



*Maine State Legislature
Augusta, Maine 04333*

August 2, 2001

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

Dear Mr. Caron,

We are writing to urge you and the Planning Board to protect the land along the Presumpscot River in the North Deering area of Portland.

This particular parcel of land is unique and has been designated by the Portland Land Bank as a top priority for preservation. North Deering needs open space and recreational land for future generations to enjoy. The Board should be considering options for more green space in this area rather than developing the last great piece of land we have.

Also, of concern to us is the amount of traffic that could be generated by the development of a third access road for this area. Particularly, the number of houses that will funnel into Curtis Road being that it is so far removed from a major city artery (Auburn Street).

Again, we would encourage you to explore alternatives to development at the Presumpscot River Place III proposal.

Respectfully,

A handwritten signature in black ink that reads "Bill".

Bill Norbert
State Representative
Portland

A handwritten signature in black ink that reads "Boyd P. Marley".

Boyd P. Marley
State Representative
Portland

Cc: Senator Joel Abromson
Portland City Council
Portland Planning Board
Carol Gillis

From: "Steve Rubinoff" <srubinof@maine.rr.com>
To: Portland.CityHall(RWK)
Date: Tue, Jul 24, 2001 8:55 PM
Subject: sprawl/more developments

When are you folks gonna get it. It's been 40 years since the Club of Rome issued Limits to Growth. Today's headline in the Portland Press Herald put it in perspective. Portland, Maine has the 9th highest urban sprawl rate in the U.S. is this something to be proud of? Will it support the economy? Improve quality of life?

For the Planet, for Maine and for Portland, building new neighborhoods from the desparately meager open space we have left is NOT what we should be doing. If anything, the open space should be purchased or TAKEN by eminent domain to preserve what little quality of life remains here.

Because I must work three jobs while my wife works one to pay our existing Portland taxes I cannot attend the hearings for what has become a steady stream of new residential developments-particularly in North Deering. But I MUST PROTEST LOUDLY VIA THIS E-MAIL. WE MUST STOP FURTHER DEVELOPMENT NOW. This includes the immediate proposed neighborhood in the vicinity of Curtis Road for which there is a hearing July 24 and the Proposed Presumpscot Place along the river.

If the money is there now to build them, the money won't be there long term to sustain them. And even if there is money, what we lose as a result of their existence money will never replace what we lose -natural beauty, clean air and water and the personal peace, sense of purpose and empowerment that derives therefrom is priceless.

Here in North Deering the only open space left are the ball fields at Lyseth School. And from what I understand that will be gone once the reconstruction of Lyseth gets underway. There is no Park here. No place to walk, to rest, to smell and feeland commune with nature. Only manicured, pesticide-laden lawns and traffic.

We need to totally re-examine how we do things. We must act with a view toward the long term;therem ya be short term profit but there is no reward from a quick sale. Because in the long run, as Sen Edmund Muskie-architect of the nation's Clean Air and Water Acts and for whom I worked- once noted, " man will find himself in a great rear end collision, never realizing that what hit man from behind was man himself."

Southern Maine HAS BECOME the way life should NOT be. There has been such a rush for the dollar-to hell with quality of life.

"You don't know what t you've got 'til it's gone' as Joni Mitchell observed 35 years ago in her ballad about the true cost of urban development. Are we all not finally noticing the effects of all this wholesale development-malls and the subsequent unlimited commercial exploitation and development, state-wide-kingdom lots, farms to houselots, quaint coastal bungalows to imperial seaside condos and estates?

It's time to tell guys like Bob Wolf, Bill Dowd and the real-estate barons to take a hike. Let them move out of state and continue ruining other people's back yards. Their windfall has been made off our backs and to our detriment. Take that land next to the Presumpscot and give it back to the people as a land trust. For years I've sat helplessly by watching development after development go up.

Figure the short and long term of more houses- higher taxes, a loss of open space, more vehicular and commercial congestion, greater pollution and higher emissions, more parking lots, commercial development. The list goes on and on.

I'm over 50 and I won't live to see the long term effects of such foolhardy planning-or should I say lack

thereof. . But my two young children will. They will suffer from it . And once the neighborhoods are built, try and tell me we can reclaim the neighborhoods for open space and bring back the clean air. My grandchildren will never enjoy the splendor of natural beauty, the call of the wild, the sense of peace from the still of a forest unless we act now. We can. And we must.

It's beyond me how government can let the greedy land speculators and developers take control over the future of this community. Unless government is blind, or worse, it's minions are working with them or for them.

I grieve for this Planet, our society, this community and my family realizing that money and greed dictate public policy, despite the overwhelming and long-standing evidence that we do so at our collective peril.

Please consider the future as it should be. Then plan for it as it can be . Then, it will be.

Thank you.

Stephan Rubinoff
17 Caron St
Portland

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 Lyseth 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. Wessing. The children play hockey, (a version here of 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 neighborhood.

The third issue ^{we} I would make is why should they not be held to the same standards as others regarding the sidewalk issue of 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 "attain 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 Frick 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. Wessing we feel that we are being taxed heavily and are not being cared for proportionately. The census (here in No. Wessing) has increased substantially yet no additional recreational facilities have been to this neighborhood. When I was involved in Little League and Tid Bit football

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 chlamy.

Mr. + Mrs. Gregory St. Angelo

Julie Volger
1705 Washington Avenue
Portland , Me 04103

Dear Mr. Hibbard,

I am writing to you today in regards to the Presumpscot River Place workshop that took place on Thursday, July 26, 2001. Due to another commitment that I had that evening, I was only able to attend the meeting until about 8:30pm. I have since received a copy of the minutes and would like this opportunity to share a few thoughts with you in regard to this issue.

First, I will start by simply stating that my husband and I have been waiting for the past 20 months for approval of this subdivision. We have looked at building lots in Auburn Pines, Hidden Acres and Copley Woods but have decided that Presumpscot River Place was the area were we wanted to reside. This area was attractive to us for many of the same reasons that were discussed at the meeting. It is a "beautiful piece of land". It is in a wonderful neighborhood were people care about their community and schools. We would like to have the same opportunity that these people were given. We are asking for nothing more or less. They were given the opportunity to build a home and raise a family in a desirable neighborhood. I do believe that many of the people who are opposed to this currently live in homes on land that Mr. Wolf once owned or live in nearby subdivisions. All of these homes and subdivisions have been built on "beautiful pieces of land" that had vegetation, habitation and made wonderful natural walking trails. This appears to be a clear case of "NIMBY" (not in my backyard for) for some.

My first question to my City Councilors is "have the developers of Auburn Pines, Hidden Acres, and Copley Woods been required to endure such a time consuming process as Mr. Wolf and have they had the same rigorous stipulations placed forth on them to develop their land?"

During last weeks meeting I heard on more than one occasion that Mr. Wolf was just concerned with the dollar amount that he could get for his property. I wonder how many people in that room or in this City would sell a piece of

their property to the city for less than the appraised value? Hypothetically speaking let's say that I bought a home in Pineloch Woods 9 years ago for \$180,000 and it now appraises at \$299,000. The City now has some interest in acquiring my property. Would I be expected to sell it at a price that the City can afford? I have no expertise in Real Estate or property valuation but I do consider myself to be reasonable and logical person. It does not seem reasonable that a businessperson that has made an investment in a parcel of property that has greatly appreciated in value would be expected to sell it for less than its value. Mr. Wolf has bought and paid for this property. He has paid his taxes to the City since he has owned the land. The appraised value of the land stands to be somewhere around 1.1 million dollars. This dollar amount is based on the value of undeveloped land. I am assuming that the appraised value would be higher if we considered what a parcel of land with 27 homes would be worth in today's market.

The issue of increased traffic in the neighborhood was also discussed. I do believe that a traffic study was completed and found that the neighborhood has the capacity to handle the traffic. The idea of developing a park or canoe area along the Presumpscot River was also mentioned. It is my feeling that vehicles driving on Curtis Road and Alice Street by homeowners in the neighborhood would be more cautious and familiar with children playing in the street than someone using the road to access the river.

It is my understanding that over 900 postcards were sent out to the neighborhood. I would guess that maybe 40 people were present at this meeting. This indicates that about 5% of the neighbors attended this meeting. I realize that a neighborhood support group is now in the works to get this on the table by September 1st. Are the taxpayers of Portland going to bear the burden of footing the bill to purchase this land? I have a feeling that if a postcard went out to 900 people about the chances of yet another tax increase in our City that more than 40 people might attend. Portland is already one of the highest taxed cities in the State. I think the taxpayers in Portland deserve a voice on this issue before the September 1st deadline.

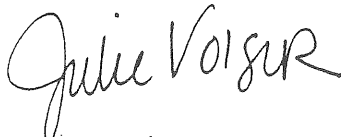
It is also not clear to me just what the City or neighborhood wants. Is it easy access to the river, a park for their children, or both? Mr. Wolf has offered to **give** the City 28 acres of his land so the City will have access to the river. Mr. Wolf has reconfigured his lots to meet the City specifications, he has

eliminated streets, and he has met with engineers and soil scientists to meet DEP requirements. A traffic study has been completed. He has met with neighbors and the planning board to hear their concerns. He had modified his original plans and continues to try to reach a "win-win for both parties". This proposal has been held up for nearly 2 years. I attended a meeting back in November and the same issues were being discussed and it seems that no progress has been made and that there is no promise in sight. In my opinion, Mr. Wolf has tried to do everything that the City has asked except "give you his land". The idea of the City taking or seizing the property from Mr. Wolf seems not only unfair but almost discriminatory.

I have tried to remain optimistic about Mr. Wolf getting approval for this subdivision. I understand and appreciate the concerns of those who want to keep this area undeveloped. I ask that my voice be heard today not as one only speaking for personal gain but one speaking about equality and fairness. 30 years ago a man made a shrewd business decision to invest in real estate. His investment has appreciated significantly. He has paid taxes on this land and has allowed the community to enjoy this land. Forethought and consideration was never given to using this parcel as a park until Mr. Wolf decided to develop it. He deserves the rate of return on his investment that the market reflects today. I hope that a fair and equitable decision can be made that is a "win-win" for all of the parties involved.

I appreciate any information or consideration you might provide. Thank you for taking your time in this matter.

Sincerely,



Julie Volger

cc: Cheryl Leeman
Jack Dawson
Jim Cloutier
Nathan Smith
Joseph Gray

134 Curtis Rd
Portland, ME 04103
July 19, 2001

Mr. James Eason, Chair
Planning Board
City of Portland
389 Congress St
Portland, ME 04104

Dear Mr. Eason,
Re: Presumpscott River Flow

Enclosed you will find a hand-written letter concerning the above project. Our computer is in repair. If you have questions or a problem reading them, please call me at 797-4890.

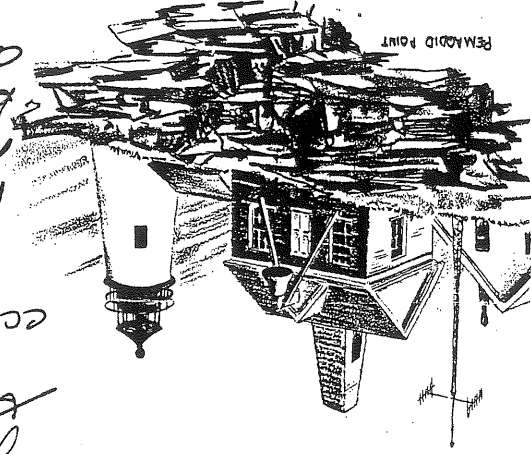
I am not available to attend the meeting on July 24, 2001. I will be out of town.

My wife, Norma, also agrees with my assessment of this project and the negative. She feels the dam with access is crucial.

Yours truly,
Thommy & Cassie

cc: James Eason

P.S. Sorry for the
hand written memo
but we are having
computer problems.



As residents of Alice Street, who live one block from Hope Avenue, we are concerned that this housing development only has one access road. We expect this would increase traffic through our area which is adjacent to Garsoe and Auburn Streets. Since there are many young children in our neighborhood, we strongly recommend there be another access road to decrease the dangers of increased traffic.

No matter what the age of future residents in the neighborhood, we believe that we could benefit from having a park or recreation area nearby. Not only would it give the children a place to play safely, but it would also give the opportunity to socialize and better know one and other which believe is particularly important when addressing age restricted housing. At the moment, the nearest playground is too far young children or the elderly to walk to easily and it is school based which restricts its availability to us.

It is not so much the development we object to, but rather the lack of planning for the neighborhood and community. We urge you not to allow further development without consideration of our needs.

Thank you for the opportunity to voice our concerns.

Laurie and David Hesselink
John Fein

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Thank you for the opportunity to voice our concerns.

Laurie and David Hesselink
John Fein



Richard Knowland
Senior Planner

CITY OF PORTLAND

10-19-02

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

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

TO: STONE BUSHEY

FROM: RICK KNOWLAND

COULD YOU REVIEW TAG ATTACHED
REGULGO AND UPDATED PLAN FOR PRP3
FOR TAG FOLLOWING:

1. COMPLIANCE WITH PLANNING BOARD
CONDITIONS OF APPROVAL
2. PROPOSED REVISIONS

A NUMBER OF THOSE ARE NON-ENGINEERING
ISSUES SO YOU CAN SKIP THOSE BUT
WE NEED A SEPARATE SET OF CYCLES TO
LOOK AT THE PLAN.

THANKS

RK

SHOULD YOU HAVE ANY QUESTIONS, PLEASE GIVE ME
A CALL
389 Congress St., 4th fl. • Portland, ME • (207) 874-8725 • Fax 756-8258
Email: rwk@ci.portland.me.us

Bob Adam

AMP/aw/JN98089/Knowland9-23-02

for the above referenced project.
as a result of the MDEP review,

side of Curtis Road. The area for
acts.

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fer to the stream that traverses

sulted in the building envelope
ifted to the south by
undisturbed zones.

tember 24, 2002 Board meeting.

**GORRILL-PALMER
CONSULTING ENGINEERS, INC.**

P.O. Box 1237
GRAY, MAINE 04039

(207) 657-6910
FAX (207) 657-6912

**LETTER OF
TRANSMITTAL**

TO *City of Portland
Planning Dept*

JOB NUMBER/PHONE *98029.1* DATE *10/11/02*
ATTENTION *Rick Kneeland*
RE: *River Walk*

WE ARE SENDING YOU Attached Under separate cover via the following items.
 Shop drawings Prints Plans Specifications Samples
 Copy of letter Change order Other:

COPIES	DATE	NUMBER	DESCRIPTION
<i>1</i>			<i>Slopes Plan</i>

THESE ARE TRANSMITTED as checked below:

For your approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment Other
 FOR BIDS DUE/DATE: PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO

SIGNED *[Signature]*

If enclosures are not as noted, please notify us at once.

September 23, 2002

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

Subject: Presumpscot River Place Phase III
Mylar

Dear Rick,

Last week our office provided you with a mylar for the Board's signature for the above referenced project. As we discussed, there were several minor revisions to the project layout as a result of the MDEP review, which have been incorporated into the latest plan. These revisions include:

- Elimination of Lot 21, the lot, which was adjacent to the southerly side of Curtis Road. The area for Lot 21 was incorporated into Lot 20, to reduce overall wetland impacts.
- Increasing the undisturbed zones on Lots 1 and 3. The DEP required a minor enlargement of the undisturbed zones, on the order of 10' to 15' to provide a larger buffer to the stream that traverses these two lots.
- As the undisturbed zones on Lots 1 and 30 were increased, this resulted in the building envelope being reduced. The lot lines for lots 2 - 6, and lots 26 - 29 were shifted to the south by approximately 16' (4' per lot) to compensate for the increase in the undisturbed zones.

It is our understanding that you will have the mylar signed at the September 24, 2002 Board meeting. Please call us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc:

Alton M. Palmer, P.E.
Vice President

Enclosure

copy: Burt Wolf
Bob Adam

AMP/aw/JN98089/Knowland9-23-02

TO RICK
FROM BURT

CMP

5 PAGES + COVER

COPY**PERMANENT USE AGREEMENT**

This Agreement is entered into on this *24th* day of September, 2002, by and between Central Maine Power Company, a Maine corporation with offices at 83 Edison Drive, Augusta, Maine 04336 ("CMP"), and Robert Adam having a mailing address of 286 Falmouth Road, Falmouth, Maine 04105 and Lloyd Wolf, having a mailing address of P.O. Box 1382 Portland, Maine 04104 ("Users").

WHEREAS, CMP has certain easement rights on a 135 foot strip of land designated as Transmission Section 180A in the Town's of Falmouth and Portland, conveyed to it by deeds from Philip E. Hamlin, dated February 10, 1954 and recorded at the Cumberland County Registry of Deeds in Book 2167, Page 432 and Book 2167, Page 435 ("Parcel"). Said rights include the right to prohibit the construction or placement of structures on the Parcel and other actions, which may interfere with CMP's use of the Parcel.

WHEREAS, Users desire to use the Parcel under the conditions described in Attachment A hereto and made a part hereof.

NOW THEREFORE, CMP agrees that it will not object to the uses described in Attachment A hereto provided the following terms and conditions are complied with:

1. Users use the Parcel only in accordance with the purposes, locations and conditions listed in Attachment A hereto;
2. Since CMP only has an easement interest in the Parcel, Users are responsible for obtaining permission for the stated use from the fee owner of the Parcel, if necessary;
3. Users shall notify CMP prior to commencement of construction on the Parcel;
4. This Agreement shall in no way encumber CMP's easement rights to operate and maintain a transmission line within the Parcel;
5. CMP shall not be liable to Users for any damage to Users' property on the Parcel caused by CMP's use of the Parcel for public utility purposes;
6. Users shall be responsible for acquiring all necessary permits for said construction and shall comply with all municipal, state, and federal laws and regulations;
7. Users shall notify the Dig Safe Call Center prior to commencement of any excavation on the Parcel at 1-800-225-4977 and comply with the provisions of both the Maine Dig Safe Statute Title 23, M.R.S.A. Section 3360-A and the Overhead High-Voltage Line Safety Act Section 751 et seq. Title 35A, Chapter 7-A.

- 8. Users for themselves, their employees, agents, contractors, subcontractors, successors and assigns, releases CMP and its parent corporation and affiliates and its and their directors, officers, employees, contractors, agents, successors and assigns from all claims of any type or nature, they may now have or may have in the future, including but not limited to personal injury, death, damage to property or loss of business, sustained by Users or any person or entity using the Parcel pursuant or related to this Agreement, except claims resulting from damage caused solely by the negligent acts of CMP;
- 9. Users agree to defend, at CMP's option, indemnify and hold harmless CMP and its parent corporation and affiliates and its and their directors, officers, employees, contractors, successors and assigns from and against any and all losses of any type or nature, including but not limited to claims, liabilities, penalties, expenses and judgments arising out of or related to the use of the property by Users or their employees, contractors, subcontractors, agents, successors or assigns, excepting losses caused solely by the negligent acts of CMP;
- 10. CMP may, at its option and sole cost, relocate, move, modify, or otherwise alter the location and/or improvements thereon provided said relocation, movement, modification or alteration is for legitimate public utility purposes and the Users retain substantially the same uses as described in Attachment A hereto.
- 11. The terms CMP and Users shall include their respective successors, heirs and assigns.

The parties hereto agree to the terms of this Agreement as indicated below by their signatures or the signatures of their duly authorized representatives.

CENTRAL MAINE POWER COMPANY

USERS

By: 
 Kenneth H. Freye, Manager
 Real Estate Services

By: 
 Lloye Wolf

By: 
 Robert Adam

STATE OF MAINE
 Kennebec, ss.

September 25, 2002

The above named Kenneth H. Freye personally appeared before me and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Central Maine Power Company.


 Notary Public

ATTACHMENT A

PURPOSE

Users intend to construct and maintain a fifty (50) foot wide roadway and a sixty (60) foot wide roadway, together with underground utilities, and a ten (10) foot pedestrian footpath across CMP's 135 foot wide Transmission Line designed Section 180A in the Towns of Falmouth and Portland.

The centerline of the said fifty (50) foot wide roadway being 160 feet, more or less distant measured southerly of a pole structure numbered 16, as now located in said Section 180A.

The centerline of the sixty (60) foot wide roadway being 35 feet, more or less distant measured southeasterly of a pole structure numbered 23, as now located in said Section 180A.

