

330-E-1

2002-0106

Newell Ave.

Street Vacation

John Veilleux and Phillip Hatch

on Spreadsheet

PLANNING BOARD REPORT #43-02

**NEWELL AVENUE STREET VACATION REQUEST
JOHN AND LISA J. VELLEUX AND PHILLIP AND LISA HATCH, APPLICANTS**

Submitted to:
Portland Planning Board
Portland, Maine

June 11, 2002

Submitted by:
Kandice Talbot, Planner

I. INTRODUCTION

John and Lisa Veilleux, 186 Milton Street, and Phillip and Lisa Hatch, 174 Milton Street, are requesting street vacation of a portion of Newell Avenue. The request to vacate is for the portion of Newell Avenue between Milton Street and Bailey Street. The portion of Newell Avenue that the applicant is petitioning to vacate is shown on Attachment 4.

This paper street was referenced and recorded in the Woodfords Garden Subdivision Plan. As part of the subdivision approval, the developer was required to build a 20 ft. x 100 ft. walkway through this portion of Newell Avenue. The developer of the subdivision has constructed the walkway.

56 notices were sent to area residents. A legal ad appeared in the June 3rd and 4th editions of the *Portland Press Herald*.

II. UTILITIES

The applicants have received letters from Portland Water District, Northern Utilities, Verizon and Central Maine Power. The utility companies have no objection to the street vacation. However, both Portland Water District and Central Maine Power are requesting a utility easement for future use.

Public Works Engineering has reviewed the request and has no objection to the street vacation, although if vacated, they do recommend an access easement be required. Public Works' memo is included as Attachment 2.

III. COMPREHENSIVE PLAN

Newell Avenue was reserved from automatic vacation in 1997 when the City went through a complete review of paper streets within the City. The City, at that time, elected to continue its public rights in Newell Avenue. Streets were continued for such reasons as future street connections or utility right of ways.

A policy statement of the Transportation Plan reads:

"The City should promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto."

Larry Ash, Traffic Engineer, has reviewed the request and is opposed to vacating this portion of Newell Avenue, so that the City may keep open future options for vehicular circulation. The Traffic Engineer's memo is included as Attachment 3. The Board may consider maintaining this portion of Newell Avenue for potential street connection from the Milton Street neighborhood to the neighborhood recently developed on Tucker Avenue. There are also vacant lots that could potentially be developed in the future on Tarbell Avenue, Beal Street and Missouri Avenue. Based on the minimum lot size in the R-2 zone there is a possibility for 10+ single-family homes that could be developed in this neighborhood. Attachment 5 depicts where there is vacant land

between Tucker Avenue and Milton Street. Attachment 6 is a map produced by the City's GIS Workgroup. This map shows existing paved roads, existing dirt roads and paper streets, with building footprints.

IV. STAFF RECOMMENDATION

Staff is recommending that the Planning Board not vacate this portion of Newell Avenue. As stated previously, the Transportation Plan promotes interconnection between neighborhoods for both pedestrian and vehicle use. Vacating this portion of Newell Avenue would eliminate the potential for a connection between the Milton Street/Beverly Street neighborhood with the Tucker Avenue neighborhood.

V. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of the plans and petition submitted by the applicant and on the basis of information contained in Planning Report #43-02, the Planning Board recommends the following to the City Council:

- i. That the vacation of the portion of Newell Avenue, as depicted on Attachment 4 [is/is not] in conformance with the Comprehensive Plan of the City of Portland, with a public access easement and utility easement retained within the Newell Avenue right-of-way.

Attachments:

- 1. Applicant's Submittal
- 2. Public Works' Memo
- 3. Traffic Engineer's Memo
- 4. Map of Area Proposed to be Vacated
- 5. Vacant Land Map
- 6. GIS Map

1-5
Cavan
Krichels
Luck
Beal
Lowry
Malone
abs.

NORMAN, HANSON & DETROY, LLC

Att. 1

ROBERT F. HANSON
PETER J. DETROY
STEPHEN HESSERT
RODERICK R. ROVZAR
THEODORE H. KIRCHNER
MARK G. LAVOIE
STEPHEN W. MORIARTY
JAMES D. POLIQUIN
JOHN H. KING, JR.
PAUL F. DRISCOLL
WILLIAM O. LACASSE
MARK E. DUNLAP
ROBERT W. BOWER, JR.
JONATHAN W. BROGAN
CHRISTOPHER C. TAINTOR
OF COUNSEL
DAVID C. NORMAN

DAVID P. VERY
DANIEL L. CUMMINGS
RUSSELL B. PIERCE, JR.
ANNE M. CARNEY
DAVID L. HERZER, JR.
THOMAS S. MARJERISON
ADRIAN P. KENDALL
EMILY A. BLOCH
ANNE H. JORDAN
AARON K. BALTES
JOHN R. VEILLEUX
LANCE E. WALKER
DORIS V. RYGALSKI
RACHEL L. REEVES

ATTORNEYS AT LAW
415 CONGRESS STREET
P.O. BOX 4600
PORTLAND, MAINE 04112-4600

AREA CODE 207
774-7000
FAX
775-0806

E-Mail
jveilleux@nhdlaw.com

Website
www.nhdlaw.com

April 2, 2002

Sarah Hopkins
City of Portland
Planning & Urban Development Division
389 Congress Street
Portland, Maine 04101

Re: Application to vacate a portion of Newell Avenue

Dear Ms. Hopkins:

In accordance with 23 M.R.S.A. § 3027(1), I, along with my wife, Lisa J. Veilleux, and Phillip and Lisa Hatch, co-abutters, hereby petition the Planning Board to vacate that portion of Newell Avenue, a paper street, between Milton Street and Bailey Avenue in the Forest Avenue Terrace/Woodford Gardens subdivision, all located within the City of Portland. A more thorough legal description is contained in Exhibit A, attached hereto. My wife and I live at 186 Milton Street; the Hatches live at 174 Milton Street. We are the direct abutters to the subject portion of Newell Avenue.

The above-referenced paper street was referenced and recorded in the Cumberland County Registry of Deeds on April 26, 1996 in Plan Book 196 at Page 140. The City never accepted the street. See attached Plan, Exhibit B. The subject area is depicted on Tax Map Nos. 330 and 333, attached hereto as Exhibit C, on file at the City's offices. Pursuant to Portland City Council Order #84, passed on September 3, 1997, the City excepted this portion of Newell Avenue between Milton Street and Tucker Avenue from deemed vacation after a change in the law pursuant to 23 M.R.S.A. § 3032. The City has already vacated that portion of Newell Avenue running between Beverly Street and Milton Street, and from Tucker to Riverside Industrial Parkway, some of which is depicted on the above-referenced Subdivision Plan. The applicants here are only seeking to have the City vacate that part of Newell Avenue that runs from Milton to Bailey/Missouri/Tarbell.

The part of Newell Avenue at issue in this petition is approximately 50 feet by 100 feet in size and does not extend or connect to other roads, streets, trails, schools, fire stations, or the like. Apparently, the Planning Board made the last phase of construction on Milton Street contingent on the developer building a 20 foot by 100 foot walkway through the paper road, which leads to no where. In fact, an existing home, deck, garage, and shed not depicted on Tax Map Nos. 330 and 333 are located on a part or the whole of the subject portion of Newell, and any path or accepted road would lead to and through that home's front yard and driveway. Photos of the subject property will be provided, if necessary. There is simply no public interest preserved by constructing this walkway. A similar "walkway" was constructed in the nearby Buca Run development as a condition to approval of that project. That path, although it did connect Buca with the Harris Avenue neighborhood in the area across the street from Riverton Elementary School, was loamed over and seeded by the abutters.

Vacating this small part of Newell Avenue would not affect the public's rights to egress and ingress. Although the City apparently has a preference for "connecting" the various streets in its subdivisions, vacating the subject portion of Newell Avenue would not affect that preference. Bailey Avenue and Tarbell Avenue are currently dead-end streets that abut Missouri Avenue, yet another paper road that abuts primarily wetlands. Most of the land abutting Missouri Avenue was developed as part of the Tucker Avenue Ext. project and the extension of Milton Street. Much of Bailey Avenue is now undevelopable because various owners of Milton Street and Saugus Street properties have purchased vacant lots abutting Bailey to the rear of their respective properties. However, on the slight possibility that Bailey and Tarbell Avenues are developed in the future, vacating the subject portion of Newell Avenue would not affect such development because Bailey Avenue is connected to the neighborhood via Lynn Avenue and Dover Street. Tarbell Avenue is currently connected to the subdivision via Dover Street, and Bailey and Tucker Avenue. Connection could also be made in the future along the remaining, non-vacated portions of Newell Avenue and Beal Street.

I have enclosed copies of letters from all relevant public utilities, which indicate that they have little interest in the portion of Newell Avenue to be vacated. Pursuant to my communications with Corporation Counsel's office, I understand that the City will mail out notices as required by 23 M.R.S.A. § 3027 using the information contained in the City's tax maps. I enclose a check for \$500.00 to cover the costs associated with providing such notice to potentially affected property owners and mortgagees, together with an executed waiver and indemnification agreement provided by the Planning Board.

City of Portland
Planning & Urban Development Division
Application to Vacate a Portion of Newell Avenue
April 2, 2002
Page 3 of 4

1b

I further request that you take all further action necessary to complete vacating the above-described paper street. Please let me know if you need any further information. If necessary, I would be happy to meet with a member of the planning department at the subject street. I understand that the matter will be eventually be brought before the Planning Board for workshop and public hearing, and that the Planning Board will then make a recommendation to the City Council. I also understand that final action on this application will be made by the City Council. If the subject part of Newell Avenue is vacated, the co-applicants understand that the respective abutters will own, equally, to the former centerline of Newell Avenue pursuant to 33 M.R.S.A. § 465.

Very truly yours,


John R. Veilleux

JRV/vas
Attachments

cc: Danny and Lisa Hatch
Penny Littell, Corporation Counsel's Office, w/o enclosures

EXHIBIT A

That portion of Newell Avenue, so-called, as shown on that Plan of Woodfords Gardens, said Plan being recorded in the Cumberland County Registry of Deeds on April 26, 1996 at Plan Book 196, Page 140, which Plan was a retracement of a prior plan entitled "Woodford Gardens, Portland, Maine, owned by J.W. Wilbur Co., Inc.", dated November 16, 1916 and recorded in the Cumberland County Registry of Deeds at Plan Book 13, Page 75, which is bounded to the north by Lot 158 as shown on the Plan (Veilleux), to the south by Lot 45 on City of Portland Tax Map No. 333 (Hatch), to the east by Milton Street, and to the west by the continuation of Newell Avenue and Missouri Avenue, both paper roads, all as depicted on the Plan and Tax Map Nos. 330 and 333.

1d

VACATION WAIVER AND INDEMNIFICATION

WHEREAS, John R. Veilleux and Phillip Daniel Hatch of 186 and 174 Milton Street,
(Petitioner)

respectively

(Petitioner's Address)

(the "Petitioner") has requested the City of Portland (the "City") to vacate, pursuant to 30 M.R.S.A. § 3027 et seq.; a certain (proposed Town way/portion of a proposed Town way) known as Newell Avenue more

(Name of proposed Town way)

particularly described as Exhibit A attached to the Application for
(Insert description or a reference

vacation of part of Newell Ave., dated April 2, 2002, and
to description attached hereto and hereby incorporated by

incorporated by reference
reference)

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

NOW, THEREFORE, in consideration of the City vacating said proposed Town way or portion thereof, the Petitioner for itself, its successors, heirs and assigns, agrees as follows:

1. The Petitioner hereby waives any and all claims for damages which it may now or hereafter have against the City arising out of or resulting from any vacation of said proposed Town way or portion thereof by the City pursuant to 23 M.R.S.A. § 3027 et seq.;

2. The Petitioner hereby agrees to defend, indemnify and hold harmless the City against any and all claims by any and all third persons against the City for damages arising out of or resulting from any vacation of said proposed Town way or portion thereof by the City pursuant to 23 M.R.S.A. § 3027 et seq.

