

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

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December 23<sup>rd</sup>, 2013

Jonathan Culley  
Redfern Munjoy LLC  
P.O. Box 8816  
Portland, ME 04104

**Project Name:** Munjoy Heights  
Six new buildings comprising 29 residential townhouses; one existing house on reconfigured lot  
**Project ID:** 2013-228  
**Project Address:** 79 Walnut Street  
**CBL:** 12-F-2 (part), F-4, F-7, F-18; 12-G-6; 12-H-1, H-3, H-5, H-7, H-9, H-13, H-17, H-22  
**Applicant:** Jonathan Culley, Redfern Munjoy LLC  
**Planner:** Jean Fraser

Dear Mr Culley:

On December 17<sup>th</sup>, 2013 the Portland Planning Board considered and approved a Level III Final Site Plan and Subdivision proposal to construct a 30 "lot" residential subdivision made up of 29 new units in six 3-4 story townhouse-style buildings and one existing residential building on a reconfigured lot.

The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance and voted 6-0 (Dean absent) to approve the application with the following waivers and conditions as presented below.

### WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #57-13 for application 2013-228 (Munjoy Heights, 79 Walnut Street) relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. The Planning Board voted 6-0 (Dean absent) to waive the Ordinance Section 14-526 (a) (4) (b) and (c) Bicycle, Motorcycle and Scooter Parking to allow the proposed parking in garages to meet the standard, subject to 9 outside bicycle parking spaces being provided along the access drive for visitors.
2. The Planning Board voted 6-0 (Dean absent) to waive the Technical Manual Section 1.7.1.5 that requires granite curbing along the full radius of the driveway entrance to allow tip down curbing to be incorporated for the sidewalk, subject to a revised design being reviewed and approved by the Planning Authority and Department of Public Services and shown on the final site plan and relevant engineering drawings prior to issuance of the building permit.

## DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 57-13 for application 2013-228 (Munjoy Heights, 79 Walnut Street) relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

### 1. SUBDIVISION

The Planning Board voted 6-0 (Dean absent) that the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

- i. That the applicant shall submit title insurance/title opinion regarding the rights to develop the portions of the former Sheridan and East Cove paper streets prior to release of signed Subdivision Plat, and submit evidence that the actions associated with the claims have been taken prior to the issuance of a building permit; and
- ii. That the easements and other documentation demonstrating right title and interest shall be finalized to the satisfaction of the Corporation Counsel and recorded prior to the release of the signed subdivision plat; and
- iii. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, and Department of Public Services and include detailed references to easements, parking limitations for units 1-11, snow removal, trail and trail connection maintenance, Condominium Association documents and relevant conditions; and
- iv. That the Condominium Association documents shall reference the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan, adequate snow removal and the ongoing maintenance of the 20 foot wide vehicle access lane and the trail and trail connections, to be reviewed and approved by Corporation Counsel. The documents shall also address the relevant conditions of approval and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the Subdivision Plat; and
- v. That the Portland Trails Agreement shall be revised to: include snow removal, hours of use of trails, and other maintenance obligations for the connection to East Cove Street within the obligations of the Grantor/Condominium Association and to be consistent with the obligations for the rest of the easement area; address the staff and Portland Trail comments in this report; and be agreed with Portland Trails, the City's Corporation Counsel, Department of Public Services and the Planning Authority prior to the release of the signed subdivision plat, and recorded prior to the issuance of the certificate of occupancy with a copy to the Planning Authority; and
- vi. That the applicant shall add notes to the subdivision plat, condominium documents and/or unit deeds and obtain such other legal agreements/easements as are necessary, subject to the review and approval of Corporation Counsel and prior to the release of the signed subdivision plat, to secure the rights and limitations listed below:
  - That the basic arrangements shown on the draft plat and in draft easements with abutters Rando and McAdam remain as presented to reviewers (Attachment V to this Report) in the final review for the Planning Board hearing;
  - That the agreed public access (Portland Trails Easement) is maintained at all times and available for safe use year round, over the area shown in Attachment U to this Report;
  - That the minimum vehicle access of 20 feet is maintained at all times by adequate snow removal in accordance with the approved Snow Storage Plan (Plan 21 to this Report) and a specific prohibition on parking in front of the garages for Units 1-11 due to encroachment into the 20 foot circulation area required by the fire Department.
- vii. That the applicant shall post the performance guarantee required under the Housing Preservation and Replacement Ordinance prior to the issuance of a demolition permit for the demolition of the two existing residential buildings at 79 Walnut Street and 1 East Cove Street; and

