

389-G-3

#1999-0148

Curtis Road

DRP Phase 3

Robert Adam + Lloyd Wolf

From: "HETI" <heti@gwi.net>
To: <bab@portlandmaine.gov>
Date: 7/9/2007 1:20:19 PM
Subject: Newberry St neighbors

Hello Barbara Barhydt,

We are hearing exciting things about the proposed developments in our neighborhood. Our offices about the current Village parking lot so we will be in close proximity to these changes and anticipate being good neighbors.

We are however concerned about parking. By our calculations, after considering the 140 units requiring about 250 spots and the restaurant needing another 50, there doesn't seem to be adequate space for the activity these developments are going to generate. We'd really like to get more information and to be kept informed as things move forward.

We would appreciate hearing from you.

Thank you very much.

Cheryl Mitchell

Cheryl Mitchell

Administrative Facilitator

Health Education & Training Institute

25 Middle St.

Portland, ME 04101

(207)773-3275

heti@gwi.net www.hetimaine.org

From: "HETI" <heti@gwi.net>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: 7/9/2007 4:39:07 PM
Subject: RE: Newberry St neighbors

I am the property owner next door to the Village project on Middle Street and I am wondering in the plans where the adequate parking is for all that is proposed .. based on the city's formula the parking should equal 1.75 cars per residential unit and 5 per 1000 square foot for retail.. our best estimate is that there should be 300 spaces for parking .. I would hope the city planning holds to its standards to make the small business in the neighborhood survive and grow also..
Love in action, Stephen Andrew 233-0404

25 Middle St.
Portland, ME 04101
(207)773-3275
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-----Original Message-----

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Monday, July 09, 2007 1:50 PM
To: heti@gwi.net
Subject: Re: Newberry St neighbors

Hello:

The plans for the Village at Ocean Gate are in our office (4th Floor City Hall) and you may review them between 8 a.m. and 4:30 p.m. The item is on for a Planning Board public hearing tomorrow night at City Hall, Room 209. The hearing starts at 7:30 p.m. The Planning Board can make a decision on a project at a public hearing.

You may give your comments directly to the Planning Board at the public hearing or provide your comments in writing. You may e-mail your comments to me or fax them to our office at 756-8050. If you want the e-mail you sent to me below to be distributed to the Board members as public comment, please let me know.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

>>> "HETI" <heti@gwi.net> 07/09 1:19 PM >>>
Hello Barbara Barhydt,

We are hearing exciting things about the proposed developments in our neighborhood. Our offices about the current Village parking lot so we will be in close proximity to these changes and anticipate being good neighbors.

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heti@gwi.net www.hetimaine.org

From: "Stephen Rose" <SRose@une.edu>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: 7/6/2007 8:15:08 AM
Subject: Re: GFI

Good Morning,

Thank you for forwarding this material to me. I appreciate the inclusion of Ms. Marsh's report. I do have several questions, but one that remains with me is the question of the roof height. My understanding of the Council's vote called for a maximum height of 65' - not for an elevated structure beyond that to accommodate the latest GFI alteration for HVAC systems or elevators. Can we be sure that this interpretation holds?

Thanks again,
Stephen Rose

Stephen M. Rose, Ph.D.
Professor, College of Health Professions
University of New England - Westbrook Campus
716 Stevens Avenue
Portland, Maine 04103
(207) 221-4431
srose@une.edu
(fax) (207) 221-4719

>>> "Barbara Barhydt" <BAB@portlandmaine.gov> 7/6/2007 7:04 AM >>>
Good morning:

The applicant has cut two units from the second phase and is proposing a three-story structure at the corner of Hancock and Newbury Street. They have proposed more windows at the rear of Building #4 and have added more landscaping. They have updated the shadow study and provided a perspective shadow study. I am attaching Carrie Marsh's review of the proposal and she returns from her vacation on Monday. As you know, you are welcome to come to the office to view the plans.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

>>> "Stephen Rose" <SRose@une.edu> 07/05 11:41 AM >>>
Good Morning, Barbara,

I just received mail notice of the Tuesday, July 10, Planning Board Meeting. At the last meeting, Planning Board members were adamant about the requirement that GFI meet transition and community compatibility guidelines, especially for massing impact. I am curious to know whether any standards or criteria for meeting these stipulations have been created or used by staff to measure the GFI impact on the neighborhood. How will we know whether they have complied or, once again, attempted to

bypass the requirements imposed upon them?

Thanks.

Steve Rose

Stephen M. Rose, Ph.D.
Professor, College of Health Professions
University of New England - Westbrook Campus
716 Stevens Avenue
Portland, Maine 04103
(207) 221-4431
srose@une.edu
(fax) (207) 221-4719

CC: <hugh.nazor@gmail.com>, "Alex Jaegerman" <AQJ@portlandmaine.gov>, "Carrie Marsh" <CMarsh@portlandmaine.gov>, <peterbagg1@yahoo.com>

From: "HETI" <heti@gwi.net>
To: "'Barbara Barhydt'" <BAB@portlandmaine.gov>
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Sent: Monday, July 09, 2007 1:50 PM
To: heti@gwi.net
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From: "Steve Bushey" <SBushey@DelucaHoffman.com>
To: "Rick Knowland (E-mail)" <RWK@ci.portland.me.us>
Date: Fri, Dec 7, 2001 8:16 AM
Subject: PRP III

Rick,

I have reviewed the latest plans dated 12/5/01 prepared by Gorrill-Palmer Engineers. As you are well aware the subdivision layout is considerably changed from earlier proposals. The current plan set is preliminary in nature and requires additional work prior to consideration for Final Approval. However, the plan set appears to be satisfactory for consideration at a Planning Board workshop. I offer the following comments for your consideration as well as to pass on to the applicant's engineer.

Cover Sheet

1. The engineer should confirm that the Public Works Dept. will accept the use of smooth bore polyethylene pipe as suggested in the Grading and Drainage Notes.
2. No stockpiles of topsoil should be placed within 100' of a wetland or slope steeper than 15%.
3. Will natural gas service be extended into the development?

Subdivision plan

1. The subdivision plan is incomplete and requires all metes and bounds data. The applicant is advised to review the City's subdivision standards and prepare a checklist of where each standard is provided for within the plan set.
2. What provisions are being made for public access from Hope Avenue to the City land adjacent the River?
3. All relevant control data for both horizontal and vertical control should be provided on the plan.
4. An overall plan with the topography for the entire subdivision plan should be provided besides the topo shown on the grading plans.

Layout plans

1. The engineer should provide data for the intersection of Hope avenue at Station 10+00 with the existing street.
2. What will happen to the land in Falmouth between Hope Avenue and the Municipal boundary?
3. The applicant should state what the natural resource impacts will be including impacts in any of the ravines that will be crossed.

4. The end of Hope Avenue at Stat. 35+60 should be completed on the plan.
5. The street alignment appears to meet all the applicable City Technical Standards, although several are at a minimum. the Public Works Dept. should also review.
6. Should a designated school bus drop-off pick-up area be provided?
7. Should an area be designated for public parking if access is provided down to the River?

Utility Plans

1. An easement area should be provided for the Pump Station. Will the Pump Station become the City's?
2. The plan and profile have a discrepancy on the Water main size. One says 8" the other 12".
3. The length of sanitary sewer between manholes 1 and 2 is greater than 250' which is the City standard, manhole to manhole.
4. An access drive should be provided for the Pump Station.
5. The engineer should review the need for a drop manhole structure at manhole 9 for the sanitary sewer.

Grading Plans.

1. the plans contain no measures for erosion and sediment control.
2. The plans are missing the cross culverts that I expect will be required at a number of ravine crossings.
3. All culvert design and riprap apron design computations should be provided.
4. The sizing criteria and computations for the Water quality treatment units must be provided.
5. Details and possibly additional stabilization measures for the storm drain outfall at the end of Hope Avenue should be provided.
6. Who owns the land at the end of Hope Avenue. Is an easement necessary?
7. Will a landscape drawing be provided?
8. Will individual lot grading plans be provided? It appears that the road and utilities have been positioned to work well with the lots and I do not see any major issues with each lot development. However in the

0-3

past we have always required some preliminary data for the lots.

If you have any questions regarding my comments please call.

Steve Bushey
Technical Reviewer

AGREEMENT BETWEEN**CITY OF PORTLAND****AND****ROBERT L. ADAM AND****AJS FAMILY LIMITED PARTNERSHIP**

AGREEMENT made this 21st day of September, 2001 by and between the **CITY OF PORTLAND**, a body politic and corporate, located in Cumberland County and State of Maine (hereinafter "**CITY**") and **ROBERT L. ADAM** and **AJS FAMILY LIMITED PARTNERSHIP**, a Maine Limited Partnership (hereinafter "**DEVELOPER**")

WITNESSETH:

WHEREAS, **DEVELOPER** is proposing a housing development of up to thirty (30) single family homes along Eagle Avenue, in Portland, as limited herein, known as Presumpscot River Place Phase 3A (hereinafter "**PROJECT**"); and

WHEREAS, application for PRP3 approval is presently pending before the Planning Board; and

WHEREAS, application for **PROJECT** will be submitted; and

WHEREAS, the **CITY** by and through its City Council has determined that it is in the public interest to obtain a portion of property owned by **DEVELOPER** for purposes of passive recreation and access to the Presumpscot River with no vehicular access or use; and

From: Jay Reynolds
To: Rick Knowland
Date: Thu, Apr 24, 2003 11:31 AM
Subject: Callback Requested

A gentleman who owns Lot 13 of PRP III was inquiring about the portland trails parking area for riverwalk/prpIII. He and some of his future neighbors have some reservations about this project. Can you call him when you get back. Mr. Stephen Smith, at 650-9299.

Thanks.
Jay



Columbus
New York
Portland
San Francisco

VIA Inc
34 Danforth Street
Suite 309
Portland ME 04101

207 761 0288 Tel
207 761 9422 Fax
www.vianow.com

March 18, 2002

Mr. Richard Knowland
City of Portland
Department of Planning & Urban Development
4th Floor, City Hall
Portland, Maine 04101

Dear Mr. Knowland:

I am writing this letter in response to the intent to file a natural Resource Protection Act Permit application by Burt Wolf and Bob Adam for the proposed Presumpscot River Place Subdivision. This proposed 30-lot subdivision, which includes the alteration of freshwater wetlands and three stream crossings, is located off of Curtis Road and Hope Avenue in the North Deering area of Portland.

I am a resident of the neighborhood that this development will directly impact, having moved to the state with my family from Ohio nearly six years ago. My home is located near the corner of Hope Avenue and Alice Street. It is a family neighborhood that has been besieged by development over the past two years with the recent addition of the Auburn Pines subdivision. Traffic on Alice Street has more than doubled since the Auburn Pines subdivision was completed.

Our local elementary and middle schools facilities, which were already struggling to find space for a burgeoning student body, are now at a crisis level. The proposed Presumpscot River Place Subdivision will both increase traffic as well as further tax our already burdened local schools with more, new students.

The existing neighborhood is a family-centered community, one that has little if any safe green space for children to play. With the streets now busier than ever, the need for green space in North Deering, and in particular this neighborhood, is critical.

I am writing this note not only as a concerned parent and resident of this community but also as a businessperson. I am a founding partner in The VIA Group LLC, the state's largest communications firm and among the largest in New England. VIA, twice named to the *Inc.* 500 list as one the fastest growing privately held companies in North America, employs over 100 people in three offices across the U.S., with nearly 80 associates located in our Danforth Street headquarters.

The average salary of VIA associates is \$60,000, with many of our top executives making well over six-figure incomes. We have generated millions of dollars in tax revenue for the state in our nine years of existence and we pay on average per month of \$200,000 to primarily in-state vendors for various support services. In addition, VIA has also helped Governor King promote the state and continually works with him to bring more businesses like ours to Maine.

It is difficult at best today to attract talent to VIA from out of state due to many of the serious economic issues that Maine faces. This challenge will only get worse due to over-crowded schools and communities, a lack of green space for children to play and busy traffic on our neighborhood streets. Efforts like the Presumpscot River Place Subdivision are challenging me personally to reconsider my commitment to this state. The last, remaining wooded area in our neighborhood will be gone and the river's natural beauty will be compromised. Children will have no open green space to play and our local schools will not be able to handle the additional new students.

I ask that you reconsider this development in its entirety or, at least, require green space to be added to the proposed development plan by reducing the total number of homes added. I would welcome the opportunity to discuss this issue directly with your agency and brainstorm possible alternatives.

Sincerely,



Rich Rico
Founding Partner
The VIA Group LLC

cc: R. Adam
B. Wolf
A. Palmer



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.
GOVERNOR

MARTHA KIRKPATRICK
COMMISSIONER

March 19, 2002

Rich Ricco
The VIA Group LLC
34 Danforth St.
Portland ME 04101

RE: Presumpscot River Place; L-19486-L2-C-N

Dear Mr. Ricco:

Thank you for your letter dated March 11, 2002 regarding the proposed Presumpscot River Place residential subdivision Phase III & Falmouth. This project is currently being reviewed for permits under the Site Law and the Natural Resources Protection Act (NRPA). As we discussed over the telephone yesterday, many of the issues you have raised are local issues. The Site Law and the NRPA do not have any standards regarding traffic, the school system and green space. It is my understanding that the City of Portland is requiring the developers of this site to sell them frontage on the Presumpscot River in order to protect the resource and provide for green space.

If you would like to review the plans or have further questions, feel free to call me at 822-6324.

Sincerely,

Dawn E. Hallowell
Division of Land Resource Regulation
Bureau of Land & Water Quality

C: Rick Knowland, City of Portland
Doug Reynolds, Gorrill-Palmer

AUGUSTA
7 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
LAW BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-1507

Hand delivered
7/10/01 3:45pm

July 10, 2001

Portland Planning Department
4th Floor, Portland City Hall
389 Congress Street
Portland, ME 04101

Attn: Barbara Barhydt, Senior Planner

Dear Barbara:

After reviewing the Capisic Brook Greenway Master Plan dated May 2001, and noting the proposed location of an 8' accessible trail along a 50' sewer easement through our property on Bishop Street, we would like to express our strong opposition to this project crossing our property. Due to the nature of our business, the constant truck traffic and equipment operations, this would not be conducive to pedestrian traffic in this area.

Although we promote the Greenway project in concept, we can not allow the public access to our operational site.

We would, however, be more than willing to discuss options that might be explored. These options may include relocating the trail closer to the railroad on either side, with perhaps a chain link fence on both sides of the trail to protect the public from the railroad as well as business located along the tracks.

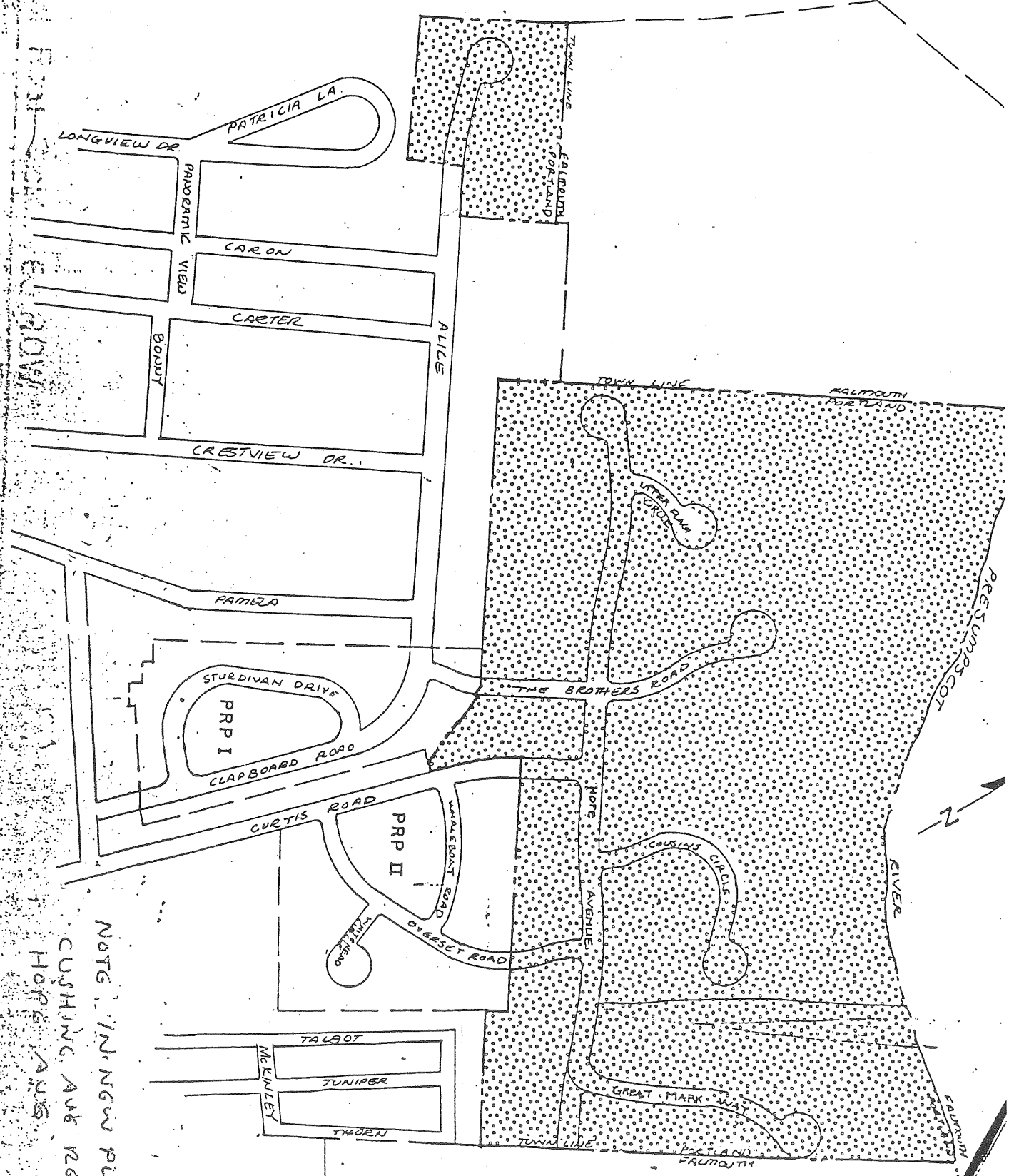
Very truly yours,



David R Boston
Consultant
Pike Industries Inc

INC.

LOCATION MAP



NOTE: IN-NEW PLAN
 CUSHING AUB REPLACED
 HOPE AUBS

ATTACHMENT 4-A

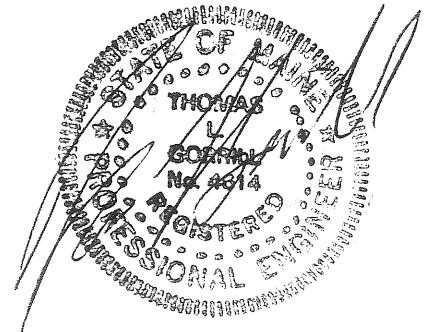
**Traffic Impact Study for
Presumpscot River Place - Phase 3
Portland, Maine**

Prepared for:

**Diversified Properties
P.O. Box 10127**

Portland, ME 04104

January 2000



Prepared by:



Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services

PO Box 1237
31 Main Street
Gray, ME 04039

(207) 657-6910
Fax : (207)-657-6912
E-mail: gpcei@maine.rr.com

Presumpscot River Place – Phase 3 Portland, Maine Traffic Impact Study

Index

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Appendix A

Site Location Diagram

Turning Movement Diagrams

Appendix B

Capacity Analyses

I. Executive Summary

The following Executive Summary is prepared for the reader's convenience, but is not intended to be a substitute for reading the full report.

Gorrill-Palmer Consulting Engineers, Inc., has been retained by Diversified Properties of Portland to complete a traffic impact study for the construction of 27 single family homes off Curtis Road in Portland. The location of the site is shown in Figure 1 of Appendix A. Access to the site is planned from Curtis Road and no new curb cuts are planned.

The site is currently undeveloped, and primarily wooded.

The following is a summary of the major findings of the traffic study:

1. Gorrill-Palmer Consulting Engineers, Inc. estimates the proposed project will generate the following additional trip ends (Note: A trip end is either a trip in or out of the site. Thus a round trip would equal two trip ends):

Time Period	Estimated Trip Ends
Weekday	311
Weekday AM peak hour of generator	31
Weekday PM peak hour of generator	34

2. The intersection capacity analyses shows the intersections of Auburn Street/Jackson Street and Allen Avenue/Summit Street will operate at an acceptable level of service.
3. The sight lines exiting Curtis Road are adequate.
4. The accident history provided by the MDOT shows that the intersections of Auburn Street/Jackson Street and Allen Avenue/Summit Street are not classified as High Accident Locations (HAL's).
5. Since the project is forecast to generate less than 100 trip ends during the peak hour of the generator, a traffic permit is not required from the MDOT.

Based upon these findings, it is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the traffic generated by the construction of Phase 3 of Presumpscot River Place consisting of 27 housing units, can be safely accommodated on the surrounding street system.

II. Background Traffic Conditions

Gorrill-Palmer Consulting Engineers, Inc. based the traffic study on weekday turning movement counts which we collected at the following locations:

- ◆ Auburn Street/Jackson Street.
- ◆ Allen Avenue/Summit Street.

These counts were collected during the following time periods:

DATE	TIME
January 6, 2000	6:45 AM to 8:45 AM
January 3, 2000	3:45 PM to 5:45 PM

This data shows the peak hour for this intersection from 7:15 AM to 8:15 AM and from 4:30 PM to 5:30 PM. The results of the turning movements for the AM and PM peak hours are shown in Figure 2 of Appendix A.

In addition to this information, the MDOT determined that the 1997 Annual Average Daily Traffic (AADT) on Auburn Street (Route 26) north of Summit Street was 15120 vehicles per day.

Seasonal Adjustment

Auburn Street is classified by the MDOT as an urban roadway, which is designated as Group 1 by the MDOT. This roadway carries commuter traffic and exhibits little change due to seasonal changes in traffic volumes. Gorrill-Palmer Consulting Engineers, Inc. reviewed the MDOT published adjustment factors (weekly group mean factors) which are derived from MDOT's traffic count program. This results in a seasonal adjustment factor for the first week in January of 24%, to estimate the 30th highest hour of the year for all counted volumes.

Background Growth

Based on counts performed by the MDOT on Washington Avenue north of Allen Avenue, Gorrill-Palmer Consulting Engineers, Inc. estimated the background growth of traffic on Auburn Street to be 3% per year. In addition to this background traffic, the traffic from other significant developments which are approved but not yet built or have already submitted an application for approval must be included in the background volumes. Gorrill-Palmer Consulting Engineers, Inc. contacted the City of Portland to determine the projects which fall into this category and the following were identified:

- ◆ Falmouth Crossing adjacent to Exit 10 in Falmouth
- ◆ Auburn Pines

Gorrill-Palmer Consulting Engineers, Inc. obtained the traffic volumes for the Exit 10 development from the traffic study completed by DeLuca-Hoffman Associates, Inc. The City did not require a traffic study for Auburn Pines which consisted of 39 units of single family housing so Gorrill-Palmer Consulting Engineers, Inc. estimated the traffic using data from the Institute of Transportation Engineers.

The seasonal adjustments, growth factors and traffic from approved projects was applied to the raw volumes to determine the 2002 pre-development volumes. These volumes are shown in Figure 2 of Appendix A.

III. Trip Generation

Gorrill-Palmer Consulting Engineers, Inc. estimated the potential trip generation for the project utilizing the Institute of Transportation Engineers (ITE) publication Trip Generation, 6th Edition, Land Use Code 210. The trip generation estimates are summarized below:

Time Period	Estimated Trip Ends
Weekday	311
Weekday AM peak hour of generator	31
Weekday PM peak hour of generator	34

A trip end is defined as either a trip in or out of the site. Thus, one round trip is equal to two trip ends.

IV. Trip Distribution and Assignment

Gorrill-Palmer Consulting Engineers, Inc. estimated the distribution of trips going to and from the proposed site based on the information in The Trip Generation manual and the layout of the existing roadway system. Trips heading to the north were assumed to travel down Curtis to Summit to Jackson Street onto Auburn Street while those heading toward Portland or Falmouth will travel to Summit then to Allen Avenue or to Jackson Street. The trip distribution for the study area is shown in Figure 4 of Appendix A.

V. Study Area

The proposed 27 single family homes are anticipated to generate 34 additional trip ends during the peak hour of the generator which is anticipated to occur during the peak hour of the adjacent street traffic which is generally 4:30 PM to 5:30 PM. This rate is below the threshold of 100 trip ends for requiring a traffic permit from The Maine Department of Transportation (MDOT). The traffic study will however require approval from the City through the site plan review process. The study area was determined based upon discussions with the City Traffic Engineer to include the following intersections:

- ◆ Auburn Street/Jackson Street
- ◆ Allen Avenue/Summit Street

VI. Capacity Analysis

Gorrill-Palmer Consulting Engineers, Inc. performed capacity analyses for both the unsignalized intersections listed above utilizing Highway capacity software.

The capacity analysis assesses the quality of traffic flow at intersections and provides a ranking based upon its delay and Level of Service (LOS). Level of service rankings are similar to the academic ranking system where an "A" indicates very little delay and an "F" indicates very poor or extreme conditions. Level of service "D" is generally acceptable at signalized intersections. At an unsignalized intersection, if the level of service falls below a "D", the intersection should be examined further to determine if it meets one or more of the warrants set forth in the Manual on Uniform Traffic Control.

Gorrill-Palmer Consulting Engineers based their analyses on the existing roadway configurations. The analyses have been based on Figures 3 and 5, the AM and PM pre and post-development peak hours respectively. The post-development volumes were determined by adding the 2002 pre-development volumes shown in Figure 3 to the trip assignments shown in Figure 4.

The following table summarizes the relationship between delay and level of service at unsignalized intersections:

Level of Service Criteria for Unsignalized Intersections	
Level of Service	Stopped Delay per Vehicle (sec)
A	Up to 5.0 seconds
B	5.1 to 10.0
C	10.1 to 20.0
D	20.1 to 30.0
E	30.1 to 45.0
F	Greater than 45.0

The results of the analyses are summarized below:

Intersections of Auburn Street/Jackson Street

Level of Service for Auburn Street/Jackson Street				
Approach/Movement	Level of Service			
	Pre-development		Post-development	
	AM	PM	AM	PM
Jackson Street Approach	B	B	B	B
Auburn Street Approach Westbound	A	A	A	A
Auburn Street Approach Eastbound	A	A	A	A

This analysis shows that the level of service at the intersection will not change as a result of the development.

Intersections of Allen Avenue/Summit Street

Level of Service for Allen Avenue/Summit Street				
Approach/Movement	Level of Service			
	Pre-development		Post-development	
	AM	PM	AM	PM
Summit Approach	C	B	C	B
Allen Avenue Southbound Approach	A	A	A	A
Allen Avenue Northbound Approach	A	A	A	A

This analysis shows that the level of service at the intersection will not change as a result of the development.

VII. Accident Analysis

Gorrill-Palmer Consulting Engineers, Inc. has based the accident analysis of this study area on data obtained from the MDOT for the period 1996-1998.

In order to evaluate whether a location has an accident problem, MDOT uses two criteria to define High Accident Locations (HAL). Both criteria must be met in order to be classified as a HAL. These criteria are:

- (1) Critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) and;
- (2) A minimum of eight accidents over a three-year period.

Neither of the intersections evaluated in this study are high accident locations.

VIII. Sight Lines

There are two new intersections proposed as part of this development:

- ◆ Intersection of Curtis Road and Cushing Road
- ◆ Intersection of Cushing Road and Brothers Road

Both Cushing Road and Brothers Road will be posted for 25 mph.

The Maine Department of Transportation publication "Access Management, Improving the Efficiency of Maine Arterials" provides recommended sight distance based on driveway classifications. The classifications are as follows:

Low Volume Driveways: Driveways with a traffic volume of less than 500 vehicle-trips per day or 50 or less vehicle-trips per peak hour.

