



City of Portland, Maine
Department of Planning and Development
Zoning Map Amendment Application

Application ID: 1370 **Application Date:** 05/20/2008 **CBL:** 293 A016001 **Property Location:** 17 Bishop St

Applicant Information:

Spurwink School
 Name

Business Name

899 Riverside St
 Address

Portland, ME 04101
 City, State and Zip

Telephone Fax

Applicant's Right, Title or Interest in Subject Property:

Current Zoning Designation: IM

Existing Use of Property:

currently used as offices for a variety of mental health services for children and adults.

Proposed Use of Property:

retain existing childrens clinic and adult day program on the first floor and convert the second floor into one or two handicapped family units for a total of 10 children with approximately 6 non-resident staff. Change to B2 makes the conversion to residential use possible

Property Owner:

Spurwink School
 Name

899 Riverside St
 Address

Portland, ME 04101
 City, State and Zip

Telephone Fax

Amendment A _____

Amendment B _____

Amendment C _____

Section 14: _____

Requested:

Planning Approval

REVIEW TYPE: _____

RECOMMENDATION DATE: _____ **APPROVAL DATE:** _____ **ENACTMENT DATE:** _____



Michael Charek Architects
 25 Hartley Street
 Portland, ME 04103
 207-761-0556
 Fax 207-761-7260

TRANSMITTAL

Project: Zoning Amendment Application
 17 Bishop Street

Project No.:

TO: Barbara Barhydt

DATE: 5/9/08

If enclosures are not as noted, please inform us immediately.

We Transmit:

- Herewith Under separate cover via:
 By fax: pages including this one

For your:

- Approval Distribution to parties Information
 Review & Comment Record
 Use

The following:

- Drawings Shop Drawings Samples
 Specifications Correspondence Product Literature
 Change Order Minutes Other

Copies	Date	Rev. No.	Description	Action
7			Copies of Application with attachments	E.
1			Check for \$2,200	E.

Action Codes:

- A. Action indicated on item transmitted. D. For signature and forwarding as noted below under Remarks.
 B. No action required. E. See Remarks below.
 C. For signature and return to this office.

Remarks: Application and payment for Zoning Map Amendment for 17 Bishop Street, Spurwink Services applicant. Please advise if anything else is needed.

Copies to:

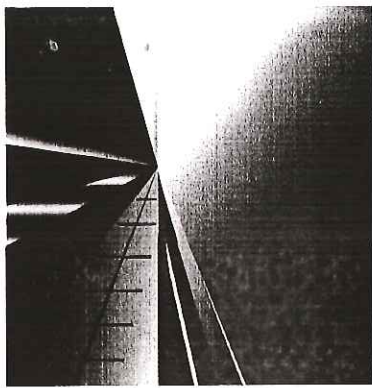
(with enclosures)

By: Michael R. Charek

**Zoning Amendment Application
For
Zoning Map Amendment**

Location: 17 Bishop Street
Applicant: Spurwink Services, Inc.

Contents: Cover Letter
Application Form
Deed
Vicinity Map
Sketch Plan
Zoning Map Sketch
Aerial Photograph



Michael Charek Architects

May 9, 2008

25 Hartley Street
Portland, ME 04103
Phone 207 761 0556
Fax 207 761 7260
www.charekarchitects.com

City of Portland Planning Board
c/o Barbara Barhydt
Development Review Services Manager
389 Congress Street
Portland, ME 04101

Dear Ms. Barhydt:

On behalf of my client, Spurwink Services Inc., I am pleased to submit the attached Zoning Amendment Application for 17 Bishop Street.

Spurwink Services is requesting a Zoning Map Amendment for their property at 17 Bishop Street to change the zoning designation from IM to B2. The property is approximately 15,581 square feet, and includes an existing two-story building. There are two marked parking spaces on the property, and an additional 25 parking spaces on a parcel that Spurwink owns directly across the street. The bulk of the property is paved, with a fenced yard area off the northeast corner of the building.

There are several outpatient mental health services provided within the existing building. The first floor houses a clinic for evaluation and treatment of abused children, and an adult day services program. On the second floor are located offices for a public school counseling program and a clinic for evaluation and treatment of autistic children.

Spurwink would like to move the programs on the second floor to another location to make room for a program of housing and supportive services for approximately 10 children ranging in age from 6 to 18 years. This program is intended to provide a transition from inpatient hospitalization to community living options. The program would include living quarters for the clients, and a full-time staff that would be on site 24 hours a day.

The current IM zoning designation does not allow any residential use, so Spurwink Services would like to rezone their property to B2, effectively extending the adjacent B2 zone to include their parcel. We believe a B2 zoning designation is in keeping with the adjacent uses to the east and south of this parcel, and is a logical extension of the adjacent business zoning across Bishop Street. We believe the B2 designation is in keeping with the City of Portland Comprehensive Plan for the B2 zone along Forest Avenue.

As part of the application we have included a Vicinity Map, a Sketch Plan of the property, a Zoning Map Sketch showing the surrounding zoning designations, and

MICHAEL R. CHAREK
PRINCIPAL
Member
The American
Institute
Of Architects

Barbara Barhydt
5/9/08

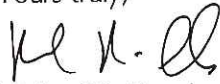
Page 2

an aerial photograph of the property and its surroundings. A copy of the deed is also attached, showing Spurwink Services' (formerly known as The Spurwink School) right and title to the property. A check in the amount of \$2,200 is attached to cover the application fee and fee for service deposit.

I am available to answer any questions you may have about this application, and look forward to seeing it through the process.

Thank you for your assistance.

Yours truly,

A handwritten signature in black ink, appearing to read "M. R. Charek". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Michael R. Charek
Encl.



Zoning Amendment Application
Department of Planning and Development
Planning Division and Planning Board

1. Applicant Information

Spurwink Services, Inc.

Name

899 Riverside Street

Address

Portland, ME 04103

207-871-1200 207-871-1232

Phone

Fax

2. Subject Property

17 Bishop Street

Address

293-A-16

Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Spurwink Services, Inc.

Name

899 Riverside Street

Address

Portland, ME 04103

207-871-1200 207-871-1232

Phone

Fax

4. Billing Address:

Spurwink Services, Inc.

Name

899 Riverside Street

Address

Portland, ME 04103

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Applicant is owner of property. Refer to attached copy of deed.

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property:

Property is currently used as offices for a variety of mental health services for children and adults.

7. **Current Zoning Designation(s):**

IM

8. **Proposed Use of Property:** Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The proposed use of the property is to retain the existing
children's clinic and adult day program on the first floor and
convert the second floor into one or two handicapped family
units for a total of 10 children with approximately 6 non-
resident staff. The change to B2 zoning makes the conversion to
residential use possible.

9. **Sketch Plan:** On a separate sheet, please provide a sketch plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1" = 100'.)

10. **Proposed Zoning:** Please check all that apply:

A. Zoning Map Amendment, from IM to B2

B. Zoning Text Amendment to Section 14-_____

For Zoning Text amendment, attached on a separate sheet, the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C. Conditional or Contract Zone

A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. **Application Fee:** An Application Fee must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below.) The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

Fee for Service Deposit \$200.00
(This fee is required for all applications in addition to the application fee listed below)

Zoning Map Amendment \$2,000.00

Zoning Text Amendment \$2,000.00

WARRANTY DEED
Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, that **COMMUNITY HOUSING INVESTMENT CORPORATION**, a Maine corporation with a place of business in Portland, in the County of Cumberland and State of Maine, for consideration paid, **GRANTS** with **WARRANTY COVENANTS** TO:

THE SPURWINK SCHOOL, a not-for-profit corporation with a place of business in Portland, County of Cumberland, State of Maine, whose mailing address is 899 Riverside Street, Portland, Maine,

Parcel One - U.S. Route 1, Brunswick: Two (2) certain lots or parcels with the buildings thereon, situated on the southerly sideline of U.S. Route 1, in the City of Brunswick, County of Cumberland and State of Maine, being more particularly bounded and described on Exhibit A annexed hereto and made a part hereof.

Being a portion of the premises conveyed to Community Housing Investment Corporation by warranty deed of Hyman M. Gulak dated July 1, 1988 and recorded in the Cumberland County Registry of Deeds in Book 8368, Page 77.

Parcel Two - Bishop Street, Portland: Two (2) certain lots or parcels of land with the buildings thereon, situated on the northerly and southerly sides of Bishop Street, in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described on Exhibit B annexed hereto and made a part hereof.

Being the same premises conveyed to Community Housing Investment Corporation by warranty deed of Dirigo Management Co., Inc. dated August 9, 1988 and recorded in said Registry of Deeds in Book 8425, Page 310.

IN WITNESS WHEREOF, the said **COMMUNITY HOUSING INVESTMENT CORPORATION** has caused this instrument to be signed this 13th day of December, 1993.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

[Signature]

COMMUNITY HOUSING INVESTMENT CORPORATION

By [Signature]
David Lakari
Its President

STATE OF MAINE
COUNTY OF CUMBERLAND

Dec 13, 1993

Personally appeared the above-named David Lakari, in his said capacity, and acknowledged the foregoing to be his free act and deed, and the free act and deed of said corporation, before me.

[Signature]
Notary Public/Attorney at Law
Drew A. Under
Printed Name

MAINE REAL ESTATE TAX PAID

82-127

B

EXHIBIT ARoute 1, Brunswick, Maine

Two certain lots or parcels of land situated in Brunswick, County of Cumberland and State of Maine, bounded and described as follows:

Parcel 1:

Beginning at an iron pin set in the ground on the southerly sideline of U.S. Route 1, the Old Portland Road, so-called, by land now of Bertha Lemieux; THENCE, running in a general southeasterly direction along land of said Lemieux a distance of 520 feet to an iron pin set in the ground; THENCE, running in a general southwesterly direction on a line perpendicular to the first described bound along land now of David E. Giles et ano. a distance of 415 feet to an iron pin set in the ground; THENCE, running in a general northwesterly direction on a line parallel with the first described bound along land of David E. Giles et ano. a distance of 315 feet to an iron pin set in the ground; THENCE, running in a general northerly direction along land of said Giles et ano. a distance of 420 feet to an iron pin set in the ground on the southerly sideline of U.S. Route 1, the Old Portland Road; THENCE, running in a general easterly direction along the southerly sideline of U.S. Route 1, the Old Portland Road, a distance of 200 feet to the point and place of beginning.

Parcel 2:

Beginning at an iron pin located at the southeast corner of the above-described parcel, said pin being on the boundary line separating property of the Community Housing and Investment Corporation and Hyman N. Gulak, now of Community Housing Investment Corporation from land of one Lemieux at a distance of 520 feet, more or less, along said boundary line from the southerly side of Route 1; THENCE, in a southerly direction, said direction being the same and thus a continuance of the easterly boundary of land described above, a distance of 315 feet to a point; THENCE, in a southwesterly direction at right angles to the first described bound 415 feet to a point; THENCE, in a northwesterly direction along land now or formerly of Dale Cheney McLennan, et al., and parallel to the first described bound 315 feet to a pin marking the southwest corner of the above-described parcel; THENCE, at right angles and in a northeasterly direction 415 feet along the above-described parcel to the point of beginning.

Excepting that certain lot or parcel of land conveyed to Old Freeport Road Associates by deed dated August 18, 1989, and recorded in Book 8874, Page 302. See Corrective Deed dated October 2, 1990, and recorded in Book 9344, Page 232, and further Corrective Deed to be recorded. Said excepted parcel is bounded and described as follows:

A certain lot or parcel of land, together with the buildings thereon, situated in said Brunswick and being Lots 2 and 3 as shown

on the "Standard Boundary Survey made for Richmond Corporation, said Plan being made by Titcomb Associates, Inc., dated December 18, 1989, and recorded in said Registry on October 12, 1990, in Plan Book 187, Page 54.

EXHIBIT B17 and 12-26 Bishop Street, Portland, Maine

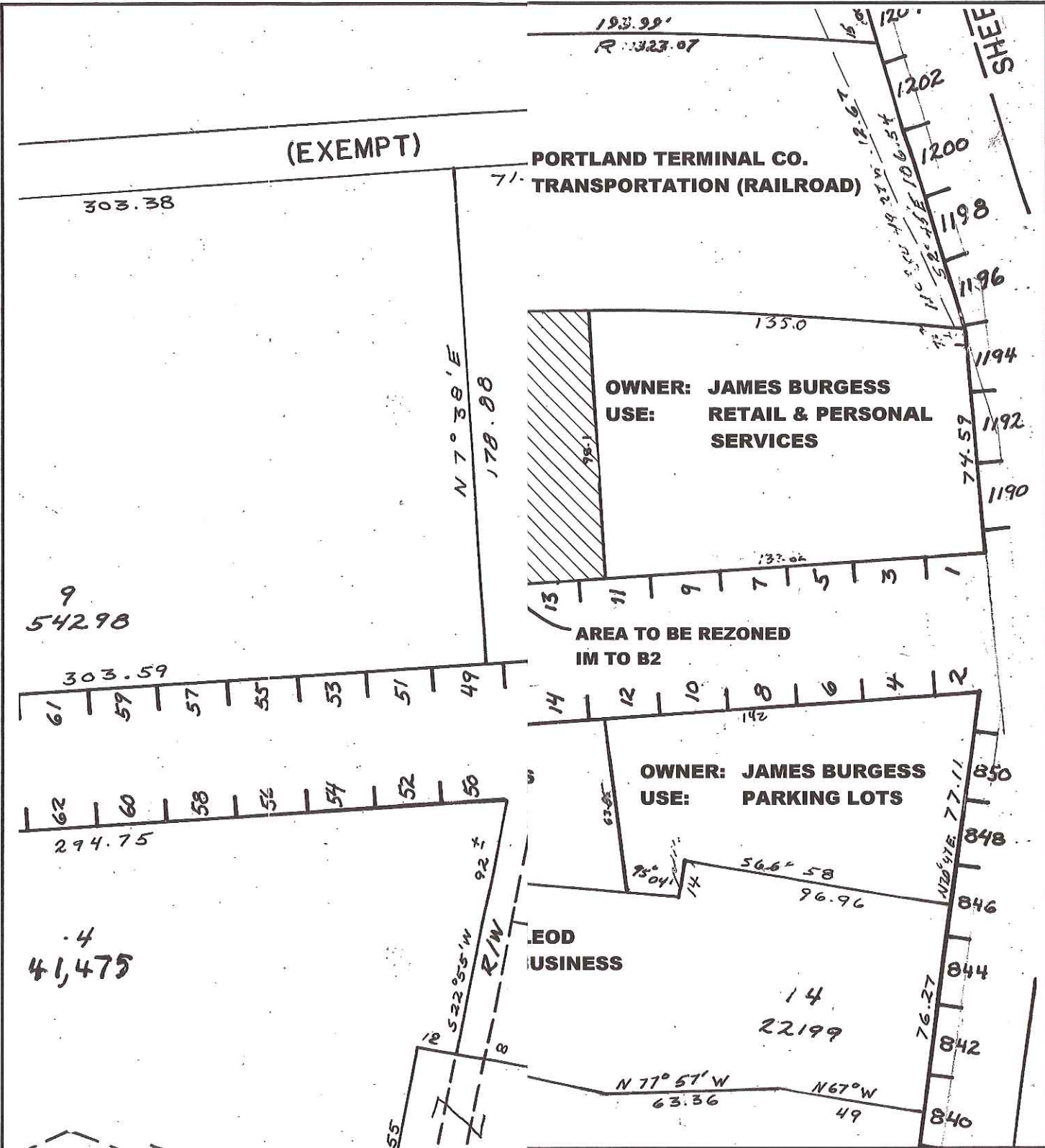
A certain lot or parcel of land with the building thereon situated on the northerly side of Bishop Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the northerly sideline of Bishop Street at the southwesterly corner of the first parcel of land described in the conveyance by The Plasmine Corporation to Fred M. Forsley by deed recorded in the Cumberland County Registry of Deeds in Book 6543, Page 114, said point being distance 137.62 feet as measured along said sideline of Bishop Street from a drill hole in the sidewalk on the westerly sideline of Forest Avenue; THENCE, North 9° 21' 00" East along said land conveyed to Forsley by a line passing two feet West of the westerly side of the brick building located on said Forsley land, 98.10 feet to an iron rod found on the southerly side of the Portland Terminal Company right-of-way; THENCE, westerly by a curve to the left (radius 1,223.5 feet) along said right-of-way 77.28 feet to an iron rod found at the easterly corner of other land now or formerly owned by The Plasmine Corporation; THENCE, South 87° 40' 28" West across land conveyed to The Plasmine Corporation by Maine Turnpike Authority by deed recorded in Book 6361, Page 129, 87.30 feet to a point; THENCE, South 9° 25' 28" West across land conveyed in Book 6361, Page 129, 83.10 feet to a point on the northerly sideline of said Bishop Street as is shown on a plan for the Maine Turnpike Authority by Daniel Harriman dated November 1983, and recorded in said Registry in Plan Book 140, Page 42; THENCE, South 80° 35' 22" East along said sideline of Bishop Street 162.82 feet to the point of beginning; containing 15,581 square feet.

Also, another lot or parcel of land, with any improvements thereon, located on the southerly side of Bishop Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the southerly sideline of Bishop Street located on the southerly extension of the easterly boundary of the parcel described above, said point also being the northwesterly corner of the second parcel of land described in a deed from The Plasmine Corporation to Fred M. Forsley dated August 23, 1984, and recorded in Book 6543, Page 114; THENCE, South 9° 21' 00" West along said extension and by land conveyed to said Fred M. Forsley 63.85 feet to a drill hole found in the northerly boundary of land now or formerly owned by Casco Bank & Trust Company; THENCE, North 71° 39' 46" West along said Bank land 186.59 feet to an iron rod found; THENCE, North 12° 14' 14" East along said Bank land 34.93 feet to an iron rod found on the southerly sideline of Bishop Street; THENCE, South 80° 35' 22" East along said sideline of Bishop Street 182.51 feet to the point of beginning; containing 9,067 square feet, and being shown on a plan entitled Plan of Land in Portland, Maine, Bishop Street, for The Plasmine Corporation, dated August 18, 1986, by Owen Haskell, Inc.

Recorded
Cumberland County
Registry of Deeds
12/14/93 01:16:27PM
John B. O'Brien



NOTE: PLAN TAKEN FROM CITY OF PORTLAND ASSESSOR'S MAP NO. 293

VINK SERVICES
SHOP STREET
PORTLAND, MAINE

VICINITY MAP

CKD MRC	SCALE 1" = 50'-0"	DATE 5/7/08
------------	----------------------	----------------



NOTES:

1. PLAN BASED ON DEED DESCRIPTION.
2. ALL CONDITIONS SHOWN ARE EXISTING TO REMAIN.

**HANEL CHAREK ARCHITECTS
PORTLAND, MAINE**

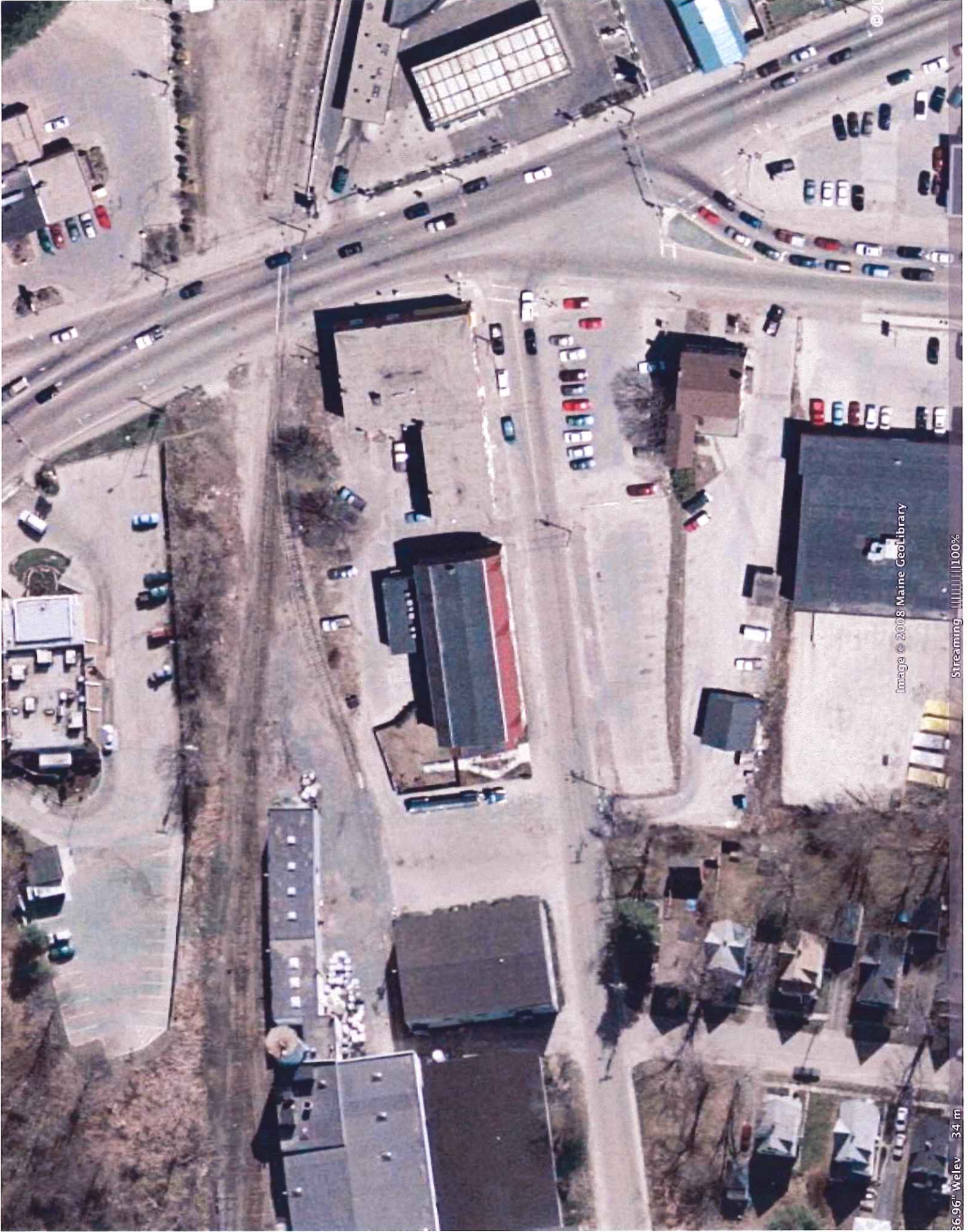
**WINK SERVICES
SHOP STREET
LAND, MAINE**

**SKETCH PLAN
OF SPURWINK
PROPERTY**

CKD
MRC

SCALE
1" = 30'-0"

DATE
5/7/08



© 2008

Image © 2008 Maine Geolibrary

Streaming 100%

36.96" Welev 34 m

spurwink services

going the distance, changing lives

July 22, 2008

Dear Neighbor,

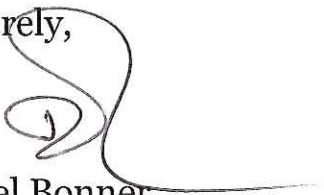
Please join us for a neighborhood meeting to discuss our plans for a zoning map amendment to change our property located at 17 Bishop Street from its present I.M. "industrial" status to a B2 "neighborhood business" zone.

Meeting Location: 17 Bishop Street, Portland, Maine
1st floor reception area
Date: August 5, 2008
Time: 5:00 to 7:00 p.m.

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties" list be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and the minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call me, Dan Bonner, at 871-1200.

Sincerely,



Daniel Bonner
Vice President, Operations

Note: Under Section 12-32 (C) of the City Code of Ordinances, an applicant for a major development subdivision of more than five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal.

spurwink services

going the distance, changing lives

July 28, 2008

City of Portland Planning Board
c/o Molly Casto, Planner
389 Congress Street
Portland, ME 04101

Re: 17 Bishop Street -- Zoning Map Amendment

Dear Ms. Casto:

Spurwink Services, Inc. is applying for a zoning map amendment for our property at 17 Bishop Street, changing its zone designation from I-M to B-2. Our plan for the property is to move offices from the second floor and replace them with housing for children and adolescents being discharged from psychiatric hospitalization. The change in zoning designation is the only way that use can be allowed. We believe this project is in alignment with the Comprehensive Plan of the City of Portland in many significant ways, as this letter will make clear. Further, we believe that, while industrial zoning is vital to the mix of business and activities that make up the City of Portland, a case could be made that the zoning of this particular parcel as B-2 is more appropriate.

Appropriate zoning

The property at 17 Bishop Street has been used primarily, if not solely, as a business, not an industrial location. The assessor's property records note the date of the building's construction as 1913. The City Assessor's Survey of 1924 notes the age of the building at 17 Bishop Street as "10-12 years", which would date it to 1912-1914. At the time of the 1924 survey the uses of the property were noted as dance and pool room, bowling alley, and 6 tenant rooms. Since that time the owners of the property have included, as you listed in your memo, several individuals, the Maine Turnpike Authority, Plasmine Technology, Dirigo Management, and Community Housing, before Spurwink purchased it in 1993. You note that for most of its life the building has seen use as offices. Building Department records note, in addition, a period of use in the 1980's as a dance school.

The 1924 survey shows a collection of smaller-scale commercial and residential properties at the Forest Avenue end of Bishop Street, while further down the street there appear to have been a collection of railroad-related structures and uses.

The form and construction of the building, as well as its building-to-land ratio, closely resemble its neighbor to the east, at the corner of Forest Avenue and Bishop Street. It does not



conform to the model of other industrial uses further along Bishop Street, in large, open warehouse-type structures.

When the zoning lines were drawn for this area, it is clear that the business zone designation was extended at a constant depth along Forest Avenue until it reached the centerline of Bishop Street, where it changed depth from approximately 100 feet from the street centerline to approximately 350 feet along the centerline of an alley at the rear of Forest Avenue parcels. The line cuts through the parcel at 1190 Forest Avenue at the corner of Forest Avenue and Bishop Street, not following property boundaries. We believe that a finer-grained analysis of uses might have yielded a zone boundary along the westerly boundary of 17 Bishop Street, which would correspond to the boundary that continues south on the other side of Bishop Street.

At the Planning Board workshop meeting Alex Jaegerman was asked if the zoning map amendment were appropriate. Mr. Jaegerman stated that small adjustments to the map at corners and boundaries were not uncommon, to reflect a finer-grained understanding of the realities of local uses.

A question was raised about the proximity of a residence for children to the industrial uses present on Bishop Street. In fact, there are single-family residences at the corner of Bishop and Mayfield Streets that are as close to the Plasmine Technology facility as the Spurwink building. In addition, the clinic and other programs currently housed in the Spurwink building have children coming and going all day, every weekday. Plasmine Technology has never presented a problem for the Spurwink programs, and representatives of Plasmine support our proposal.

City of Portland Comprehensive Plan

We respectfully submit that changing the zoning designation of 17 Bishop Street helps fulfill a number of goals outlined in the portion of Portland's Comprehensive Plan entitled "Housing: Sustaining Portland's Future", adopted November 18, 2002. We list a number of the more pertinent policy objectives below, with our comments on how the map amendment would enable our specific project to fulfill those objectives:

Objective 1.a: Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels for both renter and owner-occupied, including but not limited to the following:

viii. Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes, and nursing homes.

Objective 1.f: Ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing (rental and homeownership), which offers appropriate supportive services.

Actions:

1.f.1. Increase the amount of supportive housing for persons with disabilities, the frail elderly, homeless families and individuals, and persons with other special needs that desire and need to live in an urban area where services are available.

Comment: The housing services Spurwink proposes to provide are specifically geared to a special-needs population of children and adolescents who have been hospitalized at Spring Harbor Hospital.

Objective 5.b: Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads exist or may be expanded at minimal costs.

Actions:

5.b.1. Locate new housing along or within walking distance of major transportation corridors to increase use of METRO and encourage alternative modes of transportation.

5.b.3 Encourage new housing near neighborhood schools and in proximity of public parks and athletic facilities throughout the City.

Comment: The Bishop Street site is located adjacent to the intersection of two major transportation corridors and two bus lines. It is near the future site of a major commercial retail development, and near elementary, middle, and high schools, athletic facilities, and Evergreen Cemetery and Baxter Woods.

Objective 5.e: Locate and design housing to reduce impacts on environmentally sensitive areas.

Actions:

5.e.3. Explore ways to use zoning and other regulatory tools to encourage environmentally friendly development.

Comment: The Spurwink proposal is to reuse an existing building with no new construction. This is the lowest-impact form of development.

Objective 6.a: Increase and ensure equal access to housing opportunities for minorities, low-income people and persons with disabilities and special needs.

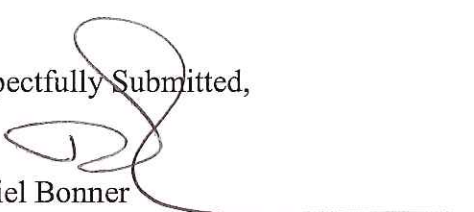
Actions:

6.a.1. Work with housing providers and developers to create programs and secure resources to increase housing opportunities, both rental and homeownership, for minorities, low-income people and persons with disabilities and special needs.

Comment: As with Objectives 1.a and 1.f, the Spurwink project is intended to house a special needs population.

To sum up, we believe that a B-2 designation for 17 Bishop Street is an appropriate redrawing of a boundary between zones on the zoning map, and that the project we are planning advances the goals outlined in the City's Comprehensive Plan in many important ways. The City is not being asked to fund this project; we only ask that a small corner of a zoning district be redefined.

Respectfully Submitted,


Daniel Bonner
Vice President of Operations

spurwink services

going the distance, changing lives

July 28, 2008

City of Portland Planning Board
c/o Molly Casto, Planner
389 Congress Street
Portland, ME 04101

Re: 17 Bishop Street -- Zoning Map Amendment

Dear Ms. Casto:

Spurwink Services, Inc. is applying for a zoning map amendment for our property at 17 Bishop Street, changing its zone designation from I-M to B-2. Our plan for the property is to move offices from the second floor and replace them with housing for children and adolescents being discharged from psychiatric hospitalization. The change in zoning designation is the only way that use can be allowed. We believe this project is in alignment with the Comprehensive Plan of the City of Portland in many significant ways, as this letter will make clear. Further, we believe that, while industrial zoning is vital to the mix of business and activities that make up the City of Portland, a case could be made that the zoning of this particular parcel as B-2 is more appropriate.

Appropriate zoning

The property at 17 Bishop Street has been used primarily, if not solely, as a business, not an industrial location. The assessor's property records note the date of the building's construction as 1913. The City Assessor's Survey of 1924 notes the age of the building at 17 Bishop Street as "10-12 years", which would date it to 1912-1914. At the time of the 1924 survey the uses of the property were noted as dance and pool room, bowling alley, and 6 tenant rooms. Since that time the owners of the property have included, as you listed in your memo, several individuals, the Maine Turnpike Authority, Plasmine Technology, Dirigo Management, and Community Housing, before Spurwink purchased it in 1993. You note that for most of its life the building has seen use as offices. Building Department records note, in addition, a period of use in the 1980's as a dance school.

The 1924 survey shows a collection of smaller-scale commercial and residential properties at the Forest Avenue end of Bishop Street, while further down the street there appear to have been a collection of railroad-related structures and uses.