DATED: April 2, ²⁰⁰²~~19~~

BY: [Signature]
(Petitioner's Signature)

John R. Veilleux
Phillip Daniel Hatch
(Print Name)

ITS: _____
(Title)



Portland Water District

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

le

August 23, 2001

(207) 774-5961
FAX (207) 761-8307
www.pwd.org

Mr. John Veilleux
Norman, Hansen & DeTroy
415 Congress Street
P.O. Box 4600
Portland, ME 04112-4600

Re: Proposed Vacation of a Portion of Newell Avenue

Dear Mr. Veilleux:

Per your request, the District currently has no facilities in the portion of Newell Avenue between Milton Street and Bailey Avenue. If the remainder of Newell Avenue is ever developed with a water main in the future, the District will want to tie the main through to Milton Street. The District has no objection to the proposed vacation of the street provided the two abutting owners grant the District an easement for a water line potentially needed in the future.

Do not hesitate to call me at 774-5961 ext. 3057 if you have any further questions regarding this request or need any further information..

Sincerely yours,

PORTLAND WATER DISTRICT

Norman V. Twaddel

Norman V. Twaddel
Right of Way Agent

RECEIVED

AUG 27 2001

Norman, Hanson & DeTroy



Northern Utilities
Natural Gas
A NiSource Company

lf

Norman Hanson & Detroy

After reviewing the parcel of land on Newall St. in Portland Maine. Northern Utilities Inc. will have no future interest in development of that area of land.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rick Bellemare".

Rick Bellemare – New Construction

Troy F. McDonald, P.L.S.
Right-of-Way Specialist



5 Davis Farm Road
Portland, ME 04103

Phone 207 797-1785
Fax 207 797-1098
troy.f.mcdonald@verizon.com

September 12, 2001

John R. Veilleux
Norman, Hanson & DeTroy, LLC
P.O. Box 4600
Portland, Maine 04112-4600

RE: Partial Vacation of Newell Avenue – Portland, Maine

Dear John:

Our engineering department has reviewed that portion of Newell Avenue you desire to have vacated. Please be aware that Verizon has no objections to the vacation of this portion of Newell Avenue and would not request the retention of a public easement.

If you have any questions, or would like to discuss this matter further, do not hesitate to call.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Troy F. McDonald'.

Troy F. McDonald, PLS
Right-of-Way Specialist

RECEIVED
SEP 13 2001
Norman, Hanson & DeTroy



Central Maine Power Company
83 Edison Drive, Augusta, Maine 04336

(207) 623-3521

Real Estate Services

lh

September 4, 2001

John Veilleux
Norman, Hanson & Detroy
P.O. Box 4600
Portland, Maine 04112-4600

Re: Vacating Paper Street

Dear Mr. Veilleux:

Upon vacating paper streets, Central Maine Power Company requests that easements be reserved for electric distribution and communication equipment and facilities, consisting of poles, wires and cables, together with all necessary fixtures and appurtenances over, under and across the surface, that may exist within the paper street, if any.

Thank you for contacting Central Maine Power Company on this matter and please let me know if I can be of further assistance.

Sincerely,

Alice Richards
Real Estate Services

RECEIVED

SEP 05 2001

Norman, Hanson & Detroy

CMP

Central Maine Power Company is a licensed Maine real estate brokerage agency although it does not broker property for others. All employees whose primary function is the sale or purchase of real estate are licensed Maine brokers, associate brokers or sales agents representing Central Maine Power Company and its affiliated companies.

AH. 2

From: Anthony Lombardo
To: Kandi Talbot
Date: Wed, May 1, 2002 7:53 AM
Subject: Newell Avenue Vacation Request....5/1/02

Kandi,

I have reviewed the application and Public Works has no objection to the request to vacate Newell Avenue. However, in support of the City's "Transportation Policy", I would recommend that Planning visit the subject area to assess the need to retain rights for a pedestrian trail easement.

Att. 3

From: Larry Ash
To: Kandi Talbot; Sarah Hopkins
Date: Thu, Jun 6, 2002 1:16 PM
Subject: Newell Street

Kandi: I do not wish to vacate Newell Street and thereby keep open future options for the City should more development occur and vehicular circulation/movement become necessary or desirable in this subdivision.

CC: Penny Littell

**CITY OF PORTLAND, MAINE
MEMORANDUM**

TO: Chair Caron and Members of the Portland Planning Board

FROM: Kandice Talbot, Planner

DATE: May 14, 2002

SUBJECT: Newell Avenue Street Vacation Request
John and Lisa J. Veilleux and Phillip and Lisa Hatch, Co-Applicants

Introduction

John and Lisa Veilleux, 186 Milton Street, and Phillip and Lisa Hatch, 174 Milton Street is requesting street vacation of a portion of Newell Avenue. The request to vacate is for the portion of Newell Avenue between Milton Street and Bailey Street. The portion of Newell Avenue that the applicant is petitioning to vacate is shown on Attachment 3.

This paper street was referenced and recorded in the Woodfords Garden Subdivision Plan. As part of the subdivision approval, the developer was required to build a 20 ft. x 100 ft. walkway through this portion of Newell Avenue. The developer has stated that he will be constructing the walkway in the near future.

Utilities

The applicants have received letters from Portland Water District, Northern Utilities, Verizon and Central Maine Power. The utility companies have no objection to the street vacation. However, both Portland Water District and Central Maine Power are requesting an easement for future use.

Public Works Engineering has reviewed the request and has no objection to the street vacation, although if vacated, they do recommend an access easement be required. Public Works' memo is included as Attachment 2.

Comprehensive Plan

Newell Street was reserved from automatic vacation in 1997 when the City went through a complete review of paper streets within the City. The City, at that time, elected to continue its public rights in Newell Street. Streets were continued for such reasons as future street connections or utility right of ways.

A policy statement of the Transportation Plan reads:

“The City should promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.”

The Board may consider maintaining this portion of Newell Avenue for potential street connection from the Milton Street neighborhood to the neighborhood recently developed on Tucker Avenue. There are also vacant lots that could potentially be developed in the future on Tarbell Avenue, Beal Street and Missouri Avenue.

As stated above, the Planning Board made the last phase of construction on Milton Street contingent on the developer building a 20 ft. x 100 ft. walkway through the paper street. The proposed walkway would lead to a driveway on Bailey Avenue. However, the driveway appears to be within Newell Avenue right of way. The applicants are requesting the street vacation to remove the requirement to construct a walkway between their properties. If the Board did elect to recommend vacation of Newell Avenue to the City Council to address the applicants' concerns, the Woodfords Gardens Subdivision Plat would have to be amended to remove the note referencing the walkway and approved by the Planning Board and then recorded in the Registry of Deeds. Staff would recommend against such an amendment since it would be inconsistent with the City's Transportation Plan.

Attachments:

1. Applicant's Submittal
2. Public Works' Memo
3. Map Showing Street Status in Area

NORMAN, HANSON & DETROY, LLC

Att. 1

ROBERT F. HANSON
PETER J. DETROY
STEPHEN HESSERT
RODERICK R. ROVZAR
THEODORE H. KIRCHNER
MARK G. LAVOIE
STEPHEN W. MORIARTY
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JONATHAN W. BROGAN
CHRISTOPHER C. TAINTOR
OF COUNSEL
DAVID C. NORMAN

DAVID P. VERY
DANIEL L. CUMMINGS
RUSSELL B. PIERCE, JR.
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PORTLAND, MAINE 04112-4600

AREA CODE 207
774-7000
FAX
775-0806

E-Mail
jveilleux@nhdlaw.com

Website
www.nhdlaw.com

April 2, 2002

Sarah Hopkins
City of Portland
Planning & Urban Development Division
389 Congress Street
Portland, Maine 04101

Re: Application to vacate a portion of Newell Avenue

Dear Ms. Hopkins:

In accordance with 23 M.R.S.A. § 3027(1), I, along with my wife, Lisa J. Veilleux, and Phillip and Lisa Hatch, co-abutters, hereby petition the Planning Board to vacate that portion of Newell Avenue, a paper street, between Milton Street and Bailey Avenue in the Forest Avenue Terrace/Woodford Gardens subdivision, all located within the City of Portland. A more thorough legal description is contained in Exhibit A, attached hereto. My wife and I live at 186 Milton Street; the Hatches live at 174 Milton Street. We are the direct abutters to the subject portion of Newell Avenue.

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Planning & Urban Development Division
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April 2, 2002
Page 3 of 4

1b

I further request that you take all further action necessary to complete vacating the above-described paper street. Please let me know if you need any further information. If necessary, I would be happy to meet with a member of the planning department at the subject street. I understand that the matter will be eventually be brought before the Planning Board for workshop and public hearing, and that the Planning Board will then make a recommendation to the City Council. I also understand that final action on this application will be made by the City Council. If the subject part of Newell Avenue is vacated, the co-applicants understand that the respective abutters will own, equally, to the former centerline of Newell Avenue pursuant to 33 M.R.S.A. § 465.

Very truly yours,


John R. Veilleux

JRV/vas
Attachments

cc: Danny and Lisa Hatch
Penny Littell, Corporation Counsel's Office, w/a enclosures

City of Portland
Planning & Urban Development Division
Application to Vacate a Portion of Newell Avenue
April 2, 2002
Page 4 of 4

lc

EXHIBIT A

That portion of Newell Avenue, so-called, as shown on that Plan of Woodfords Gardens, said Plan being recorded in the Cumberland County Registry of Deeds on April 26, 1996 at Plan Book 196, Page 140, which Plan was a retracement of a prior plan entitled "Woodford Gardens, Portland, Maine, owned by J.W. Wilbur Co., Inc.", dated November 16, 1916 and recorded in the Cumberland County Registry of Deeds at Plan Book 13, Page 75, which is bounded to the north by Lot 158 as shown on the Plan (Veilleux), to the south by Lot 45 on City of Portland Tax Map No. 333 (Hatch), to the east by Milton Street, and to the west by the continuation of Newell Avenue and Missouri Avenue, both paper roads, all as depicted on the Plan and Tax Map Nos. 330 and 333.

1d

VACATION WAIVER AND INDEMNIFICATION

WHEREAS, John R. Villero and Phillip Daniel Hatch ^{OF} 186 and 174 Milton Street,
(Petitioner)

respectively

(Petitioner's Address)

(the "petitioner") have requested the City of Portland (the "City") to vacate, pursuant to 30 M.R.S.A. § 3027 et seq.; a certain (proposed Town way) portion of a proposed Town way known as Newell Avenue more

(Name of proposed Town way) particularly described as Exhibit A, attached to the Application for
(Insert description or a reference vacation of part of Newell Ave., dated April 2, 2002, and
to description attached hereto and hereby incorporated by incorporated by reference
reference)

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

NOW, THEREFORE, in consideration of the City vacating said proposed Town way or portion thereof, the Petitioner for itself, its successors, heirs and assigns, agrees as follows:

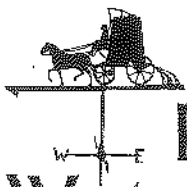
1. The Petitioner hereby waives any and all claims for damages which it may now or hereafter have against the City arising out of or resulting from any vacation of said proposed Town way or portion thereof by the City pursuant to 23 M.R.S.A. § 3027 et seq.;

2. The Petitioner hereby agrees to defend, indemnify and hold harmless the City against any and all claims by any and all third persons against the City for damages arising out of or resulting from any vacation of said proposed Town way or portion thereof by the City pursuant to 23 M.R.S.A. § 3027 et seq.

DATED: April 2, ²⁰⁰² ~~19~~

BY: [Signature]
(Petitioner's Signature)
John R. Villero
Phillip Daniel Hatch
(Print Name)

ITS: _____
(Title)



Portland Water District

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

(207) 774-5961
FAX (207) 761-8307
www.pwd.org

August 23, 2001

Mr. John Veilleux
Norman, Hansen & DeTroy
415 Congress Street
P.O. Box 4600
Portland, ME 04112-4600

Re: Proposed Vacation of a Portion of Newell Avenue

Dear Mr. Veilleux:

Per your request, the District currently has no facilities in the portion of Newell Avenue between Milton Street and Bailey Avenue. If the remainder of Newell Avenue is ever developed with a water main in the future, the District will want to tie the main through to Milton Street. The District has no objection to the proposed vacation of the street provided the two abutting owners grant the District an easement for a water line potentially needed in the future.

