

PERKINS THOMPSON
ATTORNEYS & COUNSELORS AT LAW

ESTABLISHED 1871

ONE CANAL PLAZA
PO BOX 426
PORTLAND ME 04112
TEL 207.774.2635
FAX 207.871.8026

www.perkinsthompson.com

December 7, 2009

RECEIVED

DEC - 9 2009

City of Portland
Planning Division

Mr. Alexander Jaegerman
Planning Division Director
Portland City Hall
Department of Planning and Development
4th Floor
389 Congress Street
Portland, ME 04101

Re: Petition for Discontinuance of Portion of Oak Street

Dear Mr. Jaegerman:

In accordance with 23 M.R.S.A. Section 3026(1), Lafayette Portland, LLC hereby petitions to have that portion of Oak Street, so called, lying between Spring Street and Pleasant Street, all within the City of Portland, as more fully described on the attached Exhibit A, "Notice of Proposed Street Discontinuance," discontinued by the City of Portland without retention of a public easement.

The street was accepted by the City of Portland on April 19, 1828 as described in Pages 145 – 146 of Book 1 of the City's street records.

I have enclosed a "Street Discontinuance Application," together with copies of letters sent to public utilities asking them to detail whatever interests they have in the portion of Oak Street to be discontinued. I also am enclosing, as Exhibit B hereto, a list of names and addresses of all abutting property owners and mortgagees, as well as the standard waiver and indemnification agreement provided by the City. In addition, enclosed is the \$2,000.00 fee that I understand is required to cover your administrative costs, along with a \$200.00 service deposit fee. Noticing of property owners and mortgagees and legal advertisements will be billed separately.

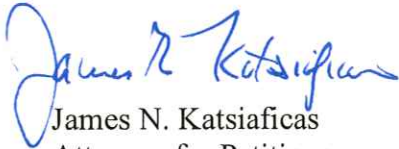
The Petitioner hereby requests that you take all further action necessary to complete discontinuing the above-described street, and that you inform me should it become necessary for me to provide you with any further information, or to take any further action. I understand that the matter will be brought before the Planning Board for workshop and public hearing, and that the Planning Board will make a recommendation to the City Council. Final action on the street discontinuance will be made by the City Council. The City's Community Development Committee reviewed this proposed

- DOUGLAS S. CARR
- PHILIP C. HUNT
- JOHN S. UPTON
- PEGGY L. McGEHEE
- MELISSA HANLEY MURPHY
- JOHN A. CIRALDO
- JOHN A. HOBSON
- JAMES N. KATSIARICAS
- TIMOTHY P. BENOIT
- J. GORDON SCANNELL, JR.
- FRED W. BOPP III
- MARK P. SNOW
- WILLIAM J. SHEELS
- DAVID B. McCONNELL
- PAUL D. PIETROPAOLI
- HOPE CREAL JACOBSEN
- RANDY J. CRESWELL
- JENNIFER H. PINCUS
- DAWN M. HARMON
- CHRISTOPHER M. DARGIE
- ANTHONY J. MANHART
- STEPHANIE A. WILLIAMS
- PETER J. McDONELL
- KEITH J. DUNLAP
- SARA N. MOPPIN
- JEFFREY A. COHEN
- OF COUNSEL**
- THOMAS SCHULTEN
- OWEN W. WELLS
- ANDREW A. CADOT
- JULIANNE C. RAY

Mr. Alexander Jaegerman
December 7, 2009
Page 2

discontinuance at its November 18, 2009 meeting and voted to recommend the discontinuance to the City Council.

Sincerely,



James N. Katsiaficas
Attorney for Petitioner
Lafayette Portland, LLC

w/enc.

cc: Gary C. Wood, Corporation Counsel
Mary E. Costigan, Associate Corporation Counsel
Richard Knowland, Senior Planner
Greg A. Mitchell, Director, Economic Development Division
John Peverada, Parking Control Manager
William B. Clark, Jr., Project Engineer, Public Services
Gus Tillman, Director of Operations, Lafayette Hotels
John H. Leasure, Architect

K:\L\Lafayette Hotels (13521)\Inn By the Bay (001)\Oak Street Discontinuance\2009-11-24 JNK to Jaegerman.doc

January 4, 2010

Alexander Jaegerman
Planning Division Director
Portland City Hall
Department of Planning and Development
4th Floor
389 Congress Street
Portland, ME 04101

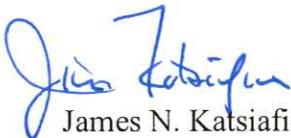
Re: Petition for Discontinuance of Portion of Oak Street/Utility Letters

Dear Alex:

Following up on the application of Lafayette Portland, LLC to Discontinue a Portion of Oak Street without public easement filed with your Office by letter of December 7, 2009, enclosed please find letters from several utilities regarding this petition. In particular, enclosed please find correspondence from Central Maine Power, Portland Water District and Time Warner Cable of Maine, all stating that they do not oppose or object to this petition for discontinuance. Portland Water District does have a water main in this portion of Oak Street which it seeks to have terminated, and we would accept this termination as a condition of approval.

Thank you for your assistance in this matter.

Sincerely,



James N. Katsiaficas
Attorney for Petitioner
Lafayette Portland, LLC

Enclosures

cc: Gary C. Wood, Corporation Counsel
Mary E. Costigan, Associate Corporation Counsel
Jean Fraser, Planner

DOUGLAS S. CARR

PHILIP C. HUNT

JOHN S. UPTON

PEGGY L. McGEHEE

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Alexander Jaegerman
January 4, 2010
Page 2

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William B. Clark, Jr., Project Engineer, Public Services
Gus Tillman, Director of Operations, Lafayette Hotels
John H. Leasure, Architect
Melissa H. Murphy, Esq.

K:\L\Lafayette Hotels (13521)\Inn By the Bay (001)\Oak Street Discontinuance\2010-01-04 JNK to Jaegerman re utility letters.doc

DEC 31 2009



Central Maine Power

December 22, 2009

James N. Katsiaficas
Perkins Thompson
One Canal Plaza
PO Box 426
Portland, ME 04112

Re: Oak Street Discontinuance

Dear Mr. Katsiaficas:

Please be advised that Central Maine Power Company has no objection to the proposed discontinuance of a portion of Oak Street, so-called, in the City of Portland, as described in the notice of discontinuance dated November 24, 2009.