The form and construction of the building, as well as its building-to-land ratio, closely resemble its neighbor to the east, at the corner of Forest Avenue and Bishop Street. It does not



conform to the model of other industrial uses further along Bishop Street, in large, open warehouse-type structures.

When the zoning lines were drawn for this area, it is clear that the business zone designation was extended at a constant depth along Forest Avenue until it reached the centerline of Bishop Street, where it changed depth from approximately 100 feet from the street centerline to approximately 350 feet along the centerline of an alley at the rear of Forest Avenue parcels. The line cuts through the parcel at 1190 Forest Avenue at the corner of Forest Avenue and Bishop Street, not following property boundaries. We believe that a finer-grained analysis of uses might have yielded a zone boundary along the westerly boundary of 17 Bishop Street, which would correspond to the boundary that continues south on the other side of Bishop Street.

At the Planning Board workshop meeting Alex Jaegerman was asked if the zoning map amendment were appropriate. Mr. Jaegerman stated that small adjustments to the map at corners and boundaries were not uncommon, to reflect a finer-grained understanding of the realities of local uses.

A question was raised about the proximity of a residence for children to the industrial uses present on Bishop Street. In fact, there are single-family residences at the corner of Bishop and Mayfield Streets that are as close to the Plasmine Technology facility as the Spurwink building. In addition, the clinic and other programs currently housed in the Spurwink building have children coming and going all day, every weekday. Plasmine Technology has never presented a problem for the Spurwink programs, and representatives of Plasmine support our proposal.

City of Portland Comprehensive Plan

We respectfully submit that changing the zoning designation of 17 Bishop Street helps fulfill a number of goals outlined in the portion of Portland's Comprehensive Plan entitled "Housing: Sustaining Portland's Future", adopted November 18, 2002. We list a number of the more pertinent policy objectives below, with our comments on how the map amendment would enable our specific project to fulfill those objectives:

Objective 1.a: Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels for both renter and owner-occupied, including but not limited to the following:

viii. Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes, and nursing homes.

Objective 1.f: Ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing (rental and homeownership), which offers appropriate supportive services.

Actions:

1.f.1. Increase the amount of supportive housing for persons with disabilities, the frail elderly, homeless families and individuals, and persons with other special needs that desire and need to live in an urban area where services are available.

Comment: The housing services Spurwink proposes to provide are specifically geared to a special-needs population of children and adolescents who have been hospitalized at Spring Harbor Hospital.

Objective 5.b: Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads exist or may be expanded at minimal costs.

Actions:

5.b.1. Locate new housing along or within walking distance of major transportation corridors to increase use of METRO and encourage alternative modes of transportation.

5.b.3 Encourage new housing near neighborhood schools and in proximity of public parks and athletic facilities throughout the City.

Comment: The Bishop Street site is located adjacent to the intersection of two major transportation corridors and two bus lines. It is near the future site of a major commercial retail development, and near elementary, middle, and high schools, athletic facilities, and Evergreen Cemetery and Baxter Woods.

Objective 5.e: Locate and design housing to reduce impacts on environmentally sensitive areas.

Actions:

5.e.3. Explore ways to use zoning and other regulatory tools to encourage environmentally friendly development.

Comment: The Spurwink proposal is to reuse an existing building with no new construction. This is the lowest-impact form of development.

Objective 6.a: Increase and ensure equal access to housing opportunities for minorities, low-income people and persons with disabilities and special needs.

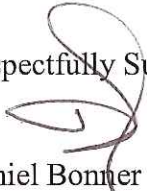
Actions:

6.a.1. Work with housing providers and developers to create programs and secure resources to increase housing opportunities, both rental and homeownership, for minorities, low-income people and persons with disabilities and special needs.

Comment: As with Objectives 1.a and 1.f, the Spurwink project is intended to house a special needs population.

To sum up, we believe that a B-2 designation for 17 Bishop Street is an appropriate redrawing of a boundary between zones on the zoning map, and that the project we are planning advances the goals outlined in the City's Comprehensive Plan in many important ways. The City is not being asked to fund this project; we only ask that a small corner of a zoning district be redefined.

Respectfully Submitted,


Daniel Bonner
Vice President of Operations

spurwink services

going the distance, changing lives

July 28, 2008

City of Portland Planning Board
c/o Molly Casto, Planner
389 Congress Street
Portland, ME 04101

Re: 17 Bishop Street -- Zoning Map Amendment

Dear Ms. Casto:

Spurwink Services, Inc. is applying for a zoning map amendment for our property at 17 Bishop Street, changing its zone designation from I-M to B-2. Our plan for the property is to move offices from the second floor and replace them with housing for children and adolescents being discharged from psychiatric hospitalization. The change in zoning designation is the only way that use can be allowed. We believe this project is in alignment with the Comprehensive Plan of the City of Portland in many significant ways, as this letter will make clear. Further, we believe that, while industrial zoning is vital to the mix of business and activities that make up the City of Portland, a case could be made that the zoning of this particular parcel as B-2 is more appropriate.

Appropriate zoning

The property at 17 Bishop Street has been used primarily, if not solely, as a business, not an industrial location. The assessor's property records note the date of the building's construction as 1913. The City Assessor's Survey of 1924 notes the age of the building at 17 Bishop Street as "10-12 years", which would date it to 1912-1914. At the time of the 1924 survey the uses of the property were noted as dance and pool room, bowling alley, and 6 tenant rooms. Since that time the owners of the property have included, as you listed in your memo, several individuals, the Maine Turnpike Authority, Plasmine Technology, Dirigo Management, and Community Housing, before Spurwink purchased it in 1993. You note that for most of its life the building has seen use as offices. Building Department records note, in addition, a period of use in the 1980's as a dance school.

The 1924 survey shows a collection of smaller-scale commercial and residential properties at the Forest Avenue end of Bishop Street, while further down the street there appear to have been a collection of railroad-related structures and uses.

The form and construction of the building, as well as its building-to-land ratio, closely resemble its neighbor to the east, at the corner of Forest Avenue and Bishop Street. It does not



conform to the model of other industrial uses further along Bishop Street, in large, open warehouse-type structures.

When the zoning lines were drawn for this area, it is clear that the business zone designation was extended at a constant depth along Forest Avenue until it reached the centerline of Bishop Street, where it changed depth from approximately 100 feet from the street centerline to approximately 350 feet along the centerline of an alley at the rear of Forest Avenue parcels. The line cuts through the parcel at 1190 Forest Avenue at the corner of Forest Avenue and Bishop Street, not following property boundaries. We believe that a finer-grained analysis of uses might have yielded a zone boundary along the westerly boundary of 17 Bishop Street, which would correspond to the boundary that continues south on the other side of Bishop Street.

At the Planning Board workshop meeting Alex Jaegerman was asked if the zoning map amendment were appropriate. Mr. Jaegerman stated that small adjustments to the map at corners and boundaries were not uncommon, to reflect a finer-grained understanding of the realities of local uses.

A question was raised about the proximity of a residence for children to the industrial uses present on Bishop Street. In fact, there are single-family residences at the corner of Bishop and Mayfield Streets that are as close to the Plasmine Technology facility as the Spurwink building. In addition, the clinic and other programs currently housed in the Spurwink building have children coming and going all day, every weekday. Plasmine Technology has never presented a problem for the Spurwink programs, and representatives of Plasmine support our proposal.

City of Portland Comprehensive Plan

We respectfully submit that changing the zoning designation of 17 Bishop Street helps fulfill a number of goals outlined in the portion of Portland's Comprehensive Plan entitled "Housing: Sustaining Portland's Future", adopted November 18, 2002. We list a number of the more pertinent policy objectives below, with our comments on how the map amendment would enable our specific project to fulfill those objectives:

Objective 1.a: Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels for both renter and owner-occupied, including but not limited to the following:

viii. Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes, and nursing homes.

Objective 1.f: Ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing (rental and homeownership), which offers appropriate supportive services.

Actions:

1.f.1. Increase the amount of supportive housing for persons with disabilities, the frail elderly, homeless families and individuals, and persons with other special needs that desire and need to live in an urban area where services are available.

Comment: The housing services Spurwink proposes to provide are specifically geared to a special-needs population of children and adolescents who have been hospitalized at Spring Harbor Hospital.

Objective 5.b: Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads exist or may be expanded at minimal costs.

Actions:

5.b.1. Locate new housing along or within walking distance of major transportation corridors to increase use of METRO and encourage alternative modes of transportation.

5.b.3 Encourage new housing near neighborhood schools and in proximity of public parks and athletic facilities throughout the City.

Comment: The Bishop Street site is located adjacent to the intersection of two major transportation corridors and two bus lines. It is near the future site of a major commercial retail development, and near elementary, middle, and high schools, athletic facilities, and Evergreen Cemetery and Baxter Woods.

Objective 5.e: Locate and design housing to reduce impacts on environmentally sensitive areas.

Actions:

5.e.3. Explore ways to use zoning and other regulatory tools to encourage environmentally friendly development.

Comment: The Spurwink proposal is to reuse an existing building with no new construction. This is the lowest-impact form of development.

Objective 6.a: Increase and ensure equal access to housing opportunities for minorities, low-income people and persons with disabilities and special needs.

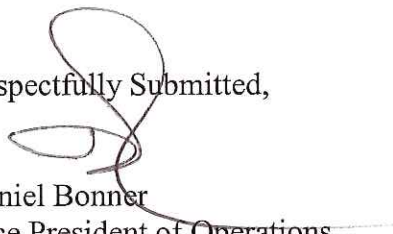
Actions:

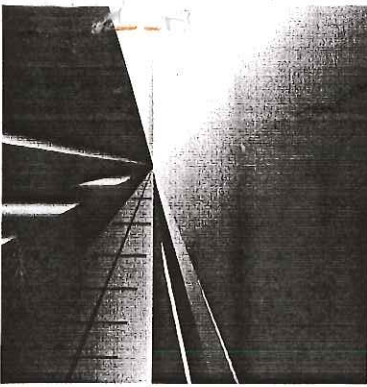
6.a.1. Work with housing providers and developers to create programs and secure resources to increase housing opportunities, both rental and homeownership, for minorities, low-income people and persons with disabilities and special needs.

Comment: As with Objectives 1.a and 1.f, the Spurwink project is intended to house a special needs population.

To sum up, we believe that a B-2 designation for 17 Bishop Street is an appropriate redrawing of a boundary between zones on the zoning map, and that the project we are planning advances the goals outlined in the City's Comprehensive Plan in many important ways. The City is not being asked to fund this project; we only ask that a small corner of a zoning district be redefined.

Respectfully Submitted,


Daniel Bonner
Vice President of Operations



Michael Charek Architects

December 5, 2008

25 Hartley Street
Portland, ME 04103
Phone 207 761 0556
Fax 207 761 7260
www.charekarchitects.com

Barbara Barhydt
Development Review Services Manager
389 Congress Street
Portland, ME 04101

Dear Ms. Barhydt:

On behalf of my client, Spurwink Services Inc., I am submitting the attached Application for Exemption from Site Plan Review for 17 Bishop Street.

Spurwink Services is requesting an exemption from site plan review for their proposed renovation of the second floor of 17 Bishop Street from office space to residential space. The property at 17 Bishop Street is approximately 15,581 square feet, and includes an existing two-story building with 7,016 sf on the first floor and 5,923 sf on the second floor. There are two marked parking spaces on the property, and an additional 25 parking spaces on a parcel that Spurwink owns directly across the street. The bulk of the property is paved, with a fenced yard area off the northwest corner of the building. The zoning designation for the property is B2.

There are several outpatient mental health services provided within the existing building. The first floor houses a clinic for evaluation and treatment of abused children, and an adult day services program. On the second floor are located offices for a public school counseling program and a clinic for evaluation and treatment of autistic children.

Spurwink will be moving the programs on the second floor to another location to make room for a program of housing and supportive services for approximately 10 children ranging in age from 6 to 18 years. This program is intended to provide a transition from inpatient hospitalization to community living options. The program would include living quarters for the clients, and a full-time staff that would be on site 24 hours a day. For zoning purposes we are classifying this space as 2 handicapped family units.

As part of the application we have included floor plans showing the existing first and second floors and the proposed second floor, a vicinity map showing surrounding parcels, and a sketch site plan of the property.

We believe this project meets the following criteria for exemption from site plan review:

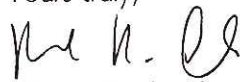
MICHAEL R. CHAREK
PRINCIPAL
Member
The American
Institute
Of Architects

- a. *The proposed development will be located within existing structures, and there will be no new buildings, demolitions, or building additions other than those permitted by subsection b of this section:*
There will be no additions to the building footprint.
- b. *Any building addition shall have a new building footprint expansion of less than five hundred (500) square feet:*
There will be no additions to the building footprint.
- c. *The proposed site plan does not add any new curb cuts, driveways, or parking areas; the existing site has no more than one (1) curb cut and will not disrupt the circulation flows and parking on-site; and there will be no drive-through services provided:*
Correct.
- d. *The curbs and sidewalks adjacent to the lot are complete and in sound condition, as determined by the public works authority, with granite curb with at least four (4) inch reveal, and sidewalks are in good repair with uniform material and level surface and meet accessibility requirements of the Americans with Disabilities Act:*
We believe this to be true.
- e. *The use does not require additional or reduce existing parking, either on or off the site, and the project does not significantly increase traffic generation*
Correct. In all likelihood, traffic and parking demand will decrease.
- f. *There are no known stormwater impacts from the proposed use or any existing deficient conditions of stormwater management on the site:*
Correct.
- g. *There are no evident deficiencies in existing screening from adjoining properties:*
Correct.
- h. *Existing utility connections are adequate to serve the proposed development and there will be no disturbance to or improvements within the public right-of-way:*
Correct.

I am available to answer any questions you may have about this application, and look forward to seeing it through the process.

Thank you for your assistance.

Yours truly,



Michael R. Charek
Encl.



Application for Exemption from Site Plan Review Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

1. Applicant Information

Spurwink Services, Inc.

Applicant/Owner
899 Riverside Street
Portland, ME 04103

Mailing Address

Michael Charek, Architect

Consultant/Agent

761-0556 / 761-7260 / 232-6718

Phone Fax Cell

2. Project Information

December 5, 2008

Application Date

Spurwink Bishop Street

Project Name/Description

17 Bishop Street

Address of Proposed Site

293-A-16

Assessor's Reference (Chart-Block-Lot)

Description of Proposed Development:

Renovation of second floor office space into two handicapped family units housing up to a total of 10 children (up to 5 in each unit).
See attached plans and letter describing project.

(Please Attach Sketch/Plan of Proposal/Development)

Criteria for Exemptions: (See Section 14-523 (4) on page 2 of this application)

	Applicant's Assessment (Yes, No, N/A)	Planning Division Use Only
a) Within Existing Structures: No New Buildings, Demolitions or Additions	Yes	
b) Footprint Increase Less Than 500 sq. ft.	Yes	
c) No New Curb Cuts, Driveways, Parking Areas	Yes	
d) Curbs and Sidewalks in Sound Condition/Comply with ADA	Yes	
e) No Additional Parking/No Traffic Increase	Yes	
f) No Known Stormwater Problems	Yes	
g) Sufficient Property Screening Exists	Yes	
h) Adequate Utilities	Yes	

Planning Division Use Only

Exemption Granted _____ Partial Exemption _____ Exemption Denied _____

Planner's Signature _____ Date _____

Planning Board Report: 47-08

**PROPOSED MAP AMENDMENT FROM I-M INDUSTRIAL TO B-2 BUSINESS
VICINITY OF 17 BISHOP STREET**

APPLICANT – SPURWINK SERVICES, INC

Submitted to:

Portland Planning Board
Portland, Maine
August 12, 2008 Public Hearing

Prepared by:

Molly Casto, Planner
August 8, 2008

I. INTRODUCTION

Spurwink Services, Inc of Portland, Maine requests the Planning Boards positive recommendation to the City Council for a zoning map amendment of their property and an additional sliver of land abutting their property at 17 Bishop Street. The applicant would like to have the land rezoned from I-M Moderate Impact Industrial to B-2 Community Business. Spurwink proposes to convert the second floor of the existing building at 17 Bishop Street to a residential program of housing and supportive services for approximately ten (10) children ranging from 6 to 18 years of age. The proposed program would serve as a transition from inpatient hospitalization to community living. Unlike the I-M zone, which does not allow for residential use, the B-2 Community Business Zone permits such uses. The applicant's submittals are included as Attachments 1 through 3.

64 notices were sent to area residents. A legal notice also appeared in the *Portland Press Herald*. The applicant's representative is Michael Charek Architects of Portland, Maine.

II. SUMMARY

Current Zoning:	I-M Industrial
Proposed Zoning:	B-2 Community Business
Current Uses:	<u>17 Bishop Street:</u> Mental health services for children and adults <u>1190 Forest Avenue:</u> Retail and personal service on the first floor with residential above.
Proposed Uses:	Same as above with the conversion of the second floor of 17 Bishop Street to a residential program for children.
Parcel Area:	<u>17 Bishop Street:</u> .36 acres +/- (15,594.48 s.f.) <u>1190 Forest Avenue:</u> the portion of the lot being considered for rezoning is 4,053 s.f. +/-

III. BACKGROUND AND EXISTING CONDITIONS

a. History of Uses and zoning

It is unclear exactly when the building at 17 Bishop was constructed (it does not appear on historic City maps from 1914 but is included on Sanborn maps from 1951) however, according to Tax Assessor and Building Records, the building has stood since approximately 1915. It has had a variety of uses, though it has been primarily used for business purposes. There are no records of industrial uses occurring on the property. The City Assessor's Survey of 1924 lists the use for the property as "dance and pool room, bowling alley and six (6) tenant rooms". The property was purchased by the Maine Turnpike Authority from the Field family in 1957 and used for administrative offices until the mid-1980's. The building changed hands four times between 1985 and 1988, during which it was briefly used as a dancing school before being purchased and used by Plasmine Technology, Inc who currently own and occupy the abutting property at 61 Bishop Street, next door to the site. In 1988, the property was purchased from Plasmine Technology, Inc by Dirigo Management who, shortly thereafter, granted the property to Community Housing Investment Corporation (CHI). CHI granted the parcel, as it is described today, including the building and parking lot across the street from 17 Bishop Street, to Spurwink Services (referred to as 'The Spurwink School' at that time) in December of 1993 (see Warranty Deed- Attachment 1). The applicant has provided a supplemental analysis of the history of the property in their letter dated July 28, 2008 (Attachment 2). In this letter they note that the form and construction of the building along with its structure-to-land-ratio closely resembles 1190 Forest Avenue to the east rather than the industrial uses along Bishop Street to the west.

b. Land uses and zoning

Presently, the property at 17 Bishop Street includes an existing two-story building and two parking spaces along with 25 surface parking spaces across the street. There are several outpatient mental health services provided within the existing building. On the first floor, there is a clinic for the evaluation and treatment of abused children and an adult day services program.

The second floor includes offices for a public school counseling program and a clinic for the evaluation and treatment of autistic children. These services would be moved to other off-site locations, should the residential program for children be permitted to occupy the second floor space. 17 Bishop Street is zoned I-M and abuts a B-2 zone to the south. Though not directly abutting, there is also a B-2 zone to the east. The associated parking across the street is in a B-2 zone.

The property at 1190 Forest Avenue is used for retail, personal service and a restaurant on the first level and residential above. The zoning boundary between the I-M and B-2 zones bisects the parcel and existing structure. Other uses surrounding 17 Bishop Street include the following:

- **North:** There is a railroad right of way along the north side of the property, owned by Portland Terminal Company. This serves as the boundary of the I-M and the B-4 zone.
- **West:** There are industrial uses to the west of the site. Plasmine Technology, Inc, of 61 Bishop Street, directly abuts the site and is a producer of industrial inorganic chemicals. Other uses along Bishop Street include wholesale warehousing, a “doggie daycare” and kennel facility, single family houses, and miscellaneous manufacturing businesses. The western end of Bishop Street, at the intersection of the Bishop Street extension, is zoned I-H High Impact Industrial.
- **East:** As previously noted, the property at 1190 Forest Avenue is zoned both I-M and B-2. The I-M portion of the property is under consideration for rezoning to B-2 as part of this proposal. The building includes a mix of commercial and residential uses including a neighborhood grocery store, a laundry and dry cleaning service, a pub, and approximately 9 residential units on the second floor. The Forest Avenue corridor is zoned B-2.
- **South:** The street centerline along the frontage of 17 Bishop Street serves as a boundary between the I-M and B-2 zones. There is an R-5 residential zone to the southwest of the site, including Mayfield Street. Mayfield Street is comprised of single-family, residential dwellings. The portion of the Steven’s Avenue corridor to the south of Bishop Street is zoned B-2.

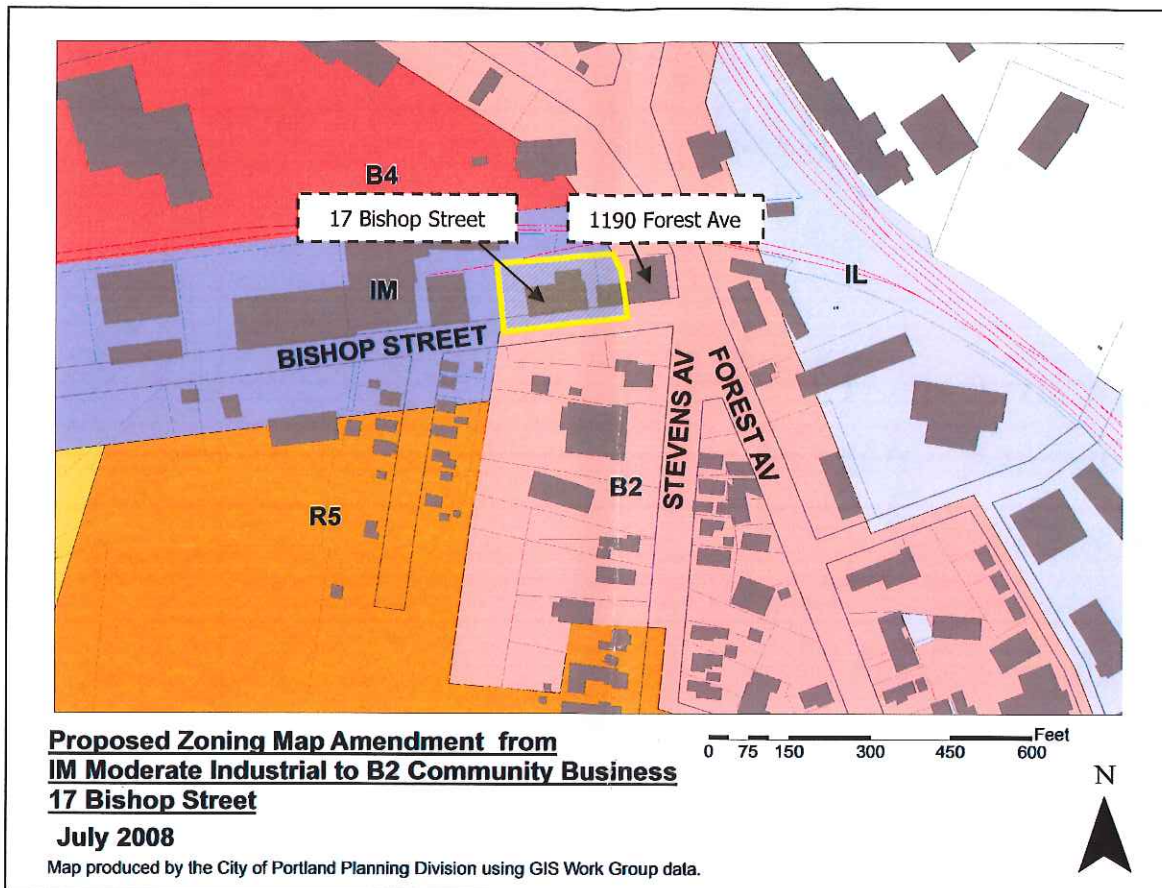


Image 2- 17 Bishop Street, taken from Bishop Street looking east



Image 1- 1190 Forest Avenue, looking east towards intersection of Bishop St and Forest Ave

The following image identifies the site being proposed for rezoning overlaid on the City of Portland zoning map:



IV. ZONING POLICY ANALYSIS

a. Portland Industry and Commerce Plan Final Report (1994)-ICPAC

The area being proposed for rezoning was addressed, along with existing industrial areas throughout the City, in the Portland Industry and Commerce Plan prepared by the Industry and Commerce Plan Advisory Committee in 1994. This area, referred to as “the Warren Avenue/ Bishop Street area” in the report, was originally zoned as I-2 prior to the industrial zoning amendments approved in 1997. In evaluating this area, the Advisory Committee determined that it would continue to serve as an appropriate area for industrial development, assuming that Bishop Street be extended through to Warren Avenue, as planned in 1995 (the extension was completed and is in place today). The committee felt this connection would enable industrial development geared towards intrastate and interstate markets to succeed rather than those solely targeted at inner-City markets. There is no specific mention of the property at 17 Bishop in the report.

The final report was used to devise a series of proposed industrial zoning amendments, which were presented to the Planning Board in July 1996. The Planning Board recommended these zoning amendments to the Portland City Council. Subsequently, the area around Bishop Street was zoned as I-M in the Industrial Zoning Ordinance Amendment passed by the City Council on January 6, 1997. The Forest Avenue corridor at the intersection of Bishop Street and Forest Avenue, and land to the south of Bishop Street near Steven’s Avenue remained zoned as B-2. The ordinance went into effect on February 5, 1997.

Planning staff reviewed both the Planning Board and Council Reports from 1996. Though a number of representatives from industrial sectors throughout the City approached and worked with the Planning Authority to request site-specific modifications to the proposed zoning, there was no documentation of the Spurwink School approaching the City with concerns over the continued industrial zoning designation for their property.

b. Current Zone – I-M Moderate Impact Industrial

The I-M zone allows for moderate impact industrial uses. The zone is intended to provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist. The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic (in this case, the Bishop Street extension provides direct access to Warren Avenue). The I-M industrial zone is intended to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure. Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone.

c. Proposed Zone – B-2 Community Business

According to Section 14-181 of the City Code, the purpose of the B-2 community business zone is as follows:

1. To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses and services serving the adjoining neighborhoods and the larger community.
2. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone.
3. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile and by pedestrians. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.

Figure 1 provides a comparison of the uses permitted in the I-M versus B-2 zones.

Figure 2 provides a comparison of the dimensional requirements for the I-M versus B-2 zones.

(See Attachment 4 for complete zoning text).

Figure 1: Permitted Uses in the I-M versus B-2 zones

Permitted Uses (X=use is permitted within zone) (C = Conditional use within zone)	I-M	B-2
Residential		X
Personal services		X
Offices of building tradesmen		X
Retail establishments		X
Restaurants, except that restaurants shall close for all purposes including the service of alcohol no later than 11:00 p.m		X
Private club or fraternal organization		X
→ Long term, extended and intermediate care facility		X
Clinics		X
Churches or other places of worship		X
Kindergarten, elementary, middle and secondary schools;		X
College, university, trade schools;		X
Municipal buildings and uses		X
Studios for artists and craftspeople,		X
Lodging houses		X
Bed and breakfast		X
Drinking establishments		X
Bakeries in existence as of November 15, 1999		X
Bakeries established after November 15, 1999, provided they include retail sales within the principal structures.		X
Communication studios or broadcast and receiving facilities		X
Health clubs and gymnasiums		X
Veterinary hospitals, but excluding outdoor kennels		X
Hotels or motels of less than one hundred fifty (150) rooms		X
Drive-throughs associated with a permitted use in the B-2 zone subject to conditions		X
Theaters and performance halls		X
Billiard parlors		X
Automotive dealerships		C
Mortuaries or funeral homes		X
Day care facilities or babysitting services	X	X
Dairies	X	X (in existence as of 11/15/99)
Utility substations	X	X
Miscellaneous repair services, excluding motor vehicle repair services	X	X
Back office uses	X	X
General, business and professional offices	X	X
Wholesale trade	X	C
Repair services, including all types of automotive repair	X	C
Research and Development	X	C
Incidental accessory uses.	X	X
Miscellaneous repair services, excluding motor vehicle repair services	X	X
Low impact industrial uses including but not limited to: <ul style="list-style-type: none"> • Machine Shops • Bakeries • Breweries • Musical Instruments • Assembly of electrical components • Tool and die shops • Packaging of food • Bottling • Printing and Publishing • Pharmaceuticals • Precision instruments • Toys and sporting goods • Wood products • Jewelry 	X	C (printing and publishing only)
Indoor amusement and recreation centers	X	
Plant and tree nurseries, including associated recycling activities	X	
Lumber yards	X	
Commercial kitchens or other food preparation provided that the food is not prepared for service on the premises.	X	

2 units on second floor
-handicapped family
dwelling for handicapped persons & support staff.

Permitted Uses (cont.) (X=use is permitted within zone) (C = Conditional use within zone)	I-M	B-2
Building contractors and construction and engineering services	X	
Intermodal transportation facilities.	X	
Utility substations.	X	
Distribution and warehousing facilities including outdoor storage	X	
Recycling facilities, provided that all storage and recycling operations occur within a fully enclosed structure	X	
Food and seafood processing for human consumption	X	
Municipal and/or regional solid waste disposal facilities provided that all disposal activities are carried out within an enclosed structure	X	
Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs (subject to conditions	X	
Storage lots for towed or impounded vehicles, subject to listed conditions (14-247(u)	X	

In the I-M zone, uses not expressly permitted (as listed above) or prohibited (as listed in section 14-249- Attachment 4) may be permitted if they meet the following conditions and standards:

- a. *The proposed development is consistent with the purposes of this zone.*
- b. *The proposed development is designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts of the proposal.*

Standard	Proposed	I-M	B-2
Purpose	Rezone to B-2 to allow for residential program providing housing and supportive services for ~10 children	To provide zones in areas of the City in which light and moderate impact industries and transportation-related uses will coexist	To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses and services serving the adjoining neighborhoods and the larger community.
	Existing	I-M	B-2
Uses	Outpatient mental health services	Permitted as a performance- based use (see 14-248)	Permitted
	Proposed	I-M	B-2
	Outpatient mental health services with residential program on second floor	Prohibited	Permitted
Min. Lot Size	Existing lot size = 15,594.48 s.f.	None	10,000 s.f.
Min. Street Frontage	~190 ft along Bishop Street	60 ft	50 ft
Min. Front Yard	none	1 ft for each 1ft of building height up to 25 ft.	none
Min. Rear Yard	~ 22ft	1-25 ft (35 ft if rear property line abuts a residential zone)	10 ft
Side Yard	~20 ft	1 ft for each 1ft of building height up to 25 ft. (25 ft. if side property line abuts a residential zone)	none
Structure Height	Two stories- height uncertain	65 ft	45 ft
Max. Impervious Surface Ratio	unknown	75%	80%

Both the I-M and B-2 zones contain additional standards concerning exterior storage and signage. The B-2 zone contains additional requirements pertaining to landscaping, screening and front-yard parking (for complete zoning text, see [Attachment 4](#)).

V. POLICY DISCUSSION

a. Portland Comprehensive Plan

Volume One of the Portland Comprehensive Plan includes references to the Portland strategic plans which have been compiled as components of the comprehensive plan and how each of them addresses State Growth Management Goals. Goals and policies of both the state and the City, as described in the City strategic plans that comprise the Portland Comprehensive Plan, which are relevant to the proposed map amendment have been included below:

STATE GOAL C: To promote an economic climate, which increases job opportunities and overall economic well being.

