

198 - F - 1

1997 - 0047

Osgood St.

Tennis Courts

Waynflete School

on Spreadsheet

PIERCE, ATWOOD, SCRIBNER, ALLEN, SMITH & LANCASTER

ONE MONUMENT SQUARE

PORTLAND, MAINE 04101

TELEPHONE 207/773-6411

TELECOPIER 207/773-3419

AUGUSTA OFFICE

77 WINTHROP STREET
AUGUSTA, MAINE 04330
207/622-6311

FRED C. SCRIBNER, JR.
CHARLES W. ALLEN
JOTHAM D. PIERCE
SIGRID E. TOMPKINS
WILLIAM C. SMITH
RALPH I. LANCASTER, JR.
JEREMIAH D. NEWBURY
DONALD W. PERKINS
GERALD M. AMERO
DONALD A. FOWLER, JR.
BRUCE A. COGGESHALL
S. MASON PRATT, JR.
DANIEL E. BOXER
JOTHAM D. PIERCE, JR.
WARREN E. WINSLOW, JR.
ALBERT G. AYRE
EVERETT P. INGALLS
MALCOLM L. LYONS
ROBERT G. FULLER, JR.
JAMES B. ZIMPRITCH

JAMES G. GOOD
JOHN J. O'LEARY, JR.
PETER W. CULLEY
JEFFREY M. WHITE
JOSEPH M. KOZAK
GEORGE J. MARCUS
RICHARD E. CURRAN, JR.
LOUISE K. THOMAS
PHILLIP E. JOHNSON
JOHN W. GULLIVER
JOHN D. DELAHANTY
CHARLES S. EINSIEDLER, JR.
PETER H. JACOBS
MICHAEL D. SEITZINGER
DANIEL M. SNOW
RICHARD P. HACKETT
LEE D. URBAN
MICHAEL R. CURRIE
WILLIAM J. KAYATTA, JR.
DAVID E. HUNT

DANIEL W. EMERY
THOMAS R. DOYLE
CHRISTOPHER E. HOWARD
RICHARD W. MURPHY
JEFFREY D. CURTIS
WAYNE R. DOUGLAS
ANDREA L. CIANCHETTE
ANNE M. PARÉ
JOHN R. McDERMOTT
DENNIS C. KEELER
LAWRENCE S. DELANEY
GERARD O. FOURNIER
KEVIN F. GORDON
GREGORY D. WOODWORTH
GORDON K. GAYER
WILLIAM L. HARVEY
ELIZABETH R. BUTLER

MICHAEL P. COGSWELL
ELAINE S. FALENDER
JOHN R. GOLDSBURY
SCOTT T. MAKER
ELIZABETH T. McCANDLESS
ANDREA C. NAJARIAN
JOHN C. NIVISON
ELIZABETH S. PEARCE
WILLIAM E. TAYLOR
JACOB A. MANHEIMER
JAY H. KRALL
CATHERINE R. CONNORS
MICHAEL E. HIGH
PETER B. LAFOND
RICK E. LAWRENCE
STEPHANIE E. LUGG
LYNN VAN NOTE

August 28, 1987

Mr. Richard Knowlan
Planning Department
Portland City Hall
389 Congress Street
Portland, ME 04101

Dear Rick:

Enclosed per your request is a discussion draft of the Exchange Agreement between the Waynflete School and the Merrills. Don't hesitate to call if you have any questions or comments.

Sincerely,



Dennis C. Keeler

DCK/sch
Enclosure

EXCHANGE AGREEMENT

THIS AGREEMENT, dated as of _____, 1987 is by and between WILLIAM and _____ MERRILL, of Portland, Maine ("Sellers") and THE WAYNFLETE SCHOOL, a non-stock corporation organized under the laws of the State of Maine, with a place of business in Portland, Maine ("Purchaser").

RECITALS

A. The Merrills own certain property located in Portland, Cumberland County, Maine (the "Merrill Property") identified as Lots 189 and 190 on a plan entitled "Congress Terrace" prepared by W.M. Hicks, Civil Engineer, dated April 1922 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 61 (the "Congress Terrace Plan").

B. Waynflete has certain rights of way over Osgood Street as described in the Deed from A.H. Chapman Land Co. to P.H. & J.M. Brown Company, which deed is dated August 31, 1922, and recorded in said Registry in Book 1115, Page 65.

C. The Merrills have agreed to convey Lots 189 and 190 to Waynflete and Waynflete has agreed to release its rights to certain portions of Osgood Street, subject to the terms and conditions set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Merrills and Waynflete hereby agree as follows:

1. Exchange. Subject to the terms and conditions of this Agreement, the Merrills agree to sell and convey said Lots 189 and 190 to Waynflete and Waynflete agrees to release to the Merrills all of Waynflete's right, title and interest in and to that portion of Osgood Street that lies southerly of the lot line between Lots 183 and 184, as shown on the Congress Terrace Plan, as such lot line is extended southwesterly across Osgood Street.

2. Condition to Exchange. It is a condition to the obligation of the parties hereunder that prior to the closing of the exchange described in Section 1 above the City of Portland shall take all necessary steps to vacate that portion of Osgood Street described in Section 1 above. For purposes of this Section 2, the City of Portland shall be deemed to have taken all necessary steps to vacate such portion of Osgood Street when it has given the notice required under 23 M.R.S.A. § 3027(1) and has filed an order of vacation with respect to such portions of Osgood Street with the City Clerk as required by said Section 3027(1). If prior to the closing, the City of Portland has not taken all necessary steps to vacate such portion of Osgood Street, then either party shall have the right to terminate this Agreement upon written notice to the other whereupon this Agreement shall terminate and the Merrills and Waynflete shall be relieved of any further obligations hereunder.

3. Title to the Merrill Property. Title to said Lots 189 and 190 shall be good and marketable and free of any liens, encumbrances, restrictions or other defects of title and shall

be conveyed by the Merrills by warranty deed in proper form for recording. If title to said Lots 189 and 190 should prove defective, then Sellers shall have a reasonable time, after due notice of such defect or defects, to remedy the same and the closing hereunder shall be extended accordingly. If after such time, such defect or defects are not so corrected, Waynflete shall have the right, at its option, to accept title to said Lots 189 and 190 subject to any uncured defects of title or to terminate this Agreement, whereupon the parties shall be relieved of any further obligations hereunder.

4. Settlement Costs. At the closing, the real estate taxes allocable to Lots 189 and 190 shall be prorated as of the date of closing. Each party shall pay their respective share of the real estate transfer tax as required by Maine law and shall pay any costs and expenses incurred by such party in connection with the transactions contemplated by this Agreement not otherwise adjusted as provided herein.

5. Closing. The closing shall take place at 10:00 a.m. at the offices of Pierce, Atwood, Scribner, Allen, Smith & Lancaster, One Monument Square, Portland, Maine within thirty (30) days after Waynflete has received final site plan approval for the athletic complex proposed for the land presently owned by Waynflete adjacent to Lots 189 and 190, but in any event no later than _____. At the closing, the Merrills shall execute and deliver a warranty deed conveying to Waynflete good and marketable title to Lots 189 and 190 and Waynflete shall execute and deliver a release deed to the Merrills releasing

any right, title and interest that Waynflete may have in and to that portion of Osgood Street described in Section 1 above.

6. Default and Remedies. If either party shall default in its obligations hereunder and the other party has satisfied its obligations hereunder, the non-defaulting party shall have all rights and remedies available to it at law or in equity, including without limitation, the right to seek specific performance of this Agreement.

7. Brokers. The parties hereto represent to the other that neither of them have incurred any obligation for a broker's or finder's fee with respect to the matters provided for in this Agreement and the party incurring any such obligation shall be solely responsible therefor.

8. Possession. The Merrills shall deliver possession of Lots 189 and 190 to Waynflete at the closing, free of all leases, tenancies or occupancies by any person whatsoever.

9. Risk of Loss. The Merrills shall bear all risk of loss with respect to Lots 189 and 190 until the closing of this transaction.

10. Notices. All notices, demands and other communications hereunder shall be in writing and shall be hand delivered or mailed in the United States mail, postage pre-paid, addressed as follows:

If intended for the Merrills, to:

Mr. and Mrs. William Merrill
184 Osgood Street
Portland, ME 04102

If intended for Waynflete, to:

The Waynflete School
360 Spring Street
Portland, ME 04102

Attn: Mr. William Bennett

Such notice shall be effective upon receipt.

11. Entire Agreement. This Agreement constitutes the entire agreement between the Merrills and Waynflete with respect to the matters set forth herein. This Agreement cannot be amended except by written instrument executed by the parties hereto.

12. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of Sellers and Purchaser and their respective heirs, personal representatives, successors and assigns.

13. Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Maine.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first set forth above.

William Merrill

Merrill

THE WAYNFLETE SCHOOL

By: _____
Its: _____

Richard Knowland, Senior Planner,
Ext. 265

E SCHOOL

ne 04102 • Tel. (207) 774-5721

WARREN, ME
ATTACHED TO THIS SITE
PLAN AND SUPPORTING
MATERIAL FOR THE
WAYNFLETE ATHLETIC
FACILITY OFF OSBORN ST.
PLEASE REVIEW THIS AS
SOON AS POSSIBLE
AND ADVISE

4-526 "Final Site Plan" (d)
of the Portland Code, we shall set forth the name and
address of the owner of the parcel to be developed and the
estimated cost of the development.

OWNER: Waynflete School
360 Spring St.
Portland, ME 04102

SIGNATURE: William Bennett
William Bennett
Headmaster

ESTIMATED COST: \$950,000

If I can be of help in answering any further questions,
please call me at 774-5721. Thank you.

Sincerely,

William Bennett
William Bennett
Headmaster

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

Wayneflote School

Applicant 500 Spring Street

Date _____

Mailing Address Public Facility

Address of Proposed Site _____

Proposed Use of Site _____

Site Identifier(s) from Assessors Maps _____

Acreage of Site / Ground Floor Coverage _____

Zoning of Proposed Site _____

Site Location Review (DEP) Required: () Yes () No

Proposed Number of Floors _____

Board of Appeals Action Required: () Yes () No

Total Floor Area _____

Planning Board Action Required: () Yes () No

Other Comments: _____

Date Dept. Review Due: _____

FIRE DEPARTMENT REVIEW

April 7
(Date Received)

	ACCESS TO SITE	ACCESS TO STRUCTURES	SUFFICIENT VEHICLE TURNING ROOM	SAFETY HAZARDS	HYDRANTS	SIAMESE CONNECTIONS	SUFFICIENCY OF WATER SUPPLY	OTHER	
APPROVED									
APPROVED CONDITIONALLY				X	X				CONDITIONS SPECIFIED BELOW
DISAPPROVED									REASONS SPECIFIED BELOW

REASONS: Structures shall be within 800' from
fire hydrant

(Attach Separate Sheet if Necessary)

John P. Aobowski
SIGNATURE OF REVIEWING STAFF/DATE

FIRE DEPARTMENT COPY

CONDITIONAL USE
SHORGLAND
SITE PLAN
VACATION
FLOOD HAZARD

WAYN PLOT - 016000 ST.

DID THEY FILL OUT A C.O. FORM?

TRAFFIC REPORT BILL BRAY REVIEW

HIS REACTION TO PROPOSED IMPROVEMENTS ALONG 016000 ST
WESTBROOK ANTENNA

STREET STANDARDS ALONG 016000

SOIL 'INFO' REVIEW BY PLUMBING INSPECTOR

TRIGS ALONG 016000 ST.

WHAT IS THE CONSTRUCTION SCHEDULE OF THE PHASE

SURVEY

SITE PLAN STATEMENT

LETTER FROM UTILITIES EWD CMP

UNOCCUPIED POWER?

LIGHTING NEED A CATALOG CUT SPEC SHOULD BE REFERENCED ON THE PLAN

DETAILS OF ENTRANCE SIGN 15' SHOW US WHAT IT LOOKS LIKE

WHAT IS PROPOSED LANDSCAPING HOW IS EXISTING

VEGETATION GOING TO BE PRESERVED?
CONSERVATION OF EXISTING VEGETATION IS CRITICAL ALONG THE SHORGLAND
SHOULD EXCEED SHORGLAND STANDARDS ... MAY NEED TO PLANT ADDITIONAL
VEGETATION ALONG THE SHORE

CHECK SHORGLAND ZONING STANDARDS

PROTECTION OF EXISTING VEGETATION

SUBMIT FLOOD HAZARD INFO.

PARKING SPACE IS 9X19
LANDSCAPING IN PARKING

PARKING REQUIREMENT WITH
BUILDING

DUMPSTER LOCATION SHOULD BE SURROUNDED BY A SOLID FENCE
WITH A SOLID GATE

SIZE OF THE BUILDING RELATIVE TO THE SHOPS AREA

TYPE OF STEEL SIDING ^{PHIL} (OR COMMENTS) ON THE BUILDING

* PUBLIC ACCESS

8' SECURITY FENCE BLACK, OR METAL

WIDTH OF DRIVEWAY 24'

HYDRANT MUST BE LOCATED WITHIN 800' OF THE ^{HYDRANT}

MOVIE TENNIS COURT CLOSER TO THE STREET

FINANCIAL CAPABILITY

NAME + ADDRESS

SHOW ZONING

METGJ AND BUNDJ DESCRIPTION OF THE SALEMENT ^{TURNAROUND} → LARGE
ON THE SITE PLAN FOR THIS THING

WAIVER AND INDEMNIFICATION

WHEREAS, (Applicant's Name) of (Address) has requested the City of Portland to vacate a certain proposed town way more particularly described in Exhibit A which is attached and is incorporated by reference located in (Name of subdivision) pursuant to 23 M.R.S.A. Section 3027 et seq.;

WHEREAS, the City of Portland as a condition precedent to any vacation of the said proposed town way requires a waiver of any and all claims which (Applicant's Name) may have against the City for such vacation, and further, requires indemnification against any and all claims of third persons arising out of or resulting from the vacation of said proposed town way;

NOW THEREFORE, in consideration of the City of Portland vacating said proposed town way, (Applicant's Name) for himself, his successors and assigns, agrees as follows:

1. (Applicant's Name) hereby waives any and all claims for damages which it may now or hereafter have against the City of Portland arising out of or resulting from any vacation of said proposed town way by the City pursuant to 23 M.R.S.A. Section 3027 et seq.;

2. (Applicant's Name) hereby agrees to indemnify and hold harmless the City of Portland against any and all claims by any third person or persons against the City of Portland for damages arising out of or resulting from any vacation of said proposed town way by the City of Portland pursuant to said statute.

Dated:

Applicant's Signature
Title

LETTER OF TRANSMITTAL

Planning Division
Department of Planning and
Urban Development
Room 211 City Hall
389 Congress Street
Portland, Maine 04101

Date: 1-20-88

Contact Person: RK

Phone: (207) 775-5451, ext. 265

To: BOB ROY, PLANNING ENGINEER

Project Reference: WAYNFLETS ATHLETIC FIELD PROJECT

We are sending you:

- herewith
- under separate cover
- available for pick-up

For your:

- information as requested
- review and comment
- information and use
- other: _____

Copies	Document Date	Description
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Remarks: ATTACHED IS A PACKAGE OF MATERIAL REGARDING THE WAYNFLETS PROJECT STREET VACATION REQUEST FOR A PORTION OF OSGOOD STREET FOR YOUR REVIEW AND COMMENT. THIS WILL BE GOING TO THE BOARD ALONG WITH THE SITE PLAN AT THE BOARD'S FEB 9TH MEETING.

cc: _____

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



PK

MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
CHRISTOPHER DINAN

Land Zoned I-2/R-5
Off Hobart via Osgood Streets

December 21, 1987

Mr. James F. Amoroso
Business Manager
Waynflete School
360 Spring Street
Portland, Maine 04102

Dear Mr. Amoroso:

At the meeting of the Board of Appeals on Thursday evening, December 10th, the Board voted by a 4 to 3 vote to grant variances to waive the requirements in Section 14-403 (b) of the City Zoning Ordinance for a sanitary sewer and storm drains required for the improvement of Osgood Street, which will serve as a connector for access to the proposed athletic fields planned for the land owned by Waynflete School on Lots 198-F-1, 200-E-1, and 201-A-1.

