



Planning &amp; Urban Development Department

*Jeff Levine, AICP, Director**Marge Schmuckal, Zoning Administrator*

April 10, 2014

Peter Bolduc  
C/o Re-Harvest Inc.  
66 Milliken Street  
Portland, ME 04103

RE: 66 Milliken Street - 333-K-025 &amp; 334-A-013 (the "Property") – I-M Zone

Dear Mr. Bolduc,

I am in receipt of your request concerning the Property. The Property is located entirely within the I-M Moderate Industrial Zone. On February 1, 2000, I wrote a determination letter to you concerning your operations at the Property. I determined that the use fell under two separate provisions of the I-M zone. Your use was allowed under 14-247(1) as a low impact industrial use under the given bakery designation. It also was an activity that is allowed under 14-247(12) as a recycling facility. It is understood that all storage and operations are occurring within the structure. Therefore, I have determined that your expanded operations also fall under the recycling facilities use. No change of use permit requirement would be necessary. Your use is still valid under your past application and certificate of occupancy.

I have also received an e-mail from Barbara Barhydt of the Planning Division that the expanded recycling use does not require any additional review under site plan.

If you have any questions regarding this matter, please do not hesitate to call me at (207) 874-8695.

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal". The signature is written in a cursive style with a large, sweeping flourish at the end.

Marge Schmuckal  
Zoning Administrator  
City of Portland, Maine

## **Marge Schmuckal - 66 Milliken**

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**From:** Barbara Barhydt  
**To:** Schmuckal, Marge  
**Date:** 4/10/2014 4:26 PM  
**Subject:** 66 Milliken

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Hi Marge:

The proposed recycling facility continues to process grain based products and the facility is not processing any other type of food based product, thus the recycling of corrugated paper and plastic does not trigger a change of use requiring site plan review.

Thank you.

Barbara

Barbara Barhydt  
Development Review Services Manager  
Planning Division  
389 Congress Street 4th Floor  
Portland, ME 04101  
(207) 874-8699  
Fax: (207) 756-8256  
bab@portlandmaine.gov

Zoning Division  
Marge Schmuckal  
Zoning Administrator



Department of Urban Development  
Joseph E. Gray, Jr.  
Director

## CITY OF PORTLAND

Peter J. Bolduc, Jr.  
30 Elm Street  
P.O. Box 219  
Mechanic Falls, ME 04256

February 1, 2000

RE: 66 Milliken Street - Megquier Hill Farm - 333-K-25 & 334-A-13 - I-M Zone

Dear Peter,

Thank you for meeting with the City on January 28, 2000. Your candor concerning your operations was very helpful in making my zoning determination.

I understand your company operations, both present and proposed, to function as outlined below. The product that you begin with is the outdated, and other discarded bakery product from LePage's and Nissan's bakeries. No other additives are introduced to the product during this process. The process is very simple. If I have misunderstood anything, please let me know as soon as possible. Any changes may affect my determination.

- ▶ You pick up the product (in enclosed swap-box containers)
- ▶ You extract "contaminants" such as plastic bags and paper items
- ▶ You bake the product to reduce moisture to below 15% (at 350° to 550°)
- ▶ You size the product for uniformity (the size of cornmeal)
- ▶ You deliver the product to a buyer (in enclosed containers)

At this final point, your product is delivered to another manufacturer who processes it further. Your present buyer uses your product as an ingredient to yield a separate, independent product.

I have made a determination that your proposed use as described is a permitted use in the I-M Zone in which you would be located. This type of use can fall under two sections of the listed permitted uses. It is allowed under 14-247(1) as a low impact industrial use under the given bakery designation. I also believe that the described activities could be allowed under 14-247(12) as a recycling facility. All storage and operations have been related to me as occurring within the structure.

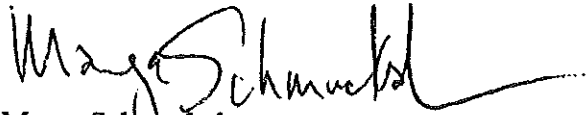
As a result of our conversations, I believe that your proposed operations can reasonably meet the "Other Requirements" under Sec. 14-251 and "Performance Standards" under Sec. 14-252.

**Please note that my determination as outlined above is subject to appeal within thirty (30) days of the date of this letter. If anyone wishes to appeal this interpretation, it shall be necessary to contact my office in room 315 immediately to be sure that all the requisite paperwork is submitted as needed.**

If you have any questions regarding this matter, please do not hesitate to contact my office at 874-8695.

Please note that this is only a zoning determination as to compliance with the zoning ordinance. All other planning standards, building code, and fire code standards must also be met during the required review process.

