

**Jean Fraser - 79 Walnut Street - Munjoy Heights**

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

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  
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**From:** David Senus <dseonus@woodardcurran.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**CC:** "DMP@portlandmaine.gov" <DMP@portlandmaine.gov>, "Barbara Barhydt(bab@po...  
**Date:** 12/11/2013 4:37 PM  
**Subject:** Munjoy Heights Conditions of Approval  
**Attachments:** Erosion and Sedimentation Control Plan\_11-12-13.pdf

Hi Jean.

In reviewing the draft conditions of approval relative to site/stormwater issues, you do not need to include Condition #viii. under "Site Plan Review" - "That the applicant shall submit a more detailed Construction Plan to address the erosion impacts on neighbors during the construction period prior to the full installation of the stormwater drainage system". The Applicant has provided a detailed Erosion and Sediment Control Plan for the project as part of their mid-November submittal (see attached). This, in addition to the submitted Construction Management Plan; C-30 GRADING, DRAINAGE & EROSION CONTROL PLAN; and C-43 EROSION CONTROL DETAILS & NOTES sufficiently address erosion and sediment control practices and approach. They specifically address sequence of work to minimize impact on downhill properties.

If erosion issues are evident during construction, the City can hold the applicant and their contractor to implementing the control measures identified in the plan.

Thanks  
Dave

David Senus, PE (Maine), Project Manager  
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## 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.

## MEMORANDUM



**TO:** Jean Fraser, Planner  
**FROM:** David Senus, P.E. & Ashley Auger, E.I.T.  
**DATE:** November 20, 2013  
**RE:** Munjoy Heights, Level III Site Plan Application

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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 demolition of two structures and the development of 29 townhouse style residences.

### Documents Reviewed by W&C

- Erosion & Sedimentation Control Report, dated November 2013, prepared by Acorn Engineering, Inc. on behalf of Redfern Properties, LLC.
- Stormwater Management Report, dated November 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 November 12, 2013, prepared by Acorn Engineering, Inc. on behalf of Redfern Properties, LLC.
- Boundary Survey, dated November 11, 2013, prepared by Nadeau Land Surveys, on behalf of Redfern Properties, LLC.
- Maxwell Property Site Plan, dated October 30, 2013, prepared by Acorn Engineering, Inc. on behalf of Redfern Properties, LLC.

### Comments

- 1) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We reviewed the project against each of these standards and offer the following comments:
  - a) Basic Standards: The Applicant has provided a stamped and signed erosion and sediment control report along with a plan, notes, and details to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of MaineDEP Chapter 500.
  - b) General Standards: The project will result in a net increase in impervious area of approximately 31,975 square feet. As such, the project is required to provide stormwater management features for stormwater quality treatment. Based on the information provided and the statements contained in the Stormwater Report, the design of the Underdrained Subsurface Sand Filter was performed in accordance with the General Standards.
  - c) Flooding Standard: The project will result in a net increase in impervious area of approximately 31,975 square feet. As such, the project is required to provide stormwater management features to control the rate of stormwater runoff from the site, such that the peak rate of runoff from the post-development site will not exceed that from the pre-development site. Future submissions should address the following comments to properly demonstrate compliance with this standard:
    - i) The Applicant has utilized a "direct entry" time of concentration of 5 minutes for all subcatchments in the pre and post-development conditions. The Applicant should calculate a time of concentration for the catchments.
    - ii) Pond 1P within the HydroCAD report - the depth of crushed stone in "Volume #2" has been modeled as 3.5-feet; however, it is detailed on the plans as 3.25-feet. The Applicant should clarify and revise as necessary.
    - iii) Although the result of the Pre and Post Development stormwater modeling exercise indicates that the project will not result in a net increase in stormwater runoff rate from the overall project



site, the amount of flow directed to the Walnut Street drainage system will increase while the amount of flow directed to properties that abut Washington Ave and East Cove Street (below the project property) will decrease. This was the direction provided to the Applicant by the City at the project Pre-Application meeting. The Applicant has calculated flow data for the project, and using this data, the Applicant should confirm with the City DPS that the drainage system in Walnut street (and downstream combined sewer systems) has adequate capacity to convey these additional flows.

- 2) The proposed Underdrained Subsurface Sand Filter (USSF) BMP should comply with Section 7.3 of Volume III of the MaineDEP Stormwater BMP Manual as follows:
  - a) Tables 3 and 4 of the Stormwater Management Report should reflect the total area contributing to the USSF and should be consistent with the numbers contained in the HydroCAD report.
  - b) StormTech recommends that additional access structures be provided when the length of the Isolator Row exceeds 50 feet. The structure may be added at the opposite end of the Isolator Row or in-line with the Isolator Row at every 50 foot interval.
  - c) Future submissions should clarify the pipe invert elevations currently indicated as "TBD".
  - d) The Applicant should provide a detail for the proposed Access/Diversion Structure for the Isolator Row, specifically the pipe connections from this structure to the USSF.
- 3) The USSF is proposed on a steep fill slope; as such, the geotechnical engineer should provide a review of the system design relative to potential impacts on slope stability.
- 4) The Post-Construction Stormwater Inspection & Maintenance Plan refers to attached documents (a Stormwater Drainage System Maintenance Agreement & StormTech Isolator Row Proprietary Operation and Maintenance Plan), which have not been provided at this time. Future submissions should include all referenced attachments.
- 5) Future submissions should include the following details, which may need to be either added or revised in accordance with the City of Portland Technical Manual, for work within the Right-of-Way:
  - a) Brick Sidewalk
  - b) Vertical Granite Curb & Tipdown
  - c) Pedestrian Ramp
  - d) Pipe trench
- 6) Future Submissions should include a detail for the proposed field inlet.
- 7) Future Submissions should specify proposed pipe materials for the storm drain system.
- 8) The plans should indicate either preservation of, or demolition and proper abandonment of the existing utilities in the site entrance driveway.
- 9) The Portland Water District's letter noted several Conditions of Service regarding the configuration of the development's connection to the Public water main; we recommend that obtaining final approval from the Portland Water District be made a condition of approval. The Portland Water District also noted in their Conditions of Service that the two inch galvanized main in the vacated paper street should be terminated. The Applicant should provide sufficient notes detailing the demolition and removal of this water main.
- 10) Per Section 13 of the City's Technical Manual, the Applicant is required to submit a Boundary Survey that has been Stamped by a Maine Licensed Professional Surveyor. At this time, a stamped boundary survey has not been received.
- 11) Disturbances over one acre require filing a Notice of Intent to Comply with the Maine Construction General Permit with the MaineDEP. Copies of this permit should be forwarded to the City for the project record.
- 12) Sheet C-20 depicts a site sewer pipe below the trees located along the north edge of the woonerf. We recommend shifting the utilities south to avoid root penetration and potential conflicts with the trees and the sewer system.
- 13) Sheet C-20, Note 5 states that the units have individual service connections to the utilities, but that these service connections are not shown for clarity. Utility connections to all buildings should be included on the plans.



- 14) Sheet C-20, Note 6 states that transformer pad locations will be determined by CMP prior to construction. The plan should indicate potential transformer pad locations (based on unit needs and setbacks); these can be labeled as approximate pending confirmation by CMP and future review/approval of the City.
- 15) Sheet C-20, the pavement sawcut proposed across Walnut Street should be squared off on the north and south side of the work, with a straight line across the road running curb to curb.
- 16) Sheet C-20, it is unclear how fire and domestic water services can be provided to Units 1,2 & 3 given the location of the fire meter pit relative to the building.
- 17) Sheet C-30 indicates a proposed location for potential rain gardens. Future submissions should clarify the design of these rain gardens.
- 18) Sheet C-30, additional detail should be added to the grading and drainage plan to ensure that runoff from the driveway does not enter onto the Rando Parcel (south/west of the entrance driveway).
- 19) Sheet C-30, the foundation and retaining wall underdrains shall not be allowed to connect to the existing combined sewer on East Cove Street. Per consultation with City DPS staff, the Applicant shall be allowed to run a separated storm drain line for these "clean" water connections to the combined sewer on Washington Avenue for future separation. Agreements for work in East Cove Street would be required from the abutting landowners.
- 20) Sheet C-30, it is unclear how building roofs are connected to the stormwater collection system.
- 21) Sheet C-30/C-43, the Applicant should provide a detail for temporary catch basin inlet protection in addition to indicating the proposed location(s) on the plan.
- 22) Sheet C-31, the centerline profile indicates that Existing SMH1 and Existing DMH1 in Walnut street have 2' deep sumps. This would not be a standard condition for City manholes. The applicant should review and revise the plan accordingly.
- 23) Sheet C-32, 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 that it be made a condition of approval that this design 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) Sheet C-41, the proposed Drain Manholes within the City Right-of-Way should match the Standard Precast Sewer Manholes, with the cover marked as "Drain".
- 25) Sheet C-43, the stone size specified for the stabilized construction entrance should agree with the MaineDEP BMP Manual and the Erosion and Sedimentation Control Report.
- 26) Sheet L-1.0, it appears that a tree may be proposed within the footprint of the underdrained subsurface sand filter system, please revise or clarify.



