them support the project.

He said the project will create union jobs and provide 30 units of moderate-income housing and 1,000 feet of berthing space for fishing boats along with public access to a piece of the waterfront that is not currently accessible.

"It's a wasteland now," said one supporter of the development. "It has become a home for rats," said another.



EXPRESS EDITORIALS

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HOUSING

Low-income shortage

The very fact that Portland's Munjoy Hill residents are mounting an assault on proposed residential developments that would actually improve the neighborhood underscores the lack of affordable low- and moderate-income housing in the Greater Portland area.

Munjoy residents fear that if a run-down industrially zoned waterfront area adjacent to the Bath Iron Works is rezoned to permit condominium development the result will be an upgrading of the Hill that in turn will spark higher rents and property values that will be unaffordable to current residents.

That's a legitimate concern. Nevertheless, the fact is that, over the long-term, Munjoy Hill is certain to be upgraded and redeveloped; the Eastern Promenade area neighborhood is simply too valuable to remain as it is and escape unchanged.

Rather than opposing pro-

posals to revitalize the Hill, the goal ought to be to find a mechanism which would make it possible for renters to acquire home mortgages and share in the benefits. One proposal, advanced this week by the Cumberland County Housing Implementation Committee, calls for a \$250,000 county trust fund to be used as down payments on homes purchased by qualified buyers.

The study found that many county renters earn enough to meet monthly mortgage payments but aren't able to save enough to make the down-payment. A revolving fund, using both public and private money, would provide a mechanism to make it possible for them to become owners.

The idea deserves exploration. To do nothing will only exacerbate the chronic shortage of affordable housing, not only in Portland but throughout the county.

Realtor: Don't limit waterfront

By DIETER BRADBURY
Staff Writer

Restrictions on waterfront development will add another component to the forces that are driving housing prices through the ceiling in Portland, commercial real estate broker John Gendron says.

Gendron said the way to slow down skyrocketing real estate prices is to encourage — rather than discourage — housing



Gendron

construction.

"There hasn't been any major new housing on the peninsula in the last 10 years," said Gendron, whose family firm, Gendron Commercial Brokers Inc., sold \$100 million worth of real estate last year.

"Our position is that unless the city experiences some significant new housing development, real estate values are going to continue to accelerate at an even greater rate."

Speaking at a meeting of the Kiwanis yesterday and in a subsequent interview, Gendron said private studies show the vacancy rate in all buildings with 10 or more housing units on the Portland peninsula is less than 2 percent.

At the same time, the Cumberland County population is growing, out-of-staters are continuing to relocate in Maine, and young pro-

fessionals are gravitating to the Portland peninsula so they can live close to their jobs downtown.

Given these conditions, Gendron said, it makes no sense to put more restrictions on housing, as voters will be asked to do in a May referendum that limits waterfront development to marine-related uses.

"The bottom line is, we have no control over demand," Gendron said. "The only way you're going to resolve any growth issue is to find the proper ways to manage that growth. The city of Portland has done that quite successfully."

He said it would be "bad government" for the city to zone by referendum because the average citizen isn't well-acquainted with the complexity of city zoning ordinances.

Zoning decisions should be made by elected representatives,

with citizen participation through public hearings and debate, he said.

Supporters of growth restrictions have argued that rising real estate prices are going to drive less affluent residents off the peninsula.

"They are," Gendron agreed. "But these people are contributing to that by supporting referendums and moratoriums. They just don't understand the issue."

He noted that the sale of expensive housing also creates a "trickle effect," in which cheaper homes go on the market as people move up the economic scale.

Comparing residential real estate to the commercial market, Gendron said an increase in the supply of new office space actually made the cost drop slightly last year.

"The same thing has to happen in our housing market," he said.

65 Melbourne St.
Portland, ME 04101

December 11, 1986

Joseph E. Gray
Director of Planning
Portland City Hall
389 Congress St.
Portland, ME 04101

Dear Mr. Gray,

I am writing in support of the Eastern Point Project, off Fore Street. I was born, raised and own a home on Munjoy Hill and have seen this neighborhood change many times, not always for the better.

The project proposed by Eastern Point Associates will add a great deal to an area where nothing currently exists. I believe from the articles I have read that the developers have been sympathetic to the needs of the Munjoy Hill neighborhood.

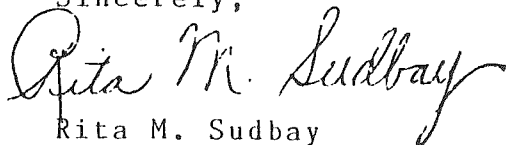
I often walk around the Promenade and the area to be developed currently offers very little to the public. A rusted barbed wire fence prevents access.

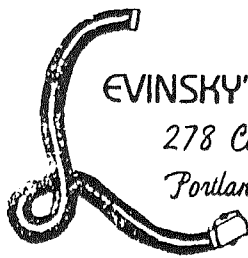
I am also enough of a realist to know that industry is not moving back to downtown areas - in fact, the opposite is true. Saving the site for a potential industry is idealistic, but most likely not feasible.

As long as the Eastern Promenade is permanently protected, I feel comfortable with the development in the area along Fore Street.

I encourage the Planning Board and planning staff to support Eastern Point's zone change request. In my opinion it can only be good for Munjoy Hill and for Portland.

Sincerely,


Rita M. Sudbay



EVINSKY'S, INC.

278 Congress Street

Portland, Maine 04101

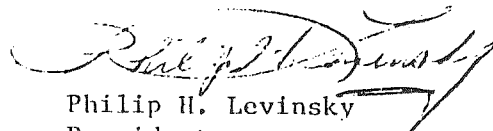
December 9, 1986

Mr. John Humeniuk, Chairman
Portland Planning Board
389 Congress Street
Portland, Maine 04101

Dear Chairman Humeniuk and Members of the Portland Planning Board:

As a Portland businessman I am writing in support of the Eastern Point project and urge your support. I think the project is good for the entire community.