The introduction to this goal cites the Industry and Commerce Plan (also referred to as the ICPAC Report) as a source document. Specific strategies to achieve this goal, pertaining to this proposal, include the following:

Chapter 5 of the *ICPAC Report- Zoning Initiatives* identifies the following goals, applicable to this proposal:

- *Protecting neighboring residential zones*
- *Providing thoughtful flexibility for emerging industries*
- *Recognizing that a well-managed industry is a good neighbor*

The surveys, focus groups, forums and inventories conducted during the IPCAC process raised a number of key issues and facts that were incorporated into the committees zoning recommendations. These include:

- *There is relatively little vacant industrial land left in the City*
- *While many residents see performance standards and philosophically being the right approach to industrial zoning, they do not trust the City's ability to adequately enforce performance standards.*

STATE GOAL D: To encourage and promote affordable, decent housing opportunities for all Maine citizens:

Housing: Sustaining Portland's Future- November 18, 2002

Overall Goal

Portland, as Maine's largest city, will strive to provide a sufficient supply of quality housing commensurate with a manageable level of growth to sustain the city as a healthy urban center in which to live and work, and its position as a growing regional economic and service center. Housing in the city will be varied and affordable to accommodate Portland's socially and economically diverse population.

Goal

Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:

- Housing for special markets, such as SRO's, student or dormitory housing, group homes, and artist housing including live/work opportunities;
- Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes; and
- Emergency Shelters for the homeless and transitional housing for individuals and families striving for independence.

Ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing (rental and homeownership), which offer appropriate supportive services.

Goal

Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

Policies

While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.

2000-2005 Consolidated Housing and Community Development Plan- May 2000

Affordable Housing Strategies

Assisted housing should be provided for those individuals and families with the greatest needs, including the elderly, low income and disabled populations in order for them to live independently and achieve stability and self-sufficiency in their lives.

b. Policy Analysis

The proposed map amendment would result in an expansion of the existing B-2 zone abutting the site to the south. Currently, if the map amendment is limited to include only the parcel at 17 Bishop Street, an approximately 44 ft wide strip of I-M zoned land would remain to the east. This strip bisects the neighboring parcel (and structure) at 1190 Forest Avenue. This structure has approximately 135 feet of frontage along Bishop Street and approximately 85 feet of frontage along Forest Avenue. Current uses include a mix of residential, commercial and restaurant/drinking establishment uses. There are no industrial uses at either 17 Bishop Street or 1190 Forest Avenue. Planning staff recommends advertising a larger area to include the I-M zoned land to the east of 17 Bishop Street, in order to extend the B-2 so it connects to the existing B-2 zoned land to the east and south. Assessors and Inspections records do not indicate that the property at 1190 Forest Avenue has ever had an industrial use. The applicant has submitted a supplemental policy analysis of the Portland Comprehensive Plan (Attachment 2) in which they highlight that Spurwink Services' proposal to provide housing specifically targeting a special needs population of children meets goals identified in the housing section of the Portland Comprehensive Plan. Specifically Objectives 1.a, 1.f and 1.f.1 which, in summary, seek to increase the construction of a diverse mix of housing types offering options for all income levels and to increase the availability of housing with services for special needs populations, including transitional housing and housing for persons with disabilities.

c. Policy Summary

The current structures on both the parcels at 17 Bishop Street and 1190 Forest Avenue are conducive to B-2 zoning, as they currently include uses that are permitted in the B-2 zone (residential, retail, restaurant, personal service, clinic) and appear to provide an opportunity for a rational expansion of the B-2 zone without restricting existing industrial uses in the vicinity (to the west, along Bishop Street). Though the Portland Comprehensive Plan notes that the amount of available industrial land in the City is limited, the two parcels in question, 17 Bishop St and 1190 Forest Avenue have no apparent history of industrial uses and relate in both building form and function to the adjacent uses in the adjacent B-2 zone to the south and east. Rezoning the parcel at 17 Bishop, as requested by the applicant from I-M to B-2 would allow for Spurwink School to develop a residential housing and supportive services program at their facility catering to children with special needs and circumstances, as prioritized in both the 2000-2005 Consolidated Housing And Community Development Plan and Housing: Sustaining Portland's Future. Including the portion of the parcel at 1190 Forest Avenue as part of the proposed map amendment would provide more suitable zoning for the current and historic uses of the building and result in a single zoning designation for that parcel.

VI. NEIGHBORHOOD MEETING

A neighborhood meeting was held on August 5, 2008. The applicant has submitted documentation, including a sign in sheet and meeting minutes, as Attachment 3.

VII. PUBLIC COMMENT

No public comment has been submitted to the Planning Authority concerning this proposal. Three members of the public attended the applicant's neighborhood meeting. According to the meeting

VIII. STAFF RECOMMENDATION

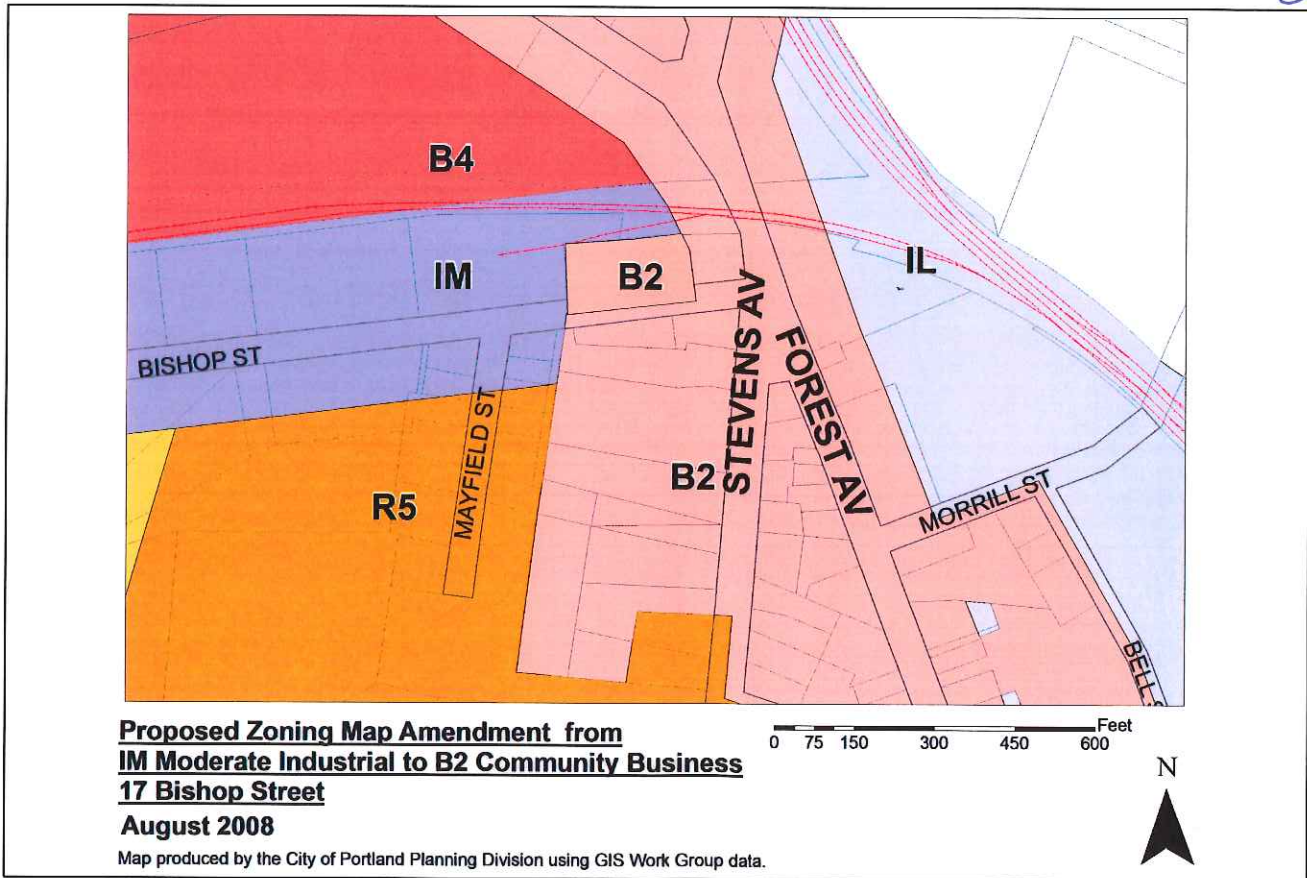
The Planning Division recommends that the Planning Board consider a positive recommendation to the City Council to rezone the property at and in the vicinity of 17 Bishop Street from I-M Industrial to B-2 Community Business.

IX. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by Spurwink Services, the policies of the I-M and B-2 zones, Portland's Comprehensive Plan, public comment, the information provided in Planning Board Report #47-08, and/or other findings as follows:

The Planning Board finds that the proposed rezoning to B-2 Community Business for the property owned by Spurwink Services and for a portion of the abutting property at 1190 Forest Avenue is / is not consistent with the Comprehensive Plan of the City of Portland and is / is not consistent with the policies of the B-2 Community Business Zone, Division 10, Section 14-181 of the Land Use Code. The Planning Board therefore recommends / does not recommend to the City Council approval of the zoning map amendment for 17 Bishop Street and 1190 Forest Avenue as shown on the map below.

*SIK motion / MP second
5 in favor
(Lewis opposed)
OdoKane absent*



ATTACHMENTS:

- 1. Applicant's Submittals
 - a. Cover letter

- b. Application
 - c. Warranty Deed
 - d. Vicinity Map
 - e. Sketch Plan of Spurwink Property and sketch floor plan of the second floor showing possible arrangement for proposed new use.
 - f. Zoning Map Sketch (*proposed rezoning has since been extended to include a portion of 1190 Forest Avenue*)
 - g. Aerial Photo of site
 - h. Photograph sheet showing two corners of the building from Bishop Street
2. Letter from Spurwink Services – July 28, 2008
 3. Documentation of Neighborhood Meeting
 4. Zoning text from the Use Code
 - a. I-M Zone
 - b. B-2 Zone



PAN AM RAILWAYS, INC.

1700 Iron Horse Park
North Billerica, MA 01862-1681

June 11, 2008

City of Portland, Maine
Planning Board - Town Hall
389 Congress Street
Portland, Maine 04101

Dear Sir/Madam:

Enclosed is a copy of the notice I recently received pertaining to proposed land use in the City of Portland, Maine. Please be advised that Pan Am Railways, Inc. manages real estate matters for several corporations. This response is sent on behalf of the following corporations in reply to your notice, which was received on June 9, 2008:

- ° Boston and Maine Corporation;
- ° Maine Central Railroad Company;
- ° Portland Terminal Company;
- ° Springfield Terminal Railway Company;
- ° Hudson River Estates, Inc.;
- ° Delaware River Estates, Inc.; or
- ° DH Estates, Inc. (formerly Delaware and Hudson Railroad).

As you may well be aware, the railroads listed above receive numerous notices on a daily basis. Based upon the limited time frame existing between the date on which the notice is received and the scheduled hearing date, I respectfully request your cooperation regarding this matter.

Although the railroads are concerned with each and every notice, there are certain instances, which are of particular concern to the railroads. You may be able to advise me if the petition involves land plans showing a crossing of railroad property. Specifically the railroads' concern exists even in the event that your petitioner indicates that it is the holder of a valid railroad crossing. Also, the railroads must be advised if the petition proposes any development within 25' from the centerline of an existing railroad track, even if such development occurs on non-railroad property. As such, petitions for variances from set back requirements can be particularly troublesome.

City of Portland, Maine
June 11, 2008
Page Two

Please be advised that this letter should not be construed as a waiver of any other objections, which the railroads may have to a proponent's plan. However, the railroads respectfully request your assistance in bringing their attention to any such matters.

Thank you for your anticipated cooperation in this regard.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roland L. Theriault", written over a horizontal line.

Roland L. Theriault, Vice President - Real Estate

RLT/rjs
Enclosure

**IMPORTANT NOTICE FROM CITY OF PORTLAND
PLANNING DIVISION**

**TO RESIDENTS AND PROPERTY OWNERS
IN THE VICINITY OF 17 BISHOP STREET**

WHAT A zone change application was submitted to the City of Portland Planning Division by Spurwink School. The applicant is proposing to change from I-M to B-2 to allow the Spurwink facility on Bishop Street to create one or two living units for children.

In accordance with the Portland Land Use Ordinance, notices of receipt of a zoning amendment application must be sent to neighbors.

WHEN You will be notified of future Planning Board meetings by receiving notices from the Planning Division prior to any workshops or public hearings.

FOR MORE INFORMATION

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you have any questions, please call Barbara Barhydt, Development Review Program Manager at 874-8699. When inquiring about this project, please be sure to reference application number: 1370

RECEIVED
JUN 09 2008

BY:.....



PAN AM RAILWAYS, INC.

1700 Iron Horse Park
North Billerica, MA 01862-1681

August 5, 2008

City of Portland, Maine
Planning Board - Town Hall
389 Congress Street
Portland, Maine 04101

Dear Sir/Madam:

Enclosed is a copy of the notice I recently received pertaining to proposed land use in the City of Portland, Maine. Please be advised that Pan Am Railways, Inc. manages real estate matters for several corporations. This response is sent on behalf of the following corporations in reply to your notice, which was received on July 28, 2008:

- Boston and Maine Corporation;
- Maine Central Railroad Company;
- Portland Terminal Company;
- Springfield Terminal Railway Company;
- Hudson River Estates, Inc.;
- Delaware River Estates, Inc.; or
- DH Estates, Inc. (formerly Delaware and Hudson Railroad).

As you may well be aware, the railroads listed above receive numerous notices on a daily basis. Based upon the limited time frame existing between the date on which the notice is received and the scheduled hearing date, I respectfully request your cooperation regarding this matter.


Although the railroads are concerned with each and every notice, there are certain instances, which are of particular concern to the railroads. You may be able to advise me if the petition involves land plans showing a crossing of railroad property. Specifically the railroads' concern exists even in the event that your petitioner indicates that it is the holder of a valid railroad crossing. Also, the railroads must be advised if the petition proposes any development within 25' from the centerline of an existing railroad track, even if such development occurs on non-railroad property. As such, petitions for variances from set back requirements can be particularly troublesome.

City of Portland, Maine
August 5, 2008
Page Two

Please be advised that this letter should not be construed as a waiver of any other objections, which the railroads may have to a proponent's plan. However, the railroads respectfully request your assistance in bringing their attention to any such matters.

Thank you for your anticipated cooperation in this regard.

Sincerely,

A handwritten signature in cursive script, reading "Roland L. Theriault", written over a horizontal line. To the right of the signature is a circled number "3".

Roland L. Theriault, Vice President - Real Estate

RLT/rjs
Enclosure

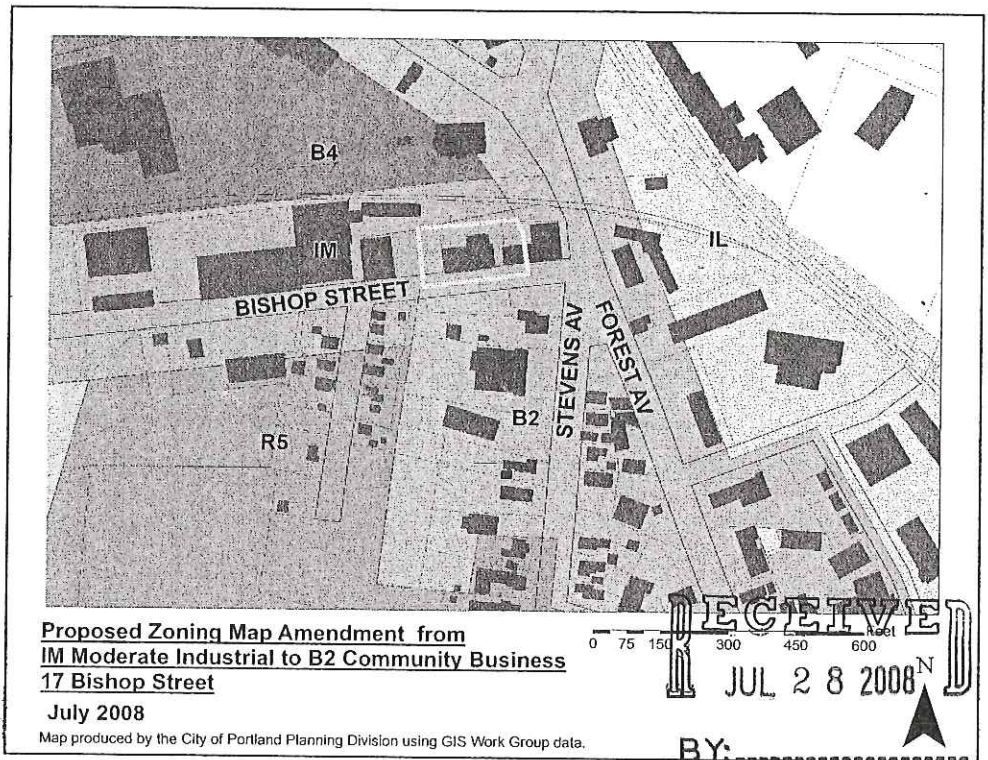
AN IMPORTANT LEGAL NOTICE FROM THE CITY OF PORTLAND PLANNING DIVISION

WHAT: The Portland Planning Board will hold a public hearing to consider a proposal submitted by Spurwink Services, Inc for a Zoning Map Amendment from I-M Moderate Impact Industrial Zone to B2 Community Business Zone for land in the vicinity of their property at 17 Bishop Street. The applicant proposes the rezoning in order to accommodate a program of housing and supportive services for children. Residential uses are permitted in the B2 zone. Public comments will be taken at this meeting. A vicinity map showing the area proposed for rezoning is shown below.

WHEN: Tuesday, August 12, 2008
7:00pm
Room 209, 2nd Floor, City Hall

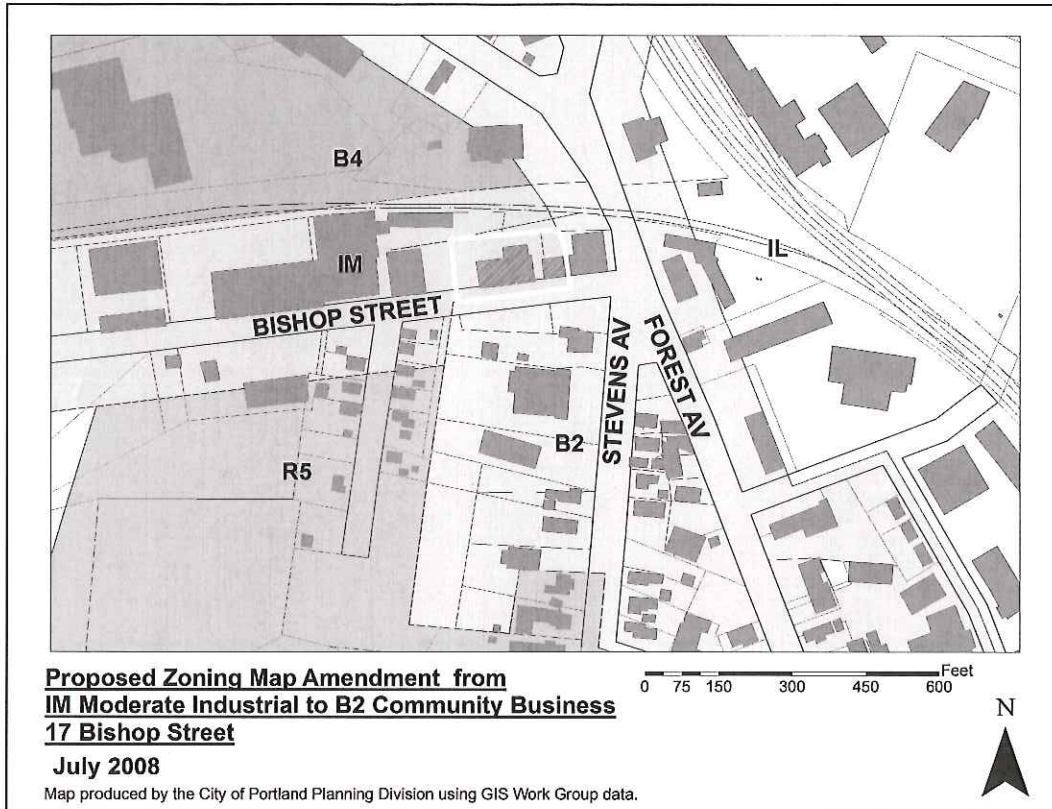
FOR MORE INFORMATION:

If you wish to submit written comments, address them to Molly Casto, Planner, Planning Division, City Hall, 4th Floor, 389 Congress Street, Portland, Maine 04101, contact by phone at 874-8901 or e-mail at mpc@portlandmaine.gov. Copies of the amendment are available at the Planning Division.



AN IMPORTANT LEGAL NOTICE FROM THE CITY OF PORTLAND PLANNING DIVISION

WHAT: The Portland Planning Board will hold a public hearing to consider a proposal submitted by Spurwink Services, Inc for a Zoning Map Amendment from I-M Moderate Impact Industrial Zone to B2 Community Business Zone for land in the vicinity of their property at 17 Bishop Street. The applicant proposes the rezoning in order to accommodate a program of housing and supportive services for children. Residential uses are permitted in the B2 zone. Public comments will be taken at this meeting. A vicinity map showing the area proposed for rezoning is shown below.



WHEN: Tuesday, August 12, 2008 7:00pm
Room 209, 2nd Floor, City Hall

FOR MORE INFORMATION:

If you wish to submit written comments, address them to Molly Casto, Planner, Planning Division, City Hall, 4th Floor, 389 Congress Street, Portland, Maine 04101, contact by phone at 874-8901 or e-mail at mpc@portlandmaine.gov
Copies of the amendment are available at the Planning Division.

spurwink services

going the distance, changing lives

July 28, 2008

City of Portland Planning Board
c/o Molly Casto, Planner
389 Congress Street
Portland, ME 04101

Re: 17 Bishop Street -- Zoning Map Amendment

Dear Ms. Casto:

Spurwink Services, Inc. is applying for a zoning map amendment for our property at 17 Bishop Street, changing its zone designation from I-M to B-2. Our plan for the property is to move offices from the second floor and replace them with housing for children and adolescents being discharged from psychiatric hospitalization. The change in zoning designation is the only way that use can be allowed. We believe this project is in alignment with the Comprehensive Plan of the City of Portland in many significant ways, as this letter will make clear. Further, we believe that, while industrial zoning is vital to the mix of business and activities that make up the City of Portland, a case could be made that the zoning of this particular parcel as B-2 is more appropriate.

Appropriate zoning

The property at 17 Bishop Street has been used primarily, if not solely, as a business, not an industrial location. The assessor's property records note the date of the building's construction as 1913. The City Assessor's Survey of 1924 notes the age of the building at 17 Bishop Street as "10-12 years", which would date it to 1912-1914. At the time of the 1924 survey the uses of the property were noted as dance and pool room, bowling alley, and 6 tenant rooms. Since that time the owners of the property have included, as you listed in your memo, several individuals, the Maine Turnpike Authority, Plasmine Technology, Dirigo Management, and Community Housing, before Spurwink purchased it in 1993. You note that for most of its life the building has seen use as offices. Building Department records note, in addition, a period of use in the 1980's as a dance school.

The 1924 survey shows a collection of smaller-scale commercial and residential properties at the Forest Avenue end of Bishop Street, while further down the street there appear to have been a collection of railroad-related structures and uses.

The form and construction of the building, as well as its building-to-land ratio, closely resemble its neighbor to the east, at the corner of Forest Avenue and Bishop Street. It does not



conform to the model of other industrial uses further along Bishop Street, in large, open warehouse-type structures.

When the zoning lines were drawn for this area, it is clear that the business zone designation was extended at a constant depth along Forest Avenue until it reached the centerline of Bishop Street, where it changed depth from approximately 100 feet from the street centerline to approximately 350 feet along the centerline of an alley at the rear of Forest Avenue parcels. The line cuts through the parcel at 1190 Forest Avenue at the corner of Forest Avenue and Bishop Street, not following property boundaries. We believe that a finer-grained analysis of uses might have yielded a zone boundary along the westerly boundary of 17 Bishop Street, which would correspond to the boundary that continues south on the other side of Bishop Street.

At the Planning Board workshop meeting Alex Jaegerman was asked if the zoning map amendment were appropriate. Mr. Jaegerman stated that small adjustments to the map at corners and boundaries were not uncommon, to reflect a finer-grained understanding of the realities of local uses.

A question was raised about the proximity of a residence for children to the industrial uses present on Bishop Street. In fact, there are single-family residences at the corner of Bishop and Mayfield Streets that are as close to the Plasmine Technology facility as the Spurwink building. In addition, the clinic and other programs currently housed in the Spurwink building have children coming and going all day, every weekday. Plasmine Technology has never presented a problem for the Spurwink programs, and representatives of Plasmine support our proposal.

City of Portland Comprehensive Plan

We respectfully submit that changing the zoning designation of 17 Bishop Street helps fulfill a number of goals outlined in the portion of Portland's Comprehensive Plan entitled "Housing: Sustaining Portland's Future", adopted November 18, 2002. We list a number of the more pertinent policy objectives below, with our comments on how the map amendment would enable our specific project to fulfill those objectives:

Objective 1.a: Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels for both renter and owner-occupied, including but not limited to the following:

viii. Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes, and nursing homes.

Objective 1.f: Ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing (rental and homeownership), which offers appropriate supportive services.

Actions:

1.f.1. Increase the amount of supportive housing for persons with disabilities, the frail elderly, homeless families and individuals, and persons with other special needs that desire and need to live in an urban area where services are available.

Comment: The housing services Spurwink proposes to provide are specifically geared to a special-needs population of children and adolescents who have been hospitalized at Spring Harbor Hospital.

Objective 5.b: Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads exist or may be expanded at minimal costs.

Actions:

5.b.1. Locate new housing along or within walking distance of major transportation corridors to increase use of METRO and encourage alternative modes of transportation.

5.b.3 Encourage new housing near neighborhood schools and in proximity of public parks and athletic facilities throughout the City.

Comment: The Bishop Street site is located adjacent to the intersection of two major transportation corridors and two bus lines. It is near the future site of a major commercial retail development, and near elementary, middle, and high schools, athletic facilities, and Evergreen Cemetery and Baxter Woods.

Objective 5.e: Locate and design housing to reduce impacts on environmentally sensitive areas.

Actions:

5.e.3. Explore ways to use zoning and other regulatory tools to encourage environmentally friendly development.

Comment: The Spurwink proposal is to reuse an existing building with no new construction. This is the lowest-impact form of development.

Objective 6.a: Increase and ensure equal access to housing opportunities for minorities, low-income people and persons with disabilities and special needs.

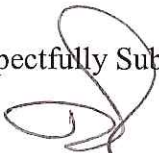
Actions:

6.a.1. Work with housing providers and developers to create programs and secure resources to increase housing opportunities, both rental and homeownership, for minorities, low-income people and persons with disabilities and special needs.

Comment: As with Objectives 1.a and 1.f, the Spurwink project is intended to house a special needs population.

To sum up, we believe that a B-2 designation for 17 Bishop Street is an appropriate redrawing of a boundary between zones on the zoning map, and that the project we are planning advances the goals outlined in the City's Comprehensive Plan in many important ways. The City is not being asked to fund this project; we only ask that a small corner of a zoning district be redefined.

Respectfully Submitted,



Daniel Bonner

Vice President of Operations



PORTLAND MAINE

Planning Division

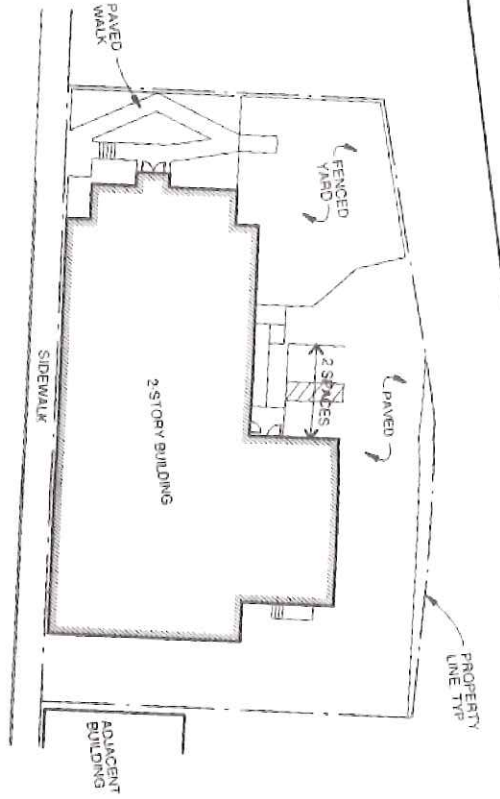
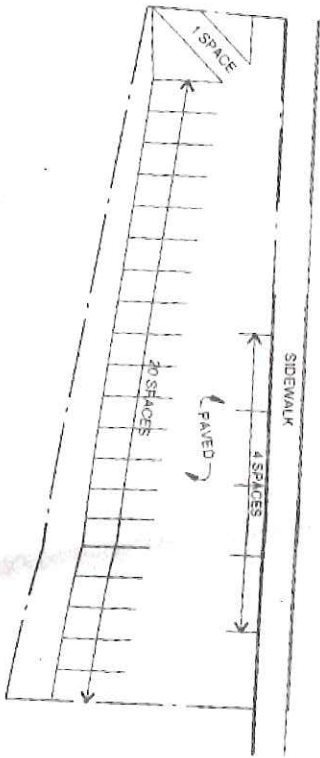
Barbara Barhydt, Development Review Services Manager

Councilor Cohen -

Attached is a zone change
request from I-1 to B-2
to allow the Sparhawk
facility on Bishop Street to
create one or two ^{long} units
for children. If you
have questions, please
let me know -

Thanks
Barbara

- NOTES
1. PLAN BASED ON DEED DESCRIPTION
 2. ALL CONDITIONS SHOWN ARE EXISTING TO REMAIN



BY MRC				SCALE 1" = 30'-0"		DATE 5/7/08	
CKD MRC				BY MRC		DATE 5/7/08	
MICHAEL CHAREK ARCHITECTS PORTLAND, MAINE				SKETCH PLAN OF SPURWINK PROPERTY			
SPURWINK SERVICES 17 BISHOP STREET PORTLAND, MAINE							

**Memorandum
Department of Planning and Development
Planning Division**



To: Chair Janice Tevanian and Members of the Portland Planning Board

From: Molly Casto, Planner

Date: June 24, 2008

Re: Zoning Map Amendment from I-M Industrial to B-2 Community Business
Zone for land in the vicinity of 17 Bishop Street
Application #: 1370
CBL: 293-A-16

I. INTRODUCTION

Spurwink Services, Inc of Portland, Maine requests a zoning map amendment for their property located at 17 Bishop Street. The applicant would like to have the land rezoned from I-M Industrial to B-2 Community Business. Spurwink proposes to convert the second floor of the existing building at 17 Bishop Street to a residential program of housing and supportive services for approximately ten (10) children ranging from 6 to 18 years of age. The proposed program would serve as a transition from inpatient hospitalization to community living. Unlike the I-M zone, which prohibits residential use, the B-2 Community Business Zone allows for such uses. The applicant's submittal is included as Attachment 1.

