

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

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

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

**Project Name:** Munjoy Heights  
Six new buildings comprising 29 residential townhouses; one existing house on reconfigured lot

**Project ID:** 2013-228

**Project Address:** 79 Walnut Street

**CBL:** 12-F-2 (part), F-4, F-7, F-18; 12-G-6; 12-H-1, H-3, H-5, H-7, H-9, H-13, H-17, H-22

**Applicant:** Jonathan Culley, Redfern Munjoy LLC

**Planner:** Jean Fraser

Dear Mr Culley:

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

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

### WAIVERS

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

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

**DEVELOPMENT REVIEW**

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

**1. SUBDIVISION**

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

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

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

## 2. SITE PLAN REVIEW

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

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

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

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

#### STANDARD CONDITIONS OF APPROVAL

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

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

construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

10. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
11. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If you have any questions, please contact Jean Fraser at 874 8728 or [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov)

Sincerely,



Carol Morrissette, Chair  
Portland Planning Board

**Attachments:**

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

**Electronic Distribution:**

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

## Attachment 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New Comment

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

If you have any questions or comments please contact me.

Best regards,

Thomas A. Errico, PE  
Senior Associate  
Traffic Engineering Director  
[T.Y. Lin International]T.Y. Lin International  
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December 11, 2013

RE: Munjoy Heights

Dear Chair Morrissette and Members of the Planning Board:

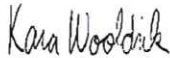
Portland Trails would like to take this opportunity to offer our comments on the proposed Munjoy Heights development. Portland Trails' staff have met on several occasions with the development team and City staff to address the trail connections and overall pedestrian experience, and while we still have 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:

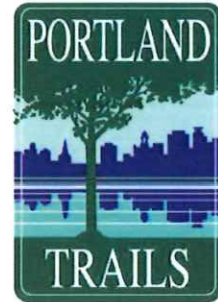
- Trail 'nodes' - We remain concerned that the two locations designated as 'guest parking' are also trail heads. These locations ('nodes') should be visible and inviting, and serve as natural meeting points which help transition between the public and private realms. It is important that they not be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

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**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 guarantee 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 guarantee

\* 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://www.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)

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F 207.774.6635

## MEMORANDUM



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

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

### Documents Reviewed by W&C

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

### Comments

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

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

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

## LEGAL ISSUES RE STATUS OF SHERIDAN STREET AND EAST COVE STREET

Draft/Suggested Points for discussion/questions at meeting on 10.28.2013

Also see: Annotated survey for project; 1866 Subdivision Plat that includes East Cove Street

### Sheridan Street

It is understood that the public rights in Sheridan were inadvertently given up in 1997 so these questions relate to private rights, primarily those within the half of Sheridan (west side) for the first 115 feet which is owned in fee by the owners of 87 Walnut and 196 Sheridan Street.

- a What is the original subdivision plan that gives the applicant rights in this area? (One 2006 subdivision is referenced on the survey and we would like to see that)
- b Exactly what are the applicant's rights in the area held in fee by others? What is the evidence for these rights?
- c How will the woonerf concept be manifested in that area?
- d What if the applicant's rights in this area conflict with the owners rights (see e-mail below from one of the owners who wants to have 2 parking spaces (*" I would hope to have on street availability to two spaces as permitted for my building's use and would want parking to be on the opposite side of the street from my building. "*):
  - Does this owner (196 Sheridan) have parking rights?
  - Does the other owner (87 Walnut, from whom I have not heard) have rights to retain his parking in this area and his paved yard in the former paper street that he now owns in fee?
  - If so, do these owners' rights have priority over the applicant's rights?
- e What action could the owner's take to maintain their current use of the area?
- f Could these two owners make a "claim" (they have a year to do so) asserting that they had suffered limits; if the case went to court, could this delay the project or could work start before then?
- g Could either of these owners prevent a public access easement that includes this area?
- h Could either of these owners prevent a public access easement over the remainder of the former paper street area?
- i Is there sufficient right, title and interest in this portion of the street and in the street generally to determine this application under the City's site plan ordinance- what further documentation (if any) is needed prior to the Hearing?

### East Cove Street

This street is not currently part of the proposed site plan and no proposals are shown in the site plan application. However, the Planning Board, Portland Trails, staff and some neighbors are strongly requesting a public access connection between the project and along East Cove Street to Washington Avenue. Bill Clark has confirmed that this street is deemed vacant as it was not preserved in 1997 and therefore the public rights of access have not been retained. Redfern have a P&S for the top two lots (on opposite sides of East Cove and abutting the project site) but this includes only about 20-25 feet of the existing paved street. Bill Clark has sent me a subdivision plat from 1866 which shows East Cove Street.

- a What rights does the applicant have in the street as a whole?
- b What could the City do to restore public rights?
- c What could the applicant do to introduce (eg public access easement?other?) public rights of access?

## Jean Fraser - Munjoy Heights: draft list of discussion points for mtg with attorneys on monday

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**From:** Jean Fraser  
**To:** Barhydt, Barbara; Clark, William  
**Date:** 10/23/2013 4:53 PM  
**Subject:** Munjoy Heights: draft list of discussion points for mtg with attorneys on monday  
**Attachments:** LEGAL ISSUES RE STATUS OF SHERIDAN STREET AND EAST COVE STREET.docx; Annotated survey re properties abutting vacated streets.pdf; CCRD PB 002\_054 Poplar St.pdf

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Barbara and Bill

This is a draft- I hope to send it to the city attorneys (Jen and Larry) and to the applicant and is attorney tomorrow (thursday) so they have it in time to do any necessary additional research.

Please let me know if you think I have missed anything or misrepresented any of the information- also both of you are welcome to attend the meeting (10 am on monday, in Legal).

(Note: Poplar Street was the former name of Sheridan Street)

Many thanks  
Jean

## Jean Fraser - Re: Munjoy Heights - follow up to PB approval

---

**From:** Jean Fraser  
**To:** Wooldrik, Kara; jaime@trails.org  
**Date:** 1/10/2014 3:05 PM  
**Subject:** Re: Munjoy Heights - follow up to PB approval  
**Attachments:** PI Bd Decision letter - Munjoy Heights.pdf; 140109\_MUNJOY HEIGHTS\_LANDSCAPE PLAN\_PLANTING PLAN\_DETAILS.pdf; 140106\_Munjoy Heights\_East Cove Steps.pdf

---

Kara and Jaime

I attach a copy of the Planning Board's approval for your information.

You will see that Portland Trails is mentioned in a number of the conditions of approval and that your letter of December 11, 2013 is a formal part of the approval letter.

I am the "coordinator" for all of the conditions that need to be complied with before the Subdivision Plat is signed/building permit issued. So over the next few weeks (they are hoping to start the project on site in February and have already submitted a building permit application) I will be in contact about some of the conditions as relevant.

I will send you info etc as it is submitted and it may be useful to meet at some point.

So far I have only received 2 submissions (the 2 attachments, received yesterday) that address the following two Conditions under Site Plan. What do you think of the revisions (explained below in the notes)?

(Conditions Site Plan iii and iv)

That the applicant shall submit detailed/revised Landscape Plans to address the following, for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit:

- Mitigation of the retaining wall and other impacts for abutters or where viewed directly by abutters;
- Resolution of the Portland Trail node locations (ie where the stairs meet the access drive/parking area) so that the stairs enter the area via a dedicated pedestrian way and the trail is more visible (to address PT comments in letter dated 12.11.2013 and Traffic review comments dated 12.11.2013); and ( [See note below](#))
- To address the City Arborist Jeff Tarling comments dated 12.12.2013 concerning planting material.

That the applicant shall provide illustrative material to show how the ramp leading to East Cove Street will appear to users and further discuss the design of this ramp with the City Arborist and Portland Trails to develop a design that meets Crime Prevention, safety and maintenance objectives, for review and approval by the Planning Authority prior to the issuance of a building



permit; and (see note below)

The requirement in iii where I have put the blue note is problematic. Tom Errico was particularly concerned about the fact that peds may need to walk between parked cars. Recently, as part of a very general discussion with the applicant and Soren about the overall condition of approval (which was focused on the planting), the applicant explained that the constraints are very limiting and that they had explored other options (but not removing the parking as the Board wanted that) but could not achieve much improvement:

- Re the link to Jack Path and node and integration with parking- when you try to relocate that stair link or relocate the parking, there is always another problem created. To move the stair means getting into a very steep area next to jack path; to move either the bike or car parking means the green screen for the retaining wall is undermined and/or parking is center stage as one looks down the street - also it would impinge on the fire lane. I am fairly convinced that all the other options were worse and so I have focused on trying to find a way to incorporate a reasonably wide pedestrian only link between jack path and the main paved area. In this revised plan they have removed the corner of the planting nearest the stair so that there is an angled dedicated ped link around the parked cars. Maybe they could move the stairs a foot or two eastwards to make that even better. Because of the bend in the woonerf it would be impossible to get a direct view in any case. So I am not sure if much more can be done.
- 
- Link at top of stairs going to East Cove Street link: They have removed a big section of planting so that when a ped reaches the top of the stairs they have two dedicated ped links (one in each direction) into the woonerf, protected by bollards. It does not really help re visual connection, but I think the clear buffer around any parking will help (along with signage (I note they have placed the node at the end of East Cove Street rather than at the top)). Again not perfect, but better.

Re the condition where I have the green note, my impression is that the design is already satisfactory to you and that its Jeff Tarling who needs to be convinced about the stairs. Soren has done this graphic and confirmed that the path that leads to this set of stairs is absolutely level with no walls- so I agree that the stair option is OK but am waiting to hear from Jeff. So this is really just for your confirmation.

Please let me know your thoughts.

Thank you  
Jean

## Jean Fraser - Re: Comments Re: FW: Munjoy Heights Tree Report

---

**From:** Jean Fraser  
**To:** soren@sorendeniord.com  
**Date:** 11/13/2013 4:52 PM  
**Subject:** Re: Comments Re: FW: Munjoy Heights Tree Report  
**CC:** Culley, Jonathan; Savage, Will; Tarling, Jeff

---

Soren

Was just about to call you.....my responses in **red**.

Jean

>>> soren deniord <soren@sorendeniord.com> 11/13/2013 3:52 PM >>>

Hello Jean,

Please see my reply comments / questions below in **BLUE**.

Thanks,

Soren

On Wed, Nov 13, 2013 at 12:20 PM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Soren

I have discussed your and Will's submissions with reviewers today as we effectively only have a week to review them before the PB memo needs to be wrapped up.

Jeff and I looked closely at the "Landscape Plan" and consider it an excellent depiction of the central "Woonerf" area (and we appreciate the changes that reflect the discussions last week) but we need a Landscape Plan that covers the entire site (including Lot 30 Maxwell- I will write separately to Jonathan re that). The Landscape Plan would be separate Plan and based on Rene's Tree Survey- it should show: **Would you like the L1.0 to be a Site Layout and Materials page and L2.0 the Landscape Plan with plant list / details? There's already a C-10 Site Plan so I suggest you avoid the word "Site". Maybe L.1 could be "Landscape Plan- central area" and L2.0 could be "Landscape Plan- Subdivision" (showing all planting (existing/proposed) but maybe not so much detail re hard landscape lighting benches etc in central area and a note referring to L1.0 for that area) - whatever is easiest so each plan stands alone and includes the info.**

- Clear Treeline for any areas where existing trees will remain **The only remaining trees are currently identified with notation on the north / east corner of the property (we do not have specimen**

**type or size). We realize that but the treeline is not clear and the green tone is not in the legend.**

- Any preserved trees " " **Jeff and I were wondering if any of the oaks on Rene's plan are on the site- I think you should try and preserve a few of the ones identified on his plan if at all possible.**
- Replacement planting to address the "scenic beauty" lost by the removal of so many trees (the fact that they are Norway Maple is not necessarily relevant to that ordinance requirement) **We will be able to speak to this point (i.e. ratio of trees replanted for each removed)...How would you like it documented...notation? There are 2 different standards, one under site plan (formula for replacement and reference to setbacks) and the other under subdivision scenic beauty where there is a need to show that the "scar" being created in the long views (eg across the Back Cove) have been mitigated as far as possible. So its not just numbers but that information will be useful- its the location and size/species that Jeff will need to consider. Plantings around the edges to soften the scar or integrate with planting just outside the site boundary might be effective. No doubt Jeff will have some thoughts on this.**
- Planting to address buffering and screening requirements around the N and E boundaries of the site (and where there will be reinstatement near the VOA site ie the boundary conditions/treatment needs to be clarified in principle **Noted. I will enhance and identify vegetated screening opportunities**
- Proposed Tree Species for new planting (ie where) (Jeff notes the plant list is to be completed) **I will complete the plant list once we verify plant size / cost / quantity implications.**
- The entire Maxwell Lot needs to be included as its part of the subdivision

I would like to include for the Board a summary of the overall tree situation- ie no of large trees lost vs new trees to be planted (and include the info from Rene re their ecological value) - you may want to prepare and submit that rather than relying on my interpretation of the plans and Rene's Report.

The Fire Department would like to know whether this latest L1.0 is based on the same turning radii that were shown to him last week and whether the 20' clear access way and staging areas have also been retained.

**The latest 1.0 is based on the same fire truck turning radius shown last week (Smeal 100'). thanks- I will pass that on.**

Thank you

Jean

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 11/12/2013 6:29 PM >>>

Hello Jean,

Attached are (2) PDFs for the Munjoy Heights submittal:

-Munjoy Heights Landscape Plan

-Munjoy Height 'Woonerf' Perspective View

Please let me know if you have any questions or need additional information.

Thank you,

Soren

-

On Tue, Nov 12, 2013 at 5:18 PM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Hello

I need to upload your Landscape and Stormwater submissions into our computer system for discussion 9:30am tomorrow (wed).

I will be in the office until **9pm tonight** (for Hearing) and would be able to upload them anytime up until

**soren deniord**

t > [207.400.2450](tel:207.400.2450)

e > [soren@sorendeniord.com](mailto:soren@sorendeniord.com)

a > soren deniord design studio

43 wellwood rd.

portland, maine 04103

check out our website: <http://www.sorendeniord.com>

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--

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check out our website: <http://www.sorendeniord.com>

## Jean Fraser - Munjoy Heights submissions for Nov 26th P Workshop

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**From:** Jean Fraser  
**To:** jaime@trails.org  
**Date:** 11/13/2013 5:46 PM  
**Subject:** Munjoy Heights submissions for Nov 26th P Workshop  
**CC:** kara@trails.org  
**Attachments:** 131112\_MUNJOY HEIGHTS LANDSCAPE PLAN.jpg; Tree Report.docx; C-10 Site Plan.pdf; C-30 Grading\_Drainage\_EC Plan.pdf; C-31 Grading and Roadway Profile Plan.pdf; C-32 Wall 1 and 2 Profile Plan.pdf; C-33 Wall 3 Profile Plan.pdf; Snow Storage Plan\_11-12-13.pdf; 11.13.13 Revised Boundary survey.pdf

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Jaime

Further to the meeting last week, Jonathan and Co have submitted revised plans and details; these are currently being reviewed and will be considered by the Planning Board on Nov 26th (afternoon). I have attached most of them (I haven't really looked at them all yet) and when I review them on Friday I may send the rest (I am out of the office tomorrow).

A subdivision plat is on the way but not yet received; we have requested a Landscape Plan that shows planting around the perimeter and possibly treesaves (probably not).

I will be finalizing a brief PB memo on (mainly) Landscape, Stormwater and Woonerf next Wednesday- so if PT would like to comment this would probably be a good moment. There may be a bit more re connectivity if there is anything to report- and I will sound out the Board re that as I mentioned in an earlier e-mail.

Jonathan is hoping for a PB hearing on Dec 17th but that depends on what issues come up.

You/Kara/me may want to discuss some aspects of the plans- they did not address all of your comments I notice.

thanks  
Jean

## Jean Fraser - Munjoy Heights start on site 3.10.2014

---

**From:** Jean Fraser  
**To:** Barhydt, Barbara; Blackburn, Rick; Bobinsky, Michael; Clark, William;...  
**Date:** 3/7/2014 5:03 PM  
**Subject:** Munjoy Heights start on site 3.10.2014  
**CC:** DiPierro, Philip  
**Attachments:** 3.4.14 Pl dir app to advance site work Munoy Heights.pdf

---

All-

The Munjoy Heights project (29 townhomes) is starting on site on Monday, authorized by the attached letter as they do not have a building permit yet.

They are starting clearance of trees with access from Washington Ave and Walnut Street. Erosion and sedimentation control will be a key issue, also ensuring safety of schoolchildren walking to school along these streets (both have been addressed in discussions with DPS and other staff).

We understand the contractor has spoken to all neighbors and let them know whats happening. The bulk of the construction work will be the next 6-8 months.

This letter has been copied to others in DPS already and please note the applicant is Jonathan Culley of Redfern Properties (not JB Brown as suggested in the cc list).

Thanks  
Jean  
Ext 8728

## Jean Fraser - Fwd: 79 Walnut Street - Sitework Commencement

---

**From:** Jean Fraser  
**To:** DiPierro, Philip; Margolis-Pineo, David; Munson, Tammy; Tarling, Jeff  
**Date:** 3/3/2014 2:01 PM  
**Subject:** Fwd: 79 Walnut Street - Sitework Commencement  
**CC:** Barhydt, Barbara  
**Attachments:** 03.03.2014 - Sitework Commencement.pdf; Draft Reply re sitework in advance of BP.docx

---

Hi

The applicant has requested to commence work on site in advance of the building permit, with the focus on tree removal and regrading (see attached letter from them dated 2.26.14 and received today).

The Planning Director is authorized to approve such site work if it does not raise any concerns.

I have drafted a response (second attachment) based on the issues I am familiar with but there may be other conditions you would like to add or you may feel the ones I have included need amending.

Please send me comments urgently- thanks

(Note I have not gone into detail re the CMP as we are reviewing that separately and will be discussing it at Dev Rev tomorrow).

Jean

>>> Craig Hill <chill@wright-ryan.com> 3/3/2014 8:42 AM >>>  
Hi Jean/Phil,

I could not find anywhere on the City of Portland website the email address for Alex Jaegerman. Is it possible for one of you to forward the attached letter.

If there are any issues, please let me know.

Thanks,  
Craig Hill  
Project Manager  
Wright-Ryan Construction, Inc.  
10 Danforth St  
Portland, Me 04101  
Office - 207-773-3625  
Cell - 207-650-8089  
Fax - 207-773-5173

re Hearing, final item  
Marjorie Heights  
additional Public Comments  
**Jean Fraser - SAVE JACK PATH**

Attachment 9.ff  
Public Comment

**From:** marjorie freed <maggiogram@yahoo.com>  
**To:** "jf@portlandmaine.gov" <jf@portlandmaine.gov>  
**Date:** 12/17/2013 1:31 PM  
**Subject:** SAVE JACK PATH

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I AGREE W/EVERYTHING STATED IN KATHLEEN MCKEON'S LETTER TO EDITOR IN  
PORTLAND DAILY SUN DEC.6, 2013.

Marjorie M. Freed  
158 North St. #306  
Portland, ME 04101



Attachment 9. ee  
Public Comment

Ben Austin  
12 East Cove St.  
Portland, ME 04101  
December 16, 2013

Jean Fraser  
Planner  
Planning Department, City of Portland  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101

Dear Jean:

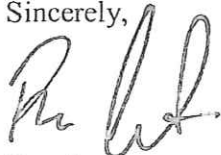
On behalf of myself and William Buss (co-owners of 12 East Cove St.), I am writing you today to express our full support for the Munjoy Heights Development project currently going through the Planning Board approval process. As you are aware, William and I have previously discussed with you some concerns regarding the proximity of this development to our property which directly abuts the proposed development site.

We wanted to inform you that we've been in discussions with Jonathan Culley over the past several months and we are pleased to find that he has been receptive to our questions and concerns in addition to being very proactive in addressing our needs. Jonathan has gone above and beyond what is required of him as a neighbor, and has been more than willing to accommodate our needs. We feel that the retaining wall being built immediately behind our property will be done so with the least amount of impact as possible, and Jonathan has shown commitment to us to restoring the natural beauty of the area.

We view Munjoy Heights as benefit to our neighborhood, and appreciate the concern that Jonathan has put forth to maintaining good relations with us and our neighbors. We fully support this project and feel fortunate that it is being developed by Jonathan Culley and Redfern Properties.

Please share our sentiments with the Planning Board, as we hope it is beneficial to Mr. Culley's efforts.

Sincerely,



Ben Austin  
Property Owner - 12 East Cove St. Portland, ME 04101



## CREDERE ASSOCIATES, LLC

776 Main Street  
Westbrook, Maine 04092  
Phone: 207-828-1272  
Fax: 207-887-1051

December 17, 2013

Jean Fraser  
Planner  
City of Portland Planning & Urban Development Department  
389 Congress Street, Room 308  
Portland, Maine 04101

**Subject: Smart Growth Development and the Munjoy Heights Project**

Dear Ms. Fraser,

Credere Associates, LLC has contributed to the success of many great redevelopment projects in Portland. Our firm focuses on creating economic and community benefit through the elimination of environmental liabilities, which in turn enables underutilized properties to be put back into productive use.

Through programs funded by U.S. EPA Brownfields Assessment and Cleanup Grants, Credere has been able to help incorporate Smart Growth principles into our remediation and redevelopment designs. These principles include:

- Create mixed land uses and walkable neighborhoods
- Foster distinctive, attractive communities with a strong sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Strengthen and direct development towards existing communities
- Provide a variety of transportation choices
- Make development decisions that are predictable, fair, and cost effective
- Encourage community and stakeholder collaboration in development decisions

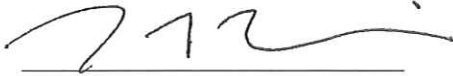
Utilizing existing infrastructure and transportation options, incorporating energy efficiency into building design, and providing community access to recreational options, is an especially valuable formula for forwarding the principles of Smart Growth. In addition, infill development has the added benefit of limiting the environmental impacts of urban sprawl on our rural neighborhoods. Finally, projects that create jobs and turn a property from a maintenance liability into an economic asset through an increase in tax basis are especially valuable.

It is for these reasons that Credere respectfully requests that the Planning Board continue to support the Munjoy Heights project and any future developments that incorporate the principles of Smart Growth.

While Credere has not been involved in this project, Credere and Maine's many architectural, engineering, and consulting businesses rely on intelligent development projects like Munjoy Heights that will add to our community and protect our rural resources. We are thankful for these quality development opportunities and recognize that a project that supports long-term community and economic benefit is simply the right thing to support.

Thank you for your time and effort in consideration of the Munjoy Heights project. Please do not hesitate to contact us at (207) 828-1272 if you have any questions.

Very truly,  
CREDERE ASSOCIATES, LLC

  
\_\_\_\_\_  
Jedd Steinglass, LSP  
Senior Project Manager

  
\_\_\_\_\_  
Rip Patten, PE, LSP, LEEP-AP  
Vice President



Attachment 9ee

**Jean Fraser - Munjoy Heights Project proposed at 79 Walnut Street** *Public Comment*

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**From:** Mike Barton <mbarton@wright-ryan.com>  
**To:** "JF@portlandmaine.gov" <JF@portlandmaine.gov>  
**Date:** 12/16/2013 10:55 AM  
**Subject:** Munjoy Heights Project proposed at 79 Walnut Street

---

Jean,

I am writing to express my support for the Munjoy Heights project as a lifetime resident of the City of Portland and an owner of multiple properties in the vicinity of the proposed project (including one on 88 Sheridan Street and another on 184 Congress Street). I also have had the privilege of participating in the design and constructability sessions to date and am continuously impressed with Redfern Properties ability to respond to all constituencies and adjust the plan as necessary. I think the final result brought forth to the Planning Board is representative of a collaborative effort in every sense of the term. The blend of materials presented integrate touches of modern design with classic plantings and hardscapes all while improving the connectivity of the Jack Path to East Cove and Washington Avenue. Infill projects like Munjoy Heights are representative of the type of housing development that the city has targeted specifically in its comprehensive plan as a way to sustain Portland's future.

I look forward to safely sending my children to the East End school via the Woonerf and Jack Path when completed, an option I am unlikely to consider in the trail's current state.

Thank you for your attention to this exciting project and I hope this helps urge the City to support it.

Sincerely,

Michael Barton, LEED AP BD+C  
Wright-Ryan Construction, Inc.  
10 Danforth St.  
Portland, ME 04101  
207-773-3625 T  
207-773-5173 F  
[www.wright-ryan.com](http://www.wright-ryan.com)

Attachment 9dd  
Public Comment

**Jean Fraser - MUNJOY HEIGHTS**

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**From:** "RITA YARNOLD" <cbayrea1@maine.rr.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/16/2013 9:28 AM  
**Subject:** MUNJOY HEIGHTS

---

Hello Jennifer,

I'm writing in support of the proposed development called Munjoy Heights. As a real estate professional, I've noted that the Culley's developments have been well executed. Munjoy Heights will bring life to a unique Hill location that could possibly have remained dormant for years. Architect, David Lloyd's design fits thoughtfully into the surrounding landscape.

As a third generation Munjoy Hill native, I'm pleased that Munjoy Heights is a respectful, supportive addition to the neighborhood and the local community.

I wish the Culleys, and the City of Portland, great success with Munjoy Heights.

Sincerely,

Rita

Rita Yarnold  
Bay Realty/President  
559 Congress Street  
Portland, Maine 04101  
207-831-8356 Cell  
207-775-3838 X 1  
207-775-0146 Fax

Attachment 9cc

**Jean Fraser - Munjoy Heights - Planning Board Hearing on 12/17/13**

Public Comment

---

**From:** John Ryan <jryan@wright-ryan.com>  
**To:** "JF@portlandmaine.gov" <JF@portlandmaine.gov>  
**Date:** 12/16/2013 9:02 AM  
**Subject:** Munjoy Heights - Planning Board Hearing on 12/17/13

---

Jean,

I am writing to express my support for the Munjoy Heights project in my capacity as a long-time resident of the City of Portland (I reside at 29 Waterville St on Munjoy Hill) and the proposed builder of the project (our offices have been in Portland for 30 years). I can attest to the care and intense focus on green design that has gone into the project. These housing units will be among the most energy efficient ever constructed in Portland. The development will make use of land that was of limited value to provide needed housing while maintaining and improving meaningful public access, including legal access to a trail network for Portland Trails. It represents just the kind of infill development that Portland has targeted and badly needs, efficiently accommodating 29 living units on less than 1.5 acres. This project will add significantly to the tax base while placing relatively modest additional demands on services. In addition, the project will support at least 100 construction jobs for a period of a year.

The development and design team has assembled an exceptionally thoughtful plan for Munjoy Heights, and I urge the City to support it.

Thank you for your attention.

Sincerely,

John W. Ryan  
President  
Wright-Ryan Construction, Inc.  
10 Danforth St  
Portland, ME 04101  
Phone: (207) 773-3625  
Fax: (207) 773-5173  
Web: <http://www.wright-ryan.com>

Attachment 9 b6  
public comment

## Jean Fraser - Munjoy Heights Development

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**From:** "Peter J. DeTroy" <pdetroy@nhdlaw.com>  
**To:** "jf@portlandmaine.gov" <jf@portlandmaine.gov>  
**Date:** 12/13/2013 1:51 PM  
**Subject:** Munjoy Heights Development  
**CC:** "Jonathan@redfernproperties.com" <Jonathan@redfernproperties.com>, "Paul..."

---

Jean,

I understand a public hearing is scheduled next week concerning the Munjoy Heights development. My wife, Mary Roy, and myself live at 122 North Street which is adjacent to this development.

I spoke to you about this several months ago, but want to reiterate that Redfern Homes and its owner, Jonathan Culley, have been very responsive to our concerns. While this development will have some impact on our property, we are most impressed with the manner in which Jonathan has addressed our concerns. We believe his development will be a positive for our neighborhood.

Regards,

Peter

**We've Moved!** You can now find us at Two Canal Plaza.  
Same Phone. Same PO. Same eMail. Different Street.



Peter J. DeTroy  
Norman, Hanson & DeTroy, LLC  
Two Canal Plaza  
PO Box 4600  
Portland, ME 04112  
Direct: (207)553-4627  
eFax: (207)274-5821

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\*\*\*\*\*PRIVILEGE AND CONFIDENTIALITY\*\*\*\*\*

The information contained in this electronic mail is intended for the addressed recipient only. The email may contain privileged and confidential material.

Attachment 9a  
Public Comment

Munjoy Heights

I would like to respond to some of the concerns of the lady whose article was in the Portland Daily Sun.

I live on East Cove St for over 25 years and have enjoyed many of the things she mentioned. It has provide my family with its beauty, peacefulness and privacy, I know many people who grew up in the area and too have wonderful memories of Jack Path short cut to school, the huge rock that they would gather with friends or a private time to think.

Some of the wild life are gophers there have been many. Some that are still there are literley 3 feet tall when standing. When coming out the door I don't know who is more scared them or us and there are too many gopher tunnels to count. The squirrels not only have huge nest in the trees but also in the houses and have caused damage to a few houses.

Also in the fall the kids using the path have thrown apples and we have had windows and windshields broken.

Many years ago some of the young girls were molested on the path the city did clear a lot Of the brush, and cut some trees. They also put a fence and gate at Walnut street and near the school.

There have been homeless people living near the rock. Also bags from the mall jewelry stores with many boxes emptied.

Martha Scott  
MARTHA SCOTT



**Jean Fraser - Munjoy Heights/Redfern Munjoy, LLC proposal**

---

**From:** "Elliot Vrana" <elliott.vrana@gmail.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/13/2013 12:48 PM  
**Subject:** Munjoy Heights/Redfern Munjoy, LLC proposal

---

Hi Jean,

I am writing to you today in support for the Redfern Munjoy, LLC project known as "Munjoy Heights". As a current resident and owner of a condominium that was developed by Jonathan Culley I can vouch for both the quality of the work and their respect for the surrounding neighborhood demonstrated in this project. Jonathan and his team are mindful of the topography, respectful to owners' concerns and responsive to situations that require immediate attention. To cite a specific example: a large willow tree on our property was compromised during the construction of the Harborview Townhomes development and rather than remove the tree (a less expensive and easier solution), Jonathan listened to the voices of the unit owners and spared no expense to have the tree roots back-filled and re-supported. I am so happy to say that this tree (at least 100 years old) still stands strong on our property. It is clear to me that this developer considers the environmental impact their projects will have and seeks to create solutions that reach more favorable outcomes.

Thank you,

**ELLIOT VRANA**

Bookkeeping + Tax + Accounting  
(207) 441-1433  
elliott.vrana@gmail.com

Any tax advice contained in this correspondence or attachments is based upon my understanding of relevant facts and the tax law and governmental rulings that were in effect at the time the advice was given. Furthermore, in accordance with IRS rules, I hereby advise you that any tax advice contained in this correspondence or attachments is not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer by the Internal Revenue Service.

Attachment 9  
Public comment

**From:** Antonia Anderson <antonia.v.anderson@gmail.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/13/2013 11:42 AM  
**Subject:** Munjoy Hights

Dear Jean,

My husband and I are both Munjoy Hill residents, we live at Promenade Towers, and have owned a business on Romasco Lane since 2003, we work and live on the 'Hill'. We are writing to you in support of Jonathan Culley and the Munjoy Hights project. We are very familiar with his work as we very nearly purchased a property built by Jonathan a few years ago, the only reason we did not was the decision to remain within walking distance of our business, through this process we reviewed his projects in detail for level of craftsmanship, attention to detail and design integrity. I have a former career in a design field. All of Jonathan's projects met all three of the afore mentioned criteria to a very high level indeed, he is also always sensitive to how the property will fit in the surrounding environment and how it will withhold the test of time. I would say that the quality of Jonathan's work is outstanding. Both my husband and I welcome Munjoy Hights and see it as a wonderful addition that can only enhance the "Hill".

Do let me know if you have any questions.

My very best regards,

Antonia & Stephen Anderson  
Units #116  
Promenade Towers  
340 Eastern Promenade  
Portland, 04101

Just received  
5 pm 12-17-13

Attachment 9-jj  
Public Comment

Page 1 of 1

**Jean Fraser - support for Munjoy Heights**

---

**From:** "Sigfridson, Drew" <DSigfridson@Boulos.com>  
**To:** "JF@portlandmaine.gov" <JF@portlandmaine.gov>  
**Date:** 12/17/2013 5:01 PM  
**Subject:** support for Munjoy Heights

---

As a Portland resident (69 Brookside Road), I write to express my support for the Munjoy Heights project proposed by RedFern Properties.

Drew

Drew Sigfridson, SIOR | Managing Director, Partner  
CBRE | The Boulos Company | Brokerage Services  
One Canal Plaza | Portland, ME 04101  
T +1 207 772 1333 | F +1 888 316 0744 | C +1 207 831 5838  
[dsigfridson@boulos.com](mailto:dsigfridson@boulos.com) | [www.boulos.com](http://www.boulos.com) | [Personal Profile](#) | [View My Listings](#)

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Attachment 9.ii  
Public Comment

**Jean Fraser - Munjoy Heights**

---

**From:** Josh Wojcik <jwojcik@uprightframeworks.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/17/2013 4:41 PM  
**Subject:** Munjoy Heights  
**CC:** "Jonathan Culley (jonathan@redfernproperties.com)"  
<jonathan@redfernprop...>

---

Hi Jean,

We spoke a week (or so) ago about 128 North Street (rear) - a.k.a. the "Maxwell property." As you may recall, Mr. Cully and I are working on the details of a purchase and sale agreement through which I will purchase a portion of the Maxwell property that will not be needed for the Munjoy Heights development (contingent on the approval of the development).

I am also one of the owners of a property (126 North Street) that is adjacent to the Maxwell property - and is thus in the vicinity of the Munjoy Heights project.

I am writing to confirm that (to the best of my knowledge), Mr. Cully has briefed the property owners in the vicinity on his proposed project and that he is making efforts to address the concerns of his neighbors.

If you have any questions or if I can be of further assistance, please let me know.

Regards,

--

Joshua Wojcik  
Founder, Upright Frameworks  
phone: 207-749-9656  
fax: 207-585-2677  
[www.UprightFrameworks.com](http://www.UprightFrameworks.com)

**Jean Fraser - condos on Jack's Path**

---

**From:** "Jeanine Bischoff-Brewster" <jbkbrew@earthlink.net>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/17/2013 3:56 PM  
**Subject:** condos on Jack's Path  
**CC:** "Karen S" <karsny@yahoo.com>, <matc@gwi.net>

---

Hello,

I am unable to attend tonight's meeting but I wanted to make my opinion known. I oppose the proposed 79 Walnut St condo development on Jack's Path for the following reasons:

1. My kids play in that green space. There they have a safe place to be free, and to be kids. The condo development takes this green space away. Even if there is an open space in the development plan, residents will not welcome packs of boys playing nearby. (We are already experiencing this at the condos at the old Adams School playground.)
2. As a walker, I use the path to get down to Washington Ave; to Sheridan St. and to connect to other trails and streets. I can attest it is a frequently used pathway, and not just by the homeless!
3. There are other two other condo developments for the Hill on the table. This is the project with the most detrimental impact. It is one thing to build condos where a building stands, it is completely another to build condos in a forested, green area.
4. I feel this project doesn't benefit the diverse community of people living on the Hill, as these upscale condos are marketed to the wealthy and retired people who can afford to buy them. Jack's Path is for everyone.
5. It will change the beautiful landscape of the Hill, deforesting a scenic section that can be seen by many from the highway, and affects the view of the city.

I strongly feel that the project is not viable because it destroys green space and changes the beauty of Portland.

Thank you for your time,

Jeanine Bischoff-Brewster  
Farm Camp Registration  
[www.farmcampkids.com](http://www.farmcampkids.com)  
[info@farmcampkids.com](mailto:info@farmcampkids.com)

Attachment

999  
Public Comment**Jean Fraser - Concern over 79 Walnut St.**

**From:** "Jeanine Bischoff-Brewster" <jbkbrew@earthlink.net>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/17/2013 3:37 PM  
**Subject:** Concern over 79 Walnut St.  
**CC:** "Karen S" <karsny@yahoo.com>

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)1,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

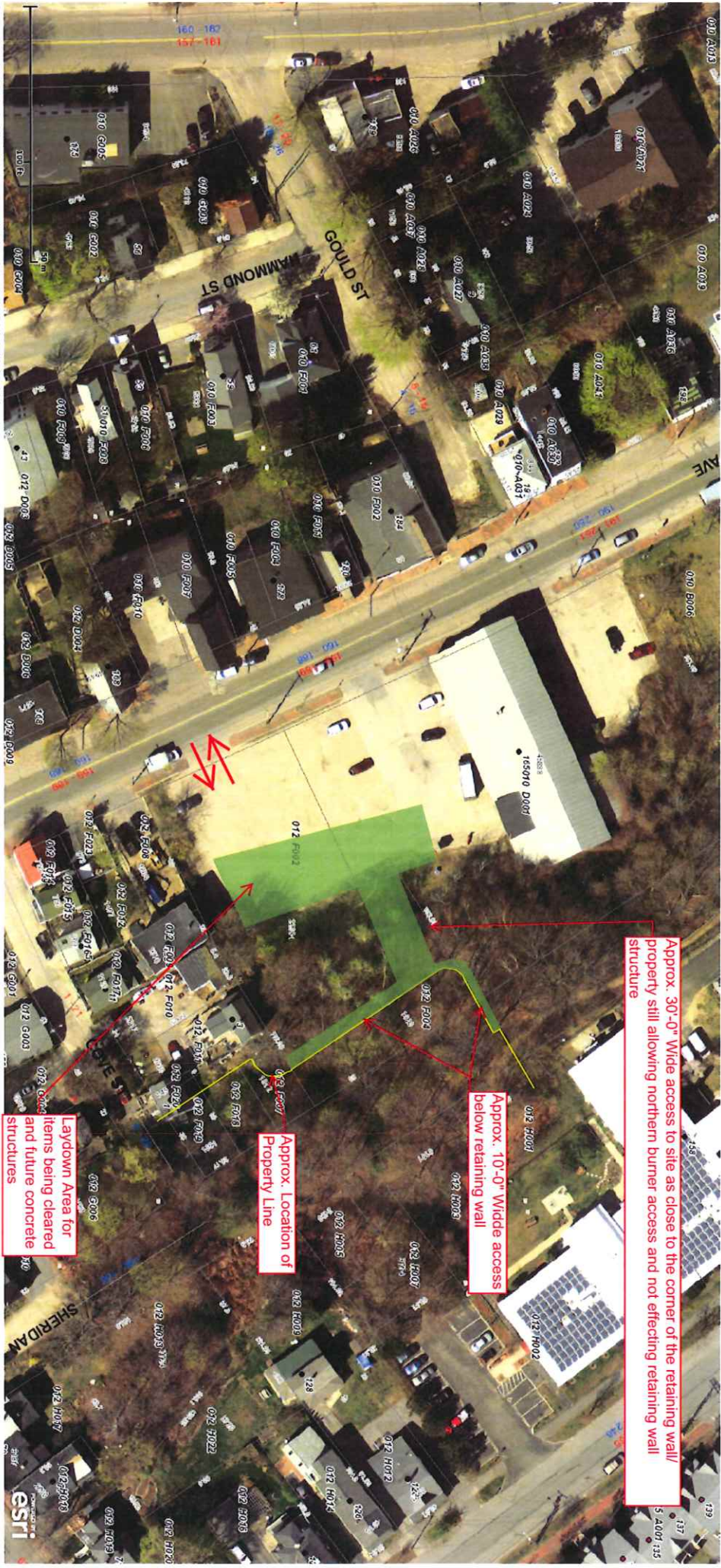
development. It is recommended that additional study is needed to address this issue.

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.

Jeanine Bischoff-Brewster  
Farm Camp Registration  
[www.farmcampkids.com](http://www.farmcampkids.com)  
[info@farmcampkids.com](mailto:info@farmcampkids.com)



# Munjjoy Heights Site Access



Copyright 2011 Esri. All rights reserved. Mon Mar 3 2014 07:15:25 AM.

- Notes:**
1. Duration: Approx. 2-3 months from start of project. Once retaining wall is built access is closed off from the site.
  2. Access in and out of site will be limited to initial equipment mobilization, 2-4 trucks of logs being removed from the site, and a few dump truck loads of grubbing materials
  3. Access in and out of the lot can be monitored by a flagger if requested.

Approx. 30'-0" Wide access to site as close to the corner of the retaining wall/ property still allowing northern burner access and not effecting retaining wall structure

Approx. 10'-0" Wide access below retaining wall

Approx. Location of Property Line

Laydown Area for items being cleared and future concrete structures

*trimming  
ref. ords + cleaning  
most reg*

*hazardous waste site  
school hrs  
walking with site  
repair any damage  
repair any damage  
repair any damage*

**Jean Fraser - Munjoy Heights - Additional Zoning Info**

**From:** Ryan Senatore <ryan@senatorearchitecture.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 10/21/2013 9:13 AM  
**Subject:** Munjoy Heights - Additional Zoning Info  
**CC:** Marge Schmuckal <mes@portlandmaine.gov>, Will Savage <wsavage@acorn-eng...>

Jean,

( Att. 6 )  
5

See the information below with additional information requested by Marge Schmuckal regarding Munjoy Heights

- 1.) The Front Setback of unit #1 was determined by using the averaging approach, the adjacent building to the North of unit #1 has an approximately 6' setback from the property line, the adjacent building to the South of Unit #1 has a setback of 0' for apportion of the facade and approximately 3' for the remainder of the facade. Unit #1 has a setback for a portion of the facade of 6" at the front porch and living space above and a maximum setback of 6' at a portion of the facade.
- 2.) The proposed lot lines associated with the Maxwell Property (128 North Street) are still under consideration. A zoning analysis will be completed as part of the final configuration to verify the proposed lot lines meet the yard dimensions, min. lot size, max. lot coverage and open space ratio. Presently the proposed property line is offset 20 ft from 128 North Street's rear one story structure and does not include the rear "bump out". The "bump out" is a bulkhead. The rear yard applies to principal and attached accessory structures with ground coverage greater than 100 square feet. The bulkhead is an attached accessory structure with a ground coverage of 25 square feet and therefore the accessory structure would be subject to a rear setback of 5 ft.
- 3.) The maximum height to roof beam for the 4 story structure as indicated on the drawing is 41'-6" We determined the average grade at the 4 story buildings by determining the grade change on the sloped side grades of the building which is 7' so we divide that by 2 to get 3.5' and subtract that from our maximum height of 41'-6" to get a Maximum height to top of roof beam above average grade of 38'-0" which is less than the 45' Maximum allowed by Zoning.
- 4.) The maximum height to roof beam for the 3 story structure as indicated on the drawing is 38'-4" We determined the average grade at the 3 story buildings by determining the grade change on the sloped side grades of the building which is 17' so we divide that by 2 to get 8.5' and subtract that from our maximum height of 38'-4" to get a Maximum height to top of roof beam above average grade of 29'-10" which is less than the 45' Maximum allowed by Zoning.
- 5.) Correct the setback is the "yellow" outline and not the thick "black" line.

Thanks,

**Ryan Senatore, AIA LEED-AP BD+C**

workshop item 1

Attachment E.3

**JEWELL & BULGER, P.A.**

*Attorneys at Law*  
477 Congress Street, Suite 1104  
Portland, ME 04101-3453  
T: (207) 774-6665  
F: (207) 774-1626

**Thomas F. Jewell, Esq.**  
tjewell@jewellandbulger.com

**Paul S. Bulger, Esq.**  
pbulger@jewellandbulger.com

October 16, 2013

City of Portland  
Planning Department  
Attn: Jean Fraser  
389 Congress Street  
Portland, Maine

Re: Application of Redfern Munjoy, LLC regarding Munjoy Heights

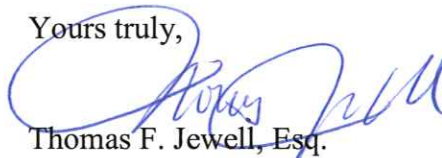
Dear Jean:

I am submitting this letter in order to supplement our correspondence dated September 24, 2013 regarding the above matter. At the October 15 meeting between the Applicant and various Planning and other City staff, the question arose concerning the rights in Sheridan Street as those rights concern the existing two houses that have frontage on west side of Sheridan Street, near Walnut.

Those two properties are located at 87 Walnut Street (12-G-19) and 196 Sheridan Street (12-G-10). These two properties hold fee interest on their side of Sheridan to the middle of the Street. In its efforts to discontinue Sheridan Street, the Applicant will not be seeking to limit the rights of these two lot owners to access their respective properties via Sheridan Street to Walnut Street.

On the other hand, the Applicant does have the right, as do all lot owners within the scope of the original subdivision plan, to utilize Sheridan Street to access its property over the land within the Sheridan Street right of way owned by these two owners, and to improve the Sheridan Street right of way for purposes of access and installation of utilities.

Yours truly,



Thomas F. Jewell, Esq.

TFJ/t

P.O. Box 8816  
Portland, ME 04104  
Office: 207-221-5746  
Fax: 207-221-2822  
[www.redfernproperties.com](http://www.redfernproperties.com)

September 30, 2013

Barbara Barhydt  
City of Portland  
Planning Division  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101

Re: Munjoy Heights/Housing Replacement Ordinance

Dear Barbara:

This letter should serve as an Addendum to the Munjoy Heights Site Plan Application submitted earlier today.

Our plan contemplates the demolition of two structures, a multi-family building at 79 Walnut Street and a single-family house at 1 East Cove Street. We believe that the house at 79 Walnut Street is a legal four unit dwelling. Thus, it is our understanding that five housing units will be demolished. These five housing units will be replaced with the 29 new residential units, for a net addition of 24 housing units. We understand that our development may trigger certain provisions of the Housing Replacement Ordinance.

We look forward to working with the Planning Division to better understand how this project is impacted by the Housing Replacement Ordinance. Thank you.

Sincerely,

  
Jonathan Culley

*exp loaded eplan  
pdf in @ PB docs*

**JEWELL & BULGER, P.A.**

*Attorneys at Law*

477 Congress Street, Suite 1104

Portland, ME 04101-3453

T: (207) 774-6665

F: (207) 774-1626

**Thomas F. Jewell, Esq.**

tjewell@jewellandbulger.com

**Paul S. Bulger, Esq.**

pbulger@jewellandbulger.com

September 24, 2013

City of Portland  
Planning Department  
389 Congress Street  
Portland, Maine

Re: Application of Redfern Munjoy, LLC regarding Munjoy Heights

Dear Sirs:

I am submitting this letter concerning the application of Redfern Munjoy, LLC, concerning the Munjoy Heights project centered around the abandoned paper street, known as Sheridan Street, being the portion of Sheridan Street north of Walnut Street.

The title interests affecting paper streets include the fee interest, public rights, and the rights of lot owners in the subdivision.

**THE FEE INTEREST**

The Applicant has under contract all of the land abutting this abandoned paper street. Pursuant to Title 33, MRS Sec. 469-A, there is a presumption that the developer conveyed all of its interest in the "proposed, unaccepted way" to the abutters unless expressly reserved or subsequently filed a notice to preserve the claim to title to the street.

Our title examination has found no reservation of rights or subsequent claim of the developer, therefore, the Applicant, upon acquisition of the parcels, shall acquire the fee title interest to Sheridan Street, north of Walnut Street.

**PUBLIC RIGHTS**

It appears that the City intended to preserve public rights to this portion of Sheridan Street, but inadvertently released them.

In order to preserve public rights, the City would have had to comply with the provisions of Title 23, MRS Sec. 3032(1-A) by filing an appropriate notice at the Registry of Deed by September 29, 1997. The City did file a notice of the applicable Council Order at the Registry at Book 13326, Page 19. The Notice specify the continuation of Poplar Street (the original name of

Sheridan Street) at Page 26 and referenced a plan recorded at Book 51, Page 297. That particular plan only includes the area of Sheridan Street south of Walnut Street. Sheridan Street, north of Walnut, is shown in an 1802 subdivision plan recorded at deed 36, Page 247. (Please note that both of the registry references are not to Plan references, but to regular Books.) Since the Council order referenced the wrong plan, public rights to Sheridan Street, north of Walnut Street have been abandoned by the City.

This analysis and conclusion regarding the abandonment of public rights have been reviewed and accepted by William Clark at Public Services and Lawrence Walden at Corporation Counsel.

### **PRIVATE RIGHTS**


Even though the Applicant holds the fee, and public rights in the way have been abandoned, there are currently extant private rights to utilize this portion of Sheridan Street in all lot owners included in the original subdivision plan recorded at Book 36, Page 247. The Applicant is currently undertaking an action to eliminate these rights pursuant to Title 33 MRS Sec. 3033.

Once Notice is filed, which we expect will happen in the next couple of weeks, owners of lots in the subdivision will have up to one year to file notice of claim. The applicant will own all lots with frontage on this portion of Sheridan Street. All other lots in the subdivision set forth in Book 36, Page 247 have frontage on other streets. In the unlikely event a claim is asserted, we anticipate that the Court would deny it as clearly no contestant would be able to establish that they have suffered "unreasonable limits" on their ability to access a public way, body of water, or common land, as set forth in Title 33, Sec. 3033 (3)(B).

### **CONCLUSION**

We submit that the Applicant has sufficient right, title or interest in the portion of Sheridan Street, north of Walnut Street, to proceed with its application.

Yours truly,

  
Thomas F. Jewell, Esq.

