

**179-B-50**

**#10-79900003**

**Brentwood Street**

**Community Garden (Evergreen Cemetery)**

**Deering Center Neighborhood Assoc.**

**From:** Kwoka John J SOSB <John.Kwoka@supshipba.navy.mil>  
**To:** 'Shukria Wiar' <SHUKRIAW@portlandmaine.gov>  
**CC:** Barbara Barhydt <BAB@portlandmaine.gov>, Penny Littell <PL@portlandmaine...>  
**Date:** 5/24/2010 7:28 AM  
**Subject:** Comments on Garden Application Approval

Shukria,

It was reassuring to see in the final application package a detailed drawing and plan that addresses the stormwater runoff from the garden parcel onto my property.

One item I saw missing from the submittal was a project schedule estimating start and stop dates of the drainage and buffer work.

The Evergreen Master Plan is clear that drainage and buffer will be the first things addressed when the Brentwood Parcel is developed.

I can appreciate the garden group wanting to start planting first off and I am looking to the City of Portland to ensure the drainage and buffer work do not take a low priority.

Last is a question.

Will the City of Portland supervise the proper installation of the drainage and buffer work to ensure there is not a repeat of the June 2009 work executed by the garden group?

Also, it would appear I have state again, after reading e-mails supporting the garden project, I am not against the project.

I only want the stormwater issue, that I didn't have before the unpermitted June 2009 work, resolved.

If I haven't done so, I want to thank you for your timely and courteous replies to my e-mails and phone calls.

Thanks in advance and have a great day.

v/r,

John

**From:** Kwoka John J SOSB <John.Kwoka@supshipba.navy.mil>  
**To:** Penny Littell <PL@portlandmaine.gov>  
**CC:** 'Shukria Wiar' <SHUKRIAW@portlandmaine.gov>, Barbara Barhydt <BAB@portla...>  
**Date:** Monday, May 17, 2010 6:45 AM  
**Subject:** Meeting to discuss 11 May 10 DCNA letter to Planning Dept

Ms. Littell,

Ms. Wiar was kind enough to e-mail me as requested, the DCNA letter to the Planning Dept which addresses the cities comments to the original application package.

After reading that letter, I have several questions and notice that none of my question's or concerns were addressed by DCNA.

One of my major concerns is that I do not see written response from Sebago Technics addressing Mr. Goyette's comments.

These may have been addressed at the 10 May 10 meeting that was held with DCNA.

To date, my out of pocket expenses as a result of the work DCNA performed in June of 2009 total approximately \$2000.00.

This total comes from having to rework my backyard, immediately after a major improvement to the backyard, legal costs, & hiring a civil engineer.

I should not have incurred these costs and I can assure you that the \$2000.00 could be put to other improvements to my home.

Much like the city, my budget is stretched tissue paper thin.

So I hope all reading this can understand my passion.

I am respectfully requesting a meeting with you sometime this week.

If possible, the end of the day since I work in Bath and I realize this is short notice and will take whatever time you can carve out.

Thanks in advance and have a great day.

v/r,

/s/ John J. Kwoka

## Barbara Barhydt - Brentwood Garden

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**From:** Barbara Barhydt  
**To:** Littell, Penny  
**Date:** Friday, May 14, 2010 4:00 PM  
**Subject:** Brentwood Garden  
**CC:** Jaegerman, Alex; Wiar, Shukria

---

Hello:

Shukria has drafted an approval letter with conditions for the Brentwood Garden. At this time, we have not heard from Tom Errico, so we do not have a decision on the sidewalk request. Penny, I know you assured the Deering Neighborhood Association that there would be a decision today. Shukria will leave you the draft letter for your signature if you care to sign it.

I am leaving at 4 today to attend a service.

Thanks.

Barbara

**Barbara Barhydt - Fwd: Fw: Evergreen Cemetery - Brentwood Parcel**

**From:** Shukria Wiar  
**To:** Barbara Barhydt; Danielle West-Chuhta  
**Date:** Monday, May 17, 2010 8:54 AM  
**Subject:** Fwd: Fw: Evergreen Cemetery - Brentwood Parcel

FYI

>>> Cynthia Loebenstein <cloebenstein@yahoo.com> 5/16/2010 12:53 PM >>>

Dear Shukria:

The Friends of Evergreen are in agreement with our consultant's recommendations and would like to see all of the infringement removed in a timely fashion rather than creating a license. Please see her comments below.

Thanks,  
Cynthia

Cynthia L. Loebenstein  
 Maine Licensed Architect, LEED AP  
 164 Concord Street  
 Portland, Maine 04103  
 207-712-6554  
 207-756-6118 fax

--- On **Wed, 5/12/10**, Tanya Seredin <tseredin@mohrseredin.com> wrote:

From: Tanya Seredin <tseredin@mohrseredin.com>  
 Subject: Evergreen Cemetery - Brentwood Parcel  
 To: "Cynthia Loebenstein" <cloebenstein@yahoo.com>  
 Date: Wednesday, May 12, 2010, 3:54 PM

Dear Cynthia,

You asked if I would send you a note regarding the recommendations that are being prepared in the Master Plan for Evergreen Cemetery's Brentwood Parcel regarding the abutter's encroachments into the Cemetery property.

As you know, the planning process for the Master Plan has included many interested parties, including City staff, historic preservation representatives, and the Deering Center Neighborhood Association community garden representatives. In addition, there were two public meetings where all abutters received notice.

*Thank you  
for your  
interest -  
- You may  
agree the  
decision -  
- 10 days  
- attach  
- 10 days*

One of the recommendations in the Master Plan is to remove any encroachments onto the Evergreen Cemetery property by abutters. Of particular importance is the driveway encroachment by the abutter on Brentwood Avenue, as the Master Plan shows this area as a new, ceremonial entrance into the cemetery, and the driveway is inconsistent with the vision in the Master Plan.

Thank you,

Tanya

---

Tatyanna Seredin  
Mohr & Seredin, Landscape Architects, Inc.  
18 Pleasant Street,  
Portland, Maine 04101  
(207) 871-0003

**Jean Fraser - Cumberland Cold Storage Building / 254 Commercial Street**

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**From:** Jeff Tarling  
**To:** Jean Fraser  
**Date:** 5/14/2010 3:35 PM  
**Subject:** Cumberland Cold Storage Building / 254 Commercial Street  
**CC:** Barbara Barhydt ; David Margolis-Pineo; Thomas Errico; Troy Moon

---

Hi Jean -

I have reviewed the proposed Cumberland Cold Storage Site Plan / Landscape plan and offer the following recommendations:

First, the linear site and its location on the wharf adds limitations to 'typical' landscape treatments for usual developments of this scale. However, additional landscape treatment of buffering should be attempted in the following areas without compromising parking and circulation.

**a) Commercial Street frontage & Parking Lot** - An additional shade or ornamental tree in the location of the proposed 'PROJECT SIGN' in the bump-out corner of the parking lot next to the sidewalk is recommended to improve buffering the parking lot from Commercial Street. This area could also contain low-growing woody landscape plants. The proposed sign could be incorporated into this planting. Perhaps a clump form River Birch along with plantings could coexist with the sign. 'Ideally' a second tree should be planted on the opposite or left side of the entranceway from Commercial Street to screen the large parking area. More typical sites include landscape or tree planting within the parking lot area, this site with its site limitations and the desire to maximize the number of parking spaces is challenged to find additional landscape area. These areas serve as the pedestrian & vehicular gateway into the project from Commercial Street.

**b) Parking lot trees & landscape treatment** - The Site Plan proposes five 'Winter King' Hawthorns for the Brown Trading Center boarder, sidewalk area near Commercial Street. The roughly 100' + landscape space could benefit from additional woody plants, groundcover or landscape treatment. It was unclear if this area is proposed for much or other planting. Selecting upright branched 'Winter King' or using Crus-galli 'thornless' Hawthorn that are programed for the other side of the parking lot might be a good, less-thorny alternate choice if the branching infringes into the pedestrian walking space. An additional, fifth upright 'Green Pilar' Pin Oak is recommended for the parking lot boarder along the Macomber property.

**c) Loam & Seed Area / Southeast corner** - The open area proposed for 'Loam & Seed' near the Southeast corner next to the Portland Fish Pier may be considered for some type of landscape treatment & use. Uses may include outdoor employee plaza or a future use. Landscaping with native, seashore plants would complement the area and help define the project land from the adjacent properties.

Overall - the reuse of this prominent waterfront property and the proposed landscape treatment is much improved from the current conditions.

I am available to review these recommendations with the project team.

Thanks,

Jeff Tarling  
City Arborist



**From:** Kwoka John J SOSB <John.Kwoka@supshipba.navy.mil>  
**To:** 'Doug Roncarati' <DAR@portlandmaine.gov>  
**CC:** Barbara Barhydt <BAB@portlandmaine.gov>, Shukria Wiar <SHUKRIAW@portland...>  
**Date:** 3/25/2010 12:00 PM  
**Subject:** RE: Stormwater Management Standards question

Mr. Roncarati,

OK, will do.

The submitted plans are required to be in compliance with one of the standards and I thought as the City of Portland Stormwater expert you'd be able to tell me what standard will be used.

It would appear the games are starting to be played and I'll play along.

I'll contact Ms. Wiar with my questions with the understanding she'll forward them to the correct department for a response or reply.

Thank you in advance for your cooperation.

v/r

/s/ John J. Kwoka

-----Original Message-----

From: Doug Roncarati [mailto:DAR@portlandmaine.gov]  
Sent: Thursday, March 25, 2010 10:10 AM  
To: Kwoka John J SOSB  
Cc: Barbara Barhydt; Shukria Wiar  
Subject: Re: Stormwater Management Standards question

Good Morning Mr. Kwoka,

Thank you for your inquiry. Please contact Shukria Wiar at our Department of Planning and Urban Development for more information about our standards, as she is assigned to this project. She can be reached at 756-8083.

Doug

>>> Kwoka John J SOSB <John.Kwoka@supshipba.navy.mil> 3/24/2010 2:50 PM

>>> >>>

Mr. Roncarati,

I attended two meetings this week.

One with the garden group and another with " The Friends of Evergreen ". At both meetings, it was stated as well as depicted that the proposed garden abuts wetlands on the Brentwood Parcel.

I am reading through the Section V, Portland Stormwater Management Standards & Maine DEP Chapter 500 Stormwater Management document adopted 11/25/08. On page 6, III-4, Stormwater standards, I would like to know which standard the garden project must comply with since it abuts the wetlands and stormwater would drain to the area.

