



Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237
26 Main St.
Gray, ME 04039

Traffic and Civil Engineering Services

Meeting Notes

207-657-6910
FAX: 207-657-6912
E-Mail: gpcei@maine.rr.com

Subject: Neighborhood Meeting – Presumpscot River Place Phase 3
Attendees: Al Palmer, Gorrill-Palmer Consulting Engineers, Inc.
Doug Reynolds, Gorrill-Palmer Consulting Engineers, Inc.
Bob Adam
Date: See attached sign-up list
July 16, 2001, 6:00 PM
Job #: 98089
Distribution: Rick Knowland, Burt Wolf, Bob Adam, File

On Monday July 16, 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 mailed letters, which were sent out on July 5, 2001. This meeting was held to meet the requirements of the City of Portland Planning Department.

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

Mr. Dorler, who lives at 4 Alice Court, expressed his concern that the width of Garsoe Drive and Alice Court were inadequate during this past winter and had concerns that adding more traffic would make the situation worse. Mr. Palmer responded that he did not believe that the streets were City accepted streets during the past winter and that the plowing situation would be improve once the City of Portland was responsible for the plowing of the roads.

Mr. Berg expressed his continued concern with the loss of the existing trail system within the development area. Mr. Palmer assured him that the trails that exist to the north and south of the development area would remain in their current condition and that no measures were anticipated to be taken to limit the use of the undeveloped areas.

Mr. Berg asked why the area between Curtis Road and Pratt Road was not considered a lot in the subdivision. It was indicated that the area is being conveyed to the abutter to the west, as has always been the case.

Mr. Goodman asked about the accessibility to the riverfront property. It was indicated that the applicant was currently having negotiations with the City of Portland concerning easements to and the purchase of this land.

Gorrill-Palmer Consulting Engineers, Inc. closed the meeting by indicating to the attendees that there would be a public hearing with the Planning Board on July 28, 2001.

Prepared by:


Doug Reynolds

PRESUMPTSCOTT RIVER PLACE

NEIGHBORHOOD MEETING SIGN-UP

7/16/01

NAME

Address

1. Ronald Dorler Jr.

4 Alice Court.

2. Laurie Hesselink

3 Alice St

3. MICHAEL PEISNER

26 OVERSET

4. STEVE BERG

10 Whaleboat

5. Joseph Goodman

92 Alice St.

FIRST NEIGHBORHOOD MEETING
PRESUMPCOT RIVER PLACE SUBDIVISION
2-29-00
SUMMARY OF PUBLIC COMMENTS

- How is additional development going to impact Curtis Road? At the crest of the hill on Curtis Road two kids were hit in 1969. Cars are parked on both sides of the street. One access to the subdivision is a problem. Access is key. Has trouble backing his car out of the driveway.
- Development needs a second access.
- Lives on Carter street; heavy equipment has been going on Carter Street; speeding; the situation should be looked at.
- This proposal will funnel more cars into Summit Street; will get busier; should find another access way other than through Summit Street.
- How many cars would come up Curtis Road with this development?
- Curtis Road alone doesn't work for access. Need a 2nd access right now. Curtis is a speedway, a long straight road. Called the City about a stop sign or speed bumps.
- Lives on Carter Street. Water pressure is a problem. Lived there for 23 years.
- Water pressure is a problem.
- Need to have the Portland Water District at the next meeting.
- Does this development have any accommodation for public access along the Presumpscot River? This project skirts DEP site location review. A unique opportunity for the City to pick this up for parkland.
- Recently \$10,000 was spent on a little league field; no other fields. City should take this into consideration.
- It sounds like people on mountain bikes and others won't be able to use the river trail anymore.
- This area needs a master plan for streets and green spaces. There should have been other street connections. This has occurred too incrementally.
- There is no good safe solution for access.
- Access issues for fire safety.
- Question on sewer capacity.

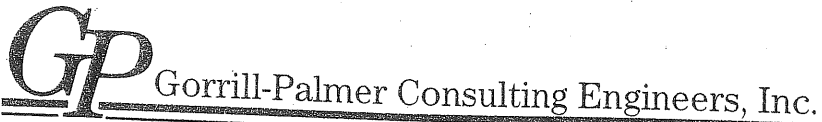
- More people will be hearing the noise of the pump station; back up of the pump station during big rain storms.
- Will you be creating any detention basins?
- Have the soils been tested for clay? Concern about whether portions of this site are developable (clay shingling.) Friends of the Presumpscot River are doing planning for the river corridor.
- This project should be looked into a global context.
- A blind curve exists by Cladboard and Alice.
- What about school capacity?
- Whole area needs to be looked at . . . schools, access, recreation . . . schools and game fields are over-crowded. More houses will hurt the schools.
- Sewer capacity question. Needs to take into account the Auburn Pines development.
- What about the impact of run-off from the roadways into the river?
- What is the long range plan for this development? It is being done in a piecemeal manner.
- Concerned about safety, schools, athletic fields. City should do what is right and what is good for the long term.
- Developer should show his entire landholdings.
- Bring the Portland Water District to a meeting.
- Traffic is a concern. Too much traffic for Summit and Curtis.

SECOND NEIGHBORHOOD MEETING ON
PRESUMPCOT RIVER PLACE SUBDIVISION
4-10-00
SUMMARY OF PUBLIC COMMENTS

- Even with the new access, people will still go up to Curtis Road
- Has a traffic study been done?
- New access won't help Curtis Road. Put an access somewhere else.
- If the developer owns the adjacent land, extend the street.
- Why can't an access to route 100 be done now?
- Block off Curtis Road from the development.
- Is there a plan for open space for this development? Why not incorporate recreation space? Should have an impact fee for open space. Should have speed bumps or police to slow down vehicles. Construction vehicles going down Curtis Road is a danger to kids.
- Water supply and pressure concerns.
- What is the ISO fire flow standard?
- The plan should show the entire landholdings of the developer.
- The developer should show a layout of the remaining vacant land.
- What is the selling price of houses?
- A pond has been filled in on the property.
- Water quality and stormwater runoff to the Presumpscot River is an important issue.
- Traffic is an important issue.
- Curtis Road is narrow at the top. Should carefully review these things before we go forward.
- The grand scheme hasn't been provided yet. All the house lots for the developers landholdings have not been shown.
- Original plan is 11 years old.
- What happens if Curtis Road isn't widened enough?
- Doesn't trust the City.

- A question on traffic statistics for this area.
- A traffic count should be done on Curtis Road.
- Development is like a traffic funnel. Developer should show the entire development scheme.
- Land has gullies and brooks. Are you going to bulldoze these areas? There is an effort to clean up the Presumpscot River.
- Send notices to all people on Summit Street.
- North Deering needs more open space.
- There are a lot of small kids on Jackson Street - a safety concern with traffic.
- Send notices to other streets like Jackson.
- School are overcrowded. Too many modular classrooms. North Deering is overcrowded. Traffic is an issue. There are no parks. No open space and recreation for kids to go to. City is letting residents down with respect to schools and open space. City is missing the big picture stuff.
- School capacity issue.
- Should look at school capacity for 5 to 10 years.
- During review of earlier Presumpscot River Place phase, the planning board indicated a concern about having another access for this development.
- Traffic counts should be done for Curtis Road.
- Has the developer consulted with Portland Trails?
- People use the trails all the time. Will there be any public access to these trails in the future?
- Would the developer consider preservation easements for this land? It would be a welcome gesture to the neighborhood if public access was provided.
- There is a difference between reserving open land and specifically providing for trail access.
- Curtis Road traffic info is needed.
- Keep the street clean from muddy construction trucks.
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DER/der/JN98089/meetingnotes7-16-01

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LAURA & SCOTT GAGNON
79 CURTIS ROAD
PORTLAND, ME. 04103
207-797-5428

July 16, 2001

Mr. Jaimie Caron
Chair, Planning Board
City of Portland
389 Congress Street
Portland, ME 04101

RE: Presumpscot River Place III – Proposed Conditions

I am writing to you for the first time regarding this project. I have lived on Curtis Road for about two years, but recently have become aware and very *concerned* about the development as referenced above.

As a resident of Curtis Road who has not yet written or “testified”, I would like to add the following as my direct experience:

1) **Curtis Road** is already **overburdened** without any of the proposed subdivisions. The traffic going to and from the “lower” portions of the street is substantial and more drivers speed than do not. I find it impossible to envision this road solely servicing 30 additional house lots (with the potential for 100 more?) *even* with a required access road extended from Eagle Avenue! Without the access road, I can only assume Curtis Road will become nothing less than a “freeway”. I do not know which reports show that Curtis Road can “handle” the additional traffic, but would love to see them. Did any of the reports include the speed with which the “current” vehicles travel? Curtis Road is at the capacity for a residential neighborhood. If you disagree, kindly give me information regarding any other neighborhood street that solely handles the traffic for as many house lots as are the potential here. Additionally, I would be glad to “open” my home to any of you who would like a first hand view of the amount and speed of the existing traffic using Curtis Road.

2) I have three **children** (ages 1, 6, 12) and there are many children on the street that would love to ride their bikes and otherwise play safely. This is already not “advisable” for smaller children and would easily become a “death wish”, in my opinion, without the additional access road, monitoring of speed by the city and, perhaps, the installation of speed bumps. I am also afraid to think what Curtis Road will be like once the big construction vehicles servicing the subdivision project begin speeding up and down the road. We, with the Planning Board’s assistance, need to ensure the safety of the children living and playing in this area. I believe that building the additional access road should be nothing less

than a *requirement*. Even if this is done, it still will not solve the problem on Curtis Road, only lighten the load. I feel so strongly in this regard that, at the very least, I will have this correspondence as future reference *when* the unfortunate circumstance arises and an innocent child is maimed or killed while at play on Curtis Road.

3) **North Deering** sorely needs **open space and recreational land**. We are lucky to have half the open space of any other neighborhood in the city. Lyseth is overcrowded already (playing the major role in my decision to send my children to private school). I wholeheartedly agree with Mr. James Cohen in that "this land is unique. PRPIII is unlike **any** other proposed subdivision in Portland. It is not Auburn Pines...Summer Place, Cottage Park, Copley Woods or Hidden Acres, or any other moderately sized development that has been built in North Deering over the past decade. And because this proposal is unique, it is proper for the Board to treat it uniquely." I would ask you to once again review Mr. Cohen's outline of the unique aspects of this development (included in his recent letter to the Planning Board).

4) I was born and raised in Portland, but lived in the San Francisco, California area for the ten years prior to 1995. I chose to return to Maine (the "way life should be") and Portland, specifically, to raise my children. It is disheartening to think that our children's future may be so negatively effected by development and greed in lieu of setting aside, as designated by the Portland Land Bank, the "Number One open space priority" currently in the City of Portland. Yes, I believe this could very well be "Union Station Revisited". What a shame....

I truly believe that the Board will later regret any decision that would not include the following two conditions (as reiterated from James Cohen's "Exhibit A"):

1. **REQUIRE** construction of the third access road *prior* to development of the subdivision. This would be in recognition of the overburdened local streets in the neighborhood, and to facilitate safe ingress and egress to the Development. The third access road should be extended from Eagle Avenue and must be built *prior to*, or, at the very least, in conjunction with, construction of the proposed subdivision.

Portland Subdivision Code, Secs. 14-498(b)(2) and 14-497(a)(5).

2. In recognition that the land within Development has been designated by the City of Portland as critical for preservation, has a unique topography impeding certain development activities, is located within an area which has been found to have inadequate open space and recreational venues, and which is located alongside a major river corridor, the following lands within the Development must be designated and set aside for public use and access:

- (a) The land within the 250' shoreland zone, which is currently not proposed for development within the developers' April 11, 2001 subdivision plan (the "Subdivision Plan");
- (b) The land in the floodplain adjacent to Lots 1, 2, 3, 8 & 9 which is not designated for development; and
- (c) The land within Lots 9, 10, and 11, as shown in Subdivision Plan, which land is perched immediately above the land in the shoreland zone, and development of which would create both a visual threat to the shoreland zone and a unreasonable threat of erosion.

Portland Subdivision Code, Secs. 14-497(a)(4), 14-497(a)(8), and 14-498(i)(1).

I appreciate this opportunity to share my first hand experiences as a resident of Curtis Road. Feel free to pass on my comments to anyone else who may benefit, but that I may not have copied. Also, please contact me at any time with questions or for additional information.

Sincerely,

Laura M. Gagnon

c: Rick Knowland, Senior Planner
Mr. Jay Hibbard, City Council District 5
Mr. Nathan Smith, City Council at Large
Mr. James Cloutier, City Council at Large

RONALD J. & JENNIFER A. DORLER

4 ALICE COURT
PORTLAND, MAINE 04103

Phone 207 878-4186
Home Phone 207 878-8945

July 17, 2001

City of Portland, Maine
Planning Board
389 Congress Street
Portland, Maine 04101

Subject: Presumpscot River Place, Phase 3 Project

Dear Members of the Planning Board;

Unfortunately I was unable to attend previous Planning Board meetings on the subject proposal, however I did attend a Neighborhood Meeting at the State of Maine Room at City Hall on July 16 and would like to offer the following comments.

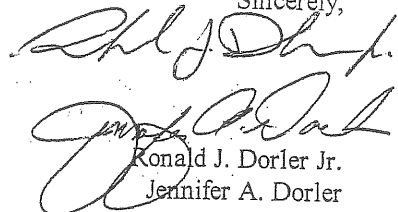
According to the developers, approximately 300 vehicle trips per day would occur as a result of the proposed 27 unit development. Access will be by way of Curtis and Alice streets. I believe a great deal of those trips would use access to Alice Street, onto Alice Court and Garsoe Drive to access Auburn Street headed toward Turnpike Exit 10 and the Hannaford Shopping Center in Falmouth.

Curtis Street appears to be of adequate width to accommodate the added traffic. However, although Garsoe Drive and Alice Court may have been adequately designed and constructed according to existing ordinances and criteria to provide for *its own development*, I strongly feel that because of the very narrow (24 foot) road width of these two streets, a *serious traffic safety issue presently exists* even with parking restricted on one side of Garsoe Drive. With one car parked on the street, cars coming in opposite directions are now playing "dodge" to avoid one another. With the addition of snow banks in the winter it becomes worse and may not allow safe passage of heavy fire trucks and rescue vehicles.

Adding more traffic to these winding, narrow streets will most probably increase the risk to neighborhood children and pedestrians, creating a possible legal liability for the City of Portland, if approval as presently designed is granted.

Although we are not opposed to the development, we strongly recommend as a condition of approval, that the sidewalk on one side of Alice Court and Garsoe Drive be removed and the street width be increased to 32 feet, by the developer to accommodate *their* development.

Sincerely,



Ronald J. Dorler Jr.
Jennifer A. Dorler

JOAN AND JAMES COHEN

**62 Deepwood Drive
Portland, ME 04103
Tel: (207)-797-9638
Fax: (207)-797-0438**

July 12, 2001

Mr. Jaimie Caron
Chair, Planning Board
City of Portland
389 Congress Street
Portland, ME 04101

Re: Presumpscot River Place III – Proposed Conditions

Dear Jaimie:

By this letter, we hope to provide a legal and factual rationale for two conditions to approval related to the PRP III proposal (the "Development") noted above. The proposed conditions, attached as Exhibit A, relate to the construction of a third access road, and the dedication of land for public open space and recreation. These conditions are in addition to those which have been proposed by Planning Staff to date, which we support.

These conditions are justified because of the unique nature of the land within this proposed development. There are no comparable developments in Portland whose building envelopes sit on top of such crowned promontories of land; whose lots are located immediately adjacent to a river corridor of such statewide significance; whose land has been recognized by the Portland Land Bank as one of the most critical parcels for purposes open space and recreational preservation; and whose lots are so deeply embedded in a residential neighborhood such that ingress and egress from dozens of lots would be funneled through a single street. Because the land is unique, the corresponding subdivision plan must be treated accordingly.

Of course, the key is balance. The developers have certain rights as landowners. And the neighbors and the City have important interests regarding traffic, open space, and protection of the environment. Given these competing interests, the Planning Board would be justified to recognize certain of the valid concerns that have been raised by both the community and Planning Staff. Portland's Subdivision Ordinance very clearly gives the Board the right to strike such a balance.

The Third Access Road

This has been a key focus of the Board for much of the past year. Very simply, the two roads currently proposed by the Developer both "funnel" into Curtis Road, and consequently scores of house lots will be required to use an already overburdened

residential street, as evidenced by the substantial testimony of the residents. The solution voiced thus far by the Board is an additional road connection through the adjacent Falmouth land owned by the Developer. This is an absolutely critical component of any approval by the Board.

Significantly, this condition should not relate to future construction of a road, but should require present construction of the road. If the Board approves the subdivision subject only to a requirement that the road be built when the Falmouth parcel is developed, the City and the residents will lose; they will lose because this condition will not prevent the construction of 50 new house lots (between PRP III and eventual PRP IV) without the existence of the third access road. **To avoid this result, the condition to build the road must apply up front, not after the fact.**

Jurisdiction of the Board. During the June 26, 2001 workshop of the Board related to this Development, one of the questions raised was the permissibility of requiring construction of a road on land located in another town, particularly where the land in question was not currently before the Board. The answer lies in Portland's Subdivision Ordinance, which appears to give the Board the authority to condition approval of this Development on *actual* construction of this road. Section 14-498(b)(2) of the Code provides as follows:

The proposed street layout shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation or appropriate projection of streets in surrounding areas and provide means of ingress and egress *for surrounding acreage tracts*. [emphasis added]

Insofar as the Code gives the Board authority to consider the eventual construction of streets in surrounding acreage tracts, there should be little question that the Board also has the ability to condition development of the parcel before it on the interconnection of streets in surrounding tracts. And if the Board does not have the authority to impose such a condition, then it would nonetheless be permitted to deny the application based upon the same perceived need for an additional access road.

The review criteria under the Subdivision Code provides further authority for the Board to require construction of a road *prior to* approving the proposed subdivision. Specifically, Section 14-497(a)(5) provides:

- (a) When reviewing any subdivision for approval, the Planning Board shall consider, among others, the following review criteria, and before granting approval shall determine that the proposed subdivision:

....

- (5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highway or public roads existing or proposed;

Reading these two provisions together, if the Planning Board decides at this time that a third means of ingress/egress is essential, this fact is sufficient to deny approval of the subdivision plan for the Development, or to condition approval on the projection of streets into the surrounding acreage.

Of course, it could be argued that the City of Portland has no right or ability to mandate construction of a roadway through a community outside of Portland, which is partly correct; however, this objection misses the point. The City of Portland does not need to *mandate* construction of a road in Falmouth; it can condition final approval on the existence of such a road, but leave it to the developers to take the necessary steps to meet this requirement. In this manner, Portland would be properly exercising its jurisdiction to condition development activities on land currently before it, not mandating activities in another municipality.