- viii. That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the final submitted construction, stormwater management and sediment & erosion control plans and reports (Attachments H and J and Plans 8 and 36 to this Report) and relevant City standards and state guidelines. A maintenance agreement for the stormwater drainage system shall be submitted for review and approval by Corporation Counsel and Department of Public Services prior to the issuance of a building permit, and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services.

## 2. SITE PLAN REVIEW

The Planning Board voted 6-0 (Dean absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

- i. That the applicant shall submit final plans to the Portland Water District for their review and approval, and forward documentation of PWD's approval to the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant may be required to install a crosswalk on Walnut Street between their driveway and Sheridan Street. The crosswalk question will be reviewed by the City's Crosswalk Committee to assess the appropriateness of a crosswalk at the subject location. If deemed to be required by the Crosswalk Committee, the applicant shall be responsible for the installation of the crosswalk with supporting features. These supporting features may include (in addition to paint markings and signs) lights for safe illumination, ADA compliant ramps, curb extensions, etc. If required, the applicant shall be responsible for submitting a plan to DPS for review and approval; and
- iii. That the applicant shall submit detailed/revised Landscape Plans to address the following, for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit:
  - Mitigation of the retaining wall and other impacts for abutters or where viewed directly by abutters;
  - Resolution of the Portland Trail node locations (ie where the stairs meet the access drive/parking area) so that the stairs enter the area via a dedicated pedestrian way and the trail is more visible (to address PT comments in letter dated 12.11.2013 and Traffic review comments dated 12.11.2013); and
  - To address the City Arborist Jeff Tarling comments dated 12.12.2013 concerning planting material.
- iv. That the applicant shall provide illustrative material to show how the ramp leading to East Cove Street will appear to users and further discuss the design of this ramp with the City Arborist and Portland Trails to develop a design that meets Crime Prevention, safety and maintenance objectives, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- v. That the applicant shall submit the revised civil engineering plans to confirm that the 20 foot access width in the central drive access is flush and constructed to withstand the weight of Fire Department vehicles and their outriggers for the entire 20 foot width over the entire length of the access drive, and to address the Engineering Review comments of Dave Senus dated 12.6.2013 items 2); 3); 12); 13); 17); 18); and 19); all for review and approval by the Planning Authority prior to the issuance of a building permit; and
- vi. The applicant has noted on Plans Sheet C-32 & C-33 that Summit Engineering Services in coordination with Structural Integrity Consulting Engineers, Inc shall provide the retaining wall design, global stability analysis, and the design of the temporary soil restraint measures, as required. The referenced retaining wall designs shall be completed, stamped by a professional engineer, and submitted to the City of Portland Inspections Department and Planning Authority as part of the Building Permit process prior to construction of any retaining walls; and

- vii. That the applicant shall have the proposed street addresses for the townhomes approved by the City E-911 Addressing Officer prior to the issuance of a certificate of occupancy; and
- viii. That the applicant shall submit additional lighting information to clarify whether the proposed site lighting (including building mounted lighting) meets the City's Technical Standards; and
- ix. All signage shall be subject to separate permits through the Inspections Division, with any traffic signage subject to view and approval by the Planning authority and Department of Public Services.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #57-13 for application #2013-228, which is attached. The standard conditions of approval are listed below.

#### STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the posting of a performance guarantee. The performance guarantee must be posted prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval.
3. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
4. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
5. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. 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 pre-construction meeting.