Most sincerely,



Philip H. Levinsky
President

PHL/pat

September 25, 1986

The Portland City Council
and Planning Board
City Hall
Portland, ME 04101

Gentlemen:

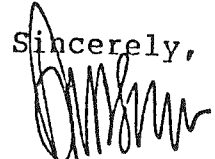
I am writing to express our appreciation for your support of our company's development and expansion activities in Portland.

Your endorsement of our efforts to obtain industrial revenue bond financing has enhanced our ability to renovate a previously vacant 33,000 SF building at 100 Fore Street. These additional facilities will allow us to substantially expand our research, manufacturing and administrative capabilities and will increase AgriTech's employment base from 55 to more than 100 in a year or so.

We are also appreciative of the strong support we have received from our contractors (Allied Construction), our new landlords (St. James Properties in Boston), and others such as Casco Bank for outstanding cooperation in a project that is extremely important to the future of our company.

Again, many thanks for your assistance. I've enclosed a brief overview of our company for your reference.

Sincerely,



DAVID E. SHAW
President

DES/111
Enclosure

H. B. FLEMING, INC.

89 PLEASANT AVENUE, SOUTH PORTLAND, MAINE 04106
DIAL 207-799-8514



BRIDGES ● PILE DRIVING ● SUBMARINE PIPE LINES ● CONTRACTORS-ENGINEERS

December 5, 1986

Mr. John Humeniuk, Chairman
Portland Planning Board
389 Congress Street
Portland, ME 04101

Dear Jack:

I have had the opportunity to sit in on two presentations of the proposed Eastern Point Project. I would like to express my support for the project. I have been familiar with the site for many years, having done work for the Portland Company on several occasions. It does not appear that there is any possibility for an industrial rebirth of the property. This project seems to bring the area to a higher and better use for all concerned.

The project will improve nearly 12 acres of land and buildings which have been virtually unproductive for the last ten to twelve years. Five to seven existing buildings will be retained and substantially renovated.

We have been fortunate in Portland to have seen the City prosper through public and private revitalization efforts. Our economy is better because people like those associated with Eastern Point have been willing to invest in Portland's future. Good quality projects like this need to be encouraged and supported.

The proposed mix of residential commercial and light industrial uses seems most appropriate for this area at this time and I urge your support.

Sincerely,

Richard L. Ingalls
President

RLI/jmr

MRS. JAMES E. CROSS
45 EASTERN PROM. APT. 3 K
PORTLAND, MAINE 04101

Dec. 4, 1986

Mr. Alexander Jaegerman
City of Portland
Planning Board

Dear Mr. Jaegerman.

As an owner of a condo. at The Portland House. I feel the project proposed by the Eastern Point Associates will be a great improvement to this area, and their request for rezoning should be given every consideration.

Sincerely,
Virginia T. Cross
(Mrs James E. Cross)

December 2, 1986

Jack Humeniuk, Chairman
Portland Planning Board
389 Congress Street
Portland, ME 04101

Dear Mr. Humeniuk:

I'm writing you in regard to the proposed development, Eastern Point. I have seen the developers' plans to build commercial, residential and public space at the base of Munjoy Hill, and I find their plans to be quite intriguing.

As a native of Portland, I am writing to express my support for this project. I believe the plan to be an acceptable use of this space, and I think the City of Portland would benefit from such a development.

Sincerely,



Fred Gemmer

31 Parsons Road
Portland, ME 04103

11 Kenwood Street
Portland, ME 04102

December 5, 1986

Mr. Joe DeCoursey
City Planning Office
Portland City Hall
Rm. 211
389 Congress Street
Portland, ME 04101

RE: EASTERN POINT DEVELOPMENT

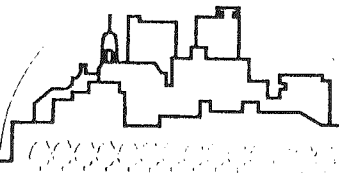
Dear Mr. DeCoursey:

As a long-time resident of Portland I wish to express my support for the proposed waterfront development by Eastern Point Associates. The developers are to be congratulated for planning a project which seems to address every conceivable objection. This promises to be a first-class development of which Portlanders will be proud --- and one which will add \$1 to \$1.5 million to tax revenue.

I hope you share my enthusiasm for this project and support it with your vote.

Sincerely yours,

B. Terence Goodwin



PROPERTY MANAGEMENT SERVICES INC.

December 1, 1986

Mr. Jack Humeniuk
Portland City Hall
Portland Planning Board
390 Congress Street
Portland, Maine 04101

Dear Jack,

This letter is being written in support of the proposed development of the Eastern Point project. I have followed that project since its inception and feel that it can be an excellent neighbor to the existing residential uses on Munjoy Hill, even as it broadens the economic vitality of that area.

I know there have been concerns that a project like this will change the nature of affordable housing on the Hill, but there are analogies such as the Charlestown Navy Yard in Boston that do not necessarily bear this out. This project can stimulate a deteriorated portion of our waterfront and deserves the support of this city.

I do want you to be aware our company has been retained for several months to manage the vacant, former Crosby-Laughlin Building on the water side of Fore Street that was purchased by Farley Industries last winter. We have managed this property for Farley Industries and the more recent partnership between Farley Industries and St. James Properties. We have not, however, been involved in any way in the development of the Eastern Point project nor do we contemplate future involvement in the project. Therefore, I do not believe there is any conflict in my publicly supporting what I believe is a fine development for this area. If you have any questions I would be happy to answer them.

Very truly yours,

Alan M. Fishman

AMF:reb

Portland Planning Board
City Hall
Congress Street
Portland, Maine

Richard and Michael Marino
44 Oak Street
Portland, Maine
04101

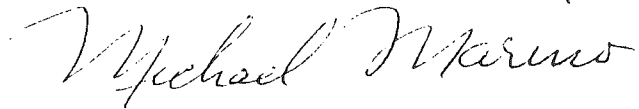
December 24, 1986

Dear Portland Planning Board:

As owners of the property and buildings at 144 Fore Street and abutters to the Eastern Point Project, we feel that the project is a positive addition to the City of Portland and the area that it is located will benefit from this development. We therefore offer our strong support for the Eastern Point Project.