Environmental impact of new road. It has also been asserted that the Department of Environmental Protection disfavors construction of a roadway in Falmouth at this time absent further development in an area. This is a reasonable proposition; but it should not be the governing proposition.

That is because development in this area is more a question of *when* the land will be developed, not *whether* the land will be developed. Simply because the developers at the present have voluntarily opted not to present a comprehensive plan for their three adjacent subdivision parcels, this fact should not inure to their benefit by excusing them from the Planning Board's legitimate, and *current*, concerns regarding construction of a third connector road to PRP III. In fact, the language in Portland's Subdivision Code regarding "surrounding acreage tracts" suggests that the Board is permitted to consider *the whole*, even if only a portion is presented by the developer. Otherwise, developers would always have an incentive to present piecemeal development proposals in order to escape important (but from their perspective, more onerous) conditions on development.

Require the Reservation of Additional Usable Public Open Space

Whether or not the developers are reserving land along the Presumpscot River for the benefit of the public has been a topic of discussion for much of the past year. We believe this is an important discussion, and the Board should continue to press for conditions in this area.

Negotiations between the developers and the City. At the last Board workshop on June 26, the developers explained that "negotiations" were underway to permit some of this land to be transferred to a non-profit entity for public access. The deal was described

by the developers as follows: (1) the City would agree to annex the developers' land located in Falmouth, and to establish a contract zone for the development of elderly housing; and in exchange, (2) the developers would agree to provide for public use over a 250' wide strip along the Presumpscot River, as well an access point from Oat Nut Park. Mr. Wolf further represented that the Planning Board's decision on the PRP III application would "not affect these negotiations." We have some serious concerns about this representation, which I will describe below.

First, the existence or non-existence of negotiations between the developers and the City should be of no consequence to the final decision of the Planning Board in this case. It is simply inappropriate for the developers even to raise the issue before the Board. However, now that this fact has been laid before the Board, it is important that there be no misunderstanding about what these "negotiations" mean. As I reported to the Board at the June workshop, this offer in essence seeks to trade land that is *developable*, namely the Falmouth parcel which is otherwise landlocked and unable to be developed, for land which is otherwise *non-developable*, namely the land along the river which is not slated for development and is already burdened by shoreland zoning limitations. **Trading something for nothing does not seem like a good deal, and it is not surprising that a deal with the City has not yet been reached based on this offer.**

Second, in making such an offer, and in mentioning the existence of such an offer to the Board, the developers do bring attention to a key aspect of this land, namely its important value as open space and for recreational purposes. Quite obviously, the developers must have recognized the unique value the City has placed on this land as evidenced by the Report of the Portland Land Bank Commission, which was accepted earlier this year by the City Council. This Report labeled the land as the Number One priority for acquisition. Recognizing such value to the City, it would make financial sense for the developers to sell this land to the City at the value the City places on it, even if that value far exceeds the fair market value of the land for development purposes. And why shouldn't the developers try to make as much money as they can on this land?

But by raising the issue of the negotiations to the Board at this time, the developers may be attempting to create the impression that approval of the Development as proposed (i.e. no dedication of public land) would result in adequate open space and recreational opportunities for the neighborhood and the community. Quite obviously, this would be a misimpression. That is because the described offer is unlikely to result in a successful negotiation with the City; after all, why should the City pay more than fair market value for this land? So, in the end, the issue of the negotiation does illustrate the important recreational value of the land, but in no way should the existence of negotiations bring comfort to the Board that public open space will be created without the Board taking direct action to make it so.

"Usable" Open Space. Thus far, much of the discussion of open space has centered on the 250' strip along the shorefront land in the Development. However, there

is a serious question as to whether this land alone provides meaningful, *useable* open space for use by the public. The Developers have already indicated in the Subdivision Plan their intent not to develop the shorefront land, and there is a good reason; much of this land is steep with loose soils not suitable for development, as has been well-established within the record prior to the first public hearing. There are also important zoning restrictions impeding such development.

But the desperate open space needs of the North Deering area cannot be met simply by reserving this 250' strip for public use, although this is certainly an important preliminary step. Very clearly, this land is suitable for walking in limited areas, but it is not suitable for athletic fields or for park development. Further, we understand that a 250' strip is not considered adequate by the Land For Maine's Future Board for purposes of protecting certain fish habitat along riverways; the Board usually seek 500'. Finally, given the steep nature of this parcel, the presence of Lots 9, 10, and 11 immediately above this shorefront strip creates an unnecessary visual and environmental threat. If there is any erosion, it will impact this shorefront area. Likewise, to the degree that the recreational value hinges on creating a "preserve" type of atmosphere along the river, having large houses looming above the greenway defeats the purpose of the preserve. These lots should therefore be eliminated from the proposed development, and dedicated to public use or placed in a conservation easement. The same holds true for the land formerly incorporated into Lots 2 and 4 of the Development, before this land was reconfigured in the April Subdivision Plan.

This Land is Unique. PRP III is unlike any other proposed subdivision in Portland. It is not Auburn Pines, as the developers continually suggest, nor is it Summer Place, or Cottage Park, or Copley Woods, or Hidden Acres, or any other moderately sized development that has been built in North Deering over the past decade. And because this proposal is unique, it is proper for the Board to treat it uniquely. Let us spell out the unique aspects of this development:

1. No other proposed development is located on land designated by the Portland Land Bank Commission as the Number One open space priority for the City. This report was developed by a City-appointed commission, went through neighborhood hearings, and was finally approved by the City Council. It is therefore relevant information for the Board to consider in rendering its final approval. I would therefore ask that a copy of this Report be formally included within the record of this proceeding for the Board's consideration.
2. There is a documented inadequacy in the open space and recreational areas of the neighboring communities which has been documented in the Land Bank Commission Report.

3. The development is located next to a river of statewide significance, which is also documented in the Land Bank Commission Report. The Presumpscot River takes on added significance with the reduction in emissions by the Sappi Mill in Westbrook, and the anticipated removal of the Smelt Hill Dam downstream. There are no other developments in Portland, now or in the future, that are so situated.
4. The unique topography of this property warrants special consideration. Auburn Pines, Pheasant Hill, Copley Woods, and other North Deering developments are located on attractive parcels, but none of these developments faced the topographical challenges of PRP III. As indicated in my November 28th, 2000 letter to the Board, even the developers' own experts concede that development of these crowned promontories, these "fingers" of land, create a risk of erosion, and the only question is whether these risks can be sufficiently controlled through the remedial measures suggested to date. This is a factual question for the Board, and one in which there is sufficient evidence in the record to decide that the proposed controls are *not* adequate.

Board Authority to Require Dedication of Public Open Space. Planning Staff is obviously concerned about the unique aspects of this Development, and the Board has also indicated its concerns over the course of the past year. The question is, what is to be done about these concerns? I believe that the Board does have authority to create important and meaningful conditions on this development in recognition of the unique nature of this land. Specifically, Section 14-498(i)(1) of the Subdivision Code provides:

In all subdivisions open space may be provided for parks, recreational and other public areas. *Where no public open space or recreational areas exist in close proximity to the subdivision* or where a lack of such areas in the subdivision would require its disapproval under Section 14-497(a), general requirements, *the Planning Board may require provision of land for park or recreational purposes.* Such land may be designated for *public* or private ownership in accordance with the conditions stated in this Section, subject to the approval of the Planning Board. [emphasis added]

This language is very clear. It gives the Board specific, delegated authority to condition approval of this Development on the provision of land for park or recreational purposes. And I would submit, that if there was ever a project coming before this Board which cried out for such a condition, this is it. This opportunity will not come back again.

Taking of Land. Some concerns have arisen that requiring a dedication of land to public use would amount to a taking, and is therefore inappropriate. However, the law is far from black and white on this point. A dedication of land does not automatically create a taking. The question is whether the land so dedicated is "reasonably related to

public burdens about to be created by the proposed private development.” Nollan v. California Coastal Commission, 483 U.S. 825 (1997). See also Michael M. Burger, Vindicating the Rights of Private Land Development in the Courts, The Urban Lawyer, Vol. 32 No. 4 at 960 (Fall 2000). For the Board’s convenience, I have attached a copy of an excerpt from the Law Review article noted above.

In this case, the Development does create a clear public burden; specifically, if developed as proposed, it would forever destroy land designated as critical open and recreational space, and forever injure neighboring land owners and other residents of the City. This is no different from restricting development because of wetland or erosion concerns, which also can irreversibly affect an area. And while the Board might rightly agree that dedication might not be appropriate for most developments coming before it, this Development is demonstrably different. Development of this land for house lots will harm the neighborhood and the city, possibly forever.

Union Station Revisited? Since the Board cannot assume that negotiations with the City will succeed, nor should the Board make such an assumption given the developers’ pending offer, the Board must evaluate the proposal based on the information currently before it. This information strongly suggests that PRP III and development of the two adjacent subdivisions would likely put a nail in the coffin of the open space and recreational needs of the area by forever disrupting the natural state of this critical land. Once developed, there can be no Presumpscot River Preserve, which is something we will regret for decades to come, much as we regret the passing of Union Station. But if the Board acts proactively, the Development can be added to the growing list of “near misses,” such as the proposed “gated community” along land which has now been developed into the Eastern Promenade Trail and will soon be developed as Ocean Gate.

The 30% “Disturbed Area” Requirement


In its June 26 report, Planning Staff recommended a 30% rule for disturbed area on many of the PRP III lots closest to the river. Several concerns were later raised that 30% was an “arbitrary” number. However, Maine law would not likely be so strict. Rather, as long as there is “substantial evidence” in the record upholding a limitation on disturbance, the fact that a hard number was selected is not per se arbitrary. See Gulick v. Board of Environmental Protection, 452 A.2d 1202, 1208 (Me. 1982); Warren v. Waterville Urban Renewal Authority, 235 A.2d 295, 305 (Me. 1967). In fact, Maine’s Law Court has even gone so far as to uphold the decision of a review board which simply “averaged” the forecast of two rival witnesses, even though no witness had actually testified that averaged forecast selected by the Board was correct. *Id.* In other words, the Board’s use of such a hard number in this case would likely be upheld as long as the Board has discharged its fact-finding duty by creating a sufficiently large record on the issue, and as long as the decision is “reasonable.”

Conclusion

This Development represents a critical decision point for the City and for the Planning Board. In our view, the needs of all parties are best protected by (1) permitting the developers to develop a portion of their property, and thereby receive what will undoubtedly be a substantial return on their more than 25-year old investment in this property, but (2) limiting a portion of the development to meet the needs of the neighborhood and the City. This objective can be met by adopting the recommendations of the Planning Staff, and adopting the conditions on traffic and open space attached as Exhibit A.

Thank you very much for your attention to this matter and please feel free to give me a call if you have any questions.

Sincerely,



James I. Cohen

JIC/bac
Enclosures

c: Members of the Planning Board
Rick Knowland, Senior Planner
Mr. Jay Hibbard, City Council District 5
Mr. Nathan Smith, City Council at Large
Mr. James Cloutier, City Council at Large
Roger Berle, Land Bank Commission
I. Joel Abromson, Senator
William Norbert, Representative
Michael Saxl, Speaker
Boyd Marley, Representative
Larry Mead, Assistant City Manager
Nan Cumming, Portland Trails
Tom Jewell, Portland Trails
North Deering Neighbors (via email)

EXHIBIT A – PROPOSED CONDITIONS TO PRP III

1. In recognition of the overburdened local streets in the neighborhood, and to facilitate safe ingress and egress to the Development, a third access road extended from Eagle Avenue must be built *prior to*, or in conjunction with, construction of the proposed subdivision.

Portland Subdivision Code, Secs. 14-498(b)(2) and 14-497(a)(5).

2. In recognition that the land within Development has been designated by the City of Portland as critical for preservation, has a unique topography impeding certain development activities, is located within an area which has been found to have inadequate open space and recreational venues, and which is located alongside a major river corridor, the following lands within the Development must be designated and set aside for public use and access:

- (a) The land within the 250' shoreland zone, which is currently not proposed for development within the developers' April 11, 2001 subdivision plan (the "Subdivision Plan");
- (b) The land in the floodplain adjacent to Lots 1, 2, 3, 8 & 9 which is not designated for development; and
- (c) The land within Lots 9, 10, and 11, as shown in Subdivision Plan, which land is perched immediately above the land in the shoreland zone, and development of which would create both a visual threat to the shoreland zone and a unreasonable threat of erosion.

Portland Subdivision Code, Secs. 14-497(a)(4), 14-497(a)(8), and 14-498(i)(1).

out there in which they had a right to frolic. The California courts upheld the commission. The U.S. Supreme Court found its rationale to be irrational.

Surprising as this sounds, *Nollan* was the Supreme Court's first plenary examination of land "dedications" as conditions of development approval. Although state courts have examined this practice for decades, the Supreme Court had not. When it examined this California case, the Supreme Court had before it all of the collected wisdom of the various state supreme courts. The good news for governmental planners was that the Court generally approved the concept of dedications being required as conditions of subdivision development for roads, sewers, etc., i.e., for provision of facilities reasonably related to public burdens about to be created by the proposed private development.

Although the rules applied by the state courts are not uniform, the Supreme Court found it unnecessary to choose among the variants before it. It had no difficulty concluding that the easement demanded of the Nollans satisfied no acceptable constitutional standard. Thus was born the "nexus" test. To pass constitutional muster, it is "essential" that an exaction demanded as a condition of permit approval have a nexus to public burdens which will be created by the proposed project. Indeed, in order to impose such conditions at all, the burden has to be so severe that the government would have been justified in denying project approval altogether. The Court reasoned that, if the project could constitutionally be denied outright, then it can be approved subject to reasonable conditions.

Detailed discussion of the rules developed in *Nollan* appears in the next section. In general, however, what *Nollan* requires is a *quid pro quo* approach, rather than one which treats permit applicants as convenient fish in a barrel that can be made to fund any pet governmental project. There must be a strong relationship between the impact of the development on the public and the price demanded by the government in mitigation.

C. *The Ground Rules Recast in 1987*

The major theme sounded by the Supreme Court in 1987 was a reaffirmation of the concept that ours was designed to be a government of limited powers.

In both *First English* and *Nollan*, government agencies implored the Court not to grant relief to the property owners. To do so, they asserted, would be to limit the flexibility of government to deal with perceived

July 12, 2001

Mr. Jaimie Caron
Portland Planning Board
City of Portland
389 Congress St.
Portland, Me. 04104

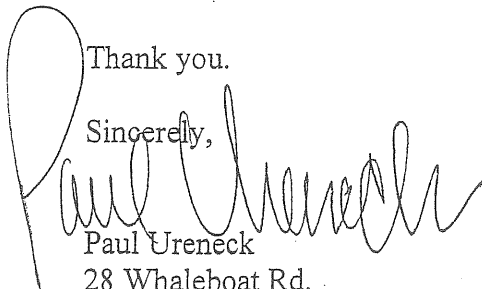
RE: Presumpscot River Place III

Dear Mr. Caron:

While I will not be able to attend the hearing this coming week I would like to, minimally, present my position on this project. I consider myself a stakeholder as I live on Whaleboat Rd., which borders the proposed project. I am sure that you have received many letters from the neighborhood that outline the major concerns; traffic, etc. so I will not bore you with those items. Personally, my largest gripe is the developer's insistence on building down to the river. Rivers, to me, are an asset to the community, not just the wealthy that can afford to buy waterfront property. Presently, when my children go to fish the Presumpscot, below the Allen Ave. dam, those Falmouth landowners whose parcels go down to the river constantly badger them. All my boys want is a path to fish from. I am sure the only things others want are a trail to walk on. I don't think that these are unreasonable requests. I am trying to be objective and not take a NIMBY approach to this project. They are landowners who have legitimate development rights. This, however, is a property that has special importance to the community at large and I think the developers should be respectful of that. Please try to structure an approval that creates a balance between the developer's rights and community access.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Ureneck". The signature is written in black ink and is positioned to the right of the typed name.

Paul Ureneck
28 Whaleboat Rd.
Portland, Me. 04103



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469

Boyd P. Marley

11 Maplewood Street
Portland, ME 04103
Telephone: (207) 878-3224
Business: (207) 838-2450

Mr. Richard Knowland, Senior Planner
Planning Department
City Hall, 4th Floor
389 Congress St.
Portland, ME 04101

Dear Mr. Knowland,

I am writing on behalf of a constituent who is concerned about the proposed 27 lot development by Robert Adam and Lloyd Wolf, north of Curtis Road.

Carol Gillis contacted me regarding this planned development because of her concerns that wetlands in the area could be damaged. According to Ms. Gillis there was damage done in previous proposed developments in the late 1980's.

In aerial photos that Ms. Gillis provided there appeared to be some damage done to sensitive environmental areas and she wants to be assured that the Planning Department will hold this development to the highest of standards. The need for such oversight is particularly important given the areas location and proximity to the Presumscott River.

As a resident of the city I feel confident that your department will closely supervise this project and hold the developers to the most stringent of requirements.

Thank you for your time and if I may be of assistance in the future please feel free to contact me.

Sincerely,

Boyd P. Marley
State Representative

From: "Laetsch, Dave" <DLaetsch@SouthworthProducts.com>
To: "rwk@ci.portland.me.us" <rwk@ci.portland.me.us>
Date: Thu, Jun 28, 2001 3:25 PM
Subject: Subdivision Comments

Mr. Knowland;

I have recieved your post card notifying area residents of the subdivision proposal by Bert Wolf and Bob Adam at the end of Curtis Road and wish to make some comments.

I own property at 24 Whitehead Circle which is off of Overset Road. In fact I bought my property from Bert Wolf in 1985.

As I am sure that you know, Mr. Wolf and Mr. Adam have been working on a new subdivision in Falmouth which I believe is called Presumpscot River Place. This property is only some 275 ft. from my property. During construction of this developement, we suffered through the following:

- a. Blasting which caused me concern about my own foundation.
- b. Burning such that large and still hot ash pieces fell all over our (and neighbors) property causing concerns that they could start a fire and requiring cleaning of our deck, cars and other personel property.
- c. Trucks and other machinery starting very early in the morning and running until at least 9:00 at night.
- d. All of the above could occur on any day of the week including Saturday and Sunday.

Basically speaking, I am not against developement which I believe is inevitable as the population increases. We will all have to put up with noisy trucks that will damage the streets and other similiar consequences. I do, however, wish that the work could be done in a responsible manner during normal working hours. I don't know if your department has the ability to do anything at all about this but it is occurances, such as those above, that cause me concern about this new developement and I'm sure that my neighbors feel the same way.

Thank You for your time and consideration.

Best Regards
David P.