Do not hesitate to call me at 774-5961 ext. 3057 if you have any further questions regarding this request or need any further information..

Sincerely yours,

PORTLAND WATER DISTRICT

Norman V. Twaddel

Norman V. Twaddel
Right of Way Agent

RECEIVED

AUG 27 2001

Norman, Hanson & DeTroy



Northern Utilities
Natural Gas
A NiSource Company

1f

Norman Hanson & Detroy

After reviewing the parcel of land on Newall St. in Portland Maine. Northern Utilities Inc. will have no future interest in development of that area of land.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rick Bellemare".

Rick Bellemare – New Construction

Troy F. McDonald, P.L.S.
Right-of-Way Specialist



5 Davis Farm Road
Portland, ME 04103

Phone 207 797-1785
Fax 207 797-1098
troy.f.mcdonald@verizon.com

September 12, 2001

John R. Veilleux
Norman, Hanson & DeTroy, LLC
P.O. Box 4600
Portland, Maine 04112-4600

RE: Partial Vacation of Newell Avenue - Portland, Maine

Dear John:

Our engineering department has review that portion of Newell Avenue you desire to have vacated. Please be aware that Verizon has no objections to the vacation of this portion of Newell Avenue and would not request the retention of a public easement.

If you have any questions, or would like to discuss this matter further, do not hesitate to call.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Troy F. McDonald', is written over a horizontal line.

Troy F. McDonald, PLS
Right-of-Way Specialist

RECEIVED

SEP 13 2001

Norman, Hanson & DeTroy



Central Maine Power Company
83 Edison Drive, Augusta, Maine 04336

(207) 623-3521

Real Estate Services

lh

September 4, 2001

John Veilleux
Norman, Hanson & Detroy
P.O. Box 4600
Portland, Maine 04112-4600

Re: Vacating Paper Street

Dear Mr. Veilleux:

Upon vacating paper streets, Central Maine Power Company requests that easements be reserved for electric distribution and communication equipment and facilities, consisting of poles, wires and cables, together with all necessary fixtures and appurtenances over, under and across the surface, that may exist within the paper street, if any.

Thank you for contacting Central Maine Power Company on this matter and please let me know if I can be of further assistance.

Sincerely,

Alice Richards
Real Estate Services

RECEIVED

SEP 05 2001

Norman, Hanson & Detroy

CMP

Central Maine Power Company is a licensed Maine real estate brokerage agency although it does not broker property for others. All employees whose primary function is the sale or purchase of real estate are licensed Maine brokers, associate brokers or sales agents representing Central Maine Power Company and its affiliated companies.

Att. 2

From: Anthony Lombardo
To: Kandi Talbot
Date: Wed, May 1, 2002 7:53 AM
Subject: Newell Avenue Vacation Request...5/1/02

Kandi,

I have reviewed the application and Public Works has no objection to the request to vacate Newell Avenue. However, in support of the City's "Transportation Policy", I would recommend that Planning visit the subject area to assess the need to retain rights for a pedestrian trail easement.

**CITY OF PORTLAND, MAINE
MEMORANDUM**

TO: Chair Caron and Members of the Portland Planning Board

FROM: Kandice Talbot, Planner

DATE: May 14, 2002

SUBJECT: Newell Avenue Street Vacation Request
John and Lisa J. Veilleux and Phillip and Lisa Hatch, Co-Applicants

Introduction

John and Lisa Veilleux, 186 Milton Street, and Phillip and Lisa Hatch, 174 Milton Street is requesting street vacation of a portion of Newell Avenue. The request to vacate is for the portion of Newell Avenue between Milton Street and Bailey Street. The portion of Newell Avenue that the applicant is petitioning to vacate is shown on Attachment 3.

This paper street was referenced and recorded in the Woodfords Garden Subdivision Plan. As part of the subdivision approval, the developer was required to build a 20 ft. x 100 ft. walkway through this portion of Newell Avenue. The developer has stated that he will be constructing the walkway in the near future.

Utilities

The applicants have received letters from Portland Water District, Northern Utilities, Verizon and Central Maine Power. The utility companies have no objection to the street vacation. However, both Portland Water District and Central Maine Power are requesting an easement for future use.

Public Works Engineering has reviewed the request and has no objection to the street vacation, although if vacated, they do recommend an access easement be required. Public Works' memo is included as Attachment 2.

Comprehensive Plan

Newell Street was reserved from automatic vacation in 1997 when the City went through a complete review of paper streets within the City. The City, at that time, elected to continue its public rights in Newell Street. Streets were continued for such reasons as future street connections or utility right of ways.

A policy statement of the Transportation Plan reads:

“The City should promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.”

The Board may consider maintaining this portion of Newell Avenue for potential street connection from the Milton Street neighborhood to the neighborhood recently developed on Tucker Avenue. There are also vacant lots that could potentially be developed in the future on Tarbell Avenue, Bcal Street and Missouri Avenue.

As stated above, the Planning Board made the last phase of construction on Milton Street contingent on the developer building a 20 ft. x 100 ft. walkway through the paper street. The proposed walkway would lead to a driveway on Bailey Avenue. However, the driveway appears to be within Newell Avenue right of way. The applicants are requesting the street vacation to remove the requirement to construct a walkway between their properties. If the Board did elect to recommend vacation of Newell Avenue to the City Council to address the applicants' concerns, the Woodfords Gardens Subdivision Plat would have to be amended to remove the note referencing the walkway and approved by the Planning Board and then recorded in the Registry of Deeds. Staff would recommend against such an amendment since it would be inconsistent with the City's Transportation Plan.

Attachments:

1. Applicant's Submittal
2. Public Works' Memo
3. Map Showing Street Status in Area

NORMAN, HANSON & DETROY, LLC

Att. 1

ROBERT F. HANSON
PETER J. DETROY
STEPHEN HESSERT
RODERICK R. ROVZAR
THEODORE H. KIRCHNER
MARK G. LAVOIE
STEPHEN W. MORIARTY
JAMES D. POLIQUIN
JOHN H. KING, JR.
PAUL F. DRISCOLL
WILLIAM O. LACASSE
MARK E. DUNLAP
ROBERT W. BOWER, JR.
JONATHAN W. BROGAN
CHRISTOPHER C. TAINTOR
OF COUNSEL
DAVID C. NORMAN

DAVID P. VERY
DANIEL L. GUMMINGS
RUSSELL B. PIERCE, JR.
ANNE M. CARNEY
DAVID L. HERZER, JR.
THOMAS S. MARJERISON
ADRIAN P. KENDALL
EMILY A. BLOCH
ANNE H. JORDAN
AARON K. BALTES
JOHN R. VEILLEUX
LANDE E. WALKER
DORIS V. RYGALSKI
RACHEL L. REEVES

ATTORNEYS AT LAW
415 CONGRESS STREET
P.O. BOX 4600
PORTLAND, MAINE 04112-4600

AREA CODE 207
774-7000
FAX
775-0806

E-Mail
jveilleux@nhdlaw.com

Website
www.nhdlaw.com

April 2, 2002

Sarah Hopkins
City of Portland
Planning & Urban Development Division
389 Congress Street
Portland, Maine 04101

Re: Application to vacate a portion of Newell Avenue

Dear Ms. Hopkins:

In accordance with 23 M.R.S.A. § 3027(1), I, along with my wife, Lisa J. Veilleux, and Phillip and Lisa Hatch, co-abutters, hereby petition the Planning Board to vacate that portion of Newell Avenue, a paper street, between Milton Street and Bailey Avenue in the Forest Avenue Terrace/Woodford Gardens subdivision, all located within the City of Portland. A more thorough legal description is contained in Exhibit A, attached hereto. My wife and I live at 186 Milton Street; the Hatches live at 174 Milton Street. We are the direct abutters to the subject portion of Newell Avenue.

The above-referenced paper street was referenced and recorded in the Cumberland County Registry of Deeds on April 26, 1996 in Plan Book 196 at Page 140. The City never accepted the street. See attached Plan, Exhibit B. The subject area is depicted on Tax Map Nos. 330 and 333, attached hereto as Exhibit C, on file at the City's offices. Pursuant to Portland City Council Order #84, passed on September 3, 1997, the City excepted this portion of Newell Avenue between Milton Street and Tucker Avenue from deemed vacation after a change in the law pursuant to 23 M.R.S.A. § 3032. The City has already vacated that portion of Newell Avenue running between Beverly Street and Milton Street, and from Tucker to Riverside Industrial Parkway, some of which is depicted on the above-referenced Subdivision Plan. The applicants here are only seeking to have the City vacate that part of Newell Avenue that runs from Milton to Bailey/Missouri/Tarbell.

1a

City of Portland
Planning & Urban Development Division
Application to Vacate a Portion of Newell Avenue
April 2, 2002
Page 2 of 4

The part of Newell Avenue at issue in this petition is approximately 50 feet by 100 feet in size and does not extend or connect to other roads, streets, trails, schools, fire stations, or the like. Apparently, the Planning Board made the last phase of construction on Milton Street contingent on the developer building a 20 foot by 100 foot walkway through the paper road, which leads to no where. In fact, an existing home, deck, garage, and shed not depicted on Tax Map Nos. 330 and 333 are located on a part or the whole of the subject portion of Newell, and any path or accepted road would lead to and through that home's front yard and driveway. Photos of the subject property will be provided, if necessary. There is simply no public interest preserved by constructing this walkway. A similar "walkway" was constructed in the nearby Buca Run development as a condition to approval of that project. That path, although it did connect Buca with the Harris Avenue neighborhood in the area across the street from Riverton Elementary School, was loamed over and seeded by the abutters.

Vacating this small part of Newell Avenue would not affect the public's rights to egress and ingress. Although the City apparently has a preference for "connecting" the various streets in its subdivisions, vacating the subject portion of Newell Avenue would not affect that preference. Bailey Avenue and Tarbell Avenue are currently dead-end streets that abut Missouri Avenue, yet another paper road that abuts primarily wetlands. Most of the land abutting Missouri Avenue was developed as part of the Tucker Avenue Ext. project and the extension of Milton Street. Much of Bailey Avenue is now undevelopable because various owners of Milton Street and Saugus Street properties have purchased vacant lots abutting Bailey to the rear of their respective properties. However, on the slight possibility that Bailey and Tarbell Avenues are developed in the future, vacating the subject portion of Newell Avenue would not affect such development because Bailey Avenue is connected to the neighborhood via Lynn Avenue and Dover Street. Tarbell Avenue is currently connected to the subdivision via Dover Street, and Bailey and Tucker Avenue. Connection could also be made in the future along the remaining, non-vacated portions of Newell Avenue and Beal Street.

I have enclosed copies of letters from all relevant public utilities, which indicate that they have little interest in the portion of Newell Avenue to be vacated. Pursuant to my communications with Corporation Counsel's office, I understand that the City will mail out notices as required by 23 M.R.S.A. § 3027 using the information contained in the City's tax maps. I enclose a check for \$500.00 to cover the costs associated with providing such notice to potentially affected property owners and mortgagees, together with an executed waiver and indemnification agreement provided by the Planning Board.

City of Portland
Planning & Urban Development Division
Application to Vacate a Portion of Newell Avenue
April 2, 2002
Page 3 of 4

1b

I further request that you take all further action necessary to complete vacating the above-described paper street. Please let me know if you need any further information. If necessary, I would be happy to meet with a member of the planning department at the subject street. I understand that the matter will be eventually be brought before the Planning Board for workshop and public hearing, and that the Planning Board will then make a recommendation to the City Council. I also understand that final action on this application will be made by the City Council. If the subject part of Newell Avenue is vacated, the co-applicants understand that the respective abutters will own, equally, to the former centerline of Newell Avenue pursuant to 33 M.R.S.A. § 465.