Richard Marino



Michael Marino

Menario·Russ·O'Sullivan

December 23, 1986

Mr. Joseph Gray
Planning & Urban Development Director
City of Portland
City Hall
Portland, ME 04101

RE: Eastern Point Project

Dear Joe:

Attached is a petition from residents of the North School building in support of the Eastern Point project and related zoning.

Please include it in the Planning Board record for the Board's consideration.

Sincerely,


Joel B. Russ
Partner

JBR/jm

cc: George L. Siteman, North School

PETITION: TO THE PORTLAND PLANNING BOARD AND PORTLAND CITY COUNCIL

WE, THE RESIDENTS OF NORTH SCHOOL, URGE THE PORTLAND PLANNING BOARD AND CITY COUNCIL TO APPROVE ZONING AND PLANS FOR THE EASTERN POINT PROJECT.

<u>GEORGE L. SITEMAN</u>	<u>George L. Siteman</u>
<u>RITA B. SITEMAN</u>	<u>Rita B. Siteman</u>
<u>FARLEIGH MERRILL</u>	<u>Farleigh Merrill</u>
<u>SUSAN PETERS</u>	<u>Susan Peters</u>
<u>MARION N. CLARKE</u>	<u>Marion Macomber</u>
<u>BLADYS MITCHELL</u>	<u>Bladys Mitchell</u>
<u>GILBERT SCOTT</u>	<u>Gilbert Scott</u>
<u>CAMILLA GORHAM</u>	<u>Camilla Gorham</u>
<u>MARY STREET</u>	<u>Mary Street</u>
<u>DOROTHY Y. EDWARDS</u>	<u>Dorothy Edwards</u>
<u>AUGUSTA CATROPP</u>	<u>Augusta Catropp</u>
<u>MARY NICANDRELLA</u>	<u>Mary Nicandrella</u>
<u>FLORENCE PETTY</u>	<u>Florence Petty</u>
<u>MARION C. KIERSTEAD</u>	<u>Marion C. Kierstead</u>
<u>HAROLD HIGHT</u>	<u>Harold A. Hight</u>
<u>DOROTHY DAUGHTY</u>	<u>Dorothy Daughty</u>
<u>ANA G. ZIMMERMAN</u>	<u>Ana G. Zimmerman</u>
<u>VENA M. MERRILL</u>	<u>Tina Merrill</u>
<u>ROSEMARIE MORELL</u>	<u>Rose Marie Morell</u>
<u>HELEN B. BOWEN</u>	<u>Helen B. Bowen</u>
<u>AIDA C. HANSON</u>	<u>Aida C. Hanson</u>
<u>BERNICE MARCUCCI</u>	<u>Bernice Marcucci</u>
<u>DOROTHY DYER</u>	<u>Dorothy Dyer</u>

PETITION: TO THE PORTLAND PLANNING BOARD AND PORTLAND CITY COUNCIL

WE, THE RESIDENTS OF NORTH SCHOOL, URGE THE PORTLAND PLANNING BOARD AND CITY COUNCIL TO APPROVE ZONING AND PLANS FOR THE EASTERN POINT PROJECT.

ELODIE B. MACCORMACK

Robert T. Carson

RUBY M. HIGHT

WILLIAM COHEN

MARY L. COTE

CHARLES ELL

Meredith C. Gordon

DAVID MACVANE

William F. Maloney Jr.

Elodie B. MacCormack

Robert T. Carson

Ruby M. Hight

William Cohen

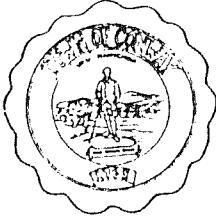
Mary L. Cote

Charles Ell

Meredith C. Gordon

David MacVane

William F. Maloney Jr.



Town Of Conway

Center Conway, New Hampshire 03813

(603)447-3811

February 10, 1987

Mayor Ronald Dorler
City of Portland
City Hall
Portland, ME 04101

Dear Mayor Dorler:

I understand that the Portland City Council is reviewing plans for the Eastern Point project to be developed by St. James Properties.

As a Selectman and Planning Board member for the Town of Conway, New Hampshire, I have been working with Brian Nickerson and other members of St. James Properties for the past two years on a large project they have under way in Conway. I was Chairman of the Board of Selectmen when they approached the Town two years ago.

I think it may be helpful to you to share our experiences. I understand that St. James has made a number of commitments to the City of Portland during the review process. In short, I want to tell you of the cooperative environment which has characterized our relationship with St. James' Settlers' Green project and the developer's willingness to live up to and go beyond its commitments. The following summary indicates the calibre of this developer's integrity and community spirit.

- 1) As Chairman of the Board of Selectmen, I sensed a future need for expanded fire department service for the Town. I asked if the developer was willing to set aside an acre of land for a future fire station. Not only was the developer willing, but when analysis determined that more land was needed, the developer helped us study our land needs. As a result, two acres of Settlers' Green land, in a prime location identified by the Fire Chief, was deeded to the Town in 1986.

- 2) In trying to solve some of our transportation needs, the selectmen investigated the feasibility of a new road east of Route 16 which we identified as the "Eastern Connector". The developer was asked to build a portion of the road. As it stands, the Town has not voted funds to proceed with this road yet. However, Settlers' Green has built its portion and has acquired a crossing over Maine Central rails which would be necessary for the Connector. I am convinced that the road will be built in the future and we now already have some of it.
- 3) The Water Precinct asked the developer to put in 12" lines versus the customary 8" lines so that community water service would be enhanced. The developer made this extra expenditure and lines are completed.
- 4) Community sewer service is currently an active issue in North Conway. St. James has been a leading force in working with the community and business groups to help solve the problem. In preparation, Settlers' Green has installed dry sewer lines so that an easy connection can be made when sewers come on-line. At the present time, it appears that the Water Precinct will undertake this responsibility. Settlers' Green has stepped forward to financially support preliminary studies the Precinct needs in order to bring its recommendation to its annual meeting. I might add that Settlers' Green has State approval to complete its project without sewers, but has continually worked with us to help resolve this important town issue.
- 5) Settlers' Green has become an integral part of the total community. It has provided financial support and sponsorship to locally-important events such as Arts Jubilee the Equine Classic and others. It has offered its land without charges to be used for Arts Jubilee and a Chamber of Commerce circus event.