Sincerely,

Alice Richards
Lead Analyst, Real Estate Services

cc: J. Purington

An equal opportunity employer

Real Estate Services | 83 Edison Drive, Augusta, ME 04336
tel (207) 623-3521

www.cmpco.com


An Energy East Company



DEC 04 2009

Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

December 2, 2009

Mr. James Katsiaficas
Perkins Thompson
One Canal Plaza
P. O. Box 426
Portland, Maine 04112

Re: Proposed Vacation of Oak Street Northerly of Pleasant Street

Dear Mr. Katsiaficas:

In response to your November 24, 2009 letter, the Portland Water District has a 6" water main within that portion of Oak Street between Pleasant Street and Spring Street that your client is proposing to vacate. I have attached a map showing our facilities in the area. We have researched our records and checked in the field and found that there are no active services off this water main in Oak Street. There are three old abandoned services that have been discontinued that probably served old buildings prior to the construction of the hotel and parking garage.

The District does not object to the vacation of that portion of the street provided that your client make the necessary arrangements to have this water main in Oak Street terminated at the main in Pleasant Street at his cost and to District specifications. This will include excavating and removing the existing 6"x6" tee in Pleasant Street and installing a new section of 6" pipe in its place. The existing 6" main in Oak Street may then be plugged and abandoned, but it should be noted that all infrastructure on private property will become the owner's responsibility after this street is vacated. The contact person at the District to arrange for this work would be Rico Spugnardi at 774-5961 ext. 3199.

If you have any questions or need anything further, do not hesitate to call me at 774-5961 ext. 3057.

Sincerely yours,

PORTLAND WATER DISTRICT

Norman V. Twaddel
Right of Way Agent

Enclosure



Portland Water District



DEC 10 2009



Dec 4, 2009

Dear Sir / Madam,

Time Warner Cable has no facilities and has no conflicts with discontinuance of that portion of OAK ST.

Sincerely

Mark Pelletier

Mark Pelletier

Mark Pelletier
Construction Project Coordinator



118 Johnson Road
Portland, ME 04102-1911
Tel 207-253-2324
Fax 207-253-2280
mark.pelletier@twcable.com

February 19, 2010

Alexander Jaegerman
Planning Division Director
Portland City Hall
Dept. of Planning and Development, 4th Floor
389 Congress Street
Portland, ME 04101

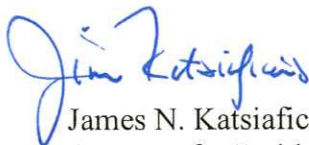
Re: Petition for Discontinuance of Portion of Oak Street/Utility Letters

Dear Alex:

Following up on the application of Lafayette Portland, LLC to Discontinue a Portion of Oak Street without public easement filed with your Office by letter of December 7, 2009, enclosed please find a letter from Troy McDonald of Sebago Technics stating that FairPoint does have underground facilities in this portion of Oak Street but does not object to the petition for discontinuance.

Thank you for your assistance in this matter.

Sincerely,



James N. Katsiaficas
Attorney for Petitioner
Lafayette Portland, LLC

Enclosure

cc: Jean Fraser, Planner
Danielle West-Chuhta, Associate Corporation Counsel
Greg A. Mitchell, Director, Economic Development Division
John Peverada, Parking Control Manager
William B. Clark, Jr., Project Engineer, Public Services
Gus Tillman, Director of Operations, Lafayette Hotels
John H. Leasure, Architect
Melissa H. Murphy, Esq.

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JEFFREY A. COHEN
SHAWN K. LEYDEN

OF COUNSEL

THOMAS SCHULTEN
OWEN W. WELLS
ANDREW A. CADOT



March 15, 2010
10065

MAR 16 2010

Mr. James N. Katsiaficas
Perkins Thompson
One Canal Plaza
P.O. Box 426
Portland, Maine 04112

Discontinuance of Oak Street, Portland, Maine

Jim:

Per our phone conversation last week this letter is in response to your latest correspondence sent to FairPoint Communications, dated February 9, 2010 regarding the petition your firm filed with the City of Portland for the discontinuance of a portion of Oak Street on behalf of Lafayette Portland, LLC, the owner of Holiday Inn by the Bay.

Sebago Technics has been requested by FairPoint to assist with the Oak Street discontinuance. Based on my review of FairPoint's underground facilities there does exist facilities that provide service to businesses on Oak Street and with access points at the telephone manhole at the intersection of Pleasant Street and Oak Street and the telephone manhole at the intersection of Spring Street and Oak Street.

On behalf of FairPoint, there is no objection to the discontinuance under the condition that an easement is granted to FairPoint, which you have indicated is not an issue, with language acceptable to FairPoint, for the purpose of use, maintenance, relocation, etc. I have attached a sketch showing the approximate location of the underground facilities and would also be happy to provide you with any easement language you require. For easement purposes FairPoint Communication's legal name is:

Northern New England Telephone Operations, LLC, a Delaware Limited Liability Corporation, having an address of 1 Davis Farm Road, Portland, Maine 04103.

Once you have reviewed this letter please give me a call. I am curious of your time table for the discontinuance of Oak Street if you will require additional items. You can reach me at the office at (207) 856-0277 x282 or on my cell phone at (207) 329-0370 at anytime. I wish you well as you move forward with the discontinuance process and am willing to assist you in any way I can.