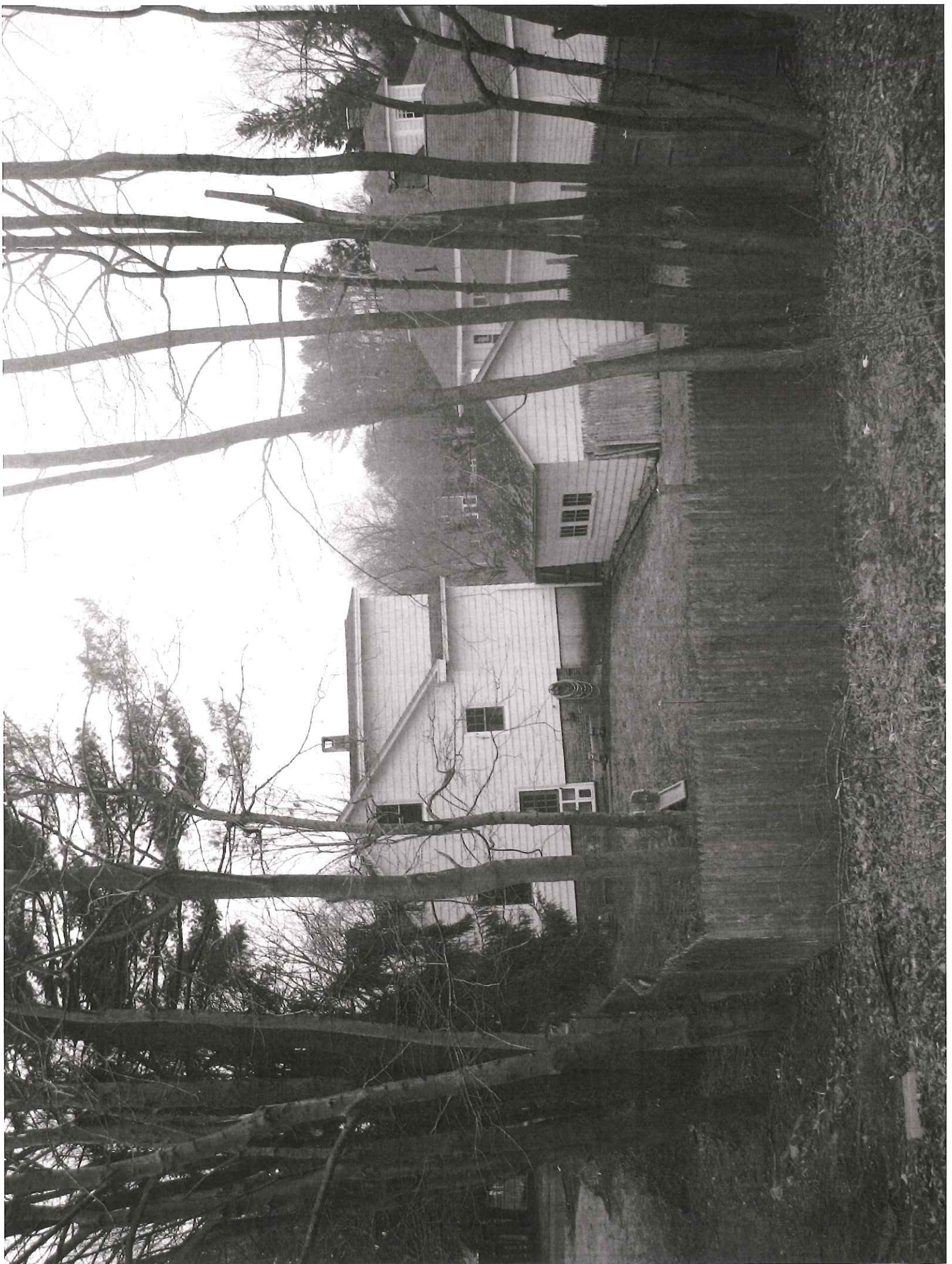
Thanks in advance.

Section V – Stormwater Management Standards

review pursuant to the Site Law or Stormwater Management Law, "person" is further defined at 06-096 CMR 371(1)(M).

- T. Practicable.** Available and feasible considering cost, existing technology and logistics based on the overall purpose of the project.
- U. Pre-development area.** An impervious or developed area created prior to the effective date of the Stormwater Management Law for a stormwater project, or the effective date of the jurisdictional threshold under which a development is licensed for a Site Law development.
- V. Protected natural resource.** As defined in the Natural Resources Protection Act at 38 M.R.S.A. §480-B. These resources are referred to as "wetlands and waterbodies".
- W. Stormwater.** The part of precipitation, including runoff from rain or melting ice and snow, that flows across the surface as sheet flow, shallow concentrated flow, or in drainageways.
- X. Stream.** A river, stream, or brook as defined in the Natural Resources Protection Act at 38 M.R.S.A. §480-B.
- Y. Subcatchment.** An area of a project site with a unique flow path to a specific point.
- Z. Two (ten, twenty-five)-year, 24-hour storm.** A precipitation event with a 50% (for two-year), 10% (for ten-year), or 4% (for 25-year) probability of being equaled or exceeded during any twenty-four hour period during any given year.
- AA. Watershed.** The land area that drains, via overland flow, drainageways, waterbodies, or wetlands to a given waterbody or wetland.
- BB. Wetlands.** Coastal and freshwater wetlands as defined in the Natural Resources Protection Act, 38 M.R.S.A. §480-B.
- 4. Stormwater standards.** This section describes the stormwater standards that apply to a project disturbing one acre or more, or to a modification of any size as described in Section 16 of this chapter. There are six categories of stormwater standards: basic, general, phosphorus, flooding, urban impaired stream, and other. More than one standard may apply to a project. In this situation, the stricter standard is applied as determined by the department. For example, a project may be located in a stream watershed, and the stream may drain to a lake. The standards for the particular stream and lake are compared, and the stricter standard is applied as determined by the department.

**A. Basic standards**



**From:** Kwoka John J SOSB <John.Kwoka@supshipba.navy.mil>  
**To:** 'Doug Roncarati' <DAR@portlandmaine.gov>  
**CC:** "kwoka@maine.rr.com" <kwoka@maine.rr.com>  
**Date:** Wednesday, March 24, 2010 2:51 PM  
**Subject:** Stormwater Management Standards question

Mr. Roncarati,

I attended two meetings this week.

One with the garden group and another with " The Friends of Evergreen ".

At both meetings, it was stated as well as depicted that the proposed garden abuts wetlands on the Brentwood Parcel.

I am reading through the Section V, Portland Stormwater Management Standards & Maine DEP Chapter 500 Stormwater Management document adopted 11/25/08.

On page 6, III-4, Stormwater standards, I would like to know which standard the garden project must comply with since it abuts the wetlands and stormwater would drain to the area.

Thanks in advance.

v/r,

/s/ John Kwoka

**From:** Kwoka John J SOSB <John.Kwoka@supshipba.navy.mil>  
**To:** 'Barbara Barhydt' <BAB@portlandmaine.gov>  
**Date:** Wednesday, March 24, 2010 3:13 PM  
**Subject:** RE: Garden Project application review

Thanks, good to know.  
I'll have cash & check with me.

-----Original Message-----

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]  
Sent: Wednesday, March 24, 2010 1:46 PM  
To: Kwoka John J SOSB  
Cc: kwoka@maine.rr.com; Shukria Wiar  
Subject: RE: Garden Project application review

Hello:

You are welcome to come in and see the plans. We can make copies of the written materials. If you would like a copy of the full sized plans, those need to be taken to a print shop to be copied and it costs us approximately \$4.50 per page. If this is what you are seeking, you can arrange that with Shukria tomorrow.

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

>>> Kwoka John J SOSB <John.Kwoka@supshipba.navy.mil> Wednesday, March  
>>> 24, 2010 12:56 PM >>>  
Barbara,

Thanks for explaining the process.  
I plan to stop by Thursday or Friday to pick up copies for our Civil  
Engineer & Hydrologist to review.

Thanks again.

v/r,

John

-----Original Message-----

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]  
Sent: Wednesday, March 24, 2010 12:50 PM  
To: John Maclaine; Doug Roncarati; Kwoka John J SOSB  
Cc: 'greg-getchell@idexx.com'; Donald T Witherill; John Kwoka; Shukria Wiar  
Subject: Re: Garden Project application review

Hello Mr. Kwoka:

Doug Roncarati forwarded your e-mail to me. As you know, the site plan application for the garden was submitted on March 23rd and it was distributed to the various departments for review this morning. The City will be reviewing this project according to the City's site plan ordinance and the City's regulations for stormwater and wetlands. We will let you know of our final conclusions.

Shukria Wiar is the planner assigned to this project and all review comments will be submitted to her.

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

>>> Kwoka John J SOSB <John.Kwoka@supshipba.navy.mil> Tuesday, March 23,  
>>> 2010 10:39 AM >>>  
Mr. Roncarati & Mr. Maclaine,

I've been informed the garden project formally submitted it's application package on Monday the 22nd to the City of Portland.  
Do either of you have an estimate when you will review the stormwater portion of the application?

I have downloaded and currently reviewing; Section V Portland Stormwater Management Standards & Maine Chapter 500 Stormwater Management Should the application be addressing the requirements in the above document?

I attended a garden project meeting on Monday the 22nd.  
During the meeting it was stated that there are wetlands adjacent the project.  
How does this impact the project meeting other requirements?

Another abutting property owner is cc'd in this e-mail, Mr. Getchell.  
I recently learned his property as well has seen an increase in water and has taken additional measures to keep his basement dry.

v/r,

/s/ John J. Kwoka

207.650.1714 (c)

207.442.3357 (w)

April 5, 2010

Ms. Shukria Wiar, Planner  
City of Portland  
Planning Dept.  
389 Congress Street  
Portland, ME 04101

RE: Development Review Application, Brentwood Farms Community Garden, CBL 179-B-50

Dear Ms. Wiar:

Our property at 92 Hamblet Avenue abuts the site for a proposed community garden. If you are not aware as other City officials are, our property has experienced increased stormwater runoff from the garden site since the Deering Center Neighborhood Association (DCNA) and its contractor, Risbara Bros. performed clearing, grading, and filling activities on the site in June 2009. As a result, at our expense, we hired Mr. Tom Saucier, Civil Engineer, P.E. Maine, and Principal of SYTDesign Consultants to review the impact of this construction on our property and make recommendations to prevent this increased stormwater runoff from entering our property. Mr. Saucier's report dated March 25, 2010 is attached to this letter. In addition, at our expense, we hired Mr. Saucier to review the stormwater management report, plans, and calculations prepared by Sebago Technics dated March 2010 for the Brentwood Farms Community Garden that were included with the Development Review Application. Mr. Saucier's comments and conclusions are contained in an email to us dated April 3, 2010 which is also attached to this letter.

As you will see, Mr. Saucier's work concludes that the clearing, regrading, placement of fill, and change in cover type have increased the volume of stormwater runoff from the garden site and altered the pre-existing drainage patterns resulting in a negative impact on our property. In addition, Mr. Saucier's review of DCNA's stormwater management report concludes that:

- The Sebago Technics report does not address whether or not the development has impacted our property. In fact, the study utilized an analysis point 250 feet downgrade from our property.
- There are a number of flaws in the analysis which may render the conclusions invalid.

Also, note that:

- There is no indication in the report that Sebago Technics (ST) made visits to the site to collect data for their analysis during either dry conditions or rain conditions. It would appear all the data that was used originated from published sources.
- The pre and post condition surveys do not offer the same level of detail to provide an accurate pre and post condition analysis.
- The report does not take into account that the trees and brush that were cut down were buried in large pits near our property line and the resulting changes that may have caused in subsurface water flow.