**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 Hydragea (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-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)

## Jean Fraser - Munjoy Heights Landscape Review

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**From:** Jeff Tarling  
**To:** Jean Fraser  
**Date:** 11/20/2013 3:14 PM  
**Subject:** Munjoy Heights Landscape Review

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Hi Jean -

Heading off to prep for a meeting at City Hall tonight and Christmas tree move Thursday AM, then off to California, these are my quick view of landscape:

Landscape comments for the proposed Munjoy Heights project:

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. The proposed landscape treatments and tree-save reviews are as follows:

**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 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.

**b) Street-trees** - The project proposes a consistent number of street trees to meet the per unit to tree guidelines.

Trees proposed for the "Woonerf" should work to achieve the desired effect. At the Northerly end where the

pavement widens, the number of trees seem to have been reduced from three to one. My recommendation would

return to three trees, as a single tree in this wide open space is very unlikely to survive.

Three trees adds scale

enough to be noticed and avoided, a single tree from experience, is often backed into or fails over time.

**c) Landscape treatment** - The landscape plan as shown is quite extensive and the majority of open ground

landscape is planted. The project proposes very limited turf or open non planted space that might have more of a mixed use.

Space for resident community gardening or space to walk your dog should be considered but not identified. Plant spacing

around the units is geometric, planted in uniform rows and not naturalized. Ideally, the landscape planting might want

to include geometric uniform spacing in the more formal locations and a more naturalized approach along the edges.

Plants in the formal areas could be more of the ornamental character and native in the less formal areas. The landscape

key shows a mixture of native and non-native ornamental plants as proposed. The project should consider a more naturalized

spacing of the native plants as mentioned above.

Due to the complexity of the project and the percentage of change from existing to proposed, a landscape treatment contingency plan (percentage) should be included to address unforeseen or under planted spaces.

The areas of concern include retaining walls, fence line views from North Street and along the project edges. Areas

in need of additional landscape treatment would be determined in the later stages of

construction between the project team and city staff.

Jeff Tarling

## Jean Fraser - Re: Public Access Easement

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**From:** David Margolis-Pineo  
**To:** Ann Machado; Jean Fraser; Jeff Tarling  
**Date:** 12/12/2013 3:48 PM  
**Subject:** Re: Public Access Easement  
**CC:** Barbara Barhydt; Jamie Parker

---

Jean,

1. Easements from Rando and McAdam. Need to define the limits more clearly with metes and bounds and thick line weight. There is a thin unlabeled dashed line which could be **assumed** to be the easement limit. However, best for all concerned in the future to adequately delineate the limits in the easement deed.
2. Definition of Portland Trails Easement. It would benefit all in the future to have a metes and bounds description defining the limits in the easement deed. Otherwise one would be **assuming** the limits based on lines. Description would have N xx-xx-xx W xxx.xx feet along the face of a granite curb (or some other defining feature) for each bound.
3. Who will build the stairs? Several sets of stairs are shown on the plan. Plan does not state who will construct the stairs. Paragraph 1 Grant of Easement appears to make Portland Trails responsible for stairs construction.

Jean, It should be also noted the proposed stairway to East Cove is directing people onto private property. I know of no pedestrian easement along East Cove St.

>>> Jean Fraser 12/12/2013 12:02 PM >>>  
Hi

The plan showing the area of the public access easement as just arrived and is attached and in e-plan.

In case it changes any of your comments or raises any new issues that I should include in the Report.

thanks  
Jean

PS Am tying up the Report today.

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**MEMORANDUM**

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**To:** FILE  
**From:** Jean Fraser  
**Subject:** Application ID: 2013-228  
**Date:** 12/6/2013

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**Comments Submitted by: Marge Schmuckal/Zoning on 12/6/2013**

Marge's original review comment on 10/18/13 stated that the height requirement appeared to be met, but that the narrative had mentioned average grades, She wanted to see the methodology for the average grade. Based on the email from Ryan Senatore and the Average Grades Diagram dated 12.04.13, the methodology has been shown and the heights for the three story and four story buildings from the average grade is below the 45' maximum hieght requirement.



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**MEMORANDUM**

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**To:** FILE

**From:** Jean Fraser

**Subject:** Application ID: 2013-228

**Date:** 12/4/2013

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**Comments Submitted by: Marge Schmuckal/Zoning on 12/4/2013**

There seem to be two outstanding zoning issues that Marge needed addressed. The first relates to the bumpout on the rear of the building at 128 North Street. It appears that this "bumpout" is a bulkhead which encroaches into the 20' rear yard setback. Section 14-425 allows a "basement bulkhead" whose area does not exceed 50 square feet and which does not project more than 6' from the principal structure to encroach into any required yard setback. The section also stipulates that the bulkhead may not be more than 24 inches in height. If the bulkhead at 128 North Street meets this criteria, then the proposed lot line meets zoning.

The second issue is the utility closet which encroaches into the 20' rear yard setback. Section 14-139(a)(4)(b) states that the rear setback for "principal and attached accessory structures with ground coverage greater than one hundred (100) square feet" is 20 feet. When the accessory structure is attached to the principal structure, it is part of the principal structure and therefore the ground coverage includes the footprint of the principal structure and the attached accessory structure. Since the footprint of both together is over 100 square feet, the utility closet needs to meet the 20' rear setback. At this point it does not. - Ann Machado

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**MEMORANDUM**

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**To:** FILE  
**From:** Jean Fraser  
**Subject:** Application ID: 2013-228  
**Date:** 12/11/2013

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**Comments Submitted by: Marge Schmuckal/Zoning on 10/18/2013**

This project is for 29 new dwelling units and 34 parking spaces. Two existing buildings will be demolished to make way for this project. The East Cove property is currently a legal single family. 79 Walnut Street is a legal four family. The front of this large property is along Walnut Street. The minimum street requirement of 70' is being met. The initial review indicates that the minimum setback are being met. However, I would like clarification concerning the front setback for unit #1. Is the averaging method being used? Or is the applicant depending upon another part of the Ordinance for the front setback along Walnut Street to be less than 10'. I would also like a better zoning analysis done for the newly configured lot of 128 North Street. The rear setback may be nonconforming by the rear bump out. A bit more information on that lot would be required (remaining lot size - show old lot lines compared to the new etc.).

The height requirement appears to be met. However, the narrative mentioned average grades. I did not see the methodology for the average grades. The average grade was not indicated on the building elevations. Please explain the details a little bit more.

I just wanted to be sure on the plans that the "yellow" outline is the edge of the building outline for setback purposes, and not the "black" line. Please confirm.

Marge Schmuckal  
Zoning Administrator

**From:** Caitlin Cameron  
**To:** Fraser, Jean  
**Date:** 11/19/2013 4:07 PM  
**Subject:** Re: comments for Munjoy Heights PB Memo

I feel the proposed design works on a schematic level to accomplish those goals important to staff - traffic calming, multi-modal orientation, street presence, replacement of trees, and trail connection. The individual components - pavers, trees, planted areas, and benches - add to the qualities of a shared-use space and work to provide a landscape that will feel inviting to trail-users as well as the private owners. I defer to Portland Trails to weigh in on the trail connections but agree with the sentiment that the stairs should be as wide as possible and unobstructed physically and visually.