Mayor Ronald Dorler
Page Three

6) Affordable housing has been a growing and vital concern in our community. Over the past two months, Brian Nickerson has organized and scheduled two community forums on this subject. As a result, a new non-profit housing corporation has been formed that has broad support by the various sectors of the community. It has now developed a capital fund for this group and Settlers' Green has pledged financial support.

We have been pleased with the developers of Settlers' Green. Initially there was some skepticism about how they would perform and the fact that they were from out-of-town. Not only have they lived up to everything they have proposed or we have requested, they have also become an important and valued member of our community.

We are pleased to continue to work with St. James Properties. I have no hesitancy in recommending them to you and your City Council.

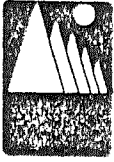
Sincerely,



Robert Bumstead
Board of Selectmen
Town of Conway

RB/cm

cc: Brian Nickerson



Mt.
Washington
Valley New
Hampshire
White Mountains

February 11, 1987

Mayor Ronald Dorler
Portland City Hall
389 Congress Street
Portland, ME 04101

Dear Mayor Dorler:

As Executive Director of the Mt. Washington Valley Chamber of Commerce, it has been my pleasure over the past eighteen months to have worked with Brian Nickerson of St. James Properties.

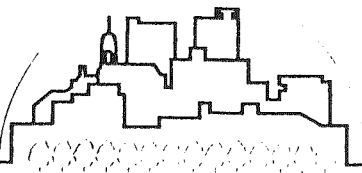
Settlers' Green, their North Conway development, is a good example of how St. James Properties works with our community, not against it. Brian Nickerson has exhibited, on numerous occasions, his concern for the well being of our area. He alone was the driving force in establishing a committee to address our serious need for affordable housing.

I can say to you, without hesitation, that Brian Nickerson and the group he represents have made a very positive contribution to our community here in the Mt. Washington Valley.

Sincerely,

Dave Van Note
Dave Van Note

Executive Director
Mt. Washington Valley
Chamber of Commerce



PROPERTY MANAGEMENT SERVICES INC.

December 4, 1986

Mr. John Humeniuk
Chairman, Planning Board
City of Portland
Portland City Hall
Portland, Me 04101

Re: Eastern Point

Dear Mr. Humeniuk:

I have seen the current plans for the Eastern Point project on the waterfront in Portland and heard the developer's presentation. It is my feeling that this development would be a great asset to the city and a good use of that particular site.

The buildings appear designed to fit well with the surrounding area in design, size, and orientation. The public interest is served nicely with interesting public access and modest shopping facilities.

I do not agree with the critics who say this is an inappropriate use of the waterfront. In this particular location at the base of the Eastern Prom it serves as a transition between the working waterfront on one side and the residential zone in the other.

Sincerely,

J. Spencer Jones
Director of Development

November 21, 1986

Mr. John Humeniuk, Chair
Portland Planning Board
City Hall
Portland, Maine 04101

Dear Mr. Humeniuk:

I am writing this letter in support of the Eastern Point project being planned near the Eastern Promenade. I know that Portland has seen a lot of development over the past few years, but I believe it is a credit to the success of the area and the Planning Board's efforts.

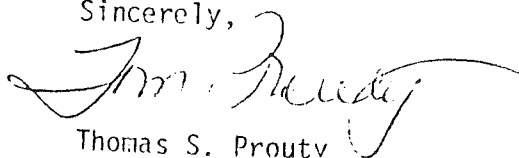
Unfortunately, it appears that we may be at a stage where the baby may be thrown out with the bath water. From what I know of the Eastern Point project, it may be the best one that has ever been before the Board. But a small group of opponents are making noise against a project for which they have not been able to find one specific fault. In fact, news reports of the opponents have them praising the project's design.

Eastern Point is not dislocating people; it is not dislocating fishermen and it is not dislocating business or industry. In fact, it will be expanding the only industrial user on the site and providing jobs. It also plans to expand places for sailors and fishermen to park their boats.

It is hard to understand why anyone would be against a project which preserves views, provides public use of the waterfront and removes the existing unsightly dilapidated factory area. I support the project very much and urge the Board to approve the project.

Thank you.

Sincerely,



Thomas S. Prouty
385 Woodford Street
Portland, ME 04103

Filler & How, P.A.

March 13, 1987

Mr. Joel Russ
Menario Russ & O'Sullivan
482 Congress St.
Portland, Me 04101

Dear Joel:

From what I read in the paper it looks like your project is picking up momentum. Keep me informed.

Thanks,



Richard J. How

RJH/kjh

The Staples School
70 Center Street
Portland, Maine 04101
Tel: (207) 772-0153

Mark G. Filler
CPA

Richard J. How
CPA

Members of the
American Institute of
Certified Public Accountants

December 5, 1986

Mr. Jack Humeniuk
Chairman of the Board
City Planning Board, City Hall
389 Congress Street
Portland, ME 04101

RE: Eastern Point Development

Dear Jack:

As a designer, and as a neighbor to this proposed project, I would like to make a few comments to the Planning Board. I have reviewed the conceptual design drawings. While they were very rough, I was able to make a few observations.

- 1) Depending on height restrictions, visual obstruction from the existing neighborhood to the Harbor could be minimized. If building elevations were allowed to go no higher than Fore Street at any given point there would be no visual obstruction.
- 2) I was told that there would be public access through the development to the water. No specifics were provided. The float or the breakwater are both possibilities.
- 3) There seems to be ample amounts of open space on the site itself.
- 4) The site development as shown on the conceptual drawings appears not to be imposing on the existing neighborhood.
- 5) I feel property values and rent structures will be moderately affected within the immediate area, but certainly not Munjoy Hill in general.

