

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

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

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

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

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

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

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

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

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

REVIEW

1884 Forest Avenue, Portland, Maine

Index of Submittals

1. Check for \$2200
2. Cover letter
3. Application for the rezoning
4. Copy of the Deed to John Chau and Phoung Neang
5. Narrative of the project
 - a. Letter from the Portland Housing Authority(to be submitted later)
 - b. Letter form the Maine Turnpike Authority(to be submitted later)
 - c. Email from Molly Casto to Jeff Tarling
 - d. Copy of Portland Neighborhood Economic Development Study Map for area including 1884 Forest Ave.
 - e. Copy of the Petition to Discharge Into the Intermunicipal Sewer System For the Sanitary Sewer of 1884 Forest av. Portland
6. Vicinity Map
7. Conceptual Site Layout
8. Zoning Map
9. Site Aerial
10. Four photos of the site
11. Schedule of Permitted and Conditional Uses

Riverton Community Association
46 Newton Street
Portland, Maine 04103

copy

Councilor John R. Coyne
District 5
Portland City Council
City Hall
389 Congress Street
Portland, Maine 04101

Dear Councilor Coyne:

The Riverton Community Association board has considered the proposed rezoning from R5 to B2 at 1884 Forest Avenue and vicinity. The RCA board can support the proposed rezoning. However, while properly designed, neighborhood-compatible office buildings and a convenience store would be worthwhile additions for this part of West Riverton (west and south of Forest Avenue), the development of a gas station with drive-through coffee and snack vending is highly objectionable and we urge you to vote against it for the following reasons:

First, its location will add to congestion in the Trolley Park Corner area (intersection of Riverside and Forest). Frequent patronage on a drive-through, fast-service basis will constitute a hazard for vehicular traffic flow and safety. This area would be appropriate for housing a business, not a drive-through type establishment.

Second, the additional in-and-out traffic activity in the vicinity will constitute a hazard to pedestrians in the area. There are frequent crossings of Forest Avenue to access the Hannafords grocery store. New drive-through businesses will further endanger these individuals, many of whom are children and young adults. A B2 designation is meant to be a community center, not a commuter pit-stop.

Third, the probable architecture of such facilities frankly adds to the uglification of outer Forest Avenue; to the impression that, in the words of GrowSmartMaine, this is just another piece of "Anywhere, USA". Further, while Planning Board Report 04-09 notes the perception of Forest Avenue as a commercial corridor with residences tucked away behind the streetside businesses, Riverton's portion of Forest Avenue is emphatically *not* such a strip development. Riverton maintains its integrity as a residential neighborhood along Forest Avenue, and new commercial development must complement that character. To do otherwise is to detract from quality of place for both residents and those driving through our neighborhood to other destinations.

To expand on this point, instead of encouraging more non-descript chain-style facilities, we should be capitalizing on the presence of an on-site beautiful grove of trees, of the historic Friends Meeting House, a hopefully restored Grange Hall and the Riverton Trolley Park to build an architecturally memorable and aesthetically pleasing intersection and adjacent portion of Forest Avenue. This includes the architecture of the business building which is part of the site concept plan for 1884 Forest Avenue and any other buildings which may be erected there. As a related aside, this year our Association hopes to research *Riverton Gateways* and present the Council, Planning Board and

Planning Department recommendations for neighborhood-compatible intersections such as Morrill's Corner and Trolley Park Corner.

We realize, of course, that you will be weighing input from other Riverton civic groups as well as our neighborhood association. In summary of the Riverton Community Association board position, we support the requested rezoning. However, we strongly urge you and the Council to turn down objectionable portions of this development proposal in favor of better future opportunities. We wouldn't accept such negative aspects at Longfellow Square or Congress Square, and we can do better here, too.

Sincerely,

copy
Steve Aylward
President

From: Barbara Barhydt
To: Margolis-Pineo, David
Date: 11/14/2008 1:12:08 PM
Subject: Re: Fwd: 1884 Forest Ave.

That plan was adopted as part of the Comprehensive Plan in 1984. Mr. Blackburn is seeking a zone change for this property and the application was submitted today. As part of the application he is to provide his assessment of how the proposal complies with the Comprehensive Plan. I am not familiar with the provision he cites below, so we will need to check into it. I would say that plans for sewer extensions and stormwater improvements that have been adopted since then would be the relevant policy. The property that they are seeking to rezone is surrounded by B-2.

Is there a sewer in Forest Avenue and/or are there plans?

Thanks

Barbara

>>> David Margolis-Pineo Friday, November 14, 2008 12:37 PM >>>
Barbara,

Would you please check with staff to find out what we can about the study mentioned below. This is a property across from Tortilla Flats on Forest Ave

>>> "Thomas Blackburn" <teblkbmn@maine.rr.com> 11/13 2:27 PM >>>

Good afternoon David,
I am in the process of submitting an application for a zoning map amendment for the above entitled parcel of land from R 5 to B 2. To support my application I have researched the Comprehensive Plan and found a recommendation from 1984 Portland Neighborhood Economic Development Study that recommends that this area be rezoned to B 4. One of the conditions to make this effective is the NON development of a sewer in the area in the next 5 to 10 years (from 1984) It is my understanding that there are currently no plans for new sewers in this area, despite the fact there may be a need.

Would it be possible for you to write a letter confirming this fact for submission to the Planning Board to support my application.

If you meet with Stephen Harris he will share with you the Petition to Discharge into the Intermunicipal Sewer Service Area that I filed in September of this year.

If you have any questions please feel free to call me at 232-8134. Thank you. Best, TEB

Thomas Blackburn
Maine Construction Consultants, LLC
14 Hanover Street
Portland, Maine 04101-2908
207-232-8134, fax 207-774-2588

This message is intended for the use of the addressee only and may contain information that is confidential. If you are not the intended recipient of this message, be notified that any dissemination or use of this message is strictly prohibited. If you have received this message in error, please delete all copies of the message and its attachments and notify the sender immediately. Thank you.

CC: Casto, Molly; Harris, Stephen; Jaegerman, Alex

Molly Casto - Re: Fwd: 1884 Forest Ave.

From: Molly Casto
To: Barhydt, Barbara; Margolis-Pineo, David
Date: 11/14/2008 2:04 PM
Subject: Re: Fwd: 1884 Forest Ave.
CC: Harris, Stephen; Jaegerman, Alex

Hi:

I checked on GIS and there appears to be sewer along this section of Forest Avenue, however the main originates from Riverton Drive. I attached an image that shows this pretty well. The maroon lines are the sewer mains. 1884 Forest is in red. I am aware from previous meetings on this proposal that the main along Riverton Drive is a forced main.

Thanks,
-Molly

Molly P. Casto, Senior Planner
Portland Planning Division
389 Congress Street
Portland, Maine 04101-3509
207-874-8901
MPC@portlandmaine.gov

>>> Barbara Barhydt 11/14 1:11 PM >>>

That plan was adopted as part of the Comprehensive Plan in 1984. Mr. Blackburn is seeking a zone change for this property and the application was submitted today. As part of the application he is to provide his assessment of how the proposal complies with the Comprehensive Plan. I am not familiar with the provision he cites below, so we will need to check into it. I would say that plans for sewer extensions and stormwater improvements that have been adopted since then would be the relevant policy. The property that they are seeking to rezone is surrounded by B-2.

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>>> "Thomas Blackburn" <teblkbrn@maine.rr.com> 11/13 2:27 PM >>>

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From: Barbara Barhydt
To: Casto, Molly
Date: 12/11/2008 2:19:02 PM
Subject: Fwd: Re: 1884 Forest Ave.

>>> David Margolis-Pineo Thursday, December 11, 2008 8:52 AM >>>
Thomas,

You're still on my radar.

I'm not aware if you have been granted your re-zoning request. Until you do, I hesitate to do too much on the sewer end.

There appears to be plenty of capacity left in the inter-municipal agreement to accommodate the flows from your proposed development. It would required a modification to that agreement. We'll work out the details when the time comes.

David Margolis-Pineo
Deputy City Engineer
Department of Public Services
55 Portland St.
Portland, ME 04101
Office 207-874-8850
Fax 207-874-8852
Cell 207-400-6695
dmp@portlandmaine.gov

>>> "Thomas Blackburn" <teblkbrn@maine.rr.com> 11/13 2:27 PM >>>

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1884 Forest Ave

1884 - wooded site

- predom white pine forest. some sig. trees. (~ 1-2ft dbh)
- trail running through. (parallel to Forest Ave)
- chain link fence b/t site & Riverton housing project.
- Bitum. sidewalk along front (Forest) / bitum sidewalk w/ curb on Riverton.

Nearby dev. -

711 conv store & gas -

Auto body

Family dollar

multi family housing
restaurant.

grange hall (for sale.)

Hennepin supermarkets.

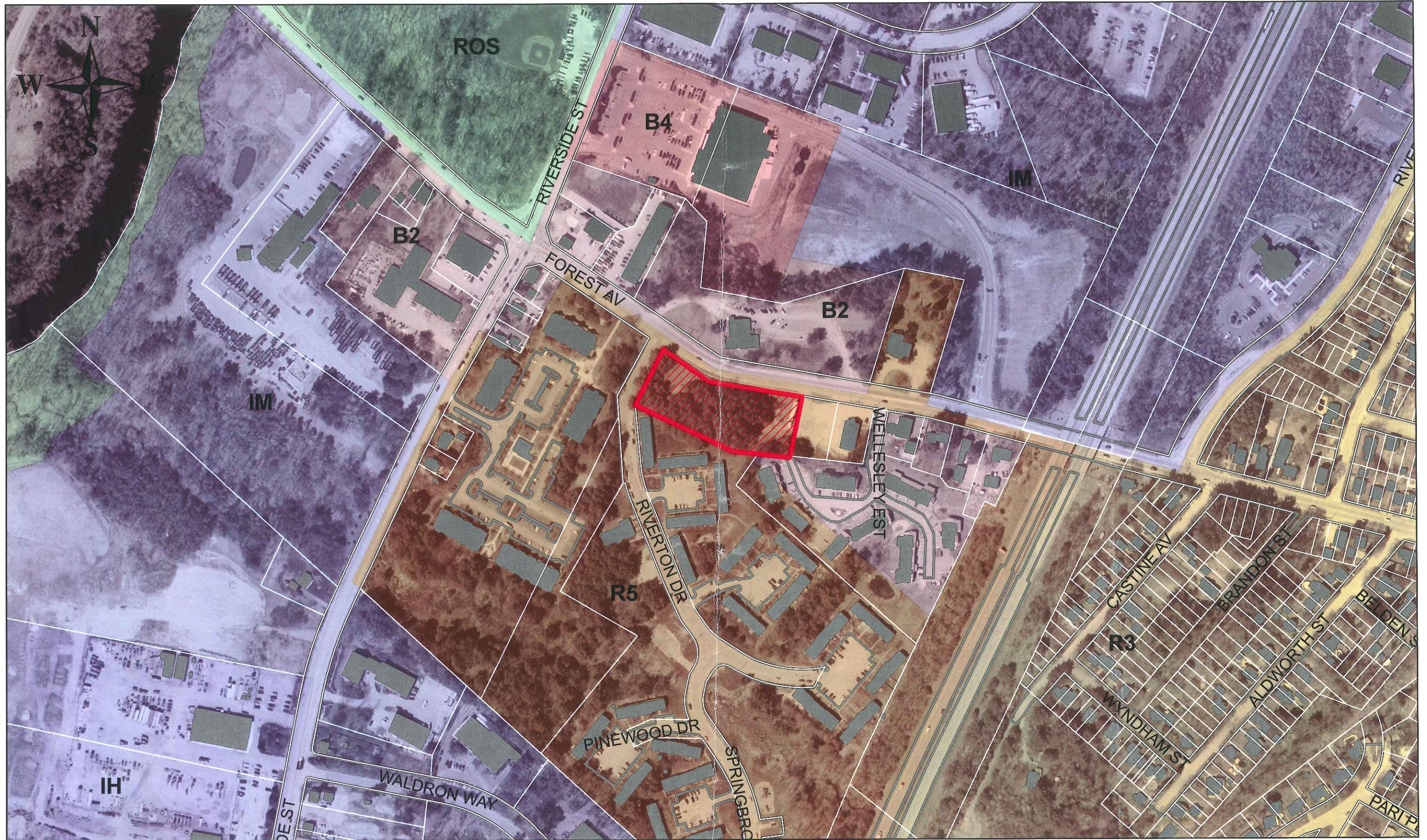
plumbing/heating business

landscaping contractor

Portland Friends meeting house.

traffic - bend in rd at this location

- driveways on west end of site likely have better site exposure.



1884 Forest Avenue



PBM1



Memorandum

Department of Planning and Development

Planning Division

To: Chair Silk and Members of the Portland Planning Board

From: Molly Casto, Senior Planner

Date: January 13, 2009

Re: Zoning Map Amendment from R5 Residential to B2 Community Business Zone for land in the vicinity of 1856- 1886 Forest Avenue

Application #: 1460
CBL: 327-B-3

I. INTRODUCTION

Mr. John Chau and Ms. Phuong Neang, applicants, request the Planning Board's recommendation to the City Council for a zoning map amendment of their property at 1884 Forest Avenue from R5 Residential to B2 Community Business. The applicant would like to have the 1.6 acre +/- parcel rezoned to allow them to construct a commercial development including retail, professional office and a gas station convenience store with a drive-through coffee restaurant. Unlike the R5 zone, which is intended for medium density residential uses and does not permit commercial use, the B2 Community Business Zone would allow such uses as permitted and conditional uses. The applicant's submittals are included as Attachments A and B.

22 notices were sent to area residents. A legal notice also appeared in the *Portland Press Herald*. The applicant's representatives include Thomas Blackburn of Maine Construction Consultants, LLC; William Bray, Transportation Engineer; Land Consulting Engineers, and TFH Architects.

II. FINDINGS

Current Zoning: R5 Residential
Proposed Zoning: B2 Community Business
Current Uses: Vacant land
Proposed Uses: Commercial complex with 12,800 GSF +/- of retail and professional office space, and a 2,400+/- GSF gas station and convenience store with coffee drive-through.
Parcel Area: 1.596 acres (69,520 sf)

III. THRESHOLD QUESTIONS FOR THE BOARD'S CONSIDERATION

Potential to Advertise an Expanded Area: The Planning Board may want to consider advertising a larger area to include the abutting parcels to the southeast at 1840-1854 Forest Avenue and/or to the northwest at 1892-1916 Forest Avenue. Expanding the rezoning notice and advertisement to include these parcels would allow the Board at public hearing to consider B2 zoning along the majority of both sides of Forest Avenue between the Maine Turnpike and Riverside Street. The parcels at 1840-1854 Forest Ave include the vacant Presumpscot Grange Hall and associated parking. Thought Grange halls such as this have been identified by Maine Preservation and the Maine Historic Preservation Commission's Architectural Survey Program as important historical resources; there are currently no

historic protections on this building. 1892-1916 Forest Avenue includes the Terrace Pond Apartments, which front both Forest Avenue and Riverside Street. Rezoning the portion of the Terrace Pond parcel along Forest Avenue to B2 would not impact its existing use, as the existing residential apartments are a conforming use in both the R5 and B2 zones. Section 14-182 of the Land Use Code addresses permitted uses in the B2 zone and states that any residential use permitted in the residential zone abutting the lot is permitted in the B2 zone. The abutting residential zone would remain R5.

IV. BACKGROUND AND EXISTING CONDITIONS

a. History of Uses and Zoning

Based on review of Assessor's and Inspections records and 1954 Sanborn Inspection maps, there is no evidence of prior development on this site within the past 55 years. The applicant has provided a supplemental analysis of the history of the property in their submitted narrative (Attachment A.4). In it, they note that size of the existing trees on the site indicate that it may have been vacant for much longer. Many of the trees have a diameter of 2 ft or more and irregularly shaped crowns, indicating they may be over 100 years old. According to historic City zoning maps, the area of 1884 Forest Ave has been zoned residential since at least 1946. The 1946 map shows the area zoned RA (Residential) with the intersection of Forest Ave and Riverside St zoned L (Local Business). Since then, the area has gradually been rezoned for business use with B1 appearing across Forest Ave by 1975. By 1990 the property was zone R5 with B2 across the street. By 1997, the land to the southeast was also rezoned from residential to B2, as it is today.

- Always ~~been~~ recognized by zoning as commercial center, business zones gradually expanding but also a location of increasing resid. development.

b. Current Land Uses and Zoning

The parcel at 1884 Forest Avenue is undeveloped and includes a mix of shrub vegetation and white pine. Zoning in the vicinity is R5 with B2 and B4 to the north and B2 to the east and west. This area is situated within a larger, industrially-zoned region of the city to the west of Interstate 95. The parcel abuts the currently vacant Presumpscot Grange Hall to the south; Riverton Park, a 150 unit development owned by the Maine State Housing Authority to the west (rear); and Wellesley Estates, a 46 unit Planned Unit Residential Development (PRUD) to the southwest (rear). In addition to the above properties, development in the immediate vicinity also includes a 7-11 convenience store and gas station; single and multi-family residential; Terrace Pond Apartments, a 21 unit multi-family residential development; an auto repair shop; a Family Dollar store; SCA Services Waste Management; Tortilla Flats Mexican restaurant; a Hannaford's supermarket; a plumbing and heating repair business; a landscaping contractor; and the Friends Quaker Meeting House.

Images illustrating the location of the parcel in rel. to existing development in the immediate vicinity along with a zoning map are on pp. 3 of offer report.

turn over to applicant.



Image 1: Aerial photo identifying the parcel at 1884 Forest Ave along with existing developments in the immediate vicinity

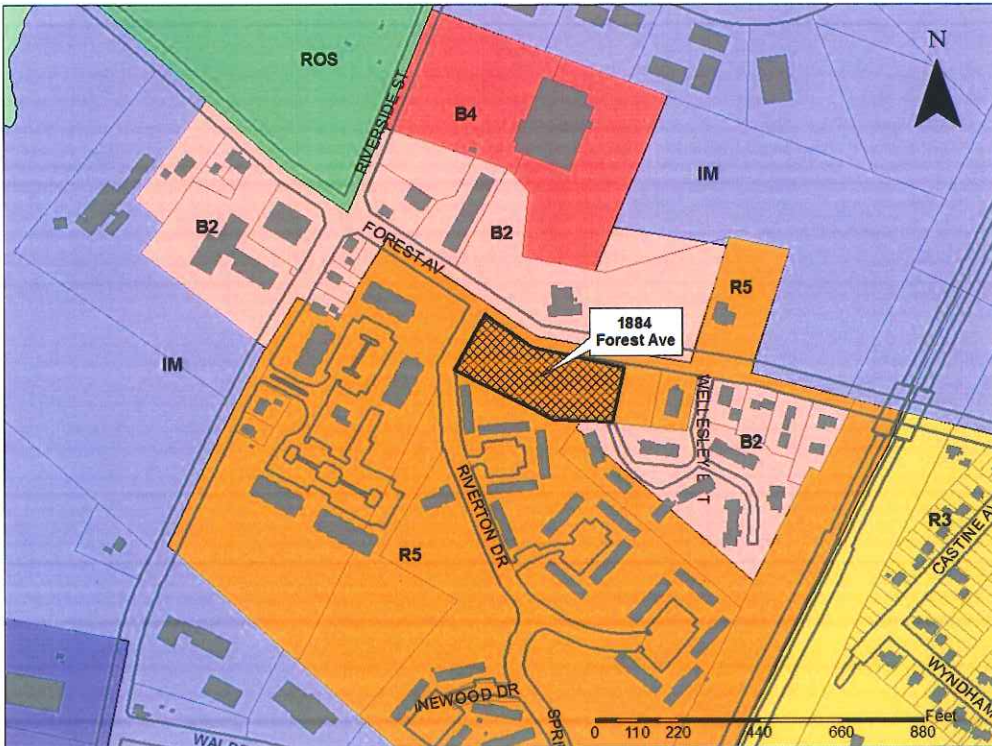


Image 2: Vicinity of 1884 Forest Ave overlaid on City Zoning Map

V. PROPOSED DEVELOPMENT

The applicant proposes to develop a variety of commercial uses on the parcel, including first floor retail and second floor office in the structure labeled ‘building one’, a gas station with five pump islands, a convenience store and a drive-through coffee restaurant on the eastern side of the parcel. Please refer to the applicant’s submitted concept plan (Attachment B.4).

Development of this parcel would require an intermunicipal sewer connection to the Westbrook Sewer System. This connection would necessitate that Public Services approve a pending request under the Intermunicipal Sewer System Agreement (ISSA) between Portland and Westbrook. While this would primarily be a site plan-related issue, it is being mentioned here because the feasibility of this agreement is essential for the reasonable development of this section of Forest Avenue. Public Services has submitted correspondence addressing this question and confirming that there is adequate capacity in the ISSA for development of this site (Memorandum Attachments).

VI. ZONING POLICY ANALYSIS

a. Current Zone – R5 Residential

According to Section 14-116 of the City Code, the R5 zone allows for medium-density residential development characterized by single family and low-intensity multifamily dwellings on individual lots. In addition, the R5 provides for planned residential unit developments (PRUDs) on substantially sized parcels. R5 zones are dispersed throughout the City, located primarily off-Peninsula.

b. Proposed Zone – B-2 Community Business

Section 14-181 of the City Code describes the purpose of the B-2 community business zone as 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.

1. 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.
2. 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 R5 versus B2 zones. Uses marked with an ‘X’, are permitted uses in the zone. A ‘C’ indicates a conditional use. Uses included in the proposed development at 1884 Forest Avenue are shaded in grey.

Figure 2 provides a comparison of the dimensional requirements for the R5 versus B2 zones.