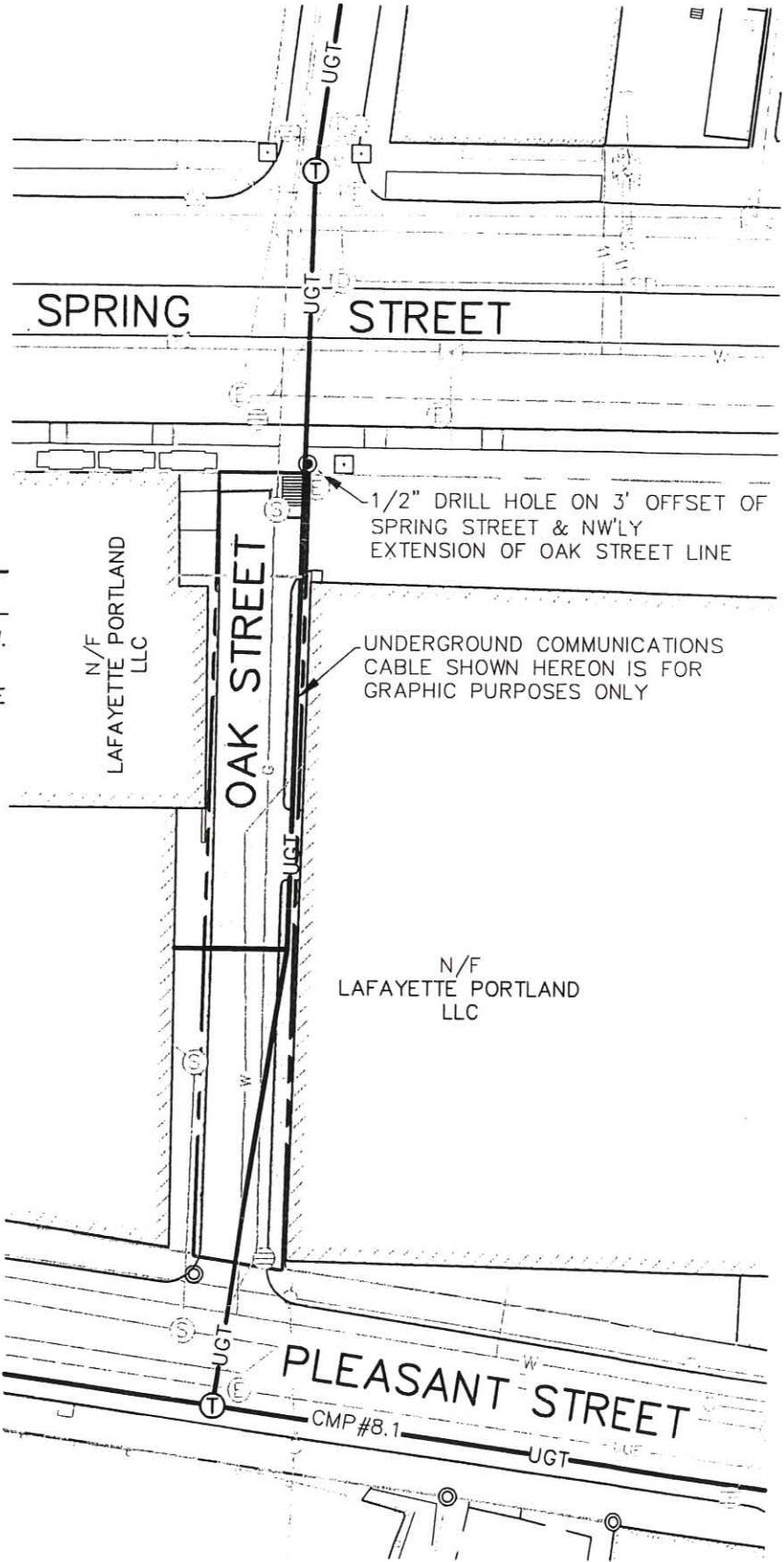
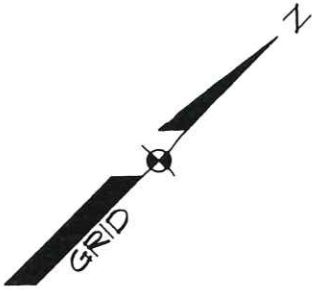
Sincerely,

SEBAGO TECHNICS, INC.

Troy F. McDonald, PLS
Vice President, Surveying

TFM:tfm/dlf

cc: John Caprio – FairPoint OSP Engineer
File



LEGEND

EXISTING	DESCRIPTION
	BOUNDARY LINE/R.O.W.
	UNDERGROUND COMMUNICATIONS CABLE
	TELEPHONE MANHOLE

1/2" DRILL HOLE ON 3' OFFSET OF SPRING STREET & NW'LY EXTENSION OF OAK STREET LINE

UNDERGROUND COMMUNICATIONS CABLE SHOWN HEREON IS FOR GRAPHIC PURPOSES ONLY

N/F LAFAYETTE PORTLAND LLC

N/F LAFAYETTE PORTLAND LLC

PLEASANT STREET
CMP #8.1

Sebago Technics
Engineering Expertise You Can Build On

One Chabot Street
Westbrook, Me 04098-1339
Tel (207) 856-0277

250 Goddard Rd. - Suite B
Lewiston, ME 04240
Tel (207) 783-6656

WWW.SEBAGOTECHNICS.COM

SKETCH
OF EXISTING FAIRPOINT UNDERGROUND FACILITIES

LOCATION:
OAK STREET,
PORTLAND, MAINE

FOR:
FAIRPOINT COMMUNICATIONS

SCALE: 1" = 50'

DATE: 03/10/10

SHEET:
1 OF 1

Matt
Doughty/
Dow...d m-p.

9-17-12

John Leasure w/ OPS ——— Bruce Hyman
Jeremiah Bartlett.
+ John Peverada
PKG Manager

John repeated request for
ped link/crosswalk +
associated removal of PKG.

JF reviewed discussions re 1 ft
"lip" needed for vehicle link -
not being proposed now.

Bruce outlined what needed for
consideration at Crosswalk Comm -
will put in email to Jean + Jean to
f/w to John Leasure.

J.B. also on crosswalk comm. so in the
picture but depends on details of proposal.

Stressed to JL that sympathetic to need to
improve operations for HI, but council/staff
would need to consider this + related proposals
in context of public street stds/^{safety} parking needs/
pedestrian connectivity and open to the
more comp. proposals for expansion upward.

Alex Jaegerman
 Barbara Barhydt
 Jean Froser
 Rick Knowland

John Leasure

9-14-2012

Requested meeting

H.I. now owned by Lafayette, based in Banepor (owns 28 hotels)

- ① They need to put in stairs (that's 'A') to get people closer to Holiday Inn.
- ② Door to garage is closed & not used; proposing to put glass here ^{+door} & use it for wheelchair ^{? bed} access. Slope at this location is not so steep as lower down & "works"
- ③ JL would like to get rid of parked cars. AS ^{disputed} that if crosswalk then car pkg. could be removed/justified.
- ④ Alex suggests need a crosswalk as this would require removal of parking. ←
- ⑤ JL Needs info so can take to Gns (H.I. manager)
- ⑥ Discontinuance came up again - prev. not supported.