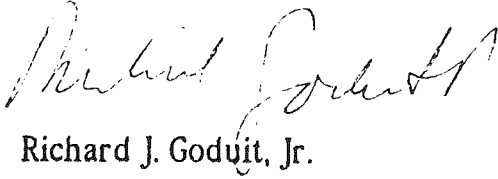
6) The proposed project will be a viable link in connecting downtown with the water and eastern promenade.

7) Finally, I support the project with the exception of what I perceive as a significant traffic impact. I have seen no studies or information regarding this issue. This issue should be carefully scrutinized as it is one area that could prove to be detrimental to the neighborhood and street network.

In general, I support the proposed use for the site, which except for the rail tracks, is spectacular.

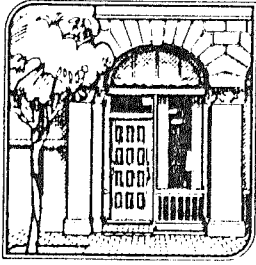
Thank you for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard J. Goduit, Jr.", written in dark ink.

Richard J. Goduit, Jr.
Architect

RJG:hls



**THE BOULOS
COMPANY**

TWO CITY CENTER
PORTLAND, ME 04101
(207) 772-1333

December 5, 1986

Jack Humeniuk, Chairman
And Members of The Planning Board
City of Portland
389 Congress Street
Portland, ME 04101

Dear Mr. Humeniuk and Members of the Board:

For the past 12 months, The Boulos Company has been involved with the relocation efforts of AgriTech Systems. Through the efforts of a number of brokerage agencies, primarily Menario-Russ-O'Sullivan, AgriTech conducted an exhaustive search for industrial/manufacturing locations throughout the greater Portland area. This search included Colonel Westbrook Executive Park (owned by The Boulos Company), the South Portland Shipyard, and other areas outside the City of Portland.

At the present time, the City of Portland offers very limited possibilities for a company such as AgriTech Systems. Locations within the City are extremely difficult to find--competition from our neighbors to the west and to the south make it extremely important that we keep firms such as AgriTech within the City borders. Its contribution to employment, to the vitality of the City and to the mixed-use fabric of Downtown Portland, should, hopefully, convince the members of the Planning Board and the City Council that this firm should stay in Portland. I, for one, feel that the Eastern Point project offers the City that opportunity.

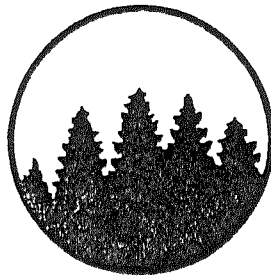
When considering the viability and ultimate contribution of the Eastern Point project, please take into consideration that this project would offer a firm such as AgriTech Systems the opportunity to remain in our City.

Very truly yours,

JOSEPH F. BOULOS

JFB/w

REAL ESTATE BROKERS,
DEVELOPERS &
CONSULTANTS



ACADIA
bay company

Maine Savings Plaza
Suite 704
Portland, Maine 04101
(207) 775-2022

December 5, 1986

Mr. Jack Humeniuk, Chairman
Planning Board
City of Portland
City Hall
Portland, ME 04101

Dear Jack:

I am writing to you and your colleagues to express my support for the Eastern Point development being proposed by Menario, Russ & O'Sullivan and others. I am convinced that this project is good for the people of Portland as well as for Greater Portland. I do not have a financial interest in the Eastern Point project and therefore I am expressing my professional views.

Having been born and raised in Portland and Greater Portland I can clearly remember the less plentiful days. Coming over from Peaks Island as a youngster I remember views of burned out piers, rusting framework of the coal shuttles, the old grain elevators, derelict boats and wharves in disrepair. Downtown was reeling from the threat of businesses moving out to the new suburban centers like Pine Tree Shopping Center. Huge portions of the downtown were vacant and unproductive. Work was hard to come by and the future was cloudy for many.

Over the years there have been dramatic improvements which have benefitted the people of Portland and Greater Portland. This has happened because the public and private sectors saw opportunity at the same time and worked together to leverage out that opportunity. The challenge now is to find appropriate ways to sustain and build upon those accomplishments. This prosperity is critical to maintain.

Mr. Jack Humeniuk

Page 2

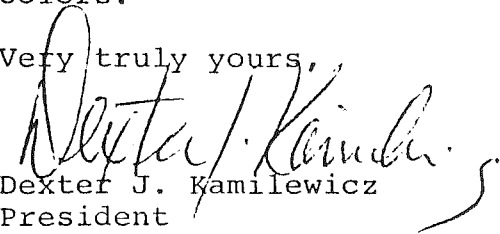
December 5, 1986

From a development point of view, it is absolutely necessary to understand that Portland's prosperity does not stand alone--it is part of and dependent upon Greater Portland's prosperity. To avoid some of the cyclical nature of development that we have seen over the last thirty years, balance must be achieved. Care must be taken that development is not again squeezed to suburban areas at the expense of continued mixed development on the peninsula such as we are now seeing at Spring Point in South Portland, Running Hill Road, Colonel Westbrook Park, Southborough, the Maine Mall, Mallside, Sable Oaks, and many others.

Eastern Point is a worthy project in the best tradition of Portland's history. It is the highest and best use of the land and produces great results for the people of Portland. The plan takes square aim at stemming the tide of businesses moving out of the area by strengthening AgriTech and others; it proposes support retail, office and service uses which also contribute to the well-being of the neighborhood; it produces both permanent and construction jobs that are the heart of continued individual prosperity; it produces badly needed tax revenue from an otherwise underproductive property; it displaces no one; and most important, it contributes to the prospect of continuing prosperity for many of Portland's citizens. From a historical perspective, it seems to me the Eastern Point project would be easy to support.

I urge you and your colleagues to examine the project rigorously and to determine if it will contribute to the prosperity of Portland's citizens. I am sure it will pass this test with flying colors.