Laetsch

24 Whitehead

Circle

dlaetsch@southworthproducts.com

From: "Barbara and Michael Peisner" <bpeisne1@maine.rr.com>
To: Portland.CityHall(RWK)
Date: Tue, Jun 26, 2001 11:04 AM
Subject: Curtis Road extension

Dear Mr. Knowland,

I am writing to express our continued support for the application of Burt Wolf and Bob Adam for a new subdivision north of Curtis Road. We live on Overset Road, which adjoins the proposed subdivision, and we have known for many years that the area would be developed. We built our home in 1987 when our first child was a year old. We have since had two other children and have loved the many aspects of life in this neighborhood, which is very family-friendly. As our children have grown older, we have different needs in a home than we had before. Many times over the years, my husband and I have discussed moving to a somewhat larger, different house, but we've chosen to stay where we are because of the neighborhood. Our children have developed nice close friendships with wonderful children, we can walk or ride a bicycle to a store or just for exercise, and the children can play in a safe environment. Also, as our parents are aging, we would like to have first floor space for them to visit more comfortably. We would like to stay in this area and view the proposed development as an opportunity to do so. (If we could build onto our house to meet our needs, we would do so, but due to an easement and setback requirements, we are unable to.)

The developers have shown good faith with the city in offering to give the city land that they own. I ask that the city, while still addressing issues of importance to the neighborhood such as traffic flow and riverfront access, act in fairness to the developers.

Thank you for your attention to this.

Sincerely yours,

Barbara Peisner
26 Overset Rd.
Portland

From: <Carthbenn@aol.com>
To: Portland.CityHall(RWK)
Date: Mon, Jun 25, 2001 5:01 PM
Subject: Curtis Road

To: Rick Knowland, Senior Planner
From: Carolyn Bennett, 40 Longview Dr. 797-6077

I'll not be able to attend the workshop session tomorrow afternoon so am sending along my strong negative response to the Adam/Wolf development in this area.

I have lived here a year now and feel more comfortable in my disapproval of a 27 unit development appearing in the middle of a paradise. (responded to Joe Gray when the proposal came before the Planning Board last November). If this debacle is approved, as a taxpayer I would anticipate that:

1. The currently overcrowded Lyseth/Moore Schools would need additions, or better, a new facility;
2. Increased traffic during peak hours at Allen's Corner, Summit, Auburn and perpendicular streets accessing Curtis road will need reconfiguring at great expense (the 25MPH zone on Summit is currently being ignored) not to mention the additional infrastructure necessary to support a 27 unit development which will affect us all in subtle ways
3. Continuing diminished public access to open spaces within the city limits or neighborhoods to be more accurate, and the dearth of affordable housing for those among us who need, making our rising tax bills more dubious.

I am sure that there are more obvious and greater impacts to taxpayers if another development is created here on Carter's Hill, but I just wanted to weigh in on what is important to me and leave the more critical negative issues to those who have more factual information and are willing to come forward to influence the Board. Thanks for your time.

Sincerely - Carolyn Bennett

From: "Barbara and Michael Peisner" <bpeisne1@maine.rr.com>
To: Portland.CityHall(RWK)
Date: Tue, Jun 26, 2001 11:04 AM
Subject: Curtis Road extension

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The developers have shown good faith with the city in offering to give the city land that they own. I ask that the city, while still addressing issues of importance to the neighborhood such as traffic flow and riverfront access, act in fairness to the developers.

Thank you for your attention to this.

Sincerely yours,

Barbara Peisner
26 Overset Rd.
Portland

From: "Mark Williams" <cmwilliams2@worldnet.att.net>
To: Portland.CityHall(RWK)
Date: Mon, Jun 25, 2001 9:06 PM
Subject: Fw: Presumpscot River Place III

June 25, 2001

Attn: Richard Knowland

We have been informed of the up coming workshop session being held 6/26/01 to discuss the subdivision proposal by Lloyd Wolf. I am submitting our comments on this proposal. Attached is a letter we sent you last year and still feel strongly about this topic and our concerns have not changed. Please refer back to this letter again and take these comments into consideration.

Again, our concern is not just the 27 lots that are proposed, but please consider the entire parcel of land which will include over 100 lots!! That is a significant amount of traffic on one road - Curtis Rd.. If this proposal is approved, it is imperative that additional access roads be implemented prior to the development of any lots.

Thank you for your help in this project,
Carolyn & Mark Williams
131 Curtis Rd.

----- Original Message -----

From: Mark S. Williams
To: Rick Knowland
Sent: Saturday, April 15, 2000 10:47 PM
Subject: Presumpscot River Place III

Planning Board
Richard Knowland
Joe Gray
Jaimy Caron

Attn: Mr.. Knowland

Thank you for the informative meeting on April 10, 2000. It provided a lot of valuable information. As a resident on Curtis Rd., I am very concerned with the limited road access out of the new development. The additional access roads that were proposed by your committee still do not solve the problem of excess cars on Curtis Rd.. These roads only create a "funnel" of cars to the top of Curtis. The solution should be another access road on the other side on the development, so then the cars can exit Caron or Carter St.. I believe they called this road "Hope Rd.". I understand that this road would be in Falmouth, but the developer already owns that land and has future plans of development. Instead of waiting for the future development to begin and then putting in Hope Rd., I strongly feel Hope Rd. should be addressed NOW and implemented with this beginning phase 1 of this development. If Falmouth will not OK the road, then perhaps Portland should reconsider approving any of this development!

I also would like the planning board to view this development as a whole of all of its phases. Not just the 27 lot phase 1. The planning board needs to consider all of the land the developer owns. The land includes: land to the right of the 27 lots which will be developed into approx.. 50 lots; and the land to the left (in Falmouth) which can be developed into perhaps another 50 lots. This makes a total of approx.. 130 lots, NOT just 27 lots!!!

We were also told at the meeting that the road sewers of the new development will empty into the Presumpscot River. I was shocked to hear this! I can't believe that all of those pollutants will be allowed to go directly into the river, especially since they have been working hard to clean up that river. I can't

believe that the planning board approved Auburn Pines to do the same thing! A better solution would be to install a sewer system to collect runoff.

It is also a shame to lose all of the woods and trails. Perhaps the city of Portland should consider placing a park or leaving the natural woods for a preserve instead of another development.

I thank the board for listening and considering all of the information. PLEASE keep in mind - we are not talking about 27 homes (or 60 additional cars), but are concerned with the total of all of the phases of the development, which can involve approx.. 130 or more homes (or 260 cars).

Sincerely,

Carolyn & Mark Williams

131 Curtis Rd.

From: "eugene ardito" <eardito@maine.rr.com>
To: Portland.CityHall(RWK)
Date: Sun, Jun 24, 2001 10:39 PM
Subject: Curtis Road Development - Wolf and Adam

I am a resident of the North Deering Section of Portland and I ask that you consider these comments in reference to the proposed 29 acre parcel north of Curtis Road. I cannot attend the hearing at 3:30 PM as I am traveling on business that day.

I am not opposed to new development. I am opposed to development without adequate planning as it relates to the following.

- 1) Overcrowding at Lyseth School. New housing will only increase the overcrowding that has resulted in modular classrooms and a very poor school facility.
- 2) A lack of open space for children to play. The only area where kids can play either in an organized activity or just in a pick up format is behind Lyseth School. The overuse of this space has resulted in very poor quality fields and a general lack of space for kids to play. North Deering does not have a park for children and adults to use.
- 3) The access to this new development will put additional strain on Summit Street, Alpine Street and Curtis Road. The steady and steep incline on Curtis will result in a very unsafe situation for children in the neighborhood. The steady stream of traffic to this new development will generally lower the quality and safety of the neighborhood.

Certainly, Mr. Wolf's grand plan is to over time develop all of his property. When you add his next phase to this proposed phase, Summit Street and Curtis Road will be two of the busiest streets within a neighborhood. Again, the quality of this neighborhood will be diminished.

Even if this development is connected to Alice Street, the majority of the homeowners in this new development will use Curtis as it will be the quicker route out of the neighborhood.

- 4) Portland has a tremendous opportunity to do something that will benefit many generations to come. By purchasing this property and either creating a park or keeping it as green space, the city will give residents an opportunity to use this property and have access to the river. When the dam is breached, that access will be tremendously valuable. If it is developed, it will be one of biggest opportunities squandered in the history of this city.

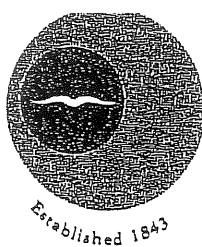
Our children play on some of the worst ball fields anywhere in the area. They are so overused, it is impossible to keep them in good playing condition. They are overused because the city lacks ball fields. Instead of developing this property for additional housing, which will put more pressure on these fields, why doesn't the city purchase this property and use some of it for open grass and ball fields and give kids a place to play? If they stay active in athletic and other outdoor activities, isn't that good for the kids and the vitality of the city?

I have been a resident of Portland for ten years. I would like to stay a resident of this city for many more years to come. But, if the city doesn't have the foresight and vision to see this tremendous opportunity to improve the quality of this city by purchasing this property for the good of all the residents, then I must say I will seriously consider a move to a more progressive, forward thinking community. Falmouth, Cape Elizabeth and I believe Scarborough are putting significant restrictions on new development because of the effect new development has on schools, roads and other services the city provides. Obviously, they are concerned and are taking actions for the future. I hope the City of Portland has the common sense to be forward thinking and progressive and look beyond the short term needs of a developer.

Please forward these comments to the Mayor and members of the city council and planning board.

Sincerely,

Gene Ardito
17 Overset Road
Portland, ME 04103



MAINE AUDUBON SOCIETY

Gilsland Farm, 20 Gilsland Farm Road

P.O. Box 6009 • Falmouth, Maine 04105-6009 • (207) 781-2330

The responsible voice for Maine's environment and natural resources.

August 22, 2000

Joseph E. Gray, Jr.
Director of Planning and Urban Development
City Hall
389 Congress Street
Portland, Maine 04101

Re: Zoning Concept – Vicinity of Rand Road

Dear Mr. Gray:

I am writing on behalf of Maine Audubon Society and our 10,000 members in regard to the rezoning proposal in the vicinity of Rand Road. Maine Audubon's Fore River Sanctuary is located adjacent to the CMP and Snyder parcels.

The Fore River Sanctuary is Portland's most significant area of fully protected wildlife habitat. It consists of 49 acres of tidal marsh and 36 acres of forest and meadow at the head of the Fore River watershed in west Portland. Fore Rive and the two adjacent properties, the CMP and Snyder parcels, combined form the largest remaining natural area with significant wildlife value in the City of Portland. This area also boasts of unspoiled natural characteristics including the following:

- high wildlife value wetlands;
- extensive forested uplands that support the wetlands in both the properties in question and the Fore River sanctuary;
- critical wildlife travel corridor to the Fore River Sanctuary;
- hiking trails that provide an important link toward future connections with the Portland Trails' Stroudwater River Trail;
- protect and improve the water quality of one of the Fore River's important tributaries.

Maine Audubon has reviewed the proposed rezoning and strongly encourages the Planning Board to zone the area in question as RPZ instead of ROS. Habitat fragmentation and loss pose a significant threat to the wildlife value of this area. Because the effective size of the forest and meadow habitat will decrease significantly if these areas are developed, this area will be able to support fewer individuals of any species, and the remaining area may be below the minimum territory size of some species such as black-and-white warbler. Lower population sizes and lower potential territory size will

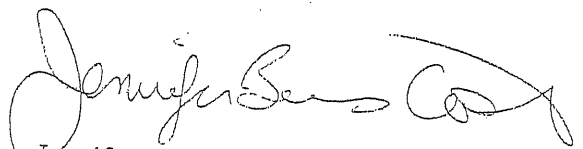


increase the likelihood of local extirpations. While rezoning the CMP parcel and a portion of the Snyder parcel ROS will provide increased protection from fragmentation, the permitted uses could still cause habitat fragmentation and loss. For example, cemeteries, golf courses, ballfields, swimming pools, and sewage pumping and treatment facilities are all permitted uses under the ROS zone that could threaten the viability of the area as suitable wildlife habitat. Conditional uses include accessory uses, other recreational facilities, and water pumping stations. Zoning this area entirely RPZ would most effectively protect its wildlife values.

In addition, while the change of a portion of the Snyder parcel from IM to OP is an improvement over current zoning, the entire Snyder parcel really should be in RPZ because large natural areas are scarce in Portland and a good portion of the proposed OP area is forested wetlands. The most effective way to protect the wildlife values of this area is to zone the entire area as RPZ.

Thank you for your consideration. Please contact Bob Savage or myself with any questions.

Sincerely,



Jennifer Burns Cost
Staff Attorney

Enclosure

April 30, 2000

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

Dear Planning Board:

As residents of the North Deering neighborhood and an owner of property which abuts the proposed Presumpscot River Place III Project, there are several concerns we would like to address regarding the negative social and environmental impact the proposed subdivision would create.

- 1) The proposed subdivision would cause undue adverse effect on the natural beauty of the area as well as the significant wildlife habitat. As the North Deering development boomed over the last several years, the area soon became one of Portland's communities with the least amount of open space relative to its population.

In a conversation with Bob Adams six months ago, he mentioned that Portland Park & Recreation had approached him in regards to purchasing the land for trails and nature preservation. It may be worth while for the Planning Board to request that the historical preservation committee prepare an evaluation of the proposed subdivision based on the standards of section 14-651(3). We believe the people in the community who use those trails along with the numerous wildlife that we have seen living in the proposed planning area would greatly appreciate it.

- 2) Over the past year there has been some considerable growth of new homes in the North Deering neighborhood that has infused the already over-crowded schools with additional students. Unfortunately there is an immediate need as to what type of quality education our children are going to be able to receive in an over-crowded school; the small modular classrooms are definitely not the best learning environment for our children. We have heard that there has been discussions to address this current problem, however it may be several years before an action plan is implemented. Without proper planning, we feel our children will be at a disadvantage.

- 3) The proposed subdivision could cause an increased traffic flow to a small residential area. The two access roads from the proposed subdivision indirectly lead into Curtis Road. We would like to request that there is a traffic evaluation for Curtis Road and a consideration of safety for the children in this small neighborhood.
- 4) Finally, the proposed subdivision could have a negative environmental impact on the entire Portland community. Can all the contaminants created from the proposed subdivision project be controlled so it does not pollute the already endangered Presumpscot River? Does the proposed filtration system control every runoff possibility that would be created from the project? Has there been any current environmental study regarding the areas around the Presumpscot River?

As residents of North Deering, we hope you give serious consideration to these factors as you review the impact of the proposed Presumpscot River Place III Project as to its affect on the quality of life of the current residents, the safety of their children, the protection of the wildlife, and the natural beauty of the surrounding area and river.

Sincerely,

Sandi Goodman-Brown
Larry Brown

Sandi & Larry Brown
126 Alice Street
Portland Maine 04103
(207) 797-8223

April 19, 2000

Richard Knowland, Senior Planner
City of Portland
389 Congress Street
Portland, Maine 04101

RE: Prescumscot River Place , Curtis Road

Dear Sir;

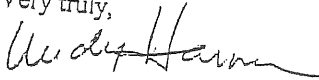
Regarding the development of 27 house lots on the Prescumscot River Place III plans, I would like to again voice my concern about the traffic to and from the project. Curtis Road should not be the only access to this project.

I was present at the planning board meetings when phase I and II were presented. I believe if your review the records from the phase II meeting you will find that the members on the board at that time, advised the developer that any future homes would require another road access. When this was told to Mr. Wolf, he owned land on Allen Ave., extension and that was the suggested route.

After speaking with you at the April 10th meeting, I understand the disadvantages with the Allen Ave. plan, and might look favorably to an extension of Cushings Ave. to Alice street. I still think further study should be given to the exact ownership of Pamela Road and how it might be used to connect this development to Alice Street.

I want to close by again requesting that you forward this letter to other board members and work with the developer to devise another access to these homes before the project begins. Thank you.

Very truly,



Wendy Harmon
59 Curtis Road
Portland, Maine 04103
797-0239

29 Curtis Road
Portland, Me. 04103

April 17, 2000

Richard Knowland
Senior Planner
Planning and Urban Development
389 Congress Street
Portland, Me. 04101

Dear Mr Knowland,

We are two of the people who attended the meeting May 10th at Lyman Moore School, regarding the building of 27 houses, in the area at the end of Curtis Road.

Ideally we would like to see the project denied and the land be purchased by the city and preserved as a nature park or other public land. Realistically we don't believe this will happen.

We are very concerned, as the other area residents are, with the traffic problems. As has been said, we already have a problem with heavy traffic and speeding on Curtis Road.

We understand a traffic volume survey will be done on Curtis Road. If the building project is approved, by the planning board, we would like to see traffic calming devices put in place, on Curtis Road, to curb the speeding.

Also, we feel strongly that another access street to the building project, other than Curtis Road, is badly needed. With another building project phase already in the planning, by the builder, adjacent to the 27 house project, using Overset Street and Curtis Road as the only means of access, would make the traffic on Curtis Road unbearable.

We feel the only solution to the traffic problem is a connection to the project with Allen Avenue extension. Another access, as proposed, by the pumping station, will not divert much, if any, of the traffic away from Curtis Road.

In addition to the traffic problem, this project will have a huge impact on the area schools, athletic fields and play grounds. Also, we think, although we have been told otherwise, our water pressure will be adversely affected.

Very truly yours,

Ralph and Arlene Coffin

Ralph Coffin
Arlene H. Coffin

From: "Mark S. Williams" <cmwill@concentric.net>
To: "Rick Knowland" <rwk@ci.portland.me.us>
Date: Sat, Apr 15, 2000 10:47 PM
Subject: Presumpscot River Place III

Planning Board
Richard Knowland
Joe Gray
Jaimey Caron

Attn: Mr.. Knowland

Thank you for the informative meeting on April 10, 2000. It provided a lot of valuable information. As a resident on Curtis Rd., I am very concerned with the limited road access out of the new development. The additional access roads that were proposed by your committee still do not solve the problem of excess cars on Curtis Rd.. These roads only create a "funnel" of cars to the top of Curtis. The solution should be another access road on the other side on the development, so then the cars can exit Caron or Carter St.. I believe they called this road "Hope Rd.". I understand that this road would be in Falmouth, but the developer already owns that land and has future plans of development. Instead of waiting for the future development to begin and then putting in Hope Rd., I strongly feel Hope Rd. should be addressed NOW and implemented with this beginning phase 1 of this development. If Falmouth will not OK the road, then perhaps Portland should reconsider approving any of this development!

I also would like the planning board to view this development as a whole of all of its phases. Not just the 27 lot phase 1. The planning board needs to consider all of the land the developer owns. The land includes: land to the right of the 27 lots which will be developed into approx.. 50 lots; and the land to the left (in Falmouth) which can be developed into perhaps another 50 lots. This makes a total of approx.. 130 lots, NOT just 27 lots!!!