Barbara Barhydt summed up:

- Stairs + ^{internal} closing door - needs Code Eng Building permit.

- Crosswalk ~~for~~ and parking - need detail of crosswalk + grading etc. meet stds current } final dec. by City Council re loss of pkg.

Crosswalk Comm. John Peverada - Parking
 DPS re any impacts on street/sidewalk

- ? ADA - suggest JL check re this.

Advised JL to write to John Peverada, City Hall.

w'd need to go to sidewalk comm - Bruce Hyman in DPS

Rick advised John re Spring St (*).
 init. in hire

IFachai.
 sent John L done 9-14-12
 contact details to crosswalk + Tech stds

Jean Fraser - follow up to meeting re Oak Street/Holiday Inn

From: Jean Fraser
To: jleasure@maine.rr.com
Date: 9/14/2012 1:45 PM
Subject: follow up to meeting re Oak Street/Holiday Inn
CC: Barhydt, Barbara
Attachments: Section 1 - Transportation_8.4.11.pdf

John

I hope the meeting was helpful and here are the contacts as discussed:

- Re proposals impacting on-street parking spaces: John Peverada, City's Parking Manager (based at City Hall) JBP@portlandmaine.gov 874 8444
- Re Crosswalk Committee (which would need plans showing details of how meets standards): Bruce Hyman, Bicycle & Pedestrian Program Coordinator, Dept. of Public Services (55 Portland Street) bhyman@portlandmaine.gov 874-8833

The City's Technical Manual (Section 1 is attached or you can get it on line at: <http://www.portlandmaine.gov/planning/sections/section1.pdf>)

sets out the standards in *Section 1.8 Sidewalks and Driveway Aprons* and *Section 1.20 Public Crosswalks*.

Please do not hesitate to contact me if you need further information.

Jean

*Jean Fraser, Planning
City of Portland
874 8728*

Jean Fraser - Oak Street

From: Jean Fraser
To: Hyman, Bruce; Peverada, John
Date: 9/14/2012 12:12 PM
Subject: Oak Street
CC: Barhydt, Barbara; Margolis-Pineo, David; Zazzara, Rhonda
Attachments: DPS letter re discontinuance of Oak St 1.29.2010.pdf

John and Bruce

You may be contacted by John Leasure, an architect who has indicated to us he is working with/for the Holiday Inn to help them better utilize the parking garage between Pleasant and Spring on the east side of Oak Street (which was recently acquired by them but not originally designed to be integrated with the Inn). John Leasure designed the Parking Garage and is looking at how to improve it so it can be more conveniently used by the public/customers of the Holiday Inn.

John asked for a meeting with Planning (held this morning) to outline his current proposals, knowing that we had been the lead Division handling the discontinuance request in 2010 (see below). We understand an internal set of stairs is under consideration for the garage, but the main proposal is to replace the garage "opening" on Oak Street with glass/smaller door and create a pedestrian and wheelchair link from the garage to the Holiday Inn side of the street. Part of this proposal is to get rid of the parking (or most of it) on the garage side of Oak Street (which is not metered) to provide access and improve visibility.

We advised John that the removal of parking space(s) would need to be taken to the City Council through John Peverada and that the creation of a crosswalk (with alterations to curb and sidewalk on both sides) would need to be taken to the Crosswalk Committee (with a detailed design that met technical standards) and the contact for that was Bruce Hyman; John requested and has both your contact details.

BACKGROUND: We do know that the Holiday Inn would like to own Oak Street as it would make their operations much easier- they approached the then CDC in 2010 to get support, but an application in 2010 to discontinue Oak Street was not supported (at PB Workshop) and has not been reopened formally (also see letter from Mike Bobinsky of DPS attached; also there were many members of the public who objected because Oak Street is an important pedestrian link). In January 2011 the HI proposed a canopied vehicle link across Oak Street (between the two garages, at the same place as the current proposed pedestrian link) which entailed a revised profile to Oak Street - Matt Doughty and David Margolis-Pineo reviewed this idea and determined it was not feasible or safe due to the steepness of the street and height of the necessary "lip".

We don't know whether this latest proposal will be pursued as there was no rep from the Holiday Inn at today's meeting. However, in case it does develop into a "real" proposal and letters/e-mails to you, I wanted you to be aware of the background.

thanks
Jean

Oak Street Discontinuance Log of Public Comments.

- 11/24/09 - Chastan MilNeil to CDC Councilors
11/25/09 - Nan Cumming (same addressees)
1/04/00+ } Telephone exchange Ron Foley
1/05/00 } Pleasant St. 272-3552
 } Concerned at loss pub. ped use of Oak
1/05/00 } Tel. call Peter Quisades - owns
 } Baxter Bldg (Oak/Congress) - Oak an
 } important arterial; also view corridor
1/04/00 } Chrs Sullivan, Dir. of Exhibits + ops
1/05/00 } Childrens Museum + Theatre of Maine
 } 828-1234 x 234 he left message +
 } JF left 2 messages clar. proposals + leaving
 } e-mail address.
1-08/00 Stephen Mohr phoned to say he was
 } sending me a letter.

see attached

as on
one Sch. has as
attachment.

PUBLIC COMMENTS

RE PROPOSAL FOR DISCONTINUANCE OF OAK STREET BETWEEN SPRING AND PLEASANT

As received Dec 2009/Jan 2011

From: "Chris Sullivan" <chris@kitetails.org>
To: <JF@portlandmaine.gov>
Date: 1/7/2010 6:04:46 PM
Subject: Oak Street proposal

Jean, I'm sorry for not getting back to you I've been in the shop the last two days working on our new exhibit (opening Jan 21st). We share your staffs concern about loosing the pedestrian right of way. We are also wondering about the loss of the public parking spaces on the street. There is about 10 spaces for cars along the garage side that are available and would be lost. We are not certain if this will even have an impact on us, but we are concerned because with each land purchase around us we are finding less parking available.