Caitlin Cameron, LEED AP, Associate AIA  
Urban Designer | Planning & Urban Development Department  
City of Portland, Maine  
389 Congress Street, 4th Floor Portland, ME 04101  
(207) 874-8901 | ccameron@portlandmaine.gov

## Jean Fraser - Munjoy Heights - Design Standard comments

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**From:** Caitlin Cameron  
**To:** Fraser, Jean  
**Date:** 10/18/2013 11:23 AM  
**Subject:** Munjoy Heights - Design Standard comments

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Aesthetically, the contemporary design of Munjoy Heights is respectful of the materiality and fenestration patterns of the neighborhood. Balcony components can also be found within the neighborhood vernacular. More information is needed to assess details such as cornerboard and trim detailing and final material choice. The project, having a contemporary design, uses flat roofs which is not typical for this residential neighborhood. However, the flat roofs alone do not cause the development to be out of character with the neighborhood in overall design.

The project has a narrow presence on Walnut Street; the three townhomes that interface with Walnut Street are two stories and fit the scale of the adjacent residential buildings. The Walnut Street facade uses an entry configuration that is found elsewhere in the neighborhood. The facades on that corner are broken up to create appropriate architectural elements relating to the street and the neighboring homes and provide a sense of integration with a similar mass and character. The remaining units in the proposed development, while adapting to the sloped site conditions have a proportion that is tall and slender. The north row of townhomes have one additional story in height (4) than is typical in this area while the southern row have 3 stories - staff question the choice to place the taller units on the uphill side of the site and whether it might be more appropriate from a neighborhood context standpoint to place the taller units on the downhill side of the development.

To encourage street activity, our design standards discourage predominant garage doors as is the case with the mews for this project. However, the street is internal and not subject to this standard - ideally, the design development of the mews and the trail connection will bring activity to the private street.

The retaining walls will require a fence for safety reasons - I recommend a more transparent or vegetated fence so as to not add additional height to the already tall retaining walls.

The Sheridan Street extension will be an important design component as the primary "frontage" for the project and how it relates to the neighborhood and pedestrians wishing to connect to the trail. Staff feel that a woonerf or shared street scenario would provide the best design solution and allow for more activity as well as landscaping and trees while maintaining adequate vehicular and emergency vehicle access. The applicant will work with city staff to refine the details of landscaping, fence selection, and paving materials in order to mitigate the development impacts on neighbors as well as provide for a pleasant and active shared-use passage.

Caitlin Cameron, LEED AP, Associate AIA  
Urban Designer | Planning & Urban Development Department  
City of Portland, Maine  
389 Congress Street, 4th Floor Portland, ME 04101  
(207) 874-8901 | [ccameron@portlandmaine.gov](mailto:ccameron@portlandmaine.gov)

Subscribe to our quarterly newsletter, Under the Clock Tower:  
<http://www.portlandmaine.gov/planning/undertheclocktower.asp>

**From:** Chris Pirone  
**To:** DMP@portlandmaine.gov; JF@portlandmaine.gov; JLT@portlandmaine.gov; JST@...  
**CC:** AMACHADO@portlandmaine.gov; BAB@portlandmaine.gov  
**Date:** 12/4/2013 10:34 AM  
**Subject:** Re: Munjoy Heights: Final submission for Dec 17th PB Hearing

Fire comments:

How will the units be numbered for 911 address purposes?  
If needed a meeting should be set up with Fire and 911 officer.

The 20' access needs to be maintained at all times. This includes no parking (fire lane) and snow removal plan. These conditions should be placed in the condo documents.

I understand this is a European street style and there will be different pavement styles but is to remain flush and able to withstand the weight of Fire Department Vehicles. As an example a fire department ladder truck sets its aerial ladder to the roof, it needs to deploy its outriggers to the edge of the access road, and road will be able to support this load.

Captain Chris Pirone  
Portland Fire Department  
Fire Prevention Bureau  
380 Congress Street  
Portland, ME 04101  
(t) 207.874.8405  
(f) 207.874.8410

## Jean Fraser - Munjoy Heights

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**From:** Jennifer Thompson  
**To:** Jean Fraser  
**Date:** 12/11/2013 3:07 PM  
**Subject:** Munjoy Heights

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Jean - in follow up to our conversation today and after further reviewing the materials you have sent relating to this project, I offer the following thoughts:

1. The proposed easements to/from Rando and McAdams appear to be sufficient for the purposes of demonstrating right, title and interest necessary to develop the land in front of those properties, provided that no improvements are contemplated in the 13 feet reserved to Rando and McAdams.
2. In light of Sheridan and East Cove Streets' status as deemed vacated ways, the applicant has been told by this office that it will need to submit a title opinion or evidence of title insurance assuring the applicant's right to develop, as proposed, portions of Sheridan and East Cove street. The expectation is that the opinion/insurance commitment will be based on an understanding that, upon acquisition of the property, the applicant will undertake the necessary court action to extinguish any remaining rights of the abutters to portions of those streets.

I have not yet seen any title opinion or title insurance but understand that the applicant does intend to provide it.

3. I have reviewed the condominium documents (with the exception of the exhibits which have not been attached in final form). They are generally acceptable, however, I note that a bit more clarity around maintenance responsibilities (for trees, snow and trash removal, other common elements, and the like) would be preferable. My expectation is that, should the project be approved, these documents will be further amended as needed to reflect the final conditions imposed by the Board. I also think reference to the Portland Trails easement and the rights/responsibilities relating to that should be reflected.
4. The proposed easement to Portland Trails is generally acceptable in terms of form, etc. However, to the extent that the terms of the arrangement between PT and the developer (relating, to example, responsibility for maintenance and snow removal) change or are further clarified following input from the Board, that document will need to change accordingly. I also note that I have not yet seen proposed Exhibit A, which is to describe the location of the easement so cannot comment on that. (note: there appears to be a typo at paragraph 3 relating to the "extent" to which the Grantor will cooperate in PT securing necessary approvals).
5. The final version of the Plat will, of course, need to include reference to all conditions of approval (including maintenance, snow removal, stormwater requirements). Additionally, the ordinance expressly requires that the location and dimensions of easements be located on the plat so some of the easement references should be more detailed.
6. I don't believe I've seen drafts of easements 5 and 6 so don't offer comments on those.

I think this covers my comments. If you see that I've failed to address any question that you might have, please just let me know and I'll be happy to supplement or clarify this.

Best,  
Jen

**From:** Christian MilNeil <c.neal.milneil@gmail.com>  
**To:** Caitlin Cameron <CCameron@portlandmaine.gov>  
**CC:** Jonathan Owens <jowensme@gmail.com>  
**Date:** 10/18/2013 12:06 PM  
**Subject:** Re: Fwd: Blocks Analysis

I guess I don't understand the city's stake in streets that are platted on the tax maps (as this section of Sheridan and Cove Streets are) but aren't actually built. Are they 'owned' by the adjoining landowners?

Regardless of that, I'd like to add one more written comment before next week's workshop. From the site plan I've seen, the project fails to meet several requirements of the city's existing connectivity requirements in the Code of Ordinances, chapter 14-498:

"2. The proposed street layout shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation or appropriate projection of streets in surrounding areas [*\*Cove Street\**] and provide means of ingress and egress for surrounding acreage tracts" [*\*cutting Sheridan Street short would limit future redevelopment opportunities at the Northern Burner and Volunteers of America properties\**]

When connecting streets within residential neighborhoods, new streets shall contribute to a neighborhood street system characterized by a *\*network of interconnected streets\**, which minimizes through-traffic in residential neighborhoods. The layout of subdivision lots, streets, and pedestrian ways *\*shall promote multiple paths of travel\** to get to destinations within and between neighborhoods by foot and bicycle, as well as auto *\*[this section explicitly discourages the single-entrance/exit design proposed, which would funnel traffic of all modes onto the residential Walnut and Sheridan Streets]\**

<http://christianmilneil.com>

The Vigorous North:

A field guide to the wilderness areas of American cities.

<http://www.vigorousnorth.com>

>>> Christian MilNeil <c.neal.milneil@gmail.com> 8/7/2013 4:45 PM >>>

Hi Bruce, Caitlin, Bill and Kevin,

In an email discussion over the city's current street connectivity standards, our group began discussing this proposed development on Munjoy Hill:

<http://www.munjoyheights.com/>

I'm not sure if they've submitted formal plans to your offices, but we thought that this project raised some interesting questions w/r/t our Complete Streets discussions. For instance, it looks as though the developers would like to discontinue the public ROW of East Cove Street rather than furnish a public connection to Sheridan; it also looks as though they're planning to adhere to the letter of the city's current technical standards for Sheridan Street, which is rather at odds to the quality of the development's central outdoor space, and to some degree at odds with the site's current use, the wooded Jack Path.