The centerline of the ten (10) foot wide pedestrian footpath being 165 feet, more or less distant measured southeasterly of pole structure number 22, as now located in said Section 180A.

The above described roadways and pedestrian footpath are shown on a survey plan entitled "Presumpscot River Place, Phase III, Subdivision Plan, Portland, Maine", prepared by Titcomb Association for Robert Adam and Burt Wolf, dated December 4, 2001. Said plan is on file at Central Maine Power Company's General Office, Augusta, Maine.

CONDITIONS

1. Users are responsible for providing a copy of this Agreement to their employees, contractors, subcontractors and/or agents. Users may be asked to provide to CMP an acknowledgment of receipt of this Agreement by said employees, contractors, subcontractors and/or agents.
2. The roadways shall be in compliance with said Plan. Any deviation from said plan shall require prior written authorization from CMP.
3. No piling of snow shall be allowed on the Parcel.
4. No vehicles shall be parked or materials of any kind or nature stored on the Parcel.
5. All installation and maintenance on the Parcel, by or for Users, shall be at the sole risk and expense of the Users.
6. No utilities shall be installed above ground. Installation of electrical utilities shall be coordinated with CMP's Greater Portland Regional Office at 1-800-750-4000.
7. The underground utilities shall be clearly marked both above and below the ground where located within the Parcel.
8. If the light pole shown on a plan entitled, "Utility Plan & Profile, Presumpscot River Place – Phase 3", Drawing No. 7, prepared by Gorrill-Palmer Consulting Engineers, Inc., Rev. Date January 18, 2002, on file at CMP, is to be located within the Parcel, said light pole shall be of wood construction.

9. This Agreement allows the temporary use of construction equipment on the Parcel for the construction of the roadways and utilities. No construction equipment shall be allowed after construction is complete without authorization from CMP.
10. Users shall notify CMP's Line Superintendent, Transmission & Distribution (621-6680) five working days prior to any drilling, trenching or large machine work within the Parcel, or any maintenance/repair that would cause any apparatus, conduit or pipe to come closer than 15 feet to the nearest overhead conductor. CMP, at its option, may require a CMP inspector to be on site before any such activity commences.
11. If blasting is necessary, Users shall notify CMP's Line Superintendent, Transmission & Distribution (621-6680) at least 72 hours prior to any blasting on the CMP Parcel. If deemed necessary by CMP, no blasting shall commence until CMP's inspector is on-site.



Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

Traffic and Civil Engineering Services

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

September 23, 2002

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

Subject: Presumpscot River Place Phase III
Mylar

Dear Rick,

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Gorrill-Palmer Consulting Engineers, Inc.

Alton M. Palmer, P.E.
Vice President

Enclosure

copy: Burt Wolf
Bob Adam

AMP/aw/JN98089/Knowland9-23-02



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

DEPARTMENT ORDER

IN THE MATTER OF

JAY
Rick's
DEP Permit
for APP #11

BURT WOLF & BOB ADAM) SITE LOCATION OF DEVELOPMENT
Portland & Falmouth, Cumberland County) NATURAL RESOURCES PROTECTION ACT
PRESUMPSCOT RIVER PLACE,) WATER QUALITY CERTIFICATION
FALMOUTH PHASE & PHASE 3) FINDINGS OF FACT AND ORDER
L-19486-L2-C-N (approval)
L-19486-L6-D-N

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

1. PROJECT DESCRIPTION:

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

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

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

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

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

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

2. FINANCIAL CAPACITY:

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

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

3. TECHNICAL ABILITY:

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

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

4. NOISE:

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

5. SCENIC CHARACTER:

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

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

6. WILDLIFE AND FISHERIES:

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

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

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

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

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

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

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

8. BUFFER STRIPS:

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

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

9. SURFACE WATER QUALITY:

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

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

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

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

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

10. SOILS:

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

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

11. STORMWATER MANAGEMENT:

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

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

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

12. MAINTENANCE OF COMMON FACILITIES:

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

13. EROSION AND SEDIMENTATION CONTROL:

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

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

14. GROUNDWATER:

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

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

15. WATER SUPPLY:

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

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

16. WASTEWATER DISPOSAL:

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

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

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

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

17. SOLID WASTE:

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

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

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

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

18. FLOODING:

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

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

19. WETLAND IMPACTS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

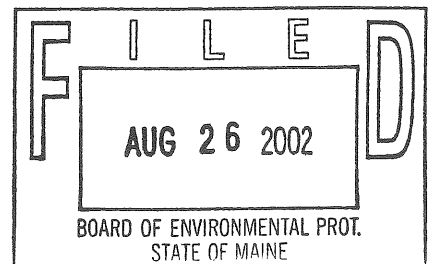
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
MARTHA G. KIRKPATRICK, COMMISSIONER

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

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

Date filed with Board of Environmental Protection
deh/L19486cn



SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

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

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

(2/81)/Revised November 1, 1979

STANDARD CONDITIONS

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

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

September 23, 2002

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

Subject: Presumpscot River Place Phase III
Mylar

Dear Rick,

Last week our office provided you with a mylar for the Board's signature for the above referenced project. As we discussed, there were several minor revisions to the project layout as a result of the MDEP review, which have been incorporated into the latest plan. These revisions include:

- Elimination of Lot 21, the lot, which was adjacent to the southerly side of Curtis Road. The area for Lot 21 was incorporated into Lot 20, to reduce overall wetland impacts.
- Increasing the undisturbed zones on Lots 1 and 3. The DEP required a minor enlargement of the undisturbed zones, on the order of 10' to 15' to provide a larger buffer to the stream that traverses these two lots.
- As the undisturbed zones on Lots 1 and 30 were increased, this resulted in the building envelope being reduced. The lot lines for lots 2 - 6, and lots 26 - 29 were shifted to the south by approximately 16' (4' per lot) to compensate for the increase in the undisturbed zones.

It is our understanding that you will have the mylar signed at the September 24, 2002 Board meeting. Please call us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Alton M. Palmer, P.E.
Vice President

Enclosure

copy: Burt Wolf
Bob Adam

AMP/aw/JN98089/Knowland9-23-02

(207) 797-9199 Fax (207) 878-3142

TO RICK KNOWLEND
CITY HALL _ PLANNING DEPARTMENT
389 CONGRESS STREET
PORTLAND, MAINE 04101

DATE 10/17/02	JOB NO.
ATTENTION	
RE: PRP III	

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____


COPIES	DATE	NO.	DESCRIPTION

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS: MR KNOWLEND, RCROTEAU@TITCOMB
sunnet.com

I NEGLECTED TO ADD THE NOTE FOR THE "10' CITY OF PORTLAND PEDESTRIAN EASE," NEAR LOT 22. HERE IS THAT REV. ON AN UNSIGNED PRINT DAVID TITCOMB IS UNAVAILABLE TO SIGN A NEW MYLAR UNTIL MONDAY. I HOPE THIS PRINT WILL KEEP THE PROSESS MOVING UNTIL THEN. I WILL NEED THE SIGNED MYLAR THAT YOU HAVE BACK!

COPY TO _____ SIGNED: 

If enclosures are not as noted, kindly notify us at once.

**CITY OF PORTLAND
PUBLIC WORKS DEPARTMENT
ENGINEERING SECTION**

M E M O R A N D U M

TO: Richard Knowland, Senior Planner

FROM: Jon Giles, PLS, GIS Coordinator

SUBJECT: Presumpscot River Place Phase 3 Survey Issues

DATE: October 21, 2002

In reviewing the plans I borrowed from Tony Lombardo at your request, I have found a number of issues that I feel should be addressed in regards to the recording plat for this subdivision. These issues are found below.

1. Subdivision Note 4 deals with calling out which vertical datum the plan's information is based upon. This note needs to be more specific than NAVD. In researching the benchmark named I think the plans are likely based upon NAVD88, or the North American Vertical Datum of 1988. This needs to be corrected for without the year designation one might mistakenly assume another vertical datum was used. Additionally, the City of Portland has not wanted plans or projects to be based upon NAVD88. Instead the City of Portland has typically required plans to be based upon NGVD29 (National Geodetic Vertical Datum of 1929) and /or the City Datum. NAVD88 is the latest and greatest vertical datum from the National Geodetic Survey but is incompatible with existing as-built plans in Portland such as sewer and drainage plans. In the case of the benchmark called out on the plan there is as much as 0.68 ft. vertical difference between elevations in NAVD88 and the preferred NGVD29/City Datum. At a minimum if the elevations are not to be corrected to the NGVD29/City Datum, then a note must be placed upon the plan explaining the difference between the two height systems.
- The use of 1980's vintage aerial mapping as the topographic information on abutting properties ought to be carefully considered. The area south and west of this project has been built up considerably since this aerial mapping was produced by the Sewall Company in the 1980's. Consequently the existing conditions are not as shown in the aerial mapping used on this set of plans. This is not wrong and the information is properly attributed and identified as to its source and age. However, the City in its review is not being presented with a complete and current picture of the existing conditions abutting the development under consideration. Hence certain conditions such as drainage issues resulting from the new development may not become apparent until construction is underway.
- The proposed easements shown on the subdivision plan need to be identified as to whom the intended recipient of the easements will be. Easements to be conveyed to the City need to

identify as such. Easements to be conveyed to private interests should also be label as to being “private easements” to distinguish what is to be dedicated to the public and what is to be private. The pump station lot should also be identified as to whom its planned owner will be.

The proposed pump station lot should be a separate lot if possible and not part of the road right of way. This is a fine point but there are certain title reasons that operate against roads versus land used for sewer and/or other public uses.

The guardrail at the easterly end of Hope Av appears to be off the property occupied by this project. The guardrail ought to be within the right of way that will be eventually transferred to the City upon acceptance of the roadways once all conditions for acceptance have been met.

All right of way monuments in this subdivision need to be set on the City of Portland’s standard 3 foot offset line. Currently the monuments shown on the plan are shown on the sideline or street line of the proposed streets’ right of ways. This should be corrected on the plan to be recorded. This is part of the technical design standards for the City and has been a requirement for the last 100 hundred years.

There are nine missing proposed right of way monuments not shown on the layout plans.

Also all proposed right of way monuments should be shown on the subdivision recording plat as well as the layout plans, because the layout plans are not typically recorded at the Registry of Deeds. Thus the property markers that the right of way monuments serve as would not be mentioned in the public title records. 3 foot-offset monuments are required at all points where the right of ways of streets change direction, curve definition, or end. The missing monuments should be located at a 22 foot offset to the following centerline stations: the PC at station 17+48.52, the PT at station 18+66.05, the PC at station 20+85.22, the PC at station 28+71.29, the PRC at station 34+47.79, the PT at station 34+78.74, at the end of Hope Av. near station 35+46.89, at the southerly end of Curtis Rd. where it intersects the older section of Curtis Rd., and a monument to mark the intersection of Curtis Rd and Hope Av. Additionally the monument proposed for station 13+37.47 and at offset 25.62 ft. right should be set at the PT and not at the odd offset of 25.62 feet.

1. The existing section of Hope Av will need to be renumbered to accommodate the proposed extension or another name for the proposed extension of Hope Av will need to be submitted to Public Works for approval due to E911 addressing reasons. The renumbering of the existing Hope Av needs to be part of this project.

I hope this answers the questions you had. Please let me know if there are any questions or concerns regarding this matter.

Pc: Eric J. Labelle, PE, City Engineer
Anthony Lombardo, PE, Project Engineer
William G. Scott, PLS, Project Engineer
GIS Workgroup File – Communications

From: Anthony Lombardo
To: RICK KNOWLAND
Date: Thu, Oct 3, 2002 11:40 AM
Subject: Riverwalk Contract Zoning Comments

I have reviewed the plans dated September 2002 and offer the following comments:

1. After careful consideration, Public Works is not endorsing the use of sloped granite curb for use on the proposed roadway within Riverwalk. If the City is to accept and maintain this proposed roadway, we prefer the use of vertical granite curbing. Winter plows are not very discriminating nor are they kind to curbing during the winter operations. The reality is that only granite curbing demonstrates durability as curbing material that withstand winter maintenance.
2. If any signage, beyond "stop signs", is required to be installed within the right of way, it may be necessary to maintain a sidewalk width of at least five (5) feet wide.



Titcomb Associates

Land Surveying
Land Planning

133 Gray Road
Falmouth, Maine 04105-2029
(207) 797-9199
Fax (207) 878-3142

Bath (207) 442-7799
New Gloucester (207) 926-4699

October 16, 2002

Jay Reynolds
Development Review Coordinator
City of Portland
389 Congress Street
Portland, ME 04101

VIA FAX: (207) 756-8258

re: **Presumpscot River Place III**

Dear Mr. Reynolds:

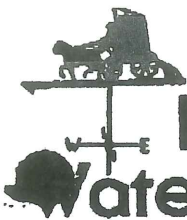
This letter will confirm that the survey shown and stamped on the Presumpscot River Place Phase III Subdivision Plan recording plat includes all of the lot lines and street rights-of-way of the subdivision.

Please let me know if you have any questions.

Sincerely,

David E. Titcomb, PLS
President, Titcomb Associates

cc: Burt Wolf [Via Fax: (207) 773-6310]
Al Palmer [Via Fax: (207) 657-6912]



Portland Water District

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

(207) 774-5961

FAX (207) 761-8329

www.pwd.org

January 17, 2002

January 17, 2002

January 17, 2002

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

RECEIVED
JAN 30 2002

BY: _____

Re: Presumpscot River Place – Phase 3

Dear Doug:

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

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

Sincerely,

PORTLAND WATER DISTRICT

David W. Coffin, PLS
Engineering Supervisor

David W. Coffin, PLS
Engineering Supervisor

2001 Governor's Award for Environmental Excellence

INDEPENDENT BOARD OF CREDITORS Ability to Serve Portland Through the Presumpscot River Place III





CITY OF PORTLAND

22 January 2002

RECEIVED
JAN 24 2002

BY: _____

Mr. Doug Reynolds, Project Engineer
Gorrill-Palmer Consulting Engineers, Incorporated
P. O. Box 1237
Gray, Maine 04039.

RE: The Capacity to Handle an Anticipated Increase in Wastewater Flows, from The Proposed "Presumpscot River Place (Phase Three)" Subdivision, to be located On Hope Avenue, Northwesterly of #200 Curtis Road.

Dear Mr. Reynolds:

This "capacity letter" supersedes the letter of 13 November 2000 issued for a previously proposed "Presumpscot River Place (Phase Three)".

The existing eight-inch polyvinyl chloride (PVC) sewer pipe located in Hope Lane has adequate capacity to transport the anticipated wastewater flows of 10,800 GPD, from your proposed subdivision. The Portland Water District sewage treatment facility, located off Marginal Way, has adequate capacity to treat the anticipated wastewater flows of 10,800 GPD, from your proposed subdivision.

<u>Anticipated Wastewater Flows from the Proposed Subdivision</u>	
Proposed Thirty Single Family Units @ 360 GPD/Unit	= 10,800 GPD
Total Proposed Increase in Wastewater Flows for this Project	= 10,800 GPD

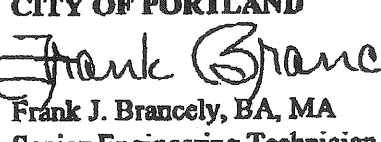
The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and the Maine D.E.P., requires C.S.O. abatement, as well as Stormwater mitigation, in order to offset any increase in sanitary flows, from all projects.

Our concern, of course, is the placement of the proposed project pump station in Falmouth, Maine. This pump station, located in Falmouth, will receive the 10,800 GPD from the proposed project, located in Portland, to the Southeast, in order to discharge it back into Portland, to the Southwest. I reference a Squaw Bay Corporation letter of 22 April 1998, in which Peter B. Tubbs, P.E., P.L.S. cites William Goodwin, P.E. on the City's engineering staff, to wit: "...there is built-in reserve capacity in Portland Water District's system to serve this portion of Falmouth." Goodwin cautions "...the Town of Falmouth would have to petition Portland Water District to utilize their option of capacity in the District's treatment facility. Historically Falmouth has been hesitant to do this. Apparently this is a one time option and the Town would have to specify all areas to be serviced or at least the total of expected flows."

Mr. Reynolds, Gorrill-Palmer
22 January 2002
Page two of two

In a related matter, Katherine A. (nee Staples) Earley, P.E., then City Engineer, now Engineering Manager, in a 28 April 1998 letter to Mr. Louis C. Wood said, "Therefore, I advise you to seek the assistance of the Town of Falmouth in obtaining the right to connect your proposed development to our sewer system. Should you wish to pursue this option, please have their Public Works representative contact me..."

If I can be of further assistance, please call me at 874-8832.

Sincerely,
CITY OF PORTLAND

Frank J. Brancely, BA, MA
Senior Engineering Technician

FJB

cc: Alexander Q. Jaegerman, Acting Co-Director, Department of Planning, and Urban Development, City of Portland
Richard Knowland, Senior Planner, Department of Planning and Urban Development, City of Portland
Eric Labelle, P.E., City Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Anthony W. Lombardo, P.E., Project Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
Todd Merkle, Field Inspections Coordinator, City of Portland
Desk file

O:\Engshare\CSO\Hope A via.Doc

September 23, 2002

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

Subject: Presumpscot River Place Phase III
Mylar

Dear Rick,

Last week our office provided you with a mylar for the Board's signature for the above referenced project. As we discussed, there were several minor revisions to the project layout as a result of the MDEP review, which have been incorporated into the latest plan. These revisions include:

- Elimination of Lot 21, the lot, which was adjacent to the southerly side of Curtis Road. The area for Lot 21 was incorporated into Lot 20, to reduce overall wetland impacts.
- Increasing the undisturbed zones on Lots 1 and 3. The DEP required a minor enlargement of the undisturbed zones, on the order of 10' to 15' to provide a larger buffer to the stream that traverses these two lots.
- As the undisturbed zones on Lots 1 and 30 were increased, this resulted in the building envelope being reduced. The lot lines for lots 2 - 6, and lots 26 - 29 were shifted to the south by approximately 16' (4' per lot) to compensate for the increase in the undisturbed zones.

It is our understanding that you will have the mylar signed at the September 24, 2002 Board meeting. Please call us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Alton M. Palmer, P.E.
Vice President

Enclosure

copy: Burt Wolf
Bob Adam

AMP/aw/JN98089/Knowland9-23-02

**PROPOSED AGREEMENT BETWEEN WOLF/ADAM AND THE CITY OF
PORTLAND RELATED TO PROPERTY ALONG THE PRESUMPSCOT RIVER**

July 13, 2001

- 1) Wolf/Adam agree to a subdivision approval permitting house lots in PRP3 that front on both sides of Eagle Ave as indicated in the attached map. This is either 17 or 18 lots.
- 2) Wolf/Adam convey to the City fee interest to all of the remaining property in PRP3 between the river and the rear of the lots on the north side of Eagle Ave.
- 3) Wolf/Adam convey to the City fee interest to all of the property in PRP4.
- 4) Wolf/Adam convey to the City fee interest to all of the property located in the Town of Falmouth except for 12 acres located in the southeastern portion of the property as indicated in the attached map. The 12 acres retained by Wolf/Adam shall not be any closer than 500 feet to the Presumpscot River.
- 5) Wolf/Adam grant a public access right-of-way in the Falmouth property from the public street through their property to the property to be conveyed to the City in order to allow access to the river.
- 6) The City pays \$500,000 to Wolf/Adam. The contract between Wolf/Adam and the City shall be written so as to maximize the City's ability to obtain grant funding. For example the sale price for the land may be \$1,000,000 with a credit of \$500,000 given to the City, resulting in the payment of \$500,000 to Wolf/Adam.
- 7) The City constructs a public street from the western end of Eagle Ave in PRP3 through the Falmouth property and connecting to Hope Ave in Portland. (estimated cost \$250,000 - \$300,000).
- 8) The City works with the Town of Falmouth through the state legislature to annex the Falmouth property into the City of Portland.
- 9) The City agrees to establish a contract zone allowing for the development of up to 75 units of clustered housing for the elderly in the annexed property. At least 65 of the units shall be congregate housing and up to 10 units may be cottage-style, transitional housing.
- 10) The City agrees to eliminate the requirement for Pratt Road to be constructed in PRP3.



Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

Traffic and Civil Engineering Services

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

September 23, 2002

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

Subject: Presumpscot River Place Phase III
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- As the undisturbed zones on Lots 1 and 30 were increased, this resulted in the building envelope being reduced. The lot lines for lots 2 - 6, and lots 26 - 29 were shifted to the south by approximately 16' (4' per lot) to compensate for the increase in the undisturbed zones.

It is our understanding that you will have the mylar signed at the September 24, 2002 Board meeting. Please call us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Alton M. Palmer, P.E.
Vice President

Enclosure

copy: Burt Wolf
Bob Adam

AMP/aw/JN98089/Knowland9-23-02

DH**DeLUCA-HOFFMAN ASSOCIATES, INC.**
Consulting Engineers778 Main Street
Suite 8
South Portland, Maine 04106
TEL. 207 775 1121
FAX 207 879 0896

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

DATE: October 18, 2002

TO: Rick Knowland, Portland Planning Authority

FROM: Stephen R. Bushey, P.E.

SUBJECT: Presumpscot River Place III
Engineering Review of plans dated 9/07/02

A review of the latest plans for the Presumpscot River Place has been completed and the following comments are provided for consideration by the Planning Authority. The plans have been revised apparently to address previous City staff comments as well as input from the DEP. Our comments are as follows:

Cover Sheet

1. Note #6 of the General Notes should also refer to the Development Review Coordinator in terms of the DRC's authority to require additional erosion control measures.
General Note #8 should also refer to the City of Portland Technical Standards.
Is a copy of the "Wetland Permitting Plan" on file with the City? The DRC's records should have this plan for referencing during the review of each of the house lot plans.
The Title should state "Presumpscot River Place III" as that is how it is referenced on the Subdivision plan.

and do the light standards proposed meet their requirements. Do they need to?
The engineer should consider eliminating the vertical curves from Sta 14+12.5 to Sta 18+12.5 with one longer tangent section at 1% from PVI Station 13+00. This might eliminate the roller coaster effect.

Sheet 7

1. The engineer should review the placement and alignment of the sanitary sewer from SMH1 to SMH25. The spacing on the structures is minimal, resulting in 6 structures to go less than 350'. Plus the structures are very deep. Both the horizontal and vertical alignment should be looked at to perhaps reduce the structure count and depth. Information on the connection point for the 4" FM sewer should be provided.

Sheet 10.

1. Why is the 18" culvert discharge at Sta 14+00 right outside of the drainage easement? There should be a drainage easement for the culvert from DMH1 outside of the ROW. What is the drainage area up gradient of DMH1 that will be now sheet flowing onto the street since the ravine on the east side of the proposed street will be filled in. Perhaps a culvert crossing would be more appropriate.
All culvert crossings in the ravines should be Reinforced concrete Pipe. The Public Works Dept. should comment on the acceptability of other pipe types.

Sheet 17

1. The Public Works Dept. should review and approve the proposed pump station design and provisions for backup power supply and emergency wastewater storage.

I trust these comments are useful as you complete the final review of this project.

Subdivision Plan

1. ~~A waiver should be requested for a plan scale greater than 1"=60' for lots less than 1 acre in size. The submitted plan is at a scale of 1"=100'.~~

~~The subdivision plan sheet 2 should specifically reference sheet 3 as containing the site's topography.~~

- The subdivision plan must be revised to identify all street monuments and property corner pins to be set. The current plan doesn't show any monumentation or pins. I presume that all angles and property corners must be identified with a granite monument or iron pin. The subdivision plan should reference the layout plans specifically for the road geometry and curve data information as is required in the Subdivision Plat requirements.

- There should be a statement on the Subdivision plans confirming that the Subdivision plan and street data comply to a Category 1, Condition 1 survey level as is required under the City's technical standards.

The Subdivision plan should identify how the street lines are tied into the Maine State coordinate system, West Zone as required under the City's Technical Standards.

The Subdivision plan should identify where the granite monument to be set will be that have an established elevation on it.

All utility easements for transformers should be identified on the Subdivision plan.

- 1/14/06 AS* The subdivision plan identifies a temporary turnaround easement on proposed Lot 16. Presumably this was for the end of Overset Street. Where will a new turnaround be established for Overset Street once lot 16 is created and is a new turnaround needed? Public Works should review.

- The turnaround for Hope Avenue on Lot 16 does not meet the City's Technical standards. The subdivision plan should show additional drainage easements for the Water quality units on Lots 10 and 30.

Additional drainage easements for culverts outside of the ROW should be provided on the land adjacent Lot 22 and on the Storm drain from DMH#1.

~~Is there a plan for the conveyance of property to the City of Portland and The Town of Falmouth? I still haven't seen a plan depicting the entire property and its' relationship to this subdivision.~~

- big issue* Sheet 3 refers to Lots 31 and 32 in Falmouth but the Subdivision Plan (sheet 2) does not. What are the boundaries of the Land to be conveyed to each Municipality?

- To whom are all the drainage easements granted. This should be labeled on the Subdivision Plan. *only one is labeled private drainage easement*

The Subdivision Plan Title should probably be revised to correctly refer to the owner as Lloyd Wolf rather than Burt Wolf since the Permits are likely in Lloyd Wolf's name. (A minor point, I know, but I make it for the sake of consistency).

1. ~~Sheet three implies that there is a property line extension from the easterly sideline of lot 15 down to the river. Sheet 2 does not show this. Is there of isn't there a property line?~~

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+ open
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DH**DeLUCA-HOFFMAN ASSOCIATES, INC.**
Consulting Engineers778 Main Street
Suite 8
South Portland, Maine 04106
TEL. 207 775 1121
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- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
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MEMORANDUM

DATE: October 18, 2002

TO: Rick Knowland, Portland Planning Authority

FROM: Stephen R. Bushey, P.E.

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Sheet 17

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I trust these comments are useful as you complete the final review of this project.

253-1371

From: Jay Reynolds
To: Anthony Lombardo; Internet:groverex@quixnet.net; ...
Date: Wed, Oct 16, 2002 8:53 AM
Subject: Re: Cost Estimate for Presumpscot River Place III

Great, can you make us a copy (for Planning Dept.)?

Thanks.

Jay

>>> Anthony Lombardo 10/16 8:42 AM >>>

Gentlemen,

I have reviewed the cost estimate for the construction of Hope Avenue, dated October 4th. Public Works is granting its approval.

October 2, 2002

Mr. Jay Reynolds
Development Review Coordinator
City of Portland
389 Congress Street
Portland, ME 04101-3503

Subject: Presumpscot River Place
Plans for Construction

Dear Jay,

Gorrill-Palmer Consulting Engineers, Inc. is submitting plans for construction for the above referenced project. There have been several minor revisions to the plans, including the following:

- Revisions to the lots and lot lines as discussed in a previous letter to Mr. Rick Knowland dated September 23, 2002.
- Addition of a gravity sewer service in Hope Avenue back towards the future 16 lot subdivision. This gravity sewer has been connected in to the proposed sewer pump station located near station 13+30.
- Revisions to the design of the duplex Gorman-Rupp above ground pump station. The pump station will have generator backup rather than providing 24 hours of emergency storage. The pump station has been sized to accommodate additional flows from the future 16 lot Riverwalk subdivision, the future 56 duplex units and the future 8 lot single family subdivision. The revised calculations are attached to this letter.

It is our understanding that these plans address the remaining outstanding issues. Please call us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



William C. Haskell, P.E.
Project Engineer

Enclosure

copy: Burt Wolf
Bob Adam
Rick Knowland
Tony Lombardo

FILE NAME: Pumpsized-22-02
 PROJECT: Presumscot River Place
 JOB NUMBER: 98089
 LOCATION: Portland, Maine
 DATE: 22-Feb-02 Rev. 9/27/02

COMPUTATION OF EQUIVALENT PIPE LENGTH AND TOTAL DYNAMIC HEAD

ENTER:

COMPUTES:

INV. ELEV. INTO STA. =	69.68	AVERAGE FLOW RATE (GPM) =	15.28	GPM
PUMP STA. DIAM. (FT) =	8.00	PEAK FLOW RATE (GPM) =	84.03	GPM
AVERAGE DAILY FLOW RATE =	22,000.00	MAXIMUM STORAGE ELEVATION	76.50	
AVERAGE CYCLES PER DAY =	10.00	STORAGE OUTSIDE OF WETWELL (CF)	280.70	
PEAK FACTOR =	5.50	STORAGE WITHIN WETWELL ABOVE INV IN	342.81	CF
PUMP FAILURE/ALARM ON DEPTH (FT) =	0.25	STA. SURFACE AREA =	50.27	
SUCTION SUBMERGENCE DEPTH (FT) =	2.00	EMERGENCY STORAGE VOLUME (CF) =	490.20	
EMERGENCY STORAGE TIME (HR) =	4.00	ALARM ON ELEV. =	72.33	
F. M. DISCHARGE INVERT ELEV. =	94.30	WETWELL PUMP ON ELEV. =	72.08	
HAZEN WILLIAMS C VALUE =	140	WETWELL PUMP OFF ELEV. =	66.23	
STARTING PUMP FLOW RATE =	100	TOP OF BASE SLAB ELEV. =	64.23	GPM
PUMP FLOW RATE INTERVAL =	10	BOTTOM OF BASE SLAB ELEV. =	62.90	GPM

SUCTION LINE DESCRIPTION:

NOMINAL PIPE DIAM. (IN)	STRAIGHT PIPE LENGTH (FT)	FITTING EQUIV. LENGTH (FT)	TOTAL EQUIV. LENGTH (FT)
3	13.00	8.34	21.34
4	0.00	0.00	0.00
6	0.00	0.00	0.00
8	0.00	0.00	0.00
10	0.00	0.00	0.00
12	0.00	0.00	0.00

DISCHARGE LINE DESCRIPTION:

NOMINAL PIPE DIAM. (IN)	STRAIGHT PIPE LENGTH (FT)	FITTING EQUIV. LENGTH (FT)	TOTAL EQUIV. LENGTH (FT)
3	0.00	0.00	0.00
4	500.00	100.49	600.49
6	0.00	0.00	0.00
8	0.00	0.00	0.00
10	0.00	0.00	0.00
12	0.00	0.00	0.00

TOTAL DYNAMIC HEAD:

PUMP FLOW RATE (GPM)	STATIC HEAD		FRICTION LOSS			TOTAL DYNAMIC HEAD	
	PUMP ON (FT)	PUMP OFF (FT)	SUCTION LINE LOSS (FT)	DISCHARGE LOSS (FT)	TOTAL LOSS (FT)	PUMP ON (FT)	PUMP OFF (FT)
100	22.22	28.07	0.43	4.34	4.78	27.00	32.85
110	22.22	28.07	0.52	5.18	5.70	27.92	33.77
120	22.22	28.07	0.61	6.09	6.70	28.91	34.77
130	22.22	28.07	0.71	7.06	7.77	29.98	35.84
140	22.22	28.07	0.81	8.10	8.91	31.13	36.98
150	22.22	28.07	0.92	9.20	10.12	32.34	38.19
160	22.22	28.07	1.04	10.37	11.41	33.63	39.48
170	22.22	28.07	1.16	11.60	12.76	34.98	40.83
180	22.22	28.07	1.29	12.90	14.19	36.41	42.26
190	22.22	28.07	1.43	14.26	15.68	37.90	43.75

**GORRILL-PALMER
CONSULTING ENGINEERS, INC.**

P.O. Box 1237
GRAY, MAINE 04039
(207) 657-6910
FAX (207) 657-6912

JOB 98089 PUMP STATION

SHEET NO. _____ OF _____

CALCULATED BY WCH DATE 9/30/02

CHECKED BY _____ DATE _____

SCALE _____

DESIGN FLOW CALCULATIONS

DUPLEXES $56 \times 4 \times 50 = 11,200$ gpd

SINGLE FAMILY $16 \times 4 \times 50 = 3,200$ gpd

SINGLE FAMILY $8 \times 4 \times 50 = 1,600$ gpd

16,000 gpd

PRP

6,000

TOTAL

22,000 gpd

**GORRILL-PALMER
CONSULTING ENGINEERS, INC.**

P.O. Box 1237
GRAY, MAINE 04039
(207) 657-6910
FAX (207) 657-6912

JOB PRP - Pump STA
SHEET NO. _____ OF _____
CALCULATED BY WCH DATE 9/29/02
CHECKED BY _____ DATE _____
SCALE 98089

NPSH CALCULATIONS

ATMOSPHERE @ SEA LEVEL	33.90'
TD Suction Lift	(21.34')
Vapor Pressure @ 74°	(1.00')
Soft Factor	(2.00')
NPSH Available	9.56'
NPSH Required	(4.00')
	<hr/>
NPSH EXCESS	5.56'

PRIMING LIFT

CAPACITY	150 GPM		
TDH	37.06'		
TD SL	21.34'		
PRIMING LIFT	$80.92 - 72 = 8.9'$	avail = 11'	

T3A-B
8" imp
1450 RPM

REQUIRED NPSH

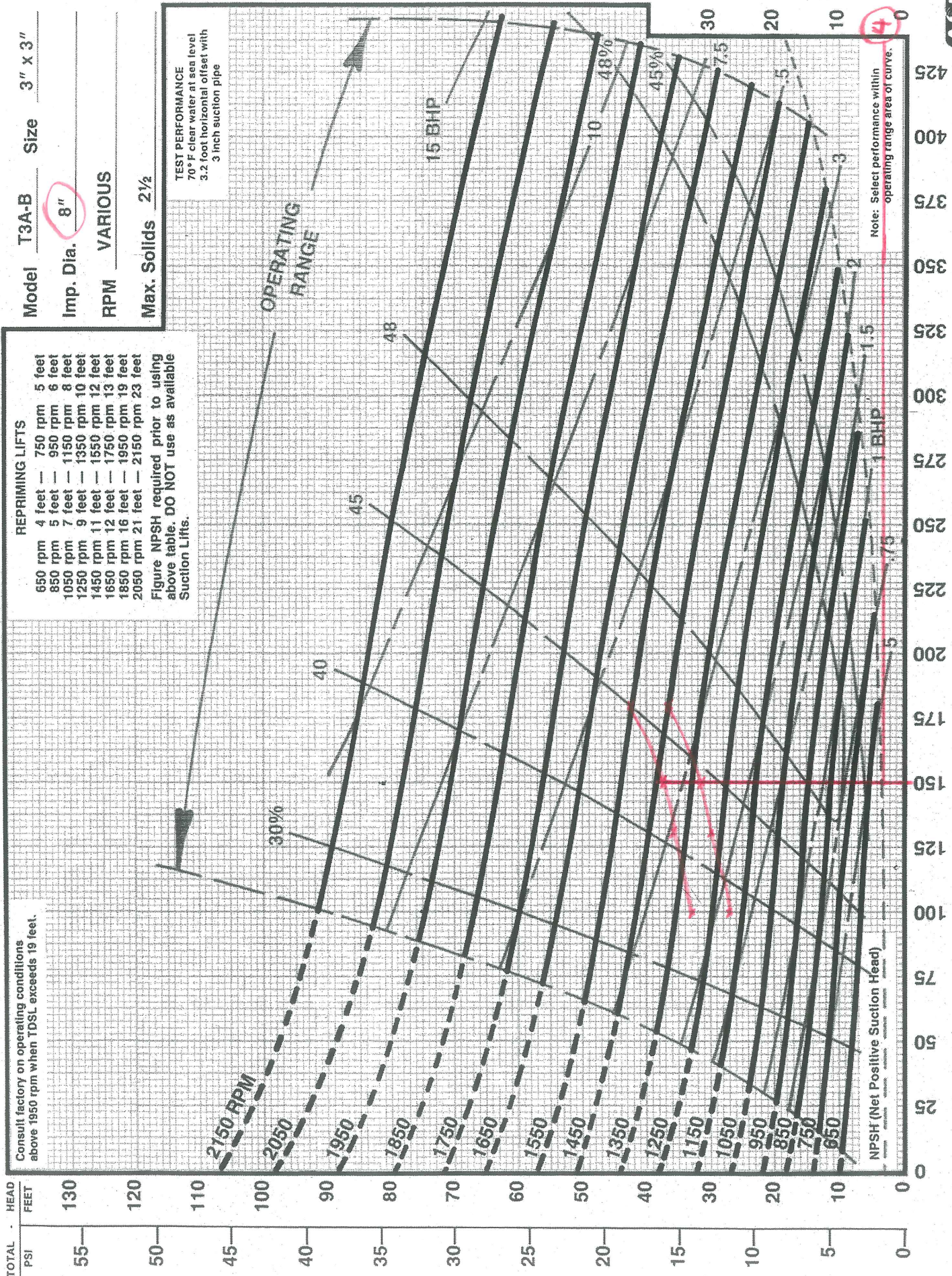
Model **T3A-B** Size **3" x 3"**
 Imp. Dia. **8"**
 RPM **VARIOUS**
 Max. Solids **2 1/2"**

TEST PERFORMANCE
 70° F clear water at sea level
 3.2 foot horizontal offset with
 3 inch suction pipe

REPRIMING LIFTS
 650 rpm 4 feet — 750 rpm 5 feet
 850 rpm 5 feet — 950 rpm 6 feet
 1050 rpm 7 feet — 1150 rpm 8 feet
 1250 rpm 9 feet — 1350 rpm 10 feet
 1450 rpm 11 feet — 1550 rpm 12 feet
 1650 rpm 12 feet — 1750 rpm 13 feet
 1850 rpm 16 feet — 1950 rpm 19 feet
 2050 rpm 21 feet — 2150 rpm 23 feet

Figure NPSH required prior to using
 above table. DO NOT use as available
 Suction Lifts.

Consult factory on operating conditions
 above 1950 rpm when TDSSL exceeds 19 feet.



Note: Select performance within
 operating range area of curve.



Titcomb Associates

Land Surveying
Land Planning

133 Gray Road
Falmouth, Maine 04105-2029
(207) 797-9199
Fax (207) 878-3142

Bath (207) 442-7799
New Gloucester (207) 926-4699

October 16, 2002

Jay Reynolds
Development Review Coordinator
City of Portland
389 Congress Street
Portland, ME 04101

VIA FAX: (207) 756-8258

re: **Presumpscot River Place III**

Dear Mr. Reynolds:

This letter will confirm that the survey shown and stamped on the Presumpscot River Place Phase III Subdivision Plan recording plat includes all of the lot lines and street rights-of-way of the subdivision.

Please let me know if you have any questions.

Sincerely,

David E. Titcomb, PLS
President, Titcomb Associates

cc: Burt Wolf [Via Fax: (207) 773-6310]
Al Palmer [Via Fax: (207) 657-6912]

From: "Hallowell, Dawn" <Dawn.Hallowell@maine.gov>
To: 'Doug Reynolds' <DReynolds@gorrillpalmer.com>, Jay...
Date: Fri, May 9, 2003 9:07 AM
Subject: RE: Presumpscot River Place Tree Cutting

Doug showed me the trees in question this morning. They are not threatening any structure (or potential structure) and do not appear to be a hazard. Therefore, they need to be left in place.

On another note, the side slopes of the last stream crossing, on lot #30 need to be stabilized. Apparently they let go yesterday. Also all areas of disturbed soil on the stream side of the silt fence, near a boulder... There was a crew working on this issue this morning.

-Dawn

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

From: Doug Reynolds [mailto:DReynolds@gorrillpalmer.com]
Sent: Thursday, May 08, 2003 1:34 PM
To: Jay Reynolds; RWK@ci.portland.me.us; Dawn.Hallowell@state.me.us
Cc: JST@ci.portland.me.us; Alton Palmer; jadam1@maine.rr.com; lbw1@maine.rr.com; groverex@quixnet.net
Subject: RE: Presumpscot River Place Tree Cutting

No, the trees are not leaning due to construction. It appears that they have been leaning for a while, possibly from a previous wind storm or erosion within the swale.

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

From: Jay Reynolds [mailto:JAYJR@ci.portland.me.us]
Sent: Thursday, May 08, 2003 1:28 PM
To: RWK@ci.portland.me.us; Doug Reynolds; Dawn.Hallowell@state.me.us
Cc: JST@ci.portland.me.us; Alton Palmer; jadam1@maine.rr.com; lbw1@maine.rr.com; groverex@quixnet.net
Subject: Re: Presumpscot River Place Tree Cutting

Doug, are the trees leaning and dead due to construction activity?