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) | R5 | B2 |
|--|----|---|
| Single and two-family Family Residential | X | X <i>(*any residential use permitted in the abutting or nearest residential zone is permitted)</i> |
| Multi-Family Residential (3-or more units) | X | X <i>(*permitted above a commercial use on the first floor)</i> |
| Planned Unit Residential Development (PRUD) | X | |

| | | |
|--|---|---|
| Handicapped Family Units | X | |
| Single-family Manufactured Housing | X | |
| Lodging houses | X <i>(*conversion of existing duplex or multi-family only)</i> | X |
| Day care facilities or babysitting services | C | X |
| Nursery schools and kindergartens | C | X |
| Private club or fraternal organization | C | X |
| Long term, extended and intermediate care facility | C | X |
| Hospital | C | |
| Churches or other places of worship | C | X |
| Elementary, middle and secondary schools; | C | X |
| College, university, trade schools; | C | X |
| Off-street passenger car parking | C | |
| Utility substations | C | X |
| General business and professional office | | X |
| Personal Services | | X |
| Offices of Building Tradesmen | | X |
| Retail Establishments | | X |
| Restaurants | | X <i>(*shall serve alcohol no later than 11pm)</i> |
| Drinking Establishments | | X |
| Billiard Parlors | | X |
| Mortuaries and Funeral Homes | | X |
| Misc. Repair Services | | X <i>(*excludes motor vehicle repair)</i> |
| Communication studios and broadcast and receiving facilities | | X |
| Health Clubs and Gymnasiums | | X |
| Veterinary hospitals | | X <i>(*excludes outdoor kennels)</i> |
| Theaters and Performance Halls | | X |
| Hotels or Motels | | X <i>(*of less than 150 rooms)</i> |
| Dairies in existence as of 11/15/99 | | X |
| Bakeries in existence as of 11/15/99 or that include retail sales within the principal structure | | X |
| Drive-throughs associated with a permitted use and not adjacent to a residential use or zone. | | X |
| Clinics | | X |
| Municipal Buildings and Uses | | X |
| Accessory uses | | X |
| Bed and Breakfast | | X |
| Major or Minor Auto Service Stations | | C |
| Car Washes | | C |
| Drive-throughs adjacent to any residential use or zone | | C |
| Automobile Dealerships | | C |
| Printing and Publishing Establishments | | C |
| Wholesale Distribution Establishments | | C |
| Research and Development and related production establishments | | C |

Figure 2: Zoning requirements for R5 versus B2 zones

| Standard | Proposed (<i>*based on submitted conceptual layout</i>) | R5 | B2 |
|--------------------------------------|--|---|--|
| Purpose | Rezone to B2 to allow for development of a multi-use commercial development. | To provide appropriate areas for medium density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium density neighborhoods by controlling residential conversions; and to provide for PRUDs on substantially sized parcels. | 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. |
| Use | Retail, professional office and a gas station convenience store with a drive-through coffee restaurant | Prohibited | Permitted. (<i>*Auto service stations and drive-through services adjacent to residential zones are conditional uses.</i>) |
| Min. Lot Size | Existing lot size = 69,520 sf | Between 6,000 sf and 217,800 sf (5 acres) depending on use | 10,000 s.f. |
| Min. Street Frontage | ~405 ft along Forest Ave | 50 ft | 50 ft |
| Min. Front Yard | ~85 ft to each building | 20 ft | none |
| Min. Rear Yard | ~ 20ft | 20 ft | 10 ft |
| Side Yard | ~20 ft | 8-14 ft depending on structure height | none |
| Structure Height | Building 1= 2 stories Building 2= 1 story | 35 ft | 45 ft |
| Max. Impervious Surface Ratio | unknown | 300 sf /DU min. recreation open space area for PRUDs. | 80% |

The B-2 zone includes additional requirements concerning exterior storage and signage, landscaping, screening and front-yard parking. All the uses being proposed in the conceptual plan would be allowed in the B2 zone as either permitted or conditional uses. The proposed retail and office building would be reviewed as major site plan and the proposed auto service station and drive-through coffee service would also be subject to conditional use review and approval. According to the submitted concept, the development would be able to meet the dimensional requirements of the B2 zone. The proposal may require modification in terms of the front yard setback during the site plan review phase, with the proposed buildings being brought closer to the road. The B2 zone requires that the front yard setback not exceed the average depth of the closes developed lots on either side of the lot. In this case, the developed lots on either side, including the Grange Hall and Terrace Pond Apartments, are set back approximately 50 ft from Forest Avenue.

VII. POLICY DISCUSSION

a. **Portland Comprehensive Plan**

Volume 1 of the Portland Comprehensive Plan includes references to all Portland strategic plans compiled as components of the comprehensive plan and how each addresses the state Growth Management Goals. Goals and policies of both the state and the city, as described in the strategic plans that comprise the Portland Comprehensive Plan, which are relevant to the proposed map amendment have been included below:

STATE GOAL A: *To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl;*

The introduction to this goal cites *Housing, Sustaining Portland's Future*, and *A Time of Change: Portland Transportation Plan*, among other plans. Specific strategies to achieve the above goal that pertain to this rezoning proposal include the following:

HOUSING: SUSTAINING PORTLAND'S FUTURE – November 18, 2002

Goal

- *Portland's Comprehensive Plan encourages a manageable level of growth that will sustain the city as a healthy urban center in which to live and work and to achieve a shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.*

Housing Policies

- *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.*
- *Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.*

A TIME OF CHANGE: PORTLAND TRANSPORTATION PLAN - July 1993

Transportation Plan Guiding Principle

Provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community.

Transportation Policies

- *Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Provide routine, daily services within walking distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences, and fit into the fabric of the neighborhood.*
- *Allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options.*

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

The introduction to this goal cites the *Portland Neighborhood Economic Development Study*, among other plans. Specific strategies to achieve the above goal that pertain to this rezoning proposal include the following:

PORTLAND NEIGHBORHOOD ECONOMIC DEVELOPMENT STUDY, 1982

Goals

- *Restructure the City's zoning ordinances to accurately reflect the hierarchy of commercial centers. This would result in five commercial districts: R-P Residence- Professional to serve as a buffer district; B-1 Neighborhood Business District to provide limited areas for the location of small scale retail and service establishments; B-2 Community Business District to provide several major locations for a variety of retail, service and office uses; B-3 Downtown Business District; and B-4 Commercial Corridor District to provide locations for businesses that rely particularly on the regional highway network.*

The Neighborhood Economic Development Study specifically identifies the vicinity of 1884 Forest Ave as the Riverton Commercial Center. The report describes this area as a gradually expanding regional service/distribution center catering primarily to automobile related businesses that has land available for additional growth. This growth, however, is described as limited until the area is sewerred, a turnpike interchange is constructed at Forest Avenue and/or progress is made on a Riverton Theme Park along the Presumpscot River. Absent these types of outside forces, the report asserts that this area will remain a marginal location limited to regional facilities catering to a specialized market. The report recommends two possible courses of action for the City to consider in developing this area, the first being to discourage development until the business climate changes due to one of the three actions described above. The second alternative would be for the City to designate the Riverton area as a regional service, distribution and light industrial area, encouraging the development of businesses serving regional or statewide markets. To accomplish this second alternative the report recommends rezoning the entire Riverton District to B4 Business. This proposal is illustrated on a proposed zoning map contained in the report (see Attachment B.5, submitted by the applicant). At the time of the report (1982) the parcel was zoned R5, as it is currently. Please refer to section 'b' below for further policy analysis in terms of this study.

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

The introduction to this goal cites the *Housing, Sustaining Portland's Future*, among other plans. Specific strategies to achieve the above goal that may pertain to this rezoning proposal include the following:

Goals

- *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.*
- *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

- *Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.*
- *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.*
- *Support Portland's livable neighborhoods by encouraging a mix of uses that provide goods and services needed and are within walking distance of most residents.*

b. Policy Analysis

At this time, the applicant proposes to rezone the parcel at 1884 Forest Avenue only. Between the Maine Turnpike and Riverton Street, there are three sections of the Forest Avenue corridor zoned B2. The proposed rezoning would result in an expansion to and connection of two of these existing B2 zones to the north, across Forest Ave and to the east (rear) of the site. If 1884 Forest Avenue is rezoned to B2, the parcel would abut R5 zones on either side along the Forest Avenue corridor. As previously noted, the Planning Board may want to consider advertising a larger area to include the R5 zoned land on either side of the parcel to the northwest and/or to the southeast along the Forest Ave corridor. As noted in section III of this report, rezoning of the residentially zoned Grange Hall property to the southeast to B2

could B2 zoning could result in additional development interest in that site. It should be noted, however, that, though granges such as this have been identified by Maine Preservation and the Maine Historic Preservation Commission's Architectural Survey Program as important historical resources; there are currently no historic protections on this building.

The residentially zoned property along Forest Avenue to the northwest includes the Terrace Pond Apartments, which front Forest Avenue and Riverside Street and were constructed in 1989. Rezoning the portion of the Terrace Pond parcel along Forest Avenue to B2 would not impact its existing use, as it is a conforming use in both the R5 and B2 zones. Section 14-182 of the Land Use Code addresses permitted uses in the B2 zone and states that any residential use permitted in the abutting residential zone is permitted in the B2 zone. The abutting residential zone would remain R5.

The applicant has provided a policy analysis of the Portland Comprehensive Plan in their narrative (Attachment A.4). In it, they cite the 1984 Portland Neighborhood Economic Development Study, noting that the study's recommendation for a zoning change of the Riverton area was predicated on the occurrence of either The Maine Turnpike Authority constructing an interchange at Forest Avenue, the development of a Riverton Theme park along the Presumpscot River or the construction of sewers in the area. None of these three improvements have since occurred. The applicant has provided correspondence from the Maine Turnpike Authority stating that their 20 year Capital Improvement Plan does not include a proposal to construct an interchange at this location (Attachment A.8). The applicant also provided a copy of correspondence from Jeff Tarling, Portland City Arborist, stating that there are no pending proposals to redevelop Riverton Trolley Park and that that land shall remain zoned as open space (ROS zone) (Attachment A.5). Though sewer has not been developed in this area, the applicant has met with Public Services, who recommend that the existing Intermunicipal Sewer Service Area (ISSA) agreement be amended to include 1884 Forest Avenue. Steve Harris of Public Services has reviewed the request and notes that the discharge volume is relatively small and characteristics of the waste stream would be compatible with the Westbrook Wastewater Limits that control the ISSA Area (see Attachment 3).

Both *Housing: Sustaining Portland's Future* and the *Portland Transportation Plan* identify the establishment of neighborhood business centers within walking distance of residential neighborhoods as a priority. The *Neighborhood Economic Development Study* calls for the restructuring of City zoning ordinances to reflect the hierarchy of commercial centers. The vicinity of 1884 Forest Avenue is specifically identified as a commercial center in the plan. While the plan lists this area as a possible candidate for rezoning from R5 to B4, since its publication, the pattern of development has included multi-family residential and PRUDS, in addition to commercial development. Commercial development, however, has congregated along the Forest Avenue Corridor, with residential development set further back. Rezoning the parcel to B2 would allow for moderately-scaled commercial development along the corridor to service adjoining neighborhoods rather than the more intense, regional scale commercial development characteristic of the B4 zone. The more automobile-oriented uses being proposed for 1884 Forest Avenue such as the service station and drive-through are conditional uses in the B2 zone, requiring protections such as noise and visual buffering and setbacks for existing residential uses abutting the site. B4 zoning would not offer these sorts of protections. In considering this rezone request, the Board will need to consider whether more such uses are appropriate for this location, as there are convenience and gas station uses already in existence in the vicinity. The current zoning for residential uses might not fit the long term future of this section of Forest Avenue well either, given the busy arterial and nearby intersection with Riverside Street. This application presents the Board with the occasion to address what future development patterns may be most appropriate for this portion of Forest Avenue.

VIII. NEIGHBORHOOD MEETING

The applicant is required to host a neighborhood meeting. The meeting is required to be held after the workshop but no less than 7 days prior to the public hearing.

IX. PUBLIC COMMENT

No public comment has been submitted to the Planning Authority concerning this proposal. The applicant submitted a letter from Portland Housing Authority (PHA) stating that they are not in opposition to their application for rezoning. (Attachment A.7). If the map amendment is approved by the City Council and the proposal proceeds to site plan review, PHA would like the plan to include truck access through the rear to the PHA property. PHA also hopes the site plan will include direct pedestrian access to the new development for Riverton Park residents. The applicant's representatives have also been in contact with the owners of Wellesley Estates and the property managers for the Presumpscot Grange Hall to discuss the proposed rezoning and development.

X. ATTACHMENTS

Memorandum Attachments

1. Email from David Margolis Pineo, December 11, 2008
2. Correspondence from William C. Haskell to Scott Teas, July 29, 2008
3. Email from Stephen Harris, Public Services, January 5, 2009

Application Submittal

Attachment A Excerpts of Application and Written Material: Separate document in packet (please save and return for future meetings)

- A.1 Cover memo, Thomas E. Blackburn. November 14, 2008
- A.2 Site Plan Application Form
- A.3 Warranty Deed
- A.4 Narrative of Rezoning Request, Thomas E. Blackburn
- A.5 Correspondence between Thomas E. Blackburn, Molly Casto and Jeff Tarling re: Riverton Park. October, 2008.
- A.6 Letter to Michael Bobinsky, Director of Public Services from Tom Blackburn re: Petition to Discharge into the Intermunicipal Sewer Service Area.
- A. 7 Letter from Mark B. Adelson, Portland Housing Authority. November 18, 2008
- A. 8 Letter from Peter S. Merfeld, Maine Turnpike Authority. November 12, 2008
- A. 9 Parcel ID information from Portland Assessor's Office
- A. 10 Site Photos
- A. 11 Schedule of Permitted and Conditional Uses

Attachment B Application Plan Set

- B.1 Vicinity Map
- B.2 Site Aerial Map
- B.3 Zoning Map
- B.4 Conceptual Site Layout
- B.5 Copy of Portland Neighborhood Economic Development Study Map

Maine Construction Consultants LLC.

14 Hanover Street # Portland, Maine 04101 # 207.232.8134 # teblkbrn@maine.cc.com

January 14, 2009

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a zoning map amendment from the existing R 5 to a B 2 zone for 1884 Forest Ave.

Meeting Location: Community Room, Riverton Park, 2 Riverton Drive,
Portland, Maine

Meeting Date: January 29, 2009

Meeting Time: 6 pm

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 up sheet will be circulated and 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 Tom Blackburn at 207-232-8134.

Sincerely



Thomas E. Blackburn,

Representative for John Chau and Phuong Neang applicants

Note:

Under Section 14-32(C) of the City Code of Ordinances, an applicant for a major subdivision of over 5 lots/units, or a zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal.

likes seeing commercial
business.

Lee

likes expanding zone.

Silk

concerned about drinking
establishment as possible use

Jaz

more concerned about geo
station.

*Clinton Pkce - no

Public Hearing

Expand advertising to include
Grange Hall. (B2)

③ Nilesby hall - keep back to
R5 & keep Forest Ave
heritage B2

③ 1884 Forest to B2

④ keep Terrace Pond Apts
as R5.

Feb 14th Public
Hearing.

T. Blkbrn :

Area trending towards
commercial development.

1980's - Nbrhd plan.

• rec. B4 zone.

B2 offers greater protections to
abutting residential.

cons. w/ comp. plan

S. Tees

Site plan is one possible use.

could do other uses/configs.

drive-thru for coffee.

site is forested - goal to preserve
specimen trees.

9 more than required - parking.

Janet

Access St? Tortilla Flat.

PBR1

PLANNING BOARD REPORT 04-09

**ZONING MAP AMENDMENT
R5 RESIDENTIAL TO B2 COMMUNITY BUSINESS ZONE
VICINITY OF 1856- 1886 FOREST AVENUE**

MR. JOHN CHAU AND MS. PHUONG NEANG, APPLICANTS

Submitted to:
Portland Planning Board
Portland, Maine

February 10, 2009

Submitted by:
Molly Casto, Senior Planner
Portland Planning Division

I. INTRODUCTION

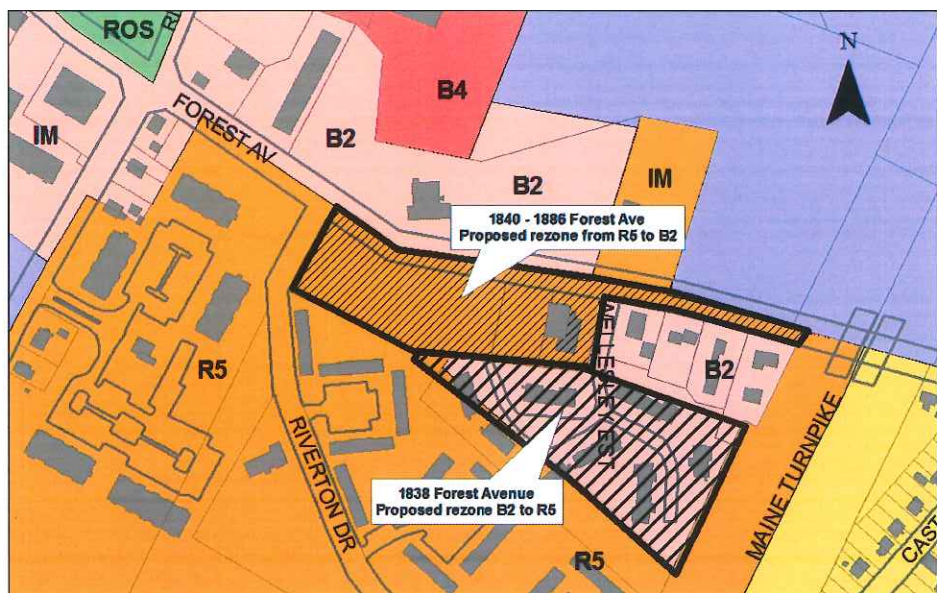
Mr. John Chau and Ms. Phuong Neang, applicants, request a zoning map amendment of their property at 1884 Forest Avenue from R5 Residential to B2 Community Business to permit commercial development of the site. The concept plan submitted by the applicant includes retail, professional office and a gas station convenience store with a drive-through coffee restaurant. Unlike the R5 zone, which is intended for medium density residential uses and does not permit commercial use, the B2 Community Business Zone would allow such uses as permitted and conditional uses. The applicant's submittals are included as Attachments A and B. At the Planning Board workshop, the Board chose to advertise a larger area for the proposed rezoning, including:

- (1) Expanding the proposed rezoning from R5 to B2 to include abutting parcels to the southeast at 1840-1854 Forest Avenue, and;
- (2) Rezoning of the rear portion of 1838 Forest Avenue from B2 Business to R5 Residential.

1840-1854 Forest Ave includes the vacant Presumpscot Grange Hall, associated parking and vacant land. 1838 Forest Avenue contains Wellesley Estates, a 46 unit Planned Unit Residential Development (PRUD). Both property owners have been notified of the proposed rezoning by the Planning Authority by phone and in writing. The proposed rezoning of a portion of the right of way along Forest Avenue from R5 to B2, as depicted in Image 1 below, was added in order to correct a minor pre-existing zoning map error. Typically, the zoning of a parcel extends to the centerline of abutting roadways. When 1818-1838 Forest Avenue was rezoned in 1998, the roadway was not included and this amendment is intended to correct that. The proposed rezoning is depicted in Image 1, below

22 notices were sent to area residents. A legal notice also appeared in the *Portland Press Herald*. The applicant's representatives include Thomas Blackburn of Maine Construction Consultants, LLC; William Bray, Transportation Engineer; Land Consulting Engineers, and TFH Architects.

Image 1- Parcels included in proposed rezoning overlaid on City of Portland Zoning Map



Proposed Zoning Map Amendment

R5 Residential to B2 Community Business - 1840 to 1886 Forest Avenue;
and B2 Community Business to R5 Residential - 1838 Forest Avenue
February, 2009

Map produced by the City of Portland Planning Division using GIS Work Group data.

II. PROJECT DATA

1840-1886 Forest Ave (applicant's lot and abutting grange hall property):

Current Zoning: R5 Residential
Proposed Zoning: B2 Community Business
Current Uses: 1856-1886 Forest Ave: Vacant land
1840-1854 Forest Ave: Presumpscot Grange Hall building and gravel parking
Proposed Uses: 1856-1886 Forest Ave: Commercial development with 12,800 GSF +/- of retail and professional office space, and a 2,400+/- GSF gas station and convenience store with coffee drive-through.
1840-1854 Forest Ave: No proposed change.
Land Area: 1856-1886 Forest Ave (*applicant's lot*): 1.6 acres (69,520 sf)
1840-1854 Forest Ave (*Grange Hall property*): .7 acres

1838 Forest Ave (Wellesley Estates):

Current Zoning: B2 Community Business
Proposed Zoning: (front): B2 Business and (rear) R5 Residential
Current Uses: Multi-family housing
Proposed Uses: No proposed change
Land Area: 4.5 acres (**portion of parcel to be rezoned from B2 to R5 is approx. 2.7 acres*)

III. BACKGROUND AND EXISTING CONDITIONS

a. History of Uses and Zoning

Assessor's and Inspections records and 1954 Sanborn Inspection maps show no evidence of prior development on the applicant's parcel within the past 55 years. The applicant has provided a supplemental historic analysis in their submitted narrative (Attachment A.4). According to historic City zoning maps, this area was zoned RA (Residential) with the intersection of Forest Ave and Riverside St zoned L (Local Business) in the 1940's. The area has since been increasingly zoned for business use with B1 Business appearing across Forest Ave from the applicant's parcel by 1975. By 1990 that B1 zoned land had been amended to B2 Business. The Wellesley Estates parcel had been zoned R5 Residential up until 1998 when it was rezoned to B2 Business at the request of an applicant proposing office use. The rezone was approved however the development was never constructed. In 2003, the Wellesley Estates PRUD residential subdivision was developed on that site. Residential development is permitted in the B2 Business zone and is subject to the dimensional requirements of the nearest residential zone; in this case, the R5.

b. Current Land Uses and Zoning

The parcel at 1856-1886 Forest Avenue (also referred to as 1884 Forest Ave, the applicant's parcel) is undeveloped and includes a mix of shrub vegetation and white pine. Zoning in the vicinity is R5 with B2 and B4 to the north and B2 to the east and west. This area is situated within a larger, industrially-zoned region of the city to the west of Interstate 95. The parcel abuts the currently vacant Presumpscot Grange Hall to the south, which the Planning Board has chosen to advertise as part of the proposed zoning map amendment, potentially recommending rezoning it from R5 to B2 Business; Riverton Park, a 150 unit development owned by the Maine State Housing Authority to the west (rear); and Wellesley Estates, a 46 unit Planned Unit Residential Development (PRUD) to the southwest (rear), which the Planning Board has also chosen to advertise in the proposed zoning map amendment, potentially rezoning the rear half of the property (approximately 2.7 acres, according to City of Portland GIS Workgroup data) from B2 to R5 Residential.

In addition to the above properties, development in the immediate vicinity also includes a 7-11 convenience store and gas station; single and multi-family residential; Terrace Pond Apartments, a 21

unit multi-family residential development; an auto repair shop; a Family Dollar store; SCA Services Waste Management; Tortilla Flats Mexican restaurant; a Hannaford's supermarket; a plumbing and heating repair business; a landscaping contractor; and the Friends Quaker Meeting House.

Image 2- Vicinity of proposed zoning map amendment. Areas under consideration for rezoning are outlined in red.



The applicants propose to develop their parcel at 1856-1886 Forest Ave (also referred to as 1884 Forest Avenue) into a variety of commercial uses on the parcel, including first floor retail and second floor office in the structure labeled 'building one', a gas station with five pump islands, a convenience store and a drive-through coffee restaurant on the eastern side of the parcel. Please refer to the applicant's submitted concept plan (Attachment B.4).

