

LOT 30
7.87 ACRES +/-
LAND TO BE CONVEYED
TO
PORTLAND TRAILS

N/F
UNILM LIFE INSURANCE CO

N/F
PORTLAND LODGE NO. 188
BENEVOLENT AND PROTECTIVE
ORDER OF ELKS OF THE
UNITED STATES OF AMERICA
6157/37

N/F
JOSEPH C. PIZZO, JR.
SHARON A. PIZZO
3622/272

N/F
THE HOLY SPIRIT ASSOC.
FOR THE UNIFICATION OF
WORLD CHRISTIANITY
6903/75

Planning Board Sub.
RECORD SET 5/26/93

PROJECT AREA:

LOTS	14.80 ACRES
ASSOCIATION LOTS	1.28 ACRES
LAND TO BE CONVEYED TO PORTLAND TRAILS ROAD R.O.W.	7.87 ACRES +/-
TOTAL	3.05 ACRES
	27.0 ACRES +/-

NOTES

- OWNER/DEVELOPER OF PARCEL IS STROUDWATER FARM ASSOCIATES, 49 ROARING BROOK ROAD, PORTLAND, MAINE, BOOK 8403, PAGE 350, CUMBERLAND COUNTY REGISTRY OF DEEDS.
- ALL AREAS WITHIN THE RIGHTS OF WAY AND THREE LOTS SHOWN AS ASSOCIATION LOTS ARE ASSOCIATION PROPERTY.
- THIS PLAN SUPERSEDES ALL PREVIOUSLY APPROVED PLANS.
- ROAD AND LOT COMPUTATIONS BY KIMBALL-CHASE, INC., BATH, MAINE. PERIMETER INFORMATION FROM DEC. 1988 SURVEY BY KIMBALL-CHASE. ROAD AND LOT COMPUTATIONS AMENDED BY OWEN HASKELL, INC. MAY 1993.
- PROJECT AREA IS LOCATED IN R-3 ZONE (CONTRACT) AND IS P.R.U.D.
- ALL LOTS HAVING A PORTION OF THE LOT WITHIN THE SHORELAND ZONE SHALL RECEIVE SITE PLAN AND SHORELAND APPROVAL FROM THE CITY OF PORTLAND.
- ALL RESIDENCES SHALL HAVE NFPA 130 FIRE PROTECTION SYSTEMS.

NOTES - Cont'd

- NO BUILDING SHALL BE PERMITTED IN THE FLOOD HAZARD AREA WITHOUT FLOOD HAZARD REVIEW BY THE CITY OF PORTLAND.
- ALL ROADS DEPICTED ON THE INTERIOR OF THE LOT ARE PRIVATE ROADS. NO PUBLIC SERVICES SHALL BE PROVIDED BY THE CITY OF PORTLAND AT ANY TIME.

CERTIFICATE

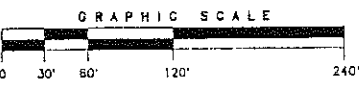
THIS RECORDING PLAT IS BASED ON THE BOUNDARY SURVEY REFERENCED IN PLAN REFERENCE 2 AND IS NOT A STANDARD BOUNDARY SURVEY.

JOHN W. SWAN, PLS NO. 1038

DATE: 5/26/93



- LEGEND**
- IRON PIPE OR PIN FOUND
 - 5/8" IRON ROD TO BE SET
 - DEED BOOK/PAGE
 - SHORELAND ZONE LINE
 - EASEMENT LINE
 - BUFFER LINE
 - FLOOD HAZARD LINE
 - STREAM
 - BUILDING WINDOW



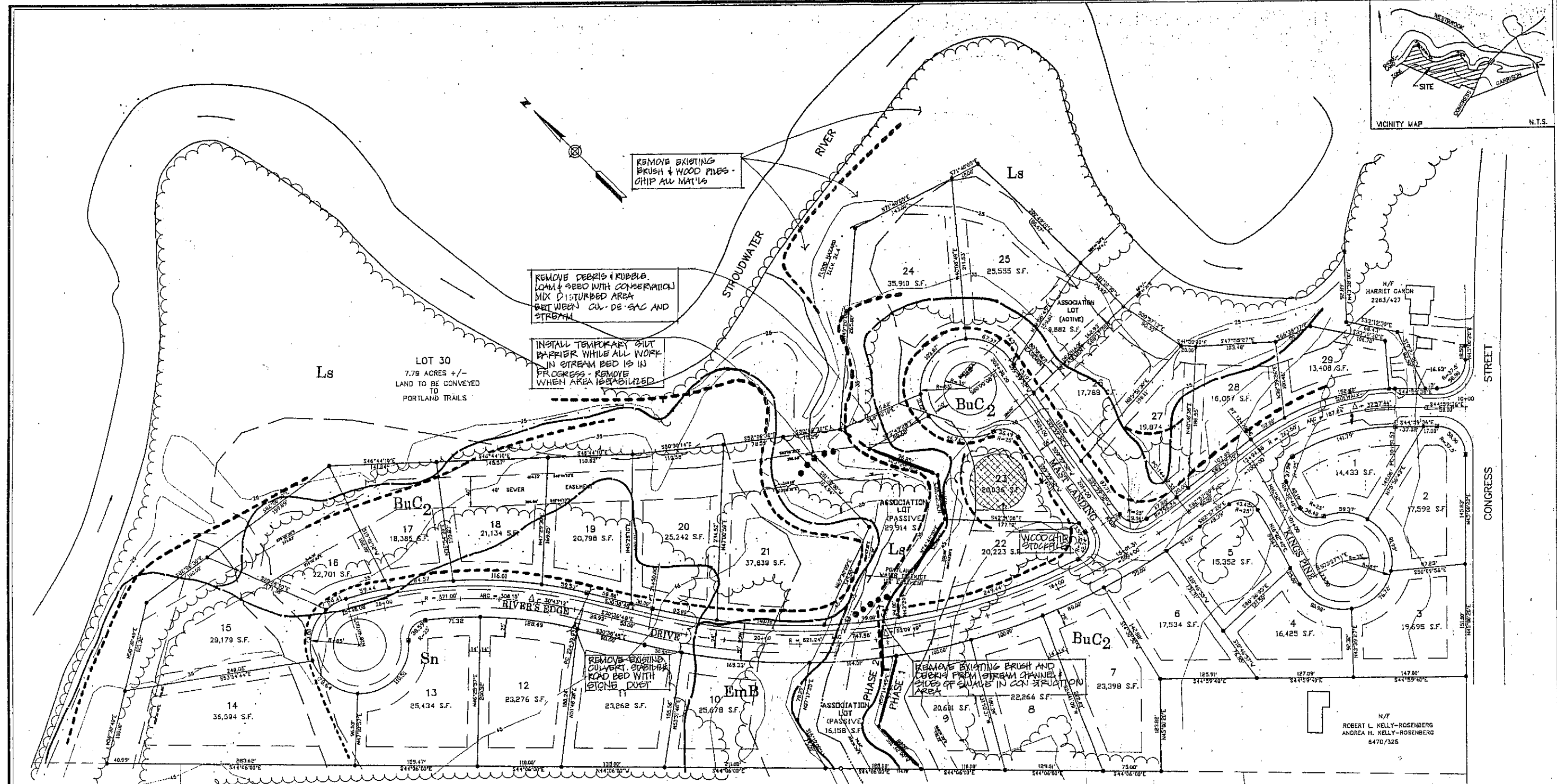
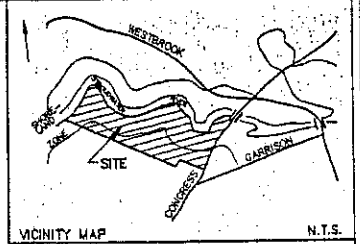
WE, THE PLANNING BOARD OF THE CITY OF PORTLAND, MAINE, HEREBY APPROVE THIS AMENDED SUBDIVISION PLAN

DATE: _____

AMENDED RECORDING PLAT
RIVER'S EDGE
CONGRESS STREET, PORTLAND, MAINE
MADE FOR
STROUDWATER FARM ASSOCIATES
49 ROARING BROOK ROAD, PORTLAND, MAINE
(207) 797-4234

OWEN HASKELL, INC.
H.I. and E.C. JORDAN SURVEYORS
(207) 799-5884
BOWDOINHAM, ME / 8 BROADWAY, 53 PORTLAND, ME / KENNEBUNK, ME

Drawn By	JLW	Date	MAY 26, 1993	Job No.	91070P
Trace By	JLW	Scale	1" = 60'	Drawn No.	1
Check By	JWS/JCS				
Bk No					



REMOVE EXISTING BRUSH & WOOD PILES - CHIP ALL MAT'L'S

REMOVE DEBRIS & RUBBLE. LOAM & BEDD WITH CONSERVATION MIX DISTURBED AREA BET W/EN CUL-DE-SAC AND STREAM

INSTALL TEMPORARY SILT BARRIER WHILE ALL WORK IN STREAM BED IS IN PROGRESS - REMOVE WHEN AREA IS STABILIZED

REMOVE EXISTING CULVERT STABILIZE ROAD BED WITH STONE DIRT

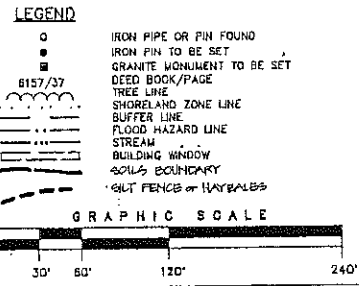
REMOVE EXISTING BRUSH AND DEBRIS FROM STREAM CHANNEL + SIDES OF SWALE IN CONSTRUCTION AREA

LOT 30 7.78 ACRES +/- LAND TO BE CONVEYED TO PORTLAND TRAILS

N/F ROBERT L. KELLY-ROSENBERG ANDREA H. KELLY-ROSENBERG 6470/325

N/F THE HOLY SPIRIT ASSOC. FOR THE UNIFICATION OF WORLD CHRISTIANITY 6903/75

Tree Preservation and Protection Plan Erosion and Sedimentation Control Plan



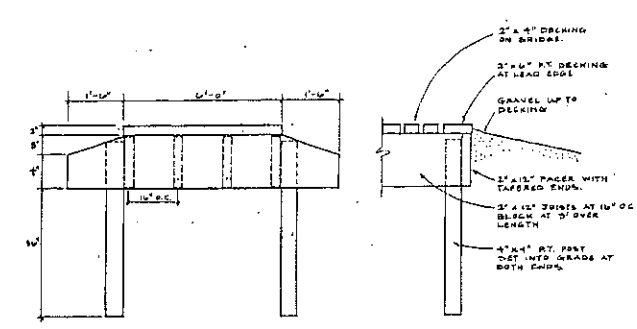
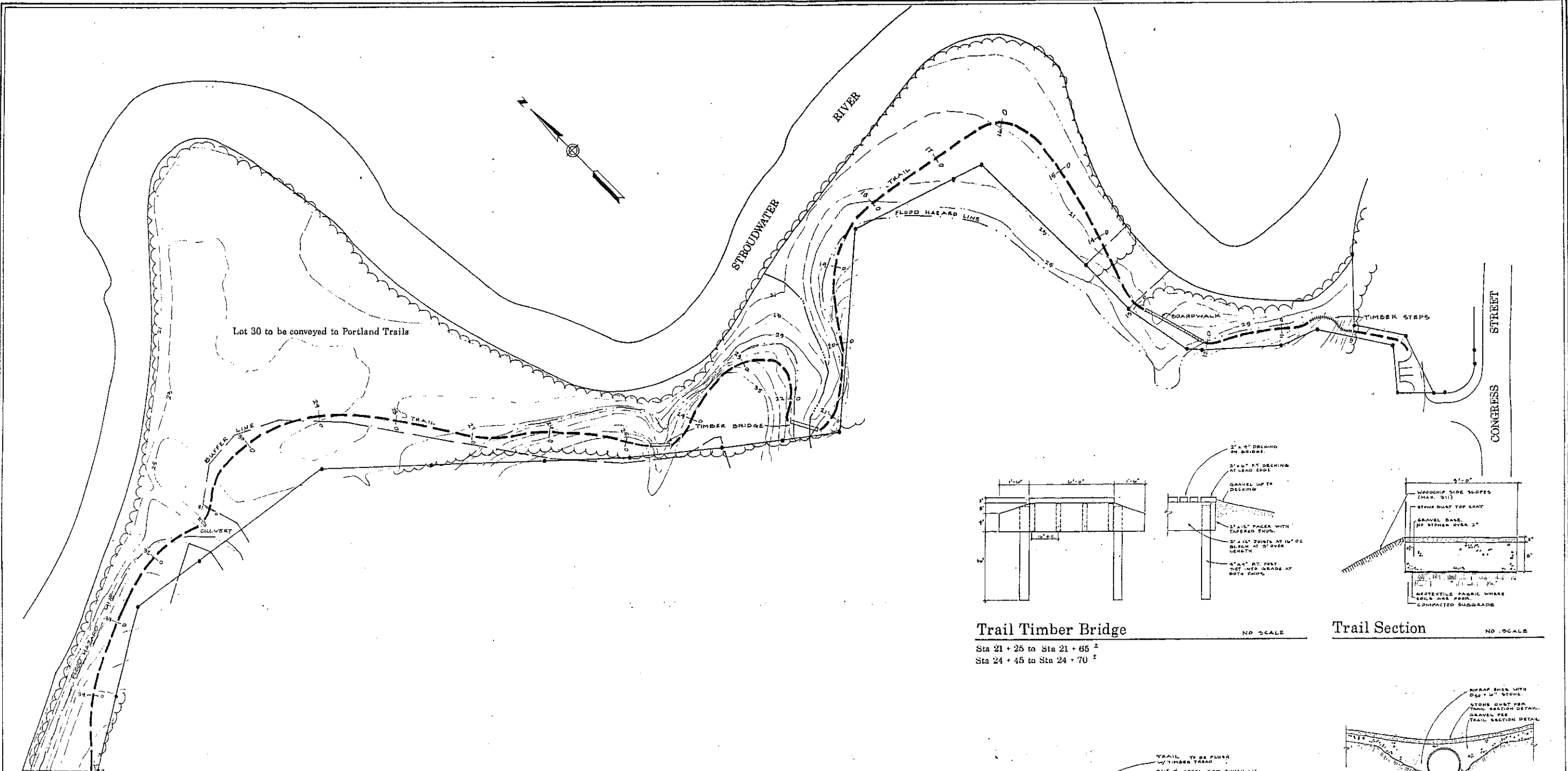
- 1. Prior to the start of construction for roads and utilities, protective fencing shall be installed at driveway, or 3/4 of distance from the tree trunk to the crown line, conditions permitted.
2. Designated specimen trees within 25' of work areas shall be protected by placing throughout all construction activities.
3. Storage or stockpiling of any construction materials, equipment or fill shall not be permitted within the dripline of trees over 6" in diameter on the site.
4. Temporary tying or bracing of limbs shall be permitted to allow work in areas where limbs overhang.
5. Disturbed areas within driplines of trees to remain shall be sarked, raked smooth and re-vegetated upon the completion of all construction activities and original grade restored within driplines.

- A detailed erosion and sedimentation control plan has been prepared for the proposed project in accordance with the practices and standards set forth in the State of Maine Environmental Quality Handbook. Erosion and sedimentation are not anticipated to be significant on this site due to the limited area of construction and significant buffers preserved around waterbodies. Based on the proposed program and existing conditions the attached narrative has been prepared to protect adjacent areas from sedimentation and the site from excessive erosion. Refer to the description below for general E&S details.
A. The limits of disturbance for earth movement and construction limits are as shown on the plans.
B. The project site, as existing, has the drainage handled via sheet flow over wooded and meadow areas to the Stroudwater River. New drainage patterns will be handled via best drainage and piping to the twelfth stream or river. Proposed swales and ditches will be protected with erosion controls to eliminate siltation.
C. Temporary erosion and sedimentation control devices will consist of haybales, silt fabric in rows and silt mats. Haybales will be used around all sites, silt fabric will be located at the toe of all slopes and jute mesh will be used on slopes over 3:1.
D. Permanent erosion and sedimentation control measures will consist of aluminum paving, framing and seeding, wood chip mulch, or stone/mulch walls.

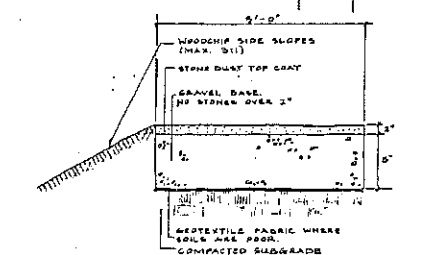
- E. The sedimentation and erosion control measures proposed for the proposed project will be installed prior to the start of any construction on the site. The filter fabric fence will be placed first, and haybales around filter fabric will be placed as construction progresses. All measures will be periodically checked and inspected for accumulation of silt, etc. All measures will be maintained until disturbed areas are fully stabilized.
F. Upon completion of the project all permanent erosion and sedimentation control measures will be maintained by the owner until the Homeowners Association assumes control of the subdivision.
G. The proposed schedule for work is as follows:
Activity Site Date
Phase 1
1. Place erosion controls Summer 1993
2. Materials and layout Duration of project
3. Seed & overseed Fall 1993 Nov. 1993
4. Disturbed areas
5. Remove erosion control measures Nov. 1993
All proposed methods for controlling erosion and sedimentation from the Stroudwater River's Edge project are based upon sound conservation practices such as those outlined in the State of Maine Environmental Quality Handbook, recommended Practices of the USDA Soil Conservation Service, and the Stormwater Management Manual prepared by the Greater Portland Council of Governments.

- The project involves the construction of roads, trails, and stormwater drainage systems, construction of a drive and construction of building additions. The most critical period for erosion will be during construction of the roads. The following control practices will be used to prevent erosion during construction on this site:
A. Disturbed areas will be limited to only those areas under active construction. Permanent seeding or stabilization will be carried out immediately after final grading is completed or temporary measures will be applied such as mulching until permanent measures are in place.
B. Topsoil will be stockpiled when necessary in areas which have minimum potential for erosion and will be kept as far as possible from existing drainage areas. All topsoil remaining longer than 30 days shall be seeded with conservation mix or mulch and anchored if grading is not possible due to the time of year.
C. No slopes will exceed a maximum of 3:1 and shall be stabilized with permanent seeding immediately upon final grading unless due to winter conditions temporary measures are utilized.
D. Hay bale check dams will be utilized in all gullies and to prevent sediment erosion runoff from leaving the site. In areas where the total drainage area exceeds 1/2 acre, silt fences will be used in lieu of hay bales. Hay bales will be inspected on a weekly basis or after a period of significant rainfall. Sediment will be removed and hay bales replaced as necessary.
E. Rip Rap will be placed at all inlets and outlets of storm drains.
With the above measures applied, the construction of the project will not result in erosion and sedimentation problems for the site, abutting land or downstream areas.
Stephen E. Mohr, R.L.A. #75

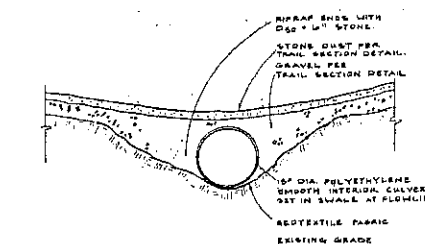
Soils, Erosion Controls, & Site Preparation Plan
RIVER'S EDGE CONGRESS STREET, PORTLAND, MAINE
MADE FOR
STROUDWATER FARM ASSOCIATES
49 ROARING BROOK ROAD, PORTLAND, MAINE (207) 797-4234
OWEN HASKELL, INC. H.I. and E.C. JORDAN SURVEYORS
(207) 799-5884
BOWDOINHAM, ME / 8 BROADWAY, 30 PORTLAND, ME / KENNEBUNK, ME
Drawn By: JLW Date: MAY 17, 1993 Job No.: 9107DP
Trace By: JLW Scale: 1" = 60' Drwg. No.: 2



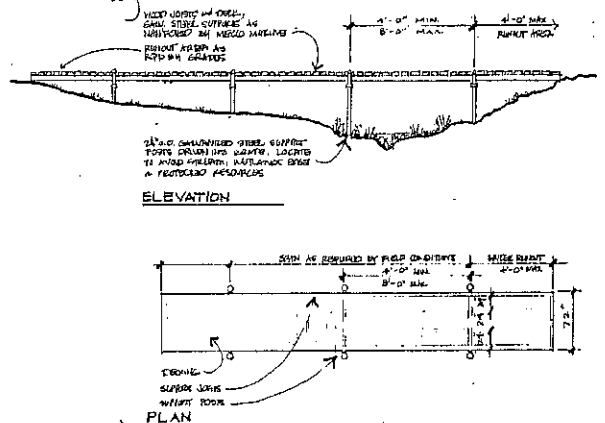
Trail Timber Bridge
 Sta 21 + 25 to Sta 21 + 65 ±
 Sta 24 + 45 to Sta 24 + 70 ±
 NO SCALE



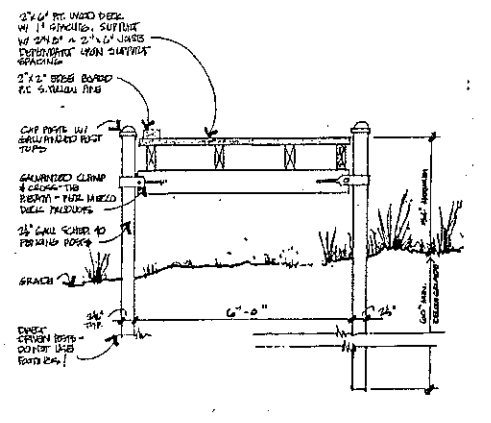
Trail Section
 NO SCALE



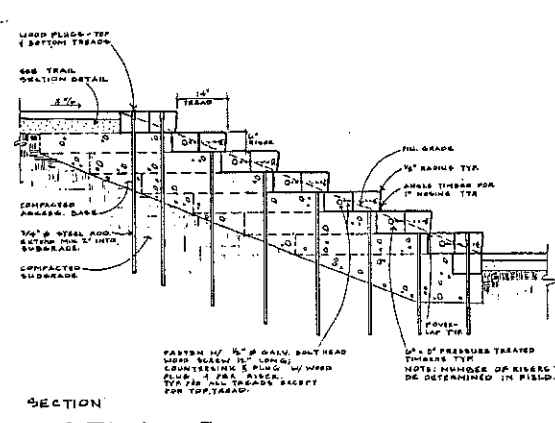
Trail Culvert
 Sta 31 + 20



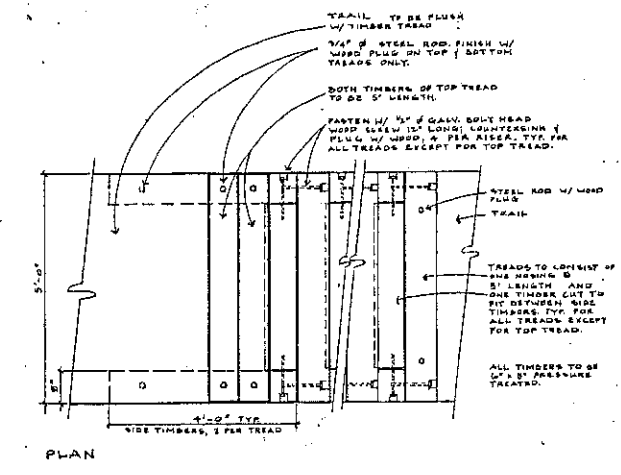
Trail Boardwalk
 Sta 12 + 5 to Sta 12 + 90 ±
 NO SCALE