Medium Volume Driveways: Driveways with a traffic volume of 500 to less than 1,500 vehicle-trips per day, or 50 to less than 150 trips per peak hour.

High Volume Driveways: Driveways with a traffic volume of 1,500 or more vehicle-trips per day or 150 or more vehicle-trips per peak hour.

The traffic volume forecast during the peak hour for the site upon completion of the proposed project is summarized below:

AM Peak Hour	31 trip ends
PM Peak Hour	34 trip ends

Thus, the development would be categorized as a low volume development. The guidelines set forth by the MDOT for sight distance for low-volume driveways are as follows:

MDOT Standards for Sight Distance for a Low-Volume Driveway	
Speed (mph)	Desirable Sight Distance (ft)
25	250
30	300
35	350
40	400
45	450
50	500

Gorrill-Palmer Consulting Engineers, Inc. has evaluated the available sight lines at the proposed driveways in accordance with MDOT standards.

The MDOT standards are as follows:

- Driveway observation point: 10 feet off major street travelway
- Height of eye at driveway: 3 ½ feet above ground
- Height of approaching vehicle: 4 ¼ feet above road surface

The design speed used for the major road is generally the 85th percentile travel speed. This is the speed which 85% of the traffic is traveling at or below. The posted speed limits in the vicinity of the site are summarized below:

- Cushing Road 25mph
- Brothers Road 25mph

Intersection Sight Line Evaluation				
Location	Direction	Estimated 85 th Percentile speed (mph)	Required Sight Line (ft)	Actual Sight Line (ft)
Intersection of Curtis/Cushing	Left	25	250	350
Intersection of Cushing/Brothers	Left	25	250	350
	Right	25	250	350

As shown, these sight lines exceed the MDOT standards for a medium-volume driveway. Gorrill-Palmer Consulting Engineers, Inc. also recommends that all plantings which will be located within the right of way of existing and proposed intersections not exceed three feet in height and be maintained at or below that height.

IX. Conclusions

Gorrill-Palmer Consulting Engineers, Inc. has evaluated the impact of the traffic associated with the proposed construction of 27 single family homes off Curtis Road in Portland and reached the following conclusions:

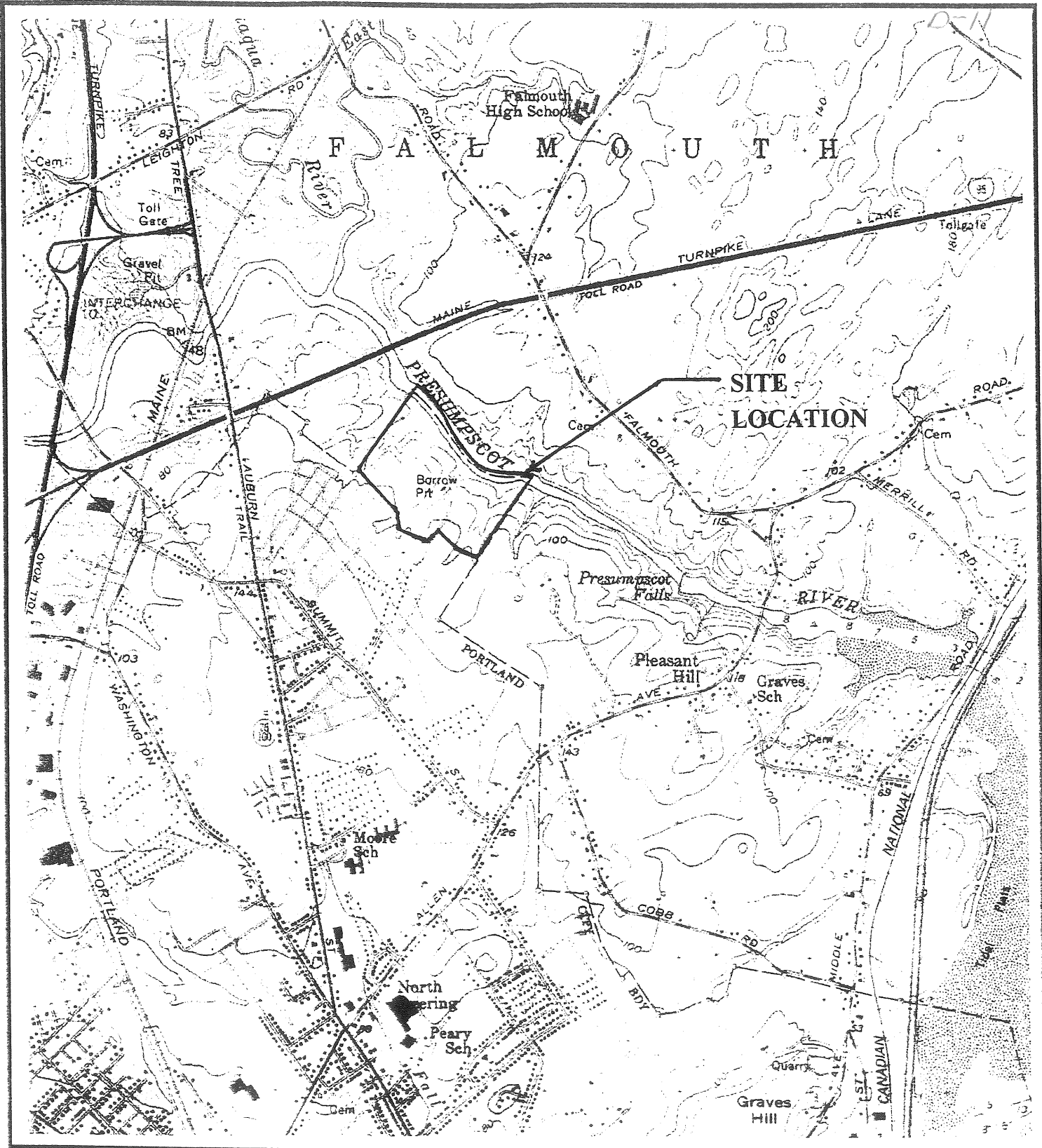
- 1. Gorrill-Palmer Consulting Engineers, Inc. estimates the proposed project will generate the following additional trip ends (Note: A trip end is either a trip in or out of the site. Thus a round trip would equal two trip ends):

Time Period	Estimated Trip Ends
Weekday	311
Weekday AM peak hour of generator	31
Weekday PM peak hour of generator	34

- 2. The intersection capacity analyses shows the intersections of Auburn Street/Jackson Street and Auburn Allen Avenue/Summit Street will operate at an acceptable level of service.
- 3. The sight lines exiting Curtis Road are adequate.
- 4. The accident history provided by the MDOT shows that the intersections of Auburn Street/Jackson Street and Allen Avenue/Summit Street are not classified as High Accident Locations (HAL's).
- 5. Since the project is forecast to generate less than 100 trip ends during the peak hour of the generator, a traffic permit is not required from the MDOT.

Based upon these findings, it is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the traffic generated by the construction of Phase 3 of Presumpscot River Place consisting of 27 housing units, can be safely accommodated on the surrounding street system.

APPENDIX A




U.S.G.S. Location Map
Presumpscot Place-Portland, Maine

U.S.G.S. Portland West Quadrangle, Maine - 7.5 Minute Series (Topographic)

Design	AMP
Drawn	DMP
Check	

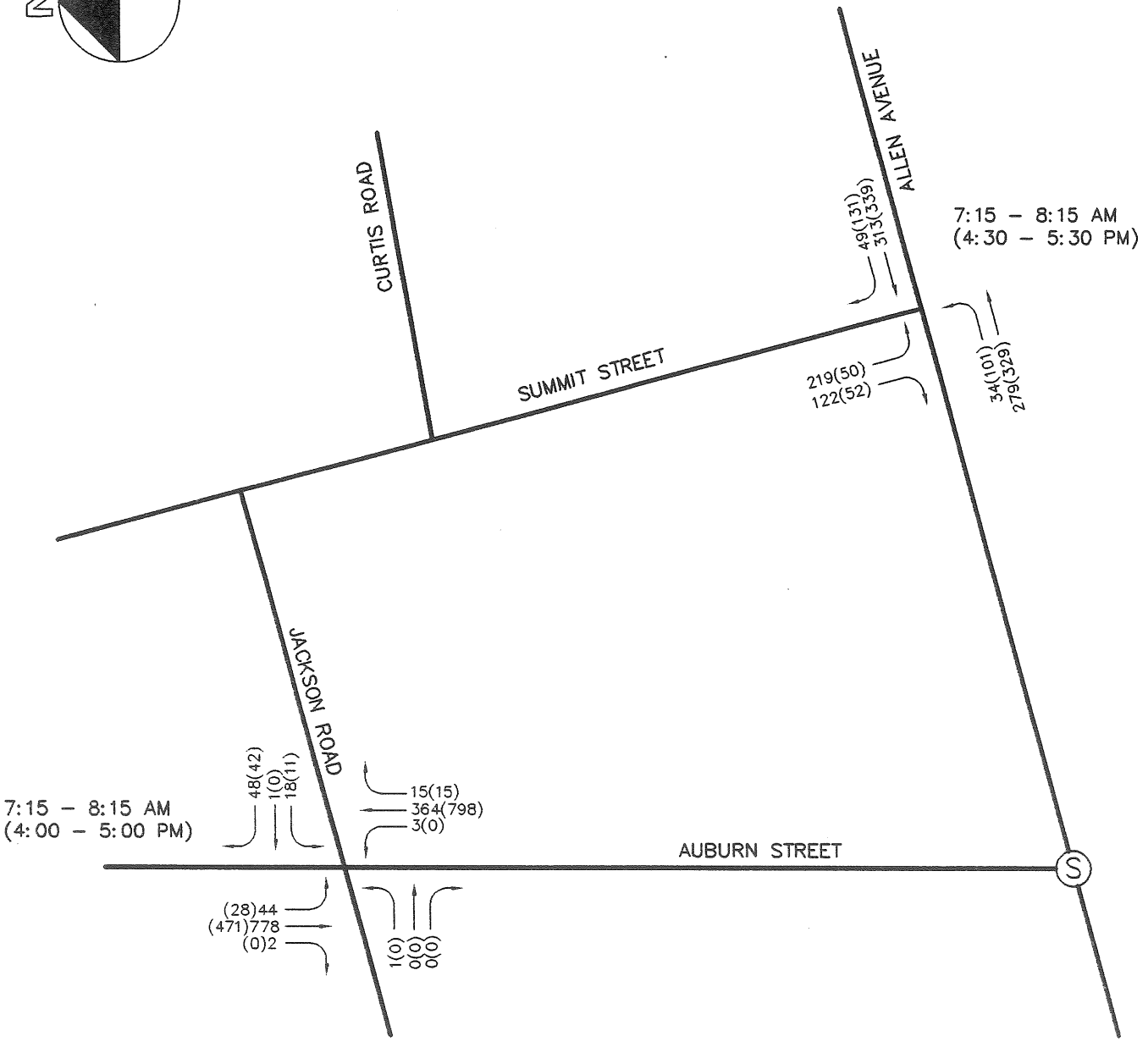
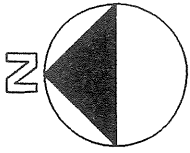
Date	5.11.99
Scale	1"=2000'
Job No.	98089


Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services

P.O. Box 1237
 31 Main Street., Grav. ME 04039

207-657-6910
 FAX 207-657-6912
 E-Mail: Gor-Pal CE@MSN.com

Figure
 1



LEGEND:

- ⑤ DENOTES SIGNALIZED INTERSECTION
- AM XX
- PM (XX)

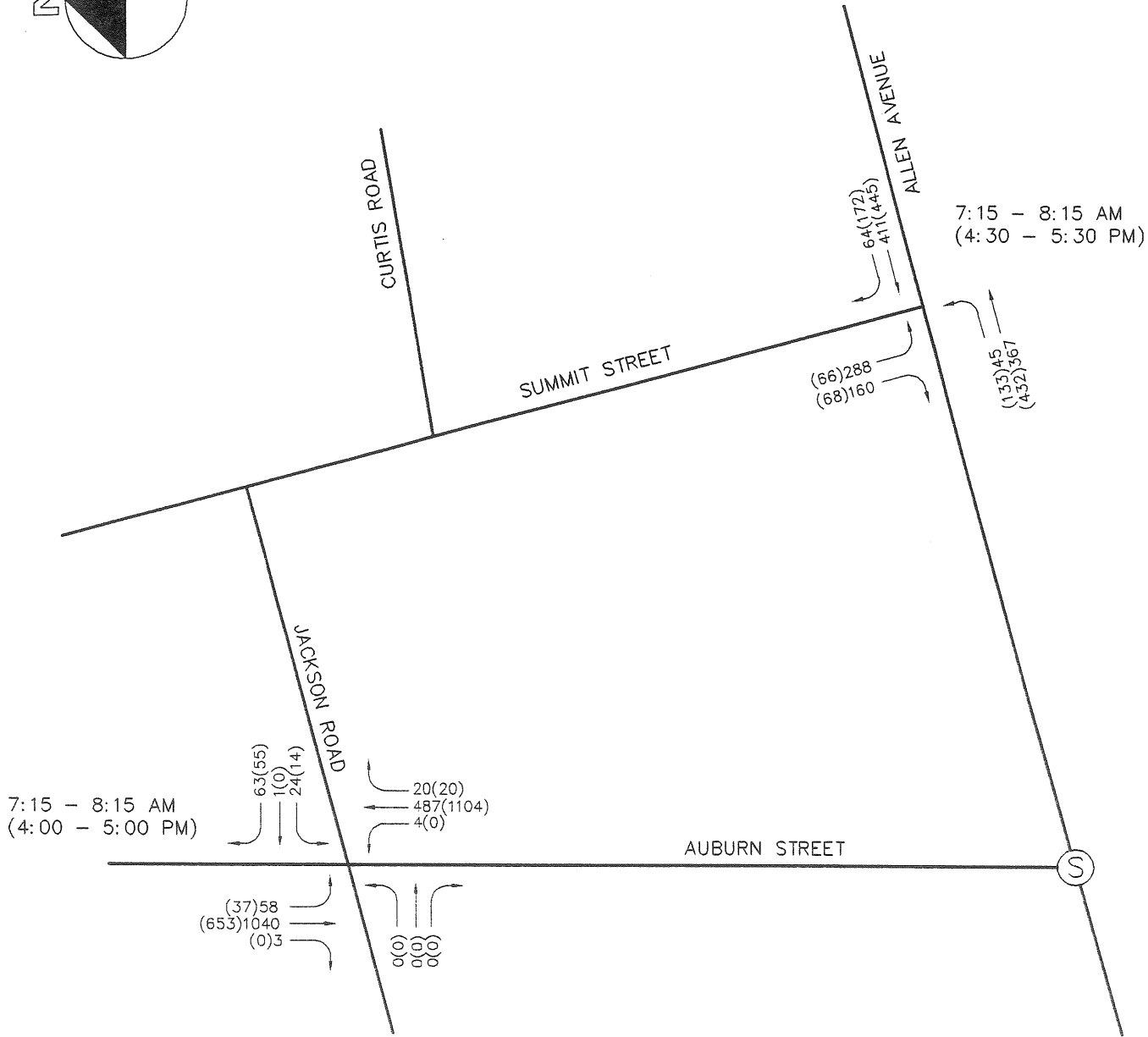
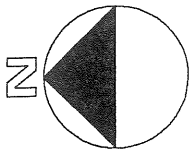
RAW VOLUMES 1/6/2000

Design: TG	Date: 1/10/00
Draft: V.V.	Job No.: 98089
Checked: TG	Scale: NTS

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237, 31 Main Street
 Gray, ME 04039
 207-657-6910

Drawing Name:
PRESUMPCOT PLACE
 Project:
RAW TURNING MOVEMENT VOLUMES

Figure No.
2



ADJUSTMENTS:

TIME OF YEAR 24%
 BACKGROUND GROWTH 3%/YR
 APPROVED DEVELOPMENT

LEGEND:

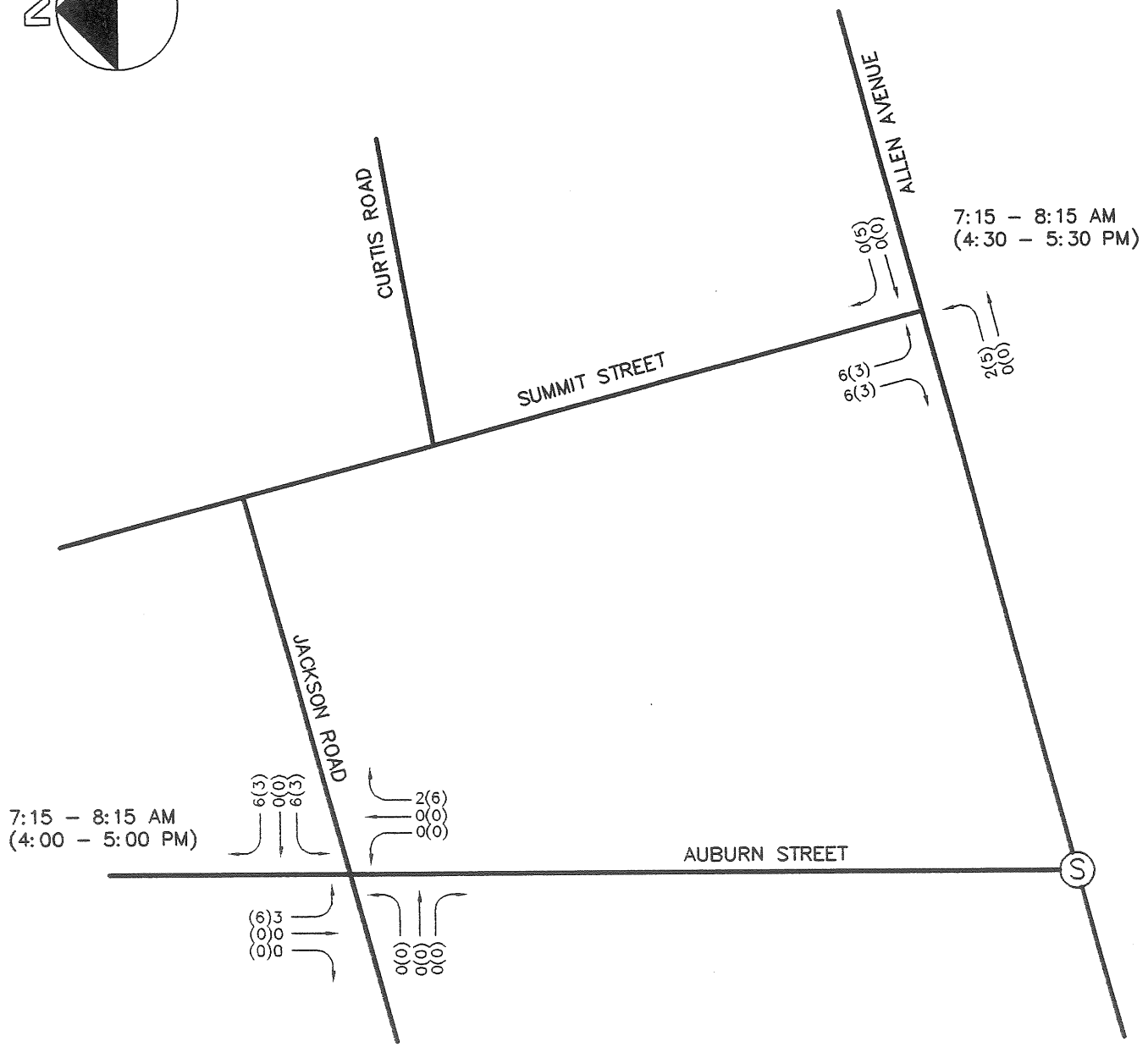
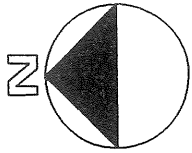
Ⓢ DENOTES SIGNALIZED INTERSECTION
 AM XX
 PM (XX)

Design: TG	Date: 1/10/00
Draft: V.V.	Job No.: 98089
Checked: TG	Scale: NTS

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237, 31 Main Street
 Gray, ME 04039
 207-657-6910

Drawing Name:
PRESUMPCOT PLACE
 Project:
2002 PRE-DEVELOPMENT VOLUMES

Figure No.
3



LEGEND:

Ⓢ DENOTES SIGNALIZED INTERSECTION

AM XX

PM (XX)

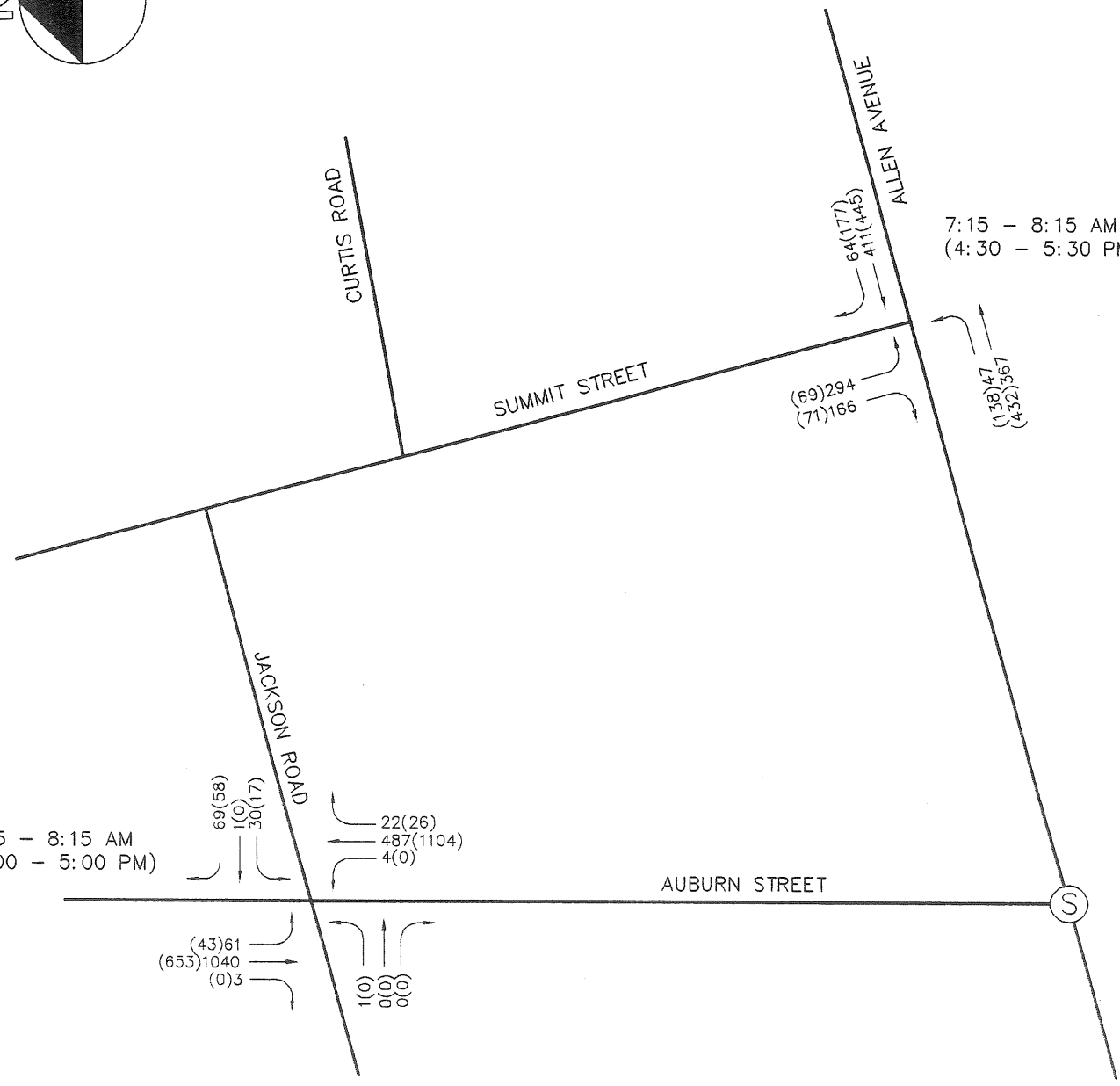
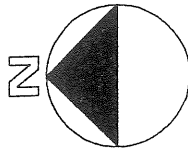
RAW VOLUMES 1/6/2000

Design: TG	Date: 1/10/00
Draft: V.V.	Job No.: 98089
Checked: TG	Scale: NTS

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237, 31 Main Street
 Gray, ME 04039
 207-657-6910

Drawing Name:	PRESUMPCOT PLACE
Project:	TRIP DISTRIBUTION

Figure No.	4
------------	----------



LEGEND:

- Ⓢ DENOTES SIGNALIZED INTERSECTION
- AM XX
- PM (XX)

Design: TG	Date: 1/10/00
Draft: V.V.	Job No.: 98089
Checked: TG	Scale: NTS

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237, 31 Main Street
 Gray, ME 04039
 207-657-6910

Drawing Name: **PRESUMPCOT PLACE**
 Project: **WEEKDAY POST-DEVELOPMENT PEAK HOUR**

Figure No. **5**



PO Box 1237
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E-Mail: gpcei@maine.rr.com

February 3, 2000

Mr. Rick Knowland, Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101-3503

Subject: Presumpscot River Place Phase III
Response to Comments

Dear Rick:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to comments we have received from you in a letter to us dated January 27, 2000 for the above referenced project. For your convenience each of the comments are presented below followed by our response.

Comment – The revised subdivision plan does not have the lot number so it is difficult to follow the narrative. Please also add the adjacent municipal lines.

Response – Revised plans with the lot numbers were provided to your office on February 2, 1000. Plans are enclosed with this letter that denote the municipal lot lines.

Comment – Please confirm the source and methodology of the topography shown on the plan. Have you independently confirmed the accuracy? Accurate topography is critical in planning appropriate building envelopes.

Response – The topography shown on the plan is based upon aerial survey conducted by the Sewall Company when Presumpscot River Place Phase III (80 lots on 72 acres) was approved by the Planning Board in 1989. Titcomb Associates has conducted a ground survey for the proposed roadway corridors, which will be used for their design. It is noted that the ground survey conforms well with the aerial survey by Sewall.

Comment – Are the building envelopes limits on where the houses are built or do they include tree clearance and regrading?

Response – As noted on the Plan, the envelopes are noted as “Principal Structure Envelope”. The limit of tree clearing and regrading could extend outside these envelopes as would be necessary to construct the driveway between the envelopes and the roadway on to meet the property owners desires. As noted in our letter dated October 18, 1999, the limit of tree clearance and re-grading would be shown on the individual house plans required by the City under the Minor/Minor Site Review, which would be prepared in order to obtain a building permit.

Mr. Rick Knowland
February 3, 2000
Page 2

Comment - Please provide documentation on whether the development meets Sec. 14-497(8).

Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or by the City, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

In order to properly address this standard, I believe you should have some type of environmental assessment prepared addressing the specific elements of the standard.

Response - In response to this comment, our office has forwarded letters to the Maine Department of Inland Fisheries & Wildlife, Maine Department of Conservation Natural Areas Program and the State Historic Preservation Office to obtain the requested information. Upon receipt of the requested data, our office will forward a supplemental response to the Planning Department. By copy of this letter, our office requests confirmation from the City as to "significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or by the City"

Comment - Please confirm whether this subdivision qualifies for jurisdiction under the site location law by itself or in combination with Presumpscot River Place I and II.

Response -The project, Presumpscot River Place Phase III, as designed is a single family residential subdivision of less then 30 acres and is therefore exempt under the Site Location of Development Act. As Presumpscot River Place Phase I and II occurred in excess of 5 years ago (actually in excess of 15 years) they would not be considered when determining applicability of the Site Location of Development Act.

Comment - For lots north of Cushing Avenue, I would suggest that the slopes be categorized (in percentage terms) so that the Planning Board can understand the relative steepness of the topography. Perhaps slope percentages could be color coded in categories on a plan.