The plans proposed for the site by DCNA show a grass drainage swale being constructed behind the properties at 178 Brentwood, 98 Hamblet, and our property to address the run off issues. We are not confident this plan will solve the problem. Mr. Saucier notes that additional measures need to be taken along Brentwood Street to prevent the runoff from flowing down the driveway at 178 Brentwood. It is our request that Mr. Saucier's recommendations be incorporated into the overall plan for the site. At a recent DCNA meeting, it was stated that Risbara Bros. has offered to construct whatever drainage measures the City requires for the garden site as an additional donation to the project. Given that DCNA has limited funds and the City's budget is under enormous financial pressure, as reported in recent articles in the Portland Press Herald & Maine Sunday Telegram, it would seem prudent that whatever the City requires and Risbara constructs be a comprehensive fix that will be successful in correcting the current stormwater runoff problems. It is up to the City to review the information DCNA's engineers have provided along with



the information our engineer has provided and determine the appropriate stormwater management measures that will be constructed & maintained. It is our request that the City require the drainage work be performed before any additional work or planting is done at the site.

To further illustrate the impact on our property from the runoff, I will provide a series of photos and some CDs with video of the runoff entering our property at our back gate during various storm events when we meet @15:30 on the 5<sup>th</sup> of Apr 2010.

While the drainage impact remains our highest concern, we also have these other concerns relative to the project:

1. Parking and traffic impact – with up to 70 individual garden plots in the plan, we are concerned about additional traffic on Brentwood Street and Hamblet Avenue. We understand that no traffic study has been required for the project – how can the impact on the neighborhood and abutters be determined without it? Hamblet Ave and Brentwood Street already experience high volumes of traffic. Also, the project plans show no parking spaces for the garden traffic.
2. Once the gardens are planted, it will provide an attractive food source for a variety of nuisance animals, such as raccoons, skunks, groundhogs. It will be the abutters who will deal with these animals and the related potential health issues on a daily basis.
3. At the last DCNA meeting, it was stated that there is no management plan in place for the project. How is it possible that the City allowed the project to go this far without requiring a management plan to ensure that the project will be developed, managed, and sustained for the term of the lease in a responsible manner?
4. It appears that the City is waiving the Minor Site Plan Review fee of \$400. How can fees be arbitrarily waived? It seems especially inappropriate at a time when the City is proposing raising the price of trash bags, laying off workers, and reducing services, to be waiving any kind of fee.
5. Is the city developing any plans for the site in the event the garden has to revert to city control because it is unable to sustain itself?

The following is from page 58 of the Evergreen Cemetery Master Plan, "The first phase of any development determined to be appropriate here should be the development of proper grading and drainage and the planting of a vegetation buffer between the cemetery and the neighborhood." We expect that these measures will be enforced for this project.

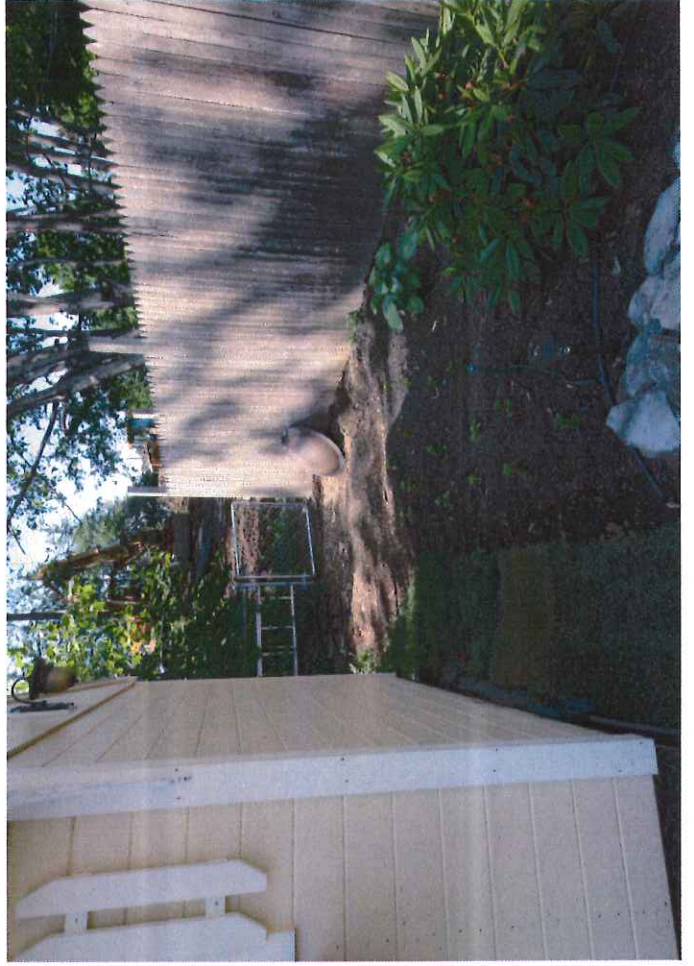
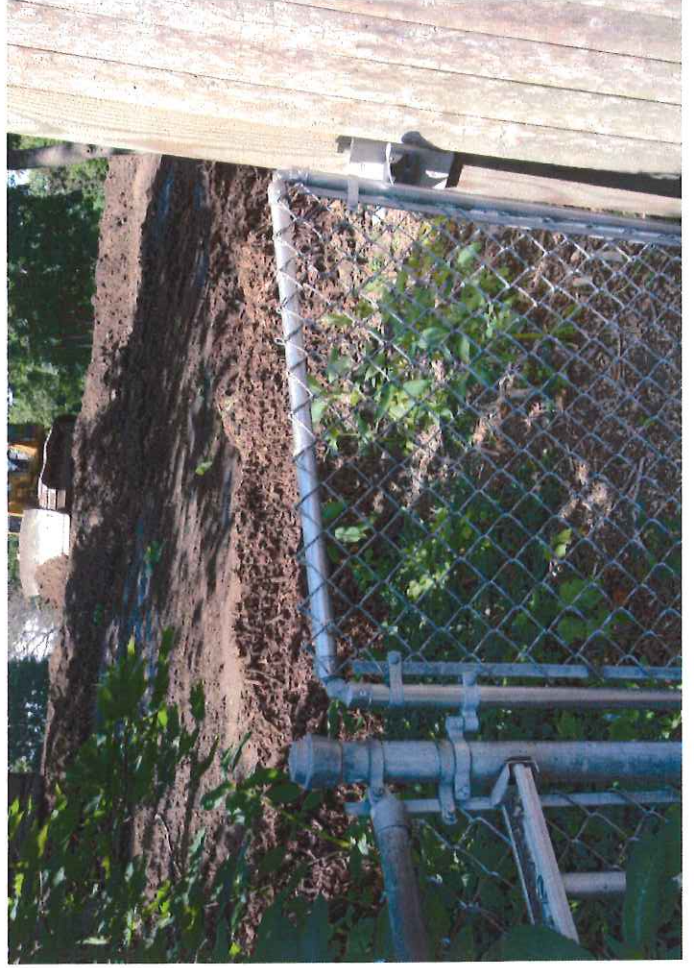
We wish to make it clear that we are not conceptually opposed to the garden project. If constructed and managed properly, the possibility exists that it can be a positive development for the neighborhood as long as the negative impacts on the abutters are addressed. We look forward to the City's response to our concerns and the plan and timetable for resolving the stormwater runoff issues that our property is experiencing. Contact information is as follows; [kwoka@maine.rr.com](mailto:kwoka@maine.rr.com) and or 207-650-1714.

V/r,

/s/ John J. Kwoka

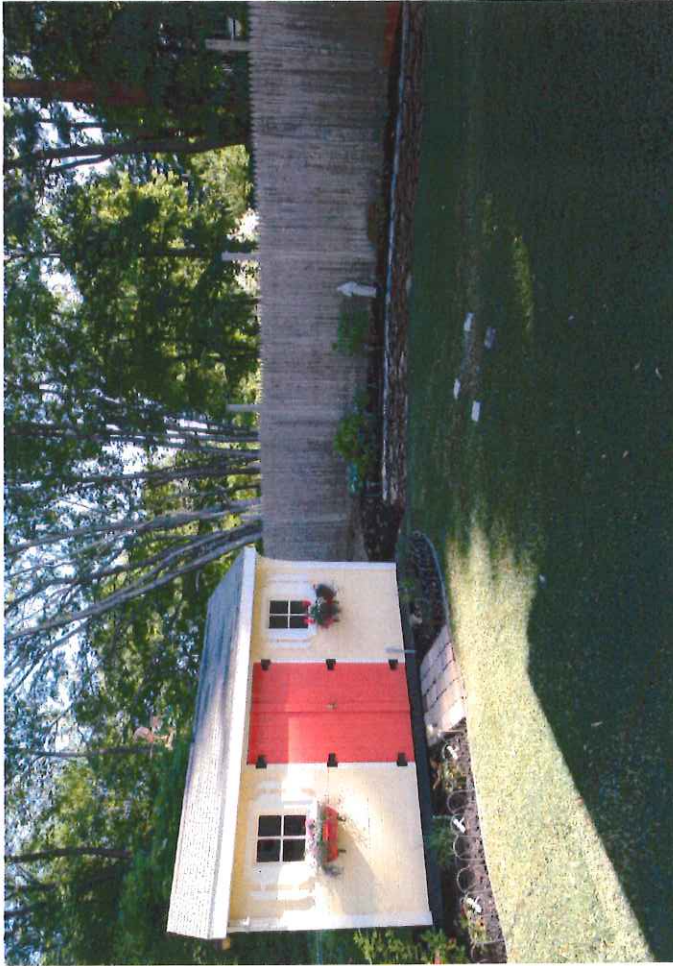
/s/ Anne D. Weigel

Construction Photos





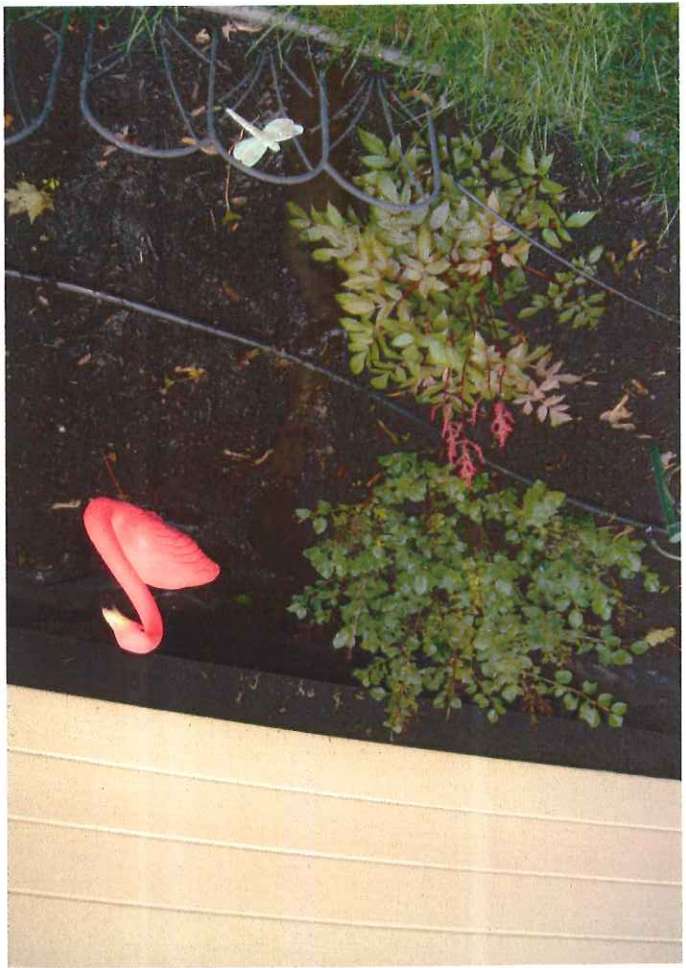
Pre-Construction Photos



Conditions on 6/29/09











**From:** Kwoka John J SOSB <John.Kwoka@supshipba.navy.mil>  
**To:** "aqj@portlandmaine.gov" <aqj@portlandmaine.gov>, 'Shukria Wiar' <SHUKR...  
**CC:** Michael Bobinsky <mbobinsky@portlandmaine.gov>, Tom Civiello <TGC@portla...  
**Date:** 4/6/2010 8:41 AM  
**Subject:** Additional CBL 179-B-50 Comments

Alex & Shukria,

An offer was extended, and I accepted, to have the stormwater report reviewed by a hydrologist. The comments below were not received until I returned from our meeting on Monday the 5th.