Trail Timber Steps
 Sta 10 + 0 to Sta 60 + 0 ±
 NO SCALE



Trail Timber Steps
 Sta 10 + 0 to Sta 60 + 0 ±
 NO SCALE



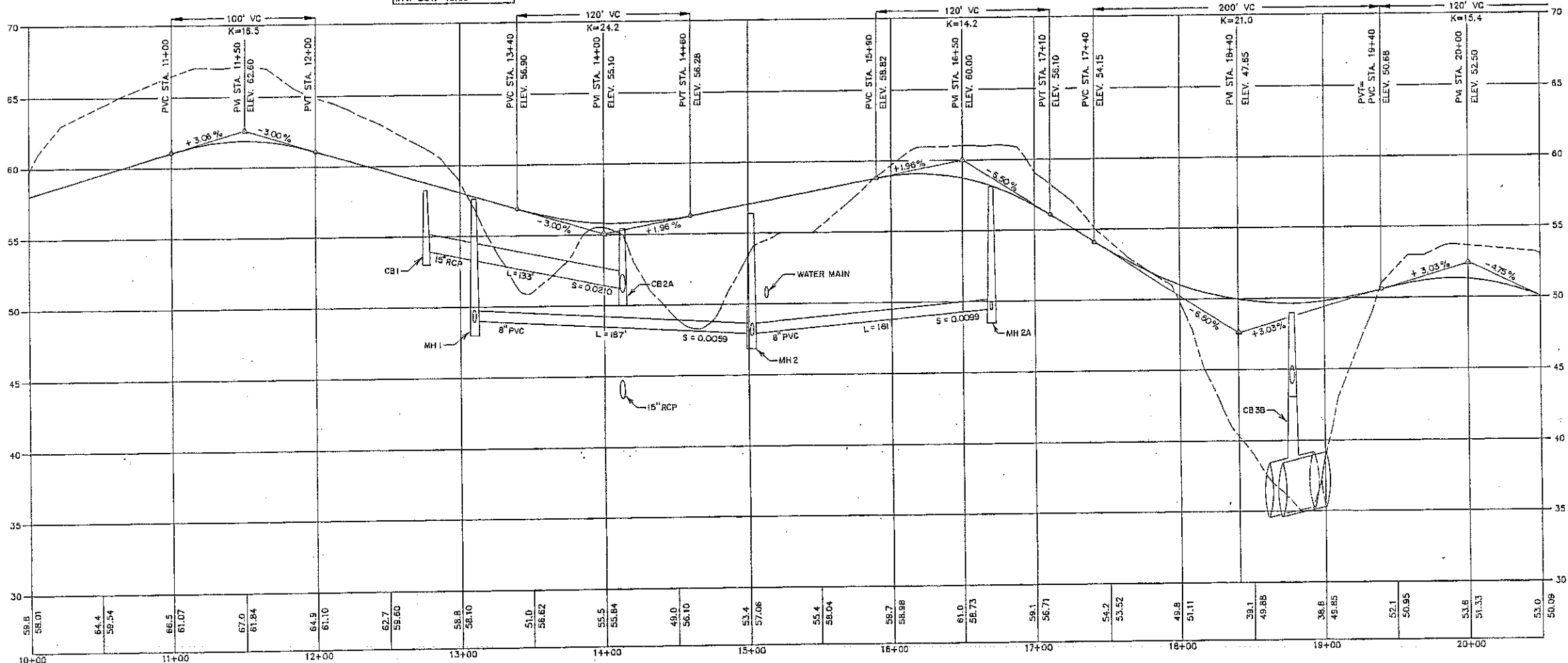
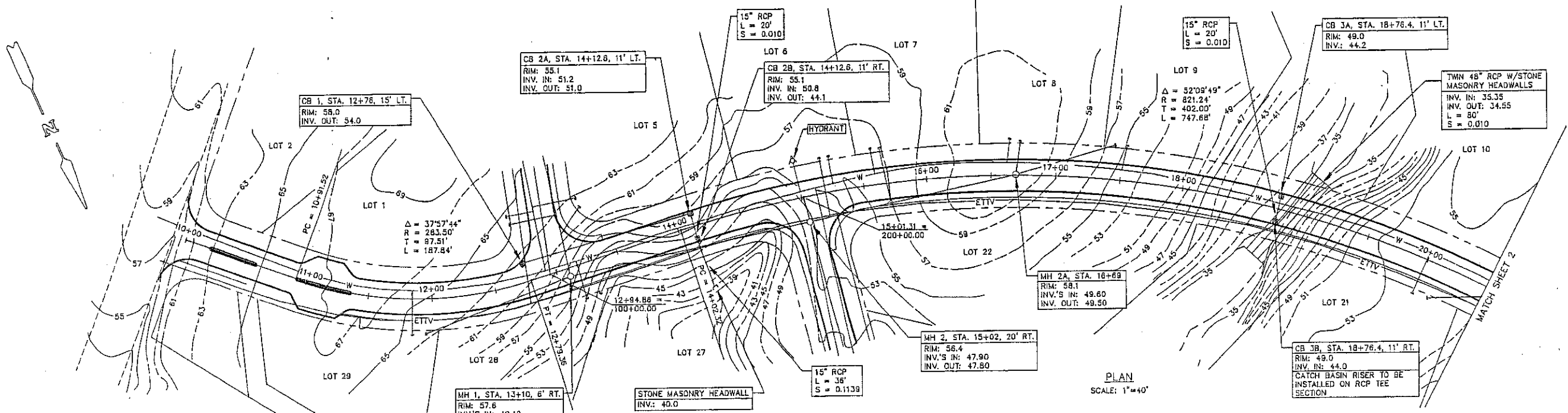
Trail Timber Steps
 NO SCALE

Details - Portland Trails

RIVER'S EDGE
 CONGRESS STREET, PORTLAND, MAINE
 MADE FOR
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 49 ROARING BROOK ROAD, PORTLAND, MAINE
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 (207) 798-5884
 BOWDOINHAM, ME / 8 BROADWAY, 30 PORTLAND, ME / KENNEBUNK, ME

Drawn By	Date	Job No.
Trace By	MAY 17, 1993	91070P
Check By	Scale	Drwg. No.
Bk No.	1" = 60"	3

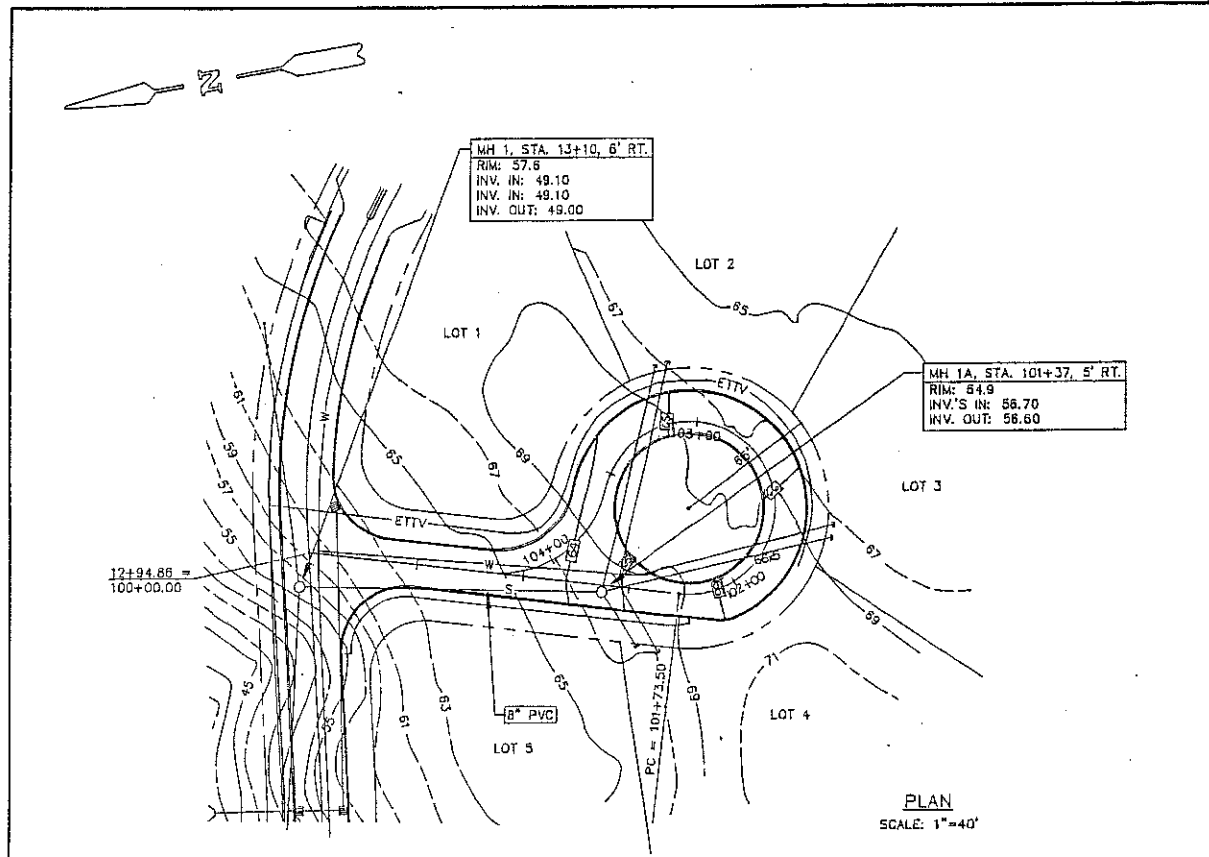


PLAN AND PROFILE STA. 10+00 TO STA. 20+50 FOR
ROAD 'A' - STROUDWATER RIVER'S EDGE
CONGRESS STREET - PORTLAND, MAINE

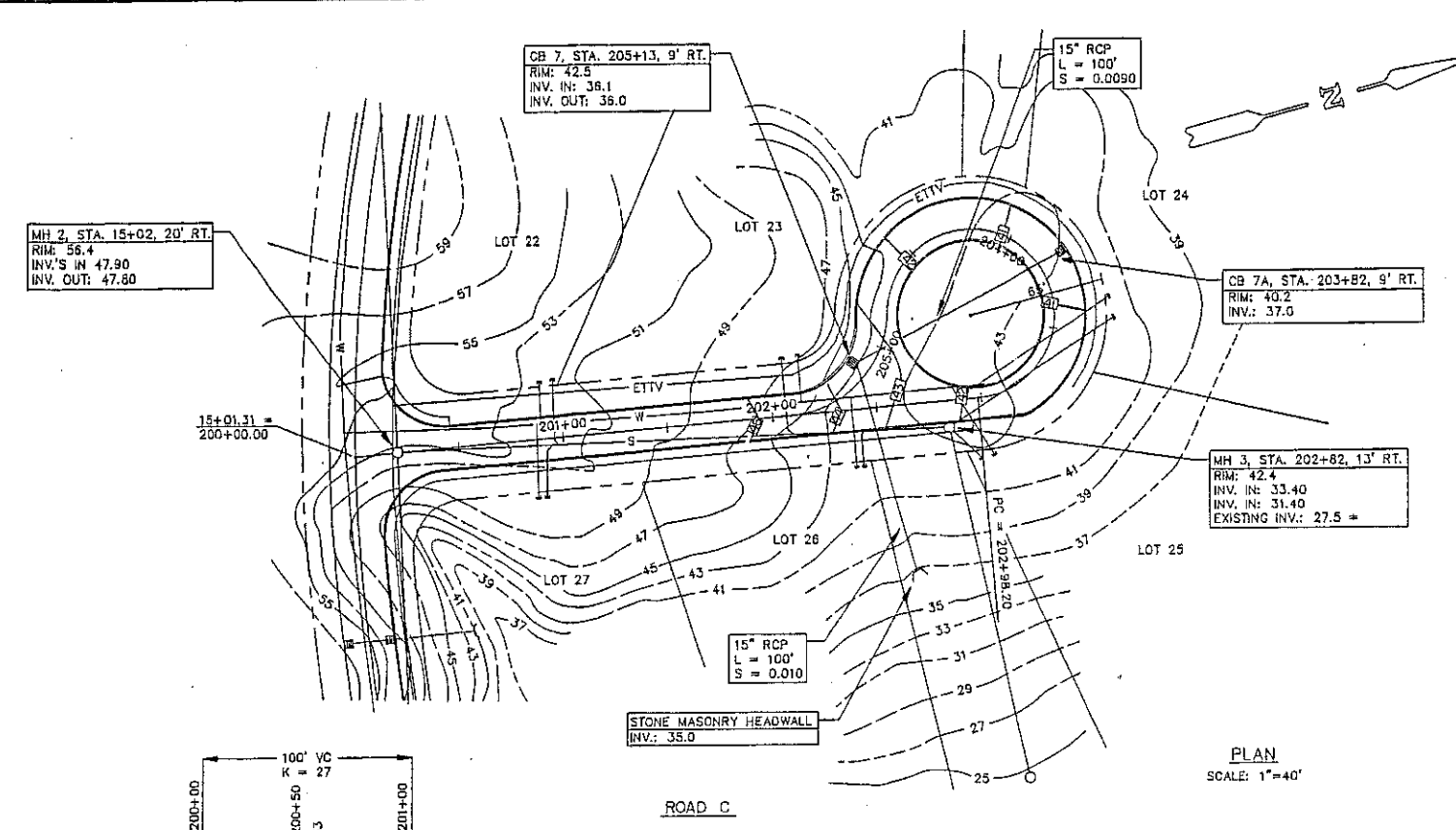
T&M ASSOCIATES, INC.
ENGINEERING & SURVEYING
HCR 63 - BOX 9A
ROUTE 4
LEBANON, NEW HAMPSHIRE 03766
(603) 448-1295

SCALE: AS SHOWN
DESIGNED BY: MPD
DRAWN BY: PB/GG
CHECKED BY: JSG
DATE: 03/93
PROJ. NO. 383593

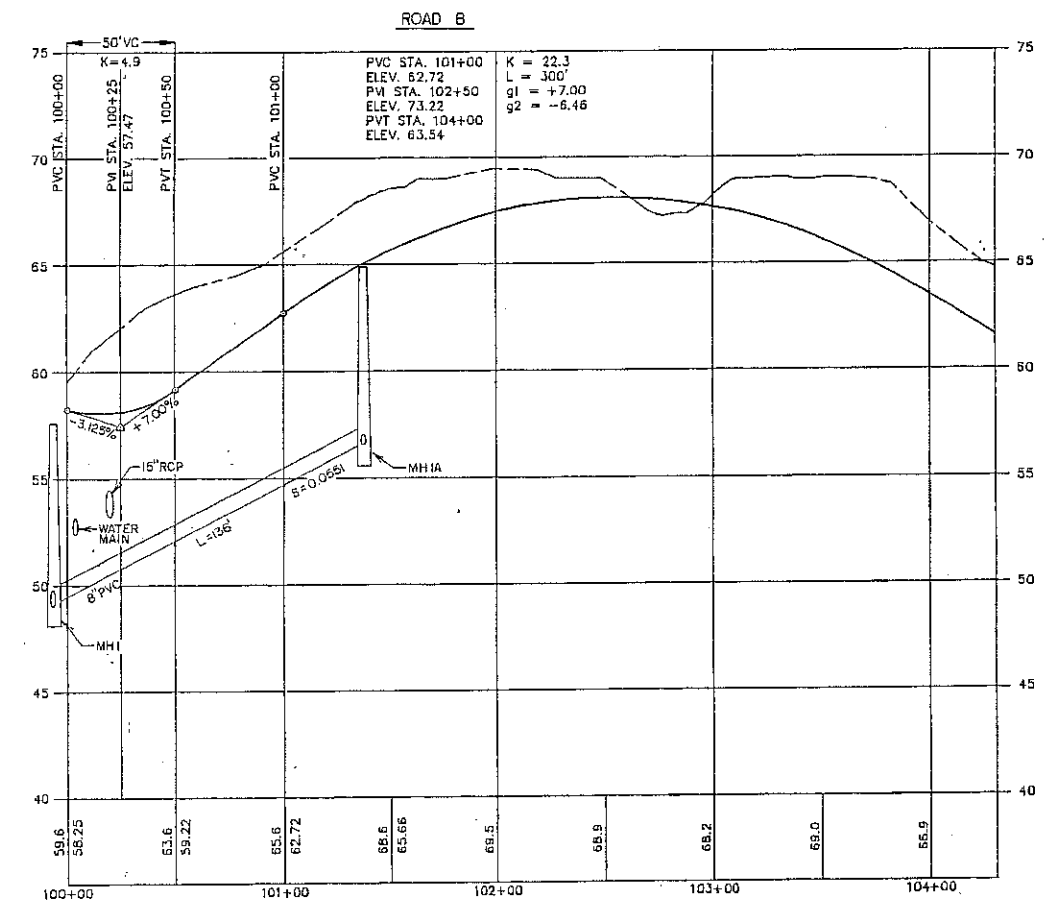
REVISION NO.	DATE	DESCRIPTION	MADE BY	CHECKED BY	APPROVED BY



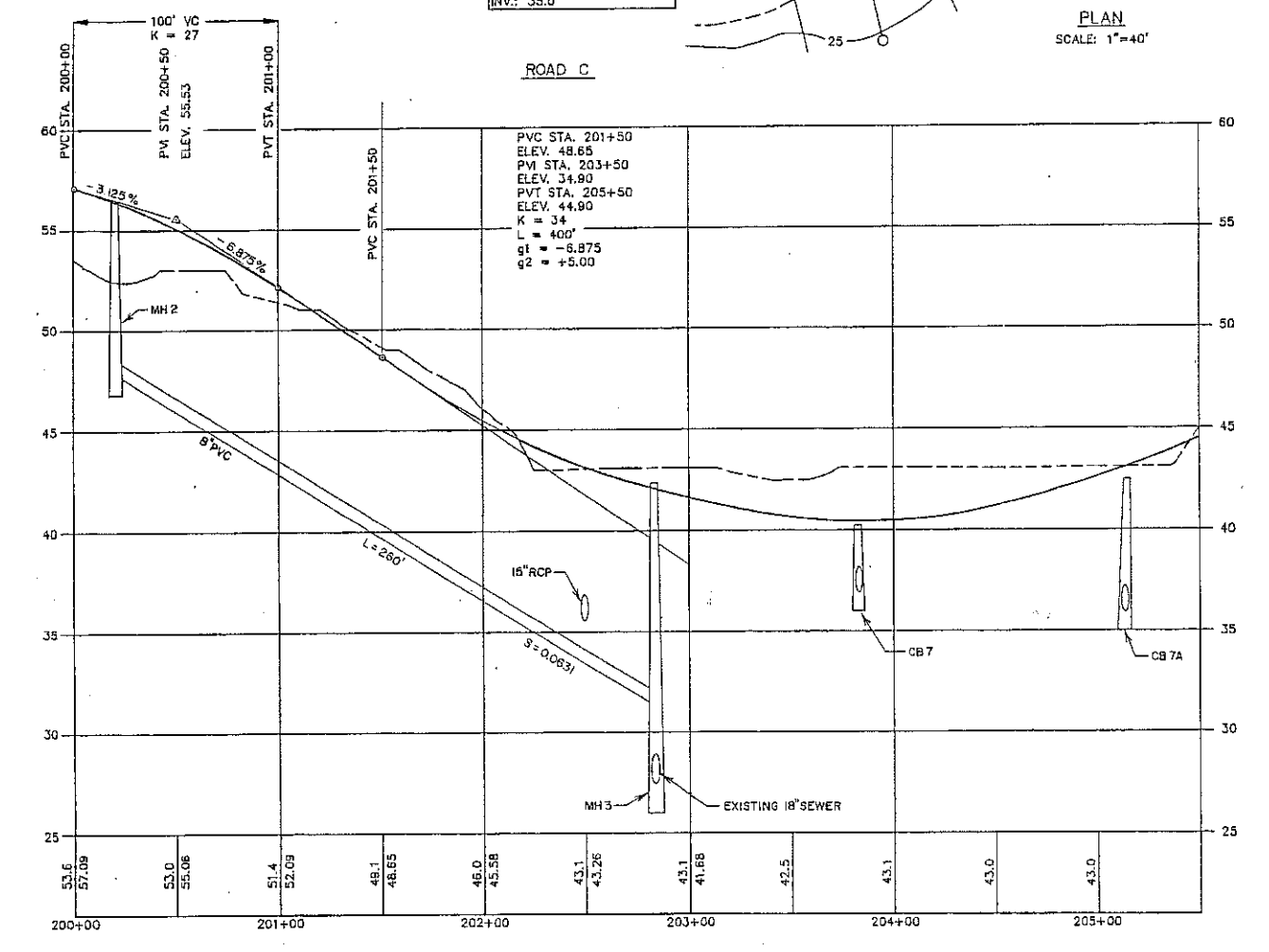
PLAN
SCALE: 1"=40'



PLAN
SCALE: 1"=40'

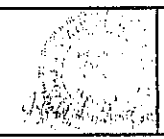


PROFILE
SCALE: 1"=40' HORIZ.
1"= 5' VERT.



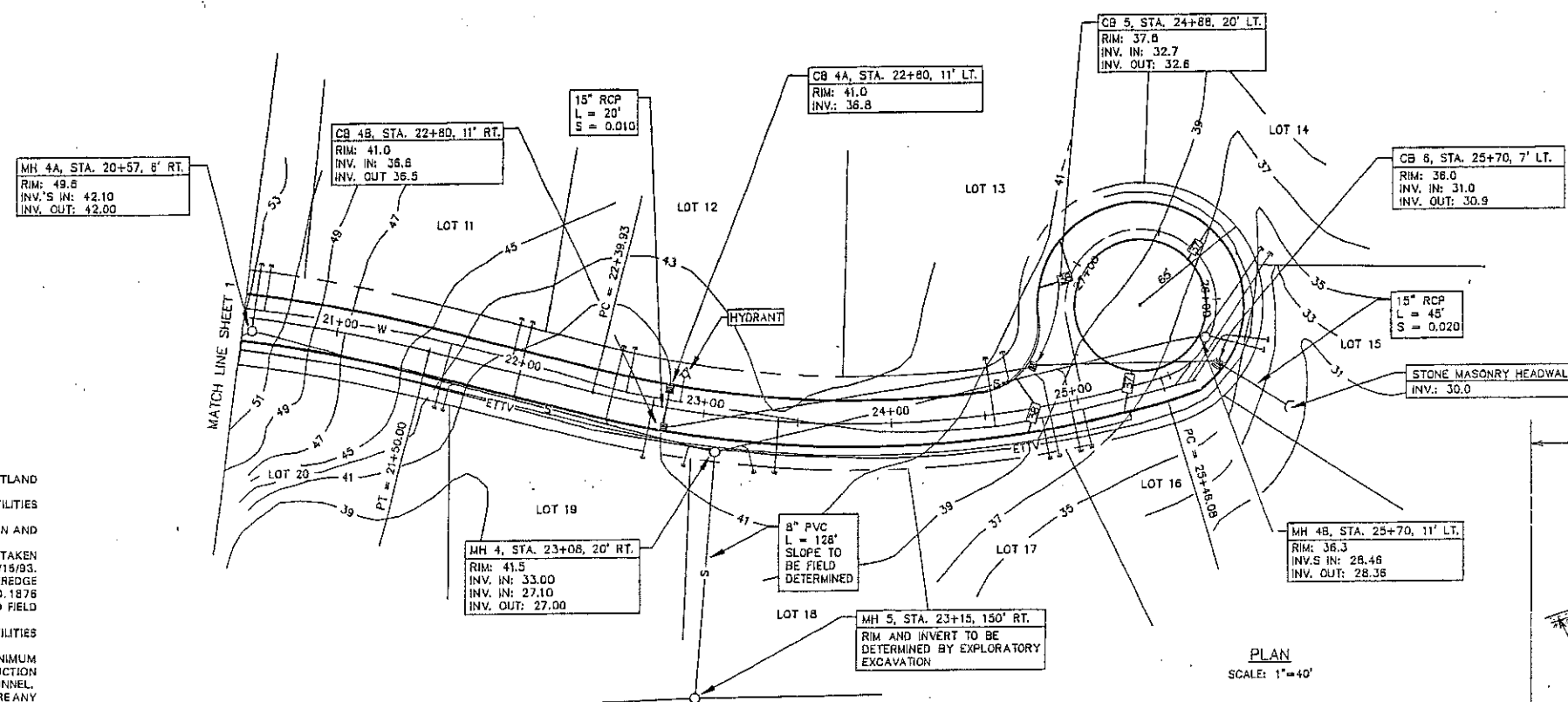
REVISION NO.	DATE	DESCRIPTION	MADE BY	CHECKED BY	APPROVED BY

PLAN AND PROFILE STA. 100+00.00 TO STA. 104+30 & STA. 200+00.00 TO STA. 200+50 FOR
ROAD 'B' & ROAD 'C' - STROUDWATER RIVER'S EDGE
 CONGRESS STREET - PORTLAND, MAINE