>>> "Doug Reynolds" <DReynolds@gorrillpalmer.com> 05/08 12:15 PM >>>

I met with City Portland Arborist, Jeff Tarling, to discuss the removal of three trees located on Lot 30 on Presumpscot River Place. Review for removal of these trees is necessary, because they are located within the "Undisturbed Zone." The reason it has been requested that these trees be removed, is because they appear to be a potential hazard. The trees are rooted, but are leaning at an approximate 45 degree angle, above the adjacent drainage swale. The two larger trees appear to be dead.

Note 6 on the subdivision plan indicates "No tree cutting, grading, disturbance to vegetation or ground cover shall take place within the undisturbed zone. Storm damaged trees may be removed only if they represent a potential hazard to property or residence..."

OCT 25, 2002

TO: JIM ROBBINS

MIKE

FROM: RICK KNOWLAND

ATTACHED IS TAG APPROVED PROSPECT
RIVEN PLACE 3 SUBDIVISION MILAN RON TOWN
VAULT RECORDS

PAPER COPIES SENT TO

MARCO S.

TONY L.

DON H.

ON THE DATE.

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

October 23, 2002

Mr. Lloyd Wolf
25 Alice Street
Portland, ME 04103

Dear Mr. Wolf,

We are in receipt of a performance guarantee and an inspection fee for the Presumpscot River Place 3 Subdivision (PRP3). You have also submitted an updated subdivision recording plat for PRP3 that requires minor revisions.

This letter is to confirm that you may commence tree clearing for the street right-of-way for the PRP3 subdivision only. No other construction activities shall be initiated. If revised subdivision recording plat and all related subdivision easements are not submitted to the Planning Department Office by 4:00 p.m. on Tuesday, October 29, 2002, all tree clearing activities shall cease at that time.

Should you have any questions concern this letter please call me.

Sincerely,

Alexander Q. Jaegerman
Planning Division Director

cc: Lee D. Urban, Director, Department of Planning and Development
✓Rick Knowland, Senior Planner
Mike Nugent, Inspection Services Manager
Penny Littell, Associate Corporation Counsel

From: "Steve Bushey" <SBushey@DelucaHoffman.com>
To: "Rick Knowland (E-mail)" <RWK@ci.portland.me.us>
Date: Fri, Oct 18, 2002 10:03 AM
Subject: PRP III Review

Rick,

Please see my attached memo for comments on PRP III. The bottom line is that the Subdivision Plan needs a lot of work to meet City's standards for recording purposes. This has consistently been a problem with this plan set. Please call or respond to discuss.

Steve Bushey, PE <<memoknowlandPRPIII10-18-02.dot>>
Technical Reviewer
DeLuca-Hoffman Associates, Inc.

It is the opinion of Mr. Tarling that the trees could be a potential hazard and could be removed. He also suggested that care should be taken during removal to not adversely affect the drainage swale adjacent to the base of the trees.

I indicated that the Contractor would take appropriate measures to remove the trees with limited disturbance to the surrounding area.

Please let our office know if any additional approvals are necessary prior to removal of these trees.

Thank you

Doug Reynolds

Gorrill-Palmer Consulting Engineers, Inc.
15 Shaker Road
PO Box 1237
Gray, ME 04039
(207) 657-6910
(207) 657-6912 (Fax)

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

CC: Alton Palmer <APalmer@gorrillpalmer.com>

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To: 'Doug Reynolds' <DReynolds@gorrillpalmer.com>, Jay...
Date: Fri, May 9, 2003 9:07 AM
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Cc: JST@ci.portland.me.us; Alton Palmer; jadam1@maine.rr.com; lbw1@maine.rr.com; groverex@quixnet.net
Subject: RE: Presumpscot River Place Tree Cutting

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Subject: Re: Presumpscot River Place Tree Cutting

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Please let our office know if any additional approvals are necessary prior to removal of these trees.

Thank you

Doug Reynolds

Gorrill-Palmer Consulting Engineers, Inc.
15 Shaker Road
PO Box 1237
Gray, ME 04039
(207) 657-6910
(207) 657-6912 (Fax)

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

CC: Alton Palmer <APalmer@gorrillpalmer.com>

**GORRILL-PALMER
CONSULTING ENGINEERS, INC.**

P.O. Box 1237
GRAY, MAINE 04039

**(207) 657-6910
FAX (207) 657-6912**

TO City Of Portland
389 Congress Street
Portland ME 04101

**LETTER OF
TRANSMITTAL**

744

JOB NUMBER/PHONE 98089	DATE 4/30/03
---------------------------	-----------------

ATTENTION
Rick Knowland

RE:
Presumpscot River Place

WE ARE SENDING YOU Attached Under separate cover via _____ the following items.

- Shop drawings Prints Plans Specifications Samples
 Copy of letter Change order Other:

COPIES	DATE	NUMBER	DESCRIPTION
1			Revised Subdivision Plan

THESE ARE TRANSMITTED as checked below:


- | | | | |
|--|---|---|--|
| <input type="checkbox"/> For your approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit | <input type="checkbox"/> _____ copies for approval |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit | <input type="checkbox"/> _____ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return | <input type="checkbox"/> _____ corrected prints |
| <input checked="" type="checkbox"/> For review and comment | <input type="checkbox"/> Other | | |
| <input type="checkbox"/> FOR BIDS DUE/DATE: | | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US | |

REMARKS

The mylar will be signed by David Titcomb. Please let me know of any comments and we can get the mylar to you as soon as possible

Thanks

COPY TO Burt Wolf & Bob Adam

SIGNED 

If enclosures are not as noted, please notify us at once.

From: Rick Knowland
To: Internet:mailbox@gorrillpalmer.com
Date: Fri, Apr 18, 2003 12:31 PM
Subject: For Al Palmer

Hi Al, we have reviewed the revised PRP3 recording plat submitted April 14, 2003 and offer the following comments.

1. Use the planning director approval endorsement block not the planning board approval block. I'll fax over the block with the appropriate language
2. Use larger letters for the A to H letters on the drainage easements within the lots. The letter "A" easement is very difficult to read. The easement lines for "B" and "D" are not connected.
3. I've been told that written copies of the public culvert easements have not been submitted to us. Please submit all easements to us for review. We won't be able to formally approve the above revisions until we receive all the culvert easements.
4. We should have revised plan sheets showing the changes. We should talk about this so we don't kill too many trees in doing this.

Thanks.

From: Anthony Lombardo
To: Rick Knowland
Date: Wed, Oct 23, 2002 7:40 AM
Subject: Re: PPR 3 Pump STation Calcs.

I am requesting an acknowledgement and commitment from Gorrill/Palmer that the City will receive the requested information. I would not, however, delay the release of the recording plat.

>>> Rick Knowland 10/22 2:51 PM >>>

Tony, thanks for the update. Do I need to hold back releasing the recording plat on this issue or is this a detail that can be submitted in time?

>>> Anthony Lombardo 10/18 2:31 PM >>>

Rick/Doug:

I have reviewed the calcs. and they agree with the discussions I had with Al Palmer. Public Works can accept this design, however, I would still like to review the proposed "generator power backup", specified in your letter dated 10/02/02. I would also like to see the submittal provided to you by Gorman Rupp for specific above ground station and controls.

**GORRILL-PALMER
CONSULTING ENGINEERS, INC.**

P.O. Box 1237
GRAY, MAINE 04039

(207) 657-6910
FAX (207) 657-6912

**LETTER OF
TRANSMITTAL**

150

TO City Of Portland
Planning Department
389 Congress Street
Portland ME 04101

JOB NUMBER/PHONE
267.2

DATE
4/22/03

ATTENTION
Mr. Rick Knowland

RE: Portland Peninsula Study
Portland, Maine

WE ARE SENDING YOU Attached Under separate cover via Reg Mail the following items.

Shop drawings Prints Plans Specifications Samples
 Copy of letter Change order Other:

COPIES	DATE	NUMBER	DESCRIPTION
3	4/22/03		Full Size Plan Drawing No. 1
3	4/22/03		Half Size Plan Drawing No. 1

THESE ARE TRANSMITTED as checked below:

For your approval Approved as submitted Resubmit copies for approval
 For your use Approved as noted Submit copies for distribution
 As requested Returned for corrections Return corrected prints
 For review and comment Other
 FOR BIDS DUE/DATE: PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO

SIGNED

Tom Amill / RMA

If enclosures are not as noted, please notify us at once.

4-16-03

PRP 3 REVISIONS

NEED TONY'S COMMENTS ON

NEED WRITTEN DRAINAGE EASEMENTS JIM ROBBINS

CAN REVIEW THE DESCRIPTION

NEED PLANNING DIRECTOR SIGNATURE BLOCK NOT PLANNING
BOARD BLOCK

USE LARGER LETTERING FOR DELINEATION OF THE EASEMENTS

FOR EXAMPLE, YOU CAN'T SEE LETTER "A" IN EASEMENT

ALL THAT WELL

B
D cannot line don't can

"A" difficult to see

19 " in Portland as well as Falmouth "

**City of Portland
Department of Planning and Development
Planning Division**

389 Congress Street, 4th Floor
Portland ME 04101
(207)874-8721 or (207)874-8719
Fax: (207)756-8258



FAX

To: AL PALMEN

Company: _____

Fax #: 657-6912

Date: 4-18-03

From: RICK KNOWLAND

You should receive 2 page(s) including this cover sheet.

Comments: JGG ATTACHED APPROVAL BLOCK FOR PLP3

ALTERATIONS TO ORIGINAL APPROVED RECORDING PLAT HAVE BEEN APPROVED BY THE CITY OF PORTLAND DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT IN COMPLIANCE WITH SECTION 14-496(3) OF THE SUBDIVISION ORDINANCE. *The approved alterations include relabeling certain culvert easements.*

DIRECTOR OF PLANNING AND ~~URBAN~~ DEVELOPMENT

DATE: _____

RECORDED: BK _____ CHART _____

Do we have copies of the drainage easements?



PO Box 1237
15 Shaker Rd.
Gray, ME 04039

Traffic and Civil Engineering Services

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

April 14, 2003

Mr. Rick Knowland
City of Portland – Planning Department
389 Congress Street
Portland, ME 04101

RE: Presumpscot River Place III
Portland, ME

Dear Rick:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to the review comments we received in a letter from you dated March 12, 2003 regarding the above referenced project. For ease of review, each of your comments are repeated below followed by our response.

✓ *Comment 1 – Water quality unit #2 appears to be outside the street right-of-way and outside a drainage easement. The outlet for the water quality unit likewise also is not within a drainage easement. Ideally the water quality unit is within the right-of-way (if not an easement) and the drainage easement is expanded accordingly.*

Response – The Drainage Easement on the subdivision Plat has been revised to include water quality unit #2 and the outlet pipe from water quality unit #2.

✓ *Comment 2 – The tip of the water quality unit #1 appears to be just outside the street right-of-way. A storm drain connected to the water quality unit is not within a drainage easement.*

Response – The Drainage Easement on the subdivision Plat has been revised to include water quality unit #1 and the outlet pipe from water quality unit #1.

✓ *Comment 3 – A note on the recording plat states “Land conveyed to Town of Falmouth in accordance with agreement dated 9-21-01”. The words “Town of Falmouth” needs to be replaced with “City of Portland”.*

Response – The subdivision plat has been revised as requested.

Mr. Rick Knowland
April 14, 2003
Page 2 of 2

***Comment 4** – Just after construction began there were several revisions made in the location/orientation of storm drain outlets. Please check with subdivision plans to see if the drainage easements need to be adjusted accordingly. Could you show these changes superimposed on the drainage easements?*

Response –The revised drainage easement which included water quality #2 depicts the changes for the realigned culvert. 8 ½ x 11 sketches with the revised easement and drainage structures are included with this package.

A revised mylar has been included with this package for City approval. The revised mylar includes Drainage Easement H which is provided for the field inlet to Catch Basin #2 as indicated in the March 31, 2003 letter that was sent to you. Copies of the revised mylar have been included with the packages to the people copied on this letter.

Gorrill-Palmer Consulting Engineers, Inc. appreciates the opportunity to respond to these comments and looks forward to your review. Should you have any questions or require any additional information please contact the office.

Sincerely,

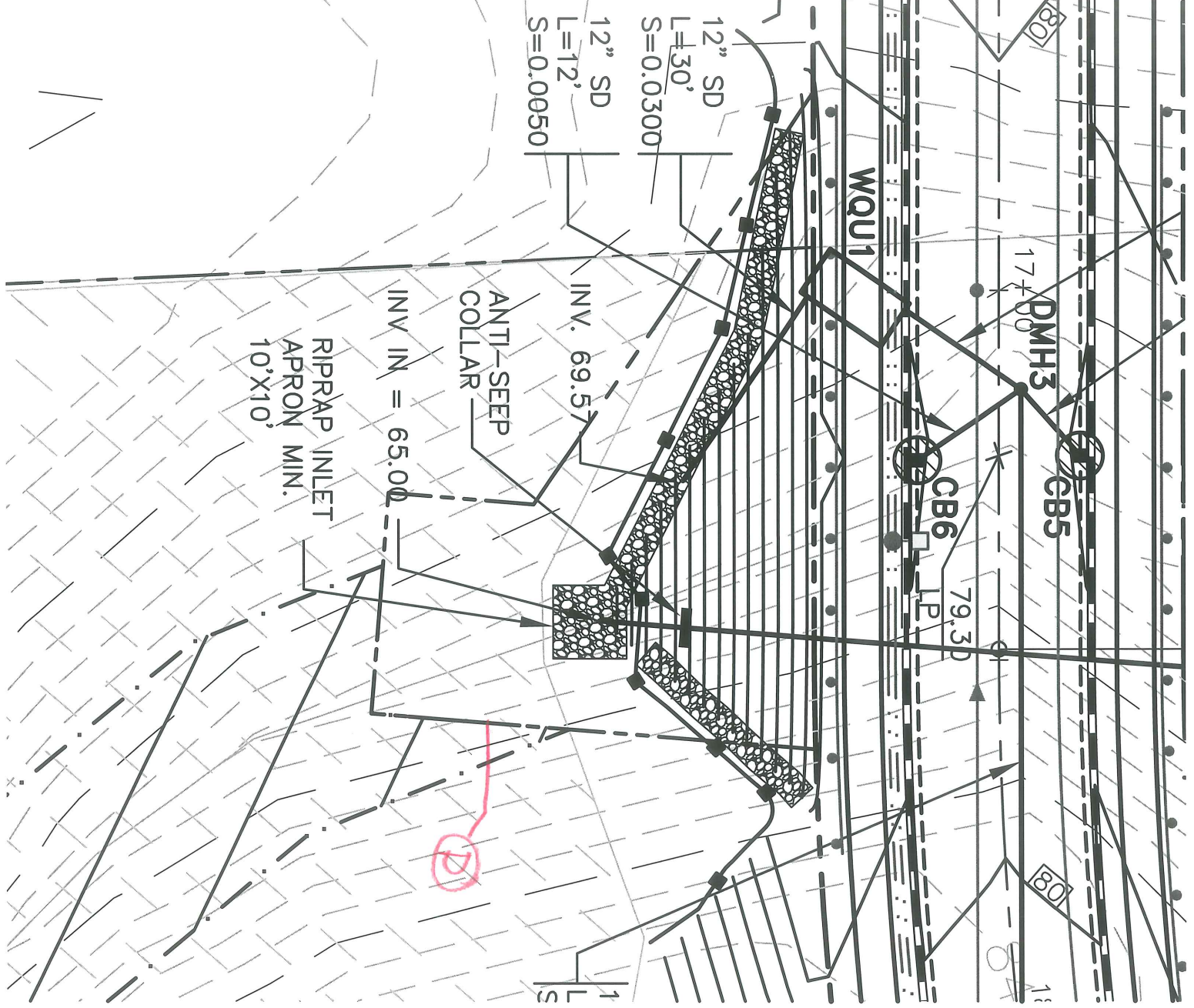
Gorrill-Palmer Consulting Engineers, Inc.

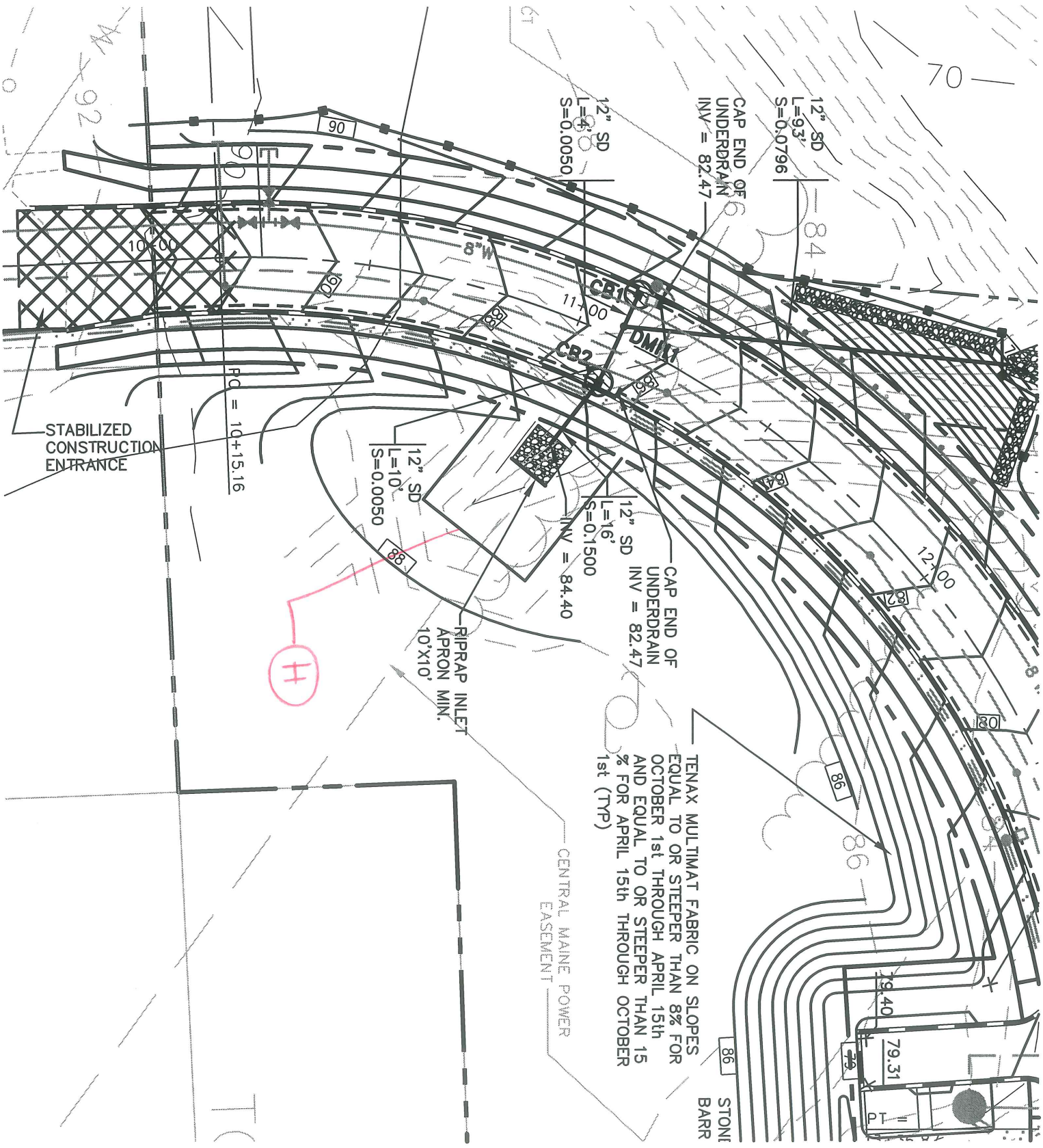


Alton M. Palmer, P.E.
Senior Vice President

Enclosure

Cc: Mr. Burt Wolf
Mr. Bob Adam
Mr. Jay Reynolds, City of Portland
Mr. Tony Lombardo, City of Portland
Ms. Penny Littell, City of Portland