TFJ/t

## Jean Fraser - RE: 2nd reply Re: Munjoy Heights - street addresses

---

**From:** Jean Fraser  
**To:** Culley, Jonathan  
**Date:** 7/25/2014 10:16 AM  
**Subject:** RE: 2nd reply Re: Munjoy Heights - street addresses  
**CC:** Culley, Catherine

---

Jonathan

The last time I spoke to Chris Pirone of the Fire Dept he was OK with your proposed numbering and was going to discuss with DPS and confirm; I had understood that if DPS had any concerns about that, that they would arrange a meeting with you. I will follow up on this.

I am out of the office this afternoon and Monday/Tuesday, so you probably won't hear from me until Wednesday but hopefully while I am away I will have a confirmation back from DPS.

Sorry this has dragged on....

Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

>>> "Jonathan Culley" <jonathan@redfernproperties.com> 7/24/2014 2:18 PM >>>

Jean,

As far as I know, we are still awaiting feedback from the City on street addresses for Munjoy Heights. Please let us know where things stand. Thanks!

**Jonathan Culley**  
**Redfern Properties LLC**  
Cell: 207-776-9715  
Office: 207-221-5746  
Fax: 207-221-2822  
[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)  
[www.redfernproperties.com](http://www.redfernproperties.com)  
[www.redfernhomes.com](http://www.redfernhomes.com)  
[www.munjoyheights.com](http://www.munjoyheights.com)

---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Tuesday, June 24, 2014 11:51 AM  
**To:** Jonathan Culley  
**Subject:** RE: 2nd reply Re: Munjoy Heights - street addresses

Jonathan

## Jean Fraser - RE: 2nd reply Re: Munjoy Heights - street addresses

---

**From:** Jean Fraser  
**To:** Culley, Jonathan  
**Date:** 7/25/2014 10:16 AM  
**Subject:** RE: 2nd reply Re: Munjoy Heights - street addresses  
**CC:** Culley, Catherine

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Sorry this has dragged on....

Jean

*Jean Fraser, Planner  
City of Portland  
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>>> "Jonathan Culley" <jonathan@redfernproperties.com> 7/24/2014 2:18 PM >>>

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**Jonathan Culley**  
**Redfern Properties LLC**  
Cell: 207-776-9715  
Office: 207-221-5746  
Fax: 207-221-2822  
[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)  
[www.redfernproperties.com](http://www.redfernproperties.com)  
[www.redfernhomes.com](http://www.redfernhomes.com)  
[www.munjoyheights.com](http://www.munjoyheights.com)

---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Tuesday, June 24, 2014 11:51 AM  
**To:** Jonathan Culley  
**Subject:** RE: 2nd reply Re: Munjoy Heights - street addresses

Jonathan



## Jean Fraser - Fwd: RE: 2nd reply Re: Munjoy Heights - street addresses

---

**From:** Jean Fraser  
**To:** Pirone, Chris; Wordell, Charles  
**Date:** 7/25/2014 10:23 AM  
**Subject:** Fwd: RE: 2nd reply Re: Munjoy Heights - street addresses  
**Attachments:** Munjoy Heights proposed street addresses.pdf

---

Chris and Charles,

The last time I spoke with Chris I understood that Chris was OK with the proposed numbering from Jonathan Culley (attached) and Chris was going to let you (Charles) know that.

I would like to confirm back to Jonathan Culley that we are OK with his proposal, but would like confirmation from both of you first- and perhaps we should also send Jonathan the GIS map extract once the numbering is formalized.

He is selling the properties now so this is becoming urgent.

I am out of the office on Monday and Tuesday, so would appreciate a reply by the end of Tuesday and I will then communicate with Jonathan to confirm. By all means contact Jonathan direct if there are any questions (please cc me), but in this case the existence of an existing dwelling with a Sheridan address appears to dictate the final decision.

thanks  
 Jean

>>> "Jonathan Culley" <jonathan@redfernproperties.com> 7/24/2014 2:18 PM >>>

Jean,

As far as I know, we are still awaiting feedback from the City on street addresses for Munjoy Heights. Please let us know where things stand. Thanks!

**Jonathan Culley**  
**Redfern Properties LLC**  
 Cell: 207-776-9715  
 Office: 207-221-5746  
 Fax: 207-221-2822  
[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)  
[www.redfernproperties.com](http://www.redfernproperties.com)  
[www.redfernhomes.com](http://www.redfernhomes.com)  
[www.munjoyheights.com](http://www.munjoyheights.com)

---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Tuesday, June 24, 2014 11:51 AM  
**To:** Jonathan Culley  
**Subject:** RE: 2nd reply Re: Munjoy Heights - street addresses

**Jean Fraser - Redfern Munjoy**

---

**From:** Jed Harris <jed@n-ahrop.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: Munjoy Heights - Response to Fire Comments

---

**From:** Chris Pirone  
**To:** Jean Fraser; William Savage  
**Date:** 11/5/2013 4:47 PM  
**Subject:** RE: Munjoy Heights - Response to Fire Comments  
**CC:** MarkCummings; catherine@redfernproperties.com; jonathan@redfernpropert...

---

Thank you.  
I am in agreement that this meets all applicable codes.

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

 Please consider the environment before printing this email.

>>> William Savage <wsavage@acorn-engineering.com> 11/5/2013 2:09 PM >>>  
<http://www.smeal.com/uploads/Files/FilePath27.pdf>

**Jean Fraser - Re: Jack Path**

---

**From:** Jaime Parker <jaime@trails.org>  
**To:** Jonathan Culley <jonathan@redfernproperties.com>, Kara Wooldrik <kara@tr...>  
**Date:** 2/28/2014 3:23 PM  
**Subject:** Re: Jack Path  
**CC:** Craig Hill <chill@wright-ryan.com>, Soren Deniord <soren@sorendeniord.co...>

---

Hi Jonathan and Craig,

Thanks for the heads up. I will plan to remove the metal signs from the posts on either end of the trail. We should consider a sign for each end that explains the path is temporarily closed with an anticipated re-opening time frame. Something like:

"The Jack Path is temporarily closed for the development of the Munjoy Heights project. We look forward to re-opening this neighborhood connection in ...[spring 2015..?]. Please contact Portland Trails for more information" -- PT logo--

We will also notify our members through social media, etc....

Craig, I'd like to meet with you at some point to discuss 'salvaging' some materials for use on the remaining 'wooded' section of the Trail. I've spoken with Jonathan and John Ryan briefly about this, but not in any detail about how materials are being handled. I know there are some old granite pieces at the top of E. Cove Street that we have had our eyes on. I could see these being used in the development (along the woonerf, or at the top of the stairs to the trail for example) or elsewhere on the trail nearby as bollards, benches, etc.... We had also discussed boulders; we hope to use several dozen 2-4' boulders along the trail, primarily to retain a widened trail on City land below the elderly housing, where the trail turns the corner to/from North Street. I've spoken with Jeff Tarling and we determined that the City lot at the end of Marginal Way would be a good laydown area if there are indeed some 'spoils' that come off the site. Also wondering about the 'grafitti rock', and if it can be integrated into the site (as the termination of the retaining wall near the trail steps for example....?), or it will just be crushed up. Pretty cool glacial erratic if we can find a home for it!

Let me know if there's a time that works to chat on site or otherwise.

Best,

Jaime

On Fri, Feb 28, 2014 at 11:12 AM, Jonathan Culley <[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)> wrote:

Jaime,

We are about to begin construction in the next week or two, which means that we will temporarily need to close Jack Path.

I am copying Craig Hill, Project Manager for Wright-Ryan so that we can coordinate on the best way to close the path and ensure safety and signage.

I am happy to foot the bill for any signage that you want to use during the construction period, to ensure the safety of pedestrians...thanks!

**Jonathan Culley**

**Redfern Properties LLC**

Cell: [207-776-9715](tel:207-776-9715)

Office: [207-221-5746](tel:207-221-5746)

Fax: [207-221-2822](tel:207-221-2822)

[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)

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[www.redfernhomes.com](http://www.redfernhomes.com)

[www.munjoyheights.com](http://www.munjoyheights.com)

--

Jaime Parker  
Trails Manager  
Portland Trails  
[jaime@trails.org](mailto:jaime@trails.org)  
329.6180

Non Sibi, Sed Omnibus

Just received  
3pm 12-17-13

Planners <sup>copy</sup> Attachment

9-jj  
Public Comment

**Jean Fraser - support for Munjoy Heights**

---

**From:** "Sigfridson, Drew" <DSigfridson@Boulos.com>  
**To:** "JF@portlandmaine.gov" <JF@portlandmaine.gov>  
**Date:** 12/17/2013 5:01 PM  
**Subject:** support for Munjoy Heights

---

As a Portland resident (69 Brookside Road), I write to express my support for the Munjoy Heights project proposed by RedFern Properties.

Drew

Drew Sigfridson, SIOR | Managing Director, Partner  
CBRE | The Boulos Company | Brokerage Services  
One Canal Plaza | Portland, ME 04101  
T +1 207 772 1333 | F +1 888 316 0744 | C +1 207 831 5838  
[dsigfridson@boulos.com](mailto:dsigfridson@boulos.com) | [www.boulos.com](http://www.boulos.com) | [Personal Profile](#) | [View My Listings](#)

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Attachment 9.ii  
Public Comment**Jean Fraser - Munjoy Heights**

---

**From:** Josh Wojcik <jwojcik@uprightframeworks.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/17/2013 4:41 PM  
**Subject:** Munjoy Heights  
**CC:** "Jonathan Culley (jonathan@redfernproperties.com)"  
<jonathan@redfernprop...>

---

Hi Jean,

We spoke a week (or so) ago about 128 North Street (rear) - a.k.a. the "Maxwell property." As you may recall, Mr. Cully and I are working on the details of a purchase and sale agreement through which I will purchase a portion of the Maxwell property that will not be needed for the Munjoy Heights development (contingent on the approval of the development).

I am also one of the owners of a property (126 North Street) that is adjacent to the Maxwell property - and is thus in the vicinity of the Munjoy Heights project.

I am writing to confirm that (to the best of my knowledge), Mr. Cully has briefed the property owners in the vicinity on his proposed project and that he is making efforts to address the concerns of his neighbors.

If you have any questions or if I can be of further assistance, please let me know.

Regards,

--

Joshua Wojcik  
Founder, Upright Frameworks  
phone: 207-749-9656  
fax: 207-585-2677  
[www.UprightFrameworks.com](http://www.UprightFrameworks.com)



**Jean Fraser - condos on Jack's Path**

---

**From:** "Jeanine Bischoff-Brewster" <jbkbrew@earthlink.net>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/17/2013 3:56 PM  
**Subject:** condos on Jack's Path  
**CC:** "Karen S" <karsny@yahoo.com>, <matc@gwi.net>

---

Hello,

I am unable to attend tonight's meeting but I wanted to make my opinion known. I oppose the proposed 79 Walnut St condo development on Jack's Path for the following reasons:

1. My kids play in that green space. There they have a safe place to be free, and to be kids. The condo development takes this green space away. Even if there is an open space in the development plan, residents will not welcome packs of boys playing nearby. (We are already experiencing this at the condos at the old Adams School playground.)
2. As a walker, I use the path to get down to Washington Ave; to Sheridan St. and to connect to other trails and streets. I can attest it is a frequently used pathway, and not just by the homeless!
3. There are other two other condo developments for the Hill on the table. This is the project with the most detrimental impact. It is one thing to build condos where a building stands, it is completely another to build condos in a forested, green area.
4. I feel this project doesn't benefit the diverse community of people living on the Hill, as these upscale condos are marketed to the wealthy and retired people who can afford to buy them. Jack's Path is for everyone.
5. It will change the beautiful landscape of the Hill, deforesting a scenic section that can be seen by many from the highway, and affects the view of the city.

I strongly feel that the project is not viable because it destroys green space and changes the beauty of Portland.

Thank you for your time,

Jeanine Bischoff-Brewster  
Farm Camp Registration  
[www.farmcampkids.com](http://www.farmcampkids.com)  
[info@farmcampkids.com](mailto:info@farmcampkids.com)

Attachment

999  
Public Comment**Jean Fraser - Concern over 79 Walnut St.**

**From:** "Jeanine Bischoff-Brewster" <jbkbrew@earthlink.net>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/17/2013 3:37 PM  
**Subject:** Concern over 79 Walnut St.  
**CC:** "Karen S" <karsny@yahoo.com>

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)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. Keep Portland real and green.

Jeanine Bischoff-Brewster  
Farm Camp Registration  
[www.farmcampkids.com](http://www.farmcampkids.com)  
[info@farmcampkids.com](mailto:info@farmcampkids.com)

re Hearing first dem  
munoy Heights  
additional Public Comments

**Jean Fraser - SAVE JACK PATH**

Planners copy

Page 1 of 1

Attachment 9.ff

Public Comment

---

**From:** marjorie freed <maggiegram@yahoo.com>  
**To:** "jf@portlandmaine.gov" <jf@portlandmaine.gov>  
**Date:** 12/17/2013 1:31 PM  
**Subject:** SAVE JACK PATH

---

I AGREE W/EVERYTHING STATED IN KATHLEEN MCKEON'S LETTER TO EDITOR IN  
PORTLAND DAILY SUN DEC.6, 2013.

Marjorie M. Freed  
158 North St. #306  
Portland, ME 04101

Attachment 9. ee  
Public Comment

Ben Austin  
12 East Cove St.  
Portland, ME 04101  
December 16, 2013

Jean Fraser  
Planner  
Planning Department, City of Portland  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101

Dear Jean:

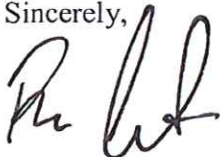
On behalf of myself and William Buss (co-owners of 12 East Cove St.), I am writing you today to express our full support for the Munjoy Heights Development project currently going through the Planning Board approval process. As you are aware, William and I have previously discussed with you some concerns regarding the proximity of this development to our property which directly abuts the proposed development site.

We wanted to inform you that we've been in discussions with Jonathan Culley over the past several months and we are pleased to find that he has been receptive to our questions and concerns in addition to being very proactive in addressing our needs. Jonathan has gone above and beyond what is required of him as a neighbor, and has been more than willing to accommodate our needs. We feel that the retaining wall being built immediately behind our property will be done so with the least amount of impact as possible, and Jonathan has shown commitment to us to restoring the natural beauty of the area.

We view Munjoy Heights as benefit to our neighborhood, and appreciate the concern that Jonathan has put forth to maintaining good relations with us and our neighbors. We fully support this project and feel fortunate that it is being developed by Jonathan Culley and Redfern Properties.

Please share our sentiments with the Planning Board, as we hope it is beneficial to Mr. Culley's efforts.

Sincerely,



Ben Austin  
Property Owner - 12 East Cove St. Portland, ME 04101



## CREDERE ASSOCIATES, LLC

776 Main Street  
Westbrook, Maine 04092  
Phone: 207-828-1272  
Fax: 207-887-1051

December 17, 2013

Jean Fraser  
Planner  
City of Portland Planning & Urban Development Department  
389 Congress Street, Room 308  
Portland, Maine 04101

**Subject: Smart Growth Development and the Munjoy Heights Project**

Dear Ms. Fraser,

Credere Associates, LLC has contributed to the success of many great redevelopment projects in Portland. Our firm focuses on creating economic and community benefit through the elimination of environmental liabilities, which in turn enables underutilized properties to be put back into productive use.

Through programs funded by U.S. EPA Brownfields Assessment and Cleanup Grants, Credere has been able to help incorporate Smart Growth principles into our remediation and redevelopment designs. These principles include:

- Create mixed land uses and walkable neighborhoods
- Foster distinctive, attractive communities with a strong sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Strengthen and direct development towards existing communities
- Provide a variety of transportation choices
- Make development decisions that are predictable, fair, and cost effective
- Encourage community and stakeholder collaboration in development decisions

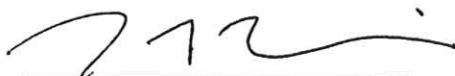
Utilizing existing infrastructure and transportation options, incorporating energy efficiency into building design, and providing community access to recreational options, is an especially valuable formula for forwarding the principles of Smart Growth. In addition, infill development has the added benefit of limiting the environmental impacts of urban sprawl on our rural neighborhoods. Finally, projects that create jobs and turn a property from a maintenance liability into an economic asset through an increase in tax basis are especially valuable.

It is for these reasons that Credere respectfully requests that the Planning Board continue to support the Munjoy Heights project and any future developments that incorporate the principles of Smart Growth.

While Credere has not been involved in this project, Credere and Maine's many architectural, engineering, and consulting businesses rely on intelligent development projects like Munjoy Heights that will add to our community and protect our rural resources. We are thankful for these quality development opportunities and recognize that a project that supports long-term community and economic benefit is simply the right thing to support.

Thank you for your time and effort in consideration of the Munjoy Heights project. Please do not hesitate to contact us at (207) 828-1272 if you have any questions.

Very truly,  
**CREDERE ASSOCIATES, LLC**



Jedd Steinglass, LSP  
Senior Project Manager



Rip Patten, PE, LSP, LEEP-AP  
Vice President



Attachment 9ee

**Jean Fraser - Munjoy Heights Project proposed at 79 Walnut Street** *Public Comment*

---

**From:** Mike Barton <mbarton@wright-ryan.com>  
**To:** "JF@portlandmaine.gov" <JF@portlandmaine.gov>  
**Date:** 12/16/2013 10:55 AM  
**Subject:** Munjoy Heights Project proposed at 79 Walnut Street

---

Jean,

I am writing to express my support for the Munjoy Heights project as a lifetime resident of the City of Portland and an owner of multiple properties in the vicinity of the proposed project (including one on 88 Sheridan Street and another on 184 Congress Street). I also have had the privilege of participating in the design and constructability sessions to date and am continuously impressed with Redfern Properties ability to respond to all constituencies and adjust the plan as necessary. I think the final result brought forth to the Planning Board is representative of a collaborative effort in every sense of the term. The blend of materials presented integrate touches of modern design with classic plantings and hardscapes all while improving the connectivity of the Jack Path to East Cove and Washington Avenue. Infill projects like Munjoy Heights are representative of the type of housing development that the city has targeted specifically in its comprehensive plan as a way to sustain Portland's future.

I look forward to safely sending my children to the East End school via the Woonerf and Jack Path when completed, an option I am unlikely to consider in the trail's current state.

Thank you for your attention to this exciting project and I hope this helps urge the City to support it.

Sincerely,

Michael Barton, LEED AP BD+C  
Wright-Ryan Construction, Inc.  
10 Danforth St.  
Portland, ME 04101  
207-773-3625 T  
207-773-5173 F  
[www.wright-ryan.com](http://www.wright-ryan.com)

Attachment 9dd  
Public comment

**Jean Fraser - MUNJOY HEIGHTS**

---

**From:** "RITA YARNOLD" <cbayreal@maine.rr.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/16/2013 9:28 AM  
**Subject:** MUNJOY HEIGHTS

---

Hello Jennifer,

I'm writing in support of the proposed development called Munjoy Heights. As a real estate professional, I've noted that the Culley's developments have been well executed. Munjoy Heights will bring life to a unique Hill location that could possibly have remained dormant for years. Architect, David Lloyd's design fits thoughtfully into the surrounding landscape.

As a third generation Munjoy Hill native, I'm pleased that Munjoy Heights is a respectful, supportive addition to the neighborhood and the local community.

I wish the Culleys, and the City of Portland, great success with Munjoy Heights.

Sincerely,

Rita

Rita Yarnold  
Bay Realty/President  
559 Congress Street  
Portland, Maine 04101  
207-831-8356 Cell  
207-775-3838 X 1  
207-775-0146 Fax

Attachment 9cc

Public Comment

**Jean Fraser - Munjoy Heights - Planning Board Hearing on 12/17/13**

---

**From:** John Ryan <jryan@wright-ryan.com>  
**To:** "JF@portlandmaine.gov" <JF@portlandmaine.gov>  
**Date:** 12/16/2013 9:02 AM  
**Subject:** Munjoy Heights - Planning Board Hearing on 12/17/13

---

Jean,

I am writing to express my support for the Munjoy Heights project in my capacity as a long-time resident of the City of Portland (I reside at 29 Waterville St on Munjoy Hill) and the proposed builder of the project (our offices have been in Portland for 30 years). I can attest to the care and intense focus on green design that has gone into the project. These housing units will be among the most energy efficient ever constructed in Portland. The development will make use of land that was of limited value to provide needed housing while maintaining and improving meaningful public access, including legal access to a trail network for Portland Trails. It represents just the kind of infill development that Portland has targeted and badly needs, efficiently accommodating 29 living units on less than 1.5 acres. This project will add significantly to the tax base while placing relatively modest additional demands on services. In addition, the project will support at least 100 construction jobs for a period of a year.

The development and design team has assembled an exceptionally thoughtful plan for Munjoy Heights, and I urge the City to support it.

Thank you for your attention.

Sincerely,

John W. Ryan  
President  
Wright-Ryan Construction, Inc.  
10 Danforth St  
Portland, ME 04101  
Phone: (207) 773-3625  
Fax: (207) 773-5173  
Web: <http://www.wright-ryan.com>

Attachment 9 bb  
public comment**Jean Fraser - Munjoy Heights Development**

---

**From:** "Peter J. DeTroy" <pdetroy@nhdlaw.com>  
**To:** "jf@portlandmaine.gov" <jf@portlandmaine.gov>  
**Date:** 12/13/2013 1:51 PM  
**Subject:** Munjoy Heights Development  
**CC:** "Jonathan@redfernproperties.com" <Jonathan@redfernproperties.com>, "Paul..."

---

Jean,

I understand a public hearing is scheduled next week concerning the Munjoy Heights development. My wife, Mary Roy, and myself live at 122 North Street which is adjacent to this development.

I spoke to you about this several months ago, but want to reiterate that Redfern Homes and its owner, Jonathan Culley, have been very responsive to our concerns. While this development will have some impact on our property, we are most impressed with the manner in which Jonathan has addressed our concerns. We believe his development will be a positive for our neighborhood.

Regards,

Peter

**We've Moved!** You can now find us at Two Canal Plaza.  
Same Phone. Same PO. Same eMail. Different Street.



Peter J. DeTroy  
Norman, Hanson & DeTroy, LLC  
Two Canal Plaza  
PO Box 4600  
Portland, ME 04112  
Direct: (207)553-4627  
eFax: (207)274-5821

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\*\*\*\*\*PRIVILEGE AND CONFIDENTIALITY\*\*\*\*\*

The information contained in this electronic mail is intended for the addressed recipient only. The email may contain privileged and confidential material.

Attachment 9aa  
Public Comment

Munjoy Heights

I would like to respond to some of the concerns of the lady whose article was in the Portland Daily Sun.

I live on East Cove St for over 25 years and have enjoyed many of the things she mentioned. It has provide my family with its beauty, peacefulness and privacy, I know many people who grew up in the area and too have wonderful memories of Jack Path short cut to school, the huge rock that they would gather with friends or a private time to think.

Some of the wild life are gophers there have been many. Some that are still there are literley 3 feet tall when standing. When coming out the door I don't know who is more scared them or us and there are too many gopher tunnels to count. The squirrels not only have huge nest in the trees but also in the houses and have caused damage to a few houses.

Also in the fall the kids using the path have thrown apples and we have had windows and windshields broken.

Many years ago some of the young girls were molested on the path the city did clear a lot Of the brush, and cut some trees. They also put a fence and gate at Walnut street and near the school.

There have been homeless people living near the rock. Also bags from the mall jewlery stores with many boxes emptied.

Martha Scott  
MARTHA SCOTT

**Jean Fraser - Munjoy Heights/Redfern Munjoy, LLC proposal**

---

**From:** "Elliot Vrana" <elliot.vrana@gmail.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/13/2013 12:48 PM  
**Subject:** Munjoy Heights/Redfern Munjoy, LLC proposal

---

Hi Jean,

I am writing to you today in support for the Redfern Munjoy, LLC project known as "Munjoy Heights". As a current resident and owner of a condominium that was developed by Jonathan Culley I can vouch for both the quality of the work and their respect for the surrounding neighborhood demonstrated in this project. Jonathan and his team are mindful of the topography, respectful to owners' concerns and responsive to situations that require immediate attention. To cite a specific example: a large willow tree on our property was compromised during the construction of the Harborview Townhomes development and rather than remove the tree (a less expensive and easier solution), Jonathan listened to the voices of the unit owners and spared no expense to have the tree roots back-filled and re-supported. I am so happy to say that this tree (at least 100 years old) still stands strong on our property. It is clear to me that this developer considers the environmental impact their projects will have and seeks to create solutions that reach more favorable outcomes.

Thank you,

[ELLIOT VRANA](#)

Bookkeeping + Tax + Accounting  
(207) 441-1433  
elliot.vrana@gmail.com

Any tax advice contained in this correspondence or attachments is based upon my understanding of relevant facts and the tax law and governmental rulings that were in effect at the time the advice was given. Furthermore, in accordance with IRS rules, I hereby advise you that any tax advice contained in this correspondence or attachments is not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer by the Internal Revenue Service.

Attachment 9  
Public comment

**From:** Antonia Anderson <antonia.v.anderson@gmail.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/13/2013 11:42 AM  
**Subject:** Munjoy Hights

Dear Jean,

My husband and I are both Munjoy Hill residents, we live at Promenade Towers, and have owned a business on Romasco Lane since 2003, we work and live on the 'Hill'. We are writing to you in support of Jonathan Culley and the Munjoy Hights project. We are very familiar with his work as we very nearly purchased a property built by Jonathan a few years ago, the only reason we did not was the decision to remain within walking distance of our business, through this process we reviewed his projects in detail for level of craftsmanship, attention to detail and design integrity. I have a former career in a design field. All of Jonathan's projects met all three of the afore mentioned criteria to a very high level indeed, he is also always sensitive to how the property will fit in the surrounding environment and how it will withstand the test of time. I would say that the quality of Jonathan's work is outstanding. Both my husband and I welcome Munjoy Hights and see it as a wonderful addition that can only enhance the "Hill".

Do let me know if you have any questions.

My very best regards,

Antonia & Stephen Anderson  
Units #116  
Promenade Towers  
340 Eastern Promenade  
Portland, 04101

30  
200,000  
18000,000

# Munyon Heights Discussion

10-1-13

Ben Ansten  
BWD Buss  
own top right house  
East Cove St

- 2004 Deck there - thought w/in property

- wall - paper st - (ck LW.)

next workshop  
- stormwater -

next workshop  
- impacts on foundations -

~~done~~ P+S agreements - send pdfs'

---

EC. - private

locus - ble + page



11-4-13

Ms Scott came into  
Pl. Offices to view  
plans for Mungoy  
Heights on our computer  
(she doesn't have one).

- ① I clarified the proposals weren't actually along East Core St but that there was "pressure" for connectivity along it.
- ② complicated by fact ECS private
- ③ On submitted bdy survey part of her house + deck are shown as on land to be acquired by developer - I recommended she contact Jonathan Culley + said I would mention at mtg on wed.

not f/w to PB for 11-26-13

as JC meeting with him

discussed this with legal - Rando

has rights of access but not parking

in area of  
paper street

**From owner of 196 Sheridan Street**

>>> J R <jr\_in\_portland@hotmail.com> Wednesday, October 23, 2013 1:54 AM >>>  
Dewar Ms. Barhydt and Mr. Culley,

My name is Phillip Rando and I am the owner and resident of 196 Sheridan St. I am sorry that I was unable to attend yesterday's planning meeting or the neighborhood meeting held at the start of the month because my work has me traveling out-of-state. I did want to express some concerns that may have been addressed at these meetings so forgive me for needing to express them myself. As the only building that has the paper road know as Sheridan Extension, much of my concern is centered around assuring that my tenants and myself will continue to have access during construction and that emergency vehicles will also be able to reach my building. I also have concern about parking. I have provided parking for 75% of my building's needs and can accommodate all of the need during emergency snow bans. This being said, I do rely on the paper road for one of my unit's on street parking as well as guest parking. The houses on Walnut street do not provide adequate parking for their units and use the paper road extensively. The residents of 87 Walnut Street park their commercial truck at the mouth of the lane and have also bricked their driveway to make a patio instead of utilizing it for their vehicles. As a result, they park right to the edge of the lane on both Walnut and the lane with oversized vehicles. I am sure that any plans to update the road would include the city's code set backs from a stop sign, but I needed to mention it. I would hope to have on street availability to two spaces as permitted for my building's use and would want parking to be on the opposite side of the street from my building.

Another concern I have is about city services which has been poor due to the paper road status. I have not been able to have curbside trash removal due to the paper road status nor have I had adequate snow removal. I want to know how the city and/or Redfern will handle these services. These are the immediate concerns that I have and I look forward to a continued dialogue.

Sincerely,

Phillip J. Rando  
jr\_in\_portland@hotmail.com  
207-749-2686

Sent from Windows Mail

## Jean Fraser - Approved amended CMP for Munjoy Heights

---

**From:** Jean Fraser  
**To:** Hill, Craig  
**Date:** 3/7/2014 12:16 PM  
**Subject:** Approved amended CMP for Munjoy Heights  
**CC:** DiPierro, Philip  
**Attachments:** Approved amended CMP 3.6.14 for Munjoy Hts with supporting info & notes.pdf

---

Craig

I attach what we consider to be the Approved Amended Construction Management Plan- it comprises:

- Agreed Aerial & notes showing access and other info for the Washington Ave access
- Your Letter describing Washington Ave access
- Letter from owner agreeing to access and related conditions
- Original CMP as went to Planning Board (which I have added some notes to because it has been overtaken re some details by the amendment).

I will send this to several DPS staff as they are keeping an eye on this, especially re pedestrian safety.

I would be grateful if you could notify residents of East Cove Street if and when there will be any noisy activities, as a courtesy and to avoid Phil and me being inundated with telephone calls. I trust that the "Wright Ryan" signs you have up around the construction site give a number for the public to call if any concerns.

Good luck with the project; its quite a challenge!.

Thanks  
Jean

## Jean Fraser - RE: City Council docs - draft easement re apron maintenance

---

**From:** Jean Fraser  
**To:** Culley(jonathan@redfernproperties.com), Jonathan  
**Date:** 6/24/2014 12:30 PM  
**Subject:** RE: City Council docs - draft easement re apron maintenance  
**CC:** Savage, William  
**Attachments:** Draft Materials Replace. Easement Munjoy Heights by staff sent 6.24.14.doc

---

Jonathan

To recap- I think I have everyone here on board with a short cover report to the City Council just asking for a brick apron similar to what happens in historic districts- with explicit support from DPS - with a simple plan that does not complicate the issue re how the sidewalk is integrated as the Council just needs to approve the (brick) materials.

Legal are suggesting a permanent easement regarding the future maintenance of that area- in this case I think DPS (Mike B) is particularly concerned that the brick will be receiving alot of wear at that location and since its a route to school its important to have it properly maintained and safe. And since you will be "removed" from all this at some point when the Condo Association is responsible, it needs to be clearly set out and documented.

So I attach a rough draft that is really basic and still leaves a few questions to consider. Legal are wondering whether this document should also act as a sort of license for your construction work in the ROW generally (nearby sidewalks and crosswalk) but at this point that is not a requirement- just wondering if you/your attorney would have a view on this.

Please revise this draft as you wish and send back to me so I can run it around one more time.

I am not sure what CC meeting to aim for as I would like to have the docs fairly final before starting the process for getting it on the agenda. The CC meetings in the summer are not the usual first and third Mondays in any case so I will have to let you know (I will consult you before I commit to a date as it probably would be good for you to attend).

Thank you  
Jean

*Jean Fraser, Planner*  
*City of Portland*  
 874 8728

>>> William Savage <wsavage@acorn-engineering.com> 6/23/2014 3:25 PM >>>

**I will simplify the plan and then resend....hopefully by the end of the day tomorrow.**

-Will

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Monday, June 23, 2014 2:16 PM  
**To:** William Savage; soren@sorendeniord.com  
**Cc:** Jonathan Culley(jonathan@redfernproperties.com)  
**Subject:** City Council docs re RE: Munjoy Heights- apron materials and Crosswalk in Walnut St

Will

If Jonathan is agreeable, I need a simpler plan that really just shows brick in the sidewalk/apron area with an arrow identifying the area of easement and a thick line around the sidewalk/apron area and a tone or note saying its brick. For this we don't need the two types of the brick nor most of the other detail shown on your last plan as attached.

For construction we do need the attached plan entitled " not approved" to be revised at that level of detail and approved by DPS- and as promised I am trying to get a DPS consensus on what they would like to see revised re this so I can send you DPS comments.

In the meantime I need to get an easement with the simple plan to the City Council (Jonathan- the "base" easement will be sent in a couple of days- we are working on it as its sort of half way between an easement and a license).

So Will- could you do a simple plan thats more like the example I have also attached, but with a bit more un-detailed context similar to your original one. Its needed to go with the easement and then both will go to the City council with a simple cover report.

Many thanks  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

>>> Jean Fraser 6/10/2014 9:23 AM >>>

Hi

Just to let you know that we have a few comments, which Bruce and Tom are fine-tuning and I should be able to get back to you soon. I think they are very minor regarding clarification of the actual materials and profiles within the apron area, as that is the area where CC approval applies.

thanks

Jean

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)> 6/5/2014 4:48 PM >>>

Hi Jean,

Refer to the attached SK-1 Walnut St Sidewalk and Driveway Apron Plan. Both plan are identical with the exception that one has the aerial in the background. Soren has reviewed the plan and agrees that the changes reflect the discussions from your 5/20/14 meeting.

Please let Soren and I know should you have any further questions or comments.

Thank-you,

**Will Savage, PE**  
**Project Manager**

Acorn Engineering, Inc  
PO Box 3372  
Portland, Maine 04104  
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**From:** Jean Fraser [<mailto:JF@portlandmaine.gov>]  
**Sent:** Thursday, May 15, 2014 12:22 PM  
**To:** Bruce Hyman; [soren@sorendeniord.com](mailto:soren@sorendeniord.com)  
**Cc:** William Savage; Jeff Tarling  
**Subject:** Re: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Confirmed: Tuesday May 20th 11am Planning 4th floor city hall  
I have booked a meeting room.

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 5/15/2014 12:14 PM >>>  
OK. Thanks

On Thu, May 15, 2014 at 11:44 AM, Bruce Hyman <[BHYMAN@portlandmaine.gov](mailto:BHYMAN@portlandmaine.gov)> wrote:

Let's do 11-Noon at Planning - thanks.  
Bruce

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 5/15/2014 11:25 AM >>>  
You are welcome...  
I am available next Tuesday between 11 AM - 2 PM.

Thanks,  
Soren

On Thu, May 15, 2014 at 9:47 AM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Hi  
Tuesday after 11am is open for me.  
Thanks for setting this up Soren.  
I am off to a meeting now but am in the rest of today.  
Jean

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 5/15/2014 9:42 AM >>>

Hi,  
Bruce is booked this week...Jean is out Monday...Do either of you have availability next Tuesday?

Thanks,  
Soren

On Thu, May 15, 2014 at 8:49 AM, Bruce Hyman <[BHYMAN@portlandmaine.gov](mailto:BHYMAN@portlandmaine.gov)> wrote:

My 11-12:30PM Friday is now booked.  
Bruce

>>> Bruce Hyman 5/15/2014 8:45 AM >>>  
My day today is booked. I could meet Friday between 11 and ending by 2PM. Monday I'm available 9-10:30AM and after 1PM.  
I think 30 minutes would suffice.  
Bruce

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 5/14/2014 4:49 PM >>>

Great!  
I can shift things around tomorrow to meet at 1 PM...and Friday 9 AM still works.  
Let me know which you prefer.

Thanks,  
Soren

On Wed, May 14, 2014 at 4:26 PM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Hi

I do think this meeting would be helpful and I am happy to meet at DPS so Bruce and Jeff Tarling can more easily be there.

The only problem is that I am unable to meet at 11 am tomorrow (afternoon OK); OK anytime Friday; Monday I am out of the office.

thanks

Jean

*Jean Fraser, Planner*

*City of Portland*

*874 8728*

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 5/14/2014 2:49 PM >>>

Thanks Will!

I am available to meet this week:

11 AM Thursday (tomorrow)

9 AM Friday

2 PM Monday

Jean / Bruce, please let me know if any of those days / times work for you.

Best Regards,

Soren

On Wed, May 14, 2014 at 2:40 PM, William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)> wrote:

Hi Jean,

I have discussed your email with Soren Deniord and as your suggested it would be beneficial for you, Bruce and Soren to meet at your earliest convenience. I will do my best to attend but it appears that this may not be necessary.

Soren – I have attached the latest Walnut Street sidewalk plan which overlays the landscape plan. Both plans are the same with the exception of the aerial photo.

Thank-you,

-Will

From: Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]

Sent: Wednesday, May 14, 2014 1:36 PM

To: William Savage; Bruce Hyman

Subject: RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Will

It does not say the brick matches the sidewalk and it was not interpreted as doing so.

Lets let Bruce have a look and see how this can be resolved. However, the whole point is to have the sidewalk read as having priority over the apron and therefore it needs to be defined.

I have difficulty understanding plans that just have notes - and if this needs to go to City



Council (I am working on that) it will need to clearer.

Jean

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)><mailto:[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)>> 5/14/2014 1:06 PM >>>

Jean,

Please refer to the Symbols Legend within Sheet L1.0 which describes the paving material. Acorn's plan depicts what is on the landscape plan.

-Will

From: Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]

Sent: Wednesday, May 14, 2014 12:50 PM

To: William Savage; Bruce Hyman

Subject: RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Will and Bruce

I am going to add my 10 cents worth here- and maybe we need a meeting with the landscape folks.

I attach the approved landscape plan.

I don't think it was our understanding that the sidewalk material would extend into the woonerf- we thought that area next to the apron would match the other woonerf band.

I think we all expected the sidewalk to read as a separate thing going across the apron and not meshed into the apron or the woonerf. So I am a bit concerned with the plan you sent Will that shows a 5 ft "ramp" to match the existing sidewalk.

I think we need a plan like the landscape plan with each material a different color showing how it will all work together.

thanks

Jean

Jean Fraser, Planner

City of Portland

874 8728

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)><mailto:[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)>> 5/13/2014 9:06 AM >>>

Bruce,

Revised drawing to include the Landscape Woonerf surface treatments depicted on Sheet L1.0. Should clarify the annotation question. Sorry for the confusion.

Questions:

1. Per Jean Fraser's email dated 5/7/14 should I change the note "Driveway Apron Surface TBD" to a brick driveway apron (per City Standard detail I-11).

2. Should curbside signs be incorporated 125 ft from the sidewalk.  
Thank-you,

-Will

From: Bruce Hyman [mailto:[BHYMAN@portlandmaine.gov](mailto:BHYMAN@portlandmaine.gov)]  
Sent: Tuesday, May 13, 2014 8:25 AM  
To: William Savage  
Cc: Jean Fraser  
Subject: RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Will, I am VERY confused (easily so, sometimes) with much of the annotation pointing to specific material types in the different locations. Please call me at your convenience.

Bruce  
874-8833

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)> <mailto:[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)>> 5/12/2014 2:02 PM >>>

Hi Bruce,

Attached, I have included a revised Walnut Street drawing that incorporates your comments. As discussed by phone today this submission is for your final review/comment. The final drawing will be marked for construction and stamped.

Thanks

-Will

From: Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]  
Sent: Wednesday, May 07, 2014 1:59 PM  
To: William Savage  
Cc: Bruce Hyman; Philip DiPierro;  
[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com) <mailto:[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)>  
Subject: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Will

I am writing to let you know that I am trying to resolve these and get it all documented over the next couple of months.

1. Apron: I will forward Bruce Hymans comments on the design of that so that the sidewalk material goes across the apron. I think it may need to go to the City Council but I will try and get that as a consent item. I am currently checking with Legal re the license that would be needed re the owner/Condo Association covering the maintenance of non-standard materials here (which Jonathan agreed to when I spoke to him about his months ago - when it was being discussed with Mike Bobinsky). DPS are on board so its just a question of getting a formal approval from the appropriate party. In any case we need an approved detail per what Bruce has advised (am sending separate e-mail re that);

2. Crosswalk: Bruce has advised me that in his April sketch that I forwarded to you there was an

error; it should not have a detectable warning panel at the ramp at the driveway, only at the curb ramp for the crosswalk across Walnut St to Sheridan St. He has provided the attached to show the correction- see red "Xs" on the sketch that was previously sent. It would be good to have an "engineering" drawing (dated, numbered) of this crosswalk for DPS to formally approve and then its ready for construction.

Please contact me if any questions.

thank you  
Jean

Jean Fraser, Planner  
City of Portland  
874 8728

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)> <mailto:[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)>> 4/8/2014 9:58 AM >>>

Thank-you Jean for the update and Bruce for the sketch with comments. I will review and be in touch with an updated plan.

Best,  
-Will

From: Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]  
Sent: Tuesday, April 08, 2014 9:55 AM  
To: William Savage  
Cc: Bruce Hyman; [jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com) <mailto:[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)>  
Subject: Crosswalk in Walnut Street

Will

DPS have given me their thoughts and comments on the crosswalk location and design, see below and as attached (your sketch with 2 proposals is the first attachment).

DPS prefer Option #1 with a slight re-alignment of the crosswalk and location of the curb ramp on the west side of Walnut St.

The crosswalk should be oriented/located such that it has at least 4'x4' of landing area within the crosswalk at the base of the ramp at the Sheridan St corner. The crosswalk must also extend the full width of the bottom ramp where it meets the street.

DPS have sent a quick sketch showing the recommended orientation and location of curb ramps and the crosswalk (attached).

If you have any questions re details etc please contact Bruce Hyman directly - he is cc'd on this e-mail. Once you have a final plan as agreed with Bruce, please send it to me "for the record" to address the condition of approval, prior to implementation.

The question of the materials for the sidewalk across the apron to the "woonerf" area is still under discussion here and I will get back to you.

thank you  
Jean

Jean Fraser, Planner  
City of Portland  
874 8728

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

**soren deniord**

t > [207.400.2450](tel:207.400.2450)

e > [soren@sorendeniord.com](mailto:soren@sorendeniord.com)

a > soren deniord design studio

43 wellwood rd.

portland, maine 04103

check out our website: <http://www.sorendeniord.com>

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*Amended Cushman's Management Plan*

# Munjjoy Heights Site Access

CITY OF PORTLAND  
APPROVED SITE PLAN

Subject to Dept. Conditions

Date of Approval: 12-17-2013 00

Amended 3-6-2014

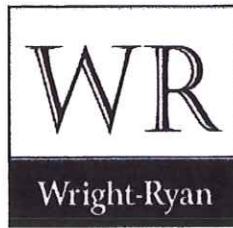


Copyright 2011 Esri. All rights reserved. Mon Mar 3 2014 07:15:25 AM.

**Notes:**

1. Duration: Approx. 2-3 months from start of project. Once retaining wall is built access is closed off from the site.
2. Access in and out of site will be limited to initial equipment mobilization, 2-4 trucks total for the duration of logs being removed from the site, and a 2-4 dump truck loads of grubbing materials total for the duration
3. Access in and out of the lot can be monitored by a flagger if requested.
4. Truck movements at both access points to avoid the AMI and PM school children walking times City of Portland to Advise of the specific Times
5. That any damage to public infrastructure will be promptly repaired;
6. City Ordinances and MDEP requirements re construction to be met;
7. Replacement planting at break in existing vegetation, to include several trees similar to existing tree's on the property as agreed with City Arborist and owner of the property.

*(some aspects of this amendment change what's on original CMP)*



CITY OF PORTLAND  
APPROVED SITE PLAN  
Subject to Dept. Conditions  
Date of Approval: 12-17-13  
*as amended 3-6-2014*  
*forms part of*  
*amended Construction*  
*Management Plan*

February 26, 2014

City of Portland Planning Division  
389 Congress Street  
Portland, Maine 04101  
Attention: Jean Fraser – Planner

Re: Munjoy Heights - Site Access Form Northern Burner Supply Property

Dear Jean,

During our site preconstruction meeting yesterday with the Phil DiPierro and Greg Vining related to the 79 Walnut Street Project (Permit Pending), it was discussed that R.J. Grondin & Sons has arranged for site access to the referenced project from the Northern Burner Supply property. The site access would be as noted below.

- R.J. Grondin & Sons has made contact with Northern Burner Supply and has an agreement for use of the property as outlined below.
- Refer to attached sketch that Ken Grondin negotiated with the Northern Burner to provide access to the project.
- Access will be for the site clearing operation and the start area for MSE wall #3 .
- Grondin has planned to use the grass area east of the northern burner paved lot for MSE wall block , precast sanitary manhole & sewer pipe storage for delivery to the area of operation behind Building E of the project.
- Grondin has promised Northern Burner to re-loam, re-seed, and mulch any of the disturbed present grass areas and to cover the 30 ft wide access area, and 10 ft wide access area in front of retaining walls with erosion control mix.
- There will be a natural buffer area of trees & brush left between the Northern Burner grass area and the 10 ft cleared area for wall.
- If requested Grondin can plant a couple of trees in the 30 ft cleared access area.

During the discussion Phil DiPierro noted that we should contact you in order to make sure that this is acceptable. Please review this as soon as you can and provide the necessary approval to move forward with this approach for access to the site. We believe that this will have the least impact on the surrounding community and traffic in the radius of the project and believe its beneficial to getting the project moving in the right direction.

If there is anything I can do help move this approval along please do not hesitate to call or e-mail.

Sincerely,

Craig Hill  
Project Manager  
Wright-Ryan Construction, Inc.  
Office - 207-773-3625  
Cell - 207-650-8089  
Email – [chill@wright-ryan.com](mailto:chill@wright-ryan.com)

*Building Maine's Great Spaces*

Wright-Ryan Construction, Inc. ▪ 10 Danforth Street ▪ Portland, Maine 04101  
Phone (207)773-3625 ▪ Fax (207)773-5173 ▪ [www.wright-ryan.com](http://www.wright-ryan.com)

CITY OF PORTLAND  
APPROVED SITE PLAN  
Subject to Dept. Conditions  
Date of Approval: 12-17-2013

as amended 3-6-2014

March 6, 2014

City of Portland Planning Division  
389 Congress Street  
Portland, Maine 04101  
Attention: Jean Fraser - Planner

forms supporting documentation  
to amended Construction  
Management Plan

Re: Munjoy Heights - Site Access Form Northern Burner Supply Property

(agreement of  
property owner to  
secondary access)  
Wash Ave.

Dear Jean,

Below along with the attached plan represents the agreement made between Northern Burner Supply Co., Inc. and RJ Grondin & Sons.

- R.J. Grondin & Sons has made contact with Northern Burner Supply and has an agreement for use of the property for a 3 month duration as outlined below.
- It is agreed that any damage to the parking area from heavy equipment, etc, will be repaired.
- It is agreed that a fence would be put up around the perimeter of work area where it comes into contact with our parking lot.
- If, at any time, our operations are compromised, for example we are unable to receive freight deliveries etc, we have the right to suspend access.
- Access will be for the site clearing operation and the start area for retaining wall #3.
- Grondin has planned to use the grass area east of the northern burner paved lot for retaining wall block, precast sanitary manhole & sewer pipe storage for delivery to the area of operation behind Building E of the project.
- Grondin has promised Northern Burner to re-loam, re-seed, and mulch any of the disturbed present grass areas and to cover the 30 ft wide access area, and 10 ft wide access area in front of retaining walls with erosion control mix.
- There will be a natural buffer area of trees & brush left between the Northern Burner grass area and the 10 ft cleared area for wall.
- As requested Grondin can plant a few trees to matching existing species in the 30 ft cleared access area.

If there are any question please let me know.

Sincerely,



Lori Waterhouse Erwin  
Owner  
Northern Burner Supply Co., Inc  
185 Washinton Street  
Portland, Me 04101



# Original Construction Management Plan as went to Planning Board

<b>CLIENT:</b>	REDFERN PROPERTIES, LLC	<b>PROJECT NAME:</b>	MUNLOY HEIGHTS
<b>DRAWING NAME:</b>	SITE LAYOUT PLAN	<b>ENGINEERING, INC.:</b>	ACORN ENGINEERING, INC.
<b>DATE:</b>	10/22/2014	<b>SCALE:</b>	1" = 20'
<b>DATE:</b>	9/22/13	<b>SCALE:</b>	1" = 20'
<b>IN:</b>	10/17	<b>DESIGN BY:</b>	WHS
<b>DESIGN BY:</b>	WHS	<b>DRAWN BY:</b>	ZJU
<b>CHECKED BY:</b>	WHS	<b>P.O. BOX:</b>	2372 PORTLAND, MAINE 04104
<b>CITY:</b>	PORTLAND	<b>PHONE:</b>	(603) 778-1010

**LEGEND**

- Pavement
- Concrete Sidewalk
- Landscaped Area
- Curbing

## CITY OF PORTLAND APPROVED SITE PLAN

Subject to Dept. Conditions  
Date of Approval: 12-17-2013

NOTE  
2 amended CMP limits to park on on truck movements to park on on times to avoid school walking times

by PB (also amendment to this approved 3-6-2014)

08.12.2013 - Construction Management Plan:  
General Note 1: Extended Sidewalk Closures on Walnut Street are not anticipated at this time. Short term sidewalk and lane closures in Walnut are to be expected during utility tie-in periods. Appropriate flagging and signage measures will be utilized during these activities.  
General Note 2: All subcontractors will be responsible for their own parking. The owner and contractor are not providing off site parking for the subcontractors. They will be encouraged to use their own or other nearby parking facilities or other nearby parking lots.  
Other Dates for Consideration:  
Anticipated Project Start Date - Winter 2013/2014  
Anticipated Project Completion Date - Winter 2014/2015  
Anticipated Street Interimption - Spring/Summer 2014  
Job Site Hours - In compliance with City of Portland Noise Ordinance  
Wright-Ryan Construction Project Personnel Contacts to be provided at Site Preconstruction Meeting

SPACE AND BULK STANDARDS	REQUIRED	PROPOSED
FRONT SETBACK	4.50' UT.	87.28' UT.
REAR SETBACK	4.5'	70.4'
MAXIMUM FRONT YARD WAREHOUSING	10%	10%
FRONT YARD	10%	20'
REAR YARD	20%	20'
SIDE YARD	12' - 3 STORY BUILDING 12' - 4 STORY BUILDING	10' - 4 STORY BUILDING 12' - 4 STORY BUILDING
MAXIMUM LOT COVERAGE	45%	53%
MAXIMUM LOT WIDTH	40'	75.4'
MAXIMUM BUILDING HEIGHT	45'	75.4'
MINIMUM FRONT YARD SETBACK	50'	45'
PARKING REQUIREMENTS	1 SPACE PER UNIT (R) 1 SPACE PER UNIT (D)	34

to be covered with tarp who in turn should consult with DPS.