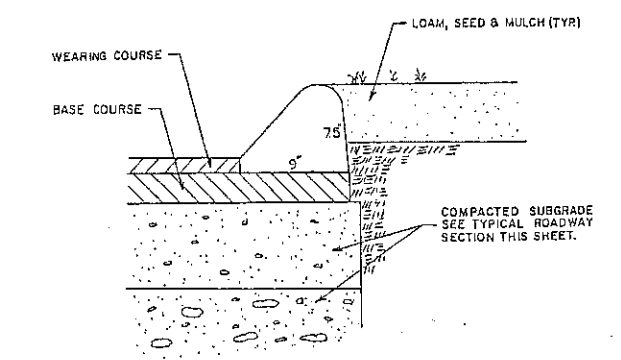
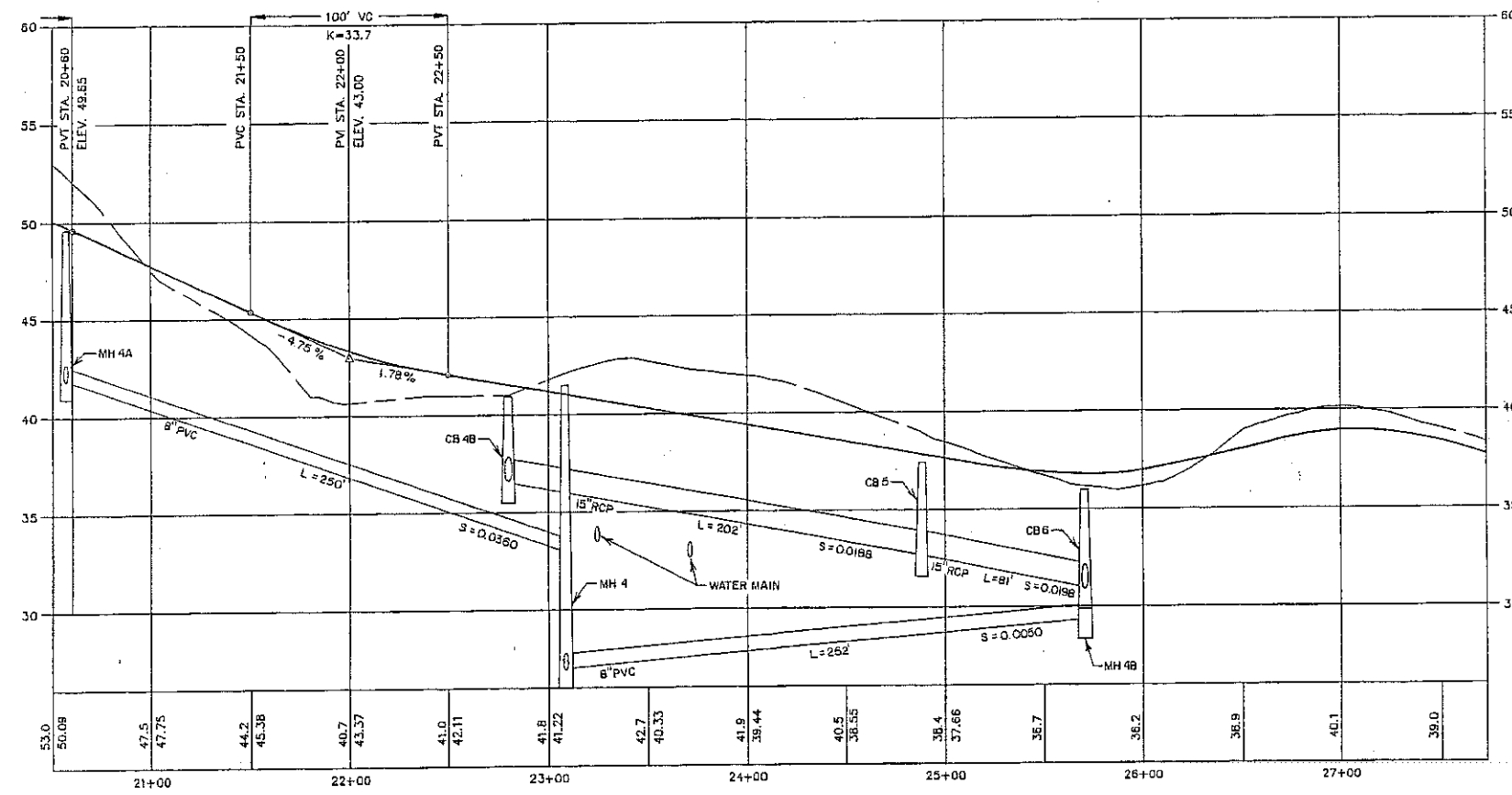
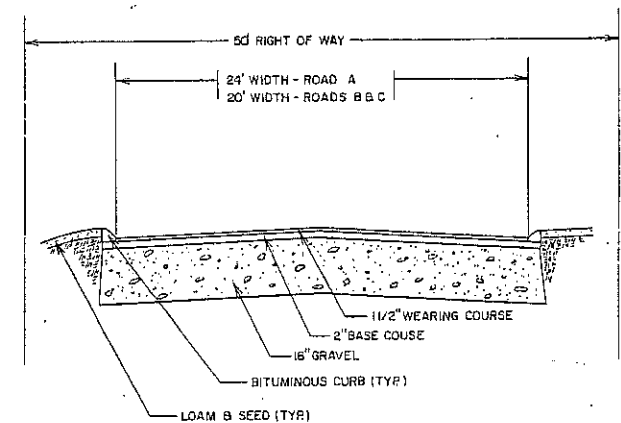


T&M ASSOCIATES, INC.
 ENGINEERING & SURVEYING
 HCR 53 - BOX 9A
 ROUTE 4
 LEBANON, NEW HAMPSHIRE 03786
 (603) 448-1285

SCALE: AS SHOWN
 DESIGNED BY: MPD
 DRAWN BY: PB/GG
 CHECKED BY: JSG
 DATE: 03/93
 PROJ. NO. 383593



- GENERAL NOTES**
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND CONSTRUCTION STANDARDS AND SPECIFICATIONS.
 - LOCATION AND SIZE OF EXISTING PIPES AND OTHER UNDERGROUND UTILITIES ARE NOT WARRANTED TO BE EXACT OR COMPLETE.
 - EXPLORATORY EXCAVATION SHALL BE REQUIRED TO VERIFY LOCATION AND SIZE OF EXISTING UTILITIES AND APPURTENANCES.
 - BOUNDARY LINES, LOT LAYOUT AND ROADWAY ALIGNMENT WERE TAKEN FROM A SURVEY PLAN ENTITLED: "PREPARED BY OWEN HASKELL, INC. 03/15/93. TOPOGRAPHY WAS TAKEN FROM PLANS ENTITLED: "STROUDWATER RIVER EDGE - AMENDED PLAN/PROFILE CONGRESS STREET PORTLAND, MAINE" JOB NO. 1878 SHEETS 3, 4 & 5 OF 10 PREPARED BY LAND USE CONSULTANTS. NO FIELD WORK WAS DONE BY T & M ASSOCIATES, INC.
 - CONTRACTOR SHALL VERIFY EXISTING ELECTRIC AND TELEPHONE UTILITIES PRIOR TO COMMENCEMENT OF WORK.
 - CITY OF PORTLAND PUBLIC WORKS PERSONNEL SHALL BE NOTIFIED A MINIMUM OF 48 HOURS PRIOR TO ANY UTILITY CONSTRUCTION. UTILITY CONSTRUCTION MAY ONLY BEGIN AFTER AUTHORIZATION FROM PUBLIC WORKS PERSONNEL.
 - THE ENGINEER SHALL BE NOTIFIED PRIOR TO CONSTRUCTION IF THERE ARE ANY DISCREPANCIES IN PLANS OR EXISTING DATA. CONSTRUCTION SHALL NOT PROCEED WITHOUT WRITTEN PERMISSION FROM THE ENGINEER.
 - ALL EROSION CONTROL FACILITIES SHALL BE MAINTAINED AS OFTEN AS REQUIRED BY WEATHER CONDITIONS.
 - ALL DETAILS AND/OR TYPICAL SECTIONS FOUND IN THESE PLANS OR PREVIOUSLY APPROVED PLANS BY KIMBALL CHASE COMPANY, INC. SHALL BE ADHERED TO, INCLUDING DRAINAGE STRUCTURES NOT SHOWN ON SHEETS 1, 2 AND 3 OF 3.
 - CONTRACTOR TO MAINTAIN A MINIMUM OF 5' - 0" COVER OVER TOP OF WATER MAIN TO PROPOSED GRADE.
 - HORIZONTAL SEPARATION OF WATER AND SEWER SHALL BE TEN FEET MINIMUM. IN NO CASE SHALL THE WATER MAIN PASS UNDER THE SEWER.
 - ALL WATER MAIN MECHANICAL JOINTS SHALL BE INSTALLED USING RETAINER GLANDS. ALL WATER MAIN FITTINGS SHALL BE RESTRAINED BY CONCRETE THRUST BLOCKS.
 - VERTICAL BENDS SHALL BE RESTRAINED USING RETAINER GLANDS, RODS AND THRUST BLOCKS.
 - PRESSURE TESTING AND CHLORINATION TAPS SHALL BE PROVIDED.
 - MAINTAIN MINIMUM HORIZONTAL SEPARATION OF 5' FROM WATER MAIN TO CATCH BASINS.
 - FINAL WATER AND SEWER SERVICE LOCATIONS SHALL BE MODIFIED AS DIRECTED BY THE OWNER IN THE FIELD.
 - PLUGGED ENDS OF WATER AND SEWER STUBS SHALL BE MARKED USING 2" X 4" WOODEN STAKES.
 - DITCHES AND OTHER RUNOFF COLLECTION AREAS SHALL BE MAINTAINED BOTH DURING AND AFTER CONSTRUCTION TO INSURE THE PROPER REMOVAL OF SEDIMENT.
 - ALL 2:1 (2 HORIZONTAL TO 1 VERTICAL) SLOPES SHALL BE STABILIZED USING MULCH NETTING. ADDITIONAL STABILIZATION MEASURES NECESSARY SHALL BE IMPLEMENTED AS REQUIRED.
 - GRADING SHALL BE DIRECTED TOWARD DRAINAGE FACILITIES UNLESS OTHERWISE SHOWN ON PLANS.
 - ALL DRAINAGE FACILITIES SHALL BE INSTALLED IN EXISTING GROUND UNLESS OTHERWISE SHOWN ON PLANS.
 - A POSITIVE SLOPE SHALL BE MAINTAINED FOR ALL DRAINAGE FACILITIES UNLESS OTHERWISE SHOWN ON PLANS OR DIRECTED BY THE ENGINEER IN WRITING.
 - STONE ENTRANCE AND DISCHARGE APRONS, CONSISTING OF CLASS B OR CLASS C STONE AS APPROPRIATE, SHALL BE INSTALLED FOR EACH DRAINAGE STRUCTURE AS DIRECTED BY THE OWNER.
 - MATERIAL SPECIFICATIONS ARE NOT PROVIDED WITH THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR CONSTRUCTION METHODS AND MATERIALS.
 - THE ENGINEER SHALL BE NOTIFIED PRIOR TO CONSTRUCTION IF THERE ARE ANY DISCREPANCIES IN PLANS OR EXISTING DATA. CONSTRUCTION SHALL NOT PROCEED WITHOUT WRITTEN PERMISSION FROM THE ENGINEER.
 - PLANS PRODUCED BY T & M ASSOCIATES SHALL NOT BE COPIED, REPRODUCED OR OTHERWISE USED WITHOUT WRITTEN PERMISSION OF T & M ASSOCIATES.
 - NEW WORK IDENTIFIED BY



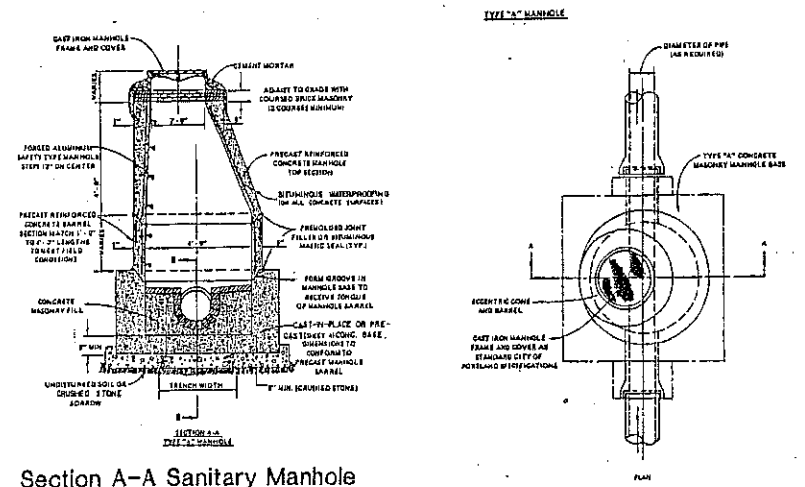
PROFILE
SCALE: 1"=40' HORIZ.
1"= 5' VERT.

PLAN AND PROFILE STA. 20+50.00 TO STA. 27+22.99 FOR
ROAD 'A' - STROUDWATER RIVER'S EDGE
CONGRESS STREET - PORTLAND, MAINE

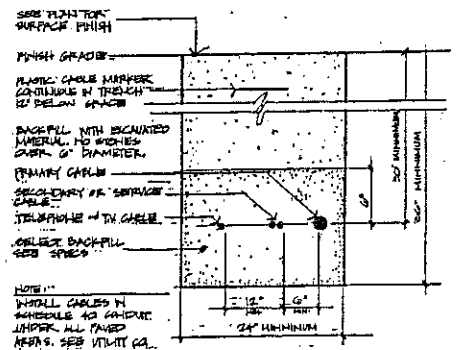
T&M ASSOCIATES, INC.
ENGINEERING & SURVEYING
HCR 63 - BOX 9A
ROUTE 4
LEBANON, NEW HAMPSHIRE 03766
(603) 448-1285

SCALE: AS SHOWN
DESIGNED BY: MPD
DRAWN BY: PB/GG
CHECKED BY: JSQ
DATE: 03/93
PROJ. NO. 383593

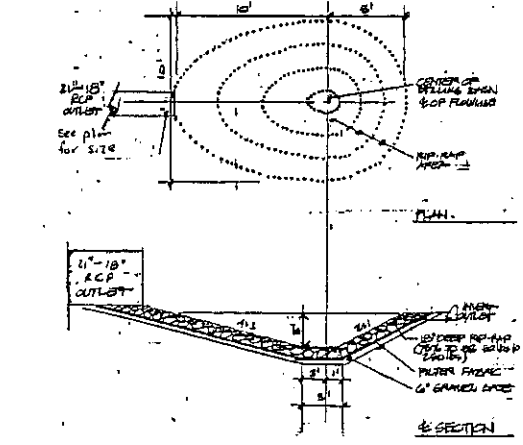
REVISION NO.	DATE	DESCRIPTION	MADE BY	CHECKED BY	APPROVED BY



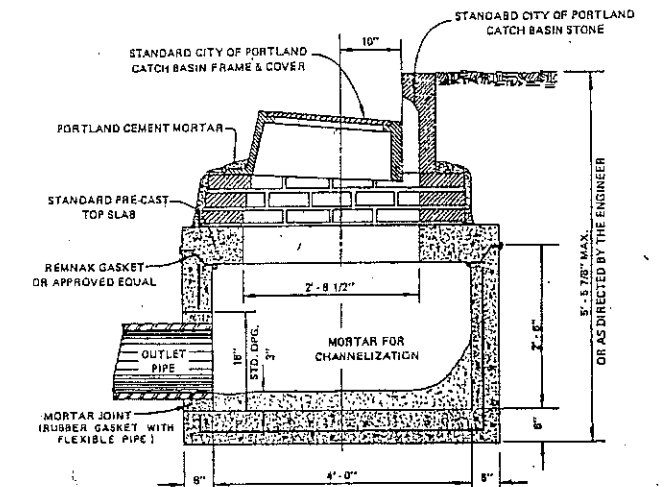
Section A-A Sanitary Manhole
NO SCALE



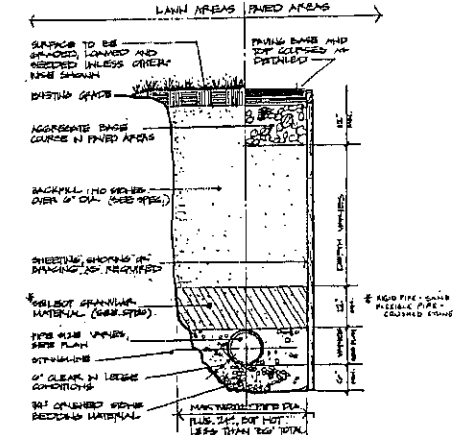
Typ. Trench Section
NO SCALE



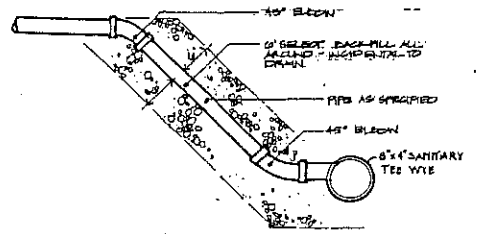
Stilling Basin Details
NO SCALE



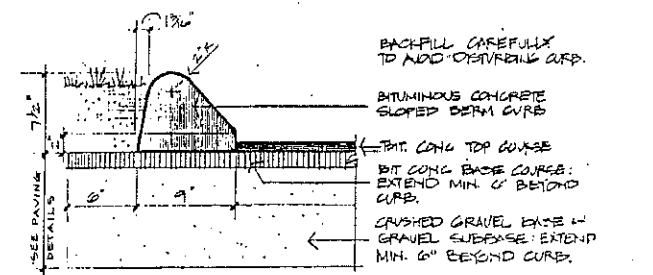
Catch Basin Inlet (City of Portland Type E)
NO SCALE



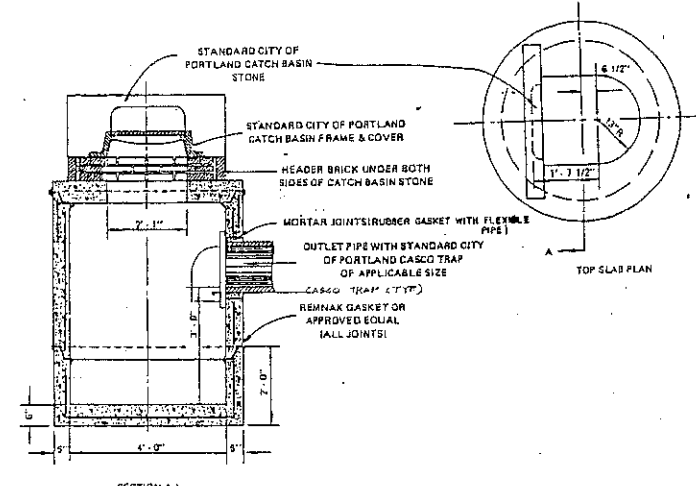
TYP. Trench Section
NO SCALE



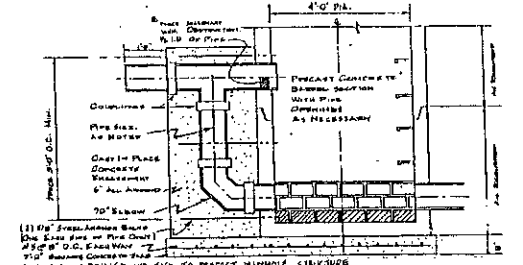
Typ. Service Connection
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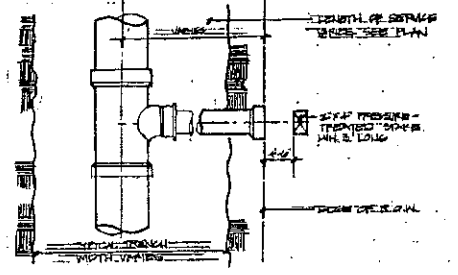
Bit. Concrete Curb
NO SCALE



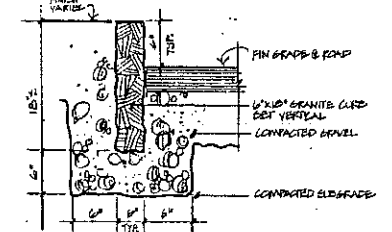
Catch Basin (City of Portland Type E)
NO SCALE



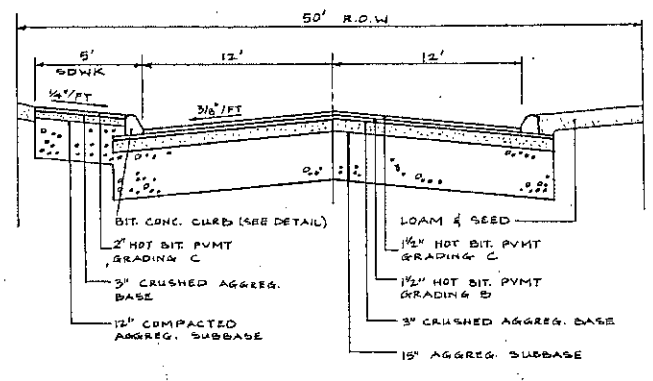
Typ. Drop Inlet
NO SCALE



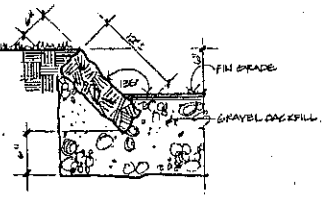
Typ. Tee-Wye Branch
NO SCALE



Vertical Granite Curb
NO SCALE



Residential Street Section
NO SCALE



Slope Granite Curb
NO SCALE (FOR CUL-DE-SAC ISLANDS)

Details

RIVER'S EDGE
CONGRESS STREET, PORTLAND, MAINE
MADE FOR
STROUDWATER FARM ASSOCIATES
49 ROARING BROOK ROAD, PORTLAND, MAINE
(207) 797-4234

OWEN HASKELL, INC.
H.I. and E.C. JORDAN SURVEYORS
(207) 799-5594
BOWDOINHAM, ME / 8 BROADWAY, SO. PORTLAND, ME / KENNEBUNK, ME

Drawn By	Date	Job No.
Trace By	MAY 17, 1993	91070P
Check By	Scale	Draw. No. 7
Rk No.		

CITY OF PORTLAND, MAINE

PLANNING BOARD

Kenneth M. Cole III, Chair
Jadine R. O'Brien, Vice Chair
Joseph R. DeCoursey
Irving Fisher
Cyrus Hagge
John H. Carroll
Donna Williams

August 4, 1993

Peter Kennedy
46 Roaring Brook Road
Portland, ME 04103

RE: River's Edge PRUD

Dear Mr. Kennedy:

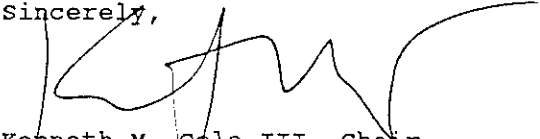
On June 8, 1993 the Portland Planning Board voted on the following motions regarding the River's Edge subdivision:

1. That the plan is in conformance with the Planned Residential Unit Development Standards of the Site Plan Ordinance of the Land Use Code with the following conditions:
 - that prior to recording of the subdivision plat, the applicant submit for staff review and approval a revised set of street names for the roadways serving the development;
 - that the applicant submit for staff review and approval the drainage easements and access easement for the Caron property; and
 - that prior to issuance of a building permit, the applicant install a 12" waterline in Congress Street as required by the Portland Water District.
2. That the plan is in conformance with the Shoreland and Floodplain Ordinances of the Land Use Code.

The approval is based on the submitted plan and the findings related to site plan review standards as contained in Planning Report #17-93, which is attached. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat. In addition, a performance guarantee covering the public improvements as well as an inspection fee payment of 1.7% of the guarantee amount must be submitted to and approved by the Planning Division and Public Works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.

If there are any questions regarding the Board's actions, please contact the planning staff.