We were also told at the meeting that the road sewers of the new development will empty into the Presumpscot River. I was shocked to hear this! I can't believe that all of those pollutants will be allowed to go directly into the river, especially since they have been working hard to clean up that river. I can't believe that the planning board approved Auburn Pines to do the same thing! A better solution would be to install a sewer system to collect runoff.

It is also a shame to lose all of the woods and trails. Perhaps the city of Portland should consider placing a park or leaving the natural woods for a preserve instead of another development.

I thank the board for listening and considering all of the information. PLEASE keep in mind - we are not talking about 27 homes (or 60 additional cars), but are concerned with the total of all of the phases of the development, which can involve approx.. 130 or more homes (or 260 cars).

Sincerely,
Carolyn & Mark Williams
131 Curtis Rd.

April 13, 2000

Members of the Portland Planning Board
389 Congress Street
Portland, ME 04101

Dear Members of the Portland Planning Board:

My husband and I moved to 40 Curtis Road six years ago. Since then we have started a family and are quickly outgrowing our two-bedroom Cape. We love this neighborhood. It's quiet. Kids can play in their front yards without being perilously close to traffic. And neighbors know each other by virtue of being able to go outside, work in their yards or shovel their driveways, and still be heard as they chat across the street.

We love this neighborhood so much that we met with a home designer a few weeks ago whom we charged with the task of developing blue prints for how we could remodel our house to suit our growing needs for space. Then I attended the public meeting on April 10 regarding the proposed residential development known as Presumpscot River Place III, and after discussing what I learned with my husband, I called a real estate agent the next day to help us find a new home.

Before attending the meeting, we knew a little about the 28 lot subdivision. We knew it would increase traffic on Curtis, but we had decided that it would probably make Curtis look and feel a bit like Summit Street and that we could live with that amount of increased traffic—as long as we had our newly remodeled dream home. However, at the meeting it was made clear that this 28 lot subdivision is only the beginning. The developer has proposed this number of sites in the hopes that it will be more palatable to the Planning Board than his true plan of developing up to 80 lots. Not once during the meeting did the developer say that this was not his plan. In fact they kept reiterating that and 80-site plan had been approved 11 years ago as if to say that surely 28 lots should be incontestable. Also, it is probably no accident that the number of acres of the subdivision is one less than what would trigger a site location order by the Department of Environmental Protection.

The current plan of having Curtis be the main point of access is unacceptable. The addition of an access point on Alice Street should be seen as the ruse that it is. Anyone traveling to downtown Portland will still be funneled to Curtis via Clapboard. Even the developer agreed this would happen. If and when subsequent developments get approved, the "access" road via Overset will still funnel all cars to Curtis. Curtis will not look like Summit; it will look like Allen Avenue and Summit will look like Washington Avenue. I can only imagine that upper Curtis will have to be widened to accommodate emergency and public utility vehicles, not to mention the increase in residential traffic, oil delivery trucks, school buses and other vehicles that must service an ever growing population. No longer will I feel safe in letting my children run around in the front yard or play basketball in the driveway.

During the meeting, I couldn't help but feel that this development was all but approved. Yet, I feel I have to register my dismay at the way the traffic department

neglected to require the developer to perform a traffic study on Curtis Road, the street most affected by this development. I can only hope that a traffic study will be conducted in the near future and will show an unacceptable increase in the volume of traffic on this quiet street. I also have to say that I am not against development per se, or even wholly against this development in particular. But when a development such as this will so radically change the look and feel of an already established neighborhood, I must voice my concern.

Please bear in mind the developer's grand plan for all of his property holdings along the Presumpscot River. Do not make the mistake of approving development in a piecemeal fashion simply because it is more palatable at the time. I urge the Planning Board to consider limiting the number of lots available for housing and establishing areas of public open space in the developer's proposal. This will diminish the impact of the new development not only on Curtis Road but also on the other surrounding streets. In a few years when the developer makes subsequent proposals for the rest of his property, please consider that the neighborhoods most affected by the new subdivisions are not that which abut his land, but that of Curtis Road and Summit Street which will have to accommodate hundreds of additional vehicles traveling to and from the new neighborhoods.

I wish we didn't have to leave this neighborhood, but I know that the value of our house as a peaceful, suburban haven will vanish if and when Presumpscot River Place III is approved. During a year in which the City of Portland scrambles for cash, I imagine that the need for a bigger tax base will win out over preserving the quiet neighborhood feel of Curtis Road. But I hope that you will address my concerns and those presented by other North Deering residents as you make your deliberations on this subdivision. Thank you.

Sincerely,

Kimberly Irvin Snow
40 Curtis Road

From: "Douglas W Moody" <dmoody@maine.rr.com>
To: Portland.CityHall(RWK)
Date: Tue, Apr 11, 2000 7:41 PM
Subject: Curtis Road

To Portland Planning Board and City Council
Attn: Jay Hibbard District 5
Richard Knowland Senior Planner

This is my reaction as a very concerned resident of Curtis Road to the public meeting held last night at Lyman Moore. As I stated at the meeting, I don't see how the city planners can justify using Curtis Road as the only access into the new development. I heard a number of times that there were to be two other access roads, but again as I tried to point out last night all of these funnel out of Curtis Road.

I live at 85 Curtis Road and I was a little dismayed that the planning board and Mr. Hibbard seem to be more interested in the tax dollars which this new development would bring before they do an adequate job of really studying the impact to the people who have been paying taxes to the city for decades. I would implore you to take a really close look at other means of reaching this development other than Curtis Road.

As pointed out last night all the standards of land use have to be met before such a project can reach final approval. I do not understand how in good faith this development can not

"cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed" (standard 5, Land Use)

This is my main concern, I won't bother you at present with other concerns such as loss of open space, overcrowding at the local school, or other points of traffic congestion.

sincerely,
Doug Moody
85 Curtis Road
Portland, Maine

CC: Portland.CityHall(STB)

11 April 2000

Mr. Richard Knowland
Senior Planner
Planning & Urban Development
389 Congress St.
Portland, Maine 04101

Dear Mr. Knowland:

I write to you as a concerned resident who attended the informational meeting 10 April regarding the residential development known as Presumpscot River Place III.

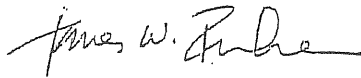
I wish to register my concern about a number of issues related to the environmental and social impact of this proposed project.

1. What provisions for public space (park, etc.) are provided for in this project. District 5 has very little available public space, perhaps the least of any area in the city. A development of this projected size will have a great impact regarding this issue.
2. What provisions have been made by the developer to maintain access to the Presumpscot River frontage and the existing trail there?
3. What is the impact of increased traffic on Curtis Road (no study has been done), and the fact that all traffic from this development will funnel up this one egress?
It is my understanding that at a previous review meeting for an earlier stage of this project (I and II) that the Planning Board required more than a one street access. The proposal last night (April 10) still, in effect, offers only a one-street access to the area.
4. What is the environmental impact on the Presumpscot River by increased and accelerated runoff draining from this developed area? An environmental impact study needs to be done. The developer said this runoff would be treated "mechanically;" exactly what does this process mean? As for waste, why are pumps being installed in individual dwellings? Additionally, much of this area is low-lying and natural wetland. These areas need to be identified (regardless of size); streams also must be identified. What is the impact on these wetlands? What will be done about erosion from increased runoff?
5. How could the developer, as stated at the meeting, propose originally that lots would be developed with river frontage when general requirements state that none can take place within 250 feet of a wetland, great pond or river? This was presented last night as a compromise offered by the developer to be applauded by the concerned residents and embraced by the planning board.
6. Why isn't the whole plan being broached at this time? Accepted piecemeal, the plan will perhaps be viewed as workable; as a whole, its impact may be deemed harmful and unacceptable.
7. What is the anticipated impact of the development of the "landlocked" Falmouth section?

8. What is the role of the planning board at meetings of this type?
9. What is the impact projected for local schools? While you stated last night that this was not part of your legal purview, it is an impact that is significant. To whom do I address such concern?
10. If legally you are required only to notify residents within 500 feet of the planned development, why did you notify all residents north of Summit St. of this meeting?

In addition to these concerns, I have some concerns related specifically to you as senior planner and your performance at last night's meeting. Above, I asked for clarification of your role in "informational meetings" of this type; further, I wonder if you are aware that at last night's meeting you appeared very reticent to respond to questions and concerns and were very vague about how concerned residents could have actual impact on the process? Perhaps you were exercising caution, not to appear biased. I think you appeared very discouraging of input and as one who regarded "hard" and specific questions as a "hassle." This and the generally unsatisfactory tenor of the meeting moved me to write of similar concerns directly to District 5 City Councilor, Mr Jay Hibbard. Could you please clarify your apparant reluctance that evening for me?

Sincerely yours,



James W. Provencher

From: "Betsy Pelikan" <bpelikan@maine.rr.com>
To: Portland.CityHall(jhibbard)
Date: Tue, Apr 11, 2000 2:46 PM
Subject: Presumpscot River Place III

My name is Betsy Pelikan and I reside at 113 Abby Lane, just off of Curtis Road in Portland. I attended last night's meeting regarding the Presumpscot River Place III development. I found it to be very informative and I thank you for that. I would just like to briefly follow up on a point which was raised at the meeting with regard to assuring that Curtis Road will in fact be studied by the traffic engineer. I did find it odd that while several streets were studied with regard to traffic patterns, the street which is clearly most affected by the new development, Curtis Road, was overlooked. If you could forward this e-mail to the appropriate personnel I would appreciate that.

On another note, since it is understandable that a developer's concerns do not involve the local schools, I would like to feel confident that the City Council takes this into consideration. Lyseth already has approximately 700 students in a facility built for roughly 400. I get nervous when I read newspaper articles in the Portland Press Herald repeatedly stating that Portland school enrollment has decreased, when that is clearly not the case in North Deering. As the City Councilor for District 5, Jay, I would like assurances that you are making our needs known to the School Department and whomever else should be made aware of this situation. Especially in light of how quickly this district is growing (Presumpscot River Place III, Auburn Pines, the development going in by Summit and Abby, Washington Crossing, etc.), not to mention the fact that Portland elementary schools are already in need of approximately \$80 million in renovations, I sincerely hope that Lyseth School's overcrowding will be examined sooner rather than later.

Thank you for your assistance in these two matters.

CC: Portland.CityHall(RWK)

April 11, 2000

Mr. Jamie Caron
Portland Planning Board

I am writing in reference to a proposed 27 home development that will be located at the end of Curtis Road in Portland. I attended an informational meeting last night at which time the developer, his representative/spokesperson, members of the city planning team and councilor Jay Hubbard discussed the proposal with a fairly large group of Portland residents.

My wife and I have lived at 31 OLDE BIRCH Lane for the past 14 years. The development planned will impact us in a few ways, but primarily due to the traffic pattern that will ensue. The development plans are for all traffic to use Curtis Road which connects with Summit. Adding 27-34 cars to the current traffic load will pose a real problem. For the past three years I have had to wait in line with four cars, at a minimum, to leave Summit Street and turn on to Allen Avenue Extension. I have even had to wait patiently in order to enter Summit Street from Olde Birch Lane, something that never took place when we initially moved into our home. My concern is that the traffic is getting worse before the new homes are

even in place. Because the development has a potential for 89 lots/homes, now is the time to plan for the future impact on traffic. I urge you to study this matter before granting final approval. I also urge that you study and consider requiring an alternate entrance to the new development to avoid the bottleneck at Curtis Road.

The other matter of concern to my wife and me is that there are few open areas in our section of Portland.

I think an opportunity exists with Mr. Wolf's development to address this issue in a way that is environmentally appealing. Some type of modest park area near the ~~river~~ river banks would protect the current beauty and provide neighbors an opportunity to enjoy this area. Keeping this space open to residents is very important and can never be revisited if not addressed at this time.

Please feel free to contact me if you want specific information on the current traffic situation or if you have any questions about our concerns.

Thank you,

Dan & Brenda Baeton

51 OLDE Birch Ln

Portland 04103

207-878-2500

CC Jay Hibbard

March 28, 2000

Mr. Joseph Gray Jr.
Director of Planning & Urban Development
City Hall
389 Congress Street
Portland, Maine 04101

Re: Presumpscot River Place III Development

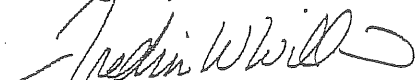
Dear Mr. Gray:

After having lived in Gray and Portland for the last 18 years, we are consolidating households and have an interest in building within the City of Portland. Having sold my house in Gray, as well as our land, and Deb's condo in Portland, we have been looking for a rural setting close to our offices on which to build, given that both my sons will be off to college shortly.

We are considering the aforementioned Presumpscot River Place property, given it's large lot size, privacy and proximity to downtown. This development would appear to attract the type of homeowner that the City would appreciate having on its real estate tax rolls, rather than having them move out to the Falmouth or Cumberland areas, and we feel that this land offers us the type of environment we would enjoy building in at this phase in our lives.

We are writing to support this project, especially since we are now renting in anticipation of building, and would like to have the viability of this project resolved as soon as possible. We appreciate your time and look forward to hearing about Prusumpscot River Place's moving forward in the near future.

Regards,



Fredric W. Williams



Deborah L. Thurston

12 Andrews Avenue
Falmouth, Maine 04105

Steven M. Berg
10 Whaleboat Road
Portland, Maine 04103
207 878-8394

December 20, 1999

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Mr. Knowland,

As an abutter to the proposed Presumpscot River Place Phase III (PRP III) subdivision, I am writing to express my concern regarding several aspects of the plan currently under review.

Safety: Under the present proposal, the sole vehicular and pedestrian access roadway to the planned lots is Curtis Road. PRP III is planned to commence at the current end of the pavement on Curtis Road, approximately 1,800 feet from the intersection of Curtis Road and Abbey Lane. From the intersection point of Curtis Road and Abbey Lane, there is no secondary means of pedestrian or vehicular access to the approximately 30 homes along Curtis, Overset, Whaleboat and Whitehead Circle that comprise Presumpscot River Place II. Should an accident occur just after the Curtis/Abbey intersection and block the roadway, such as an overturned oil delivery truck, fallen tree or a stuck sand truck (this did occur during Ice Storm 98), emergency response personnel would be unable to respond to any of the homes not only in the existing subdivision, but also PRP III as currently proposed. My family and many residents are very concerned about this problem.

The developer has not clearly stated the actual distance from the intersection of Abbey and Curtis where a roadblock would cut off not only the existing PRP II neighborhood, but also leave the proposed 2,000' roadway throughout PRP III without a secondary means of access as required by City ordinances.

It is my understanding that an earlier version of the PRP III proposal included a secondary means of access adjacent to the City of Portland Pump Station on Alice/Clapboard Road, however, this access was removed from this version of PRP III and replaced with a house lot. Should the plan be approved as currently proposed, the distance from the intersection of Curtis and Abbey to Lot 1 of PRP III would be well over 2,000 feet!

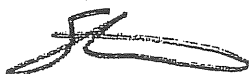
Linking Neighborhoods: Not only would the secondary means of access off Alice Street to PRP III reduce the distance without a secondary means of access to the houses in PRP III, but it would also allow for the ability for residents of the new subdivision to travel along Alice (past the developer's home!) and out through the new Auburn Pines subdivision under construction and onto Auburn Street. The additional access point would also allow for better pedestrian access between the existing PRB II subdivision and the Alice Street subdivision. Finally, the second access point would allow individuals with disabilities to navigate in and out of PRP III off Alice without necessitating the traverse of the steep roadway grade proposed to cross the 30 foot ravine between Lots 16 and 17 on Cushing Avenue.

Shoreland Access: A final point of this letter concerns the developer's apparent lack of attention to providing public access to the Presumpscot River as set forth in City's Shoreland ordinances. While the developer has for years graciously allowed area residents unrestricted access across the many well worn trails and pathways now found throughout PRP III, the plan as currently proposed offers no access from North Deering to the trailways abutting the Presumpscot River. With the limited recreational facilities available to residents of the North Deering neighborhoods, these trails offer countless residents, both here and throughout the city, the active and passive opportunities to enjoy this unique and peaceful riverfront trail system.

I would respectfully ask the Planning staff and Board to seriously consider the points raised in this letter regarding emergency and riverfront access. Obviously, I believe there needs to be further hearings and opportunity for input on this matter and I would ask that I be notified on an on-going basis of matters relating to this proposed development.

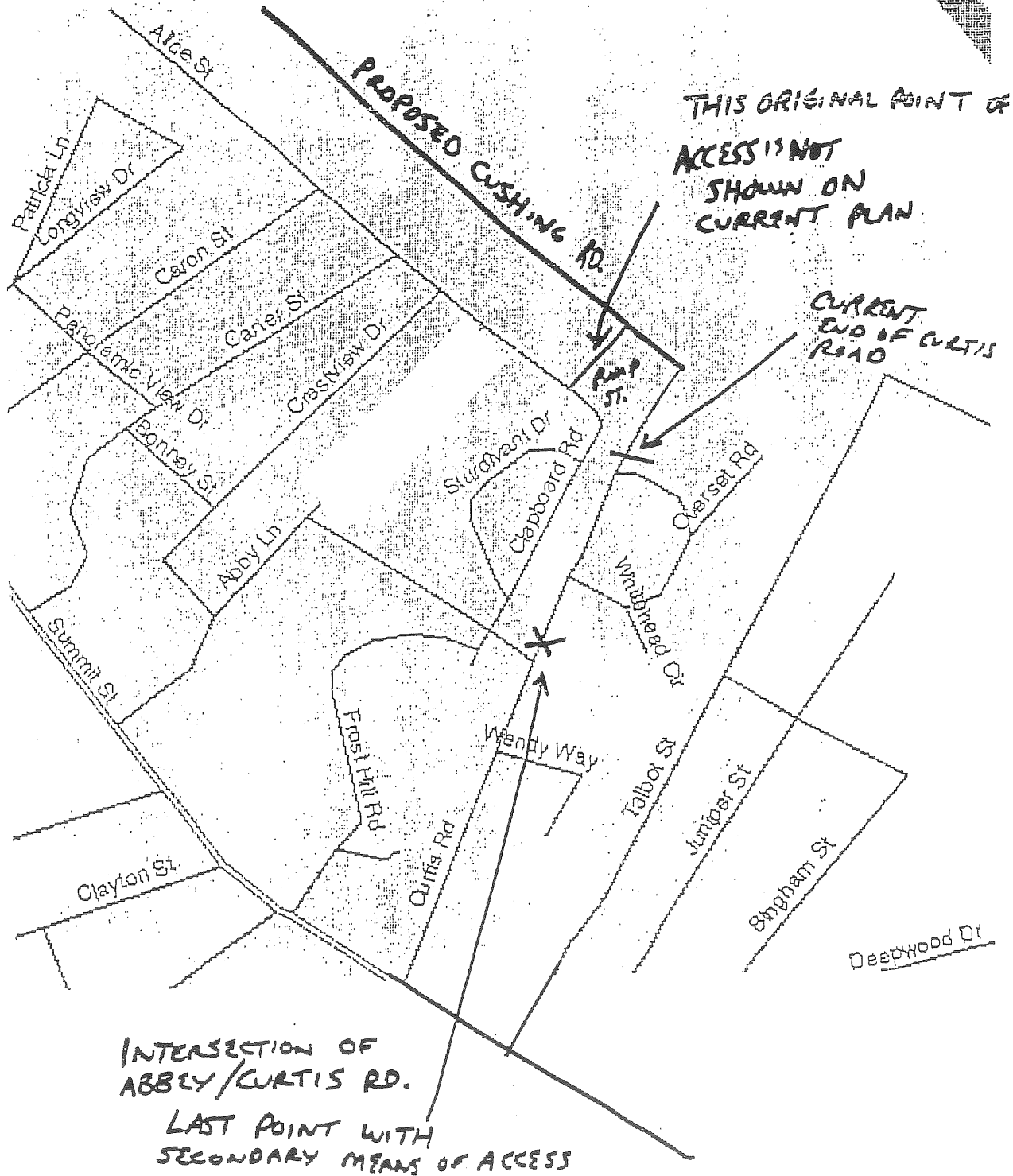
Thank you in advance for your anticipated assistance.