- ① Denotes Free Standing "PEDESTRIAN CROSSING HERE" sign
- ② Denotes Free Standing "JACK PATH CLOSED DUE TO CONSTRUCTION, REOPENING SPRING 2015" sign
- ③ Denotes Free Standing "DO NOT ENTER, CONSTRUCTION SITE" sign



SCALE: 1" = 20'

PRELIMINARY DRAWING

DRAWING NO. C-10

Munjoy Heights

I would like to respond to some of the concerns of the lady whose article was in the Portland Daily Sun.

I live on East Cove St for over 25 years and have enjoyed many of the things she mentioned. It has provide my family with its beauty, peacefulness and privacy, I know many people who grew up in the area and too have wonderful memories of Jack Path short cut to school, the huge rock that they would gather with friends or a private time to think.

Some of the wild life are gophers there have been many. Some that are still there are litterley 3 feet tall when standing. When coming out the door I don't know who is more scared them or us and there are too many gopher tunnels to count. The squirrels not only have huge nest in the trees but also in the houses and have caused damage to a few houses.

Also in the fall the kids using the path have thrown apples and we have had windows and windshields broken.

Many years ago some of the young girls were molested on the path the city did clear a lot Of the brush, and cut some trees. They also put a fence and gate at Walnut street and near the school.

There have been homeless people living near the rock. Also bags from the mall jewelry stores with many boxes emptied.

Mica Vha Scott  
P141714# SCOTT

## Jean Fraser - Munjoy Heights Development

---

**From:** Jean Fraser  
**To:** Fraser, Jean  
**Date:** 12/26/2013 4:18 PM  
**Subject:** Munjoy Heights Development  
**Attachments:** Pl Bd Decision letter - Munjoy Heights.pdf

---

Hello

This e-mail is going out to all those who contacted me during the review of this housing proposal by Redfern Munjoy LLC. Thank you to those who sent letters or e-mails with comments, which were taken into consideration by the Planning Board at the Hearing on December 17th, 2013.

I attach for your information a copy of the signed Planning Board's Decision Letter and its main attachments, based on the Board's vote taken at the Hearing (6-0 in favor, Dean absent).

Please let me know if you would like further information. Background information can be found in the staff report and the applicant's submittal (for the December Hearing) on the City's website at: [http://www.portlandmaine.gov/planning.htm#Current Backup Material](http://www.portlandmaine.gov/planning.htm#Current_Backup_Material) (under 79 Walnut Street)

[Public comments that were not in the staff report and received by the time of the Hearing were circulated to the Board the afternoon of the Hearing; all letters, e-mails and documents that were sent to the Planning Division are "on the record".]

Thank you  
Jean Fraser, Planner  
874 8728

*sent to all for whom I had emails  
& (bymail) Lane + Scott.*

*mil. Laudo +  
McAdam +  
other  
abutters +  
Mr. Donoghue*

Public comments  
Munjoy Heights

add  
comments

since 2<sup>nd</sup> workshop — up to 11:30 am Fri

Support

Object

Vlastl

Harris

Mil Neil

Rathband

Marino

Mitchell

York

McKeon

Snyder

McKeon

Lane

Snyder

Turk

Jada W.

Yandell

Portland trails

Flight

Eng

Richman

Maszo

Bagg

? Jackson, <sup>not rec'd</sup>

8

12

9 / 21

1 / 8

## Jean Fraser - Crosswalk in Walnut Street

---

**From:** Jean Fraser  
**To:** Errico, Thomas  
**Date:** 1/8/2014 4:22 PM  
**Subject:** Crosswalk in Walnut Street

---

Tom

The Planning Board supported the inclusion of this condition on Munjoy Heights:

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

Could you give me an update on this? Do you need anything from me to deal with this?

thanks  
Jean

Order 232-14/15  
Tab 33 4-27-15

MICHAEL F. BRENNAN (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
EDWARD J. SUSLOVIC (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)  
JILL C. DUSON (A/L)  
JON HINCK (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING A SIDEWALK BRICK APRON AND GRANTING THE  
SIDEWALK BRICK APRON EASEMENT TO  
REDFERN MUNJOY LLC**

*Passed 8-0  
at 4-27-15  
cl mty.*

**ORDERED,** that the replacement of an asphalt apron on a pedestrian and vehicle access point at Walnut Street to Munjoy Heights with a brick apron is hereby approved; and

**BE IT FURTHER ORDERED,** that an easement is hereby granted to Redfern Munjoy LLC, in substantially the form attached hereto as Attachment 1, that confirms the apron and its maintenance shall be solely the responsibility of Redfern Munjoy LLC and subsequent owners of the development; and

**BE IT FURTHER ORDERED,** that the City Council hereby authorizes the Acting City Manager to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents.

*Approved  
by City Council  
in effect 5-7-14  
advised to all  
4-27-14*

*AG - Straightford*

*GDA C2A  
amend.  
postponed  
May 4  
moved Cllr. S. asked if  
anyone from  
islandshare?  
None*

*\* MS let  
Hoffner know.*

*passed  
straightford  
clms*

*applicant, board + staff  
wanted higher standard to  
complement the shared  
use "woonerf" (bicycles/peds/cars)  
and the brick sidewalk.*

*passed unanimously (Cllr KB  
not present)  
(if speak briefly)  
Mayor welcomed as an upgrade*

**MEMORANDUM**  
**City Council Agenda Item**

**TO:** Mayor and City Council

**FROM:** Alexander Jaegerman, Planning Division Director

**DATE:** April 7, 2015

**DISTRIBUTION:** City Manager, Mayor, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan, Jeff Levine, Mike Bobinsky, Jen Thompson

**SUBJECT:** Material substitution for apron at Munjoy Heights townhouse development (79 Walnut Street)

**SPONSOR:** Acting City Manager  
(If sponsored by a Council committee, list the date the committee met and the results of vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

1<sup>st</sup> reading \_\_\_\_\_ Final Action April 27<sup>th</sup> [Only one reading is required]

**Can action be taken at a later date:** \_\_\_\_\_ Yes \_\_\_\_\_ X No (If no why not?)

Project is nearing completion and the final paving is ready to be completed..

**PRESENTATION: (List the presenter(s), type and length of presentation)** Staff from Planning and the Department of Public Services will be present to answer questions.

**I. SUMMARY OF ISSUE (Agenda Description)**

The applicant, Jonathan Culley of Redfern Munjoy LLC, received Planning Board approval to develop the townhomes known as "Munjoy Heights" on December 17, 2013 and the project is now in the final stages of construction. The applicant requested a brick apron where the pedestrian/vehicle access links the 29 new townhouses known as "Munjoy Heights" to Walnut Street, as shown in the attached plan. The City's Sidewalk Replacement Materials map specifies a brick sidewalk with asphalt apron at this location and the City Council is requested to approve this substitution of brick for the 205 sq ft asphalt apron area.

The Council is also requested to approve the associated easement that the applicant has agreed to: it confirms that the apron shall be solely the responsibility of the applicant or subsequent owners and its repair, replacement and maintenance will be carried out in accordance with the City's Technical Manual.

**II. REASON FOR SUBMISSION (Summary of Issue/Background)**

The project includes a pedestrian/vehicle area between the townhouses that is surfaced with brick and other non-asphalt materials to create an attractive character to the area, and the applicant would like the small section of abutting apron to be of a similar material rather than the asphalt that is required by strict compliance with the Sidewalk Materials policy. The replacement and maintenance easement that the applicant has agreed is similar to easements that have been agreed for similar substitutions elsewhere.

**III. INTENDED RESULT**

An integrated and attractive apron area for this project.

**IV. COUNCIL GOAL ADDRESSED**

The item is being brought before the City Council so that the Sidewalk Materials Policy is addressed through the requirement for the easement; this links to the following goal:

*Improve City Services: Operate the city government in an efficient and effective manner that is responsive to all segments of the community in a manner that is transparent and accountable.*

**V. FINANCIAL IMPACT**

There is no financial impact related to this request.

**VI. STAFF ANALYSIS**

Planning Division staff note that the brick apron was shown on the plans approved by the Planning Board, accompanied by a note stating “subject to City Council approval”. Staff were concerned that the apron would be subject to vehicle use and is near well used pedestrian routes (a route to school and Jack Path) and therefore it was recommended that a maintenance and replacement easement was appropriate to ensure the brick is maintained. The Department of Public Services supports the substitution subject to the easement being in effect and the Legal Department has confirmed that this does not require TS&E committee review.

**VII. RECOMMENDATION**

The City Council is recommended to approve the material substitution (brick to be substituted for asphalt in apron area) as shown on the attached plan, and the associated attached maintenance and replacement easement.

**VIII. LIST ATTACHMENTS**

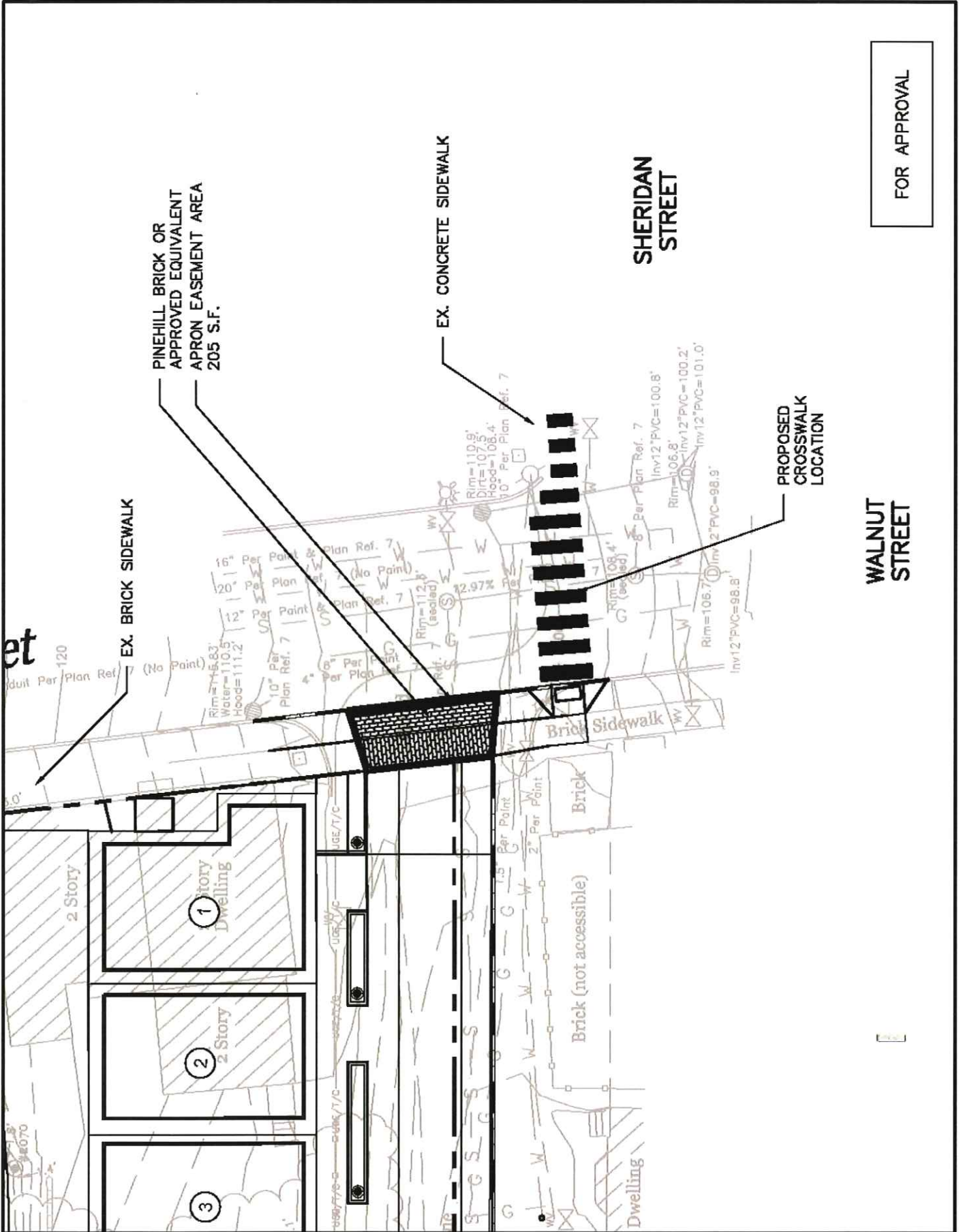
- A. Order (to follow)
- B. Plan SK-1 of the apron area
- C. Maintenance and Replacement Easement, as agreed with the applicant and City Associate Corporation Counsel 3.20.2015
- D. DPS e-mail of support

Prepared by: Jean Fraser

Date: Draft 4.7.2015



DRAWING NO. <b>SK-1</b>	CHECKED BY: <b>MS</b> DRAWN BY: <b>MS</b> DESIGN BY: <b>MS</b> SCALE: <b>1"=20'</b> JAN 10 1987 FILE: 10572.DWG DATE: 2/17/74	PROJECT NAME: <b>APRON EASEMENT PLAN</b> CLIENT: <b>MUNJOY HEIGHTS</b> <b>RED-FERN MUNJOY, LLC</b> P.O. BOX 8818, PORTLAND, MAINE 04114
----------------------------	---	--



FOR APPROVAL

WALNUT STREET

*As agreed applicants attorney and City Corporation Counsel 3.20.2015*

### REPLACEMENT EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that the CITY OF PORTLAND, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (“Grantor”), FOR VALUABLE CONSIDERATION, does hereby GRANT to Redfern Munjoy LLC, a Maine limited liability company with a place of business in Portland, Maine and mailing address of P.O. Box 8816, Portland, ME 04014 ( the “Grantee”), easements for the purposes set forth below, over portions of Grantor’s land as described below (collectively, “Grantor’s Land”). The land which is subject to the easements granted herein abuts land of Grantee, located at 79 Walnut Street in Portland, Maine which is described in the Subdivision Plan of Munjoy Heights, Prepared by Nadeau land Surveys, dated December 6, 2013, and recorded in the Cumberland County Registry of Deeds in Plan Book 214, Page 48 (“Grantee’s Land”).

1. Grantor grants to Grantee a permanent and perpetual easement to use and occupy the drive apron at 79 Walnut Street (drive entrance to Munjoy Heights, development approved by the Planning board on December 17, 2013 Project #2013-228 as shown on Exhibit A attached hereto and made a part hereof (the “Apron Easement Area”) together with the right from time to time to bring on the Apron Easement Area and areas adjacent thereto workers, materials and machinery necessary for the use and enjoyment of the Apron Easement Area.

2. At all times the Grantee, specifically including, but not limited to any condominium association as soon as any unit is transferred, shall exclusively be responsible for installing, and constructing the sidewalk, apron and crosswalk utilities as depicted on Exhibit A and shall exclusively be responsible for repairing, replacing, keeping and maintaining the Apron Easement Area in a safe condition generally, and promptly repairing or replacing any broken or displaced bricks or other materials to match the original installation.

3. All work performed upon and use of the Apron Easement Area for the purposes set forth herein shall be in accordance with the City of Portland Technical Manual and the approved construction plans and at Grantee’s sole cost and expense (unless otherwise agreed in writing), the parties acknowledging that there may be temporary interruptions in enjoyment of the City’s property adjacent to the Easement Area related to the conduct of any work related to this Easement. Grantee agrees at its sole expense to restore any adjacent City property damaged by work conducted by Grantee related to this Easement to substantially its condition prior to such work, or as close to that condition as is reasonably practicable.

4. Grantee, its successors and assigns, shall defend, indemnify and hold the City, its officers, agents, and employees harmless from any and all claims, including but not limited to claims for damage to City property and reasonable attorney’s fees, which arise out of Grantee’s use, or the use of others, of the City’s property as described above.

5. Grantee shall procure and maintain liability insurance in an amount of at least Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for bodily injury, death and property damage and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of Grantee under the terms of this Easement. Grantee shall

**As agreed applicants attorney and City Corporation Counsel 3.20.2015**

provide City with evidence of such insurance coverage and maintain such insurance in perpetuity. Such notice shall be sent to City of Portland, Corporation Counsel, 389 Congress Street, Portland, ME 04101.

6. This Easement is assignable to any subsequent owners of the property and/or building located on the land described on the site plan of Munjoy Heights approved by the Portland Planning Board on December 17, 2013 located at 79 Walnut Street, Portland, Maine, to be recorded herewith in the Cumberland County Registry of Deeds (the "Site Plan"); and the duties and obligations hereunder shall, in any event, run with the land and burden all subsequent owners holding rights to use any portion of the Easement Areas.

TO HAVE AND TO HOLD the aforegranted and bargained easements, with all privileges and appurtenances thereof, to the Grantee, its successors and assigns, to its and their use forever.

IN WITNESS WHEREOF, the City of Portland, the Grantor, has caused this instrument to be duly executed, this \_\_\_\_ day of \_\_\_\_\_, 2015.

WITNESS:

**CITY OF PORTLAND**

\_\_\_\_\_

By: \_\_\_\_\_  
Sheila Hill-Christian  
its Acting City Manager

STATE OF MAINE  
CUMBERLAND, ss

\_\_\_\_\_, 2015

PERSONALLY APPEARED the above-named Sheila Hill-Christian, Acting City Manager of the City of Portland as aforesaid, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said City of Portland.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

**From:** David Margolis-Pineo  
**To:** Jean Fraser  
**CC:** Barbara Barhydt; Philip DiPierro  
**Date:** 2/24/2014 3:02 PM  
**Subject:** Munjoy Heights Development

Jean,

I have reviewed the most recent set of plans for Munjoy Heights and find that the review comments submitted by Public Services have been addressed.

It is noted that the applicant is requesting to install a brick driveway apron which does not meet the City's standards for this area of the City and such a request would require a waiver by the City Council. This department is supportive of a waiver request.

**From:** David Margolis-Pineo  
**To:** Jean Fraser  
**Date:** 4/13/2015 3:20 PM  
**Subject:** Change of Materials for Drive Apron

April 13, 2015

Memo To: Jean Fraser  
Barbara Barhydt  
From: David Margolis-Pineo  
Re: 70 Walnut Street – Munjoy Heights

The Department of Public Services has reviewed and is in agreement with the Memorandum from Alex Jaegerman to City Council dated April 7, 2015 with the Subject: Material substitution for apron at Munjoy Heights townhouse development and Attachment C, REPLACEMENT EASEMENT dated March 20,2015.

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Carol Morrisette, Chair  
Stuart O'Brien, Vice Chair  
Elizabeth Boepple  
Timothy Dean  
Sean Dundon  
Bill Hall  
David Silk

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

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

**Project Name:** Munjoy Heights  
Six new buildings comprising 29 residential townhouses; one existing house on reconfigured lot

**Project ID:** 2013-228

**Project Address:** 79 Walnut Street

**CBL:** 12-F-2 (part), F-4, F-7, F-18; 12-G-6; 12-H-1, H-3, H-5, H-7, H-9, H-13, H-17, H-22

**Applicant:** Jonathan Culley, Redfern Munjoy LLC

**Planner:** Jean Fraser

Dear Mr Culley:

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

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

### WAIVERS

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

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

**DEVELOPMENT REVIEW**

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

**1. SUBDIVISION**

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

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

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

## 2. SITE PLAN REVIEW

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

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



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

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

#### STANDARD CONDITIONS OF APPROVAL

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

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

construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

10. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
11. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If you have any questions, please contact Jean Fraser at 874 8728 or [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov)

Sincerely,



Carol Morrissette, Chair  
Portland Planning Board

**Attachments:**

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

**Electronic Distribution:**

Jeff Levine, AICP, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Tammy Munson, Inspections Division Director  
Lannie Dobson, Inspections Division  
Michael Bobinsky, Public Services Director  
Katherine Earley, Engineering Services Manager, Public Services  
Bill Clark, Project Engineer, Public Services  
David Margolis-Pineo, Deputy City Engineer, Public Services  
Doug Roncarati, Stormwater Coordinator, Public Services  
Greg Vining, Associate Engineer, Public Service

Michelle Sweeney, Associate Engineer  
John Low, Associate Engineer, Public Services  
Rhonda Zazzara, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Jeremiah Bartlett, Public Services  
Captain Chris Pirone, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Jennifer Thompson, Associate Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File

## Attachment 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New Comment

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

If you have any questions or comments please contact me.

Best regards,

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

Please consider the environment before printing.

December 11, 2013

RE: Munjoy Heights

Dear Chair Morrissette and Members of the Planning Board:

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

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

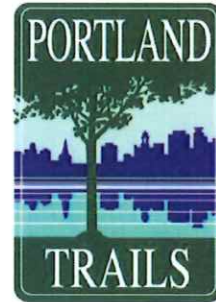
- Trail 'nodes' - We remain concerned that the two locations designated as 'guest parking' are also trail heads. These locations ('nodes') should be visible and inviting, and serve as natural meeting points which help transition between the public and private realms. It is important that they not be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

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

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



Kara Wooldrik  
Executive Director, Portland Trails



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#### **Executive Director**

Kara Wooldrik

305 Commercial Street, Portland, Maine 04101 • TEL 207 775-2411 • FAX 207 871-1184

info@trails.org • www.trails.org

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

Jean -

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

Landscape components update:

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

\* 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/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)



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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.

## Jean Fraser - TOM??? Need the "OK"...Fwd: RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street

---

**From:** Bruce Hyman  
**To:** Jean Fraser  
**Date:** 6/11/2014 8:26 AM  
**Subject:** TOM??? Need the "OK"...Fwd: RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street  
**CC:** David Margolis-Pineo; Errico Thomas; Jeff Tarling

---

Sounds right to me, Jean. See below from yesterday.

I can't sign off (having one of many votes, of course - and not the definitive ..) on the 'engineering drawing' w/o seeing clearer curb detail for the area downhill of the driveway. I can't tell from the labeling and line symbols what is flush, vertical curb or tipdown curb. I'll want the I-11 added to guide construction of the apron.

Also, I may have mis-spoken at the meeting we had at Planning, Jean. The offset standard for a no-parking zone is 20' from the center of the crosswalk, not 15' as indicated on the plans.

I'll wait for others to chime in as well.

Bruce

>>> Jean Fraser 6/10/2014 3:42 PM >>>  
 Bruce

Based on the discussion at Dev Rev, I think we need two separate plans- one for the City Council that just shows the location and a brick apron and maybe some other references, and one the engineering drawing that makes it clear re details for construction.

Is that right?

Thanks  
 Jean

>>> Bruce Hyman 6/10/2014 8:27 AM >>>  
 I am okay with it mostly, but unfortunately a couple of things:

- the NOTES at the top should reference I-11 for the brick driveway apron - their plan shows something of a different material where the driveway meets Walnut Street but it's not clear what that is - I-11 is clear that this is 12" bituminous with a 1" lip
- I'd like to have Tom's quick opinion on the curb ramp design - they're showing flush curb (if I understand it correctly) from the edge of the driveway within the esplanade to across the foot of the ramp, then a tipdown curb (on the downhill side) - I understand the distance from the driveway to the ramp is short

>>> Jean Fraser 6/9/2014 3:06 PM >>>  
 Bruce

Are you OK with these- as I have indicated, I am not sure they are real clear re what is going in the apron.

Do we want a plan of just the apron area and vicinity with more info?

I don't want to start down the road to it going to CC until you confirm that this reflects the earlier discussions and is clear enough to go to the Council.

Am copying to David, Tom and Jeff because they were involved at earlier stages/discussions so just want to keep them in the loop.

Thanks  
Jean

>>> Jean Fraser 6/5/2014 5:39 PM >>>  
Will

Thank you for these.

I imagine Bruce may have some comments but mine is that this plan is the one that we will ask the City Council to approve with respect to the material of the apron.

So it really needs to be particularly clear regarding that area and I wonder if we need to have the detail of the brick or at least the kind of brick within the apron.

Hold for the moment until we hear from Bruce, but it may need to be clearer for the City Council.

Jonathan- I will need something in writing from you confirming that the Condo Association will be responsible for the maintenance of both the sidewalk and the rest of the apron as both deviate from the current approved materials for the driveway apron here. You did confirm this over the 'phone some while back and the Council will need the confirmation. (I am fairly sure I didn't receive this already- apologies if you have sent it)

Many thanks  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

>>> William Savage <wsavage@acorn-engineering.com> 6/5/2014 4:48 PM >>>

Hi Jean,

Refer to the attached SK-1 Walnut St Sidewalk and Driveway Apron Plan. Both plan are identical with the exception that one has the aerial in the background. Soren has reviewed the plan and agrees that the changes reflect the discussions from your 5/20/14 meeting.

Please let Soren and I know should you have any further questions or comments.

Thank-you,

**Will Savage, PE  
Project Manager**

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**From:** Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]  
**Sent:** Thursday, May 15, 2014 12:22 PM  
**To:** Bruce Hyman; [soren@sorendeniord.com](mailto:soren@sorendeniord.com)  
**Cc:** William Savage; Jeff Tarling  
**Subject:** Re: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Confirmed: Tuesday May 20th 11am Planning 4th floor city hall  
I have booked a meeting room.

>>> [soren deniord <soren@sorendeniord.com>](mailto:soren@sorendeniord.com) 5/15/2014 12:14 PM >>>  
OK. Thanks

On Thu, May 15, 2014 at 11:44 AM, Bruce Hyman <[BHYMAN@portlandmaine.gov](mailto:BHYMAN@portlandmaine.gov)> wrote:

Let's do 11-Noon at Planning - thanks.  
Bruce

>>> [soren deniord <soren@sorendeniord.com>](mailto:soren@sorendeniord.com) 5/15/2014 11:25 AM >>>  
You are welcome...  
I am available next Tuesday between 11 AM - 2 PM.

Thanks,  
Soren

On Thu, May 15, 2014 at 9:47 AM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Hi  
Tuesday after 11am is open for me.

Thanks for setting this up Soren.  
I am off to a meeting now but am in the rest of today.  
Jean

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 5/15/2014 9:42 AM >>>

Hi,  
Bruce is booked this week...Jean is out Monday...Do either of you have availability next Tuesday?

Thanks,  
Soren

On Thu, May 15, 2014 at 8:49 AM, Bruce Hyman <[BHYMAN@portlandmaine.gov](mailto:BHYMAN@portlandmaine.gov)> wrote:

My 11-12:30PM Friday is now booked.  
Bruce

>>> Bruce Hyman 5/15/2014 8:45 AM >>>

My day today is booked. I could meet Friday between 11 and ending by 2PM. Monday I'm available 9-10:30AM and after 1PM.

I think 30 minutes would suffice.

Bruce

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 5/14/2014 4:49 PM >>>

Great!

I can shift things around tomorrow to meet at 1 PM...and Friday 9 AM still works.

Let me know which you prefer.

Thanks,  
Soren

On Wed, May 14, 2014 at 4:26 PM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Hi

I do think this meeting would be helpful and I am happy to meet at DPS so Bruce and Jeff Tarling can more easily be there.

The only problem is that I am unable to meet at 11 am tomorrow (afternoon OK); OK anytime Friday; Monday I am out of the office.

thanks

Jean

*Jean Fraser, Planner*

*City of Portland*

*874 8728*

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 5/14/2014 2:49 PM >>>

Thanks Will!

I am available to meet this week:

11 AM Thursday (tomorrow)

9 AM Friday

2 PM Monday

Jean / Bruce, please let me know if any of those days / times work for you.

Best Regards,  
Soren

On Wed, May 14, 2014 at 2:40 PM, William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)> wrote:

Hi Jean,

I have discussed your email with Soren Deniord and as your suggested it would be beneficial for you, Bruce and Soren to meet at your earliest convenience. I will do my best to attend but it appears that this may not be necessary.

Soren – I have attached the latest Walnut Street sidewalk plan which overlays the landscape plan. Both plans are the same with the exception of the aerial photo.

Thank-you,

-Will

From: Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]

Sent: Wednesday, May 14, 2014 1:36 PM

To: William Savage; Bruce Hyman

Subject: RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Will

It does not say the brick matches the sidewalk and it was not interpreted as doing so.

Lets let Bruce have a look and see how this can be resolved. However, the whole point is to have the sidewalk read as having priority over the apron and therefore it needs to be defined.

I have difficulty understanding plans that just have notes - and if this needs to go to City Council (I am working on that) it will need to clearer.

Jean

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)><<mailto:wsavage@acorn-engineering.com>>> 5/14/2014 1:06 PM >>>

Jean,

Please refer to the Symbols Legend within Sheet L1.0 which describes the paving material. Acorn's plan depicts what is on the landscape plan.

-Will

From: Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]

Sent: Wednesday, May 14, 2014 12:50 PM

To: William Savage; Bruce Hyman

Subject: RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Will and Bruce

I am going to add my 10 cents worth here- and maybe we need a meeting with the landscape folks.

I attach the approved landscape plan.

I don't think it was our understanding that the sidewalk material would extend into the woonerf- we thought that area next to the apron would match the other woonerf band.

I think we all expected the sidewalk to read as a separate thing going across the apron and not meshed into the apron or the woonerf. So I am a bit concerned with the plan you sent Will that shows a 5 ft "ramp" to match the existing sidewalk.

I think we need a plan like the landscape plan with each material a different color showing how it will all work together.

thanks

Jean

Jean Fraser, Planner

City of Portland

874 8728

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)><mailto:[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)>> 5/13/2014 9:06 AM >>>

Bruce,

Revised drawing to include the Landscape Woonerf surface treatments depicted on Sheet L1.0. Should clarify the annotation question. Sorry for the confusion.

Questions:

1. Per Jean Fraser's email dated 5/7/14 should I change the note "Driveway Apron Surface TBD" to a brick driveway apron (per City Standard detail I-11).

2. Should curbside signs be incorporated 125 ft from the sidewalk.

Thank-you,

-Will

From: Bruce Hyman [mailto:[BHYMAN@portlandmaine.gov](mailto:BHYMAN@portlandmaine.gov)]

Sent: Tuesday, May 13, 2014 8:25 AM

To: William Savage

Cc: Jean Fraser

Subject: RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Will, I am VERY confused (easily so, sometimes) with much of the annotation pointing to specific material types in the different locations. Please call me at your convenience.

Bruce



874-8833

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)><mailto:[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)>> 5/12/2014 2:02 PM >>>

Hi Bruce,

Attached, I have included a revised Walnut Street drawing that incorporates your comments. As discussed by phone today this submission is for your final review/comment. The final drawing will be marked for construction and stamped.

Thanks

-Will

From: Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]

Sent: Wednesday, May 07, 2014 1:59 PM

To: William Savage

Cc: Bruce Hyman; Philip DiPierro;

[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com) <mailto:[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)>

Subject: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Will

I am writing to let you know that I am trying to resolve these and get it all documented over the next couple of months.

1. Apron: I will forward Bruce Hymans comments on the design of that so that the sidewalk material goes across the apron. I think it may need to go to the City Council but I will try and get that as a consent item. I am currently checking with Legal re the license that would be needed re the owner/Condo Association covering the maintenance of non-standard materials here (which Jonathan agreed to when I spoke to him about his months ago - when it was being discussed with Mike Bobinsky). DPS are on board so its just a question of getting a formal approval from the appropriate party. In any case we need an approved detail per what Bruce has advised (am sending separate e-mail re that);

2. Crosswalk: Bruce has advised me that in his April sketch that I forwarded to you there was an error; it should not have a detectable warning panel at the ramp at the driveway, only at the curb ramp for the crosswalk across Walnut St to Sheridan St. He has provided the attached to show the correction- see red "Xs" on the sketch that was previously sent. It would be good to have an "engineering" drawing (dated, numbered) of this crosswalk for DPS to formally approve and then its ready for construction.

Please contact me if any questions.

thank you

Jean

Jean Fraser, Planner  
City of Portland  
874 8728

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)><mailto:[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)>> 4/8/2014 9:58 AM >>>

Thank-you Jean for the update and Bruce for the sketch with comments. I will review and be in touch with an updated plan.

Best,  
-Will

From: Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]

Sent: Tuesday, April 08, 2014 9:55 AM

To: William Savage

Cc: Bruce Hyman; [jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)<mailto:[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)>

Subject: Crosswalk in Walnut Street

Will

DPS have given me their thoughts and comments on the crosswalk location and design, see below and as attached (your sketch with 2 proposals is the first attachment).

DPS prefer Option #1 with a slight re-alignment of the crosswalk and location of the curb ramp on the west side of Walnut St.

The crosswalk should be oriented/located such that it has at least 4'x4' of landing area within the crosswalk at the base of the ramp at the Sheridan St corner. The crosswalk must also extend the full width of the bottom ramp where it meets the street.

DPS have sent a quick sketch showing the recommended orientation and location of curb ramps and the crosswalk (attached).

If you have any questions re details etc please contact Bruce Hyman directly - he is cc'd on this e-mail. Once you have a final plan as agreed with Bruce, please send it to me "for the record" to address the condition of approval, prior to implementation.

The question of the materials for the sidewalk across the apron to the "woonerf" area is still under discussion here and I will get back to you.

thank you  
Jean

Jean Fraser, Planner  
City of Portland  
874 8728

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

**soren deniord**

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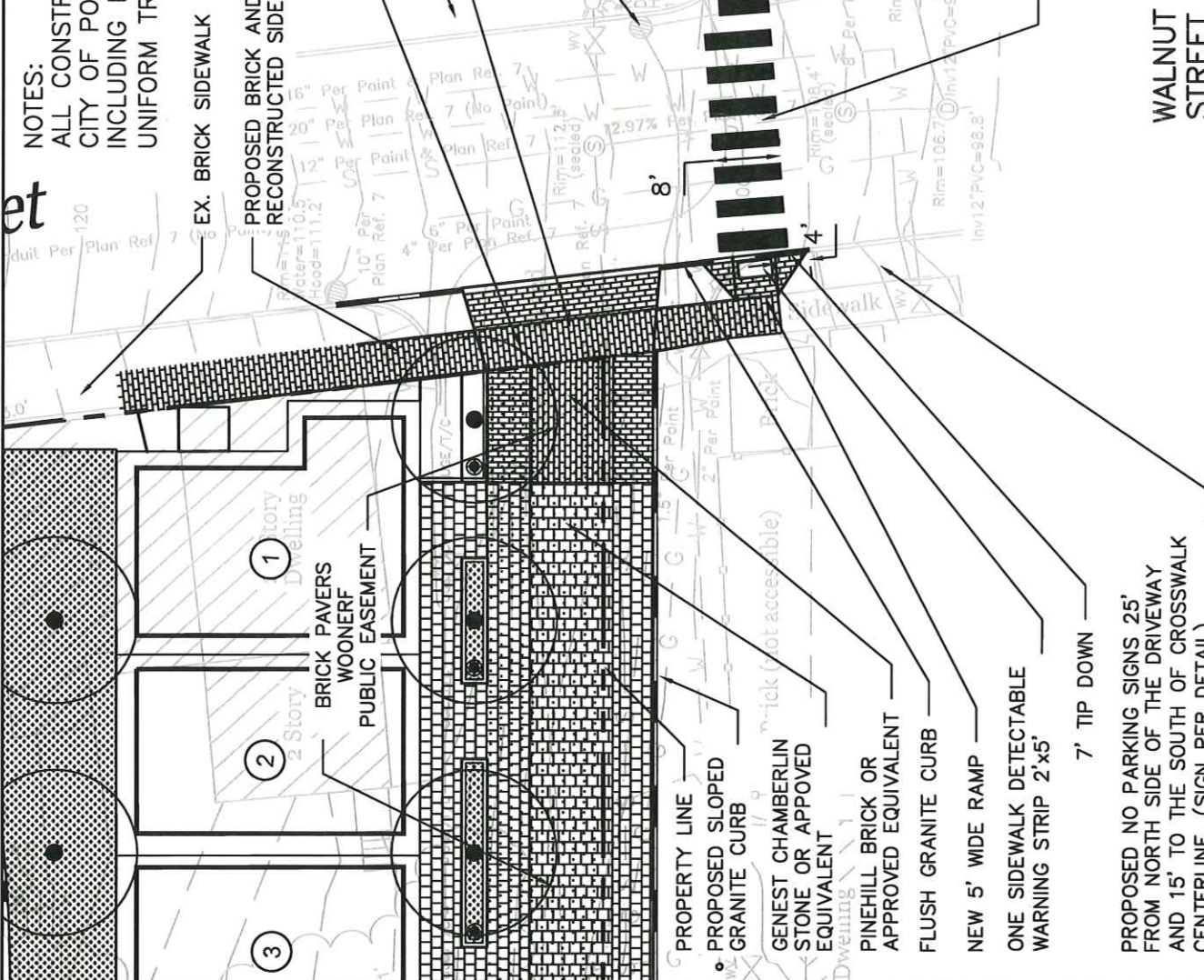
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TDM

NOTES:  
ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND TECHNICAL STANDARDS MANUAL INCLUDING FIGURE 1-6E AND 1-7 AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)

- EX. BRICK SIDEWALK
- PROPOSED BRICK AND RECONSTRUCTED SIDEWALK
- MAX. 2% CROSS-SLOPE WITHIN 5' WIDE PEDESTRIAN CROSSING
- EX. TREE
- BRICK DRIVEWAY APRON (PER DETAIL)
- EX. FIRE HYDRANT
- EX. CATCH BASIN
- EX. POLE
- EX. RAMP TO REMAIN
- EX. CONCRETE SIDEWALK

SHERIDAN STREET  
WALNUT STREET  
*Revised OPS 6-11-14 per emails*



WALNUT STREET

PROPOSED NO PARKING SIGNS 25' FROM NORTH SIDE OF THE DRIVEWAY AND 15' TO THE SOUTH OF CROSSWALK CENTERLINE. (SIGN PER DETAIL)

FOR APPROVAL

DESIGNED FOR	CONCEPT 1	DATE	2/17/14
DRAWN BY	WMS	CHECKED BY	WMS
SCALE	1"=20'	DATE	2/17/14
PROJECT NAME	WALNUT STREET CROSSWALK PLAN	CLIENT	MUNJOY HEIGHTS
ENGINEERING, INC.	REDFERN MUNJOY, LLC.	P.O. BOX 8816, PORTLAND, MAINE 04104	

DRAWING NO. SK-1

**Jean Fraser - RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street**

---

**From:** William Savage <wsavage@acorn-engineering.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>, "soren@sorendeniord.com" <soren@sore...>  
**Date:** 6/10/2014 1:48 PM  
**Subject:** RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street  
**CC:** "Jonathan Culley(jonathan@redfernproperties.com)" <jonathan@redfernprope...>  
**Attachments:** C-40\_Munjoy Heights Details.pdf

---

Ok Jean. Bruce and Tom's questions should be answered by Sheet C-40. This describes the construction requirements for both the sidewalk and driveway apron.

Thanks!

-Will

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Tuesday, June 10, 2014 9:23 AM  
**To:** William Savage; soren@sorendeniord.com  
**Cc:** Jonathan Culley(jonathan@redfernproperties.com)  
**Subject:** RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Hi

Just to let you know that we have a few comments, which Bruce and Tom are fine-tuning and I should be able to get back to you soon. I think they are very minor regarding clarification of the actual materials and profiles within the apron area, as that is the area where CC approval applies.

thanks  
Jean

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)> 6/5/2014 4:48 PM >>>

Hi Jean,

Refer to the attached SK-1 Walnut St Sidewalk and Driveway Apron Plan. Both plan are identical with the exception that one has the aerial in the background. Soren has reviewed the plan and agrees that the changes reflect the discussions from your 5/20/14 meeting.

Please let Soren and I know should you have any further questions or comments.

Thank-you,

**Will Savage, PE**  
**Project Manager**

Acorn Engineering, Inc  
PO Box 3372  
Portland, Maine 04104  
[www.acorn-engineering.com](http://www.acorn-engineering.com)

B. 207.775.2655  
F. 207.358.7979  
C. 207.317.1884

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**From:** Jean Fraser [<mailto:JF@portlandmaine.gov>]  
**Sent:** Thursday, May 15, 2014 12:22 PM  
**To:** Bruce Hyman; [soren@sorendeniord.com](mailto:soren@sorendeniord.com)  
**Cc:** William Savage; Jeff Tarling  
**Subject:** Re: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Confirmed: Tuesday May 20th 11am Planning 4th floor city hall  
I have booked a meeting room.

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 5/15/2014 12:14 PM >>>  
OK. Thanks

On Thu, May 15, 2014 at 11:44 AM, Bruce Hyman <[BHYMAN@portlandmaine.gov](mailto:BHYMAN@portlandmaine.gov)> wrote:

Let's do 11-Noon at Planning - thanks.  
Bruce

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 5/15/2014 11:25 AM >>>

You are welcome...

I am available next Tuesday between 11 AM - 2 PM.

Thanks,  
Soren

On Thu, May 15, 2014 at 9:47 AM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Hi

Tuesday after 11am is open for me.

Thanks for setting this up Soren.

I am off to a meeting now but am in the rest of today.

Jean

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 5/15/2014 9:42 AM >>>

Hi,

Bruce is booked this week...Jean is out Monday...Do either of you have availability next Tuesday?

Thanks,  
Soren

On Thu, May 15, 2014 at 8:49 AM, Bruce Hyman <[BHYMAN@portlandmaine.gov](mailto:BHYMAN@portlandmaine.gov)> wrote:

My 11-12:30PM Friday is now booked.

Bruce

>>> Bruce Hyman 5/15/2014 8:45 AM >>>

My day today is booked. I could meet Friday between 11 and ending by 2PM. Monday I'm available 9-10:30AM and after 1PM.

I think 30 minutes would suffice.

Bruce

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 5/14/2014 4:49 PM >>>

Great!

I can shift things around tomorrow to meet at 1 PM...and Friday 9 AM still works.

Let me know which you prefer.

Thanks,  
Soren

On Wed, May 14, 2014 at 4:26 PM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Hi

I do think this meeting would be helpful and I am happy to meet at DPS so Bruce and Jeff Tarling can more easily be there.

The only problem is that I am unable to meet at 11 am tomorrow (afternoon OK); OK anytime Friday; Monday I am out of the office.

thanks



Jean

*Jean Fraser, Planner*  
*City of Portland*  
874 8728

>>> soren deniord <[soren@sorendeniord.com](mailto:soren@sorendeniord.com)> 5/14/2014 2:49 PM >>>

Thanks Will!

I am available to meet this week:

11 AM Thursday (tomorrow)

9 AM Friday

2 PM Monday

Jean / Bruce, please let me know if any of those days / times work for you.

Best Regards,  
Soren

On Wed, May 14, 2014 at 2:40 PM, William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)> wrote:

Hi Jean,

I have discussed your email with Soren Deniord and as your suggested it would be beneficial for you, Bruce and Soren to meet at your earliest convenience. I will do my best to attend but it appears that this may not be necessary.

Soren – I have attached the latest Walnut Street sidewalk plan which overlays the landscape plan. Both plans are the same with the exception of the aerial photo.

Thank-you,

-Will

From: Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]

Sent: Wednesday, May 14, 2014 1:36 PM

To: William Savage; Bruce Hyman

Subject: RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Will

It does not say the brick matches the sidewalk and it was not interpreted as doing so.

Lets let Bruce have a look and see how this can be resolved. However, the whole point is to have the sidewalk read as having priority over the apron and therefore it needs to be defined.

I have difficulty understanding plans that just have notes - and if this needs to go to City Council (I am working on that) it will need to clearer.

Jean

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)><mailto:[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)>> 5/14/2014 1:06 PM >>>

Jean,

Please refer to the Symbols Legend within Sheet L1.0 which describes the paving material. Acorn's plan depicts what is on the landscape plan.

-Will

From: Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]

Sent: Wednesday, May 14, 2014 12:50 PM

To: William Savage; Bruce Hyman

Subject: RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Will and Bruce

I am going to add my 10 cents worth here- and maybe we need a meeting with the landscape folks.

I attach the approved landscape plan.

I don't think it was our understanding that the sidewalk material would extend into the woonerf- we thought that area next to the apron would match the other woonerf band.

I think we all expected the sidewalk to read as a separate thing going across the apron and not meshed into the apron or the woonerf. So I am a bit concerned with the plan you sent Will that shows a 5 ft "ramp" to match the existing sidewalk.

I think we need a plan like the landscape plan with each material a different color showing how it will all work together.

thanks

Jean

Jean Fraser, Planner

City of Portland

874 8728

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)><mailto:[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)>> 5/13/2014 9:06 AM >>>

Bruce,

Revised drawing to include the Landscape Woonerf surface treatments depicted on Sheet L1.0. Should clarify the annotation question. Sorry for the confusion.

Questions:

1. Per Jean Fraser's email dated 5/7/14 should I change the note "Driveway Apron Surface TBD" to a brick driveway apron (per City Standard detail I-11).

2. Should curbside signs be incorporated 125 ft from the sidewalk.

Thank-you,

-Will

From: Bruce Hyman [mailto:[BHYMAN@portlandmaine.gov](mailto:BHYMAN@portlandmaine.gov)]  
Sent: Tuesday, May 13, 2014 8:25 AM  
To: William Savage  
Cc: Jean Fraser  
Subject: RE: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Will, I am VERY confused (easily so, sometimes) with much of the annotation pointing to specific material types in the different locations. Please call me at your convenience.

Bruce  
874-8833

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)><mailto:[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)>> 5/12/2014 2:02 PM >>>

Hi Bruce,

Attached, I have included a revised Walnut Street drawing that incorporates your comments. As discussed by phone today this submission is for your final review/comment. The final drawing will be marked for construction and stamped.

Thanks

-Will

From: Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]  
Sent: Wednesday, May 07, 2014 1:59 PM  
To: William Savage  
Cc: Bruce Hyman; Philip DiPierro;  
[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)<mailto:[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)>  
Subject: Munjoy Heights- apron materials and Crosswalk in Walnut Street

Will

I am writing to let you know that I am trying to resolve these and get it all documented over the next couple of months.

1. Apron: I will forward Bruce Hymans comments on the design of that so that the sidewalk material goes across the apron. I think it may need to go to the City Council but I will try and get that as a consent item. I am currently checking with Legal re the license that would be needed re the owner/Condo Association covering the maintenance of non-standard materials here (which Jonathan agreed to when I spoke to him about his months ago - when it was being discussed with Mike Bobinsky). DPS are on board so its just a question of getting a formal approval from the appropriate party. In any case we need an approved detail per what Bruce has advised (am sending separate e-mail re that);

2. Crosswalk: Bruce has advised me that in his April sketch that I forwarded to you there was an error; it should not have a detectable warning panel at the ramp at the driveway, only at the curb ramp for the crosswalk across Walnut St to Sheridan St. He has provided the attached to show the correction- see red "Xs" on the sketch that was previously sent. It would be good to have an "engineering" drawing (dated, numbered) of this crosswalk for DPS to formally approve and then its ready for construction.

Please contact me if any questions.

thank you  
Jean

Jean Fraser, Planner  
City of Portland  
874 8728

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)><mailto:[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)>> 4/8/2014 9:58 AM >>>

Thank-you Jean for the update and Bruce for the sketch with comments. I will review and be in touch with an updated plan.

Best,  
-Will

From: Jean Fraser [mailto:[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)]  
Sent: Tuesday, April 08, 2014 9:55 AM  
To: William Savage  
Cc: Bruce Hyman; [jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)<mailto:[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)>  
Subject: Crosswalk in Walnut Street

Will

DPS have given me their thoughts and comments on the crosswalk location and design, see below and as attached (your sketch with 2 proposals is the first attachment).

DPS prefer Option #1 with a slight re-alignment of the crosswalk and location of the curb ramp on the west side of Walnut St.

The crosswalk should be oriented/located such that it has at least 4'x4' of landing area within the crosswalk at the base of the ramp at the Sheridan St corner. The crosswalk must also extend the full width of the bottom ramp where it meets the street.

DPS have sent a quick sketch showing the recommended orientation and location of curb ramps and the crosswalk (attached).

If you have any questions re details etc please contact Bruce Hyman directly - he is cc'd on this e-mail. Once you have a final plan as agreed with Bruce, please send it to me "for the record" to address the condition of approval, prior to implementation.

The question of the materials for the sidewalk across the apron to the "woonerf" area is still under discussion here and I will get back to you.

thank you  
Jean

Jean Fraser, Planner  
City of Portland  
874 8728

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

**soren deniord**

**t** > [207.400.2450](tel:207.400.2450)

**e** > [soren@sorendeniord.com](mailto:soren@sorendeniord.com)

**a** > soren deniord design studio

43 wellwood rd.

portland, maine 04103

check out our website: <http://www.sorendeniord.com>

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# Jean Fraser - Munjoy Heights brick apron- maintenance requirements

**From:** Jean Fraser  
**To:** Hyman, Bruce; Labelle, Eric; Margolis-Pineo, David  
**Date:** 6/12/2014 12:18 PM  
**Subject:** Munjoy Heights brick apron- maintenance requirements  
**CC:** Earley, Katherine; Errico, Thomas; Walden, Lawrence  
**Attachments:** Replacement Easement\_PPH building\_1.doc

*Handwritten in red: A large checkmark and the name "Jean" written vertically.*

Hi all

I am following up on Mike Bobinsky's request that an easement similar to the one prepared for the hotel across the road (specifying maintenance responsibilities) be arranged for this apron.