STABILIZED
CONSTRUCTION
ENTRANCE

PC = 10+15.16

12" SD
L=10'
S=0.0050

RRAP INLET
APRON MIN.
10'X10'

12" SD
L=93'
S=0.0050

CAP END OF
UNDERDRAIN
INV = 82.47

12" SD
L=93'
S=0.0796

12" SD
L=16'
S=0.1500

CAP END OF
UNDERDRAIN
INV = 82.47

TENAX MULTIMAT FABRIC ON SLOPES
EQUAL TO OR STEEPER THAN 8% FOR
OCTOBER 1st THROUGH APRIL 15th
AND EQUAL TO OR STEEPER THAN 15
% FOR APRIL 15th THROUGH OCTOBER
1st (TYP)

CENTRAL MAINE POWER
EASEMENT

STONE
BARR

90

90

84

CB1

CB2

DMK

INV = 84.40

12.00

80

86

86

19.40

79.31

PT

86

92

10.00

87

8.8

85

6T

EXCELSIOR ON SLOPES STEEP
THAN 3:1 (TYP)

Lot 10

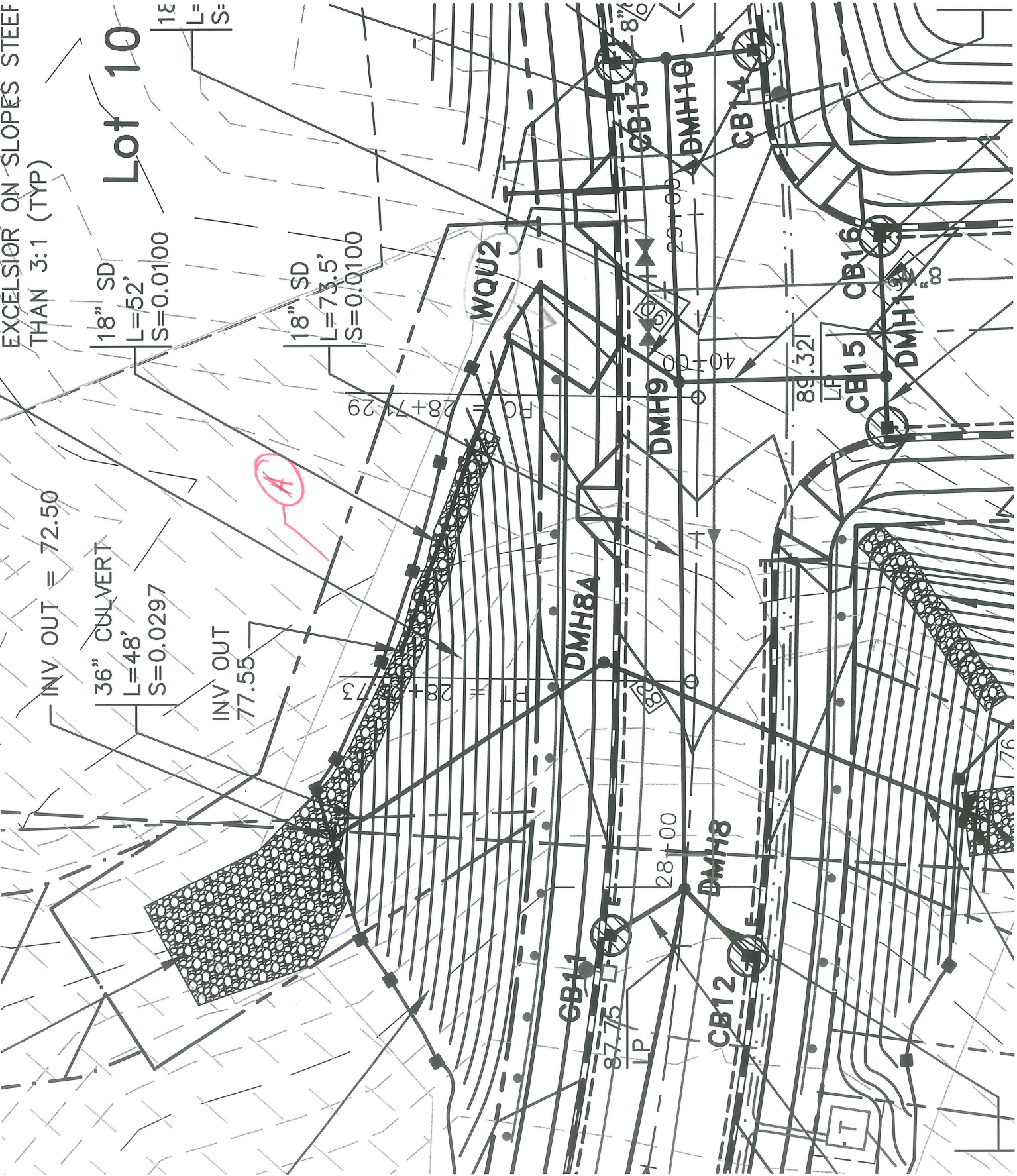
18" SD
L=52'
S=0.0100

36" CULVERT
L=48'
S=0.0297

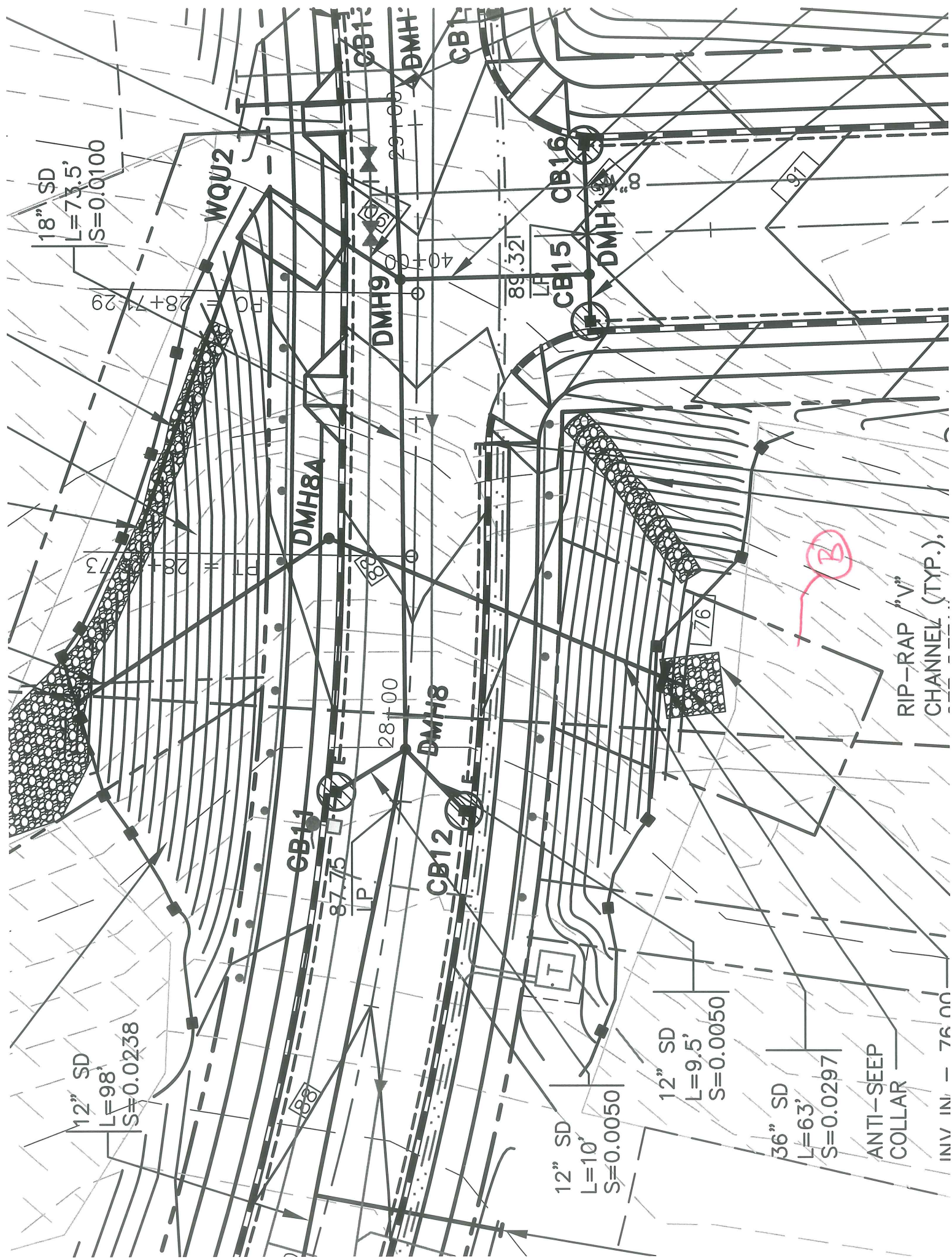
18" SD
L=73.5'
S=0.0100

INV OUT
77.55

INV OUT = 72.50



A



18" SD
L=73.5'
S=0.0100

12" SD
L=98'
S=0.0238

12" SD
L=10'
S=0.0050

12" SD
L=9.5'
S=0.0050

36" SD
L=63'
S=0.0297

ANTI-SEEP
COLLAR

RIP-RAP "V"
CHANNEL (TYP.)

INV IN. - 76.00

FC = 28+74.29

LP
89.321

DMH8A

CB11

DMH8

CB12

DMH9

CB15

DMH11

CB16

WQU2

(B)

22

28

88

28+00

87.75

IP

29+00

40+00

89.321

∞

76

97

February 4, 2003

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

RE: Presumpscot River Place
Utility Revisions

Dear Rick:

Enclosed please find for the City's review SK-2, 3 & 4, which depict the addition of water main tees at the approximate locations to serve the potential roads for the proposed Riverwalk project. The addition of these tees would reduce the number of future roadway openings within Hope Avenue for the connection of the Riverwalk project.

Our office will also forward the SK's to Portland Water District for their review.

It is also noted that sanitary sewer manhole #1A has also been relocated to the center of one of the proposed Riverwalk roads in efforts to reduce the number of manholes on the road.

Gorrill-Palmer Consulting Engineers, Inc. appreciates your cooperation on this project and looks forward to continuing on this project with you. Should you have any questions, please contact me.

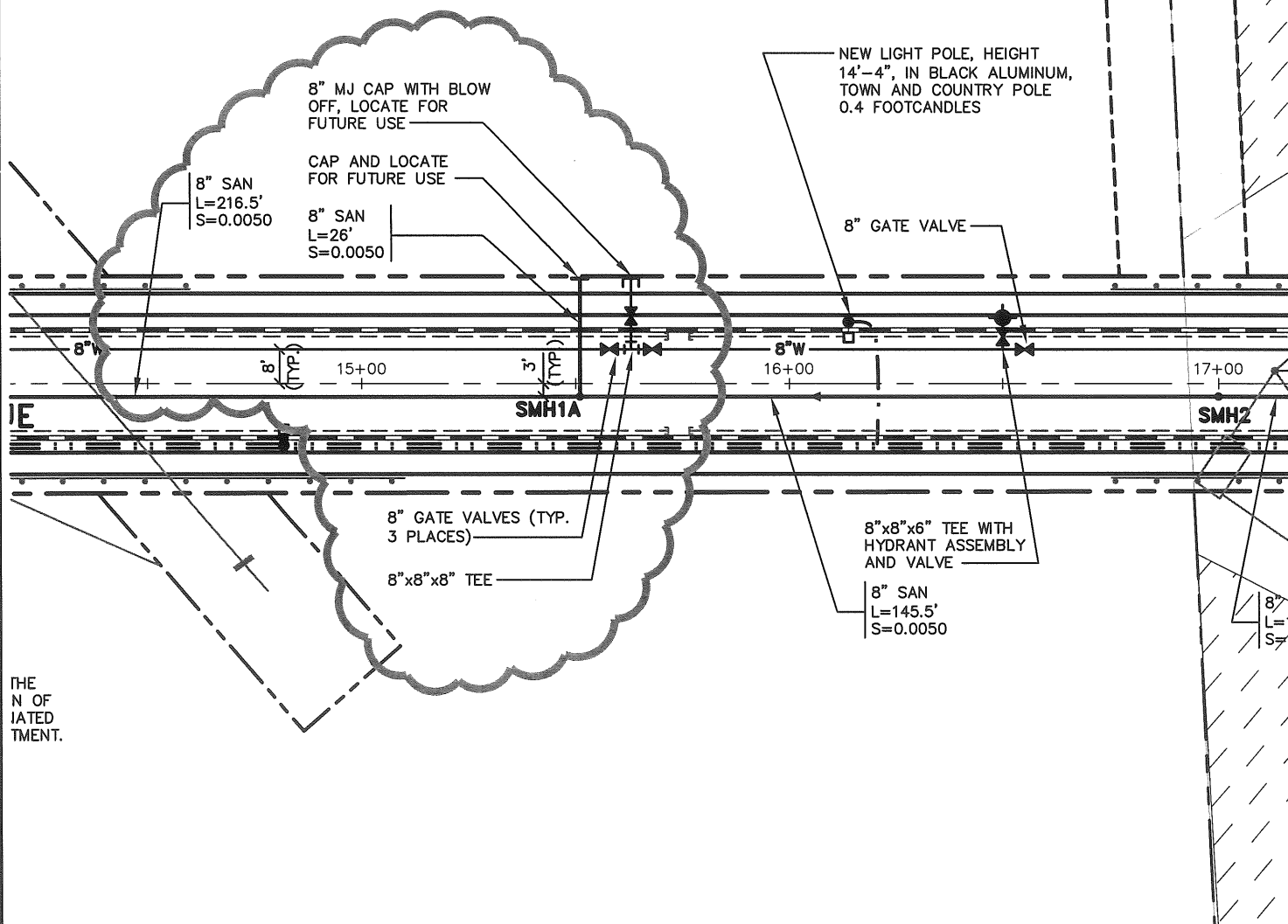
Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



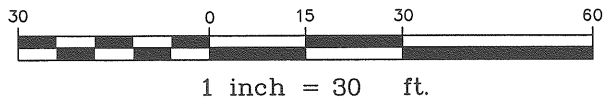
Douglas E. Reynolds, P.E.
Project Engineer

Cc: Mr. Burt Wolf
Mr. Bob Adam
Mr. Ben Grover, A.H. Grover
Mr. Jay Reynolds, City of Portland
Mr. Tony Lombardo, City of Portland



SANITARY SEWER APPURTENANCE SCHEDULE

STRUCTURE	SIZE	RIM	INV IN/SIZE(FROM)	INV OUT/SIZE(TO)
SMH1	4'Ø	77.58	71.97/8"(STUB) 71.97/8"(SMH1A)	71.87/8"(SC)
SMH1A	4'Ø	81.97	73.12/8"(SMH2) 72.96/8"(STUB)	73.02/8"(SMH1)
SMH2	4'Ø	79.20	73.95/8"(SMH3)	73.85/8"(SMH1A)
SMH3	4'Ø	83.82	74.37/8"(SMH4)	74.47/8"(SMH2)
SMH21	4'Ø	81.04	72.60/8"(SMH22)	72.50/8"(SMH1)
SMH22	4'Ø	79.53	72.99/8"(SMH23)	72.89/8"(SMH21)
SMH23	4'Ø	85.70	73.48/8"(SMH24)	73.38/8"(SMH22)
SMH24	4'Ø	89.49	73.97/8"(SMH25)	73.87/8"(SMH23)
SMH25	4'Ø	91.38	74.41/8"(STUB)	74.31/8"(SMH24)



Design: DER	Date: JAN 2003
Draft: CAH	Job No.: 98089
Checked: AMP	Scale: 1"=30'
File Name: 98089-1_sp.dwg	

GP Traffic and Civil Engineering Services

PO Box 1237, 26 Main Street
Gray, ME 04039
207-657-6910

Drawing Name:
Water Main Connection

Project: **PRESUMSCOT RIVER PLACE - PHASE 3**

Figure No.
SK2

8" (STUB)	
8" (SMH3)	73.85/8" (SMH1A)
8" (SMH4)	74.47/8" (SMH2)
8" (SMH22)	72.50/8" (SMH1)
8" (SMH23)	72.89/8" (SMH21)
8" (SMH24)	73.38/8" (SMH22)
8" (SMH25)	73.87/8" (SMH23)
8" (STUB)	74.31/8" (SMH24)

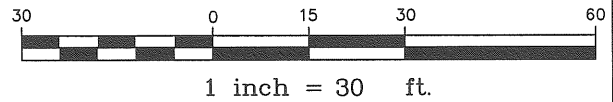
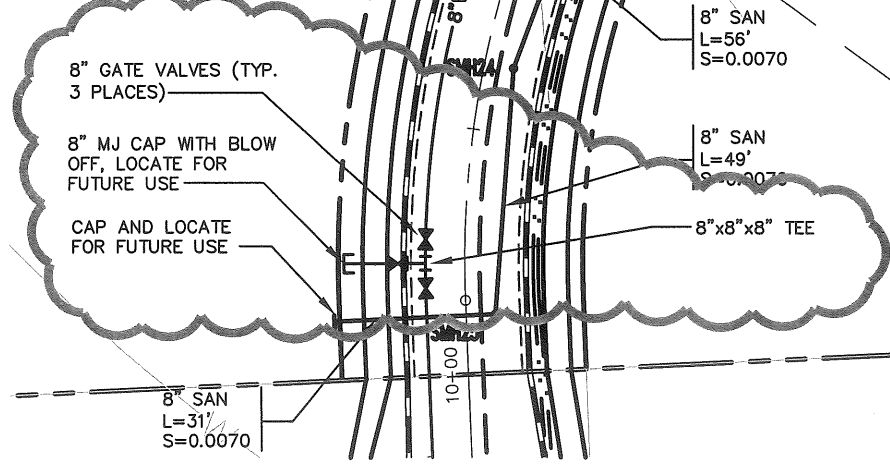
SEWER SERVICE
 SERVICE FROM FIRST FLOOR. BASEMENT MAY BE PROVIDED DEPENDING UPON FINAL HOUSE LOCATION & ALIGNMENT OF PUMP AND SERVICE OUTSIDE. GRAVITY SERVICE SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER.

REQUIRED PUMP SYSTEM TO GRAVITY SERVICE. MAINTENANCE OF THE PUMP AND THE PUBLIC RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER.

PROVIDED BY ONSITE PRESSURE SERVICE. GRAVITY SEWER MUST INSTALL CLEANOUT (LOW PREVENTION DEVICE).

DESIGNED TO DEPICT ANTICIPATED TYPE SERVICE AND IS NOT INTENDED TO DEPICT EXISTING STRUCTURE.