Very truly yours,



Marge Schmuckal  
Zoning Administrator

CC: Joseph Gray, Jr., Director of Planning & Urban Development  
Jay Hibbard, District City Councilor  
Robert Ganley, City Manager  
City Councilors  
Mark Adelson, Housing & Neighborhood Services  
Alex Jaegerman, Chief Planner  
Sarah Hopkins, Senior Planner  
Gary Wood, Corporation Counsel  
Charlie Lane, Corporation Counsel  
Penny Littell, Corporation Counsel  
Lee Urban, Economic Development  
Jack Lufkin, Economic Development  
Roxane A. Cole, Ram Harnden, 119 Middle Street, Portland, ME 04101  
Neighborhood Mailing

**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

Jaimy Caron, Chair  
Deborah Krichels, Vice Chair  
Kenneth M. Cole III  
Cyrus Y. Hagge  
Erin Rodriguez  
Mark Malone  
Orlando E. Delogu

March 1, 2000

Peter Bolduc  
Meguire Hill Farm  
P.O.Box 219  
Mechanic Falls, ME 04256

re: Reuse of 66 Milliken Street

Dear Mr. Bolduc:

On February 22, 2000, the Portland Planning Board voted unanimously (6-0; Malone absent) to approve your application to reuse the site and building at 66 Milliken Street. The Board found that the application met the standards of the Site Plan ordinance of the Land Use code and DEP Site Location of Development..

The approval was granted for the project with the following conditions:

- i. The design engineer of record, BH2M, shall provide a certification upon completion of construction that the work is in substantial conformance to the approved plans and that all conditions of approval have been satisfied.
- ii. That all floor drains in the building be permanently sealed to the satisfaction of the Public Works Department, Engineering Division.
- iii. That prior to issuance of a building permit, the applicant will submit for Planning staff review and approval the lighting specifications for the proposed wall mounted fixtures.
- iv. That the Planning Board approval is for a "grain-related" process only. →

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report # 7-00, which is attached.

Please note the following provisions and requirements for all site plan approvals:

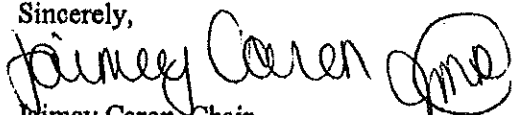
- 1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

2. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator (who is located at DeLuca Hoffman at 775-1121) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact the Planning Staff.

Sincerely,



Jaimey Caron, Chair  
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Senior Planner  
P. Samuel Hoffses, Building Inspector  
Marge Schmuckal, Zoning Administrator  
Tony Lombardo, Project Engineer  
Development Review Coordinator  
William Bray, Director of Public Works  
Nancy Knauber, Associate Engineer  
Jeff Tarling, City Arborist  
Charlie Lane, Associate Corporation Counsel  
Lt. Gaylen McDougall, Fire Prevention

**City of Portland, Maine – Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716**

Location of Construction: 66 Milliken		Owner: *** Megquier Hill Farm		Phone: 797-7997		Permit No: 001009	
Owner Address: ***66 Milliken St. Portland, ME 04103		Lessee/Buyer's Name:		Phone:		Business Name:	
Contractor Name: K & K Excavating		Address: Turner, ME		Phone:		Permit Issued: 2 2000	
Past Use: <del>Commercial</del> Industrial		Proposed Use: Same		COST OF WORK: \$0.		PERMIT FEE: \$ 30.00	
Proposed Project Description: ADMENDMENT to permit # 000521 Change of use from building steps to bakery meal.		FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group F-1 Type 2C 05C 899 Signature: [Signature]		Zone: CBL: 334-A-013	
		Signature:		Signature:		Zoning Approval: Not A Special Zone or Review: <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan <input type="checkbox"/> Minor Change <input checked="" type="checkbox"/> Historic Preservation Zoning Appeal	
Permit Taken By: Gayle		Date Applied For: September 11, 2000		GG		Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied	

- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.
- Building permits do not include plumbing, septic or electrical work.
- Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.

**PERMIT ISSUED WITH REQUIREMENTS**

**CERTIFICATION**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit

September 11, 2000

SIGNATURE OF APPLICANT \_\_\_\_\_ ADDRESS: \_\_\_\_\_ DATE: \_\_\_\_\_ PHONE: \_\_\_\_\_

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE \_\_\_\_\_ PHONE: \_\_\_\_\_

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

**PERMIT ISSUED WITH REQUIREMENTS**

ISSUE 9/6



CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 66 Milliken St

CBL 334 A01300101

Issued to Megquier Hill Farm/K & K Excavating

Date of Issue 08/28/2001

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 00-1008, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

Entire

Processing Plant  
F1 - Use Group  
2C - Construction Type BOCA 99

Limiting Conditions:

None

This certificate supersedes  
certificate issued

Approved:

8/29/01

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



**From:** Peter Bolduc <pbolduc@harvesthillfarms.com>  
**To:** Marge Schmuckal <MES@portlandmaine.gov>  
**Date:** 3/24/2014 1:51 PM  
**Subject:** Re-Harvest

66 Milliken St  
L-m

Marge,  
Thank you for your time last week. I am following up and asking for for a more broad description that will put my larger customers at ease knowing that we are allowed to do that which we are doing and what we spoke about at our meeting.