Sincerely,



Kenneth M. Cole III, Chair
Portland Planning Board

- cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
- Alexander Jaegerman, Chief Planner
- Sarah Hopkins, Senior Planner
- P. Samuel Hoffses, Chief of Building Inspections
- William Giroux, Zoning Administrator
- George Flaherty, Director of Parks and Public Works
- Melodie Esterberg, Principal Engineer
- William Bray, Deputy Director of Parks and Public Works
- Jeff Tarling, City Arborist
- Paul Niehoff, Materials Engineer
- Natalie Burns, Associate Corporation Counsel
- Lt. Gaylen McDougall, Fire Prevention
- Louise Chase, Building Permit Secretary
- ✓ Approval Letter File

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

Landscape Architects, Inc.

April 20, 1993

Portland Planning Board
Portland City Hall
389 Congress Street
Portland, ME 04101

**RE: Stroudwater River's Edge PRUD
Amended Subdivision, Site Plan and Shoreland Zoning Request**

Dear Board Members;

On behalf of Peter Kennedy we submit the attached plans and information in support of a request for amended subdivision, site plan and shoreland zoning approval for a 29 lot PRUD located off of Congress Street in the Stroudwater section of the City. The proposed development is an amendment to the project previously approved by the City, and is located on the 27.0 acre parcel rezoned to R-3 by City Council action in October, 1992. The rezoning action taken by the City was for a 29 unit PRUD, and the attached plans and documentation are in compliance with the conditions of the contract for rezoning and the R-3 space and bulk standards for a PRUD.

The developed portion of the project is proposed to be located on the 19.1 acres zoned R-3. The balance of the site, 7.9 acres, will be given in fee simple interest to Portland Trails for their use as open space, and for connecting the trail systems in Portland. As a part of the site plan improvements Peter Kennedy will build the trail within the Portland Trails lot.

The proposed layout of the subdivision is identical to that previously reviewed by the Board. There are twenty-nine (29) detached house sites located on 29 "lots" that range in size from 10,940 s.f. to 41,597 s.f. The locations for building the homes are identified as "building windows", and are shown where previously approved by the Board. Within the subdivision, 39,781 s.f. (0.91 AC) are set aside as permanent open space for passive/active use by the homeowners. These areas include the active recreation lot located adjacent to the river, and the open space bordering the stream which bisects the property. The PRUD requirements of 8,700 s.f. of open space have been exceeded by the proposed Association Lots. The trails and open space of 7.9 acre Portland Trails lot will also be available to the homeowners as passive use areas.

The new, private roads are proposed as 24' wide and 20' wide paved, curbed roads. The drainage system will be an enclosed storm system with catchbasins and drainage lines directing flows to existing swales, the stream or the river. Revised stormwater calculations have been prepared, and no detention is proposed, because of the direct

discharge to the River and the property's location lower in the overall watershed of the Stroudwater River.

The entrance of the subdivision will include a divided island and parking to serve the Homeowners Association This is envisioned as a common area for mailboxes, waiting for the bus, and pick-up/drop-off. A separate driveway for access to the Portland Trails trailhead will exit from the new private road and terminate in a small, off-street parking lot constructed to serve the trail.

New utility systems will include underground electric from CMP and Portland Water District water service from Congress Street. Private sanitary sewer service will serve the development through connection to the PWD sewer line which crosses the property. All services to the subdivision and for the roads (e.g. plowing, repair, garbage collection) will be paid for by the Homeowners Association.


As previously agreed, Mr. Kennedy will make the Congress Street traffic improvements as required by each phase of the project. Phase I (17 lots) will not involve any off-site traffic improvements. Phase II (12 lots) will require widening and curbs, if that work has not been completed by MDOT. Estimated traffic flows from Phase I are anticipated as 170 trip ends per day, with a.m. and p.m. peak hour traffic of 17 to 21 trip ends.

This submission includes the following:

- 1. Preliminary Recording Plat
- 2. Preliminary Subdivision Plan
- 3. Road Plans & Profiles (3 Drawings)
- 4. Copy of City Council Amendment to Zoning Map
- 5. Draft Homeowners Association Document
- 6. 1992 Letter from Portland Trails
- 7. Erosion Control Plan
- 8. Entrance Detail
- 9. FEMA Flood Map

We trust this is sufficient for the workshop on May 11 with the Planning Board. Please call if you have any questions.

Sincerely;



Stephen B. Mohr, ASLA

Traffic will enter and exit the PRUD by a new curb cut on Congress Street. Phase I's 17 lots will require no improvements in the public way, other than the installation of drainage structures. The 12 lots of Phase II will require the widening of Congress Street if that work has not been completed by MDOT. The developer will conduct a traffic study when 75% of Phase II's lots are occupied, and assess the need for Congress Street improvements at that time. The entrance to the PRUD will include a divided island, gatehouse, parking and community mailbox. An easement is provided to the adjacent lot owned by the Carron's, to maintain vehicular access to their lot.

The deeding of lot 30 to Portland Trails will include the construction of 2,500 feet of new trail on the lot by Stroudwater Farms Associates. This portion of the trail is designed to connect with the overall plan for Portland per The Vision for Portland Trails. The final trail location will be set in the field by representatives of Portland Trails, but the general location (\pm 5 feet) is shown on the plans. An easement for sidewalk access from the Portland trails parking lot to the Association Lot 31A has been proposed to provide access for the disabled to the level portions of the trail. Portions of the gravel trail are located within the floodplain, but only one structure, the boardwalk, is below elevation 26. Refer to the attached floodplain information in Appendix A. Lot 30 is conveyed subject to drainage easements which will preserve the drainage patterns of the Association road, lots and existing swales, as well as access to the river by Association members.

Four of the lots on the westerly cul de sac fall within the Stroudwater Historic District. The individual homes will have to undergo review by the Portland Historic Preservation Committee. The construction of the trail will require a DEP NRPA permit due to its proximity to the stream and river, and because of the disturbance of approximately 100 s.f. of floodplain-associated wetlands. The previous subdivision received DEP Site Location of Development approval in 1987 for plans which are similar to those in this submission. The current plan contains only 19.14 acres to be subdivided, so no Site Location of Development Permit will be required. Stroudwater Farms Associates has filed with the Army Corps of Engineers for a Nationwide Permit for the 100 s.f. wetland disturbance, and anticipates approval by July 1, 1993. None of the homes, structures or improvements of the PRUD are located in the floodplain.

The developer has previously submitted information for the workshop, and submits the following in support of this request for final approval:

1. Final Recording Plat
2. Subdivision Plan
3. Road Plans and Profiles (3 Drawings)
4. Portland Trails Plan and Details (1 Drawing)
5. Erosion Control Plan (1 Drawing)
6. Construction Details (2 Drawings)
7. FEMA Flood Map
8. Appendix A - Flood Hazard Information
9. Cost Breakdown for Phase I

We look forward to meeting with you on June 8 for the public hearing on this project.

Sincerely,



Stephen B. Mohr, ASLA

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

Landscape Architects, Inc.

May 25, 1993

Portland Planning Board
Portland City Hall
389 Congress Street
Portland, Me 04101

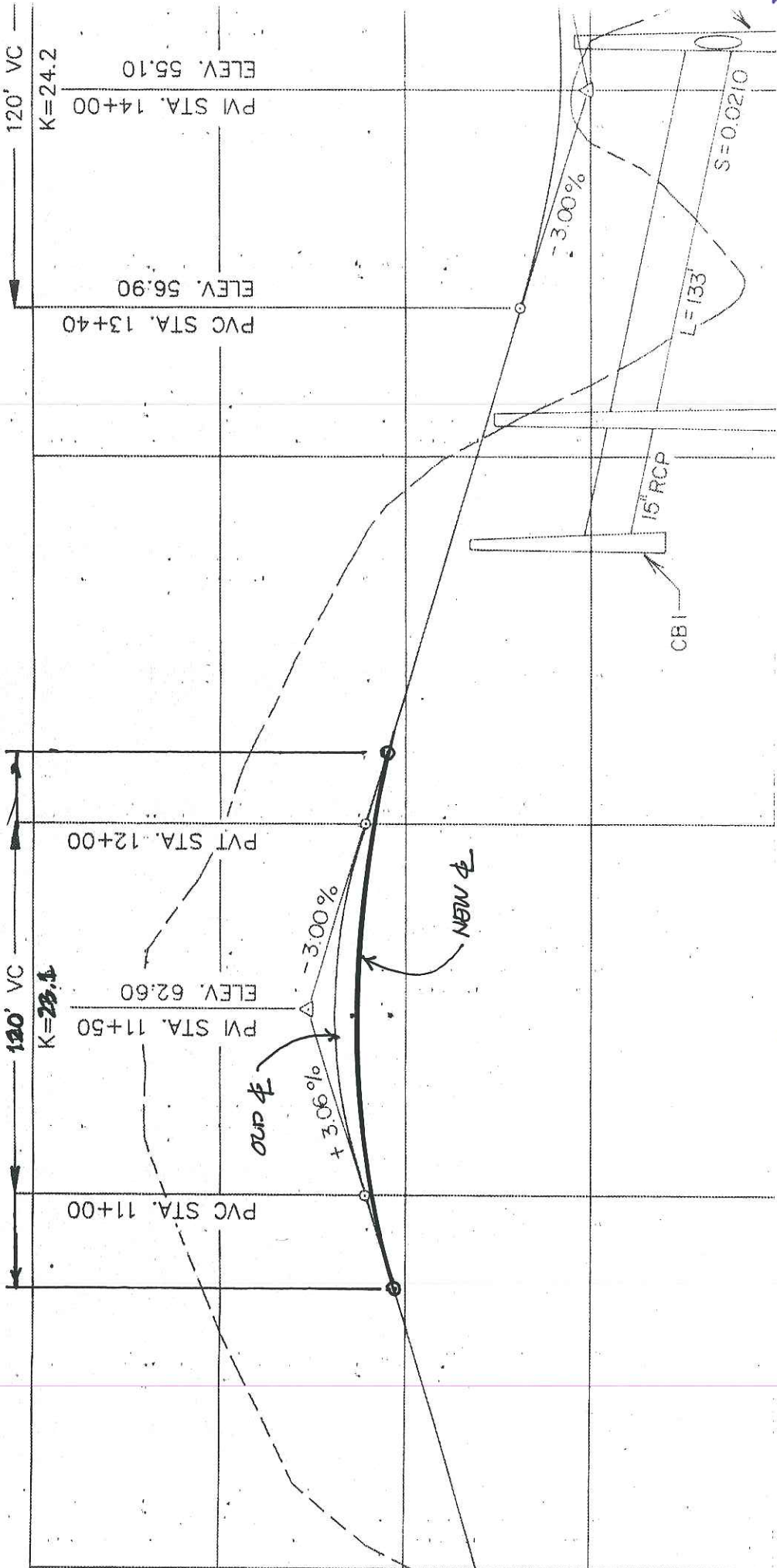
**Re: Stroudwater River's Edge PRUD - Final Approval Request for Amended
Subdivision, Site Plan, Shoreland Zoning and work in the Floodplain**

Dear Board Members;

On behalf of Peter Kennedy and Stroudwater Farms Associates, we submit the attached plans and information for final plan approval for the 29-unit Stroudwater River's Edge PRUD. Per the contract zone, 29 lots for single family residential use will be developed, a 7.86 acre lot will be deeded in fee interest to Portland Trails, and the Homeowners Association will own the road rights of way and three interior lots. The three Association lots total 55,966 s.f., and are set aside as permanent passive areas, or as recreation and river access for the Homeowners Association.

As stated on the recording plat, all of the roads within the PRUD are proposed as private rights of way. The City of Portland will provide no municipal services for the Association roads. The Homeowners Association shall be responsible for all solid waste collection, utilities and road maintenance. The new roads will be 24 feet in width, have bituminous curbing, and a sidewalk will be constructed on one side of the main road and eastern cul de sac.

The subdivision will be served by existing sanitary sewer and water services which exist on-site, or in Congress Street. Storm drainage will be handled via an on-site enclosed drainage system. Drainage easements have been defined to preserve the proposed drainage patterns within the PRUD. All existing utilities have adequate capacity to serve the 29 house lots.



ATTACHMENT 14

SECTION, 1"=40' HORIZ.
 1"=5' VERT.

REVISED VC #1
 STROUP WATER RIVER BRIDGE

CURVE LENGTHENED TO 120'
 NEW K FACTOR 23.1

PLANNED RESIDENTIAL UNIT DEVELOPMENT STANDARDS COMPLIANCE

STROUDWATER RIVER'S EDGE

a. Design Relationship to the Site:

The siting of the building windows, alignment of the road and location of the Association open space have been selected to protect the existing natural resources on-site (streams, Stroudwater River, existing topography) and to work with the existing drainage patterns on site. Areas of significant vegetation and topographic sensitivity have been set-aside as Association open space, or are proposed to be given to Portland Trails. The existing site features will be preserved by proposed development.

b. Internal Design Character and Relationship to Surrounding
Neighborhood:

The internal layout of the project and the development of the individual building sites has been designed to reflect the prevailing character of the neighborhood, and to provide positive, cohesive design character for the PRUD. Building to building relationships, buffers to neighboring properties and restricted visibility from Congress Street have been carefully planned for the project. The new buildings will have only limited visibility from neighboring streets and properties, and the proposed single family residential structures will be consistent with the homes on surrounding lots and in the Stroudwater area.

c. Recreation and Open Space:

The project as proposed has a hierarchy of private and Association recreation and open space. These are as follows:

1. External buffers: the rear of each "lot" has a permanent 25 foot buffer which sets the new buildings back from any common property line with an abutter. The proposed conveyance to Portland Trails will provide a permanent public buffer between the project and the River. This will provide permanent visual and acoustic screening for all on-site activities.

2. **Internal buffers:** Existing vegetation will be maintained around the stream in the center of the site to buffer phases 1 and 2 of the project. Side yard setbacks have been created to buffer and separate building windows, and to preserve existing vegetation. No common parking, waste collection or storage facilities are proposed as a part of the PRUD.
3. **Passive Recreation Open Space:** The Portland Trails lot, and the Association lot around the center stream are proposed as passive open space. The developer will construct a trail network on the Portland Trails lot to provide for passive use of this 7.8 acre parcel. The Association lot will be retained in its natural state for picnicking, nature observation and resource protection.
4. **Active Recreation Open Space:** The river access Association lot is designed to provide active open space for the project. An open-sided gazebo, small play area, open play lawn and canoe rack are proposed to provide neighborhood amenities for the 29 units of the PRUD.
5. **Private Open Space:** Each unit is proposed to be located on an identified "building window" which will provide for private open space related to each unit. These will contain each unit's patio, terrace, deck, yard and private play space.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Sarah Hopkins, Senior Planner
FROM: Melodie A. Esterberg PE, Development Review Coordinator
DATE: June 4, 1993
SUBJECT: River's Edge

Melodie A. Esterberg

I have reviewed the revised plans and stormwater calculations for the River's Edge project. Given the location of the project in the Stroudwater River watershed, I concur with the applicant's assertion that no stormwater detention is necessary.

An erosion and sedimentation control plan has been prepared for this project. This plan is acceptable, however extreme care must be used during construction given the location of the project adjacent to the Stroudwater River.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Sarah Hopkins, Senior Planner

FROM: Bill Bray, Deputy Director of Parks and Public Works

DATE: June 4, 1993

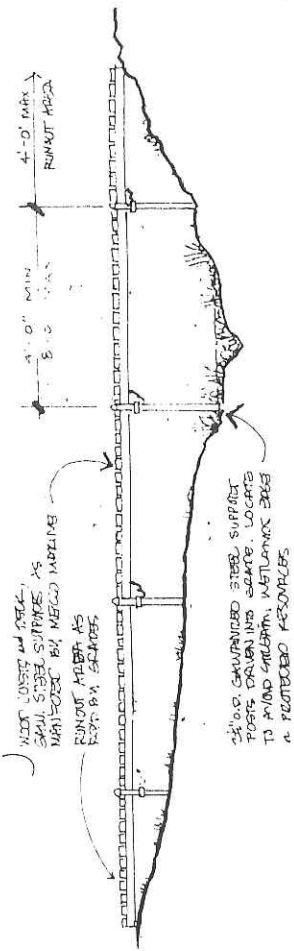
SUBJECT: Stroudwater River's Edge

I have reviewed the plans submitted by the applicant for this development. My concerns regarding the timing of the Congress Street improvement were addressed with the recent conditions for rezoning.

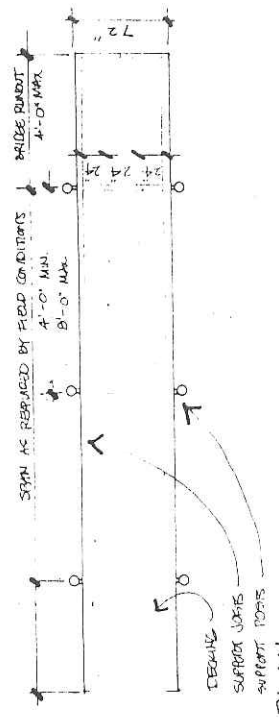
Also, in reviewing the plans, we found that the vertical curve at the entrance to the project was too steep. Our fear was that a car driving up the hill towards Congress Street would not be able to see over the crest of the hill where a car may be pulling out or where someone may be in the street.

The applicant has revised the K factor of the hill accordingly to improve the safety of the entrance.

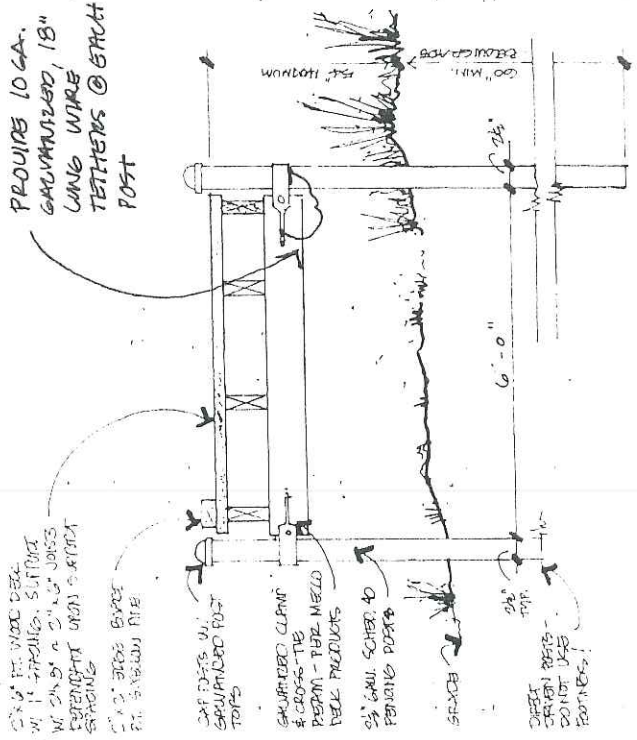
I recommend approval of this project.



ELEVATION



PLAN



NO SCALE

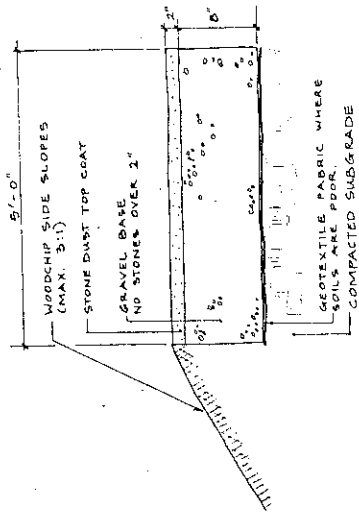
Trail Boardwalk

Sta 12 + 5 to Sta 12 + 90 ±

ATTACHMENT 13

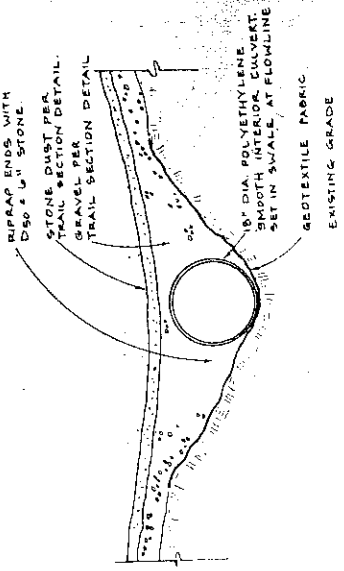
REVERSE BOARDWALK
DETAIL

CONC



Trail Section

NO SCALE

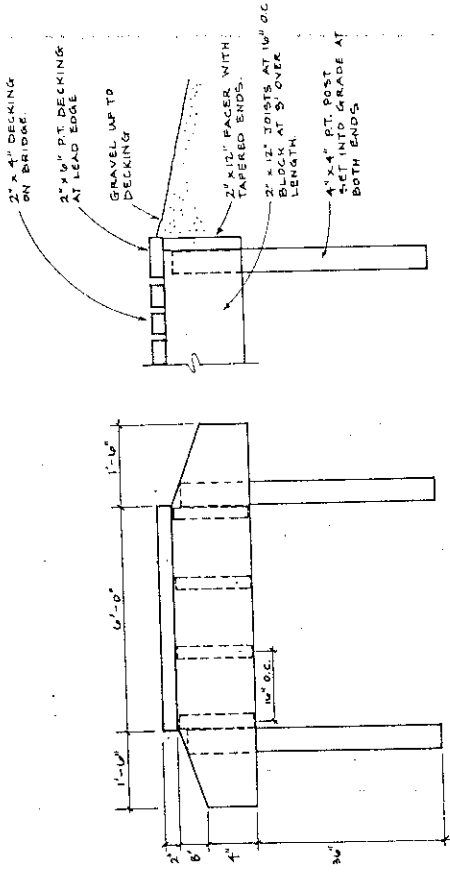


Trail Culvert

Sta 31 + 20

Details - Portland Trails

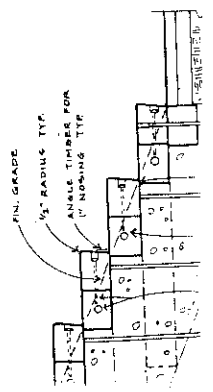
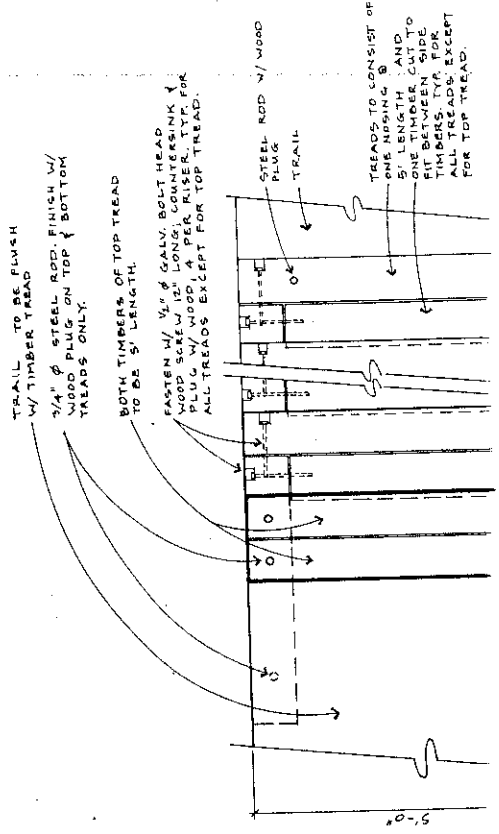
RIVER'S EDGE
 CONGRESS STREET, PORTLAND, MAINE
 MADE FOR
STROUDWATER FARM ASSOCIATES
 10 RIVER STREET, PORTLAND, MAINE