I would suggest that the slopes be categorized as 0 to 8%; greater than 8% to 15%; greater than 15%.

Response -Enclosed, please find one full size color print of the lots north of Cushing Avenue depicting the desired slope information. As it appears that you are concerned with the viability of construction on slopes greater then 15%, our office is preparing "typical" site plans for Lots 2 and 10 which will be presented to the Planning Board at the workshop.

Comment - All wetlands should be delineated on the plan. Show the delineation of wetland boundaries and the source of the delineation. Also will the development require wetland permits? If so, how much filling will be required?

Mr. Rick Knowland
February 3, 2000
Page 3

Response –Wetlands within the limits of the project have been delineated by Ken Stratton of Stratton Associates, Winthrop Maine. Titcomb Associates is in the process of mapping the wetlands which will be noted on the final roadway plans as well as the subdivision plat. Limits of fills will be noted on these plans.

Comment – What are your plans for water quality treatment given its proximity to streams and the Presumpscot River? It may make sense to have a central treatment area for the development before the water heads into the river.

Response – Under the Maine Department of Environmental Protection (MDEP) Stormwater Law, the project will be required to obtain a Stormwater Permit as the project will result in excess of 1 acres of non-vegetated surface. As the project will result in less than 3 acres of non-vegetated surface within the proposed rights-of-way, and the Presumpscot River is not rated by the MDEP as a “watershed most at risk from development” nor as a “sensitive or threatened region” the project will only be required to conform to the water quantity standards of the Stormwater Law. Water quality standards will be consistent with “basic stabilization standards” which requires implementation of Best Management practices such as riprap aprons, ditch turnouts, etc. These measures will be shown on the roadway plans.

Comment – See also previous staff memo. Our comments to date are based on a conceptual plan. Obviously we will have more comments as the plan evolves into a complete plan.

Response –The only previous staff memo which we are aware of was dated September 28, 1999 and prepared by yourself. Our office responded to the comments in that memorandum in a letter dated October 18, 1999. Please inform us of any of those responses did not adequately address your concerns.

Attached to this letter are the following items:

- ◆ Full size plot of Slopes Map
- ◆ Seven Prints of Full Size Sketch Plan
- ◆ 2-Full Size Plot of Aerial View (1" = 50' & 1"=100')
- ◆ 10 Reduced copies of Slopes Map
- ◆ 10 Reduced copies of Sketch Plan
- ◆ 20 Reduced copies of Aerial View (1" = 50' Reduced & 1"=100' Reduced, 10 each)

Mr. Rick Knowland
February 3, 2000
Page 4

We are happy to provide responses to your comments. Please contact this office if you have any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Alton M. Palmer, P.E.
Vice President

Copy: Mr. Burt Wolf, w/Enc.
Mr. Bob Adam, w/Enc.
Mr. Terry Snow, Esq., w/Enc.

B-5

January 10, 2000

Mr. Rick Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101-3503

Subject: Presumpscot River Place Phase III
Workshop Request

Dear Rick,

Based upon our recent discussions, continuing development of the design of the project and the comments made by various members of the Planning Board, our office has updated the Concept Plan for the above referenced project. The revisions to the plan include:

- Minor adjustment to the location of Brothers Road at its intersection with Cushing Avenue;
- Adjustment in area for the lots adjacent to Brothers Road to account for the shift in the roadway;
- Further reduction in the structure envelopes; and
- Addition of a 20' utility easement from Cushing Avenue towards Clapboard Road.

As the Project Team believes these revisions are improvements to the project reflecting the comments received to date, Burt Wolf and Bob Adams request that the project be scheduled for discussion of these items at the next Planning Board meeting.

The Brothers Road Alignment

The Brothers Road at its intersection with Cushing Avenue has been shifted approximately 25 feet westerly. The location of the cul-de-sac remains as previously depicted and the horizontal curve at Sta 43+00 of the roadway was modified. The Project Team elected to shift the roadway primarily to increase the size of the buildable envelopes on lots 13 and 14. Subsequent to staking out the roadway centerline and lot corners, it became apparent that a westerly shift in the first several hundred feet of Brothers Road would not have a significant negative on lots 7 and 8 and would improve lots 13 and 14.

Mr. Rick Knowland
January 10, 2000
Page 2

Lot Line Adjustments

The lines for lots 6,7,8,9,12,13,14,15 and 16 were all adjusted to reflect the shift in The Brothers Road. The revised lots still exceed the municipal requirement of 10,000 s.f. per lot. The frontage for lots 13 and 14 were increased from 50 feet to 80 feet which results in a larger structure envelope.

In addition, the lot lines for lots 19 through 26 have been modified. The previous plan resulted in lots 20 through 25 having a frontage of 90' to 100', and lot 26 having 130'. The lot lines between these parcels have been adjusted to balance the frontage between these lots.

Structure Envelopes

As you are aware, the site can be characterized as having two distinct topographical settings.

- Single Plateau Lots – This setting would include lots 6, 7, 8, 15, 18, 20 through 26. A mildly sloping structure envelope predominately defines these lots with less than 10' of elevation difference over the entire envelope. Slopes within the envelopes average between 4% and 8% and do not pose a significant concern with respect to slope stability, or erosion control. Structure envelopes for these lots primarily follow the municipal setback requirements as well as existing easements for public utilities.
- Multiple Plateau Lots – This setting would include the remainder of the lots proposed for this subdivision, and include structure envelopes with multiple alternative sites suitable for construction of dwellings with creative, multi-level floor plans. The topography within these lots will allow for a creative collaboration between the property owner and the architect, as there are numerous means of fitting a structure into the topography (which may include stepping down the slopes) based upon the style, configuration, and dimension of the structure. The ability to create a personalized setting is the attraction to a prospective buyer, as the multiple options for fitting a structure into the topography will not result in a “cookie-cutter” approach to the development. The structure envelopes on these lots have been established to comply with municipal setbacks, and drainage easements along the major ravines bisecting the site.

While we share your concern that the future lot development does not result in problems with slope stability and erosion control, we are of the opinion that selecting “optimum locations for building” will severely restrict a future lot owner from siting a house in a creative fashion that draws on the unique characteristics of their lot, while considering the environmental issues. This arbitrary restriction would unfairly limit the prospective owner from collaborating with an architect and engineer to develop a plan that addresses the various environmental concerns raised by Staff, and may not allow the owner to select the desired setting for their home. It is our opinion that the City has in place a system to address the Staff concerns with respect to slope stability and erosion control on the individual lots. This system is the “Minor/Minor Site Review

Mr. Rick Knowland
January 10, 2000
Page 3

for Detached Single Family Dwelling” program. Under this program, a property owner prior to obtaining a building permit must provide to the City a site plan (prepared by a registered design professional). The Site Plan must depict lot lines, all proposed structures on the lot, first floor sill elevation, location of driveway and parking, utilities, existing and proposed grading and erosion control measures. Slope stability and erosion/sedimentation control are items that the prospective owner would need to address under Site Review.

However, although the Project Team believes this system will more than adequately provide the desired level of protection, we have further reduced the extent of the structure envelopes on the lots of concern. The envelopes have been reduced for Lots 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 16 and 17. In total, these envelopes were reduced by 2.8 acres. The following table summarizes the area of the lot, and structure envelope for the lots adjacent to steeper slopes:

LOT	TOTAL AREA (ACRES)	STRUCTURE ENVELOPE AREA (ACRES)	STRUCTURE ENVELOPE AS A % OF TOTAL AREA
1	1.03	0.24	23%
2	4.72	0.88	19%
3	0.91	0.49	54%
4	2.44	0.81	33%
5	0.70	0.32	46%
9	0.43	0.12	28%
10	1.50	0.57	38%
11	1.53	0.76	50%
12	0.62	0.30	48%
13	1.68	0.58	35%
14	0.75	0.30	40%
16	0.56	0.23	41%
17	0.66	0.21	32%
27	1.42	0.26	18%

As can be seen above, the structure envelopes average 36% of the lot area which is a significant reduction.

Block Length

As noted in the Planners Report dated November 23, 1999, Cushing Avenue is approximately 975 feet long, west of its intersection with Curtis Road. This exceeds the 800 foot maximum block length discussed in Section 14-498(g). It is noted that Section 14-498(g) acknowledges that individual characteristics of a site should be considered when block length is under consideration. In this circumstance, it is noted that:

Mr. Rick Knowland
January 10, 2000
Page 4

- The proposed street layout is consistent with the street system of the surrounding area pursuant to Section 14-498(b). Curtis Street was approved by the Board in such a fashion to allow for extension towards the proposed development.
- There are only two potential cross streets which may be extended to connect to Cushing Avenue. A right-of-way exists along the westerly side of the municipal pump station at Clapboard Road/Alice Street. Extension of this right-of-way to Cushing Avenue would intersect within 200 feet of the Curtis Road intersection. This separation is less than the desired 300' required under Section I, Street Design, Alignment and Grade Standards. The second potential extension for a cross street is Hope Lane, approximately 800 feet beyond the proposed terminus of Cushing Avenue. If Cushing Avenue is extended in the future towards Falmouth, the Project Team would concur that connection to Hope Lane be required at that time.
- Section 14-498(g)(2) recognizes that an easement is an alternate method to address utility access for blocks exceeding 800 feet. A 20 foot wide easement has been added to the plan in accordance with Section 14-498(g)(2). This easement will be used for construction of a gravity sewer main for Cushing Avenue to Clapboard Road. While gravity sewer service will not be available for all of the proposed lots, gravity sewer will be installed along a portion of Cushing Avenue (from intersection of Curtis Road to 300 feet west of The Brothers Road) to reduce the number of lots which will require pumping for wastewater disposal.

Sidewalks

The Applicant proposes sidewalks along both sides of Curtis Street and Cushing Avenue. The Applicant would request that the Staff/Board consider granting a waiver to require a sidewalk on only one side of The Brothers Road. This roadway will have a limited number of lots and has no chance for extension. The Applicant would prefer that this road have a "rural setting" and are of the opinion that a sidewalk on one side would be preferable from an aesthetic standpoint. We would ask that the Board discuss this at the upcoming workshop.

Mr. Rick Knowland
January 10, 2000
Page 5

Summary

The project has benefited from the comments received to date from the Board/Staff and we look forward to discussing the items outlined in this letter at the next Board meeting. Please contact me if you have any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Alton M. Palmer, P.E.
Vice President

Enclosure

copy: Diversified Properties
Bob Adams
Terry Snow, Esq.
Tony Lombardo, City of Portland
Steve Bushey, DeLuca-Hoffman Associates, Inc.

AMP/aw/JN98089

Slope is the gradient or steepness of land. For example, a 20% slope is a rise of one foot over a distance of five feet. We have enclosed Attachment C which is an excerpt from a land planning book with a chapter on slope. To give the Board a frame of reference on slope we offer the following:

- 8% slope is the maximum slope standard for roadways in subdivisions (City of Portland.)
- 17% slope approaches the limit that an ordinary vehicle can climb, for any sustained period.
- 20 to 25% slope is the normal limit of climb for pedestrians without resorting to stairs.
- 25% slope is the maximum slope to safely mow a lawn.

Land features are not typical of most subdivisions

The land form and natural features are not typical of most subdivisions in Portland. It is adjacent to the Presumpscot River and a large flood plain of the river. It has sensitive natural features such as steep slopes and ravines. As discussed above, the layout of the subdivision should be adjusted to more adequately protect the sites natural features. Sec. 14-497(8) of the Subdivision Ordinance is shown below:

Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

The applicant needs to provide documentation on whether this development meets this standard in the form of an environmental assessment. The impact of regrading and tree clearance in the vicinity of the ravines and steep slopes needs to be considered in the context of this standard.

DEP-site location law

It appears that this development does not qualify under the site location law. It is exempt from site location review because this phase of the development is 29 acres in size, the DEP threshold for single-family subdivisions is 30 acres. However, the applicant does have further landholdings including the shoreland area which if included in this application would trigger site location review.

We have also asked for information on what wetland fill permits will be required. It also appears that NRPA permits will be required for stream alterations and development activities within 100 feet of streams. The applicant should indicate which lots will require permits.

Circulation

The applicant proposes to extend Curtis Road a distance of about 200 feet into the site. Within the subdivision, Cushing Avenue is the main interior roadway (1,100 feet long.) A second roadway (The Brothers Road, 525 feet long) also serves as access for 8 lots. The roadways are proposed as public streets with a blacktop width of 24 feet, curb and sidewalk on both sides of the street. Curtis Road will have a 32 foot pavement width.

A traffic impact study has been submitted and is in the process of being reviewed by the City Traffic Engineer.

Cushing Avenue will serve as a critical roadway for providing access for this development as well as vacant land east and west of the subdivision. To the east, Overset Road could be extended (from the south) into Cushing Avenue when Cushing Avenue is extended for a later phase of the subdivision. This circulation pattern makes sense.

However to the west, there is an access issue. Cushing Avenue is 975 feet long, west of the Cushing Avenue and Curtis Road intersection. Assuming Cushing Avenue is extended further west (into Falmouth) in the future, the next intersecting street would be Hope Lane, a distance of about 1700 feet. Hope Lane is currently a right-of-way stub created off Alice Street to serve this parcel. A 1700 foot long street is well in excess of the 800 foot long block recommended in Sec. 14-498(g) of the subdivision ordinance.

One way to mitigate this would be to extend an existing right-of-way from Clapboard Road that was originally planned as a connector into this property as part of the Presumpscot River Place I subdivision. This roadway was shown on the original Presumpscot River Place III subdivision plan. It would not eliminate the distance issue discussed above but it would improve circulation by providing another access into Cushing Avenue.

The applicant correctly points out that the Clapboard Road "extension" would not meet the 300 foot separation of adjacent intersection standard under the Technical and Design Standards and Guidelines. It would provide a 200 foot separation. We will discuss this issue with the City Traffic Engineer.

There are however some compelling reasons why the Clapboard Road extension should be built.

- (1) The 1700 foot long superblock issue discussed above with no cross streets. The Clapboard Road extension would improve subdivision circulation for vehicles and pedestrians by connecting streets together.
- (2) This subdivision will require a second means of access for fire protection since Presumpscot River Place phase III (27 lots) and Presumpscot River Place phase II (27 lots) has only one access (Curtis Road.) The Technical and Design Standards and Guidelines (Public Safety Standards) requires a second means of access when the number of dwellings exceeds 34 units. Curtis Road (north of Abbey Lane) has no other side streets (see map.) The applicant has the ability to provide a second means of access from Clapboard Road.

Shoreway access

The shoreland area of the property is being retained by the owner and is not part of the subdivision application. As the Board is aware, there is an established pathway along the river shore. The applicant has not indicated whether this pathway will be available to the general public.

Water quality

Given the proximity to streams and the Presumpscot River, water quality issues will need to be addressed. A central treatment system (for the roadways) will likely be required before the water goes into the river.

Attachments

- A. Revised Plan
 - B. Background Information
 - C. Excerpt on Chapter 4 (slope), from Land Book
 - D. Traffic Report
 - E. Written Public Comment
- November 23rd staff memo packet

Planning Department



Richard Knowland
Senior Planner

CITY OF PORTLAND

all streams need to be highlighted
on the plan

GENUINO -

CASCO ^{Bay} ESTUARY MAP.

INLAND FISHING + WILDLIFE

what kind of wildlife

Smelt dam 5 other dams coming up
for reengineering -- character is
changing habitat value maybe changing

letter to S.P.O.

772-7424

Tewks
Swan

Call → Jeff

From: "jayhibb@mail.javanet.com" <jayhibb@mail.javanet.com>
To: "stb@ci.portland.me.us" <stb@ci.portland.me.us>
Date: Tue, Feb 22, 2000 8:16 am
Subject: Meeting

Sonia,

Could you please forward this on to Linda Pinard. I'm out of town and didn't have her e-mail address. Please leave a message for me at 774-2130 to let me know that this came through OK. Thanks.

Linda: Here is the copy for the neighborhood meeting letter I asked you to set up for next Tuesday. Street list is below. Thanks.

Dear Friend,

A short time ago, the Portland Planning Board held a workshop session on an application for a new single family residential housing development known as Presumpscot River Place III.

This proposed project has generated a number of inquiries so in order to provide more information on the proposal to nearby residents I am sponsoring a neighborhood meeting on Tuesday, February 29, 2000 at 7:00 PM at (school) in the (room).

There will be representatives of both the Planning Department and developer present to provide information and answer questions. I hope you will be able to attend.

Sincerely,

Jay M. Hibbard
City Councilor - District 5

Send to these streets: Curtis Road, Alice Street, Whaleboat, Overset, Abby Lane, Carter Street and Clapboard Lane. The names should be available from Rick Knowlton in Planning. Thanks.

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**ECO-ANALYSTS INC.***Environmental Consultants*

P. O. BOX 224, BATH, MAINE 04530, (207) 443-2629

August 20, 1987

Mr. J. David Haynes
LAND USE CONSULTANTS
17 Commercial St.
Portland, ME 04112

Dear David,

At your request, I have visited the Curtis Street site in Portland, along with portions of the site in Falmouth, to evaluate its value as wildlife habitat. In addition, I looked for rare or endangered species and other unusual natural features. This letter reports my observations made on August 17 and August 19, 1987.

Three small streams pass through the property and empty into the Presumpscot River (see map). These streams have considerable value, both as wildlife habitat and as a scenic amenity. The streams appear to be spring fed and are flowing under the drought conditions we are now experiencing. Several measurements gave temperature readings of 60-63 degrees Fahrenheit. These streams provide valuable inputs to the Presumpscot River.

All the streams and their tributaries are in deep ravines. In areas which have not been cut, they are quite pristine in appearance. Portions of the habitat surrounding the northern two streams have been cut. The southernmost stream is essentially undisturbed from the Central Maine Power Co. (CMP) power line right of way to the river. All the streams should be protected.

The most important requirement to protect the streams is maintenance of the existing riparian vegetation. The vegetation serves two primary functions - the provision of shading to prevent heating of the water and stabilization of the steep slopes to prevent erosion and subsequent sedimentation of the streams. I recommend a prohibition on all cutting within 15 feet of the steep slopes to the streambed with an additional 20 foot buffer where a shelterwood cut will be allowed. A shelterwood cut is a partial thinning of trees and undergrowth which results in a border protecting the remaining trees from windthrow, sunscald, and other stress. This buffer provides for protection of the streams while allowing home owners the opportunity to incorporate landscaping on their property.

Several specimens of downy rattlesnake plantain (Goodyera pubescens), a plant formerly on the Maine rare plant list, were found within the ravines on the drier sites. The buffers would afford protection to this species.

A probable deer wintering area was found in the northern portion of the property near the Presumpscot River (see map). I observed typical habitat of thick hemlock understory with a dense overstory. Many piles of very old droppings were seen. Although not definitive, the evidence strongly suggests that a late winter site visit would find deer in the area.

The area in question is primarily on steeper slopes and within the open space zone along the river. It should not be developed. Prohibition of cutting in the area will afford the necessary protection.

No other unusual flora or fauna were found. The northern portion of the property has been heavily cut. The remainder is mixed woods that appear to have been cut 30-50 years ago. The species mix is typical for southern Maine.

This preliminary report will form the basis of our final report following formal delineation of the stream buffer areas and the deer yard.

Yours truly,

ECO-ANALYSTS, INC.



Harold L. Brown
President

HLB/csw

**FOREST MANAGEMENT PLAN
FOR THE
PRESUMPCOT RIVER PLACE III
SUBDIVISION
PORTLAND, MAINE**

Submitted by:

ECO-ANALYSTS, INC.
P.O. Box 224
Bath, ME 04530
and
G.P Wells Thurber
Registered Forester

Submitted to:

LAND USE CONSULTANTS
17 Commercial Street
Portland, Maine 04101

March 24, 1989



ECO-ANALYSTS INC.
Environmental Consultants

1.0 INTRODUCTION

At the request of David Kamila of LAND USE CONSULTANTS (LUC), the staff of ECO-ANALYSTS, INC. (EA) conducted an inventory of the forest stands on the proposed Presumpscot River Place III subdivision in Portland. We also evaluated all streams and drainages on the site and assessed wildlife habitat and other significant environmental factors. This information was used to write a forest management plan for the entire parcel and specific cutting prescriptions for the shoreland lots.

The work was undertaken at the order of Mr. Benjamin H. O'Reilly, Superintendent of Parks/Islands in the City of Portland, Maine (see November 14, 1988 memorandum to Rick Knowland). All forestry work was performed by and under the direct supervision of G.P. Wells Thurber (License # 752). We conducted the field work on December 13, 14, and 15, 1988, and January 13, 1989.

2.0 METHODOLOGY

2.1 TRANSECT AND PLOT ESTABLISHMENT

Transects were run from the Central Maine Power Co. (CMP) Right-of-Way (ROW) to the Presumpscot River. They were at 208 foot intervals on a bearing of North 54 degrees East magnetic using a hand compass and pacing. Good location control was possible using the 2 foot interval topographical mapping provided by LUC.

Sample plots were established at 200 foot spacings along each transect. This gave a sampling regime of approximately one plot per acre. Each plot was flagged and labelled for future reference.

In addition, the area from the Presumpscot River to 250 feet inland (the Shoreland Zone) was cruised again from east to west.

2.2 FOREST DATA COLLECTION

Five parameters were evaluated at each plot for all trees tallied using a prism (B.A.F. = 10). The parameters were:

Stand Type

Individual Tree Species

Individual Tree Diameter (DBH)

Individual Crown Class

Individual Tree Vigor

Tree diameters were measured with a D-tape and calipers. All other data was gathered ocularly by experienced observers.

2.3 WILDLIFE HABITAT

We looked for significant wildlife habitat and utilization throughout the site. In particular we were concerned with deer wintering areas. They are characterized by dense softwood overstory and understory with obvious signs of heavy usage such as trails, droppings, and browsing of preferred foods such as red maple (Acer rubrum) sprouts.

2.4 STREAM CLASSIFICATION

We classified all watercourses on the site according to Policy 13 of the Maine Department of Environmental Protection (DEP). Perennial streams are those with a mineral bottom which flow for more than 6 consecutive months. Intermittent streams are those which flow less than 6 consecutive months and which have a mineral bottom. Drainages have no mineral bottom and do not have a predominance of wetland vegetation. These are areas of surface water runoff.

Perennial streams were mapped with 100 foot buffer areas on either side of the stream. Intermittent streams were mapped with 25 foot buffers on either side of the stream. This satisfies the Policy 13 buffer requirements. Within these buffers no disturbance is allowed.

The drainages were mapped with 30 foot easements. Within these easements, clearing and re-grading may occur to facilitate drainage. It should be noted that these drainage easements may be moved to accommodate building windows.

3.0 RESULTS

3.1 TRANSECTS AND PLOTS

Eleven (11) transects and sixty-six (66) plots were established on the site. This yielded one plot per 1.09 acres of land. Fifty-six (56) plots were also established in the Shoreland

Zone during the cruise of that area of the property. This yielded one plot per 0.25 acres in the Shoreland Zone.

3.2 FOREST STANDS

There are seven (7) distinct stands present on the Presumpscot River Place III subdivision. The stands in some cases are broken up into separate compartments. The stand type delineations are shown on the Stand maps. The site generally is comprised of fields, clear cut areas, mixed wood forest that has been commercially harvested in recent years, and wetland areas. The forested areas were probably all one stand type before recent commercial harvesting. This harvesting created new habitats by harvesting just the large high grade trees in some areas and clear cutting other areas. Because of this commercial harvest there are inclusions of different stand types within stand boundaries. Table 1 shows the acreage, total basal area, basal area per acre and the relative crown class and vigor percentages for each stand. The entire parcel has an estimated basal area of 4790.0 square feet. The average basal area per acre is 68.1 square feet. Trees in the dominant or co-dominant crown class comprised 70.3 percent of all trees. Only 14.1 percent of the trees were judged to be suppressed. The trees on the entire parcel were young and vigorous as 71.4 percent of the trees tallied were in the "good" vigor category.

3.2.1 STAND ONE (1)

Stand 1 is located on the western boundary of the property (Stand 1 on STAND MAP). It is 1.5 acres of a larger stand that extends along the river to the west. This stand is dominated by young and vigorous softwood. Sixty (60) percent of the trees were judged to be in the co-dominant crown class and 77 percent of the trees were judged to have good vigor. The stand is mostly comprised of hemlock (Tsuga canadensis), approximately 40 to 60 feet tall. This stand is fully stocked. Estimated total basal area for all trees in the stand is 350.0 square feet. Basal area per acre for all trees is 233.3 square feet.

3.2.2 STAND TWO (2)

This stand is a mixed wood stand that remains after the recent commercial high grade harvest of large, predominantly softwood trees. This stand is dominated by young and vigorous mixed wood, approximately 20 to 40 feet tall. The majority of the trees (66.1%) were in the dominant or co-dominant crown class. Sixty-eight (68) percent of the trees were judged to have good vigor. Dominant tree species in Stand 2 are hemlock, white pine (Pinus strobus), white birch (Betula papyrifera), red maple and white ash (Fraxinus americana). The stand is broken up into three compartments (2A, 2B, and 2C on STAND MAP) based on the extent of harvesting and the composition of the remaining stands. The Stand as a whole is fully stocked. The combined acreage of Stand 2 is 29.7 acres. The estimated total basal area of the stand is 2360.0 square feet, the

average basal area per acre in the stand is 79.5 square feet. Compartment A is the smallest compartment (1.3 acres) and consequently has the lowest estimated total basal area (150 square feet). Compartment C is the largest compartment (21.0 acres) but was the most heavily harvested resulting in the lowest estimated basal area per acre (79.5 square feet) of the three compartments.

3.2.3 STAND THREE (3)

Stand 3 is a softwood to mixed wood stand consisting of areas that have not been commercially harvested in recent years. Stand 3 is made up of four (4) compartments (3A-D on STAND MAP) which are separated due to commercial harvests between the compartments. These areas are on slopes too steep to effectively harvest timber or in otherwise inaccessible areas. This stand is dominated by vigorous softwoods and hardwoods approximately 40 to 60 feet tall. Dominant tree species are hemlock, red maple and red oak (Quercus rubra). Sixty-seven (67) percent of the trees were judged to be in the co-dominant crown class. Eighty (80) percent of the trees were judged to have good vigor.

The total acreage of Stand 3 is 10.8 acres. The estimated total basal area of the stand is 1280.0 square feet. The basal area per acre in the stand is 118.5 square feet. This is the most heavily stocked stand on the site. The estimated basal area figures for the separate compartments range from 97.5 square feet in Compartment 3A to 255.6 square feet in Compartment 3C. Compartment 3A is also the largest (7.9 acres) compartment.

3.2.4 STAND FOUR (4)

Stand 4 is made up of areas that have been clear cut in recent years. Stump sprouts, saplings, and some hardwoods remain from the harvest. Stand 4 is divided into two compartments (Stands 4A-B on STAND MAP). These areas are delineated by the limits of the clear cut harvests. The dominant tree species are hemlock, white birch, red maple and yellow birch (Betula alleghaniensis). Most of the trees were judged to be in the dominant or co-dominant crown class (79%) and 70 percent of the trees were judged to have good vigor. The total acreage of Stand 4 is 8.1 acres. The estimated basal area for all trees in Stand 4 is 320.0 square feet. The average basal area per acre in Stand 4 is 39.5 square feet. Compartment 4B is the smaller (2.1 acres) compartment but was not as heavily cut as it has greater basal area per acre (47.6 square feet versus 38.3 square feet) than Compartment 4A.

3.2.5 STAND FIVE (5)

Stand 5 is made up of the field, old field and CMP right-of-way habitats on the site (Stand 5 on STAND MAP). The stand has pioneering species of trees such as speckled alder (Alnus rugosa), staghorn sumac (Rhus typhina), and white pine. The trees are mostly co-dominant individuals of speckled alder and most individuals have good vigor.

