Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 05/22/17

July 1, 2016
Job No.: 15105

Ms. Ann Machado
Zoning Administrator
Permitting and Inspections Department
389 Congress Street
Portland, Maine 04101

Re: 235 Presumpscot Street, Self-Storage Occupancy

Dear Ms. Machado:

We understand that self-storage is not listed as a permitted use in the IM (Moderate Impact Industrial Zone) Zone as defined by Sec. 14-247. Permitted Uses. A self-storage facility is also not expressly prohibited by Sec. 14-249. Prohibited Uses.

The proposed self-storage occupancy will convert an existing single story warehouse to a 2-level storage facility with approximately 230 small storage units to be rented to individuals. There will also be a small office. Because self-storage is not a listed use in the IM Zone, we propose to permit based on Sec. 14-248 Performance based uses.

A self-storage facility should be considered consistent with the majority of uses listed in Sec. 14-247, specifically:

(e) Warehousing and distribution facilities, including outdoor storage.

The building will "warehouse" or store personal belongings. No exterior storage is being proposed. Typically, the self-storage units will receive no more than 10 visits per day which is well below the traffic experienced for warehouses or distribution facilities. Access will be through an existing overhead door on the north side of the building. This door is not visible from Presumpscot Street.

The facility will not pose any significant hazard to health or safety of neighboring residents since the neighboring properties are predominantly warehouses or distribution facilities (FedEx) or vehicle-related (Portland Detailing). The facility will not cause any adverse environmental impacts or substantial diminution of the value or utility of the neighboring properties. The facility will not generate excessive noise levels, emissions, traffic, lighting, odor or other negative impacts.

With the explanation above, we would ask that you consider a self-storage occupancy as appropriate for the IM Zone.

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Sincerely,
SMRT Architects and Engineers

Janet L. Hansen, AIA, NCARB, LEED AP
Principal

144 Fore Street
Portland, ME 04101
P 207.772.3846 f 207.772.1070 email: info@smrtinc.com

Cc: Brad Moll, 15105-240
Attachments: 1st and 2nd Floor Plans of proposed Self-Storage facility, Sections 14-247, 14-248, 14-248.1, 14-249 of the Portland Land Use Zoning Ordinance

A1 FIRST FLOOR
1/8" = 1'-0"

PLAN NOTE

1. SEE G-001 FOR GENERAL PROJECT NOTES, LEGENDS AND ABBREVIATIONS.
2. CONTRACTOR IS RESPONSIBLE FOR REVIEWING CODE COMPLIANCE PLANS AND NOTIFYING THE ARCHITECT OF CONFLICTS BETWEEN WHAT IS IN THE FIELD AND ON THE CODE DOCUMENTS.
3. DIMENSIONS ARE FACE OF CONCRETE, FACE OF MASONRY AND CENTERLINE OF STUD, UNLESS NOTED OTHERWISE.
4. DOOR JAMBS (HINGE SIDE) SHALL BE 6" FROM CORNER IN STUD PARTITIONS AND 8" FROM CORNER IN MASONRY PARTITIONS UNLESS NOTED OTHERWISE.
5. REFER TO DETAILS FOR ADDITIONAL DIMENSIONING INFORMATION.
6. REFER TO ENLARGED PLANS FOR PARTITION TYPES AND DIMENSIONS IN AREAS WHICH ARE DETAILED AT A LARGER SCALE.
7. FURNITURE AND OWNER PROVIDED EQUIPMENT ARE INDICATED BY DASHED LINE TYPE.
8. CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION OF OWNER PROVIDED EQUIPMENT INCLUDING BUT NOT LIMITED TO DIMENSIONAL INFORMATION, AND MECHANICAL, ELECTRICAL AND PLUMBING REQUIREMENTS.

PLAN KEY NOTES:

1 PROVIDE RAILING, 3' TALL WITH SPACING SUCH THAT A 4" SPHERE CANNOT PASS THROUGH IT AT ANY POINT.

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ARCHITECTURE
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LICENSED ARCHITECT
JANET L. HANSEN
#1991
STATE OF MAINE
4-27-16

SELF-STORAGE TENANT FIT-UP

235 PRESUMPSCOT STREET

PERMIT SET
4-27-16

CURRENT ISSUE STATUS:

REV	DESCRIPTION	DATE

GRAPHIC SCALE: 0" 1"

SCALE:	As indicated
PROJECT MANAGER:	JLH
JC/DRAWN BY:	SHK
A/E OF RECORD:	JLH
PROJECT NO:	15105
SMRT FILE:	AE101-15105
DATE:	

SHEET TITLE:
FIRST FLOOR PLAN

SHEET No.
AE101

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A1 SECOND FLOOR
1/8" = 1'-0"

PLAN NOTE

Date: 05/22/17

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SCALE:	As indicated
PROJECT MANAGER:	JLH
JC/DRAWN BY:	SHK
A/E OF RECORD:	JLH
PROJECT NO:	15105
SMRT FILE:	AE102-15105
DATE:	

SHEET TITLE:
SECOND FLOOR PLAN

SHEET No.
AE102

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(i) *Radiation:* Radiation at a site shall comply with all applicable state and federal regulations.