The Planning Authority is not aware of any future development proposals for any portions of the Wellesley Estates property or the Presumpscot Grange Hall property. The Grange Hall is currently vacant, however, and the building and property are for sale.

The Department of Public Services has verified that development of the applicant's parcel at 1884 Forest Avenue would require an intermunicipal sewer connection to the Westbrook Sewer System. This connection would necessitate that Public Services approve a pending request under the Intermunicipal Sewer System Agreement (ISSA) between Portland and Westbrook. While this would primarily be a site plan-related issue, it is being mentioned here because the feasibility of this agreement is essential for

the reasonable development of this section of Forest Avenue. Public Services has submitted correspondence addressing this question and confirming that there is adequate capacity in the ISSA for development of this area (Memorandum Attachments).

IV. ZONING POLICY ANALYSIS

a. R5 Residential Zone

According to Section 14-116 of the City Code, the R5 zone allows for medium-density residential development characterized by single family and low-intensity multifamily dwellings on individual lots. In addition, the R5 provides for planned residential unit developments (PRUDs) on substantially sized parcels. R5 zones are dispersed throughout the City, located primarily off-Peninsula.

b. B-2 Community Business Zone

Section 14-181 of the City Code describes the purpose of the B-2 community business zone as 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.

1. 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.
2. 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 R5 versus B2 zones. Uses marked with an 'X', are permitted uses in the zone. A 'C' indicates a conditional use. Uses included in the proposed development at 1884 Forest Avenue are shaded in grey.

Figure 2 provides a comparison of the dimensional requirements for the R5 versus B2 zones.

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) | R5 | B2 |
|--|---|---|
| Single and two-family Family Residential | X | X <i>(*any residential use permitted in the abutting or nearest residential zone is permitted)</i> |
| Multi-Family Residential (3-or more units) | X | X <i>(*permitted above a commercial use on the first floor)</i> |
| Planned Unit Residential Development (PRUD) | X | |
| Handicapped Family Units | X | |
| Single-family Manufactured Housing | X | |
| Lodging houses | X <i>(*conversion of existing duplex or multi-family only)</i> | X |
| Day care facilities or babysitting services | C | X |
| Nursery schools and kindergartens | C | X |

| | | |
|--|---|---|
| Private club or fraternal organization | C | X |
| Long term, extended and intermediate care facility | C | X |
| Hospital | C | |
| Churches or other places of worship | C | X |
| Elementary, middle and secondary schools; | C | X |
| College, university, trade schools; | C | X |
| Off-street passenger car parking | C | |
| Utility substations | C | X |
| General business and professional office | | X |
| Personal Services | | X |
| Offices of Building Tradesmen | | X |
| Retail Establishments | | X |
| Restaurants | | X <i>(*shall serve alcohol no later than 11pm)</i> |
| Drinking Establishments | | X |
| Billiard Parlors | | X |
| Mortuaries and Funeral Homes | | X |
| Misc. Repair Services | | X <i>(*excludes motor vehicle repair)</i> |
| Communication studios and broadcast and receiving facilities | | X |
| Health Clubs and Gymnasiums | | X |
| Veterinary hospitals | | X <i>(*excludes outdoor kennels)</i> |
| Theaters and Performance Halls | | X |
| Hotels or Motels | | X <i>(*of less than 150 rooms)</i> |
| Dairies in existence as of 11/15/99 | | X |
| Bakeries in existence as of 11/15/99 or that include retail sales within the principal structure | | X |
| Drive-throughs associated with a permitted use and not adjacent to a residential use or zone. | | X |
| Clinics | | X |
| Municipal Buildings and Uses | | X |
| Accessory uses | | X |
| Bed and Breakfast | | X |
| Major or Minor Auto Service Stations | | C |
| Car Washes | | C |
| Drive-throughs adjacent to any residential use or zone | | C |
| Automobile Dealerships | | C |
| Printing and Publishing Establishments | | C |
| Wholesale Distribution Establishments | | C |
| Research and Development and related production establishments | | C |

Figure 2: Zoning requirements for R5 versus B2 zones

| Standard | Proposed (<i>*based on submitted conceptual layout and existing conditions</i>) | R5 | B2 |
|-------------------------------|---|---|---|
| Purpose | <p><u>1840 to 1886 Forest Ave:</u> Rezone to B2 to allow for commercial development.</p> <p><u>1838 Forest Ave (rear portion):</u> Rezone to R5 to better coincide with existing pattern of residential development on the site while maintaining B2 commercial zoning along the Forest Ave corridor.</p> | To provide appropriate areas for medium density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium density neighborhoods by controlling residential conversions; and to provide for PRUDs on substantially sized parcels. | 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. |
| Proposed Use | <p><u>1884 Forest Ave:</u> Retail, professional office and a gas station convenience store with a drive-through coffee restaurant.</p> <p><u>1838-1854 Forest Ave:</u> No proposed change to existing uses (Residential subdivision and vacant Grange Hall)</p> | <p>Retail, professional office and a gas station convenience store with a drive-through coffee restaurant: Prohibited</p> <p>PRUDs: Permitted</p> <p>Grange Hall: Permitted (<i>*Private club or fraternal organization are a conditional use</i>)</p> | <p>Retail, professional office and a gas station convenience store with a drive-through coffee restaurant: Permitted. (<i>*Auto service stations and drive-through services adjacent to residential zones are conditional uses.</i>)</p> <p>PRUDs: Permitted (<i>subject to provisions of R5 zone</i>)</p> <p>Grange Hall: Permitted</p> |
| Min. Lot Size | <p><u>1856-1886 Forest Ave:</u> 69,520 sf</p> <p><u>1840-1854 Forest Ave:</u> 30,492 sf</p> <p><u>1838 Forest Ave:</u> 196,020 (<i>portion to be rezoned from R5 to B2 = 117,612 sf</i>)</p> | Between 6,000 sf and 217,800 sf (5 acres) depending on use | 10,000 s.f. |
| Min. Street Frontage | <p><u>1856-1886 Forest Ave:</u> ~405 ft along Forest Ave</p> <p><u>1840-1854 Forest Ave:</u> ~195 ft</p> <p><u>1838 Forest Ave:</u> ~50 ft</p> | 50 ft | 50 ft |
| Min. Front Yard | <p><u>1856-1886 Forest Ave:</u> ~85 ft to each proposed building</p> <p><u>1840-1854 Forest Ave:</u> ~50 ft</p> <p><u>1838 Forest Ave:</u> ~35 ft</p> | 20 ft | none |
| Min. Rear Yard | <p><u>1856-1886 Forest Ave:</u> ~20ft to each proposed building</p> <p><u>1840-1854 Forest Ave:</u> ~30 ft</p> <p><u>1838 Forest Ave:</u> ~25 ft</p> | 20 ft | 10 ft |
| Side Yard | <p><u>1856-1886 Forest Ave:</u> ~20 ft to each proposed building</p> <p><u>1840-1854 Forest Ave:</u> ~40 ft</p> <p><u>1838 Forest Ave:</u> ~25 ft</p> | 8-14 ft depending on structure height | none |
| Structure Height | <p><u>1856-1886 Forest Ave:</u> Prop. Building 1 = 2 stories Prop. Building 2 = 1 story</p> <p><u>1840-1854 Forest Ave:</u> >35 ft</p> <p><u>1838 Forest Ave:</u> >35 ft</p> | 35 ft | 45 ft |
| Max. Impervious Surface Ratio | <p><u>1856-1886 Forest Ave:</u> Proposed unknown</p> <p><u>1840-1854 Forest Ave:</u> Existing unknown</p> <p><u>1838 Forest Ave:</u> Existing unknown</p> | 40% | 80% |
| | | 300 sf /DU min. required recreation open space area for PRUDs. | |

The B-2 zone includes additional requirements concerning exterior storage and signage, landscaping, screening and front-yard parking. All the uses being proposed in the applicant's conceptual plan for 1884 Forest Ave would be allowed in the B2 zone as either permitted or conditional uses. The proposed retail and office building would be reviewed as major site plan and the proposed auto service station and drive-through coffee service would also be subject to conditional use review and approval. According to the submitted concept, the development would be able to meet the dimensional requirements of the B2 zone. The concept plan meets current zoning setback requirements based on a recent interpretation by the Zoning Board of Appeals concerning front setbacks in the B2 zone.

Neither the grange hall property nor Wellesley Estates would become nonconforming as a result of the proposed rezoning. Residential development in the B2 zone is subject to the provisions of the nearest residential zone, in this case the R5.

V. POLICY DISCUSSION

a. **Portland Comprehensive Plan**

Volume 1 of the Portland Comprehensive Plan includes references to all Portland strategic plans compiled as components of the comprehensive plan and how each addresses the state Growth Management Goals. Goals and policies of both the state and the city, as described in the strategic plans that comprise the Portland Comprehensive Plan, which are relevant to the proposed map amendment have been included below:

STATE GOAL a: *To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl;*

The introduction to this goal cites *Housing, Sustaining Portland's Future*, and *A Time of Change: Portland Transportation Plan*, among other plans. Specific strategies to achieve the above goal that pertain to this rezoning proposal include the following:

HOUSING: SUSTAINING PORTLAND'S FUTURE – November 18, 2002

Goal

- *Portland's Comprehensive Plan encourages a manageable level of growth that will sustain the city as a healthy urban center in which to live and work and to achieve a shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.*

Housing Policies

- *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.*
- *Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.*

A TIME OF CHANGE: PORTLAND TRANSPORTATION PLAN - July 1993

Transportation Plan Guiding Principle

Provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community.

Transportation Policies

- *Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Provide routine, daily services within walking*

distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences, and fit into the fabric of the neighborhood.

- *Allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options.*

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

The introduction to this goal cites the *Portland Neighborhood Economic Development Study*, among other plans. Specific strategies to achieve the above goal that pertain to this rezoning proposal include the following:

PORTLAND NEIGHBORHOOD ECONOMIC DEVELOPMENT STUDY, 1982

Goals

- *Restructure the City's zoning ordinances to accurately reflect the hierarchy of commercial centers. This would result in five commercial districts: R-P Residence- Professional to serve as a buffer district; B-1 Neighborhood Business District to provide limited areas for the location of small scale retail and service establishments; B-2 Community Business District to provide several major locations for a variety of retail, service and office uses; B-3 Downtown Business District; and B-4 Commercial Corridor District to provide locations for businesses that rely particularly on the regional highway network.*

The Neighborhood Economic Development Study specifically identifies the vicinity of 1884 Forest Ave as the Riverton Commercial Center. The report describes this area as a gradually expanding regional service/distribution center catering primarily to automobile related businesses that has land available for additional growth. This growth, however, is described as limited until the area is sewered, a turnpike interchange is constructed at Forest Avenue and/or progress is made on a Riverton Theme Park along the Presumpscot River. Absent these types of outside forces, the report asserts that this area will remain a marginal location limited to regional facilities catering to a specialized market. The report recommends two possible courses of action for the City to consider in developing this area, the first being to discourage development until the business climate changes due to one of the three actions described above. The second alternative would be for the City to designate the Riverton area as a regional service, distribution and light industrial area, encouraging the development of businesses serving regional or statewide markets. To accomplish this second alternative the report recommends rezoning the entire Riverton District to B4 Business. This proposal is illustrated on a proposed zoning map contained in the report (see Attachment B.5, submitted by the applicant). At the time of the report (1982) the parcel was zoned R5, as it is currently. Please refer to section 'b' below for further policy analysis in terms of this study.

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

The introduction to this goal cites the *Housing, Sustaining Portland's Future*, among other plans. Specific strategies to achieve the above goal that may pertain to this rezoning proposal include the following:

Goals

- *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.*

- *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

- *Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.*
- *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.*
- *Support Portland's livable neighborhoods by encouraging a mix of uses that provide goods and services needed and are within walking distance of most residents.*

b. Policy Analysis

1856-1886 Forest Avenue (applicant's proposal):

Between the Maine Turnpike and Riverton Street, there are three sections of the Forest Avenue corridor currently zoned B2 Business. The proposed rezoning would result in an expansion to and connection of two of these existing B2 zones to the north, across Forest Ave. If 1884 Forest Avenue is rezoned to B2, the parcel would abut R5 zones on either side along the Forest Avenue corridor. As previously noted, the Planning Board has advertised a larger area to include the R5 zoned land to the southeast along the Forest Ave corridor. As noted in section III of this report, rezoning of the residentially zoned Grange Hall property to the southeast to B2 could B2 zoning could result in additional development interest in that site. It should be noted, however, that, though granges such as this have been identified by Maine Preservation and the Maine Historic Preservation Commission's Architectural Survey Program as important historical resources; there are currently no historic protections on this building.

The residentially zoned property along Forest Avenue to the northwest includes the Terrace Pond Apartments, which front Forest Avenue and Riverside Street and were constructed in 1989.

The applicant has provided a policy analysis of the Portland Comprehensive Plan in their narrative (Attachment A.4). In it, they cite the 1984 Portland Neighborhood Economic Development Study, noting that the study's recommendation for a zoning change of the Riverton area was predicated on the occurrence of either The Maine Turnpike Authority constructing an interchange at Forest Avenue, the development of a Riverton Theme park along the Presumpscot River or the construction of sewers in the area. None of these three improvements have since occurred. The applicant has provided correspondence from the Maine Turnpike Authority stating that their 20 year Capital Improvement Plan does not include a proposal to construct an interchange at this location (Attachment A.8). The applicant also provided a copy of correspondence from Jeff Tarling, Portland City Arborist, stating that there are no pending proposals to redevelop Riverton Trolley Park and that that land shall remain zoned as open space (ROS zone) (Attachment A.5). Though sewer has not been developed in this area, the applicant has met with Public Services, who recommend that the existing Intermunicipal Sewer Service Area (ISSA) agreement be amended to include 1884 Forest Avenue. Steve Harris of Public Services has reviewed the request and notes that the discharge volume is relatively small and characteristics of the waste stream would be compatible with the Westbrook Wastewater Limits that control the ISSA Area (see Attachment 3).

Both *Housing: Sustaining Portland's Future* and the *Portland Transportation Plan* identify the establishment of neighborhood business centers within walking distance of residential neighborhoods as a priority. The *Neighborhood Economic Development Study* calls for the restructuring of City zoning ordinances to reflect the hierarchy of commercial centers. The vicinity of 1884 Forest Avenue is

specifically identified as a commercial center in the plan. While the plan lists this area as a possible candidate for rezoning from R5 to B4, since its publication, the pattern of development has included multi-family residential and PRUDS, in addition to commercial development. Commercial development, however, has congregated along the Forest Avenue Corridor, with residential development set further back. Rezoning the parcel to B2 would allow for moderately-scaled commercial development along the corridor to service adjoining neighborhoods rather than the more intense, regional scale commercial development characteristic of the B4 zone. The more automobile-oriented uses being proposed for 1884 Forest Avenue such as the service station and drive-through are conditional uses in the B2 zone, requiring protections such as noise and visual buffering and setbacks for existing residential uses abutting the site. B4 zoning would not offer these sorts of protections. In considering this rezone request, the Board will need to consider whether more such uses are appropriate for this location, as there are convenience and gas station uses already in existence in the vicinity. The current zoning for residential uses might not fit the long term future of this section of Forest Avenue well either, given the busy arterial and nearby intersection with Riverside Street. This application presents the Board with the occasion to address what future development patterns may be most appropriate for this portion of Forest Avenue.

VI. NEIGHBORHOOD MEETING

The applicant is required to host a neighborhood meeting. The meeting is required to be held after the workshop but no less than 7 days prior to the public hearing.

VII. PUBLIC COMMENT

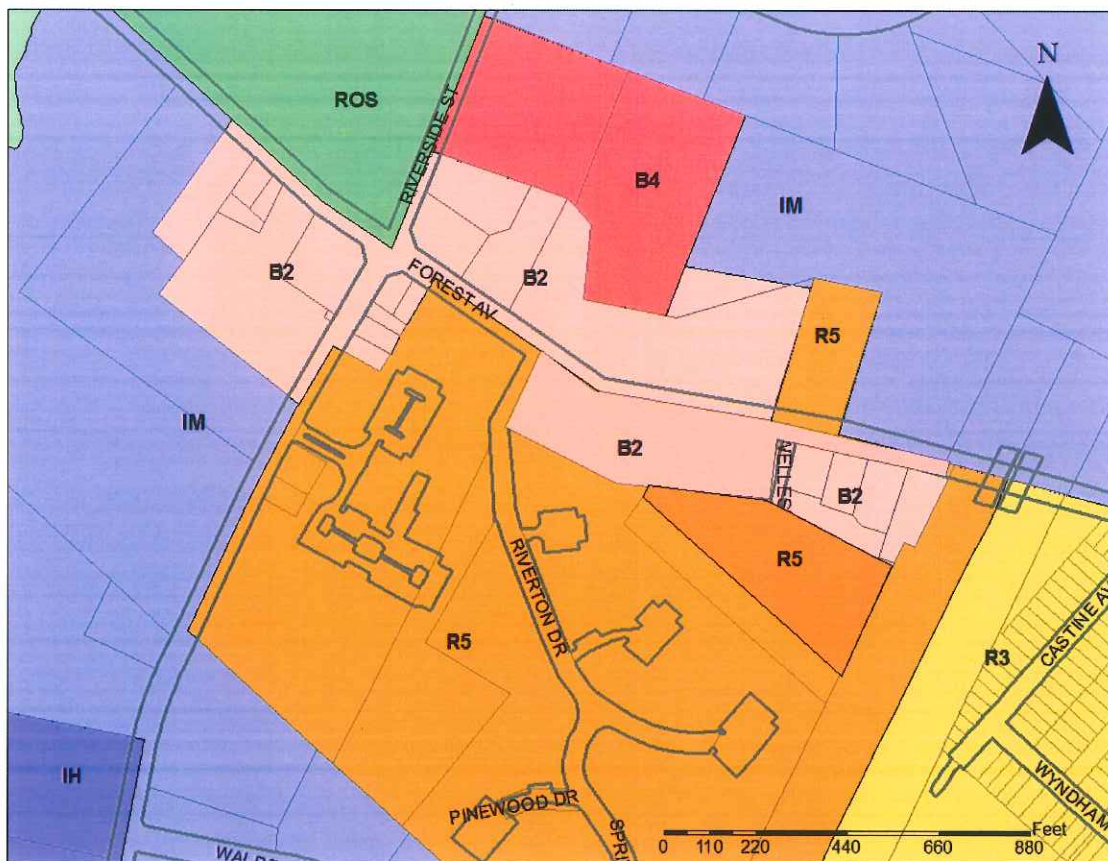
No public comment has been submitted to the Planning Authority concerning this proposal. The applicant submitted a letter from Portland Housing Authority (PHA) stating that they are not in opposition to their application for rezoning. (Attachment A.7). If the map amendment is approved by the City Council and the proposal proceeds to site plan review, PHA would like the plan to include truck access through the rear to the PHA property. PHA also hopes the site plan will include direct pedestrian access to the new development for Riverton Park residents. The applicant's representatives and Planning staff have been in contact with the owners of Wellesley Estates and the property managers for the Presumpscot Grange Hall to discuss the proposed rezoning and development.

MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant, the policies of the R5 Residential and B2 Community Business zones, Portland's Comprehensive Plan, public comment, the information provided in Planning Board Report #04-09, and/or other findings as follows:

1. The Planning Board finds that the rezoning from R-5 to B-2 in the vicinity of 1856-1886 Forest Avenue, as requested by the applicant [is/is not] consistent with the Comprehensive Plan of the City of Portland, and therefore [recommends/does not recommend] the proposed rezoning to the City Council;
2. The Planning Board finds that the rezoning from R-5 to B-2 in the vicinity of 1840-1854 Forest Avenue, the Grange Hall property, [is/is not] consistent with the Comprehensive Plan of the City of Portland, and therefore [recommends/does not recommend] the proposed rezoning to the City Council;
3. The Planning Board finds that the rezoning from B-2 to R-5 in the vicinity of 1838 Forest Avenue (rear), the Wellesley Estates property [is/is not] consistent with the Comprehensive Plan of the City of Portland, and therefore [recommends/does not recommend] the proposed rezoning to the City Council;

Image 3- Zoning map showing proposed amendments as described in the motions listed above



ATTACHMENTS

Memorandum Attachments

1. Email from David Margolis Pineo, December 11, 2008
2. Correspondence from William C. Haskell to Scott Teas, July 29, 2008
3. Email from Stephen Harris, Public Services, January 5, 2009

Application Submittal

Attachment A Excerpts of Application and Written Material: Separate document in packet (please save and return for future meetings)

- A.1 Cover memo, Thomas E. Blackburn. November 14, 2008
- A.2 Site Plan Application Form
- A.3 Warranty Deed
- A.4 Narrative of Rezoning Request, Thomas E. Blackburn
- A.5 Correspondence between Thomas E. Blackburn, Molly Casto and Jeff Tarling re: Riverton Park. October, 2008.
- A.6 Letter to Michael Bobinsky, Director of Public Services from Tom Blackburn re: Petition to Discharge into the Intermunicipal Sewer Service Area.
- A. 7 Letter from Mark B. Adelson, Portland Housing Authority. November 18, 2008
- A. 8 Letter from Peter S. Merfeld, Maine Turnpike Authority. November 12, 2008
- A. 9 Parcel ID information from Portland Assessor's Office
- A. 10 Site Photos
- A. 11 Schedule of Permitted and Conditional Uses

Attachment B Application Plan Set

- B.1 Vicinity Map
- B.2 Site Aerial Map
- B.3 Zoning Map
- B.4 Conceptual Site Layout
- B.5 Copy of Portland Neighborhood Economic Development Study Map

CC1

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

TO: Sonia Bean, Senior Administrative Assistant
FROM: Alexander Jaegerman, Director of Planning Division
DATE: February 17, 2009
SUBJECT: Agenda Request Re: Proposed Zoning Map Amendment from R-5 Residential to B-2 Community Business Zone. Vicinity of 1884 Forest Avenue

Sponsored by: Portland Planning Board

1) Council Meeting at which action is requested:

1st Reading: March 2, 2009
Final Action: March 16, 2009

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

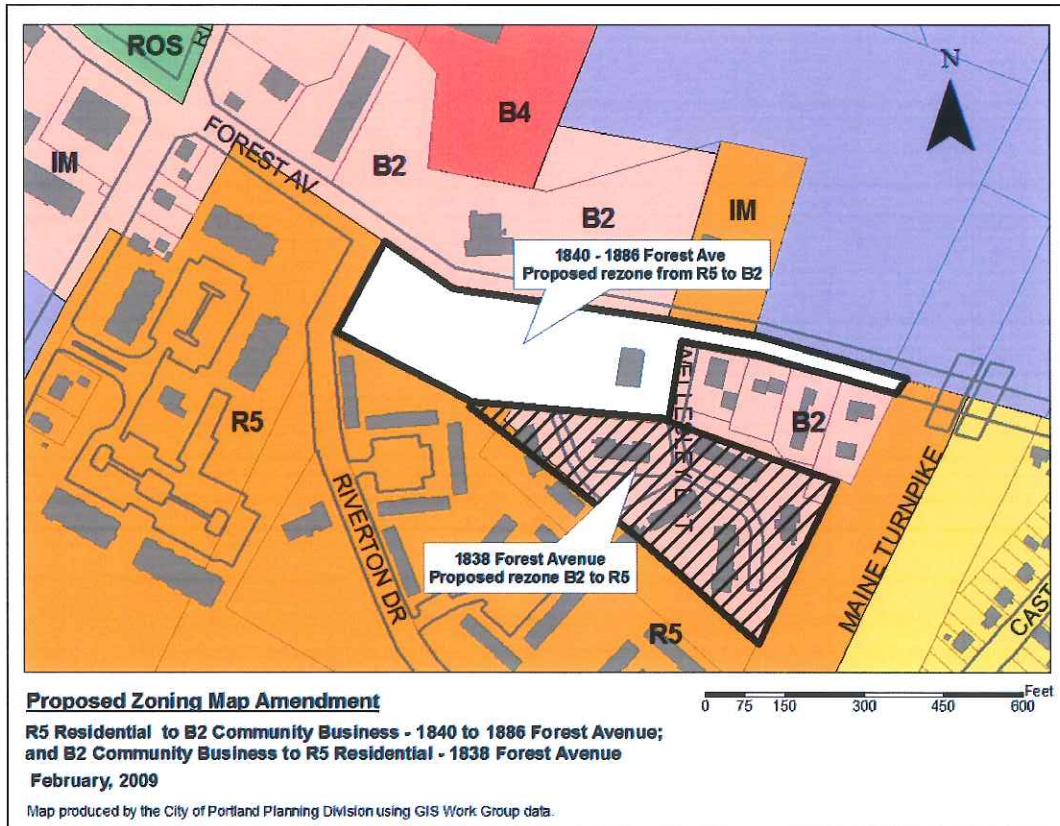
2) Can action be taken at a later date? YES ___ NO

I. SUMMARY OF ISSUE

Mr. John Chau and Ms. Phuong Neang are requesting a zoning map amendment for their property located at 1884 Forest Avenue from R-5 Residential to B-2 Community Business. The applicants seek the B-2 zone in order to commercially develop the site. In their review of the proposal, the Planning Board advertised a larger area to include (as illustrated on the map on the following page):

- (1) Expanding the proposed rezoning from R5 to B2 to include the abutting parcel to the southeast at 1840-1854 Forest Avenue, and;
- (2) Rezoning of the rear portion of 1838 Forest Avenue from B2 Business to R5 Residential, which is currently developed with multi-family housing, and;
- (3) Rezoning of a portion of the City right of way abutting 1838 Forest Avenue from R5 to B2 in order to correct a pre-existing administrative mapping error.