If I were to boil it down to the essence of what we are doing I would best describe it this way. We are the e-harmony for recyclable commodities. We take loads that are primarily recyclable, source separated as well as loads that are commingled. We either mechanically or manually separate them. In any event we are processing these recyclables and putting them in the desired condition that the end user needs them. Ground, baled, loose etc.

What we are not. We are not a transfer station.

The fee for this clarification is \$150.00. Can you remind me to who and where the check should be made out.

Thanks again.

334-A-01A

Carry on  
Philippians 1:6

~~356-K-001~~

Peter Bolduc

pbolduc@harvesthillfarms.com  
207-754-9234

333-K-25 lead

334-A-013


Re-Harvest  
Security Shredding  
Maine Apple Co.  
Harvest Hill Farms  
Farm House Pizza  
Pumpkin Land  
The Gauntlet  
The Big Corn Maze Adventure

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#) [Home](#) [Departments](#) [City Council](#) [E-Services](#) [Calendar](#) [Jobs](#)

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.

**Current Owner Information:**

<p><b>Services</b></p> <hr/> <p>Applications</p> <p>Doing Business</p> <p>Maps</p> <p>Tax Relief</p> <p>Tax Roll</p> <p>Q &amp; A</p> <hr/> <p><a href="#">browse city services a-z</a></p> <hr/> <p><a href="#">browse facts and links a-z</a></p> <hr/>  <hr/> <p>Best viewed at 800x600, with Internet Explorer</p>	<p><b>CBL</b> 333 K025001</p> <p><b>Land Use Type</b> MANUFACTURING &amp; CONSTRUCTION</p> <p>Verify legal use with Inspections Division</p> <p><b>Property Location</b> 65 MILLIKEN ST</p> <p><b>Owner Information</b> MILLIKEN STREET LLC 66 MILLIKEN ST PORTLAND ME 04103</p> <p><b>Book and Page</b> 15496/094</p> <p><b>Legal Description</b> 333-K-25 334-A-13 MILLIKEN ST 17-65 543223 SF</p> <p><b>Acres</b> 12.4707</p>
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**Current Assessed Valuation:**

<b>TAX ACCT NO.</b>	35044	<b>OWNER OF RECORD AS OF APRIL 2013</b>
<b>LAND VALUE</b>	\$717,200.00	MILLIKEN STREET LLC
<b>BUILDING VALUE</b>	\$1,056,200.00	66 MILLIKEN ST
<b>NET TAXABLE - REAL ESTATE</b>	\$1,773,400.00	PORTLAND ME 04103
<b>TAX AMOUNT</b>	\$34,421.70	

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

**Building Information:**

	<b>Building 1</b>
<b>Year Built</b>	1980
<b>Style/Structure Type</b>	MANUFACTURING
<b># Units</b>	1
<b>Building Num/Name</b>	1 - RE-HARVEST INC
<b>Square Feet</b>	45081

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

**Exterior/Interior Information:**

	<b>Building 1</b>
<b>Levels</b>	01/01
<b>Size</b>	3900
<b>Use</b>	MULTI-USE OFFICE
<b>Height</b>	14
<b>Walls</b>	BRICK/STONE
<b>Heating</b>	HOT AIR
<b>A/C</b>	CENTRAL
	<b>Building 1</b>
<b>Levels</b>	01/01
<b>Size</b>	41181
<b>Use</b>	LIGHT MANUFACTURING
<b>Height</b>	30
<b>Walls</b>	METAL-LIGHT
<b>Heating</b>	UNIT HEAT
<b>A/C</b>	NONE

**From:** Alex Jaegerman  
**To:** Alex Jaegerman; Barbara Barhydt; Marge Schmuckal  
**Date:** 3/20/2014  
**Time:** 11:00 AM - 12:00 PM  
**Subject:** Peter Bolduc, Re-Harvest zoning issues

WASTE MANAGEMENT

ODOR Scientist

Recycling - I-M -  
 main related process -

Deeper into The Dumpster  
 Comingled recycling  
 NOTA transfer station

334-A-013

Separate - package & ship

~~40,000 sq ft Bldg~~  
 2000-521

F - COFO -  
 Processing plant

Not for their review thru planning

bricks or sugar

Barhydt, Development Manager, when we meet.

