



March 3, 2014

Jean Fraser, City Planner
Portland City Hall
389 Congress Street
Portland, ME 04101

RE: Capisic Pond Enhancement, Level III Site Plan Application, Response to Comments

Dear Jean:

Woodard & Curran has reviewed the comments received from the Planning Division for the Capisic Pond Enhancement Project Level III Site Plan application. The comments were received as attachments to the Planning Division Memo dated January 24, 2013, and are listed below in italics, with our responses following each comment:

Comments from Jeff Tarling, City of Portland Arborist, email dated January 17, 2014

- 1. I walked through the project earlier this week and feel they are proposing the steps necessary to restore the park to better than before conditions. There are a couple of 'tree saves' near Capisic Street that are important and aware to the project team.*

As discussed during the January 13, 2014 site visit, some tree clearing will be required at Capisic Street to provide construction access to the site. Trees greater than 8 inches in diameter have been located by means of GPS in the proposed access area and a majority of these trees are called out to be protected on the plans. Trees that are 8 inches in diameter or smaller may be removed to provide access. Notes have been added to the plans to indicate that the Contractor must contact the City Arborist if any trees identified for protection must be removed to provide construction access.

Comments from Marge Schmuckal on January 22, 2014, City of Portland Zoning Administrator, memorandum to file from Jean Fraser dated January 23, 2014

- 1. This project is located in an ROS zone with floodplain and shoreland overlay. Floodplain regulations [14-450.8(c)] state: "All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse." This project is to specifically open up the closed in areas by overproductive cat-o-nine tails. The pond is being brought back to a healthier state with this "clean-out".*

Shoreland/Stream protection also allows clearing within the pond to historically open areas [14-14-449(e)3 & 4]. 14-449(d) allows the excavation or similar activities, however that section of the Shoreland Zone goes on to list best management practices that must be met and within the time frames given in the Ordinance. The applicant shall follow these required practices during the construction work.

The project will be constructed using appropriate erosion and sedimentation control best management practices, in accordance with the Code of Ordinance requirements. Erosion and sedimentation control measures will be utilized as identified on the plans.

Comments from Tom Errico, City of Portland Traffic Consultant, email dated January 23, 2014

- 1. The Applicant shall provide an estimate of both daily and peak hour truck volumes entering and exiting the site.*



It is anticipated that sediment removal for the project will take place at a maximum rate of about 10 trucks per hour, which corresponds to a total of 20 trip ends per hour, for trucks entering and exiting the site. Total truck loads per day will be between 60 and 100 loads, corresponding to 120-200 trip ends per day. The export of sediments from the site is anticipated to take 3 to 4 weeks over the course of the project. The import of gravel and other materials onto the site will result in the same or lower hourly and daily truck traffic.

2. *Sight distance measurements shall be provided for proposed temporary driveways with discussion on meeting City standards.*

A temporary driveway for construction traffic is proposed on Capisic Street. Construction traffic from other temporary access points will enter Capisic Street from existing driveway or roadway intersections.

Sight distance for a vehicle turning left or right from the new temporary construction access drive, as well as sight distance for a vehicle turning left into the access drive have been checked, and are shown on the attached Figures 1 and 2. The speed limit is 30 miles per hour with a horizontal curve located west of the access driveway, and a 15 mile per hour speed bump located to the east. The sight distance has been evaluated using the procedures outlined in the Maine DOT Chapter 299 Highway, Driveway, and Entrance Rules. Per these rules, the required sight distance for larger vehicles in a 30 miles per hour speed zone is 375 feet. These rules also define the values to represent the height of a person's view (3.5 feet), and the height of the object to be viewed (4.5 feet). It is noted that the vehicles utilizing the construction access driveway will be considerably taller than either of these heights; therefore, this provides a conservative analysis.

View 1 on the attached figures represents the view to the east from a vehicle in the temporary access drive. This is also the view path for a vehicle in the west-bound lane of Capisic Street to view a vehicle in the temporary access drive. Utilizing the DOT recommended heights for sight distance analysis, a clear line of sight will be available in both directions. A review of tree locations indicates that trees on the Capisic property will not block sight distance.

View 2 represents the view to the west from a vehicle in the construction access drive, and also shows the line of sight from a vehicle in the east-bound lane of Capisic Street viewing a vehicle in the access drive. Utilizing the DOT recommended heights for sight distance analysis, a clear line of sight will be available in both directions. High branches on trees on the Capisic property west of the entrance may be a concern, and the need for minor trimming will be evaluated at the time of construction.