Among our small group, we think that the city could do better. It's possible that the developers themselves would probably like to do better, but find themselves constrained by our old inflexible design standards.

So we asked ourselves what kinds of Complete Streets ordinances and technical standards would we need to get this development proposal more in line with what we'd want and what the future residents of this development might prefer to have in their front yards. Jonathan Owens made a sketch with some annotations and photo examples of what a better street could look like if the developers were freed from the current tech. standards (it's the attached PDF).

We think that this project could be a productive complete streets pilot project done in collaboration with the developers (whose work in other neighborhoods is mostly admirable, in my opinion).

Presumably the developers are going to be doing a site plan review for this project in the near future, and these sacrifices of public ROW could be contentious at the neighborhood and Council level. A more flexible 'complete streets' design with better amenities could give the developers better political support, plus additional flexibility in their site plan and more value in their completed development to homebuyers. If the developers plan to seek Council approval for ROW amendments anyhow, it might make just as much sense for them to pursue an alternate route — to ask the Council for a special exception from street design standards in exchange for an opportunity to try something more innovative and more publicly beneficial in close consultation with city planners.

What do you think — would this be a possibility?

(cc-ing Jonathan on this message, FYI)

Christian

<http://christianmilneil.com>

[Attachment: montage "Sheridan Street Mews" with ideas for treatment]



**Jean Fraser - Munjoy Heights**

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**From:** "J Rastl" <jrastl5@gmail.com>  
**To:** <jf@portlandmaine.gov>  
**Date:** 10/19/2013 5:48 PM  
**Subject:** Munjoy Heights

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Jean,

Hi, just a short note regarding Redfern's proposed 29 townhomes on Walnut at Sheridan. My wife and I attended the informational discussion at East End Community School last Wednesday evening and were very pleased with the planning for this development. We think it will be good for Munjoy Hill and is being very carefully planned to fit in with the neighborhood. We live at Promenade Towers and the next evening at our monthly Board meeting (I am on the Board of Directors) I briefed the Board and attending residents on what we had heard. I heard nothing but positive response from our owners and residents (many had already been to their website to learn more about it).

I know that most who will attend your meeting have some concern they want to raise and that's good and they need to be heard, but I wanted you to know that there are some people out there that approve of the planned development but don't feel the need to attend the meeting.

Thank you for your time,  
John and Judith Rastl  
340 Eastern Promenade, Apt 155  
Portland ME 04101

**Jean Fraser - Munjoy Heights**

**From:** Jaime Parker <jaime@trails.org>  
**To:** Jonathan Culley <jonathan@redfernproperties.com>, Soren Deniord  
 <soren@s...>  
**Date:** 11/14/2013 2:49 PM  
**Subject:** Munjoy Heights

Hi Jonathan, Soren and Ryan,

Thanks for the invite to the meeting last week; I thought it was a very constructive discussion. I just met with Kara and debriefed, and we came up with the following items that are still on our minds:

- Trail node at Jack Path - parked cars blocking visual access and compromising the pedestrian experience. Though we all think these spots may not be occupied much of the time, it would be unfortunate to find that they are occupied more often (by owners who may not want to pull into the garage all the time for example). It would be great to solve/mitigate this through design, and we look forward to seeing your latest thoughts on this. *[After writing this I saw the latest submissions to Planning, which show the bike parking near the trail head...which got me thinking, if you put the bikes elsewhere, could the cars be pulled far enough forward to not block the trail?.....could the steps be pushed any farther back to bring them more into the sight line and farther from the backs of the cars? ...]*
- We agree with Alex that if there are to be stairs to the Jack Path they should be a bit wider, maybe 6', and that there should be room for a bike ramp on the side. *[appears to be addressed in the new version - the bike ramp we can probably do 'after the fact', in the field.]*
- Large wall as the 'terminal vista' down the street. Though a green screen may help, this is still visually daunting. A transition to natural materials (boulders...) might help. We understand the area below the wall is also a vehicle turning bay for the last house, and we assume this is one of the temporary snow dump locations...?...that would limit what else you could do there, but part of this area has the potential to be an extension of the trail node - movable benches, planters..... some vertical elements to break up the wall? We're just brainstorming, and you guys are the experts, but it seems there might be some multi-purpose treatment options here.
- Trail to E. Cove - we're wondering if you have a stair/landing option where you showed a ramp. Something about the ramp seems less desirable...maybe it's more institutional? Seems more likely to be slippery too.
- At the top of the stairs from E. Cove - again you run into the parked car issue. Not sure what to do about it, other than to ensure there is a clear and welcoming path around both sides of the cars, to the woonef. If this wasn't a place for cars, it would have GREAT potential as a larger node, given the elevation and view down E.Cove and over Bayside (great sunsets!). This can be done 'behind' the cars too, but won't be as much of a 'Place' as if you could incorporate the whole area.
- Bike racks - we still think there should be a few 'guest' bike racks/spots; ideally near the trail nodes. I would think these could be ornamental vertical elements that fit into the landscape, that happen to be good bike racks, rather than stand alone boring bike racks with requisite space-hogging concrete pads. *[see them in the new plans...they do take up valuable space...I've seen some 'wall mounted' types, and others that take less space...]*
- We are hoping that year-round maintenance of the steps (and/or ramps) at E. Cove and Jack Path be built into the maintenance plan so that future owners remain obligated to keep those open.
- Other thoughts: we hope you will consider using 100% native plants throughout
- Kara raised the issue of bird mortality with all of the exposed glass...there are coatings and deterrents that can be used to prevent this.
- Will there be a mechanism for educating buyers/owners about the systems? With all the 'green' systems in place it would be great to provide info so that people can be aware, and help to maintain the functionality of the systems (i.e. so folks aren't using chemicals to wash their cars and compromising the rain gardens) -this could include info on use of transit, and the greater trail system.
- Access easement - we understand you may not be able to execute the easements until you get approvals since you don't yet own all the land - but we are ready when you are to hash out the details of a future pedestrian access/trail easement.

Thanks again, for your continued efforts to make this a great Place!

Jaime

--

Jaime Parker  
 Trails Manager

**Jean Fraser - Redfern Munjoy**

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**From:** Jed Harris <jed@n-aprop.com>  
**To:** <jf@portlandmaine.gov>  
**Date:** 11/26/2013 10:09 AM  
**Subject:** Redfern Munjoy

---

Jean,

I had hoped to make the workshop this afternoon where the Redfern Munjoy project will be discussed but my Thanksgiving travel plans were moved up due to the storm.

I'm a property owner at 170 Anderson St and 19 North St in Portland although I reside in Falmouth. I strongly support the Redfern Munjoy proposed development. The Culleys have an excellent track record of creating interesting projects for Portland and I think this will be a very positive addition to the neighborhood. I'm happy to hear that they are preserving public access to the Jack Trail via their woonerf street proposal.

Please feel free to contact me if you have any additional questions.

Regards,  
Jed Harris

--

Managing Partner  
80 Exchange Street, Suite 30  
Portland, ME 04101  
(207) 653-8262 (c)  
(207) 747-4577 (o)

**Jean Fraser - Re: PB Hearing 12.17.2013 re Munjoy Heights**

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**From:** Christian MilNeil <c.neal.milneil@gmail.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>, Jonathan Culley <jonathan@redfernpro...>  
**Date:** 12/3/2013 5:03 PM  
**Subject:** Re: PB Hearing 12.17.2013 re Munjoy Heights  
**CC:** Mark Rees <mrees@portlandmaine.gov>

---

Hi Jean, Caitlin, and Jonathan,

I think I wrote to the planning board about a month ago expressing some concerns about how this development's internal street would be designed, and about maintaining pedestrian connectivity to the Jack Path and Cove Street. These latest designs completely allay those concerns for my part. I could easily see myself walking my future kids to school through the proposed woonerf — I think it has strong potential to be a great place.

I especially appreciate the inclusion of storm water gardens in the street. This is a great example of how we can accommodate more wild nature in our neighborhoods even as the city continues to develop and transform formerly-vacant lots like these.