Larry Walden in Legal has given me a copy of the easement in question (attached for info- no need to touch it- see below).

I am going to ask the applicant/his attorney to draft a similar easement for the brick apron in question (which we would all see and finalize before it goes into the City Council Report). But I need to advise the applicant/his attorney as to what specific maintenance we want to have specified in the easement draft.

This is my suggestion and please amend and add:

"Grantee shall be responsible for maintaining the entire brick ROW apron for the Munjoy Heights drive so ....and....

- promptly repair or replace any broken or displaced bricks, to match original installation;
- snow and ice removal
- ??????"

Please respond asap.

Many thanks  
Jean

*Handwritten notes:*  
 - waiver of the sidewalk material policy or licence -  
 - agreement to maintain shall promptly repair ok

*Handwritten note:*  
 Was this a condition of approval

*Handwritten signatures:*  
 TSE  
 Perley

## REPLACEMENT EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that the CITY OF PORTLAND, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (“Grantor”), FOR VALUABLE CONSIDERATION, does hereby GRANT to PRESS HOTEL LLC, a Maine limited liability company with a place of business in Portland, Maine and mailing address of P.O. Box 7486, Portland, Maine 04112-7486 ( the “Grantee”), easements for the purposes set forth below, over portions of Grantor’s land as described below (collectively, “Grantor’s Land”). The land which is subject to the easements granted herein abuts land of Grantee, located at 119 Exchange Street (also identified as 390 Congress Street) in Portland, Maine which is described in a deed from Metro Media Properties, LLC to Grantor recorded in said Registry in Book \_\_\_\_\_, Page \_\_\_\_\_ (“Grantee’s Land”).

1. Grantor grants to Grantee a permanent and perpetual easement over and under the sidewalk area shown on the plans attached hereto as Exhibits A and B and made a part hereof (collectively the “Plan”), which is labeled “Easement 1 Area,” for the purpose of installing, using, repairing and maintaining a radiant snow melting system (the “Snow Melt System”) under the sidewalk.

2. Grantor grants to Grantee a permanent and perpetual easement over and under the sidewalk area shown on the Plan which is labeled “Easement 2 Area”, for the purpose of installing, using, repairing and maintaining a grease trap (the “Grease Trap”) to be used in connection with the restaurant in the building which is to be constructed by Grantee on Grantee’s Land.

3. Grantor grants to Grantee a permanent and perpetual easement for portions of the building on Grantee’s Land in existence on the date of this easement and a fire escape (as it may be reconstructed as approved by Grantor) that extend beyond the parcel boundaries of Grantee’s land towards Federal Street.

4. Grantor grants to Grantee a permanent and perpetual easement to use and occupy spaces below the sidewalk on each of Market, Exchange and Federal Streets in the areas as shown on Exhibit C attached hereto and made a part hereof (the “Sub-sidewalk Easement Areas”). Grantee shall be responsible for maintaining the structural integrity of, and repairing, as necessary, the Sub-sidewalk Easement Areas. The parties acknowledge that as of the date of this Easement, there is a 10,000 gallon underground storage tank (the “UST”) in a portion of the Market Street Sub-sidewalk Easement Area, in the location specified in Exhibit C. Grantee shall at its expense remove and dispose of the UST and all product therein in compliance with all federal, state and local laws, ordinances and rules, and Grantee shall be further responsible for cleaning up any petroleum spills or other contamination existing or created as a result of the presence or removal of the UST. Upon the proper removal of the UST as aforesaid, Grantee may install a ventilation grate in the area formerly occupied by the UST.

5. In the event of damage to the spaces covered by this agreement including, but not limited to, the Snow Melt System. Grease Trap, fire escape or canopy areas and the Sub-



sidewalk Easement Areas, the Grantee shall promptly repair/restore said spaces, subject, however to the provisions of subsection (a) below with respect to the Snow Melt System and Grease Trap.

(a) Grantee shall have the right to install the Snow Melt System and the Grease Trap in the locations approved by the City. So long as Grantee actively uses either or both of the Snow Melt System and the Grease Trap, Grantee shall have the obligation and right to maintain and/or repair the Snow Melt System and the Grease Trap and shall have responsibility for engaging a private utility locating and excavating service concerning location of below-grade utilities and reporting when required on the existence of the Snow Melt System when there is below-grade excavation occurring nearby of which Grantee becomes aware. If Grantee either ceases or does not begin use of either the Snow Melt System or Grease Trap, Grantee shall maintain and/or remove either or both to the extent required by the City so as to cause no damage to any public improvements. Grantee shall have the right to engage in all related construction and maintenance work, provided Grantee notifies the Grantor prior to undertaking said work, restores Grantor's Land to substantially its original condition after all such installation, construction, maintenance or repair activities and complies with traffic management plan required by Grantor. Grantee shall pay any and all installation, construction, maintenance and repair costs relating to the Snow Melt System, the Grease Trap and any encroachments of the building described herein and shall not look to Grantor for payment of any of such costs.

(b) Grantee assumes all responsibility, and shall defend, indemnify and hold the City harmless, for any and all claims and/or damage to persons or property arising out of or in any way to the Snow Melt System, the Grease Trap, the presence and removal of the UST and any encroachments of the building described herein including, but not limited to, the fire escape and canopies.

This easement replaces in its entirety an easement from Grantor to Grantee dated May 24, 2013 and recorded in the Cumberland County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_.

TO HAVE AND TO HOLD the aforegranted and bargained easements, with all privileges and appurtenances thereof, to the Grantee, its successors and assigns, to its and their use and behoof, forever.

IN WITNESS WHEREOF, the City of Portland, the Grantor, has caused this instrument to be duly executed, this \_\_\_\_ day of \_\_\_\_\_, 2014.

WITNESS:

**CITY OF PORTLAND**

\_\_\_\_\_

By: \_\_\_\_\_  
Mark Rees, its City Manager

STATE OF MAINE  
CUMBERLAND, ss

\_\_\_\_\_, 2013

PERSONALLY APPEARED the above-named Mark Rees, City Manager of the City of Portland as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said City of Portland.

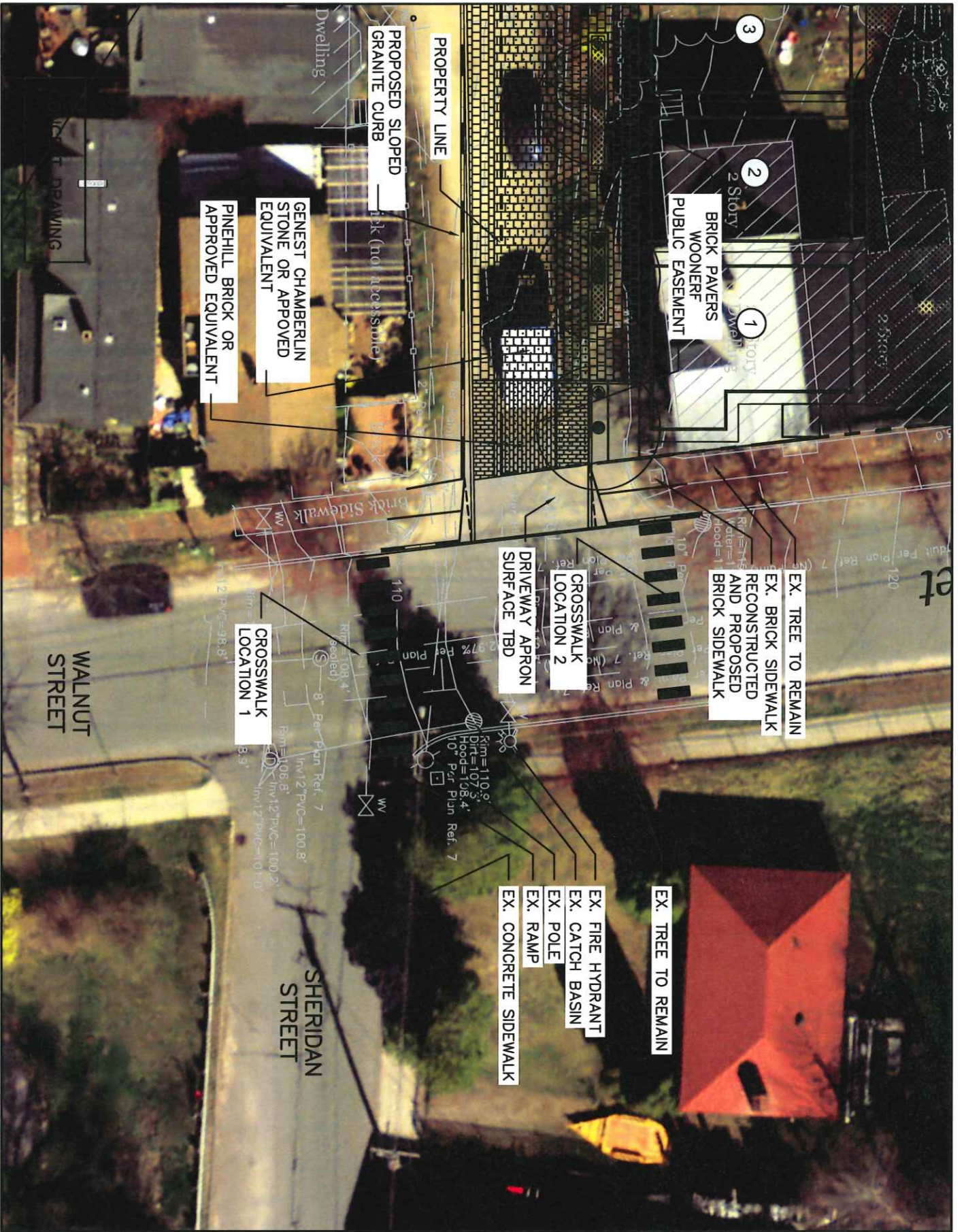
Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

C:\CTS\BMO\_MAS\00133 119 Development LLC\Title\Easements and licenses\Replacement Easement\_PPH building.doc



Close but not app by DPS

<p>ACORN ENGINEERING, INC.          P.O. BOX 2072 PORTLAND, MAINE 04104          (207) 776-2888</p>	<p>DRAWING NO.  <b>SK-1</b></p>	<p>DATE: 10/27/14          FILE: 10/27/14</p>	<p>DESIGNER: WMS          CHECKED BY: WMS</p>	<p>SCALE: 1"=20'          DESIGN BY: WMS          DRAWN BY: WMS</p>	<p>PROJECT NAME:  <b>WALNUT STREET CROSSWALK PLAN</b>  <b>MUNJOY HEIGHTS</b></p>	<p>CLIENT:  <b>REDFERN MUNJOY, LLC.</b>          P.O. BOX 8516, PORTLAND, MAINE 04104</p>	<p>REVISION</p>	<p>ISSUED FOR          CHECKED BY          DRAWN BY</p>

**NOTES:**  
 ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND TECHNICAL STANDARDS MANUAL INCLUDING FIGURE 1-6E AND 1-7 AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)

EX. BRICK SIDEWALK  
 PROPOSED BRICK AND RECONSTRUCTED SIDEWALK AS NECESSARY

EX. TREE

EX. FIRE HYDRANT  
 EX. CATCH BASIN  
 EX. POLE  
 EX. RAMP TO REMAIN  
 EX. CONCRETE SIDEWALK

PROPERTY LINE  
 PROPOSED SLOPED GRANITE CURB  
 GENEST CHAMBERLIN STONE OR APPROVED EQUIVALENT  
 PINEHILL BRICK OR APPROVED EQUIVALENT  
 NEW 5' WIDE RAMP TO MATCH EXISTING SIDEWALK  
 ONE SIDEWALK DETECTABLE WARNING STRIP 2'x5'

PROPOSED NO PARKING SIGNS 25' FROM NORTH SIDE OF THE DRIVEWAY AND 15' TO THE SOUTH OF CROSSWALK CENTERLINE. (SIGN PER DETAIL)

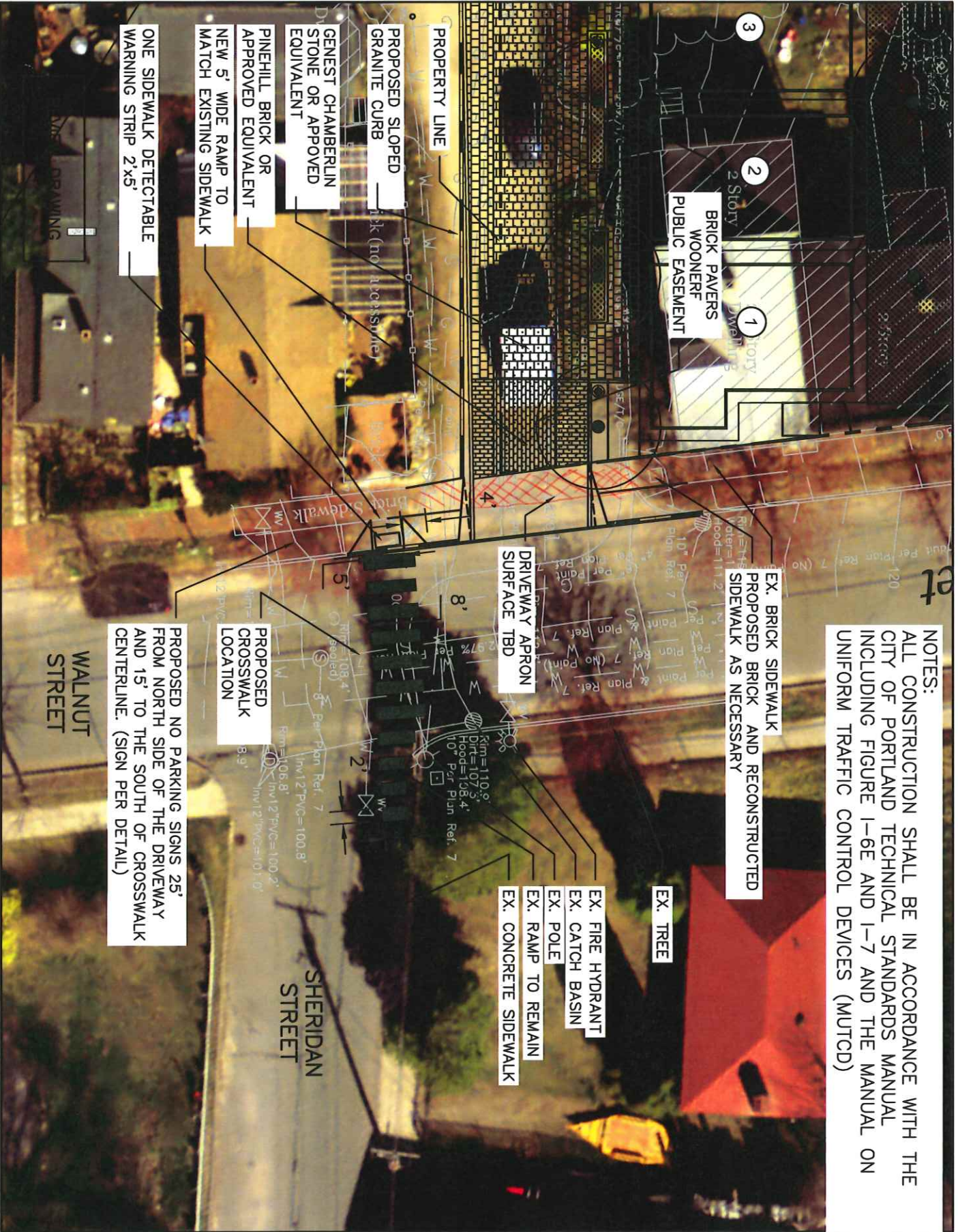
PROPOSED CROSSWALK LOCATION

DRIVEWAY APRON SURFACE TBD

BRICK PAVERS  
 WOONERF  
 PUBLIC EASEMENT

WALNUT STREET

SHERIDAN STREET



FILE: 1047.CML DATE: 2/17/14 SHEET: 1047 SCALE: 1"=20' DESIGN BY: WMS DRAWING BY: WMS CHECKED BY: WMS		DRAWING NAME: <b>WALNUT STREET CROSSWALK PLAN</b>	PROJECT NAME: <b>MUNJOY HEIGHTS</b>
		CLIENT: <b>REDFERN MUNJOY, LLC.</b> P.O. BOX 8816, PORTLAND, MAINE 04104	
<b>SK-1</b> DRAWING NO.		REVISIONS	

## Jean Fraser - Re: City Council approval to materials in apron, Munjoy Heights development (29 townhouses on Walnut St)

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**From:** Jean Fraser  
**To:** Thompson, Jennifer  
**Date:** 6/10/2014 3:40 PM  
**Subject:** Re: City Council approval to materials in apron, Munjoy Heights development (29 townhouses on Walnut St)  
**CC:** Barhydt, Barbara; Walden, Lawrence  
**Attachments:** Walgreens License.doc

---

Jen

I have just been speaking to Mike Bobinsky and Kathi Earley and for Munjoy Heights it will be waiver of the ROW apron material requirements and to allow brick as in historic districts, and also there will be a requirement for the maintenance to be undertaken by them and in accordance with a spec. So there needs to be some other document....apparently the maintenance specification for the apron area needs to be detailed and to be documented and legally tied into this.... and they referred to one that was recently done (?Larry) in respect of the hotel across the street.

If I can get a copy of that maintenance agreement, I can revise it in conjunction with DPS to relate to the Munjoy Heights situation- and then its a question of how to tie it down legally.

I recall you recommended a license for the triangle island in Allen Ave for Walgreens (I attach what you suggested for that but its not quite the same) so maybe a license is the right way to go forward on this.

thanks  
 Jean

>>> Jennifer Thompson 6/10/2014 2:35 PM >>>

Jean - I've looked and the license agreement for 118 Congress was limited to overhangs, footings, etc. that were in the right of way. The only thing that was required to deviate from the usual materials was an order amending the sidewalk materials policy. I attach that order for your reference.

>>> Jean Fraser 6/10/2014 11:04 AM >>>

Jen

I recall that when 118 Congress went to City Council regarding a substitution of materials in the ROW, that we advised the City Council that the applicant would maintain the materials that varied from the Council's policy.

I am now gearing up to prepare a City Council report on substitute materials in the drive apron for the Munjoy Heights development that is currently under construction. The City's policy calls for bituminous; applicant

## Jean Fraser - City Council approval to materials in apron, Munjoy Heights development (29 townhouses on Walnut St)

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**From:** Jean Fraser  
**To:** Thompson, Jennifer  
**Date:** 6/10/2014 11:04 AM  
**Subject:** City Council approval to materials in apron, Munjoy Heights development (29 townhouses on Walnut St)  
**CC:** Barhydt, Barbara  
**Attachments:** approved Condo Declaration Munjoy Heights redline 020614 with Jones, Matzen and City changes.pdf

---

Jen

I recall that when 118 Congress went to City Council regarding a substitution of materials in the ROW, that we advised the City Council that the applicant would maintain the materials that varied from the Council's policy.

I am now gearing up to prepare a City Council report on substitute materials in the drive apron for the Munjoy Heights development that is currently under construction. The City's policy calls for bituminous; applicant proposing brick so sidewalk can continue across it (plan is in final stages of tweaking); DPS are fully supportive and will provide a memo to confirm this to go into the City Council report.

I have a verbal agreement from the applicant that the Condo Association will maintain the apron with the substitute materials; there is also a reference in the approved Condo Docs ( attached; see 15 a, although I don't think we have received the recorded set yet) ). What else do I need to get or arrange to ensure that the City is not held responsible for the maintenance and also is not liable in any other way- ie do I need to get an explicit letter from Jonathan Culley re this, or would the Order specify this or would there need to be a license...?????

Not sure if 118 congress set a precedent for this as I was out of the office at the time the 118 Congress St was prepped for Council; in that case there was also the "overhang" licence.

Please advise what (if anything) I need to get from the developer and what I need to attach to the City Council Report.

Thanks  
Jean

## REPLACEMENT EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that the CITY OF PORTLAND, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 ("Grantor"), FOR VALUABLE CONSIDERATION, does hereby GRANT to Redfern Munjoy LLC, a Maine limited liability company with a place of business in \_\_\_\_\_ and mailing address of \_\_\_\_\_ ( the "Grantee"), easements for the purposes set forth below, over portions of Grantor's land as described below (collectively, "Grantor's Land"). The land which is subject to the easements granted herein abuts land of Grantee, located at 79 Walnut Street in Portland, Maine which is described in a deed from \_\_\_\_\_ to Grantor recorded in said Registry in Book \_\_\_\_\_, Page \_\_\_\_\_ ("Grantee's Land").

1. Grantor grants to Grantee a permanent and perpetual easement to use and occupy the drive apron [*need to include for other temporary work in the ROW- eg the sidewalk, apron and crosswalk construction?*] at 79 Walnut Street (drive entrance to Munjoy Heights, development approved by the Planning board on December 17, 2013 Project #2013-228 as shown on Exhibit A attached hereto and made a part hereof (the "Apron Easement Area").

2. At all times the Grantee, specifically including, but not limited to any condominium association as soon as any unit is transferred, shall exclusively be responsible for repairing, keeping and maintaining the Apron Easement Area in a safe condition generally, and promptly repairing or replacing any broken or displaced bricks or other materials to match the original installation.

3. All work performed upon and use of the Apron Easement Area for the purposes set forth herein shall be in accordance with the City of Portland Technical Manual and the approved construction plans and at Grantee's sole cost and expense (unless otherwise agreed in writing), the parties acknowledging that there may be temporary interruptions in enjoyment of the City's property adjacent to the Easement Area related to the conduct of any work related to this Easement. Grantee agrees at its sole expense to restore any adjacent City property damaged by work conducted by Grantee related to this Easement to substantially its condition prior to such work, or as close to that condition as is reasonably practicable.

4. Grantee, its successors and assigns, shall defend, indemnify and hold the City, its officers, agents, and employees harmless from any and all claims, including but not limited to claims for damage to City property and reasonable attorney's fees, which arise out of Grantee's use, or the use of others, of the City's property as described above.

5. Grantee shall procure and maintain liability insurance in an amount of at least Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for bodily injury, death and property damage and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of Grantee under the terms of this Easement. Grantee shall provide City with evidence of such insurance coverage and maintain such insurance in perpetuity. Such notice shall be sent to City of Portland, Corporation Counsel, 389 Congress Street, Portland, ME 04101.

6. This Easement is assignable to any subsequent owners of the property and/or building located on the land described on the site plan of Munjoy Heights approved by the Portland Planning Board on December 17, 2013 located at 79 Walnut Street, Portland, Maine, to be recorded herewith in the Cumberland County Registry of Deeds (the "Site Plan"); and the duties and obligations hereunder shall, in any event, run with the land and burden all subsequent owners holding rights to use any portion of the Easement Areas.

TO HAVE AND TO HOLD the aforegranted and bargained easements, with all privileges and appurtenances thereof, to the Grantee, its successors and assigns, to its and their use forever.

IN WITNESS WHEREOF, the City of Portland, the Grantor, has caused this instrument to be duly executed, this \_\_\_\_ day of \_\_\_\_\_, 2014.

WITNESS:

**CITY OF PORTLAND**

\_\_\_\_\_

By: \_\_\_\_\_  
Mark Rees, its City Manager

STATE OF MAINE  
CUMBERLAND, ss

\_\_\_\_\_, 2013

PERSONALLY APPEARED the above-named Mark Rees, City Manager of the City of Portland as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said City of Portland.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print name: \_\_\_\_\_

My commission expires: \_\_\_\_\_





Alex Jaegerman, FAICP  
Division Director, Planning Division

**DRAFT**

March X<sup>th</sup>, 2014

Craig Hill, Project Manager  
Wright-Ryan Construction, Inc.  
10 Danforth Street  
Portland, ME 04101

**Project Name:** Request for approval to advance site work for Munjoy Heights development  
**Project ID:** #2013-228  
**CBL:** 12-F-2 (part), F-4, F-7, F-18; 12-G-6; 12-H-1, H-3, H-5, H-7, H-9, H-13, H-17, H-22  
**Address:** 79 Walnut Street  
**Applicant:** Jonathan Culley, Redfern Munjoy LLC  
**Planner:** Jean Fraser

Dear Mr Hill:

Thank you for your letter dated February 26<sup>th</sup>, 2014 (received March 3<sup>rd</sup>, 2014) requesting approval to undertake site work prior to the receipt of a building permit.

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

As provided in Section 14-532, this letter serves as the written permission from the Planning Authority to commence site work on this project prior to the issuance of a building permit. The commencement of site work is limited to the extent of work outlined in your letter dated February 26, 2014 (attached) as listed below and is subject to the conditions outlined in this letter:

Extent of Work

- 1) Mobilization of necessary equipment to cut and clear the wooded areas;
- 2) Clearance of the site (but not demolition of any buildings);
- 3) Earth regrading;
- 4) Installation of erosion and sedimentation controls as approved and as required for the construction site access points.

Conditions

- 1) That all granite boulders and similar (eg cobblestones) located on the site shall be carefully removed and salvaged, stored in a secure location and reused as far as practical in the new development; if not used, then offered to Portland Trails; and
- 2) That all erosion and sedimentation control measures are in place as per the approved plans and any additional measures advised by Phil diPierro in respect of the site access via the Waterhouse property off of Washington Avenue; and
- 3) That the amended Construction Management Plan shall be reviewed and approved prior to the use of the proposed access from Washington Avenue via the Waterhouse site to undertake the site work subject of this letter. The Plan should address any comments from City staff, and would normally include traffic management arrangements; routes for demolition and site work vehicles; pedestrian accommodations; control of dust, noise and vibration; proposed methods for preventing material from being deposited on the streets; and a plan for keeping neighbors informed of any activities that may have adverse impacts on them.

*? a abandonment of whites  
Shed happens prior to marking lines*

*Soften*

Please be advised that you must obtain any permits that may be required from Public Works for the temporary closing of any sidewalks, any street openings and any temporary loss of on-street parking. Building permits must be obtained from the Inspections Division, and the performance guarantee must be posted, prior to the demolition of any buildings or commencement of any construction of any buildings, foundations or structures. Also please see attached the City's Ordinance regarding construction activities and the associated Department of Public Services waiver request form re hours of work.

The approval to proceed with the site work is based on the submitted request of February 26th, 2014 and the approved subdivision/ site plan as referenced in the Planning Board approval letter dated December 17, 2013 (attached). If you need to make any modifications to the approved subdivision/site plan, you must submit revised plans for staff review and approval.

Please contact Philip DiPierro, Development Review Coordinator at 874-8632 regarding the preconstruction meeting.

If you have any questions, please contact Jean Fraser on 874 8728.

Sincerely,

Alex Jaegerman  
Planning Division Director

Attachments:

1. Request letter from Wright-Ryan Construction, Inc. dated February 26, 2014;
2. Planning Board Subdivision and Site Plan Approval letter;
3. City Ordinance regarding Construction, and DPS Waiver request form re hours of work.

**CC:**

Jeff Levine, AICP, Director of Planning and Urban Development  
Alexander Jaegerman, FAICP, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Inspection Division Director  
Lannie Dobson, Administration, Inspections Division  
Gayle Guertin, Administration, Inspections Division  
Michael Bobinsky, Public Services Director  
Katherine Earley, Engineering Services Manager, Public Services  
Bill Clark, Project Engineer, Public Services  
David Margolis-Pineo, Deputy City Engineer, Public Services  
Doug Roncarati, Stormwater Coordinator, Public Services  
Greg Vining, Associate Engineer, Public Services

Michelle Sweeney, Associate Engineer  
John Low, Associate Engineer, Public Services  
Rhonda Zazzara, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Jeremiah Bartlett, Public Services  
Captain Chris Pirone, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File  
Applicant (Vincent Veroneau of J B Brown & Sons)

## LEGAL ISSUES RE STATUS OF SHERIDAN STREET AND EAST COVE STREET

Draft/Suggested Points for discussion/questions at meeting on 10.28.2013

Also see: Annotated survey for project; 1866 Subdivision Plat that includes East Cove Street; 1802 Plat covering Sheridan Street (formerly called Poplar; Walnut Street was formerly known as Meckanick Street)

### Sheridan Street

It is understood that possible future public rights (the City had not accepted the street and did not have public rights through acceptance) in Sheridan north of Walnut Street (AKA Poplar Street) were inadvertently eliminated as Sheridan Street was not Continued as a Paper Street by the City Council in Order #84 in 1997 so these questions relate to private rights, primarily those within the half of Sheridan (west side) for the first 115 feet which is owned in fee by the owners of 87 Walnut and 196 Sheridan Street.

- a What is the original subdivision plan (see Deed Book 36 Page 247) that gives the applicant rights in this area? (One 2006 subdivision is referenced on the survey and we would like to see that)
- b Exactly what are the applicant's rights in the area held in fee by others? What is the evidence for these rights?
- c Have any public access rights been established because of public pedestrian use over time?
- d How will the woonerf concept be manifested in that area?
- e What if the applicant's rights in this area conflict with the owners rights (see e-mail below from one of the owners who wants to have 2 parking spaces (" I would hope to have on street availability to two spaces as permitted for my building's use and would want parking to be on the opposite side of the street from my building. "):
  - Does this owner (196 Sheridan) have parking rights?
  - Does the other owner (87 Walnut, from whom I have not heard) have rights to retain his parking in this area and his paved yard in the former paper street that he now owns in fee?
  - If so, do these owners' rights have priority over the applicant's rights?
- f What action could the owner's take to maintain their current use of the area?
- g Could these two owners make a "claim" (they have a year to do so) asserting that they had suffered limits; if the case went to court, could this delay the project or could work start before then?
- h Could either of these owners prevent a public access easement that includes this area?
- i Could either of these owners prevent a public access easement over the remainder of the former paper street area?
- j Is there sufficient right, title and interest in this portion of the street and in the street generally to determine this application under the City's site plan ordinance- what further documentation (if any) is needed prior to the Hearing?

### East Cove Street

This street is not currently part of the proposed site plan and no proposals are shown in the site plan application. However, the Planning Board, Portland Trails, staff and some neighbors are strongly requesting a public access connection between the project and along East Cove Street to Washington Avenue. Bill Clark has confirmed that this street may possibly be deemed vacated as a paper street as it was not Continued as a Paper Street by the City Council in Order #84 in 1997 as it was omitted from Order #84 and therefore the possibility of future public rights of access have not been retained. Redfern have a P&S for the top two lots (on opposite sides of East Cove and abutting the project site) but this includes only about 20-25 feet of the existing paved street. Bill Clark has sent me a subdivision plat from 1866 which shows East Cove Street.

- a What rights does the applicant have in the street as a whole?
- b Are there any public access rights related to historic use and access?
- c What could the City do to obtain (as a Paper Street there were no public rights through street acceptance) public rights?
- d What could the applicant do to introduce (eg public access easement?other?) public rights of access?

**From owner of 196 Sheridan Street**

>>> J R <jr\_in\_portland@hotmail.com> Wednesday, October 23, 2013 1:54 AM >>>  
Dewar Ms. Barhydt and Mr. Culley,

My name is Phillip Rando and I am the owner and resident of 196 Sheridan St. I am sorry that I was unable to attend yesterday's planning meeting or the neighborhood meeting held at the start of the month because my work has me traveling out-of-state. I did want to express some concerns that may have been addressed at these meetings so forgive me for needing to express them myself. As the only building that has the paper road know as Sheridan Extension, much of my concern is centered around assuring that my tenants and myself will continue to have access during construction and that emergency vehicles will also be able to reach my building. I also have concern about parking. I have provided parking for 75% of my building's needs and can accommodate all of the need during emergency snow bans. This being said, I do rely on the paper road for one of my unit's on street parking as well as guest parking. The houses on Walnut street do not provide adequate parking for their units and use the paper road extensively. The residents of 87 Walnut Street park their commercial truck at the mouth of the lane and have also bricked their driveway to make a patio instead of utilizing it for their vehicles. As a result, they park right to the edge of the lane on both Walnut and the lane with oversized vehicles. I am sure that any plans to update the road would include the city's code set backs from a stop sign, but I needed to mention it. I would hope to have on street availability to two spaces as permitted for my building's use and would want parking to be on the opposite side of the street from my building.

Another concern I have is about city services which has been poor due to the paper road status. I have not been able to have curbside trash removal due to the paper road status nor have I had adequate snow removal. I want to know how the city and/or Redfern will handle these services. These are the immediate concerns that I have and I look forward to a continued dialogue.

Sincerely,

Phillip J. Rando  
jr\_in\_portland@hotmail.com  
207-749-2686

Sent from Windows Mail

## Jean Fraser - Draft points for discussion at monday's meeting Re: Munjoy Heights - Sheridan St. project

---

**From:** Jean Fraser  
**To:** Thompson, Jennifer; Walden, Lawrence  
**Date:** 10/24/2013 3:11 PM  
**Subject:** Draft points for discussion at monday's meeting Re: Munjoy Heights - Sheridan St. project  
**CC:** Barhydt, Barbara; Jaegerman, Alex  
**Attachments:** Final LEGAL ISSUES RE STATUS OF SHERIDAN STREET AND EAST COVE STREET.docx; Annotated survey re properties abutting vacated streets.pdf; CCRD 00036\_247 Poplar St Sheridan St Subdivision.pdf; CCRD PB 002\_054 Poplar St.pdf; 1047\_Site Layout w aerial.pdf

---

Jen and Larry

As promised, I attach a list of issues/questions etc that I think we need to cover on monday. I have also sent it to the Jonathan Culley and Tom Jewell just so they have some idea of the issues that might be raised.....but anyone can add to this list!

Clarifying to them what additional info we need to answer some of these questions may be as far as this can go but we will see.

(site plan attached too for ref again)

thanks  
Jean

## Jean Fraser - RE: East Cove Street/Munjoy Heights

---

**From:** Jean Fraser  
**To:** Culley, Jonathan  
**Date:** 10/24/2013 3:23 PM  
**Subject:** RE: East Cove Street/Munjoy Heights  
**CC:** Jewell', 'Tom  
**Attachments:** Final LEGAL ISSUES RE STATUS OF SHERIDAN STREET AND EAST COVE STREET.docx; CCRD 00036\_247 Poplar St Sheridan St Subdivision.pdf; CCRD PB 002\_054 Poplar St.pdf

---

Jonathan

I attach a "draft" list of discussion points and questions that I think we need to cover at monday's meeting, which I have also sent to Jennifer Thompson and Larry Walden from our legal Department who will both be at the meeting. Jennifer is the "Planning" Associate Corporation Counsel (she took over that role from Danielle) and she would be the one to attend the PB meetings and advise the Planning Board if any questions come up both in writing and at the meeting.

I have incorporated all the info provided by Bill Clark (DPS) to you and to Larry Walden, so I think the facts are clear but not necessarily the implications. The two "old" plats are attached.

Hope this is helpful and please add to this list, as I am sure I have missed a few of the more obscure legal points. Hopefully some of them are not relevant!

See you on Monday  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

not distributed  
incl. in presenter

## Jean Fraser - RE: SUBDIVISION PLAT AND LOTS and OPEN SPACE

---

**From:** Tom Jewell <tjewell@jewellandbulger.com>  
**To:** Jonathan Culley <jonathan@redfernproperties.com>, 'Jean Fraser' <JF@port...>  
**Date:** 10/22/2013 8:45 AM  
**Subject:** RE: SUBDIVISION PLAT AND LOTS and OPEN SPACE

---

From what I have seen of the plans, there does not appear to be any opportunity to create limited common elements in the outdoor spaces to the rear and sides of the buildings that would be suitable for allocation to individual units. This is something we did do recently at Harborview Condo, and generally look on such an amenity as a helpful selling point.

At this point, the plans do not even show back doors for the Units. So I think all of the spaces to the rear and sides would be common elements. On the other hand, making a small LCE around each unit's front door makes sense to me, where a potted plant, etc., to individualize each unit's entrance could be located.

In general, the common spaces would not be suitable for trails or public access. The open space between the retaining wall and the building would create a serious privacy and security concern, and the areas beyond the retaining wall are vertically challenged and lack connectivity. One exception that is being explored is the possible connection to East Cove Street.

---

**From:** Jonathan Culley [mailto:jonathan@redfernproperties.com]  
**Sent:** Monday, October 21, 2013 3:27 PM  
**To:** Tom Jewell  
**Subject:** FW: SUBDIVISION PLAT AND LOTS and OPEN SPACE

Tom,

Could you weigh in on Jean Fraser question below:

**Jonathan Culley**  
 Redfern Homes LLC | Redfern Properties LLC  
 Cell: 207-776-9715  
 Office: 207-221-5746  
 Fax: 207-221-2822  
[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)  
[www.redfernhomes.com](http://www.redfernhomes.com)  
[www.redfernproperties.com](http://www.redfernproperties.com)

---

**From:** Jean Fraser [<mailto:JF@portlandmaine.gov>]  
**Sent:** Monday, October 21, 2013 3:25 PM  
**To:** [jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)  
**Subject:** SUBDIVISION PLAT AND LOTS and OPEN SPACE

Jonathan

I don't think we discussed this....and we don't have a subdivision plat to look at.

Do you envision each subdivision "lot" (for the new build) to be just the town house, and all of the green area to be another lot defined as common open space (???with public access???) - or will each townhouse lot be larger with a limited common element aspect or...?????

Maybe you could clarify in your presentation.

thanks  
Jean

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.



10-28-2013

Munjoy Heights

Mtg to review legal implications + req'd documentation

Applicant- Jonathan Culley, Redfern  
Thomas Jewell, Attorney.

City: Jennifer Thompson } legal  
Lamy Walden }  
Sean Fraser, Planning

① Sheridan Street - implications of deemed vacant

- public rights loss
- fee (to middle) goes to abutter
- all in subdivision have private rights
- abutters Rando + McAdam have:
  - rights of vehicular access
  - no right to block / impact access of others so can't park, even in the area where own fee.
  - McAdams may have claim to fenced in area re length of time fenced in.
- applicant Similarly can't do anything in the other half (not being claimed) that would impact access eg no trees but can pave

\* see re claim  
tho tech  
lost 20 yrs  
after plat

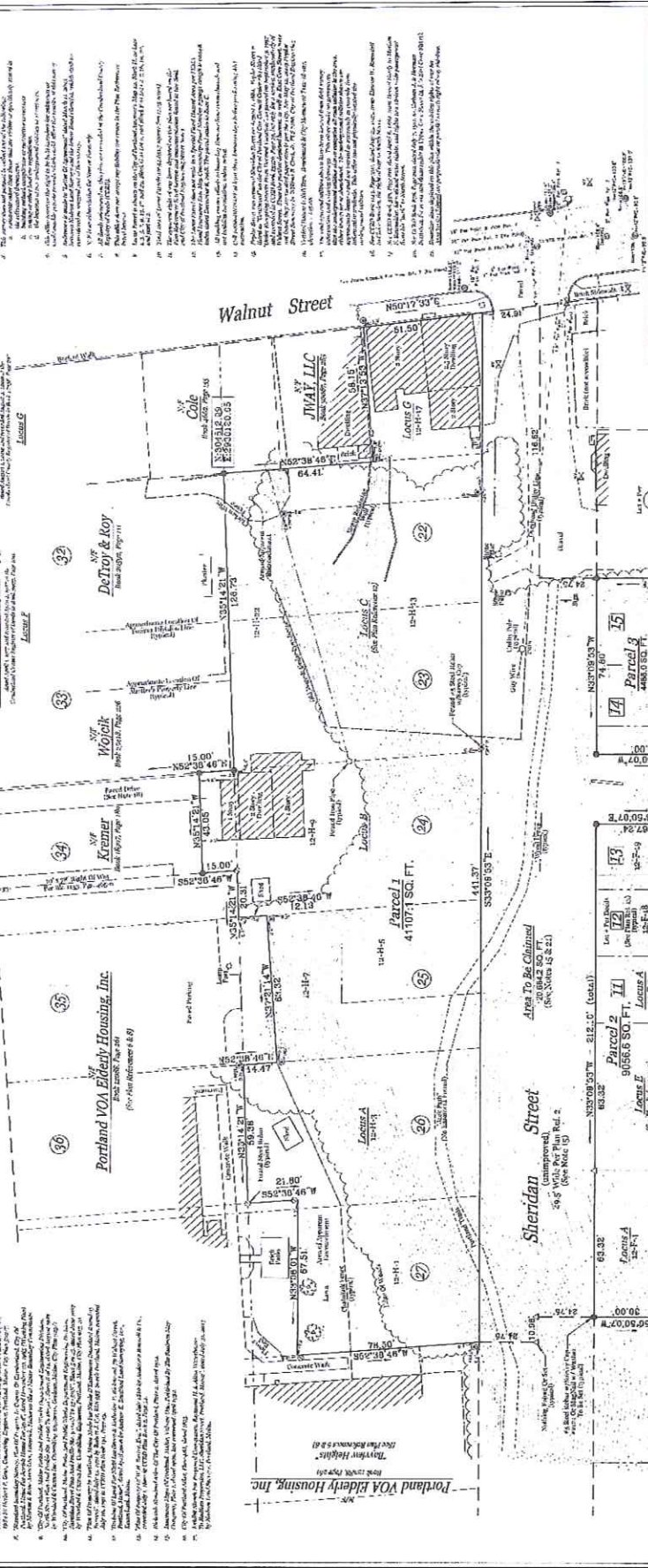
Agreed: re outcome of claim being 18 mos away need title opinion re title insurance re likelihood of outcome (Jennifer + Lamy to ck with Danielle)



Location Map: Not To Scale

**General Notes:**

1. This plan is based on the results of a boundary survey conducted on or about the date indicated on the plan.
2. The survey was conducted by the Professional Surveyor named on the plan.
3. The survey was conducted in accordance with the Maine Surveying and Mapping Act, Chapter 400, and the Rules and Regulations of the Board of Professional Surveyors, Chapter 400-1.
4. The survey was conducted in accordance with the Maine Surveying and Mapping Act, Chapter 400, and the Rules and Regulations of the Board of Professional Surveyors, Chapter 400-1.
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10. The survey was conducted in accordance with the Maine Surveying and Mapping Act, Chapter 400, and the Rules and Regulations of the Board of Professional Surveyors, Chapter 400-1.



Plan Depicting The Results Of A Boundary Survey  
As Proposed To Support A Preliminary  
**PRELIMINARY**  
Portland, Maine

PREPARED BY:  
Nadeau Land Surveys  
101 North Street  
Portland, ME 04101  
Tel: 603.771.1111  
Fax: 603.771.1112  
www.nadeauland.com

DATE: 11/15/2017  
PROJECT: 17-001  
SHEET: 1 OF 1

- Parcel Owners:**
- Parcel 1: Portland VOA Elderly Housing, Inc.
  - Parcel 2: JWAY LLC
  - Parcel 3: DeTroy & Roy
  - Parcel 4: Cole
  - Parcel 5: JWAY LLC
  - Parcel 6: DeTroy & Roy
  - Parcel 7: DeTroy & Roy
  - Parcel 8: DeTroy & Roy
  - Parcel 9: DeTroy & Roy
  - Parcel 10: DeTroy & Roy
  - Parcel 11: DeTroy & Roy
  - Parcel 12: DeTroy & Roy
  - Parcel 13: DeTroy & Roy
  - Parcel 14: DeTroy & Roy
  - Parcel 15: DeTroy & Roy
  - Parcel 16: DeTroy & Roy
  - Parcel 17: DeTroy & Roy
  - Parcel 18: DeTroy & Roy
  - Parcel 19: DeTroy & Roy
  - Parcel 20: DeTroy & Roy
  - Parcel 21: DeTroy & Roy
  - Parcel 22: DeTroy & Roy
  - Parcel 23: DeTroy & Roy
  - Parcel 24: DeTroy & Roy
  - Parcel 25: DeTroy & Roy
  - Parcel 26: DeTroy & Roy
  - Parcel 27: DeTroy & Roy

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7. The survey was conducted in accordance with the Maine Surveying and Mapping Act, Chapter 400, and the Rules and Regulations of the Board of Professional Surveyors, Chapter 400-1.
8. The survey was conducted in accordance with the Maine Surveying and Mapping Act, Chapter 400, and the Rules and Regulations of the Board of Professional Surveyors, Chapter 400-1.
9. The survey was conducted in accordance with the Maine Surveying and Mapping Act, Chapter 400, and the Rules and Regulations of the Board of Professional Surveyors, Chapter 400-1.
10. The survey was conducted in accordance with the Maine Surveying and Mapping Act, Chapter 400, and the Rules and Regulations of the Board of Professional Surveyors, Chapter 400-1.

**Graphic Scale:** 0' 10' 20' 30' 40' 50' 60' 70' 80' 90' 100'

**Surveyor's Statement:**

I, the undersigned, being a duly Licensed Professional Surveyor in the State of Maine, do hereby certify that I am the author of the foregoing map, and that it is a true and correct representation of the facts and data on which it is based.

Witness my hand and seal this 15th day of November, 2017.

**Surveyor:** [Signature]

**Professional Seal:** [Seal]

**Jean Fraser - RE: East Cove Street - Status Not Accepted**

---

**From:** Tom Jewell <tjewell@jewellandbulger.com>  
**To:** WBC@portlandmaine.gov  
**Date:** 6/12/2013 12:21 PM  
**Subject:** RE: East Cove Street - Status Not Accepted  
**CC:** LCW@portlandmaine.gov

---

Thanks for the info. That would appear to eliminate frontage on East Cove from being street frontage for zoning compliance.

---

**From:** William Clark [mailto:WBC@portlandmaine.gov]  
**Sent:** Wednesday, June 12, 2013 10:31 AM  
**To:** Tom Jewell  
**Cc:** Lawrence Walden; Michelle Sweeney  
**Subject:** East Cove Street - Status Not Accepted

Hi Tom,

Looking through our records we do not list East Cove Street, on the easterly side of Washington Avenue, as an accepted City street.

East Cove Street was not listed on the City Council Order #84 in 1997 for excepting paper streets from deemed vacation.

East Cove Street is on our list of Unaccepted Streets DPW Plows dated 1/01/2001.

Sincerely,

Bill

William Clark, PLS  
Senior Project Engineer  
Engineering  
Department of Public Services  
City of Portland  
55 Portland St.  
Portland, ME 04101  
207 874 8847

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

## Jean Fraser - Munjoy Heights proposals

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**From:** Jean Fraser  
**To:** portlandapartments@yahoo.com  
**Date:** 10/4/2013 2:52 PM  
**Subject:** Munjoy Heights proposals  
**Attachments:** Munjoy Heights Plan Set 9.27.2013.pdf

---

Steve,

I attach the plan set as we discussed (the arch plans are first and then the site plans).

The lot for the house near you is being reconfigured but it is not clear from the plans where its access is/will be from as one plan says Sheridan and a colleague who has been involved in pre-application meetings thinks its from North Street. So I will find this out early next week and send a follow up e-mail.

If you (or anyone you speak to) wishes to send written comments for the Board to read and consider (ie they get included in the staff Memo to the Board), comments can be sent to me in e-mail or letter and I need them by Oct 16th (if they arrive later they will be circulated to the Board members at the Workshop).

Please do not hesitate to contact me if you have other questions- is quite a complicated site and proposal!!!

thank you  
Jean

Jean Fraser, Planner  
 City of Portland  
 874 8728

(650-8232 - 128 North St) asking for set of plans  
 Steve Kremer - called & left message w/ BB on 10/3  
 - JF left message w/ Steve 10/4 lunchtime  
 - later 10/4 Steve called - referred to notice he received which refers to access from North St. ? near him/what.  
 JF said she would  
 1) send full plan set in pdf  
 2) investigate / ask applicant re the reconfigured lot & its access and send another email

## Jean Fraser - Re: Fwd: Fire Dept requirements re Munjoy Heights Plat

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**From:** Jennifer Thompson  
**To:** Jean Fraser  
**Date:** 3/5/2014 8:33 AM  
**Subject:** Re: Fwd: Fire Dept requirements re Munjoy Heights Plat

---

I think that all that needs to be done is for Tom or his client to rerecord the Plat with the recording information included. They'll have to pay the recording fee again but I don't think anything more involved than that needs to happen.

>>> Jean Fraser 2/28/2014 11:39 AM >>>  
Jennifer

Can you suggest a way that we can get the Condo Docs and Snow Storage Plan recorded and linked to the already recorded plat. The Fire Dept are somewhat concerned that the recording details are not on the Plat and this was required by the conditions (though not in so many words- the reason those notes were added was to address the conditions).

The restrictions that Fire wanted are spelt out in the Condo Docs and on the Snow Storage Plan and not directly on the plat, so that is why its important (if we'd known that these would not be sequentially recorded, the restrictions could have been noted on the plat).

I have not heard from Tom Jewell and appreciate it can wait until the CO, but I am wondering what Legal mechanism might be possible re this. I suppose an amendment plat but is there something simpler?

thanks  
Jean

>>> Jean Fraser 2/26/2014 1:26 PM >>>  
Tom

On the final plat (copy attached ) in notes 26 and 27 there had been an expectation that the Condo Docs and Snow Storage Plan would have been recorded sequentially with the Plat so that the book and page lines would have been filled in on the Plat (both notes) before it was recorded. This was the expectation of the Fire Dept (based on their condition of approval) - and when they received a copy of the recorded plat today they were concerned that this had not been done.

I had forgotten to remind you of this when you picked up the plat for recording so I am partly at fault.