64 notices were sent to area residents. A legal notice also appeared in the *Portland Press Herald*. The applicant's representative is Michael Charek Architects of Portland, Maine.

II. SUMMARY

Current Zoning: I-M Industrial
Proposed Zoning: B-2 Community Business
Current Uses: Mental health services for children and adults
Proposed Uses: Same as above with residential program for children on second floor
Parcel Area: .36 acres +/- (15,594.48 s.f.)
Existing Structure: 14,800 s.f.

III. THRESHOLD QUESTIONS FOR THE BOARD'S CONSIDERATION

- Proximity of industrial area to the site and compatibility of B-2 permitted uses with abutting industrial uses.
- Staff recommendation to advertise a larger area for the Board's consideration that includes the westerly portion of the abutting parcel at 1190 Forest Avenue (residential, retail, restaurant and personal service uses). The boundary of the I-M and B-2 zones bisects the parcel and the inclusion of this additional land would connect the B-2 to the east and the south.

IV. BACKGROUND AND EXISTING CONDITIONS

a. History of Uses and zoning

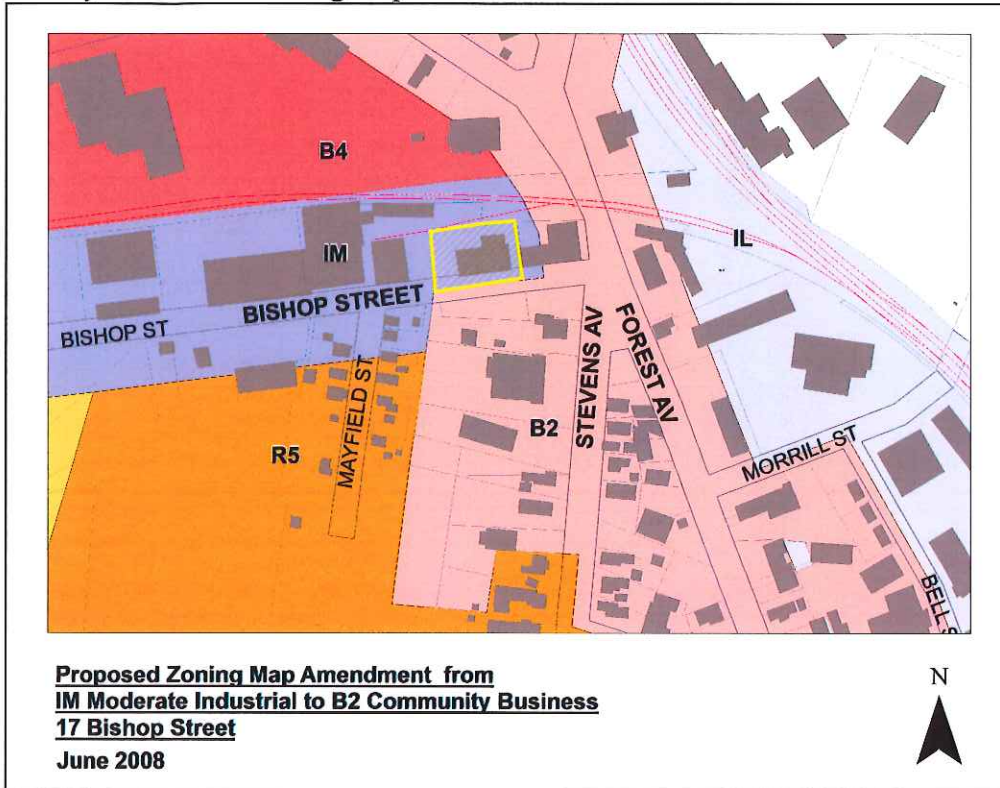
It is unclear when the building at 17 Bishop was constructed (it does not appear on historic City maps from 1914 but is included on Sanborn maps from 1951). According to Tax Assessor and Building Records, the building has stood for at least sixty years and has been used primarily as offices. The property was purchased by the Maine Turnpike Authority from the Field family in 1957 and used for administrative offices until the mid-1980's. The building changed hands four times between 1985 and 1988, during which it was briefly owned by Plasmine Technology, Inc who currently own and occupy the abutting property at 61 Bishop Street. In 1988, the property was purchased by Dirigo Management who, shortly thereafter, granted the property to Community Housing Investment Corporation (CHI). CHI granted the parcel, as it is described today, including the building and parking across Bishop Street, to Spurwink Services (referred to as 'The Spurwink School' at that time) in December of 1993 (see Warranty Deed-Attachment 1).

b. Land uses and zoning

Today, the property at 17 Bishop Street includes an existing two-story building and two parking spaces along with 25 surface parking spaces across the street. There are several outpatient mental health services provided within the existing building. On the first floor, there is a clinic for the evaluation and treatment of abused children and an adult day services program. The second floor includes offices for a public school counseling program and a clinic for the evaluation and treatment of autistic children. These services would be moved to another off-site location, should the residential program for children be permitted to occupy the second floor space. The property is within an I-M zone and abuts a B-2 zone to the south. Though not directly abutting, there is also a B-2 zone to the east. Surrounding uses include the following:

- **North:** There is a railroad right of way along the north side of the property, owned by Portland Terminal Company. This serves as the boundary of the I-M and the B-4 zone.
- **West:** There are industrial uses abutting the site, along Bishop Street to the west. Plasmine Technology, Inc, of 61 Bishop Street, directly abuts the site and produces industrial inorganic chemicals, including bio chemicals and gas materials. Other uses along Bishop Street include wholesale warehousing, a doggie daycare and kennel facility, single family houses, and miscellaneous manufacturing. The western end of Bishop Street, at the intersection of the Bishop Street extension, is zoned I-H High Impact Industrial.
- **East:** The abutting property at 1190 Forest Avenue includes a mix of commercial and residential uses including a neighborhood grocery store, a laundry and dry cleaning service, a pub, and approximately 9 residential units on the second floor. The building at 1190 Forest Avenue is within both the I-M zone and the B-2 zone. The Forest Avenue corridor to the east is zoned B-2.
- **South:** The street centerline along the frontage of 17 Bishop Street serves as the boundary of the I-M and B-2 zones. There is an R-5 residential zone to the southwest of the site, including Mayfield Street. Mayfield Street is comprised of single-family, residential dwellings.

The following image identifies the site being proposed for rezoning overlaid on the current City of Portland zoning map:



V. ZONING POLICY ANALYSIS

a. Portland Industry and Commerce Plan Final Report (1994)-ICPAC

The area being proposed for rezoning was addressed, along with existing industrial areas throughout the City, in the Portland Industry and Commerce Plan prepared by the Industry and Commerce Plan Advisory Committee in 1994. This area, referred to as “the Warren Avenue/ Bishop Street area” in the report, was originally zoned as I-2 prior to the industrial zoning amendments approved in 1997. In evaluating this area, the Advisory Committee determined that it would continue to serve as an appropriate area for industrial development, assuming that Bishop Street be extended through to Warren Avenue, as planned in 1995 (the extension was completed and is in place today). The committee felt this connection would enable industrial development geared towards intrastate and interstate markets to succeed rather than those solely targeted at inner-City markets. There is no specific mention of the property at 17 Bishop in the report.

The final report was used to devise a series of proposed industrial zoning amendments, which were presented to the Planning Board in July 1996. The Planning Board recommended these zoning amendments to the Portland City Council. Subsequently, the area around Bishop Street was zoned as I-M in the Industrial Zoning Ordinance Amendment passed by the City Council on January 6, 1997. The Forest Avenue corridor at the intersection of Bishop Street and Forest Avenue, and land to the south of Bishop Street near Steven’s Avenue remained zoned as B-2. The ordinance went into effect on February 5, 1997.

Planning staff reviewed both the Planning Board and Council Reports from 1996. Though a number of representatives from industrial sectors throughout the City approached and worked with the Planning Authority to request site-specific modifications to the proposed zoning, there was no documentation of the Spurwink School approaching the City with concerns over the continued industrial zoning designation for their property.

b. Current Zone – I-M Moderate Impact Industrial

The I-M zone allows for moderate impact industrial uses. The zone is intended to provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist. The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic (in this case, the Bishop Street extension provides direct access to Warren Avenue). The I-M industrial zone is intended to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure. Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone.

c. Proposed Zone – B-2 Community Business

The purpose of the B-2 community business zone is:

1. To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses and services serving the adjoining neighborhoods and the larger community.
2. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone.
3. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile and by pedestrians. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.

Figure 1 provides a comparison of the uses permitted in the I-M versus B-2 zones.

Figure 2 provides a comparison of the dimensional requirements for the I-M versus B-2 zones.

(See Attachment 3 for complete zoning text).

Figure 1: Permitted Uses in the I-M versus B-2 zones

Permitted Uses (X=use is permitted within zone) (C = Conditional use within zone)	I-M	B-2
Residential		X
Personal services		X
Offices of building tradesmen		X
Retail establishments		X
Restaurants, except that restaurants shall close for all purposes including the service of alcohol no later than 11:00 p.m		X
Private club or fraternal organization		X
Long term, extended and intermediate care facility		X
Clinics		X
Churches or other places of worship		X
Kindergarten, elementary, middle and secondary schools;		X
College, university, trade schools;		X
Municipal buildings and uses		X
Studios for artists and craftspeople,		X
Lodging houses		X
Bed and breakfast		X
Drinking establishments		X
Bakeries in existence as of November 15, 1999		X
Bakeries established after November 15, 1999, provided they include retail sales within the principal structures.		X
Communication studios or broadcast and receiving facilities		X
Health clubs and gymnasiums		X
Veterinary hospitals, but excluding outdoor kennels		X
Hotels or motels of less than one hundred fifty (150) rooms		X
Drive-throughs associated with a permitted use in the B-2 zone subject to conditions		X
Theaters and performance halls		X
Billiard parlors		X
Automotive dealerships		C
Mortuaries or funeral homes		X
Day care facilities or babysitting services	X	X
Dairies	X	X (in existence as of 11/15/99)
Utility substations	X	X
Miscellaneous repair services, excluding motor vehicle repair services	X	X
Back office uses	X	X
General, business and professional offices	X	X
Wholesale trade	X	C
Repair services, including all types of automotive repair	X	C
Research and Development	X	C
Incidental accessory uses.	X	X
Miscellaneous repair services, excluding motor vehicle repair services	X	X
Low impact industrial uses including but not limited to: <ul style="list-style-type: none"> • Machine Shops • Bakeries • Breweries • Musical Instruments • Assembly of electrical components • Tool and die shops • Packaging of food • Bottling • Printing and Publishing • Pharmaceuticals • Precision instruments • Toys and sporting goods • Wood products • Jewelry 	X	C (printing and publishing only)
Indoor amusement and recreation centers	X	
Plant and tree nurseries, including associated recycling activities	X	
Lumber yards	X	
Commercial kitchens or other food preparation provided that the food is not prepared for service on the premises.	X	

Permitted Uses (cont.) (X=use is permitted within zone) (C = Conditional use within zone)	I-M	B-2
Building contractors and construction and engineering services	X	
Intermodal transportation facilities.	X	
Utility substations.	X	
Distribution and warehousing facilities including outdoor storage	X	
Recycling facilities, provided that all storage and recycling operations occur within a fully enclosed structure	X	
Food and seafood processing for human consumption	X	
Municipal and/or regional solid waste disposal facilities provided that all disposal activities are carried out within an enclosed structure	X	
Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs (subject to conditions)	X	
Storage lots for towed or impounded vehicles, subject to listed conditions (14-247(u))	X	

In the I-M zone, uses not expressly permitted (as listed above) or prohibited (as listed in section 14-249- Attachment 3) may be permitted if they meet the following conditions and standards:

- a. The proposed development is consistent with the purposes of this zone.
- b. The proposed development is designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts of the proposal.

Residential use is listed in Section 14-249 as a use expressly prohibited in the I-M zone.

Figure 2: Zoning requirements for I-M versus B-2 zones

Standard	Proposed	I-M	B-2
<u>Purpose</u>	Rezone to B-2 to allow for residential program providing housing and supportive services for ~10 children	To provide zones in areas of the City in which light and moderate impact industries and transportation-related uses will coexist	To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses and services serving the adjoining neighborhoods and the larger community.
	Existing	I-M	B-2
Uses	Outpatient mental health services	Permitted as a performance- based use (see 14-248)	Permitted
	Proposed	I-M	B-2
	Outpatient mental health services with residential program on second floor	Prohibited	Permitted
Min. Lot Size	Existing lot size = 15,594.48 s.f.	None	10,000 s.f.
Min. Street Frontage	~190 ft along Bishop Street	60 ft	50 ft
Min. Front Yard	none	1 ft for each 1ft of building height up to 25 ft.	none
Min. Rear Yard	~ 22ft	1-25 ft (35 ft if rear property line abuts a residential zone)	10 ft
Side Yard	~20 ft	1 ft for each 1ft of building height up to 25 ft. (25 ft. if side property line abuts a residential zone)	none
Structure Height	Two stories- height uncertain	65 ft	45 ft
Max. Impervious Surface Ratio	unknown	75%	80%

Both the I-M and B-2 zones contain additional standards concerning exterior storage and signage. The B-2 zone contains additional requirements pertaining to landscaping, screening and front-yard parking (for complete zoning text, see [Attachment 3](#)).

VI. POLICY DISCUSSION

a. Portland Comprehensive Plan

Volume One of the Portland Comprehensive Plan includes references to the Portland strategic plans which have been compiled as components of the comprehensive plan and how each of them addresses State Growth Management Goals. Goals and policies of both the state and the City, as described in the City strategic plans that comprise the Portland Comprehensive Plan, which are relevant to the proposed map amendment have been included below:

STATE GOAL C: To promote an economic climate, which increases job opportunities and overall economic well being.

The introduction to this goal cites the Industry and Commerce Plan (also referred to as the ICPAC Report) as a source document. Specific strategies to achieve this goal, pertaining to this proposal, include the following:

Chapter 5 of the *ICPAC Report- Zoning Initiatives* identifies the following goals, applicable to this proposal:

- *Protecting neighboring residential zones*
- *Providing thoughtful flexibility for emerging industries*
- *Recognizing that a well-managed industry is a good neighbor*

The surveys, focus groups, forums and inventories conducted during the IPCAC process raised a number of key issues and facts that were incorporated into the committees zoning recommendations. These include:

- *There is relatively little vacant industrial land left in the City*
- *While many residents see performance standards and philosophically being the right approach to industrial zoning, they do not trust the City's ability to adequately enforce performance standards.*

STATE GOAL D: To encourage and promote affordable, decent housing opportunities for all Maine citizens:

Housing: Sustaining Portland's Future- November 18, 2002

Overall Goal

Portland, as Maine's largest city, will strive to provide a sufficient supply of quality housing commensurate with a manageable level of growth to sustain the city as a healthy urban center in which to live and work, and its position as a growing regional economic and service center. Housing in the city will be varied and affordable to accommodate Portland's socially and economically diverse population.

Goal

Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:

- Housing for special markets, such as SRO's, student or dormitory housing, group homes, and artist housing including live/work opportunities;
- Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes; and
- Emergency Shelters for the homeless and transitional housing for individuals and families striving for independence.

Ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing (rental and homeownership), which offer appropriate supportive services.

Goal

Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

Policies

While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.

2000-2005 Consolidated Housing and Community Development Plan- May 2000

Affordable Housing Strategies

Assisted housing should be provided for those individuals and families with the greatest needs, including the elderly, low income and disabled populations in order for them to live independently and achieve stability and self-sufficiency in their lives.

b. Policy Analysis

The proposed map amendment would result in an expansion of the existing B-2 zone abutting the site to the south. Currently, if the map amendment is limited to include only the parcel at 17 Bishop Street, an approximately 44 ft wide strip of I-M zoned land would remain to the east. This strip bisects the neighboring parcel (and structure) at 1190 Forest Avenue. This structure has approximately 135 feet of frontage along Bishop Street and approximately 85 feet of frontage along Forest Avenue. Current uses include a mix of residential, commercial and restaurant/drinking establishment uses. There are no industrial uses at either 17 Bishop Street or 1190 Forest Avenue. Planning staff recommends advertising a larger area to include the I-M zoned land to the east of 17 Bishop Street, in order to extend the B-2 so it connects to the existing B-2 zoned land to the east and south. Assessors and Inspections records do not indicate that the property at 1190 Forest Avenue has ever had an industrial use.

c. Policy Summary

The current structures on both the parcels at 17 Bishop Street and 1190 Forest Avenue are conducive to B-2 zoning, as they include uses that are permitted in the B-2 zone (residential, retail, restaurant, personal service, clinic) and appear to provide an opportunity for a rational expansion of the B-2 zone without restricting existing industrial uses in the vicinity (to the west, along Bishop Street). Though the Portland Comprehensive Plan notes that the amount of available industrial land in the City is limited, the two parcels in question, 17 Bishop St and 1190 Forest Avenue have no apparent history of industrial uses and relate in both building form and function to the adjacent uses in the adjacent B-2 zone to the south and east. Rezoning the parcel at 17 Bishop, as requested by the applicant from I-M to B-2 would allow for Spurwink School to develop a residential housing and supportive services program at their facility catering

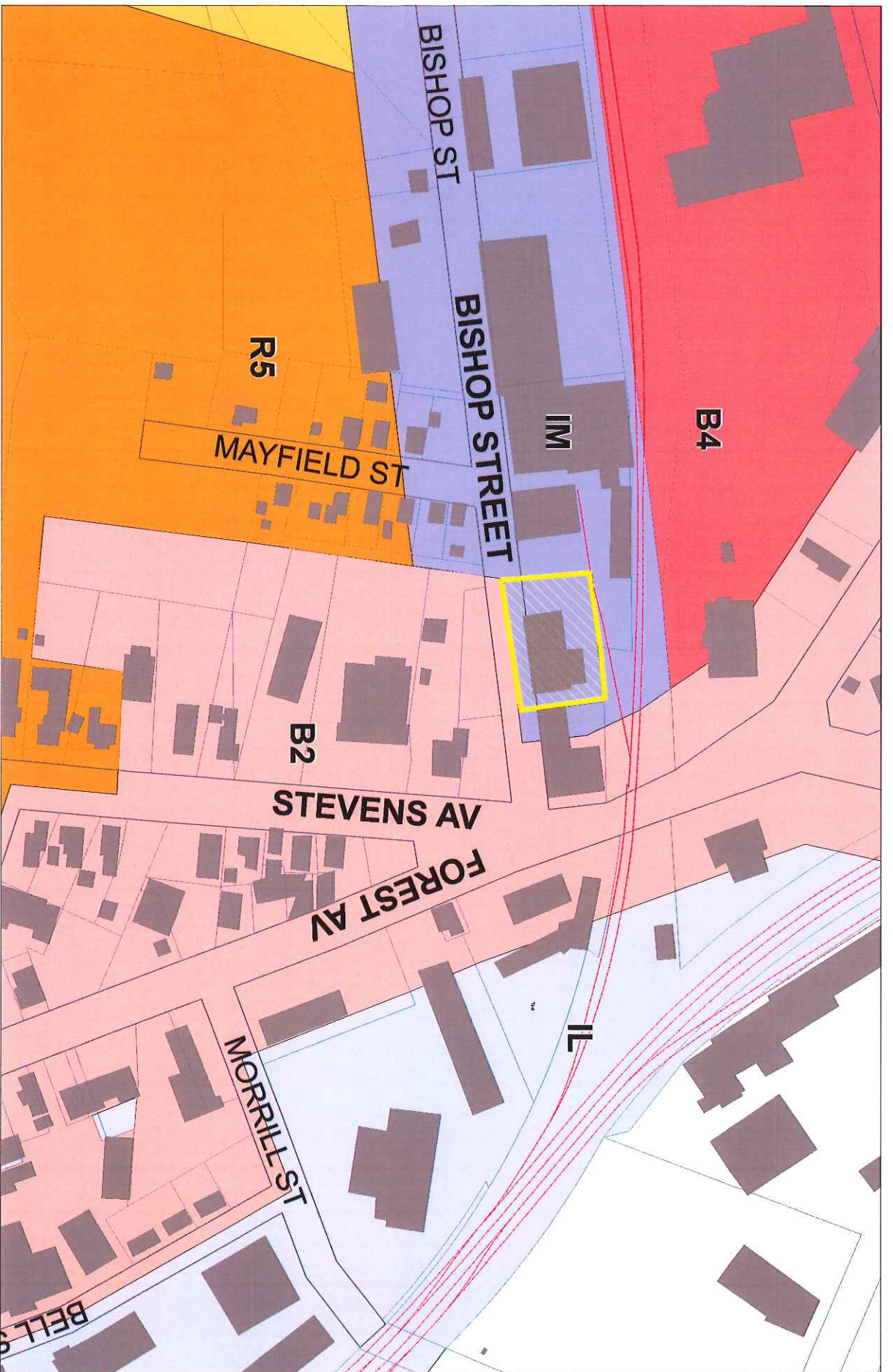
to children with special needs and circumstances, as prioritized in both the 2000-2005 Consolidated Housing And Community Development Plan and Housing: Sustaining Portland's Future. Including the portion of the parcel at 1190 Forest Avenue as part of the proposed map amendment, as recommended by staff, would provide more suitable zoning for the current and historic uses of the building and result in a single zoning designation for that parcel.

VII. NEIGHBORHOOD MEETING

According to the standards of Section 14-32 (c), the applicant is required to host a neighborhood meeting for this proposal. This meeting shall be held following the Planning Board Workshop but no less than seven (7) days prior to the Public Hearing. No public comment has been submitted by neighbors to the project or other interested citizens at the time of this report.

ATTACHMENTS:

1. Applicant's Submittals
 - a. Cover letter
 - b. Application
 - c. Warranty Deed
 - d. Vicinity Map
 - e. Sketch Plan of Spurwink Property
 - f. Zoning Map Sketch
 - g. Aerial Photo of site
 - h. Photograph sheet showing two corners of the building from Bishop Street
 - i. Sketch floor plan of the second floor showing possible arrangement for proposed new use.
2. Photographs of the area taken by Planning Staff.
3. Zoning text from the Use Code
 - a. I-M Zone
 - b. B-2 Zone



Proposed Zoning Map Amendment from

IM Moderate Industrial to B2 Community Business

17 Bishop Street

June 2008



City Council Report: 48-08

**PROPOSED MAP AMENDMENT FROM I-M INDUSTRIAL TO B-2 BUSINESS
VICINITY OF 17 BISHOP STREET**

APPLICANT – SPURWINK SERVICES, INC

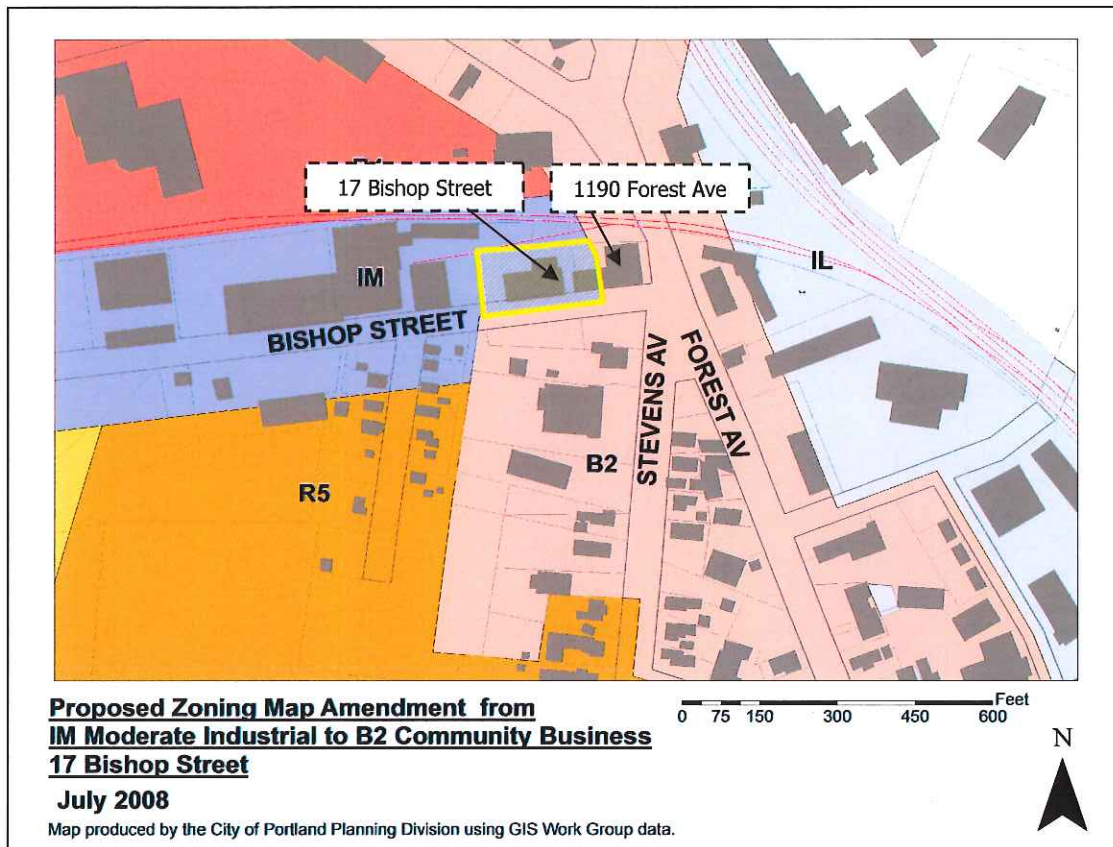
Submitted to:
Portland City Council
Portland, Maine

September 3, 2008

Submitted by:
Portland Planning Board
August 22, 2008

I. INTRODUCTION

Spurwink Services, Inc is requesting a zoning map amendment for their land in the vicinity of 17 Bishop Street from I-M Moderate Impact Industrial to B-2 Community Business Zone as shown on the map below. The Planning Board found the proposed map amendment to be consistent with the City's Comprehensive Plan and thus is recommending the proposed amendment to City Council. The land under consideration for rezoning is located on Bishop Street and includes Spurwink Services' parcel at 17 Bishop Street and, at the recommendation of the Planning Authority, a portion of the abutting parcel at 1190 Forest Avenue. The property owner of 1190 Forest Avenue has been notified by mail and by phone that a portion of their parcel is being considered for rezoning. The applicant is seeking the B-2 Zone in order to convert the second floor of the existing building at 17 Bishop Street to a residential program of housing and supportive services for approximately ten (10) children ranging from 6 to 18 years of age. The residential program would serve as a transition from inpatient hospitalization to community living. Unlike the I-M zone, which does not allow for residential use, the B-2 Community Business Zone permits such uses. The applicant's submittals are included as Attachments 1 through 3.



II. PLANNING BOARD MOTION

The Planning Board held a public hearing on August 12, 2008 and voted 5 to 0 (Lewis opposed, Odokara absent) to recommend to City Council approval of the proposed map amendment for 17 Bishop Street and for a portion of 1190 Forest Avenue (Tax Map 293, Block A, Lots: 7 and 16). At the Planning Board Public Hearing, member Joe Lewis opposed the map amendment, noting that while the 1994 Portland Industry and Commerce Plan (ICPAC) Final Report, which is part of Comprehensive Plan, states that there is a shortage of available industrial land in the City, in contrast, there is no apparent shortage of residential and commercially zoned land. He expressed concern that if this area were to be rezoned from I-M Industrial to B-2, it would be unlikely that it could ever be returned to industrial uses in the future if that need were to arise. Members Hall,

Lowry and Patterson, who voted in favor of recommending the map amendment to the City Council, noted that while this location does not impress them as an ideal location for a residential program for children, they did not have a concern with the location of the proposed map amendment and viewed it as in keeping with the City's goals to (1) provide a sufficient supply of a continuum of housing options for people with special needs and (2) to integrate compatible residential and commercial uses into Portland's urban neighborhoods.

III. FINDINGS OF FACT

CBL: Tax Map: 293, Block: A, Lots: 7 and 16
Current Zoning: I-M Industrial
Proposed Zoning: B-2 Community Business
Current Uses: 17 Bishop Street: Mental health services for children and adults
1190 Forest Avenue: Retail and personal service on the first floor with residential above.
Proposed Uses: Same as above with the conversion of the second floor of 17 Bishop Street to a residential and supportive services program for children.
Parcel Area: 17 Bishop Street: .36 acres +/- (15,594.48 s.f.)
1190 Forest Avenue: the portion of the lot being considered for rezoning is 4,053 s.f. +/-
Other Land Uses in the Vicinity: Railroad right of way, industrial, warehousing, general offices, "doggie daycare" and boarding facility, single and multi-family residential and miscellaneous manufacturing businesses.

IV. BACKGROUND AND EXISTING CONDITIONS

a. History of Uses and Zoning

According to City Assessor's records, the building at 17 Bishop was constructed in 1913 (though it does not appear on historic City maps from 1914). The property and structure have had a variety of uses, though it has been primarily used for business purposes. There are no records of industrial uses occurring on the property at any time. The City Assessor's Survey of 1924 lists the use for the property as "dance and pool room, bowling alley and six (6) tenant rooms". The property was purchased by the Maine Turnpike Authority from the Field family in 1957 and used for administrative offices until the mid-1980's. The building changed hands four times between 1985 and 1988, during which it was briefly used as a dancing school before being purchased and used by Plasmine Technology, Inc who currently own and occupy the abutting industrial property at 61 Bishop Street... In 1988, the property was purchased from Plasmine Technology, Inc by Dirigo Management who, shortly thereafter, granted the property to Community Housing Investment Corporation (CHI). CHI granted the parcel, as it is described today, including the building and the parking lot across the street from 17 Bishop Street, to Spurwink Services (who was referred to as 'The Spurwink School' at that time) in December of 1993. The applicant has submitted a warranty deed for the property, included as Attachment 1. The applicant has provided a supplemental analysis of the history of the property in their letter dated July 28, 2008 (Attachment 2). In this letter they note that the form and orientation of the building along with its structure-to-land-ratio closely resembles the abutting property at 1190 Forest Avenue to the east rather than the industrial uses along Bishop Street to the west. The building at 1190 Forest Avenue is oriented towards and contains uses that relate to the abutting B-2 zones along the Forest and Stevens Avenue corridors.

b. Current Land Uses and Zoning

Presently, the property at 17 Bishop Street includes an existing two-story building and two parking spaces. Spurwink Services also owns 25 surface parking spaces on a parcel across Bishop Street. There are several outpatient mental health services provided within the existing building. On the first floor, there is a clinic for the evaluation and treatment of abused children and an adult day services program. The second floor includes offices for a public school

counseling program and a clinic for the evaluation and treatment of autistic children. These services would be moved to other off-site locations, should the residential program for children be permitted to occupy the second floor space. 17 Bishop Street is zoned I-M and abuts a B-2 zone to the south. Though not directly abutting, there is also a B-2 zone to the east. The surface parking lot across the street is in a B-2 zone.