I am requesting to have the following comments added to the ones I submitted yesterday.

His comments:

Agree with the issue that they didn't account for fill material. They just used the mapped soil types for the area without confirmation. Also note that they didn't take into account the 12-inches of "well draining soil" they placed onsite. "Well draining" is not a mapped soil type and is subjective to each person. Between the fill material and the unknown of the well draining soil, they should have done Percolation Tests to evaluate actual infiltration rates for the site now.

I also have an issue with the way they looked at the two different areas: the Garden and the Residences. They basically spun everything to make it look like the residences increase in peak discharge would be offset by the decrease in peak discharge from the property changes. While they have every right to evaluate the adjacent residences, they should not have gone back to 1994 info as a "starting point/pre" for the residences since much has changed between then and now. They could do that with the Garden property, but the residential property area should have had an initial/pre point of 2008 or something more recent.

Thanks in advance.

v/r,

John

April 5, 2010

Ms. Shukria Wiar, Planner  
City of Portland  
Planning Dept.  
389 Congress Street  
Portland, ME 04101

RE: Development Review Application, Brentwood Farms Community Garden, CBL 179-B-50

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To further illustrate the impact on our property from the runoff, I will provide a series of photos and some CDs with video of the runoff entering our property at our back gate during various storm events when we meet @15:30 on the 5<sup>th</sup> of Apr 2010.

While the drainage impact remains our highest concern, we also have these other concerns relative to the project:

1. Parking and traffic impact – with up to 70 individual garden plots in the plan, we are concerned about additional traffic on Brentwood Street and Hamblet Avenue. We understand that no traffic study has been required for the project – how can the impact on the neighborhood and abutters be determined without it? Hamblet Ave and Brentwood Street already experience high volumes of traffic. Also, the project plans show no parking spaces for the garden traffic.
2. Once the gardens are planted, it will provide an attractive food source for a variety of nuisance animals, such as raccoons, skunks, groundhogs. It will be the abutters who will deal with these animals and the related potential health issues on a daily basis.
3. At the last DCNA meeting, it was stated that there is no management plan in place for the project. How is it possible that the City allowed the project to go this far without requiring a management plan to ensure that the project will be developed, managed, and sustained for the term of the lease in a responsible manner?
4. It appears that the City is waiving the Minor Site Plan Review fee of \$400. How can fees be arbitrarily waived? It seems especially inappropriate at a time when the City is proposing raising the price of trash bags, laying off workers, and reducing services, to be waiving any kind of fee.
5. Is the city developing any plans for the site in the event the garden has to revert to city control because it is unable to sustain itself?

The following is from page 58 of the Evergreen Cemetery Master Plan, "The first phase of any development determined to be appropriate here should be the development of proper grading and drainage and the planting of a vegetation buffer between the cemetery and the neighborhood." We expect that these measures will be enforced for this project.

We wish to make it clear that we are not conceptually opposed to the garden project. If constructed and managed properly, the possibility exists that it can be a positive development for the neighborhood as long as the negative impacts on the abutters are addressed. We look forward to the City's response to our concerns and the plan and timetable for resolving the stormwater runoff issues that our property is experiencing. Contact information is as follows; kwoka@maine.rr.com and or 207-650-1714.

V/r,

/s/ John J. Kwoka

/s/ Anne D. Weigel

**Principals**

Saucier, Thomas W., P.E.

Young, David W., P.E., P.L.S., *Emeritus*

Tubbs, Peter B., P.E., P.L.S.

Decker, W. Scott, P.E.

March 25, 2010

John Kwoka and Ann Weigel  
92 Hamblet Avenue  
Portland, ME 04103

RE: Stormwater Runoff Evaluation  
92 Hamblet Avenue  
Portland Maine

Dear John and Ann:

Per your request, SYTDesign Consultants has undertaken a review of the potential impacts of the construction of the Brentwood Community Garden on your property located at 92 Hamblet Avenue. Specifically, it is our understanding from you that since regrading activities at the site of the garden occurred, you have experienced impacts on your property which you believe are from additional stormwater runoff from the garden site.

The following information was reviewed in the course of our analysis:

- Pre-existing conditions topographic plan provided by the city
- Existing topographic conditions provided by the city
- Letter dated September 22, 2009 from Penny St. Louis Littell to John Kwoka
- Letter dated October 14, 2009 from Penny St. Louis Littell to Amy Bell Segal

We also made site visits on October 29, 2009 and December 3, 2009. The second visit was during a substantial rainfall event, at which time we were able to make observations of various stormwater runoff patterns.

Based on a review of the available information, our site visits, and discussions with you, we have prepared the following comments for your consideration.

It is our understanding that approximately 1.3-1.5 acres of undeveloped land, located adjacent to and northerly of your property at 92 Hamblet Avenue, was regraded in June of 2009 to accommodate a community garden, walking trails, and a small parking area.

The regrading included the removal of existing vegetation, which based on our review of 2007 aerial photography, consisted of well established meadow/lawn and woods/brush cover types. Based on the pre-existing and existing conditions topographic maps, it is evident the topography of some portions of the site was altered, and 1-1 ½ feet of fill placed on the site

Our Fall 2009 observations indicated that the disturbed areas were either seeded or bark mulched over bare soil. It was also apparent that a diversion swale was constructed parallel to your rear property line, from Brentwood Street to a point along the westerly end of your rear property line. The swale appeared to be constructed of earth materials, and lined with bark mulch.

During our December 3, 2009 site visit we observed ponding occurring at the outlet to this swale, adjacent to and on the westerly corner of your property, and northerly of your neighbor's property. It appeared that runoff from the garden site, Brentwood Street, and the abutting properties at 178 Brentwood and 98 Hamblet directly contribute flow to the swale and the ponded area at the swale outlet.

During our December site visit we noted stormwater runoff flowing from north to south along the westerly side of Brentwood Street. The easterly portion of the garden drains to this gutter area as well. Based on a review of the topographic mapping provided by the city, it appears that prior to the grading activities at the site, little if any runoff from the easterly side of the gardens flowed toward Brentwood Street.

The gutter area is not evident in the 1994 survey data provided, and it does not seem that any of the runoff from the garden site drained toward Brentwood street at that time, which indicates more of the Brentwood Street runoff would have flowed across the grassed areas of the garden site prior to regrading activities at the site.

It appears the intent of the swale construction was to collect this gutter flow, and to collect and convey runoff from a portion of the garden site to the outlet location westerly of your property. Based on our December observations, the swale was not collecting runoff from the gutter along Brentwood Street. The runoff was bypassing the swale inlet and flowing down the driveway at 178 Brentwood Street, ultimately across the property at 98 Hamblet Avenue and your property. In effect, you therefore had additional runoff from Brentwood Street, and the front half of the garden parcel, contributing runoff to the driveway at 178 Brentwood, and ultimately your property.

An additional consideration is related to the volume of runoff from a developed site. When well established vegetative cover is removed from a site, the site is regraded, and soil conditions at a site are altered, such as was the case with the garden site, changes in stormwater runoff characteristics should be expected, particularly, when the new cover and soil types are less pervious and provide for less stormwater infiltration. Specifically, the volume of runoff from the site would be expected to increase, especially if the fill material placed at the site was less pervious than the soil under it.

The pre-existing and existing topographic plans show an outlet point for runoff from the site adjacent to and westerly of your property, where we observed ponding during our December 3<sup>rd</sup> visit. We assume the topography of the ponding area has remained unchanged since 1994. However, as we note above, the volume of stormwater runoff to this area has likely increased, which we expect would result in a higher depth and greater extent of ponding in this area.

Based upon the above discussion, it appears there are two possible contributing factors to increased wetness on and adjacent to your property during stormwater runoff events:

- 1) Additional runoff from the easterly side of the garden site and Brentwood Street bypassing the diversion swale, flowing down the driveway at 178 Brentwood and across the abutting property to the east, onto your property.
- 2) There is an additional volume of stormwater runoff from the garden site which is tributary to the low lying ponded area on and adjacent to the westerly corner of your property.

Our field observations indicated possible solutions to mitigate the impact of additional runoff from the garden and Brentwood Street on your property as follows.

- 1) Regrading of the low area on city owned land adjacent to your westerly property corner to provide a more positive outlet and to relocate the ponding further from your and your abutter's property.
- 2) In conjunction with #1, regrade the inlet to the diversion swale at Brentwood Street to collect the additional runoff from the garden site and Brentwood Street prior to it running down the driveway at 178 Brentwood.
- 3) Perhaps a better solution along Brentwood Street would be to provide a combination of Cape Cod berm or curb along the southerly half of the garden frontage on Brentwood Street, and a ¼" paved lip along the drive at 178 Brentwood Street to direct runoff from the front of the garden site and Brentwood Street to a catch basin near the corner of Brentwood and Hamblet.

We expect that the above improvements would serve to mitigate the impact of the increased runoff from the garden site on your property, at a relatively minimal expense.

In conclusion, it appears that the clearing, regrading, placement of fill, and change in cover type have increased the volume of stormwater runoff from the garden site and have altered the pre-existing drainage patterns. It also seems reasonable to infer that the increased runoff volume has impacted your property. The mitigation efforts we suggest above should serve to reduce the stormwater impacts of the development of the garden site on your property.

If upon review of this information, you have any questions, please do not hesitate to contact me.

Sincerely,

SYTDesign Consultants



Tom Saucier, P.E.  
Principal

## Kwoka John J SOSB

---

**From:** Tom Saucier [TSaucier@mail.sytdesign.com]  
**Sent:** Monday, April 05, 2010 8:54 AM  
**To:** Kwoka John J SOSB; Anne D. Weigel; John Kwoka  
**Subject:** Brentwood Farms Community Garden

Hi John and Anne

Per your request we have undertaken an review of the stormwater magement, report, plans, and calculations, prepared by Sebago Technics, dated March 2010, for the Brentwood Farms Community Garden development located northerly of your property at 92 Hamblet Avenue. Based upon that review, we offer the following comments for your consideration.

It is our understanding that the city and the Deering Center Neighborhood Association are aware of your concerns related to the impact of the stormwater runoff from the development site on your property, and were aware of those concerns before commissioning a stormwater runoff analysis. Assuming that I am correct, it seems that the stormwater management plan would have, at a minimum, attempted to address your concerns, and arrive at some sort of understanding as to whether or not the development has impacted your property. You probably have noted the analysis submitted does not address that issue, which is our primary concern.