I applaud the developer's creativity here (thanks Jonathan) and would also like to thank the city's staff (especially Caitlin) for encouraging this innovative design solution. I hope that the city will encourage more streets like these in other developments by adopting these design elements in the city's technical manual.

Cheers,  
Christian MilNeil  
45 Smith Street

[cc'ing the city manager so that he knows his staff are doing a good job]

<http://christianmilneil.com>

The Vigorous North:  
A field guide to the wilderness areas of American cities.  
<http://www.vigorousnorth.com>

On Tue, Dec 3, 2013 at 3:52 PM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

This was bounced back to me, so I have pared down the attachments and hope this gets to you. Jean

**From:** Kathleen McKeon <kmckeon@maine.rr.com>  
**To:** <jf@portlandmaine.gov>  
**Date:** 12/4/2013 7:25 PM  
**Subject:** 79 Walnut Street Development

Dear Jean Fraser,

I am concerned about the proposed development called Munjoy Heights by Redfern Properties at 79 Walnut Street in the area that is presently known as the "Jack Path" and maintained by Portland Trails. This area supports a unique urban ecosystem and is the only remaining tree covered area on the Southwest portion of the Eastern Prom.

This project proposes 29 townhouses built on a very steep hillside. Prices for each unit are in the \$500,000-\$600,000 range. This is unaffordable housing for the majority of Portland residents and there is no proposal for affordable housing in this plan. Portland Trails has attempted to retain some public access to the Jack Path but the new development will be a paved road that cars will be driving on to residences, quite different from the existing peaceful and quiet path in the woods.

A recent survey of trees and other vegetation counted over 160 plants that grow in the Jack Path area. Although some of the existing plant species are non-native, all will be clearcut for this development. Clear cutting is an unsustainable practice that will increase soil erosion, noise and wind in this area. The canopy of trees have deep root systems that prevent erosion of soil while leaves help disperse highway and city noise and provide protection from wind. Redfern Properties plans to replant 69 trees and shrubs with a focus on native plant repopulation. This unfortunately does not compensate for the loss of wildlife habitat or public space enjoyment and will take years to grow tall and large enough to provide viable habitat for wildlife.

The City of Portland Planning Board has based their approval of this project on only one survey of the area. This report discussed at the 11/26/13 meeting found that due to the presence of non-native plant species, there is no ecological value to the area. Thus, the planning board concluded that clear cutting and building development is an acceptable future for the Jack Path. When I recently took a walk down this path I counted over twenty bird nests. Destruction of this habitat will change Portland forever. Once habitat is gone the animals and birds will no longer be a presence on the Hill and our children will bear the cost of this short-sighted decision with the loss of green space.

You have the power to make a difference. Please consider re-evaluating the projected development by asking for additional ecological review of this area and further public feedback.

Sincerely,

Kathleen McKeon  
53 Hammond Street  
Portland, ME 04101  
kmckeon@maine.rr.com

## Jean Fraser - Munjoy Hill Property Owner Against the 79 Walnut Development

---

**From:** Karen Snyder <karsny@yahoo.com>  
**To:** "jf@portlandmaine.gov" <jf@portlandmaine.gov>  
**Date:** 12/9/2013 12:54 PM  
**Subject:** Munjoy Hill Property Owner Against the 79 Walnut Development

---

Att. 9h

Dear Jean Fraser,

As a Munjoy Hill property owner, I am against the proposed Redfern property development of 79 Walnut Street. This development would involve the elimination of Portland Trail's current Jack Path, the clear cutting of all the trees, and the destruction of the current eco system on the tract of line which the city use to own. My understanding due to a city clerical error in the 90's, the city allowed the right of way to elapse so the neighboring properties absorbed this city right of way/public land which then became private.

I am once again disappointed with this city in not protecting urban ecosystems and green spaces in Portland and allowing clear cutting albeit non-native trees in one of the few urban ecosystems left in Portland all in the name of greed.

People want to move here to get away from corporate/development greed. How would Portland citizens feel that this attitude has all ready infiltrated the Portland city government in not protecting greenspaces? Please note that the city as well as Redfern properties will be liable once this project destroys the eco system and cause erosion in that part of the city.

Shame on you for NOT stopping this proposed 79 Walnut Street development.

Munjoy Hill Property Owner  
Karen Snyder

**From:** Jed Rathband <jed@stonestrowconsulting.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/9/2013 4:22 PM  
**Subject:** Jack Path Development

To Jean Fraser,  
City Of Portland

Dear Ms. Fraser,

As a nearby resident of the Redfern Development on Walnut Street / Sheridan Street extension, I want to express my full support for the project being considered. This sort of development is precisely what we need if we hope to achieve our goals of real, urban density. I commend their willingness to undertake a project of this scale and sophistication. I am also grateful for the developers willingness to continue public use of the Jack Path. I walk it regularly and look forward to continuing to do so, especially as my young son reaches school age and he uses the path as a safe alternative to the road on his way to the East End School.

I understand that some trees will need to be eliminated to make way for this project, most of which appear to be invasive. This is a small cost for what will be a tremendous asset for our neighborhood.

Best,  
Jed Rathband  
9 Everett Street

**From:** Richard Marino <marino04102@gmail.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/9/2013 6:53 PM  
**Subject:** Munjoy Heights

Jean Fraser,

Hi. I just wanted to give my support to the Redfern Munjoy Heights project. I think this well designed Green project is ideal for the city , and a good use for a difficult site location. As a life long resident of Portland, I am happy to see good inovative design. I have followed Redfern projects for the past few years. I have been impressed with there innovative designs, and high quality construction. I encourage the city to get behind this type of project. It will add substantially to the tax base, and enhance the Hill environment.

Best Wishes,  
Richard Marino  
38 Redlon Pk Rd  
Portland  
899 4154



Att. 9k

**Jean Fraser - Jonathan & Catherine Culley/Redfern Homes**

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**From:** Bill Mitchell <Bill@ghmagency.com>  
**To:** "JF@portlandmaine.gov" <JF@portlandmaine.gov>  
**Date:** 12/10/2013 5:14 PM  
**Subject:** Jonathan & Catherine Culley/Redfern Homes

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Dear Jean:

I am writing in regards to the project on Munjoy Heights being presented by Jonathan & Catherine Culley of Redfern Homes. I own a condominium at 127 York Street that was developed by the Culleys. Leading up to my purchase of 127 York Street I looked at several units throughout Portland. I was very impressed with the work the Culleys were doing at York Street and ultimately purchased there. The Culleys did an excellent job renovating 127 York Street and had a real concern for all parties involved including prospective buyers, neighbors, contractors, etc. Having done development work in central Maine, I was impressed with the thoughtfulness they showed throughout the project.

I am confident the Culleys will run another high quality project at Munjoy Heights, if approved. I'm sure it will be a plus for the Portland area much like their project at 127 York Street.

Thank you for your consideration.

Bill Mitchell

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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:

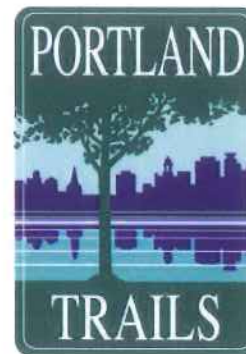
- Trail 'nodes' - We remain concerned that the two locations designated as 'guest parking' are also trail heads. These locations ('nodes') should be visible and inviting, and serve as natural meeting points which help transition between the public and private realms. It is important that they not be 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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Kara Wooldrik

Att. 9m

**Jean Fraser - Support Munjoy Heights**

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**From:** Catherine York <cyork@gildednut.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/11/2013 2:38 PM  
**Subject:** Support Munjoy Heights  
**CC:** John Powers <jdpowers@gildednut.com>

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Hi there,

We are writing to express our support for the Munjoy Height project.

This has always been private property, so any arguments that it should be preserved as public space seems strange. The land is mostly unusable steep slope and populated by non-native invasive vegetation. Munjoy Heights will create permanent Public Access easements and provide legal access for Portland Trails which has not existed before. Additionally, developers will improve urban ecology by removing the detrimental invasive vegetation and replacing with all native plants and shrubs (they are planting 67 new trees and more than 700 shrubs). From the stormwater management techniques, to plant selection, street design, the building envelope, and mechanical systems, they have designed Munjoy Heights to be among the most innovative and greenest housing developments anywhere.