Image 1- Parcels included in the proposed zoning map amendment, overlaid on the City of Portland Zoning Map



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

The applicant would like to develop commercial uses on their 1.6 acre undeveloped lot at 1884 Forest Avenue. The submitted concept plan includes retail, professional office and a gas station convenience store with a drive-through coffee restaurant. The B-2 Community Business Zone permits such uses. The proposed gas station and drive-through would be reviewed as conditional uses in the B-2 zone. The abutting lot at 1840-1854 Forest Ave includes the vacant Presumpscot Grange Hall, associated parking and vacant land. 1838 Forest Avenue contains Wellesley Estates, a 46 unit Planned Unit Residential Development (PRUD), which is zoned B-2. The proposed zoning map amendments would establish a pattern of B-2 business zoning along the majority of this stretch of the Forest Avenue corridor between Riverside Street and the Maine Turnpike, with R-5 Residential zoned land set behind it. The proposed rezoning of a portion of the right of way along Forest Avenue from R-5 to B-2, as depicted in the map in Section VI of this memorandum, was added in order to correct a minor pre-existing zoning map error. Typically, the zoning of a parcel extends to the centerline of abutting roadways. When 1818-1838 Forest Avenue was rezoned from R-5 to B-2 in 1998, the roadway was not included and this amendment is intended to correct that.

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

The concept plan submitted by the applicant for 1884 Forest Avenue includes 12,800 GSF +/- of retail and professional office space, a 2,400+/- GSF gas station and convenience store with coffee drive-through restaurant and associated parking. The Planning Authority is not aware of any future redevelopment proposals for any portions of the Wellesley Estates property or the Presumpscot Grange Hall property at this time. Neither the Grange Hall property nor Wellesley Estates would become nonconforming as a result of the proposed rezoning.

IV. FINANCIAL IMPACT

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

V. ANALYSIS

The Planning Board held a public hearing the proposed zoning map amendments on February 10, 2009. The Planning Board report to the City Council is included as Attachment 1.

Housing: Sustaining Portland's Future and the *Portland Transportation Plan*, components of the Portland Comprehensive Plan, identify the establishment of neighborhood business centers within walking distance of residential neighborhoods as a priority. The *Neighborhood Economic Development Study*, also a component of the Portland Comprehensive Plan, calls for the restructuring of City zoning ordinances to reflect the hierarchy of commercial centers. The vicinity of 1884 Forest Avenue is specifically identified as a commercial center in the plan. Rezoning the parcel to B-2 would allow for moderately-scaled commercial development along the corridor to service adjoining neighborhoods rather than the more intense, regional scale commercial development characteristic of the B4 zone.

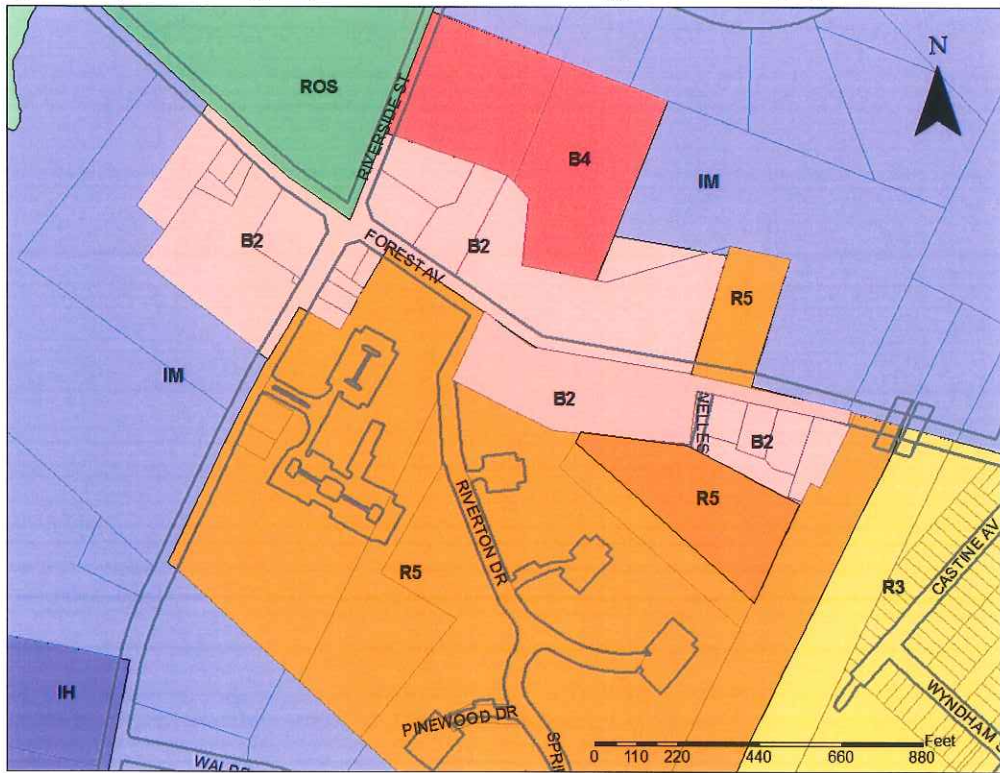
At the Planning Board Public Hearing, members Patterson, Odokara and Lowry all commented that the proposal is consistent with the goals of the Portland Comprehensive Plan. Lee Lowry added that the B-2 Community Business Zone is an appropriate zone for this location as it provides necessary protections to existing residential uses abutting the site. Shalom Odokara noted that she supports the proposed zoning map amendment's potential to attract additional commercial development to this area of the City.

VI. RECCOMENDATION

The Planning Board held a public hearing on the proposed zoning map amendment from R-5 Residential to B-2 Community Business Zone proposed for Mr. Chau and Ms. Neang's property at 1884 Forest Avenue on February 10, 2009. The Planning Board voted unanimously (6-0, Hall absent) to recommend the following to the City Council:

1. To recommend to City Council approval of the proposed map amendment (as shown on the following page) for the applicant's parcel at 1884 Forest Avenue (1856 – 1886 Forest Avenue. Tax Map 327, Block B, Lot: 3) from R-5 Residential to B-2 Community Business Zone.
2. To recommend to City Council approval of the proposed map amendment (as shown on the following page) for the Presumpscot Grange Hall property at 1854 Forest Avenue (1840 – 1854 Forest Avenue. Tax Map 327, Block B, Lots 4-5) from R-5 Residential to B-2 Community Business Zone.
3. To recommend to City Council approval of the proposed map amendment (as shown on the following page) for the rear portion of the Wellesley Estates property at 1838 Forest Avenue (Tax Map 327, Block B, Lot 13) from B-2 Community Business to R-5 Residential Zone.

Image 2 - Proposed Zoning Map Amendment as it would appear on the City of Portland Zoning Map



VII. SPONSOR

David Silk, Chair, Portland Planning Board

Attachments:

A. City Council Report 09-09

cc: Penny Littell, Director of Planning and Urban Development

CITY COUNCIL REPORT 09-09

**ZONING MAP AMENDMENT
R-5 RESIDENTIAL TO B-2 COMMUNITY BUSINESS ZONE
VICINITY OF 1884 FOREST AVENUE**

MR. JOHN CHAU AND MS. PHUONG NEANG, APPLICANTS

Submitted to:
Portland City Council
Portland, Maine

March 2, 2009

Submitted by:
Portland Planning Board
February 26, 2009

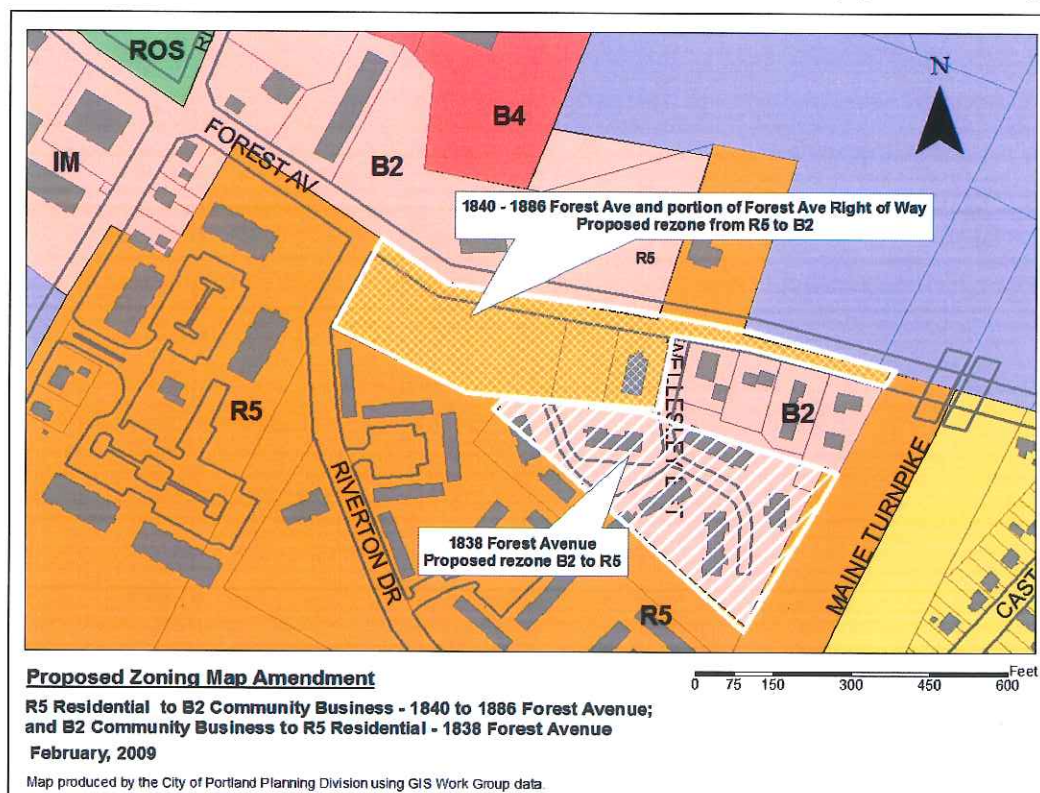
I. INTRODUCTION

Mr. John Chau and Ms. Phuong Neang, applicants, request a zoning map amendment for their property at 1884 Forest Avenue from R-5 Residential to B-2 Community Business to permit commercial development of the site. The applicant's concept plan includes retail, professional office and a gas station convenience store with a drive-through coffee restaurant. Unlike the R-5 zone, which is intended for medium density residential development and does not permit commercial use, the B-2 Community Business Zone would allow such uses as permitted and conditional uses. The applicant's submittals are included as Attachments A and B. The Planning Board found the proposed map amendment to be consistent with the City's Comprehensive Plan and thus is recommending the proposed map amendment to City Council. In their review of the applicant's proposal, the Planning Board advertised a larger area to include:

1. Expanding the proposed rezoning from R-5 to B-2 to include the abutting parcel to the southeast at 1840-1854 Forest Avenue;
2. Rezoning of the rear portion of 1838 Forest Avenue from B-2 Business to R-5 Residential, which is currently developed with multi-family housing, and;
3. Rezoning of a portion of the City right of way abutting 1838 Forest Avenue from R-5 to B-2 in order to correct a pre-existing administrative mapping error.

1840-1854 Forest Ave includes the vacant Presumpscot Grange Hall. 1838 Forest Avenue contains Wellesley Estates, a 46 unit Planned Unit Residential Development (PRUD). The proposed rezoning of a portion of the right of way along Forest Avenue from R-5 to B-2, as depicted below, is intended to correct an administrative mapping error. Typically, the zoning of a parcel extends to the centerline of abutting roadways. When 1818-1838 Forest Ave was rezoned in 1998, the roadway was not included and this amendment is intended to correct that. Parcels included in the proposed rezoning are depicted in Image 1:

Image 1- Parcels included in the proposed zoning map amendment, overlaid on the City of Portland Zoning Map



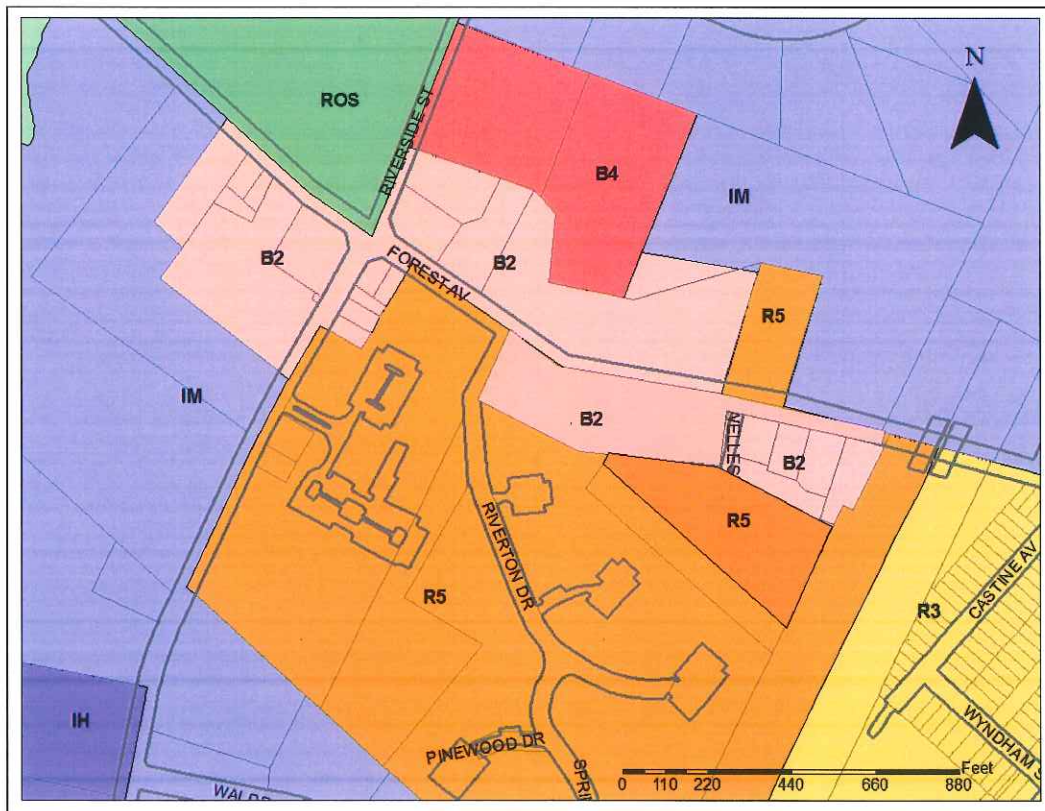
II. PLANNING BOARD MOTION

The Planning Board held a public hearing for the proposed zoning map amendment on February 10, 2009 and voted unanimously (6-0, Hall absent) to recommend the following zoning map amendments, as shown on the zoning map below, to the City Council:

1. To recommend to the City Council approval of the proposed map amendment for the applicant's parcel at 1884 Forest Avenue (1856 – 1886 Forest Avenue. Tax Map 327, Block B, Lot: 3) from R-5 Residential to B-2 Community Business Zone.
2. To recommend to the City Council approval of the proposed map amendment for the Presumpscot Grange Hall property at 1854 Forest Avenue (1840 – 1854 Forest Avenue. Tax Map 327, Block B, Lots 4-5) from R-5 Residential to B-2 Community Business Zone.
3. To recommend to the City Council approval of the proposed map amendment for the rear portion of the Wellesley Estates property at 1838 Forest Avenue (Tax Map 327, Block B, Lot 13) from B-2 Community Business to R-5 Residential Zone.

At the Planning Board Public Hearing, members Michael Patterson, Shalom Odokara and Lee Lowry commented that the proposal is consistent with the goals of the Portland Comprehensive Plan. Lee Lowry added that the B-2 Community Business Zone is an appropriate zone for this location as it provides necessary protections to existing residential uses abutting the site. Shalom Odokara noted that she supports the proposed zoning map amendment's potential to attract additional commercial development to this area of the City.

Image 2- Zoning map showing proposed amendments as listed above in Section II



I. PROJECT DATA

1856-1886 Forest Ave (Applicant's parcel. a.k.a. 1884 Forest Ave):

Current Zoning: R-5 Residential
Proposed Zoning: B-2 Community Business
Current Uses: Undeveloped
Proposed Uses: Commercial development with 12,800 GSF +/- of retail and professional office space, and a 2,400+/- GSF gas station and convenience store with coffee drive-through.
Land Area: 1.6 acres (69,520 sf)

1840-1854 Forest Ave (Presumpscot Grange Hall parcel):

Current Zoning: R-5 Residential
Proposed Zoning: B-2 Community Business
Current Uses: Presumpscot Grange Hall building and gravel parking
Proposed Uses: No proposed change of use at this time
Land Area: .7 acres (30,492 sf)

1838 Forest Ave (Wellesley Estate parcel):

Current Zoning: B-2 Community Business
Proposed Zoning: (front): B-2 Business and (rear) R-5 Residential
Current Uses: Multi-family housing
Proposed Uses: No proposed change of use at this time
Land Area: 4.5 acres (196,020 sf) total. Portion of parcel proposed for rezoning from B-2 to R-5 is approx. 2.7 acres (117,612 sf).

III. BACKGROUND AND EXISTING CONDITIONS

a. **History of Uses and Zoning**

Assessor's and Inspections records and 1954 Sanborn Inspection maps show no evidence of prior development on the applicant's parcel within the past 55 years. The applicant has provided a supplemental historic analysis of the site ([Attachment A.4](#)). According to historic City zoning maps, in the 1940's this area was zoned RA (Residential) with the intersection of Forest Avenue and Riverside Street zoned L (Local Business). The area has since been zoned increasingly for business use with B-1 Business zoning appearing across Forest Ave from the applicant's parcel by 1975. By 1990 that B-1-zoned land had been changed to B-2 Business. The Wellesley Estates parcel had been zoned R-5 Residential up until 1998 when it was rezoned to B-2 Business at the request of an applicant proposing office use. The rezone was approved; however, the development was ultimately not constructed. In 2003, the Wellesley Estates PRUD residential subdivision was developed on that site. Residential development is permitted in the B-2 Business zone and is subject to the dimensional requirements of the nearest residential zone; in this case, the R-5.

b. **Current Land Uses and Zoning**

The applicant's parcel at 1884 Forest Avenue (1856-1886 Forest Avenue) is undeveloped and includes a mix of shrub vegetation and white pine. Zoning in the vicinity is R-5 Residential with B-2 and B-4 Business to the north and B-2 Business to the east and west. This area is situated within a larger, industrially-zoned region of the city to the west of the Maine Turnpike. The parcel abuts the currently vacant Presumpscot Grange Hall to the south, which the Planning Board recommends rezoning from R-5 Residential to B-2 Business; Riverton Park, a 150 unit development owned by the Maine State Housing Authority to the west (rear); and Wellesley Estates, a 46 unit Planned Unit Residential Development (PRUD) to the southwest (rear), which the Planning Board also recommends including in the proposed zoning map amendment, rezoning the rear half of the property (approximately 2.7 acres, according to City of Portland GIS Workgroup data) from B-2 Business to R-5 Residential.