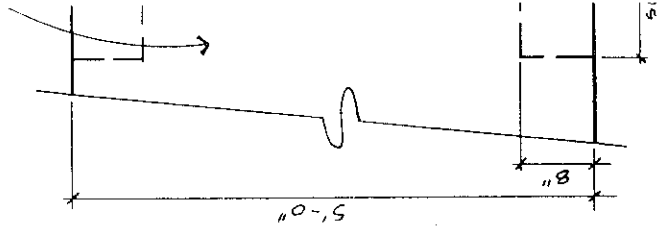


Trail Timber Bridge

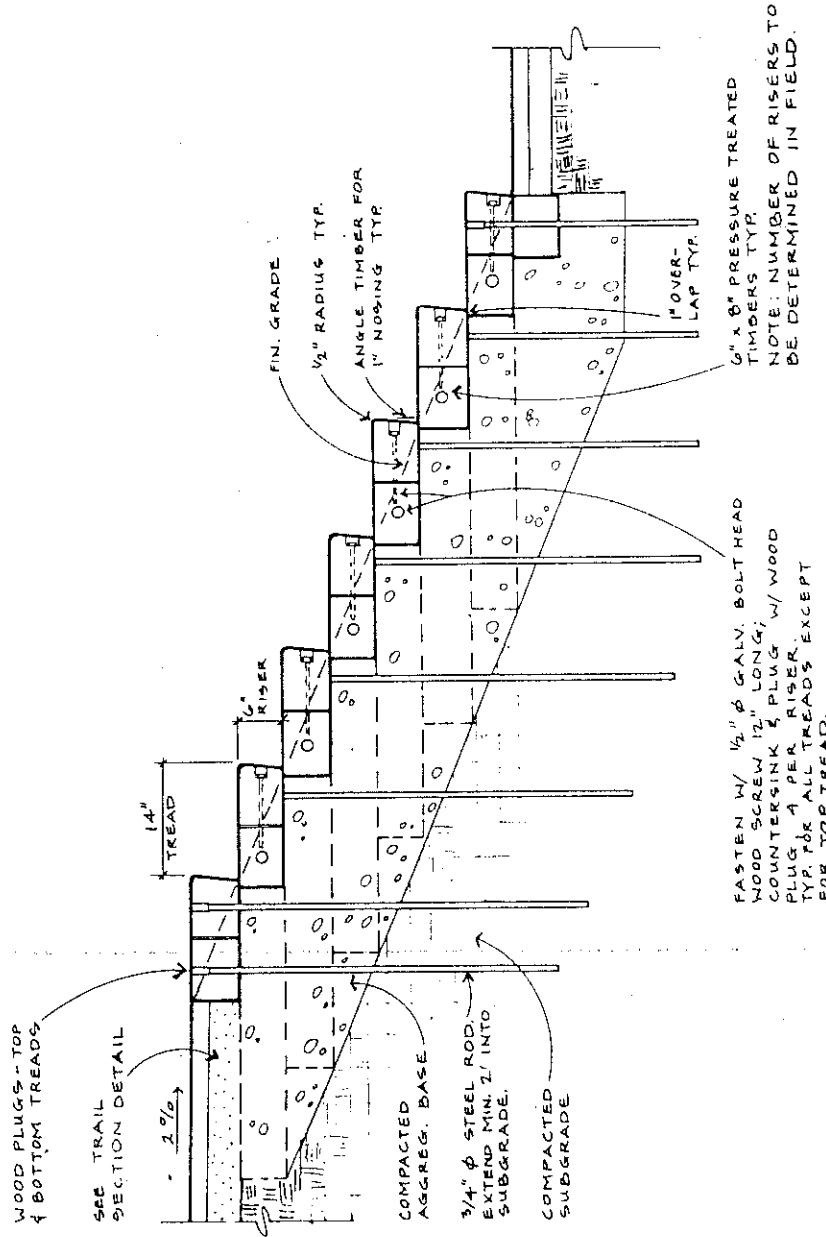
NO SCALE

Sta 21 + 25 to Sta 21 + 65 ±
 Sta 24 + 45 to Sta 24 + 70 ±





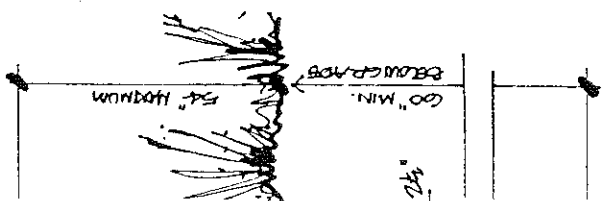
PLAN



SECTION

Trail Timber Steps

Sta 10 + 0 to Sta 60 + 0 \pm



SCALE



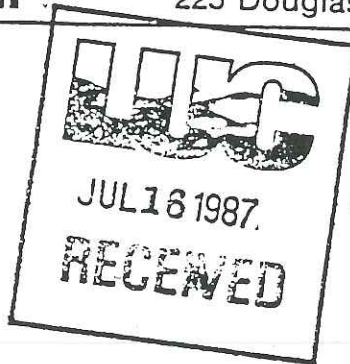
Portland
Water District

225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

July 14, 1987

(207) 774-59

Mr. Steve Harding
LAND USE CONSULTANTS
17 Commercial Street
Portland, ME 04101



ATTACHMENT 2

Re: Stroudwater Riveredge Subdivision

Dear Mr. Harding:

The Portland Water District has received a preliminary subdivision plan of the above-named project, located off Congress Street west of the Stroudwater River in Portland.

The District has an existing 6" water main in Congress Street at the project site. This existing main is not adequate to serve this project. It would be necessary to replace 200'± of the 6" water main in Congress Street with a 12" water main, to insure the project an adequate supply of water for fire protection and domestic water.

With certification by the developer that all required permits have been received, and satisfactory arrangements completed with the District, covering the Congress Street main replacement and project piping, we look forward to serving this project.

Very truly yours,



Donald E. Wyman
Director of Marketing/Customer Relations

DEW/d

Enclosure



ONE PORTLAND SQUARE
P.O. BOX 9540
PORTLAND, ME 04112-9540
207-761-8500

June 3, 1993

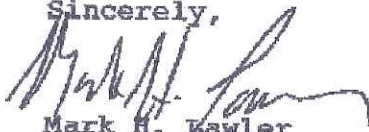
Mrs. Sarah Hopkins
Planning Board
City of Portland
389 Congress Street
Portland, ME 04112

To Whom It May Concern:

Peoples Heritage Bank is familiar with the Stroudwater Farm Subdivision in Portland, Maine and the project's developers, Stroudwater Farms Associates. The developers are known to the Bank through other subdivisions developed by the principals and it is the Bank's opinion that they have the expertise and wherewithal to complete the project as proposed.

Peoples Heritage Bank may consider further financing requests on this project, however, the Bank cannot commit at this time to any further lending relationship, nor does it warrant or guaranty any work performed to date or to be performed in the future on the property.

Sincerely,



Mark H. Lawler
Vice President

LAWLER\mlo\730

APPENDIX A
FLOOD HAZARD INFORMATION
STROUDWATER RIVER'S EDGE, PORTLAND TRAILS CONSTRUCTION
May 25, 1993

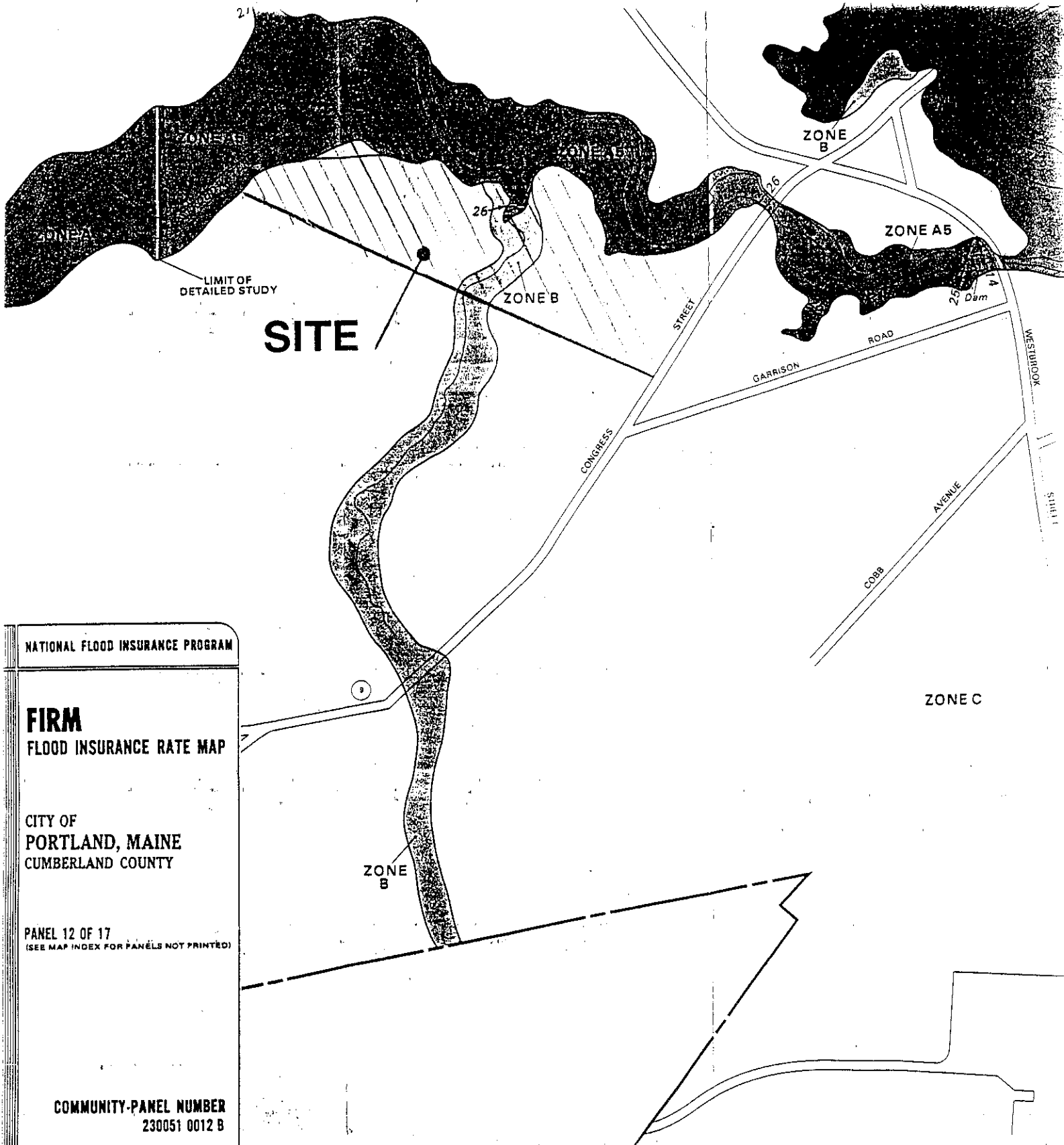
As a part of the development plan for the PRUD, Stroudwater Farms Associates is proposing to construct 2,500 linear feet of trail on land to be deeded to Portland Trails. Portions of the lot to be deeded to Portland Trails lie within the FEMA identified Flood Hazard area below elevation 26. The trail has been located to avoid the flood hazard zone wherever possible. However, approximately 1,050 feet of the trail, and one structure, the boardwalk, are proposed to be located below elevation 26. There were no alternatives to this location, and the layout provides the best access to the range of environments found along the Stroudwater River.

The developer is requesting approval for the construction of 970 feet of trail and 80 feet of boardwalk, and submits the following in support of this request:

1. The proposal is limited to the construction of a 5 foot wide trail and a wooden boardwalk.
2. The trail is designed to be low profile, following the existing topographic configuration. The boardwalk will be set at elevation 25.5 to 26.0, and is designed to lift off the supports under high-water conditions.
3. No residential structures are proposed within the flood hazard zone.
4. No utilities are proposed within the flood hazard zone.
5. No existing watercourse will be altered to construct the trail or boardwalk.
6. The trail is designed expressly for the use of pedestrians and bicycles. No motorized vehicles will be allowed.
7. Army Corps of Engineers and DEP Natural Resources Permits are required for the work set forth above.
8. Total disturbance within the floodplain area will be 6,800 sf.

9. Total wetlands disturbance will be less than 100 sf.
10. The construction will not reduce the flood-carrying capacity of the Stroudwater River.
11. The proposed trail materials have been selected, and the trail designed, to be resistant to flood damage.
12. The trail is not located in a coastal high hazard zone.

When constructed, the trail will be a stable, well compacted surface. It is designed to allow site drainage to continue in existing watercourses, and will require only minor filling and surface grading if the water levels in the Stroudwater exceed elevation 26.



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
PORTLAND, MAINE
CUMBERLAND COUNTY

PANEL 12 OF 17
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
230051 0012 B

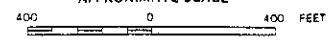
EFFECTIVE DATE:
JULY 17, 1986

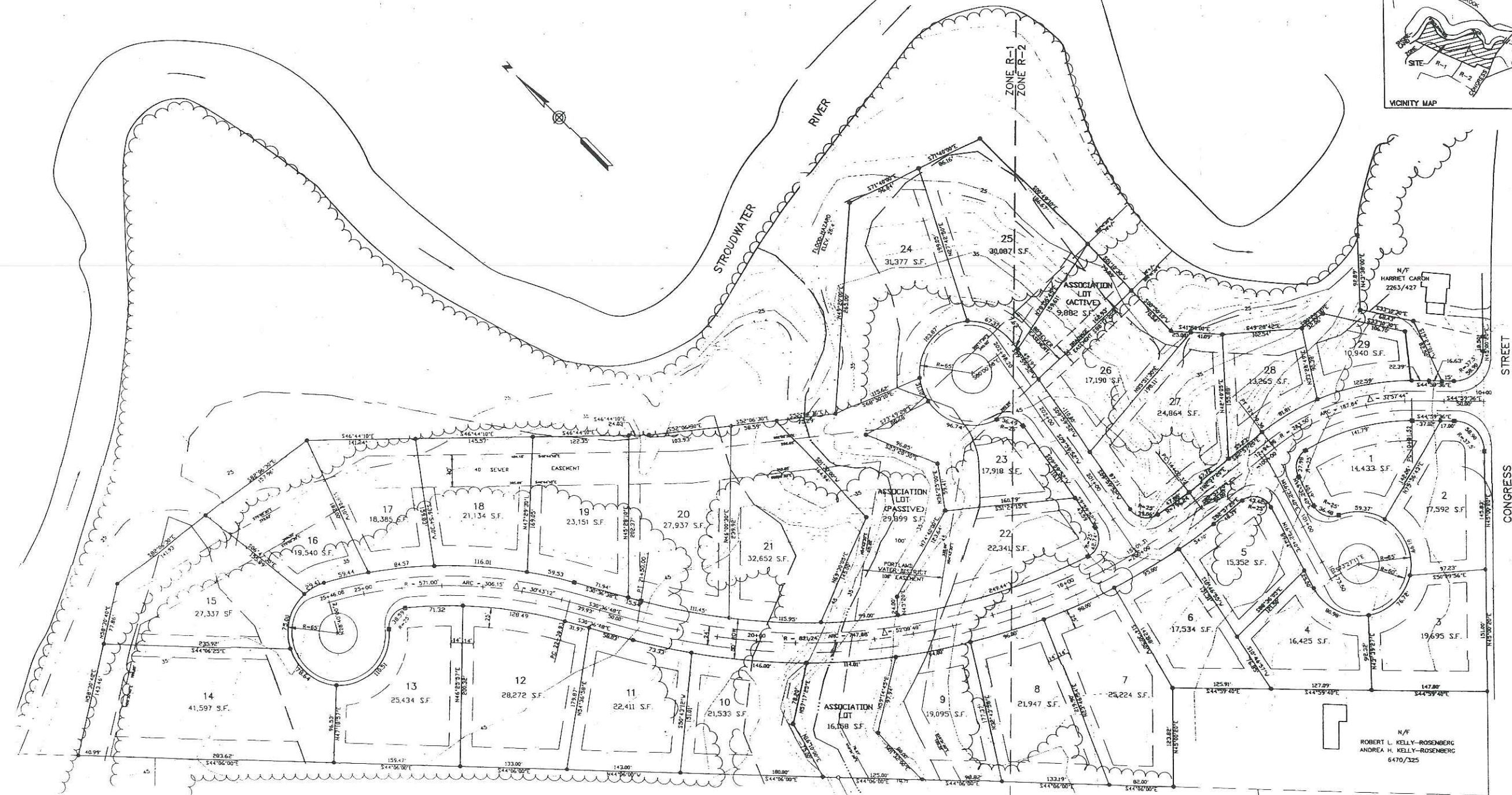
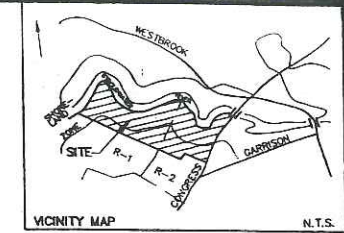


Federal Emergency Management Agency



APPROXIMATE SCALE





- LEGEND**
- IRON PIPE OR PIN FOUND
 - IRON PIN TO BE SET
 - GRANITE MONUMENT TO BE SET
 - DEED BOOK/PAGE
 - TREE LINE
 - SHORELAND ZONE LINE
 - BUFFER LINE
 - FLOOD HAZARD LINE
 - STREAM
 - BUILDING WINDOW

WE, THE PLANNING BOARD OF THE CITY OF PORTLAND,
HEREBY APPROVE THIS AMENDED SUBDIVISION PLAN

DATE: _____



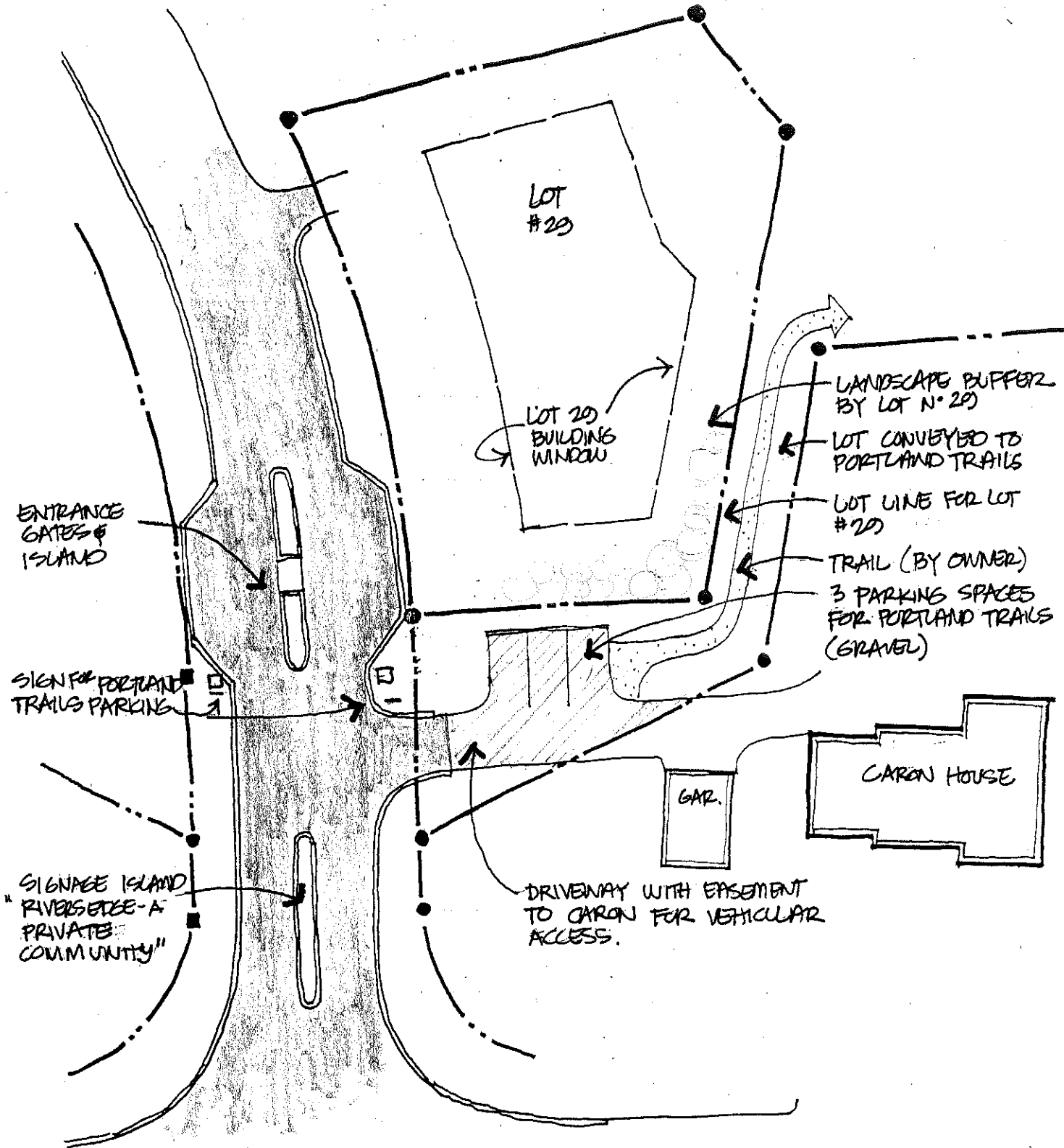
PROJECT AREA:	LOTS	16.08 ACRES
	LAND TO BE CONVEYED TO PORTLAND TRAILS	7.82 ACRES +/-
	ROAD R.O.W.	3.10 ACRES
	TOTAL	27.0 ACRES +/-

PRELIMINARY

AMENDED SUBDIVISION PLAN
RIVER'S EDGE
CONGRESS STREET, PORTLAND, MAINE
MADE FOR
STROUDWATER FARM ASSOCIATES
(207) 797-4234

OWEN HASKELL, INC.
H.I. and E.C. JORDAN SURVEYORS
(207) 799-5664
BOWDOINHAM, ME / 6 BROADWAY, 30 PORTLAND, ME / KENNEDUNK, ME

Drawn By	Date	Job No.
Trace By JLW	APRIL 1, 1993	91070P



Stroudwater River's Edge

ENTRANCE LAYOUT

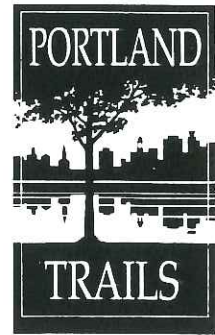
APRIL 23, 1993

1" = 30'

PORTLAND TRAILS

July 16, 1992

Stephen B. Mohr
Mohr & Seredin
18 Pleasant St.
Portland, ME 04101



Re: Stroudwater River's Edge Parcel

Dear Steve Mohr,

Thank you for your letter and revised plan of July 9 concerning the land you propose to convey to Portland Trails in Peter Kennedy's River's Edge subdivision. I have reviewed your proposals with members of our Executive Committee and a few of our consultants.

First, let me say we are enthusiastic about the potential of this project to help fulfill the objectives of Portland Trails and the City of Portland's Shoreway Access Plan. We hope it will prove to be a model for other landowners.

Further, we are optimistic that together with you we have a general framework that should prove acceptable to both Portland Trails and to you for proceeding to the creation of a continuous riverside trail along this section of the Stroudwater River. We believe that the agreement will provide adequate access both along the river and from Congress Street, including handicapped access, and that adequate trailhead parking will be provided for trail users arriving from elsewhere by car.

As you know, some specifics remain to be settled. We will continue to work expeditiously with you to conclude an agreement to all of our satisfaction on this important project.

Yours truly,

A handwritten signature in cursive script that reads "J. P. Monroe".

J. Peter Monroe, President
Board of Trustees, Portland Trails

cc: A. Hopkins, C. Norden, R. Spencer, N. Smith

PORTLAND TRAILS
P.O. Box 17501, Portland, Maine 04101

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

Landscape Architects, Inc.

STROUDWATER RIVER'S EDGE - EROSION AND SEDIMENTATION CONTROL

A 27 Acre parcel of land on Congress Street which borders on the Stroudwater River is proposed to be developed into a 29 lot subdivision, with a 7.9 acre parcel, abutting the river, deeded to Portland Trails. Approximately 2100 lf of road is proposed to be constructed with three cul-de-sac turnarounds. A stonedust trail along the river will be constructed by the developer as part of this project.