I have some time next Thursday, March 20. I am copying Marge and Barbara to see if they have any time that day, and if it works for you. If not, we can find a time that does.

Apologies for my delay in getting back to you.

Alex.

Alexander Jaegerman, FAICP  
Planning Division Director  
389 Congress Street, Suite 400  
Portland, ME 04101

Phone: (207)874-8724>>> On 3/10/2014 at 2:28 PM, in message <DEAC4782-B201-41E4-93D2-1B82B8A4CE57@harvesthillfarms.com>, Peter Bolduc <pbolduc@harvesthillfarms.com> wrote:

Alex,

I have been trying to catch up with you by phone unsuccessfully. Your office gave me your email address and suggested this I try by email. I own the property at 66 Milliken St. in the Riverside Ind. park. We have been running our recycling facility here since 2000. The recycling world has continued to change and as such so has some of the language in it. Fourteen years ago the term "single stream" was new. Today its commonplace. We deal with many large corporate and publicly traded customers and have been asked on occasion for a copy of our conditional use / occupancy permit. It would be easier for me to convey what I am trying to do if we met or at the least have a conversation to a)

see if you are the person I should be talking to (I started this process many weeks ago and have been bounced around and have gone nowhere) and B) see if we can clarify the language.

I can be reached at this email address or on my cell phone. I also can respond to text if that's more convenient.

Thank you

Peter Bolduc  
Re-Harvest  
Megquier Hill Corp

207-754-9234

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

I-M

City of Portland  
Code of Ordinances  
Sec. 14-246

Land Use  
Chapter 14  
Rev. 3-4-13

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

Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone.  
(Ord. No. 164-97, § 7, 1-6-97)

**Sec. 14-247. Permitted uses.**

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

- (a) Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, musical instruments, precision instruments, watchmakers, toys and sporting goods, wood products, jewelry, assembly of electrical components, tool and die shops and the packaging of food.
- (b) Research and development and back office uses.
- (c) Building contractors and construction and engineering services.
- (d) Wholesale trade.
- (e) Warehousing and distribution facilities, including outdoor storage.
- (f) Intermodal transportation facilities and transportation terminals.
- (g) Repair services, including all types of automotive repair services.
- (h) Indoor amusement or recreational centers.
- (i) Plant and tree nurseries, including associated recycling

activities.

- (j) Lumber yards.
- (k) Commercial kitchens or other food preparation, provided that the food is not prepared for service on the premises.
- (l) Recycling facilities, provided that all storage and recycling operations occur within a fully enclosed structure.
- (m) Food and seafood processing for human consumption.
- (n) Municipal or regional solid waste disposal facilities, provided that all disposal activities are carried out within an enclosed structure.
- (o) Day care facilities, provided that:
  - 1. Proof of licensing with the Maine Department of Human Services is submitted to the city prior to issuance of a certificate of occupancy;
  - 2. *Off-street parking*: Off-street parking is required as provided in division 20 (off-street parking) of this article;
  - 3. Off-street loading shall be located in a safe location;
  - 4. There shall be an on-site outdoor play area with seventy-five (75) feet of land area per child; and
  - 5. The outdoor play area shall be fenced and screened with a landscaped buffer.
- (p) Dairies.
- (q) Utility substations.
- (r) Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs, provided that:

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

389 Congress Street  
 Portland, Maine 04101

**RECEIPT OF FEES**

<b>Application No:</b> 0000-1876	<b>Applicant:</b> MILLIKEN PORTLAND PARTNER
<b>Project Name:</b> 56 MILLIKEN ST	<b>Location:</b> 56 MILLIKEN ST
<b>CBL:</b> 334 A014001	<b>Application Type:</b> Determination Letter
<b>Invoice Date:</b> 03/28/2014	

<b>Previous Balance</b>	-	<b>Payment Received</b>	+	<b>Current Fees</b>	-	<b>Current Payment</b>	=	<b>Total Due</b>	<b>Payment Due Date</b>
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00	On Receipt

**Previous Balance** **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		\$150.00
	<b>Total Current Fees:</b>	<b>+ \$150.00</b>
	<b>Total Current Payments:</b>	<b>- \$150.00</b>
	<b>Amount Due Now:</b>	<b>\$0.00</b>

**CBL:** 334 A014001  
**Bill to:** MILLIKEN PORTLAND PARTNERS LLC  
 40 SOUTH ST STE 305  
 MARBLEHEAD, MA 01945

**Application No:** 0000-1876  
**Invoice Date:** 03/28/2014  
**Invoice No:** 44505  
**Total Amt Due:** \$0.00  
**Payment Amount:** \$150.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.  
 Check the status of your permit or schedule an inspection on-line at <http://www.portlandmaine.gov/planning/permitstatus.asp>