The enclosed certificate of variance approval must be recorded in the Cumberland County Registry of Deeds within 30 days of the granting of the variance for the variance to be valid, pursuant to 30 M.R.S.A. 4963. Please be sure to have this certificate recorded at the Registry.

Sincerely,

Warren J. Turner
Zoning Enforcement Inspector

Enclosure: Certificate of Variance Approval

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief, Inspection Services
Hugh Irving, Code Enforcement Officer

FINDINGS OF FACT
ALL APPEALS

TYPE OF APPEAL Variance

1. Name of Applicant Waynflete School
2. Address of Applicant 360 Spring St. Portland, Maine 04102
3. Right of applicant to appeal.
Owner X
Option to Purchase _____
4. Location of property under appeal 198-F-1 200-E-1 201-A-1
5. Zone in which the property is located R-5/I2
6. Present use of property Undeveloped
7. Proposed use if the appeal is granted.
Athletic Field

8. Names and addresses of those appearing in support of the application:

<u>Bill Bennett - Waynflete</u>	<u>Parvate Lapomandy - Neighbor</u>
<u>Jim Amoroso - Waynflete</u>	<u>Keith French</u>
<u>Mr. Micheau - Neighbor</u>	

9. Names and addresses of those appearing in opposition to the application:

<u>Raymond Foote - Hobart St.</u>	<u>Parvate Lapomandy</u>

10. Listing of the documentary evidence presented to the Board (e.g., plans, photos, maps, etc.)

VARIANCES

A variance may be granted if the Board finds that it will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Ordinance would result in "undue hardship". The following questions must all be answered, with supporting findings of fact, in order to grant the appeal.

1. Can the land yield a reasonable return (not the highest return) without the granting of a variance?

Yes 3 (deny the appeal)
No 4

Reasons (including evidence) The expense of a
sewer - not connected at either end of
Osgood is unreasonable

2. Are there factors which are unique to this property, and not to the general conditions of the neighborhood, which create a need for a variance?

Yes 6
No 1 (deny the appeal)

Reasons (including evidence) _____

3. Will the granting of the variance alter the essential character of the locality?

Yes 0 (deny the appeal)
No 7

Reasons (including evidence) _____

4. Is the hardship a result of action taken by the applicant or a prior owner (self-created hardship)?

Yes 3 (deny the appeal)
No 4

Reasons (including evidence) The nature of the
parcel and the lack of a sewer line
from Congress to Hobart

If the appeal is granted, does the Board wish to impose conditions which will further the intent and purpose of this Ordinance?

Yes _____

No _____

Specific Conditions _____

Reasons _____

Date of Public Hearing Dec. 10, 1987

Motion _____

(including conditions and findings of fact) _____

Votes in Favor

⁴
John C. Kurr
Thomas Jewell
David Hill
Christopher Klein

Votes Opposed

³
Merrill A. DeLo
Gregory F. Morelli
Richard E. ...

WAYNFLETE SCHOOL

360 Spring Street • Portland, Maine 04102 • Tel. (207) 774-5721

November 23, 1987

Board of Appeals
RM 315 - City Hall
389 Congress Street
Portland, Maine 04101

Attn: Warren Turner

Dear Mr. Turner:

This letter constitutes an application for a variance appeal for Waynflete School. In support of this application the following is enclosed:

1. A completed variance appeal application and a check payable to City of Portland for \$50.00.
2. A site plan of the proposed development.
3. A road profile and cross sections of Osgood Street.
4. Two photographs of the existing access road to the property.

Waynflete School, an independent, coeducational, day school with a current enrollment of 500 students, is located on a two block urban campus in the west end of Portland's peninsula.

For several years Waynflete sought to acquire property to be used for athletic fields. Waynflete has had one inadequate field on its campus and presently rents the use of fields of Westbrook College. This agreement with Westbrook College is due to terminate in 1988. Waynflete has been informed that Westbrook College does not wish to extend the lease beyond that time.

In January, 1985, Waynflete purchased the 33 acre parcel known as Westbrook Farms Field at Thompson's Point in Portland. This property was purchased to develop the land for athletic fields, tennis courts and a field house providing the school with a much stronger athletic program. The property was purchased from the Dartmouth Company.

Since spring, 1987, Waynflete has been working with the Portland Planning Department and Public Works Department to develop the Fore River property for athletic facilities. One of the major obstacles in developing the property has been access. Waynflete School hired Keith French Associates to address the issue of access as well as to organize and direct the school's development plans for the property. After

RECEIVED

NOV 23 1987

DEPT. OF BUILDING INSPECTIONS
CITY OF PORTLAND

studying the access issue for the summer and working closely with the Portland Planning Department and Public Works Department, Osgood Street, accessed from the Westgate area off Congress Street, was chosen as the access road. This street exists as a paper street in Portland and falls under Section 14-403 of Portland's Land Use Code which sets minimum requirements for street improvements on unimproved streets. To comply with the code, Waynflete proposes to construct a 32-foot wide paved road with granite curbing and an 8-inch water line for the entire length of Osgood Street. The estimated cost of these improvements will be approximately \$100,000.

Waynflete requests that two requirements of the subdivision ordinance be waived: 1) installation of a sanitary sewer line (both gravity and force mains) and 2) installation of a storm drain system for the full length of the street. Both the Planning and Public Works Departments concur with this request. The reasons for our request are as follows:

- A. "That the land in question cannot yield a reasonable return unless a variance is granted." Waynflete's property is zoned R-5 and I-2 and is in an extremely desirable location due to its proximity to downtown Portland, to major highway routes, and to wonderful natural amenity - the Fore River. In spite of these assets, this property and most neighboring properties have remained essentially undeveloped and in fact have not even been under any particular development pressure in recent years. This occurs at a time when many of Portland's other neighborhoods have been under such extreme development pressure that the City Council recently imposed a moratorium on further residential development.

Surely a major reason for this lack of development pressure is the cost of "access" required by the subdivision ordinance; i.e. the extremely high cost of construction a street to City standards makes it financially unfeasible to develop property in this neighborhood. In this case, the installation of a sewer and storm system will provide absolutely no return on the investment because neither system can connect up to an existing infrastructure. Waynflete feels that the added cost of installing utilities, which are essentially unusable, represents an undue hardship.

- B. "The need for the variance is due to the unique circumstances of the property....". Surely it is a unique situation that Waynflete would be installing empty sewer pipes in the ground which would not be usable in the foreseeable future. The closest sewer connection would be Congress Street but there are no

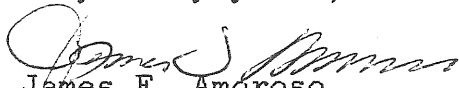
- B. continued.
plans currently to install a sewer the full length of Hobart Street.

Furthermore, because Waynflete will be developing athletic fields rather than a housing or commercial complex, the anticipated need for a sewer will be minimal. The only facilities requiring a sewer hookup would be the shower and bathroom facility, and swimming pool. For these, Waynflete proposes construction of a septic system, based on tests which indicate that the soils are eminently suitable for onsite septic disposal.

- C. "The granting of the variance will not alter the essential character of the locality." Waynflete does not believe that the elimination of underground pipes will alter the essential character of the neighborhood. On the contrary, the installation of pipes particularly sewer pipes, may stimulate developmental pressures in the area which would indeed cause the character of the neighborhood to be altered.

- D. "The hardship is not the result of action taken by the applicant or a prior owner." The lack of sewer and storm drain infrastructure in this neighborhood is not the fault of Waynflete School or prior owners of the property. However, it would cause undue hardship to require Waynflete to install empty pipes at exorbitant cost which would be unusable by the school for an indefinite period of time.

Very truly yours,


James F. Amoroso
Business Manager

JFA/tb

BRUCE BELL
D. KEGGON
J. AMERSON
B. GUTERBERG

WAYNEFLEET ATALSTIC FIELD

10/27/87

MTG.

PLOWS + WINGS 35' IN LENGTH

TURN IN AND BACK IN

PLOWS TO THE RIGHT

TURN AROUND MUST BE TO THE RIGHT BEFORE THIS D.

MORE LENGTH 5 MORE FEET



* CHANGE RADIUS OR INCREASE 5 MORE FEET

BRUCE WANTS IT DEDICATED (NOT REGULARLY)

35' RADIUS

20' IN TURN

JWT LIKE
SUBD. OAD
SPBC.

SLOPE ALONG THE ROAD IF NO CURVING HAVE TO BE CAREFUL

SGT UP MTL

AL TRACY
772-8121

DENNIS KOGEL
J. ARMOUR
DOB SUTHERLAND
K. FRENCH
JIM
B. BOYD
R. BOY
JIM K.

10/28/87

limited fill

impossible to get a 32' unless a retaining wall slope too steep

PWD wants 8 inch down Osborn St.

TRGGJ 14-15' FROM THE CENTERLINE OF THE STREET

2 TO 1 SLOPE

width v grade

will review 8 to 10% range

28' low minimum shift centerline of the street - 32'

centerline } both at 32'
~~off centerline~~

TWO OPTIONS

28 32
↑
if it doesn't
avg trees, 32'

CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: Chairman and Members of the Planning Board

FROM: Richard Knowland, Senior Planner *RK*

DATE: August 11, 1987

SUBJECT: Waynflete School Development Projects

Waynflete School is requesting workshop review for a proposed athletic facility and an expansion of their administrative offices.

Athletic Facility Off Congress Street

Waynflete School is proposing an athletic field complex off Congress Street near Hobart Street (see Attachment A). The site is located near Thompson's Point but is separated by a water body. The project would be subject to site plan and shoreland regulations. In addition, a street vacation of a portion of Osgood Street would also be requested. Zoning for the site is I-2 Industrial.

Access to the site will be from Osgood Street which connects to Hobart Street. An access at the end of Hobart Street will not be considered because of the intrusive site alterations that would be required to extend a roadway through a marsh. The applicant is requesting that a portion of Osgood Street near their property be vacated. This would enable Waynflete to extend and relocate a small portion of Osgood Street while providing access to their site and a reasonable buffer for an existing residence. The applicant will be required to improve Osgood Street (a dirt road) to City standards.

The applicant has developed a master plan for the 30 acre site. It includes a parking area, tennis courts, two playing fields, a practice field, swimming pool, natural trail, nature center and other facilities. It is likely that the property will be developed in two phases with the parking lot, playing fields and tennis courts being developed initially and the remainder of the facilities developed at a later date. The specific application before the Board will be the first phase.

This past spring the City initiated a shoreway access study. The purpose of the study is to develop a public pedestrian access plan for the City's river corridors and island shoreways. The project consultant, Mitchell-Dewan Associates is expected to complete the report by September. An expected recommendation of that report is that a pedestrian linkage be established from Thompson's Point for connection to a linkage further up the Fore River. A review of the Waynflete plan indicates that a pedestrian trail

would be possible since the plan indicates a series of jogging and nature trails along the shoreway of the property. The plan does indicate a security fence along the westerly property line (Osgood Street side). Security needs of the facility could be met by fencing such areas as the playing field or retaining the proposed security fence and having a pedestrian gate to prevent motorized vehicles. In any event most of the shoreway frontage is located within the second phase of the project which would be reviewed at a later date. It is expected that staff will have further discussions with the applicant concerning a public pedestrian linkage for the site.

The site, including the shoreway, is heavily wooded. The conservation and protection of existing vegetation, particularly along the perimeter of the shore, is an important issue. The applicant may want to consider adjusting the footprint of one of the tennis courts so that it is farther away from the shoreway slope.

Administrative Office Expansion

Waynflete School is requesting conditional use approval to use the first floor of an existing residence for school related administrative offices (see Attachment B). The building is located between two existing Waynflete School buildings in the vicinity of 342 Spring Street and is contiguous to the Waynflete Campus. This application has been precipitated by the loss of classroom from the Storer House fire which in the subsequent reorganization of classroom space within existing school buildings has caused a displacement of administrative office space.

The application is only for the conversion of an existing residence on the first floor of the building to offices. The remaining two floors of the building which contains two apartments would remain residential uses. This limited expansion allows the school to provide administrative office space but conserves two existing residences. It is anticipated that this expansion will provide adequate administrative office space for the school in the foreseeable future.

Waynflete is in the process of studying the future use of the Storer Building. It is expected that a decision will be made on the building's future within the next year.

WAYNFLETE SCHOOL

360 Spring Street • Portland, Maine 04102 • Tel. (207) 774-5721

July 27, 1987

Mr. Richard Knowland, Senior Planner
City of Portland Planning Department
389 Congress Street
Portland, Maine 04101

Dear Rick,

This letter accompanies an application for a conditional use approval for Waynflete School.

Waynflete School, 360 Spring Street, proposes to develop the first floor of the building known as the Ruth Cook Hyde House at 342 Spring Street for office space.

As you know representatives of Waynflete School met with the Planning Staff on March 18th 1987 to discuss this conversion. A City of Portland Memorandum outlining this meeting is attached as attachment A.

The loss to Waynflete of Storer House as a classroom building has created a serious space shortage. Reorganization of the campus, including renovations in 64 Emery Street, Hurd House, Founders Hall, and Hewes Wing, will by September provide the necessary classroom space. This has been achieved, however, only through the conversion of administrative offices to classrooms. Specifically, the offices of the bus supervisor, facilities administrator, headmaster, head of lower school, head of upper school, English department, special education, and director of studies have been converted to classroom use. In addition two conference rooms and the faculty copy machine room have been similarly converted. This is a total of eight offices and three support rooms which have been lost.

Consolidation of functions and the division of large single offices to accommodate two people has helped somewhat. Nonetheless it is apparent that Waynflete cannot absorb all of the displaced administrative officers and operations in the existing school buildings. It is in this situation that Waynflete petitions the city for permission to convert Ruth Cook Hyde House to school use. This building at 342 Spring Street was received by Waynflete through inheritance upon the death of Ruth Cook Hyde in December, 1986. It has been a three family residence. Waynflete proposes to make the two upper floors available to faculty as apartments and to convert the first floor to administrative office use.


The existing campus of Waynflete is located on two city blocks. The original block is bounded by Storer, Danforth, Fletcher and Spring Streets. The school owns all properties within this block except for two properties which are noted on an attached property map. (Attachment B) The Ruth Cook Hyde House is located on Spring Street and is directly contiguous to the campus.

The projected enrollment for the 1987/88 academic year is 500. The Board of Trustees has currently set this enrollment level as the limit for the school.

Based upon the criteria outlined in Section 14-332 of the Land Use Code, forty six parking spaces are necessary. This number of spaces can be accomodated on existing paved areas on the campus. An inventory of existing parking spaces as well as a site plan showing the spaces is attached to this report as attachment C. The methodology used for determining the number of spaces necessary under Section 14-332 of the Land Use Code is attached to this report as attachment D. Classroom space at Waynflete is outlined as attachment E.