Very truly yours,



John R. Veilleux

JRV/vas
Attachments

cc: Danny and Lisa Hatch
Penny Littell, Corporation Counsel's Office, w/o enclosures

City of Portland
Planning & Urban Development Division
Application to Vacate a Portion of Newell Avenue
April 2, 2002
Page 4 of 4

lc

EXHIBIT A

That portion of Newell Avenue, so-called, as shown on that Plan of Woodfords Gardens, said Plan being recorded in the Cumberland County Registry of Deeds on April 26, 1996 at Plan Book 196, Page 140, which Plan was a retracement of a prior plan entitled "Woodford Gardens, Portland, Maine, owned by J.W. Wilbur Co., Inc.", dated November 16, 1916 and recorded in the Cumberland County Registry of Deeds at Plan Book 13, Page 75, which is bounded to the north by Lot 158 as shown on the Plan (Veilleux), to the south by Lot 45 on City of Portland Tax Map No. 333 (Hatch), to the east by Milton Street, and to the west by the continuation of Newell Avenue and Missouri Avenue, both paper roads, all as depicted on the Plan and Tax Map Nos. 330 and 333.

ld

VACATION WAIVER AND INDEMNIFICATION

WHEREAS, John R. Veilleux and Phillip Daniel Hatch of 186 and 174 M. Van Street,
(Petitioner)

respectively

(Petitioner's Address)

(the "Petitioner") has requested the City of Portland (the "City") to vacate, pursuant to 30 M.R.S.A. § 3027 et seq.; a certain (proposed Town way, portion of a proposed Town way) known as Newell Avenue more

(Name of proposed Town way)

particularly described as Exhibit A, attached to the Application for

(Insert description or a reference

Vacation of Part of Newell Ave., dated April 2, 2002, and

to description attached hereto and hereby incorporated by incorporated by reference reference)

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

NOW, THEREFORE, in consideration of the City vacating said proposed Town way or portion thereof, the Petitioner for itself, its successors, heirs and assigns, agrees as follows:

1. The Petitioner hereby waives any and all claims for damages which it may now or hereafter have against the City arising out of or resulting from any vacation of said proposed Town way or portion thereof by the City pursuant to 23 M.R.S.A. § 3027 et seq.;

2. The Petitioner hereby agrees to defend, indemnify and hold harmless the City against any and all claims by any and all third persons against the City for damages arising out of or resulting from any vacation of said proposed Town way or portion thereof by the City pursuant to 23 M.R.S.A. § 3027 et seq.

DATED: April 2, ²⁰⁰²~~19~~

BY: [Signature]
(Petitioner's Signature)
John R. Veilleux
Phillip Daniel Hatch
(Print Name)

ITS: _____
(Title)



Portland Water District

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

le

August 23, 2001

(207) 774-5961
FAX (207) 761-8307
www.pwd.org

Mr. John Veilleux
Norman, Hansen & DeTroy
415 Congress Street
P.O. Box 4600
Portland, ME 04112-4600

Re: Proposed Vacation of a Portion of Newell Avenue

Dear Mr. Veilleux:

Per your request, the District currently has no facilities in the portion of Newell Avenue between Milton Street and Bailey Avenue. If the remainder of Newell Avenue is ever developed with a water main in the future, the District will want to tie the main through to Milton Street. The District has no objection to the proposed vacation of the street provided the two abutting owners grant the District an easement for a water line potentially needed in the future.

Do not hesitate to call me at 774-5961 ext. 3057 if you have any further questions regarding this request or need any further information.

Sincerely yours,

PORTLAND WATER DISTRICT

Norman V. Twaddel

Norman V. Twaddel
Right of Way Agent

RECEIVED

AUG 27 2001

Norman, Hanson & DeTroy



Northern Utilities
Natural Gas
A NiSource Company

lf

Norman Hanson & Detroy

After reviewing the parcel of land on Newall St. in Portland Maine, Northern Utilities Inc. will have no future interest in development of that area of land.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rick Bellemare".

Rick Bellemare - New Construction

Troy F. McDonald, P.L.S.
Right-of-Way Specialist



5 Davis Farm Road
Portland, ME 04103

Phone 207 797-1785
Fax 207 797-1098
troy.f.mcdonald@verizon.com

September 12, 2001

John R. Veilleux
Norman, Hanson & DeTroy, LLC
P.O. Box 4600
Portland, Maine 04112-4600

RE: Partial Vacation of Newell Avenue – Portland, Maine

Dear John:

Our engineering department has review that portion of Newell Avenue you desire to have vacated. Please be aware that Verizon has no objections to the vacation of this portion of Newell Avenue and would not request the retention of a public easement.

If you have any questions, or would like to discuss this matter further, do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Troy F. McDonald', is written over a horizontal line.

Troy F. McDonald, PLS
Right-of-Way Specialist

RECEIVED
SEP 13 2001
Norman, Hanson & DeTroy



Central Maine Power Company
83 Edison Drive, Augusta, Maine 04336

(207) 623-3521

Real Estate Services

lh

September 4, 2001

John Veilleux
Norman, Hanson & Detroy
P.O. Box 4600
Portland, Maine 04112-4600

Re: Vacating Paper Street

Dear Mr. Veilleux:

Upon vacating paper streets, Central Maine Power Company requests that easements be reserved for electric distribution and communication equipment and facilities, consisting of poles, wires and cables; together with all necessary fixtures and appurtenances over, under and across the surface, that may exist within the paper street, if any.

Thank you for contacting Central Maine Power Company on this matter and please let me know if I can be of further assistance.

Sincerely,

Alice Richards
Real Estate Services

RECEIVED
SEP 05 2001
Norman, Hanson & Detroy

CMP

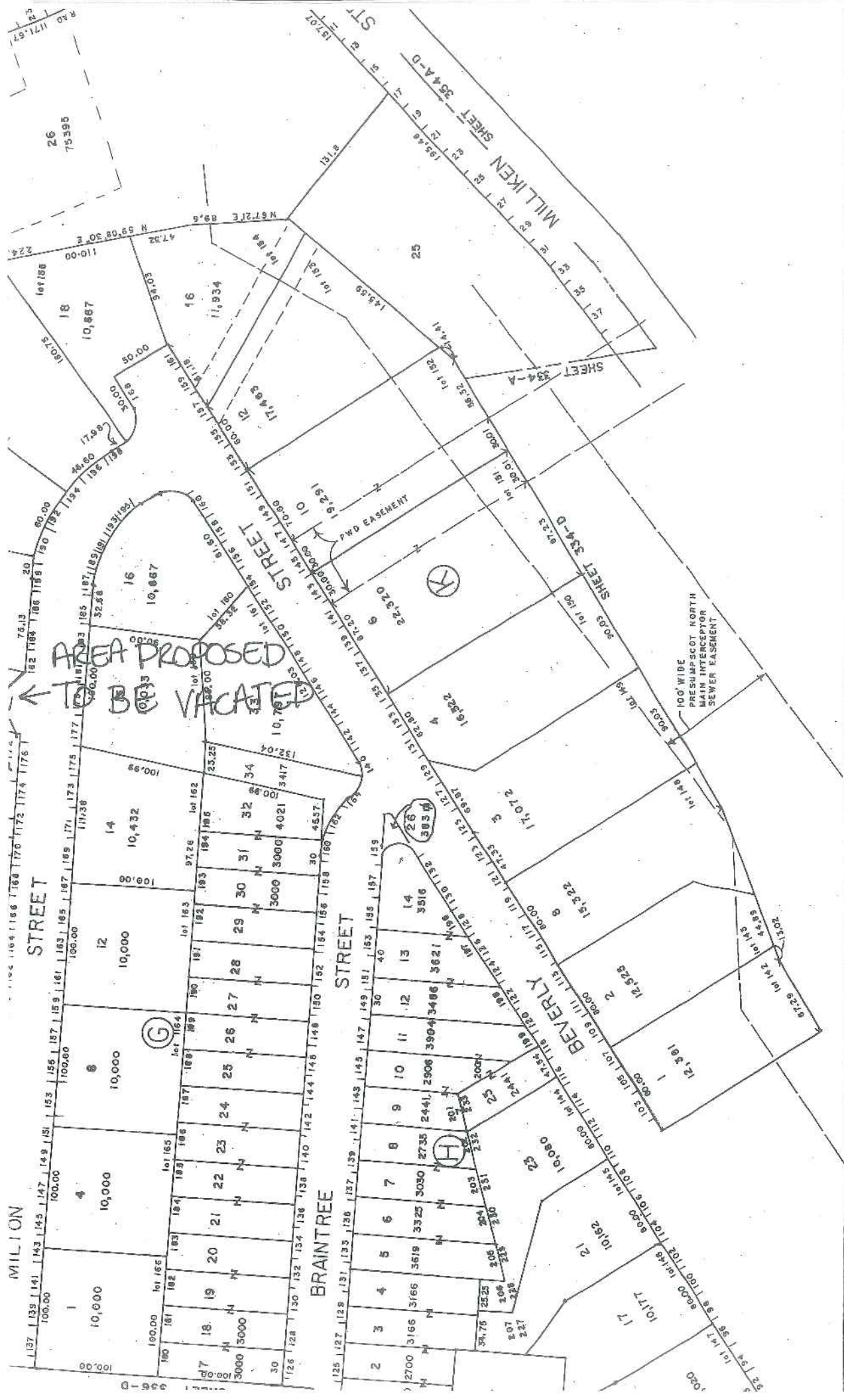
Central Maine Power Company is a licensed Maine real estate brokerage agency although it does not broker property for others. All employees whose primary function is the sale or purchase of real estate are licensed Maine brokers, associate brokers or sales agents representing Central Maine Power Company and its affiliated companies.

AH. 2

From: Anthony Lombardo
To: Kandi Talbot
Date: Wed, May 1, 2002 7:53 AM
Subject: Newell Avenue Vacation Request....5/1/02

Kandi,

I have reviewed the application and Public Works has no objection to the request to vacate Newell Avenue. However, in support of the City's "Transportation Policy", I would recommend that Planning visit the subject area to assess the need to retain rights for a pedestrian trail easement.



AREA PROPOSED
TO BE VACATED



100' WIDE
PRESUMPTSCOT NORTH
MAIN INTERCEPTOR
SEWER EASEMENT

BK 13326 PG 019


055566

NOTICE

On September 3, 1997, the Portland City Council passed Order # 84, entitled Order **Excepting Streets From Deemed Vacation**. This Order contains a listing of paper streets subject to 23 M.R.S.A. §3032, and sets forth the City's action on each street in a subdivision that is covered by that statute. The list indicates whether the City elected to continue its public rights in a street, to allow the street to be vacated and terminate the public rights, or to do some combination of the two.

A certified copy of Portland City Council Order #84 is recorded in the Cumberland County Registry of Deeds in Book _____, Page _____

Dated: September 16, 1997

City of Portland

Nadeen M. Daniels, City Clerk

CLERK

DEAL

84
ORDER

ORDER EXCEPTING STREETS FROM DEEMED
VACATION - SPONSORED BY ROBERT B. GANLEY,
CITY MANAGER.

IN THE CITY COUNCIL

September 3, 19 97

Attest:

Nadeen M. Daniels

Nadeen M. Daniels

Yeas

Nays

A TRUE COPY. ATTEST
NADEEN M. DANIELS
CITY CLERK, PORTLAND, ME

Nadeen M. Daniels

Councilor Harlow motioned to suspend the rules seconded
by Councilor Mavodones. Passed 9-0

Councilor Harlow motioned to take Order 84 out of order;
seconded by Councilor McDonough. Passed 9-0.

Councilor Harlow motioned to Amend Order 84, to change
Dudley Street to read continued/vacate continue 340 feet
from intersection of Lee Street; vacate remainder to Elmore
Street; Fern Street to read Continue, not Vacate, Rosedale

5
5
5

Street to read Continue/Vacate, not Vacate; Second Street,
Peaks Island to read Continue, not Vacate;
seconded by Councilor McDonough. Passed 9-0.