In addition to the above properties, development in the immediate vicinity also includes a 7-11 convenience store and gas station; single and multi-family residential; Terrace Pond Apartments, a 21

unit residential development; an auto repair shop; a Family Dollar store; SCA Services Waste Management; Tortilla Flats Mexican restaurant; a Hannaford's supermarket; a plumbing and heating repair business; a landscaping contractor; and the Friends Quaker Meeting House. The areas included in the recommended rezoning, along with surrounding developments, are identified below:

Image 3- Grange Hall property. 1840-1854 Forest Ave

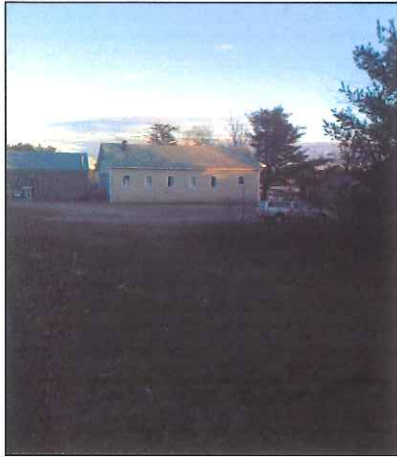
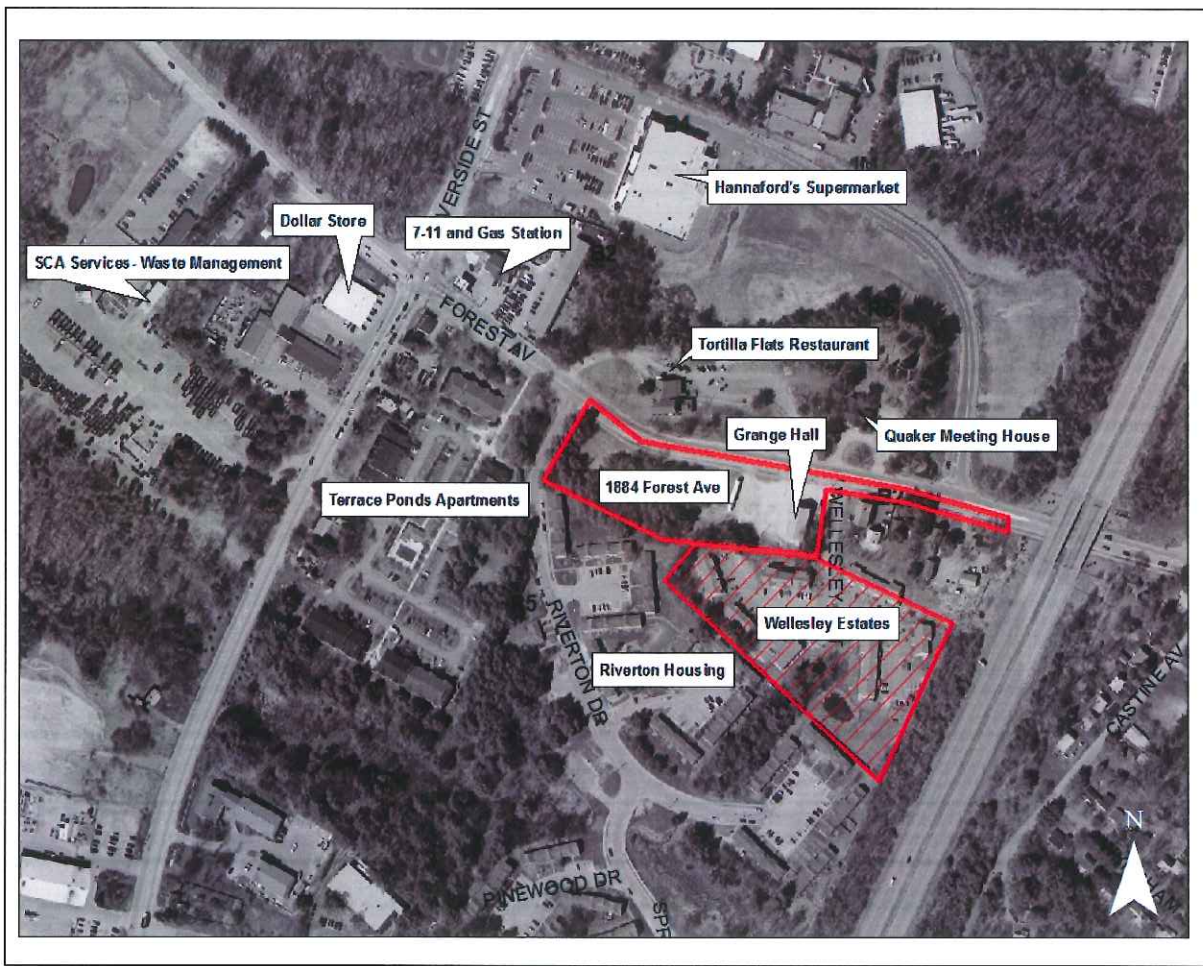


Image 4- Applicant's parcel. 1884 Forest Ave



Image 5- Existing development in the vicinity of the proposed rezoning. The area proposed for rezoning from R-5 to B-2 Business is outlined in red. The area proposed for rezoning from B-2 to R-5 Residential is hatched in red.



The applicants propose to develop commercial uses on their parcel at 1884 Forest Ave (1856-1886 Forest Ave), including first floor retail and second floor office in the structure labeled 'Building 1, a gas station with five pump islands, a convenience store and a drive-through coffee restaurant on the eastern side of the parcel. Please refer to the applicant's submitted concept plan (Attachment B.4).

The Planning Authority is not aware of any upcoming development proposals for any portions of either the Wellesley Estates or the Presumpscot Grange Hall properties. The Grange Hall is currently vacant, however, and the building and property are for sale.

The Department of Public Services has verified that development of the applicant's parcel would require an intermunicipal sewer connection to the Westbrook Sewer System. This connection would necessitate that Public Services approve a pending request under the Intermunicipal Sewer System Agreement (ISSA) between Portland and Westbrook. While this would primarily be a site plan-related issue, it is being mentioned here because the feasibility of this agreement is essential for the reasonable development of this section of Forest Avenue. Public Services has submitted correspondence addressing this question and confirming that there is adequate capacity in the ISSA for development of this area (see Memorandum Attachments).

IV. ZONING POLICY ANALYSIS

a. R-5 Residential Zone

According to Section 14-116 of the City Code, the R-5 Residential zone allows for medium-density residential development characterized by single family and low-intensity multifamily dwellings on individual lots. In addition, the R-5 provides for planned residential unit developments (PRUDs) on substantially sized parcels. R-5 zones are dispersed throughout the City, located primarily off-Peninsula.

b. B-2 Community Business Zone

Section 14-181 of the City Code describes the purpose of the B-2 Community Business zone as providing 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.

1. The variety, sites and intensity of the permitted commercial uses in the B-2 Commercial Business zone are intended to be greater than those permitted in the B-1 Neighborhood Business zone.
2. The B-2 Commercial Business 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 R-5 versus B-2 zones. Uses marked with an 'X', are permitted uses in the zone. A 'C' indicates a conditional use. Uses proposed for 1884 Forest Avenue are shaded in grey.

Figure 2 provides a comparison of the dimensional requirements for the R-5 versus B-2 zones.

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) | R-5 | B-2 |
|--|---|---|
| Single and two-family Family Residential | X | X <i>(*any residential use permitted in the abutting or nearest residential zone is permitted)</i> |
| Multi-Family Residential (3-or more units) | X | X <i>(*permitted above a commercial use on the first floor)</i> |
| Planned Unit Residential Development (PRUD) | X | |
| Handicapped Family Units | X | |
| Single-family Manufactured Housing | X | |
| Lodging houses | X <i>(*conversion of existing duplex or multi-family only)</i> | X |
| Day care facilities or babysitting services | C | X |
| Nursery schools and kindergartens | C | X |
| Private club or fraternal organization | C | X |
| Long term, extended and intermediate care facility | C | X |
| Hospital | C | |
| Churches or other places of worship | C | X |
| Elementary, middle and secondary schools; | C | X |
| College, university, trade schools; | C | X |
| Off-street passenger car parking | C | |
| Utility substations | C | X |
| General business and professional office | | X |
| Personal Services | | X |
| Offices of Building Tradesmen | | X |
| Retail Establishments | | X |
| Restaurants | | X <i>(*shall serve alcohol no later than 11pm)</i> |
| Drinking Establishments | | X |
| Billiard Parlors | | X |
| Mortuaries and Funeral Homes | | X |
| Misc. Repair Services | | X <i>(*excludes motor vehicle repair)</i> |
| Communication studios and broadcast and receiving facilities | | X |
| Health Clubs and Gymnasiums | | X |
| Veterinary hospitals | | X <i>(*excludes outdoor kennels)</i> |
| Theaters and Performance Halls | | X |
| Hotels or Motels | | X <i>(*of less than 150 rooms)</i> |
| Dairies in existence as of 11/15/99 | | X |
| Bakeries in existence as of 11/15/99 or that include retail sales within the principal structure | | X |
| Drive-throughs associated with a permitted use and not adjacent to a residential use or zone. | | X |
| Clinics | | X |
| Municipal Buildings and Uses | | X |
| Accessory uses | | X |
| Bed and Breakfast | | X |
| Major or Minor Auto Service Stations | | C |
| Car Washes | | C |
| Drive-throughs adjacent to any residential use or zone | | C |
| Automobile Dealerships | | C |
| Printing and Publishing Establishments | | C |
| Wholesale Distribution Establishments | | C |
| Research and Development and related production establishments | | C |

Figure 2: Zoning requirements for R-5 versus B-2 zones

| Standard | Proposed (<i>*based on submitted conceptual layout and existing conditions</i>) | R-5 | B-2 |
|--------------------------------------|--|---|--|
| Purpose | <p><u>1840 to 1886 Forest Ave:</u> Rezone to B-2 to allow for commercial development.</p> <p><u>1838 Forest Ave (rear portion):</u> Rezone to R-5 to better coincide with existing pattern of residential development on the site while maintaining B-2 commercial zoning along the Forest Ave corridor.</p> | To provide appropriate areas for medium density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium density neighborhoods by controlling residential conversions; and to provide for PRUDs on substantially sized parcels. | 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. |
| Proposed Use | <p><u>1884 Forest Ave:</u> Retail, professional office and a gas station convenience store with a drive-through coffee restaurant.</p> <p><u>1838-1854 Forest Ave:</u> No proposed change to existing uses (Residential subdivision and vacant Grange Hall)</p> | <p>Retail, professional office and a gas station convenience store with a drive-through coffee restaurant: Prohibited</p> <p>PRUDs: Permitted</p> <p>Grange Hall: Permitted (<i>*Private club or fraternal organization are a conditional use</i>)</p> | <p>Retail, professional office and a gas station convenience store with a drive-through coffee restaurant: Permitted. (<i>*Auto service stations and drive-through services adjacent to residential zones are conditional uses.</i>)</p> <p>PRUDs: Permitted (<i>subject to provisions of R-5 zone</i>)</p> <p>Grange Hall: Permitted</p> |
| Min. Lot Size | <p><u>1856-1886 Forest Ave:</u> 69,520 sf</p> <p><u>1840-1854 Forest Ave:</u> 30,492 sf</p> <p><u>1838 Forest Ave:</u> 196,020 (<i>portion to be rezoned from R-5 to B-2 = 117,612 sf</i>)</p> | Between 6,000 sf and 217,800 sf (5 acres) depending on use | 10,000 s.f. |
| Min. Street Frontage | <p><u>1856-1886 Forest Ave:</u> ~405 ft along Forest Ave</p> <p><u>1840-1854 Forest Ave:</u> ~195 ft</p> <p><u>1838 Forest Ave:</u> ~50 ft</p> | 50 ft | 50 ft |
| Min. Front Yard | <p><u>1856-1886 Forest Ave:</u> ~85 ft to each proposed building</p> <p><u>1840-1854 Forest Ave:</u> ~ 50 ft</p> <p><u>1838 Forest Ave:</u> ~35 ft</p> | <p>20 ft</p> <p>PRUDs: 25-35 ft from all lot lines depending on building length</p> | none |
| Min. Rear Yard | <p><u>1856-1886 Forest Ave:</u> ~ 20ft to each proposed building</p> <p><u>1840-1854 Forest Ave:</u> ~30 ft</p> <p><u>1838 Forest Ave:</u></p> | <p>20 ft</p> <p>PRUDs: 25-35 ft from all lot lines depending on building length</p> | 10 ft |
| Side Yard | <p><u>1856-1886 Forest Ave:</u> ~20 ft to each proposed building</p> <p><u>1840-1854 Forest Ave:</u> ~40 ft</p> <p><u>1838 Forest Ave:</u> ~25 ft</p> | <p>8-14 ft depending on structure height</p> <p>PRUDs: 25-35 ft from all lot lines depending on building length</p> | none |
| Structure Height | <p><u>1856-1886 Forest Ave:</u> Prop. Building 1= 2 stories Prop. Building 2= 1 story</p> <p><u>1840-1854 Forest Ave:</u> >35 ft</p> <p><u>1838 Forest Ave:</u> >35 ft</p> | 35 ft | 45 ft |
| Max. Impervious Surface Ratio | <p><u>1856-1886 Forest Ave:</u> Proposed unknown</p> <p><u>1840-1854 Forest Ave:</u> Existing unknown</p> <p><u>1838 Forest Ave:</u> Existing unknown</p> | <p>40%</p> <p>300 sf /DU min. required recreation open space area for PRUDs.</p> | 80% |

The B-2 zone includes additional requirements concerning exterior storage and signage, landscaping, screening and front-yard parking. All the uses being proposed in the applicant's conceptual plan for 1884 Forest Ave would be allowed in the B-2 zone as either permitted or conditional uses.

Neither the grange hall property nor Wellesley Estates would become nonconforming as a result of the proposed rezoning. Private clubs and fraternal organizations are a permitted use in the B-2 zone and residential development in the B-2 zone is subject to the provisions of the nearest residential zone, in this case the R-5.

V. POLICY DISCUSSION

a. **Portland Comprehensive Plan**

Volume 1 of the Portland Comprehensive Plan includes references to all Portland strategic plans compiled as components of the comprehensive plan and how each addresses the state Growth Management Goals. Goals and policies of both the state and the city, as described in the strategic plans that comprise the Portland Comprehensive Plan, which are relevant to the proposed map amendment have been included below:

STATE GOAL A: *To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl;*

The introduction to this goal cites *Housing, Sustaining Portland's Future*, and *A Time of Change: Portland Transportation Plan*, among other plans. Specific strategies to achieve the above goal that pertain to this rezoning proposal include the following:

HOUSING: SUSTAINING PORTLAND'S FUTURE – November 18, 2002

Goal

- *Portland's Comprehensive Plan encourages a manageable level of growth that will sustain the city as a healthy urban center in which to live and work and to achieve a shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.*

Housing Policies

- *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.*
- *Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.*

A TIME OF CHANGE: PORTLAND TRANSPORTATION PLAN - July 1993

Transportation Plan Guiding Principle

Provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community.

Transportation Policies

- *Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Provide routine, daily services within walking distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences, and fit into the fabric of the neighborhood.*
- *Allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options.*

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

The introduction to this goal cites the *Portland Neighborhood Economic Development Study*, among other plans. Specific strategies to achieve the above goal that pertain to this rezoning proposal include the following:

PORTLAND NEIGHBORHOOD ECONOMIC DEVELOPMENT STUDY, 1982

Goals

- *Restructure the City's zoning ordinances to accurately reflect the hierarchy of commercial centers. This would result in five commercial districts: R-P Residence- Professional to serve as a buffer district; B-1 Neighborhood Business District to provide limited areas for the location of small scale retail and service establishments; B-2 Community Business District to provide several major locations for a variety of retail, service and office uses; B-3 Downtown Business District; and B-4 Commercial Corridor District to provide locations for businesses that rely particularly on the regional highway network.*

The Neighborhood Economic Development Study identifies the vicinity of 1884 Forest Ave as the Riverton Commercial Center. The report describes this area as a gradually expanding regional service/distribution center catering primarily to automobile related businesses that has land available for additional growth. This growth, however, is described as limited until the area is (1) sewerred, (2) a turnpike interchange is constructed at Forest Avenue and/or (3) progress is made on a Riverton Theme Park along the Presumpscot River. Absent these types of outside forces, the report asserts that this area will remain a marginal location limited to regional facilities catering to a specialized market. The report recommends two possible courses of action in developing this area, the first being to discourage development until the business climate changes due to one of the three actions described above. The second alternative would be for the City to designate the Riverton area as a regional service, distribution and light industrial area, encouraging the development of businesses serving regional or statewide markets. To accomplish this second alternative the report recommends rezoning the entire Riverton District to B-4 Business. This proposal is illustrated on a proposed zoning map contained in the report (see Attachment B.5, submitted by the applicant). At the time of the report (1982) the parcel was zoned R-5, as it is currently. Please refer to section 'b' below for further policy analysis in terms of this study.

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

The introduction to this goal cites the *Housing, Sustaining Portland's Future*, among other plans. Specific strategies to achieve the above goal that may pertain to this rezoning proposal include the following:

Goals

- *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.*
- *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

- *Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.*
- *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.*
- *Support Portland's livable neighborhoods by encouraging a mix of uses that provide goods and services needed and are within walking distance of most residents.*

b. Policy Analysis

1856-1886 Forest Avenue (applicant's proposal. a.k.a. 1884 Forest Ave):

Between the Maine Turnpike and Riverton Street, there are three sections of the Forest Avenue corridor now zoned B-2 Business. The recommended rezoning would result in an expansion and connection of two existing B-2 zones to the north. If 1884 Forest Avenue is rezoned to B-2, the parcel would abut R-5 zones on either side along the Forest Avenue corridor. As previously noted, the Planning Board has recommended a larger area to include the R-5 zoned Grange Hall parcel to the southeast along the Forest Ave corridor. As noted in section III of this report, rezoning of the Grange Hall parcel to B-2 could result in additional development interest in that site. It should be noted, that, though grange halls throughout the state have been identified by Maine Preservation and the Maine Historic Preservation Commission's Architectural Survey Program as important historical resources; there are currently no historic protections on this building.

The residentially zoned property along Forest Avenue to the northwest includes the Terrace Pond Apartments, which front Forest Avenue and Riverside Street and were constructed in 1989.

The applicant has provided a policy analysis of the Portland Comprehensive Plan in their narrative ([Attachment A.4](#)). In it, they cite the 1984 Portland Neighborhood Economic Development Study, noting that the study's recommendation for a zoning change of the Riverton area was predicated on the occurrence of either The Maine Turnpike Authority constructing an interchange at Forest Avenue, the development of a Riverton Theme park along the Presumpscot River or the construction of sewers in the area. None of these three improvements have since occurred. The applicant has provided correspondence from the Maine Turnpike Authority stating that their 20 year Capital Improvement Plan does not include a proposal to construct an interchange at this location ([Attachment A.8](#)). The applicant also provided a copy of correspondence from Jeff Tarling, Portland City Arborist, stating that there are no pending proposals to redevelop Riverton Trolley Park and that that land shall remain zoned as open space (ROS zone) ([Attachment A.5](#)). Though sewer has not been developed in this area, Public Services recommends that the existing Intermunicipal Sewer Service Area (ISSA) agreement be amended to include 1884 Forest Avenue. Steve Harris of Public Services has reviewed the request and notes that discharge volumes would be relatively small and characteristics of the waste stream would be compatible with the Westbrook Wastewater Limits that control the ISSA Area (see [Attachment 3](#)). Public Services is also exploring other properties in the vicinity that may benefit from incorporation into the amended ISSA.

Both *Housing: Sustaining Portland's Future* and the *Portland Transportation Plan* identify the establishment of neighborhood commercial centers within walking distance of residential neighborhoods as a priority. The *Neighborhood Economic Development Study* calls for the restructuring of City zoning ordinances to reflect the hierarchy of commercial centers. While the plan identifies the vicinity of 1884 Forest Avenue as a candidate for rezoning from R-5 to B-4, since its publication, the pattern of development has been mixed, included multi-family residential and PRUDS, in addition to varying scales of commercial development. Commercial development has congregated along the Forest Avenue corridor, with residential development set further back. Rezoning the parcels along the road to B-2 Business would allow for moderately-scaled commercial development along the corridor to service adjoining neighborhoods rather than the more intense, regional scale commercial development characteristic of the B-4 zone. The more automobile-oriented uses being proposed for 1884 Forest Avenue such as the service station and drive-through are conditional uses in the B-2 zone, requiring protective measures such as noise and visual buffering and setbacks for existing residential uses abutting the site. B-4 zoning would not offer these sorts of protections.

VI. NEIGHBORHOOD MEETING AND PUBLIC COMMENT

The applicant held a neighborhood meeting on January 29, 2009 at Riverton Park. The meeting invitation, certification, sign in sheet and minutes are include as [Attachment A-12](#).

No public comment was submitted to the Planning Authority by the time of this report. The applicant submitted a letter from Portland Housing Authority (PHA) stating that they are not in opposition to the

proposed rezoning. (Attachment A.7). If the map amendment is approved by the City Council and the proposal proceeds to site plan review, PHA would like the plan to include truck access and direct pedestrian access through the new development for Riverton Park residents. The applicant's representatives and Planning staff have been in contact with the owners of Wellesley Estates and the property managers for the Presumpscot Grange Hall to inform them of the proposed zoning map amendment.

ATTACHMENTS

Memorandum Attachments

1. Email from David Margolis Pineo, December 11, 2008
2. Correspondence from William C. Haskell to Scott Teas, July 29, 2008
3. Email from Stephen Harris, Public Services, January 5, 2009

Application Submittal

Attachment A Excerpts of Application and Written Material: Separate document in packet (please save and return for future meetings)

- A.1 Cover memo, Thomas E. Blackburn. November 14, 2008
- A.2 Site Plan Application Form
- A.3 Warranty Deed
- A.4 Narrative of Rezoning Request, Thomas E. Blackburn
- A.5 Correspondence between Thomas E. Blackburn, Molly Casto and Jeff Tarling re: Riverton Park. October, 2008.
- A.6 Letter to Michael Bobinsky, Director of Public Services from Tom Blackburn re: Petition to Discharge into the Intermunicipal Sewer Service Area.
- A. 7 Letter from Mark B. Adelson, Portland Housing Authority. November 18, 2008
- A. 8 Letter from Peter S. Merfeld, Maine Turnpike Authority. November 12, 2008
- A. 9 Parcel ID information from Portland Assessor's Office
- A. 10 Site Photos
- A. 11 Schedule of Permitted and Conditional Uses
- A.12 Neighborhood Meeting Documentation

Attachment B Application Plan Set

- B.1 Vicinity Map
- B.2 Site Aerial Map
- B.3 Zoning Map
- B.4 Conceptual Site Layout
- B.5 Copy of Portland Neighborhood Economic Development Study Map

From: Barbara Barhydt
To: Casto, Molly
Date: 12/11/2008 2:19:02 PM
Subject: Fwd: Re: 1884 Forest Ave.

>>> David Margolis-Pineo Thursday, December 11, 2008 8:52 AM >>>
Thomas,

You're still on my radar.

I'm not aware if you have been granted your re-zoning request. Until you do, I hesitate to do too much on the sewer end.

There appears to be plenty of capacity left in the inter-municipal agreement to accommodate the flows from your proposed development. It would required a modification to that agreement. We'll work out the details when the time comes.