Sincerely,



Steven M. Berg

CC: Portland Planning Board
Lt. Gayland McDougall, Portland Fire Department
Chief Michael Chitwood, Portland Police Department
Jim Cohen, Portland Trails



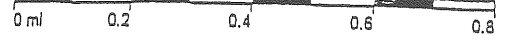
THIS ORIGINAL POINT OF ACCESS IS NOT SHOWN ON CURRENT PLAN

CURRENT END OF CURTIS ROAD

INTERSECTION OF ABBY/CURTIS RD.
 LAST POINT WITH SECONDARY MEANS OF ACCESS



Aby Lane-Curtis Road Intersect
Last point of secondary access



MapScale.com

DEAR SIR,

REFERENCE SUB DIVISION ON 28ACKRE PARK
CURTIS RD. WE WHO LIVE AT TOP OF
STREET HAVE VERY POOR PRESSURE
FOR WATER IN HOMES. PLEASE BE SURE
WATER PRESSURE IS ADDRESSED,
WE DO NEED BETTER PRESSURE.

Francis Egan
37 Ashby Lane

*Paula K. Broydrick
90 Longview Drive
Portland, ME 04103*

August 19, 2000

Mr. Joseph E. Gray, Jr.
Director of Planning and Urban Development
City Hall
389 Congress Street
Portland, ME 04101

Dear Mr. Gray:

Re: Curtis Road proposed subdivision

I am grateful to Mr. Adam and Dr. Wolf for allowing their neighbors to have access to the beautiful area adjacent to the Presumpscot River. I have taken many delightful walks there throughout the year.

I am concerned that many areas of their proposed subdivision abut small and larger wetlands. I can see that they have flagged those wetlands, but it is also apparent that house lots will encroach on them, and will, of course, effect drainage in the area.

Portland does not seem to have a well-thought-out or consistent plan for wetlands protection, but that doesn't mean you should approve the subdivision without more careful review of the number of house lots and their locations.

I will be paying close attention to the actions taken by the Planning Board and hope the developers can redesign their subdivision to afford more protection to a finite resource.

Thank you for your attention.

Sincerely,

Paula Broydrick

JOAN AND JAMES COHEN
62 Deepwood Drive
Portland, Maine 04103
Tel 797-9638 Fax 797-0438

May 30, 2000

Mr. Jamie Caron, Chair
Planning Board
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Comments in Opposition to Presumpscot River Place - Phase III Subdivision

Dear Jamie:

I am a resident of 62 Deepwood Drive in Portland, and I am writing on behalf of my family to express our strong concerns regarding the proposed subdivision and development of land along the Presumpscot River by Adams and Wolfe known as Presumpscot - Phase III. This development is located less than a quarter mile from our house as the crow flies, and in my view, there remain a number of unanswered questions and issues of City-wide significance to warrant closer inspection of the development, and perhaps a reconfiguration of the current plans.

COMMENTS

I have a number of concerns about the proposed development, which are set forth below.

I. Consideration of Future Development is Critical.

I am concerned about the phased-in manner of the development because it may prevent meaningful review by the Planning Board. Originally, the Planning Board approved a subdivision of about 80 lots for development, but this development never took place and the approval lapsed. The subdivision currently before the Planning Board represents only a portion of the original approved subdivision, but the developer has indicated in several neighborhood meetings that the remaining land is likely to be developed at some point in the future. In fact, during neighborhood meetings in North Deering hosted by the Planning Staff, the developers' consultant regularly referred to the original approval as justification for the particular plans now before the Planning Board.

It is simply no secret that the subdivision now before the Board is part of a broader scheme of development. Lower Falls and Stapleford were developed in the 1980's and 1990's along contiguous land owned by the developer in this area, including one development in Portland and one development in Falmouth within the last 12 months. The proposed subdivision is going forward at this time, and it is aptly named "Phase III" suggesting that more phases are planned. And looking ahead, there is no reason to think that the developer plans anything in the remaining land other than more house lots.

Given the proposed phase-in of the development, the Planning Board should consider not only the direct impact of the development currently before it, but also the cumulative impact of this development along with likely future developments. Future development directly affects the traffic plans and studies related to this development, as well as the scenic, wildlife, and recreational impacts of the development. The developer cannot ask that the Planning Board put blinders on and ignore such inevitable development, regardless of who may develop the land in the future.

Consideration of future development is also a valid consideration by the Planning Board. There are many instances where future growth is considered when a planning board approves a project.

- **Water main extensions.** Portland's Subdivision Ordinance requires developers to install water mains with the approval of the Portland Water District. *Sec. 14-499(3)*. In issuing its approval, the Water District is required to apply the water main extension rules of Maine's PUC, which is PUC Chapter 650. This requires that new main extensions be sized for future growth and development - even if there is no development currently permitted, applied for, or in the actual planning stages. Developers under the PUC rules must pay for the added costs related to such future growth, even if such growth does not occur during the 10 year payback period allowed under the law. This policy makes sense: if future growth were not considered, water districts would constantly need to dig up and replace their existing mains every time a new development required additional capacity.
- **Street Coordination.** Portland's Subdivision Ordinance permits the Planning Board to consider the degree to which streets in a subdivision are "coordinated with the street system of the surrounding areas," and further that "all streets must provide for the continuation or appropriate projection of streets in surrounding areas. . . ." *Sec. 14-498(b)(2)* Of necessity, this involves projection of what will be built in the surrounding areas. If a development will be located next door, the time to coordinate the streets is now, not after the houses are built and the lawns landscaped.
- **Blocks.** The Ordinance also permits the Planning Board to require the reservation of easements for underground utility crossings and pedestrian traffic "where needed or desirable." *Sec. 14-498(g)(2)*. This open ended standard requires consideration of future development in order determine where or whether to locate a utility easement.
- **Open Space.** The Ordinance permits the Planning Board to consider whether recreational areas exist in "close proximity" to the proposed subdivision. *Sec. 14-498(i)(1)*. This provision permits the Planning Board to "peek" at what is next door to the subdivision, or down the road, and take such review into consideration when deciding whether to attach conditions to an approval.

Overall, which particular issues of future development can be considered by the Planning Board are not clearly defined by law. However, the law appears to give wide discretion to review boards to consider the particular facts and circumstances bearing upon the question of whether a future development is likely, and to take such facts into account in rendering a decision. A reviewing court will not disturb these findings unless the board's decision is "clearly erroneous." See *Brennan v. Saco Constr., Inc.*, 381 A.2d 656 (Me. 1978) (BEP permitted to consider actions and intent of developers when considering whether adjacent developments should be treated as single development under Site Location of Development Law).

In light of the foregoing, I would strongly encourage the Planning Board in this case to consider future development along the Presumpscot River when making its final decision. Some of the particular areas of consideration are detailed below.

II. Traffic Issues Demand Closer Attention.

Traffic impact is one of the legal criteria upon which the Planning Board must base its final decision. *Sec. 14-497(a)(5)*. This is also one of the most significant issues affecting the proposed development. At the neighborhood meetings, scores of local residents appeared to express their concerns about traffic impact. The concerns are real.

The "Funnel." As currently proposed, the subdivision has at least two entry points, but both proposed entry roads require use of Curtis Road for egress. The effect is like a funnel. Whether traffic goes east or west from the development, it must use Curtis Road the overwhelming majority of the time. I say overwhelming because it is theoretically possible that traffic heading west (away from downtown) could use Abby Road instead of the upper portion of Curtis Road, but this route would require extra turns, and would limit a vehicle's access points to Auburn Street. Traffic could also use Alice Road if the developer amends the plans to provide a third means of egress from the development, but this solution is inadequate because it does not help traffic heading east (i.e. downtown or to I-295), nor traffic heading west or north (because the route is more circuitous and narrow than Curtis Road). In all cases, there is little question that traffic heading east (downtown, to schools, or to I-295) would use Curtis Road exclusively, and this will comprise the majority of the traffic.

Overall, the impact of 27 additional house lots will inconvenience the residents of Curtis Road and their children, and will likely increase traffic from Summit Street onto Allen Avenue Extension, which is the primary outlet for North Deering residents heading anywhere other than I-95 or West Falmouth. However, it is the likely addition of another adjacent 27 lots, or twice that amount, which creates the real problem. Unlike Pineloch Woods, where I live, which has three roads and two separate exit points to spread out traffic from the 80 homes, this development would have one ultimate exit road used by most cars - Curtis Road.

Possible need to widen Curtis Road. At one of the neighborhood meetings, a resident expressed concern that Curtis Road may need to get widened to accommodate the increased traffic from the new developments. The developers' consultant did not have a formal answer

because (somewhat shockingly) no actual study of Curtis Road had been undertaken at the time of the last neighborhood meeting. Rather, he replied anecdotally that widening was an unlikely result because he was "unaware" of any similar instance where a development in Portland had caused the need for widening of existing roads. I am not so sure this observation is meaningful.

First, I can recall no similar development in Portland which has a similar "funnel" arrangement for traffic. Most developments in Portland have multiple access points which are crossed by numerous interconnecting streets. The only somewhat analogous development may be Pheasant Hill near the Rainbow Mall, but that development has fewer lots, does not go through any other neighborhood for egress, and has two access points to main collector roads. There are no other such massive housing developments in Portland which have only one real means of egress, and which are deeply embedded within other neighborhoods.

Second, Curtis Road is not built as a through road. For many years it was the end of the line in Portland, and one of the few developed streets in the northernmost area of North Deering. Since the developer had not conducted a study of the road at the time of the last neighborhood meeting, the developer could not say with any certainty whether the proposed development and related developments would cause a need for widening. Obviously, if widening is warranted, this will be a taxpayer expense and will significantly reduce the property values of the nearby residents.

Need closer scrutiny. There is no question that Curtis Road will bear the overwhelming brunt of traffic from the new development, yet the traffic studies submitted originally to the Planning Board did not even cover Curtis Road. The absence of such a critical study truly calls into question the credibility and skill of the traffic engineer, and should raise red flags with the Planning Board. I do understand (through personal observation of traffic counting devices along Curtis Road) that the developer has been preparing a revised traffic plan including Curtis Road, which may have been submitted to date, but the Board should review this study and its conclusions very carefully because, despite the likely clean bill of health the report will provide, the reasonable reports of the neighbors suggests that Curtis Road will be the funnel of a major development. These neighbors understand Curtis Road and traffic flow far better than the engineers, which individuals have only come on site very recently and due mostly to the strong comments raised by the residents who *really* know the area.

III. Recreational and Open Space Concerns -- Destruction of the "Last Frontier"

The Planning Board may also consider the recreational and open space needs of the area when approving a subdivision. *Sec. 14-498(i)(1)*. These are paramount in North Deering.

By way of background, it is a myth that North Deering is blessed with much open space. The perception of a frontier was an attractive selling point when most residents moved to North Deering. It contributes to the sale price of homes, and indirectly affects property tax assessment values. In fact, North Deering is cursed with less than half, or even a third, of the amount of per capita open space available to other residents in the City. There are no parks other than the

schools. There are no public trails outside of the schools. But shortly, even if only a portion of the Presumpscot Place development becomes housing lots, we will have hundreds of new residents to share what little we have, and with their arrival will come the elimination of at least some (but hopefully not all) of the privately held open space formerly available to the residents of North Deering.

This truly is among Portland's last frontiers. Residents of Portland have used this area for recreation for generations. They continue to go for hikes and walk their dogs in this area. Simply put, there are no other major rivers running through Portland. This is it. And there are few other streams with gorges or waterfalls in Portland, yet they can be found in this last undeveloped land. Of course, once a subdivision is built, we can never go back.

Now is the time to recognize the valuable resource we have in this land, and take seriously our public responsibility to permit development of such a treasure only in a very careful manner. Configuring the development to allow some publicly available open space would meet the needs of area residents, and the City at large. This is a reasonable accommodation given the nature of this land and its meaning.

IV. Scenic and Habitat Issues Warrant Reconfiguration of the Subdivision Plans.

Another key element of subdivision approval relates to the scenic and wildlife character of the land to be developed. *Sec. 14-497(8)*.

This area along the river is home to numerous birds and aquatic life, and provides refuge for numerous small mammals who have no other sanctuary within Portland. Residents who frequent this area have in just the last week reported seeing eagles and beaver in this area. This area is considered important enough that the Maine Legislature has designated the neighboring Presumpscot River as one of only eighteen (18) classified "major river basins" in the State. 38 *MRSA §467*. The impending opening of the Smelt Hill Dam affords even more opportunities for nurturing and sustaining the development of aquatic habitat along this stretch of river. The reduction in effluent emissions from the Warren mill in Westbrook offers further promise to this stretch of river.

At this point, the developer has proposed that no development occur within the 250' shoreland setback, which is a step in the right direction, but it does not go far enough. First, the topography of this land is severely sloped toward the river, and 27 houselots will create significant new impervious surfaces for runoff into the river - including runoff of road salt and sand, and lawn fertilizers and chemicals. The problem is magnified by expected future development along the river. Second, a narrow band of land along the river is not adequate wildlife habitat. 250' is line of sight - less than a football field - and affords little space for wildlife to move around.

The solution requires that more open space be preserved to allow the river habitat to function adequately.

V. Environmental Considerations Demand Reduced Development.

Finally, environmental concerns are important to subdivision approval. The Planning Board is currently permitted to consider effect on bodies of water (*Sec. 14-497(11)*), wetlands (*Sec. 14-497(14)*), and soil erosion (*Sec. 14-497(4)*).

The area in which the proposed development will be located has a number of gulleys and streams, and wetlands, which are extraordinarily scenic. There is even a small gorge along one of the brooks. All of these lands are located on lowlands, substantially below where all of the houselots would be placed under the current subdivision plans. And the grade is quite steep in many spots. As with the river, these lands would be threatened from erosion and runoff from the development, and therefore placed at risk.

It is important for the development to be configured to minimize such harmful impact to the natural environment.

PROPOSED SOLUTION

There is a solution to all of the issues raised in my letter. Approve the development, but with some conditions. The conditions would deal with (1) the number and location of the house lots approved, and (2) the dedication of open space to the community. There is precedent for this type of solution, particularly along important water systems in the City (of which the Presumpscot is among the most significant).

- A. Pheasant Hill – when this development was approved in the Rainbow Mall area, the developer reserved a number of acres along Fall Brook for public use.
- B. Stroudwater – a development along the Stroudwater River by Peter Kennedy, currently before this Board, which development was approved a number of years ago but has since lapsed, included the conveyance by the developer of nearly half the acreage to the public for a trail along the Stroudwater River.
- C. Eastern Prom – a development near India Street along the water from the late 1980's which was proposed but never built (and whose precise name is unknown to me) would have gated off the former Eastern Prom rail line from public access. This development was thankfully never built, and we now have a beautiful park along the Prom which just now is being connected to Back Cove.

With fewer housing units and more dedicated open space *to the entire public*, the issues of traffic congestion, wildlife, erosion, recreation, and proper street development are dramatically improved.

Letter to Jamie Caron

April 20, 2000

Page 7

And this solution should not come as a surprise to the developer. Whenever a person acquires land, that land includes the value of any potential restrictions that might be placed on it. Acquisition of river front land with significant natural beauty in particular carries with it the risk that development may be deemed not in the public interest. This risk becomes palpable upon review of the City's subdivision ordinance which makes natural beauty, street development, open space, and wildlife a condition of approval. Presumably, when the developer acquired the land back in the past, there was a discount factored in at that time to compensate for such risk.

CONCLUSION

I appreciate your consideration of this matter, and would like to be listed as an interested party in this proceeding as it moves forward. Notices can be sent to my attention at the address listed at the outset of this letter.

Sincerely,

James I. Cohen

cc: Sen. I. Joel Abromson
Rep. Eliza Townsend
Rep. William Norbert
Mr. Jay Hibbard, City Council District 5

Pamela Keef
58 Roberts Street
Portland, ME 04102

May 28, 2000

Mr. Jamie Caron, Chair
Portland Planning Board
City of Portland
389 Congress Street
Portland, ME 04104

Re: Presumpscot River Place – Phase III Subdivision

Dear Mr. Caron:

I am a resident of Portland and a great fan of the City of Portland's trails and open spaces. I am also a high school biology teacher and recognize the value of children having easy access to recreational parks and natural wildlife habitats. I have recently learned of the proposed housing development located near the Presumpscot River in North Deering and write to request that the Portland Planning Board give serious consideration to the need for more green space in that area of our city. Green space and trail access along the Presumpscot River corridor would not only benefit the residents of North Deering, but all of the residents of Portland.

I both run regularly on the Back Cove and Eastern Promenade trails and play Ultimate Frisbee in several of the City's parks. While I feel grateful for the public space that currently exists in Portland, I recognize that more is needed – particularly along the Presumpscot River. Children in that area of the City have precious few options for playing outside in public green spaces. Further, because this particular area is a river corridor, it presents unique educational benefits for the children (and adults) who would frequent the trail. With the impending removal of the Smelt Hill Dam, we will likely see the return of anadromous fish and school children could have the opportunity to participate in a fish restoration project in a Southern Maine river. School children would also benefit from having the opportunity to study wildlife habitats that exist in river corridors, such as the nesting habitat for warblers, thrushes and other song birds. Creating more educational and recreational opportunities within the City of Portland can only help to make Portland a more livable and enjoyable city – for both young and old.