Therefore I attach what I understand are the final agreed Condo Docs (the attached are in redlined form so clean copy needed) and Snow Storage Plan and I suggest that these be recorded (with a copy of the recorded version sent to me) and before they are recorded have them annotated or otherwise link them with the recorded plat and relevant notes on that plat.

Please let me know what action you are able to take to rectify this situation, so I can confirm to the Fire Department.

thank you  
Jean

## 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.

**Austin/Buss** – Easement to Austin/Buss for use of the land immediately behind their house.

**Scott** – In preliminary discussions for Easement to Scott for use of the land immediately behind her house. Also in discussions related to landscape treatment in front of wall.

**Waterhouse** – Purchase of land from Waterhouse. Also in discussions related to landscape treatment in front of wall.

As we have discussed, we are willing to discuss landscape treatments on neighboring properties to create the desired screening effects. However, we are reluctant to propose landscape treatments without the participation of these neighbors. I believe that Jeff Tarling had suggested a process whereby we could be evaluating landscaping in conjunction with neighbors and the City Arborist, at various stages as the project progresses. We would be quite amenable to such a solution.

Please do not hesitate to contact me with any questions.

Sincerely,

Jonathan Culley

A handwritten signature in black ink, appearing to read 'Jonathan Culley', with a large, sweeping flourish extending to the right.

## Jean Fraser - Fwd: Munjoy Heights Subdivision Plat

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**From:** Jean Fraser  
**To:** Errico, Thomas; Margolis-Pineo, David; Thompson, Jennifer  
**Date:** 12/6/2013 2:05 PM  
**Subject:** Fwd: Munjoy Heights Subdivision Plat  
**CC:** Clark, William; Walden, Lawrence  
**Attachments:** 12.6.13 Sub Plat for Munjoy Heights for Hearing.pdf

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Hi

The applicant has made some revisions to address my comments (Wed e-mail) and I think this is adequate for the Hearing (ie although it needs a few notes and a legend and maybe more, unless there is a substantive issue I think we could leave that until after the hearing). I am putting it in e-plan.

Please look at the area near Walnut - its shown that the abutters will claim the part of the former paper street.

I have asked the applicant whats happening as it appears that the public access easement is very very narrow near Walnut Street- maybe the public access easement goes over the top of the areas claimed by Rando and McAdam, but maybe the only ones with rights are the property owners along Sheridan? We don't know what the easements to those owners (access and utility) say about public access?

They have not sent the Exhibit showing the area of the Public Access Easement and I have requested that again.

Another letter from Tom Jewell regarding this area and clarifying who has rights to do what may be necessary (I'm just worried about the public access easement and whether the 20 ft vehicle path is usable by anyone.).

Jen- another issue (I will call you re this) is that the potential buyer for Lot #30 (Upright Properties) has just told me he intends to demolish the existing house and rebuild something larger. In a similar situation re the recently approved subdivision on Ledge Drive we required some key info re the future development to be shown (altho there there was a question of a sidewalk and location of driveway which are not issues here). If the plat is left as it is now and the new buyer comes in with a different footprint etc for a new single family house, would he need to amend the plat?

Please let me know if there are any substantive issues that need to be drawn to the attention of the Planning Board.

Thanks  
Jean

>>> Tom Blake <tom@nadeaulandsurveys.com> 12/6/2013 12:49 PM >>>  
Attached is a PDF of our signed/stamped Subdivision Plan. Please provide feedback.

Thanks,  
~Tom



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MEMORANDUM

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**To:** FILE  
**From:** Jean Fraser  
**Subject:** Application ID: 2013-228  
**Date:** 10/22/2013 (printed)

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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

**Jean Fraser - Munjoy Heights**

---

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

Public comment  
Munjoy Heights.

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

workshop item 1

Attachment E.3

**JEWELL & BULGER, P.A.**

*Attorneys at Law*  
477 Congress Street, Suite 1104  
Portland, ME 04101-3453  
T: (207) 774-6665  
F: (207) 774-1626

**Thomas F. Jewell, Esq.**  
tjewell@jewellandbulger.com

**Paul S. Bulger, Esq.**  
pbulger@jewellandbulger.com

October 16, 2013

City of Portland  
Planning Department  
Attn: Jean Fraser  
389 Congress Street  
Portland, Maine

Re: Application of Redfern Munjoy, LLC regarding Munjoy Heights

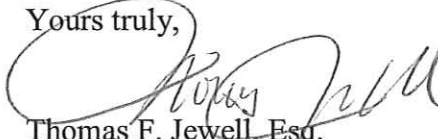
Dear Jean:

I am submitting this letter in order to supplement our correspondence dated September 24, 2013 regarding the above matter. At the October 15 meeting between the Applicant and various Planning and other City staff, the question arose concerning the rights in Sheridan Street as those rights concern the existing two houses that have frontage on west side of Sheridan Street, near Walnut.

Those two properties are located at 87 Walnut Street (12-G-19) and 196 Sheridan Street (12-G-10). These two properties hold fee interest on their side of Sheridan to the middle of the Street. In its efforts to discontinue Sheridan Street, the Applicant will not be seeking to limit the rights of these two lot owners to access their respective properties via Sheridan Street to Walnut Street.

On the other hand, the Applicant does have the right, as do all lot owners within the scope of the original subdivision plan, to utilize Sheridan Street to access its property over the land within the Sheridan Street right of way owned by these two owners, and to improve the Sheridan Street right of way for purposes of access and installation of utilities.

Yours truly,



Thomas F. Jewell, Esq.

TFJ/t

**Jean Fraser - Munjoy Heights - Additional Zoning Info**

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**From:** Ryan Senatore <ryan@senatorearchitecture.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 10/21/2013 9:13 AM  
**Subject:** Munjoy Heights - Additional Zoning Info  
**CC:** Marge Schmuckal <mes@portlandmaine.gov>, Will Savage <wsavage@acorn-eng...>

Jean,

(Att. 6)  
5

See the information below with additional information requested by Marge Schmuckal regarding Munjoy Heights

- 1.) The Front Setback of unit #1 was determined by using the averaging approach, the adjacent building to the North of unit #1 has an approximately 6' setback from the property line, the adjacent building to the South of Unit #1 has a setback of 0' for apportion of the facade and approximately 3' for the remainder of the facade. Unit #1 has a setback for a portion of the facade of 6" at the front porch and living space above and a maximum setback of 6' at a portion of the facade.
- 2.) The proposed lot lines associated with the Maxwell Property (128 North Street) are still under consideration. A zoning analysis will be completed as part of the final configuration to verify the proposed lot lines meet the yard dimensions, min. lot size, max. lot coverage and open space ratio. Presently the proposed property line is offset 20 ft from 128 North Street's rear one story structure and does not include the rear "bump out". The "bump out" is a bulkhead. The rear yard applies to principal and attached accessory structures with ground coverage greater than 100 square feet. The bulkhead is an attached accessory structure with a ground coverage of 25 square feet and therefore the accessory structure would be subject to a rear setback of 5 ft.
- 3.) The maximum height to roof beam for the 4 story structure as indicated on the drawing is 41'-6" We determined the average grade at the 4 story buildings by determining the grade change on the sloped side grades of the building which is 7' so we divide that by 2 to get 3.5' and subtract that from our maximum height of 41'-6" to get a Maximum height to top of roof beam above average grade of 38'-0" which is less than the 45' Maximum allowed by Zoning.
- 4.) The maximum height to roof beam for the 3 story structure as indicated on the drawing is 38'-4" We determined the average grade at the 3 story buildings by determining the grade change on the sloped side grades of the building which is 17' so we divide that by 2 to get 8.5' and subtract that from our maximum height of 38'-4" to get a Maximum height to top of roof beam above average grade of 29'-10" which is less than the 45' Maximum allowed by Zoning.
- 5.) Correct the setback is the "yellow" outline and not the thick "black" line.

Thanks,

Ryan Senatore, AIA LEED-AP BD+C

P.O. Box 8816  
Portland, ME 04104  
Office: 207-221-5746  
Fax: 207-221-2822  
[www.redfernproperties.com](http://www.redfernproperties.com)

December 6, 2013

Jean Fraser  
Planner  
Planning Department, City of Portland  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, Maine 04101

Dear Jean,

Per your request this letter is meant to summarize the discussions with various abutters of the Munjoy Heights project. As you know we have been engaged with each of the impacted abutters; we reached out to many of these abutters at the beginning of our planning process, more than six months ago.

A summary of the discussions and the existing or expected agreements with those abutters is as follows:

**Portland VOA Elderly Housing Inc.** - We have had detailed discussions with both local and national staff of Volunteers of America, including a meeting on-site (attended by Redfern and Acorn Engineering) on October 21, 2013 with John Lederer, National Construction Director/Facilities Management Manager. We have offered VOA an easement, but they have declined due to the challenges of documentation within their large organization.

**Detroy & Roy** – Land Conveyance to Peter Detroy and Mary Roy, included on Subdivision Plat.

**Cole** – Land Conveyance to Deborah Cole, included on Subdivision Plat.

**Mazzeo** – Land Conveyance to Tilar Mazzeo, included on Subdivision Plat.

**McAdam** – Dual (reciprocal) Easements related to driveway and former right-of-way.

**Rando** – Dual (reciprocal) Easements related to driveway and former right-of-way.

*TEAM*

**IX. MOTIONS FOR THE BOARD TO CONSIDER**

**a. WAIVERS**

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

1. The Planning Board (waives/does not waive) Section 14-526 (b) (2) (b) (iii) Street Trees to allow for a contribution of \$XXX to the City's Street Tree Fund to be substituted for the provision on site of \_\_\_ (number) of the required street trees.
2. The Planning Board (waives/does not waive) Section 14-526 (a) (4) (b) and (c) Bicycle, Motorcycle and Scooter Parking to allow the proposed parking in garages to meet the standard, subject to 9 outside bicycle parking spaces being provided along the access drive for visitors.

**b. DEVELOPMENT REVIEW**

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

**1. SUBDIVISION:**

That the Planning Board finds that the plan (**is/is not**) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

Potential conditions of approval:

- i. That the applicant shall submit title insurance/title opinion regarding the rights to develop the portions of the former Sheridan and East Cove paper streets prior to release of signed Subdivision Plat, and submit evidence that the associated notices have been filed prior to the issuance of a building permit; and
- ii. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, and Department of Public Services and include detailed references to easements, snow removal, trail and trail connection maintenance, Condominium Association documents and relevant conditions {??more}; and
- iii. That the Condominium Association documents shall reference the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan, adequate snow removal and the ongoing maintenance of the 20 foot wide vehicle access lane and the trail and trail connections, to be reviewed and approved by Corporation Counsel. The documents shall also address the relevant conditions of approval and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the Subdivision Plat; and
- iv. That the Portland Trails Agreement shall be revised to address the staff and Portland Trail comments in this report and be agreed with Portland Trails, the City's Corporation Counsel, Department of Public Services and the Planning Authority prior to the release of the signed subdivision plat, and recorded prior to the issuance of the certificate of occupancy with a copy to the Planning Authority; and
- v. That the applicant shall add notes to the subdivision plat and obtain such other legal agreements/easements as are necessary subject to the review and approval of Corporation Counsel, prior to the release of the signed subdivision plat (including to/from Rando and McAdam), to ensure that the agreed public access (Portland Trails Easement) is maintained at all times and that the minimum vehicle access of 20 feet is maintained at all times, to include confirmation of: snow removal in the access drive to maintain the 20 foot clearance; snow removal in the pedestrian connections to both Jack Path to the north and to East Cove Street in the west; parking management to ensure parking does not take place in the 20 foot wide vehicle access area; and

*\*  
gu of 128 North  
on ← Plat*

*you can not park in front of garage - 11 deeds.*

- vi. That the applicant shall submit a written confirmation that the requirements of the Housing Preservation and Replacement Ordinance (as of December 2013) have been met prior to the issuance of a building permit, to include confirmation that the proposed 5 replacement units (replacing units proposed to be demolished at 1 East Cove Street and 79 Walnut Street) are no less that 80% of the size of the aggregate of the original units, and that the tenant notification requirements have been met. The applicant shall post the performance guarantee required under the Housing Preservation and Replacement Ordinance prior to the issuance of a demolition permit for the demolition of these two existing residential buildings; and
- vii. That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the final submitted construction stormwater management plan and sediment & erosion control plan [ref\_\_\_\_\_] and relevant City standards and state guidelines. A maintenance agreement for the stormwater drainage system shall be submitted for review and approval by Corporation Counsel and Department of Public Services prior to the issuance of a building permit, and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services; and

## 2. SITE PLAN REVIEW

The Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

Potential conditions of approval:

- i. That the applicant shall submit final plans to the Portland Water District for their review and approval, and forward documentation of PWD's approval to the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant shall provide a crosswalk in Walnut Street in the vicinity of the access drive (consisting of a sidewalk bumpout, tip downs, signage, lighting and painted striping- design to be agreed with the Planning Authority) unless the Crosswalk Committee determines that such a crosswalk is not required; and
- iii. That the applicant shall submit detailed engineering and landscape proposals for the area where the private access drive meets the Walnut Street ROW that address the Traffic Engineer Reviewer Tom Errico comments dated XXX in respect of the sidewalk design, curb radii and integration of the access drive, public street and properties owned by Rando and McAdam, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant shall submit detailed Landscape Plans for [*areas near abutters to address need for mitigation of the retaining walls and clarify proposals immediately adjacent abutters homes*] and revised plans for [*the two locations where stairs meet the access drive/parking area so that the stairs enter the area via a dedicated pedestrian way*] and address the City Arborist Jeff Tarling comments dated XXX in respect of planting material and XXXX, for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit; and
- v. That the applicant shall provide illustrative material to show how the ramp leading to East Cove Street will appear to users and further discuss the design of this ramp with the City Arborist and Portland Trails to develop a design that meets Crime Prevention, safety and maintenance objectives, for review and approval prior to the issuance of a building permit; and
- vi. That the applicant shall submit the revised civil engineering plans to confirm that the 20 foot access width in the central drive access is flush and constructed to withstand the weight of Fire Department vehicles and their outriggers for the entire 20 foot width over the entire length of the access drive, and to address the Engineering Review comments of Dave Senus dated 12.6.2013 items 2); 3); 12); 13); 17); 18); and 19); all for review and approval by the Planning Authority prior to the issuance of a building permit; and

- vii. The applicant has noted on Plans Sheet C-32 & C-33 that Summit Engineering Services in coordination with Structural Integrity Consulting Engineers, Inc shall provide the retaining wall design, global stability analysis, and the design of the temporary soil restraint measures, as required. The referenced retaining wall designs shall be completed, stamped by a professional engineer, and submitted to the City of Portland Inspections Department and Planning Authority as part of the Building Permit process prior to construction of any retaining walls; and
- viii. 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; and
- ix. That the applicant shall have the proposed street addresses for the townhomes approved by the City E-911 Addressing Officer prior to the issuance of a certificate of occupancy; and
- x. All signage shall be subject to separate permits through the Inspections Division, with any traffic signage subject to view and approval by the Planning authority and Department of Public Services.

XXXXXX = is this needed- maybe they have addressed this

xxxxxx (*italics*) = these are concerns- what do you think?



## Jean Fraser - Fwd: PB Hearing 12.17.2013 re Munjoy Heights

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**From:** Jean Fraser  
**To:** jaime@trails.org  
**Date:** 12/3/2013 4:47 PM  
**Subject:** Fwd: PB Hearing 12.17.2013 re Munjoy Heights  
**CC:** kara@trails.org  
**Attachments:** L1.0.pdf; L2.0.pdf; Final Sub Plat- Mujoy Heights 12.2.2013.pdf; C-10 Site Plan.pdf; C-30 Grading\_Drainage\_EC Plan.pdf; Condo Declaration Munjoy Heights.pdf; Retaining Walls.jpg; Building sections with retaining walls.pdf

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Jaime

As promised, we now have the "final" submission and I attach some of the key submitted final documents.

Re the ramp down to East Cove Street, Jeff Tarling and others prefer the ramp subject to better understanding the height of the side walls- I asked for an illustration but I don't think they have submitted one. We note its not lit and wonder about that on winter days.

So we would like to discuss this with you a bit more.

The Board's attention was brought to the other points you had made regarding the "woonerf" area but also felt there needed to be designated parking for visitors somewhere!!!!

The Board are unlikely to require any contribution to a pedestrian access easement/path in East Cove Street - the ordinance requires connections within the site but the off-site connections are not an obligation supported by the ordinance although in some cases developers offer this where cheap/a known quantity. However, the Board was concerned that the maintenance of the connections within the site clearly be the responsibility of the Condo Association - so see what you think of the condo docs.

thanks  
Jean

>>> Jean Fraser 12/3/2013 3:40 PM >>>  
Hello

I am sending this e-mail to those who have contacted the planning office about this project. I am writing to confirm that this project will be considered at a Planning Board hearing on **Tuesday, Dec 17th 7pm**. The Hearing follows a similar format as the Workshop (including a time for public comments) but at the end of the meeting the Board will vote on whether to approve the project and any conditions of approval.

Postcard notices of the hearing will also be sent to property owners in the vicinity. The final staff report and the applicant's submittal will be on the City's website on Friday 12.13.13.

The project is largely the same as presented to the PB workshop in November except regarding the stormwater and some landscape details. I have attached key plans and documents that have just been submitted for the final review and decision by the Planning Board. There are many more submitted plans re the architecture, structural design of the retaining walls, and civil engineering details- I have a paper and computer set that can be viewed in the Planning office (by appointment is best).

The final views and renderings are the same as presented to the Board Workshop in November (can be seen on [http://www.portlandmaine.gov/planning.htm#Current\\_Backup\\_Material](http://www.portlandmaine.gov/planning.htm#Current_Backup_Material) November 26, 2013 PB Workshop) plus the latest submission includes a photomontage of the project as viewed from Washington Ave and a couple of renderings from within the woonerf (not attached to this e-mail as the files are too big).

Please do not hesitate to contact me if you would like further information or have any questions. If you would like to send written comments for the Board to consider at the hearing, please send them to me by the end of Wednesday 12.11.2013 so they can be included in the report. (If received later, they will be circulated at the PB hearing; if you send written comments you may also give public comments at the Hearing)

Thank you  
Jean

*Jean Fraser, Planner*  
*City of Portland*  
874 8728

## Jean Fraser - Munjoy Heights

---

**From:** Barbara Barhydt  
**To:** McAdam, Thomas  
**Date:** 11/22/2013 1:29 PM  
**Subject:** Munjoy Heights  
**CC:** Fraser, Jean

---

*owns c/o  
walnut + Sheridan  
abouts wozner f.*

Hello Tom:

As we discussed, the memo to the planning board and the applicant's submission is found on the City's website under the current back-up material for the Planning

Board. [http://www.portlandmaine.gov/planning.htm#Current\\_Backup\\_Material](http://www.portlandmaine.gov/planning.htm#Current_Backup_Material)

It will be listed under 79 Walnut Street as that is the street address for the property. The material is not posted on the website yet, but it should be loaded up before the end of the day.

If you have specific questions, please contact Jean on Monday. If you wish to submit public comments, please send it to the attention of both of us.

Thank you.

Barbara

Barbara Barhydt  
Development Review Services Manager  
Planning Division  
389 Congress Street 4th Floor  
Portland, ME 04101  
(207) 874-8699  
Fax: (207) 756-8256  
bab@portlandmaine.gov

## Jean Fraser - RE: PB Hearing 12.17.2013 re Munjoy Heights

---

**From:** Jean Fraser  
**To:** Austin, Ben  
**Date:** 12/4/2013 12:20 PM  
**Subject:** RE: PB Hearing 12.17.2013 re Munjoy Heights  
**CC:** Machado, Ann

---

Ben

One of the plans shows this as 10 feet (we were discussing this at a meeting this morning) and from the sections it looks like the wall is fairly low at that point but Jonathan Culley needs to confirm that. We would include a condition of approval that they submit (for review and approval) a landscape plan for the area between the retaining wall and your house to ensure that the appearance of the wall is addressed as well as the treatment near your house.

The Zoning office can advise you on the setback- Ann Machado (874 8709) is in today and is familiar with the project, although she is covering for someone who is on vacation so may need to check and get back to you.

I have copied Ann on this e-mail and will follow up with her by telephone. Please keep me in the loop re correspondence.

thank you  
Jean

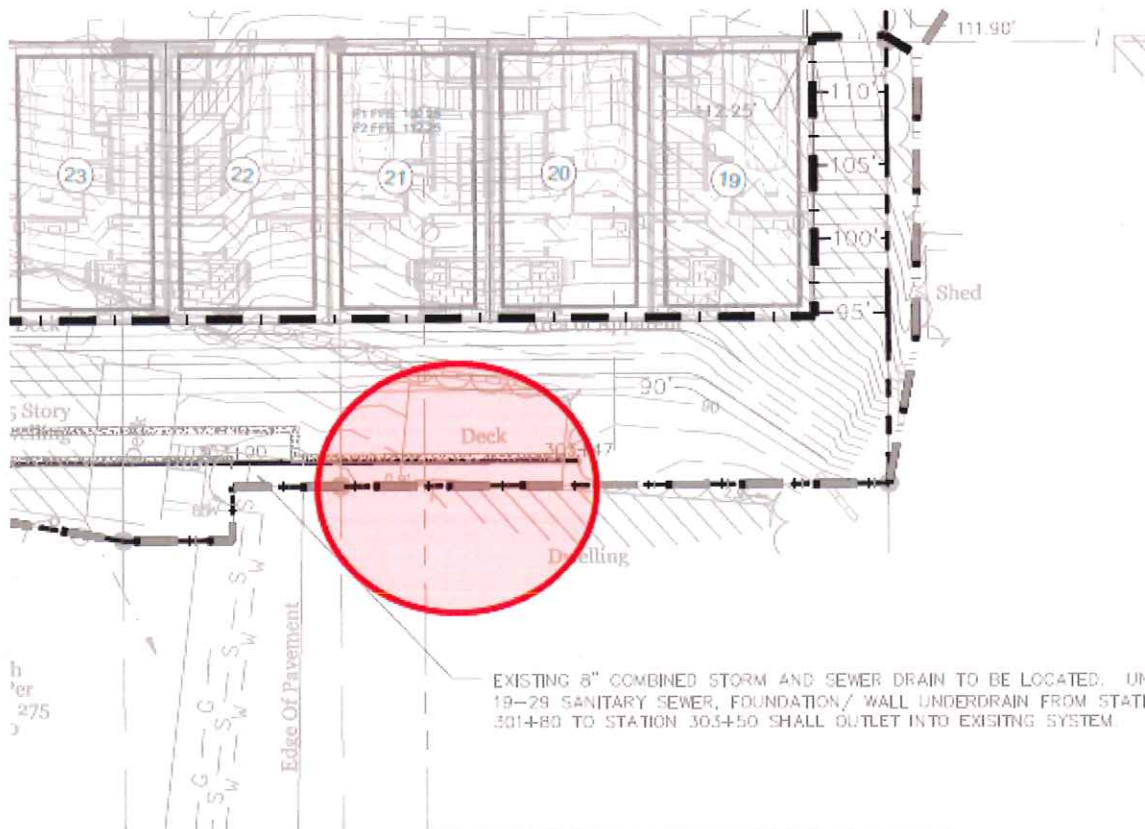
>>> "Austin, Ben" <Ben.Austin@tylertech.com> 12/4/2013 10:09 AM >>>

Hi Jean – thanks for sending the information along.

We're going to speak with Jonathan to get a clear understanding just how close the retaining wall will be from the corner of our building. I've tried to highlight the area of concern below of our property and proximity to the proposed wall.

I was wondering if there was someone you could direct me to in regards to finding out what the code says about setbacks in a scenario like this? I know walls/fences are treated differently, and it appears from his map that the corner of our building encroaches onto the property he has purchased, but I just want to be sure what is legal here. Is there a name you could give me to forward my inquiry to?

Thanks,  
Ben



**Ben Austin**  
 Senior Software Developer  
 P: 800.772.2260 ext. 4342

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Tuesday, December 03, 2013 3:53 PM  
**To:** Jean Fraser  
**Subject:** Fwd: PB Hearing 12.17.2013 re Munjoy Heights

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

>>> Jean Fraser 12/3/2013 3:40 PM >>>  
 Hello

I am sending this e-mail to those who have contacted the planning office about this project. I am writing to confirm that this project will be considered at a Planning Board hearing on **Tuesday, Dec 17th 7pm**. The Hearing follows a similar format as the Workshop (including a time for public comments) but at the end of the meeting the Board will vote on whether to approve the project and any conditions of approval.

Postcard notices of the hearing will also be sent to property owners in the vicinity. The final staff report and the applicant's submittal will be on the City's website on Friday 12.13.13.

The project is largely the same as presented to the PB workshop in November except regarding the stormwater and some landscape details. I have attached key plans and documents that have just been submitted for the final review and decision by the Planning Board. There are many more submitted plans re the architecture, structural design of the retaining walls, and civil engineering details- I have a paper and computer set that can be viewed in the Planning office (by appointment is best).

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Thank you  
Jean

*Jean Fraser, Planner*  
*City of Portland*  
874 8728

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## Jean Fraser - PB Hearing 12.17.2013 re Munjoy Heights

---

**From:** Jean Fraser  
**To:** Fraser, Jean  
**Date:** 12/3/2013 3:40 PM  
**Subject:** PB Hearing 12.17.2013 re Munjoy Heights  
**Attachments:** L1.0.pdf; L2.0.pdf; Final Sub Plat- Mujoy Heights 12.2.2013.pdf; C-10 Site Plan.pdf; Stormwater Report\_12-1-13.pdf; C-30 Grading\_Drainage\_EC Plan.pdf; Condo Declaration Munjoy Heights.pdf; Retaining Walls.jpg; Building sections with retaining walls.pdf

---

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Thank you  
Jean

Jean Fraser, Planner  
City of Portland  
874 8728

mailed to ms Scott 12.4.2013  
with all docs except Site Plan  
Stormwater Rpt  
Condo docs  
~~detail of retaining walls.~~

## Jean Fraser - Fwd: Blocks Analysis

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+

**From:** Caitlin Cameron  
**To:** Fraser, Jean  
**Date:** 10/8/2013 12:44 PM  
**Subject:** Fwd: Blocks Analysis  
**CC:** Jaegerman, Alex  
**Attachments:** Munjoy Heights Mews.pdf

---

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)

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<http://www.portlandmaine.gov/planning/undertheclocktower.asp>

>>> 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).



4

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>

The Vigorous North:

A field guide to the wilderness areas of American cities.

<http://www.vigorousnorth.com>

----- Forwarded message -----

From: **Jonathan Owens** <[jowensme@gmail.com](mailto:jowensme@gmail.com)>

Date: Wed, Aug 7, 2013 at 10:07 AM

Subject: Re: Blocks Analysis

To: Christian MilNeil <[c.neal.milneil@gmail.com](mailto:c.neal.milneil@gmail.com)>, [damon.yakovleff@gmail.com](mailto:damon.yakovleff@gmail.com), Peter Monro <[peter42@maine.rr.com](mailto:peter42@maine.rr.com)>

Guys,

This is an interesting case study for how the city will deal with improving connections through private developments. I applaud any and all new housing being built on the peninsula, though I don't believe these developers have given much thought to the outdoor space at the center of their development. Attached is my take on how the space should be organized, keeping in mind that our task at hand is improving street connectivity.

On Tue, Aug 6, 2013 at 12:31 PM, Christian MilNeil <[c.neal.milneil@gmail.com](mailto:c.neal.milneil@gmail.com)> wrote:

Wow, cool, thanks Jonathan.

So I recently learned about this proposed townhouse development on Munjoy Hill, at the north end of Sheridan Street where Portland Trails currently has a walking path that leads to the community garden:

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

It's germane to this conversation for a couple of reasons: Sheridan Street, currently a public right of way (where Jack Path runs) looks like it could be converted into more or less of a parking area and driveway, but it

will be held to the city's technical standards for street width (although it also looks like the developers are seeking a variance to only build sidewalks on one side of the street). And it also looks like the developers are planning to build on the public right of way of East Cove Street, which runs uphill from Washington Avenue and might otherwise be a nice pedestrian connection up the hill, as Marion Street is a block to the east.

Also, the site design could possibly be improved if the city allowed some variance in its design standards and required street width for the extension of Sheridan Street. What would it take to get this extension to look more like a woonerf, and less like an access driveway and parking area?

<http://christianmilneil.com>

The Vigorous North:

A field guide to the wilderness areas of American cities.

<http://www.vigorousnorth.com>

On Mon, Aug 5, 2013 at 11:08 AM, Jonathan Owens <[jowensme@gmail.com](mailto:jowensme@gmail.com)> wrote:

Hi Guys,

Here is a diagram breaking down Portland's connected block system. For me, the take away is the very walkable peninsula blocks at 350', and the not so walkable off-peninsula blocks at 690'. The 350' number is right where it should be for excellent connectivity. Note that a full 75% of peninsula blocks are 400' or less.

--

Jonathan Owens

a maine licensed landscape architect

[207 318-8679](tel:2073188679)

--

Jonathan Owens

a maine licensed landscape architect

[207 318-8679](tel:2073188679)



## Jean Fraser - Munjoy Heights: draft comments

---

**From:** Caitlin Cameron  
**To:** Fraser, Jean; Jaegerman, Alex  
**Date:** 10/15/2013 6:07 PM  
**Subject:** Munjoy Heights: draft comments

---

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 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 and not consistent with the massing of neighboring residential buildings having one additional story in height than is typical in this area. In the mews garage doors are predominant but the street is internal - ideally, the design development of the mews and the trail connection will bring activity to the private street. 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 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)

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<http://www.portlandmaine.gov/planning/undertheclocktower.asp>

# Dev Rev

- Merge comments
- Tom E "
- DM-P "

from mtg: trees / landscape

save

replacement (natural)

UTS.

Gardens (urban)

nodes re PT

dog walking

Connectivity

caudo but E Cove unpleasant.

status - public?

Tom  
Chris

Central area

meow ? file access / Tom  
Ped link

no sep veh / ped

oct 22

1st wkshop - overview

layout

key issues (access)

2nd mtg  
Nov

2nd wkshop -

trees / land / details

drainage

Itcarnig

Dec

**Jean Fraser - RE: todays meeting 2pm**

---

**From:** David Senus <dsenus@woodardcurran.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**Date:** 10/15/2013 10:49 AM  
**Subject:** RE: todays meeting 2pm

---

Thank you Jean, I will be there. I suggest asking them to bring catalogue images of the potential retaining wall systems that they are considering for the site. These will be prominent features on the site and it would be good for us to see the potential look/scale/texture of these wall systems.

I also suggest that they provide a general run through of their stormwater management approach for the site. I understand the type of system that they plan to propose, but it will provide good context for the other folks in the room.

FYI, the project's geotechnical engineer, Bill Peterlein (Summit), called me the other day to discuss my review comments. I know Bill from other project work. He wanted to know if I was asking for stamped retaining wall designs at this time; which we are not. Providing detailed/stamped wall designs at this phase could be costly if things on the site change as a result of development review comments and refining the design. Plus it requires the building foundation designs to be further advanced. I shared that we are looking for them to list the geotechnical design criteria, required design analyses, and a requirement for submittal of stamped plans prior to construction on their current design plans. During the Site Plan permitting phase, we are asking for general sections of the wall systems and an understand of the materials of construction; detailed stamped plans of the wall systems can be performed prior to issuance of a building permit. This is typical for other projects in the City. Often times the wall manufacturer directly hires an engineer to design the wall systems. He was on board with that approach.

Thanks

Dave

David Senus, PE (Maine), Project Manager  
Woodard & Curran, Inc.  
41 Hutchins Drive  
Portland, ME 04102  
Phone: (800) 426-4262 x3241  
Cell: (207) 210-7035  
Fax: (207) 774-6635

Woodard & Curran  
[www.woodardcurran.com](http://www.woodardcurran.com)  
Commitment & Integrity Drive Results

---

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Tuesday, October 15, 2013 10:28 AM  
**To:** David Senus  
**Subject:** todays meeting 2pm

Dave

Alex and I would like you to attend- both re potential stormwater issues and the geotechnical issues related to the retaining walls. You probably don't need to stay for all of it but as the meeting was requested by the applicant I am not sure how its going to go. He knows he is covering your fees and is fine with that..

Will Savage called and asked if there was any additional info that he should bring to the meeting today- is thee anything else (that he could bring) that would help you understand/evaluate the proposals?

thanks  
Jean

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mp - clar. end/conn PT  
view from E Cove

node - makeatt  
remove pkg  
spaces.

bench/boulders  
PT sign.

## Jean Fraser - Munjoy Heights

---

**From:** Kevin Donoghue <kjdonoghue@portlandmaine.gov>  
**To:** Jeff Levine <JLEVINE@portlandmaine.gov>, Barbara Barhydt <BAB@portlandma...>  
**Date:** 10/8/2013 10:55 AM  
**Subject:** Munjoy Heights  
**CC:** Michael Brennan <mfpb@portlandmaine.gov>

---

Dear Members of the Planning Board,

I am very supportive of new residential development in Portland and on Munjoy Hill. I am also pleased when the demands of the demographic that appears to be dominating the real estate market, upscale boomers seeking to downsize and urbanize, are met through new construction rather than the conversion of apartment buildings. I also understand that the City and its Land Bank have not acted to preserve the northern end of the Sheridan Street right-of-way and adjacent development lots. Nevertheless, I see Munjoy Heights as a high-impact development that needs careful review by the planning board, namely for the purposes of tree preservation, pedestrian environment, pedestrian connectivity, and neighborhood character.

As you know, this is a wooded area accessible and passable by the "Jack Path." It is reasonable that the footprints of building will result in the loss of trees. It is also understandable that paved access will eliminate many others. It is less acceptable that the retaining wall considered necessary to support the twenty-nine townhouses on this steep hillside remove so many more trees, not for the purposes of development or access to that development, but to make the land more development-ready, at the cost of significant site disturbances well beyond that related directly to the residences. I hope you will consider what level of site disturbance, and loss of foliage, is appropriate for the maximization of development of this site that is otherwise enjoyed by the neighborhood. Can much more be done to preserve trees under this development program? If not, it may not be the appropriate development program.

Users of the trail currently enjoy direct access through the site with adequate shade and without much in the way of curb cuts. The current site design offers a much less direct passage, with the private sidewalk deviating from the direct shot into the extant trail and interrupted by regular undulations associated with curb cuts for garages. Lastly, the site design shows a crosswalk inside the site to correct for the indirectness of the pedestrian access. This could be much improved upon, perhaps by providing pedestrian access through the center of the access way away from the residences and their frequency garage doors.

East Cove Street connectivity is also something which should be evaluated and particularly whether better access to the could be had to the business district on Washington Avenue. It may be that an alternative clustering of the townhouses would allow for a meaningful connection as are called for in the 1993 Transportation Plan.



Finally, and perhaps inconsequentially, the townhouses read to me somewhat monotonously, sooner a cousin of seasonal condos near ski resorts. I hope that these are regularly-occupied residences that strengthen the neighborhood *and engage the street* and not getaways for owners of multiple homes willing to sacrifice character for convenience and well-defended space. Regardless, site disturbances, tree loss, interruption of pedestrian movement, are all something that deserve your attention and full application of your regulatory tools.

Thank you,  
Kevin Donoghue  
75 Beckett St

Manege - Subdivision of

~~Manege~~

Munjoy Heights

PRUD  
not allowed  
in R.L. so this  
is m/f.


PRUD

lot lines?

- Traffic/Access/Drive - turning
- need 2 way at end
- narrower?

- sidewalk - other options
- need for private space by doors

OK

- ~~PT~~ delineated + link for residents
- examples from Caithlin
-  connectivity E. Cove St.

- design - walnut st  
Drewts  
welcoming public?

- stormwater - concerns re quality given hill

- Trees - other subdvs - tree saves etc.  
scale of dev or stabilization approach

lot # 30.

- Retaining walls

- Snow storage

- loss of on-sheet parking

- sheet - all private as from walnut

Fire - hydrants  
- turning for trucks  
- 20' for access + set up.

~~Fire~~

Jonathan Culley  
tel conv. 10-7-2013

confirmed 1st item  
(\*) 2nd.  
seeking Nov 26<sup>th</sup> Hearing

April pre-app. Barbara & Alex  
① parcels <sup>encls</sup> 1 partial (waterhouse)

128 R. N. street is the house w/  
reconfigured lot

— sketch of lots / draft sub Div Plat (add in  
= site plan superimposed on aerial so  
Lot #30 + demos)

w/bsite  
— Munyonheights.com.

can see context -  
trees  
connectivity

Mary involved re setbacks

David M-P re stormwater

for wed afternoon - promised JC status report

didn't ask re Frio

need details retaining walls/fences

Pickup  
wed  
pm.

Mtg w/ JC Tues.

	10	11	12	1	2	3
Jeff L.	✓	X	X	✓	✓	X
Slex	X	X	X	✓	✓	✓
Caithin	X	✓	✓	✓	✓	✓
Jeff T.		"anytime"				
Sean		"anytime"				
Dave S	✓	✓	✓	X	✓	✓

Premiere. Fri

Caithin  
Slex  
Jeff T.

AM before 2

late Fri 3:30 onward

anytime

from JC team-

J Culley

Wes Savage

(Eng)

Ryan Senatore

(Arch)

Soren DeNiord

(LA)

Tom Jewell.

(Att)

## Jean Fraser - Munjoy Heights

---

**From:** Jean Fraser  
**To:** jonathan@redfernproperties.com  
**Date:** 10/4/2013 3:57 PM  
**Subject:** Munjoy Heights  
**Attachments:** Notice to neighbors - 10.1.2013 79 Walnut Street.rtf

---

Hello Jonathan,

I was sure you had said (from truck!) that you had left me a voice message but I don't have a voice message from you.

Anyway, I am compiling a list of questions that I would like to discuss with you on Monday afternoon - not review comments, but points of clarification. For example, I attach the notice (drafted by Barbara) that has gone to neighbors and I have had some queries about the last line (re the reconfigured lot). Also I would be interested to know what discussions have taken place with Portland Trails. I hope to have more substantive review comments on Wednesday after our Development Review meeting.

I am starting to get some public comments and I anticipate some concerns; I think some of them will go away once folks have more complete information but some are probably going to require considerably more information ie about the loss of trees - Plan C-10 refers to a small triangle of retained wooded area with a note that says "remainder of area to be cleared to the property line"- and given our ordinance requirement to retain 30% of the existing trees 10" dbh or greater in the setback areas this will be an obvious area of further discussion.

Hope to talk with you on Monday- if the afternoon is not convenient let me know a better time.

Thank you  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

Initial points - Murray Heights

Jordis 10-2-13 DeWen

- till to Shendean
- 3-4 stories
- waivers - public transit facility  
bike parking  
street trees
- bicycle parking ←
- access - hill - ex. parking  
loss of ↑
- Portland Trails
- R6 design to Walnut? (Jack path on  
Bike Ped comp plan  
map?)
- retaining walls near ex. houses  
issues as for 72 Walnut
- Stormwater - duplex not allowed  
to be in so why 29 allowed?
- loss of ex. vegetation - retaining walls +  
grading in setbacks

**Jean Fraser - Munjoy Heights - 79 Walnut St #2013-228**

**From:** Jean Fraser  
**To:** Cameron, Caitlin; DSenus@woodardcurran.com; Errico, Thomas; Jaegerman...  
**Date:** 10/4/2013 3:23 PM  
**Subject:** Munjoy Heights - 79 Walnut St #2013-228  
**Attachments:** Munjoy Heights Plan Set 9.27.2013.pdf

Hello all:

This was distributed on Oct 1 and will be considered by the Planning Board at a Workshop on Oct 22. Its in e-plan and I also attach the Plan Set (arch plans first)

I am preparing a list of questions (not exactly review comments but clarification/confirmation of proposals) and will be discussing these with the applicant on monday afternoon- so please let me know if you have any questions of clarification etc asap.

Here are a few of the issues that I have identified (no doubt there are more!!) that we need to clarify and probably discuss at Dev Rev on Oct 9th:

- Note this is site plan and subdivision
- Fire access- can apparatus get around at the cul de sac?
- Retaining walls are 20+ feet in several locations
- Plan C-10 shows lot is cleared of all vegetation to the property boundaries except for a small corner area- no tree analysis included
- since most of the drive is private, maybe a "woonerf" approach would be preferable - see <http://www.greeninfrastructurewiki.com/page/Woonerf>
- note they request waiver of public transit requirement- not sure if ordinance applies in this case
- stormwater- I recall we were unwilling to allow the duplex at 72 Walnut to discharge into Walnuts combined system so not sure why its OK for this project to do so- why aren't they being asked to contribute to the new separated system; will they be putting a separated system (in their part of Sheridan) which can be temporarily combined? (or maybe that is what is planned- submitted stormwater memo isn't clear)
- Lot #30 (existing house on reconfigured lot)- not sure where its street frontage and access is located
- Why can't this connect to East Cover Street or North Street as per subdivision ordinance connectivity? (Maybe the Portland Trail connection will help re that- I am meeting with Portland Trails next week and wonder if some of you would like to join me- no date/time yet agreed)
- The Jack Path (Portland Trail) across this site is not shown on the Ped and Bicycle Comp Plan Map just adopted 2012.
- R6 design standards apply- note elevation onto Walnut is ????
- Housing Replacement- need to reply to applicants letter (in e-plan)
- Loss of existing parking on Walnut Street to achieve sight lines

*Units 19-29 combined with E Cover St.*

*but Walnut elev problematic & multiple fam guidelines*

thanks  
Jean

*Which units where  
Demo plan  
(contours) retaining walls - ? fence  
newer of hill re subdiv "scenic beauty"*

**From:** Jennifer Yeaton  
**To:** Jennifer Yeaton  
**CC:** Jean Fraser; Lannie Dobson  
**Date:** 10/1/2013 8:46 AM  
**Subject:** Notice - 79 Walnut Street

### **79 Walnut Street**

To residents and property owners: A Level 3: Preliminary Site Plan and Subdivision application was submitted to the City of Portland Planning Division by Redfern Munjoy LLC. The applicant is proposing a 29 unit residential development. The site is 69,288 sq. ft. and the proposal includes extending a private accessway from Walnut Street to serve the 29 townhomes. Parking is proposed in garages and on site for 34 vehicles. Two (2) residential buildings with a total of five (5) units are proposed to be demolished and a third home would be retained on a reconfigured lot with access from North Street.

In accordance with the Portland Land Use Ordinance, notices of receipt of a Level 3: Site Plan application must be sent to property owners located within 500 ft. of the subject property.

You will be notified of future Planning Board meetings by receiving notices from the Planning Division prior to any workshops or public hearings. Plans are available for viewing in the Portland Planning Division, 4th Floor, City Hall. If you have questions or would like to submit comments, please call Jean Fraser, Planner, at 874-8728 or [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov)

***This message is provided by the Portland Planning Division to individuals who have requested information about planning and development in Portland. If you do not wish to receive these messages, please reply to sender to request removal.***

Jennifer Yeaton, Office Manager  
Planning and Urban Development  
City of Portland  
389 Congress St., 4th Floor  
Portland ME 04101  
[jmy@portlandmaine.gov](mailto:jmy@portlandmaine.gov)  
(207)874-8719  
(207)756-8258 (fax)

from  
Barbara //





P.O. Box 8816  
Portland, ME 04104  
Office: 207-221-5746  
Fax: 207-221-2822  
[www.redfernproperties.com](http://www.redfernproperties.com)

September 30, 2013

Barbara Barhydt  
City of Portland  
Planning Division  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101

Re: Munjoy Heights/Housing Replacement Ordinance

Dear Barbara:

This letter should serve as an Addendum to the Munjoy Heights Site Plan Application submitted earlier today.

Our plan contemplates the demolition of two structures, a multi-family building at 79 Walnut Street and a single-family house at 1 East Cove Street. We believe that the house at 79 Walnut Street is a legal four unit dwelling. Thus, it is our understanding that five housing units will be demolished. These five housing units will be replaced with the 29 new residential units, for a net addition of 24 housing units. We understand that our development may trigger certain provisions of the Housing Replacement Ordinance.

We look forward to working with the Planning Division to better understand how this project is impacted by the Housing Replacement Ordinance. Thank you.

Sincerely,

Jonathan Culley

A handwritten signature in blue ink, appearing to read "Jonathan Culley", is written over the printed name.

rec'd 9-30-13

## AGREEMENT FOR THE PURCHASE AND SALE OF REAL ESTATE

AGREEMENT made as of this 1st day of October, 2013 by and between Raymond H. Waterhouse and Alina Waterhouse, with a mailing address of 105 Partridge Circle, Portland, Maine 04102, (the "Seller") and Redfern Munjoy LLC, or assignee, with a mailing address of P.O. Box 8816, Portland, Maine 04104 (the "Buyer")

WHEREAS, the parties desire to enter into this Agreement for the purchase and sale of certain real estate identified below, in accordance with the following terms and conditions;

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. PREMISES. Seller agrees to sell and Buyer agrees to buy the land situated between Washington Avenue and Sheridan Street, Portland, Maine, consisting of 1,899 square feet, and more particularly described on Exhibit A attached hereto.

(a) Personal Property. No items of personal property are included with the Premises. All personal property shall be removed from the property prior to closing. Any personal property left on the Premises following closing shall be deemed abandoned and of no value and may be disposed of at Buyer's discretion. Except as otherwise set forth in this paragraph, Buyer and Seller agree that no portion of the Purchase Price, defined below, shall be attributable to any personal property.

2. PURCHASE PRICE. Subject to any adjustments and prorations hereinafter described, Buyer agrees to pay for the Premises the sum of ~~\_\_\_\_\_~~ (the "Purchase Price") payable as follows:

(a) Deposit. The sum of ~~Ten Thousand Dollars (\$10,000.00)~~ (the "Deposit") shall be deposited with Escrow Agent within three (3) business days of the effective date of this Agreement ("Escrow Agent") as an earnest money deposit to be credited against the purchase price at the closing. Seller's attorney shall act as Escrow Agent.

(b) Cash at Closing. The balance of the purchase price, ~~\_\_\_\_\_~~ shall be paid by wire transfer, certified check or local bank cashier's check at the closing.

3. TITLE. Seller shall convey the Premises to Buyer at the closing by warranty deed, free and clear of all liens and encumbrances except customary utility easements of record which do not adversely affect the use of the Premises. In the event that Seller is unable to convey title as aforesaid, Seller shall be given a reasonable period of time, not to exceed thirty (30) days from Buyer's notice to Seller thereof (the "Cure Period"), in which to remedy any title defects. In the event that said defects cannot be corrected or remedied within the Cure Period, or in the event that Seller elects not to remedy same, the Deposit shall be returned to Buyer and this Agreement will terminate. Notwithstanding any of the foregoing, Buyer may, at Buyer's option, elect to close regardless of the existence of any such defects, by providing Seller with written notice of such election within ten (10) days following the expiration of the Cure Period.

4. CLOSING. The closing of this transaction shall take place on or before, at buyer's election, the 15th day of December, 2013 (the "Closing Date"), at the Buyer's Attorney's office or, if the Buyer and the Seller shall mutually agree in advance, at another time and place. At the closing, Seller shall execute and deliver to Buyer, against payment of the balance of the purchase price, a Warranty Deed to the Premises with full Warranty Covenants.

4.1 Option to Extend. Buyer shall have the right to extend the closing date by 60 days from December 15th, 2013, provided it furnishes Escrow Agent an additional deposit of Ten Thousand Dollars (\$10,000.00), which shall be added to and become a part of the Deposit.

5. ADJUSTMENTS, PRORATIONS AND CLOSING COSTS.

(a) The Maine real estate transfer tax shall be paid by Seller and Buyer in accordance with 36 M.R.S.A. § 4641-A.

(b) The recording fee for the deed of conveyance and any expenses related to any mortgage which Buyer may grant to a lender in connection with this transaction shall be paid for by Buyer.

(c) A portion of the purchase price shall be withheld by Buyer at closing if required by 36 M.R.S.A. § 5250-A.

6. POSSESSION. Seller shall deliver possession of the Premises to Buyer at the closing, free of all personal property, leases, tenancies or occupancies by any person, unless otherwise agreed to in writing by Buyer and Seller.

Rec'd 10-1-13 W. P.D.

7. DEFAULT; REMEDIES. In the event of default by Seller, Buyer shall have all remedies available at law and equity. In the event that Buyer defaults in the performance of its obligations under this Agreement, Seller shall retain the Deposit as full and complete liquidated damages in lieu of any other legal or equitable remedy, and this Agreement will terminate and neither party will be under any further obligation hereunder.

8. BROKERAGE. There is no real estate broker involved in this transaction.

9. DISPUTE. Any dispute or claim arising from or relating to this Agreement or the Premises shall be submitted to binding arbitration in accordance with the rules of the American Arbitration Association, which shall take place in Portland, Maine. This clause shall survive the closing.

10. REPRESENTATIONS AND WARRANTIES OF SELLER. Seller represents and warrants to Buyer that, to the best of Seller's knowledge, but without any investigation by Seller, there is no existing violation of any environmental law, ordinance, or regulation applicable to the Premises, including without limitation any violation concerning hazardous, toxic, or waste substances or materials on the Premises.

11. INVESTIGATIONS. Buyer shall have the right to access the Premises to conduct soil and percolation testing.

12. MISCELLANEOUS.

(a) Time. Time is of the essence of this Agreement.

(b) Notices. All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after mailing if mailed to the party to whom notice is to be given by first class mail, postage prepaid, registered or certified, return receipt requested, to the address set forth in the first paragraph of this Agreement, unless otherwise indicated as follows:

TO SELLER: Raymond and Alina Waterhouse, 105 Partridge Circle, Portland, ME 04102, with a copy to Michael J. Quinlan, Esq., Jensen Baird Gardner & Henry, 10 Free Street, Portland, ME 04101.