View 3 represents the view to the east from a vehicle making a left turn into the access driveway from the eastbound lane of Capisic Street. Utilizing the DOT recommended heights for sight distance analysis the clear line of sight will just be blocked by a change in elevation in the road. A small increase to the heights used for the analysis will result in a clear line of sight. Considering the large size of construction vehicles, with typical view heights of 6 feet and greater, sight distance along this path will not be a concern. Tree branch obstructions will not be a concern for this view.

Adequate sight distance has been provided for construction vehicles leaving and entering the temporary construction access drive, and for other vehicles approaching the construction site. The enclosed Figures 1 and 2 show the sight distances.

3. *A proposed truck routing plan shall be documented. It is my understanding that it is likely that trucks will be destined to the City of Westbrook via Brighton Avenue. Accordingly, it seems reasonable that the routing consist of travel along Capisic Street to Brighton Avenue. I would*



suggest that truck activity avoid peak drop-off and pick-up times at Breakwater School. Also, provisions to ensure that vehicles are cleaned prior to entering the public street system should be included.

It is anticipated that the main route for construction traffic exiting the site will be on Capisic Street to the northwest towards Brighton Avenue. A second option would be to the southeast on Capisic towards Stevens Avenue. Construction traffic travel through local neighborhood streets will not be allowed, and a note indicating this has been added to the plan.

The Breakwater School is located at the intersection of Capisic Street and Brighton Avenue. It is our understanding that the primary student drop-off and pick-up location for the school is on Capisic Street. Construction traffic will be managed to prevent trucks from traveling in front of the school on Capisic Street during primary drop-off and pick-up times. Based on the current schedule at the school, construction traffic will be restricted in the morning from 7:30 AM through 9:00 AM, and in the afternoon from 2:00 PM through 3:30 PM. During these times, construction traffic may be allowed to travel to Brighton Avenue from Capisic Street via Stevens Avenue.

It is anticipated that construction may begin prior to the start of the 2015 school year, allowing the timing restriction to be lifted during that time. It is understood that school schedules may change prior to the start of construction, which is anticipated in 2015. The Breakwater School will be engaged prior to construction to ensure that their drop-off and pick-up times are adequately accommodated.

Cleanup of tracked sediment from construction vehicles will be managed by the Contractor. Water-tight dump trucks will be utilized to transport sediment, and stabilized construction exits will be installed to collect sediment from vehicles wheels. The Contractor will be required to sweep Capisic Street a minimum of once per day to manage tracked sediments. Additional sweeping may be required as necessary to keep the street clean. Notes requiring sweeping have been included on the plans as part of the general notes, as well as part of the erosion control notes.

Comments from David Margolis-Pineo, City of Portland, Department of Public Services, email dated January 24, 2014

1. *Please add a note to the plans stating that 'The Contractor shall be responsible for any sweeping due to materials inadvertently falling on the roadway between the dredge and disposal site.'*

As noted in the response to the comment above from Tom Errico, the Contractor will be required to manage the cleanup of sediments tracked from the site by construction vehicles. Notes requiring sweeping have been included on the plans as part of the general notes, as well as part of the erosion control notes.

Right Title & Interest

The City is continuing to work on preparing a new boundary page for the City property being used for this project. The work proposed for the area south of Capisic Street will take place on property that is not owned by the City of Portland. The attached letter from the City (sent to MaineDEP as part of the NRPA review process) indicates their intent to obtain the required agreements to access and perform the work on this property. It is noted that this property owner has been involved throughout the public process on this project, and has approached the City with his intent to allow the work to be completed on his property upon execution of a mutually acceptable agreement.



NRPA Permits

A Natural Resource Protection Act permit application was submitted to the Maine DEP and the Army Corps of Engineers on February 14, 2014. A copy of the application material has been included on the enclosed CD.

Project Schedule and Permit Extension Request

Funding for this project is currently being considered as part of the City's 2015 Capital Improvement Plan. If this funding is approved, the project will be completed in the summer of 2015. If the funding is not approved, it will continue to be pursued for the following year. With the understanding that the project will likely not begin within one year after Level III Site Plan Approval is granted, we are requesting that a three year extension be granted at the time of approval.

Final Site Plan

We have addressed the comments listed above, and have modified the plans accordingly. These plans and this letter and its attachments are being submitted as the Final Site Plan for the project in anticipation of presenting the project at the March 25, 2014 Planning Board Public Hearing. If you have any questions or require additional information, please contact me at any time at (207)774-2112 or by email lszett@woodardcurran.com.

Sincerely,

WOODARD & CURRAN INC.