It is my understanding that it would be possible to allow the developer to build phase III of the Presumpscot River Place housing development while at the same time creating trail access to the river and preserving a green strip along the river bank. This seems like a win-win situation for the City, residents of the City and the developer. If this green space is lost, however, it will likely be lost forever. I hope that while reviewing this proposed development the Planning Board will remain mindful of the importance of creating and preserving public trails and green space that will benefit residents of this City for many generations to come.

Very Truly Yours,

A handwritten signature in cursive script that reads "Pamela Keef". The signature is written in dark ink and is positioned above the printed name.

Pamela Keef

From: "Mark S. Williams" <cmwill@concentric.net>
To: "Rick Knowland" <rwk@ci.portland.me.us>
Date: Sun, May 28, 2000 2:01 PM
Subject: Fw: Presumpscot River Place III.

Planning Board

Attn: Rick Knowland, Joe Gray, and Jaimey Caron

My husband and I will not be able to attend the May 30th planning Board meeting. But I did want to submit our comments and concerns again to the Board regarding the new development - Presumpscot River Place subdivision. Attached is a copy of our earlier letter to the board.

I also have some additional information that may be beneficial. I am a Dental Hygienist and met a patient named Brad Guay. Brad is a NEMO (Nonpoint service Education Municipal Official) Program Manager. He works for Cumberland County soil and water conservation and is employed by the federal government. His job is to only educate town planners on developments that are near water ways. He works with Yarmouth and Freeport. He stated that he does have information that may be of help in the planning of the subdivision. There are some state laws that town planners and developers do not know exist. Since he does not work for Portland, he may be limited in his help; but did say it was OK to contact him and he could send out some information. It may be of help if Rick could contact Brad Guay 207-839-7839 x114 or email safespring@aol.com ; just mention that "the dental hygienist that cleaned your teeth recommended Brad". I contacted Jay Hibbard with this information and he told me to pass it on to Rick.

I appreciate all of your help into looking at all possibilities.

Thank you,

Carolyn Williams

-----Original Message-----

From: Mark S. Williams <cmwill@concentric.net>
To: Rick Knowland <rwk@ci.portland.me.us>
Date: Saturday, April 15, 2000 10:47 PM
Subject: Presumpscot River Place III

Planning Board

Richard Knowland

Joe Gray

Jaimey Caron

Attn: Mr.. Knowland

Thank you for the informative meeting on April 10, 2000. It provided a lot of valuable information. As a resident on Curtis Rd., I am very concerned with the limited road access out of the new development. The additional access roads that were proposed by your committee still do not solve the problem of excess cars on Curtis Rd.. These roads only create a "funnel" of cars to the top of Curtis. The solution should be another access road on the other side on the development, so then the cars can exit Caron or Carter St.. I believe they called this road "Hope Rd.". I understand that this road would be in Falmouth, but the developer already owns that land and has future plans of development. Instead of waiting for the future development to begin and then putting in Hope Rd., I strongly feel Hope Rd. should be addressed NOW and implemented with this beginning phase 1 of this development. If Falmouth will not OK the road, then perhaps Portland should reconsider approving any of this development!

I also would like the planning board to view this development as a whole of all of its phases. Not just the 27 lot phase 1. The planning board needs to consider all of the land the developer owns. The land includes: land to the right of the 27 lots which will be developed into approx.. 50 lots; and the land to the left (in Falmouth) which can be developed into perhaps another 50 lots. This makes a total of approx.. 130 lots, NOT just 27 lots!!!

PAMELA M. GREEN
146 Roaring Brook Road
Portland, Maine 04103
(207) 878-2279

May 28, 2000

Joseph E. Gray, Jr.
Director of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, ME 04101

RE: ADAMS/WOLF DEVELOPMENT AT END OF CURTIS ROAD

Dear Mr. Gray:

I would like to comment on the proposed subdivision at the end of Curtis Road. I live in North Deering on property that abuts the so-called "Oat Nuts" woods.

When I moved to North Deering in 1985, I was surprised to learn that there is no park to serve such a heavily populated neighborhood. That being the case, I felt lucky to live next to one of the few wooded areas in North Deering. Two friends and I walk our dogs every morning in the woods, often crossing the power line and going all the way to the Presumpscot River. We have spotted a beaver along the river, and I once saw a wild turkey cross the path up ahead.

We have enjoyed the woods. When my kids were little, I used to pull them on the toboggan along the paths. We have always cross-country skied out there. Now my son and his friends build snowboard jumps on a hill next to a stream. In my Girl Scout troop are girls who live on Olde Birch Lane, Alice Street, and Whitehead Circle (off Overset Road). At one of our upcoming meetings we plan to start at my house and walk to each of the girls' houses completely through the woods. It can be done!

I understand that the developers' plans go beyond this 27-lot parcel and include the Presumpscot River and the Falmouth side of the municipal boundary. A shortsighted decision now will deny access to a beautiful section of the Presumpscot River to future generations.

The woods are a treasure and a resource that will be lost forever once the first house is built. What we don't need is more houses in North Deering and traffic on Summit Street and Curtis Road. What we do need is more green space.

If the City has no intention of giving the residents of North Deering a park or open space, please consider very carefully before you take away the little natural area we have remaining. Thank you for your consideration.

Sincerely,



Pamela M. Green

Michael and Barbara Peisner
26 Overset Road
Portland, ME 04103

May 26, 2000

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

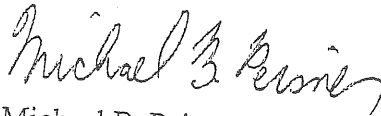
Dear Mr. Gray:

This is to support the application of Burt Wolf for approval of a new subdivision at the end of Curtis Road. We live in the adjoining subdivision, and have known since we moved in over 13 years ago that that land was going to be developed. Frankly, we are surprised that it has taken so long.

We have recently become interested in buying a lot in the new subdivision. We like where we are, in terms of schools, neighborhood, and general quality of life. When we bought our present home, we had one baby, and now we have three children, ages 7 to 13. As we look to find a home more suitable to our present circumstances, our ideal is not to go very far.

We understand the concerns about traffic on Curtis Road, etc. They result from a lack of long-range planning on the part of the City of Portland many years ago, in not assuming that all buildable land in the City would be developed, which would have allowed the appropriate steps to be taken then. We hope that the City will take active steps to rectify the traffic issue, with measures such as speed bumps. These issues are not the fault of the developer, and we do not think that this subdivision should be denied for such issues.

Very truly yours,



Michael B. Peisner



Barbara K. Peisner

From: Ellie Rodgers <Ellie_Rodgers@onf.com>
To: Portland.CityHall(RWK)
Date: Fri, May 26, 2000 12:30 PM
Subject: Curtis St. development

Attention: Josephe Gray

Dear Mr. Gray:

Trying to get out of our driveway on Summit St. is now very difficult. The addition of three more streets at the end of Curtis Rd. will make it even more difficult. Before any additional houses are allowed to be built, there should be another access road to Allen Avenue in addition to the Summit St. access.

Also the current crowding at Lyseth School should be solved before any new development is approved.

Sincerely,

Eleanor and Robert Rodgers

Melissa Mirarchi
106 Summit Street
Portland, ME 04103

May 25, 2000

Mr. Joseph Gray, Jr.
Director of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, ME 04101

Dear Mr. Gray, Mr. Jay Hibbard and Members of the Portland Planning Board,

I am writing to you with my sincere and deep concerns regarding the proposed development of Presumpscot River Place. I would very much appreciate your taking the time to address my concerns during your meeting on May 30th and in a letter.

First, I want to address the fact that this proposed development already was approved by the Board in 1989. So many things have changed in the past eleven years that I implore you to consider: literally hundreds of new housing units have been erected within a one mile radius of the proposed site; Lyseth and Lyman Moore schools have had to resort to modular classrooms; and according to the City's *Green Spaces, Blue Edges: An Open Space and Recreation Plan for the City of Portland*, which was written in the mid 1990's, the 2,721 acre North Deering neighborhood had, at the time of publication, only 70 acres of public open space. That is 7.3 acres of open space per 1,000 residents, which was "significantly less than the citywide average of 19 acres per 1,000 residents." Considering the ongoing increase in North Deering's population, there is certainly significantly *less* than 7.3 acres per 1,000 residents today. What are your thoughts about these changes?

According to *Green Spaces, Blue Edges*, some 1,144 new housing units were added to the North Deering neighborhood during the 1980's, an increase of 40%. New homes in North Deering accounted for 34% of new growth in housing units within the entire city during the 1980s. How many new housing units were added to the North Deering neighborhood during the 1990's?

Green Spaces, Blue Edge included "opportunities for potential linkages," via the *Portland Shoreway Access Plan*, that included a trail running from Oak Nuts Park to the Presumpscot River, as well as a canoe or pedestrian trail from Westbrook through Portland and Falmouth along the Presumpscot River corridor. How many of these plans have come to pass and what efforts are being made today to take advantage of these opportunities?

I understand that the developer has proposed leaving 250 feet back the river for public use. I also understand that there is no plan for creating a right of way to get to that land. Am I correct in believing that the proposed development would render the shore of the Presumpscot River inaccessible to the people of North Deering and others who enjoy the river? Am I also correct in my understanding that a 250 foot corridor by a river is required by law anyway?

Number 8 of the Subdivision Review Standards Section 14-497 in Portland's Land Use Code states that a proposed subdivision will not have "an undue adverse effect on the scenic natural beauty of the area." or on "a rare and irreplaceable natural area." Clearly,

this proposed subdivision would have a significant adverse effect on the area's natural beauty, as well as on a rare and irreplaceable natural area. What are your comments on this?

According to *Green Spaces, Blue Edges*, "A hallmark of our park system is the preservation of ... natural features because they are viewed as important community resources...Protection of such natural resources as open space has an inherent value to the community beyond its aesthetic or recreational role. ...There are substantial social, civic and economic benefits to be gained by protecting significant natural resources. Conservation of natural resources should include a complete array of natural features and habitats so that the public may learn about and experience the full realm of Portland's natural environment." I would appreciate hearing your current stand on what the City published in the mid 1990's.

Green Spaces, Blue Edges states that "most residents in Portland are within a reasonable walking distance (ten minute walk) of an open space. There are however areas of the City in which there are gaps in the distribution of open space where this is not achieved." North Deering, according to *Green Spaces, Blue Edges*, is such an area. What are your comments on this?

From an environmental point of view, I am concerned about the many brooks and streams that run to the Presumpscot through the proposed development site. What will be done to protect these brooks and streams, and how much distance will be kept between them and any proposed properties? What will be done to protect the many small vernal pools — essential breeding grounds for many amphibians and other inhabitants of the area — the loss of which could destroy the balance of the area's eco system? Finally, how does the developer plan to buffer the Presumpscot from runoff (lawn fertilizers and herbicides, etc.) and to create a visual buffer, to protect river users from view of the development. (As I'm sure you are aware, when Smelt Hill Dam is removed this section of the river will be much more desirable for fishing, kayaking, canoeing and other recreational activities.)

Another concern about this development is, of course, traffic. According to number 5 of the Land Use Code, a proposed subdivision will not "cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed." Since school buses (Portland and Falmouth), delivery trucks, and every vehicle from every house in every phase of the development along the Presumpscot (including houses in Falmouth) will ultimately funnel through Curtis Road and then onto Summit Street, this development will, without a doubt, create unreasonable road congestion and unsafe conditions. How do you address this concern? What exactly will be done to control speeding on Curtis Road and Summit Street?

In light of the above, the proposed development along the Presumpscot River strikes me as an extremely bad idea. Perhaps, instead, funding (city, state and national) could be found to purchase some or all of this land to provide North Deering residents, both now and for generations to come, with the open space the Planning Department has stressed is needed. Has this or have other possibilities been considered?

I appreciate your response and your consideration.

Sincerely yours,

Melissa Mirarchi

Steven M. Berg
10 Whaleboat Road
Portland, Maine 04103
207 878-8394

May 25, 2000

Joseph Gray, Jr.
Director of Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

RE: Presumpscot River Place III

Dear Mr. Gray,

As an abutter to the proposed Presumpscot River Place Phase III (PRP III) subdivision, I am writing to express my additional concerns regarding the plan currently under review. I am pleased the developer has made several steps to improve upon prior versions, however, the following issues remain unresolved:

Wetland Mapping:

It doesn't appear from the 4/25/00 Wetland Delineation map submitted to the City that all of the flagged wetlands contained throughout this project were included on the documentation submitted. For example, wetland delineation flagging tape is present on Lot 18, yet it does not appear on any of the plans submitted. Several other pockets of wetlands, which provide filtration and other benefits to this environmentally sensitive piece of land, appear to have been left off the plans. The City should verify all wetland mapping before approval is granted.

Unnumbered Lot between Lots 19 and 18

During 1999, the developer placed fill on the unnumbered lot between Lots 19 and 18 and is currently attempting to market this lot at the end of Curtis Road. (Between Vail and Curtis Road) It is clear, however, that this lot was not contemplated in either part of the previously approved Presumpscot River Place I or II subdivisions, nor is the developer including this parcel for review in this subdivision proposal. The square footage of this unnumbered lot should be included in this current review even though the inclusion may require the developer to obtain additional permitting from both the Department of Environmental Protection and the Army Corps of Engineers, especially due to the filling of wetland vegetation which has occurred on this parcel. Additionally, no erosion control methods have been utilized during or after the filling of this lot by the developer. The soils placed on the site continue to erode and silt into the unnamed stream between Lots 19 and 18.

Sidewalk Exemption

The developer's engineer has requested an exemption from the City's requirement to place sidewalks on both sides of residential streets. Other than a cost saving measure for the developer, it is unclear why this exemption would be considered given the fact that all streets in this neighborhood (which this developer built) have sidewalks on both sides of the street. Parents truly appreciate this desirable safety feature not only for their children, but also for personal walking safety. Should the developer's reason for seeking the exemption be for strictly aesthetic purposes as presented, the City should require the contribution of an amount equal to the funds saved by the developer to assist in the construction of a sidewalk along Allen Avenue Extension to provide for the safety of all inhabitants of this portion of North Deering.

Significant Wildlife Habitat:

It is unclear from the report submitted if the biologists hired by the developer actually spent much time on this parcel. Several deer wintering areas are found throughout this parcel as are numerous other species of mammals and wildlife. Wild turkeys and even a bald eagle can be found on this property, yet no mention is made in the report submitted to the City. This entire parcel, not just the 250' strip of land along the river for which the developer has refused to discuss any future plans, provide a much needed and critical habitat for a diverse wildlife population. This is a critical environmentally sensitive parcel that the City should use all available resources to protect for future generations.

Construction Monitoring:

The developer has stated that the "sweeping of the construction debris will be done on an "as necessary basis". The City should require that sweeping of the streets in the immediate vicinity of this large scale development be completed daily at a minimum and more often if necessary. The scale of this project will require upwards of 50 or more truckloads a day travelling over these local roads. The dust and mud generated by these trucks must be minimized.

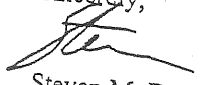
Shoreland Access:

A final point of this letter concerns the developer's apparent lack of attention to providing public access to the Presumpscot River as set forth in City's Shoreland ordinances. While the developer has for years graciously allowed area residents unrestricted access across the many well worn trails and pathways now found throughout PRP III, the plan as currently proposed offers no access from North Deering to the trailways abutting the Presumpscot River. With the limited recreational facilities available to residents of the North Deering neighborhoods, these trails offer countless residents, both here and throughout the city, the active and passive opportunities to enjoy this unique and peaceful riverfront trail system.

I would respectfully ask the Planning staff and Board to seriously consider the points raised in this letter regarding the failure to correctly identify all wetland areas, creation of lots without proper approval and the lack of public riverfront access.

Thank you for your time and consideration.

Sincerely,



Steven M. Berg

CC: Portland Planning Board
Maine Department of Environmental Protection
Army Corps of Engineers

FRIENDS OF THE PRESUMPCOT RIVER
P.O. Box 223
S. WINDHAM, ME 04082

May 24, 2000

Joe Gray
Director of Planning & Urban Development
City of Portland
389 Congress St.
Portland, ME 04101

Dear Mr. Gray;

This letter comments on the proposed Presumpscot Place Phase 3 development. Please share these comments with all participants in the May 30 workshop on this proposed development.

Incorporated in 1992, Friends of the Presumpscot River (FOPR) is a non-profit organization committed to restoring and protecting the water quality, wildlife habitat, recreational opportunities, and shorelands of the Presumpscot River through ongoing stewardship and advocacy. With members in every town along the river, and also members who live as far away as Alaska, FOPR represents the public interest regarding the Presumpscot River. FOPR is a member of American Rivers, the River Network, and the Natural Resources Council of Maine.

We have concerns about the proposed development in four areas:

1. Water quality in the Presumpscot River may be harmed by storm water runoff, non-point source pollution, and reduced riparian buffering capability resulting from increases in impervious surfaces and this new usage of the land.
2. Wildlife habitat will be lost. This is a precious opportunity for the City of Portland to preserve a unique pocket of wildlife habitat.
3. Left undeveloped, the land provides significant recreational opportunities including walking and nature observation. This alternative use should be seriously considered. This significant parcel of undeveloped land along the Presumpscot in Portland has great potential value to current and future residents of Portland. Ways to protect and preserve it should be vigorously pursued.
4. Finally, our mission includes shorelands. These rugged acres have remained undeveloped through the 17th, 18th, 19th, and 20th centuries. With steep slopes and ravines, we believe that housing is not the highest and best use.

Clearly, this subdivision is in violation of Section 14-497, item 8 of Portland Code for the following reasons:

1. Presumpscot Place Phase 3 will have an undue adverse impact on the natural beauty of the area.
2. The development will compromise wildlife habitat.
3. This is an irreplaceable natural area.

As you know, the Casco Bay Estuary Project is developing a management plan for the Presumpscot River. This is not an overall watershed management plan, but a plan concentrating on the river corridor from Sebago Lake to Casco Bay; approximately 25 miles. This process began in 1999 and includes a wide range of stakeholder groups. The plan is scheduled for completion in January, 2001. The steering committee has identified three significant areas for study:

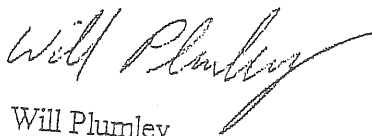
1. Fishery restoration
2. Open space/public access/development
3. Cumulative environmental impacts

Friends of the Presumpscot River is a participant in this planning process. When completed in January, 2001, this plan will inform decision-making in communities along the river in all three of these areas. If the City of Portland is considering approving Presumpscot Place Phase 3, it should wait until work is complete on the Presumpscot River Management Plan eight months from now.

