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August 2, 2004

Lee Urban
City Hall
389 Congress Street
Portland, ME 04101

Re: Ballpark Drive Subdivision

Dear Lee:

On July 27th, I attended the Planning Board's workshop regarding this proposed subdivision, which is located in the vicinity of Lester Drive and Washington Avenue. I also had an opportunity to review the materials provided to the Planning Board at that meeting. Based upon that review, it appears that some progress has been made in the layout of the subdivision, and with regard to open space and wetland issues. In addition, I have several comments that I hope Staff is able to address in the context of this application.

Wetland Issues. First, one of the most important elements relates to the proximity of buildings in relation to the stream that flows behind Lots 1 through 9. I understand that Staff has recommended a 75 foot setback, which I think is the minimum necessary to protect this important natural resource. That said, Lots 6 and 7 currently fall within the 75 foot buffer under the latest configuration of the plan, which is of concern. As I understand it, this configuration is caused in large part by setback requirements as measured from the proposed location of Ballpark Drive. At the Planning Board workshop, there was discussion of relocating Ballpark Drive further south, which would enable these two lots to meet the 75 foot setback. The only real obstacle appeared to be logistical, i.e. working out an easement agreement between the applicant and the City regarding a sewer force main. My hope is that the City can use all reasonable means to negotiate an easement and permit the roadway relocation so that the lots can be properly built outside the 75 foot buffer.

A second concern relates to the alignment of the building envelopes on Lots 1 and 2. Unlike the other lots on this side of the proposed street, these two lots are set back

from the road, bringing the building envelope in closer proximity to neighbors along Lester Drive. It is not clear from the site map why such an orientation is necessary, or desirable. If at all possible, I hope Staff is able to work with the applicant to locate these building envelopes closer to the proposed street.

Assuming the building envelopes can be properly configured to the minimize impact on Lester Drive neighbors, another important condition for consideration is appropriate marking of the building envelopes on the face of the earth. I see from the Planning Department packet that deed restrictions have been proposed, but I know from experience that encroachment on open space or conservation land is common without clear demarcations on the face of the earth. In fact, one need only look across the street at Lester Drive to see where this has occurred. To avoid this problem going forward, requiring visible, lasting markers of property boundaries may be a small price to pay for long-term compliance with the buffering requirements.

Another proposal that was discussed involves the use of retaining walls for lots abutting the stream, which mechanism was expected to limit the risk of encroachment by future landowners within the development. This suggestion makes some sense. That said, a number of the neighbors continue to have concerns about what materials will be used for the retaining walls, and it would therefore be helpful to spell this out in the course of final approval.

On a related note, in reviewing the file, I was also interested to see a copy of a December 10, 2003 letter from the Department of Inland Fisheries and Wildlife recommending 100 foot setbacks. What would be helpful is to identify why Staff is recommending 75 foot setback rather than the larger setbacks recommended by the State.

My only other comment relative to stream and wetland disturbance issues is the degree of review Staff has required with respect to tree and vegetation management and soil disturbance plans. I understand that both are required, but I had a difficult time seeing in the project summary where such plans had been submitted and reviewed. Obviously, if these plans have been appropriately submitted, it would be helpful to understand Staff's analysis of the plans. If the plans are required but have not been submitted, then perhaps further review is required.

Drainage Issues. Another issue that has concerned neighbors relates to stormwater runoff. During the workshop, the representative of the applicant mentioned that the stream behind Lester Drive serves as the drainage area for about 75 acres of land. Obviously, to the extent the land is developed in the future, runoff will undoubtedly increase. Neighbors along Lester Drive have complained of wet basements over the years, and I hope that, as part of the approval process, we are requiring adequate protection of stormwater discharge for the purpose of limiting negative impact to existing Lester Drive neighbors.

Hazardous Materials Issues. Another item that was brought to my attention relates to the potential presence of oil drums on or near the premises proposed for

development. I have not investigated these suggestions personally, and have no direct knowledge as to whether such materials are in fact on the premises. That said, if Staff has any awareness of the existence of such materials, it would be helpful if such concerns could be addressed, particularly to the extent existing neighbors and future purchasers within the subdivision may be affected.

Traffic Issues. Finally, there is a traffic issue. During the workshop, the applicant's representative discussed the possibility of a stop sign along Washington Avenue near the intersection with Riverside Drive. This is steeply sloping hill that in turn goes around a corner. Many of the neighbors have concerns regarding the ability of cars to stop, and a fear that stopped cars might get rear-ended, particularly in winter conditions. I have raised this concern with Mike Bobinsky of Public Works, but I would like to make sure that any steps we take in this area do not create a future safety hazard along Washington Avenue.

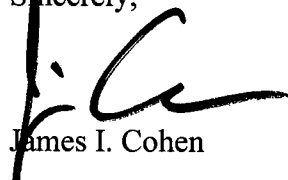
As an aside, over a month ago I initiated a traffic calming petition process for outer Washington Avenue, which process may ultimately lead to some reconfiguration of shoulders and buffering, as well as crosswalk treatments to improve pedestrian safety along this roadway. I am concerned about the installation of a stop sign for a single development, and how it would interplay with my broader concern about traffic along Washington Avenue. My hope is that Public Works will be able to provide specific advice to the Board about these concerns.

Process. Finally, I do have a slight concern that a number of written comments submitted by neighbors were not specifically addressed in the planning packet. It may be that answers have been provided in the past, but it certainly was not evident from the packet. Either way, it is important that the questions and comments of neighbors be addressed in some fashion.

Conclusion. Thank you again for your attention to this matter. I do think that the proposal has made some significant steps forward, and I recognize the significant steps that the applicant has taken in this regard. Ultimately, it is my hope that this development can be configured in a way that best meets the interest of the applicant and the neighbors.

I you have any questions, please do not hesitate to let me know.

Sincerely,



James I. Cohen

cc: Michael Bobinsky, Director of Public Works
Eric Labelle, Department Public Works
Ethan Boxer-Macomber, Planning Department