If you have any questions regarding the school's application for a conditional use approval or need additional information, please give me a call.

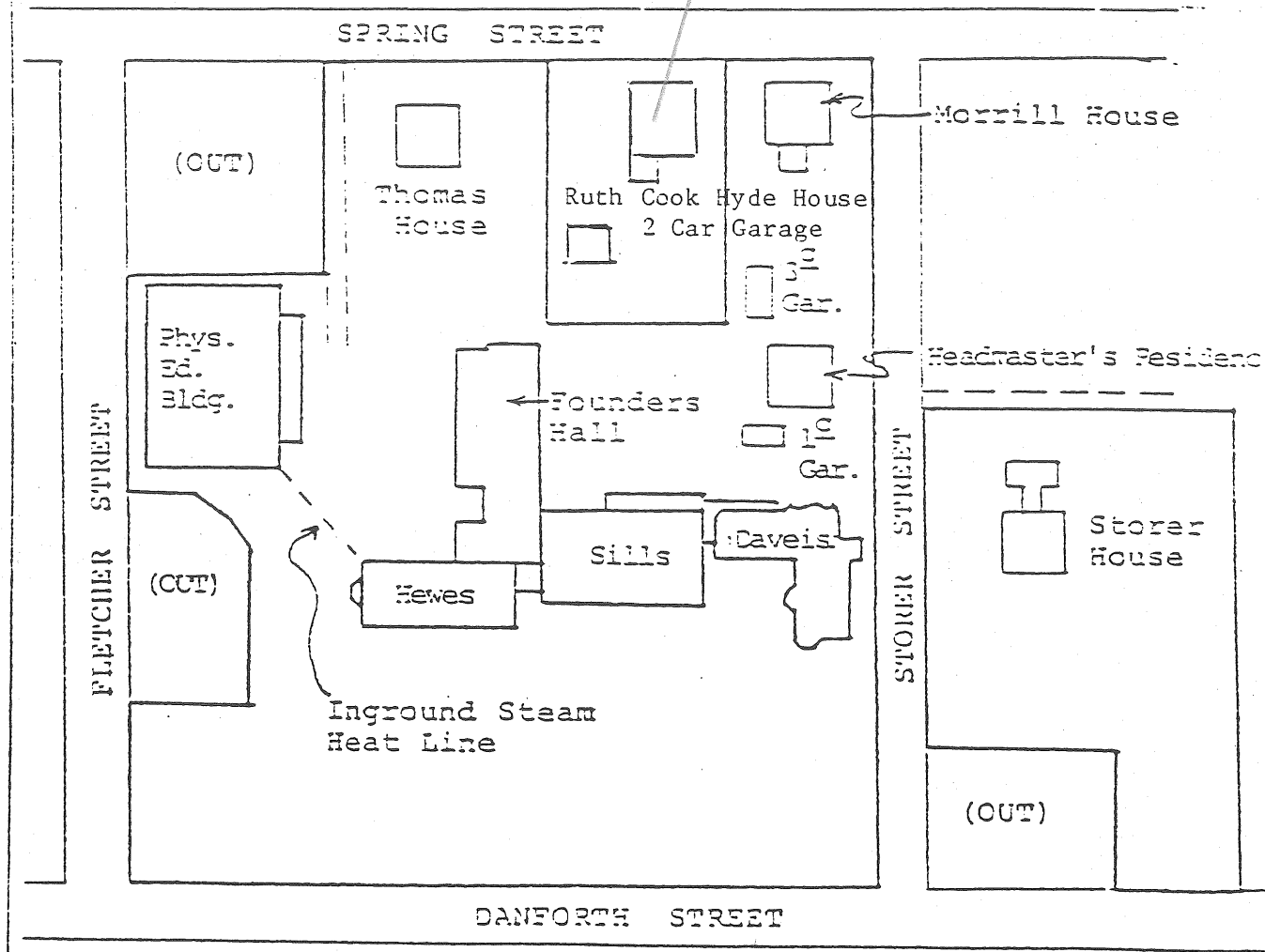
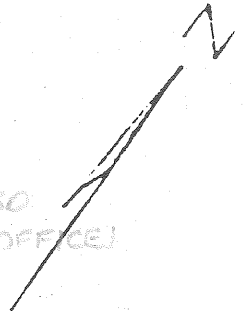
Very truly yours,



James F. Amoroso
Business Manager

PROPERTY PLAN

SITE OF PROPOSED ADMINISTRATIVE OFFICE



Scale: 1" = 100'

WAYNFLETE SCHOOL

360 Spring Street • Portland, Maine 04102 • Tel. (207) 774-5721

April 1, 1987

Mr. Warren Turner
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Warren,

This letter constitutes a request to be included on the Planning Board's agenda for a preliminary site plan review for Waynflete's Athletic Facility to be located on our thirty-three acre parcel of land next to Thompson's Point on the Fore River in Portland. The following information is submitted to assist in the site plan review process:

- Name and Address of Applicant - Waynflete School
360 Spring Street
Portland, Maine 04102
- Scale and North Point - Refer to site plan drawing for scale and north point
- Boundaries on the Site - The boundaries of the facility are noted on the site plan drawing.
- Land Area of the Site - The parcel of land to be used for athletic facilities consists of thirty-three acres.
- Topography Indicating Contours at not more than six feet - Refer to site plan map.
- Location, Elevations and Dimensions of Proposed Building - There are two proposed buildings that would be erected on the site in order to support our use. The first building would be one constructed concurrently with the first game field. This building would be used for maintenance as well as

restrooms. The location is noted on the site plan map. The second building, a field house, would be built later in the development of the facilities - perhaps two years away. The field house is noted on the site plan drawing.

Location of On-site Utilities - Existing water lines and CMP service are noted on the site plan map. Water would be piped from either Fenway Street or Hobart Street to the property. The closest sewer is a forced-pressure line which runs parallel to the railroad tracks owned by Portland Terminal Company. The land between Waynflete and the sewer line is owned by Central Maine Power Company. We propose to have on-site sewer disposal.

Location and Dimension of Proposed Easements, Public and Private Right-of-Ways - Refer to site plan drawing.

Plan for Vehicular and Pedestrian Circulation - We are presently surveying the property which will ultimately determine which of two access points will be used for vehicular traffic. However, at this time it appears that Hobart Street will be used as primary vehicular access with parking and loading noted on the site plan drawing.


Landscaping and Screening - As the site plan drawing shows, we would take advantage of heavily landscaped buffers between the playing fields and adjoining properties.

We hope to begin a phased development of the project beginning in mid-summer with additional development over a two year period.

Also in support of this request, I'm enclosing six copies of the site plan drawing and a letter dated November 6, 1984 from Dufresne Henry which supports the site plan drawing. I'm also enclosing a copy of a November 5, 1984 letter from the Maine Historic Preservation Commission concerning the athletic facilities and the section of the Cumberland and Oxford Canal.

I trust this information is sufficient to put us on the agenda. If you need any additional information in order to proceed with your review, please let me know.

Sincerely,



James F. Amoroso
Business Manager

JFA/tb

D. Dufresne-Henry

Dufresne-Henry, Inc.

Engineering Discipline:

Associated Discipline:

November 6, 1984

Mr. Ron Hall
Waynflete School
360 Spring Street
Portland, Maine 04102

Dear Mr. Hall:

Enclosed please find our Preliminary Plan for athletic facilities on the Dartmouth Company property in the Thompson's Point area of Portland.

Area 1 has the best soil characteristics and is most easily accessed. It is characterized by high point at elevation 42 and slopes to a definite ridge at elevation 30. Auger borings by the Soil Conservation Service indicate a sandy material, and in fact, there appears to be an old gravel pit on the westerly side. In order to make best use of this high ridged area, (outlined in yellow), we propose to construct the two practice fields side by side and use fill obtained from building the practice fields to construct a game field easterly of the two practice fields. The northerly area would be a gravel parking lot separated from the property line by a 50' buffer strip; while the north easterly side would be reserved for tennis courts. The remainder of parcel number 1 is a low, wet area that would remain open space. This area has a high water table and could only be developed with large amounts of fill.

Area 2 can be characterized as having two high spots at elevations 30 and 36 and the remainder of the land sloping away from these high spots. Access to area 2 from area 1 means crossing the Cumberland-Oxford Canal. This canal was a transportation link between Portland and the Sebago area in the mid 1800's and could be of some historic value. We have contacted Maine Historical Society Preservation Commission and Greater Portland Landmarks and neither party has any special problems with our proposal to cross the canal with a gravel road and culvert.

Although this area is hilly, it appears that a game field could be constructed at about elevation 18 just south of the canal. Also on this parcel, enough area could be set aside

for a future athletic house. The exact location would depend on the size of the facility. The remainder of the parcel would remain open space with potential for nature trails or other future needs.

Area 3 sits by itself and is difficult to access. From areas 1 and 2, a bridge would be required, while access from any other direction would require transversing private property. Due to the access problems, we would leave this area in its natural state for the time being.

Other considerations in developing the area are access and utilities.

ACCESS

Access to the site is a major consideration in the development. Using extensions of Mitton, Powsland or Davis Streets would require crossing the railroad tracks. This would not only require an easement, but also consideration for safety precautions at the track crossing by school buses. Additionally, this would only access us to parcel 3, which would require a bridge to access the other two parcels.

The other possibility is using Hobart Street. This street is accepted by the City and paved to the limit as shown on the Plan. At this point, it travels southerly as an 18' gravel road and ends at a large gully. Access to the property would require huge amounts of fill from the end of the gravel road. The other option is using Osgood Street. This is a dedicated street, unaccepted by the City, but usable. It is a 10' wide gravel road servicing three residences. We would recommend widening this road to 20' wide and using this gravel road as access to the parcel.

Utilities are also a factor in the development of the parcel. Water is a prime consideration for the maintenance of the field. There is a 2" water main that services Hobart Street; however, this is too small to service all of the fields. Going back out Hobart towards Congress, there is a 6" water main on Westland Avenue. This line would have to be extended 1,200 linear feet in order to serve the fields. As an alternate, water from a man made pond or well may be obtained on site. Auger borings by the Soil Conservation Service revealed a high water table on the easterly side of Area 1. By sinking a well or making a shallow man made pond, this area could service all four fields. If a well were dug, electricity would have to be made available.

Electrical Power

Power could be supplied from Osgood Street overhead, as a Central Maine Power Cable runs the length of the street to service the last residence. Power could be picked up from this pole and serve the area.

Sanitary Facilities

A 30" sanitary sewer runs in the area of the railroad tracks on the north side of the property. Tying into this line would be difficult and expensive due to the terrain and distance. Subsequently, we would recommend an individual system such as a septic tank and leach bed to the maintenance building. Preliminary indications are the west side of area would support such a system.

In summary, the west side of area 1 is the best area for development and as many facilities as possible should be installed in this area. The east side of area 1 is a low wet area. Unless there are aesthetic difficulties in crossing the Cumberland-Oxford Canal, this area should remain open space with possibly a pond. Our feeling is it would be less expensive to cross the Cumberland-Oxford Canal and open up area 2 then it would be to fill the low section of area 1 to make is usable.

Area 2 can be reached by a bridge or a culvert and fill over the Canal. This area may have some ledge, but it appears it would support a game field and a future athletic house.

Area 3 is difficult to access and we recommend it be left in its natural state.

We feel this plan should be a good starting point for discussion and review. We welcome your comments and we would be pleased to make a presentation before the Committee.

D. Dufresne-Henry

As a final note, this is a Preliminary Plan and before final decisions are made, we would require more topographical survey and soil borings. As indicated to you in my previous correspondence, these items plus a boundary survey will be required for Planning Board approval; therefore, obtaining this information would be the next step to firm up the Plan.

Very truly yours,

DUPRESNE-HENRY, INC.



Michael J. DeLuca, P.E.
Project Manager

MJD:dr

Enclosure



MAINE HISTORIC PRESERVATION COMMISSION
55 Capitol Street
State House Station 65
Augusta, Maine 04333

Earle G. Shettleworth, Jr.
Director

Telephone
207-289-2133

November 5, 1984

Mr. Michael J. DeLuca, P. E.
Dufresne-Henry, Incorporated
1321 Washington Avenue
Portland, Maine 04103

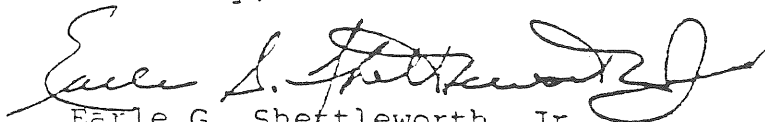
Dear Mr. DeLuca:

Thank you for your letter of November 2, 1984, concerning your project involving a section of the Cumberland and Oxford Canal.

That portion of the Canal listed on the National Register of Historic Places begins across from Stroudwater, well above your project location. The remaining section of the Canal below Stroudwater was not included because parts of it had been altered over the years. Thus, we would have no concern about your proposals to span the Canal at the point you cite on your maps.

If I can be of further assistance concerning this matter, please do not hesitate to let me know.

Sincerely,



Earle G. Shettleworth, Jr.
State Historic Preservation Officer

Dufresne-Henry, Inc.	
RECEIVED	
NOV 6 1984	
MAINE HISTORIC PRESERVATION COMMISSION	
55 CAPITOL STREET	
AUGUSTA, MAINE 04333	

WAYNFLEETE SCHOOL
PORTLAND, MAINE

ATHLETIC COMPLEX

KEITH FRENCH & ASSOCIATES
Landscape Architects
124 Fore St. Portland, ME 04101

TEC ASSOCIATES
Consulting Engineers
659A Congress Street
Portland, Maine



Title:
Scale: 1" = 50'
Date:

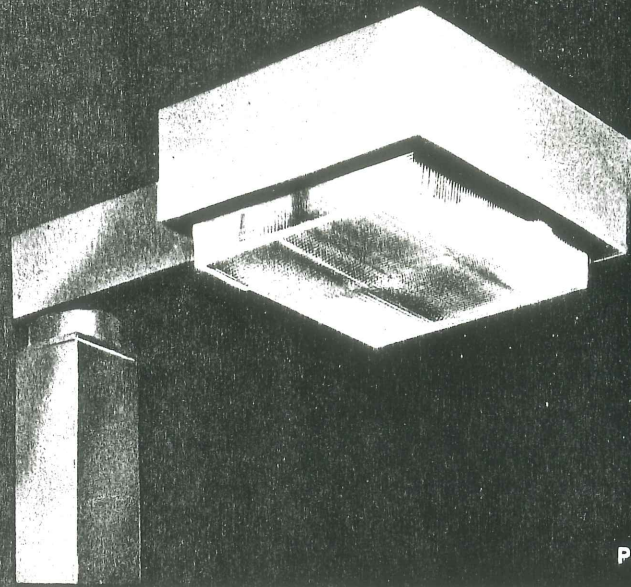
Sheet No.
of



PRELIMINARY LAYOUT
& GRADING PLAN
20 of 31
KFA



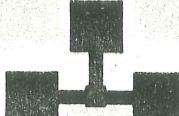
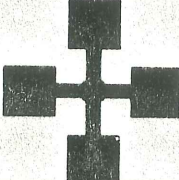
LANDSCAPE LUMINAIRE

DEVINE LIGHTING A4-14



P116-175MH-120V

CATALOG INFORMATION

Mounting	Source	Watts	Catalog No.	<input checked="" type="checkbox"/>
EPA-1.1				
	H.P. Sodium	100	P116-100HPS	<input type="checkbox"/>
	H.P. Sodium	150	P116-150HPS	<input type="checkbox"/>
	Metal Halide	175	P116-175MH	<input type="checkbox"/>
	Mercury Vapor	100	P116-100MV	<input type="checkbox"/>
	Mercury Vapor	175	P116-175MV	<input type="checkbox"/>
SINGLE				
EPA-2.2				
	H.P. Sodium	100	P216-100HPS	<input type="checkbox"/>
	H.P. Sodium	150	P216-150HPS	<input type="checkbox"/>
	Metal Halide	175	P216-175MH	<input type="checkbox"/>
	Mercury Vapor	100	P216-100MV	<input type="checkbox"/>
	Mercury Vapor	175	P216-175MV	<input type="checkbox"/>
DOUBLE				
EPA-2.7				
	H.P. Sodium	100	P316-100HPS	<input type="checkbox"/>
	H.P. Sodium	150	P316-150HPS	<input type="checkbox"/>
	Metal Halide	175	P316-175MH	<input type="checkbox"/>
	Mercury Vapor	100	P316-100MV	<input type="checkbox"/>
	Mercury Vapor	175	P316-175MV	<input type="checkbox"/>
TRIPLE				
EPA-3.4				
	H.P. Sodium	100	P416-100HPS	<input type="checkbox"/>
	H.P. Sodium	150	P416-150HPS	<input type="checkbox"/>
	Metal Halide	175	P416-175MH	<input type="checkbox"/>
	Mercury Vapor	100	P416-100MV	<input type="checkbox"/>
	Mercury Vapor	175	P416-175MV	<input type="checkbox"/>
QUAD				

Standard voltages for all H.I.D. units are 120V, 208V, 240V, 277V and 480V. For availability of 347V C.S.A. listed ballasts consult factory. Desired voltage must be appended to the Catalog No., e.g., **P116-175MH-120V**.