10. **Department of Public Services Permits** 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.)
11. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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 you have any questions, please contact Jean Fraser at 874 8728 or [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,

Carol Morrisette, Chair  
Portland Planning Board

#### **Attachments:**

1. Traffic Engineering Review comments dated 12.11.2013
2. Portland Trail letter dated 12.11.2013
3. City Arborist comments 12.12.2013
4. Engineering Review (Woodard & Curran) comments 12.6.2013
5. Planning Board Hearing Report #57-13 [and Attachments H, J, U and V, Plans 8, 21 and 36]
6. City Code Chapter 32
7. Sample Stormwater Agreement
8. Performance Guarantee Packet

#### **Electronic Distribution:**

Jeff Levine, AICP, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
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Jeremiah Bartlett, Public Services  
Captain Chris Pirone, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Jennifer Thompson, Associate Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File

**From:** Tom Errico <thomas.errico@tylin.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**CC:** David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>  
**Date:** 12/11/2013 4:13 PM  
**Subject:** 79 Walnut Street - Munjoy Heights

Jean - I have reviewed the revised plans and offer the following final comments as a status report of my November 20, 2013 comments.

- \* The woonerf design of the roadway sections is acceptable and I believe it will be effective in attaining the goal of a shared use facility. There appears to be some locations where bollards have been added and feedback on the need should be provided.

**Status: The bollards will create maintenance difficulties, but I find conditions to be acceptable.**

- \* How visitor parking is accommodated on site needs further consideration given that the parking spaces will be located where pedestrian activity is expected to be high.

**Status: The general location of the parking spaces is acceptable although I support adjusting the locations to better integrate with the stairs leading to the Jack Trail and East Cove Street.**

- \* The applicant should provide information on the radii size at Walnut Street and whether a smaller configuration will work.

**Status: It is recommended that the radii be eliminated from the plans and standard tip down curbing be provided. This change deviates for City standards, but I support a waiver from our technical standards to allow for optimal sidewalk alignment along Walnut Street and to ensure easier routing of sidewalk snow plows (this subject sidewalk is a school walking route and maintenance and function are a priority).**

- \* A crosswalk on Walnut Street between the site drive and Sheridan Street should be considered. It is suggested that the City's Crosswalk Committee review this location and render a decisions on a crosswalk and supporting treatment. Accordingly, the project may need to incorporate inclusion of a crosswalk.

**Status: The applicant may be required to install a crosswalk on Walnut Street between their driveway and Sheridan Street. The request for a crosswalk will be reviewed by the City's Crosswalk Committee in assessing the appropriateness of a crosswalk at the subject location. If deemed to be required by the Crosswalk Committee, the applicant will be responsible for the installation of the crosswalk with supporting features. These supporting features may include (in addition to paint markings and signs) lights for safe illumination, ADA compliant ramps, curb extensions, etc. If required, the applicant will be responsible for submitting a plan to DPS for review and approval.**

- \* The City plows the sidewalk on Walnut Street in conjunction with the school walking needs. Accordingly, the driveway entrance area will need to accommodate City sidewalk plows. The applicant shall coordinate with DPS on this issue.

**Status: As noted above, tip-down curbing shall be installed and accordingly this issue has been addressed. Final plans shall be reviewed and approved by DPS.**

- \* The stairs to the Jack Path should also include a ramping system for bicycles.

**Status: The plans have been revised and I have no further comment.**

- \* I have reviewed the traffic analysis report prepared by Bill Bray, P.E. and concur with the conclusions that the project will not cause traffic or safety problems to the public street system. The City has received a comment regards high vehicles speeds on Walnut Street. I will provide a response to this issue in the future.

**Status: The grade of Walnut Street is such that speeds are likely high when traveling from North Street to Washington Street. The City has studied this area from a traffic perspective for many years and specific traffic safety deficiencies have not been identified. The City will continue to review traffic conditions. No action is required of the applicant.**

New Comment

- \* **Vehicles shall be prohibited from parking in front of garages for units 1 through 11 due to encroachment into the 20-foot circulation required by the Fire Department. I will leave it to other City staff to best determine how to ensure this restriction is noted.**

If you have any questions or comments please contact me.