Motion to Pass Order 84 as amended made by Councilor
Kane; seconded by Councilor Dawson. Passed 9-0.

SEAL

A TRUE COPY. ATTEST
MADE BY M. DANIELS
CITY CLERK, PORTLAND, ME

M. Daniels

BK13326PG022

Order 84
Tab 15 9-3-97

City of Portland, Maine
IN THE CITY COUNCIL

ORDER EXCEPTING STREETS FROM DEEMED VACATION

ORDERED, pursuant to 23 M.R.S.A. §3032(2), the streets indicated on Attachment A are hereby excepted from the operation of 23 M.R.S.A. §3032(1) for a period of twenty (20) years.

SEAL

A TRUE COPY. ATTEST
NADEEN M. DANIELS
CITY CLERK, PORTLAND, ME

Nadeen M. Daniels

STREETEXCEPT.ORD.001
08.19.97

September 3, 1997

Street Vacation Project

Plymouth Street	13	27	Continue	
Brook Road	65	13	Accept/Continue	Only 15' of Brook Road Remains Unaccepted
Slemons Road	25	50	Continue	
Graham Terrace	25	50	Continue	
Unnamed Street	25	50	Vacate	
Ottawa Avenue, Cushings Island	42	17	Continue	
Calumet Avenue, Cushings Island	42	17	Continue	
Ernest Street, Peaks Island	12	86	Continue	
Herman Avenue, Peaks Island	12	86	Continue	
John Street, Peaks Island	516	210	Continue	
Lower A Street, Peaks Island	516	210	Continue	
Luther Street, Peaks Island	14	89	Continue	
Evergreen Avenue, Peaks Island	15	29	Continue	
Tarbell Avenue	12	5	Continue	
Dover Avenue	12	5	Continue	
Beal Street	12	5	Continue	
Missouri Avenue	12	5	Continue	
Bailey Avenue	12	5	Continue	
Newell Avenue	12	5	Continue/Vacate	
Kelley Street	12	5	Vacate	
Tucker Avenue	12	5	Continue/Vacate	Continue from Milton to Tucker, vacate from Tucker to Riverside Industrial Parkway (SHORT STREET)
Dudley Street	15	34	Continue	
Elmore Street	15	41	Continue/Vacate	Continue 340 feet from intersection of Lee Street, vacate remainder to Elmore Street.
Rosedale Street	15	41	Continue	
Baxter Road	15	41	Continue/Vacate	vacate between Lee Street towards Elmore Street and beyond.
Percival Street	6	18	Vacate	Vacate that portion which is within the City Park Boundaries; continue remainder.
Goodale Street	6	18	Continue/Vacate	
King Street	14	25	Continue	
Hemingway Street	14	25	Continue	
Nickerson Road	14	25	Continue	
Beaumont Street	14	25	Continue	
Spring Cove Avenue, Cushings Island	4	56	Continue	
Calumet Avenue, Cushings Island	4	56	Continue	
Shore Road Path, Cushings Island	4	56	Continue	
Ottawa Avenue, Cushings Island	4	56	Continue	
Shore Road, Cushings Island	4	56	Continue	
Shainrock Lane, Cushings Island	4	56	Continue	
Sumac Street	110	39	Accept/Continue	
Christy Road	113	21	Accept/Continue	
Christy Road	115	79	Accept/Continue	
Wessex Street	8	17	Continue	
Lomond Street	8	17	Continue	
Eaton Street	11	111	Continue	Park Street/Access
Ridley Street	11	111	Continue	Park Street/Access
Rockland Avenue	11	111	Continue	Park Street/Access
Brookline Street	11	111	Continue	Park Street/Access
Crescent Road, Peaks Island	33	33	Continue	
Garden Place, Peaks Island	33	33	Continue	
Garden Lane, Peaks Island	33	33	Continue	
Sixth Street	13	2	Continue	
Homestead Avenue	13	2	Continue	
Eighth Street	13	2	Continue	
Barden Street	13	2	Continue	
Ninth Street	13	2	Continue	
Barclay Street	13	2	Continue	
Hampton Street	14	19	Continue/Vacate	Vacate portion which lies between Harris Ave and Newton St; Continue remainder.
Nalick Street	14	19	Continue	
Woodbury Street	14	19	Continue	

Street Vacation Project

September 3, 1997

Street Name	Project Description	Page	Notes
Haskell Street	Harris Farms	14	Continue
Dayton Street	Harris Farms	14	Continue
Newton Street	Harris Farms	14	Continue
Harris Avenue	Harris Farms	14	Continue
Magnolia Street	Hawthorne Heights	12	Continue
Rock Hill Street	Hawthorne Heights Addition	15	Continue
Morrill Street	Hawthorne Heights Addition	15	Continue/Vacate
Magnolia Street	Hawthorne Heights Addition	15	Continue
Princeton Street	Hawthorne Heights Addition	15	Continue
Cambridge Street	Hawthorne Heights Extension	14	Continue
Cornell Street	Hawthorne Heights Extension	14	Continue
2nd Proposed Street, Peaks Island	Henry M. Brackett Estate	9	Continue
Oak Street, Peaks Island	Henry M. Brackett Estate	9	Continue
Onway Avenue, Peaks Island	Henry M. Brackett Estate	9	Continue
Glenwood Street, Peaks Island	Henry M. Brackett Estate	9	Continue
Hadlock Cove Road, Peaks Island	Henry M. Brackett Estate	9	Continue
1st Proposed Street, Peaks Island	Henry M. Brackett Estate	9	Continue
Long Point, Peaks Island	Henry M. Brackett Estate	9	Continue
Unnamed 2, Peaks Island	Henry M. Brackett Estate	9	Continue
Edwards Street, Peaks Island	Henry M. Brackett Estate	9	Continue
Winding Way, Peaks Island	Henry M. Brackett Estate	9	Vacate
Unnamed 3, Peaks Island	Henry M. Brackett Estate	9	Continue
Torrington Avenue, Peaks Island	Henry M. Brackett Estate	9	Continue
8th ME Avenue, Peaks Island	Henry M. Brackett Estate	9	Continue
Unnamed 1, Peaks Island	Henry M. Brackett Estate	9	Continue
Streets surrounding Burial Ground, Peaks Island	Henry M. Brackett Estate	9	Continue
5th Proposed Street, Peaks Island	Henry M. Brackett Estate	9	Continue
4th Proposed Street, Peaks Island	Henry M. Brackett Estate	9	Continue
3rd Proposed Street, Peaks Island	Henry M. Brackett Estate	9	Continue
Unnamed 4, Peaks Island	Henry M. Brackett Estate	9	Continue
Sunset Road, Peaks Island	Henry M. Brackett Estate	9	Continue
Unnamed 1, Peaks Island	Henry M. Brackett Estate	9	Continue
Webb Street	Henry Trefelthen	8	Vacate
Madeline Street	Henry Trefelthen	8	Accept/Continue
Spar Cove Road, Peaks Island	Home Gardens	12	Vacate
Garden Road, Peaks Island	James P. Baxter	8	Vacate
Scott Street	John W. Trefelthen Heirs	12	Continue
Bath Street	Josiah Sterling Estate	8	Continue
Jose Street	J.B. Brown Estate	7	Continue
Hooper Street	J.M. Brown	11	Vacate
Sewall Street	J.M. Brown	10	Vacate
Cobb Avenue	J.M. Brown	10	Continue
Cummings Street	J.M. Brown	10	Vacate
Park Avenue, Peaks Island	J.M. Brown	10	Continue
Moss Knoll Avenue, Peaks Island	J.M. Brown	10	Vacate
Highland Avenue, Peaks Island	J.M. Brown	10	Continue
Arbutus Avenue, Peaks Island	J.M. Brown	10	Vacate
Vermont Avenue, Peaks Island	J.M. Brown	10	Continue
Mason Street	J.M. Brown	10	Vacate
Broadway	J.M. Brown	10	Continue
Farragut Street	J.M. Brown	10	Vacate
Luke Street	J.M. Brown	10	Continue
Barden Street	J.M. Brown	10	Vacate
Alice Street	J.M. Brown	10	Continue
Hope Avenue	J.M. Brown	10	Vacate
Proposed Street	J.M. Brown	10	Continue
Galvin Street	J.M. Brown	10	Vacate
Beechwood Road, Little Diamond Island	J.M. Brown	10	Continue
Maplewood Road, Little Diamond Island	J.M. Brown	10	Vacate
Wildwood Avenue, Little Diamond Island	J.M. Brown	10	Continue
	Land of Lillian M. Parker	15	Continue/Vacate
	Land of L.W. Dyer	7	Vacate
	Land of New England Heating Co.	11	Continue
	Land of New England Heating Co.	11	Continue
	Land of New England Heating Co.	11	Continue
	Land of New England Heating Co.	11	Continue
	Land of New England Heating Co.	11	Continue
	Land of New England Heating Co.	11	Continue
	Land of Richard G. Smith	13	Continue
	Lexondale	11	Continue
	Lexondale	11	Continue
	Lexondale	11	Continue
	Lexondale	11	Continue
	Lexondale	11	Continue
	Lloyd B. Wolf	195	Continue
	Lloyd B. Wolf	195	Continue
	Lot Plan of River View Point	45	Continue
	L.W. Dyer Plan	7	Continue
	Maine Coast Realty Company	12	Continue
	Maine Coast Realty Company	12	Continue
	Maine Coast Realty Company	12	Continue

Continue from University to Milliken Brook; Vacate from Milliken Brook to Railroad Tracks

East from high water mark to Torrington

East from Torrington to Hadlock Cove Road

South from Torrington to high water mark

Connects Onaway with Unamed 4

West and parallel with Onaway

North from Sunset
Accept down to #136; Continue remainder
Vacate from fence at recreation area to Leland Street.

vacation contingent upon receiving sewer easement from Concord trailways.

Vacate unaccepted portion only.

Vacate portion between Ilisley and Front Streets.

Also can be found in Book 8 Page 127

Also can be found in Book 8 Page 127

Also can be found in Book 8 Page 127

Also can be found in Book 8 Page 127

Also see Book 196 Pages 77 & 319

Also see Book 196 Pages 77 & 319

Runs from the south of Little Street

Street Vacation Project

September 3, 1997

Anderson Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
West Beach Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Fort Gorges, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Birchwood Avenue, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Sonnenstrahl Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Diamond Avenue, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
City View Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Cliffstone Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Sandy Beach Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Elizabeth Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Old Pier Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Goldenrod Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Elmwood Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Fessenden Avenue, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Sorrento Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Rockledge Avenue, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Brianwood Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Hillside Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Ocean View Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Hazelwood Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
North Landing Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Oak Grove Road, Little Diamond Island	Maine Coast Realty Company	10	103	Continue	
Sullivan Street (Formerly Fairfield Street)	Marine Terrace	1	29	Vacate	
Coburn Street	Marshall Plan	12	17	Continue	
Prospect Street, Peaks Island	Mary A. Brackett	12	17	Continue	
Wylie Street, Peaks Island	Mary A. Brackett	12	17	Continue	
Epps Street, Peaks Island	Mary A. Brackett	12	44	Continue	
Fern Street	Meadow Park	12	44	Vacate	
Meadow Street	Meadow Park	12	44	Vacate	
Blossom Street	Meadow Park	12	44	Continue	
Trundy Street	Meadow Park	12	44	Continue	
Alfred Street	Modern Homes Corporation	16	56	Vacate	Vacate from ROS Zone line to Canco Road.
Frye Street	Montclair	16	13	Continue/Vacate	
Farnham Street	Mrs. C.S. Farnham	12	16	Continue	
Poplar Street	No Title	51	297	Continue	
Greene Street	No Title	3	10	Vacate	
Talbot Street	Oatnuls Park	9	103	Continue/Vacate	Continue up to lot line of George Fahey; vacate remainder
Tamarack Street	Oatnuls Park	9	103	Continue	
Magnolia Street	Oatnuls Park	9	103	Vacate	
Mulberry Street	Oatnuls Park	9	103	Continue	
Lilac Street	Oatnuls Park	9	103	Vacate	
Yew Street	Oatnuls Park	9	103	Continue	
Juniper Street	Oatnuls Park	9	103	Vacate	
Ash Street	Oatnuls Park	9	103	Vacate	
Bingham Street	Oatnuls Park	9	103	Vacate	
Birch Street	Oatnuls Park	9	103	Continue	
Fern Street	Oatnuls Park	9	103	Continue	
Hickory Street	Oatnuls Park	9	103	Vacate	
Lloyd Avenue	Ocean Park Homes	28	18	Continue/Vacate	Continue from Beginning of Vera Street to Fall Brook Branch Sewer; vacate remainder
Bismark Street	Ocean View Park	8	141	Continue	
Helene Street	Ocean View Park	8	141	Accept/continue	
Bayberry Lane, Peaks Island	Oceanside Project Section 2	92	39	Continue	Extends to Oceanside Section 1 and Seashore Ave B85 P37
Whaleback Road, Peaks Island	Oceanside Project Section 2	92	39	Continue	
Jewel Road, Peaks Island	Oceanside Project Section 2	92	39	Continue	
Reservoir Road, Peaks Island	Oceanside Project Section 2	92	39	Continue	
Hussey Road, Peaks Island	Oceanside Project Section 2	92	39	Continue	
Unnamed1, Peaks Island	Oceanside Terrace	11	1	Continue	North from Maple to Spruce
Derby Road	Otis H. Perry Land Company	14	32	Continue	
Illsey Street	Pain of L.W. Dyer	7	2	Continue	Continue South of Maple Street; Vacate North of Maple Street
Oceanview Terrace, Peaks Island	Phillip W. Edwards	11	128	Continue/Vacate	