The study utilized an analysis point located at a distance of more than 250 feet downgradient of your property, to arrive at a conclusion that there would be no increase in the rate of runoff at that point, which does nothing to answer the question of whether the development has impacted your property.

A more appropriate analysis, if they wish to address your concerns, would be to model the runoff conditions with a study point at the northwest corner of your property where the ponding of runoff from the site occurs, and also to more closely examine existing and pre-existing conditions on and near Brentwood Street, which is the area contributing runoff to your yard.

In reviewing the report, we did note the following technical issues which should be addressed prior to any revisions to the report.

Based upon the TR-55 and TR-20 methodologies for analyzing impacts on stormwater runoff rates due to development, we have noted that there are several flaws in the analysis which may render any conclusions invalid. These include:

- 1) Inappropriate delineation of subcatchment boundaries;

- 2) Time of concentration path crossing subcatchment boundaries, and;
- 3) Improper application of TR-55 curve numbers;

An example of the first is the boundary between SC 1S and 2S, which follows a property line, instead of the topographic subwatershed divide.

The second includes the time of concentration path for SC-1 crossing this boundary into SC-2.

An example of the third item is the use of a runoff curve number for the garden areas, legumes, that TR-55 clearly indicates is intended to be used for large scale agricultural lands, for close seeded or broadcast legumes. We question whether that is appropriate for the garden plots, which we expect would be bare in the late fall and early spring, when we generally experience the significant rainfall events. Further, we noted that the curve number utilized for the mulched walking paths on the site did not change for each hydrologic soils group, even though the paths are located within each soil type area. It is also unclear what the basis for the mulch curve number is, as the one utilized would be similar to a wooded cover condition in type B soils. It seems that this might be inaccurate; to assume a devegetated path, covered with mulch and subject to continual foot traffic would have runoff characteristics similar to wooded areas. Also, the plan calls for unvegetated mulched slopes, which should be included in the analysis if they were not.

We also noted that the report indicates that the pre-development cover types were "based on the activities that had previously occurred in the dumping area." We are unsure of the reason for this, or how one can simply speculate from this statement that the cover type should be modeled as poor grass cover, which indicates less than 50% cover. Recent aerial photography indicates that the cover on the site was fairly consistent grass cover (similar to the cemetery) with some walking trails or paths meandering through the grassed areas. It seems that a more appropriate curve number would be for grass cover greater than 75%.

A further concern along this line is that it appears that the cover conditions for the 1994 survey were also used for other areas. For an analysis of this nature we would expect that the pre-development conditions, which existed immediately prior to the development of the site in 2009, would be used for determining cover types.

Another conflict noted, is it appears the total area of each soil group in subcatchment 1S varies between pre and post development conditions, which would not be expected.

An additional observation is that the 1994 topographic plan indicates that runoff from half of Brentwood Street flowed across the undeveloped site. Current topography indicates that "gutter" flow occurs from north to south along Brentwood, with runoff from the easterly portion of the garden site and from half of Brentwood Street now



flowing along Brentwood Street and down the driveway southerly of the site.

One final note is the report also indicates that the material placed at the site was a "well draining loam material." We are unclear as to the basis for this statement.

It is interesting that the analysis results indicate that after removing existing grass and wooded cover from an area over 50,000 sf in size, and replacing that cover with garden plots (which we expect will be bare soil at certain times of the year), and unvegetated mulched walking trails and slopes, that the stormwater runoff rates from the site are expected to decrease. We believe this is the result of the modeling inconsistencies we mention above.

We understand your concern is the impacts to your property which you indicated have been evident only since the development activities on the garden site. Referring to our March 25, 2010 letter to you regarding this issue, we continue to believe that the following factors contribute to stormwater runoff impacts on your property:

- 1) Additional runoff from the easterly side of the garden site and Brentwood Street bypassing the diversion swale, flowing down the driveway at 178 Brentwood and across the abutting property to the east, onto your property.
- 2) There is an additional volume of stormwater runoff from the garden site which is tributary to the low lying ponded area on and adjacent to the westerly corner of your property.

Our field observations indicated possible solutions to mitigate the impact of additional runoff from the garden and Brentwood Street on your property as follows;

- 1) Regrading of the low area on city owned land adjacent to your westerly property corner to provide a more positive outlet and to relocate the ponding further from your and your abutter's property.
- 2) Along Brentwood Street provide a combination of Cape Cod berm or curb along the southerly half of the garden frontage on Brentwood Street, and a  $\frac{3}{4}$ " paved lip along the drive at 178 Brentwood Street to direct runoff from the front of the garden site and Brentwood Street to a catch basin near the corner of Brentwood and Hamblet.

Note that we have removed option 2 for relief as presented on our original March 25, 2010 letter to you, which was regrading of the end of the existing swale at Brentwood Street. We do not believe that would offer continuous relief from this problem. Runoff will continue to bypass the swale and flow down the driveway, regardless of whether the swale is improved or not, particularly when street sands and snow are present along the edge of Brentwood Street. This then contributes to the "stream" through your back yard during rainfall events.

In closing, there is no evidence presented in the stormwater management analysis which indicates that the redevelopment of the parcel did not impact your property. Based on a review of the 1994 and current topographic plans, there is evidence that the stormwater runoff patterns and cover characteristics were altered by the development activities.

Please feel free to share our March 25, 2010 letter to you along with this email as you see fit. Realizing where this issue may be headed, we do want to clarify the last sentence in 5th paragraph of that letter, where we indicate "...the front half...", which should be "...the front portion...".

Please let me know if you have any questions or comments relative to our review.

Best

Tom

Tom Saucier, P. E. Principal

Site Design Associates

183 Park Row

Brunswick, Maine 04011

ph: 207-756-0068

fax: 207-725-7365

March 25, 2010

John Kwoka and Ann Weigel  
92 Hamblet Avenue  
Portland, ME 04103

RE: Stormwater Runoff Evaluation  
92 Hamblet Avenue  
Portland Maine

Dear John and Ann:

Per your request, SYTDesign Consultants has undertaken a review of the potential impacts of the construction of the Brentwood Community Garden on your property located at 92 Hamblet Avenue. Specifically, it is our understanding from you that since regrading activities at the site of the garden occurred, you have experienced impacts on your property which you believe are from additional stormwater runoff from the garden site.

The following information was reviewed in the course of our analysis:

- Pre-existing conditions topographic plan provided by the city
- Existing topographic conditions provided by the city
- Letter dated September 22, 2009 fro Penny St. Louis Littell to John Kwoka
- Letter dated October 14, 2009 from Penny St. Louis Littell to Amy Bell Segal

We also made site visits on October 29, 2009 and December 3, 2009. The second visit was during a substantial rainfall event, at which time we were able to make observations of various stormwater runoff patterns.

Based on a review of the available information, our site visits, and discussions with you, we have prepared the following comments for your consideration.

It is our understanding that approximately 1.3-1.5 acres of undeveloped land, located adjacent to and northerly of your property at 92 Hamblet Avenue, was regraded in June of 2009 to accommodate a community garden, walking trails, and a small parking area.

The regrading included the removal of existing vegetation, which based on our review of 2007 aerial photography, consisted of well established meadow/lawn and woods/brush cover types. Based on the pre-existing and existing conditions topographic maps, it is evident the topography of some portions of the site was altered, and 1-1 ½ feet of fill placed on the site

Based upon the above discussion, it appears there are two possible contributing factors to increased wetness on and adjacent to your property during stormwater runoff events:

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We expect that the above improvements would serve to mitigate the impact of the increased runoff from the garden site on your property, at a relatively minimal expense.

In conclusion, it appears that the clearing, regrading, placement of fill, and change in cover type have increased the volume of stormwater runoff from the garden site and have altered the pre-existing drainage patterns. It also seems reasonable to infer that the increased runoff volume has impacted your property. The mitigation efforts we suggest above should serve to reduce the stormwater impacts of the development of the garden site on your property.

If upon review of this information, you have any questions, please do not hesitate to contact me.

Sincerely,

SYTDesign Consultants



Tom Saucier, P.E.  
Principal

March 25, 2010

Dear Ms. Wair,

I am writing on behalf of my husband and I in response to your notification of site plan review for the Brentwood Parcel of the Evergreen Cemetery. I am an abutting property owner, living with my family at 98 Hamblet Avenue. I am aware of the 5-year lease held by Deering Center Neighborhood Association (DCNA) and their intentions to plant a community garden on the parcel. I have reviewed the site plan and ask you to consider the requests of my husband and I as property owners in the City of Portland when revising the site plan.

We moved to our home in the spring of 2009, a few months prior to the major site work that was conducted (under direct supervision of DCNA members) behind our house. When site work began, bulldozers, dump trucks, excavators and chainsaws completely eliminated the green barrier behind our house. This green space afforded us the privacy we enjoyed when we purchased the home for our family. Today, the back of our house and yard are exposed to the entire empty lot and the cemetery beyond (please see photo attached). The site work was done without adequate notice from the DCNA and without adequate opportunity for abutters and neighbors voice their questions and concerns.

My major concern is that our privacy be restored. A buffer behind our home should be planted before the DCNA is permitted to proceed with the garden. The specifics of this buffer should adequately restore our privacy and be agreed upon by the City Arborist and the Friends of Evergreen Cemetery. In the Master Plan for the cemetery, which the City of Portland adopted from the Friends group, it states that the buffer be a first priority when the Brentwood Parcel is developed.

In addition, I ask you to consider the following list of concerns and their possible impacts on our neighborhood:

- Parking
- Traffic
- Hours of operation
- Water drainage
- Possible organized communal events (i.e. Planting or Harvest Celebrations)
- The large number of proposed plots and members (60 individual plus additional shared).

I respectfully acknowledge the intentions of the DCNA and the work they have committed to improving the Brentwood Street parcel. Please consider our requests and the continued well-being of our neighborhood as you revise the proposed use of this land.

Sincerely,

Jean and Joe Rank  
98 Hamblet Avenue  
207-541-9239

**Shukria Wiar - Brentwood Farms Community Garden**

---

**From:** "Glenn Harmon" <gharmon@oakpoint.com>  
**To:** <shukriaw@portlandmaine.gov>  
**Date:** 4/2/2010 2:05 PM  
**Subject:** Brentwood Farms Community Garden

---

Greetings, I am writing in support of the Community Garden. There is no reason for any further delay in the approvals process. This project will take an abused parcel and build resiliency in our neighborhood in the form of food security. It fits the ideals of the Sustainable Portland report, and addresses a critical need for expanded local food production. Please expedite the formalities so we may begin cultivation this spring. Thank you.

Regards

Glenn Harmon

**Shukria Wiar**

---

**From:** justine lasdin <lasdinspringer@hotmail.com>  
**To:** <shukriaw@portlandmaine.gov>  
**Date:** 3/31/2010 10:56 AM

---

I just want to send a letter of appreciation to the City of Portland for developing such an asset to our community. I am excited to see the development of a community garden take place in a spot which was abandoned and only used by young adults for littering and a place to "hang out". I hope this garden deters such behavior and encourages a sense of ownership and community. I do hope the local schools will also get a chance to reach out to the students for education purposes and to help the students learn to respect and maintain their land through educational programs. I am excited to see this process get started and continue to develop a stronger community.

