

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

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

Kathleen