Chris Sullivan
Director of Exhibits and Operations
Children's Museum & Theatre of Maine
142 Free Street
PO Box 4041
Portland, Maine 04101
T: 207-828-1234 x234
F: 207-828-5726
<<http://www.kitetails.org/>> www.kitetails.org

From: Christian MilNeil [<mailto:c.neal.milneil@gmail.com>]

Sent: Tuesday, November 24, 2009 1:57 PM
To: Cheryl Leeman; Nick Mavodones; dss@portlandmaine.gov
Cc: portland-bikeped-comm@yahoogroups.com; Bill Needelman;
GAM@portlandmaine.gov; Hilary Frenkel; jaime parker; Nan Cumming;
jbeitzer@portlandmaine.com

Subject: Oak Street's value as a pedestrian connection

Dear CDC Councilors,

Scanning your recent meeting's agenda, I noticed that the new owners of the Holiday Inn are petitioning the City to vacate Oak Street between Pleasant and Spring Streets, in between the Holiday Inn and the adjacent parking garage.

I'd personally like to register my disapproval of the proposal as it currently stands. Oak St. may not connect for motor vehicles but it's an important pedestrian connection between the Arts District and the neighborhood around lower Danforth Street and Gorham's Corner. The new

workforce housing building that opened this summer, for instance, was sited based on its proximity to jobs and services in the Old Port and along Congress Street.

Right now, a pedestrian starting at the corner of Danforth and Maple Streets (home to the above-mentioned workforce housing building, as well as a large cluster of office businesses) can currently reach Marcy's Diner or LL Bean via an easy quarter-mile walk via the Oak Street stairs - roughly a 5-minute trip.

But eliminating Oak Street would leave an extremely long (0.25 miles) stretch of Spring and Danforth Streets with no public connections to the adjacent block. It would almost double the walking distance between Free Street and Maple Street, to 0.45 miles. Psychologically the distance will feel even longer, since the new trip would require a long out-of-direction detour and a longer uphill climb. Invariably this will lead to fewer walking trips, more parking and congestion problems during Civic Center events (due to the fact that Danforth Street's parking lots would effectively be cut-off and underutilized), and less foot traffic for the neighborhood businesses on either side.

That being said, the current state of Oak Street between Spring and Pleasant Streets has a lot of room for improvement. It feels unsafe, especially after dark, and it's uninviting to walkers, especially from the Spring Street entrance. The City should negotiate a "win win" compromise that preserves 24-hour pedestrian access, potentially via an inviting and well-designed sally port, while granting development rights above to the hotel's owners. The negotiated pedestrian access way through the unbuilt MaineHealth office building in Bayside might provide a good example of a possible solution - there, too, there was a desire to connect a garage with its building, while preserving public pedestrian access in between.

For the time being, with no concrete proposal from the hotel's owners, vacating Oak Street would only undermine the center city's walkability and economic development prospects, with no clear public benefit. Instead, the city should maintain its rights to the street, but express a willingness to work with the owners to find a mutually-beneficial solution.

Cheers,
-Christian

The Vigorous North:

A field guide to the wilderness areas of American cities.

<http://www.vigorousnorth.com>

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.425 / Virus Database: 270.14.73/2513 - Release Date: 11/24/09

07:46:00

January 11, 2010

To: Chair Silk and Members of the Planning Board

From: Jaime Parker
Portland Trails

Re: Request to vacate Oak Street

Dear Mr. Silk;

I am writing to urge that the request by Lafayette Portland LLC for the discontinuance of Oak Street between Spring and Pleasant Streets be denied. Having worked for years with Portland Trails to improve the pedestrian network in Portland, I can assure you that the loss of this important connection would be something current and future residents of the City would regret. As it exists this street is an extremely important connection for pedestrians, and if anything the link should be enhanced by the new owners.

Urban blocks should generally be between 400-600' long, and this section of Spring and Pleasant Streets already has block lengths that are longer, and thus a barrier for pedestrians. Certainly it is important to work with developers and landowners to improve site design and function, but the City should rarely, if ever vacate streets. Indeed many of the barriers to a fully developed pedestrian network that Portland Trails and the City are working to overcome are a result of previous street Right of Ways being given up. The loss of grid connectivity in the Spring Street area is one of the more vexing remnants of Urban Renewal in Portland. We should be seeking to improve permeability wherever possible.

Thank you for considering this important matter,

Sincerely,

Jaime Parker
Trails Manager
Portland Trails

Portland resident

>>> "Nan Cumming" <nan@trails.org> 11/25/2009 12:39:39 PM >>>
Hi everyone,

I need to second Christian's thoughts here. I use Oak Street to access Congress Street from Commercial Street all the time. Yes, the stretch between Pleasant and Spring is somewhat unwelcoming, but I use it anyway because it's a necessity. Getting around the Civic Center is difficult enough (especially with South St a dead end), I can't imagine a good reason for blocking pedestrian access in this area even further.

I urge you to reject merely vacating the street. I was part of the team that developed the pedestrian access facility in the Maine Health building that Christian mentions. Although the development did not go through, we were able to agree upon a sound design. If the City decides to pursue alternatives with Lafayette Hotels, I would be happy to share what I learned through that process.

My best,

Nan

Nan Cumming
Executive Director
Portland Trails
305 Commercial Street
Portland, ME 04101
phone: 207 775-2411
fax: 207 871-1184
www.trails.org
nan@trails.org

From: Christian MilNeil [<mailto:c.neal.milneil@gmail.com>]
Sent: Tuesday, November 24, 2009 1:57 PM
To: Cheryl Leeman; Nick Mavodones; dss@portlandmaine.gov
Cc: portland-bikeped-comm@yahoogroups.com; Bill Needelman;
GAM@portlandmaine.gov; Hilary Frenkel; jaime parker; Nan Cumming;
jbeitzer@portlandmaine.com
Subject: Oak Street's value as a pedestrian connection

Dear CDC Councilors,

Scanning your recent meeting's agenda, I noticed that the new owners of the Holiday Inn are petitioning the City to vacate Oak Street between Pleasant and Spring Streets, in between the Holiday Inn and the adjacent parking garage.

[rest of e-mail as above]

PORTLAND BICYCLE – PEDESTRIAN ADVISORY COMMITTEE
PORTLAND_BIKE_PED@YAHOO.COM
207-772-1597

January 12, 2010

Re: Proposal to Vacate Oak Street

To the Planning Board of the City of Portland:

In a unanimous vote at its January 11th meeting, the Portland Bicycle and Pedestrian Advisory Committee resolved to express its disapproval of the proposal to vacate Oak Street between Spring and Pleasant Streets as it currently stands.