Thanks,  
Justine Lasdin Springer  
156 Brentwood Street

---

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**From:** Beth Cory <bcory@maine.rr.com>  
**To:** <shukriaw@portlandmaine.gov>  
**Date:** 4/3/2010 1:36 PM

Dear Shukria Wiar,

Thank you for taking the time to meet with me at length yesterday and to look at the plans and discuss my perspective, as the across the street neighbor, at the top of Hamblet street, here at 169 Brentwood.

I am enthusiastic about having more activity, with the presence of gardeners, primarily because of the long standing problems with litter, and minor dumping with this dead end street.

As we discussed, more people who care for the space, should help immensely with both of these issues. However, my one uncertainty is how the community garden will impact the other long standing use of this dead end space, which is as the departure, and entrance point for teenage drinking and vandalism in the cemetery at night.

My hope is that the gardens, will discourage this behavior in the cemetery, and that the gardens themselves will not become a target. However, as I discussed with you, even during the daytime hours cars full of teenagers frequently park at the end of the street.

I look forward to the gardens, as an extremely good thing to happen in my neighborhood, with positive impacts all around.

Sincerely,

Bart Cory



**From:** Steve.Norden@sunlife.com  
**Subject:** Concerns  
**Date:** March 31, 2010 5:11:35 PM EDT  
**To:** kwoka@maine.rr.com

---

Good Afternoon John,

My concerns regarding the Community Garden project are as follows:

1. Communication Issue

No prior notification was given to the Hamblet Ave property owners who's land abuts the Brentwood site where the Community Garden was being proposed.

As a concerned neighbor with a vested interest in any changes taking place that effect the Brentwood site that abuts my property and others, I feel this practice should not continue in the future. Instead, prior to making any changes to the Brentwood site, the Community Garden Association should first contact the effected neighbors to confer on any proposed changes being recommended to the site.

2. Repair Issue

Following the recent adjustments that were made to the Brentwood site, a dramatic increase in water run off is now evident and is adversely effecting our neighbors at the top of Hamblet Ave. Further, it remains undetermined what effects the additional run off will have over time on the neighbors like myself who live further down Hamblet Ave.

Following completion of the Stormwater Management Report, has consideration regarding the proposal of installing a formal drainage "system" been discussed amongst anyone in order to to address the current drainage problems? If so, what were the findings? What happens when "unseasonable rain fall" takes place in the spring of 2010, as it had in 2009? Who will be responsible to the cost of repairs? Does the city plan to bear the full cost a new drainage system? As a concerned neighbor and third generation resident of Hamblet Ave, I feel any coincidental costs resulting from the installation of the Community Gardens should be covered by those recommending the changes. Keep in mind the drainage problems that now exist were not previously evident.

3. Cost Issue

Will each of the Hamblet Ave abutters, especially those living at the top of the street, be reimbursed for any damages to their property resulting from the changes that have already occurred? If so, by whom? I need to know the answer in case any new damages extend further down Hamblet Ave to my own property, in the future.

4. Trespassing Issue

How has the issue of the Community Garden expansion site becoming an attractive nuisance to non-gardeners been addressed? I am concerned that the site is now in use by teenagers and others for purposes that are at the very least cause for concern and at the most illegal. As an abutting land owner, on several occasions, I have witnessed others using my land as a "short cut" to reach the Brentwood site. I am extremely and rightfully concerned about how my property is being used by others, especially when I am absent form the property. How is this issue being addressed?

Thanks you for your time. I hope these issues are addressed in a careful and considerate manner.

Steve

From: Kwoka John J SOSB <John.Kwoka@supshipba.navy.mil>  
To: "'Steve.Norden@sunlife.com'" <Steve.Norden@sunlife.com>  
Date: 03/31/2010 03:03 PM  
Subject: Emailing: City E-Mail List

---

Steve,

City contact list

The message is ready to be sent with the following file or link attachments:

City E-Mail List

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.  
[attachment "City E-Mail List.xls" deleted by Steve Norden/Group/US/SunLife]

## Shukria Wiar - BCFG

---

**From:** Arlin Kent <kaya2551@msn.com>  
**To:** <shukriaw@portlandmaine.gov>  
**Date:** 3/29/2010 5:08 PM  
**Subject:** BCFG

---

To Whom It May Concern:

I am writing to express my support for the development of a community garden on the Brentwood Parcel of Evergreen Cemetery. This plot has been lying fallow for the 20+ years that I have lived in the neighborhood. A project of this nature which would encourage neighbors to work together to use local resources to grow local lower cost food would be of great benefit. My only concern would be that stricter measures must be taken so as not to add to, and ideally reduce, the number of inconsiderate dog owners who refuse to obey the posted leash law within the confines of the cemetery.

Thank you.

Sincerely yours,  
Arlin Kent  
158 Warwick St.  
Portland, ME 04102

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## Shukria Wiar - Brentwood Farms Community Gardens site plan

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**From:** Robert Rossi <rrossi52@yahoo.com>  
**To:** <shukriaw@portlandmaine.gov>  
**Date:** 3/26/2010 4:33 PM  
**Subject:** Brentwood Farms Community Gardens site plan

---

I am writing to express my support for the site plan submitted by Deering Center Neighborhood Association for a community garden for the Brentwood Farms Community Gardens. I think the proposed garden will be of great benefit to the community in general and the neighborhood. If the plan is approved, I hope to get a plot at the garden, and I expect that I would generally walk to the garden except when bringing plants for planting.

Robert Rossi  
43 Highland Street  
Portland

**Shukria Wiar - Brentwood St Community Garden**

---

**From:** alison kenway <akenway@gmail.com>  
**To:** <shukriaw@portlandmaine.gov>  
**Date:** 3/27/2010 7:45 AM  
**Subject:** Brentwood St Community Garden

---

I support the development of the Brentwood Street Community Garden in Deering.

Alison Kenway  
54 Richardson Street

## Shukria Wiar - Deering Center Neighborhood Garden

---

**From:** Barbie Weed <barbieweed@hotmail.com>  
**To:** <shukriaw@portlandmaine.gov>  
**Date:** 3/27/2010 6:24 PM  
**Subject:** Deering Center Neighborhood Garden

---

I am a resident of Brentwood Street and would like to express my support for this project. I live on the other end of Brentwood, where our quality of life has been destroyed by the business on the corner. I will be extremely grateful to have a place within walking distance, where there aren't drunks stumbling out of a bar. I have already contributed labor to this project and I expect to contribute much more. So far, all of the other people, whom I've met at the garden, live in the neighborhood and we all agree that the ability to walk to this site is one of its major appeals. I know that abutting neighbors are concerned about noise, but I can assure you that gardeners are a respectful lot. I endure a lot of noise and trash as a result of bar patrons and apartment dwellers who don't have a connection to the area. I, however, live right here and most people who live in this neighborhood pass my house, on foot and in a car, on a routine basis. They know me and I know them. In the same way that I expect them to be respectful when they pass my home, I expect to be respectful when in the Neighborhood Garden. None of us can live in this neighborhood and expect to live in isolation. Working collaboratively is a worthy project and the fact that the project provides a way for people to volunteer, share, and grow food makes this endeavor especially valuable. I believe that the community development of the garden is an enhancement of a property that was a trash ridden eyesore. The garden will enhance the value of neighboring properties. It will provide the city with another community based green initiative and the plot will enable me to grow food that I can't afford to buy. I fully support the Deering Center Neighborhood Garden and can't wait to begin planting.

Barbara Weed  
26 Brentwood Street

---

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## Shukria Wiar - Brentwood Farms Community Gardens

---

**From:** Laurel Daly <daly.laurel@gmail.com>  
**To:** <shukriaw@portlandmaine.gov>  
**Date:** 3/27/2010 10:28 PM  
**Subject:** Brentwood Farms Community Gardens

---

Hello,

I'm writing to support the Deering Center Neighborhood Association's Brentwood Farms Community Gardens project. I live very close to the site, and am excited that it will no longer be a vacant lot. Instead of trash, gravel piles, and beer cans, I'll see vegetables, flowers, and trees. I'm looking forward to growing food in my own garden plot. The planned community garden will be good for the neighborhood, the city, and the earth.

Laurel Daly  
165 Brentwood Street  
Portland

**Shukria Wiar - Deering Center Garden**

---

**From:** Carolyn Ehringhaus <carolyne@maine.rr.com>  
**To:** <shukriaw@portlandmaine.gov>  
**Date:** 3/25/2010 5:05 PM  
**Subject:** Deering Center Garden

---

I am writing in support of the garden. I live in the neighborhood, have never been able to garden due to a shady lawn, and am very excited for this opportunity. I believe that the garden will be an asset to life in Portland. I plan to ride my bicycle to the garden, given its proximity to home.

Thank you.

Carolyn Ehringhaus

--

Carolyn Ehringhaus, LMT, NMT  
<http://bodytuningmassage.com>

Body Tuning  
222 St. John St., Suite 242  
Portland, ME 04102  
207 - 899 - 8142



## Shukria Wiar - Brentwood Community Garden

---

**From:** "Norman Buttrick" <nbuttri1@maine.rr.com>  
**To:** <shukriaw@portlandmaine.gov>  
**Date:** 3/25/2010 7:45 PM  
**Subject:** Brentwood Community Garden

---

Just wanted to inform the city that I will walk to the garden plot and therefore will not take up a parking space. i think this project is a wonderful idea for our community to bring people together as well as produce food and fellowship. Norm Buttrick, resident of Clinton Street

**Shukria Wiar - Brentwood Farms--Yay!**

---

**From:** "Katherine D. Baltes" <kbaltes@maine.rr.com>  
**To:** <shukriaw@portlandmaine.gov>  
**Date:** 3/25/2010 10:00 PM  
**Subject:** Brentwood Farms--Yay!

---

Just wanted to say that our family is \*thrilled\* with the Brentwood Farms community garden proposal! Please do all that you can to make this process as smooth as possible for all!

We live very close to this recent eyesore, and have always been saddened that this lot was left to become a dirty and dangerous parcel of prime land. We are thankful that people with skills and heart have volunteered so many hours to make this dump into a treasure. They have worked so hard to make this little pocket of land in Deering Center become a meaningful and beautiful place for people to enjoy.

Many of us are anxiously waiting for the opportunity to \*walk\* (not drive!!) to a community garden and space. Hopefully, the naysayers are not the only ones that the city hears from during this time of evaluation.