Very truly yours,


Dexter J. Kamilewicz
President

DJK:CP

WILLIAM E. NICKERSON
6 MOUNTAIN VIEW ROAD
CAPE ELIZABETH, MAINE 04107

December 8, 1986

Mr. John Humerick
Chairman, Portland Planning Board
City Hall
Portland, Maine

Re: Eastern Point

Dear Mr. Humerick:

During the last several months I have followed reports relating to the above captioned development, and have also had an opportunity to discuss details of the project with several members of the development team. On the basis of the information I have received this appears to be a very well conceived project which I hope will receive the support of the Planning Board and the City Council.

As a commercial real estate lender in the Portland community, I have had an opportunity to become acquainted with many proposed developments in recent years. My impression is that the developers of Eastern Point have gone to great lengths to create a project which is compatible with its immediate surroundings, provides the residents of the City with waterfront access and the commercial fishing community with berthing space.

While there is a small, but vocal, segment of the populace which seems to oppose most any change which is proposed for the waterfront, it seems to me that change is inevitable.

Portland is a city on the move which will continue to grow and has been fortunate to see an abundance of quality development during the last fifteen years. I think the majority of informed citizens have been pleased with the transformation which has occurred. In my

opinion, Eastern Point is another quality project which will further enhance the City of Portland.

The subject site has been dormant and deteriorating for many years, and its redevelopment will be beneficial to the surrounding area. My view is that the function of the Planning Board is not to hinder growth and investment in the City, but rather to assure that proposed projects are compatible with the neighborhood in which they are planned and the overall needs of the City. I think Eastern Point Associates has been sensitive to these issues, and am hopeful the Planning Board and City Council will provide the approvals necessary for the project to move forward.

Sincerely,

J. O. O.

cc: Joel B. Russ



FIRST ATLANTIC CORPORATION

December 9, 1986

Jack Humeniuk, Chairman
Portland Planning Board
389 Congress Street
Portland, ME 04101

Re: Eastern Point

Dear Chairman Humeniuk and Members of the Portland Planning Board:

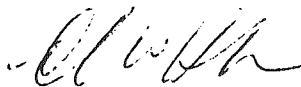
The continuing economic strength of the City of Portland will depend to a very large extent on the success of private investment initiatives. This does not mean that all development is good per se and that all development proposals should receive the endorsement of the City of Portland. However, developments of high quality should be encouraged and supported; these are ones which will result in the longest term benefit to the community in the form of increased employment opportunities, higher city tax revenues and a broader service sector economy. Support of these projects is particularly important at a time when surrounding communities are successfully competing for similar investment dollars.

I have had the chance to review the proposed Eastern Point development. It is just the kind of thoughtful, well-financed and sensitive development which, in my judgment, the City of Portland should be most enthusiastic about. In addition to the obvious private benefit which would result, this project offers a number of unusual public benefits which distinguish it from other development projects. New jobs will be created where none are presently supported by the land. In fact, it is my understanding that through the efforts of the developers, AgriTech Systems, Inc., a successful biotechnical firm, has been allowed to remain on an adjacent parcel where their employment will increase from 40 to 75 employees. It is fortunate that this expanding business did not relocate to another community; an option which it seriously considered. Public access to the waterfront will be provided where no public access presently exists. One thousand (1000) linear feet of new commercial berthing space will be created at a time when there is a recognized scarcity of such berthing. Thirty (30) new units of low and moderate income housing will be constructed at a time when there is almost a total lack of such housing activity in Portland. Private construction of a breakwater will allow development of nearly thirteen (13) acres of previously unutilized water rights for marine-related activities.

Jack Humeniuk, Chairman
December 9, 1986
Page 2

These are just a few of the many reasons why I support the Eastern Point proposal and would strongly urge you, the other members of the Portland Planning Board and the members of Portland City Council, to approve the proposed zone change requested by Eastern Point Associates.

Respectfully submitted,



Daniel W. Hourihan
Executive Vice President

DWH/klk

cc Members of the Portland Planning Board
Mayor and Members of the Portland City Council



481 CONGRESS STREET
PORTLAND, MAINE 04104-5022
207-774-5643

November 20, 1986

Mr. Brian Nickerson, Vice President
St. James Properties
67 Batterymarch Street
Boston, MA 02110

Dear Brian,

I enjoyed meeting you and hearing your presentation regarding the Eastern Point project in Portland, Maine. I also thank you for a very nice lunch.

Your project is certainly a very interesting and innovative one and one which I feel will benefit Portland and the surrounding communities. The mix of commercial, residential and low income properties should satisfy most of the special interest groups.

I am also impressed with the development team and the professional manner in which you are proceeding.

Peoples Heritage Savings Bank would like to assist you in your financing needs and would be willing to work as either a lead Bank or a major participant in the financing. I am willing to meet with you at your convenience to discuss these issues. I also stand ready to offer any assistance we can as you proceed through the approval process.

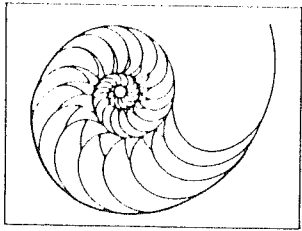
Good luck and please do not hesitate to call.

Cordially,

A handwritten signature in cursive script, appearing to read "Richard A. Blake".

Richard A. Blake
Vice President

RAB/a



epda

Mr. John Humeniuk, Chairman
Portland Planning Board
389 Congress Street, City Hall
Portland ME 04101

December 1, 1986

Dear Mr. Humeniuk & Members of the Planning Board:

As a Landscape Architect and Urban Designer with a firm located in the Old Port Exchange for over 13 years, I wish to lend my support for the Eastern Point project proposed for the Eastern Promenade area.

While any design professional would see ways that he might improve on a plan of another designer, I am very impressed with the plans for Eastern Point. They are extremely sensitive to the surrounding area and have made numerous changes in response to the surrounding area's concerns.

I would specifically mention the preservation of public views, the inclusion of public landscaped areas, and the public accessibility which will be provided. Without question, Eastern Point will add to the vitality of the community and contribute to Portland's quality of life. I would also recommend an Eastern Promenade public access and green space master plan. Congratulations to the City and Planning Board for the recent award from the Partners for Livable PLaces. This was a prestigious award and the Planning Board deserves much of the credit.