(j) *Discharge into sewers:* No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority or by the public works authority.

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

(Ord. No. 164-97, § 6, 1-6-97)

Sec. 14-237. thru 14-245. Reserved.

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

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

Sec. 14-246. Purpose.

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

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

The I-M, I-Ma and I-Mb industrial zones are intended to

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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.

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(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 requird 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:

1. No correctional prerelease facility shall be located within one thousand (1,000) feet of

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another, as measured in a radius from the center of the lot;

2. Such facilities shall not be permitted in the I-Ma or I-Mb zones;

3. If a facility requires state or federal licensing, staffing of the facility shall be as required by such license. If a facility does not require state or federal licenses, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof; and

4. The facility shall provide twenty-four-hour supervision of program participants.

(s) Incidental accessory uses.

(t) General, business and professional offices.

(u) Storage lots for towed or impounded vehicles, provided that such lots are located at least 300 feet from any residential zone or existing conforming residential use. For the purposes of this section, "existing conforming residential use" does not include a legally nonconforming residential use as described in division 23 of this chapter.

(v) Registered medical marijuana cultivation facilities.

(w) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(x) Street vendors licensed pursuant to Chapter 19.

(y) Intermediate care facilities on any property with existing structures provided they were not designed constructed or used for any amusement, industrial, warehouse or manufacturing use on September 15, 2014 or thereafter. Properties with such structures may be reused and expanded to establish an intermediate care facility for no more than 30 persons plus staff.

(Ord. No. 164-97, § 7, 1-6-97; Ord. No. 137-97, § 3, 11-3-97; Substitute Ord. No. 72-01/02, § 1, 10-1-01; Ord. No. 97-06/07, 11-20-06; Ord. No. 240-09/10, 6-21-10; Ord. No. 283-09/10, 7-19-10 emergency passage; Ord. No. 33-11/12, 1-18-12; Ord. No. 10-12/13, 7-16-12; Ord. 53-14/15, 9-15-2014)

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Sec. 14-248. Performance based uses.

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

(a) The proposed development is consistent with the purposes of this zone.

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

(Ord. No. 164-97, § 7, 1-6-97)

Sec. 14-248.1. Conditional uses.

The following use shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:

(a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and

3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and

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4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and

7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and

8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

(b) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)

Sec. 14-249. Prohibited uses.

Uses that are not expressly enumerated herein as permitted

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uses are prohibited. Those uses that are prohibited shall include, but are not limited to, the following:

(a) Residential uses.

(b) Retail trade that is not ancillary to a permitted use.

(c) Restaurant uses.

(d) Junk yards.

(e) Amusement parks.

(f) Crematoriums.

(g) Mining and drilling operations.

(h) Refining of petroleum or its products, including tar distillation.

(i) Petroleum tank farms.

(j) Commercial excavation of building or construction materials other than in the normal course of building or construction or site preparation.

(k) Distillation of bones; fat rendering; glue, soap, or fertilizer manufacture.

(l) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse.

(m) Stockyard or slaughtering of animals.

(n) Smelting of iron, copper, tin, zinc, or any other ore.

(o) Manufacture of primary chemicals.

(p) Manufacture of cement, lime, gypsum, or plaster of paris.

(q) Manufacture of bleaching powder, matches, paper, or rubber.

(r) Manufacture of explosives or fireworks. Bulk storage of explosives or fireworks is also prohibited unless such storage is done as an accessory use to a permitted use

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located on the same site and all required state and local permits have been acquired.

(s) Tanning, curing or storage of raw hides or skins.

(t) Coal distillation or coke ovens.

(u) Creosote treatment.

(v) Drop forging.

(w) Steel mills or furnaces.

(x) Coal- or coke-fired kilns.

(y) Used tire storage.

(z) Extraction of raw materials.

(aa) Concert halls or dance halls.

(bb) Banquet facilities.

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

Sec. 14-250. Dimensional requirements.

(a) *Minimum lot size:*

1. Correctional prerelease facilities: Ten thousand (10,000) square feet.

2. Other uses: None.

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

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

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