The stand comprises 14.1 acres of the site. The estimated basal area of the stand is 240.0 square feet, the basal area per

acre in the stand is 17.0 square feet. This is the least stocked area on the site.

3.2.6 STAND SIX (6)

Stand 6 is comprised of a wetland area in the northwestern corner of the site (Stand 6 on STAND MAP). The stand is predominantly waning speckled alder (all individuals were judged to be in fair or poor condition) with some American elm (Ulmus americana) individuals.

The total acreage of Stand 6 is 1.1 acres. The estimated total basal area is 60.0 square feet and the basal area per acre equals 54.5 square feet.

3.2.7 STAND SEVEN (7)

Stand 7 was determined to be a distinct stand because it is separated from the main site. This parcel is old field habitat that in areas has reverted to a white pine stand. The white pine were generally in good condition (70% were judged to have good vigor) even though many have been attacked by insects.

The total acreage of this parcel is 5.0 acres. The estimated total basal area is 180.0 square feet. Basal area per acre in the stand is 360.0 square feet.

3.2.8 SHORELAND ZONE

The Shoreland Zone (the area between the shore of the river and 250 feet inland) is approximately 13 acres in area. The

estimated total basal area is calculated to be 1039.5 square feet. The average basal area per acre is 80.0 square feet. Individual plots ranged from 0 to 250.0 square feet. The stand types and boundaries within this zone are shown on the Stand Maps.

The entire Shoreland Zone, with the exception of the wetland areas in association with the watercourses and the softwood stand on the western boundary (Stand 1), has been subjected to a commercial harvest in recent years. With few exceptions, most notably the trees in Stand 3A, the cut portion of the zone has had the large, high grade trees removed. Because of harvesting, as well as site restrictions, the average DBH of all trees is under 12 inches DBH.

Common species are white pine, hemlock, red maple, red oak, white birch, and white ash. Other species tallied were hornbeam (Ostrya virginiana), ironwood (Corpus caroliniana), sugar maple (Acer saccharum), apple (Malus sp.) and speckled alder. Large trees, those 12 inches DBH or greater, are mostly white pine, hemlock, red oak and white ash. Pole sized trees, those measuring between 4.5 inches DBH and less than 12 inches DBH, exist of all species except speckled alder, hornbeam, and ironwood.

The Shoreland Zone ranges from understocked to fully stocked areas.

3.3 WILDLIFE HABITAT

The only possibly significant wildlife habitat we observed, other than riparian zones which will be reported in Section 3.4,

was the potential deer wintering area which we reported previously. This area is in the northwestern portion of the site (Stand 1 on STAND MAP). The majority of the area is in the town of Falmouth. We planimetered 1.5 acres in Portland and 5.2 acres in Falmouth.

On a subsequent visit on February 7, 1989, following recent snow, we found no deer beds on the site. Using the criteria of the Department of Inland Fisheries and Wildlife (MDIFW 1988) we rated the site as having low value as a deer wintering area because of the small acreage of required cover.

3.4 STREAM CLASSIFICATION

Ten (10) watercourses pass through the site, flowing essentially south to north into the Presumpscot River. The streams have cut deep ravines in the soils of the site. The ten watercourses are shown in the accompanying plan and will be discussed beginning with the westernmost and proceeding to the easternmost watercourse.

3.4.1 WATERCOURSE ONE

This intermittent stream begins in Crestview Acres and flows into a wetland in the riparian zone of the Presumpscot. A short (approximately 250 feet) drainage enters the stream from the south. The stream and drainage were not flowing at the time of the site visits, the stream being entirely frozen.

The stream is mapped with a 25 foot buffer on either side of the stream. The drainage is shown with a 30 foot easement. These

protection plans will satisfy Policy 13 of the Maine Department of Environmental Protection (DEP).

3.4.2 WATERCOURSE TWO

Two drainages begin at the old field, forest boundary and form an intermittent stream at their confluence. This stream flows into the same wetland as Watercourse One. The drainages were afforded a 30 foot easement. The intermittent stream was afforded a 25 foot buffer on either side of the stream.

3.4.3 WATERCOURSE THREE

This watercourse had a mineral bottom and a defined channel and was judged to be an intermittent stream. It was mapped with a 25 foot buffer to satisfy DEP Policy 13.

3.4.4 WATERCOURSE FOUR

Watercourse Four is a drainage. It was provided a 30 foot easement to satisfy DEP Policy 13. It flows into the riparian zone within the marked floodplain on the accompanying map.

3.4.5 WATERCOURSE FIVE

This intermittent stream joins Watercourse Six within the marked floodplain. This watercourse was frozen over but had a mineral bottom and a defined channel. A 25 foot buffer zone has been drawn around the stream on the accompanying map.

3.4.6 WATERCOURSE SIX

This watercourse is an intermittent stream that flows out of Presumpscot River Place II. This stream was flowing during our site visits. Based on this investigation and a previous site visit in 1987, this stream was determined not to be perennial. The stream was mapped with a 50 foot buffer zone on each side of the stream to satisfy Policy 13 as well as protect the riparian habitat in the associated ravine.

3.4.7 WATERCOURSE SEVEN

This drainage had no definable channel and was mapped with a 30 foot drainage easement.

3.4.8 WATERCOURSE EIGHT

This drainage is similar to Watercourse Seven and was also mapped with a 30 foot drainage easement.

3.4.9 WATERCOURSE NINE

Watercourse Nine is an intermittent stream with a defined channel. It extends from a point approximately 400 feet from the Presumpscot River. The intermittent stream is mapped with a 25 foot buffer on either side of the stream.

3.4.10 WATERCOURSE TEN

This stream is perennial and flows out of Presumpscot River Place II. An intermittent stream also flows into it from

Presumpscot River Place II. A small drainage is associated with it on site. The perennial stream was mapped with 100 foot buffers on either side of the stream. The intermittent stream was mapped with 25 foot buffers on either side and the drainage was mapped with a 30 foot easement.

4.0 MANAGEMENT PLAN

4.1 MANAGEMENT GOALS

There are four goals of the forest management plan for the Presumpscot River Place III development. They are:

- 1) Protection of the river and maintenance of the river bank
- 2) Placement of the development on the parcel while maintaining or improving the health of the forest
- 3) Maintenance of valuable wildlife habitat
- 4) Placement of the development on the parcel in an aesthetically pleasing manner to the future homeowners as well as recreators on the Presumpscot River

These goals need to be accomplished within the framework of mandatory Shoreland Zoning ordinance regulations and DEP Policy 13. Shoreland Zoning regulations prohibit any cutting within 75 feet of the shoreline and permit 40 percent of the basal area (4 inch DBH trees or greater) to be cut in the 250 foot Shoreland Zone

within a 10 year period. The cut must leave a well distributed stand. DEP Policy 13 is discussed in Section 2.4.

It should be noted that construction activities including cutting of trees is allowed within 75 feet of the shore for underground utilities and access roads. A 30 foot utility easement is proposed for the Presumpscot River Place III. This utility easement extends from Lot 45 down to the Shoreland Zone. In some lots, most notably Lots 23-27, the easement is within 75 feet of the shore. As noted above, the utilities easement and the access roads will be the only allowable clearing to be done in this zone (see the LUC utilities plan and sedimentation and erosion control plan).

4.2 MANAGEMENT RECOMMENDATIONS

The recommendations that follow are based on the information gathered during the site visits. These recommendations are intended to accomplish the above goals.

1. No cutting should be done within wetland areas. These areas are generally outlined by the 100 year floodplain areas on the Stand maps. This will maintain the sediment trapping functions of the wetland areas and prevent siltation and erosion from entering the Presumpscot River. Additionally, it will maintain a distinct wildlife habitat within the Shoreland Zone.
2. No cutting should be done within the intermittent and perennial stream buffer areas except for utility easements and access roads. These buffer areas are required by DEP Policy 13 and

as such cannot be cut. In this case it will prevent siltation and erosion into the watercourses and the Presumpscot River. Cutting within drainage easements is permitted.

3. Use shelterwood cuts as borders between cleared and uncleared areas. A shelterwood cut is a partial thinning of trees and undergrowth which results in a border protecting the remaining trees from windthrow, sunscald and other stress. It also creates valuable edge habitat for wildlife.
4. Reserve from cutting exceptionally large trees and snag trees. Trees with a DBH of 24 inches or greater should not be cut except when they occur within planned roadways, utility easements and building windows. These trees can improve the health of the forest by acting as seed trees and are frequently used as nesting trees for animals and birds. They are also aesthetically pleasing. Snags, standing dead wood or severely waning trees should also be reserved from cutting to preserve wildlife habitat for cavity nesters. If these trees present a safety hazard they can be removed.

4.2.1 UPLAND ZONE CUTTING PRESCRIPTION

The upland zone is defined as the area of the parcel that is not within the 250 foot Shoreland Zone. The upland zone has an estimated total basal area of 3750.5 square feet. This area of the parcel has no mandatory basal area cutting restrictions.

By using the above recommendations, the goals of the management plan should be accomplished.

4.2.2 SHORELAND ZONE CUTTING PRESCRIPTION

Based on an estimated total basal area in the Shoreland Zone of 1039.5 square feet, and using the Shoreland Zoning regulation baseline (40% of total basal area in zone), it is calculated that 415.8 square feet (trees 4 inches or greater DBH) can be cut from the Shoreland Zone in a 10 year period. This equals 27.3 square feet per acre. This cutting cannot take place within 75 feet of the shore. The only clearing that is allowed within 75 feet of the shore is for the utility easement and access roads (see 4.1 MANAGEMENT GOALS).

4.2.3 INDIVIDUAL SHOREFRONT LOT PRESCRIPTIONS

In order to coordinate cutting plans within the Shoreland Zone, the individual shorefront lot prescriptions that follow will incorporate the goals of the management plan, Shoreland Zoning baseline cutting regulations and the management recommendations. The final figures for basal area to be removed in each lot should be used for planning purposes only. Individual lot owners will need to determine the total basal area of their lots and therefore the allowable cut within each lot. Table 2 shows the acreage of each lot, the acreage within the Shoreland Zone, the estimated basal area of the Shoreland Zone area per lot, the cutting recommendations for each lot and the total allowable basal area cut for the Shoreland Zone in each lot. The shorefront lots are shown on the STAND MAPS. It should be noted that when "cuttable" areas or stands within the Shoreland Zone are referenced, it is with the

knowledge that the only cutting that will take place within 75 feet of the Presumpscot River will be clearing for the utility easement and access roads. All other cutting to be done will be in the area from 75 to 250 feet. Similarly, when "uncuttable" areas or stands are referenced, it is also with the understanding that some clearing will be required within the utility easement and access roads.

LOT 2

Lot 2 has an approximate acreage of 2.8 acres (119,941 square feet). The lot is made up of several stands, ranging in habitat types from old field to dense softwood. Outside of the Shoreland Zone the only cutting restrictions are in the intermittent stream buffer (Watercourse 1) and the associated wetland area (Stand 6).

Lot 2 has Shoreland Zone acreage of 0.6 acres. The estimated total basal area in this acreage is 68.0 square feet. Two different stands, Stand 1 and Stand 2A, equally divide the acreage of the zone. Neither stand has any special cutting restrictions.

The total allowable harvest in the Shoreland Zone of Lot 2 is the 40 percent baseline of 27.2 square feet. This can be cut from the entire zone.

LOT 5

Lot 5 has an approximate acreage of 3.3 acres (141,897 square feet). The upland area of the lot is bounded on the east and west by intermittent stream buffers (Watercourses 2 and 3). These

streams flow into the wetland area (Stand 6). No cutting may take place in the stream buffers or the wetland. Part of Stand 4B, a clear cut area, is within Lot 5.

Lot 5 has Shoreland Zone acreage of 0.9 acres. The estimated total basal area in the acreage is 49.5 square feet. Three stands, Stand 1, Stand 6 and a small section of Stand 2A occupy the zone. There are no special cutting restrictions for Stand 1. It is recommended that no cutting take place in Stand 6, as it is a wetland area. The small section of Stand 2A does not have any special cutting restrictions. Because of this the Shoreland Zone 40 percent baseline cut may be cut from Stand 1 and 2A.

LOT 12

Lot 12 has an approximate acreage of 2.8 acres (122,857 square feet). The upland area of Lot 12 has clear cut areas (Stand 4B), fields (Stand 5) and young mixed wood (Stand 2B). The west boundary of Lot 12 is in an intermittent stream buffer area where no cutting is allowed.

Lot 12 has Shoreland Zone acreage of 1.2 acres. The estimated total basal area is 152.0 square feet. Two stands, Stand 6 and Stand 2, (Compartments B and C) occur within this zone. The recommendation for Stand 6 is no cutting because it is wetland habitat. Part of Stand compartment 2C occurs within 75 feet of the shore and therefore cannot be cut. Stand Compartment 2B can be cut. Therefore, the Shoreland Zone 40 percent baseline of 60.8 square

feet can be cut from Stand compartment 2B and the section of compartment 2C not within 75 feet of the shore.

LOT 13

Lot 13 has an approximate acreage of 2.0 acres (85,589 square feet). A substantial portion of the upland area of Lot 13 is in Stand 5, an old field habitat. There is a drainage (Watercourse 4) with a thirty (30) foot easement drawn around it in Lot 13. This drainage area may be cut.

Lot 13 has Shoreland Zone acreage of 1.1 acres. Its estimated total basal area is 71.5 square feet. Two stand compartments, 2B and 2C, are found in Lot 13. It is recommended that no cutting occur in Stand compartment 2C because it is within 75 feet of the shore and within the wetland habitat. There are no management restrictions on Stand Compartment 2B, therefore, the shoreland zone 40 percent baseline of 28.6 square feet can be cut from Stand Compartment 2B.

LOT 14

Lot 14 has an approximate acreage of 1.4 acres (60,318 square feet). The upland area of Lot 14 is mostly in Stand 2C. There are no stream buffers or other cutting restrictions in the upland area of Lot 14.

Lot 14 has Shoreland Zone acreage of 0.8 acres. The estimated total basal area of the acreage is 56.0 square feet. Two stand compartments occupy this zone, 2B and 2C. It is recommended that

no cutting occur in that portion of Compartments 2B and C that are in wetland habitat. Therefore, the shoreland zone 40 percent baseline of 28.6 square feet can be cut from Compartment 2B and C outside the 75' shoreland buffer and wetland habitat.

LOT 80 (THE PUMP STATION LOT)

Lot 80 has an approximate acreage of 1.1 acres (46,617 square feet). The upland area of Lot 80 is a 50 foot right-of-way for a road to the sewage pumping station. This road is within Stand 2C and 3D and there are no cutting restrictions.

Lot 80 occupies Shoreland Zone acreage of 0.7 acres. The estimated total basal area is 49.0 square feet. Two stands occur in this zone, Stand 2C and Stand 3D. Parts of Stand 2C are restricted from cutting because they occur within stream buffer zones and wetland habitat. The only clearing allowed in these zones are for the utility easement and access roads. The remainder of 2C does not have any cutting restrictions. Stand 3D falls within a stream buffer zone and no cutting is allowed. The parking area, access road, pump station will all be constructed on upland areas.

LOT 15

Lot 15 has an approximate acreage of 3.0 acres (129,757 square feet). A portion of the upland area of this lot is within stream buffers (Watercourses 5 and 6). These areas may not be cut except for the utility easement and access roads..

Lot 15 occupies Shoreland Zone acreage of 0.8 acres. The estimated total basal area is 37.3 square feet. The majority of the acreage falls within either stream buffer areas or is within 75 feet of the shore. Portions of Stands 3D and 2C are outside the buffer areas. Therefore, the Shoreland 40 percent baseline of 14.9 square feet may be cut from the area not within the stream buffer areas.

LOT 22

Lot 22 has an approximate acreage of 1.5 acres (66,515 square feet). The western portion of the upland area of this lot is within the stream buffer for Watercourse 6. This section may not be cut. The 30 foot drainage easement on Watercourse 7, along the eastern boundary of the lot, may be cut.

Lot 22 occupies 0.8 acres of the Shoreland Zone. The estimated total basal area of this zone is 62.0 square feet. A part of this is within the stream buffer area. Portions of Stand 2C and 3C are outside the stream buffer. Therefore, the Shoreland Zone 40 percent baseline of 24.8 square feet can be cut from the area not within the stream buffer area.

LOT 23

Lot 23 has an approximate acreage of 1.1 acres (46,261 square feet). The upland portion of the lot is bounded on both the east and the west by 30 foot drainage easements (Watercourses 7 and 8). There are no restrictions on cutting in the upland zone of Lot 23.

Lot 23 occupies 0.7 acres of the Shoreland Zone. The estimated total basal area is 63.0 square feet. Two stands, Stands 2C and 3C, occur within 75 feet of the shore and cannot be cut except for the utility easement and access roads. Stand 2C has no cutting restrictions. Therefore, the Shoreland Zone of 40 percent baseline of 22.0 square feet may be cut from Stand 2C.

LOT 24

Lot 24 has an approximate acreage of 1.1 acres (48,207 square feet). The upland portion of the lot has no restrictions on cutting.

Lot 24 occupies 0.8 acres of the Shoreland Zone. The estimated total basal area is 58.6 square feet. There are two stands that occur in the zone, Stands 2C and Stand 3, compartments A and B. That portion of Compartment 3A which is within 75 feet of the shore cannot be cut except for the utility easement and access roads. Therefore, the Shoreland Zone 40 baseline of 23.4 square feet can be cut from Stands 2C and 3B and that portion of 3A that lies outside of the 75 feet shoreland buffer.

LOT 25

Lot 25 has an approximate acreage of 0.9 acres (39,388 square feet). Approximately half of the upland portion of the lot is in a stream buffer (Watercourse 9). This buffer area cannot be cut.

Lot 25 occupies 0.7 acres of the Shoreland Zone. The estimated total basal area is 66.5 square feet. The same stands and

compartments as Lot 24 occur in Lot 25. No management restrictions are placed on any of the stands. Therefore, the Shoreland Zone 40 percent baseline of 26.6 square feet can come from throughout the acreage.

LOT 26

Lot 26 has an approximate acreage of 1.1 acres (46,572 square feet). Portions of the upland area of the lot are in a stream buffer (Watercourse 9). There are no restrictions on the remainder of the upland portion of this lot.

Lot 26 occupies 0.8 acres of the Shoreland Zone. The estimated total basal area is 92.8 square feet. Two stands, 2C and 3A, occur in the lot. Stand 2C is within a stream buffer (Watercourse 9) and cannot be cut except for the utility easement and access roads. Stand 3A has no management restrictions. Therefore, the Shoreland Zone 40 percent baseline of 37.1 square feet can be cut from Stand 3A.

LOT 27

Lot 27 has an approximate acreage of 1.4 acres (63,122 square feet). Over half of the upland portion of this lot is in a stream buffer (Watercourse 10). This buffer area cannot be cut.

Lot 27 occupies 0.5 acres of the Shoreland Zone. The estimated total basal area of the lot is 66.6 square feet. It is entirely within a stream buffer (Watercourse 10). Therefore, no cutting may take place except for the utility easement and access roads.

LOT 44

Lot 44 has an approximate acreage of 1.2 acres (54,158 square feet). The western portion of this lot is in a stream buffer (Watercourse 10). This area cannot be cut.

Lot 44 occupies 0.9 acres of the Shoreland Zone. The estimated total basal area is 91.8 square feet. Stand 3A occurs in the zone, portions of which are within the stream buffer (Watercourse 10). The Shoreland Zone 40 percent baseline of 36.1 square feet may be cut from that portion of the acreage not in the stream buffer.

LOT 45

Lot 45 has an approximate acreage of 1.0 acres (45,673 square feet). The upland portion of this lot is located in a clear cut area (Stand 4A). There are no restrictions on clearing in this area.

Lot 45 occupies 0.8 acres of the Shoreland Zone. The estimated total basal area is 40.0 square feet. Two stands, 3A and 4A, make up this zone. Stand 4A is a clear cut area and there are no restrictions on cutting. The Shoreland Zone 40 percent baseline of 18.0 square feet may be cut from the entire lot.

LOT 46

Lot 46 has an approximate acreage of 1.1 acres (49,748 square feet). The upland portion is similar to Lot 45.

Lot 46 occupies 0.9 acres of the Shoreland Zone. The estimated total basal area is 14.9 square feet. This lot is in the clear cut

area, Stand 4A. Management restrictions are as above. The Shoreland Zone 40 percent baseline of 5.3 square feet can be cut from the entire lot.

5.0 CONCLUSIONS

1. The Presumpscot River Place III parcel is made up of fields, mixed wood forest, uncut softwood forest, wetlands and streams. The forest has been subjected to a commercial harvest in recent years. It is an under stocked to fully stocked parcel and is generally young and vigorous. Management recommendations to maintain or improve the health of the forest include: shelterwood cuts between cleared areas and uncleared areas, preservation of large (greater than 24 DBH) trees and snag trees, where practical, and a ban on cutting within wetlands except for utility easements and access roads.

2. Significant wildlife habitats on the parcel include the riparian zones of the streams and the Presumpscot River. Management recommendations to maintain these habitats include buffers on the streams (see #3) and utilization of the Shoreland Zoning regulations.

3. The streams have cut deep ravines into the parcel and generally flow northward to the Presumpscot River. The perennial and intermittent streams have been protected with buffers according to the DEP Policy 13. The drainages have been afforded 30 foot easements with the understanding that, within these easements,

areas may be cleared and re-graded. In addition, the drainage easements may be moved to facilitate construction activities.

The recommendations outlined in this forest management plan should protect the wildlife and wetland habitats in this parcel and, by using sound forest management practices, maintain or improve the ecological diversity and health of the various habitats on the parcel. This will also maintain the parcel as an aesthetically pleasing area for landowners and river users alike.

Taken as a whole, the entire 13.0 acre Presumpscot River III Shoreland Zone may have 415.8 square feet of timber removed under Shoreland Zoning regulations. The individual lot prescriptions in this management plan reduce this figure to 389.1 square feet.

Sixteen (16) lots have acreage in the Shoreland Zone. One (1) lot #27 may not have any cutting within the Shoreland Zone. This is due to wildlife considerations, wetlands and state and local shoreland regulations. The remainder of the shorefront lots can have 40 percent of the total basal area within the corridor removed in a 10 year period. The upland portions of the lots may be cut following the management recommendations.

LITERATURE CITED

Jones, J. J., J. P. Lortie, J. D. Pierce Jr. 1988. The Identification and Management of Significant Fish and Wildlife Resources in Southern Coastal Maine. ME Dept. of Inland Fisheries and Wildlife. Augusta, ME. 140 p.



November 14, 2000

Mr. Rick Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101-3503

Subject: Presumpscot River Place Phase III

Dear Rick,

Based upon conversations with the applicants, Mr. Bob Adam and Mr. Burt Wolf, at this time, they intend to reduce the number of lots on Presumpscot River Place Phase 3 from 27 lot to a maximum of 19 lots. The total acreage of the revised subdivision will be approximately 19.21 acres for the proposed lots and approximately 2.76 acres of right-of-way for the roadways.

This letter is intended to inform you of the change in the proposed subdivision, such that the Notice of Public Hearing that you will send out can be revised to reflect the changes.

Please contact this office if you have any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Alton M. Palmer, P.E.
Vice President

Enclosure

copy: Burt Wolf
Bob Adam
Mr. Terry Snow, Esq.

AMP/der/JN98089/Knowland11-14-00

January 18, 2002

Mr. Rick Knowland
City of Portland
389 Congress Street
Portland, ME 04101-3503

RE: Presumpscot River Place Phase III
Portland, Maine

Dear Rick:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to the review comments received via e-mail from Anthony Lombardo on January 9th, Rick Knowland on January 11th and 16th and Steve Bushey on January 14th and 15th in regards to the above referenced project.

Comments by Anthony Lombardo 01-09-02:

Comment 1 – The applicant still has not answered the questions asked in my previous memo dated 12-17-01, regarding the construction sequencing and proposed buildout of the subdivision. At what percentage completing of the project does the applicant plan to seek acceptance of the street, thereby completing curb installation, sidewalk, driveway apron and roadway surfacing? The plans do not offer a detailed construction sequencing and estimated construction schedule specific to the road construction and lot development. Is the buildout to be phased? The three notes offered in response to these same questions, in my 12-17-01 memo, offer very little detail or commitment on the part of the applicant.

Response – As discussed at our meeting on January 14, 2002 a note has been added to the plat which states, “The roadway will be completed and offered to the City for acceptance within two years of posting of the performance guarantee unless the City and Applicant agree in writing to extend the duration of the guarantee, and the performance guarantee is extended accordingly”.

Comments by Rick Knowland 01-11-02:

Comment 1 – Recording plat has not been stamped by a land surveyor yet.

Response – A revised stamped plan has been provided.

Comment 2 – Updated list of all NRPA permits and where they will be needed.

Mr. Rick Knowland
January 18, 2002
Page 2 of 9

Response – The applicant will be submitting a Site Location of Development Act permit to the MDEP for the entire development, including the existing portion of the subdivision in Falmouth. We will also be requesting a Natural Resource Protection Act permit for the following items:

- ◆ Filling of wetlands on lots 7 and 25
- ◆ Filling of wetlands for the construction of Hope Avenue at approximately Sta 24+00
- ◆ Culvert crossings at Stations 17+50 and 28+00.

Comment 3 – Easements are not specifically labeled on the recording plat.

Response – All easements have been labeled on the revised plat.

Comment 4 – Need to submit an updated sidewalk waiver request for that section of Curtis Road that you aren't proposing a sidewalk.

Response – A separate letter requesting the waiver is enclosed.

Comment 5 – Where is the last street light on Curtis Road? Not shown on the plan. If it's too far from the Curtis/Hope intersection you'll need another one.

Response – An additional light has been added on Curtis Road.

Comment 6 – Previously I requested that the Falmouth Planning Office receive an updated copy of the subdivision plan. Has that happened?

Response – A copy of the Subdivision plat will be forwarded to the Town of Falmouth.

Comment 7 – Specific easements for this subdivision have not been submitted to Corporation Counsel to date.

Response – It is Gorrill-Palmer Consulting Engineers, Inc.'s understanding that this information will be coordinated between Terry Snow and Corporate Council.

Comment 8 – The dimensions of the undisturbed zone line are not shown on the plan. They were shown on your September plan.

Response – The revised plat includes dimensions on the undisturbed zone.

Comment 9 – Note #6: The previous note #6 in your September submission was much better than this. I would recommend you go back to the original note language. The ability to cut down anything under 16 inches in diameter is extreme particularly in areas that are supposed to be protected.

Response – The note has been revised back to Note 6 from the September plan.

Comment 10 – Guard rail: In the context of a residential neighborhood, a wood guard rail is aesthetically a better choice.

Mr. Rick Knowland
January 18, 2002
Page 3 of 9

Response – The guard rail detail has been revised to be wooden.

Comment 11 – The pedestrian easement: If the walkway cannot be paved like any other sidewalk, than I am recommending that a split rail fence be installed along the property line. This accomplishes two things; people know where they are supposed to go avoiding trespass issues and the trail is clearly marked so it can't be subverted by a future uncooperative abutting property owner. The walkway should be constructed of gravel with a filter fabric. This design detail should be submitted for review.

Response – Pursuant to the agreement between the Applicants and the City of Portland regarding the sale of land and granting of the easement for pedestrian access between Alice Street and Hope Avenue, it is the opinion of the Applicant that any improvements to this easement are the responsibility of the City. While the applicant would be willing to review a plan developed by the City regarding potential improvements, it is noted that the Applicants are of the opinion that a split rail fence may result in loitering and would recommend an alternative treatment such as shrubs to provide the visual barrier the City desires.

Comment 12 – I assume the review letters from the appropriate utilities are in transit?

Response – Our office has contacted the City of Portland Engineering Department, and they indicated that a letter would be provided to the Planning Office. A letter from the Portland Water District is attached.