Sincerely,  
Kathy and Aaron Baltes  
25 Newman Street  
Portland

## Shukria Wiar - parking at Brentwood Community Garden

---

**From:** "Norman Buttrick" <nbuttri1@maine.rr.com>  
**To:** <shukriaw@portlandmaine.gov>  
**Date:** 3/26/2010 8:51 AM  
**Subject:** parking at Brentwood Community Garden

---

I plan to be a part of the community garden and will not need a parking space as I will walk to it being only a few minutes away. I think it will be a wonderful community project where besides raising veg. it will bring the community together for other worth while projects. Norm buttrick, resident

## Shukria Wiar - Fwd:

---

**From:** Carissa Hanratty  
**To:** Shukria Wiar  
**Date:** 3/25/2010 3:25 PM  
**Subject:** Fwd:

---

Carissa Hanratty  
Planning Division  
389 Congress Street, 4th Floor  
Portland, ME 04101  
(207) 874-8721  
Fax: (207) 756-8256

>>> "Paul Burlin" <pburlin@une.edu> 3/25/2010 3:23 PM >>>  
Carrisa,

I want to say that I am a Deering Center resident and I am absolutely thrilled that the Brentwood community garden may soon become a reality. I attended a neighborhood association meeting the other night (my first) and I thought the community leadership on this issue was excellent. There were a few abutters at the meeting who seemed intent on stopping the project no matter what accommodations the neighborhood association and the City of Portland have already acknowledged and put in place. It was selfishness pure and simple.

That piece of land was an eyesore and a breeding ground for kids to do bad things and it will now be a well supervised area. The suggestions by the abutters that their property values would be negatively affected by a garden in place of the mess that has been there for years were disingenuous in the extreme.

Some concern was expressed about increased traffic volume, but because there will be a shed to house implements and some wheelbarrows permanently onsite, I will probably always ride my bike to the garden to work and to gather produce. It was clear at the meeting when a poll was taking that most people interested in the garden live within walking distance to it and will not typically drive there.

I do hope the City approves the plan as spring is here, and before too long it will be planting season.

Do not hesitate to contact me if you have questions.

Paul Burlin  
116 Concord St.

Paul T. Burlin, Ph.D.  
Professor of History  
University of New England  
Biddeford, Maine 04005

March 25, 2010

Dear Ms. Wair,

I am writing on behalf of my husband and I in response to your notification of site plan review for the Brentwood Parcel of the Evergreen Cemetery. I am an abutting property owner, living with my family at 98 Hamblet Avenue. I am aware of the 5-year lease held by Deering Center Neighborhood Association (DCNA) and their intentions to plant a community garden on the parcel. I have reviewed the site plan and ask you to consider the requests of my husband and I as property owners in the City of Portland when revising the site plan.

We moved to our home in the spring of 2009, a few months prior to the major site work that was conducted (under direct supervision of DCNA members) behind our house. When site work began, bulldozers, dump trucks, excavators and chainsaws completely eliminated the green barrier behind our house. This green space afforded us the privacy we enjoyed when we purchased the home for our family. Today, the back of our house and yard are exposed to the entire empty lot and the cemetery beyond (please see photo attached). The site work was done without adequate notice from the DCNA and without adequate opportunity for abutters and neighbors voice their questions and concerns.

My major concern is that our privacy be restored. A buffer behind our home should be planted before the DCNA is permitted to proceed with the garden. The specifics of this buffer should adequately restore our privacy and be agreed upon by the City Arborist and the Friends of Evergreen Cemetery. In the Master Plan for the cemetery, which the City of Portland adopted from the Friends group, it states that the buffer be a first priority when the Brentwood Parcel is developed.

In addition, I ask you to consider the following list of concerns and their possible impacts on our neighborhood:

- Parking
- Traffic
- Hours of operation
- Water drainage
- Possible organized communal events (i.e. Planting or Harvest Celebrations)
- The large number of proposed plots and members (60 individual plus additional shared).

I respectfully acknowledge the intentions of the DCNA and the work they have committed to improving the Brentwood Street parcel. Please consider our requests and the continued well-being of our neighborhood as you revise the proposed use of this land.

Sincerely,

Jean and Joe Rank  
98 Hamblet Avenue  
207-541-9239

March 25, 2010

Dear Ms. Wair,

I am writing on behalf of my husband and I in response to your notification of site plan review for the Brentwood Parcel of the Evergreen Cemetery. I am an abutting property owner, living with my family at 98 Hamblet Avenue. I am aware of the 5-year lease held by Deering Center Neighborhood Association (DCNA) and their intentions to plant a community garden on the parcel. I have reviewed the site plan and ask you to consider the requests of my husband and I as property owners in the City of Portland when revising the site plan.

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207-541-9239



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Sincerely,

Jean and Joe Rank  
98 Hamblet Avenue  
207-541-9239

**From:** elizabeth tarasevich <emtarasev@gmail.com>  
**To:** Barbara Barhydt <BAB@portlandmaine.gov>, Penny Littell <PL@portlandmaine...>  
**CC:** amy segal <segal@tjda.net>, naomi mermin <nmermin@maine.rr.com>, "Nancy ..."  
**Date:** Tuesday, May 04, 2010 12:09 PM  
**Subject:** Brentwood Farms Community Garden, meeting request

Barbara and Penny,

The Deering Center Neighborhood Association received the City staff commentary regarding the site plan for the Brentwood Farms Community Garden, and we are asking to meet with you and one or two of your key staff on this project to clarify the requirements for this project to move ahead this month.

It was our understanding that the site plan process for this garden, a requirement that no other city garden has been asked to meet, was to secure stormwater permitting to allow us to resume work on the property for which we have a signed lease with the City for temporary and non-permanent use. The commentary of some of the staff is far beyond the scope of this project, and we need to meet with you in person to make sure there is no misunderstanding of responsibilities between parties.

We are available anytime this Friday May 7 or Monday May 10, and we ask for your immediate attention to this matter as we have many, many gardening families who are anxious to resume work on the site after contributing money, time and labor towards this community project.

Please let us know as soon as possible when we can meet.

Sincerely,

Elizabeth Tarasevich

## Shukria Wiar - RE: Brentwood Community Gardens

---

**From:** Shukria Wiar  
**To:** Amy Segal; nstclair@sebagotechnics.com  
**Date:** 5/20/2010 3:13 PM  
**Subject:** RE: Brentwood Community Gardens  
**CC:** 'Paul F. Driscoll'; 'elizabeth tarasevich'

---

Hello:

The seven sets of the site plan that were submitted were the revised plans that were distributed to the staff for review. These seven set that I am requesting is the final set that needs to include the condition of approval from Dan Goyette, see the following:

1. The edge of pavement on Brentwood Street at the entrance to the swale shall be modified to facilitate stormwater entering the proposed rip-rapped drainage swale.

The detail for the dip will also need to be on the detail sheet.

These final set of site plans will stamped approved and distributed to the City departments and filed for our records.

I hope this explains your concerns.

Thank you.

Shukria

Shukria Wiar, Planner  
City of Portland, Division of Planning  
389 Congress Street, Portland, ME 04101  
Ph: 207-756-8083 Fax: 207-756-8258

>>> "Amy Segal" <segal@tjda.net> 5/20/2010 12:13 PM >>>

Shukria,

We have submitted the 7 sets – hardcopy and pdf versions for 11x17. I assume you are now just asking for the CAD versions only? (Nancy, please send to me and I will upload to City. Thanks)

We will be submitting a cost estimate as soon as possible based on the form you sent yesterday - that we understand Phil will review and approve. We understand the performance guarantee will be based on the approved cost estimate. We will be discussing the inspection fee payment with Penny.

Amy

Amy Bell Segal, Associate  
tjda | Terrence J. DeWan & Associates  
t: 207.846.0757 c: 207.807.8092

---

**From:** Shukria Wiar [mailto:SHUKRIAW@portlandmaine.gov]  
**Sent:** Thursday, May 20, 2010 12:01 PM  
**To:** nstclair@sebagotechnics.com; segal@tjda.net  
**Subject:** Brentwood Community Gardens

Hello:

I just wanted to remind you and as stated in the approval letter, the Planning Division will need seven sets of the final site plan and this shall be submitted digitally as well to the Planning Division. Please see the excerpt below taken from the approval letter:

1. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
2. 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 Dept. prior to the release of the subdivision plat for recording at the Registry of Deeds or 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 subdivision or site plan application for staff review and approval.

Thank you.

Shukria

Shukria Wiar, Planner  
City of Portland, Division of Planning  
389 Congress Street, Portland, ME 04101  
Ph: 207-756-8083 Fax: 207-756-8258

Please file w/  
Brentwood

## Barbara Barhydt - Re: Driveway Lip Detail

---

**From:** Philip DiPierro  
**To:** sara  
**Date:** Friday, July 02, 2010 8:13 AM  
**Subject:** Re: Driveway Lip Detail  
**CC:** Barhydt, Barbara; Doughty, Matt; Wiar, Shukria

---

Sara, I have copied Matt Doughty with your concerns. He is the Public Services Representative that is overseeing that aspect of the job. I'll take a look at it and follow up with Matt to see what can be done.

Thanks for your patience.

Philip DiPierro  
 Development Review Coordinator  
 City of Portland Planning Division  
 389 Congress Street  
 Portland, Maine 04101

Phone 207 874-8632  
 Fax 207 756-8258

>>> "sara" <saraameigh@maine.rr.com> 7/2/2010 7:54 AM >>>  
 Hi Philip,

Just wanted to touch base with you on the re-paving of my driveway which they did about 10 days ago. The width no longer ties with the rest of the width on my driveway plus they couldn't even make the edge a straight line, this is unacceptable to me. I asked last week the job foreman to fix it and he hasn't yet. Would you please get someone on that? The foreman's solution was to cover the jagged line with dirt...however that's not acceptable when the grass is just going to grow through the edge and destroy what you just paved. Right now there is a 5" width difference on each side from where the existing driveway is.

Please get back to me on when this will be corrected.

Sara

----- Original Message -----

**From:** Philip DiPierro  
**To:** sara@kaplanthompson.com ; saraameigh@maine.rr.com  
**Sent:** Monday, June 21, 2010 4:26 PM  
**Subject:** Fwd: Driveway Lip Detail

Hi Sara, trying again.....

let me know if you have any questions, thanks.

Philip DiPierro  
 Development Review Coordinator  
 City of Portland Planning Division  
 389 Congress Street

Portland, Maine 04101

Phone 207 874-8632

Fax 207 756-8258

>>> Philip DiPierro 6/17/2010 10:54 AM >>>

Philip DiPierro  
Development Review Coordinator  
City of Portland Planning Division  
389 Congress Street  
Portland, Maine 04101

Phone 207 874-8632

Fax 207 756-8258

>>> Philip DiPierro 6/17/2010 8:59 AM >>>

Hi Sahra, Shukria asked me to forward a few pictures to you that shows the asphalt lip that will be constructed when your driveway entrance is re-paved. Basically, there will be a 1" difference in elevation between the top of your driveway and the top of the street to help facilitate drainage down the street.

She also asked me to tell you that it is OK to plant the shrub around the fence pole (I assume you know what that means).

Please contact me with any questions. Thanks.

Philip DiPierro  
Development Review Coordinator  
City of Portland Planning Division  
389 Congress Street  
Portland, Maine 04101

Phone 207 874-8632

Fax 207 756-8258

April 22, 2010

To: Barbara Barhydt  
Shukria Wiar  
From: David Margolis-Pineo  
Re: Public Services Review Comments  
Brentwood Gardens

This department has reviewed and agrees with the comments presented by Dan Goyette of Woodard and Curran concerning stormwater drainage issues for this project.

To further expand on Dan's comments, we would add that the applicant be responsible to submit revised plans detailing a proposed professional engineer design for the drainage swale to handle projected upland flows coming the cemetery, street and project site. The design should take into consideration how the vertical granite curbing and sidewalk can be installed to allow upland drainage to convey into the drainage swale so that all stormwater drainage is intercepted by the swale before reaching the driveway of 178 Brentwood Street.