Lamps are by others or from DEVINE on special order. Use lamps listed for horizontal burning.

Catalog number is for luminaire and mounting assembly only. For selection of poles see catalog section A5.

FIXTURE TYPE

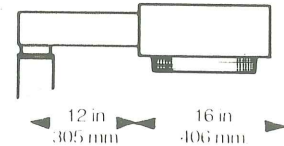
CATALOG NUMBER

IF APPROVAL IS REQUIRED

FRONT



SIDE



APPLICATIONS

- Parkways
- Pedestrian Walks
- Campuses
- Parking Areas
- Malls
- Driveways

DESCRIPTION

• Cast aluminum housing. • Injection molded prismatic acrylic lens. • Economical H.I.D. light sources. • Continuity of design with matching wall bracket and ceiling mounted fixtures illustrated on page C2-18. • Smaller, lower wattage fixture illustrated on page A4-13.

OPTIONS

	Suffix	<input checked="" type="checkbox"/>
Bolt-on arm—instead of standard arm	BOA	<input type="checkbox"/>
Cast aluminum guard—furnished with shallow glass lens	G1	<input type="checkbox"/>
Deep drop prismatic glass lens	DP	<input type="checkbox"/>
Polycarbonate prismatic lens	LX1	<input type="checkbox"/>
Button type photocell—except 250HPS	PC1	<input type="checkbox"/>
Photocell—twistlock, complete	PC5	<input type="checkbox"/>
Photocell—twistlock plug, with shorting cap	PC6	<input type="checkbox"/>
Fuse—HLR/GLR, line only, to 277V	F1	<input type="checkbox"/>
Fuse—HPM/KTK, line and common, 480V	F2	<input type="checkbox"/>
For finish other than standard, see catalog section "Finishes"		<input type="checkbox"/>

To order options, append desired suffix to Catalog No., e.g., **P116-175MH-120V-LX1**.

A4-14 DEVINE LIGHTING LANDSCAPE LUMINAIRE

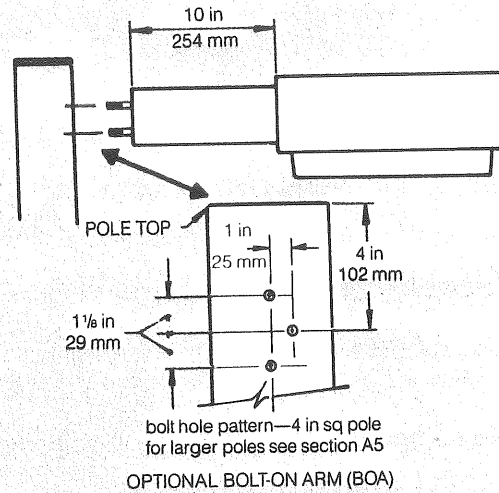
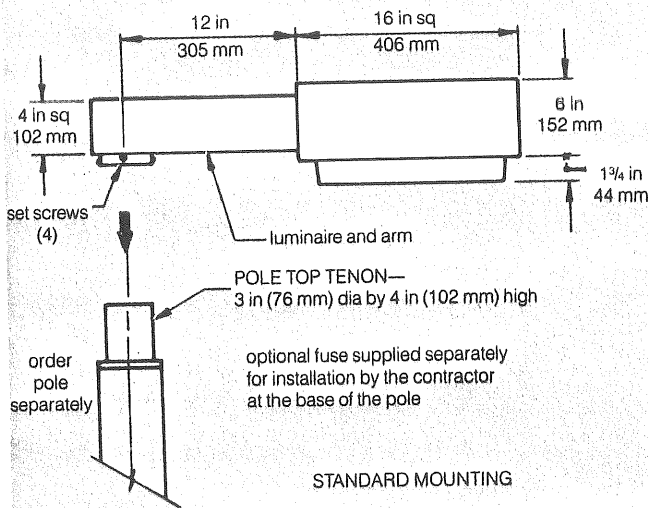
FEATURES

HOUSING: Cast aluminum.
DOOR FRAME: Cast aluminum. Mounted to housing with removable hinge pins. Gasketed and retained to housing with two stainless steel captive screws.
REFLECTOR: Semi-specular aluminum, optically engineered for compatibility with the lens.
LENS: 12" square, injection molded prismatic, virgin acrylic designed to provide wide angle, asymmetrical distribution in conjunction with the reflector. Optional polycarbonate asymmetrical lens (LX1) or deep drop prismatic glass symmetrical lens (DP) available.

ARM: 4" square extruded aluminum in configurations to provide single, double, triple or quad clusters. Designed to slip a 3" dia. by 4" tall tenon. Optional bolt-on arm (BOA) is available.

BALLAST:
 Mercury Vapor and Metal Halide—CWA, HPF.
 H.P.S.—High Reactance, HPF. (150W for 55V lamp.)
 All ballasts are for standard voltages 120V through 480V and are rated for -20°F (-29° C) starting.
FINISH: Standard finish is "THERMOTEX"® textured dark bronze. U.L. listed for wet location, C.S.A. listed.

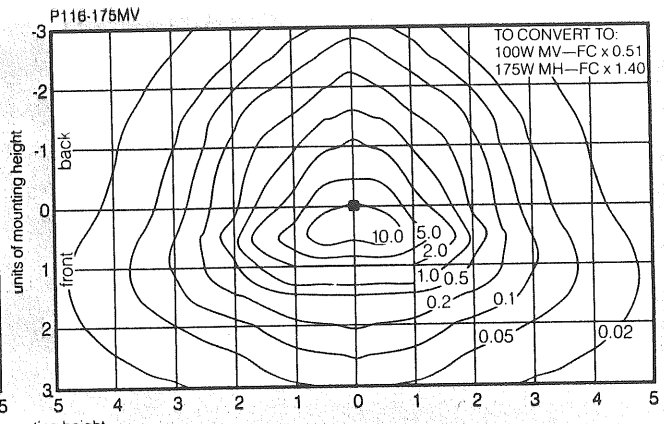
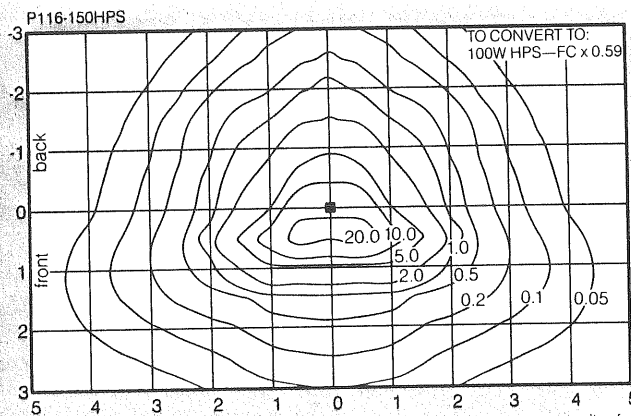
INSTALLATION



Installation must be by a licensed electrician and in accordance with National Electric Code and any local codes.

PHOTOMETRIC DATA

ISOFOOTCANDLE DIAGRAMS
 mounting height—10 ft.



to convert to a mounting height of: 6ft 8ft 10ft 12ft 14ft 16ft 18ft 20ft
 multiply footcandles by: 2.78 1.56 1.0 0.69 0.51 0.39 0.31 0.25

Polycarbonate isofootcandle diagrams same as above. For glass lens see page C2-18.

SUGGESTED SPECIFICATION

The luminaire shall be DEVINE Catalog No. _____ with cast aluminum housing. Lens shall be injection molded prismatic, virgin acrylic with an asymmetrical pattern.
 Finish to be "THERMOTEX"® textured dark bronze.
 Fixture U.L. listed for wet location, C.S.A listed.

Mercury Vapor and Metal Halide fixtures to be furnished with a _____W, CWA, HPF, _____V ballast.
 H.P.S. fixtures to be furnished with a _____W, Hx Rx, HPF, _____V ballast.

DEVINE LIGHTING

Subsidiary of Kidde, Inc.

KIDDE

4645 EAST 11TH STREET • KANSAS CITY, MISSOURI 64127
 (816) 241-9440 TELEX-42-6175

PRINTED IN USA © 1983 10M 8/83

799-6947

HOBARTST, OSGOOD ST, FORG RIVER, THOMPSONS POINT

ENTRANCE OFF OSGOOD STREET ... ^{ON SITE} CIRCULATION SYSTEM
IS LOOPED SYSTEM WITH 53 PARKING SPACES ... TWO
DROP OFF AREA.

TWO ATHLETIC FIELDS 360' X 220' WITH OTHER SMALLER
PRACTICE FIELDS ... AND ^{ONE STORY} EQUIPMENT SUPPORT FACILITIES
BUILDING IS PROPOSED ON THE SITE. IT IS 2,400 SQ FT
IN SIZE FUTURE EXPANSION

SHOULDER SETBACK OF THE ATHLETIC FIELDS

UTILITIES NEW 8 INCH WATERLINE WOULD BE
BROUGHT INTO THE SITE FOR THE CONSTRUCTION
OF OSGOOD STREET

SEWERAGE WASTE FROM THE BATHROOMS OF THE
EQUIPMENT BUILDING WOULD BE BY AN ON SITE
SUBSURFACE SEPTIC SYSTEM. THE PLUMBING INSPECTOR
HAS REVIEWED THE SOIL INFORMATION SUBMITTED BY
THE APPLICANT AND INDICATED THAT APPROPRIATE
SOILS DO EXIST ON THE SITE.

OSGOOD STREET IS AN UNIMPROVED STREET, UNDER SECTION
14-403(B) THE APPLICANT MUST UPGRADE OSGOOD STREET
TO ^{NEAR} PRESENT DAY STREET STANDARDS. FROM THE PROJECT SITE
TO THE NEAREST PAVED STREET WHICH IS HOBART STREET.
THE APPLICANT IS PROPOSING A STREET WITH A PAVED

J.O.B. ~~wants the curbing~~
would rather have the curbing

M.F. curb protects the street
build to good standards

J.H. no standards + sewer doesn't make sewer

K.C. public access no guarantee for public
access want to see something more
specific

J. Anon. made a letter

- ① liability
- ② parking at the site
- ③ wetlands
- ④ present proposal

has not gone to the Board of Trustees yet

J.B.

K.C. concern ^{about public} access should put some type of
cordoning

J.B. no basis in the ordinance

Bennett open to talking about public access
pedestrian gate is provided would be
receptive to it

J.H. should consider tabling it so that
the details can be worked out

Lee Urban sees no ordinance authority

JOO prohibit parking along Osage St

B. Brany City Council would need to approve it
~~also would have to be approved that would have to be~~
accepted

B. Demitt in the public eye school would
be extraordinarily receptive

KC notes recommend that portions of
Osage St not be discontinued unless
public access is provided

7-0

ACROSS FARTHER FROM THE RESIDENCE,

THE ONLY ABUTMENTS TO THE VACATION ARE THE MERRILL
AND WAYNFLOTT SCHOOL

FLOOD PLAIN MANAGEMENT

ROBERTA GATON ^{9105600P} CONCERN ABOUT THEM BEING NO SIDEWALK
THESE ARE SCHOOL CHILDREN MORE TRAFFIC, SCHOOL
BOSES

KIDS WALK UP TO CONGRESS ST. FOR THE SCHOOL BUS

FRANK MICHAUD SUPPORTS THE PROJECT CONCERN
ABOUT LARGE RESIDENTIAL PROJECT - WONDERFUL IDEA

M.F. grade changes for the street

J.B. total development yet

B. Bennett another field in the future, seven
centers at the center, develop athletic
facilities swimming pool + indoor field house
~~no intention~~ athletics only a small
seven center → no classrooms

J.B. strong views are you receptive

B. Bennett can not make a final without the Board will have a pedestrian gate in ^{interests} in discussing it
pedestrian gate would preclude bikes

J.O.B. question about bike being able to get in

M.F. has a concern about the 8 FT HIGH chamber
fence

Bennett does have some flexibility but need a fence for to keep out dirt bikes

M.F. fence needs some something

J.H. sidewalk would you consider

Bennett Osgood it is overbuilt concern about the impact on the neighbors

Esterley can't put sidewalk in unless it less than 32'

B. Bray curbing is needed because of maintenance issues

^{related}
drainage problem

K.C. question on how the parking was calculated

CITY OF PORTLAND, MAINE
MEMORANDUM

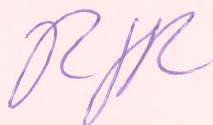
TO: Richard Knowland, Senior Planner
FROM: Robert J. Roy, Planning Engineer
SUBJECT: Osgood Street/Waynflete Athletic Facility - Status

DATE: 3/16/88

Jerry Lord of TEC Associates has submitted a revised plan of the Osgood Street Improvements to this office.

My only comment on the plan at this time is that they need to indicate the locations and widths of curb cuts that need to be provided for existing driveways.

I have left this plan and accompanying cross-sections with Bill Boothby for his review. Upon Bill's approval, TEC Associates is to provide us with a stamped mylar copy for our records.