This is something Portland should be proud of. Please help to see it is approved.

Thanks!

All the best,  
Catherine York + John Powers (Portland residents)

Chandler's Wharf  
Portland, ME 04101

**From:** Lucy Flight <lucyfostrflight@gmail.com>  
**To:** "JF@portlandmaine.gov" <JF@portlandmaine.gov>  
**Date:** 12/11/2013 2:39 PM  
**Subject:** Munjoy Heights

I am writing in support of Munjoy Heights.  
I think Red Fern has a proven record on their development projects.  
I like the design, the willingness to provide Portland access to trails. We need more condos in Portland.  
Good use of steep property that will be cleaned up!  
I support this project whole heartily!  
Best,  
Lucy Flight  
SpringStreet Portland

Lucy Flight  
Keller Williams  
50 Sewell Street  
Portland Me 04103  
912-223-1500  
from my iPhone

**From:** Brian Eng <brian@opuscg.com>  
**To:** "JF@portlandmaine.gov" <JF@portlandmaine.gov>  
**Date:** 12/11/2013 2:52 PM  
**Subject:** Munjoy Heights

Dear Ms. Fraser,

I'm writing in enthusiastic support of the Munjoy Heights project. It is a stunning example of the type of infill project that will immensely enhance our urban ecology.

Best regards,  
Brian Eng  
Storer Street resident

Brian Eng  
413-262-2610

Sent from my iPhone

**Jean Fraser - Re: 79 Walnut Street Development**

**From:** Kathleen McKeon <kmckeon@maine.rr.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**Date:** 12/12/2013 6:31 AM  
**Subject:** Re: 79 Walnut Street Development

Dear Jean,

I would like to respond to your questions about the unique urban ecosystem. Anyone who has walked the Jack Path knows that it is a diverse wild habitat in the city. For many in my neighborhood it is their connection with tall trees and nature as forested green space is limited on the South side of Munjoy Hill. Small mammals, skunks, groundhogs, foxes live there. I have seen hawks, crows, bluebirds, blue jays, cardinals, finches and chickadees during my walks. The tall canopy and the wild underbrush appears to be a sustainable habitat, providing shade and shelter for the wildlife that somehow manages to thrive in the city.

The Jack Path is home to a number of different trees. Most were cited in the Forest survey as the invasive species Norway Maple and deforestation was recommended in favor of development. I strongly disagree with this decision and suggest a closer look at this report which had a finding of nine native trees greater in size than 10 DBH. The size of these trees protects them under city ordinance 14:526 B (2)(a)(i)(ii), which sets environmental quality standards to preserve a minimum of 30% of existing sized trees in a new development. City ordinance 14:496(14) "tree plan showing groups of existing sizeable trees which the subdivision intends to preserve" was not presented to the planning board, clear cut was the only option recommended. The developer must be held accountable to these ordinances. The Forest City has placed parameters in the ordinances to protect trees and the environment from development and clear cuts. City Arborist, Jeff Tarling has recommended additional studies rather than deforestation of this area and I agree with this recommendation.

A conflict within the reports and ordinances was found in my research of the Norway Maple. Although listed as an invasive species in section 4 of the technical manual, it is listed as potentially or probably invasive (rather than truly invasive) by the Maine Natural Areas Program, linked on the websites and used as a reference. Ordinance 14:526 B(1)(i) relies on the official list of this organization to cite endangered plant status. I would appreciate clarification from the planning board. This discrepancy suggests individualization of a plant species invasive or endangered status may be dependent on specific regions. Perhaps a very rare tree is found in a unique urban environment, can this be protected from development if not on the endangered list? What do we consider rare or unusual and can one justify a decision to clear cut an ecosystem if the standards we base a decision on are not clearly defined?

The nine trees that were not Norway Maple were found to be elm trees. This is a rare and unusual finding in Portland due to the destruction of 20,000 elm by Dutch Elm disease during the 1960's-1970's. Historically Portland is called the Forest City because of the elm trees. Today there are approximately 100 elm trees left in the city of Portland and the Jack Path has nine of them. This is 9% of the local population. These are the only known elms left on the East End, an area where over 200 once grew. The largest contributes to the tall canopy of green space that makes the Jack Path such a special place for residents. It is possibly one of the largest elms in the area. Elm has not been listed on the endangered species list so its protection is dependent on private landowners, public education and appreciation. The City helps property owners sustainably manage their elm trees but sadly this tree is not protected under section 4.1 of the Technical Manual and it is presently unknown if these elms are diseased or disease-free. Unless this project is stopped, the nine elms will be clear cut, a true loss for Portland's environment, history, science and scenic beauty.

The developer has proposed replacing the 162 deforested trees with 67 trees and shrubs. The new trees are native but will only grow 15-20 feet tall, much smaller than the 60-70 foot elms. They will never replace the graceful canopy of green space that presently exists. Buildings will become the new view of the hill, forever changing the scenic beauty of Portland. City planners must consider subdivision ordinance 14:497 (8) when deciding on this project. Trees posses scenic and natural beauty, the elms are rare, irreplaceable and have historical value in the Forest City.

Parking is limited to only five spaces at the far end of the project and is likely to overflow on to Walnut and Sheridan Street. I did not see any handicap parking plans or any type of parking study. It does not seem possible that this project meets city requirements for parking given the number of residents and visitors. The planning board should request a parking analysis per city ordinance 14:526 (4)(a)(i). Additionally, the increase in traffic flow on surrounding streets does potentially affect public safety and a crosswalk should be considered (as recommended in the Traffic analysis) and per code 14:526 (1)(a). There are two busy intersections on Walnut at Washington and North Street that are entrance and exit points for many commuters, children walk to school and people drive fast on Walnut.

The site plan appears to have inadequate preparation for snow removal, 14:526 D (i)(ii). Snow accumulation can be extreme in Maine and the narrow street design will make plowing difficult if there is limited area to put the snow due to parking and Jack Path stairway entrances. The topic of public access of the Jack Path only during daylight hours should also be discussed and clarified. Public access to this path should be permanent, not dependent on the developer or residents of the new project. We must obtain legal agreement that public access will not be denied to any area of this development prior to approval by the planning board.

It is a sign of urban sophistication to retain green space and wildlife habitat for the future. The document on the City website, Green Spaces, Blue Edges (2006), points to the benefits of maintaining green space and urban forests and declares our environment is "a distinctive statement of the city's uniqueness." Retaining green space benefits Portland financially by bringing in tourism revenue and provides residents with scenic beauty everyday. We do not have to develop everything in order to profit. When we replace tree-lines with roof-lines we lose our unique identity as a city and scenic beauty is lost. It is time to stop the senseless destruction and development of the Jack Path, keep Portland the Forest City and save the elms.

Sincerely,

Kathleen McKeon

[kmckeon@maine.rr.com](mailto:kmckeon@maine.rr.com)

On Dec 5, 2013, at 10:48 AM, Jean Fraser wrote:

Kathleen

**Jean Fraser - Munjoy heights**

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**From:** Kat Richman <katrichman@gmail.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/12/2013 9:40 AM  
**Subject:** Munjoy heights  
**CC:** Nikki Green <nikkigreen75@gmail.com>

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Hello Jean,

This email is to voice support for Redfern Properties' proposed development project, Munjoy Heights. We are the owners of 79 Walnut St., which is one of the properties slated for demolition if this development is approved. The sale is pending the Planning Board's approval of the project.

We have been hearing that there is concern about the potential loss of our four units, which are more affordable in rent than what Redfern is proposing. As the current owners, we are aware more than others that our building is in need of major renovations. The property is over a hundred years old and has never had comprehensive renovations, to the best of our knowledge. We had been beginning to plan for these major renovations to the property ourselves. Initial estimates to comprehensively renovate the building in the same energy efficient manner, which has always been our intention, would be several hundred thousand dollars, which would require us to drastically raise our rents.

79 Walnut St. is in need of major renovations. Whether the property is re-developed, renovated, or sold and renovated by a different owner, rents at that location will significantly increase in the next few years.

Thank you for your consideration.

Katherine Richman and Nikki Green  
79 Walnut St.

1 Manjoy Heights

12-12-13

Dear Planning Board,

Att. 9r

As regards development in the vicinity of Walnut and Sheridan St., perhaps another look is called for.