Comment 13 – Note #5: Should be modified to include lots 7, 12-14. To be more flexible, the following sentence could be added as the last sentence of the note; "This construction phase site inspection requirement need not apply to lots 7, 12-14 if the Portland Planning Authority determines in writing upon submission of a lot site plan, that these services are not needed due to the location of the improvements on the lot, site conditions, grading and proposed building elevations.

Response – Note 5 has been revised to reflect our meeting on January 14, 2002 to state: "Site inspection requirements will not apply to Lots 7 and 12-14 unless the Portland Planning Authority determines in writing upon submission of a lot site pan that these services are required due to the location of the improvements on the lot, site conditions, grading and proposed building elevations."

Comment 14 – Show the connection of the force main sewer into Alice Street.

Response – Gorrill-Palmer Consulting Engineers, Inc. has included additional plans in the plan set that include the connection of the force main to the existing sewer manhole in Hope Avenue.

Comment 15 – We have not received the design and specifications for the pump station. It will obviously need to be a condition of approval.

Response – As previously discussed with your office the pump station information would be a condition of approval.

Additional comments by Rick Knowland 01-16-02

Comment 1 - The recording plat seems to indicate that the pump station is part of the

Mr. Rick Knowland
January 18, 2002
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Right-of-way and therefore city property. Drawing #4 says it's an easement. please clarify.

Response – Drawing #4 has been revised to be consistent with the recording plat.

Comment 2 - On note #5 of the recording plat, line 2, the word "of" should be "or". same note, line 19, ...written statement "to the Portland Planning Authority"

Response – The note has been revised accordingly.

Comment 3 - On note #10 of the recording plat, line 2, ...written statement "to the Portland Planning Authority"

Response – The note has been revised accordingly.

Comments by Steve Bushey 01-14-02:

Comment 1 – No erosion control report has been provided yet.

Response – An updated erosion control report has been provided.

Comment 2 – The subdivision plans should be stamped by the surveyor.

Response – A revised stamped plan has been provided.

Comment 3 – The subdivision plan currently states that the perimeter boundary work has not been made part of the Titcomb Surveyors work. Does the City accept this?

Response – The original boundary survey was conducted by Land Use Consultants and Titcomb Associates is relying on this work as part of the preparation for internal lot lines.

Comment 4 – Should public parking be provided for the public access areas. Wasn't public parking provided for the Starbird Road project?

Response – No public parking will be provided as part of the subdivision. It is noted that the public could park on one side of the road. It was agreed that providing parking was a City issue, not the Applicant's as part of the Agreement between the Applicant's and the City for the sale of the waterfront land.

Comment 5 – The pump station design must be completed and approved by Public Works.

Response – As previously discussed with your office the pump station information would be a condition of approval.

Comment 6 – Has CMP signed off on the extension of the road through their ROW?

Mr. Rick Knowland
January 18, 2002
Page 5 of 9

Response – It is noted that Curtis Road is currently constructed half way across the CMP easement, so presumably they don't have a problem with it's location. Your office indicated that it was acceptable to have a condition of approval that we obtain CMP's approval, prior to the start of construction.

Comment 7 – Is Public Works okay with the minimum road radii and street vertical alignment? A 200' radii on a 5% slope may be too sharp. The engineer should comment on all available sight distances.

Response – The 200' radius and 5% slope are within the limits of the Technical Standards. It is our understanding that Larry Ash is reviewing this item, and we will await Mr. Ash's review.

Comment 8 – Will the City plan any timing limits for the acceptance of the streets? Shouldn't they be complete and accepted within a maximum time frame so that the City avoids 10 years from now the streets are still not accepted?

Response – A note has been added to the plat which states “The roadway will be completed and offered to the City for acceptance within two years of posting of the performance guarantee unless the City and Applicant agree in writing to extend the duration of the guarantee, and the performance guarantee is extended accordingly”.

Comment 9 – Signage indicating a dead end on Hope Avenue should be provided.

Response – A sign has been added to the plan set.

Comment 10 – Where does the 4" FM go? Design?

Response – Gorrill-Palmer Consulting Engineers, Inc. has included additional plans in the plan set that include the connection of the force main to the existing sewer manhole in Hope Avenue.

Comment 11 – Where are the Curtis Road profiles?

Response – Gorrill-Palmer Consulting Engineers, Inc. has included additional plans in the plan set that include the profile of Curtis Road.

Comment 12 – The Technical Standards require 3% street profile at least 100' each side of an intersection on all streets. The intersection of Hope Avenue and Curtis Road doesn't meet this. This may need to be revised.

Response – The profile for Curtis Road has been revised to maintain a maximum slope of 3% for 100 feet from Hope Avenue. It is our office's opinion that this standard only applied to stop condition intersections, not on the through road.

Comment 13 – The label for the 24" culvert at Sta 17+50 is incorrect on the profile

Response – The label has been revised.

Mr. Rick Knowland
January 18, 2002
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Additional Comments by Steve Bushey 01-15-02:

Comment 1 – A complete design for the pump station including wet well sizing, separate valve chamber, emergency storage, control panel and telemetry system should be provided.

Response – As previously discussed with your office the pump station information would be a condition of approval.

Comment 2 – Will the Alice Street pump station be eliminated and will those flows be directed to the new station? I would think the City is not interested in having two pump stations in that area.

Response – A pump station has been proposed on Hope Avenue (previously Eagle Avenue) since at least April of 2000. The discussions with Public Works to date has been that the pump station will accept flows from the subdivision and discharge to the gravity system that is tributary to the Alice Street pump station. As part of our November 28, 2000 submittal to the Planning Board, a letter from the Department of Public Works dated November 13, 2000 indicated that the City System (which would have included the Alice Street pump station) has adequate capacity to transport and treat the flows anticipated from the 27 lots. Our office has requested an updated letter to document that there is adequate capacity to transport and treat the flows from the expanded project (3 more lots).

Comment 3 – If the Alice Street pump station is eliminated than SMH 8 should line up with what appears to be an easement along Lot 22.

Response – As noted above, the Alice Street pump station is not proposed for elimination.

Comment 4 – The apparent easement along Lot 22 should be labeled and identified on the subdivision plan.

Response – All easements have been labeled on the revised plat.

Comment 5 – Is the easement area large enough for the pump station? Adding a valve chamber and emergency storage tank will take up more room than is available.

Response – The easement area will be expanded to insure that a valve chamber could be accommodated. It is our understanding that the current pump station design criteria used by the City would not require a valve chamber. As the Alice Street pump station is not proposed to be eliminated, an emergency storage tank should not be required as adequate volume should be provided in the pump station.

Comment 6 – There appears to be a conflict at Stat 28+90 with the water and sewer. The Curtis Street profile is missing.

Response – The conflict has been addressed. The Curtis Road profile has been included in the plan set.

Comment 7 – Did the City ever require some geotechnical data for this project? Test pit or boring data should be shown on the plan if available. What are the expectations regarding shallow rock and blasting? Has a blasting plan been submitted?

Mr. Rick Knowland
January 18, 2002
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Response – Since the original application was filed in October of 1999 the City has not requested any boring data. As required under the City regulations, a High Intensity Soil Survey was provided as part of the April 5, 2000 submittal. Based on the High Intensity Soil Survey, shallow rock is not anticipated, and therefore a blasting plan has not been submitted.

Comment 8 – The erosion control plans should be revised to avoid placement of silt fence across the contours. All silt fence should be placed along a contour. Special erosion measures should be provided at the v-shaped interface of proposed grading and existing contours, especially on the steeper fills within the ravines. More emphasis must be placed on the ravine fill procedures and erosion control measures.

Response – Based upon previous projects, which have been reviewed by the MDEP in larger watershed, the placement of the silt fence perpendicular to the contours has been acceptable and encouraged to emphasize the need for silt to the contractor. We have also added a rip rap to the v-shaped interface at the appropriate locations.

Comment 9 – Can runoff be directed around the pump station area?

Response – The grading plan has been revised to include a ditch around the pump station.

Comment 10 – The limits of disturbance for the entire site should be identified. I recommend a construction sequencing plan be created that places special emphasis on the construction of the ravine crossings, contractor access, erosion control, drainage sequencing, etc.

Response – A limit of disturbance has been shown for all of the lots that are located adjacent to steep slopes. These limits have been previously agreed to based upon the slopes mapping that was provided to your office. In addition, grading for the roadway depicts the overall limits of disturbance which will be necessary. The Erosion Control Report has been revised to include the requirement that as part of the Pre-Construction Conference, the Contractor will be required to prepare a ravine crossing sequence of construction, which will specifically address access, erosion control, sequence of construction for culverts and storm drain piping. It would appear that this issue would best be addressed at that time. It has been noted in the Erosion Control Report that the Ravine Crossing Sequence of Construction be reviewed and approved by the City prior to undertaking construction within 25' of the ravines.

Comment 11 – The grading for Lot 1 should be reviewed to show how a driveway will be constructed for Lot 1. The driveway must meet the MDOT standards for driveways.

Response – A detail has been provided indicating that the driveway can be built in accordance with MDOT standards.

Comment 12 – Can Lot 30 be accessed with a proper d/w meeting MDOT requirements?

Response – A detail has been provided indicating that the driveway can be built in accordance with MDOT standards.

Comment 13 – Is DMH 8 large enough for 5 pipes?

Response – The elevations of the various pipes are such that the structure is large enough to accommodate 5 pipes. A sketch has been provided documenting this information.

Comment 14 – The engineer should review the level spreader at the outlet of CB #17. I am concerned that the spreader will not function given the steepness of the slopes and the placement of just a granite stone above the frost line. This slope location does not seem an appropriate location for the application of a level spreader.

Response – The level lip spreader will convey 3 cfs based on a 25 year storm. Based upon MDEP requirements of no more than 0.25 cfs/lf of spreader, this would result in a level spreader of 12 feet in length. The level spreader that has been provided is 25 feet. While our office is of the opinion that the level spreader would be the preferable method of discharging the stormwater, we will agree to use of a rip rapped culvert outlet at the base of the ravine. This will result in additional tree removal. We will change the plans to depict this additional clearing if requested by the Planning Authority.

Comment 15 – The cleanout manhole for the houses with a pump should be specified. I recommend a regular 4' diameter structure.

Response – A note has been added to the plans (Sheet 14) to clarify that a 4' diameter structure would be installed by the property owner as part of the service.

Comment 16 – A condition of approval should require the Ultracav pump station be the selected PS for those requiring them. No substitutes should be allowed.

Response – A note has been added to the plans (Sheet 14) indicating that no substitutes would be allowed for the Ultracav pump station.

Comment 17 – The typical section for Curtis Road shows sidewalk and both sides of the road. The plans should be revised to match the cross section.

Response - As previously discussed, the Applicant is requesting a waiver from the Board to only construct sidewalks on one side of Curtis Road. Assuming that the waiver is granted, the typical section would be revised.

Comment 18 – A typical driveway section meeting MDOT requirements should be provided in the details.

Response – A detail has been provided indicating that the driveway can be built in accordance with MDOT standards.

Comment 19 – A casco trap should be provided on all CB's with a 12" outlet.

Response – The detail provided on Sheet 15 is the City of Portland Standard Detail for catch basins which indicates that each outlet should be provided with a Casco Trap. To ensure that there is no confusion, note 10 has been added to the City Detail requiring a Casco Trap on all 12" catch basin outlets.

Mr. Rick Knowland
January 18, 2002
Page 9 of 9


Comment 20 – Where are the antiseep collars required? They should be shown on the plan view.

Response – Antiseep collars have been added to the plan views for the culverts at the major ravine crossings.

Gorrill-Palmer appreciates the opportunity to respond to these comments and look forward to your review. Should you have any questions or need additional information, please contact our office.

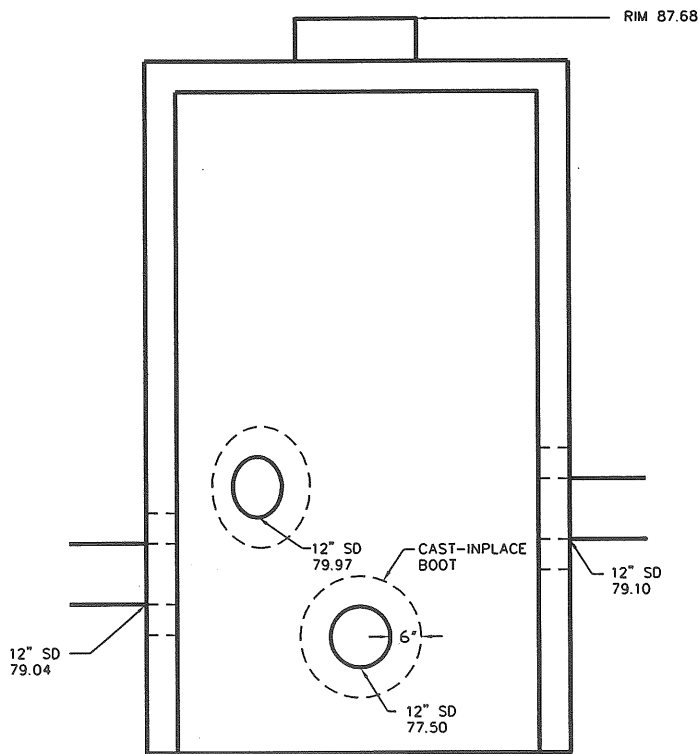
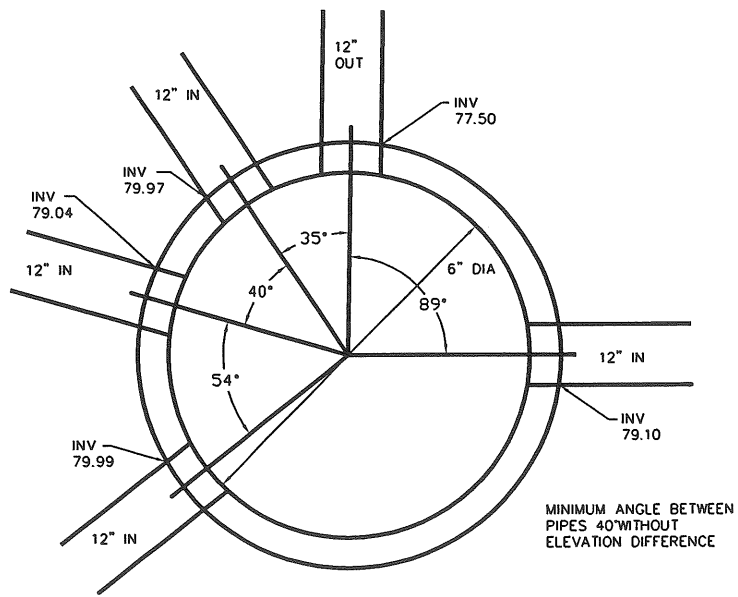
Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Alton M. Palmer, P.E.
Vice President

cc: Burt Wolf, w/o Enc.
Bob Adam, w/o Enc.
Terry Snow, w/o Enc.
Anthony Lombardo, City of Portland
Steve Bushey, Deluca-Hoffman



PIPE CONFIGURATION FOR DMH 8

Design:	DER	Date:	JAN 2002
Draft:	GJL	Job No.:	98089-1
Checked:	DER	Scale:	1"=2"
File Name:	98089-1_DMH8.dwg		

GP Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
 PO Box 1237, 26 Main Street
 Gray, ME 04039
 207-657-6910

Drawing Name:	Pipe Configuration For DMH 8
Project:	Presumpscot River Place Phase 3

Figure No.	A
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Portland Water District

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

(207) 774-5961

FAX (207) 761-8329

www.pwd.org

January 17, 2002

January 17, 2002

January 17, 2002

Mr. Doug Reynolds, P.E.
Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
22 Shaker Road
Gray, Maine 04039

Re: Presumpscot River Place – Phase 3

Dear Doug:

The Portland Water District has an 8" water main in Curtis Road, Portland, near the proposed site. A test on a nearby hydrant produced the following results: static pressure 60 psi; residual pressure 47 psi; with a flow of 1150 gpm. With these results in mind, the District feels we have sufficient capacity available to serve this proposed project and meet all normal fire protection and domestic water service demands. **Please notify your plumber of these results so that they can design your system to best fit the available pressure.**

With certification by the developer that all required permits have been received, we look forward to serving this project.

Sincerely,

PORTLAND WATER DISTRICT

David W. Coffin, PLS
Engineering Supervisor

David W. Coffin, PLS
Engineering Supervisor

David W. Coffin
Engineering Supervisor

2001 Governor's Award for Environmental Excellence

SECTION 24
EROSION AND SEDIMENTATION CONTROL PLAN

24.1 Overview

Chapter 375 of the Site Law Regulations, Section 5 requires that applicants for approval demonstrate that the developer has made adequate provision for controlling erosion and sedimentation.

24.2 Presumpscot River Place – Falmouth – Erosion and Sedimentation Control

As previously mentioned, PRP – Falmouth was constructed prior to 2000, and there is no construction proposed within this subdivision as part of this project. The applicant is unaware of any erosion control problems within the portion of the site.

24.3 Presumpscot River Place – Phase 3 – Introduction

Gorrill-Palmer Consulting Engineers, Inc. has been retained by Bob Adam and Burt Wolf to prepare an Erosion and Sedimentation Control Plan for the infrastructure associated with Presumpscot River Place Phase 3, which is located off Curtis Road and Hope Avenue in Portland, Maine. Figure 1 is an excerpt from the U.S.G.S. Portland West quadrangle map showing the project location. The developers are currently seeking Subdivision approval from the City of Portland and a Site Location of Development Act permit from the MDEP for the development of a 30-lot subdivision with approximately 3,550 feet of roadway. This narrative contains the general erosion and sedimentation control measures, which are appropriate for the infrastructure construction.

24.4 Narrative

24.4.1 Existing Conditions and Soil Types

The project site consists of approximately 31 acres of land northeast of Alice Street and Curtis Road in the North Deering neighborhood. The development site is currently undeveloped. Abutting land uses include:

- | | |
|-------------|---------------------------------------|
| ◆ Northwest | - Undeveloped |
| ◆ Northeast | - Presumpscot River |
| ◆ Southeast | - Undeveloped |
| ◆ Southwest | - Residential and Power Line easement |

The topography across the site varies from flat slopes in areas furthest from the Presumpscot River to steeper slopes closer to the river. Slopes on the site range from 1% in areas adjacent to Alice Street to greater than 33% in areas adjacent to drainage swales. Elevations range from 106 feet near Alice Street to 20 feet at the northeastern corner of the site

A Class B Soil Survey has been completed by S.W. Cole Engineering, Inc. A copy of the survey is located within Section 12. The susceptibility of soils to erosion is indicated on a relative “K” scale of values over a range of 0.02 to 0.69. The higher values are indicative of the more erodible soils. The following table lists the soils and their K values:

Type	K VALUE	
	Subsurface	Substratum
Boothbay	0.32	0.49
Lamoine	0.32	0.49
Scantic	0.49	0.49
Swanville	0.28	0.49

Based on a review of the K Values, the on-site soils are moderately susceptible to erosion.

24.4.2 Critical Areas

Critical areas on the site, which will require special attention regarding erosion control, are the 2:1 side slopes near the intersection of Curtis Road and Hope Avenue. During a site walk with Ben Viola and Dawn Hallowell of the MDEP, Mr. Viola suggested that an anti-seep collar be added to the culvert, which was at this location. An anti-seep collar has been added to the plans.

24.4.3 Protected Natural Resources

Based upon the work conducted for the project, wetland areas have been identified within the limit of the project. Minimal wetland impacts are anticipated as a result of the roadway construction and lot development. Wetlands associated with the floodplain of the Presumpscot River are located downhill of the project and will not be impacted. These offsite natural resources will be protected through the use of perimeter silt fence and other temporary erosion control measures.

24.4.4 Erosion Control Measures and Site Stabilization

The primary emphasis of the erosion/sedimentation control plan to be implemented for the infrastructure construction are as follows:

- ◆ Development of a careful construction sequence.
- ◆ Rapid revegetation of denuded areas to minimize the period of soil exposure.
- ◆ Rapid stabilization of drainage paths to avoid rill and gully erosion.
- ◆ The use of on-site measures to capture sediment (hay bales/silt fence, etc.)

The following temporary and permanent erosion and sediment control devices will be implemented as part of the site development. These devices shall be installed as indicated on the plans or as described within this report. For further reference, see the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.

A. Temporary Erosion Control Measures

The following measures are planned as temporary erosion/sedimentation control measures during construction:

1. A crushed stone-stabilized construction entrance shall be placed at the proposed connection to the existing roadways at Curtis Road and Pratt Road.
2. Siltation fence or wood waste compost berms shall be installed downstream of any disturbed areas to trap runoff borne sediments until the roadway sideslopes are revegetated. The silt fence and/or the wood waste compost berms shall be installed per the details provided in this package and inspected immediately after each rainfall and at least daily during prolonged rainfall. Repairs shall be made if there are any signs of erosion or sedimentation below the fence or berm line. If there are signs of undercutting at the center or the edges, or impounding of large volumes of water behind fence or berm, the barrier shall be replaced with a stone check dam.
3. Straw or hay mulch including hydroseeding is intended to provide cover for denuded or seeded areas until revegetation is established. Mulch placed between April 15th and October 1st on slopes of less than 15 percent shall be anchored by applying water; mulch placed on slopes of equal to or steeper than 15 percent shall be covered by a fabric netting and anchored with staples in accordance with manufacturer's recommendation. Mulch placed between October 1st and April 15th on slopes equal to or steeper than 8 percent shall be covered with a fabric netting and anchored with staples in accordance with the manufacturer's recommendations. Slopes steeper than 3:1, which are to be revegetated, shall receive curlex blankets by American Excelsior or equal. Mulch application rates are provided in Attachment A of this section. Mulch shall not be placed over snow.
4. Temporary stockpiles of stumps, grubblings, or common excavation will be protected as follows:
 - a) Temporary stockpiles shall not be located within 100 feet of any wetlands, which will not be disturbed and any slopes which exceed 15%.
 - b) Stockpiles shall be stabilized within 7 days by either temporarily seeding the stockpile by a hydroseed method containing an emulsified mulch tackifier or by covering the stockpile with mulch.
 - c) Stockpiles shall be surrounded by silt fence at the time of formation.
5. All denuded areas that are within 100 feet of an undisturbed wetland, which have been rough graded, and are not located within driveway subbase area, shall receive mulch or erosion control mesh fabric within 7 days of initial disturbance of soil. All areas within 50' feet of an undisturbed shall be mulched prior to any predicted rain event regardless of the 7-day window. In other areas, the time period may be extended to 14 days.
6. For work, which is conducted between October 15 and April 15 of any calendar year, all denuded areas will be covered with hay mulch, applied at twice the normal application rate and anchored with a fabric netting. The time period for applying mulch as noted in Paragraph 24.4.4.A.5, shall be limited to 7 days for all areas.

7. Hope Avenue and Curtis Road shall be swept to control mud and dust as necessary.
8. During grubbing operations stone check dams will be installed at any evident concentrated flow discharge points.
9. Silt fencing with a minimum stake spacing of 6 feet should be used, unless the fence is supported by wire fence reinforcement of minimum 14 gauge and with a maximum mesh spacing of 6 inches, in which case stakes may be spaced a maximum of 10 feet apart. The bottom of the fence should be anchored.
10. Wood waste compost/bark berms may be used in lieu of siltation fencing. Berms shall be removed and spread into a layer not to exceed 3" thick once upstream areas are completed and a 75% catch of vegetation is attained.
11. Storm drain catch basin inlet protection shall be provided through the use of stone sediment barriers. Installation details are included within the plan set. The barriers shall be inspected after each rainfall and repairs made as necessary. Sediment shall be removed and the barrier restored to its original dimensions when the sediment has accumulated to ½ the design depth of the barrier. The barrier shall be removed when the tributary drainage area has been stabilized.
12. Water and/or calcium chloride shall be furnished and applied in accordance with MDOT specifications – Section 637 – Dust Control.
13. Loam and seed is intended to serve, as the primary permanent revegetative measure for all denuded areas not provided with other erosion control measures, such as riprap. Application rates are provided in Attachment A of this section. Seeding shall not occur over snow.

B. Permanent Erosion Control Measures

The following permanent erosion control measures have been designed as part of the Erosion/Sedimentation Control Plan:

1. All storm drain pipe outlets shall have riprap aprons at their outlet to protect the outlet and receiving channel of the culverts from scour and deterioration. Installation details are included within the plan set with this package. The aprons shall be installed and stabilized to the extent practicable prior to directing runoff to the tributary pipe or culvert.
2. All areas disturbed during construction, but not subject to other restoration (paving, riprap, etc.) will be loamed, limed, fertilized, mulched, and seeded. Fabric netting, anchored with staples, shall be placed over the mulch in areas as noted in paragraph 24.3.5.A.3. All areas within 100' of an undisturbed wetland shall be mulched prior to any predicted rain event regardless of the 7-day window. Native topsoil shall be stockpiled and reused for final restoration when it is of sufficient quality.

3. Catch basins will be provided with sediment sumps and inlet hoods for all outlet pipes that are 12" in diameter and smaller.

24.5 Implementation Schedule

The following construction sequence shall be required to insure the effectiveness of the erosion and sedimentation control measures are optimized:

Note: For all grading activities, the contractor shall exercise extreme caution not to overexpose the site by limiting the disturbed area.

1. Install stabilized construction entrances on the proposed roadway at Hope Avenue and Curtis Road.
2. Clear area necessary for the roadway construction.
3. Install perimeter siltation fence and/or wood waste berms prior to grubbing respective areas.
4. During grubbing operations, install stone check dams at any evident concentrated flow discharge points.
5. Commence earthwork and grading to subgrade as necessary for the roadway.
6. Commence installation of catch basins and storm drain piping.
7. Commence installation of underground utilities.
8. Install riprap outlet aprons
9. Complete remaining earthwork operations.
10. Install subbase and base course gravels for roadway.
11. Install gravel for sidewalks.
12. Install curbing for roadway.
13. Complete installation of storm drainage and utility appurtenances.
14. Install base course paving for the roadway.
15. Install surface course paving for the roadway and sidewalk.
16. Loam, lime, fertilize, seed and mulch disturbed areas.
17. Remove accumulated sediment from ahead of any sediment barriers as necessary.
18. Once the site is stabilized and a 75% catch of vegetation has been obtained, remove all temporary erosion control measures.

19. Touch up loam and seed.

Note: All denuded areas not subject to final paving, riprap or gravel shall be revegetated.

Prior to construction of the project, the contractor shall submit to the owner a schedule for the completion of the work, which will satisfy the following criteria:

1. The above construction sequence should generally be completed in the specified order; however, several separate items may be constructed simultaneously. Work must also be scheduled or phased to prevent the extent of the exposed areas as specified below. The intent of this sequence is to provide for erosion control and to have structural measures such as silt fence and construction entrances in place before large areas of land are denuded.
2. The work shall be conducted in sections which will:
 - a) Limit the amount of exposed area to those areas in which work is expected to be undertaken during the proceeding 30 days.
 - b) Revegetate disturbed areas as rapidly as possible. All areas shall be permanently stabilized within 7 days of final grading or before a storm event; or temporarily stabilized within 7 days of initial disturbance of soil for areas within 100 feet of an undisturbed and 14 days for all other areas. Areas within 100 feet of an undisturbed wetland shall be mulched prior to any predicted rain event regardless of the 7-day window.
 - c) Incorporate planned inlets and drainage system as early as possible into the construction phase. The ditches shall be immediately lined or revegetated as soon as their installation is complete.

24.6 Erosion, Sedimentation and Stabilization Control Plan

The Erosion, Sedimentation and Stabilization Control Plans are included in the plan set.

24.7 Details and Specifications

The Erosion and Sedimentation details and specifications are included in the plan set.