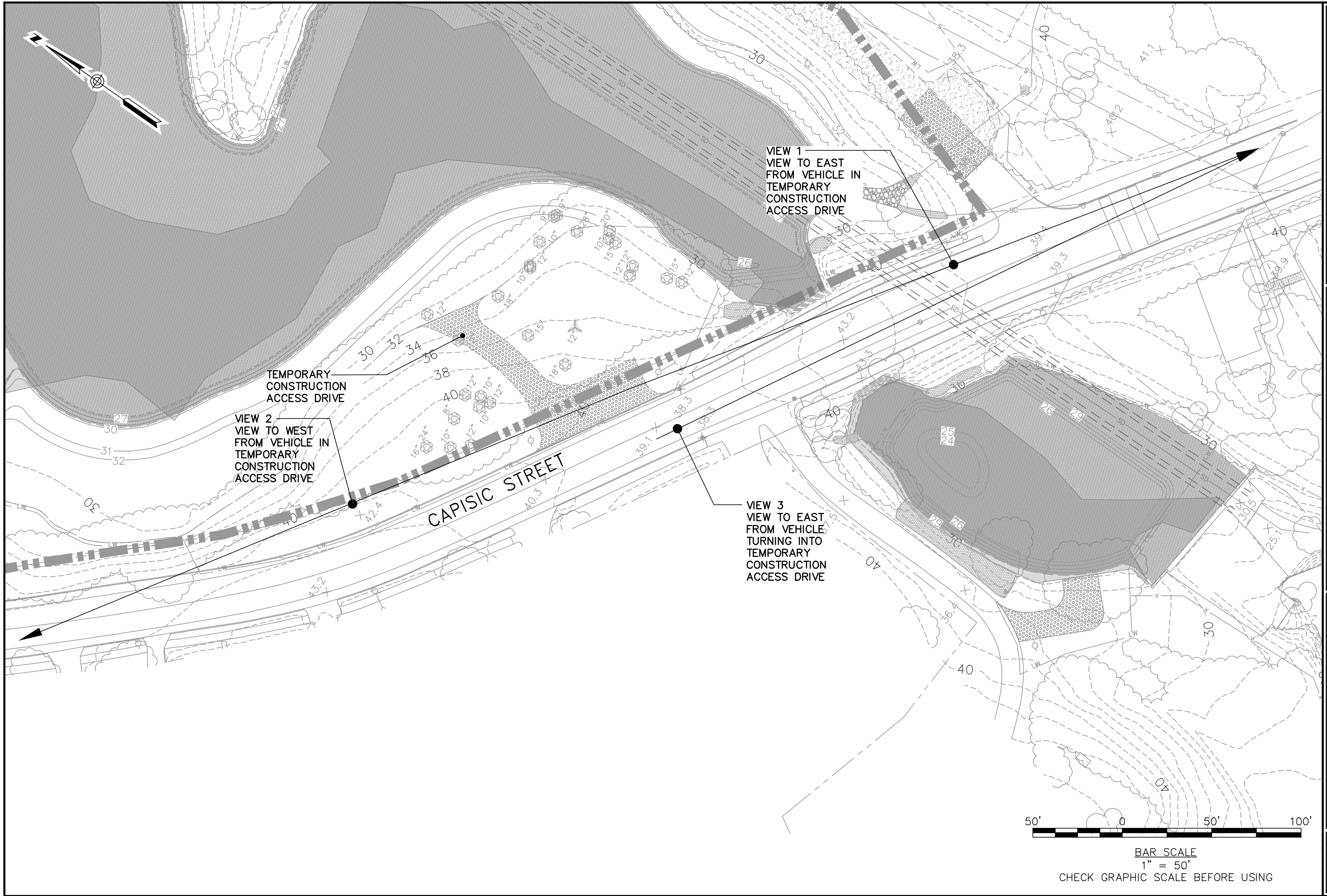
A handwritten signature in cursive script that reads "Lauren Swett".