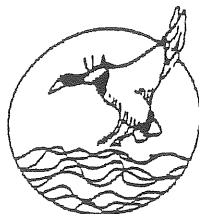
It is the Planning Board's responsibility to interpret and uphold all of Portland's land use ordinances. Burden of proof in all matters rests with the developer. Friends of the Presumpscot River asks that you exercise vision and use your authority to protect this land for the use of wildlife and for the enjoyment of future generations.

Thank you for your kind attention.

Sincerely,



Will Plumley
President
892-4597



Stephen E. Champagne
21 Wendy Way
Portland, Maine 04103

May 9, 2000

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

Re: Presumpscot River Place III

Dear Planning Board Member:

I am writing to discuss my concerns with respect to the proposed Presumpscot River Place III subdivision (the "Proposed Subdivision"). Frankly, given the mandates of the Subdivision Review Standards, I do not see how the subdivision as proposed could be approved.

Subdivision Review Standard 14-497(a)(8)

The Subdivision Review Standards provide at Section 14-497 (a)(8) that the subdivision "will not have an undue, adverse effect on the scenic or natural beauty of the area ... or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline."

The Proposed Subdivision is to be located on probably the last stretch of undeveloped riverine property in Portland. Both banks of this stretch of river are in a state of natural beauty that once lost, can never be replaced. When walking on the existing path along the river bank, one can easily imagine what it was like in this area before being settled by our forefathers. To steal this last piece of history from our children would be unforgivable. And more to the point, contrary to the specific requirements of the Review Standard cited above. This is clearly a "rare and irreplaceable natural area" and the Proposed Subdivision will have an "undue, adverse effect." Further, current plans would deny public access to what little would be left of it. This would be a tragedy for our children and our future.

A 250 foot setback and limited access is manifestly inadequate to remedy the situation, and in any event would not bring the Proposed Subdivision into compliance with Section 14-497(a)(8).

Subdivision Review Standard 14-497(a)(5)

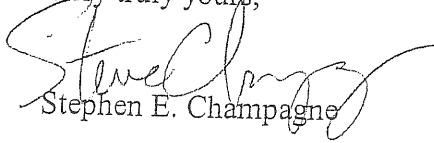
In addition, Section 14-497(a)(5) requires that a subdivision "not cause unreasonable highway or public road congestion or unsafe conditions..." It is my understanding that when the Planning Board approved the last phase of this subdivision they gave notice the developers that no further

expansions would be approved unless additional access was provided. The Planning Board recognized at that time that Curtis Road was already at the point of maximum safe usage. Since that time numerous additional houses have been built with Curtis Road being the only access route. Permitting any more housing to be developed with Curtis Road being the primary access route will assuredly result in an unsafe condition for the numerous children and pedestrians that use this road.

The developers have or had the ability to provide access to Washington Avenue and into Falmouth. To the extent that such access is no longer available, it is because they sold property and caused their own problems. To the extent that they would need to get approval from Falmouth, that is their burden.

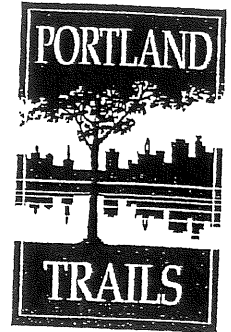
One final point. It seems there is a sudden need to develop every last undeveloped piece of property in North Deering. The Planning Board has an obligation to see that a neighborhood is developed in a reasonable manner that serves the needs of the entire community. It is time you took some steps to preserve some green areas for our children before it is too late. Exercise your interpretive powers under the Subdivision Standards to do so. We live in Maine because we love Maine. Don't turn it into Massachusetts. Thank you for your consideration.

Very truly yours,


Stephen E. Champagne

April 6, 2000

Planning Board
City of Portland
389 Congress Street
Portland, Maine 04101



Planning Board Members:

We are writing to state our concerns about the proposed Presumpscot River Place Phase III. Portland Trails is particularly interested in development of a trail along the river, as this is a goal we have worked towards for a number of years. Because it is part of this trail, we are also concerned about preservation of land along the river corridor and its tributary streams, and development of access points for the trail system. These goals are very compatible with the proposed Phase III development, and can be integrated into the development with little or no loss of developable land. Also, the development of trails and protection of river bottom lands will ultimately enhance the value of the development, and provide significant recreational benefits to both the residents of the development, and the residents of surrounding neighborhoods, and the City as a whole.

The Presumpscot River Trail

This stretch of the river has been identified as a priority for trail development for over a decade. The Portland Shoreway Access Plan, adopted by the City Council in 1987, presented a conceptual trail alignment and access points for the specific area now proposed for development (see Figure 1). This alignment included a primitive trail, canoe landing points, a trailhead and parking near Curtis Road. This early plan, with minor modifications, remains very applicable for the proposed development.

Portland Trails has included a trail along this stretch of the river in its Vision Map since 1992. The trail in the area of the proposed development forms a critical segment for a planned trail extending from Riverton Park past the golf course and down the river to the area currently proposed for Phase III (see Figure 2). A second planned link includes development of a trail to the river from Oatnuts Park, with a connection to Pine Grove Park, Lyseth and Lyman Moore Schools and the trails under construction in this area.

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Preservation of Open Space

The Presumpscot River is one of the most scenic corridors in Portland, and increasing numbers of residents are discovering the area near the Phase III development. This stretch of the river is perhaps the most beautiful area of undeveloped land in Portland, with old growth pines providing deep shade along the riverbanks, and a sense of solitude not typically found in an urban environment. Tributary streams on this stretch of the river include a most unusual brook descending from the area of Oatnuts Park, with numerous pools and small cascades (Figure 3).

Residents of North Deering neighborhoods have discovered this unusual area. The riverbank already has a well-worn footpath developed over many years from neighborhood residents and fishermen walking along the river, and those that have discovered the area are frequent visitors. The Portland Open Space Plan (*Green Spaces, Blue Edges*), adopted by the City Council in 1995, identified North Deering as the area with lowest percentage of open space and parkland of all areas of the city. The North Deering neighborhood has 7.3 acres of open space per 1,000 residents compared to the citywide average of 19 acres per 1,000 residents. Recently, the Land Bank has indicated that the North Deering area should be a top priority in their efforts.

The land adjacent to the river is well within the river floodplain, and is not suitable for development purposes. As indicated on the maps of the development, wetland areas along the river bottomlands and the tributary streams are common, and these areas are also unsuitable for development. These features do not preclude trail development, and the use of these areas for trails and recreation provides a significant public benefit for otherwise unusable land.

While the land adjacent to the river is not part of the Phase III proposal, public access to and use of this land will be restricted unless provisions for access are made as part of the proposed development. Falmouth Conservation Trust already has a trail easement on the Falmouth property immediately downriver of the proposed development. Public access in the area of the proposed development would create a continuous link to this trail and ensure that this stretch of the river is available to all. Portland Trails believes preservation of the land along the river, either through donation of a conservation easement, sale of a conservation easement, or purchase of the land itself, is a critical step. Portland Trails is a willing partner for any efforts to preserve this land for public use.

With respect to the Phase III development, efforts should be made to preserve public access through set aside of corridors to reach the river trail. Utilizing existing stream corridors or land that is not well suited for development would have little effect on the amount of land available for residential development. The river trail is buffered from proposed building envelopes by the width of the floodplain and wetland areas. However, construction on steep slopes in this development will result in unavoidable visual impacts, and will likely result in drainage and runoff impacts to the wetland areas at the base of the slopes.

Trails Plan

We include a map showing our recommended trail alignment and access corridors for Phase III (Figure 4). This is a preliminary alignment, and we would welcome the opportunity to work with the developer to revise these plans in ways that would integrate better with the proposed development. While the land along the river is not part of the proposed development, we include the trail alignment as it is integral to the discussion.

The trail alignment uses the existing river trail to the full extent, and adds features such as boardwalks or bridges to span streams and wetland areas. The entire river trail lies within the Shoreland Zone, and much of it is in the 100-year floodplain. Proposed access corridors include one at the western end of Cushing Avenue that would extend to the river, and a second corridor beginning near the intersection of Curtis Rd. and Cushing Avenue and extending to the river. These access corridors would utilize proposed drainage easement areas and would likely be hidden from view of the proposed residences. A third corridor is shown that connects the end of Oatnuts Park to the river. This land is not part of the proposed Phase III development, but is a key part of the trail plan as it provides a pedestrian link to Oatnuts Park and other proposed trail networks. This corridor also contains the stream shown in Figure 3, which is important to protect for both habitat preservation and aesthetic values.

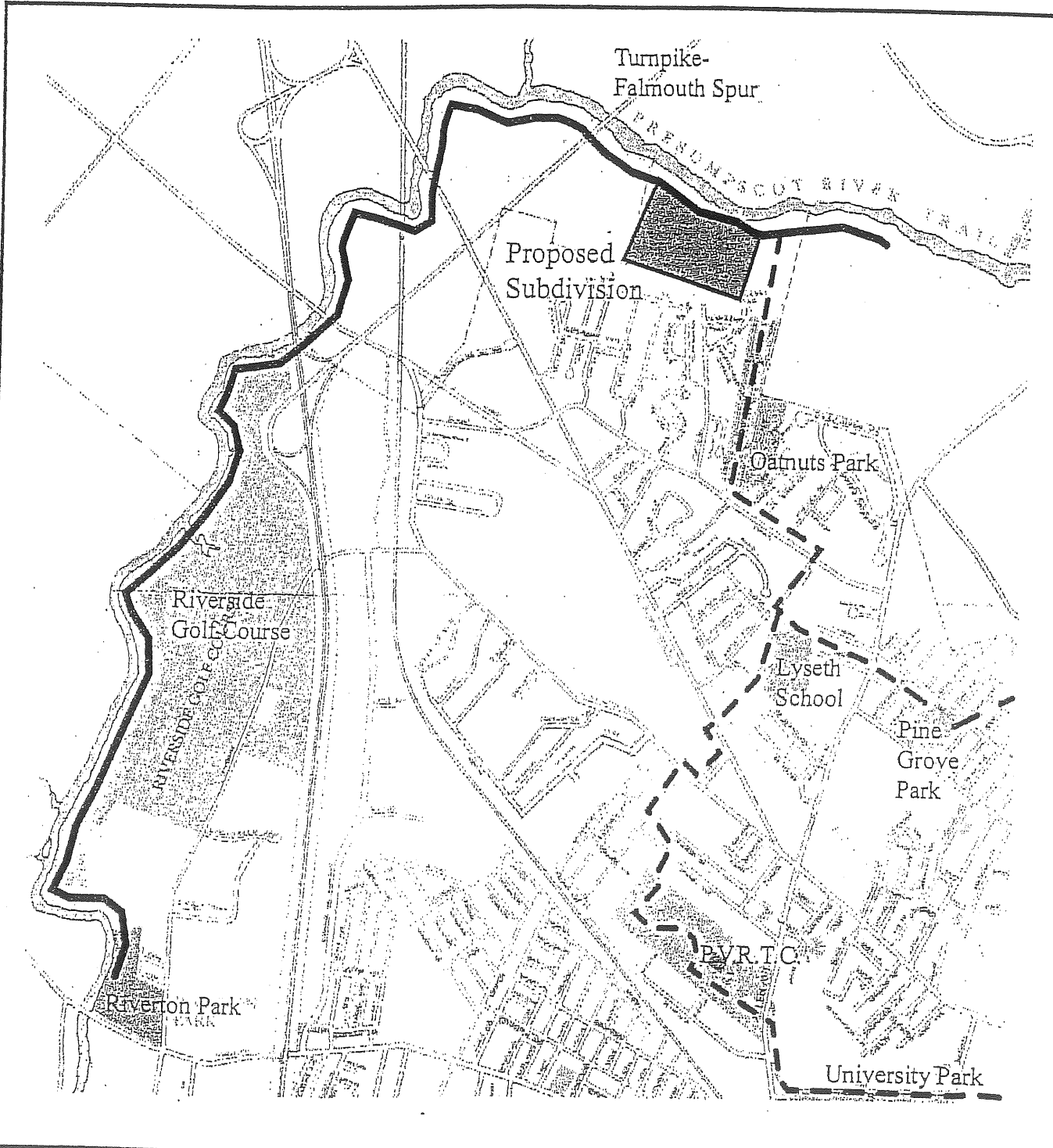
Accommodating public access means also providing parking. On-street parking is available on Curtis Road to access the trail corridor near the Curtis Rd.- Cushing Avenue intersection. Additional parking may be available on land within the CMP powerline easement. Parking at the western end of Cushing Avenue would require setting aside space for this purpose. Parking to access the third corridor from Oatnuts Park would be available at the end of Overset Lane. This could be modified when final development plans for that portion of the property are submitted.

Overall, the proposed trail plan has little impact on the area proposed for development, and provides a number of benefits for residents of the area. We would welcome the opportunity to present the trail plan in more detail to the Planning Board, and can easily plan a site visit if the Planning Board wished to do so. We are also willing to work with the developers of the property to integrate the trail into the plans for the property. Please contact us if you have questions, or would like to discuss these issues further.

Sincerely,



Elizabeth Ehrenfeld
President



Presumpscot River Trail
Vision Map

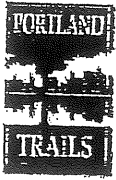
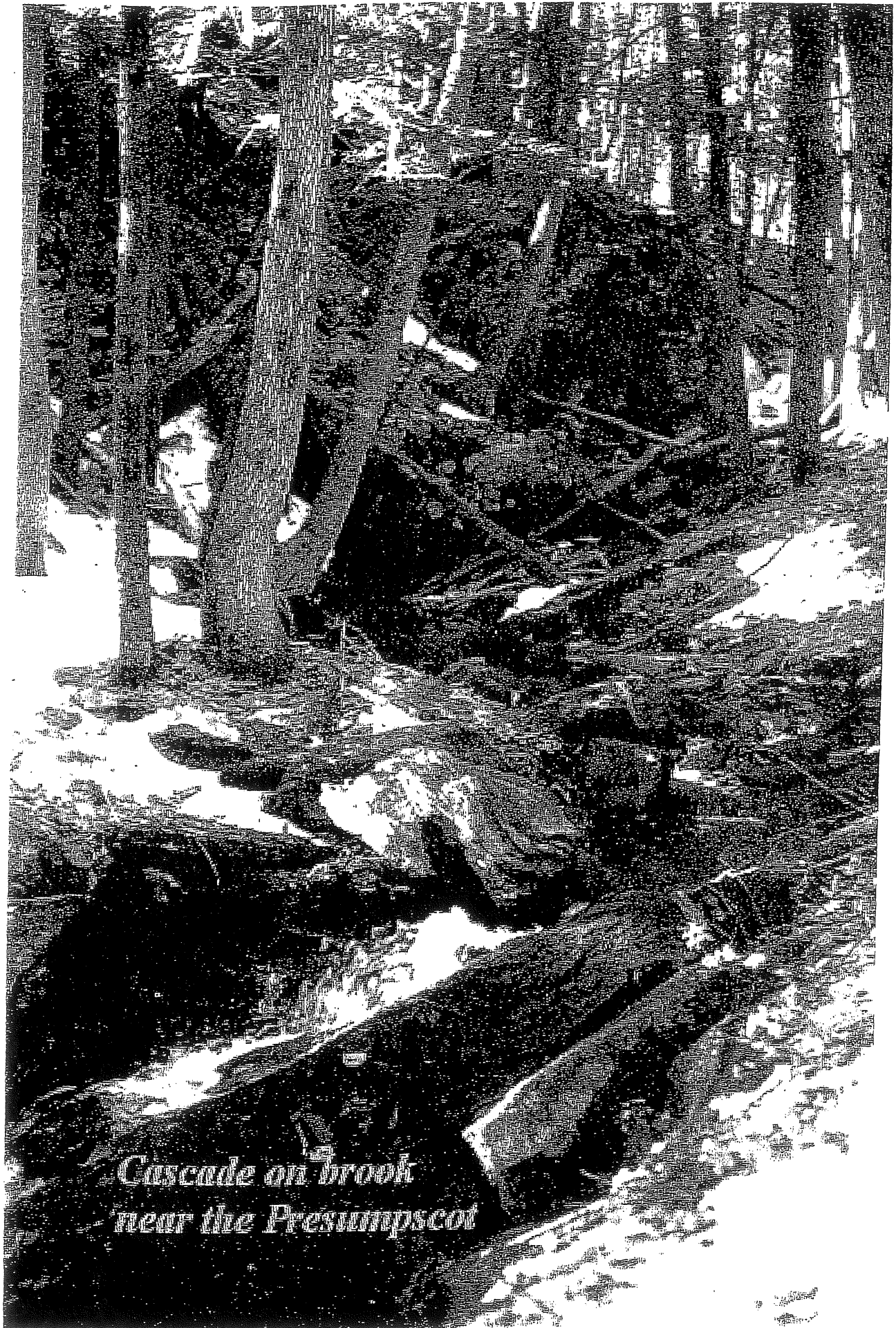


Figure 2



*Cascade on brook
near the Presumpscot*

Mr. Jamie Caron, Chair
Planning Board
City of Portland
389 Congress St.
Portland, Maine 04104

Re: Presumpscot River Place III

Mr. Caron;

We have lived on Curtis Rd since 1970 and have seen urban sprawl develop in North Bleerig, and would like to enter our objection to the captioned project.

The first issue, and the most pressing, is with the increased traffic Curtis Rd. will have to handle should this project as proposed. We once were the last house on a "dead end" street but with development we have seen and heard the increased traffic pass by our houses. Practically every morning we have to pick up debris such as cans, containers etc that has been thrown out of the passing vehicles. We feel that the third access (from Falmouth) must be built before any approval is given for this project. We who live here know that all the traffic will be on Curtis Rd. unless immediate relief is given.

The second issue we would like to raise is the lack of recreational land for the children of North Bleerig. The only ball fields available are at Lysath and Lyman Moore and this is limited at best. The city of Portland draws a lot of tax dollars from

this neighborhood but we get little in return as far as recreational facilities are concerned. I suggest you inspect the fields, at the schools noted, to see just how limited recreational facilities there are in No. Bleeding. The children play hockey (a version thereof anyway) in the street as they do other games due to lack of open space. The open space allocated in this proposal is a good start but is hardly a solution or adequate to address this shortcoming in the neighborhoods.

The third issue ^{we} I would make is why should they not be held to the same standards as others regarding the sidewalk issue e.g. sidewalks on both sides of the street everywhere. One of the most popular forms of exercise is walking and jogging and doing this on a sidewalk is safer than on a street (busy or otherwise). We say no to this request for "a sidewalk on one side only, so as to "obtain a rural effect."

The fourth issue is the land itself. It is unique and the coastline should be preserved as much as possible. You have information regarding soil erosion and this must be controlled (Cole report or survey and The Truck report). Some of this area must be classified as wetlands and that too must be taken into consideration.