This street-segment serves as a valuable and frequently-used pedestrian connection between the Arts District and the neighborhoods around lower Danforth Street and Gorham's Corner. Eliminating it would leave an extremely long stretch of Spring and Danforth Streets with no public connections to the adjacent block. It would almost double the walking distance between Marcy's Diner on Free Street and the cluster of office buildings at Maple and Danforth Streets, from a direct quarter-mile trip to a meandering half-mile trip.

That being said, the current state of Oak Street between Spring and Pleasant Streets has a lot of room for improvement. It feels unsafe, especially after dark, and it's uninviting to walkers, especially from the Spring Street entrance. For many years now, the hotel has occupied city-owned land without permission or compensation, by using Oak Street and its sidewalks as storage space for trailers and vehicles. This could be a golden opportunity for the new owners to improve access to their business and provide a more welcoming experience for their customers.

Our Committee would be amenable to an agreement that allows the vacation of Oak Street with strict legal easements, design standards on future development, or other compensatory measures, but only if these measures would preserve and enhance round-the-clock public access through this important corridor.

Thank you for your consideration.

Christian MilNeil

Chair,
Portland Bicycle and Pedestrian Advisory Committee

From: <rfoley8@maine.rr.com>
To: <JF@portlandmaine.gov>
Date: 1/7/2010 2:06:58 PM
Subject: Oak Street

Ronald Foley

37 Pleasant St
Unit #4
Portland, Maine 04101
207-272-3552
Rfoley8@maine.rr.com

January 6, 2010

Jean Fraser
389 Congress St
Portland, Maine 94101

Dear Jean,

I would like to express my opposition to the proposed discontinuance of Oak Street between Spring and Pleasant Streets. I use that section of Oak Street on a daily basis, and know that other area residents are doing the same. I believe that closing this section would create a hardship for those who would have difficulty walking the added distance up to High St or down to Center St. to access the locations that the existing pedestrian passage now provides. I urge your careful consideration on this matter.

Sincerely,

Ron Foley

From: "Nathan Szanton" <nszanton@szantoncompany.com>
To: <JF@portlandmaine.gov>
Date: 1/12/2010 2:37:47 PM
Subject: Proposed vacation of Oak Street between High and Spring Streets

Jean Fraser, Planner

City of Portland

390 Congress Street

Portland, ME 04101

January 12, 2010

Dear Jean,

I am writing to register my strong opposition to the Holiday Inn's proposed vacation of Oak Street between Spring and Pleasant Streets. I am the owner of 53 Danforth Street, a 43-unit apartment building located at the corner of Danforth and Maple Streets. I know that my tenants use Oak Street frequently to walk to the Free and Congress Street area. If this public way were discontinued, my tenants would have to walk all the way down to Center Street or up to High Street - a significant detour -- in order to get to the vicinity of Congress and Oak or Congress and Casco Streets. That would represent a significant step backward for the pedestrian connectivity-and thus, walkability--of our City. It would significantly erode livability of the Gorham's Corner neighborhood, an important, emerging district of our City.

I regret that I will not be able to attend this evening's workshop in person, but I trust that you will pass this message on to the members of the Planning Board.

Thank you very much for your time.

Sincerely,

Nathan Szanton

Fore River Company 5 Milk Street P.O. Box 7525 Portland, ME 04112 (207) 772-6404

January 6,2010

Jean Fraser

Portland Planning Department

Portland City Hall

389 Congress Street

Portland, Me 04101

Re: Oak Street discontinuance application

Dear Jean,

Thank you for the notice relating to the application filed to discontinue Oak Street between Spring and Pleasant Streets. We own and manage the 90,000 square foot building at 562 Congress Street, which occupies the west side of Oak Street between Congress and Free Streets.

Oak Street is a very important pedestrian connection between Spring and Pleasant Street-without it, the south side of Spring Street would be perhaps the longest barrier without pedestrian access in the City. We are adamantly opposed to removing this important public pedestrian corridor between upper Free Street and the Pleasant Street neighborhood.

The City has recently convened a group to study alterations to the Franklin Arterial to minimize the obstacle it presents.. It is not at all inconceivable that at some point in the future, the City will want to study alteration of Spring Street to minimize the ill-conceived barrier which it forms. If Spring Street is re-designed in the future, the City should have the ability to re-open Oak Street as a cross street. A discontinuance now would eliminate that alternative for the future residents of Portland.

Oak Street is an important view corridor to the harbor from the spine of the City. The City's existing policy of preserving existing view corridors and encouraging creation of new ones should not be frustrated in this instance by the contemplated discontinuance.

For the benefit of present and future residents of Portland,

1. please preserve the existing pedestrian route between Free and Congress Streets and the Pleasant Street neighborhood,
2. please preserve the ability of future residents to reconnect Spring Street to lower Oak Street and
3. please preserve the existing view corridor,

Sincerely, eu.L-()-

Peter W. Quesada

S:\Real Estate\56 2 Congress Street\Management\workshop\Oak St discontinuance.DOC

Landscape Architects, Inc.

Ms. Jean Fraser, Planner
Planning Division, City of Portland
389 Congress Street
Portland Maine 04101

Re: Oak Street Discontinuance proposed by Lafayette Portland, LLC

Dear Jean,

Thank you for taking the time to review the proposal by Lafayette Portland LLC to discontinue Oak Street between Spring Street and Pleasant Street. It is our understanding that the applicant wants to eliminate the public way with no proposed public walkway or parking. As currently Proposed by the LLC there is no public easement that will connect Pleasant Street to Spring Street in the area between the parking garage and the Holiday Inn.

As you know, Mohr & Seredin has been located on Pleasant Street for the past 20 years and we are very familiar with pedestrian routes as well as parking patterns on Pleasant Street. The portion of Oak Street that is proposed to be discontinued carries a significant amount of walking traffic between our neighborhood and downtown. South Street has no pedestrian access, up to Spring Street and therefore the potential loss of Oak Street means that the neighborhood would have to gain access to downtown via Center Street or High Street. We believe this will result in a significant disruption of an established walking pattern and is similar in many ways to the disruption of established circulation caused by Franklin Arterial which the city is now planning to correct.