A detailed erosion and sedimentation control plan has been prepared for the proposed project in accordance with the practices and standards set forth in the State of Maine Environmental Quality Handbook. Erosion and sedimentation are not anticipated to be significant on this site due to the limited area of construction and significant buffers preserved around watercourses. Based on the proposed program and existing conditions the attached narrative has been prepared to protect adjacent areas from sedimentation and the site from excessive erosion. Refer to the description below for general E&SC details:

- A. The limits of disturbance for earth movement and construction limits are as shown on the plans.
- B. The project site, as existing, has the drainage handled via sheet flow over wooded and meadow areas to the Stroudwater River. New drainage patterns will be handled via sheet drainage and piping to the swales, stream or river. Proposed swales and inlets will be protected with erosion controls to eliminate siltation.
- C. Temporary erosion and sedimentation control devices will consist of haybales, filter fabric fence and jute mesh. Haybales will be used around all inlets, silt fence will be located at the toe of all slopes and jute mesh will be used on slopes over 3:1.
- D. Permanent erosion and sedimentation control measures will consist of bituminous paving, loaming and seeding, wood chip mulch, or stonedust walks.
- E. The sedimentation and erosion control measures proposed for the proposed project will be installed prior to the start of any construction on the site. The filter fabric fence will be placed first, and haybales around inlets and outlets will be placed as construction progresses. All measures will be periodically checked and inspected for accumulation of silt, etc. All measures will be maintained until disturbed areas are fully stabilized.
- F. Upon completion of the project all permanent erosion and sedimentation control measures will be maintained by the owner until the Homeowners Association assumes control of the subdivision.
- G. The proposed schedule for work is as follows:

<u>Activity</u>	<u>Start</u>	<u>Stop</u>
Phase I		
1. Place erosion controls	Summer 1993	
2. Maintain and inspect	Duration of project	
3. Seed & overseed disturbed areas	Fall 1993	Nov. 1993
4. Remove erosion control measures		Nov. 1993

All proposed methods for controlling erosion and sedimentation from the Stroudwater River's Edge project are based upon sound conservation practices such as those outlined in the State of Maine Environmental Quality Handbook, recommended Practices of the USDA Soil Conservation Service, and the Stormwater Management Manual prepared by the Greater Portland Council of Governments.

The project involves the construction of roads, trails, and stormwater drainage systems, construction of a drive and construction of building additions. The most critical period for erosion will be during construction of the roads. The following detailed practices will be used to prevent erosion during construction on this site:

- A. Disturbed areas will be limited to only those areas under active construction. Permanent seeding or stabilization will be carried out immediately after final grading is completed or temporary measures will be applied such as mulching until permanent measures are in place.
- B. Topsoil will be stockpiled when necessary in areas which have minimum potential for erosion and will be kept as far as possible from existing drainage areas. All stockpiles remaining longer than 15 days shall be seeded with conservation mix or mulched and anchored if seeding is not possible due to the time of year.
- C. No slopes will exceed a maximum of 3:1 and shall be stabilized with permanent seeding immediately upon final grading unless due to winter conditions temporary measures are utilized.
- D. Hay bale check dams will be utilized in all swales and to prevent sediment erosion runoff from leaving the site. In areas where the total drainage area exceeds 1/2 acre, silt fences will be used in lieu of hay bales. Hay bales will be inspected on a weekly basis or after a period of significant rainfall. Sediment will be removed and hay bales replaced as necessary.
- E. Rip Rap will be placed at all inlets and outlets of storm drains.

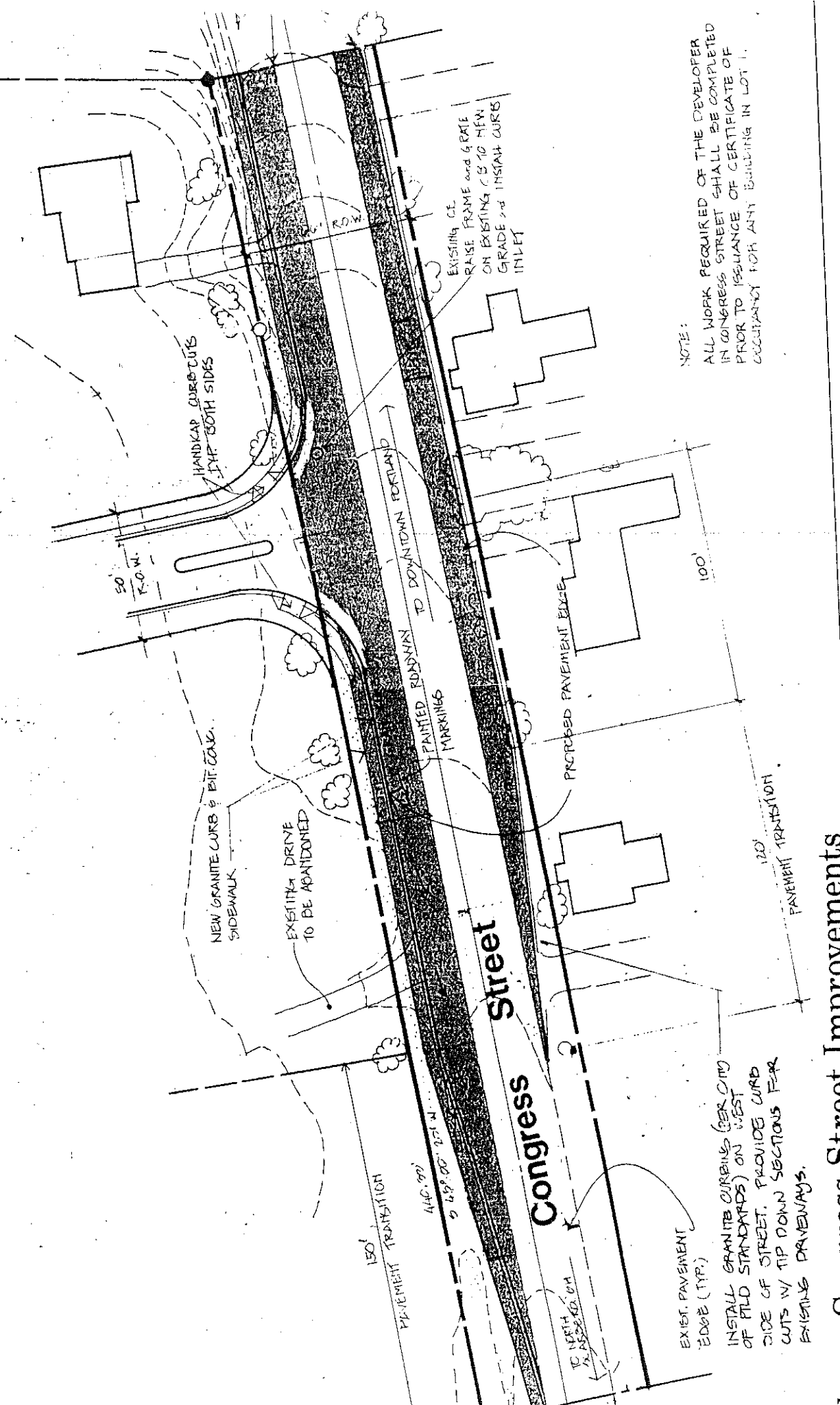
With the above measures applied, the construction of this project will not result in erosion and sedimentation problems for the site, abutting land or downstream areas.

Stephen B. Mohr, RLA #75

Comp

St.

improvements



NOTE:

ALL WORK REQUIRED OF THE DEVELOPER IN CONGRESS STREET SHALL BE COMPLETED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR ANY BUILDING IN LOT 1.

Plan - Congress Street Improvements

Required in Phase II



OWEN HASKELL, INC.

H.I. and E.C. JORDAN SURVEYORS

ATTACHMENT 9
• SURVEYING
• PERMITTING
• WETLANDS MAPPING

8 Broadway • South Portland, Maine 04106 • 207/799-5694 • FAX 799-7607

May 25, 1993

Legal Description
for
Peter Kennedy

91070P River's Edge for Stroudwater Farm Associates
Lot 30 to be conveyed to Portland Trails

J. C. ...

A certain parcel of land situated off the northwesterly side of Congress Street in the City of Portland, County of Cumberland, and State of Maine, bounded and described as follows:

Commencing at the Southernmost corner of the land described in a deed to E. Harriet Caron recorded in book 2263 page 427 on the Northwesterly sideline of Congress Street as shown on "Amended Recording Plat River's Edge Congress Street, Portland, Maine made for Stroudwater Farm Associates May 25, 1993" by Owen Haskell, Inc.;

Thence, S 45° 00' 24" W by Congress Street 18.50 feet;

Thence, Southwesterly, Westerly, and Northwesterly by Riversedge Drive by a curve to the right having a radius of 37.50 feet an arc distance of 58.90 feet;

Thence, N 44° 59' 36" W by Riversedge Drive 15.00 feet to the Westernmost corner of the land described in a deed from Stroudwater Farm Associates to E. Harriet Caron recorded in book 8429 page 300 and the point of beginning of this parcel;

Thence, N 44° 59' 36" W by Riversedge Drive 39.02 feet;

Thence, Northwesterly by Riversedge Drive by a curve to the left having a radius of 308.50 feet an arc distance of 9.00 feet to Lot 29;

Thence, the following courses by the lots shown on said plan:

N 43° 02' 07" E by Lot 29 a distance of 62.24 feet;

N 33° 10' 30" W by Lot 29 a distance of 102.71 feet;

N 68° 38' 37" W by Lot 29 a distance of 50.26 feet;

N 47° 55' 27" W by Lot 28 a distance of 103.48 feet;

N 41° 50' 00" W by Lot 27 a distance of 20.00 feet;

N 09° 54' 50" W by Lot 27 a distance of 90.48 feet;

BRANCH OFFICES:

P.O. Box 313, Bowdoinham, Maine 04008 207/666-8162 FAX 666-8162
57 Portland Road, Kennebunk, Maine 04043 207/985-7690 FAX 985-8533

Peter Kennedy

Page 2

N 01° 30' 35" E by Association Lot 31A a distance of 80.00 feet;

N 00° 59' 05" W by Lot 25 a distance of 186.67 feet;

N 71° 40' 05" W by Lots 25 and 26 a distance of 183.02 feet;

S 49° 20' 00" W by Lot 24 a distance of 264.98 feet;

N 52° 06' 30" W by Association Lot 31B and Lot 21 a distance of 153.88 feet;

N 50° 35' 02" W by Lot 20 a distance of 119.57 feet;

N 46° 44' 10" W by Lots 19, 18 and 17 a distance of 397.44 feet;

N 82° 06' 30" W by Lots 16 and 15 a distance of 300.00 feet;

S 58° 30' 40" W by Lots 15 and 14 a distance of 221.07 feet to the land now or formerly of Unum Life Insurance Co.;

Thence, N 44° 06' 03" W by Unum Life Insurance Co. 98 feet more or less to the Stroudwater River;

Thence, Northeasterly, Easterly, Southeasterly, Easterly, Southeasterly, Southerly, Southeasterly, and Easterly by the Stroudwater River 2900 feet more or less to the land described in a deed from E. Harriet Caron to Stroudwater Farm Associates recorded in book 8429 page 302;

Thence, S 43° 38' 00" W by the land of Caron 93 feet more or less;

Thence S 33° 10' 30" E by the land of Caron 68.43 feet;

Thence, S 19° 27' 01" W by the land of Caron 82.50 feet to the point of beginning.

Said parcel contains 7.8779 acres more or less and is shown as Lot 30 on the above mentioned plan, which plan is hereby made a part of this description. All bearings are based on the Kimball Chase Boundary Survey as per the above mentioned plan.

Also, conveying a vehicular and pedestrian easement bounded and described as follows:

Peter Kennedy

"Page 3"

Beginning at the point of beginning of the above described parcel on the northeasterly side of Riversedge Drive:

Thence, N 44° 59' 36" W by the Northeasterly sideline of said road 39.02 feet;

Thence, S 45° 00' 24" W across said road 37.00 feet to the southeasterly edge of the pavement on said road;

Thence, S 44° 59' 36" E by the southeasterly edge of the pavement of said proposed road 54.02 feet;

Thence, Southeasterly, Southerly, and Southwesterly by the southeasterly edge of the pavement of said proposed road by a curve to the right having a radius of 50.50 feet an arc distance of 42.26 feet to the Northwesterly sideline of Congress Street;

Thence, N 45° 00' 24" E by Congress Street 91.17 feet to the land described in a deed from Stroudwater Farm Associates to E. Harriet Caron recorded in book 8429 page 300 from which point a radial line bears N 44° 59' 36" W;

Thence, Southwesterly, Westerly, and Northwesterly by the Northeasterly sideline of Riversedge Drive by a curve to the right having a radius of 37.50 feet an arc distance of 58.90 feet;

Thence, N 44° 59' 36" W by the Northeasterly sideline of Riversedge Drive 15.00 feet to the point of beginning.

Said easement is shown on the above mentioned plan and is for . . .

Also, conveying a 13 foot wide pedestrian easement bounded and described as follows:

Beginning at a point on the Northeasterly sideline of Riversedge Drive, which point is situated N 44° 59' 36" W a distance of 39.02 feet from the point of beginning of the above described Lot 30;

Thence, S 45° 00' 24" W a distance of 13.00 feet to the Northeasterly edge of the pavement on the proposed road, from which point a radial line bears S 45° 00' 24" W;

Peter Kennedy

Page 4

Thence, the following courses by the Northeasterly edge of the pavement on Riversedge Drive and by the Easterly edge of the pavement on Mast Landing:

Northwesterly and Westerly by a curve to the left having a radius of 295.50 feet an arc distance of 195.79 feet;

N 82° 57' 20" W a distance of 122.95 feet;

Westerly by a curve to the right having a radius of 809.24 feet an arc distance of 48.65 feet;

Northwesterly and Northerly by a curve to the right having a radius of 38.00 feet an arc distance of 59.36 feet;

N 09° 59' 52" E a distance of 208.95 feet;

Thence, S 88° 17' 20" E across said road and across Assoc. Lot 31A a distance of 174.20 feet to Lot 30;

Thence, S 01° 30' 35" W by Lot 30 a distance of 13.00 feet to Lot 26;

Thence, N 88° 17' 20" W by Lot 26 a distance of 163.00 feet to Mast Landing;

Thence, the following courses by the sidelines of said Mast Landing and Riversedge Drive:

S 09° 59' 52" W a distance of 197.70 feet;

Southerly and Southeasterly by a curve to the left having a radius of 25.00 feet an arc distance of 39.06 feet;

Easterly by a curve to the left having a radius of 796.24 feet an arc distance of 47.87 feet;

S 82° 57' 20" E a distance of 122.95 feet;

Easterly and Southeasterly by a curve to the right having a radius of 308.50 feet an arc distance of 204.40 feet to the point of beginning.

Said easement is shown on the above mentioned plan and is for . . .

Said parcel is subject to the Recreation and River Access Easement, Drainage Easement 2, Drainage Easement 3, Drainage Easement 5, sewer easement, and the Access Easement to Caron as shown on the above mentioned plan.



CITY OF PORTLAND

January 24, 2002

Mr. Peter Kennedy
18 Carroll Street
Falmouth, Maine 04105

Subject: River's Edge Subdivision
(ID#2000-0050)(CBL#217-A-008)

Dear Mr. Kennedy:

It has been noticed that your excavating contractor is using a different plan than what was approved by the City.

The city requests that you apply for an amendment to your subdivision approval. Please submit four copies of the revised plan to the city for review and approval. Please direct this submittal to Jonathan Spence at the City's Planning Department.

Secondly, I was looking at the storm drainage design for the two catch basins at Congress Street, and feel that this design could be changed to benefit you from a cost and a maintenance standpoint. I have discussed this with Gary Smith, your excavator, and he mentioned that he would pass this information along to you.

Please contact me if you wish to discuss this further.

Thank You for Your Time.

Sincerely,

Jay Reynolds
Development Review Coordinator

cc: Alexander Jaegerman, Chief Planner
Sarah Hopkins, Development Review Services Manager
✓ Jonathan Spence, Planner
Inspections Department
file

STROUDWATER RIVER'S EDGE HOMEOWNERS ASSOCIATION,
PORTLAND, MAINE
BY-LAWS

ARTICLE I
NAME

The name of this Association shall be STROUDWATER RIVER'S
EDGE HOMEOWNERS ASSOCIATION.

ARTICLE II
MEMBERSHIP

SECTION 1. Defined. Members of the Association shall be the owners of record of parcels of land (Lots) at Stroudwater River's Edge, Portland, Maine in the area as defined on a plan entitled "Stroudwater River's Edge Subdivision" recorded in Plan Book , Page , Cumberland County Registry of Deeds.

An owner shall be defined as the owner(s) of record of any residential parcel (Lot) described on the aforementioned Plat. Each owner of a Lot shall automatically become and be a member of the Association as long as he/she continues as the owner of a Lot. Upon termination of interest of an owner in a Lot, his/her membership and any interest in the Association shall thereupon automatically terminate and transfer and inure to the next owner of his/her Lot succeeding him/her in interest.

ARTICLE III
MEETINGS

SECTION 1. Annual Meeting. The annual meeting of the members of the Association shall be held on the second Sunday following Labor Day in each year at 1:30 p.m., unless a different hour is fixed by the Directors and stated in the notice of the meeting. The purpose for which the annual meeting is to be held, in addition to those prescribed by law, the Articles of Incorporation, or by these By-Laws, may be specified by the Directors or the President provided that such purpose is set forth in the notice of meeting.

SECTION 2. Special Meetings. Special meetings of the members may be called by the President or by the Directors.

SECTION 3. Notice of Meetings. A written notice of every annual or special meeting of the members, stating the place, date and hour thereof, and the purpose for which the

meeting is to be held shall be given by the Clerk or by the officer calling the meeting at least fifteen (15) days before the meeting to each member entitled to vote by leaving such notice with him or at his residence or usual place of business, or by mailing it postage prepaid and addressed to such member at his address as it appears upon the books of the corporation. No notice need be given to any member if a written waiver of notice, executed before or after the meeting by the member or his attorney is filed with the records of the meeting.

SECTION 4. Emergency Meetings. Emergency meetings may be called in the same manner as special meetings. The notice of such meetings shall be given in the same manner as set forth in Section 2, above, except that the notice for such meeting shall be 48 hours. The purpose of a special meeting shall be limited to action on such matters as are necessary to protect the health of members, to provide emergency access to members' property, to prevent further or unnecessary destruction of Association property or to meet other emergencies resulting from unforeseen or unanticipated damage, destruction or catastrophe. The amount of money to be appropriated or expended by the vote at any emergency meeting shall not exceed the total amount of the previous year's expenditures for maintenance.

SECTION 5. Quorums. Six (6) members shall constitute a quorum for any meeting but a lesser number may adjourn a meeting from time to time without further notice.

SECTION 6. Voting.

- A. There shall be only one vote per parcel as shown on the Subdivision Plat referred to above, regardless of the number of owners.
- B. A vote of the majority of the members present at any meeting shall be sufficient to decide any questions, except amendment of the By-Laws, provided there is a quorum present.

SECTION 7. Annual Budget. No later than thirty (30) days prior to each Annual Meeting of the members of the Association the Board of Directors shall estimate the Common Expenses for the following fiscal year and shall present the estimate to the members at their annual meeting as the proposed budget for such fiscal year. The annual assessment required to meet annual estimated Common Expenses for each fiscal year must be approved by majority vote of the members of the Association at their Annual Meeting held prior to the commencement of the fiscal year to which the estimated budget of Common Expenses applies. If the Lot owners disapprove

such budget then the budget for the preceding fiscal year shall be the budget for the succeeding fiscal year.

ARTICLE IV
PURPOSE

SECTION 1. Purpose. The purpose of the Association is to perpetually hold, own, maintain, improve, develop and operate the land of the Association and to provide and maintain pedestrian and vehicular easements, utility and drainage easements, storm drainage, detention areas and roads and ways for the benefit of its members and their families and to obtain insurance of all types for the protection of the parcel owners and property interests of the Association.

SECTION 2. Control of Land. The Association shall assume control of the affairs of the subdivision at such time as twenty-two (22) of the lots in the subdivision have been conveyed to individual lot owners, and the owners are living in the subdivision.

SECTION 3. Road. As used in these By-laws: "Road" means, collectively, all the area within the rights of way identified on the subdivision plan and identified as King's Pine Circle, Mast Landing and Riversedge Drive extending from the right of way line of Congress Street.

SECTION 4. Responsibilities. The Association shall perform and be responsible for the maintenance, resurfacing, improvement, clearing and repair of, and snow removal from the Road and for the payment of any real estate taxes assessed thereon, and for the cost of any labor, equipment or materials and management related to the Road, drainage easements and common area and supervision therefor.

SECTION 5. Assessments.

- A. In furtherance of its purpose, the Association shall have the right to pay all expenses of maintenance, services and taxes assessed by the City of Portland on Association property and for the purpose of meeting these expenses shall have the right to assess the members on an equitable basis.
- B. All assessments shall be billed no later than two (2) weeks prior to the commencement of the succeeding fiscal year by the Treasurer of the Association sending the bills therefor to the respective Lot owners at the address recorded in the Secretary's records either personally or by placing the bill in the United States mails, postage prepaid, addressed to the Lot owner as aforesaid. All sums so assessed and billed shall become due no

later than the commencement of the fiscal year to which the assessment applies. If the assessment to a lot owner is not paid to the Association within thirty (30) days after the date when due, then said assessment shall be delinquent and shall be recoverable by the Association together with interest at the annual rate of eighteen percent (18%), costs of collection and reasonable attorneys' fees provided by the law to the Association.

SECTION 6. Access. Furthermore, the Association, or its duly appointed representative, shall have the right to access any parcel at any reasonable hour and after reasonable notice to the owner of the parcel(s) encumbered and utility systems for their intended use and for the benefit of the Association's members and families. The Association shall have the power to take legal action to enforce payment of its assessments.

SECTION 7. Collection of Assessments. In furtherance of the foregoing purposes the Association shall have the power to do or take any and all acts permitted by law including without limiting the generality of the foregoing, bringing of an action at law against the delinquent Lot owner, placing a Lien against the Lot in favor of the Association and the right to foreclose, enter contracts and to buy, sell, lease or mortgage real estate.

ARTICLE V DIRECTORS

SECTION 1. Number. There shall be five (5) Directors, one of whom shall be the President of the Association. Four Directors shall be elected at each annual meeting to serve until the next annual meeting and the President shall automatically become a member of the Board of Directors.

SECTION 2. Powers. The business and affairs of the Association shall be managed by the Board of Directors who may exercise all of the powers of the Association except as otherwise provided by law, by the Articles of Incorporation or by the By-Laws. In the event of a vacancy in the Board of Directors, except with regard to the office of President, the remaining Directors may fill the vacancy until the next annual meeting.

SECTION 3. Meetings. Regular meetings of the Directors may be held without call or notice at such places and at such times as the Directors from time to time determine, provided that any Director who is absent when such determination is made shall be given notice of the meeting.

Special meetings of the Directors may be held at any time and place designated in a notice by the President or two or more Directors. There shall be no time limit for such notice provided each Director has received actual notice of the meeting.

SECTION 4. Quorum. Three Directors shall constitute quorum and a vote of a majority of those Directors present shall be sufficient to decide any matter.

SECTION 5. Action by Consent. Any action by the Directors may be taken without a meeting if a written consent thereto is signed by all the Directors and filed with the records of the Directors meetings. Such consent shall be treated as a vote of the Directors for all purposes.

ARTICLE VI OFFICERS

The officers of the corporation shall be a President, Treasurer and Clerk.

SECTION 1. Election. The officers of the corporation shall be elected annually at the annual meeting by a vote of a majority of all members present. To be eligible for election any individual must be an owner or one of the owners of record of a parcel of land as defined herein.

SECTION 2. Tenure. Each officer shall hold office from the date of his election until the next annual meeting of the members or until his successor is chosen and qualified. Any officer may resign by delivering his written resignation to the President or any Director and such resignation shall be effective upon receipt unless it is specified to be effective at some time or upon the happening of some other event.

SECTION 3. President. The President shall be the chief executive officer of the Association and a member of the Board of Directors. He/She shall have general supervision and control of the affairs of the Association and unless otherwise provided by the Directors he shall preside at all meetings of the members of the Directors.

SECTION 4. Treasurer. The Treasurer shall have general charge of the financial affairs of the Association and cause to be kept accurate books of account. He/She shall have custody of all funds and valuable documents of the Association and shall be the second certifying officer.

All checks and deposits for the payment of money shall be signed by the President or Treasurer or by such other individual as the Board of Directors may designate.

The Treasurer shall act as President pro tem in the absence of the President.

SECTION 5. Clerk. The Clerk, or in his/her absence the Treasurer, shall keep a record of all meetings of the members. The Clerk shall be registered agent of the Association and maintain the registered office. The Clerk shall maintain an accurate list of members.