The property at 1190 Forest Avenue is used for retail, personal service and a restaurant on the first level and residential above. The zoning boundary between the I-M and B-2 zones bisects the parcel and existing structure. Other uses surrounding 17 Bishop Street include the following:

- **North:** There is a railroad right of way along the north side of the property, owned by Portland Terminal Company. This serves as the boundary of the I-M and the B-4 zone.
- **West:** There are industrial uses to the west of the site. Plasmine Technology, Inc, of 61 Bishop Street, directly abuts the site and is a producer of industrial inorganic chemicals. Other uses along Bishop Street include wholesale warehousing, a “doggie daycare” and kennel facility, single family houses, and miscellaneous manufacturing businesses. The western end of Bishop Street, at the intersection of the Bishop Street extension, is zoned I-H High Impact Industrial.
- **East:** As previously noted, the property at 1190 Forest Avenue is zoned both I-M and B-2. The I-M portion of the property is under consideration for rezoning to B-2 as part of this proposal. The building includes a mix of commercial and residential uses including a neighborhood grocery store, a laundry and dry cleaning service, a pub, and approximately 9 residential units on the second floor. The Forest Avenue corridor is zoned B-2.
- **South:** The street centerline along the frontage of 17 Bishop Street serves as a boundary between the I-M and B-2 zones. There is an R-5 residential zone to the southwest of the site, including Mayfield Street. Mayfield Street is comprised of single-family, residential dwellings. The portion of the Steven’s Avenue corridor to the south of Bishop Street is zoned B-2.



Image 2- 1190 Forest Avenue, looking east towards intersection of Bishop St and Forest Ave



Image 1- 17 Bishop Street, taken from Bishop Street looking east

V. ZONING POLICY ANALYSIS

a. Portland Industry and Commerce Plan Final Report (1994)-ICPAC

The area being proposed for rezoning was addressed, along with existing industrial areas throughout the City, in the Portland Industry and Commerce Plan prepared by the Industry and Commerce Plan Advisory Committee in 1994. This area, referred to as “the Warren Avenue/

Bishop Street area” in the report, was originally zoned as I-2 prior to the industrial zoning amendments approved in 1997. In evaluating this area, the Advisory Committee determined that it would continue to serve as an appropriate area for industrial development, assuming that Bishop Street be extended through to Warren Avenue, as planned in 1995 (the extension was completed and is in place today). The committee felt this connection would enable industrial development geared towards intrastate and interstate markets to succeed rather than those solely targeted at inner-City markets. Though certain properties are mentioned either in the body of the report or in the attached public comment, 17 Bishop Street is not specifically referenced.

The final report was used to devise a series of proposed industrial zoning amendments, which were presented to the Planning Board in July 1996. The Planning Board recommended these zoning amendments to the Portland City Council. Subsequently, the area around Bishop Street was rezoned from I-2 to I-M in the Industrial Zoning Ordinance Amendment passed by the City Council on January 6, 1997. The Forest Avenue corridor at the intersection of Bishop Street and Forest Avenue, and land to the south of Bishop Street near Steven’s Avenue remained zoned as B-2. The ordinance went into effect on February 5, 1997.

b. Current Zone – I-M Moderate Impact Industrial

The I-M zone is intended to provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist. The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors throughout the City. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic (in this case, the Bishop Street extension provides direct access to Warren Avenue). The I-M zone is intended to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure. Industrial uses in the I-M zone may require separation from higher impact uses, which should be directed to the I-H industrial zone.

c. Proposed Zone – B-2 Community Business

According to Section 14-181 of the City Code, the purpose of the B-2 community business zone is as follows:

1. To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses and services serving the adjoining neighborhoods and the larger community.
2. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone.
3. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile and by pedestrians. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.

B-2 zones are dispersed throughout the City and generally include shopping centers and adjoining business districts. Portions of arterial streets are also zoned B-2, as is the case along Forest Avenue and Steven’s Avenue near the intersection of Bishop Street. According to historic zoning maps, the areas zoned B-2 to the east and south of 17 Bishop Street have been similarly zoned for business uses since at least 1938 and the boundaries of those zones have remained virtually unchanged.

Figure 1 provides a comparison of the uses permitted in the I-M versus B-2 zones.

Figure 2 provides a comparison of the dimensional requirements for the I-M versus B-2 zones.

(See Attachment 4 for complete zoning text).

Figure 1: Permitted Uses in the I-M versus B-2 zones

Permitted Uses (X=use is permitted within zone) (C = Conditional use within zone)	I-M	B-2
Residential		X
Personal services		X
Offices of building tradesmen		X
Retail establishments		X
Restaurants, except that restaurants shall close for all purposes including the service of alcohol no later than 11:00 p.m		X
Private club or fraternal organization		X
Long term, extended and intermediate care facility		X
Clinics		X
Churches or other places of worship		X
Kindergarten, elementary, middle and secondary schools;		X
College, university, trade schools;		X
Municipal buildings and uses		X
Studios for artists and craftspeople,		X
Lodging houses		X
Bed and breakfast		X
Drinking establishments		X
Bakeries in existence as of November 15, 1999		X
Bakeries established after November 15, 1999, provided they include retail sales within the principal structures.		X
Communication studios or broadcast and receiving facilities		X
Health clubs and gymnasiums		X
Veterinary hospitals, but excluding outdoor kennels		X
Hotels or motels of less than one hundred fifty (150) rooms		X
Drive-throughs associated with a permitted use in the B-2 zone subject to conditions		X
Theaters and performance halls		X
Billiard parlors		X
Automotive dealerships		C
Mortuaries or funeral homes		X
Day care facilities or babysitting services	X	X
Dairies	X	X <i>(in existence as of 11/15/99)</i>
Utility substations	X	X
Miscellaneous repair services, excluding motor vehicle repair services	X	X
Back office uses	X	X
General, business and professional offices	X	X
Wholesale trade	X	C
Repair services, including all types of automotive repair	X	C
Research and Development	X	C
Incidental accessory uses.	X	X
Miscellaneous repair services, excluding motor vehicle repair services	X	X
Low impact industrial uses including but not limited to: <ul style="list-style-type: none"> • Machine Shops • Bakeries • Breweries • Musical Instruments • Assembly of electrical components • Tool and die shops • Packaging of food <ul style="list-style-type: none"> • Bottling • Printing and Publishing • Pharmaceuticals • Precision instruments • Toys and sporting goods • Wood products • Jewelry 	X	C <i>(printing and publishing only)</i>
Indoor amusement and recreation centers	X	
Plant and tree nurseries, including associated recycling activities	X	

Permitted Uses (cont.) (X=use is permitted within zone) (C = Conditional use within zone)	I-M	B-2
Lumber yards	X	
Commercial kitchens or other food preparation provided that the food is not prepared for service on the premises.	X	
Building contractors and construction and engineering services	X	
Intermodal transportation facilities.	X	
Utility substations.	X	
Distribution and warehousing facilities including outdoor storage	X	
Recycling facilities, provided that all storage and recycling operations occur within a fully enclosed structure	X	
Food and seafood processing for human consumption	X	
Municipal and/or regional solid waste disposal facilities provided that all disposal activities are carried out within an enclosed structure	X	
Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs (subject to conditions	X	
Storage lots for towed or impounded vehicles, subject to listed conditions (14-247(u)	X	

In the I-M zone, uses not expressly permitted (as listed above) or prohibited (as listed in section 14-249- Attachment 4) may be permitted if they meet the following conditions and standards:

- a. *The proposed development is consistent with the purposes of this zone.*
- b. *The proposed development is designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts of the proposal.*

Figure 2: Zoning requirements for I-M versus B-2 zones

Standard	Proposed	I-M	B-2
Purpose	Rezone to B-2 to allow for residential program providing housing and supportive services for ~10 children	To provide zones in areas of the City in which light and moderate impact industries and transportation-related uses will coexist	To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses and services serving the adjoining neighborhoods and the larger community.
	Existing	I-M	B-2
Uses	Outpatient mental health services	Permitted as a performance- based use (see 14-248)	Permitted
	Proposed	I-M	B-2
	Outpatient mental health services with residential program on second floor	Prohibited	Permitted
Min. Lot Size	Existing lot size = 15,594.48 s.f.	None	10,000 s.f.
Min. Street Frontage	~190 ft along Bishop Street	60 ft	50 ft
Min. Front Yard	none	1 ft for each 1ft of building height up to 25 ft.	none
Min. Rear Yard	~ 22ft	1-25 ft (35 ft if rear property line abuts a residential zone)	10 ft
Side Yard	~20 ft	1 ft for each 1ft of building height up to 25 ft. (25 ft. if side property line abuts a residential zone)	none
Structure Height	Two stories- height uncertain	65 ft	45 ft
Max. Impervious Surface Ratio	unknown	75%	80%

Both the I-M and B-2 zones contain additional standards concerning exterior storage and signage. The B-2 zone contains additional requirements pertaining to landscaping, screening and front-yard parking (for complete zoning text, see Attachment 4).

VI. POLICY ANALYSIS

a. Portland Comprehensive Plan

Volume One of the Portland Comprehensive Plan includes references to the Portland strategic plans which have been compiled as components of the comprehensive plan and how each of them addresses State Growth Management Goals. Goals and policies of both the state and the City, as described in the City strategic plans that comprise the Portland Comprehensive Plan, which are relevant to the proposed map amendment have been included below:

STATE GOAL C: To promote an economic climate that increases job opportunities and overall economic well being.

The introduction to this goal cites the Industry and Commerce Plan (also referred to as the ICPAC Report) as a source document. Specific strategies to achieve this goal, pertaining to this proposal, include the following:

Chapter 5 of the *ICPAC Report- Zoning Initiatives* identifies the following goals, applicable to this proposal:

- *Protecting neighboring residential zones*
- *Providing thoughtful flexibility for emerging industries*
- *Recognizing that a well-managed industry is a good neighbor*

The surveys, focus groups, forums and inventories conducted during the IPCAC process raised a number of key issues and facts that were incorporated into the committees zoning recommendations. These include:

- *There is relatively little vacant industrial land left in the City*
- *While many residents see performance standards and philosophically being the right approach to industrial zoning, they do not trust the City's ability to adequately enforce performance standards.*

STATE GOAL D: To encourage and promote affordable, decent housing opportunities for all Maine citizens:

Housing: Sustaining Portland's Future- November 18, 2002

Overall Goal

Portland, as Maine's largest city, will strive to provide a sufficient supply of quality housing commensurate with a manageable level of growth to sustain the city as a healthy urban center in which to live and work, and its position as a growing regional economic and service center. Housing in the city will be varied and affordable to accommodate Portland's socially and economically diverse population.

Goal

Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:

- Housing for special markets, such as SRO's, student or dormitory housing, group homes, and artist housing including live/work opportunities;
- Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes; and
- Emergency Shelters for the homeless and transitional housing for individuals and families striving for independence.

Ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing (rental and homeownership), which offer appropriate supportive services.

Goal

Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

Policies

While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.

2000-2005 Consolidated Housing and Community Development Plan- May 2000

Affordable Housing Strategies

Assisted housing should be provided for those individuals and families with the greatest needs, including the elderly, low income and disabled populations in order for them to live independently and achieve stability and self-sufficiency in their lives.

VII. POLICY SUMMARY

The proposed map amendment would result in an expansion of the existing B-2 zone abutting the site to the south. Currently, if the map amendment is limited to include only the parcel at 17 Bishop Street, an approximately 44 ft wide strip of I-M zoned land would remain to the east. This strip bisects the neighboring parcel (and structure) at 1190 Forest Avenue. This structure has approximately 135 feet of frontage along Bishop Street and approximately 85 feet of frontage along Forest Avenue. Current uses include a mix of residential, commercial and restaurant/drinking establishment uses. There are no industrial uses at either 17 Bishop Street or 1190 Forest Avenue. The Planning Board chose to advertise a larger area to include the I-M zoned land to the east of 17 Bishop Street, in order to extend the B-2 so it connects to the existing B-2 zoned land to the east and south. Assessors and Inspections records do not indicate that the property at 1190 Forest Avenue has ever had an industrial use. The applicant has submitted a supplemental policy analysis of the Portland Comprehensive Plan (Attachment 2) in which they highlight that Spurwink Services' proposal to provide housing specifically targeting a special needs population of children meets goals identified in the housing section of the Portland Comprehensive Plan. Specifically Objectives 1.a, 1.f and 1.f.1 which, in summary, seek to increase the construction of a diverse mix of housing types offering options for all income levels and to increase the availability of housing with services for special needs populations, including transitional housing and housing for persons with disabilities.

The current structures on both the parcels at 17 Bishop Street and 1190 Forest Avenue are conducive to B-2 zoning, as they currently include uses that are permitted in the B-2 zone (residential, retail, restaurant, personal service, clinic) and appear to provide an opportunity for a rational expansion of the B-2 zone without restricting existing industrial uses in the vicinity (to the west, along Bishop Street). Though the Portland Comprehensive Plan notes that the amount of available industrial land in the City is limited, the two parcels in question, 17 Bishop St and 1190 Forest Avenue have no apparent history of industrial uses and relate in both building form and function to the adjacent uses in the adjacent B-2 zone to the south and east. Rezoning the parcel at 17 Bishop, as requested by the applicant from I-M to B-2 would allow for Spurwink School to develop a residential housing and supportive services program at their facility catering to children with special needs and circumstances, as prioritized in both the 2000-2005 Consolidated Housing And Community Development Plan and Housing: Sustaining Portland's Future. Including the portion of the parcel at 1190 Forest Avenue as part of the proposed map amendment would provide more suitable zoning for the current and historic uses of the building and result in a single zoning designation for that parcel.

VIII. NEIGHBORHOOD MEETING AND PUBLIC COMMENT

A neighborhood meeting was held on August 5, 2008. The applicant has submitted documentation, including a sign in sheet and meeting minutes, as Attachment 3.

No written public comment was submitted to the Planning Board concerning this proposal. Three members of the public attended the applicant's neighborhood meeting. According to the meeting minutes (Attachment 3), questions that were raised by members of the public who attended

included the level of supervision that would be provided for children residing at the facility and whether the children would attend local schools.

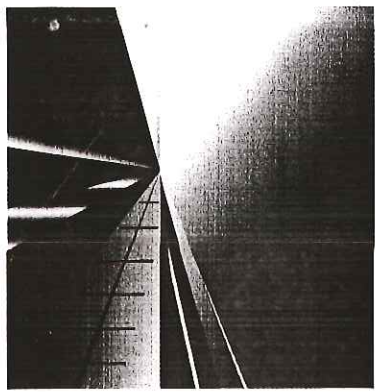
ATTACHMENTS:

1. Applicant's Submittals
 - a. Cover letter
 - b. Application
 - c. Warranty Deed
 - d. Vicinity Map
 - e. Sketch Plan of Spurwink Property and sketch floor plan of the second floor showing possible arrangement for proposed new use.
 - f. Zoning Map Sketch (*proposed rezoning has since been extended to include a portion of 1190 Forest Avenue*)
 - g. Aerial Photo of site
 - h. Photograph sheet showing two corners of the building from Bishop Street
2. Letter from Spurwink Services – July 28, 2008
3. Documentation of Neighborhood Meeting
4. Zoning text from the Use Code
 - a. I-M Zone
 - b. B-2 Zone

**Zoning Amendment Application
For
Zoning Map Amendment**

Location: 17 Bishop Street
Applicant: Spurwink Services, Inc.

Contents: Cover Letter
Application Form
Deed
Vicinity Map
Sketch Plan
Zoning Map Sketch
Aerial Photograph



Michael Charek Architects



25 Hartley Street
Portland, ME 04103
Phone 207 761 0556
Fax 207 761 7260
www.charekarchitects.com

May 9, 2008

City of Portland Planning Board
c/o Barbara Barhydt
Development Review Services Manager
389 Congress Street
Portland, ME 04101

Dear Ms. Barhydt:

On behalf of my client, Spurwink Services Inc., I am pleased to submit the attached Zoning Amendment Application for 17 Bishop Street.

Spurwink Services is requesting a Zoning Map Amendment for their property at 17 Bishop Street to change the zoning designation from IM to B2. The property is approximately 15,581 square feet, and includes an existing two-story building. There are two marked parking spaces on the property, and an additional 25 parking spaces on a parcel that Spurwink owns directly across the street. The bulk of the property is paved, with a fenced yard area off the northeast corner of the building.

There are several outpatient mental health services provided within the existing building. The first floor houses a clinic for evaluation and treatment of abused children, and an adult day services program. On the second floor are located offices for a public school counseling program and a clinic for evaluation and treatment of autistic children.

Spurwink would like to move the programs on the second floor to another location to make room for a program of housing and supportive services for approximately 10 children ranging in age from 6 to 18 years. This program is intended to provide a transition from inpatient hospitalization to community living options. The program would include living quarters for the clients, and a full-time staff that would be on site 24 hours a day.

The current IM zoning designation does not allow any residential use, so Spurwink Services would like to rezone their property to B2, effectively extending the adjacent B2 zone to include their parcel. We believe a B2 zoning designation is in keeping with the adjacent uses to the east and south of this parcel, and is a logical extension of the adjacent business zoning across Bishop Street. We believe the B2 designation is in keeping with the City of Portland Comprehensive Plan for the B2 zone along Forest Avenue.

As part of the application we have included a Vicinity Map, a Sketch Plan of the property, a Zoning Map Sketch showing the surrounding zoning designations, and

MICHAEL R. CHAREK
PRINCIPAL
Member
The American
Institute
Of Architects

Barbara Barhydt
5/9/08

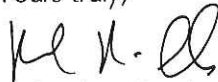
Page 2

an aerial photograph of the property and its surroundings. A copy of the deed is also attached, showing Spurwink Services' (formerly known as The Spurwink School) right and title to the property. A check in the amount of \$2,200 is attached to cover the application fee and fee for service deposit.

I am available to answer any questions you may have about this application, and look forward to seeing it through the process.

Thank you for your assistance.

Yours truly,

A handwritten signature in black ink, appearing to read "M. R. Charek". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Michael R. Charek
Encl.



Zoning Amendment Application
Department of Planning and Development
Planning Division and Planning Board

1. Applicant Information

Spurwink Services, Inc.

Name

899 Riverside Street

Address

Portland, ME 04103

207-871-1200 207-871-1232

Phone

Fax

2. Subject Property

17 Bishop Street

Address

293-A-16

Assessor's Reference (Chart-Block-Lot)

3. Property Owner: X Applicant Other

Spurwink Services, Inc.

Name

899 Riverside Street

Address

Portland, ME 04103

207-871-1200 207-871-1232

Phone

Fax

4. Billing Address:

Spurwink Services, Inc.

Name

899 Riverside Street

Address

Portland, ME 04103

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Applicant is owner of property. Refer to attached copy of deed.

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property:

Property is currently used as offices for a variety of mental health services for children and adults.

7. **Current Zoning Designation(s):**

IM

8. **Proposed Use of Property:** Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The proposed use of the property is to retain the existing children's clinic and adult day program on the first floor and convert the second floor into one or two handicapped family units for a total of 10 children with approximately 6 non-resident staff. The change to B2 zoning makes the conversion to residential use possible.

9. **Sketch Plan:** On a separate sheet, please provide a sketch plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1" = 100'.)

10. **Proposed Zoning:** Please check all that apply:

A. Zoning Map Amendment, from IM to B2

B. Zoning Text Amendment to Section 14-_____

For Zoning Text amendment, attached on a separate sheet, the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C. Conditional or Contract Zone

A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. **Application Fee:** An Application Fee must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below.) The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

Fee for Service Deposit \$200.00
(This fee is required for all applications in addition to the application fee listed below)

Zoning Map Amendment \$2,000.00

Zoning Text Amendment \$2,000.00

_____ Contract/Conditional Rezoning

Under 5,000 sq. ft.	\$1,000.00
5,000 sq. ft. and over	\$3,000.00

12. Advertising/Notices:

Legal Advertisements Applicant to pay a percent of the total advertisement

Notices .75 cents each
(receipt of application, workshop and public hearing notices will be sent)

NOTE: Legal notices placed in the newspaper for the public hearing meeting are required by State Statute and local ordinance. The cost of any and all newspaper advertisements, legal advertisements and Planning Board notices will be billed directly to the applicant.

13. Signature: The above information is true and accurate to the best of my knowledge.

Dan Ste

Signature of Applicant

5/7/08

Date of Filing

Further Information:

Please contact the Planning Division for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

Portland Planning Board
Portland, Maine

WARRANTY DEED
Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, that **COMMUNITY HOUSING INVESTMENT CORPORATION**, a Maine corporation with a place of business in Portland, in the County of Cumberland and State of Maine, for consideration paid, **GRANTS** with **WARRANTY COVENANTS** TO:

THE SPURWINK SCHOOL, a not-for-profit corporation with a place of business in Portland, County of Cumberland, State of Maine, whose mailing address is 899 Riverside Street, Portland, Maine,

Parcel One - U.S. Route 1, Brunswick: Two (2) certain lots or parcels with the buildings thereon, situated on the southerly sideline of U.S. Route 1, in the City of Brunswick, County of Cumberland and State of Maine, being more particularly bounded and described on Exhibit A annexed hereto and made a part hereof.

Being a portion of the premises conveyed to Community Housing Investment Corporation by warranty deed of Hyman M. Gulak dated July 1, 1988 and recorded in the Cumberland County Registry of Deeds in Book 8368, Page 77.

Parcel Two - Bishop Street, Portland: Two (2) certain lots or parcels of land with the buildings thereon, situated on the northerly and southerly sides of Bishop Street, in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described on Exhibit B annexed hereto and made a part hereof.

Being the same premises conveyed to Community Housing Investment Corporation by warranty deed of Dirigo Management Co., Inc. dated August 9, 1988 and recorded in said Registry of Deeds in Book 8425, Page 310.

IN WITNESS WHEREOF, the said **COMMUNITY HOUSING INVESTMENT CORPORATION** has caused this instrument to be signed this 13th day of December, 1993.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

[Signature]

COMMUNITY HOUSING INVESTMENT CORPORATION

By [Signature]
David Lakari
Its President

STATE OF MAINE
COUNTY OF CUMBERLAND

Dec 13, 1993

Personally appeared the above-named David Lakari, in his said capacity, and acknowledged the foregoing to be his free act and deed, and the free act and deed of said corporation, before me.

[Signature]
Notary Public/Attorney at Law
Drew A. Under
Printed Name

MAINE REAL ESTATE TAX PAID

82-127

B

EXHIBIT ARoute 1, Brunswick, Maine

Two certain lots or parcels of land situated in Brunswick, County of Cumberland and State of Maine, bounded and described as follows:

Parcel 1:

Beginning at an iron pin set in the ground on the southerly sideline of U.S. Route 1, the Old Portland Road, so-called, by land now of Bertha Lemieux; THENCE, running in a general southeasterly direction along land of said Lemieux a distance of 520 feet to an iron pin set in the ground; THENCE, running in a general southwesterly direction on a line perpendicular to the first described bound along land now of David E. Giles et ano. a distance of 415 feet to an iron pin set in the ground; THENCE, running in a general northwesterly direction on a line parallel with the first described bound along land of David E. Giles et ano. a distance of 315 feet to an iron pin set in the ground; THENCE, running in a general northerly direction along land of said Giles et ano. a distance of 420 feet to an iron pin set in the ground on the southerly sideline of U.S. Route 1, the Old Portland Road; THENCE, running in a general easterly direction along the southerly sideline of U.S. Route 1, the Old Portland Road, a distance of 200 feet to the point and place of beginning.

Parcel 2:

Beginning at an iron pin located at the southeast corner of the above-described parcel, said pin being on the boundary line separating property of the Community Housing and Investment Corporation and Hyman N. Gulak, now of Community Housing Investment Corporation from land of one Lemieux at a distance of 520 feet, more or less, along said boundary line from the southerly side of Route 1; THENCE, in a southerly direction, said direction being the same and thus a continuance of the easterly boundary of land described above, a distance of 315 feet to a point; THENCE, in a southwesterly direction at right angles to the first described bound 415 feet to a point; THENCE, in a northwesterly direction along land now or formerly of Dale Cheney McLennan, et al., and parallel to the first described bound 315 feet to a pin marking the southwest corner of the above-described parcel; THENCE, at right angles and in a northeasterly direction 415 feet along the above-described parcel to the point of beginning.

Excepting that certain lot or parcel of land conveyed to Old Freeport Road Associates by deed dated August 18, 1989, and recorded in Book 8874, Page 302. See Corrective Deed dated October 2, 1990, and recorded in Book 9344, Page 232, and further Corrective Deed to be recorded. Said excepted parcel is bounded and described as follows:

A certain lot or parcel of land, together with the buildings thereon, situated in said Brunswick and being Lots 2 and 3 as shown

on the "Standard Boundary Survey made for Richmond Corporation, said Plan being made by Titcomb Associates, Inc., dated December 18, 1989, and recorded in said Registry on October 12, 1990, in Plan Book 187, Page 54.

EXHIBIT B17 and 12-26 Bishop Street, Portland, Maine

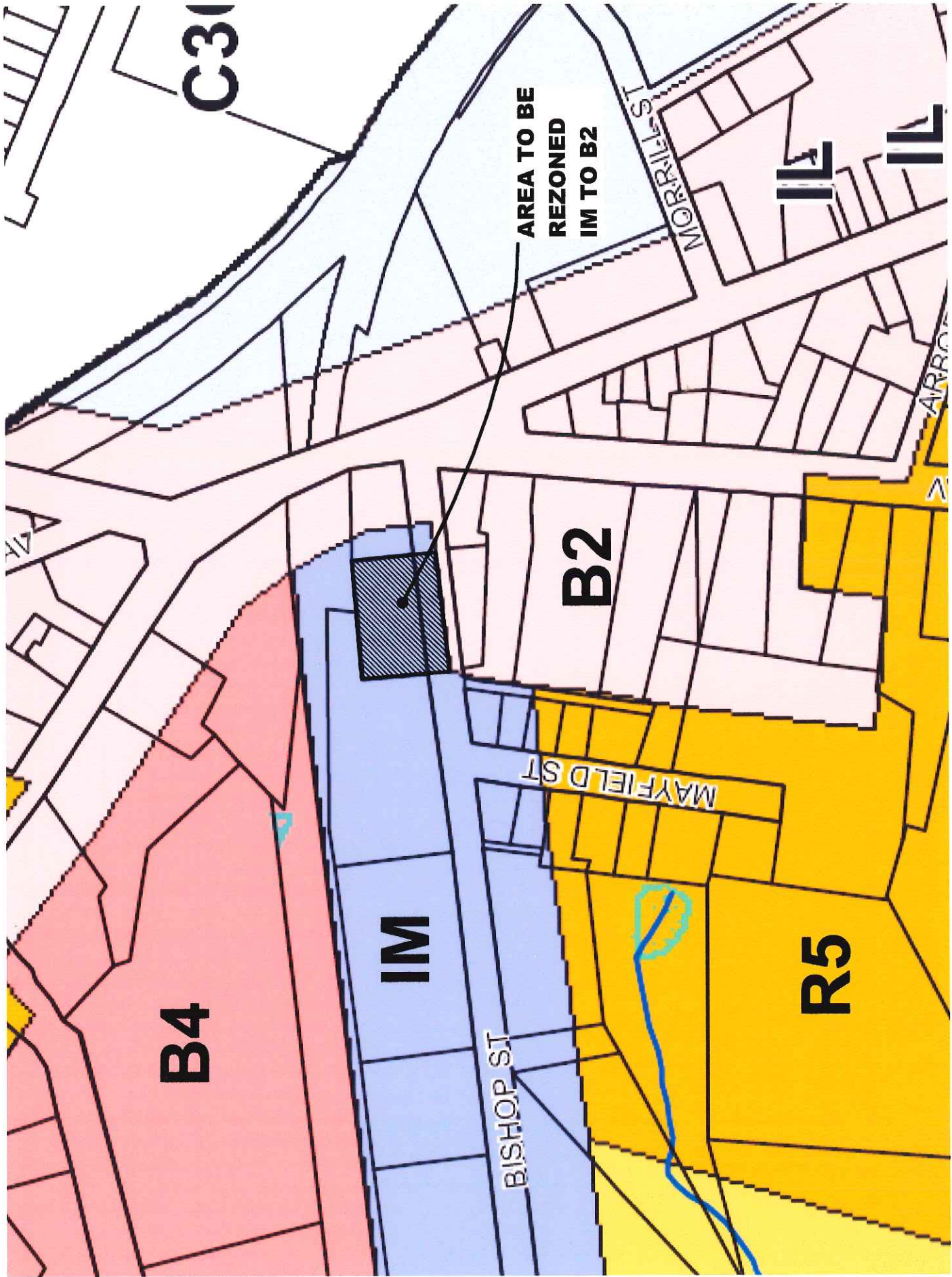
A certain lot or parcel of land with the building thereon situated on the northerly side of Bishop Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the northerly sideline of Bishop Street at the southwesterly corner of the first parcel of land described in the conveyance by The Plasmine Corporation to Fred M. Forsley by deed recorded in the Cumberland County Registry of Deeds in Book 6543, Page 114, said point being distance 137.62 feet as measured along said sideline of Bishop Street from a drill hole in the sidewalk on the westerly sideline of Forest Avenue; THENCE, North 9° 21' 00" East along said land conveyed to Forsley by a line passing two feet West of the westerly side of the brick building located on said Forsley land, 98.10 feet to an iron rod found on the southerly side of the Portland Terminal Company right-of-way; THENCE, westerly by a curve to the left (radius 1,223.5 feet) along said right-of-way 77.28 feet to an iron rod found at the easterly corner of other land now or formerly owned by The Plasmine Corporation; THENCE, South 87° 40' 28" West across land conveyed to The Plasmine Corporation by Maine Turnpike Authority by deed recorded in Book 6361, Page 129, 87.30 feet to a point; THENCE, South 9° 25' 28" West across land conveyed in Book 6361, Page 129, 83.10 feet to a point on the northerly sideline of said Bishop Street as is shown on a plan for the Maine Turnpike Authority by Daniel Harriman dated November 1983, and recorded in said Registry in Plan Book 140, Page 42; THENCE, South 80° 35' 22" East along said sideline of Bishop Street 162.82 feet to the point of beginning; containing 15,581 square feet.

Also, another lot or parcel of land, with any improvements thereon, located on the southerly side of Bishop Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the southerly sideline of Bishop Street located on the southerly extension of the easterly boundary of the parcel described above, said point also being the northwesterly corner of the second parcel of land described in a deed from The Plasmine Corporation to Fred M. Forsley dated August 23, 1984, and recorded in Book 6543, Page 114; THENCE, South 9° 21' 00" West along said extension and by land conveyed to said Fred M. Forsley 63.85 feet to a drill hole found in the northerly boundary of land now or formerly owned by Casco Bank & Trust Company; THENCE, North 71° 39' 46" West along said Bank land 186.59 feet to an iron rod found; THENCE, North 12° 14' 14" East along said Bank land 34.93 feet to an iron rod found on the southerly sideline of Bishop Street; THENCE, South 80° 35' 22" East along said sideline of Bishop Street 182.51 feet to the point of beginning; containing 9,067 square feet, and being shown on a plan entitled Plan of Land in Portland, Maine, Bishop Street, for The Plasmine Corporation, dated August 18, 1986, by Owen Haskell, Inc.