Street Vacalion Project

September 3, 1997

Address	Project Description	Page	Notes
Whitcomb Avenue	Vacate	98	
Pine Grove Avenue	Continue	98	
Hunter Street	Continue/Vacate	11	Vacate from Grove to Fiske and beyond
Ingalls Street	Vacate	11	
Fiske Street	Continue/Vacate	11	vacate from Riverside to Turpike
Rankin Street	Continue/Vacate	11	vacate everything beyond second house
Grove Street	Continue	11	
Pinewood Road	Vacate	101	No record of Plan; all abutting property owned by Portland Housing Authority
Sterling Street, Peaks Island	Continue	101	
Boulder Road, Peaks Island	Continue	101	
Centennial Street Rear, Peaks Island	Continue	101	Extends East through Richard Grant, Book 192 Page 2
Ledgewood Street, Peaks Island	Continue	3	
Bernard Road Ext.	Continue	101	
Brimmer Street, Peaks Island	Continue	4	
D Street, Peaks Island	Continue	60	
B Street, Peaks Island	Continue	60	
Unnamed 1, Peaks Island	Continue	60	
C Street, Peaks Island	Continue	60	
Calumet Avenue, Cushings Island	Continue	21	
Ottawa Avenue, Cushings Island	Continue	10	
Ocean Spray Road, Peaks Island	Continue	97	
Woodland Road, Peaks Island	Continue	97	
Tolman Road, Peaks Island	Continue	97	
Oaklawn Road, Peaks Island	Continue	97	Runs into Woodbury Farm
Echo Path, Peaks Island	Continue	97	
Belvidere Road, Peaks Island	Continue	97	
Rockaway Road, Peaks Island	Continue	97	
Oshawa Road, Peaks Island	Continue	97	
Brooklet Place, Peaks Island	Continue	97	
Graystone Place, Peaks Island	Continue	97	
Juniper Road, Peaks Island	Continue	97	
Crystal Road, Peaks Island	Continue	97	
Golden Rod, Peaks Island	Continue	97	
Seneca Road, Peaks Island	Continue	97	
Wild Rose Path, Peaks Island	Continue	97	
Wildwood Path, Peaks Island	Continue	97	
St. James Street	Vacate	51	
Sandpiper Road, Peaks Island	Continue/Accept	51	Plan is attached to deed in B956 P84 In Registry;
Spring Cove Avenue, Cushings Island	Continue	39	
Morrill Street	Continue	79	
Hawkes Street	Continue/Vacate	59	
Stuart Street	Continue	62	
City Point Road, Peaks Island	Continue/Vacate	11	
Brewster Street	Continue	49	
Short Street	Continue	183	
Fisher Street	Continue	8	
Pennell Avenue	Continue	121	
Ottawa Avenue, Cushings Island	Continue	70	
Shore Road, Cushings Island	Continue	70	
Montana Street	Continue	70	
Belfast Street	Continue	66	
Beauregard	Continue	66	
Virginia Street	Continue	41	
Kentucky Avenue	Continue	41	
Indiana Avenue	Continue	41	
Montana Street	Continue	41	
Maine Avenue	Continue	41	
Penn Avenue	Continue	6	
Jersey Avenue	Continue	6	
Vermont Avenue	Continue	6	
Stevens Terrace	Continue	11	
Stuart Street-Second Amended Plat	Continue	11	
Susie C. McAloney	Continue	11	
The Holmsteads	Continue	14	
The Holmsteads	Continue	14	
The Holmsteads	Continue	14	
The Holmsteads	Continue	14	
The Island Company	Continue	53	
The Island Company	Continue	53	
The Pines-Section B	Continue	16	
The Pines-Section B	Continue	16	
The Pines-Section B	Continue	16	
The Pines-Section B	Continue	16	
The Pines-Section B	Continue	16	
The Pines-Section C Revised	Continue	17	
The Pines-Section C Revised	Continue	17	
The Pines-Section C Revised	Continue	17	
The Pines-Section C Revised	Continue	17	
The Pines-Section C Revised	Continue	17	
The Pines-Section C Revised	Continue	17	
Smith & Brown Property	Continue/Accept	11	
Southgate	Continue	112	
Standish Meacham Jr.	Continue	79	
Stevens Terrace	Continue	59	
Stevens Terrace	Continue	11	
Stevens Terrace	Continue	11	
Stuart Street-Second Amended Plat	Continue	183	

Continue from University to Milliken Brook; Vacate from Milliken Brook to Railroad Tracks

Street Vacation Project

September 3, 1997

Address	Section	Project Description	Area	Notes	
Virginia Street		The Pines-Section C Revised	17	Continue	
Tampa Street		The Pines-Section D Revised	17	Continue	
Kansas Avenue		The Pines-Section D Revised	17	Continue	
Utah Street		The Pines-Section D Revised	17	Continue	
Montana Street		The Pines-Section D Revised	17	Continue	
Racine Avenue		The Pines-Section D Revised	17	Continue	
Nevada Avenue		The Pines-Section D Revised	17	Continue	
Illinois Avenue		The Pines-Section D Revised	17	Continue	
Wyoming Avenue		The Pines-Section D Revised	17	Continue	
Florida Avenue		The Pines, Section A	16	Continue	
Dakota Street		The Pines, Section A	16	Continue	
Idaho Street		The Pines, Section A	16	Continue	
Burnside Avenue		Thomas Trott	3	42	Continue
Centennial Street Rear, Peaks Island		Valley View Heights	47	6	Continue
Alice Street		Varde Place	90	15	Continue
Centennial Street Rear, Peaks Island		Varde Place	90	15	Vacate
Varde Place, Peaks Island		Veranda Park	10	55	Continue
Prentiss Street		Wadco Park	12	17	Vacate
Ash Street		Wadco Park	12	17	Continue
Gertrude Avenue		Wadco Park	12	17	Vacate
Greenville Street		Wadco Park	12	17	Vacate
Wadco Street		Wadco Park	12	17	Continue
Loring Avenue		Wadco Park	12	17	Continue
Thurlow Street		Wadco Park	12	17	Vacate
Lyon Street		Wadco Park	12	17	Continue
Topsham Street		Wadco Park	12	17	Continue
Rye Road		Wadco Park	124	65	Continue
Wingate Circle		Wadsworth Heights - Section B	12	2	Vacate
Booth Street		Warren Avenue Terrace	12	2	Continue
Saville Street		Warren Avenue Terrace	12	2	Continue
Newcomb Street		Warren Avenue Terrace	14	46	Continue
Cranston Street		Washington Avenue Gardens	14	46	Continue
Pawtucket Street		Washington Avenue Gardens	14	46	Continue
Providence Street		Washington Avenue Gardens	10	123	Continue/Vacate
Oakwood Avenue		Washington Park	10	123	Continue
Beachwood Avenue		Washington Park	13	72	Continue
Joseph Avenue		Washington Terrace	13	72	Continue
Anthony Avenue		Washington Terrace	13	72	Continue
Veteran Street, Peaks Island		Weich E. Hilborn Heirs	13	117	Continue
Upper Meridian Street, Peaks Island		Weich E. Hilborn Heirs	13	117	Continue
Orchard Street, Peaks Island		Weich E. Hilborn Heirs	13	117	Continue
Proposed Street, Peaks Island		Weich E. Hilborn Heirs	13	117	Continue
Adams Street, Peaks Island		Weich E. Hilborn Heirs	13	117	Continue
Weich Street, Peaks Island		Weich E. Hilborn Heirs	13	117	Continue
Meridian Street, Peaks Island		Weich E. Hilborn Heirs	13	117	Continue
Jackson Boulevard, Cushings Island		Whitehead Passage Subdivision	106	9	Continue
Whitehead Avenue, Cushings Island		Whitehead Passage Subdivision	106	9	Continue
Spring Cove Avenue, Cushings Island		Whitehead Passage Subdivision	106	9	Continue
Unnamed 1, Cushings Island		Whitehead Passage Subdivision	106	9	Continue
Beach Street, Peaks Island		William H. Sargent	9	7	Continue
Windsor Terrace		Windsor Heights	10	83	Continue
Chester Street		Windsor Heights	10	83	Continue
Ocean Street, Peaks Island		Woodbury Farm	8	101	Continue
Mariner Court, Peaks Island		Woodbury Farm	8	51	Continue
Unnamed 1, Peaks Island		Woodbury Farm	8	51	Continue
Dedham Street		Woodfords Gardens	13	75	Continue
Saugus Street		Woodfords Gardens	13	75	Continue
Randolph Street		Woodfords Gardens	13	75	Continue
Natick Street		Woodfords Gardens	13	75	Continue
Newell Avenue		Woodfords Gardens	13	75	Continue

Continue 50' from Chesley Street; vacate remainder

Road between Whitehead Ave and Jackson Blvd.
Also known as portion of Sargent Road

North from Mairner below Ocean Street

Street Vacation Project

September 3, 1997

Holbrook Street	Woodfords Gardens	13	75	Continue
Hingham Street	Woodfords Gardens	13	75	Continue
Harmony Road	Woodfords Gardens	13	75	Continue
Lynn Street	Woodfords Gardens	13	75	Continue
Braintree Street	Woodfords Gardens	13	75	Continue
Beverly Street	Woodfords Gardens	12	46	Continue
Melville Street	W.P. Goss Land	13	97	Vacate
Unnamed 1, Peaks Island	W.S. Trefethen Estate	13	97	Continue
Reed Avenue, Peaks Island	W.S. Trefethen Estate	13	97	Continue
Extension Prince Avenue, Peaks Island	W.S. Trefethen Estate	13	97	Continue
Unnamed 3, Peaks Island	W.S. Trefethen Estate	13	97	Continue
Unnamed 2, Peaks Island	W.S. Trefethen Estate	13	97	Continue
Seashore Avenue Extension, Peaks Island	W.S. Trefethen Homestead Land	6	33	Continue
Third Street, Peaks Island	W.S. Trefethen Homestead Land	6	33	Continue
Second Street, Peaks Island	W.S. Trefethen Homestead Land	6	33	Continue
B Street, Peaks Island	W.S. Trefethen Homestead Land	6	33	Continue

Parallel and south of Prince Avenue
 Also part of Skilling Farm Book 11 Page 97
 From Reed East to high tide mark
 Connects Reed & Prince

* As approved by the Portland City Council on 9/3/97.