Best regards,

Thomas A. Errico, PE  
 Senior Associate  
 Traffic Engineering Director  
 [T.Y. Lin International]T.Y. Lin International  
 12 Northbrook Drive  
 Falmouth, ME 04105  
 207.781.4721 main  
 207.347.4354 direct  
 207.400.0719 mobile  
 207.781.4753 fax  
 thomas.errico@tylin.com  
 Visit us online at [www.tylin.com](http://www.tylin.com)  
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December 11, 2013

RE: Munjoy Heights

Dear Chair Morrisette and Members of the Planning Board;

Portland Trails would like to take this opportunity to offer our comments on the proposed Munjoy Heights development. Portland Trails' staff have met on several occasions with the development team and City staff to address the trail connections and overall pedestrian experience, and while we still have a few questions and concerns, we continue to be pleased with the direction the proposal has taken since the first plans.

We believe the following areas deserve attention as you consider the Munjoy Heights proposal:

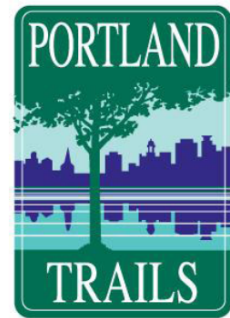
- Trail 'nodes' - We remain concerned that the two locations designated as 'guest parking' are also trail heads. These locations ('nodes') should be visible and inviting, and serve as natural meeting points which help transition between the public and private realms. It is important that they not be consistently obstructed by parked cars. While this is a constrained site, we are optimistic that there is a design or operational solution, and hope to work further with the developer in this regard. Any guidance the Planning Board can provide would be welcome as we seek to balance public safety, parking and a positive pedestrian environment.
- Year-round maintenance of the connections to East Cove and the Jack Path - We feel this should be built in to the long-term maintenance obligations of the Condominium Association, as the improvements will be on their property. This could be folded into the eventual property management contract at minor additional expense to the owners. We feel the Planning Board should require maintenance of these features so that they will be usable year round.
- Public Access Easement - Portland Trails is working with the developer to craft an easement which will allow the public to access and pass through the shared-street portions of the property to connect to the Jack Path and East Cove Street. We are comfortable with the draft easement, but need to finalize the language with the applicant.
- East Cove Street connection - this is a critical link that Portland Trails has been seeking to establish for some time, and will serve to further integrate the development with the community. We feel the developer has done his part to enable this connection. Portland Trails will continue to work with landowners along East Cove to formalize public access rights to the border of the Redfern property.

We are optimistic that the travel way and streetscape as proposed will complement the pedestrian experience as residents and visitors pass between Walnut Street and the remaining Jack Path trail section. We are particularly pleased with the Shared Street/'woonerf' concept, which seems a good fit for this short street section. Focusing on how people will use the space and encouraging active use of the 'roadway', rather than simply designing for the movement and storage of cars is a healthy approach, and we believe it will have numerous benefits for the residents and the community. We hope that this creative use of the common travel-way will set a good precedent for Portland as we seek to create more active, creative and vibrant places.

Thank you for your consideration of our comments, and for your service in making Portland a great city!



Kara Wooldrik  
Executive Director, Portland Trails



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#### **Executive Director**

Kara Wooldrik

305 Commercial Street, Portland, Maine 04101 • TEL 207 775-2411 • FAX 207 871-1184  
info@trails.org • www.trails.org



**From:** Jeff Tarling  
**To:** Jean Fraser  
**CC:** Barbara Barhydt; David Margolis-Pineo  
**Date:** 12/12/2013 4:18 PM  
**Subject:** URGENT Re: 79 Walnut Street Development Hearing Report  
**Attachments:** UFUG Cover Change.pdf; Kathleen McKeon Public comment 12.4.20139 Walnut Street Development.rtf; 11.20.13 Munjoy Heights Landscape Review.rtf

Jean -

I have reviewed the recent updates / revisions to the proposed 79 Walnut Street project and offer the following comments & recommendations. (See earlier review comments for overall view points)

Landscape components update:

**a) Street-trees** - the project proposes 67 new trees ranging from Red Maple, London Planetree, 'Crimson Spire' Oak and Amelanchier. Approval Conditions would include the following: 27 Red Maple, 17 Amelanchier, 22 London Planetree, and one 'Crimson Spire Oak'. Recommendations: select Maple cultivar such as 'Redpointe', 'Karpick', 'Bowhall' Red Maple, the Amelanchier proposed is a good native species with wildlife values, London Planetree is the main tree planted throughout the 'Woonerf' (22 trees), unfortunately this species is on the edge of its range here in Portland. On Spring and Danforth Street most of the London Plantrees planted in the late 1970's have declined do to 'frost cracks' or the freeze / thaw cycle caused by late Winter fluctuating temperature. Since Planetrees present some risk of survival, either an alternative species or a 5 year guarantee of replacement should be considered. Several of the 'Woonerf' tree planters are sub standard in size due to space restrictions. These include: between lots 6-7, 12-13, near the parking spaces and center island. These trees planted in the Woonerf and between driveways are risky places to plant trees and have them survive especially in Northern climes with snow storage and deicing salts. Recommend removing these four trees or extending the replacement guarrenttee to five years and or insure the paving / landscape will be improved and vacant tree wells repaired.

### **Conditions:**

\* Diversify Red Maple planting as 'recommended' in earlier comments. This would include Yellow Birch, Swamp White Oak, Eastern Larch all species that provide a broader range of wildlife interest / seed source.

\*ALL trees must meet city standards: 2.5" caliper for street / shade trees and 2" caliper for ornamental trees like the Amelanchier.

\* Plantree - Alternate species or 5 year guarrenttee

\* Reduce 4 of the London Planetrees in 'Woonerf' due to limited root zone, planter space and / or extend replacement to five years.

**b) Landscape:** The proposed landscape treatment contains very little turf areas and a large percentage of planted landscape in the non-built areas.

**Conditions:**

- \* Shrub planting - Upgrade the Bearberry (AU) from 1 Gallon to 3 Gallon plant size to ensure greater coverage,
- \* ALL plant types and sizes MUST contain quantities recently shown as "TBO" on a final landscape plan.

**Recommendation:**

Further consider reducing the non-native shrub count such as the proposed 65 Lilac shrubs and unknown amount of Hydrangea (TBD) proposed, to further diversify the wildlife values & native plant types: consider Aronia, Kalmia, Itea, Rhodora, Viburnum or other native plants as alternatives. The landscape plan as proposed DOES include an extensive number of native Winterberry (289) and Blueberry (198) Bayberry (167).

**TREE SAVE / OPEN SPACE / SCENIC VALUES -**

Response on 'clear cutting' and loss of open space from my earlier review comments cover this:

"Due to it's hillside location and elevation the proposed Munjoy Heights project is visible from a number prominent locations: Back Cove, Baxter Boulevard, I-295 Northbound are some of the locations where the change from existing tree line to buildings will alter the overall skyline and character of Portland's Munjoy Hill. The scale or height of the proposed residential units in relationship to the scale of the landscape when installed will take several years to grow into view. Ideally, a mixture of staggered building heights vs the straight line row might have helped to interrupt the skyline view as shown in the recent perspective."

**a) Tree replacement & scenic values -** In review of the existing tree survey conducted by Southern Maine Forestry the majority of species on site were invasive Norway Maple. This stand has a **low ecological value (compared to native woodlands) but a high scenic & moderate environmental value (shade for cooling the urban heat island on this Westerly exposure)**. Tree-saves and replacement trees to achieve similar to existing is challenging given the sites compact shape, steep slopes and building density. Recent view shed perspectives show the amount of change. Quantitative values and achievable goals to address "scenic beauty" loss are unclear. This is partially due to the sites prominence and limitations due to size and slope. Tree-save areas are very limited and restricted to the corners and edges of the proposed project. Tree replacement given the space available with the density proposed is projected in the recent landscape plan.

Recommendations would include a review of tree specie types and sizes to best meet environmental, ecological and scenic values. Native plant species are highly recommended for the edges and spaces outside of the "Woonerf" planting.

Species include: Yellow Birch, Red Maple, Amelanchier, and trying to introduce a few conifers

and fruit trees. This could be accomplished by 'tweaking' slightly the proposed tree list by the project team and the City Arborist. 'Tree Save' areas should follow recommendations restricting or limiting site work with tree protection measures including fencing, root zone protection and practices such as cleanly cutting damaged roots. This is typically shown on the final plan and included in the pre-construction meeting.