RJR/nba

pc: William S. Boothby, Principal Engineer
Jerry Lord, TEC Associates
559A Congress Street, Portland, Maine

LETTER OF TRANSMITTAL

Planning Division
Department of Planning and
Urban Development
Room 211 City Hall
389 Congress Street
Portland, Maine 04101

Date: MARCH 2, 1988

Staff Person: DAVID KLENK

Phone: (207) 775-5451, ext. 269

To: ROBERTA EATON
291 OSGOOD STREET
PORTLAND, MAINE
04102

Project Reference: STREET VACATION REQUEST

We are sending you:

- enclosed
- under separate cover
- available for pick-up

For your:

- information as requested
- review and comment
- information and use
- other: _____

Copies	Document Date	Description
<u>1</u>	<u>-</u>	<u>REQUIREMENTS FOR STREET VACATION REQUEST.</u>

Remarks: _____

cc: _____

AUGUST 4, 1987

TO: RICK KNOWLTON
FROM: ANN DEBROSSE / TERRY DEWAN

RE: WAYNFLETE ATHLETIC FIELDS
CONCEPTUAL SITE PLANS
RELATIONSHIP TO WATERFRONT ACCESS

As per your request we have reviewed the initial Concept Plans, prepared by Keith French Associates, for the proposed athletic complex for the Waynflete School to be located off Hobart Street. The following comments have been specifically developed with respect to the current work that we are performing for the City for the Waterfront Access Study. Additional comments may certainly be applicable relative to other aspects of the development.

The comments and questions are directed at Concept Plan #1 (undated), the preferred alternative as we understand it.

- The major entrance to the development would be via Osgood Street. No information is given relative to the treatment of this street, any improvements that would be made to it as a result of the anticipated traffic, the necessity for additional lighting, curbing, or provisions for a bike lane or walkway within the right - of - way of the proposed Osgood Street extension.
- The conceptual alignment of the entrance road, as it extends southerly from Osgood Street, traverses a very steep embankment, as indicated by the topography on the base plan. We would anticipate that the final plan would show the final alignment on the top of this embankment, away from the rather unstable slope. This action may require some additional study on the size of the playing fields, tennis courts, and/or parking facility planned for the western portion of the site.
- The PORTLAND WATERFRONT PUBLIC ACCESS DESIGN PROJECT, pp 25 and 26, recommends a major linkage between this property and Thompson's Point. While development plans for the latter are certainly not imminent as of this writing, we feel that provisions should be made to accomodate this linkage in the future. While the land uses as proposed by the School certainly do not impede

the development of this interconnection, the plan makes no acknowledgement of the linkage possibility. We would recommend that the City meet with the School to review the study cited above and discuss their immediate and long-range needs in light of the overall access plan for this section of the City.

- Security will certainly be a major concern for the applicants, as well as the people in the Hobart Street neighborhood. We would like to see additional information provided relative to security during non-use periods, rules and regulations regarding access and use of the facilities by non-school related groups and individuals. However, because this parcel is one of the few natural waterfront areas left in the city and is historically significant as part of the Cumberland and Oxford canal it is important that security measures do not completely eliminate the possibility for public access. One alternative which could help provide security to the private facilities and inhibit the development of informal paths in the area might include a closer look at the locations of the proposed paths and strategic placement of fencing and vegetative buffers. This would also serve to maintain public access. For example; by eliminating the path northeast of the playing fields and providing a walkway south of the fields to link "Phase I" and "Phase II", unprogrammed use around the fields and informal crossing through the playing fields and abutting neighborhood yards would be discouraged. This would also enable "Phase I" to be secured with fencing and vegetative buffers while "Phase II" could remain publically accessible. An alternative such as this would compromise the peripheral path proposed for the parcel by the PORTLAND WATERFRONT PUBLIC ACCESS DESIGN PROJECT pp. 25-26. The compromise would be worthwhile if it assured public access, while respecting the security concerns of the private landowner and neighborhood.
- A development of this magnitude will require extensive removal of existing trees and understory vegetation. The Concept Plan indicates narrow bands of vegetation be preserved to screen the facilities from the neighborhood and to partially preserve the forested edge along the water. Such large openings in the forest canopy, coupled with extensive regrading (although not indicated on the plans) and soft soil conditions, may cause a significant

number of trees along the proposed edges to be subjected to windthrow. Such occurrences would have a marked affect on the visual quality and experience level of the facility and the neighborhood. It would therefore be advisable to create wider bands of vegetation for screening while preserving more of the forest edge near the shore.

- The southeastern edge of the practice playing field appears to touch or come very close to the river embankment on the south side. Besides being a potential hazard for someone chasing a long fly ball the location breaks the line of trees that now give the site its character and continuity. We would recommend that the practice field be either reoriented, decreased in size, or reformed to preserve a significant buffer (75-100 feet in width) along the edge of the river.
- A boat dock is indicated on the east side of the facility without any narrative to describe why this site was chosen. The following questions should be posed to the applicant: Will the dock be open to the public? Is it designed for day use by the School? If so, how are boats transported from the road and/or parking lot to the water? What are the bathymetric and tidal conditions of the Fore River at this point? Will Army Corps of Engineers permits be required? How will security for the facility be provided? Will the dock be removed from the water during winter? If so, where will it be stored, how will it be lifted from the water, and how will it be secured during the off-season?
- The Nature Center could be a significant addition to this exciting site. Will it be open or available for public use? Will it be staffed? Will it be a self guided interpretive exhibit area? What materials will be used to construct the nature trails?
- What portions of the site are being designed for handicapped accessibility?
- Will the facility be lit, either in the early phases or in the future?

KEITH FRENCH & ASSOCIATES
 Landscape Architects
 424 Fore Street
 PORTLAND, MAINE 04101

LETTER OF TRANSMITTAL

Phone 774-4656

TO City of Portland / Planning Dept
 City Hall Rm. 211
 389 Congress St.
 Portland ME 04101

DATE	22 July 87	JOB NO.
ATTENTION	Richard Knowland	
RE:	Waynflete Athletic Fields @ Thompson's Point	

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION
1	7/15/87		schematic Design 4
1	"		" " 5

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ 19 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS: Dear Rick;

- these are the latest in schematic design for the Waynflete development, sent to you as per conversation w/ Jim Ameyso.
 - if we can be of any further help or can answer any questions - please call.

SIGNED: 

6/24 TALKED TO JIM AMOROSO OF WAYNEFLOTE

SUGGESTED A MEETING ABOUT ONE MONTH BEFORE

THE WORKSHOP ... EMPHASIZED HE SHOULD CONTACT

BILL BRAY ~~ON A~~ AND GET COMMENTS FROM HIM

ON A CONTINUOUS BASIS ... ACCESS UGLY IMPORTANT

IMPLICATIONS OF WESTBROOK ARTGIAL. I WILL GET

HIM A COPY OF THE REPORT

SCHEDULED FOR AUG 11 TH

BUS THE STUDENTS FOR PRACTICE
FOR GAMES 86-87 20 PEOPLE ATTENDING ON EACH
SIDE FOR GAME

ON SATURDAY NO BURNING ... (CAN)
1 BUS TYPICAL PSHARP 3 BUSES AT THE MOST

EVENTUALLY WILL HAVE TO GO THE DEP
* WILL REQUIRE A TRAFFIC STUDY
WEEKEND, SATURDAY

ANTICIPATED TRAFFIC
INSTALLATION OF HOBART AND CONGRESS ST.

WILL BE ISSUING A REPORT IN JAN. TWO YEARS REVIEW OF
THE REPORT
FEASIBILITY ONLY

OPTION B SHORTEST ROUTE ACROSS THE RIVER

RIL BERRY
BOB ESTERBERG
DIN AHOLOSA
KIGITH FRANCH
7-14-80

CUT DOWN A HILL

HERBERT ALTI

05600 #2

PLANT ACCRUE TO 05600

24 TO 20 FAUGHTOUT WIDTH

NO UTILITIES ONLY TWO INCH WATERLINE

BILL WANTS CURBING

PICNIC TABLE WORK
GOOD PEOPLE HAVE BUILT ON THEIR PROPERTY

FOUNDATION ON THE HOUSE ON THE R-0-0-0

(JIM LITTLE)
T at end of front if improve on that ~~back~~

can look out

Phillips for a garage

90 MIDDLE ON 90 UPPER KID
TEAM PRACTICE
90 KID

TWO GAMES AT A TIME MAXIMUM
PSYCHOLOGICAL GAMES

90 KIDS FOR TWO WEEK SESSION

SUMMER PROGRAM

DENNIS KSOLETO
JIM A.
JIM K

WAYNFLESTE

12:00 NI

TURNAROUND BRUCE BELL

VACATION , DEDICATION

FIRST PASS ONLY
TWO PLAYING FIELDS , PARKING LOT,

OUTDOOR SWIMMING POOL (?)
UNCERTAIN

VAC. ^{DEDICATION}

SITG PLAN

SHORELAND

FLOOD ^{HAZARD} PLAIN MANAGEMENT REGION

CONDITIONAL USE FOR R-5 ANYWAY

I-2 INDUSTRIAL

CHECK I-2 CU ?

14-403(B)

NOT LOCATED ON A SCHOOL

* sidewalk

houses are much closer than shown on the plan

JMK
40-5-87

~~PARKING PROBLEM~~ TEACHER, STAFF

~~REMARKS~~ STUDENT CAN

SECURITY

SNORGLAND

INSTITUTIONAL

VACATION

SITE PLAN

SUBDIVISION

OBSCURATION HAS LAPPED

* B. GRAY, D. PROV
056000 ST GND

① 056000 ⁴⁰³ CTS. PAWS
INCL. HOBART

② VACATE PORTION OF 056000
DONT NEED A OBLIGATION

③ TWO RELEASE + INDEMNITIES

④ OBLIGATE THE STREET TO THE PROPERTY LINE
AND OBLIGATE THE HAMMERHEAD

WAYNELOTE SCHOOL

7-17-87

65600 ST PIVOT TABLE IN THE WAY

SIDDLING OF THE ROAD IS NEAR A HOLE

- ① 65600 - FORWARD ST. 24' ^{frontage} _{problem}
- ② HOBART STREET

HOBART 20, 24 FT WIDE

SLOPES FOR THE ROAD AFFECT
UNIMPROVED PORTION

TWO PHASE PROJECT

CULVERT NEEDED HOBART EX1

TRY FOR THURSDAY AFTERNOON CALL KEITH

342 SPRING ST.

OFFICE SPACE

DISPLACEMENT OF OFFICE SPACE TO CLASSROOM STORAGE HOUSE

1ST FLOOR VACANT
2ND TENANT (TEACHER) APT
3RD APT.

CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: Robert B. Ganley, City Manager

FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development

DATE: March 3, 1988

SUBJECT: Request for Council Order: Re: Vacating a portion of Osgood Street

Please prepare the following item for consideration at the April 4, 1988 City Council meeting.

Order pursuant to 23 M.R.S.A. Section 3027(1) et. seq. for the vacation of a portion of Osgood Street.

Statement of Fact

Waynflete School is requesting that a portion of Osgood Street be vacated. Osgood Street is located near the Fore River off Hobart Street which has access off Congress Street (see Attachment A). The vacation is being requested because it would be the least disruptive way to accomodate access into an athletic facility proposed by Waynflete School. Waynflete School and a second property owner (William and Ann Merrill) are the only abutters to the street vacation. The site plan for the athletic facility was recently approved by the Planning Board. The street vacation request is shown on Attachment B. A description of the proposed street vacation is shown on Attachment C.

Currently the southerly end of Osgood Street (unaccepted street) terminates at the Waynflete School property line. While this could provide an opportunity for access into site for the athletic facility, concern was expressed about the proximity of an existing residence (owned by William and Ann Merrill). This residence straddles the Osgood Street right of way (westerly) line. Given the existing setback of the residence, development of a street at this location would be very disruptive for this property. The existing "improved" street (15 feet wide travel width, gravel surface) stops short of the Merrill residence.

In order to accomodate a more compatible access into the site, the applicant has reached an agreement to acquire land on the easterly side of Osgood Street (abutting the Waynflete site and owned by the Merrills) which will swing the Waynflete access farther away from the residence. As this design will provide adequate access onto the site, the portion of Osgood Street near the residence can be vacated. The only abutting property owners to the vacation request are the Merrills and Waynflete School. The original Osgood Street right of way line terminates at the Merrill and Waynflete School property line.

The proposed street vacation will run from the edge of the Merrill property to the terminus of Osgood Street, a distance (maximum) of about 110 feet. The vacated portion is irregular in shape reflecting the plotted design of the street and the configuration of the Waynflete entranceway. The land of the street vacation is about 3,100 sq. ft.

Waynflete has agreed to provide a turnaround easement to the City on their property so that snowplow trucks driving down Osgood Street can turn around. The City presently does not have a turnaround at this location. Public service utilities have been contacted concerning the vacation request. Central Maine Power, Northern Utilities and New England Telephone indicate that they do not have any objection to the vacation request. The Portland Water District however indicates that an easement should be provided for a waterline. The applicant is in the process of drafting this document, but at the writing of this report, a copy of an executed easement has not been received in the Planning Office.

The applicant has forwarded and executed copy of a waiver and indemnification agreement (see Attachment D) that indemnifies the City against potential claims from the vacation request. Corporation Counsel has reviewed the submitted documents in support of the vacation request finds them acceptable provided that a waterline easement meeting the requirements of Portland Water District should be executed.

The proposed vacation request has been reviewed and found to be acceptable by Parks and Public Works and City Traffic Engineer.

A public hearing was held by the Planning Board on February 9, 1988 at which time the Board voted 6-0 to recommend to the City Council that a portion of Osgood Street be vacated with conditions. The conditions include the following:

- i. That a waterline easement meeting the requirements of the Portland Water District be executed.
- ii. That approval include a reversion clause if the project is not developed.
- iii. That Waynflete School provide public pedestrian shoreway access through the project site.

After discussing conditions ii and iii with Corporation Counsel and the applicant, it is the recommendation of staff that these conditions be dropped as conditions of approval for the street vacation. Corporation Counsel indicates it is questionable whether legally a street vacation approval can be subject to these conditions. Staff has met with Waynflete School representatives since the Planning Board public hearing and they have reiterated interest in participating in the shoreway access program subject to the School's Board of Trustees' approval (see Attachment E). Staff believes that details of the shoreway access route can be worked out with the School assuming their Board of Trustees approve participation in the shoreway access project.

Vacating Osgood St.

March 3, 1988

page 3

Last year the City received a State Coastal Planning Grant to fund a shoreway access study. The purpose of the study is to develop a public pedestrian access plan for the City's river corridors and island shoreways. A recommendation of that report is that a pedestrian linkage be established from Thompson's Point to a linkage up the Fore River. The Waynflete property plays an important role in that linkage. The property has over 4,000 linear feet of intertidal shore and is crossed by the Oxford-Cumberland Canal.

ATTACHMENT A



THOMPSON'S POINT

WAYNFLETS SCHOOL

WAYNFLETS SCHOOL

RIVER

PORTION OF OSGOOD ST TO BE VACATED

WAYNFLETS SCHOOL SITE ENTRANCE

CONGRESS

SEWALL

DAVIS

GREELY

POWSLAND

MITTON

LASSSELL

WESTGATE SHOPPING CENTER

WESTLAND

AINSWORTH

HOBART

CARIBOU

PHILIPS

SCODD

FENWAY

WESTLAND

CHANDLER

CONGRESS

HOBART

150' (50' WIDE)

BATH

HOOPER

HOOPER

HOOPER

HOOPER

HOOPER

HOOPER

HOOPER

HOOPER

HOOPER

HOOPER

HOOPER

HOOPER

HOOPER

HOOPER

HOOPER

HOOPER

HOOPER

THE WAYNFLETE SCHOOL
360 Spring Street
Portland, ME 04102

January 19, 1988

Mr. Joseph E. Gray, Jr., Director
Planning and Urban Development
Room 211
389 Congress Street
Portland, ME 04101

Dear Mr. Gray:

In accordance with 23 M.R.S.A. Section 3027(1), I hereby petition, on behalf of The Waynflete School, a non-profit corporation, to have that portion of Osgood Street, so-called, lying in part between Hobart Street and the Fore River, all within the City of Portland, as more fully described on the attached Exhibit A, vacated by the City of Portland.