As a longtime Commercial Fisherman, (50+ years), I look upon removal of any trees, grasses, shrubs and soils on the peninsula as another threat to CASCO BAY. Contrary to popular belief, our bay is under severe stress and is much degraded. I refer you to Friends of Casco Bay and Capt. Joe Payne, the Baykeeper, for a more thorough assessment. A large part of this threat is arriving in the form of run off. Every trickle, stream, river and rain storm produces its own load of toxic poisons, Herbicides, Pesticides, Nitrogen enriched lawn fertilizers, drippings & droppings from both mechanical and multi-pedal sources; all contribute to a deadly brew for our bay.

Directly downhill from at least two proposed projects lies BACK Cove. Any reduction in the retaining, reducing, trapping and barrier like ability of these urban forest areas will allow more pollutants to cascade downhill and, in short order, spill into the Bay.



As an taxpaying citizen of Portland and being mindful of a healthy Bay, I urge you to forbid removal of hillside shrubs, grasses, trees or any other greenery which acts as a natural anchor for the soils and a retarding barrier against polluting run offs.

Another note of interest, it seems a forest knowledgeable person walked through the "JACK PATH" area at the request of a neighbor, pointing out the various wild species there. Apparently there are several Elm trees. If this is true, you have to join me in appreciating the tragic irony of a city, whose streets were once graced by beautiful Elms; allowing the cutting away of what has to be some of the few remaining Elms on the peninsula.

Submitted with respect,  
Keith Lane  
73 Waterville St.  
Portland, Maine.

04101

**Jean Fraser - Concern over 79 Walnut Street Development proposal**

**From:** Karen Snyder <karsny@yahoo.com>  
**To:** "jf@portlandmaine.gov" <jf@portlandmaine.gov>  
**Date:** 12/12/2013 3:12 PM  
**Subject:** Concern over 79 Walnut Street Development proposal  
**Attachments:** 79WalnutStreetConcern\_20131212.docx

Dear Jean,

I have reviewed the 79 Walnut street developer's submittal from the 2<sup>nd</sup> planning workshop. I would like the below considerations to be addressed and responded to accordingly during the next planning workshop which will be held next Tuesday, December 12, 2013 at 7:00pm in City Hall. I have also included the below in a MS Word Document to eliminate any potential format issues.

1) Landscape Preservation: Portland City Ordinance 14-525:2.a.i,ii

City ordinance states: **"Site development shall be designed to incorporate, and limit disturbance to removal of existing trees, as specified below.**

**Preserved trees may be counted towards site landscaping requirements**

*Rebuttal:*

a) In the 2<sup>nd</sup> workshop, the developer's proposal is clear cutting ALL the mature trees on this property which is over 162 mature trees on a steep > 14% grade sloped hill. This is the only open green space and urban forest left in Portland with an actual eco system even if it is not "an endangered species". Just because the local eco system consists of small mammals such as: skunks, groundhogs, foxes, hawks, crows, bluebirds, blue jays, cardinals, finches and chickadees are not of "endangered species", it doesn't give the justification to destroy this natural wildlife habitat that have established a fierce residency within the city limits. Using that above logic, the majority of Maine forests should be clear-cut because there is non-endangered species on it.

b) Per the Portland City website, each mature tree absorbs 700 lbs of Carbon Dioxide emissions/year. This means over 113,400 pounds of carbon dioxide will NOT be absorbed any longer by these mature trees. This means greater pollution in the city. NOTE: Even the non-native trees absorb 700 lbs... Just like the native trees. How does the developer propose to substitute this loss of carbon dioxide absorption through this natural mechanism that trees provide the city? Trees do not mature for at least 50 years. Source:

<http://publicworks.portlandmaine.gov/trust.asp>

c) Due to Dutch Elms' disease, over 20,000 elm trees died between 1960-1970 within the city of Portland. Only 100 Elm trees are left in the city, there are NINE mature Elm trees in the middle of the property that are slated to be clear-cut. These Elm trees are a NATIVE tree species and should NOT be clear-cut.

2) Will Not Have an Undue Adverse Affect on the Scenic or Natural Beauty of the Area: Portland City Ordinance 14-497(a).8

City Ordinances states: **"Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. For subdivisions within historic districts designated**  
*Rebuttal:*

a) In the 2<sup>nd</sup> planning workshop, the developer dismissed the current Scenic and Natural beauty of the current area and provided before and after photos of going from an open scenic and natural beauty of green space to an urban hill side with mature trees all ready established. The developer's interpretation of replacing tree lines with building roof lines is not an acceptable trade off to scenic and natural beauty besides the fact that after photos he presented are using mature trees which are usually over 50 years old.

b) Portland has placed parameters in the ordinances to protect trees and the environment from development and clear cuts. Portland City Arborist, Jeff Tarling has recommended additional studies rather than deforestation of this area and I agree with this recommendation

c) This Munjoy hillside is the only solid green open space of "natural beauty" one views when driving into Portland. By clear cutting all the mature trees on the side of this hill and putting up a 3 to 4 story high-end condos, will ruin the natural beauty and wildlife habitat that currently resides there. This also seems to go against City of Portland website which seemed to be proud to be called "The Forest City".

3) Transportation standards, Impact on Surrounding Streets:: Portland City Ordinance 14-526(a)1

City Ordinances states: **"The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways; and the incremental volume of traffic will not create or aggravate any significant hazard to safety at or to and including**

**intersections in any direction where traffic could be expected to be impacted***Rebuttal:*

a) In Planning Workshop #1, the developer included an traffic analysis that basically covered current crash statistics of traffic patterns. However, this traffic analysis did not adequately addressed the overflow parking and where is it suppose to go if the steeply sloped Walnut Street will not have on-street parking within 200ft between the entrance/exit. Ultimately, this report does not provide adequate analysis of the actual density traffic impact made when adding 34 parking spaces plus 5 additional spaces for parking and where is the overflow parking is suppose to be located the traffic congestion and safety measure taken with pedestrians who will be walking the sidewalks when cars will be exiting and entering with more frequently than it is now from Walnut Street. It is recommended additional density traffic impact studies are to be performed and additional information as to where is the overflow parking is suppose to go if there are only 34 parking spaces provided and Walnut Street has no off street parking because of it steep grade.

**4) Will Not Cause Unreasonable Soil Erosion...and Unhealthy Conditions. Portland City Ordinance 14-497(a),4,5**

**City Ordinance states: "4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result; 5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed"**

*Rebuttal:*

- a) In Planning working #2, the developer provided a lot of pictures of retaining walls that will be used once the entire area is clear cut. The developer stated that a more detailed retaining wall design will be provided and approved by a Maine PE (Professional Engineer) once construction commences. It is requested additional erosion prevention design requirements are provided for this steeply sloped property that will be clear cut. An example of development on steeply sloped hills that have frequent mudslides is the city of Los Angeles where mud slides are common. It is common knowledge, that the BEST answer to stop soil erosion are trees and not man-made unproven retaining walls.
- b) It is estimated that over 113,400 pounds of carbon dioxide will NOT be absorbed once all the trees are clear cut. This also means due to another 34 cars being added in which each gallon of gas generates 17.68 pounds of Carbon Dioxide. When extrapolated out annually, this will generate an additional 144,268 pounds of carbon dioxide. This means that because of the

loss of trees and the additional cars cumulatively over 257,668 pounds of carbon dioxide annually will be polluting the city of Portland due to this development.  
source: <http://www.eia.gov/tools/faqs/faq.cfm?id=307&t=11>

5) Acceptable Snow Removal Plan and Snow Storage: Portland City Ordinance 14-526,4(d)I,ii

City Ordinance states: **"(i) The site plan shall include areas for snow storage or shall include an acceptable snow removal plan**

- a) In Portland, ME, there is an average of at least 60" of snow annually. This is a challenge for the Portland snow plows which do an amazing job of removing snow off the streets and where the snow is to be stored. In the previous 2 workshops, there was no mention or explanation of snow storage or a snow removal plan for this development. It is recommended that additional study is needed to address this issue.