TO BUYER: Jonathan Culley, Redfern Properties LLC, P.O. Box 8816, Portland, Maine 04104

Either party may change its address for purposes of this subparagraph by giving the other party notice of the new address in the manner described herein.

(c) Effective Date. This Agreement is a binding contract when signed by both Buyer and Seller and when that fact has been communicated which shall be the Effective Date. Except as expressly set forth to the contrary, the use of the term "days" in this Agreement, including all addenda made a part hereof, shall mean business days defined as excluding Saturdays, Sundays and any observed Maine State/Federal holidays. Deadlines in this Agreement, including all addenda, expressed as "within X days" shall be counted from the Effective Date, unless another starting date is expressly set forth, beginning with the first day after the Effective Date, or such other established starting date, and ending at 5:00 p.m. Eastern Time on the last day counted. Unless expressly stated to the contrary, deadlines in this Agreement, including all addenda, expressed as a specific date shall end at 5:00 p.m. Eastern Time on such date.

(d) Entire Agreement. This Agreement constitutes the entire agreement between Seller and Buyer and there are no agreements, understandings, warranties or representations between Buyer and Seller except as set forth herein.

(e) Binding Effect. This Agreement will inure to the benefit of and bind the respective heirs, personal representatives, successors and assigns of Seller and Buyer.

(f) Identical Counterparts. This Agreement may be simultaneously executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, but all of which together shall constitute one and the same instrument.

(g) Authorization. The parties authorize the disclosure of the terms of this Agreement to any attorney, title company, appraiser, lender, insurance agent, inspector, municipal officer, or other person(s) who may facilitate the closing of this transaction.

(h) Construction. As used in this Agreement, the singular number shall include the plural, the plural the singular, and the use of one gender shall be deemed applicable to all genders.

(i) Choice of Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Maine.

(j) Amendments. This Agreement shall not be amended except by written instrument executed by Seller and Buyer.

BY signing below, the Buyer(s) agree to purchase the Premises upon the above terms and conditions in this Agreement.

October 1, 2017  
DATE

[Signature]  
Redfern Munjoy LLC:  
By: Jonathan Culley  
Title: Member

BY signing below, the Seller accepts the offer of the Buyer(s) and agrees to sell and deliver the premises upon the above terms and conditions in this Agreement.

9/30/13  
DATE  
9/30/13  
DATE

[Signature]  
Raymond H. Waterhouse  
[Signature]  
Alina Waterhouse

AGREEMENT OF ESCROW AGENT. Escrow Agent by executing this Agreement agrees to hold the Deposit in a/an [ ] interest [ X ] non-interest bearing bank account to be disbursed in accordance with the terms of this Agreement.

9/30/13  
DATE

[Signature]  
Escrow Agent/Print Name: Michael J. Quinlan, Esq.  
Jensen Baird Gardner & Henry

Exhibit A

# Nadeau Land Surveys

Professional Land Surveyors  
Certified Floodplain Managers

## Exhibit Sketch For Proposed Conveyance

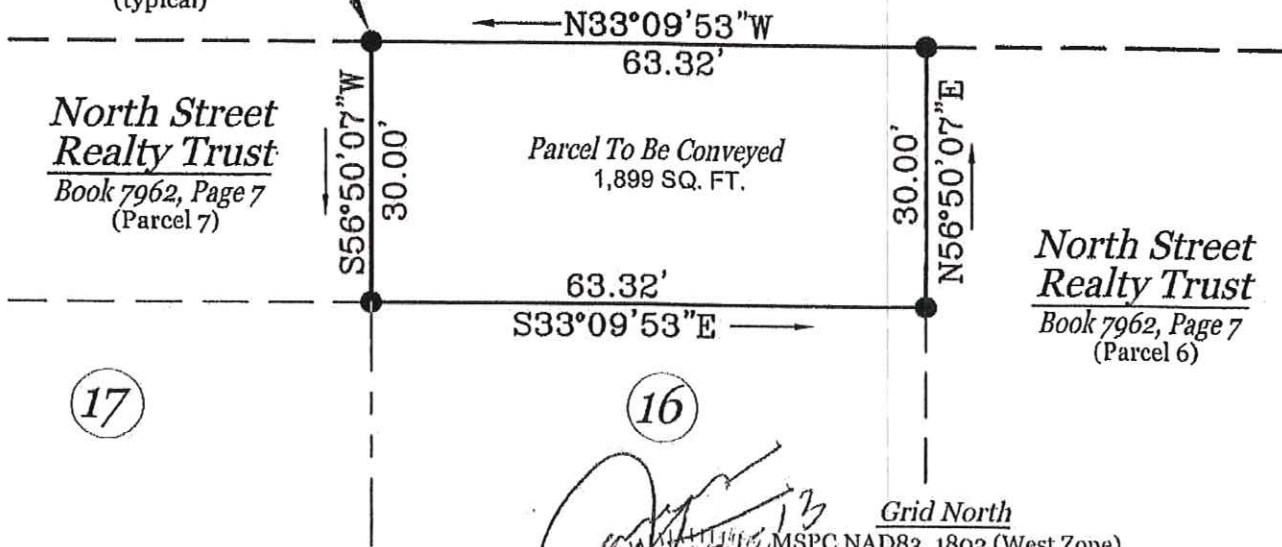
Raymond H. & Alina Waterhouse to Redfern Properties, LLC  
Sheridan Street, Portland, Maine  
1" = 20' July 31, 2013 Job #2131381

Lot numbers based on Subdivision Of Lot #1 On Mountjoy's Neck For Little, Weeks, And Moody, dated February 17, 1802 and recorded March 24, 1802 in CCRD Book 36, Page 247, and Re-Survey, dated June 1876 by E.C. Jordan, C.E., City of Portland Engineering Plans 370/6 and 386/28.

## Sheridan Street

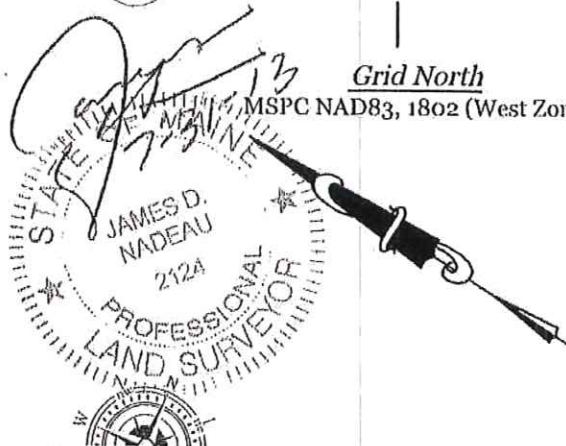
To Walnut Street →

#5 Steel Rebar w/Survey  
Cap #2124 To Be Set  
(typical)



17

16



918 Brighton Avenue  
Portland, Maine 04102

www.nadeaulandsurveys.com

Phone (207) 878-7870  
Fax (207) 878-7871

# Nadeau Land Surveys

Professional Land Surveyors  
Certified Floodplain Managers

Proposed Description For A Deed

Raymond H. Waterhouse and Alina Waterhouse

To

Redfern Properties, LLC  
(2131381D1)

A certain lot or parcel of land situated on the southwesterly sideline of Sheridan Street (f/k/a Poplar Street), in the City of Portland, County of Cumberland, and State of Maine, being more particularly bounded and described as follows:

Beginning at a #5 steel rebar with survey cap #2124 to be set on the apparent southwesterly sideline of Sheridan Street, at the easterly corner of the herein described parcel, also being the easterly corner of land described in a deed from Raymond H. Waterhouse and Alina Waterhouse to Raymond H. Waterhouse and Alina Waterhouse, dated September 14, 2007, recorded at the Cumberland County Registry of Deeds (CCRD) in Book 25470, Page 272, and the northerly corner of the sixth parcel of land described in a deed from Leonard J. Regan and Francis J. Regan to Daniel W. Hourihan as Trustee of the North Street Realty Trust, dated September 8, 1987, recorded in CCRD Book 7962, Page 7, and depicted on a sketch entitled "Exhibit Sketch For Proposed Conveyance, Raymond H. & Alina Waterhouse to Redfern Properties, LLC, Sheridan Street, Portland, Maine", dated July 31, 2013 by Nadeau Land Surveys, Portland, Maine;

Thence N33°09'53"W along said southwesterly sideline of Sheridan Street, a distance of sixty-three and thirty-two hundredths (63.32') feet to a #5 steel rebar with survey cap #2124 to be set at the northerly corner of the herein described parcel, and the easterly corner of the seventh parcel described in said CCRD Book 7962, Page 7;

Thence S56°50'07"W along said seventh parcel of land of North Street Realty Trust, a distance of thirty and no hundredths (30.00') feet to a #5 steel rebar with survey cap #2124 to be set at the westerly corner of the herein described parcel and the southerly corner of said seventh parcel, at remaining land of the herein grantors;

Thence S33°09'53"E along said remaining land of the herein grantors, a distance of sixty-three and thirty-two hundredths (63.32') feet to the southerly corner of the herein described parcel on the northwesterly sideline of said sixth parcel of land described in said CCRD Book 7962, Page 7;

Thence N56°50'07"E along said sixth parcel, a distance of thirty and no hundredths (30.00') feet to the point of beginning.

Total area of the herein described parcel equals 1,899 square feet (0.04 acre). The bearings in this description are based on Grid North, MSPC NAD83, 1802 (West Zone).

Meaning and intending to describe a portion of land described in a deed from Raymond H. Waterhouse and Alina Waterhouse to Raymond H. Waterhouse and Alina Waterhouse, dated September 14, 2007, recorded at the Cumberland County Registry of Deeds in Book 25470, Page 272, and being the northeasterly thirty (30') feet of Lot 16 depicted on a plan for Little Weeks, and Moody, dated February 17, 1802 and recorded March 24, 1802 in CCRD Book 36, Page 247.

918 Brighton Avenue  
Portland, Maine 04102

www.nadeaulandsurveys.com



Phone (207) 878-7870  
Fax (207) 878-7871

**Jean Fraser - Portland Trails re: Munjoy Heights**

---

**From:** Jaime Parker <jaime@trails.org>  
**To:** <jf@portlandmaine.gov>, Kara Wooldrik <kara@trails.org>  
**Date:** 10/1/2013 10:05 AM  
**Subject:** Portland Trails re: Munjoy Heights

---

Hi Jean,

We just got the notice on the Munjoy Heights development and wanted to touch base with you. As you know this is the site of Portland Trails 'Jack Path' trail. We have had 2 meetings with Jonathan Culley and his team and have provided feedback on how pedestrian passage through the new street could be maintained and other aspects of the project. We'd welcome the opportunity to meet with you to review the plans as submitted, and offer some thoughts on connectivity and the design.

If there is a time in the next week or two that works for you Kara and I would be happy to come to City Hall, or have you here at our office if you prefer.

Thanks so much,

Jaime

--

Jaime Parker  
Trails Manager  
Portland Trails  
[jaime@trails.org](mailto:jaime@trails.org)  
329.6180

Non Sibi, Sed Omnibus

**79 Walnut Street**

To residents and property owners: A Level 3: Preliminary Site Plan and Subdivision application was submitted to the City of Portland Planning Division by Redfern Munjoy LLC. The applicant is proposing a 29 unit residential development. The site is 69,288 sq. ft. and the proposal includes extending a private accessway from Walnut Street to serve the 29 townhomes. Parking is proposed in garages and on site for 34 vehicles. Two (2) residential buildings with a total of five (5) units are proposed to be demolished and a third home would be retained on a reconfigured lot with access from North Street. In accordance with the Portland Land Use Ordinance, notices of receipt of a Level 3: Site Plan application must be sent to property owners located within 500 ft. of the subject property.

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## Jean Fraser - Portland Trails re: Munjoy Heights

---

**From:** Jean Fraser  
**To:** Parker, Jaime  
**Date:** 10/1/2013 4:19 PM  
**Subject:** Portland Trails re: Munjoy Heights  
**CC:** Wooldrik, Kara

---

Hi Jaime

I have just had the paperwork and plans land on my desk but I am generally familiar with the area.

Have you already seen the plans they submitted? If not, I can send a few pdfs by e-mail.

This will be going to the Planning Board as a Workshop item on Tuesday October 22, 2013, so any written comments for inclusion in the packet to the Board would need to be with me by about Oct 15th-16th.

I am fairly free for a meeting next week except for Tuesday and Wednesday mornings; Monday or tuesday afternoon might be best as then I could discuss your comments and thoughts with my colleagues (traffic reviewer, DPS, City Arborist etc) on Wednesday morning at our regular development review meeting. Either location is fine (are you still on Commercial Street?).

thank you  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

>>> Jaime Parker <jaime@trails.org> 10/1/2013 10:04 AM >>>

Hi Jean,

We just got the notice on the Munjoy Heights development and wanted to touch base with you. As you know this is the site of Portland Trails 'Jack Path' trail. We have had 2 meetings with Jonathan Culley and his team and have provided feedback on how pedestrian passage through the new street could be maintained and other aspects of the project. We'd welcome the opportunity to meet with you to review the plans as submitted, and offer some thoughts on connectivity and the design.

If there is a time in the next week or two that works for you Kara and I would be happy to come to City Hall, or have you here at our office if you prefer.

Thanks so much,

Jaime



--

Jaime Parker  
Trails Manager  
Portland Trails  
[jaime@trails.org](mailto:jaime@trails.org)  
329.6180

Non Sibi, Sed Omnibus

**79 Walnut Street**

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## Jean Fraser - Munjoy Heights- Woonerf issues

---

**From:** Jean Fraser  
**To:** Cameron, Caitlin; Errico, Thomas; Jaegerman, Alex; Margolis-Pineo, Da...  
**Date:** 11/13/2013 5:59 PM  
**Subject:** Munjoy Heights- Woonerf issues  
**CC:** Barhydt, Barbara  
**Attachments:** 131112\_MUNJOY HEIGHTS LANDSCAPE PLAN.jpg; Tree Report.docx; C-10 Site Plan.pdf; Snow Storage Plan\_11-12-13.pdf; 11.13.13 Revised Boundary survey.pdf; 131112\_munjoy woonerf\_view 1.pdf

---

Hello all:

I am following up the meeting we had last week to consider the "woonerf" design and related issues.

Jonathan and Co have submitted revised plans and details; these are currently being reviewed and will be considered by the Planning Board Workshop on Nov 26th (afternoon). I have attached a few of the revised plans that relate to the "woonerf" issues- all are in e-plan and the scaled plans are in a folder obvious on my desk to left of computer (I am out of the office tomorrow).

The designer has confirmed that this plan accommodates the same turning templates (for fire apparatus and access) as the plan we saw at the meeting.

I have sent Portland Trails most of the submitted plans.

Please let me know if you have any questions that you would like answered this week as I will be following up on Friday with the applicant- please note I have already requested a landscape plan that includes replacement planting/buffer planting/reinstatement planting around the periphery of the site. (see the Tree Report which identifies a few large non-Norway maples but is from an ecological angle and not taking the "scenic" aspect into account).

I will be completing the PB Memo next Wed/Thursday and would like to know if the latest plans are basically OK.

thanks  
Jean

**Jean Fraser - Munjoy Heights**

---

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

---

Public comment  
Munjoy Heights.

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 - Status re Munjoy Heights submissions

---

**From:** Jean Fraser  
**To:** Culley, Jonathan  
**Date:** 11/13/2013 1:09 PM  
**Subject:** Status re Munjoy Heights submissions  
**CC:** Deniord, Soren; Savage, Will

---

Jonathan

Firstly to confirm that the Workshop will be on Nov 26th in the afternoon- I will confirm the time asap. We are reserving a slot for the Hearing on this project on Dec 17th (otherwise it would be in January).

The reason for the pressure on having fairly developed plans at this stage is that you do not have the required 3 week window between the Workshop and Hearing (ie for the Hearing we usually require plans to be submitted 3 weeks before the date of the hearing, which would be Nov 26th.)

So in order for us to cut that requirement, the plans for the Workshop need to be virtually final, and need to include a more comprehensive **Landscape Plan** (see my e-mail to Soren and comments below) and the **Subdivision Plat** (and we need a stamped **boundary survey**).. These need to be with us "yesterday" so urgently please.

The **Landscape Plan** should also address Jeff Tarlings comments re usable open space; if usable open space as he suggests is not proposed, and you might want to explain why since provision of open space is a subdivision issue and also mentioned in the design standards for multi-family developments. Also lighting and fencing need to be included in the **Landscape Plan**.

The **Subdivision Plat** needs to include the entirety of the final Maxwell Lot and the proposals for it in terms of any new building and its access and parking. It is (by State Law) part of the subdivision and would be Lot #30; and needs to show the proposals to almost to the same level of detail as for the rest of the subdivision and be included on all the plans. All of the data should include that lot, even if its broken out.

Thank you for the site plan for the Maxwell site that Will sent; it was discussed today with Marge Schmuckal and partially addresses her zoning comments but we are not clear whether the existing building is to be demolished and how frontage and housing replacement is being addressed if it is demolished. I don't think Marge's question re the front setback for Lot 1 has been addressed.

The other reviewers are currently looking at the plans and will let me know if any further questions this week. I will follow up on this e-mail once reviewers have had a chance to look more closely at the submissions.

One last issue for discussion later this week- the RTI issues re the paper streets and the scope/feasibility of East Cove Street being a link to provide connectivity (which I appreciate you are liaising with Jaime Parker of PT on). I am awaiting the Legal Department on this but should have their input soon.

I will be forwarding most of the submission to Portland Trails for their comment (if they care to make written comment).

Please send one set of the plans at scale and one set 11X17; we still have the requirement for a paper set at this time.

Please do not hesitate to call if any questions. Please note that I am out of the office tomorrow but in the office on Friday.

Thank you.

Jean

*Jean Fraser, Planner*  
*City of Portland*  
874 8728

## Jean Fraser - Acorn Engineering - Workshop #2 Civil Plan & Reports Update

---

**From:** William Savage <wsavage@acorn-engineering.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>, Dave Senus  
 <dsenus@woodardcurran.com>  
**Date:** 11/13/2013 12:07 PM  
**Subject:** Acorn Engineering - Workshop #2 Civil Plan & Reports Update  
**CC:** "Jonathan Culley (jonathan@redfernproperties.com)"  
 <jonathan@redfernprop...

---

Jean,

Thank-you for your flexibility, input and collaboration on this exciting project. The goal of Acorn's preliminary submission was to provide a general overview of the engineering means and methods that would be used for future submissions. The goal of the Workshop #2 submission, was to respond to the feedback from concerned citizens, City Staff, peer review engineer and project team members. With such feedback, the plans were revised to provide a much greater level of detail.

The following is a brief summary of the reports and plans submitted as part of Acorn Engineering Workshop #2 Civil Plan Set.

### Reports:

- Stormwater Management Report with Pre/Post Watershed Maps, Calculations, Soils Evaluation, and Stormwater O&M Plan.
- Erosion and Sedimentation Control Report (and Plan) – Report includes a proposed schedule of construction to contain the soils onsite.

### Plans:

- C-01 Cover Sheet - Revised
- C-02 Addition of a sheet specifically for notes
- C-10 Site Plan -
  - Revised based upon the Landscape and Woonerf Design. Changes Site Plan and layout include:
    - Connection (ramp, stairs) to East Cove Street
    - Western Stairs to Jack Path
    - Revised down gradient retaining wall location
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    - Bike Parking
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    - To include preliminary sewer and storm drain cross-sections
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    - Updated to include the elimination of approx. 100 ft of wall behind and to the side of units 19 and 20.
    - Updated to include the East Cove trail.
  - C-40 to C-46 - Detail Sheets– Addition of Detail Sheets to the Plan Set. Detail sheet specific to the Underdrained Subsurface Sand Filter.

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- Maxwell Property Site Plan – Depicting the project will not increase the non-conformance.

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My apologies in advance if I have missed any substantial changes. Please let me know if you have any questions or comments.

**Will Savage, PE**  
**Project Manager**

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To: Jonathan Cully, Redfern Properties

From: Rene D. Noel, Jr. ACF

Date: November 12, 2013

RE: Munjoy Heights Forest

Dear Jonathan,

I have examined and inventoried the trees on the Munjoy Heights property.

The site is a hillside with fairly steep slopes. A large part of the area has soil which is fill dumped from above. From my observations there is little of the property where soils are not fill or have not been disturbed in the past. In other words there are no natural soil types on the property.

The understory plant community is composed almost entirely of invasive species. I did not spend time trying to identify all the species present and the following is not meant to be a complete listing. Only what I saw, identified and noted during the field work. Invasive species seen; Barberry, Bittersweet, Japanese Knotweed, Multiflora rose, and Honeysuckle. These undesirable plants occupy most or all or most of the growing space in the understory.

The dense plant community of invasive shrubs allows little light to reach the soil surface for the growth of low vegetation, such as grasses and forbs. Nor has a natural litter layer and humus developed under these conditions. This has left areas of the surface of the soil exposed. This combined with steep slope and unstable fill soils allows for a constant low level of soil erosion.

The community of overstory trees is composed mostly of stems of an undesirable specie, Norway Maple. Norway Maple is an imported invasive tree species. By simple count it comprises 74% of the stems. However, foresters use basal area, the cross sectional area of trees as a better measure how trees occupy a forest. By this measure, basal area, Norway Maple is 96% of this forest.

A total of 162 tree stems were tallied on the property. Of these 39 were 10 inches or larger at Diameter Breast Height, 4.5 feet, from the ground. Of these 39, 30 were Norway Maple. The few larger stems of other species that were found are mostly located within the proposed building envelopes. There may be a few desirable stems at the north end of the property that can be preserved. However, I advise caution. On this steep land any root disturbance or stem damage during construction will destabilize these stems making for high risk trees in a dense residential area.



## Jean Fraser - Acorn Engineering - Workshop #2 Civil Plan & Reports Update

---

**From:** William Savage <wsavage@acorn-engineering.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>, Dave Senus  
 <dsenus@woodardcurran.com>  
**Date:** 11/13/2013 12:07 PM  
**Subject:** Acorn Engineering - Workshop #2 Civil Plan & Reports Update  
**CC:** "Jonathan Culley (jonathan@redfernproperties.com)"  
 <jonathan@redfernprop...

---

Jean,

Thank-you for your flexibility, input and collaboration on this exciting project. The goal of Acorn's preliminary submission was to provide a general overview of the engineering means and methods that would be used for future submissions. The goal of the Workshop #2 submission, was to respond to the feedback from concerned citizens, City Staff, peer review engineer and project team members. With such feedback, the plans were revised to provide a much greater level of detail.

The following is a brief summary of the reports and plans submitted as part of Acorn Engineering Workshop #2 Civil Plan Set.

### Reports:

- Stormwater Management Report with Pre/Post Watershed Maps, Calculations, Soils Evaluation, and Stormwater O&M Plan.
- Erosion and Sedimentation Control Report (and Plan) – Report includes a proposed schedule of construction to contain the soils onsite.

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My apologies in advance if I have missed any substantial changes. Please let me know if you have any questions or comments.

**Will Savage, PE**  
**Project Manager**

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## Jean Fraser - Re: Acorn Engineering - Workshop #2 Civil Plan & Reports Update

---

**From:** Jean Fraser  
**To:** Savage, William; Senus, Dave  
**Date:** 11/13/2013 1:29 PM  
**Subject:** Re: Acorn Engineering - Workshop #2 Civil Plan & Reports Update  
**CC:** (jonathan@redfernproperties.com), Jonathan Culley; (soren@sorendeniord....)

---

Will

Thank you- very helpful.

Please note that the timetable for the final is compressed so that more than 75% may be needed at this stage- see my e-mail to Jonathan. I am recommending just a bit more sooner to get this more advanced for the Workshop.

Please pass on my comments re the subdivision plat to Nadeau (re inclusion of Lot #30) (I did get the boundary survey).

Thank you

Jean

>>> William Savage <wsavage@acorn-engineering.com> 11/13/2013 12:07 PM >>>

Jean,

Thank-you for your flexibility, input and collaboration on this exciting project. The goal of Acorn's preliminary submission was to provide a general overview of the engineering means and methods that would be used for future submissions. The goal of the Workshop #2 submission, was to respond to the feedback from concerned citizens, City Staff, peer review engineer and project team members. With such feedback, the plans were revised to provide a much greater level of detail.

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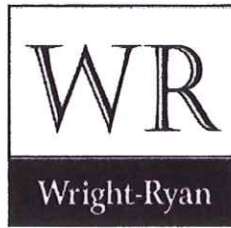
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**Will Savage, PE**  
**Project Manager**

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February 26, 2014

City of Portland Planning Division  
389 Congress Street  
Portland, Maine 04101  
Attention: Jean Fraser – Planner

Re: Munjoy Heights - Site Access Form Northern Burner Supply Property

Dear Jean,

During our site preconstruction meeting yesterday with the Phil DiPierro and Greg Vining related to the 79 Walnut Street Project (Permit Pending), it was discussed that R.J. Grondin & Sons has arranged for site access to the referenced project from the Northern Burner Supply property. The site access would be as noted below.

- R.J. Grondin & Sons has made contact with Northern Burner Supply and has an agreement for use of the property as outlined below.
- Refer to attached sketch that Ken Grondin negotiated with the Northern Burner to provide access to the project.
- Access will be for the site clearing operation and the start area for MSE wall #3 .
- Grondin has planned to use the grass area east of the northern burner paved lot for MSE wall block , precast sanitary manhole & sewer pipe storage for delivery to the area of operation behind Building E of the project.
- Grondin has promised Northern Burner to re-loam, re-seed, and mulch any of the disturbed present grass areas and to cover the 30 ft wide access area, and 10 ft wide access area in front of retaining walls with erosion control mix.
- There will be a natural buffer area of trees & brush left between the Northern Burner grass area and the 10 ft cleared area for wall.
- If requested Grondin can plant a couple of trees in the 30 ft cleared access area.

During the discussion Phil DiPierro noted that we should contact you in order to make sure that this is acceptable. Please review this as soon as you can and provide the necessary approval to move forward with this approach for access to the site. We believe that this will have the least impact on the surrounding community and traffic in the radius of the project and believe its beneficial to getting the project moving in the right direction.

If there is anything I can do help move this approval along please do not hesitate to call or e-mail.

Sincerely,

Craig Hill  
Project Manager  
Wright-Ryan Construction, Inc.  
Office - 207-773-3625  
Cell - 207-650-8089  
Email – [chill@wright-ryan.com](mailto:chill@wright-ryan.com)

*Building Maine's Great Spaces*

Wright-Ryan Construction, Inc. • 10 Danforth Street • Portland, Maine 04101  
Phone (207)773-3625 • Fax (207)773-5173 • [www.wright-ryan.com](http://www.wright-ryan.com)

## Jean Fraser - Status re Munjoy Heights submissions

---

**From:** Jean Fraser  
**To:** Culley, Jonathan  
**Date:** 11/13/2013 1:09 PM  
**Subject:** Status re Munjoy Heights submissions  
**CC:** Deniord, Soren; Savage, Will

---

Jonathan

Firstly to confirm that the Workshop will be on Nov 26th in the afternoon- I will confirm the time asap. We are reserving a slot for the Hearing on this project on Dec 17th (otherwise it would be in January).

The reason for the pressure on having fairly developed plans at this stage is that you do not have the required 3 week window between the Workshop and Hearing (ie for the Hearing we usually require plans to be submitted 3 weeks before the date of the hearing, which would be Nov 26th.)

So in order for us to cut that requirement, the plans for the Workshop need to be virtually final, and need to include a more comprehensive **Landscape Plan** (see my e-mail to Soren and comments below) and the **Subdivision Plat** (and we need a stamped **boundary survey**).. These need to be with us "yesterday" so urgently please.

The **Landscape Plan** should also address Jeff Tarlings comments re usable open space; if usable open space as he suggests is not proposed, and you might want to explain why since provision of open space is a subdivision issue and also mentioned in the design standards for multi-family developments. Also lighting and fencing need to be included in the **Landscape Plan**.

The **Subdivision Plat** needs to include the entirety of the final Maxwell Lot and the proposals for it in terms of any new building and its access and parking. It is (by State Law) part of the subdivision and would be Lot #30; and needs to show the proposals to almost to the same level of detail as for the rest of the subdivision and be included on all the plans. All of the data should include that lot, even if its broken out.

Thank you for the site plan for the Maxwell site that Will sent; it was discussed today with Marge Schmuckal and partially addresses her zoning comments but we are not clear whether the existing building is to be demolished and how frontage and housing replacement is being addressed if it is demolished. I don't think Marge's question re the front setback for Lot 1 has been addressed.

The other reviewers are currently looking at the plans and will let me know if any further questions this week. I will follow up on this e-mail once reviewers have had a chance to look more closely at the submissions.

One last issue for discussion later this week- the RTI issues re the paper streets and the scope/feasibility of East Cove Street being a link to provide connectivity (which I appreciate you are liaising with Jaime Parker of PT on). I am awaiting the Legal Department on this but should have their input soon.

I will be forwarding most of the submission to Portland Trails for their comment (if they care to make written comment).

Please send one set of the plans at scale and one set 11X17; we still have the requirement for a paper set at this time.

Please do not hesitate to call if any questions. Please note that I am out of the office tomorrow but in the office on Friday.

Thank you.

Jean

*Jean Fraser, Planner*  
*City of Portland*  
874 8728



## Jean Fraser - Re: Munjoy Heights Boundary Survey

---

**From:** Jean Fraser  
**To:** Margolis-Pineo, David; Schmuckal, Marge  
**Date:** 11/13/2013 3:53 PM  
**Subject:** Re: Munjoy Heights Boundary Survey

---

All plans are in e-plan, including this.

>>> Marge Schmuckal 11/13/2013 3:24 PM >>>  
Is this in UI? I can't review e-mails because I can't scale anything.  
Marge

>>> Jean Fraser 11/13/2013 1:39 PM >>>  
David,

A revised and stamped Boundary Survey was delivered to me this morning.

The paper (stamped) survey is in the inter-office mail to you.

I attach the pdf and its also in e-plan. I also attach the survey info for the lot #30 which is the one being reconfigured toward North Street- I have asked them to include this lot in the subdivision plat.

Would appreciate comments on this for wed next week.

I understand that they will be submitting a subdivision plat based on this in the next day or so.

thanks  
Jean

## Jean Fraser - Re: Munjoy Heights\_Updated Landscape Plan\_Planting Plan

---

**From:** Jean Fraser  
**To:** soren@sorendeniord.com  
**Date:** 1/8/2014 5:22 PM  
**Subject:** Re: Munjoy Heights\_Updated Landscape Plan\_Planting Plan  
**CC:** Culley, Jonathan  
**Attachments:** 140108\_MUNJOY HEIGHTS\_LANDSCAPE PLAN\_PLANTING PLAN\_DETAILS\_3.pdf

---

Soren

Before I send this on to others, I have a few comments:

- I don't see that you have cut back the planted area near the steps to jack path- which I think we discussed so that folks coming off the stairs have a wide paved walkway around the cars; this plan appears to be the same with a tiny bit of rounding. The width between the last bollard and the curb/start of planting should be maybe 4-5 feet and it looks less; (any chance of also moving the stairs a foot or two east so it makes sense on the ground and visually?) Its just not very convincing as shown.....
- The note "proposed planting strategy..." is not meant to refer to "adjacent neighboring property" its meant to refer to land owned by the developer that is part of this site plan (which was not detailed as part of the landscape plan) which is close to neighboring properties or impacts neighboring properties. Not sure how best to word that. When you do those plans I suggest you include the adjacent private property (being consistent with any easement or agreement that has been made re those areas) so everyone is on the same page as to how it will work on the ground. This note (once revised) should also be noted for the Austin-Buss property at top of East Cove Street. Hope this makes sense; we did not discuss this enough when we met I guess.
- I thought we had agreed that the 3 trees on Lot #30 (128 North - rear) were going to be moved into the Munjoy Heights main site?

thanks  
Jean

>>> soren deniord <soren@sorendeniord.com> 1/8/2014 4:32 PM >>>

Hello Jean,

Nice seeing you yesterday. Attached is a PDF bundle with the updated Landscape Plan L1.0, Planting Plan L2.0, and Landscape Details L3.0. These drawings reflect the design adjustments, notations, and plant choices we discussed during our January 2nd meeting. Please let me know if you have any questions or need additional information.

I will send the rendered East Cove steps / Portland Trail Node views in a subsequent email.

Best Regards,  
Soren

--

**soren deniord**

**t** > 207.400.2450

**e** > [soren@sorendeniord.com](mailto:soren@sorendeniord.com)

**a** > soren deniord design studio

43 wellwood rd.

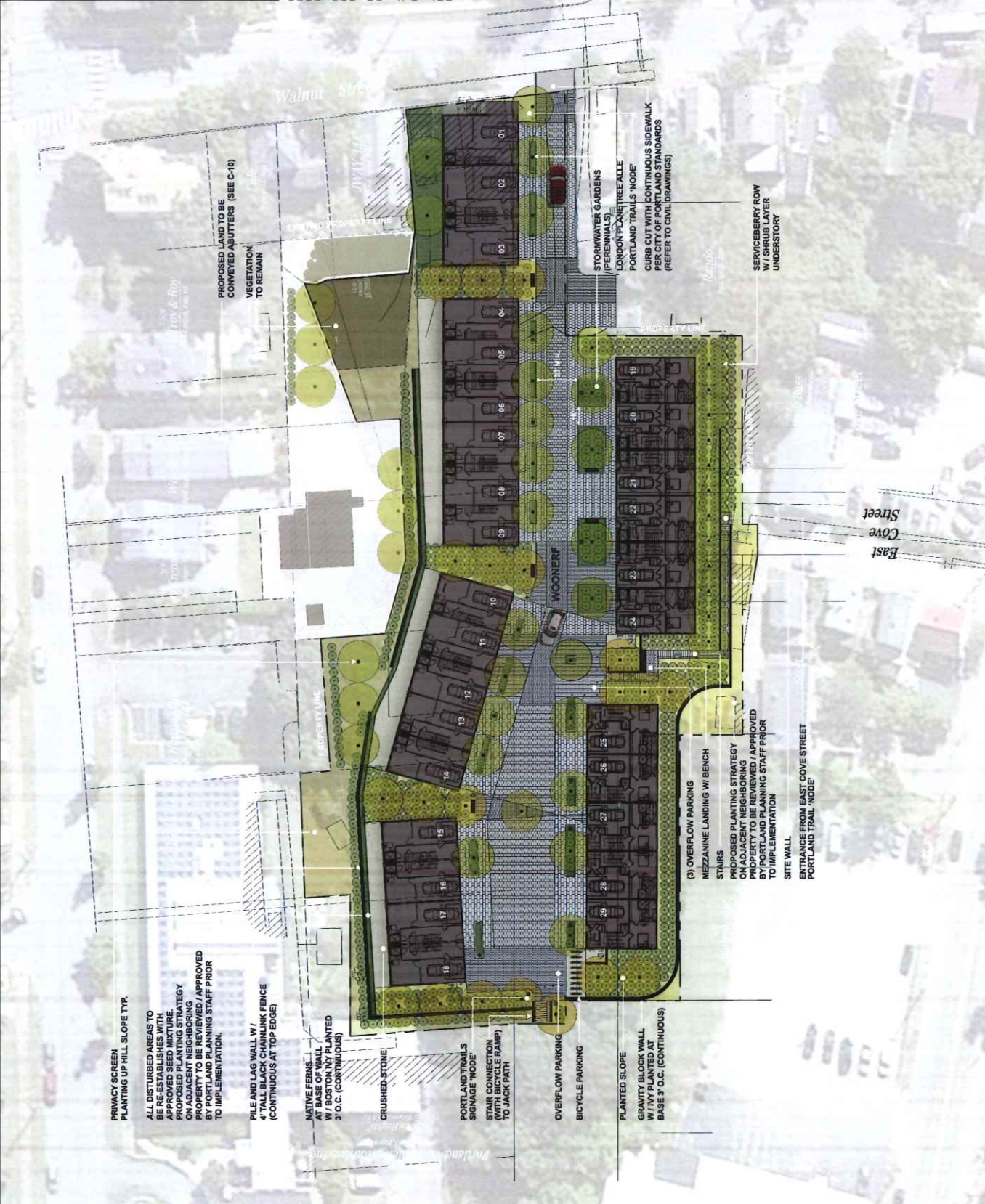
portland, maine 04103

check out our website: <http://www.sorendeniord.com>

**SYMBOLS LEGEND**

	Proposed Street Tree (Detail 2, L3.0)
	Native Seed Mix
	Perennial Plantings (Detail 1, L3.0)
	Unit Paving (A) Concrete Characteristic with approved equipment.
	Unit Paving (B) Permeable Block or approved equipment, see civil eng.
	3/4\"/>
	Bench (Detail 2, L3.0)
	Brick Edge Curb/ curb to grade
	Proposed Slope
	Bicycle Paving (Detail Forming)
	Boulder Light (BEGA 800xL20)
	3\"/>
	3\"/>
	Galvanized Steel Bolter (Clamped)

**NOTES:**  
 REFER TO CIVIL DRAWINGS FOR: SITE  
 DRAINAGE / GRADING / SNOW REMOVAL /  
 FIRE TURNING RADIUS  
 REFER TO ARCHITECTS DRAWINGS FOR:  
 BUILDING LAYOUT DIMENSIONS AND  
 MATERIALS  
 REFER TO SUMMIT GEOTECHNICAL  
 ENGINEERS FOR: SITE WALL INFORMATION  
 ALL PLANTING AREAS TO USE  
 SEED MIXTURES UNLESS OTHERWISE NOTED  
 ALL DISTURBED AREAS TO BE  
 RE-ESTABLISHED WITH APPROVED SEED  
 MIXTURE



PRIVACY SCREEN  
 PLANTING UP HILL SLOPE TYP.  
 ALL DISTURBED AREAS TO  
 BE RE-ESTABLISHED WITH  
 APPROVED SEED MIXTURE.  
 PROPOSED PLANTING STRATEGY  
 ON ADJACENT NEIGHBORING  
 PROPERTY TO BE REVIEWED / APPROVED  
 BY PORTLAND PLANNING STAFF PRIOR  
 TO IMPLEMENTATION.

PILE AND LAG WALL W/  
 4" TALL BLACK CHAINLINK FENCE  
 (CONTINUOUS AT TOP EDGE)

NATIVE FERNS  
 AT BASE OF WALL  
 W/ BOSTON NY PLANTED  
 3" O.C. (CONTINUOUS)

CRUSHED-STONE

PORTLAND TRAILS  
 SIGNAGE NODE  
 SIGN CONNECTION  
 (WITH BICYCLE JUMP)  
 TO JACK PATH

OVERFLOW PARKING  
 BICYCLE PARKING

PLANTED SLOPE  
 GRANITE BLOCK WALL  
 AT BASE 3" O.C. (CONTINUOUS)

(3) OVERFLOW PARKING  
 MEZZANINE LANDING W/ BENCH  
 STAIRS  
 PROPOSED PLANTING STRATEGY  
 ON ADJACENT NEIGHBORING  
 PROPERTY TO BE REVIEWED / APPROVED  
 BY PORTLAND PLANNING STAFF PRIOR  
 TO IMPLEMENTATION  
 SITE WALL  
 ENTRANCE FROM EAST COVE STREET  
 PORTLAND TRAIL NODE

STORMWATER GARDENS  
 (PERENNIALS)  
 LONDON PLANE TREE ALLE  
 PORTLAND TRAILS "NODE"  
 CURB CUT WITH CONTINUOUS SIDEWALK  
 PER CITY OF PORTLAND STANDARDS  
 (REFER TO CIVIL DRAWINGS)

SERVICEBERRY ROW  
 WATER  
 UNDERSTORY

East  
 Cove  
 Street



- Proposed Shrub (Detail 2, L10)
- Proposed Street Tree (Detail 3, L10)
- Native Seed Mix
- Perennial Plantings (Detail 1, L10)
- Plantings to be installed in the same area as indicated on the site plan.
- 30" Crushed Stone Surface
- Block (Detail 2, L10)
- Block / Soil Concrete Ash to grade
- Plantings
- Boysie Parking (Detail Footcandleing)
- Ballast Light (BEGA 6506LE)
- Plant Light (BEGA 6507LE)
- Plant Light (BEGA 6508LE)
- Plant Light (BEGA 6509LE)
- Plant Light (BEGA 6510LE)

Portland Maine  
 Walnut Street

**Munjoy Heights**

**100% PLANNING BOARD SUBMITTAL NOT FOR CONSTRUCTION**

Revision: 13/2008  
 Date: 14/01/02  
 Comment Response: 14/02/08

revisions:  
 re-submitted: 15, 2013  
 scale: As Noted  
 drawn: SP  
 checked: SD

**L2.0**

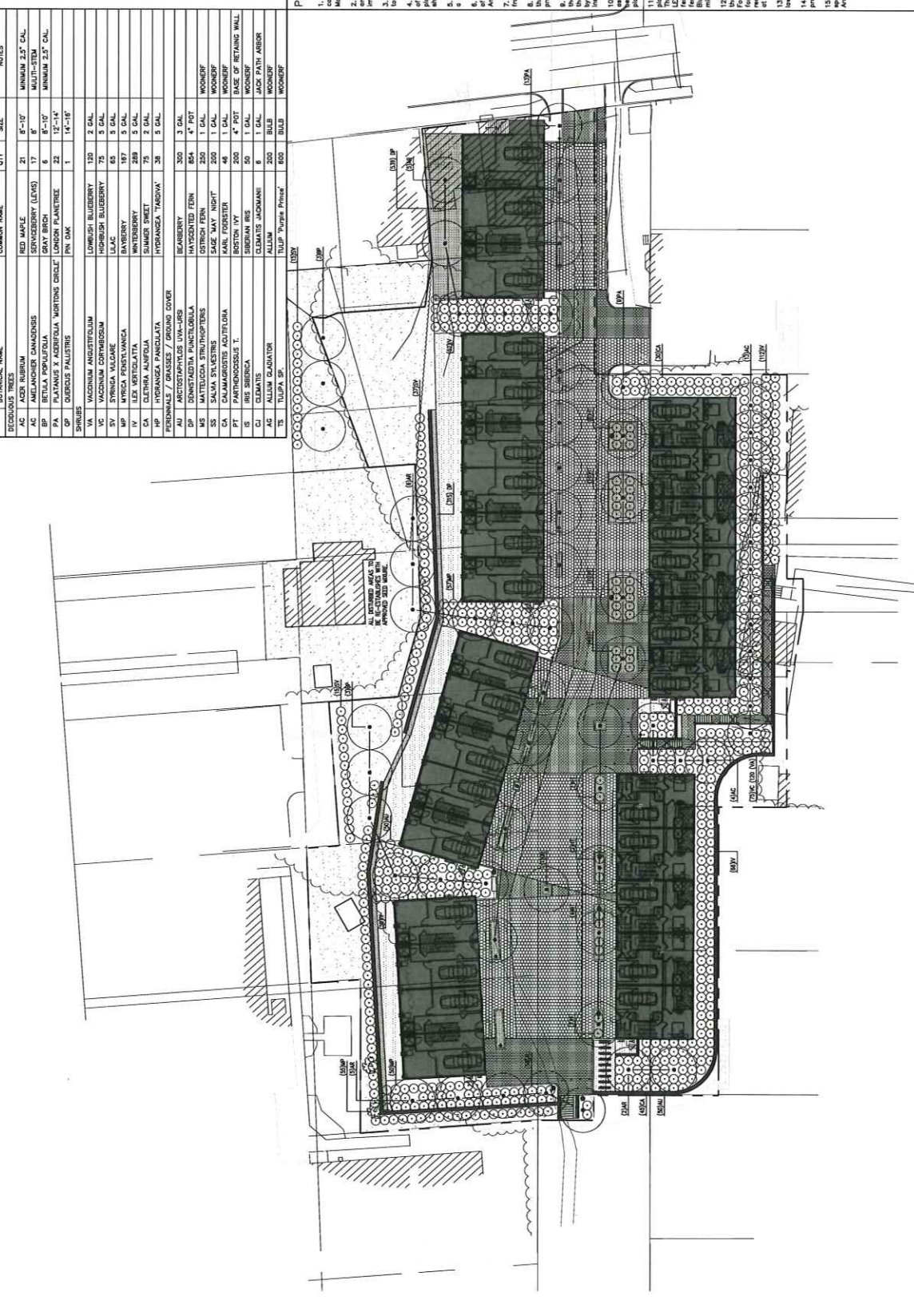
PLANTING PLAN

**PROPOSED PLANT LIST**

ID	SCIENTIFIC NAME	COMMON NAME	QTY	SIZE	NOTES
AC	RED MAPLE	RED MAPLE	21	8"-10"	MINIMUM 2.5' CAL
AC	ACER RUBRUM	SERVICEBERRY (LEAVS)	17	8"	MULTI-STEM
BP	BETULA POPULIFOLIA	GRAY BIRCH	6	8"-10"	MINIMUM 2.5' CAL
PA	PLATANUS X ADRIENFOLIA	WORTING CIRCLE	22	12"-14"	
OP	QUERCUS PALUSTRIS	PIN OAK	1	14"-18"	
SPRUBS					
VA	VACCINIUM ANGSTROFOLIUM	LOWBUSH BLUEBERRY	150	2 GAL	
VA	VACCINIUM OXYCOCOS	CRANBERRY	75	3 GAL	
VA	VACCINIUM VITIS-IDAEA	WAXLEAF BLUEBERRY	45	3 GAL	
MP	MYrica PRINCEANICA	WAXLEAF BLUEBERRY	187	5 GAL	
IV	ILEX VERTICILLATA	WINTERBERRY	289	5 GAL	
CA	CLETHRA ALNIFOLIA	SUMMER SWEET	75	2 GAL	
HP	HYDRANGEA PANICULATA	HYDRANGEA 'TARDIVA'	38	5 GAL	
PERENNIALS / GRASSES / GROUND COVER					
AU	ARCTOPHYLLOIDES UNIV-LUS	BEARBERRY	200	3 GAL	
AS	ASPERULATA	WINTERBERRY	65	1 POT	
US	URTICA PENNICULARIS	NETTLE	50	1 POT	
SS	SALVIA STAKESTIS	SAGE 'MAY NIGHT'	500	1 GAL	WONDERF
SS	SALVIA STAKESTIS	SAGE 'MAY NIGHT'	500	1 GAL	WONDERF
CA	CALAMAGROSTIS AQUATILLOSA	KARL FOSTER	48	1 GAL	WONDERF
PT	PARTHENOCISSUS T.	BOSTON IVY	200	4" POT	BASE OF RETAINING WALL
IS	IRIS SIBERICA	SIBIRIAN IRIS	50	4" POT	WONDERF
CJ	CLEMATIS	CLEMATIS JACKMANI	8	1 GAL	JACK PAIN ANBER
AC	ALLIUM GIGANTIOR	ALLIUM	200	BULB	WONDERF
TS	TULIPA SP.	TULIP 'Purple Prince'	600	BULB	WONDERF

**PLANTING NOTES**

- All plant materials and installation will be in accordance with the City of Portland Technical Manual (Section 4).
- No planting will be installed until all grading and construction has been completed in the respective areas.
- Contractor to verify all utilities on property and to protect all utilities during excavation for plants.
- All material shall comply with the latest edition of the American National Standard for Nursery Stock, American Association of Nurserymen.
- Contractor shall repair all damage to property from planting operations at no cost to the owner.
- Contractor shall guarantee new plant material through one calendar year from time of planting acceptance.
- Contractor shall provide all labor and materials for the nursery and maintain them until delivery to the site. All plant materials shall be inspected by the Landscape Architect on site prior to installation.
- All proposed plants shall be installed carefully as shown on the plans and the plant materials shall be protected from damage by the contractor.
- Staking and guying shall be established by the Landscape Architect on a tree by tree basis. The staking and guying shall be established for staking and guying. If staking and guying is required, remove tree wires, stakes, and guy wires in a timely manner. All staking and guying shall be done in a timely manner.
- Staking and guying shall be established by the Landscape Architect to flag trees to be protected on site.
- If plant materials are not available in the specified quantities, check with the Landscape Architect for alternate varieties.



**IRRIGATION NOTES**

- Automatic irrigation system with smart controller to be provided for all shrub and tree plantings, ornamentals, perennial beds and lawn areas.
- Provide drip system for shrub and perennial beds.
- Provide 2 barrels per tree.
- Contractor to provide drip systems, including all equipment such as drip heads, drip lines, pressure regulators, etc. and calculate GPM for approval. Include coverage diagram for all drip areas.
- Contractor to coordinate with architect and landscape architect on location of controller.
- All valve boxes to be set perpendicular to parallel to closest edge of built structure. Coordinate locations with landscape architect.