ARTICLE VII
MISCELLANEOUS PROVISIONS

SECTION 1. Fiscal Year. Except as from time to time otherwise determined by the members, the fiscal year of the Association shall be September 1, to August 31.

SECTION 2. Seal. The seal of the corporation shall, subject to alteration by the members, bear its name, the word "Maine" and the year of the incorporation.

SECTION 3. Execution of Instruments. All deeds, leases, transfers, contracts, bonds, notes and other obligations authorized to be executed by an officer of the Association in its behalf shall be signed by the President and/or Treasurer or in particular cases as otherwise determined by the members.

SECTION 4. Amendments. These By-Laws may at any time be amended by a vote of two-thirds of the members present or voting by written proxy provided that notice of the substance of the proposed amendment is stated in the notice of the meeting, and a quorum is present.

SECTION 5. Lot Owner Responsibilities. Each Lot owner shall perform and be responsible for the maintenance, resurfacing, improvement, clearing and repair of, and snow removal from the Driveway on his/her Lot, and for the cost of any labor, equipment or materials and management related to the Lot drainage and individual Lot improvements.

ARTICLE VIII
DISSOLUTION

In the event of dissolution of the corporation, the net assets after payment of all creditors shall be distributed pro-rata among the members owning parcels described in the "Stroudwater River's Edge Subdivision". Each parcel shall receive an equal share in the distribution irrespective of the number of record owners.

CC1

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Nadeen Daniels, Assistant City Manager
FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development
DATE: August 26, 1992
SUBJECT: River's Edge Subdivision Conditional Rezoning

Please place the following item on the next available City Council agenda:

**AMENDMENT TO ZONING
RE: CONDITIONAL R-3 ZONING
CONGRESS STREET**

Introduction

The Portland Planning Board is recommending approval of a proposal by the Greater Portland Development Group for a conditional rezoning of the Stroudwater River's Edge subdivision parcel from R-1 and R-2 to R-3 Residential. The parcel is located on outer Congress Street, along the Stroudwater River. The site is 27.41 acres and is located in the R-1, R-2, Shoreland and Flood Hazard zones.

History

In 1987, the Greater Portland Development Group was granted approval for a 29-lot subdivision on the Stroudwater River. Since this approval, the applicant has been back to the Planning Board for a sectional recording of the property, so that the project could be financed in smaller phases. In the past, the applicant has also had preliminary discussions with the Planning Board in workshop sessions to investigate the possibility of rezoning the property for office use and also for amending the technical standards and subdivision ordinance language to allow for narrower, noncurbed public roadways in residential zones.

Proposal

The applicant is proposing a conditional zone change for the River's Edge parcel in order to develop a planned residential unit development (PRUD) using a lot configuration and density identical to that which was previously approved by the Board according to the requirements of the R-1 and R-2 zones.

The applicant's only reason for requesting the R-3 zone is to create a PRUD which allows for private roadways. (PRUDS, and therefore private roadways, are not permitted in the R-1 or R-2 zones.) The road, as proposed, will have a pavement width of 24 ft. (as opposed to 32 ft.) with an enclosed stormdrainage system. The roads and other associated infrastructure will be privately held and maintained by the Homeowners' Association.

Also, as part of the proposal, the applicant will deed a 10 acre parcel which borders the Stroudwater River to Portland Trails. An easement providing access to the trail from Congress Street is also part of the proposal. Both the City and Portland Trails have been eager to create a trail along the Stroudwater River. There are opportunities to create a linkage of trails from Congress Street to the Maine Turnpike according to the Shoreway Access Plan.

The applicant for rezoning is also proposing to phase the project in two sections. Traffic improvements to Congress Street, as stipulated in the conditions for rezoning, will take place during phase II.

The conditions for rezoning, as recommended by the Planning Board, are included in the Council Order and discussed in detail in Planning Report #27-92B which is attached.

Rationale

While the R-3 Residential zone allows an increased density from the R-1 and R-2 zones, the applicant has requested a conditional rezoning. As part of this conditional rezoning, the applicant will develop a subdivision with the same density as if it were located in the R-1 and R-2 zones. The only difference will be that the subdivision will be a planned residential unit development (PRUD) with a privately held and maintained roadway of 24 ft. in width, which is allowed in the R-3 zone.

Also as part of the rezoning, the applicant will deed to Portland Trails a 10 acre parcel for land for use as a public trail along the Stroudwater River.

Attachment:

- a. Planning Report #27-92B

STROUDWATER RIVER'S EDGE
CONDITIONAL REZONING
GREATER PORTLAND DEVELOPMENT GROUP, APPLICANT

Submitted to:

Portland City Council
Portland, Maine

September 9, 1992

I. INTRODUCTION

The Portland Planning Board is recommending approval of a proposal by the Greater Portland Development Group for a conditional rezoning of the Stroudwater River's Edge subdivision parcel from R-1 and R-2 to R-3 Residential. The parcel is located on outer Congress Street, along the Stroudwater River. The site is 27.41 acres and is located in the R-1, R-2, Shoreland and Flood Hazard zones.

The applicant was last before the Planning Board in March of 1992 for approval of a sectional recording for the 29 lot subdivision. The applicant does not propose to change the lot configuration or density. Rather, only the open space and roadway design will be altered.

II. SUMMARY OF FINDINGS

Zone	R-1, R-2 Residential, Shoreland, Flood Hazard
Land area	27.41 acres
Land area to be deeded to Portland Trails	Approximately 10 acres

III. PROPOSED REZONING

The applicant is proposing a conditional zone change for the River's Edge parcel in order to develop a planned residential unit development (PRUD) using a lot configuration and density identical to that which was previously approved by the Board according to the requirements of the R-1 and R-2 zones.

The applicant's only reason for requesting the R-3 zone is to create a PRUD which allows for private roadways. (PRUDS, and therefore private roadways, are not permitted in the R-1 or R-2 zones.) The road, as proposed, will have a pavement width of 24 ft. (as opposed to 32 ft.) with an enclosed stormdrainage system. The roads and other associated infrastructure will be privately held and maintained by the Homeowners' Association.

Also, as part of the proposal, the applicant will deed a 10 acre parcel which borders the Stroudwater River to Portland Trails. An easement providing access to the trail from Congress Street is also part of the proposal. Representatives from Portland Trails, as well as Maine Coastal Heritage Trust, were available at the public hearing to answer questions of the Board.

Lastly, the applicant proposes to phase the project in two sections. The first section will contain 17 lots, and the second section will contain the remaining 12 lots.

At the request of the Planning Board, the applicant has met with the City Traffic Engineer to work out a schedule of required Congress Street improvements. As a result, the applicant will be required to complete the Congress Street improvements prior to occupancy of 75% of Phase II. Also, if Phase II is never constructed, a trip generation study must be conducted. If this study indicates that improvements are needed, the applicant will be responsible for those improvements as determined necessary by the City Traffic Engineer.

IV. PROPOSED CONDITIONS FOR REZONING

1. The area of the rezoning shall be the limits of the property owned by Stroudwater Farms Associates as indicated on Exhibit A.

Exhibit A consists of a recording plat indicating the lot lines, building envelopes, and open space areas to be deeded to Portland Trails for public access.

2. The development of the property shall be for twenty-nine single-family homes on individual lots on a private road, as shown on Exhibit B, subject to alterations approved by the Planning Board as part of the subdivision and site plan review.

Exhibit B is the same recording plat as Exhibit A, but also indicates the sedimentation and erosion control measures to be taken prior to and during construction. Exhibit B will also include phasing lines. Phase I will consist of 17 lots. Phase II will include the remaining 12 lots.

3. The owner or owners of each lot shall be members of a Homeowners' Association which shall own and maintain both the private road and any open space of the subdivision.

Every lot owner in the subdivision will be a member of the Homeowners' Association. Exhibit C includes the documentation for the Association, and is included as Attachment 4.

As planned, the homes and land within the lots will be owned separately. However, the roadway, all utilities, and any private open space will be owned jointly by the Homeowners' Association. The Association will be responsible for the maintenance of the roadway, utilities, and land held in common.

4. The development shall be served by a private road with a single curb cut from Congress Street. Said private road shall be twenty-four feet in width, paved, and shall have bituminous concrete curbing. The private road shall be owned and maintained by the applicant for rezoning until establishment of the successor Stroudwater River's Edge Homeowners' Association, as set forth in Exhibit C. The City shall not at any time either maintain the private road or provide any type of services on the private road.

The applicant proposes to construct a 24 ft. wide private road to serve the development. As mentioned earlier, the road will be owned and maintained by the Homeowners' Association. A note will be placed in the deeds stating that the City of Portland shall not at any time either maintain the private road or provide any type of services on the private road. Services include snow plowing, street cleaning, rubbish removal, and maintenance.

5. The applicant for rezoning shall deed approximately ten acres of land adjacent to the Stroudwater River to Portland Trails either in fee or as a protective easement, for use as buffer space, trails, and passive recreational uses only. Said deed shall include an access easement from Congress Street and proof of recording of the deed in the Cumberland County Registry of Deeds shall be provided to the City prior to the issuance of any building permit. In the event that this land is deeded to Portland Trails as a conservation easement pursuant to 33 M.R.S.A. Sec. 477, the deed shall also create a third-party right of enforcement in the City and shall specify the time and manner in which both the City and Portland Trails can enter the easement area in order to ensure compliance with the terms of the easement.

Throughout the Planning Board's consideration of this proposal, the applicant has been working with Portland Trails to put together an agreement which is satisfactory to both parties. Letters from Portland Trails and the Maine Coast Heritage Trust are included as Attachment 5.

In the past, the City of Portland has been named as an additional grantee of easements. While the applicant and Portland Trails have agreed to the deeding of the parcel, the condition also allows for an easement in case the situation changes.

Exhibit A shows the area to be deeded to Portland Trails. There is also an extension of the open space easement which reaches to Congress Street. The applicant anticipates a separate trail entrance to avoid pedestrian and bicycle traffic travelling through the subdivision. Details regarding the trail entrance, subdivision entrance, and roadway construction will be submitted during subdivision review.

6. In the event that Phase II of the project is constructed, improvements to Congress Street shall be completed and operational prior to occupancy of seventy-five (75) percent of the structures in that phase. The Congress Street improvements shall consist of road widening and sidewalk construction, as required by the City Traffic Engineer.

At the last workshop, the Board expressed concern regarding the scheduling of the completion of Congress Street improvements by the applicant. The improvements include roadway widening and sidewalk construction.

The applicant has worked with Bill Bray, City Traffic Engineer, to finalize the sequence of improvements. The applicant has agreed to completion of the improvements by the time that 75% of the 12 lot Phase II is occupied.

7. In the event that Phase II of the project is not constructed or that fewer than seventy-five (75) percent of the structures in that phase are constructed by January 1, 1998, the applicant for rezoning, or any successor, shall submit to the City Traffic Engineer a trip generation study for the project. If this study indicates a need for improvements to Congress Street, the applicant for rezoning or any successor shall be responsible for those improvements determined to be necessary by the City Traffic Engineer.

If Phase II does not proceed, a trip generation study must be performed for the fully occupied Phase I. If the information from the trip generation indicates that traffic improvements are necessary, then the applicant will be required to complete these requirements as determined by the City Traffic Engineer.

8. This conditional rezoning shall be limited to the applicant for rezoning and to any successor Homeowners' Association. The conditional rezoning shall only be transferable by sale or by lease if the planning authority determines that a subsequent user of the property shall comply with all of the requirements of this conditional rezoning.

If there is a change of owner of this development, the new owner must submit evidence of financial and technical capability, in addition to the submission of a revised recording plat which will include the new owner's name. Any new owner must meet the conditions of the rezoning.

9. The applicant shall file a copy of this rezoning, along with a reference to the subject property, in the Cumberland County Registry of Deeds.

The Planning Board's recommendation will be forwarded to the City Council for final action. If the Council approves the rezoning, the conditions and the referenced exhibits must be recorded at the Registry of Deeds.

A complete list of conditions with related text is included as Attachment 1.

V. RECOMMENDATIONS OF THE PLANNING BOARD

On the basis of plans and materials submitted by the applicant and on the basis of the Comprehensive Plan of the City of Portland, the Planning Board recommends to the City Council:

That the proposed conditional rezoning from R-1 and R-2 Residential to R-3 Residential of the River's Edge parcel is consistent with the Comprehensive Plan of the City of Portland.

ATTACHMENTS:

1. Proposed conditions of rezoning
2. Exhibit A
3. Exhibit B
4. Exhibit C
5. Letters regarding the deeding of open space
6. Comments from the Director of Parks and Public Works and the Director of Engineering

City of Portland, Maine
IN THE CITY COUNCIL

**AMENDMENT TO ZONING MAP
RE: CONDITIONAL R-3 REZONING
CONGRESS STREET**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

That the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, be and hereby is amended by adopting the map change amendment shown on Attachment 1.

Said rezoning shall be subject to the following conditions:

1. The area of the rezoning shall be the limits of the property owned by Stroudwater Farms Associates as indicated on Exhibit A.
2. The development of the property shall be for twenty-nine single-family homes on individual lots on a private road, as shown on Exhibit B, subject to alterations approved by the Planning Board as part of the subdivision and site plan review.
3. The owner or owners of each lot shall be members of a Homeowners Association which shall own and maintain both the private road and any open space of the subdivision.
4. The development shall be served by a private road with a single curb cut from Congress Street. Said private road shall be twenty-four feet in width, paved and shall have bituminous concrete curbing. The private road shall be owned and maintained by the applicant for rezoning until establishment of the successor Stroudwater River's Edge Homeowners' Association, as set forth in Exhibit C. The City shall not at any time either maintain the private road or provide any type of services on the private road.
5. The applicant for rezoning shall deed approximately ten acres of land adjacent to the Stroudwater River to Portland Trails either in fee or as a protective easement, for use as buffer space, trails, and passive recreational uses only. Said deed shall include an

R3CONGST.003
08.26.92

access easement from Congress Street and proof of recording of the deed in the Cumberland County Registry of Deeds shall be provided to the City prior to the issuance of any building permit. In the event that this land is deeded to Portland Trails as a conservation easement pursuant to 33 M.R.S.A. §477, the deed shall also create a third-party right of enforcement in the City and shall specify the time and manner in which both the City and Portland Trails can enter the easement area in order to ensure compliance with the terms of the easement.

6. In the event that Phase II of the project is constructed, improvements to Congress Street shall be completed and operational prior to occupancy of seventy-five (75) percent of the structures in that phase. The Congress Street improvements shall consist of road widening and sidewalk repairs, as required by the City Traffic Engineer.
7. In the event that Phase II of the project is not constructed or that fewer than seventy-five (75) percent of the structures in that phase are constructed by January 1, 1998, the applicant for rezoning or any successor shall submit to the City Traffic Engineer a trip generation study for the project. If this study indicates a need for improvements to Congress Street, the applicant for rezoning or any successor shall be responsible for those improvements determined to be necessary by the City Traffic Engineer.
8. This conditional rezoning shall be limited to the applicant for rezoning and to any successor Homeowners' Association. The conditional rezoning shall only be transferable by sale or by lease if the planning authority determines that a subsequent user of the property shall comply with all of the requirements of this conditional rezoning.
9. The applicant shall file a copy of this rezoning, along with a reference to the subject property, in the Cumberland County Registry of Deeds.

¹⁰ The applicant's Deed Periods of Construction shall include to the satisfaction of the City
The above-stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the subject premises to the extent set forth in Paragraph 6, shall bind the Owner, its successors and assigns of said property or any interest therein to the extent set forth in Paragraph 6, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the City of *Portland*

R3CONGST.003
08.26.92

on back sheet
not the behind
with City
By satisfied Mr
To The County of
Portland

Portland, by and through its duly authorized representatives.

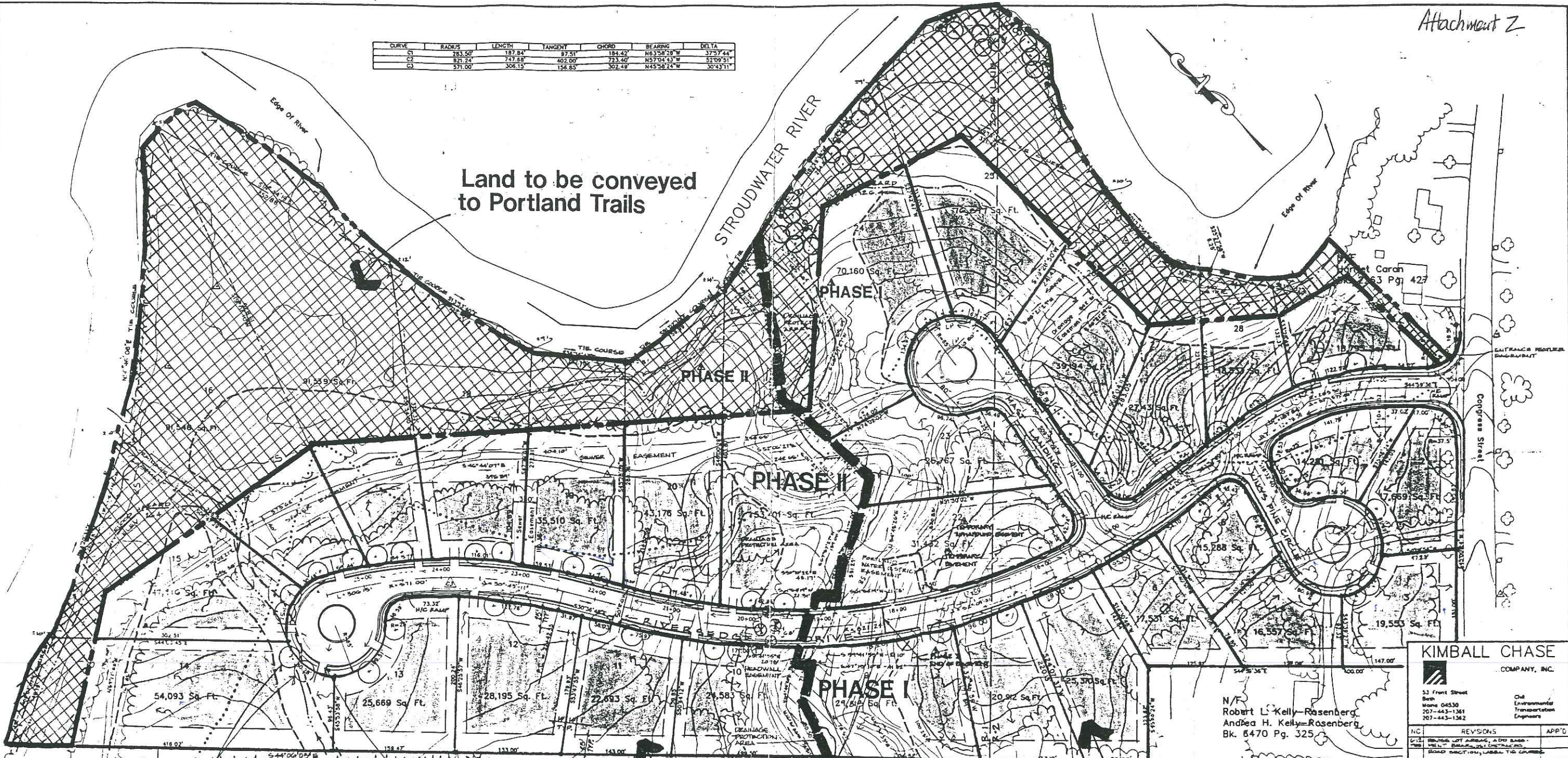
If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event of a breach of any condition(s), the Planning Board shall have the authority, after hearing to resolve the issue resulting in the breach. The resolution may include a recommendation to the City Council that the site be rezoned to R-1 and R-2.

R3CONGST.003
08.26.92

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	283.50'	187.84'	87.51'	184.42'	N63°58'28"W	37°57'44"
C2	821.24'	747.68'	402.00'	733.40'	N57°04'43"W	52°09'51"
C3	571.00'	306.15'	154.85'	302.48'	N45°58'24"W	30°43'11"



Land to be conveyed to Portland Trails

STROUDWATER RIVER

PHASE I

PHASE II

PHASE II

PHASE I

Point Caron Bk. 427

Congress Street

N/F Union Mutual Insurance Co.

2 STREET TREES PER LOT TO BE INSTALLED; SPECIES & SIZE:
 - MARSHALLS SEEDLESS A&H 2 1/2" - 3" CAL.
 - NORTON MAPLE 8" - 8" CAL.
 - PIN OAK 2 1/2" - 3" CAL.
 TOTAL OF 50 TREES

DRIVE CURB CUT, TYP. FOR EACH LOT

N/F Portland Lodge No. 188 Benevolent and Protective Order of Elks of The United States of America Bk. 6157 Pg. 37

WIDE SIDEWALK ALONG BOTH SIDES OF STREET CUTS

N/F Joseph C. Pizzo Jr. Sharon A. Pizzo Bk. 3822 Pg. 272

N/F The Holy Spirit Assoc. For The Unification of World Christianity Bk. 6903 Pg. 75

KIMBALL CHASE COMPANY, INC.

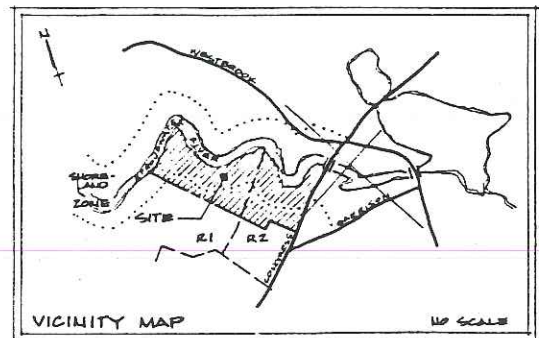
53 Front Street
 Bath, ME 04530
 207-443-1361
 207-443-1362

NO.	REVISIONS	APP'D.
1	ISSUE FOR PERMITTING	
2	REVISED LOT AREA TO DO BATH MEET - BATHING ESTABLISHMENT ROAD SECTION, LABEL THE CURVES	
3	ADD HANDICAP RAMPS TO ADDS THAT THE RAMPS [BY] BATHING ESTABLISHMENT	

N/F Robert L. Kelly-Rosenberg Andrea H. Kelly-Rosenberg Bk. 6470 Pg. 325

LOT (typical)

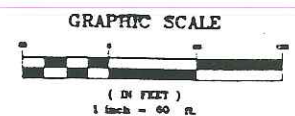
BUILDING WINDOW (typical)



LEGEND

IRON PIPE PER PIN FOUND	○
IRON PIN SET	⊙
GRAV. MONUMENT SET	⊖
PROPERTY LINE	---
EASEMENT LINE	---
SHORELAND ZONE LINE
FLOOD HAZARD LINE	---
TIP COURSE	---
BUFFER LINE	---
STREAM	---
DRAINAGE SWALE W/ INTERMITTENT FLOWS	---
BUILDING WINDOW	---

- GENERAL NOTES
- ALL RESIDENCES SHALL HAVE NFFA 150 FIRE PROTECTION SYSTEMS.
 - RECORD OWNER OF PARCEL IS ROBERT C. HUNT AS RECORDED IN C.C.R.D. BOOK 2916 PAGE 400
 - ROAD & LOT COMPUTATIONS BY KIMBALL-CHASE INC., BATH, MAINE. PARIMETER INFORMATION FROM DEC. 1900 SURVEY BY KIMBALL-CHASE
 - PROJECT AREA IS LOCATED IN THE R-1 AND R-2 ZONING DISTRICT.
 - PROJECT AREA: LOTS 25.42 AC. ROAD R.O.W. 5.41 AC. TOTAL 27.41 ACRES
 - GRAVITE R.O.W. MONUMENTS TO BE SET 5' INSIDE OF THE RIGHT-OF-WAY LINE PER CITY OF PORTLAND STANDARDS.
 - ALL LOTS HAVING A PORTION OF THE LOT WITHIN THE SHORELAND ZONE SHALL REQUIRE SITE PLAN AND SHORELAND APPROVAL FROM THE CITY OF PORTLAND.
 - NO BUILDING SHALL BE PERMITTED IN THE FLOOD HAZARD AREA WITHOUT FLOOD HAZARD REVIEW BY THE CITY OF PORTLAND.