The street was laid out in a Plan of Congress Terrace subdivision dated April 1922 and recorded in Plan Book 14, Page 61, of the Cumberland County Registry of Deeds. The street was never accepted by the City.

In connection with this petition, I am also enclosing the following documents and items:

(a) copies of letters from the following public utilities detailing whatever interests they have in the portion of Osgood Street to be vacated:

- (i) Central Maine Power Company;
- (ii) Northern Utilities Inc.;
- (iii) New England Telephone Inc; and
- (iv) Portland Water District.

(b) a list of the names and addresses of all property owners and mortgagees in the subdivision;

(c) the standard waiver and indemnification agreement on the form provided by your office; and

(d) the \$500.00 fee that I understand is required to cover your administrative costs and costs of providing notice to abutting land owners.

r. Joseph E. Gray, Jr.
page 2
January 19, 1988

I hereby request that the City of Portland take all further action necessary to vacate the above-described portion of Osgood Street, and that you inform me should it become necessary for me to provide you with any further information, or to take any further action. I understand that the matter will be brought up before the Planning Board for public hearing, and that the Planning Board will make a recommendation to the City Council. Final action on the street vacation will be made by the City Council.

Sincerely,

THE WAYNFLETE SCHOOL

By: 
William Bennett
Headmaster

OWEN HASKELL, INC.

Civil Engineer — Land Surveyor

8 Broadway, South Portland, Maine 04106

Telephone 207 799-5694

December 31, 1987

PROPERTY DESCRIPTION
FOR
THE WAYNFLETE SCHOOL

A certain lot or parcel of land situated at the Southwesterly end of Osgood Street in the City of Portland, County of Cumberland and State of Maine being more particularly described as follows:

Beginning at a point on the Northwesterly sideline of said Osgood Street at the division line between lots 183 and 184 as shown on a plan entitled Congress Terrace recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 61;

Thence S $49^{\circ}30'05''$ W along said sideline of Osgood Street 107.57 feet to land now or formerly of the Waynflete School;

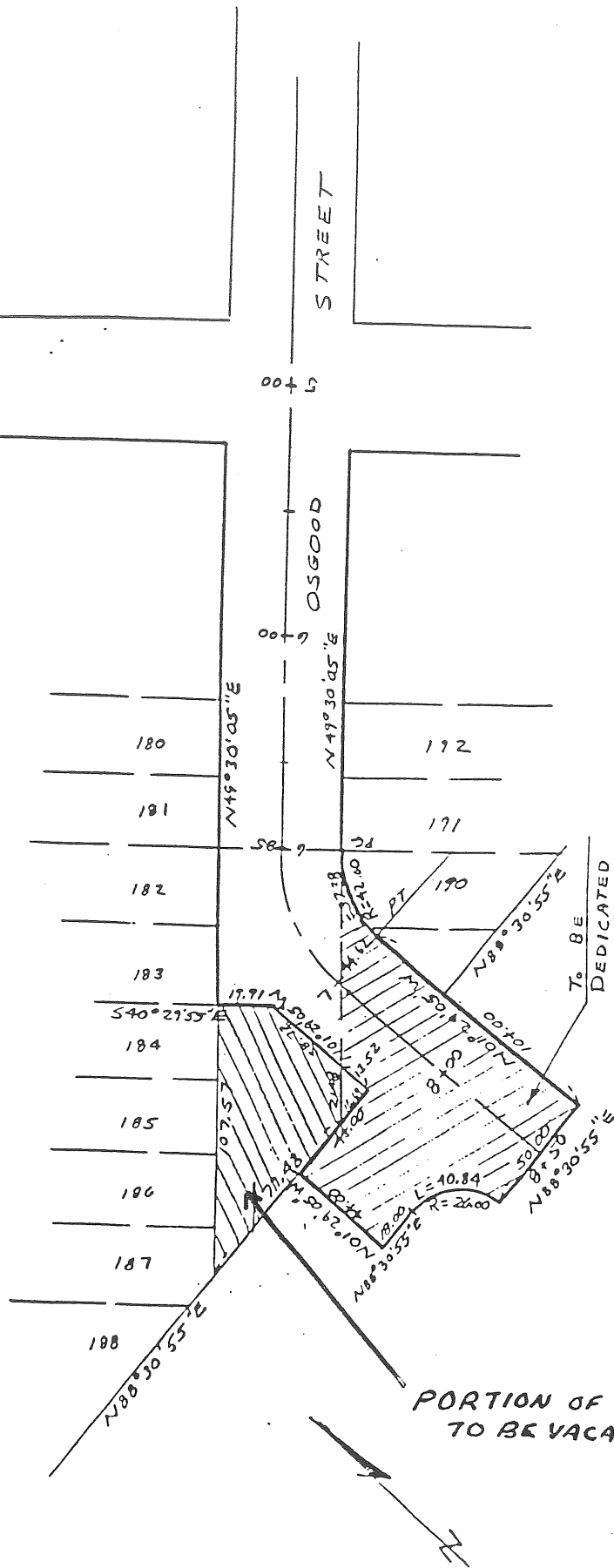
Thence N $88^{\circ}30'55''$ E along land of the Waynflete School 79.42 feet to a point on the Southeasterly sideline of said Osgood Street;

Thence N $49^{\circ}30'05''$ E along said Southeasterly sideline of Osgood Street 21.48 feet to a point;

Thence N $01^{\circ}29'05''$ W across said Osgood Street 38.72 feet to a point;

Thence N $40^{\circ}29'55''$ W across said Osgood Street 19.91 feet to the point of beginning. Containing 3469 square feet.

Meaning and intending to convey a portion of the Southwesterly end of Osgood Street.



PLAN OF PROPOSED R/W
 CHANGES TO OSGOOD STREET
 IN PORTLAND, ME.
 FOR
 THE WAYNFLETE SCHOOL

Civ. Engineers Owen Haskell, Inc. South Portland, Maine		Date 12/30/87	Job No. 87116P
Drawn By W.T.W.	Checked By W.T.W.	Scale 1"=50'	Drawn No.

SCALE
 1"=50'

WAYNFLETE SCHOOL
 SITE

PORTION OF OSGOOD ST.
 TO BE VACATED

WAIVER AND INDEMNIFICATION

WHEREAS, The Waynflete School, a Maine nonprofit corporation with a place of business in Portland, Maine, has requested the City of Portland to vacate a portion of a certain town way known as Osgood Street, as more particularly described on Exhibit A attached hereto and incorporated herein by reference, and which is located in the subdivision known as Congress Terrace, pursuant to 23 M.R.S.A. Section 3027, et seq.;

WHEREAS, the City of Portland as a condition precedent to any vacation of such proposed town way requires a waiver of any such claims which The Waynflete School may have against the City for such vacation, and further, requires indemnification against any claims of third persons arising out of or resulting from the vacation of said proposed town way;

NOW, THEREFORE, in consideration of the City of Portland vacating that portion of Osgood Street described on Exhibit A, The Waynflete School, for itself, its successors and assigns, agrees as follows:

1. The Waynflete School hereby waives any claim for damages which it may now or hereafter have against the City of Portland arising out of or resulting from any vacation of that portion of Osgood Street described on Exhibit A by the City pursuant to 23 M.R.S.A. Section 3027, et seq.;

2. The Waynflete School hereby agrees to indemnify and hold harmless the City of Portland against any claims by any third person or persons against the City of Portland for damages arising out of or resulting from any vacation of that portion of Osgood Street described on Exhibit A by the City of Portland pursuant to said statute.

DATED: February 3, 1988

THE WAYNFLETE SCHOOL

By: William Bennett
William Bennett
Headmaster

WAYNFLETE SCHOOL

360 Spring Street • Portland, Maine 04102 • Tel. (207) 774-5721

February 5, 1988

Mr. Richard Knowland
Senior Planner
City of Portland Planning Department
389 Congress Street
Portland, ME 04101

Dear Rick,

I am writing this letter as a follow up to our recent discussion regarding shoreway access on Waynflete property to be developed as athletic facilities. As I noted, the Board of Trustees has not considered such a request at this time. However, the fields committee of the Board which has overseen the development of plans for the Fore River property has noted that they would be happy to discuss such a proposal with the City of Portland when the city completes its shoreway access study.

As I mentioned to you, there are several concerns this committee raised. These are;

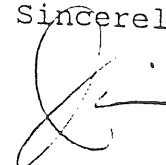
Liability Liability issues for the school as well as personal liability of any trustees of the school

Parking at the site As you know, we intend to fence the property in order to keep motorized vehicles off the fields and will have a pedestrian access point at the gate. Because our property would be at the end or beginning of the shoreway access, the fields committee is concerned about the impact of parking and traffic on Osgood and Hobart Streets.

Wetlands It appears that any connection to a shoreway access might cross some type of wetland to connect with our property.

When the shoreway access study is complete if you would like to present this study and the city's proposal to use part of Waynflete's property as a public access please let me know and we can set up a meeting with our Trustee field committee.

Sincerely,



James F. Amoroso
Business Manager

JFA:tmp

CITY OF PORTLAND, MAINE

389 CONGRESS STREET
PORTLAND, MAINE 04101
(207) 775-5451



PLANNING & URBAN DEVELOPMENT

JOSEPH E. GRAY, JR.
DIRECTOR

April 1, 1988

TO PROPERTY OWNERS AND MORTGAGEES WITH
LAND IN THE VICINITY OF OSGOOD STREET

Recently property owners and mortgagees in this area received a notice dated March 28, 1988 concerning a petition to vacate a portion of Osgood Street as described below. The Portland City Council Public Hearing on this vacation request, however has been rescheduled to Wednesday, April 20, 1988 at 7:30 p.m. in the City Council Chambers, City Hall, 389 Congress Street, Portland, Maine.

A petition has been filed with the municipal officers of the City of Portland to vacate the following way shown upon a subdivision plan of Congress Terrace recorded in the Cumberland County Registry of Deeds, Plan Book 14, page 61.

A portion of Osgood Street being partially between Hobart Street and the Fore River, and as shown on the map on the reverse side of this notice and labeled "to be vacated."

If the municipal officers enter an order vacating this way any person claiming an interest in these ways adverse to the claims of the petitioners must, within one (1) year of the recording of the order, file a written claim thereof under oath in the Cumberland County Registry of Deeds and must, within one hundred eighty (180) days of the filing of the claim, commence an action in the Superior Court in Cumberland County in accordance with the Revised Statutes Title 23, section 3027-A.

Further information on the street vacation request, is available in the Portland Planning Department, Room 211 of City Hall or by calling 775-5451 ext. 265.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Joseph E. Gray, Jr.', is written over a typed name and title.

Joseph E. Gray, Jr., Director
Planning and Urban Development

cc: Jack D. Humeniuk, Chairman, Portland Planning Board
Joseph E. Gray, Jr., Director of Planning & Urban Development



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

TO: Code Enforcement
Rick Knowland, Planner

FROM: Eric Barnes, DeLuca-Hoffman Associates, Inc.
Jim Wendel, PE, Development Review Coordinator

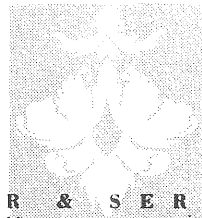
DATE: June 14, 1999

RE: Certificate of Occupancy
Waynefleete School Athletic Complex-Tennis Courts (Osgood Street)

On June 14, 1999 the site was reviewed for compliance with the conditions of approval dated September 9, 1997. My comment is:

1. No Comments. The work completed appears to conform to the proposed site plan.

It is my opinion that a **permanent certificate of occupancy could be issued**, assuming Code Enforcement has no outstanding issues.



M O H R & S E R E D I N

Landscape Architects, Inc.

September 8, 1997

Mr. Richard Knowland, Senior Planner
Portland Planning Department
Portland City Hall
389 Congress St.
Portland, ME 04101

RE: WAYNFLETE FORE RIVER TENNIS COURTS GRADING CHANGES

Dear Rick;

Per Jim Wendell's memorandum of September 8, 1997, we have followed recommendation #4, and regraded the proposed tennis courts so all drainage slopes towards the wetland area to the north via swales, eliminating the need for culverts and the catch basin previously proposed. This satisfies Jim's comments #1-#3, as flows will be routed directly to the wetland. In addition, the foundation underdrain outflows have been detailed on the plan.

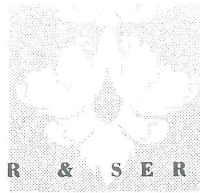
Per your comments regarding Stephen Mohr's memo regarding shoreland clearing limits, the restrictions for cutting within the 75 FT setback from the Fore River are noted on the plans, and will be issued to the contractor.

Please call me if you have any additional questions or comments. Thank you for your efforts.

Sincerely;

Lexi Andrews,
Mohr & Seredin, Landscape Architects, Inc.

cc Jim Wendell



M O H R & S E R E D I N

Landscape Architects, Inc.

MEMORANDUM

TO: Rick Knowland, Senior Planner
Jim Wendel, P.E. Development Review Coordinator

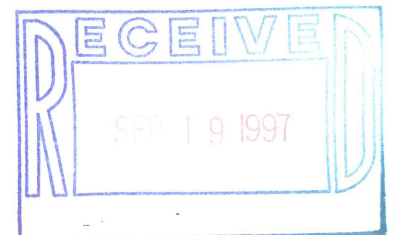
FROM: Kimberly Turner, ^{KS} Mohr & Seredin Landscape Architects, Inc.

RE: Response to Jim Wendel's Comments- New Tennis Courts
Waynflete Fore River Athletic Complex, Portland, Maine

DATE: September 18, 1997

Thank you for taking the time to review the tennis court plans at Waynflete's Fore River Athletic Complex. We have reviewed your comments, and made the following changes and additions to the project plans:

1. A note has been added to apply jute mesh fabric stabilization to all slopes greater than 3:1. This will decrease the likelihood of erosion on these slopes.
2. An intended culvert was left out of the previous grading plan next to the high side of the upper court walkway. However, the problem of possible erosion to this steep slope has been remedied by placing a rip-rap swale alongside the walkway, flowing into a stilling basin.
3. The slope for the upper court has been properly noted, sloping toward the wetland.





DeLUCA HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

■ ROADWAY DESIGN
■ ENVIRONMENTAL ENGINEERING
■ TRAFFIC STUDIES AND MANAGEMENT
■ PERMITTING
■ AIRPORT ENGINEERING
■ SITE PLANNING
■ CONSTRUCTION ADMINISTRATION

MEMORANDUM

TO: Rick Knowland, Senior Planner

FROM: Jim Wendel, P.E., Development Review Coordinator

DATE: September 17, 1997

RE: Waynflete School Athletic Complex-Tennis Courts
Osgood Street

As requested a review of the revised plan dated September 9, 1997 has been completed. The revisions were in response to comments dated September 8, 1997. I offer the following comments.