AND WATER DISTRICT EASEMENT

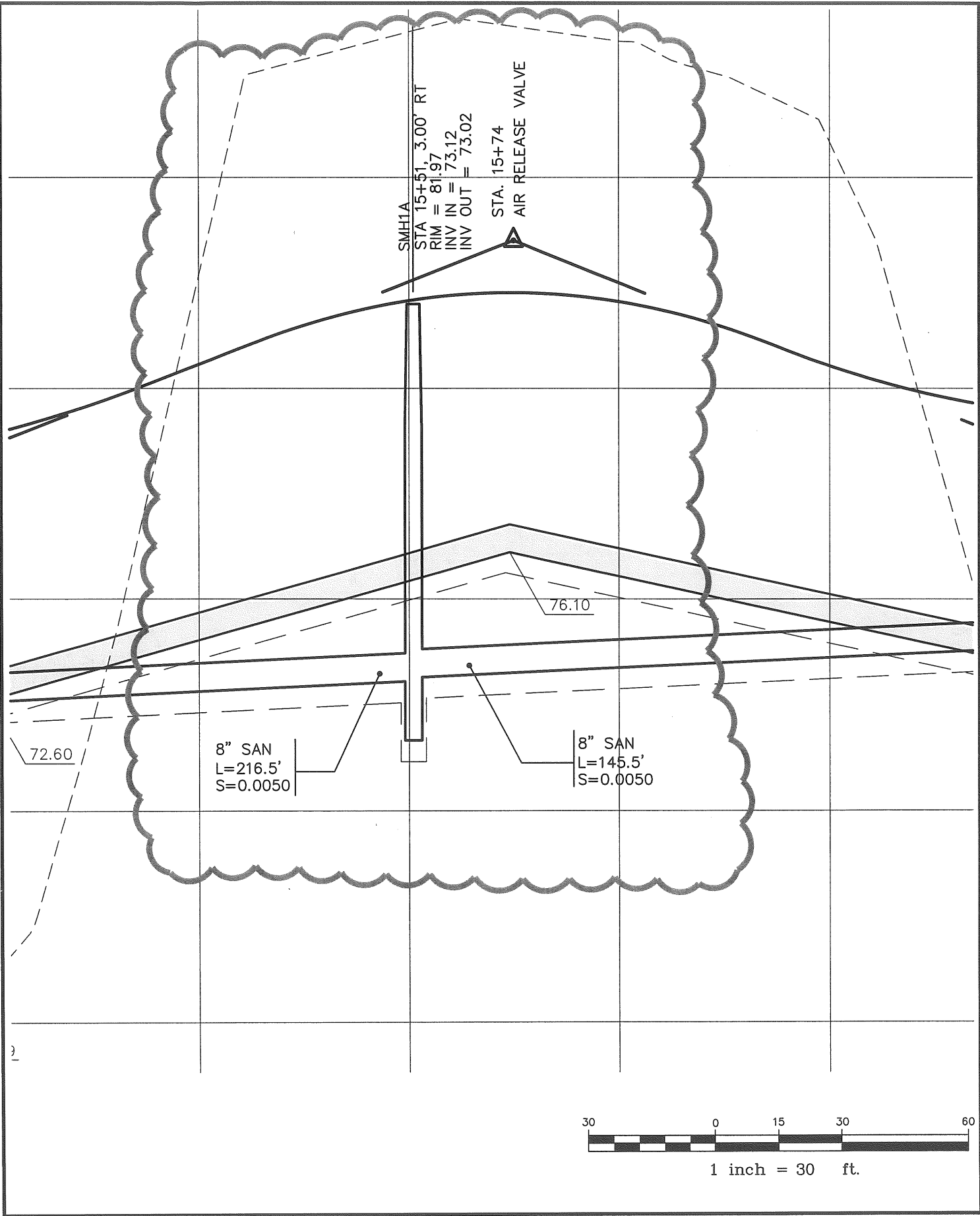


Design:	DER	Date:	JAN 2003
Draft:	CAH	Job No.:	98089
Checked:	AMP	Scale:	1"=30'
File Name: 98089-1_sp.dwg			

GP Traffic and Civil Engineering Services
 PO Box 1237, 26 Main Street
 Gray, ME 04039
 207-657-6910

Drawing Name: **Water Main Connection**
 Project: **PRESUMPSCOT RIVER PLACE - PHASE 3**

Figure No. **SK3**



Design: DER	Date: JAN 2003
Draft: CAH	Job No.: 98089
Checked: AMP	Scale: 1"=30'
File Name: 98089-1_sp.dwg	

GP Traffic and Civil Engineering Services
 PO Box 1237, 26 Main Street
 Gray, ME 04039
 207-657-6910

Drawing Name:
Water Main Connection

Project: **PRESUMPCOT RIVER PLACE - PHASE 3**

Figure No.
SK4

GP Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

February 4, 2003

Mr. David Coffin
Portland Water District
225 Douglas Street
Portland, ME 04104-3553

RE: Presumpscot River Place
Utility Revisions

Dear David:

Enclosed please find for the District's review, SK-2, 3 & 4, which depict the addition of water main tees at the approximate locations to serve the potential roads for the proposed Riverwalk project. The addition of these tees would reduce the number of future roadway openings within Hope Avenue for the connection of the Riverwalk project.

Gorrill-Palmer Consulting Engineers, Inc. appreciates your cooperation on this project and looks forward to continuing on this project with you. Should you have any questions, please contact me.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Douglas E. Reynolds, P.E.
Project Engineer

Cc: Mr. Burt Wolf
Mr. Bob Adam
Mr. Ben Grover, A.H. Grover
Mr. Rick Knowland, City of Portland
Mr. Jay Reynolds, City of Portland
Mr. Tony Lombardo, City of Portland

MODE = MEMORY TRANSMISSION

START=APR-09 16:12

END=APR-09 16:13

FILE NO.=391

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	96576912	001/001	00:00:41

-CITY OF PORTLAND -

***** -PLANNING DEPT. - ***** 2077568258- *****

City of Portland
Department of Planning and Development
Planning Division
 389 Congress Street, 4th Floor
 Portland ME 04101
 (207)874-8721 or (207)874-8719
 Fax: (207)756-8258



FAX

To: DOUG REYNOLDS

Company: GERRILL-PALMER

Fax #: 657-6912

Date: APRIL 9, 2003

From: RICK KNOWLAND

You should receive _____ page(s) including this cover sheet.

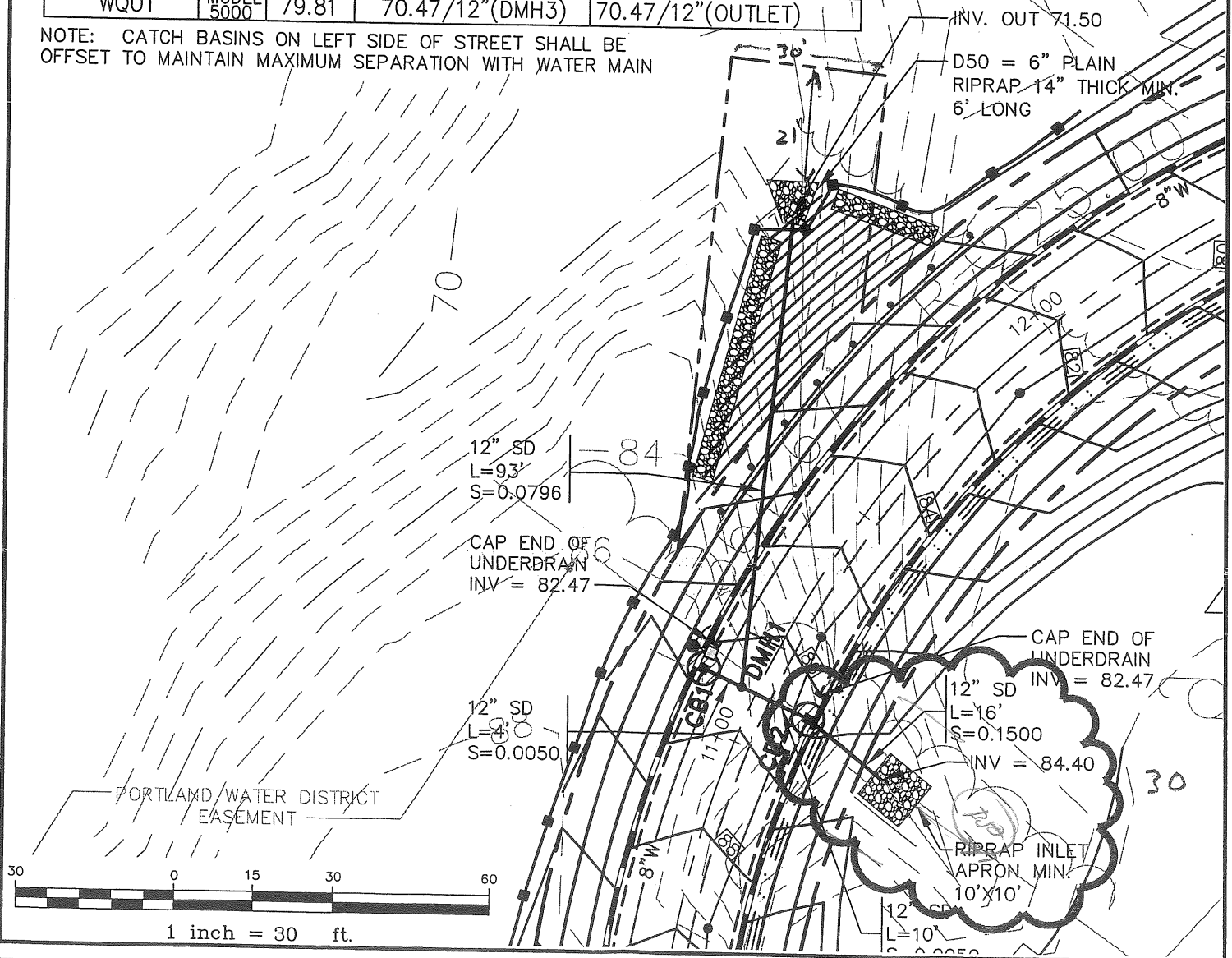
Comments: DOUG, E-MAIL IS DOWN. THIS IS IN RESPONSE TO YOUR LETTER OF MARCH 31, 2003 REGARDING THE STORM DRAIN REVISIONS FOR PRP 3. STORM DRAIN EASEMENT SHOULD BE 30 FEET WIDE AND EXTEND 15 TO 20 FEET BEYOND THE RIP RAP APRON.

THANKS
 R.K.

STORM DRAIN APPURTENANCE SCHEDULE

STRUCTURE	SIZE	RIM	INV IN/SIZE(FROM)	INV OUT/SIZE(TO)
CB1	4'∅	86.03	82.53/6" (UD)	81.80/12"(DMH1)
CB2	4'∅	86.03	82.53/6" (UD) 82.00/12"(FI)	81.80/12"(DMH1)
CB3	4'∅	77.04	2@73.54/6" (UD)	73.04/12"(DMH2)
CB4	4'∅	77.04	2@73.54/6" (UD)	73.04/12"(DMH2)
CB5	4'∅	78.71	2@75.21/6" (UD)	71.25/12"(DMH3)
CB6	4'∅	78.71	2@75.21/6" (UD)	71.25/12"(DMH3)
DMH1	4'∅	86.53	81.78/12"(CB1) 81.75/12"(CB2)	78.91/12"(OUTLET)
DMH2	4'∅	77.57	73.00/12"(CB3) 73.27/12"(CB4)	70.81/12"(OUTLET)
DMH3	6'∅	79.23	71.08/12"(DMH4) 71.21/12"(CB5) 71.18/12"(CB6)	70.98/12"(WQU1)
DMH4	4'∅	80.97	75.90/12"(DMH5)	75.80/12"(DMH3)
WQU1	MODEL 5000	79.81	70.47/12"(DMH3)	70.47/12"(OUTLET)

NOTE: CATCH BASINS ON LEFT SIDE OF STREET SHALL BE OFFSET TO MAINTAIN MAXIMUM SEPARATION WITH WATER MAIN



Design: DER	Date: MAR 03
Draft: CAH	Job No.: 98089
Checked: AMP	Scale: 1"=30'
File Name: 98089-1_sp.dwg	

GP Traffic and Civil Engineering Services
 PO Box 1237, 26 Main Street
 Gray, ME 04039
 207-657-6910

Drawing Name:	Grading Plan
Project:	PRESUMSCOT RIVER PLACE - PHASE 3

Figure No.
SK5

Traffic and Civil Engineering Services

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

March 31, 2003

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

RE: Presumpscot River Place
Storm Drain Revisions

Dear Rick:

Enclosed please find for the City's review SK-5, which depicts the addition of field inlet at station 11+00, 30' right, into catch basin 2. Based upon observed stormwater flow from this area, the Contractor has suggested that this inlet be added to reduce flow into the roadway. It was originally proposed that the flow from this area was tributary to catch basin 2 without an inlet.

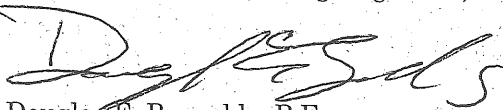
It is assumed that, as with the other culverts on this project, the City would require a drainage easement around this field inlet. It is noted that from your March 12, 2003 letter to our office, you have requested adjustment to other drainage easements, which would require a new mylar copy of the subdivision plan. If the addition of this field inlet is acceptable, please provide the limits that the City will require for this drainage easement, and the revised mylar can include the appropriate easement.

Our office will await a response to this letter prior to revising the mylar and responding to your March 12, 2003 letter, such that a satisfactory plan can be submitted.

Gorrill-Palmer Consulting Engineers, Inc. appreciates your cooperation on this project and looks forward to continuing on this project with you. Should you have any questions, please contact me.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Douglas E. Reynolds, P.E.
Project Engineer

Cc: Mr. Burt Wolf
Mr. Bob Adam
Mr. Ben Grover, A.H. Grover
Mr. Jay Reynolds, City of Portland
Mr. Tony Lombardo, City of Portland

DER/der/98089/Knowland2-4-03

*10-15-03 T.L.
from 1-1-03*

Should you have any questions on this letter, please call me. It would be great to update the plans soon since the changes outlined in this letter and other technical changes to the plan are beginning to accumulate.

Sincerely,



✓ Richard Knowland,
Senior Planner

cc: Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Program Manager
Jay Reynolds, Development Review Coordinator
Tony Lombardo, Project Engineer
Penny Littell, Associate Corporation Counsel

City of Portland
Department of Planning and Development
Planning Division
389 Congress Street, 4th Floor
Portland ME 04101
(207)874-8721 or (207)874-8719
Fax: (207)756-8258



FAX

To: DOUG REYNOLDS

Company: GERRILL-PALMER

Fax #: 657-6912

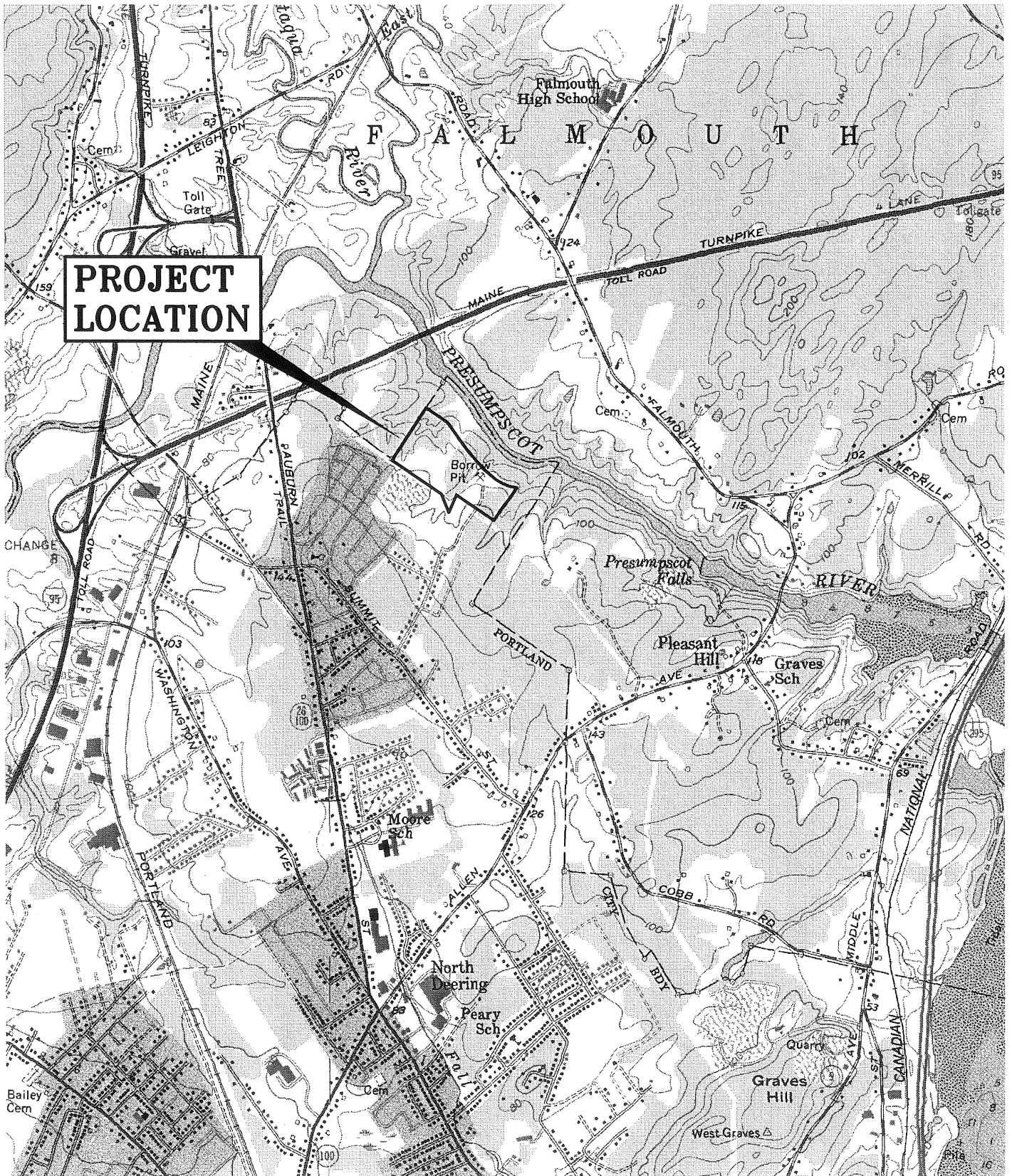
Date: APRIL 9, 2003

From: RICK KNOWLAND

You should receive _____ page(s) including this cover sheet.


Comments: DOUG, E-MAIL IS DOWN. THIS IS IN RESPONSE TO YOUR LETTER OF MARCH 31, 2003 REGARDING THE STORM DRAIN REVISIONS FOR PRP 3. STORM DRAIN EASEMENT SHOULD BE 30 FEET WIDE AND EXTEND 15 TO 20 FEET BEYOND THE RIP RAP APRON.

THANKS
R.K.



U.S.G.S. Location Map
 Presumpscot River Place III Subdivision- Portland, Maine
 U.S.G.S. Map Portland West, Maine-7.5 Minute Series (Topographic)

Design: MSH	Date: FEB 03
Draft: CJL	Job No.: 98089.1
Checked: RCN	Scale: NTS
File Name: 98089.1-LOCMAP1.dwg	


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

PO Box 1237
 15 Shaker Road
 Gray, ME 04039
 207-657-6910
 FAX: 207-657-6912
 E-Mail: mailbox@gorrillpalmer.com

Figure
1

May 15, 2003

Ms. Dawn Hallowell
Maine Department of Environmental Protection
Bureau of Land & Water Quality
312 Canco Road
Portland, ME 04103

RE: Presumpscot River Place-Phase 3, L-019486-L2-C-N
Maine Construction General Permit

Dear Dawn:

Please find enclosed the Notice of Intent to Comply with Maine Construction General Permit as required by the Maine Department of Environmental Protection for the above referenced project.

As this project received a Site Location of Development Act Permit, which included review of the Stormwater Management and Erosion and Sedimentation Control Plan, a separate Erosion and Sedimentation Control Plan has not been submitted as part of the NOI. The plan which was submitted as part of the SLDA Permit was reviewed, signed and stamped by Douglas Reynolds, a Professional Engineer registered in the State of Maine

It is Gorrill-Palmer's understanding that this permit is deemed approved by the Department after fourteen (14) days of receipt, unless notification by the Department states otherwise. Please contact this office if you require any further information.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Alton M. Palmer, P.E.
Senior Vice President

Copy: Mr. Burt Wolf
Mr. Bob Adam
Mr. Ben Grover, A.H. Grover
Mr. Rick Knowland, City of Portland
Mr. Jay Reynolds, City of Portland

NOTICE OF INTENT TO COMPLY WITH MAINE CONSTRUCTION GENERAL PERMIT


PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

Name of Applicant:		Burt Wolf and Bob Adam			Name of Owner or Lessee:		Burt Wolf and Bob Adam		
Mailing Address:		PO Box 1382			Town/City:		Portland		
State:	ME	Zip Code:	04104	Daytime phone: (with area code)	207-797-5184		Email if available:	lwolf1@maine.rr.com	
Project Location: (Town/City):		Portland		UTM Northing: (if known)	4841687		UTM Easting: (if known)	19 396115	
Map #:		392		Lot #:	A-1		Size of disturbed area proposed:	4.94	
Creating a common plan of development or sale?				Yes	X	No	Part of a larger project?		
				Yes	X	No			
Name of waterbody(ies) to which the disturbed area drains, or name municipality if drains to an MS4:					Presumpscot River				
Does site drain to an Impaired Waterbody (C)? If so, give name:				Yes, Presumpscot River, main stem below Sacarappa Dam					
Detailed directions to site, including address if available:				Head north on Route 100 towards Portland/Falmouth line. Turn RT onto Summit St, then LT onto Abby Road. At end, take LT onto Alice St. Project at intersection of Alice Street and Hope Avenue.					
Description of project and its purpose:				Project is a 30-lot residential subdivision with approximately 3,550 feet of roadway connecting Hope Avenue and Curtis Road.					