24.8 Winter Stabilization Plan

If a summer/fall construction schedule is not possible and construction is necessary between October 15 and April 15 of any calendar year, the contractor shall submit a schedule, which will satisfy the following criteria:

1. Limit the amount of exposed area to those areas in which work is expected to be undertaken during the proceeding 15 days and that which can be mulched in the event of a predicted snow event.
2. During the construction process, all disturbed areas shall be covered with mulch within 7 days of final grading. Mulch shall not be placed over snow.

3. Once final grade has been established, the contractor may choose to dormant seed the disturbed areas prior to placement of mulch and placement of fabric netting anchored with staples.
 - a. If dormant seeding is used for the site, all disturbed areas shall receive 6" of loam and seed at an application rate of 5#/1000 s.f. Seeding shall not occur over snow.

All areas seeded during the winter months will be inspected in the spring for adequate catch. All areas sufficiently vegetated (less than 75 percent catch) shall be revegetated by replacing loam, seed and mulch.
 - b. If dormant seeding is not used for the site, all disturbed areas shall be revegetated in the spring.
4. The area of denuded non-stabilized construction shall be limited to the minimum area practicable. An area shall be considered to be denuded until the subbase gravel is installed or the areas of future loam and seed have been loamed, seeded, and mulched. The mulch rate shall be twice the rate specified in the seeding plan (for example, 115#/1,000 s.f. x 2 = 230#/s.f.).
5. The schedule shall be subject to the approval of the Owner.

The Contractor must install any added measures, which may be necessary to control erosion/sedimentation from the site dependent upon the actual site and weather conditions.

The Contractor shall note that no areas within 100 feet of an undisturbed wetland shall remain denuded for a period of over 7 days before it is temporarily stabilized. All other areas shall be stabilized within 14 days. For construction between October 15 and April 15 of any calendar year, all areas shall be temporarily stabilized with 7 days.

24.9 Preconstruction Conference

Prior to any construction at the site, representatives of the Contractor, and the site design engineer shall arrange for and meet with the Owner and a representative of the City to discuss the scheduling of the site construction. On or before that meeting, the Contractor will prepare a detailed schedule and a marked-up site plan indicating areas and components of the work and key dates showing date of disturbance and completion of the work. If disturbed areas are not to be finished (loamed, seeded, and mulched) within seven (7) days, the scheduling shall indicate those areas to be protected with temporary seeding/mulch. Three copies of the schedule and marked-up site plan shall be provided to the Owner. Temporary seed mixture shall be annual rye grass applied at the rate of 0.9 lbs/1000 sq. ft.

24.10 Conclusion

The Applicant has provided temporary and permanent erosion control measures as well as specifying a sequence of construction as measures to minimize erosion and sedimentation.

24.11 Attachments

Attachment A - Seeding Plan

SEEDING PLAN

Project: Presumpscot River Place Phase 3

Site Location: Portland, Maine

Permanent Seeding Temporary Seeding

1. Instruction on preparation of soil: Prepare a good seed bed for planting method used.
2. Apply lime as follows: _____ # / acres, OR 138 # /M Sq. Ft.
3. Fertilize with _____ pounds of _____ N-P-K/ac. OR 18.4 pounds of 10-20-20 N-P-K/M Sq. Ft.
4. Method of applying lime and fertilizer: Spread and work into the soil before seeding.
5. Seed with the following mixture:
45% Kentucky Bluegrass
45% Creeping Red Fescue
10% Perennial Ryegrass
6. Mulching instructions: Apply at the rate of _____ per acre, OR 115 pounds per M. Sq. Ft.

	<u>Amount</u>	<u>Unit # Tons. Etc.</u>
7. TOTAL LIME	138	#/1000 sq. ft.
8. TOTAL FERTILIZER	18.4	#/1000 sq. ft.
9. TOTAL SEED	1.03	#/1000 sq. ft.
10. TOTAL MULCH	115	#/1000 sq. ft.
11. TOTAL other materials, seeds, etc.	_____	
12. REMARKS		

Spring seeding is recommended, however, late summer (prior to September 1) seeding can be made. Permanent seeding should be made prior to August 5 or as a dormant seeding after the first killing frost and before the first snowfall. If seeding cannot be done within these seeding dates, temporary seeding and mulching shall be used to protect the site. Permanent seeding shall be delayed until the next recommended seeding period.

ATTACHMENT C

January 18, 2002

Mr. Rick Knowland
City of Portland
389 Congress Street
Portland, ME 04101-3503

RE: Presumpscot River Place Phase III
Portland, Maine

Dear Rick:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to the review comments received via e-mail from Anthony Lombardo on January 9th, Rick Knowland on January 11th and 16th and Steve Bushey on January 14th and 15th in regards to the above referenced project.

Comments by Anthony Lombardo 01-09-02:

Comment 1 – The applicant still has not answered the questions asked in my previous memo dated 12-17-01, regarding the construction sequencing and proposed buildout of the subdivision. At what percentage completing of the project does the applicant plan to seek acceptance of the street, thereby completing curb installation, sidewalk, driveway apron and roadway surfacing? The plans do not offer a detailed construction sequencing and estimated construction schedule specific to the road construction and lot development. Is the buildout to be phased? The three notes offered in response to these same questions, in my 12-17-01 memo, offer very little detail or commitment on the part of the applicant.

Response – As discussed at our meeting on January 14, 2002 a note has been added to the plat which states, “The roadway will be completed and offered to the City for acceptance within two years of posting of the performance guarantee unless the City and Applicant agree in writing to extend the duration of the guarantee, and the performance guarantee is extended accordingly”.

Comments by Rick Knowland 01-11-02:

Comment 1 – Recording plat has not been stamped by a land surveyor yet.

Response – A revised stamped plan has been provided.

Comment 2 – Updated list of all NRPA permits and where they will be needed.

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Response – The applicant will be submitting a Site Location of Development Act permit to the MDEP for the entire development, including the existing portion of the subdivision in Falmouth. We will also be requesting a Natural Resource Protection Act permit for the following items:

◆ Filling of wetlands on lots 7 and 25

Filling of wetlands for the construction of Hope Avenue at approximately Sta 24+00
Culvert crossings at Stations 17+50 and 28+00.

Comment 3 – Easements are not specifically labeled on the recording plat.

Response – All easements have been labeled on the revised plat.

Comment 4 – Need to submit an updated sidewalk waiver request for that section of Curtis Road that you aren't proposing a sidewalk.

Response – A separate letter requesting the waiver is enclosed.

Comment 5 – Where is the last street light on Curtis Road? Not shown on the plan. If it's too far from the Curtis/Hope intersection you'll need another one.

Response – An additional light has been added on Curtis Road.

Comment 6 – Previously I requested that the Falmouth Planning Office receive an updated copy of the subdivision plan. Has that happened?

Response – A copy of the Subdivision plat will be forwarded to the Town of Falmouth.

Comment 7 – Specific easements for this subdivision have not been submitted to Corporation Counsel to date.

Response – It is Gorrill-Palmer Consulting Engineers, Inc.'s understanding that this information will be coordinated between Terry Snow and Corporate Council.

Comment 8 – The dimensions of the undisturbed zone line are not shown on the plan. They were shown on your September plan.

Response – The revised plat includes dimensions on the undisturbed zone.

Comment 9 – Note #6: The previous note #6 in your September submission was much better than this. I would recommend you go back to the original note language. The ability to cut down anything under 16 inches in diameter is extreme particularly in areas that are supposed to be protected.

Response – The note has been revised back to Note 6 from the September plan.

Comment 10 – Guard rail: In the context of a residential neighborhood, a wood guard rail is

Mr. Rick Knowland
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aesthetically a better choice.

Response – The guard rail detail has been revised to be wooden.

Comment 11 – The pedestrian easement: If the walkway cannot be paved like any other sidewalk, than I am recommending that a split rail fence be installed along the property line. This accomplishes two things; people know where they are supposed to go avoiding trespass issues and the trail is clearly marked so it can't be subverted by a future uncooperative abutting property owner. The walkway should be constructed of gravel with a filter fabric. This design detail should be submitted for review.

Response – Pursuant to the agreement between the Applicants and the City of Portland regarding the sale of land and granting of the easement for pedestrian access between Alice Street and Hope Avenue, it is the opinion of the Applicant that any improvements to this easement are the responsibility of the City. While the applicant would be willing to review a plan developed by the City regarding potential improvements, it is noted that the Applicants are of the opinion that a split rail fence may result in loitering and would recommend an alternative treatment such as shrubs to provide the visual barrier the City desires.

Comment 12 – I assume the review letters from the appropriate utilities are in transit?

Response – Our office has contacted the City of Portland Engineering Department, and they indicated that a letter would be provided to the Planning Office. A letter from the Portland Water District is attached.

Comment 13 – Note #5: Should be modified to include lots 7, 12-14. To be more flexible, the following sentence could be added as the last sentence of the note; "This construction phase site inspection requirement need not apply to lots 7, 12-14 if the Portland Planning Authority determines in writing upon submission of a lot site plan, that these services are not needed due to the location of the improvements on the lot, site conditions, grading and proposed building elevations.

Response – Note 5 has been revised to reflect our meeting on January 14, 2002 to state: "Site inspection requirements will not apply to Lots 7 and 12-14 unless the Portland Planning Authority determines in writing upon submission of a lot site pan that these services are required due to the location of the improvements on the lot, site conditions, grading and proposed building elevations."

Comment 14 – Show the connection of the force main sewer into Alice Street.

Response – Gorrill-Palmer Consulting Engineers, Inc. has included additional plans in the plan set that include the connection of the force main to the existing sewer manhole in Hope Avenue.

Comment 15 – We have not received the design and specifications for the pump station. It will obviously need to be a condition of approval.

Response – As previously discussed with your office the pump station information would be a condition of approval.

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Additional comments by Rick Knowland 01-16-02

Comment 1 - The recording plat seems to indicate that the pump station is part of the Right-of-way and therefore city property. Drawing #4 says it's an easement. please clarify.

Response – Drawing #4 has been revised to be consistent with the recording plat.

Comment 2 - On note #5 of the recording plat, line 2, the word "of" should be "or". same note, line 19, ...written statement "to the Portland Planning Authority"

Response – The note has been revised accordingly.

Comment 3 - On note #10 of the recording plat, line 2, ...written statement "to the Portland Planning Authority"

Response – The note has been revised accordingly.

Comments by Steve Bushey 01-14-02:

Comment 1 – No erosion control report has been provided yet.

Response – An updated erosion control report has been provided.

Comment 2 – The subdivision plans should be stamped by the surveyor.

Response – A revised stamped plan has been provided.

Comment 3 – The subdivision plan currently states that the perimeter boundary work has not been made part of the Titcomb Surveyors work. Does the City accept this?

Response – The original boundary survey was conducted by Land Use Consultants and Titcomb Associates is relying on this work as part of the preparation for internal lot lines.

Comment 4 – Should public parking be provided for the public access areas. Wasn't public parking provided for the Starbird Road project?

Response – No public parking will be provided as part of the subdivision. It is noted that the public could park on one side of the road. It was agreed that providing parking was a City issue, not the Applicant's as part of the Agreement between the Applicant's and the City for the sale of the waterfront land.

Comment 5 – The pump station design must be completed and approved by Public Works.

Response – As previously discussed with your office the pump station information would be a condition

Mr. Rick Knowland
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of approval.

Comment 6 – Has CMP signed off on the extension of the road through their ROW?

Response – It is noted that Curtis Road is currently constructed half way across the CMP easement, so presumably they don't have a problem with it's location. Your office indicated that it was acceptable to have a condition of approval that we obtain CMP's approval, prior to the start of construction.

Comment 7 – Is Public Works okay with the minimum road radii and street vertical alignment? A 200' radii on a 5% slope may be too sharp. The engineer should comment on all available sight distances.

Response – The 200' radius and 5% slope are within the limits of the Technical Standards. It is our understanding that Larry Ash is reviewing this item, and we will await Mr. Ash's review.

Comment 8 – Will the City plan any timing limits for the acceptance of the streets? Shouldn't they be complete and accepted within a maximum time frame so that the City avoids 10 years from now the streets are still not accepted?

Response – A note has been added to the plat which states “The roadway will be completed and offered to the City for acceptance within two years of posting of the performance guarantee unless the City and Applicant agree in writing to extend the duration of the guarantee, and the performance guarantee is extended accordingly”.

Comment 9 – Signage indicating a dead end on Hope Avenue should be provided.

Response – A sign has been added to the plan set.

Comment 10 – Where does the 4" FM go? Design?

Response – Gorrill-Palmer Consulting Engineers, Inc. has included additional plans in the plan set that include the connection of the force main to the existing sewer manhole in Hope Avenue.

Comment 11 – Where are the Curtis Road profiles?

Response – Gorrill-Palmer Consulting Engineers, Inc. has included additional plans in the plan set that include the profile of Curtis Road.

Comment 12 – The Technical Standards require 3% street profile at least 100' each side of an intersection on all streets. The intersection of Hope Avenue and Curtis Road doesn't meet this. This may need to be revised.

Response – The profile for Curtis Road has been revised to maintain a maximum slope of 3% for 100 feet from Hope Avenue. It is our office's opinion that this standard only applied to stop condition intersections, not on the through road.

Comment 13 – The label for the 24" culvert at Sta 17+50 is incorrect on the profile

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Response – The label has been revised.

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Additional Comments by Steve Bushey 01-15-02:

Comment 1 – A complete design for the pump station including wet well sizing, separate valve chamber, emergency storage, control panel and telemetry system should be provided.

Response – As previously discussed with your office the pump station information would be a condition of approval.

Comment 2 – Will the Alice Street pump station be eliminated and will those flows be directed to the new station? I would think the City is not interested in having two pump stations in that area.

Response – A pump station has been proposed on Hope Avenue (previously Eagle Avenue) since at least April of 2000. The discussions with Public Works to date has been that the pump station will accept flows from the subdivision and discharge to the gravity system that is tributary to the Alice Street pump station. As part of our November 28, 2000 submittal to the Planning Board, a letter from the Department of Public Works dated November 13, 2000 indicated that the City System (which would have included the Alice Street pump station) has adequate capacity to transport and treat the flows anticipated from the 27 lots. Our office has requested an updated letter to document that there is adequate capacity to transport and treat the flows from the expanded project (3 more lots).

Comment 3 – If the Alice Street pump station is eliminated than SMH 8 should line up with what appears to be an easement along Lot 22.

Response – As noted above, the Alice Street pump station is not proposed for elimination.

Comment 4 – The apparent easement along Lot 22 should be labeled and identified on the subdivision plan.

Response – All easements have been labeled on the revised plat.

Comment 5 – Is the easement area large enough for the pump station? Adding a valve chamber and emergency storage tank will take up more room than is available.

Response – The easement area will be expanded to insure that a valve chamber could be accommodated. It is our understanding that the current pump station design criteria used by the City would not require a valve chamber. As the Alice Street pump station is not proposed to be eliminated, an emergency storage tank should not be required as adequate volume should be provided in the pump station.

Comment 6 – There appears to be a conflict at Stat 28+90 with the water and sewer. The Curtis Street profile is missing.

Response – The conflict has been addressed. The Curtis Road profile has been included in the plan set.

Comment 7 – Did the City ever require some geotechnical data for this project? Test pit or boring data should be shown on the plan if available. What are the expectations regarding shallow rock and blasting? Has a blasting plan been submitted?

Mr. Rick Knowland
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Response – Since the original application was filed in October of 1999 the City has not requested any boring data. As required under the City regulations, a High Intensity Soil Survey was provided as part of the April 5, 2000 submittal. Based on the High Intensity Soil Survey, shallow rock is not anticipated, and therefore a blasting plan has not been submitted.

Comment 8 – The erosion control plans should be revised to avoid placement of silt fence across the contours. All silt fence should be placed along a contour. Special erosion measures should be provided at the v-shaped interface of proposed grading and existing contours, especially on the steeper fills within the ravines. More emphasis must be placed on the ravine fill procedures and erosion control measures.

Response – Based upon previous projects, which have been reviewed by the MDEP in larger watershed, the placement of the silt fence perpendicular to the contours has been acceptable and encouraged to emphasize the need for silt to the contractor. We have also added a rip rap to the v-shaped interface at the appropriate locations.

Comment 9 – Can runoff be directed around the pump station area?

Response – The grading plan has been revised to include a ditch around the pump station.

Comment 10 – The limits of disturbance for the entire site should be identified. I recommend a construction sequencing plan be created that places special emphasis on the construction of the ravine crossings, contractor access, erosion control, drainage sequencing, etc.

Response – A limit of disturbance has been shown for all of the lots that are located adjacent to steep slopes. These limits have been previously agreed to based upon the slopes mapping that was provided to your office. In addition, grading for the roadway depicts the overall limits of disturbance which will be necessary. The Erosion Control Report has been revised to include the requirement that as part of the Pre-Construction Conference, the Contractor will be required to prepare a ravine crossing sequence of construction, which will specifically address access, erosion control, sequence of construction for culverts and storm drain piping. It would appear that this issue would best be addressed at that time. It has been noted in the Erosion Control Report that the Ravine Crossing Sequence of Construction be reviewed and approved by the City prior to undertaking construction within 25' of the ravines.

Comment 11 – The grading for Lot 1 should be reviewed to show how a driveway will be constructed for Lot 1. The driveway must meet the MDOT standards for driveways.

Response – A detail has been provided indicating that the driveway can be built in accordance with MDOT standards.

Comment 12 – Can Lot 30 be accessed with a proper d/w meeting MDOT requirements?

Response – A detail has been provided indicating that the driveway can be built in accordance with MDOT standards.

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Comment 13 – Is DMH 8 large enough for 5 pipes?

Response – The elevations of the various pipes are such that the structure is large enough to accommodate 5 pipes. A sketch has been provided documenting this information.

Comment 14 – The engineer should review the level spreader at the outlet of CB #17. I am concerned that the spreader will not function given the steepness of the slopes and the placement of just a granite stone above the frost line. This slope location does not seem an appropriate location for the application of a level spreader.

Response – The level lip spreader will convey 3 cfs based on a 25 year storm. Based upon MDEP requirements of no more than 0.25 cfs/lf of spreader, this would result in a level spreader of 12 feet in length. The level spreader that has been provided is 25 feet. While our office is of the opinion that the level spreader would be the preferable method of discharging the stormwater, we will agree to use of a rip rapped culvert outlet at the base of the ravine. This will result in additional tree removal. We will change the plans to depict this additional clearing if requested by the Planning Authority.

Comment 15 – The cleanout manhole for the houses with a pump should be specified. I recommend a regular 4' diameter structure.

Response – A note has been added to the plans (Sheet 14) to clarify that a 4' diameter structure would be installed by the property owner as part of the service.

Comment 16 – A condition of approval should require the Ultracav pump station be the selected PS for those requiring them. No substitutes should be allowed.

Response – A note has been added to the plans (Sheet 14) indicating that no substitutes would be allowed for the Ultracav pump station.

Comment 17 – The typical section for Curtis Road shows sidewalk and both sides of the road. The plans should be revised to match the cross section.

Response - As previously discussed, the Applicant is requesting a waiver from the Board to only construct sidewalks on one side of Curtis Road. Assuming that the waiver is granted, the typical section would be revised.

Comment 18 – A typical driveway section meeting MDOT requirements should be provided in the details.

Response – A detail has been provided indicating that the driveway can be built in accordance with MDOT standards.

Comment 19 – A casco trap should be provided on all CB's with a 12" outlet.

Response – The detail provided on Sheet 15 is the City of Portland Standard Detail for catch basins

Mr. Rick Knowland
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which indicates that each outlet should be provided with a Casco Trap. To ensure that there is no confusion, note 10 has been added to the City Detail requiring a Casco Trap on all 12" catch basin outlets.

Comment 20 – Where are the antiseep collars required? They should be shown on the plan view.

Response – Antiseep collars have been added to the plan views for the culverts at the major ravine crossings.

Gorrill-Palmer appreciates the opportunity to respond to these comments and look forward to your review. Should you have any questions or need additional information, please contact our office.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Alton M. Palmer, P.E.
Vice President

cc: Burt Wolf, w/o Enc.
Bob Adam, w/o Enc.
Terry Snow, w/o Enc.
Anthony Lombardo, City of Portland
Steve Bushey, Deluca-Hoffman

DER/rmg/JN98089/KnowlandC&R01-15-02

ATTACHMENT D

From: Larry Ash
To: Rick Knowland
Date: Fri, Jan 18, 2002 8:09 AM
Subject: PRP III

Rick: as regards PRP III:

1. I do not believe the 200 foot radii on the 5% slope for curve C1)as illustrated on sheet 4) to be problematic. Parking, however, should be prohibited on both sides of the street between stations 10+00 and 13+00.
2. I do not have a concern with the 4% gradient at Curtiss Road/Hope St provided that parking be prohibited 100 ft on both sides of the street.
3. Should the number of available units increase from 27 to 30 units, I do not believe raffic considerations will change appreciably from those previously outlined.

Corporation Counsel

Gary C. Wood

**CITY OF PORTLAND**Associate Counsel

Charles A. Lane
 Elizabeth L. Boynton
 Donna M. Katsiaficas
 Penny Littell

January 14, 2002

Via Fax: 829-4481

Terry N. Snow, Esquire
 Terry N. Snow, PA
 PO Box 275
 Cumberland Center ME 04021-0275

Dear Terry:

I met with Rick Knowland and went over the most recent PRP plan that has been submitted by your client. In response to your inquiry as to what easements are required by the City, please be advised of the following: there are two pedestrian easements required by the City, one adjacent to lot 1 and the other adjacent to lot 22. These easements need to be noted on the plat and executed easements will be required by the City.

In addition, the City understood that private drainage easements were to be included in this subdivision to benefit certain lots. Such private easements were noted on an earlier version of the subdivision but apparently were omitted from the most recent version. The City would like to see these easements returned to the plat and a note added that said easements will be referenced in any deeds for the applicable lots.

In addition, since this subdivision is going through DEP site location of development review, is there any reason that your client has chosen to exclude from the plat the area of land located between lot 22 and Curtis Road? On a related matter, is there any reason why the land along the river has not been labeled "to be deeded to _____," or some such reference?

Thank you for your attention to this matter. I trust this answers your question.

Sincerely,

Penny Littell
 Associate Corporation Counsel

PL:hs

c: Rick Knowland ✓

Meeting Notes

Subject: Neighborhood Meeting Presumpscot River Place Phase 3
Attendees: Doug Reynolds, Gorrill-Palmer Consulting Engineers, Inc.
Burt Wolf
See Attached sign-up list
Date: December 27, 2001 6:00 PM
Distribution: Rick Knowland, Burt Wolf, Bob Adam, File

On Thursday December 27, 2001, a neighborhood meeting was held for the Presumpscot River Place Phase 3 subdivision. All abutters within 500 feet of the proposed project were notified via certified mail sent out on December 19, 2001. This meeting was held to meet the requirements of the City of Portland Planning Department.

It should be noted that this meeting was a joint meeting with the Public Informational Meeting to meet the requirements of the MDEP Site Location of Development Act permit. Therefore, some of the questions referenced the existing subdivision built in Falmouth at the end of Stapleford Drive.

Gorrill-Palmer Consulting Engineers, Inc. started the meeting with a brief introduction of the project then opened the floor to questions. Listed below is brief summary of the questions from the abutters and the responses provided.

Mr. Reno asked if there will be a connection from this development to PRP Falmouth, the previously constructed subdivision (east of Hope Avenue)? Mr. Reynolds indicated that no future connection was planned.

Ms. Lightbody (Not on sign-in sheet) asked why it required that the Applicant was required to post permit the Falmouth subdivision. It was indicated that the Falmouth portion requires a permit, due to the fact that the project was built within five years of the proposed project and the two projects combined meet the thresholds for the permit.

Mr. Isherwood wanted to know what was planned for the Falmouth land. He also wanted to know why Hope Avenue is only proposed to be 24-foot wide. Mr. Wolf indicated that currently there are no plans for the Falmouth land and Mr. Reynolds indicated that the 24-foot road width is the City standard for Minor roads.

Ms. Harmon asked when the connection to the existing Hope Avenue will be made. It was indicated that the connection to Hope Avenue is part of the current proposal.

Mr. Reno asked how will the public access the riverfront land. Pedestrian easements have been provided to the riverfront and there will also be access is available from Oaknuts Park, east of the project.

Mr. Pineau expressed concern that construction of the roadway could cause any upstream flooding. Mr. Reynolds indicated that the culvert crossing were sized for the 25 years storm, such that no flow would be detained upstream of the proposed road.

Mr. Harmon asked if construction vehicles would be accessing the property via Curtis Road and who was responsible for keeping the roadway clean. It was indicated that it was highly probable that construction vehicles would be using Curtis Road and that it was the Contractor's responsibility to keep the roadway clean.

Ms. Harmon asked why a connection to Overset not being built. It was indicated that a connection from Overset to Hope Avenue is not part of the proposed project.

Mr. Harmon asked how many lots will be built. Mr. Reynolds indicated that 30 lots are proposed on the current plan.

Ms. Harmon expressed her concern with development near the deep ravines and was worried that the run off will increase the water temp in the River. It was indicated that drainage easements would be provided on 15 feet to either side of the ravines and that undisturbed areas would be located in areas of steep slopes, and that no construction would take place within the undisturbed zone.

Mr. Harmon asked who would be responsible for the enforcement of the undisturbed areas. It was indicated that as part of the subdivision plat, a design engineer would be required to prepare plans for each of the lots with undisturbed zones on them, and that the City would be responsible for enforcement of the plans that were designed for the lots.

Prepared by: Doug Reynolds

PRESUMPTCOT RIVER PLACE
PUBLIC INFORMATION 12/27/01
Neighborhood Meeting

1. Robert Pinceman 132 Crestview Dr 878-8630
2. Robert Reno 45 Oversight Rd. 797-3118
3. Jerry + Mary Goodall 11 Liberty Rd. Falmouth 797-2957
- ④ Tim + Peggy Moore 123 Crestview Drive Portland 797-6455
- ⑤ Gregg Isherwood 39 Alice CT Portland 797-2667
- ⑥ Wandy Harmon 59 Curtis Rd East 792-0239
- ⑦ Jean Harmon 59 Curtis Rd Portland 797-0239

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Stephen H. Rogers
 Jennifer A. Rogers
 8 Alice Street
 Portland, ME 04103
 387 A-37

St _____
 St _____
 or _____
 Ci _____

PS Form 3800, January 2001 See Reverse for Instructions

7001 0320 0002 8276 9663

Peoples Heritage Bank, N.A.

One Portland Square
P.O. Box 9540
Portland, ME 04112-9540

1-800-462-3666
Tel: 207-761-8500

ATTACHMENT 6



December 24, 2001

Rick Knowland
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101

RE: Presumpscot River Place

Dear Mr. Knowland:

Lloyd B. Wolf and Robert Adam are longstanding excellent customers of the Bank. We feel they have the financial capacity to complete the proposed thirty (30) lot at Presumpscot River Place in Portland.

If you have any specific questions, I can be reached at 761-8625.

Sincerely,

Daniel P. Thornton
Daniel P. Thornton
Senior Vice President

PRESUMPCOT RIVER PLACE SUBDIVISION (PHASE 3)

VICINITY OF CURTIS ROAD

ROBERT ADAM AND LLOYD WOLF, APPLICANTS

Submitted to:

Portland Planning Board
Portland, Maine

January 22, 2002

I. INTRODUCTION

A public hearing has been scheduled to consider a proposed residential subdivision in the vicinity of Curtis Road. The applicants are Bob Adam and Lloyd Wolf. This application was tabled at the Board's September 25, 2001 meeting.

The Presumpscot River Place (phase 3) will be reviewed under the subdivision ordinance. The attached Green Book includes supplemental and updated information submitted by the applicant. An updated subdivision plan is shown as Attachment A. The original plan is shown on Attachment B. A 700 foot section of the subdivision roadway is in the Town of Falmouth.

The applicant will be requesting a sidewalk waiver along one side of Curtis Road.