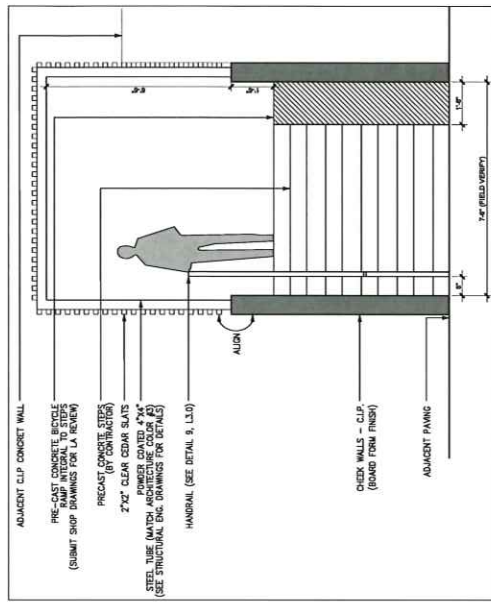
Munjoy Heights  
 Walnut Street  
 Portland Maine

100% PLANNING BOARD  
 SUBMITTAL  
 NOT FOR CONSTRUCTION

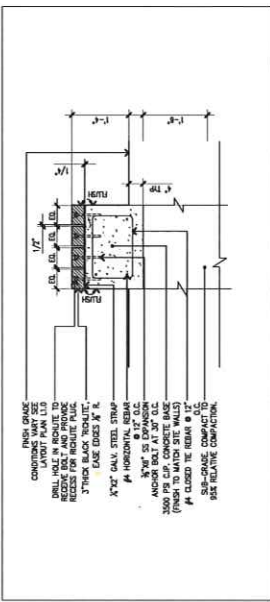
Date: 14/02/08  
 Revision: 14/02/08  
 Comment: Suspension

Reference:  
 13, 2013  
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 DRAWN: SD  
 CHECKED: SD

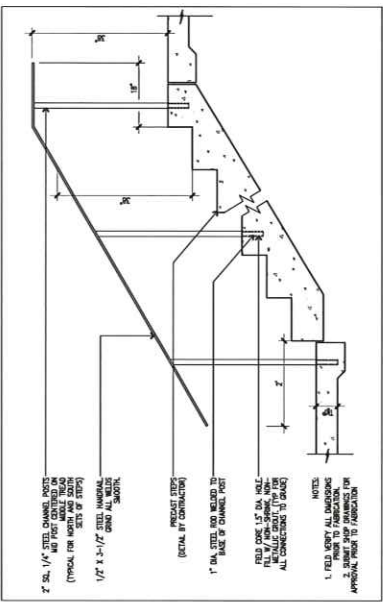
L3.0  
 LANDSCAPE DETAILS



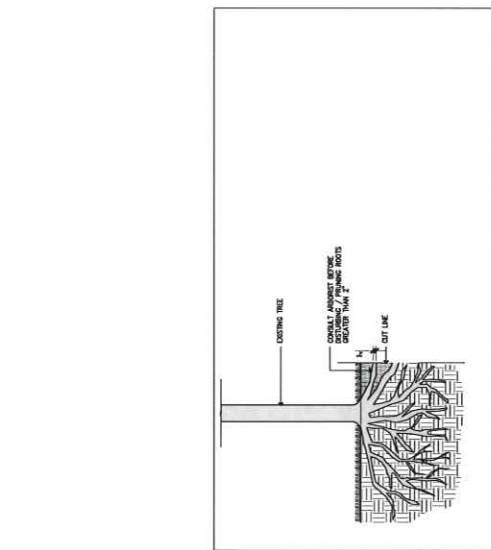
7 EXPANSION JOINT  
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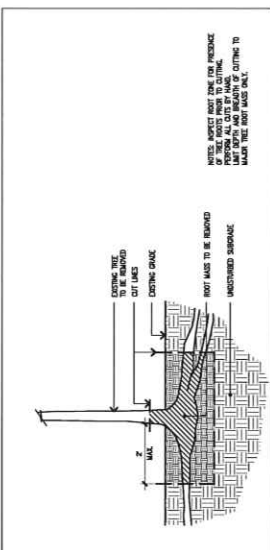
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 1/2\"/>



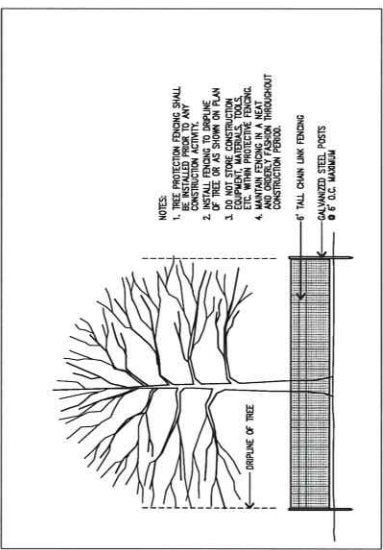
9 EXPANSION JOINT  
 1/2\"/>



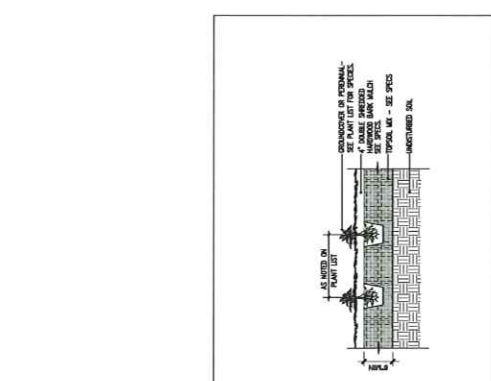
4 ROOT PRUNING  
 1/2\"/>



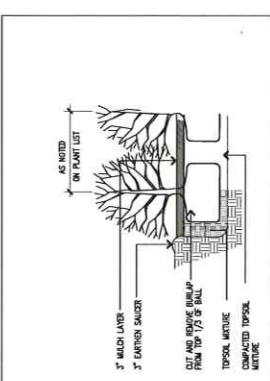
5 TREE REMOVAL (AT PROPERTY LINE)  
 1/2\"/>



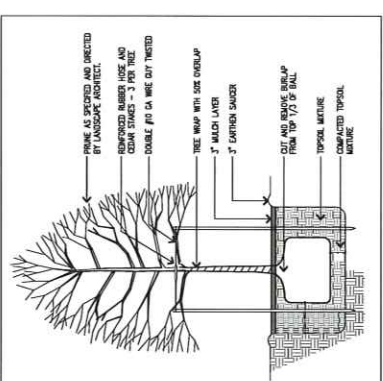
6 TREE PROTECTION  
 1/2\"/>



1 GROUND COVER PLANTING  
 1/2\"/>



2 SHRUB PLANTING  
 1/2\"/>



3 TREE PLANTING  
 1/2\"/>

## Jean Fraser - More Re: Munjoy Heights Tree & Landscape

---

**From:** Jean Fraser  
**To:** Tarling, Jeff; jonathan@redfernproperties.com; soren@sorendeniord.com  
**Date:** 12/20/2013 2:40 PM  
**Subject:** More Re: Munjoy Heights Tree & Landscape

---

Hi all

The approval letter will be circulated on Monday, but I would also like to comment on one of the conditions so you can think about it.

Condition site plan #iii refers to the need for a more detailed landscape plan (for review and approval) where "Mitigation of retaining walls and other impacts for abutters or where viewed directly by abutters". This addresses the two abutters on Ease Cove Street but also was intended to address Bayview Heights. The idea here was to allow time for the affected abutters to have some input or be consulted.

There are 63 people living in Bayview Heights and in the run up to the Hearing I had a number of calls from them because they were very alarmed about the impacts but as renters they had not been noticed re the Hearing and their management did not inform or consult (there was a change in management in the last few months). Jonathan, I know you attended a meeting there but it was early days and this has moved quickly.

I am not sure what they will view when looking out their windows and whether landscaping or nothing (except black chain link fence) would be preferable for the area between the tops of the retaining walls and their property line. I think it would be good if all of you (with me also attending) were to attend a meeting (that they set up with interested residents) so you can explain the project and we can understand/confirm what landscaping (if any) is desirable there as its directly (close!) in the view of many of their apartments.

I would be the liaison person and you could just show up.... is that something we could move forward on?

thanks  
Jean

>>> Jeff Tarling 12/20/2013 12:08 PM >>>  
Hi Jonathan, Soren -

Wanted to followup on the Munjoy Heights landscape conditions, recommendations.

Knowing you would like to use 'London Planetree' or *Platanus* species for the Woonerf, you might consider the variety listed below from 'Chicagoland Grows' / Morton Arboretum, as it is promoted to being more resistant to frost cracks, a condition caused by the trunk being warmed by the sun and then the cold temps at night injuring the tree, likely as it is a thin bark species. Anyway, we have seen fewer problem with the more native straight Sycamore then the London Planetree, other options would include Swamp White Oak, *Quercus bicolor*. Soren, the SW Oaks down in Payson Park, not far from your house were planted in the 1990's for a comparison of growth rate.

Native plant mix, we can review the options to bump up the native plant count as recommended. Also the Red Maple group to include Yellow or Sweet Birch, due to availability, using a smaller size, 6' - 7' height would be acceptable. It would be good to check in as your plan evolves.

Thanks

Jeff t

[http://www.na.fs.fed.us/pubs/silvics\\_manual/Volume\\_2/betula/alleghaniensis%20.htm](http://www.na.fs.fed.us/pubs/silvics_manual/Volume_2/betula/alleghaniensis%20.htm)

<http://www.chicagolandgrows.org/trees/exclondonplanetree.php>



*follow up.***Jean Fraser - Fwd: Fire Dept requirements re Plat**

---

**From:** Jean Fraser  
**To:** Pirone, Chris  
**Date:** 2/26/2014 5:24 PM  
**Subject:** Fwd: Fire Dept requirements re Plat  
**Attachments:** Approved Sub Plat Munjoy Heights 2.10.14.pdf; Approved SN1 Snow Storage Munjoy Heights.pdf; approved Condo Declaration Munjoy Heights redline 020614 with Jones, Matzen and City changes.pdf; Trail Easement as agreed with 'city & PT 2.13.14 Portland Trails easement TFJ redline 021414-3.doc; Plan of PT Easment Exh A rec'd 12.12.13.pdf

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Chris

I have sent this to the Attorney (Tom Jewell) for the project (without the last 2 attachments) as this did get overlooked between the several big snowstorms and my assumption that their attorney would remember this. You will see that I have referred to you/Fire Dept as it is a life safety issue and needs to be taken seriously.

The Condo Docs (section 11 h) prohibits parking in the PT Public Access Easement area (I have attached the easement and its plan for info) as a further back up to avoid a problem- I agreed that directly with the developer and it helps to have a line within which parking is not allowed.

So its all "there" and we do need to be sure it all gets recorded and documented and people get copies of those in due course.

Thanks  
Jean

>>> Jean Fraser 2/26/2014 1:26 PM >>>  
Tom

On the final plat (copy attached ) in notes 26 and 27 there had been an expectation that the Condo Docs and Snow Storage Plan would have been recorded sequentially with the Plat so that the book and page lines would have been filled in on the Plat (both notes) before it was recorded.

This was the expectation of the Fire Dept (based on their condition of approval) - and when they received a copy of the recorded plat today they were concerned that this had not been done.

I had forgotten to remind you of this when you picked up the plat for recording so I am partly at fault.

Therefore I attach what I understand are the final agreed Condo Docs (the attached are in redlined form so clean copy needed) and Snow Storage Plan and I suggest that these be recorded (with a copy of the recorded version sent to me) and before they are recorded have them annotated or otherwise link them with the recorded plat and relevant notes on that plat.

Please let me know what action you are able to take to rectify this situation, so I can confirm to the Fire Department.

thank you  
Jean

SPACE	REQUIREMENT	PROVIDED
MINIMUM LOT SIZE	4,500 S.F.	67,200 S.F.
MINIMUM FRONTAGE	40'	78.4'
MINIMUM YARD	10'	10'
MINIMUM SIDE YARD	5'	5'
MINIMUM REAR YARD	5'	5'
MINIMUM LOT COVERAGE	12' - 3 STORY BUILDING	12' - 4 STORY BUILDING
MINIMUM LOT WIDTH	42'	71.4'
MINIMUM BUILDING HEIGHT	42'	42.5'
MINIMUM SETBACK	50'	24'
MINIMUM CONSTRUCTION	1 SPACE PER UNIT (2)	24

- 08/12/2013 - Construction Management Plan
- General Note 1: Extended Sidewalk Closures on Walnut Street are not anticipated at this time. Short term sidewalk and lane closures in Walnut are to be expected during utility in periods. Appropriate flagging and signage measures will be utilized during these activities.
- General Note 2: All subcontractors will be responsible for their own parking. The owner and contractor are not providing off site parking for the subcontractors. They will be encouraged to carpool and take vans from their main offices to the site. Otherwise subcontractors will park in legal City of Portland parking spots.
- Other Dates for Consideration:
- Anticipated Project Start Date - Winter 2013/2014
  - Anticipated Project Completion Date - Winter 2014/2015
  - Anticipated Street Interruption - Spring/Summer 2014
  - Job Site Hours - In compliance with City of Portland Noise Ordinance
- Wright-Hyman Construction Project Personnel Contacts to be provided at Site Preconstruction Meeting
- 1 Denotes Free Standing PEDESTRIAN CROSSING HERE sign
  - 2 Denotes Free Standing JACK PATH CLOSED DUE TO CONSTRUCTION, REOPENING SPRING 2015 sign
  - 3 Denotes Free Standing DO NOT ENTER, CONSTRUCTION SITE sign



DRAWING NO. <b>C-10</b>	FILE: 1007_C01E DATE: 9/23/13 IN: 1047 SCALE: 1"=20' DESIGN BY: WMS DRAWN BY: ZJU CHECKED BY: WMS	ACORN ENGINEERING, INC. 100 W. MAIN ST. PORTLAND, ME 04104 (207) 775-2455	DRAWING NAME: <b>SITE LAYOUT PLAN</b>	ISSUED FOR: DATE:
			PROJECT NAME: <b>MUNJOY HEIGHTS</b>	CITY/STATE/ZIP:
CLIENT: <b>REFERN PROPERTIES, LLC</b> P.O. BOX 8516, PORTLAND, MAINE 04110			REVISION:	DATE:

## Jean Fraser - RE: 79 Walnut Street Access (amended Construction Management Plan)

---

**From:** Jean Fraser  
**To:** Hill, Craig  
**Date:** 3/4/2014 5:41 PM  
**Subject:** RE: 79 Walnut Street Access (amended Construction Management Plan)  
**CC:** DiPierro, Philip; Dunn(j.dunn@grondinconstruction.com), Jim  
**Attachments:** 03.03.2014 - Amendment to Approved CM Plan.pdf

---

Craig

This was reviewed today and in general DPS agree that this access is good because it takes pressure off of Walnut and its basically OK. There were a few conditions and the easiest thing would be for you to add these as notes to the attached plan and resubmit (which we will then circulate as the "Approved amendment to the CMP"):

- Truck movements at both access points to avoid the AM and PM school children walking times (I will send you those- someone is contacting the school);
- That any damage to public infrastructure will be promptly repaired;
- City Ordinances and MDEP requirements re construction to be met;
- Replacement planting at break in existing vegetation, to include several trees.

You don't need to have a flagger, but please note that the situation will be monitored and there may be further requirements if any problems or issues arise.

Please do not hesitate to call me if any questions.

thank you  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

>>> Craig Hill <chill@wright-ryan.com> 3/3/2014 11:51 AM >>>

Yes that is correct. If questions arise, please let me know, but as discussed, the Approved CM plan is not changing, we are just adding to it. I think that the 2/26/14 letter along with the new plan I submitted this morning addresses the concerns, but will respond accordingly if something comes up.

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**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Monday, March 03, 2014 11:48 AM

## Jean Fraser - APPROVAL Re: 79 Walnut Street - Sitework Commencement

---

**From:** Jean Fraser  
**To:** Hill, Craig  
**Date:** 3/4/2014 5:13 PM  
**Subject:** APPROVAL Re: 79 Walnut Street - Sitework Commencement  
**CC:** DiPierro, Philip; Vining, Gregory  
**Attachments:** 3.4.14 Pl dir app to advance site work Munoy Heights.pdf

---

Craig

Alex Jaegerman, Director of Planning, has approved your request to move forward with specified site work in advance of receiving the building permit and I attach the signed letter confirming this approval.

I have not included the attachments- there are city ordinances/MDEP requirements re cleaning of tires and work hours which you are probably familiar with, and the other attachments are "for the record" and will be with the paper copy that will be mailed tomorrow.

Thanks  
Jean

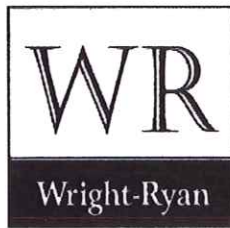
*Jean Fraser, Planner  
City of Portland  
874 8728*

>>> Craig Hill <chill@wright-ryan.com> 3/3/2014 8:42 AM >>>  
Hi Jean/Phil,

I could not find anywhere on the City of Portland website the email address for Alex Jaegerman. Is it possible for one of you to forward the attached letter.

If there are any issues, please let me know.

Thanks,  
Craig Hill  
Project Manager  
Wright-Ryan Construction, Inc.  
10 Danforth St  
Portland, Me 04101  
Office - 207-773-3625  
Cell - 207-650-8089  
Fax - 207-773-5173



February 26, 2014

City of Portland Planning Division  
389 Congress Street  
Portland, Maine 04101  
Attention: Alex Jaegeramn – Division Director

Re: Munjoy Heights – Sitework Commencement

Dear Alex,

During our site preconstruction meeting Tuesday March 25th with the Phil DiPierro and Greg Vining related to the 79 Walnut Street Project (Permit Pending), it was discussed that Wright-Ryan Construction would like to commence with the sitework prior to final issuance of a building permit. Phil noted that we should contact you for the approval of the start up of this work prior to having the building permit in hand.

The work would include mobilizing the necessary equipment to cut and clear the wooded areas, commencing the clearing activities, mobilizing the necessary equipment to grub out the site and make preparation for start of site excavation, and grubbing the site.

We understand that the building permit review is in the final stages and appears on track for approval in the near future and if we could receive approval to commence on the activities noted above as soon as we can it would help the project get off on the right foot.

If there are any question or concerns, please do not hesitate to call or e-mail.

Sincerely,

Craig Hill  
Project Manager  
Wright-Ryan Construction, Inc.  
Office - 207-773-3625  
Cell - 207-650-8089  
Email – [chill@wright-ryan.com](mailto:chill@wright-ryan.com)

*Building Maine's Great Spaces*

Wright-Ryan Construction, Inc. ▪ 10 Danforth Street ▪ Portland, Maine 04101  
Phone (207)773-3625 ▪ Fax (207)773-5173 ▪ [www.wright-ryan.com](http://www.wright-ryan.com)



Alex Jaegerman, FAICP  
Division Director, Planning Division

March 4<sup>th</sup>, 2014

Craig Hill, Project Manager  
Wright-Ryan Construction, Inc.  
10 Danforth Street  
Portland, ME 04101

**Project Name:** Request for approval to advance site work for Munjoy Heights development  
**Project ID:** #2013-228  
**CBL:** 12-F-2 (part), F-4, F-7, F-18; 12-G-6; 12-H-1, H-3, H-5, H-7, H-9, H-13, H-17, H-22  
**Address:** 79 Walnut Street  
**Applicant:** Jonathan Culley, Redfern Munjoy LLC  
**Planner:** Jean Fraser

Dear Mr Hill:

Thank you for your letter dated February 26<sup>th</sup>, 2014 (received March 3<sup>rd</sup>, 2014) requesting approval to undertake site work prior to the receipt of a building permit.

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

As provided in Section 14-532, this letter serves as the written permission from the Planning Authority to commence site work on this project prior to the issuance of a building permit. The commencement of site work is limited to the extent of work outlined in your letter dated February 26, 2014 (attached) as listed below and is subject to the conditions outlined in this letter:

#### Extent of Work

- 1) Mobilization of necessary equipment to cut and clear the wooded areas;
- 2) Clearance of the site (but not demolition of any buildings);
- 3) Earth regrading;
- 4) Installation of erosion and sedimentation controls as approved, and as required for the construction site access points.

#### Conditions

- 1) That the "limit of clearance work" shall be clearly marked on the site with construction tape or snow fencing, including marking of existing vegetation that is to remain and be protected from storage of vehicles or materials, and reviewed with Phil diPierro prior to the start of site work; and
- 1) That all erosion and sedimentation control measures shall be in place as per the approved plans, and to include any additional measures as advised by Phil diPierro in respect of the site access via the Waterhouse property off of Washington Avenue; and
- 2) That the amended Construction Management Plan shall be reviewed and approved prior to the use of the proposed access from Washington Avenue via the Waterhouse site to undertake the site work subject of this letter. The Plan should address any comments from City staff, and would normally include traffic management arrangements; routes for demolition and site work vehicles; pedestrian accommodations; control of dust, noise and vibration; proposed methods for preventing material from being deposited on the streets; and a plan for keeping neighbors informed of any activities that may have adverse impacts on them.

Notes

- 1) Please note the 2.28.14 discussions with Jaime Parker of Portland Trails regarding the salvaging of granite pieces, boulders and similar items (eg cobblestones) located on the site. We support this request and would encourage you to work with Jaime and Portland Trails, and Jeff Tarling and others in DPS, to help ensure these are carefully removed and salvaged, stored in a secure location and reused as far as practical in the new development or offered to Portland Trails for use in the nearby trail system; and
- 2) Please note that this letter does not relate to any advance work in relation to any utilities on or off the site.

Please be advised that you must obtain any permits that may be required from Public Works for the temporary closing of any sidewalks, any street openings and any temporary loss of on-street parking. Building permits must be obtained from the Inspections Division prior to the demolition of any buildings or commencement of any construction of any buildings, foundations or structures. Also please see attached the Citys Ordinances regarding construction activities and hours of work, and the associated Department of Public Services waiver request form re hours of work.

The approval to proceed with the site work is based on the submitted request of February 26th, 2014 and the approved subdivision/ site plan as referenced in the Planning Board approval letter dated December 17, 2013 (attached). If you need to make any modifications to the approved subdivision/site plan, you must submit revised plans for staff review and approval.

Please contact Philip DiPierro, Development Review Coordinator at 874-8632 regarding the preconstruction meeting.

If you have any questions, please contact Jean Fraser on 874 8728.

Sincerely,



Alex Jaegerman  
Planning Division Director

Attachments:

1. Request letter from Wright-Ryan Construction, Inc. dated February 26, 2014;
2. Planning Board Subdivision and Site Plan Approval letter;
3. City Ordinance regarding Construction, and DPS Waiver request form re hours of work.

cc: Jonathan Culley (owner/applicant)  
Will Savage (Engineer for applicant)

Electronic cc:

Jeff Levine, AICP, Director of Planning and Urban Development  
Alexander Jaegerman, FAICP, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Inspection Division Director  
Lannie Dobson, Administration, Inspections Division  
Gayle Guertin, Administration, Inspections Division  
Michael Bobinsky, Public Services Director  
Katherine Earley, Engineering Services Manager, Public Services  
Bill Clark, Project Engineer, Public Services  
David Margolis-Pineo, Deputy City Engineer, Public Services  
Doug Roncarati, Stormwater Coordinator, Public Services  
Greg Vining, Associate Engineer, Public Services

Michelle Sweeney, Associate Engineer  
John Low, Associate Engineer, Public Services  
Rhonda Zazzara, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Jeremiah Bartlett, Public Services  
Captain Chris Pirone, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File  
Applicant (Vincent Veroneau of J B Brown & Sons)

## Jean Fraser - Fwd: RE: Walnut Street Crosswalk Draft Plan

**From:** Jean Fraser  
**To:** Bartlett, Jeremiah; Errico, Thomas; Hyman, Bruce  
**Date:** 2/27/2014 3:00 PM  
**Subject:** Fwd: RE: Walnut Street Crosswalk Draft Plan  
**CC:** Barhydt, Barbara; DiPierro, Philip  
**Attachments:** WalnutStreet\_Crosswalk\_Draft\_2-27-14.pdf

Bruce, Tom and Jeremiah

The attached plan (and the accompanying explanation with some concerns) is from the developer and for your further consideration in the context of the Crosswalk Committee discussions.

Please note that the developer would like the driveway apron (in entrance to the woonerf) to be brick and he would maintain it (so it would read as continuation of the ROW sidewalk) and this is supported by DPS, but its "tbd" because brick requires City Council approval - all yet to be sorted out.

If any of you think it might be more efficient to meet with the developer and his engineer to discuss/finalize details, I would be happy to set that up.

thanks  
Jean

>>> William Savage [wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com) > 2/27/2014 12:16 PM >>  
Hi Jean,

Attached is a draft crosswalk plan that outlines two potential Walnut Street crosswalk locations. To develop the plan I have overlaid the civil drawings and existing conditions plan over a high resolution aerial from 2012. I believe this adequately portrays the existing and proposed conditions in a user friendly manner.

- Crosswalk location 1 would reuse the existing ramp at the intersection of Walnut and Sheridan, perpendicularly cross Walnut St to a new ramp that would tie into the existing brick sidewalk.
- Crosswalk location 2 would require two new ramps. One ramp would tie into the existing concrete sidewalk the other into the rebuilt brick sidewalk.

In my opinion, Crosswalk Location 1 would be the preferred location to facilitate the movement of pedestrians from Sheridan Street into the Woonerf.

Regarding any supporting features for the crosswalk; lights for safe illumination and curb extensions have good intentions but I wonder whether they would achieve the intended purpose. Would flashing lights (like you see on Marginal Way) offer a false sense of security in the winter that a vehicle can come to a stop? Could the flashing lights become a distraction for vehicles traveling along Walnut and reduce their ability to observe passengers entering and existing their vehicles parked on Walnut? Would curb extensions, a raised sidewalk or flush granite delineating the sidewalk become problematic for snow removal operations (e.g. actuating the trip edge and leaving behind snow) in the winter?

*move so angled starts lower on walnut  
Bruce / Jeremiah w/ I'll respond cc team*



Let me know if I can provide any additional information. Call to discuss.

**Will Savage, PE**  
**Project Manager**

Acorn Engineering, Inc  
PO Box 3372  
Portland, Maine 04104  
[www.acorn-engineering.com](http://www.acorn-engineering.com)

B. 207.775.2655  
F. 207.358.7979  
C. 207.317.1884

**Jean Fraser - Re: urgent please re Munjoy Heights- status of Sheridan and East Cove and legal implications**

---

**From:** William Clark  
**To:** Jean Fraser; Jennifer Thompson  
**Date:** 10/22/2013 1:50 PM  
**Subject:** Re: urgent please re Munjoy Heights- status of Sheridan and East Cove and legal implications  
**CC:** David Margolis-Pineo; Lawrence Walden

---

Jean,

I believe General Note 15. on the Survey Plan, as revised through 8/29/2013 should be changed to state.

*15. Poplar Street was renamed Sheridan Street on August 1, 1881. Poplar Street is listed as "Continued" on the City of Portland City Council Order #84 titled "Order Excepting Streets From Deemed Vacation", as passed on September 3, 1997 and recorded in CCRD Deed Book 13326, Page 19. Order #84 referenced a subdivision plan in Deed Book 51, Page 297 for properties and Poplar Street on the south side of Walnut Street thus referencing the wrong portion of Sheridan Street. Sheridan Street is not listed on Order #84. Since the portion of Sheridan Street northerly of Walnut Street, as well as East Cove Street, were not listed on City Council Order #84 they may be considered as Statutorily Vacated by Omission from the City Council Order #84 in 1997 where all paper streets were required to be addressed or be deemed vacated.*

I have no problem if Larry edits General Note 15 further for clarity. It has been an interesting case.

Please call if you need anything.

Thanks,

Bill

William Clark, PLS  
Senior Project Engineer  
Engineering  
Department of Public Services  
City of Portland  
55 Portland St.  
Portland, ME 04101  
207 874 8847

>>> Jean Fraser October 21, 2013 3:09 PM >>>

**Jean Fraser - Re: urgent please re Munjoy Heights- status of Sheridan and East Cove and legal implications**

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**From:** William Clark  
**To:** Jean Fraser; Jennifer Thompson  
**Date:** 10/22/2013 1:30 PM  
**Subject:** Re: urgent please re Munjoy Heights- status of Sheridan and East Cove and legal implications  
**CC:** David Margolis-Pineo; Lawrence Walden  
**Attachments:** CCRD 00036\_247 Poplar St Sheridan St Subdivision.pdf; CCRD PB 002\_054 Poplar St.pdf

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Jean,

The subdivision plan from 1802 is attached. CCRD Deed Book 36\_247 Poplar Street is shown. East Cove Street is not. Shown on the 1802 plan.

The subdivision plan from 1866 creating East Cove Street is attached also. CCRD PB 2\_54.

I hope these help.

Bill

>>> Jean Fraser October 22, 2013 12:52 PM >>>

I just sent another e-mail asking if you have the subdivision plan that shows Sheridan as referred to by Tom Jewell (Oct 16th letter, last para).....thanks Jean

>>> William Clark 10/22/2013 12:47 PM >>>

Just got to this. Will concentrate on it.

**SHERIDAN STREET:**

I believe Larry will agree that it is a Statutory Vacation by Omission from the City Council Order #84 in 1997 where all paper streets were required to be addressed or be deemed vacated.

I do not believe the City can do any work there.

I cannot say if the developer has the rights to work in that vacated portion of Sheridan Street; that is along the duties of a Title Attorney. Larry can elaborate on that.

**EAST COVE STREET:**

I want to see a subdivision plan showing East Cove Street. Will look for that.

I need to review the attachments next.

Bill

>>> Jean Fraser October 21, 2013 3:09 PM >>>  
Bill and Jen

I need to confirm to the Planning Board (tomorrow at 3:30pm!!!!) what the implications of the status of these 2 streets are in the context of the proposed development.

The information as I have it is:

**SHERIDAN STREET:** See attached to letters from the applicant's attorney confirming that Sheridan was not preserved and that the applicant has rights to undertake work in it. My question had been whether the applicant (who does not own the west side of Sheridan for the first 115 feet) has rights to build sidewalks, put in street trees, pave or otherwise make improvements in the half of the road that went to the abutters to the west. (Site Plan attached). Do you agree with Tom Jewell that they can do work in that area? (I think we have asked for easements in other locations where the paper street was deemed to be vacated). And can the developer grant a public access easement over that part of the street that is technically owned by the abutters?

**EAST COVE STREET:** Bill Clark has confirmed this info to the applicant:

Looking through our records we do not list East Cove Street, on the easterly side of Washington Avenue, as an accepted City street.

East Cove Street was not listed on the City Council Order #84 in 1997 for excepting paper streets from deemed vacation.

East Cove Street is on our list of Unaccepted Streets DPW Plows dated 1/01/2001.

There are many members of the public (and I think Portland Trails too) who would like East Cove Street to be linked to Sheridan/Jack Path (within and through the development) to create public access connectivity. Given the status of East Cove Street, what legal steps would need to be taken to create a public access over East Cove Street? and could the developer (who now owns the last lot to the north on East Cove St. so is an abutter) do this as he now has rights? Same question as for Sheridan- can the developer create a public access easement over the whole of East Cove Street based on his interest in it, despite it being "private"?

I have copied this to Larry Walden as he was involved in early e-mails re Sheridan.

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**To:** Clark, William; Thompson, Jennifer  
**Date:** 10/21/2013 3:09 PM  
**Subject:** urgent please re Munjoy Heights- status of Sheridan and East Cove and legal implications  
**CC:** Margolis-Pineo, David; Walden, Lawrence  
**Attachments:** Status of sheridan St N of Walnut- as from applicant 9.24.13.pdf; 10.16.13 MORE RE Status of Sheridan Street from applicant.pdf; 1047\_Site Layout w aerial.pdf

---

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Jean

**JEWELL & BULGER, P.A.**

*Attorneys at Law*  
477 Congress Street, Suite 1104  
Portland, ME 04101-3453

T: (207) 774-6665  
F: (207) 774-1626

**Thomas F. Jewell, Esq.**  
tjewell@jewellandbulger.com

**Paul S. Bulger, Esq.**  
pbulger@jewellandbulger.com

October 16, 2013

City of Portland  
Planning Department  
Attn: Jean Fraser  
389 Congress Street  
Portland, Maine

Re: Application of Redfern Munjoy, LLC regarding Munjoy Heights


Dear Jean:

I am submitting this letter in order to supplement our correspondence dated September 24, 2013 regarding the above matter. At the October 15 meeting between the Applicant and various Planning and other City staff, the question arose concerning the rights in Sheridan Street as those rights concern the existing two houses that have frontage on west side of Sheridan Street, near Walnut.

Those two properties are located at 87 Walnut Street (12-G-19) and 196 Sheridan Street (12-G-10). These two properties hold fee interest on their side of Sheridan to the middle of the Street. In its efforts to discontinue Sheridan Street, the Applicant will not be seeking to limit the rights of these two lot owners to access their respective properties via Sheridan Street to Walnut Street.

On the other hand, the Applicant does have the right, as do all lot owners within the scope of the original subdivision plan, to utilize Sheridan Street to access its property over the land within the Sheridan Street right of way owned by these two owners, and to improve the Sheridan Street right of way for purposes of access and installation of utilities.

Yours truly,



Thomas F. Jewell, Esq.

TFJ/t



## Jean Fraser - Other Re: Timetable Munjoy Heights

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**From:** Jean Fraser  
**To:** Culley, Jonathan  
**Date:** 11/18/2013 5:27 PM  
**Subject:** Other Re: Timetable Munjoy Heights

---

Jonathan

OK- we'll aim for that.

Here's a list of the info the Board asked for (presumably for the Nov 26th Workshop) that hasn't been submitted yet:

- Like to know detail of trees (proposed vs removed)
- Like to know % of usable open space
- Like more info on impact to surrounding area (montages- views from neighbors towards retaining walls/more elevations regarding impact on abutting buildings)
- Like more info showing elevation of the entire block within the project (5 units in a row)
- Like to know whats proposed for the exterior lighting (are bollard lights the only lights; photometrics?)

(there were other questions but I think the recent submissions cover them)

Legal are suggesting that the Title Insurance/Opinion be submitted prior to the Hearing, or a condition that ties this to the release of the plat for recording; the question of when the notices should be served relative to city permits is still under discussion. I am not sure how the wording of the P&S docs and the Affordable Housing provisions tie in with this (maybe not at all) but would appreciate a further discussion before the Workshop.

Thank you  
Jean

>>> Jonathan Culley <jonathan@redfernproperties.com> 11/18/2013 4:53 PM >>>

Jean,

We will have a final submittal ready for December 2...thanks!

Sent from my iPhone

On Nov 18, 2013, at 4:50 PM, "Jean Fraser" <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Jonathan

I just wanted to clarify re the timetable as its extremely tight and we don't have much room for flexibility.

**Re the Nov 26th Workshop:** please send me whatever you want to have reviewed and included in the PB Memo (including the "plat" and "open space" narrative that Soren mentioned) by the end of tomorrow (tuesday). If you want to send some more illustrative graphics (eg sections) I need

\* Rights in Shandam / Access E Love  
into w/ legal

Debnef re Munjoy Heights for New Fee.

ask  
for.

- Jeff - Soren had new graphic w/ lists  
of plants; concern by Bd re trees.

wants  
to see  
development  
of Walnut

Tom - need for traffic calming in Walnut  
(L poss. (sidewalk + bumpout))

- Caitlin - SW Bd members req. elevations  
showing rel. to surr. bldgs.

- Dave S - concern re erosion after <sup>understand</sup> sale.

DS  
understand  
re: /

clearance etc.

holes in walls for drainage ?

- Support for Connectivity - Status East Cove St.

- lighting

- snow removal.

**Staff Presentation: 79 Walnut Steet- MUNJOY HEIGHTS**

**Site Plan and Subdivision**

**2<sup>nd</sup> PB WORKSHOP 11.26.2013**

1. The proposed multi family development comprises 29 new townhomes in 6 buildings plus a reconfigured lot that already has a single family home on it. The site is 1.59 acres but approximately a third of this is steeply sloping and difficult to build on without substantial grading. ~~The site is made up of 7 different parcels~~ (summary at **ATT D** and the P&S Agreements are available for reference). *in R6 zone.*
2. The papers *circulated* include the Fire Assessment and one additional public comment in support of the project. The Zoning Administrator comments were circulated at the previous Workshop and included some questions that still need to be addressed so the Zoning Administrator can confirm her final comments.
3. This the second Workshop and the applicant has submitted a number of additional plans and documents for review and would like to move forward to a hearing:
  - Letter confirming financial capability (Att T)
  - Stormwater Report (Att Mii)
  - Tree Report (Att Q)
  - Landscape and Planting Plans, including revised treatment of the “woonerf” area (Plans 30 & 31)
  - Subdivision Plat and details for the Maxwell Property (lot #30)
  - Letter and photomontages addressing the issue of scenic beauty and loss of existing trees and the scope for open space on the site (Atts V and W)
  - Photomontages showing the impact of the development from the neighbors perspective
  - Elevations of the large buildings (Att Wii)
  - Construction Management Plan (Plan 32)
  - Erosion Control Report and Plan (got muddled in the packet but was reviewed)
  - Fire Code Assessment (not yet reviewed)
  - Photometric Plan (difficult to read so not included)
4. Update re Key Issues:
  - **Pedestrian areas:** Since the last Workshop there has been a meeting between staff, the applicant and Portland Trails to discuss details of the pedestrian areas/links and the applicant has revised the plans since that meeting. There are still concerns (best articulated in comments by Tom Errico and Jaime Parker of Portland Trails) including regarding the location of the parking in relation to the pedestrian routes, treatment of the retaining walls and the need for a bike ramp. The question of ramps vs stairs for the last part of the path to East Cove Street is still under discussion and staff would like to understand better how the retaining walls impact that path.
  - **Loss of trees and Scenic Beauty:** The Tree Report confirms that 162 trees would be removed by the development, of which 39 are over 10 dbh. Of these larger trees 30 are Norway Maple, considered an invasive species. Jeff Tarling has commented that there is no quantitative basis for applying the subdivision standard regarding scenic beauty and its difficult for him to assess the “before” and “after” photos across Back Cove and from 295 towards the site in **Att W**.. He indicates that additional planting and some revision to the choice of tree species is recommended. Staff consider that the treatment of the retaining walls needs further information and discussion.
  - **Stormwater Management:** There have also been further discussions with DPS regarding the stormwater management system and where stormwater will be discharged. DPS have agreed to **XXX**
  - **Right, title and Interest:** Discussions with the Legal Department over right, title an interest have also taken place and the applicant will be submitting a title opinion or title insurance to address the status of the paper streets. Clarification of the easements and rights of the existing abutters is also a staff request.

re. workshop item 1  
munjoy heights

Page 1 of 1

Attachment 14. d  
Public comment

**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)

for item 1  
Munjoy Heights



## **FIRE RISK MANAGEMENT, INC**

1 Front St., Bath, ME 04530  
207/442-7200 [-7272 (fax)]  
FRM@fireriskmgmt.com

Attachment 7;  
(Applicants Submittal)

Date: 25 October, 2013

# **Memo Report**

**From:** W. Mark Cummings, P.E.  
**To:** Mr. Will Savage; Acorn Engineering  
Mr. Ryan Senator; Ryan Senator Architecture  
**Subject:** Code Review; ICW Proposed Munjoy Heights Development

As requested, Fire Risk Management, Inc. (FRM) has performed a review of the information that has been provided with regards to the design for a new townhouse complex in Portland, ME. The focus for this review was primarily to evaluate the site access requirements needed to support fire department operations, but a brief review of the design plans for the individual buildings was also performed to evaluate code compliance.

### Background

A new townhouse complex is being planned for construction on the north side of Walnut St., in the vicinity of the Sheridan St. intersection, in Portland, ME. This new development is to include six (6) separate buildings; with each having three (3) to six (6) separate living (townhouse) units. The buildings are being constructed to meet the requirements for Type V construction, as defined by the International Building Code (IBC). All units within the buildings are to be fully protected with automatic fire sprinkler systems; designed and installed in accordance with NFPA 13R.

The access road into the complex will be sufficient to support access by Fire Department apparatus; albeit the space available to accommodate the necessary turn-around area is limited. The total length of the access road is approximately 450 feet. Since no other means of access into this complex is available, this access road is a "dead end" and must be provided with an adequate turn-around area as outlined by both the National Fire Protection Association (NFPA) and the City's requirements.

### Discussion

The design documents that were used to support this review included the site plan provided by Acorn Engineering and a number of architectural plans for the various buildings provided by Senator Architecture. The Site Plan provided data with regards to the location of the buildings in relation to the adjacent City street, Walnut Street, along with the dimensions of the planned driveway and parking areas for the buildings. The architectural floor plans provided data regarding the overall dimensions of the buildings, along with the general layout of the living units within each building, which also included the planned fire separation for the living units.

The primary codes and regulations that were referenced during this review to determine code compliance were the most recent editions of NFPA 1, the *Fire Code*<sup>®</sup>, the *International Building and Residential Codes* (IBC & IRC), NFPA 101, the *Life Safety Code*<sup>®</sup>, and the City of Portland's *Fire Department Rules and Regulations* and Section 3 – *Public Safety* of the City's Technical Manual.

Based on a review of these documents, the following requirements were evaluated as being applicable to the site evaluation;

- *The City has a requirement that any development that includes up to 34 living units must include at least one (1) access road.* This townhouse complex will include 29 units and, as such, only requires one access road.

- *The access road must extend to within 50 feet of an exterior door that provides access into the building.* The planned access road extends all the way through the planned subdivision and, as such, will ensure that it will be within 50 feet of the front door of each unit within each building.
- *The access road must be within 450 feet of all portions of the building's exterior; which applies to buildings that are fully protected with an automatic fire sprinkler system.* Due to the relatively small size of the various buildings within this complex, coupled with the proximity of each to the access road, this requirement is easily met for all buildings within the subdivision.
- *The access road must be at least 16 feet in width to meet City requirements.* The NFPA 1 would require this access road to have at least 20 feet in clear width. The access road shown on the site plan will provide up to 20 feet of clear width along its entire length.
- *Any dead-end access roads in excess of 150 feet must be provided with an adequate turn-around area.* The total length of the access road into this development is approximately 450 feet. As such, a turn-around area is required. As depicted on the site plan, a turn-around area is provided at the end of the access road that complies with the City's requirements for this feature. Specifically,
- *NFPA 1 requires that at least one (1) fire hydrant be within 250 feet of this site. The City also has a requirement that a hydrant must be within 100 feet of any Fire Department Connection (FDC).* Given the water flow requirements needed to support firefighting operations, which is based on the building size and construction type, a fire hydrant must be within 250 feet of any part of the frontage on access road. A new, private fire hydrant is to be located at the end of the access road and a hydrant exists at the intersection of the access road and Walnut St. These hydrant locations ensure that all frontage on the development's access road will be within the 250-foot limit. However, the distance from the hydrants to the likely locations of some of the buildings' FDCs will be outside the 100-foot limit outlined by the City's Rules and Regulations. In recent discussions with a representative of the City's Fire Prevention Bureau, whereby the validity and benefit of this specific requirement has been questioned, it was stated that this regulation may be waived and only those requirements outlined in NFPA 1 must be adhered to for this particular project.
- *Based on the construction type and size of the largest individual building within the development, NFPA 1 would require a minimum fire flow (fire water supply capabilities) of at least 1000 gpm.* Using the building parameters that resulted in the largest fire area (Building B), coupled with a Type V (000) construction type as defined by NFPA, the initial fire flow requirements would be approximately 3500 gpm. However, this value can be reduced by 75% when the building is protected by an automatic fire sprinkler system, down to a minimum of 1000 gpm. This value could be reduced further if quick response sprinklers are used, which is likely for residential buildings, but this was not taken into account for this review. The fire hydrant that is located in the vicinity of the intersection of Walnut St. and the access road (corner of Walnut and Sheridan Streets) has a "light blue" color painted on the bonnet. This indicates that this hydrant can support fire flows in excess of 1500 gpm (at a minimum of 20 psig residual pressure at the hydrant). It will be assumed that the new private fire main system will tie into the City's fire main system in a near vicinity to this hydrant and, thus, the new private hydrant will also have water flow capabilities similar to that of the City's hydrant. As

Based on the review of the basic design plans for the individual buildings, it appears that these will be compliant with all applicable code requirements. In fact, a couple of aspects associated with the planned fire separation scheme for these buildings appear to be beyond what the codes would require. These include;

- Each living unit is being provided with an elevator. Although the code review documents provided with the architectural plans correctly indicate that no fire separation is required for the elevator shafts since they are installed completely within the individual residences and do not connect more than four stories in any of the buildings, the floor plan drawings indicate a 1-hour fire separation for the shaft walls. This is not a code requirement and since these elevator shafts are adjacent to open stairways that connect all floors of the individual units, inclusion of these fire rated barriers would ultimately serve no purpose; either from a building protection or life safety standpoint.
- Each of the buildings is being segregated by 2-hour fire-rated barriers, such that no more than two individual units are connected using only the required 1-hour fire rated barrier. It is assumed that the intent for these additional fire-rated barriers may be to address the fact that NFPA 101 does not adequately address townhouses in its various occupancy chapters, including Chapter 24, One- and Two-Family Dwellings. The

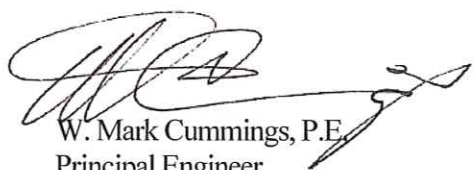
IBC does not require this additional level of separation for townhouses, regardless of the number of units that are located in each individual building. Equally, if these buildings were considered to be "apartment" buildings, which generally have more stringent requirements, the vertical separation requirements for individual units would still only be one hour for those buildings of this size that are protected throughout by an approved fire sprinkler system. This fact, coupled with the fact that an adequate fire water supply exists that will readily accommodate the required fire flows for these buildings, the need for the addition of these 2-hour fire-rated barriers is questionable.

Based on a review of both the buildings' design plans and the development's site plan, along with comparing these data to the requirements needed to support fire department operations, the design plans for this townhouse complex appear to be generally compliant. The only item that will require further discussion with the City is verification that the need to have a fire hydrant within 100 feet of all buildings' FDC will not be required for this development.

Summary and Recommendations

With the exception of the distance between the closest fire hydrant and the buildings' FDCs, the site design plan for this building should meet all requirements for site access and water supply as outlined in both NFPA 1 and the City's Rules and Regulations. In addition to obtaining verification from the City that it will not be required that all FDCs be within 100 feet of a hydrant, it is also recommended that unless the property owner has requested additional fire separation between the individual units to better assure property protection, that consideration be given to removing the 2-hour fire-rated barriers that currently subdivide each building. The limited benefit of adding these additional barriers may not warranted, given the likely costs associated with their construction.

If you have any questions regarding what has been outlined above, please don't hesitate to contact me.

  
W. Mark Cummings, P.E.  
Principal Engineer

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## MEMORANDUM

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**To:** FILE  
**From:** Jean Fraser  
**Subject:** Application ID: 2013-228  
**Date:** 11/26/2013

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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



## Jean Fraser - FW: Munjoy Heights Stormwater Drainage

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**From:** David Senus <dsenus@woodardcurran.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**Date:** 11/22/2013 4:06 PM  
**Subject:** FW: Munjoy Heights Stormwater Drainage  
**CC:** "DMP@portlandmaine.gov" <DMP@portlandmaine.gov>

---

Hi Jean.

Based on the clarifications and confirmations contained in Dave's emails, I believe the "major" items have and will be resolved regarding stormwater. All other items in our memo relate to clarifications and minor edits that can be made as part of a final submittal package.

Thanks,

Dave

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**From:** David Margolis-Pineo [mailto:DMP@portlandmaine.gov]  
**Sent:** Friday, November 22, 2013 2:04 PM  
**To:** Barbara Barhydt; Jean Fraser; John Emerson; James Sloan  
**Cc:** Will Savage; Bradley Roland; David Senus  
**Subject:** Munjoy Heights Stormwater Drainage

Will Savage stopped in this morning to discuss drainage from the above project. Two issues were discussed.

First, Will had originally requested that the discharge from the underdrain associated with the retaining wall planned at the head of East Cove St be allowed to discharge into the sewer on East Cove St. That request was denied by this department.

Will states that the drainage from Munjoy Height's site will be less after development and therefore now proposes a series of weep holes at the base of the wall so that drainage will be basically sheet flow towards Washington Ave. Public Services is agreeable with this concept.

Second, treated stormwater flows from the site are proposed to be discharged to Walnut St. The system design calls for detaining up to a 25 year storm event with a max. release rate of 3.7 cfs.

According to Will, the abutting land owners are not agreeable in giving a drainage easement so that the drainage discharge could be directed to Eastern Prom and Washington Ave where a separated stormwater system exist.

There is a separated stormwater system at Walnut and Washington and the city has plans to extend that system

up to the Sheridan-Walnut Street intersection within the next three years. Though far from ideal, this department is agreeable with living with the additional stormwater generated by this development until that separation occurs.

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

**Jean Fraser - Fwd: Fire Code Analysis**

---

**From:** Ryan Senatore <ryan@senatorearchitecture.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**Date:** 11/25/2013 4:35 PM  
**Subject:** Fwd: Fire Code Analysis  
**CC:** Will Savage <wsavage@acorn-engineering.com>, Jonathan Culley <jonathan@r...>  
**Attachments:** Munjoy-Heights\_Code-Revu-Memo.pdf; image001.jpg

---

Jean,

See below our understanding of the Fire Department items, as described below we see them as all addressed, if this is not the case please let us know specifically what needs to be addressed further.

- 20' access aisle is provided see drawings

- Template provided showing fire truck access has been submitted - and we understand Capt. Pirone was ok with this from an email dated 11/5/13

- Here is the Code Memo from the Professional Engineer to address items #3, #4 and #5 in the Fire departments comments, we assume all of these items are address, is there something additional you are looking for?

- Bullet points 5 and 6 on page 2 of Fire Risk Managements Memo address the fire Hydrant comments and per his memo 1 fire hydrant is appropriate.

- We understand that the attached memo satisfies the 'full code analysis' if this is not the case let us know.