David Margolis-Pineo
Deputy City Engineer
Department of Public Services
55 Portland St.
Portland, ME 04101
Office 207-874-8850
Fax 207-874-8852
Cell 207-400-6695
dmp@portlandmaine.gov

>>> "Thomas Blackburn" <teblkbmn@maine.rr.com> 11/13 2:27 PM >>>

Good afternoon David,
I am in the process of submitting an application for a zoning map amendment for the above entitled parcel of land from R 5 to B 2. To support my application I have researched the Comprehensive Plan and found a recommendation from 1984 Portland Neighborhood Economic Development Study that recommends that this area be rezoned to B 4. One of the conditions to make this effective is the NON development of a sewer in the area in the next 5 to 10 years(from 1984) It is my understanding that there are currently no plans for new sewers in this area, despite the fact there may be a need.

Would it be possible for you to write a letter confirming this fact for submission to the Planning Board to support my application.

If you meet with Stephen Harris he will share with you the Petition to Discharge into the Intermunicipal Sewer Service Area that I filed in September of this year.

If you have any questions please feel free to call me at 232-8134. Thank you. Best, TEB

Thomas Blackburn
Maine Construction Consultants, LLC
14 Hanover Street
Portland, Maine 04101-2908
207-232-8134, fax 207-774-2588

This message is intended for the use of the addressee only and may contain information that is confidential. If you are not the intended recipient of this message, be notified that any dissemination or use of this message is strictly prohibited. If you have received this message in error, please delete all copies of the message and it's attachments and notify the sender immediately. Thank you.

July 29, 2008

Mr. Scott Teas, AIA, NCARB
TFH Architects
100 Commercial Street
Portland ME 04101

RE: 1884 Forest Avenue (Tax Map 327 Lot 3)
Sewer Service and Stormwater Options

Dear Scott,

Gorrill-Palmer Consulting Engineers, Inc. is pleased to submit this letter report summarizing the options for providing sanitary sewer service and stormwater management for the parcel located at 1884 Forest Avenue (also identified as tax map 327 lot 3 on the Assessor's maps).

Sanitary Sewer Service

Based on discussions with Stephen Harris, Assistant Engineer with the City of Portland Public Services there appear to be two options for providing sanitary sewer service to this parcel. Mr. Harris notes that connection to the public sewer system in this area is complex. The available options for sewer service are as follows:

1. Petition the Sewer Authority to be included in the Portland-Westbrook Intermunicipal Service Area (ISA) and connect into the existing sanitary manhole located about 180 feet west of the parcel.
2. Construct an onsite subsurface wastewater disposal system.

We discussed the option of tying into the existing force main system located in Forest Avenue with Stephen Harris. This force main flows to the east and discharges into a gravity system in Riverside Industrial Parkway. Mr. Harris reiterated the City's concerns with the force main system and indicated that tying into this system, either with a new pump station or by connecting to the Riverton Housing or Wellesley Estates pump stations, is not a feasible option.

For the purposes of this feasibility report we have calculated an estimated sanitary sewer flow rate, based on our experience with previous projects. For this project we have assumed the proposed use would include a 4,500 square foot convenience store with fueling station and we initially assumed a 5,000 square foot professional office with 50 employees. Based on these uses we estimate the peak daily sewer flow would be about 2,240 gallons per day (gpd). Our concern with this flow is that it exceeds 2,000 gpd, which if we end up having to design an onsite septic disposal system (Option 2 below) would trigger the engineered system requirements, which

Mr. Scott Teas
July 29, 2008
Page 2 of 4

would be more costly. If we can maintain the design flow below 2,000 gpd, we do not have to meet the engineered system requirements. To achieve this, we can reduce the office space down to 3,000 square feet, which would result in a design flow of about 1,900 gpd. For the purposes of this analysis, we will proceed with a design flow of 1,900 gpd.

Option 1 - Mr. Harris notes that one option for connecting to the public sewer system is "to petition our Director (Michael Bobinsky, Director of Public Services) as the sewer authority, for inclusion into the Westbrook Intermunicipal Sewer Service Area" (ISA). There is an existing sanitary sewer manhole located about 180 feet west of the northwest corner of the parcel, in Forest Avenue. This manhole connects to the municipal system that conveys flow to a large sewage pumping station located in Westbrook on the west side of the Presumpscot River. Currently the subject parcel is not located in the ISA as defined in the City Code, Chapter 24 – Sewer Ordinance. Mr. Harris indicated that the parcel owner would need to submit a letter, petitioning the sewer authority to be included in the ISA. For the petition to be approved a public hearing on the project would be required and the sewer authority would have to determine that the additional sanitary sewer flows generated by the development of the parcel would not exceed the maximum flows allowed in the ISA.

The order of magnitude cost for connecting to the existing gravity municipal sewer system, including anticipated piping and manholes is approximately \$55,000.

Option 2 – The City Code, Chapter 24 – Sewer Ordinance requires connection to the public sewer if the parcel is located within 200 feet of a public sewer system. As indicated previously, it appears that this lot is located about 180 feet from the existing gravity sewer system located in Forest Avenue. However, this is a unique situation in that the parcel is not included in the ISA, therefore if the petition process identified in Option 1 above is not successful, we believe that the only other option for sewer service is to construct a private, onsite subsurface wastewater disposal system. At this time we have not received any additional clarification from the City of Portland Public Services on whether a private subsurface system would be a feasible option based on the Sewer Ordinance. A subsurface system could be designed to be located under the parking area of the proposed development as long as the onsite soils and restrictive layers can accommodate the anticipated sewer flows. Based on our initial review of the Cumberland County Medium Intensity Soils Survey, the existing soils in this area appear to be classified mostly as Windsor loamy sand (WmB). These soils consist of deep, excessively drained, coarse-textured soils with rapid permeability and depth to bedrock typically 5 feet or more. They are classified as hydrologic soils group A which mean they have low runoff potential and high infiltration rates.

As indicated previously, based on our assumptions of the developed buildout, we anticipate the design flow to be about 1,900 gpd. If the uses vary significantly from our assumptions this design flow could change. If the design flow increases to 2,000 gpd or more, then the system would be classified as an engineered system. Engineered systems are subject to different design criteria which typically result in increased design and construction costs.

*Mr. Scott Teas
July 29, 2008
Page 3 of 4*

The order of magnitude cost for a subsurface wastewater disposal system (non-engineered system), including piping, septic tank and concrete disposal chambers for an average daily flow rate of 1,900 gpd is approximately \$67,000.

Stormwater Management

The lot appears to be about 1.6 acres based on the City of Portland Assessor's records and is currently vacant (wooded and meadow). The City Zoning Map indicates this area is currently zoned residential, R-5. Our understanding is that the owner would pursue changing the zoning to business, B-2 (similar to zoning across Forest Avenue where Tortilla Flat Restaurant is located) to allow commercial development. Assuming the zoning is changed to B-2, the maximum allowed impervious surface coverage would be 80%, which in this case would equate to about 55,600 square feet (1.28 acres) of impervious surface allowed. Assuming full buildout, this project would be required to meet the stormwater quantity and quality standards for the City of Portland and would also trigger the Maine DEP Stormwater Law standards (refer to the attached summary of the Maine DEP Stormwater requirements). The project is not located in an urban impaired stream watershed or in a lake watershed most at risk, therefore, based on a full buildout of 1.28 acres of impervious surface, the site would be required to meet the Maine DEP Basic and General Standards which focus on stormwater quality treatment.

Again, based on a full buildout of 1.28 acres of impervious surface we would anticipate that there would need to be about 13,000 cubic feet of detention storage for the project. There are two options to consider for providing stormwater management. First would be to manage the stormwater using surface methods. The advantage of this option is less cost; however, this method takes up valuable land area. Second, would be to manage the stormwater using subsurface methods. The advantage of this option is maximized use of the lot area for development; however, this method is more costly.

Surface stormwater management options include, ponds, buffers, filter ponds and bioretention cells. Buffers are generally the least expensive and the easiest to maintain, however, they generally do not provide significant stormwater quantity control and they also take up valuable surface area. Another type of filter product that uses minimal surface area is the StormTreat™ system (see www.stormtreat.com for additional information).

The order of magnitude opinion of probable construction cost range for providing 13,000 cubic feet of storage, stormwater treatment and the associated collection piping and catch basins is approximately \$75,000 to \$225,000. The low end of the range would be for a surface stormwater management and the high end would be for a subsurface stormwater management system. It is likely that some form of a hybrid system could be designed resulting in a cost somewhere in between the low and high values.

Mr. Scott Teas
July 29, 2008
Page 4 of 4

Summary

The order of magnitude opinions of probable construction costs are summarized for easy reference. Refer to the previous discussions for details associated with each item in the table.

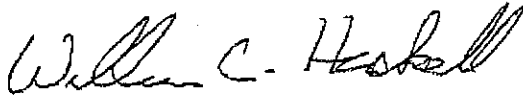
| Item | Order of Magnitude Opinion of Probable Construction Costs |
|--------------------------|---|
| Sewer Service – Option 1 | \$55,000 |
| Sewer Service – Option 2 | \$67,000 |
| Stormwater Management | \$75,000 to \$225,000 |

Closure

The information provided in this report is intended to assist in determining the feasibility of developing this site for commercial use. There are many factors beyond our control that could affect the development potential of this site, including the ultimate decision of the types of uses that are chosen to be located on the site. The assumptions we have made in this report need to be verified with further investigations, particularly regarding site topography and the suitability of the onsite soils for subsurface disposal systems (if Option 2 for sewer service is required). We look forward to providing further guidance and design assistance as this project moves forward. Please contact us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



William C. Haskell, PE, CPESC
Vice President Site Development

C: Thomas Blackburn

Maine DEP – Stormwater Management Law - Synopsis

Chapter 500 of the MDEP Regulations, the Stormwater Management Law, was enacted on July 1, 1997 and revised in November of 2005 to include five potential standards for which a project must comply. It is noted that more than one standard may apply to a project. The parameter by which each standard is applied is as follows:

- Basic Standard – Required for projects that disturb at least one acres of land and create less than 20,000 s.f. of impervious area in the direct watershed of a lake most at risk or an urban impaired stream and result in less than 5 acres of developed area. For other watersheds, this standard must be met for projects that create less than one acre of impervious surface and less than 5 acres of developed area.
- General Standard – Required for projects that disturb at least one acres of land and create more than 20,000 s.f. of impervious area in the direct watershed of an urban impaired stream and result in more than 5 acres of developed area. For other non-lake watersheds, this standard must be met for projects that create more than one acre of impervious surface and less than 5 acres of developed area.
- Phosphorous Standard – Required in lake watersheds for projects that disturb more than one acre and create more than 20,000 s.f. of impervious area in the direct watershed of a lake most at risk and result in more than 5 acres of developed area. For other lake watersheds, this standard must be met for projects that create more than one acre of impervious surface and less than 5 acres of developed area.
- Urban Impaired Stream Standard – Required for projects that are within the direct watershed of urban impaired stream that result in three acres or more of impervious area or 20 acres or more of developed area, and requires review pursuant to the Site Law or is a Site Law modification of any size.
- Flooding Standard – Required for projects that result in three acres or more of impervious area or 20 acres or more of developed area, and requires review pursuant to the Site Law or is a Site Law modification of any size.

A brief overview of the requirements of each of these Standards is provided below:

- Basic Standard – Requirements include providing erosion and sedimentation control during construction; provide observation and maintenance of erosion control provisions; maintain a log of observations and provide operational controls that prevent pollutants from being discharged from the site; minimize fugitive dust emissions, police debris and other “good housekeeping” practices.
- General Standard – Requirements include meeting the Basic Standards noted above and to control runoff from no less than 95% of the impervious area and no less than 80% of the developed area. Stormwater controls can include a wetpond, a detention structure using filters, infiltration or buffers. These projects are also required to provide post-construction observations and maintenance of stormwater and erosion control measures, execute a maintenance contract for maintenance of any proprietary devices within a system, submit a certification every 5 years that the

Maine DEP – Stormwater Management Law - Synopsis

stormwater and erosion measures are being implemented and maintained in accordance with the original permit, and provide continuing maintenance for the duration of the project.

For a project requiring a Stormwater Management Law permit that includes redevelopment of impervious area that was in existence as of November 16, 2005 (the effective date of Chapter 500 revisions), the redevelopment of that impervious area is not required to meet General standards provided the department determines that the new use of the existing impervious area is not likely to increase stormwater impacts resulting from the proposed project's stormwater runoff beyond the level of impact already caused by the runoff from the existing impervious area.

For a project requiring a Site Location of Development Law permit that includes redevelopment of existing impervious area that was in existence as of November 16, 2005 (the effective date of Chapter 500 revisions), redevelopment of that impervious area is required to meet the general standards to the extent practicable as determined by the department. If the department determines that it is not practicable to make significant progress towards meeting the general standards for the redeveloped impervious area, the department may require off-site mitigation within the same watershed as an alternative for stormwater treatment.

- Phosphorous Standard – Requirements include meeting the Basic Standards noted above and to meet the allowable per-acre phosphorous allocation for the specific lake watershed that the project is located within. Treatment for phosphorous can be provided through buffers, infiltration and wetponds, or a combination of these methods.
- Urban Impaired Stream Standard – Requirements include meeting the Basic and General Standards noted above and to either pay a compensation fee or mitigate project impacts by treating, reducing, or eliminating an off-site or on-site pre-development impervious stormwater source.

The following table provides the compensation fee or mitigation credits that are required:

| Type of Surface with or without required treatment | Required Compensation Fee (per acre) | Required Mitigation Credit (per acre) |
|--|--------------------------------------|---------------------------------------|
| Non-roof impervious area | \$5,000.00 | 0.5 credits |
| Roof | \$2,000.00 | 0.2 credits |
| Landscape Area | \$1,000.00 | 0.1 credits |

Unfortunately, compensation fees may only be used in watersheds where a compensation fee utilization plan has been approved by the MDEP. If a compensation fee utilization plan is proposed by an applicant who is not a municipality, the applicant must demonstrate that the plan has been submitted to

Maine DEP – Stormwater Management Law - Synopsis

the municipality in which the project is located for review prior to submittal to the MDEP.

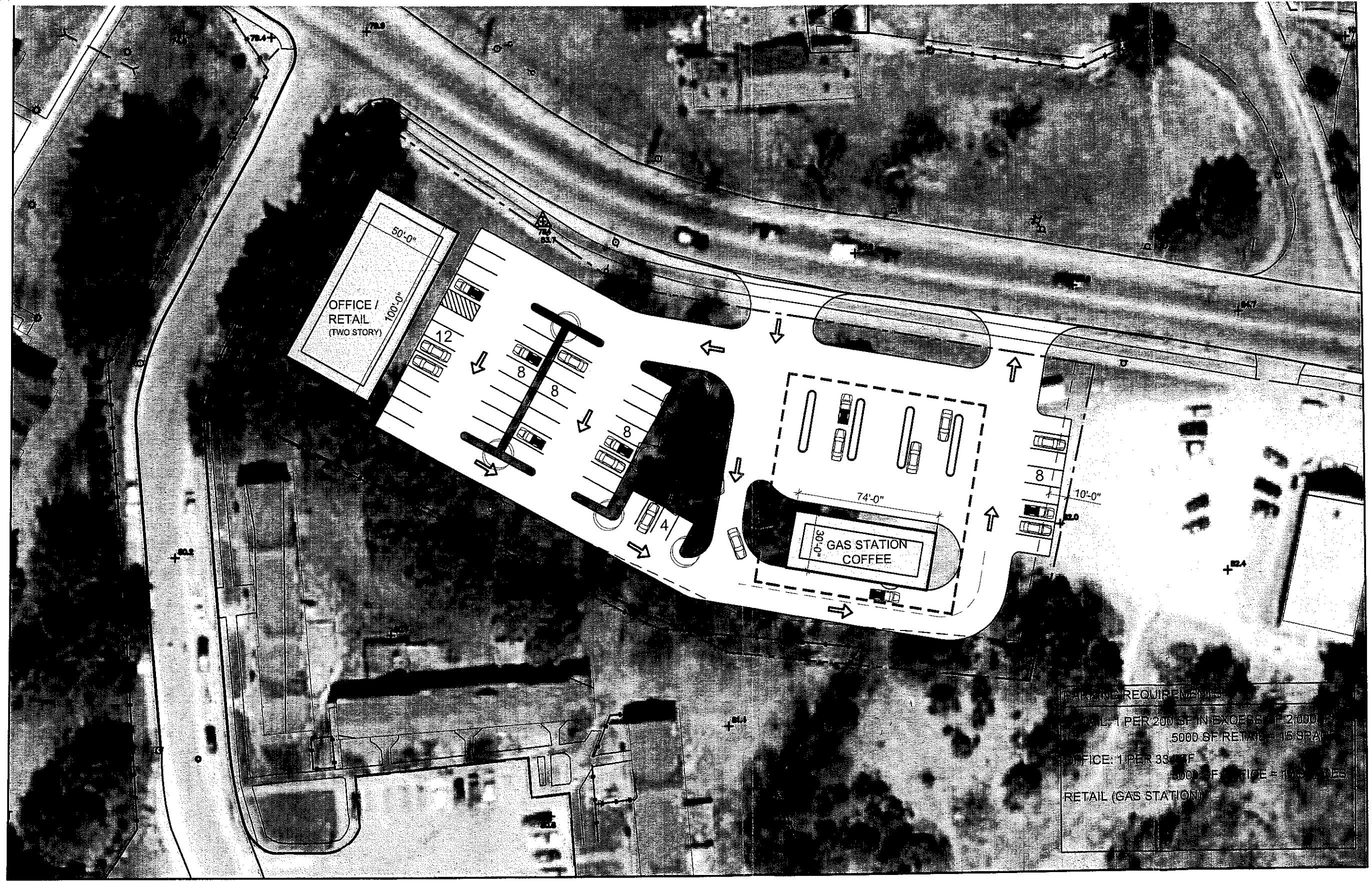
The mitigation credits allowed within an urban impaired watershed includes:

| Mitigation activity | Source Type | Credit Earned (per acre treated) |
|---|-------------------------------|----------------------------------|
| Retrofit with BMP standards at 1/3 required sizing or with approved flow through sedimentation device | Road or high use parking lot | 0.5 credit |
| | Low use parking lot | 0.3 credit |
| | Roof or other impervious area | 0.2 credit |
| | Lawn | 0.1 credit |
| Retrofit with BMP standards at 2/3 required sizing | Road or high use parking lot | 1.0 credit |
| | Low use parking lot | 0.6 credit |
| | Roof or other impervious area | 0.4 credit |
| | Lawn | 0.2 credit |
| Retrofit with BMP standards at required sizing | Road or high use parking lot | 1.5 credit |
| | Low use parking lot | 0.9 credit |
| | Roof or other impervious area | 0.6 credit |
| | Lawn | 0.3 credit |
| Eliminate impervious source area, replace with lawn | Road or high use parking lot | 1.0 credit |
| | Low use parking lot | 0.5 credit |
| Eliminate impervious source area, replace with lawn | Road or high use parking lot | 2.0 credit |
| | Low use parking lot | 1.0 credit |
| Retrofit detention with vegetated gravel under-drains | Impervious areas only | 0.5 credit |

- **Flooding Standard** – Requirements include meeting the Basic Standards noted above and to detain, retain or result in the infiltration of stormwater from 24-hour 2-year, 10-year, and 25-year frequencies such that the peak flows from the project site do not exceed the peak flows of stormwater prior to undertaking the project.

The Guaranteed Processing Time for a Stormwater Application is 90 days. For a Site Location of Development Act Application, the Guaranteed Processing Time is 185 days.

TFH ARCHITECTS
 100 COMMERCIAL STREET
 PORTLAND MAINE 04101
 TELEPHONE 207 775 6141
 ARCHITECTURE PLANNING



EXISTING SITE CONDITIONS
 1884 FOREST AVENUE, PORTLAND MAINE

SCALE 1"=50'
 SEPTEMBER 22, 2008

From: Stephen Harris
To: Barbara Barhydt; Bradley Roland; David Margolis-Pineo; Molly Casto
Date: 1/5/2009 11:19:43 AM
Subject: 1884 Forest Avenue ISSA Petition

Molly,

The Attached pdf contains the Sewer Ordinance and Rules with attached information in regard to the Intermunicipal Sewer Service Agreement (ISSA) and the Petition for inclusion of 1884 Forest Avenue into the ISSA area.

We have reviewed the request and it has been recommended that it be accepted into the ISSA area as the discharge volume is relatively small and characteristics of the waste stream would be compatible with the Westbrook Wastewater Limits that control the ISSA Area.

The procedure for inclusion requires a Public Hearing conducted by the Sewer Authority (Director of Public Services) according to the same mechanism for Rule Making as the Solid Waste Rules (see Chapter 12-105 Administration in the attached pdf). This would modify Attachment "A" of the Wastewater Rules to include 1884 Forest within the ISSA Area.

We will be conducting Public Hearings later this Winter or Early Spring for other required modifications to the Wastewater Rules so the 1884 Forest Avenue Petition would be addressed then unless they requested an expedited and separate Public Hearing. The petitioner would then be responsible for the cost of advertising the Public Hearings.

The attached pdf is best navigated by opening the bookmark tab and using the interactive index to take you to the desired section or reference.

Stephen K. Harris
Assistant Engineer
City of Portland
207 874-8843

Maine Construction Consultants LLC

14 Hanover Street # Portland, Maine 04101 # 207.232.8134 # teblkbrn@maine.rr.com

November 14, 2008

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

Dear Ms. Barhydt;

On behalf of my clients, John Chau and his daughter Phuong Neang, I am pleased to submit the enclosed Zoning Amendment Application for 1884 Forest Ave.

Mr. Chau and Ms Neang are requesting a Zoning Map Amendment for their property located at 1884 Forest Ave to change the zoning designation from R5 to B2. The property is 1.596 acres (69,520sf) with 405 feet frontage on Forest Ave. The property has been vacant land at least a far back as 1954 as evidenced the City's assessing records and the by the size of the trees on the property it appears to be vacant for much longer. (see the attached photos) Mr. Chau and Ms. Neang acquired the property on June 20, 2008 as reflected by the attached deed.

Mr Chau would like to develop this property into a commercial area with 12,800 GSF of retail on the first floor and 12,800 GSF of professional space on the second floor. The applicants also contemplate a separate building for a 2,400 GSF gas station convenience store with a drive through coffee facility, all of which is depicted on the attached concept sketch prepared by TFH Architects.

The current zoning allows for residential uses with conditional uses for other types of uses all of which are set forth on the attached schedule of comparative uses for each zone.

As part of the application we have included: a Narrative, a Vicinity Map; a Sketch Plan of the property; a Zoning Map Sketch showing the surrounding zoning designation; an Aerial photograph of the property and its surroundings; a copy of the deed showing Mr Chau and Ms. Neang's right, title and interest in the property; photos of the property and

A-1.1

a check in the amount of \$ 2200 representing \$200 for the service fee and \$2000 for the zoning map amendment fee.

Please feel free to call me if you have any questions about this application. I look forward to working with the city in the processing of this application.