## Shukria Wiar - Brentwood Farms Community Gardens

---

**From:** Thomas Errico <Thomas.Errico@tylin.com>  
**To:** Shukria Wiar <SHUKRIAW@portlandmaine.gov>  
**Date:** 4/8/2010 2:43 PM  
**Subject:** Brentwood Farms Community Gardens  
**CC:** Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pineo <DMP@port...

---

Shukria – I have reviewed the project information submitted and I have the following comments.

- In my professional opinion the provision of vertical granite curbing will help to delineate the edge of Brentwood Avenue and therefore will help to manage vehicles parking on the street.
- The provision of a turn-around is suggested at the end of Brentwood Avenue to help facilitate vehicle movements.
- The applicant should conduct a sidewalk waiver exercise to determine whether a sidewalk should be provided along their property frontage.
- In my professional opinion the proposed project will not have a significant impact on adding new traffic to the neighborhood and creating unsafe or congested traffic conditions. I would expect that most garden patrons will be pedestrians or bicyclists from the neighborhood.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, P.E.  
**TYLIN**INTERNATIONAL

12 Northbrook Drive  
Building A, Suite One  
Falmouth, ME 04105

207.347.4354 (Direct)  
207.781.4721 (Main)  
207.781.4753 (Fax)  
207.400.0719 (Mobile)



April 5, 2010

To: Barbara Barhydt  
Shukria Wiar  
From: David Margolis-Pineo  
Re: Public Services Review Comments  
Brentwood Gardens

This department has reviewed and agrees with the comments presented by Dan Goyette of Woodard and Curran concerning stormwater drainage issues for this project.

We would add that revisions be added to plans detailing the proposed new engineered drainage swale is designed to handle projected flow coming the cemetery, street and project site.

## **ZONING ADMINISTRATOR REVIEW**

March 24, 2010

This project for community gardens with a small 10' x 14' shed is located in an ROS Recreation Open Space Zone. Such a use is a listed permitted use in this zone.

The 10' x 14' shed is meeting the setback requirements and the maximum height allowances. It was given that the shed is 10'. Maximum lot coverage and floor area ratios are also being met for the shed. There is a requirement that a separate building permit is acquired for the construction of the shed.

Under Division 20, the parking division, there are no listed requirements for off-street parking concerning the principal use of community gardens.

This project is meeting the minimum requirements for the ROS Zone.

Marge Schmuckal  
Zoning Administrator

## Shukria Wiar - Dan Goyette Clarification

---

**From:** Penny Littell  
**To:** Paul F. Driscoll; nstclair@Sebagotechnics.com  
**Date:** 5/10/2010 4:41 PM  
**Subject:** Dan Goyette Clarification  
**CC:** Barbara Barhydt; Shukria Wiar

---

Nancy and Paul: As promised below is clarification of the two sentences authored by Dab Goyette and contained within Planner Wiar's April 14, 2010 correspondence to Amy Segal. The sentences at issue read "The stormwater plan depicts the swale as grassed and that the berm be extended. The swale should be redesigned so that the berm is removed and the swale is installed in the ground, not perched above an adjacent low point." To be more specific and thus provide guidance the applicant is seeking, Dan further explains:

1. The mulch should be removed from the swale/ditch. The water is not flowing freely due to the bark mulch. The bark mulch may be left on the hillside for erosion control.
2. The swale/ditch should be lowered, so that the water from the garden and adjoining properties flows to the rear of the City property. A lower elevation of the base of the swale/ditch will allow for the water to reach its destination i.e. the rear of the Cemetery site. This can be achieved without disturbing the slope adjacent to the abutter's property by reshaping the swale/ditch such that the low point is wholly on the City property.
3. The swale must be grassed in order to facilitate the flow of water.

May 14, 2010

To: Barbara Barhydt  
Shukria Wiar  
From: David Margolis-Pineo  
Re: Public Services Review Comments  
Brentwood Gardens

As stated in Dan Goyette's May 13, 2010 comments and I concur, the edge of pavement on Brentwood St. needs to be modified to assure street drainage will enter the proposed rip-rapped drainage swale. Assurances need to be made that gutter drainage on Brentwood St. will not be conveyed beyond this point and that flow will enter the swale even during high flow conditions.

The applicant has shown the intended path of drainage through the site once the modifications have been completed. It is understood that if future drainage from the roadway and site being conveyed through the swale negatively impact the abutting properties, the applicant may have to implement additional drainage modifications.

The Department of Public Services has no further comments on this project.

## MEMORANDUM



**TO:** Shukria Wiar  
**FROM:** Dan Goyette, PE  
**DATE:** April 1, 2010  
**RE:** DC Community Garden

---

Woodard & Curran has reviewed the Minor Site Plan Application for the Deering Center Community Garden to be located on the Brentwood Parcel of Evergreen Cemetery. The project involves the development of a portion of the Brentwood Parcel as a community garden.

### Documents Reviewed

- Minor Site Plan Application and attachments dated March 22, 2010.

### Comments

- The stormwater model uses the Cumberland County Medium Intensity Soil Survey to determine the soil characteristics for the parcel. In the area of the community garden, they are not applicable as the area is a fill site. The stormwater model should be adjusted to account for the appropriate soil types.
- Granite curbing should be installed along the entire frontage of the property. A curb break would be acceptable to allow for the stormwater to enter the proposed drainage swale.
- A turnaround should be provided on the parcel to allow for vehicle maneuvering at the end of Brentwood Street. The turnaround should be curbed but provisions can be made to allow for pedestrian ramps within the turnaround.
- The driveway at 178 Brentwood Street should be reconstructed by the roadway to allow for the installation of a lip at the roadway. In the event that stormwater bypasses the drainage channel, the lip will direct stormwater down the street to the catch basin located at the corner of Brentwood Street and Hamblet Avenue.
- The existing drainage swale has been constructed by installing a berm between the abutting properties and the community garden parcel and then installing bark mulch over the swale. The berm is acting like a dam and not allowing the stormwater from these parcels to enter the drainage swale and perches the stormwater in the swale at a higher elevation than the adjacent soils. In addition, the bark mulch does not convey stormwater, it is a good erosion control material because it slows the flow of water. So in effect the swale is not conveying stormwater; any stormwater in the existing swale merely soaks into the ground, emerging in the adjacent lower soils. The stormwater plan depicts the swale as grassed and that the berm be extended. The swale should be redesigned so that the berm is removed and the swale is installed in the ground, not perched above an adjacent low point. I
- The pavement in the street at the entrance to the swale shall be removed and reshaped to facilitate stormwater entering the swale.

Please contact our office if you have any questions.

## Shukria Wiar - Brentwood Community Garden

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**From:** Jeff Tarling  
**To:** Shukria Wiar  
**Date:** 4/12/2010 10:26 AM  
**Subject:** Brentwood Community Garden  
**CC:** Barbara Barhydt ; David Margolis-Pineo; Joe Dumais; Troy Moon

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Hi Shukria -

I have reviewed the proposed Brentwood Community Garden project Site Plan & Landscape Plan and offer the following comments / conditions:

The proposed Brentwood Community Garden project located at the dead end of Brentwood Street improves the use of this under utilized, public owned green space. The main landscape challenges to the site is buffering the nearby residential properties. The landscape plan shows the garden at its potential including buffering, street-trees, and landscaped garden planting.

**Recommendations** - The Brentwood Garden project working in conjunction with City, Evergreen Cemetery & Department of Public Services should install the necessary buffer planting within the first year of operation of the garden. This would give adequate time to construct the drainage work in the same vicinity. Street-trees shown on the plan should meet any HP approval and match the Brentwood Street Cemetery Master Plan, now in progress. The street trees should not be a requirement of the project due to the overlay of the Brentwood Master Plan & possible future use of the site. Street trees and additional landscape treatment should be a unified effort of all the involved groups including the Friends of Evergreen & City, Cemetery Operations and the Brentwood Garden project.

Overall, the Brentwood Community Garden project is greatly improving, even on a temporary basis, the vacant, unimproved Brentwood Lot. The Deering Center Neighborhood Group deserves much credit to bring this community based effort to improve this location. It is similar to the Victory Garden that was once planted at the corner of Leland Street & Mabel Street in the 1940's and is now Baxter Pines.

Jeff Tarling  
City Arborist

**Shukria Wiar - Fwd: Brentwood Parcel Update**

Brentwood Advisory  
Committee  
public forum -  
March 23 2010

**From:** Barbara Barhydt  
**To:** Jaegerman, Alex; Wiar, Shukria  
**Date:** 3/4/2010 12:19 PM  
**Subject:** Fwd: Brentwood Parcel Update

>>> John Kwoka <kwoka@maine.rr.com> Wednesday, March 03, 2010 8:36 PM >>>  
Ms. Barhydt,

It has come to my attention that the garden group will be submitting a formal application package in a few weeks.

I am respectfully requesting that when the application package is received that I am notified in order for me to obtain copies of the all the required documents.

If this is not the process to request these documents, please inform me of the process and I will follow it.

It is my intention to have a Civil Engineer licensed in the State of Maine review the plans to ensure that the water run off issue onto our property is addressed.

As most know, the Brentwood Parcel, site of the garden, is covered under the Evergreen Cemetery Master Plan. On page 58 of Evergreen Cemeteries Master Plan, I'll quote the second sentence, " The first phase of any development determined to be appropriate here should be the development of proper grading and drainage and the planting of a vegetation buffer between the cemetery and the neighborhood."

My desire is to ensure this requirement is met.

Also, has a Civil Engineer conducted an engineering analysis comparing the 1994 survey and the 2009 survey of Brentwood Parcel?

Mr. Mavodones,

As the current Mayor, you may not be aware of issue regrading the work that was performed on the Brentwood Parcel in June of 2009.

An undesired result of that work is excessive storm water into my property, 92 Hamblet Ave which abuts the Brentwood Parcel.

I did not have this problem prior to the work performed on Brentwood Parcel.

In my previous correspondence to the City, I cc'd Ms. Duson & Ms. Waxman.

They can fill you in with the details or I can meet with you at a time that is convenient to you.

I also have taken videos of the two most recent storms that are available for your viewing pleasure.

They are large files and I would need to provide you with a CD.

These files are available for all who would like to review them.

I have provide Mr. Bobinsky a copy of one of the files.

Ms. Duson & Ms Waxman have been very helpful seeing that this issue received the attention it deserved.

Ms. Littell spent about two hours with me as we educated each other about the issue and processes.

Mr. Bobinsky has replied to my e-mails in a courteous and timely manner.

Ms. Duson & Ms. Waxman,

If you desire not to be include in future correspondence, please let me know and I will honor that request.

The garden group is a tenant on property owned by the City of Portland and it is their responsibility to correct the issue they created.

I truly understand the City of Portland does not have an unlimited amount of funds and this issue is not a top priority.

As a Federal Civil Servant, I also understand it is our responsibility to ensure the necessary oversight is provided in the areas of our responsibility.

Please do not hesitate to contact me.

I can be reached via this e-mail address, my cell # 207.650.1714, or my work # 207.442.3357 from 0600 to 1500.

Thanks in advance and have a wonderful day.

v/r,

/s/ John J. Kwoka