As a long time resident of No. Bleeding we feel that we are being taxed heavily and are not being cared for proportionately. The census (here in No. Bleeding) has increased substantially yet no additional recreational facilities have been to this neighborhood. When I was involved in Little League and Tid Bit football

5
we had a difficult time scheduling practice sessions for
lack of facilities. There was a time when delinquency
was on the ascendance and as president of the Lyseth
School Parent Teachers Club I was asked to call a
special meeting by, then police chief, McHaraw to see
if we could help in this matter. The upshot of the meeting
was that children had little in the way of recreational
facilities etc. We tried to have school gymnasiums open
afternoons but the well meaning plan just never
materialized. Conclusion must be that if you continue
to add houses you are going to over burden schools
(and roads) and you will exacerbate the recreational dilemma.

Ms. + Mrs. Gregory St. Angelo

L.B. WOLF
ROBERT ADAM
P.O. BOX 1382
PORTLAND, ME 04104
TEL. 207-773-4988
FAX 207-773-6875

July 31, 2001

TO: Rick Knowland

FROM: Burt Wolf

RE: Letter to Mr. Laetsch

Please distribute the enclosed letter to the individuals who received the original letter from Mr. Laetsch.

Thank you for your cooperation.

L.B. WOLF
ROBERT ADAM
P.O. BOX 1382
PORTLAND, ME 04104
TEL. 207-773-4988
FAX 207-773-6875

July 31, 2001

David P. Laetsch
24 Whitehead
Falmouth, ME 04105

RE: Letter of June 28th to City of Portland

Dear Mr. Laetsch:

I have reviewed your letter of June 28th, 2001 to Mr. Rick Knowland. Letters such as yours are distributed to all members of the Planning Board, interested City Councilors and City of Portland staff, as well as residents throughout the City who request this information. Therefore, I feel a reply is indicated.

Mr. Adam and I are not working on a new subdivision in Falmouth at this time. Our subdivision in Falmouth was completed approximately 3 years ago. We do not wish to imply that you have not been subjected to the problems you are presently experiencing; however, we have no involvement in the development you are referring to.

The infrastructures of our developments are constructed by A.H. Grover & Sons, which is highly professional and has an excellent reputation. This company does a great deal of work for the City of Portland as well as other municipalities. It is familiar with and abides by the regulations of the municipality in which the company is working.

Very truly yours,



Burt Wolf
LBW/jmy
Email = lbw1@maine.rr.com

cc. Rick Knowland

Name Address Phone Email

Emily Buckley
 Ellen H Miller 45 Garsoe Dr. 878-4605
 Don C. Miller 45 GARSOE DR. 878-4605
 David Brennerman 32 Overset Rd. 797-9298
 Jim Cohen 62 Deepwood Dr. 797-9638
 Tom Jewell 18 Bay View Dr 774-2833 jcohen@verri1
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 Jane Willey 186 COLAS ST 774-6485
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 MARK & CAROLYN WILLIAMS 131 CURTIS 878-9805 cmwilliams3@ATT.NET
 Sarah & John Burton 158 Cortis Rd 797-6937 Burt300@aol.com
 Patricia Meserve 82 Roaring Brook 797-9406
 ANN WEBER 66 ROARING BROOK 797-0059 abpkleber@
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Carol H Dunn 46 Olde Birch Lane 878-5207 cdunn@maine.rr.com
~~BURT WEBER~~ 25 ALICE ST 797-6184
 STEVE & JANE COVICH 48 ALICE ST 878-8580
 PATRICIA STULTZ 5 PANORAMIC VIEW DR. 797-6549
 Wendy & Jim Harmon 59 Curtis Rd. 797-0239 MCTHARMONE
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 Michael Brennan 49 Wellington Rd. 773-1995 mfbren@aol.com
 Deb Keenan 28 Dorothy St 797-0284 DebKeenan@aol.com
 Julie Volger 1705 WASHINGTON AVE 797-8800 JulieVolger@
 Com

Name:	Address	Phone	Email
Cindy Rotolo	46 Candlewick Rd.	772-4862	
Norma St. Angelo	134 Cypress Rd.	797-4890	
Carolyn Bennett	40 Longview	797-6077	
GERALD GORDON	161 WAYSIDE RD	773-9631	
Boyd MARLEY	11 Maplewood St.	878-3224	ABSMarley@aol.com
Bill Norbert	168 Lester Dr.	797-9757	

LAURA & SCOTT GAGNON
79 CURTIS ROAD
PORTLAND, ME. 04103
207-797-5428

August 14, 2001

All Portland City Council Members

Ms. Cheryl A. Leeman, Mayor

Mr. Jaimie Caron
Chair, Planning Board
Portland, ME

RE: Presumpscot River Land Preservation - Last Chance

I am writing to you for the second time regarding this land in the North Deering area of Portland. I have lived on Curtis Road with my husband and children (ages 1, 6, & 12) for over two years, but recently have become aware and very concerned about this imminent development. Preservation of as much of this land as possible is imperative and these decisions **will** effect everyone living in Portland, not just the residents of North Deering. There is no turning back once this land is developed. If this land is fully developed, our children and grandchildren will be asking, "Why?" in the years to come as we have asked, "Why?" on issues such as the demolition of Union Station.

Unfortunately, I was on vacation when the neighborhood meeting organized by Cloutier, Smith and Hibbard took place. I would like to commend these councilors in their efforts to hear what North Deering residents have to say and in **any** efforts to preserve as much of this critical land as possible. I would like to add and ask the City Council to proceed as follows:

1) As indicated in my previous letter: **North Deering** sorely needs **open space** and **recreational land**. We are lucky to have half the open space of any other neighborhood in the city. Lyseth is overcrowded already (playing the major role in my decision to send my children to private school). I wholeheartedly agree with Mr. James Cohen in that "this land is unique. PRPIII is unlike **any** other proposed subdivision in Portland. It is not Auburn Pines...Summer Place, Cottage Park, Copley Woods or Hidden Acres, or any other moderately sized development that has been built in North Deering over the past decade. And because this proposal is unique, it is proper ... to treat

it uniquely.”

2) There are **no parks in North Deering**. Children are forced to play on the streets or at Lyseth School. If you take Curtis Road as an example, there are many streets that are just not safe for small children playing. My previous letter outlines the hazards in this area. Designation of this area as a park would help ensure the future quality of life for **all** Portland residents as well as give children a safe place to play.

3) It is likely that I would endorse any and all efforts to negotiate with the land owners to preserve as much, if not all, of this unique land as possible. As noted by Portland Land Bank Commission, I believe that this is the number one parcel of land in North Deering and, in my opinion, the city of Portland, for preservation. Additionally, when all other options for negotiations with the land owners are exhausted, **I wholeheartedly endorse a vote to “take” the land by “eminent domain”**. Regarding financial issues, I agree that there are some streets and sidewalks that may need a little bit of an uplift; however, there is no question in my mind that these things can be postponed to ensure that the “last frontier” in Portland remains unscathed. In fact, a little “rougher” ride on the streets tends to ensure that drivers are not speeding; so, I certainly would endorse postponing street paving in the Curtis Road/North Deering area for quite some time, if not indefinitely.

4) As previously stated: I was born and raised in Portland, but lived in the San Francisco, California area for the ten years prior to 1995. I chose to return to Maine (the “way life should be”) and Portland, specifically, to raise my children. It is disheartening to think that our children’s future may be so negatively effected by development and greed in lieu of setting aside, as designated by the Portland Land Bank, the “Number One open space priority” currently in the City of Portland. Yes, I believe this could very well be “Union Station Revisited”. What a shame.... At least in writing and expressing my views and concerns, I will have a clearer conscience if the land is developed and my children and grandchildren ask, “Why?” in the years to come.

I appreciate this opportunity to share my views regarding the importance of preserving this North Deering land. Feel free to pass on my comments to anyone else who may benefit, but that I may not have copied. Also, please feel free to contact me at any time with questions or for additional information.

Sincerely,

Laura M. Gagnon

**Mr. Richard Knowland – Senior Planner
Department of Planning and Urban Development
City Hall – 4th Floor
389 Congress Street
Portland, ME 04101
Ref: My 6/28/01 e mail**

August 2, 2001

Mr. Knowland;

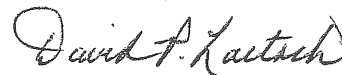
Last Thursday I received a visit from Burt Wolf at my residence which pertained to my 6/28/01 e mail message to you entitled Subdivision Comments. Also, I have received Mr. Wolfs 7/31/01 letter as a follow up.

It appears that my e mail contained an assumption that was incorrect and that this led me to make some damaging comments regarding Mr. Wolf and Mr. Adam that were unfair.

Enclosed is a copy of Falmouth Tax Sheet # 462. My current understanding is that Mr. Wolf and Mr. Adam developed Mayflower Rd., Goldenrod Lane and Aster Lane to its termination point as shown. The construction nearest my home, and the subject of my 6/28/01 e mail, can best be described as the continuation of both Aster Lane and Surrey Lane as shown on Falmouth Tax Sheet # 464 enclosed. Mr. Wolf assures me that he had nothing to do with the later and that it was developed by someone else. Can I be clear that I assumed that Mr. Wolf and Mr. Adam were connected to all of this development and I made my comments accordingly. Given that this was not the case and, indeed, that it was the second phase of the construction that caused the problems, I apologize to Mr. Wolf for my comments. It appears that that old saying about assuming fits my current position.

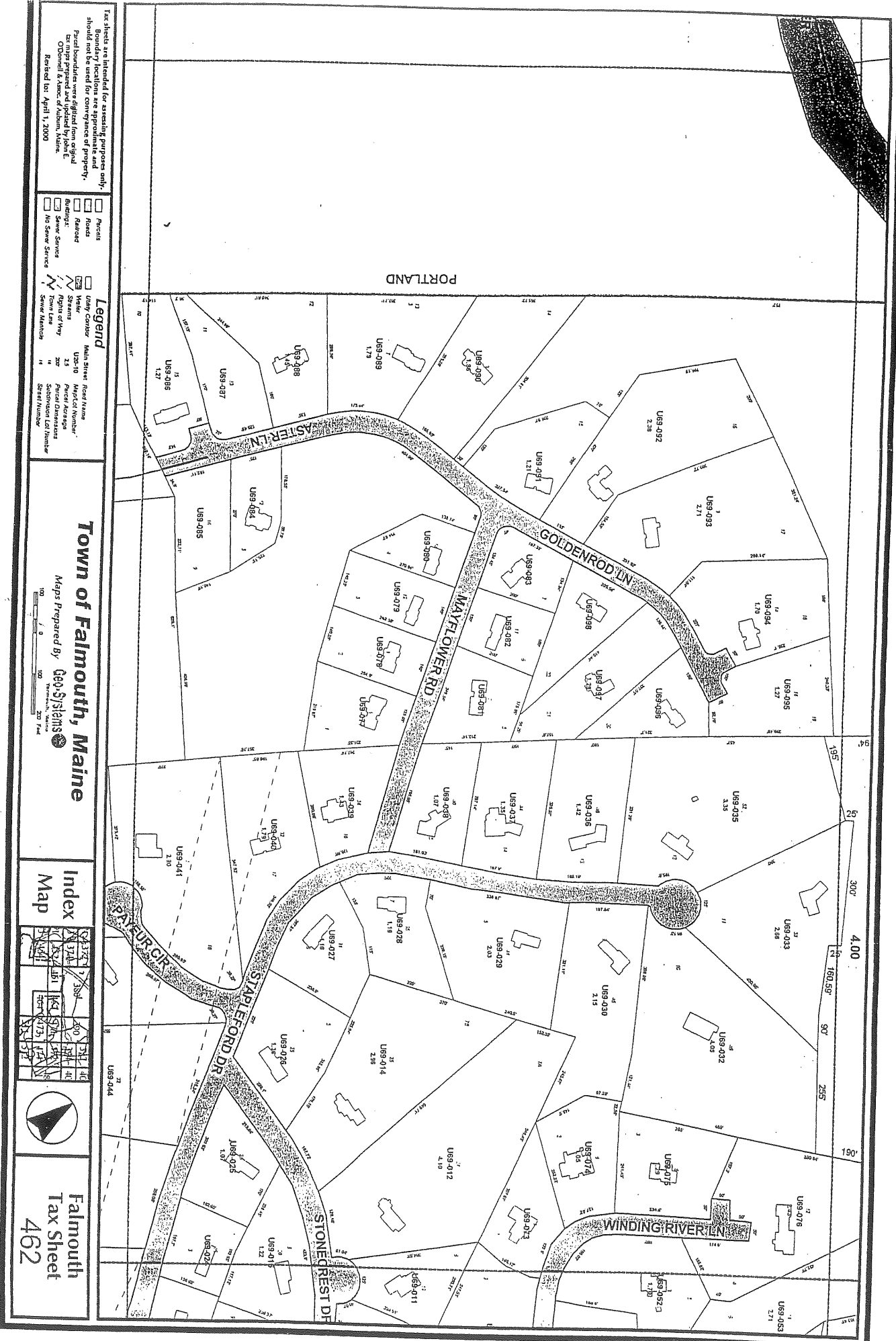
With that said, however, the points I made in my 6/28/01 e mail concerning blasting, burning and after hours work remain unchanged. The primary purpose of my original writing was to surface these points for your consideration as it pertains to any new developments and with hopes that such annoyances can be avoided in the future.

Sincerely,



**David P. Laetsch
24 Whitehead Circle
Portland, ME 04103**

CC Burt Wolf by mail

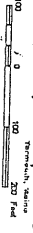


Tax sheets are intended for assessing purposes only. Boundaries shown are approximate and should not be used for conveyance of property. Parcel boundaries were digitized from maps prepared and updated by John O'Donnell & Assoc. of Auburn, Maine. Revised on: April 1, 2000

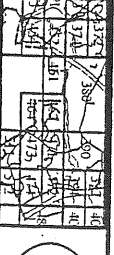
- Legend**
- Vacant
 - Roads
 - Railroads
 - Buildings
 - Sewer Services
 - No Sewer Services
 - Water
 - Storm Drainage
 - Right of Way
 - From Lane
 - Sewer Mainline
 - Main Street Road Type
 - US-10
 - 2.5
 - Fiscal Districts
 - Subdivision Lot Number
 - Street Number

Town of Falmouth, Maine

Maps Prepared By **GeoSystems**



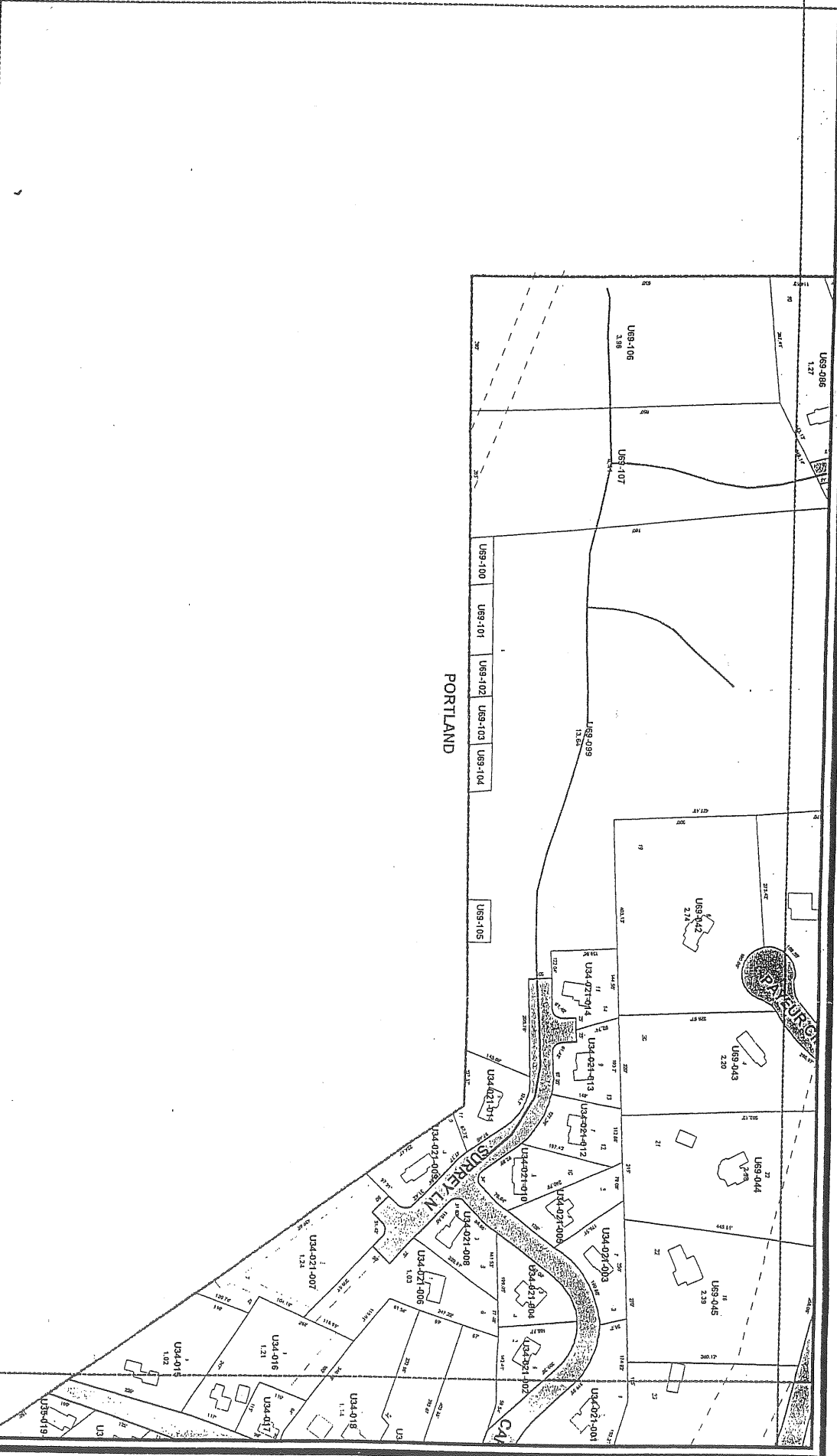
Index Map



Falmouth
Tax Sheet
462

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- Legend**
- Parks
 - Roads
 - Railroads
 - Buildings
 - Sewer Service
 - No Sewer Service
 - Utility Center
 - Water
 - Storm Sewer
 - Town Line
 - Sewer Mainline
 - Main Street
 - Road Name
 - Map Sheet Number
 - Parcel Access
 - Parcel Dimensions
 - Parcel Lot Number
 - Sheet Number

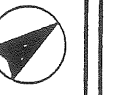
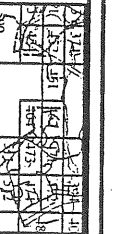


Town of Falmouth, Maine

Maps Prepared By: Geo-Systems

Scale: 1" = 200 Feet

Index Map



Falmouth Tax Sheet 464