In addition to the disruption of the existing pedestrian walkway there will be a loss of unmetered on-street parking on Oak Street. Our office staff utilizes on-street parking on Oak Street and we know from our experience from the neighborhood that other businesses and residents use this portion of Oak Street because it is unmetered. While the loss of 5 or 6 public parking spaces may seem insignificant to the applicant, it will have a dramatic impact on the neighborhood and our business because there are very few unmetered parking spaces within a quarter mile of the section of Oak Street that is proposed to be discontinued.

We trust that the Planning Board will review the proposal and at a minimum require Lafayette Portland, LLC to maintain a pedestrian connection and ideally provide a similar amount of parking that will be lost if Oak Street is formally discontinued.

Stephen Mohr, ASLA

Tatyanna Seredin, ASLA

18 Pleasant Street, Portland, Maine 04101

(207) 871-0003

J. B. BROWN & SONS
38 Danforth Street
P.O. Box 207
Portland, Maine 04113-0207
Phone 207-774-5908
Fax 207-774-0888

January 12, 2010

Jack Fraser
Planner
Portland Planning Office
389 Congress Street
Portland, Maine 04101

Re: Oak Street Discontinuation

Dear Jack,

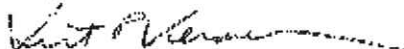
Thank you for the time spent discussing the Oak Street discontinuation request by the Holiday Inn. J.B. Brown & Sons owns several large office buildings and significant development land in the area and we have concerns regarding the discontinuation of portion of Oak Street between Spring and Pleasant.

From the limited information available at this time regarding the project design, we would not support a discontinuation of the lower portion of Oak Street. The pedestrian access linking the Gotham Center area to the Congress Square area is used by many in the neighborhood. The elimination of this link would create an uninterrupted city block probably longer than any other in Portland. This seems to frustrate the goal of keeping Portland a pedestrian friendly community.

The loss of Oak Street eliminates an important access point to and from an area that has seen significant development in the last few years, including the addition of companies like Portland Pic, Cranberry Island Kitchens, El Rye, numerous office tenants, and the development of 40+ new housing units at 53 Danforth.

Despite the Community Development Committee's "approval" of the discontinuation, I should point out that the recommendation was made at a meeting without notification to the surrounding stockholders for their input. The interest in economic development by the CDC is appreciated, but I believe there are greater economic benefits to the larger community by keeping Oak Street accessible to pedestrians.

Sincerely,


Vincent P. Varoneau
President

Tel. conversation
Jim Katsiopoulos

774 - 2635 x 8108
(400-8108 dn)

1-27-10.

- 1) JK explained mtg needed to be postponed; PS still undertaking review
- 2) JK does not understand why PS can't just send letter re sewers confirming what was in PS comment to PB.
- 3) When PS looked at, ^{JK} req. JK to get Mike / David / Bill to offer a few dates for re-scheduled meeting.
- 4) ^{JK confirmed} until called but no written confirmation; struggling with fair point
- 5) JK agreed Feb 9th PB H. not realistic + will confirm
- 6) wants to confirm ped easement so can talk to neighbors but just wants to get technical details resolved; looking to develop for PB as seeking positive recommendation.

Oak St Discontinuance
01-27-2010

NOTE for FUE

Dev Rev discussion

- further discussion regarding balance of public interest
- if ped easement, need improvements (these plus elev/canopy subject to site plan) - don't want elevator in that sidewalk as sidewalk ~~is~~ on other side too narrow
- scope for licenses/easements (instead of discont) Danielle confirms what they were talking about (elevator, canopy) could be achieved by licenses/easements. Issue of peds crossing traffic no different than any sidewalk
- agreed cancel Friday's meeting + Alex to attend mtg. when rearranged
- Hearing Report - give options to Board
? incl cond. re site plan.
canopy re site plan.

Oak St Discontinuation

NOTE for FUE

01-26-2010

Meeting with PS + legal

(Mike Bobinsky, Kathi Earley, David M-P, Tom Emco, Bill Clark + me)

- ① Applicant (Jim K) seeking letter from PS in its role of 'utility'; D W-P advice should reflect overall view of PS + then say "if CC approves discontinuation, then ... re sewers"
- ② Discussion of various aspects of public interest
eg ped. link / connectivity
parking
main walls / sidewalks
sewers
- ③ HI current proposals don't require discontinuation - could be achieved with licences / easements
- ④ PS not convinced there is a compelling reason to discontinue Oak St at this time ... will discuss further + draft letter
- ⑤ Agreed to postpone Jan 29 meeting until PS position clarified in letter.

Oak St. Discontinuance
with applicant

2-12-2010.

Jim K.

Gus T.

John L.

Jim - reason for application
need to connect + expand. in short term.
expand ballroom / conferencing higher level.

- "took" Temp of Council at CDC.

- confirmed would give ped easement
incl. ability to relocate w/in corridor
during site plan

- sidewalk where storage units mostly belongs to HI.

Gus - Oak St. a problem

HI. been maintaining street
introduced spotlights each end +
lights on building
is HI service area -

impossible to go back to street; w/cut off.
when Spring St widened, HI purchased
some properties + then City purchased
from HI to achieve a service area
for hotel.

bdg designed to be expanded +
have expansion potential now that
garage in same ownership

D.W-c

Where would the ped easement be located?
Elevator is proposed on the best ped route -

BB - would need site plan + need to know
ped easement would be.

JK commented that Rick said ppl. could walk
around.

JK - confirmed again Elevator has to be where
they proposed; need to catch "every" level.

BB - Board looking for some way of overcoming
issues raised by JH eg employees use
lower levels both re the discontinuance and
re site plan.

DM-P - Hesitate relinquishing oak row when future
may allow reconnection of Oak St - don't see
compelling need for discontinuance now.

BB - reiterate bigger picture

Gus - very concerned re servicing needs of HI
be addressed; want to compete w/
Marrriott Hotel for ^{banquet} business. Now have
500 free parking spaces + opp. to put
'suites on top of parking garage.

JK - Could ped easement be 20' wide section
in street - ? conflict with trucks - Gus took a
ways to make work
also JK referred to "slope easement" (6' high wall)

JK - site plan for canopy / elev. - staff review
if assoc. with suites then major

G. - parked cars impede service access
DMR offered can prohibit this parking rather
than relinquish ~~to~~ street.

- have deleted fighting to parking garage

BB - 81ais/elev location seems? in terms of longer term plan

Action: DW-C give JK examples where licenses given
JK to draft easement

built in language relocating ped easement.
DW-C send sample easements if any.
agreed not to go back to PB until ped
easement substantially agreed (along
with utility letters) (JK would like
to meet w/ neighbors / commentators
at that stage).