In conclusion, the citizens of Portland, Portland city government, and newcomers to Portland should not forget why they live here or moved here. It is because the citizens and the Portland city government pays attention to nature, open green spaces, conservation, affordable housing, walkable city, public transport opportunities, recycling, repurposing, and buying local. These are the exact reasons why Portland has now become a tourist mecca because very few cities in the United States do a good job balancing these ideals. Does the 79 Walnut Street project represent these aforementioned ideals? I contend no if this means clear cutting one of the last open green spaces within the city, creating more traffic congestion and carbon dioxide on Munjoy Hill so that high end condos are developed in which only out of state people can afford to purchase.

Keep Portland real and green.

Regards,

K. Snyder

Munjoy Hill Property Owner.

## Jean Fraser - Agreement with Concerns over 79 Walnut Street Proposal

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**From:** Zeynep Turk <zturk@hotmail.com>  
**To:** "JF@portlandmaine.gov" <jf@portlandmaine.gov>  
**Date:** 12/12/2013 4:07 PM  
**Subject:** Agreement with Concerns over 79 Walnut Street Proposal

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Dear Jean,

I agree with all the points made below:

I have reviewed the 79 Walnut street developer's submittal from the 2nd planning workshop. I would like the below considerations to be addressed and responded to accordingly during the next planning workshop which will be held next Tuesday, December 12, 2013 at 7:00pm in City Hall. I have also included the below in a MS Word Document to eliminate any potential format issues.

1) Landscape Preservation: Portland City Ordinance 14-525:2.a.i,ii

City ordinance states: "Site development shall be designed to incorporate, and limit disturbance to removal of existing trees, as specified below. Preserved trees may be counted towards site landscaping requirements

Rebuttal:

a) In the 2nd workshop, the developer's proposal is clear cutting ALL the mature trees on this property which is over 162 mature trees on a steep > 14% grade sloped hill. This is the only open green space and urban forest left in Portland with an actual eco system even if it is not "an endangered species". Just because the local eco system consists of small mammals such as: skunks, groundhogs, foxes, hawks, crows, bluebirds, blue jays, cardinals, finches and chickadees are not of "endangered species", it doesn't give the justification to destroy this natural wildlife habitat that have established a fierce residency within the city limits. Using that above logic, the majority of Maine forests should be clear-cut because there is non-endangered species on it.

b) Per the Portland City website, each mature tree absorbs 700 lbs of Carbon Dioxide emissions/year. This means over 113,400 pounds of carbon dioxide will NOT be absorbed any longer by these mature trees. This means greater pollution in the city. NOTE: Even the non-native trees absorb 700 lbs... Just like the native trees. How does the developer propose to substitute this loss of carbon dioxide absorption through this natural absorption mechanism that trees provide the city? Trees do not mature for at least 50 years. Source: <http://publicworks.portlandmaine.gov/trust.asp>

c) Due to Dutch Elms' disease, over 20,000 elm trees died between 1960-1970 within the city of Portland. Only 100 Elm trees are left in the city, there are NINE mature Elm trees in the middle of the property that are slated to be clear-cut. These Elm trees are a NATIVE tree species and should NOT be clear-cut.

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## Rebuttal:

- a) In the 2nd planning workshop, the developer dismissed the current Scenic and Natural beauty of the current area and provided before and after photos of going from an open scenic and natural beauty of green space to an urban hill side with mature trees all ready established. The developer's interpretation of replacing tree lines with building roof lines is not an acceptable trade off to scenic and natural beauty besides the fact that after photos he presented are using mature trees which are usually over 50 years old.
- b) Portland has placed parameters in the ordinances to protect trees and the environment from development and clear cuts. Portland City Arborist, Jeff Tarling has recommended additional studies rather than deforestation of this area and I agree with this recommendation
- c) This Munjoy hillside is the only solid green open space of "natural beauty" one views when driving into Portland. By clear cutting all the mature trees on the side of this hill and putting up a 3 to 4 story high-end condos, will ruin the natural beauty and wildlife habitat that currently resides there. This also seems to go against City of Portland website which seemed to be proud to be called "The Forest City".

3) Transportation standards, Impact on Surrounding Streets:: Portland City Ordinance 14-526(a)1 City Ordinances states: "The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways; and the incremental volume of traffic will not create or aggravate any significant hazard to safety at or to and including intersections in any direction where traffic could be expected to be impacted

## Rebuttal:

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## Rebuttal:

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BEST answer to stop soil erosion are trees and not man-made unproven retaining walls.

b) It is estimated that over 113,400 pounds of carbon dioxide will NOT be absorbed once all the trees are clear cut. This also means due to another 34 cars being added in which each gallon of gas generates 17.68 pounds of Carbon Dioxide. When extrapolated out annually, this will generate an additional 144,268 pounds of carbon dioxide. This means that because of the loss of trees and the additional cars cumulatively over 257,668 pounds of carbon dioxide annually will be polluting the city of Portland due to this development.

source: <http://www.eia.gov/tools/faqs/faq.cfm?id=307&t=11>

5) Acceptable Snow Removal Plan and Snow Storage: Portland City Ordinance 14-526,4(d)l,ii  
City Ordinance states: "(i) The site plan shall include areas for snow storage or shall include an acceptable snow removal plan

a) In Portland, ME, there is an average of at least 60" of snow annually. This is a challenge for the Portland snow plows which do an amazing job of removing snow off the streets and where the snow is to be stored. In the previous 2 workshops, there was no mention or explanation of snow storage or a snow removal plan for this development. It is recommended that additional study is needed to address this issue.

In conclusion, the citizens of Portland, Portland city government, and newcomers to Portland should not forget why they live here or moved here. It is because the citizens and the Portland city government pays attention to nature, open green spaces, conservation, affordable housing, walkable city, public transport opportunities, recycling, repurposing, and buying local. These are the exact reasons why Portland has now become a tourist mecca because very few cities in the United States do a good job balancing these ideals. Does the 79 Walnut Street project represent these aforementioned ideals? I contend no if this means clear cutting one of the last open green spaces within the city, creating more traffic congestion and carbon dioxide on Munjoy Hill so that high end condos are developed in which only out of state people can afford to purchase.

Thank you,

Zeynep Turk  
40 Turner St.  
Portland, ME 04101



**From:** <wrk\_fo\_peace@riseup.net>  
**To:** <jf@portlandmaine.gov>  
**Date:** 12/12/2013 5:06 PM  
**Subject:** Jack path

Hello,

This is an e-mail to voice my support of maintaining Jack Path, and saying "no" to developers. Please, please help us keep this green space!

Thanks,

Jada W.

**From:** Susan Yandell <sueyandell@gmail.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/12/2013 5:09 PM  
**Subject:** Agreement with concerns over 79walnut st proposal

I agree with these concerns.Sue Yandell

Att. 9w

**Jean Fraser - 77 Walnut Street / Munjoy Heights**

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**From:** Tilar Mazzeo <tilar.mazzeo@gmail.com>  
**To:** Jonathan Culley <jonathan@redfernproperties.com>, <JF@portlandmaine.gov>  
**Date:** 12/12/2013 5:32 PM  
**Subject:** 77 Walnut Street / Munjoy Heights

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Dear Jean,

I've been in conversations with Jonathan this fall about the development on Munjoy Heights. I own the duplex at 77 Walnut Street (one half of which is my primary residence) and am an abutter to the development in question. I write to say that I have no objections to the project proceeding as one of the affected abutters and support it going ahead.

Should you have question, please feel to be in touch.

All best Tilar

**Jean Fraser - Support for Munjoy Heights**

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**From:** Peter Bagg <peterbagg1@gmail.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/12/2013 8:26 PM  
**Subject:** Support for Munjoy Heights

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I would like to voice my support for the development planned off Walnut St on the west side of Munjoy Hill called "Munjoy Heights".

This development, as designed, will take an ugly, overgrown, very steep, frequently trash-spattered piece of land and make it into an attractive set of homes. The overall appearance of the immediate neighborhood will be significantly improved.

I understand, furthermore, that the developer has entered into a legal agreement to preserve access to the Portland Trails "Jack Path" which bisects the property. This will ensure that the public continues to have access through the Munjoy Heights property between Walnut St and North St, including access to the community garden at the north end of the site.

My wife and I just moved to North St, and are considering buying one of the Munjoy Heights condominiums. We both feel strongly that this project will make this small part of the city much more attractive and desirable.

I can be reached at 207-272-8218 or at the email address above. Please support the Munjoy Heights project.

Thank you,  
Peter Bagg