996 notices were sent to area property owners in Portland and Falmouth, including the Falmouth Municipal Offices.

II. FINDINGS

Zone:	R-2 Residential
Land Area:	30.94 acres
Number of Lots:	30
Lot Size:	16,273 sq. ft. (lot #21) to 2.71 acres (lot #1)

Since the September 25th meeting the subdivision plan has been revised. The most significant changes are to the lot layout and alignment of the streets.

- The plan has been revised reflecting the open space to be acquired by the City. The open space includes:
 - A 500-foot wide buffer along the Presumpscot River in Portland and Falmouth.
 - Open space east of the subdivision, between the subdivision and the Portland/Falmouth line. This eliminates a future PRP subdivision phase previously labeled as "phase IV". It is contiguous to Oat Nuts Park.
- The name of Eagle Avenue has been changed to Hope Avenue since Eagle (now Hope) will be extended through Falmouth via Hope Avenue to Alice Street. The issue of a satisfactory secondary access into the subdivision has now been addressed. It will be built as part of this subdivision. The alignment of the roadway has changed to address a new lot layout.

- The number of lots has been increased from 27 lots to 30 lots, but with the 500 foot river buffer, the lots are now located a significant distance from the river. All of the lots have been reconfigured since they are now clustered along Hope Avenue. Most of the lots along Hope Avenue are generally larger than the previous plan. The lots now range in size from .44 acre to 2.71 acres.
- The Brothers Road and Pratt Road have been eliminated. The Brothers Road served the lots closest to the river. Pratt Road, a small connecting roadway by the sewer pump station is no longer needed. The extension of Hope Avenue addresses secondary access concerns.
- The subdivision now incorporates land previously shown as a future phase (phase IV). Hope Avenue (previously Eagle Avenue) has been extended about 580 feet easterly to accommodate these lots. This change was needed for the new lot layout.
- Pedestrian circulation: With the City purchase of a 500-foot river buffer, access along the river is assured. There are several possibilities for pedestrian access through the subdivision to the river. A 30-foot wide pedestrian easement is shown adjacent to Lot 1 along the Falmouth/Portland municipal line. This runs from Hope Avenue to the City 500-foot wide river buffer. The City land purchase also includes land adjacent to Oat Nuts Park which connects to the river buffer.
- A 10-foot wide pedestrian easement is shown within the previous footprint of Pratt Road. This connects Alice Street to Hope Avenue. This easement is consistent with the Portland Transportation Plan of connecting roadways together and is a direct link to Alice Street and other surrounding streets.
- Since the lot layout has changed, a number of the recording plat notes have changed.
- With the elimination of The Brothers Road lots, this eliminates the need for a private low-pressure (force main) system maintained by a homeowners association.

A portion of Hope Avenue and proposed sewer pump station are within the Town of Falmouth. It is expected that a bill will be submitted shortly to the Maine Legislature annexing this section of Falmouth (between this subdivision and the Maine Turnpike) to the City of Portland. Obviously, town of Falmouth approval of the roadway will be required if the annexation is not successful.

Other Permits

This application qualifies for site location review since this project, when combined with adjacent subdivision development undertaken by the applicant exceeds 30 acres. A subdivision of this size exceeds municipal review authority so the DEP will review it.

The applicant will be filing for site location review with the DEP after the City review process.

MDEP Natural Resource Protection Act Permits and Army Corp of Engineers Wetland Permits are also required for a stream crossings associated with Hope Avenue and wetland filling near lots 6 and 7. In addition, the owners of lots 1 to 6, 8 to 10, 15, 16 and 30 will likely need to obtain a DEP permit-by-rule for soil disturbance within 100 feet of a protected stream. According to the applicant, lot owners will be responsible for obtaining these permits.

Although the subdivision borders a shoreland zone (Presumpscot River), all of the lots are located a minimum 500 feet from the shoreline.

Neighborhood Meeting

The applicant has held a number of neighborhood meetings. The most recent one occurred on December 27, 2001 in which the updated subdivision plan was presented. Notes from the meeting are enclosed. Previously neighborhood meetings were held on July 16, 2001, April 2000 and February 29, 2000.

III. STAFF REVIEW

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

1. Water Pollution

The subdivision lots will be served by a public sewer.

2/3. Water Supply

The Portland Water District has previously indicated there is sufficient capacity available to serve 27 lots and meet all normal fire protection and domestic water service demands. Based on comments from the water district on the 30 lot subdivision, the applicant has revised the plans accordingly. An updated letter from the water district verifying approval should be submitted.

An 8 inch water main will be installed in Hope Avenue, which will connect into existing water mains in Curtis Road and Alice Street.

4. Soil erosion, reduction in the capacity of land to hold water

We have previously discussed in detail slope issues relating to this development including implications for construction, disruption to ground cover and natural features, erosion and sedimentation control.

Color coded slope maps were submitted by the applicant to show slope values, buildings windows and undisturbed zones. Of primary concern has been to locate building windows in appropriate locations away from steeper slopes while creating buffers (undisturbed zones) along steep ravines, recognizing that existing groundcover, understory vegetation trees and root structures are part of a natural system that stabilizes soils and steep slopes. After extensive discussions and revisions, the plan has evolved to its present version. Significant progress has been made since the original submission to address such concerns.

- All of the lots are now at least 500 feet from the Presumpscot River. The development is now focused along Hope Avenue eliminating The Brothers Road which had brought building windows much closer to the river.
- The building windows are now smaller eliminating construction and regrading activities on the steepest slopes of the site.
- The “undisturbed zones” shown on the plan help protect the steep slopes and ravines of the site. Recording plat note #6 indicates that no regrading, tree clearance or construction may take place within this zone except to remove diseased or storm damaged trees.

For those lots along the water side of Hope Avenue and two other lots having steep slopes (16 and 30), the recording plat includes note #5 as a way to monitor site construction activities on individual lots and to address the construction challenges posed by this site. This provides for a licensed engineer or landscape architect (who designed the lot site plan) to periodically inspect such construction elements as clearing and grubbing, grading, surface restoration and erosion control measures.

The developer has submitted a variety of information in support of their application. See Green Book. This includes a high intensity soil survey, stormwater analysis, erosion control plan, and an updated environmental report.

A grading, drainage and erosion control plan for the roadway is shown on Attachment A, sheets 10 to 12 and 16. Since the roadway crosses three ravines, grading and erosion control are particularly important. All outlets will have rip rap at culvert discharge points. Various notes on the plan indicate that Curlex Blankets will be installed on slopes greater than 3:1 that have been regraded. Other multimat fabric will be installed on slopes equal to or steeper than 8% for October 1st through April 15th and equal to or steeper than 15% for April 15th through October 1st. Silt fencing is shown along sections of Hope Avenue including adjacent to the ravine crossings.

A level lip spreader shown at the easterly end of Hope Avenue is proposed by the applicant. Staff is reviewing whether an alternative drainage improvement would be more appropriate.

5. Traffic

Traffic Report

A traffic report has been submitted by Gorrill-Palmer consulting engineers. The report indicates that the subdivision will generate 31 weekday AM and 34 weekday PM trips during the peak hours respectively. No high accident locations were found in the vicinity of the site (Auburn/Jackson and Allen/Summit.)

The report's intersection capacity analysis showed that the intersections of Auburn/Jackson and Allen/Summit will operate at an acceptable level of service.

The report concludes that the project "can be safely accommodated on the surrounding street system".

Larry Ash, City Traffic Engineer, has reviewed the plan and the submitted traffic report and finds it acceptable. Mr. Ash indicates that the addition of 3 lots (the previous traffic report was for 27 lots) does not change the conclusions of the traffic report.

Mr. Ash's comments are shown on Attachment D. There was an initial concern whether a 200 foot radius and 5% slope on a curve on Hope Avenue (see Attachment B, drawing 4) was within the City's Technical Standards. He indicates that this does not pose a problem but that parking should be prohibited on both sides of the street between stations 10+00 and 13+00.

Mr. Ash also indicates that he does not have a concern with the 4% gradient at Curtis Road/Hope Street provided that parking be prohibited on both sides of the street.

Circulation

Hope Avenue is the main roadway of the subdivision. It is 3,546 feet long and connects into Curtis Road and the existing Hope Avenue stub off Alice Street. It will be built in its entirety as part of the subdivision plan and will not be phased. The street connections into Alice Street and Curtis Road resolves the access issues of this project. Two roadway connections were needed for fire protection as well as providing a second means to circulate in and out of the subdivision with the existing neighborhood roadway system.

The revised subdivision plan resulted in the elimination of two roadways from the previous plan. The Brothers Road was eliminated with the new lot configuration. Pratt Road (by the sewer pump station) was eliminated because Hope Avenue was extended.

Pedestrian Circulation

Sidewalks are proposed on both sides of Hope Avenue. The applicant is requesting a waiver on one side of Curtis Road which is described later in this report.

With the City purchase of 500-foot river buffer, access along the river is assured. There are several possibilities for pedestrian access through the subdivision to the river. A 30-foot wide pedestrian easement is shown adjacent to Lot 1 along the Falmouth/Portland municipal line. This runs from Hope Avenue to the City 500-foot wide river buffer. Oatnuts Park connects into the acquired City land so access is also available from that location.

A 10-foot wide pedestrian easement is shown within the previous footprint of Pratt Road along lot 22. This connects Alice Street to Hope Avenue. This easement is consistent with the Portland Transportation Plan of connecting roadways together and is a direct link to Alice Street and other surrounding streets.

A stone dust trail with a gravel base and filter fabric should be installed within the easement along lot 22. The developer has not agreed to include this as a subdivision improvement. The City is considering what resources may be available to undertake this improvement.

Street Design

All of the roadways are proposed as public streets (Hope Avenue). Curtis Road extension will be 32 feet wide since it functions as a residential connector street and matches the existing street width. Hope Avenue will have a paved width of 24 feet. Granite curb will be installed along the streets. Sidewalks are proposed on both sides of Hope Avenue.

The applicant is requesting a sidewalk waiver along the westerly side of Curtis Road which will be extended into Hope Avenue (a distance of 188 feet). The easterly side of Curtis Road will have a sidewalk. The lower end of Curtis Road has sidewalks on both sides of the street where it dead-ends on the site. The applicant will need to demonstrate that the waiver request meets the provisions of sec. 506(b).

6/7. Sewer

All of the lots will be served by a public sewer in Hope Avenue. A private force main will no longer be necessary since The Brothers Road and the accompanying lower elevation lots have been eliminated.

The sanitary sewer in Hope Avenue will be connected into a proposed pump station on the westerly end of the street (in Falmouth). The pump station will then pump waste into the Alice Street sewer.

Most of the lots will have gravity service from the residence although some lots depending on the elevation of the house will require an on site privately owned pump station. Sheets 7, 8 and 9 indicate the likely sewer service method for each lot. To provide full disclosure of this to lot buyers, note #11 has been added to the recording plat.

Note #11: Lots within this subdivision may require installation of individual private pump stations to convey sanitary wastes to the municipal system. Refer to sheets 7, 8 and 14 of the plan set for additional information regarding pumping of individual lots. Each deed shall indicate that dependant on the elevation of the lowest plumbing fixture. A private pump station may be required. The perspective purchaser's will be provided with a copy of sheets 7, 8, 9 and 14 of the plan set prior to closing.

The proposed sewer pump station is described on the plan as a "Gorham-Rupp Station as preferred by the City of Portland, final design of the station shall be coordinated with the Public Works Department." The design has not been submitted, therefore the design and specifications of the pump station will need to be a condition of approval.

The pump station is located on a small piece of land (35 feet by 50 feet) with a turnaround that is shown on the recording plat as part of the right-of-way. Based on the final design of the pump station and its actual land area requirements, the City will need to reserve the right to make the pump station land reservation larger if necessary.

Public Works has previously determined that the existing city sewer system in the vicinity of the site has adequate capacity to transport the anticipated water flows from this subdivision. That letter also stated that the Portland Water District treatment facility (located off Marginal Way) had adequate capacity to treat the anticipated wastewater flows of this subdivision. See Green Book. An updated letter from Public Works for 30 lots need to be submitted.

8. Scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat, rare or irreplaceable natural areas.

The land form and natural features of this site are not typical of most subdivisions in Portland. It is adjacent to the Presumpscot River and a large flood plain of the river. It has sensitive natural features such as steep slopes and ravines. Since the original plan was submitted, there have been several modifications made to the plan that improves the protection of these features. The changes include a 500 foot buffer from the river, creating an undisturbed zone and shrinking the size of building windows.

The applicant has submitted an environmental report updating the earlier reports submitted for this project. See Green Book.

The report covers the following resources:

- forest resources
- streams
- rare, threatened or endangered species

Valuable wildlife habitats on the parcel identified by the report include the following:

- the riparian zone of the stream
- the riparian zone of the Presumpscot River
- two (2) vernal pools within the floodplain

The applicant indicates that the vernal pools and riparian area of the Presumpscot River will be protected because no development is proposed within the shoreland zone. The riparian zones of the streams will be protected by drainage easements and the “undisturbed zone.”

See also section #4 of this report.

The subdivision plan indicates that river side lots (1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 15, 16 and 30) have what is described as an “undisturbed zone.” Note #6 on the recording plat reads as follows:

“No tree cutting, grading, disturbance to vegetation or ground cover shall take place within the undisturbed zone. Storm damaged trees, unsafe or dead trees may be removed only if they represent a potential hazard to property or residence. No concentrated runoff shall be directed to this zrea. This note shall appear on the property deed o fall lots with undisturbed zones.”

9. Land Development Plan

Green Spaces, Blue Edges and the Portland Trails Map envision a public access trail along the Presumpscot River. The City will be acquiring from the developer a 500 foot corridor along the Presumpscot as well as other adjacent land which fulfills this.

The Portland Transportation Plan, adopted as part of the City’s Comprehensive Plan, recommends the interconnection of neighborhood streets. With the extension of Hope Avenue to Alice Street as part of this development, the concern of providing a second access further away from Curtis Road has been addressed.

The development meets all zoning minimum lot sizes.

10. Financial and Technical Capacity

A letter pertaining to financial capacity has been submitted (Attachment G).

As discussed previously, existing site conditions have significant limitations. To insure that the site is developed in accordance with the standards of the subdivision ordinance and the plan, the applicant has added note #10 on the recording plat. The note provides for periodic inspection of the subdivision infrastructure including erosion and sedimentation control measures by the project design engineer (Gorrill-Palmer.)



PORTLAND MAINE

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Penny St. Louis Littell- Director of Planning and Development
Marge Schmuckal, Zoning Administrator

October 30, 2008

Oliver Keithly
96 Crestview Drive
South Portland, ME 04106

*file
Custom House
Wharf*

RE: 6 Custom House Wharf – 030-A-001 – WCZ Waterfront Central Zone – permit application #08-1362

Dear Mr. Keithly,

I am in receipt of your request to change the use and make alterations for such use at the previous Boones Restaurant area for the new Harbors Edge banquet function enterprise. Please note that this permit application is denied.

In August, 2008 through your attorney, you requested a zoning determination on the legal status and use of the previous Boones area. On August 15, 2008 I responded with a letter in which I determined that you had lost the restaurant use of the previous Boones restaurant. Again through your attorney, you applied for an appeal of my letter to the Zoning Board of Appeals. However, you requested a hearing date of January 8, 2009.

At the current time my zoning determination letter still stands.

This letter of denial for permit application #08-1362 does not constitute a new window to appeal. The determination letter issued on August 15, 2008 is the basis of any appeal.

Your permit will not be reviewed any further at this time.

Very truly yours,

Marge Schmuckal
Zoning Administrator

RECEIVED

OCT 31 2008

City of Portland
Planning Division

Cc: Penny St. Louis Littell, Director of Planning and Development
Gary Wood, Corporation Counsel
Chris Hanson, Code Enforcement
file



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*Penny Littell- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

August 15, 2008

COPY

James F. Cloutier
Cloutier, Barrett, Cloutier & Conley
465 Congress Street
Portland, Maine 04101-3528

RE: Boone's Restaurant/Harbor's Edge – 030-A-001 – WCZ Waterfront Central Zone

Dear Attorney Cloutier,

I am in receipt of your determination request concerning the site of the former Boone's Restaurant on Custom House Wharf in Portland.

It may be helpful to outline the zoning history regarding the Portland waterfront and Custom House Wharf. The original 1957 zoning on which our current land use zoning ordinance is based originally delineated the waterfront area as an I-3b industrial zone. In April 1983, the land use ordinance was amended to create separate waterfront districts (W-1, W-2, W-3) which allowed marine related uses, residential uses and limited commercial uses such as retail and restaurants. After a City referendum concerning the waterfront and its allowable uses, on May 5, 1987 the voters "stipulated that only marine related uses be permitted within the W-1 waterfront zone" which was the underlying zone for Custom House Wharf at that time. That referendum made many of the existing waterfront uses legally nonconforming, including The Porthole Restaurant and Boones Restaurant. The Portland waterfront was rezoned on January 4, 1993 with new nomenclatures, i.e. WCZ, WPDZ and WSUZ, and with completely revised texts. The current underlying zone for Custom House is currently governed by the WCZ Waterfront Central Zone.

The history of uses for this portion of Custom House Wharf is also an important recognition. Prior to the 1987 referendum there were three (3) distinct uses located in this area on Custom House Wharf: Boones Restaurant, Casco Bay Lines (situated in the middle between the two other uses) and the Porthole Restaurant. This is an important historic fact that has been ignored in your letter which states that only restaurant uses had occupied this area of the wharf. Casco Bay Lines moved to Maine State Pier and vacated their space in November, 1988. Boones Restaurant went out of business in 2005. At that time their kitchen was completely dismantled, with the equipment auctioned off. The area occupied by the Boone's kitchen and the westerly portion of the dining area has been unoccupied since at least 6/12/05. It is my understanding that there are no indication or

plans that the kitchen in this space will be restored now or in the future. On 6/12/05 Boones Restaurant license to operate through the City Clerk's office expired.

It is noted that this office has never received any documentation as to when your client leased this space. Your statement that, "In essence, at all times, the property has been under lease agreement by the owner to others, to operate restaurant facilities on the property. The majority of the property has been continuously open for business for that purpose, other than during portions of 2007 and early 2008 when life safety requirements for the pier structure interrupted business." is not factual. Boones Restaurant which has been the majority area of the space on this portion of the wharf compared to the Casco Bay Lines and the Porthole Restaurant has been continuously unoccupied and dysfunctional since June 2005.

Your reasoning of continued use blurs different City and State authorities and their designated functions as a manner of determining zoning compliance. It is noted that the Assessor's function is that of assessing by State Law. If there is an illegal use in a structure, they will assess that use with no regard to zoning. That is their job. Their assessment of property and use does not legalize any illegal uses. The Land Use Zoning Ordinance is used to determine the legal uses of property. In the same vein, you have asserted that the State Liquor officials have in some manner validated the desired uses your client wants by the combining of liquor license under one domain.

I disagree with your assertion that the area of Boones Restaurant is legally nonconforming and may continue a restaurant use. Under 14-387, I have determined that the restaurant use has been discontinued for more than a period of twelve months. The removal of a restaurant kitchen for more than twelve months renders the restaurant use vacated. The loss of the kitchen under these circumstances is a major determining factor for defining a restaurant. Your client does not wish to restore the former Boones Restaurant kitchen. In fact, it is my understanding your client wishes to use the former Boones Restaurant space, renamed Harbors Edge, not as a "grandfathered" restaurant, but as a different use for a banquet function enterprise. I conclude, therefore, that space shown on attachment #1, labeled "Applicant site plan submittal", has no grandfathered use status and must comply in all respects with current zoning.

You have the right of appeal my decision concerning use. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: Penny St Louis Littell, Director of Planning and Development
Gary Wood, Corporation Counsel
Joseph Gray, City Manager



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

BURT WOLF & BOB ADAM
Portland & Falmouth, Cumberland County
PRESUMPCOT RIVER PLACE,
FALMOUTH PHASE & PHASE 3
L-19486-L2-C-N (approval)
L-19486-L6-D-N

) SITE LOCATION OF DEVELOPMENT
) NATURAL RESOURCES PROTECTION ACT
) WATER QUALITY CERTIFICATION
) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq. and 480-A et seq., and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of BURT WOLF AND BOB ADAM with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: The applicants purchased the project parcel in the mid 1980's and have since developed several residential subdivisions. Presumpscot River Place - Phase 1 was developed in 1984 and consists of 27 lots. Presumpscot River Place - Phase 2 was developed in 1985 and consists of 27 lots. Alice Road and Hope Avenue were constructed in 1993 and consist of a total of 9 lots. Presumpscot River Place - Falmouth was developed in 1998 and consists of 22 lots on 45 acres.

The Falmouth phase obtained a stormwater management permit, DEP #L-19486-NI-B-N, and a Wetland Alteration permit, Tier 1 #98-503-S, for 6,500 square feet of forested freshwater wetland fill. Both permits are dated February 23, 1998. On May 12, 1998, the applicants increased the amount of wetland fill approved by 3,315 square feet, with DEP #98-554-S. DEP # 99-708-S, dated February 18, 1999, approved an additional 990 square feet of wetland fill on lot 4. DEP #99-839-S, dated October 4, 1999, approved an additional 3,078 square feet of freshwater wetland fill. Wetland impacts for the Falmouth Phase now total 13,883 square feet.

B. Summary: The applicants are seeking approval under the Site Location of Development Act (Site Law) for the existing Falmouth Phase of Presumpscot River Place and for a proposed Phase 3 located within the City of Portland. The earlier phases were recorded more than 5 years ago and do not need to be approved under the Site Law. Phase 3 will subdivide a 53.4 acre parcel of land into 29 house lots ranging in size from approximately 0.55 to 2.71 acres, and two lots 31 and 32, 1.46 and 22.41 acres, respectively. The applicants do not propose to develop lots 31 and 32 at this time. Phase 3 is shown on a set of plans, the first of which is entitled "Presumpscot River Place - Phase 3," prepared

by Gorrill-Palmer Consulting Engineers Inc., and dated November 2001, with a last revision date of August 22, 2002. The Falmouth Phase is shown on a set of plans the first of which is entitled, "Final Subdivision Plan," prepared by Stephen W. Tibbetts, P.E. and Owen Haskell, Inc., and dated September 16, 1997. The project site is located at the north end of Curtis Road, in the City of Portland, Maine and to the west of Stapleford Drive, in the Town of Falmouth.

The applicants are also seeking a Natural Resources Protection Act permit to cross three streams for the construction of the access road to Phase 3, Hope Avenue, and to place stormwater outfalls adjacent to the streams. The project will also fill approximately 13,276 square feet of forested freshwater wetlands for the construction of Hope Avenue and lots 6 and 7 in Phase 3.

C. Current Use of Site: The site of Phase 3 is currently undeveloped fields and woodland. There are no structures on the property. The Falmouth Phase is developed with single-family homes. Both phases contain a Central Maine Power Easement and are located adjacent to the Presumpscot River.

2. FINANCIAL CAPACITY:

The cost for the Falmouth Phase was \$400,000. Falmouth Phase has been completed and no improvements are required at this time. The total cost of Presumpscot River Place Phase 3 is estimated to be \$1,597,000. The applicants are in the process of selling a parcel of land along the Presumpscot River to the City of Portland. The applicants submitted a copy of the purchase and sales agreement with the City of Portland and a letter stating that they intend to use that money towards the construction of Phase 3. The applicants also submitted a letter from Peoples Bank, dated March 7, 2002 indicating that it intends to provide additional financing for this project.

The Department finds that the applicants have demonstrated adequate financial capacity to comply with Department standards.

3. TECHNICAL ABILITY:

The applicants provided resume information for key persons involved with the project and a list of projects successfully constructed by the applicant. The applicants also retained the services of Gorrill-palmer Consulting Engineers, Inc., a professional engineering firm, to assist in the design and engineering of the project.

The Department finds that the applicants have demonstrated adequate technical ability to comply with Department standards.

4. NOISE:

The Department finds that no regulated sources of noise have been identified.

5. SCENIC CHARACTER:

The proposed project is located adjacent to other residential subdivisions and undeveloped land that runs along the north and west property boundaries. The applicants are selling a portion of their property, which runs along the Presumpscot River to the City to permanently protect it from development. The project is located in the City of Portland's North Deering neighborhood, an area currently experiencing a high residential housing demand.

Based on the project's location and design, the Department finds that the proposed project will not have an unreasonable adverse effect on the scenic character of the surrounding area.

6. WILDLIFE AND FISHERIES:

The applicants propose to cross three streams for the construction of Hope Avenue. The proposed stream crossings are shown on plans entitled "Grading, Drainage & Erosion Control Detail Plan and Profile," prepared by Gorrill-Palmer Consulting Engineers and last revised June 21, 2002. The inlet and outlets of all proposed stream crossings will be protected with riprap aprons. The first stream crossing, located at station 28 along Hope Avenue, will be a 36-inch culvert and measure 103 feet in length. The second stream crossing, located at station 17.5, will be a 24-inch culvert and measure 115 feet in length. The third stream crossing, located at station 14.5, will be an 18-inch culvert and measure 145 feet in length.

The Maine Department of Inland Fisheries & Wildlife (MDIFW) reviewed the proposed project. In its comments, MDIFW stated that it found no records of any essential or significant wildlife habitats, or other wildlife habitats of special concern associated with this site. IF&W stated that the project could potentially impact fisheries on the Presumpscot River. Subsequently, IF&W fisheries biologists and the applicants' consultant agreed that permanently protecting the proposed stream buffers with deed restrictions will ensure that fisheries on the Presumpscot River are not likely to be impacted by the project. The applicants revised the set of plans referenced in Finding 1 to reflect this agreement. The applicants propose to provide stream buffers that are more than 100 feet wide on lots 5 and 6; a minimum of 100 foot wide on lots 2, 3, 4 and 8; 75 feet wide on lots 1, 9, 10, 15, 16 and 22; and 50 feet wide on lot 30. IF&W also stated that the stormwater drainage system should be designed to minimize water quality impacts to the small streams. The applicants revised the stormwater management plan to move all stormwater outlets a minimum of 25 feet away from the streams. These changes are reflected in the grading, drainage and erosion control plans referenced earlier in this Finding.

The Department finds that the applicants have made adequate provision for the protection of wildlife and fisheries.

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

The Maine Historic Preservation Commission (MHPC) reviewed the proposed project. At the request of MHPC, the applicant conducted both Phase I and Phase II archeological surveys. Upon reviewing the results of those surveys, MHPC stated that the project will not have an effect upon any structure or site of historic, architectural, or archaeological significance as defined by the National Historic Preservation Act of 1966.

The Maine Natural Areas Program database does not contain any records documenting the existence of rare or unique botanical features on the project site and, as discussed in Finding 6, MDIFW did not identify any unusual wildlife habitats located on the project site. The applicants' consultant surveyed the proposed project site and confirmed that no unusual features exist on-site.

The Department finds that the proposed development will not have an adverse effect on the preservation of historic sites or unusual natural areas either on or near the development site.

8. BUFFER STRIPS:

The applicants propose to protect several small streams that flow through the project site with undisturbed buffers as discussed in Findings 6 and 19.

The Department finds that the applicants have made adequate provision for buffer strips.

9. SURFACE WATER QUALITY:

The proposed project is not located within the watershed of a lake or great pond. No discharges to surface waters are proposed other than stormwater.

The proposed project includes 4.55 acres of impervious area and is located within the watershed of the Presumpscot River. Because of the project's location and size, stormwater runoff from the project site must be treated to meet the sliding scale total suspended solids (TSS) standard outline in Chapter 500 of the Department Rules. The applicants propose to remove 40 per cent of TSS from the project's stormwater runoff by installing two Vortech Stormwater Treatment units, Model #5000 and Model #11000, as well as Casco Traps on all catch basins. The locations of the Vortech units, labeled as WQU1 and WQU2, are shown on the plan prepared by Gorrill-Palmer Consulting Engineers Inc., entitled "Grading, Drainage and Erosion Control Plan and Profile," last revised June 21, 2002.