Recorded
Cumberland County
Registry of Deeds
12/14/93 01:16:27PM
John B. O'Brien
Register



Title: ZONING MAP SKETCH
 Scale: NO SCALE
 Date: 5/7/08
 Project: SPURWINK SERVICES ZONING MAP AMENDMENT APPLICATION

Michael Charek Architects
 25 Hartley Street
 Portland, Maine 04103
 (207) 761-0556

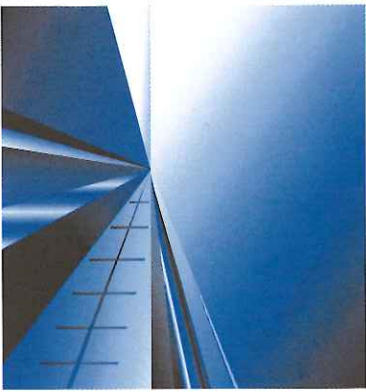
17



Image © 2008 Maine GeoLibrary

Streaming 100%

1-h



Michael Charek Architects



25 Hartley Street
Portland, ME 04103
Phone 207 761 0556
Fax 207 761 7260
www.charekarchitects.com

June 12, 2008

City of Portland Planning Board
c/o Molly Casto
Planner
389 Congress Street
Portland, ME 04101

Re: 17 Bishop Street
Zoning Map Amendment

Dear Ms. Casto:

Attached please find 7 copies each of a photograph sheet showing two corners of the building from Bishop Street, and a sketch floor plan of the second floor showing one possible arrangement of the space for the proposed new use.

Please don't hesitate to call if you have any questions. We look forward to the Planning Board Workshop on June 24.

Thank you for your assistance.

Yours truly,

Michael R. Charek
Encl.

MICHAEL R. CHAREK
PRINCIPAL
Member
The American
Institute
Of Architects



Bishop Street looking northeast



Bishop Street looking northwest

spurwink services

going the distance, changing lives

July 28, 2008

City of Portland Planning Board
c/o Molly Casto, Planner
389 Congress Street
Portland, ME 04101

Re: 17 Bishop Street -- Zoning Map Amendment

Dear Ms. Casto:

Spurwink Services, Inc. is applying for a zoning map amendment for our property at 17 Bishop Street, changing its zone designation from I-M to B-2. Our plan for the property is to move offices from the second floor and replace them with housing for children and adolescents being discharged from psychiatric hospitalization. The change in zoning designation is the only way that use can be allowed. We believe this project is in alignment with the Comprehensive Plan of the City of Portland in many significant ways, as this letter will make clear. Further, we believe that, while industrial zoning is vital to the mix of business and activities that make up the City of Portland, a case could be made that the zoning of this particular parcel as B-2 is more appropriate.

Appropriate zoning

The property at 17 Bishop Street has been used primarily, if not solely, as a business, not an industrial location. The assessor's property records note the date of the building's construction as 1913. The City Assessor's Survey of 1924 notes the age of the building at 17 Bishop Street as "10-12 years", which would date it to 1912-1914. At the time of the 1924 survey the uses of the property were noted as "dance and pool room, bowling alley, and 6 tenant rooms." Since that time the owners of the property have included, as you listed in your memo, several individuals, the Maine Turnpike Authority, Plasmine Technology, Dirigo Management, and Community Housing, before Spurwink purchased it in 1993. You note that for most of its life the building has seen use as offices. Building Department records note, in addition, a period of use in the 1980's as a dancing school.

The 1924 survey shows a collection of smaller-scale commercial and residential properties at the Forest Avenue end of Bishop Street, while further down the street there appear to have been a collection of railroad-related structures and uses.

The form and construction of the building, as well as its building-to-land ratio, closely resemble its neighbor to the east, at the corner of Forest Avenue and Bishop Street. It does not conform to the model of other industrial uses further along Bishop Street, which are large, open warehouse-type structures.

When the zoning lines were drawn for this area, it is clear that the business zone designation was extended at a constant depth along Forest Avenue until it reached the centerline of Bishop Street, where it changed depth from approximately 100 feet from the street centerline to approximately 350 feet along the centerline of an alley at the rear of Forest Avenue parcels. The line cuts through the parcel at 1190 Forest Avenue at the corner of Forest Avenue and Bishop Street, not following property boundaries. We believe that a finer-grained analysis of uses might have yielded a zone boundary along the westerly boundary of 17 Bishop Street, which would correspond to the boundary that continues south on the other side of Bishop Street.

At the Planning Board workshop meeting Alex Jaegerman was asked if the zoning map amendment were appropriate. Mr. Jaegerman stated that small adjustments to the map at corners and boundaries were not uncommon, to reflect a finer-grained understanding of the realities of local uses.

A question was raised about the proximity of a residence for children to the industrial uses present on Bishop Street. In fact, there are single-family residences at the corner of Bishop and Mayfield Streets that are as close to the Plasmine Technology facility as the Spurwink building. In addition, the clinic and other programs currently housed in the Spurwink building have children coming and going all day, every weekday. Plasmine Technology has never presented a problem for the Spurwink programs, and representatives of Plasmine support our proposal.

City of Portland Comprehensive Plan

We respectfully submit that changing the zoning designation of 17 Bishop Street helps fulfill a number of goals outlined in the portion of Portland's Comprehensive Plan entitled "Housing: Sustaining Portland's Future", adopted November 18, 2002. We list a number of the more pertinent policy objectives below, with our comments on how the map amendment would enable our specific project to fulfill those objectives:

Objective 1.a: Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels for both renter and owner-occupied, including but not limited to the following:

viii. Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes, and nursing homes.

Objective 1.f: Ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing (rental and homeownership), which offers appropriate supportive services.

Actions:

1.f.1. Increase the amount of supportive housing for persons with disabilities, the frail elderly, homeless families and individuals, and persons with other special needs that desire and need to live in an urban area where services are available.

Comment: The housing services Spurwink proposes to provide are specifically geared to a special-needs population of children and adolescents who have been hospitalized at Spring Harbor Hospital.

Comment: The housing services Spurwink proposes to provide are specifically geared to a special-needs population of children and adolescents who have been hospitalized at Spring Harbor Hospital.

Objective 5.b: Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads exist or may be expanded at minimal costs.

Actions:

5.b.1. Locate new housing along or within walking distance of major transportation corridors to increase use of METRO and encourage alternative modes of transportation.

5.b.3 Encourage new housing near neighborhood schools and in proximity of public parks and athletic facilities throughout the City.

Comment: The Bishop Street site is located adjacent to the intersection of two major transportation corridors and two bus lines. It is near the future site of a major commercial retail development, and near elementary, middle, and high schools, athletic facilities, and Evergreen Cemetery and Baxter Woods.

Objective 5.e: Locate and design housing to reduce impacts on environmentally sensitive areas.

Actions:

5.e.3. Explore ways to use zoning and other regulatory tools to encourage environmentally friendly development.

Comment: The Spurwink proposal is to reuse an existing building with no new construction. This is the lowest-impact form of development.

Objective 6.a: Increase and ensure equal access to housing opportunities for minorities, low-income people and persons with disabilities and special needs.

Actions:

6.a.1. Work with housing providers and developers to create programs and secure resources to increase housing opportunities, both rental and homeownership, for minorities, low-income people and persons with disabilities and special needs.

Comment: As with Objectives 1.a and 1.f, the Spurwink project is intended to house a special needs population.

To sum up, we believe that a B-2 designation for 17 Bishop Street is an appropriate redrawing of a boundary between zones on the zoning map, and that the project we are planning advances the goals outlined in the City's Comprehensive Plan in many important ways. The City is not being asked to fund this project; we only ask that a small corner of a zoning district be redefined.

Respectfully Submitted,


Daniel Bonner
Vice President of Operations

spurwink services

going the distance, changing lives

NEIGHBORHOOD MEETING
17 Bishop Street. Portland.
8/5/08

MINUTES:

Three community members attended.

Mike Charek, (Architect) together with Dan Bonner (Spurwink Vice President) presented Spurwink's request of the City of Portland Planning office; specifically to ask the city council to approve a zoning map amendment. If accepted this would permit Spurwink to offer residential services, (at 17 Bishop St), to youth up to 18 years of age who are referred by DHHS and oftentimes residing in hospital or psychiatric acute care facilities, beyond the need for this level of care.

The zoning change, if approved, will change 17 Bishop St from its present IM (light industrial zone) to B2 (community service zone).

Mike Charek reviewed the history of the building use back to 1924 and noted that its history was never consistent with IM use. Examples of its uses included a billiard hall, dance hall, bowling alley and boarding house use.

Dan Bonner provided some information about Spurwink's services both in the Bishop St building and in central and southern Maine. One member of the community asked what was to become of the employees who presently worked in the building. In response Dan Bonner noted that the clinicians would be relocated to offices in Saco closer to community case loads they presently service. Others have already been assigned to public schools across various regions.

The same community member inquired as to where the children admitted would be educated. Mr. Bonner noted that this would be a decision for each child's PET to determine. The most likely options would be Day Treatment either at Spurwink or another provider, or at various public schools on Stevens Avenue. When asked if the children would walk to school unescorted Mr. Bonner responded that the children admitted would most likely need very close supervision, so either they will be driven or accompanied. It would be extremely unlikely that they would be afforded much if any independence considering the issues that bring them into Spurwink's care.

Mike Charek added in closing, that this Spurwink proposal has tried to remain consistent with it's interpretation of Portland's competing needs within its comprehensive plan, clearly supporting the need for suitable supportive housing. At the same time he acknowledged the comprehensive plan's need to maintain its industrial base. The building rehab needed to support housing is minimal,

spurwink services

going the distance, changing lives

meeting the goal of the provision of housing units in a sustainable way. This is clearly accomplished in this instance as no new structure will be created. This is as minimal an impact as one can have.

The audience was asked if there were any closing questions or concerns; with no questions this part of the meeting ended. Mr. Charek and Mr. Bonner remained available to the community until 7:00 PM.

A third community member joined the meeting at 6:15 PM. She too was presented with Spurwink's plan, and learned about Spurwink's services. She asked about the nature of the disabilities of the clients to be served and wanted reassurance that the children would not be left unsupervised in the neighborhood. Dan Bonner informed her that the children would be receiving very close supervision, including awake overnight supervision. This neighbor reported that children from the surrounding areas have been seen on the railroad tracks, the information provided to her by Dan Bonner provided her the reassurance she was looking for.




The neighborhood meeting ended at 7.00pm.

Sign In

Neighborhood Meeting -- 17 Bishop Street

Zoning Map Amendment request to the City of Portland

5-Aug-08

Print Name	Signature
1 Robert C. Hains	
2 Scott Gurney	
3 Janet Parker	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

City of Portland
Code of Ordinances
Sec. 14-236

Land Use
Chapter 14
Rev.6-19-08

Ringelmann chart.

- (h) *Emissions:* All emissions shall be made in accordance with all applicable state and federal regulations.
- (i) *Radiation:* Radiation at a site shall comply with all applicable state and federal regulations.
- (j) *Discharge into sewers:* No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority or by the public works authority.
- (k) *Lighting:* All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties.

(Ord. No. 164-97, § 6, 1-6-97)

- Sec. 14-237. Reserved.**
- Sec. 14-238. Reserved.**
- Sec. 14-239. Reserved.**
- Sec. 14-240. Reserved.**
- Sec. 14-241. Reserved.**
- Sec. 14-242. Reserved.**
- Sec. 14-243. Reserved.**
- Sec. 14-244. Reserved.**
- Sec. 14-245. Reserved.**

DIVISION 14 (I-M, I-Ma AND I-Mb INDUSTRIAL ZONES*

 *Editor's note—Ord. No. 164-97, § 7, passed Jan. 6, 1997, repealed div. 14, §§ 14-246-14-251 of this article and enacted new provisions as herein set out. Formerly, such provisions pertained to the I-2 and I-2b industrial zones and derived from §§ 602.12.A-602.12.F of the 1968 Code as amended by Ord. No. 499-74, § 5, adopted Aug. 19, 1974; Ord. No. 334-76, §§ 2, 3, adopted Jul. 7, 1976; Ord. No. 234-88, adopted Feb. 1, 1988; Ord. No. 330-90, § 2, adopted May 7, 1990; Ord. No. 15-92, § 18, adopted Jun. 15, 1992; Ord. No. 193A-93, § 2, adopted Feb. 17, 1993; and Ord. No. 154-96, § 15, 12-16-96.

Sec. 14-246. Purpose.

The moderate impact industrial zones are intended to provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist.

The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors. The I-Mb zones are similarly located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic.

The I-M, I-Ma and I-Mb industrial zones are intended to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure.

Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone.

(Ord. No. 164-97, § 7, 1-6-97)

Sec. 14-247. Permitted uses.

The following uses are permitted whether provided by private or public entities in the I-M moderate impact industrial zone, the I-Ma and the I-Mb zone:

- (a) Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, musical instruments, precision instruments, watchmakers, toys and sporting goods, wood products, jewelry, assembly of electrical components, tool and die shops and the packaging of food.
- (b) Research and development and back office uses.
- (c) Building contractors and construction and engineering services.
- (d) Wholesale trade.

- (e) Warehousing and distribution facilities, including outdoor storage.
- (f) Intermodal transportation facilities and transportation terminals.
- (g) Repair services, including all types of automotive repair services.
- (h) Indoor amusement or recreational centers.
- (i) Plant and tree nurseries, including associated recycling activities.
- (j) Lumber yards.
- (k) Commercial kitchens or other food preparation, provided that the food is not prepared for service on the premises.
- (l) Recycling facilities, provided that all storage and recycling operations occur within a fully enclosed structure.
- (m) Food and seafood processing for human consumption.
- (n) Municipal or regional solid waste disposal facilities, provided that all disposal activities are carried out within an enclosed structure.
- (o) Day care facilities, provided that:
 - 1. Proof of licensing with the Maine Department of Human Services is submitted to the city prior to issuance of a certificate of occupancy;
 - 2. Off-street parking shall be provided, with one (1) parking space per employee, plus one (1), based upon the number of employees required through state licensing for potential maximum capacity of such facility;
 - 3. Off-street loading shall be located in a safe location;

4. There shall be an on-site outdoor play area with seventy-five (75) feet of land area per child; and
 5. The outdoor play area shall be fenced and screened with a landscaped buffer.
- (p) Dairies.
- (q) Utility substations.
- (r) Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs, provided that:
1. No correctional prerelease facility shall be located within one thousand (1,000) feet of another, as measured in a radius from the center of the lot;
 2. Such facilities shall not be permitted in the I-Ma or I-Mb zones;
 3. If a facility requires state or federal licensing, staffing of the facility shall be as required by such license. If a facility does not require state or federal licenses, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof; and
 4. The facility shall provide twenty-four-hour supervision of program participants.
- (s) Incidental accessory uses.
- (t) General, business and professional offices.
- (u) Storage lots for towed or impounded vehicles, provided that such lots are located at least 300 feet from any residential zone or existing conforming residential use. For the purposes of this section, "existing conforming residential use" does not include a legally nonconforming residential use as described in division 23 of this chapter.

(Ord. No. 164-97, § 7, 1-6-97; Ord. No. 137-97, § 3, 11-3-97; Substitute Ord. No. 72-01/02, § 1, 10-1-01; Ord. No. 97-06/07, 11-20-06)

Sec. 14-248. Performance based uses.

Uses not expressly permitted as provided in section 14-247 or expressly prohibited in section 14-249 may be permitted if they meet the following conditions and standards:

- (a) The proposed development is consistent with the purposes of this zone.
- (b) The proposed development is designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts of the proposal.

(Ord. No. 164-97, § 7, 1-6-97)

Sec. 14-249. Prohibited uses.

Uses that are not expressly enumerated herein as permitted uses are prohibited. Those uses that are prohibited shall include, but are not limited to, the following:

- (a) Residential uses.
- (b) Retail trade that is not ancillary to a permitted use.
- (c) Restaurant uses.
- (d) Junk yards.
- (e) Amusement parks.
- (f) Crematoriums.
- (g) Mining and drilling operations.
- (h) Refining of petroleum or its products, including tar distillation.
- (i) Petroleum tank farms.

- (j) Commercial excavation of building or construction materials other than in the normal course of building or construction or site preparation.
- (k) Distillation of bones; fat rendering; glue, soap, or fertilizer manufacture.
- (l) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse.
- (m) Stockyard or slaughtering of animals.
- (n) Smelting of iron, copper, tin, zinc, or any other ore.
- (o) Manufacture of primary chemicals.
- (p) Manufacture of cement, lime, gypsum, or plaster of paris.
- (q) Manufacture of bleaching powder, matches, paper, or rubber.
- (r) Manufacture of explosives or fireworks. Bulk storage of explosives or fireworks is also prohibited unless such storage is done as an accessory use to a permitted use located on the same site and all required state and local permits have been acquired.
- (s) Tanning, curing or storage of raw hides or skins.
- (t) Coal distillation or coke ovens.
- (u) Creosote treatment.
- (v) Drop forging.
- (w) Steel mills or furnaces.
- (x) Coal- or coke-fired kilns.
- (y) Used tire storage.
- (z) Extraction of raw materials.
- (aa) Concert halls or dance halls.

(bb) Banquet facilities.

(Ord. No. 164-97, § 7, 1-6-97; Ord. No. 137-97, § 4, 11-3-97; Substitute Ord. No. 72-01/02, § 2, 10-1-01)

Sec. 14-250. Dimensional requirements.

(a) *Minimum lot size:*

1. Correctional prerelease facilities: Ten thousand (10,000) square feet.
2. Other uses: None.

(b) *Maximum impervious surface ratio:* I-M and I-Ma zone: Seventy-five (75) percent. I-Mb zone: One hundred (100) percent.

(c) *Maximum building height:* I-M and I-Mb zones: Seventy-five (75) feet. I-Ma zone: Forty-five (45) feet.

(d) *Minimum side yards:* Principal and accessory structures in the I-M and the I-Ma zone: Each structure shall be set back one (1) foot from each side property line for each one (1) foot of building height, up to twenty-five (25) feet, except that the minimum side yard shall be thirty-five (35) feet when the side property line abuts a residential zone.

Principal and accessory structures in the I-Mb zone: None, except that the minimum side yard shall be twenty-five (25) feet when the side property line abuts a residential zone.

(e) *Minimum rear yards:* Principal and accessory structures in the I-M and I-Ma zone: Each structure shall be set back one (1) foot from the rear property line for each one (1) foot of building height, up to twenty-five (25) feet, except that the minimum rear yard shall be thirty-five (35) feet when the rear property line abuts a residential zone.

Principal and accessory structures in the I-Mb zone: None, except that the minimum rear yard shall be twenty-five (25) feet when the rear property line abuts a residential zone.

(f) *Minimum front yard:* Principal and accessory structures in the I-M and I-Ma zone: Each structure shall be set back one (1) foot from the front property line for each one (1) foot of building

Principal and accessory structures in the I-Mb zone: None.

(g) *Minimum street frontage:* Sixty (60) feet.

(h) *Pavement setback from lot boundaries:* Ten (10) feet.

(Ord. No. 164-97, § 7, 1-6-97)

Sec. 14-251. Other requirements.

(a) Off-street parking shall meet the requirements of division 20 of this article.

(b) Off-street loading shall meet the requirements of division 21 of this article.

(c) Signs shall be subject to the provisions of division 22 of this article.

(d) *Shoreland and floodplain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5 of this article.

(e) All uses shall be operated within a fully enclosed structure, except for those customarily operated in open air.

(f) Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least five (5) feet in height, or by a solid evergreen planting strip.

(g) All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container.

(h) All food processing waste shall be stored within a completely enclosed structure and if not refrigerated shall be removed from the site in an enclosed container within forty-eight (48) hours of its generation. All enclosed and exterior food processing waste storage areas shall be cleaned and sanitized on a regular basis.

(i) Outdoor storage of refuse, debris or previously used materials awaiting reuse shall be either in an appropriate container or located within a designated, screened area.

(j) Any permitted outdoor storage of materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. No outdoor storage shall be permitted between the front of any building on the site and the street, except for storage for plant and tree nurseries or lumber yards.

(Ord. No. 164-97, § 7, 1-6-97)

Sec. 14-252. Performance standards.

Uses in the I-M, I-Ma, and I-Mb zones shall meet the following standards:

(a) *Noise:*

1. *Definitions:*

- a. Tonal sounds are defined as sound waves usually perceived as a hum or whine because their instantaneous sound pressure varies essentially as a simple sinusoidal function of time.
- b. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.

2. *Measurement:* Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. Measurements shall be made at all major lot lines of the site, at a height of at least four (4) feet above the ground surface. In measuring sound levels

under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ₁).

3. *Maximum permissible sound levels:* The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows:
 - a. Seventy (70) dBA between the hours of 7:00 a.m. and 10:00 p.m.
 - b. Fifty-five (55) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

In addition to the sound level standards established above, all uses located within this zone shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones.

4. *Exemptions:*
 - a. Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (d)3 of this section. Construction activities on a site abutting any residential use between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day shall not exceed fifty (50) dBA.
 - b. The following uses and activities shall also be exempt from the requirements of subsection (d)3 of this section:

- i. The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency devices.
 - ii. Traffic noise on public roads or noise created by airplanes and railroads.
 - iii. Noise created by refuse and solid waste collection, provided that the activity is conducted between 6:00 a.m. and 7:00 p.m.
 - iv. Emergency construction or repair work by public utilities, at any hour.
 - v. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, and fireworks displays.
- (b) *Electromagnetic interference:* There shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.
- (c) *Vibrations:* Any use creating earthshaking vibrations shall be controlled in such a manner as to prevent transmission beyond lot lines of vibrations causing a displacement of .003 or greater on one (1) inch, as measured by a vibrograph or similar instrument at the property boundaries.
- (d) *Glare, heat:* Any use shall be in an enclosed structure in such a manner that glare and heat shall be imperceptible from neighboring properties.
- (e) *Discharge of toxic or noxious matter:* All discharges of toxic or noxious matter shall be made in accordance with all applicable state and federal regulations.
- (f) *Odor:* It shall be a violation of this chapter to create

an odor nuisance.

1. *Determination of odor nuisance:* An odor nuisance shall be considered to exist when ten (10) confirmed complaints occur in an area within two (2) separate twenty-four-hour periods. The ten (10) confirmed complaints must originate from ten (10) different households in an area zoned residential or from ten (10) different individuals in a commercial or industrial facility. The building authority shall only respond to a complainant who confirms that the odor is detectable at the time of the actual complaint. In order to confirm a complaint, the building authority or its designee shall first determine that an odor is detectable in the area of the complaint. The building authority or its designee shall interview the complainant to verify that the detectable odor is in fact the odor that resulted in the complaint. If the complainant verifies the odor as the source of the complaint, then the building authority shall notify the owner or operator of the alleged odor source either in person or by telephone within one (1) working day, with a written confirmation within seven (7) working days of the complaint. In the event that the building authority is unable to contact the owner or operator of the alleged odor source in person or by telephone within one (1) working day, then the building authority shall send written notice to the operator within seven (7) working days of the complaint.

In the event that ten (10) complaints are confirmed as set forth in subsection (1) in two (2) separate twenty-four-hour periods within a ninety-day period, the building authority shall cause a certified odor inspector to investigate any odor complaints received in the next thirty (30) days following the receipt of the tenth confirmed complaint from the second twenty-four-hour period. If the odors remain under the ambient intensity standard as established in this subsection for the next thirty (30) days, then a new odor nuisance must be established after that time in accordance with the requirements of this section. The

certified odor inspector shall do the following in response to a complaint under this section:

- a. Verify that an odor is detectable in the area of the complaint and confirm that it is the odor that resulted in the complaint;
- b. Quantify the intensity of the odor on the eight-point n-butanol intensity scale as defined in regulations promulgated by the director of the planning authority to establish training and technical standards to support this section; and
- c. Track the odor to its source.

When the certified odor inspector determines that a violation has occurred because an odor has exceeded the maximum ambient odor levels set forth in this section, the building authority shall notify the owner or operator either by telephone or in person of the violation within one (1) working day of the violation. The building authority shall confirm this notification in writing within seven (7) working days of this initial notice. In the event that the building authority is unable to contact the owner or operator by telephone or in person within the required time period, then it will send written notification within seven (7) working days of the violation.

Upon receipt of the written notice of violation, the owner or operator of the odor source shall do the following:

- a. Implement odor reduction procedures immediately upon notification by the building authority that the facility has violated this section wherever odor reduction can be achieved by operational or procedural changes at the facility;
- b. Submit to the building authority, within thirty (30) days of the written notice of violation, an odor reduction plan which is

designed to reduce ambient odors attributable to emissions from that source to the maximum allowable intensity for that zone. The plan shall include a detailed summary of the measures that the owner or operator will take to mitigate the community annoyance and estimated dates for completion of those measures. In the event that it will take longer than thirty (30) days to develop the odor reduction plan, the owner or operator of the facility shall submit within the thirty-day time period a schedule for the development of the odor reduction plan. The building authority shall review this plan to determine whether it will be adequate to resolve the odor nuisance in a reasonable time period; and

- c. Implement the plan in accordance with the schedule approved by the building authority.
2. *Ambient odor limits:* The maximum ambient intensity standard for odors generated by uses located in the I-M zones shall not exceed the following levels when the odor is measured in the zone indicated:
- 4.0 in any industrial or business zone for odors resulting from any industrial use.
 - 3.0 in any residential zone for odors resulting from any industrial use.
- (g) *Smoke:* Discharges of smoke shall not exceed opacity percentage of forty (40) percent or number 2 on the Ringelmann chart.
 - (h) *Emissions:* All emissions shall be made in accordance with all applicable state and federal regulations.
 - (i) *Radiation:* Radiation at a site shall comply with all applicable state and federal regulations.
 - (j) *Discharge into sewers:* No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground of any materials in such a way

or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority or by the public works authority.

(k) *Lighting:* All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties.

(l) *Traffic:* Development in the I-M, I-Ma and I-Mb zones shall utilize to the greatest extent possible arterial streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development.

(Ord. No. 164-97, § 7, 1-6-97)

Sec. 14-253. Reserved.

Sec. 14-254. Reserved.

Sec. 14-255. Reserved.

Sec. 14-256. Reserved.

Sec. 14-257. Reserved.

Sec. 14-258. Reserved.

Sec. 14-259. Reserved.

Sec. 14-260. Reserved.

DIVISION 15. I-H AND I-Hb INDUSTRIAL ZONES*

***Editor's note**—Ord. No. 164-97, § 8, passed Jan. 6, 1997, repealed div. 15, §§ 14-261-14-266 of this article and enacted new provisions as herein set out. Formerly, such provisions pertained to the I-3 and I-3b industrial zones and derived from §§ 602.13.A-602.13.F of the 1968 Code as amended by Ord. No. 499-74, § 5, adopted Aug. 19, 1974; Ord. No. 334-76, §§ 4-6, adopted Jul. 7, 1976; Ord. No. 198-88, adopted Nov. 21, 1988; Ord. No. 201-88, adopted Nov. 21, 1988; Ord. No. 330-90, § 3, adopted May 7, 1990; Ord. No. 15-92, § 19, adopted Jun. 15, 1992; and Ord. No. 193A-93, §§ 3, 4, adopted Feb. 17, 1993.

Sec. 14-261. Purpose.

The high impact industrial zones are intended to provide areas suitable for higher impact industrial uses than are permitted in other industrial zones and other uses including hospital campuses that are capable of demonstrating, through design, layout and

City of Portland
Code of Ordinances
Sec. 14-166

Land Use
Chapter 14
Rev.6-19-08

(e) *Smoke*: Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

(f) *Materials or wastes*: No materials or wastes shall be deposited on any lot in such form or manner that they are clearly visible from neighbors' properties or may be transferred beyond the lot boundaries by natural causes or forces. All solid waste disposal, including materials which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in fully enclosed containers or receptacles. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 292-88, 4-4-88; Ord. No. 94-99, 11-15-99)

- Sec. 14-168. Reserved.**
- Sec. 14-169. Reserved.**
- Sec. 14-170. Reserved.**
- Sec. 14-171. Reserved.**
- Sec. 14-172. Reserved.**
- Sec. 14-173. Reserved.**
- Sec. 14-174. Reserved.**
- Sec. 14-175. Reserved.**
- Sec. 14-176. Reserved.**
- Sec. 14-177. Reserved.**
- Sec. 14-178. Reserved.**
- Sec. 14-179. Reserved.**
- Sec. 14-180. Reserved.**

DIVISION 10. B-2 AND B-2b COMMUNITY BUSINESS ZONES*

*Editor's note—Ord. No. 293-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-181-14-187 of Div. 10, B-2 Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-181-14-187. Formerly, such sections derived from §§ 602.9.A-602.9.G of the city's 1968 Code and from Ord. No. 74-72, adopted Mar. 6, 1972; Ord. No. 499-74, § 4, adopted Aug. 19, 1974; Ord. No. 334-76, § 6, adopted July 7, 1976; and Ord. No. 274-77, adopted May 16, 1977.

Sec. 14-181. Purpose.

(a) B-2 Community Business Zone

The purpose of the B-2 community business zone is:

- (1) To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses and services serving the adjoining neighborhoods and the larger community.
- (2) The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone.
- (3) The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile and by pedestrians. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.

(b) B-2b Community Business Zone

B-2b zone is intended to provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The B-2b zone is appropriate in areas where a more compact urban development pattern exists on-peninsula or in areas where a neighborhood compatible commercial district is established off-peninsula and each area exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood oriented building pattern. Building additions are encouraged but not required to meet the maximum setbacks of 14-185I.

(c) B-2c Community Business Zone

To protect and enhance the quiet enjoyment of adjoining residential neighborhoods from the impacts of businesses that serve liquor and from other uses that are incompatible with adjoining

neighborhoods due to noise.

(Ord. No. 293-88, 4-4-88; Ord. No. 25, 7-07-99: emergency enactment of 120-day moratorium, effective 7/07/99 thru 11/04/99; Ord. No. 94A, 11-01-99: emergency enactment of 44-day extension of moratorium enacted on 7-07-99, effective date 11/01/99 thru 12/15/99; Ord. No. 94-99, 11-15-99; Substitute Ord. No. 189-00, S2, 4-24-00; Ord. No. 151-03/04, 02/23/04)

***Editor's Note:** Order No. 25, adopted 7-07-99, enacted an emergency 120-day moratorium on drive-through facilities on lots in B-2 Zone adjacent to lots with residential uses effective 7-07-99 through 11-1-99; Ord. No. 94A, adopted 11-01-99 extended the moratorium on said drive-through facilities through December 15, 1999.

Sec. 14-182. Permitted uses.

The following uses are permitted in the B-2, B-2b and B-2c zones except that any use involving drive-throughs are prohibited in these zones unless otherwise provided in section 14-183:

(a) *Residential:*

1. Any residential use permitted in the residential zone abutting the lot. If there is no abutting residential zone, the nearest residential zone to the lot. In the case of two (2) or more abutting residential zones, the most restrictive such zone; and
2. In any structure with commercial uses in the first floor, multi-family dwellings are permitted above the first floor.