I am filing notice of my intent to carry out work which meets the requirements of the Construction General Permit (effective 2/17/03). I have a copy of the Construction General Permit. I have read and will comply with all of the standards. I have attached all the required submittals. *Notification forms cannot be accepted without the necessary attachments.*

- ALL: A check for \$100 (non-refundable) made payable to: "Treasurer, State of Maine" if ESC plan is attached for review. Otherwise, check for \$75.
- ALL: A U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
- ALL: Drawing of the proposed activity (site plan)
- IF this form is not being signed by the landowner or lessee of the property, attach documentation showing authorization to sign.
- IF disturbed area drains to an Impaired Waterbody (C), attach an ESC plan.
- IF disturbed area drains to any other waterbody and is 3 or more acres, EITHER (1) attach an ESC plan OR (2) include a statement (letter) that an ESC plan has been certified and by whom, from the person who certified the plan.
- IF any construction activity will occur in essential habitat, attach written approval from the Dept. of Inland Fisheries & Wildlife.

I authorize staff of the Departments of Environmental Protection to access the project site for the purpose of determining compliance with the general permit. I also understand that **this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.**

Signature of Applicant:		Date:	5/14/03
-------------------------	---	-------	---------

Keep a copy as a record of permit. Send the form with attachments via certified mail to the Maine Dept. of Environmental Protection at the appropriate regional office. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. An approved NOI is valid until 7/1/04. **Work carried out in violation of any standard is subject to enforcement action.**

OFFICE USE ONLY	Ck.#	Date	Staff	Staff	
NOI #	FP		Acc. Date	Def. Date	After Photos

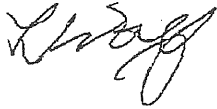
May 15, 2003

RE: Presumpscot River Place, Phase 3
Residential Subdivision
Portland, Maine

To Whom It May Concern:

Gorrill-Palmer Consulting Engineers, Inc. has been retained by Burt Wolf and Bob Adam to prepare plans and permit applications for a proposed residential subdivision in Portland, Maine. Gorrill-Palmer Consulting Engineers, Inc. is authorized to act as an agent for Burt Wolf and Bob Adam in matters related to this project.

Sincerely,



WHEREAS, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the public interest is protected and as conditions to purchase of the **PROPERTY**; and

WHEREAS, the CITY authorized the execution of this Agreement on September 19, 2001;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

- 1(a) **DEVELOPER** agrees to sell the property, shown on Exhibit A, attached hereto and incorporated herein by reference, to **CITY** and **CITY** agrees to purchase said property in accordance with the provisions hereof. **DEVELOPER** agrees that the total amount of property conveyed to **CITY** shall be approximately 48 acres. **CITY** agrees said area shall remain undeveloped and/or used for passive recreational purposes.
- (b) **CITY** will pay **DEVELOPER** the sum of \$750,000 as consideration for the **PROPERTY**. **CITY** expects that payment shall be from the following sources:
 - Five Hundred Thousand Dollars (\$500,000) from the State Land for Maine's Future Program;
 - Two Hundred Fifty Thousand Dollars (\$250,000) from private fund-raising or other non-profit sources.

In the event that **CITY** does not receive the \$500,000 from the Land for Maine's Future Program by November 6, 2001, **CITY** may, at its election, terminate this agreement upon written notice to **DEVELOPER** no later than 5:00 p.m. on November 6, 2001.

- (c) Title to **PROPERTY** shall be conveyed to **CITY** by warranty deed free and clear of liens and encumbrances with the exception of a utility transmission line easement and Portland Water District easement, acceptable to **CITY** and with marketable title, with title being insurable by a standard title insurance policy.
- (d) Full possession of the **PROPERTY** shall be given at the transfer of title.

Real estate taxes for the fiscal year shall be prorated at closing.

- (e) Closing shall be scheduled upon agreement of the parties.

Payment to **DEVELOPER** and closing on the sale of the transfer of **PROPERTY** shall be structured as follows:

(1.) Providing that **CITY** receives funding from the Land for Maine's Future Program by November 6, 2001, closing shall occur within ninety (90) days from the submission by **DEVELOPER** to the Planning Board of the amendment to PRP3 or sixty (60) days from receipt of Planning Board approval for PRP3A, whichever come later.

(2.) At the time of closing, **CITY** shall have the option to tender either the full purchase price to **DEVELOPER**, or a combination of cash and a promissory note with a term of one (1) year, at the prevailing interest rate paid on municipal bonds; the promissory note shall be secured by a mortgage on the property.

2. **DEVELOPER** shall be authorized to develop **PROJECT** substantially in accordance with the site plan shown on Exhibit A.
- 3(a) **DEVELOPER** shall be authorized to construct up to thirty (30) single family homes along the proposed Eagle Avenue contingent on Planning Board approval. Lots will extend from the western boundary of Presumpscot River Place 3A (PRP3A) to the buffer adjacent to the ravine. House lots will not cross the ravine and will be no closer than five hundred (500) feet from the Presumpscot River, as shown on Exhibit A.
- (b) **CITY** will consider the application for additional house lots to bring the total number of lots to thirty (30) in the PRP3A as an amendment to the site plan PRP3 presently pending before the Planning Board, and **CITY** shall not require a new application for said amendment. The no cut restriction on PRP3A shall be same as those on PRP3.
- (c) **DEVELOPER** shall not be required to build the Overset Road connection in PRP4 or the Pratt Road Connection in PRP3.
- 4(a) **CITY** will use reasonable efforts to secure emergency approval of the Maine Legislature for the realignment of the **PROPERTY** line between Falmouth and **CITY** in such a manner as to allow the lot shown on Exhibit B to be brought into the City of Portland (hereinafter "Falmouth Land").
- (b) **CITY** will use reasonable good faith efforts to assist **DEVELOPER** in obtaining Planning Board approval for PRP3A and continue to make a good faith effort to facilitate **DEVELOPER**'s approval necessary for the development of PRP3A and Falmouth.
- (c) Provided the Falmouth land is brought into Portland and within its legal boundaries, **CITY** agrees that under contract zoning, it will allow up to eighty (80) age-restricted housing units to be developed as compactly as possible but in any event on no more than

twenty (20) acres of developable land. These eighty (80) units will consist of a minimum of fifty five (55) clustered units and a maximum of twenty five (25) single family units (clustered shall be defined as two or more units with common walls).

- (d) **CITY** agrees to assist **DEVELOPER** in the building of Hope Road including water and sewer lines, from the Falmouth/Portland property line at PRP3A to the existing Hope Road in Portland at such time as required by Planning Board conditions such that the timing of the completion of the road will not delay the obtaining of building permits and certificates of occupancy by the buyers. Parties shall cooperate in good faith to accomplish road development in such a way as to facilitate future development. The **CITY** shall pay **DEVELOPER** and/or **DEVELOPER**'s contractor the sum of \$315,000 for said road and utility construction. Payment shall be made within thirty (30) days of receipt of invoice by **CITY**. **DEVELOPER** agrees to be responsible for the costs required to complete construction of said road and utilities, if any. Construction shall be completed by a contractor of **DEVELOPER**'s choice.

DEVELOPER agrees to deed to **CITY** land required to build said road if said conveyance is required for use of **CITY** funding.

- 5. **CITY** and **DEVELOPER** shall equally split the cost of the pump stations required for lot development in PRP3A up to a maximum contribution of \$100,000 by **CITY**. Costs of constructing the pump station(s) in excess of the total cost of \$200,000 shall be born by **DEVELOPER**. Payment shall be made by **CITY** within thirty (30) days from receipt of invoice from **DEVELOPER**, which invoice shall be generated after installation of the Pump Station.
- 6. **CITY** shall have the option to purchase lots 15 and 16 as shown on Exhibit A. The option to purchase shall be open for thirty (30) days from the pricing of said lots by **DEVELOPER**, but in any event no sooner than the date of the Planning Board approval. In the event that **CITY** exercises this option, lots 15 and 16 may only be used for buffering unless resold. Lots shall not be used for parking of any type of vehicle. **CITY** may resell the lots solely for housing, with conditions in the deeds that houses built on said lots must comply with all standards conditions of construction imposed on lot owners in PRP3A, including approval of building plans by **DEVELOPER**; **CITY** shall have a deed restriction that provides no public access across the Lots.
- 7. **DEVELOPER** shall provide an easement along the easterly sideline on lot #21 as shown on Exhibit A, a minimum of ten (10) feet in width for purposes of pedestrian access through said lot as shown in Exhibit A.
- 8. Any amendments required to this Agreement shall be negotiated in good faith by the parties and shall be in writing.
- 9. In the event a dispute arises under the terms of this Agreement, the parties agree to submit the dispute to binding arbitration. The arbitrator shall be chosen by agreement of

the parties, with each party bearing half of the cost of the arbitration. Arbitration shall be conducted according to the rules of the American Arbitration Association.

- 10. CITY acknowledges that DEVELOPER wishes to exchange the PROPERTY, as part of a tax-free exchange transaction, for other property of like kind and qualifying use as provided in Section 1031 of the Internal Revenue Code of 1986, as amended, and the Regulations promulgated thereunder. CITY agrees to cooperate with DEVELOPER in structuring the sale as such an exchange; provided however (i) in no event will CITY or its principals be required to incur any obligation or liability with respect to such transaction, (ii) in no event will the closing be delayed as a result of such transaction, and (iii) in no event will such exchange structure result in CITY being required to take title to any property other than PROPERTY. DEVELOPER agrees to indemnify and hold CITY harmless from and against any and all loss, damage and claims to or against CITY arising from CITY's involvement in such exchange.
- 11. CITY will obtain approval through a contract zone for DEVELOPER to stockpile fill on a temporary basis on lots to be identified in PRP3, which lots to be identified in PRP3, which lots shall be as near as practicable to Falmouth lots. The stockpiled fill shall be used to build roads in PROJECT. Fill shall be brought in according to a reasonable schedule to be agreed to by the parties.

The above stated restrictions, provisions and conditions are an essential part of the site plan approval of PRP3A and shall run with the subject premises, shall bind DEVELOPER and CITY, their successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

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

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

AJS FAMILY
LIMITED PARTNERSHIP
By: LLOYD WOLF

WITNESS:

[Signature]

WITNESS:

[Signature]
Its: Authorized Partner
ROBERT L. ADAM

[Signature]

[Signature]

STATE OF MAINE
CUMBERLAND, ss.

9-21, 2001

Personally appeared the above-named Lloyd Wolf and acknowledged the foregoing instrument to be his free act and deed.

Before me,

[Signature]
Notary Public/Attorney at Law
TERRY N. SANDOZ

STATE OF MAINE
CUMBERLAND, ss.

9-21, 2001

Personally appeared the above-named Robert L. Adam and acknowledged the foregoing instrument to be his free act and deed.

Before me,

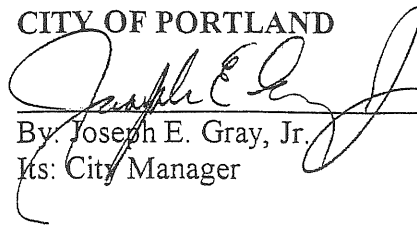
[Signature]
Notary Public/Attorney at Law
TERRY N. SANDOZ

PRP3.AGR.DMK.CON.3
9.21.01

WITNESS:



CITY OF PORTLAND



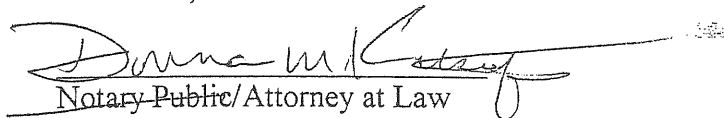
By: Joseph E. Gray, Jr.
Its: City Manager

STATE OF MAINE
CUMBERLAND, ss.

Sept 21, 2001

Personally appeared the above-named Joseph E. Gray, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,



Notary Public/Attorney at Law

PRESUMPCOT RIVER PLACE SUBDIVISION (PHASE 3)

VICINITY OF CURTIS ROAD

ROBERT ADAM AND LLOYD WOLF, APPLICANTS

Submitted to:

Portland Planning Board
Portland, Maine

September 11, 2001

I. INTRODUCTION

A public hearing has been scheduled to consider a proposed residential subdivision in the vicinity of Curtis Road. The applicants are Bob Adam and Lloyd Wolf. At the request of the applicants, a public hearing originally scheduled for July 24, 2001 was tabled by the Planning Board. On November 28, 2000, a public hearing was held for this project but consideration was tabled at that meeting.

The Presumpscot River Place (phase 3) will be reviewed under the subdivision ordinance. The attached Green Book includes a variety of previously distributed reports and materials submitted by the applicant. The index to the Green Book is on the third page. An updated subdivision plan is shown as Attachment B.

The applicant will be requesting sidewalk waivers along certain sections of Eagle Avenue, Pratt Road, Curtis Road and The Brothers Road.

917 notices were sent to area property owners including abutting property owners in Falmouth.

II. FINDINGS

Zone:	R-2 Residential
Land Area:	26.79 acres
Number of Lots:	27
Lot Size:	12,556 sq. ft. (lot #6) to 5.87 acres (lot #9)

In 1989, the Planning Board approved a subdivision for this property. The approval lapsed and the development never went forward.

The applicant has previously developed phases I (27 lots) and phase II (27 lots) of the Presumpscot River Place subdivision. Lloyd Wolf later developed the Alice Street subdivision. The roadways for this subdivision include Clapboard Road, Sturdivant Drive, Curtis Road (extension), Overset Road, Whaleboat Road and Alice Street (extension). The applicants own 40 acres of land in Falmouth and Portland abutting on the east and west sides of Presumpscot River Place III and contemplate developing these parcels at a later date. The westerly parcel is landlocked from Falmouth by the Presumpscot River and the Turnpike.

An area plan showing the applicant's entire landholdings in Portland and Falmouth has been submitted. This has helped provide a context of this development to the surrounding area. See Green Book, Section L.

A neighborhood meeting was held by the applicant on July 16th. Notes from the meeting are shown on Attachment G.

As indicated in previous staff reports, neighborhood meetings (sponsored by Councilor Hibbard) were also held on February 29, 2000 and April 10, 2000 to discuss this development. Meeting notes are shown on Attachment G.

Revisions since July 24, 2001 staff report

- A revised homeowners association submitted.
- Recording plat note #6 reworded such that “no tree cutting, grading, disturbance to vegetation or ground cover shall take place within the undisturbed zone.”
- The undisturbed areas for lots 9 and 10 enlarged. These lots are the closest lots to the Presumpscot River (end of The Brothers Road). The undisturbed zone is now about 80 feet wide which provides a 330 foot buffer from the Presumpscot River.
- A street dedication for the extension of Eagle Avenue to Hope Lane submitted for review.
- Minor revisions made to the recording plat to clarify certain technical notes.

Revisions since June 26, 2001 workshop

The applicant has made several revisions to the plan since the last workshop. The major changes are described below:

- The alignment of Eagle Avenue extension was changed. This revision pulls Eagle Avenue to the south (near lots 1 and 27) to limit disturbance to a ravine.
- A number of the subdivision recording plat notes were revised.

Revisions since November 28, 2000 public hearing

Since the original public hearing, the applicant has made several changes to the plan. The major changes are described below:

- The number of subdivision lots increased from 18 to 27 lots.

Staff comment: Prior to the November public hearing, the applicant had reduced the number of lots from 27 to 18 in order to be exempt under the residential referendum question. The nine additional lots are on the southerly side of Eagle Avenue on relatively flat ground and are the same lots shown on the original plan.

- Many of the lots on the river side of Eagle Avenue have been rearranged.

Staff comment: All of the lots (old lots 1 to 9) west of The Brothers Road have been reconfigured. Several of the elongated lots have had their building envelopes trimmed back. Please compare the new plan with the old plan.

Lots 12 to 17 remain the same. Old lot 11 has been split into two lots (now 10 and 11) compensating for the loss of a lot west of The Brothers Road. Old lot 9 remains the same except it has been relabeled lot 10 on the new plan.

Other Permits

This application qualifies for site location review since this project, when combined with adjacent subdivision development undertaken by the applicant exceeds 30 acres. A subdivision of this size exceeds municipal review authority so the DEP will review it. As of the writing of this report, we have not received a copy of the developer's DEP application.

MDEP Natural Resource Protection Act Permit and Army Corp of Engineers Wetland Permit are also required for a stream crossing associated with Eagle Avenue and wetland filling near lots 6, 7, 21 and 22. In addition, the owners of lots 1 to 4, 10 to 14, 16 and 17 will likely need to obtain a DEP permit-by-rule for soil disturbance within 100 feet of a protected stream. According to the applicant, lot owners will be responsible for obtaining these permits.

Although the subdivision borders a shoreland zone (Presumpscot River), all of the lots are located a minimum 250 feet from the shoreline.

III. STAFF REVIEW

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

1. Water Pollution

The subdivision lots will be served by a public sewer.

2/3. Water Supply

A letter from the Portland Water District indicates they have sufficient capacity available to serve this proposed project and meet all normal fire protection and domestic water service demands (see Green Book, section C.)

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

We have previously discussed slope issues relating to this development including implications for construction, disruption to ground cover and natural features, erosion and sedimentation control. Below is a summary of slope values.

8% slope is the maximum slope standard for roadways in subdivisions (City of Portland).

17% slope approaches the limit an ordinary vehicle can climb, for any sustained period.

20% to 25% slope is the normal limit of climb for a pedestrian without resorting to stairs.

25% is the maximum slope to safely mow a lawn.

The revised colored slope map in the Green Book shows the slope values of the site, the building windows and the limit of disturbance. In previous staff memos and workshops, we have had extensive discussions on slope issues. A number of lots have 35 percent plus slopes directly adjacent to the building envelope. The implications are that a homeowner may have a lawn/yard area around the house with a retaining wall to support the grade and possibly a fence to protect people from falling down the steep slope.

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

While these documents show how the development can work on paper, it is another matter whether a project can be successfully constructed in the field given the steep slopes and erodible soils found on the site. Many aspects of this development are being built on the margin with little tolerance for error.

Steve Bushey, Development Review Coordinator, has reviewed the plan and finds it acceptable. He will be attending Tuesday's public hearing. His previous comments regarding steep slopes, erosion and buildability issues are highlighted below:

- "This project is a difficult one in that the existing site conditions have significant limitations. Severe slopes, erodible soils and shallow groundwater present significant limitations which must be overcome with proper engineering and expense by the developer in order to provide a development which is stable and long lasting."

Tree clearance, soil disturbance and regrading are critical issues since they affect the long-term stability of slopes. The placement of a building is only one factor to consider in reviewing the actual site disturbances that will likely take place on a site. Other factors include the desire to have a uniform grade around the house, the desire to have an adequate yard space or extended lawn area. Construction equipment or their operators do not "stop on a dime" so that the actual area of disturbance, staff has found can be significantly greater than the building envelope shown on a plan.

When building or regrading occurs on steep slopes there is no magic line that suddenly stops the impacts of soil disturbance from affecting the “nondisturbed area.” Buffers are a great way to soften this impact since they provide a transition from developed to non-developed area. The effectiveness of a buffer is lessened when the outer edge of the building envelope is too steep to begin with.

The existing groundcover, understory vegetation, trees and root structures are part of an intricate natural system that stabilizes soils and steep slopes on this site. Disrupting that system with an “engineered solution” – which many of the building envelopes are dependent on – is not necessarily the best one. A less intrusive approach to development avoids extensive engineering measures such as extensive regrading, rip rap or retaining walls by avoiding building lot envelopes near excessively steep areas.

Note #5 has been added to the recording plat as a way to monitor site construction activities on individual lots and to address the construction challenges posed by this site. This would provide for a licensed engineer or landscape architect (who designed the lot site plan) to periodically inspect such construction elements as clearing and grubbing, grading, surface restoration and erosion control measures. This note applies to lots 1 through 17 and 27 which are the lots having steeper slopes or are adjacent to streams.

See also section #8 of this report involving building envelopes and tree clearing.