1-12-10
Oak Street

Clarity:
— Emergency vehs
— PB
WORKSHOP

Dan & Sue - what is std.
Alex - Broad/infrastructure

Carol Morrissey - has question for Danielle.

Jim K - Mr. Tiltman - Operations
Mr. Leasure - arch.

Upon discont, abutters own to centerline
In 1965 presumption changed to retention
of public easement unless
Mun. says doesn't want.

bdgs there since 1973.

160 spaces under hotel

inadequate for major events/future development

300 in Spring St garage

Hotel needs for tractor-trailer deliveries
+ emergency

Safety issue if vehicular connection
+ looks like an "alley"

Leasure's model shows gate at Pleasant St.

? this needs site plan - if not confined

Can resolve issues raised DPS/Utilities
went to CDC first to get "take temp"

Carol Morrissey - ?'s new crossing will have H.I. peds
using it

Joe Lewis - how many levels H1 ans 3
?s re location of elevator + why
not bridge

ans relates to design of Spring-
main drive adj oak st.

+ putting elev. inside would cut
off internal access.

- Tullman conf. 2 levels now as one
taken for exhibitions
new garage allows new business / ^{can go} after new
(503 pleg spaces total) business.

David Silk - Board has seen other situations
where peds cross veh. path... (ref
Northgate, DMethus, Hotels)

asked MMC for ped easement ^{the} garage

asked if ped access could be put in
other side of Spring st garage - JK
looked at but not poss

understands security but seeking
permeability; thinks safety
issue can be managed.

asked Tom for thoughts: City feels ped easement
important; its poss. to design to conflict
with covered crossing could be OK. "would work"

DS -

resp. to DSilk

- JK - how to warn peds of crossing traffic.
- want flex when integrating 2 parcels

Public Comments

Nan Cumming

rep. PT / Res. Vesper St

- office on Commv

shop on Congress St

use this connector all the time

same distance other side 5 blocks

wiped this

this going
opp. direction

→ Comp Plan - goal is to increase
connectivity / imp ped / bike
connectors

- re MMC dev in Bayside incl. to

pke/ped corridor connection (not
built) + something similar
could be arranged.

- shocked this even being considered

Foley

St Pleasant St

- use all the time + could be made to work

- used at UBean + use elec. eyes that
detect veh movmt + trigger lights

- signs would work

- imp. link

- if gate put, shouldn't be "keep out"
+ shd match arch.

- ? re elevator being in narrowest
section of Oak St.

J. Parker -
PT + Atlantic St

urge deny request
compound mistakes of past that
created "superblock"
benefit to visitors
love to see entanced; wk w/ owners
elevator squeezes - is problem.
cross traffic OK w/ peds.
why shd. city discontinue street - anyway
shocked even being considered

K. Kimble
Cobledge

? tractor trailers won't be able to see
crossing vehs / peds

Mich. - Langer

- recent study of Peninsula looking at
reconnecting str
- vibrant city served by ped walk
- "liveability" issue

Peter Quesada -

own ^{between} Congress + tree
is a public str.
applicant stores trailers at St. ^{who doesn't}
owner could improve ^{look like it}
for itself.

City supporting walking/biking/carpooling
Proposal favors cars over peds
Shouldn't have gone to CSC first
City spent \$700,000 to purchase ... to
open up + looking at reconnections

turning Spring into Urban St again
don't look narrow let + give away public property

PA - any change from public 87 shd be imp for public
wd love to close Silver - issues of graffiti + fines too.

~~PA~~

Foley - re security / dark alley
lighting + security cameras available.

CLOSE Public Comment section

Joe - what if didn't serve lowest level
if so, could elev. move
Lizanne not sure - people need to get to Hotel elev's.

Carol -

Michael - maintain ped connectivity - look at
creative solutions elsewhere; appreciates
currently a problem

Dana Silk - what std used when city gives up sts
what's in best interest of city - connectivity
what if appl just want easements for
elev / roof / awning?

Alex confirmed license for canopy
sother methods to allow

USM's were licenses - wd this solve H1 objectives
concerned discontinuance goes beyond what's needed

Joe Lewis - parks here as not metered.
super-critical ped. walkway - v. imp,
shunned at even proposed to be cut
- em. staff + appl. to work together to give
H1 what they want - supports what
H1 needs.

~~Review~~

Barry Hall - echo comments
is a longhike if this closed
went there & observed
everything Bd done has been to promote
permeability & promote city living
imp dev + wants to support this ec. asset
find way
Accom goals for hotel white

Carol - imp. for appl. to review other options for allow
w/out discontinuance.

Next step: Public Hearing

Note for file
12/30/09

1. Dev Lev - agreed City would want
ped easement + confirmation they
maintain ped sidewalk + steps
+ city have fallback rights
- confirm this once Bill clarifies what
agreement exists for rest of wall which
"private" (only one section not private in
Oak Row)
2. JF left message for Jim K, Attorney
- confirming City seeking ped easement
- confirming date of workshop
- confirming I would call him
Jan 4th to clarify - partly depends
on ex. agreement re wall.

Oak St Discontinuance

Du Rev- 1-6-2010

Agreed:

1) Samello to provide legal memo w/ clar/ analysis

2) OPS to clarify what they want:

wall: main easement
needs to accord with what covers private
Sle

steps } applicant to maintain
sidewalk }

3) Fire Dept OK - wouldn't use Oak for access.

4) IF to request applicant to provide survey/plan that shows extent of portion to be discontinued + steps + easements/ownships + (if poss) retaining wall.

Note for file

Oak Street Discourtnance

12-23-09 Prelim comments.

- ① Chrusan Milneil + Nan Cumming commented that ped connections shd remain.
(has not been by ~~CRD~~) (no need to go back to CDC etc)
- ② PS want at least to retain ped easement - ok for rest to be "private" util, sewers.
- ③ Qu of main, easements re City wall/steps/sewers - David to clarify what easements already in place so we can determine what needed.
- ④ John Peverada said hes OK with loss of public parking + will confirm.
- ⑤ BB confirmed

(Note: SF to double ck no issue for fire Dept)