## **Review update -**

**Land Bank & Local 'open space'** - The existing 'Jack Path' improved by Portland Trails and the City of Portland was listed as a 'Priority' by the Portland Land Bank Commission. The fragmented open lots were not included. The proposed project does continue the spirit of the 'Jack Path' through the development in a more urban, built environment. While on a regional level 'in-filling' of residential development is encouraged both in the State of Maine's "Beginning With Habitat" program and US Forest Service's "Forests on the Edge" recommendation in order to hopefully save more habitat valuable rural / sub-urban lands. The proposed development does remove a great percentage of existing vegetation on Munjoy Hill adjacent to the Eastern Promenade. "Scenic Beauty" loss does occur on a local level and from easterly views from Baxter Boulevard vicinity including I-295 Northbound as it travels through Portland. Determining the weight of these values from an emotional viewpoint and a quantitative value are unknown to the extent of the current ordinance language. The existing tree evaluation included in the project package appears to be accurate. Field visit noted a large Sugar Maple and Apple all within the driveway area along with several American Elm trees. Invasive plants that entered the site after past land clearing and development including grading dominates the site with a large percentage of Norway Maple and Japanese Knotweed.

**Recommendation:** increase the native plant percentage of proposed landscape planting, noted above, to improve wildlife values. Future considerations: determine threshold values to 'Scenic Beauty', local habitat with Planning Board and Land Bank.

Tree Save areas should follow city standard guidelines for protection. This includes limit of work signage and construction fencing, storage of materials

## **Background information on habitat and forest loss on a regional scale, See info links:**

<http://www.fs.fed.us/openspace/fote/maine-casestudy-ew-062506.pdf>

[http://www.beginningwithhabitat.org/toolbox/compplan\\_topics.html](http://www.beginningwithhabitat.org/toolbox/compplan_topics.html)

*To be effective, a comprehensive planning committee should regularly ask itself: "will this set of measures in fact encourage most of the development during the next decade to locate in growth areas, and away from rural areas?"* -Comprehensive Planning: A Manual for Maine Communities ( [http://mainegov-](http://mainegov-images.informe.org/spo/landuse/docs/compplanning/2005manual_mediumres.pdf)

[images.informe.org/spo/landuse/docs/compplanning/2005manual\\_mediumres.pdf](http://mainegov-images.informe.org/spo/landuse/docs/compplanning/2005manual_mediumres.pdf) )

[http://www.beginningwithhabitat.org/toolbox/compplan\\_guide.html](http://www.beginningwithhabitat.org/toolbox/compplan_guide.html)

[http://www.beginningwithhabitat.org/toolbox/stand\\_density.html](http://www.beginningwithhabitat.org/toolbox/stand_density.html)

**COMMITMENT & INTEGRITY**  
**DRIVE RESULTS**

41 Hutchins Drive  
 Portland, Maine 04102  
 www.woodardcurran.com

T 800.426.4262  
 T 207.774.2112  
 F 207.774.6635

## MEMORANDUM



**TO:** Jean Fraser, Planner  
**FROM:** David Senus, P.E.  
**DATE:** December 6, 2013  
**RE:** Munjoy Heights, Final Level III Site Plan Application

Woodard & Curran has reviewed the Final Level III Site Plan Application for the proposed infill residential development located at 79 Walnut Street in Portland, Maine. The project consists of the development of 29 townhouse style residences.

### Documents Reviewed by W&C

- Stormwater Management Report, revised November 27, 2013, prepared by Acorn Engineering, Inc. on behalf of Redfern Properties, LLC
- Engineering Plans, Sheets C-01, C-02, C-10, C-20, C-30, C-31, C-32, C-33, C-40, C-41, C-42, C-43, C-44, C-45, & C-46, revised December 2, 2013 (detail sheets revised December 4, 2013), prepared by Acorn Engineering, Inc. on behalf of Redfern Properties, LLC
- Stamped Boundary Survey, dated November 11, 2013, prepared by Nadeau Land Surveys, on behalf of Redfern Properties, LLC
- Letter from Acorn Engineering to City Planning Office dated December 4, 2013 providing response to comments contained in Woodard & Curran's 11/20/2013 memo
- Email from Will Savage to Woodard & Curran dated December 5, 2013 identifying additions to Civil Plans since previous submittal

### Comments

The following comments are listed in the numerical order of the November 20, 2013 memorandum prepared by Woodard & Curran and the associated December 4, 2013 response letter from Acorn Engineering. Previous comments and responses are not included for brevity.

