



Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

November 18, 2016

Doug Welch, Executive Director
Maine Island Trail Association
58 Fore Street, Suite 30-3
Portland, ME 04101

RE: 65Kensington Street (AKA 100 Kensington Street), Portland, ME, CBL: 429-G-001 thru 007, 430-B-013 & 015, 430-E-001 thru 004 & 430-X-001 (the "Property")

Dear Mr. Welch:

I am in receipt of your request for a zoning interpretation regarding the Property. Specifically, you are inquiring whether a use proposed by the Maine Island Trail Association constitutes a permitted use in the I-L (Low Impact) Industrial Zone and in an area that is also subject to the Shoreland Overlay regulations. After a review of the information provided in your letter and applicable provisions in the City's Code, I have determined that Maine Island Trail Association's proposed use constitutes a permitted use in the zone.

As you know, "office" uses are prohibited in the I-L zone. However, "back office" uses are permitted. *See* Portland Code of Ordinances Section 14-232. Under Section 14-47 of the Code, "back office" use is defined to mean:

An office-related use providing support services to a primary or headquarter use, with minimal public visitation and no direct in-person sales or services to the general public. Back office uses may include data processing or other clerical uses relying heavily on a telecommunications infrastructure and may also include support services to educational institutions or social services agencies as long as no direct in-person services to the general public are provided.


According to your letter, Maine Island Trail Association is a non-profit organization serving boaters along the coast of Maine. In furtherance of its mission, MITA developed and manages a trail system of over 200 wild coastal islands from New Hampshire to Canada so that they are accessible by boat for recreational purposes. It manages approximately 36 properties in or along Casco Bay. In order to continue its work, MITA and its volunteers provide physical stewardship of the island trails and MITA relies on water access and dockage for its island stewardship skiffs. My further understanding is that MITA is in negotiations to move its headquarters to the above-captioned property and that those operations will include docking facilities and space for its 8-member staff.

Based on your description of MITA's operations, which primarily include island stewardship, education and outreach, and work with volunteers, I conclude that the proposed use of the Property as a headquarters and as space for MITA's staff is permitted. Although I understand that the Property will be used in part for office-related, support services, including the publication of MITA's trail guide, I conclude that those proposed activities meet the definition of a "back office" use as defined in Section 14-

47 because they will support MITA's primary activities, island stewardship, community and volunteer education and the like.

I trust the information provided is sufficient. Please contact me at (207) 874-8709 with questions or concerns. This interpretation is based on the information provided and the current City of Portland Code of Ordinances. It is not binding on the City of Portland in any future decisions. A final determination will be made when a building permit is submitted to the Permitting and Inspections Department to establish the use of the second floor of the building as a "back office".

Sincerely,

A handwritten signature in black ink, appearing to read 'A. B. Machado', with a long horizontal flourish extending to the right.

Ann B. Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
207. 874.8709
amachado@portlandmaine.gov