I recommend that the Planning Board approve the Eastern Point project.

Very truly yours,

William Altenburg, Jr.
President

EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

PUBLIC VIEWS

No new buildings will be constructed to exceed the street level of Fore Street. In other words, the roofs of all proposed new buildings will be below the street level of Fore Street. To the average adult viewer on Fore Street, the roof of the building opposite his or her view will be at least 5-6 feet below the viewing angle. Views from porches and windows of buildings along Fore Street and intersecting streets which rise from Fore Street will have even higher viewing angles.

Some existing buildings currently obscuring public views will be removed. Some existing buildings proposed to remain have roofs above the level of Fore Street.

Sasaki Associates has taken great pains to locate structures in a way which will not only preserve views, but also enhance particular views. For example, placing rooflines so that they are not in line with streets entering Fore Street accomplishes two objectives:

1. It removes the structures away from these intersections where the bulk of public views occur.
2. Since these streets pitch downward to Fore Street, travellers and residents of these streets will have an overlooking view of the attractively landscaped public green spaces and squares which separate the buildings. This should enhance the viewing environment.

Other project components which preserve and enhance public viewing include:

1. Public access to the site (see section 11) which will provide views from vantage points previously inaccessible.
2. Access out to the end of the boat basin, providing not only new views of the harbor, but also attractive views back to the neighborhood skyline.
3. Inclusion of an observation deck in the existing tower structure on Fore Street, possibly in conjunction with a museum of Munjoy Hill and the Portland Company.
4. Plans for a restaurant which will offer the opportunity to enjoy the view of the harbor in a relaxed environment.

The following is an analysis of how Eastern Point complies with recent waterfront visual and physical access standards adopted by the City Council into the Portland Land Development Plan.

EASTERN POINT VIEWS/PUBLIC ACCESS

The following compares the plans for Eastern Point with the Visual and Physical Access guidelines of the Portland Land Development Plan, as amended by the Portland City Council on January 14, 1985. (L.D.P. language in capital letters)

VISUAL AND PHYSICAL ACCESS

INTENT

TO PROTECT EXISTING VIEW CORRIDORS AND VANTAGE POINTS, TO GUIDE DEVELOPMENT TO ENHANCE THE PUBLIC'S OPPORTUNITIES FOR VISUAL AND PHYSICAL ACCESS CONSISTENT WITH THE CITY'S PLANNING GOALS AND WATERFRONT DEVELOPMENT STRATEGIES; SPECIFICALLY:

- * VIEWS TO THE WATER ALONG STREETS CONNECTING CONGRESS STREET TO COMMERCIAL STREET AND THE HARBOR.
- * VIEWS FROM HEAD OF SLIPS, BETWEEN PIERS TO THE WATER.
- * VIEWS FROM COMMERCIAL STREET TO WATER.
- * PHYSICAL ACCESS ALONG WATER WALK PARALLEL TO COMMERCIAL STREET; TO NODES AT THE END, HEAD AND EDGES OF PIERS.
- * VIEWS DOWN THE CENTER OF PIERS TO THE WATER.
- * VIEWS FROM END OF PIERS UP AND DOWN THE HARBOR.

PUBLIC ACCESS GUIDELINES PRESERVE AND ENHANCE PUBLIC ACCESS TO THE WATER UTILIZING:

Eastern Point plans to respond to these guidelines in the ways that they:

Preserve

- *VIEW CORRIDORS: VIEWS ALONG ALONG STREETS CONNECTING CONGRESS STREET TO COMMERCIAL STREET AND THE HARBOR.

All new buildings over 45 feet will have roof lines below the level of Fore Street. They will also be sited not in line with intersecting streets to Fore Street.

and Enhance

By siting buildings to either side of View corridors from intersecting streets. These vantage points will look down into landscaped yard and pedestrian areas as well as the boat basin area.

Preserve

and Enhance

*VIEWS FROM COMMERCIAL STREET: VIEWS OF THE WATER FOR PEDESTRIANS AND AND VEHICULAR TRAFFIC.

By keeping buildings below level of Fore Street and away from principal view corridors, the preservation of water views will be maximized.

Removing a vacant dilapidated factory complex and installing new boating activity will enhance views along Fore Street.

*VIEWS FROM THE HEAD OF SLIPS: VIEWS TO WATER AND ADJACENT PIERS AND BOATS.

There are currently no piers, slips or boats in this area. The project includes creation of all three.

Currently the site is inaccessible. By bringing the public into the site, down to the water and onto the pier, new and better viewing at the water's edge will be created, enhancing the quality of life in Portland.

*VIEWS FROM END OF PIERS: VIEWS UP AND DOWN THE HARBOR, BACK TO PORTLAND, AND HER LANDMARKS.

There is no such view to preserve - there are no piers and no access.

The public will be invited onto the site and will have access along the main pier out to its end - about 500 feet from the shoreline, opening up new public view panoramas never before available to the pedestrian.

*CONNECTIONS AND NODES: PEDESTRIAN WALKWAY NETWORK AND OPEN SPACES UTILIZING PUBLIC AND PRIVATE PROPERTIES CONNECTING MAJOR AND MINOR OPEN SPACES, POINTS OF ARRIVAL AND DESTINATION, VANTAGE POINTS OF INTEREST TYPICALLY FOUND ALONG COMMERCIAL STREET, ALONG CENTER OF PIERS, EDGES OF PIERS, AND AT THE HEAD OF SLIPS.

The only existing pedestrian walkway is the sidewalk on Fore Street. New buildings over 45 feet will be below the level of Fore Street. Plans include tasteful upgrading of the Fore Street sidewalk adjacent to the site.

New connectors and nodes will be created. Two pedestrian walkways from Waterville and Atlantic Streets will be created to maximize pedestrian access. New open spaces, plazas and sitting areas will be installed. Access to the end of the pier will be provided. The current "tower" on Fore Street will be converted to an observation deck.