1. Recommend that the stabilization of the relatively steep slopes directly abutting the wetland area include the installation of a slope stabilization fabric.
2. The grade for the swale located to the high side of the walkway to the upper courts is steep and not well protected from possible erosion. Recommend that either a culvert be located in the high side corner of the walkway crossing the walkway to the wetland area or riprap the swale from the high side corner of the walkway along the walkway to the wetland area. In either case a stilling basin should be installed at the match point with the wetlands.
3. The contouring for the upper court does slope to the wetland area; however there is an arrow with a 1% slope pointing in the opposite direction.

Should you have any questions please call.

c: Steve Mohr, Mohr & Seredin

JN1350.10/disk2/waynflt3

M O H R & S E R E D I N
Landscape Architects, Inc.

JIM
PLEASE
REVIEW

September 8, 1997

Mr. Richard Knowland, Senior Planner
City of Portland, Planning Department
City Hall
389 Congress St.
Portland, ME 04101

THANKY
RRE

RE: PERFORMANCE GUARANTEE FOR WAYNFLETE TENNIS COURTS

Dear Rick,

The following is a cost summary for erosion controls, seeding, and site stabilization for the proposed tennis courts at Waynflete's Fore River Athletic Complex. We estimate the amount of \$7,375 for a performance guarantee for the proposed site work. The proposed cost breakdown is as follows:

silt fence	700 LF @ \$3.50	\$2,450
drainage swales	\$2,500 LS	\$2,500
reseeding	\$12,000 SF @ \$.15	\$1,800
<u>boardwalk</u>	<u>50 LF @ \$12.50</u>	<u>\$625</u>
TOTAL		\$7,375

Please inform us whether the proposed \$7,375 is acceptable for a performance guarantee, and we will arrange for payment immediately. Please call myself or Stephen Mohr with any questions regarding this issue.

Sincerely;



Stephen B. Mohr, ASLA
Mohr & Seredin, Landscape Architects, Inc.



CITY OF PORTLAND

September 9, 1997

Stephen Mohr
Mohr and Seredin
18 Pleasant Street
Portland ME 04101

Re: Waynflete Tennis Courts, Osgood Street

Dear Mr. Mohr:

On September 9, 1997 the Portland Planning Authority granted minor site plan approval for six (6) tennis courts proposed by Waynflete School in the vicinity of Osgood Street.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

- i. That the site plan be revised for staff review and approval reflecting the comments of Jim Wendel (memo dated 9-8-97.)
- ii. That the site plan shall be revised reflecting the landscaping/tree clearance statements outlined in a letter dated 8-27-97 from Stephen Mohr to Marge Schmuckal.

Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 1.7% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

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CITY OF PORTLAND

September 9, 1997

Stephen Mohr
Mohr and Seredin
18 Pleasant Street
Portland ME 04101

RE: Waynflete School Tennis Courts - Osgood Street

Dear Mr. Mohr:

This letter is to confirm that Waynflete School may initiate some preliminary site work. This work is limited to the following:

- place silt fence, haybales, and other erosion control measures, as shown on the plan;
- begin vegetative clearing of court area and drive turn-around.

Please note that any other site work will require a performance guarantee and building permit.

Should you have any questions, please call me.

Sincerely,

Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Alexander Jaegerman, Chief Planner
Richard Knowland, Senior Planner
✓ Jim Wendel, Development Review Coordinator
Sam Hoffses, Chief of Inspection Services

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- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

TO: Rick Knowland, Senior Planner

FROM: Jim Wendel, P.E., Development Review Coordinator

DATE: September 8, 1997

RE: Waynflete School Athletic Complex-Tennis Courts
Osgood Street

As requested a review of the revised plan dated August 13, 1997 has been completed. I offer the following comments.

1. The revised grading in the area just south of the catch basin is such that runoff from a significant portion of the lower court and a minor portion of the upper court will continue to drain towards the Fore River. This area needs to be revised.
2. Due to the proposed grades, inverts, pipe size and wall thickness, and the physical requirements of the catch basin, it appears that the catch basin can not be properly built. There is only 2.1 FT from the rim elevation and the pipe invert. A catch basin flat top is 1 FT thick and the hole cored into the basin for the 12" pipe will be in excess of 1 FT. These two dimensions alone already exceed the 2.1 FT dimension; this is a problem even before the 4"-6" flange thickness of a beehive grate is factored into the addition.
3. Recommend that the outlet pipe from the catch basin move away from being under the foundation wall.
4. In an effort to possibly solve items 1-3 above, recommend that the applicant consider sloping the courts to drain runoff towards the canal into the wetland area. This may minimize the amount of storm drain pipe required for the project.
5. Recommend that the foundation wall underdrain outlet pipes be shown on the plan.

Should you have any questions please call.

c: Steve Mohr, Mohr & Seredin

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M O H R & S E R E D I N

Landscape Architects, Inc.

August 28, 1997

Mr. Richard Knowland, Senior Planner
Portland Planning Department
Portland City Hall
389 Congress St.
Portland, ME 04101

RE: WAYNFLETE TENNIS COURTS

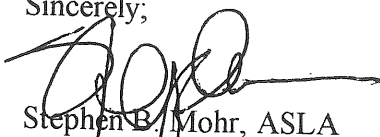
Dear Rick;

I have met with Marge Schmuckal to review the setback and shoreland zoning issues raised at your staff meeting last week. As originally discussed with you, Marge also determined that the 75 foot setback does not extend from the old canal between the culverted drive and the dike at the edge of the River. We believe that the confusion over the setbacks was created by our use of the heavy line showing the flood hazard area, which was misinterpreted as normal high-water. On the revised plans, we have clearly delineated the normal high-water line, and the attendant 75 foot setback on the attached plans.

We have visited the site a number of times over the past weeks, including the days when there were "astronomically high tides". Our observations are that the tidal waters do not extend into the canal, and that the debris line shown on the plans does represent the tidal influence above normal high-tide. The normal high-tide line on the drawing was determined based on field survey by Owen Haskell, Inc.

We request that review the attached plans at your next staff meeting. The attached memo responds to Marge's specific request for information.

Sincerely;



Stephen B. Mohr, ASLA
Mohr & Sedin, Landscape Architects, Ind.

MEMORANDUM

TO: Marge, Portland Codes Office

FROM: Stephen Mohr and Lexi Andrews, Mohr & Seredin, Landscape Architects, Inc.

RE: Clarification of Shoreland Zoning Compliance
Waynflete Fore River Athletic Complex Tennis Courts

DATE: August 27, 1997

In following with yours and Stephen Mohr's discussion regarding the location of the proposed tennis courts and compliance with the City of Portland Land Use Code- Shoreland Zoning Requirements, we have addressed each regulatory item as it relates to the proposed project, in the following summary:

SETBACK FROM THE CANAL

The old canal is not connected via surface hydrology to the Fore River, except under flood hazard conditions (when flood waters are at elevation 10' or higher). The limit of tidal waters, normal high-water line, is shown on the plans, and does not include the canal. The canal is separated on the west from the River by an existing earthen dike, and to the east by the gravel drive and culvert installed in the canal in the early 1990's.

WITHIN 75' OF NORMAL HIGH-WATER LINE:**There shall be no cleared openings...**

All clearing for development of the tennis courts is proposed to be set back 75' of the normal high-water line. A small area along the southwest corner of the courts' perimeter extends within a the 75' setback, for the purpose of maintaining a pedestrian trail along the outside of the courts, and to allow for proper stormwater drainage to the north end of the site, away from the banks of the Fore River.

A well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained...

No other clearing within the 75' setback from high-water will result as a part of this project. Existing ground cover and vegetation within the setback area shall be preserved in its natural state.

Clearing for development is not allowed...

Clearing for development of the tennis courts will not extend beyond the 75' setback area, and clearing for stormwater drainage and pedestrian trail areas will be limited to a minimal amount, not within 50' of the high-water mark.

No cleared opening greater than 250 SF...

The footpath created along the perimeter of the tennis courts will be limited to a 6' maximum width, with no clear line of sight to the river. No other area cleared will create an opening greater than 250 SF in the tree canopy.

There shall be no accessory structures constructed...

No structures with the 75' setback from normal high-water are proposed as a part of this project.

BEYOND THE 75' SETBACK, WITHIN SHORELAND ZONE:

There shall be permitted on any lot in any ten year period, selective cutting of not more than 40% of the volume of trees 4" or more in diameter, measured at 4.5' above ground level...

A total of 1.6 acres is proposed to be cleared for court development within the shoreland zone, which represents 24% of the total 6.6 acre peninsula lying within the shoreland zone, beyond the 75' setback. This represents approximately 15% of the total shoreland areas held by Waynflete, adjacent to the peninsula. Tree coverage and size across the entire site is relatively uniform, and percentage of total acreage to be cleared is roughly equivalent to the percentage of total tree volume. Proposed clearing is well within the 40% volume limits established for the Shoreland Zone.

In no event shall cleared openings for development... exceed 25% lot area...

The total 1.6 acres proposed to be cleared for tennis court development equates to less than 2% of the total 20+/- acre lot, held by Waynflete. The proposed 1.6 acre total clearing is substantially less than the 25% limit established for the entire lot.

TIMBER HARVESTING:

No timber harvesting is proposed as a part of this project. All clearing proposed is in conjunction with development of tennis courts, utility shed, drive, walkway, grading, and stormwater management.



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- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

TO: Rick Knowland, Senior Planner

FROM: Jim Wendel, P.E., Development Review Coordinator

DATE: August 15, 1997

RE: Waynflete School Athletic Complex
Tennis Courts

As requested a site visit and a review of the plan dated July 28, 1997 has been completed. I offer the following comments.

1. The existing topography on the water side of the courts has a significant error. The grade does not gradually slope towards the water. In fact some of the grade actually slopes slightly towards the courts and away from the water. In addition there is a significant sharp drop in grade to the water. The current proposed grading has a high risk of long term erosion on the cliffs that exist at the waters edge.
2. As a result of item 1 I recommend that all the proposed drainage be designed to bring the runoff towards the wetland area to the north side of the courts.

Should you have any questions please call.

c: Steve Mohr, Mohr & Seredin

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M O H R & S E R E D I N

Landscape Architects, Inc.

August 6, 1997

Mr. Richard Knowland, Senior Planner
City of Portland Planning Department
Portland City Hall
389 Congress St.
Portland, ME 04101

RE: NEW TENNIS FACILITIES AT THE WAYNFLETE FORE RIVER ATHLETIC COMPLEX

Dear Rick;

In following with the project summary provided to the City Planning Department on July 23, we submit this information in support of Waynflete's proposal to build 6 tennis courts at the Fore River Athletic Complex, located off of Osgood Street, in Portland. Enclosed, please find plans and supporting documentation for Site Plan and Shoreland Zoning review.

The proposed courts will replace the existing courts located at the Waynflete main campus, and the tennis program will be conducted in this new location, at the Fore River Athletic Complex. The tennis courts are designed as 2 sets of 3 courts (120' X 153'), totaling 36,720 sf, or 0.84 acres. In addition, a proposed 10' X 10' utility shed will be located adjacent to the courts, and a drive turn-around, an 8' X 35' boardwalk crossing over a wetland area, and a 6' pedestrian path will access the courts. Proposed site disturbance from grading and site development totals approximately one acre. The courts, path, and turn-around will be set back 75' from the Fore River, and located outside of the flood hazard zone. Site access will be provided via the existing culvert crossing over the canal, and no work will be required in the canal area.

This area is zoned B5, where tennis courts are permitted as a use similar to landscape pedestrian parks, plazas, and other similar outdoor pedestrian places (14-230.1(5)c). The courts are sited with sensitivity to the river and wetland areas, topography, vegetation, and proper court orientation. The courts are located outside of the RP Zone and Flood Hazard Zone, on a level plateau within the site. A natural wooded buffer will remain between the courts and the river, and several large trees have been located and will be preserved. Approximately 2,960 SF of wetland area will be disturbed for court construction and the boardwalk crossing.

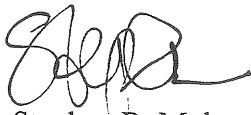
Access to the tennis courts will be provided via the existing 36" culvert, located between the proposed court site and existing athletic fields. An existing 15' drive over the culvert will be extended to a turn-around area for emergency vehicle access to the courts, which will be kept clear in the winter months. A narrow 6' wide gravel path is proposed to link the courts to the existing gravel driveway on the site. The existing parking and on-site facilities will be used to serve the students, faculty, and parents using the courts. Students using the courts will be

transported to the site via a van or bus, between the hours of 12 noon and 5pm. As a part of the project, underground electric, water, and sewer will be extended to the courts, to service the small storage and restroom building at the tennis courts. Given the off-peak use of the tennis facilities by Waynflete and the recent traffic improvements at Congress Street, no traffic issues are anticipated at the proposed facility.

Stormwater will flow into swales off the courts via sheetflow, directed to the woodland adjacent to the Fore River and canal without detention. This will permit rapid transportation of the increased stormwater runoff from the tennis courts to the River, to be off-site before the peak flow from the Fore River passes the property. An erosion control plan has been prepared for the project, and is included with this submission.

The proposed project is planned for construction by the end of August, for use in the 1998 spring season. A construction schedule is enclosed for staff review. Please review the enclosed plans and documentation, and contact us with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Mohr", written in a cursive style.

Stephen B. Mohr, ASLA

**SECTION 14-230.5: B-5 ZONE PERFORMANCE STANDARDS
LAND USE ORDINANCE, CITY OF PORTLAND, MAINE**

1. Outdoor storage of materials...

No materials will be stored outdoors. Tennis court maintenance supplies and equipment will be stored in the utility shed located on-site.

2. Noise...

No noisy machinery or other mechanical equipment will be operated during daily use of the tennis courts, and noise from construction will be limited to normal working hours. All noise will be within the limits specified within the zoning ordinance.

3. Vibration...

No vibration from daily use of the tennis courts will be detectable at lot boundaries.

4. Federal and state environmental regulations...

No air emission sources are proposed as a part of this project, and all other local, state, and federal environmental standards will be adhered to.

5. Storage of vehicles...

No storage of unregistered vehicles or automobile parts is proposed as part of this project.

6. Off-street parking and loading...

Off-street parking for the proposed courts will be provided through the existing parking area, adjacent to the Athletic Complex Field House.

7. Shoreland and floodplain management regulations...

All shoreland standards have been addressed in this submission, and the proposed courts do not lie within the flood hazard zone.

8. Glare, radiation, or fumes...

No glare, radiation, or fumes will be generated by the proposed tennis courts, path, or utility shed. The proposed site is surrounded by woodlands, which will provide adequate buffer from disturbance of any kind to neighboring properties. Lighting for night use of courts is not proposed for the courts.

9. Materials or wastes,..

No materials or wastes will be stored in an exposed area, and no dust, fumes, or materials which may pose a fire hazard will be generated by the proposed tennis court use.

**SECTION 14-449: LAND USE STANDARDS IN THE SHORELAND ZONE,
LAND USE ORDINANCE, CITY OF PORTLAND, MAINE**

1. Principal and accessory structures...

The proposed tennis courts and utility building are proposed to be set back 75' from the normal high-water mark of the Fore River, and no other principal or accessory structures lie within 75' of the wetland area located on-site. All locations have been delineated in field surveys, and are shown on the site plans.

2. Piers, docks, wharves, bridges, and other structures...

No bridges, boardwalks, or culverts are proposed as a part of this project. One existing culvert crossing will be used to provide adequate emergency vehicle and pedestrian access to the site. No work will be undertaken below normal high-water, and erosion control measures will protect the resource from sedimentation.