(b) *Business:*

1. General, business and professional offices, as defined in section 14-47;
2. Personal services, as defined in section 14-47;
3. Offices of building tradesmen;
4. Retail establishments;
5. Restaurants, except that restaurants shall close for all purposes including the service of alcohol

no later than 11:00 p.m.;

6. Drinking establishments, except that drinking establishment as defined in section 14-47, and bars as defined in section 14-217.5 (a)(1), shall not be permitted in the B-2c zone;
7. Billiard parlors;
8. Mortuaries or funeral homes;
9. Miscellaneous repair services, excluding motor vehicle repair services;
10. Communication studios or broadcast and receiving facilities;
11. Health clubs and gymnasiums;
12. Veterinary hospitals, but excluding outdoor kennels;
13. Theaters and performance halls;
14. Hotels or motels of less than one hundred fifty (150) rooms;
15. Dairies in existence as of November 15, 1999;
16. Bakeries in existence as of November 15, 1999;
17. Bakeries established after November 15, 1999, provided the bakeries include retail sales within the principal structures. Bakeries in the B-2b zone shall be no greater than seven thousand (7,000) square feet in size;
18. Drive-throughs associated with a permitted use in the B-2 zone provided that such do not include drive-throughs on any lot adjacent to any residential use or zone. For purposes of this section, only, "adjacent to" shall include uses across a street if within 100 feet of the subject lot boundary;

19. Drive-throughs associated with a permitted use in the B-2b zone, when accessory to a principal use located on the same lot, provided that such do not include drive-throughs on any lot adjacent to any residential use or zone. For purposes of this section, only, "adjacent to" shall include uses across a street if within 100 feet of the subject lot boundary.

(c) *Institutional:*

1. Private club or fraternal organization;
2. Long term, extended and intermediate care facility;
3. Clinics, as defined in section 14-47;
4. Churches or other places of worship;
5. Kindergarten, elementary, middle and secondary schools;
6. College, university, trade schools; and
7. Municipal buildings and uses.

(d) *Other:*

1. Lodging houses;
2. Day care facilities or babysitting services;
3. Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan);
4. Accessory uses, as provided in section 14-404;
5. Bed and breakfast, subject to the standards of article V (site plan). A bed and breakfast may include a meeting facility if the facility meets the following standards:
 - a. The meeting facility shall be limited to the following types of uses:

- i. Private parties.
 - ii. Business meetings.
 - iii. Weddings.
 - iv. Receptions.
 - v. Seminars.
 - vi. Business and educational conferences.
- b. The building in which the bed and breakfast and the meeting facility will be located was in existence on March 3, 1997, and was greater than four thousand (4,000) square feet in floor area on that date.

6. Studios for artists and craftspeople, provided that the area of such studios does not exceed four thousand (4000) square feet for each studio space. (Ord. No. 293-88, 4-4-88; Ord. No. 39-96, § 2, 10-7-96; Ord. No. 125-97, § 6, 3-3-97; Ord. No. 164-97, § 2, 12-1-97; Ord. No. 25, 7-07-99: emergency enactment of 120-day moratorium, effective 7/07/99 thru 11/04/99; Ord. No. 94A, 11-01-99: emergency enactment of 44-day extension of moratorium enacted on 7-07-99, effective date 11/01/99 thru 12/15/99; Ord. No. 94-99, 11-15-99; Ord. No. 118-00, 11-20-00; Ord. No. 151-03/04, 02/23/04)

Sec. 14-183. Conditional uses.

The following uses are permitted in the B-2,B-2b and B-2c zone, as provided in section 14-474 (conditional uses), if they meet the following requirements:

- (a) *Business.* Any of the following conditional uses, provided that, notwithstanding section 14-474(a) of this article or any other provision of this code, the Planning Board shall be substituted for the board of appeals as the reviewing authority over conditional business uses:
1. Major and minor auto service stations in the B-2 zone, only;
 2. Major or minor auto service stations in the B-2b zone in existence as of November 15, 1999;

3. Car washes;
4. Drive-throughs in the B-2 or B-2b zones which are adjacent to any residential use or zone, provided that, in the B-2b drive-throughs must be accessory to a principal use located on the same site;
5. Automobile dealerships.

In addition to approval by the Planning Board with respect to the requirements of article V (site plan), these uses shall comply with the following conditions and standards in addition to the provisions of section 14-474:

- a. Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services or goods available on the premises.
 - b. Circulation: No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.
6. Drive-throughs, where permitted, shall also specifically comply with the following conditions:
 - a. Location of Drive-throughs: Features, such as windows, vacuum cleaners and menu/order boards, stacking lanes, must be placed, where practicable, to the side and rear of the principal building except where such placement will be detrimental to an adjacent residential zone or use, and shall be located no nearer than forty (40) feet from any residential zone. This distance shall be measured from the outermost edge of the outside drive-through feature to any property line. In addition, drive-through features shall not extend nearer

than twenty-five (25) feet to the street line. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.

- b. Noise: Any speakers, intercom systems, or other audible means of communication shall not play prerecorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by the drive-through services or fixtures shall not exceed 55 dB or shall be undetectable above the ambient noise level as measured by a noise meter at the property line, whichever is greater.
- c. Lighting: Drive-through facilities shall be designed so that site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall otherwise conform to the lighting standards set forth in 14-526.
- d. Screening and Enclosure: Where automobiles may queue, waiting for drive-through services, their impacts must be substantially mitigated to protect adjacent residential properties from headlight glare, exhaust fumes, noise, etc. As deemed necessary by the reviewing authority, mitigation measures shall consist of installation of solid fencing with landscaping along any residential property line which is exposed to the drive-through or the enclosure of the drive-through fixtures and lanes so as to buffer abutting residential properties and to further contain all associated impacts; and
- e. Pedestrian access: Drive-through lanes shall be designed and placed to minimize crossing principal pedestrian access-ways or otherwise impeding pedestrian access.

- f. Hours of Operation: The Board, as part of its review, may take into consideration the impact hours of operation may have on adjoining uses.
- g. Conditions specific to major or minor auto service stations, car washes and automobile dealerships:
 - i. A landscaped buffer, no less than five (5) feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the Technical and Design Standards and Guidelines;
 - ii. Car washes shall be designed to avoid the tracking of residual waters into the street.

(b) *Other:*

- 1. Printing and publishing establishments except as provided in subsection b. below;
- 2. Printing and publishing establishments in continuous operation at their current location since April 4, 1988, or earlier and which exceeded ten thousand (10,000) square feet of aggregate gross floor area at that time;
- 3. Wholesale distribution establishments; and
- 4. Research and development and related production establishments.

Uses listed in this paragraph (b) (other) 1, 3 and 4 shall be limited to ten thousand (10,000) square feet of aggregate gross floor area, and uses listed in this paragraph (b) (other) 1, 2, 3 and 4 shall be subject to the following conditions and standards in addition to the provision of section 14-474:

- a. Traffic circulation: The site shall have an adequate traffic circulation pattern designed

to avoid hazards to vehicular circulation on adjoining streets. All stacking of motor vehicles shall be on site, and loading facilities shall be located to the rear of the building and shall not be visible from the street.

- b. Building and site design: The exterior design of the structures, including architectural style, facade materials, roof pitch, building form, established setbacks and height, shall be of a commercial rather than industrial character. The site shall contain screening and landscaping which shall meet the requirements of the Technical Standards and Design Guidelines adopted pursuant to section 14-498 and section 14-526 for screening between land uses.

(Ord. No. 293-88, 4-4-88; Ord. No. 16-92, 6-15-92; Ord. No. 39-96, § 3, 10-7-96; Ord. No. 25, 7-07-99: emergency enactment of 120-day moratorium, effective 7/07/99 thru 11/04/99; Ord. No. 94A, 11-01-99: emergency enactment of 44-day extension of moratorium enacted on 7-07-99, effective date 11/01/99 thru 12/15/99; Ord. No. 94-99, 11-15-99; Ord. No. 151-03/04, 02-23-04)

Sec. 14-184. Prohibited uses.

Uses not enumerated in sections 14-182 and 14-183 as either permitted uses or conditional uses are prohibited.

(Ord. No. 293-88, 4-4-88)

Sec. 14-185. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses permitted under section 14-182(a) shall meet the requirements of such abutting or nearest residential zone, and nonresidential uses, where permitted, shall meet the following requirements:

(a) *Minimum lot size:*

1. Intermediate, longterm and extended care facilities: Ten thousand (10,000).

2. *Nonresidential uses:*

B-2 zone: Ten thousand (10,000) square feet;
B-2b zone: None

B-2c zone: Ten thousand (10,000) square feet

3. Where multiple uses are on one (1) lot, the highest applicable minimum lot size must be met.
4. Multi-family dwellings above the first floor: 1,000 square feet of land area per dwelling unit.

(b) *Minimum street frontage:* Fifty (50) feet.

(c) *Yard dimensions:* (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum or maximum yard of another structure.)

Except as provided in subsection (e) below, the following setbacks are required:

1. *Front Yard*

- a. *Minimum front yard in B-2 and B-2c zone:* None, except that the front yard setback shall not exceed the average depth of the front yards of the closest developed lots on either side of the lot. A developed lot means a lot on which a principal structure has been erected.
- b. *Maximum front yard in B-2b zone (On-peninsula):* The maximum front yard setback shall either be: (i) ten feet; or (ii) in cases where the average depth of the front yard of the nearest developed lots on either side of the lot in question is less than ten feet, the front yard setback of the lot in question shall not exceed such average depth. A "developed lot" means a lot on which a principal structure has been erected.

Building additions are not required to meet this maximum setback.

- c. *Maximum front yard in B-2b zone (Off-peninsula):* None, except that the front yard setback shall not exceed the average depth of the front yards of the closest developed lots on either side of the lot. A developed lot

means a lot on which a principal structure has been erected.

Where the front yard setback exceeds ten (10) feet, however, a continuous, attractive, and pedestrian scaled edge treatment shall be constructed along the street(s) consisting of street trees spaced at not more than fifteen (15) feet on center, (which otherwise meet the requirements of city arborist) and a combination of the following:

- i. landscaping of no less than four (4) feet in depth; and
- ii. ornamental brick or stone walls; and/or
- iii. ornamental fencing.

The site shall otherwise meet the requirements of article V (Site Plan).

2. *Rear yard:*

- a. Principal structures: Ten (10) feet. Where a rear yard abuts a residence zone or first floor residential use, twenty (20) feet is required.
- b. Accessory structures: Five (5) feet.

3. *Side yard:*

- a. Principal and accessory structures: None, except that where a side yard abuts a residential zone or a first floor residential use, ten (10) feet is required.
- b. Accessory structures: Five (5) feet.
- c. Side yards on side streets (corner lot): In the B-2 and B-2c zone, a minimum of ten (10) feet. In the B-2b zone, a maximum of ten (10) feet except that for any new construction on a lot abutting more than two streets, the maximum setback shall not apply beyond the two

most major streets. (For purposes of this section, "major street" shall mean that street with the highest traffic volume and the greatest street width in comparison with the remaining streets). This maximum setback shall not apply to building additions.

- (d) *Minimum lot width:* None.
- (e) *Maximum structure height:* Forty-five (45) feet, except that on lots in excess of five (5) acres, sixty-five (65) feet is permitted; provided each of the minimum setbacks required under subsection (3) above are increased by one (1) foot in distance for each foot of height above forty-five (45) feet.
- (f) *Maximum impervious surface ratio:* Eighty (80) percent in the B-2 and B-2c; Ninety (90) percent in the B-2b.

(Ord. No. 293-88, 4-4-88; Ord. No. 52-96, § 2, 7-15-96; Ord. No. 94-99, 11-15-99; Ord. No. (Substitute)189-00, §3, 4-24-00; Ord. No. 151-03/04, 02/23/04)

Sec. 14-186. Other requirements.

All nonresidential uses in the B-2 and B-2b zone shall meet the requirements of division 25 (space and bulk regulations and exceptions) of this article in addition to the following requirements:

- (a) *Landscaping and screening:* The site shall be suitably landscaped for parking, surrounding uses and accessory site elements, including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).
- (b) *Curbs and sidewalks:* Curbs and sidewalks as specified in article VI of chapter 25.
- (c) *Offstreet parking and loading:* Offstreet parking and loading are required by division 20 and division 21 of this article;
- (d) *Front yard parking:*
 - 1. B-2 and B-2c zone: There shall be no off-street parking in the front yard between the street line

and the required minimum setback line in the B-2 and B-2c. Where existing buildings exceed the minimum front yard setback, a maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the street.

2. B-2b zone (On-peninsula): There shall be no parking in the front yard between the street line and the required maximum setback line in the B-2b. Where existing buildings exceed the maximum front yard setback, a maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the street.
 3. B-2b zone (Off-peninsula): Parking in the front yard between the street line and the required maximum setback line in the B-2b is discouraged. However, where parking in the front yard is permitted pursuant to §14-185I(1)I, a maximum of fifty percent (50%) of the total parking on the site may be located between the principal structure and the street.
- (e) *Signs*: Signs shall be subject to the provisions of division 22 of this article.
- (f) *Exterior storage*: There shall be no exterior storage with the exception of fully enclosed containers or receptacles for solid waste disposal. Such containers or receptacles shall be shown on the approved site plan. Vehicles or truck trailers with or without wheels shall not be used for on-site storage (1) except where such storage is located in a designated loading zone identified on an approved site plan; or (2) such storage is not visible from the street or adjacent residences during winter months and such storage area is identified on an approved site plan. Truck load sales shall not be considered outside storage provided that such activity does not extend beyond three (3) consecutive days nor occurs more frequently than three (3) times a calendar year.
- (g) *Storage of vehicles*: Storage of vehicles is subject to the provisions of section 14-335.

- (h) *Shoreland and flood plain management regulations:* If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 293-88, 4-4-88; Ord. No. 51-96, 7-15-96; Ord. No. 94-99, 11-15-99; Substitute Ord. No. 189-00, §4, 4-24-00; Ord. No. 151-03/04, 02/23/04)

Sec. 14-187. External effects.

Every use in a B-2, B-2b and B-2c zone shall be subject to the following requirements:

- (a) *Enclosed structure:* The use shall be operated within a completely enclosed structure except for those specific open air activities licensed by the City, including but not limited to outdoor seating, sidewalk sales, etc.
- (b) *Noise:* Except as provided in 14-183(1)(iii)(2) (relating to Drive-throughs), the volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and fifty-five (55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
- (c) *Vibration and heat:* Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (d) *Glare, radiation or fumes:* Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
- (e) *Smoke:* Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.
- (f) *Materials or wastes:* No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All material which might cause fumes or

dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 293-88, 4-4-88; Ord. No. 94-99, 11-15-99; Ord. No. 03/04, 02/23/04)

- Sec. 14-188. Reserved.**
- Sec. 14-189. Reserved.**
- Sec. 14-190. Reserved.**
- Sec. 14-191. Reserved.**
- Sec. 14-192. Reserved.**
- Sec. 14-193. Reserved.**
- Sec. 14-194. Reserved.**
- Sec. 14-195. Reserved.**

DIVISION 11. A-B AIRPORT BUSINESS ZONE*

*Editor's note—Ord. No. 295-88, adopted Apr. 4, 1988, repealed §§ 14-196–14-202 of Div. 11, A-B Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-196–14-202. Formerly, such sections derived from §§ 62.9A.A–602.9A.G of the city's 1968 Code and from Ord. No. 348-71, § 2, adopted Aug. 2, 1971; Ord. No. 499-74, § 4, adopted Aug. 19, 1974; Ord. No. 334-76, § 6, adopted July 7, 1976; and Ord. No. 275-77, adopted May 16, 1977.

Sec. 14-196. Purpose.

The purpose of the A-B airport business zone is:

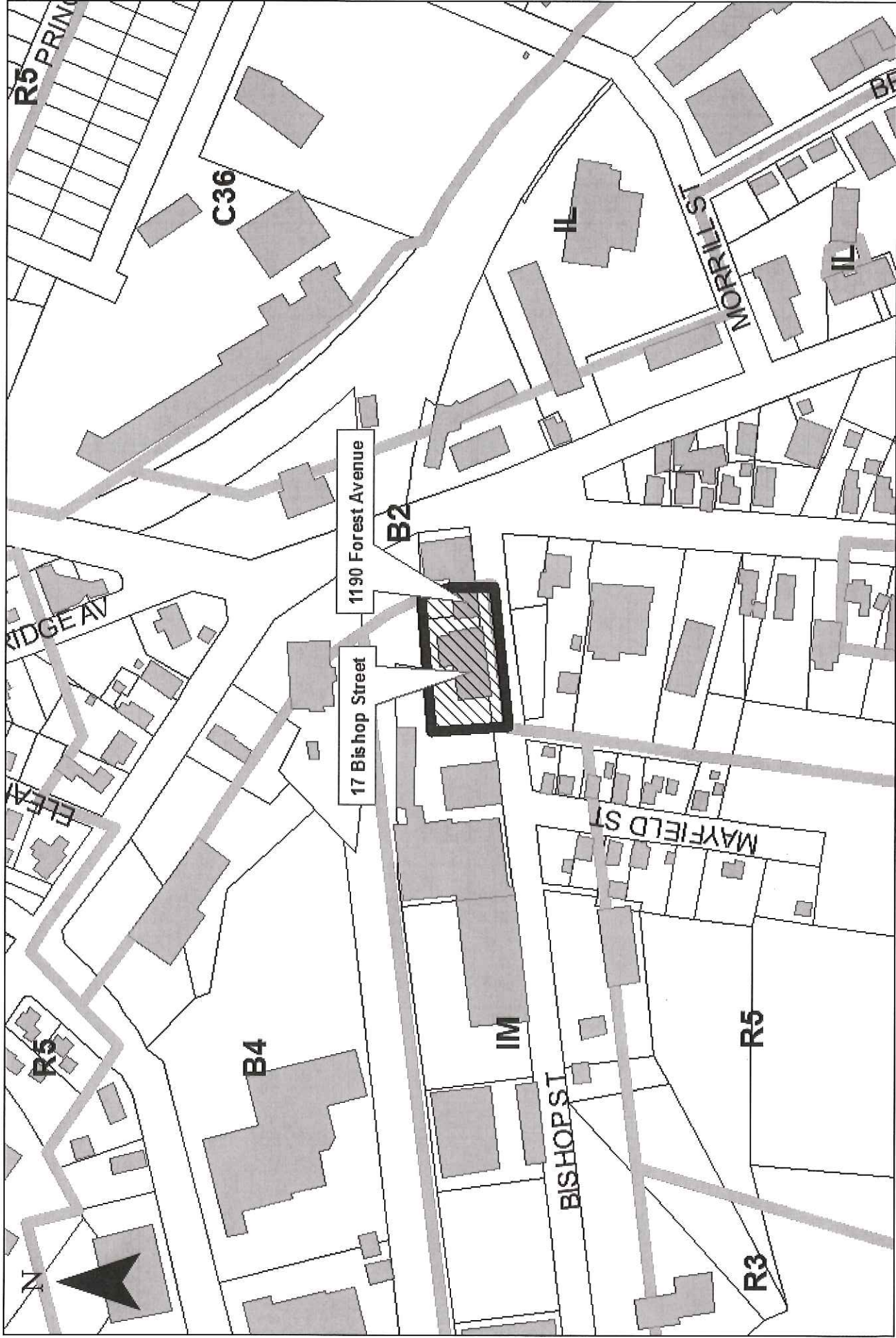
To provide an area for the development of airport-related enterprises. Appropriate uses permitted in this district are those customarily associated with the operation of the airport terminal and individual airlines and accessory uses to provide for the comfort and convenience of the airport's patrons and employees.

(Ord. No. 295-88, 5-23-88)

Sec. 14-197. Permitted uses.

The following uses are permitted in the A-B zone:

- (a) Administration;
- (b) Airline terminal including, but not limited to:



**Vicinity of 17 Bishop Street and 1190 Forest Avenue
Proposed Map Amendment: I-M Moderate Impact Industrial to
B-2 Community Business Zone**

**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

TO: Sonia Bean, Senior Administrative Assistant
FROM: Alexander Jaegerman, Director of Planning Division
DATE: August 19, 2008
SUBJECT: Agenda Request Re: Proposed Zoning Map Amendment from I-M Moderate Impact Industrial to B-2 Community Business Zone. Vicinity of 17 Bishop Street.

Sponsored by: Portland Planning Board

1) Council Meeting at which action is requested:

1st Reading: September 3, 2008
Final Action: September 15, 2008

Submission Deadlines:

- 1 electronic copy of packet due 2 weeks prior to Council meeting date for the agenda meeting
- 5 hard copies due the Thursday before the Council meeting

2) Can action be taken at a later date? X YES ___ NO

I. SUMMARY OF ISSUE

Spurwink Services, Inc is requesting a zoning map amendment for their property located at 17 Bishop Street. The applicant is seeking the B-2 Community Business Zone in order to convert the second floor of the existing building to a residential program of housing and supportive services for approximately ten (10) children ranging from 6 to 18 years of age. The site is currently zoned I-M Moderate Impact Industrial. Unlike the I-M zone, which does not permit residential use, the B-2 Community Business Zone permits such uses. In their review of the proposal, the Planning Board chose to expand the area advertised for the proposed rezoning to include a portion of the abutting parcel at 1190 Forest Avenue. The property owner of 1190 Forest Avenue has been notified by mail and by phone that a portion of their parcel is being considered for rezoning.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

The applicant would like to reuse the second story of their existing building at 17 Bishop Street for a program of residential and supportive services for approximately ten (10) children. The second floor presently houses offices for a public school counseling program and a clinic for the evaluation and treatment of autistic children. According to the applicant, these services would be relocated to other locations closer to the community case loads they service. The I-M zone permits clinics and professional offices such as these but prohibits residential uses. 17 Bishop Street abuts a B-2 zone to the south. The property at 1190 Forest Avenue is zoned both I-M and B-2, with the zoning boundary bisecting the property and existing structure. As previously stated, the I-M portion of the property is under consideration for rezoning to B-2 as part of this proposal. The 22,689 s.f. building at 1190 Forest Avenue contains multiple uses including retail, personal service and a restaurant on the first level and approximately 9 residential units on the second floor. Rezoning this portion of the parcel at 1190 Forest Avenue would provide more suitable zoning for the current and historic uses of the building.

III. INTENDED RESULT (How does it resolve the issue/problem?)

Spurwink Services, Inc is proposing to develop a residential and supportive services program for approximately ten (10) special-needs children and adolescents. According to information and concept plans submitted by the applicant, the redevelopment would include two (2) five bedroom units, each with its own kitchen and living/dining room facilities. Each unit would house up to five (5) children with support staff. This type of residential use is defined as a handicapped family unit under City zoning. A handicapped family unit is defined as a dwelling which provides living facilities for handicapped persons. These facilities may provide counseling and support services and staff members may also be included in the population. Including the portion of the parcel at 1190 Forest Avenue in the proposed rezoning would bring the existing uses of that property, which are permitted in the B-2 zone and are representative of the design and historic uses of the building, into conformance with zoning.

IV. FINANCIAL IMPACT

The proposal does not have any known financial impact on the City.

V. ANALYSIS

The area being considered for rezoning is located along Bishop Street near the intersection with Forest Avenue. The parcel at 17 Bishop Street is .36 acres (15,594 s.f.) and contains an existing 14,800 s.f., two (2) story structure and two parking spaces. There are several outpatient mental health services provided in the building, including a clinic for the evaluation and treatment of abused children and an adult day services program on the first floor and offices for a public school counseling program and a clinic for the evaluation and treatment of autistic children on the second floor. Those programs would be moved to other off-site locations should the residential program be permitted to occupy the second floor space. 17 Bishop Street is zoned I-M and abuts a B-2 zone to the south. There is also a B-2 zone to the east, the boundary of which passes through the parcel at 1190 Forest Avenue. The parcel at 1190 Forest Avenue is .295 acres (12,850 s.f.) and contains an existing 22,689 s.f. two (2) story structure. This structure has approximately 135 feet of frontage along Bishop Street and approximately 85 feet of frontage along Forest Avenue. A 4,053 s.f. +/- area along the western boundary of the parcel at 1190 Forest Avenue is being considered for rezoning from I-M to B-2 as part of this proposal. The building contains assorted retail, personal service and a restaurant on the first level and residential apartments above. Other uses in the vicinity include a railroad right of way, owned by Portland Terminal Company to the north, industrial uses to the west, including Plasmine Technology, Inc, which abuts the Spurwink site, assorted warehousing, general offices, a "doggie daycare" and boarding facility, single family houses, and miscellaneous manufacturing businesses. The western end of Bishop Street, at the intersection of the Bishop Street extension, is zoned I-H High Impact Industrial. There is an R-5 residential zone to the southwest of the site, including Mayfield Street. Mayfield Street is comprised of single-family, residential dwellings. The portion of the Steven's Avenue corridor to the south of Bishop Street is zoned B-2. A zoning map has been included in Section VI of this document.

The proposed map amendment would result in an expansion of the existing B-2 zone to the south and the east. According to Section 14-181 of the City Code, the purpose of the B-2 community business zone is to provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses and services serving the adjoining neighborhoods and the larger community. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile and by pedestrians. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns. In any structure in the B-2 zone with commercial uses on the first floor, multi-family residential

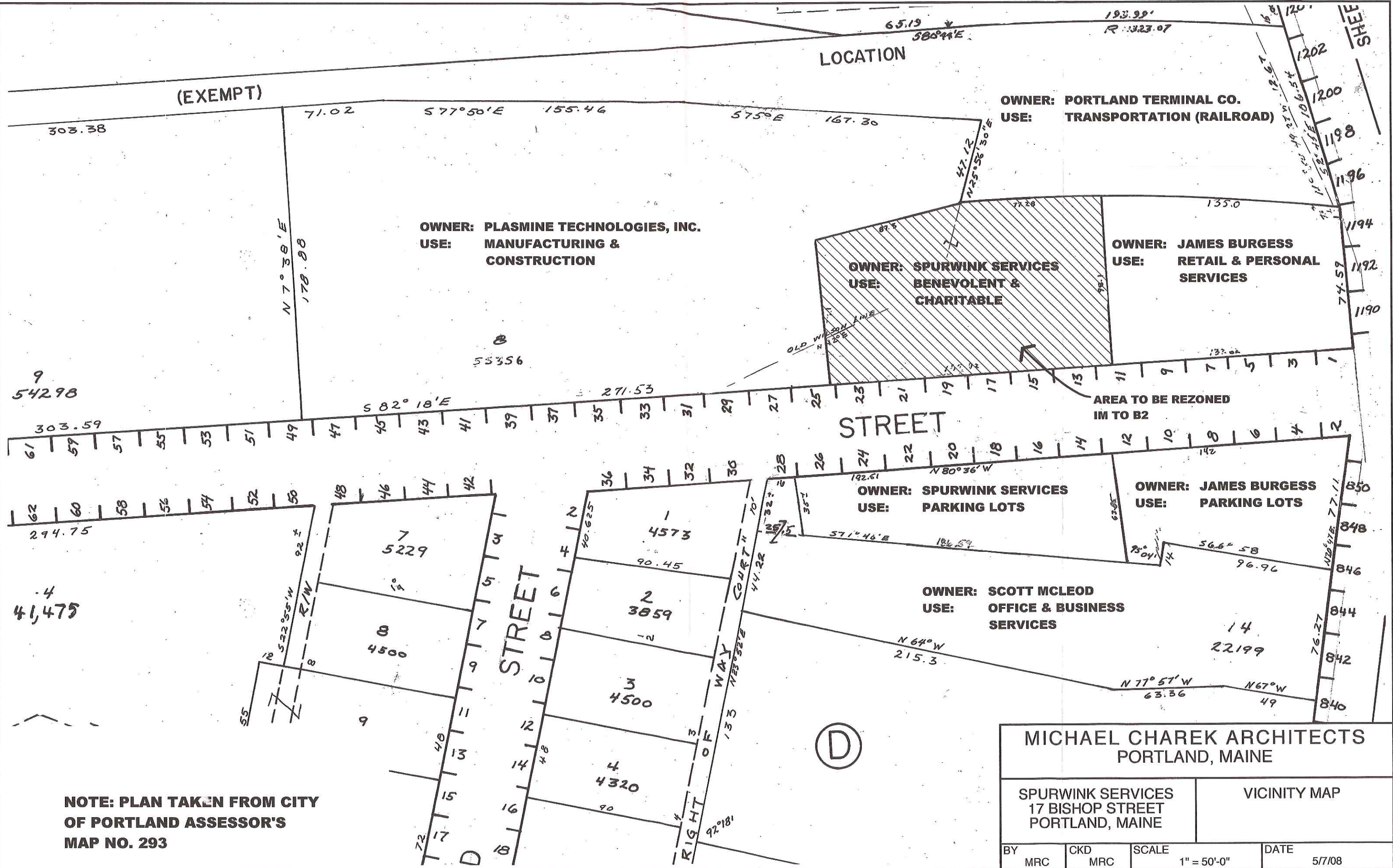
dwellings are permitted above the first floor.

The structures on both the parcels at 17 Bishop Street and 1190 Forest Avenue currently include uses that are permitted in the B-2 zone (multi-family residential on the second floor, retail, restaurant, personal service, clinic and professional office). The design and orientation of the structures relate to the existing B-2 zones to the south and east. The proposed rezoning appears to provide an opportunity for a rational expansion of the B-2 zone without restricting existing industrial uses in the vicinity. Though the Portland Comprehensive Plan notes that the amount of available industrial land in the City is limited, the two parcels in question, 17 Bishop St and 1190 Forest Avenue have no apparent history of industrial uses according to City Inspections and Assessor's records. Rezoning the parcel at 17 Bishop, as requested by the applicant from I-M to B-2 would allow for Spurwink School to develop a residential housing and supportive services program at their facility catering to children with special needs and circumstances, as prioritized in both the 2000-2005 Consolidated Housing And Community Development Plan and Housing: Sustaining Portland's Future. Including the portion of the parcel at 1190 Forest Avenue as part of the proposed map amendment would provide more suitable zoning for the current and historic uses of the building and result in a single zoning designation for that parcel.

At the Planning Board Public Hearing, member Joe Lewis opposed the map amendment, noting, while the Comprehensive Plan states that there is a shortage of available industrial land in the City, in contrast, there is no shortage of residential and commercially zoned land. He expressed concern that if this area were to be rezoned from I-M Industrial to B-2, it would be unlikely that it could ever be returned to industrial uses in the future if that need were to arise. Members Hall, Lowry and Patterson, who voted in favor of recommending the map amendment to the City Council, noted that while this location does not impress them as an ideal location for a residential program for children, they did not have a concern with the map amendment, as proposed, and viewed it as in keeping with the City's goals to (1) provide a sufficient supply of a continuum of housing options for people with special needs and (2) to integrate compatible residential and commercial uses in Portland's urban neighborhoods.