Preserve

and Enhance

*GROUND FLOOR USE:
COMPATIBLE USES ENHANCING
PEDESTRIAN ACTIVITY SUCH
AS: RETAIL, RESTAURANT AND
PUBLIC FACILITIES.

No pedestrian uses
exist; no access exists.

The main "square", in
line with the Waterville
Street corridor, will
contain ground floor
retail and commercial
uses to strengthen its
function as a public
pedestrian area leading
to the main boat basin
pier. A restaurant is
proposed.

*SECOND LEVEL WALKWAYS:
VIEW DECKS OR PLATFORMS
AT UPPER FLOORS WHERE
GROUND FLOOR USE CONFLICTS
PROHIBIT PHYSICAL ACCESS.

None exist to be
preserved.

In addition to the obser-
vation deck, the pedes-
trian walkway from
Atlantic Street will
traverse the steep sloped
area of the site with
sitting and vantage
points overlooking
Eastern Point waterfront
activities, Portland
harbor, and the water-
front.

EASTERN POINT

482 Congress Street, Suite 501, Portland, Maine 04101 207-775-0466

BOAT BERTHING - IMPACT OF PROJECT BOAT BASIN

The demand for berthing in the Portland area is outstripping supply. This condition is visible in the conflict between recreational and commercial boating interests. The issue is further clouded by misconceptions that recreational berthing hurts the "working waterfront"; in fact, recreational boating provides business to the seafaring portion of the Portland waterfront. The Eastern Point boat basin has a positive impact in providing newly created berthing areas, a breakwater for boat protection, a place for recreational boats to lessen demand in central waterfront areas, and a commercial berthing component.

C.O.G. Berthing Study

In 1983, the Greater Portland Council of Governments published the Greater Portland Berthing Study. Key findings included:

- * Berthing space is currently a problem.
- * Both recreational and commercial fleets will grow.
- * Fishing and commercial vessels will continue to focus their berthing needs in central areas of the waterfront where facilities are located.
- * The greatest growth in berthing demand will be recreational.
- * Deficit in berthing will grow fast without action.
- * Recreational berthing should be encouraged in areas where access and adequate parking are provided.
- * Present market rates cannot economically support new berthing space construction or long-term maintenance.
- * A demand for 3,000 to 8,000 linear feet of berthing space is necessary.

Demand and Conflict Grow

Recent articles in the press and testimony to public bodies suggest that the demand for berthing in the Portland waterfront is growing. Furthermore, since 1983, an increasing conflict between commercial and recreational boating has occurred in the central portion of the waterfront as a result of other construction projects underway.

Breakwater a Key

The breakwater proposed by Eastern Point will open up a portion of the waterfront to berthing which has been not available due to wind and wave action. The breakwater is necessary in order for the Eastern Point boat basin plans to go forward. The breakwater is an expensive item, one which resulted in the area being rejected for the fish pier. The economies of the boat basin cannot financially support the breakwater; it can only be supported through the values of private market waterfront housing. In addition to the Eastern Point Boat Basin, the Breakwater will lend protection to the other water areas between Eastern Point and Bath Iron Works where increased berthing could then be accommodated.

Eastern Point Increases Berthing

Eastern Point will expand berthing in the Portland Waterfront by 9,000 linear feet or more. This figure is based on the minimum number of slips (300) and an average boat length of 30 feet. This represents nearly two miles of additional berthing space. As a result, the Eastern Point boat basin will provide an alternative to the recreational boater and lessen potential conflicts in the congested, more central portion of the waterfront where commercial vessels wish to be.

Relationship to Working Waterfront

Eastern Point intends to reserve a location in its boat basin for commercial vessels (see following section). However, if the boat basin was solely recreational, its impact on the economy of the working waterfront would be great.

Other than supportive marine retail services, no land-side boat repair and services are proposed at Eastern Point. The working waterfront is not only oriented to commercial fishing; there are many

working waterfront services provided to the recreational boating industry. In addition there are the following:

- * Boat sales
- * Marine engine repair & service
- * Boat storage
- * Boat provisions and suppliers
- * Boat servicing and painting
- * Electronic equipment sales & service
- * Sail makers and repair services
- * Boat cleaning services
- * Boat cover and canvas manufacturers
- * Boat transporting services
- * Boat yards and railways
- * Boat renting & leasing companies
- * Marine surveyors
- * Ship chandlers
- * Vessel fueling services

All of the above will benefit from increased recreational boat berthing at Eastern Point. A listing of Portland and Portland harbor companies involved in the above activities is provided as an attachment.

ATTACHMENT

Portland and Portland Harbor Businesses involved in serving the boating industry.

Adams Marine Center	Holland Marine Services
A.L. Griffen Co.	IMP Fishing Gear Ltd.
Bay Marine Engineering	Industrial Welding & Machine, Inc.
Boston Fuel Transport	Leen Company
Brown Ship Chandlery, Inc.	Maine Compass Service
Casco Sails, Inc.	Maine Liferaft & Inflatable Service
Channel Crossing Marina	Maine Marine Diesel Co.
The Chart Room, Inc.	Maine Mobile Wash
Chase Leavitt & Co.	Maine Ocean Marine Services
Communications, Inc.	Marine Safety Consultants, Inc.
Connell Diesel & Electric	Marineast Marina
Custom Canvas of Portland	Moran Towing of Maine
Dayton Industrial Marine	Neptune, Inc.
Devils Den Charters	Port Harbor Marine
DiMillo's Marine Store	Port Sports
Dorler Communications Co.	Portland Brass Hardware
Fishermen Supply Co.	Power Products, Inc.
The Gear Loft	Ross Marine Electronics
General Marine Construction Corp.	Sailboats Northeast of Portland
Gignoux Henri Boatwright	Sails USA
Goodall Boat Sales	Seacoast Engine & Pump Co.
Gowen Shipyard	Shore Sails
Hard Sails	Tommy's Marine Center
Harbor Supply	Union Wharf Chandlerly and Market
The Harris Co.	Williams Brothers
Hildreth Yacht Sales	