RECEIVED
 RECORDED REGISTRY OF DEEDS
 1997 SEP 17 PM 3:40
 CUMBERLAND COUNTY
 John B O'Brien

MILTON STREET SUBDIVISION
VICINITY OF MILTON STREET BETWEEN
SAUGUS STREET AND BEVERLY STREET
DIVERSIFIED PROPERTIES, APPLICANT

Submitted to:
Portland Planning Board
Portland, Maine

February 8, 2000

I. INTRODUCTION

A public hearing has been scheduled to consider a proposed 11 lot subdivision on Milton Street proposed by Diversified Properties.

390 notices were sent to area residents.

II. FINDINGS

Zone:	R-2 Residential
Land Area:	3.27 acres
Number of Lots:	11
Lot Sizes:	10,000 sq. ft. to 10,195 sq. ft.

This development involves reconfiguring an old subdivision to meet current zoning.

As the Board will recall, at the September 28th workshop, the applicant eliminated the double frontage lots. The Bailey Avenue lots are no longer part of this proposal. The subdivision includes only Milton Street lots except that the rear part of lots 171 and 167 borrowed a small segment of several Bailey Avenue lots.

III. STAFF REVIEW

This development has been reviewed for conformance with the review standards of the subdivision ordinance.

1. Water or Air Pollution

The development will not result in undue water or air pollution.

2/3. Water Supply

A letter from the Portland Water District that "there should be an adequate supply of clean and healthful water" to serve the needs of the subdivision as well as an "adequate capacity" (see Attachment C.)

With an 8 inch water main in Saugus Street and Newell Street, the applicant will need to extend the water main 560 feet through Milton Street to serve the subdivision lots.

4. Soil Erosion

Attachment A-4 indicates measures to prevent soil erosion. These measures include a geotextile sediment filter barrier, a temporary check dam in drainage ways and placement of hay bales as a sediment filter for drop inlets.

5. Traffic

The applicant will construct a public street along Milton Street (dedicated but not presently built) between developed sections of Saugus Street and Beverly Street.

The street is proposed to be 24 feet wide with granite curb and sidewalks on both sides of the street. The lower part of Milton Street by Beverly Street is 32 feet wide so that the new street will be tapered to transition into a 24 foot wide roadway. The existing lower part of Milton Street predates changes in the technical standards that allow for a 24 foot wide residential street.

Comments from Larry Ash, City Traffic Engineer, are shown on Attachment D. Mr. Ash indicates that Newell Street should be extended to create a stub for future development to Bailey Avenue. This would provide for a future connection to streets such as Bailey Avenue, Tarbel Avenue and Newell Avenue and is in accordance with the Transportation Plan which encourages street connections.

Mr. Ash's recommendation would involve extending Newell Avenue along the street frontage of lot 172, a distance of 113 feet.

6/7. Sanitary Waste and Stormwater Disposal

Sanitary waste will flow into a proposed 8 inch sewer line. Due to elevation differences, there will be a separate line for the upper part of Milton Street, while the lower part of Milton Street (most of the lots) will be served by an 8 inch line connecting into lower Milton Street/Beverly Street. A sewer capacity letter should be obtained from Public Works.

A 12 inch storm drain is also planned in Milton Street. It too will be divided into two sections in a similar manner as the sewer line.

A stormwater analysis was prepared for the Hillcrest West Subdivision as well as other subdivisions in the area which took into account the downstream impact of the Woodfords Garden Subdivision. The downstream impact of this development is deemed acceptable. The stormwater from this site will be connected into storm drains originally planned for this subdivision. The outlet for this system is the Milliken Brook which eventually flows into the Presumpscot River.

The plan incorporates drainage easements along the rear and side yards of all lots. The drainage plan facilitates the movement of stormwater from the lots to the city's storm drain system in Milton Street rather than on abutting lots outside the subdivision. The drainage easements are intended to work in tandem with one another to address drainage concerns. Two catchbasins are shown in the rear yards of lots 167-168 and lots 170-171. No catchbasins are shown on the southerly side of Milton Street.

Steve Bushey, Development Review Coordinator (see Attachment E) and Anthony Lombardo, Public Works Engineer, have reviewed and approved the plans. Copies of drainage easements and slope easements will need to be submitted for staff review and approval.

8. Effect on Scenic or Natural Beauty, Aesthetic

This 3.27 acre parcel is located between Beverly Street and Saugus Street in an area of recent single family subdivisions. There are no known significant natural features on this site that would be adversely affected by this proposal.

9. Land Development Plan

The subdivision meets the minimum lot size of the R-2 zone.

11. Financial and Technical Capacity

A letter from a bank has been submitted regarding financial capacity. See Attachment F.

12. Groundwater

The development is served by public water and sewer.

13. Wetlands

Wetland areas are shown in the plan.

14. Fire

The Fire Department has reviewed and approved the plan. There is an existing fire hydrant near lot 162 and a second hydrant at the corner of Milton Street and Saugus Street.

IV. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Board Report #4-00 relevant to the standards for subdivision review [and/or other findings as follows.]

1. That the plan is in conformance with the Subdivision Standards of the Land Use Code.
 - A. Potential Conditions of Approval:
 - i. That the applicant submit drainage easements and slope easements for review and approval by city staff.
 - ii. That a sewer capacity letter from Public Works be submitted documenting adequate capacity to serve this subdivision.

Attachments

- A. Subdivision Plan
- B. Background Information
- C. Letter from Portland Water District
- D. Memo from City Traffic Engineer
- E. Memo from Development Review Coordinator
- F. Letter from Peoples Heritage Bank
- G. Vicinity Map

February 9, 2000

Mr. Jim Wolf
Diversified Properties
P.O. Box 10127
Portland ME 04104

RE: Milton Street Subdivision

Dear Mr. Wolf:

On February 8, 2000 the Portland Planning Board voted 6-0 (Rodriguez absent) on the following motions regarding the 11 lot Milton Street subdivision:

1. That the plan was in conformance with the Subdivision Review Ordinance of the City Land Use Code with the following condition(s):
 - i. That the applicant submit drainage easements and grading easements for review and approval by city staff.
 - ii. That the applicant shall construct a pedestrian walkway within Newell Street between Milton Street and Missouri Avenue.

The approval is based on the submitted plan and the findings related to site plan review standards as contained in Planning Board #4-00, which is attached.

Please note the following provisions and requirements for all subdivision approvals:

1. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat.
2. A performance guarantee covering the site 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.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the

O:\PLANDEVREVIEW\MILTON\APPLTR.JMD

C

Paper Rel. Not accepted.

Portion of Newell Ave. at issue

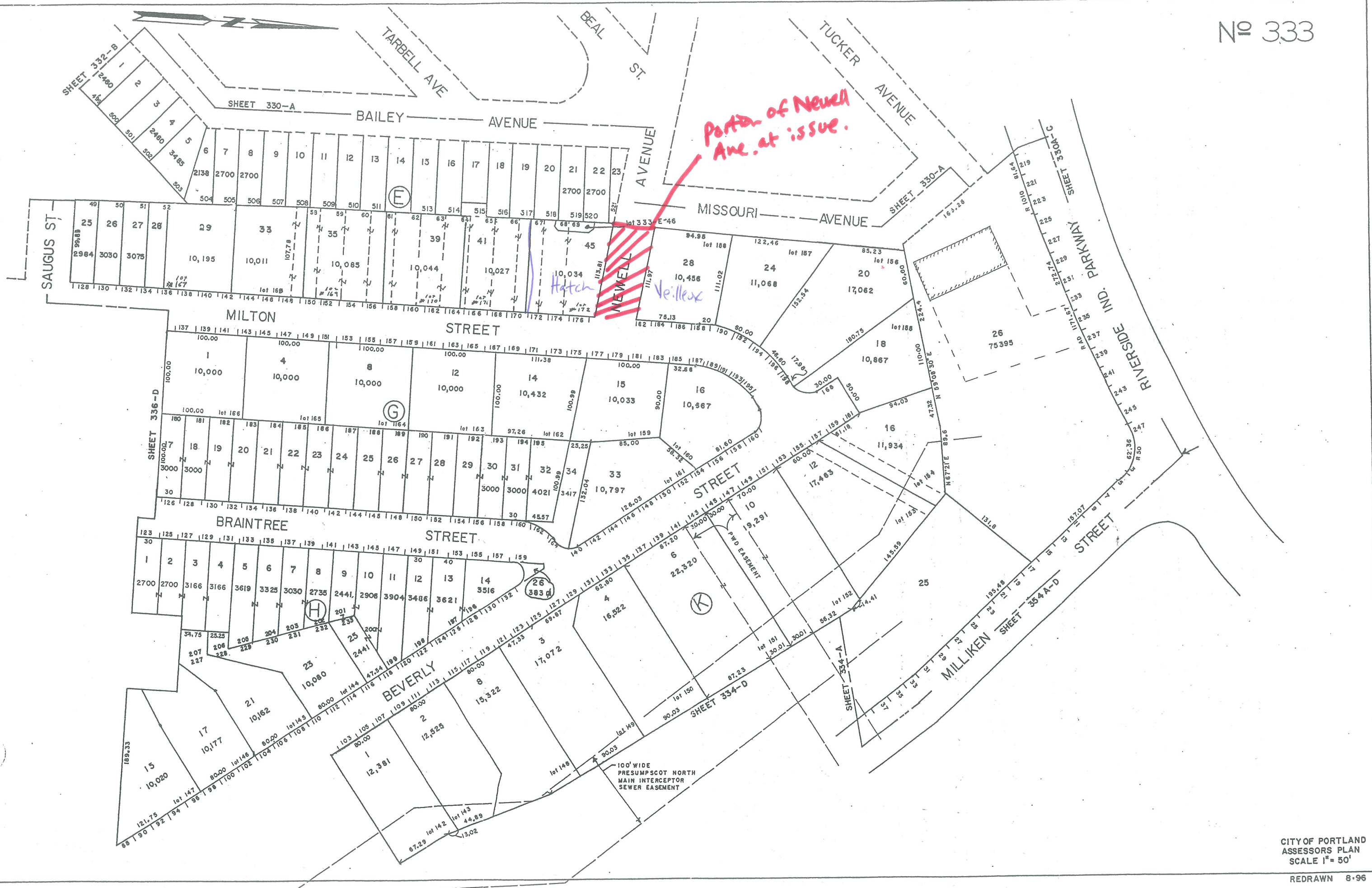
Vacation (or NOT accepted.)