Respectfully Yours,


Thomas E. Blackburn



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

Att. A-2

Application ID: 1460 **Application Date:** 11/17/2008 **CBL:** 327 B003001 **Property Location:** 1884 Forest Ave

Applicant Information:

Chau John &

Name

Business Name

1884 Forest Ave

Address

Portland, ME 04103

City, State and Zip

Telephone

Fax

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

Current Zoning Designation: R5

Existing Use of Property:

vacant land- R-5

Proposed Use of Property:

commercial use including first floor retail, second floor professional space and a gas station, with drive through coffee shop. B-2

Property Owner:

Chau John &

Name

1884 Forest Ave

Address

Portland, ME 04103

City, State and Zip

Telephone

Fax

Amendment A _____

Amendment B _____

Amendment C

Section 14: _____

Requested:

Planning Approval

REVIEW TYPE: Committee Review

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

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

1. Applicant Information

John Chau and Phoung Neag
75 Arcadia Street
Portland, Maine 04103,

2. Subject Property

1884 Forest Ave

Assessor's Reference (Chart-Block-Lot)

Map 327 Block B Lot 003

Phone Fax : C/o Thomas Blackburn, Maine Construction Services, phone 207-232-8134, fax,
207-774-2588

3. Property Owner: X Applicant _____ Other

John Chau and Phoung Neang

4. Billing Address:

75 Arcadia Street

Portland, Maine 04103

Phone Fax 207-650-6294, fax, 207-775-1024

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

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.) see the attached deed recorded in the CCRD Book 26148, Page 266

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:

The existing use of this property is vacant land, and appears to have been vacant for at least 54 years

7. **Current Zoning Designation(s):** R 5

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 applicant is proposing to develop the currently vacant parcel of property into commercial use including first floor retail, second floor professional space and a gas station convenience, with a drive through coffee shop store. This will entail infrastructure work including a sewer connection to the Westbrook Sewer System provided that Michael Bobinski approves the pending request under the Intermunicipal Sewer System Agreement between Portland and Westbrook. Other changes will be the construction of the structures, parking lot and the erection of a visual and acoustic barrier to afford relief to the neighbors of the adjacent Riverton Park who may be impacted by the vehicular traffic utilizing the drive through. coffee facility. The Portland Housing Authority has requested that a gate be installed to allow Portland Housing Authority's maintenance department and it's various sub contractors and utility service crews access to the rear of the housing complex.

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. X Zoning Map Amendment, from R5 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 Statue 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.


Signature of Applicant

11-14-08
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

To All Development Applicants and Consultants:

The City of Portland has instituted the following fees in 2005 to recover the costs of reviewing development proposals under the Zoning Code, Site Plan Ordinance and Subdivision Ordinance. The fee structure includes application fees for the various types of zoning review; fee for service deposit, public notice costs, and engineering services/third party review fees.

The **Application Fee** covers general administrative processing costs, and is paid at the time of application.

A **Fee for Service Deposit** of \$200.00 is paid at the time of application for all development and zoning proposals. Should the planner or City Attorney spend over four hours combined on the review of a project, the deposit will be drawn down to cover that cost. When the \$200.00 deposit has been expended, the applicant will receive a monthly invoice for reimbursement of review services rendered. These charges will be billed at an hourly rate based on actual review costs to the City. At present, the billing rate for planning services is \$30.00 per hour, and the rate for legal services is \$40.00. These rates and the deposit amount are subject to change on an annual or as-needed basis to reflect then-current cost structures.

The Planning Division is required to send **Public Notices** to neighbors upon receipt of an application and prior to public meetings. In addition, all development review projects are posted in a legal in the Portland Press Herald as well as on our web site. Rezoning/Text Amendment proposals require individual notices to be posted in the Portland Press Herald. The applicant will be billed for actual or apportioned costs for advertising and mailed notices.

The City contracts with a local engineering firm to conduct the engineering reviews of development and rezoning proposals particularly for conditional rezoning proposals that include a site plan as a component of the agreement.

All fees shall be paid prior to the issuance of any building permit. For more information on the fees or review process, please call the Planning Division at 874-8721 or 874-8719. As we strive to provide efficient and timely review services, it is necessary to provide a funding mechanism that does not unduly burden the property taxpayer. Nationally, more municipal services are being converted to a user fee basis. We commit to doing our best to provide efficiency in the process in order to keep the costs reasonable, and we will

Att. A-3

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL BY THESE PRESENTS, that **OLD OCEAN HOUSE BUILDERS LLC**, a Maine limited liability company with a principal place of business in Cape Elizabeth, Maine, for consideration paid, GRANTS TO **JOHN CHAU** and **PHUONG NEANG**, whose mailing address is 75 Acadia Street, Portland Maine, with **WARRANTY COVENANTS**, AS **JOINT TENANTS AND NOT AS TENANTS IN COMMON**, the land in the City of Portland, Maine, described as follows:

A CERTAIN lot or parcel of land with any buildings thereon situated on the southwesterly side of Forest Avenue, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

BEGINNING AT an iron on the southwesterly sideline of Forest Avenue at the northwest corner of the lot of land conveyed by the City of Portland to the Presumpscot Grange by deed dated August 21, 1947 and recorded in the Cumberland County Registry of Deeds in Book 1871, Page 406;

Thence by said Presumpscot Grange land South 29 degrees 23 1/2' West one hundred sixty-seven and eighteen hundredths (167.18) feet to a concrete monument and land of Arthur Hawkes;

Thence by said Hawkes' land and land of Arthur Serunian North 66 degrees 40' West one hundred fifty-seven and seventy-seven hundredths (157.77) feet to an iron;

Thence by said Serunian land North 47 degrees 01' West two hundred ninety-five and twenty-one hundredths (295.21) feet to a stone monument;

Thence continuing by said Serunian land North 45 degrees 51 1/2' East one hundred sixty-eight and sixty-five hundredths (168.65) feet to an iron and the southwesterly sideline of Forest Avenue;

Thence by said Forest Avenue South 38 degrees 52' East one hundred fifty-five and thirty-nine hundredths (155.39) feet to a stake marking an angle point in said road, and continuing by Forest Avenue South 62 degrees 57' East two hundred fifty-one and eighty-nine hundredths (251.89) feet to the point of beginning.

Courses are magnetic and of the date of 1964.

Being the same premises described in a deed from Forest Avenue Associates dated January 28, 2008 and recorded in the Cumberland County Registry of Deeds in Book 25775, Page 152.

A-3.1

IN WITNESS WHEREOF, the undersigned has caused this instrument to be signed and sealed on June 20, 2008.

J.R. Clark
Witness

OLD OCEAN HOUSE BUILDERS LLC

by: Patrick A. Tinsman
Patrick A. Tinsman, its Manager

State of Maine
County of Cumberland, ss.
2008

June 20, 2008

Then personally appeared before me the above-named Patrick A. Tinsman in his said capacity and acknowledged the foregoing to be his free act and deed and the free act and deed of said limited liability company.

Before me

J.R. Clark
Notary Public/Attorney-at-Law
Printed Name: Lawrence R. Clough

Received
Recorded Register of Deeds
Jun 23, 2008 02:00:47P
Cumberland County
Pamela E. Lovley

Narrative of Rezoning Application Request
For 1884 Forest Avenue

Att. A-4

The applicant is requesting the rezoning of 1884 Forest Avenue which is a vacant parcel of land located across the street from Tortilla Flats restaurant, and abutting Portland Housing Authority's Riverton Housing complex, as well as Wellesley Estates.

The current zoning for the subject parcel is R 5. However, across the street is zoned B 2 and behind Tortilla Flats is zoned B 4. It is interesting to note that the City considered rezoning this area to a B4 zone in the early 1980's. This is described later in this Narrative. The B 4 zone would permit the development of a gas station convenience store as a permitted use rather than as a conditional use under the more restrictive B 2 zone. The adjacent Wellesley Estates is zoned B 2, and the adjoining property to the south on Forest Ave is the former Presumpscot Grange Hall which is being marketed by Po Go Real Estate of Gorham. The broker Mike Griffin believes the Maine State Grange would favor a rezoning since it would enhance the marketability of the property. This will be confirmed prior to the Planning Board workshop.

Portland Housing Authority does not object to the rezoning and in fact asked for permission to access the rear of the housing complex through a gate to address challenging access issues it has to the rear of its facility. Portland Housing Authority has also requested that the owner place a pedestrian gate for use by its residents to Forest Avenue. This will be confirmed later by a letter which also will be presented before the workshop.

This area is part of the commuter corridor from points west including Westbrook, Windham and Raymond. Riverside Street has a plethora of commercial establishments including several warehouse and distribution centers and commercial retail outlets. Due to the commuter traffic along this busy road it is a natural location for a convenience store gas station, as well as, retail and professional space

The property does not have readily available sewer service. There is a forced main running in Forest Ave to Riverside Industrial Park, which is not accessible for connection by this applicant. The applicant has petitioned Michael Bobinsky for permission to connect to the Westbrook sewer system pursuant to the Intermunicipal Sewer Service Agreement (ISSA) The issue will be taken up in a public hearing in January. The closest connection is 400 feet from the property. A copy of the cover letter is attached to this narrative

Finally, this request is consistent with Portland's Comprehensive Plan that incorporated by reference the Portland Neighborhood Economic Development Study which in 1984 identified the Riverton area as a candidate for rezoning to a B4 zone. A copy of the Study's map is attached to this narrative. This recommendation for a zoning change was predicated upon the non occurrence of any or all of the three events, namely: (1) the Maine Turnpike Authority builds an interchange at Forest Ave; or (2) the Riverton Theme Park along the Presumpscot River is developed; or (3) the construction of sewers in the

* See Planning Board Att. B

A-4.1

area. None of these have occurred. A letter from Dan Paradie of the Maine Turnpike authority states that an interchange to Forest Avenue area is not contemplated in the Turnpike's 20 year plan. A copy of an email between Molly Casto and Jeff Tarling addresses the issue of development of the Riverton Theme Park, which also is not planned. And based on recent discussions with the Department of Public Works staff there are no immediate plans for sewer upgrades in this area.

A.H. A-5

Thomas Blackburn

From: "Molly Casto" <MPC@portlandmaine.gov>
To: "Jeff Tarling " <JST@portlandmaine.gov>
Cc: <teblkbrn@maine.rr.com>; "Tom Civiello" <TGC@portlandmaine.gov>
Sent: Wednesday, October 22, 2008 2:24 PM
Subject: Re: Question- Riverton Park

Hi:

Thank you Jeff. You are correct that Riverton Trolley Park is zoned ROS Recreation Open Space on the City zoning map. Thanks for confirming this.

Molly

Molly P. Casto, Senior Planner
 Portland Planning Division
 389 Congress Street
 Portland, Maine 04101-3509
 207-874-8901
MPC@portlandmaine.gov

>>> Jeff Tarling 10/22 2:45 PM >>>

Molly -

Riverton Trolley Park is going to remain and open space park, it should be ROS / Recreation Open Space on the zoning map. There was discussion way back to 're-develop' Riverton Trolley Park.

Thanks,

Jeff Tarling

>>> Molly Casto 10/22/2008 2:40:39 PM >>>

Hi Jeff:

We have an applicant Tom Blackburn, who is preparing an application for a zoning map amendment in the vicinity of 1884 Forest Avenue. In his research of related master plans addressing that location, there are City goals that vary depending on whether or not (1) The Turnpike Authority builds a ramp on I 95 near Forest Ave or (2) the City redevelops Riverton Trolley Park. Could you weight in concerning Riverton Trolley Park? Scott Hanson thought there were no plans for the park but I was hoping you could comment and confirm whether that's the case. I'm cc'ing Tom on this email.

Thank you,
 Molly

Molly P. Casto, Senior Planner
 Portland Planning Division
 389 Congress Street
 Portland, Maine 04101-3509
 207-874-8901
MPC@portlandmaine.gov

10/22/2008

Maine Construction Consultants LLC

14 Hanover Street # Portland, Maine 04101 # 207.232.8134 # teblkbrn@maine.rr.com

September 23, 2008

Michael Bobinsky, Director
Dept of Public Services
City of Portland.
55 Portland Street
Portland, Maine 04101

Re: Petition to Discharge Into the Intermunicipal Sewer Service Area for the
Sanitary Sewer of 1884 Forest Ave. Portland

Dear Mike;

This letter follows up discussions with Stephen Harris of your department regarding our petition to connect to Westbrook's sewer system pursuant to the Intermunicipal Sewer Service Area .

Maine Construction Consultants represents Mr. John Chau, who recently acquired a vacant lot of nearly 1.6 acres situated across from Tortilla Flats Restaurant on Forest Ave.

The property has a forced sewer main running in front of the property originating from a pump station located adjacent to Riverton Housing of the Portland Housing Authority. A connection into the forced main has been deemed not available to Mr. Chau. It is felt that a gravity connection into the nearby sewer stub that runs into the Intermunicipal Sewer Service Area (Westbrook) is the only viable way to connect the sewer from the site.

Mr. Chau's planned development of office, retail, and a service station on the property will result in less than 2000 gpd of residential waste flow into the Westbrook sewer. Mr Chau is not contemplating any process nor food waste as part of the waste stream from his project.

A-6.1

Attached to this correspondence is a concept plan that is being currently considered by Mr. Chau and if it meets with his approval, will be submitted to the City in accordance with a request for a rezoning from R5 to B2.

In further support of this request is a letter dated July 29, 2008 from William Haskell of Gorrill Palmer that reflects the options available to Mr. Chau

I look forward to working with you and your staff in this matter.

Thank you.

Respectfully yours

Thomas E. Blackburn

cc. Stephen Harris
John Chau
Scott Teas
Steve Blais

PORTLAND HOUSING AUTHORITY
14 BAXTER BOULEVARD, PORTLAND, MAINE 04101-1822
www.porthouse.org
Administrative Office (207) 773-4753 • TDD (207) 774-2570
Fax (207) 774-6471
Maintenance (207) 774-2815

AH - A-7

COMMISSIONERS:

JOHN H. MALCONIAN, *Chairperson*
KATHY HARRIMAN, *Vice Chairperson*
MARYANN CARROLL, *Commissioner*
FAITH McLEAN, *Commissioner*
CLIFFORD GINN, *Commissioner*
TOM VALLEAU, *Commissioner*
DARRELL MILESKI, SR., *Commissioner*

BRUCE R. LORING
*Executive Director
and Secretary*

MARK B. ADELSON
*Deputy Executive
Director*

November 18, 2008

Tom Blackburn
Maine Construction Consultants LLC.
14 Hanover Street
Portland, Maine 04101

RE: 1884 Forest Avenue

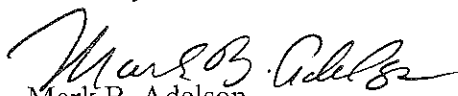
Dear Tom,

This is to inform to you that the Portland Housing Authority will not oppose your application to rezone 1884 Forest Avenue for the proposed development adjacent to our Riverton Park neighborhood, with the condition that the site plan must include access to the rear of our property, via a locked gate large enough for a truck to pass through. Currently, both PHA and CMP maintenance crews and trucks gain access to this portion of our property from the site of the planned development. Due to the configuration of our land and buildings, this is the only location access is possible.

Also, I want to suggest that you consider installing a pedestrian access path connecting the rear of your development to the rear of our property. This will accommodate our residents, and avoid potential damage to fences and landscaping as residents attempt to make their own pathways.

I'd be happy to meet with you to discuss our specific access needs. Please contact me at your earliest convenience.

Sincerely,


Mark B. Adelson
Deputy Executive Director

Att. A-8

Maine Turnpike Authority

430 RIVERSIDE STREET
PORTLAND, MAINE 04103

GERARD P. CONLEY, SR., PORTLAND, CHAIRMAN
LUCIEN B. GOSSELIN, LEWISTON, VICE CHAIRMAN
HARLAND C. GOODWIN, SOUTH BERWICK, MEMBER
DOUGLAS A. VOLK, PORTLAND, MEMBER
RICHARD E. VALENTINO, SACO, MEMBER
THOMAS B. FEDERLE, ESQ., MANCHESTER, MEMBER
GREGORY G. NADEAU, LEWISTON, MEMBER EX-OFFICIO

PAUL E. VIOLETTE
EXECUTIVE DIRECTOR
NEIL R. LIBBY
DEPUTY EXECUTIVE DIRECTOR
CHIEF FINANCIAL OFFICER
PETER S. MERFELD, P.E.
CHIEF OPERATIONS OFFICER

November 12, 2008

Tom Blackburn
Maine Construction Services
14 Hanover Street
Portland, ME 04101

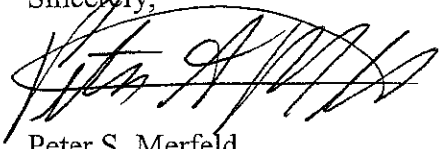
Dear Mr. Blackburn,

I am writing in response to your request for information regarding any future plans that the Maine Turnpike may have to construct a new interchange to connect with Forest Avenue in Portland.

The Maine Turnpike Authority develops and operates under a 20 Year Capital Improvement Plan. That plan does not include the construction of a new interchange at Forest Avenue or any other location in the greater Portland area. The Maine Turnpike's 20-year plan is subject to change, but there is every reason to believe that the current network of interchanges will adequately serve the greater Portland area for the foreseeable future.

I hope this answers your question. Please contact me if I can be of further assistance.

Sincerely,



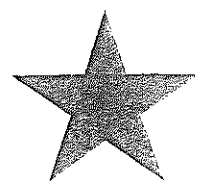
Peter S. Merfeld
Chief Operating Officer



TELEPHONE (207) 871-7771

TURNPIKE TRAVEL CONDITIONS 1-800-675-7453
www.maineturnpike.com

FACSIMILE (207) 871-7739



THE GOLD STAR
MEMORIAL HIGHWAY

Printed in Maine
on Recycled Paper

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Att. A-9

Current Owner Information

Card Number 1 of 1
 Parcel ID 327 B003001
 Location 1884 FOREST AVE
 Land Use VACANT LAND

Owner Address OLD OCEAN HOUSE BUILDERS LLC
 1884 FOREST AVE
 PORTLAND ME 04103

Book/Page 25775/152
 Legal 327-B-3
 FOREST AVE 1856-1886
 69520 SF

Current Assessed Valuation

| | | |
|-----------|----------|-----------|
| Land | Building | Total |
| \$516,900 | \$ 0.00 | \$516,900 |

Building Information

| Bldg # | Year Built | # Units | Bldg Sq. Ft. | Identical Units |
|--------|------------|---------|--------------|-----------------|
| | | 0 | 0 | 0 |

| Total Acres | Total Buildings | Sq. Ft. | Structure Type | Building Name |
|-------------|-----------------|---------|----------------|---------------|
| 1.596 | 0 | | | |

Exterior/Interior Information

| Section | Levels | Size | Use |
|---------|--------|------|-----|
| | | | |

| Height | Walls | Heating | A/C |
|--------|-------|---------|------|
| | | NONE | NONE |
| | | NONE | NONE |
| | | NONE | NONE |
| | | NONE | NONE |
| | | NONE | NONE |
| | | NONE | NONE |
| | | NONE | NONE |
| | | NONE | NONE |
| | | NONE | NONE |

Building Other Features

| Line | Structure Type | Identical Units |
|------|----------------|-----------------|
| | | |

Yard Improvements

| Year Built | Structure Type | Length or Sq. Ft. | # Units |
|------------|----------------|-------------------|---------|
| | | | |

A-9.1

Sales Information

| Date | Type | Price | Book/Page |
|------------|---------------|-----------|-----------|
| 01/28/2008 | LAND + BLDING | \$100,000 | 25775-152 |

Picture and Sketch

[Picture](#) [Sketch](#) [Tax Map](#)

[Click here](#) to view Tax Roll Information.

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

New Search!

Att. A-10



A-10.1



A-10.2



A-10.3



Schedule of Permitted and Conditional Uses

| Permitted Uses marked | x | R 5 | B 2 |
|---|---|-----|-----|
| Conditional uses marked | c | | |
| Residential | | | |
| Single and two family dwellings | | x | x |
| Multiplex development with 2 or 3 horizontally or vertically attached dwelling units | | x | x |
| Planned residential unit development | | x | x |
| Handicapped Family Unit | | x | x |
| Single family multiple component manufactured housing | | x | x |
| Single family single component manufactured housing | | x | x |
| Parks and other active and passive noncommercial uses | | x | x |
| Other | | | |
| Accessory uses customarily incidental and subordinate to the location, function and operation of principal uses | | x | |
| Home occupation | | x | |
| Municipal Uses | | x | |
| Special needs independent living units | | x | |
| Sheltered care group homes | | c | |
| Alteration of structure existing and not in residential uses as of 1/1/84 | | c | |
| Conversions of existing 2 family or multiplex structures into lodging houses | | c | |
| Institutional | | | |
| Kindergarten, elementary, middle and secondary schools | | c | x |
| Church or other place of worship | | c | x |
| Private club or fraternal organizations | | c | x |
| Hospital | | c | |
| Clinics as defined in section 14-47 | | | x |
| College, university, trade school | | c | x |
| Long term extended and intermediate care facilities | | | x |
| Municipal buildings and uses | | | x |
| Business | | | |
| General, business and professional offices | | | x |
| Personal services | | | x |
| Offices of building tradesman | | | x |
| Retail establishments | | | x |

Maine Construction Consultants LLC

14 Hanover Street # Portland, Maine 04101 # 207.2328134 # teblkbrn@maine.cc.com

January 14, 2009

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a zoning map amendment from the existing R 5 to a B 2 zone for 1884 Forest Ave.

Meeting Location: Community Room, Riverton Park, 2 Riverton Drive,
Portland, Maine


Meeting Date: January 29, 2009

Meeting Time: 6 pm

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 up sheet will be circulated and 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 Tom Blackburn at 207-232-8134.

Sincerely


Thomas E. Blackburn,
Representative for John Chau and Phuong Neang applicants

Note:

Under Section 14-32(C) of the City Code of Ordinances, an applicant for a major subdivision of over 5 lots/units, or a zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal.