As discussed in Finding 11, the applicants' proposed stormwater management system was reviewed by, and revised in response to, comments from the Division of Watershed Management of the Bureau of Land and

Water Quality (DWM). Specific aspects of the system, including measures to protect water quality, are further discussed in Finding 11.

Based on the stormwater management system's design and the comments discussed above, the Department finds that the applicants have made adequate provision to ensure that the proposed project will meet the stormwater quality standards contained in Department Rules, Chapter 500 and to ensure that the project will not have an unreasonable adverse impact on surface water quality.

10. SOILS:

The applicants submitted a soil survey map and report based on the soils found at the project site. This report was prepared by a certified soil scientist and reviewed by staff from the Division of Environmental Assessment of the Bureau of Land and Water Quality (DEA).

The Department finds that, based on this report and DEA's review the soils on the project site present no limitations to the proposed project that cannot be overcome through standard engineering practices.

11. STORMWATER MANAGEMENT:

The applicants are not proposing a formal stormwater management system to detain stormwater from 24-hour storms of 2-, 10-, and 25-year frequency. Instead, since the project site is located adjacent to the Presumpscot River, the applicants request a waiver from the peak flow standard pursuant to Department Rules, Chapter 500(3)(A)(1).

The stormwater management system proposed by the applicants was reviewed by, and revised in response to, comments from the Division of Watershed Management of the Bureau of Land and Water Quality (DWM). In its comments, DWM stated that the proposed system complies with Department standards for stormwater management and the waiver may be granted.

Based on the system's design and these comments, the Department finds that the applicants have made adequate provision to ensure that the proposed project will meet the stormwater quantity standards for: (1) peak flow from the site and peak flow of the receiving waters; (2) grading or other construction activity; (3) channel limits and runoff areas; (4) maintenance; (5) discharge to freshwater wetlands; and (6) level spreaders.

12. MAINTENANCE OF COMMON FACILITIES:

The applicants will be responsible for the maintenance of all common facilities including the road and stormwater management system, which maintenance will include, but not be limited to, any necessary erosion and sedimentation control measures, and the long-term maintenance of the stormwater management system as outlined in Section 13 of the application.

13. EROSION AND SEDIMENTATION CONTROL:

The applicants submitted an Erosion and Sedimentation Control Plan as Section 24 of the application. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of DWM. Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

The Department finds that the applicants have made adequate provision to control erosion and sedimentation.

14. GROUNDWATER:

The project site is not located over a mapped sand and gravel aquifer. The project does not propose any withdrawal from, or discharge to, the groundwater except for the subsurface wastewater disposal systems in the Falmouth Phase. DEA reviewed the proposed project and commented that there will not be an impact to groundwater.

The Department finds that the proposed project will not have an unreasonable adverse effect on ground water quality or quantity.

15. WATER SUPPLY:

When completed, the proposed project is anticipated to use 19,080 gallons of water per day. The Portland Water District will supply the water. The applicants submitted a letter from the District, dated January 17, 2002, indicating that it will be capable of servicing this project.

The Department finds that the applicants have made adequate provision for securing and maintaining a sufficient and healthful water supply.

16. WASTEWATER DISPOSAL:

When completed, Phase 3 of the proposed project is anticipated to discharge 10,800 gallons of wastewater per day to the City of Portland's Portland Water District wastewater treatment facility. The applicants and the City of Portland agreed to extend the sewer lines and construct a pump station to serve this project. The applicants submitted a letter from the City of Portland's Public Works Department stating that it will accept these flows. This project was reviewed by the Division of Engineering, Compliance and Technical Assistance of the Bureau of Land and Water Quality (DECTA), which commented that the City of Portland's Portland Water District wastewater treatment facility has the capacity to treat these flows and is operating in compliance with the water quality laws of the State of Maine.

Based on DECTA's comments, the Department finds that the applicants have made adequate provision for Phase 3's wastewater disposal at a facility that has the capacity to ensure satisfactory treatment.

Wastewater for the Falmouth Phase is currently being disposed of by individual subsurface wastewater disposal system on each lot. The applicants submitted the soil survey map and report discussed in Finding 14. Each individual system was designed to meet the requirements of the Maine State Plumbing Code. This information was reviewed by, and revised in response to comments from DEA.

Based on DEA's comments, the Department finds that the wastewater disposal systems were built on suitable soil types.

17. SOLID WASTE:

When completed, the proposed project is anticipated to generate 450 cubic yards of household solid waste per year. All general solid wastes from the proposed project will be disposed of at Regional Waste Systems, which is currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine.

The proposed project will generate approximately 5,880 cubic yards of stumps and grubblings. All stumps and grubblings generated will be disposed of on site, either chipped or burned, with the remainder to be worked into the soil, in compliance with Solid Waste Management Regulations of the State of Maine or will be disposed of at the Jolly Farmer facility in Poland, which is currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine.

The proposed project will generate approximately 400 cubic yards of construction debris and demolition debris. All construction and demolition debris generated will be disposed of at Maine Energy Recycling Company, which is currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine.

Based on the above information, the Department finds that the applicants have made adequate provision for solid waste disposal.

18. FLOODING:

The proposed project is not located within the 100-year floodway of any river or stream.

The Department finds that the proposed project is unlikely to cause or increase flooding or cause an unreasonable flood hazard to any structure.

19. WETLAND IMPACTS:

The applicants propose to alter 13,276 square feet of forested freshwater wetland to construct the Phase 3 access road and to place fill on Lots 6 & 7. The Falmouth Phase previously altered 13,883 square feet of freshwater wetlands as outlined in Finding 1. The cumulative impact on freshwater wetlands for this project totals 27,159 square feet.

The Wetland Protection Rules, Chapter 310 requires that the applicants meet the following standards:

a. Avoidance. No activity, which would cause a loss in wetland area, functions and values, will be permitted if there is a practicable alternative to the project that will be less damaging to the environment. The applicants submitted an alternative analysis for the proposed project. There are no other alternatives that would impact less wetlands.

b. Minimal Alteration. The applicants are required to minimize the amount of wetland alteration while meeting the project's purpose. The applicants designed the project to minimize wetland impacts. Building windows have been changed to avoid wetland impacts to the greatest extent practicable.

c. Compensation. The applicants have not submitted a functional assessment. Department staff visited the site on several occasions and determined that a functional assessment was not necessary. The applicants propose to protect 7.6 acres of streams and forested uplands with a deed restriction. The protected area is shown on a plan entitled, "Wetland Permitting Plan Presumpscot River Place," prepared by Gorrill-Palmer Consulting Engineers Inc., and last revised August 22, 2002. Prior to the start of construction, a copy of the recorded deed restriction must be submitted to the Bureau of Land and Water Quality.

The Department finds that the applicants have avoided and minimized wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the project's purpose.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.

- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S.A. Section 480-P.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicants have provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicants have made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities provided a copy of the recorded deed restriction is submitted to the Bureau of Land and Water Quality as discussed in Finding 19.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicants have made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of BURT WOLF & BOB ADAM to construct Presumpscot River Place, Falmouth Phase and Phase 3, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.

2. In addition to any specific erosion control measures described in this or previous orders, the applicants shall take all necessary actions to ensure that their activities or those of their agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. The applicants shall include in all conveyances of subdivision lots deed restrictions making the conveyance subject to all terms and conditions of this Department permit and any applicable municipal approval. These terms and conditions may be incorporated by specific and prominent reference to the permit in the deed. All conveyances required by this approval to contain restrictions shall include in the restrictions the requirement that any subsequent conveyance shall specifically include the same restrictions.
4. The applicants shall give a copy of this permit, including the standard conditions, and a copy of the approved subdivision plan to each lot buyer at least 14 days prior to the date of closing on the sale or lease of the lot. The applicants also shall maintain a file containing signed and dated statements by lot buyers or lessees acknowledging that they have received and read their copy of this permit and the subdivision plan prior to the closing on their lot. The file shall also contain a copy of the signed and dated deed or lease containing the restrictive covenants required under this approval. The applicants shall make this file available for inspection upon request by the Department.
5. Prior to the start of construction, a copy of the recorded deed restriction shall be submitted to the Bureau of Land and Water Quality.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 23rd DAY OF August, 2002.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

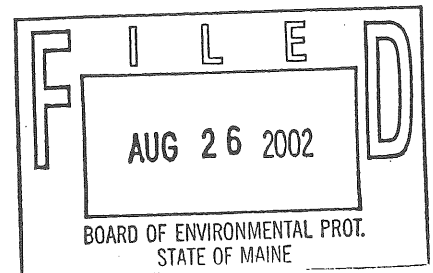
By: 

 MARTHA G. KIRKPATRICK, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application 3/12/02
 Date of application acceptance 3/19/02

Date filed with Board of Environmental Protection
 deh/L19486cn



SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL
IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.
2. The applicant shall secure and comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreements, and orders, prior to or during construction and operation as appropriate.
3. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.
7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised November 1, 1979

STANDARD CONDITIONS

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET.SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Initiation of Activity Within Two Years. If construction or operation of the activity is not begun within two years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within two years from the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.
- F. Reexamination After Five Years. If the approved activity is not completed within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.
- G. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- H. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- I. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.



DEPARTMENT OF THE ARMY
 NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
 696 VIRGINIA ROAD
 CONCORD, MASSACHUSETTS 01742-2751

REC-100-150
 JUL 10 2002
 BY

REPLY TO:
 ATTENTION OF:

DEPARTMENT OF THE ARMY PROGRAMMATIC GENERAL PERMIT
 STATE OF MAINE, SUMMARY OF SCREENING AND STATUS

BOB ADAM & BURT WOLF
 C/O GORRILL-PALMER
 P.O. BOX 1237
 GRAY, MAINE 04039

JUL 10 2002

CORPS PERMIT # 200200725
 CORPS PGP ID# 02-028
 STATE ID# 19486-L6

DESCRIPTION OF WORK AS ON ATTACHED STATE APPN:

Place fill in freshwater wetlands off Curtis Road at Portland, Maine in conjunction with the development of "Presumpscot River Place-Phase 3", a 30 lot residential subdivision. Approximately 0.3 acres of wetland will be impacted by the project. Previous phases of the same subdivision have impacted approximately 0.37 acres of wetland (Corps Permits No. 199902459, 199801196, & 199800091). Cumulative wetland impact for all phases is approximately 0.67 acres. To address DEP requirements for compensatory mitigation, the permittee will convey approximately 49 acres of land abutting the Presumpscot River to the City of Portland to be preserved and protected in perpetuity.

UTM GRID COORDINATES N: 43° 43' 11.56"N E: 70° 16'39.56"W USGS QUAD: PORTLAND WEST, ME

I. STATE ACTIONS: PENDING [x] ISSUED [] DENIED [] DATE _____

LEVEL OF STATE REVIEW: PERMIT BY RULE: _____ TIER 1: _____ TIER 2: _____ TIER 3: X (NRPA)

II. FEDERAL ACTIONS:

DATE STATE FILE REVIEWED: 3/28/02 (PGP JP MEETING)

LEVEL OF CORPS REVIEW: CATEGORY 1: _____ CATEGORY 2: X

AUTHORITY: SEC 10 _____, 404 X 10/404 _____, 103 _____

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

ESSENTIAL FISH HABITAT (EFH): EFH PRESENT Y (N) (CIRCLE ONE)

IF YES: Based on the terms and conditions of the PGP, which are intended to ensure that authorized projects cause no more than minimal environmental impacts, the Corps of Engineers has preliminary determined that this project will not cause more than minimal adverse effects to EFH identified under the Magnuson-Stevens Fisheries Conservation and Management Act.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO _____, USF&WS NO _____, NMFS NO _____

CORPS DETERMINATION: We authorize your project as proposed and as shown on the plans submitted to the Corps under the State of Maine PGP.

Please note that all work is subject to the conditions contained in the general permit and any additional special conditions listed on any attached sheets. No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. Also, this permit requires you to notify us before beginning work and allow us to inspect the project. Hence, you must complete and return the attached Work Start Notification Form(s) to this office no later than two weeks before the anticipated starting date. (FOR PROJECTS REQUIRING MITIGATION, BE SURE TO INCLUDE MITIGATION WORK START FORM)

Additional Special conditions Attached: YES (NO) (CIRCLE ONE)

The Corps of Engineers has implemented an administrative appeals process for jurisdictional determinations. If you are interested in appealing the jurisdictional determination for this project; or if you would like any additional information pertaining to the appeals process, please contact Shawn Mahaney or Rod Howe of my staff at 207-623-8367 at our Manchester, Maine Project Office.

Jay L. Clement
 JAY L. CLEMENT
 SENIOR PROJECT MANAGER
 MAINE PROJECT OFFICE

David H. Killoy 7/9/02
 DAVID H. KILLOY DATE
 CHIEF, PERMITS & ENFORCEMENT BRANCH
 REGULATORY DIVISION

CITY OF PORTLAND, MAINE

PLANNING BOARD

Jaimey Caron, Chair
Deborah Krichels, Vice Chair
Kenneth M. Cole III
Cyrus Y. Hagge
Erin Rodriguez
Mark Malone
Orlando E. Delogu

January 30, 2002

Mr. Al Palmer
Gorrill-Palmer Consulting Engineers, Inc.
PO Box 1237
Gray ME 04039

RE: Presumpscot River Place Subdivision - Vicinity of Curtis Road

CBL: 389-G-003

Dear Mr. Palmer:

On January 22, 2002, the Portland Planning Board voted on the following motions for the 30-lot Presumpscot River Place Subdivision in the vicinity of Curtis Road proposed by Bob Adam and Lloyd Wolf.

1. The Planning Board voted 5-0 (Malone absent) that the plan is in conformance with the Subdivision Ordinance. The approval is subject to the following conditions:
 - i. That all easements (pedestrian walkways and drainage) shall be submitted to Corporation Counsel for review and approval and shall be referenced in any affected property deeds.
 - ii. Parking shall be prohibited on both sides of Hope Avenue between stations 10+00 and 13+00; and that parking shall be prohibited 100 feet on both sides of the street from the Curtis Road/Hope Street intersection. "No parking signs" shall be installed at these locations as directed by the City Traffic Engineer.
 - iii. That the applicant submit a street deed including metes and bounds description for Hope Avenue for review and approval by Corporation Counsel.
 - iv. That the design and specifications for the sewer pump station shall be submitted for Public Works review and approval. Should the design require additional land for the sewer pump station reservation shown on the subdivision plan, the reservation shall be increased in size.

- v. That a revised plan shall be submitted for City staff review and approval reflecting a stabilized outlet channel replacing the level lip spreader at the easterly end of Hope Avenue. Prior to clearing vegetation for the outlet channel, applicant shall contact the City Arborist to field locate the outlet channel in order to minimize tree clearance.
 - vi. That the drainage easement note on the recording plat shall be revised to read: "30 ft. Private Drainage Easement Centered on Drainage Course." The pedestrian easement notes on the plan shall reference "City of Portland Pedestrian Easement."
 - vii. That a letter shall be submitted by the subdivision land surveyor to City staff for review and approval, confirming that the survey shown and stamped on the subdivision recording plat survey includes all the lot lines and street rights-of-way of the subdivision.
 - viii. That the undisturbed zones on the recording plat shall be clearly labeled with dimensions.
 - ix. That utility capacity letters shall be submitted to City staff for review and approval. A letter shall also be submitted confirming Central Maine Power's review of the two road crossings through their easements.
 - x. That the recording plat shall not be released for recording until either: 1) Falmouth land west of the subdivision is annexed by the City of Portland, or 2) the applicant's right to connect to sewer in Falmouth is approved in writing from the Town of Falmouth and the applicant's right to construct Hope Avenue is approved by the Town of Falmouth.
 - xi. That access to lot 16 shall be only from Hope Avenue.
 - xii. The recording plat shall be revised to clearly specify the conveyance of land regarding the "outparcel" along Curtis Road.
 - xiii. No certificate of occupancy shall be issued for any house lot in the subdivision until the base pavement has been completed along the entire length of Hope Avenue in Portland as well as Falmouth.
2. The Planning Board voted 5-0 (Malone absent) not to grant the request for a waiver of a sidewalk on the westerly side of Curtis Road.

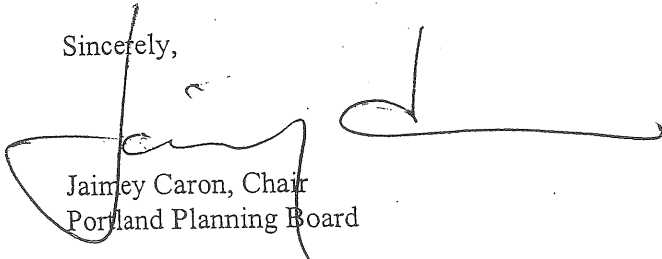
The approval is based on the submitted subdivision plan and the findings as contained in Planning Report #4-02, which is attached.

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 2.0% 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 performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
7. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Department at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions regarding the Board's actions, please contact Richard Knowland at 874-8725.

Sincerely,



Jaimey Caron, Chair
Portland Planning Board

cc: Alexander Jaegerman, Planning Director
Sarah Hopkins, Development Review Program Manager
✓ Richard Knowland, Planner/Senior Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jodine Adams, Inspections
William Bray, Director of Public Works
Larry Ash, Traffic Engineer

September 23, 2002

Mr. Rick Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101-3503

Subject: Presumpscot River Place Phase III
Mylar

Dear Rick,

Last week our office provided you with a mylar for the Board's signature for the above referenced project. As we discussed, there were several minor revisions to the project layout as a result of the MDEP review, which have been incorporated into the latest plan. These revisions include:

- Elimination of Lot 21, the lot, which was adjacent to the southerly side of Curtis Road. The area for Lot 21 was incorporated into Lot 20, to reduce overall wetland impacts.
- Increasing the undisturbed zones on Lots 1 and 3. The DEP required a minor enlargement of the undisturbed zones, on the order of 10' to 15' to provide a larger buffer to the stream that traverses these two lots.
- As the undisturbed zones on Lots 1 and 30 were increased, this resulted in the building envelope being reduced. The lot lines for lots 2 - 6, and lots 26 - 29 were shifted to the south by approximately 16' (4' per lot) to compensate for the increase in the undisturbed zones.

It is our understanding that you will have the mylar signed at the September 24, 2002 Board meeting. Please call us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Alton M. Palmer, P.E.
Vice President

Enclosure

copy: Burt Wolf
Bob Adam

AMP/aw/JN98089/Knowland9-23-02

January 18, 2002

Mr. Rick Knowland
City of Portland
389 Congress Street
Portland, ME 04101-3503

RE: Presumpscot River Place Phase III
Portland, Maine

Dear Rick:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to the review comments received via e-mail from Anthony Lombardo on January 9th, Rick Knowland on January 11th and 16th and Steve Bushey on January 14th and 15th in regards to the above referenced project.

Comments by Anthony Lombardo 01-09-02:

Comment 1 – The applicant still has not answered the questions asked in my previous memo dated 12-17-01, regarding the construction sequencing and proposed buildout of the subdivision. At what percentage completing of the project does the applicant plan to seek acceptance of the street, thereby completing curb installation, sidewalk, driveway apron and roadway surfacing? The plans do not offer a detailed construction sequencing and estimated construction schedule specific to the road construction and lot development. Is the buildout to be phased? The three notes offered in response to these same questions, in my 12-17-01 memo, offer very little detail or commitment on the part of the applicant.

Response – As discussed at our meeting on January 14, 2002 a note has been added to the plat which states, “The roadway will be completed and offered to the City for acceptance within two years of posting of the performance guarantee unless the City and Applicant agree in writing to extend the duration of the guarantee, and the performance guarantee is extended accordingly”.

Comments by Rick Knowland 01-11-02:

Comment 1 – Recording plat has not been stamped by a land surveyor yet.

Response – A revised stamped plan has been provided.

Comment 2 – Updated list of all NRPA permits and where they will be needed.

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Response – The applicant will be submitting a Site Location of Development Act permit to the MDEP for the entire development, including the existing portion of the subdivision in Falmouth. We will also be requesting a Natural Resource Protection Act permit for the following items:

- ◆ Filling of wetlands on lots 7 and 25
- Filling of wetlands for the construction of Hope Avenue at approximately Sta 24+00
Culvert crossings at Stations 17+50 and 28+00.

Comment 3 – Easements are not specifically labeled on the recording plat.

Response – All easements have been labeled on the revised plat.

Comment 4 – Need to submit an updated sidewalk waiver request for that section of Curtis Road that you aren't proposing a sidewalk.

Response – A separate letter requesting the waiver is enclosed.

Comment 5 – Where is the last street light on Curtis Road? Not shown on the plan. If it's too far from the Curtis/Hope intersection you'll need another one.

Response – An additional light has been added on Curtis Road.

Comment 6 – Previously I requested that the Falmouth Planning Office receive an updated copy of the subdivision plan. Has that happened?

Response – A copy of the Subdivision plat will be forwarded to the Town of Falmouth.

Comment 7 – Specific easements for this subdivision have not been submitted to Corporation Counsel to date.

Response – It is Gorrill-Palmer Consulting Engineers, Inc.'s understanding that this information will be coordinated between Terry Snow and Corporate Council.

Comment 8 – The dimensions of the undisturbed zone line are not shown on the plan. They were shown on your September plan.

Response – The revised plat includes dimensions on the undisturbed zone.

Comment 9 – Note #6: The previous note #6 in your September submission was much better than this. I would recommend you go back to the original note language. The ability to cut down anything under 16 inches in diameter is extreme particularly in areas that are supposed to be protected.

Response – The note has been revised back to Note 6 from the September plan.

Comment 10 – Guard rail: In the context of a residential neighborhood, a wood guard rail is

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aesthetically a better choice.

Response – The guard rail detail has been revised to be wooden.

Comment 11 – The pedestrian easement: If the walkway cannot be paved like any other sidewalk, than I am recommending that a split rail fence be installed along the property line. This accomplishes two things; people know where they are supposed to go avoiding trespass issues and the trail is clearly marked so it can't be subverted by a future uncooperative abutting property owner. The walkway should be constructed of gravel with a filter fabric. This design detail should be submitted for review.

Response – Pursuant to the agreement between the Applicants and the City of Portland regarding the sale of land and granting of the easement for pedestrian access between Alice Street and Hope Avenue, it is the opinion of the Applicant that any improvements to this easement are the responsibility of the City. While the applicant would be willing to review a plan developed by the City regarding potential improvements, it is noted that the Applicants are of the opinion that a split rail fence may result in loitering and would recommend an alternative treatment such as shrubs to provide the visual barrier the City desires.

Comment 12 – I assume the review letters from the appropriate utilities are in transit?

Response – Our office has contacted the City of Portland Engineering Department, and they indicated that a letter would be provided to the Planning Office. A letter from the Portland Water District is attached.

Comment 13 – Note #5: Should be modified to include lots 7, 12-14. To be more flexible, the following sentence could be added as the last sentence of the note; "This construction phase site inspection requirement need not apply to lots 7, 12-14 if the Portland Planning Authority determines in writing upon submission of a lot site plan, that these services are not needed due to the location of the improvements on the lot, site conditions, grading and proposed building elevations."

Response – Note 5 has been revised to reflect our meeting on January 14, 2002 to state: "Site inspection requirements will not apply to Lots 7 and 12-14 unless the Portland Planning Authority determines in writing upon submission of a lot site pan that these services are required due to the location of the improvements on the lot, site conditions, grading and proposed building elevations."

Comment 14 – Show the connection of the force main sewer into Alice Street.

Response – Gorrill-Palmer Consulting Engineers, Inc. has included additional plans in the plan set that include the connection of the force main to the existing sewer manhole in Hope Avenue.

Comment 15 – We have not received the design and specifications for the pump station. It will obviously need to be a condition of approval.

Response – As previously discussed with your office the pump station information would be a condition of approval.

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of approval.

Comment 6 – Has CMP signed off on the extension of the road through their ROW?

Response – It is noted that Curtis Road is currently constructed half way across the CMP easement, so presumably they don't have a problem with it's location. Your office indicated that it was acceptable to have a condition of approval that we obtain CMP's approval, prior to the start of construction.

Comment 7 – Is Public Works okay with the minimum road radii and street vertical alignment? A 200' radii on a 5% slope may be too sharp. The engineer should comment on all available sight distances.

Response – The 200' radius and 5% slope are within the limits of the Technical Standards. It is our understanding that Larry Ash is reviewing this item, and we will await Mr. Ash's review.

Comment 8 – Will the City plan any timing limits for the acceptance of the streets? Shouldn't they be complete and accepted within a maximum time frame so that the City avoids 10 years from now the streets are still not accepted?

Response – A note has been added to the plat which states "The roadway will be completed and offered to the City for acceptance within two years of posting of the performance guarantee unless the City and Applicant agree in writing to extend the duration of the guarantee, and the performance guarantee is extended accordingly".

Comment 9 – Signage indicating a dead end on Hope Avenue should be provided.

Response – A sign has been added to the plan set.

Comment 10 – Where does the 4" FM go? Design?

Response – Gorrill-Palmer Consulting Engineers, Inc. has included additional plans in the plan set that include the connection of the force main to the existing sewer manhole in Hope Avenue.

Comment 11 – Where are the Curtis Road profiles?

Response – Gorrill-Palmer Consulting Engineers, Inc. has included additional plans in the plan set that include the profile of Curtis Road.

Comment 12 – The Technical Standards require 3% street profile at least 100' each side of an intersection on all streets. The intersection of Hope Avenue and Curtis Road doesn't meet this. This may need to be revised.

Response – The profile for Curtis Road has been revised to maintain a maximum slope of 3% for 100 feet from Hope Avenue. It is our office's opinion that this standard only applied to stop condition intersections, not on the through road.

Comment 13 – The label for the 24" culvert at Sta 17+50 is incorrect on the profile

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Response – The label has been revised.

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Additional Comments by Steve Bushey 01-15-02:

Comment 1 – A complete design for the pump station including wet well sizing, separate valve chamber, emergency storage, control panel and telemetry system should be provided.

Response – As previously discussed with your office the pump station information would be a condition of approval.

Comment 2 – Will the Alice Street pump station be eliminated and will those flows be directed to the new station? I would think the City is not interested in having two pump stations in that area.

Response – A pump station has been proposed on Hope Avenue (previously Eagle Avenue) since at least April of 2000. The discussions with Public Works to date has been that the pump station will accept flows from the subdivision and discharge to the gravity system that is tributary to the Alice Street pump station. As part of our November 28, 2000 submittal to the Planning Board, a letter from the Department of Public Works dated November 13, 2000 indicated that the City System (which would have included the Alice Street pump station) has adequate capacity to transport and treat the flows anticipated from the 27 lots. Our office has requested an updated letter to document that there is adequate capacity to transport and treat the flows from the expanded project (3 more lots).

Comment 3 – If the Alice Street pump station is eliminated than SMH 8 should line up with what appears to be an easement along Lot 22.

Response – As noted above, the Alice Street pump station is not proposed for elimination.

Comment 4 – The apparent easement along Lot 22 should be labeled and identified on the subdivision plan.

Response – All easements have been labeled on the revised plat.

Comment 5 – Is the easement area large enough for the pump station? Adding a valve chamber and emergency storage tank will take up more room than is available.

Response – The easement area will be expanded to insure that a valve chamber could be accommodated. It is our understanding that the current pump station design criteria used by the City would not require a valve chamber. As the Alice Street pump station is not proposed to be eliminated, an emergency storage tank should not be required as adequate volume should be provided in the pump station.

Comment 6 – There appears to be a conflict at Stat 28+90 with the water and sewer. The Curtis Street profile is missing.

Response – The conflict has been addressed. The Curtis Road profile has been included in the plan set.

Comment 7 – Did the City ever require some geotechnical data for this project? Test pit or boring data should be shown on the plan if available. What are the expectations regarding shallow rock and blasting? Has a blasting plan been submitted?