5. Traffic

A traffic report has been submitted by Gorrill-Palmer consulting engineers. The report indicates that the subdivision will generate 31 weekday AM and 34 weekday PM trips during the peak hours respectively. This data was for a 27 lot subdivision. No high accident locations were found in the vicinity of the site (Auburn/Jackson and Allen/Summit.)

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

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

Larry Ash, City Traffic Engineer, has reviewed the plan and will be attending Tuesday’s meeting. He generally concurs with the traffic report findings, however, he is recommending the connection of Eagle to Hope as part of this phase of development. See Attachment F.

General Circulation

In previous meetings, we have discussed circulation issues related to this specific subdivision application as well as circulation needs of adjacent land owned by the applicant. Curtis Road is the main access into the development. The applicant has proposed a second access (Pratt Road), which is adjacent to the City sewer pump station on Alice Street. This resolved the fire protection access issue since a second roadway was needed because the total number of dwellings for this subdivision and Presumpscot River Place I and II subdivision exceeded 34 dwellings.

The Subdivision Ordinance and the Transportation Plan have certain circulation provisions that are relevant in this review. These are highlighted below:

Sec. 14-498 (b)(2) of the Subdivision Ordinance states:

“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.”

The Portland Transportation Plan, adopted as part of the City’s Comprehensive Plan, recommends the interconnection of neighborhood streets. Specifically the plan states the following policy:

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

The plan further indicates that “the traditional network of interconnected neighborhood streets offer several advantages. By giving multiple ways to reach the same point, it spreads local traffic, and is less likely that any one street will be burdened with the problem of cross-cutting . . .”

The main internal roadway, Eagle Avenue, serves as a critical roadway for providing access for this development as well as vacant land east and west of the subdivision. To the east, Overset Road could be extended (from the south) into Eagle Avenue when Eagle Avenue is extended for a later phase of the subdivision.

However to the west, there has been an ongoing access concern particularly for future development. Given the location of Pratt Road (only 60 feet from Curtis Road), it is likely that most people will use Curtis Road anyway, so this alone is not the most effective way to integrate this subdivision with the street network of the neighborhood.

If a connecting roadway were planned further to the west from Pratt Road along Alice Street, it would provide a more balanced circulation system by improving its integration with the existing street network.

We see three options to address this issue. The developer has chosen Option B.

- A. The applicant acquire land for a right-of-way to Alice Street, west of Curtis Road providing a more direct access point to either Pamela Road, Crest View Drive, Carter Street or Caron Street from his landholdings. With a new access way, Pratt Road would no longer be needed. The new right of way would be constructed as part of the PRP III subdivision improvements or a future phase. It avoids extending Eagle Avenue over two more ravines.
- B. The applicant dedicates a street running from Eagle Avenue westerly through Falmouth and connecting to Hope Avenue. This option provides a second significant access from Eagle Avenue as the land west of PRP III is developed in the future.

We had requested that the applicant stake the centerline of the roadway in the field so that the City can be assured that the location of the roadway is feasible. Prior to the last workshop, staff did walk the proposed right-of-way with Dawn Hallowell of the DEP staff. Ms. Hallowell indicated that DEP permits will be required for the two ravine crossings. These appear to be feasible permit candidates according to Ms. Hallowell although a “general permit” may be required rather than a “nationwide permit” because of the culvert length. A revised roadway alignment was submitted which is slightly less intrusive. After walking the alignment in the field, it is the consensus of staff that the roadway is feasible to construct assuming DEP permits are obtained.

- C. Construct Eagle Avenue connection to Hope as part of this plan.

The Board will need to make a decision whether the minimum step of providing a street dedication (versus constructing the street) is sufficient to address the circulation needs of this subdivision and addresses the Transportation Plan. See also section #9 of this report.

The applicant has submitted an easement deed for the proposed street dedication. Corporation Counsel is in the process of reviewing it. (Attachment G) A note on the plan indicates that the “applicant reserves the right to alter exact location.” The City however would not have the right to alter the location.

Street Design

All of the roadways are proposed as public streets. Curtis Road extension will be 32 feet wide since it functions as a residential connector street and to match the existing street width. The remainder of the streets – The Brothers, Eagle, and Pratt – will have a paved width of 24 feet. Granite curb will be installed along the streets.

The applicant is requesting several sidewalk waivers. Sidewalks are proposed on both sides of Eagle Avenue, except for a 65 foot section between Pratt and Curtis. Curtis, Pratt and The Brothers are shown as having a sidewalk on only one side of the street. The applicant will need to demonstrate that the waiver request meets the provisions of sec. 506(b).

6/7. Sewers

The development will be served by a public sewer but the method to transport waste to the public sewer varies. The three systems are described below.

- A. Onsite gravity service from first floor of residence to gravity service at right-of-way. Basement may require pumping depending upon final house location and elevation . . . lots 3, 5, 6, 7, 15 to 27 will be served by this method.
- B. Onsite privately owned pump station from residence to gravity service at right-of-way . . . lots 1, 2, 4, and 14 will be served by this method.
- C. Lot serviced by low pressure sewer system. Individual lots served by onsite pumping station from residence. Low pressure system (force main) to be maintained by homeowners association . . . lots 8 to 13 (The Brothers Road) will be served by this method.

Public Works has had an ongoing concern with the number of house lots served by a proposed force main. Accordingly, the applicant has revised the plan to increase the number of gravity service lots. Due to topography, there are still a significant number of house lots that will have non-gravity service requiring an individual residential pump and or a force main system. Anthony Lombardo, Public Works, has reviewed the submitted sewer plan and finds it acceptable.

The force main will need to be private which means a homeowners association will be required to maintain the sewer. An infrastructure improvement owned and maintained by a homeowners association in a public right-of-way is not a desirable situation. A pump station (public) is proposed at the end of Eagle Avenue for 13 lots. Six of the lots on The Brothers Road will require a private force main.

Public Works has determined that the existing city sewer system in the vicinity of the site has adequate capacity to transport the anticipated water flows from this subdivision. The letter also states that the Portland Water District treatment facility (located off Marginal Way) has adequate capacity to treat the anticipated wastewater flows of this subdivision. See Green Book, section C.

The sill elevations shown on the plan are recommended minimum elevations based upon anticipated house locations and not grading. The actual sill elevations could change which means the type of sewer service could vary. Even system A, may require pumping from the basement level depending on the final house location and elevation. All of these variables pose a variety of logistical issues. The follow through from house design to lot construction for individual lots is critical for the proper sewer system to be installed on each lot. The applicant has talked about the potential for daylight basements in this subdivision.

Summary of sewer issues

1. The recording plat and or deed should have a disclosure identifying what lots will likely require on site pump stations and or connection to a private force main so that homeowners are on notice of such requirement. The recording plat (note #14) has been revised to include this reference.
 2. The appropriate size and specifications for the on site pump stations should be disclosed upfront to a lot purchaser so that the right equipment is installed in the house. This is covered in note #14.
 3. A revised homeowners association document needs to be submitted for City review and approval. Corporation Counsel forwarded comments back to the applicant of an initial draft of the homeowners association document but a revised (and acceptable) document has not been submitted as of the writing of this report.
8. Scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat, rare or irreplaceable natural areas.

The land form and natural features of this site are not typical of most subdivisions in Portland. It is adjacent to the Presumpscot River and a large flood plain of the river. It has sensitive natural features such as steep slopes and ravines.

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

The report covers the following resources:

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

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

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

The applicant indicates that the vernal pools and riparian area of the Presumpscot River will be protected because no development is proposed within the shoreland zone. The riparian zones of the streams will be protected by no cutting in wetland areas, 25 foot buffers on either side of the stream, no cutting on sustained slopes greater than 33% and preservation of trees (greater than 24 inch caliper) and snag trees when practicable.

See also section #4 of this report.

A review of the plan indicates that a number of building envelopes are very large in comparison to the size of the lots. While the building envelope is based on slope, specific stands of trees within individual lots were not identified.

The subdivision plan indicates that river side lots (1, 2, 3, 8, 9 to 14, 16 and 17) have what is described as an "undisturbed zone." In an earlier version of the plan, note #6 indicated that all trees 16 inches or less in size may be cut. This provided only limited protection against excessive tree clearance.

As requested by staff, the applicant has revised the note to read:

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

Excessive tree clearance has a number of implications:

- The land form and natural features of this site are not typical of most subdivisions in Portland. This is readily apparent on any field visit to this site. Adjacent to the Presumpscot River and a large flood plain, it has sensitive natural features such as steep slopes and ravines. Excessive tree clearance can adversely affect these features in terms of aesthetics, natural beauty and soil stability. The unique natural features of this property have been recognized by the Land Bank Commission.

- The existing groundcover, understory vegetation trees and their root structures are part of an intricate natural system that stabilizes soils and steep slopes on this site. Disrupting that system with an “engineered solution” which many of the building envelopes are dependent on – is not the best one. A less intrusive plan would avoid extensive tree clearance, regrading, rip rap or retaining walls by avoiding building envelopes that require such “improvements”. See also section #4 of this report.

The most significant natural resource in this subdivision are the trees, groundcover, terrain and other natural features on the river side of the property. The Presumpscot River corridor is an important natural resource in which special measures are required to protect it. In reviewing the subdivision layout, lots 9 and 10 are of greatest concern because of their proximity to the shoreland zone. The remainder of the building envelopes have been trimmed back. The building envelope plan submitted for the last public hearing indicated an average setback of 30 feet and 60 feet for lots 9 and 10 respectively from the outer shoreland zone line.

Staff recommends lots 9 and 10 have an 80 foot undisturbed zone from the outer shoreland zone line to the edge of the building envelope. A 60 foot buffer is not really a 60 foot buffer in that if regrading occurs within the 20 feet of a mature tree, long term damage to the tree root structure can take place. Therefore the buffer needs to be 80 feet deep to attain an effective vegetation buffer of 60 feet. This concept has been reviewed and approved by Jeff Tarling, City Arborist.

The applicant has subsequently revised the plan such that lot 10 has an 80 foot setback while lot 9 has a setback ranging from 73 feet to 80 feet.

How does this provision affect these two lots? Lot 10 will still have a building envelope depth of 145 feet. Lot 9 will have a building envelope depth of about 200 feet. This is more than enough room to build spacious houses and retain large yard areas.

A letter previously received from the Friends of the Presumpscot River indicates concerns with this development. The letter references a management plan that is underway by the Casco Bay Estuary Program. The study will be completed in 2001. Fishery restoration, open space/public access/development and cumulative environmental impacts are key areas of study.

9. Land Development Plan

The Portland Transportation Plan , adopted as part of the City's comprehensive plan, recommends the interconnection of neighborhood streets. (See Section 4 of this report.) The applicant is proposing to dedicate Eagle Avenue extension to the City rather than construct the roadway. The Board will need to make a decision whether this minimum step of providing a street dedication (versus constructing the street) is sufficient such that the subdivision is in conformance with the Portland Transportation Plan and the Comprehensive Plan.

Green Spaces, Blue Edges and the Portland Trails Map envision a public access trail along the Presumpscot River. To that end, the City Council and the Land Bank Commission have had conversations with the applicant discussing the acquisition of all or a portion of their holdings for recreation open space including the shoreland corridor. Since there is no specific agreement at hand at this point, subdivision review continues. If an agreement is struck and if this results in changes in the subdivision, the revisions would need to be reviewed by the Board. Attachment H includes a document dated July 13, 2001 which is a City proposal to Bob Adam and Lloyd Wolf to purchase a portion of this property.

Regarding public access to the Presumpscot River, in a letter to Penny Littell from Terry Snow dated 8-21-01, the applicant has revised the homeowners association documents referencing certain provisions (see Attachment I.) The document provides for the following:

- If an area 250 feet deep (from the Presumpscot River) is not conveyed within two(2) years from the date of final approval of PRP III to the City, this area will be conveyed to a 501(c)(3) non-profit group chosen by the Declarant [Note: we don't know who this group would be or if public access would even be allowed now or in the future.]
- If Declarant's vacant land in Falmouth (38 acres) is annexed into Portland, then the 250 foot strip in Falmouth would be conveyed to the City or 501(c)(3) non-profit group.
- At such time as the conveyance of the 250 foot area takes place, a 30 foot pedestrian easement would be provided from Eagle Avenue to the river. The easement would be located along the Portland/Falmouth line.
- If the Declarant receives final approval for PRP IV, a 30 foot pedestrian easement will be provided from Oak Nuts Park through PRP IV to the river to the City or a 501(c)(3) non-profit group.

Since the intent of these provisions is to provide public access to the Presumpscot River, in the event that a 501(c)(3) is deeded the easement or land area, there should be a provision for access by the general public with terms agreeable to the City.

10. Financial and Technical Capacity

A letter pertaining to financial capacity has been submitted. See Green Book, Section R.

As discussed in section 4 of this report, the existing site conditions have significant limitations. Severe slopes, erodible soils and shallow groundwater present significant limitation. To insure that the site is developed in accordance with the standards of the subdivision ordinance and the plan, the applicant has added note #12 on the recording plat. The note provides for periodic inspection of the subdivision infrastructure including erosion and sedimentation control measures by the project design engineer (Gorrill-Palmer.)

With regard to site construction activities on individual lots, note #5 has been added to the recording plat. This would also provide for a licensed engineer or landscape architect (who designed the lot site plan) to periodically inspect such construction elements as clearing and grubbing, grading, surface restoration and erosion control measures. This note applies to lots 1 through 17 and 27 which are the lots having steeper slopes or are adjacent to streams.

11. Water Quality

12. Groundwater

The development will be served by public water and sewer.

13. Flood Hazard Area

No development activities are proposed within the flood hazard area.

14. Wetlands

Wetlands have been identified on the plan. A wetland report and wetland permitting plan is included in the Green Book.

15. Fire Department

Three fire hydrants are proposed along the new roadways. They have been placed so that all building windows will be within 800 feet of a hydrant.

As the Board will recall, Pratt Road (off Alice Street by the city sewer pump station) was added as a second access to address the public safety standards of the city technical design standards. The combined lots of this subdivision and prior phases of Presumpscot River Place exceeds 34 lots which require two access points.

Lt. Gayland McDougall of the Fire Department has reviewed the plan and finds it acceptable.

IV. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #32-01.

1. The plan is in conformance with the subdivision ordinance of the Land Use Code.

Potential Conditions of Approval

- i. That a homeowners association documents shall be revised for review and approval by Corporation Counsel.
 - ii. That the applicant submit a street dedication by deed for the extension of Eagle Avenue to Hope Lane for review and approval by Corporation Counsel.
 - iii. That Eagle Avenue shall be constructed to Hope Lane as part of the street improvements for the Presumpscot River Place III Subdivision and that appropriate engineering drawings for the street shall be submitted for staff review and approval. See sections #4 and #9 of this report.
 - iv. That the Declaration of Covenants and Restrictions shall be revised for staff review and approval to include a provision for general public access for the 250 foot strip of land along the Presumpscot River if this land is conveyed to a 501(c)(3) organization.
2. Sidewalk waiver for a portion of the following streets (separate motion for each street).

Pratt Road
Curtis Road
Eagle Avenue
The Brothers Road

The Board finds that:

- a. Extraordinary conditions do/do not exist (if yes, please specify those conditions); or
- b. Undue hardship will/will not result (if yes, please specify the hardship).

The Board further finds that the granting of the sidewalk waiver will/will not create potentially hazardous vehicle and pedestrian conflict or that it will/will not nullify the intent and purpose of the land development plan and the City ordinances.

As a result, the Board does/does not grant the request for a waiver of sidewalk requirements for (individual streets listed above).

Attachments

- A. Green Book
- B. Subdivision Plan
- C. Area Map
- D. Revised Recording Plat Notes
- E. Development Review Coordinator Site Construction Photo
- F. Memo of Larry Ash, City Traffic Engineer
- G. Proposed Street Dedication for Eagle Avenue
- H. City Property Acquisition Proposal to Adam/Wolf dated 7-13-01
- I. Public Access and Declaration of Covenants and Restrictions
- J. Public Comment

IV. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #32-01.

1. The plan is in conformance with the subdivision ordinance of the Land Use Code.

Potential Conditions of Approval

- i. That a homeowners association documents shall be revised for review and approval by Corporation Counsel.
 - ii. That the applicant submit a street dedication by deed for the extension of Eagle Avenue to Hope Lane for review and approval by Corporation Counsel.
 - iii. That Eagle Avenue shall be constructed to Hope Lane as part of the street improvements for the Presumpscot River Place III Subdivision and that appropriate engineering drawings for the street shall be submitted for staff review and approval. See sections #4 and #9 of this report.
 - iv. That the Declaration of Covenants and Restrictions shall be revised for staff review and approval to include a provision for general public access for the 250-foot strip of land along the Presumpscot River if this land is conveyed to a 501(c)(3) organization.
 - v. A note shall be added to the plan stating that the developer retains the fee simple to the sheets.
2. Sidewalk waiver for a portion of the following streets (separate motion for each street).

Pratt Road
Curtis Road
Eagle Avenue
The Brothers Road

The Board finds that:

- a. Extraordinary conditions do/do not exist (if yes, please specify those conditions); or

b. Undue hardship will/will not result (if yes, please specify the hardship).

The Board further finds that the granting of the sidewalk waiver will/will not create potentially hazardous vehicle and pedestrian conflict or that it will/will not nullify the intent and purpose of the land development plan and the City ordinances.

As a result, the Board does/does not grant the request for a waiver of sidewalk requirements for (individual streets listed above).

**CITY OF PORTLAND, MAINE
MEMORANDUM**

TO: Chair Caron and Members of the Planning Board

FROM: Richard Knowland

DATE: December 11, 2001

RE: Presumpscot River Place

Bob Adam and Lloyd Wolf have submitted a revised plan for the Presumpscot River Place III subdivision. Key changes from the previous plan and staff comments are highlighted below. The most significant changes are to the lot layout and alignment of the streets. The original plan (Attachment A) and the new plan (Attachment B) are attached.

- The plan has been revised reflecting the open space to be acquired by the City. The open space includes:
 - A 500-foot wide buffer along the Presumpscot River in Portland and Falmouth.
 - Open space east of the subdivision, between the subdivision and the Portland/Falmouth line. This eliminates a future PRP subdivision phase previously labeled as “phase IV”. It is contiguous to Oat Nuts Park.
- The name of Eagle Avenue has been changed to Hope Avenue since Eagle (now Hope) will be extended through Falmouth via Hope Avenue to Alice Street. The issue of a satisfactory secondary access into the subdivision has now been addressed. It will be built as part of this subdivision. The alignment of the roadway has changed to address a new lot layout.
- The number of lots has been increased from 27 lots to 30 lots, but with the 500 foot river buffer, the lots are now located a significant distance from the river. All of the lots have been reconfigured since they are now clustered along Hope Avenue. Most of the lots along Hope Avenue are generally larger than the previous plan. The lots now range in size from .44 acre to 2.71 acres.
- The Brothers Road and Pratt Road have been eliminated. The Brothers Road served the lots closest to the river. Pratt Road, a small connecting roadway by the sewer pump station is no longer needed. The extension of Hope Avenue addresses secondary access concerns.

- The subdivision now incorporates land previously shown as a future phase (phase IV). Hope Avenue (previously Eagle Avenue) has been extended about 580 feet easterly to accommodate these lots. This change was needed for the new lot layout.
- Pedestrian circulation: With the City purchase of a 500-foot river buffer, access along the river is assured. There are several possibilities for pedestrian access through the subdivision to the river. A 30-foot wide pedestrian easement is shown adjacent to Lot 1 along the Falmouth/Portland municipal line. This runs from Hope Avenue to the City 500-foot wide river buffer.

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

The easement should be paved since it is part of the subdivision infrastructure. The easement should also allow bicycles.

- Engineering Review Comments... Comments from Steve Bushey, Technical Reviewer, are shown on Attachment B.
- Since the lot layout has changed, a number of the recording plat notes have changed. We have not completed our review of these notes. For example note #6 on the original plan precluded tree cutting in the undisturbed zone. The note on the revised plan does allow tree cutting.
- With the elimination of The Brothers Road lots, this eliminates the need for a private low- pressure (force main) system maintained by a homeowners association.

Attachments

- A. Original Subdivision Plan
- B. Revised Subdivision Plan
- C. Revised Recording Plat Notes
- D. Comments of Steve Bushey, Technical Reviewer
- E. Adam/Wolf and City Agreement