1884 FOREST AVE
REZONING APPLICATION
NEIGHBORHOOD MEETING
JAN 29, 2009
6PM

Sydney McDowell - Lesc for Portland Friends Ship
745 Route 1
Falmouth ME 791-4791

Adrian J Mike Griffin cell 207-318-0460 Best Cell
Po-Box Realty Office 207-859-3300 East 216
39 Main Street
Gorham, Maine 04038
Have Presumpscot Grange Hall Listed,

Tom Tracy 207-780-8098 Portland Friends Meeting
148 Boyer St.
Portland

Simon Chau 207-899-6555 Portland
696 Westbrook St Apt 7F
S. Portland, ME 04106

Annette Rogers 779-4753
Portland Housing Authority

Mark B. Adelson 779-4753
Portland Housing Authority

John Chau
75 Arcadia St TL. 207.761 0858
Portland ME 04103

Maggie Kelle
81 Kitterton Drive
Portland, ME 04103

Rosalee Pradon
22 Springbrook Way
Portland ME
04103

FADGMO NO AIL

1884 Forest Ave. Rezoning Application
Minutes of Neighborhood Meeting
Community Room, 2 Riverton Drive
January 29, 2009
6pm to 7pm

The meeting started with a presentation by Thomas Blackburn (TEB) of Maine Construction Consultants, who represents John Chau and Phuong Neang, both seated in the rear of the room, and the owners of 1884 Forest Ave, the parcel which is proposed for rezoning from a R 5 residential zone to a B2 business zone. TEB explained the purpose of the meeting is to inform the public of the rezoning application and that a neighborhood meeting is required by the ordinance as part of the rezoning process. Further, TEB stated the Planning Board has decided to request the City Council expand the rezoning to include the grange hall property from the present R 5 to B2; and to rezone part of Wellesley estates from B 2 to the R 5 zone to reflect the existing conditions.

In response to a question by Tom Tracy of the Friends Meeting Church, the entire application process was explained starting with the workshop that has been held and was the first step; the next step is the neighborhood meeting; and then a public hearing before the Planning Board currently scheduled for February 10th. The Planning Board will then either vote to recommend to the City Council to rezone this area or vote to not recommend the rezoning application. In either case the rezoning application would be submitted to the City Council for a decision. Mr Tracy also asked about the time lines for approval of the project through the Site Plan Review Process and then the issuance of the Building Permit. TEB explained in very rough terms the possible timelines, which depended upon the decision of the owners as to when they wished to proceed.

Sidney Mc Dowell, also of the Friends Meeting Church, asked about the consistency of this rezoning application with the City's Comprehensive Plan. TEB explained that a Neighborhood Study in the early 1980's, which is incorporated into the Comprehensive Plan, recommended this area be rezoned to a B 4 zone. TEB explained the B 4 zone was a much broader zone with the gas station and convenience store being a permitted use, whereas the B 2 zone allows the gas station convenience store only as a conditional use with the planning board having discretion for approval through the site plan review process. Ms. McDowell also asked about the City's desire to retain residential zones and the imbalance of commercial and residential zones. TEB indicated that this question was best directed to the City's planning staff. Ms. McDowell also mentioned the number of vacant retail space in Portland.

There was some discussion of the Presumpscot Grange. Mike Griffin the realtor representing the owners identified himself and stated that the portico of the grange had been removed due to the snow loads with the potential collapse of the roof and associated safety concerns. Mr. Griffin also stated that Adam Mack the owner of Wellesley Estates had been required to obtain an easement from the grange in order for Wellesley Estates to be approved.

Mark Adelson the Deputy Director of the Portland Housing Authority asked about the access to the rear of the Riverton Housing Complex. This access is necessary to allow maintenance functions to be performed to areas which currently has limited access.

Mr Adelson also asked about the traffic and TEB stated that the Bill Bray the traffic consultant had met with the city's traffic engineer and who in turn suggested that a turning lane on Forest Ave. will be required. TEB also stated that the turn in to the project from Riverton Drive to the proposed development and the left only lane near the gas pumps were Bill Bray's ideas. Mr. Adelson also asked about when the public hearing would be held. Mr Adelson asked if construction would start in the spring?. TEB responded with an aggressive construction schedule of late summer or early fall but most likely the fall, provided that the owners were prepared to move forward.

Either Mr Adelson or Mr. Tracy asked about the square footage of the proposed structures. TEB responded that the gas station convenience store was about 2400 sf with the possibility of a coffee drive through which would have the buffering required by the ordinance. The proposed retail and professional space is proposed to be about 10,000 sf. TEB also stated that the construction may be in 2 phases, but that was dependent upon the economy.

Rosalie Bragdon the president of the Riverton Park Tenants Council discussed the speed of traffic coming from the intersection of Riverside Drive and Forest Ave, And the difficulty of exiting from Riverton Drive. TEB mentioned that the State Department of Transportation was designing changes to Forest Ave., and were about 20% completed .And that the Mr Chau and Ms. Neang will be requested to coordinate with the Maine DOT.

Annette Rogers the manager of Riverton Park mentioned the bus route and thought that a covered waiting area would be a good thing. TEB indicated that would be possible.

Annette Rogers also mentioned the area underneath the trees is a hang out for kids and that development would be good and clean up the area. Ms. Rogers also agreed with the comment by TEB that the gas station convenience would eliminate the need for kids to cross Forest Ave. to purchase store items.

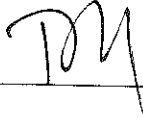
A total of 10 individuals signed the sign in sheet. At least 3 did not sign in.

Neighborhood Meeting Certification

I, Thomas E. Blackburn hereby certify that a neighborhood meeting was held on January 29, 2009 at 6 pm at the Community Room at 2 Riverton Drive, Portland, Maine.

I also certify that on January 29, 2009, invitations were mailed to all addresses on the mailing list provided by the Planning Board, including property owners within 500 feet of the proposed development or within 1000 feet of a proposed development in an industrial zone and the residents on the "interested parties" list.

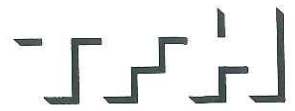
Signed



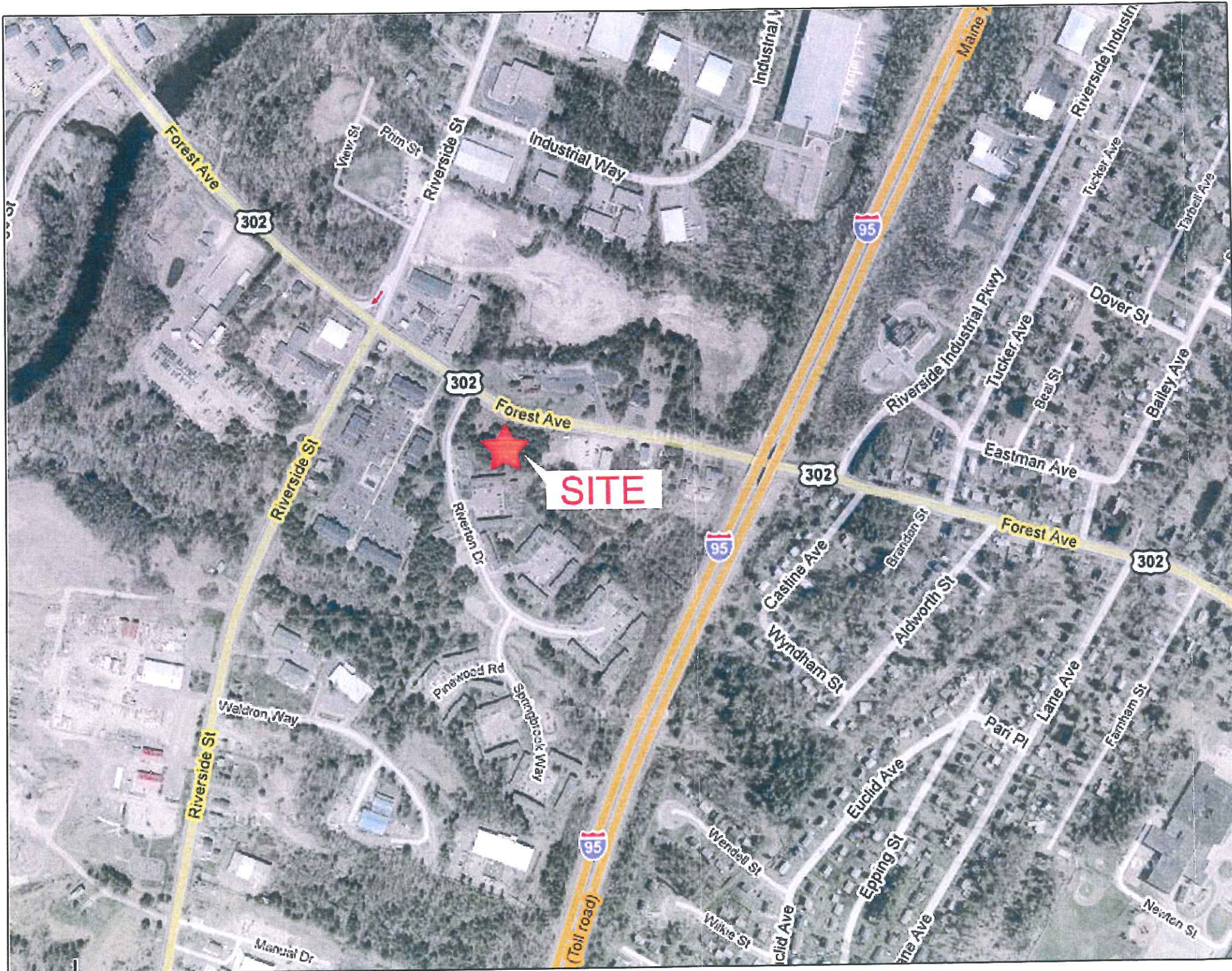
February 4, 2009

Attached to this certification are:

1. Copy of the Invitation sent
2. Sign in Sheet
3. Meeting Minutes



TFH ARCHITECTS
100 COMMERCIAL STREET
PORTLAND MAINE 04101
TELEPHONE 207 775 6141
ARCHITECTURE PLANNING

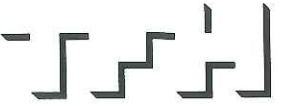


NOT TO SCALE
NOVEMBER 12, 2008

VICINITY MAP 1884 FOREST AVENUE, PORTLAND MAINE



D.2



TFH ARCHITECTS
100 COMMERCIAL STREET
PORTLAND MAINE 04101
TELEPHONE 207 775 6141
ARCHITECTURE PLANNING

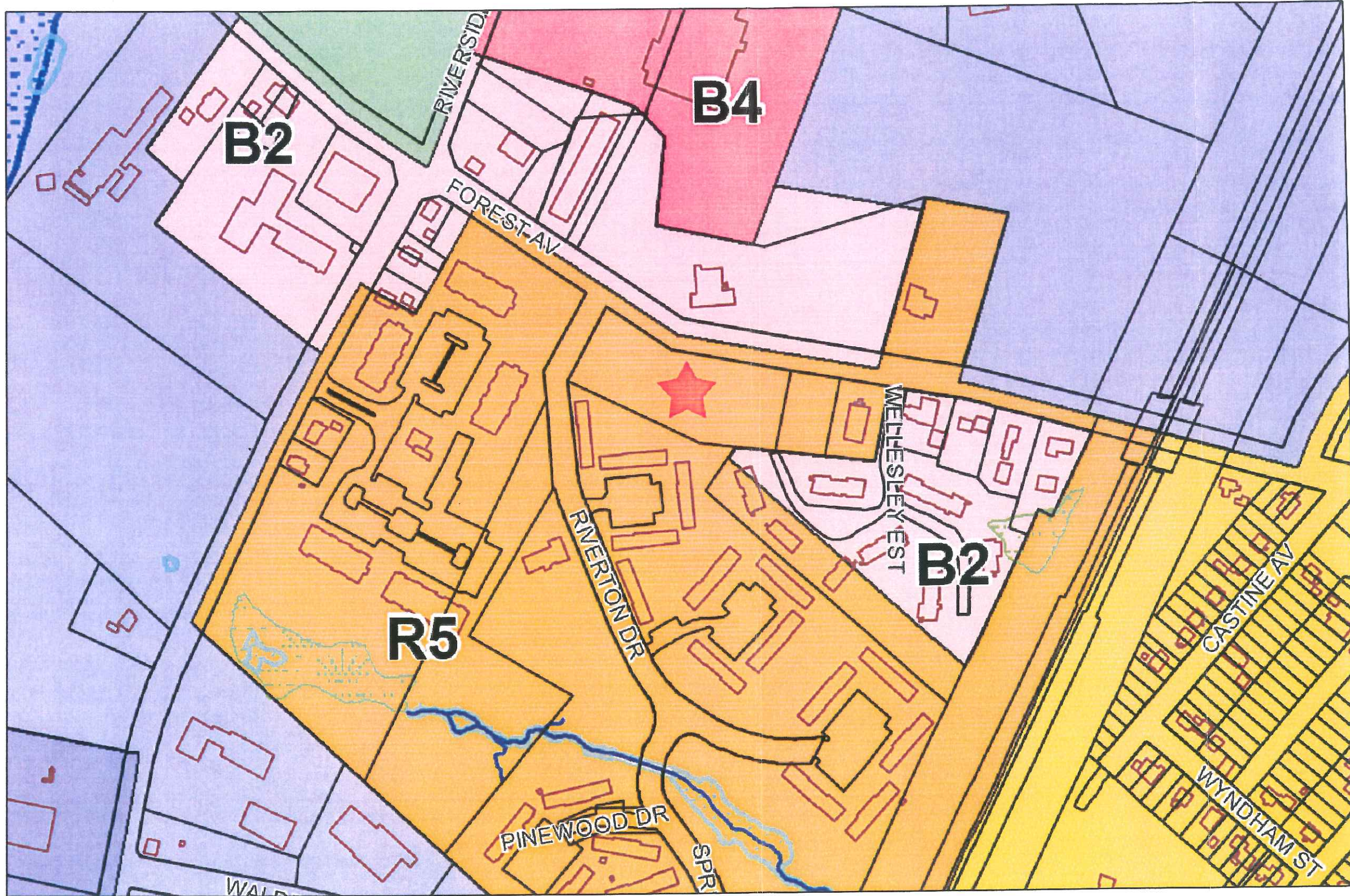


NOT TO SCALE
NOVEMBER 12, 2008

SITE AERIAL
1884 FOREST AVENUE, PORTLAND MAINE

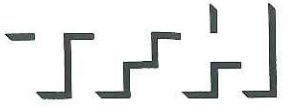


TFH ARCHITECTS
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PORTLAND MAINE 04101
TELEPHONE 207 775 6141
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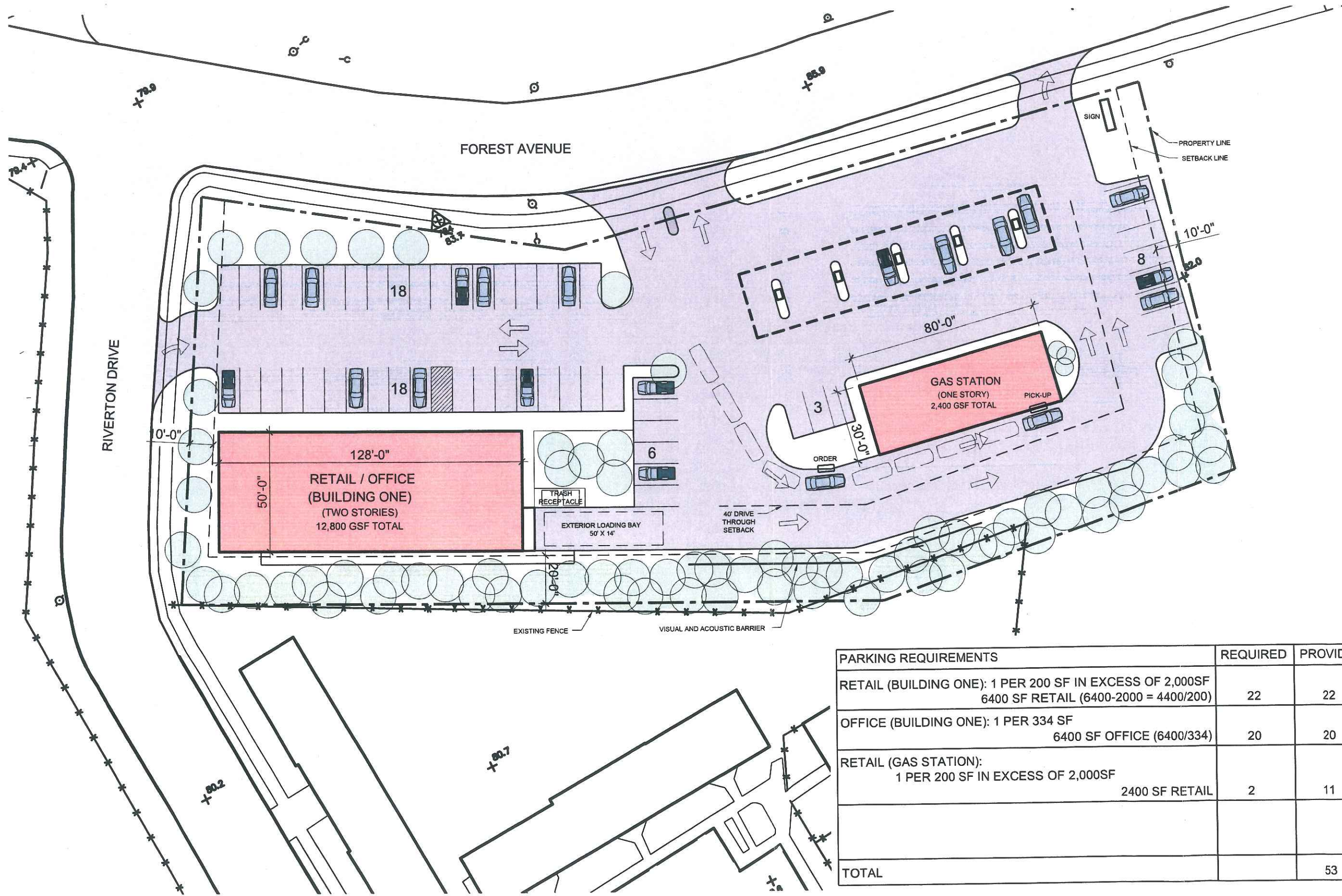


NOT TO SCALE
NOVEMBER 12, 2008

ZONING MAP
1884 FOREST AVENEUE, PORTLAND MAINE



TFH ARCHITECTS
 100 COMMERCIAL STREET
 PORTLAND MAINE 04101
 TELEPHONE 207 775 6141
 ARCHITECTURE PLANNING

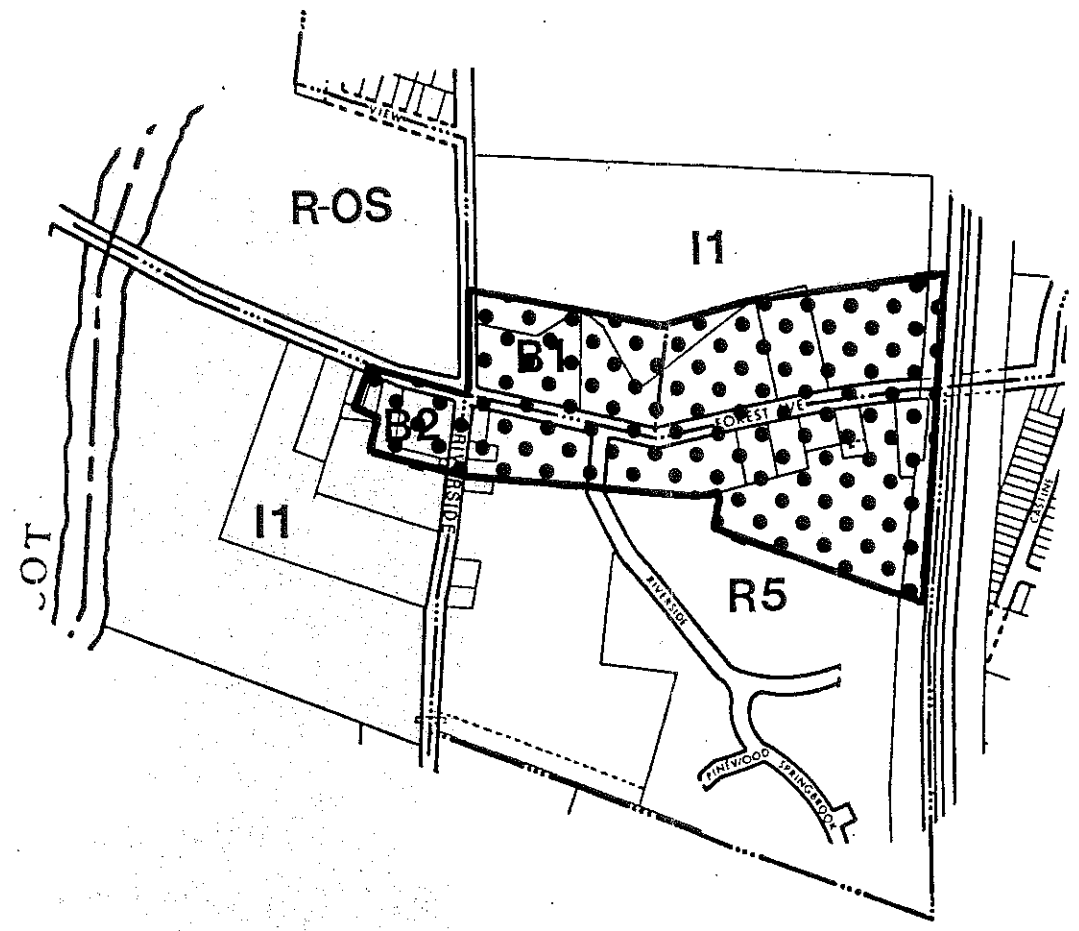


| PARKING REQUIREMENTS | REQUIRED | PROVIDED |
|---|----------|-----------|
| RETAIL (BUILDING ONE): 1 PER 200 SF IN EXCESS OF 2,000SF 6400 SF RETAIL (6400-2000 = 4400/200) | 22 | 22 |
| OFFICE (BUILDING ONE): 1 PER 334 SF 6400 SF OFFICE (6400/334) | 20 | 20 |
| RETAIL (GAS STATION): 1 PER 200 SF IN EXCESS OF 2,000SF 2400 SF RETAIL | 2 | 11 |
| TOTAL | | 53 |



SCALE 1"=40'
 OCTOBER 20, 2008

CONCEPTUAL SITE LAYOUT
1884 FOREST AVENUE, PORTLAND MAINE



PROPOSED ZONING CHANGES

(WITH EXISTING ZONING SHOWN BY LETTER & NUMBER)

RIVERTON

PORTLAND NEIGHBORHOOD
ECONOMIC DEVELOPMENT STUDY
JULY 1982

EXISTING ZONES TO
BE CHANGED TO:

| | | | |
|--|----|--|----|
| | B1 | | R3 |
| | B2 | | R5 |
| | B4 | | RP |



P-8B
FIGURE

GOVERNMENTAL SERVICES INC.

EXISTING ZONING
February 1982

RESIDENTIAL: R1, R2, R3, R4, R5, R6, RP
 BUSINESS: B1, B2, B3, AB
 INDUSTRIAL: I1, I2, I-2B, I3, I-3B, IP
 RECREATION - OPEN SPACE: R-OS
 SHORELAND ZONE OMITTED

Source: City of Portland