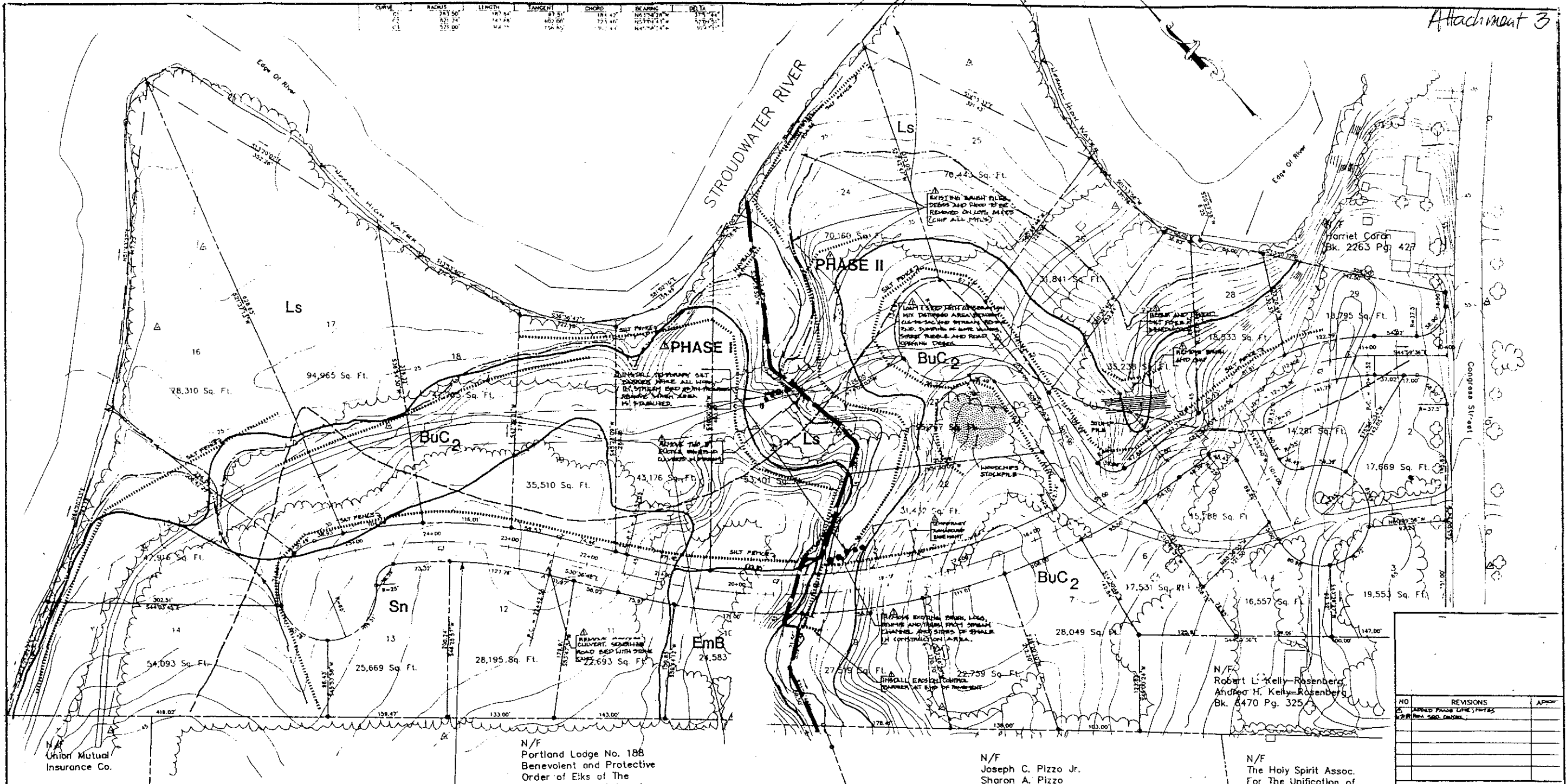
RIVER'S EDGE Amended Subdivision Plan

DESIGNED BY: SGC
 DRAWN BY: SGC
 APPROVED BY: _____
 DATE: JUNE 15, 1988

SPONSORED BY
 GREATER PORTLAND DEVELOPMENT GROUP
 TEL: 207-797-4234

SCALE: 1"=60'
 PROJECT NO. 88-1577 SHEET NO. 10A10

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DATA
C1	263.50'	187.54'	83.51'	184.42'	N17°42'30"W	175.44'
C2	431.74'	143.28'	102.68'	121.46'	N53°24'14"E	127.55'
C3	531.00'	64.77'	126.82'	111.47'	N41°52'47"E	102.11'

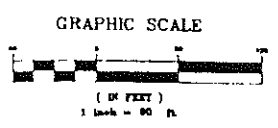


▲ PHASES ONE AND TWO STABILIZE NON-VEGETATED, ACTIVE ERODED AND DISTURBED AREAS OUTSIDE OF ROAD-BED.
 - SEE GRADE SLOPES TO REMOVE RIMULETS AND BARRIERS.
 - SEED WITH COMBINATION OF MIX AND PROTECT SLOPES OVER SOIL WITH POLYPROPYLENE EROSION MATTING.
 - RESEED AFTER 7 DAYS UNTIL ALL AREAS HAVE 90% COVERT.

TREE PRESERVATION & PROTECTION PLAN
 FROM THE START OF CONSTRUCTION ALL ROADS & UTILITIES / PROTECTIVE FENCING SHALL BE INSTALLED & DRUMLINE, A 3' OF DISTANCE FROM THE TREE TRUNK TO THE GROUND LINE, UTILITIES PERMITTED.
 DEMONSTRATED SPECIMEN TREES WITHIN 25' OF WORK AREAS SHALL BE PROTECTED BY PLACING THROUGH CUT ALL CONSTRUCTION ACTIVITIES.
 MATERIALS & EQUIPMENT OF ANY CONSTRUCTION MATERIALS, EQUIP. & PILING SHALL NOT BE PERMITTED WITHIN THE DRUMLINE OF TREES OVER A 1" DIA. IN THE SITE.
 TEMPORARY TRUNK OR BRANCHING OF LIMBS SHALL BE PERMITTED TO ALLOW WORK IN AREAS WHERE LIMB OVERHANGS.
 DISTURBED AREAS WITHIN DRUMLINE OF TREES TO REMAIN SHALL BE REPAIRED, RIMULETS SMOOTH & REVEGETATED UPON THE COMPLETION OF ALL CONSTRUCTION ACTIVITIES, & GRASSLAND MADE REACTIVE WITHIN DRUMLINE.

EROSION CONTROL SCHEDULE:
 1. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF ANY CONSTRUCTION.
 - HAYBALES & SILT FENCE PLACED 10' BEYOND FULL AREA.
 2. HAYBALES AROUND LOT: AFTER CONSTRUCTION COMPLETED WHICH CAN NOT BE SEEDS IMMEDIATELY SHALL BE MAINTAINED WITH A CLEAN SPRAIN.
 3. SEED DISTURBED AREAS WITHIN 10 DAYS AFTER FINAL GRADING & MULCH UNTIL SEEDS.
 4. ALL EROSION CONTROL SHALL CONFORM WITH THE CONSTRUCTION USE PERMITS BY U.S.D.A. SOIL CONSERVATION SERVICE, CURRENTLY IN THE STATE OF MAINE ENVIRONMENTAL QUALITY HANDBOOK.
 5. SEE DETAIL SHEET FOR DETAILS AND SPECIFICATIONS FOR EROSION CONTROL.

LEGEND
 - - - - - FLOOD HAZARD
 - - - - - SHORELINE ZONE
 - - - - - SOIL BOUNDARY
 - - - - - DRAINAGE SWALE W/ INTERMITTENT FLOODS
 - - - - - STREAM
 - - - - - HAYBALE & SILT FENCE (AS NOTED)



NO	REVISIONS	APPROVED
1	ADDED FROM FIELD NOTES	
2	FROM SOIL CONTROL	

RIVER'S EDGE
 Amended Soils, Erosion Controls & Site Preparation

DESIGNED BY: SGC
 DRAWN BY: SGC
 APPROVED BY: [Signature]
 DATE: May 10, 1988

SPONSORED BY
 GREATER PORTLAND DEVELOPMENT GROUP
 TEL: 207-797-4234

SCALE: 1"=80'

PROJECT NO. 86-1577
 SHEET NO. 2 of 10

STROUDWATER RIVER'S EDGE HOMEOWNERS ASSOCIATION,
PORTLAND, MAINE
BY-LAWS

ARTICLE I
NAME

The name of this Association shall be STROUDWATER RIVER'S
EDGE HOMEOWNERS ASSOCIATION.

ARTICLE II
MEMBERSHIP

SECTION 1. Defined. Members of the Association shall be the owners of record of parcels of land (Lots) at Stroudwater River's Edge, Portland, Maine in the area as defined on a plan entitled "Stroudwater River's Edge Subdivision" recorded in Plan Book , Page , Cumberland County Registry of Deeds.

An owner shall be defined as the owner(s) of record of any residential parcel (Lot) described on the aforementioned Plat. Each owner of a Lot shall automatically become and be a member of the Association as long as he/she continues as the owner of a Lot. Upon termination of interest of an owner in a Lot, his/her membership and any interest in the Association shall thereupon automatically terminate and transfer and inure to the next owner of his/her Lot succeeding him/her in interest.

ARTICLE III
MEETINGS

SECTION 1. Annual Meeting. The annual meeting of the members of the Association shall be held on the second Sunday following Labor Day in each year at 1:30 p.m., unless a different hour is fixed by the Directors and stated in the notice of the meeting. The purpose for which the annual meeting is to be held, in addition to those prescribed by law, the Articles of Incorporation, or by these By-Laws, may be specified by the Directors or the President provided that such purpose is set forth in the notice of meeting.

SECTION 2. Special Meetings. Special meetings of the members may be called by the President or by the Directors.

SECTION 3. Notice of Meetings. A written notice of every annual or special meeting of the members, stating the place, date and hour thereof, and the purpose for which the

meeting is to be held shall be given by the Clerk or by the officer calling the meeting at least fifteen (15) days before the meeting to each member entitled to vote by leaving such notice with him or at his residence or usual place of business, or by mailing it postage prepaid and addressed to such member at his address as it appears upon the books of the corporation. No notice need be given to any member if a written waiver of notice, executed before or after the meeting by the member or his attorney is filed with the records of the meeting.

SECTION 4. Emergency Meetings. Emergency meetings may be called in the same manner as special meetings. The notice of such meetings shall be given in the same manner as set forth in Section 2, above, except that the notice for such meeting shall be 48 hours. The purpose of a special meeting shall be limited to action on such matters as are necessary to protect the health of members, to provide emergency access to members' property, to prevent further or unnecessary destruction of Association property or to meet other emergencies resulting from unforeseen or unanticipated damage, destruction or catastrophe. The amount of money to be appropriated or expended by the vote at any emergency meeting shall not exceed the total amount of the previous year's expenditures for maintenance.

SECTION 5. Quorums. Six (6) members shall constitute a quorum for any meeting but a lesser number may adjourn a meeting from time to time without further notice.

SECTION 6. Voting.

- A. There shall be only one vote per parcel as shown on the Subdivision Plat referred to above, regardless of the number of owners.
- B. A vote of the majority of the members present at any meeting shall be sufficient to decide any questions, except amendment of the By-Laws, provided there is a quorum present.

SECTION 7. Annual Budget. No later than thirty (30) days prior to each Annual Meeting of the members of the Association the Board of Directors shall estimate the Common Expenses for the following fiscal year and shall present the estimate to the members at their annual meeting as the proposed budget for such fiscal year. The annual assessment required to meet annual estimated Common Expenses for each fiscal year must be approved by majority vote of the members of the Association at their Annual Meeting held prior to the commencement of the fiscal year to which the estimated budget of Common Expenses applies. If the Lot owners disapprove

such budget then the budget for the preceding fiscal year shall be the budget for the succeeding fiscal year.

ARTICLE IV
PURPOSE

SECTION 1. Purpose. The purpose of the Association is to perpetually hold, own, maintain, improve, develop and operate the land of the Association and to provide and maintain pedestrian and vehicular easements, utility and drainage easements, storm drainage, detention areas and roads and ways for the benefit of its members and their families and to obtain insurance of all types for the protection of the parcel owners and property interests of the Association.

SECTION 2. Control of Land. The Association shall assume control of the affairs of the subdivision at such time as twenty-two (22) of the lots in the subdivision have been conveyed to individual lot owners, and the owners are living in the subdivision.

SECTION 3. Road. As used in these By-laws: "Road" means, collectively, all the area within the rights of way identified on the subdivision plan and identified as King's Pine Circle, Mast Landing and Riversedge Drive extending from the right of way line of Congress Street.

SECTION 4. Responsibilities. The Association shall perform and be responsible for the maintenance, resurfacing, improvement, clearing and repair of, and snow removal from the Road and for the payment of any real estate taxes assessed thereon, and for the cost of any labor, equipment or materials and management related to the Road, drainage easements and common area and supervision therefor.

SECTION 5. Assessments.

- A. In furtherance of its purpose, the Association shall have the right to pay all expenses of maintenance, services and taxes assessed by the City of Portland on Association property and for the purpose of meeting these expenses shall have the right to assess the members on an equitable basis.
- B. All assessments shall be billed no later than two (2) weeks prior to the commencement of the succeeding fiscal year by the Treasurer of the Association sending the bills therefor to the respective Lot owners at the address recorded in the Secretary's records either personally or by placing the bill in the United States mails, postage prepaid, addressed to the Lot owner as aforesaid. All sums so assessed and billed shall become due no

later than the commencement of the fiscal year to which the assessment applies. If the assessment to a lot owner is not paid to the Association within thirty (30) days after the date when due, then said assessment shall be delinquent and shall be recoverable by the Association together with interest at the annual rate of eighteen percent (18%), costs of collection and reasonable attorneys' fees provided by the law to the Association.

SECTION 6. Access. Furthermore, the Association, or its duly appointed representative, shall have the right to access any parcel at any reasonable hour and after reasonable notice to the owner of the parcel(s) encumbered and utility systems for their intended use and for the benefit of the Association's members and families. The Association shall have the power to take legal action to enforce payment of its assessments.

SECTION 7. Collection of Assessments. In furtherance of the foregoing purposes the Association shall have the power to do or take any and all acts permitted by law including without limiting the generality of the foregoing, bringing of an action at law against the delinquent Lot owner, placing a Lien against the Lot in favor of the Association and the right to foreclose, enter contracts and to buy, sell, lease or mortgage real estate.

ARTICLE V DIRECTORS

SECTION 1. Number. There shall be five (5) Directors, one of whom shall be the President of the Association. Four Directors shall be elected at each annual meeting to serve until the next annual meeting and the President shall automatically become a member of the Board of Directors.

SECTION 2. Powers. The business and affairs of the Association shall be managed by the Board of Directors who may exercise all of the powers of the Association except as otherwise provided by law, by the Articles of Incorporation or by the By-Laws. In the event of a vacancy in the Board of Directors, except with regard to the office of President, the remaining Directors may fill the vacancy until the next annual meeting.

SECTION 3. Meetings. Regular meetings of the Directors may be held without call or notice at such places and at such times as the Directors from time to time determine, provided that any Director who is absent when such determination is made shall be given notice of the meeting.

Special meetings of the Directors may be held at any time and place designated in a notice by the President or two or more Directors. There shall be no time limit for such notice provided each Director has received actual notice of the meeting.

SECTION 4. Quorum. Three Directors shall constitute quorum and a vote of a majority of those Directors present shall be sufficient to decide any matter.

SECTION 5. Action by Consent. Any action by the Directors may be taken without a meeting if a written consent thereto is signed by all the Directors and filed with the records of the Directors meetings. Such consent shall be treated as a vote of the Directors for all purposes.

ARTICLE VI OFFICERS

The officers of the corporation shall be a President, Treasurer and Clerk.

SECTION 1. Election. The officers of the corporation shall be elected annually at the annual meeting by a vote of a majority of all members present. To be eligible for election any individual must be an owner or one of the owners of record of a parcel of land as defined herein.

SECTION 2. Tenure. Each officer shall hold office from the date of his election until the next annual meeting of the members or until his successor is chosen and qualified. Any officer may resign by delivering his written resignation to the President or any Director and such resignation shall be effective upon receipt unless it is specified to be effective at some time or upon the happening of some other event.

SECTION 3. President. The President shall be the chief executive officer of the Association and a member of the Board of Directors. He/She shall have general supervision and control of the affairs of the Association and unless otherwise provided by the Directors he shall preside at all meetings of the members of the Directors.

SECTION 4. Treasurer. The Treasurer shall have general charge of the financial affairs of the Association and cause to be kept accurate books of account. He/She shall have custody of all funds and valuable documents of the Association and shall be the second certifying officer.

All checks and deposits for the payment of money shall be signed by the President or Treasurer or by such other individual as the Board of Directors may designate.

The Treasurer shall act as President pro tem in the absence of the President.

SECTION 5. Clerk. The Clerk, or in his/her absence the Treasurer, shall keep a record of all meetings of the members. The Clerk shall be registered agent of the Association and maintain the registered office. The Clerk shall maintain an accurate list of members.

ARTICLE VII
MISCELLANEOUS PROVISIONS

SECTION 1. Fiscal Year. Except as from time to time otherwise determined by the members, the fiscal year of the Association shall be September 1, to August 31.

SECTION 2. Seal. The seal of the corporation shall, subject to alteration by the members, bear its name, the work "Maine" and the year of the incorporation.

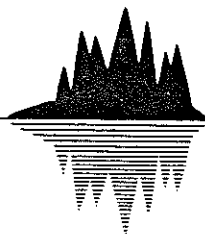
SECTION 3. Execution of Instruments. All deeds, leases, transfers, contracts, bonds, notes and other obligations authorized to be executed by an officer of the Association in its behalf shall be signed by the President and/or Treasurer or in particular cases as otherwise determined by the members.

SECTION 4. Amendments. These By-Laws may at any time be amended by a vote of two-thirds of the members present or voting by written proxy provided that notice of the substance of the proposed amendment is stated in the notice of the meeting, and a quorum is present.

SECTION 5. Lot Owner Responsibilities. Each Lot owner shall perform and be responsible for the maintenance, resurfacing, improvement, clearing and repair of, and snow removal from the Driveway on his/her Lot, and for the cost of any labor, equipment or materials and management related to the Lot drainage and individual Lot improvements.

ARTICLE VIII
DISSOLUTION

In the event of dissolution of the corporation, the net assets after payment of all creditors shall be distributed pro-rata among the members owning parcels described in the "Stroudwater River's Edge Subdivision". Each parcel shall receive an equal share in the distribution irrespective of the number of record owners.



Maine Coast Heritage Trust

167 Park Row • Brunswick, Maine 04011 Telephone (207) 729-7366

June 30, 1992

Mr. Stephen Mohr
Mohr and Seredin
18 Pleasant Street
Portland, ME

Dear Stephen:

Peter Monroe and I greatly enjoyed our tour of the Stroutwater River frontage yesterday. We were glad to have the opportunity to meet with Mr. Kennedy and learn more about his vision for the proposed trail. It was particularly helpful to discuss the specifics while on site, especially possible modifications the proposed boundary and access points.

Mr. Kennedy's proposed gift certainly has significant conservation merit. Not only would it protect an important natural river corridor, but it serve as an important link in Portland Trails' efforts to develop a Stroutwater River trail system. We also understand the value that such dedicated open space will bring to the proposed development.

Peter and I will discuss the fee ownership vs. conservation easement issue with the members of the Portland Trails board early next week. We look forward to hearing from you after you have had a chance to explore the parking and access possibilities.

Sincerely,

Caroline Norden
Director of Land Conservation

cc. Peter Monroe

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

Landscape Architects, Inc.

July 9, 1992

Ms. Caroline Norden
Maine Coast Heritage Trust
167 Park Row
Brunswick, Me 04011

Re: Stroudwater River's Edge Portland Trails Parcel

Dear Ms. Norden;

Enclosed please find a plan with the proposed land conveyance to Portland Trails delineated in red. Pursuant to our site walk I have reviewed the plans with Peter Kennedy, and the enclosed sketch represents our offer to Portland Trails. Please note that the plan reflects comments made by you and Peter Monroe during the walk;

- 1) The land will be conveyed in fee to Portland Trails;
- 2) An easement will be created for pedestrian access from Congress Street through the sidewalk on the private road and over the sewer easement to connect to the trail at the sewer siphon;
- 3) An easement for two parking spaces at the west side of the private road near the entrance;
- 4) The path alignment will be set in the field by Portland Trails and constructed by Mr. Kennedy at his expense.

Please review this information and call if you have any questions. We will proceed with preparing the legal descriptions and will await your final response.

Sincerely,



Stephen B. Mohr, ASLA

cc. Peter Monro
Peter Kennedy

PORTLAND TRAILS

July 16, 1992

Stephen B. Mohr
Mohr & Seredin
18 Pleasant St.
Portland, ME 04101



Re: Stroudwater River's Edge Parcel

Dear Steve Mohr,

Thank you for your letter and revised plan of July 9 concerning the land you propose to convey to Portland Trails in Peter Kennedy's River's Edge subdivision. I have reviewed your proposals with members of our Executive Committee and a few of our consultants.

First, let me say we are enthusiastic about the potential of this project to help fulfill the objectives of Portland Trails and the City of Portland's Shoreway Access Plan. We hope it will prove to be a model for other landowners.

Further, we are optimistic that together with you we have a general framework that should prove acceptable to both Portland Trails and to you for proceeding to the creation of a continuous riverside trail along this section of the Stroudwater River. We believe that the agreement will provide adequate access both along the river and from Congress Street, including handicapped access, and that adequate trailhead parking will be provided for trail users arriving from elsewhere by car.

As you know, some specifics remain to be settled. We will continue to work expeditiously with you to conclude an agreement to all of our satisfaction on this important project.

Yours truly,

A handwritten signature in dark ink, appearing to read "J. P. Monroe". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

J. Peter Monroe, President
Board of Trustees, Portland Trails

cc: A. Hopkins, C. Norden, R. Spencer, N. Smith

PORTLAND TRAILS
P.O. Box 17501, Portland, Maine 04101

printed on recycled paper

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

TO: Sarah Greene, Planning/Urban Development
FROM: George A. Flaherty, Director Parks/Public Works
SUBJECT: Stroudwater River's Edge Zone Change
DATE: May 18, 1992

This is to acknowledge receipt of a letter, dated May 12, 1992, addressed to you from Stephen B. Mohr, ASLA, concerning the above subject project. I have asked Bill Boothby to respond to your request on this proposal separately. My comments are as follows.

The deeds to each property will contain a disclosure that the houses are constructed on a private way and the property owner of the related association is responsible for the maintenance of the streets, storm sewers, sanitary sewers, etc. They will further post (at the head of each road) a required name sign in order for the public safety vehicles to identify the roadway by name. They also have to post and maintain an additional sign which will state, "Private Way, Not A City Street". This requirement should also be included in the deed to the individual property. Property owners must be fully aware this area is privately held. Since the streets will be private, they are further required to have their refuse collected by a private disposal firm, since the City is not allowed to place public equipment on private property. Here again the responsibility of refuse collection and disposal will be that of the property owner and this too should be disclosed in a deed. Some form of notice should be presented to any prospective buyer of this land and buildings to ensure all of these conditions are fully understood prior to their purchase.

By copy of this memorandum, I am requesting Corporation Counsel's office to look at what legal process we need to ensure this disclosure is properly made to any subsequent property owner.



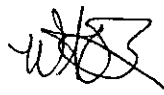
GAF/bjm

cc: Gary Wood, Corporation Counsel
Nadeen Daniels, Assistant City Manager
William S. Boothby, Director of Engineering
Desk File

Attachment

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Sarah Green, Planner

FROM: William S. Boothby, Director of Engineering 

DATE: May 15, 1992

SUBJECT: Stroudwater Rivers Edge Zone Change Request

I think what G.P.D.G. is proposing is a great idea. It makes what appears to be the best use of the property, gives control of the riverfront property to Portland Land Trust, and has little or no impact on the City in terms of maintenance costs for roads, sewers, storm drains and other infrastructure.

I would hope, though, that any approval would have assurances that the street and other infrastructure would remain forever private and that no petition for future City acceptance would ever be considered.

WSB/jmd