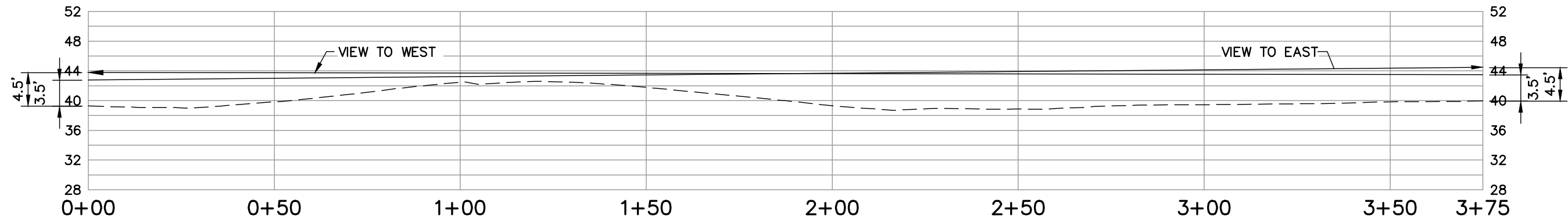
Lauren Swett, P.E.
Project Engineer

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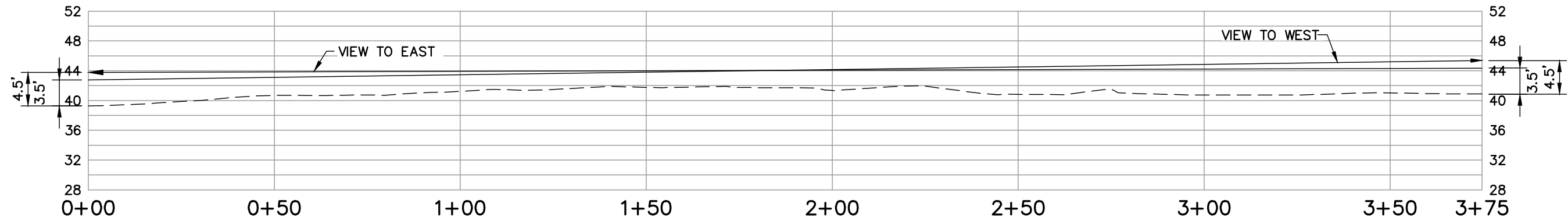
Enclosures: Sight Distance Figures 1 & 2
 Letter from the City for Right, Title, and Interest
 Updated Plan Set
 CD of Plans and NRPA Application

cc: Nathaniel Smith, Project Manager, City of Portland
 Doug Roncarati, Stormwater Program Coordinator, City of Portland

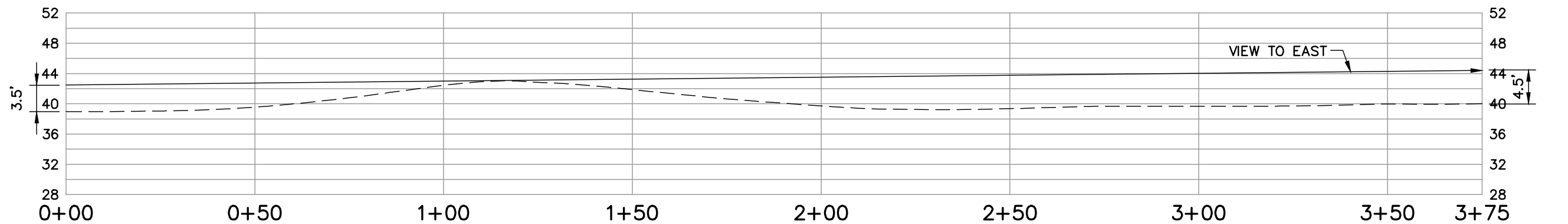




VIEW 1
 SCALE: H 1"=30'
 V 1"=15'



VIEW 2
 SCALE: H 1"=30'
 V 1"=15'



VIEW 3
 SCALE: H 1"=30'
 V 1"=15'



BAR SCALE
 1" = 30'
 CHECK GRAPHIC SCALE BEFORE USING



Danielle P. West-Chuhta
Corporation Counsel

Jennifer L. Thompson
Associate Counsel

Lawrence C. Walden
Associate Counsel

Trish McAllister
Neighborhood Prosecutor

February 7, 2014

David Cherry, Environmental Specialist
Department of Environmental Protection
Bureau of Land and Water Quality
312 Canco Road
Portland, ME 04103

Re: City of Portland, Capisic Pond NRPA Permit


Dear Mr. Cherry:

I am providing this letter to satisfy conditions associated with the filing of the Natural Resource Protection Act permit application associated with the above referenced project.

I have reviewed the plans and supporting documents for the City of Portland, Capisic Pond NRPA Permit, and I am of the opinion that the City of Portland will possess all proper interests in the sites and rights of way for this project following the remaining negotiations with property owners. In the event any of the negotiations are unsuccessful, the City will exercise eminent domain in order to secure all necessary property interests. In addition, I am of the opinion that all sewer mains, laterals and other improvements constructed pursuant to the plans for this project will be properly located within said sites and rights of way.

Thank you for your attention to this matter. If you have any questions or need additional information, please feel free to contact me.

Sincerely,


Danielle West-Chuhta
Corporation Counsel

cc. Nathaniel Smith, Project Engineer, City of Portland Planning Department