Thank you,

Ryan Senatore, AIA LEED-AP BD+C  
*Maine Licensed Architect*  
**RYAN SENATORE ARCHITECTURE**  
207-650-6414  
[ryan@senatorearchitecture.com](mailto:ryan@senatorearchitecture.com)  
[www.senatorearchitecture.com](http://www.senatorearchitecture.com)

## Jean Fraser - Munjoy Heights Development

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**From:** Jean Fraser  
**To:** Fraser, Jean  
**Date:** 12/26/2013 4:18 PM  
**Subject:** Munjoy Heights Development  
**Attachments:** Pl Bd Decision letter - Munjoy Heights.pdf

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Hello

This e-mail is going out to all those who contacted me during the review of this housing proposal by Redfern Munjoy LLC. Thank you to those who sent letters or e-mails with comments, which were taken into consideration by the Planning Board at the Hearing on December 17th, 2013.

I attach for your information a copy of the signed Planning Board's Decision Letter and its main attachments, based on the Board's vote taken at the Hearing (6-0 in favor, Dean absent).

Please let me know if you would like further information. Background information can be found in the staff report and the applicant's submittal (for the December Hearing) on the City's website at: [http://www.portlandmaine.gov/planning.htm#Current\\_Backup\\_Material](http://www.portlandmaine.gov/planning.htm#Current_Backup_Material) (under 79 Walnut Street)

[Public comments that were not in the staff report and received by the time of the Hearing were circulated to the Board the afternoon of the Hearing; all letters, e-mails and documents that were sent to the Planning Division are "on the record".]

Thank you  
Jean Fraser, Planner  
874 8728

*to all who  
had contacted  
me*

## Jean Fraser - Munjoy Heights Development

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**From:** Jean Fraser  
**To:** Fraser, Jean  
**Date:** 12/27/2013 10:56 AM  
**Subject:** Munjoy Heights Development  
**Attachments:** Pl Bd Decision letter - Munjoy Heights.pdf

---

Hello

This e-mail is going out to all those who contacted the Planning office during the review of this housing proposal by Redfern Munjoy LLC. Thank you to those who sent letters or e-mails with comments, which were taken into consideration by the Planning Board at the Hearing on December 17th, 2013.

I attach for your information a copy of the signed Planning Board's Decision Letter and its main attachments, based on the Board's vote taken at the Hearing (6-0 in favor, Dean absent).

Please let me know if you would like further information. Background information can be found in the staff report and the applicant's submittal (for the December Hearing) on the City's website at:  
[http://www.portlandmaine.gov/planning.htm#Current Backup Material](http://www.portlandmaine.gov/planning.htm#Current_Backup_Material) (under 79 Walnut Street)

[Public comments that were not in the staff report and received by the time of the Hearing were circulated to the Board the afternoon of the Hearing; all letters, e-mails and documents that were sent to the Planning Division are "on the record".]

Thank you  
Jean Fraser, Planner  
874 8728

**Jean Fraser - RE: Replacement Housing Ordinance Requirements**

**From:** "Jonathan Culley" <jonathan@redfernproperties.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 2/2/2014 1:30 PM  
**Subject:** RE: Replacement Housing Ordinance Requirements

Jean,  
There are currently no tenants in either of the buildings, all are vacant. Responses to previous questions below:

**1. Noticing**

I assume you are still the owner of 79 Walnut and therefore the noticing of tenants falls to you.

We do not consider that your letter and the way it was delivered meets the ordinance requirement that I quoted below. This does not matter in the case of the 3 tenants who have vacated the property but could matter if your last tenant does not (for some reason) leave at the end of the lease. My attorney recommends that you send that person a letter that meets the ordinance as a "back up" (if they have already moved out then ignore this):

2. Deliver to each tenant who occupies such a dwelling unit a written notice to vacate the unit. The notice shall either be sent by certified mail, return receipt requested, or served in-hand. The notice will grant the tenant not less than **ninety (90) days** from the date of receipt of the notice to vacate the unit; and

*All Tenants have moved out.*

**2. Verification re size of units lost and size of replacements**

The second thing that is needed is Jonathan Culleys responsibility but he needs information from you re the size of the units at 79 Walnut. Its referred to in the ordinance as:

*new units approx 2000 sq ft living space*

Be comparable in size to the units replaced; for the purpose of this section, "comparable in size" means that the aggregate size of the replacement units will be no less than 80% of the size of the aggregate of the original units.

Jonathan- please send us confirmation of the size of each of the 5 units to be lost (Kat hopefully can give you 4 of those; the other we have on the Assessors record). Also please send the aggregate size of the replacement units. I appreciate that the 29 units clearly meet the requirement, but we just need a verification e-mail please.

*of which 800 = 3452  
4315 =*

- 79 Walnut unit sizes,
- Unit 1: 820 square feet
- Unit 2: 740 square feet
- Unit 3: 1120 square feet
- Unit 4: 900 square feet

*Assessors 3749 + 900 = 4649*

*East Cove house - 735 sq ft*

## Jean Fraser - Re: Replacement Housing Ordinance Requirements

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**From:** Jean Fraser  
**To:** Richman, Kat  
**Date:** 1/14/2014 5:17 PM  
**Subject:** Re: Replacement Housing Ordinance Requirements  
**CC:** Culley, Jonathan; Green, Nikki

---

Kat (and Jonathan)

Apologies for the delay in getting back to you; I needed to consult the Legal Department as we need to determine whether or not the Housing Replacement ordinance has been met.

There are a couple of things that need some action- the first for you I think and the other for Jonathan Culley:

### 1. Noticing

I assume you are still the owner of 79 Walnut and therefore the noticing of tenants falls to you.

We do not consider that your letter and the way it was delivered meets the ordinance requirement that I quoted below. This does not matter in the case of the 3 tenants who have vacated the property but could matter if your last tenant does not (for some reason) leave at the end of the lease. My attorney recommends that you send that person a letter that meets the ordinance as a "back up" (if they have already moved out then ignore this):

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### 2. Verification re size of units lost and size of replacements

The second thing that is needed is Jonathan Culleys responsibility but he needs information from you re the size of the units at 79 Walnut. Its referred to in the ordinance as:

#### [Replacement units need to meet this requirement:]

Be comparable in size to the units replaced; for the purpose of this section, "comparable in size" means that the aggregate size of the replacement units will be no less than 80% of the size of the aggregate of the original units.

Jonathan- please send us confirmation of the size of each of the 5 units to be lost (Kat hopefully can give you 4 of those; the other we have on the Assessors record). Also please send the aggregate size of the replacement units. I appreciate that the 29 units clearly meet the requirement, but we just need a verification e-mail please.

thank you  
Jean

*Jean Fraser, Planner  
City of Portland*

874 8728

>>> Kat Richman <katrichman@gmail.com> 1/7/2014 3:37 PM >>>

Hello Jean,

Here is the letter that we sent our tenants on October 2, 2013. I emailed them each a copy and mailed a separate letter.

At the time we got under contract with RedFern, 3 of our 4 tenants were month-to month. One moved out at the end of October and we did not fill that unit. Two tenants moved out at the end of December. The remaining tenant was told verbally at the time he signed a 6-month lease that the building was pending sale and demolition.

On Tue, Jan 7, 2014 at 3:24 PM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Jonathan

Together with the Legal Department I need to confirm that the ordinance requirements of 14-483 re housing preservation and replacement have been met. Please send the relevant documentation re **A** and **B below** to me when available, and liaise with Phil DiPierro re **C** as appropriate.

I am copying this e-mail to Nikki Green and Cat Richman (owners of 79 Walnut) and to Phil DiPierro (I don't have a contact e-mail for the other owners).

thanks

Jean

There are three outstanding actions that need to be taken:

**A. Notification to tenants:** this is the extract from the ordinance:

(f) *Tenant Notification Requirements.* Prior to elimination as a result of demolition or conversion to non-residential use, the owner shall:

1. Provide the Planning Authority a list containing the name of each tenant currently residing in the dwelling units to be demolished or converted to non-residential use, as well as verification of compliance with tenant notice requirements of this section.

2. Deliver to each tenant who occupies such a dwelling unit a written notice to vacate the unit. The notice shall either be sent by certified mail, return receipt requested, or served in-hand. The notice will grant the tenant not less than **ninety (90) days** from the date of receipt of the notice to vacate the unit; and

3. File proof of service of the notice with the Planning Authority.

I have spoken to Nikki Green and I understand that some form of notice has been given to the tenants but I need documentation that the notices addressed all the points of this ordinance. For the purposes of this I am the "Planning Authority". Please confirm the contact person on this and have them send the documentation please.

**B. The replacement units need to meet this requirement:**

Be comparable in size to the units replaced; for the purpose of this section, "comparable in size" means that the aggregate size of the replacement units will be no less than 80% of the size of the aggregate of the original units.

Again its a question of documentation- please send confirmation of the size of each of the 5 units to be lost and the size of replacement units. (This refers to units at both addresses)



**C. Performance guarantee:**

(j) *Performance Guaranty/Letter of Credit.* Owners or affiliates must post a performance guaranty in the form of a letter of credit, or other security acceptable to the city attorney in amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Trust Fund if the applicant had chosen that option pursuant to sub-section g.

**(Calculation of performance guarantee needs to take account of this; Phil will advise:**

The applicant may meet the requirements of this section by depositing \$50,000 for each dwelling unit into the City's Housing Trust Fund in section 14-489.

2. Beginning on January 1, 2004 and annually thereafter, the amount of the contribution shall be adjusted by multiplying this amount originally deposited for each unit by a fraction, the denominator of which shall be the "Consumer Price Index for Urban Wage Earners and Clerical Workers ("CPI-W")," U.S. City Average, "All Items Index," as published by the United States Bureau of Labor Statistics ("the Index") for January 1, 2003 Year, and the numerator of which shall be the Index for the same month in each subsequent year. In the event that the Index is not then in existence, the parties shall use such equivalent price index as is published by any successor governmental agency then in existence; or, if none, then by such nongovernmental agency as may then be publishing an equivalent price index, in lieu of and adjusted to the Index. If the Index shall cease to use 1982-84 equals 100 as the basis of calculation, or if a substantial change is made in the terms or number of items contained in the Index, the Base Index shall be adjusted to conform to such change, using such computation thereof, if available, as shall be employed by the United States Department of Labor in computing same. Notwithstanding anything herein to the contrary, contributions made after January 1, 2004 shall not be less than the amount originally required to be deposited pursuant to sub-section (i)(1) for each rooming or dwelling unit.

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Kat

## Jean Fraser - Fwd: Re: Replacement Housing Ordinance Requirements (re Munjoy Heights)

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**From:** Jennifer Thompson  
**To:** Jean Fraser  
**Date:** 1/10/2014 11:20 AM  
**Subject:** Fwd: Re: Replacement Housing Ordinance Requirements (re Munjoy Heights)

---

o.k. Her letter talks about Redfern becoming the landlord so I'm not sure how they'll resolve that. I would assume that the expiration of the lease will take care of the issue as it relates to the tenant vacating - so all of this likely won't matter much. But if there's any kind of a holdover situation where the tenant refuses to leave at the end of the lease term, the current landlords would be wise to make sure they've complied with the notice requirement so they have additional grounds to evict (not to mention our ordinance requires it).

>>> Jean Fraser 1/10/2014 11:18 AM >>>  
Jen

Thanks- thats helpful. The 6 month lease to the last tenant is up on Jan 31st and the developer will not be starting on the site until later in February. The owners who sent the letter are the sellers- Redferns has not yet bought it but I imagine they will close in early February. So I am dealing with the sellers who I presume have promised vacant possession.

Jean

>>> Jennifer Thompson 1/10/2014 11:12 AM >>>

Well, to be frank: They really weren't noticed properly. This letter doesn't provide any real notice period. It just gives kind of a general sense that the closing will be at the end of the year and the project might begin thereafter - which I realize is probably the best they could do at the time. But for the purposes of the ordinance it's not really sufficient. I don't think the lease will satisfy the notice requirements either.

If they can demonstrate that the 4 tenants are in fact out, then I think we can be satisfied with respect to them: after all, if there are no tenants in those apartments, there's no notice requirement. As for the remaining tenant, if the lease is through February and the sale of the building has now closed, I would suggest that they provide a follow up notice, telling that tenant that they need to vacate within 90 days (the lease will be up before then so they'll need to vacate sooner under the lease. The landlords can also include a statement to that effect if they wish). The notice should be sent by certified mail or hand delivered as outlined in the ordinance.

does this help? Let me know if you'd like to talk about this further.

>>> Jean Fraser 1/10/2014 10:45 AM >>>  
Jen

The attached letter is the one that Kat Richman referred to and I had thought was included in the original thread- sorry if not.

My question boils down to whether we need to see the 6 month lease given to the last tenant (still there) to verify that they were noticed adequately. That person also got the attached letter by Mail (we have no proof they got it).

And do you think I need to ask for the names of the 4 tenants at this point? (first part of the requirement)

Thanks

## Jean Fraser - Fwd: Re: Replacement Housing Ordinance Requirements (re Munjoy Heights)

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**From:** Jean Fraser  
**To:** Thompson, Jennifer  
**Date:** 1/8/2014 1:22 PM  
**Subject:** Fwd: Re: Replacement Housing Ordinance Requirements (re Munjoy Heights)  
**Attachments:** Housing Replacement Letter.pdf

---

Jen

I recall we had an e-mail exchange about this issue some while ago. It relates to the demolition of 79 Walnut Street which is necessary for Redfern to develop the 29 townhomes at Munjoy Heights. There were 4 tenants in 79 Walnut Street, as confirmed at the time of the application (letter attached).

Could you review the information in the e-mails below with the owner of 79 Walnut, and see whether you would agree that they have met the ordinance requirement. I think they do, in that 3 of the 4 tenants have left and the remaining one had a specific lease for 6 months. But its not clear cut.

(The 5th unit is within a single family home at 1 East Cove Street) .

thanks  
Jean

>>> Kat Richman <katrichman@gmail.com> 1/7/2014 4:28 PM >>>  
Yes, it was mailed to all of them. His lease is up Jan 31st.

On Tue, Jan 7, 2014 at 4:20 PM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Kat  
 Was that letter sent to the current tenant? When does the 6 month lease end?  
 thanks  
 Jean

>>> Kat Richman <[katrichman@gmail.com](mailto:katrichman@gmail.com)> 1/7/2014 3:37 PM >>>  
 Hello Jean,

Here is the letter that we sent our tenants on October 2, 2013. I emailed them each a copy and mailed a separate letter.

At the time we got under contract with RedFern, 3 of our 4 tenants were month-to month. One moved out at the end of October and we did not fill that unit. Two tenants moved out at the end of December. The remaining tenant was told verbally at the time he signed a 6-month lease that the building was pending sale and demolition.

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I am copying this e-mail to Nikki Green and Cat Richman (owners of 79 Walnut) and to Phil DiPierro (I don't have a contact e-mail for the other owners).

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Jean

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I have spoken to Nikki Green and I understand that some form of notice has been given to the tenants but I need documentation that the notices addressed all the points of this ordinance. For the purposes of this I am the "Planning Authority". Please confirm the contact person on this and have them send the documentation please.

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Again its a question of documentation- please send confirmation of the size of each of the 5 units to be lost and the size of replacement units. (This refers to units at both addresses)

**C. Performance guarantee:**

(j) *Performance Guaranty/Letter of Credit.* Owners or affiliates must post a performance guaranty in the form of a letter of credit, or other security acceptable to the city attorney in amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Trust Fund if the applicant had chosen that option pursuant to sub-section g.

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2. Beginning on January 1, 2004 and annually thereafter, the amount of the contribution shall be adjusted by multiplying this amount originally deposited for each unit by a fraction, the denominator of which shall be the "Consumer Price Index for Urban

Wage Earners and Clerical Workers ("CPI-W"), " U.S. City Average, "All Items Index," as published by the United States Bureau of Labor Statistics ("the Index") for January 1, 2003 Year, and the numerator of which shall be the Index for the same month in each subsequent year. In the event that the Index is not then in existence, the parties shall use such equivalent price index as is published by any successor governmental agency then in existence; or, if none, then by such nongovernmental agency as may then be publishing an equivalent price index, in lieu of and adjusted to the Index. If the Index shall cease to use 1982-84 equals 100 as the basis of calculation, or if a substantial change is made in the terms or number of items contained in the Index, the Base Index shall be adjusted to conform to such change, using such computation thereof, if available, as shall be employed by the United States Department of Labor in computing same. Notwithstanding anything herein to the contrary, contributions made after January 1, 2004 shall not be less than the amount originally required to be deposited pursuant to sub-section (i)(1) for each rooming or dwelling unit.

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Kat

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Kat

## Jean Fraser - Re: jack's path

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**From:** Jean Fraser  
**To:** Bloom, Tom  
**Date:** 12/20/2013 4:52 PM  
**Subject:** Re: jack's path  
**Attachments:** Plan 6 - Site Plan.pdf; Plan 32 - Landscape Plan.pdf

---

Tom

Thank you for your comments which arrived after the final Planning Board hearing on this project (it was at 7pm on December 17th, 2013). However, your comments have been placed on the files for the record.

The Report for the Board with all the background material can be found on the City's web site at: [http://www.portlandmaine.gov/planning.htm#Current\\_Backup\\_Material](http://www.portlandmaine.gov/planning.htm#Current_Backup_Material) (79 Walnut Street).

The PB Hearing was taped and you are welcome to view the DVD on a computer in the Planning Division by appointment.

At the hearing the Board heard public comments regarding the importance of the trees but also saw photographs of the site as a gravel pit some years ago and heard other evidence about the invasive tree species in the wooded area and safety issues and other problems. There were many supporters of the project who also spoke. After considering all of the facts and information the Board decided to approve the project with a number of conditions of approval.

I attach the submitted Site Plan and Landscape Plan for this area of private land/paper street. The "Jack Path" Portland Trail will be retained through the middle of the project almost along its existing route and connect to the rest of the path and woods that are below Bayview Heights. The trail will be extended to connect with East Cove Street. Preservation of the trees (they are not that old but some are large) is not possible because of the slope and the need to regrade and build extensive retaining walls to support the new homes and paved access, as well as to make sure the ground remains stable for the homes along North Street. The Board did ask the applicant (at one of the workshops held a couple of months ago) to consider whether any mature trees could be preserved, and in discussion with forestry experts and the City Arborist it was concluded that because of the location of the large trees it was impossible, though some trees have been saved on the east part of the site.

The project was reviewed in the context of the Portland site plan and subdivision ordinances and the Planning Board made the final decision- and they determined that the project met the City's site plan and subdivision standards and therefore it was approved.

Please let me know if you would like more information.

Thank you  
Jean

*Jean Fraser, Planner  
City of Portland*

874 8728

>>> Tom Bloom <tombloom1@mac.com> 12/18/2013 10:18 AM >>>

I'm so dismayed about the commercial giveaway of Jack's Path on Munjoy hill. I just moved to Walnut street this year, and one of the big reasons was that there is near-wilderness near by. No more. Even if they accomplish the mixed use one article suggested, the horror is that they're going to clear cut that precious woods. There is so much attention today to responsible preservation of old growth, why can't this development company take a little more time, and yes, expense, to work around the largest of the trees at least. No doubt they're hungry for profits, and the main beneficiary of the clear cutting will most likely be the cars in the parking lot, and the view for the 1%ers who will move in. It's a crying shame. Is it too late to ask for more preservation of the oldest of the trees? Planting new, even native trees, will show no value for 40 years. Why so greedy? I'm shocked and dismayed at this sell out.

Tom Bloom 95 Walnut St. 212-924-8276

**Jean Fraser - Fwd: URGENT Plans rec'd today don't have this note Re: Civil Plans- note to add/substitute re Walnut ROW area**

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**From:** Jean Fraser  
**To:** Will Savage  
**Date:** 2/21/2014 5:44 PM  
**Subject:** Fwd: URGENT Plans rec'd today don't have this note Re: Civil Plans- note to add/substitute re Walnut ROW area

---

Will

Please also send a pdf of C-47 as that plan was not submitted previously and can not be included in the final plan set unless reviewed and approved.

thanks  
Jean

>>> Jean Fraser 2/21/2014 5:42 PM >>>  
Will

I had understood you were going to change/add notes to C-10 and C-40 but the plans I received today do not have the notes.

C-10 needs to have the note I outlined below and also the detail sheet number (for apron) noted.

On the detail sheet there also needs to be the same note by the detail for the brick apron in big bold letters (not cross refs to other notes that I could not find).

Please send me a pdf of the revised C-10 and C-40 before sending the paper copies.

Jean

>>> Jean Fraser 2/13/2014 1:09 PM >>>  
Will

I suggest the following note to replace the existing note on C-10 and add to the detail plan re the driveway apron as discussed:

"Material/details of driveway apron to be approved by the City (DPS & Planning) prior to implementation."

I will be back in the office tomorrow afternoon if there is any concern over this.

Thanks  
Jean



## Jean Fraser - URGENT - final Plans for Munjoy Heights

---

**From:** Jean Fraser  
**To:** Margolis-Pineo, David  
**Date:** 2/21/2014 5:38 PM  
**Subject:** URGENT - final Plans for Munjoy Heights  
**Attachments:** Acorn Engineering Comment Response Letter\_1-17-14.pdf

---

David

I want to make sure that there are no issues lurking here- they are meeting for the pre-con on tuesday and I received a bundle of paper plans (civil plans) that were supposed to be the final plan set but now I am not sure you have checked in detail although you have seen them. Please confirm today (Mon) if you can.

Could you please send an e-mail confirming that you have signed off on the civil plans- they are as uploaded in e-plan (under final) except for those attached - which were sent to you on Jan 17th and Dave Senus signed off on them on 1.23.2014 copied to you.

In Plans C10 and C40 they need to change/add notes (and make it really clear) to state (I told them this in writing based on the exchange between Jeff Levine and Mike Bobinsky):

*"Material/details of driveway apron to be approved by the City (DPS & Planning) prior to implementation."*

Thanks  
Jean

**Jean Fraser - URGENT Plans rec'd today don't have this note Re: Civil Plans- note to add/substitute re Walnut ROW area**

---

**From:** Jean Fraser  
**To:** Savage, William  
**Date:** 2/21/2014 5:42 PM  
**Subject:** URGENT Plans rec'd today don't have this note Re: Civil Plans- note to add/substitute re Walnut ROW area  
**CC:** Culley(jonathan@redfernproperties.com), Jonathan; Jewell, Tom

---

Will

I had understood you were going to change/add notes to C-10 and C-40 but the plans I received today do not have the notes.

C-10 needs to have the note I outlined below and also the detail sheet number (for apron) noted.

On the detail sheet there also needs to be the same note by the detail for the brick apron in big bold letters (not cross refs to other notes that I could not find).

Please send me a pdf of the revised C-10 and C-40 before sending the paper copies.

Jean

>>> Jean Fraser 2/13/2014 1:09 PM >>>

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I suggest the following note to replace the existing note on C-10 and add to the detail plan re the driveway apron as discussed:

"Material/details of driveway apron to be approved by the City (DPS & Planning) prior to implementation."

I will be back in the office tomorrow afternoon if there is any concern over this.

Thanks  
Jean

>>> William Savage <wsavage@acorn-engineering.com> 2/13/2014 8:58 AM >>>  
[Ok. Thank-you for the clarification.](#)

**-Will**

**From:** Jean Fraser [mailto:JF@portlandmaine.gov]

**Sent:** Wednesday, February 12, 2014 4:42 PM  
**To:** William Savage  
**Cc:** Tom Jewell; Jonathan Culley (jonathan@redfernproperties.com)  
**Subject:** Confirm Stormwater Agreement OK

Will

I confirm that your version of the Agreement is fine and its progress to date meets the condition of approval. Sorry for the confusion re the raingardens.

Jean

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)> 2/7/2014 10:45 AM >>>  
Jean,

I agree with all the suggested changes by DPS and legal with the exception of the removal of the rain gardens as a maintenance item. The project does include two rain gardens and I have added this back in. I am confident that DPS's commenter "DAR" (Doug Roncarati?) would agree with keeping this language, as it enhances the agreement.

Thank-you for sending this along.

**-Will**

**From:** Jean Fraser [<mailto:JF@portlandmaine.gov>]  
**Sent:** Friday, February 07, 2014 10:22 AM  
**To:** William Savage  
**Cc:** Jonathan Culley ([jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com))  
**Subject:** Re: FW: Munjoy Heights - Conditions of Approval

Will

As I have confirmed to Jonathan, I would send a particular e-mail confirming a sign off when that has happened re a particular condition.

The Stormwater Agreement has not been agreed and I attach the suggested changes requested by DPS and Legal.

Re the civil plans, both the brick sidewalk /apron and the Walnut Street crosswalk are still under discussion - I agree a note on the final set of plans is needed but not yet crafted/confirmed. Other than that, the plans are OK in terms of engineering comments (both Peer engineer and DPS).

thank you  
Jean

>>> William Savage <[wsavage@acorn-engineering.com](mailto:wsavage@acorn-engineering.com)> 2/7/2014 9:00 AM >>>  
Hi Jean,

I'm writing to follow-up on our previous phone call discussions. In is my understanding that the only item

previously preventing a "sign off" on the civil plans is incorporation of the brick apron for drive access. I believe that we are all in agreement that this can easily be addressed, post COA, by either approval by DPS, waiver by the City Council or by simply changing the material from brick to bituminous before construction of the entrance.

The stormwater maintenance agreement was previously submitted with Acorn's 1/17/14 comment/response letter. All questions regarding the de minimis flow from the retaining wall have been previously address. (David Margolis-Pineo email to planning staff dated 11/22/13 and Acorn's Acorn's 1/17/14 comment/response letter).

I am of the opinion that all civil COA items have been addressed. Please let me know if there is anything outstanding at this time.

Best,

-Will

**From:** Jonathan Culley [<mailto:jonathan@redfernproperties.com>]  
**Sent:** Wednesday, January 29, 2014 3:34 PM  
**To:** William Savage  
**Subject:** Re: Munjoy Heights - Conditions of Approval

Will,

Can u touch base with Jean to see where we are on the Civil stuff?

Sent from my iPhone

On Jan 29, 2014, at 12:42 PM, "Jean Fraser" <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Jonathan

This is useful but I disagree with several of the status comments; I would send sign off e-mails to say when a condition has been signed off and I believe the only one I have sent is re the Landscape Plans.

I mentioned to Soren that I had not yet signed off on the lighting. All of the other plans and docs are with reviewers and I "chased" them at Dev Rev this morning so hope to get comments or sign offs on the items that are with us soon.

We need to see the easements before they are signed; we should be signatory to the Public Access easement and I do not believe we have been sent the draft for review- you say it has been submitted so maybe I have missed it? I have not received any final draft easements (they should not go direct to legal).

An issue has come up re the brick apron for the drive access- I am trying to resolve this but it prevents a sign off on the civil plans. They have only been signed off by the Peer Engineer.

Thank you  
Jean

>>> "Jonathan Culley" <[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)> 1/28/2014 3:19 PM >>>  
Jean,

We are working hard to resolve all 'Conditions of Approval'. We believe we are nearly complete, with: 1. Staff approval of our Subdivision Plat, 2. Final signature of the Rando and McAdam Easements, and 3. Demonstration of Title Commitment, as the final material issues. Please review the list below of all of the Conditions in the 12/23/2013 Approval Letter along with my comment indicating our understanding of the current status. Please let me know if our understanding is inconsistent with your understanding in any areas. We remain very focused on resolving any and all outstanding. Thank you!

#### **1. SUBDIVISION**

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

i. That the applicant shall submit title insurance/title opinion regarding the rights to develop the portions of the former Sheridan and East Cove paper streets prior to release of signed Subdivision Plat, and submit evidence that the actions associated with the claims have been taken prior to the issuance of a building permit; and

[Tom Jewell to submit Title Commitment prior to release of Subdivision Plat and issuance of Building Permit.](#)

ii. That the easements and other documentation demonstrating right title and interest shall be finalized to the satisfaction of the Corporation Counsel and recorded prior to the release of the signed subdivision plat; and

[Final Easements with Rando and McAdam should be signed this week.](#)

iii. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, and Department of Public Services and include detailed references to easements, parking limitations for units 1-11, snow removal, trail and trail connection maintenance, Condominium Association documents and relevant conditions; and

[Subdivision Plat has been submitted for review.](#)

iv. That the Condominium Association documents shall reference the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan, adequate snow removal and the ongoing maintenance of the 20 foot wide vehicle access lane and the trail and trail connections, to be reviewed and approved by Corporation Counsel. The documents shall also address the relevant conditions of approval and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the Subdivision Plat; and

[Condominium Documents have been submitted for review.](#)

v. That the Portland Trails Agreement shall be revised to: include snow removal, hours of use of trails, and other maintenance obligations for the connection to East Cove Street within the obligations of the Grantor/Condominium Association and to be consistent with the obligations for the rest of the easement area; address the staff and Portland Trail comments in this report; and be agreed with Portland Trails, the City's Corporation Counsel, Department of Public Services and the Planning Authority prior to the release of the signed subdivision plat, and recorded prior to

the issuance of the certificate of occupancy with a copy to the Planning Authority; and

[Portland Trails Easement has been submitted for review.](#)

vi. That the applicant shall add notes to the subdivision plat, condominium documents and/or unit deeds and obtain such other legal agreements/easements as are necessary, subject to the review and approval of Corporation Counsel and prior to the release of the signed subdivision plat, to secure the rights and limitations listed below:

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[Final Easements with Rando and McAdam should be signed this week.](#)

- That the agreed public access (Portland Trails Easement) is maintained at all times and available for safe use year round, over the area shown in Attachment U to this Report;

[See Portland Trails Agreement.](#)

- That the minimum vehicle access of 20 feet is maintained at all times by adequate snow removal in accordance with the approved Snow Storage Plan (Plan 21 to this Report) and a specific prohibition on parking in front of the garages for Units 1-11 due to encroachment into the 20 foot circulation area required by the fire Department.

[See Subdivision Plat](#)

vii. That the applicant shall post the performance guarantee required under the Housing Preservation and Replacement Ordinance prior to the issuance of a demolition permit for the demolition of the two existing residential buildings at 79 Walnut Street and 1 East Cove Street; and

[Working with Wright-Ryan, Androscoggin Bank, and Phil DiPierro on the Performance Guarantee.](#)

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

[Documents have been submitted for review.](#)

## **2. SITE PLAN REVIEW**

The Planning Board voted 6-0 (Dean absent) that the plan is in conformance with the site plan standards

of the Land Use Code, subject to the following condition(s) of approval:

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[We understand this to be complete and acceptable.](#)

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

[We are standing by and willing to comply once we receive direction from City.](#)

iii. That the applicant shall submit detailed/revised Landscape Plans to address the following, for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit:

- Mitigation of the retaining wall and other impacts for abutters or where viewed directly by abutters;

[We understand this to be complete and acceptable.](#)

- Resolution of the Portland Trail node locations (ie where the stairs meet the access drive/parking area) so that the stairs enter the area via a dedicated pedestrian way and the trail is more visible (to address PT comments in letter dated 12.11.2013 and Traffic review comments dated 12.11.2013); and

[We understand this to be complete and acceptable.](#)

- To address the City Arborist Jeff Tarling comments dated 12.12.2013 concerning planting material.

[We understand this to be complete and acceptable.](#)

iv. That the applicant shall provide illustrative material to show how the ramp leading to East Cove Street will appear to users and further discuss the design of this ramp with the City Arborist and Portland Trails to develop a design that meets Crime Prevention, safety and maintenance objectives, for review and approval by the Planning Authority prior to the issuance of a building permit; and

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v. That the applicant shall submit the revised civil engineering plans to confirm that the 20 foot access width in the central drive access is flush and constructed to withstand the weight of Fire Department vehicles and their outriggers for the entire 20 foot width over the entire length of the access drive, and to address the Engineering Review comments of Dave Senus dated 12.6.2013 items 2); 3); 12); 13); 17); 18); and 19); all for review and approval by the Planning Authority prior to the issuance of a building permit; and

[We understand this to be complete and acceptable.](#)

vi. The applicant has noted on Plans Sheet C-32 & C-33 that Summit Engineering Services in coordination with Structural Integrity Consulting Engineers, Inc shall provide the retaining wall design, global stability analysis, and the design of the temporary soil restraint measures, as required. The referenced retaining wall designs shall be completed, stamped by a professional engineer, and submitted to the City of Portland Inspections Department and Planning Authority as

part of the Building Permit process prior to construction of any retaining walls; and

[We understand this to be complete and acceptable.](#)

vii. That the applicant shall have the proposed street addresses for the townhomes approved by the City E-911 Addressing Officer prior to the issuance of a certificate of occupancy; and

[We will work on this and have resolution prior to Certificate of Occupancy. We are coordinating with US Postal Service and City E-911.](#)

viii. That the applicant shall submit additional lighting information to clarify whether the proposed site lighting (including building mounted lighting) meets the City's Technical Standards; and  
ix. All signage shall be subject to separate permits through the Inspections Division, with any traffic signage subject to view and approval by the Planning authority and Department of Public Services.

[We understand this to be complete and acceptable.](#)

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

standard conditions of approval are listed below.

**STANDARD CONDITIONS OF APPROVAL**

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

1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be posted prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.

[Subdivision Plat has been submitted for Review.](#)

2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval.

[Subdivision Plat has been submitted for Review.](#)

3. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

[Understood, no action required at this time.](#)

4. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.



Understood, a building permit application has been submitted separately.

**5. Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

Understood, no action required at this time.

**6. Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.

Understood, no action required at this time.

**7. Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.

Understood, we are working on the Performance Guarantee.

**8. Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

Understood, no action required at this time.

**9. Preconstruction Meeting** Prior to the release of a building permit or site construction, a preconstruction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

Understood, no action required at this time.

**10. Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Understood, no action required at this time.

**11. As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.

Understood, no action required at this time.

12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance

of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to date required for

final site inspection. The Development R

Understood, no action required at this time.

**Jonathan Culley**

**Redfern Homes LLC | Redfern Properties LLC**

Cell: 207-776-9715

Office: 207-221-5746

Fax: 207-221-2822

[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)

[www.redfernhomes.com](http://www.redfernhomes.com)

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Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

## Jean Fraser - Fwd: Fire Dept requirements re Munjoy Heights Plat

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**From:** Jean Fraser  
**To:** Thompson, Jennifer  
**Date:** 2/28/2014 11:39 AM  
**Subject:** Fwd: Fire Dept requirements re Munjoy Heights Plat  
**Attachments:** Approved Sub Plat Munjoy Heights 2.10.14.pdf; Approved SN1 Snow Storage Munjoy Heights.pdf; approved Condo Declaration Munjoy Heights redline 020614 with Jones, Matzen and City changes.pdf

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Jennifer

Can you suggest a way that we can get the Condo Docs and Snow Storage Plan recorded and linked to the already recorded plat. The Fire Dept are somewhat concerned that the recording details are not on the Plat and this was required by the conditions (though not in so many words- the reason those notes were added was to address the conditions).

The restrictions that Fire wanted are spelt out in the Condo Docs and on the Snow Storage Plan and not directly on the plat, so that is why its important (if we'd known that these would not be sequentially recorded, the restrictions could have been noted on the plat).

I have not heard from Tom Jewell and appreciate it can wait until the CO, but I am wondering what Legal mechanism might be possible re this. I suppose an amendment plat but is there something simpler?

thanks  
Jean

>>> Jean Fraser 2/26/2014 1:26 PM >>>  
Tom

On the final plat (copy attached ) in notes 26 and 27 there had been an expectation that the Condo Docs and Snow Storage Plan would have been recorded sequentially with the Plat so that the book and page lines would have been filled in on the Plat (both notes) before it was recorded.

This was the expectation of the Fire Dept (based on their condition of approval) - and when they received a copy of the recorded plat today they were concerned that this had not been done.

I had forgotten to remind you of this when you picked up the plat for recording so I am partly at fault.

Therefore I attach what I understand are the final agreed Condo Docs (the attached are in redlined form so clean copy needed) and Snow Storage Plan and I suggest that these be recorded (with a copy of the recorded version sent to me) and before they are recorded have them annotated or otherwise link them with the recorded plat and relevant notes on that plat.

Please let me know what action you are able to take to rectify this situation, so I can confirm to the Fire Department.

thank you  
Jean

## Jean Fraser - Munjoy Heights - Conditions of Approval

---

**From:** "Jonathan Culley" <jonathan@redfernproperties.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 1/28/2014 4:19 PM  
**Subject:** Munjoy Heights - Conditions of Approval  
**CC:** "Will Savage" <wsavage@acorn-engineering.com>, "Soren Deniord" <soren@so...

---

Jean,

We are working hard to resolve all 'Conditions of Approval'. We believe we are nearly complete, with: 1. Staff approval of our Subdivision Plat, 2. Final signature of the Rando and McAdam Easements, and 3. Demonstration of Title Commitment, as the final material issues. Please review the list below of all of the Conditions in the 12/23/2013 Approval Letter along with my comment indicating our understanding of the current status. Please let me know if our understanding is inconsistent with your understanding in any areas. We remain very focused on resolving any and all outstanding. Thank you!

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[Tom Jewell to submit Title Commitment prior to release of Subdivision Plat and issuance of Building Permit.](#)

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[Final Easements with Rando and McAdam should be signed this week.](#)

iii. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, and Department of Public Services and include detailed references to easements, parking limitations for units 1-11, snow removal, trail and trail connection maintenance, Condominium Association documents and relevant conditions; and

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[Understood, no action required at this time.](#)

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**11. As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.

Understood, no action required at this time.

**12. Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development R



Understood, no action required at this time.

**Jonathan Culley**  
**Redfern Homes LLC | Redfern Properties LLC**  
Cell: 207-776-9715  
Office: 207-221-5746  
Fax: 207-221-2822  
[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)  
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[www.redfernproperties.com](http://www.redfernproperties.com)

## Jean Fraser - Plat may be released as of 3pm yesterday

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**From:** Jean Fraser  
**To:** Jewell, Tom  
**Date:** 2/14/2014 2:15 PM  
**Subject:** Plat may be released as of 3pm yesterday  
**CC:** Culley(jonathan@redfernproperties.com), Jonathan; Ryan Senatore; Savag...

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Tom

The plat could have been released yesterday afternoon but City hall closed down due to the bad weather just as the performance guarantees were approved internally.

It is available now for collection. I will be here today until 5pm but I am not sure if the Registry Office is open. Please let me know the plan so I can be sure to be around.

We do normally want to have the final plans before releasing the plat but since we held them up I am OK with releasing the plat today and then getting the final plans early next week (they have all been approved but we need 5 paper scaled collated sets of civil/landscape/recorded plat excluding photometric - plus one copy mylar plat with PB signatures and recording info (should be copy of what was recorded).

Thank you,  
Jean

**Jean Fraser - RE: 79 Walnut Street Site Access**

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**From:** Craig Hill <[chill@wright-ryan.com](mailto:chill@wright-ryan.com)>  
**To:** Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)>  
**Date:** 2/28/2014 12:21 PM  
**Subject:** RE: 79 Walnut Street Site Access  
**CC:** "Jim Dunn([j.dunn@grondinconstruction.com](mailto:j.dunn@grondinconstruction.com))"  
 <[j.dunn@grondinconstruction.c...](mailto:j.dunn@grondinconstruction.c...)>

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If that's the case then I will make all efforts to send something over by the end of the day.

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**From:** Jean Fraser [<mailto:JF@portlandmaine.gov>]  
**Sent:** Friday, February 28, 2014 12:13 PM  
**To:** Craig Hill  
**Cc:** Jim Dunn([j.dunn@grondinconstruction.com](mailto:j.dunn@grondinconstruction.com)); Philip DiPierro; Mike Barton  
**Subject:** RE: 79 Walnut Street Site Access

Craig

This is a quick review (few days, maybe less) as its post-approval and all here are aware you want to get moving- and I don't think there are any serious concerns and its mainly so all are on the same page. The review would be by e-mail and pdfs, and I am mainly the "messenger" (re the street issues) but I would like to see some consideration of the homes on East Cove Street (I often get the phone calls from upset neighbors!!!!) and some replacement planting.

I want my colleagues who are responsible for safe operation of streets and safety for pedestrians to be aware of whats happening on the streets around the project as a result of the construction- its a big project for Portland and its better for all to know whats intended. (theres also a bus route on Washington and I think a bus stop near Northern Burner)

If reviewers do have concerns you could always go back to the earlier version- so I suggest you get a plan of some sort in asap. And please note that the earlier version was considered "indicative" and left a number of details to be resolved at this stage in any case.

Thanks  
 Jean

>>> Craig Hill <[chill@wright-ryan.com](mailto:chill@wright-ryan.com)> 2/28/2014 11:51 AM >>>  
 Jean,

Before we go too far in the process, do you have an approximate idea of how long it might take to get something like this reviewed and approved? If it is something that may take longer than a few days we may just decide to go with the original plan approved. Please get back to me and let me know.

Thanks,

## Jean Fraser - RE: 79 Walnut Street Site Access

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**From:** Jean Fraser  
**To:** Hill, Craig  
**Date:** 2/27/2014 4:09 PM  
**Subject:** RE: 79 Walnut Street Site Access  
**CC:** Barton, Mike; DiPierro, Philip; Dunn(j.dunn@grondinconstruction.com), Jim  
**Attachments:** CMTC1 Const Mgmt (Geopiers) Marriott Portland 02-20-13.pdf; CMTC2 Const Mgmt (Foundation) Marriott Portland 02-18-13.pdf; CMTC3 Const Mgmt (Steel) Marriott Portland 02-18-13.pdf; CMTC4 Const Mgmt (Masonry) Marriott Portland 02-18-13.pdf; 1150 - Logistics Plan Phase 1 02-07-13\_2.pdf; Example Construciton Management Plan.pdf

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Craig

I agree that there are benefits of using the Washington Ave site as a staging area and secondary access.

I suggest you prepare an "amended Construction Management Plan" to be submitted to me - I will have Planning, DPS, Inspections and Traffic review and approve it prior to the start of any work on the site. I also will ensure that the Director of Planning, and the Development Review Services Manager, and the Director of Inspections are part of the review given the unusual nature of this development and the scale of public concern during the review.

The amended CMP should include:

- Phasing plan of some sort with timetables
- What notifications to neighbors will be given
- Each construction access point and the period of time months, and what days/times, it will be used
- Timings for utility work in ROW and any changes to ROW details and impacts on traffic (and how managed)
- For the Waterhouse site, show:
  - exact location of the staging area and the truck access and routing
  - what fencing and other steps will be taken to minimize impacts on the nearby residential properties- please locate the main activity area as far from properties on East Cove Street as possible
  - show sightlines onto Washington Ave are safe (as speeds and traffic levels are much higher than Walnut) and sidewalk not impacted
  - show that erosion control measures will be in place, along with cleaning of truck wheels and dust management
- for the Waterhouse site have a separate plan that shows the reinstatement of trees and vegetation, especially screening with neighbors and screening of the proposed development
- for the Walnut St access, show:
  - where safe routing for pedestrians will be located and what warnings will be in place (this is a school walking route I understand)
  - any changes in on street parking arrangements

- any proposed traffic detours
- truck routes to the site access
- show that erosion control measures will be in place, along with cleaning of truck wheels and dust management
- indicate what steps being taken to minimize impacts on neighbors and their use of Walnut and Sheridan for access

I have attached some examples (CMTC1-4 are all for the Marriott on Commercial Street, for different phases of the construction) although none of these include all of the issues that the Munjoy Heights project will have- and there may be some other issues raised by reviewers when we look at your plan that I have not listed.

The purpose of the plan is to document that all safety measures and reasonable consideration of neighbors has been arranged for all aspects of the construction process, and where there are impacts on the public ROW or private homes/businesses, that these minimized and known to relevant City staff.

We realize that there will be some changes as the project goes along, and Phil DiPierro will be the main point of contact on this after the (amended) Construction Management Plan is approved.

Please do not hesitate to call if there are any questions.

thank you  
Jean

*Jean Fraser, Planner*  
*City of Portland*  
874 8728

>>> Craig Hill <chill@wright-ryan.com> 2/27/2014 7:10 AM >>>  
Jean,

I happened to come across Phil on another job site yesterday. I discussed with him that we are looking to keep moving forward with this access into the site. I also discussed with the owner and he is accepting of us changing the plan a bit for the benefit of the project/traffic around the site. We do realize that this is different than the original plan submitted, but as I mentioned I think this will have the lesser impact than the equipment and materials being brought in and out of the walnut street entrance to the site. The duration of this access is approx. 3 months.

In regards to the construction traffic management plan, what is it that needs to be detailed for this? I will work on this as soon as I can, but for the most part all construction access will exit right from the northern burner supply parking lot onto Washington ave. Once mobilized this would be typical construction traffic...trailers with load of wood coming out of the parking lot and dump trucks.

Let me know and I can draft up whatever is needed.

Craig

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**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Wednesday, February 26, 2014 5:08 PM  
**To:** Craig Hill  
**Cc:** Jim Dunn(j.dunn@groncinconstruction.com); Philip DiPierro; Mike Barton  
**Subject:** Re: 79 Walnut Street Site Access

Craig

Just to mention that I will be out of the office tomorrow (thursday) morning but will be back in the afternoon. I am on standby re this.

I assume that you are preparing a Construction Traffic Management Plan and one of the issues is the safety of children getting to East End School - just please bear that in mind.

thanks  
Jean

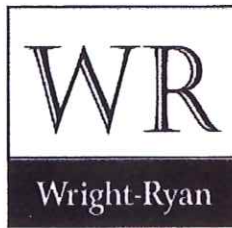
*Jean Fraser, Planner  
City of Portland  
874 8728*

>>> Craig Hill <[chill@wright-ryan.com](mailto:chill@wright-ryan.com)> 2/26/2014 10:21 AM >>>  
Good Morning Jean,

Please see attached letter. As discussed, I understand that you are in a meeting until 11:00 +/- . I look forward to discussing this with you after your meeting.

Thanks,  
Craig Hill  
Project Manager  
Wright-Ryan Construction, Inc.  
10 Danforth St  
Portland, Me 04101  
Office - 207-773-3625  
Cell - 207-650-8089  
Fax - 207-773-5173

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.



February 26, 2014

City of Portland Planning Division  
389 Congress Street  
Portland, Maine 04101  
Attention: Jean Fraser – Planner

Re: Munjoy Heights - Site Access Form Northern Burner Supply Property

Dear Jean,

During our site preconstruction meeting yesterday with the Phil DiPierro and Greg Vining related to the 79 Walnut Street Project (Permit Pending), it was discussed that R.J. Grondin & Sons has arranged for site access to the referenced project from the Northern Burner Supply property. The site access would be as noted below.

- R.J. Grondin & Sons has made contact with Northern Burner Supply and has an agreement for use of the property as outlined below.
- Refer to attached sketch that Ken Grondin negotiated with the Northern Burner to provide access to the project.
- Access will be for the site clearing operation and the start area for MSE wall #3 .
- Grondin has planned to use the grass area east of the northern burner paved lot for MSE wall block , precast sanitary manhole & sewer pipe storage for delivery to the area of operation behind Building E of the project.
- Grondin has promised Northern Burner to re-loam, re-seed, and mulch any of the disturbed present grass areas and to cover the 30 ft wide access area, and 10 ft wide access area in front of retaining walls with erosion control mix.
- There will be a natural buffer area of trees & brush left between the Northern Burner grass area and the 10 ft cleared area for wall.
- If requested Grondin can plant a couple of trees in the 30 ft cleared access area.

During the discussion Phil DiPierro noted that we should contact you in order to make sure that this is acceptable. Please review this as soon as you can and provide the necessary approval to move forward with this approach for access to the site. We believe that this will have the least impact on the surrounding community and traffic in the radius of the project and believe its beneficial to getting the project moving in the right direction.

If there is anything I can do help move this approval along please do not hesitate to call or e-mail.

Sincerely,

Craig Hill  
Project Manager  
Wright-Ryan Construction, Inc.  
Office - 207-773-3625  
Cell - 207-650-8089  
Email – chill@wright-ryan.com

*Building Maine's Great Spaces*

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## Jean Fraser - Munjoy Heights start on site Mon 3.10.14

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**From:** Jean Fraser  
**To:** Bartlett, Jeremiah; Errico, Thomas; Hyman, Bruce; Margolis-Pineo, Dav...  
**Date:** 3/7/2014 4:45 PM  
**Subject:** Munjoy Heights start on site Mon 3.10.14  
**CC:** DiPierro, Philip; Pirone, Chris  
**Attachments:** 3.4.14 Pl dir app to advance site work Munoy Heights.pdf; Approved amended CMP 3.6.14 for Munjoy Hts with supporting info & notes.pdf

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Hello all

We understand that the contractors (Wright Ryan) will start doing site clearance on monday for this project. They do not yet have a building permit, so they are on site based on a letter from Alex Jaegerman (based on the ordinance) that allows specific things to start on site (see attached).

They also have committed to a Construction Management Plan (comprising an amended CMP which adds to the one approved by the PB- all are together in the second attachment) that has two construction access points and requires them to avoid truck movements at both during school walking times (Bruce to let me and Phil know these so we can advise the contractors). Jeff- you will see that you are mentioned regarding some (small scale) replacement planting on the Waterhouse site when they are done with that access. This was discussed at recent DPS Rev and Dev Rev mtgs.

Also please note that they have been requested to "salvage" the granite pieces and boulders on site for Portland Trails to reuse- the site is all private land except the ROW at Walnut sidewalk. Hopefully we can facilitate that.

Thanks

Jean

874 8728 if any questions



## Jean Fraser - Approval to start work on site in adv of BP

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**From:** Jean Fraser  
**To:** Will Savage; jonathan@redfernproperties.com  
**Date:** 3/7/2014 4:49 PM  
**Subject:** Approval to start work on site in adv of BP  
**Attachments:** 3.4.14 Pl dir app to advance site work Munoy Heights.pdf

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Jonathan and Will

I appreciate Wright Ryan are coordinating re construction so this is copied to you for info.

Do you want paper copies?

thanks  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*