3. Clearing of vegetation...

Clearing for the proposed tennis courts will be limited to the area for two 120' X 153' courts, a 10' X 10' utility shed, and a 6' path leading from the existing culvert crossing to the site. Proposed clearing for development totals just under one acre, which is less than 40% of tree volume in the shoreland zone. All disturbed areas adjacent to the courts, path, and utility shed will be re-seeded and monitored for new growth. A 75' buffer strip will be preserved between the courts and the River.

4. Erosion and sedimentation control...

An erosion control plan has been developed for the court construction project based on the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection dated March 1991.

5. Soils...

The soils on-site are generally suitable for construction based on the SCS soil survey and field observations. A geo-technical investigation is presently being undertaken to determine the specific base requirements for the proposed courts. No construction is proposed which would require subsurface wastewater disposal, or which would contribute to erosion, mass soil movement, improper drainage, water pollution, or other adverse environmental impact.

6. Water quality...

No activities associated with the courts are proposed which would discharge or deposit pollutants which would impair designated uses or water classification. Stormwater will run off the courts as sheetflow, and dissipate into the adjacent woodlands.

7. Archeological sites...

No significant historical or archeological sites are located in the construction area. The existing canal will not be altered in any way by the proposed activities.

8. Installation of public utility service...

Public utilities are proposed to be connected via underground service from the main field house, where existing utilities currently serve the Athletic Complex. All permits will be obtained before any public utility services will be extended to the site.

9. Roads and driveways...

The proposed drive turn-around will extend from the existing culvert crossing to the edge of the site, to provide pedestrian and emergency vehicle access to the site. This drive is not within 75' of the Fore River, and will not impact the canal or wetland area.

10. Parking areas...

Parking will be provided by the existing lot adjacent to the field house, which is located outside of the shoreland zone. No new parking is proposed as a part of this project.

11. Stormwater runoff...

Stormwater will runoff the courts via sheetflow, dissipating into the surrounding woodlands. All structures are setback 75' from the river, and existing vegetation will provide a natural buffer, allowing for ground infiltration of surface water.

12. Agriculture...

No agricultural practices are proposed as part of this project.

13. General site plan features...

The proposal set forth is consistent with the standards set forth in the shoreland zone.

**SECTION 14-526: SITE PLAN APPROVAL STANDARDS
LAND USE ORDINANCE, CITY OF PORTLAND, MAINE**

- 1. Traffic, parking and loading, vehicular and pedestrian circulation... will not create or aggravate any significant hazard to safety...**

The proposed tennis courts will be located at the Waynflete Fore River Athletic Complex, which has sufficient access for vehicular loading, unloading, and parking in the existing lot and drive turn-around off Osgood Street, connecting with Hobart Street and outer Congress Street in Portland. The new courts will be used by Waynflete students, their parents, and staff primarily in off-peak traffic hours, and will not pose a significant increase in traffic, or threat to safety. Students will be taken to the site in vans or buses between the hours of 12 and 5pm. The present four lane configuration of Congress Street at the intersection with Hobart Street provides a separate lane for turning into the site, allowing traffic to proceed in the travel lane on Congress Street.

- 2. Parking shall provide sufficient parking to satisfy the reasonably foreseeable demand for parking which will be generated by the proposed development...**

The existing drive and parking facilities at the Athletic Complex will accommodate the new tennis courts, and pedestrian and emergency vehicle access will be provided to the site via an existing drive off of the parking lot, leading down to an existing culvert crossing and proposed turn-around to the south of the playfields. The new tennis courts will be used primarily in off-peak traffic hours, and will not pose a significant increase in traffic or parking demand.

- 3. The structures and uses will not cause health or safety problems, including substantial reduction in light and air, wind impact, or snow loading...**

The proposed courts and shed are located over 300 feet away from neighboring properties and structures, and will not block light or air, wind, and will not require snow removal in the winter season. The courts will pose no health or safety problems to neighboring parties or their property.

- 4. The structures will not diminish value or utility of neighboring structures and property...**

The proposed courts and shed are located over 300 feet away from neighboring properties and structures, and are not of a bulk or scale which would negatively impact neighboring uses or property values. The approximately 1 acre area of proposed court area is located within the woodlands, and will not be visible from neighboring sites.

- 5. The development will not overburden sewers, storm drains, water, solid waste disposal, or other similar public facilities and utilities...**

The proposed courts will not require any significant increase in public services. Stormwater will flow off the courts as sheet flow, dissipating into the surrounding woodlands, and a proposed utility shed will be connected with sewer, water, and power lines run from the fieldhouse down to the site. Solid waste will be handled via the existing waste removal services.

6. On-site landscaping will provide adequate buffering...

The proposed courts and shed will be setback 75 feet from the river, and outside of the Flood Hazard/RP Zone. Existing trees surrounding the site will be preserved, and the woodlands will provide adequate buffering between the courts. Neighboring properties, and sensitive resource areas.

7. The site plan minimizes disturbance or destruction of significant existing vegetation...

All trees in the vicinity of the proposed courts have been located, and significant trees have been flagged and will be preserved. The courts are located to minimize cutting of significant existing vegetation, and to fit with site topography, wetland, and shoreland setbacks.

8. The site plan does not create any significant soil and drainage problems, and provides for erosion control...

The proposed courts and shed are sited to minimize grading and soil disturbance for construction, and an erosion control based on DEP/SCS Best Management Practices will be adhered to, minimizing potential for erosion and sedimentation.

9. The provisions for exterior lighting will not be hazardous to motorists...

No lighting is proposed at the courts, as they will be used during daylight hours only.

10. The development will not create fire or other safety hazards, and provides adequate access to the site for emergency vehicles...

The courts and utility shed will be constructed in conformance with fire code, and will be accessible to emergency vehicles via the culverted canal crossing and drive leading to the site.

11. The proposed development is designed to be consistent with off-premises infrastructure...

The proposed courts will not pose a significant increase in use of public infrastructure, and is consistent with the existing development of the Athletic Complex.

12. Any industrial development will prevent adverse environmental consequences...

The proposed courts will be used recreationally, and do not constitute industrial development.

13. For development within the RP zone...

A portion of one court will be located between 40' to 75' of the canal, but will be hidden behind existing vegetation. The courts will not conflict with any existing architectural style, and will not be visible from the field house area.

14. Planned residential unit developments in residential zones...

The proposed courts and utility shed do not constitute a planned residential unit development.

15. Two-family, special needs independent living unit...

The proposed courts and utility shed do not constitute a residential development.

16. Development located within the B-3 zone...

The proposed site is not located in the B-3 zone.

17. The applicant has submitted all information required by this article...

All of the standards outlined in this code are addressed in this submission, and the proposed courts are in compliance with the ordinance.

18. If any part of a structure is within 100 feet of any landmark, historic district, etc....

A portion of one court will be located between 40' to 75' of the canal, but will be hidden behind existing vegetation. The courts will not be incongruous to the character of the landmark, and will be hidden from view.

19. The placement of proposed development shall not obstruct public views to landmarks...

The proposed courts will not obstruct any public view of the landmark, as the courts will be set back in the woods. The woodland between the canal and the Fore River presently block any view of the canal from the waterside, and the tennis courts will not affect any view.

20. The proposed development shall have no adverse impact upon existing natural resources...

The proposed tennis courts are sited to minimize any potential threat to water quality, as natural buffers are preserved around the site to treat stormwater runoff, and the site is setback from the river and flood hazard zone. No unusual natural areas, rare wildlife or plants species, or sensitive natural resources will be significantly impacted from the proposed courts.

21. The proposed development shall not pose an unreasonable risk to a significant groundwater aquifer...

The proposed tennis courts comprise less than an acre of impervious surface, and are not located over a significant groundwater aquifer.

22. Requirements for signs...

No signs are proposed as a part of this project.

EROSION AND SEDIMENTATION CONTROL PLAN

Waynflete Tennis Courts, Portland Maine

INTRODUCTION

The following plan for controlling sedimentation and erosion from this project is based upon sound conservation practices, and adheres to the standards detailed in the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection dated March 1991. The contractor shall make himself familiar with the aforementioned publication and comply with the practices presented therein.

The proposed courts and associated path and utility shed occupy approximately one acre. The site is located off of outer Congress Street in Portland, and is a wooded terrace adjacent to the Fore River. The proposed courts are located out of the flood hazard zone, and are setback 75' from the river. Site soils are composed of Buxton silt loam, 3 to 8% slopes which are characterized as deep, moderately well drained to somewhat poorly drained, gently to moderately sloping, medium textured soils. They are found on terraces adjacent to natural drainageways, streams and rivers, and on plains.

This report addresses the erosion control measures to be applied to the proposed site work for the project. Reference is made to the erosion control exhibits, showing the locations of proposed measures included with this report.

GENERAL EROSION AND SEDIMENTATION CONTROL PRACTICES

The following general erosion control practices will be used to prevent erosion and sedimentation before, during and after the construction of this project. Special care shall be used at all times in an effort to: (1) limit disturbance and hence erosion, (2) correct any erosion problems immediately, (3) regularly monitor the practices implemented and (4) re-vegetate disturbed areas as soon as possible.

Haybale

Haybale check dams will be installed along the down-slope side of the tennis courts and shed during construction. These check dams reduce flows from the cleared area, and serve to filter and capture sediment before traveling into the adjacent woods.

Haybales and/or Silt Fence

Haybales or silt fencing shall be installed at the toes of slopes and along the proposed path.

Swales

Swales will be constructed along the tennis courts to collect drainage and to direct storm flows to adjacent woodlands, then to the former canal or Fore River.

CONSTRUCTION PHASE

- A. Only those areas under active construction will be cleared and left in an untreated or unvegetated condition. If final grading, loaming and seeding will not occur within 15 days. See Item No. 4.

- B. Prior to the start of construction in a specific area, silt fencing and-or haybales will be installed at the toe of slope and in areas as located on the plans to protect against any construction related erosion. Immediately following construction of culverts and swales, rip rap aprons shall be installed, as shown on the plans.
- C. Topsoil will be stockpiled when necessary in areas which have minimum potential for erosion and will be kept as far as possible from the existing drainage courses. All stockpiles expected to remain longer than 15 days shall be:
 - 1. Treated with anchored mulch (within 5 days of the last deposit of stockpiled soil).
 - 2. Seeded with conservation mix and mulched immediately.
 - 3. Stockpiles expected to remain longer than 7 days shall be encircled with haybales or silt fence at the toe of the pile.
- D. All disturbed areas expected to remain longer than 7 days shall be either:
 - 1. Treated with anchored mulch immediately, or
 - 2. Seeded with conservation mix of annual rye grass (0.9 lbs/1000 sq. ft.) and mulched immediately.
- E. All grading will be held to a maximum 3:1 slope where practical. All slopes will be stabilized with permanent seeding, or with stone, within 5 days after final grading is complete. (See Post-Construction revegetation for seeding specification.)
- F. Construction traffic will be directed over the proposed drive. Any areas subject to rutting will be stabilized immediately. Outer Congress Street shall be swept weekly, should mud be tracked onto it.

POST-CONSTRUCTION REVEGETATION

The following general practices will be used to prevent erosion as soon as an area is ready to undergo final grading.

- 1. A minimum of 4" of loam will be spread over disturbed areas, aside from the finished, gravel-based trail, and graded to a uniform depth and natural appearance, or stone will be placed on slopes to stabilize surfaces.
- 2. If final grading is reached during the normal growing season (4/15 to 9/15), permanent seeding will be done as specified below. Prior to seeding, limestone shall be applied at a rate of 138 lbs/1000 sq. ft. and 10:20:20 fertilizer at a rate of 18.4 lbs/1000 sq. ft. will be applied. Broadcast seeding at the following rates:

Lawns

Swales

Kentucky Bluegrass	0.46 lbs/1000 sq. ft.	Creeping Red Fescue	0.46 lbs/1000 sf.
Creeping Red Fescue	0.46 lbs/1000 sq. ft.	Red Top	0.05 lbs/1000 sf.
Perennial Ryegrass	0.11 lbs/1000 sq. ft.	Tall Fescue	0.46 lbs/1000 sf.

3. An area shall be mulched immediately after it has been seeded. Mulching shall consist of hay mulch, hydro-mulch or any suitable substitute deemed acceptable by the Landscape Architects.
 - a. Hay mulch shall be applied at the rate of 2 tons per acre. Hay mulch shall be secured by either:
 - i. Being driven over by tracked construction equipment on grades of 5% and less.
 - ii. Blanketed by tacked photodegradable/biodegradable netting, or with spray, on grades greater than 5%.
4. Construction shall be planned to eliminate the need for seeding between September 15 and April 15. Should seeding be necessary between September 15, 1995 and April 15, 1996, and the following procedure shall be followed:
 - a. Only unfrozen loam shall be used.
 - b. Loaming, seeding and mulching will not be done over snow or ice cover. If snow exists, it must be removed prior to placement of seed.
 - c. Where permanent seeding is necessary, Annual Winter Rye (1.2 lbs/1000 sq. ft.) shall be *added* to the previously noted areas.
 - d. Where temporary seeding is required, Annual Winter Rye (2.6 lbs/1000 sq. ft.) shall be sown *instead* of the previously noted seeding rate.
 - e. Fertilizing, seeding and mulching shall be done on loam the day the loam is spread.
 - f. Hay mulch shall be secured with photodegradable/biodegradable netting. Tracking by machinery alone will not suffice.
5. Following final seeding, the site will be inspected every 30 days until 80% cover has been established. Reseeding will be carried out by the contractor within 10 days of notification by the engineer that the existing catch is inadequate.

MONITORING SCHEDULE

The contractor shall be responsible for installing, monitoring, maintaining, repairing, replacing and removing all of the erosion and sedimentation controls or appointing a qualified subcontractor to do so.

Maintenance measures will be applied as needed during the entire construction cycle. After each rainfall, a visual inspection will be made of all erosion and sedimentation controls as follows:

1. Haybale barriers and silt fence shall be inspected and repaired once a week or immediately following any significant rainfall. Sediment trapped behind these barriers shall be excavated when it reaches a depth of 6" and redistributed to areas undergoing final grading. Should the haybale barriers prove to be ineffective, the contractor shall install silt fence behind the hay bales.
3. Revegetation of disturbed areas within 25' of drainage-course/stream will be seeded with the "meadow area mix" and inspected on a weekly basis or after each significant rainfall and reseeded as needed. Exposed areas will be reseeded as needed until the area has obtained 100% growth rate.

EROSION CONTROL REMOVAL

An area is considered stable if it is paved, gravel, or if 80% growth of planted seeds is established. Once an area is considered stable, the erosion control measures can be removed as follows:

1. Haybales and Silt Fence
The haybales and silt fence shall be disposed of legally and properly off-site. All sediment trapped behind these controls shall be:
 - a. Distributed to an area undergoing final grading.
 - b. Graded in an aesthetic manner to conform to the topography, fertilized, seeded and mulched in accordance with the rates previously stated.
2. Miscellaneous
Once all the trapped sediments have been removed from the temporary sedimentation devices, the disturbed areas must be regraded in an aesthetic manner to conform to the surrounding topography. Once graded these disturbed areas must be loamed (if necessary) fertilized, seeded and mulched in accordance with the rates previously stated.

CONCLUSION

If properly followed by the contractor, the plan as shown and contained herein will prevent erosion and downstream sedimentation, and protect water quality at nearby watercourses.

Respectfully submitted,


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