- 1) a), b) & c) (i).(ii).(iii.) – Comments adequately addressed.
- 2) a), b) & c) – Comments adequately addressed.
  - d) Sheet C-30: The access/diversion structure labeled CB-1 has two outlets, a 12" pipe and a 24" pipe. The 24" pipe connects to the Isolator Row, whereas the 12" pipe appears to connect to an adjacent standard chamber. Please clarify the intent of 12" pipe, along with the invert elevation. Because the Isolator Row is intended to remove sediment and debris from the stormwater flow, we would not anticipate that the 12" pipe invert elevation would be set the same as the 24" pipe invert elevation. If the 12" pipe is acting as a high-flow outlet, we would anticipate that the invert elevation of this pipe would be set higher than the 24" pipe.
- 3) Comment adequately addressed relative to the Underdrained Subsurface Sand Filter. The plans contain additional details on two underdrained soil filters / rain gardens. It appears these systems were designed without an impermeable liner. We request review and comment on these systems by the project's geotechnical engineer.
- 4) Comment adequately addressed. We recommend requiring a Stormwater Drainage System Maintenance Agreement as a condition of approval.
- 5) a), b), c), d) – Comments adequately addressed.
- 6) Comment adequately addressed.
- 7) Comment adequately addressed.

- 8) Comment adequately addressed.
- 9) We recommend a condition of approval stating that the Applicant shall submit final plans to the Portland Water District for review and approval, with documentation of PWD's approval forwarded to the City Planning Office.
- 10) Comment adequately addressed.
- 11) Comment adequately addressed.
- 12) The Applicant's response letter states that "All proposed trees within a 5' proximity of the sewer pipe will be planted at a depth no greater than 3' deep. Permeable landscape fabric will be used to create a root barrier around the sewer pipes". This requirement should be reflected on the Landscaping and Civil plans.
- 13) Comment mostly addressed; note that Unit #20 is missing a sewer service connection on sheet C-20.
- 14) Comment adequately addressed.
- 15) Comment adequately addressed.
- 16) Comment adequately addressed.
- 17) The details provided for the underdrained soil filters (rain gardens) on C-42 do not provide sufficient detail at the edges of the system, where the in-slope meets the driveway/walkway pavers. The in-slope should be designed with measures to avoid erosion and under-mining of the adjacent pavers. As noted in Comment #3, the soil filters are not currently designed with an impermeable liner below the underdrain. The project geotechnical engineer should review the design to ensure that the introduction of surface water to the subsurface soils will not create geotechnical concerns.
- 18) The Applicant has noted that a revised C-30 drawing will be provided to address the previous review comment; we will review upon receiving the revised C-30 plan.
- 19) In general we agree with the Applicant's proposal to provide "weep holes" at the base of the wall in lieu of a direct connection to the combined sewer in East Cove Street. The Applicant should include details and notes on the plans for the weep hole outlets to ensure that they are properly stabilized and that they do not direct concentrated flow onto adjoining properties. Per discussions with City DPS, the Applicant should design the retaining wall drainage system and weep holes to allow for a future connection to a hard-piped system if issues arise from groundwater flow. Additional notes and design details should be submitted for review and approval.
- 20) Comment adequately addressed.
- 21) Comment adequately addressed.
- 22) Comment adequately addressed.
- 23) On Sheet C-32 & C-33 the Applicant has noted that Summit Engineering Services in coordination with Structural Integrity Consulting Engineers, Inc., shall provide the retaining wall design, global stability analysis, and the design of the temporary soil restraint measures, as required. We recommend a condition of approval stating that the retaining wall designs be completed and submitted to the City as part of the Building Permit process prior to construction, and that it be stamped by a professional engineer.
- 24) Comment adequately addressed.
- 25) Comment adequately addressed.
- 26) Comment adequately addressed.