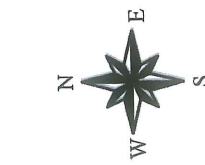
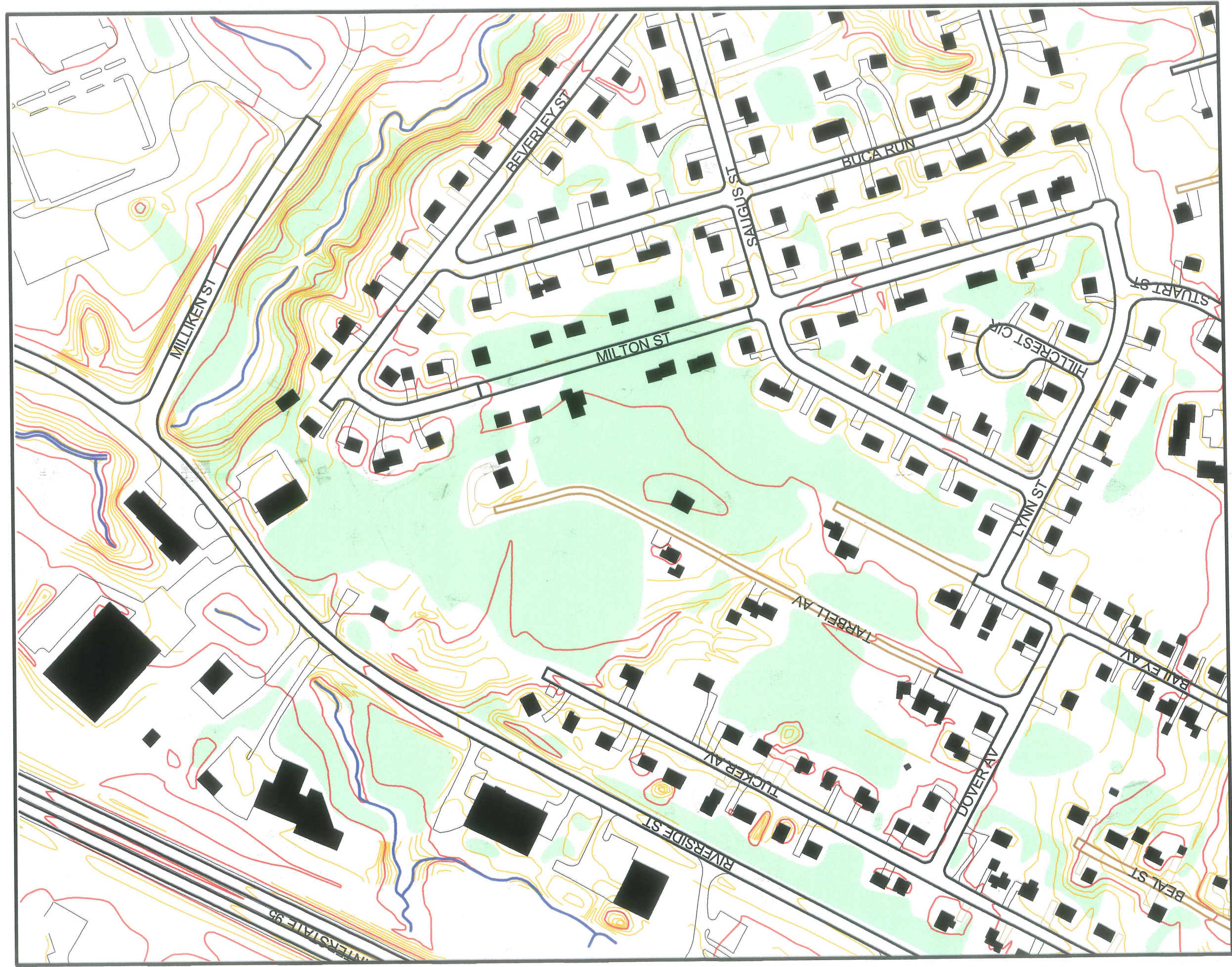
(Tucker Ave. Ext.)

Vacation

Paper Rel. not accepted.







100 0 100 200 300 400 500 Feet

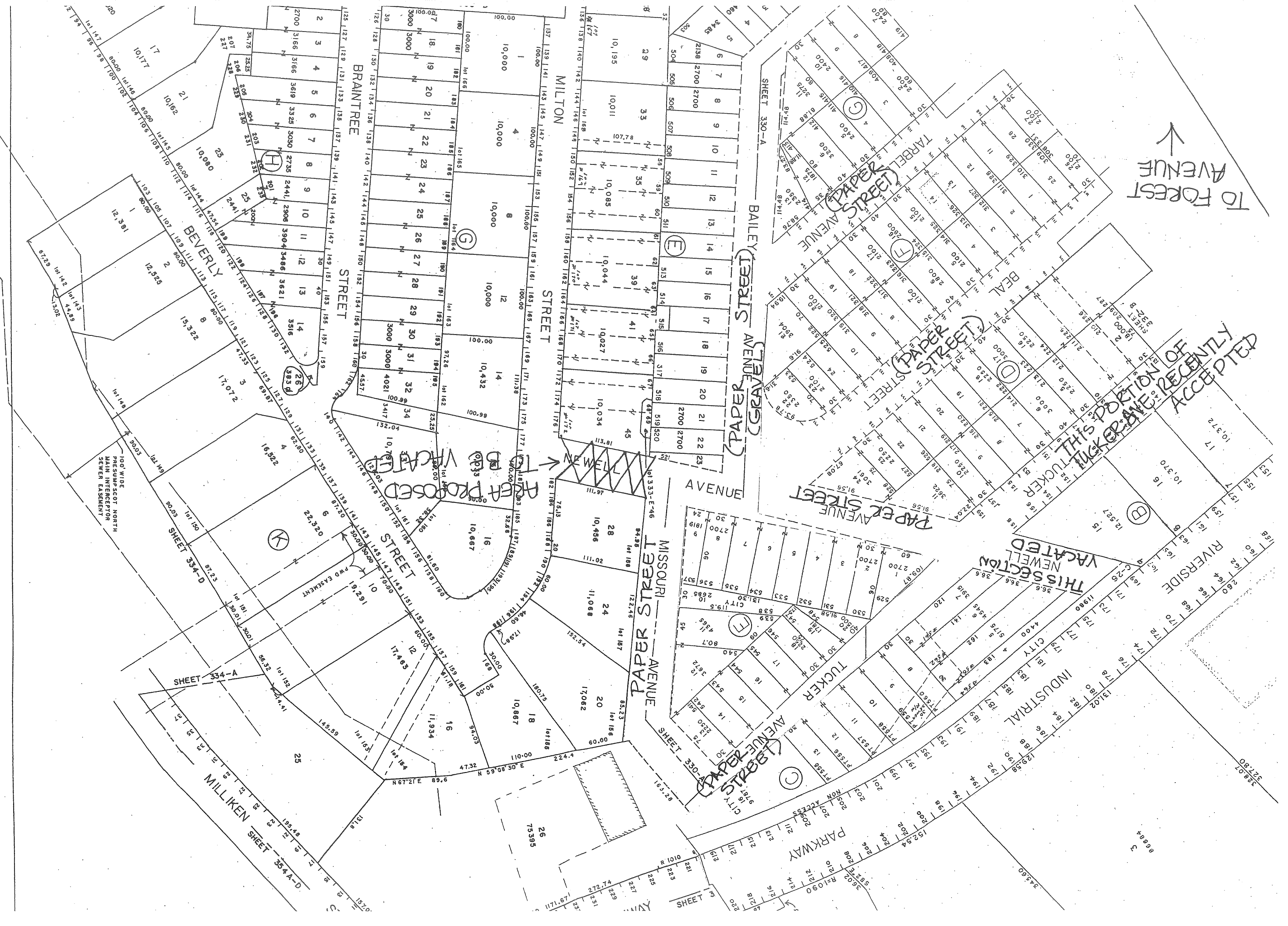
Map produced by the City of Portland's GIS Workgroup May 2002

*Kandi -
Table?
Text on contours?
The footprints are
current to 4/01*

↑
TO FOREST AVENUE

THIS PORTION OF
TUCKER AVENUE
RECENTLY
ACCEPTED

THIS SECTION
NEWELL
VACATED



AREA PROPOSED
TO BE VACATED

100' WIDE
PRESUMPTIVE SCOT NORTH
MAIN INTERSECTION
SEVEN EASEMENT

Att. 3

Att. 5 No 330

R-2
10,000 sq. ft. Minimum Lot Size

Paper Road Not Accepted

Portion of Newell Avenue at Issue

Paper Road, Not Accepted

CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1"=50'
REVISED 2-78



SHEET 330A-D

SHEET 333-A

SHEET 333-A

SHEET 328-B

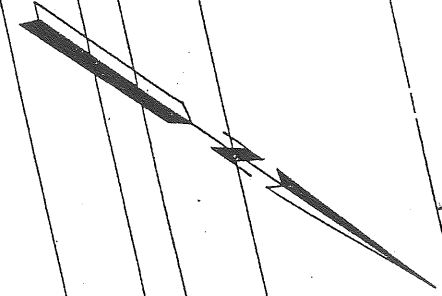
SHEET 329-B

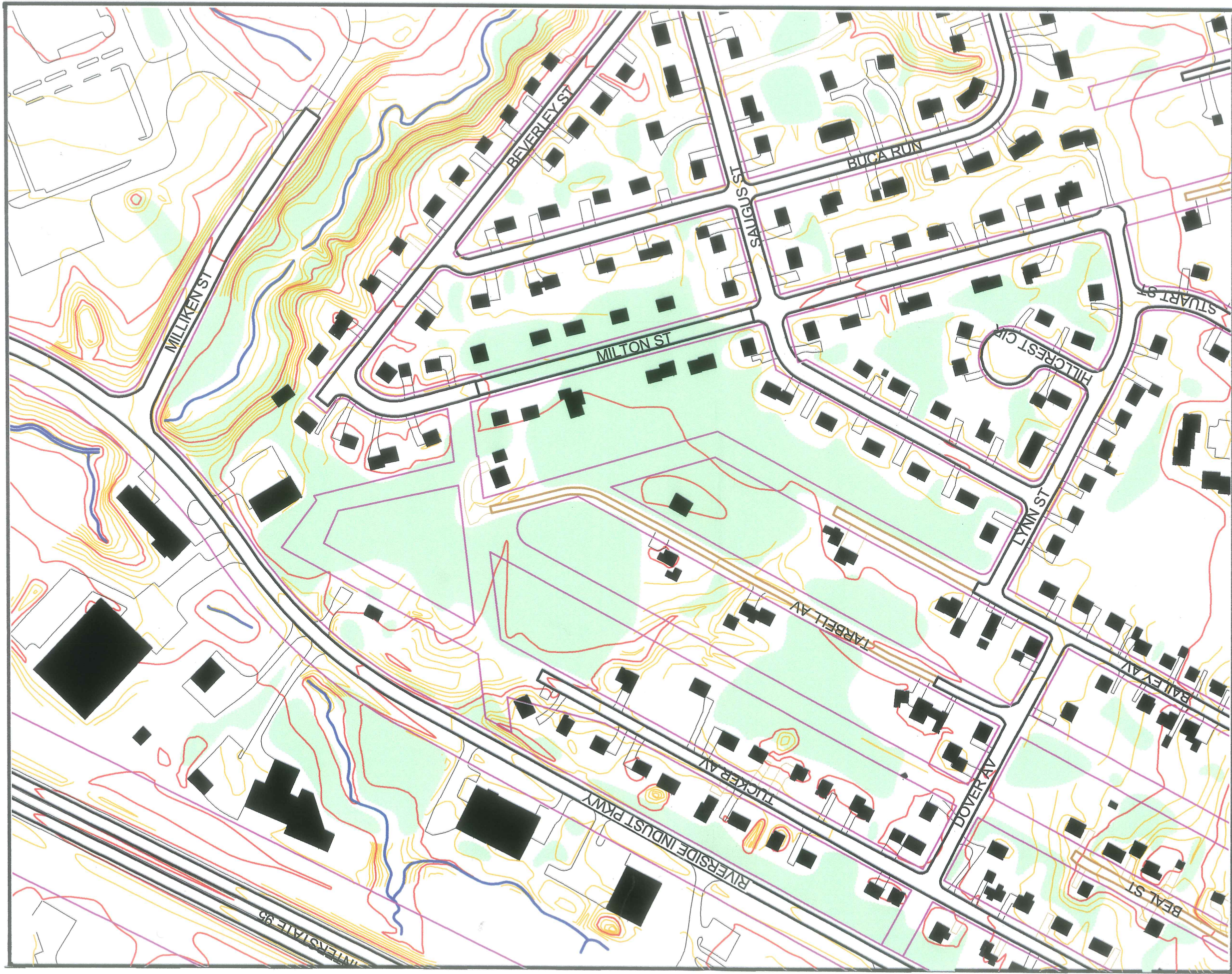
WESTERLY LIMITS OF M.T.A. R/W









EASTERLY LIMITS OF M.T.A. R/W

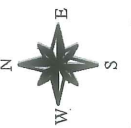
MAINE

SOUTHBOUND
NORTHBOUND
TURNPIKE





	BUILDING		PAVED ROAD
	TREES		GRAVEL ROAD
	10 FOOT CONTOUR		STREET ROW
	2 FOOT CONTOUR		STREAM



Aerial photography was taken in spring 2000 with approximate building footprints updated from spring 2001 photography.



Map produced by the City of Portland's GIS Workgroup May 2002