VI. RECCOMENDATION

The Planning Board held a public hearing on the proposed zoning map amendment from I-M Industrial to B-2 Community Business Zone proposed for Spurwink Services, Inc on August 12, 2008. The Planning Board voted 5 to 0 (Lewis opposed, Odokara absent) to recommend to City Council approval of the proposed map amendment (as shown on the following page) for 17 Bishop Street and for a portion of 1190 Forest Avenue (Tax Map 293, Block A, Lots: 7 and 16)



(EXEMPT)

LOCATION

OWNER: PORTLAND TERMINAL CO.
USE: TRANSPORTATION (RAILROAD)

OWNER: PLASMINE TECHNOLOGIES, INC.
USE: MANUFACTURING & CONSTRUCTION

OWNER: SPURWINK SERVICES
USE: BENEVOLENT & CHARITABLE

OWNER: JAMES BURGESS
USE: RETAIL & PERSONAL SERVICES

AREA TO BE REZONED
IM TO B2

STREET

STREET

WAY
COURT
RIGHT



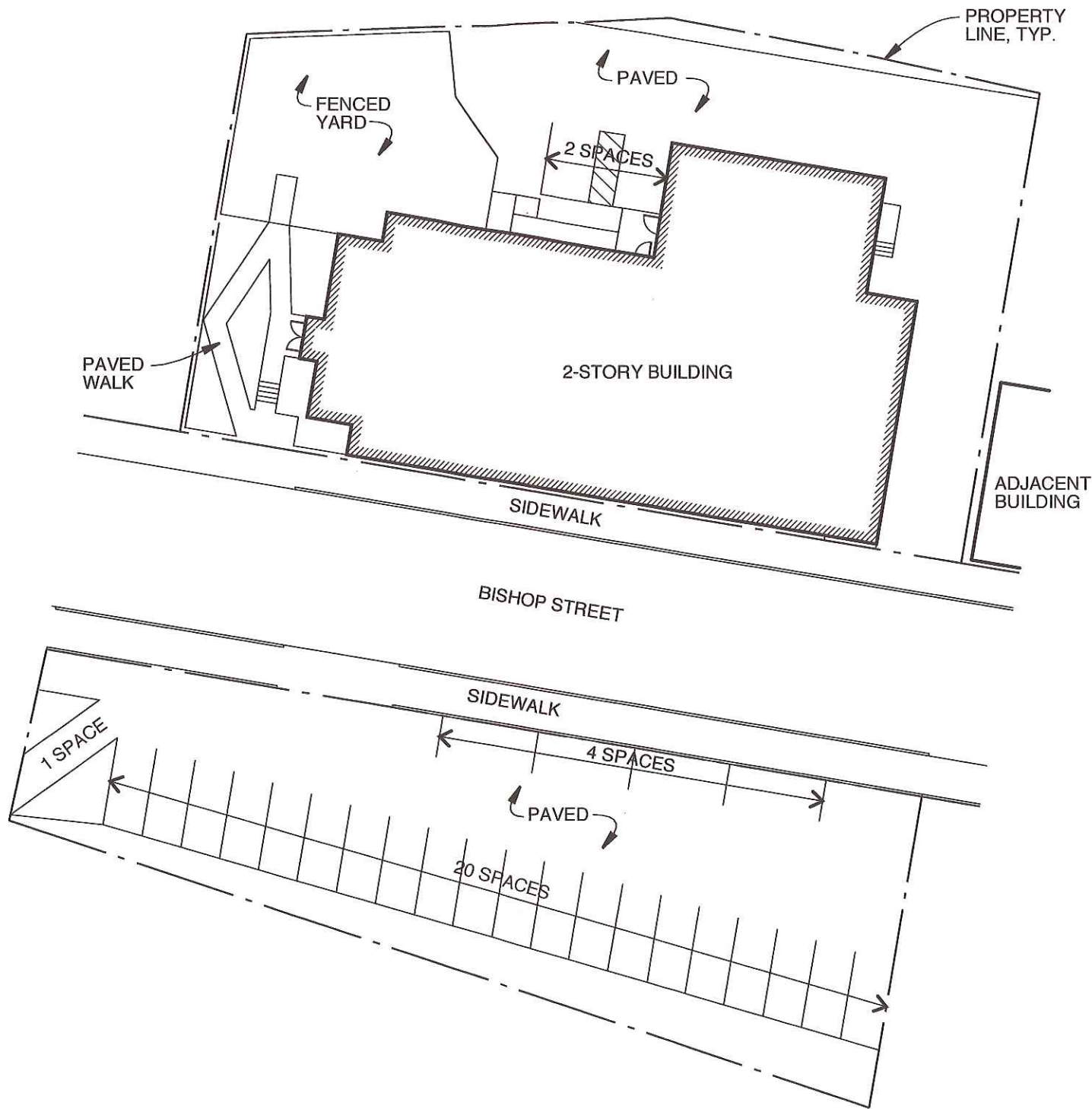
NOTE: PLAN TAKEN FROM CITY OF PORTLAND ASSESSOR'S MAP NO. 293

MICHAEL CHAREK ARCHITECTS
PORTLAND, MAINE

SPURWINK SERVICES
17 BISHOP STREET
PORTLAND, MAINE

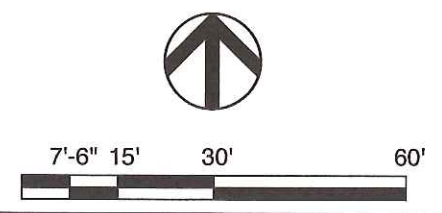
VICINITY MAP

BY MRC	CKD MRC	SCALE 1" = 50'-0"	DATE 5/7/08
-----------	------------	----------------------	----------------

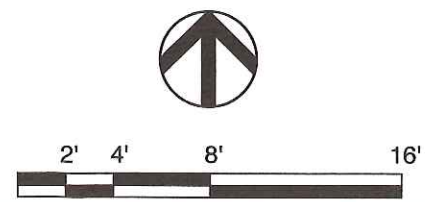
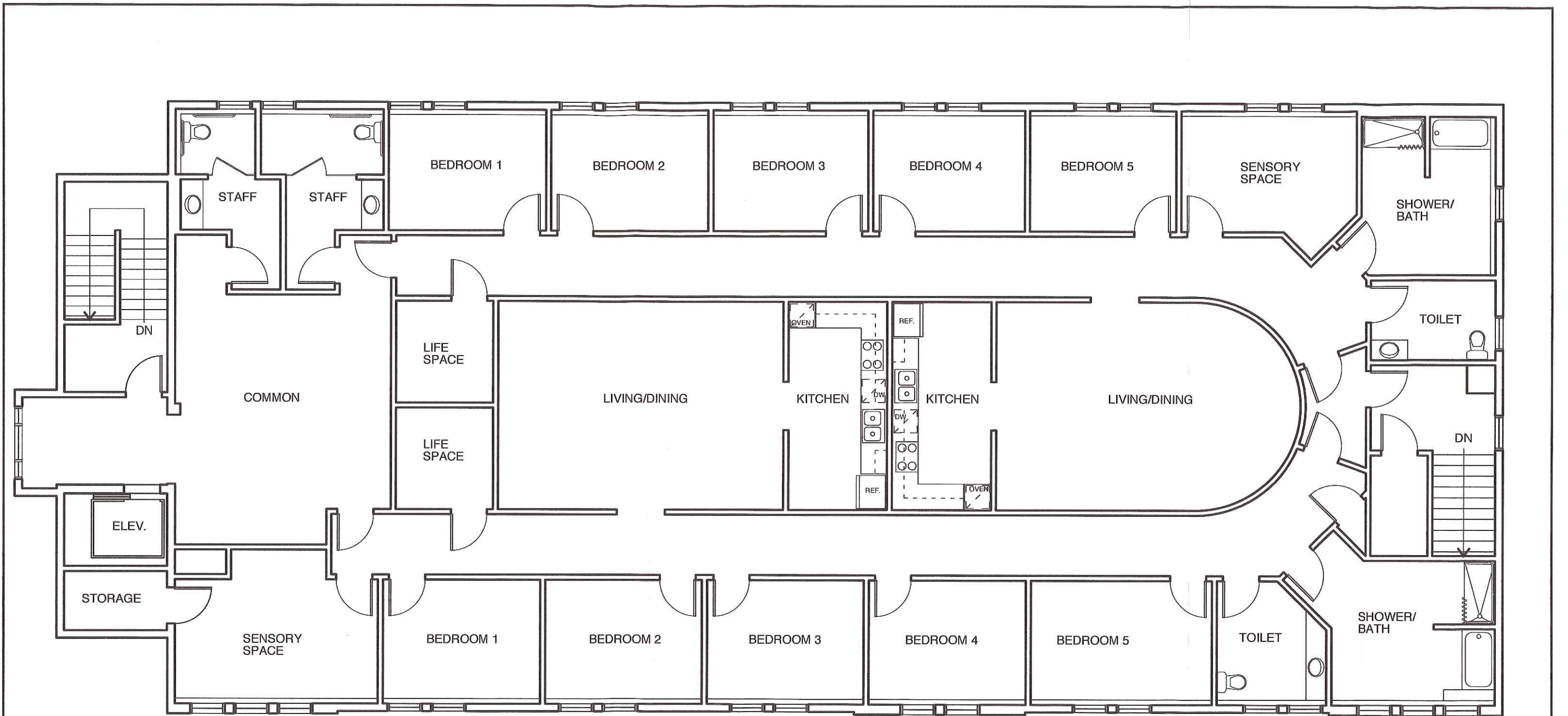


NOTES:

- 1. PLAN BASED ON DEED DESCRIPTION.
- 2. ALL CONDITIONS SHOWN ARE EXISTING TO REMAIN.



MICHAEL CHAREK ARCHITECTS PORTLAND, MAINE			
SPURWINK SERVICES 17 BISHOP STREET PORTLAND, MAINE		SKETCH PLAN OF SPURWINK PROPERTY	
BY MRC	CKD MRC	SCALE 1" = 30'-0"	DATE 5/7/08



MICHAEL CHAREK ARCHITECTS PORTLAND, MAINE			
SPURWINK SERVICES 17 BISHOP STREET PORTLAND, MAINE		SECOND FLOOR SKETCH PLAN	
BY MRC	CKD MRC	SCALE 1/8" = 1'-0"	DATE 6/12/08

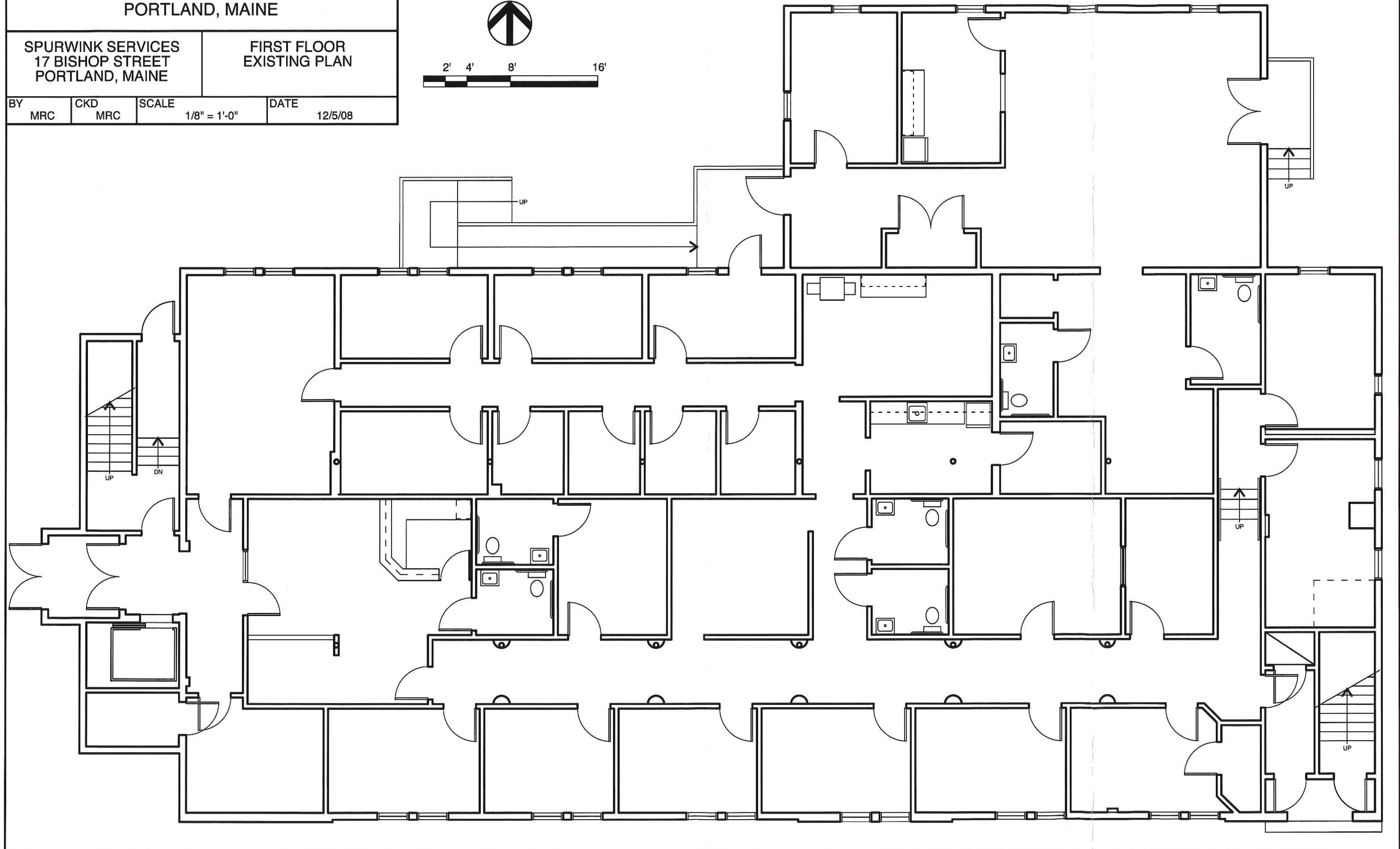
MICHAEL CHAREK ARCHITECTS
PORTLAND, MAINE

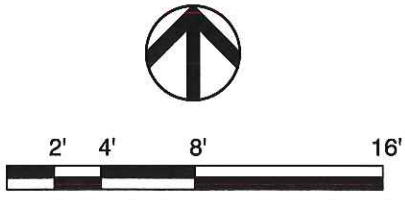
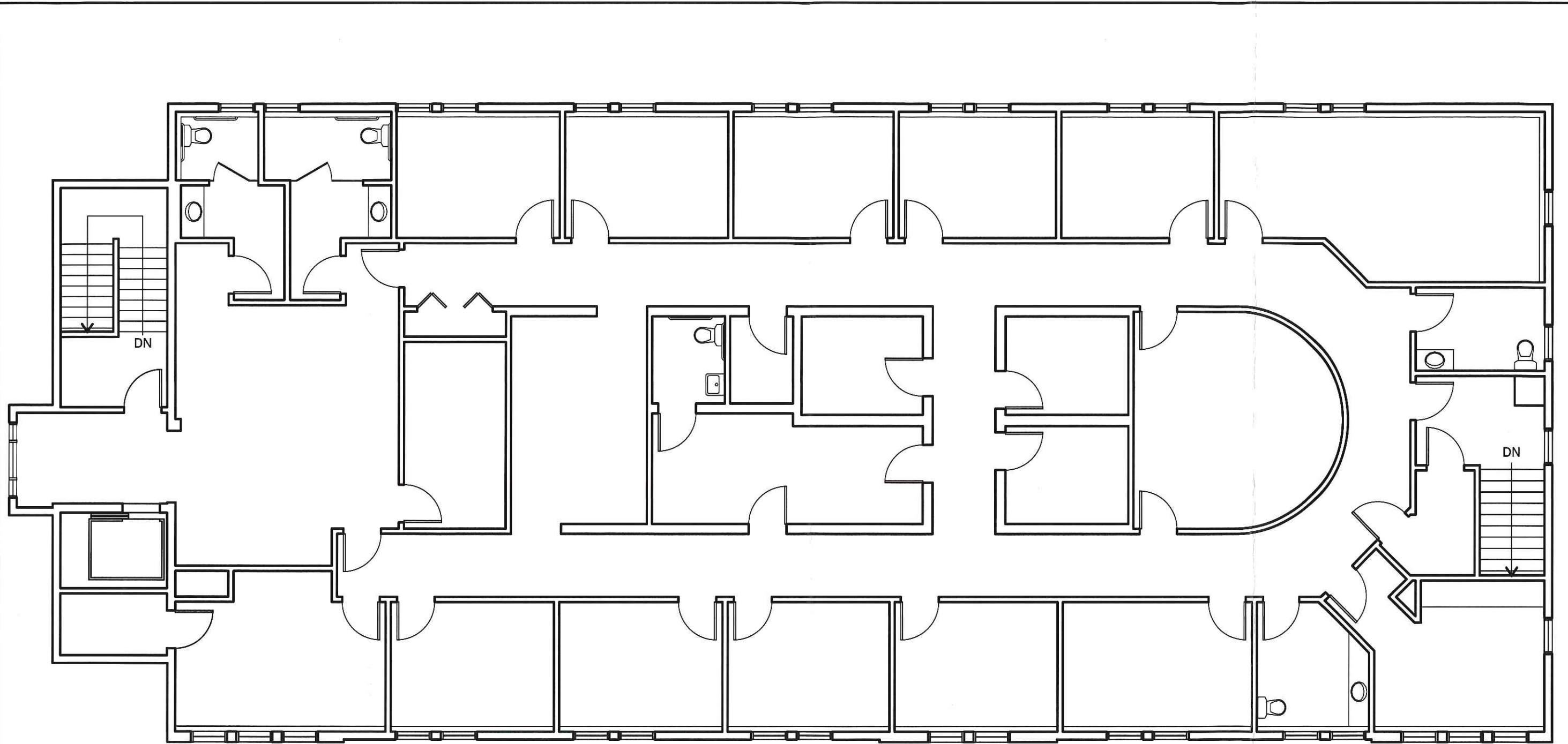
SPURWINK SERVICES
17 BISHOP STREET
PORTLAND, MAINE

FIRST FLOOR
EXISTING PLAN

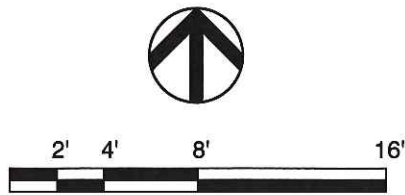
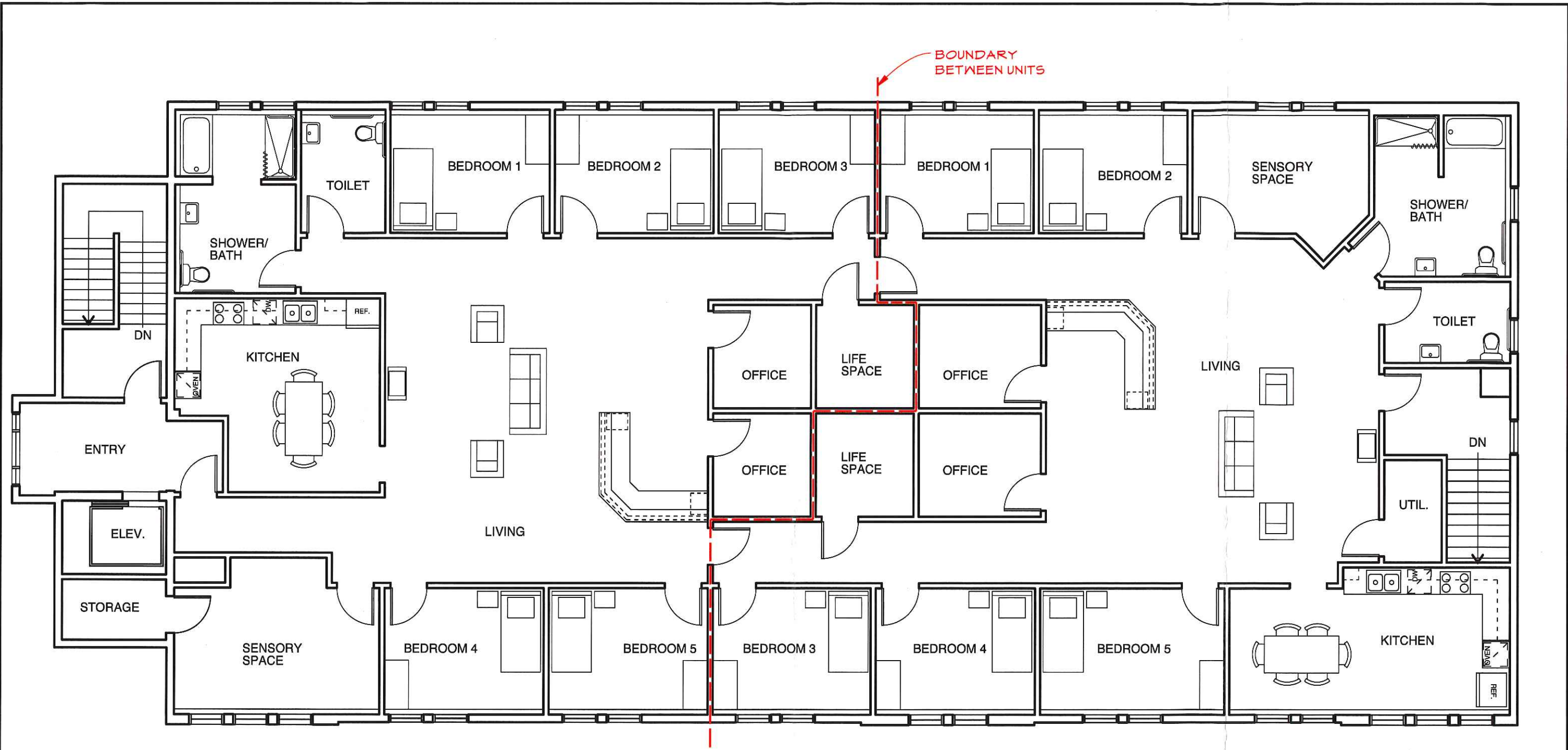


BY	CKD	SCALE	DATE
MRC	MRC	1/8" = 1'-0"	12/5/08

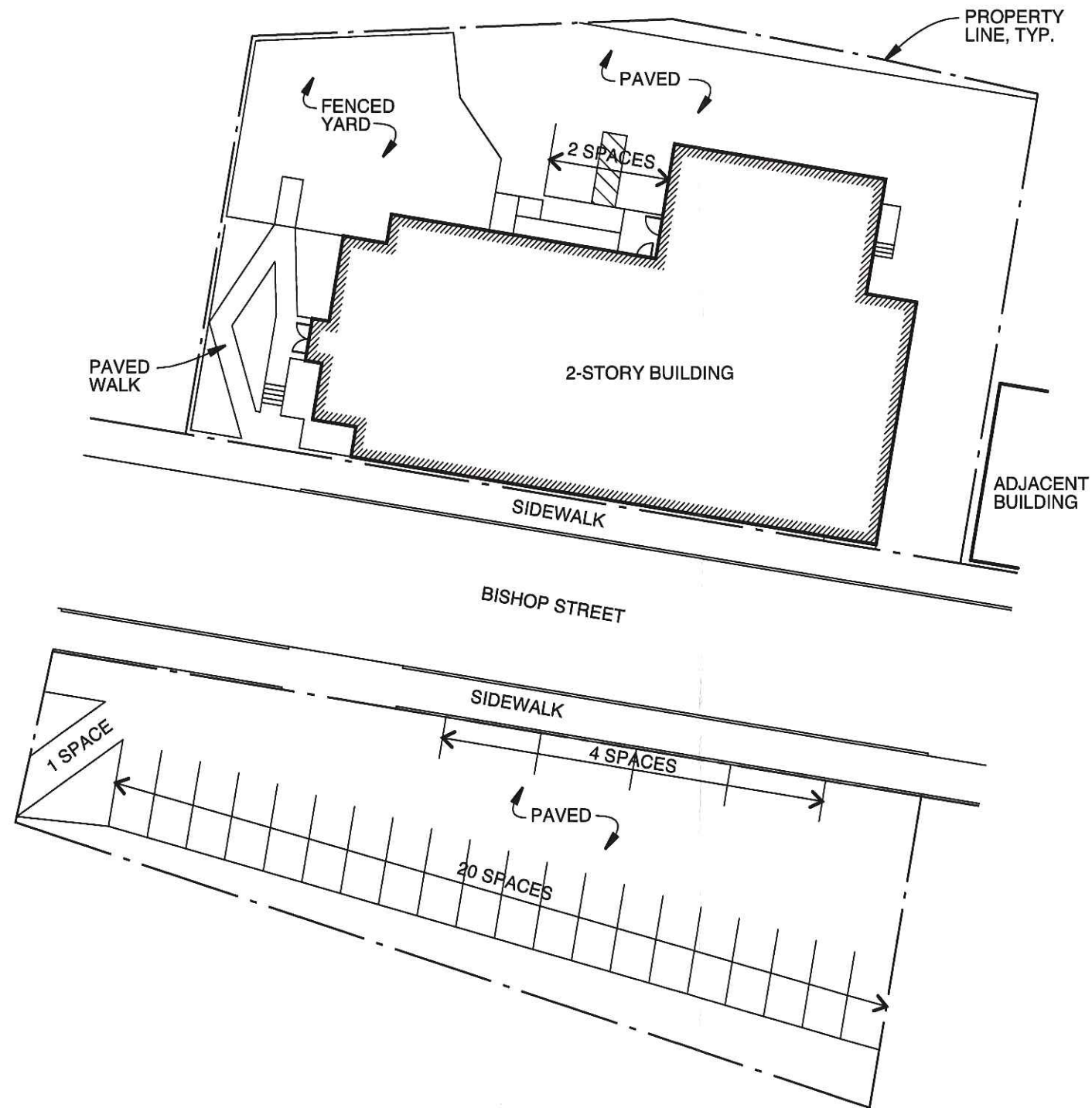




MICHAEL CHAREK ARCHITECTS PORTLAND, MAINE			
SPURWINK SERVICES 17 BISHOP STREET PORTLAND, MAINE		SECOND FLOOR EXISTING PLAN	
BY	CKD	SCALE	DATE
MRC	MRC	1/8" = 1'-0"	12/5/08



MICHAEL CHAREK ARCHITECTS PORTLAND, MAINE			
SPURWINK SERVICES 17 BISHOP STREET PORTLAND, MAINE		SECOND FLOOR SKETCH PLAN	
BY	CKD	SCALE	DATE
MRC	MRC	1/8" = 1'-0"	12/5/08



NOTES:

1. PLAN BASED ON DEED DESCRIPTION AND FIELD MEASUREMENTS.
2. ALL CONDITIONS SHOWN ARE EXISTING TO REMAIN.

PARKING

RESIDENTIAL: 2 UNITS	2
OFFICE & PROFESSIONAL:	21
TOTAL REQUIRED:	23
TOTAL EXISTING:	27



MICHAEL CHAREK ARCHITECTS
PORTLAND, MAINE

SPURWINK SERVICES
17 BISHOP STREET
PORTLAND, MAINE

SKETCH PLAN
OF SPURWINK
PROPERTY

BY MRC	CKD MRC	SCALE 1" = 30'-0"	DATE 12/5/08
-----------	------------	----------------------	-----------------

LOCATION

(EXEMPT)

OWNER: PORTLAND TERMINAL CO.
USE: TRANSPORTATION (RAILROAD)

OWNER: PLASMINE TECHNOLOGIES, INC.
USE: MANUFACTURING & CONSTRUCTION

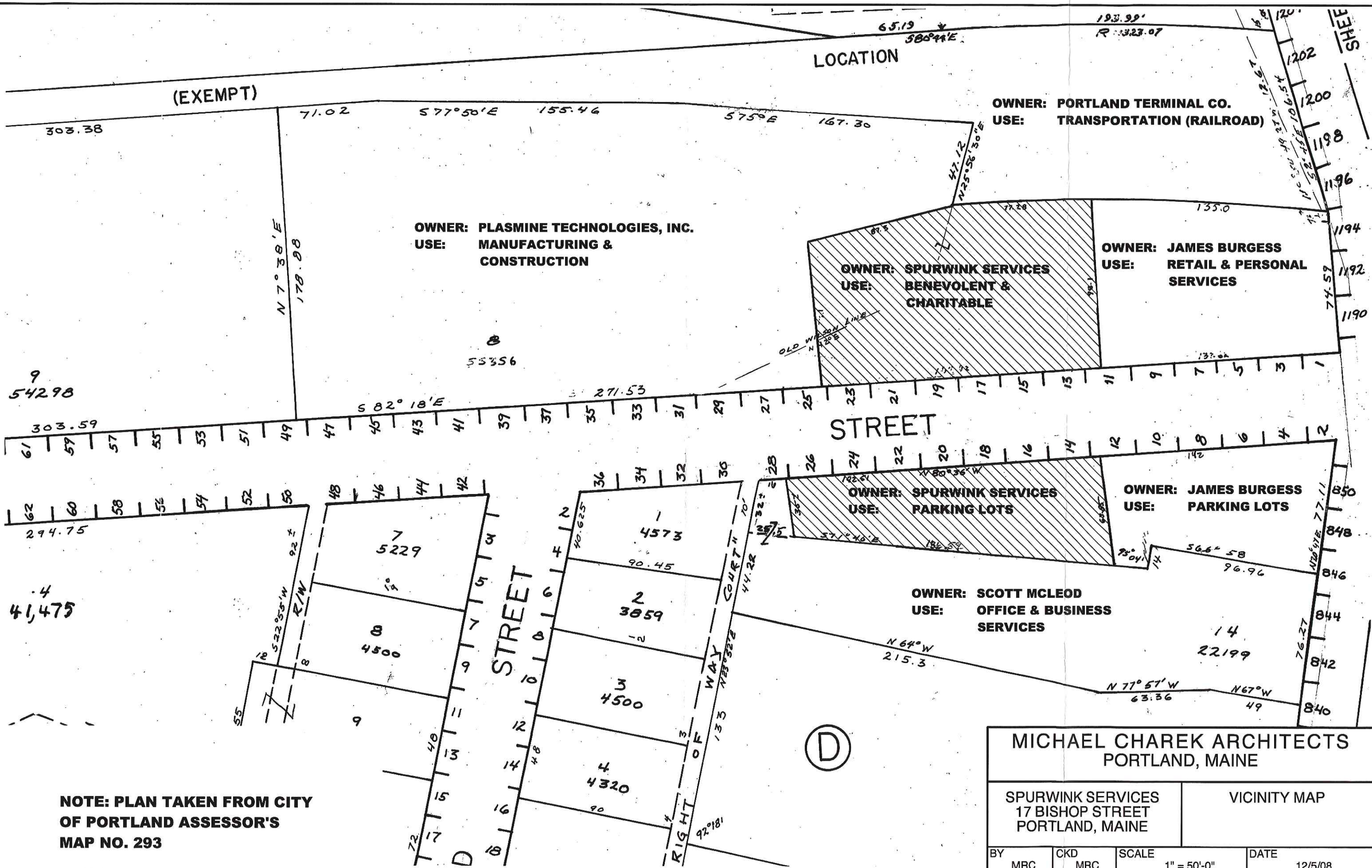
OWNER: SPURWINK SERVICES
USE: BENEVOLENT & CHARITABLE

OWNER: JAMES BURGESS
USE: RETAIL & PERSONAL SERVICES

OWNER: SPURWINK SERVICES
USE: PARKING LOTS

OWNER: JAMES BURGESS
USE: PARKING LOTS

OWNER: SCOTT MCLEOD
USE: OFFICE & BUSINESS SERVICES



9
54298

62
294.75

.4
41,475

NOTE: PLAN TAKEN FROM CITY
OF PORTLAND ASSESSOR'S
MAP NO. 293

MICHAEL CHAREK ARCHITECTS
PORTLAND, MAINE

SPURWINK SERVICES
17 BISHOP STREET
PORTLAND, MAINE

VICINITY MAP

BY MRC	CKD MRC	SCALE 1" = 50'-0"	DATE 12/5/08
-----------	------------	----------------------	-----------------